Congressional Record

U. S. Congress

PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION OF THE
SIXTY-SEVENTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

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VOLUME LXII–PART 12

AUGUST 29 TO SEPTEMBER 22, 1922

(Pages 11885–13184)

WASHINGTON
GOVERNMENT PRINTING OFFICE
1922

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Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SEVENTH CONGRESS SECOND SESSION.

SENATE.

TUESDAY, *August 29, 1922.*

(*Legislative day of Friday, August 25, 1922.*)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the following Senate bills:

S. 813. An act to authorize the Commissioners of the District of Columbia to close upper Water Street between Twenty-first and Twenty-second Streets; and

S. 2597. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

The message also announced that the House had passed the bill (S. 3086) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 11116) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had appointed Mr. DYER in place of Mr. Walsh as a conferee on the part of the House on the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

COMPENSATION OF WORLD WAR VETERANS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes.

Mr. COLT obtained the floor.

Mr. CURTIS. Mr. President, will the Senator yield to me to suggest the absence of a quorum?

Mr. COLT. I yield for that purpose.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Bursum
Calder
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dial
Dillingham
Edge
Fletcher
Frelinghuysen
Gerry
Glass
Gooding
Hale
Heflin
Jones, Wash.
Kellogg
Kendrick
Keyes
Lenroot
Lodge
McCormick
McCumber
McKellar
McNary
Nelson
New
Newberry
Nicholson
Oddie
Overman
Pepper
Phipps
Pittman
Pomerene
Ransdell
Rawson
Reed, Pa.
Robinson
Sheppard
Simmons
Smith
Sterling
Sutherland
Townsend
Trammell
Underwood
Wadsworth
Walsh, Mass.
Walsh, Mont.
Warren
Watson, Ga.
Willis

The PRESIDENT pro tempore. Sixty Senators having answered to their names, there is a quorum present.

Mr. COLT. Mr. President—

> I am proud of the fact that the pensions we have voted in this House to the men who have served us well in the field and in the air and on the sea are incomparably the most generous in Europe. Ingratitude chills the ardor of service, and no State has long thriven which does not display its gratitude to those who have served it well in its time of peril. It was really one of the marked features of distinction between Rome and Carthage, and the lesson is not without its value.

These are the words of the Prime Minister of England relative to the granting of war gratuities to British soldiers and sailors; and the example of Great Britain in granting war gratuities to her soldiers and sailors has been followed by all our associates in the Great War; by France, by Italy, by Belgium, by Canada, by Australia, and by New Zealand. Notwithstanding the gigantic burdens of debt resulting from the war, all these nations have shown their gratitude by voluntary gifts to the men who served their country in time of peril. All these countries have realized that the real strength of a nation rests upon a generous outpouring of gratitude to those who have served it well in time of grave peril, and that the absence of such a sentiment of gratitude is a sure indication of national weakness and decline.

Mr. President, the fundamental question underlying the pending bill is whether the United States, upon the victorious close of a world war which threatened the overthrow of civilization, and following the example of all our associates in that war, will manifest its gratitude by rewarding the soldiers and sailors who rendered us faithful service in that war.

In the consideration of this question let us ever bear in mind that our service men were "soldiers of liberty sent overseas at a moment when the fate of the world was at stake." Let us also remember that all the service men on the side of the Allies were fighting for the same great cause. "They were brothers in arms, sharers of a common glory and a common sacrifice"; and the friendship between America and our allies, sealed in blood on the fields of France, will forever prove a most potent factor in securing the future peace of the world. As sharers in a common glory and a common sacrifice, I believe America should show the same feeling of gratitude that our associates have exhibited in rewarding those who have rendered service in the Great War. If we fail to do this we are not acting in harmony with the true spirit of America, or with the great part we played in the war, or with the commanding position we now occupy in the world.

Mr. President, there are two other thoughts which occur to me at this time. A momentous and surprising feature of the World War was the national unity of America. Made up of some 40 different races it was not believed that we were a nation in any true sense. We were compared to Austria-Hungary and not to France. And yet, when war was declared there was a national uprising unmatched, I believe, in the annals of mankind. As an illustration of national unity more than 400,000 aliens voluntarily enlisted under the Stars and Stripes. I would do nothing to mar or chill that national spirit. I would do nothing which might be interpreted as ingratitude towards our soldiers and sailors.

Again, what we term nationality, which America has exhibited in its highest form, is founded upon affinity and affection. It is something akin to the family tie. Where nationality exists it exerts a most powerful and dominating influence. As seen in America and Switzerland it may appear in a country inhabited by different races and speaking different languages. I would do nothing to weaken the ties of nationality. I would do everything to keep alive and strengthen this fountain head of national patriotism.

In contemplating the World War let us also never forget that "ingratitude chills the ardor of service," and that if our service men had not been inspired by the highest patriotism the war would have been indefinitely prolonged with all its additional sacrifice of life and increase of the national debt.

Mr. President, all our associates in the war, confronted with conditions far less fortunate than ours, have treated the expenditure called for by this bill as a necessary and indispensable part of their war expenses, and they have not hesitated a moment in assuming this additional burden. There is no use, of course, in denying the fact that it is an additional burden, although the outlays called for by the bill may be extended over a long period of years, and although we can bear this burden much easier than our associates in the war. Convinced, however, upon mature reflection that this bill involves a vital principle in our national life, most essential to the honor, good faith, and future welfare of the country, I can not conscientiously vote against it, for I believe a vote against this bill is a vote against the principle involved in the bill.

Though this bill should fail to become a law, I believe that the cause will not die, and that in the end the American people will insist upon the passage of a similar measure.

> If you break faith with us who die,
> We shall not sleep, though poppies grow
> In Flanders fields.

Mr. CAPPER. Mr. President, I am for the soldiers' adjusted compensation bill because I believe it is nothing more than a square deal for the men who did the fighting. We all cheered the soldiers lustily when they went to the depot in 1917, but now we seem to be singing a different song. All other nations participating in the World War gave their soldiers a bonus and did it promptly. The United States, by far the richest country in the world, is better prepared to do this than any other nation. I favor the bonus as a matter of right and not as charity. The moral argument for the bonus can not be ignored. It is a debt of honor justly due these men and it should be discharged cheerfully and promptly. The men for whom we ask this bonus served and sacrificed and the Nation should show its appreciation of willing service in a substantial way. It is true our Government is carrying a heavy load, but the total cost of the bonus will be less than $4,000,000,000 distributed over a period of 40 years, with a cash outlay of only $77,000,000 the next year.

This country, with all its unstinted force and power, during 1917 and 1918 unselfishly gave to the world thousands of lives, billions of dollars, and, because certain groups always profit by war, thousands were made wealthy. Thousands that were made wealthy are now the chief opponents of equalizing the opportunity and pay of thousands of men who sacrificed all ambitions and worldy goods in a spirit of patriotism never known before in any country in the world. It is being proven daily that the Government has failed even to provide properly for its disabled and the dependents of thousands who gave their lives. If this be true, it is equally true that the Government has failed to express the gratitude of the people to the men and women who served in the Army, Navy, and Marine Corps during the war. So far as I know about the only thing done by Congress to express the gratitude of the people in a fitting manner was a resolution of thanks passed by Congress and presented to General Pershing, and when General Pershing accepted it, he accepted it for the men who fought under him and not for himself.

It is quite true that the Government could not attempt to pay each individual for the service that he or she rendered. The service man lost more than a year's time and his prospects for advancement, or for a complete education. Some men sacrificed their lives. Thousands are wounded or maimed for life, and many sacrificed thousands of dollars. Some are better men for their service while others will never recover from the strenuous days of their disrupted lives. But the Congress, expressing the will of the people, can in some measure during the difficult time of readjustment attempt to assist these noble men to reestablish themselves.

Mr. President, the most powerful influence in opposition to the adjusted compensation bill is the United States Chamber of Commerce. At its annual meetings of 1920 and 1921 the chamber adopted resolutions upon four propositions affecting compensation for service men. Three of these propositions were indorsed and the fourth was opposed both years.

Following this action last winter the chamber decided to hold a referendum on the propositions upon which its annual meetings have twice taken the same action, and in the ballot sent to the members with which they were to cast their votes the action of the two annual meetings was pointed out. Thus, in what purported to be a referendum to the members, it presented the policy the chamber has laid down on two successive years on the four propositions in question.

Although the fivefold adjusted compensation bill had been before Congress a long time, the chamber ignored this and took a referendum, not upon the measure before Congress but upon a measure of its own concocting which it had twice passed upon before.

Only 55 per cent of the chamber's membership voted upon the propositions, and a large proportion of these votes came from the large centers of industry, like New York and Philadelphia. In spite of this, only one proposition out of the four received less votes in favor than it did against, and of the total votes on the four propositions submitted, 4,116 votes were cast in favor of all bonus propositions to 2,657 against them.

Notwithstanding this, Mr. Barnes, president of the chamber, has just issued a letter to business organizations in every State advising them to oppose the compensation bill and stating that it will increase the liabilities of the Government beyond any point reached in the history of the country. The business men are urged to notify Congress that they oppose the soldiers' measure. The fact is, the cash bonus to which the United States Chamber of Commerce objects would not be day wages for the time the boys were in the service. But the bonus is simply a part of the "five-way" plan by which it is proposed to offer the ex-service men the choice of farm land, an education, aid in buying a home, or a paid-up insurance policy.

Mr. President, many of the opponents of the compensation bill claim that the banks can not afford to lend their money to soldiers on their adjusted service certificates. In one of its official statements the chamber of commerce estimated that these loans would total $600,000,000 for the three-year period. What is the condition of the banks of the United States to-day regarding their ability to loan money? The New York Times Annalist, in its issue of August 7 of this year, says on this point:

> If the consensus of capable, competent, clear-thinking bankers is to be accepted as a forecast, money rates are to continue easy. The banking fraternity as a whole can see nothing ahead but a long period of time in which the greatest difficulty will be to find employment for funds rather than funds for such employment as may present itself.

This in spite of the fact that on July 1, in an article in the New York Times, it was estimated that—

> the total capital financing accomplished in this country for the six months ending July 1, 1922, amounted to $3,178,373,927.

Some other examples of financing quoted are that for the first seven months of 1922, $741,000,000 of municipal bonds were sold on the American market, or double the amount of this type of bond put out in 1920.

The Treasury offerings of $300,000,000, 4¼ per cent, four-year notes were oversubscribed four times this summer. Total rediscounts on Government and commercial paper by banks is only $400,000,000, whereas at the peak it was $2,500,000,000.

In spite of all these stupendous financial operations money continues easy, and there is to-day $500,000,000 more on deposit in the banks of New York City alone than there was a year ago.

Mr. President, I believe the war profiteers and the peace profiteers owe a bonus to the soldiers of the World War. There is no better guaranty against militarism than to require the men who profit out of war to pay for it. Those who remained at home made enough here in the United States to enable us to pay many times over the debt we owe to the men who fought our battles. Wall Street wants to pay it with a sales tax, which would be paid largely by the farmers, the laboring people, and others in the form of a tax on food and clothing and other necessities. I will never cast my vote for a sales tax or any other device which shifts tax burdens to the backs of the poor in higher prices and increased cost of living. Taxes to pay the bonus or taxes for any other purpose should be laid upon wealth in proportion to ability to pay.

Profiteering during the war produced one American millionaire for every three American soldiers killed in France. I would like to see the Government recover the hundreds of millions of dollars stolen from the Treasury by the crooks and grafters who profiteered off the Government in war contracts and then use that money to pay the soldiers' bonus.

Then there is another way we can raise the money. Let us go after the billions that the foreign Governments owe us, collect the interest promptly, and pay it to our soldiers. There is no use disguising the fact that our international bankers want us to wipe out this foreign debt. It will make their foreign securities that much stronger. If we decline to cancel this debt, these Governments probably will try to borrow more money from us to pay us what they owe. So far as I am concerned, I will never vote to cancel one dollar of that debt and I will never vote to lend another dollar of Government funds to any foreign nation.

Mr. President, the Congress has authorized the settlement of claims of all other groups suffering economical or financial loss during the war, and it is but justice that we now propose to equalize the compensation of the men who actually fought and won the war. Congress has more than once recognized the principle of adjusted compensation to equalize financial loss during the war. It recognized it in its annual bonus for Federal employees, which payments were as follows:

1918	$11,000,000
1919	18,000,000
1920	53,000,000
1921	$64,000,000
1922	42,000,000
1923	37,241,000
Total	225,241,000

Take the case of the armed forces of the country—the Army, the Navy, the Coast Survey, the Public Health Service. The Congress has recognized the propriety of an adjustment of their compensation under public law 210, which stated that it was "An act to promote the efficiency of the Army, Navy, etc." During the two and a half years in which this law was in existence an adjustment of compensation in the pay to the Navy was $70,000,000 and to the Army between twenty-five and thirty million dollars. Adding the adjusted pay of the Coast Survey, Public Health Service, and Coast Guard to this, it brings an adjustment of pay to the armed forces of the country in excess of $100,000,000 for the two and a half year period ending June 30, 1922.

Thus it will be seen that the Congress has already in these two cases adjusted the pay of its own employees $325,000,000.

Other adjustments of pay have been recognized by the Federal Government. The war contractors have received in excess of $3,000,000,000 as an adjustment of pay on their contracts. This, of course, in addition to the countless millions that the contractors made while the soldiers, now asking adjustment of their compensation, were risking their lives for a dollar a day.

The railroads also have received an adjustment of compensation. Under the transportation act, $764,271,010 has been paid to the railroads up to August 1, 1922.

Thus it will be seen that, in practically all cases, except the soldiers who bore the brunt of the war, persons and corporations have received an adjustment of their war compensation, and, in addition, that the amounts already paid out on this are in excess of the total amount now proposed to adjust the compensation of the soldiers.

What is the present financial situation of the Government? Six months ago Secretary Mellon estimated there would be a deficit at the end of the present year. But what were the facts? When the year ended there was found to be a surplus of $313,000,000 in addition to a reduction in the national debt of $1,014,000,000. We have retired $5,000,000,000 war bonds in the last three years. That sum is at least a billion dollars greater than any possible requirements for the bonus. It is obvious that the bonus would not strain Government liabilities.

What is the answer to the entire question, Mr. President? It is this: The soldiers have justly earned the compensation due them, and have waited already too long for it now. The Government has recognized the principle and has paid out to others in the meantime more than the pending legislation calls for. And still the soldier waits. I think the taxes which may result from the payment of this debt can be borne by the Government without much difficulty, and the banks of the country are in such flourishing condition that they should be eager to lend the soldier such amounts as his necessities may require upon his adjusted-service certificate as security.

Mr. President, I ask consent to incorporate in the RECORD as a part of my remarks an appeal from the Disabled American Veterans of the World War—next to the American Legion the strongest soldier organization in the country—signed by C. Hamilton Cook, national commander, asking for the prompt passage of the adjusted compensation bill.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Kansas is granted.

The matter referred to is as follows:

THE DISABLED AMERICAN VETERANS OF THE WORLD WAR,
NATIONAL REHABILITATION COMMITTEE,
Washington, August 22, 1922.

Hon. ARTHUR CAPPER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: As the national commander the Disabled American Veterans of the World War, I wish to inform you officially that at the annual encampment of the Disabled American Veterans of the World War, held recently, resolutions were adopted unanimously calling upon the Congress to enact the adjusted compensation bill.

The Disabled Veterans of the World War have a membership of 120,000 men, which includes a majority of the soldiers, sailors, and marines who have survived the disabilities received during the fighting.

Speaking for the disabled veterans, I wish to state that service men of the true stripe, whether disabled or not, stick together. They stuck together over there, and they have done so over here. Before our own organization of disabled was banded together the American Legion, practically alone, fought our battles with Government incompetence and neglect.

Since the adjusted compensation bill has become an important issue before the country organizations and individuals who profited much during the halcyon days of war contracts have suddenly evinced an acute interest in our welfare.

They say America is not rich enough, big enough, and strong enough to pay what we owe to our soldiers who gave only their time, their opportunity of war profits—who risked only their lives for their country. They say, by inference, should we do justice to the well we can not care for the wounded.

I wish to say to you, Mr. Senator, that the disabled soldiers do not believe this.

The country has demonstrated that it has had sufficient to pay an adjustment of compensation to the Federal employees, to the Regular Army and Navy, to the railroad, and to the war contractors.

Has the Congress of the United States exhausted its country's resources on these, so it must tell its soldiers that peace hath its victories greater than wars; that service is more sure of recognition in the factory than in the trench?

The impending passage of the adjusted compensation bill has at last awakened the war profiteer, the man of large business and swollen income, to the plight of the disabled. That is a good thing to happen at last, and it took the adjusted compensation bill to do it. And the war cripples needed the assistance of these as much three years ago as they do now.

But these business men and organizations—where were they when the Legion was fighting for the passage of the hospital bills and for other legislation for the aid of the disabled soldiers? At no time that I can recall has the Chamber of Commerce of the United States officially appeared before a senatorial or congressional committee to ask for relief for the disabled.

Yet the interests who profited most during the war are now banded together in a concerted effort—a tremendous effort—these people who heretofore had forgotten the war wrecked young manhood of the Nation except to speak of their plight with sympathy on proper occasions—they are now striving to impress the Senate with their power and their desire to defeat the compensation bill.

And they are trying to make it appear that the disabled oppose this just bill.

It is the belief of the disabled war veterans that the men whose profit was greatest and whose risk was nothing during the war should at least have the grace now to stand aside in favor of the men who risked all and sought nothing but the safety of their country.

I have come down to Washington to help put an end to the bogy that the disabled soldier opposes adjusted compensation. This false argument has been used long enough.

I have joined Commander MacNider of the Legion here, so that all may know that we are standing firmly behind him and his organization.

The disabled soldiers want their buddies to receive justice, and they want the Senate of the United States to know that they want the adjusted compensation bill passed, and passed without further delay.

Yours very truly,

C. HAMILTON COOK,
National Commander D. A. V. of W. W.

Mr. McCUMBER. Mr. President, I notice that the Senator from Oregon [Mr. MCNARY] is not in the Chamber. I desire to address my remarks to the amendment which he has offered.

Mr. CURTIS. Mr. President, if the Senator will yield, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst
Borah
Brandegee
Bursum
Calder
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dial
Dillingham
Fletcher
Gerry
Glass
Hale
Heflin
Hitchcock
Jones, Wash.
Kellogg
Kendrick
Keyes
Lenroot
Lodge
McCumber
McKellar
McLean
McNary
Myers
Nelson
New
Nicholson
Oddie
Overman
Phipps
Pittman
Pomerene
Ransdell
Rawson
Robinson
Sheppard
Shortridge
Simmons
Smith
Smoot
Sterling
Sutherland
Trammell
Underwood
Wadsworth
Walsh, Mass.
Walsh, Mont.
Warren
Watson, Ga.
Watson, Ind.
Willis

The PRESIDENT pro tempore. Fifty-seven Senators having answered to their names, there is a quorum present.

Mr. McCUMBER. Mr. President, the Senator from Oregon has offered as an amendment to this bill a reclamation scheme, a vast one, one that will require not only millions but hundreds of millions of dollars, and probably even billions if it is carried out according to his ideas and according to what has been stated. I am wondering if the Senator really believes that at this time we can attach his amendment to this bill, bring the bill before the President, and have it signed.

The Senator fully realizes the length of time we have been considering this bill and the efforts we have been making to eliminate from the bill provisions that the President thought were dangerous features.

Mr. McNARY. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. McNARY. I think I can say to the Senator, from first-hand information, that the President more stoutly approves of this amendment—this land scheme, so called—than he does of the main features embodied in the McCumber bill. On several occasions President Harding has expressed himself to governors of Western States and to Members of this body and other organizations as being in favor of this particular scheme. If the President will sign any bill for any reason, it will be simply because of the land-reclamation feature. I will say to the Senator that if he is a friend of the soldiers' settlement bill and wants the President to sign it, the surest way to guarantee that it will become a law will be to support the amendment I have offered.

Mr. McCUMBER. I am glad that the Senator has that much faith in what might be done. If that be true, however, then what of the objections of the Secretary of the Treasury and the President, as evidenced in the message of the President and in the letter of the Secretary of the Treasury? Both of them based their objection to the consideration of the bill as it then stood upon the cost to the Government and its interference with the floating of the necessary bonds to take up our short-time securities. If the Senator from Oregon is right, then they are ready to add five hundred million or a billion or two billions to it, and it will be better than it was with nothing added to it. I do not agree with the proposition, and I do not believe that that is the way the matter presents itself to us.

Mr. McNARY. Mr. President——

Mr. McCUMBER. I want to say to the Senator that under the agreement for limitation of debate I have but 20 minutes upon the amendment at this time. Otherwise, I should like to discuss the matter with him.

Mr. McNARY. Very well.

Mr. McCUMBER. There is another thing that I notice, and I think the Senator from Oregon ought to be able to see it as well. There is an old saying that when the Greeks come bearing gifts we may well beware, and when the enemies of this compensation bill come flocking to the support of the Senator's amendment I am a bit suspicious.

The Senator from New York [Mr. WADSWORTH], in his discussion yesterday, said that he is primarily in favor of the amendment offered by the Senator from Oregon. He will not vote for the bill, however, with that amendment in it; and I am wondering what his secondary view was, because that has not been expressed. It is my candid judgment, however, that if the Senator were called upon to vote to-day upon the amendment of the Senator from Oregon, standing alone, which would load from five hundred million to two billion dollars upon the American people, he would hesitate a long time before he would vote for it.

We can load these things upon the bill. I think some are voting to place this amendment upon the pending bill for the very purpose and in the hope that thereby they will load a heavy indebtedness upon the bill which will open the door as wide as possible to a veto. I do not know what the President may do, but I think we would be on dangerous, thin ice if we should overload this with anything more than we have placed upon it now.

We could not make this bill conform to the President's view by the addition of a sales tax to meet the expenditures under it. The House has to provide for any tax measure. The House indicated that it did not want any tax provision in the bill, and it would not levy a tax; but it favored the adjusted compensation bill by an overwhelming majority. The Senate can not attach a tax provision upon it, and without the power to levy a tax, the Senator from Oregon asks, nevertheless, that we add from $500,000,000 to $2,000,000,000 without one penny of tax to take care of it.

Mr. McNARY. Will the Senator be kind enough to yield at that point?

Mr. McCUMBER. Just for a question. I shall have to rush on.

Mr. McNARY. I do not ask the Senator to yield for a question. I want to correct a misstatement he has made four times.

Mr. McCUMBER. The Senator will have time after I get through, as he can speak 20 minutes to-day upon his amendment.

Mr. McNARY. Very well.

Mr. McCUMBER. Again, Mr. President, how is this connected up with the soldiers' compensation bill? We go ahead and establish these new schemes of opening up lands. I think with the present condition of agriculture, when we produce a surplus of almost everything, we might well wait until we could use to profitable advantage the acres we now have before we force millions of other acres into producing. But leaving that aside, suppose it is a good thing at the present time to enter into this mighty reclamation scheme. What is the soldier going to do? He has to make his application. When? He wants to make his application for a right under this reclamation project. Where? What is he going to get? Who is going to tell him? How much is it going to cost him? Will it be profitable for him to take advantage of it? When will he know these things—this year, next year, two years hence, five years hence? In 10 years, possibly, he will begin to find out that it will cost him too much to take advantage of his rights under this scheme.

If the Senators who are flocking to the support of this reclamation scheme can put it over upon a soldiers' compensation bill and are sincerely for it, they can put it through as a separate bill, and if they put it through, then the soldier, under the pending bill, would have every advantage you are giving him under your reclamation scheme. Under this provision we give him a preference right to take advantage of any reclamation project now in existence, or which may hereafter come into existence. Therefore this amendment is not necessary, and if you want to try the good faith of those who are for this amendment, just try to put it through separately, and I think we would then understand about where we were.

I do not think we ought to load this bill with anything else. I think we ought to put it through shaved down as carefully as we can shave it down and yet do justice to the soldier, and meet the objections which were made by the Executive. I know of no amendment which can be attached to this bill without injuring it. It is satisfactory to those for whose benefit it is intended. It meets the objections made by the President and by his Secretary of the Treasury Anything we load upon it will revive those objections, in my opinion.

With that, Mr. President, I am going to leave the question of attaching this great reclamation scheme to something to which it does not properly belong.

Mr. STERLING. Mr. President, it is not a particularly pleasing thing to me to sound a note somewhat out of harmony with the note uttered by the two Senators who have spoken this morning on the bill, the Senator from Rhode Island [Mr. COLT] and the Senator from Kansas [Mr. CAPPER]. Those Senators undoubtedly spoke, as they intimated they spoke, from a conscientious sense of duty, and for the bill. I am bound by an equal sense of duty, and I feel it my duty to take the opposite view.

I yield to no one in appreciation of the services of the American boys who served in the World War. Whether their service was at home or whether they were fortunate enough to be sent to a foreign field, they all obeyed the call to serve in the one common cause.

No one was more anxious than myself that they should serve. I shared the anxiety of countless others for the safety of democracy and free institutions throughout the world, including our own. Our entry into the war seemed necessary to prevent the triumph of the Central Powers, and to save the best things in civilization, and to save our own country from ultimate domination by the spirit of autocracy and militarism.

We were slow in getting into the war. There were many of us who chafed at the delay, many who from the first could not be neutral in thought as well as in deed, when face to face with what we believed to be the unutterable wrong involved in Germany's invasion of Belgium, in the wrong involved in her many atrocities on land and sea, in her war of frightfulness inspired by the perfidious doctrine that treaties are mere scraps of paper, and it is might that makes right.

And so, in my heart, I cheered every American soldier that enlisted, or who, being selected for service, went willingly to the performance of a high duty. In my heart I cheered every American soldier that went overseas, knowing as well as he that it was at the peril of life or limb that he went, and knowing, too, that if he made the supreme sacrifice that which he went to fight for and defend was worth the cost, great as it might be.

And this was the spirit of the American people; it was the spirit of the mothers and fathers, of the brothers, sisters, wives, and sweethearts of the four or more millions of men, the flower of our young manhood, called into the service. It was the spirit of sacrifice, than which there is no quality or motive known to the human soul more ennobling—the willingness to sacrifice to the utmost for a cause, for an ideal. The progress of liberty, religious and political, and through these the progress of civilization itself is marked by the faith, the courage, the endurance, aye, the martyrdom of those who have been willing thus to sacrifice for a principle or a cause.

The spirit of sacrifice is not the exclusive possession of any special rank or class, and never has been. John Hampden, of English revolutionary fame, was rich, but was ready to endure persecution and imprisonment rather than pay 20s. of ship money tax for the collection of which there was no legal warrant. He died gloriously on the field of battle, a martyr to the cause of English liberty. Even so in our own America. The Commander in Chief of the Continental Army during the Revolution was the rich Virginia planter. He commanded other planters, as well as thousands of plain New England farmers and tradesmen, but all shared together the spirit of sacrifice for the cause of liberty and independence. And there was that brave and gifted young man of 20 years, of Revolutionary fame, who, when captured and condemned to die, declared his regret that he had only one life to lose for his country.

Now we have before us the so-called adjusted compensation bill, originally called the bonus bill, a name now discarded on the theory that it smacks of a "gratuity," which the self-respecting ex-service man would scorn to accept but who sees no objection to urging his claim for the same thing under another name.

Why this objection to calling it a gratuity or a bounty? In every other country with which we were allied in the World War it is called a gratuity or a bounty. Canada and Great Britain call it a gratuity. France applies the term "bonus"—this in their legislation providing for the gratuity or bonus, whichever it is called.

It is very evident, Mr. President, that the bill—call it a bonus bill or an adjusted compensation bill—was not conceived in the spirit of sacrifice, nor conceived in the spirit in which these young men enlisted for the war, nor conceived in the spirit of all that great host of kinsfolk and friends who, fired with the sense of wrongs done, of rights invaded, of liberty menaced, of humanity outraged, willingly gave them up to go to war.

Mr. President, under the pending bill the Government will incur new obligations amounting to three and one-half to five billion dollars, though some estimate it at $7,000,000,000, which the people, through years to come, will have to pay. The national debt is now $23,000,000,000, to pay which the people of the United States will be taxed for a generation to come. It seems to me now—and I would say this to any ex-service man whomsoever he is—that the question ought to be brought home to every returned soldier who admittedly served his country well in time of war, is there not an obligation resting upon him, as there is upon every citizen, to serve her well in time of peace? Is he serving her well now when to her burden of debt he would add the immense sum demanded and provided for in this bill? Mr. President, to forego this gratuity, this bonus, or, if you please, this adjusted compensation, would save the people of the country a mighty burden and would cause him, the ex-soldier, no sacrifice at all unless indeed it be the sacrifice of a desire, not worthy of him, to secure a gratuity or a recompense—and now note—of which he never dreamed when he entered the service or at any time before the great day of the armistice.

Mr. President, as I view it, the bill is not defensible and it ought to be defeated:

First. On the ground of precedent.

Second. On the ground of the country's needs otherwise.

Third. On the ground that, for the most part, the needs of the ex-service men do not require it.

Fourth. On the ground of the questionable example it would set and the evil consequences that may flow therefrom in the future.

Fifth. On the ground that the terms of the bill itself are vicious in that they violate sound business principles and, instead of encouraging thrift, invite prodigality and recklessness on the part of the beneficiaries or supposed beneficiaries of the bill.

Now, Mr. President, in considering this measure, great and important and all-absorbing just at this time, as it seems to be, we ought to consider all the circumstances surrounding us, surrounding the Nation, all the conditions which are pertinent to the measure. Among these first we place, of course always, as I have stated, the tremendous burden of debt under which the Nation is now staggering—$23,000,000,000.

Mr. President, it is to be observed that we are now in a condition, so far as labor and industry are concerned, such as has never before confronted the country. We thought a little while ago that prosperity was right here at the door. I saw a cartoon some time since which well illustrates the situation. Prosperity was about to return and enter the house of Uncle Sam. He had reached the gate, but there were two giant dogs at the gate—one labeled the coal strike and the other labeled the railroad strike—and because of these barriers prosperity was not permitted to enter and greet and be greeted by Uncle Sam. That is the situation now. We might with more reason talk about the enactment of a bonus bill if conditions were anything like normal, but we know they are abnormal and we do not know how long the abnormal conditions will continue and how much of distress and debt to the people throughout the country will ensue as a result of these abnormal conditions.

We were lately much concerned for the farmer. We enacted legislation for his benefit. But if there was any man whom we believed to be a profiteer during the war, not in the opprobious sense at all, but a profiteer, it was the farmer who was getting exceedingly high prices for his wheat and for his corn and for his hogs and for his cattle. He profited, if he did not profiteer, by reason of the war, and yet we must admit that some of the profits were more apparent than real. But what is the situation to-day? Let me read just a short letter from the president of the Association of State Banks in the State of South Dakota:

> We are threshing a very satisfactory crop this year, but the low prices are causing considerable discontent among the farmers.

The letter was written August 21, 1922.

> To-day oats are worth 17 cents, barley 29 cents, rye 47 cents, mixed Durum around 60 cents, and hard wheat 90 cents. You can readily see that spells the same thing it did last year.

How under these conditions can we justly impose further burdens of taxation such as this bill involves?

And to a great extent what is the present cause of it? The coal strike, the railroad strike, and because of both they are unable to get the cars in that region of South Dakota to ship their grain and stock. The threshing season is on in full blast there and the granaries and the elevators are full.

Mr. President, in this connection it is pertinent, I think, to inquire as to what we have done on the whole in wages paid during the war itself, in the bonus of $60 paid after the war to every soldier and sailor, in what we have done in the way of family allowances during the war, in what we have done for the disabled, and in the appropriations made for the War Veterans' Bureau. Is there any other nation in the world which has been so great and so magnanimous toward the men who served her in time of war as has this Republic?

Let me call attention briefly, Mr. President, to a few figures. The amount paid by us on the discharge bonus was $270,000,000, but for what period of service was it paid? For service of one year seven months and five days. How much did England give? England gave $6,000,000 more, but for a period of maximum service of four years. So our bounty in that behalf is just that much greater than the bounty of Great Britain to her soldiers.

How much did we pay our privates, the enlisted men? Thirty dollars a month——

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. STERLING. But, Mr. President, I was speaking on the bill. I have not said a word about the amendment this morning and did not intend to do so. I spoke to the amendment yesterday. So I think my time is not now limited.

Mr. ROBINSON. Of course, Mr. President, the effect of the unanimous-consent agreement is to put a limit of 20 minutes upon each Senator who speaks when an amendment is pending. It could not be anything else.

Mr. STERLING. Is that correct, Mr. President?

The PRESIDENT pro tempore. The Chair does not know what the understanding of Senators may be——

Mr. STERLING. Of course, I submit to the ruling rather sorrowfully, but, after all, willingly. However, I did not contemplate that that would be the ruling.

The PRESIDENT pro tempore. The Chair during the execution of the unanimous-consent agreement on the tariff bill did not follow the rule which had been established by a former Vice President. But in the consideration of the pending bill the Chair feels impelled to follow that precedent. The ruling of the former Vice President was that when an amendment was pending the address of any Senator must be considered as directed to that amendment.

Mr. STERLING. That is a violent presumption in the present instance, I must say; but I yield to the ruling and hope for a further opportunity to conclude my remarks upon the bill.

Mr. UNDERWOOD. Mr. President, may I submit a parliamentary inquiry?

The PRESIDENT pro tempore. The Senator will state the parliamentary inquiry.

Mr. UNDERWOOD. As I understand the rule under which we are acting upon the bill, the debate is limited to 20 minutes whenever an amendment is pending, but when there is no amendment pending a Senator may address himself to the bill without a limitation of time.

The PRESIDENT pro tempore. The Chair understands that when there is no amendment pending there is no limit upon any Senator who addresses his observations to the bill.

REPORT OF ALASKAN ENGINEERING COMMISSION, 1921 (S. DOC. NO. 243).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

In accordance with the provisions of section 4 of the act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, I transmit herewith the report of the Alaskan Engineering Commission covering the period from January 1 to December 31, 1921.

WARREN G. HARDING.

THE WHITE HOUSE, *August 29, 1922.*

INSPECTION OF LOCOMOTIVE BOILERS (S. DOC. NO. 244).

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the acting chairman of the Interstate Commerce Commission, transmitting, in response to Senate Resolution 327—which is the resolution offered by the Senator from Mississippi [Mr. Harrison] on behalf of the Senator from Utah [Mr. King]—a report relative to the inspection of locomotive boilers upon the roads of common carriers engaged in interstate commerce.

Mr. KING. Mr. President, I have not seen the report, but I believe that it contains such information as ought to be available to Members of the Senate and the public. I ask that it may be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, what is the request?

Mr. KING. The request is that the report made by the Interstate Commerce Commission may be printed.

Mr. CURTIS. There is no objection to that.

The PRESIDENT pro tempore. It is so ordered.

PETITIONS.

Mr. McLEAN presented a telegram in the nature of a petition from the American Legion Auxiliary of the Clinton Post, of Clinton, Conn., praying for the passage of the so-called soldiers' adjusted compensation bill, which was ordered to lie on the table.

He also presented a petition of sundry widows of Civil War veterans of Unionville, Conn., praying for the prompt passage of the so-called Bursum bill, providing increased pensions for Civil War veterans and their widows, which was referred to the Committee on Pensions.

He also presented telegrams in the nature of petitions from the Capitol Benevolent Association and the National Association for the Advancement of Colored People, both of Hartford, Conn., praying for the prompt passage of the so-called Dyer antilynching bill, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the New Haven district executive board of the Woman's Home Missionary Society, at Waterbury, Conn., favoring the enactment of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a letter in the nature of a petition from M. L. Bickart, president of the New England Coca Cola Bottling Co., of Stamford, Conn., praying that the Federal Government assume responsibility for flood control, interstate drainage, and completion of levees in the Mississippi Valley, which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. CUMMINS (Mr. Ashurst in the chair), from the Committee on Interstate Commerce, to which was referred the bill (S. 3940) to declare an emergency respecting the production, distribution, and price of coal and other fuel, to create an additional agency of the United States with respect thereto, to enlarge the powers of the Interstate Commerce Commission in establishing priorities and embargoes in the transportation of coal and other fuel in interstate commerce in order to prevent the exaction of unreasonably high prices for these commodities, and for other purposes, reported it with amendments and submitted a report (No. 895) thereon.

Mr. GOODING, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 470) for the relief of Emma Kiener (Rept. No. 893); and

A bill (S. 2262) for the relief of Franklin A. Swenson (Rept. No. 894).

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. CURTIS:

A bill (S. 3963) granting a pension to Mary Walden; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3964) for the relief of J. W. Anderson (with accompanying papers); to the Committee on Post Offices and Post Roads.

By Mr. McKELLAR:

A bill (S. 3965) for the relief of the State Bank and Trust Co. of Fayetteville, Tenn.; to the Committee on Claims.

By Mr. ASHURST:

A bill (S. 3966) granting a pension to Walter L. Hammond; to the Committee on Pensions.

By Mr. FRANCE:

A bill (S. 3967) for the relief of Captain L. P. Kelly; to the Committee on Claims.

PENSIONS AND INCREASE OF PENSIONS.

Mr. FLETCHER submitted two amendments intended to be proposed by him to the bill (S. 3275) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars, and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, which were ordered to lie on the table and to be printed.

ADDITIONAL DISTRICT JUDGES—CONFERENCE REPORT (S. DOC. NO. 241).

Mr. CUMMINS. I present the conference report on what is ordinarily known as the judges' bill, and ask that it be printed and lie on the table.

The PRESIDING OFFICER (Mr. Walsh of Massachusetts in the chair). That order will be made.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, having met, after full and free conferences have agreed to recommend, and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law:

"For the district of Massachusetts, two; for the eastern district of New York, one; for the southern district of New York, two; for the district of New Jersey, one; for the eastern district of Pennsylvania, one; for the western district of Pennsylvania, one; for the northern district of Texas, one; for the southern district of Florida, one; for the eastern district of Michigan, one; for the northern district of Ohio, one; for the middle district of Tennessee, one; for the northern district of Illinois, one; for the eastern district of Illinois, one; for the district of Minnesota, one; for the eastern district of Missouri, one; for the western district of Missouri, one; for the eastern district of Oklahoma, one; for the district of Montana, one; for the northern district of California, one; for the southern district of California, one; for the district of New Mexico, one; and for the district of Arizona, one.

"A vacancy occurring more than two years after the passage of this act, in the office of any district judge appointed pursuant to this act, except for the middle district of Tennessee, shall not be filled unless Congress shall so provide, and if an appointment is made to fill such a vacancy occurring within two years a vacancy thereafter occurring in said office shall not be filled unless Congress shall so provide: *Provided, however*, That in case a vacancy occurs in the district of New Mexico at any time after the passage of this act, there shall thereafter be but one judge for said district until otherwise provided by law. Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed.

"Sec. 2. It shall be the duty of the Chief Justice of the United States, or in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, as soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September, at Washington, District of Columbia, or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each judicial circuit. If any senior circuit judge is unable to attend, the Chief Justice, or in case of his disability, the justice of the Supreme Court calling said conference, may summon any other circuit or district judge in the judicial circuit whose senior circuit judge was unable to attend, that each circuit may be adequately represented at said conference. It shall be the duty of every judge thus summoned to attend said conference, and to remain throughout its proceedings, unless excused by the Chief Justice, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

"The senior district judge of each United States district court, on or before the 1st day of August in each year, shall prepare and submit to the senior circuit judge of the judicial circuit in which said district is situated, a report setting forth the condition of business in said district court, including the number and character of cases on the docket, the business in arrears, and cases disposed of, and such other facts pertinent to the business dispatched and pending as said district judge may deem proper, together with recommendations as to the need of additional judicial assistance for the disposal of business for the year ensuing. Said reports shall be laid before the conference herein provided, by said senior circuit judge, or, in his absence, by the judge representing the circuit at the conference, together with such recommendations as he may deem proper.

"The Chief Justice, or, in his absence, the senior associate justice, shall be the presiding officer of the conference. Said conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment and transfer of judges to or from circuits or districts where the state of the docket or condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

"The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

"The Chief Justice and each justice or judge summoned and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the judge incurring such expenses, approved by the Chief Justice.

"SEC. 3. Section 13 of the Judicial Code is hereby amended to read as follows:

"'SEC. 13. Whenever any district judge by reason of any disability or necessary absence from his district or the accumulation or urgency of business is unable to perform speedily the work of his district, the senior circuit judge of that circuit, or, in his absence, the circuit justice thereof may, if in his judgment the public interest requires, designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require. Whenever it is found impracticable to designate and assign another district judge within the same judicial circuit as above provided and a certificate of the needs of any such district is presented by said senior circuit judge or said circuit justice to the Chief Justice of the United States, he, or in his absence the senior Associate Justice, may, if in his judgment the public interest so requires, designate and assign a district judge of an adjoining judicial circuit if practicable, or if not practicable, then of any judicial circuit, to perform the duties of district judge and hold a district court in any such district as above provided: *Provided, however*, That before any such designation or assignment is made the senior circuit judge of the circuit from which the designated or assigned judge is to be taken shall consent thereto. All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned.'

"SEC. 4. Section 15 of the Judicial Code is hereby amended to read as follows:

"'SEC. 15. Each district judge designated and assigned under the provisions of section 13 may hold separately and at the same time a district court in the district or territory to which such judge is designated and assigned and discharge all the judicial duties of the district or territorial judge therein.'

"SEC. 5. Section 18 of the Judicial Code is hereby amended to read as follows:

"'SEC. 18. The Chief Justice of the United States, or the circuit justice of any judicial circuit, or the senior circuit judge thereof, may, if the public interest requires, designate and assign any circuit judge of a judicial circuit to hold a district court within such circuit. The judges of the United States Court of Customs Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States the public interest requires, be designated and assigned by him for service from time to time and until he shall otherwise direct, in the Supreme Court of the District of Columbia or the Court of Appeals of the District of Columbia, when requested by the chief justice of either of said courts.

"'During the period of service of any judge designated and assigned under this act he shall have all powers and rights and perform all the duties of a judge of the district or a justice of the court to which he has been assigned (excepting the power of appointment to a statutory position or of permanent designation of newspaper or depository of funds): *Provided, however*, That in case a trial has been entered upon before such period of service has expired and has not been concluded, the period of service shall be deemed to be extended until the trial has been concluded.

"'Any designated and assigned judge who has held court in another district than his own shall have power, notwithstanding his absence from such district and the expiration of the time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken by him within that district and within the period of his designation.'

"SEC. 6. Section 118 of the Judicial Code, as amended, is hereby further amended to read as follows:

"'SEC. 118. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; and in each of the other circuits three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. All circuit judges shall receive a salary of $8,500 a year each, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided*, That nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the Judicial Code.'

"SEC. 7. All laws or parts thereof inconsistent or in conflict with the provisions of this act are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes."

And the Senate agree to the same.

ALBERT B. CUMMINS,
THOMAS STERLING,
LEE S. OVERMAN,
Managers on the part of the Senate.
A. J. VOLSTEAD,
L. C. DYER,
Managers on the part of the House.

HOUSE BILL REFERRED.

The bill (H. R. 11116) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, was read twice by its title and referred to the Committee on the District of Columbia.

REMOVAL OF SNOW AND ICE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3086) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, which was, on page 3, line 10, after the word "States," to insert "except the Capitol Building and Grounds and the Congressional Library Building."

Mr. BALL. I move that the Senate concur in the amendment of the House of Representatives.

Mr. UNDERWOOD. This is not a conference report, I understand.

The PRESIDENT pro tempore. It is not a conference report.

Mr. UNDERWOOD. The bill, then, should go to the appropriate committee.

Mr. CURTIS. It is a Senate bill with a House amendment.

Mr. BALL. The bill passed the Senate and the House made a slight amendment to it. If the Senator desires to know the nature of the amendment, I will say that it exempts the grounds around the Capitol and the grounds around the Library of Congress from the operation of the bill. All other grounds are under the jurisdiction of the Chief of Engineers of the Army, while the grounds specifically exempted are under the control of the Architect of the Capitol.

Mr. ROBINSON. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Arkansas will state his point of order.

Mr. ROBINSON. I make the point of order that the bill is not before the Senate for disposition.

The PRESIDENT pro tempore. The point of order is sustained, unless there be unanimous consent given for the immediate consideration of the motion.

COMPENSATION OF WORLD WAR VETERANS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes.

Mr. CAMERON. Mr. President, I desire merely to make a brief statement as to the pending adjusted compensation bill, H. R. 10874. For some three years Congress has been wrestling with this measure in one form or another. It was withdrawn at one time from this body, and I supported that action because I believed with the President that conditions then would not warrant its passage; but at all times I have favored some sort of legislation that would in some way recognize the valor and services of our veterans of the recent World War. This bill in no way provides a full compensation; it in no way represents a just recognition of their supreme service and sacrifice. If, however, it is the best, under the circumstances, that is obtainable, it has my whole-hearted support. I wish we could give the ex-service men more; nothing can pay them for what they have done; yet this bill gives a recognition acceptable to them.

There is no raid on the Treasury under its provisions; it puts no premium on patriotism; in no way does it commercialize service to the Nation. Our boys asked no questions, but when the call came they responded and performed their duty as crusaders of right and justice. They were always told the Government would take care of them. They are not asking for charity; they merely ask that they be given assistance in finding the way back into normal living.

The Government, as was proper, has met the demands of business in the way of reimbursement. Our railroads, war contractors, all industries, have been or will be provided for, and, although there was no written contract binding the Government to such a program with the soldiers, there was a moral contract based upon common understanding that individually they would be cared for.

They have been patient; but that patience is now exhausted, and we are called upon here to-day to keep the faith. I for one am very anxious to embrace the opportunity, and my only regret is that we are not in a position to assist them a thousand times more than is possible under the provisions of the pending bill; but the veterans, realizing the conditions confronting the Government, are willing to accept without murmur the measure of compensation proposed to be provided. So now is the time for a grateful Nation to pay the greatest debt of gratitude incurred in the history of the world.

Mr. President, the amendment offered by my good friend the distinguished Senator from Oregon [Mr. McNary] is one that thrills especially the South and West. For scores of years our people have clung to the desert and swamp areas with the hope that relief would come. What could be more fitting than a realization of this long struggle which adapts itself so well to the Government's plan of providing a livelihood for our veterans? It is a good omen that eastern statesmen in the main are manifesting an awakening on the subject of reclamation. Shortsighted statesmanship has been evidenced many times in this Chamber on this very subject, but we must all realize in the last analysis that one section of our great country can not progress at the expense of another. The reclamation feature proposed to be attached to the bill is in no way designed for the exclusive benefit of sections or classes. Under its provisions opportunity is afforded alike to service men from all sections. It adds the missing link, and, through its agency, millions of acres will be reclaimed for profitable enterprises, thus benefiting the whole country.

I have received hundreds of letters from ex-service men from all portions of the United States urging my efforts in the direction of having the Government sanction, in connection with the pending measure, our old traditional policy of land entry. The ex-service men do not, I repeat, want outright charity; they want assistance to enable them to get back into the real strides of life, and naturally they think of farms and homes, where the results of their efforts will be their own. For every soldier placed on a reclaimed farm there will be another given opportunity in our overcrowded cities. I have talked with hundreds of them to test their desires, and all of them interested in farming point out what Canada, Australia, and other countries are doing for their service men. No country should surpass us in efforts to promote the welfare of humanity. Our soldiers constituted the finest body of men in the world, and I hope it may never be said of our Government that it was derelict in caring for them either on the battle field or at home. Agriculture is the backbone of our country, and now we have presented to us an opportunity to turn back the tide which has been carrying our people to cities, and provide for them a field of activity suitable to their habits and inclinations. Yet, Mr. President, this can not be done unless millions of acres are reclaimed from the swamps and deserts, for practically all of our other tillable land is exhausted. In comparison with the advantages to accrue, the cost will be a mere trifle, and the benefits to our soldiers, our people generally, and to our economic welfare can not be measured. In Arizona alone 1,000,000 acres await the touch of available water to furnish permanent homes, happiness, and contentment to our victorious veterans.

Under the provisions of the amendment pending the Government becomes the lender, and the soldier citizen the borrower, to work out his own salvation on hitherto worthless lands. In the end the Government will be repaid, and the entire Nation will have the satisfaction of knowing that vast wastes have been converted into fertile farming communities, that disheartened soldiers have been the benefactors, and that its pledges have been redeemed.

Just now I received a telegram from the veterans of Arizona, speaking for more than 10,000 of them, urging the Senate to approve this proposed legislation. This appeal, I hope, will not remain unheard.

It is not necessary for me to go into details of the amendment which has been so ably presented by the distinguished Senator from Oregon, with whom, as a member of the committee, I have taken much pleasure in assisting to work out these splendid features during the past year; but, Mr. President, if the records of this body disclose nothing else to my credit, I hope they will bear testimony to the world that I did my best to help the worthy veterans of the World War obtain at least some measure of recognition and assistance at the hands of a grateful Government.

Mr. BURSUM. Mr. President, I desire to say a few words in support of the amendment offered by the Senator from Oregon [Mr. McNary], which is now pending and which provides for extending the policy of reclamation in this country.

The distinguished Senator from North Dakota [Mr. McCumber] seems to feel that to attach this amendment to the pending bill would have a tendency to impose a load upon it; that the amendment is designed by persons who are not in sympathy with the bill and who are opposed to adjusted compensation for the purpose of helping to defeat the pending measure. Mr. President, I can not understand reasoning of that kind. The reclamation policy has been considered a sound one, and a continuation of that policy has been publicly approved by the present President; in fact, it is not so long since the incumbent of the Presidency appeared before the Congress and in specific terms in his address urged the passage of legislation along the lines proposed in the amendment.

If the policy is sound and wise and right, what harm can come from including an amendment to carry out and extend that policy in connection with the pending adjusted compensation measure? I submit, Mr. President, that the reclamation of arid and swamp land is a subject as important, as vital, as near and as dear to the ex-service man as it is to any other citizen of the country. The ex-service man is a citizen; he has the welfare of his country at heart to the same extent as has any other American; in fact, I may say that he represents the cream of our citizenship; and why should he approach the consideration of general legislation, designed for the welfare of the country, from a different standpoint than that occupied by any other element of our citizenship?

Mr. President, the policy of reclamation was first made a reality through the efforts and support of President Roosevelt, who, with all his contributions to the welfare of his countrymen and the human family in general, never performed a more noble service than when he gave his active and potent support to the reclamation policy which was formulated during his administration.

According to the statement made by the sponsor of this amendment, the Senator from Oregon, there are 118,000,000 acres of land in the United States, located in nearly every State in the Union, subject to reclamation either by the storage of water and irrigation or by the drainage of swamps. These lands when reclaimed, it is conceded, will constitute the most fertile lands within the borders of our country. The adoption of the amendment, and the reclamation work carried out thereunder, will add to the wealth of the country. When two blades of grass can be made to grow where none grew before, when there can be made available opportunities where men willing to labor and toil to provide for themselves and their families, homes, and independent means of livelihood according to the highest American standards, an important addition is made to the wealth of the country and at the same time to the attractiveness of rural life. An area of 118,000,000 acres of land divided into 40-acre farms would provide 3,000,000 homes, and, estimating the average family to consist of five, would result in 15,000,000 people being cared for, being made independent and thrifty citizens and given a chance to move from the congested cities of the Nation into surroundings and environment where the best citizenship, the backbone of the country, the citizenship upon which the Nation must depend in time of stress is developed and where they could thrive and prosper.

The statement that the adoption of this amendment would cost billions or hundreds of millions is a wild statement. There is nothing in the amendment to justify any such statement. The inauguration of this policy does not mean that in the last analysis the Government will be out a single penny. The most that might be expected to be advanced would be the amount required for the projects which would be taken up the first year, which in all probability would not exceed $25,000,000. As the projects were completed security would be given for the money advanced in the form of mortgages on the lands improved. Those securities would be placed with the public, and the chances are that at no time in the future would the Government of the United States have actual cash invested in excess of $25,000,000. The Government is simply the administrator. It is simply the trustee. It is the instrument which would carry this policy through.

Mr. President, I hope this amendment will be adopted. I am sure that it will improve the compensation bill and that it will tend to aid in its passage, and will not be a load on it.

Mr. DIAL. Mr. President, on June 2, 1920, I made a speech in the Senate opposing the so-called bonus bill, and nothing has transpired since that time to cause me to change my mind.

I yield to no one in my admiration and respect and esteem of the soldier. It goes without saying that the wounded and disabled should have the very best care taken of them that the Government can give them, and I have always voted consistently to that end. But, Mr. President, there are some party matters which control my vote on this proposition, if I wanted to rely upon them alone. In my State, in the rules of our party, a copy of which I have in my hand, is embraced the following, in addition to the other pledges that we have to sign, and so forth:

> If the candidate is running for the United States Senate or for the United States House of Representatives, this additional pledge shall be required:
>
> "I will support the political principles and policies of the Democratic Party during the term of office for which I may be elected and work in accord with my Democratic associates in Congress on all party questions."

Mr. President, before I was allowed to enter a campaign for a seat in this body I signed that pledge. When our national convention was held in San Francisco in 1920 the advocates of the bonus appealed to the subcommittee for recognition and for the adoption of a plank favorable to the payment of the bonus. The subcommittee turned down the proposition. An appeal was made to the whole committee, and it met a similar fate. Then an appeal was made upon the floor of the convention by the advocates of the bonus, and that was rejected; so I feel that that fixes the policy of our party, that we were against the bonus as a national policy, and that I am bound to oppose it by reason of the pledge which I signed before I was allowed to enter the campaign in my State.

Mr. President, I might stop there if I were disposed to do so; but I have never favored the bonus, and I have no objection to saying so. I feel that this proposition was not conceived in patriotism, but was conceived in politics.

Take the soldiers themselves: The national convention of the American Legion in Minneapolis, Minn., on November 10, 11, and 12, 1919, went on record as disapproving any attempt by the Legion to ask or demand of Congress a cash bonus.

I feel that I represent in part as intelligent and as fair a constituency as there is in the United States; and I have never been prouder of my constituents than I was when I read the resolutions that the South Carolina branch of the American Legion passed in 1920. I ask to have inserted as a part of my remarks the proceedings of that convention.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Columbia (S. C.) State, May 30, 1920.]

SECESSION PROPOSED FOR CAROLINA LEGION—STATE CONVENTION CALLED TO CONSIDER ACTION OF NATIONAL COMMITTEE—FIGHT FOR BONUS CAUSE OF BREACH—WITHDRAWAL MAY FOLLOW NATIONAL CONVENTION SHOULD EXECUTIVE COMMITTEE'S ACTION BE RATIFIED—SOUTH CAROLINA MEETING IN SPARTANBURG SET FOR JUNE 15.

For the purpose of considering the advisability of withdrawal from the national organization, in case the national convention should ratify the action of the national executive committee in agitating the bonus, the annual convention of the American Legion of South Carolina will be held in Spartanburg June 15, instead of next fall. This decision was reached yesterday at a meeting of the State executive committee held in Columbia. The resolution calling the convention at the earlier date characterizes the action of the national executive committee as "harmful to the best interests of the National and State organizations." The resolution says in part, in speaking of the national executive committee's fight for a cash bonus: "Its action tarnishes the honor and glory which the American soldier and sailor won on the field of battle, and its action, if ratified by the next national convention, renders the further affiliation of the South Carolina department with the national organization harmful to the future of the said department."

On Friday the executive committee decided to hold the annual State convention in Spartanburg one month prior to the national convention, but at the meeting yesterday, which was attended by the entire committee, the decision was reached to move up the annual convention to June 15.

The resolution sets forth that, among other things, the national executive committeeman from this State has not been duly notified twice of meetings of the national committee.

AGAINST BONUS AGITATION.

The South Carolina department has throughout voted that the American Legion should not take part in a bonus agitation.

The resolution says that the national executive committee disregarded the express orders of the national convention, the governing body of the Legion, and the basic principles on which the Legion was founded.

The resolution follows:

"Whereas the American Legion was formed with the express purpose of furthering all patriotic causes and not for selfish or political reasons; and

"Whereas the granting of a cash bonus to able-bodied veterans of the Great War would be admittedly harmful to the welfare of the American public; and

"Whereas a request from the American Legion for a cash bonus rightly renders that organization liable to suspicions as to its sincerity and unselfishness of motive and is debasing and inconsistent with the high ideals on which it was founded; and

"Whereas the national convention of the American Legion assembled at Minneapolis, Minn., November 10, 11, and 12, 1919, went on record as disapproving any attempt by the Legion to ask or demand of Congress a cash bonus; and

"Whereas the national executive committee of the American Legion has demanded the payment of such a bonus by Congress, thereby disregarding the express orders of the governing body of the American Legion and the basic principles on which the American Legion was founded; and

ATTEMPT TO IGNORE STATE.

"Whereas the national headquarters of the American Legion has shown a desire to disregard the wishes of the South Carolina department of the American Legion by twice failing to give due notice to the national executive committeeman from South Carolina of meetings to be held, thereby endeavoring to deprive the said department of its legal voice in the councils of the national organization: Now, therefore, be it

Resolved by the executive committee of the South Carolina department of the American Legion, That we disapprove the action of the said national executive committee and that we view their motives with suspicion; and

Resolved, That in our opinion the action of the national executive committee is harmful to the best interests of the National and State organizations, its action tarnishes the honor and glory which the American soldier and sailor won on the field of battle, and its action if ratified by the next national convention renders the further affiliation of the South Carolina department with the national organization harmful to the future of the said department; and

Resolved, That the adjutant, South Carolina department of the American Legion, be authorized and directed to call upon the various posts of the American Legion in South Carolina to elect delegates to the annual State convention to be held in Spartanburg, S. C., June 15, 1920, for the purpose of considering the advisability of withdrawal of the South Carolina department of the American Legion from association with the national organization.

DISABLED NEED ASSISTANCE.

The committee in a second resolution, adopted yesterday, also strongly condemned any legislation designed to give a cash bonus to the able-bodied ex-service men at this time, when it appears, the committee members thought, that no adequate provision has been made for the disabled who are really entitled to assistance. The resolution follows in full:

Whereas, it appears from statements made by Dr. W. G. Rucker, chief medical adviser of the Bureau of War Risk Insurance, and other Government officers that 641,900 men were discharged from the Army and Navy with disabilities, of whom 276,327 were seriously disabled, and that less than 5 per cent of the disabled have been cared for by the Federal Board for Vocational Education; and

Whereas, it is estimated by qualified experts that the proper and adequate care of those who have been disabled may cost the Government annually from $325,000,000 to $500,000,000: Now, therefore, be it

Resolved by the executive committee of the American Legion of South Carolina, That we strongly condemn any legislation designed to give a cash bonus to the able-bodied ex-service men at this time, when it appears that no adequate provision has been made for the disabled, who are really entitled to assistance.

That a copy of this resolution be sent to each Representative in the United States Senate and Congress and published in the State newspapers.

Mr. DIAL. They said in part:

Whereas the granting of a cash bonus to able-bodied veterans of the Great War would be admittedly harmful to the welfare of the American public; and

Whereas a request from the American Legion for a cash bonus rightly renders that organization liable to suspicions as to its sincerity and unselfishness of motive and is debasing and inconsistent with the high ideals on which it was founded.

* * * * * *

Resolved by the executive committee of the American Legion of South Carolina, That we strongly condemn any legislation designed to give a cash bonus to the able-bodied ex-service men at this time, when it appears that no adequate provision has been made for the disabled, who are really entitled to assistance.

That a copy of this resolution be sent to each Representative in the United States Senate and Congress and published in the State newspapers.

Mr. President, at this time this matter was fresh in the minds of the soldiers, and this resolution says that at the Minneapolis convention the majority of the delegates voted against a cash bonus; but, in opposition to that, the executive committee made this appeal to Congress.

I feel that that is the secret of a great deal of the propaganda that we have had here. It is a case of a few men trying to lead the great body of our soldiers to ask for something which they did not think was necessary at that time. These resolutions go on to say that the action of those violating the vote of those individual representatives tarnishes the honor of the American soldier. In fact, these resolutions speak in more eloquent terms than I can.

I am proud to know that this is the only State branch of the Legion in the United States that opposed the cash bonus. After these resolutions were passed I made a speech on the floor of the Senate—in fact, different speeches—in which I praised these soldiers, and I said that their example, both in time of war and in time of peace, ought to be emulated. It is our proud recollection that our small number of soldiers even of our small State of South Carolina—notwithstanding we had our quota—captured 6 of the 52 medals awarded for bravery. They took more medals than did the soldiers of any other State in the Union.

Mr. President, I feel that the action of these soldiers has carried out the pledges of our platform, first, of the members that represent them, and they have carried out the platform of our party, and they gave me my mandate to speak on the floor of the Senate, and I know now that they have unanimously indorsed the stand I have taken at their request. I feel, as I said before, that they are amongst the most intelligent constituents in the United States. They are a contented people. They do not want to do anything to tarnish the honor and the glory that they achieved in Chateau-Thierry and when they helped break the Hindenberg line. It is true that some people stayed at home and profiteered, but I am not going to class the soldiers along with those people. No doubt we made a mistake in not conscripting labor and conscripting capital and everything else we needed in the late war; but it was new and hasty, and what was done was done for the purpose of ending the war as quickly as possible and furnishing all the necessaries to the soldiers to make them comfortable and to make the campaigns successful as rapidly as possible.

Mr. President, as I said, I could hide behind these pledges of my party, but I know my soldiers would not have me do so. When we come to be reminded that the Government of the United States has no money except what it takes from the people by taxation, or what it raises by selling our joint notes—that is, our bonds—it is time for the people of this country to realize that it takes the labor of some one to create money and to create wealth. Moreover, when this Government has to pay or refund over six and one-half million dollars in the next four years. If we stop to think that the national debt was increased from about one billion to twenty-six billion dollars in four years, that is enough to startle any man, to make him reflect, and take stock of his Government assets and of his individual assets. If in our individual lives our debts were to increase in any such proportion within any such time, I fear we would lose our nerve and would collapse. It behooves everybody, and particularly the men who make the laws of the country, to try to keep down expenses and to see that industries are carried on.

It is appalling, when we look, to see that the per capita taxes increased from $6.79 in 1914 to $49.41 in 1920; so it is time for the Representatives of the people to look on this matter in a serious and in a sober way. If we could take the money away from the profiteers and turn it back to the soldiers, or to pay the debts which we issued bonds to cover, I would advocate it at once.

Something has been said about the foreign debt. People say, "Oh, we will take the foreign debt and pay the bonus"; but we should remember that the foreign debt is not really a debt due our Government. It is due the people from whom the Government borrowed the money; and I never thought an individual got rich by selling his assets or just collecting money that is due him and paying his debts. If we could recover that debt—and it is doubtful whether we will ever get all of it, although I advocate collecting it all, if possible—if we had it, the best thing we could do would be to redeem the Government's obligations with it.

We speak of having diminished the public debt some three billion dollars in the last two years, but a great deal of that was done by selling Government property. We are not getting ahead fast when we decrease debts by disposing of our assets. That is trying to deceive ourselves and trying to deceive the soldiers. We will not get far with such a proposition as that.

It is true, as I said before, that people profiteered in this country greatly, but those activities were for the purpose of winning the war, and a great many people received no benefit from them. We sell property that cost the Government a hundred cents for five cents on a dollar, perhaps less. I believe the powder plant down in Tennessee that cost $85,000,000 sold for $3,500,000. Frequently over the country we see that cantonments are selling for practically nothing, or for just the cost of removing them. That is where the money went.

As I said, if we could take the money away from the profiteers and do something with it, we would be glad to do so, but many people who profiteered are to-day in bankruptcy and are gone financially. So, when we issue this great debt upon the American people, it would have to be paid by the soldiers in great part. To my mind, therefore, the soldier would prefer to live in a prosperous country, where he could receive employment and where prosperity would continue to reign, rather than to have the Government burden itself and close up enterprises.

This bill is amusing to look at in one sense. I think the Senator from New York designated it properly yesterday as a kind of a "pawnbroker" proposition. I am ashamed of our committee going out and saying to the soldiers, "We owe you, but you must take our note and hawk it all around over the country." We owe them gratitude, and there is not enough money in the world to pay them. However, I never heard before of people trying to pay off debts by forcing the creditor to receive 20-year scrip. I would be ashamed if the Government would admit that they were broke and could not raise the money.

So the bill is simply a delusion and a snare, and it is unworthy of Congress to try and pass any such bunko game on the soldier. I have always been against it. I believe a majority of the soldiers in my State are against it, and I believe if the matter were discussed before them, upon reflection, probably, they would be unanimous against it. I am proud of them for having passed resolutions against it.

Mr. SIMMONS obtained the floor.

Mr. FLETCHER. Mr. President, will the Senator allow me to call attention to one matter before the Senator from South Carolina resumes his seat?

Mr. SIMMONS. If it is not taken out of my time.

Mr. FLETCHER. I take it that it will not be. This is not a party matter. The Senator from South Carolina took occasion to refer to what took place at the national convention and what was put in the platform. I want to call attention to one provision in the platform, as follows:

We believe that no higher or more valued privilege can be afforded to an American citizen than to become a freeholder in the soil of the United States, and to that end we pledge our party to the enactment of soldier settlements and home-aid legislation which will afford to the men who fought for America the opportunity to become land and home owners under conditions affording genuine Government assistance unencumbered by needless difficulties or red tape or advance financial investment.

It seems to me that would rather support the amendment that is pending, would it not?

Mr. DIAL. That would help along the amendment that is pending. I favor the amendment, if we are going to pass the bill at all. I neglected to call attention to a thought expressed yesterday by the Senator from New York, and I think it would be well for the Senate to consider it carefully.

After the Civil War we had vast territories in the West, unexplored land of great fertility, which was soon opened up, and helped pay the debt of the Civil War. We have not that kind of an asset now, and when we burden this country with this additional debt we are going to have to look to sources from which to pay it.

I think the quotation from the Democratic platform read by the Senator from Florida would help along the amendment of the Senator from Oregon [Mr. McNary]. I have an amendment to his amendment, which I propose to offer, to allow the soldiers additional options not only in the swamp lands and the arid lands but in the cut-over timber lands, which I think will improve the amendment greatly.

Mr. McKELLAR. I want to ask the Senator, if his amendment to the McNary amendment is adopted, what, in his judgment, will it cost the country?

Mr. DIAL. I have not figured on the cost.

Mr. McKELLAR. It has been estimated that the McNary amendment will cost all the way from $5,000,000 to $2,000,000,000. Would not the Senator's amendment to that amendment more than double the amount?

Mr. DIAL. No; it will not increase it a cent. I want to give an option on a third kind of land. I am going to vote against the whole bill, but even if it should cost more, if we could get people to become home owners, they would soon be much more prosperous citizens, and would create wealth rapidly. The soldiers will have to help pay this debt, anyway.

Mr. ROBINSON. Mr. President, during the course of the Senator's remarks, as I understood him, he justified his opposition to bonus legislation on the ground that the Democratic platform adopted at San Francisco had repudiated the principle of such legislation. I merely wish to call his attention to the fact that there is no provision in the Democratic platform adopted at San Francisco touching the subject. The convention at San Francisco declined to make it a political question, and for that reason I think no Senator owing allegiance to the Democratic Party is estopped by any political declaration of his party from supporting this measure, if he thinks it right and proper.

The PRESIDING OFFICER (Mr. Ashurst in the chair). The time of the Senator from South Carolina has expired.

Mr. SIMMONS. Mr. President, I have taken the floor simply to make a statement with reference to my position upon the very important amendment offered by the Senator from Oregon [Mr. McNary].

I was somewhat surprised at the opposition to the amendment on the part of the chairman of the Finance Committee, who has charge of the pending bill, and who, I know, is a very zealous advocate of adjusted-compensation legislation. Especially was I surprised at the grounds of the chairman's opposition. He based his opposition upon two grounds, neither of which is sound, in my opinion. First, he said that on account of the financial condition of the country, Congress should avoid large appropriations for unnecessary things, and that the several hundred million dollars carried by this amendment would add that amount to the national debt. Secondly, he thought that the attachment of this amendment to the bill might lead to a veto at the White House.

I wish to say to the Senator that this is in no way a bill to appropriate public funds in the sense that we appropriate money for the expenses of the Government, in the sense that we appropriate money for the payment of a bonus to Government employees. It is the mere lending by the Government of its credit to a particular extent. Of course, in the initiation of the scheme, some cash advances will be necessary, but the bill expressly provides that when a project is completed, and it is estimated that the land is worth twice the amount of the debt, bonds shall be issued to the Government for the full amount. These bonds the Government will, of course, have the right to sell, and will sell, and from their sale, as this is to be a revolving fund, money will be obtained for the further execution of the plan. This amendment and the plan it provides will not burden the Treasury to any considerable extent in any one year of its life, and, in fact, after one or two years it will not burden the Treasury at all. The chairman's first objection I therefore regard as purely artificial and without justification or foundation in fact.

With reference to the Senator's objection based on the probability of the veto, it is loudly proclaimed that it is the purpose of the President to veto this measure in any case, and after the statement made by the Senator from Oregon with reference to the President's approval of this specific plan of reclamation and irrigation, I was encouraged to hope and to believe that possibly the addition of this amendment to the soldiers' adjusted compensation bill, instead of constituting a reason for veto action on the part of the President, might have a contrary influence with him, and that it might influence his mind in favor of affirmative action. I was inclined to think also that if the bill did meet a veto at the hands of the President, this amendment might be a substantial help in obtaining sufficient votes in the Senate to override the veto.

I am in favor of this amendment, not because I think it is exactly what we need in the South, and in all that section of the country in which the swamp lands lie, but it is a step in the right direction. It will mean something; indeed, quite a great deal. It will commit the Government of the United States to a policy that I have during my whole term here advocated and insisted upon, in committee and upon the floor of the Senate. Once the Government is committed to that plan, of course, we can amend the measure and broaden its scope, and suit it to the conditions.

It is not to take the place of the drainage laws of the several States that this plan is intended. It is merely to be supplementary to those laws. The two systems can well act together or separately, and I believe it will be found that the one will be better adapted in certain instances than the other.

I do not think the McNary amendment is perfect. Neither do I think the bill to which it is to be attached as an amendment is perfect. I think the adjusted compensation proposition in its present form is largely a makeshift. I think it will be disappointing to the soldiers. It introduces the very obnoxious principle which the Senator from New York [Mr. Wadsworth] characterized yesterday as a shop-broking proposition. I greatly fear the intended beneficiaries of the legislation will be disappointed when they go to borrow money under it. I want to see it amended and I hope it will be amended, and amended materially, before we pass it. I myself have introduced an amendment which I think would greatly improve it and furnish the means by which the soldiers could readily get all the money to which they are entitled without having to hawk their certificates about the streets. I am going to vote for the McNary amendment and I am going to vote for the bill, not because either is satisfactory to me but because both are the best I can get. After we have tried to amend and shall have failed, if we are not able to amend the soldiers' adjusted compensation bill, I am going to vote for it upon the reason that it is the best we can get, although it is not at all what the soldier is entitled to.

I am in favor of the McNary amendment for two fundamental reasons. First, I am in favor of it because I think it will be a good thing for the soldier. We call this nothing but a preference. That is all, strictly speaking, that it is. In my judgment, however, the preference given to the soldier in many instances will be more valuable to him than the adjusted compensation which he will receive from the Government under the general provisions of the bill. The preference given him in the McNary amendment will enable him to get lands at first price and, too, the best character of lands in the country.

It will give him abundant time in which to pay for them, and in that trade there will be a profit to him which, as compared with the purchase of lands outside of this scheme, would in some instances amount to many times, in my judgment, the value of his cash compensation. I want to help the soldier in every way I can. I wish we might make the adjusted compensation provision much more advantageous to him. The McNary amendment certainly makes it much more advantageous to him, and for that reason I am in favor of the amendment.

I am also for it because for long years the representatives of the section of the country from which I come have urged upon the Government the importance of its doing its duty in providing for the drainage of the overflowed lands of the country exactly as it was doing its duty respecting the arid lands through the process of irrigation. We have urged, as the Senator from Louisiana [Mr. Ransdell] said yesterday, that the taking of water off of the land where it was necessary to its productivity was identical in principle with the putting of water upon the land where it was essential to its productivity.

That argument has always been irresistible. There was but one answer to it, and that was that there was no constitutional authority on the part of the Government to spend money to drain the swamp lands; that the constitutional authority to irrigate arid lands grew out of the fact that the Government only irrigated where it itself owned the arid lands, and that the primary purpose was supposed to be to improve its own property, whereas the Government does not own to any extent the overflowed lands. The answer was a constitutional objection which I was never able, satisfactorily to myself, to dispute. Now, we have a proposition here which answers that fundamental objection, because when we attach to the reclamation scheme the project of the soldiers' adjusted compensation we make that an essential feature of the legislation and we furnish at the same time a constitutional ground for this drainage relief on the part of the Government.

For one I do not wish to lose this opportunity. The importance of the drainage projects to the South especially, where the bulk of the overflowed lands lie, can not be overestimated. The lands are in vast bodies as a rule. It is impossible ever to develop them under small and promiscuous private ownership, and I do not think we desire large private ownership such as the Senator from Florida (Mr. FLETCHER) characterized yesterday, referring to men each owning 100,000 acres of land. We want our lands, when they are developed, to be developed and put into small holdings. It is impossible to develop swamp lands in that way because they are in large bodies and we can not drain a part without draining the whole. That has been the problem with which we have been confronted in connection with the drainage of these areas. It is true, as stated by one of the Senators, that we have an abundance of cleared land in the country, but the swamp lands are the very best lands we have in the South; I suppose generally they are the best in the other States where they are located. They are the most fertile and the most productive when they are drained.

But there is another trouble about that which is even more serious. Wherever we find one of these great bodies of swamp lands, we find the conditions of health are bad. The swamps breed the mosquito; they breed malaria; they are a menace to the public health of any community in which they are located. From the standpoint of health alone it is extremely important that these lands should be reclaimed and brought into cultivation.

Now, Mr. President, I do not wish to say more. What I have said constitutes my reasons for supporting the McNary amendment. I am supporting it with vigor and enthusiasm because I think it is a piece of legislation which will be worth as much to my section of the country and to the country at large as any legislation of that character that we can now formulate. It would make large areas of the country fit to live in and multiply the productivity enormously.

I want to see the Government enter upon the scheme in the South, because I believe with Government assistance that it would only be a few years when the 3,000,000 acres of swamp lands in my State would be under cultivation and that this menace to the health of that portion of North Carolina would be removed. That condition constitutes a fact that has prevented us from getting the necessary immigration, and, indeed, from holding our own people. If that menace were removed, the benefits to my section would be inestimable.

It is the duty of the Government to do it. Reclamation has made gardens out of deserts in the section from which the present occupant of the chair [Mr. ASHURST] comes. But in North Carolina we have had none of the benefits of that salutary legislation, because we could not bring ourselves within the purview of the Constitution. However, now we have before us a measure which enables us to bring ourselves within the principles upon which those western lands have been made to blossom, and naturally I want, and I think every Senator from my section of the country ought to want, the benefit of such legislation.

The question has been asked, Why not wait and make it independent legislation? Mr. President, I greatly fear that if this must be accomplished by independent legislation we would find an opposition to it which would not be just in my judgment, but which would be sufficient probably to postpone the enactment of the legislation for a long time, if not indefinitely.

The time to do a thing is when the opportunity offers itself. Opportunity knocks sometimes but once, and it ought not to be waved away with the statement that the thing can be done better in another way and at another time. Now is the accepted time. Lose this opportunity and we may not get such beneficial legislation within 10 years, if ever.

Again, Mr. President, I want to say—and then I shall conclude—that I am in favor of both of the propositions, incomplete, inadequate, and insufficient as they are. I want them to be put together and to be kept together. Why? I shall be frank about it. I believe that the amendment attached to the soldiers' adjusted compensation bill will strengthen that bill, strengthen it in Congress, strengthen it with the President of the United States. I want to strengthen the adjusted compensation bill. On the other hand, I think the adjusted compensation provision strengthens and supports the drainage proposition. It may be that the McNary amendment will save the soldiers' adjusted compensation bill at the White House; and it is not at all improbable that if that bill in any case must meet a veto, then the McNary amendment may furnish us the votes here to write the bill into the national statutes, notwithstanding the President's disapproval. Therefore I shall support both propositions.

Mr. TRAMMELL. Mr. President, I have been intensely interested in the matter of having the National Government give recognition to the drainage projects of the South and to the policy of reclaiming the overflowed lands of the South not only since I became a Member of the Senate in 1917, but for several years prior to that time. As one of the State officers of my State, I advocated and urged that the Federal Government should not only recognize the desirability of making laws for the purpose of reclamation by irrigation of the arid lands of the West, but that this beneficent policy of the Government should also be extended to reclamation by drainage where we have vast areas of overflowed lands.

Very shortly after I became a Member of the Senate there was a bill pending, of which the then Senator from Oregon, Mr. Chamberlain, was the author, proposing to carry out the general policy of recognizing not only the arid-land projects but the drainage projects of the country. That bill came before the Senate with a favorable report. I was very much gratified that a committee of the Senate had seen proper to report favorably a measure which recognized reclamation by drainage; but upon a close study of the bill I found that its provisions were not such as to bring within its purview, to any great extent, reclamation by drainage, in my State in particular; and I think that was true in regard to other States of the Southland. I conferred with Senator Chamberlain, who, as I have stated, was the author of the bill. His bill embraced very largely the same principles and ideas that have been written into the pending amendment. He at that time agreed to certain amendments which I suggested, which would have made of that measure one that would have included in its application and in its benefits reclamation by drainage as well as reclamation by irrigation. That measure did not succeed of passage, however, prior to the retirement of Senator Chamberlain from the Senate.

I introduced a bill to take care of the arid-land situation of the West and of the drainage projects of the Southland or of any section where there were overflowed lands which were susceptible of reclamation by drainage. I do not remember the date of the introduction of that bill, but it was probably three years ago. It went before the committee having jurisdiction of such matters; the committee considered the measure, and, from information which I had received through conferences with members of the committee, I supposed they were going to report a bill which would not only include the irrigation of lands in the West but the drainage of swamp and overflowed lands in the South or wherever found. To my astonishment when the committee reported out a bill—it then bearing the name of the McNary bill—it did not include reclamation except by irrigation.

I took the position on the floor of the Senate, as the RECORD will disclose, that while I desired to see the Government assist in the wonderful development work which is being carried on in the West, until the Senate saw proper to give recognition to the policy of reclamation by drainage, I would oppose any measure that gave recognition only to the irrigation projects of the West. Although that bill had a favorable report, I opposed it at that time, as did some other Senators, not on the ground that we did not desire to see assistance given to the arid land projects but upon the ground that the measure was discriminatory; that it did not deal justly with a great area of our country which could be reclaimed by drainage; and, I may add, which could be reclaimed at a far less cost per acre than the arid lands. The result was that that bill, recognizing only one form of reclamation, did not pass at that time.

Now, I am very happy to say that the Senate committee has seen proper to give recognition to the section of the country which is entitled to recognition in the way of providing that the same consideration shall be extended to the swamp and overflowed lands requiring drainage as is given to the arid lands which require irrigation. I am very much pleased that the committee has recognized the wisdom and the justice of placing these two characters of lands which require reclamation in the same measure and giving to them the same opportunity and benefit. That seems to have been the purpose and the object, Mr. President, of the committee in recommending the so-called McNary bill, and the amendment now pending is substantially nothing more nor less than the so-called McNary bill, which was recommended by the committee, and is also to a large degree similar to the measure known as the Borah-Bankhead bill.

In a general way, those measures embrace the policy which I have advocated for more than five years, since becoming a Member of the Senate, in that they give recognition to reclamation by drainage.

I heartily approve of the general policy of the amendment. To a great extent it is nothing more nor less than the writing into the bill of a policy which I have championed and advocated with all the energy that I possess since I became a Member of the Senate; and, on one or two occasions, at least, I was one of the stumblingblocks which prevented the enactment of legislation which would have precluded and would not have given recognition to reclamation by drainage, thereby making it necessary for those who desire to carry on reclamation by irrigation to give recognition to the swamp and overflowed lands requiring the same benefits under a measure of that character.

I have offered an amendment, however, Mr. President, designed to make the proposed legislation more elastic and to render its benefits more available under conditions as they exist in my State. I have not championed, nor would I champion, big land ownership, but in a drainage project, dealing with swamp and overflowed lands, an entire area has to be reclaimed. A little tract of ten or twenty thousand acres can not be picked out when there are 250,000 acres subject to overflow within a given area, all contiguous and on which the water running down hill seeks its level on the low places. The only practical, economical, and sensible thing to do in such a case is to reclaim the entire tract.

I am not an engineer, but I have had a little experience in dealing with drainage problems, having for eight years been a member of the drainage board in Florida, which handled the great Everglades drainage project, in a district embracing 4,000,000 acres of land. Under provisions of the amendment which I seek to amend, if that district, as an illustration, desired to avail itself of the assistance here offered, at least 80 per cent of all the 4,000,000 acres of land would have to be subject to settlement upon small tracts. Ours is a great country; my State is a great State; it is prospering and it is developing. We have newcomers, home seekers, by the thousands each year, and we welcome them; we are glad to have them there; they prosper when once they establish their homes in Florida; but if we should go to work and subject 80 per cent of those 4,000,000 acres of land to homestead in small tracts of 10, 20, 30, or 40 acres there are not enough people in this country of ours who are seeking homesteads to occupy that vast acreage in 20 years. Therefore the sensible and logical business proposition is to open some of that land, as much of it as can be occupied, for settlement purposes to the home seeker, to the individual settler, and then leave an acreage that would be subject to such uses as cattle raising, sugar plantations, and developments of similar character which might be carried on on a large scale. If we shall not do that, we can never in a reasonable time sell the entire acreage in a vast area of that character.

I have had great sympathy always for the small farmer; I have always desired to lift him up and to assist him so far as I could. My public record will establish and sustain the statement that when I first became a member of the drainage board of Florida, as attorney general of the State—and I trust the personal allusion to the position which I occupied may be pardoned, but by virtue of that position I was a member of the board—we had not up to that time laid out, surveyed, and offered tracts of land to settlers; but, being desirous of developing that section, being desirous of offering the privilege of purchase to the man who could only purchase 10, 20, 30, or 40 acres of land, I prepared a resolution and had it adopted by the board setting aside some of the best land in the territory to be surveyed and to be reclaimed by drainage and to be offered in tracts of 10, 20, 30, or 40 acres to the settler. So I have been working for settlers, Mr. President, in my official capacity for at least 12 or 14 years. I desire to encourage settlement; I desire to encourage the individual homeseeker; but if 80 per cent of all the land in a given territory has to be subjected to sale by the Secretary, and can not be otherwise disposed of, what I am apprehensive of is that it will interfere with the development of many tracts of overflowed land that might otherwise be developed. I desire to see the development resulting from settlement by the home seeker, the individual settler, and also development that may be brought about by more extensive and large operations in my State, for we need both. I dislike to see a provision in the measure that might preclude the largest reclamation project not only in the State of Florida but anywhere in the United States from the possibility of participating in the beneficent features of the measure.

Therefore I have offered the amendment providing that the Secretary of the Interior may, in his discretion, not require more than 50 per cent of the land to be offered for settlement purposes. If he thinks there ought to be 80 per cent of it offered, if there is a demand for 80 per cent, he can require it; but I desire to allow him a little latitude in order that he may exercise some judgment and business sagacity in dealing with this problem. In some sections 80 per cent might be necessary and might be desirable, while in other localities, on account of the peculiar position of the land and the peculiar problems of reclamation involved, the drainage and engineering problems, the Secretary of the Interior would know that 50 per cent of that land for new homestead settlements would be all that would, for at least many years, be occupied or taken up by the individual settler. It might be a project thoroughly worthy of Federal assistance; it might be that in that particular State that would be the only tract that could be developed. Certainly the Government should not discriminate against that State on that account, and not give recognition to that project.

Mr. President, I hope my amendment will be adopted. It will not affect the beneficent purpose and the object sought by the amendment of the Senator from Oregon, with which I am thoroughly in sympathy. His measure is in accord with the policy that I have been advocating, as I said, ever since becoming a Member of the Senate. I am gratified to know that the Senator from Oregon—who for a time did not seem disposed to recognize reclamation by drainage when I was advocating it in the early part of his and my tenure here—has come to believe that this is proper. I want his amendment adopted, but I want to make it as practical as possible and so that it will reach all of the projects of my State. I think we will get some benefits even without my amendment, but this will give more elasticity to the measure. It will not impair the Government's security; it will not interfere with development; it will not interfere with the settlement of the homesteader, but it will preserve all those policies, and in my opinion will bring about a more extended, a larger, and a more general development under the provisions of the amendment as proposed.

Mr. BURSUM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Mexico for a question?

Mr. TRAMMELL. Certainly.

Mr. BURSUM. I desire to ask the Senator from Florida if it would not be practicable to limit his amendment so that it would apply only to reclaimed swamp lands, for this reason: There may be a great difference in the amount of land which can be successsfully farmed after swamp land has been reclaimed as compared with land which is reclaimed and must be farmed under the irrigation system.

Mr. TRAMMELL. There is a very great difference. I appreciate that suggestion. There is one point I ought to refer to about the idea of homestead development on swamp and overflowed lands. In 20 minutes you can not cover all these points. In the case of a great deal of the swamp and overflowed land of the country a man would want to farm it, but he would not want to live on it. You have a different condition entirely from that which you have in the arid regions. I should be glad to have the amendment provide that in the case of reclamation by drainage the Secretary, in his discretion, may not require exceeding 60 per cent of the land to be sold for settlement.

Mr. BURSUM. Swamp lands will not require irrigation, of course. You do not irrigate your country.

Mr. TRAMMELL. Oh, no; we do not.

Mr. BURSUM. What you want to do is to get rid of the water.

Mr. TRAMMELL. That is the idea. That would be very agreeable to me. The Senators from the West know their problem better than I do, and I believe that I know the problem of the South better than they do.

The PRESIDING OFFICER. Does the Senator from Florida wish to perfect his amendment in that respect? He has that right.

Mr. TRAMMELL. Yes; I wish to do that, so that it will read that in the case of the reclamation of swamp and overflowed lands the Secretary, in his discretion, may not require more than 50 per cent to be disposed of to settlers.

Mr. ODDIE. Mr. President, so much has been said about the question of reclamation that I shall not attempt to discuss it at length, but I desire to offer a few remarks.

It is a matter of history that reclamation was practiced by the ancients. We know what was done in the Valley of the Euphrates and of the Tigris by the Mesopotamians. We know what the Egyptians did in the Valley of the Nile, and we should know what the Chinese and other orientals have done. I do not think it is generally known that there are more irrigation ditches and canals in China, Japan, and Korea than there are miles of railroad in the United States. There are 200,000 miles in China alone. Those irrigation systems were built ages ago, and should be an example and inspiration to us.

Something has been said on this floor to-day about too much land being brought under irrigation. I resent such a statement. Coming as I do from a western State, I consider that too narrow a viewpoint for any American to take. I think by looking back into history it will be found that during the days of our colonies the thought was sent out from England that too much land was being brought under cultivation. When our colonies started along the Atlantic coast the same idea was brought forward—that we had plenty of land and there was not a great necessity for settling up the Central States. When the Central States were settled up the same argument was used against settling the far West.

Mr. President, our country is too progressive and too powerful to stand where it is to-day. We must have more reclamation projects, and I want to see the amendment of the Senator from Oregon adopted. It does not mean a gift from the Government to that western country.

This money is placed in a revolving fund, and I believe that the plan now is that about $25,000,000 a year will be spent in developing these projects. The bill calls for a total of $350,000,000. That means that it will be spread over 14 or 15 years. That means, further, that as these projects are started and developed they will furnish work for many thousands of ex-soldiers. It is a sensible and necessary thing to do, to provide wholesome, profitable out-of-door work for them.

The argument has been used on the floor to-day that these projects may not be ready for them for a number of years; but these soldiers are young, virile men. They will welcome an opportunity to settle on the land, even if it is several years from now. It is not expected that they can go on a new project immediately. Rome was not built in a day. They will watch with eagerness and patience, and many thousands of them will be helping in doing this development work and in position to take advantage of these tracts of land when they are opened for entry and settlement. By looking back into history you will find that Solomon stated that men should not purchase as much land as they desired. He favored the small unit; and to-day our great western country needs more small farms, and it needs thousands and hundreds of thousands more of them.

I hope this amendment will be adopted. It will help in carrying out a great national policy. China had that national policy generations ago, and we should at least do as much as China. We can not begin to do for generations what China has done in this way, but I say now is the time to start.

Another thing that these various reclamation projects will do will be to encourage the elimination of the tenant farmer. We want the soldiers on the land. We want more independent, individual farm units. We want the veterans to go on the land and take their families there, and the country is greatly in need of them for this great work.

It might be well at this time to warn the people of this country against the calamity that befell ancient Rome. When the decay came to that country it was caused largely by too much luxury. The people became affluent and lost interest in agriculture, and this was the beginning of the fall of Rome, when agriculture fell into disrepute.

Mr. President, let us in America pay more attention to agriculture and new reclamation enterprises and thus prevent such a calamity happening to us as befell Rome. Let us give what encouragement we can to these reclamation projects in the West, and above all let us dismiss from our minds any idea that there are too many acres of land under cultivation to-day. To those in the East I suggest that the greater the prosperity that comes to the West by the starting of reclamation projects the more business will come to the eastern manufacturers.

The success of the whole of our country means the success of all of its parts. Let us to-day, when we have the opportunity, help that great western empire which needs help, and in helping that empire we will be doing a service to the soldiers of our country, to whom we owe more than money can ever pay.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Florida [Mr. TRAMMELL], to the amendment of the Senator from Oregon [Mr. MCNARY], which the Senator from Florida has perfected, and which will be stated by the Secretary.

The READING CLERK. In the amendment offered by the Senator from Florida, which is to amend the amendment offered by the Senator from Oregon, on page 3, line 15, after the word "agreements," it is proposed to insert a colon and the following proviso:

> *Provided*, That in his discretion the Secretary may require, in connection with projects for the reclamation of swamp and overflowed lands by drainage, not exceeding 50 per centum of the excess lands within the project to be subjected to disposal, by authority of the Secretary, to settlers.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida to the amendment of the Senator from Oregon.

Mr. JONES of Washington. Mr. President, we should have a quorum to vote on this important amendment.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst
Ball
Brandegee
Broussard
Bursum
Calder
Cameron
Capper
Colt
Culberson
Curtis
Dial
Fletcher
Frelinghuysen
Gerry
Glass
Gooding
Hale
Heflin
Jones, Wash.
Kellogg
Kendrick
Keyes
King
La Follette
Lenroot
Lodge
McCormick
McCumber
McKellar
McNary
Myers
Nelson
New
Newberry
Nicholson
Oddie
Overman
Pepper
Phipps
Pittman
Pomerene
Ransdell
Rawson
Reed, Pa.
Robinson
Sheppard
Shields
Shortridge
Smith
Smoot
Stanfield
Sterling
Sutherland
Townsend
Trammell
Underwood
Wadsworth
Walsh, Mass.
Warren
Williams
Willis

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, a quorum is present.

Mr. JONES of Washington. Mr. President, I want to say just one word about the amendment of the Senator from Florida to the amendment of the Senator from Oregon. As I understand it, it commits the Secretary of the Interior to undertake a project when only 50 per cent of the excess land has been signed up for disposition. I think that would be very unwise from almost every standpoint, and I hope the amendment to the amendment will not be agreed to.

Mr. ROBINSON. Mr. President, it is perfectly clear from the trend of the debate that the Senate has lost sight of the adjusted compensation bill. The Senate has converted its proceedings for the consideration of a measure for the relief of the American soldier into an effort to pass a comprehensive reclamation bill. I have no fault to find with the principle underlying the amendment of the Senator from Oregon.

The Senator from North Carolina [Mr. SIMMONS], with whom I usually agree, justifies in part his support of this amendment on the ground that it is calculated to strengthen the adjusted compensation bill. I believe every Senator present, and I am sure fair-minded citizens who are not officials of this Government, will agree with the proposal that the adjusted compensation bill ought to be determined on its own merits or demerits. For more than a year this question has been before the country. Some Senators have advocated it, sincerely believing that the men who fought the battles of this country and won its victories during the late war are entitled to some substantial recognition. They have maintained that merely because we are unable by any legislation we can pass to do all for the American soldier to which he is entitled we are not justified in refusing to do anything for him.

The Senator from Oregon has presented an amendment which is in the nature of a separate bill. It deals with a subject remotely related, if at all, to the questions under consideration and which is not properly involved in determining the merits of the adjusted compensation bill. The amendment contemplates an appropriation of $350,000,000 for the purposes of reclamation, notwithstanding the statement of my friend the Senator from North Carolina that no appropriation is involved.

Mr. MCNARY. Mr. President, I know that the Senator wants to be fair. He is usually accurate, I may say uniformly so; but the statement that this does appropriate any amount of money is not founded upon the bill.

Mr. ROBINSON. I read from the bill itself, or from the amendment of the Senator from Oregon, page 7, line 17:

> There is hereby authorized to be appropriated from any moneys in the Treasury not otherwise appropriated the sum of $350,000,000, to be transferred from time to time to the national reclamation fund and appropriated upon estimates made by the Secretary for carrying out the provisions of this title.

It is true that under the new rule adopted by the Senate this amendment on this bill could not carry an appropriation, but this is an express authorization of an appropriation of $350,000,000. I am in sympathy with well-considered plans for the reclamation of arid lands and for the reclamation of swamp lands and overflowed lands, but I submit to Senators that the just and fair way to determine legislation of that character is to consider it and determine it on its own merits. After having considered adjusted compensation legislation for a year and a half, we do not need to strengthen it by a proposal involving the expenditure of enormous sums for reclamation. If the

American soldier is not entitled to the benefits of the adjusted compensation bill, have the courage to vote "no" on the passage of the adjusted compensation bill.

We have all known that the measure would pass the Senate whenever a vote was taken on it. We have all realized the fact that the danger to the measure lies in an Executive veto. Some Senators justify their votes for the McNary amendment on the ground that the President will be deterred from vetoing the adjusted compensation bill if the reclamation amendment is put into the bill, and other Senators, those who have been foremost in leading the opposition to any bill for adjusted compensation, are supporting the McNary amendment in the hope that the President will veto the entire bill when it reaches him.

That is not the way to legislate. It is not just to the American soldier. The representatives of the American Legion do not want this bill amended in this or any other important particular. They are satisfied with the bill as reported by the Finance Committee. They will be glad to see that passed and become a law, and the President of the United States ought to be given an opportunity to determine the question of veto or approval on the merits of the adjusted compensation bill.

These questions are separate in their nature. They are not intimately related. There are many measures—and this is one—which, considered separate and apart from the adjusted compensation bill, I should be glad to vote for, but I shall decline to vote for this amendment, because I believe it imperils the passage of the adjusted compensation bill and because I believe the American soldier is entitled to have his rights settled independent of any question of reclamation of dry lands in the West or wet lands in the South.

Mr. PITTMAN. Mr. President, I am generally in accord with the Senator from Arkansas [Mr. ROBINSON], and I am very sorry that we do not look at this legislation in the same way. The Senator is basing his argument largely on the ground that this amendment is an ulterior matter, that this land-settlement amendment is foreign to the subject of this bill. In that I contend he is entirely mistaken. He has absolutely forgotten the history of this legislation.

Every bill that has ever passed the House of Representatives on this subject has had a land-settlement provision in it. Every one of these bills that has been presented to the Senate by the Finance Committee has stricken out of it the land-settlement provisions. The Senator says the soldiers are satisfied with the bill as amended by the Senate committee. How does he come to that conclusion? Is it because some of the politicians in the Legion have told him so? I remember when the officers of the American Legion stated that the soldiers of the country were opposed to any adjusted compensation, and I remember when a convention was held subsequent to that time, attended by delegates from every post throughout the country, the delegates repudiated the statements of those so-called leaders and elected other leaders. If information has been given to the Senator by the present officers of the Legion to the effect that soldier boys are satisfied with this emasculated bill as presented to the Senate by the Finance Committee, then at the next convention of the Legion there will be some new officers elected.

The only proof as to what the soldier boys want is a consideration of what was presented to the House of Representatives. Take the bill now under consideration by the Senate and turn to page 28, title 8, land settlement. That provision of the bill as it passed the House takes up 12 pages of the bill, over one-fourth of the entire bill. It is a comprehensive reclamation and land-settlement project—just as comprehensive as the amendment offered by the Senator from Oregon.

As a matter of fact, it goes more into detail with reference to the settlement of arid lands and swamp lands by veterans than does the McNary amendment, which we are now considering. It goes further than that. It requires an estimated expenditure of over $2,000,000,000, while the expenditure under the McNary amendment is limited to only $350,000,000.

How can the Senator from Arkansas say that the land settlement proposition submitted by the Senator from Oregon is foreign to this bill, when the bill before the Senate, as it stands, contains a land-settlement proposition just as comprehensive and four times as expensive? It is true the Senate has stricken out that provision of the bill.

Mr. ROBINSON. Will the Senator yield?

Mr. PITTMAN. Certainly.

Mr. ROBINSON. The land-settlement provision which was originally in the bill, and which was stricken out by the Senate committee, contemplated elaborate machinery and process for bringing the soldier to the land. In contradistinction to that is the amendment offered by the Senator from Oregon, which is primarily, on its face, a reclamation proposal and which is only incidentally related to the interests of the American soldier. He is given, I believe, a 60-day preference, which in most instances he would have no opportunity to exercise, by reason of lack of detailed information, none being furnished by the bill, and no process being provided by the amendment to furnish it to him, and he would have no opportunity to avail himself of it.

Mr. PITTMAN. I do not see yet the distinction the Senator is drawing. I think he was taken by surprise. I think he actually forgot that the bill as it now stands before the Senate had the land-settlement provision in it, to which I have referred.

Mr. ROBINSON. The Senator will surely do me the credit to concede that I have some little knowledge of the history of this legislation. I recall very well the efforts and proposals of Mr. Secretary Lane in connection with this subject. But the point I am attempting to make, if the Senator will permit me, is that this bill has been converted into a reclamation proposal, whereas under the original House provision reclamation was incident to the adjusted compensation proposal.

Mr. PITTMAN. That is what I say; I can not understand the difference between what the Senator calls the primary in one case and the incidental in another. The part that was "incidental," as the Senator says, in the bill pending now, and which the Senate has stricken out, contains 39 pages, with a contemplated expenditure of $2,000,000,000, and the primary reclamation measure, as the Senator calls it, which is now offered to take the place of that stricken out, takes up about four pages, and contemplates the expenditure of only about one-fourth as much money to settle the soldiers on the land. The House provision provides a new machinery to settle the soldiers on the land. The McNary amendment adopts the present machinery of the Government to settle the soldiers on the land. It gives the soldiers exactly the same rights accorded them under the House provision through a prior right of entry. It also gives the soldier prior right of employment on the reclamation projects. The only difference is with regard to the expense of the matter.

Mr. LENROOT. He must exercise the option within 60 days.

Mr. ROBINSON. And it provides for him to obtain the knowledge and information necessary to the exercise of the option, so the result will be that the soldiers who do not live in the immediate vicinity of a reclamation project, unless some organization is effected, will never have an opportunity of availing themselves of the benefits of the act, if there are any benefits to them. For that reason I say again that it becomes a reclamation bill rather than an adjusted compensation bill.

Mr. PITTMAN. I am rather astonished at that line of argument on the part of the Senator from Arkansas.

Mr. ROBINSON. Of course, the Senator understands I am not responsible for his mental processes or for his astonishment. I can not give him understanding, nor can I detract from his astonishment.

Mr. PITTMAN. If I had known the Senator was going to get so heated about it, I should not have allowed him to take so much of my time to excite himself.

Mr. ROBINSON. I hope the Senator understands that I am in the utmost good humor. If the Senator understands my remark in any other spirit I shall certainly ask leave to withdraw it.

Mr. PITTMAN. I think I understand the Senator's frame of mind. As I said, as a matter of fact, he did not know what was in the House bill. As a matter of fact, some time yesterday afternoon one of the leaders of the Legion told him the best thing was to take a chance on the President's vetoing it like it is, and so he got scared to death and ran into this mistake. As a matter of fact, if 60 days' time is not enough for the soldiers, I suggest that those who are afraid of it make it six months. That is the way to get at that proposition. But, as a matter of fact, there is a law on the statute books at the present time which gives the soldier 60 days' preference right upon the opening of any project, and the soldiers have had no trouble in finding out about when those projects were to be opened. It is a perfectly absurd thing to say that the soldiers are not going to ascertain or know when such projects are opened up, projects which are for their benefit.

As to the question of veto. Is it the fear of the veto that is urging some of the Senators to vote against any land-settlement proposition for the soldiers? They have already voted against the land-settlement poposition contained in the House bill. Now, are they going to vote against every land-settlement proposition? If they vote against the McNary amendment now under consideration, they vote against the only land-settlement proposition proposed for the soldiers. Is it because they are afraid the President of the United States will veto the bill if it carries a land-settlement provision? Where do they get that idea? Every such bill that has been passed by the House has contained a land-settlement provision and the present bill as passed by the House contains such a provision. It is estimated that the land-settlement provision contained in the House text would cost over $2,000,000,000, while the land-settlement provision contained in the McNary amendment would only cost $350,000,000.

Is there any Senator who has ever heard of a public or private utterance by the President of the United States that would indicate that he was opposed to the land-settlement provision contained in the House text? Never one, and yet that bill would require $2,000,000,000 while the McNary amendment only requires $350,000,000. The President has stated on what grounds he would veto the bill and that statement does not contain any reference to the land-settlement provision in the House bill. As a matter of fact, the President has affirmatively approved the McNary Reclamation Act which is now offered as an amendment to this bill. The President has stated that he would veto the bill unless it carried a tax provision sufficient to pay its obligation. Has he changed that statement? He has not that I know of. Is there anyone here prepared to say that he has changed that position? His veto of the bill does not depend upon the land-settlement provision because he has approved such a provision, but it depends upon the question, if he has not changed his mind, as to how to raise the money to meet the cash bonus.

As a matter of fact, unless the President changes his mind he will veto the bill on his statement that he would veto any bill that did not carry a provision within it for the payment of the obligation created by it. If he is going to veto the bill, then the ultimate passage of the bill does not depend on whether it contains a land-settlement provision or not, but depends on whether or not we have a two-thirds vote in this body to carry it over his veto. I believe we have the two-thirds vote to carry it over his veto, whether he vetoes it on the ground of the land settlement or on the grounds which I have already stated. I do not believe, if he vetoes the bill, that it will be by reason of the fact that there is a land-settlement provision in it for the soldiers. Such an act would be too inconsistent.

I have not known of anyone opposing the land-settlement provision for the soldiers if there is to be a bill passed. Why, the matter has been fought out in the House of Representatives. The soldiers by their resolutions have stated that they consider one of the most valuable functions of the legislation is the power which the House bill gives of placing soldiers upon the land. In spite of the action of the Senate on several occasions in striking out the land-settlement provision the House again sends the bill to us with a land-settlement provision in it. We of the West have offered an amendment to the bill since the land-settlement provision of the House has been stricken out by the Senate committee, and our amendment accomplishes the same purpose as the House text, but at one-fourth the cost. There is no excuse to vote against the McNary amendment. The argument that the soldier boys are satisfied is without foundation and without anything in fact to sustain it, as is proven by the action of the House of Representatives. I can not understand why a Senator from a State which has hundreds of thousands of acres of fine lands, which are subject to being prepared for settlement of the soldiers within his State and other States, can oppose a measly appropriation of $350,000,000 for the purpose of furnishing the boys with fine homes. It is said that primarily it is a reclamation act. Anyone could call any land-settlement provision primarily a reclamation act. It is only one of the five provisions of the measure for the benefit of the soldier. As I said, it is only one-fourth as expensive as the land-settlement provision contained in the bill as it passed the House.

I have listened to-day to a distinguished Senator on the other side of the Chamber crying about the debt of the country. Why, Mr. President, there is such a thing as extravagance and there is such a thing as investment. No great business man ceases to do business simply because he has been forced into debt by reason of peculiar conditions. The ordinary business man with half of all the gold of the world in his safe would not sit idly down and cry by reason of the fact that he was in debt and cease to develop the resources that he had. That is the trouble with this administration. It is surrounded by gold. Its papers are crying out every day about the tremendous prosperity that is coming down on top of us, and yet Senators cry here on the floor every day if anyone proposes any constructive action whatever, because perhaps it will cost a dollar or two. This country is the richest in the world and has 11 per cent indebtedness against all the wealth of the country, and yet the Senator having this bill in charge is afraid to invest $350,000,000 for the purpose of putting under cultivation the richest agricultural lands of the West and the South and furnishing homes to boys whose health will not permit them to do confining work.

Now is the time to enact some constructive legislation. Do not be frightened off because some politician tells you that it may bring down a veto of the President. Do not be any more frightened than when he told us three years ago that the soldiers did not want readjusted compensation. The same men who misrepresented that fact to you when their convention met were thrown out into utter darkness, and the same men who come to you and say the soldiers are satisfied with this bill as presented by the Finance Committee of the Senate will be thrown into utter darkness the next time their convention meets. There is no question about that. Stop listening to the politicians of these organizations and listen to the resolutions and the letters from your home boys. You will find that they are more interested in a good land-settlement proposition being incorporated in the bill than they are in the cash feature of it. At least, I know that is true with regard to my own State, and I think it is true with regard to a great many other States.

Do not tell me that the boys are satisfied with this butchered bill. Why, the bill has been pared off and chipped down until it is only about one-half of what it was originally. Do you think that the boys here are entirely satisfied with the bill, when we are constantly told that it is by reason of a fear of veto that we have to keep taking something away from them, cutting out some benefits from any bill that comes up, while the only statement with regard to the veto is that the President will veto any bill that does not carry within its limits a provision for the payment of the adjusted compensation? Amendments have been offered time and time again to provide for that. The Senator from Missouri [Mr. REED] offered an amendment to make the $10,000,000,000 of excess war profits pay it, and that was voted down. Oh, yes; we had $25,000,000,000 excess profits during the war, but the use of none of that for the payment of the soldiers is provided for in the bill. Why, as a matter of fact, the situation is this: The President has said, "If you do not incorporate in the bill a provision providing the method of raising funds to pay for the obligation which it creates, I shall veto it." The leaders on the floor of the Senate do not dare to attempt to incorporate a provision for taking care of it, because they know such a provision would be amended by the Senate that the burden would fall upon those who made the enormous excess profits during the war. The whole legislative procedure has been a fraud upon the soldier boys of the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. TRAMMELL] to the amendment of the Senator from Oregon [Mr. McNARY], which the Secretary will state.

The READING CLERK. On page 3, line 15, of the amendment offered by the Senator from Oregon, after the word "agreements" insert the following proviso:

Provided, That, in his discretion, the Secretary may require, in connection with the projects of the reclamation of swamp and overflowed lands by drainage, not exceeding 50 per cent of the excess lands within the project to be subject to disposal, by authority of the Secretary, to settlers.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon.

Mr. LENROOT. Mr. President, for the reasons so well stated by the Senator from Arkansas [Mr. ROBINSON] I shall not vote for the amendment. The proposition involved in the amendment of the Senator from Oregon is important enough to be considered separately upon its own merits. I can well understand how any Senator who is opposed to the adjusted compensation bill may favor the amendment in the hope that by the adoption of it a veto of the bill may be made more possible; but I can not understand how any Senator who really believes there is some danger of this bill coming back to us with a veto can support this amendment, however much he might be in favor of it as a separate and original proposition.

We are told by the Senator from Nevada [Mr. PITTMAN] that this is a soldiers' proposition, but at the same time he admits that under it the soldier is given no greater preference than he is given under existing law with reference to public land. We are told that the soldier will be the beneficiary of this amendment, but in almost the same breath we are told that while there is an appropriation authorized of $350,000,000, that appropriation will not be made for many, many years to come, at least not any substantial portion of it. If that be true, Mr. President, if the appropriation is not to be made, then how is the soldier to benefit by the terms of the amendment? If the appropriation is to be made, how do Senators escape the conclusion that it will give to the President an additional reason or a reason, if Senators please, for vetoing the bill?

It is well understood that the President of the United States favors the principle of this bill and that the only question in his mind is that of meeting the payments that will be required under it. For the next year the payment will be approximately $76,000,000, and about the same sum will be required the following year; but if this is a soldiers' bill, if $350,000,000 are to be expended for the benefit of the soldiers, there is just $350,000,000 additional reason for the President to veto this bill if the proposed amendment becomes a part of it. I see no escape from that conclusion.

I am unwilling upon a measure of this character, which is so important to the West—and I am quite in sympathy with the purpose of the amendment as an independent proposition—to ride it on the backs of the ex-service men of America. Those who propose it, those who vote for it, who are in favor of the adjusted compensation bill, must take some measure of responsibility in defeating adjusted compensation for the soldier if a veto comes back here because of the expenditures that are involved in the bill, the adjusted compensation for the soldier, plus the appropriations that are authorized to be made in the bill out of the Treasury of the United States for the purpose of reclamation.

Mr. President, no one ought to be deceived. This reclamation feature is not primarily for the benefit of the soldier; it is a reclamation proposition, pure and simple, with merely a preference to the service man, which the service man now has under existing law.

Mr. McNARY. Will the Senator yield at that point?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. LENROOT. I yield.

Mr. McNARY. What the Senator from Wisconsin states is true only of the unentered public domain; it has no application whatsoever to the great body of land which is known as excess-acreage land.

Mr. LENROOT. Now, Mr. President, I desire to make another suggestion. Is it fair to the ex-service men of America to hold or to argue that this amendment is for the benefit of the ex-service men of America as a whole? The ex-service man in my State with a family is not going to take advantage of this bill if it shall be put into force. The ex-service men in the particular States where the reclamation projects may be carried on probably will do so, and to that extent it will give those ex-service men a direct advantage and a greater advantage than it gives to the ex-service men in general, not because of the terms of the proposed law but because of the circumstances of those who will avail themselves of the opportunity offered.

Mr. WALSH of Montana. Mr. President——

Mr. LENROOT. I yield to the Senator from Montana.

Mr. WALSH of Montana. Would it surprise the Senator from Wisconsin to be told that the majority of the settlers upon reclamation projects in the West came from the East, and not from the immediate locality?

Mr. LENROOT. I do not know whether that is true or not; if the Senator says it is true, I accept the statement; but, nevertheless, the fact remains that, if it is true, if the ex-service men in the particular States to be benefited will not avail themselves of this privilege in a larger percentage than those in other States, it must be because the project itself is not attractive to the soldier in the locality, for he will have an opportunity, without great expense, of learning of the project and knowing just exactly what it is, while the average ex-service man in the great section east of the Mississippi River has not the money and can not afford to go out and inspect the land.

As an independent proposition, Mr. President, I make no comment upon the amendment, and I should be very glad to take it up as an independent proposition when we get through with the coal bills which are now pending, but, in view of the fact that the amendment may be adopted, I should like to call attention to one or two of its provisions, and I should like the interpretation of them from the Senator from Oregon. Section 806, on page 5 of the amendment, provides:

> That unentered and unpatented arid and semiarid lands of the United States susceptible of reclamation may be included in a district—

May be included by whom? I take it for granted by the State authorities which create the district—

> may be included in a district and may be subjected to the provisions of the act of August 11, 1916—

Which I believe is the Steenerson Act. Under that language all unentered and unpatented arid and semiarid lands susceptible of reclamation may be included in a district, and when included in a district are subject to the provisions of the act referred to. Mr. President, does that include land withdrawn from entry for mineral purposes? Does that include coal lands if they are susceptible of reclamation? It is provided later on that such lands can only be acquired by homestead entry. Under this paragraph has the Secretary of the Interior any discretion or anything to say about what lands shall be included in a project? He has under the act to which reference is made, the act of August 11, 1916, but under that act only unentered and unpatented lands subject to entry may be included in a project.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LENROOT. I yield.

Mr. WALSH of Montana. I may remark to the Senator that before the Government of the United States has anything at all to do the arrangement must be entirely satisfactory to the Secretary of the Interior; else he will not make a contract. So he can dictate his terms so far as the public lands are concerned.

Mr. LENROOT. I do not think the Secretary has any discretion under the amendment in that respect.

Mr. WALSH of Montana. But he has discretion to enter into a contract or not as he sees fit.

Mr. LENROOT. I think that is a limited discretion. If it is feasible to reclaim the lands, upon investigation, the Secretary is authorized to contract with the district to construct the necessary works for their reclamation. I think his discretion is as to the feasibility of the project, and that is all. He has no discretion under that language to say "this tract of land shall go into the project, and this other tract of land shall not." The Senator from Montana can not find any such authority in the amendment.

Mr. WALSH of Montana. I invite attention to the fact that it is not necessary. He is at liberty to enter into a contract to perform the reclamation work or not as he sees fit, and he will not enter into a contract unless the conditions are satisfactory to him.

Mr. LENROOT. Again, I say the question for him to determine is the feasibility of the project; but he is not given any discretion to refrain from entering into a contract because he thinks that some lands which the bill says shall be included within a district should not be included within a district.

Mr. WALSH of Montana. Does the Senator believe that the Secretary could be mandamused to make a contract?

Mr. LENROOT. I do not say that, but I say that in the performance of his duty under the law, in my judgment, he would not be permitted in his own discretion to say "this tract of land shall be included in a project, and this other tract shall not be," when the amendment says they shall all be included.

Mr. WALSH of Montana. Where does the Senator find any language that would compel the Secretary to enter into a contract?

Mr. LENROOT. I am speaking of the discretion upon which the Secretary may act in the making of a contract, and I am pointing out that he has no discretion to say that one tract of land shall be taken out of a project or another put in. He has under the act referred to in the amendment, but that act applies only after the lands are included in a district.

Mr. President, this raises a very serious question, and, while I am not prepared to offer any amendment to clear it up, I do bring it up at this time, for, if the amendment of the Senator from Oregon shall be adopted, go to conference, and finally be agreed upon that matter certainly ought to be cleared up; it ought to be just as specific as is the act of 1916 referred to, where the language is clear and definite that only lands subject to public entry can be included in a project, and then it is within the discretion of the Secretary as to what lands shall be included.

Mr. President, in conclusion, I do not think it is fair to the soldier to saddle the adjusted compensation bill with this amendment. I do not think it is fair, on the other hand, on the part of those Senators whose only objection to the adjusted compensation is because of the expense involved to vote for this amendment which involves an additional expenditure of $350,000,000. As for myself, I could not reconcile my action if I should so vote, in refusing to vote for the adjusted compensation bill because of the condition of the Treasury and then vote for an amendment involving the same identical question, proposing to appropriate $350,000,000 from the Treasury.

Mr. President, an amendment involving the question of reclamation, one of the most important that Congress can consider, ought not to be attached to a bill of this kind. The service men of the United States, if this bill shall pass the Senate and the House and go to the President, are entitled to have from the President of the United States, his judgment on their proposition and not have it bound up with another question which may give him reason for vetoing the bill.

Mr. DIAL. Mr. President, I offer two amendments to the amendment of the Senator from Oregon, which I send to the desk and ask to have stated.

The PRESIDING OFFICER (Mr. Walsh of Massachusetts in the chair). The amendments to the amendment will be stated.

The Assistant Secretary. On page 2 of the printed amendment of the Senator from Oregon, in line 5, after the word "dikage," it is proposed to insert the words "or otherwise"; and on page 6, line 14, after the word "construction," it is proposed to strike out the words "but not", and insert the word "and."

Mr. DIAL. Mr. President, I ask that both amendments be voted on at the same time.

The object of the amendment of the Senator from Oregon is to include arid lands and swamp lands. The object of my amendments is to include cut-over timber lands. That is the only purpose that I have in view, and I think the language of my amendments broadens the amendment of the Senator from Oregon to include this character of lands. My idea is that the soldiers would not care to go into the swamp country, or perhaps the arid country where it would be necessary to irrigate the land, there being plenty of land of other characters which would cost much less to prepare for cultivation. Therefore I think they should have an opportunity of acquiring that character of land.

That is the only reason I have for offering the amendments. There are plenty of lands which could be bought, perhaps, much cheaper, and could be prepared for cultivation with much less expense to the soldiers. They could stay in their own communities or their own States, where they would much prefer to be than to go to some distant part of the country.

Mr. SHEPPARD. Mr. President, as an independent proposition I am thoroughly in favor of the McNary reclamation proposition. I had hoped to be able to support it under any circumstances and under any conditions. I participated in some of the initial conferences of those interested in the measure. After weighing the matter carefully, however, I can not reach any other conclusion than that announced by the Senator from Arkansas [Mr. Robinson] and the Senator from Wisconsin [Mr. Lenroot]. I am unwilling to vote for any measure which may complicate or lessen the chances for the enactment of the adjusted compensation bill. I think it will be found that a number of Senators who are opposed to the adjusted compensation measure will vote for this amendment, with the hope of loading the former down, of embarrassing it as much as possible, who, if the McNary bill were offered as an independent measure, would vote against it. I take this opportunity to say that I shall vote against all other amendments that may seem to me by any possibility to affect the final fate of this bill.

The issue has been fully presented by the Senator from North Dakota [Mr. McCumber] and others. Let us have a final vote on the compensation measure with as little delay as possible.

Mr. TOWNSEND. Mr. President, no one realizes, I think, more keenly than I do the serious nature of both of the propositions which are here submitted, namely, the soldiers' adjusted compensation bill and the bill for the reclamation of arid and swamp lands. I feel that it is necessary for me to say just a word, although what I have to say has been stated heretofore more forcefully than I can do.

I feel that combining these two projects in this way is going to embarrass both of them. I can not see it in any other way. If the bill should be vetoed because of the provisions of the compensation law, it would necessarily carry with it a veto of the irrigation law. On the other hand, if the irrigation proposition loaded the bill so as to embarrass the President on account of the cost to the extent of causing him to veto it, then both measures would fail; at least, unless a two-thirds majority of the Congress overruled that veto.

I agree with what has been said recently by the Senator from Wisconsin [Mr. Lenroot]. The soldiers' compensation bill is a very serious one, about which there is legitimate cause for difference of opinion. I have not always been clear in my own mind as to what was my duty; but after hearing it discussed and after I have considered it long and carefully I believe that it is my duty to support the compensation measure. I think the Congress has pledged itself to do this on many occasions, and as a result of that I think the soldiers themselves believe they have been promised the passage of this bill.

So far as I am concerned, I will not break the Government's faith to the soldiers. I am satisfied that they will regard this as a breach of faith on our part if we fail to pass the bill, and the fact of the matter is that I do not believe that this bonus proposition originated with the soldiers.

I am satisfied that the friends of the soldiers, some Members of Congress, originated this plan, and that the soldiers, I repeat, have been led to believe that this is a right which they possess under promises made by the Congress of the United States. I will not have them lose faith in Congress if I can prevent it, but I do not wish to load up this proposition with anything that is foreign to it. I want it to stand on its own merits, and it will do this if we eliminate these reclamation propositions and all other propositions which only by a great stretch of the imagination can we connect with the real issue involved in the compensation bill.

I want to discuss the reclamation bill when it comes up. I am in sympathy with it as a general thing. I am not clear, however, that the proposition now before us does not contain a scheme for the purpose of selling privately owned land. That land is to be reclaimed under certain conditions, of course. It is reclaimed largely for private owners, as only a portion of it can be taken for homestead purposes. Do you tell me that that does not imperil the compensation bill? Furthermore, if we are to have the reclamation project in connection with these things, I want it to cover cut-over lands, as we have many thousands of acres of those lands in Michigan and Wisconsin and Minnesota. I am not prepared to urge that upon the consideration of Congress at this time, but when this reclamation bill is up as an independent measure I want to present the merits of that side of the case to the Congress, and I would have a right to do it; but if I inject it here into the consideration of this bill I not only delay action upon it but I actually imperil its passage. That I will not do.

I am willing to vote on this compensation bill as it comes to the Senate, but I will not offer any false hopes to the soldier and put on this bill a measure which may defeat it if it should be adopted. Let it stand on its own bottom, and then the President and the country can have an opportunity to decide the merits of the case.

Mr. POMERENE. Mr. President, may I have the attention of the Senator from Oregon [Mr. McNary] for a moment? In the speech which the Senator from Oregon made on yesterday he gave some figures relative to the amount of swamp land in this country, and in the State of Ohio he gives the amount of that swamp land as being 200,000 acres. My understanding is that all of that so-called swamp land—and there is some of it there—is privately owned. Does the amendment proposed by the Senator from Oregon authorize the drainage or improvement of that land?

Mr. McNARY. Mr. President, first let me correct the figures. I said that there were in this country practically 96,000,000 acres of swamp or overflowed lands susceptible or feasible of drainage, these figures being estimates made by the Reclamation Service, and in that 96,000,000 acres there are not included swamp lands not susceptible of drainage.

Mr. POMERENE. That does not answer my question.

Mr. McNARY. No; but that is the first statement I wanted to make. Some of this swamp land is on the public domain. Part of it is in private hands, and when an irrigation district is organized the private lands and the public lands both come within the provisions of this bill, as is true to-day of reclamation projects. Of the 2,000,000 acres of land now watered by Government projects 1,800,000 acres are on the public domain and the rest of the water is applied to the lands of private users.

Mr. POMERENE. Then, if I am right in my assumption that all the swamp land there is in Ohio is privately owned, of course there will be no opportunity for relief under this bill.

Mr. McNARY. Absolutely. I am giving the Senator an illustration of cases where there are swamp lands, privately owned, associated and connected with the public domain; but if it is all private land they can organize a district and issue their bonds, and if the project is found to be feasible the Secretary of the Interior, in whatever State it is located, can go forward with the construction.

Mr. POMERENE. That probably means that no Ohio land would be improved under this proposition.

Mr. McNARY. Why does that proposition affect Ohio any differently than it does any other State?

Mr. POMERENE. I do not think there is enough of the land, and certainly it is not so advantageously located that a district could be organized. That would be my judgment about it.

Mr. WALSH of Montana. Mr. President, the question addressed to the Senator from Oregon [Mr. McNARY] by the Senator from Ohio [Mr. POMERENE] prompts me to say that this bill is framed primarily upon the theory not that the lands are public lands but that they are held in private ownership. Then a provision is made for the case of a district in which some of the lands are public lands, the property of the United States. Provision is made for a case of that character, the lands belonging to the United States not being subject to taxation, as they would be if all the lands in the district were held in private ownership. So the fact that the lands in the State of Ohio to which the Senator refers are held in private ownership would be no obstacle whatever to the owners thereof availing themselves of the provisions of this bill.

As to their character, I find that a study of the lands in the State of Ohio was made under the direction of the Secretary of the Interior in the year 1919, when it was found that there were susceptible of drainage in that State swamp lands to the extent of 257,000 acres, 30,000 acres of which were intensively studied and reported to be available for improvement under the provisions of a measure of the character of that contemplated in the amendment now before us.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from South Carolina [Mr. DIAL] to the amendment offered by the Senator from Oregon [Mr. McNARY].

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment, in the way of a substitute, offered by the Senator from Oregon.

Mr. JONES of Washington. Mr. President, it has been suggested that some Senators are going to vote for this amendment in order to defeat this bill or to lead the President to veto it. It seems to me that a suggestion of that kind is unworthy of the Senate. I can not believe that any Senator will allow his vote to be cast from such motives as that.

The question as to whether or not the President will veto this bill has been discussed very extensively on the floor of the Senate. Personally, I do not think that that ought to influence us one way or the other. It will be the President's responsibility, when this bill reaches him, as to what course of action he will take upon it. Our responsibility is in the consideration of this measure now, and I propose, as far as I am concerned, to vote upon this bill, and upon every other bill, without any consideration whatever as to what the President is likely to do in reference to such a measure. I shall discharge my responsibility in the way I should, and I am satisfied the President will discharge his responsibility as he thinks he should.

The Senator from Wisconsin said that the soldiers' proposition ought to be sent to the President so that they can get his expression upon it. Yet he does not propose to send to the President the soldiers' proposition. As the Senator from Nevada pointed out, every bill that has come up and passed the House on this subject, and which has come up in the Senate, has contained a land-settlement proposition. That is a part of the soldiers' compensation proposition.

The Finance Committee of the Senate has stricken that provision out, and the Senator from Wisconsin proposes to keep it stricken out, and so far as the Finance Committee is concerned the bill would go to the President without that proposition in it. It would not go to the President as the soldiers' proposition in such a condition. Many of the soldiers have talked to me with reference to this bill, and the great majority of them have been in favor of the land-settlement proposition. They desire homes if it is possible to get them, and they would like to have the aid of the Government in securing them. They believe that the provision in the bill as it passed the House would help them to get it. So, if we send the bill to the President without any provision of this kind in it, we will not be sending to the President the soldiers' proposition at all.

What does the Finance Committee propose in the place of the provision stricken out of the bill? Practically nothing but a preference right, which the soldiers already have, for entry on public lands, lands which may be reopened, either on Indian reservations or elsewhere. Every man from the West knows that there is not a foot of public land in the United States which, without reclamation, is fit for homestead purposes today. So when you hold out to the soldiers the hope that under the preference right which he has under the law now, or which you will try to give him under this bill, he will get a homestead, you are holding out an empty shell, you are deceiving him. It would be almost criminal to encourage any man to take up a homestead upon any unreclaimed public land remaining.

The House sent to us a land-settlement proposition. I do not propose to discuss its terms. I think the committee has been wise in striking it out. It is not only an impracticable proposition but it is one which would lead this Government into untold millions if not billions of expenditure, without accomplishing any very great result. One proposal in it is that the only settlers upon a project shall be soldiers. I do not think the soldiers want anything like that. They do not want to be herded into a community by themselves. That spells failure to the proposition right from the start.

We present this proposition as a substitute for the House provision. We feel that something ought to go to conference which can be considered in the conference aside from the proposition of the House. Remember, if you do not adopt any other proposition the proposition in conference will be the House proposal, and that alone. If the Senate is opposed to that, let it substitute something else for it which can be considered and which it will propose to the House conferees. The Senator from Oregon has presented this proposition, not to load this bill down but to strengthen the bill if possible.

I want to say to the Senate that I propose to vote for this bill whether this amendment is put on or not. I am not supporting this proposition to embarrass the bill. I do not believe it will embarrass it. I am supporting this amendment because I think it will improve the bill.

The Senator from Wisconsin said the amendment would mean the expenditure of $350,000,000 in addition to the expenditures under other provisions of the bill. He overlooks the fact that provision is made in this bill for the payment of that $350,000,000.

I understand the position of the President is that he will veto this bill because it does not provide for the payment of the compensation. Provision is made in this amendment for the payment of this $350,000,000, so that if that is the objection of the President to the other provisions of the bill it would not apply to this amendment.

Mr. LENROOT. Mr. President, the President's position is that no means is found in the bill for the raising of the revenue to make the payments. Will the Senator tell me where in this amendment there is provided any means for raising the $350,000,000?

Mr. JONES of Washington. Mr. President, it provides for its repayment to the Treasury of the United States.

Mr. LENROOT. The objection is that there is no provision for payment.

Mr. JONES of Washington. The main objection of the President to the compensation provision, in my judgment, is that there is no way under which the Treasury may be reimbursed, or the money be paid to it or furnished to it. In this bill, of course, we do not provide a tax to raise the money in the first instance, but we do provide a way by which every dollar of this money will come back to the Treasury, and come back within a very little while. That is something that is provided in very few cases where appropriations are authorized. Every dollar of this money will come back.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES of Washington. I yield for a question.

Mr. POMERENE. This plan, as I understand it, gives to the soldier a twofold advantage. First, he has priority if he desires to work on a project; secondly, he is given priority if he desires to take up some of this land.

Mr. JONES of Washington. I was just coming to that. Under this bill there are three substantial rights given to the soldier. First, his preference right to enter these lands, granted that he has that already. There is a second substantial right or preference given now for employment upon every project that is undertaken. Just a year or two ago we were urged to engage in public works in order to give the soldiers employment. We are going to need something of that kind during the next winter or the next year. This measure provides for that, and that is a most substantial proposition.

Another, and, to my mind, one of the most substantial provisions in this amendment which would aid the soldier, is the provision under which he will get these lands, if he desires them, at reasonable prices. Suppose a soldier goes out to buy land now. He will buy it at the price at which the owner holds it, taking into consideration all the conditions that surround it. He will have to pay a high price for it and on short time. But under this amendment, before any project is taken up, the owners of excess lands must agree with the Secretary of the Interior that their excess lands will be sold at certain prices. Those prices will be fair and reasonable. The chances are the land will be sold at much lower prices than those at which the land could be purchased by men who go in and purchase through private negotiations with the general prospects of reclamation. Long time will be given and a low rate of interest. This will be a most valuable right.

We had this system applied in the Yakima project in the State of Washington. The reclamation people said to the owners of private lands, "We will not go into this project until 95 per cent of you sign up and place in our hands the disposal of your excess lands."

The owners did not want to do it, and the owners did not do it for a long time. As long as they had hope that the Government would take up the project without requiring them to enter into that agreement they did not enter into it; but when they became convinced that the Government would not take up that project unless they did sign that agreement they signed it, and the settlers who went in there got those lands at a much lower price than they would have been able to get them for if the owners had been allowed to go on in their own way.

I want to call attention to some of the benefits which come from the reclamation of these lands in the few minutes I have left.

It will not only be a benefit to the soldier but it is a benefit to the whole country. Here is a map showing a little corner of the United States away up in the Northwest. There is a 30,000-acre tract of land. A few years ago that land would not produce anything. It was absolutely worthless as far as productivity was concerned—30,000 acres of land, at Wenatchee, Wash. There was no Wenatchee there at that time, except a river, with water flowing through it that was available for private capital if it should come in and reclaim the lands there. Private capital went in and reclaimed 30,000 acres of land. It took of the water of that stream and put it upon that sagebrush land. Orchards grew up. Beautiful homes were established. Cities, towns, and villages sprang up and thousands of happy people found prosperity there. Does any benefit come to the rest of the country? Listen:

In 1920, 8,244 carload lots of produce were shipped into that 30,000 acres of land. These lines, with the figures, show the carload lots coming in from the different States of the Union. Going away up into this northwest corner of the State, there came from Maine 1 carload, from Massachusetts 2 carloads, from Connecticut 1, from Wisconsin 82, from Michigan 82, largely automobiles; from Wyoming 531 carloads, coal, and so on. I have not the time to call them all off, but I would be glad if Senators would examine them. Over 1,500 carloads of the products of the farms and factories of other States were bought and consumed by this community.

There is a Government project in the State, the Yakima project. I expected to have a map of this kind with reference to that project, but it did not arrive. However, I have some figures. I have a telegram received this morning from the representative of the Northern Pacific Railroad, which road runs through that project, in which he said:

> Information as to number of carloads shipped by us into Yakima Valley for year 1919; total number cars shipped to Yakima Valley 16,022, of which 12,969, according to our records, originated in the State, leaving 3,053 shipped in from points outside.

Then I have a telegram from the Union Pacific, which road also goes through that project. It carried into that project 3,861 carloads. In other words, into that one project, a section of the country where a few years ago nothing but jack rabbits could exist on the land which was an absolute desert waste and wholly unproductive, the people who are now living there brought from the outside 20,000 carloads of produce, and that does not take into account the partial carloads or the parcel freight. I have the figures as to the values of the produce brought in, as follows:

Automobiles, tires, etc	$5, 825, 000
Hardware and building supplies	2, 300, 000
Canned goods, groceries, etc	4, 150, 000
Farm machinery	1, 250, 000
Ready-to-wear clothing	3, 500, 000
Shoes	2, 000, 000
Furniture and household goods	2, 700, 000
Cotton and woolen goods	2, 200, 000
Drugs and sundries	2, 350, 000
Millinery, notions, etc	1, 950, 000
Insurance premiums paid to eastern companies	6, 200, 000

Or a total of $34,425,000 of business coming in from the outside into that desert country.

I have here on the wall a chart which shows the cost of the projects, the population under them, the value of the crops raised during the last five years, the amount of money which the projects cost, the amount that is due, and the amount unpaid. The suggestion has been made that we will never get our money back.

The statistics show that the cost of construction has been $130,000,000. Of that, under laws passed by Congress, there has matured $15,000,000, and the amount unpaid is only $2,300,000. In other words, our people are paying back the cost money as it becomes due. In the Yakima project, which I mentioned a while ago, nearly $3,000,000 has been repaid to the reclamation fund by the people who settled upon the land. If we had not extended the time to 20 years those people doubtless would have paid a much larger sum than has been paid. Of course, they have taken advantage of the 20-year limitation. On the various projects the crop value for five years was $328,000,000, with an expenditure by the Government of $130,000,000, with the money coming back into the Treasury practically as fast as it becomes due.

Mr. President, independent of the soldier proposition, the proposition advanced here means, as the Senator from New York [Mr. Wadsworth] stated yesterday, a real construction measure that will increase production. Every dollar of the money that is expended will come back to the Treasury of the United States. It will be multiplied many times over in increased production, in increased resources for the payment of taxes for the benefit of the Government of the United States.

From the Yakima Valley, as from every other project throughout the country, where a few years ago there were but a few scattering shacks with a few settlers, there came at the call of the Government thousands and thousands of men to fight its battles and to save civilization. There came from its settlers vast millions of dollars to help defray the expenses of the Government. Millions and millions of dollars' worth of Liberty bonds were taken by those people. If those lands had not been reclaimed there would not have been a single soldier to answer the call of the Government in its hour of need. There would not have been a single Liberty bond bought. There would not have been a single dollar of income tax coming to the Government. Mr. President, from every standpoint, from the standpoint of the soldier, from the standpoint of the welfare of the country, the amendment should be agreed to.

Mr. REED of Missouri. Mr. President, before the Senator takes his seat will he enlighten me on one point?

Mr. JONES of Washington. Gladly, if I can do so.

Mr. REED of Missouri. Has the Senator at hand the figures showing the amount of money which the Government has furnished to the reclamation projects and the amount that has been repaid?

Mr. JONES of Washington. Yes; the figures are given on the chart to which I have referred. The construction cost was $130,000,000, which has been advanced since the reclamation acts were passed. Of that, $15,000,000 has matured. The first payments were made under the 10-year plan, and then Congress enacted a law extending the time of payment to 20 years. There has been a maturity of $15,000,000, and it has all been paid except $2,300,000, and the chances are that by now a good part of that $2,300,000 has been paid.

Mr. REED of Missouri. Is it the Senator's opinion that all the moneys will be repaid?

Mr. JONES of Washington. There is no question in the world about it. Every dollar of it will come back to the Treasury.

Mr. President, if this amendment should not be adopted or fails to become a law, I trust the Senator from Oregon will move to take up his bill and pass it at the first opportunity.

Mr. MYERS. Mr. President, I offer an amendment to the pending amendment, which is intended to obtain the same result as was the amendment which was offered a while ago by the Senator from South Carolina [Mr. Dial], that of including in the pending amendment cut-over or logged-off stump lands. The object is sought to be obtained by a somewhat different wording than the amendment offered by the Senator from South Carolina.

The PRESIDENT pro tempore. The Secretary will report the proposed amendment to the amendment.

The Assistant Secretary. On page 2, line 5, strike out the word "or" where it occurs between the words "drainage" and "dikage" and insert in the same line between the words "dikage" and "with" the words "or clearing of stumps, rocks, brush, or undergrowth."

Mr. MYERS. Mr. President, I hope this amendment may be adopted. There are in the great Northwest, also in the South and other sections, millions of acres of as fine land as lies out of doors, stump lands, which have been cut over, logged off; fertile lands, capable of supporting thousand of people and adding immensely to our food production. I think they should be included in this bill, along with arid and swamp lands. I will state that if this amendment to the amendment be adopted, I shall follow it with another amendment to another part of the bill which would perfect the whole bill to suit the enlarged idea of including cut-over and logged-off lands.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Montana to the amendment offered by the Senator from Oregon.

The amendment to the amendment was rejected.

Mr. MYERS. As the amendment to the amendment, just offered by me, was not adopted, I shall not offer the other amendment along the same line which I had intended to offer, as it would now be useless; but I now offer as an amendment to the pending amendment, to go at the end of the pending amendment, to be added to and become a part of it, the language which I send to the desk.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Montana to the amendment.

The Assistant Secretary. At the end of the amendment proposed by the Senator from Oregon insert:

> That there is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $9,819 to Katherine Macdonald, of Butte, Mont., for losses sustained by her through the building of the Corbett Tunnel, a Government project, and through which losses the Government was benefited.

Mr. MYERS. Mr. President, the money sought to be appropriated by the amendment just read is due to the party named in the proffered amendment, on account of the defalcation of the contractor upon a Government reclamation project. It grows out of and is connected with a reclamation project instituted and carried on by the United States in the State of Wyoming, wherein the contractor failed to meet his just obligations. The money is fairly, justly, and honestly due the woman named, Mrs. Katherine Macdonald. In the form of a bill it has many times passed the Senate but it has never passed the House. There has never been any opportunity to get it before the House; at least no Representative who was interested in it has ever been able to have it brought squarely before the House and have it passed upon by a vote of the House. Owing to the habitually congested condition of the calendar in the House and slow action of the House committees it has never been brought to a vote. Therefore, it has never been rejected by the House, but it has many, many times been passed unanimously by the Senate. I seek this method, if it may be possible, of getting it before the House. It seems to be the only possible method. Nearly all of you, Senators, know all about this matter. I know the most of you are thoroughly familiar with it. Time and again it has been favorably reported, in the form of a bill, identical with this amendment, by committees of the Senate and indorsed as just. Time and again it has unanimously passed the Senate in the exact wording in which it is now offered as an amendment. You have nearly all voted for it as a bill. This bill, a bonus bill, is an appropriate bill to which to offer this amendment. I appeal to you to vote for it again and let us do this good woman justice. Let us adopt this amendment, and in this way get this matter before the House.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Montana to the amendment of the Senator from Oregon. [Putting the question.] The ayes seem to have it.

Mr. ROBINSON. I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the senior Senator from California [Mr. Johnson]. Not knowing how he would vote on this proposition, I withhold my vote.

The roll call was concluded.

Mr. EDGE. I transfer my general pair with the senior Senator from Oklahoma [Mr. Owen] to the junior Senator from Vermont [Mr. Page], and vote "nay."

Mr. JONES of Washington (after having voted in the negative). I understand the senior Senator from Virginia [Mr. Swanson] has not voted. He is necessarily absent. I am paired with him for the day, but I find I can transfer that pair to my colleague [Mr. Poindexter], which I do, and allow my vote to stand.

Mr. CALDER. I have a general pair with the senior Senator from Georgia [Mr. Harris], who is absent. I therefore withhold my vote.

The result was announced—yeas 7, nays 62, as follows:

YEAS—7.

Ashurst
Bursum
Cummins
Dial
Heflin
Myers
Reed, Mo.

NAYS—62.

Ball
Borah
Brandegee
Broussard
Cameron
Capper
Colt
Curtis
Dillingham
Edge
Fletcher
France
Frelinghuysen
Gerry
Glass
Gooding
Hale
Hitchcock
Jones, Wash.
Kellogg
Kendrick
Keyes
King
La Follette
Lenroot
Lodge
McCormick
McCumber
McKellar
McLean
McNary
Nelson
New
Newberry
Nicholson
Oddie
Overman
Pepper
Phipps
Pittman
Pomerene
Ransdell
Rawson
Reed, Pa.
Robinson
Sheppard
Shortridge
Simmons
Smith
Smoot
Stanfield
Sterling
Sutherland
Townsend
Trammell
Underwood
Walsh, Mass.
Walsh, Mont.
Warren
Watson, Ind.
Williams
Willis

NOT VOTING—27.

Calder
Caraway
Culberson
du Pont
Elkins
Ernst
Fernald
Harreld
Harris
Harrison
Johnson
Jones, N. Mex.
Ladd
McKinley
Moses
Norbeck
Norris
Owen
Page
Poindexter
Shields
Spencer
Stanley
Swanson
Wadsworth
Watson, Ga.
Weller

So Mr. Myers's amendment to the amendment was rejected.

Mr. DIAL. I desire to give notice that I shall offer my amendment in the Senate when the bill reaches that stage.

Mr. TRAMMELL. I offer an amendment to the amendment proposed by the Senator from Oregon [Mr. McNary].

The PRESIDENT pro tempore. The Senator from Florida offers an amendment to the amendment, which the Secretary will state.

The Assistant Secretary. On page 3 of the printed amendment, line 6, after the word "Government," it is proposed to insert the following:

> The provisions of this act shall also apply to any irrigation or drainage district which may desire its existing works to be completed or extended.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Florida to the amendment of the Senator from Oregon.

Mr. TRAMMELL. Mr. President, I think it is probably the intention of the author of the amendment that any existing drainage projects or irrigation projects should come within the provisions of the pending bill; but it is to make that "double sure" that I have offered the amendment to the amendment, for I doubt, as the language of the amendment now stands, that it would include existing projects. I have, therefore, proposed the amendment which specifically states that existing projects shall come within the purview of the amendment proposed by the Senator from Oregon.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Oregon.

Mr. ASHURST. On that I demand the yeas and nays.

Mr. TRAMMELL. I desire to propose another amendment to the amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Florida to the amendment of the Senator from Oregon will be stated.

The Assistant Secretary. On page 3, line 15, of the printed amendment of the Senator from Oregon [Mr. McNary], after the word "agreements," it is proposed to insert the following proviso:

> *Provided*, That in his discretion the Secretary in the reclamation of swamp and overflowed lands may require not exceeding 55 per cent of the excess lands within the project to be subjected to disposal by authority of the Secretary to settlers.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. TRAMMELL. Mr. President, the amendment which I have just offered to the amendment of the Senator from Oregon is similar to an amendment which I previously offered, except that it provides that the percentage of land which is to be turned over to the Secretary of the Interior under agreement for sale shall be at least 55 per cent of the total acreage within the district instead of 50 per cent, as proposed in my previous amendment, which, by a small vote on both sides of the Chamber, was declared to have been voted down. I am very seriously interested in the reclamation of waste lands and in the idea and policy embodied in the amendment proposed by the Senator from Oregon, but I think if the benefits of the proposed measure are to be extended to the drainage projects of the country as well as to the arid land projects of the West that the measure should be so formulated that the drainage projects will come within its provisions or that they will have, I may say, as easy an opportunity of being included within its provisions as the arid land projects.

Senators representing the States where there are large areas of overflowed lands, of course, are very much pleased that in the amendment the reclamation of swamp and overflowed lands by drainage is recognized; but, Mr. President, if there are undue restrictions prescribed before swamp and overflowed lands may be included so as to enjoy the benefits provided by the measure, then what will it avail many of the districts where it is desired to reclaim swamp and overflowed lands? My contention is that the swamp and overflowed land reclamation project presents a different problem from that which is involved in arid land reclamation. The arid land proposition is one of irrigation while reclamation of swamp and overflowed lands is that of drainage. If there is a given territory of, say, 250,000 or 300,000 acres, which is submerged by a watershed we know that it is impracticable to go there and try to reclaim a part of that land; yet that 250,000 acres may constitute a great deal more than is desired merely for the small-home owners or farmers; but under the provisions of the pending amendment it will be necessary for 80 per cent of all the land in that territory to be surrendered to the Secretary of the Interior for the purpose, exclusively, of sale to settlers in small tracts. What would be the effect of such a provision?

The Secretary, upon investigating a project of that kind, even if the owners are willing to subject 80 per cent of the area to sale, may say, "This scheme is impracticable; we have a drainage project here involving the reclaiming of 250,000 acres of land, but so far as settlers are concerned, on a basis of 40 acres or 80 acres or 100 acres to the home, in that locality in the State in question we will not need, at the most, over 50,000 or 100,000 acres. We do not have any hope that it will be settled within 10 or 15 or 20 years in a larger area than that." The result will be that the project will be brushed aside as not being feasible or practicable and that area will not be reclaimed. On the other hand, if we adopt the amendment I propose, then if the Secretary regards the project as furnishing good security and considers that the bonds will be amply protected, that the land has value and possibilities for agricultural purposes, and that it will be utilized not only by small home owners but it will be utilized in large tracts for farming on a larger and more extensive scale, he then will say, "This is a good project; we can adopt this project; we will give our soldiers the opportunity of settling upon lands of this character in that locality; the Government will be amply secured and the larger tracts of land will be utilized for farming carried on upon a more extensive scale." So I have proposed an amendment which is in the nature of a proviso that if the Secretary, in his discretion, does not see proper to require that 80 per cent of the land be turned over to him for sale to settlers in small tracts, he may reduce that to not less than 55 per cent; in other words, that he may exercise his discretion to the extent of requiring that not exceeding 55 per cent of the lands shall be subject to settlement in small tracts. The amendment of the Senator from Oregon makes the requirement 80 per cent, but in exceptional cases he would have the discretion and privilege of reducing the percentage.

I think a provision of that kind is necessary for the aid of those sections where there are large areas of swamp and overflowed lands under an ownership which is considerably diversified. However good may be the intention of the author, and however beneficial may be the relief afforded for the arid-land section, his amendment will not in its operation, restricted as it is, prove of any great benefit in the matter of providing aid for reclaiming lands in the swamp and overflowed sections. That is the only kind of lands we have in my State and in the Southern States generally needing reclamation.

We are great believers in reclamation in the South. In Florida we have the largest drainage project in the United States, embracing 4,000,000 acres of land within one district, and, in addition, there are other smaller districts ranging in area from 50,000 to 200,000 or 250,000 acres.

Seven and a half million dollars have been expended upon this one project up to the present time. The land has proven productive and fertile, and where it has been reclaimed the farmers are prosperous, and are progressing wonderfully well in building up their homes upon that land; but when you come down to the question of having 80 per cent of all of a section of that magnitude subjected to settlement upon small tracts of land, you can realize the impracticability of it.

I hope that the Senate will agree to my amendment, and allow the Secretary, in his discretion, to reduce the proportion from 80 per cent to not less than 55 per cent, if he deems it proper to do so.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Florida to the amendment of the Senator from Oregon.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment proposed by the Senator from Oregon.

Mr. ASHURST. On that I demand the yeas and nays, Mr. President.

The yeas and nays were ordered.

Mr. WATSON of Georgia. Mr. President, it is only for a few minutes that I shall tax the patience of the Senate by expressing my reasons for being in opposition to this form of what is called a soldiers' bonus.

Senators will remember that from the very first, and upon every occasion, I have advocated with all the earnestness of my nature the giving to the returned soldier, and the soldier who was ready to go, a bonus somewhat in keeping with the extraordinary nature of his services, somewhat in keeping with his patriotism, his sacrifices, his losses. On several occasions I have stood for the principle of a bonus that would relieve the soldier—what soldier? The soldier who is in distress; the soldier who is in need of immediate relief; the soldier who goes in want of the necessaries of life; the soldier whose family may live within a week of starvation.

That is the class of men that I have had in mind, particularly in speaking of a soldier bonus—the needy, the man whom the Government took from the streets, the highways, and the byways, and sent 3,000 miles from home to fight battles in a foreign land—a bonus for that man, to reinstate him in civil life, as far as possible, as well as he was situated before he left home.

Mr. President, in considering the several bills now pending before the Senate I can see no immediate relief to any soldier whomsoever, North or South, East or West, white or black, city or country.

One of these bills proposes that the Government shall virtually issue a promissory note upon which the holder can go to a bank strong enough to lend for three years at 4½ per cent interest, compounded annually, the payments by the Government to begin on January 1, 1926. I can see there a picnic for the strong banks, but I do not see much of hope for the soldier who needs immediate relief.

Another one of these bills proposes a sales tax on every article that can be mentioned, the tax to be repeated every time the article is sold. For no such bill could I vote.

The others propose reclamation schemes reaching over years and years. I can see the glories of the West becoming brilliant and ever more brilliant under the hundreds of millions of dollars poured into irrigation dams, holding back the waters of the great rivers in the reservoirs and pouring out on the parched fields through irrigation ditches the living waters that shall make the desert blossom as the rose; but if the soldier is to-day in want, if his family is in need, can he wait until the irrigation scheme shall have been agreed on, the dam built, the irrigation ditches laid out, and then the door of hope is opened and the soldier told to come from the South or the East or the North or the Middle West and enter into the farm which Uncle Sam has opened up to him after five years of devotion to the task? During those five years what will the needy soldier do for something to eat? What will he do for something to wear? What will he do for something in which to live and in which to shelter his family?

Swamp and overflowed lands in the South—where are they? How long would it take to make a farm out of the overflowed lands of Louisiana, lower Alabama, and Georgia? Five or 10 years, at least, according even to the estimate of my good friend the senior Senator from Louisiana [Mr. RANSDELL].

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Georgia a question.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. WATSON of Georgia. I do.

Mr. WILLIAMS. Has the Senator such information as will enable him to answer me what proportion of the overflowed lands of Mississippi and Louisiana and Alabama and Florida are public lands, and what proportion are in private ownership?

Mr. WATSON of Georgia. I frankly admit to the Senator from Mississippi that I do not possess that information. I am unable to tell him.

Mr. WILLIAMS. I did not expect the Senator to possess it in the accurate sense, but I am informed that the great majority of those lands are in private ownership. This bill would require the private owners to give up 80 per cent of their lands in order to have them drained.

Mr. RANSDELL. Mr. President, if the Senator will permit me, I should like to say that if there are any Government-owned wet lands in Louisiana, I do not know it. I think all of the wet lands of my State are in private ownership, as the Senator suggests. I do not think any of them still belong to the Government. They are either in private ownership or owned by the State of Louisiana.

Mr. WILLIAMS. There are a few acres in the State of Mississippi that are still upon the public domain; I do not know how many, but very few indeed. Just to take one instance—is the Senator speaking under a limit of time?

Mr. WATSON of Georgia. Yes; but that is all right.

Mr. WILLIAMS. Then I will not ask him to yield.

Mr. WATSON of Georgia. That is all right. I am glad to have the Senator make his statement.

Mr. WILLIAMS. I have a plantation of 1,750 acres, 1,400 of it in cultivation in cotton and corn, undrained; then I have 300 acres of annually overflowed land. It is in cypress timber and in red gum and in various other timbers, and I need every acre of it for wood for the plantation. A drainage district comes along and is formed, and I am forced into it by a vote of the majority of the people around me. I do not want the land drained. I do not care whether it is ever drained or not; and this bill will require me to give to the Federal Government 80 per cent of the woods that I need for my niggers to burn in their cabins in the wintertime, simply because a drainage district has included me within its boundaries. It is perfectly absurd.

Mr. WALSH of Montana. Mr. President, if the Senator will pardon me, the Senator from Mississippi is evidently unapprised of the provisions of this amendment. He is not obliged to give up anything unless he desires to. It is perfectly voluntary.

Mr. WATSON of Georgia. Mr. President, this bill proceeds upon the idea that every soldier who was enlisted for the war, who either went abroad or stayed at home, has suddenly become a would-be farmer; that every one of the men who wore the uniform has been bitten by the same tsetse fly and is filled with fervor to farm. He wants to leave the store and go out there as owner and become a farmer. He wants to leave the Boston pharmacy and go down to the Okefenokee Swamp in Georgia and fight alligators and moccasins there for four or five years. Every soldier has lost his inclination to become a lawyer or a doctor or a storekeeper or a preacher, and he wants to be a farmer, and is willing to wait anywhere from 5 to 10 years for Uncle Sam to fit him up a farm.

Mr. President, if he is that well off, he does not need any bonus. This bill ignores the lure of location. It would pull the man of the highlands to the swamps. It would pull the man who loves New England into the West. It would pull the man who loves the Middle West, perhaps, into the South. My own State, with her beautiful mountains, sent into the Union Army during the Civil War some of the best soldiers who served with Sherman and Thomas and Grant and some of the best that served with Lee and Johnston and Forrest. You go to one of those mountaineers who enlisted in the World War, did his full duty, and came home to meet the reward of an appreciative people, and tell him that he must leave old north Georgia, whose mountains reach up amid the stars, and whose streams are as purest crystal, and whose beauties are to him what the grandeurs of nature were to the bards of Scotland, and he must go away from those glories of the mountains and valleys of north Georgia and make a living in the Okefenokee Swamp.

Why, Mr. President, I can not see any soldiers' bonus in any of these bills; but I can see the shadow of the land speculator over them all, and in every one of the waters stirred up by these bills it seems to me I can see sticking up the dorsal fins of the land shark.

The PRESIDENT pro tempore. The Chair desires to state that the amendment proposed by the Senator from Oregon [Mr. McNary] consists of several parts; and, if there be no objection, the part of the amendment or amendments which proposes a substitute for Title VIII will be first voted upon.

Mr. McNARY. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBINSON. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. ROBINSON. I understood the Senator from Oregon to present his amendment as one proposition to be voted on. Having presented his amendment as one proposition and no Senator having demanded a division, we can vote upon the amendment as a whole.

The PRESIDENT pro tempore. If the Senate orders that these various amendments——

Mr. ROBINSON. It is not necessary to make an order. That is the point I am making. The Senator from Oregon proposed his amendment as one proposition, and unless some Senator exercises his privilege under the rule and demands a division of the question we should vote on it as a whole.

The PRESIDENT pro tempore. The present occupant of the chair was not in the chair at the time the amendment was offered, but the Chair does not understand it as stated by the Senator from Arkansas.

Mr. McNARY. In order to clear up the parliamentary situation, I ask unanimous consent that the amendment be voted upon as a whole.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the question is upon agreeing to the amendment by a single vote. The yeas and nays having been ordered, the Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a pair with the Senator from New Hampshire [Mr. Moses], who is away. I transfer my pair to the Senator from West Virginia [Mr. Elkins] and vote "yea."

Mr. EDGE (when his name was called). I transfer my general pair with the senior Senator from Oklahoma [Mr. Owen] to the junior Senator from North Dakota [Mr. Ladd] and vote "yea."

Mr. KEYES (when his name was called). On this amendment I am paired with the junior Senator from Washington [Mr. Poindexter]. I understand that if present he would vote "yea." If permitted to vote, I would vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the senior Senator from California [Mr. Johnson], who is absent. If present he would vote "yea," and if I were at liberty to vote I would vote "nay."

The roll call was concluded.

Mr. CAPPER. On this question I am paired with the junior Senator from Mississippi [Mr. Harrison]. If he were present he would vote "yea," and if I were permitted to vote I would vote "nay."

Mr. CALDER. On this vote I am paired with the senior Senator from Georgia [Mr. Harris] and in his absence I withhold my vote.

Mr. CURTIS. I wish to announce the following pairs:

The junior Senator from Kentucky [Mr. Ernst] with the senior Senator from Kentucky [Mr. Stanley];

The Senator from Illinois [Mr. McKinley] with the Senator from Arkansas [Mr. Caraway]; and

The Senator from Oklahoma [Mr. Harreld] with the Senator from Delaware [Mr. du Pont].

Mr. SHEPPARD. I desire to announce that my colleague, the Senator from Texas [Mr. Culberson], is paired with the Senator from South Dakota [Mr. Norbeck]. If my colleague were present he would vote "nay," and if the Senator from South Dakota were present he would vote "yea."

Mr. UNDERWOOD. I desire to announce that if the Senator from Mississippi [Mr. Harrison] were present he would vote "yea."

I also desire to announce that the Senator from New Mexico [Mr. Jones], if present, would vote "yea." He is paired with the Senator from Maine [Mr. Fernald].

Mr. McKELLAR. I have been requested to announce that the senior Senator from Oklahoma [Mr. Owen], if present, would vote "yea."

The result was announced—yeas 43, nays 26, as follows:

YEAS—43.

Ashurst
Borah
Broussard
Bursum
Cameron
Dial
Edge
Fletcher
France
Gooding
Heflin
Hitchcock
Jones, Wash.
Kendrick
King
McNary
Myers
Nelson
New
Newberry
Nicholson
Oddie
Overman
Pepper
Phipps
Pittman
Pomerene
Ransdell
Rawson
Reed, Mo.
Reed, Pa.
Shields
Shortridge
Simmons
Smith
Smoot
Stanfield
Sterling
Trammell
Underwood
Wadsworth
Walsh, Mont.
Warren

NAYS—26.

Ball
Brandegee
Colt
Cummins
Curtis
Dillingham
Frelinghuysen
Gerry
Glass
Hale
Kellogg
La Follette
Lenroot
Lodge
McCumber
McKellar
McLean
Robinson
Sheppard
Sutherland
Swanson
Townsend
Walsh, Mass.
Watson, Ind.
Williams
Willis

NOT VOTING—27.

Calder
Capper
Caraway
Culberson
du Pont
Elkins
Ernst
Fernald
Harreld
Harris
Harrison
Johnson
Jones, N. Mex.
Keyes
Ladd
McCormick
McKinley
Moses
Norbeck
Norris
Owen
Page
Poindexter
Spencer
Stanley
Watson, Ga.
Weller

So Mr. McNary's amendment was agreed to, as follows:

On page 1, line 7, after the word "veteran," insert a comma and "except in Title VIII."

On page 6, line 19, after the semicolon, insert "or."

On page 6, line 21, after the semicolon, strike out down to and including line 23.

On page 8, line 7, strike out "or land settlement aid."

Strike out Title VIII and insert in lieu thereof the following:

Title VIII.—Land Reclamation.

Sec. 801. That when used in this title—

(a) The term "Secretary" means the Secretary of the Interior.

(b) The term "board" means the Federal Farm Loan Board.

(c) The term "district" means any district organized under the law of any State to provide for the agricultural reclamation of lands by irrigation, drainage, or dikage, with authority to issue bonds which shall be a general charge against all lands within the district, and to contract with the United States under this title as provided herein.

(d) The term "farm" means an area of land within a reclamation project sufficient in size, in the opinion of the Secretary, to support a family, but not exceeding 160 acres of reclaimed land.

(e) The term "excess lands" means all lands in a single holding in excess of one established farm.

(f) The term "veteran" means any individual, a member of the military or naval forces of the United States in the war with Germany, the War with Spain, or in the suppression of the insurrection in the Philippines, and honorably discharged therefrom or placed in the Regular Army or Naval Reserves.

Sec. 802. That the Secretary is authorized to investigate the feasibility of reclaiming the lands within any district in any State under contract with the district. One-half the cost of investigation shall be advanced by the district and one-half by the United States. Upon determining that reclamation is feasible, the Secretary is authorized, under contract with the district, to construct the necessary works for the reclamation of the lands involved and to operate and maintain the project so long as such operation and maintenance are necessary, in the opinion of the Secretary, to safeguard the interests of the Government. The total cost of construction and of operation and maintenance, which shall include a just portion of overhead expenses, shall be paid by the district to the United States.

Sec. 803. That before construction of a project is commenced the sizes of farms therein shall be established and agreements shall be made effectively, subjecting not less than 80 per cent of the excess lands within the project to disposal by authority of the Secretary to settlers at prices and terms fixed in advance in such agreements. Such prices and terms shall be determined with the view of placing a bona fide and competent settler upon each farm of the project with the least possible delay.

Sec. 804. That when, in the opinion of the Secretary, a project has been fully completed and successfully operated for one season the Secretary shall fix the construction cost thereof, which shall include the total cost of investigation, the expense of selling district bonds under section 805, interest at not exceeding 5 per cent per annum upon all sums advanced by the United States in the construction thereof, and the cost of operating and maintaining the project to the date of fixing such cost. This total cost the district shall agree to pay to the United States within a period not exceeding 40 years, with interest thereon at not exceeding 5 per cent per annum: *Provided*, That upon receipt by the United States from the proceeds of district bonds, as provided in section 805, of such total cost with interest, the obligation of the district to the United States for construction shall be satisfied: *Provided further*, That upon the receipt of such total cost the moneys advanced by the district for investigation of the project shall be returned to the district. So long as the Government operates and maintains a project the district shall also pay to the United States annually, upon terms to be fixed by the Secretary, the total cost of operation and maintenance.

Sec. 805. That preceding any expenditure by the United States on account of construction of a project bonds of the district equal in face value to the amount of the proposed expenditure shall be duly issued and delivered to the United States. If at any time it should appear to the Secretary that the original bond issue is insufficient to cover the cost of the proposed work, he may either curtail the work or require the district to issue additional bonds, and when the total cost of the completed project has been determined under section 804, all bonds issued in excess of such cost shall be canceled. The bonds shall be in form approved by the Secretary and shall run for a period not exceeding 40 years, bear interest at a rate to be fixed by the Secretary not exceeding 5 per cent, payable annually, and be issued in denominations of $25, $50, $100, $500, and $1,000. These bonds shall be deposited with the board, and when the project cost is known and the value of all of the property of the district subject to assessment for the payment of the bonds shall reach twice the par value of the bonds as found by the said board, the board shall offer the bonds at public or private sale at not less than par under terms and conditions to be provided by rules and regulations to be made by said board. The moneys received from the sale of the bonds shall be credited upon the district contract. Prior to sale of the bonds the board shall collect all moneys due thereon, and the same shall likewise be credited upon the district contract.

Sec. 806. That unentered and unpatented arid and semiarid lands of the United States susceptible of reclamation may be included in a district and may be subjected to the provisions of the act of August 11, 1916 (39 Stat. p. 506), in accordance with the terms of said act: *Provided*, That the final proviso of section 1 of the act shall not apply: *Provided further*, That while the unentered public lands within a district constitute more than 50 per cent in area of the lands therein, the Secretary shall have the right to appoint upon the district board such number of persons to represent the interests of the United States as shall constitute a majority of the board. Unentered public land withdrawn under the provisions of the act of June 17, 1902 (32 Stat. p. 388), and acts amendatory thereof or supplementary thereto, may, in the discretion of the Secretary, be included in a district. All unentered public land so included in a district shall be opened under the provisions of the homestead law and also, so far as applicable, of said act of June 17, 1902, as amended and supplemented.

Sec. 807. That the United States may acquire lands hereunder for construction, but not for agricultural purposes: *Provided*, That the Secretary is authorized to accept, by gift, deed in trust, or otherwise, land within any district and dispose of the same upon terms and conditions to be agreed upon with the grantor or later fixed by the Secretary.

Sec. 808. That in the construction of every project under this act the Secretary shall, so far as practicable, utilize the services of veterans. In every opening or sale of land by authority of the Secretary under this title veterans shall have the exclusive right, for a period of 60 days, to make entry or otherwise acquire the land: *Provided*, That in the event such an entry shall be relinquished at any time prior to actual residence upon the land by the entryman for not less than one year, lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office, and shall, after the expiration of such 60-day period, be subject to entry by the first qualified applicant.

Sec. 809. That the act of June 17, 1902 (32 Stat. p. 388), and all amendatory or supplementary acts shall hereafter be known as the national irrigation law, and the fund provided for by said law shall hereafter be known as the national irrigation fund. This title and all acts amendatory or supplementary to such title shall be known as the national reclamation law, and for the purpose of carrying out its provisions there is hereby established in the Treasury a fund to be known as the national reclamation fund. There is hereby authorized to be appropriated from any moneys in the Treasury not otherwise appropriated the sum of $350,000,000, to be transferred from time to time to the national reclamation fund and appropriated upon estimates made by the Secretary for carrying out the provisions of this title. All moneys received by the United States under this title shall be paid into the national reclamation fund, and all moneys at any time in said fund shall be available for appropriation for the purposes of this title.

Sec. 810. That the Secretary is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary for carrying out the provisions of this title.

On page 42, line 9, after "VI," insert "or."

On page 42, line 9, strike out "or VIII."

Mr. LA FOLLETTE. Mr. President, I address myself to the bill generally. I shall take only a few minutes of the time of the Senate to discuss the bill which provides for adjusted compensation for veterans of the World War.

The country demands the immediate passage of this bill. The Senate, by a very large majority, is in favor of its immediate passage. The veterans themselves are satisfied with the bill and demand its passage. Were it not for the assertion frequently made that the President intends to veto it, there would be no occasion to spend even a moment's time in discussing it.

My only objection to the bill is that it is too meager in the provision it makes for our soldiers of the late war. It does, however, recognize the country's obligation to these men, and it does something toward meeting that obligation. For that reason I shall vote for it.

This bill merely applies a principle that we have recognized since our Government was established. That principle is that the financial disadvantage suffered by our soldiers as the result of military service in defense of their country shall be equalized in so far as reasonably possible by some monetary allowance made to the soldiers by the Government.

Even before constitutional government was established, during the French and Indian wars, it is familiar history that the Colonies rewarded with land grants the soldiers who gave their time and risked their lives fighting the common enemy for the protection of the frontier settlers.

George Washington received a grant of 3,000 acres of land from his native State of Virginia and shares in the Potomac Canal Co. valued at $10,000 for his military services. And later he received by an act of Congress $64,415 as adjusted compensation for his services during the Revolutionary War.

Lafayette, by a special act of Congress, received $200,000 and 200,000 acres of land over and above the pay otherwise due him on account of his services in aid of our struggle for independence.

Bounties to private soldiers who enlisted in the colonial armies during the Revolution were the rule. In 1779, at the request of Washington, $100 extra was allowed to every soldier who had enlisted early in the war, in order that his compensation might more nearly equal that of the men who came in later and who received larger bounties.

Every soldier who enlisted in the Mexican War for 12 months or more, in addition to his regular pay, was entitled under the law on honorable discharge to $100 in interest-bearing Treasury scrip or to 160 acres of land.

We are all familiar with the history of the large bounties paid to enlisted men during the Civil War, particularly during the latter period of the war.

Abraham Lincoln applied for and received compensation for his military service in the Black Hawk war.

Yet no one claims that those men dimmed the glory of their achievements by demanding and receiving compensation for their services.

The amount of adjusted compensation received by our soldiers in previous wars, when measured by its purchasing power at that time, far exceeded in value the amount of the compensation proposed in this bill.

Why is it, Mr. President, that it is now proposed in some quarters to reverse this time-honored precedent of our country? What is the objection to treating the soldiers of the late war at least as fairly as we have treated the soldiers of other wars? By every principle of justice the soldiers of the late war have a greater claim to compensation for their services than had the soldiers of any previous war.

Remember, sir, that in all other wars, except for a period near the close of the Civil War, our soldiers always determined for themselves whether they would go to war or not. It was a matter of individual choice and a matter for individual decision. The general draft was unknown in those days.

But in the late war all this was changed. The soldier was no longer permitted to decide for himself whether or not his first duty required his presence on the firing line. Some one else decided this for him. Whether he believed that decision was right, and whether it was right, in fact, made no difference. His Government commanded; he had no choice but to obey. Surely, sir, the principle of elementary justice and fair play which has led the Government to compensate the soldiers for the financial disadvantage they suffered in voluntarily engaging in military service applies with much greater force to the soldiers of the late war, who had no choice in the matter at all. In other wars men were allowed to consult their own judgment and the welfare of their families and to enlist for a definite period, thus reserving some power to protect their own interests and occupations in civil life.

In the late war the draft followed so closely upon the heels of the declaration of war that almost before the country realized that it had been plunged into war millions of our young men were suddenly withdrawn from civil life and thrust into the Army, with no opportunity to choose the character of their service and with no knowledge of even its probable duration.

But that is not all. In the late war, for the first time in our history, we raised an army and sent it across the sea to do its fighting in foreign lands thousands of miles from home. In no other war were our soldiers ever called upon to make such sacrifices or to divorce themselves so quickly and completely from friends and families and the occupations of civil life as in this war.

Surely, Mr. President, the principle of honesty and fair dealing which has led this Government throughout its history to make up to its soldiers something of the monetary loss they suffered as the result of their military service applies with greater force to the soldiers of the late war than to those of any other war in which this country has ever engaged. To deny to the soldiers of this war at least the measure of compensation that has been accorded to soldiers of our other wars would be a national disgrace and an insult to every man who wore his country's uniform in this foreign war.

Mr. President, why is it that everyone agrees that the soldier of the late war who is disabled by wounds shall be provided for at the national expense? It is simply this: That he, having been placed at an economic disadvantage in comparison with his fellows as the result of his military service, shall have financial compensation for that disadvantage. If his disability is only partial, his compensation is less; if it is total, then the compensation is greater. That is the accepted rule. The purpose simply is to relieve the former soldier in so far as possible from the handicap under which he labors as a result of his service to his country.

Now, sir, exactly that same principle applies in the case of a soldier who, while escaping physical injury, nevertheless suffered great financial loss and injury as the result of his military service. What difference does it make, so far as the principle is concerned, what difference does it make, excepting in degree, whether a man sustained physical injury in the service of his country or whether he lost one, two, or three of the most precious years of his life in military service? In both cases he suffered a handicap which sets him back financially for the balance of his days as the result of his service to his country. In both cases even a rudimentary sense of justice requires us to recognize the handicap under which the soldier has been placed and to compensate him for it in so far as possible.

Mr. President, what are the objections urged against this bill? No one has claimed that the soldiers of the late war did not equal in courage, heroism, and devotion the soldiers of any other war. No country ever received more devoted and heroic service from an army than this country received from its soldiers in the late war. Every voice that is raised against allowing the veterans of the late war even the scant compensation provided in this bill first pays a glowing tribute to the courage and heroism of the soldiers. It is even said that the debt which we owe these young men is too great to be paid in money; that it is an insult to offer them the pittance granted in this bill.

I agree that the compensation provided in the bill is not enough, but it does not follow, because we do not pay in full, that we should pay nothing on account.

I agree with those Senators who say that the wealth of the country would not be sufficient to fully compensate these boys for the service they rendered their country in the World War, but I do not accept their conclusion that therefore the boys should receive nothing at all.

This is not a question of patriotism or of sentiment. It is simply a cold, hard fact that we suddenly took more than 4,000,000 of our finest young men out of civil life at the very time they were entering upon their careers and sent 2,000,000 of them overseas in the military service of their country. We kept them out of civil life from one to two and even three years. We put them that much behind their competitors who stayed at home and profited during an era of high wages and great profits such as neither this nor any other country ever before experienced.

With the war over they came back to civil life, not to find their former positions waiting for them as they had been promised when they were sent away, but to find their positions filled by others. Then came deflation, depression, unemployment, and distress, even for those who had not been in the Army.

Is it any wonder that in this situation a million ex-service men were out of employment last winter? Even more will probably be without employment next winter if present conditions continue. Three hundred thousand are out of employment to-day, according to the records of the American Legion alone.

Now, all that is proposed by the bill is to give these men a chance. It is to lessen just a little the handicap they were placed under as the result of their military service. If we are grateful, let us show our gratitude in a practical way, not merely by words but by deeds.

But, Mr. President, I am aware that it is said that this country can not afford to do anything for the ex-soldiers now. They say it will cost three or four billion dollars to carry out the provisions of the bill. Why is it, sir, that three or four billion dollars look so large to some people when the money is going to the soliders of the late war and was an insignificant sum when it was being squandered for other purposes? We loaned something like $10,000,000,000 to the governments of Europe within the last few years, and anyone who dared to protest against it was denounced as a traitor to his country by the same interests and some of the same individuals who now say that three or four billion dollars paid during a period of years to the former soldiers would bankrupt the Nation.

Since the end of the war we have had plenty of money to pay gratuities to the railroads. We have compensated the war profiteers not only by allowing them to keep the larger portion of the unholy profits they made out of the war but by paying them for the profits they claimed they would have made if the war had continued longer, or at least a portion of them. As soon as the election is over the present administration proposes to pass a ship subsidy bill, and the administration which now pleads poverty in order to defeat compensation for the soldiers will be urging millions in bonuses to the shipping interests.

I have observed in the news dispatches that Secretary Weeks now has before him and is carefully considering a plan for subsidizing the munition plants of the country. After election I have no doubt that the proposition to subsidize the munition plants will be brought forward and pressed to passage by the same interests which are now opposing adjusted compensation for the soldiers.

No, Mr. President, it is not that we are unable to raise the money, spread over a term of years as it is, to pay our soldiers adjusted compensation; it is that the money is desired for other purposes and for other interests.

There need be no difficulty about raising the money required to furnish the adjusted compensation provided in the bill. It is the opinion of the chairman of the committee reporting the bill, as set forth in the report accompanying it, that during the next three years at least no additional taxation will be required to meet the payments called for by the bill. But I am not satisfied to let the matter rest there. It is my hope and shall be my endeavor when the bill becomes a law to see a plan of taxation provided which will raise all the money necessary to carry out the provisions of the bill. Restore and improve the excess-profits tax so recently repealed, and if that does not provide money enough, increase the tax on excessive incomes and raise the inheritance tax on vast fortunes, many of which were made out of the war, and we would have enough and more than enough money to give the soldiers their adjusted compensation without burdening the industry of the country with any additional taxes.

But even if the finances of the country were in the deplorable condition claimed by the opponents of the bill, why make the common soldier bear an undue share of the country's misfortune? The time to have counted the cost of the war was before it was declared. The time to have thought about the burden of taxes was when we were appropriating the people's money by the hundreds of millions of dollars to swell the incomes of war profiteers, and refused to impose an excess-profits tax one-half as great as that levied by Great Britain. It is a little late to plead lack of funds now when the only class comes forward that has a real claim to compensation and asks for a little payment on account.

Mr. President, there is no danger of the common soldier ever receiving more than is his due. I have been in public life over 30 years and I never voted against a pension or other relief measure for a private soldier, and I am proud of the fact that as a Member of the House of Representatives I voted to pass more than 300 pension bills over the veto of President Cleveland. If there are interests in this country to-day strong enough to bring about the veto of the present bill, I shall certainly do all within my power to pass the bill over that veto.

I wish to call attention in conclusion to just one other point. It seems to be assumed by the opponents of the measure that the compensation to be paid our soldiers is so much money lost; that it is like money loaned to foreign Governments which will never be repaid, or money spent for battleships which soon become obsolete, or money otherwise wasted or destroyed in the business of war. The very opposite of this is true. Every dollar to be expended under the bill goes to help some young, heroic ex-soldier get on his feet and to become a producing member of the community instead of being one of the army of unemployed. Every dollar of this money will be spent here at home for food and clothing and necessaries of life, for vocational training, for the improvement of the farms and the homes of the country. Why, sir, if it were a mere matter of dollars and cents, if it were a mere matter of increasing the wealth and prosperity of the country, there could not be a better investment made with an equal amount of money than to expend it as provided in this bill. To the majority of the ex-soldiers who have come home and been able to get some foothold in civil life again, precarious though it be, this bill will be an aid and support. To that other army of ex-soldiers who have not yet been able to find permanent occupations in civil life, the bill comes in the time of their greatest need to rescue them from unemployment and want and to assist them in getting back into the useful and productive occupations of civil life.

The bill simply recognizes the existence of an obligation to the ex-service men and provides for some slight payment upon that obligation. Not the former service men alone, but the whole country will benefit as the result of the passage of the bill.

The honor and the self-interest of the country both require that the bill be promptly enacted into law.

Mr. WILLIAMS. Mr. President, I want to enter my protest against the latest utterance upon the floor, an utterance to the effect that the two or three years spent by our boys, who obeyed the call of their country to go to France or to Flanders or to go to camps here to prepare to go to either place, were years "sacrificed" and which "put them at an economic disadvantage" with other people. They were not years of sacrifice at all. They were years glorified, and more than that, they were years sanctified. There is no compensation except that which God Himself can give in enternity that measures up to the sanctification of that sacred calling. The speech of the Senator from Wisconsin seems to have been made more against the selective draft than in favor of the pending bill. That I can understand from his past position in American politics.

Mr. President, when a young boy, with warm blood in his veins, answers the call of his country, whether as a volunteer or as the subject of the draft, and goes out to fight for civilization against military autocracy, I scorn the suggestion that he has sacrificed the number of days, months, or years that he has devoted to that purpose. I wish that to weigh in, to weigh in deep, that the heart and the mind may catch it. It has placed him at an economic disadvantage with his fellows, some Senators tell me. All history proves that that is not true. After the Civil War the soldier who wore the blue and did his duty as he understood it was not placed at an economic disadvantage with regard to his follows unless he was wounded or disabled; and when wounded or disabled he was taken care of, as we are now better than any Nation on the globe taking care of those who were wounded or disabled, and of the widows and the dependents of those who died upon the field of honor. That is not the question, although very frequently gentlemen find it to their interest to confuse it with the question. The man who would hesitate for one moment in going to the limit in caring for the disabled soldier or the soldier who had become diseased in consequence of service or the widow or the dependents of the dead man who might otherwise become dependent upon public charity because he made himself by his love of country economically disqualified would not be fit for a seat in this body or in the other body or even for American citizenship; and, so far as I know, there is no one, however mean and selfish and contemptible, who to-day in America dares place himself in the class of opposition to that sort of legislation. That is not this question.

I heard a Senator here the other day say that this was not a bonus. What is it then? What greater right has the man who, being in the class required for active service for military defense, goes forth in response to the call of his country to perform his duty, to demand a bonus for having obeyed the law and having performed his duty than the man who paid his war taxes during the same time, war taxes which sometimes were so onerous that he could hardly stand them?

I am talking about the young men who came back sound and hale and hardy and healthy, with what amounted to a university education added to their life growth, with improved physique and improved intellectuality. I was not one of them, and I doubt if I would have been worthy to have been one of them if I had been of their age; but I know them; I know the blood and the breed whence they come; and I have not been able to get my consent to the statement that a majority of them even are attempting to take advantage of this sort of legislation. But whether they are or not—

> But och, mankind are unco weak,
> And little to be trusted.

And the majority of men, perhaps, with an opportunity to take a few dollars out of the United States Treasury very naturally and very thoughtlessly say, "Yes, give it to me; I need it. If I do not need it for board or for clothes or for food, I need it for cigarettes; I need it for something, and just hand it over." So there may be a majority who, in this thoughtless way, are in favor of this legislation; but I doubt it.

Mr. President, men generally are braver than other men think they are; and that is not all. A man himself is as a rule braver than he thinks. It takes the test to satisfy even himself that he has the courage to do his duty under fire, and not only under military fire but under political fire or any other sort of fire that is directed at him.

The Senator from Wisconsin says that he agrees that "the compensation offered is too little." Well, as compensation, of course it is. There is not a number of dollars in the world that can compensate me for offering my heart's blood, my life, and yet there are other things besides dollars that can compensate me and do compensate me all the time—honor among my contemporaries, reverence by posterity.

However, if a majority of these boys—somewhere between 2,000,000 and 4,000,000 of them—want this bill, the Senator need not disturb himself about their not getting "all that is coming to them." They will be back again in about two or three or five years for just about this amount once more; and then they will be back in five years after that for more.

The same class of politicians who dare not risk their officeholding or their office seeking to protect the country against the greed of men—granting that a majority of these boys want this now, mind you—will also be here, and they will not then present any front against such a raid upon the Treasury. The places which they hold are too precious; the places which they hope for are even more precious, and when the "boys" present themselves the next time for another three billion or five billion dollars the same people here in Washington will give it to them. We have been through all that long years ago; we know something about it. The Senator from Wisconsin just boasted of his part in acceding to that sort of raid upon the Treasury; and many other people boast of it, too.

Mr. President, I did not rise to argue this question; I rose in order to voice my protest against the assertion that my two boys and my two nephews and the other boys who served in the Army of their country "sacrificed" from two to three years of their lives. I rose merely to say that they did not sacrifice those years; they glorified them; they sanctified them in the eyes of God and of men and of good women. I rose merely to protest against the general idea that a man's honor may either be bought with money or when devoted to his country's cause may be compensated with money. The sublimest inscription that can be written upon the tomb of any man is that "he died upon the field of honor."

We compensate the soldier's widow and his dependents because the glory was not theirs; the sanctification was not theirs; it was his, while the loss was theirs, and they can be compensated for that loss, and they ought to be. But, Mr. President, who would measure in dollars my love for my wife or her love for me? Who would measure in dollars the sweet love of a father for a daughter, living or dead? Who would measure in dollars, or attempt to measure in dollars, the dear love of a man for his native land? I do not pretend to go quite so far in that direction as some people; I frankly confess that my country is dearer to me than my State, and my State is dearer to me than the Union; but, whatever a man may measure his native land to be the man who is not willing to die for that native land according to his measurement of it, is not fit to live, and the man who wants to be paid for his services in dollars and cents is mistaken in the value which he gives to his own services and the sacredness of the affection which he has professed for his country.

We are told that George Washington and various gentlemen in the early days received gifts of land and various other things for having served their country, and that Lafayette also received compensation; but, Mr. President, they received it many years after the struggle, when they were growing old and when they were not well able to take care of themselves.

I have forgotten the number of years which passed by after the Mexican War before there was a general service pension law for Mexican War veterans; but I know that the Mexican War took place in 1846 and that the first service pension act for Mexican War veterans was passed after I became a Member of Congress in 1893, which was a considerable length of time afterwards—a generation, or perhaps more. I know that the first pension act for Revolutionary soldiers was after pretty nearly a generation had passed and the men who were entitled to it had become old and those of them who were entitled to pensions had become almost helpless. I know that even in the case of the Civil War—and pensions were asked sooner after that war than any other—some 9 or 10 years elapsed after the war before a general pension bill was passed, and much longer than that before a general service pension bill was passed. My recollection is that the first general service pension bill applicable to the Civil War veterans was passed in the nineties.

Mr. STERLING. Mr. President, the first general service pension bill applying to the veterans of the Civil War was passed, as my recollection is, in May, 1911.

Mr. WILLIAMS. Then, it was still later than I thought. The pending measure is not only a general service pension bill, but it is a general bonus bill. We have already given the soldiers of the World War one bonus. I voted for it because I thought it was necessary to enable them to take care of themselves until they could get home. We gave them $60, or two months' extra pay, because we realized that the service men needed more than merely rations and uniforms in order to get home and to live until they could get something to do, until they could find occupations.

Now, as to the "economic disqualification": My experience, in the South was that the old Confederate soldier asked no odds of any man. If he came back alive and healthy he not only asked no odds of any man, but his fellow-citizens said to him: "You need not"; and when it came to electing Congressmen and Senators, governors, legislators, sheriffs, and clerks, the Southern people filled one House full of them here so that they called it the "House of Confederate brigadiers and colonels." So far from being an economic disqualification, it was an economic advantage to have served with honor their country, and it is now to have the good war record behind you, and to be able to display it to your fellow-citizens. Not only was that true of the Confederate veterans, but it was true of the veterans who wore the blue. One or two of them are here yet; and in the times past when they were in the heyday of their health and strength, at one time a majority of this body, nearly two-thirds of it, was composed of ex-Confederate and ex-Federal veterans, most of whom owed their places here to the fact, and to the fact alone in some cases, that they had worn their uniform creditably and bravely and honorably.

It is not "an economic disadvantage." I know not how it was all over the country, but in the South for a long while the man superior in intellectual qualifications, superior in education, superior in equipment, could not beat an old Confederate veteran for an office, and up North you could not beat an old Federal veteran for it, either; and that was not only true in politics, but it was true in business. Business men, when they came to get clerks and other people to attend to their affairs, other things being anywhere nearly equal, employed a veteran because he appealed to the public sentiment of their customers.

It is not true that those of my blood who passed through the Argonne and through the fights connected with it—those long eight days of constant marching and constant fighting and constant danger—sacrificed that time. Sacrificed it, lost it, a thing gone out of their lives without any compensation to them or their father or their mother or their sisters. What an absurdity! I thank God that they did not die while they were doing it; but if they had died I would not have worn mourning, and when they do die some time, if I am living, there shall be put upon the grave: "He served in the Argonne; he was at St. Mihiel; or he obeyed the call of his country in the German-American War," just as there is now upon the tombstone of my father the words: "Died upon the field of honor on April 6, 1862."

"Sacrifice?" Oh, the thought is debasing! My only hope for each of you is that the opportunity may present itself some time, when you come to die—and all of you must come to die—to die in a cause that may add glory to death. Pneumonia will not do it. Tuberculosis will not do it. Fatigue from listening to Senators' speeches will not do it. I only pray that there may be an opportunity for you, when you die, to die in some cause so worthy that it may glorify your death and sanctify it, just as these boys' lives were glorified and sanctified by their services, and just as the death of their comrades, left behind them on Flanders' fields, was glorified and sanctified.

The PRESIDENT pro tempore. The time of the Senator from Mississippi has expired. The question is upon agreeing to the amendment as amended.

Mr. UNDERWOOD. Mr. President, I understood there was a substitute pending.

The PRESIDENT pro tempore. There is a substitute for the whole bill pending.

Mr. UNDERWOOD. What is the amendment that is pending now?

The PRESIDENT pro tempore. It is striking out Title VIII. The committee had a substitute for Title VIII as printed in the House bill, and the Senator from Oregon [Mr. McNary] had a substitute for it; and the question now is upon agreeing to the committee amendment, as amended.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The question now is upon the amendment, in the nature of a substitute, offered by the Senator from New Mexico [Mr. Bursum].

Mr. BURSUM. Mr. President, in view of the fact that the substitute would substitute the whole bill of the committee, as perfected, I desire to modify the substitute which I offered by including the reclamation feature in my substitute, and to take the place of Title VII.

Mr. ROBINSON. Mr. President, I desire to make an inquiry of the Senator from New Mexico. The Senator from New Mexico modifies his amendment——

Mr. BURSUM. My substitute.

Mr. ROBINSON. That is the very point I am trying to ascertain—whether or not the Senator has offered a complete substitute for the bill.

Mr. BURSUM. Yes; a complete substitute.

Mr. ROBINSON. And in the Senator's original substitute he has incorporated the McNary amendment?

Mr. BURSUM. Yes; in the original substitute. I am incorporating it now.

The PRESIDENT pro tempore. The Chair understands that the substitute, as originally offered, did not include the amendment known as the McNary substitute.

Mr. BURSUM. That is true.

The PRESIDENT pro tempore. The Senator from New Mexico now modifies his substitute by inserting as Title VII the McNary amendment in lieu of the matter originally contained in his substitute.

Mr. ROBINSON. The amendment proposed by the Senator from New Mexico has already been read, with the exception, of course, of the modification made to meet the action of the Senate in incorporating the McNary amendment.

Mr. BURSUM. Oh, yes; it has all been read, and has been considered by the Senate, so that outside of that amendment the substitute will be as it was.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment, in the nature of a substitute, proposed by the Senator from New Mexico.

Mr. REED of Missouri. Mr. President, I do not want to take the time of the Senate, but I should like to have some sort of notion about what we are voting on. A substitute has been offered and debated at length for a day or two. Then an amendment is offered to the bill, not to the substitute, while apparently the substitute was pending—a parliamentary situation that I am unable to grasp—and this amendment to the original bill having been agreed to it is now proposed to tack it on to the substitute. I should like to have an explanation of it.

Mr. BURSUM. Mr. President, I think I can explain the matter.

The PRESIDENT pro tempore. If the Senator from New Mexico will allow the Chair to clear up the parliamentary situation, it can be done in a very few words.

The committee reported a bill with certain amendments. Those amendments were adopted. The Senator from New Mexico [Mr. Bursum] offered a substitute for the entire bill. It was then within the parliamentary right of any Senator to offer an amendment either to the original bill or to the proposed substitute. The Senator from Oregon [Mr. McNary] offered an amendment to the original bill, and any amendment can be made to that bill with the amendment of the Senator from New Mexico pending. The Senator from New Mexico now proposes to modify his amendment by striking out Title VII and inserting in its stead Title VIII as found in the so-called McNary amendment.

Mr. SIMMONS. Mr. President, I assume that before we vote on the substitute we ought to perfect the bill by voting upon the various amendments to the bill. I sent to the desk on yesterday afternoon an amendment and had it printed. I should like to offer that amendment to the bill before we vote upon the substitute of the Senator from New Mexico.

The PRESIDENT pro tempore. An amendment may be offered at this time either to the proposition represented by the bill reported by the committee or to the proposition represented by the substitute offered by the Senator from New Mexico.

Mr. SIMMONS. I understand that; but I prefer to offer it as an amendment to the bill, because I do not know that I would care to offer it as an amendment to the substitute.

The PRESIDENT pro tempore. The amendment will be stated.

The Assistant Secretary. On page 42, after line 22, of the bill it is proposed to insert the following new section:

> Sec. 905. There is hereby appropriated such amount as may be necessary to carry out the provisions of Titles IV and V of this act, to be paid out of and to be a first charge upon the interest received by the United States on obligations of foreign governments. If at any time the amount of such interest is not sufficient to meet the appropriation hereby made, the Secretary of the Treasury is hereby authorized to issue certificates of indebtedness under section 5 of the second Liberty bond act, as amended, to be redeemed, so far as practicable, out of interest payments on such obligations of foreign governments, or with the consent and approval of the President, to sell, with or without the indorsement of the United States, such of the bonds of foreign governments then held by the United States as he may deem necessary and apply the proceeds as far as required to the payment of such deficiency.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from North Carolina.

Mr. SIMMONS. Mr. President, just a word.

I do not desire to discuss this amendment, because it was offered to the soldiers' compensation bill when that bill was offered as an amendment to the revenue bill. At that time it was, I think, somewhat elaborately discussed, and I think it is understood by Senators and by the country, and therefore really does not require any further extended discussion.

The purpose that I have in offering this amendment is to relieve the Treasury, especially during these times when it is in more or less financial straits and difficulty. This bill does not provide, it is true, for cash payments, except in cases where the amount of compensation due the soldier is, I believe, not more than $50. I understand that the Senator in charge of this bill, the Senator from North Dakota [Mr. McCumber], has made an estimate of the annual cash payments that will have to be made during the next four or five years. The sum, while not large as compared with the ultimate cost of this legislation, is nevertheless considerable. For the first two years it will run up to more than $100,000,000, I believe. Undoubtedly foreign governments will pay us before the first payment falls due interest far in excess of that payment.

It is understood generally that Great Britain will pay us some time during this year an installment of the interest upon its obligation, and that that installment alone will probably be sufficient to meet the first two cash payments, as estimated by the chairman of the Finance Committee that reported this bill.

I assert that this is not a proper time for increasing taxation. I do not mean to say that the cash payments provided in this bill necessarily would require any additional taxation, but I think that it possibly might be so, and this amendment would provide a way of meeting this draft upon the Treasury without further taxation.

Business men throughout the country have formed an unfavorable judgment with reference to this legislation, largely because they fear that the amount of cash which the Government will have to pay out will embarrass the Treasury and may call for additional taxation. I can conceive of no better way of making these payments, taking all the financial situation of the country and the Treasury into consideration, than the way proposed in the amendment which I have offered. It provides that the annual cash payments shall be made out of the interest received by this Government upon its foreign loans. It provides that if in any one year that interest is not sufficient to meet the payments, the Secretary of the Treasury may issue temporary certificates of indebtedness, to be redeemed out of the next interest payment. It provides, further, that if there should be an insufficient amount realized from the interest payments, and the Secretary of the Treasury, in consultation with the President, should reach the conclusion that it was not advisable to issue certificates, he may, with the approval of the President, sell sufficient of the foreign bonds to meet the obligation.

But I have no idea that it would ever be necessary to issue certificates or sell the bonds, because the amount to be realized from Great Britain alone, if none of our other foreign debtors are able to meet their interest charge, would be more than sufficient to liquidate and discharge the annual payments provided in the bill as now drafted.

Of course, if the substitute is adopted, and we are to settle this compensation in cash, then there might be necessity, under certain conditions of default on the part of our foreign debtors, of issuing these certificates, or of selling some of these bonds. Therefore I have left that provision, which was in the original amendment offered by me to the revenue bill, in the amendment which I now offer.

Mr. President, I wish only to add that it is said the President of the United States has declared he will veto the bonus bill if the means for its payment are not provided in the act itself. This amendment provides those means and therefore meets the President's requirement. Again, apprehensions have been expressed by certain business interests of the country that should this bill become a law it would require additional taxation. If this amendment is adopted it would quiet their fears in this behalf. I have introduced this amendment because I think this a logical way of settling this war obligation and because I think it would to a large extent at least meet both the objection of the President and the apprehension of the business world.

Mr. McKELLAR. Mr. President, I will detain the Senate only a moment. I very sincerely hope that the amendment offered by the Senator from North Carolina may be adopted. It is substantially the same amendment I offered to the revenue bill last November when that bill was before this body. It is a use of this foreign indebtedness which I have been advocating in this body for several years.

It must be evident to the people of this country that the adjusted compensation bill will pass sooner or later. It is just a question of time, and the only real question about it is the way to finance its payment. Manifestly, the best way to finance it is out of the foreign indebtedness. We are taxing the people of the United States enough already. We have already appointed a commission to collect the foreign indebtedness to the extent of getting bonds and making arrangements for the collection of interest. Great Britain has already made a statement that she is going to begin paying her interest in November, and there is no reason in the world why we can not pay this adjusted compensation out of the interest payments to be made.

The amendment also effects another very important result. There is a propaganda going on in this country, as we all know, for the cancellation of this foreign indebtedness. If we by this bill turn over a portion of the indebtedness for the settlement of this adjusted compensation for the soldiers we will settle that matter for all time. In other words, it will at once be apparent to our debtors that we are not going to cancel the foreign indebtedness but that we are going to collect it and utilize it for our own purposes.

I think this is exceedingly important. I think it would greatly facilitate the collection of our indebtedness if we should turn over a portion of that to the soldiers, or at least by law to provide that this shall be a fund to pay the soldiers. This is the only real way to finance the adjusted compensation for our soldiers. Whenever we take this step the adjusted compensation will be financed this way. It is the only reasonable, the only logical, the only businesslike way to finance it.

It is the most feasible way to do it. It is the most sensible way to do it; we have not the money in the Treasury to pay it, but we do have this indebtedness. Under these circumstances manifestly we should use the indebtedness for this purpose.

We do not need to tax the American people more. We ought not to lay any further taxes on the American people. We ought to collect this indebtedness. We have done enough for our European allies already. They have collected every dollar we have owed them, we have paid it to them; yet we have collected nothing from any of them. Our Government ought to be a business Government. We ought not to be hard on our debtors. We ought not to press them too much, but there is no reason why we should not take their bonds, and require at least such of them as are able to pay the interest, and substantially all of them are able to pay.

It is said by some here that they are not able to pay the interest. Most of them have already paid their soldiers a bonus. England has paid her soldiers a bonus of something like $100 each. Canada has paid her soldiers a bonus of something like $400 or $500 each. Australia has paid her soldiers a bonus of something like $500 each. Even New Zealand has paid a large bonus to her soldiers. It is very remarkable, it seems to me, that while we loan those great sums to our foreign allies, and they pay their soldiers bonuses out of these loans or by reason of these loans, no one in the United States thinks there is anything wrong in these foreign countries paying their soldiers bonuses; but when it comes to paying our soldiers a readjusted compensation, objection is made to it, and made right here on the floor of the Senate, and many of these same gentlemen want us to cancel this entire indebtedness and give it to our allies. I would much prefer to give it, or at least a part of it, to our soldiers, rather than give it or even a part of it to our former allies. Altruism is a fine attribute of national character, but we should do justice at home first, and especially should we do justice to our soldiers.

Mr. HEFLIN. Mr. President, I remind the Senator from Tennessee that private interests in Wall Street have collected from France and England $1,700,000,000 of private debts since the war ended.

Yes, and England and France are amply able to pay the interest on their debts to the United States, and I believe will pay it.

Mr. McKELLAR. But I am basing my argument purely upon the matter of justice to our soldier. The foreign countries have paid their soldiers a bonus, and the United States is the only real first-class nation that has not paid her soldiers a bonus.

Mr. SIMMONS. Mr. President, the President has said that he would veto this bill unless some method for paying the bonus were provided. This amendment provides that method.

Mr. McKELLAR. I thank the Senator for that suggestion. I want to say, further, that the President not only said that but he suggested last fall that the consideration of this bill be postponed until we might utilize the foreign indebtedness for this purpose. Since that time a commission has been appointed to make a settlement and to take bonds from the foreign countries, and to make arrangements for the collection of interest, and one of them, at least, Great Britain, a nation that boasts of standing by her obligations, as I believe she will, has already indicated her willingness to pay the amount of current interest, and when she pays it, it will be enough to finance the adjusted compensation provided in this bill.

Why should we not do this obvious thing? Why should we not take this course of utilizing this indebtedness? It is so plainly the thing to do that it seems to me that anyone can see it. At least $200,000,000 a year which will come from England alone, and according to the proponents of this bill, through the chairman of the Committee on Finance, there will be but one year when we will need over that sum to finance the payments. The first year we will need only $77,000,000; the second year, $92,000,000; the third year, $73,000,000; the fourth year, $370,000,000; fifth year, $148,000,000; sixth year, $137,000,000; the seventh year, $92,000,000; and thereafter decreasing very rapidly.

The interest due from Great Britain alone will be more than sufficient to pay it, and if the Senate agrees to the amendment proposed by the Senator from North Carolina that will answer the President's proposition, namely, that we must provide some method in the bill for financing it. This gives the method, and this gives that arrangement which the President himself suggested.

Mr. SIMMONS. If the Senator will pardon me, I will say that it ought also to quiet the fears of the business men of the country.

Mr. McKELLAR. Of course. Mr. President, I can understand how the business men feel about it. They do not want to be taxed additionally, and they ought not to be taxed additionally. The tariff taxes about to be imposed are certainly going to be a great burden on business and all other men, and we ought not to tax them any further. If we just handle this according to business principles, we can pay the adjusted compensation out of the foreign debts without taxing the American people any more, and we will settle once for all the question of collecting our foreign indebtedness. The passage of this simple amendment will settle that question for all time. It is the duty of Congress to take bonds for all of that foreign indebtedness, and collect the interest, and whenever we show this spirit, whenever we take the position firmly and fixedly that it is the purpose of this Government to take bonds from those who were formerly our allies, the question of that foreign indebtedness will be settled, and all of the foreign nations will pay interest on the indebtedness as and when it falls due, and in the end pay us the principal.

Mr. DIAL. Mr. President, is it not true that when the United States Government sold the bonds and got the money to lend to foreign governments our Government pledged those bonds to the payment of the debt?

Mr. McKELLAR. Some such suggestion was made in one of the acts, but not in all of them. I have read them very carefully. I do not think they pledged the money at all. I think Congress has the right to use the bonds, or the money collected, just as it sees fit. It is not a pledge.

I sincerely hope that the very excellent amendment of the Senator from North Carolina will be adopted by the Senate and that this matter will thus be settled. For several years I have argued on this floor for the collection of this foreign indebtedness. I have offered amendment after amendment to various bills; have also offered various bills and resolutions looking to that end.

I have also urged that this foreign indebtedness be not canceled, but that bonds be taken for it and that the interest be collected and the proceeds applied to the payment of an adjusted compensation for our soldiers. I am delighted to see that so many Senators apparently are now in favor of this course. This provision will doubtless cause the President to feel more kindly inclined toward the bill and, I hope, prevent his veto of it. It will assure the taxpayers that they will not be additionally taxed for this purpose. It will put our foreign debtors on notice that we do not intend to cancel the indebtedness due us. It will settle this much-vexed question. It is good legislation; it is good business; it is good politics; it is good sense. It is the only clear way to solve this difficult problem.

Mr. President, I sincerely hope that the amendment will be unanimously adopted.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The question is upon agreeing to the amendment offered by the Senator from North Carolina [Mr. SIMMONS].

Mr. LENROOT. Mr. President, I am very sure that neither the Senator from North Carolina nor the Senator from Tennessee would desire to take any action which would invalidate this bill; yet it seems very clear to me that if the amendment proposed by the Senator from North Carolina should be adopted it would render the bill unconstitutional. I think that the method for the raising of revenue to make the payments provided for in the amendment is the proper method. I wish that we did have the opportunity and the right to vote for such an amendment.

Mr. McKELLAR. Will the Senator state what method is the proper one if that is not? I have overlooked it, I must admit.

Mr. LENROOT. I would not have said what I did if I did not intend to follow it up and point out the particular matter. It was entirely proper to offer the amendment to the revenue bill because that was a bill providing for the raising of revenue and originating in the House. This is an amendment which provides for the raising of revenue and is proposed as an amendment to a bill coming from the House which has nothing to do with the raising of revenue.

Mr. McKELLAR. I hope the Senator will let me say in reply to that statement that the revenue has already been raised from the American people and can be utilized. It is an asset of the Government, and it is an asset which the Congress can use as and when it sees fit. The revenue is already arranged. This is not a tax; it is the use of a fund which the Government owns.

Mr. LENROOT. The purpose of the amendment is to raise revenue to meet the payments which are provided for in the adjusted compensation bill. There are two methods provided in the amendment by which it shall be done, and one of them is the borrowing of money, the issuing of certificates of indebtedness. If that is not raising revenue, I do not know what language can be used that would raise revenue.

This question has been repeatedly before the Congress from the very beginning of the Government.

Mr. WALSH of Montana. Mr. President——

Mr. LENROOT. I yield to the Senator from Montana.

Mr. WALSH of Montana. The amendment tendered by the Senator from North Carolina is in the nature of an appropriation bill, not a bill for the raising of revenue. It reads:

> There is hereby appropriated such amount as may be necessary to carry out the provisions of Titles IV and V of this act, to be paid out of and to be a first charge upon the interest received by the United States on obligations of foreign governments.

Mr. LENROOT. Now, read further, if the Senator will.

Mr. WALSH of Montana. Very well:

> If at any time the amount of such interest is not sufficient to meet the appropriation, the Treasurer is authorized to issue certificates.

Mr. LENROOT. And that is raising revenue, is it not?

Mr. WALSH of Montana. That part might be open to the objection the Senator makes.

Mr. LENROOT. That is the whole point I am making.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. LENROOT. I yield.

Mr. CURTIS. In addition to what the Senator from Wisconsin has said, there are no funds in the Treasury now from the foreign obligations. Therefore the Government would have to resort to certificates.

Mr. McKELLAR. Oh, yes; all the certificates of indebtedness given to us by our former allies are in the Treasury and subject to the use of the Government.

Mr. CURTIS. There is not a dollar in the Treasury paid by a foreign government that could be used for this purpose.

Mr. McKELLAR. But the certificates of indebtedness are there.

Mr. CURTIS. There are no certificates of indebtedness there. They are obligations for the payment of a debt, but there is not even provision made for the payment of interest.

Mr. McKELLAR. However that may be, they are certificates of indebtedness.

Mr. SIMMONS. May I ask the Senator from Kansas, who is a member of the Finance Committee, when the first payment under the bill would fall due?

Mr. CURTIS. In October of this year.

Mr. SIMMONS. By that time, by the time the soldier is about to make out his claim, we would have the first installment from Great Britain.

Mr. CURTIS. We have no definite assurance.

Mr. SIMMONS. I think we have.

Mr. CURTIS. The bonds have not yet been agreed upon between the commissioners representing Great Britain and the United States.

Mr. SIMMONS. It is not necessary for them to be agreed upon for the purpose of paying the interest. The interest is due independently of the execution of the bonds.

Mr. CURTIS. For that matter, the interest has been due for two or three years. But the previous administration, as we understand, entered into an agreement that it would not be called upon for payment for two or three years. That is my recollection of the testimony.

Mr. REED of Missouri and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I can not yield much more or my time will all be gone.

Mr. SIMMONS. If the Senator will pardon me——

Mr. LENROOT. I yield to the Senator from North Carolina.

Mr. SIMMONS. It is my recollection that the Senate authorized the issuance of the certificates of indebtedness by the Treasurer before the House had made any such authorization. The Secretary of the Treasury under the present law has authority to issue certificates of indebtedness for the purpose of securing money to defray the expenses of the Government. The authority is already invested in him and the amendment simply proposes that he shall exercise an authority which now exists.

Mr. LENROOT. It is true that the Secretary of the Treasury now has authority to issue certificates of indebtedness which would cover any appropriation that must be made during the next several years under the bill; but the Senator overlooks the fact that his amendment is an additional authorization to the Secretary of the Treasury over and beyond any authorization which now exists.

Mr. SIMMONS. There was nothing in the original bill conferring authority upon the Secretary of the Treasury that confined the issuance of the certificates to the payment of appropriations. We gave him blanket authority. At one time, I think, he had authority to issue certificates of indebtedness up to something like $11,000,000,000.

Mr. LENROOT. Of course that is true; but the Senator's amendment creates an additional authority in the Secretary of the Treasury to issue additional certificates of indebtedness under the provisions of section 5 of the second Liberty loan act. That clearly is raising revenue. Also, it seems almost equally clear that the provision for the sale of the foreign bonds is the raising of revenue.

As I said a moment ago, this question has been before the Congress a great many times from the very beginning of the Republic, but so far as I have been able to investigate the precedents—and I have them before me—while controversy has arisen over the right of the Senate to enlarge upon a House bill which did raise revenue, where the Senate enacted amendments touching an entirely different scheme of revenue, it has been conceded that the Senate under the Constitution could not make amendments to House bills which had nothing to do with the raising of revenues under the Constitution of the United States. I have before me one report made by the Finance Committee of the Senate, made by Matt Carpenter, and John Sherman was a member of the committee. I shall not take the time to read it except to say that it was conceded in the report that the Senate could not propose an amendment raising revenue to any bill coming from the House, but only to a bill raising revenue. It will be conceded that the bill coming to us from the House and which is now under consideration has no provision in it for the raising of revenue.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LENROOT. I yield.

Mr. REED of Missouri. I do not want to take more than a moment of the Senator's time, for I know his time is limited. Suppose the bill proposed to appropriate out of moneys in the United States Treasury, whatever was necessary to pay the bonus, the Senator would not think a provision of that kind was unconstitutional?

Mr. LENROOT. That would be constitutional, of course.

Mr. REED of Missouri. Suppose we were to say that the money was to be paid out of any moneys now in the Federal Treasury or any moneys which might hereafter come into the Federal Treasury, would that be constitutional?

Mr. LENROOT. Very well.

Mr. REED of Missouri. Now, suppose we say that the bonus can be paid out of any moneys coming into the Federal Treasury from the foreign loans, why does not that fall exactly within the two illustrations which I have given?

Mr. LENROOT. It does, and I make no point upon that.

Mr. REED of Missouri. Is not that what is stated here in the proposed amendment?

Mr. LENROOT. Oh, no; that is a part of it, and only a part of it. It provides for the issuance of certificates of indebtedness if the money coming in is not sufficient to meet the payments in the first place, and then authorizes the sale of the foreign bonds.

Mr. REED of Missouri. That point, of course, is the much more difficult one, but I thought the Senator was addressing himself to the other phase of the problem.

Mr. LENROOT. Oh, no. I concede our right to make an appropriation. I concede our right to provide that an appropriation shall come out of a specific fund, or that a fund coming into the Treasury shall be used for a specific purpose; but I contend that the Senate has no right to attach an amendment to this kind of a bill which provides for either the borrowing of money or the raising of any money in any other way.

Mr. SIMMONS. Mr. President——

Mr. LENROOT. I yield to the Senator from North Carolina.

Mr. SIMMONS. If the Senator was present when I made my statement a little while ago, he will remember that I stated that in my judgment, if no other foreign government paid us any interest except Great Britain, and there were assurances that she would pay, that would be amply sufficient to meet the cash payment provided for in the bill. I stated that I had as a matter of precaution added the other provisions, but I did not think they would ever have to be exercised; that I had inserted them simply in case of a contingency which might require something of the sort. I am not particularly concerned about those two latter provisions with reference to the issuing of certificates and the sale of bonds. The other part of the amendment will accomplish all that I have in mind.

Mr. LENROOT. I do not think the Senator would agree that it did accomplish all that he has in mind, because I do not want to vote to limit the payment to the service men out of the interest only that may be received from foreign governments and, if not sufficient interest is received, that they shall receive no pay. Neither does the Senator wish that, I am sure.

Mr. SIMMONS. No I would not, but the present bill makes no provision for that. It does not interfere with the right to sell if they want to sell.

Mr. LENROOT. The pending bill makes no provision whatever for raising one single dollar, but I do say to the Senator that the Secretary of the Treasury now, under existing law, has authority to borrow under certificates of indebtedness, without any additional authority, all of the money that would be required for the next several years under the bill.

Mr. SIMMONS. Then why is it necessary, if that is so, to put in this provision? Why is it illegal to put it in here if the Secretary already has authority to do it?

Mr. LENROOT. Because the amendment creates additional authority. That is the trouble, and the amendment, therefore, raises revenue.

Mr. SIMMONS. The Senator was entirely wrong when he said there would be no way of paying the soldiers if the two provisions to which he objects were stricken out of the amendment.

Mr. LENROOT. Let me ask the Senator a question. If we enact a provision saying that the soldiers shall be paid out of the interest money paid by a foreign government, does he think that there could be any other money used for that purpose?

Mr. SIMMONS. There could be none other, if the interest did not go far enough, unless Congress legislated or unless the Secretary exercised his authority which the Senator says he now has.

Mr. LENROOT. But he could not do so under the Senator's amendment, because the Senator has limited the payment to the interest money.

Mr. SIMMONS. No; I have not. I have simply provided an additional method for raising the money.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LENROOT. I yield.

Mr. LODGE. I favor entirely the amendment. I am entirely in sympathy with its purpose. It seems to me that the last part, beginning in line 5, as the Senator from Wisconsin has pointed out, is clearly unconstitutional. If we leave only the first part, as the Senator from North Carolina said he was willing to do, I fear it would be found—and that is what I want to ask the Senator from Wisconsin about—that the bill would be so framed that we could not use any other money except that arising from the sale of the bonds. We have no bonds, we have no money, we have no negotiable instruments, and, therefore, we can get no money from that source now, and the proposed amendment would limit the bill to that source.

Mr. ROBINSON. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. LENROOT. I yield to the Senator from Arkansas.

Mr. ROBINSON. That difficulty, if it exists, may be easily removed by changing the language of the amendment which has been offered by the Senator from North Carolina [Mr. SIMMONS] so as to make the interest which is due the Government on the foreign debt available for the payment of the claims as one of the processes by which the obligation may be met. The amendment could be very easily adjusted to meet that difficulty.

Mr. TOWNSEND. Could it not be amended, commencing in line 5, so as to read:

> If at any time the amount of such interest is not sufficient to meet such appropriation the same shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. ROBINSON. I think the Senator from Michigan has suggested language which will accomplish the purpose of all of us who are in sympathy with the amendment which has been proposed by the Senator from North Carolina.

Mr. TOWNSEND. The Senator from North Carolina may modify his amendment as I have suggested. I shall not offer to amend it.

Mr. SIMMONS. I am willing to accept the suggestion which has been made by the Senator from Michigan; I have no objection to it. I merely desire to have this fund appropriated for the purpose of discharging the debt in order to avoid the very danger which the business interests of this country seem to be so apprehensive about; besides, I wish to meet the President's objection to signing the bill unless it shall provide some method of payment.

Mr. CURTIS. Mr. President, will the Senator from Wisconsin yield to me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. LENROOT. I yield to the Senator from Kansas.

Mr. CURTIS. I merely desire that the amendment as now agreed to be modified by the Senator from North Carolina [Mr. SIMMONS], at the suggestion of the Senator from Michigan [Mr. TOWNSEND], may be stated.

The PRESIDING OFFICER. Does the Senator from North Carolina desire to modify his amendment as suggested?

Mr. SIMMONS. Yes; I will so modify the amendment.

Mr. McKELLAR. I ask that the Secretary report the amendment as modified.

The PRESIDING OFFICER. The Senator from North Carolino has not as yet modified his amendment.

Mr. ROBINSON. I ask the attention of the Senator from Michigan while I state the amendment as I understand it is proposed to be modified by the Senator from North Carolina.

Mr. SIMMONS. I did not catch what the Senator from Michigan said.

Mr. ROBINSON. As the Senator from North Carolina did not catch the suggestion of the Senator from Michigan, and as the Senator from North Carolina probably can not easily read my writing, I will now read the amendment as I understand it is proposed to be modified by the Senator from North Carolina:

> There is hereby appropriated such amount as may be necessary to carry out the provisions of Titles IV and V of this act, to be paid out of and to be a first charge upon the interest received by the United States on obligations of foreign governments. If at any time the amount of such interest is not sufficient to meet the appropriation hereby made, the same shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. TOWNSEND. That was my idea.

Mr. SIMMONS. That is satisfactory to me.

Mr. ROBINSON. I suggest to the Senator from North Carolina that he modify his amendment in conformity with that suggestion.

Mr. SIMMONS. I modify my amendment as suggested. That really carries out the idea that I had in mind, but, as I said before, I did not regard the other provision as likely to be called into action.

Mr. LENROOT. With the suggested modification, I shall be very glad to support the amendment.

The PRESIDING OFFICER. The Secretary will read the amendment of the Senator from North Carolina, as now proposed to be modified.

The Assistant Secretary read as follows:

> SEC. 905. There is hereby appropriated such amount as may be necessary to carry out the provisions of Titles IV and V of this act, to be paid out of and to be a first charge upon the interest received by the United States on obligations of foreign governments. If at any time the amount of such interest is not sufficient to meet the appropriation hereby made, the same shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. REED of Missouri. Mr. President, I am going to support the amendment of the Senator from North Carolina, first, because there is no fund that could be more appropriately employed than the money received in interest on foreign loans for the payment of the soldiers' adjusted compensation. I supported an amendment of exactly similar character which was offered by the Senator from North Carolina [Mr. SIMMONS], as I recall, to the revenue bill. The situation then was just the reverse of what it is now in the manner of the presentation. Then we were engaged in enacting a revenue bill, and the Senator from North Carolina proposed to add the bonus bill as a rider to the revenue bill and to devote the interest received on the foreign loans to the payment of the soldiers' bonus.

Prior to the offering of that amendment by the Senator from North Carolina I had offered an amendment proposing to retain the excess-profits tax and to pay the soldiers' bonus out of that tax, and had added the soldiers' bonus as a rider to the revenue measure. Both of those propositions were then defeated. In my judgment the fund ought to have been provided to pay the bonus from the excess-profits tax, but Senators defeated that. Next, however, to the excess-profits tax, which it was estimated would have yielded $450,000,000 this year, is the particular fund covered by the amendment of the Senator from North Carolina.

I am glad to see manifested a change of heart on the part of Senators. If they had been as willing when the revenue bill was before the Senate as they appear to be now to devote the interest on the foreign loans to the payment of the soldiers' bonus, we might have passed the pending bill or one very similar to it many months ago. I only regret that under the Constitution I can see no way to propose here and now the reinstatement of the excess-profits tax and the devotion of that tax to the payment of the charge which we are apparently about to create. Of course, we all understand that an amendment proposing to reinstate the excess-profits tax would be directly in conflict with that clause of the Constitution which provides that all bills for raising revenue shall originate in the House of Representatives.

Mr. President, the excess profits being gathered in this country are nearly all the direct result of the war. They are nearly all being husbanded by those gentlemen who find it possible to demand such charges as will realize these profits simply because of conditions growing out of the war. There would be nothing so equitable and just in the world as that those excess profits, largely springing from the war, should be devoted to the payment of the so-called bonus, which is really the payment of a war expense which has been laid over and which ought to have been paid long ago. But we can not reach excess profits now, and I am glad that there is at least apparently in the Chamber a sentiment in favor of devoting a part of the interest on our war loans to the payment of this charge.

Mr. President, there is another reason why I am not only reconciled to the devotion of the interest on our foreign loans to the payment of the bonus but am enthusiastically for it. Under the amendment the interest on the foreign loans will be devoted, so far as necessary, to the payment of the soldiers' bonus, and I think, if we shall adopt the amendment we will have heard the last of the clamor for the cancellation of the foreign debt.

Two sets of individuals have been advocating the cancellation of the foreign debt. One class embraces all those gentlemen who have invested large sums in foreign securities, plus a considerable number who want to make further investments and who would like to be able to know when they make them that the United States is not going to collect its debt, so that they may be the first and the preferred creditors. That conspiracy, Mr. President, has been widespread, and there is no use now attempting to close our eyes to the selfish interest back of it. Cancellation has been advocated by representatives of the great house of Morgan. Propaganda in favor of cancellation has been carried on throughout the country persistently, and large groups of influential financiers have been standing for that abominable doctrine. That class, however, while very potential and powerful, would not be much to be feared were it not for a class of very good people who are becoming sentimentally interested in Europe, who go about declaring that something must be done for Europe, and who apparently are obsessed with the idea that the United States must play Sister Bountiful to all the world for all time.

I read a suggestion in a newspaper the other day that the United States could afford to cancel its indebtedness provided Europe would agree to disarm. So, in the opinion of some eminent gentleman, what we ought to do is to go around with our pockets full of money and offer bribes to Europe to be good. We ought to go to Italy and ask, "How much money will you take to disband your army?" And to France and ask, "How much will we have to pay you to have you disarm?" A more ridiculous proposition than that has never been uttered since man first opened his lips and began to mumble an articulate jargon of sound.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. REED of Missouri. Yes.

Mr. ROBINSON. The Senator, of course, is familiar with the proposal of the Earl of Balfour on behalf of the British Government in a note to certain allies, in which he suggested that there could be no compromise or settlement of the debt due the British Government from these allies unless the United States Government should cancel its debt to Great Britain, thus making an insolent attempt to isolate the United States from her former associates in the conduct of the war and making an effort to put upon the United States full responsibility for the policy of the British Government toward its allies in connection with the debts due Great Britain from them.

Mr. REED of Missouri. Yes, Mr. President; I am fully aware of that, and I am aware of the fact that every time one of these British statesmen or French statesmen or Italian statesmen begins to talk about the duty of the United States to cancel its debts there is some American over here to indicate that we have the subject under consideration, and that there are certain terms and certain conditions that could be made that would lead us to cancel the debts.

I want to do something that will forever set at rest the proposition of the cancellation of these debts. I want the world to know that the United States proposes to have this money, and that if it is not paid the nation that refuses to pay it will have to dishonor its own obligations, at least. I want it to be understood, once and for all, by foreign nations that we are not going to pay them to disband their armies. I want it understood by the bondholders who would like to sacrifice Uncle Sam's interests in order to promote their own that this debt is going to be paid to the uttermost farthing, or that the foreign Governments will be compelled to repudiate their obligations. I want the sentimentalists to understand that the Congress of the United States feels that it has enough trouble to help take care of our business at home, and that we are no longer engaged in projects looking to the expenditure of American money in Europe. I want the European people to understand that while we have every sympathy for them, while we have every respect for European governments, while we intend to treat them all with consideration, we stand upon our rights; that we intend they shall work out their own salvation while we are compelled to work out ours, always extending to them the right hand of fellowship and of good feeling, but insisting upon the redemption of the obligations they have incurred to this Government.

Mr. President, if we set aside this money from these loans for the payment of the soldiers of this country who served to help preserve these European countries from the assaults of their enemies, I think we may at the same time set at rest the clamor for the cancellation of these bonds, for we will have devoted those bonds to the extinction of a sacred obligation due to our own soldiers, sailors, and marines.

Mr. SMITH. Mr. President, I do not intend to take up the time of the Senate; but I want to take this opportunity to congratulate the Senator from North Carolina [Mr. SIMMONS] on finding a way to make the bill definite and have some meaning to it that will obviate the rumored veto of the President.

In addition to that, it was an embarrassing thing for any American Congressman, Senator or Member of the House, to meet those who had stood in the mud in Europe, covered as they were with vermin, fighting the battles of this country on foreign soil, and tell them that the two years they had lost out of the producing period of their lives could not be made good in any particular, while we had loaned to foreign countries $11,000,000,000, and some of the foreign countries to whom we had loaned this money were already paying their soldiers a bonus.

An author who has written a very interesting work on "England after the War" has called attention to the fact that the prosperity of England and the high pay that her labor has received came from American money borrowed by England for the purpose of carrying on her affairs, and it was hardly a patriotic expression on our part that we could not afford to burden ourselves with additional indebtedness while other nations were meeting the obligation that they felt to their soldiers with money that had been taken from the taxpayers of America. I am glad to know that we have the prospect of having added to the bill a provision which will take some of the money that is due us from abroad and devote it to the splendid purpose of remunerating the boys who saved the civilization of the world.

Mr. President, while I am on my feet I want to take occasion to say that I hold no part with the sentiment that this is an attempt to capitalize or to commercialize patriotism. If my family were beleagured, and I were unable to relieve them, and some man who was earning enough to support himself, or to support himself and his family, were to go to their rescue and take two or three days of his time to do it, bringing back my loved ones safe to me, I never could pay him the debt of obligation that was due him from me as measured in the price of those that he saved and the relation they bore me; but I at least could pay him for the time that he lost from making a support for himself and those that were dependent upon him, and it is that for which I am now arguing here.

We are not commercializing the patriotism of the boys who went abroad. We are simply attempting in some measure to put them upon the same footing with those who remained at home; and I am glad that we are making provision, not that an additional burden shall be imposed upon the American people, but that the money that has already been drawn from the pockets of the taxpayers of this country and given to foreign countries shall be given back to the boys who helped save the civilization that is now, in foreign countries, enjoying the largess of America's Treasury.

I was a bit amused the other day when we took up several hours in discussing the question of opening farms for soldiers, so as to permit them to go "back to the farm." I suppose there are some poor, unfortunate, shell-shocked boys who might be inveigled into going on the farm under present conditions; but if any soldier will now go and assume a farm and endeavor to make a living there, we ought to make an appropriation to take care of him as being feeble-minded. Who thinks for one minute, under the conditions of American farming to-day and for the past two years, that any man with sense enough to take care of himself would now willingly engage in that vocation that does not give him a living, and that from time immemorial has been the butt and jest of all caricature—the hayseed, the notoriously ignorant, the poor? Do you suppose that the boys who saved this country would think it a patriotic act on our part to say: "We will drain a swamp, and you can go out on this drained land and eke out a miserable existence; or, we will turn some water on the sunburned plains of the West, and you can go there and eke out an existence"? The soldier saved the Treasury of the United States. Let us give him a chance to dig in the Treasury somewhat. Had it not been for his patriotic services we would have had no Treasury; and I, for one, am glad of the opportunity to vote, not a bonus, but partial compensation for the time he lost and the heroic work he did.

Before the bill passes, I may have something more to say; but I did want to commend the action of the Senator from North Carolina [Mr. Simmons] in providing that this foreign indebtedness shall be used to compensate our own people, and to head off, as the Senator from Missouri [Mr. Reed] has so well said, this attempt on the part of some to have the national indebtedness remitted, so that out of the national indebtedness the private interests of this country would collect their debts, and bring profits into the coffers of those whose treasuries are already unconscionably swollen by their profiteering during the war. I wish the bill had been drawn in the House so as to provide that every dollar of the foreign indebtedness due us should be collected and paid over to the boys who went abroad and saved the civilization of the world, rather than that we should use merely the interest thereon.

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 11 o'clock to-morrow morning.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. PITTMAN. Mr. President, earlier in the day I suggested that under a prior statement of the President he would probably be compelled, if consistent, to veto this measure. As I understand the amendment of the Senator from North Caroline [Mr. Simmons], I believe that it meets the objection that the President, in his statement, made to this proposed legislation. It provides the means with which to pay these money obligations.

I understand that the British Government, in its budget for the ensuing year, has made provision for the payment of the interest on its debt to the United States Government. That interest will be more than enough to meet the cash required under this bill. It will be paid before the cash is required under the bill; so that should satisfy the President, and, as far as the danger of a veto from that cause is concerned, it is removed by the amendment of the Senator from North Carolina.

Mr. WILLIAMS. What is his amendment?

Mr. PITTMAN. His amendment is to apply the interest on the foreign debt to the payment of the bonus.

Mr. SIMMONS. I will state to the Senator that that was one of the reasons why I offered the amendment.

Mr. PITTMAN. There was just one other matter that seemed to disturb some of the Senators, and that was that the adoption of the so-called McNary amendment might induce the President to veto the bill. I know that that impression was around among some who were opposed to the bill. As a matter of fact, the President of the United States has heretofore affirmatively approved the McNary amendment. It is the only provision in the bill that the President has affirmatively approved. The McNary amendment is the McNary reclamation bill, which was prepared by the Committee on Irrigation and Reclamation in conjunction with the Secretary of the Interior.

After it was prepared it received the approval of the administration, was reported to the Senate, and is now on the Senate calendar with that approval. Therefore, every cause for a veto is removed by virtue of that.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. PITTMAN. Certainly.

Mr. ROBINSON. The reclamation bill, which we now know as the McNary amendment in connection with the adjusted compensation bill, was reported some months ago from the committee, was it not?

Mr. PITTMAN. It was.

Mr. ROBINSON. Does the Senator know why, with the President favoring it, and with the Secretary of the Interior assisting in its preparation, no effort has been made to bring it forward as a separate measure and secure consideration of it in the Senate?

Mr. PITTMAN. I only know from the statements made by the chairman of the committee, who is now present. His statements were to the effect that the bill was only delayed in consideration by reason of other matters which the administration considered of more importance to have finished, and that it still had the approval of the President of the United States and of the administration and of a majority of this body.

Mr. WALSH of Montana. Mr. President, I feel very sure that the Senator from Wisconsin is unnecessarily alarmed about the effect of the amendment proposed by the Senator from North Carolina upon the validity of the bill should it become a part of it. It is suggested that the amendment is in the nature of a bill for raising revenue, which, under the Constitution, must originate in the House of Representatives.

That particular provision of the Constitution has twice been considered by the Supreme Court, and in two brief paragraphs it appears to me that that tribunal disposed of the contention. Clearly under the construction given to that provision of the Constitution this is not a bill for raising revenue. The first is the case of the United States against Norton, reported in Ninety-first United States Reports, from which I read as follows:

> The Constitution of the United States, Article I, section 7, provides that "all bills for raising revenue shall originate in the House of Representatives."
>
> The construction of this limitation is practically well settled by the uniform action of Congress. According to that construction it "has been confined to bills to levy taxes in the strict sense of the words, and has not been understood to extend to bills for other purposes which incidentally create revenue." Story on the Constitution, section 880. "Bills for raising revenue" when enacted into laws, become revenue laws. Congress was a constitutional body sitting under the Constitution. It was, of course, familiar with the phrase "bills for raising revenue," as used in that instrument, and the construction which had been given to it.

The same doctrine was subsequently announced in the case of Twin City Bank against Nebeker, reported in One hundred and sixty-seventh United States Reports, from which I read as follows:

> The contention in this case is that the section of the act of June 3, 1864, providing a national currency secured by a pledge of United States bonds, and for the circulation and redemption thereof, so far at it imposed a tax upon the average amount of the notes of a national banking association in circulation, was a revenue bill within the clause of the Constitution declaring that "all bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills" (Art. I, sec. 7); that it appeared from the official journals of the two Houses of Congress that while the act of 1864 originated in the House of Representatives, the provision imposing this tax was not in the bill as it passed that body, but originated in the Senate by amendment, and, being accepted by the House, became a part of the statute; that such tax was, therefore, unconstitutional and void; and that, consequently, the statute did not justify the action of the defendant.
>
> The case is not one that requires either an extended examination of precedents, or a full discussion as to the meaning of the words in the Constitution, "bills for raising revenue." What bills belong to that class is a question of such magnitude and importance that it is the part of wisdom not to attempt, by any general statement, to cover every possible phase of the subject. It is sufficient in the present case to say that an act of Congress providing a national currency, secured by a pledge of bonds of the United States, and which, in the furtherance of that object, and also to meet the expenses attending the execution of the act, imposed a tax on the notes in circulation of the banking associations organized under the statute, is clearly not a revenue bill which the Constitution declares must originate in the House of Representatives. Mr. Justice Story has well said that the practical construction of the Constitution and the history of the origin of the constitutional provision in question proves that revenue bills are those that levy taxes in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue. (1 Story on Const., sec. 880.)

A very learned judge, who long presided over one of the courts of the West, Judge Deady, said, in the case of Dundee Mortgage Trust Investment Co. against Parrish, reported in Twenty-fourth Federal Reports, at page 201, as follows:

> But I am clear that this is not a bill for raising revenue. True, it provides that when revenue is to be raised mortgages shall contribute thereto as land; but it does not authorize or provide for levying any tax or raising a cent of revenue. A bill for raising revenue, or a "money bill," as it was technically called at common law, is a bill levying a tax on all or some of the persons, property, or business of the country for a public purpose; and the assessment, or listing and valuation of the polls or property preliminary thereto, and all laws regulating the same, are merely measures to secure what may be deemed a just or expedient basis for the levying of a tax or raising a revenue thereon. The Constitution of the United States (sec. 7, Art. I) contains a provision on this subject similar to the one in the State constitution. It reads: "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills." In speaking of this clause Story, in his commentaries on the Constitution (sec. 880), says: "And, indeed, the history of the origin of the power, already suggested, abundantly proves that it has been confined to bills to levy taxes in the strict sense of the words and has not been understood to extend to bills for other purposes which may incidentally create revenue."

The paragraph of Story referred to is as follows:

> What bills are properly "bills for raising revenue," in the sense of the Constitution, has been matter of some discussion. A learned commentator supposes that every bill which indirectly or consequentially may raise revenue is, within the sense of the Constitution, a revenue bill. He therefore thinks that the bills for establishing the post office and the mint and regulating the value of foreign coin belong to this class and ought not to have originated (as in fact they did) in the Senate.

If that were not sufficient, the original bill as it came to us from the House provided for the issuance of certificates of indebtedness to the veterans. It is proposed by the amendment offered by the Senator from North Carolina, instead of issuing certificates of indebtedness to the veterans, to issue certificates of indebtedness, put them upon the market generally, sell them, and use the money for the payment of the veterans.

So, if this is in the nature of a bill for raising revenue on account of the provision for the issuance of certificates of indebtedness by the Treasury, the original bill was a bill for raising revenue, because it provided for issuance of certificates of indebtedness directly to the veterans, which was a means of raising revenue for the purpose of meeting the obligation.

Mr. LENROOT. What revenue could be raised by issuing certificates of indebtedness to veterans?

Mr. WALSH of Montana. Exactly the same way as the other was raised.

Mr. LENROOT. In one case there is an obligation to pay money out of the Treasury, and in the other case money comes into the Treasury.

Mr. WALSH of Montana. Both of them are obligations to take money out of the Treasury.

Mr. LENROOT. One brings money into the Treasury, and the other does not.

Mr. WALSH of Montana. One satisfies the obligation of the Government by permitting it to take the certificates of indebtedness outside and pledge them. So it is perfectly obvious that we have a right to substitute a different plan of Government obligation for the one proposed by the House.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the Senator from North Carolina as modified.

Mr. REED of Missouri. The Senator from North Carolina modified his amendment, in view of the point which had been raised. I thought perhaps he would like to have his amendment stated.

Mr. SIMMONS. I think the amendment in the present form is just as good as the amendment originally offered, and will accomplish the same purpose.

Mr. HEFLIN. Mr. President, some of the Senators on the other side who oppose adjusted compensation for our World War soldiers have based their opposition to it upon the ground that the Government is in no condition financially to pay it. Here is an opportunity to do simple justice to the soldier and pay him adjusted compensation without taking 1 cent out of the public Treasury, or taxing the American people one 5 cents. Here is an opportunity to collect the interest, which amounts now to more than $1,000,000,000 on money due this Government by the allied nations, and pay this already too long deferred adjusted compensation to our soldiers.

It has been said here repeatedly that France and England have paid adjusted compensation to their soldiers with the money they borrowed from us. As I have said here before, Wall Street interests have collected from France and Great Britain since the war $1,700,000,000 for money and goods obtained by those two countries during the war.

I take the position that if France and Great Britain are able to pay to private interests in Wall Street $1,700,000,000, they can certainly pay to this Government a billion and a half, which would pay outright adjusted compensation of over $350 in cash to every one of our soldier boys. Here is a provision to raise this money, not by taxation, not by issuing Federal reserve notes, not by the sale of bonds in the United States, but by collecting simply the interest on a debt due this Government by foreign countries.

Mr. President, thousands of our soldiers are in distress at this hour, or out of employment, with no money in their pockets.

You have no right to deny justice to the soldier who preserved our liberty and saved the Republic in the hour of its peril. You who voted to take $90,000,000 off of the big income taxpayers and $450,000,000 off of the greedy profiteers and to pay war contracts, questionable, many of them, amounting to over $700,000,000, can not justify your position in denying simple justice to the American soldier. Here is an opportunity to pay the bill and square the account with the boys without increasing the tax burden of our people by adopting the amendment of the Senator from North Carolina.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from North Carolina as modified.

On a division, the amendment as modified was agreed to.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate, under the order previously made, took a recess until to-morrow, Wednesday, August 30, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 29 (legislative day of August 25), 1922.

PROMOTION IN THE REGULAR ARMY.

MEDICAL CORPS.

First Lieut. George Paul Sandrock to be captain in the Medical Corps from August 27, 1922.

APPOINTMENT IN THE REGULAR ARMY.

QUARTERMASTER CORPS.

Warrant Officer Herbert Warren Hardman to be captain with rank from July 1, 1920.

POSTMASTERS.

IDAHO.

Warren P. Jones to be postmaster at Priest River, Idaho, in place of H. M. Murray, resigned.

ILLINOIS.

Chester E. Brounson to be postmaster at Plainfield, Ill., in place of M. L. Spangler, deceased.

John K. Hoagland to be postmaster at Shelbyville, Ill., in place of Frank Stone. Incumbent's commission expired February 4, 1922.

INDIANA.

Robert F. Morris to be postmaster at Elberfeld, Ind. Office became presidential April 1, 1922.

John C. Hinshaw to be postmaster at Westfield, Ind., in place of A. H. Baker, resigned.

KANSAS.

Guy W. Bryan to be postmaster at Delia, Kans. Office became presidential April 1, 1922.

John W. Liggett to be postmaster at Rosalia, Kans. Office became presidential July 1, 1922.

KENTUCKY.

Jimmie R. Botts to be postmaster at Glendale, Ky. Office became presidential April 1, 1921.

James L. Howard to be postmaster at Wallins Creek, Ky. Office became presidential July 1, 1921.

LOUISIANA.

Joseph P. Lucas to be postmaster at Dodson, La. Office became presidential January 1, 1921.

Anna M. Shadow to be postmaster at Sibley, La. Office became presidential July 1, 1920.

David Dunn to be postmaster at Columbia, La., in place of E. G. Stuart, deceased.

William Fear to be postmaster at Welsh, La., in place of A. M. Oaksmith, removed.

MICHIGAN.

William L. Shulters to be postmaster at Hastings, Mich., in place of J. J. Dawson. Incumbent's commission expires September 13, 1922.

MISSOURI.

Clarence Wehrle to be postmaster at Eureka, Mo. Office became presidential July 1, 1920.

NEBRASKA.

Frank E. Britton, to be postmaster at Blue Hill, Nebr., in place of J. B. Lane, resigned.

Stella V. Caulfield to be postmaster at Newcastle, Nebr., in place of S. V. Caulfield. Incumbent's commission expired May 25, 1922.

NEW HAMPSHIRE.

Stephen C. Coburn to be postmaster at Milford, N. H., in place of J. A. Brahaney. Incumbent's commission expired January 5, 1920.

Edgar C. Emery to be postmaster at West Swanzey, N. H., in place of A. J. Faulkner, resigned.

Fred P. Dearth to be postmaster at Woodsville, N. H., in place of J. F. Leonard. Incumbent's commission expires September 19, 1922.

NEW JERSEY.

Daniel A. De Vries to be postmaster at Carlton Hill, N. J. Office became presidential January 1, 1922.

Richard V. Iderstine to be postmaster at Wyckoff N. J. Office became presidential April 1, 1922.

NEW YORK.

Anna Keegan to be postmaster at Ferndale, N. Y., in place of T. M. Keegan, deceased.

NORTH CAROLINA.

Lola A. Thomas to be postmaster at Jackson Springs, N. C. Office became presidential January 1, 1921.

George H. Wright to be postmaster at Wendell, N. C., in place of M. F. Hales, removed.

OHIO.

Ida C. Steinman to be postmaster at Logan, Ohio, in place of H. G. Hansel, resigned.

Bert E. Woodward to be postmaster at Stryker, Ohio, in place of W. S. Ehrmin, removed.

OREGON.

Bernice Wilson to be postmaster at Yoncalla, Oreg., in place of W. W. Wilson. Incumbent's commission expired March 16, 1921.

PENNSYLVANIA.

Roy L. Kalbfus to be postmaster at Shohola, Pa. Office became presidential January 1, 1921.

Howard C. Shenton to be postmaster at Slatington, Pa., in place of Joseph Richards, removed.

TENNESSEE.

Janie E. Pennington to be postmaster at Madisonville, Tenn., in place of W. A. Ghormley, removed.

VERMONT.

Lewis S. Richardson to be postmaster at Chester Depot, Vt. Office became presidential January 1, 1921.

VIRGINIA.

Cornelius D. Burnett to be postmaster at Huddleston, Va. Office became presidential April 1, 1921.

WISCONSIN.

Elsie O. Barnes to be postmaster at Friendship, Wis., in place of J. F. Horan. Incumbent's commission expired January 24, 1922.

WYOMING.

Lee Wilcox to be postmaster at Saratoga, Wyo., in place of J. B. Delaney, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 29 (legislative day of August 25), 1922.

CONSULAR SERVICE.

CONSUL GENERAL AT LARGE.

Edward J. Norton to be consul general at large.

CONSUL GENERAL OF CLASS 3.

Ralph J. Totten to be consul general of class 3.

APPRAISER OF MERCHANDISE.

Sophie McCord to be appraiser of merchandise, customs collection district No. 45.

ASSISTANT APPRAISER OF MERCHANDISE.

Charles Marks to be assistant appraiser of merchandise, customs collection district No. 11.

RECEIVER OF PUBLIC MONEYS.

Charles S. Reed to be receiver of public moneys at Rapid City, S. Dak.

COAST AND GEODETIC SURVEY.

James Donald Crichton to be hydrographic and geodetic engineer with relative rank of lieutenant in the Navy.

POSTMASTERS.

ALABAMA.

William C. Curtis, Double Springs.
John L. Shotts, Hamilton.
Addie M. Cannon, Mount Vernon.
Annie J. McArthur, Riderwood.
James W. Fincher, Theodore.

ALASKA.

Wilkie T. Pinkerton, Fairbanks.

CONNECTICUT.

Helen S. Ladd, Bloomfield.
Edmund E. Crowe, South Norwalk.

FLORIDA.

Urban P. Eytchison, Marianna.
Edward Roberts, Odessa.
William W. Rees, Tavares.

ILLINOIS.

Otto Rexses, Des Plaines.
Charles D. Ragsdale, De Soto.
Chris C. Wendt, Dundee.
Arvil C. Allen, Elkhart.
Laurence R. Sutter, Hammond.
Fuller Green, Kenney.
Thomas W. Collins, Knoxville.
John O. Biggs, Westfield.

INDIANA.

Harry W. Baals, Fort Wayne.
Albert Neuenschwander, Grabill.
Nell Manley, Laurel.
Joseph Corzetto, St. Mary-of-the-Woods.
Haskell Lett, Seymour.

IOWA.

Arthur H. Ricke, Breda.
Bessie Wyllie, Bridgewater.
Lyman H. Henry, Charles City.

KANSAS.

Madison Hinchman, Beverly.
Judson M. Cramer, Gardner.
Lot S. Hadley, Glen Elder.
William Dancaster, Richmond.
Henry N. Jessen, White Water.

MARYLAND.

Harry M. Kimmey, Westminster.

MICHIGAN.

Henry Bristow, Flat Rock.
Ethel P. Colwell, Harrisville.
John P. Robertson, Metamora.

NEW HAMPSHIRE.

Morris M. Cheney, Bennington.
Bertrend N. Hill, Dixville Notch.
Herbert E. Walbridge, Enfield.
Josiah K. Rand, Fitzwilliam.
George D. Roberts, Jefferson.
Willard C. Fogg, Lincoln.

NEW JERSEY.

Reid Howell, Rutherford.

OHIO.

J. Schuyler Hossler, Bloomville.
Arch D. Spellman, Williamsfield.

OKLAHOMA.

John H. Hammer, Eufala.
Charles A. Smith, Healdton.
Jonas R. Cartwright, Shattuck.
Frederick W. Hunn, Crowder.

PENNSYLVANIA.

William J. Wilson, Bentleyville.
Richard W. Edmunds, Braddock.

TENNESSEE.

Gordon P. Hyatt, Ducktown.
Clarence V. Gwin, Hartsville.
D. Garfield Chambers, Huntsville.
Walter Carr, Moscow.
William A. Langley, Petros.
McHenry Jackson, Russellville.

VERMONT.

Bertram F. Atherton, Waterbury.

WEST VIRGINIA.

John W. Fortney, Lumberport.
Ola B. Long, Mill Creek.

WITHDRAWAL.

Executive nomination withdrawn from the Senate August 29 (legislative day of August 25), 1922.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY.

Second Lieut. Frederick Stevens Lee, Infantry, with rank from June 13, 1922. This officer resigned his commission in the Regular Army August 25, 1922.

REJECTION.

Executive nomination rejected by the Senate August 29 (legislative day of August 25), 1922.

POSTMASTER.

John F. Curran to be postmaster at Savannah, Ga.

HOUSE OF REPRESENTATIVES.

Tuesday, *August 29, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, looking into our past we bless Thee for every light which has gleamed upon our way and for every comfort which has encouraged our lives. Deliver us from all indifference to Thy law, and may we hearken unto Thy commandments. May Christian truth be distinctly and directly expressed in all our laws and institutions. O God, may we live in Thy spirit and walk in Thy light and give us that peace which is too deep to be measured and too calm to be expressed. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On July 1, 1922:

H. R. 11362. An act declaring Tchula Lake, Holmes County, Miss., to be a nonnavigable stream.

On August 22, 1922:

H. R. 11233. An act authorizing the Secretary of Commerce to convey certain land to the county of Muscatine, Iowa.

On August 24, 1922:

H. R. 9746. An act for the relief of Emmett Otto Cooney;

H. J. Res. 316. Joint resolution authorizing the reappointment of Frederick Mears as a commissioned officer of the Regular Army and making him available, when so reappointed, for service as chairman and chief engineer of the Alaskan Engineering Commission;

H. R. 314. An act for the relief of Forrest R. Black;

H. R. 6817. An act to authorize the Secretary of the Interior to issue patent to the State of Michigan, in trust, of a certain described tract of land to be used as a game refuge;

H. R. 7812. An act to extend the time for cutting timber in the Coconino and Tusayan National Forests, Ariz.;

H. R. 8845. An act for the relief of Mattie Alexander;

H. R. 9048. An act to authorize the California Débris Commission to reimburse the city of Sacramento, Calif., for money expended by said city in the construction of the Sacramento weir;

H. R. 9257. An act to permit adjustment of conflicting claims to certain lands in Mohave County, Ariz.;

H. R. 9814. An act amending the proviso of the act approved August 24, 1912, with reference to educational leave to employees of the Indian Service;

H. R. 10517. An act providing for the confirmation of title of certain purchasers from the State of Louisiana of lands formerly included in the Fort Sabine Military Reservation, in Cameron Parish, La., now abandoned;

H. R. 10957. An act to rebuild the school building of the Indian school near Tomah, Wis.; and

H. R. 11054. An act to validate certain deeds executed by members of the Five Civilized Tribes, and for other purposes.

On August 25, 1922:

H. R. 2694. An act for the relief of Seth J. Harris, Jimmie Lou Martin, Mary Holloman, and William Henry Coleman.

On August 26, 1922:

H. R. 7598. An act authorizing the Secretary of the Interior to dedicate and set apart as a national monument certain lands in Riverside County, Calif.

On August 28, 1922:

H. R. 8244. An act permitting Frances Mack Mann to purchase certain public land;

H. R. 858. An act for the relief of Alfred P. Reck; and

H. R. 11699. An act relating to the appointment of the Chief of Staff of the Army.

FEDERAL FUEL DISTRIBUTOR.

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The Clerk read as follows:

House Resolution 418 (Rept. No. 1197).

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, etc. That after general debate, which shall be confined to the bill and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of such consideration the committee shall rise and report the bill to the House, and the previous question shall be considered as ordered on the bill and all amendments thereto to final disposition without intervening motion, except one motion to recommit.

Mr. SNELL. Mr. Speaker, this rule when adopted simply makes it in order to move to resolve the House into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12472. This bill has for its primary purpose to declare that a national emergency exists in the production, transportation, and distribution of coal and other fuel. Secondly, it provides for the appointment of a Federal fuel distributer; and, third, it grants additional powers to the Interstate Commerce Commission providing for a declaration of car-service priority in interstate commerce during the present and any succeeding emergency. As far as I know, there is no opposition to the consideration of legislation of this kind at this time. The only question in the minds of Members is whether this bill goes far enough to meet the present emergency. But I do know this: That a very serious condition exists throughout the whole country. It has affected every industry, every public utility, and every home in this land, and I further know that the people in my district and every other district in the northern part of these United States are not questioning the fact about some technicality in the Constitution; they do not question whether you tread on the toes of the mine owner or the operator or the railroad owner or the railroad employee. What they want is fuel, and they want it quickly. [Applause.]

They believe that the administration and the Congress have the power to provide this fuel for them. Now, it seems to me that this legislation proposed in the bill 12472 takes a step in that direction. If it does, I am in favor of it and I want to see it quickly passed and become a law. [Applause.] Mr. Speaker, I reserve the balance of my time, and I yield 20 minutes to the gentleman from North Carolina [Mr. Pou].

Mr. POU. Mr. Speaker, the trouble with this legislation is it does not go far enough. It is like giving a man a mild opiate when nothing but a major operation will save his life. It is easy to be critical but it is difficult to be constructive. I have no desire, even if it were in my power, to add to the troubles of the administration. The people of America have only one agency to whom they can look for relief in the present crisis, and that is the President of the United States, his administration, and the Congress—the Government. It seems to me that this legislation is utterly inadequate. In the first place, there is no hard coal to be distributed; in the second place, there is but a very limited quantity of soft coal; in the third place, every day that passes the arteries of distribution are becoming more and more impaired. This bill can not remedy the trouble. To offer such a measure at this time is almost an admission of the bankruptcy of the power of the Government. There are homes in this city to-day, very many of them, that have not a bushel of coal in their bins, and the winter is rapidly coming on. The gentleman from New York [Mr. Snell] said that the people of America expect their Government to provide them with coal to keep them warm in the winter, and he told the truth. They have the right to expect this, for their Government is their only dependence at this time.

This bill is nothing but a sickly compromise. The fault I find with this rule is that it allows six hours of debate for the consideration of a measure absolutely impotent. Congress is the subject of jest. Confidence of the people is waning. Talk with the man you meet on the street, in the hotel lobby, on the train. Confidence is gone. We talk and talk and apparently fail to realize that this Nation is now in the worst crisis of a generation, excepting only the war. Yet we hear leaders in this Chamber talking about another vacation, predicting the opportunity of a visit home. Surely the hour for action is here. Palliatives will only aggravate the situation. The President should demand supreme authority if the coal strike and the railroad strike are not settled within a given time. For my part I am ready to give the President power to seize the coal mines and railroads. [Applause.] We have had enough talk of compromise. Mr. Speaker, I know it is easy to talk. Talk is cheap; but we have been here all this summer marking time, and every day the papers publish what appear to be inspired articles saying that the coal strike is about to be settled, that the railroad strike is about to be settled, and all the time conditions are getting worse. Yet, confronted by a situation which could hardly be worse, just two or three days ago we heard from the Republican leader in this House a prediction that the House of Representatives would take a vacation, go back home, visit among the people, have a good time, repair political fences.

Yet the very moment that talk of another vacation was going on the papers were announcing the abandonment of negotiations for settlement of the coal strike and the railroad strike as well.

Now, Mr. Speaker, I shall vote for this rule; at least, I shall not vote against it. I regret I am not permitted to vote for a bill from which we may expect at least some degree of relief. This bill limits distribution. Its best friend merely hopes it will help the situation. In the first place, it provides for the distribution of something that does not exist; and, in the second place, it provides for the distribution of that something that does not exist over a railroad system that is becoming more and more impaired every day.

I conclude, Mr. Speaker, by saying that so far as the minority is concerned the laboring oar is not ours. If you gentlemen are willing to go before the country with such a measure as this as your answer to the plea that is now going up throughout the land for fuel to keep the homes of America warm during this winter, the responsibility is yours and not ours. The people will hold you accountable, not us. We are ready to help in so far as we can. We shall cast no obstacles in the way of measures the administration deems necessary for the public welfare. We shall help you make a quorum. We will be on hand whenever the House is in session. But if this bill is your best answer to the cry for fuel going up throughout this Nation, I say God have mercy on those who are not now provided with their winter's fuel.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman from New York yield?

Mr. SNELL. Yes.

Mr SANDERS of Indiana. I should like to inquire how the time is to be divided under the rule.

Mr. SNELL. One-half to be controlled by the chairman and one-half by the ranking minority member of the committee.

Mr. SANDERS of Indiana. It just happens, Mr. Speaker, that both the chairman of the committee and the ranking minority member of the committee are in favor of the bill. I have been working very diligently on the measure and I am opposed to it. I think there are very good grounds for opposition. I think it is extremely important that those who are opposed to the bill have an opportunity of presenting their views to the House. I have inquired of both the chairman and the gentleman from Kentucky [Mr. Barkley] as to what time can be allotted to me. Neither one of them has agreed to grant me any time. I do not say that in criticism of either one of these gentlemen, for they probably have alloted all of their time. I think the time ought to be divided between those in favor of the bill and those opposed to it. [Applause.]

The gentleman from Texas [Mr. Rayburn] is opposed to the measure. The disadvantage of having the time controlled on both sides by people who favor the bill is that adequate consideration is not given the Member who wants to speak against the bill, not because of any purposeful discrimination but because these gentlemen would naturally want those who have their views to present them and they are furnished the time.

Mr. WINSLOW. Mr. Speaker, will the gentleman yield?

Mr. SANDERS of Indiana. I think the mere fact that I can have no time ought to illustrate the difficulty of having the time divided in the way in which it is. I yield to the gentleman from Massachusetts.

Mr. WINSLOW. I am sure the gentleman from Indiana would not create any misapprehension on the part of Members here. If my memory serves me correctly, he did suggest that no time had been allowed him by either Mr. Barkley or myself. I do not know about Mr. Barkley. It is true that I have not allowed him any, but I have not told him that I would not. The situation has been like this: We have a committee of 21 members. Some 13 of them are now here. The proportion of members of the dominant party of the House is two to one as compared with those in the minority. The problem is difficult. The gentleman from Indiana asks out of six hours the modest time of an hour and a quarter. It is a mathematical proposition to me, not a question of personality. I am not at all sure that I could arrange to give him an hour and a quarter, but I will say to him that I shall be pleased to give him as much consideration as we give any other member of the committee save one, who will present the bill in detail. If the gentleman can arrange for a like consideration on the other side, that is entirely agreeable to me. We merely want to do the right thing.

Mr. BLAND of Indiana. Mr. Speaker, will the gentleman yield?

Mr. SNELL. I yield to the gentleman from Indiana, Mr. Sanders.

Mr. SANDERS of Indiana. Mr. Speaker, that statement is quite accurate. I have been promised no time by either the gentleman from Kentucky or the gentleman from Massachusetts. As far as I know, now is the only time when I may learn definitely if I am going to have any time.

Mr. BARKLEY. Mr. Speaker, it is quite true that I did not make any definite promise. I have already agreed to yield at least 40 minutes of my time to those who are opposed to the bill, but I am prepared to yield other time, and I assure the gentleman that if I can take care of him with any additional time I shall be glad to do it.

Mr. SANDERS of Indiana. Mr. Speaker, I have served in this House for three terms, and I have been assured at other times by people having control of time that if they had any time I would get it, and I usually did not get it. Here is the embarrassing situation to those on this side of the House. I am opposed to this measure. The administration is for it, and I am a Republican. I think I ought to have the right and the time to express my views, and I can not do it in a short time. We had the matter up in committee—it is no secret—and we got six hours in order that we would have time to present our views. Now we are started in on the consideration of what I regard as the most important measure that has ever been in this House, and I am confronted with the proposition that I have now no assurance of any time. I say that situation ought not to occur.

Mr. SNELL. Mr. Speaker, let me say to the gentleman that no one appeared before the Committee on Rules in opposition to the rule as it is usually drawn, one-half to be controlled by the majority and one-half by the minority. So far as the Rules Committee is concerned, it is always understood that the men in charge of time will be fair in the division of it among those who favor and those who oppose the bill.

Mr. BLAND of Indiana. There are other people here who are not members of the committee who want to be heard on this side. I do not want any hour and a quarter; I would like to have merely the quarter.

Mr. SNELL. I can not assure any man time, but I do feel that the committee has allowed abundance of time for the discussion of this bill in general debate, and I think that is the feeling of the majority of the House.

Mr. BLAND of Indiana. I am opposed to this bill, and I think a part of this time ought to be allowed to those who are in opposition to it.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. BANKHEAD. In view of the divided sentiment evidenced in this preliminary discussion, does not the acting chairman of the Committee on Rules think it would be fair to offer an amendment to his resolution providing that the time should be equally divided between those who are in favor of the bill and those who are opposed to it?

Mr. SNELL. I think that matter can be worked out satisfactorily by Mr. Winslow and Mr. Barkley. They both assured the committee they would be fair.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. GARNER. The matter could be arranged if the gentleman from Kentucky and the gentleman from Massachusetts would agree to yield an hour and a quarter to the gentleman from Indiana and an hour and a quarter to the gentleman from Texas [Mr. Rayburn], to be controlled by them. That would give the opposition two and one-half hours and those in favor of the bill three and one-half hours. Then the opposition could control the time to suit themselves.

Mr. SANDERS of Indiana. We are not confronted with a situation where there is great haste. There ought to be ample time to debate this measure, and if the gentlemen who are trying to control the time find there is such demand for time that those who are members of the committee and who have studied the legislation are not to be given time, then the time ought to be extended so they may express their views.

Mr. SNELL. I think it is the general opinion of the Members of the House that six hours is ample time in which to discuss this general proposition, when there will be sufficient time given under the five-minute rule. I am in hopes that the gentlemen in control of the time will make satisfactory arrangements with those gentlemen who are opposed to the measure.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. SUMNERS of Texas. Among my colleagues here who were opposed to the bill, they are very anxious to see, if a satisfactory arrangement, that the gentleman from New York referred to, could not now be made.

Mr. SNELL. I am waiting for them to make it at this time.

Mr. MANN. Mr. Speaker——

Mr. GARNER. Give each one an hour and a quarter.

Mr. SNELL. I yield to the gentleman from Illinois [Mr. Mann].

Mr. MANN. Mr. Speaker, it always pays to be fair. Those in opposition to the bill under the practice of the House have always been considered entitled to half the time, and if I might suggest to the gentleman from Massachusetts [Mr. Winslow] and the gentleman from Kentucky [Mr. Barkley], I think it would meet the warm approval of the House if the gentleman from Massachusetts [Mr. Winslow] would say that he would yield half of his time to the gentleman from Indiana and the gentleman from Kentucky [Mr. Barkley] would say that he would yield half of his time to the gentleman from Texas, in opposition to the bill.

Mr. MONDELL. Will the gentleman from New York yield?

Mr. SNELL. I yield.

Mr. MONDELL. I think it is true that when measures are before the House that are pretty strongly contested and that there is a pretty nearly equal division of sentiment, that there be an equal division of time between those favorable and those opposed to the legislation. But here is a matter of legislation with regard to which the great majority of the Members are favorable. So far as we know there are comparatively few opposed to the legislation. I do not think the few who are opposed to the legislation are entitled to half of the time as against the great, overwhelming majority of the House that is for it. I think they are entitled to plenty of time, and more time in proportion to their numbers than those favorable to the bill, but I do not think they are entitled to half of the time unless their numbers are greater than we have reason to believe they are.

Mr. MANN. Will the gentleman from New York yield?

Mr. SNELL. I yield.

Mr. MANN. The rule proposes to give half of the time to the minority side, which has less than one-third of the membership of the House.

Mr. MONDELL. That is the usual practice.

Mr. MANN. The usual practice is to give half of the time to those opposed to the bill.

Mr. MONDELL. If the gentleman will allow me, assuming——

Mr. CHINDBLOM. Will the gentleman yield?

Mr. SNELL. I yield.

Mr. CHINDBLOM. I want to say, as one Member of the majority disposed favorably to this bill, that I want to hear those opposed to it. I want to know what the suggestion is, and the suggestion of my colleague I believe is fair, to give one-half of the time to those opposed to it, and I say that as one who is disposed to favor the legislation.

Mr. WINSLOW. Will the gentleman from New York yield?

Mr. SNELL. I yield.

Mr. WINSLOW. I desire to say to the House that at no time thus far has the gentleman from Kentucky [Mr. Barkley] or myself been confronted with a definite proposition as to what time the opposition wanted. We have neither affirmed nor rejected any arrangement. If he has it is unknown to me. I felt that the proposition would be, of course, to give half the time to those in opposition, but they could not be found; so the only arrangement that was logically provided was that the representative on the committee who is of the minority should control half of the time and I would control the other half. My purpose would be to go back to the original proposition, in view of the fact that there are those who want to take the negative side of the discussion. So I propose, without objection, that the gentleman from Kentucky [Mr. Barkley] and I yield one-half of our time to the opposition. [Applause].

Mr. SNELL. If that is agreed to it will be all right with that understanding.

The SPEAKER. The Chair will say that it is not necessary to change the rule if the gentleman from Massachusetts [Mr. Winslow] and the gentleman from Kentucky [Mr. Barkley] agree to it.

Mr. BARKLEY. That is entirely satisfactory to me.

Mr. SNELL. With that understanding, Mr. Speaker, I move the previous question on the adoption of the rule.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the rule.

The resolution was agreed to.

POLITICAL STATUS OF PHILIPPINE ISLANDS.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 19 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands," I transmit herewith a set of the laws and resolutions passed by the Fifth Philippine Legislature during its second session, from October 16, 1920, to February 9, 1921, inclusive; its third session, from October 17, 1921, to February 9, 1922, inclusive; and its special session of 1922, from February 13, 1922, to February 18, 1922, inclusive.

These acts and resolutions have not previously been transmitted to Congress, and it is therefore recommended that they be printed as public documents as heretofore.

WARREN G. HARDING.

THE WHITE HOUSE, *August 28, 1922.*

RAILROADS IN TERRITORY OF ALASKA.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on the Territories.

To the Congress of the United States:

In accordance with the provisions of section 4 of the act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, I transmit herewith the report of the Alaskan Engineering Commission covering the period from January 1 to December 31, 1921.

WARREN G. HARDING.

THE WHITE HOUSE, *August 29, 1922.*

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DYER. Will these laws that have been transmitted by the President to the Congress, of the Philippine Legislature, be printed?

The SPEAKER. That will be decided later.

Mr. DYER. Will that be determined by the Chair?

The SPEAKER. The Chair thinks that he would have the right to determine that.

FEDERAL FUEL DISTRIBUTOR.

Mr. WINSLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12472.

The SPEAKER. The gentleman from Massachusetts moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12472.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 220, nays 25, answered "present" 1, not voting 181, as follows:

YEAS—220.

Ackerman
Almon
Anderson
Andrew, Mass.
Andrews, Nebr.
Ansorge
Anthony
Aswell
Atkeson
Bacharach
Barbour
Barkley
Begg
Benham
Bird
Blakeney
Bland, Ind.
Bland, Va.
Boies
Bowers
Briggs
Brooks, Ill.
Burdick
Burke
Butler
Cable
Campbell, Pa.
Cannon
Chalmers
Chandler, N. Y.
Chindblom
Christopherson
Clague
Clarke, N. Y.
Cole, Iowa
Colton
Cooper, Ohio
Cooper, Wis.
Coughlin
Crago
Crisp
Crowther
Cullen
Curry
Dale
Dallinger
Davis, Minn.
Dempsey
Denison
Dickinson
Doughton
Dowell
Drane
Driver
Dunbar
Dyer
Elliott
Ellis
Evans
Fairfield
Faust
Favrot
Fenn
Fish
Fisher
Fitzgerald
Focht
Foster
Free
French
Fuller
Garrett, Tenn.
Gernerd
Goodykoontz
Gorman
Graham, Ill.
Graham, Pa.
Greene, Mass.
Greene, Vt.
Griest
Griffin
Hadley
Hammer
Hardy, Colo.
Haugen
Hayden
Hays
Henry
Hersey
Hickey
Hicks
Hill
Hoch
Hogan
Hooker
Huddleston
Hull
Husted
Hutchinson
Ireland
James
Jefferis, Nebr.
Jeffers, Ala.
Johnson, S. Dak.
Johnson, Wash.
Jones, Pa.
Kelly, Pa.
Kennedy
Ketcham
Kincheloe
King
Kissel
Kline, N. Y.
Kline, Pa.
Kopp
Kraus
Kreider
Lampert
Lawrence
Layton
Lazaro
Lea, Calif.
Leatherwood
London
Lowrey
McClintic
McCormick
McFadden
McKenzie
McLaughlin, Mich.
McLaughlin, Nebr.
McPherson
MacGregor
Madden
Magee
Mann
Mapes
Michener
Mills
Millspaugh
Mondell
Moore, Ohio
Moore, Va.
Moores, Ind.
Morgan
Morin
Murphy
Newton, Minn.
Norton
O'Connor
Ogden
Olpp
Osborne
Paige
Park, Ga.
Parker, N. J.
Parker, N. Y.
Patterson, Mo.
Patterson, N. J.
Perlman

Purnell
Radcliffe
Ramseyer
Reece
Reed, W. Va.
Rhodes
Ricketts
Roach
Robsion
Rodenberg
Rogers
Rose
Rossdale
Rouse
Sanders, Ind.
Sanders, N. Y.
Scott, Tenn.
Shaw
Siegel
Sinnott
Smith, Idaho
Smith, Mich.
Smithwick
Snell
Speaks
Sproul
Stafford
Stephens
Strong, Kans.
Swank
Taylor, Colo.
Taylor, N. J.
Taylor, Tenn.
Thomas
Tillman
Timberlake
Towner
Treadway
Tucker
Underhill
Upshaw
Vaile
Vare
Vestal
Vinson
Volk
Volstead
Walters
Ward, N. Y.
Ward, N. C.
Weaver
Wheeler
Williams, Ill.
Wilson
Wingo
Winslow
Wurzbach
Wyant
Young
Zihlman

NAYS—25.

Bankhead
Bowling
Box
Bulwinkle
Collier
Echols
Garner
Garrett, Tex.
Hardy, Tex.
Hudspeth
Jones, Tex.
Lanham
Lee, Ga.
Lyon
Oliver
Parks, Ark.
Pou
Quin
Rankin
Rayburn
Sanders, Tex.
Sandlin
Steagall
Tyson
Williams, Tex.

ANSWERED "PRESENT"—1.

Sumners, Tex.

NOT VOTING—181.

Appleby
Arentz
Beck
Beedy
Bell
Bixler
Black
Blanton
Bond
Brand
Brennan
Britten
Brooks, Pa.
Brown, Tenn.
Browne, Wis.
Buchanan
Burroughs
Burtness
Burton
Byrnes, S. C.
Byrns, Tenn.
Campbell, Kans.
Cantrill
Carew
Carter
Chandler, Okla.
Clark, Fla.
Classon
Clouse
Cockran
Codd
Cole, Ohio
Collins
Connally, Tex.
Connell
Connolly, Pa.
Copley
Cramton
Darrow
Davis, Tenn.
Deal
Dominick
Drewry
Dunn
Dupré
Edmonds
Fairchild
Fess
Fields
Fordney
Frear
Freeman
Frothingham
Fulmer
Funk
Gahn
Gallivan
Gensman
Gilbert
Glynn
Goldsborough
Gould
Green, Iowa
Harrison
Hawes
Hawley
Herrick
Himes
Hukriede
Humphreys
Jacoway
Johnson, Ky.
Johnson, Miss.
Kahn
Kearns
Keller
Kelley, Mich.
Kendall
Kiess
Kindred
Kirkpatrick
Kitchin
Kleczka
Knight
Knutson
Kunz
Langley
Lankford
Larsen, Ga.
Larson, Minn.
Lee, N. Y.
Lehlbach
Lineberger
Linthicum
Little
Logan
Longworth
Luce
Luhring
McArthur
McDuffie
McLaughlin, Pa.
McSwain
Maloney
Mansfield
Martin
Mead
Merritt
Michaelson
Miller
Montague
Montoya
Moore, Ill.
Mott
Mudd
Nelson, Me.
Nelson, A. P.
Nelson, J. M.
Newton, Mo.
Nolan
O'Brien
Oldfield
Overstreet
Perkins
Peterson
Porter
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Ransley
Reber
Reed, N. Y.
Riddick
Riordan
Robertson
Rosenbloom
Rucker
Ryan
Sabath
Schall
Scott, Mich.
Sears
Shelton
Shreve
Sinclair
Sisson
Slemp
Snyder
Stedman
Steenerson
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Sweet
Swing
Tague
Taylor, Ark.
Temple
Ten Eyck
Thompson
Tilson
Tincher
Tinkham
Voigt
Wason
Watson
Webster
White, Kans.
White, Me.
Williamson
Wise
Wood, Ind.
Woodruff
Woods, Va.
Woodyard
Wright
Yates

So the motion was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Tincher (for) with Mr. Sumners of Texas (against).

Until further notice:

Mr. Maloney with Mr. Gallivan.
Mr. Burton with Mr. Oldfield.
Mr. Thompson with Mr. Tague.
Mr. Cramton with Mr. Carter.
Mr. Hawley with Mr. Riordan.
Mr. Langley with Mr. Clark of Florida.
Mr. Wood of Indiana with Mr. Sisson.
Mr. Brooks of Pennsylvania with Mr. Cantrill.
Mr. Luhring with Mr. Martin.
Mr. Kearns with Mr. Dupré.
Mr. Mudd with Mr. Stoll.
Mr. Schall with Mr. Johnson of Kentucky.
Mr. Kahn with Mr. Kitchin.
Mr. Steenerson with Mr. Kindred.
Mr. Yates with Mr. Logan.
Miss Robertson with Mr. Stedman.
Mr. Lineberger with Mr. Sullivan.
Mr. Gahn with Mr. Blanton.
Mr. Darrow with Mr. Raker.
Mr. Edmonds with Mr. Sears.
Mr. Green of Iowa with Mr. Carew.
Mr. Kendall with Mr. Lankford.
Mr. Funk with Mr. Kunz.
Mr. Burroughs with Mr. Woods of Virginia.
Mr. Frothingham with Mr. Johnson of Mississippi.
Mr. Longworth with Mr. Cockran.
Mr. Burtness with Mr. Linthicum.
Mr. Frear with Mr. Byrns of Tennessee.
Mr. Lehlbach with Mr. Wise.
Mr. Fess with Mr. Byrnes of South Carolina.
Mr. Appleby with Mr. McDuffie.
Mr. Lee of New York with Mr. Ten Eyck.
Mr. Wason with Mr. Taylor of Arkansas.
Mr. Connolly of Pennsylvania with Mr. Mead.
Mr. Nolan with Mr. O'Brien.
Mr. Shreve with Mr. Montague.
Mr. A. P. Nelson with Mr. Dominick.
Mr. Snyder with Mr. Overstreet.
Mr. Strong of Pennsylvania with Mr. Deal.
Mr. Kirkpatrick with Mr. McSwain.
Mr. Porter with Mr. Bell.
Mr. Sinclair with Mr. Humphreys.
Mr. Knutson with Mr. Black.
Mr. Kiess with Mr. Davis of Tennessee.
Mr. Bixler with Mr. Connally of Texas.
Mr. Watson with Mr. Brand.
Mr. Hukriede with Mr. Larsen of Georgia.
Mr. Webster with Mr. Buchanan.
Mr. Perkins with Mr. Jacoway.
Mr. Newton of Missouri with Mr. Collins.
Mr. Montoya with Mr. Fields.
Mr. Larson of Minnesota with Mr. Drewry.
Mr. Reed of New York with Mr. Hawes.
Mr. Luce with Mr. Fulmer.
Mr. Fordney with Mr. Rainey of Alabama.
Mr. Brennan with Mr. Goldsborough.
Mr. Osborne with Mr. Harrison.
Mr. Cole of Ohio with Mr. Mansfield.
Mr. Codd with Mr. Gilbert.
Mr. White of Maine with Mr. Wright.
Mr. Classon with Mr. Rucker.
Mr. Tilson with Mr. Sabath.
Mr. Kleczka with Mr. Stevenson.
Mr. Himes with Mr. Rainey of Illinois.

Mr. BURTNESS. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. BURTNESS. I was not.

The SPEAKER. Then the gentleman does not qualify.

Mr. HAWLEY. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present?

Mr. HAWLEY. I was not present, but I would like to be recorded as "present" in making a quorum.

The SPEAKER. There is a quorum present.

Mr. SCHALL. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present when his name was called?

Mr. SCHALL. No.

The SPEAKER. Then the rules do not let the gentleman vote.

Mr. SUMNERS of Texas. Mr. Speaker, I am recorded as voting "no." I am paired with the gentleman from Kansas, Mr. TINCHER. I withdraw my vote of "no" and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The House resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Iowa [Mr. TOWNER] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12472, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 12472, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. WINSLOW. Mr. Chairman, I allow 30 minutes to the gentleman from Minnesota [Mr. Newton].

Mr. NEWTON of Minnesota. Mr. Chairman, may I be notified at the expiration of 20 minutes?

The CHAIRMAN. Yes.

Mr. NEWTON of Minnesota. Mr. Chairman, the coal strike in effect from April 1 until a day or two ago, aggravated by the railroad shopmen's strike which has been in effect since July 1, has created a situation which, unless drastic remedies are adopted, will bring on a national disaster. I say disaster advisedly, for it will soon be upon us unless we act promptly.

Some of you gentlemen from sections where coal is little used, try as you may, can not appreciate the situation that confronts those of us who live where coal is burned in the homes eight months of the year.

Several days ago we passed the coal commission bill, which should help in preventing a recurrence of the trouble. It was preventive in its nature. Other legislation is necessary to relieve us from the consequences of the present strike.

The settlement of the strike by bituminous miners and operators may have settled the problem of the miners and operators, but it has not for the consumer. Five months of striking ended production in the anthracite field and curtailed production to two-fifths of normal in the bituminous fields. Anthracite mining has not yet resumed. There is a production now of eight millions tons per week of bituminous. To meet the emergency we should have for several months, according to the Secretary of Commerce, a production of 13,000,000 tons per week.

With this we are faced with car and locomotive shortage due to the railroad strike, which seriously interferes with distribution. First, our shortage was in production. Now it is in distribution. Clearly we must now solve this question of distribution or we shall have suffering.

Distribution is being interfered with and restricted by an inadequate number of serviceable locomotives and cars at points of production and by exorbitant prices being charged by certain operators. Your committee has tried to cover both and has reported legislation capable of being put into immediate use. Time again is of the essence. Furthermore, we are convinced not only of its workability but of its constitutionality as a proper exercise of a power of Congress.

Last May, with a view of doing then what was possible to relieve industry from inability to get coal, the President created a fuel distribution committee consisting of the Secretary of Commerce, the Secretary of the Interior, the Attorney General, and a representative of the Interstate Commerce Commission, Mr. Aitchison. Mr. Hoover was designated as chairman.

This committee appointed a fuel distributer, who, of course, had his agents and advisors. This committee did very effective work in stimulating production in nonunion fields and in providing for its distribution along equitable and fair lines. It was, of course, extralegal and wholly voluntary. It went out of existence with the settlement of the strike, for it was the strike emergency that brought it into being.

Mr. Hoover advised us there were only 10,000,000 tons of coal in the country to-day in possession of consumers, big or little. Our total production per annum of anthracite is 100,000,000 tons and bituminous 500,000,000 tons. The need is 13,000,000 tons per week, so that there are in the consumers' bins less than a week's supply of coal, and winter is but a short time away for many of us.

Bear in mind there is practically no coal in storage either at the mines or on the docks on the Great Lakes. Ordinarily at Duluth we have several million tons on September 1. Several days ago the amount was but 200,000 tons. Think of it! One-tenth to one-fifteenth of what normally is there. Navigation on the Great Lakes closes in November or early December. Gentlemen, 80 per cent, at least, of our coal comes by way of the Lakes. Do you wonder we are alarmed? The situation in New England is but a little better, and the situation in New York is such that a great and conservative governor has called the legislature in special session for legislation to enable the State to handle it. Gentlemen, we have left this to operator and miner long enough. They have gotten the people into this intolerable situation. We must do what we can to get them out. The President and his advisers have requested legislation and we must solve this problem of distribution. We must provide for an equitable distribution as to localities and industries and, in so far as we can, at a fair price.

Let me call attention to the provisions of the bill briefly. First, we state a plain truth—which no one here will question—that we are faced with an emergency which endangers the public health and general welfare of our people, blocks the channels of commerce, and threatens to interfere with the operation of the Government itself.

We believe, Mr. Chairman, in the face of such emergency that our Government has an obligation to perform. There is one great duty resting upon government and that is protecting the lives and property of its citizens. A government that can not or does not do that ceases to be a government.

Ours is a Government of delegated powers, but it is a Government and it has the powers expressly granted to it, together with all of those powers necessarily implied from the exercise of those expressly granted. In the Gettysburg cemetery case, found in One hundred and sixtieth United States Reports, it was held that a power could be implied from a combination of powers taken together. So much for our power.

With the national emergency as a basis we provide for a Federal fuel distributer to be appointed by the President and subject to him. Section 3 defines his duties. Briefly, he is to (1) ascertain the fuel supply and any shortage; (2) the producing mines and their access to markets; (3) the kind and location of consumers; (4) whether any person or locality, because of the nature of business and the particular exigency, should have priority in shipment; (5) and the prices charged and whether those currently charged are just and reasonable. How will he obtain this information? He will have advising him at Washington a committee of representative railroad men and coal operators, the former to cooperate on cars and the latter on available coal. It is expected that the States will set up agencies for cooperation with the distributer both as to orders and distribution.

Many of them are doing so in anticipation of the passage of this legislation. This central organization will have in the various coal districts subcommittees composed of operators, railroad men, interstate commerce service men, and a direct representative of the distributer.

Let me illustrate: A man in Minnesota is out of coal. Needs 100 tons to run his factory one month. There is none available in the State. He applies and receives approval of the State agency and that request for coal and priority is sent to Washington. The Federal distributer, after considering mine supply, car supply, accessibility to market, and right to priority, sends it to the Connellsville district of Pennsylvania. There the local representative, with the advice of his district committee, sends it to the most available mine and the priority is issued and the cars are furnished. This, you will appreciate, is but a very general idea of the process now in use and which, with modifications, will be continued.

It is felt that in this way at a time of shortage in transportation an equitable distribution of available coal and cars can be made.

In my illustration I should have mentioned before issuance of priority the recommendation to that effect to the car service division—working in close cooperation in Washington and in the coal field—of the Interstate Commerce Commission.

Mr. WYANT. Will the gentleman yield for a question?

Mr. NEWTON of Minnesota. Yes.

Mr. WYANT. In the event that this coal is diverted from its usual course, who will be responsible for the payment for that coal?

Mr. NEWTON of Minnesota. That situation is met in this way. Accompanying the request from the State administrative agent is a guaranty, either cash or its equivalent, to the Federal fuel distributer, and if the shipper of that coal is not satisfied with what is given in the way of a guaranty, such further guaranty or payment is made so as to satisfy him before the car is shipped.

Mr. CRISP. Will the gentleman yield to me for one question?

Mr. NEWTON of Minnesota. I yield to the gentleman from Georgia.

Mr. CRISP. Is there anything in this bill which provides that before a State fuel commissioner shall approve and send in an order, that State fuel commissioner must have a guaranty that the coal will be paid for? In other words, if you apply to a State fuel administrator for the purchase of coal, must you furnish the money or a guaranty to that State fuel commissioner that the coal will be paid for when shipped?

Mr. NEWTON of Minnesota. In some way or other the State administration must be satisfied that the money is there or will be paid for or they are not going to make any assurance to the central office in Washington.

Mr. LAYTON. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. LAYTON. With reference to the question asked by the gentleman from Pennsylvania [Mr. Wyant], I am sure the gentleman from Minnesota does not find anything in the bill that warrants his answer to the gentleman from Pennsylvania that there is a guaranty as to payment on the part of the consignees.

Mr. NEWTON of Minnesota. No; it is not in the bill, but the distributer is authorized to draw up all necessary rules and regulations, and I think we have a right to rely on the present practice being continued.

Mr. WYANT. Will the gentleman yield further?

Mr. NEWTON of Minnesota. Yes.

Mr. WYANT. I asked the question for the reason that I am advised that a considerable part of the coal that was diverted during the war has not yet been paid for.

Mr. NEWTON of Minnesota. I do not know about coal during the war. I am speaking of the practice to-day.

To recur, the plan proposed is all for the purpose of insuring an equitable distribution to persons and localities. If an exorbitant price for coal is being charged there are some localities and persons who will be unable to pay that figure and their supply will consequently be cut off or restricted. There is no equity in any system of distribution where, in the face of shortage, coal goes to the one able to pay the most for it regardless of his needs. Price is not a proper basis of distribution, otherwise the poor and the unfortunate must bear the burden.

Evidence was submitted of operators who are making use of the shortage to extort prices 500 per cent over that of last spring. This in itself constitutes a burden upon interstate commerce. Coal is so necessary in transportation that any such practice restricts trade and commerce and, in my judgment, makes possible this legislation under the commerce clause alone although we have not restricted it to that.

In view of this burden upon commerce we require the distributer to ascertain the facts as to prices charged and whether those are just and reasonable. If he finds the price to be unreasonable he recommends to the commission that that mine during the shortage of supply of cars, and so forth, be denied cars for shipment at extortionate prices. In other words, this operator by his extortion is burdening commerce. The commission says while that is true and a shortage of cars, and so forth, continues we will place cars, and so forth, where there is no such burden. We feel that the possession of the power will in itself have a wholesome effect. I may say that this power would also apply to coal on the docks or to anyone asking for car priority.

The power of the Interstate Commerce Commission as to car service and the far-reaching effect thereof has been sustained by our circuit court of appeals in Two hundred and sixty-seventh Federal Reports, page 776, in what is known as the Lampert Run case.

Mr. BUTLER. I thirst for knowledge, and I want my friend to give it to me. Suppose the coal producer says, "The price of my coal is $25 a ton and you can not have it unless you pay that." How can we get the coal.

Mr. NEWTON of Minnesota. I am glad the gentleman asked that question.

Suppose the operator in the local district says I can get $25 for my coal, I have an offer for it at that price, and I am not going to fill that order. At any time, in reference to that particular case, or any case involving the charge of an extortionate price, the facts are before the distributer as to the cost of production and what would be a reasonable price for the coal at that mine, and he makes a recommendation to the Interstate Commerce Commission that as long as these extortionate prices are being charged at that particular mine that no cars shall be furnished to that mine for distribution of coal at extortionate prices.

Mr. BUTLER. Then, how am I to get my coal? That is what I am after. Never mind the figures or the priority order; I want coal.

Mr. NEWTON of Minnesota. Let me say to the gentleman that there is a greater production of coal than there are cars and locomotives available to make distribution, and as long as that condition continues there is going to be bidding among the shippers of coal for cars, and if there is power in the distributer and the Interstate Commerce Commission to withhold the means of shipment to these extortionate mine owners then they are not going to be able to dispose of their product at the time, and they will soon come down in their price and cease to burden commerce by exorbitant prices on a necessity of commerce.

Mr. JONES of Texas. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. JONES of Texas. Under that system will not the centers and the organized communities get the most of the coal? Is it not going to be necessary for a community to be organized in order to present its claims and to get the material?

Mr. NEWTON of Minnesota. I want to say to the gentleman that unless the people of the country through their States, where people have to have coal—unless some organization is had a lot of people will freeze to death during the winter.

Mr. JONES of Texas. When we had the coal administration during the war there were a lot of people that did not get their coal. They sent down here, but they could not get the coal allocated. Is there any way to allocate the coal to the different States as it is needed?

Mr. NEWTON of Minnesota. That is the purpose of the administration.

Mr. SNELL. Will the gentleman from Minnesota yield for a question?

Mr. NEWTON of Minnesota. I will.

Mr. SNELL. In section 8 of the bill it is provided that—

> Whenever the President shall be of the opinion that the existing emergency has passed he may by proclamation so declare, and thereupon the exercise of the powers conferred under this act shall be suspended.

To that extent I am in entire sympathy with the bill. In the next section it says that "At any time hereafter when the President shall determine that an emergency exists caused by shortage of supply or inequitable distribution of coal or other fuel he may proclaim that an emergency so exists." Why is it necessary to have the next section in the bill when Congress is in session almost the entire time?

Mr. NEWTON of Minnesota. Well, many would like to see it not in session quite so much of the time. But with the strike agreement expiring on the 1st of April we are apt to have a recurrence of this trouble next spring and during the summer. We do not want to continue this any longer than is absolutely necessary. We want the President to end it as quickly as possible; we do not want the situation left so that next spring the President will be without power to cope with the situation.

Mr. SNELL. Would it not be better to postpone that legislation and not confer for all time this great power on the President of the United States in section 9?

Mr. NEWTON of Minnesota. The committee did not think so.

Mr. ROSE. Will the gentleman yield?

Mr. NEWTON of Minnesota. Certainly.

Mr. ROSE. Is not the gentleman of the opinion that the condition cited by the gentleman from Pennsylvania [Mr. WYANT] should be provided for in a bill of this kind? I am neither a coal operator nor a producer, but I know some operators in the district I have the honor to represent who complain bitterly about the action of the former coal administration for the reason that coal sold by them to consignees whom they knew well, and knew that their financial circumstances were sound, was diverted and sold to people absolutely insolvent, unable to pay, with the result that the coal they produced and shipped has not yet been paid for; and, further, that all efforts to fix liability have, up to this time, wholly failed. Such a condition should not be permitted to exist.

This bill is silent on that subject, and I was wondering whether or not, in a measure like this, it should not be cared for in order that people who are willing to produce coal and ship it should be paid for it. It is clearly unfair to lodge power in any commission or distributer to divert commodities into channels unknown to the original consignor, and by which such consignor must suffer loss which can not be recovered.

Mr. NEWTON of Minnesota. Such a working out of the plan would be unjust. We think this will be amply guarded against by the fuel distributer and his assistants, who are thoroughly aroused to the fact that we must have production and equitable distribution. We can not, if there is any doubt as to payment.

Mr. ROSENBLOOM. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. ROSENBLOOM. I want to say to the gentleman that there are coal operators in my district who were ordered to send coal to people who were absolutely worthless, and they so stated at the time, and they have not yet received their pay.

Mr. NEWTON of Minnesota. Mr. Speaker, I am afraid that I can not yield to the gentleman for any extended remarks.

Mr. ROSENBLOOM. Mr. Speaker, I want to ask one question. Does the committee believe that it can compel an operator to operate his mine?

Mr. NEWTON of Minnesota. No; there is nothing of that kind.

Mr. ROSENBLOOM. Unless the operator knows that he is going to be paid for his coal, and he must pay the miner when the coal is delivered to him, as well as his overhead expense, will he not, unless he is assured of his pay, refuse to operate?

Mr. NEWTON of Minnesota. Why, no.

Mr. ROSENBLOOM. Why would he not?

Mr. NEWTON of Minnesota. Because, under the existing priority authority of the Interstate Commerce Commission, they are shipping coal right along under priority orders.

Mr. ROSENBLOOM. But my point is this: Unless the operator is satisfied with the consignee to whom he is directed to ship the coal, would it not be good business for him to shut down the mine?

Mr. NEWTON of Minnesota. Surely, and he is doing that now. He is not being called on to do otherwise.

Mr. ROSENBLOOM. I understand; but why not cover that in the bill and provide that he shall be guaranteed payment of his price before the order of the fuel distributer shall be operative as against him?

Mr. NEWTON of Minnesota. The committee held hearings here yesterday and nothing of the kind was ever brought before the committee, and coal men who were familiar with the priority-order rulings under existing law were present.

Mr. ROSENBLOOM. But why not strengthen the bill in that way?

Mr. NEWTON of Minnesota. I regret that I can not yield to the gentleman any further.

We have provided for an abuse of the priority privilege. If a priority is obtained by means of willful misrepresentation or fraud this would work an injustice and subject the offender to a heavy penalty. Furthermore, whoever obtaining coal upon a priority disposes of it for other purposes is likewise guilty of an offense. Two years ago some individuals obtained coal at a fair price on priority orders and then peddled it out at exorbitant prices. Now, if he does it he is going to face prosecution.

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. KINCHELOE. Is it the contention of the gentleman that the fuel administrator or distributer has the right to fix the maximum price of coal through the Interstate Commerce Commission by the method of withholding the cars?

Mr. NEWTON of Minnesota. In a measure that is what the bill seeks to do. When it is ascertained that an extortionate price is being charged, cars will be withheld from the man charging that extortionate price until the price comes down to something within reason.

Mr. KINCHELOE. Suppose there are coal buyers, as there are, from the gentleman's country and elsewhere who are bidding on cars loaded with coal in the coal fields; the highest bidder usually gets the coal. Men who represent manufacturing institutions, coal agents, go and bid on the car of coal. Of course, the operator has been taking the highest price that he can get. Is there anything to remedy that situation in this bill?

Mr. NEWTON of Minnesota. Certainly; because he would not be able to sell it at extortionate prices to bidders, no matter who they are.

Mr. KINCHELOE. Then, under this bill, nothwithstanding these coal buyers go there and bid, the operator can not sell for any higher price than the fuel distributer sets.

Mr. NEWTON of Minnesota. He can sell it at an extortionate figure, but if he does he can not get the cars. He can make what contract he wants with these buyers at any kind of a figure, but if he does it at an extortionate figure the operator will not be given the cars, and in that way the man who has the most money will not be able to come in and get the coal when some man who has less needs it far more.

Mr. KINCHELOE. Of course, the maximum price set by the fuel distributer is the limit, and anything over that would be extortionate under the bill.

Mr. NEWTON of Minnesota. When the fuel distributer finds an extortionate price being charged, then he puts the figure indicating that no cars will be furnished until that price is brought down to one within reason.

Mr. KINCHELOE. That is the remedy through which the fuel distributer can fix the maximum price?

Mr. NEWTON of Minnesota. That is the remedy for prevention of extortion in the price of coal in this emergency. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. WINSLOW. Does the gentleman require any more time?

Mr. NEWTON of Minnesota. I do not, in view of the fact that there are other members of the committee who I feel should have time. In conclusion, Mr. Chairman, this situation, as Mr. Hoover said, requires "restraint on profiteering in coal and some further authority in the matter of distribution." The plan has been thoroughly studied and the bill carefully prepared. Mr. Hoover, chairman of the President's committee, only yesterday said it was the most effective and expeditious method of handling it. Let us meet the emergency with the full powers of our Government. [Applause.]

Mr. BARKLEY. Mr. Chairman, I yield 20 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, for one time, at least, I am in accord with the gentleman from North Carolina [Mr. POU]. We do not agree very often. I am rather surprised that we should agree now, but I am happy that such is the fact. I agree with him in regarding this bill as inadequate and in a suggestion which he makes, that the situation requires that we ought to do something radical. We ought to go to the full extent of seizing the railroads and mines, fix prices of coal, and deal with the situation in a thoroughgoing way.

I am not able to agree with Mr. POU in his position that because he can not get all he wants he will not take anything. I believe that this measure has possibilities for good. It can not possibly do any harm and as it seems for the present moment all that the administration will stand for in the way of dealing with the situation, of course I am going to support the bill. There are numerous details in the bill which I can not approve of, but the general purposes of the bill I do approve.

The coal supply is grossly inadequate. The car situation piling upon the coal situation produces a desperate emergency. The main purpose of this bill is to take care of the needs of the various sections of the country in the distribution of such coal as is available, with the impaired railroad equipment which is available. The further purpose of the bill is to prevent extortion in prices. My chief fear is that the fuel distributer will fix the price of coal entirely too high. I believe in fixing the price drastically low.

I will vote for this bill in the expectation that within 10 days or maybe a month the administration will come back to Congress, having in the meantime become reconciled to "the Government in business" and "socialistic measures," and will take two steps instead of one and try to do something really worth while as a remedy for the present desperate situation.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUDDLESTON. The gentleman will excuse me for a moment. I have foreseen the present situation ever since the close of the war. I tried to get the last Congress to do something along the line upon which this bill advances. I introduced during the last Congress, in June of 1919, as I recall, the bill H. R. 7196, which was—

> *Be it enacted, etc.,* That, by reason of the recent existence of a state of war, it is essential for the national security and defense and for the restoration of peace and order, to insure an adequate supply of fuel and the equitable distribution and the sale thereof at reasonable prices, and to facilitate the movement of fuel and to prevent scarcity, monopolization, hoarding, injurious speculations, manipulations, and controls affecting the supply, distribution, and movement thereof.
>
> SEC. 2. That the words used in this act shall be construed to import the plural or the singular as the case demands. The word "person" wherever used in this act shall include persons, firms, associations, and corporations. The words "sales agents" shall include persons, firms, corporations, and associations selling coal or coke for hire or for a commission, or buying and reselling coal or coke as brokers or without unloading same on their yards. When construing and enforcing the provisions of this act the act, omission, or failure of any official, agent, or other person acting for or employed by any person, firm, association, or corporation within the scope of his employment or office shall in every case also be deemed the act, omission, or failure of such person, firm, association, or corporation, as well as that of such person.
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> SEC. 3. That the provisions of this act shall cease to be in effect at the expiration of five years after the date of the termination of the war between the United States and Germany as same shall be ascertained and proclaimed by the President under section 24 of the act approved August 10, 1917, known as public law No. 41, Sixty-fifth Congress, but the termination of this act shall not affect any act done or any right or obligation accruing or accrued, or any suit or proceeding had or commenced in any civil case before the said termination pursuant to this act; but all rights and liabilities under this act arising before its termination shall continue and may be enforced in the same manner as if the act had not terminated. Any offense committed and all penalties, forfeitures, or liabilities incurred prior to such termination may be prosecuted or punished in the same manner and with the same effect as if this act had not been terminated.
>
> SEC. 4. That any willful violation of any of the provisions of this act shall be punishable by a fine of not more than $10,000 or by imprisonment for not more than five years, or both.
>
> SEC. 5. That it shall be unlawful for any person not a retail dealer actually delivering same from yards to sell or offer for sale, directly or indirectly, any coal or coke in quantity in excess of 15 tons, at a price greater than the maximum price which may have been fixed thereon by

> the President or under his direction under section 25 of the act approved August 10, 1917, known as public law No. 41, Sixty-fifth Congress, plus any amount which such person may have actually paid or incurred for the transportation of such coal or coke.
>
> SEC. 6. That it shall be unlawful for any producer or dealer in coal or coke, other than a retail dealer actually delivering same from yards, to willfully refuse to sell or deliver coal or coke to any person offering to buy same at the maximum price therefor as mentioned in section 5 of this act, but this shall not prevent such producer or dealer from selling at less than said maximum price.
>
> SEC. 7. That it shall be unlawful for any person to willfully fail to operate to its full capacity any coal mine owned, operated, or controlled by him when its product may be sold at the maximum price mentioned in section 5 hereof, or to refuse to sell the product thereof to consumers or retail dealers, or to unreasonably discriminate among persons who may desire to purchase such product, or to agree with other persons to sell the product of said mine exclusively to sales agents for resale; or, being a sales agent or the owner, operator, or controller of a coal mine, to agree with any person to in any way limit the output of a coal mine, to fix a price on coal, or to limit in any way the production, distribution, transportation, or sale of coal.
>
> SEC. 8. That this act shall not have effect to repeal the act approved August 10, 1917, nor any other existing law, but shall be construed as a cumulative remedy for the evils and practices set forth herein.

I proposed, then, a price-fixing measure which should accept as its basis the fuel prices fixed during the war. Those prices would be adequate now. Of course I could not get the committee to make any report upon my bill. I even went before the Committee on Rules and asked a rule for the investigation of the coal situation. I received such a poor reception that I could not even get my remarks made before the committee printed, and had to finally extend them in the RECORD by consent of the House.

That shows the little interest that has been taken in this question by those in authority. Some of us are prone to visit the present situation and the grievance that has come out of it upon the coal operators; others know so little about the subject that they are inclined to visit it upon the poor, ragged, and half-starved coal diggers. I want to take this occasion to tell you that the real responsibility lies with the Government of the United States for permitting the situation to occur.

The primary responsibility, in my judgment, lies with Congress—with the statesmen who assumed that we would return into a condition of "normalcy" immediately after the great catastrophe of the war. Perhaps a large share of the responsibility should be placed upon the particular statesman who used that word and so gave it is present vogue. The whole world was shaken to its foundations by the war. The channels of commerce were blocked; economic, industrial, and even social conditions were disrupted. It was silly for anybody to think that we could promptly go back to the old conditions and methods that we had before the war came on.

We are now reaping some of the fruits of the World War. The railroad and coal strikes and this emergency is as much due to the war as the tombstones at Arlington out yonder. It is one of the consequences of the war. Of course, coal operators want to make a big profit. They now have the opportunity. The fault lies with Congress for sitting with folded hands and allowing the situation to arise which enables them to do it.

I am willing to take anything which the administration will agree to, even if it is only half a step, toward the amelioration of the present situation. It is a tribute to the relaxation by the administration of its previous ironclad, hidebound, turtleback principles, that some disposition is shown to deal with this emergency in the light of real understanding. I can but remember that last January the Secretary of Commerce, Mr. Hoover, announced with great complacency that it was the purpose of the administration to allow the miners and the coal operators to fight to a finish among themselves. I protested then against such a course and predicted what would happen in this country. Not a thing was done to avert the impending struggle. I do not forget that. The coal strike was absolutely unnecessary. It could have been prevented. The same settlement could have been made before April 1 that has now been effected. The blame for allowing the strike to occur should be put on somebody. I ask you who should be blamed?

Mr. KING. I hope the gentleman will not lay it on Congress. We are carrying so much now. Put it somewhere else.

Mr. HUDDLESTON. Poor, old, stupid Congress—surely its own feeling about itself must be sufficient punishment for its crimes. I place the blame on the national administration, I will say to my friend from Illinois.

Mr. ROSENBLOOM. Will the gentleman yield? Is it not equally true that the treaty of Versailles could have been signed before the war as well as after, without all the struggle that took place, according to the gentleman's logic?

Mr. HUDDLESTON. Will the gentleman elucidate his question? I am unable to catch its force. There can be no doubt that the influence of the administration ought to have been used on the coal operators to induce them to comply with their solemn and written agreement to confer with the miners before April 1 for the making of a new contract. And yet the administration did nothing at all.

Mr. ROSE. Will the gentleman yield?

Mr. HUDDLESTON. Excuse me, but I can not yield further now.

Now, the present trouble with the situation is not the coal strike. That is in the past. The miners are back at work. You can not cure the nearly five months of idleness that has occurred. Ample coal can now be produced. The greatest trouble at the present is the transportation situation. Last week we had a production of about 6,000,000 tons of soft coal. That was substantially the present carrying capacity of the coal-loading railroads of this country. Of course, to increase the output of a mine is futile unless you increase the capacity of the railroads to carry the coal to the man who needs it. This bill will have some little effect in providing for the distribution of that 6,000,000 tons, but that is near the capacity of the coal-loading carriers of this country. What are you going to do? You are going to leave the coal there. It will not go to the bin, to the grate, or the furnace without trains to carry it. It will not go where it is needed. If you increase the coal production of this country to 10,000,000 tons, you will simply have to dump three or four million tons a week at the mines.

The trouble with the situation is transportation, and it is getting worse all the time. Yet we find that the administration has abandoned its efforts to end the rail strike, and Congress sits supine. We are going to have suffering during this coming winter, not merely for lack of coal, but for other necessaries of life. There is going to be a lot of distress on the part of business, due to this transportation situation. Yet nothing is being done. The administration is leaving the parties to the rail strike to fight it out among themselves.

The transportation situation is getting worse all the time. I am glad that the administration proposes something with reference to coal. We had a good deal of talk during the last campaign about "wiggling" and "wobbling." Surely it is time for somebody in connection with this strike situation to remind the gentlemen composing the majority of the wiggling and wobbling and backing and filling that characterize the present administration in dealing with the present desperate situation.

Last January they were going to let the miners and the coal operators fight it out, but in June, when it looked as if the miners were going to win—when "the wrong man was down"—the administration demands that the dispute be arbitrated. Anybody who knows anything whatever about labor matters knows that it was foolish to talk to the miners about arbitrating then. They would starve first. I do not discuss whether they should have arbitrated. I am talking about practical things.

After a failure to get the miners to agree to arbitrate we had a thunderbolt in the way of a proclamation launched at their heads, and we were told what was going to be done by the soldiers. Soldiers do not dig coal. Having been a soldier myself, I know that "soldiering" does not mean work.

You may put soldiers 10 deep around every mine in the country and yet not produce a pound of coal. So when the President made his play and all except two of the governors said they were with him, everybody who did not know anything about the situation thought that the strike was over. But no more coal was produced than before.

We were told when the President came here the other day that he had three proposals for the industrial crisis that was on. First, he was going to arrange to protect aliens. Very important! Next, he was going to investigate coal production. Quite interesting, because a year hence we may have occasion for the information, but it has no relation whatever to the present strike situation. Next, the President advocated a coal-selling agency as an arm of the Federal Government.

A few days later we were told that the coal facts finding bill was all the administration was going to ask for. Two days passed and we were informed that the administration was going to ask us to provide for a fuel distributer, and also a bill was sent up to the committee creating the coal-selling agency and providing in one of its sections for a seizure of mines not being operated. The last bill was recalled before the committee had even begun to consider it.

Mr. KING. Will the gentleman yield?

Mr. HUDDLESTON. Please excuse me.

Mr. KING. This is very important.

Mr. HUDDLESTON. Everything that the gentleman says is important.

We were told only four days ago that we were going to have the railroads and mines seized when they could not be operated and that the Government would run them, and everybody began to think there was something doing.

A distinguished Senator, after an interview with the President, stood on the steps of the White House and said that desperate measures were going to be taken, but in the newspapers next morning there was an insinuation to the effect that the statement of the Senator was totally unauthorized and that he had no right to say anything.

Next we were told that nothing was going to be done with the railroads or with the mines except this measure now under consideration; that this is the only measure that is to be asked for.

It is absurd that the administration has no settled policy from one day to another. It is ridiculous that the administration is like a chameleon, changing color from hour to hour as it may confer with one Senator with certain views, then with another of different views, then with big business men with opposing opinions; that hops and skips in its policies as it passes from one industry to another and taking complexion from each and giving constantly changing blasts with every emotion that has stirred it, but all of which means nothing.

We must confront this desperate situation with courage and patriotism. We must take over railroad cars and see that they are repaired. If we are going to meet this situation, we have got to take over the railroads and operate them for the public interest. I agree with the gentleman from North Carolina [Mr. Pou] that this measure is entirely too mild. We have got to produce courage, even if it does mean getting the "Government into business"; we have got to have nerve if we expect to remedy the situation. [Applause.]

The CHAIRMAN (Mr. Cable). The time of the gentleman from Alabama has expired.

Mr. WINSLOW. Mr. Chairman, I yield one hour to the gentleman from Indiana [Mr. Sanders].

The CHAIRMAN. The gentleman from Indiana is recognized for one hour.

Mr. KRAUS. Mr. Chairman, this is the most important measure we have had up in peace times for more than a decade, and I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Indiana makes the point of no quorum. The Chair will count. [After counting.] One hundred and ten Members are present. A quorum is present.

Mr. SANDERS of Indiana. Mr. Chairman and gentlemen of the committee, I think that the measure before the House to-day is the most important measure from the standpoint of the fundamentals of Government that has been before the House since I have been a Member. It comes at a time of great emergency. It comes at a time when prices of coal are high and there is an insistent demand on the part of the public for protection.

"Hard cases make bad law," and that is just as true with reference to legislative law as it is to the law laid down by judicial tribunals. Without this emergency, without this great desire to protect the people against what we think is profiteering, with an effort to calmly study this law and apply the principles of government and of political economy which we ordinarily would apply, this measure would not get more than 2 votes in this House; one of those that of the distinguished gentleman from Alabama [Mr. Huddleston], who says he welcomes socialistic legislation, and the other that of the gentleman from New York [Mr. London], who is the lone representative of that theory of government.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. If the gentleman will pardon me, I will have to pursue the course that he always pursues, and not yield.

Mr. HUDDLESTON. I yielded to some gentlemen.

Mr. SANDERS of Indiana. Well, I will yield to the gentleman.

Mr. HUDDLESTON. Surely the gentleman did not understand me to say that seriously. I simply said it sarcastically, as being of the character of legislation which is always denominated socialistic, but which really is not socialistic.

Mr. SANDERS of Indiana. I accept the gentleman's explanation.

This measure, in my opinion, is not constitutional. I am not going to make an extended technical argument, not because it could not well be made with reference to this bill, but because in recent years the Members of the House have seemed to think that the Constitution of the United States was meant only for the judicial department of this Government, whereas as a matter of fact it is more binding upon us when we come to pass upon a law than it is upon the judges who finally pass upon it. It is our first duty, and the court looks upon the law as being constitutional and only holds it to be unconstitutional because it is unconstitutional beyond a reasonable doubt, for the reason that a Member of Congress who gives his sanction to legislation is presumed not to have violated his oath that he will support the Constitution of the United States.

When there is a measure like this and when one opposes such legislation the question is quickly asked, What do you propose? I am going to make a definite proposal by a substitute which I shall offer for this measure which will create a fuel administration, called a "fuel distributer" in the language of this bill, and give it the same powers that this measure affords, and in the same language, except the power to inquire into and fix the price of coal.

Now, some one says, "In other words, you propose to take out of this bill the provisions of it which relate to profiteering." Well, if you will read the hearings you will find that the priority orders have an indirect effect in a way to prevent profiteering. But as an economic principle, although we may by this measure be able for the next 10 days or 2 weeks following its enactment to curb in a measure the high prices of coal, I assert to you, measuring my words, that if we give this vast price-fixing machinery to the Government of the United States to be held over the coal industry of this country, which includes not only the big mines but also the wagon mines, the strip mines, and the small mines generally, that are able to produce coal only at high prices; if by this governmental agency we undertake to fix prices, you will let it be known to the industry of the country that their prices and profits are to be fixed by a governmental tribunal here in Washington, and then again fixed under the terms of this bill by another governmental tribunal, the Interstate Commerce Commission, which may accept or reject the advice of the fuel administrator, you will curtail the production of coal, and in the four months ensuing the total amount paid by the consuming public will be greatly in excess of what will be paid if you refuse to adopt this unworkable price-fixing machinery.

Everybody who ever studied political economy knows that fixing the price of any article deters the production. Is there any question about that? We had a fuel administration during the war, and I want to pause long enough to say that no one must confuse the measure proposed here with the fuel administration measure that we had in time of war. We had the war power at that time, and we had as complete power over the price fixing of coal as any State would have. We were sovereign under our war power in exactly the same position as the sovereign State governments. The war has ended, and we have no such power now, and this measure does not propose to grant any such power. But even with the advantage of being able to grasp the nettle firmly, the Federal machinery during the war did not produce very good results. I want to read to you from a work called Prices and Price Control During the War, by a distinguished professor of economics, Professor Litman, of the University of Illinois:

> The Fuel Administration in its handling of the coal situation during the first half of 1917 committed the mistake of considering the problem largely from one angle only, that of price. The sharp advance in price was attributed almost solely to exorbitant profits made by coal-mine owners and coal dealers; the remedy was sought in price fixing and in the establishment of margins. Not until shipments to Europe of food and munitions came to a standstill, because of lack of coal at the seaboard terminals, and not until the whole industrial war program of the country seemed to be on the point of collapse did the question of production and distribution of coal assume the importance it should have had from the very beginning. No adequate provisions were made during the summer and fall of 1917 to stimulate maximum output and early wide distribution. Consumers were holding off in the expectation of a fall in price, and they were encouraged in their attitude by the statements issued by the fuel administrator.
>
> Things went from bad to worse during that part of the year when reserves should have been accumulated by the users of coal. In the week of August 13 production reached its lowest point in the year.
>
> An unexpected climax came on January 16, 1918, when the fuel administrator issued one of the most drastic Government regulations brought about by the war. The order directed that all factories east of the Mississippi River be shut down for five days beginning January 18, 1918.

That order was to close every industry in the country for the period of nearly a week and thereafter for 10 weeks to close every industry on Mondays. It has been estimated that that order by the fuel administrator cost this country in loss $1,000,000,000. That was because in trying to help the people who were clamoring for help and to be saved from profiteering we created a machinery to take the place of the economic law of supply and demand, and the machinery failed. If it failed when we had absolute power to control it, what will it do when we undertake to control it with this hodgepodge legislation which I assert careful analysis shows to be first of doubtful validity and second so indefinite that no one can tell what it means?

I have a Supreme Court decision here which I am not going to read to you, because I would lose your interest and I do not want to do that. It is the Supreme Court decision holding the Lever food law unconstitutional in so far as it merely provided a penalty against persons who fixed unreasonable prices for their products. The Supreme Court held that that act was unconstitutional because it did not specifically define the offense. This law is the same. This law provides that the fuel administrator shall determine—

> The prices normally and usually charged for such coal and other fuel and whether current prices, considering the costs of production and distribution, are just and reasonable.

That is what they are to find. Then they are to make their recommendation to the commission. Listen to what the commission is to do.

> The Interstate Commerce Commission is authorized and hereby directed—

It is not that they may do it, but they are directed to do it—

> to receive and consider recommendations and in its discretion issue orders—

Listen—

> for priorities, for car service, embargoes—

And that means shutting down. It is not embargoes against territories alone, but embargoes against persons, copartnerships, corporations. It proposes, as far as the power is concerned, to grant to the Interstate Commerce Commission the right to say to any single person or any single operator or any single distributor of coal at any place, "You can not ship a pound of coal, because you are making an excessive profit." There is not any compulsion here on the Interstate Commerce Commission to fix the price of coal so that people may know when they enter into their contracts whether they are complying with the law. There is no compulsion to the fuel administration to do that. They may do that so as best to meet the emergency and to prevent extortion in prices charged for coal and other fuel, or they may leave the question of excessive profit to the consideration of individual cases. Just think of the magnitude of that power; the power to deny, not to interstate commerce alone, Mr. Chairman, although it might be possible that that bill could be amended so as to limit it to that, but this measure as now drawn gives them the power to say to a man who has fixed the price of his coal at $5 a ton, when they thought it ought to be $4.75 a ton, "You shall not ship a pound of that coal, either in interstate commerce or in intrastate commerce." Why? Because the question of car distribution given to the Interstate Commerce Commission is exclusive. It has been so construed.

Mr. Chairman, the Esch Act, which amended the interstate commerce act, gave to the Interstate Commerce Commission every power, so far as interstate commerce is concerned, that is contained in this measure. It gave the right to priority, it gave the right to car service, it gave the right for embargoes; and when I examined Commissioner Aitchison, of the Interstate Commerce Commission, he finally admitted to me that the only additional power the present bill gave them was the power of embargo. They had the power of embargo generally, but this bill gives them the power of embargo against the individual and the corporation in order to control prices.

When we fixed the prices in the fuel act during the war we provided that the maximum price should be fixed, and we protected the contracts made in good faith, and so forth. We also gave them a standard which is not contained here. In that act we said that in fixing the maximum price the commission shall allow the cost of production including the expense of operation, maintenance, depreciation, and depletion and to add thereto a reasonable profit, but in this measure they can only consider the price charged for such coal and other fuel, the cost of production, and distribution as to whether it is just and reasonable.

Now, let us take a look at this bill. In the first place it provides in section 5, which is the gist of the matter that the Interstate Commerce Commission is to issue such order or orders for priorities in car service, embargoes and other suitable measures in favor of or against any carrier, and so forth. This is a new and independent act, and the language does not confine it to any common carrier, or to "carrier" as defined in the interstate commerce act, but it applies to every single carrier in the country. Then with reference to the language, "coal and other fuel," when we dealt with coal during the war we dealt with coal and coke, but you say here "coal and other fuel." That means coal, fuel oil, natural gas, coke, petroleum products, gasoline, kerosene, cordwood, and peat.

Do you know what you are doing? You are providing here for the right of the Interstate Commerce Commission to fix the price of oil, not upon its value, but what it costs to produce it. If you or any of your citizens go down to the oil regions and by 10 days' work strike an oil well that is worth a million dollars, under this provision what is it worth? [Applause.] Oh, the gentlemen may cheer that socialistic proposition of not rewarding those whose enterprise and perseverance is of such benefit to the public, but I say to gentlemen that the right to make contracts, the right to make profits, the freedom of the American citizen to enter into those contracts, which have been held sacred by the Congress of the United States even in an emergency, is a right that has built up this mighty Republic. [Applause.]

If you take away that right, what will happen? You say you want to aim legislation at the rich, but you take away the right of the individual to make any gain and profit beyond the 6 and 8 per cent plus the value of his work, and you make the rich class to-day the right class forever. You deprive us poor devils that have not anything of the privilege of ever acquiring a competence in this world.

My friends, do not think that you are only striking at coal; you are striking at oil, and also at all the different kinds of fuel in this proposition. You gentlemen who are looked upon as the guardians of the cotton interest when you strike this blow you must expect that the cotton industry which has looked to you for its protection, as its friend, will also receive the blow. When you have passed this measure, a proposition that through the Interstate Commerce Commission, through the commerce clause of the Constitution, you can fix the price of any necessity, you gentlemen who are looked to by the wheat industry to care for it, are striking a blow at that wheat industry. You men who have boot and shoe manufactories in your district are starting out on a legislative policy that will fix the price of boots and shoes. There is no stopping place. This is peace-time legislation. It is advocated by Secretary Hoover, for whom I have the highest respect, but it was his duty to fix prices during the war, and he carried out a policy of price fixing and has become so engrossed in it that he does not realize, in my opinion, that when we pass this legislation granting this power we indorse a means for the destruction of all that is best in this mighty Republic.

Why, Mr. Chairman, the present law gives ample authority. If you will examine the hearings you will find where I asked Mr. Commissioner Aitchison what he obtained in this law in addition to the powers already granted, and he admitted that it was only the right of an embargo, and when I asked him what the terms in section 5 meant which gives the commission the power to take such other measures, and so forth, necessary to prevent extortion, his only answer is found in the hearings on page 47. I said: "I did not want to question you about that, but I thought perhaps you had something specific in mind by the use of that term." Mr. Aitchison said: "It was a general catch-all phrase which was intended to take any effective procedure or method to accomplish the purpose of the act."

Are you willing by any general catchall phrase to give to the Interstate Commerce Commission—even if it may be done legally—are you willing as a matter of wisdom of legislation to give the commission a catchall power which will enable them to do anything they want to in respect to the transportation in order to prevent alleged profiteering on coal? I deny that the Congress of the United States has the constitutional power to forbid the shipment of coal or any other commodity in time of peace upon the arbitrary question of the amount that is to be paid by the man to whom it is to be shipped.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. MADDEN. I would like to know whether the gentleman believes that anybody who sells coal or who has the power to sell it has the right to charge anything he likes, whether the charge be just or unjust? I should think from the gentleman's argument that is what he means.

Mr. SANDERS of Indiana. I say that, so far as the United States Government is concerned, so far as the powers under the commerce clause are concerned, in peace time men have a right by contract to fix their own price. We have a right, if it is necessary in order to carry on interstate commerce, to take over mines in a constitutional way; but we have no right under a guise of the power over interstate commerce by some subordinate official, without any right of appeal, without any right to go into court, to say to a man, "You can not sell your coal for $4 a ton, because some tribunal thinks, judging from the cost of production and the cost of distribution, that you ought to sell it for $3.75 a ton," and you can not say where two men agree to a contract, one to sell for $3.75 to the other, who has a solemn contract with somebody to deliver it to him for $4, that one of those men may deliver the coal and the other may not, merely upon the arbitrary question of the amount they propose to charge for the coal.

Mr. MADDEN. Is there any power anywhere that can say that?

Mr. SANDERS of Indiana. Why, certainly. The State of Indiana passed a law fixing the price of coal.

Mr. MADDEN. What was the price?

Mr. SANDERS of Indiana. Oh, the price was a proper price. Does the gentleman propose to fix a price that is not legal?

Mr. MADDEN. I think you ought to fix a price that will not compel the consumer of coal to pay unfair and unjust prices to those who mine it. [Applause.]

Mr. SANDERS of Indiana. Very well. If the gentleman thinks that, what about the children who wear shoes and who are barefoot because they can not pay the price exacted by the shoe manufacturers? What is the difference between that and any other necessary of life? None whatever.

Mr. MILLS. Mr. Chairman, will the gentleman yield for a question?

Mr. SANDERS of Indiana. For a short one.

Mr. MILLS. I would like to ask the gentleman whether the States have authority to fix the price in so far as interstate shipments are concerned?

Mr. SANDERS of Indiana. They have not.

Mr. MILLS. And therefore the measure which he suggests would be wholly ineffective to protect any State that did not produce coal?

Mr. SANDERS of Indiana. I do not know just what measures would best bring the price of coal down. I know that this measure will not do it, and this measure goes beyond our constitutional power. It undertakes to deal in a way that we have not the right to deal. It would fix the arbitrary question of the cost of an article as determining whether it shall go into commerce, both interstate and intrastate. They say that we are doing it under the war power, and you will see a committee amendment reciting that the emergency arises out of the war. The proponents say that we are doing it under constitutional provisions with reference to post offices and post roads, and also with reference to taking care of departments of the Government, and then they bring in the interstate commerce clause and put it on that; but if this is war-time legislation, it is permanent. Do not imagine that you are passing temporary legislation, because, so far as this Congress is concerned, it is permanent. We create it. We set it in motion. We provide that it shall run until the emergency ends, and that then the President may terminate it. He is not required to do so. It is not said in the bill that it shall be his duty to do so. It is permanent legislation, so far as we are concerned. Then, if he should suspend the operation of the law, we give the right to any future President, if he finds an emergency to exist, to set it in action again, and there is not anything in the law that ever stops it when it is set in action a second time.

Gentlemen say that it is temporary and that we can repeal it, but if you give this power into the hands of the Executive, you can not take it away from him against his will over his veto without a majority of two-thirds of this Congress.

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. MOORE of Virginia. Will the gentleman give us some idea of the substitute that he proposes to offer?

Mr. SANDERS of Indiana. Yes. The substitute which I propose to offer provides that by reason of the shortage in coal and railroad equipment, and in order that the Interstate Commerce Commission may have adequate information concerning the fuel situation, the President is authorized for a period of one year to appoint a fuel distributer. Then I follow the language of the bill, except to cut out the price-fixing provisions. But that would not be of any value unless we already have the power under present laws to completely control distribution. In subdivision 15 of section 1, written into the transportation act of 1920, it is provided that whenever the commission is of the opinion that a shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in any section of the country, it shall have, and is thereby given, the power, if it so orders, without any complaint, and so forth, to make just and reasonable directions with respect to car service, without regard to ownership, and so forth, which, in its opinion, will best promote service in the interest of the public and the commerce of the people, and it shall have the power to give directions for preference or priority in transportation, embargoes, or movements of traffic under terms at such time and for such periods as it may determine. The pretense that we are giving additional powers here is not well founded, unless, indeed, it is intended to do what the language of the bill really does—but which its proponents dispute—which is to deal with the whole question without reference to the question of interstate commerce. That is what the measure actually does. Of course, the committee may amend it. The language deals solely with carriers, and does not define what carriers are.

It gives broad, sweeping powers to the Interstate Commerce Commission to make any order respecting car service. It does not limit it to interstate shipments, and I think that the Interstate Commerce Commission has plenary powers over the commerce of the United States. That view is not entertained by very many people, but I have not any question that whenever the proposition shall come squarely before the Supreme Court, it will be held that Congress has the power to legislate with reference to all of the commerce. We do it in this measure. We legislate with reference to State and interstate commerce, and if you will look at the hearings on page 5 you will see that Mr. Commissioner Aitchison said to Mr. BARKLEY:

> Well, I take it, Mr. BARKLEY, that while the question of car distribution has never been passed on as between the powers of the State and the Federal Government that whatever scheme is hit upon by Congress must necessarily control interstate commerce as well as intrastate commerce in its general scope.

Then, in this connection, let me quote what Mr. HUDDLESTON says on page 7:

> I have in mind that where coal producers are permitted to charge for intrastate coal a higher price than they are allowed to obtain for interstate coal, they will discriminate against interstate coal, and the result, or the effect of this bill, would be to greatly diminish by diversion the supply of coal for interstate purposes, so that it seems to me that in order to deal with the subject intelligently we are compelled to deal with the whole situation.

To which Mr. Aitchison replied:

> I believe we can prevent the diversion from interstate commerce of an undue proportion of the cars.

In other words, a coal man who is shipping in interstate commerce and intrastate commerce who fails to carry out the order with respect to the price of coal will be denied any cars for any kind of shipment. That is what is proposed to be done. Oh, you say, what is wrong with keeping the people from being robbed by the coal barons? Mr. Chairman, I have a block coal field in my district. That is a peculiar kind of coal.

It costs about $1.25 more per ton to produce, and sells for about $1.40 or $1.50 more per ton than the ordinary bituminous coal. When this question of coal control was under the charge of Doctor Garfield, he fixed the price of bituminous coal, and he did not know that there was in existence this field of block coal. I went down with one of the block-coal dealers, and was told that Doctor Garfield would investigate it. In the meantime these coal mines were shut down, because they could not produce and sell at that price, and it was a period of weeks before the order was changed. I had wagon mines in my State that wanted to produce coal. There was dire need for it. They were anxious to do it and the people were anxious to pay the necessary additional price to have them dig the coal in these mines and haul it in wagons and put it into the cars. They were shut down because if they charged what they could get and what would have been reasonable they would have exceeded the fixed price and would have been subjected to dire penalties. The question of fixing a price in an emergency is not an easy task. Individual hardships ought not to matter when a great public interest is involved. There are going to be individual hardships; they are going to multiply. There are going to be individual difficulties; they will multiply. But as a result of all these multiplied difficulties you will curtail production by hundreds of thousands of tons, while the people are anxious to pay an additional price at these wagon mines and other mines of expensive production in order to get it.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. SANDERS of Indiana. Yes.

Mr. BANKHEAD. Do I understand that the proponents of this measure contend that it gives the right to absolutely fix and regulate the price of coal in interstate commerce?

Mr. SANDERS of Indiana. There is not a particle of question about it.

Mr. MADDEN. Will the gentleman give the language where it does that?

Mr. SANDERS of Indiana. Certainly. I will read the testimony of Mr. Hoover and Mr. Aitchison, who testified that practically the whole purpose of this bill was to fix the price of coal, and unless you agreed to it you could not have your coal.

Mr. MADDEN. It was to prevent extortion.

Mr. SANDERS of Indiana. All right. How are you going to prevent extortion unless you agree first on a reasonable price and not to go beyond it?

Mr. BANKHEAD. I hope the gentleman will not be diverted. Give us the section of the bill that furnishes that plenary power.

Mr. SANDERS of Indiana. The first section, among other things, reads that "emergency causes extortion." And subsection (c) of section 3, on page 3, reads:

> the prices normally and usually charged for such coal and other fuel, and whether current prices, considering the costs of production and distribution, are just and reasonable.

Then he makes the recommendation to the Interstate Commerce Commission. Then section 5 says:

> The Interstate Commerce Commission is authorized, and is hereby directed, to receive and consider the said recommendation of the Federal fuel distributor and in its discretion to issue such order or orders for priorities in car service, embargoes, and other suitable measures in favor of or against any carrier or region, municipality, community, person, copartnership, or corporation, and to take any other necessary and appropriate steps for priority in car service and in equitable distribution of coal or other fuel so as best to meet the emergency, prevent extortion in prices charged for coal and other fuel, and promote the general welfare.

There is not any question about the purpose of this act.

Mr. MADDEN. Does the gentleman object to regulating extortion? The gentleman would be willing to prevent extortion in the sale of coal or price of coal to the consumer?

Mr. SANDERS of Indiana. Has the gentleman anything further as to that question?

Mr. MADDEN. That is the question I am asking.

Mr. SANDERS of Indiana. Certainly I am unwilling that the Congress of the United States shall regulate the price of products in this country. It is all right to call it extortion or profiteering, but when you put it in cold legislation, limited by the terms of legislative language, you fix the price whenever you undertake to determine the price.

Mr. MADDEN. It does not fix the price.

Mr. SANDERS of Indiana. If this does not provide the machinery for fixing the price and blocking the shipments in commerce where they think the prices are too high, Mr. Hoover and Mr. Aitchison, and the gentlemen who are back of it, and every member of the committee on which I serve who favor the bill, will be grievously disappointed.

Mr. MADDEN. It prevents the use of equipment by people who are trying to charge ten times what they should charge for a commodity.

Mr. SANDERS of Indiana. The gentleman uses extravagant language. This gives the right to determine what is a reasonable price for coal, does it not?

Mr. MADDEN. No.

Mr. VAILE. How can you determine what is an unreasonable price unless you first determine what is a reasonable price?

Mr. SANDERS of Indiana. Let me refer to the testimony.

Mr. DENISON. Will the gentleman yield?

Mr. SANDERS of Indiana. I yield.

Mr. DENISON. When Mr. Hoover was testifying on the bill, I find on page 20 of the testimony that Mr. Sanders asked a question and said:

> Mr. SANDERS. As I understand it, the way this is intended to work out is about as follows: The "Federal fuel distributer" shall ascertain, much in the way that Doctor Garfield did, what he regards as a reasonable price and to cover the entire country so far as coal proposed to be shipped in interstate commerce is concerned; that after ascertaining those prices he shall then make a recommendation to the Interstate Commerce Commission that they shall issue priorities and permit the use of cars only to those persons and corporations who comply in their dealings with the prices so fixed.

Then Secretary Hoover said:

> That is approximately the plan, plus the fact that the Federal fuel distributer in all those matters will act in cooperation with the State authorities.

Mr. SANDERS of Indiana. I thank my colleague from Illinois for reading part of the hearings so far as Mr. Hoover is concerned. That states the proposed plan clearly. There is no question, gentlemen, but that that is the purpose of the bill. If it does not do that it will not do anything, in the opinion of those who drafted the measure.

Mr. YOUNG. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. YOUNG. What is the penalty for violation of section 5?

Mr. SANDERS of Indiana. The penalty is that you can not ship your coal.

Mr. YOUNG. There is no other penalty fixed in the bill?

Mr. SANDERS of Indiana. No; that is all. [Applause.]

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. REED of West Virginia. As to the scope of it, would it prevent the wagon mines, such as have been referred to, from producing coal and sending it within the State where it was produced?

Mr. SANDERS of Indiana. Yes.

Mr. REED of West Virginia. It would?

Mr. SANDERS of Indiana. Yes; under the present language of the bill it would, without question.

Mr. GARNER. If this bill does not enable them to fix the price of coal it is useless.

Mr. SANDERS of Indiana. It is useless to prevent profiteering unless that is what it is for.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. OLIVER. As I understand from the gentleman's study of this bill and a study of the Esch-Cummins Act, it is his opinion that all authority proposed to be conferred by this bill on the Interstate Commerce Commission has been conferred on the Interstate Commerce Commission by the Esch-Cummins bill with one single exception, namely, the power to establish an embargo.

Mr. SANDERS of Indiana. Against an individual. They have the power to establish a general embargo under the Esch-Cummins Act.

Mr. OLIVER. Only in that respect is the authority granted here different from the Esch-Cummins bill, is it not?

Mr. SANDERS of Indiana. Yes.

Mr. OLIVER. The price of the commodity, however, enters into the conditions on which the authority here vested is granted?

Mr. SANDERS of Indiana. Yes; if it is carried out in accordance with the intent of the act, the price determines whether he can ship or not.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. CHINDBLOM. Does the gentleman believe that under the Esch-Cummins Act the Interstate Commerce Commission could order priority of distribution or declare embargoes upon the consideration of extortion in prices?

Mr. SANDERS of Indiana. I do not.

Mr. CHINDBLOM. That is the difference?

Mr. SANDERS of Indiana. I think that would be arbitrary, unreasonable regulation; and while a body having the power in that way may issue regulations, yet those regulations must not be arbitrary, and the classification must not be arbitrary. And I say to you there is no power in the commission or in the Government or in the Congress to fix the right to ship coal or any other fuel or any other product upon the sole criterion of what the shipper has agreed to take for it when it reaches its destination.

Mr. OLIVER. The gentleman stated a while ago that this measure authorizes an embargo against a coal operator. As I understand it, it also authorizes an embargo against any user of coal if they find that the use they seek to make of it is not quite so important as they feel the use that some other community may put it to may be.

Mr. SANDERS of Indiana. The embargo is intended to apply to the man who charges a price that they think is too high.

Mr. OLIVER. When you speak of an embargo against the municipality, a municipality is not engaged in the business of mining or selling coal. What is the purpose of levying an embargo against the municipality?

Mr. SANDERS of Indiana. I do not know. This bill reaches oil and electricity and gas and gasoline, and if municipal authorities are anxious to give their people coal and should go down and pay $6.50 a ton for it when they ought to have paid only $5.50, it may be intended that that municipality shall be embargoed and not permitted to receive any coal.

Mr. WYANT. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. WYANT. If there should be 100 per cent car supply and 50 per cent of the mines refuse to sell, or did sell at increased rates, then I understand the Interstate Commerce Commission could prevent the 50 per cent of the mines selling at all?

Mr. SANDERS of Indiana. It would prevent them from shipping the coal, and if they could not ship the coal they could not operate. If the commission should have cars left and there was an operator at some place who was charging 5 per cent more than they thought he ought to charge, that would keep the cars empty.

Mr. WYANT. Taking that as an extreme case, it would limit the production 50 per cent?

Mr. SANDERS of Indiana. Yes. In other words, you have taken the transportation facilities of this mighty Republic and by that avenue of the transportation of this whole country you undertake to penalize the man who charges too much for his product. It will not work.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. SANDERS of Indiana. Yes.

Mr. NEWTON of Minnesota. The gentleman's idea is that if a bill of this kind is enacted into law 50 per cent of the coal operators would simply refuse to produce because they could not obtain extortionate prices?

Mr. SANDERS of Indiana. I do not know, but I know that a great many operators in my home district, the block-coal and the wagon-mine operators, stopped for weeks because they did not dare violate the law. And in many States the operators producing coal from thin veins were stopped for weeks.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. VAILE. But the reason why they did not mine was that they could not get a price that would compensate them for mining the coal?

Mr. SANDERS of Indiana. Yes. Unless a man has a market for his coal he can not operate, for there is no way of piling up coal. That is not a successful way to do it. A small operator would not have the means of meeting his pay roll. This coal-mining business is a continuous operation. The shipping must run along continuously or the production stops.

Mr. VAILE. Mr. Chairman, will the gentleman yield again?

Mr. SANDERS of Indiana. Yes.

Mr. VAILE. Is the gentleman familiar with cases where mines contract in advance a good many months to sell coal?

Mr. SANDERS of Indiana. Yes.

Mr. VAILE. This would affect those mines and stop shipment?

Mr. SANDERS of Indiana. Certainly. It destroys every contract. We have a right, perhaps, under the Constitution to destroy contracts. The States have not the right. When we put in the other Fuel Administration we protected them and put safeguards around them in time of war. Now, in peace time, by using a lot of language about an "emergency" we do not protect anybody. We propose to put on the public this measure which will not be helpful for more than 10 days.

Let me say to my Republican friends that if you put this measure into operation and let the public believe you will stop profiteering in coal by this thing, if they think they are going to get coal at low prices by this thing they will sing your praises now, but along about the 1st of November they will not be singing your praises. They will charge your government and your administration with every exorbitant price. They will be charging you with every single difficulty that is encountered. They will be charging the administration with every single difficulty that is encountered with reference to fuel.

Mr. ROBSION. Will the gentleman yield?

Mr. SANDERS of Indiana. I will yield to the gentleman, and then it is my desire to yield the floor.

Mr. ROBSION. It has been my observation, and no doubt the gentleman has observed the same thing, that the excessive profits on coal are not confined to the operators alone. Now as I understand the effect of this bill really will be to fix the price as between the operator and the wholesaler or retailer in the various cities and sections of the country. But is there anything in this bill that allows the fixing of the price charged by the wholesaler or the retailer to the consumer, unless the coal enters into interstate commerce after it reaches the wholesaler or retailer?

Mr. SANDERS of Indiana. Of course, if a man in Illinois sells to a coal dealer in Minneapolis, if this bill is declared constitutional, you can fix the price and say that he shall pay only $4 a ton for it; but when he gets it over there in Minneapolis he can sell it to those people of the Northwest, who do not know what he paid for it, and charge them $16 a ton and he will not be violating this law.

Mr. LONDON. Will the gentleman yield?

Mr. SANDERS of Indiana. I yield to the gentleman from New York.

Mr. LONDON. If you can fix the price of coal you can fix the price of bread or any other necessity, can you not?

Mr. SANDERS of Indiana. Yes.

Mr. LONDON. If you confer upon the fuel administrator the right to determine what shall be a reasonable price for coal, you may appoint a meat administrator to determine the reasonable price of meat and every other article, can you not?

Mr. SANDERS of Indiana. Yes; this covers coal and oil and a dozen other things.

Mr. LONDON. I want to emphasize the force of the gentleman's argument.

Mr. SANDERS of Indiana. I thank the gentleman. I make the point that if you grant this power in the Federal Government you destroy private property in this country, because private property means nothing unless you can contract with regard to it.

Mr. BANKHEAD. Will the gentleman yield for another question?

Mr. SANDERS of Indiana. I yield to the gentleman from Alabama.

Mr. BANKHEAD. When Commissioner Aitchison testified so much before our committee about profiteering, did he say anything about reducing the exorbitant freight rates on coal that now tend so much to increase the price to the consumer?

Mr. SANDERS of Indiana. I thought the gentleman was going to talk about something connected with this bill.

Mr. BANKHEAD. For instance, coal down in my district that sells at the mine for $2.50 a ton costs $5.50 a ton to haul it from the mines in Alabama to Illinois.

Mr. SANDERS of Indiana. Of course, Mr. Aitchison and all of us did not go into what was unloaded onto the Republican administration when the Democratic administration turned the railroads over to us, when they were running at a deficit, and when the people were paying for it. If you follow this policy you are going to have the people paying all the time.

I want here to make a detailed analysis of this monstrous measure:

The measure which is reported by the majority of the committee purports to do two things—to give additional powers with reference to the distribution of coal and other fuel, and to create a fuel distributer who shall gather and transmit to the Interstate Commerce Commission recommendations and data with reference to prices from which the Commission is to curb the profiteer by refusing him the right to transport in commerce.

The hearings will disclose that the powers of the Interstate Commerce Commission under the present law are sufficient for every purpose of distribution, and that while the powers granted by this act to the commission may in general terms be broader than those granted by the original law, yet the additional grant was meant to furnish the needed authority to carry out the price-fixing plan.

I am quite willing that there shall be a fuel administration created to gather and furnish to the Interstate Commerce Commission all available information relative to the fuel situation and make recommendations so that the commission may by orders with reference to car service, priorties and embargoes, make such distribution as will meet the emergency.

I do not however, subscribe to the doctrine of creating a price-fixing agency, particularly in the manner in which this proposed law would create such agency and have the observance of the prices enforced by means of refusal to permit shipment.

The right to car service by a common carrier was a common-law right, and under the terms of the present interstate commerce act is carefully provided for.

> It shall be the duty of every carrier by railroad subject to this act to furnish safe and adequate car service and to establish, observe, and enforce just and reasonable rules, regulations, and practices with respect to car service; and every unjust and unreasonable rule, regulation, and practice with respect to car service is prohibited and declared to be unlawful. (Sec. 1, par. 11, of the interstate commerce act.)
>
> The commission is hereby authorized by general or special orders to require all carriers by railroad subject to this act, or any of them, to file with it from time to time their rules and regulations with respect to car service, and the commission may, in its discretion, direct that such rules and regulations shall be incorporated in their schedules showing rates, fares, and charges for transportation, and be subject to any or all of the provisions of this act relating thereto. (Sec. 1, par. 13, of the interstate commerce act.)

It is recognized in the existing law, however, that situations may exist requiring the movement of certain products very rapidly in the public interest, and the present law provides:

> Whenever the commission is of opinion that shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in any section of the country the commission shall have, and it is hereby given authority, either upon complaint or upon its own initiative without complaint, at once, if it so orders, without answer or other formal pleading by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the commission may determine, (a) to suspend the operation of any or all rules, regulations, or practices then established with respect to car service without regard to the ownership as between carriers of locomotives, cars, and other vehicles, during such emergency as in its opinion will best promote the service in the interest of the public and the commerce of the people, upon such terms of compensation as between the carriers as they may agree upon, or in the event of their disagreement, as the commission may after subsequent hearing find to be just and reasonable; (c) to require such joint or common use of terminals, including main-line track or tracks, for all reasonable distance outside of such terminals, as in its opinion will best meet the emergency and serve the public interest, and upon such terms as between the carriers as they may agree upon, or in the event of their disagreement, as the commission may after subsequent hearing find to be just and reasonable; and (d) to give directions for preference or priority in transportation, embargoes, or movement of

> traffic under permits, at such time and for such periods as it may determine, and to modify, change, suspend, or annul them. In time of war or threatened war the President may certify to the commission that it is essential to the national defense and security that certain traffic shall have preference or priority in transportation, and the commission shall, under the power herein conferred, direct that such preference or priority be afforded.

Of course, this section with reference to car service applies to all carriers engaged in interstate commerce, and applies irrespective of whether the cars are to be shipped, used for State commerce, or interstate commerce.

After providing for the organization of the Federal fuel administration and giving the fuel administrator power to obtain information and make recommendations to the commission, the proposed bill provides:

> The Interstate Commerce Commission is authorized, and is hereby directed, to receive and consider the said recommendations of the Federal fuel distributer, and in its discretion to issue such order or orders for priorities in car service, embargoes, and other suitable measures in favor of or against any carrier or region, municipality, community, person, copartnership, or corporation, and to take any other necessary and appropriate steps for priority in car service and for the equitable distribution of coal or other fuel so as best to meet the emergency, prevent extortion in prices charged for coal and other fuel, and promote the general welfare.

It will be noted that, amongst other things, this section gives to the Interstate Commerce Commission the power to put an embargo against individuals, copartnerships, and corporations with the evident intent of granting the commission arbitrary power to refuse the right of shipment to any person or corporation whom the commission determines is making profits not in keeping with its views.

Remembering that the act is based upon the war power, upon the general-welfare clause, upon the clause with reference to post offices and post roads, and provisions of the Constitution other than the commerce clause, as well as the provision relative to the commerce clause, it is quite clear that the power granted by the present act, which does not limit the orders of the commission to interstate commerce, applies to all movements of coal and other fuel. This proposed measure does not limit the act and the commission to carriers, first, as described in the interstate commerce act, and, second, as carriers by railroad and by water, but applies to all carriers of all kinds whatever. It is not even limited to a common carrier, so that if a person is hauling his own coal and is not a common carrier an order might be well directed to him.

It might also be remembered that the act is not limited to coal, but applies to all fuels which includes, inter alia, coal, petroleum products, oil, gasoline, kerosene, coke, peet, cordwood, bagesse, natural gas, artificial gas, and electricity.

Their keen anxiety to drag in other remote powers in the Constitution which might possibly justify this measure has led the proponents to hope to fortify the present measure. Thinking that no one of the clauses of the Constitution in itself would justify the measure, they seem to think that when all are added together ample justification was afforded. I think they have used five different grants of authority. I was never an expert in mathematics, but my recollection of five times naught was naught, and not five.

However, we can eliminate the commerce clause, because the scope of the act is not limited to interstate commerce in any sense of the word and, as the Supreme Court held in the Federal employers' liability act cases, the court can not separate that part which might relate to interstate commerce from the part relating to interstate commerce and the whole act would have to fall so far as the commerce clause is concerned.

In my opinion, if it were strictly limited to interstate commerce, I do not think that Congress has the power to delegate to any tribunal the power to arbitrarily refuse a shipper the right to ship coal upon the ground that he is charging too much for his coal.

With the commerce clause out of the way, the war power and emergency idea fades away, because the measure is permanent legislation so far as the Congress is concerned. Some one may say that Congress has the power to repeal the measure. Of course, it always has that power with reference to any measure, but when this measure has passed the Congress it becomes permanent legislation so far as we are concerned. To be sure, we place it in the power of the Executive to terminate it. We do not say, however, that when the emergency ends that it shall be his duty to terminate it, but we provide—

> Whenever the President shall be of the opinion that the existing emergency has passed he may by proclamation so declare, and thereupon the exercise of the powers conferred under this act shall be suspended.

He is not required to do so, even though he finds the emergency ended. It is not made his duty to do so, and unless he shall do so it becomes permanent legislation.

If the President should suspend the operation of the act it may be called into existence by him or by any future President at any time; and when once called into power there is no provision for ever terminating it, so that the measure is permanent law.

It does not suffice to assert our right to repeal it. Once this arbitrary power is delegated to the executive department there is no way to get the power away from the executive department against the will of the Chief Executive except by a two-thirds vote. In other words, by using the veto power the President may make this legislation last until two-thirds of the Congress is willing to override his veto. This, of course, does not apply to the present President alone but applies to any future Executive who may revive the measure.

This proposed regulation is such an arbitrary regulation and gives favors and privileges and imposes penalties and hardships upon such an arbitrary basis that it is clearly invalid.

Let us examine the alleged "price-fixing and profit-regulating" provision. We should disabuse our minds at once with any thought that there is the slightest similarity from a legal standpoint between this price-fixing provision and the provision for the fixing of prices by the fuel administration under the amendment to the food control act.

The germ of this colossal power is found in the provision of section 1 of the bill, that the emergency "causes extortion"; the provision of section 3 which authorized the Federal fuel distributer to ascertain—

> (c) The prices normally and usually charged for such coal and other fuel and whether current prices, considering the costs of production and distribution, are just and reasonable.

And in the same section, that—

> The Federal fuel administrator shall make appropriate recommendations pertaining thereto to the Interstate Commerce Commission—

And in section 5, which provides that the Interstate Commerce Commission is authorized—

> to issue such order or orders for priorities in car service, embargoes, and other suitable measures in favor of or against any carrier or region, municipality, community, person, copartnership, or corporation, and to take any other necessary and appropriate steps for priority in car service and for the equitable distribution of coal or other fuel so as best to meet the emergency, prevent extortion in prices charged for coal and other fuel, and promote the general welfare.

Contrast this with the provision in the law for fuel distribution which was under the war powers and went directly to the task of price fixing. The provisions of this act provide:

> SEC. 25. That the President of the United States shall be, and he is hereby, authorized and empowered, whenever and wherever in his judgment necessary for the efficient prosecution of the war, to fix the price of coal and coke, wherever and whenever sold, either by producer or dealer, to establish rules for the regulation of and to regulate the method of production, sale, shipment, distribution, apportionment, or storage thereof among dealers and consumers, domestic or foreign; said authority and power may be exercised by him in each case through the agency of the Federal Trade Commission during the war or for such part of said time as in his judgment may be necessary. * * *
>
> Having completed its inquiry respecting any commodity in any locality it shall, if the President has decided to fix the prices at which any such commodity shall be sold by producers and dealers generally, fix and publish maximum prices for both producers of and dealers in any such commodity, which maximum prices shall be observed by all producers and dealers until further action thereon is taken by the commission.
>
> In fixing maximum prices for producers the commission shall allow the cost of production, including the expense of operation, maintenance, depreciation, and depletion, and shall add thereto a just and reasonable profit.
>
> In fixing such prices for dealers, the commission shall allow the cost to the dealer and shall add thereto a just and reasonable sum for his profit in the transaction.
>
> The maximum prices so fixed and published shall not be construed as invalidating any contract in which prices are fixed, made in good faith, prior to the establishment and publication of maximum prices by the commission.
>
> Whoever shall, with knowledge that the prices of any such commodity have been fixed as herein provided, ask, demand, or receive a higher price, or whoever shall, with knowledge that the regulations have been prescribed as herein provided, violate or refuse to conform to any of the same, shall, upon conviction, be punished by fine of not more than $5,000 or by imprisonment for not more than two years, or both. Each independent transaction shall constitute a separate offense.

There it will be seen that the prices to be fixed include cost of production, including the expense of operation, maintenance, depreciation, and depletion, and a reasonable profit.

One provision in the present measure, however, is the question of prices normally and usually charged, and whether the current prices, considering the cost of production and distribution, are just and reasonable. This furnishes no legal standard for determining profits, and if the law undertook to meet a violation of it by providing penalties against making more than a "just and reasonable charge," it would be clearly unconstitutional under the opinion of the Supreme Court of the United States in the case of United States *v.* Cohen Grocery Co. (255 U. S. 81), which held the antiprofiteering provisions of the Lever Act unconstitutional.

I quote from the decision, as follows:

> The sole remaining inquiry, therefore, is the certainty or uncertainty of the text in question—that is, whether the words "That it is hereby made unlawful for any person willfully * * * to make any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries," constituted a fixing by Congress of an ascertainable standard of guilt and are adequate to inform persons accused of violation thereof of the nature and cause of the accusation against them. That they are not, we are of the opinion, so clearly results from their mere statement as to render elaboration on the subject wholly unnecessary. Observe that the section forbids no specific or definite act. It confines the subject matter of the investigation which it authorizes to no element essentially inhering in the transaction as to which it provides. It leaves open, therefore, the widest conceivable inquiry, the scope of which no one can foresee and the result of which no one can foreshadow or adequately guard against. In fact, we see no reason to doubt the soundness of the observation of the court below in its opinion to the effect that to attempt to enforce the section would be the exact equivalent of an effort to carry out a statute which in terms merely penalized and punished all acts detrimental to the public interest when unjust and unreasonable in the estimation of the court and jury. And that this is not a mere abstraction finds abundant demonstration in the cases now before us, since in the briefs in these cases the conflicting results which have arisen from the painstaking attempts of enlightened judges in seeking to carry out the statute in cases brought before them are vividly portrayed. * * * And, again, this condition would be additionally obvious if we stopped to recur to the persistent efforts which, the records disclose, were made by administrative officers, doubtless inspired by a zealous effort to discharge their duty, to establish a standard of their own to be used as a basis to render the section possible of execution.
>
> That it results from the consideration which we have stated that the section before us was void for repugnancy to the Constitution is not open to question. (United States *v.* Reese, 92 U. S. 214, 219–220; United States *v.* Brewer, 139 U. S. 278, 288; Todd *v.* United States, 158 U. S. 278, 282; and see United States *v.* Sharp, 27 Fed. Cas. 1041, 1043; Chicago & Northwestern Railway Co. *v.* Dey, 35 Fed. Rep. 866, 876; Tozer *v.* United States, 52 Fed. Rep. 917, 919–920; United States *v.* Capital Traction Co., 34 App. D. C. 592; United States *v.* Pennsylvania R. R. Co., 242 U. S. 208, 237–238.)

In other words, there is nothing in this measure which requires either the Federal fuel distributer or the Interstate Commerce Commission to definitely fix the price so that those proposing to enter into contracts will know beforehand what is lawful and what is unlawful. The fuel distributer may fix prices and publish the prices so fixed, may make recommendations to the Interstate Commerce Commission that those agreeing to such prices shall have the right to ship, but the Interstate Commerce Commission may refuse to abide by the recommendations of the fuel administrator and may conclude that notwithstanding his prices certain individuals and corporations are charging extortionate prices and place an embargo against such individuals and corporations.

Since the Supreme Court has held such an indefinite law invalid, it seems quite clear that a regulation which upon its face deprives the owner of property of the right to ship it is invalid.

Mr. GARNER. Will the gentleman yield for a question?

Mr. SANDERS of Indiana. I hope the gentleman will pardon me. I must really yield the floor. Gentlemen, I appreciate your sitting here so patiently to listen to my statement of my views on this question. I am very much in earnest about this subject. I hope the membership of this House will not be swept off their feet by the clamor against the profiteer and all of these other cries which are intended to incite prejudice in the minds of the people against anyone who makes a profit. I know that there are coal profiteers. I know that whenever there is a shortage of any product in this country there is an excessive profit made in it; but if you create a fuel administration to take care of the distribution of coal in accordance with the amendment I shall offer, and let the Interstate Commerce Commission use the powers that it has, and keep out of this price-fixing scheme, you will best promote the interest and welfare of every man, woman, and child in the United States. [Applause.]

Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back six minutes of his time.

Mr. BARKLEY. I yield 15 minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Chairman, I regret the necessity for this legislation, but I accept the responsibility of acting upon it as a duty personal to me to support it.

There is no question about the great factor that coal is in the social and industrial life of this Nation. There is no doubt how essential it is for the heating of the home, for the running of the factories, and for carrying on the normal functions and business of the Nation. Scarcely any commodity that goes into the markets or moves in the channels of commerce is of more vital importance. At the present time we have a shortage in the current supply of coal of over 15,000,000 tons. We have an additional shortage due to the underuse of coal awaiting an adequate supply for the running of our factories and other enterprises. The possible distribution of the supply of coal to meet the needs of the United States is limited by two means at the present time. One is underproduction. Last week only a little over 6,000,000 tons were mined, when the Nation required 12,000,000 or 13,000,000 tons in order to prepare to meet the emergency ahead of us. In addition to that we have the limited means of distributing coal by decreased and deteriorated railroad and transportation facilities. Probably 8,000,000 or 9,000,000 tons per week is the maximum that can be transported, when we need 12,000,000 or 13,000,000 tons a week. That is the question which presents itself to us. According to the testimony of Secretary Hoover, it is going to take at least 15 weeks before the coal supply to the consumers can meet the normal needs of the country.

Now, what are we going to do about it? We have the power, which we can exercise, of ameliorating this condition, or we can refuse to exercise that power. There is no question but that for 15 weeks to come those who supply coal to meet the needs of this Nation, unless we do something, are going to have it in their power to impose on the consumers of this Nation practically any price they see fit. We can not escape the responsibility to-day. There is no doubt about one thing, and that is that somebody is going to fix the price that the consumers are going to pay. That price is going to be fixed by one of two parties. It is going to be fixed by those who supply coal and who have a selfish interest in making it high in order that the money may be collected from the people of this country and diverted into their own pockets, or the power is going to be exercised on the part of the people of this country against that extortion. So you may regret the situation; it is an unpleasant duty to exercise this power; but, in my judgment, it will be a far greater lapse of duty if the Congress fails to exercise it. [Applause.]

What is the proposition before us? Those who ship coal object to the Interstate Commerce Commission exercising the power of fixing what price that coal shall bear if it is transported by rail in interstate commerce. Nevertheless the fact is that these operators and buyers of coal will ship it through the transportation system whose rates are regulated by the same body as those to whose rate regulation they refuse to submit. If the transportation companies were not limited by law or by the Interstate Commerce Commission the railroads themselves could become profiteers on these necessities of the people of this country. They could set prices on transportation practically without limit and the people of the Nation would have to bear the expense. But that will not happen because of the exercise of the very power that we invoke here to-day. Why was the power given to the Interstate Commerce Commission to fix the railroad rates? The primary purpose was to protect the people of the United States against extortion. The source and reason for the exercise of that power is the same that we invoke to-day to prevent extortion in the matter of coal.

Mr. LAYTON. Will the gentleman yield?

Mr. LEA of California. Yes.

Mr. LAYTON. And under the operation of that law are not freight rates higher than they ever were before?

Mr. LEA of California. That is true, but it has no relation to this subject. That is a question of cost and administration.

This is an important question and I was glad to have the viewpoint as ably expressed by the gentleman from Indiana [Mr. SANDERS]. The Constitution of the United States confers on Congress the duty of regulating commerce among the several States. That is one of the greatest powers, one of the most flexible powers of the Congress of the United States. It has been developed and is an expanding power. Some time ago the Supreme Court of the United States spoke with reference to this power of Congress and said:

> Subject to such restrictions as are reposed by the Constitution upon the exercise of all power, the power of Congress over interstate and international commerce is as full and complete as is the power of any State over its domestic commerce.

It further said:

> Every instrumentality of interstate commerce may be reached and controlled by national authority, so far as to compel it to respect the rules for such commerce lawfully established by Congress.

Now, have the States exercised their power? They have fixed the price of gas, they have fixed the price of electricity and of water. They have gone into practically every State in the Union and fixed the price of insurance policies on your barn and your house and your life. They have fixed the price that warehouses may charge for the deposit and storage in those warehouses. Nobody now complains of the power of the States to fix prices to that degree.

Now, as to the exercise of Federal power, remember that the Supreme Court has stated that within the limits of its jurisdiction the Federal Government has the same power as the State has within its domestic jurisdiction. So I want to conclude my remarks by reading to you some excerpts from a comparatively late decision of the Supreme Court which are interesting as throwing light on the power of Congress in this connection:

> Against that conservatism of the mind, which puts to question every new act of regulating legislation and regards the legislation invalid or dangerous until it has become familiar, government—State or National—has pressed on in the general welfare; and our reports are full of cases where in instance after instance the exercise of regulation was resisted and yet sustained against attacks asserted to be justified by the Constitution of the United States. The dread of the moment having passed, no one is now heard to say that rights were restrained or their constitutional guaranties impaired.

That is not a quotation from a socialist; it is from a decision of the Supreme Court of the United States. It has reference to the principle upon which Congress may exercise its power.

Mr. MOORE of Virginia. What case was the gentleman reading from?

Mr. LEA of California. German Insurance Co. against Kansas, 233 United States, page 405.

Mr. TUCKER. That was with reference to a State statute?

Mr. LEA of California. It was a statute fixing the price of insurance, and the question was whether or not it contravened the constitutional provisions. There is no question but that Congress has the plenary power to regulate interstate commerce and the only limitations on that power are the specific limitations in the Constitution itself.

> "The underlying principle is that business of certain kinds holds such a peculiar relation to the public interests that there is superinduced upon it the right of public regulation." * * * It would be a bold thing to say that the principle is fixed, inelastic, in the precedents of the past and can not be applied though modern economic conditions may make necessary or beneficial its application. * * *
>
> What makes for the general welfare is necessarily in the first instance a matter of legislative judgment and a judicial review of such judgment is limited.

Then, proceeding further, relating to emergencies, the court says:

> It would be very rudimentary to say that measures of government are determined by circumstances, by the presence or imminence of conditions, and of the legislative judgment of the means or the policy of removing or preventing them. The power to regulate interstate commerce existed for a century before the interstate commerce act was passed, and the commission constituted by it was not given authority to fix rates until some years afterwards. Of the agencies which those measures were enacted to regulate at the time of the creation of the power, there was no prophecy or conception.
>
> Nor was regulation immediate upon their existence. It was exerted only when the size, number, and influence of those agencies had so increased and developed as to seem to make it imperative. Other illustrations readily occur which repel the intimation that the inactivity of a power, however prolonged, militates against its legality when it is exercised.
>
> Whether the requirements are necessary to the purpose, or—to confine ourselves to that which is under review—whether rate regulation is necessary to the purpose, is a matter for legislative judgment, not judicial. Our function is only to determine the existence of power.

Then, referring to the power of Congress to classify and determine the particular instrument in commerce which it should regulate, the Supreme Court says:

> A legislative classification may rest on narrow distinctions. Legislation is addressed to evils as they may appear, and even degrees of evil may determine its exercise.

My judgment is that Congress has this power under the interstate commerce clause of the Constitution of the United States, and that the mistake, the inexcusable mistake, would be not the use of that power but the failure to use it when many of the people of this country are going to suffer if the power is not used.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEA of California. Yes.

Mr. HARDY of Texas. What is the gentleman's judgment as to whether or not the Federal Government, acting through the President, would have the right to take over and operate a coal mine if production fails and it is absolutely necessary for the general welfare?

Mr. LEA of California. My own opinion is that that power would not exist except as an exercise under the condemnation clause of the Constitution.

Mr. HARDY of Texas. Would the Government have the right under condemnation to do that?

Mr. LEA of California. I think it is possible, but the emergency condition would have to exist to make it so, if the power was exercised other than for the ordinary needs of the Government.

Mr. HARDY of Texas. I mean in an emergency.

Mr. LEA of California. Yes; I think so.

Mr. KINCHELOE. Of course, under the provisions of this bill it is sought to fix the maximum price of the coal in the hands of the coal operators. As the gentleman knows, a great deal of profiteering in coal has been through coal brokers. The price is fixed under this bill at a certain amount by the fuel distributer under the penalty of no cars, except at a certain price. There is no provision made in the bill to prevent profiteering with the coal brokers after the coal leaves the hands of the operators and goes into their hands and into the retailers' hands before it gets to the consumer.

Mr. LEA of California. This bill makes it a crime to misrepresent the purposes for which the coal is expected to be used or the price for which it is sold, and any person who receives coal and diverts it to another purpose without consent of the Interstate Commerce Commission is also guilty of a crime, but there is no following of price beyond the consignee.

Mr. KINCHELOE. That is the point I make. The coal broker or the retailer, of course, is protected in the price that he pays to the coal operators under this bill, but when he undertakes to sell it to you or to me this law does not affect him.

Mr. LEA of California. We felt that it was impractical to attempt to do that, because at that point coal becomes an article of intrastate commerce. A representative of the Department of Justice advised us that in his judgment it is impractical to follow it up further. I believe myself that it is impossible, or at least impractical, under the Federal powers, to follow these small fellows who may receive the coal beyond the hands of the consignee.

Mr. KINCHELOE. But it is a fact that the coal brokers of the large cities of the country are profiteering to a great extent right now.

Mr. LEA of California. I do not doubt that is true.

Mr. MOORE of Virginia. The gentleman is a member of the committee that reported this bill. I think it was on the 18th day of August that the President advocated a policy of legislation providing for the purchase and sale and distribution of coal. That was the definite policy as stated in his message to Congress. That was about 11 days ago. Does the gentleman know as a member of the committee, what accounts for the deviation from the announcement of the President and the determination of the committee to report a bill entirely different from what the President proposed?

Mr. LEA of California. I think it is revealing no secret to say that the presidential committee in reference to coal made the recommendations to the President on which he in turn made recommendations to Congress. Subsequent to that time the presidential committee considered the legislation which we now have before us, which they had not done before that time. They reached the determination that this was more effective and advisable than the course recommended by the President in his message. Mr. Hoover appeared before our committee and stated that the delay in executing it made it less practicable than the plan proposed by this bill.

Mr. BARKLEY. Mr. Chairman, I now yield 10 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, it is natural that Congress should find itself in a veritable maze of contradictions in dealing with this subject.

The bill proposes to declare a national emergency, to grant additional powers to the Interstate Commerce Commission, and to provide for the appointment of a Federal fuel distributer. The Interstate Commerce Commission is to be vested with the power to refuse cars to operators who will demand extortionate prices for coal. It is also to have the power to give preference or priority in the shipment of coal to various industries and localities.

This is the second administration measure which deals with the coal crisis. Last week we voted for a fact-finding commission. That bill provided that no person interested in coal should become a member of the commission. If it becomes a law the President will have to look for the personnel of that commission in a home for the feeble-minded, since every human being of ordinary intelligence is interested in coal. The fact-finding agency is to report from time to time in the future, and no one will claim that it can in any way aid in meeting the immediate emergency.

The measure which we have before us now will hardly be of more value. It has been the experience of the past that whenever a governmental agency fixed the price of an article, that the price was too high for the consumer. The real problem is not so much a problem of price fixing or of the distribution of coal; the real question is how to get enough coal and enough cars to transport the coal to the consumer. The distributer will have no cars to distribute coal in if the equipment of the railroads will continue to deteriorate. As long as the railroads persist in their determination to crush the labor organizations, as long as the railroad workers are compelled to oppose a reduction of wages which threatens their very existence, the supply of cars and locomotives will be inadequate. The coal shortage can not be relieved by the proposed bill.

The administration offers no effective remedy. It changes its program from day to day, from hour to hour. Congress is not a bit less confused than the administration. Congress seems to be utterly incapable of dealing with large industrial problems. It has been too long accustomed to discussions on tariff and free trade. A tariff on peanuts—that is its specialty. To place leeches on the free list—that is in its line. As if we did not have enough leeches right here.

This bill has been attacked by its adversaries as being a step toward governmental control of private property, as a step toward socialism. There is an element of truth in that contention. There is not any doubt that it is dangerous from the standpoint of the conservative defender of all existing institutions to permit the Government to check or limit the profit-making capacity of the private individual. Every such regulation is a direct invasion of the rights of private property. If the precedent is once established in coal, it may be extended to bread, to meat, to clothing. If it is to apply to coal, why not to iron, or to copper?

Without going into an abstract discussion of the rights of private property, may I suggest that private property exists by virtue of public law. In civilized society one is permitted to own and control property on the theory that the individual control of the property is conducive to the welfare of society as a whole. In the animal world the animal controls its private property as long as it can physically defend it. In civilized society the individual is permitted to acquire individual control of property by virtue of law. At various stages of civilization, and comparatively only a very short time ago, it was not held inconsistent with civilization to permit one human being to own another human being.

The practical question which presents itself to the people to-day is whether civilization can survive while a small portion of the community own and control the natural resources and the basic industries of the country. Are we to have the socialism of Wall Street or the socialism of the people? Are a small number of private owners of coal mines to be permitted not only to dictate terms of employment to their workers but to extort unconscionable prices from the consumers? If they are to be left uncontrolled, the rights of private property, as the conservative lawyer understands them, will be preserved, but the people will perish. The choice is between the control of the life of the Nation by a small group of private owners and the democratic control of the natural resources of the land by and for the people.

The right of the community to limit the profit-earning capacity of private property is not unknown to modern law. For centuries there has been legislation against usury. The law has been prescribing the amount of interest which the loaner of money is to charge for the use of his money; this on the theory that the ready circulation of money is essential to commerce. Is coal under modern conditions less of a necessity to industry, to commerce, to the very life of a nation?

There is entirely too much conservatism, too much narrowness, too much of the archaic in the notions of some of our conservative lawyers. The lawyer should be a power for the progress of mankind. A time comes when the conservative becomes a destructionist. Legal institutions which are in conflict with the needs of society and its ethical and moral conceptions can not survive. Too many of our lawyers live in the past, and too many of our courts are assemblages of venerable old gentlemen for the preservation of ancient ideas. The grave is not the only source of wisdom.

The public good should be the supreme law. Property of and by itself has no rights. Property is an inanimate thing. It is men who have rights, and men have a right to own and control property only to the extent to which the public good can be promoted by such individual ownership. It is becoming more and more apparent that the private and unrestrained ownership of public necessities, of things socially necessary, is injurious to society. Public control of the natural resources, with their ultimate national ownership and their democratic control, is inevitable, and the constructive legal mind should address itself to the problem of making the period and process of transition as painless as possible.

As John Stuart Mill, whom I quoted some time ago, says in his essay on "Liberty," the "problem of civilized society is how to reconcile the largest possible measure of individual liberty with the welfare of society as a whole." There can be no liberty when the means by which man lives are beyond his control. A nation which parts with the control of its natural resources can not be a free nation. No one can have a private property right to oppress the entire people.

The mines and the railroads should be acquired by the Nation. The right of the workers to organize, to participate in their management and in the determination of the conditions of employment, should be secured.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I want to ask leave to print in the Record the amendment which I shall offer to-morrow.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to print in the Record the amendment which he proposes to offer to-morrow.

Mr. SANDERS of Indiana. And also leave to print generally.

The CHAIRMAN. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, will the gentleman print his amendment in the Record of to-day, even though he may not print his full speech in the Record of to-day, so that we may have the amendment before us to-morrow?

Mr. SANDERS of Indiana. Yes; I will do that.

There was no objection.

Mr. RAYBURN. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. Graham].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman and gentlemen of the committee, I have listened with interest to the remarks that have been made on all sides concerning this bill, and also with great interest to the remarks of the gentleman from New York [Mr. London] in his disquisition on the rights of property. I agree with much that he says, and I agree with what John Stuart Mill taught in his essay and there can be no question about its correctness. The error that crawls into his theory, it seems to me, lies in this, that while you are going to preserve the greatest liberty for the individual and only yield up that which is for the good of the community you ought to do that in a legal way. It is not enough to say, "I think this is for the good of the community and therefore I will go and take that and give it to the community." You must find a lawful method of doing these things, and unless we live up to the law we will fall into disorder and there is no reason in this country why a man should not live up to the law, for the power of the lawmaking is with the people of the land and they can make a law that will be suitable and right.

I feel that in this emergency, as we call it, there is much that is to be regretted. I think perhaps it would have been far wiser for the executive department of the Government not to have interfered in the early stages of this controversy. I tell you, my friends, there is a time coming, and it is not far away, when the question involved in these controversies must be subjected to legal adjustment and arbitrament. [Applause.] It is very difficult, perhaps, to find a way in which this can be carried into effect, but in this struggle to-day the public demand that it should be carried to a finish. I think that would be the proper thing. The sainted Abraham Lincoln said:

> No nation can exist half slave and half free.

I would venture the opinion as an humble imitator of him to-day, that no nation can exist with an imperium in imperio. No nation can exist wherein there stands a body of citizens who can take the entire public by the throat and menace the welfare of men, women, and children in pursuit of their own individual thought of what they ought to have out of the community. I tell you, the legislatures of the States and the Congress of the United States must face this issue sooner or later and attempt to formulate a law. I know how impractical it is said to be to frame one that will cover the question of these controversies in some shape that will avoid the display of murderous qualities that crop out; that will prevent the usurpation of law and order, supplanting it by force in its vilest form. The time must come when this has to be fought out and has to be settled in some definite manner, and I welcome the day when the struggle comes. There are difficulties in the way, and while I admit that individual right must yield to the right of the community, I agree with that doctrine; but it must yield in a lawful and proper way. We ought to remember when we approach legislation of this character that we have a dual sort of sovereignty in this land of ours. We have a Federal nationality; we have a State sovereignty that exists for many, many purposes, and will exist until it is changed in some lawful manner.

This is an emergency bill. I would not call it hysteria legislation. It is prompted by men with an honest purpose, to remedy an existing condition of things where an emergency threatens the life and welfare perhaps of thousands or millions of people. But there underlies this legislation some crucial legal questions in the consideration of which, until the law is changed, we have no right to argue simply, as my friend suggested, "I think the ethics ought to be so and so."

I think the principle that ought to be applied is this: The question is, in a law-abiding nationality, what is the law we are acting under, because we have sworn to maintain the Constitution and administer the law of the land. What is the law? This bill is called an emergency bill, and if it were a bill passed in war time I would unhesitatingly give it my support and adherence. But it being a measure to be passed in peace time, it is a species of legislation that in my humble judgment, to say the least, is exceedingly questionable. There are questions underlying this measure, questions as to its constitutionality. I know that the courts have gone a long way by decisions of five to four judges in declaring that an emergency may be the cause of legislation in time of peace. That was illustrated in the rent cases in the District of Columbia and in the appeal from the State courts of New York. I admit that in doing so the court took a step beyond what our conservative lawyers regarded as within the scope of Federal power. It was within the scope of State power. Undoubtedly the States have plenary power. The constitution of the State with each State is the only limit upon the exercise of their legal functions. They can do in legislation what we can not do.

Now the question arises, Is this a constitutional exercise of power? The courts have also, as my friend from Indiana [Mr. Bland] pointed out to us the other day, when he gave us the decision declaring that the production of coal is intrastate not interstate, and therefore inquiry could not be made into the books and private papers, and so forth, of the corporation. When does the intrastate character of coal cease, and when does coal become interstate? This bill attempts to declare that a body called the Interstate Commerce Commission can say to A, "You shall have no cars for your mine," and to B, "You shall have as many cars as you can use."

Upon what basis? Many, but one particularly, namely, that we think you are selling at an extortionate price. Now, no man in this House will hesitate a moment to strike a blow at extortion. We all condemn it. We think it is wrong and that it ought to be punished by fine and imprisonment. But here you are giving a power to a branch of the executive department of the Government, which is clothed with quasi-judicial power, to say that A shall have no cars, that his organization shall be destroyed, his business ruined, on what? On their determination, without a hearing and no chance of appeal, that he is selling at a price that is extortionate.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GRAHAM of Pennsylvania. May I have five minutes more?

Mr. TUCKER. I yield to the gentleman my five minutes.

The CHAIRMAN. The time of the gentleman is extended five minutes.

Mr. GRAHAM of Pennsylvania. Under this bill the effort is made to give that power to the Interstate Commerce Commission; and yet nowhere in this bill, from beginning to end, is a word said about the fixing of prices. I was asked by a friend for an opinion upon a question as to whether or not Mr. Hoover's department had the power to fix prices at this time. I unhesitatingly answered, "No, under the law he has not." Who is to fix the prices under this bill, and what are the prices? Is there to be a horizontal price? Then you do an utter inequity to the man with the small mine, and the man who has to do the carting that the gentleman spoke of, from one's mine to the cars, or directly to the consumer. Who is to settle what is fair and what is unfair? The Interstate Commerce Commission, upon the recommendation of this coal distributer.

Is it safe, is it judicious, is it right for us to clothe any organization with such an unlimited power? It is true that an emergency does seem to exist that threatens the welfare of the community in its homes and in its industries, as well as in its transportation facilities. Something ought to be done, we all readily admit. This bill has been prepared for the purpose of endeavoring to aid in that direction. Does it do it? If you fix a price at the mine where coal is produced for delivery f. o. b. the mine, that is a doubtful proposition of law whether you can or not do it until by shipment that coal enters into interstate commerce. Once it enters there our power over it is complete. But suppose you fix the price at the mine and the coal is then shipped to A B, who receives it to sell to his customers in the city. What power is there in this bill to touch the distributer of that coal or make him keep from overcharging, from exacting an excessive price, or as you would call it, an extortionate price? If the bill will not accomplish the purpose for which it is framed, cui bono? Why should it be enacted? I have heard a great deal of talk about the profiteer. I have had occasion to observe and notice where the profiteering existed. It is not the coal operator who is the profiteer. It is the man who bought the coal, who cornered it, and charged for it prices in excess of those which were fixed. I could name men who made millions out of coal sold over and above the price that was fixed, and none of them operators who sell f. o. b. the mine. Does this bill strike at those men by denying car distribution? That is another of the difficulties.

Mr. OLIVER. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Pardon me a moment until I finish two or three remarks, and then I will yield for any question. Now, regarding the bill itself, I suggest that it ought to be amended by adding in the twentieth line of the second page, after the word "distributer," the words "to serve for a period not exceeding six months."

That would limit his term to a definite period. Then, if the emergency should still continue, I would add at the end of the twenty-second line—

> and the President shall have power to appoint a successor for a like term, and if the Senate is in session the appointment shall be made by and with the consent of the Senate of the United States.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BARKLEY. I yield to the gentleman two minutes for the purpose of allowing the gentleman from Virginia [Mr. Moore] to ask him a question.

Mr. GRAHAM of Pennsylvania. I thank the gentleman. Then I would like to see, in the twenty-second line, the word "may" changed to "shall," so as to make the proclamation announcing the end of the emergency compulsory. Then on page 6, section 9, I would have it read:

> at any time hereafter when the Congress or, if the Congress be not in session, when the President shall determine that an emergency exists.

This to preserve the powers of Congress.

In other words, I do not want to see the Congress surrender its right to declare when an emergency exists. But an emergency might spring up when Congress was not in session; therefore I would have the power given ad interim to the President of the United States. I thank the gentleman, and now I take pleasure in yielding to the gentleman from Virginia [Mr. Moore].

Mr. MOORE of Virginia. The gentleman, when expressing his view that this is doubtful and inadequate legislation, said a while ago, as I understood him, that he thought we ought to find some proper method of dealing with the existing emergency. Can the gentleman suggest the method that ought to be adopted?

Mr. GRAHAM of Pennsylvania. I can not.

Mr. MOORE of Virginia. What legislation ought we to enact?

Mr. GRAHAM of Pennsylvania. That is too large a subject to go into in answering the question. I have in mind legislation that I think ought to be framed covering this entire question.

Mr. WINSLOW. If the gentleman will accept one minute, I would like to yield it to him for the purpose of asking him a question.

Mr. GRAHAM of Pennsylvania. Very well.

Mr. WINSLOW. Has the gentleman ever heard or seen any plan outlined which in his mind would cover the situation better than this one?

Mr. GRAHAM of Pennsylvania. No; I will say not.

Mr. BARKLEY. I yield five minutes to the gentleman from Texas [Mr. Hardy].

Mr. HARDY of Texas. Mr. Chairman, lest it might not be known when I get through what my vote will be, I want to begin by saying that I am going to vote for this bill. But, gentlemen, it is under this kind of a protest and for this reason: I want when calamity overtakes us to be able to say, "You can not shake your gory locks at me." If any relief is offered by this bill to the country—and there may be—I want to help it along. In other words, I want to be a helper and not a hinderer in any kind of a measure that may afford relief. This bill seems to be the only thing that is going to be offered, and I am voting not as a Democrat or as a Republican but as one anxious to do all in my power to help my distressed country.

Gentlemen, in my judgment we have not yet realized how near we are in this country to the brink of disaster. A fearful condition and a fearful emergency exists in this country. We are told—and, I believe, truly—that suffering is on the way; that winter will be accompanied by suffering from cold in the great cities. The great industries of the country are going to be disorganized and disrupted. And what have we been doing?

Well, we have appointed a commission of nine members at $10,000 a year to investigate and report on the coal situation next December or January. Then we propose to appoint by this bill a Federal fuel distributer, with power to inquire—another investigating agency—and report to the Interstate Commerce Commission. But there is involved in the meat of this measure also a possibility and an effort to provide a limitation on the price to be charged by the coal producer. As has been well said, there is nothing in it to prevent the dealer in coal from holding up the consumer to his heart's content. I am afraid that the purchaser of coal will find himself between the upper and nether millstone, compelled to pay extortionate prices. It may be that there is some possible question as to the constitutionality of this measure, but my qualms of conscience—at least, to the extent that will permit me to vote for it—have been answered by the gentleman from California [Mr. LEA]; and, at least, it is as constitutional as other measures—like the Rent Commission which we passed for the District—and so while I doubt the constitutionality I propose to vote for it, because in the main I am reasonably satisfied that the Government has the power in interstate commerce to pursue the policy involved in this bill. Not simply a strong desire but the sheer necessity for relief in itself is persuasive.

It is unthinkable that a great nation should exist with no power to prevent the absolute robbery of its people by extortionate prices in commodities which are the very necessities of life; and that such extortion has existed and will exist unless some measure is passed I do not doubt.

But let me say, gentlemen, that had the President adhered to the ideas which he expressed in his message, in my judgment he would have pursued in the policy there expressed a far more clearly constitutional. and, better still, far more effectual course than that embodied in the bill. He said:

> If it may have your approval, I recommend immediate provision for a temporary national coal agency, with needed capital, to purchase, sell, and distribute coal which is carried in interstate shipment. I do not mean that all interstate coal shall be handled by such a Federal organization; perhaps none will be necessary; but it will restore its capital to the Public Treasury and will be the instrumentality of guarding the public interest where private conscience is insensible to a public need.

Some one might raise the question of constitutionality of that, but it is not different from that relief that we have extended to the suffering in great disasters, as for instance in the Ohio floods and in cases of great fires.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. HARDY of Texas. I will if I can get some more time.

Mr. BARKLEY. Mr. Chairman, I yield to the gentleman from Texas two minutes more.

Mr. HARDY of Texas. I will yield to the gentleman.

Mr. NEWTON of Minnesota. I want to say to the gentleman that the plan proposed in the bill can be put into effect immediately, while the recommendations of the President's message involve the building up of an organized body, and whoever had anything to do with it said it would take 50 to 60 days.

Mr. HARDY of Texas. I can not conceive that it would take any longer to provide the mechanism for purchasing and distributing coal by the national administration and thereby also in a way furnishing it for public use—that it would take no longer to do that than to put in operation the mechanism of building up and making an investigation by a coal distributer, communicating it to the Interstate Commerce Commission, and having the commission provide rules and regulations and provide for the agency and instrumentality that it would involve to execute this bill, and the President's first suggestion would have absolutely prevented profiteering. Our authority to pursue that plan would stand on the same footing with every donation that we have made to the suffering, as we did in the Ohio flood.

Here is a great calamity overtaking us, not in one locality but in hundreds of localities. Shall the Government of the United States and each and every State stand helpless because it is admitted that the States can not do anything in interstate commerce and it is claimed that the Nation can not do anything in intrastate commerce? What shall we do? In my judgment the suggestion of the President in his message was wise. It was the one method that we ought to have substituted for this bill. We ought to provide the President with every proper instrumentality so that he may purchase the coal and distribute it, and when that is done your local speculator will not have the right or the opportunity to charge extortionate prices to the consumer.

But what can you do under the bill? Suppose you prevent the mine operator from charging more than a reasonable profit and he gets the coal out at $5 a ton. Smith having 50 tons of coal may find that in the city of Washington there are 500 people wanting little orders of coal, and he says that I will sell it at $1 a hundred, or $20 a ton, and all you that want it stand around ready to take it. Is there anything in this bill to meet that situation? I do not think so, and yet this bill is all that I have a chance to vote for.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. I yield to the gentleman one minute more.

Mr. HARDY of Texas. Mr. Chairman, I want to call attention to another matter. It has been said we would have the right to pass this bill in war time, but not now in peace time. War is not the only emergency. The power of this Congress is just as great in any other great emergency as in war. War is spoken of only as an emergency because it stands out prominently, but suppose my house is on fire and yours adjoins mine, and other houses adjoin that. An emergency there exists, and it permits the public to take your house next to mine and tear it down in order to stop the spread of the fire. Suppose desolation, drought, creep over the West and the people are starving, an emergency exists for the creation of Federal funds to relieve the distress. An emergency exists at this time, and I am afraid that our house is on fire. [Applause.] In my judgment, there is power somewhere to avert nation-wide calamity. I believe that this Government has the power to take over coal mines and produce coal if private owners absolutely refuse or fail to produce coal, and has the power to seize and operate railroads if private owners refuse or are unable to do so. And if the Government should be compelled to operate them it should not compensate the owners, but do as a receiver does when a private property is taken charge of by a court—that is, pay operating expenses first, and pay any profits that might accrue only to the owner. In my judgment, had the railways and mine owners known that that course would be pursued by the Government there would have been no railway or coal strike.

Mr. RAYBURN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. GRIFFIN].

Mr. GRIFFIN. Mr. Chairman, I looked forward to the offering of this bill with a great deal of pleasure and hope, but I find my expectations utterly blasted. It was natural that we should expect to find in the bill that came forth from the committee, after great thought and prodigious labor, something to solve the labor situation, to bring the combatants together, to bring about peace and to induce the opening up of the mines so as to avoid a shortage of coal. But no; the committee seems to take it for granted that the shortage is bound to continue, that nothing can be done to conciliate the warring combatants, that nothing can be done to bring peace in the labor situation, that nothing can be done to increase the output and prevent a famine. The committee offer you a bill by which they provide for the equitable distribution of a shortage, but what the people want is coal, fuel. They are not concerned about preferences among carriers, regions, municipalities, and corporations, as this bill provides. Is there anything in this bill that will help in the production of coal or the increase of fuel supplies? Nothing whatever.

It provides for a fuel distributer—a misnomer. He is not a fuel distributer at all. Look at the bill. What are his powers? What is he ordered to do? To investigate the available supply of coal and other fuel, the location of the mines, the methods of distribution, the normal prices charged, and whether or not there is a shortage of coal—why, every schoolboy in the country knows that there is a shortage of coal—and then when he has concluded his investigations what is he required to do? Can he issue a priority order? No; he can do nothing but make a recommendation to the Interstate Commerce Commission, and then the Interstate Commerce Commission, in its discretion, may issue a priority order distributing the coal among the corporations, business and municipal, or among the carriers, and to various regions.

So far as the fuel distributer is concerned, all the work laid out for him has been already done. The Department of Labor has covered this field completely. The Bureau of Conciliation in the Department of Labor has been working upon this strike situation since last January, and it is prepared to furnish the committee and furnish the Interstate Commerce Commission with all the facts called for in section 3 of this bill, and it is doubtless prepared to make appropriate recommendations to the Interstate Commerce Commission, if you, in your judgment, deem it advisable to invest the Interstate Commerce Commission with the power of fixing the priorities. But if the fuel distributer is empowered to investigate things which are already known, if he has no power to issue priority orders, what is the excuse for his existence? Why did you interpose him between the people, crying for coal, and the Interstate Commerce Commission?

The reason, it seems to me, is to be found in section 7 of the bill, where he is empowered to employ such staff of assistants as may be necessary, to incur expenses for rent, telephones, office expenses, stationery, supplies, and traveling agents to go over the country. In other words, a new bureau is to be created, a new bureau in this bureau-infested country; in this country already overrun with bureaus; a new bureau, a new official—a Federal fuel distributer, who has not any power, who can not do anything except to investigate the things that are already known. The only excuse that I see, then, is to foist upon the people of this country another medium of expenditure, a further source of taxation, another useless, futile bureau, that is not going to accomplish one whit of good in ending strikes or in increasing the amount of coal mined. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. RAYBURN. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, here is a matter to which I wish to invite the attention of the gentleman from Massachusetts [Mr. WINSLOW], who is chairman of the House Committee on Interstate and Foreign Commerce. I hold in my hand a copy of this afternoon's Washington Star. The leading news article is an Associated Press article, in the first column of the front page, which starts out as follows:

> President Harding believes that Congress should grant him immediate authority to take over railroad and mining properties, it was said to-day at the White House, but has assured congressional spokesmen that only the grimmest public necessity would move him to exercise such powers, if granted.

Mr. WINSLOW. Is that all of the article?

Mr. HUDDLESTON. It is about two columns, but that is the beginning.

Mr. WINSLOW. What else may be in the article?

Mr. HUDDLESTON. The question which I would be very greatly pleased if the gentleman from Massachusetts would answer is, What is the President's plan for handling the present situation? What does he want us to do?

Mr. WINSLOW. Do you want a serious answer?

Mr. HUDDLESTON. Seriously, I would like to know the latest thing from the White House.

Mr. WINSLOW. I refer the gentleman to the President. [Laughter and applause.]

Mr. HUDDLESTON. It seems to me that that is no way to find out what the White House wants, because everyone who goes there brings back a different story. Perhaps it may be, as I intimated this morning, that each time the chameleon has jumped again.

Yesterday nothing was suggested except this legislation we are considering to-day. Mr. Hoover told our committee that nothing except this bill had been approved by the President's coal committee or himself. I asked Mr. Hoover about that, because it had been suggested that the President wanted the power to take control of the mines and the railroads. I wanted somebody who was fresh from court to bring the news; and Mr. Hoover brought me the news just yesterday that nothing of the kind was desired. And now we find that the Associated Press informs us that the President has told his congressional spokesmen—of which, of course, it can not be possible that he refers to anyone else than the gentleman from Massachusetts—that he wants power to seize the railroads and seize the mines.

I do not doubt but that eventually the President will ask for that power. It is the only logical thing to do; it is the only remedy for the situation. But what I am wondering about is, if the President has made up his mind to take over the railroads and mines, why he does not ask for the authority now? Why are we fiddling away our time here now? Why did we fiddle away our time last week with a fact-finding commission bill? And now it appears that the coal-distribution legislation, instead of being something that is really desired, is a mere preliminary to asking for power to seize the railroads and make real provisions for distributing coal to the people of this country.

Mr. BARKLEY. Does not my colleague on the committee think in all fairness that he ought to give the chairman of the committee time to read the President's letter to him?

Mr. HUDDLESTON. I had assumed in all seriousness that the gentleman from Massachusetts, being the President's spokesman upon matters of this kind and with whom I know the President has communicated upon the subject, was the recipient of the President's confidence. I would like to know when I vote on this bill—and I am going to vote for it anyhow, but other Members have different feelings on the subject—I want to know whether the administration is going through with this legislation or will change front again before even we can pass the bill.

Mr. WINSLOW. If the gentleman goes on forever, I will forget the first part of his question.

Mr. HUDDLESTON. It does not seem to make much difference, because the gentleman has said he did not know.

Mr. WINSLOW. I find on reading this paper that there is nothing in what the gentleman says.

Mr. HUDDLESTON. Is there anything in the paper showing there is anything in what the President might say?

Mr. WINSLOW. I will give you back the paper. [Laughter.]

Mr. Chairman, I will yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION].

The CHAIRMAN. The gentleman from Kentucky is recognized for 10 minutes.

Mr. ROBSION. Mr. Chairman, I am not a coal operator. I am very much in sympathy with the desire of the administration to see the people of the Nation get coal and at a fair price. I strongly oppose profiteering in any industry or commodity. I have listened with great interest to the proponents of this measure. I find them made up solely of groups coming from the noncoal-producing sections of the country. They say this measure is intended to facilitate the equitable distribution of coal, but the truth is this bill places every industry and all of the people of this country under a fuel distributor. He will in fact be a dictator in fixing prices, in distributing cars, and the distribution of coal and other fuels. The meat of this bill is to give to this fuel distributor absolute power, he and his agents, to fix the price of coal at the mines. It gives him power to name any number of agents and fix their compensations and other charges. He has it in his power to fix the price of coal at any coal mine in the United States, and if a coal producer does not accept his price he can not and will not receive cars and his mines must close down, or if he should ship any coal at a price above what this dictator should say was a fair price he would be subject to a fine not to exceed $20,000 or imprisonment not to exceed two years, or be both fined and imprisoned within these limits.

He can say what community, person, or industry may receive coal. He can say that a factory in Michigan, Kansas, or Maine may have coal from Kentucky, and that it shall not go to some factory, city, or individual in Kentucky. You can see this fuel distributor is an absolute dictator in the distribution of all cars, fuel, the operation of all industries, and over all of the people. I am opposed to this bill because—

1. I think it is unconstitutional. During war time the Congress passed a law known as the Lever Food Control Act as a war measure. Later on the Supreme Court held this measure unconstitutional. We all remember how it hampered industry while it was in force.

2. This bill will hamper and reduce production of coal, and interfere with the rapid distribution of coal. It will not produce a pound of coal.

3. It merely undertakes to fix the price of coal at the mines. This will only serve the railroads, wholesalers, brokers, and middlemen. After it gets into their hands they can charge any price. This bill will limit production and increase the price to the ultimate consumer.

4. This fuel distributor will have the power to order our Kentucky coal to other States when it may be needed for Kentucky.

5. It does not pretend to reach coal brokers, or the wholesalers and other middlemen who are now, and have been all along, the real profiteers in coal.

6. Coal mines, railroads, and other industries can not be run successfully by a bureau or commission here in Washington. The men who are trained and experienced in their particular line must operate them.

7. *I am opposed to granting to any man in peace time such extraordinary powers over the people and industries of this country.*

WHO ARE THE COAL PROFITEERS?

This bill gives the fuel distributor and Interstate Commerce Commission, in effect, the power to fix prices. It says he must ascertain what is the usual and normal price of coal at the mines. It is up to him to fix the price, what he thinks is a reasonable price, at each mine in the United States. Now, if this should help anybody, who will it help? Who is it that buys coal at the mines? It is the railroads, the brokers, wholesalers, and other middlemen. Very few consumers buy their coal at the mines. Under this bill the fuel distributor can not fix the price anywhere except at the mines. When it is once loaded on cars, the brokers and other middlemen can profiteer all they want to. There is nothing in this bill to prevent it. The coal operators are not now and never have been, as a rule, the profiteers in coal. The brokers and middlemen who have no investment, who toil not, neither do they spin, are the fellows who drink the cream. I have been in Washington for more than three years. Most of the time coal at the mines has been very cheap, but I have paid practically one price, $15 per ton, for hard coal ever since I have been here. A few weeks back some of the very finest soft coal in my district was selling at $1.50 per ton at the mines, but it was $10 per ton here in Washington. Until after the war set in and for 15 years or more next before that time, more coal operators failed in my section than made any money. Nearly every coal company or operator was in debt. They did make a little money during the war, but nothing compared to the people in other industries. I venture to say that more than two-thirds of the coal operators for the last year and a half have lost money.

I have been greatly amused as well as angered to hear the proponents of this bill denounce the miner and producers of coal as profiteers. They all come from noncoal-producing States. I have not heard a single man who is for this bill say aught against the coal broker, wholesale and retail hog, in their own cities, towns, and communities. Why all of this abuse of the coal miners and coal operators? Why have you gentlemen failed to denounce the real profiteers in coal who are living in your own communities and gouging the consumer? Do you think you are playing good politics in abusing the miners and coal operators and not saying anything against the real profiteers in your own town? I could have more patience with your argument if you denounced these fellows who toil not, neither do they spin. They have no investment to amount to anything. They simply have a set of books, and these are kept for the purpose principally of recording their profits. If you proponents of this bill wanted to protect the American people, why did you not put some provision in the bill by which the price could be controlled at which these brokers and middlemen sell the coal to the people?

The producers of any commodity very rarely secure an unfair price. Shoes are high, but the farmer's hides are low. Wool clothing is high, but wool is cheap. Furniture is out of sight, but the people who furnish the trees and the lumber can scarcely make expenses. Beef and pork are high, but the farmer is producing his cattle and hogs below cost. Flour and meal are high, but the farmer is getting a very small price for his corn and wheat. Cigars and manufactured tobacco are almost out of reach, but the farmers must organize to get anything for their tobacco. Cotton goods are very high, but cotton is being produced by the farmers at less than cost. Sugar keeps up in the market, but the sugar planter can hardly live. Coal is high, but the producer, taking one year with another, is hardly able to keep his head above the water. What is the trouble?

The broker and the middleman make the high prices and good profits. Every fellow through whose hands the coal passes charges a big profit. The railroads are getting more than their share through exorbitant freight rates. The Interstate Commerce Commission could do the country a great service in fixing a proper and equitable freight rate. The result is the operator may get about $1.50 for his coal, but when the railroad, the broker, and the middlemen get through gouging the people it is $10 per ton when it reaches the consumer. Then our friends in the East and other noncoal-producing sections proceed to castigate the coal miners and the coal operators, but are as dumb as Baalam's ass so far as the coal brokers and middlemen are concerned. They are the real culprits. They are responsible for the high prices of coal in this country, and if we are to regulate anybody let us regulate them.

WILL TAKE COAL FROM KENTUCKIANS.

Under this bill the fuel administrator and Interstate Commerce Commission have the power to regulate the price of coal at the mines and which is to be shipped in interstate commerce—that is, from one State to another—and they can direct the place to which this coal is to go and the person, firm, or corporation that is to receive it. This fuel distributor will have no power to fix the price of coal mined in one State and shipped to some point in that same State where it is mined; that is to say, there is nothing in this bill to help the consumers of coal in Kentucky. If a coal operator in Kentucky could get cars, under this bill he may charge any sum he may desire for his coal, if it is shipped to some point in Kentucky, so that this price fixing in any event can not help any of the coal consumers in the State of Kentucky or in any other coal-producing State, but it does give this dictator the power to say that every coal operator in Kentucky must ship his coal to Michigan or some other State at a price to be fixed by this dictator.

You can clearly see that this measure can not in any event help any class of citizens in Kentucky, but we are in this danger: This fuel distributor will have the power to order our coal shipped to some factory, municipality or community, or consumer in the State of Maine, Kansas, Wisconsin, or other State; and if the coal operator refuses to ship it, he can refuse to give such operator cars; and at the same time we may need this coal for some factory, municipality, or consumer in the State of Kentucky. Under the Lever Act this very thing was done and Kentucky municipal officers had to commandeer coal. This fuel distributor may refuse coal to be shipped by a Kentucky coal operator to Paris, Lexington, Louisville, Bowling Green, Paducah, or other points in Kentucky. I refuse to vote to give any man in peace time any such power; but he can fix the price and require our coal operators to ship our coal to other States regardless of the needs of the people of Kentucky. If the fixing of the price of coal aids anybody, it can only aid the consumers of other States, because under this bill the fuel distributor can not fix the price except in interstate shipments—that is, in shipments going from Kentucky to some other State; or, in other words, from one State to another State. He can not fix the price at the mines for coal going from Kentucky mines to Kentucky consumers, and why should I be called upon to place Kentucky, a great coal-producing State, and her people at a great disadvantage with the people in the noncoal-producing States? Kentucky has developed her mines. Has she not the right and ought she not have the right to serve her own people first? I am very anxious that all the people of the Union shall be furnished coal at fair prices, but I feel that my first duty is to Kentucky and Kentuckians.

> He that provideth not first for his own household hath denied the faith and is worse than an infidel.

Would it be fair to take from Florida her fruit and give it to other States when the people of Florida need it and wanted the fruit? Would New England be willing to vote for a bill to send her shoes and clothing to Kentucky when they were needed in New England? Who would ask Louisiana and Mississippi to vote to send her sugar to Kentucky when it was needed or wanted by their own people, or ask Chicago to send us her meats when she needed them?

OPPOSED TO PATERNALISM.

If this bill would produce more coal or facilitate the distribution of coal or would insure consumers against profiteering there might be some excuse for it, but, in my honest judgment, it will not accomplish anything of the sort, but on the other hand, it will interfere with the production and distribution of coal and increase the price. This fuel distributor, in order to be equitable, would have to have nearly as many different prices as there are coal mines. The conditions in each mine are different from the conditions in every other mine. In making a general price he will have to fix a fair price, including cost and a reasonable profit to the mines whose cost of production is the greatest, and this maximum price becomes a minimum price for all other mines, and but for this price fixing many mines would sell their coal much cheaper as they could produce their coal much cheaper. Members from noncoal-producing sections are favoring this paternalistic legislation. In undertaking this I think our Government is taking the longest step toward radicalism that has ever been taken in peace times. No doubt Lenin and Trotski will be greatly amused when they learn that the great western Republic is undertaking to do for coal and other fuel what they have been doing for all commodities since the overthrow of the regular Russian Government. We have been condemning them. Their system of government destroyed Russia. I am unwilling to overthrow the great principles upon which this Republic was built and enter upon a career of sovietism and paternalism as is contemplated in this bill. Are the gentlemen from the New England States ready for the Congress to fix the price on shoes and clothing? You have been receiving fifteen to twenty dollars a pair for shoes that formerly sold for three or four dollars per pair, and eight and ten times for cotton cloth what it formerly brought. Are you gentlemen from the sugar and cotton belts ready for the Congress to fix the price on sugar and cotton?

We have been paying two or three times as much for woolen clothing as we formerly paid. Are any of the gentlemen of this House ready to fix the price on clothing? This may be said also about meat, fruits, and vegetables. Is there any good reason, if this sort of legislation is to go through, for us to refuse later on when we may be called upon to give some dictator the power to fix the prices on sugar, meats, clothing, furniture, flour, and other commodities? Does anyone indulge the hope that this would tend to increase production or reduce the cost of living? It would bring about confusion and ruin. The slogan of the Republican Party in 1920 was "Less government in business and more business in government." I still adhere to that policy. I feel quite sure that those pushing this legislation will live to see the day when they will wish the Congress had not taken this action.

FORMER ADMINISTRATION RESPONSIBLE FOR PRESENT INDUSTRIAL CONDITION.

The American Federation of Labor had a representative in the person of Mr. Edgar Wallace, who is vice president of the American Federation of Labor, to appear before the committee that had this bill in charge, as the representative of labor, to express the views of labor on this bill. Mr. Wallace went on record for himself and labor as being opposed to the Government fixing prices on commodities or on coal. I quote the following from a part of his statement:

> I want to say this: That I am not in favor of any fixation of prices at the mines or anywhere else. The reason I am opposed to that is based upon past experience. The experience is that the Government fixes a maximum price, and that maximum price immediately becomes the minimum price. Furthermore, the Government can not, by its act, confiscate the property of the citizen, and hence the mine that is not economical, or the mine that is inefficiently managed, or the high-cost mine, becomes the standard, and the cost of coal is raised instead of being reduced at any attempt at price fixation that the Government can make and keep within its powers granted by the Constitution.
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> If the gentlemen here will let their memory go back to the two industries that have been most disturbed in the last few years, you will find that they were industries that ran constantly prior to the war. There may have been local strikes here and there, but there was nothing very serious. There was never a railroad strike in the 30 years prior to the war of such consequence that it endangered the public. There was never a coal strike prior to the World War of such consequence that it endangered the public welfare generally, but since or during the war, recognizing those two industries as essential industries, there was Government price fixing in connection with them. There was Government price fixing and Government wage fixing at that time, and from that time there has been a tendency to demand Government interference, or a tendency on the part of the Government to interfere. Instead of preventing disturbance in those industries, they have caused a disturbance in the industries. The men in looking to the Government for their wages will hold the Government responsible for the disagreeable circumstances that arise in their everyday life because of the wage they lack, or because of the wage that they think they should have but which they have not got. The blame is put on the Government, and I doubt whether the Government itself can stand under those circumstances. I repeat that the fact is that when the owners of the industry and their men were let go untrammeled, each recognizing the other's rights, they had no such disturbances, and the sooner we get back to that condition the sooner we will have eliminated the periodical disturbances. I think that if we permit the Government now to intercede to the extent of fixing wages and fixing prices we will only have another just such disturbance in the immediate future or in the near future. That condition will continue.

Mr. Wallace is a very intelligent man and has made a careful study of the effect of Government interference in business and in price fixing. He charges that our present industrial troubles are due to governmental interference, and while he does not say so, yet he can only refer to the action of the Wilson administration.

GOOD WAGES AND FAIR PRICES.

Nearly all of the persons who spoke in favor of this bill denounced the miners and coal operators as profiteers. Some of them have gone so far as to charge that there is an understanding between the coal operators and the mine leaders to bring on and keep up these strikes so that the miners may profiteer in high wages and the coal operators in high prices for coal. I am sure there is not a word of truth in these statements. The operators do not want strikes and stoppage of their mines and neither do the miners. Very few of the people who are making such statements have any idea as to what they are talking about. They know nothing of the hardships and dangers encountered by the coal miner. For the last two or three years I do not think in my section they have averaged much more than two days per week, but they and their families must live seven days per week. They live in small houses and under very adverse conditions. Very few of them can save any money even by exercising the greatest economy. They must labor under very adverse conditions at the best. Many of them work in the water and mud day after day, in bad air, and in some cases they must lie down in this mud and water to dig the coal and to put it in the small mine cars. I am sure that none of the persons who have denounced them would go through what the average miner must go through even if he were paid several times the wages the average miner receives. I know of no occupation that is more harassing and about which there is more drudgery and exposure than coal mining. Very few of them can give their families the advantages that the average citizen should have in the way of shelter, clothing, food, recreation, and education, and it hurts me to hear Members of Congress speak of them as profiteers. How can any man begrudge the miner his small wage and less than half time, in the grime, mud, and away from the light of day?

Very few persons and only those who have been in and about coal mines know the drawbacks of the coal-mining industry. When prices are reasonably good there is always a shortage of cars, and when cars are plentiful there is a shortage of orders for coal. There can more things happen in and around a coal mine than any other industry that I know anything about. Up until the war began, for about 15 years, the average coal operator could not reasonably expect more than 5 to 10 cents per ton profit, and they are always well satisfied with a profit of from 10 to 20 cents per ton, and from this must come the wear and tear and their taxes. It is silly to think that coal operators want their business torn up with a strike or want their mines closed down. The overhead charge of a mine when it is closed down is very heavy, and a well-ordered mine soon goes to pieces through falling slate, accumulation of water, and other causes. A great many operators run their mines at a loss rather than to close them down during certain seasons of the year.

CARS, CARS, AND MORE CARS.

The solution of the price and distribution of coal is not the one proposed by this bill, in appointing a dictator over the coal and railroad industries. This is simply a transportation problem. There are enough mines in operation and enough miners to produce 50 per cent more coal than this country can consume and export. All the coal industry needs is cars. Cars, and lots of cars, will solve both the price and distribution of coal. The soft-coal mines are running overtime and will soon produce a surplus of coal in this country, but there is not sufficient transportation facilities to move the coal that is mined. Some of the proponents of this measure state that this bill is principally to meet the anthracite situation, that there is a scarcity of anthracite coal. There is nothing under this bill that will produce a pound of coal. There is nothing under this bill that proposes any scheme or plan for the settlement of the anthracite-coal strike or the railroad strike.

The main purpose of this bill and the only benefit that would come from this bill is to force the coal from the coal-producing States into the hands of the railroads, wholesalers, and middlemen of the noncoal-producing States. It seems to me the matter that should be worked on is the settlement of the railroad strike. I did not favor the Labor Board as the best plan for the settlement of disputes between the railroads and their workers. I favored what is known as the Anderson amendment. That provided that disputes between the railroads and their workers should be settled through and by a board of their selection. It seems to me the Labor Board has not been able to bring about peace but appears to have incurred the ill will and aroused the suspicions not only of the railroad workers but the railroad owners. This board seems to have failed in its mission. The shop crafts that are now striking and the trackmen are the lowest paid employees of the railroad. The Railroad Labor Board cut their wages very materially. I think they cut many of them too deep and have reduced their wages below what is fair and reasonable as provided by the law. It seems to me the Railroad Labor Board should take up this question again, reconsider it and look into it with great care, and grant to the men wages that are just and reasonable, as the law provides. I think with the proper steps they could convince the shopmen that they intend to treat them fairly and that they will treat them fairly, and get this railroad strike settled and get the trains to moving, and let the coal people and the railroad people run the mines and railroads, and in a few short weeks everybody will have plenty of coal and prices will go tumbling. I do not think that we can dig coal, run the railroads, or distribute the coal by force or through commissions. The only solution of the fuel problem is transportation. Get the railroad men satisfied and go to running the trains.

SUPPLY AND DEMAND.

While I live in a great soft-coal mining district, I am not engaged in the operation of any coal mine. I have closely observed this industry for more than 25 years. I know of the ups and downs, the hardships and handicaps of both the miner and the operator. I know that these regulatory measures—red tape—will hamper and clog the coal-mining industry and the wheels of transportation, and if you pass this bill you will cut down production instead of increasing production. This measure will entail endless delays and produce thousands of inequalities. You propose in cases where operators have contracts for yearly output to force them to disregard their contracts and ship coal at the direction of this fuel distributor and to persons from whom they may never collect their money. This often happened under the administration of the Lever Act. Many operators lost thousands of dollars by being forced to ship to people who turned out to be insolvent. As an illustration of how Government control retards production, during the war under the Lever Act on the Cumberland Valley division of the Louisville & Nashville Railroad, where I live, everyone put forth every effort to reach the highest point of production, but they could never bring production up to as much as 900 cars per day. In May and June, 1922, with no Government interference, the same section and the same mines produced over 1,200 cars of coal per day. You give the coal miners and operators plenty of cars and in six weeks many of them will be begging for orders. Congress may try, but I doubt if we will ever succeed in overturning the law of supply and demand. By this bill you will protect the railroads, a few wholesalers, coal brokers, and middlemen, but who is going to protect the millions of consumers who must look to the wholesaler and the retailer to get their coal?

Mr. STEPHENS. Will the gentleman yield?

Mr. ROBSION. Yes.

Mr. STEPHENS. I will ask the gentleman if he can explain why the Ohio River is not used for transporting coal, especially from the coal district down the river?

Mr. ROBSION. In my district—that is, a part of it—I am advised that the railroads are trying to throttle or prevent the improvement of Cumberland River and water transportation, and I guess it is the same condition on the Ohio River. [Applause.]

Mr. WINSLOW. Has the gentleman from Kentucky [Mr. BARKLEY] anyone who wishes to speak?

Mr. BARKLEY. Not now.

Mr. WINSLOW. Is there any regulation in regard to equalizing the time consumed on the two sides?

The CHAIRMAN. There has been no definite arrangement.

Mr. WINSLOW. Will the Chair kindly inform me how the time stands?

The CHAIRMAN. The gentleman has 57 minutes remaining, and the other side have 94 minutes remaining.

Mr. BARKLEY. How much time have I?

The CHAIRMAN. Ninety-four minutes to the gentleman's side.

Mr. BARKLEY. I am not keeping the time for those opposed to the bill. How much time have I left of the hour and a half that I had under my control?

The CHAIRMAN. There was no provision as to who was to control the time on that side except the gentleman himself.

Mr. BARKLEY. I yielded half of my time to the gentleman from Texas [Mr. RAYBURN], so that time is not within my control. That was the understanding.

The CHAIRMAN. Of course, the Chair will recognize the gentlemen's arrangement, and if the gentleman will notify the Chair how much time he has used and how much the gentleman from Texas has used, that will be considered as the basis for future division of time.

Mr. WINSLOW. The Chair suggested that he did not know how much time had been consumed against the bill on that side. I have kept that record carefully. There have been 37 minutes consumed against the bill on that side.

Mr. GARRETT of Tennessee. Mr. Chairman, how much time has been consumed in all?

The CHAIRMAN. There have been 189 minutes used in all.

Mr. GARRETT of Tennessee. That is a little more than half of the total time. I wonder if it would be agreeable to the gentleman——

Mr. WINSLOW. We have speakers on our side, Mr. Chairman, but I think we ought to have a fairly equal distribution of the opportunities to speak.

Mr. GARRETT of Tennessee. I will make the point of order that there is no quorum present unless the gentleman wishes to use more time.

Mr. WINSLOW. Do I understand there is no one on that side who is willing to come forward to equalize the time?

Mr. GARRETT of Tennessee. I have no information about that.

Mr. RAYBURN. What does the gentleman mean by equalizing the time? It is my impression that those opposed to the bill have used more time than the proponents of the bill.

Mr. WINSLOW. I do not know but the gentleman is right about that, putting it in that way.

Mr. RAYBURN. The gentleman from Indiana [Mr. SANDERS] used a few minutes less than an hour, and the gentleman from Massachusetts has yielded to two or three gentlemen on that side who opposed the bill. I myself have yielded more than 30 minutes.

Mr. WINSLOW. Mr. Chairman, I will yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I shall vote for this bill, because I am in sympathy with its purpose and intent, that of attempting to curb the profiteers in coal, and of saving the people from the necessity of having to pay exorbitant prices for their fuel. I believe it is absolutely essential that we do all we can to prevent coal profiteering in this emergency. Yet I am very frank to say that I do not share the hope and expectations of those who believe that legislation of this character will wholly perform its intended purpose. It will undoubtedly prevent prices from going to the height to which they might go except for such legislation, and yet there is always the danger in connection with any attempt at the regulation of prices, with a view of preventing profiteering of actually maintaining a higher price level after the peak of the emergency has passed than would otherwise be maintained or exist. Mr. Edgar Wallace, legislative representative of the American Federation of Labor, made a statement yesterday before the Committee on Interstate and Foreign Commerce, some portions of which I heartily agree with. I think Mr. Wallace stated the case with a good deal of accuracy. Mr. Wallace reminded the committee of our experience in matters of this sort and the difficulties that surround any attempt at price fixing or price regulation. He referred to the fact that we have no authority, in a time of peace, no authority that has been recognized up to this time, to directly fix prices of commodities. The best we can do when we desire to prevent profiteering is to reach the matter indirectly, as we attempt to do in this legislation.

It is true we can scarcely excuse ourselves if we fail to make an effort to prevent extortion and the wicked rise of coal prices in the face of a condition of coal shortage and national emergency. And yet all of our experience proves that do the best we can in this regard, while we shall undoubtedly prevent prices from going as high as they otherwise would for a time, our very effort to better the condition of affairs and to keep prices within reason are likely to tend to maintain price levels above what they should be when the emergency has passed and normal conditions are restored.

The newspapers of yesterday told us that the committee now attempting to secure voluntary agreements in regard to prices was thinking of fixing the price of bituminous coal at $11 a ton in Washington. I do not pretend to be fully and accurately informed in regard to the cost to the dealer of bituminous coal laid down in the city of Washington under present conditions, but I do know that coal ought not cost the dealer in the city of Washington at this time much over half of $11, and that a price of $11 would give some one an unconscionable profit on soft coal delivered to the consumer.

Mr. EDMONDS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. EDMONDS. Does the gentleman mean without the freight rate or with the freight rate?

Mr. MONDELL. I am talking about the price of coal laid down in Washington.

Mr. EDMONDS. The freight rate is more than half of the sum the gentleman mentions.

Mr. MONDELL. That may be true.

Mr. EDMONDS. It is nearly $3 a ton.

Mr. MONDELL. And $2.50 at the mines is a good price under the present wage rate. Where does the gentleman get $11 a ton.

Mr. EDMONDS. Where a man has opened a 4-foot vein he can not mine at $2.25 and make any profit.

Mr. MONDELL. I said I believed bituminous coal should not cost the dealer much more than half of $11 laid down in Washington. The gentleman from Pennsylvania says the freight is $3 per ton and that it costs $2.25 or more a ton to mine a thin vein. Very well; let us assume that all Washington coal comes from thin veins, which it does not, and gives the operator the liberal profit of 75 cents a ton, and the cost laid down is only $6 per ton. Who is to get the $5 per ton?

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COOPER of Ohio. Mr. Hoover yesterday made a statement before the committee, which you will find in the hearings, that some of the operators in Kentucky were selling coal at the mines at $3.75 a ton and some of them were selling at $12 a ton.

Mr. MONDELL. Well, we are trying by this legislation to prevent that extortion. Three dollars and seventy-five cents is a good round figure, and even under present costs it gives the operator of a well-conducted mine a splendid profit. Even that is much more than coal should sell at in normal times. The man that is charging $12, or half of that figure, should be checked if we can do it. I think this legislation will put an end to any $12 price at the pit mouth. Let me suggest to my friend that if the bituminous miners go to work, as they seem now to be doing, it will not be many days until no coal operator anywhere in the United States will find anybody making inquiries for $12 or $10 or $8 coal. But I admit that there is a very acute and unfortunate situation which we are bound to try to cure. I do not, however, desire to hold out to anyone the hope that legislation of this character will in the long run bring prices to a proper level. We are attempting to do the best we can to prevent the demand for and the payment of outrageous prices for coal. But do the best we can through legislation, experience reminds us that in the long run prices would probably reach a lower and a fairer level without the action of a fuel distributer.

And that leads me to this suggestion: I hope that after the passage of this act some one will be found for fuel director under it wise enough not to try to run the entire coal business of America through the keyhole of his office; that in the main the industry will be allowed to proceed in its customary way. The average operator is not holding up his customers, in my opinion. The man who has the same customers year after year, generally under a contract, but whether under a contract or not, is not the man who is demanding these enormously high prices. The director's office should care for those cases where men are asking unreasonable prices. The danger is, and the practice always was during the last administration, to attempt to drag all the business of a mighty nation through the keyhole of an administrative office. The unwinding of the red tape and the delay inevitably consequent upon it very frequently brought delays and difficulties that cost the consumer more than the temporary advance of price if market conditions had been allowed to proceed in their usual and normal way. If a maximum price is fixed by an official agency in a time when demand outruns supply, it must of necessity be a price high enough to encourage the maximum of production, and that means a price high enough to allow all mines to operate; to allow wagon mines to operate, not in a normal way but in the production of coal for territory outside of that ordinarily supplied.

The maximum price must be high or the great production desired is checked. If human nature were such that that maximum would be accepted as a maximum, and otherwise coal were sold at a fair profit, all would be well, but the maximum becomes the minimum, the uniform, the usual price. Then, when the peak of demand is off and the supply is plentiful and the laws of supply and demand, if allowed to operate, would greatly reduce the price there is always the danger that these gentlemen who have taken over the coal business of the country shall cling to their administration of affairs and actually maintain prices higher than they would be if the laws of supply and demand were allowed to operate.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a portion of the remarks of Mr. Edgar Wallace, to which I have referred, made before the Committee on Interstate and Foreign Commerce yesterday. I do not know that I fully agree with Mr. Wallace, but I do agree with the views he expressed very largely.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to include in his remarks certain portions of the testimony delivered by Mr. Wallace. Is there objection? The Chair hears none.

Mr. Wallace's remarks were as follows:

Mr. Chairman, my attention was called to this bill yesterday, and I have given it some study. As I understand it, the bill takes cognizance of the fact that nearly all the coal bins in the country are empty; that the bituminous coal miners have started to work, but that there is a danger, judging by past experience, that everyone will try to fill his coal bin completely immediately; that that will cause competition in buying, or, in fact, a buyers' panic, and that there will be a runaway market in which the prices will go soaring; and that in order to avert such a situation, as I understand it, there are provisions in this bill that there shall be a coal distributer controlling it. As I understand it, it is provided that the industries shall get what coal they need immediately to keep them going, but that no one shall be allowed to get all the coal he desires, or so much coal as to make it impossible for other people to get coal, and so, in that way, it is sought to avert a buyers' panic. We are in favor of that bill, or I would say, we are in favor of that much of the bill. We think it would have a tendency to eliminate the parasite from the industry that generally appears in such circumstances as the present—that is to say, the wash buyer, if you understand what I mean by that term. I mean the man who never does anything toward producing a ton of coal; the man who does not consume any coal; the man who fills no purpose, but who in times of panic will buy a number of cars of coal, take a profit from it, and possibly pass it on to others who are just such buyers as himself.

I believe the bill could be made more explicit if it would outlaw just such purchasers as that. As I have said, inasmuch as the buying public, or the coal consumers, would be assured that the Government would see that they got coal as they needed it, and, recognizing that the bituminous coal industry can not only produce the peak demand but can produce 25 per cent more than the peak demand, I believe that that part of the bill will be sufficient, also, to protect the public. I want to say this: That I am not in favor of any fixation of prices at the mines or anywhere else. The reason I am opposed to that is based upon past experience. The experience is that the Government fixes a maximum price, and that maximum price immediately becomes the minimum price. Furthermore, the Government can not, by its act, confiscate the property of the citizen, and hence the mine that is not economical, or the mine that is inefficiently managed, or the high-cost mine, becomes the standard, and the cost of coal is raised instead of being reduced by any attempt at price fixation that the Government can make and keep within its powers granted by the Constitution. Now, I believe that by protecting the consumers from this condition, or by averting fear, which is panic, and by making them recognize that the Government will see to it that they will get coal as they need it and when they need it, and the recognition of the fact that the industry is capable of producing plenty of coal, you will be able to prevent a runaway market. It will result in distributing the coal on hand as it is produced evenly over the country, and it will be beneficial. I want to say in connection with this that my fear of price fixation is based upon past experience.

If the gentlemen here will let their memory go back to the two industries that have been most disturbed in the last few years, you will find that they were industries that ran constantly prior to the war. There may have been local strikes here and there, but there was nothing very serious. There was never a railroad strike in the 30 years prior to the war of such consequence that it endangered the public. There was never a coal strike prior to the World War of such consequence that it endangered the public welfare generally, but since or during the war, recognizing those two industries as essential industries, there was Government price fixing in connection with them. There was Government price fixing and Government wage fixing at that time, and from that time there has been a tendency to demand Government interference, or a tendency on the part of the Government to interfere. Instead of preventing disturbance in those industries, they have caused a disturbance in the industries. The men in looking to the Government for their wages will hold the Government responsible for the disagreeable circumstances that arise in their everyday life because of the wage they lack, or because of the wage that they think they should have, but which they have not got. The blame is put on the Government, and I doubt whether the Government itself can stand under those circumstances. I repeat that the fact is that when the owners of the industry and their men were let go untrammeled, each recognizing the other's rights, they had no such disturbances, and the sooner we get back to that condition the sooner we will have eliminated the periodical disturbances. I think that if we permit the Government now to intercede to the extent of fixing wages and fixing prices we will only have another just such disturbance in the immediate future or in the near future. That condition will continue.

Mr. MONDELL. Mr. Chairman, in conclusion let me say that I will vote for the bill because I believe legislation on the subject is under the circumstances probably necessary, but I do not vote for it with great enthusiasm. I vote for it in the hope that it will check and curb the profiteer. Properly administered I believe it will to a large extent. I also indulge the hope that we shall have few occasions in the history of the Republic when it is necessary to pass legislation of this character. [Applause.]

Mr. RAYBURN. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, there are two phases that seem to be involved in the consideration of this bill. The first might be called the academic and the other the practical phase of the proposed legislation, and what it will probably effect or fail to accomplish. Like a good many other members of the committee, I served here during the period of the World War. During that time it was necessary for us under the emergencies of war to pass a number of unusual laws and confer unusual powers. Among them was the Lever Fuel Administration Act. Like some other gentlemen who have spoken before me, I represent a district engaged largely in the coal-mining industry, and I have some rather vivid recollections of the practical administration of that act during the war. That bill, under which the price of wheat was also regulated, was passed as an extreme war-time emergency act, and it clothed an executive branch of the Government with unusual and extraordinary powers. However, we are not confronted with a situation of that sort at the present time; the Government now is in a status of peace; and while it is true that there is in the country a rather unusual and distressing economic and industrial situation, I want to recall that this is not a unique experience in the history of our Government. In my recollection of affairs we have had a number of periods of depression and industrial crises no less acute than this which now confronts the country, and in order to solve the dilemmas confronting us at that time it was not necessary for us to go out into this absolutely new field of extraordinary legislation. We depended for the solution of those questions upon the natural economic working out of those difficulties, and I think that in a large measure we can depend upon that in this crisis. The bituminous coal strike in a large measure has been settled. Normal production in that field will soon be accomplished.

I see in this afternoon's issue of the Evening Star that the conflict between the anthracite coal miners and the operators is on the very verge of being settled, and probably will be within a week. The result of that will be that within a very short time we will be resolved back into a state of normal production of coal in both branches of the industry. As the gentleman from Kentucky [Mr. ROBSION] has well pointed out in his remarks, this country has an ample supply and production under normal conditions to more than meet the requirements of the country. I know that the coal mines in my section only a few months ago were delighted to get very low prices for their product, and half the coal mines in my district not more than six or eight months ago were absolutely closed down because there was no demand for their product. That situation will be returned to within a very short time. The question of coal profiteering in meeting an exigency is not the real question involved here. As has well been pointed out, the acute difficulty of the country to-day is caused by the transportation situation, and no effort is being made in this legislation to meet and solve the thing which is causing the trouble. The gentleman from California [Mr. LEA], a member of the committee, admitted upon being questioned by the gentleman from Kentucky [Mr. KINCHELOE] that this bill absolutely carried no power either to the coal distributer or to the Interstate Commerce Commission to in any way penalize or punish the coal broker, who, as a matter of fact, is directly responsible for this profiteering proposition, but it seeks to offer the sole remedy of undertaking to penalize the profiteering coal operator; and, as a matter of fact, there is very little of that done in the general line of coal operations in this country, either in Alabama or in any of the other coal fields. So I say I do not think this legislation is justified or proper now as a practical proposition.

Simply because you have what might appear to be a rather pressing national emergency with reference to our fuel, you come in here and say there is a national emergency that justifies remedial legislation of an extraordinary character in that regard, and in a few months from now you may have some other proposition involving some other industry in the country that might present a temporary emergency of some sort, and you are embarking on a practice that you will be compelled to apply in any temporary emergency of an industrial or economic nature that might arise in the future.

I think it is a dangerous venture upon which we are now undertaking to embark, because it is absolutely without precedent in the history of our legislation. I think it is clothing the fuel distributer with temporary powers that are going to be very complicated, and that instead of effecting the purposes for which they are intended are going to create more confusion in the supply of fuel to the country. And if your memories will revert to the administration of the fuel act during the war you will readily recall many of the difficulties that confronted you in your official connection with that bureau. I believe that instead of increasing the amount of production of coal in this country, and therefore relieving to that extent the present necessities of the people, the effect of the legislation will be to reduce the amount of coal.

I have many small coal-mining industries in my home county and district, with only a small daily output—wagon mines, as they have been referred to here, and which contribute individually very little, but in the aggregate a considerable amount to the production of coal—and the people could not, in the maze of fuel legislation here, get their car supplies, with the result that it will inure to the benefit of the big coal miners who have existing contracts and to the detriment of numberless small mine operations in the country everywhere that have not those advantages. And I want to make a prophecy to you gentlemen who represent mines of that sort, that they are going to keep you busy to protect their interests and keep them running. And I am opposed to this bill because I think it trenches dangerously near to constitutional violation, if not entirely so. I believe it is setting a dangerous and vicious precedent in times of peace, and I do not believe it will effectuate the purpose that the proponents of the bill argue it will produce. Therefore I shall vote against it. [Applause.]

Mr. WINSLOW. Mr. Chairman, I yield 15 minutes to the gentleman from Indiana [Mr. BLAND].

Mr. BLAND of Indiana. Mr. Chairman and gentlemen of the committee, I am not alarmed so much about the step that is taken here as I am about the direction in which we are traveling. I maintain that this is a very critical time for us to begin the breaking down of the spirit of the Constitution. Most of us who have been schooled to have reverence for our form of government which our fathers gave us believe that every man should have the opportunity to work out his own salvation unhampered by legal restraint if possible. I believe that this is a Government of opportunity, and that we dare not by legislation in peace time regulate and control to the extent of depriving our people of their initiative and their legitimate right to acquire wealth and develop industry. It has been said here, I think, this afternoon, although I have not heard much of the discussion, that if you regulate coal to-day you will regulate something else to-morrow. Why, I am going home one of these days; and if this bill passes, I will see an old farmer friend who wrote me some time ago and said, "Oscar, I have 72 head of hogs to be marketed right away. The price is low. It is in the power of Congress to fix the price. We farmers are being ruined, and you can not afford to let it happen. Fix the price of hogs and hurry up." I told him we did not have the power in peace time to do so. Some of these gentlemen from the East are going to say that the price of hogs is too high; that it ought to be regulated; that the packers should be told that they should only pay so much for a cow, a sheep, or a hog, and thereby reduce the cost of living. You can freeze from lack of warm, nourishing food or lack of clothes as well as from the lack of fuel. If you have the right to regulate one, you have the right to regulate the other. If an emergency concerning one can arise to justify this kind of legislation, it also can arise concerning the other.

Are we going to admit here that under our Constitution and our form of government Congress has the right to do the same thing that they do in Russia to-day, regulate prices and profits and almost everything of human interest by law? I have spent much of my time telling my constituents that during peace times, under our Constitution, we could not fix prices to control the high cost of living. Have I been wrong all this time? When did such a spirit of change in the fundamentals come to this body? When did our genial majority leader, who makes a speech against the bill but will vote for it, have such a change of heart? And those who are advocating this bill surely can not convince this House that this bill does not regulate the price of coal. It is a fundamental in law that you can not do indirectly what you can not do directly. The power is given in this bill to deny interstate commerce to anyone who sells coal at a certain figure. Do you know of any more effective way of fixing the price of coal? It is a mere subterfuge for you to say that that is not fixing the price. This is surely putting "government in business" with a vengeance. I would not want any better case, as a lawyer, than to go into the Federal court and enjoin the Interstate Commerce Commission from denying a client of mine the right to the shipment of his product because he sold at a price higher than was fixed by this fuel administrator under this proposed law. Do you mean to say that a Government administrator can fix the prices of all the products of the American producer?

If this law passes you will be called upon to regulate the price of shoes, clothing, and food. God knows they have been too high. And you men from the Northeast that are bristling with prejudice against the coal-mining industry, who are here to-day demanding your coal at a low figure and are willing to undermine the principles of the Constitution to get it, will reap the harvest that you sow. We know you make a good profit on your gloves, shoes, fabrics, and knit goods, and upon all the products which you manufacture, and they are as vital to the life, health, and happiness of our people as fuel; and if you have the right to regulate the selling price of one you have the right to regulate the other.

Last week you passed a law to find the facts concerning the coal industry for the purpose of future legislation. What in God's world do you want to find facts for if you are going to legislate and ruin the industry without the facts? Certainly you ought to have the facts. The President says, "I do not know anything about the industry," and demands a fact-finding agency. Now comes the President and asks us to pass a law giving the commission arbitrary power to fix the price of the commodity before the facts are found, and with an admission that you can not find the facts in less than a year.

They say that there is an emergency. You can declare an emergency at any time on anything necessary to the comfort of the people if this law stands. If a majority of this Congress can declare an emergency, we will declare one to-morrow on shoes and on many other products.

And you will have my friend from New York [Mr. LONDON], who smiles at me, voting with you all the time, because he believes in that kind of government, but most of you gentlemen do not believe in that kind of government.

"Oh," you say, "there is a national emergency existing that is driving us to it." The anthracite coal strike will be settled in a day or two. You know they can not hold out long after the bituminous strike is settled, and very soon all the mines will be at work. Already mines that have been idle for 10 months are opening, and they will soon be able to produce coal in abundance, at a high figure, it is true. The reason why there are so many coal mines in the country is that emergencies are so frequently occurring which boost the price and keep them going. We are trying to find the facts so as to get away from such emergencies, but it is not by having the Government violate the Constitution by fixing prices that we will get away from those emergencies. No; I think when you find out the facts you will have coal production in the summer time. I think you will require the railroad companies to store their coal, and they use one-third of all the coal that is produced in the United States. It is recognized that there are too many coal mines and too many coal miners in the United States. This is declared by John L. Lewis and also by representatives of the operators. We may deny aliens the right to work in coal mines. I do not know about this, but the thought occurs to me. I am not sure about this; I want to think about it. It is contended by some well-informed mining men that their presence in coal mines endangers the lives of every man in the mine. But I know this, that you can not solve this most dreadful problem by destroying your constitutional form of government and by setting a precedent that will bring ruin and confusion in the future. That is not a proper or desired solution of the problem. You have got to work it out on economic principles. Let the efficient competing mines compete with each other, and then you will frequently get the price of coal down below the cost of production, as it was before this crisis, and then some inefficient mines will go out of business.

You say the people are now paying $10 a ton for soft coal. That is largely because of the middlemen, the wholesaler and the retailer. Yet this bill does not touch them. Hands off the wholesaler and retailer and middlemen, but get after the mine operator and the miner! That is the slogan of the champions of the measure. One man takes the coal from the mine operator and puts on a profit of $2, and another one takes the same coal and puts on another profit of $2, but you do not seek to control those men at all.

I can show you mines all over this country that were mining coal at a loss before the strike. They had to keep their mines in operation. Of course, if they were all of them hoggish men—some of them are not—they would want to see a strike come on so that they could put up the price, and, of course, they are now getting an inflated price. If all these mines and these miners were working coal would be plentiful and cheap. This emergency, as you call it, will soon pass. Then we will work out this perplexing industrial problem without being confronted with the proposition that Congress has set the precedent that under the guise of an emergency it can take the property of its citizens and compensate as it sees fit in a time of peace. Indiana passed a coal control act. They attempted to control the price and distribution of the coal in that State. On November 27, 1920, the Vandalia Coal Co. and the Vigo Coal Products Co. prayed for an injunction restraining the State coal and food commission from interfering with their disposition of the coal produced in their mines on the following grounds:

> First. That there was a direct interference with interstate commerce.
>
> Second. An impairment of the completion of preexisting contracts.
>
> Third. That the orders compelled the owner of coal land to sever the coal from his soil.
>
> Fourth. That the orders interfered with the proper handling of coal, which was by its nature subject to risk of spontaneous combustion and consequent destruction.
>
> Fifth. That there was a threat of execution of penalties.

Another point under the fourth head was that orders directing shipment to designated consignees involved entering into transactions with unknown persons whose credit was not known to be of such a nature as to warrant shipment without security. Each of these grounds was held to be a valid one for the issuance of an interlocutory injunction.

Mr. Ogle is president of the National Coal Association—he was president of both of the above corporations then—and he obtained a restraining order against the commission for the reasons I have cited. The State was trying to sell the product of these mines to irresponsible buyers. They were trying to prevent them from selling coal outside the State. They were told that they had to sell the coal within the State to certain fellows. They obtained the injunction from the court on the ground that there was a direct interference with interstate commerce. Can anyone contend that there will not be an interference with intrastate commerce if you can go into a State and say, "You must send this coal to a certain place outside the State"?

That injunction was granted by a Federal court. If it can grant an injunction against a State so controlling coal, how easily could it grant an injunction against the Federal Government handling it? What rights have we that are not given by the States?

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. I will be glad to yield.

Mr. MAPES. Is that the same coal association that argued before the court in the District of Columbia that the production of coal was in interstate commerce?

Mr. BLAND of Indiana. I did not get the gentleman's point.

Mr. MAPES. Was the argument that the gentleman was reading from made by the same association that argued before the District court in the District of Columbia?

Mr. BLAND of Indiana. No. That is the Maynard Coal Co. This is the Ogle Coal Products Co. and the Vandalia Coal Co.

Mr. MAPES. They both belong to the same National Coal Association, do they not?

Mr. BLAND of Indiana. I think so; Mr. Ogle belongs to it.

Now, with reference to the priority feature of this bill. During the war Mr. McAdoo said that stone was a nonessential. He shut down our stone quarries, and they remained shut down for two years, and our people suffered in consequence. Do you suppose to-day they are going to let the stone people have any coal for a so-called nonessential industry if coal continues scarce? The stone people are just getting on their feet again, but building operations will have to stop because they can not get the stone, and stone operations will have to stop because they can not get coal. I ask, Are the property rights of these people to be subject to such regulation and ruin as that? If so, we have no constitutional guaranties any more. Only 12 per cent of the coal produced in this country goes for domestic uses, for family consumption. The other 88 per cent is shipped to manufacturing concerns and railroads in carload lots and a small per cent is consumed at the mines. The railroads of the country will take care of themselves. They have the power to commandeer, and the Interstate Commerce Commission already has the power to get railroad coal. But you are creating a fuel administrator so that Senator So-and-so and Representative So-and-so have got to go down and see his lordship, the fuel administrator, in order to get coal for their constituents, and the fellow who has the longest pole will get it and the other fellow will feel aggrieved at a government that will be so unfair to him.

You leave the distribution of cars to the fuel administrator, and we have got to walk down Pennsylvania Avenue and tell him, on bended knee, that we want some cars in which to ship coal, and unless he is unlike any dictator I ever heard of he will be influenced by powerful influences. That is the chief reason why I am against Government ownership of great industries. That is the kind of government they have in Russia to-day that is bringing so much sorrow and death to its people. That is bureaucracy. Yet you are willing to try this experiment which every one of us in his heart of hearts knows is against the very bedrock principles of this Government. One of the strongest arguments against Government control of prices during a shortage is that if it makes the price low it retards and discourages production when the maximum of production is desired, and then when production has caught up with demand, if the price is high the consumer for a long period of time pays too much.

The present flurry must be declared to be an emergency, and a new power under the "welfare" clause of the Constitution must be tried out. John Marshall did not waver in time of "emergency" or we would have had no constitutional guaranties at all. He stood foursquare to the winds of public clamor and said these principles are those upon which the generations yet unborn must lean. Abraham Lincoln did not waver in time of "emergency." By refusing to temporize and stay public clamor he saved the Union, and the Union and all it stands for is here to-day for us to protect. Yet we are going on record here to-morrow as being willing to give the Government the power to fix the price of a man's toil; because if you have the right to fix the price of a man's commodity you have the right to fix the price of the toil that makes the commodity.

Mr. LONDON arose.

Mr. BLAND of Indiana. I wish to say to my friend from New York that if he supports this bill he is starting on the road that leads inevitably to the doctrine that a legislative body has the right to fix wages of the toiler who makes the commodity. I hope there is no man in the sound of my voice, whether he represents capital or labor, who believes the wages of the toiler should be left to the uncertainty of legislative action, with all its prejudices engendered by politics, sectionalism, and class prejudice.

Mr. VAILE. If you fix the price of commodities, do you not in effect fix the price of labor?

Mr. BLAND of Indiana. You do absolutely, and that is the direction in which you are going here. You are dividing your country up into sections to fight each other, whereas, as it is now, they work out their own salvation. Are you going to have the agricultural interests arrayed against the manufacturing interests? Are you going to have them come here to see who has the most power with a Government bureau? I say, if you do not want that, do not take this step. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. WINSLOW. Mr. Chairman, I yield one-half minute to the gentleman from Minnesota [Mr. Volstead].

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I assume that his remarks will be on this subject, as the debate is limited to the bill under consideration.

Mr. VOLSTEAD. Yes.

Mr. STAFFORD. The gentleman is not going to insert the speech of somebody else on prohibition? [Laughter.]

Mr. VOLSTEAD. No, sir.

Mr. BLAND of Indiana. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. WINSLOW. Mr. Chairman, I am pleased to announce to the House that I now have the pleasure of yielding to the gentleman from Maryland [Mr. Hill], who desires the same consideration as my friend from Minnesota [Mr. Volstead]. [Applause.]

Mr. HILL. Mr. Chairman, this bill has "teeth" in it, and I shall vote for it with certain modifications which, I understand, are to be made in it. The men, the women, and the little children of my district to-day are in dread of the rapid approach of a winter which threatens to be coalless. The great industries of my district, the business and industrial center of Baltimore and Maryland, are threatened with stoppage because of the lack of coal. The cessation of these industries means starvation for thousands of my constituents.

In this Congress I have consistently fought any extension of the Federal Government's bureaucratic domination, but to-day there exists an extraordinary crisis which calls for measures similar to those we employed in the recent war. The bill before us for consideration (H. R. 12472) is a measure "to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel."

The national emergency which exists is very clearly expressed in the bill which has been reported by the Interstate and Foreign Commerce Committee. No one to-day can deny that the preamble to the bill is correct. It reads as follows: "That by reason of the prolonged interruption in the operation of a substantial part of the coal-mining industry in the United States, and of the impairment in the service of certain carriers engaged in commerce between the States, and by reason of the disturbance in economic and industrial conditions caused by the World War, a national emergency exists which endangers the public health and general welfare of the people of the United States, injures industry and business generally throughout the United States, causes extortion, limits the supply of heat, light, and power, threatens to obstruct and hamper the operation of the Government of the United States and of its several departments, the transportation of the mails, the operation and efficiency of the Army and the Navy, and the operation of carriers engaged in commerce among the several States and with foreign countries."

The gentleman from Indiana [Mr. Sanders] this afternoon referred to this measure as one of the most important that has come before us for our consideration. I agree with him. I am, however, in favor of the measure with certain modifications. I am inclined to favor, for instance, the elimination of section 9, which confers in perpetuity powers upon the President which by this bill are called for by the present emergency.

There is no man in the United States who has had more experience in such matters as coal distribution in time of emergency than the Secretary of Commerce, Mr. Hoover. In reference to this bill he has stated, "I am convinced there is a very great necessity in the country for some restraint on profiteering in coal and some further authority in the matter of distribution." He has also said that "It does seem to me that there is a public necessity for action; that there should be some restraint on the extortionate prices." He testified before the committee, "Our limit of coal at fair prices is a limitation on transportation, not of mining." He also stated that "We are behind some 35,000,000 tons in the production of anthracite coal." We have the authority of Secretary Hoover for the statement that about a month ago, as the coal situation became more tense, speculation began to grow among dealers in coal; at least 30 per cent of them were obviously profiteering in coal. The administration sought to extend purely voluntary measures of restraint by asking the governors of the States, as Secretary Hoover testified, if they would not set up local machinery, and this was done in a great many States; but in many instances the States, like the Federal Government, lacked any specific legislative authority.

I think that the underlying principle of this bill was well expressed to the committee by Mr. Farrell, the general counsel of the Interstate Commerce Commission, when he stated that in this bill Congress is providing that if the coal operator "does sell for shipment in interstate commerce he shall not exact an exorbitant price."

Fundamental opposition to Government interference in business has been repeatedly expressed by me on the floor of this House, but in such an emergency as at present exists I feel that the Interstate Commerce Commission should have the power granted by this bill. The hearings before the committee show that the present emergency is not one of coal production but of coal movement. The coal is being produced, and the operators are anxious to ship.

For the welfare of the people of my district, and of my State, and of the whole Nation, I feel we should promptly pass this measure, with certain modifications which I understand are to be made in it.

On motion of Mr. Winslow, the committee rose; and Mr. Stafford having taken the chair as Speaker pro tempore, Mr. Towner, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12472 and had come to no resolution thereon.

LEAVE TO EXTEND REMARKS.

Mr. VAILE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of interstate streams.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the Record on the subject of interstate streams. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. Mr. Speaker, I obtained leave to print in the Record an amendment which I propose to offer. The amendment is as follows:

Amendment offered by Mr. Sanders of Indiana: Strike out all after the enacting clause and insert:

"Section 1. That by reason of the shortage in coal and railroad equipment and in order that the Interstate Commerce Commission may have adequate information concerning the fuel situation, the President is authorized for a period of one year from the date this act takes effect to appoint a Federal fuel distributor and fix his compensation. He shall perform his duties under the authority and direction of the President. It shall be the duty of the Federal fuel distributor to ascertain (a) the available supply of coal and whether there exists within the United States or any part thereof a shortage or impending shortage of coal or other fuel and the extent of such shortage; (b) the fields of production of coal and other fuel and the principal markets to which such production is or may be transported and distributed and the means and methods of distribution thereat; (c) the kind and location of the consumers; and (d) whether persons, firms, corporations, regions, municipalities, or communities should receive priority in transportation and distribution, and the degree thereof, and any other facts relating to the transportation and distribution of coal and other fuel; and when so ascertained the Federal fuel distributor shall make appropriate recommendations pertaining thereto to the Interstate Commerce Commission from time to time either on his own motion or upon request of the commission, to the end that an equitable distribution of coal and other fuel may be secured so as best to meet the emergency and promote the general welfare.

"Sec. 2. Until the President shall determine that the shortage of coal and lack of sufficient car service no longer exists and makes proclamation thereof the provisions of paragraph 12 of section 1 of the interstate commerce act shall not be effective.

"Sec. 3. Every person or corporation, whether carrier or shipper, who shall knowingly offer, grant, or give, or solicit, accept, or receive any concession or discrimination in respect of car service, as the same is defined in paragraph 10 of section 1 of the interstate commerce act, in violation of any order, direction, or rule of the Interstate Commerce Commission in respect thereto, or who shall by any willful misrepresentation or by any fraudulent device or means whatsoever, procure or cause to be issued any order or direction for priority hereunder shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $1000 nor more than $20,000 or imprisonment for a term of not exceeding two years, or both such fine and imprisonment.

"Sec. 4. There is hereby authorized to be appropriated the sum of $250,000, available until expended, for the purposes of this act, including payment of personal services in the District of Columbia and elsewhere, and all expenses incident to organizing the Federal fuel distribution, and not exceeding $50,000 thereof shall be available for reimbursement and payment upon specific approval of the President of expenses incurred since May 15, 1922, in connection with the matters embraced in the title of this act under authority of the President."

Mr. UPSHAW. Mr. Speaker, recently in my great home city, Atlanta, twelve hundred wonderful, winsome women, composing the membership of the Atlanta Woman's Club, erected a beautiful auditorium in connection with their beautiful clubhouse on Peachtree Street. It is the largest and handsomest auditorium, I believe, ever erected by any woman's club in America.

It was my high honor to be invited to deliver the dedication address at the opening of this new building, and I was profoundly impressed with the power and possibilities of leadership on the part of our newly emancipated women citizens. My subject on that occasion was "Woman's Winsome Americanism," and I ask unanimous consent to extend my remarks by publishing that address in the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia? The Chair hears none.

Mr. CLARKE of New York. May I ask the gentleman if there will be any photographs of those wonderful, winsome women? [Laughter.]

Mr. UPSHAW. No; I am sorry to say there will be no photographs of these beautiful, forward-looking constituents of mine, but you can visualize the beauty and greatness of their soul and character by the grandeur of their achievement. I list here the names of the building committee of this club that has given such an inspiring example to the women of America:

MEMBERS OF THE BUILDING COMMITTEE.

Mrs. B. M. Boykin, president Atlanta Woman's Club; Mrs. Alonzo Richardson, chairman building committee; Mrs. Hamilton Douglas; Mrs. Arthur Henry Hazzard; Mrs. W. B. Price-Smith; Mrs. Irving S. Thomas; Mrs. A. McD. Wilson; Mrs. Newton C. Wing; Mrs. McCord Roberts, secretary to the president.

WOMAN'S WINSOME AMERICANISM.

Madame President, members of the Atlanta Woman's Club, ladies and gentlemen: "Woman's Winsome Americanism" is as much a fascinating fact in action as it is an inspiring theme for this dedication hour. The impact of its measureless meaning brings a mighty challenge alike to the ranks of American chivalry and the realm of practical patriotism.

Indeed, the very erection of this beautiful building, with woman as the alpha and omega of resourceful and victorious perseverance, gives to Atlanta and to organized womanhood all over America an almost startling, concrete illustration of what winsome womanhood can do when she takes counsel of her community needs and resolves and declares, "This thing shall be done."

It is related that when "Old Hickory" Jackson's body servant was asked if he thought his "Marse Andrew" was going to heaven when he died, the old negro replied, "I dunno, sah, Boss, but if Ole Master set his head to go dar, he's going dar."

Anybody who saw this building so long as an illustration of the nebular hypothesis, who then witnessed it evolve from tentative and diminutive beginnings into its present spacious and gracious completeness, will readily agree that some forward-looking, resolute, resourceful women "set their heads" after the fashion of Old Hickory, saying, "This thing shall be done for the sake of a greater Atlanta and a more progressive and useful womanhood."

GLAD HE VOTED FOR WOMAN'S EMANCIPATION.

When I survey this magnificent achievement of the worth-while women of my great home city and remember, too, all the practical, patriotic service from so many angles which they have rendered, and will yet render the public, I am gladder than ever that I voted in Congress for the political emancipation of woman—for a governmental recognition of the fact that you women (bless your winsome souls) have just as much sense as the ugly men whom you bless and inspire with your daily presence, and just as much patriotism as the jabbering foreigners who are allowed to come over here and vote before they can even speak the English language.

Now, if some of you gentlemen want to—you men who don't like intelligent, patriotic women to vote because you are afraid they will make you "walk a chalk line" in the election of righteous officials—if you want to, I say, you can put your arm around a jabbering foreigner and lead him up beneath the American flag and tell him to rejoice in his new-found wealth of privilege and power in the "land of the free and the home of the brave," but I prefer to put my arm around the emancipated American woman (no, no, that don't sound quite right), I mean my wife, of course, but I will take my stand by the side of the American woman and ask her to look anew at the American flag and remember that the beauty of its stars and the glory of its stripes mean, at last, her fundamental equity, not only in personal obligation but in personal privilege.

Verily, if intelligence, character, and patriotism are essential qualifications for political equity, show me the man who will dare assert that woman can not qualify. That poor blind man would just about have to cook his own breakfast to-morrow morning and mend his own trousers and darn his own socks from now until the judgment day.

"TELL IT NOT IN GATH."

And ah, winsome and winning, vigorous and victorious handmaidens of Georgia—"Tell it not in Gath, whisper it not in the streets of Askelon"—that in the fact of your many achievements, past, present, and to come, my treasured comrades of the male persuasion will no longer look upon you as "dreamers who dream that you are dreaming," but as citizens who know that you are voting! Selah! and e pluribus unum!

I heard of a pedantic young schoolteacher on whom some of his verdant neighbors called. "Professor," they said as they showed him a new silver dollar, "they tell us there ain't nothing what you don't know. Please tell us what this new language is—e pluribus unum, it don't sound like United States." And the young teacher, knitting his brow and scratching his head, replied: "Certainly, I know what it means—er—er—that is, I did know what it means—oh, yes, I got it now—e pluribus unum—that means there's plenty more where that comes from." And the suave, complacent—and yet (they might as well confess it)—somewhat excited gentlemen with "jolted" political ambitions, who, to say the least, were not conspicuous in seeking your political emancipation, will find out before you have been very long in action that there are plenty more where you came from, and that although many of the fairest and brightest women in Georgia who had been rocked in the cradle of southern chivalry and steeped in the sentiment of "woman's sweet dependence" did not desire the ballot, they accept it now as a sacred responsibility, realizing the truth that my father taught me around a family altar, "If good citizens do not control this Government, bad citizens will."

WOMAN'S UNIQUE AMERICANISM.

This brings us to a frank discussion of woman's peculiar relationship to Americanism, for woman's Americanism is as unique as it is winsome. Americanism, in itself, is a word of worthy origin, and it ought to be a word of definite and undisputed meaning. But the exigencies, the passions, and the problems growing out of the great conflict through which our Nation has just passed and whose complex problems still press for solution have taken that very worthy word and subjected it to varying and colorful interpretations. We remember with a smile how opposing local and national candidates in different political camps grabbed that word and ran off with it, dancing the war dance and holding high carnival over "Americanism" as the theme of their song and the slogan of their battle. Editors epitomized it, preachers preached it, teachers taught it, patriots proclaimed it, politicians paraded it, each with different angles of meaning, until millions of laymen shouted, "Which way I fly is Americanism! What is Americanism, anyhow?" One man declared, while the crowd whooped: "I am for America first, last, and all the time—let the rest of the world go to the devil!" Yea, yea, and nay, nay! I stand for America first, last, and all the time, but my reverence for God and my love for mankind will not allow me to say, "Let the rest of the world go to the devil."

THE SCHOOLHOUSE, THE BIBLE, AND THE AMERICAN FLAG.

Without apology—indeed, with 100 per cent pride—I declare that I belong to that inspiring company of young patriots, the Junior Order of United American Mechanics, who stand for three great foundation stones in building the temple of stable, intelligent, God-fearing citizenship—the schoolhouse, the Bible, and the American flag. But if we stand for the beneficence and the emancipation that comes from the education of the masses, we can not be so selfish as to deny that wholesome beneficence to any man or woman whom God has made; and if we believe in that greater, that regenerating, that transforming beneficence taught by the old-time Bible, we certainly would not deny that saving, uplifting influence to any of God's creatures under the sun; and if we really believe in the beauty and glory of the American flag—that flag that has never led us into a selfish war, and, therefore, thank God, has never known defeat—if we believe, with Emerson, that America is God's last, best national effort in behalf of the human race, we would make our beautiful flag not only the supreme object of our Nation's love, but the inspiration—God help us—of all the upward-struggling peoples of this burdened, restless world.

I think that the best definition of Americanism that I have yet heard was given at a patriotic rally in Washington by that stalwart son of the South, Josephus Daniels, who performed the glorious paradox of making the Navy "dry." The then Secretary of the Navy said: "I believe in 100 per cent Americanism—and then some."

The "100 per cent Americanism" means, of course, an intelligent devotion to America's best upbuilding, with no phase or form of binding allegiance to any foreign power or potentate. And the "then some" means our proud and grateful recognition of America's divinely appointed leadership in the fellowship of nations, and America's consecrated purpose to dedicate that leadership to the good of humanity and the glory of God.

MUST BE LOYAL.

The Americanism that must help America solve its complex problems must, first of all, be loyal. And that loyalty must be based on character and intelligence. Women citizens will find here a tremendous challenge to their genius and their patriotism.

It will not help—indeed, it will greatly hinder—the growth of that full-orbed Americanism which is absolutely essential to our national safety if segments and colonies of foreign ideals and foreign influences are allowed to grow and multiply on American soil. To that end I have introduced in Congress a bill making it unlawful to put the name of any foreign country before the name of America in the caption of any organization—fraternal, commercial, or ecclesiastical. No more "Little Italies," "Little Germanies," "Little Russias" or "Little Irelands" seeking to make foreign ideals and foreign customs dominate the free, the simple Americanism of America.

If America meets and solves her own internal problem we can not do it with hyphenated Americanism. It must be undiluted, "100 per cent proof."

I have also introduced a companion bill making it unlawful to publish and circulate through the mails any periodical in any foreign language that does not carry an English translation in a parallel column. Think of the eventualities in this country if America were attacked from without and betrayed from within, with one-third of our population under domination of foreign ideals. This is not narrow—this is "safety first."

A HIGH AND HOLY TASK.

To this high and holy task—making and keeping America pure—measureless in scope and with tenure eternal, patriotic, God-fearing womanhood comes with an eager and joyous consecration of all her winsome wondrous powers. And why is woman's unique patriotism called a "winsome Americanism"? Because the giver of her peculiar brand of citizenship is winsome in its presentation. The star beam has not left her eye and the roses have not left her cheeks, because she has studied political economy and constitutional government in school and will henceforth wrap a regnant conscience around a spotless ballot in the practical expression of her ideals and the guardian assertion of her character. Hers to give to us that embryonic citizenship which, according to Jacob Riis, is "the to-morrow of the Republic," and hers to help see to it that America shall be a fit place in which her children may grow into full-orbed, God-fearing citizens.

If man's citizenship has made us all think of masculinity in virtues as well as vices, then woman's citizenship is to make us think of the finer side of patriotism. She is to beautify the temple of Americanism! She is to adorn it with pictures, enrich it with ideals, glorify it with purity, and fill it with all the music and the radiance which her magnetic personality can alone impart.

Woman—modest, tender, gentle—sent to brighten sterner life,
Woman in the sweet relation—mother, sister, sweetheart, wife;
Not without its deeper import was she cast in beauty's mold—
Woman is of finer nature, higher purpose, whiter-souled. * * *

That is man's real concept of woman's nature and woman's refining influence when touched and led by the hand of God. She will not "rock the cradle" less, but she will "rock" the fellow more who interferes with the little young American in that cradle by passing laws that stab her heart and poison the social, civic, and political fountain where the children of her home must drink to their mental and moral deformity and their spiritual undoing.

LOYAL TO LAWS OF GOD AND MAN.

No man who is worthy the name can bring himself to think of the woman he loves as mother, sister, sweetheart, or wife as being disloyal to the laws of God or the laws of man. It is bad enough to think of an irreverent, irreligious man, but the picture of an irreverent, irreligious woman makes the world stagger. The supremest need of our Nation to-day in these testing times of personal and national travail is the God-fearing citizenship that must rise to meet the hour from the family altar of an old-time Christian home.

And from this Christian citizenship that must project itself beyond the club room, the lodge room, and the church-house door must spring and cling that vital reverence for the Constitution of our Government and the laws of our country which is enjoined by the laws of God and essential to the perpetuity of our Nation.

In the closing moments of this great dedication hour let us as patriots—not as man-citizens or woman-citizens, but as full-orbed American citizens—pronounce again that ringing shibboleth of patriotism, "The American Creed." William Tyler Page, the brilliant author of that inspiring classic, personally presented me this copy for this high and ardent hour.

Let this wonderful audience of patriotic women reverently stand while we dedicate this beautiful new building and ourselves afresh to our children, our flag, and our God.

THE AMERICAN CREED.

"I believe in the United States of America as a government of the people, by the people, for the people, whose just powers are derived from the consent of the governed; a democracy in a Republic; a sovereign Nation of many sovereign States; a perfect Union, one and inseparable; established upon those principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes.

"I therefore believe it is my duty to my country to love it, to support its Constitution, to obey its laws, to respect its flag, and to defend it against all enemies."

One of America's most insidious enemies is the illicit liquor traffic, which tramples the Constitution of the United States, debauches the citizenship without which our Nation can not endure, and defies the sacred emblem which we have, legally and constitutionally, "a stainless flag." The man or the woman, high or low, who helps encourage the crimes of lawbreakers and liars, forgets the fact that the eighteenth amendment is just as much a part of the Constitution as the nineteenth amendment and was placed there by a much more signal majority. Not only the self-respect and sobriety of our sons and daughters are at stake, but the fate, the heart, the hope, and the happiness of the watching, staggering nations of the earth.

To break this law on stylish Peachtree Street and in wealthy Druid Hills is just as much a crime—indeed, because of gilded trappings and far-reaching influence, more a crime than in the black, back alley of ignorant defiance. It is not enough for women citizens to sing anthems about patriotism and dream beautiful Eutopian dreams about standing by the Constitution and the flag. "The ideal woman is she who thinks what others only dream, who says what others only think, who does what others only say, and who glorifies in what others dare but do!"

It is the high and deathless evangel of "woman's winsome Americanism" to help preserve the stainless majesty of the beautiful flag that protects her home, and whether in the kingdom temporal or the kingdom eternal, fulfill Goldsmith's dream of "The Village Preacher," who—

> "Lured to brighter worlds and led the way."

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. GARRETT of Tennessee. I will ask the gentleman from Wyoming [Mr. MONDELL] if Calendar Wednesday has been set aside?

Mr. MONDELL. Calendar Wednesday has not been set aside.

Mr. GARRETT of Tennessee. What does the gentleman want to do about that?

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday business to-morrow.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to dispense with the business in order on Calendar Wednesday to-morrow. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. WINSLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until Wednesday, August 30, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. H. R. 12472. A bill to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel; with amendments (Rept. No. 1196). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITHWICK: A bill (H. R. 12488) to increase the appropriation for the collection and distribution of market information by the Bureau of Markets; to the Committee on Appropriations.

By Mr. CULLEN: A bill (H. R. 12489) to amend the Army appropriation bill for the fiscal year ending June 30, 1923, Public Law No. 259, Sixty-seventh Congress, approved June 30, 1922; to the Committee on Military Affairs.

By Mr. HOGAN: A bill (H. R. 12490) to erect a statue of Edward Douglass White; to the Committee on the Library.

By Mr. SHAW: A bill (H. R. 12491) authorizing the acceptance from the State of Illinois of the Old Salem State Park, Petersburg, Ill.; to the Committee on the Public Lands.

By Mr. SANDERS of Indiana: A bill (H. R. 12492) to direct the Secretary of the Interior to grant to certain persons and corporations leases of certain lands, and the oil and gas deposits therein, lying south of the medial line of the main channel of Red River in Oklahoma, and for other purposes; to the Committee on the Public Lands.

By Mr. ANTHONY: A bill (H. R. 12493) amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes; to the Committee on Military Affairs.

By Mr. CULLEN: Memorial of the Legislature of the State of Louisiana, relating to the control of the flood waters of the Mississippi River; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURROUGHS: A bill (H. R. 12494) granting a pension to Mary E. Bassett; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 12495) granting a pension to Bertram Bell; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 12496) granting an increase of pension to Ada L. Kinsey; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 12497) granting a pension to Mary Adzetta Mechan; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 12498) granting a pension to Dudley H. Wright; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 12499) granting an increase of pension to Lindia Bentley; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 12500) granting a pension to Harriett L. Sheets; to the Committee on Pensions.

Also, a bill (H. R. 12501) granting an increase of pension to Belle Torrence; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 12502) granting an increase of pension to George H. Clay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12503) granting an increase of pension to Louisa Fields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12504) granting an increase of pension to William Cunagim; to the Committee on Pensions.

Also, a bill (H. R. 12505) granting an increase of pension to Dennis B. Conley; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 12506) granting an increase of pension to Fred Kape; to the Committee on Pensions.

By Mr. MILLSPAUGH: A bill (H. R. 12507) granting an increase of pension to Elenor J. Valeu; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 12508) granting a pension to Lona Dowell; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 12509) for the relief of Archibald L. Macnair; to the Committee on Claims.

By Mr. SMITHWICK: A bill (H. R. 12510) for the relief of occupants of certain premises within the naval station at Pensacola, Fla.; to the Committee on Claims.

By Mr. SPEAKS: A bill (H. R. 12511) granting an increase of pension to Mary Bee; to the Committee on Invalid Pensions.

By Mr. WURZBACH: A bill (H. R. 12512) granting an increase of pension to Clara E. Cheesman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12513) granting an increase of pension to Helen C. Blumer; to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 12514) granting a pension to Robert Garrett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6245. By Mr. CULLEN: Petition of Thomas B. Healey, business manager of the Marine Engineers' Beneficial Association No. 33, New York City, favoring retirement and longevity pay for engineers in United States Army Mine Planter Service just the same as is now provided for officers of the Army; to the Committee on Military Affairs.

6246. By Mr. FRENCH: Petition of St. Anthony Kiwanis Club, of St. Anthony, Idaho, condemning the lawlessness in Herrin, Ill., on June 22, 1922, and expressing the condemnation of the members of the Kiwanis Club on account of the crimes committed; to the Committee on the Judiciary.

6247. By Mr. FULLER: Petition of the Rockford (Ill.) Milling Machine Co. favoring adequate protective duties on machine tools; to the Committee on Ways and Means.

6248. By Mr. KISSEL: Petition of Mr. William Kaspar, Brooklyn, N. Y., favoring the 40 per cent tariff on wire cloth; to the Committee on Ways and Means.

6249. Also, petition of Association of Missouri Banks and Trust Companies opposed to branch banking, St. Louis, Mo.; to the Committee on Banking and Currency.

SENATE.

WEDNESDAY, *August 30, 1922.*

(Legislative day of Friday, August 25, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Broussard
Bursum
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dial
Dillingham
Edge
Fletcher
Frelinghuysen
Gerry
Gooding
Hale
Heflin
Jones, Wash.
Kellogg
Kendrick
Keyes
La Follette
Lenroot
Lodge
McCumber
McKellar
McLean
McNary
Myers
Nelson
New
Newberry
Nicholson
Oddie
Pepper
Phipps
Pittman
Ransdell
Rawson
Reed, Mo.
Reed, Pa.
Robinson
Sheppard
Shortridge
Simmons
Smith
Smoot
Stanfield
Sterling
Sutherland
Trammell
Underwood
Wadsworth
Walsh, Mass.
Walsh, Mont.
Warren
Watson, Ga.
Watson, Ind.
Williams
Willis

The PRESIDENT pro tempore. Sixty-four Senators having answered to their names, there is a quorum present.

SENATOR FROM MICHIGAN—CORRECTION.

Mr. WALSH of Montana. Mr. President, on August 24, in the course of some discussion of the Newberry case precipitated by the presentation for incorporation in the record by the Senator from New Jersey [Mr. EDGE] of the letter of Secretary Hughes on that subject, I read into the record what purported to be an interview with Judge William S. Kenyon upon the Hughes letter. I was in error in attributing the remarks thus made to Judge Kenyon.

For the sake of truthfulness of the record and accuracy, I now announce that I was in error in supposing that the sentiments were expressed by Judge Kenyon, who gave no interview on the subject. It is unnecessary to state how I came to fall into the error, but the remarks were wrongfully attributed to him. However, I am perfectly certain that if Judge Kenyon were still a Member of this body he would have expressed views quite like those which were attributed to him in the article from which I quoted.

RELEASE OF POLITICAL PRISONERS.

The PRESIDENT pro tempore laid before the Senate a resolution of the Federated Textile Unions of America adopted at its recent convention in New York, N. Y., favoring the release of all political prisoners in the country, which was referred to the Committee on the Judiciary.

REPORT OF THE COMMITTEE ON CLAIMS.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 9866) authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision, reported it without amendment and submitted a report (No. 896) thereon.

BILL INTRODUCED.

Mr. FRELINGHUYSEN introduced a bill (S. 3968) to improve the navigability of waters of the United States by preventing oil pollution thereof, which was read twice by its title, and referred to the Committee on Commerce.

COMPENSATION OF WORLD WAR VETERANS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes.

The PRESIDENT pro tempore. The question is upon the amendment in the nature of a substitute offered by the Senator from New Mexico [Mr. BURSUM].

Mr. LENROOT. Mr. President, I offer an amendment to the bill, which I send to the desk.

The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment, which will be read by the Secretary.

The READING CLERK. On page 9, strike out lines 17 to 24, inclusive, and insert in lieu thereof:

> SEC. 305. Immediately upon the passage of this act the Secretary of War and the Secretary of the Navy shall ascertain the individuals who are veterans as defined in section 2 and, as to each veteran, the number of days of overseas service and of home service, as defined in section 2, for which he is entitled to receive adjusted-service credit, and their findings shall not be subject to review by the General Accounting Office, and payments made by disbursing officers of the War and Navy Departments, made in accordance with such findings, shall be passed to their credit.

Mr. LENROOT. The only change made is in the last clause of the paragraph—

> And payments made by disbursing officers of the War and Navy Departments, made in accordance with such findings, shall be passed to their credit.

I have offered the amendment because of a letter from the finance officers of the War Department. It relates only to administration, the saving of red tape, and also the saving of some money in administration. I have talked with the chairman of the committee and I think he is willing to let it go to conference.

Mr. McCUMBER. I am perfectly willing to let it go to conference, that we may study it there to better advantage than we can here.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. LENROOT. I now offer another amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Wisconsin offers a further amendment which the Secretary will read.

The READING CLERK. On page 11, strike out lines 8 to 11, inclusive, and insert in lieu thereof:

> SEC. 402. Payment shall be made by the Secretary of War or the Secretary of the Navy according as to whether the veteran's service for which he is entitled to receive adjusted service pay was with the military forces or with the naval forces: *Provided*, That if such service of the veteran was in both forces he shall be paid by the Secretary of War or the Secretary of the Navy according to the force in which he first served during the compensable service.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Wisconsin [Mr. LENROOT].

Mr. SIMMONS. What is the character of the amendment which has just been proposed, Mr. President?

Mr. LENROOT. I will explain that it is another amendment suggested by the finance office of the War Department and relating only to administration. As the bill now reads, if a veteran entitled to compensation happens now to be serving in the Navy, under the bill that compensation must be paid by the Navy Department, although he had no service in the Navy during the war. Under the amendment the compensation will be made by the department in which the service during the war was rendered, and if service during the war was rendered in both departments the compensation shall be paid by the department where the service first occurred. The object of the amendment is simply to save money and unnecessary work in the administration of the law.

Mr. ROBINSON. I understand the amendment is earnestly recommended by the finance officers of the War Department.

Mr. LENROOT. The only purpose of the amendment is to simplify the administration.

Mr. SIMMONS. I have no objection to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The question is now on agreeing to the amendment proposed by the Senator from New Mexico [Mr. BURSUM].

Mr. UNDERWOOD. I ask for the yeas and nays on the amendment.

Mr. BURSUM. Mr. President, the Senator from North Carolina [Mr. SIMMONS] is preparing an amendment to the amendment.

Mr. UNDERWOOD. I merely wish to have the yeas and nays ordered on the so-called Bursum amendment.

Mr. BURSUM. Before the yeas and nays shall be ordered I desire to say a word.

Mr. UNDERWOOD. I did not intend to cut the Senator off. There was nothing being done, and I merely did not want the vote to come without the yeas and nays.

Mr. BURSUM. The Senator from North Carolina desires to suggest a substitute for a section of my amendment, and he is now preparing it.

Mr. SIMMONS. Mr. President, I desire to offer an amendment to the substitute proposed by the Senator from New Mexico to strike out section 805 of the substitute amendment and to insert the amendment which I offered on yesterday, but of which I have not now before me a copy.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from North Carolina, which, as the Chair understands, is to the amendment proposed by the Senator from New Mexico in the nature of a substitute.

Mr. SIMMONS. In applying to the pending amendment the amendment which I offered, and which was adopted, on yesterday to the bill I wish to change it by striking out, in line 23, the words "of Titles IV and V." Those words are not appropriate to the pending amendment. With that modification, I now offer my amendment to the amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from North Carolina to the amendment of the Senator from New Mexico.

The READING CLERK. The Senator from North Carolina [Mr. SIMMONS] proposes, on pages 20 and 21 of the amendment in the nature of a substitute offered by the Senator from New Mexico [Mr. BURSUM], to strike out section 805, as follows:

> SEC. 805. That whenever it is deemed to be for the best interests of the United States, the Secretary of the Treasury, with the approval of the President, is authorized to sell any bonds or other obligations of any foreign Government refunded or converted by the World War Foreign Debt Commission under authority of the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign Governments held by the United States of America, and for other purposes," approved February 9, 1922, upon such terms and conditions as such Secretary may prescribe, and to apply the proceeds of such sales and any payments received on account of the principal of such bonds and other obligations to defray any expenditures incurred under the provisions of this act.

And in lieu thereof to insert:

> SEC. 805. There is hereby appropriated such amount as may be necessary to carry out the provisions of this act, to be paid out of and to be a first charge upon the interest received by the United States on obligations of foreign Governments. If at any time the amount of such interest is not sufficient to meet the appropriation hereby made the same shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. BURSUM. Mr. President, I desire that my proposed amendment be modified in accordance with the suggestion of the Senator from North Carolina.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. ROBINSON. May I suggest that the Senator from New Mexico has a right to modify his proposal, and that he accepts the suggestion of the Senator from North Carolina?

The PRESIDENT pro tempore. The Senator from New Mexico has the right to so modify his amendment.

Mr. ROBINSON. And he has indicated that he desires to do so.

The PRESIDENT pro tempore. The Chair understands that the Senator from New Mexico desires to modify his amendment.

Mr. BURSUM. Mr. President, I desire to modify my substitute in accordance with the suggestion which has been made by the Senator from North Carolina. As stated by the Secretary, the amendment as modified will provide that the conditions of financing shall be the same as provided in the amendment which was adopted on yesterday by the Senate as a part of the committee bill.

Mr. President, I desire to say a few words in regard to my proposed substitute. It is not my purpose to embarrass or to complicate the pending bill, but the substitute has been offered with a view of making a businesslike settlement of this obligation, a settlement on such a basis as a business man would ordinarily adopt in liquidating a debt. It does not curtail the allowance to the soldier of $1 per day for service at home and $1.25 for service overseas, but there is merely a difference in the method of financing.

The substitute provides for the payment within a year, or as soon as may be practicable after the passage of the proposed act, of 50 per cent of the allowance for the service of the ex-service man and of the other 50 per cent within five years thereafter. The deferred payment carries with it interest at the rate of 3½ per cent.

My objection to the plan provided by the committee bill as reported is based on the method of financing, in that it uses directly the credit of the ex-service man and indirectly the credit of the Government, and yet proposes to pay for that privilege a high rate of interest, which, under the authority provided for in the bill, may amount to approximately 7½ per cent. The bill as reported by the committee provides that an amount equal to 50 per cent of the adjusted compensation may be borrowed from the banks of the country and the certificates be pledged as collateral. In other words, such certificates are negotiable under those conditions, and interest may be charged to the extent of not exceeding 2 per cent plus the rate of the Federal reserve bank in the district wherein the loan shall be made.

That means that when the Government of the United States issues its obligations, to be repaid in three years or in 1926, those obligations may bear interest at a rate as high as 7½ per cent. That is exactly what it means.

My objection to the plan proposed by the committee is that it offers an opportunity to profiteers not only to profit at the expense of the Government but to profit at the expense of the veterans. For instance, 50 per cent of the outstanding certificates on the basis of adjusted compensation would amount approximately to $700,000,000. Therefore, $700,000,000 may be borrowed at rates as high as 7½ per cent, although the Government is behind the obligations and the Government pledges in the law that the money will be paid out of the Treasury at the time of maturity. So the bill as reported means the issuance by the Government of certificates of indebtedness to be repaid at an interest rate of 7½ per cent while it is notoriously known that the Government has a credit basis of 3½ per cent at the present time. Seven and a half per cent might have been a fair rate for the bonds of France at the end of the war, and the bonds of France were sold on a basis of 7½ per cent in this country.

Under the circumstances to which I have referred the result will be that associations will be formed to take up these loans on the basis of 7½ per cent, and such associations will make the difference between the 3½ per cent and 7½ per cent annually, representing a profit of 4 per cent. On $700,000,000 such a profit will amount to $28,000,000 a year and for three years will aggregate $84,000,000. Three per cent of that amount will come out of the pockets of the veteran, and will approximate, in round numbers, $63,000,000, while $21,000,000 will come out of the Treasury of the Government.

I submit, Mr. President, that it is childish to formulate that sort of a policy and say that we have not issued outstanding obligations. It reminds me of the ostrich undertaking to hide from view by burying his head in the sand. We say we issue no certificates, but, as a matter of fact, we do issue certificates. The proposed law on its face pledges the Treasury to pay these loans in three years, namely, 1926, at extortionate rates of interest, and thereby puts a premium upon profiteering, and most of the money will come out of the veteran. He will not be benefited by it. On the other hand, there is a great difference between the committee bill and the substitute which I have offered in the matter of the carrying charges of the obligations incurred. My amendment, as I have said, provides for the payment of one-half cash, the payment of the other half at the end of five years; but if both items were carried for 20 years the charges under the proposed substitute would be $45,000,000 a year, while under the committee bill as reported the annual charge would be $90,000,000 a year; and upon the premise that we borrowed the money and did not pay it for 20 years, the difference between the total final cost of the bill as reported and the amendment offered by me would be the difference, approximately, between $2,400,000,000 and $4,000,000,000.

So under the substitute proposal we will not only promptly pay the veteran the money which we are providing for him but we will save the Government in the transaction nearly a billion and a half dollars. That is the difference between the bill as reported and the amendment offered by me. If we are going to pay this money, if it is a debt which we owe—and I say that it is a debt—I can not for the life of me see where the objection can come. The Government uses its own credit on the best terms obtainable, which we know now can be obtained on a basis of 3½ per cent in the public money market.

I can not understand why we should issue a certificate of indebtedness—and that is what we are doing under the bill as reported by the committee; it is nothing more nor less than a certificate of indebtedness—which permits a rate of interest which may amount to 7½ per cent. Such a plan will permit profiteering to the extent of $84,000,000 above the market value of money at the present time, and $61,000,000 of the $84,000,000 will come out of the pocket of the veteran, for the reason that the Government pays the veteran 4½ per cent and the veteran must pay 7½ per cent annually for this three-year loan.

Why can we not act as would a business concern, as would a banking concern? If we owe the money, let us borrow it on our own credit, let us obtain it upon the best terms possible, and let us liquidate this indebtedness honorably and in keeping with the transactions of a great and powerful government.

This bill is called an adjusted compensation bill. I do not quarrel with the title, but I do not think that is a proper name. It ought to be called an adjusted accounting between the Government and the veterans. I recognize, and I think every man who has given thought to the subject recognizes, that the Government has withheld from the veterans sums of money which it was not rightfully or morally entitled to withhold, such as the insurance of $7.50 a month which was deducted from the pay of every veteran, and such as the allotments to dependents, amounting to as much as $15 a month. We granted a bonus of $20 a month to the civil employees of the Government. There is no reason why we should not have accorded the same treatment to the veteran, to the soldier who was fighting for us. These sums in the aggregate will amount to more than the sum provided for in either of these bills. They are both alike, so far as that part of it is concerned—the dollar a day for home service and the dollar and a quarter a day for overseas service. It is true that some veterans may receive more under the bill than they would receive by an auditing, but others would receive less. The minimum sum, if the rightful claims were to be audited, would come to $27 a month, and the maximum would come to $47 a month; so that the bill is very nearly right. I think it will average a little under what is rightfully due the veteran.

Mr. SMITH. Mr. President, I am glad that the Senator has touched upon one point. I should like to get information from the committee as to why it is that in section 502, subdivision (b), the bill limits or defines the character of the banks where these papers may be discounted, and then states that the bank accepting the certificate and the note of the veteran shall have the right to charge 2 per cent in addition to the rate of rediscount obtaining in the district where the bank at which the paper is discounted is located. In other words, if the rate of rediscount at a regional bank in a given district is 5 per cent, then the bank is authorized to charge the veteran 7 per cent for the rediscount of his paper. If the rate of rediscount should advance—as it did advance upon the word and authority of the powers that be here in Washington that have charge of our banking system—to 6 per cent, then the bank would charge 8 per cent. The rate of rediscount varies in various districts. Therefore the veterans would pay various rates to obtain money from the banks upon a Government security.

Upon the face of it, that looks as though we were offering a bonus to the banks to carry for a certain length of time this Government obligation, and we will allow them to subtract it from the soldier himself. There is no division. The Government gets none of that. It is paying a rate of interest of 4½ per cent, I believe; but the soldier, in rediscounting his paper, has to pay the ordinary commercial rate of interest in order to get an advance on the amount that we promised to pay him, and for a year he has to pay 7½ to 8 per cent; and I suppose that when he hands in his note the discount will be immediately taken out, which, under the ordinary 8 per cent rate, would amount to 9 per cent, because he advances the discount when he gets the money.

Inasmuch as the banks are practically Government banks, under the control of Government officials, I do not understand why we can not stipulate that the rate of interest that the veteran shall pay for the money advanced shall be exactly equal to the rate of interest that the Government shall pay on the paper to him. I should like to have an explanation as to why the committee saw fit to take the Government's obligations and leave them to be hawked on the market simply as prime commercial paper, to the detriment of those that we are professing to try to serve.

Mr. McCUMBER. Mr. President, I will answer the Senator. There is nothing in the bill saying that the bank shall charge a certain rate of interest. All there is in the bill is the same provision that there would be in a usury law, that the bank shall not charge more than that, just as it may be an offense, perhaps, in the State of Kentucky to charge more than 6 per cent; it may be an offense in my State to charge more than 12 per cent. The party does not need to make the loan unless he sees fit. The bank may not want to make the loan at all, even at those rates; but we are saying to the bank: "You can not go beyond such a rate. If you go beyond such a rate, it will be equivalent to usury"; and it is simply a limitation. If we said nothing about it, the banks might charge 10 or 12 per cent; but we say: "You shall not go more than 2 per cent above the discount rates in the particular district."

Mr. BURSUM. Mr. President, will the Senator yield for a question?

Mr. McCUMBER. Yes. I suppose I am talking now in the time of the Senator from South Carolina. I am answering his question. I am not certain whether his time is up or not.

Mr. BURSUM. I was going to ask the Senator if he ever heard of banks charging less than the law limited them to. In usual commercial business, has the general experience been that banks charge less than they are allowed to by law?

Mr. McCUMBER. Why, yes, as a rule; but we all know—take it in my State—money is pretty scarce. I think the ordinary banks that you would go to would be inclined to charge very much more than 2 per cent above what is called the regular Federal reserve discount rate, and we want, at least, to prohibit them going above that.

Now, Mr. President, I want to speak for a moment upon the amendment offered by the Senator from New Mexico.

I confess that I can easily understand how an enemy of this compensation bill should eagerly vote for any kind of an amendment that would load it down, that would tend to kill it. I probably would do the same thing if I wanted to see it killed; but I can not understand how a professed friend of the bill would seek to put on it amendments which would endanger its life.

I wish Senators would stop for a moment, and not approach any kind of a new amendment with absolute recklessness in the discussion of this bill. It is well known that we have to guide the bill through somewhat delicate channels if we are to have it enacted into law.

We are trying to avoid just as many obstacles as we can. We are trying to put it in a position in which there will be no excuse for the Executive to disagree with the two Houses of Congress, and we ought not to attempt to load it down with a provision that would exaggerate the differences that have existed between the Executive and the Congress, as evidenced by the statements that have been made in the press, as evidenced by the discussion on the floor, as evidenced by the letter of the Secretary of the Treasury of a year ago, as evidenced by the special message of the President to the Senate when he asked that the bill be referred back to the committee. Those things ought to indicate to Senators that we have some difficulty in so shaping this legislation that at least it can meet all prior objections. What new ones may arise upon the horizon I know not.

The House has tried to make a bill that would meet the objections that were urged by the Executive from time to time. The Senate Committee on Finance was actuated by exactly the same desire. We have made amendments, some very important ones, to this bill. I shall not discuss their merits, or what effect they may have on the bill; but here suddenly comes in a substitute that is to throw into discard every amendment the Senate has made, and approach this subject from an entirely different standpoint, one which requires in the years 1923 and 1924 a sum to be paid many times greater than is required under the bill as it is now drawn. As we present the bill, there will not be an expense of more than $78,000,000 for 1923, and not more than $92,000,000, I think, for 1924, dropping down to some $70,000,000, and then going down rapidly for the succeeding years. That ought not to interfere with any financial policy of this Government. As to the other proposal, while I think we could take care of it, I do think nevertheless that those who have grave fears of its effect might consider that it was loading on the Treasury too much of a burden for the next year or two. What I want is a bill that will pass, and then I want it signed.

I think this amendment, which throws aside entirely the labors of the House and of the Senate committee, and of the Senate as well up to this time, and makes a sudden change, is most detrimental to the interests of the bill.

The PRESIDING OFFICER (Mr. Oddie in the chair). The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from New Mexico [Mr. Bursum].

Mr. WALSH of Massachusetts. Mr. President, this amendment has a good deal of merit, and I would be glad to support it under ordinary circumstances. A few days ago I offered two amendments to this bill, one even more liberal in its terms than this amendment, providing for an immediate cash payment to the soldiers of the compensation found to be due them, and another amendment proposing an additional option, so that whatever adjusted compensation is found to be due should be applied to the payment of the premiums due on Government insurance, which is now under very difficult circumstances, being carried by nearly 500,000 veterans.

What has happened here since this debate began indicates that the first duty of those who really believe in this cause is to avoid having this bill submarined by loading it down with amendments which can not command the approval of the other branch of Congress or the financial officers of the administration.

Therefore I am not going to move those amendments. I am not going to vote for this amendment, although I think the committee bill is weak, is imperfect, although I think it could be greatly improved; but it is the best that can be passed by a majority vote of this body, and it at least removes all the objections that have been made to it by the Secretary of the Treasury and the Executive. Therefore I am going to do what I can to get action now, to prevent further delays, and to send this bill to the Executive; and if he vetoes it, not have him veto it because of any amendment which may have been added to it, but veto it on its merits. Neither am I going to give the Republican majority in Congress an excuse to kill this bill in conference by differences over new amendments.

This is the bill which has been approved by the House; this is the only bill which could receive a majority vote of the Republican members of the Senate Finance Committee and therefore receive a favorable report. If the bill is imperfect the majority party will be held responsible, and I intend to do nothing to give them an excuse to sidestep that responsibility.

This bill was drafted with the sole purpose and end in view of removing the financial objections raised by the Executive and the Secretary of the Treasury, and this bill, so far as I am able to interpret the language of the Senator from North Dakota, removes all objections of form upon the part of the Executive. To attach to it other amendments that materially change its form is to invite a veto. The chief objection made to the amendment of a bonus bill now has been the state of the Treasury. This bill levies no heavy burden on the Treasury now. To vote for an amendment that calls for an immediate cash payment will, in the light of what we know to be the attitude of the administration, surely furnish an excuse and reason for vetoing this bill on some other basis than its real merits.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Rhode Island?

Mr. WALSH of Massachusetts. Certainly.

Mr. GERRY. Has the President stated that he would accept this bill as reported by the committee, if passed?

Mr. WALSH of Massachusetts. I do not understand that he has, but I do understand that he has said to the Senator from North Dakota, in substance, that in form this is satisfactory; and it meets the objection which the Secretary of the Treasury made, namely, that the condition of the Treasury did not warrant paying a substantial cash bonus at this time.

Mr. GERRY. It is my understanding that the President has not made any statement that he would sign this bill if it was submitted to him, but he stated that he would not sign any adjusted compensation bill unless there was included in the measure a means of raising the revenue.

Mr. WALSH of Massachusetts. Mr. President, I am relying upon the statement made by the Senator from North Dakota, which, in substance, is that of all the bills introduced this is the one which is most likely to receive Executive approval, and that it has been drafted and submitted to the Secretary of the Treasury and to the Executive to remove the objections made by them on financial grounds. The amendment I intended to offer was more liberal in its terms, and I would like to vote for it. But I am not going to give the Executive any excuse to veto this bill because there has been attached to it some provision which falls under his financial objection. There are some Senators here who are so antagonistic to this bill that they will vote for any amendment proposed that may lead to a tie-up here in Congress or prevent its final enactment. The result is that we may easily by offering amendments get a situation here where we have a measure made by the votes of the enemies of the bonus. I believe too much in the cause to be a party to bring about confusion.

Imperfect as this bill is, yet we are confronted with this situation: If we want to get rid of this issue, if we want to pass a bonus bill which will be likely to receive the sanction and approval of the Executive, we ought to take the one which has been drafted with the sole intent and purpose of removing the objections heretofore made by the Secretary of the Treasury and the Executive.

Therefore, Mr. President, I do not propose to offer perfecting amendments which will give any excuse to the Executive to veto this bill or to raise the question that we are not now financially in a position to pay this bonus, much as I believe that if there is a moral obligation to pay compensation to these soldiers it ought to be met now, it ought to be paid in cash, and that the Treasury of the United States is capable of meeting that obligation, and that it would be better for the country in the long run to meet the obligation now with a cash payment and close this just account.

But there is a still greater question here, the question of getting some legislation, of getting a bonus bill which will meet with Executive approval. Therefore, as a Democrat, I am going to support the bill which Republicans have drafted in large part, which Republicans in both branches of Congress have agreed to, and put the question up to the Executive solely and alone on the proposition whether he favors a bonus or not. I intend to do what I can to make the Executive take his stand in the open on this meritorious proposal to adjust the compensation of our ex-service men.

I hope the real friends of this measure are not blind to the fact that the enemies of this measure are ready to vote for any or all amendments that will bring about confusion of the issue and that will encourage a veto. There are two ways to defeat a bill; directly and indirectly loading a bill with amendments is a very helpful way to kill this bill. I therefore shall support the bill most likely to get enacted.

Mr. BURSUM. Mr. President——

The PRESIDENT pro tempore. The Chair desires to advise the Senator from New Mexico that under the unanimous-consent agreement he can not be permitted to speak again.

Mr. BURSUM. I do not think I used up my 20 minutes.

The PRESIDENT pro tempore. The unanimous-consent agreement provides that no Senator shall speak more than once on an amendment.

Mr. UNDERWOOD. Mr. President, I suggest the absence of a quorum, if we are about to approach a vote. If anyone desires to speak, I shall not make the point.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Bursum
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dial
Dillingham
Edge
Fletcher
Gerry
Glass
Gooding
Hale
Heflin
Hitchcock
Jones, Wash.
Kellogg
Kendrick
Keyes
King
La Follette
Lenroot
Lodge
McCormick
McCumber
McKellar
McLean
McNary
Myers
Nelson
New
Newberry
Nicholson
Oddie
Pepper
Phipps
Pittman
Pomerene
Rawson
Reed, Pa.
Robinson
Sheppard
Shields
Shortridge
Simmons
Smith
Smoot
Stanfield
Sterling
Swanson
Townsend
Trammell
Underwood
Wadsworth
Walsh, Mass.
Warren
Watson, Ga.
Watson, Ind.
Williams
Willis

Mr. SIMMONS. I wish to announce that my colleague [Mr. OVERMAN] is absent on account of illness.

The PRESIDENT pro tempore. Sixty-six Senators having answered to their names, a quorum is present.

Mr. GERRY. Mr. President, I intend to support this so-called Bursum amendment because I believe that it is an improvement on the bill brought in by the committee. The amendment provides that the soldiers shall receive 50 per cent of their adjusted compensation in cash, and that will mean that many men who to-day are so much in need of aid, some of them in dire straits, will receive their adjusted compensation when it will do them the most good. It will also be a saving to the Treasury, as the total amount to be raised under it, as borne out by the statement of the experts, will be a billion and a half dollars less than under the committee bill.

In regard to the contention that there is more likelihood of the President vetoing this substitute than there is of his vetoing the committee bill, I can find nothing to justify that assumption. There has been no definite statement from the President that I have seen or heard that he will sign the bill reported by the committee. I for one do not intend to take a responsibility which I feel I should bear and put it upon anybody else's shoulders.

I want to see that justice is done to the soldier; I want to see that proper legislation for relief, adequate relief, is passed for the men who made great sacrifices for us, many of whom with their families are suffering, some on account of the fact that the Government bureau for giving aid to the injured and the wounded and the sick has not functioned properly, and they are not receiving that necessary assistance; others because of the industrial conditions.

I would like to see the immediate relief go even further than that contained in the amendment of the Senator from New Mexico, but under these circumstances I intend to support that amendment because, as I said before, it is an improvement on the committee bill, it would be better for the soldier and better for the Treasury and for the country.

Mr. TRAMMELL. Mr. President, within the limited time we have had for consideration of the amendment proposed by the Senator from New Mexico I have not had an opportunity to give very careful consideration to its various provisions, but this I know, that his amendment is nothing more or less than an entirely new bill upon the subject. It is by misnomer called an amendment. It should be called a substitute for the bill offered by the committee.

Mr. SIMMONS. That is what it is called.

Mr. BURSUM. It was offered as a substitute.

Mr. TRAMMELL. Now it is confessed that it is a substitute bill. The Senate within the brief time it has had to consider the question, with a limitation of 20 minutes upon debate, is called upon to pass upon an entirely different bill from that proposed by the committee.

I have been intensely interested in doing justice to the American soldier who defended and fought for our country in its hour of peril. I have felt that the Nation owed to him a debt of gratitude that could not be paid in dollars and cents, but that it might in a feeble way be expressed by some substantial token at the hands of Congress and that we should no longer refuse to give expression to the Nation's gratitude to those who rallied to the colors when called to go forth and battle for our Republic.

The bill proposed by the committee, so far as my information goes, and certainly so far as the information is concerned which has reached me from my State, has the approval of the ex-service men. They have accepted it as satisfactory, or at least as the best they felt they could obtain.

Now, if we were to depart from that measure and adopt an entirely different provision, in all probability we would bring about the defeat of the proposal that the soldier shall receive relief at the present time. Of course that is purely a matter of conjecture and a matter of speculation, but certainly if the substitute is adopted it may not be concurred in by the House, and if it was then it would probably meet with the Executive veto. We would have departed from the wishes of the ex-service men, those of us who believe that they should have some adjusted compensation extended to them, and by so doing may defeat their cause. As for my part, I prefer to support the bill offered by the committee—the bill which has been thoroughly digested, thoroughly considered from the angle of compensation for the soldiers and also with a view to not imposing too great financial hardship and taxation burden upon the American people in consequence of the enactment of such legislation.

The substitute proposed by the Senator from New Mexico provides that one-half of the bonus shall be paid in cash immediately to those who make application for a cash payment. To meet this cash payment it is estimated, so I am informed, at least $750,000,000 would be required. That is in contrast with a requirement of $76,000,000 or $78,000,000 to be provided during the first year under the bill reported by the committee. Where are we going to raise that difference in the requirement to meet the cash payment under the two measures? If somebody knows where it can be raised otherwise than by taxing the American people I would like to have him point out the source of deriving that revenue and those funds except by taxation of the American people.

Mr. BURSUM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from New Mexico?

Mr. TRAMMELL. I will yield for a question.

Mr. BURSUM. I will ask the Senator what the difference is between borrowing $750,000,000 upon the credit of the Government direct, and borrowing $750,000,000 upon the credit of the Government indirectly through the banks, and if it is not true whatever moneys may be in the Treasury are the property of the people and it makes no difference whether we take the money from the banks indirectly or whether we borrow the money directly by the Government?

Mr. TRAMMELL. The difference in the two proposals is that one provides for raising only about $78,000,000 within the first year while the other provides for a payment which would amount to approximately $750,000,000 in the first year. There is considerable difference between raising the smaller sum and raising the larger, whether we raise it directly or indirectly, whether we raise it upon Government security direct or whether we raise it by some circuitous route of providing the funds.

Mr. BURSUM. What about the $700,000,000 which is to be paid by 1926, within three years, at a high rate of interest?

Mr. BORAH. Mr. President, will the Senator yield for a question?

Mr. TRAMMELL. I yield.

Mr. BORAH. Could we not raise the $750,000,000 by collection of the foreign debt?

Mr. TRAMMELL. I would much prefer to have it provided in that way, and so far as I am concerned I think we ought to collect the foreign debt. Certainly there is enough to be derived from that source to meet the obligation that may be incurred under the pending measure.

Mr. BORAH. Why not collect $750,000,000? We could collect it as easily as we could collect $78,000,000.

Mr. TRAMMELL. I am discussing the substitute offered by the Senator from New Mexico.

Mr. BORAH. So am I.

Mr. TRAMMELL. It does not provide for collecting that debt.

Mr. BORAH. But there was an amendment offered by the Senator from North Carolina [Mr. SIMMONS] yesterday, which was practically unanimously agreed to by the Senate, under which there would be no trouble at all about collecting it.

Mr. TRAMMELL. It does not provide that it has to be collected, but it says that if it is collected it shall be applied, and if it is not collected then the obligation shall be paid from other funds in the Treasury not otherwise appropriated. That is the provision.

As a friend of the soldier, desiring to support legislation which has his approval and which is acceptable to him, I can not drift away and support a substitute for the bill which may jeopardize the soldier receiving any recognition at the hands of the Government. Certainly, in my opinion, the substitute is more likely to jeopardize his interests than the enactment of the measure proposed by the committee. For the reasons thus briefly outlined by me, I hope the substitute will be defeated, and that the bill as reported by the committee will receive the approval of the Senate.

Mr. WILLIAMS. Mr. President, the old, eternal warfare betwixt tweedledee and tweedledum is going on and of course will continue to go on as long as the human race lives and as long as human beings have to do something which they more or less desire to cover up. The original bill and the substitute remind me a great deal of that old and eternal warfare. Each man, whether with the amendment or with the bill, is attempting to repeat one of the most comical scenes in one of the best old English novels.

Dr. Warren wrote "Ten Thousand a Year." When Tittlebat Titmouse became a candidate for Parliament, his candidacy was carried on by a very distinguished lawyer by the name of Oily Gammon, who was of the great firm of Quirk, Gammon and Snap, who were the original inventors of the lawyers' phrase, "Admit nothing, waive nothing, deny everything."

When the time came to run Tittlebat Titmouse, who up to that time had never had any virtues of any description, but who later, when he was elected to Parliament, was found to be able to imitate the crow of a cock so perfectly as to represent a rallying cry of his own party very much in the House of Commons, Oily Gammon announced Tittlebat's election platform, and his platform was to pass a bill "to give everybody everything without taking anything from anybody."

That is about what you are all up to. You are trying to pass a bill giving not everybody everthing but some three or four million people a whole lot of things and you are pretending that it will not cost anybody much of anything. The substitute, so far as I can see, is the more plausible pretense of that character than the original bill, and therefore I am going to vote for the substitute. It does at least recognize that the payment has to be made ultimately by bonds or taxes or in some other way. The bill does not recognize that it has to be paid in any way in the world. You are attempting to convince the soldier that he will get somewhere between three and five billion dollars and attempting to convince the American people that they will never have to pay any taxes to enable the soldier to get it.

It is a bill "to give nearly everybody nearly everything and to take almost nothing from anybody." That is the bill and that is all there is to it. It is all pretense. Why do you not come out openly and obey what the President said is right and sound? Put upon the bill the taxes that shall raise the amount of money that you are voting. You know that sooner or later, directly or indirectly, the American taxpayer must pay it. Why not, then, have the courage to put it in the bill? I know your answer, "But we are afraid to put it in the bill." That is your honest answer if you make any at all. "We are afraid to put it in the bill. It would render the bill so obnoxious that it would not pass or it would render the bill so obnoxious that those who vote for it never would come back to this sacred body." You are afraid to put the tax or the bonds in the bill. You hope to have it hanging over as a responsibility to be met by legerdemain of some description in the future. The Senator from North Carolina [Mr. SIMMONS] hopes that it will be paid by Serbia and Belgium and Italy and France and Great Britain.

So far as I can learn, only one of those powers is ever going to pay its debt, and that is Great Britain; she will pay hers. Italy is about bankrupt; Serbia has for many years not been anything else; Czechoslovakia has a little bit of money, but not enough to pay up and avoid revolution. The civilized world ought to cooperate to help Belgium, instead of cooperating to make Belgium pay for having been ruthlessly and unprovokedly invaded by the German armies.

Senators may say that is sentiment and that sentiment is "rot." I believe a Senator yesterday made a long speech, the sum and substance of which was that sentiment was rot. Sentiment is the only thing in the world that is not rot. The boldest, bravest, and strongest man that ever lived, after a few years, becomes dust and rot; the most beautiful woman that ever rivaled in charms the Venus or the Diana becomes rot after a little while; the most innocent child, with the clearest blue eyes, becomes rot; but a principle, an idea, a sentiment, never becomes rot. It is the only thing that never does.

The very first principle of statesmanship and the first great sentiment is to have the *courage* to do what you are going to do *openly*. If you are going to pass a bill which will result in levying upon the American people to the third and fourth generations of those who now live an immense amount of money, then come out and have the courage to do it; but between the pretenses and evasions the particular pretense and evasion offered by the Senator from New Mexico [Mr. BURSUM] is the more plausible and the more praiseworthy of the two. It comes nearer being honest and nearer being courageous.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. WILLIAMS. I yield.

Mr. HITCHCOCK. How would the Senator from Mississippi get around the provision of the Constitution which requires all revenue legislation to originate in the House of Representatives?

Mr. WILLIAMS. Mr. President, that question had been debated a great deal in Great Britain before it arose here, and it has been debated here. I once made a speech upon the floor of this body contending that the right construction of that provision would include all appropriation bills as well as revenue bills, because originally in the House of Commons revenue bills not only pertained to the raising of money by taxation but also the spending of money by act of Parliament; but I do not wish to go again into all that. I have in the CONGRESSIONAL RECORD about 8 or 9 pages upon that subject, but Congress did not quite agree with me about it. I agreed with the House of Representatives that not only all bills imposing taxes but that all bills making appropriations out of the Treasury are revenue bills and should originate in the House of Representatives; but my opinion upon that subject is somewhat peculiar and a little lonesome. In this debate I am assuming that the parliamentary record of what in my private opinion is wrong has been historically recognized as right.

Mr. HITCHCOCK. This is not a matter of appropriation. The question is, should we put on this bill a provision for raising revenue to meet its provisions: How are we going to get over the constitutional provision that the Senate has no power to originate such legislation?

Mr. WILLIAMS. I shall not enter into that. The House of Representatives has sent this bill over here and there is not a Senator here who does not know that it necessitates taxation. Necessitating taxation, and the Senate having the power to amend a bill which necessitates taxation, it can do it by providing new methods of taxation or new methods of payment not involving immediate taxation, and that has been the uniform course of American parliamentary history.

However, Mr. President, how is the money to be raised that will pay for the Liberty bonds and the Victory bonds? By taxation, is it not? How can we avoid that taxation by simply providing that a certain amount of money collected from our foreign debtors shall be appropriated out of the Treasury to a certain purpose? We do not avoid it; we merely deflect it. We must finally make the taxation apply to the taxpayer. The House of Representatives avoided its duty because it did not have the courage to face it. It said that it would not provide any method whatever of paying this money, although it was going to appropriate it out of such sums in the Treasury as were "not otherwise appropriated."

However, all the sums in the Treasury are appropriated for the next year and there will be a deficit, I believe, of several hundred million dollars. That is the courage that is exhibited by the House side and by this side. The Constitution says that the House shall originate revenue measures, but it also says that the Senate shall have the power to amend them. This is a revenue measure absolutely and necessarily, and no honest man can deny that there must be taxes levied, collected, and paid in order to meet its obligations.

Mr. ROBINSON. Will the Senator yield to a question?

Mr. WILLIAMS. Yes.

Mr. ROBINSON. The Senator from Mississippi has just stated that this is a revenue measure because it makes necessary the imposition of taxes in order to meet the obligations which it creates. Is that the Senator's definition of a bill raising revenue? Another question: Does the Senator not know that the Congress is in the habit of passing appropriation bills without providing the revenue in those bills with which to meet the obligations created?

Mr. WILLIAMS. Oh, Congress has several bad habits. The Senator has just pointed out one. Yes; whenever there is money in the Treasury that course is excusable, but when we have not, which we now have not and which the Senator knows we have not, we ought to take a straighter course.

Mr. ROBINSON. May I ask the Senator why he insists upon applying to this particular bill the principle of requiring——

Mr. WILLIAMS. I am not applying the principle to the particular bill; I am applying it to this particular situation which I have mentioned. We have not the money in the Treasury, and the Senator knows we have not got it.

Mr. ROBINSON. Very well; but we are also making appropriations for hundreds of other subjects, though we have not the money in the Treasury to meet them. We have authorized by amendment to this bill the appropriation of $350,000,000 for reclamation purposes, and yet we have not the money in the Treasury to meet that obligation. We are also authorizing appropriations for divers other subjects.

Mr. WILLIAMS. I know that.

Mr. ROBINSON. Why insist upon imposing in this particular bill a revenue provision——

Mr. WILLIAMS. I think I am talking under a time limit, and must, therefore, decline to yield further. I know what the Senator from Arkansas has stated, and I also know that three or four or five wrongs do not make a right, and that we ought not to be doing the very things against which the Senator enters his solemn complaint.

Now, however, our income-tax yield is running behind from forty to fifty million dollars a month—I believe that is the figure—and we are expected to come out at the end of the fiscal year with a deficit of from $300,000,000 to $400,000,000 in the payment of current expenses. Every man knows that not a dollar of the money proposed to be granted under the pending bill can be paid, provided all the other appropriations which were passed previously are paid, unless some taxation is levied upon the American people. To go back to what I said before, this is an attempt to make the soldier believe he is getting nearly everything and to make the taxpayer believe he is not paying anything. Other Senators know as well as I do that that is not true; that that is a false pretense; that every dollar that a soldier gets, if he gets it, somebody must pay. Other Senators know as well as I do that public money does not come down like manna from heaven to the children of Israel in the desert; they know as well as I do that the Government is not an independent financial entity; that it has no pocketbook at all, but that its so-called pocketbook is the pocketbook of all the people who pay the taxes.

If we are not going to do any better, we had better provide in this bill for the issuance of bonds. That would avoid the constitutional question, because Congress has a right to provide for the issuance of bonds under a bill originating either in the Senate or in the House, according to our uniform, though, in my opinion, mistaken practice. If we are not going to pay the cost of this bill out of taxation, why not pay it out of bonds, and let the bill provide that the bonds shall be issued and floated at whatever the price they will float when bought by the people? The truth is, however, it is desired to avoid the appearance that it costs anything, but it is only the appearance that can be avoided; the thing itself can not be avoided.

Mr. POMERENE. Mr. President, I should like to ask the Senator from New Mexico [Mr. BURSUM] a question or two before making the observations which I intend to make with respect to the substitute amendment proposed by him. I did not hear the first part of the Senator's explanation of his amendment this morning, but as I understand it, if his proposed amendment shall be adopted the total obligation assumed by the Government in payment of adjusted compensation, and not including interest, would amount to about $1,560,000,000. Am I right?

Mr. BURSUM. That is correct.

Mr. POMERENE. Under the Senator's plan it is proposed that one-half of that amount shall be paid in cash and that the Government's obligations shall be given for the other half. Am I right about that?

Mr. BURSUM. That is correct, except there is a provision that there shall be paid in full all those claims amounting to $50 or less.

Mr. POMERENE. And the deferred payments are to earn 5½ per cent annual interest?

Mr. BURSUM. That is true.

Mr. POMERENE. I also understand that, assuming the Government would have to borrow the money with which to pay both the cash payment and to pay the bonds or certificates at the time of their maturity, the Senator estimates the interest thereon will amount to, in round numbers, about $1,000,000,000, assuming that the money must be borrowed for a period of 20 years.

Mr. BURSUM. Nine hundred million dollars plus the interest on $60,000,000, which would be about $5,000,000 more, making a total of about $905,000,000.

Mr. POMERENE. So that the Senator estimates that the total cost of his proposed substitute, including interest, will be $2,465,000,000.

Mr. BURSUM. Yes; that is approximately correct.

Mr. POMERENE. I thank the Senator for that information. I notice by the report which has been presented by the committee that the total cost of the pending McCumber bill will be, in round numbers, about $4,000,000,000. The estimated cost as set forth in the report is $3,845,659,481. For the purpose of my remarks I am going to assume that the sum is about $4,000,000,000, although from the investigation and study which I have given this subject I am inclined to think the total cost under the McCumber bill will be something over $4,000,000,000. Now, the business proposition presents itself: Shall we so legislate here to-day on this subject as to incur an indebtedness of $4,000,000,000, or shall we so legislate as to make that indebtedness $2,465,000,000? What does business judgment suggest to the Senate of the United States? What is our duty to the taxpayer?

More than that, one of the reasons for passing this law at this time is the need of the veteran. Under the McCumber bill we pay in cash those found to have a service credit of $50 or less. To the balance of them we give a certificate payable in 20 years. The veteran can not use his certificate except to go out and make a loan. If he can not get a loan, if the banks for some reason or other refuse to make the loan—and it is only banks that are authorized to make the loan, not individuals—when they make their loan they are entitled to charge 2 per cent in excess of the amount which they must pay when they go to the Federal reserve bank for a rediscount; and, as has been pointed out very clearly by the Senator from South Carolina [Mr. SMITH], the rate of interest which the veteran may have to pay in one bank district may be 5 per cent, in another it may be 6, in another it may be 7; and to me that is the most objectionable feature of the McCumber bill.

We say to the veterans: "Here is a piece of paper. Go and hawk it about the banks to see whether or not you can get a loan." What more do we do? We say to the veteran, "We owe you $100. We are going to increase that 25 per cent; we are going to have it draw 4½ per cent compound interest to meet your present necessitous financial condition." Is it going to be any credit to the United States to have these countless certificates hawked about from one bank to another?

No, Mr. President; I can understand how there can be an honest difference of opinion as to whether or not we shall pass any legislation upon this subject at the present time; but having decided that we are going to do it, let us do it in some form which will comport with the dignity and honor of the country. Let us as a Government, if necessary, raise these funds—and I am not going to discuss that question now—but let us raise the money and not ask the veteran to go out and raise it. I would as soon see every bank place up in front of its door the three balls with which some are familiar as to have the veterans go around in this kind of a way. We say we are doing this for the love of the veteran. If we are going to do something, let us do it in a manly way. By adopting the amendment presented here by the Senator from New Mexico [Mr. BURSUM] we are saving to the Government and to the taxpayers of the country approximately $1,500,000,000.

Why, Senators, assume this was your personal obligation. How would you finance it? By issuing your notes and having the holders go around and hawk them about from bank to bank? I think not. I think you would devise some plan whereby you could go to some one bank or a combination of banks, present your obligations with your securities, and have them discounted.

If an individual debtor should scatter his small obligations about in this way, the commercial world would say he was in failing circumstances. Is the situation changed because the Government is the debtor?

Mr. President, I do not care at the present time to take up the general proposition. I may do that a little later, but as business men, as Senators who are supposed to have a regard for the Public Treasury as well as for the taxpayers and an abiding interest in the veterans themselves, let us give this recognition in a straightforward way. Let us get the money and have done with it.

Mr. HEFLIN. Mr. President, I feel very much as my friend the Senator from Florida [Mr. TRAMMELL] feels upon this subject. I am anxious to provide adjusted compensation for the soldiers. I am afraid that there is a disposition on the part of some of those who oppose adjusted compensation to load down this bill with so many amendments that it will be in such shape as would afford the President a good many excuses to veto it. We do not want that to happen.

The bill, in the main, as it came from the House is, I understand, acceptable to the ex-service men, and we have improved that bill by the amendment offered on yesterday by the Senator from North Carolina [Mr. SIMMONS].

That amendment provides for the collection and use of the interest on the debt due us by foreign countries for the purpose of paying this adjusted compensation to our soldiers. That interest amounts now to more than $1,000,000,000. I called to the attention of the Senate yesterday the fact that France and England had paid to private interests in Wall Street $1,700,000,000, and I submitted then and submit now that if France and England can pay debts in this country due to private persons they certainly can pay the interest upon the debts due to us. When France and England have used the money they have borrowed from us to square the debt with their soldiers, to pay them an adjusted compensation, they can not now complain if we demand interest upon that money sufficient to square the account with our own soldiers.

Mr. President, the news of the adoption of the amendment of the Senator from North Carolina [Mr. SIMMONS], if it was cabled to Europe last night, threw consternation into the camp of some of our American editors sojourning now in the Old World. For weeks and months a propaganda has been carried on to cancel this indebtedness to the American people. Wall Street interests are seeking to have it canceled. Certain American financiers will make hundreds of millions of dollars if they can have it canceled. Their pay as commissions upon this $11,000,000,000 would amount to several hundred millions of dollars. If certain newspapers in this combine with Wall Street financiers can engineer this deal through and deprive these soldiers of adjusted compensation and have this debt canceled, as they hope to do, they will all make big money out of the deal. Some of them are not moved in any way by sympathy for the people of the countries that owe us. They are moved by what they are going to get in cold cash if they can get our Government to cancel this debt of billions.

The Washington Post this morning has a misleading article about this foreign debt—and I want to say that no Senator in this body ever heard before of the suggestion that it contains. The proposition has been to cancel this debt. Men high in authority in this land have been working to cancel this debt. Newspapers, prominent dailies, have advocated canceling this debt. The editors to whom I have referred time and time again are in Europe now, some of them, sojourning for a time, looking out for ways and means of shaping public opinion in the United States to get our people worked up to the point where they will forgive this debt, while 4,000,000 of American soldiers, who saved the liberty of the world, are mistreated, neglected, and seemingly forgotten.

Here is what this article says. It is a nice suggestion on the printed page of a big daily paper in Washington:

> But the amendment to set aside interest on America's foreign obligations for the bonus involves other considerations which admittedly can not be overlooked. In the first place these funds have been counted upon to reduce America's national debt and liquidate Liberty bonds, Treasury certificates, etc.

That is the first suggestion we have had to that effect. This thing was being babied along to suit the cancellation group; but when the Senate yesterday, by a good vote, voted to collect the interest upon this foreign debt it sent consternation into the quarters of the money changers of the Republic. This morning they are sounding the alarm. They are going to try to have that provision taken out of this bill. Watch for that.

Here is an opportunity to pay this soldiers' adjusted compensation without taking a nickel out of the Treasury, without taxing the American people one five-cent piece, by demanding enough of this foreign debt to square the account with our soldiers.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Michigan?

Mr. HEFLIN. I am glad to yield to the Senator.

Mr. TOWNSEND. I think the Senator will see, if he reads the article very carefully, that it probably does not make a misstatement in reference to the bonds. I think the second Liberty loan act provides that the proceeds of the sale of those bonds shall be used for the liquidation of the public debt. Where the Senator differs and where the Senate differs from the article in the paper is that that provision of the statute applies simply to the sale or disposition of the bonds. It does not apply to the disposition of the interest on the bonds, to which our amendment does apply.

But it is true, as they say there, that these bonds have already been cared for in the sense that when they are sold or paid the proceeds shall be applied upon the bonds which have been issued at that time.

Mr. HEFLIN. Mr. President, I now come back to my proposition that this debt is long past due. It is over $10,000,000,000, and the interest has accumulated until it amounts to more than a billion dollars and none of it has been paid. The propaganda has been going on in this country to forgive this debt, to cancel this debt, to wipe it out. Men stand up in this body and talk about how hard it would be to raise a half billion dollars for our soldiers, men who are ready in secret council to vote to forgive this debt of $10,000,000,000 and let it be wiped out entirely.

I call to mind again what I witnessed here when those boys were going off to battle, how these men who have since forgotten cheered and how they seemed to point with pride to those gallant soldiers of our country. I recall the time, to which I have referred once before, when on the firing line in France the question was a little in doubt for a time as to who would win the day. Some of our soldiers were there participating with the Allies, and we were hoping and praying in our hearts that the Allies could hold the line until our men could arrive. We were saying, "If they do hold it until our boys get there, our cause will be triumphant."

One day our boys arrived at the battle front in France. Then the casualty lists commenced to appear in the newspapers here at home. The Washington Post, a copy of which I hold in my hand, had columns filled with the names of the gallant boys, in the flower of their young manhood, killed in action the day before, carrying the spirit of America with our flag. Those casualty lists grew larger and larger as the days came and went, and as we read down the columns all of us saw the names of boys from our States who had fallen in the conflict serving our country. These purse-proud, hidebound profiteers were then saying, "We would be willing to give half we have if we could win this war and bring those boys home in safety." They had a little heart left then, some pride and patriotism, and were willing then to divide what they had. They said they would be willing to give half they had if they could just end the war in victory and bring the boys home. Those boys, God bless them, ended it in victory and came home—most of them—and what did they find? They found the Republicans in power in both branches of Congress.

What have you done for them? You have shut the door in their faces for four years; and they are still standing out yonder neglected and seemingly forgotten, asking simply that you grant to them adjusted compensation of $1.25 a day—a human being, a brave young American out on the battle line, with death raining all around him, $1.25 a day—and you are voicing here the profiteer's spirit, saying that you can not raise the money to pay these boys.

The foreign countries owe us $10,000,000,000, and you do not want to collect it. They have a lot of friends around here who have not come out in the open yet, but who favor the cancellation of the debt. Here we are, with the amendment of the Senator from North Carolina adopted, and it provides for going after the interest on that debt. This morning when Wall Street woke up and found that we had started toward the collection of that debt they sounded the alarm to those of the inner council, where they have been planning for months to have the Government cancel that debt and maybe make a million dollars in commissions. This disturbed their well-laid plans to have the debt canceled, through which action they expected to make millions.

Yet Senators on the other side stand up here and talk about the valor of the soldier, and how much they love him; but they would not insult him by offering him adjusted compensation. The Master said, "I was hungry, and ye gave me to eat. I was naked, and ye clothed me," and "Inasmuch as ye did it unto one of the least of these, ye did it unto me." But these men think so much of these boys now they do not want to warm up their stomachs with a good warm meal, and they do not want to put good clothes on their backs, because they are afraid they will hurt their feelings and cheapen their patriotism.

Do you know what they remind me of, those who say, "I honor and love him," and shake his hand and put their arms around him as if to kiss him, and then vote to deny him adjusted compensation?

They remind me of Joab and Amasa. What happened to Amasa? He walked out in front of his men, and Joab approached him as a friend, with a cloak on, and with a sword hidden in the folds of his cloak, and as Amasa walked along regarding him as a friend, Joab walked up to him, took him by the beard, as if to kiss him, and said, "How is it with thee, my brother?" and then stabbed him under the fifth rib with his sword. We are having that treatment accorded to the American soldier by Senators, who say, "How is it with thee, my brave boy, honored soldier of my country?" They put their arms around him and say, "How is it with thee?" but stab him with the dagger of neglect, injustice, and ingratitude. That is what we are having, while some are scheming behind the curtains to forgive the debt in order to make millions and hundreds of millions in commissions.

My prayer is: God of the Republic, touch the moral consciousness of the men in this body and touch the hearts of the Members in the other branch, touch the spirit of the President, arouse the men and women of the Republic. God save our Republic from such international bartering, and God save our soldiers from such un-American, unjust, and cruel treatment.

Mr. NEW. Mr. President, there are occasions when I agree with the senior Senator from Mississippi [Mr. WILLIAMS], and one is afforded by what he said this morning with reference to the imposition of a direct tax for the payment of this so-called bonus. If the bill is to be passed at all, I think that is the only possible honest way to provide for it.

I would therefore vote for the imposition of a sales tax, as I have several times said, to provide the money with which to pay the bonus, if this bill is to be passed. I doubt very much whether such a provision would prevail; but I think it is the only honest way for the Senate and for Congress to approach this subject, to frankly and squarely impose a tax to be devoted to that specific and particular purpose.

Mr. McCUMBER and Mr. ROBINSON addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Indiana yield; and if so, to whom?

Mr. NEW. I yield to the Senator from North Dakota.

Mr. ROBINSON. How does the Senator expect——

Mr. NEW. The Senator from North Dakota was addressing me.

Mr. ROBINSON. I understood the Senator to yield to me.

Mr. NEW. I will yield to the Senator in a moment.

Mr. McCUMBER. The Senator does not admit for a single moment that the Senate can originate a bill for revenue, does he?

Mr. NEW. No.

Mr. McCUMBER. Therefore it is not in our power even to put an amendment on the bill providing for a tax.

Mr. NEW. I am addressing myself to the subject generally. Now I yield to the Senator from Arkansas.

Mr. ROBINSON. The Senator from North Dakota has asked the question I intended to ask.

Mr. NEW. Mr. President, I shall also vote for the Bursum amendment, because I think it is a vast improvement over the McCumber bill, which is now before this body. I voted for the

McNary amendment, and I voted for it in good faith, because I believe that amendment provides an opportunity for the soldier to get something ultimately that will be worth his while, whereas the McCumber bill, in my judgment, gives him something that is entirely inadequate and in a way that does him no good whatever, now or later.

The Senator from Michigan [Mr. TOWNSEND] mentioned a moment ago the fact that the second Liberty loan act provides that the foreign debt when paid shall be devoted to the extinguishment of those bonds.

Mr. McKELLAR. Mr. President——

Mr. NEW. In a moment. Last night when the amendment of the Senator from North Carolina was presented for adoption, I think I was the only Member of this body who voted against it, and I voted against it partly because I thought I recalled such a provision in one of the Liberty loan acts. I thought I knew also that the present provisions for the sinking fund take into account the expectancy that a certain sum shall be received from interest on those bonds and devoted to that subject. Now I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I just want to call the Senator's attention to the provision about which he is talking. I have it before me. It is not in the second Liberty loan act, but in the first Liberty loan act, under which $3,000,000 were loaned to our allies. It is found in section 3, and I am going to read it to the Senator, so that he and others who are interested in it may see the exact wording of this provision. It is as follows:

> SEC. 3. That the Secretary of the Treasury, under such terms and conditions as he may prescribe, is hereby authorized to receive on or before maturity payment for any obligations of such foreign governments purchased on behalf of the United States, and to sell at not less than the purchase price any of such obligations and to apply the proceeds thereof and any payments made by foreign governments on account of their said obligations to the redemption or purchase at not more than par and accrued interest of any bonds of the United States issued under authority of this act; and if such bonds are not available for this purpose, the Secretary of the Treasury shall redeem or purchase any other outstanding interest-bearing obligations of the United States which may at such time be subject to call or which may be purchased at not more than par and accrued interest.

That provision does not occur in the subsequent acts under which the money was loaned. It applies in the first place, therefore, simply to the $3,000,000,000 first loaned to our allies. The Senator can see also that it is a mere authority. It is not a direction to the Secretary of the Treasury. The Senator will also see that it does not appropriate the money. It does not place a trust around this money in any way whatsoever. It is a mere authority, and it can be applied not only to those obligations issued under the act but to any other interest-bearing obligation issued under the act, and for that reason I think certainly there is no trust surrounding even this $3,000,000,000 loan.

Mr. NEW. Mr. President, I had not read the act last night, nor have I read it this morning, but my recollection of it has been refreshed, and I am still of the opinion that the obligation rests upon the Government to devote the money received from those foreign loans to the extinguishment of the Liberty bonds. Certain it is that those bonds were sold to the public upon the strength of the declaration made by the Government of the United States that the proceeds of the foreign loans, whatever they might amount to, would be devoted to that end.

Mr. LODGE. May I say that it is most certain that there was no such provision in that law, providing what we should do with the proceeds in any way. I helped to draw the bill, and I think I am right.

Mr. McKELLAR. Will the Senator repeat the statement? We could not hear it over here.

Mr. LODGE. I said there was nothing in the act which prevented our using the funds from those debts, when repaid, for any purpose we choose, as I recall the act. I do not have it before me at the moment.

Mr. McKELLAR. I think the Senator is entirely correct.

Mr. LODGE. I took part in drawing the act with the Senator from North Carolina, and there is no restriction. We could use the money from that debt, when repaid, for any purpose we choose.

Mr. McKELLAR. I think the Senator is correct.

Mr. NEW. However that may be, I am as certain as I am that I stand here, that the bonds were sold to the American public upon that guaranty by the Government of the United States.

Mr. SIMMONS. I think possibly the Senator from Indiana has been misled by some publication or some propaganda which has been going on. There is nothing in the law, as I recall it, that requires a specific use of the money.

Mr. EDGE. Mr. President——

Mr. NEW. I yield to the Senator from New Jersey.

Mr. EDGE. I was very much interested a moment ago in the Senator's reference to the wisdom of imposing a sales tax to provide money with which to pay the bonus. I assume, without any question of doubt in my own mind, that those Senators who are particularly strong for the passage of the bill want the soldiers to get the money. Is it not true, from all information we have, that the bonus bill can not become a law unless the method of producing the revenue is provided through the medium of the sales tax? Is there not every indication pointing to that as a fact, that unless the sales tax is actually adopted as the method of obtaining the revenue, it is at least questionable whether the bonus bill will ultimately become a law?

Mr. NEW. Does the Senator mean by that to ask me if I believe that the President would veto any bill that did not contain a provision of that kind?

Mr. EDGE. Certainly. There is every indication that we have seen in the public print to that effect. Personally, I take that viewpoint and gather that understanding.

Mr. NEW. I have no authority whatever to represent the President in any such matter. I know what he has publicly said in this Chamber. I know from his various utterances from time to time how his mind is running with reference to the matter, but I have not at any time or at any place assumed to state what he would or would not do. That is for him to say. But speaking for myself I repeat what I said in the first instance, that I think the only honest and fair way to approach the question at all is to do it by the imposition of a tax that is to be devoted to that specific purpose.

Mr. President, I think that a lot of the argument which has been going on here is all folly. It has been to the effect that diversion of the proceeds which we are to receive from the foreign loans is to be made to relieve the American public of the burden that would otherwise have to be imposed by a direct tax. Why, Mr. President, that is so simple and so manifestly absurd on the face of it that one ought not to dignify it by a reference. If we do not take the money received from the bonds and apply it to the payment of the public debt, of sheer necessity we must raise a like sum of money from other sources and by other means to be devoted to that particular thing. There is no getting around it. There is no way to pay a debt except by digging down and getting the money to pay it, not even, as was suggested here yesterday, by the giving of a note.

I think that the Senate yielded to an attack of emotional insanity in attempting to provide for the payment of the bonus by the diversion of money that is to be received from a public debt. Why, we have not that money. We have no guaranty that we shall ever get it. Senators talk about propaganda that has been indulged in looking to the forgiving of those debts. Yes, Mr. President, there has been propaganda. I have read what Mr. James M. Cox said the other day and what Mr. William Jennings Bryan has said and what various other people in both political parties have from time to time said on that subject, but I have looked in vain for anything that has ever been said by any responsible officer of this administration which indicated a purpose on the part of the administration to forgive the debts that are owing to us by our former allies. I think they are regarded as just obligations and that it is the purpose to collect them. Furthermore, Mr. President, this Congress has created a commission for the purpose of negotiating for the payment of those obligations, and now we come in here and incorporate in an amendment, and I think without proper deliberation, a provision that in every way interferes with and hampers the conduct of that commission in the consideration of the subject. I can not agree to that at all. It was by reason of that fact that I voted as I did on the division last evening.

Mr. BURSUM. Mr. President——

The PRESIDING OFFICER (Mr. KENDRICK in the chair). Does the Senator from Indiana yield to the Senator from New Mexico?

Mr. NEW. Certainly.

Mr. BURSUM. I desire to call the attention of the Senator from Indiana to the fact that about $3,000,000,000 has already been paid by the taxpayers of this country on account of those bonds. The interest has been paid by the taxpayers of the country. While it is true that for the time being the foreign debt was expected to be paid, it was not forthcoming, it was not available, and therefore it could not be used, but the taxpayers of the country have paid about $3,000,000,000. Therefore, I assume that to that extent the foreign debt would be absolutely free for such use as the Congress might deem proper to make of it at least to that extent.

Mr. NEW. I am not willing to concede that any of the money owing to the United States shall be absolutely free until the debt that the United States has solemnly promised to pay has been paid. I believe that the Government should consider its obligations as private parties consider theirs, and so long as the Government owes money, and particularly when it owes it to its own people who have bought its bonds with money earned in the sweat of their faces, that it is due to the maintenance of the honor of the Government that those bonds be taken up as quickly as possible.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Alabama?

Mr. NEW. I yield.

Mr. HEFLIN. I would like to ask the Senator if there is any debt more sacred than the debt we owe to the soldiers who saved the life of the Nation and the liberty of the world?

Mr. NEW. Oh, Mr. President, that is an academic question. I do not think it is to be taken seriously at all.

Mr. HEFLIN. It does not seem to be taken very seriously by the Republican Party.

Mr. NEW. Of course, there is no debt that equals a debt of honor and an obligation of that character. But, Mr. President, the Senator from Alabama to the contrary notwithstanding, that kind of a debt can not be paid in dollars and cents.

Mr. HEFLIN. But it makes the soldier mighty comfortable by giving him something to eat and wear.

Mr. LODGE. Mr. President, we lent to foreign nations some $10,000,000,000, and, with unpaid interest, I think the debt now amounts to more than $11,000,000,000. That money is just as much ours to dispose of, if we ever get any of it, as any other part of the funds of the Nation. Assuming that the pending bill or a bill is passed providing for the payment of the adjusted compensation to the soldiers, that obligation will be paid. The argument of my good friend from Indiana would be that we must not pay anything or spend any money while there is an outstanding bond of the Government. We have gone on for a good while with bonds outstanding making large appropriations simply for the ordinary work of carrying on the business of the Government. Of course, that must be done.

These debts are all bonded debts with time limit. If we get any payment of interest from a foreign debt, we can devote that, like any other revenue of the Government, to any purpose that we may choose. There is nothing sacred about the return of money from that debt, nothing whatever. We borrowed the money of the people for a great deal more than that debt to pay the expenses of the war, but we go on carrying on the business of the Government and paying the debt as we go, as all other nations do and as we have always done.

If the pending bill passes in any form, as I hope it shall, we shall have to pay the obligation it creates, and whether we take the money from loans paid back to the United States or whether we take it in any other way the people of the United States are going to pay it. I myself much prefer that it should be raised directly by taxation, and have said so in public many times. I think the House ought to have put on the bill a provision for raising the money by taxation. If the bill passes, the money will have to be paid by the people of the United States sooner or later. It is all going to be paid, and it can not be avoided. The direct way always seems to me the best way. As for putting on such a provision now, constitutionally we can not originate a revenue tax here. We can not raise revenue by an amendment to a bill which is not a revenue bill. It is out of the question to put it on here. If we did put it on the pending bill it would not be the sales tax that would go on, but it would be the excess-profits tax.

Mr. WILLIAMS. Mr. President, will the Senator pardon a question?

Mr. LODGE. With pleasure.

Mr. WILLIAMS. I heard the Senator say that he hoped this legislation would be enacted, but that we could not put a taxation provision upon the bill because of the Constitution of the United States.

Mr. LODGE. Yes; that is my judgment.

Mr. WILLIAMS. Does that prevent our sending the bill back to the House with an injunction that they shall perform their constitutional duty before we attempt to make it a law?

Mr. LODGE. Of course, we can reject the bill in various ways, and one of them is to kill it in conference, as will be done by the Bursum amendment, in my judgment.

Mr. WILLIAMS. Could we not pass the bill with an amendment which would require the House to perform its constitutional function?

Mr. LODGE. I do not think we can put on the bill an admittedly unconstitutional amendment.

Mr. WILLIAMS. Then if it is unconstitutional because the House has not originated taxation in connection with it, how does it come to its passage with that defect in the bill?

Mr. LODGE. I do not think it has that defect as it stands.

Mr. WILLIAMS. That is the point of difference between us.

Mr. LODGE. I think we are creating a charge upon the Treasury by issuing certificates which will all have to be paid sooner or later, of course, and, if necessary, be paid by taxation; but I do not think at this stage we can attach an amendment to the bill which we admit is unconstitutional.

Mr. WILLIAMS. That is what I am aiming at. Why could we not, then, attach an amendment to the bill providing for certificates or providing for bonds which would require the House of Representatives either absolutely to accept that provision or to originate a tax scheme in connection with the bill?

Mr. LODGE. I do not think we can compel the House in that way. Of course, to send it back with a provision that no House of Representatives would ever accept would be one way of killing the bill, and that is, of course, what this amendment would do, and every Senator who is against the passage of the bill would vote for such an amendment.

Mr. SIMMONS. Mr. President, in offering the amendment which is now the subject of discussion I had three definite objects in view: First, inasmuch as the President had stated through the press that he would not sign the bill unless it provided means for the payment of the amount required, I wished to supply the means of payment so as to remove all excuse or reason on the part of the President for vetoing the measure.

Secondly, Mr. President, I knew that there were certain interests in the United States which were very apprehensive that if this measure should pass it would result in additional taxation, and, as the Senator from Massachusetts has said, they had in mind particularly an excess-profits tax and perhaps to some extent a sales tax. I thought it was important in connection with this matter, if possible and feasible, to quiet those apprehensions on the part of the business interests of the country. If the bill had passed without any provision for the payment of the obligation incurred, that apprehension would have been accentuated. The business interests would have been in constant fear that resort might be had again to an excess-profits tax or that the income tax might be increased or that a sales tax might be imposed.

Thirdly, when a similar amendment was offered by me some time ago to the revenue bill—I did not take the time to refer to this point yesterday—I urged its adoption upon the ground, among others, that the dedication of this fund for the payment of our obligations to the soldiers would take away from foreign countries some of the inclination to insist upon the cancellation of their debts to America, and that it would be notice to them that we did not intend to cancel their debts. I have for a long time thought that the constant hope in the breasts of the statesmen of foreign countries that sooner or later these debts might be canceled has interfered with and retarded the adjustment of our foreign loans.

Mr. President, the Senator from Indiana [Mr. NEW], who is the sole Senator in this body who on yesterday voted against this amendment, voices here to-day as the reason for his opposition some suggestions which I have read in one or, perhaps, two newspapers. He broadly intimates that the adoption of the amendment may lead to a veto on the part of the President. If that is true, Mr. President, then one of the reasons which prompted me in offering the amendment, and I think one of the reasons which prompted the Senate in supporting the amendment, was based upon a false assumption of the effect of the amendment upon the presidential mind.

If I understand the attitude of the President of the United States with reference to this measure it is expressed in the message which he delivered to the Senate at the time he asked that the bill be recommitted to the Finance Committee. I think we have the right to take the President at his word and to assume that he has been candid with the Congress. In his message he said that the Treasury of the United States was in such financial straits that it would be inexpedient and unwise to pass legislation proposing to create additional obligations requiring immediate payment; in fact, he went so far as to say that, if it would not bankrupt the Treasury at that time, it would greatly embarrass the Treasury and the administration of the finances of the Government. Later he supplemented that statement with the suggestion that if a sales tax were provided that difficulty would be removed; that is, he indicated that he would prefer, if this legislation were to be enacted, that the money be raised by a sales tax. That suggestion met with universal criticism and disapproval throughout the country. Then the President, if the authorized statements emanating from the White House are to be accepted, indicated that he would require, as a condition precedent to signing the bill, that the means of its payment be provided in the act itself.

For months, in connection with the question as to whether the President would approve or disapprove the bill, the idea in the public mind—and that idea was created by statements from the White House—was that it would not meet with a veto if the means were provided for its payment. That meant, of course, if those means were provided in such a way as not to embarrass the Treasury in the manner indicated in the President's message.

At the time the President's message was delivered the proposition was to pay the whole amount of this indebtedness in cash or by some land settlement. The insurance feature had not then been introduced or suggested. The amount that then would have been required would have run up into the billions, and an appropriation of money to that amount would have been, in the conditions in which we then found ourselves and, indeed, in which we now find ourselves, embarrassing; but that danger is obviated by the provisions of the bill which we are considering. The bill we are now considering does not provide for many years to come an appropriation that will reach as much as $100,000,000 in any one year. Surely, under such circumstances, the President's position must be interpreted to mean that if we provide a way of payment for this lesser sum such action will not embarrass the Treasury, and his objection to the legislation—which I understood him then to declare he favored in principle—would be removed. We now propose to provide even an easier way, so far as the difficulties of financing by the Government are concerned. We provide for the dedication to this purpose of the interest, or so much as may be necessary of the interest, accruing from obligations of foreign governments owed to us.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Tennessee?

Mr. SIMMONS. I trust the Senator will pardon me for one moment.

So, Mr. President, I can see no reason, if this bill be passed, why the President of the United States should veto it upon the grounds of opposition stated at the time he asked that the measure be recommitted to the Committee on Finance.

Mr. McKELLAR. Mr. President——

Mr. SIMMONS. I wish the Senator would withhold the interruption, because I am afraid I will exhaust my 20 minutes before I say what I desire to say. If I have any time left after concluding I shall be glad to yield.

The Senator from Indiana says that we have dedicated the money to be derived from foreign obligations to the liquidation of the Liberty bonds and Victory bonds issued by our Government. The Senator is quite in error, Mr. President, because there is nothing in the law which makes any such provision or imposes any such condition as that. If there were, it would not be in the nature of a condition. No holder of those bonds to-day doubts their solvency; no holder anticipates any defalcation in the payment of interest or of principal when due, and it would be perfectly legitimate for us by subsequent legislation to modify such a provision if it were embodied in legislation, but in fact no provision of that sort was made.

I have seen in the newspapers—and the Senator from Indiana gave expression to that apprehension—that the adoption of this amendment would in some way or other embarrass and handicap the commission which is now engaged in trying to adjust the amount of the indebtedness due by foreign countries to our Government. What has that commission, Mr. President, to do with the disposition which the United States intends to make or shall make of the interest which it receives or of the bonds when they are delivered? What right have the foreign debtors of the United States to interfere in any way with the American Government's disposal of the interest which they pay us or with the bonds which they deliver to us? Of course the suggestion that my amendment would interfere with the funding of the debt is without merit or force, and, indeed, is quite absurd.

So far as foreign Governments are concerned, one thing that this amendment will do, and one thing that we desire it to do, is this: Those foreign Governments will be given to understand, once and for all time, that the United States intends that these obligations shall be met, and that we do not intend voluntarily to surrender or cancel them. We want to put an end to any vain and unreasonable hopes upon the part of our debtors that something may turn up whereby the United States may be cajoled or persuaded to a relinquishment of those debts. There is much that affects the stability of business conditions in the United States involved in that situation. These debts are large. Measured by any other obligations that ever existed in this world, they are gigantic; and yet, while some of our debtors may not be able to meet them in full, most of these debts are due us by countries that are to-day in just as good condition as we are.

I do not care what you say about the difficulties of France; I know that to-day there is no country in the world that is more prosperous than France. There is no country in which business affairs are moving on as smoothly as they are in France. France to-day is able to maintain the biggest army, outside of Russia, in the world, and she is maintaining it. Her factories are running full time. They have been rehabilitated. Her sons find constant and lucrative employment. She is able to pay, and, as for me, I say let her understand that she must pay her just debt to America.

So far as Great Britain is concerned, while she has incurred an immense obligation, not only to us but otherwise, no country in this world is better able to meet her financial obligations than Great Britain. If she has some little difficulties at this time, they are difficulties which can be overcome by a great empire like that—an empire upon which the sun never sets; an empire that has her colonies scattered throughout the world feeding her domestic industries. She is just as able to pay her obligations as the United States is to pay our own obligations. Let England also understand that we have already given her enough, and that she must pay her debt to America.

This talk about cancellation of the debts, this hesitation about the settlement of these obligations, ought in some way or other to be brought to an end; and I know of no better way to do it than to have an act passed dedicating the interest accruing from that indebtedness to the payment of the soldiers—the soldiers who not only fought for the civilization of the world and to avenge the outrages that had been perpetrated upon the honor and the dignity of this country but who fought primarily to preserve the liberties and the civilization of the Governments that owe us these debts. We want them to understand that this indebtedness was incurred in the effort of the United States to help and save them, and that we are going to pay over, as we collect it, the interest upon this money that they owe us to the boys who fought their battle as well as our battle.

Now I yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I just wanted to call the Senator's attention to the fact that the interest to be collected from England alone will amply finance the payments under this bill all the way through; and England has already, by her financial ministers, expressed her firm determination to begin some time in November to pay the interest regularly.

Mr. SIMMONS. There is not any doubt about the statement which the Senator makes. I stated yesterday that if we did not collect interest for the next two or three years from any of the debtor governments except Great Britain that fund would be amply sufficient to meet the cash payments provided under this bill. It would not be sufficient to meet the cash payments provided under the substitute now offered by the Senator from New Mexico, however.

Mr. McKELLAR. I was just going to call the Senator's attention to that fact.

Mr. SIMMONS. Not only that, but one year's payment of interest by Great Britain would probably amount to more than two years' payments under this bill. I think I am substantially correct in making that statement.

Mr. BORAH. Mr. President, later during the consideration of this bill I hope to discuss the question of the foreign debt and its availability for the purpose of paying these ex-service men. What I desire to call attention to particularly at this time is the stress which has been laid upon the proposition by the able Senator from North Dakota [Mr. McCUMBER] when he opened the debate and reiterated by the Senator from North Carolina [Mr. SIMMONS], that this bill now meets the objections which have been made heretofore by the President and by the Secretary of the Treasury, and therefore that there is no occasion to fear what they both seem possibly to anticipate—objection upon the part of the President.

I have no means of knowing what the President's views are at the present time with reference to this measure, and I do not discuss that question at all; but I call attention to the fact that if we go back to the President's address upon the 12th of July, 1921, we will find that this bill does not meet at all the objections which the President made at that time, and which he later repeated in his letter to Mr. FORDNEY, and which Mr. Mellon has repeated upon two different occasions in his letters.

I call attention to some of the views expressed by the President in July, 1921. He says:

> The enactment of the compensation bill in the midst of the struggle for readjustment and restoration would hinder every effort and greatly imperil the financial stability of our country.

Can it be said that restoration and readjustment are completed?

Mr. SIMMONS. Mr. President——

Mr. BORAH. I yield to the Senator from North Carolina.

Mr. SIMMONS. I want to say to the Senator that while I think he was not in the Chamber when I was discussing the matter, I stated that at the time the President delivered that message the bill then pending, and which he asked to have recommitted, practically provided for cash payments, which would have involved a tremendous outlay by the Treasury, amounting to three or four billions of dollars. The bill that we have under consideration now is one that provides only for a small annual payment.

Mr. BORAH. It is not, Mr. President, the cash payment alone which embarrasses the program of restoration and readjustment. That which embarrasses that program is putting upon the Government an additional obligation, whether paid to-day or to-morrow, of from four to five or six billions of dollars. It is perfectly idle to say that notwithstanding the fact that you impose that tremendous obligation upon the Government which we have to face, because to-day you only draw $78,000,000 of it, therefore it does not embarrass or impede the program of restoration and rehabilitation.

But the President further states: "This menacing effort to expend billions in gratuities will imperil our capacity to discharge our first obligation to those we must not fail to aid." What is the situation with reference to our obligation to the disabled men of to-day compared with what it was at the time the President spoke? I call attention to the fact that at the present time we are expending $488,000,000 a year upon the disabled soldiers, about $1,264,000 every day of the year, and about $1,000 every minute of the day; and that will increase during the next two years so that it is calculated that it will easily reach $800,000,000 a year. So the obligation with reference to taking care of the disabled soldier is greater, heavier, and more burdensome by far than it was at the time the President spoke a year ago, and it is now disclosed that it is to continue to increase at a more rapid rate than was anticipated at that time.

I pause here to say that while I am perfectly satisfied that no able-bodied soldier would permit himself to be placed in a position where he would in any way embarrass taking care of the disabled soldier, nevertheless it must be perfectly apparent to anyone who will stop and consider the matter that imposing an additional obligation on the Government of from four to six billion dollars a year will embarrass the Government in meeting its full obligation to the disabled soldier. Indeed, it is now claimed that by reason of the fact that the Government is seeking to economize we are already failing to do our part by the disabled soldier, and when we add to it the obligation which we already have we will fail, in my judgment, more pronouncedly to meet that obligation which everyone surely desires to have met in full degree.

I will read into the record a statement showing the expenditures. The expenditures to April 1 of last year were as follows:

Military and naval family allowances	$298,615,000
Military and naval compensation	557,150,000
Insurance	23,000,000
Administration	83,896,880
Hospitalization	224,729,402
Hospital construction	47,095,000
Vocational training	469,133,370
Disposition of remains	33,473,782
Bonus allowance at the close of the war	48,682,200
Payments to beneficiaries of Army men and officers	2,495,000

Amounting up to that time to $1,996,260,634; and since that time it has increased until this year we are preparing to expend $488,000,000. So I say not only that the objection which the President raised at that time, that it would embarrass us in the reconstruction and rehabilitation of the industrial and financial condition of the country, has not been taken care of, but that the other proposition of embarrassing us in taking care of the soldier is more accentuated than it was at the time the President spoke.

The second objection to which the President referred was as follows:

> Even were there not the threatened paralysis of our Treasury, with its fatal reflexes on all our activities which concerns our prosperity, would it not be better to await the settlement of our foreign loans? At such a time it would be a bestowal on the part of our Government when it is able to bestow.

There has been no settlement or adjustment of the foreign loans. France had her representative here for the purpose of discussing the question of the settlement of the foreign loan, and what was his message? His message was not only that France could not pay her foreign debt but, frankly, that she was not in a position to pay the interest on her foreign debt. A few days after the conference broke up between the premiers of France and England the representative of France here dealing with the question of the foreign loan was called home.

The Senator from North Carolina says that France is perfectly able to pay. It may be so; I will undertake to present some figures a little later which, in my judgment, will present another side to that question. But suppose that in his mind or in my mind France is able to pay, but France sends her representative here and says that she is not going to pay because she is unable to pay. What kind of a gratuity is it you extend to the American soldier to say that he will be paid out of what France proposes to give?

Likewise, Mr. President, with reference to the other foreign countries. We all expect those countries in time to pay their debts. We have put it in our congressional enactment that no power except Congress can cancel those debts, and I venture to say that neither you nor I will live long enough to see the United States cancel those debts. The terms and conditions under which cancellation would be considered, if at all, will not soon be presented to this country. But the canceling of the debts and the collecting of the debts at a specified time, or when we get ready to collect them, are two different propositions entirely.

I ask the able Senator from North Carolina, how are you going to collect the debt from France?

Mr. SIMMONS. I will answer the Senator very frankly that we can not forcibly collect the debt from France or any other foreign government that owes us a penny.

Mr. BORAH. That is precisely the situation. So we are saying to the soldier, and, most of all, we are saying to, the taxpayer, "You are going to be relieved by our taking this money out of the payments of the interest upon the foreign debt," when they have already notified us that they are unable to pay, and it is conceded we can not force them to pay.

Mr. SIMMONS. While we can not force those Governments to pay us without going to war, we rely upon the integrity and honor of governments in all our international transactions, and it is assumed that if a government is able to pay it does pay or loses its standing among the nations of the earth. We have to rely in this case, as we would have to rely in any other case of a debt due us by a foreign government, upon their honor.

Mr. BORAH. Precisely so.

Mr. WILLIAMS. If the Senator will pardon me a moment, it is not precisely so, because I remember, and probably the Senator from North Carolina does, that the old Continental currency, issued by the people of that day, standing as high in honor as any people on the surface of the globe, has never yet been paid.

Mr. BORAH. They might have been lacking in national honor. Again, the President said:

> It is quite as unthinkable to reduce our tax burden while committing our Treasury to an additional obligation which ranges from three to five billions of dollars.

Mr. President, I have not the time to go into this at length under the 20-minute rule, but later on I am going to present to the Senator from North Carolina and to the Senate the actual figures, which will disclose that not only have we failed to reduce our tax burden, either in the municipalities, the States, or the Nation, but that we are daily adding to those tax burdens, and that instead of our being in a better condition to meet this burden than we were on the 12th of July, 1921, a consideration of the actual facts, as the taxpayer has to come in contact with them, shows that we are in a less desirable position to meet it than we were in 1921, because we have been doing as we are doing with reference to this matter; we have been utterly disregardful of the Treasury of the United States, and the governors have been equally disregardful of the treasuries of the respective States.

Again, the President said:

> A modest offering to the millions of service men is a poor palliative to more millions who may be out of employment. Stabilized finance and well-established confidence are both essential to restored industry and commerce.

Later, in his letter to Mr. FORDNEY on the 16th of February, 1922, he had this to say:

> My best judgment is that any compensation legislation enacted at this time ought to carry with it provisions for raising the needed revenue.

This bill utterly flouts the President's suggestion in that regard. It is well known, if the public prints be correct, that he so regards it. There has been no attempt in this bill to meet this suggestion of the President, and the Senate will unhesitatingly vote down any attempt to meet it, because we are wriggling here between the taxpayer and the bonus men, seeking to pay the one without offending the other. The Senate would not for a single moment entertain any proposition to put a single dollar additional tax upon the taxpayers of this country at this time. Why? Simply because it brings home to the taxpayer a concrete illustration of what this bill means.

Again he said:

> It is not an agreeable thing to suggest that action be postponed again, but, frankly, I do not find myself favorable to the piecemeal-payment plan, which is manifestly designed to avoid embarrassment to the Treasury. The long-drawn-out payments will not afford an effective helpfulness to the service men.

Does this bill conform to the President's wishes in that respect? Again he said:

> We have no serious problem in beginning the allotments of public lands and the immediate issue of paid-up insurance. The real difficulty lies in the payment of the cash bonus. Rather than provide that the maximum cash payments shall extend over a period of two and one-half years, it would be a vastly better bestowal if we could await the day when we may safely undertake to pay at once in full, so that the award may be turned to real advantage.

Instead of meeting the situation, we have spread it over a period of 40 years. He continued:

> Inasmuch as the Treasury is to be called upon to meet more than $6,000,000,000 of maturing obligations in the 16 months immediately before us, it is not possible to recommend the issue of several hundred millions of additional short-time notes. Further excessive borrowing would likely undo all that has been accomplished in readjusting interest rates and stabilizing the financial world, both vitally essential to the resumption of industrial and commercial activities.
>
> Granting that it is not fair to oppose any proposed plan without offering a substitute, let me repeat that I believe the American people will accept the levy of a general sales tax to meet the proposed bonus payments, and we should contribute thereby no added difficulties to the problems of readjustment. If Congress will not adopt such a plan, it would be wise to let the legislation go over until there is a situation which will justify the large outlay.

Mr. President, instead of this bill meeting the objections made by the President, it runs directly counter to some of them, and wholly fails to meet the others. How the President will view it when it finally reaches him I do not know; neither is it any matter of concern to me at this time. I only know that those things which he thought constituted a menace and an insuperable difficulty in 1921 are still with us and equally objectionable, if they were objectionable at that time. I think they were sound objections at that time and they are equally sound and insuperable now.

Mr. LENROOT. Mr. President, it was plain, from the President's message to the Senate last year, that his chief concern in regard to this bill was the immediate drain upon the Treasury which would be imposed by it, and the adverse effect the bill might have in the restoration of our financial condition, and the refunding of the indebtedness which must be refunded in the very near future.

I have been very greatly in sympathy with the idea that our Treasury is not in a condition to bear heavy drains upon it at the present time. That was one of the reasons why I voted on yesterday against the McNary amendment, because it authorized an additional appropriation of $350,000,000 in addition to the $78,000,000 for next year, and about the same amount the year following, imposed by the bill itself. However, my distinguished friend, the Senator from Idaho, voted for that amendment, which may impose a drain upon the Treasury of $350,000,000 before this indebtedness of which the President speaks is refunded.

Complaint is made because this bill does not carry any means for raising the money with which to pay for the obligation which will be incurred under it. The President suggested a sales tax, it is true, but I do not know that the President has anywhere stated that he would veto a bill if the bill were of such a character that it could be seen that the Treasury could meet the obligations which would be imposed by the bill.

There was no more reason for putting a revenue measure upon this bill in the House than there was for putting one upon any bill which comes before the Congress of the United States which imposes an obligation or makes an appropriation. We had the estimate of the Secretary of the Treasury several months ago that there would very likely be a very large deficit in the Treasury in the next fiscal year. Did the Senator from Idaho suggest that we ought not to pass the agricultural appropriation bill, or the other appropriation bills, because there was no means provided in the bills for the raising of the revenue which would be required to make the expenditures?

Mr. BORAH. The Senator from Idaho has not suggested it in reference to this bill.

Mr. LENROOT. Then I utterly mistook the Senator's argument.

Mr. BORAH. I said the President had suggested it.

Mr. LENROOT. I certainly understood the Senator from Idaho, in his comments upon the views of the President, to suggest that if this bill were to pass, there ought to be provided a means or mode of raising the revenue which would be required under it. If I mistook the Senator from Idaho in that respect, I beg his pardon.

Mr. BORAH. The Senator misunderstood me. I would not vote for it if it had a provision of that kind in it.

Mr. LENROOT. That I well understood.

Mr. BORAH. I did not say that it ought to have such a provision in it. I said that was one of the objections which the President made, and we have not met the objection.

Mr. LENROOT. The President had a right to suggest it. We, however, have our responsibility as to what shall be done, and that responsibility is ours, and ours alone.

I suggested that there was not very much concern manifested yesterday about adding $350,000,000 to this bill on the part of many of the Senators who are opposed to the bill, some of them upon the ground of the immediate drain it will make upon the Treasury. I rather expect that some of those Senators will vote for the pending amendment, which will make a possible drain upon the Treasury next year of $750,000,000 instead of $78,000,000, as is provided in the committee bill.

In that particular permit me to call attention to the speech of the present occupant of the chair, the distinguished Senator from New York [Mr. WADSWORTH], wherein he stated:

> The Senator from North Dakota [Mr. MCCUMBER] said it will cost but $78,000,000 in the first year. The Secretary of the Treasury points out that we have a $400,000,000 deficit facing us the first year, and the latest information is that instead of $400,000,000 the deficit will be $500,000,000, and yet lightly does the Senator from North Dakota suggest that we add another $78,000,000 to that deficit.

And yet many of the Senators lightly added $350,000,000 yesterday, and I am afraid some of those Senators are in a few moments deliberately going to vote to add $750,000,000 instead of $78,000,000 as proposed by the committee.

Mr. BORAH. Mr. President, will the Senator permit an interruption?

Mr. LENROOT. Certainly.

Mr. BORAH. The Senator from Wisconsin is going to vote for the bill with the $350,000,000 provision in it, is he not?

Mr. LENROOT. I am.

Mr. BORAH. Well, I am going to vote against it with the $350,000,000 provision in it.

Mr. LENROOT. Oh, yes; but, Mr. President, the Senator from Idaho knows that the bill is going to pass, and when a Senator votes for amendments that add a great amount of money to the bill, knowing that it is going to pass, it is not very much in justification of his voting to increase the amount of the obligation under the bill for him to say that upon final passage he is going to vote against it.

Mr. BORAH. I know the bill is going to pass, but I do not know so well that it is going to become a law.

Mr. LENROOT. Ah, I quite agree, and I have not a doubt in the world but what that was one of the actuating motives of some Senators in voting for the $350,000,000, in the hope that by the addition of that sum the President might veto the bill when otherwise he might not.

Now, Mr. President, we might as well face the situation as it is. Every vote for the amendment in its effect will be a vote against the bill.

Mr. BURSUM. The Senator is referring to my substitute, is he not?

Mr. LENROOT. Yes; the Bursum substitute. No one doubts, from the statements the President has made, that if the substitute be adopted the bill will be vetoed. That being so, how can any friend of adjusted compensation vote for the substitute amendment? Does anyone believe that the service men are going to be deceived? Does anyone believe that any Senator can make the service men of America believe that he is in favor of adjusted compensation when he votes for $750,000,000 to be drained out of the Treasury of the United States next year when he knows the bill will be vetoed by the President of the United States and in all probability can not pass this body over that veto, when if he had voted against the substitute the probability is that the legislation asked for by the service men themselves would be signed and become a law?

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. LENROOT. I yield.

Mr. PITTMAN. Does the Senator know that the President would veto the bill if the Bursum amendment were incorporated in it?

Mr. LENROOT. I of course am not authorized to speak for the President nor have I had any conversation with him upon the particular subject. But I do say that from the President's public statements but one inference can be drawn by anyone, and that is that a bill which would take out of the Treasury of the United States next year $750,000,000 will be vetoed.

Mr. PITTMAN. If the Senator would state authoritatively that the President would veto it with the Bursum amendment in it, then those who favor adjusted compensation would not, of course, vote for it. But there is nothing that the Senator can point to in any statement ever made by the President that would sustain his assertion.

Mr. LENROOT. Why, did not the Senator listen to the reading of the President's letters by the Senator from Idaho a few moments ago?

Mr. PITTMAN. I have tried to listen to all the ambiguous statements of the President for the last two years.

Mr. LENROOT. I can well understand how there can be some Senators upon the other side of the aisle, and I am glad there are not many of them, who might prefer to vote for a compensation bill in the hope that it would be vetoed by the President of the United States. I am glad to know that the majority upon that side of the aisle do not propose to play politics concerning this important matter.

Mr. BURSUM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LENROOT. I yield.

Mr. BURSUM. The Senator appreciates that it would cost $1,500,000,000 less to liquidate this debt under the provisions of the amendment which I have proposed as compared with the bill reported by the committee. If that be true, would it not be conserving the credit of the country to save that amount of money?

Mr. LENROOT. If we liquidate $1,500,000,000 to-day and pay 4½ per cent interest upon that sum for 20 years, as provided in the bill, we would have paid very nearly the sum that is provided for in the bill. We have not the $1,500,000,000 to take out of the Treasury, and the Senator knows it. The Senator knows there is no money in the Treasury with which to meet the payments under his substitute. There would be no money in the Treasury next year that could be used to meet the payments under his substitute, and he knows it. If his substitute should become a law, there is only one way under the sun by which the payments could be made, and that would be for the Government of the United States to borrow money to meet the payments.

Mr. BURSUM. Precisely so, and that is the only way by which the Government can meet the pledge which is contained in the bill reported from the committee and take up the loans by 1926. There is no other provision for it. It authorizes an extortionate rate of interest which would permit the profiteers to profit to the extent of $81,000,000.

Mr. LENROOT. The Senator knows, if he has read the bill, that the bill itself provides against profiteering, that the maximum rate that can be imposed by any bank is 6½ per cent.

Mr. BURSUM. How does it provide it? It does not provide it. What is to prevent a syndicate being organized to take over all of these loans at the rates authorized under the bill, and then float them in the country on the basis of the current credit?

Mr. LENROOT. I do not know of anything to prevent that.

Mr. BURSUM. Then there would be an $81,000,000 melon to be cut.

Mr. LENROOT. That is so far-fetched that I would not undertake to spend time to argue it with the Senator.

Mr. BURSUM. It may be far-fetched, but it is absolutely practical, and it is absolutely what is going to occur, and it is absolutely what is already being planned.

Mr. LENROOT. Does the Senator propose to vote against the bill if his amendment is defeated?

Mr. BURSUM. No.

Mr. LENROOT. Thus the Senator himself proposes to vote for a robbery or the cutting of a melon, as he thinks, of $81,000,000.

Mr. BURSUM. Yes. I am so anxious to give the boys what I think they ought to have that if I am compelled to do so, even though it be a rank proposition, I shall vote for it, because I am compelled to do so. That is the way I feel about it.

Mr. LENROOT. I must say I am more anxious to give relief to the service men than is the Senator from New Mexico, because the Senator from New Mexico must realize, and I think every Senator must realize, that if the Senator's amendment goes to the President of the United States, it will be vetoed and the service men will get nothing.

Mr. BURSUM. But why? What right has the Senator to assume that the President would exercise anything but a friendly attitude, a reasonable analysis, and that his decisions would be based upon what would constitute the best welfare of the country?

Mr. LENROOT. The President has indicated to Congress his views upon the subject.

Mr. BURSUM. So far as I am concerned I feel this way about it, that the allegiance which I owe is to exercise my judgment about what is right and in accordance with my own conscience.

Mr. LENROOT. Mr. President, I can not yield further. The Senator from New Mexico said he wants to use his judgment as to what is best for the soldier. He can do that, and by using that judgment deprive the soldier of any benefit whatever under the bill. I can well understand why it is that Senators opposed to any bonus will vote with the Senator from New Mexico. Does not that indicate anything to the Senator from New Mexico?

Mr. BURSUM. Mr. President——

Mr. LENROOT. I do not yield.

The PRESIDING OFFICER. The Senator from Wisconsin declines to yield further.

Mr. LENROOT. It certainly does to every other Senator upon the floor. Why is it that Senators opposed to any adjusted compensation are going to vote for his substitute? There is only one reason, of course, because they feel sure that if the Senator's amendment shall be adopted the service men of the United States would get nothing, and it would defeat the bill. If Senators who led their constituency to believe that they are in favor of the adjusted compensation can fulfill that pledge in any such way as is now proposed by the Senator's substitute, they will find out, Mr. President, that they are very much mistaken. The representatives of the American Legion do not want the Senator's amendment adopted. Representatives of the American Legion, representing the service men of the United States, want the bill adopted as it was reported by the committee.

Mr. BURSUM. Mr. President——

Mr. LENROOT. I do not yield. There is no question about the proposition I have just made. I would not urge that so far as the principle of adjusted compensation is concerned, but granted that there is a moral obligation—and that is the ground upon which I put this, and I will have something to say about it when we come to the final debate—granted that there is a moral obligation, we can not discharge that obligation individually by voting for amendments here which will kill the bill. Therefore, I am opposed to the Bursum amendment.

Mr. PITTMAN. Mr. President, the Senator from Wisconsin, as usual, has attacked everybody who disagrees with him, and has imputed to them ulterior motives. So far as I am concerned I am willing to let my record on behalf of the soldiers of the country stand against that of the Senator from Wisconsin. I would not even compare my sincerity with his, because I am confident of my own sincerity, whether the Senator from Wisconsin is confident of his own or not. His speech, as usual, has had in mind solely the defense of the administration to which he unfortunately belongs. There never was a great issue facing the country or this body that the same motive did not actuate the Senator from Wisconsin, to judge by his speeches. If he has ever had a deeper motive than politics, his language has failed to disclose it to me.

There is no use going back to review the fight for the ratification of the treaty following the Great War, but if anyone should review the history of it they would see exactly the same spirit of defense of the position of the other side of the Chamber by the Senator from Wisconsin that he has made in the pending matter. Step by step the Senator is slipping with his party and with his President, no matter where it lands him, pretending all the time that the thing which actuates his whole soul is love and sympathy for the soldier boys. The Senator's speech is a constant defense of the lack of the support of those soldier boys by his own administration.

If the President is going to veto this bill it is going to be on the sole ground, if he is consistent—and I will give him credit for being consistent, even if the Senator from Wisconsin [Mr. LENROOT] does not—that the bill does not provide the means for paying the compensation. It will not be determined by whether the compensation shall be paid in cash or shall be put over for a period of years; it will not depend upon whether one part of it shall be paid in money and another part of it shall be paid in notes of the Government. That has never been taken into consideration; that is an economic proposition that bears on the method of payment and not on how the money shall be raised to pay the obligations, and the Senator from Wisconsin knows that.

As a matter of fact, this committee bill is not what the Senator from Wisconsin promised the soldier boys when he was running for office; this is not what was promised the soldier boys by nine-tenths of the Members of this body when they sought their votes. Oh, no; go back to the original bill which was introduced in the other House and see what they then promised the soldier boys.

Examine that bill. Did they say then that they would not give a cent for adjusted compensation in cash to any soldier whose claim amounted to more than $50? Oh, no; for if they had said that two-thirds of the soldier boys whom they induced to vote for them would not have voted for them. They know that. But now they come in and say, "This satisfies the soldier boys; we are giving them everything that is coming to them." They are giving no cash pay to those who gave the longest service to the Government. What is the difference in the obligation of this Government whether it issues bonds and sells them to the public or whether it issues its notes to the soldier boys and they sell them to the public? In either event the same amount would be involved and the same obligation would be imposed on the public.

Mr. WILLIAMS. But in one case the interest would be less.

Mr. PITTMAN. The only difference is, as suggested by the Senator from Mississippi [Mr. WILLIAMS], that the method of payment in the Bursum amendment would bring down a lesser burden on the people of the country. There is no answer to that whatever.

The whole truth of the proposition is—and it is understood by all Senators in this body—that members of the Republican majority are trying to get away from the speeches which they made to the soldiers when they were running for office. They regret that they pledged these boys adjusted compensation. Some of those who are trying to get away from it now did not believe in it at the time and they do not believe in it now and they are doing everything in their power to slip away from it.

Oh, yes; two years ago when they were running for office and making these promises to the boys they were saying we realize your desperate condition and we are going to help you right away. Does the bill, as reported by the committee, help the soldiers right away? It does not give any help to anybody right away except those who served the shortest time in the Army, those to whom only $50 or less is due. All of the others of those brave boys whom we were going to help right away will not have any cash coming to them. Oh, no; Senators on the other side slip away from the whole proposition. They promised these boys to support the bill which was formulated by the American Legion on behalf of the soldiers, but they have so butchered the bill in the Senate committee that no soldier could recognize it.

The soldiers sought, above everything else, the opportunity to make homes; the opportunity that was given patriotically to the soldiers in Canada, across the line, and ably forwarded by that Government. The House of Representatives gave it to the soldiers in its bill; yet Senators on this floor who promised to support that program have calmly voted to cut out that beneficial provision, and when a less expensive provision was proposed some of those same Senators who to-day are questioning the motives of others voted against the McNary amendment. I think the Senator from Wisconsin was one of them. He is willing to strike out of the House bill the provision for the settlement of the soldiers on the land; he is willing to vote against any cognate proposition, and will not himself suggest any amendment to cover that feature. The Senator from Wisconsin questions the motives of Senators who believe that this committee bill is an injustice to the soldiers, and yet he has voted against every amendment that would tend to bring this bill back to where it was as it came from the other House, and to make it the bill which he promised to support.

There is not any question at all that the Bursum amendment would impose a less burden on the people of the country than the bill as reported by the committee; there is not any doubt that it is the only proposition which has so far been brought forward that will be of any immediate help to the soldiers. Those are the two main considerations—immediate help to the soldiers and the imposition of as small a burden on the people as possible. Those things are not provided for in the bill as reported by the committee, and no one has been able to show that they are. They are, however, partially provided for in the Bursum amendment.

But it is said by certain Senators that they fear if we make this bill any better the President will veto it. Why is it that they suspect their President of being so brutal and unjust? Their President has always expressed a desire immediately to aid in some way the soldiers. Do they suspect that he did not mean that when he said it? Do they suspect his motives also? I do not suspect them; I have no reason to suspect them. The pending amendment will not place a greater burden on the Government, but it will give immediate relief to the soldier, and that is what the President of the United States has contended that he desired to accomplish.

What are the Senators in the majority in this body going to do? Are they going to allow their legislative ideas to be controlled entirely and absolutely by what they fear the President may do? I say "fear," because they have nothing else back of their position except a cowardly fear or some other similar motive.

I wish to say to them that if the President vetoes this measure by reason of the Bursum amendment there will be enough votes in this body to carry it over his head if those who pretend they stand for the soldiers will really stand for the soldiers instead of for politics. As a matter of fact, the only danger the soldiers have to fear is from politicians, and not from the sentiment of the Senate. Two-thirds of this body are for the soldiers' adjusted compensation bill in the form in which it passed the House, which is far more liberal than any bill now before the Senate or any amendment which has been offered to the bill. The truth about the matter is that some of those who pretend that they love the soldier so deeply love their political organization more. They would like not to have to vote on the bill at all; but as they are compelled to vote on something, they want to make it so inconsequential that it will not even require the consideration of the President of the United States.

Nothing can be said against the amendment offered by the Senator from New Mexico except the reiteration of the constant fear that the President will veto the bill if that amendment shall be adopted, and the very Senators who express that fear are discrediting the head of their own Government and their own administration and imputing motives and desires to him that I find nothing in his declarations whatever to sustain. It is an unworthy attempt to coerce those in this body who favor doing something fair and reasonable for the soldiers.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Mexico [Mr. BURSUM], as modified.

Mr. LENROOT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. BROUSSARD (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. MOSES]. I understand that if he were present he would vote as I intend to vote. I therefore feel at liberty to vote and vote "yea."

Mr. SIMMONS (when Mr. OVERMAN'S name was called). I wish to announce, and ask that the announcement may stand for the day, that my colleague [Mr. OVERMAN] is absent on account of illness. He is paired with the senior Senator from Wyoming [Mr. WARREN]. If present, my colleague would vote "nay" on the proposed substitute.

Mr. WARREN (when his name was called). I have a pair with the Senator from North Carolina [Mr. OVERMAN], as his colleague [Mr. SIMMONS] has already stated. From that statement I consider myself at liberty to vote. I vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from California [Mr. JOHNSON]. I do not know how he would vote on this proposition, and therefore withhold my vote.

The roll call was concluded.

Mr. EDGE. I transfer my general pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from South Dakota [Mr. NORBECK] and will vote. I vote "yea."

Mr. CALDER. I am paired with the senior Senator from Georgia [Mr. HARRIS]. I transfer that pair to the senior Senator from New Hampshire [Mr. MOSES] and will vote "nay."

Mr. McCUMBER (after having voted in the negative). I observe that my pair, the junior Senator from Utah [Mr. KING], has not voted. I therefore transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and will allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following general pairs:

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from Illinois [Mr. McKINLEY] with the Senator from Arkansas [Mr. CARAWAY]; and

The Senator from West Virginia [Mr. ELKINS] with the Senator from Mississippi [Mr. HARRISON].

The result was announced—yeas 27, nays 44, as follows:

YEAS—27.

Borah
Broussard
Bursum
Dial
Edge
Fletcher
France
Gerry
Glass
Hitchcock
McNary
Myers
Nelson
New
Newberry
Nicholson
Pepper
Phipps
Pittman
Pomerene
Reed, Pa.
Shields
Swanson
Underwood
Wadsworth
Walsh, Mont.
Williams

NAYS—44.

Ashurst
Ball
Calder
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dillingham
Frelinghuysen
Gooding
Hale
Heflin
Jones, Wash.
Kellogg
Kendrick
Keyes
La Follette
Lenroot
Lodge
McCormick
McCumber
McKellar
McLean
Oddie
Ransdell
Rawson
Reed, Mo.
Robinson
Sheppard
Shortridge
Simmons
Smith
Smoot
Stanfield
Sterling
Sutherland
Townsend
Trammell
Walsh, Mass.
Warren
Watson, Ind.
Willis

NOT VOTING—25.

Brandegee
Caraway
du Pont
Elkins
Ernst
Fernald
Harreld
Harris
Harrison
Johnson
Jones, N. Mex.
King
Ladd
McKinley
Moses
Norbeck
Norris
Overman
Owen
Page
Poindexter
Spencer
Stanley
Watson, Ga.
Weller

So Mr. BURSUM's amendment, in the nature of a substitute, as modified, was rejected.

Mr. REED of Missouri. Mr. President, is there an amendment now pending?

The PRESIDENT pro tempore. There is no amendment pending.

Mr. REED of Missouri. I desire to make a few remarks, but I do not want to cut myself off from the opportunity of speaking later. I do not want to speak at length.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to further amendment.

Mr. SMOOT. Mr. President, I offer the amendment which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be read.

The ASSISTANT SECRETARY. On page 42, after line 22, it is proposed to insert the following new title:

TITLE X.—ADJUSTED COMPENSATION TAX.

SEC. 1001. (a) That on and after November 1, 1922, and until November 1, 1925, in addition to all other taxes there shall be levied, collected, and paid (a) upon every commodity manufactured or produced when sold, leased, or licensed for consumption or use without further process of manufacture, a tax equivalent to one-half of 1 per cent of the price for which such commodity is sold, leased, or licensed, such tax to be paid by the manufacturer or producer, and (b) upon every commodity manufactured or produced in a country other than the United States, when imported into the United States for consumption or use without further process of manufacture, a tax equivalent to one-half of 1 per cent of the value at port of entry of such commodity, such tax to be paid by the importer.

(b) That on and after November 1, 1925, in addition to all other taxes there shall be levied, collected, and paid (a) upon every commodity manufactured or produced when sold, leased, or licensed for consumption or use without further process of manufacture, a tax equivalent to one-fourth of 1 per cent of the price for which such commodity is sold, leased, or licensed, such tax to be paid by the manufacturer or producer, and (b) upon every commodity manufactured or produced in a country other than the United States, when imported into the United States for consumption or use without further process of manufacture, a tax equivalent to one-fourth of 1 per cent of the value at port of entry of such commodity, such tax to be paid by the importer.

SEC. 1002. (a) That this title shall not apply to sales, leases, or licenses made during any year in which the total price for which the taxable sales, leases, or licenses are made does not exceed $6,000, nor to sales of refined gold or silver.

(b) If any manufacturer, producer, or importer of any commodity taxable under this title customarily sells, leases, or licenses such commodity at wholesale at the place of manufacture, production, or importation, and also at wholesale at another place, or at retail, the tax in the case of any commodity sold, leased, or licensed otherwise than at wholesale at the place of manufacture, production, or importation shall be computed on the price for which like commodities are sold, leased, or licensed at wholesale at the place of manufacture, production, or importation; or if sold by him at retail only the tax shall be computed on the fair market price at which like commodities are customarily sold, leased, or licensed at wholesale at the place of manufacture, production, or importation.

(c) If any person who manufactures, produces, or imports any commodity taxable under this title (1) sells, leases, or licenses such commodity to a corporation affiliated with such person within the meaning of section 240 of the revenue act of 1921 at less than the fair market price obtainable therefor, the tax thereon shall be computed on the basis of the price at which such commodity is sold, leased, or licensed by such affiliated corporation; and (2) if any such person sells, leases, or licenses such commodity, whether through any agreement, arrangement, or understanding, or otherwise, at less than the fair market price obtainable therefor, either, first, in such manner as directly or indirectly to benefit such person or any person directly or indirectly interested in the business of such person, or, second, with intent to cause such benefit, the amount for which such commodity is sold, leased, or licensed shall be taken to be the amount which would have been received from the sale, lease, or license of such commodity if sold, leased, or licensed at the fair market price obtainable therefor.

(d) Every individual, firm, or corporation liable for any tax imposed under this title shall make monthly returns under oath in duplicate and pay the taxes imposed by such title to the collector for the district in which is located the principal place of business. Such returns shall contain such information and be made in such time and place and in such manner as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may by regulation prescribe.

(e) Taxes levied under this title shall, without assessment by the commissioner or notice from the collector, be due and payable to the collector at the time fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax a penalty of 5 per cent, together with interest at the rate of 1 per cent for each full month from the time when the tax becomes due.

SEC. 1003. (a) That the taxes imposed by this title shall not apply to sales, leases, or licenses made by (1) the United States; (2) any foreign government; (3) any State or Territory or political subdivision thereof or the District of Columbia; (4) any hospital; (5) Army or Navy commissaries and canteens; or (6) any corporation organized and operated exclusively for religious, charitable, scientific, or educational purposes no part of the net earnings of which inures to the benefit of any private stockholder or individual; (7) any public utility; or (8) any farmer as to the product of his farm.

(b) The tax imposed by this title shall not apply to sales, leases, or licenses of any article taxable under Title VI of the revenue act of 1918 or Title VII of the revenue act of 1921.

(c) The taxes imposed by this title shall not apply with respect to articles sold, leased, or licensed for export and in due course so exported.

SEC. 1004. That in the case of any erroneous payment of any tax imposed by this act any person making such erroneous payment may take credit therefor against taxes due upon any subsequent return.

SEC. 1005. That the provisions of this title shall become effective on and after November 1, 1922.

SEC. 1006. That all the provisions of law relating to the levying, collection, and payment of internal-revenue taxes shall be applicable to the levying, collection, and payment of the taxes imposed by this title.

SEC. 1007. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to make all needful rules and regulations for the enforcement of the provisions of this title.

Mr. SMOOT obtained the floor.

Mr. REED of Missouri. Mr. President, I desire to make a point of order.

The PRESIDENT pro tempore. The Senator from Missouri will state the point of order.

Mr. REED of Missouri. The bill to which this amendment is offered contains no provision for raising revenue. The Constitution, Article I, section 7, provides that—

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

There being no provision in this bill as it comes to us from the House for raising revenue, the Senate is without jurisdiction or power to attach an amendment which proposes, as the pending amendment does, to raise revenue by taxation. The matter being beyond the jurisdiction and without the power of the Senate, I raise the point of order that it is not in order.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The point of order is not debatable. The Chair will be very glad to receive advice on the point raised by the Senator from Missouri, but will reserve the privilege of limiting the debate.

Mr. WATSON of Indiana. With the indulgence of the Chair, I want to say just a word.

Since I understood that the Senator from Utah would introduce this amendment, I have given the matter some thought and some little attention. My judgment is, with all due deference to the opinion of the Senator from Utah, that the amendment is unconstitutional, in that we have no right to originate a revenue measure in the Senate.

But, at the same time, I disagree with the Senator from Missouri, because I do not believe that it is subject to a point of order. I do not think the question as to whether a matter proposed is or is not constitutional is a matter of procedure. The Senate may vote on it even though it is unconstitutional. It is a question for the Senate to decide, and I do not think our rules of order run contrary to the Constitution, to put it broadly, and I do not believe the amendment is subject to the point of order made by the Senator from Missouri. But, at the same time, however the Chair may rule on that, I trust that when the Senator from Utah begins to discuss it he will address himself to the constitutional right of the Senate to enact this legislation in the first instance.

Mr. BORAH. Mr. President, I have not given any particular consideration to this matter, but the suggestion made by the Senator from Indiana seems to me quite well worthy of consideration. Can we decide upon the constitutionality of a measure under a point of order? It would be a very interesting proposition if they could all be disposed of in that way.

Mr. SMOOT. Mr. President, I recognize that there is a question as to whether the amendment is even in order. When I first thought of offering this amendment for the purpose of raising a fund to meet the obligations which will be placed upon the Government by the passage of the pending bill I thought there was no question but that we could do it, and in what little time I have had at my disposal of late I have looked up a number of the precedents, and I must admit to the Senate that most of them are in accord with the statement made by the Senator from Missouri.

The PRESIDENT pro tempore. Will the Senator from Utah permit an observation on the part of the Chair?

Mr. SMOOT. Certainly.

The PRESIDENT pro tempore. The advice the Chair sought of the Senators, although the point is not open to debate, is whether the Chair has any authority to pass upon the constitutionality of a bill or an amendment to a bill. The Chair may shorten the debate by saying that the present opinion of the Chair is that the Presiding Officer of the Senate has no authority to pass upon the constitutionality of a measure that is presented which the Senate has under its consideration; that that is a matter for the Senators themselves to decide.

Mr. SMOOT. I agree with the Chair in that particular, and, of course, in this case that is all I shall ask.

The PRESIDENT pro tempore. The Chair does not desire at this time to hear a discussion upon the merits of the amendment.

Mr. SMOOT. Then, of course, I shall be content simply to have Senators vote upon it.

The PRESIDENT pro tempore. The Senator from Utah will be recognized for a discussion of the amendment immediately after the point of order is decided.

Mr. REED of Missouri. Mr. President, I would not make this point of order if we were simply engaged in passing an ordinary statute which, in the opinion of some Members of the Senate, might be unconstitutional. The point I make goes back of that sort of a question. It goes to the question of the jurisdiction of the Senate over a particular subject matter. The express language of the Constitution is that—

> All bills for raising revenue shall originate in the House of Representatives.

Here is a measure for raising revenue. It does not originate in the House of Representatives. It therefore is a matter with which the Senate has nothing to do and with which it can have nothing to do if the point is raised. It is like a plea to the jurisdiction of a court. If the court has jurisdiction of a subject matter we all agree that the case must be tried, and if the Senate had jurisdiction of this subject matter we would all agree that the question had to be settled by the vote of the Senate. But if the Constitution of the United States denies to the Senate any right whatsoever to deal with this subject matter unless a bill first comes to us from the House touching upon the same subject matter, then clearly the Senate is without any power whatever to proceed, and being without power to proceed, it seems to me the question can be raised on a point of order.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED of Missouri. I yield.

Mr. BORAH. The question is, can the Chair determine the jurisdiction of the Senate over a question when the constitutionality of the proposition is involved? Can the Chair alone determine that proposition? It does not seem to me, if the Senator from Missouri will permit me, that the Chair alone is to be permitted to determine that question.

Mr. REED of Missouri. The Chair only determines it in its opinion. The question is determinable by the Senate on an appeal from the decision of the Chair. I do not know that I could make this point any clearer by talking about it for an hour.

The Constitution is greater than the Senate. The Constitution denies our jurisdiction over a question by express terms. There is no dispute of fact here. The bill is before the President of the Senate. It contains no provision whatever for the raising of revenue. It is not a mooted question; it is not a question of dispute. It is clear and plain and unequivocal. It is then proposed to introduce a matter over which, under the Constitution, we have no jurisdiction, which we have no right to touch, no right to consider; and if we did consider it our act would fall dead.

Mr. BORAH. That would be true of any proposition which was suggested here which is unconstitutional.

Mr. REED of Missouri. No.

Mr. BORAH. If a bill were introduced in the Senate and I should offer an amendment to it, whether it related to revenue or anything else, and it was clearly unconstitutional, the same argument would apply, and instead of the Senate deciding whether or not it had jurisdiction, the Senator from Missouri would contend that that would be a matter for the Chair to decide.

Mr. REED of Missouri. The ordinary case to which the Senator refers, where the Senate may be acting beyond its power but has jurisdiction of the subject matter, is one thing. For instance, the Senate has jurisdiction, along with the other House of Congress, of a multitude of questions. In determining what law it will pass it may go beyond its legal authority. But the subject with which it is dealing may be one with which the Senate can deal. This subject matter the Senate can not deal with.

I do not care to prolong this discussion; it is not so important; but suppose the House of Representatives were to undertake to pass upon and approve the appointment of an ambassador to the Court of St. James; suppose somebody should move that the House of Representatives advise and consent to the appointment. That being a matter with which the House of Representatives has nothing to do, would it not be subject to a point of order? I think it would be.

Mr. President, I have suggested the point. I do not care to prolong the discussion.

Mr. ASHURST. Mr. President, on this point the philosophy of the Senator from Missouri is certainly correct, and I am not sure that his method of procedure is wrong. The Senate on March 2, 1917, attached to the naval appropriation bill certain amendments providing for the issuance of bonds, and as amended returned that bill to the House, and on that same day, a few hours after the House received that bill from the Senate, the following resolution was unanimously agreed to by the House of Representatives:

> House Resolution 550.
>
> *Resolved*, That the amendments providing for the issuance of bonds added by the Senate to the House bill (H. R. 20632) in the opinion of this House contravene the first clause of the seventh section of the first article of the Constitution of the United States and are an infringement of the privileges of this House, and that the said bill with the amendments be respectfully returned to the Senate with a message communicating this resolution.

Mr. McCUMBER. Mr. President, I rise to a point of order. I understood the Chair had decided that question.

Mr. ASHURST. With due deference to my learned friend, that would not preclude my talking.

Mr. McCUMBER. No; I know that.

Mr. ASHURST. I am surprised that such an able Senator as the Senator from North Dakota should even intimate that because a question has been decided we should stop talking about it. Indeed, Mr. President, that is when the discussion begins.

Mr. McCUMBER. Mr. President, understanding that the parliamentary question has been disposed of, I want to say just one word on the amendment.

The PRESIDENT pro tempore. The parliamentary question has not been disposed of.

Mr. McCUMBER. I would like to have the Chair dispose of it then.

The PRESIDENT pro tempore. The Chair is quite ready to rule upon the point of order made by the Senator from Missouri.

Whatever may be the opinion of the present occupant of the chair respecting the constitutionality of the amendment proposed by the Senator from Utah, the Chair is quite clear that it is not within the jurisdiction or power of the Presiding Officer to pass upon that question, and therefore the point of order is overruled, and the Senator from Utah is recognized if he desires to be recognized for the purpose of presenting the amendment.

Mr. ROBINSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. I will yield the floor if the Senator desires to make a statement.

Mr. ROBINSON. Mr. President, I do not believe there is any lawyer in the Senate who will not admit that the amendment proposed by the Senator from Utah is violative of that provision of the Constitution which requires all bills for raising revenue to originate in the House of Representatives.

It is perfectly clear to me that if the Senate should adopt the amendment of the Senator from Utah and send the bill to the House of Representatives with that amendment in it, the House, under every precedent that has occurred during the last 20 years and under every one that I have ever heard of, would refuse to receive the bill and would immediately send it back to the Senate on the ground that the Senate had trespassed upon the jurisdiction of the House of Representatives. Is there a Senator familiar with the precedents who doubts that I have stated them correctly?

The House is rightfully jealous of its prerogative in this matter. For many reasons the Constitution reposed in that body the jurisdiction to originate revenue bills, and that body has rightfully safeguarded its exclusive jurisdiction over the subject. It is regarded by the body at the other end of the Capitol as an affront for the Senate of the United States to assume jurisdiction in a case where there can be no doubt in the mind of any well-informed person that the Senate is deliberately trespassing upon the jurisdiction of the House of Representatives. This amendment does not present a question of doubt. It does not present a case where a well-informed Senator may say that in all probability the subject is within the jurisdiction of the Senate. It presents a case where, I repeat, every Senator, even the Senator proposing the amendment, must admit that the provision is violative of the Constitution of the United States in that it seeks to usurp on the part of the Senate the jurisdiction of the House.

These facts being true, it being manifest to all Senators that we have no right to consider and act upon the amendment, it being clear that the House would justly resent an effort upon the part of the Senate to usurp its jurisdiction, I ask the Senate what is the advantage now and what is the justification for frittering away the time of the Senate in the consideration of the amendment? I would not take advantage of the Senator from Utah to make a motion to lay upon the table his amendment, because the Senator from Utah was good enough to yield to me to make this statement.

Mr. SMOOT. The Senator may do so so far as I am personally concerned.

Mr. ROBINSON. Then I move to lay upon the table the amendment offered by the Senator from Utah.

Mr. BORAH. Mr. President, I am perfectly willing to vote against the amendment, but I am not willing to lay it on the table. I am getting tired of the proposition of having the cloture applied in this Chamber in that way.

Mr. ROBINSON. If the Senator from Idaho wants to discuss the amendment, I withdraw the motion to lay it on the table.

Mr. SMOOT. I will say to the Senator from Arkansas and to the Senate that so far as I am personally concerned I do not care to discuss the question, and the Senate can vote upon it at any time. I shall not say a word about it, but let it be decided by the Senate. If it feels it is in violation of the Constitution of the United States, I have no objection to the vote being taken. I do not desire to enter into any discussion of the question. I state very frankly to the Senator from Missouri that I think there was a great deal in what he said in his point of order.

Mr. McCUMBER obtained the floor.

Mr. REED of Missouri. Will the Senator permit me to interrupt him to say just a word of personal explanation?

Mr. McCUMBER. I shall be through in just a moment. I merely desire to say that while we may all agree with the ruling of the Chair, there is not a Senator who does not fully understand the provision of the Constitution that all bills for raising revenue must originate in the House. Now, we all understand that. None of us disagree with it. Furthermore, we all understood our oath when we swore we would support and defend the Constitution of the United States. How on earth a Senator can square that oath with a vote in favor of this amendment upon the bill is beyond my comprehension.

Mr. REED of Missouri. Mr. President, I simply desire to say that I did not mean the point of order which I made as any possible attempt to deprive the Senator who introduced the amendment of his rights upon the floor.

Mr. SMOOT. Oh, Mr. President, I understood that.

Mr. REED of Missouri. I thought it a proper way to raise the point, and I disclaim any thought or any intention to cut the Senator off. That, I thought, was the short way out of it.

Mr. UNDERWOOD. Mr. President, I desire to say just a few words. Of course, we all recognize that the Senate can not originate a revenue bill. The courts have already decided that in the case of the cotton futures act a year or two ago. The bill came over here with some provision to use the post-office power of the Constitution for the enforcement of the law. The Senate took out that provision and put a tax on futures sales to provide means for the enforcement of the law. The district court promptly held that the action of the Senate was unconstitutional.

Of course, if we wanted to kill the pending bill there would be no better way to kill it than to put on it a provision for the raising of revenue if that provision originated in the Senate. Although I am very much opposed to the pending bill, I shall endeavor to try to defeat it, if I can, by direct methods and not indirect methods. Therefore I shall vote against the pending amendment to put a tax provision in the bill.

I did not want to let my vote stand without this explanation, because I feel that if the bill is passed it is going to require from $4,000,000,000 to $7,000,000,000 to meet the obligation imposed. I think that the position which the President of the United States took last year in regard to the matter was entirely correct, that if the Congress is going to impose so great a burden of obligation that must be met, it ought, in imposing that burden, to carry with it the necessary legislation for its payment. If I had an opportunity to vote to put on the bill a tax provision to pay for the obligation that we are putting on the country, and which in the end must be paid by a tax imposed on the people of the United States, I would vote for such an amendment. Of course I can not vote for it here because it would be an idle thing to do. But I want to say that if the Senator from Utah, instead of proposing an amendment which is clearly unconstitutional, would introduce a resolution expressing the sense of the Senate that it return the bill to the House of Representatives with the request that they add to it a taxing amendment which would provide for raising the money to pay the obligations we are going to put on the Government, I would vote for that resolution, because that would be in keeping with the Constitution. I do not want to delay the Senate, but I did not want a negative vote to misrepresent my position on the question that we should raise the revenue if we are going to pass the bill.

Mr. SMOOT. Mr. President, I want the Senator from Alabama to understand that my original thought was not in any way, shape, or form to try to defeat the bill indirectly by offering the sales tax amendment. In fact, when I first thought of it there was a doubt in my mind whether it would be a violation of the Constitution or not. There are some of the precedents which hold that it is not, but a great majority of them hold that it is. If my purpose can not be accomplished in the way my amendment contemplates, I intend to offer another amendment to the bill, and then I shall speak to that amendment, but it does seem to me, with the obligation we are under at the present time, that it would be the height of folly and unwise in the extreme to load an additional burden upon the Government of the United States at this time. I am perfectly willing that the Senate shall vote on my amendment without even a yea-and-nay vote.

Mr. HEFLIN. Mr. President, I did not finish reading the article which I started to read this morning referring to the amendment on which the Senate voted yesterday afternoon, providing that this money should be raised by collecting the interest on the debt due us from foreign countries. The Washington Post article, from which I read, in part, continues:

> The amendment likewise has the disadvantage of practically "blowing up" the American funding commission now negotiating with foreign powers for the refunding of the debts. Senator SMOOT, who is a member of the commission, naturally regards the amendment as impossible and would have voted against it had he been present.

Mr. President, here is an opportunity, I repeat, to pay adjusted compensation to the American soldier by collecting a debt overdue to this Government, paying the adjusted compensation without issuing Federal reserve notes, without taxing the American people one five-cent piece, without taking a nickel out of the Treasury, without selling any bonds of the United States.

The Senator from Utah [Mr. SMOOT] and others come forward now with a sales-tax proposition that would impose a tax burden upon the breakfast table, the dinner table, and the supper table, and would impose a tax upon every consumer in the mass of the 110,000,000 people. Why will Senators on the other side of the Chamber seek to burden the American people in this fashion when we can raise the money by collecting a debt honestly due to the American people? Why is it that Wall Street financiers are considered above the interest and welfare of the American mass? Why is it that the finest types of young men that ever responded to the call of duty must wait four years and more, and then when we come with a solid Democratic vote supporting the amendment of the Senator from North Carolina [Mr. SIMMONS], with the aid of a few Republicans, and put it on the bill providing for the collection of this money, thus relieving our people of the burden of additional taxation, the Senator from Utah should present his sales-tax amendment—the Senator from Utah who is on the commission with four other Republicans, not a Democrat on it, not a progressive, not an independent, but a partisan commission made up purely and wholly of Republicans, five in number, handling this foreign-debt question.

The paper tells us, before the Senator from Utah could be heard, that if he had been present he would have voted against the amendment, and the next day the Senator from Utah, a member of the commission, a leading Republican in this body, soon to be chairman of the great Finance Committee of the Senate, leaves his tariff conference committee long enough to come in to offer an amendment to burden the masses of the American people, already overburdened with taxation, with a sales tax. Every time a poor struggling man or woman would buy a pair of shoes for a baby or any necessity of life it would be necessary to contribute money through the process which the Senator now offers in this Chamber. Why is this step taken at this time? Why is it that Wall Street's influence has been strong enough to shut the door in the faces of the soldiers for four years, and why, when the light is breaking through and we are about to provide a way to pay the boys a debt long due to them, is it attempted to burden the bill with a provision which Senators know can never pass the House? Why is it that those Senators now present a proposition that every man and woman who consumes in this country will rise and protest against? Why offer this injustice to the American soldier and tax him to pay a debt that we owe him? The American ex-service men, many of them, are not able now to buy food; not able to furnish decent clothes; not able now to provide themselves with shelter, and yet the Senator from Utah [Mr. SMOOT]—a partisan member of the funding commission, composed of four other partisans, who are handling a debt due to 110,000,000 people without regard to politics, a political Republican partisan commission—comes in here at this late hour and offers upon this bill, which is now moving toward its passage, a sales-tax provision.

I trust, Mr. President, that the amendment will not receive a half dozen votes in this body. Let us solemnly resolve to-day that we will stand by these boys; that no power in the subsidized press, no power in the money changers of Wall Street, no power in the cohorts of Europe, that no combination of the powers of all of those forces shall cause us longer to mistreat and neglect the American soldier.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. SMOOT].

The amendment was rejected.

Mr. SMOOT. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Utah will be stated.

The ASSISTANT SECRETARY. The amendment proposed by the Senator from Utah is in the nature of a substitute to strike out all after the enacting clause of the bill and to insert the following——

Mr. ROBINSON. I understand the Senator from Utah has stricken from the printed amendment as he now presents it Title VI, which is headed "Adjusted Compensation."

Mr. SMOOT. The amendment which I now present is not the same as the amendment which the Senator has before him. I can explain the amendment in a very few words.

Mr. ROBINSON. May I ask if there is a tax provision in the amendment which the Senator from Utah now proposes?

Mr. SMOOT. There is no such provision whatever. I have stricken that out.

Mr. UNDERWOOD. If we are to have a vote on the amendment, I should like to have it read to the Senate.

Mr. SMOOT. I also desire that the amendment shall be reported.

Mr. ROBINSON. Has the amendment been printed?

Mr. SMOOT. It has been.

Mr. ROBINSON. I have in my hand the copy of a printed amendment intended to be proposed by the Senator from Utah.

Mr. SMOOT. But the Senator has the printed copy of the other amendment.

Mr. ROBINSON. That is the amendment about which I was asking the Senator. I see that Title VI relates to an adjusted compensation tax. What I wish to know is, has Title VI of the amendment been stricken out?

Mr. SMOOT. That has been stricken out.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Utah will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

TITLE I.—DEFINITIONS.

SECTION 1. This act may be cited as the "World War adjusted compensation act."

SEC. 2. As used in this act—

(a) The term "veteran" includes any individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage;

(b) The term "oversea service" means service on shore in Europe or Asia, exclusive of China, Japan, and the Philippine Islands; and service afloat, not on receiving ships; including in either case the period from the date of embarkation for such service to the date of disembarkation on return from such service, both dates inclusive;

(c) The term "home service" means all service not oversea service;

(d) The term "adjusted service credit" means the amount of the credit computed under the provisions of Title II; and

(e) The term "person" includes a partnership, corporation, or association, as well as an individual.

TITLE II.—ADJUSTED SERVICE CREDIT.

SEC. 201. The amount of adjusted-service credit shall be computed by allowing the following sums for each day of active service in excess of 60 days, in the military or naval forces of the United States, after April 5, 1917, and before July 1, 1919, as shown by the service or other record of the veteran: $1.25 for each day of oversea service, and $1 for each day of home service; but the amount of the credit of a veteran who performed no oversea service shall not exceed $500, and the amount of the credit of a veteran who performed any oversea service shall not exceed $625.

SEC. 202. In computing the adjusted service credit no allowance shall be made to—

(a) Any commissioned officer above the grade of captain in the Army or Marine Corps, lieutenant in the Navy, first lieutenant or first lieutenant of engineers in the Coast Guard, or passed assistant surgeon in the Public Health Service, or having the pay and allowances, if not the rank, of any officer superior in rank to any of such grades—in each case for the period of service as such;

(b) Any individual holding a permanent or provisional commission or permanent or acting warrant in any branch of the military or naval forces, or (while holding such commission or warrant) serving under a temporary commission in a higher grade—in each case for the period of service under such commission or warrant or in such higher grade after the accrual of the right to pay thereunder. This subdivision shall not apply to any noncommissioned officer.

(c) Any civilian officer or employee of any branch of the military or naval forces, contract surgeon, cadet of the United States Military Academy, midshipman, cadet of the Coast Guard, member of the Reserve Officers' Training Corps, member of the Students' Army Training Corps (except an enlisted man detailed thereto), Philippine Scout, member of the Philippine Guard, member of the Philippine Constabulary, member of the Porto Rico regiment of Infantry, member of the National Guard of Hawaii, member of the insular force of the Navy, member of the Samoan native guard and band of the Navy, or Indian scout—in each case for the period of service as such;

(d) Any individual entering the military or naval forces after November 11, 1918—for any period after such entrance;

(e) Any commissioned or warrant officer performing home service not with troops and receiving commutation of quarters or of subsistence—for the period of such service;

(f) Any member of the Public Health Service—for any period during which he was not detailed for duty with the Army or the Navy;

(g) Any individual granted a farm or industrial furlough—for the period of such furlough; or

(h) Any individual detailed for work on roads or other highway construction or repair work—for the period during which his pay was equalized to conform to the compensation paid to civilian employees in the same or like employment, pursuant to the provisions of section 9 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919.

SEC. 203. (a) The periods referred to in subdivision (e) of section 202 may be included in the case of any individual if and to the extent that the Secretary of War and the Secretary of the Navy jointly find that such service subjected such individual to exceptional hazard. A full statement of all action under this subdivision shall be included in the reports of the Secretary of War and the Secretary of the Navy required by section 306.

(b) In computing the credit to any veteran under this title effect shall be given to all subdivisions of section 202 which are applicable.

(c) If part of the service is overseas service and part is home service, the home service shall first be used in computing the 60 days' period referred to in section 201.

(d) For the purpose of computing the 60 days' period referred to in section 201, any period of service after April 5, 1917, and before July 1, 1919, in the military or naval forces in any capacity may be included, notwithstanding allowance of credit for such period, or a part thereof, is prohibited under the provisions of section 202, except that the periods referred to in subdivisions (b), (c), and (d) of that section shall not be included.

(e) For the purposes of section 201, in the case of members of the National Guard or of the National Guard Reserve called into service by the proclamation of the President dated July 3, 1917, the time of service between the date of call into the service as specified in such proclamation and August 5, 1917, both dates inclusive, shall be deemed to be active service in the military or naval forces of the United States.

TITLE III.—GENERAL PROVISIONS.

APPLICATION BY VETERAN.

SEC. 301. (a) The veteran shall file application for an adjusted service certificate as provided in Title IV with the Secretary of War, if he is serving in, or his last service was with, the military forces; or with the Secretary of the Navy, if he is serving in, or his last service was with, the naval forces.

(b) Such application shall be made on or before July 1, 1923, and if not made on or before such date shall be held void.

(c) An application shall be made (1) personally by the veteran, or (2) in case physical or mental incapacity prevents the making of a personal application, then by such representative of the veteran and in such manner as the Secretary of War and the Secretary of the Navy shall jointly by regulation prescribe. An application made by a representative other than one authorized by any such regulation shall be void.

(d) The Secretary of War and the Secretary of the Navy shall jointly make any regulations necessary to the efficient administration of the provisions of this section.

SEC. 302. (a) As soon as practicable after the receipt of a valid application the Secretary of War or the Secretary of the Navy, as the case may be, shall transmit to the Secretary of the Treasury a certificate setting forth—

(1) That the applicant is a veteran;
(2) His name and address; and
(3) The amount of his adjusted service credit.

(b) Upon receipt of such certificate the officer to whom it is transmitted shall proceed to extend to the veteran the benefits conferred as provided for in this act.

PUBLICITY.

SEC. 303. (a) The Secretary of War and the Secretary of the Navy shall, as soon as practicable after the passage of this act, jointly prepare and publish a pamphlet or pamphlets containing a digest and explanation of the provisions of this act and shall from time to time thereafter jointly prepare and publish such additional or supplementary information as may be found necessary.

(b) The officer having charge of the administration of the adjusted service certificate plan, or part thereof, shall transmit to the Secretary of War and the Secretary of the Navy as soon as practicable after the passage of this act full information and explanations as to the matters of which such officer has charge, which shall be considered by the Secretary of War and the Secretary of the Navy in preparing the publications referred to in subdivision (a).

(c) The publications provided for in subdivision (a) shall be distributed in such manner as the Secretary of War and the Secretary of the Navy may determine to be most effective to inform veterans of their rights under this act.

STATISTICS.

SEC. 304. Immediately upon the passage of this act the Secretary of War and the Secretary of the Navy shall ascertain the individuals who are veterans as defined in section 2 and, as to each veteran, the number of days of oversea service and of home service, as defined in section 2, for which he is entitled to receive adjusted service credit; and their decisions shall not be subject to review by the General Accounting Office.

ADMINISTRATIVE REGULATIONS.

SEC. 305. Any officer charged with any function under this act shall make such regulations, not inconsistent with this act, as may be necessary to the efficient administration of such function.

REPORTS.

SEC. 306. Any officer charged with the administration of the adjusted service certificate plan under this act, or of any part thereof, shall make a full report to Congress on the first Monday of December of each year.

EXEMPTION FROM ATTACHMENT AND TAXATION.

SEC. 307. No sum payable under this act to a veteran, or to his estate, or to any beneficiary named under Title IV, and no adjusted service certificate shall be subject to attachment, levy, or seizure under any legal or equitable process, or to National or State taxation.

UNLAWFUL FEES.

SEC. 308. Any person who charges or collects, or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran in obtaining any of the benefits or privileges to which he is entitled under the provisions of this act shall, upon conviction thereof, be subject to a fine of not more than $500, or imprisonment for not more than one year, or both.

TITLE IV.—ADJUSTED SERVICE CERTIFICATES.

SEC. 401. The Secretary of the Treasury, upon certification from the Secretary of War or the Secretary of the Navy, as provided in section 302, is hereby directed to issue without cost to the veteran designated therein an adjusted service certificate (hereinafter in this title referred to as a "certificate") of a face value equal to the sum of (1) the adjusted service credit of the veteran increased by 25 per cent, plus (2) interest thereon for 20 years at the rate of 4½ per cent per annum, compounded annually (such amount being approximately equal to 3.015 times the adjusted service credit of the veteran). The certificate shall be dated, and all rights conferred under the provisions of this title shall take effect as of October 1, 1922. The veteran shall name the beneficiary of the certificate and may from time to time, with the approval of the Secretary of the Treasury, alter such beneficiary. The amount of the face value of the certificate (unless the certificate has been canceled as hereinafter in this title provided) shall be payable (1) to the veteran on September 30, 1942, or (2) upon the death of the veteran prior thereto, to the beneficiary named; except that if such beneficiary dies before the veteran and no new beneficiary is named, or if the beneficiary in the first instance has not yet been named, the amount of the face value of the certificate shall be paid to the estate of the veteran.

SEC. 402. A certificate or any right conferred under the provisions of this title shall not be negotiable, assignable, or serve as security for a loan. Any negotiation, assignment, or loan in violation of the provisions of this section shall be void, the certificate shall be canceled, and all rights conferred shall be extinguished.

TITLE V.—MISCELLANEOUS PROVISIONS.

SEC. 501. The officers having charge of the administration of any of the provisions of this act are authorized to appoint such officers, employees, and agents in the District of Columbia and elsewhere, and to make such expenditures for rent, furniture, office equipment, printing, binding, telegrams, telephone, law books, books of reference, stationery, motor-propelled vehicles or trucks used for official purposes, traveling expenses and per diem in lieu of subsistence at not exceeding $4 for officers, agents, and other employees, for the purchase of reports and materials for publications, and for other contingent and miscellaneous expenses, as may be necessary efficiently to execute the purposes of this act and as may be provided for by the Congress from time to time. With the exception of such special experts as may be found necessary for the conduct of the work, all such appointments shall be made subject to the civil service laws; but for the purposes of carrying out the provisions of section 304 such appointments may be made without regard to such laws until the services of persons duly qualified under such laws are available. In all appointments under this section preference shall, so far as practicable, be given to veterans.

SEC. 502. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 503. Whoever knowingly makes any false or fraudulent statement of a material fact in any application, certificate, or document made under the provisions of Title III or IV, or of any regulation made under any such title, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than five years, or both.

SEC. 504. The Secretary of the Treasury, the Secretary of War, and the Secretary of the Navy shall severally submit to Congress in the manner provided by law estimates of the amounts necessary to be expended in carrying out such provisions of this act as each is charged with administering, and there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, amounts sufficient to defray such expenditures.

Mr. SMOOT. Mr. President, whatever is granted to the veteran of the World War by the Government of the United States as a donation, a gift, or compensation in any form ought to be with a view of assisting not only the veteran himself but those that are dependent upon him; and this amendment, briefly stated, is to give to each veteran a paid-up policy, payable 20 years from the date of the policy or at his death.

The veteran pays nothing whatever. The amount of the policy depends upon the length of his service, running all the way from $1,400 to $2,000. During the 20 years he does not receive one cent from the Government if he lives; and if he dies, no matter what time it may be, if it is only one week after taking out the insurance, his estate receives the full face value of the insurance.

The pending bill grants the soldier small amounts, dribbled out at different times; and as the soldier receives it I say without a question of a doubt that 90 per cent of all of it will be spent within a year or two years after the final payment is made.

Every Senator knows the history of insurance received by beneficiaries, not only in this country but in all the countries of the world. The records of the insurance companies tell the story completely, the same story that has been told ever since the beginning of insurance—that 92 per cent of the insurance received by the beneficiaries of persons carrying insurance is spent within three years after the death of the insured. That, I think, can not be disputed.

I want, if I can, whatever is given to the soldier, to see that it is in an amount that will help those who are dependent upon him. If the soldier to-day, in the very vigor of life, can not make a living, with the loyalty of the people of the United States to him, willing to give him preference, and with legislation that we have passed giving him preferences—if he can not make a living to-day, when on earth will he be able to do it? If he dies within a month, his dependents get the full amount of the insurance. If he lives a year or five years or ten years, and then dies, his beneficiaries get the full amount of the insurance, and the amount of the insurance will be an amount that is worth while; and if there is ever a time when help is needed it is when the breadwinner is taken from the family.

Mr. ROBINSON. Mr. President, will the Senator yield to a question?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. Yes; I yield.

Mr. ROBINSON. The mortality tables which are used by the insurance companies in ascertaining the probable life of an applicant for insurance are based upon what may be termed insurable status. Persons who have not that status are not considered in arriving at the rates to be fixed.

How would the Senator ascertain the insurance rate to be paid upon, say, 4,000,000 men of varied insurability, some of them in such physical condition that they might fairly be expected to survive only a short time, and others in a vigorous and healthy condition?

Mr. SMOOT. The amendment provides that every soldier shall have this insurance.

Mr. ROBINSON. I know that; but does the Government itself grant the insurance?

Mr. SMOOT. The Government grants the insurance, and carries the risk.

Mr. ROBINSON. And it is without regard to the insurability or the noninsurability of the soldier?

Mr. SMOOT. Absolutely; that is one thing I think ought to be, because if the soldier is not disabled to a sufficient degree to receive compensation from the Government, I think it is nothing more than right that the Government of the United

States should carry his insurance, even though the regular insurance companies would not insure the man.

Mr. ROBINSON. Of course, the plan would not be presented by the Senator from Utah unless it were contemplated that it should be made applicable to practically all veterans.

Mr. SMOOT. It is applicable to all of the veterans.

Mr. ROBINSON. It would be unthinkable that insurance should be granted to only a few individuals, and they the healthy ones, the least likely to need it.

Mr. SMOOT. They are the least likely to need it, and I want to say to the Senator that I would not think of offering such a proposition to the Senate. Every soldier is entitled to the insurance.

Mr. POMERENE. Mr. President, I was not able, because I was otherwise occupied, to follow the colloquy between the Senator from Utah and the Senator from Arkansas; but do I understand that this would be in lieu of the insurance which a great many of these men have already taken out?

Mr. SMOOT. This is compensation granted to every soldier, no matter whether he is carrying $10,000, $5,000, or $1,000 of insurance, or no insurance. This is compensation for the soldiers, and they get it.

Mr. POMERENE. This is in addition to what they already carry?

Mr. SMOOT. In addition to all they are carrying.

Mr. ROBINSON. How does the Senator arrive at the amount a soldier should receive?

Mr. SMOOT. By the actuary tables used by every insurance company in the United States.

Mr. ROBINSON. But those apply to persons in normal condition exclusively, insurable persons.

Mr. SMOOT. We put them all in that class.

Mr. HITCHCOCK. Will the Senator allow one interruption?

Mr. SMOOT. Certainly.

Mr. HITCHCOCK. Has the Senator an estimate of what this will cost?

Mr. SMOOT. Yes; for each year up to 1943, when the payment will be made. To save time, as long as the Senator has asked the question, I might as well call attention to that now. I will give the figures in millions only. They are as follows:

1923	$39,000,000
1924	39,000,000
1925	39,000,000
1926	39,000,000
1927	39,000,000
1928	39,000,000
1929	39,000,000
1930	39,000,000
1931	40,000,000
1932	40,000,000
1933	40,000,000
1934	41,000,000
1935	41,000,000
1936	42,000,000
1937	42,000,000
1938	43,000,000
1939	44,000,000
1940	45,000,000
1941	46,000,000
1942	47,000,000
1943	1,723,258,143

That is at the maturity of the 20-year period.

Mr. SIMMONS. Are all these policies for the same amount?

Mr. SMOOT. It all depends on the length of the service.

Mr. SIMMONS. In other words, you take the cash payment to which each soldier would be entitled and then you make out the paid-up insurance policy, based on a table of mortality?

Mr. SMOOT. Based on the tables of mortality used by all the insurance companies, and, as I have said, these are the results.

Now I want to call attention to the fact that there seems to be a feeling throughout the country that we have not taken care of our disabled soldiers. I hardly think that is a fair charge against Congress, because I have before me the figures showing the appropriations we have made.

Mr. SIMMONS. Before the Senator gets to that, let me ask another question. Are those policies salable?

Mr. SMOOT. No; they are not. I am glad the Senator asked me that question, because I feel that wherever insurance is given to a soldier for the full amount it is given for two purposes: First, so that his beneficiaries, in case he dies, will receive an amount which will assist them at a time when they need assistance if they ever will need it in the world. Again, there may be many soldiers who, if they live 20 years, may need the money a great deal more than they need any kind of assistance to-day. I say that we are taking care of the disabled soldiers as well as it is possible for us to do, and, as far as I am personally concerned, I will not hesitate at any kind of an appropriation to take care of them.

Up to April 1 of this year we had expended $1,996,260,634 for the care of the wounded and disabled soldiers of the recent war.

Mr. POMERENE. Mr. President, did those figures include the appropriations for the current year?

Mr. SMOOT. No; this is up to April 1 of this year.

Mr. POMERENE. I have a statement from the Veterans' Bureau dated May 19, 1922, giving the amount disbursed as $1,639,000,000, through the United States Veterans' Bureau and its agencies, in behalf of ex-service men and their dependents.

Mr. SMOOT. I think that was to the end of the last fiscal year. Since then we have spent enough to make up the amount I have just mentioned. This brings it up to April 1, 1922. I think that was the figure up to the end of the last fiscal year, June 30, 1921. I have the amounts for each item, and they are as follows:

Military and naval family allowance	$298,615,000
Military and naval compensation	557,150,000
Insurance	23,000,000
Administration	83,896,880
Hospitalization	224,729,420
Hospital construction	47,095,000
Vocational training	469,123,370
Disposition of remains	33,473,782
Bonus allowance	248,684,200
Payment to beneficiaries of Army men and officers	10,495,000

Or a total of $1,966,260,634 up to the 1st day of April, 1922.

Mr. POMERENE. The figures I have given were sent to me at my request from the Director of the United States Veterans' Bureau under date of May 19, 1922. I have not sought to verify them.

Mr. SMOOT. I suppose those were to the end of the fiscal year, as the appropriations were made at that time. These figures take in all of the expenditures and bring us up to April 1 of this year.

It may be interesting to note just what the Government has been doing for the wounded soldier. The number of former service men receiving vocational training is 108,200. The average received per month by each man of that 108,200 is $115, and in addition the Government supplies the men with books, tools, medical care, transportation, tuition in school, and so forth.

Approximately 30,000 are now in the hospitals. The total number wounded was 208,526. The total number discharged for disability was 251,916. The Government is paying compensation on 50,420 death claims and 156,539 disability cases. Monthly payments for compensation are approximately $10,400,000. The Government is paying insurance on 134,550 death claims and 6,299 disability claims.

The commuted value of war risk term insurance allowed by the Government is $1,326,985,835.70.

Mr. WILLIS. Mr. President, before the Senator leaves that branch of the subject I want to ask him a further question about the negotiability or nonnegotiability of these policies. The Senator knows it is the practice of every insurance company to provide for loans on insurance policies. He also knows that those policies can be used as a basis for loans. Just why is that specifically prohibited in the Senator's amendment? That is not clear to me.

Mr. SMOOT. The reason is that I want this insurance to go to the soldier at a time when he will need it, and in an amount sufficient to assist him so that he can at least take care of himself when he is 20 years older than he is at the present time. Or I want it to go direct to his beneficiaries in case he dies before the end of 20 years. During the next 20 years the veteran will be in the prime of life. If he can make a living, it is in the next 20 years, and I say to the Senator that if there were a loan privilege granted under insurances policies, the Senator knows, just as well as I know and as we all know, that there would be loans made to them by the banks and loans made to them by the loan sharks from one end of the country to the other. No matter what rate of interest should be charged, if they wanted to get $75 or $100, if the value of the insurance from the date of issue to the time they wanted to make that loan was $100, many of them would get the $100.

I do not like the pending bill because of the very fact that they will receive the money in dribs, and I say now that, no matter what rate of interest is charged, there will be a rake-off on nearly all the soldiers before the time ever comes when they shall receive the last payment. I think Congress ought to take into consideration the history of the past, and I think the Congress ought to provide a law which will stipulate that if we give a soldier $2,000 paid-up insurance, that shall be paid to his beneficiary if he dies in a week or a month or a year or five years. If he lives 20 years, he will be more than gratified to receive the full amount to assist him when he needs assistance most.

I think this arrangement would be better for the Government of the United States. We are loaded to the guards with taxes to-day. Our estimated income for the coming year will be only $3,100,000,000, according to the highest estimate which can possibly be placed upon the revenues of our Government, based upon the existing revenue laws. The first estimate of expenditures submitted was for approximately $4,000,000,000. The President has ordered that the estimates of expenditures be cut within the estimates of the revenue, and that is what General Lord is undertaking to do, and I have so much confidence in him that I know that when the report comes to Congress it will be within the $3,100,000,000.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HEFLIN. Mr. President, the Senator from Utah spoke about what the Government is doing for the soldier who can not take care of himself. I have voted for every measure looking to such care of our disabled soldiers. But I want to ask the Senator from Utah, and every other Senator who opposes adjusted compensation, what he is going to do for the soldier who left a position paying him $50 or $100 a month or $150 a month or $200 a month and went overseas and was gone from that position for two years or more, and who got but $1 a day for the service that he was rendering amidst surroundings of danger and death, and when he came home without a dollar in his pocket the job that he had was gone, and in a little while 7,000,000 men were out of employment, there was no job awaiting him, and he could find nothing to do?

I want to know what Senators are going to do for the young man who found himself in the position that I have described, and there are many thousands of them.

I am asking the Senator from Utah and others, what are you going to do for the young man who went through the horrors and hell of battle in a foreign land and who, when he reached home, said, "The job I had is in the hands of another, and now the industries of the country are closed. Deflation has destroyed business. Wall Street is buying up the Liberty bonds that my father and others bought in order to help win the war and have something laid aside for a rainy day. The bonds have been driven down in value. Wall Street got them at $80 on the hundred. Hard times are everywhere. The war is over. I have been discharged. I no longer draw the $30 a month. I am turned loose to drift and there is nowhere to go."

What sort of fix is he in? I will tell you what sort of fix he is in. He is in a desperate fix. He is low spirited and sick at heart. That situation has broken the morale of thousands of those brave boys, and Senators here who pursue the course of denying to them simple justice are making Bolsheviks out of the very boys who displayed on the battle fields beyond the sea the noblest type of heroic manhood that the world ever saw.

We are looking after the disabled boys, and we ought to care well for them. But I can see and appreciate that there is something that should be done for the young man who offered to die for his country and who claims that the Government owes him something. He is sound in body and mind, but he has no regular place to eat and sleep and no good clothes to wear. I think it is high time that Senators were showing some sympathy when we know that in many instances collection of old clothes have been had for soldiers whose account against the Government has not been paid. Think of that! Here is the greatest and richest Nation in all the world, with $3,000,000,000 in gold lying idle, the currency contracted, a little more than $14 per capita taken out of circulation in a few months' time, and we have not money enough now in circulation to answer the business needs of the people. The able-bodied soldier can find nothing to do. He has been neglected and sorely mistreated, while the big income-tax payer has been relieved, the profiteers exempt from taxation, and war contracts paid. Sharper than a serpent's tooth is the fang of ingratitude.

Mr. President, I believe as certainly as there is a just God in the heavens—and I do believe it with all my heart; I believe it as I believe in the patriotism of the American citizen, and I believe in the sturdy integrity of the great masses of our people—that they will not tolerate this subserviency to dollar aristocracy longer than the coming election.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Utah [Mr. Smoot].

Mr. SMOOT. I ask for the yeas and nays.

The yeas and nays were ordered and the Assistant Secretary proceeded to call the roll.

Mr. McCUMBER (when his name was called). I again transfer my general pair with the junior Senator from Utah [Mr. King] to the junior Senator from Washington [Mr. Poindexter] and vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. Overman]——

Mr. SIMMONS. May I interrupt the Senator to say that if the junior Senator from North Carolina [Mr. Overman] were present he would vote against the pending amendment? I wish also to state that he is detained on account of illness.

Mr. WARREN. I transfer the pair which I have with the junior Senator from North Carolina to the junior Senator from Vermont [Mr. Page] and vote "yea."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before with reference to my pair with the senior Senator from California [Mr. Johnson], I withhold my vote.

The roll call was concluded.

Mr. EDGE. I am unable to obtain a transfer of my pair with the senior Senator from Oklahoma [Mr. Owen]. Not being informed how that Senator would vote on this question I am compelled to withhold my vote. If permitted to vote, I would vote "yea."

Mr. CALDER. I have a general pair with the senior Senator from Georgia [Mr. Harris], who is absent. Therefore I withhold my vote. If permitted to vote, I would vote "yea."

Mr. BROUSSARD. I have a general pair with the Senator from New Hampshire [Mr. Moses]. I transfer that pair to the senior Senator from Texas [Mr. Culberson] and vote "nay."

Mr. CURTIS. I wish to announce the following general pairs:

The junior Senator from Kentucky [Mr. Ernst] with the senior Senator from Kentucky [Mr. Stanley];

The Senator from Maine [Mr. Fernald] with the Senator from New Mexico [Mr. Jones]; and

The Senator from Illinois [Mr. McKinley] with the Senator from Arkansas [Mr. Caraway].

The result was announced—yeas 18, nays 46, as follows:

YEAS—18.

Ball
Borah
Dillingham
France
Frelinghuysen
Keyes
McLean
Nelson
New
Newberry
Phipps
Smoot
Swanson
Underwood
Wadsworth
Warren
Williams
Willis

NAYS—46.

Ashurst
Brandegee
Broussard
Bursum
Capper
Colt
Cummins
Curtis
Dial
Fletcher
Gerry
Gooding
Hale
Heflin
Hitchcock
Jones, Wash.
Kellogg
Kendrick
La Follette
Lenroot
Lodge
McCormick
McCumber
McKellar
McNary
Nicholson
Oddie
Pepper
Pittman
Pomerene
Ransdell
Rawson
Reed, Mo.
Reed, Pa.
Robinson
Sheppard
Shortridge
Simmons
Smith
Sterling
Sutherland
Townsend
Trammell
Walsh, Mass.
Walsh, Mont.
Watson, Ind.

NOT VOTING—32.

Calder
Cameron
Caraway
Culberson
du Pont
Edge
Elkins
Ernst
Fernald
Glass
Harreld
Harris
Harrison
Johnson
Jones, N. Mex.
King
Ladd
McKinley
Moses
Myers
Norbeck
Norris
Overman
Owen
Page
Poindexter
Shields
Spencer
Stanfield
Stanley
Watson, Ga.
Weller

So Mr. Smoot's amendment in the nature of a substitute was rejected.

Mr. FRANCE. Mr. President, I offer the amendment to the pending bill which I send to the desk.

The PRESIDENT pro tempore. The Senator from Maryland offers an amendment, which the Secretary will state.

The Reading Clerk. It is proposed to add a new title to the bill, to be known as Title X, as follows:

Title X.

The President of the United States is hereby authorized to create a board of 48 members, one from each of the States, all of the members of which board to be veterans of the World War, the said board to be known as the American World War-education and hospital board, of which board the President of the United States shall be ex officio chairman. The members of this board to be appointed by the President, and this board shall be authorized to receive contributions, gifts, bequests, and assignments of interests in adjusted compensation payments from veterans of the World War for the establishment of educational and hospital institutions in the United States, and the said board shall be empowered to carry out all of the provisions of this act relative to the said board.

(a) Every veteran of the World War who shall be given or entitled to receive adjusted compensation, a cash bonus, or other form of bonus, under this or subsequent acts, shall be given the privilege and option of contributing such bonus or adjusted compensation to the American World War education and hospital board.

(b) Every soldier or veteran who shall exercise his privilege and option of contributing his adjusted compensation to this board shall be called a "donor," and shall be entitled to wear a special badge which shall be given to him with an expression of the gratitude of the country for his services in the World War and his generosity as a donor, these to be issued by the authority of the Congress of the United

States, and his name shall be enrolled on a bronze tablet to be placed as a perpetual memorial in a conspicuous place in the administration building or buildings of the educational or hospital institutions established under the control of the said board in the State of the donor.

(c) The World War education and hospital board shall receive the principal of the funds donated or assigned to the said board and shall hold said principal and invest and reinvest the same, together with any unexpended increment therefrom, as a perpetual trust fund, and it shall pay over the net income thereof or therefrom for the establishment and maintenance in the several States of such educational and hospital institutions as shall in the judgment of the board be most desirable and useful for the free educational advantages for the citizens and residents of the States and for the more effective care in hospitals and sanatoria of the diseased and disabled veterans of the World War, in all of which institutions the veterans of the World War, their sons and daughters and direct descendants shall have the preference.

(d) The said board shall be authorized to determine as to the character of these institutions for the promotion of education and the public health, but wherever and whenever it shall seem advisable to do so the board shall in its discretion establish in each State institutions of learning where technical, industrial, as well as classical education shall be given free of charge to the students of the State wherein the institution or institutions are established.

(e) In the establishment of institutions by this board the State in which such institutions are to be located shall be invited to counsel with the board and to participate with the said board by the donation of ground upon which such institutions may be located, but the erection, equipment, and maintenance of these institutions shall be solely under the direction of the board. These institutions, however, may be established adjacent to or in connection with State universities already established. In the establishment of such institutions and in the distribution of funds, proper provisions shall be made for the education in suitable institutions of colored students on an equitable proportionate basis.

(f) In the allotment of the funds acquired by the board among the institutions to be established in the various States the institutions of any particular State shall receive a proportion of the total sum to be allotted by the board to all of the States which shall bear the same ratio to that total sum as the ratio of the number of enlisted men from that State to the total number of enlisted men in the Army of the United States during the World War.

(g) The American World War education and hospital board hereby created shall have the power to determine all matters of policy and to exercise all of the powers hereby and hereafter necessary to be conveyed in order that it may carry out fully the provisions of this trust hereby created and the purposes for which the said board has been formed.

Mr. FRANCE. Mr. President, I desire to say but a few words in explanation of this amendment. I believe that the veterans of the World War who are to receive adjusted compensation under this proposed act should be given the opportunity of donating the sums which shall be made available to them for the establishment of a great national memorial which will be of permanent value to the Republic and which will in its creation give them an opportunity again to express in a material way the love and devotion for their country which they exhibited when they offered to lay their lives upon the altar of their country's service.

I am persuaded that the men who made up the splendid Army of the Republic in the World War are not in any sense mercenary. I am persuaded that the vast majority of them, if given such an option as my amendment contemplates, and afforded the opportunity of contributing to such a perpetual memorial, would avail themselves of the opportunity. I understand that the total sum which will be made available under the pending bill approaches $3,000,000,000—three thousand millions of dollars—or about $60,000,000 for each State. It is very apparent that this is a sum perhaps in excess of the total now invested in our educational institutions. I have not checked up accurately to ascertain the sum so invested, but some years ago, in 1919, all of the public-school buildings in the United States were worth only approximately $950,000,000. It is very evident that, if the veterans of the World War should avail themselves of the option which this title if enacted into law would give them, they would be able to make a very great contribution to our educational system.

In my opinion, this is a cause which will greatly appeal to our ex-service men. As I go out among the veterans I find that they are not in any sense mercenary; that they are not particularly anxious to have the money for the money's sake, but they do feel that there should be some substantial recognition of their services. In view of what I know of the attitude of those men, I feel that if this option were provided for in the bill a very large sum of money would come to the board proposed to be created under this title which could be used for the permanent benefit of the Republic.

Mr. President, I do not care to speak at length upon this question. I have already on a previous occasion discussed the subject of the bonus and the attitude of our veterans toward it; but I am persuaded that the men who made up our armies constitute the noblest, the most patriotic, the most devoted band of men who ever went into the armies of any country, and I am further convinced that if given this opportunity they would offer a great demonstration by their gifts of their continued devotion to the country, of their desire once more to be of service to the Nation by each one contributing money to this great cause.

Men who will offer up their lives without a question in the cause of the preservation of the Republic are men who will, when placed in a position to do so, render any further service in their power to the Republic. They are men eager to place fragrant gracious gifts upon the altar of self-sacrifice; and I believe that if this title shall be added to the bill the people of the country will be surprised at the manner in which these soldiers who have been criticized because they have asked for a further recognition of their services will respond to the opportunity.

Mr. SIMMONS. Mr. President, may I ask the Senator a question?

Mr. FRANCE. I yield.

Mr. SIMMONS. Does the Senator's proposal give the profiteers any opportunity to contribute to this benevolent fund?

Mr. FRANCE. Yes; they would have an opportunity, I believe, to contribute to the fund if they wished to do so; but personally I believe that legislative bodies, wherever they can—and I am not referring to the national legislative body—should see to it that all of those who are able to pay taxes should contribute more taxes to the general cause of education. I believe that in a general way, however, those who profiteered during the war at the expense of their fellow citizens are not the class upon whom we can call for generous donations of gifts. The man who profiteers during a period of war such as that through which we have been passing is not the man who will ordinarily make generous gifts to his country. That is entirely a different question; but I am saying that these men who did not profiteer, if given an opportunity to show once more by this gift their love and devotion to their country, will make the gift. I believe that. I believe it from what I know of the men, many of whom are my personal friends. I believe that it would be a wonderful demonstration, as I say, which they would give if offered this option under the bill.

These men, of course, were not profiteers during the war, nor are they profiteers now. I have explained to the Senate in a previous address my views as to how this agitation for the bonus began. It began first with the disabled and diseased men who were not being properly cared for.

The agitation was then taken up by those who were victims of the unhappy economic conditions which followed the close of the war—economic conditions which, I have said, were brought about through the failure of the Congress and of the other legislative bodies to deal with the great problems created by the war. I believe that now all of those who are not in real economic distress, and even some of those who would make this gift at great sacrifice to themselves, would be very glad to avail themselves of an opportunity to give a whole or a part of the compensation which they are to receive to their country and to the great cause of establishing these institutions at which they and their sons and daughters and direct descendants would receive special opportunities for education.

I do not wish to detain the Senate, but I should be very happy if I could have a yea-and-nay vote upon this question. I feel that all who do vote for this amendment will show their confidence in the men who made up our armies, and, moreover, their faith in the devotion of these men to any good cause which would be of permanent service to the Republic.

Mr. JONES of Washington. Mr. President, as I understand the Senator's amendment, it does not affect any part of the bill, but simply adds this provision to it.

Mr. FRANCE. It simply adds this as an option. It simply provides that any veteran of the war can, if he pleases, contribute any compensation which he receives to this World War education and hospital board, so that it may be used for the establishment of institutions in the various States.

Even if one-half of all that is received is so donated, that would be approximately a billion and a half of dollars, which is a sum probably far in excess of the total value of the public-school facilities in the United States at present, and probably far in excess of the total endowments of all of the State universities, although, as I say, I have not compiled any figures upon that point.

I have always felt that there should be some recognition in the way of a permanent memorial for the great services which these men have rendered to the country. While I do not feel that the time is opportune for the Government to establish such a memorial, I do feel that if we pass this bill it should have this optional feature in it. All of the other options in this bill are options to get; but I believe, from what I know of our men, that an option to give would be the most popular option in the bill, and I should like to test it out before the country. I believe that some of the men of the country would find, to their astonishment, that a very large proportion of the men who were willing to go to war and offer up their lives, if need be, upon the altar of their country, are now willing, no matter what the profiteers do, to give, whatever their country may give them, to the great cause of making this a greater and a better country.

I hope the amendment will receive some serious consideration, and I hope the Senators will extend me the courtesy of a yea-and-nay vote upon it.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Maryland [Mr. FRANCE], upon which the yeas and nays are asked for. Is the request seconded?

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. McCUMBER (when his name was called). Transferring my pair as to the previous vote, I vote "nay."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I wish to announce that my colleague [Mr. OVERMAN] if present would vote "nay."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before with regard to my pair, I withhold my vote.

The roll call was concluded.

Mr. EDGE. I transfer my general pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from South Dakota [Mr. NORBECK] and will vote. I vote "nay."

Mr. CALDER. I am paired with the senior Senator from Georgia [Mr. HARRIS], and therefore withhold my vote.

The result was announced—yeas 3, nays 55, as follows:

YEAS—3.

France
Jones, Wash.
Nicholson

NAYS—55.

Ashurst
Ball
Brandegee
Cameron
Capper
Colt
Cummins
Curtis
Dial
Dillingham
Edge
Fletcher
Frelinghuysen
Gerry
Hale
Heflin
Hitchcock
Kellogg
Kendrick
La Follette
Lenroot
Lodge
McCormick
McCumber
McKellar
McLean
McNary
Myers
New
Newberry
Oddie
Pepper
Pittman
Pomerene
Ransdell
Rawson
Reed, Pa.
Robinson
Sheppard
Shortridge
Simmons
Smith
Smoot
Stanfield
Sterling
Sutherland
Swanson
Townsend
Trammell
Underwood
Walsh, Mass.
Walsh, Mont.
Watson, Ind.
Williams
Willis

NOT VOTING—38.

Borah
Broussard
Bursum
Calder
Caraway
Culberson
du Pont
Elkins
Ernst
Fernald
Glass
Gooding
Harreld
Harris
Harrison
Johnson
Jones, N. Mex.
Keyes
King
Ladd
McKinley
Moses
Nelson
Norbeck
Norris
Overman
Owen
Page
Phipps
Poindexter
Reed, Mo.
Shields
Spencer
Stanley
Wadsworth
Warren
Watson, Ga.
Weller

So Mr. FRANCE's amendment was rejected.

Mr. CURTIS. I ask unanimous consent that when the Senate concludes its business to-day it take a recess until 11 o'clock to-morrow morning.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is ordered accordingly.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to further amendment. If there be no further amendment to be proposed, the bill will be reported to the Senate.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry. It was my intention, and still is my intention, to address the Senate on this bill; but I do not desire to enter upon that discussion at an hour which would be inconvenient to others. If there are others who desire to address themselves to the bill briefly, I will gladly waive my present right to do so. I say that in the hearing of those some of whom perhaps may desire to address the Senate briefly, not indicating that I shall unduly prolong my remarks.

Mr. HITCHCOCK. Mr. President, a parliamentary inquiry. Has the bill been reported to the Senate yet?

The PRESIDENT pro tempore. The Senator from California interrupted the Chair at the moment the bill was passing into the Senate. In view of that interruption, it will still be considered as in Committee of the Whole.

Mr. SHORTRIDGE. Mr. President, I hope this Nation may never incur and deserve the stigma and reproach which have all too often sullied the name of republics. I trust my country may never be justly charged with the unpardonable sin of ingratitude. Gratitude is the fairest flower that sheds its perfume in the heart of man or nation. The man who is not grateful for benefit received is lower than the beast of the field. The nation that is not grateful for sacrifices made in its behalf, for exposure to death in order that it may live, will not long retain, if it deserves, the love of its people or the respect of mankind. The nation that is not duly grateful to him who dies for it merits the scorn of earth and the contempt of heaven.

Not by my vote shall that hideous and hateful word "ingratitude" be stamped on the white and spotless brow of my country. Not by my vote shall my country fail in her duty to the dead or to the living soldiers and sailors of this Republic. And what, Mr. President, is the nature, the character, and the extent of that duty resting on this great and rich and independent Republic?

As in the days of Washington, as in the days of Jackson, as in the days of Lincoln, as in the days of McKinley, as in every day when the independence or life of this Nation was in peril, so in the late Great War the sons of America responded to their country's call in her hour of deadly danger and fought and died on land and sea for the flag of freedom.

Out of their loyal service, out of their heroic death, springs our duty, our stern duty, which is, and should be, considered sacred. Need I remind my countrymen of that duty?

> Lord God of hosts, be with us yet,
> Lest we forget, lest we forget.

What, then, is that sacred duty which should and must and shall be performed?

We owe a sacred duty to the dead. We owe them the tribute of our love and tears. Their names are enrolled in the historic archives of the Nation for which they gladly died and their example will be an inspiration to the sons of the Republic so long as patriotism abides in the American heart. Wheresoever it be, in unknown foreign grave or in ocean depths, they sleep in peace and honor, brave sons of America, faithful unto death.

We owe a sacred duty to many who mourn for the loved ones gone—helpless children, feeble mothers, it may be aged fathers, bereft of parents and sons. That duty must and shall be performed. It may cost us something, but what of that?

To the living soldiers and sailors we owe a duty no less sacred, a duty that must and shall be performed.

First, we owe the most sacred, the most solemn, the sad duty to those who returned wounded in body, sick in mind, wrecks of early strength and manhood. They must be lovingly watched over, tenderly cared for, nursed back to health and hope and happiness. No amount of money, wisely, sympathetically expended, must be spared in this work. Hospitals—modern, clean, and sufficient—vocational training adapted to the needs and inclination of the soldier; as to these matters and everything which is helpful to rehabilitate the son hurt in his country's cause we must expend whatever sums are required. There must be no inattention, no indifference, no slacking, no niggardliness. There must be vigilant and sleepless performance of this duty.

And the employee of the Government charged with the performance of this work who neglects his duty, whether he be high official or obscure workman, should be instantly dismissed and promptly shot.

These duties to the dead and their dependent survivors, to the living sick and wounded, we are performing and must continue to perform. Thus and thus only can we prove that we are worthy citizens of the Republic for which they spent their strength and shed their blood. We have expended $1,840,272,922.16 in this work and we must expend millions and billions more. Oh, the burden and the sorrow of war.

I can not believe there is an American citizen so miserly, so ungrateful, so base as to begrudge the money expended and to be expended in the carrying on of this needed and necessary service.

But, Mr. President, something more remains to be done for the soldiers and sailors of this Republic before we shall have performed our full duty to those who planted its flag on the heights of victory and eternal glory.

To those who fought the good fight and contributed to the righteous victory and providentially returned unhurt in body and mind but who suffered and suffer in loss of time and opportunity we owe a duty which we should promptly and gladly perform, and this duty we intend to perform by the enactment of this bill into law.

And, sir, in promptly and cheerfully performing that duty we honor ourselves no less than we recognize heroic and loyal service rendered.

THE WORLD WAR.

Pause for a moment, Mr. President, to recall the Great War. The earth trembled beneath the tread of mighty armies. The Old World, which should have been wiser, for wisdom accompanies age, was in arms. Statesmenship, so called, diplomacy, secret and sinister, had failed. Above fertile fields red with brothers' blood, above fragrant meadows wet with women's tears, above ruined cottages and palaces, profaned temple and cathedral, above but within hearing of the carnage and agony of war angels hovered and cried:

> Peace on earth; good will toward men.

But the roar of cannon, the shriek of shell, drowned those heavenly voices, and death smote the young and fair, the old and feeble. The fields of Europe were furrowed by war's hot plowshare. The very structure of civilization, erected by the toil and genius of centuries, trembled and tottered to its fall. At first the danger to us was remote. We stood aloof and maintained a strict neutrality. But the danger came nearer, and finally we were engulfed. We called upon the manhood of the Nation. They—these young men to reward whom this bill is designed—responded to their country's call. They came from city and village, from factory and farm, from mine and forest, from all ranks and conditions of life, from every State in the Union. We sent them forth with our blessing and our prayers.

Many of them crossed the ocean; they fought; God, how they fought; through dangers and darkness, with undaunted courage and unsurpassed devotion to duty, under great leaders they carried on; they knew no such word as retreat or failure; they welcomed death if death could contribute to victory; they carried on and on until the radiant morning of victory again blessed the undefeated flag of our country. They returned home to the land they had defended. We welcomed them with outstretched arms; we strewed flowers in their way to tread upon; reverently we thanked God that he had led them through the "valley and shadow of death" and brought them in safety home.

Mr. President, we can not pay the debt we owe—the debt of gratitude, the debt of honor, the debt a mighty nation, saved by their valor, owes to its sons. But we can try to do so; we can in part discharge our obligation, and this we can do in manner contemplated by this bill without emptying our Treasury or impairing our credit.

Mr. President, I am conscious of the hour, and am aware that the measure has been elaborately discussed by many eloquent Senators who preceded me. I have heretofore trespassed little, if at all, upon the attention of the Senate in the consideration of the measure. I feel the least embarrassment in proceeding, but I overcome that and shall ask the indulgence of the Senate if I proceed to a brief analysis of the measure before us.

But before proceeding to such analysis of the bill, and the plan for meeting its cash and other requirements, let me pause to ask its opponents, be they here or elsewhere, whether there is such a thing as a moral obligation, and whether they recognize such a thing as a moral obligation resting on a nation. Whatever their reply may be—and some of them, not here but elsewhere, seem to sneer and scoff and ridicule at such a thing as a moral obligation—the Nation recognizes that it is morally, if not legally, obligated to do justice to its loyal citizens. We have advanced—given—to loyal citizens millions and millions of dollars when there was no legal obligation whatever. In some instances it was questionable, or at any rate questioned, whether there was any moral obligation at all. For example, finding itself in sore need of essential minerals, the Nation called upon its citizens to go forth and prospect for, discover, and produce chrome, tungsten, magnesite, and pyrites. Many citizens of the West responded to the call, animated by patriotism, and perhaps, in some instances, a desire for gain. There was no legal obligation on the Nation to reimburse them. The sudden termination of the war left many of them bankrupt, others with great material loss. I repeat there was no legal obligation on the Government to reimburse them for losses suffered, to compensate them for service rendered. But what did the Government do? We promptly appropriated $8,500,000 to relieve those citizens from financial embarrassment and loss. I take some pride in recalling that I had the honor to introduce, during the late extra session, the bill which ultimately became a law amending the former act, and making it possible for bona fide claimants to receive the amount of their net losses incurred in that enterprise of assisting the Government during the war.

We have given, Mr. President, and even now continue to give millions of dollars in the shape of bonuses to civilian employees, stenographers, clerks, and other employees of the Government. In 1918 we gave, in the shape of bonuses to those employees of the Government, over $11,000,000; in 1919, $16,000,000; in 1920, $87,000,000; in 1921, $70,000,000; and in 1922, $34,000,000. We have appropriated over $38,000,000 for the same purpose for the year 1923. In other words, in the shape of bonuses—call it what you will, gratuity, bonus, gift—we have appropriated and paid out, or will have paid out, $257,919,068 to the civil employees of the Government. The bonus or gift of $240 per year—$20 a month—has been given to each employee, though his or her salary mounts up to $2,500 per annum. I would have thoughtful Senators, and those elsewhere who complain, to remember the facts which I have thus called to their attention. This bonus of $240 a year given to civil employees, in many instances given to employees receiving as high as $2,500 a year, is far in excess in proportion of ratio of the bonus or gift or gratuity or adjusted compensation which we contemplate giving to the soldiers and the sailors of the Republic.

I shall not develop that argument further. Senators' own minds will carry it forward, but I here and now say that if it was justifiable, if it was proper, if it was just to give those bonuses to the civil employees who perhaps went no further in the performance of their duty than from the White House to the Capitol, is it not just to recognize those who went thousands of miles from their homeland exposing life in the defense of their country?

Now let me invite attention to something else we have done. We have recognized an equitable right of citizens to reimbursement where they have suffered losses by reason of the sudden termination of contracts. We have not paused curiously to consider technical, legal rights. We have recognized broad, generous, equitable principles and rights.

I heard no sound of protest coming up from the feebleminded editors of some of our cities, I heard no protest or whining from certain quarters who now seem to be appalled at the proposition involved in the pending bill, when we, great, generous, rich Nation, thus recognized that there is such a thing as an equitable right, an equitable principle, to be recognized by a nation as well as by civilized man.

Again, Mr. President, we have held ourselves obligated to restore to their owners the railroads taken control of by the Government as a war measure and to reimburse the owners for losses suffered and to guarantee a fixed net income for long periods. In this behalf we have given over three-quarters of a billion dollars. Just right, men say; no complaint, it being regarded not only in this instance as the recognition of the Constitution and principles there engrafted, but also a carrying out of the express or the implied promise of this Nation.

Again, Mr. President, we have felt ourselves bound to relieve the sick and feed the hungry of foreign lands and to assist the feeble governments. In so doing we have advanced or given vast sums which will never be repaid. Why did we do it? What impulse moved us? Is there anyone who criticizes it? Is there anyone who is sorry or regretful that we have done this thing? We did honor to ourselves and added new and greater glory to our own great reputation for righteousness and for a merciful disposition toward the suffering of humanity.

Mr. President, as a Nation, as the parens patriæ, we have on numberless occasions gone to the relief of our own people who have been overwhelmed by fire or flood.

And here and now, Mr. President, I wish to thank this Nation for its generous aid so promptly given to stricken San Francisco in the hour of her appalling disaster. Risen from her ashes, she stands again in majestic beauty, there by the Golden Gate, a living witness, a grateful witness, to the fact that this Nation never fails to respond to those finer sentiments and unselfish emotions that dignify an ennoble the human race.

In many of these cases, I repeat, there was no technical legal obligation resting on the Government, but we felt and recognized a moral obligation and we discharged that moral obligation. Now I ask Senators—and my question may go out to the country—what was the obligation in any of those cases compared with the obligation we are under to the loyal soldiers and sailors of the Republic? I am not criticizing, I am not censuring anything that has been done, but I am reminding and calling upon this Nation to remember.

Mr. President, I take great pride as a humble citizen of this Republic in believing that we are a just and righteous Nation and that our benefactions have sprung out of a sense of duty toward those who served and suffered. If ever a moral obligation rested on a nation to reimburse its sons for losses suffered or to partially compensate them for invaluable services rendered, that obligation rests on this Republic. Now, let us honor ourselves by recognizing and discharging that obligation. Let us not be shamed in the face of the world by failing to do in like manner what other and less great, less rich, less powerful nations have long since done and are now doing. Contemplate what other nations have done and consider their resources and their burdens as compared with our own.

Great Britain, Canada, New Zealand, Australia, France, Belgium, each has given more to her soldiers, in proportion to resources and liabilities, than we propose to devote to our soldiers by this bill. The victor nations have deemed it wise and just to reward their victorious soldiers; but what of the vanquished? Germany, defeated, revolutionized, borne down by enormous debt, her overseas colonies and possessions gone, her once great merchant marine lost, stripped of productive territory—even Germany, staggering under the colossal burden she bears, has, in some measure, done the same thing toward her soldiers and sailors. Here, Mr. President, I ask that a tabulated statement showing what other nations have done in this regard may appear in the RECORD as part and parcel of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The table referred to is as follows:

PAYMENTS SINCE THE WAR BY FOREIGN COUNTRIES TO THEIR VETERANS.

The following tables show the payments made by foreign countries to their veterans since the war:

Foreign bonus payments to enlisted men of World War.

Country.	Base of bonus, maximum rate.	Maximum possible.	Probable average.	Total cost.
Great Britain.	£5 plus 10s. per month's service in excess of one year; maximum 48 months.	£29 ($101.50)..	....	£78,831,556 ($275,910,446) to men and officers.
Canada.......	Pay and allowances they would have received if not demobilized, for from 1 to 6 months, depending on service.	$600 ($540)....	....	$164,000,000 ($147,600,000).
Australia.....	1s. 6d. per day of service.	£117 ($409.50).	£83⅓......	£30,000,000 ($105,000,000); mostly paid in 5½ per cent bonds, maturing May 31, 1924.
New Zealand.	Same as Australia.	£117 ($409.50).	£58¾......	£5,225,900($18,290,650) to May 20, 1920.
France.......	250 francs plus 20 francs per month for services at front, between Aug. 2, 1914, and Nov. 11, 1918.	1,270 francs ($95.25).	....	4,964,948,670 francs ($372,371,150); payable in monthly installments of 100 francs.
Belgium......	75 francs per month for services at front, Aug. 1, 1914, to Nov. 11, 1918, less family allowance.	3,825 francs (less family allowance) ($287).	....	141,230,000 francs ($10,592,250); in budget for 1921.
Germany.....	....	65 marks($0.97)	65 marks..	

Mr. SHORTRIDGE. Mr. President, am I now to be told that this mightiest Republic, this richest Nation on earth, can not, without going into bankruptcy, meet and discharge the requirements of this bill? With due respect for others—some of whom, not all, are in subordinate executive places, and whose duties are executive rather than legislative—I submit that the showing which has been made here demonstrates that without embarrassment, without appreciable extra burden, this Republic can finance this bill; but I hasten to add that if it did cause a little embarrassment, or if it did cause a little extra burden by way of taxation, we should favor the measure.

Let me direct your attention, Mr. President, to a contrast which I think should be borne in mind when we are considering this proposed legislation. Compare the pay of the soldier with the pay of the man who remained at home. Let us be frank; let us be truthful. The soldier's pay was little; the many who remained at home—willing to go, it may be, but who were assigned to the essential industries—received large wages, increased from time to time. Just pause to contrast the wages—if we are to lower this argument and put it upon a mercenary monetary basis—of those remaining at home and the wage, if you choose to so call it, paid to the soldier or the sailor. Of course, those who were thus engaged in home essential industries rendered service to their country, and I am not now saying that they did not render good service; but I do not wish it to be forgotten that whereas the boy from California, from my own beautiful Menlo Park, who went yonder to fight and expose his life on the battle fields of France, received a pittance, there were others engaged in certain industries who received almost as much per day as the soldier in France received per month.

Then there was another class which we should bear in mind, and who should never be forgotten, and that is the pale-faced, pigeon-livered cowards, the slackers of this country, who evaded service when their country called. By subterfuge, by lies, by trickery, by all sorts of evasions they avoided service; and doubtless having by such means evaded service, they engaged in industry and earned much money compared to the soldier.

There was another class who remained in this country—the conscientious objector. Perhaps I tread upon dangerous ground or may offend some who think radically otherwise than I do, but I never have come to understand the condition of that man's heart or patriotism who had a conscientious objection to fighting for his country when its life was in peril; and I am very sure that there is not a God in heaven who will frown upon or punish any man who fights and dies for this blessed Republic of Washington and Lincoln; and yet there were many of these conscientious objectors who avoided the service rendered by the soldiers and sailors whom we contemplate assisting through this proposed legislation.

Then there was another type of recreant Americans, cowards all, in heart traitors all, who evaded the just and necessary selective draft act; and let us be frank and let us be truthful. Right in the Capital of the Nation there were many who were running hither and yonder and using all their little political influence to be assigned to essential-industry work, and in many instances succeeded, thereby avoiding going to war; and here they sat on their chairs looking at the clock for the hour to stop work, and I dare say they received more in one month than five or six or seven, perhaps eight, brave soldiers received, crossing the treacherous ocean, death above and death below, fighting and exposing their lives in the forefront of battle. Having by subterfuge and cunning and small, little political influence succeeded in avoiding the draft, we have given them a bonus amounting, as I have stated, to many, many millions of dollars, and they are still getting the bonus; and do I hear any complaining?

Then there were the criminals who robbed their country in its hour of mortal combat—the contractors, the high-toned thieves who took advantage of the occasion and of the opportunity to graft upon their country—their country, whose laws, from the Constitution down to the municipal ordinance, protect them in their property. There were the rich contractors or the poor and designing criminal contractors made rich by grafting upon their Government.

I name no names, but the current history of this country and the court records of this country reveal their names; and I venture to say that every one of them, without exception, is objecting to the passage of this law, or the giving of any reward in the shape of compensation, to be by this law adjusted, to the soldiers and the sailors of the Republic. Doubtless there were others here of different type of unworthiness, earning money, profiteering, taking advantage of the situation, whilst our brave sons were "over yonder" or in camp preparing to go wherever duty called them.

It must be borne in mind that those who volunteered, as well as those who entered the service through the law, in most instances left remunerative employment. From my own State of California there went into the service 135,205 young men. I think I am warranted in saying that practically every one of those young men was engaged in profitable, remunerative employment, steady employment; for the record shows that they were capable young men, sober young men, and in every way fit young men to render their country service, as they had been rendering their several employers service. Many of them, it is true, were themselves employers, well to do, employing others; but, speaking generally, they were all employed, and they left their positions to enter the service. What I say of California was, of course, true of Oregon, of Washington, of Idaho, of Colorado, of Ohio, of Massachusetts, of all the States in the Union; and I would have opponents of this measure bear that in mind when discussing this bill and proposing to adjust the compensation of the soldier and the sailor.

There is another view of this bill which I desire to present to the Senate. Stated briefly, it is this:

We drafted men and we drafted property. How have we dealt with the property we drafted? We have returned or proposed to return it unimpaired, so that the owners shall not suffer the loss of money. We drafted men, and they have returned. If it is right, if it is just and equitable, to return property drafted unimpaired in value and reimburse the owner thereof for any loss suffered, why is it not just and right and proper to reimburse the man so that he shall not have suffered materially? If just in the one case, it is just in the other; and yet I ever and again refuse to place my support of this bill upon the purely monetary or mercenary ground; but if I am driven to that argument or asked to stand upon that ground, then once more and again I propound the question to gentlemen: If it is just and right to restore, without loss to the owner, property which was taken, drafted as a war necessity, why is it not likewise just and proper to restore the man without loss? He lost employment permanently, and he lost current income. The soldier lost his position. He lost wages. He lost opportunity. He lost his position, and in hundreds and thousands of cases the positions were lost for all time. He returned, indeed, to find his occupation gone.

Oh, how well do I remember that it was said and published that the positions would be kept open for the returning soldiers! I heard many eloquent speeches on that subject during those days. How many were kept open? Therefore there are hundreds and thousands of young men who either volunteered or who entered through the law into the service of the country who lost their positions and lost opportunity for advancement in life. I have them in mind, if others forget them. I remember them, if others close the door upon them.

Mr. President, how shall we meet the requirements of this bill? I had intended to discuss the bill somewhat in detail. I content myself now by merely propounding the question and calling upon others to answer it: What are the demands which we can not meet? What are we called upon to do? No Senator who has thus far spoken has successfully answered or refuted the masterly address of the senior Senator from North Dakota [Mr. McCumber]. No one has set before him the task of undertaking to answer it. There it is in the record. There is a logical, a clear analysis of this measure, and there is a clear and unrefuted statement as to how the demands upon us can be met. Let those who oppose this bill answer the Senator from North Dakota—grand, upstanding American patriot—who has stood here for nearly a quarter of a century representing his own great State, but also representing and loving this greater Republic.

Let the newspapers elsewhere, which are trying to blot or mar his national fame, answer this great American patriot. Let them undertake, even, to answer the statement which he made here, without passion, without invective, without any attempt at display, without vituperation or declamation; let these editors, whether they be walking the Champs Elysee or luxuriating in New York, answer this great American Senator before they bawl their inane sentiments out before the American people, attempting not only to discredit this measure but to discredit this patriotic citizen.

I would be but traveling over ground thoroughly covered if I undertook to analyze this measure as I had intended to do. I content myself by asking Senators to bear in mind that great and logical speech; that analysis of this bill, made, not in hostility to anyone who differed from him, but answering the objections which have here been advanced, and which perhaps have come from other quarters.

Read the report of the committee accompanying this bill. Has any one set about to answer the statements therein contained? I respectfully challenge any honored Senator who is opposed to this measure to make answer to the argument of the Senator from North Dakota [Mr. McCumber] or to the facts set out in the report accompanying this bill.

Mr. President, it is said that the eye of childhood fears a painted devil; but are we so timid, are we so weak and afraid of the future, as to look upon the demands of this bill with terror? We can easily pay, we can easily meet every requirement of this bill when it is intelligently administered, and we may well assume that it will be intelligently and properly administered.

Ah, but I am told, and some gentlemen remind me, that the Treasury is empty, and that our credit may be impaired to the injury of the stock market. I recognize that we owe some twenty-odd billion dollars. Uncle Sam has never yet repudiated, he never will repudiate, a legal or a moral obligation; but when we talk of liabilities and outstanding obligations, we should consider our resources, our ability to meet the demands upon us.

Among our assets are the legal obligations due us, the debts due us from foreign nations. I have heretofore expressed my views in regard to those debts and those obligations. In order that what I may say will be justified, I ask that there appear as a part of my remarks the latest statement issued by the Treasury Department showing the amounts due us severally by or from these foreign nations.

There being no objection, the matter was ordered to be printed in the Record, as follows:

Statement showing obligations of foreign Governments held by the United States (including those held by the United States Grain Corporation), interest accrued and unpaid thereon up to and including the last interest period, and interest heretofore paid.

Country.	Principal amount of obligations.	Interest accrued and unpaid up to and including the last interest period.	Total indebtedness.	Interest heretofore paid.
Armenia	$11,959,917.49	$1,677,256.88	$13,637,174.37	....
Austria	24,055,708.92	2,165,013.81	26,220,722.73	....
Belgium	377,123,745.94	51,391,987.94	428,515,733.88	$14,609,062.01
Cuba	7,740,500.00	....	7,740,500.00	1,859,733.14
Czechoslovakia	91,887,668.65	12,797,876.74	104,685,545.39	304,178.09
Esthonia	13,999,145.60	2,089,625.66	16,088,771.26	....
Finland	8,281,926.17	1,012,436.10	9,294,362.27	....
France	3,340,857,593.20	430,049,062.65	3,770,906,655.85	170,304,490.63
Great Britain	[1] 4,135,818,358.44	611,044,201.85	4,746,862,560.29	250,132,185.50
Greece	15,000,000.00	375,000.00	15,375,000.00	1,159,153.34
Hungary	1,685,835.61	202,300.28	1,888,135.89	....
Italy	1,648,034,050.90	243,480,583.37	1,891,514,634.27	57,598,852.62
Latvia	5,132,287.14	643,576.87	5,775,864.01	126,266.19
Liberia	26,000.00	2,868.85	28,868.85	861.10
Lithuania	4,981,628.03	747,244.20	5,728,872.23	....
Nicaragua	170,585.35	....	170,585.35	....
Poland	135,662,867.80	17,380,785.13	153,043,652.93	1,290,620.78
Rumania	36,128,494.94	5,283,958.85	41,412,453.79	263,313.74
Russia	192,601,297.37	35,019,427.03	227,620,724.40	7,717,333.43
Serbia	51,104,595.58	7,336,455.81	58,441,051.39	636,059.14
Total	10,102,252,207.13	1,422,699,662.02	11,524,951,869.15	506,002,109.71

[1] Includes $61,000,000 of British obligations which were given for Pittman silver advances and for which an agreement for payment has been made.

Cuba pays interest as it becomes due.

No interest due on Nicaraguan notes until maturity, as is also the case with certain Belgian obligations aggregating $2,284,151.40.

Mr. SHORTRIDGE. Mr. President, this was furnished me yesterday from the Treasury Department. I hope Senators will indulge me a moment while I invite their attention to some of these countries and the amount they severally owe the United States of America.

Let it be understood that there is no question as to the amount due us. There is no question as to the validity of our claims. There has been no question raised as to how or under what circumstances the money was loaned or advanced to these several nations. Thus Armenia owes us, speaking in round numbers, $12,000,000. Of course, Armenia is crushed and bleeding, and may scarcely be regarded as an independent or self-acting nation. The Turks are still crushing her; but Armenia owes us $12,000,000.

Austria owes us $24,000,000. Belgium owes us $377,000,000. Have we not done something for Belgium? Cuba owes us practically $8,000,000. Czechoslovakia owes us, in round figures, $92,000,000. Esthonia owes us $14,000,000. Finland owes us $8,000,000. Hungary owes us $1,700,000. Latvia owes us $5,000,000. Liberia owes us $26,000. Right here and now permit me to say that I favor canceling that debt of Liberia to us. Let us forgive Liberia. Nicaragua owes us $170,000. Poland owes us $135,000,000. Rumania owes us $36,000,000. Russia owes us $192,000,000. Serbia owes us $51,000,000.

France—we did not forget Lafayette; I sometimes fear, however, that France forgets Uncle Sam—France owes us $3,341,000,000 in principal.

England, mighty England—Great Britain—with her mighty capital, her mighty colonies, her far-extended dominions, owes us $4,136,000,000.

The total of these principal sums is $10,102,252,207.13. There is due us as interest $1,422,699,662.02. There is a total indebtedness, admitted, unquestioned, of these foreign nations due us of $11,524,951,869.15. Eleven and a half billion dollars are due us from these several nations.

We advanced that colossal sum of money to help the struggling nations of Europe. In order to do so we had to borrow that money. We had to go out to our own people and borrow. We gave our own promissory notes, our own bonds, to our own people for this money, to lend to the foreign countries. We did not seek to make money by the proceeding, nor do we ask them to pay us any more than we are required to pay our own creditors. We are obligated to pay certain sums in principal and certain sums in interest, and we propose to discharge those obligations. What I have said for many, many months, Mr. President, and what I here take the liberty of repeating, is that these foreign nations should be called upon to set about, and be called upon speedily to set about, paying us the interest due and thereafter and in manner agreed upon the principal sums due this Nation.

We have passed a law providing that each of these nations may pay us the principal in their bonds. We are not hardhearted or cruel or mercenary. We give them time, we offer them opportunity, and the bill which we passed authorizes the commission which we set up to accept the bonds of those nations running up to 1943; we give them until that time within which to pay the principal due us now.

I feel kindly disposed toward the nations named. In my heart, sir, in my mind, I still feel grateful for what Russia did for this Republic in other days, and what she did in the early stages of the world's Great War. So I feel not unkindly toward the Russian people, and the nation of Russia. She owes us $192,000,000. I hasten to say that I have no firm faith, perhaps no faith at all, that those now in control of the Russian Government will recognize this debt or pay this money, and perhaps I should qualify an earlier statement by excluding Russia when I said that all these nations recognized the amounts due.

The Russian nation which contracted the debt recognizes the amount due. But all the other nations can not complain of the Senate of the United States or of our commissioners or of this Nation when we insist upon the payment of this money. I say this without passion, certainly without animosity, without any hostile feeling, for I want to have this country be at peace with all the nations of the earth. Nor am I at this moment called upon to give my advice to those nations; but when they ask for time or if they shall hedge or seek to postpone indefinitely the payment, I shall have the right to give them my advice or tell them what I think they should do concerning their own internal domestic affairs.

I have thus dwelt upon these foreign loans, Mr. President, in order that the executive department of this Government may likewise think of this great asset which is ample in and of itself to meet every requirement of the adjusted compensation bill.

I read in this morning's paper that the premier of Great Britain said that Great Britain does not contemplate delay in the payment of the interest due, that she does not contemplate for one moment a nonpayment of the principal due. There spoke a great English statesman, who thinks of England, who dreams of England, sleepless, vigilant, ever on guard for England and for England alone. It is because England has had such statesmen from the Earl of Chatham and his gifted genius son, the younger Pitt, on down through Gladstone, Disraeli, to the great Lloyd-George—it is because England has bred great statesmen who were willing to sink the world if England might float—it is because she has bred statesmen who have thought of England first and last and all the time, that England as a Government is great and powerful on this earth.

When I hear, not in this Chamber but elsewhere, men prate of internationalism and shed their insipid tears over the sorrows of other lands, forgetting the problems of their own, I could wish that they would preach another doctrine, for, Mr. President, what this Nation needs is men, upstanding men, in legislative and executive place, who will be as faithful and as vigilant and as unsleeping in the consideration of the affairs of this Republic as the soldiers and sailors were in fighting for its flag.

I am a nationalist. I believe in this Nation. I do not forget what St. Paul said in his immortal sermon on Mars Hill. If there ever was an ambassador of God on earth, it was the eloquent Saul of Tarsus. It is very true that he said God had made of one blood all races of men, but he added, "He hath set bounds to their habitations." I have always thought that he contemplated by that sentence the division of the earth into different races of different peoples. Whether that great man so desired to be understood or not, the fact is that there are nations on this earth, and we are citizens of one of those nations, and while we do not conspire or meditate against any nation on earth, while we wish every nation happiness and peace, while we will go far toward relieving every nation on earth from hunger or sickness, while we love mankind, as a Nation and as representatives of a Nation we should think first of our own problems and seek by fair, legitimate, honorable means to advance the interests of our own country.

I have no hostility of feeling toward the classic land of France. I speak in a poor way the language which Shakespeare spoke. I remember what contributions they have made to liberty and to constitutional governments. But I want France and I want Great Britain to pay us what they justly owe. If it be necessary for them to cut down their mighty armies or to reduce their mighty navies, if it be necessary for them to practice a greater economy, let them do it. I am thinking primarily of my country, though not at all in hostility to others.

Once more, and finally to take leave of these facts, I know of no reason in the world why, with the assets of $11,000,000,000 due us from these nations, some of which are able to pay, we can not easily, without any embarrassment, without any impairment of our credit, without any panic on Wall Street or Main Street, pay all that is called for under the pending soldiers' adjusted compensation bill. I do not claim to be a great financier. I own no bank, unless it be a bank of roses. I am not much at figuring, nor was Macaulay. But the time has come to speak a little plainly. The Secretary of the Treasury is not the law-making power of this Republic. It might be well to have that fact apprehended. Certain of his assistants are not the greatest statesmen that America has bred. That is one of the executive branches of the Government. I question the propriety of attempting to argue away facts which can not be argued away.

Respectfully, but quite unafraid, I suggest that the report of the committee accompanying the pending bill and the address of the great Senator from North Dakota [Mr. McCumber], made in its behalf, be given consideration by any or all Secretaries. With the same degree of respect for them as for all here or elsewhere, I once more say that they can not refute the statements made or the conclusion reached by the Senator named.

It was on November 7 of last year, Mr. President, that this matter came before the Senate by way of a proposed amendment to another bill then pending. I would gladly recall what I took the liberty of then saying, but it is to be found in the record of that day. I then said that I agreed with the statement made by the Senator from North Carolina [Mr. Simmons] that as of that time there was $1,000,000,000 due us from European nations, and if I had been running this Government I would as of then, if not long before, have politely, but very, if necessary, emphatically, called upon England and other of those nations to remit the amount due, or a substantial amount on account. But as of then there was a billion dollars due us in interest and as of now, Mr. President, there is, in round figures, $1,423,000,000 due us in interest. From Great Britain there is due us $611,000,000; from Italy there is due us $243,000,000; from France there is due us $430,000,000 in interest, making a total of approximately $1,500,000,000 from those nations. Let them pay.

Mr. HEFLIN. Mr. President, will the Senator from California yield to me?

The PRESIDING OFFICER (Mr. Cameron in the chair). Does the Senator from California yield to the Senator from Alabama?

Mr. SHORTRIDGE. Certainly.

Mr. HEFLIN. That amount of money, if we could collect it now, would pay to 4,000,000 men adjusted compensation in cash of a little more than $350 each.

Mr. SHORTRIDGE. Yes.

Mr. President, there are one or two other thoughts to which I wish to call the attention of the Senate. I listened with respect and close attention to the remarks, brief though clearly stated, by the Senator from New York [Mr. Wadsworth], and I recall that he put the question, What, if any, good the cash payment or the other optional provisions in this bill would do the soldiers? It would do them a great deal of good in ways heretofore and by nearly every Senator clearly pointed out. The Senator from Montana [Mr. Myers], in the course of a thoughtful and I am sure a very sincere address, spoke of the cost of the Civil War in the way of pensions. My recollection is that he said the first appropriation for pensions amounted to some $15,000,000, and that now it was some $315,000,000. Be it so. Does anyone begrudge that money? Does anyone think that what was achieved was not worth the sacrifice?

There is another thought, Mr. President, which I have noted and expressed again and yet again, that this was a "cheapening of patriotism"; that patriotism was not for sale and could not be purchased.

No, Mr. President. To dismiss that suggestion, there is no dishonor in our giving, if it be a gift, and there is no dishonor in accepting, even though it be a gift. If I love my son, I give to him; nor am I dishonored, nor is he; and if this Nation as the parent loves its sons and chooses to give to them, so much more the honor, so much more the glory of giver and of gift. Let us exalt patriotism by a very great national act. Let us, by showing our great love, teach our children to love, and serve, and suffer, and die for the flag, hallowed and sanctified by the blood of unnumbered dead and living soldiers, heroes who lifted and kept it where it is triumphant in the sky.

Let us not longer hesitate; let us not longer delay; let us not longer miserly consider; but let us, as becomes a great and prosperous and righteous and grateful Nation, recognize the incalculable service rendered to this Nation by its soldiers and its sailors. Let us pass this bill, Mr. President, before to-morrow's sun shall set, and be well assured that the people of this Nation will approve our act.

Mr. President, this is not a political bill; it is not a partisan measure. I am not speaking as a Republican; but, above all party distinctions and party faith, I am standing here as an American and an American Senator. The boys of California, did they go as Republicans or as Democrats? The boys of Alabama, did they go as Democrats or Republicans? No, Mr. President, even as the mothers and the fathers, regardless of party, gave, so the boys, the young men, Americans all, patriots all, served their country as Americans; they returned as Americans; they stand as Americans, and this measure is designed to recognize and in part reward the glorious service rendered by them as Americans. Let us pass this bill as a great American measure, recognizing American valor, recognizing American heroism, and we shall have done our duty, and our country and history will applaud.

The PRESIDING OFFICER. If there is no further amendment to be proposed the bill will be reported to the Senate.

The READING CLERK. A bill to provide adjusted compensation——

Mr. LODGE. Mr. President, I desire to make a privileged motion.

MINING OF COAL AND OTHER MINERALS ON PUBLIC DOMAIN.

Mr. KENDRICK. Mr. President——

Mr. LODGE. I yield to the Senator from Wyoming.

Mr. KENDRICK. From the Committee on Public Lands and Surveys I report back favorably without amendment the bill (S. 3794) to amend section 35 of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain, and I submit a report (No. 897) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That section 35 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, is amended to read as follows:

"SEC. 35. That 10 per cent of all money received from sales, bonuses, royalties, and rentals under the provisions of this act, excepting those from Alaska, shall be paid into the Treasury of the United States and credited to miscellaneous receipts; for past production 70 per cent, and for future production 52½ per cent, of the amounts derived from such bonuses, royalties, and rentals shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress known as the reclamation act, approved June 17, 1902, and for past production 20 per cent, and for future production 37½ per cent, of the amounts derived from such bonuses, royalties, and rentals shall be paid by the Secretary of the Treasury after the expiration of each quarter of the fiscal year to the State within the boundaries of which the leased lands or deposits are or were located, said moneys to be used by such State or subdivisions thereof for the construction and maintenance of public roads or for the support of public schools or other public educational institutions as the legislature of the State may direct: *Provided*, That all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "Miscellaneous receipts."

Mr. KENDRICK. Mr. President, I may say briefly, in explanation of the bill, that the so-called natural resources law provides for the payment to the States in which the resources are located of 37½ per cent of the royalties, such royalties to be paid at the end of each fiscal year. The bill reported by me proposes to amend the original act so as to provide in effect that the royalties shall be paid quarterly instead of annually.

Mr. SMOOT. Was the bill reported from the Public Lands Committee this morning?

Mr. KENDRICK. I have just reported it from that committee.

Mr. SMOOT. I see no objection to the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALT RIVER RECLAMATION PROJECT—CONFERENCE REPORT (S. DOC. NO. 245).

Mr. McNARY submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10248) authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, and 4, and from its amendment to the title of the bill.

CHAS. L. MCNARY,
W. L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.
N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.

EXECUTIVE SESSION.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Thursday, August 31, 1922, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 30 (legislative day of August 25), 1922.

PUBLIC HEALTH SERVICE.

TO BE SURGEONS.

Clarence H. Waring.
George A. Wheeler.

TO BE ASSISTANT SURGEONS.

Guy H. Faget.
William Y. Hollingsworth.
Henry A. Rasmussen.

PROMOTIONS IN THE ARMY.

George Francis Cooper to be captain, Medical Corps.

George Foreman Rixey to be chaplain, with the rank of captain.

Russell Lowell Williamson to be first lieutenant, Air Service.

John Lamont Davidson to be first lieutenant, Air Service.

Paschal Neilson Strong, jr., to be second lieutenant, Corps of Engineers.

Gilbert Hayden to be second lieutenant, Signal Corps.

Richard Wilson Johnson to be second lieutenant, Coast Artillery Corps.

Frederick William Hein to be second lieutenant, Coast Artillery Corps.

William Beck Goddard, 3d, to be second lieutenant, Air Service.

Karl Hartman Gorman to be major, Air Service.

James Edmund Parker to be first lieutenant, Air Service.

POSTMASTERS.

CALIFORNIA.

Alfred A. True, Barstow.
Charles A. French, Brentwood.
Martha Holway, Byron.
Don C. Saunders, Lompoc.
James B. Rickard, Santa Barbara.
Wooster B. Cartmill, Tulare.

GEORGIA.

Herbert J. Knowles, Cuthbert.

MASSACHUSETTS.

Albert Holway, Bournedale.

MINNESOTA.

Nettie Layng, Bruno.
Bertha Finch, Butterfield.
Jennie L. Phillipps, Clear Water.
Nels E. Nelson, Fergus Falls.
Carl J. Johnson, Hendricks.
William H. Wright, Montrose.
Edwin W. Bergman, McGrath.
Chapin A. Farnham, Rockford.
Claire M. Peterson, Stanchfield.
Charles Olson, Sturgeon Lake.
Maggie N. Halgren, Wahkon.
Emory B. Linsley, Willow River.

MISSOURI.

William F. Clardy, Ethel.
William H. Yarnall, Exeter.

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NEBRASKA.

Minnie C. Burch, Bellwood.

NEW YORK.

LeRoy Krom, High Falls.
Mildred H. Smith, Lawrence.
John K. Lathrop, Minnewaska.
Scott E. Gage, Morris.
Henry W. Koster, Narrowsburg.
Edmund E. Westerman, Pittsford.
Thomas L. Wright, Schoharie.
Fred Tears, Starlake.
Adolph Frees, Thornwood.

PENNSYLVANIA.

James S. Crawford, Freeland.

SOUTH DAKOTA.

Floyd V. Stephens, Canova.
Philip S. Feldmeyer, Garden City.

VIRGINIA.

Denton T. Watthall, Alberta.
Abram K. Sampson, Burkeville.
Rankin L. Hervey, Chase City.
Susie F. Jarratt, Jarratt.
Robert M. Bradshaw, Rice.

WASHINGTON.

Adam G. Cook, McKenna.

WYOMING.

Hedwig C. Hurtt, Sundance.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 30, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou hast not forgotten us, our heavenly Father, and may we be prompted to gratitude, penitence, and faith. Thou dost supply us with the countless blessings that lead us to forget the pain and disappointments of life. Always encourage us in a quiet perseverance in being good, in getting good, and in doing good. Everywhere direct the citizens of our Republic, and may they know that true national prosperity and happiness spring out of nation-wide justice, cooperation, and industry. O may these virtues be given heroic pressure by the patriotic sons and daughters of our land. Give wisdom, understanding, and discretion to this assembly. Reveal and make plain unto us that nothing avails so much in our national existence as the simple verities that overflowed the teachings of the Man of Galilee. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE RESIGNATIONS AND ELECTIONS.

The SPEAKER laid before the House the following communications:

WASHINGTON, D. C., *August 29, 1922.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR MR. SPEAKER: I respectfully resign my chairmanship of the Committee on Alcoholic Liquor Traffic.

Very truly yours,

ADDISON T. SMITH.

—

WASHINGTON, D. C., *August 29, 1922.*

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives of the United States, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Post Office and Post Roads Committee of the House, the same to take effect immediately.

Sincerely,

RICHARD E. BIRD.

Mr. MONDELL. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 419.

Resolved, That ADDISON T. SMITH, Member of Congress from Idaho, be, and he is hereby, elected chairman of the Committee on Irrigation of Arid Lands, and that RICHARD E. BIRD, a Member of Congress from Kansas, be, and he is hereby, elected a member of the Committee on the Judiciary.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FEDERAL FUEL DISTRIBUTOR.

Mr. WINSLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a federal fuel distributer, providing for the declaration of car service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12472, with Mr. TOWNER in the chair.

The Clerk reported the title of the bill.

Mr. RAYBURN. Mr. Chairman, I trust that no one who does me the honor to listen will gain the impression from anything that I may say that I do not realize the very serious situation with which we are now confronted. In my opinion, I am bold to assert here that I believe that at this time we stand in the most tragic hour of our country's history when it has not been engaged in war. We stand to-day in the backwash of the greatest war in our history, when hopes, aspirations, and ambitions were thwarted, and when the currents of lives were turned. We are nearly four years from the armistice, and yet we are living in the day of hysteria. We are to-day legislating with a recklessness that would only be justified by the supremest emergency that could come to any country, and that is when it is at war.

I shall not support this bill. I have, therefore, intruded myself upon your patience in order that I might state some of the reasons why. This legislation is based, its proponents say, solely upon a great emergency. They admit that if this emergency were not great they would not perhaps support the legislation. Many men appeared before the committee in the five short hours we had for hearing and testified as to this bill. Their testimony was remarkable in many ways. Some of the proponents of the bill tried in the committee to get some of the capable witnesses to agree that some part of this emergency rests upon the proposition that the Government of the United States would not have coal if the legislation were not passed, and these extreme and extraordinary powers were not granted. The expert witness whom the proponents of the bill brought before the committee was Mr. Aitchison, of the Interstate Commerce Commission. In answer to a direct question Mr. Aitchison said that every department of this Government was now supplied with coal and would be supplied with coal even though no legislation of this sort was passed. Therefore we can not base this legislation upon an emergency that the Government itself will not function if it is not passed.

I do not know what is coming next, my friends. A few days ago in committee the leaders of legislation looking in this direction asserted with some show of confidence that the resolution that we had the other day to appoint a fact-finding commission would be the only legislation that we would be called upon to enact. We had hardly enacted that bill until this legislation, conferring the most unheard-of powers upon any executive in the Government, came along. Then it was stated that an interview which was given from the steps of the White House by a distinguished member of another body was unjustified, and that nothing would come from the White House in the way of recommendation to take over and operate the coal mines and the railroads. Yet only yesterday there comes a statement purporting to be from the fountainhead, from the White House, that says that before we adjourn, with no war clouds upon the horizon, with nothing threatening the country, the President of the United States is going to ask the Congress of the United States to give him the power, if in his discretion he desires to use it, of taking over and operating coal mines and any or all of the railroads. I speak only for myself to-day. I speak as an individual Member of this House, and I want to say it matters not with me what interviews may be published in the Washington Post, which is the organ of this administration, from men who have in the past been high in the councils of the Democratic Party, who have been nominated to be its standard bearer in the past—I want to say as one member of the party, even in this moment of hysteria, in this moment when men have forgotten the doctrines of the past and the fundamentals upon which this Government was founded, I do not expect to be swept off my feet even at their suggestion and pushed into a mass of socialistic legislation which I believe will destroy this representative Government in the future. [Applause.]

This measure gives the widest powers, I assert without fear of successful contradiction, to any commission or executive ever proposed by any enactment of Congress during peace times in the history of this Republic. I know that people need coal. I know that the trouble with us now is that the mines have not been in operation, that there is not a sufficient amount of coal. Will this bill produce one pound of coal? No man who advocates it has said that he even dreams that it will, but I make the assertion here that instead of being a measure captioned to supply coal to the people of the United States it would better caption a measure to restrict the production and supply of coal in the United States. [Applause.]

Under the provisions of the bill there is not a line that will encourage the production of coal, but every line in the measure from beginning to end is one to discourage the production of coal. You put it within the power of the Interstate Commerce Commission it is said, but it is not within the power of the Interstate Commerce Commission at all. You are putting this power into the hands of this one man whom you are going to call a Federal fuel distributor, because he is the man who is going to find the facts. This is the man that is going to recommend to the Interstate Commerce Commission what to do. The Interstate Commerce Commission is a body that has on its shoulders more work than it can efficiently look after today. Therefore the proposition to turn over the distribution of coal to the Interstate Commerce Commission is a misnomer. You are turning it over to one man called the Federal distributor.

What power do you give this man in this bill? You give the power to this man, not to open a mine, but you give the absolute power to this man to close a mine and stop production. Why do I say that? The extraordinary power is granted in this bill of saying to a coal producer, "If you do not do everything that this coal distributor says you ought to do he can deny you the instrumentalities of interstate commerce and transportation. You can not get a train nor a car to ship your coal."

Who is going to pay for digging the coal out of his mine and then leave it, being unable to dispose of it? This bill which its authors say is to prevent extortion and prevent profiteering, as has been well said by those who have gone before me, can mean one thing and one thing only, and that is the fixing of prices. This bill goes further and it absolutely abrogates the right of contract between individuals. There can be no question about that. Why should we in this country in peace time go upon a campaign of general price fixing? I want to say this: I never have in peace time, I never expect in peace time, to give to any department of this Government the power of fixing the price of anything that is produced in this country. [Applause.]

I want to say to some of you gentlemen from the West who are swept off your feet by some political condition in your State, where the Non-Partisan League and other leagues are rife and run rampant, advocating measures never dreamed of in the disordered mind of the wildest socialist, that when you start upon this campaign in peace time of fixing the price, when the eaters from New England, New York, Pennsylvania, and the great consuming sections of the country come here and say that there is a short wheat crop in the West, or a short corn crop in the West, and that the price is mounting beyond the reach of the consumer, these gentlemen who live in these great consuming centers and who have the votes to put it through will start to reduce the price of your wheat, and by this vote you close your mouths on that occasion. You should not be heard to grumble. Why, in war time you had the hardest time of your life to save your skin politically because the Government fixed the price of wheat at $2 a bushel, which was at that time an unheard-of price, and you believed, and your constituents believed, that if the price had not been fixed they would have got $3.50 a bushel. When the cotton farmers in my section, as they have tried to do in the past, limit the acreage in order that the supply may not exceed the demand, if with that limited acreage they have a short crop people who manufacture and people who wear cotton goods may come and say that the people are going to freeze if they are not clothed, and cotton has been the cheapest material with which they can clothe themselves in the past—if they come and say to me we are going to fix the price of cotton, I am not going to have my mouth closed to protest against that theory of the Government and such an enactment as that by voting for such legislation in peace time.

If this legislation is not bottomed on the commerce clause of the Constitution, it can not be enacted legally at all. We have a school of politics in this country growing up—and it is alarming the growth it has had—of people who believe and assert that the welfare clause of the Constitution is a grant of power. No lawyer in this country who values his reputation as such has ever asserted in peace that the welfare clause of the Constitution is a general grant of power. But to show you how far the people have gone who want no constitutional restriction placed on them, but who want to enact a law in peace and war time, I want to say that the main sponsor of this bill was before the committee. That is Mr. Aitchison, of the Interstate Commerce Commission. The question was directly put to him, if this legislation could not be bottomed on the commerce clause of the Constitution or any other clause of the Constitution, would it be possible to base it on the welfare clause only, and his answer was yes. I want to say this to you, and it is not original with me—my colleague [Mr. JONES of Texas] made this assertion in my presence—that if you grant that under the welfare clause of the Constitution you can do anything; under the welfare clause of the Constitution you can do everything. Therefore every other provision of the Constitution might well be wiped from the books.

Why, there is a school in this country, and its leader, I think, is a man high in the councils of the party now in power and one of the sponsors of this bill, one of the men who helped to write this bill, who believes, in my opinion—and I would not do him an injustice—who, in my opinion, believes that there should be a controller for the United States in all the business of the United States; that we should have some man in Washington vested with the power, regardless of the courts or of the legislature, to tell business from one end of this country to the other what it should and what it should not do.

Price fixing! Who favors price fixing when it touches him? Does the boot and shoe manufacturer favor price fixing when the price he is getting is satisfactory? Does my friend from Texas [Mr. HUDSPETH] favor price fixing for wool and sheep and cattle when the price he is getting is satisfactory to him? Does the grower of grain believe in price fixing when it touches him? They brought a representative of the American Federation of Labor—Edgar Wallace—up before the committee to justify and to stand for this bill.

And yet the gentleman from Massachusetts [Mr. WINSLOW], and the gentleman from Minnesota [Mr. NEWTON], and those who stand with him, say and admit that this is a price-fixing bill; that if it does not do that it does nothing. And yet Mr. Edgar Wallace said that he believed in distributing coal where it was needed. He would like to see every proposition of price fixing at the mines, or anywhere else, stricken from the bill. You are not pleasing the men who represent the American Federation of Labor by passing this bill. What did he say about governmental price fixing? He said the two industries in this country that we have had trouble with since the war are the railroads and the coal mines, and he said that the reason for the trouble in the coal mines and in the railroads was because the Government tampered with the prices and wages during the war. He said that for 30 years there had never been a strike upon the railroads of the country prior to the war that endangered the transportation system of the country; that there had not been a strike in the coal mines previous to the war that endangered the supply of coal to the people of the United States. The head of this administration and his spokesmen——

Mr. ROSSDALE. Does that apply to the time when President Roosevelt threatened to seize the coal supply of the country?

Mr. RAYBURN. I am speaking of the testimony of these witnesses who came as representatives of all the workers of the country and who made the statement. I know nothing about Mr. Roosevelt's controversy with the miners.

I started to say that the head of this administration has been held up to the country as a broad-visioned and conservative man, a man who, if he came into power, with his party in both branches of the legislature, would put a stop to what his advocates said was socialistic legislation growing out of the war; that they would take government out of business, and put business in government.

There are a great many advocates of Government ownership of mines and railroads in this country, and practically every man who works for a railroad or who works in a mine believes the Government of the United States should own both. Now, this administration through its head comes along and says that if we do not have peace in the coal mines and upon the railroads of the country we will take them over. What does that mean? That is Government operation. We had a hard enough time getting rid of the railroads when we took them over as a war-time measure. I fear that if we take them again we will never get them out of the hands of the Government.

Mr. McKENZIE. Will the gentleman yield?

Mr. RAYBURN. In a moment.

The President of the United States and those who speak for him ought to know that if they hold before the people who believe in Government ownership and control of railroads and coal mines the proposition that they will take them over and have Government control and operation and ownership unless there is peace in those industries, that they will not have peace in those industries as long as they hold that dangling before them. [Applause.] I want to say that if the President of the United States were as much of an advocate of Government ownership of all industry—railroads and coal mines, and other industries—as the wildest socialist in this land, he could not better advance his theory of getting these institutions into the hands of the Government than by saying that if they do not have peace we will take them into the hands of the Government.

Mr. McKENZIE. I simply desire to ask the gentleman from Texas if it is his contention that we now have on the statute books sufficient law to enable the President of the United States and the departments of justice in the United States and in the various States to operate the railroads and the mines without taking them over and undertake to operate them by Government operation? Have we not the law now?

Mr. RAYBURN. I do not know; but I tell you what I would do. I am going to be very candid in what I say. If I was responsible for this Government, I would try to get these people together; I would try to bring about an adjustment of their differences. I want to say this: Instead of the soft words used by the President of the United States with reference to this situation from that stand a few days ago I would say that I wanted peace in industry, and I would do everything in my power to get it; but, believing as I do that there are enough men idle in this country to-day to bring the equipment of the railroads up to something like normal, if they were not afraid to work, I would assert as the representative of the American people through the high office of President that I would not allow the right of any man to work to be interfered with, and that if men wanted to go into these shops to repair these trains I would protect them in the right to work if it took every man in the standing Army of the United States. [Applause.] This is an hour when we ought to be candid, when we ought to be honest; I believe that the fundamentals of our Government are imperiled. I believe, and I state it here, as I have stated it elsewhere, that the 90 per cent of the people of this country who are unorganized, who have the best interests of the Government at heart, should control this Government instead of the organized special interests composing the other 10 per cent controlling it. I want to say this: Unless that part of business that has some regard for public opinion comes forward and takes charge of that end of the business and pushes from the stage the public-be-damned group, and unless those men who are conservative and patriotic in labor come forward and push away the radicals that have taken charge of the labor organizations of the country, we are never going to have peace in industry. You talk about strike legislation. You can not even get it out of the committee of this House, much less through this House. So it is idle to talk about antistrike legislation. You will not vote for it, and you know it.

The gentleman from Wyoming [Mr. Mondell] did a rather remarkable thing yesterday. He supported this bill, conferring these extraordinary and continuing powers upon the President of the United States. You know he is not the only President of the United States we are going to have. This is permanent legislation. You gentlemen have every faith and every confidence in Mr. Harding, while you know that he is not going to be President after the 4th of March, 1925. There is going to be somebody else in the White House after then. But you are granting these extraordinary powers to the Executive, it matters not who he may be. But the gentleman from Wyoming printed in the Record the statement of Mr. Edgar Wallace. He said he did not agree with him in all things, but in the most he did agree with him. And Mr. Wallace said he wanted the main part of this bill taken out of it.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield there?

Mr. RAYBURN. I do.

Mr. NEWTON of Minnesota. The gentleman has, I think, a better opinion of what Mr. Wallace said than what I have.

Mr. RAYBURN. Well, in order that we may not have any disagreement about this, I will read what he says. I have plenty of time, and I am going to take all my time. Here is what Mr. Wallace says, right here on page 9 of the record:

> I want to say this, that I am not in favor of any fixation of prices at the mines or anywhere else.

Is that plain? I asked Mr. Wallace a question over here:

> Mr. Rayburn. I understood you to say that you were against the general policy of Government price fixing?
>
> Mr. Wallace. Yes, sir.

Mr. NEWTON of Minnesota. But, Mr. Chairman——

Mr. RAYBURN. Wait a moment. I read:

> Mr. Rayburn. Do you think this bill ought to be amended and that the provision giving the coal distributer the power to fix prices should be eliminated?
>
> Mr. Wallace. Yes, sir.

If I can not interpret what Mr. Wallace says, I have not sense enough to read the English language. I read further:

> The Chairman. Will you have the committee to understand that you favor the general purposes of the bill?
>
> Mr. Wallace. I favor the general principles of the bill, but am opposed to any price fixing.
>
> Mr. Rayburn. The general principle is that of price fixing, is it not?
>
> Mr. Wallace. I can not say that it is. I think it is a matter of coal distribution, to see to it that the coal is distributed at the places of the buyers.

That is, to prevent extortion. What do you say that means? The fixing of prices. That is what it means.

Mr. NEWTON of Minnesota. If a very extortionate price is fixed at the mines, that mine shall not have cars to ship out.

Mr. RAYBURN. Every man who appeared before the committee as a representative of the presidential committee said, "We want this extraordinary power conferred so that we can say to a man, 'If you do not sell your coal at a price that we think is fair, we will put you out of business by not giving you any cars to ship coal in.'" That is what every man, including Mr. Hoover and Mr. Aitchison both, said was the purpose of this bill. Of course, Mr. Wallace did not understand this bill when he came up there. He thought it was to regulate somebody else, not to regulate him or the people for whom he spoke.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. In just a moment. Mr. Wallace knows that if we go on a general campaign of price fixing in this country we are going to fix wages, too, and every other element of cost that enters into it, and he does not want that. I do not blame him. I do not want the Government of the United States to fix the price of anything I produce.

Now I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Has the gentleman any explanation of the extortionate price of $22.50 a ton for anthracite coal in the western part of my district, 100 miles from Chicago, a year and a half ago?

Mr. RAYBURN. It does not make any difference about that. There is nothing in this bill to prevent that this year, if it becomes a law within 36 hours.

Mr. COOPER of Wisconsin. Does the gentleman think the fault is with the retail dealer or with the operator at the mines or with somebody between the operator and the retail dealer?

Mr. RAYBURN. I do not know that I think about it, because I do not know the price at either place except the price that the gentleman states the retailer charges. I do not know what the retail price at the mine was, what they paid to the miner, what the transportation charge was, how many hands it passed through. But there is nothing in this bill to prevent the retailer in the gentleman's town from charging $42 a ton for coal this fall.

Mr. COOPER of Wisconsin. But can not the Government of the United States by law regulate or destroy a combination which so controls interstate traffic in coal between the operator at the mines and the retail dealer as to result in extortionate price to consumers?

Mr. RAYBURN. If you have a representative of the Department of Justice in your State, and will present the facts to him, he can attend to it. For 32 years a law against conspiracy to restrain commerce has been upon the statute books.

Mr. COOPER of Wisconsin. It would not affect the present situation at all.

Mr. RAYBURN. This bill will not. That is certain.

Mr. COOPER of Wisconsin. Do you want the people to freeze before they get the coal?

Mr. RAYBURN. Oh, Mr. Chairman, I am not arguing this question through tears. I am trying to state the fundamentals. This is no place for tears. This is a place for the Representatives of the American people, unafraid, to use what cold judgment they have. [Applause.]

Mr. COOPER of Wisconsin. But, Mr. Chairman, does the gentleman think——

Mr. RAYBURN. No; I do not think anybody ought to profiteer, if that is what you would ask me.

Mr. COOPER of Wisconsin. Has the Government of the United States no authority to prevent profiteering between the mines and the retail dealers?

Mr. RAYBURN. This bill does not do it.

Mr. COOPER of Wisconsin. Would the gentleman vote for an amendment to this bill so as to stop that sort of profiteering?

Mr. RAYBURN. What you want to do——

Mr. COOPER of Wisconsin. I have not said what I want to do——

Mr. RAYBURN (continuing). Is to go to the legislature of the great, progressive State of Wisconsin and secure legislation upon the retail price of coal. Let us destroy this idea every time something gets wrong in industry of coming to the Government of the United States for redress. [Applause.]

I do not know when this Congress, acting under the coercion of the President of the United States, will vote to give the President the power to take over the railroads of the country.

Mr. COOPER of Wisconsin. It might be proper for me to suggest to the gentleman, in view of what the gentleman has just said, that while tears will not decide this, neither will vociferation. I asked the gentleman a question. I asked him whether the Government of the United States is remediless at this time and can do nothing to stop extortion now going on between the operators at the mine and the retail dealers in the respective communities, and the gentleman talked about tears. He deliberately evaded the question, and got applause because he did evade it.

Mr. RAYBURN. Even though the gentleman from Wisconsin may look angry, I never think he is. When he asks me a question I am going to answer it in my own way, because the time is mine, and I think I answered his question sufficiently. We are not talking about what ought to be done by the State of Wisconsin. We are talking about the proposition in this bill; and granting that all the powers that you seek to confer in this bill can be conferred, it will not have anything to do with the proposition of controlling the retail price of coal in Wisconsin.

Mr. ROBSION. Will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman from Kentucky.

Mr. ROBSION. Is it not true that the operator deals with only a very small percentage of the American public, and that the general public in getting coal must deal with the retailers?

Mr. RAYBURN. Why, of course. Everybody knows that. It is no longer a question of the production of coal, although it was a question a few days ago. There is going to be plenty of coal. The thing that is wrong is with transportation. Transportation has broken down, and the remedy proposed by the administration is to give the President the power to take over the railroads and operate them; but the President, in order to get his scheme through, says, "I have no idea that I will feel called upon to put this into effect." Gentlemen, this question goes much deeper than many of you seem to think. In my opinion this legislation strikes deeper, at the very foundations of the Government that we all love, at the Constitution that we all swore to uphold, deeper than any legislation that has ever been proposed in this Government in time of peace. I was very much surprised at the argument made by my able friend from Texas [Mr. HARDY] yesterday. My conception has always been that under all wise construction if a legislator doubted the legality of a bill he should vote against it. My colleague said that doubting the constitutionality of the measure he was going to vote to write it on the statute books. During the war I voted for a great many things that I thought were of doubtful propriety, even during the war; but I did not vote for a single thing that I had a reasonable doubt was against the Constitution of the United States; and certainly in time of peace it is time to call a halt on such legislation as that.

Mr. MOORE of Virginia. May I interrupt the gentleman?

Mr. RAYBURN. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. I agree with the gentleman that except in so far as the anthracite conditions are concerned the main trouble now relates to the crippling of transportation. Does the gentleman know that while bituminous production is now advancing quite rapidly there is almost an absolute cessation of anthracite production?

Mr. RAYBURN. Yes.

Mr. MOORE of Virginia. I say I agree with the gentleman that, leaving out of view the anthracite conditions, the main difficulty is because transportation facilities are crippled and transportation is impeded. Can the gentleman explain why the President of the United States has failed to exercise the very full power which, as I understand, is vested in him to protect interstate transportation? It seems there is a statute now in force which authorizes the President even to go to the point of employing the armed forces of the United States to guard the movement of trains, the movement of any cars, to take care of all the instrumentalities of commerce, and to insure as far as possible the safety of the people who are employed or who desire to be employed in conducting interstate commerce. Now, why has the President failed to exercise that power?

Mr. RAYBURN. I can not answer. I stated a while ago that if it was my responsibility I would make the statement, and I would make it good, that I would see that every man in this country who wanted work was protected, if it took every man in the standing Army of the United States to do it. That is my view.

Mr. KINDRED. Will the gentleman yield to me here?

Mr. RAYBURN. Yes.

Mr. KINDRED. The gentleman has stated that it is admitted that there is going to be plenty of coal. Does the gentleman mean to modify that statement by making an exception with regard to anthracite coal, and is the admission justified under the facts and circumstances at the present moment with reference to anthracite coal?

Mr. RAYBURN. The gentleman is correct, but this bill will not get any anthracite coal. It will simply fix upon this Government a policy that will come up to plague you and me in the future.

Mr. KINDRED. Respecting the gentleman's opinion as I do, I will ask him to state what he would do with reference to legislation that would produce coal and prevent suffering and disease among the people in the event that there is no peace between the United Mine Workers and the operators with respect to the production of anthracite coal?

Mr. RAYBURN. I do not know how you are going to cure a situation where men do not want to work for the wages they are offered and the men who offer them work will not pay the wages that they ask.

Mr. KINDRED. The whole solution of this serious question depends upon the production of coal, does it not?

Mr. WINGO. And this legislation will not produce coal.

Mr. RAYBURN. This legislation will not produce another pound of coal.

Mr. KINDRED. I ask the gentleman what legislation he would suggest that would produce coal?

Mr. RAYBURN. This kind of socialistic legislation that is being advocated around here, which proposes that the Government take over everything, has got me to the point during the past few days where I have spent about all my time trying to tell somebody why this kind of thing ought not to be done. What ought to be done is not my responsibility, when an overwhelming majority of Congress is on the other side of the House and that majority have the privilege of enacting legislation.

Mr. KINDRED. Does the gentleman say that in no emergency of this kind would the Government be justified in taking over the mines?

Mr. RAYBURN. I do not say that. I say that there may come a sufficient emergency—I can not conceive of it, but there may come a sufficient emergency—so that the Government of the United States should and would take over the mines; but this thing does not do that. That would be for the purpose of producing coal. This does not produce any coal.

Mr. KINDRED. Is not this in line with that?

Mr. RAYBURN. This is a price-fixing measure.

Mr. KINDRED. Is not this measure in line with that, looking in that direction?

Mr. RAYBURN. I think that is where we will get if this administration keeps going on.

Mr. SNELL. Will the gentleman state what kind of an emergency would have to exist before he would think the mines should be taken over?

Mr. HARDY of Texas. I would like to state my position, which I do not think the gentleman has correctly stated.

Mr. RAYBURN. I want to be entirely fair to my colleague. I read his remarks this morning and I thought I correctly stated them.

Mr. HARDY of Texas. I would like to state exactly what I think about it.

Mr. RAYBURN. I have only three minutes remaining.

Mr. HARDY of Texas. The views I expressed yesterday were the views I have expressed more than once heretofore. The gentleman from Virginia [Judge TUCKER] delivered a few days ago an able speech, seemingly urging that a Member of Congress should be convinced beyond a reasonable doubt that a measure was constitutional before he could vote for it, but I differ from that. In my judgment there are hundreds of questions that come before Congress that the average Member of Congress can not study the constitutionality of down to absolute certainty. I do not believe that every time a man gets up and makes an argument as to the constitutionality of a provision that it is my duty, unless I am thoroughly convinced that he is wrong, to turn the measure away if it is vital. I think where it is gravely doubtful we ought not to vote for a measure, but unless we are gravely doubtful I think we ought to vote for it if it is of vital or even of great importance.

When, before the constitutional amendment expressly authorizing an income tax was adopted, Congress passed an income tax law there were able arguments made in the House and Senate against its constitutionality. The Supreme Court, I believe, first held it constitutional, but upon a rehearing Justice Shiras changed his first opinion and concluded it was unconstitutional. The change of opinion on Judge Shiras's part changed the majority of the court from a majority sustaining to a majority denying the constitutionality of that law. It is inconceivable to me that many of the Members of Congress who voted for that law did not have some doubt as to its constitutionality, and yet I think they voted as they ought to have voted if they reached the honest opinion, with the lights before them, that the law was constitutional and believed it a just and beneficent law. Frankly, I think any other rule for their guidance would have prevented the passage of nearly every law where the question of its constitutionality has been seriously raised. So I have adopted the rule for my guidance, that where in my judgment a measure was constitutional, even though I might have some doubt, I was at liberty to vote for it. I believe that to be the only practical rule a Congressman can act on.

Mr. RAYBURN. That is not my position. I do not think that any legislator in this land should ever vote for a measure about which he has reasonable doubt of the constitutionality. That is what I stated.

Now, in the moment I have to close I want to say that I look upon the situation confronting us now as the most serious in our country's history, except when embroiled in war. I hope the membership of this House will not be swept off its feet and destroy the fundamentals of this Government by passing a maze of legislation in an hour like this which will come back to plague us, legislation that is against everything that the framers of the immortal instrument intended and those who have followed in their footsteps who believe in the future of this Republic. I believe this Republic will endure. I pray that it may, and I know that it is the most perfect Government ever instituted by man or wrought in the blood of heroes. But if after a while I should look to the east and I should see a cloud of dissension rising, if I should see across the bosom of that cloud the forked tongue of lightning of revolution play, and the giant trunk of this mighty State should be shattered by the earthquake shocks of war, as I stand amidst these magnificent ruins with bowed head and a heavy heart I hope I may be able to say with a clear conscience I never by any vote or any act or any word of mine contributed to bringing about that eclipsing tragedy of the ages. [Applause.]

Mr. BARKLEY. Mr. Chairman and gentlemen of the committee, I recognize the strong temptation to indulge in partisan discussion here to-day, and I also recognize the strong temptation to cast partisan votes on a proposition like this which is advanced by those who are supposed to speak for an administration not in harmony with the views of many of us. I recognize the temptation to indulge in criticism of the administration now in power on account of what it may have done or may not have done in connection with this unfortunate situation which has overtaken the country, resulting in the necessity for the consideration of this legislation.

But I take it for granted that the vast majority of the Members of this House and the overwhelming majority of the people of the United States do not desire their Representatives here to consider this question from the standpoint of partisanship, or to waste their time indulging in criticism of any act or omission of which the administration may be guilty; but recognizing the emergency in which we now find ourselves desire that we shall exert whatever influence we may have, whatever judgment we may possess, in the solution of that problem for the welfare of the people of these United States. [Applause.] It is in that spirit I hope to discuss the bill now under consideration.

Now, let us see what the situation really is. I see no occasion for hysteria either among those who are in favor of the legislation or those who are against it. I fear the majority of the hysteria which has been displayed here has been on the part of those who oppose the legislation. They seem to be in a hysterical mood for fear we may enact legislation by which the great fundamental principles upon which our Government was founded are going to crumble over night and that we will find ourselves in a maze of confusion and anarchy. I do not share those fears.

On the 1st day of April there was a coal strike called in the United States. We need not stop to consider the merits of that strike. We are not called upon to solve the question of who was responsible for the strike and I do not propose to take up any of my time discussing that subject. As a result of that strike the anthracite mines of the United States have been closed and a large part of the bituminous mines have been closed. By reason of that strike in the anthracite fields more than 35,000,000 tons of anthracite coal remain in the ground which would have been mined if the strike had not occurred. The testimony before our committee is that undoubtedly that 35,000,000 tons of anthracite coal can not be recovered, it is lost. If the mines were to be opened to-morrow the increase in the output could never recover the 35,000,000 which has remained unmined during the continuation of the strike. In other words, the anthracite production can not catch up.

A few days ago the bituminous coal strike was settled to the extent that practically all of the bituminous mines have resumed operations, but on account of the strike of the bituminous fields there has been a slackening in the production of coal which added to the 35,000,000 tons lost on account of the anthracite strike makes it imperative that there should be mined and distributed in the next four or five months in the United States something like thirteen or fourteen million tons a week in order that the country may catch up in its coal supply and resume a condition of normalcy.

Let us assume that the anthracite mines are not reopened. We all hope that the anthracite strike will be settled in a very few days and that they will resume operations, but let us assume that they will not reopen. That means that there is practically no anthracite coal now in existence outside of the mines. Then those 35,000,000 tons must be made up by some form of substitute and the only practical substitute for the use of anthracite coal is bituminous coal, except such small quantities of coke and wood or other material as may be substituted here and there. It is perfectly obvious that if the United States must produce within the next five months an average of 13,000,000 tons of bituminous coal a week, and there is transportation at the very highest for only about 10,000,000 tons of bituminous coal per week, that means that the mines can produce 3,000,000 tons per week more than the railroads can transport. Then without some form of regulation, without some agency being set up to bring about equitable distribution of all the coal that the railroads can transport, somebody in the United States is going to be cold for lack of sufficient coal while others will have more coal than they need or more than their share or proportion of it which can be transported by the railroads.

Mr. Chairman, I am not going to discuss the question of human nature involved in this whole situation. We all know that when there is a scarcity of coal the price of coal mounts, just as the price of other commodities does when there is a scarcity of anything else. When there is a scarcity of transportation the same will apply to a certain extent, and to the extent to which there is no regulatory powers to distribute the available facilities of transportation for the necessities of life. The Interstate Commerce Commission has certain powers under the transportation act with reference to car service. Under the act to regulate commerce, as amended by the transportation act, the Interstate Commerce Commission has the power to provide for distribution of cars in so far as it affects the question of car service itself, and the commission is of the opinion that it has no power to go beyond that.

I think it is perfectly true to state, as has been asserted here, that all of the devilment which has been done in the country is not chargeable to the coal operators. There are certain sections of this country where, during the strike, and I suppose even at this time, coal speculators, men who desire to buy coal at any price they feel able or compelled to pay, have camped at the doors of the mines, and the result has been that the coal has been almost auctioned off to the highest bidder. The result of that has been that public utility corporations, municipal corporations, and other forms of industry have been compelled to pay as high as $10 and $12 and $15 a ton for coal at the mine in order to obtain the necessary amount to carry on their operations.

The coal operators, of course, are affected by the same human nature which affects all of us. In the very nature of things, if there is a shortage of coal, and men are clamoring for coal and are willing to pay a higher price for it, it would be contrary to all of the dictates of human nature for the coal operators to refuse to sell the coal to the highest bidder; but such a course may result in very great hardship to those who are unable to pay those fictitious prices. The Interstate Commerce Commission takes the position, notwithstanding two or three members of it take a contrary view, that under the present law they have no power to issue embargoes in such a way as to provide that certain industries, certain communities, certain interests, shall be restricted in their power to obtain coal from the operators, in order that other sections of the country, or other industries or other communities may have a fair portion of the coal that the railroads are able to carry. We are confronted now with this situation.

The coal mines of the United States if they were put to the highest point of production might be able by straining every nerve and fiber to mine about 13,000,000 tons of coal per week, although the peak of their production in 1920 was when they were able to produce 13,000,000 tons per week and when the railroads were able to haul about 11,000,000 tons per week. In order that the Interstate Commerce Commission may have the power to distribute coal all over the United States, so that these 10,000,000 tons of coal which they are able to haul every week may be equitably distributed among the householders, among the municipal heating and lighting plants, among the industries of the United States, the power conferred in this bill is thought necessary by the commission, and, in my opinion, it ought to be granted.

We have heard a lot of talk about the constitutionality of this bill and about the power of Congress to fix the prices. I agree in the main with those gentlemen who regret any embarkation by the Government of the United States upon the matter of price fixing. Of course this bill does not fix prices. It is not a price-fixing bill, but we may assume that if the law is enacted and becomes effective the Interstate Commerce Commission will have the power to say to any coal operator who may be taking advantage of the situation to receive an enormous price, an exorbitant price, for coal that he shall not have the same advantages in transportation facilities as the coal operator receiving only a fair and reasonable price for the coal which he produces. [Applause.] That may indirectly be price fixing, although I think it is not absolutely true that it is price fixing. The Interstate Commerce Commission under this law has no power to fix the price of coal or to say what a coal operator may contract to sell his coal for to an individual, a dealer, or an industry of any sort. The fuel distributer who is created by this bill has no power to say to the coal operators that they shall charge a certain price for coal.

All the bill does is to give him the power to find out the facts, to find out what is being charged, and then to set up a standard of what he believes would be reasonable prices, submit those prices to the Interstate Commerce Commission, make his recommendation, which may be adopted or set aside entirely by the commission, and then the commission, basing its action on those facts which have been gathered by the coal distributer or upon any other facts they have in their possession, may say to those who are profiteering in coal, who are charging an exhorbitant price for coal, "You are taking advantage of the public, you are taking advantage of the shortage of transportation, you are taking advantage of a great emergency to charge a higher price than the people of the United States ought to pay, and by reason of that conduct on your part we shall issue an order that you are not to have the same facilities of transportation for taking advantage of the people in an emergency, and we will give to those who are dealing fairly with the public a larger proportion of the transportation facilities in order that they may have them to serve the people of the United States."

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. McKENZIE. It has been charged that this is a bill which will curtail the distribution of coal. Is it not a fact, as the gentleman has stated, that if there are 13,000,000 tons of coal mined weekly and only 10,000,000 tons can be distributed by the railroads, therefore, there will be a surplus of coal?

Mr. BARKLEY. Yes. There is not a syllable, not a sentence of power conferred in this bill that would tend in the remotest degree to curtail the production of coal. On the other hand, it will stimulate production at some points where otherwise there might be curtailment by reason of an inequitable or unfair distribution of transportation facilities.

Mr. BURTNESS. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. BURTNESS. Most of the discussion of this bill has concerned itself with what it will do or not do to the coal operator. If I read the bill correctly, does it not reach also the distributers of coal in addition to the operators? Take, for instance, the people who may buy and store coal at the docks of Duluth and Superior, and sell the coal in interstate commerce to North Dakota or Montana. Is it not also intended to reach the distribution of coal of that sort?

Mr. BARKLEY. Oh, yes. Of course the bill is not limited to operation on the coal operators. And, as I said a while ago, the greatest amount of the devilment that has been done in the coal business has not been chargeable to the coal operators. There have been a lot of speculators who have hung around the doors of coal mines willing to pay any price they asked for it, and, of course, the coal operators sold it to them, and in the nature of things did like anybody else who had something to sell, and a shortage caused the price to go up. This bill will deal with the speculator so far as he is engaged in interstate commerce just as much as it will with the coal operator, and in all probability will do more to curb the speculator than the operator.

It has been seriously argued here, and before the committee, that the fixing of the prices of coal at the mine is an intrastate transaction, over which Congress has no control. I do not agree with that interpretation, but if the United States Supreme Court should hold that the mere fixing of the price of coal at the mine is an intrastate matter over which Congress has no control, of course that would not mean that the man who buys the coal at the mine, to be shipped in interstate commerce, could not be reached by the provisions of this bill, and that against him an embargo might not be issued. The Interstate Commerce Commission would compel him to bring his price within a reasonable figure in order to enjoy the privileges of interstate commerce.

Mr. KINCHELOE. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. KINCHELOE. I wish to ask a question with reference to these coal brokers. The gentleman says that this bill in some instances will reach them. When a coal broker from Chicago comes to the western Kentucky coal fields and buys coal at a certain price to be delivered in his yards in Chicago, of course that goes into interstate commerce until it gets to his yard, and not a pound sold by him until it gets there. Would he not have a right, except that the laws of the State of Illinois would reach him, to sell at any price he chooses to the consumers there, and you could not reach him under that state of facts?

Mr. BARKLEY. That is probably true. It is hard to determine how far Congress can control an article in interstate commerce and control the distribution of it after it reaches the State. I think this is a fair inference: If Congress has the power to fix the price of coal at the mine, which is to go into interstate commerce, and it does not become a part of the interstate commerce until it begins to move, then it is fair to infer after it is moved Congress has the same power to follow it after it has gone into interstate commerce that it might have to regulate it before it begins to move in interstate commerce. But that is a proposition I lay down with great diffidence and some fear, because it is a mere logical sequence of the power which some believe Congress has to subject it to regulation before it enters into interstate commerce. It is a mere analogy that we might follow still further. But, even if that is true, if it is true that Congress has no power to follow this coal after it has gone into interstate commerce and gone into the hands of the local dealers and is being sold to the consumers, of course the only remedy there is for the State to take action and control it.

Mr. CLARKE of New York. Is not that situation squarely met by the recommendation of the Governor of the State of New York?

Mr. BARKLEY. I have not read his recommendation, but I think in a general way it could be controlled by State action.

Let us see whether this bill is constitutional. I assume there is an emergency. Congress has the power to determine whether there is an emergency, and the United States Supreme Court has so held in a number of cases. It is not a judicial question to be determined as to whether there is an emergency or not; it is a legislative question. Congress having declared in many laws that have been passed by the Congress that an emergency existed, the Supreme Court has said that the question of whether that is true is a legislative and not a judicial one and that Congress has the power to go just as far as it sees fit in legislating to deal with the emergency, so long as it does not trangress the obvious and evident limitations of the Constitution of the United States.

Mr. SANDERS of Indiana. Is the gentleman of the opinion that under that power the Congress of the United States can pass a law which would forbid the shipment of any commodity which is necessary if the commission thinks the price charged is too high?

Mr. BARKLEY. I would not go so far as to say that I believe that under the commerce clause Congress could prevent the shipment of anything in interstate commerce that some commission might think was too high in price.

I take it for granted that the Supreme Court will say with reference to the coal industry at least what it says with reference to the packers. In that decision, rendered only a few weeks or months ago, the Supreme Court made use of this language. The opinion is not in print, except in the advance sheets. I desire to call attention to this language in the syllabus in the case of Stafford et al. against Wallace, Secretary of Agriculture, et al.:

> Knowledge of the conditions under which Congress acted aided the court in determining the effect and scope of the act in order to determine its validity. The business of the various live-stock yards of the country is affected with a public interest so as to subject it to legislative regulation.

In a further syllabus the court says:

> The various stockyards of the country, in receiving by rail live stock from the ranges and farms of the West, and in shipping by rail to consumers in the East, are an interstate commerce agency. The business done in the various stockyards of the country by commission men and live-stock dealers and shipment therefrom to consumers in the East is a part of interstate commerce or so associated with it as to bring it within the power of Federal regulation.

It seems to me if the Supreme Court will hold that a commission merchant in the stockyards in any city in the United States is an agency of interstate commerce to the extent that he can be regulated by Federal legislation, it is not to be conceived that the great coal industry of the United States, which is one of the prime necessaries of life, whose ramifications are much more numerous than those of the packing industry—it is inconceivable that the Supreme Court would not hold that the coal industry is affected with a public interest and, being affected with public interest, is subject to regulation in a way we are attempting to provide in this bill, namely, that the Interstate Commerce Commission shall be given the power to regulate the distribution of coal cars so as to allow the people to receive a fair proportion of the coal that is produced out of the ground, so that some may not freeze, while others are able, by reason of more money or comfortable circumstances, to enjoy a larger proportion than would be their share according to the amount of coal produced and transported.

Mr. BLAND of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes; I yield to the gentleman.

Mr. BLAND of Indiana. The gentleman will realize that in the meat packers' case the only reason why recognition would be permitted would be on account of the injurious and poisonous character of the meat and not the price of it, whereas here the gentleman seeks to regulate the price of coal, whether it is good or bad, and not because the coal itself would be injurious to the public.

Mr. BARKLEY. No; because in the case of the packers' act the court did not pass upon the question of the injurious quality of the food that the packers might produce. The packers' bill was based upon the proposition that the packers, by reason of the control which they had been able to obtain over the distribution of food, not only affected its quality but materially affected its price, and while the question of price was an indirect question, it nevertheless was involved in the reasons why Congress enacted the law.

Now, another thing: The United States Supreme Court has held that the Congress has the power not only to regulate interstate commerce but to regulate the instrumentalities of interstate commerce, to regulate the agencies of interstate commerce, and that Congress is the judge of the extent to which it may go so long as it keeps within the provisions and powers of the Constitution; and the Supreme Court will not deny that power to Congress so long as it does not transgress the obvious intention of the Constitution in conferring the power.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DENISON. As I understand the position of the gentleman from Kentucky, it is this: This is an article which is necessary for the public and which, under the law of supply and demand, reaches a price that is unfair to the consumer, and that under those circumstances Congress has the authority to step in and to prevent unjust imposition.

Mr. BARKLEY. No. That is not the position I occupy, although I am going to make this statement: Nobody can tell how far the Supreme Court will go in laying down the law. It is impossible to say that the Supreme Court, having gone thus far, will not go further. If Congress undertakes to exercise the power under the present conditions, that would be under the grant of power contained in section 8 of the Constitution. But I want to say that it is my belief that Congress, having the power under the Adamson law, as decided by the Supreme Court, to fix the wages of men engaged in interstate commerce transportation, has the power not only to regulate the carriers who carry interstate commerce, but to regulate any industry that is large enough to become an integral part of the agencies of interstate commerce in the country. I am not prepared to say that the Supreme Court might not uphold a statute which undertook to fix a limitation upon the power of men engaged in interstate commerce to charge the people for an article which they carry in interstate commerce. I am not saying that I believe absolutely that that power exists, but no man can foresee the extent to which the Supreme Court may go in upholding the power of Congress to regulate interstate commerce.

Mr. DENISON. I would also like to ask the gentleman whether he thinks, if the price of coal in interstate commerce, under the law of supply and demand, should reach such a point that it would be unfair to the consumer, Congress ought to use the power of interstate commerce to regulate it in the interest of the consumer?

Mr. BARKLEY. Whether Congress ought to do it or not is not for me to say. But if we have the power—and the President seems to assume that we have the power, and the Attorney General seems to have concurred in that opinion—if Congress has the power to go the whole length and take over the mines and mine the coal by the Federal Government and fix the price for it by the Federal Government, we have the right to go any distance that is short of the whole distance by fixing and regulating the price charged for articles that enter into interstate commerce. In other words, if we can do the whole thing, we can do any part of it separately.

Mr. DENISON. Suppose the price of coal should reach the point, under the law of supply and demand, where the price would be unfair to the producer, where the profit would be so small as to curtail production and be unfair to the producer. Does the gentleman think we ought to legislate to fix a price that would be fair to the producer?

Mr. BARKLEY. I am not passing upon the question whether we ought to do it. I think that if Congress has the power to fix the wages of employees of carriers engaged in interstate commerce, as was done under the Adamson law, which was passed as an emergency—if Congress has the power to declare what the wages paid by carriers engaged in interstate commerce shall be, and that power has been upheld, it is difficult for me to differentiate that from a power to declare the conditions under which any commodity may enter interstate commerce.

In the Coronado Coal Co. case, decided very recently, the court said:

> It is clear from these cases that if Congress deems certain recurring practices, though not really a part of interstate commerce, are likely to obstruct, restrain, or burden it, it has power to subject them to national supervision and restraint.

In the case of Nelson *v.* New (243 U. S. 332), which arose under the Adamson law, the court said that the legislative will can be exerted "to the end that no individual dispute or difference might bring ruin to the vast interests concerned in a movement of interstate commerce for the express purpose of protecting and preserving which the plenary authority in Congress is reposed."

But I believe that this law is capable of being sustained not only under the commerce clause of the Constitution but I believe that it may be sustained also under the welfare clause of the Constitution. The Supreme Court has never gone very far in defining what the welfare clause of the Constitution means. It seems to have circumlocuted around that, just as Congress has done. But I am of the opinion—and I express it merely for what it is worth, and it may not be agreed to by any Member of this House—I am of the opinion that whenever the Supreme Court gets a fair lick at the interpretation and definition of the welfare clause of the Constitution it will give Congress almost supreme power to deal with any great emergencies that may arise, either in time of war or in time of peace. [Applause.]

Mr. TUCKER. Mr. Chairman, will the gentleman yield for a moment?

Mr. BARKLEY. I yield to the gentleman.

Mr. TUCKER. The Supreme Court had that opportunity in the last five months.

Mr. BARKLEY. But it did not exercise it or avail itself of it. We are bound to assume that the Constitution, in section 8, where it confers all the powers that Congress has, meant what it said; and the Constitution does not distinguish between the validity or the extent of any of the powers that are conferred under section 8 of the Constitution. The Congress shall have power to lay and collect taxes, and that is not limited to war. And it has power to collect duties. It has power to pay the debts of the United States. The power is conferred upon the Congress to provide for the common defense and "general welfare" of the United States. And then, after enumerating the powers conferred on Congress, the section provides that Congress shall have power to enact all laws necessary to carry out the exercise of the powers previously enumerated. And I take it for granted that the framers of the Constitution gave those two expressions "common defense" and "general welfare" equal dignity and power, because they are contained in the very same clause, in the very same phrase of the Constitution,

> Congress shall have power to provide for the common defense—

which means that it has the power to defend the country in war, and the power to maintain an army and a navy not only in time of war but in time of peace; and also it has the power to provide for the general welfare of the people of the United States; and that is not limited to war, but it is coextensive with the entire existence of the Nation; and I believe that not only have we the power to enact this law under the commerce clause but also under the general welfare clause of the Constitution, because it certainly provides for the general welfare of the people of the Nation. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINSLOW. Will the Chair kindly inform me how much time is remaining?

The CHAIRMAN. The gentleman from Massachusetts has 41 minutes and the gentleman from Indiana [Mr. SANDERS] has 3 minutes.

Mr. WINSLOW. I have been authorized to say that the gentleman from Indiana [Mr. SANDERS] yields back to me the three minutes remaining to him.

The CHAIRMAN. Then the gentleman has 44 minutes.

Mr. WINSLOW. I yield 25 minutes to the gentleman from Illinois [Mr. GRAHAM.]

The CHAIRMAN. The gentleman from Illinois [Mr. GRAHAM] is recognized for 25 minutes.

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, I dare say nobody will deny that a serious emergency exists in the coal distribution and supply of the country. This emergency, which is national in its scope, is threatening not only the welfare of the people but the public health as well. The emergency has been caused by two circumstances which have combined, one of which is the stoppage of the production of coal in the mines of the country for a period of four months and the other is the railroad strike which still continues and which impairs and interferes with the distribution of what coal there is in the country. Previous speakers have told you something of the situation of the country and I do not care to reiterate what these gentlemen have said. It is sufficient to summarize that we are 35,000,000 tons of anthracite coal short; that in the northwest country, with winter approaching, where ordinarily 25,000,000 tons of coal are piled upon the docks for the supply of that country, there is to-day between 5,000,000 and 10,000,000 tons. Where ordinarily there are pouring out from the mines of the country into the market at this time of the year from 10,000,000 to 13,000,000 tons a week, there are to-day between 6,000,000 and 7,000,000 or, possibly, 8,000,000 tons, with a maximum in sight under the present railroad situation of 10,000,000 tons. The coal storage of the country for industry, usually about 25,000,000 tons, is completely exhausted. So that the country, having its bins stripped bare, industries closing, the Northwest about to be locked up by the winter which is coming, the anthracite mines closed, the railroad strike continuing, we are threatened with what must occur to every unprejudiced mind in this House as a serious dilemma and emergency which requires action on our part. Everyone who has any sense of the conditions at all has agreed that this emergency is here, and those who have opposed this measure have not in any wise denied that that fact exists. With the winter approaching profiteering is becoming rampant in the country.

The very fact that the railroad strike still continues is making it possible for this nefarious business to be carried on, and to-day, instead of an equitable distribution of coal throughout the country, we find that, with coal coming out at a rate far below that required for even normal consumption, certain parts of the country are bidding for this coal; manufacturers and brokers, intent only on filling their own bins, are bidding exorbitant prices for this coal at the mouths of the mines, while other parts of the country are receiving or will receive no coal at all. The testimony shows that it will take from 15 to 20 weeks at the very greatest production we can obtain to bring us up to the ordinary level, and by that time we will be in the dead of winter.

Mr. KENDALL. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. KENDALL. Can the gentleman inform the House where operators are receiving $12 per ton to-day?

Mr. GRAHAM of Illinois. The testimony of Secretary Hoover and others before our committee showed that there are places where they are bidding as much as $12 a ton at the mouth of the mine.

Mr. KENDALL. I represent the largest bituminous district in the United States, and the price yesterday was $3.75 per ton at the mine.

Mr. GRAHAM of Illinois. It does not make any difference what the gentleman's personal experience is. The testimony before our committee and the fact is that in parts of the country they are bidding these immense sums, and what coal there is is flowing in the direction of those who are willing to pay these perfectly extortionate prices.

Mr. WINSLOW. Will the gentleman yield a moment?

Mr. GRAHAM of Illinois. Yes.

Mr. WINSLOW. Will the gentleman from Illinois kindly ask the gentleman from Pennsylvania if his coal price has not been fixed by the State administration?

Mr. GRAHAM of Illinois. Is that true?

Mr. KENDALL. It was fixed at $4.50 a ton, and yesterday coal was selling freely at $3.75 a ton.

Mr. GRAHAM of Illinois. Irrespective of what the price is there, we know that the pinch of winter will cause suffering over this country, the best we can do. In this emergency, gentlemen of the Congress, shall we sit supine and say we can do nothing? Is it possible that the Congress of the United States, with this emergency coming on, is absolutely powerless and that there is no power in the Government to regulate these things and to see to it that such national resources as we have are distributed to the people of the country who need them? I say there is in this Government, as in all governments, the power to take care of its own people in emergencies.

Mr. STAFFORD. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. STAFFORD. Granting that there is plenty of bituminous coal, what does the gentleman say as to the anthracite situation, when there is no anthracite at all available at the present time for domestic consumption?

Mr. GRAHAM of Illinois. Five counties in the State of Pennsylvania produce practically all the anthracite coal there is to be had in the country. These mines are locked up, and they will remain locked up until an agreement is reached. Not a pound of coal will be mined there unless there is an agreement between the anthracite miners and the operators, and no such agreement is in sight; and while we ordinarily have 35,000,000 tons of their product in our bins, we have not a pound, nor is there a pound for distribution.

So you see what condition we are in. Now, gentlemen, surely there is some power in the Government to put an end to this and to do something to help the people. Do you not agree with me, on both sides of the House, that if we can do anything we ought to do it? Ought we not to try to do something, and what do those who oppose the bill and other similar measures have to offer?

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will yield to the gentleman.

Mr. SMITH of Michigan. Will the gentleman please explain how this bill will stimulate the production of coal?

Mr. GRAHAM of Illinois. I will try to get to that later. Now, three remedies for the present situation are proposed; three remedies are possible at this time, and three only that I can think of that anybody has suggested. The first is that there should be devised by Congress the legal machinery to settle the strikes. What form would that take? It would take the form of legislation for compulsory arbitration. If the two opposing powers in the coal industry and in the railroad situation will not agree and if Congress is to do anything, there is only one thing it can do, and that is to contrive machinery to create some forum to adjudicate their differences and to make its mandate conclusive. Is the Congress at this time ready to enter into legislation for compulsory arbitration and would such a bill pass the Congress? The gentleman from Texas [Mr. RAYBURN] who preceded me says that there is not the slightest chance of getting such legislation through, and I take him at his word and agree with him without in any way expressing my own personal opinion as to the necessity of such legislation. But that question is not now presented to us. I tell you what we want is action, and that quickly. It would take time to enact legislation of this kind, if it can be enacted at all. In the meantime the crisis has come, the frost has come, the snows of winter have come, and those who shiver in the tenements of New York will be cold, and the people living on the prairies of the Dakotas will suffer. It is up to us to do something as speedily as we can.

What is the next plan? The next plan is to open the mines. Will the Congress now enact legislation authorizing the seizure of the mines and the railroads of the country? It is extremely doubtful. Irrespective of whether it will be done or not, let me say the testimony is that it will take 60 or 90 days to get the machinery in operation by which it can be done. In the meantime the winter is on us, the crisis is here, and profiteering is continued.

What is the third plan? The plan suggested by this bill to contrive some machinery that can be made effective the day after the bill receives the signature of the President. This machinery can be set in operation and priority orders may be issued by which the coal in the country can be routed to the places that need it the most. Under the law as it exists today—and I defy anybody to successfully contradict it—there can be no routing to a particular place under priority orders that will be successful and operate promptly and efficiently. But under this plan which is set out in this bill priority orders can be issued at once which will send to the proper parts of the country the coal which is so urgently needed.

In the meantime the man who is bidding $10 or $12 or other fabulous sums for coal at the mine, usually for the purpose of speculation, will be deprived of his opportunity to stock his bins at the expense of those who have no coal at all.

Thus it must appear that the only feasible thing we can do now is to adopt the scheme of priority orders so that we may direct the coal we have to places where it is needed, and do it quickly. If some of these mine operators, when these priority orders are put into effect, as the gentleman from Indiana [Mr. SANDERS] says they may, refuse to produce coal, then I say to you gentlemen of the committee that for one I am ready and I believe the country is ready to show these gentlemen who live in the district of the gentleman from Indiana [Mr. SANDERS], operating coal mines, that there is a power to make those mines operate.

The people of the country are entitled to the use of this coal. No man and no number of men, because they have title to this coal, may say to this great people, "You can not have coal; you must freeze." There are ample means to right such a condition. I am ready to go along on that route, but until that time comes, to get a speedy remedy, one that will be effective, let us follow the logical, simple plan presented to us, and one that has the approval of everyone who has given the matter any careful thought. It has the approval of the President, as will be shown by the chairman of the committee when he comes to address you; it has the approval of the Secretary of Commerce, Mr. Hoover; it has the approval of the Interstate Commerce Commission, as stated by Mr. Aitchison; it has the approval of everybody else who has given it any constructive and helpful consideration.

Now, what are the alternatives placed before us by gentlemen who oppose it? Some, like the gentleman from Pennsylvania [Mr. GRAHAM] and the gentleman from Texas [Mr. RAYBURN], criticize the bill, but when answering the question what they would do, they have no remedy. The gentleman from Texas [Mr. RAYBURN] says that if he were President of the United States he would do certain things as regards the protection of the men who want to work in the mines and on the railroad. He would call soldiers and secure the right to work. Very good and well, but Mr. RAYBURN is not President of the United States, and this Congress is confronted with the proposition to do what it can do to end this crisis and alleviate the condition of the people. Some of them, like the gentleman from Indiana [Mr. BLAND] and the gentleman from Kentucky [Mr. ROBSION]——

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. NEWTON of Minnesota. Referring to what the gentleman from Texas said, did not the President when addressing us use these words?—

> Wherefore I am resolved to use all the power of the Government to maintain transportation, and sustain the right of men to work.

Mr. GRAHAM of Illinois. Yes; and he proposes to do it, and more strength to his arm in so doing. Instead of criticizing and trying to find some little technicality, I favor doing something that will help the people out in this great calamity that is facing us.

The trouble with the gentleman from Texas [Mr. RAYBURN] is that he lives in a country, perhaps, where they do not need very much coal and the pangs of this winter will not affect them very seriously. However, I remember that in the past the gentleman from Texas, when similar emergencies have arisen in other cases under a former administration, has not been slow to follow the leadership of his President, who was of his own political party at that time. If I am not mistaken, when President Wilson said an emergency existed and asked for the passage of the Adamson bill the gentleman from Texas voted for it. Some gentlemen, like the gentleman from Indiana [Mr. SANDERS], have substitutes. I would like to have you read the substitute that the gentleman from Indiana, who represents this large block coal country, has presented as it is printed in the RECORD. It is absolutely nothing. It has no teeth in it; it has been thoroughly emasculated. It appoints a Federal fuel distributor and gives him no powers except to find facts and adds no power to the Interstate Commerce Commission, and the gentleman from Indiana will have you satisfied with that substitute which he presents and will present on the floor as a substitute for the original bill. You may just as well pass nothing, because it has no efficiency, no force, no teeth; it gets nowhere, it starts nowhere, and it does not arrive. So that the sum total of the suggestions that we have heard from those who oppose this bill is nothing in a constructive way and nothing except criticism of and opposition to the bill that we have before us.

Let us see what other objections are made to it. I want to briefly run over them. I may not have time to go through them all. Some are opposed to this bill because it does not go far enough. Well, because we have only a half loaf, should we throw it away because we want a whole one? If it goes but a step in the right direction, is it not advisable to take that step? However much I may think we ought to go further, I am willing to go as far as this bill goes and let the future take care of itself.

If this does good, let us measure it by its own yardstick. Some argue that the present law is ample for this emergency. If that is true, then the present law gives the Interstate Commerce Commission the right to issue the kind of priorities mentioned in this bill. Those who make these arguments know that there is no such power in the present interstate commerce act as is contained in this bill, because this bill contains two elements, namely, the right to route coal to particular buyers and the right to so do it as to prevent extortion. Do you know why extortion may properly be curbed in this law? Let me state it briefly to you. It is proper to regulate extortion in coal for two reasons. First, can anyone tell me any way in which the transportation of the country can be maintained without coal or other fuel? The Constitution of the United States gives the Congress the right to regulate commerce between the States and with foreign countries, and, having this right, it follows as a natural and legitimate consequence that we have the right also, if coal is necessary for the maintenance of transportation, to do what is necessary in order to secure a production of this necessary commodity. Shall we admit the power to regulate in its minutest details interstate commerce and deny the right to maintain it? I shall later cite some cases bearing on this point. They say that we ought not to try to regulate extortion, that we ought to cleave to the sacredness of contracts. There is no contract made in the country anywhere, there is no contract made between men, that is so sacred that it does not yield to the higher rights of all the people of the country, to the public interest and the general welfare. There is no right of private property except the right which is subject to the greater right of the common good. There is no right given by the laws that does not yield to the greater right of the people where an extremity or emergency arises. There is no absolute right of private property. And especially is this true as to those things absolutely essential to the needs of human society.

There are those who talk about the fact that if we do this we will shatter the Constitution, we will depart from the paths of our fathers, and no longer follow the safe paths which they marked out for us; that the Constitution is in danger. When I think of them and think of the possible consequences that may follow this emergency, I am inclined to say, as I have said before in this House, that so far as I am concerned, I would rather have a people without a Constitution than a Constitution without a people. [Applause.] What is the Constitution? What is it made for? Do we not have the general powers that every people have? If an emergency confronts us, do we not have the right and power to meet it? Reason affirms it, common sense declares it, and our Supreme Court has so held on numerous occasions.

The gentleman from Indiana [Mr. SANDERS] spoke of wagon mines, as did his colleague [Mr. BLAND], stating that these wagon mines would be affected. But where is there anything in this bill that so says? The bill gives to the Interstate Commerce Commission the right to issue priority orders. Does it say that they must be issued as to all persons? Does it say that they must be issued exactly alike and on similar terms? The issue is with the Interstate Commerce Commission, and the Interstate Commerce Commission has to deal with the matter according to the particular facts surrounding that priority order which is issued.

They say the bill does not get to the middleman, that it does not affect the one who is the real grafter, the man who is causing most of the trouble. Why does it not? It does. The bill provides by most stringent remedies, even going to the extent of imprisonment in the penitentiary for these things. It provides that anyone giving or receiving any concession in car-service priorities in violation of a rule of the commission, or anyone who shall get a priority order through fraudulent means, or anyone who shall have obtained coal on a priority order, and who disposes of it for some other purpose than that mentioned in the priority order, shall make himself liable to punishment. What is the procedure in this matter?

If the bill goes into effect and somebody wants to ship two cars of coal to a particular community, he gets a priority order making the application to ship them to a certain consignee for a certain purpose. Suppose he gets the coal and then he sells it to a broker for another purpose, or, being a broker, hawks it about and raises the price. He immediately lays himself liable to this provision which was put in by way of amendment, and, therefore, makes himself liable to the heaviest kind of a penalty. So that the bill does reach the middleman. It follows the coal from the mine to the consignee, and therefore has teeth in it, teeth which are sufficient for all purposes.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. HARDY of Texas. If a gentleman here in Washington gets a priority order on the ground that he is furnishing householders in Washington with coal, and he gets 1,000 tons of coal and then charges 2,000 per cent profit upon it, where has he violated anything in the bill? He distributes it as he said he would do.

Mr. GRAHAM of Illinois. He has not violated anything in this bill so long as he uses it for the purpose for which he bought it, but it is assumed that, so far as the distribution for the original purpose is concerned, the local jurisdiction will make the necessary laws to perfect that distributing process.

Mr. HARDY of Texas. It does not prevent the local profiteering?

Mr. GRAHAM of Illinois. Not if it occurs at the hands of those to whom it was consigned. But we can follow it in interstate commerce from the consignor to the consignee. We can do this: We can see that it goes to the right parts of the country, and in order to see that and that it is not all absorbed in the bins of those who are willing to pay fabulous prices for it, we can regulate the charges which are to be made to this extent.

Now, it has been said this is purely a price-fixing measure. It is not a price-fixing measure. It only carries the price fixing right to this extent, that if at any time it is found that extortion becomes a burden on interstate commerce, then the Interstate Commerce Commission has a right to so direct the flow of coal as to penalize those guilty of this extortion and thus probably secure the flow of coal in interstate traffic at reasonable prices.

Mr. YOUNG. If the consignee charges an unreasonable profit, can they not refuse to give him any more coal?

Mr. GRAHAM of Illinois. They can.

Mr. YOUNG. And if they can do that, can not they tell him what profit he must ask for?

Mr. GRAHAM of Illinois. They can exercise that power, of course. The question of the priority is fixed in the power of the Interstate Commerce Commission, but the price fixing is merely incidental to the general power which is conferred in this bill, namely, that of a means to circulate coal throughout the country and get it to those parts where it is needed most.

Mr. EVANS. Will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. EVANS. Is it not a fact, if the consignee has a priority order covering household delivery for the winter, that that delivery would be made from month to month, and if the first coal delivered were sold at an extortionate price he probably would not have a subsequent delivery of coal?

Mr. GRAHAM of Illinois. I think the gentleman is correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINSLOW. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. GRAHAM of Illinois. Reference is made to the case of United States *v.* Cohen (255 U. S. 81), and it is claimed that under the reasoning in that case no penalties can be legally inflicted for a violation of this proposed act. That case held that the penalty clause of the Lever Act was too general; that inasmuch as it penalized anyone who should charge a price for food commodities that was "unjust or unreasonable," and whereas what was a just or reasonable price always depended upon circumstances, the section was indefinite and uncertain and incapable of enforcement. But this bill does nothing of the kind. It penalizes those who violate an order of the Interstate Commerce Commission or obtain such an order by fraud. Hence the penalty is inflicted for the violation of a definite duty plainly expressed by law and by the order of the commission.

Let me cite a few cases in support of my contention that this bill is fully within the powers of Congress and is violative of no constitutional provision.

Congress is the exclusive judge of when a national emergency has arisen. This has been repeatedly announced by our Supreme Court. One of the leading early cases was Legal Tender case (110 U. S. 421 (450)). In that case the court held that Congress having held that an emergency existed, paper money might be issued and made legal tender for all debts, public and private. The power to declare such an emergency was not questioned but freely admitted by the court.

In United States *v.* Gettysburg (160 U. S. 668 (682)) an act of Congress passed in 1894 was under consideration. This act provided for taking part of the field of the Battle of Gettysburg for a national park. There was express authority of law for such taking; but the court held that Congress having held the use of this land to be a public one, that judgment would be respected by the courts.

Again, in the very recent case of Block *v.* Hirsh (256 U. S. 155), the Ball Rent Act case, the power of the Congress to declare an emergency was upheld. In that case the Congress had passed a rent commission act, declaring that an emergency existed, growing out of the late war. In commenting upon this the court said:

> But a declaration by a legislature concerning public conditions that by necessity and duty it must know, is entitled to great respect. In this instance, Congress stated a publicly notorious and almost worldwide fact. That the emergency declared by the statute did exist must be assumed, and the question is whether Congress was incompetent to meet it in the way in which it has been met by most of the civilized countries of the world.

Invariably, in such emergencies, the courts have sustained the exercise of all necessary powers by Congress to meet such emergencies. In Block against Hirsh, supra, the right of Congress to pass such a remedial statute was upheld. The court there, after citing numerous authorities, said:

> These cases are enough to establish that a public exigency will justify the legislature in restricting property rights in land to a certain extent without compensation.

In Jones *v.* Perkins (245 U. S. 390), the Selective Draft Act case, the court sutained the right to send the militia out of the country on the grounds of the public necessity, although seemingly contrary to the letter of the Constitution. Again, in Missouri *v.* Holland (252 U. S. 435), this being a case in which the right of Congress to pass a law protecting migratory birds in pursuance of a treaty with Canada was in question, the court said:

> Here a national interest of very nearly the first magnitude is involved. It can only be protected by national action in concert with that of another power. * * * We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and the protectors of our forests and our crops are destroyed.

But it has been contended that prices may not be controlled in any way by the Congress. If they constitute a burden upon interstate commerce they may. I call attention to the recent case of Stafford et al. against Wallace, decided by the Supreme Court May 1 last, and not yet in book form. In that case, which was one passing upon the recent stockyards regulation act passed by Congress, Chief Justice Taft said, among other things:

> Another evil, which it was sought to provide against by this act, was exorbitant charges * * * in the passage of the live stock through the stockyards. * * * If they be exorbitant or unreasonable, they are an undue burden on the commerce which the stockyards are intended to facilitate.

The question of exorbitant charges was directly involved in that case.

Finally, I want to call your attention to the case of the United Mine Workers of America against The Coronado Coal Co., found in the advance sheets of July 15, 1922, on page 643. I read from page 657:

> Obstruction to coal mining is not a direct obstruction to interstate commerce in coal, although it, of course, may affect it by reducing the amount of coal to be carried in that commerce.

Then, on page 658, after the citation of numerous cases, this is said:

> It is clear from these cases that if Congress deems certain recurring practices, though not really part of interstate commerce, likely to obstruct, restrain, or burden it, it has the power to subject them to national supervision and restraint.

That opinion was rendered by the Supreme Court of the United States.

Mr. MOORE of Virginia. On June 5, 1922.

Mr. GRAHAM of Illinois. I do not want to go further. In conclusion let me say this, gentlemen of the committee, that if we do not pass this act we have failed to do the thing that we can do which may be effective, which is the only thing presented to us, which comes to us with the recommendation of those in authority who have studied the subject, who have sweat blood over it for weeks, and who now ask at our hands this slight measure of relief for the American people. The people are expecting us to do something, and he who would obstruct the passage of this bill is refusing to do anything to bring to the people the relief to which they are certainly entitled. [Applause.]

Mr. WINSLOW. Mr. Chairman, I yield to the gentleman from Indiana [Mr. KRAUS].

Mr. KRAUS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. KRAUS. Mr. Chairman, we have presented to us for our consideration a measure which is undoubtedly of greater importance than any proposed law presented to the Congress in peace times during many decades. I would call your attention to the fact that it was filed in the House last Saturday, brief hearings held on Monday, that the hearings only became available for use of the membership on Tuesday, and at the same moment we are asked to pass upon the momentous questions involved.

Undoubtedly every Member of this body is in sympathy with the purpose of the proposed legislation and desirous of taking every action that there is any reasonable hope would furnish fuel to consumers at a reasonable price.

The proponents of this legislation would have us believe that by denying transportation facilities to coal producers who do not sell their products at a reasonable price, determined by Government agency, we would be able to prevent profiteering in the country's fuels. I submit that efforts to fix prices have been found to be unworkable in practice, and that where it has been put in operation it has in fact resulted in lessened production and enhanced prices.

But before discussing this phase of the matter I have no hesitancy in asserting that there is no power vested in the Federal Government to fix prices of products of the people in peace times. We must keep in mind that the powers of the Federal Government are not so broad and so all inclusive as they are in war times, as the Constitution vests in the Federal Government the broad powers necessary for its use when the life of the Nation is at stake. Neither has the Federal Government the broad powers that are reserved to several States in this phase of the matter.

I shall not try your patience nor encumber the record by a dissertation on the legal question involved. It is obvious that the committee in reporting this bill was conscious and aware of the absence of power to directly fix price, because it has taken the indirect course of making a finding that a price was not in conformity with the reasonable price established as the ground for imposing an embargo or denying transportation facilities to an alleged offender. Clearly there is no expressed provision of the Constitution which would either authorize or permit price fixing, but it is sought to accomplish the purpose by an expansion of the provisions of the commerce clause of the Constitution.

My friends, I urge that you seriously consider the effect of the Federal Government adopting a price-fixing policy as a condition precedent to the right of entering commodities in interstate commerce. If the National Government has a right to fix the price of coal that may be transported from one State to another, it is easily conceivable that the Congress could and might pursue the same policy and undoubtedly would be called upon to do so in relation to wheat, live stock, cotton, and every other product of the farm and plantation, and in a very short time we will have a large element of organized society insisting upon just such action in relation to these products. Further, when we have once embarked in peace times upon this policy other large elements of every community would be rightfully clamoring that similar action be taken in relation to clothing, boots and shoes, and all other commodities that are essential and useful to human happiness and well-being, and we must not shrink from but must frankly recognize the inevitable logic of this policy. It means in finality that the Federal Government must undertake to fix compensation and wage of labor, as work is the major element of cost of commodities.

It is easy to believe that the chiefs of the Moscow government gleefully observe that it is seriously proposed by the American Government to embark upon a system of Government price control of commodities and labor, as that is basic in the Bolshevik system.

I should also remind you that the bill would add to the already numerous Federal agencies, carrying with it a horde of subordinate officers and employees to be paid out of Government resources, and give to this agency and its officers and employees unlimited bureaucratic power. As to the extent of the power conferred, this can be best and most briefly illustrated by the construction Mr. Aitchison, of the Interstate Commerce Commission, placed upon one of the clauses of the bill when he was interrogated at the hearing, when he said "It was a general catch phrase which was intended to take any effective procedure or method to accomplish the purpose of the act." In other words, my friends, the official who will be charged with enforcing this act will not look to the law for specific authorization and definition of his powers, but he and his associates are practically now contending that if this bill should become law they will be permitted to pursue any course that they now have in mind or they may hereafter desire to adopt. In effect its provisions are such that instead of being governed by the mandates of the law the Nation would be governed in this all-important matter by the whim, and I might almost say caprice, of an individual or an organization intrusted with the enforcement of the law.

I can conceive of no greater backward step in representative government than this policy of intrusting administrative officials with the right to determine broad basic policies rather than having them determined by the representatives of the people.

Naturally one should be cautious in the realm of prophecy, but our experience in price control of fuel is a matter of such recent history that I would remind you that we had the greatest orgy of abnormally high fuel prices during the period of Federal control during the war. We not only had unheard-of prices but inequitable distribution together with disorganization in industry, and at one time even complete cessation of industry in certain parts of the country because of orders of the Federal controller of fuels, together with all the deprivations incident to this situation. I might call your attention to the very clear statement on the subject of price fixing made by Mr. Edgar Wallace, of the American Federation of Labor, at the hearing, in which it is said:

> As I understand it, the bill takes cognizance of the fact that nearly all the coal bins in the country are empty; that the bituminous coal miners have started to work, but that there is a danger, judging by past experience, that everyone will try to fill his coal bin completely immediately; that that will cause competition in buying or, in fact, a buyers' panic, and that there will be a runaway market in which the prices will go soaring; and that in order to avert such a situation, as I understand it, there are provisions in this bill that there shall be a coal distributor controlling it. As I understand it, it is provided that the industries shall get what coal they need immediately to keep them going, but that no one shall be allowed to get all the coal he desires or so much coal as to make it impossible for other people to get coal, and so, in that way, it is sought to avert a buyers' panic. We are in favor of that bill, or I would say, we are in favor of that much of the bill. We think it would have a tendency to eliminate the parasite from the industry that generally appears in such circumstances as the present—that is to say, the wash buyers, if you understand what I mean by that term. I mean the man who never does anything toward producing a ton of coal; the man who does not consume any coal; the man who fills no purpose but who in times of panic will buy a number of cars of coal, take a profit from it, and possibly pass it on to others who are just such buyers as himself.
>
> I believe the bill could be made more explicit if it would outlaw just such purchasers as that. As I have said, inasmuch as the buying public or the coal consumers would be assured that the Government would see that they got coal as they needed it, and, recognizing that the bituminous coal industry can not only produce the peak demand but can produce 25 per cent more than the peak demand, I believe that that part of the bill will be sufficient also to protect the public. I want to say this, that I am not in favor of any fixation of prices at the mines or anywhere else. The reason I am opposed to that is based upon past experience. The experience is that the Government fixes a maximum price, and that maximum price immediately becomes the minimum price. Furthermore, the Government can not by its act confiscate the property of the citizen, and hence the mine that is not economical, or the mine that is inefficiently managed, or the high-cost mine, becomes the standard, and the cost of coal is raised instead of being reduced at any attempt at price fixation that the Government can make and keep within its powers granted by the Constitution. Now, I believe that by protecting the consumers from this condition or by averting fear, which is panic, and by making them recognize that the Government will see to it that they will get coal as they need it and when they need it, and the recognition of the fact that the industry is capable of producing plenty of coal, you will be able to prevent

a runaway market. It will result in distributing the coal on hand as it is produced evenly over the country, and it will be beneficial. I want to say in connection with this that my fear of price fixation is based upon past experience. * * *

If that power is used to distribute the coal so as to insure sufficient coal for the needs of the people and to permit no one to grab it all, and thus cause a panic through competition in buying, the coal industry would be benefited. That is true, because otherwise a few people would fill their bins, or they would try to do it, and others would have to go without it. Then the business of those that would go without would be lost to us forever. No one would be injured by that use of the power of the Government, and I do not believe any question would be raised as to whether or not the Government has that right. The experience of the past indicates that some order in the distribution of coal is necessary.

You will note that Mr. Wallace does not undertake to discuss the legal questions involved but has most forcefully stated results of his observations and experience.

My colleague, Mr. Sanders, has called the attention of the House to the text and character of a measure he proposes to offer as a substitute for the pending bill. Briefly you will observe that he proposes to somewhat enlarge the powers of the Interstate Commerce Commission by describing conditions and circumstances under which embargoes may be authorized and priority in car distribution authorized, and eliminate the price-fixing phase of the bill. In other words, he proposes legislation clearly within the powers of the Federal Constitution, and I am confident that if it is enacted into law and cars are equitably distributed in accordance with its provisions so that each section of the country shall be accorded transportation in proportion to its population, character, and number of its industries that we will have a just distribution of the various fuel products to all sections of the country and the normal law of supply and demand will result in the expenditure of a much smaller gross sum for the fuel supply of the people during the coming winter than if we again embark on a fuel price-fixing policy under the control of a bureaucracy that knows no rule except its whim and pleasure.

Mr. WINSLOW. Mr. Chairman and gentlemen of the committee, just previous to the 18th of August current the President of the United States decided that an emergency was either at hand or imminent. On the 18th of August he submitted a message to the Congress in reference to the situation. In that message, among other things, he referred to the need of doing something in the way of legislation to help the administration and the Government handle the difficult conditions which had arisen in respect of the railroads and of coal and fuel. He at that time suggested some sort of workable legislative machinery, and so forth.

But as soon as those who have been most prominent in the operation of the coal business in behalf of the Government came to suggest legislation or to draft a bill they were confronted with difficulties which they had hard work to overcome. That all resulted in the transmittal of two drafts of suggestions by the President of the United States to the chairman of the Committee on Interstate and Foreign Commerce of the House. On the 23d of August, five days after the suggestions made to the Congress by the President, the letter which I wish to have the Clerk read was forwarded.

The Clerk read as follows:

THE WHITE HOUSE,
Washington, August 23, 1922.

Col. Samuel E. Winslow,
Chairman Interstate Commerce Committee,
House of Representatives, Washington, D. C.

My Dear Colonel Winslow: I am inclosing to you herewith copies of the draft of two measures which are designed to prevent or cure profiteering in the coal industry in the present emergency. These bills are the recommended suggestions of the voluntary presidential fuel committee which is headed by the Secretary of Commerce. I am inclosing to you herewith a copy of Chairman Hoover's letter in order to convey to you the viewpoint of those who have been called upon to deal directly with this problem. It is a confessedly difficult one. The limitation of constitutional authority on the one hand and the very great demand for Government activity on the other combine to make it a problem well worthy of the earnest and early attention of the Congress. It has been a long and tedious route to the resumption of coal production, and the shortage of stocks and the general anxiety has opened a field for profiteering activities which ought to be discouraged in every way possible within the limits of constitutional law.

Very truly yours,

Warren G. Harding.

Mr. WINSLOW. Transmitted with that letter was one from the Secretary of Commerce to the President, of the same date. I ask that the Clerk read it.

The Clerk read as follows:

Department of Commerce,
Office of the Secretary,
Washington, August 23, 1922.

The President,
The White House, Washington, D. C.

My Dear Mr. President: I inclose herewith two draft measures offering alternative bases for mitigation of profiteering and for better distribution of coal in interstate commerce during the present emergency.

We are advised that any direct legislation for the repression of extortionate prices has no constitutional basis. Therefore, three alternatives are presented in mitigation of the situation:

1. Voluntary agreement with operators and distributors of coal.
2. Extension of the powers of the Interstate Commerce Commission in such fashion as to give positive priority to the movement of nonprofiteering coal.
3. For the Federal Government to enter the business of purchase and distribution of coal and by such competition to put the balance wheel in the price situation.

The necessary legislation for the latter two alternatives has been drafted under the direction of your presidential fuel committee, comprising representatives of the Departments of Commerce, Interior, Justice, and the Interstate Commerce Commission. This committee prefers the draft in which Federal authority is exerted through extension of the priority powers of the Interstate Commerce Commission, this being less cumbersome, requiring less extension in the Federal organization and being more expeditious of application than the alternative plan through actual Government possession of coal. The committee is in agreement that the exertion of such powers in times of peace is highly distasteful, and can only be justified as a measure necessary to provide for the effect of a famine in so necessary a commodity.

We are deeply impressed with the fact that, due to the almost total exhaustion of coal stocks and the inevitable and growing shortage in transportation, that the difficulties of the country will be very great even with the resumption of coal production, and unless there is legislation enacted that will curb profiteering and will give control to distribution, there will be great suffering and difficulties during the period of readjustment.

The Federal fuel distribution, set up by this committee under Mr. Spencer upon a basis of voluntary cooperation between Government departments, State agencies, and the majority of operators of coal mines, is without funds for even incidental expenses, and without this agency it would be impossible at the present moment to maintain the essential public utilities and other services in the country. Even this service must shortly be abandoned unless provision is made by appropriation, and they can not expect to be successful in the rapidly tightening situation and in the face of reduced transportation facilities unless their authority is increased.

Yours faithfully,

Herbert Hoover,
Chairman Presidential Fuel Committee.

Mr. WINSLOW. After the receipt of those documents the chairman of the committee asked several of his associates on the committee privately to help him build up a bill. We labored for two days and a half, night and day, nearly, with the cooperation and assistance of everybody, either in person or by representation, who had had anything to do with the administration of the present coal crisis. We worked on that bill and brought out virtually what you have before you to-day, subject only to a few amendments in the committee.

On the night of the 25th of August, which was two days after the letter of transmittal was sent, the newspapers contained an interview purporting to reflect the utterances of a distinguished gentleman who holds high political position here or in the neighborhood, in which he gave out the statement that the President wanted to take over the railroads and take over the mines, as he first stated, and that that was to be the legislation sought from Congress. That stirred up a lot of confusion and annoyance in everybody's mind. In order that we might get the facts as to what we were really up against in the committee and ascertain if by chance the President had changed his mind, I communicated with him so that I might have documentary evidence to show where the committee was. The following letter, which I will ask the Clerk to read, will explain the situation as it was last Saturday.

The Clerk read as follows:

THE WHITE HOUSE,
Washington, August 26, 1922.

Col. Samuel E. Winslow,
House of Representatives, Washington, D. C.

My Dear Colonel Winslow: Thank you very much for yours of August 25. Quite without any regard to the apparent conflict between House activities and those in the Senate, which I am sure can be harmonized, let me express my gratitude to you and your associates for the promptness with which the House has taken up a rather indefinite recommendation and turned it into what I believe to be efficient legislation.

Gratefully yours,

Warren G. Harding.

Mr. WINSLOW. Yesterday afternoon a distinguished member of our committee—something of a wag, in his way, and rather a peculiar way at that—undertook to call the attention of the chairman of the committee and of the House to an apparently conflicting statement contained in an evening paper, which would indicate that the President on yesterday had "changed his mind again." Now, I have not a letter to bring forth at the thirteenth hour, as sometimes happens here [laughter], but I will pass my word to you, and you may take it for what it is worth, that this morning, in the presence of one of our committee, I telephoned to the President in order to get that report checked up. I wanted to get this presidential desire straightened out, because there are some people who claim to think that the President is feebleminded enough to change his mind between night and morning and morning and night. That is not so. He authorized me to say that he is as much in favor of this bill as he has ever been, and always has been heartily in favor of it, and, whether other legislation is imminent and necessary hereafter or not, he hopes this bill will go through, because he feels more and more confident every day that he can handle, and the administration can handle, the most flagrant cases and the greatest features of necessity through the operation of this bill, in accordance with its provisions.

I have said all that, Mr. Chairman, in order that we may know where the President stands in respect of this bill.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. WINSLOW. No. I would like to; it would be great amusement; but I can not indulge. [Laughter.]

There are various elements of interest in connection with this bill.

We have heard a good deal about getting the coal out of the mines and soaking the poor operators, and the difficulties of controlling the middlemen, but those seem to have been dissipated into thin air by the reporting of real facts affecting the situation; but we have heard very little about distribution. There is a little bit of history in connection with the distribution business which is one of the real features of this bill. It is not enough to get coal out of the mines. It is not enough to get coal on the cars. It is not enough to ship it to the consumer. We must have it shipped to the right places. I have here some very interesting figures. I hope I will have time to state them. Coal is being shipped to-day far beyond the appreciation of the public. Query, Where does it go? Are the big fellows getting it? Is it being hoarded by somebody? If so, what are we going to do about it? Nothing, unless we pass legislation like this, that will allow somebody to control the destination of these cars. I have not the figures up to the last hour or two, but the great coal-carrying Pennsylvania Railroad has averaged per day in August, 1922, 4,450 cars of coal, as contrasted with 3,707 cars' average a year ago, an increase of more than 700 cars per day. The Baltimore & Ohio Railroad had a daily average in 1921 of 1,959 cars, and so far this month it has averaged 2,500 cars. The roads in the Pocahontas field had a daily average in 1921 of 3,852 cars. Already this month they have an average of over 5,000 cars a day. So I could go on. The Chesapeake & Ohio, the Norfolk & Western, the Louisville & Nashville, and other roads all show the same remarkable increase. Now, where is this coal going? Do we want an authority that can stick its nose into this thing and find out where the cars are going and arrange to send them where they ought to go, or are we going to have the great public clamoring for a bit of coal for a cook stove, or for its fireplace, or for its furnace, or for power to run the mills, and so forth, while all the while every day more coal is being shipped out and only the insiders know where it is going? This is a very important proposition, and the bill covers it and provides a method for controlling it. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

> *Be it enacted, etc.,* That by reason of the prolonged interruption in the operation of a substantial part of the coal-mining industry in the United States and of the impairment in the service of certain carriers engaged in commerce between the States a national emergency exists which endangers the public health and general welfare of the people of the United States, injures industry and business generally throughout the United States, causes extortion, limits the supply of heat, light, and power, threatens to obstruct and hamper the operation of the Government of the United States and of its several departments, the transportation of the mails, the operation and efficiency of the Army and the Navy, and the operation of carriers engaged in commerce among the several States and with foreign countries.

With the following committee amendment:

> Page 1, line 6, after the word "States," insert "and by reason of the disturbance in economic and industrial conditions caused by the World War."

The committee amendment was agreed to.

Mr. MAPES. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MAPES. Mr. Chairman, this bill is severely criticized for two diametrically opposite reasons: First, because it goes too far to suit some; second, because it does not go far enough to suit others. Some oppose it because, as they say, it authorizes a Government agency to fix the price of coal shipped in interstate commerce. Others criticize it because it does not authorize the fixation of the price of coal within a State or in intrastate commerce. As is often the case, it is probably the part of wisdom with this legislation to take the middle course. Applying as it does only to coal shipped in interstate commerce, it is undoubtedly within the jurisdiction of Congress and constitutional. If it attempted to go further and was made to apply to coal after it loses its interstate character, it would be not only of doubtful constitutionality but it would subject Congress to the criticism of interfering with local matters and attempting to regulate what should more properly be left to the States.

It will be well for everyone to bear in mind that the legislation is not going to be a cure-all for all the ills due to a scarcity of coal. The Government can not produce coal by magic or by legislative fiat. The legislation will not make coal where there is none. It will not put coal into the bins of the consumers or supply the shortage due to the lack of production during the five months' strike in both the bituminous and anthracite fields. Neither will it provide railroad transportation. It can only help to keep down the price of the coal that comes within the reach of the consumer and to prevent the public and the consumers from bidding against one another during the scarcity.

After its enactment into law it will still be necessary for the consumers of coal, for a time at least, to economize in the use of it and to use substitutes for it in every way possible.

The proponents of the legislation hope that it will help to keep down the price of coal during the coming fall and winter not only to the big consumers in industry but to the individual domestic consumer as well, but in order to do that it will require the cooperation of the local authorities of the States with the Federal fuel distributer. Section 7 of the bill authorizes the Federal fuel distributer to cooperate with any agency of any State or political subdivision thereof. The importance of that feature of the bill should not be overlooked. Secretary Hoover emphasized it in his testimony before the committee. On page 17 of the hearings he is quoted as follows:

> There are, of course, the inherent difficulties in the constitutional questions that make effective control of prices extremely difficult, because even assuming that this legislation can be made effective, there still remains a large field of action that will be required of the State authorities. I am advised that it would be impossible to restrain the price of coal produced for domestic consumption within the boundaries of the State by such action as here provided or any other action that I have yet seen proposed. Likewise it is doubtful whether or not it is possible to restrain speculation and the resale of coal moving in interstate commerce except through the authority of the State governments, and therefore any action taken requires a large measure of cooperation from the State authorities.

The authorities in several of the States are already cooperating with the voluntary Federal fuel distributer. Governor Miller, of New York, has called the legislature of that State together to pass additional legislation which he deems necessary and advisable. Yesterday I read in one of the daily papers this dispatch from Raleigh, N. C.:

> RALEIGH, N. C., August 27.—North Carolina's corporation commission, authorized by Governor Morrison to direct the distribution of the State's allotment of coal, will fix a fair retail price for coal to the consumer in this State, and dealers who do not respect such prices will get none of the State's allotment, according to a statement issued by the governor to-day.

The authorities in other States are showing the same willingness to cooperate with the Federal authorities, and it will be necessary for all of them to do so if they are to protect their people from speculators and profiteering jobbers operating wholly within State boundaries.

As was stated by a recent press notice of the Federal fuel distributer:

> The legislation before Congress can only control the price of coal moving over State lines—that is, in interstate commerce. The price of coal produced and consumed in a State, together with the charges which wholesalers and retailers within the State may make, the latter including even interstate coal, should be controlled by the State authorities. Therefore there can be no real control of profiteering unless the State authorities act.

I rose chiefly to emphasize the point that this legislation ought to be supplemented by the cooperation of the State authorities in order to protect domestic and other consumers who do not buy their coal directly from the operators, and whose coal is not shipped directly to them in interstate commerce. [Applause.]

Mr. ANDERSON. Mr. Chairman, I offer an amendment as a new paragraph.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will read.

The Clerk read as follows:

> Amendment offered by Mr. ANDERSON as a new paragraph:
> SECTION 1——

Mr. GRAHAM of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRAHAM of Illinois. Is this an additional paragraph or a substitute?

Mr. ANDERSON. It is an additional paragraph.

Mr. GRAHAM of Illinois. Then it should be numbered section 2.

Mr. ANDERSON. I think it is properly numbered.

The CHAIRMAN. The numbering can be taken care of subsequently, in any event. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: Page 2, after line 11, insert a new section, as follows:

"SEC. 2. If the President of the United States shall be of the opinion that he can thereby better meet the emergency, and whenever in his judgment it shall be necessary, he is hereby authorized and empowered to require any or all producers or owners of coal or coke, either in any special area, or in any special coal field, or in the United States, to sell their products, or any part thereof, only to the United States through such an agency as may be designated or created by him, and to make payment of the purchase price thereof to the producers thereof or to the person or persons legally entitled to said payment.

"The price to be paid for such products purchased shall be based upon a fair and just profit over and above the cost of production, including proper maintenance and depletion charges, the reasonableness of such profit, or cost of production, to be determined by such agency as the President may designate. If the price fixed by such agency for any such products purchased by the United States, as hereinbefore described, be unsatisfactory to the person or persons entitled to receive the same, such person or persons shall be paid 75 per cent of the amount so determined and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code. That upon notice from the agency so designated or created by the President to the producer or owner of coal or coke that his or its output or supply or any part thereof is required by the United States, as hereinbefore described, such producer or owner shall thereafter deliver his coal or coke, or such portion thereof as may be required by the United States, only on authority of the agency designated by the President. The President may require any such producer or owner of coal or coke to sell his entire supply or output to the United States, in which case such producer or owner shall upon notice cease shipments of said product upon his own account and transmit to such agency all orders received and unfilled, or partially unfilled, showing the exact extent to which shipments have been made thereon, and thereafter all shipments shall be made only on the authority of the agency designated by the President, and thereafter no such producer or owner shall sell any such product except to the United States through said agency, and said agency alone is hereby authorized and empowered to purchase during the continuance of the requirement the output or supply of such producer or owner.

"The agency designated or created by the President may resell any such coal or coke so purchased under such rules and regulations touching the price, shipment, distribution, apportionment, and storage thereof among or to dealers and consumers as may be necessary to secure an equitable distribution thereof.

"Whenever the President shall find it necessary in order to secure an adequate supply of coal, he is authorized to requisition and take over for use and operation by the Government any mine or other plant in which coal or coke may be produced, manufactured, prepared, mined, or sold, and to operate the same. The United States shall make just compensation, to be determined by the President, for the taking over, use, occupation, and operation by the Government of any such mine or plant, or part thereof. If the compensation so determined be unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President, and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code. The President is authorized to prescribe such regulations as he may deem essential for carrying out the purposes of this section, including the operation of any such mine or plant, or part thereof, the purchase, sale, or other disposition of articles used, manufactured, produced, prepared, or mined therein, and the employment, control, and compensation of employees. Whenever the President shall determine that the further use or operation by the Government of any such mine, or plant, or part thereof, is not essential for the national security or defense the same shall be restored to the person entitled to the possession thereof.

"There is hereby authorized to be appropriated the sum of $500,000,000, available until expended, for the purposes of this title, including payment of personal services in the District of Columbia and elsewhere. Any moneys received by the United States for the sale of any coal or coke may, in the discretion of the President, be used as a revolving fund for further carrying out the provisions of this title. Any moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.

"Any person who shall violate or refuse to conform to any order, rule, or regulation issued under the authority of this title shall upon conviction be punished by a fine of not more than $5,000 or by imprisonment of not more than two years, or both."

The CHAIRMAN. The Chair desires to ask the gentleman from Minnesota if he desires to offer this as a substitute to the bill.

Mr. ANDERSON. No; I am offering it as a separate title after the first section.

The CHAIRMAN. The amendment consists of separate sections separately numbered. The Chair would have to consider the whole as one section following the first section, if that is what the gentleman desires. If that is the case I think the gentleman should modify his amendment in that regard; that is, it should not be subdivided and numbered.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent that the numbering of the paragraphs or sections be corrected by the Clerk so as to make it one section.

The CHAIRMAN. That is, that the numbers be stricken out.

Mr. ANDERSON. Yes.

Mr. NEWTON of Minnesota. Mr. Chairman, before that is acted upon I want to reserve all points of order on it so as not to waive any rights.

The CHAIRMAN. The amendment will be numbered as section 2 and the subsequent numbers will be stricken out.

Mr. NEWTON of Minnesota. Mr. Chairman, I desire to make a point of order against the amendment as not germane either to the section preceding it in the bill or the section following it, and as not being germane to the bill in its entirety.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. NEWTON of Minnesota. Mr. Chairman, the bill before the House is a bill to provide for the more equitable distribution of coal through a Federal distributer and the Interstate Commerce Commission, with the purpose of controlling it through the distribution of cars. The amendment offered by the gentleman from Minnesota [Mr. ANDERSON] sets up a Government purchasing agency, with capital to enable it to go out into the market and buy and sell coal. This agency is also authorized to commandeer and to requisition coal, and in connection with that power to seize not only coal in transit but at the mines, and to seize the mines themselves. With this agency the Government would resell the coal to the consumer. The subject is entirely different, as the Chair will see, from what the bill is we are now considering. It approaches it from an entirely different angle and sets up an entirely different plan, which is in no wise related to the general purpose of the bill as set forth in the title to the act and as contained in the various sections of the bill.

For that reason it seems clear to me that it violates rule 16, which provides that no motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment. The authorities cited, both in the manual and also in Hinds' Precedents, seem to very clearly sustain the point that here is a different subject matter and that it can not be provided for by way of an amendment. For example, in an instance cited in volume 5 in Hinds' Precedents, section 5891, the bill authorized an investigating committee to investigate as to certain facts. An amendment was offered requesting an accounting on the subject matter by the Executive. The two were held not to be related. Furthermore, in volume 5 in Hinds' Precedents, section 5887, the bill authorized the establishment of a right of way, and an amendment was offered providing for purchase of the land for that right of way, and that was held to be not germane. In other words, it is a different method of going about a certain thing, following a dfferent line, which is held not to be germane.

In section 955 of the Cannon manual—and this decision was made recently—on a ruling made by the Chairman of the Committee of the Whole, the proposition before the House was providing insurance for soldiers during the war upon the payment of premiums as they might become due. An amendment was offered that for two years insurance would be furnished without the necessity of any payment whatever, and that was held by the gentleman from Connecticut, Mr. TILSON, not to be germane.

Another citation in the Cannon manual referred to a ruling in a proposition involving a general increase of pay for Government employees for the year 1918. An amendment was offered making it effective also for a part of the period of 1917. That was held not to be germane Referring again to the citation in volume 5, section 5887, Hinds' Precedents—I was speaking from mere recollection. The bill then pending authorized a railroad company to construct and operate a railway through certain territory. An amendment authorizing the Government to purchase the franchise rights, and so forth, was offered. The point of order was made that it was not germane, and the Chair—Mr. Speaker Reed, of Maine—said:

> The Chair understands the Government does not grant the franchise but simply gives the right of way; it does not give a charter, and the Chair will have to sustain the point of order.

Mr. JONES of Texas. Will the gentleman yield?

Mr. NEWTON of Minnesota. I will.

Mr. JONES of Texas. In connection with the point of order that the gentleman made that it was not germane to the bill, I want to call his attention to section 5, which, after granting certain powers and certain authorizations, says:

> and to take any other necessary and appropriate steps for priority in car service and for the equitable distribution of coal or other fuel so as best to meet the emergency, prevent extortion in prices charged for coal and other fuel, and promote the general welfare.

After authorizing the embargo and a number of other specific things it has a general provision that you can take any other proper steps. Suppose they found that it would be necessary to establish a selling agency; there would be an intimation there which would make this special legislation which the gentleman from Minnesota offers germane, that is, taking the necessary steps for the general welfare. I know that there are some specific designations in it, but there is a general provision.

Mr. NEWTON of Minnesota. The Interstate Commerce Commission is directed to receive and consider recommendations from the distributor and in its discretion to issue such order or orders for priority in car service, embargoes, and other suitable measures.

Mr. JONES of Texas. Go ahead and read the rest of it.

Mr. NEWTON of Minnesota (reading)—

> in favor of or against any carrier or region, municipality, community, person, copartnership or corporation—

Priority or embargoes in favor of or against.

Mr. JONES of Texas. Those are the specific matters; following that you have a general authority—

> and to take any other necessary and appropriate steps for priority in car service and for the equitable distribution of coal and other fuel so as best to meet the emergency, prevent extortion, etc.

Mr. NEWTON of Minnesota. The entire section applies to priorities and embargoes to be issued by the Interstate Commerce Commission.

Mr. JONES of Texas. You have a specific recommendation for the specific thing you mention, and you follow it with a general authority.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. SANDERS of Indiana. That expression—

> to take any other necessary and appropriate steps—

being used with a number of other specific things relating to the same thing, the natural legislative construction would mean, I suppose, of a similar nature.

Mr. NEWTON of Minnesota. Exactly. The gentleman has stated it most accurately.

Mr. JONES of Texas. If it said "any other steps" and ended there, well and good, but it says "any other steps necessary for the equitable distribution of coal and the prevention of extortion." It might be necessary and appropriate to take steps along the line suggested by the gentleman from Minnesota in order to secure equitable distribution and promote the general welfare and prevent extortion. If it should be found that would be proper, at least it would justify the offering of an amendment further specifying particular acts in addition to the one mentioned.

Mr. ANDERSON. Mr. Chairman, I am quite willing to accept the statement of my colleague that this is a bill for the more equitable distribution of coal. I call the attention of the Chair to the fact, in the first place, that this is a piece of general legislation and that the rule of germaneness is usually applied with greater liberality to bills proposing general legislation than to appropriation bills or bills raising revenue. I call the attention of the Chair to the very general character of this legislation. It starts out by setting up what the committee evidently conceives to be a very great emergency. It sets forth that this emergency endangers the public health and the general welfare of the people of the United States, injures industry and business generally throughout the United States, causes extortion, limits the supply of heat, light, and power, threatens to obstruct and hamper the operations of the Government of the United States and of its several departments, the transportation of the mails, the operation and efficiency of the Army and the Navy, and the operation of carriers engaged in commerce among the several States and with foreign countries. Can it be possible, in the face of an emergency such as this, which the committee itself sets forth so eloquently, that the House is limited in dealing with the emergency to the particular method which the committee proposes? It seems to me that the question asked of my colleague by the gentleman from Texas [Mr. JONES] with respect to the language of section 5 is particularly pertinent, and I want to call the attention of the Chair to the fact that the committee itself has adopted language by an amendment to this section which negatives the very view which the gentleman from Minnesota takes. As the section was introduced it provided—

> and to take any other necessary or appropriate steps for priority in car service and in equitable distribution of coal.

The committee has amended that so as to make it read:

> For priority in car service and for the equitable distribution of coal or other fuel so as best to meet the emergency, prevent extortion in prices charged for coal and other fuel, and promote the general welfare.

The language which the committee itself adopts clearly negatives the idea that this bill was intended to deal with this situation by one method—that is, by the method of issuing priority orders—because the language of this section clearly contemplates that the Interstate Commerce Commission may deal with the situation by other methods. It might be contended that if this bill did provide that but one method, namely, the issuance of priority orders, should be used to meet the emergency that it would not be germane to provide an additional method, but the language of the bill itself does not contemplate that the commission shall be limited to the single method of issuing priority orders. It clearly contemplates that additional action shall be taken in some form, such form apparently as the commission itself may determine, to carry forward through the various stages of distribution the action which the commission may take.

My contention is this, that this is a general bill, not limited to dealing with this situation by one method, but proposing general authority by which the emergency shall be met, and that it is germane to a bill providing general authority for the meeting of this emergency to provide some additional authority for meeting it.

Mr. GRAHAM of Illinois. Mr. Chairman, I shall not burden the Chair with any extended discussion. In the consideration of this matter I think the Chair should have in mind, and no doubt he has in mind, this question: Is the subject matter of the proposed amendment germane to the subject matter and the object sought to be attained by the original bill? I do not at all think that a fair consideration of the substitute and the original bill will bring to the thoughtful mind the idea that they aim at the same purpose. What is the purpose to be attained by the original bill? Is it to get coal, to acquire coal, to sell coal? The only object to be attained by this is to distribute coal, and to get it to the various parts of the country, and in order to distribute it certain machinery is erected which has no other function and no other power except the function of distributing. What does the amendment seek to do? In the first clause it provides that the President is authorized, if in his judgment it is necessary, to require the producers of coal to sell their products only to the United States and through an agency set up by the United States. If, as set out in the succeeding sections of the amendment, they do not do so, he can then by certain proceedings take over those mines, pay for them, or, if he can not settle with them, give them the right to recover against the United States some portion of the value of their property itself which is taken over, and he can then sell direct to the people of the United States the product of the mines. What is that scheme? It is a scheme of purchase and sale of an entirely different nature than that proposed in the bill. It is, in other words, Government operation, Government ownership, Government acquisition. How far removed is that from the plan contemplated in the original bill, which contemplates private ownership and private operation, only controlled by the Government itself. So that the two subject matters are as far distinguished as is the North and the South Pole. One is regulation, the other is operation, and assuredly they can not be held to be germane.

Mr. ROSENBLOOM. Will the gentleman yield? Is it not a fact that section 5 gives the Interstate Commerce Commission the very rights that are asked for by the amendment?

Mr. GRAHAM of Illinois. Now, look at section 5 sensibly and reasonably. Having in mind the title of the bill, having in mind its general purposes, what does the section authorize the Interstate Commerce Commission to do?

Mr. ROSENBLOOM. I would like to give you my view of it. It gives every right of purchasing the mines and operating them, and fixing the wage of the miners, and everything connected with the mine.

Mr. GRAHAM of Illinois. Now, if the gentleman has finished, I will attempt to finish what I have to say.

Section 5 of the bill provides this: That the Interstate Commerce Commission is authorized and directed to receive the report of the distributer, and, in its discretion, to do what? Mind you, the reports are about the distribution of coal and the recommendations are about the distribution of coal. Now, what is the Interstate Commerce Commission to do? It issues such orders for such priority in car service, embargo, and other suitable measures in favor of or against any carrier or region, municipality, community, copartnership, or corporation, and to take any other necessary and appropriate steps for priority in car service and for the equitable distribution of coal. In other words, it may take any necessary steps to distribute coal; not to buy and sell it, or to own the coal mines, but to distribute coal. It seems so evident that I can not see how any strong contention can be urged that it is germane. The gentleman from Minnesota [Mr. Anderson] says, "Can not Congress do this?" Surely Congress can do it if an emergency justifies, but not as an amendment to this bill on a different subject.

Mr. JONES of Texas. Mr. Chairman, it seems to me when the gentleman discusses the question of the distribution of coal a natural incident would be a provision to buy and sell. There are distributing agencies all over the country. There are coal agencies in my town, for instance, that distribute coal. But there is not one of them that does not find it necessary in order to carry out the business of distribution to purchase and sell coal. In fact, it is about the only way they can distribute coal. It is true that one of the powers conferred by this bill is priority in the distribution of cars. But the measure does not stop there. It goes further and grants full power to take any steps necessary in the distribution of coal. Now, if they found that the only practical way to secure the adequate, necessary, and appropriate distribution of coal was to purchase and sell the coal, it seems to me that would be a logical corollary of the proposition of distributing coal. But aside from that proposition, it does not end there.

There are provisions in section 5 which confer not only the privilege of granting priority in the shipment of cars but which go ahead and designate some four or five different specific things that the Interstate Commerce Commission is authorized to do, and then follows that with the blanket provision which says that the commission is authorized to take any other necessary and appropriate steps for priority in car service and the equitable distribution of coal or other fuel, so as to best meet the emergency. Now, suppose they should come to the conclusion that they could best meet the emergency in the distribution of coal by buying and selling that coal. Most assuredly, there is general power granted there.

The gentleman from Minnesota [Mr. Anderson] undertakes to provide the machinery for the exercise of that general power. He simply authorizes the establishment of the necessary machinery for the full carrying out of the general powers that are granted there, not only so as to best meet the emergency but also prevent extortion in prices charged for coal and other fuel and to promote the general welfare. It does not seem to me that language could be secured that would be broader or more general in its terms than that provision following the specific grant. There are four or five specific grants in the first part of this paragraph, followed by a general provision that any other necessary or appropriate steps for the equitable distribution of coal so as to meet the emergency, prevent extortion in price, and promote the general welfare. That is a general grant of power. It seems to me that it would be logical and germane to specify the machinery to carry out that general power. I am not undertaking to discuss the merits of the proposed amendment, but am confining my remarks to the question of the gentleman's parliamentary right to offer the amendment.

Mr. HUSTED. Mr. Chairman, this bill provides for the production, transportation, and distribution of coal. There is not a word in the bill about the purchase of coal; not a word in the bill about governmental control or operation of mines. It is perfectly apparent from a mere casual reading of the bill that the purchase of coal by the Government, that the operation and control of mines by the Government, are not contemplated by this measure. If you hold this amendment in order as germane under the language of section 5, if you hold that you can provide additional methods of distribution through the purchase of coal or the governmental operation and control of mines, then you are going to read into this legislation something that was never contemplated by its language. If you do it, you are going to stretch parliamentary precedents to an extent to which they have never been stretched before in this House during my experience.

Mr. ANDERSON. Of course, if it was in the bill I would not be offering the amendment.

Mr. HUSTED. Of course, that is perfectly true. But it is not contemplated by the bill. It is something entirely different. It is a new subject of legislation, entirely distinct from the matters under consideration. Now, section 5 provides that the Interstate Commerce Commission may take any other necessary and appropriate steps—for what? For priority in car service and for the equitable distribution of coal.

That section says nothing about the purchase of coal by the Government, it says nothing whatever about governmental operation and control of mines. The language of that section simply means that the Interstate Commerce Commission may take any other necessary or incidental steps within the authority of law to accomplish the general purpose set forth in the bill. Those purposes are the production, transportation, and distribution of coal. They are not the purchase of coal. They are not the operation of coal mines by the Government. They are something entirely distinct and something entirely separate; and if you uphold this amendment you will override the whole purpose and you will subvert the entire scheme of this legislation.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. JONES of Texas. In the ordinary business transactions of this country is not the purchase and sale of coal the most usual method of distribution?

Mr. HUSTED. That is not provided for in the bill.

Mr. JONES of Texas. I am talking about the usual procedure or practice.

Mr. SNELL. Mr. Chairman, I wish to speak for only just a moment on this point of order. I think this case is on all fours with the case on which a decision was rendered by the gentleman from Connecticut [Mr. Tilson], as chairman of the Committee of the Whole, on September 13, 1919. The amendment offered by the gentleman from Minnesota proposes an entirely new way. It is exactly the same proposition as if we were providing insurance for soldiers, where the original bill provided for the payment by the soldiers of the premium and an amendment was offered to give those premiums to the soldiers and that amendment was ruled out of order. This amendment is exactly the same proposition that was before us at that time. It is an attempt to accomplish a result by an entirely new method, and the point of order should be sustained.

The CHAIRMAN. The Chair is ready to rule. The provision of our rules which is to be interpreted in this case is as follows:

> No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

"No motion or proposition on a subject different shall be considered germane." There have been many Speakers that have held that merely because an amendment offered referred to a particular subject that was under consideration in the bill did not necessarily make it germane. For instance, in the consideration of the food control law several provisions regarding the purposes for which food might be used were offered. One prohibited the use of any food substance for the purpose of manufacturing liquor. That was ruled out of order by the Chair as not being germane. So that merely because the matter here relates to coal would not bring it within the rule as germane, as that requirement has been interpreted by prior occupants of the chair.

The provision of the bill under consideration is for regulation regarding the transportation of coal. The object and purpose of it is to prevent if possible extortionate charges and to see that there is an equitable distribution of coal. I do not know how far it would be proper to go as considering an extortionate charge a part of transportation, but that has nothing whatever to do with the question under consideration. The subject and object and purpose of the bill is that which relates to the transportation of coal.

Now we have an amendment offered by the gentleman from Minnesota stating that if the emergency which is referred to in the bill under consideration exists or is shown to exist, then for purposes specified the President shall have power virtually to take over the mines and run them, because the requirement that the output of the mines be sold only to the Government is equivalent to taking over the mines and the operation of them by the Government. It would have no other foundation under the Constitution except that which would exist under the right of eminent domain, so that we really have under consideration a proposition here of whether or not it is germane within the rules to offer an amendment involving the proposition that the Government shall take over and operate the mines; whether such an amendment shall be considered as germane to a bill regulating the transportation of coal in interstate commerce. I do not think there can be any question under the authorities that such an amendment is not germane.

I want to call attention in this connection to a decision which was rendered a good many years ago, in 1898. This is the statement, and that is sufficient, I think, to indicate the full extent of it:

> To a bill granting a right of way to a railroad an amendment providing for the purchase of the railroad by the Government was held not to be germane.

It seems to me that that is very nearly analogous to the case that we have before us to-day. "To a provision granting a right of way to a railroad an amendment was offered providing for the purchase of the railroad." Here we have a bill for the transportation of coal, to which is offered an amendment for the purchase, sale, and distribution of coal. Taking over and operating the mines would practically be the effect. It seems to me that decision would be pertinent to the question now under consideration. Let me also call attention to a case that is numbered 5891 in the fifth volume of Hinds' Precedents:

> To a proposition for the appointment of a select committee to investigate a certain subject, an amendment proposing an inquiry of the Executive on that subject was held not to be germane.

Here we have a proposition for the control of interstate commerce by the Interstate Commerce Commission. To that is offered an amendment proposing that the President shall take charge of the entire matter, not only controlling the transportation but the production and sale of the coal. I think, also, that the case cited by the gentleman from New York [Mr. SNELL], citing the decision of Colonel Tilson, is directly in point, so that the Chair rules that the point of order is well taken and the amendment is held not to be germane.

Mr. SANDERS of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

> Amendment offered by Mr. SANDERS of Indiana: Strike out all after the enacting clause, all the first section, and insert in lieu thereof the following:
>
> "SECTION 1. That by reason of the shortage in coal and railroad equipment and in order that the Interstate Commerce Commission may have adequate information concerning the fuel situation, the President is authorized for a period of one year from the date this act takes effect to appoint a Federal fuel distributor and fix his compensation. He shall perform his duties under the authority and direction of the President. It shall be the duty of the Federal fuel distributor to ascertain (a) the available supply of coal and whether there exists within the United States or any part thereof a shortage or impending shortage of coal or other fuel and the extent of such shortage; (b) the fields of production of coal and other fuel and the principal markets to which such production is or may be transported and distributed and the means and methods of distribution thereat; (c) the kind and location of the consumers; and (d) whether persons, firms, corporations, regions, municipalities, or communities should receive priority in transportation and distribution, and the degree thereof, and any other facts relating to the transportation and distribution of coal and other fuel; and when so ascertained the Federal fuel distributor shall make appropriate recommendations pertaining thereto to the Interstate Commerce Commission from time to time either on his own motion or upon request of the commission, to the end that an equitable distribution of coal and other fuel may be secured so as best to meet the emergency and promote the general welfare.
>
> "SEC. 2. The Federal fuel distributor may make such rules, regulations, and orders as he may deem necessary to carry out the duties imposed upon him by this act and may cooperate with any department or agency of the Government, any State, Territory, district, or possession, or department, agency, or political subdivision thereof, or any person or persons, and may avail himself of the advice and assistance of any department, commission, or board of the Government, and may appoint or create any agent or agency to facilitate the power and authority herein conferred upon him; and he shall have the power to appoint, remove, and fix the compensation of such assistants and employees, not in conflict with existing laws, and make such expenditures for rent, printing, telegrams, telephones, furniture, stationery, office equipment, travel, and other operating expenses as shall be necessary for the due and effective administration of this act. All facts, data, and records relating to the production, supply, distribution, and transportation of coal and other fuel in the possession of any commission, board, agency, or department of the Government shall at all times be available to the Federal fuel distributor and the Interstate Commerce Commission, and the person having custody of such facts, data, and records shall furnish the same promptly to the Federal fuel distributor or his duly authorized agent or to the commission on request therefor.
>
> "SEC. 3. Until the President shall determine that the shortage of coal and lack of sufficient car service no longer exists and makes proclamation thereof the provisions of paragraph 12 of section 1 of the interstate commerce act shall not be effective.
>
> "SEC. 4. Every person or corporation, whether carrier or shipper, who shall knowingly offer, grant, or give, or solicit, accept, or receive any concession or discrimination in respect of car service, as the same is defined in paragraph 10 of section 1 of the interstate commerce act, in violation of any order, direction, or rule of the Interstate Commerce Commission in respect thereto, or who shall by any willful misrepresentation or by any fraudulent device or means whatsoever, procure or cause to be issued any order or direction for priority under said act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000, or imprisonment for a term of not exceeding two years, or both such fine and imprisonment.
>
> "SEC. 5. There is hereby authorized to be appropriated the sum of $250,000, available until expended, for the purposes of this act, including payment of personal services in the District of Columbia and elsewhere, and all expenses incident to organizing the Federal fuel distribution, and not exceeding $50,000 thereof shall be available for reimbursement and payment upon specific approval of the President of expenses incurred since May 15, 1922, in connection with the matters embraced in the title of this act under authority of the President."

Mr. SANDERS of Indiana. Mr. Chairman, I offer this amendment as a substitute for the first section, with notice that I will move to strike out the succeeding sections as they are read.

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. SANDERS of Indiana. Mr. Chairman, during general debate I discussed the proposed amendment, and I shall not ask the indulgence of the House to speak over five or six minutes on the amendment to-day.

I should like to have, if I may, the attention of the members of the committee who favor the bill as it is, in order that in discussing this amendment I may call their attention to what I regard as a vital defect in the bill as it is drawn, so far as distribution is concerned.

We have a special section of the old interstate commerce act, which is now in force and effect, which reads as follows:

> It shall also be the duty of every carrier by railroad to make just and reasonable distribution of cars for transportation of coal among the coal mines served by it, whether located upon its line or lines or customarily dependent upon it for car supply. During any period when the supply of cars available for such service does not equal the requirements of such mines it shall be the duty of the carrier to maintain and apply just and reasonable ratings of such mines and to count each and every car furnished to or used by any such mine for transportation of coal against the mine.

In other words, we have a specific provision in the act as it now exists which requires the Interstate Commerce Commission to give to all the coal mines an equal priority distribution of cars. This measure as it is drawn at present says that it shall not repeal any section of the law, but shall be supplemental thereto. It deals with coal and other fuel. Therefore by any sort of construction that provision would still be in force and effect, and would make the plan of distribution unenforceable so far as coal is concerned.

Mr. NEWTON of Minnesota. Will the gentleman yield there?

Mr. SANDERS of Indiana. If the gentleman will get me more time.

Mr. NEWTON of Minnesota. I shall be very glad to assist the gentleman to get more time. I want to call the attention of the gentleman to subdivision 15, which is on page 13 of the act, wherein it is provided that the commission can set aside its rules and regulations, including the provisions made under subdivision 12.

Mr. SANDERS of Indiana. Will the gentleman read the language where it says that it may set aside subdivision 12?

Mr. NEWTON of Minnesota. It says:

> Whenever the commission is of opinion that shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in any section of the country, the commission shall have and is hereby given authority, either upon complaint or upon its own initiative without complaint, at once, if it so orders, without answer or other formal pleading by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the commission may determine: (a) To suspend the operation of any or all rules, regulations, or practices then established with respect to car service for such time as may be determined by the commission.

Mr. SANDERS of Indiana. I am very familiar with that section.

Mr. NEWTON of Minnesota. Now, the United States Circuit Court of Appeals in the case of Baltimore & Ohio Railway Co. *v.* Lambert Run Coal Co., 267 Federal Reporter, page 776, held that that gave it the power to suspend the provisions of subdivision 12.

Mr. SANDERS of Indiana. Assuming that the court correctly decided the law, if it has been held that that gives them the power to suspend it, that criticism would not be directed to this bill; but in the amendment that I have offered I specifically provide that that section shall not be in effect during the emergency.

The amendment which I propose here gives the right to create this Federal Fuel Administration, and gives it all of the powers that the original act gives to the administration, and gives the administration the right to make the recommendations to the Interstate Commerce Commission. The Interstate Commerce Commission under the existing law has all the power and authority, so far as distribution is concerned, so far as sending coal into any section is concerned, so far as priority is concerned, so far as embargoes are concerned, except that we do not in the existing law give the power to issue embargoes against individuals and corporations for the purpose of preventing them from shipping coal because they charge prices which the commission deems excessive. So that this amendment presents squarely to the House the proposition as to whether or not you want to favor the price-fixing provisions of this bill. In voting for the amendment which I have proposed you have the opportunity to give everything that this measure gives except the arbitrary power to prevent shipments in commerce of any coal which the commission thinks is of excessive price.

In the amendment I offer I am excluding from its provisions the power of the Federal Government to say to any individual who ships coal or any other of the numerous articles of fuel, "You can not ship because this department of the Government thinks you are charging too much for your commodity."

Mr. HOCH. The gentleman's substitute gives to the Interstate Commerce Commission no power in the matter of distribution which it does not now have?

Mr. SANDERS of Indiana. It does not.

Mr. HOCH. That, I understand, is the purpose of the gentleman's substitute?

Mr. SANDERS of Indiana. The purpose of the amendment is simply to afford an agency which is not in the Interstate Commerce Commission to obtain a comprehensive grasp upon the fuel situation, to know all of the facts, to make all investigations, to know where to use the priorities, the right to distribute, the right to lay embargoes, the right to send coal into Minnesota if it is needed, and the right to send it to the Lake regions if it is needed, or the right to send it to New York if it is needed there. All of the powers authorized for distribution provided for in this bill proposed here are provisions which have for their purpose the issuing of an embargo against individuals who propose to ship coal at what the commission regards as an excessive price.

I strike out of the bill what I regard as the worst feature in any bill ever proposed in this House—to prevent people shipping in interstate commerce and fixing the price of a commodity. Because if you can fix the price of oil and coal and other fuel, you can fix the price of farm products, you can fix the price of boots and shoes in Massachusetts, you can fix the price of cotton in the South, and every other product. If you enter into that field you open the door for the whole question of price fixing. As conditions change people, those who regard themselves as consumers, will gradually organize against the producing region, because they are always in the majority, and fix the price of one commodity and then another and then another, and we will always be confronted with the proposition of fixing prices of commodities by legislation, and we will undertake to do away with the law of supply and demand. I do not think it is a good legislative policy. [Applause.]

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, if you have made up your minds that you want to pass an emasculated edition of this bill, which does nothing and gets nowhere, I advise you to vote for the Sanders amendment, which is as innocuous as anything can be. It does absolutely nothing but what the law now does. In many essential particulars he has eradicated thoroughly the thing that the American people would like to find out about the coal industry at the present time—why they are paying such extortionate prices and why there is such an inequitable distribution. He is undertaking to take away from the people the power that they have or might have under this act.

Look at it. I have the amendment in my hand. It authorizes a Federal fuel distributor. What shall he do? He finds certain facts and reports them to the Interstate Commerce Commission. What shall they do? Section 5 in the bill gives the Interstate Commerce Commission the power to act on these recommendations. The Sanders amendment has eradicated that provision.

So in the gentleman's amendment there is no power given to the Interstate Commerce Commission at all. He has simply appointed a new officer, who is to gather facts and report them to the Interstate Commerce Commission, and the Interstate Commerce Commission has exactly the same power that it has to-day. If I am wrong, let me challenge him now to deny it.

Mr. SANDERS of Indiana. Does the gentleman think that we have put in a new law a provision giving the Interstate Commerce Commission the power to use priority embargoes which they already have under existing law?

Mr. GRAHAM of Illinois. If they have the power to-day to do these things, why is the gentleman objecting to these provisions, which more clearly state it?

Mr. DUNBAR. Will the gentleman yield?

Mr. GRAHAM of Illinois. I will later if I have the time. I want to call attention to the penalty clause. Look at section 10 of the amended bill. Now, the gentleman goes along with the penalty clause until he comes to the italicized portion of the line, page 7, and then he stops. That is the provision that gets the middleman, the fellow who kites the price of coal, and then he strikes that out. He not only strikes that out but the proviso that you find in section 10. What is it? The first part of the penalty clause is aimed at the corporation or the person in the way of a fine. You can not send a corporation to the penitentiary. The second part contains the provision for the punishment of the individual member of the corporation, but he cuts that out.

Mr. SANDERS of Indiana. Will the gentleman yield? The imprisonment is taken out of that section and put into the first section.

Mr. GRAHAM of Illinois. There is not a word in the amendment of the gentleman from Indiana that authorizes any court to send a man to the penitentiary or jail if he violates any orders. Now, there is a way to get at the corporation by fine. This is done for a purpose. Let me tell you gentlemen of the committee that the whole trouble about this proposition from the first has been because the Government and the people of the United States can not find out the facts about the coal industry. The National Coal Association, composed of over 50 per cent of the coal producers of the United States, have willfully and persistently prevented the United States from acquiring that information. Recently when the Federal Trade Commission wanted to get information this National Coal Association brought injunction proceedings against them in the District of Columbia courts and enjoined them from getting it as to the cost of production and distribution. This same National Coal Association, or those who control it, after having enjoined the Federal Trade Commission from getting the information went into the State of Indiana and on an entirely different pretense enjoined the State authorities of the State of Indiana from getting similar information.

Mr. VAILE. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. VAILE. Why did we pass a fact-finding commission bill the other day? Do we need another one now?

Mr. GRAHAM of Illinois. We passed a fact-finding commission bill which it will take some time to get into operation.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GRAHAM of Illinois. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GRAHAM of Illinois. We passed a bill authorizing the commission to find facts. It will take them some time to find those facts. Why were they to find the facts? They were to find them for the advice of Congress, so that we might legislate, if we thought proper.

Mr. VAILE. Are they going to find them any faster under this bill?

Mr. GRAHAM of Illinois. In this we set up a Federal fuel distributor, and he can take action from such facts as are within his possession, make necessary recommendations to the Interstate Commerce Commission, and it can act promptly in this emergency, whereas if you have to wait for the Congress to legislate as the result of information which comes to it from the fact-finding commission, you will not do anything to help out in this crisis. The thing we are trying to get at this time is action.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. SANDERS of Indiana. In the last portion of section 4 of the amendment which I propose, the gentleman will find this language:

> shall be deemed guilty of a misdemeanor, and upon the conviction thereof shall be punished by a fine of not less than $1,000 or more than $20,000, or imprisonment for a term of not exceeding two years, or both such fine and imprisonment.

Mr. GRAHAM of Illinois. Yes; but let us read the whole section:

> Every person or corporation, whether carrier or shipper, who shall knowingly offer, grant, or give, or submit, accept, or receive any concession or discrimination in respect to car service as the same is defined in paragraph 10 of section 1 of the interstate commerce act, in violation of any order, direction, or rule of the Interstate Commerce Commission in respect thereto, or who shall by any willful misrepresentation or by any fraudulent device or means whatsoever procure or cause to be procured any order or direction for priority under said act, shall be deemed guilty of a misdemeanor, etc.

So far as that is concerned, you leave out the real language of the section, which is in the italicized portion in the bill now before the House, viz, to get at the fellow that gets the coal and raises the price on the people, and that man you do not touch by your amendment. It is along the same line that has been followed consistently by the majority at least of those who operate these great mines of the country in which they do not pretend or propose to let the people of the United States know the facts about this industry.

Mr. Chairman, we ought to put some teeth in this proposition. Let us not pass some foolishly innocuous thing that gets us nowhere. Let us try to do something, at least. As I have heretofore stated, if we pass the original bill, it has some sort of teeth in it, it gets somewhere, and I contend, and I think I contend rightfully, that there ought to be power in the people of the United States in this emergency or in any other emergency to control extortion in the United States in such a necessary thing as coal, and if that is the issue we might as well meet it now. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. Stafford) there were—ayes 36, noes 76.

So the amendment was rejected.

The Clerk read as follows:

Sec. 2. Because of such emergency and to assure an adequate supply and an equitable distribution of coal and other fuel, and to facilitate the movement thereof between the several States and with foreign countries, to supply the Army and Navy, the Government of the United States and its several departments, and carriers engaged in interstate commerce with the same during such emergency, and for other purposes, the President shall appoint a Federal fuel distributor and fix his compensation. He shall perform his duties under the authority and direction of the President.

With the following committee amendment:

Page 2, line 20, strike out the word "He" and insert the words "Said distributor."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. DENISON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. Denison: Page 2, line 19, after the word "appoint," insert a comma and the words "by and with the advice and consent of the Senate."

Mr. DENISON. Mr. Chairman, I want to say only a word. I do not think there could be any more important official under our Government than the man who is to be appointed fuel distributor if this bill becomes a law. He will have absolute and dictatorial powers practically over one of the greatest industries of the country. Here is a proposition to authorize the President to appoint a man with that extraordinary power, and the usual provision is not included in the bill that his appointment shall be made by and with the advice and consent of the Senate. There is nobody in this House who has any more respect for or confidence in the President than I; but I do not think we ought to pass any law authorizing the President to appoint this kind of an official without the usual provision for confirmation as contemplated by the Constitution in important offices of this kind. It will be a kindness to the President to do this. I think it will protect him in the future. If this official is approved and confirmed by the Senate, it will in my judgment in a short time at least help to save the President from a great deal of improper criticism. In my judgment you will be doing the President a kindness to put this provision in the bill. We have a provision of law which requires the appointment of small postmasters to be made by and with the advice and consent of the Senate; and the other day we passed a bill providing for the appointment of a commission to make merely an investigation of the coal industry, a fact-finding commission. In that we took the precaution to provide, as I remember, that those officials should be appointed by the President with the advice and consent of the Senate. I do not see why we can not take that same precaution in this bill which provides for the appointment of an official who will have so much greater power and responsibility. I think it is a bad precedent to pass a bill of this kind appointing an officer of this power without that precaution. It think it would be a kindness to the President and save him future criticism.

Mr. WINSLOW. Mr. Chairman, the gentleman's suggestion to my nostrils is redolent of the idea of hope of delay in getting this legislation into action. Nobody would object to having the Senate pass on the appointment of this man, but if there is anything at all about this legislation that is worth while, it is prompt action in the way of putting it into operation. We hold our brothers at the other end of the Capitol in high esteem, but even though of the same general family we realize that at times they are not any quicker than lightning itself, and we do not want to run the risk of monkeying this up by having some political business perhaps mature and ripen about the time the appointment goes to the Senate from the President, and having the whole thing set aside. At worst we hope that this will be a matter of only a few months; at best we hope that it will be a matter of weeks.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. STAFFORD. Has the gentleman noticed the newspaper account that the Senate will adjourn shortly after the passage of the bonus bill and the coal regulatory bills? If that is a fact, the President not being able to appoint until these bills are passed by both Houses, it would naturally hold up the activity of this fuel distributor if he is to be appointed with the consent and advice of the Senate.

Mr. WINSLOW. That is one of many possible reasons why we should avoid all features which might cause delay. The point is, we want to get it through. If it is worth having at all, we want it at the earliest possible moment. The whole business centers around the President of the United States as an emergency. To pass the bill and then put it in a pocket, where it may not be taken out until the whim of somebody or another permits it, and so delay the operation of the legislation, would be most unfortunate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. Denison].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. DENISON. Mr. Chairman, I would like to have a division on that.

The committee divided, and there were—ayes 17, noes 80.

So the amendment was rejected.

Mr. CLARKE of New York. Mr. Chairman, I move to strike out the last two words. I ask unanimous consent to address the House for 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to address the House for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARKE of New York. Mr. Chairman and gentlemen, I have listened loud and long to the arguments pro and con in connection with this bill; to the recitals of facts and fiction; to the statements regarding conditions, and have heard pointed out the necessity for more laws when the evidence and facts submitted and the necessity of the hour points to the fact that we are suffering from an overdose of weak and ineffective laws or we would not be in the situation we are now in. I shall support this bill only as an emergency step.

Being a new Member and unfamiliar with the exact status and application of the various laws, of the different governmental agencies, of the multitudinous variety of boards, of the information in facts and figures now safely sleeping in the 57 different varieties of bureaus and agencies grown into a great bureaucracy, but admittedly of no account, I have sought to discover where we are nationally; I have, through faithful attendance at the daily sessions and attentively listening to the discussions, and at the hearings before the Interstate and Foreign Commerce Committee, sought to learn the present status of the different elements that go to make up the situation we are now in, and my hasty impressions—and what are my impressions must be the impressions of the great third party in all disputes between organized capital and organized labor, the unorganized public—are as follows:

1. An extreme crisis now confronts us in coal mining.

2. An extremely critical situation confronts us with the railroads.

3. There is no present law or agency of Government that can reach out its strong arm to effectually intervene.

4. It has been found necessary to pass—

(a) The Winslow fact-finding law.

(b) It has been found necessary to try and add temporarily to the power and authority of the Interstate Commerce Commission through the bill now before the House.

We unsophisticated people wonder why it is necessary to take so many bites at the cherry. The great majority of our people, with only average minds like my own, have learned through the stress of war to look to the Federal Government to meet any critical situation. Our present difficulties are largely a war heritage, the result of weakness and vascillation in high places, and in this publicly declared national emergency the people are looking to the Congress, neither in a mood to brook delay nor to stand for technical objections. We have heard some of our leaders admit lukewarmness for this bill, with no other in sight, and I can hear the cry of the people, "How long, oh Lord; how long!" [Applause.]

We have listened to the President's recital of the futility and failure of his painstaking, carefully considered, honest efforts to bring organized capital and organized labor together, both in the railroad world and in the coal industry. Suffering, deprivation, lawlessness, anarchy, and murder have left their unwholesome trail in these struggles. It seems to me in the light of such experiences it is time for the Congress to get busy, not with temporary expedients alone, but with a larger, constructive, permanent measure. The great American public is looking to the Congress to squarely meet the issue as to whether these great contests between organized capital on the one side and organized labor on the other are going to be allowed to continue to run their rampant courses, irrespective of law and order and utterly oblivious of the great unorganized public, the third party in issue. [Applause.]

The history and record of organized capital is far from a pleasant one to contemplate. Far too often it has been characterized by utter disregard of law, by selfishness, by avarice and cunning, by trickery and device, by trying to get the best of organized labor at all hazards, and because of these acts, repeated over and over, it has been found necessary more and more to bring its actions under the rules of law and order and common honesty and decency. Organized labor, too, has suffered from its extremists and radicals, and the time has now come when, in order to preserve the great good that has been wrought through organization, organized labor itself must cooperate in placing itself under the law.

It seems to me that with legislation to meet these emergencies passed, our great far-seeing leaders, familiar with all that has passed, in the light of experience should address themselves seriously and continuously to the highly patriotic task of wiping off from our statute books all the weak and ineffective laws that now cumber them, the laws that serve as a basis for the rearing of impossible labor boards and other governmental agencies that have not stood the acid test of these times, and in their places, that shall know them no more, should be reared a strong, full-powered, mediatorial court that can meet such emergencies and situations.

It is true that many if not most of the strikes and lockouts occur before the matters in dispute have been thoroughly threshed out. Even the present controversies in the railroad and coal fields find the matters now in issue far afield from the original declarations of both sides. As a first step in the settlement of any dispute or controversy we need an accurate and impartial statement of the facts—that is, the questions of labor, of costs, of living conditions, of rights properly accruing to the older employees, and so forth; of the policies of the employers; and we must give to such mediatorial court that we should rear at this time such full and complete authority that this court can examine books, summon witnesses and compel them to testify under oath, that can call in the officers of all organizations, incorporated or not, and individual employees, that can compel all organizations to keep their books and records of receipts and disbursements in such a way that an examination will reveal the entire history of money received and disbursed; of those employed directly or indirectly; and the failure to keep such records and to furnish them to the Government should be made a crime and personal punishment meted out on conviction, not alone a fine but by imprisonment as well, for it is vitally necessary that the Government should have all the facts in order to render justice to all.

Many of our American States have provided laws and reared agencies of public investigation, mediation, and arbitration in labor disputes; and no one has studied the records of the agencies in these States but what will admit there have been substantial and lasting results, especially through mediation.

In Massachusetts, for instance, their board is obliged by law to offer mediation when notified by either party or by local authorities, and in many cases this board intervenes as a matter of course.

In New York the law requires that some officer or agent shall proceed promptly to any locality where there is a dispute or controversy and seek by mediation to effect an amicable settlement of the controversy. Ohio has a similar law, and good results have been obtained.

If it is not necessary, and controversies and disputes can be settled, the Government should retain, unpublished, the results of investigation; nor should the Government in any controversy seek to assign the blame. Let it give to the general public the facts in any dispute that can not be settled through mediation or conciliation, and it can rest assured that the judgment of the people will correctly appraise those facts.

Mr. BLACK. Will the gentleman yield?

Mr. CLARKE of New York. I can not yield just now. When I get through I will be glad to do so.

The rights of men and women to organize to better their conditions or to bargain collectively are fundamental rights, and the Congress should not seek to intervene, abridge, or try to hinder same. The right to strike is not in issue, but there are certain fundamentals that must be instilled into all our minds. We must guarantee to everyone the right to work or not to work, as they choose, but the right of anyone to labor when there is some one willing to employ him or her at an agreed price is as much a sacred right, to be backed up by the full strength of our Government, as any right. [Applause.]

We should write a new law that rears this mediatorial court, that defines the principles of collective bargaining, that sets up the machinery for conferences regarding differences between employers and employees, that makes it compulsory for organized labor and organized capital before a strike is called to submit their statement of grievances to this Government agency that should be formed; that is the absolute need of to-day. If this Congress, in the light of the last few months' experience, can not evolve through law such a court and prevent situations such as we are now in, or will not, then every Congressman, be he Republican or Democrat, who refuses to cooperate to that common-sense end should be retired and men of vision, appreciative of our situation and the crisis now here, put in their places. The Government fails—yes, civilization fails—when it fails to provide a court where justice and humanity can join hands to the end that indefensible strikes be banished from this fair land. [Applause.]

Mr. WINSLOW. Mr. Chairman, I want to ask the indulgence of the gentlemen of the committee for a moment. What I may have to say may seem rather ungracious after the splendid speech we have just listened to, but nevertheless I will take a chance.

There are many Members here who have come from all over the room to me quietly and asked if I would not arrange to shut off the speaking. That is not a pleasant thing to do, and I am not disposed to do it, but there are a great many here who would like to see this bill put through to-day after an ample discussion directed to the bill only. So with no hard feelings toward anyone and for the purpose only of facilitating the passage of the bill, and that alone, I would like to give notice that hereafter, unless under some special provocation, which I can not now anticipate, I shall feel obliged to object to any extension of time beyond the five minutes provided for by the rule.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. GRAHAM of Pennsylvania: On page 2, line 20, after the word "distributor," insert "to serve for a period not exceeding six months."

Mr. GRAHAM of Pennsylvania. I wish to read in that connection also an amendment which I will offer if this one should be adopted. That is, after the word "President" in line 22, to provide:

> The President shall have power to appoint a successor for a like term, and an additional term thereafter, if the emergency still exists; such additional appointment shall, however, if the Senate be at the time in session, be made by and with the consent of the Senate of the United States.

Now, it seems to me, if the members of the committee will consider it, that there ought to be a limitation. This is the appointment of a person to an office indefinitely. There is no limit to the term whatsoever, and the only termination that could possibly come would be when the President, under the language of one of the sections of the bill, may proclaim that the emergency is ended. I think a period of six months ought to be sufficient to cover the emergency, but the next amendment offered will provide that if there should be a continuance of the emergency he can appoint a successor. But this ought to be put under some limitation. While we have all confidence in the President of the United States, as some one said in his remarks yesterday, no one can tell who may succeed him. It has been prophesied here that he will not succeed himself; that some other man will be President. Who can tell? This is permanent legislation. This is not simply an emergency bill, to be ended at a given period, but is a bill to be written into the statutes of the Nation and remain there. I think, therefore, there ought to be provided some definite limitation to the term.

Mr. WINSLOW. I would like to ask the gentleman if he has not an amendment to suggest later on which would in any way affect this?

Mr. GRAHAM of Pennsylvania. I have one or two simply making the correction in other parts of the bill that ought to be made to put the bill in other respects in conformity with this provision, but not making any change otherwise in the purpose or plan of the bill.

Mr. WINSLOW. Mr. Chairman, I think there is much in what the gentleman from Pennsylvania [Mr. GRAHAM] has to say about the limitation of the term of office. But if it is a forerunner of changes that may come long after it may be a different matter. The committee, I think, would not offer objections to a six months' arrangement, but I think it would not be a happy thing to leave it in the hands of the Senate.

Mr. SNELL. Along the line of suggestion, could we not strike out section 9 of the bill? That provides that any other President at any other time may determine that an emergency exists.

Mr. WINSLOW. That is another point. When we come to debate it, I think we will find there is more than one side to that.

Mr. STAFFORD. Will the gentleman yield further?

Mr. WINSLOW. Yes.

Mr. STAFFORD. It has been stated that even if the anthracite coal situation should be settled to-morrow and the mining of anthracite should be resumed in full force, there will not be sufficient anthracite coal mined in eight months to meet the annual output that has been the average heretofore.

If such is the fact, I can conceive of a situation where this coal distributor might have need for functioning six months from date. I should think that if the gentleman would put it at a year there would not be any possibility of his having any desire to function further; but six months, I think, is entirely too short by reason of the situation in the anthracite field.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, if the gentleman will yield, the subsequent amendment puts it in the power of the President to appoint for an additional six months, and then an additional six months, and surely any emergency that is going to continue that long ought to come under the purview and action of Congress.

Mr. STAFFORD. If the gentleman will yield again, I wish to say that in the bituminous situation the present understanding extends only to April 1. There is a commission to try to make some arrangement in January so as to adjust those rates of pay after April 1, but that would be the present emergency continuing. There would be no new emergency, because the present emergency would be continuing, and the President would not have the authority to declare the existence of a new emergency when it is the old emergency under which we are existing.

Mr. WINSLOW. Mr. Chairman, I would like to register the opinion that the committee is of a mind that the proposed amendment be not adopted.

Mr. ROSSDALE. Mr. Chairman, the country faces a dangerous situation by reason of the long-drawn-out strike in the coal fields, and unless some decisive action is quickly taken disastrous consequences will inevitably follow. I do not believe I am making any alarmist statement when I say that the situation is desperate. Already industry is shutting down. From various parts of the country come authentic reports of curtailment of industry because of lack of coal. Each day newspaper reports tell of threatened and impending closings of large industrial plants.

Throughout the country various States, municipalities, and communities are creating emergency organizations, such as coal commissions and fuel administrations, to purchase or seize or control the available coal supply in their territory; but unfortunately the available coal supply is so low that in my opinion their functioning will be valueless.

We have sat idly by during the many weeks of this cessation of coal mining while the mine operators and the striking coal miners have been fighting and rejecting the suggestions of President Harding for a settlement.

In the beginning Congress kept aloof and very properly did not interfere, believing and hoping that a settlement would be reached without interference by the Government. As it continued and the President's efforts at mediation proved ineffective, the country naturally looked to Congress for relief and Congress has been loath to interfere, but, gentlemen, the time for hesitation has gone by. It is no longer an academic question of whether the Government by legislative action should interfere in industrial disputes between employers and employees, but rather a simple question of providing an important necessity of life, for we must mine coal now to sustain human life in our Northern States during the coming winter.

If we are to prevent want and suffering all over the land, both in the North and South, even before the winter's cold shall have come upon us, we must mine coal now in order to keep our factories and mills working. If we are to keep our railroads and steamships in operation we must mine coal now, and if we are to enable our public utilities to furnish the necessary light, heat, and power we must mine coal now. In such an emergency it is plainly the duty of the Government to act.

It seems to me unthinkable that the disputes of a minority—coal miners and coal operators—shall be permitted to endanger the great majority of the people. I am in favor of this bill "to declare a national emergency to exist in the production transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel."

It has been said that this measure is unconstitutional and that some of its provisions would not stand the test of the courts. But that contention is usually made when any legislation is proposed to which there are strong interests opposed to its enactment. When logic and reason dictate a certain course of action, then the Constitution is often conveniently invoked as a safe haven of refuge and shelter.

The majority of the committee who drafted this bill are lawyers, and I believe are competent to draft a constitutional measure, and hence I believe it is constitutional. For myself, I will say that I am in accord with the gentleman from Illinois who stated here this afternoon that "I would rather have a people with a Constitution than a Constitution without a people."

It is unfortunate that this strike, with its resultant industrial upset, occurred at this time, for we were just getting the better of the long business depression that set in after the inflated post-war boom period of 1919. The labors of this Congress to bring the country back to normal conditions were commencing to bear fruit. The business tide was turning and business conditions throughout the country were rapidly improving. Merchants everywhere were reporting increased sales. There was a resumption of activity in all lines of industry when this coal strike came upon us.

I believe we ought to have a law with teeth in it that will provide a medium to prevent a recurrence of industrial wars that are so far-reaching in their consequences as to affect the very life of the Nation.

A somewhat similar situation confronted the country in 1902 during the strike in the anthracite coal fields. At that time anthracite coal was more generally used than now, and the paralyzing effect of the strike was countrywide. President Roosevelt then also tried mediation, and failing in that method, brought the strike quickly to an end in his characteristic way by calling the mine operators and owners together, giving them the ultimatum of settling the strike within a limited number of hours or else he would use all the powers and compelling force of the Government against them.

He did not have any special legislation by Congress, but he was nevertheless able to bring the operators to terms. We had no Federal reserve banking system then, and it is said that Mr. Roosevelt simply used strong-arm methods by his ultimatum to the mine owners to settle at once or he would instruct the Secretary of the Treasury to withdraw all Federal funds from the banks that were Government depositories and controlled by them, and if that was not sufficient he would request Congress for the necessary legislation to seize the mines and operate them. His ultimatum had the desired effect, and the strike was quickly settled.

I regret that this bill does not give to the President the discretionary power to seize and operate the mines, if in his judgment such extreme action becomes necessary. If the President were given such discretionary power, in all probability it would never become necessary to use it, but it would have the moral effect of averting or ending such industrial wars.

I would offer such an amendment, but under the rules of this House it would be out of order, as not germane to the bill. It is regrettable that the committee did not include such a provision in the bill, which, in my opinion, is lacking only in this. If the President had such power there would not be these daily reports of strike settlement. Instead there would be actual, instant settlement.

It is very evident that the principal objection of the opponents of this bill is the power it gives to the Government through distribution and regulation to fix prices. It is not a direct price-fixing measure, although it will by indirect action fix prices and prevent extortion by mine operators and dealers.

If we are to enact legislation to meet this crisis, by all means let there be teeth in it; otherwise the price of coal will be beyond the ability of ordinary folks to purchase it. Already the profiteers are reaping a harvest and coal is up to $20 a ton, although it did not cost a penny more either to mine or transport than before the strike.

The bill empowers the fuel administration and the Interstate Commerce Commission to ascertain the available supply of coal, its cost of production, supply, distribution, and transportation, and the power of granting priorities and embargoes, with penalties for violation of priorities granted. Coal owners attempting extortion will under its operation be unable to do business, for they will have no means of transportation or delivery.

As a general rule I am opposed to price fixing, but in a situation such as now exists there must be some method of preventing speculation and profiteering in coal. This act will enable the consumer to purchase whatever coal there is at a reasonable price.

It must be remembered that even if every coal mine in the country were to commence mining coal to-morrow there will still be a severe shortage of coal all during the long winter months, and if the dwellers in the tenements, apartment houses, and private dwellings of our cities are not to freeze next winter coal must be sold at reasonable prices. If this bill will prevent extortion in coal costs, as it is intended, then I am in favor of it.

Mr. Chairman, in conclusion I wish to speak in opposition to the amendment offered by Mr. GRAHAM of Pennsylvania: On page 2, line 20, after the word "distributor," insert "to serve for a period not exceeding six months." This amendment limits the operation of the bill to a period of six months. What the American people now want is coal. They do not want any further quibbling or any more delay. We are facing an emergency and we ought to meet that emergency with the necessary action by the Government.

What the amendment means, in effect, is that in the event that this difficulty is settled now and another situation like it arises we would have to go through the same process all over again. Suppose such an emergency arose when Congress is not in session. The President would then have to call a special session of Congress and bring Congress back here to meet another situation like it, and thus have to reenact similar legislation.

Mr. GRAHAM of Pennsylvania. No such condition can possibly arise. This first appointment is made for six months. If, in his judgment, the emergency is not ended at that time, the President can appoint a successor for six months, and so on for an additional six months. That provides for a year and a half.

Mr. ROSSDALE. In that case the amendment is superfluous, for, if the President can continue it for six months or longer, then we do not need the amendment. Why not give the President these powers? Surely the President of the United States can be trusted at all times to have the power to meet a situation when it may arise. For my part, I am willing to trust the President, and I feel certain the American people are willing to trust him. The people at home care nothing at all about this quibbling and all this hesitating about the right to give the President the necessary power. I repeat, what the American people now want is coal. Here are in Congress a lot of lawyers, excepting a few of us, and busily splitting hairs. The American people do not care a tinker's dam about all the hairsplitting of a lot of lawyers in Congress. What they want is coal to keep the wheels of industry going and to provide fuel for the cold of next winter. They do not care anything about section so-and-so and section such-and-such. That will not put any coal into the coal bins, and it is not going to give industry the necessary fuel it requires.

We have had too much lawyer-made legislation already, and the country is weary of it. I say this with all due respect to my colleagues who are lawyers, but you do spend entirely too much time quibbling over legal technicalities when quick action is needed. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM].

The question was taken, and the amendment was rejected.

Mr. LANHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LANHAM: Page 2, line 20, after the word "compensation" strike out the period and insert a comma and the following: "at a rate not to exceed $7,500 per annum."

Mr. LANHAM. Mr. Chairman, a few days ago we had before us a bill to create a fact-finding commission in the coal industry. That bill as originally presented provided for a compensation of $10,000 a year to each of the commissioners. Upon an amendment offered by the gentleman from Alabama [Mr. BANKHEAD] that sum was reduced to $7,500 per year. It seems to me in the abstract a dangerous matter to delegate the determination of salary to anyone. It seems to me that we should fix the compensation, and that the duty really devolves upon us to do so. If we are to have a Federal fuel distributor, I think that in these times of unemployment, when economy is a prime consideration, we ought in this measure to limit the amount of compensation, and that amount might very properly be fixed at the sum specified in the amendment that I have offered.

Mr. WINSLOW. Mr. Chairman, I appreciate the desire of the gentleman to economize, but it seems to me it is like trying to save money in the family by cutting out salt. We have a great job to be done here. It may take two months or three months or four months or six months. None of us, I think, believe that it will be longer. For that job the President will have to pick a man who is able to take up, almost at sight, one of the lines of industry that stands just now particularly in the limelight, made more difficult by the conditions surrounding it, expecting him to come to Washington and expecting him to get his coat off in a minute and begin work almost without notice.

Why trifle in a picayune way about the compensation of a man who ought to command more than the sum specified by the gentleman from Texas in his amendment? In spite of the lack of employment throughout the country, I do not think there are many of us who would select from the unemployed a man for this job. The President will select a man big enough to handle this job. I think the provision in the bill will give the President a first-class opportunity to reach out and get a man big enough to do the work required. [Applause.]

Mr. LANHAM. Will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. LANHAM. Will the gentleman give his opinion as to what would be fair and proper compensation for such a Federal officer?

Mr. WINSLOW. How long is the term to be?

Mr. LANHAM. At the rate of how much?

Mr. WINSLOW. The rate does not prove anything. The man might be down here for three months.

Mr. LANHAM. The position may be perpetual, according to the terms of the bill.

Mr. WINSLOW. In that event I shall be in favor of repealing the law when the emergency no longer exists; but in the face of the conditions which we now have, and not knowing how long the term will be, I can not say how much the compensation should be for a man who can jump in and handle the job. If it is for a year's time, that is one thing. If it is six months, it will be another. If it is two months, it will be another. The shorter the time the more the country can afford to pay him.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Texas [Mr. LANHAM].

The question being taken, on a division (demanded by Mr. LANHAM) there were—ayes 27, noes 64.

Accordingly the amendment was rejected.

Mr. MOORE of Virginia. Mr. Chairman I offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: Page 2, line 19, after the word "purposes," strike out the residue of the paragraph and add the following: "The Interstate Commerce Commission shall have and exercise the powers hereinafter provided in addition to the powers it now possesses."

Mr. MOORE of Virginia. Mr. Chairman, I shall support this bill, just as I supported the so-called fact-finding bill the other day, not with any particular confidence that it will achieve the desired results but because it is the only thing that is offered us at this juncture.

I have no reasonable doubt as to the validity of the bill. So far as the question of power is concerned, there is this to be said: That the existing commerce act, whose validity is not contested, vests in the Interstate Commerce Commission very extensive discretion to determine when an emergency exists and to deal with that emergency by directing the routing of traffic, the priority of movement, and so forth. That law, with respect to power, is simply plussed by this measure and in only one respect. This measure creates a fuel distributor and provides that he shall find the facts in reference to the production of coal, the normal price of coal, the current price of coal, and the localities where and the persons by whom coal is needed.

I believe that the Interstate Commerce Commission—I am talking about the matter of power and not the matter of penalties—under the present law, with such unlimited discretion can now do all that it will be able to do after we have passed this bill. It may, of course, secure more information under this bill as a basis for the exercise of the discretion it already possesses.

Let us assume that this bill is desirable because it specifically refers to certain facts that ought to be ascertained before the commission exercises its discretion. Those facts do not need a new agency of the Government for their ascertainment. The best agency of the Government to ascertain them is the Interstate Commerce Commission itself. The Interstate Commerce Commission is perhaps the most efficient agency of Government we now have. That commission already has a very large and a very expert force in its service. If it be said that the present force is not sufficient to enable it to go out and get at the facts in question, the reply is that an appropriation of even one-half of the amount mentioned in this bill, designed for the payment of the expenses of the proposed new agency, will give the Interstate Commerce Commission what it will require to widen out the scope of its inquiries, and that the commission will have no difficulty at all in executing the provisions of this bill. In my opinion the people—I can not speak for all the people, but I can speak for at least one of them and I believe for many of them—are sick and tired of unnecessary independent or dependent agencies being created. The House seems to be determined to create another one, a fuel distributor, who is to do a specific thing. He is to get at certain facts and communicate them to the Interstate Commerce Commission. He is to have his existence quite apart from the commission, however. He is to build up a new force, at a very considerable expense. Now, if all the work can be done just as well by the Interstate Commerce Commission, why not charge the Interstate Commerce Commission with the responsibility of doing the work?

Mr. WATSON. Will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. WATSON. Is it not a fact that the Interstate Commerce Commission is already burdened with a great many propositions? Is it the idea to put everything onto the Interstate Commerce Commission?

Mr. MOORE of Virginia. Perhaps I am as familiar with the work of the commission as any man in the House. I know it is a very busy organization. Nevertheless the membership has been increased quite recently.

Mr. WATSON. That is true.

Mr. MOORE of Virginia. I know also that that commission does not do all of its work immediately by its own members any more than the President of the United States does all his work without the assistance of others. I know that the commission during a period of years has carefully selected a most competent force of employees. They are now at its service, and similar men can be obtained by the commission if there is some further amount made available for that purpose.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. If I may say a word further in the time of my friend from Massachusetts [Mr. WINSLOW], who has been referred to by the gentleman from New York [Mr. CLARKE] as a lawyer who does not function to his satisfaction [laughter], I venture to state that in my humble judgment there is not the slightest excuse for building up this new agency when we can do everything that is sought to be done, and I think more effectively, by trusting and relying upon an agency we already have. [Applause.]

Mr. WINSLOW. Mr. Chairman, I think the members of our committee would rather be disposed to agree with the gentleman from Virginia and approve his suggestions if there were no more to the question. At the time this bill was being drawn an investigation demonstrated the fact that the Interstate Commerce Commission is not physically organized to take over this work. They have on hand all that every man in their organization can do. Even if they could employ additional clerks, they would still not have a directing head of the right quality, caliber, temperament, and type of man to put in charge of that division.

If it were only clerical help needed we could get it in several Government departments, but as we have to pick out a head as a coal distributor and have to hire new help we feel that the economical way and the practical way for quick action would be through a distributor, and if we were to cut him out we might as well rewrite the whole bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. MOORE].

The question was taken, and the amendment was rejected.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I offer the following amendment: Line 20, page 2, add, after the word "distributor," "to serve for a period not exceeding 12 months."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM of Pennsylvania: Page 2, line 20, after the word "distributor," insert "to serve for a period not exceeding 12 months."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. FAIRCHILD. Mr. Chairman, I offer the following amendment.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments to the section close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on the amendment offered by the gentleman from New York and all amendments to the section close in five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FAIRCHILD].

The Clerk read as follows:

Page 2, line 13, after the word "distribution," insert "at a reasonable price to the ultimate consumer."

Mr. FAIRCHILD. Mr. Chairman, the amendment that I offer I hope will be accepted by the committee. Section 5 of the bill suggests price extortion as one of the elements to be considered by the Interstate Commerce Commission, but section 2, which is the section announcing the purpose of the bill, is strangely silent on the question of price. It says "because of such emergency and to assure"—what? To insure an adequate supply and to assure an equitable distribution, but no reference to a reasonable price. What my amendment purposes to do is to include price, so as to make it read "to assure an adequate supply and equitable distribution at a reasonable price to the ultimate consumer."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 3. It shall be the duty of the Federal fuel distributor to ascertain (a) the available supply of coal and whether there exists within the United States or any part thereof a shortage or impending shortage of coal or other fuel and the extent of such shortage; (b) the fields of production of coal and other fuel and the principal markets to which such production is or may be transported and distributed and the means and methods of distribution; (c) the prices normally and usually charged for such coal and other fuel and whether current prices, considering the costs of production and distribution, are just and reasonable; (d) the kind and location of the consumers; and (e) whether persons, corporations, regions, municipalities, or communities should receive priority in transportation and distribution, and the degree thereof, and any other facts relating to the production, transportation, and distribution of coal and other fuel; and when so ascertained the Federal fuel distributor shall make appropriate recommendations pertaining thereto to the Interstate Commerce Commission from time to time either on his own motion or upon request of the commission, to the end that an equitable distribution of coal and other fuel may be secured so as best to meet the emergency and promote the general welfare.

The Clerk read the following committee amendment:

Page 2, line 25, after the word "coal" insert the words "and other fuel."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read the following committee amendment:

On page 3, line 6, after the word "distribution" strike out the word "thereat."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 3, line 10, strike out the word "firms" and insert the word "copartnerships."

The committee amendment was agreed to.

Mr. HICKS. Mr. Chairman, I move to strike out the last word.

On general principles I am very strongly opposed to the interference of Government in private business, and only in times of stress do I feel such action is justified. That an emergency exists in this country in regard to the production and distribution of coal no man doubts, and unless something is done, and done quickly, the suffering of individuals and the disaster to industries will be acute and far-reaching. Somewhere in the chain between the shovel of the miner and the shovel of the consumer there is a link that represents neither the honest toil of the laborer or the fair profit of the distributor. It is where exorbitant profits come in and this bill proposes to cut that link from the chain.

There are millions of people in this country who are not represented in the councils of capital or in the councils of labor, but their interests rise supreme to both and must be protected and safeguarded.

Mr. Hoover, one of the clearest thinking and best informed men in America, states as his opinion that it is necessary that some restraint be placed on profiteering in coal. I will follow his advice and vote for this bill. [Applause.]

Mr. VAILE. Mr. Chairman, I move to strike out line 21.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, strike out all of line 21.

Mr. VAILE. Mr. Chairman, that line is "to promote the general welfare." I do not think such language has any place in the bill. I do not think this bill promotes the general welfare. It does not seem to me that the general welfare is promoted by a bill to fix prices or for the Government to control private industry. What is "the general welfare"? Is it not the welfare of all of us? I want to show you where all of us are getting off on this proposition. Now, this supposed coal bill is really a railroad bill. Its main purpose besides fixing prices on coal is to control the transportation of coal. It is a result of the rail strike more than of the coal strike.

Talk about the railroad brotherhoods. They contain many splendid citizens and many good friends of mine, but let us say a word about the brotherhood of the general public. Here in this morning's paper, and you can take up yesterday's morning paper or any other paper and find the same thing—

Three held for grand jury for Michigan Central spike-pulling case.

The names of those three men are Charles Uselis, Joseph Popauritch, and Albino Alessio. All of these men were said to be striking shopmen. The article goes on to state that these arrests led the way for exposure of a plot to wreck the Twentieth Century Limited, one of the best and fastest trains in the country, which presumably would be full of people traveling about their lawful business.

Continuing, the article says:

Uselis declared that at the union meeting on Saturday a speaker, whose name he did not give although the police are said to know it, did not instruct him and his three companions to wreck a train. He said the speaker spoke as follows:

"You go out to Gary or somewhere in that neighborhood and jimmy up the track, to cause trouble and make it appear that equipment is in bum condition and that it's dangerous for train crews to ride trains."

It was on the day after the wreck, Uselis asserted, that plans were laid for him and Alessio to go to Elkhart, Ind., next week and seek work in the New York Central shops, supposedly as strike breakers, in an attempt to derail the Twentieth Century Limited.

In the same column of the same paper are the following items:

FORT SMITH, ARK., *August 29.*

Officers were rushed to the Missouri Pacific Railway shops at Van Buren, Ark., early to-night when a report was received that several volleys of shots had been fired at the building.

—

DANVILLE, ILL., *August 29.*

A series of four explosions early to-day shattered windows and demolished long strips of yard trackage in the shops of the Chicago & Eastern Illinois road here. It is believed an attempt had been made to destroy the entire shops. One bomb had been planted near the main entrance of the yard.

—

AUGUSTA, GA., *August 29.*

A young man named H. B. Moody, a new employee at the Georgia Railroad shops, was attacked on the streets here early this morning by three unknown men, who beat him severely about the head.

These murders and assaults are on people who are trying to get work in the United States of America in the 147th year of our supposed independence. What are we going to do about it? Instead of the wretched makeshift which is now before us we ought to have here a bill under the power of Congress to regulate interstate commerce which would make interstate commerce safe. What is the power to regulate commerce? Does it not include the power to sustain, the power to maintain? Instead of such a bill as this on which we are piffling away our time, to authorize the fixing of prices, to authorize the Government to further engage in private industry or control private industry, we should be considering some measure to make interstate commerce safe. Why, the Republican party went into office on the proposition that we wanted more business in government and less government in business, and, thank God, we have carried out the first part of that pledge splendidly. I want to see us stay by the latter part of the pledge.

The general welfare means the general welfare of the general public, the brotherhood of the general public. It seems that we ought to stand by the first function of government. What is the first purpose and function of any government, even savage government, if you please? It is to make life, property, and work safe. That is the one thing which, strangely enough, we are not doing. I think the country will justly say that we are derelict on our job. [Applause.]

Here are a few of the other cases, clipped by me from just one recent newspaper. It would make far too large a file to collect them every day:

BIRMINGHAM, ALA., *August 17.*

Two attempts to blow up tracks of the Louisville & Nashville Railroad near Birmingham yesterday came to light to-day by the announcement from the office of Superintendent Smith of this division that "vandals" were at work on the line.

—

HORNELL, N. Y., *August 16.*

E. L. Nelson, of Buffalo, who arrived here yesterday to work in the Erie Railroad shops, was seized by a group of men and stripped of his clothing.

—

SAYRE, PA., *August 16.*

Norman Carmel, employed by the Lehigh Valley Railroad shops here, died early to-day from stiletto wounds received when he was attacked by five unknown men last night. No arrests have been made.

—

SCRANTON, PA., *August 16.*

A crowd, estimated at 2,000, attacked a shop worker at Bellevue and gave him a bad beating before he was rescued by policemen. Another crowd of 200 persons attacked workmen at the Keyser Valley works of the Lackawanna.

—

SAN BERNARDINO, CALIF., *August 16.*

Several persons were reported to have been injured by rocks thrown to-night when a crowd of several hundred persons gathered at the Santa Fe Railroad shops here and attempted to prevent employees working there in spite of the strike from leaving the inclosure.

Just how is the pending bill for distributing coal going to affect this case?

MURPHYSBORO, ILL., *August 16.*

Approximately 150 striking miners forced the crew of a Mobile & Ohio train to sidetrack five cars of coal at Willisville, 10 miles north of here, late this afternoon, which was bound for East St. Louis.

What we needed in that case was not a new Federal officer, a coal distributor, to issue his directions to that crowd by mail. What we needed was a squad of soldiers to prevent interference with the necessary business of the country. Somebody needed that coal, no doubt. Somebody probably needs it still. The function of Government was not to regulate the number of cars for its shipment but to see that the cars in which it was in fact shipped were kept moving.

I could multiply these instances by taking four or five from every daily paper that has been published since this strike started.

The people of the "western slope" of Colorado sent me a long resolution the other day. They say that their entire crop of fruits and vegetables will be a loss unless they can immediately obtain cars. I sent that resolution to the chairman of the committee which is presenting this coal distribution bill on the floor to-day. I am surprised that he has not made his "remedy" broad enough to cover both cases. They are identical in principle. To be sure, there is no strike among potato growers, but there is a shortage of potatoes in a good many parts of the country. There is, nevertheless, a splendid crop of potatoes. We have been told that there is an abundant supply of bituminous coal. But the coal does not get to the consumers because of the railroad strike. The potatoes do not get to them for exactly the same reason. Well, why not apply the same remedy? For the coal situation you propose to solve it by fixing the price of coal and apportioning the cars so that it will move to the localities that need it most. Well, let us fix the price of potatoes and apportion the cars to the growers that ask a "fair" price, and let them be sent to favored sections of the country. Perhaps the grower has contracted his crop in advance; perhaps he may have been paid a deposit on it. No matter. He shall have nothing to say on the question of where his potatoes shall be shipped, or what he will get for them.

Oh, gentlemen of the Congress of the United States, do not let us stand before the country in the weak and pitiable situation of saying, "Now that transportation is being tied up we will solve the situation by controlling the movements of the few cars that can move." What a pusillanimous proposal. What the country demands is that all the cars shall move. Can any one doubt that when they all do move, without unlawful hindrance, the matter of distribution will take care of itself? That fact is so obvious and our duty is so obvious that if my 5-year-old boy couldn't see it I would want to disown him. Our duty is the very plain and simple one to keep the cars moving—all the cars—by preventing unlawful interference with their movement and by preventing unlawful interference with their repair or with the repair of the motive power that takes potatoes and coal and wheat and cotton and everything else across a country which has been wont to boast that is was especially skilled in the art of self-government.

Potatoes and coal? Yes; and people, too. A few days ago train crews on the Santa Fe deserted their trains at the little desert village of Needles, Calif., because the railroad shop was guarded for the protection of employees there. In that train were aged people, one old lady more than 90 years old. There was one baby in arms, whose parents live in my town. In the blistering heat of several days without proper food that child almost died. Perhaps you can excuse that dastardly abandonment of duty by those train crews. I can not.

I suppose we will soon be distributing cars for the transportation of living human freight. That is the logical result of the remedy you propose. This great country will take such cars as Messrs. Uselis, Popauritch, and Alessio kindly allow us to have. When our allowance is less we will content ourselves with distributing the lesser number.

Well, this bill does not content me, and I do not propose to apologize to my constituents for voting for it. I shall vote against it. [Applause.]

Mr. ROACH. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Missouri [Mr. Roach] is recognized.

Mr. ROACH. Mr. Chairman and gentlemen, there is every reason why this bill should be immediately enacted into law. A coal strike has been in effect since April 1 until a few days ago. As a result the coal bins of the country are greatly depleted and in many instances empty. Factories and industrial institutions, employing thousands of our people, have been obliged to greatly reduce their forces and output, and in some instances close down altogether, on account of the coal shortage. Winter season is approaching, and those familiar with present industrial conditions and in the least observant of past experiences do not need to be informed that the "party of the third part"—the American public—which you and I have the honor to represent, are once again about to be called upon to pay the bill. Not only pay it in dollars and cents, but in personal sacrifices, inconvenience, and in many cases individual suffering, saying nothing of the interference with the orderly dispatch of everyone's business, with its consequent losses to all of our people alike.

When we take into account the present shortage of coal that exists in many sections of the country, the competition that will now ensue and is already under way to obtain coal, the inability of the railroad companies to make immediate and prompt delivery of coal shipments, the season of the year, and what not, we may naturally expect the profiteer to get in his work, the price of coal to soar, profiteering to run rampant, coal to be hoarded, and other like grievous wrongs against the public, all calculated to injure our people in one way or another unless we prevent it by some such legislation as is proposed in this bill. The general public depends upon Congress to protect them from the profiteers and other evils that creep into the business life of our country. We should not wait until the evil overtakes them and gains a strangle hold before we move. We should act promptly and forestall that which we all apprehend is sure to occur unless we do act. This bill, to a large extent, will protect the people from imposition by the profiteer, but, in my humble judgment, still further legislation is desirable and necessary if the American public is to be fully protected from other equally dangerous threatened industrial conditions. This bill, in other words, is a good antidote for the one particular threatened evil with which it deals, but, in my opinion, a major operation is necessary if we hope to secure the complete relief to which the public is entitled.

It has been freely predicted around the corridors of the Capitol for several days past that Congress would go into recess within the next 15 or 20 days. Doubtless this is true, and that some Members will return to their districts to enter their campaigns even sooner. Our services have been almost continuous since March 4, 1921, and it is entirely proper that we should at least recess for a sufficient length of time to make our campaign for reelection, but I frankly tell you that I am more concerned right at this time in remaining here until we have taken every necessary precaution of protecting the public and concluding the important legislation now in process of enactment into law than I am in taking a recess to conduct my campaign for reelection. A threatened serious industrial condition confronts the country.

The outlook is not encouraging unless a better understanding is soon reached between capital and labor, and in my judgment we should not recess until we have enacted legislation that will adequately and justly take care of the interests of the whole people in any situation that might arise. The situation could easily become such as to wreck business and industry all over the country and cause a serious interference with the general welfare and happiness of our people. They have a right to look to the President and to Congress for protection. It seems that our President in dealing with the situation has about reached the limit of his constitutional powers and legal authority under existing laws, and in my judgment this Congress should extend his authority, even to the extent of taking over the coal mines and railroads of the country if the emergency becomes such as to make this action necessary to prevent human suffering, loss to business, and wrecking of industrial and economic conditions. A tie-up of our transportation system right at this time would not only imperil the lives and happiness of our people but would utterly paralyze every business and industry of the country. Factories could not operate for lack of coal, people would be thrown out of employment, farmers and shippers could not market their live stock. Everything would come to a standstill, and right at a time, too, in the history of Government when we are trying to regain our equilibrium from the effects of the World War. This Government is too big and too strong to sit idly by when we apprehend that we are threatened with such an intolerable condition as might and could be easily brought upon us, without taking all necessary precautionary measures to prevent it so far as it is humanly possible for us to do so.

I would not only authorize the President to take over the railroads in case of urgent necessity and operate them for the public and with justice to the employees, but I would direct him that in case such a step as taking over the railroads became necessary that while we had them in hand we squeeze the water out of their stock and take the inflations out of their absurd valuations before we turned them back into the owners' hands. When this has once been effectually done the present high and exorbitant transportation charges could be so materially reduced that the country would sing our praises forever. I want the railroads to make a substantial return on the amount of their actual investment, but the people are getting pretty well fed up on paying tribute to watered stock and inflated values. The time is here when this evil must be corrected. The timely legislation enacted by this Congress has already brought about a visible steadying of general conditions, and we are gradually reaching a state of equal balance again were it not for the fact that the shipper, whether from the farm, factory, or store, is obliged to pay out half or more of his profits in transportation charges, and even at that the railroads, due to "disturbed industrial conditions," will only receive the farmer's live stock for shipment at the owner's risk of delay, requiring him to sign a contract that he has neither the time or patience to read. How long these conditions may continue we can only speculate, but we can at least prevent them from growing worse. We should immediately pass this bill under consideration and then proceed with a permanent cure for the other evils and threatened evils to which I have directed your attention. The public expects it. They have a right to expect it. I am unwilling to admit that any person, set of persons, or corporation is bigger than our Government. [Applause.]

The Clerk read as follows:

Sec. 5. The Interstate Commerce Commission is authorized, and is hereby directed, to receive and consider the said recommendations of the Federal fuel distributor and in its discretion to issue such order or orders for priorities in car service, embargoes, and other suitable measures in favor of or against any carrier or region, municipality, community, person, copartnership, or corporation, and to take any other necessary and appropriate steps for priority in car service and in equitable distribution of coal or other fuel so as best to meet the emergency, prevent extortion in prices charged for coal and other fuel, and promote the general welfare.

With the following committee amendment:

Page 4, line 9, strike out the word "in" and insert the words "for the."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. DENISON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. Denison: Page 4, line 10, after the word "emergency," strike out the words "prevent extortion in prices charged for coal and other fuel."

Mr. DENISON. Mr. Chairman, I ask unanimous consent to speak for 10 minutes.

Mr. WINSLOW. Mr. Chairman, I would like to extend the time, but we have twice to-day been over this very same proposition. It has been voted to a standstill and why go over it again?

Mr. DENISON. Of course, the chairman understands that I did not take any time under general debate.

Mr. WINSLOW. But the gentleman had an opportunity if he wanted to.

Mr. YOUNG. Mr. Chairman, reserving the right to object, does the gentleman expect to pass this bill to-day?

Mr. WINSLOW. I have no power to answer that question.

Mr. YOUNG. If the gentleman is not going to pass the bill to-day, he might as well grant the gentleman from Illinois some time.

Mr. WINSLOW. I am perfectly willing to allow the gentleman 10 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to speak for 10 minutes. Is there objection?

There was no objection.

Mr. DENISON. Mr. Chairman, the difference between the amendment that I have offered and the amendment offered by the gentleman from Indiana [Mr. SANDERS] is simple. I eliminate from the bill only the provision for fixing the price of coal, and I accept all of the other provisions. For various reasons I would like very much to vote for the bill. I would like to vote for it because the President wants some kind of legislation that will help the present situation, and, of course, I would like to support anything that he wants along this line. However, if that provision remains in the bill, I can not vote for it.

Mr. SMITH of Michigan. Will the gentleman please read that provision?

Mr. DENISON. My amendment is simply to strike out the words "prevent extortion in prices charged for coal and other fuel." I want to state briefly, without repeating the arguments that have been presented by other Members, the reasons why I can not support the bill with that provision in it.

Of course, it is apparent that those who drafted the bill shrewdly chose words that seem formidable, and our first impulse is to conclude that no one should object to the words "prevent extortion in prices" remaining in the bill, because no one would ordinarily approve of such a practice. But when given their practical effect the words "prevent extortion in prices charged for coal" mean simply to prevent the charging of a price in excess of that fixed by the fuel distributor. The language could mean nothing else. Mr. Hoover testified before our committee that the practical working out of this bill would result in the Federal fuel distributor fixing what would be called a "fair price" for coal at the mines, and it would be unlawful for any coal producer to charge more than the "fair price" fixed by the distributor; if he should do so, the Interstate Commerce Commission would have the power to punish him by refusing to permit him to receive cars with which to transport his coal to the market; in other words, they would issue an embargo against him. Therefore the amendment I have offered simply strikes from the bill the power conferred upon the fuel distributor or the Interstate Commerce Commission to fix the price of coal at the mines.

If the Interstate Commerce Commission does not have the power under the present law, by granting priorities and preferences in car service, to equitably and effectually distribute the coal supply of the country to those persons and to those regions where it will be most seriously needed, then I am willing to confer upon the commission such additional powers as will enable them to accomplish that purpose. Assuming that the provisions of this bill are intended to confer upon the Interstate Commerce Commission such additional powers with reference to car service, I think the bill ought to pass. I believe the Interstate Commerce Commission ought to have the very broadest possible powers to grant priorities and preferences in car service so as to provide for the quickest and most equitable distribution of all available coal to the persons and communities where it is most sorely needed. But I can not vote for a bill to authorize the Interstate Commerce Commission or any other official of the Government to fix the price of coal.

In the first place, I know of no power conferred upon Congress by the Constitution which would authorize us to pass legislation fixing the price of coal or any other commodity. This is a subject that has been much discussed here in recent years. During the war we fixed the price of certain commodities by legislation in the exercise of our war powers. I do not think there is any doubt of our right to do so under the war powers, but our experience in doing so convinced me that the wisdom of such legislation was very doubtful. Until now I have never heard it contended that Congress could in time of peace fix the price of commodities by legislation. So far as I know this Government never before in its history undertook to do such a thing, nor has any other government except in time of war.

During the past two or three years, when the prices of the farmers' products have been going down and down until the farmers of the country were almost in a bankrupt condition, being compelled to market their products often at less than the cost of production, I have been appealed to time and again by the farmers and the farmers' organizations of my district, urging me to have legislation passed fixing the price of the farmers' products so that they could make a profit on them. This week I received a letter from a farmer stating that the farmers could not continue to live and cultivate their farms unless Congress, by legislation, would fix the price of wheat so that they could afford to raise it.

I have invariably written to these farmers and farm organizations that in my judgment Congress had no power under our Constitution to fix the price of farm products in time of peace. I have always understood that to be a constitutional limitation on the power of Congress. Therefore, if I should vote for this bill which provides for fixing the price of coal, I will be either acting in a manner inconsistent with my oft-expressed views as a lawyer or will be put in the position of disregarding my convictions under executive pressure, and I am unwilling to do either.

I have sometimes voted for legislation with regard to which I have had some little doubts as to its constitutionality, being willing to defer to what I have thought may be the better judgment of others. But I will not vote for any legislation which I firmly believe to be beyond the constitutional powers of Congress to enact. I have taken an oath to support and defend the Constitution, and I think it is in conflict with that oath to vote for any bill which I firmly believe is beyond our constitutional powers.

Therefore I can not vote for this bill if it contains the provision authorizing some Federal official to arbitrarily fix the price of coal at the mines. The amendment I have offered would eliminate that objectionable part of the bill.

It has been argued here to-day that if Congress can not exercise this power there will be no protection for the people from the greedy profiteers who will take advantage of the present industrial condition and exploit the people by unreasonable charges for coal. Surely, they say, the Congress must have the power to protect its own people from such imposition. The answer to that argument is that no such power can be found in the Constitution. All of us have known, if we have ordinary intelligence, that circumstances might arise in which there would be a shortage of coal in this country. All of us have known for years how the coal mines have been operated and labor conditions adjusted, and we have known that strikes could and might occur which would result in the shutting down of the coal mines and material increases in the price of coal. If we had been provident and had desired for the Government to exercise the extraordinary power of stepping in and fixing the price of coal by legislation, we should have before this amended the Constitution so as to confer that power upon the Congress. Not having done so, and the power not having been conferred upon Congress by the fathers who drafted the Constitution, I do not think we should even in the stress of present circumstances disregard our oaths of office and usurp that power.

I am opposed to this bill if it contains this provision authorizing the fuel distributor to fix the price of coal at the mines because it will, in my judgment, result in increasing the price of coal to the average consumer rather than decreasing it. If the Members will read the testimony of Mr. Hoover in the hearings before our committee, they will see he said that the practical effect of this legislation will be that the maximum price fixed by the Government will become the minimum price charged for coal. In other words, he said in substance that the fuel distributor will determine on what will be a "fair price" to be charged for coal at the mines. Anything above that price will be considered extortionate and, therefore, will be prohibited. If the fuel distributor should act at all with due regard to justice and fairness, he would have to fix the fair price at a reasonable amount above the cost of production at the most expensive mines. The cost of production at the most expensive mines will be the standard rather than the cost of production at the less expensive mines. And just as soon as the Government determines upon and announces what shall be the fair price for coal at the mines, the price of all coal will be advanced to the Government's "fair price." So that while the fixing of a fair price by the fuel distributor may result in preventing excessive prices charged for coal to large purchasers here and there who would purchase their coal from the more expensively operated mines, the great number of consumers who buy from the smaller and less expensively operated mines would have to pay more for their coal because the price would be advanced to the fair price fixed by the Government. In other words, because the Government's maximum price will immediately become the minimum price all over the country. That condition will continue so long as there is a shortage of coal. That is the testimony of Mr. Hoover himself; that was our experience during the war, and our judgment ought to tell us that that will be the case.

I am opposed to this price-fixing provision of the bill because, in my judgment, it will result in depressing or retarding the production of coal rather than increasing it.

Mr. Chairman, I think that the best solution to the threatened high prices resulting from shortage of coal in this country is to increase production as much as possible. The Government should do nothing that will depress or retard production. We should do everything we can to encourage and increase production. When we undertake to pass legislation to fix the price of coal, we are doctoring the symptom and not the cause of the industrial disease. Remove the cause and the symptom will disappear. Increase the output of the mines and the high price will disappear by natural law. Legislation that will deprive operators of coal mines of an opportunity for reasonable profit, that will permit the Government to meddle and interfere in the management of this great business, will remove the incentive to increase production and will prevent the very thing that will bring the price of coal down. Everyone knows there are more coal mines and more coal miners in this country than the normal demand for coal would justify. Under normal conditions the mines can not work much over half time. The bituminous strike has been settled and those mines have resumed work. The anthracite strike will be settled in a day or two, as everyone knows, and they will soon resume work. There will soon be a surplus of coal and competition will prevent unreasonable prices. That condition will be delayed, in my judgment, if we provide a Federal official and confer upon him power to arbitrarily and officiously interfere with the business and say what price the owners of coal mines shall charge for their product.

Mr. Chairman, I am opposed to the price-fixing provision in this bill, because it will not reach the evil that it is intended to reach. This bill is aimed at the producers of coal only. It is not intended to catch the real profiteer in coal. Why there should be this discrimination I do not know. But this bill authorizes the fuel distributor to fix the price of coal at the mines. Everyone knows, I think, that the real profiteers have not been the producers, but the middlemen or resellers of coal. It will do very little good to fix the price of coal at the mines if you permit the broker or the retailer who buys the output of the mines at wholesale to charge such price as he wishes to charge to the consumers of coal. This bill does not hit the real profiteers.

This bill hits the producers, who ought to be encouraged rather than discouraged by the Government. If Congress is going to assume to fix the price of coal in this so-called emergency legislation, it ought to fix the price to the consumers, who will have to pay the bills, rather than to fix the price at the mines. The producers hardly ever sell coal to the actual consumers. This bill will not accomplish its intended or its pretended purpose. And unless it can be amended so as to prevent excessive prices being charged to the consumers of coal, I would not support it even if we had the constitutional authority to enact it.

I am opposed to the bill because it contains a section authorizing the President at any time in the future whenever he thinks that there is an emergency to so declare, and thereupon the powers of this bill shall be revived, and he will be authorized to appoint another fuel distributor with arbitrary powers over the coal industry.

I have almost unlimited confidence, I must confess, in President Harding. But the time has not yet come when I am willing to confer upon any President that may hereafter be chosen the power to declare an emergency and, by virtue of the emergency which he himself has declared to exist, appoint a public official with unlimited salary and unlimited duration of office to exercise unlimited control over a great industry like the coal industry. I do not share the view that the Congress can under our constitutional limitations authorize the President to declare the existence of an emergency in time of peace under which any extraordinary powers may be exercised. If we had such power I would not be in favor of granting it. If there are such things as emergencies which can be declared by the Government and by virtue of which extraordinary powers may be exercised, I think Congress and not the President should declare them. But I do not think either Congress or the President can, by the mere declaration of the existence of an emergency, thereby come into the possession of any powers that are not expressly conferred by the Constitution. If that were the case, then the difficult and tedious process of amending the Constitution in the manner provided in it could be avoided by the mere declaration of the existence of an emergency.

Of course, Mr. Chairman, it is apparent that this bill is going to pass and in some form will become a law. I would hesitate to defeat it even if I could do so. The objections I am stating to it, and the vote I shall cast against it if the price-fixing provision is not eliminated, simply represent my feeble protest against what I think is the exercise of an unconstitutional power and the pursuit of an unwise policy by Congress.

From one point of view I could hope to see this bill become a law. It is going to be an interesting experiment in legislation. At other times and under other conditions when Congress was not acting under Executive pressure this bill would not be seriously considered by the Members of the House or the Senate. It would be looked upon as absurd for the Government in a time of peace to presume to fix the price of any industrial products. But now there is a threatened shortage of coal. New England and the Northwest are threatened with serious results. The coal consumers overwhelmingly outnumber the coal producers of the country. Therefore we frantically dig through the Constitution for some Federal remedy that does not there exist.

Now, at the hearings one of those who was responsible for this bill justified it by the commerce clause of the Constitution. Another justified it by the so-called public-welfare clause of the Constitution. Those who drafted the bill combed the Constitution and placed in the first section of the bill all of the different congressional powers which might be considered as inferentially justifying this legislation, including the commerce clause, the welfare clause, the public-health clause, the post-office and post-roads clause, the Army clause, the Navy clause, and others.

If we have power, gentlemen, under the so-called public-welfare clause of the Constitution to pass legislation authorizing a Federal official to fix the price of coal at the mines, then there is absolutely no limit on what Congress may hereafter do, and we will have plenty to do from now on. If Congress can by legislation fix the price of coal because the prices charged are so high as to be unfair to the consumers, then we can also fix the price of coal because the prices paid are so unreasonably low as to be unfair to the producers of coal.

If we can by legislation fix the price of coal, then there is no reason why we should not by legislation fix the maximum price of wheat if the time should come when the farmers are getting too high prices for their wheat; and there is likewise no reason why Congress should not immediately authorize a Federal official to fix the price of wheat or other farm products, because the prices now realized are so low as to discourage production and threaten the food supply of the country. There is no end or limit to the maze of legislation that the exercise of this far-reaching power may lead us to; and even if we possessed the power to pass such a bill under the Constitution, any thinking man ought to at once see the unwisdom of it. If the so-called public welfare clause of the Constitution would justify such legislation as this, then I can not conceive of any further need of amending the Constitution in the manner provided in it, because all desired legislation could be passed under the color of public welfare. We could have passed a national prohibition law under the doctrine of public welfare. We could have passed an income tax law under the doctrine of public welfare. We could have passed the woman's suffrage amendment under the doctrine of public welfare. Almost any legislation could be enacted under the so-called public welfare clause of the Constitution if that clause should be construed as those of you would construe it who quote it to justify this bill.

Mr. Chairman, I do not think the commerce clause of the Constitution can be perverted into any sort of authority or justification for price-fixing legislation. The decisions of the Supreme Court construing the commerce clause are indefinite and perhaps conflicting, but none of them have gone so far as to intimate that the power of Congress to regulate commerce between the States may be used to fix the prices of products within the States. And we can not do by indirection what we can not do directly.

Now, if this bill should become a law, let me show you what a grave injustice it would authorize. The price-fixing provision would authorize the Federal fuel distributor, through the Interstate Commerce Commission, to determine a fair price for coal. Any price charged for coal above the fair price fixed by the distributor would be considered extortionate within the meaning of the act. And the act authorizes the Interstate Commerce Commission to grant an embargo against any person who should violate any of the provisions of the act or any regulation of the fuel distributor. If, therefore, any coal company or any person should charge for coal shipped in interstate commerce a price higher than that which the fuel distributor had considered as fair the Interstate Commerce Commission could place an embargo against that company or person and deny him the right of transportation for his product and thereby close his mine. It would amount to a denial of the right to sell the product of his mine.

The right to sell property is as sacred as the right to own property. The Constitution guarantees to every person the right of property and provides that he shall not be deprived of it without due process. To deprive a person of the right to sell his property is to deprive him of his property, and, in my judgment, a law which would authorize any Federal official to arbitrarily deprive a citizen of his property without giving him the right of appeal or the right of review by some judicial tribunal would be depriving him of his property without due process of law, and for that reason would be unconstitutional.

Under this bill the Federal fuel distributor might act arbitrarily, he might fix the price at such an amount that the producer would have no profit or even suffer a loss, and if the producer should make a sale in excess of the price fixed by the distributor the Interstate Commerce Commission could immediately deprive him of the right to sell his coal and he would have no right of appeal. I can not vote for any law which I think will deprive citizens of their property without due process of law.

I object to this bill for the further reason that it makes no exception in favor of contracts that have already been made. I have no doubt there are many coal mines in the country whose entire output has already been sold to factories or public service companies in other States at a price which has been fixed by contract agreeable to both parties. If this bill becomes a law and the Federal fuel distributor fixes a fair price below that mentioned in such a contract, it would be unlawful to deliver coal in accordance with the contract, and if the producer should do so the Interstate Commerce Commission could order an embargo and deprive him of all right of transportation. Is that a fair or just way for a Government to act toward its citizens? The Constitution expressly prohibits the States from enacting any law that will violate the obligation of a contract. I am unwilling for the Federal Government to itself pass any law that will violate the obligation of a lawful contract. I do not think the Federal Government can afford to do that which the Constitution expressly prohibits the States from doing and which the laws of the land prohibit individuals from doing. This bill ought to contain a provision excluding from its provisions coal sold or delivered under contract made in good faith before the passage of the bill. Without such a provision it is manifestly unfair and unconscionable and I can not support it.

I think, too, Mr. Chairman, that the language of the price-fixing provision of the bill is too indefinite and too uncertain in meaning to be a proper basis for the exercise of arbitrary power or for use in a criminal statute. The Supreme Court held certain parts of the so-called Lever Act unconstitutional because the language used in defining the crime was so vague and uncertain in meaning that the citizens could not know with certainty when they were or were not committing the crime. Now, this bill uses the expression "prevent extortion in prices charged for coal." What is extortion in prices charged for coal? What price would amount to extortion?

In determining that question would the fuel distributor consider the cost of production, or the condition of the purchaser? Would he allow the operator a profit above cost of production, and if so, how much of a profit? Would he take into consideration the hazard of the business in determining what the price of the coal should be? Or, on the other hand, would he consider the condition of the purchaser, whether poor or rich? One price of coal might be considered extortionate to a poor man in need of fuel and at the same time be considered reasonable to a wealthy man who is amply able to pay. Would any price be an extortion, if purchasers were able and willing to pay it? What is the standard for determining extortion in prices of coal? No one can tell with certainty what the expression means.

I have consulted the law textbooks and judicial decisions to find what it means. I find that the word extortion has a technical meaning in law. It means the collection of money where none is due, or the collection of more money than by law is due by one holding a public office. It implies the use of force exerted by the person who commits the act upon the person who must pay the money under protest. That is in substance the definition of extortion in statutes and in the laws. But evidently it is not used in that sense in this bill. One person might construe it to mean one thing and another person another thing. It is indefinite and uncertain what it does mean, and for that reason it more than likely would render the bill invalid.

Another grave injustice will result from this bill because of the fact that there will be one price fixed by the Federal fuel distributor for fuel shipped in interstate commerce, and another price fixed either by the natural law of supply and demand or by some State tribunal for fuel shipped in intrastate commerce; so that mines similarly situated and perhaps in the same communities, each contributing proportionately and alike by taxes to the expenses of the Government, will not be permitted to receive the same or similar prices for their products. This will tend to disturb and demoralize the industry and to discourage production.

Mr. ROSSDALE. If a man charges you $22 or $25 a ton for coal, what would you call that?

Mr. DENISON. I would call that an exorbitant or unreasonable price.

Mr. ROSSDALE. You would not call it extortion?

Mr. DENISON. No; because it is not extortion, and you can not find the word so used in any law book or in any existing statute.

Mr. ROSSDALE. Would you tell the American people that it was not extortion?

Mr. DENISON. Well, I am telling you.

Mr. Chairman, if there were anything that Congress could properly and justly do within our powers to prevent profiteering in coal or to prevent unreasonable and unjust prices being charged, either by those producing coal or those selling coal at retail, I would not hesitate a moment to do it. I think that the operator of a coal mine or anyone else who would take advantage of the serious situation that has arisen by reason of the coal strike to exploit the people by charging outrageous prices ought to be ostracized from decent society and punished, if there is any law to punish them. I think the States themselves should immediately pass the necessary legislation to punish such practices, if they can do so. But however much I may condemn such conduct or wish to prohibit such imposition upon the people, I am unwilling to try to prevent it by such legislation as this, which, in my judgment, will be futile and will go beyond our constitutional power.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. Denison], which the Clerk will again report.

The amendment was again reported.

The question was taken, and the amendment was rejected.

Mr. BOIES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. Boies offers the following amendment: Amend the bill by adding thereto and incorporating therein a new and additional section immediately following section 5 of the bill, on page 4, to be designated as section 5½, and the same to read as follows:

"The Interstate Commerce Commission is authorized, and said commission is hereby directed and required, in view of the present declared emergency and to further promote the general welfare, to reduce by 50 per cent the freight rates and carrying charges now in force on coal and other fuel of railroads and other common carriers transporting coal or other fuel in interstate shipments, this provision and said reductions of carrying charges to become effective 10 days after the passage of this bill, and to continue in force and effect for the period of eight months.

"To the extent of its power and authority, the Interstate Commerce Commission is hereby authorized and directed to likewise and to the same extent as above provided, reduce the freight rates and carrying charges of coal and other fuel in intrastate shipments by railroads and other common carriers."

Mr. NEWTON of Minnesota. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Minnesota makes a point of order against the amendment.

Mr. NEWTON of Minnesota. It is not germane to the section.

Mr. GRIFFIN. Mr. Chairman, it ought to be read again.

The CHAIRMAN. What is the point of order of the gentleman from Minnesota?

Mr. NEWTON of Minnesota. The point of order I make is that the amendment is not germane under the rules of the House. This is an amendment having to do with the reduction of freight rates. Clearly there could be no question about the lack of germaneness.

Mr. GRIFFIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIFFIN. My inquiry is as to whether or not the Clerk has concluded the reading of the amendment.

The CHAIRMAN. The reading of the amendment was not concluded, but it has gone sufficiently far to indicate its character.

Mr. GRIFFIN. Then I make the point of order that the amendment should be read throughout before a point of order is interposed.

The CHAIRMAN. The point of order of the gentleman from New York is overruled.

Mr. BOIES. Mr. Chairman, section 5 is very broad in its language. It says, "other suitable measures in favor of or against any carrier," and it provides against profiteering. I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The CHAIRMAN. There can not be any doubt that the amendment offered by the gentleman from Iowa is not germane to the section of the bill or to any part of the bill. It has no relation whatever to the subject matter of the bill, and the Chair sustains the point of order.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that the debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the debate on this section and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. GOODYKOONTZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GOODYKOONTZ: Page 4, section 5, line 10; after the word "emergency" insert a period and strike out the rest of the sentence.

The CHAIRMAN. The gentleman from West Virginia is recognized.

Mr. WINSLOW. Mr. Chairman, may we have the amendment reported again?

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

Mr. STAFFORD. Mr. Chairman, I make the point of order that, the committee having already taken action on the identic amendment, it is not in order to move this amendment.

Mr. GOODYKOONTZ. The amendments are not identical.

The CHAIRMAN. The gentleman from Illinois [Mr. DENISON] a short time ago offered an amendment exactly in the form that the amendment offered by the gentleman from West Virginia takes. The committee having voted it down, the Chair sustains the point of order.

Mr. GOODYKOONTZ. I beg the Chair's pardon. Those amendments are not alike.

The CHAIRMAN. The Clerk will read.

Mr. GOODYKOONTZ. Mr. Chairman, I insist that you examine those two amendments. They are not in the same language. I beg the Chair's pardon.

The CHAIRMAN. It strikes out the same words, "to prevent extortion in prices charged for coal and other fuel." It is exactly the same amendment.

Mr. GOODYKOONTZ. No, Mr. Chairman; it says, "and promote the general welfare."

The CHAIRMAN. The Chair has ruled. The Clerk will read.

The Clerk read as follows:

SEC. 7. The Federal fuel distributor may make such rules, regulations, and orders as he may deem necessary to carry out the provisions of this act and may cooperate with any department or agency of the Government, any State, Territory, district, or possession, or department, agency, or political subdivision thereof, or any person or persons, and may avail himself of the advice and assistance of any department, commission, or board of the Government, and may appoint or create any agent or agency to facilitate the power and authority hereby conferred; and he shall have the power to appoint, remove, and fix the compensation of such assistants and employees, not in conflict with existing laws, and make such expenditures for rent, printing, telegrams, telephones, furniture, stationery, office equipment, travel, and other operating expenses as shall be necessary for the due and effective administration of this act. All facts, data, and records relating to the production, supply, distribution, and transportation of coal and other fuel in the possession of any commission, board, agency, or department of the Government shall at all times be available to the Federal fuel distributor and the Interstate Commerce Commission, and the person having custody of such facts, data, and records shall furnish the same promptly to the Federal fuel distributor or his duly authorized agent or to the commission on request therefor.

The CHAIRMAN. The Clerk will report the committee amendment.

Mr. ANTHONY. Mr. Chairman, I want to make a unanimous-consent request. I want to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ANTHONY. Mr. Chairman, the War Department has called the attention of Congress by means of a letter from General Pershing to the chairman of the Appropriations Committee that under their construction of the legislation recently enacted reducing the commissioned officers of the Army to not exceeding 12,000 in number that it would be necessary to eliminate several hundred more officers than was contemplated in the statement I made on the floor of the House. The figures which I then gave, that in the total reduction of 1,000 about 367 would come from the Medical Corps and chaplains, and that there would be a reduction of about 600 in total number on the promotion list of officers, was substantially correct and would have been accomplished through the elimination and demotion provisions of the House bill if it had not been for a blunder made by the War Department itself in asking for the insertion of language by the Senate and prepared by the officer detailed from the General Staff, and which was accepted in conference. They intended to mitigate the severity of the provisions of the House bill, but their own language has proven to be more severe than the House conferees ever intended.

A propaganda of censure of Congress has since been carried on by the Army service papers and some of the newspapers of the country which have been influenced by them. Instead of criticizing Congress the War Department should more candidly admit that they have literally been "hoist by their own petard." The only criticism I am willing to stand for is that of having accepted the modification of the House language as written by the representative of the War Department itself and asked for in the conference without more careful scrutiny. The bill which I have now introduced is to relieve the situation for which the War Department is itself responsible.

When the Army appropriation bill was sent to conference the Senate amendment reducing the Army provided that the reduction of officers would be effected by elimination and absorption. The House had originally provided that the reduction should be effected by elimination and demotion. The final agreement of the conferees was to employ all three methods—elimination, absorption, and demotion.

The House conferees believed that the board of general officers charged with carrying out the provisions of the act, the board which is now in session in this city, should have full freedom of action in determining the number of officers to be eliminated, the number to be absorbed, and the number to be demoted. The Senate conferees wanted to restrict the board in demotions and absorption to a maximum of 800 officers. The suggestion to do this came from the General Staff officer working with the Senate committee and, therefore, from the War Department. This restriction was accepted by the House conferees. Of course it is this restriction on the number of officers that the board can dispose of by absorption and demotion which fixes the miminum number that must be disposed of by elimination. It is this latter minimum which must be eliminated that is causing all the present discussion and which necessitates remedial legislation.

I am introducing a bill which will carry out the original ideas of the House conferees. The board of general officers now engaged in carrying out the elimination provisions of the law have reached a point where it is possible to see that they should have some leeway in changing the authorized strength of the grades of colonel, major, and captain within very narrow limits, and that with this leeway and no restriction in their power to demote officers, it will be unnecessary to have any additional officers in any of the grades on January 1, 1923. In other words, the authority to dispose of surplus officers by absorption will be wiped out by this substitute and all officers will be disposed of, just as the House conferees believed they should be, by elimination and demotion. As between absorption and demotion there is no doubt in my mind but that demotion is far preferable.

Absorption means stagnation in promotion, means shutting the door in front of the junior officers for perhaps years to come, a condition that in my opinion is demoralizing to the officers of the Army. It means carrying surplus officers in all the grades and for no purpose other than to provide a berth for them until absorbed. While demotion, on the other hand, means forcing back into their proper grades the officers who were promoted too rapidly, but at the same time means that after January 1, 1923, there will be a steady, healthy flow of promotion in the Army, not a normal flow, because all promotions by reason of these eliminations at this time will be slowed down not only below the absurdly rapid rates of the last two years but below what should be a normal flow of promotion, and what we expect under the terms of the original act of June 30 and of my bill will be, in the course of a very few years, a normal flow of promotion. In other words, this bill, which wipes out the power of the board to dispose of officers by absorption and gives to the board great freedom of action in carrying out the reduction in the manner and by the two methods originally advocated by the House, will, in my opinion, accomplish the purpose in the best possible manner and to the greatest degree of satisfaction to the Congress and even to the Army itself. And under the terms of this bill not one single promotion-list officer, in my opinion, will be separated from the service unless, in the opinion of this board of distinguished generals, he is considered to be among the group classified by General Pershing as least effective. So that, if this bill becomes law, all this talk about having to get rid of officers with splendid records can stop.

The conferees were careful in the act of June 30 to safeguard the promotion-list standing and relative rank of the demoted officers. It has come to my attention that the Comptroller General is just about ready to render an opinion that the demotion of an officer operates to separate him from the military service and thereby changes his pay status. This should not be—in fact, it would be demoralizing—so I am including in my bill the language necessary to correct this situation. Generals Dickman and McCain, who are retired officers, who have been called to active service to perform the very important duty of serving on the board charged with carrying out the elimination provisions of the act, are not, under permanent law, entitled to active pay while on this active duty. It is only just to them, while they are performing a duty of such great importance, that they should receive the active pay of their grade. I am including in my bill the necessary authority for this.

All I have to add to this statement is this: I am in favor of a strong Regular Army, but I want to see it organized with some degree of proper proportions in the various grades—not absurdly top-heavy with high-ranking officers and no second lieutenants. And I want to see a flow of promotions in the various grades, not stagnation, even though for a time the officers who receive the promotions will be the very ones who have been demoted. On my record as one Member of this House who has taken an active part in the constructive Army legislation which has been enacted since the war I am willing to stand on the facts, but not on the untruths and misstatements that are carried from week to week in the service papers.

The following is the bill above referred to:

A bill (H. R. 12493) amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

Be it enacted, etc., That the President, upon the recommendation of the board of general officers convened to carry out the elimination provisions of the act entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 30, 1922, is authorized to determine the number of officers below the grade of lieutenant colonel that shall be discharged and recommissioned in the next lower grade, notwithstanding the limitation of 800 in said act: *Provided*, That the President is authorized, upon the recommendation of said board, to increase the authorized strength of various grades as prescribed in said act by not more than 50 colonels, 150 majors, and 250 captains, and to decrease by a total of not to exceed 450, apportioned among the grades as the President may determine, the authorized strength of the two lowest grades as prescribed by said act: *Provided further*, That on and after January 1, 1923, there shall be not to exceed a total of 12,000 officers in the Army, and on and after that date the authorized number in each grade shall be as prescribed in said act or as modified and prescribed by the President in accordance with the provisions of the preceding proviso, and on that date there shall not be any promotion-list officers in any grade in addition to these prescribed numbers: *Provided further*, That the discharge and recommission of officers in the next lower grade shall not operate to reduce the pay or allowances which they are now receiving or to deprive them of credit for service now counted for purposes of pay or retirement.

Sec. 2. That the retired general officers who have been called to active duty for service on the said elimination board shall be entitled while so serving to the active pay and allowances of their grade.

Sec. 3. That all laws and parts of laws in so far as they are inconsistent with this act are hereby repealed.

Mr. REED of West Virginia. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from West Virginia makes the same request. Is there objection?

There was no objection.

Mr. WINSLOW. Mr. Chairman, I shall object to further requests during the consideration of the bill.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 4, line 22, strike out the words "provisions of," and insert in lieu thereof the words "duties imposed upon him by."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 5, line 5, strike out the word "hereby" and insert the word "herein."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 5, line 5, after the word "conferred" insert the words "upon him."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 8. Whenever the President shall be of the opinion that the existing emergency has passed he may by proclamation so declare, and thereupon the exercise of the powers conferred under this act shall be suspended until such time as they may be revived as hereinafter provided.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 5, line 24, after the word "suspended" strike out the remainder of the paragraph.

Mr. BLACK. Mr. Chairman, I offer an amendment.

The CHAIRMAN (Mr. Towner). The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Black: Strike out all of section 8 and insert the following language:

"Sec. 8. That the provisions of this act shall cease to be in effect on March 4, 1923; but the termination of this act shall not affect any act done, or any right or obligation accruing or accrued, or any suit or proceeding had or commenced in any civil case before the said termination pursuant to this act; but all rights and liabilities under this act arising before its termination shall continue and may be enforced in the same manner as if the act had not terminated. Any offense committed and all penalties, forfeitures, or liabilities incurred prior to such termination may be prosecuted or punished in the same manner and with the same effect as if this act had not been terminated."

Mr. BLACK. Mr. Chairman, the bill gives the President the power to determine when the extraordinary authority granted in this bill shall cease. If my amendment is adopted the authority of the bill will definitely cease on the 4th of March, 1923, which is the expiration of the present Congress. I have not drawn the amendment hurriedly or without consideration. The amendment is identically the same as section 24 of the Lever Food and Fuel Control Act, except that there is this difference: Section 24 of the Lever Food and Fuel Control Act provides that the authority of the act shall cease upon the termination of the war with Germany, whereas I have provided in the amendment which I have just offered that the authority of this act shall terminate March 4, 1923.

Mr. HOCH. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. HOCH. According to the gentleman's amendment, the power under this act would necessarily continue until the 4th of March, 1923?

Mr. BLACK. Yes. If the bill is to do any good at all, I presume it would be necessary to grant the authority for that long a time.

Mr. HOCH. Whereas it is hoped by many of us it will not run anywhere near as long as that.

Mr. BLACK. Yes; of course we hope it will not be necessary to grant these extraordinary powers for very long, and that is why I want to give them a definite limitation. Congress would be in session and have complete control of the matter, and if it thought it necessary to further extend the life of the act it could do so. No one ever expected when the Interstate Commerce Commission was created that jurisdiction would be conferred upon it to fix the price of commodities like coal by means of the power to withhold transportation facilities to persons, firms, and corporations not conforming to the commission's idea of a fair price. Congress has conferred from time to time upon the Interstate Commerce Commission the power to fix the cost of interstate transportation and to provide rules and regulations to carry on such transportation. In my judgment the commission has got a pretty large job cut out for it if it effectually deals with the matters properly falling within its jurisdiction, without embarking upon the uncharted sea of price fixing. I am not condemning the commission. It is not my understanding that its members are seeking this authority. What I am saying, however, is: If Congress is going to embark on the field of price fixing, some other method had best be adopted than the one sought to be applied in this bill.

When I voted for the Cummins-Esch railroad bill, I voted to give the commission very large powers over rates, car service, use of terminals, determination of priorities, and other related matters. I did that because I thought it was necessary in order that the people might be furnished efficient transportation. These powers already given to the commission are entirely sufficient to enable it to see that coal is freely moved to any part of the country where most needed, and wherever necessary that priorities are given. That is going about far enough. I think. I have never thought that Congress had the power to regulate the price of commodities or services unless it be with regard to a public utility engaged in interstate commerce like the railroads, and yet, gentlemen, under this bill you give authority to the Interstate Commerce Commission——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. This bill, as I have already stated, makes a very unusual grant of power, one that I can not bring my mind to vote for. I think there are other and far better ways of handling the present situation than this bill proposes. Mr. Aitchison, a member of the Interstate Commerce Commission, in speaking of certain features of this bill, said:

> And if legislation for the future is to address itself through the medium of the extraordinary car service power of the Interstate Commerce Commission to reach prices, most of us frankly recognize that the power must be so broad in its terms that we can reach the case of 100 per cent car supply where there is no transportation disability, and say to the prospective shipper that because the price which you are demanding for your product is extortionate you shall not participate in interstate commerce.

Now, let me say this: The courts of the country have ruled that cars, whether used wholly within the State or not, are instruments of interstate commerce, and all the motive power of the railroad are likewise instruments of interstate commerce. The commission has entire control over the cars and motive power. Under this bill, if the commission is of the opinion that any particular mine is charging a price which it does not deem to be fair, it can withhold transportation service. I hold no brief whatever for producers of coal, but I do say that is a very far-reaching power to confer upon a regulatory commission.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. SANDERS of Indiana. As a matter of fact, the way the bill is drawn now it does not limit it to carriers engaged in interstate commerce, it uses the broad term carriers and applies to intrastate as well as to interstate.

Mr. BLACK. I do not think there is any doubt about that. Now, in conclusion, let me again say that if we are going to grant such extraordinary powers to the Interstate Commerce Commission it ought to be definitely known that it is only a temporary proposition and does not extend beyond the 4th of March, 1923. That is why I have offered the amendment and I hope it will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. BARKLEY. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee what his purpose is with reference to continuing the consideration of the bill for a while longer, or rising now?

Mr. WINSLOW. The chairman of the committee has no particular interest one way or the other, except to please the members of the committee.

Mr. BARKLEY. It seems to be certain that we can not finish the bill to-night.

Mr. WINSLOW. Almost everybody who has spoken to me has asked that we go on and finish the bill.

Mr. BARKLEY. There is hardly any probability that we can finish the bill to-night, and we might make time if we could come back fresh to-morrow.

Mr. TAYLOR of Tennessee. Why can we not finish the bill to-night?

Mr. BARKLEY. Probably there will be amendments offered later on which will consume considerable time.

Mr. TAYLOR of Tennessee. Some of our Tennessee delegation are very anxious to get away to-night.

Mr. BARKLEY. You can not possibly get away to-night without keeping us here very late.

Mr. WINSLOW. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. DOWELL having taken the chair as Speaker pro tempore, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 12472 had come to no resolution thereon.

ADDITIONAL DISTRICT JUDGES—CONFERENCE REPORT.

Mr. VOLSTEAD presented the conference report on the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, for printing under the rule.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 11396. An act to regulate foreign commerce in the importation into the United States of the adult honeybee (Apis mellifica);

H. R. 11699. An act relating to the appointment of the Chief of Staff of the Army;

H. R. 5775. An act for the relief of Liberty loan subscribers of the North Penn Bank, of Philadelphia, Pa.; Santa Rosa National Bank, Santa Rosa, Calif.; Mineral City Bank, Mineral City, Ohio; Robbinsdale State Bank, Robbinsdale, Minn.; and Farmers & Merchants State Bank, Kenmare, N. Dak.;

H. R. 858. An act for the relief of Alfred P. Reck; and

H. R. 4. An act granting relief to soldiers and sailors of the war with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses; and to amend section 2 of an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917.

SALT RIVER RECLAMATION PROJECT—CONFERENCE REPORT.

Mr. SINNOTT presented the following conference report for printing under the rule:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10248) authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, and 4, and from its amendment to the title of the bill, and agree to the same.

N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.
CHAS. L. MCNARY,
W. L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10248) authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The effect of the action agreed on by the conference committee is to restore the bill to the form in which it passed the House.

N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.

LEAVE TO EXTEND REMARKS.

Mr. REED of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending bill.

Mr. VAILE. Mr. Speaker, I make the same request.

Mr. GRAHAM of Illinois. Mr. Speaker, I make the same request.

Mr. BARKLEY. Mr. Speaker, I make the same request.

Mr. GRIFFIN. Mr. Speaker, I make the same request.

Mr. ECHOLS. Mr. Speaker, I make the same request.

Mr. KREIDER. Mr. Speaker, I make the same request.

Mr. VARE. Mr. Speaker, I make the same request.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent that all Members of the House have five legislative days in which to extend their remarks in the RECORD on this bill.

Mr. CHINDBLOM. Their own remarks on this bill.

Mr. WINSLOW. Yes.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that all Members of the House have five legislative days in which to extend their remarks on this bill. Is there objection?

There was no objection.

The extensions of remarks referred to are here printed in full as follows:

Mr. PERKINS. Mr. Speaker, no one disputes the fact that a national emergency exists in the mining and transportation of coal. That is admitted on every hand. We all know that the coal bin is empty, and we are all worried about our winter's supply. How shall we get it, and how shall we prevent ourselves from being gouged by the profiteer?

With this national emergency confronting us, shall we sit supinely by and merit the name of a do nothing Congress, or shall we do everything within our constitutional limits to see that the people of the country get coal, and get it at reasonable prices? Of one thing we can be sure, the coal manipulator and profiteer will be on his job this fall and winter.

All our experience teaches that the tendency of the price of coal is ever upward. The consumer to-day is paying from two to three times the pre-war price. No one seems to understand why, but he pays just the same. As a consequence of the miners' and railroad strikes, there is a situation for which the public is bound to pay dearly. No matter who wins, the public loses. Coal is a commodity that enters into every man's daily life, as almost no other does.

The fuel distribution committee has unquestionably done splendid work, but it can not cope with the situation existing at the present. The administration has gone to the extent of its powers, and it is now necessary for the Congress to take action. There is an almost total exhaustion of coal stocks, and in addition a growing shortage in transportation.

At the very best the coal situation this winter will bring privation and suffering to many homes, and unless we act promptly, conditions will be greatly aggravated.

After declaring that a national emergency exists the primary object of this bill is to grant an extension of the powers of the Interstate Commerce Commission in such a way as to give positive priority to the movement of nonprofiteering coal. The bill does not seek to directly regulate the price, but puts it in the hands of the Interstate Commerce Commission to prevent profiteering through its power of regulating or withholding the means of transportation. It goes on the theory that if the profiteer can not get cars for transporting his coal he will sell at a reasonable price rather than not sell at all.

Ordinary competition in buying when the stores are depleted is bound to send the price of coal soaring. Add to this the unusual opportunity afforded the profiteer as winter approaches when everybody must have coal and we have a situation that demands immediate congressional action.

Of course we all know that the Congress has no constitutional power to fix the price of any commodity by direct legislation. At the same time we must realize that the man with the empty coal bin ought not to be left to the mercy of either the coal manipulator or profiteer.

The provisions of this bill are well within our constitutional bounds. The bill does not attempt to fix prices but it does provide a method, when the price is unreasonable or extortionate, for imposing an embargo or denying transportation facilities to the offender.

The emergency, in my opinion, is so great that had the President requested power to seize the mines and the necessary transportation facilities I would have voted to grant him such power. But we are not asked to grant such sweeping powers. The method in this bill is far from being so radical and at the same time promises to be thoroughly effective. Mr. Hoover, the chairman of the fuel committee, has stated that the plan proposed in this bill is the most effective and expeditious for taking care of the emergency that has been suggested.

Every home in the land is affected by the coal scarcity. It is our plain duty to do what we can to prevent extortion.

It is not the intention or design of this measure to interfere with the legitimate coal business or with the nonprofiteering coal operator. But it is the intention to confer upon the fuel distributor and the Interstate Commerce Commission such powers as may be necessary to curb the speculator and profiteer in coal.

Under the bill it will be the duty of the fuel distributor to ascertain the available supply of coal and other fuel, and whether there exists a shortage within the United States; to ascertain the fields of production of coal, as well as the principal markets to which such production may be transported; and to further ascertain the prices normally and usually charged for such coal, and whether current prices are just and reasonable; and the kind and location of the consumers, and who should receive priority in transportation and distribution, and make appropriate recommendations to the Interstate Commerce Commission, to the end that an equitable distribution of fuel may be secured. Upon the information so furnished by the fuel distributor, the Interstate Commerce Commission will issue orders for priorities in car service, embargoes, and other suitable measures for the best meeting of the emergency and the curbing of fuel profiteers.

Such a measure is at this time absolutely necessary for the general welfare of the people of the country, and I shall therefore give it my full support.

Mr. COLE of Ohio. Mr. Speaker and gentlemen of the House, I am in favor of these regulatory measures in the exigency with which we are now confronted.

We have reached the point in our political and industrial life where it behooves every loyal citizen to pause and take stock for the future. The strike menace in this country has become intolerable. When it becomes necessary for the Chief Executive of the United States to lay aside the arduous duties that necessarily devolve upon him and for months devote his time almost exclusively in an attempt to settle industrial disorders, the whole country becomes aware of the approach of a power that menaces our very freedom.

The development of a great portion of our vast domain has been wholly accomplished through the instrumentality of our network of railroads. When the great transcontinental lines cease to operate the business of that portion of the country that depends upon them will cease to function and the people, wanting food and fuel, will be forced to abandon their loved homes or suffer and perish for want of the necessaries of life.

We boast, and rightfully, of our boundless resources. Not only do we produce abundantly for all our people but yearly export millions of dollars' worth of our products to foreign nations, and yet it is proven that in the midst of this wonderful production, under our own flag, conditions may arise that will bring ruin and death to thousands of our people. Gentlemen, "these things ought not so to be."

The President, ever mindful of the welfare of all the people, his great heart pulsating in sympathy with the suffering public, has voluntarily chosen to enter this seething vortex of industrial disorder and seeks to bring order out of the awful chaos.

But even the President is limited in his powers to act in such an emergency, and the most intelligent falter in attempting a solution of the problem. Government control and operation should be the last resort. Our costly experience in that particular during and following the war is still a bugbear in the minds of the people. Yet something must be done, and speedily. Such a procedure would further disturb the fiscal policies of the Nation, but human lives are not to be measured with money and human suffering must not wait long upon private industrial adjustments.

Conferences have failed. Proposals and counterproposals have come to naught. There stand the two opposing forces, grim determination depicted in every line and feature, while the great American public and the great American industries, in helpless repose, stand the mute and silent victims of the foul emanations of selfishness and hate. Eliminate these two elements and industrial peace and prosperity will speedily follow. The recurring nausea of industrial disturbances will never cease until all classes of our people are willing to go back and stand fairly and squarely upon the fundamental principles and laws of the land, as established by our fathers.

The American people have a divine mission to fulfill in the world, which is the maintenance of the faith of our fathers. The highest destiny of our Nation and welfare of our people are grounded in that faith, and if in that faith our Nation was conceived and brought forth it is in that faith it must live and achieve its highest destiny. Driven from their loved homes in the Old World, not so much because of the lack of material resources, but because of the bans to their freedom of action and conscience, they bade adieu forever to the limitations of the mother country and established here the highest type of government of which the mind of man, aided by divinity, is able to conceive. They were not so much concerned about the tremendous possibilities embraced in the vast physical resources of the country. The sweeping plains, the boundless forests, the majestic streams, the sublime mountains, were all subservient to the appealing theme of civil and religious liberty.

Material development and great wealth were not the highest goal. To them this was not to be a government of sweeping plains, of rich mines, of towering mountains, of majestic streams, but a government of the people, and the marvelous material resources were considered valuable only in so far as they contributed to the development of the people in civil and religious life. These were some of the lofty motives that sponsored the establishment of the Government.

Where are we to-day? I am not content to assume the role of a pessimist. One who is somewhat familiar with the humble beginning of the Republic and standing to-day in the midst of the marvelous achievements that have been wrought can not restrain an emotion of genuine pride that his destiny is coincidental with such a Government. But when one great class of our people undertakes to humiliate and harass another class at the expense of both themselves and the whole, we are drifting away from the fundamentals, and it is high time that warning voices were heard.

Happiness and contentment among all conditions of our people is the highest conception of the purpose of government, and therefore should be the basic motive of all American activities. When we have gone so far in our mad frenzy for riches that we are content to disregard the baneful effect upon our fellows, we have lost the faith of our fathers and become a detriment to the welfare of our country.

On the other hand, if our endowments are such as to make it incumbent upon us to labor in the physical walks of life, our greatest contribution to the welfare of the Nation is a feeling of appreciation for the opportunities afforded, and to insist, not through hatred, not through destruction of property, but through love of home and country, that the reward for our labor shall be in keeping with the American standards of living and make possible the abundant instillation of high ideals of citizenship in the hearts and souls of the rising generations.

I believe that the industrial relations of our Nation could be so adjusted as to bring a reasonable degree of happiness and contentment to everybody, but that comprehends recognition of the humanity in every man, regardless of his sphere in life.

There are both material and mental opportunities and obligations in the world. He who feels an inclination to perform labor in the material world should and may have that inclination gratified, and he who feels an inclination to perform labor in the mental world should and may have that inclination gratified. These inclinations are born with us, hence are endowments from the Creator Himself. So that when a man occupying a position by reason of the exercise of his mental faculties thinks himself better or more exalted than one who is exercising his faculties in the material world, he is questioning the wisdom and judgment of the great Creator and is therefore a detriment to the welfare of humanity.

It matters not to what eminence in the political world a man may have attained, it matters not how great his accumulation of wealth, it matters not how vast his store of knowledge, he is not better than any other man who is exercising his talents in the realm of his choice, and if he have superior talents it is his bounden duty and primal obligation to exercise those talents to the fullest extent in an endeavor to ameliorate the wants of men and to assist in their elevation to higher planes of living; for there is no honor, there is no exaltation, there is no excellency, except in honest endeavor for the welfare of one another.

If these principles had been invoked in the beginning, this strike never would have been called, and we shall never cease to be troubled with industrial disturbances until these principles are invoked.

This strike, however, is not a theory but a deplorable fact. No one who is familiar with the law will question the right of a man or number of men to quit work whenever they feel like it or for any cause except in violation of a contract. But the right to work is as inviolable as the right to cease work, and can never be otherwise under any just arrangement. No normal man who has kept step with modern progress will question the right of labor to organize for mutual welfare and benefit. Neither will he question the right of capital to combine, that the great industries of the country, industries that furnish employment to labor, might be fostered and kept in motion. These two, labor and capital, should work amicably together. They are interdependent. Without the one the other can not survive. Why, then, this constant warfare? And while this war is on not only do the parties to the controversy suffer economic loss but the great public must endure unnecessary privation.

Capital was the first to organize. The development of the country necessitated such organization, and I am inclined to think had capital treated its labor fairly there never would have been any organization of labor. They were driven to it through the onus of self-protection. Therefore capital ought not now find fault with labor for combining. It is an obvious fact that where labor receives a just reward and recognition that institution is never hampered with a strike. That principle is exemplified in the President's own establishment at Marion, Ohio.

It is a regrettable fact that heinous crimes are often committed during the period of a strike. Unscrupulous agitators have drifted in, and from within, like a loathsome disease, gnaw at the very vitals of our industrial life. With secret, scheming, ulterior motives they circulate among the men, scatter the deadly venom of vile hate, and morality, innocency and all decency are submerged in the caulron of crime. They have no use for government; they despise the restraints of legal freedom; and secreted in the brambles of deceit, like a venomous reptile, strike the innocent victim, and the poison of rebellion does its deadly work. No punishment is too severe for this law-breaking, authority-defying element. "Creatures and parasites of the devil" are they, and the sooner they are sent to their damnable reward or banished from our shores the better for our country.

But equally as bad, equally as loathsome, are they who will attempt to take advantage of a situation such as the one with which we are now confronted and wantonly, needlessly, and soullessly raise the price of the commodities over which they have control or lower the wages of labor for the purpose of extorting from the helpless of the country that which is needed to provide the bare necessities of life. When these people are literally crushed beneath the overwhelming sentiment of an outraged public, then, and not until then, may we hope to experience surcease of industrial sorrows.

The profiteer, traitorous product of the World War! While the flower and hope of American manhood on the fields of Flanders and elsewhere were making the supreme sacrifice upon the altars of our country, and while the great body of the American public were enduring every known privation to support them in their patriotic devotion, these leeches of society, calling themselves American citizens to the disgrace and dishonor of our fair name, were drawing, drawing at the very vitals of our body politic, and there is no punishment too severe to mete out to them.

For five long months the President has been exerting the powers and prestige of his high office in an endeavor to effect a settlement of this strike, using every known argument to bring the disputing parties together to the end that all threatened hardships to the great mass of our people might be averted. On the 18th of August he appeared before a joint session of Congress and delivered one of the greatest messages ever heard in this Chamber, suggesting ways and means whereby the awful calamity of nonproduction and nondistribution might be checked. In concluding that message the President said:

> In the weeks of patient conference and attempts at settlement I have come to appraise another element in the engrossing industrial dispute of which it is only fair to take cognizance. It is in some degree responsible for the strikes and has hindered attempts at adjustment. I refer to the warfare on the unions of labor. The Government has no sympathy or approval for this element of discord in the ranks of industry. Any legislation in the future must be as free from this element of trouble making as it is from labor extremists who strive for class domination. We recognize these organizations in the law, and we must accredit them with incalculable contribution to labor's uplift. It is of public interest to preserve them and profit by the good that is in them, but we must check the abuses and the excesses which conflict with public interest, precisely as we have been progressively legislating to prevent capitalistic, corporate, or managerial domination which is contrary to public welfare. We also recognize the right of employers and employees alike, within the law, to establish their methods of conducting business, to choose their employment, and to determine their relations with each other. We must reassert the doctrine that in this Republic the first obligation and the first allegiance of every citizen, high or low, is to his Government, and to hold that Government to be the just and unchallenged sponsor for public welfare, and the liberty, security, and rights of all its citizens. No matter what clouds may gather, no matter what storms may ensue, no matter what hardships may attend or what sacrifices may be necessary, government by law must and will be sustained.
>
> Wherefore I am resolved to use all the power of the Government to maintain transportation and sustain the rights of men to work.

What clearer, fairer proposition for both sides could possibly be expressed? What shall be the hope of our country if its Chief Executive declare not for the enforcement of law? What just criticism can be offered to such a declaration?

We must never forget that both capital and labor, as well as the great American public, are always and forever absolutely dependent upon the maintenance and perpetuity of the great American Union. If our Government fail, all that we have, all that we are, and all that we can hope to be will follow in its lurid wake. There will be no strikes, but revolution. There will be no law, but license. There will be no peace, but death.

At this time of extreme emergency let us enact these laws granting to the Government the authority to regulate and control the production and distribution of the necessaries of life so long as the need exists. And then awake, America! Let every loyal citizen realize that it is his Government that is being weighed in the balance; that it is his future that is being threatened with destruction. Then let us turn from our petty political bickerings, authorize the amicable adjustment of our domestic industrial disturbances, eliminate from the body politic every semblance of soviet disorder, foil the unholy conceptions of every disloyal profiteer, and with keen, unobstructed vision may we all peer into the clear vista of the future, behold the brilliant star of our destiny, full orbed in the firmament of nations, guiding the old ship of state safely toward the harbor of the highest possible attainments in governmental perfection.

EMERGENCY COAL LEGISLATION—A FEDERAL FUEL DISTRIBUTOR WITH NOTHING TO DISTRIBUTE.

Mr. GRIFFIN. Mr. Speaker, I spoke against this bill yesterday and gave the reason for my opposition. It is not that I am opposed to its purpose or that I am lacking in appreciation of the gravity of the coal situation. My objection is that the measure does not go far enough. It falls amazingly short of the scope which we were led by the President's message to expect.

He appeared before the joint session of the two Houses of Congress on August 18 and said:

> If it may have your approval, I recommend immediate provision for a temporary national coal agency, with needed capital, to purchase, sell, and distribute coal which is carried in interstate shipment. I do not mean that all interstate coal shall be handled by such a Federal organization; perhaps none will be necessary; but it will restore its capital to the Public Treasury and will be the instrumentality of guarding the public interest where private conscience is insensible to a public need.

I heartily concur in the purpose which seemed then to have animated him, and regret that he has been led, in some way, to change his views, and stand for less than he rightfully demanded and the crisis requires.

In the report of the Committee on Interstate and Foreign Commerce we find this very frank admission. The chairman of that committee is always blunt and candid, and I have always admired in him those rare and commendable traits. He says:

> Since the utterance of the foregoing suggestion by the President, his advisors, including members of the voluntary committee appointed by the President, and those also who have advised and assisted in the preparation of this bill (H. R. 12472) have determined and agreed that the possible plan suggested by the President could be well set aside and another method followed in working out the problem. The President is in accord with this conclusion.

While the bill was under discussion yesterday, however, the gentleman from Alabama [Mr. HUDDLESTON] called attention to the fact that the President is not altogether "in accord" with the conclusion of the committee. The Washington Star so quotes him or, at least, states that he has not abandoned the idea promulgated in his message of legislation providing for a national coal agency to purchase, sell, and distribute coal to guard the public interest "where private conscience is insensible to a public need."

THE TERM "FEDERAL DISTRIBUTOR" A MISNOMER.

I think the President must realize, as the people sooner or later will find out to their sorrow, that the bill before us, offered as a substitute for the President's plan, is a hollow mockery and a sham. As I pointed out yesterday, the name of "fuel distributor" is a misnomer. He has nothing to distribute and has no powers, except to investigate certain phases of the coal situation. For instance, among the foolish things he is authorized to investigate is whether or not there is a shortage of coal. And when he is done investigating, all he can do is to make a recommendation to the Interstate Commerce Commission. Then that body can "in its discretion," according to section 5 of the law, "issue such order or orders for priority in car service, embargoes, and other suitable measures in favor of or against any carrier or region, municipality, community, person, copartnership, or corporation."

What is the sense of appointing a Federal fuel distributor who has not the power to distribute and where the real power to meet the situation is vested in the Interstate Commerce Commission? Would it not be better to intrust control of the entire situation to the Interstate Commerce Commission? The obvious purpose of investing it with such plenary powers, as are provided in this bill, is to enable it to throttle profiteers by availing itself of its power to allocate cars for coal distribution?

The Interstate Commerce Commission is clearly the commission, among all the branches of the Government, which ought to be intrusted with such control. I have no fault to find with the powers granted to the Interstate Commerce Commission. I would make them even larger and broader than they are.

What I object to is the interposition of the so-called "Federal fuel distributor," whose only function, it appears, is to organize another elaborate bureau in the maze of governmental bureaus already burdening the taxpayer. He is given $250,000 to organize this bureau and make jobs for the faithful. What a pity it is in this hour of the country's distress that even an eminent coal famine is taken advantage of to make jobs for partisan cohorts!

The pretense that a Federal fuel distributor is necessary to investigate and report to the Interstate Commerce Commission would be laughable if it were not so pathetic. He is required, under this bill, to investigate the very things and to ascertain the very information which other bureaus of our Government are amply competent to furnish. The United States Department of Geology can give full information as to the fields of production of coal and other fuel. The daily press can give the prices normally and usually charged for such coal and other fuel, and the public itself will testify, without much coaxing, that such prices are very far, indeed, from being "just and reasonable." Yet to determine these questions the Federal fuel distributor is called upon to organize a bureau at the enormous expense of a quarter of a million dollars.

HOW ABOUT THE UNITED STATES COAL COMMISSION?

If any bureau or instrumentality of government were necessary to collate and submit to the Interstate Commerce Commission information necessary upon which to predicate priority orders, why could we not intrust it to the United States coal commission, which Congress authorized last week with an appropriation of $100,000? Congress was called together on August 15, with a great blare of trumpets, in order to pass the United States coal commission bill. I find that the authority of that commission runs largely parallel to the powers with which the Federal fuel distributor is vested. Its powers and the scope of its inquiries are much broader than that intrusted to the fuel distributor in the bill before us. The conclusion is therefore inevitable that the appointment of a Federal fuel distributor is to make patronage rather than to afford relief to the public.

THE BOGIE OF "UNCONSTITUTIONALITY."

I would prefer to see the Federal fuel distributor and his bureau eliminated from this bill, but the minority is powerless. I do not think we can afford to vote against it even for this glaring defect. I entertained the hope that enough public spirit would be aroused in this House to strike out that provision from the bill, but I can not discern among the bitterest opponents of the bill who have spoken on this floor any disposition to save the National Treasury. Most of the opposition against the measure seems to be based upon that vague and tenuous but persistent stand-by of forum orators, namely, "its unconstitutionality." They become very much wrought up over the prospect of seeing the poor coal profiteer deprived of cars to move his product by "unconstitutional" interference with private business, and all that sort of hoary persiflage. But, to my mind, it is this very prospect which offers the only ray of hope in the bill. That is the very reason why I have determined to vote for it. The Interstate Commerce Commission has control of the carriers. It has authority to fix rates for passengers and freight. Passengers and freight can not be carried without locomotives, and locomotives can not be run without coal. Coal is therefore an essential, fundamental element in the fixing of rates. It is as much a public utility as the vehicles it propels. Without it interstate as well as intrastate commerce would be impossible. My only hope is that the Interstate Commerce Commission will be permitted to get to work at the earliest possible moment to put an end to the most dastardly form of profiteering to which this country has ever been subjected.

Mr. ECHOLS. Mr. Speaker, the coal business has been prostrate now for about 20 months, except in very limited sections. The minute that there appears to be a revival of the industry we are asked to enact legislation that will again throw it into a chaotic condition. The purpose of the present bill, if it has any purpose at all, as has been admitted by its advocates, is that of regulating the price of coal in an indirect manner. We undertake to do a thing indirectly that we admit can not be done directly. The local press has suggested in the last day or two that it is proposed to fix a flat rate of $10 or $11 on bituminous coal when sold to the consumer here in the city. That suggestion shows how little price fixers understand the value of coal. It might as well be suggested that a flat rate be fixed on the sale of every pair of shoes or suit of clothes. Coal has different values the same as any other commodity. There are three distinct coal fields producing various grades of coal in the district that I represent, namely, the Kanawha, the New River, and the Winding Gulf fields. When the coal distributor makes his so-called investigation for the purpose of giving information to the

Interstate Commerce Commission, which regulates the price of coal by withholding cars, I venture the assertion that there will be a uniform price upon all the coal produced in that section, although it is well known to anybody familiar with the production of coal that the grades are not the same and that it costs more to produce in one field than it does in another. But it will all be bituminous coal, and it will all be in West Virginia within a comparatively limited area. Judging the future by the past, if any difference is made in the price, the producers of lower-grade coal will no doubt receive the higher price.

Here is the practical effect of this bill. A manufacturer doing business in my district goes to a coal producer within 3 miles of his factory and asks the price of a carload of coal. The producer says $3.25 per ton. The coal distributor's agent on the ground says that is an exorbitant price. There are no cars available to ship coal at that price in this field. The freight rate is 25 cents per ton, and the total cost $3.50 delivered at the factory. The producer is willing to sell at that price—he can not sell at a lower price and operate his mine. The manufacturer is willing to pay the price asked—he can not pay more and run his factory. Result—closed factory and closed mine and more men out of employment; or the manufacturer must go to some other coal field, if he can afford it, where some other governmental agent who knows nothing about the value of coal fixes a price at which the operator can operate his mine, buy his coal at perhaps a higher price and in addition pay $2 a ton freight.

It has been admitted by every advocate of the bill who has mentioned that phase of the matter at all that there will be no difficulty in producing a sufficient quantity of coal for the needs of the country, but the bill is proposed because the railroads are unable to haul the coal to the places of consumption. The railroads have been "regulated" until they are a wreck. The advocates of Government regulation are now turning their attention to another industry that will not only not reduce the price of coal but will no doubt cost the consumers millions of dollars before we get away from the regulation. If any advocate of this bill will point out to me with any substantial proof of his statement where the Government has interfered with the business of the country as this bill proposes to do with the coal industry and thereby helped the consumer to obtain a cheaper commodity, then I will vote for this bill.

It has been pointed out by the gentleman from Indiana [Mr. SANDERS] that the bill confers no new power except the provision which undertakes to regulate the price of coal; that every other power conferred by this bill upon the Interstate Commerce Commission is now lodged in that commission by the transportation act.

I have not heard of the gentlemen from the New England States urging price fixing of shoes, woolen garments, or silken fabrics; and yet we know the prices of these commodities, necessaries of life, are very much more out of proportion today than is the price of coal at the mines. Nor have I heard of the gentlemen from the Northwest who advocate the passage of this bill say anything about fixing the price of lumber, wheat, flour, or any other commodity produced in that particular section. They are anxious to fix the price upon everything except those things that immediately affect their constituents.

If we are to fix the price of coal, then we must necessarily fix the price of other commodities. One section of this country will not stand for the fixing of the price of the commodity produced in that section and allow the commodity produced in another section to be sold at extravagant and extortionate prices. It should not be so. For the past few years we have been paying from $10 to $20 for a pair of shoes that everyone who buys them knows that the cost of material and labor in those shoes is far less than 50 per cent of the price the consumer is required to pay.

If we are to believe the press, the Chief Executive admits there is no necessity for this bill at this time. We are here engaged in enacting legislation for which there exists no necessity, and for which there may never exist a necessity. We are meddling with an industry upon which the prosperity of the country must largely depend. We are preparing to appoint another man coal distributor. We might as well call him coal administrator, but that phrase is a sort of stench in the nostrils of the country by reason of the experience with the coal administrator during and after the war. It has been asserted that a single week's work of that Government agency cost the people of the country more than a billion dollars. If this bill is ever put into effect we will do well to get out with a cost of a billion dollars to the country.

Secretary Hoover says that practically all of the large coal producers of the country have kept faith in their gentlemen's agreement upon the price of coal at the mines. In my own section 95 per cent of the coal producers have scrupulously kept their agreement with Secretary Hoover not to raise the price of coal. Is there any more danger in the future than there has been in the past? Everyone knows that the coal strike is ended and that the country can produce more coal than is required. Those who think know that there is keener competition among those who produce and sell coal at the mines than perhaps any other industry in the country, and everyone who thinks knows that competition is the only thing that will properly regulate the price of any commodity.

If the Congress is to follow the requests of departments and bureaus for more power in the regulation of the business of the country, then Congress and the country must expect stagnation of the industries until we get a Congress that will let the law of supply and demand regulate the business. We had reasonable freight and passenger rates in this country until too much regulation and Government control sent the rates to the sky line and stopped the building of railroads. What happened with the railroads by too much regulation will, of course, happen to the coal industry, only to a more marked degree, for the simple reason that there could never be the limited competition in the coal industry that is in the transportation of the country. This bill, when it becomes effective and is put into operation, will but add to the cost of coal to the consumer and serve to increase the existing industrial chaos, which has been largely augmented by Government boards and commissions.

It might be pertinent to ask, What does the Interstate Commerce Commission know about the coal industry? If we are to judge by what they have done with the transportation system, we might answer "nothing." Some members of the commission have devoted years of time to the transportation system, and yet I have heard of no one complimenting them upon their store of information about that particular subject. Now we are going to confer upon them additional powers in a matter that, it is safe to say, they know far less than they do about the transportation of the country. Who is the coal distributor to be—a doctor of medicine, a doctor of divinity, or a doctor of philosophy, as the coal administrator was. I do not mean any reflection upon these men. They are among our best and most useful citizens. It is reasonably safe to say that the coal distributor will not be a man who is familiar with the coal industry, and yet we are turning over the absolute control of one of the greatest industries in the country to a single individual, and his word, if it is anything at all, will be the law regulating that particular industry. Oh, he will have his assistants, clerks, stenographers, and so forth, selected from somewhere in the United States where they know nothing whatever about the difficulties and cost of producing coal or what is a fair price for it at the mine. From such an organization there will come favoritism, confusion, reduced production, and increased cost.

I venture the assertion that there is not a socialist in the country who believes in the nationalization of the industries but what is in favor of this bill. There is not an I. W. W. from the Atlantic to the Pacific that will not rejoice when he knows the Congress is considering the passage of a bill of this character. They know what this sort of legislation will inevitably lead to. Russia is gradually moving around on the other side of the globe.

If we are to judge by what has been said upon the floor of this House by the proponents of the bill, we are bound to reach the conclusion that they have but little confidence in any good resulting from its passage. Mr. MONDELL, the majority floor leader, consumed 20 minutes of the time of the House apologizing for his support of the bill and wound up intimating he had some slight hopes of some good coming from it, while earlier in his speech he admitted that in the end it would very probably do more harm than it would do good by prolonging the high price of coal to the consumer after the emergency has passed. There is no attempt to reach the coal broker, the man who has but little investment and employs but little labor and who is undoubtedly more guilty of profiteering than is the coal producer, who has millions invested and upon whom hundreds of thousands of people, including women and children, depend for a living.

What the country needs is fewer boards, commissions, and so forth, undertaking to deal with industrial matters instead of creating more of them. This so-called coal distributor has no function in the world that does not now belong to at least three other governmental agencies, namely, the Federal Trade Commission, the Bureau of Mines, and the Interstate Commerce Commission; and if the bill we passed a few days ago, called a "fact-finding bill," should become law, there will be five Federal agencies upon which are conferred exactly the same powers that are conferred by this bill upon the coal distributor.

Mr. BOIES. The speaker has some doubts as the germaneness of the amendment offered as section 5½ to H. R. 12472, a bill conferring additional powers upon the Interstate Commerce Commission on account of the coal and other fuel situation, and the declared emergency existing in the production, transportation, and distribution thereof. This amendment was intended to confer the power on the commission to reduce the present freight rates on coal and other fuel by 50 per cent.

If the amendment has no other effect it is hoped that the Committee of the House on Interstate and Foreign Commerce may be induced to prepare and introduce a bill authorizing and directing the Interstate Commerce Commission to fix reasonable freight rates on coal, and also on the produce from the farms of this country. This commission possesses that power and authority now—the only obstacle in the way is, will it take notice of the price of these commodities and act? If not, will the committee of the House having jurisdiction of the matter see to it that a law is provided at this session of Congress relieving an intolerable situation?

It is a well-known fact that the consumers of coal in this country have been required to pay outrageous prices during the past several years, and there is more than a suspicion lodged in the minds of the people that there has been unjustifiable profiteering along the road some place between the mouth of the mine and the door of the furnace. It is also well known that though Congress has often made an attempt it has not been able to ascertain the facts in connection with the mining and distribution and the sale of coal in this country. There should be no ownership in facts outside of the knowledge possessed by the people in general in connection with the production and sale of the necessities of life.

It is also well understood that the coal mines of this country have not been operated in the interests of the people but exclusively in the interests of the mine owners and with dead secrecy so far as the consumers of coal have been and are concerned. It is well understood that there is buried in the earth in the State of Pennsylvania bituminous coal sufficient to supply the needs of the people of this country for a thousand years, and that thousands of acres of coal land are owned by private individuals and corporations that will not be opened up during the lives of several generations to come.

The same wording and the same holding in construction of laws and in the construction of the Constitution of the United States should not necessarily obtain in connection with property rights in the coal fields of this country when the lives and the health of the people are in jeopardy. If the coal mines and the coal fields of this country may be permitted to remain locked at the expense of the consumers, then, to my mind, in such connection the preamble of our Constitution is meaningless.

The emergency exists to-day in respect to the production and transportation of coal and such emergency calls for new laws and not a hidebound construction of the provisions of the Constitution of this Government. Emergency has been the mother of all laws since the dawn of civilization, and it is time now for emergency to give birth to a new order of things rightfully connected with the mining and distribution of the fuel of this country.

I hope I understand as thoroughly as the ordinary individual that the transportation facilities of this country must be on a paying basis, and I would not favor a disturbance of such a situation. However, I feel that Congress during the past two years has dealt generously with the railroads of this country.

Glancing at the quotations in the newspapers this morning from the New York Stock Exchange, I saw that on yesterday's market there was almost a universal advance in the price of railroad stocks: The Baltimore & Ohio Ry. advanced $1 per share; Brooklyn Rapid Transit 1⅛; Canadian Pacific advanced 3⅜; Chicago & Eastern Ill. advanced ⅝; the preferred $1; C., M. & St. P. Ry. advanced ⅞; its preferred stock ½; Chicago & N. W. advanced 3½; C., R. I. & P. advanced 1¼; Erie advanced ¾; its preferred advanced 1½; Erie 2d preferred advanced ¼; Great Northern preferred advanced 1½; Great Northern Ore advanced ⅝; Illinois Central, standing at 108½, advanced ¼; Lake Erie & W. advanced ⅜; Louisville & Nashville advanced $1; Market St. Ry. advanced ¼; M. & St. L., new, advanced ¾; M., K. & T., new, advanced ⅜; M., K. & T. preferred, new, advanced ⅞; Missouri Pac. advanced ½; Missouri Pac. preferred advanced 1⅛; New York Central advanced ¾; New York Central & St. L. advanced $1; New York, New Haven & Hartford advanced $1; New York, Ont. & W. advanced ¾; Norfolk & Western advanced 2¼; Northern Pacific advanced 1⅛; the Pennsylvania advanced ¼; Peoria & East, advanced $1; Pullman Co. standing at 126¾, advanced 1¾; Reading advanced 1½; St. Louis Southwestern advanced 1⅛; Southern Pacific, standing at 95, advanced 1⅜; Southern Railway advanced ⅝; Southern Railway preferred advanced $1; Texas & Pac. advanced $1; Texas Pac. C. & O. advanced ⅜; Union Pac., standing at 150¾, advanced 2½; United Ry. Inv. advanced 1¼; United Ry. Inv. preferred advanced 2⅝; Wabash advanced ½; Wabash preferred A advanced ¾; Western Md. advanced ⅞; Western Md. 2d preferred advanced ⅞.

More than nine in ten of the stocks on the exchange yesterday advanced. Otis Elevator advanced $7; Marland Oil advanced 2⅝; May Dept. Store, 3¾; Mexican Petrol, 3⅞; N. Y. Air Brake, 1⅛; North Am. Rights, 3⅛; Standard Oil N. J., standing at 183, advanced $1; Standard Oil Cal. advanced 3⅜; Vanadium Inc. advanced 2¼; Western Union Tel., standing at 120¼, advanced $4; Willys-Overland preferred advanced 1⅝; Studebaker, standing at 129⅛, advanced 1¼.

Scores of other stocks not named advanced from a fraction of a dollar or more. United States Government war loans made a nice advance, but we hear that a very large proportion of them purchased by the common people do not now belong to them.

Glancing at another column of the same paper the Chicago grain market showed that wheat closed at 1⅜ to 1¾ lower; corn was down 1⅛ to 1¾; oats ¼ off; hogs were from 10 cents to 25 cents lower.

I have generally refrained from saying anything that would give an unreasonable radical an opportunity to base his rantings thereon. I am glad to see good prices everywhere and for everything, but I would like to have some one tell me why it is that most everything excepting products from the farm are bringing higher and better prices, good prices, while the products of the farm, net to the farmer, are below the cost of production. If it is a question of supply and demand and this thing keeps up, many of the farmers will have to go out of business—and there will not be much encouragement in the interests of large appropriations by Congress for the questionable policy of the artificial watering of lands while the Government is staggering under its debt and the people are becoming discouraged on account of high taxes, ruinous freight rates to the farmer, and the increasing cost of things that the farmer and the ordinary consumer are obliged to purchase at retail.

This is a partial recital of some of the conditions that confront the people of the country to-day, and in discussing the price of coal and the cost of transportation and the unrest in the country they are matters that should be considered, and considered earnestly, in behalf of the welfare of the people and in connection with their contentment and rights which they should enjoy.

Having my attention called to the wonderful advance of prices on the stock exchanges of this country, and keeping in mind the improvements that the railroads have been afforded an opportunity to make during the past year or so, and their earnings during that time, leads me to believe that it is not unjust or unfair to ask the railroads of this country, during this great emergency, to reduce their freight rates on coal during the next few months by 50 per cent and thus assume a little of the responsibility that rests upon the shoulders of all the people at this time.

What I have said is not intended for the ears of the anarchist, the criminal, nor those disposed to create unrest, but is intended for the sober thought of the Members of this House, whose ability to think and disposition to do the right thing is not at such "a low ebb" after all.

Mr. COLE of Iowa. Mr. Speaker, I must confess that it is not with my whole approval that I shall vote for the measure under discussion, but I shall do so, and that gladly, under the compulsion of existing conditions. We are told by those who are opposed to this bill that it is a venture in price fixing that may lead to disastrous results. If Congress can fix the price of coal it can fix the price of any other commodity. But the proper answer to this objection may be that we are not fixing the price of coal, but forbidding extortion, or profiteering at least, in the same. Nor is it wholly true that this is a first venture. The Government has long made rates for railroad service, and it has more recently undertaken to fix the wages of railroad labor.

The bill under consideration is so drastic that I am sorry its enactment is necessary. It would not be necessary if all men in business were just and if none were disposed to take advantage of a critical situation in the industrial world as at present constituted. Those who will deal justly, as many are still disposed to do, have nothing to fear from the enactment of this bill into law. Such laws are not made for those who do what is right, but for those who would do what is wrong.

Those who object to the measure have frequently invoked the Constitution. I am not a constitutional lawyer, nor am I willing to admit that those who raise this objection are all constitutional lawyers, though some of them may be educated in the law. Constitutional objections are very ancient in American history. In 1803 President Jefferson hesitated in the annexation of Louisiana on constitutional grounds until he was persuaded that the doing of a great public good could not be unconstitutional. Can it be said that we are not doing a great public good in enacting a law to prevent profiteering in a public necessity like coal, upon which all industrial activities are based and which is part of the comfort and the health of every home in the land?

The people who during the cold months of the fast oncoming winter might be compelled to pay unreasonable prices for their fuel may not be in a mood to discuss constitutional technicalities such as have been brought forth in debates in this House during the past few days. A constitution that might be construed to rob them or to freeze them might be a constitution brought into public contempt. We must not cast this odiom on a Constitution that is already frequently reviled by the unthinking among us.

That the consumers must pay for the disastrous disturbances in the coal-mining fields is plainly axiomatic. But there are ways of paying that are more reprehensible than others. In the Illinois fields, according to newspaper reports, the mine owners and operators seem to have calculated their losses during the strike, including interest on their idle investments and estimates of profits that they might have made, and this lump sum running up into the millions is to be apportioned to each ton of coal that may be mined between now and the 1st of April, when the strike settlement period expires. We are told that this apportionment amounts to $1 or $1.25 per ton. This they propose to add deliberately to the mine price of coal. That is making the public pay for their losses, although some of these losses may have been due to their own mismanagement of the situation, for it can not be assumed that the blame for this strike was all on one side. Nor must we lose sight of the fact that during this strike the operators disposed of large surpluses of coal at increased prices and they probably sold slack and slag and slate at coal prices, an eager and dependent public not judging the quality of the fuel that they needed.

But in what other line of business could such losses be so coolly charged up to others? Shall the mine operators be the only ones who in the end will suffer no loss?

Surely the miners, who do the more important work of actually producing the coal, will not be able to add their lost wages to their wages during the next five months, for they have gone back at the old wage scale. I have received a statement from one business concern in my home city to the effect that the strike increased their operating expenses to the extent of $24,000. From what I know of their business I know that they will not be able to add it to their selling prices during the next five months. Every shipper, including the farmers of my district and State, has suffered grievous losses on account of the strike in the coal fields. The prices of farm products have been depressed and shipments have been delayed because of the shortage of fuel. We all know that the farmers will not be able to add these losses, brought about through no fault of their own, to the prices which they will receive for their potatoes and corn, their hogs and cattle, between now and the 1st of April.

The farmers, for whom I have a right to speak, and for whom it is my duty to speak while I am here, are confronted with the fact that they must buy their coal mined at war wages and sold at war-time profits, while they are selling their own products at prices that are down to the pre-war levels. This may be borne for another season, but it is something that can not always be endured with the patience and patriotism which have always characterized those who have been tillers of the soil. There must be readjustments in the labor world and in the domains of industry and business to correspond with the readjustments that have already taken place in agriculture, and until there is such coordination and cooperation we shall not be wholly normalized.

To my mind, the only thing to be feared is that even under nationalized supervision coal prices will be still too high and not too low. The recent ruling of $3.50 to $4.50 at the mines is an illustration of what we have to fear under this legislation, for even Government control is not always wholly wise, nor can it be made wholly efficient. Under this ruling mines from which coal can be placed on the cars around $2 a ton were permitted to increase their gains. Government regulations must be more or less uniform, and they have to be based, to some extent, on the cost at the mines least advantageously located.

But the action contemplated in this bill is not only demanded of us who make laws here in Washington, but I believe it is the best that we can do, whatever its imperfections may be.

There is the alternative of Government seizure and operation of the mines, which has been favored by some. But for this we can now find neither pretext nor justification. That emergency passed with the resumption of mining. Nor would it, under any circumstances, serve the public better. We all know that Government operation of railroads and ships has been wasteful beyond expression in money. If the Government had seized the mines, what assurance would it have had that the striking miners would have returned to work except through the concessions which they demanded? Even a Government can not force men back into the mines—men might refuse to work even if there were a bayonet back of each man. It is human nature and stubborn facts that we have to deal with here and not sentimentalities.

In conclusion, may we not invoke a return of the old-time morals in the business world? We complain of the exactions of labor, and we do that justly, for labor is often misled, but can we give a clean bill of public morals to the business world? The trouble with us is that each man is determined to have for himself all that he can get. This is as characteristic of the so-called employing class as it is of employees. The war spoiled all classes. Wage and business morals alike were cast to the wind, and we now find ourselves confronted by the necessity of returning to the old standards. We are all anxious to reform the other man, but might we not with profit consider the reformation of ourselves. Pity it is that in this critical situation the men who control the coal supplies of the Nation have not been able to be big enough in morals and in business to come forward with the assurances and the evidences that they would deal justly with the public, exacting no profits out of national necessity. I doubt not there are many men so minded, but there are enough not so minded to make it necessary for us through the enactment of this bill into law to interpose the strong hand of the Government between their greed and their would-be victims. Those who would or might wrong the public are forcing this legislation to be placed on the statute books.

Mr. VOLSTEAD. Mr. Speaker, in considering this bill (H. R. 12472), which is designed to relieve the exigency created by the railway and coal miners' strikes, I desire to offer some observations that do not bear directly on the bill but deal with the difficulty that has made it necessary.

It is time that some one should call attention to the situation that confronts agriculture, and especially agriculture in the Northwest, and offer some explanation of the industrial difficulties under which they are suffering. The World War came to an end almost four years ago. During the war the Government, under its war powers, sought to limit to some extent the prices of manufactured products, but after the armistice was signed all restraint upon senseless and insatiate greed was relaxed. The Federal Reserve Board aided the crazy boom that followed the war by recklessly extending credit in every direction. It evidently was not until 1920 that it commenced to dawn upon the board that the fool's paradise it had helped to create must in the end bring disaster. Restrictions upon credit were then ordered and business commenced to slow down. Under normal conditions this might have brought substantial reductions in the prices of manufactured goods, but during the war the Government had encouraged and even compelled combinations of capital and labor, and these organizations, though a number of them have been attacked by the Attorney General, have in many lines of business been able practically to maintain war-time prices.

This is not true of the farmers. They have not been able to maintain their prices. Not only are farmers largely unorganized but much of their products must be sold in foreign countries, and foreign prices in a measure limit the figures at which their products can be sold in this country. The average prices of farm products in the great agricultural sections of the Northwest are as low to-day as, and the prices of many products way below, the pre-war levels, while the things the farmer has to purchase are only slightly below war prices. Unless this condition is changed, the farmers face ruin. No law that you can pass, no remedy that you can propose, that does not affect a readjustment of this economic condition will save them. Unless the change comes and comes soon you will see in the West what you have seen in the East—abandoned farms and deserted homes. There is at present no hope for anyone on a farm in my section. The farm boys will crowd to the cities until a readjustment occurs. Why should a person invest twenty or thirty thousand dollars in a farm if he can go to some city and after a few years training in almost any occupation earn with his bare hands more money than he can possibly hope to secure from such a farm, working 12 to 14 hours a day? No argument can persuade him to wear away his life upon a farm if penury and the poorhouse are all it promises.

It is popular to blame all our troubles on "Wall Street," and "big business." I wish I could do so in this case. While I shall not minimize the greed of capital, I would not be candid if I did not recognize the share that certain labor leaders have in this tragic situation. Labor and capital are usually represented as hostile to each other, but evidently the lion and the lamb have lain down together. Capital and labor have many interests in common.

As long as a manufacturer can sell his product at the same rate of profit on the cost of production, whether the article costs him much or little to produce, he profits by high wages. To illustrate: If at a high wage it costs $5 to produce a pair of shoes, but only $2.50 at a low wage, the manufacturer will make twice as much profit on the sale of the high-priced shoe as he does on the low priced. In other words, as long as the public can be made to pay the same rate of profit on the cost of production the manufacturer makes more money if he pays a high than if he pays a low wage. I am assured that it is upon this theory that wages and prices have been maintained.

TRANSPORTATION AND COAL PRICES.

No one would be better pleased than I could these war wages be maintained without spelling ruin to agriculture. Whenever high wages or big profits are exacted in any important industry a direct toll is taken from the farmer. Let me give you an illustration or two. The farmer pays a very large share of railway freight charges, both in the sale of his products and in the purchase of coal, lumber, machinery, and everything that he has to buy. In 1916, the year before we entered the war, the official record shows that the railroads paid $1,468,576,398 as wages to their employees. For operating substantially the same mileage they paid for the same purpose in 1920, the last year for which I have been able to get figures, $3,698,216,351, or $2,229,639,953 more than they paid in 1916. The wages of 1920 have been slightly reduced since then, but they are still more than double what they were before the war. In a letter that I received a few months ago from the secretary of the Interstate Commerce Commission I am told that the average rate of pay of all railway employees in 1916 was a little less than 27 cents per hour and that the rate of pay at the date of that letter was on the average more than 69 cents per hour and that 60 cents of every dollar that is paid for freight goes to pay for labor. A sum that is largely augmented by the labor cost of coal and other material used by railways.

Coal is indispensable in the Northwest for fuel in every home and in every industry. The wages of coal miners average, I am told, from $7.50 to $10 a day, and when paid at a certain price per ton may run as high as $25 per day. The miners do not claim that this wage would be reasonable if they could secure work all the time, but say that there are so many mines and miners that they only work about half the time and hence need this wage to maintain themselves. Bricklayers in large cities get from $12 to $15 per day, while carpenters and other mechanics get correspondingly high pay.

When anyone suggests that wages are high, he is at once denounced as an enemy of labor and a friend of predatory wealth. I would be entirely willing that war wages be maintained if the people in farming communities could also receive war wages and prices. Not only do the high wages and increased cost of production in our large cities affect the farmers but they are a burden upon all classes that are dependent upon the farm. Labor on the farm and in the small cities and villages in my section never received the high wage paid in the large manufacturing centers, and their wage is to-day not much, if any, above the pre-war figure. I have always tried to be liberal toward labor, as my record will abundantly show, and my objection is based solely upon the ground that high wages and big profits are a crushing burden upon those I represent.

It is often insisted that the increased cost of an article is trifling because of the increase in wages. That is a very superficial view. It has been pointed out that the increase in the cost of a ton of coal, because of the increase in the miner's wage, is comparatively small. While that is true, the wage paid the miner is only a part of the wage increase charged to the cost of coal before it reaches the top of the mine. Speaking of soft coal, the wage charge now is from $2.50 to $4 per ton, varying with the thickness of the coal vein. It will average more than $3 per ton. Before the war soft coal sold at the mine at an average of not to exceed $1.50 per ton, cost of coal and profit included, while the minimum price is now about $3.50 and the sky is the limit. But that is not all; every time this coal is handled from the time it leaves the mine until it reaches its final destination wages and capital take additional tolls. If capital was content to make the same rate of profit on high-priced coal that it makes on the low priced, it would more than double its charge; but in many instances capital has acted the conscienceless hog and charged all it could gouge out of the public. It is to be hoped that this bill may go a long way toward stopping that sort of profiteering. This argument that increases in wages do not materially affect the price of a product has been made in favor of maintaining railway wages as well as wages in all other industries.

ESCH-CUMMINS LAW.

Every possible effort is being made to conceal the effect that the wage increases of railway employees have on freight and passenger charges. To divert attention from the actual facts the Esch-Cummins law has been unsparingly denounced. It has been claimed that the Government is guaranteeing 6 per cent interest on watered stocks and bonds, including every penny that the railways claim they have invested in the roads. These statements are utterly false. There is no provision in the law that permits anything of the kind.

When the Government took over the roads during the war it promised to pay for their use a rental equal to their average earnings during the three preceding years. The Government had no power to take the roads without paying for their use any more than it could take any other property without paying for it. When the Government came to turn the roads back to their owners it was evident that it would take some time for the owners to reorganize them, and to save them from this loss, for which the Government acknowledged responsibility, it agreed that during that period, which was limited to six months, it would see that the roads earned as much during that time as they would have if the Government continued to pay rent for those six months. This is the only guaranty the Government ever gave the railways. The claim that it guaranteed 6 per cent income, or any other rate, for two years thereafter is absolutely false. During those two years the roads earned, according to the report of the Interstate Commerce Commission, less than 3 per cent, and the railroads have never claimed any such guaranty. The claim is nothing but reckless propaganda.

The claim that the Esch-Cummins law permits freight and passenger rates to be based on watered stocks and bonds is a part of the same propaganda, and so is the claim that the amount invested in the roads determines their value. The law does not authorize anything of the kind, but directs that rates must be based upon the actual value of the roads. The Interstate Commerce Commission valued the roads for rate-making purposes at about $1,000,000,000 less than the railroads claimed to have paid into them, and added not a penny to that valuation because of any outstanding stocks or bonds.

Ever since 1913 this commission has been at work with a large force of men to find the actual value, and it has practically completed the work on all important roads. A man from my own State, in whom I have the utmost confidence, Mr. Staples, has been at the head of this valuation work. I should certainly prefer to take his statement for that valuation in preference to that of some one trying to create a prejudice against the law.

The Esch-Cummins law is the most drastic railroad law that has ever been passed. Under it the Government practically runs the roads. They can not issue a dollar of stock or of bonds without getting permission from the Interstate Commerce Commission to do so. They must keep books showing every dollar that they receive and pay out, and the officers are under heavy penalties for any false entries in such books. They must report annually and are under close governmental supervision. The rates they charge for freight and passengers are fixed by this Government commission, and practically everything that the roads can do is subject to its control. If any road earns more than 6 per cent upon the actual value of its property, one half of all sums earned in excess of 6 per cent must be paid to the Government and of the other half of such excess a sum equal to 5 per cent of the value of the road must be held by it for use in lean years. To adjust disputes between the roads and their employees, it creates a labor board to determine what are proper wages and conditions of employment. It is this provision that has arrayed against it the hostility of labor, and the reason for it is that for the first time in the history of this kind of legislation the public is given representation upon such a board.

The present railway strike was provoked by a decision of this board directing a reduction of wages of certain railway employees. This board is made up of three railway employees, three representatives of the railways, and three appointed by the President to protect the public interest. When the Esch-

Cummins law was passed it was fought with intense bitterness by a large group of railway employees, who sought to force the Government to buy the roads and turn them over to a corporation under an arrangement that would practically have made the employees the owners of the roads, with power to fix their own wages. This was the famous Plumb plan, for which it was said at the time that $4,000,000 were raised to secure its adoption. It is but fair to say that a large proportion of the railway employees did not support this plan and took no part in this fight. The Plumb plan is apparently dead and buried.

The increases in the railway wages and railway freights were made at the direction of the Government, and most of them took place under Government operation. While the Government ran the roads it paid the loss from the Treasury, but as this could not continue rates were increased to pay the expenses.

DISASTROUS EFFECT OF BOOM PRICES.

I notice that Mr. Gompers, president of the American Federation of Labor, has just issued a statement in which he boasts that the pay of organized labor is still within 5 per cent of the highest wage that was paid during the war and the boom period following it. This can not continue indefinitely. Some time this bubble will break. With the price of production sky-high no foreign export can long continue, nor can any large amount of products find any market in our agricultural sections or among other classes of our people who do not profit by this abnormal condition.

Buildings are being erected at a cost that must eventually make living conditions and the expenses of doing business intolerable in our cities if a rate of profit is to be collected in rents that will pay the rate that capital is now demanding. There can be no prospect of a real business revival until conditions are readjusted so as to give all classes fair play. This abnormal condition has in a large measure been maintained by strikes and threats of strikes. The coal-mine strikes have just been settled by conceding to labor the highest wage it ever received under contracts that mean two years of high coal prices. In the contest between capital and labor the public is not only helpless, but it is made to suffer until one side or the other, in dread of public resentment, is compelled to yield, and in the end the public pays the cost of the contest. It has been freely charged that in these strikes capital and labor leaders have been conspiring together to boost prices at the expense of the public.

STRIKES AND LOCKOUTS.

The power to stop mines and factories and to paralyze all transportation is a power that no czar would dare to exercise. It threatens not only our entire industrial system, but it threatens even the health and life of our people. As to absolute essentials, such as coal and transportation, some other remedy for settling industrial disputes must be found.

We may have the power now, in case railway managers refuse to render service, to take possession of the railways and run them; and if we do not have the power to temporarily take them over, it should be given. But as to organized labor, no power to control them exists. A little group of labor leaders may stop the railways and stop every industry in the country. This would be true as to railways even if the Government operated them.

We have got to face this issue sooner or later. The American people will not permanently submit to a situation in which they may be held up and robbed by any group of people, whether it be capital or labor. The method by which disputes between labor and capital are settled is industrial war, in which murder is freely resorted to for the purpose of enforcing demands. It is selfish, irresponsible tyranny. The contest should be settled in some civilized fashion and with some regard to the public interest. This system breeds lawlessness, encourages riot, and threatens revolution. The contention that it can not be settled in any other way is a contention that the right of a class is superior to the rights of the public. Not more than 100 years ago men insisted upon the right of settling their own quarrels. If offended, a person would challenge his opponent to mortal combat, and the sword or gun would decide the issue. The right of the Government to interfere was strenuously denied. It was a species of personal liberty that its votaries insisted was sacred. We have brushed aside the contention. Disputes over property, the protection of our persons, and even the right to live are submitted to our courts—rights that certainly are as sacred as the right to any particular wage.

Some tribunal must be set up to settle labor disputes. The strike and lockout must be outlawed. The decision of such a tribunal must be made binding on capital and labor alike. Of course, no one can or should be compelled to work, but a conspiracy to quit work because the decision of a legally constituted tribunal is not satisfactory can be made an offense, and those who are willing to work should and must be protected. A person's right to work is as sacred as his right to quit work.

I know that these views are not very popular at this time in some quarters, but if this Government is to be maintained and our people are to be permitted to enjoy the blessings of peace and of prosperity, that extend fairly to all classes, they will be popular some day.

Mr. COLE of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the farm loan bill.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD on the farm loan bill. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. COLE of Iowa. Mr. Speaker, I want to call the attention of the House to an amendment to the Federal farm loan act which I introduced the other day, but which I am informed can not receive consideration during this session of the Congress. My proposition, to increase loans under this act from $10,000 to $25,000, is not new. Amendments of similar purport have been pending here for some time. I regret that the decision not to take up new legislation before adjournment prevents consideration of this amendment, for it is one of vital importance to many farming sections.

Under the present restrictions the Federal farm loan banks have almost ceased to function in States like Iowa, where the high price of land, ranging from $200 to $300 and higher per acre, makes a $10,000 loan wholly inadequate for a minimum farm of 120 to 160 acres. No tenant can hope to acquire the land which he tills on such a loan. Tenant farming has been increasing in States where land is high priced, and if the Federal farm loan act holds out no hope of solution of this problem, then it will have failed of one of its highest purposes.

Why make a new law and why establish a new system and then place limitations on their operations that defeat the purpose which we had in view? Why hold out the hope in words and then defeat it in acts?

The objection that to increase such loans may promote rural inflation is not tenable, for the Government has in operation another system of rural financing under which what are known as the joint-stock land banks are operated, which already have the loaning power which we are seeking for the Federal farm loan banks. We are seeking this power for these banks because they are more favorable to the borrower, being wholly cooperative, while the joint-stock land banks are not so cooperative. Both systems—the Federal farm loan banks and the joint-stock land banks—are based on the issuance of tax-exempt bonds, and are directed under the same bureau. Both systems are allowed a spread of 1 per cent for what are called operating expenses. That is, money realized from 4½ per cent bonds may be loaned at 5½ per cent. It has been found that these systems can be operated on much less than 1 per cent, probably on one-half of 1 per cent. In the case of the Federal farm loan banks the surplus is distributed to the borrowers in the form of dividends on their stock, each borrower being compelled to take 5 per cent of his loan in stock. The Omaha bank is now paying 10 per cent dividends on this stock, reducing the interest paid by the borrower to 5¼ per cent. In the case of the joint-stock land banks this surplus is not so distributed, but inures to the benefit of the shareholders, who are not the borrowers but the promoters and managers of these banks. The joint-stock land banks are now permitted to loan as high as $50,000 to one borrower. The farm borrowers can see no reason why restrictions should be placed on the loans made by the banks that are more favorable to them.

The merits of these systems of rural financing are no longer subjects of debate. The Federal farm loan banks have been in successful operation for many years. They have met with the approval of the farmers, and the financiers who at one time scoffed at them have been compelled to admit that they have been successfully operated. A former director of this system, Mr. Herbert Quick, in a recent magazine article called it "the most wonderful experiment in financing ever carried out in America." This somewhat extravagant language is fairly justified by the facts. Mr. Quick also said that these banks "have done in five years more than any foreign land mortgage system ever did in three times that period." He believes that the good work that these banks are doing is only in its beginning and he asks that they be dealt with by the Congress in a fostering spirit and not in a limiting one. "They are the big things in American agriculture" is his final judgment.

I confess that I share in much of this enthusiasm expressed by Mr. Quick. I have come to my conclusions from a somewhat careful study of the system here in Washington as well as from observation in the farming sections. I am therefore anxious to have this system made available to my constituents who are so favored as to live and to work in that part of the country where land has received its highest development and has attained the highest prices, not only by reason of such development but because of natural fertility and favored conditions as to sunshine and rain. It is to enable men on these high-priced lands to take advantage of this favorable system that I introduced the amendment to the Federal farm loan act. This amendment has received the urgent indorsement of all the agricultural organizations in my State, and it is not opposed, so far as I know, by any of the banking interests.

But while I am anxious to remove the present limitation on the loaning powers of the Federal farm loan banks, I am equally anxious to restrict these banks wholly to agricultural purposes. We should not extend the use of tax-exempt bonds—if we use such bonds at all—to mere speculators in land. Those who till the land should be the sole beneficiaries. It is a use of supreme power to issue bonds exempt from all taxes, and if there is any excuse for the use of such bonds it must be found in the promotion of an industry essential to the public welfare. This, I believe, can be said of agriculture, the great basic industry.

I think so well of this Federal farm loan bank system that I am in favor of extending it to include what have been called short-time rural credits, to the establishment of which President Harding recently pledged his administration. We need not only long-time land loans, but we need short-time loans to cover the marketing of products and to carry on such industries as live-stock feeding. Stable, low-rate loans, loans that can not be called at inopportune times, are necessary to carry on this part of the farmer's business. The effectiveness of such financing has been shown during the past year, following the revival of what is known as the War Finance Corporation.

This corporation, with less than half a billion of assets, has been so wisely administered that it relieved financial distress in the agricultural sections, and even increased prices of farm products by the promotion of judicious marketing and the export of products. I think that this one thing did more to bring about a revival of rural prosperity than any other one undertaking of the Government. I see no reason why we should not have some system like this made permanent. The War Finance Corporation will expire next year, and I believe that it will be a wise and proper act to transfer its assets and its power to be administered as part of the Federal Farm Loan Bureau.

I believe that these two systems, long-time land loans and short-time commodity loans, can be successfully operated as parts of one system. It will make coordination and cooperation possible, and it will do away with the unnecessary machinery of another organization.

I believe that with these two systems, with the amendment to the Federal farm loan act which I have proposed, and which others have proposed, that we will be in a fair way to place agriculture on a business basis. It will be doing for agriculture what has already been done for the business and commercial interests of the country, especially through the Federal reserve banking system, a beneficent system, but the advantages of which have not always been wisely placed within reach of the agricultural interests. In fact, there is a prevalent belief that the Federal reserve system has at times been operated to the disadvantage of agriculture. I can not share the belief that this was done intentionally or deliberately, but I can not avoid the conclusion that the effect of some of these operations was at one time severely disastrous to agriculture.

By these two extensions of the functions of the Federal Farm Loan Bureau, first, the increase of loans permissible from $10,000 to $25,000, and second, the extension to include short-time or what may be called farm-commodity credits, we will, I believe, solve many of the problems that have distressed us in the agricultural States. It will give to the farming interests a financial system that will be based on their needs and that will be operated to promote their welfare.

I see no reason why there should be any opposition to the amendment which I have proposed and the further extension of the system which I have suggested in these remarks on the part of any other business or financial interests. We are asking for no sectional or occupational legislation. I am opposed to class legislation of all kinds. All that we are asking is a broad national financial policy for the stabilization of agriculture. I need not at this time call attention to the basic character of this industry, nor point out to you or to the country the important relation in which this industry stands toward all other industries. This thought which I have in mind was recently well expressed by Vice President Coolidge when he said that "the aggregate prosperity of manufactures and the aggregate prosperity of agriculture are intimately connected." I need add nothing to this axiomatic and epigrammatic utterance. From first to last we have had a great deal of futile agitation and legislation on subjects agricultural. This great industry has been buffeted on the billows of populism and other wild and impossible theories and movements. All these loose and radical movements have accomplished nothing for this vital industry. The time has come when we must legislate for it on a business basis, and so far as is within the powers of the Congress place it on a self-respecting and self-sustaining business basis. Let us do for agriculture what has been done for other business, and if we do that we shall find that agriculture will serve the welfare of all the people.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. GARRETT of Tennessee, indefinitely, on account of illness in his family.

To Mr. LANGLEY, for three days, on account of business.

To Mr. CLARK of Florida, indefinitely, on account of illness.

To Mr. LANKFORD, for three days, on account of illness.

ADJOURNMENT.

Mr. WINSLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned until Thursday, August 31, 1922, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 12515) providing for the purchase of a site and the erection of a public building thereon at Tippecanoe City, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. SMITHWICK: A bill (H. R. 12516) authorizing the Secretary of the Interior to equitably determine and confirm by patent the title to lots in the city of Pensacola, Fla.; to the Committee on the Public Lands.

By Mr. SCOTT of Tennessee: A bill (H. R. 12517) to amend the war risk insurance act as amended; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 12518) granting a pension to Rosy J. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12519) granting a pension to Sarah A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12520) granting an increase of pension to Senea Beamon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12521) granting an increase of pension to Sarah C. Cannon; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 12522) granting a pension to Virginia V. Deyo; to the Committee on Invalid Pensions.

By Mr. GENSMAN: A bill (H. R. 12523) granting a pension to Margaret Kerkendall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12524) granting a pension to Mary M. Gunter; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 12525) granting an increase of pension to David Vasen; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 12526) providing for the commissioning of William A. Pearl and granting him immediately thereafter an honorable discharge; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 12527) for the relief of the heirs of Oliver P. Phillips; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6250. By the SPEAKER (by request): Petition of sundry citizens of the State of Wisconsin, favoring legislation in favor of light wines and beer; to the Committee on the Judiciary.

6251. Also (by request): Petition of the American Legion, Boise, Idaho, favoring the passage of the Smith-McNary bill for the reclamation of arid lands; to the Committee on Irrigation of Arid Lands.

6252. By Mr. ANSORGE: Petition of George V. Rogers, general manager, New York Tribune, opposing proposed tariff of 1 cent per pound on rotagravure paper; to the Committee on Ways and Means.

6253. Also, petition of Women's City Club of New York, favoring the establishment of national parks, supporting the Barbour bill (H. R. 7452), and opposing the Osborne amendment thereto; to the Committee on the Public Lands.

6254. By Mr. KISSEL: Petition of Grain Trade Association of San Francisco Chamber of Commerce, opposing the Volstead law; to the Committee on the Judiciary.

6255. Also, petition of Mr. B. Douglas, Brooklyn, N. Y., favoring a duty of 40 per cent on wire cloth; to the Committee on Ways and Means.

6256. By Mr. SMITH of Idaho: Petition of the Kiwanis Club of St. Anthony, Idaho, urging the punishment of those guilty of killing 34 persons at Herrin, Williamson County, Ill., on the 22d day of June, 1922; to the Committee on the Judiciary.

SENATE.

THURSDAY, *August 31, 1922.*

(Legislative day of Friday, August 25, 1922.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

COMPENSATION OF WORLD WAR VETERANS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes.

Mr. LODGE obtained the floor.

Mr. CURTIS. Will the Senator from Massachusetts yield while I suggest the absence of a quorum?

Mr. LODGE. I yield for that purpose.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Ball
Brandegee
Broussard
Bursum
Calder
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dial
Dillingham
Edge
Fletcher
Frelinghuysen
Gerry
Glass
Gooding
Hale
Heflin
Hitchcock
Jones, Wash.
Kellogg
Kendrick
Keyes
La Follette
Lenroot
Lodge
McCormick
McCumber
McKellar
McLean
McNary
Myers
Nelson
New
Newberry
Nicholson
Oddie
Pepper
Phipps
Ransdell
Rawson
Reed, Mo.
Reed, Pa.
Robinson
Sheppard
Shortridge
Simmons
Smith
Smoot
Stanfield
Sterling
Sutherland
Trammell
Underwood
Wadsworth
Walsh, Mass.
Walsh, Mont.
Watson, Ga.
Watson, Ind.
Willis

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present.

Mr. LODGE. Mr. President, I realize how anxious the Senate is to vote upon the pending bill, and none can be more anxious than I am to bring the discussion to a close. But I can not let the bill go to the final vote without expressing very briefly my own views in regard to it and the opinions and feelings which have led me to take the position which I take. I can assure the Senate that I shall try to be as brief as possible.

Mr. President, there has been some discussion as to the title of the bill, as to its accuracy of definition. I think the element of compensation enters into it, as I shall try to show in a few moments, but it does not matter to me by what name it is called. The purpose of the bill is to pay, in part at least, what seems to me a debt. It is a debt of gratitude. Debts of gratitude for great service rendered can never be paid in full, but they can be recognized and remembered.

I shall not go over the long list of historical precedents. They are well known. Similar gifts or provisions have been made for soldiers following all our wars, chiefly in the homestead acts and the giving of lands to soldiers. The giving of recognition to soldiers who have fought is a very old principle indeed. There is nothing novel in it. I am sure every Senator here remembers the great speech which Shakespeare puts into the mouth of Henry V before the Battle of Agincourt, in which he says:

> We few, we happy few, we band of brothers;
> For he to-day that sheds his blood with me
> Shall be my brother; be he ne'er so vile,
> This day shall gentle his condition.

At that period, though, perhaps, not at the period of Shakespeare, that promise was within the power of the King, and no greater offer of reward could have been made than when Henry V declared, as he does in the play, that "this day shall gentle his condition." It meant social advancement, it meant the recognition of a rank which most of them did not hold, and, of course, was of pecuniary value to every recipient. Whether the royal promise was historical or not, I never heard that the English soldiers at Agincourt fought any the less well or that patriotism was commercialized because of any offer made by the King.

As I have said, I shall not review the historical precedents in this country. They are abundant. But I desire to say a word in regard to the policy of the United States as to other debts imposed upon us by the war.

Of course, the largest and most obvious debt is represented by the Government bonds. They involve the credit of the United States. Everyone believes that they must be paid, and be paid in gold, principal and interest, without the deduction of a cent. The holders of the Government bonds lent their money, which was an important service during the time of the war, and they are thoroughly protected, as they should be.

As was pointed out by the junior Senator from California [Mr. SHORTRIDGE] last night, we have given something over $200,000,000 in bonuses to civilian employees, no doubt for very good and sufficient reasons. I voted for those appropriations, and I think they were well bestowed.

The industries of the country made large profits. I am not speaking of profiteers or of extortionate or fraudulent profits; those lie outside of any rule and some of them were crimes against the Government; but the industries of the United States during the war years, when vast expenditures were being made by the Government, earned legitimately a great deal of money; they made very large profits. They were taxed on those profits, but, nevertheless, the net profits were very large, and they had full opportunity to make them.

As to the railroads which the Government took over, the debts due to those roads, amounting to many millions, have all been provided for and paid. I voted to do it in every case, and I think it was proper to do it. We have also made provision for debts due on contracts and on account of the cancellation of contracts. I voted to make such provision and for the appropriation of the money necessary to pay those debts, and I think it was proper that we should pay them.

At the same time, as I look over the field, apart from the sick and wounded soldiers, who in many cases are mutilated and diseased for life, I can not find that the soldiers have received anything beyond their insurance, which they took out and paid for themselves. That has been our course; and I can detect only one difference between our distinction between the cases I have enumerated and our attitude toward the soldiers, and that is the difference in the amount which would be required to meet the provisions of the bill which is now pending before us. We are punctilious in the payment of all services involving money and curb our generosity only when we come to services involving life. Under this bill, which I understand is acceptable to the ex-service men, the total amount which will ever be paid, according to figures which seem to be very carefully made in the report of the committee, will be $3,845,000,000. Of course, it will all be paid and be paid by the people of the United States. Whether we impose a tax now or whether we impose a tax later on, or whether we borrow money or whether we take the money from the debt due us from foreign governments, if any is paid to us, it all will be paid by the people of the United States. But the payments under this bill will be spread over a period of 40 years, which will not reduce the total but will make a great difference in the mode of payment and in the pressure that it will cause upon the Treasury of the United States.

Under the bill for the first year, in round numbers, the payment will be $77,000,000; the next year it will be $92,000,000; the next year it will be $73,000,000; the next year it will be $370,000,000; the next year it will be $148,000,000; the next year it will be $137,000,000. Then come payments of $92,000,000, $36,000,000, $25,000,000, $21,000,000, $18,000,000, $18,000,000, $19,000,000, $19,000,000, $27,000,000, $27,000,000, $28,000,000, $13,000,000, $7,000,000, and in 1942, $104,000,000.

The necessary expenditures are thus distributed over a long series of years. It is idle to say that the appropriation of $77,000,000 for the ensuing year is going to embarrass or bankrupt the Treasury or cause a decline in our credit. In many instances the total expenditures for a year will not exceed what we have freely given year by year to the construction of roads alone.

Mr. McCORMICK. Mr. President, will the Senator permit me to interrupt him a moment?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LODGE. Certainly.

Mr. McCORMICK. I wondered if the Senator was going to contrast the payment of $3,800,000,000 over a period of 40 years with the payment of $3,500,000,000 on the national debt during the last three years?

Mr. LODGE. That is a contrast well worth making. We have managed to reduce the public debt in the last three years by about $3,500,000,000; and I think the Government of the United States is perfectly solvent and perfectly able to take care of these proposed expenditures as they arise without any effect upon the price of Government bonds or upon the credit of the country.

There is terror, apparently, among the great financial interests lest the credit of the country may be affected. The credit of the country has been rising pretty steadily, judging by the price of bonds, which has been going up now for the last 18 months at least. I have not looked at the quotation of to-day, but I think most of the bonds are in the neighborhood of par. So I am not alarmed about the credit of the country. Now, of course, if credence is to be given to the stories which one sees in the press and the assertion that the pending bill is going to cost us $7,000,000,000, to be paid at once, that would have an effect on the money market. Those who make that statement, however, arrive at the conclusion that the sum to be expended will be $7,000,000,000, as nearly as I can make out, by giving every soldier every alternative or option, when he can only take one, which, of course, would increase the total amount; but the total amount, so far as I can see, will be what the committee has reported, not what enemies of the bill have guessed at. Therefore I do not think it is going to hurt the credit of the United States or paralyze the New York Stock Exchange or do anything of that kind. I think the credit of the United States is good enough—I have such an opinion of it—to stand the shock. It certainly stood the shock of war with a very slight decline, and I think it can stand the effects of the pending proposal perfectly well, with the payments scattered over a period of years.

Mr. WATSON of Georgia. Mr. President——

Mr. LODGE. I yield to the Senator.

Mr. WATSON of Georgia. Mr. President, the Senator has stated, as so many of our colleagues have done, that this bill is satisfactory to the ex-service men. No one has stated upon what authority that assertion is made.

Mr. LODGE. I have no other authority except what ex-service men have told me.

Mr. WATSON of Georgia. Those would be individual service men, would they not?

Mr. LODGE. I can only say that service men, in whom I have confidence, among the leaders of the American Legion, seem to think that it is satisfactory. The Senator from North Dakota [Mr. McCUMBER] has talked with more of them than have I.

Mr. WATSON of Georgia. Of course, the Senator knows that there are a great many of the ex-service men who never joined any of the Legion posts, and therefore, even if we had the unanimous voice of the Legion, that would not necessarily be the voice of the ex-service men.

Mr. LODGE. We have to judge by such information as we can obtain, and I have been informed by men in whose judgment I have every confidence—soldiers who served all the time at the front—that the measure is satisfactory and has been accepted by the great mass of the service men.

Now, as to the question of compensation, to which I referred at the beginning. A situation was presented in the World War which had not been previously presented. We had a draft during the Civil War, and I think the number of men secured under that draft was only 186,000, although we had over 2,000,000 men under arms on the Union side; but when we entered the war with Germany we passed what was known as a general conscription act, a universal draft act. I voted for it; I think it was the right thing to have done at that time, and I warmly supported the recommendations of the then administration; but it introduced a new element which had never before been present in connection with our Army, namely, that a large proportion of the soldiers—in fact, the major proportion—came to the colors summoned by law; and yet gave just as good service as the volunteers gave, and they rank the same so far as service goes.

But a large number of men who were eligible in every way for military service were exempted on the ground—no doubt the proper ground—of need for their services in essential industries. Those men, of course, received the very high wages and secured the good places which were thrown open at that time when there was naturally a great reduction in the number of men who were competing for industrial places and when the wage scale was stimulated by the war. The soldiers in the Army, of course, were strictly limited. We paid our soldiers better than any other nation, I believe, much better than most of the nations; but their pay was limited. It was a dollar a day; but there was no limit placed upon the money that could be earned in essential industries, and there was no limit placed on the profits of business.

To take a specific illustration, when in our camps here work had to be done, such as plumbing, the laying of pipes, or something of that kind, there were men among the soldiers who were qualified for that work and who were detailed to it. In many cases there were not enough experienced men to do all the work, and so others were called in from the outside, and they received $15 a day. I do not suppose it was possible to have conscripted labor and compelled men to work and receive the same compensation as the soldier, but the soldier had to obey orders and do the work. The case I have given is not an imaginary one. It is one that was given me by an officer distinguished in the war, who served all through the war on the front line in France. That comparison of pay left a keen and natural feeling of injustice with the soldier.

I know another case, that came within my own knowledge, of two brothers. One was exempted, and went into an essential industry. The other brother—I think the elder brother, who happened to have a wife and two children—went into the Army and then abroad, and was in France and in the trenches for a year and a half. When he came back he found that the younger brother had had good employment all through the war, and had laid up something like $1,800. He came back without his place, and with no money laid up; it became necessary for him to find new employment; and I think he felt, very naturally, that some compensation ought to be paid to him; and out of that relation created by the conscription act grew up what in my mind was a real injustice. It is an injustice which can not endure and will be remedied because it is an injustice. If not now, later and more expensively.

These men were all serving the Government. The men who were making great profits in industry were serving the Government, carrying on the work of producing the material which was necessary for the Government. The men who worked in the essential industries were carrying on work which the Government had to have done; but there was a broad distinction made between them and the soldiers when it came to pay. I think that in that matter of compensation there is a very strong and persuasive argument in favor of a bill which shall give some measure of justice to the soldier. There is strong objection made to commercializing patriotism, of which I see no danger; but because we are in fear of commercializing patriotism is no reason why we should penalize it.

So far as the argument goes, it has seemed to me that that argument was a sound one and was founded on reason and justice. I know very well, of course, that the soldier has no legal claim; but it seems to me that this is a case that goes beyond that. I believe he has a moral claim, both on the ground of compensation and on the ground of service.

I shall not attempt to enter into other arguments, of which I think there are many. I do not wish to take any more time, but I intend to say something on two points which I will begin by admitting are sentimental and yet I can not prevent their weighing heavily with me. I criticize nobody by what I am about to say. I am speaking only of the feeling which lies very deep in my own heart.

I was one of those—not a numerous body, for it comprised only Members of the House and the Senate, compared to the entire body of the people, a very small number—who were in a position of representation and upon whom fell the duty of declaring war—a very grim duty, which no man who has been obliged to face it can regard with anything but feelings of the deepest sorrow. I have no doubt it was the only thing and the absolutely right thing to do, and I voted for the declaration of war. I could not have done otherwise. It was necessary for the defense of my country's rights. It was necessary to preserve the freedom and civilization of the world, in my judgment, and we threw our sword into the scale; and the sword we threw was our Army, the very men who are the soldiers of this bill. We threw that living sword into the scale and turned the scale at the critical moment. The declaration of war was followed by the conscription act. As I have already said, I believe that act was right. I entirely approved the recommendation of the President in regard to it. I voted for it. I should do it again under similar circumstances; but, Mr. President, I can not forget, and the feeling has been with me ever since I cast those votes, that I had summoned men, not only by an appeal to patriotism but by law, to go forth and fight for their country and, if need be, sacrifice their lives. I personally was far too old to go to the war. I should have been absolutely useless, worse than useless. I could not go, but in the performance of a great duty I voted to send other men. Being unable to go myself, I voted to send other men to war and to death. I think I was right in doing so, but it left with me a feeling from which I can never recover. That burning memory makes me feel that if there is anything in reason that I, who could not go to the war and did not go, can do for the men whom I sent to the war, I propose to do it.

That, I know well, is not a legal or financial argument; it is not based on figures; it is a matter of deep personal feeling. I happen to have that feeling very strongly, and I do not hesitate to say that it has produced a profound effect upon my decision, made more than a year ago, when I voted to take up the first bill reported, to vote for this bill if it could be presented in any proper form.

Mr. President, there is another feeling I have about this measure which is not personal, and which I believe is shared by many people. It also is a memory that I can never lose. I think the point I am about to make is best expressed in those bitter words in Kipling's ballad where he says, in the refrain of one of his stanzas—he is addressing the British private soldier—

> Oh, it's "Tommy this" and "Tommy that" and "Tommy, 'ow's your soul?"
> But it's "thin red line of heroes" when the drums begin to roll.

Now, I would not have those lines apply to us and to the American people. I looked on those men when they went to the war, as I think we all did, with some choking in our throats and with a deep feeling of pride. We felt the same lump in the throat, the same pride, exultant now, when they came back marching up the Avenue behind General Pershing. I do not say that in 4,000,000 soldiers there is not a small percentage of unworthy men as in every other 4,000,000 of the population. I know very well that 2,000,000 did not go to France; but they were there, ready to go at any moment. They were under orders in the camps. The orders happened to be only the usual commands for drill and camp duty, but in the possibilities of things at any moment they might have been ordered to go with the marines into that hell of Belleau Wood, or again into the awful fighting that occurred in the Argonne. They were there; they were ready; they would have obeyed their orders, and they would have gone, and they would have fought as the American soldier always fights. I felt, as I say, when they went and when they returned, a deep sense of gratitude to them for what they had done. I am ready to take the responsibility of doing the best I possibly can for them in reason and in justice to others; and if I am going to err I prefer to err on the liberal side, on the side of the men who offered their bodies and their lives. I am not prepared to treat this as commercializing patriotism. The fact that a soldier is paid is not making him commercial or diminishing his patriotism; and he received his pay, small as it was. Almost every one of the fighting nations has made some gift—gratuity, if you choose to call it so—some recognition of service, in some cases very large, as in Canada and Australia and New Zealand, in some cases much smaller, but all recognizing the principle. With this bill adjusted as it is, it seems to me a not unreasonable expression of the gratitude which I hope this country will always feel to the men who fought for it; and I, for one, am wholly ready to vote for this bill, and I trust that will become a law.

ARMY OF OCCUPATION OF THE RHINE.

Mr. HITCHCOCK. Mr. President, what the Senator from Massachusetts [Mr. LODGE] has said expressed almost exactly my ideas of our responsibility toward the American veteran. I had not expected to say anything on the subject of the pending bill, and I do not expect to take any of the time of the Senate now, except to present a short statement of another responsibility which I think the American people are under at the present time.

Something more than a year ago I received a copy of the printed circular which I hold in my hand, describing in some detail what was called the horror on the Rhine. It purported to be the complaint of German people living in the German territory occupied by French troops. These German people protested against the conduct of France in keeping thousands of black soldiers from her African Provinces quartered among the people. It charged that the black African troops of France, whether Negroes or Singalese, were committing unspeakable crimes against German women and children.

The statement declared that the crimes committed by these black troops generally went unpunished, and that the so-called trials were a farce. The crimes committed up to the time the statement was issued were specified as follows:

Cases of attempted rape	40
Cases of accomplished rape	70
Cases of sexual misdemeanor of various other kinds	20
Cases of unnatural intercourse with boys	7

The statement was signed by a number of German associations and societies located in other parts of Germany. They appealed to the civilized world to bring influence to bear to induce France to withdraw her black troops and substitute French soldiers. The names attached to the circular were as follows:

Heinrich Kessemeier, editor of the monthly magazine Waffenschmied; Ernst Krüger, engineer; Heinrich Retter, merchant; Gen. Maj. a. D. von Arent, Hamburg; Alfred Jacobsen, Rechtsanwalt, Hamburg; J. Henningsen. Geschäftsführer, Hamburg; Paul Woermann, Hamburg; Welscher, Waschereibesitzer, Wandsbek; Oberst a. D. Fellinger, Rendsburg; Pastor Lucht, Carby (Holstein); Justizrat Dr. jur. Zieze, Rendsburg; Artur Brausewetter, Danzig; Pfarrer Boggasch, Forst L. Konsistorialrat Klein, Wollin; Konteradmiral a. D. Kalau vom Hofe, Baden-Baden; Professor Hoffmann, Hamburg; Justizrat Wittenburg, Rostock; Frau Anna Schaper, M. d. B., Hamburg; Dr. A. Th. Assmann, Rechtsanw., Berlin.

I do not know whether any influence was brought to bear on France. I made some private inquiries through officials of our Government and was informed that France was withdrawing the black troops, and very soon thereafter France made some public announcement that they were being withdrawn. Thus the matter quieted down.

In recent months, however, the black troops on the Rhine have again become a cause of bitter complaint. Reports of returning American travelers and letters from American tourists have brought news that France has thousands of black troops quartered among the German population and that repulsive crimes are again inflaming race hatred.

At best a military occupation by an army of white men belonging to a civilized race is bad enough. When the soldiers belong to half-civilized races of Africa it becomes horrible.

Among other letters which I have recently received on this subject I have been much impressed by one. It is from a citizen of my State—a naturalized citizen. He was born a British subject and heretofore his prejudices have naturally been pro-British and anti-German.

His sympathies have been with the French. The letter is written from Coblenz, which is still occupied by a few American soldiers—about a thousand, I believe. Formerly we had 15,000 in that district. As our troops have been withdrawn French troops have come in, although General Allen still holds command in the district, and the prayer of the people is that he be permitted to remain even with the handful of American troops still there. The occupation by American troops has been peaceful and marked by strict discipline, law, and order. While it has lasted it has been regarded by the Germans as an international enforcement of treaty terms without hatred or bitterness. These same Germans dread the day when this international occupation shall terminate and become French occupation. It will then be the occupation by a conqueror and an enemy. Its worst feature, however, is that a large portion of the incoming French troops are blacks from Africa. Referring to them, my friend writes:

> If you were here and saw the French troops, mostly colored, and heard the stories our boys—buddies I talked to—tell of their behavior * * * it would certainly arouse you.

Mr. President, such statements coming from one who has heretofore sympathized with France are impressive.

My purpose to-day is to propose that it is the duty of our Government to suggest to France the substitution of white troops for African troops in the army of occupation on the Rhine.

We may sit idly by while France in her folly proceeds to cripple, if not to crush, the German Republic by demands for reparations which all the world knows Germany can not possibly meet at this time. We may even witness in silence the fall of the German Republic and see the German people driven in desperation back into the grasp of the plotting monarchists or into the arms of Bolshevism. But we as a Nation are in part responsible for the Rhineland being under military occupation and it is our right, as well as our duty, to protest against quartering half-civilized black troops among white people, where they appear as conquerors and act as criminals.

COMPENSATION OF WORLD WAR VETERANS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes.

Mr. STERLING. Mr. President, I would not ask the indulgence of the Senate for another moment but for the fact that under the 20-minute rule I was not able to conclude some remarks which I began day before yesterday. I shall hardly expect to follow out the line of argument begun in that address, but I want to make a few observations yet before this bill comes to a vote.

I was interested in some things said by the distinguished Senator from Massachusetts a few moments ago, and particularly with his opening statement, a quotation from Shakespeare, where men were urged to fight because thereby they might "gentle their condition." But how were they, under that assurance, to gentle their condition? By gifts of lands, by gifts of titles, perhaps by other substantial and material reward. But, Mr. President, we live in another day, in another age, when booty or unusual material reward can not be held out as an inducement for a soldier to perform his duty in the service of his country.

Not during our history, surely, would such an offer or such an inducement have been tolerated. It would not have been during the heroic days of the Revolution, not in the War of 1812, nor in the great Civil War, when men on either side, North or South, fought conscientiously for what they believed to be a just cause, nor in the Spanish-American War, which was essentially a war for liberty. Nor did we suppose it would be an inducement to be held out to those who fought for humanity, for liberty, and for civilization in the great World War. We have no precedent in our history for anything of the kind suggested by the Senator from Massachusetts.

Reference has been made to what was given Revolutionary officers and soldiers as compensation or reward for their services, but in those cases the reward rested on a principle altogether different from that which lies behind the pending bill. This bill, in contradistinction to what they were offered and given, provides for a cash bonus or a gratuity, which means a greater burden upon the people of the United States. The offer meant, and their reward was, if they chose to accept it, public lands, part of the public domain, of which there was such great abundance.

Reference also has been frequently made to the benefits that Civil War veterans received because of their service in the Union cause. What were those benefits? I personally know something of what they were through my business in Dakota Territory in the early days, when public lands were yet open to preemption entries, to timber culture entries, to homestead entries. What benefit did the Union soldier of the Civil War receive? Simply this: He had a right to file upon a homestead the same as any other qualified citizen of the United States had the right, and he had a right to be credited, on the five years' residence required of every citizen under the law, with his period of service in the Army during the war. If he had served one year, he need live on his homestead entry but four; if two years, then he was credited with two years, and he was required to live on the land before he could make his final proof and receive a patent to the land but three years, and so on. That was the only preference right the soldier of the Civil War had so far as land was concerned. As for the rest, he received $13 per month in depreciated currency while in the service and did not get a service pension until nearly 50 years after the war.

But, Mr. President, while I place one objection to this bill on what I believe to be even higher grounds than that it creates a great additional indebtedness which the people will have to pay through taxation, yet I want to recur to the question I was discussing when my attention was called to the limitation on the debate the other day.

I was speaking of what the United States had done in comparison with other Governments in regard to the soldiers of the late war, and I had just stated that Great Britain, in the bounty she had paid for more than four years of service, had paid only $6,000,000 more than our Government had paid her soldiers for a service of one year seven months and five days. So that what we expended in the $60 paid to the discharged soldiers after the war amounted proportionately to a greater sum than that which had been paid by Great Britain, and each soldier received proportionately a greater amount. The British soldier, it will be remembered, received but $11.40 a month, as against the $30 a month paid the enlisted men of the United States.

France paid to each soldier but $27.55 for the one year seven months and five days during which we paid $570. Italy paid the sum of $33.06 for the same period for which we paid $570.

Russia paid $7.41 to her soldiers for the same period for which our Government paid $570. Great Britain paid $138.70 to her soldiers for the same period for which we paid $570.

The privates in each of the countries engaged in the war on the allied side and on the side of the enemy were paid: Australia, the comparatively large sum of $43.50 per month. New Zealand paid the sum of $36.60. Canada paid $33 per month. The United States came next with $30 per month; Great Britain, $11.40; Germany, $3; France, $1.45; Austria-Hungary, 96 cents per month; Japan, 78 cents per month; and Italy, $1.75 per month. Was the expenditure by Canada, Australia, and New Zealand really more than that of the United States? In the claim for adjusted compensation it is argued, I think, that we should give compensation comparable to that paid by these last-named countries. But, Mr. President, this consideration must be kept in mind, namely, that neither of those three countries—Australia, Canada, or New Zealand—had any such burden to bear as had the mother country or as had the United States or as had France. Why was that? A great part of the expense of those countries incidental to the war was, I think, met by the mother country, and, further and more important than all, neither one of them had a great, expensive naval establishment to maintain. That constitutes, of course, a great part of the burden of debt of the United States, Great Britain, and France.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. STERLING. Certainly.

Mr. LENROOT. Does the Senator contend that Canada did not bear a greater proportional burden than the United States?

Mr. STERLING. That is my contention now, that she did not bear a greater proportional burden than the United States.

Mr. LENROOT. I should be very glad to have the Senator demonstrate that.

Mr. STERLING. I have just said that while Australia paid her men $43.50 per month, New Zealand paid hers $36.60 per month, and Canada paid hers $33 a month, yet there were many other great expenses of the war which fell upon the mother country that these dominions of Great Britain did not have to bear, and among them was the maintenance of a naval establishment, which formed a great part of the burdens borne by our country and by their mother country.

Mr. LENROOT. The Senator remembers that Canada was in the war three times as long as the United States. Does he insist that the per capita cost to the Canadians was less than the per capita cost to the citizens of the United States?

Mr. STERLING. I am not quite saying that, when you consider the length of service. I would not want to declare that the per capita cost was less, and yet I am inclined to think it was less even with the longer service of her men. If the Senator from Wisconsin has figures to show otherwise, I shall be glad to stand corrected, but I can not believe that the per capita cost in Canada was greater than the per capita cost in the United States or as great as it was in the United States.

Let me refer to what the claim was in Canada and the action taken by the Canadian Government in regard to the claim for an additional bonus. It will be seen that these claims grow by what they feed upon, as is well illustrated by the demand of the ex-service men in Canada. Approximately $164,000,000 was paid to the department of militia and defense for war-service gratuities—$164,000,000 only. Several proposals asking for much larger payments were made on behalf of the returned soldiers. The question was finally referred to a special committee appointed by a resolution of the House of Commons on September 18, 1918. This committee presented its final report on October 31, 1919. In rejecting three alternative proposals involving expenditures estimated at $1,000,000,000 for the first, $400,000,000 for the second, and $200,000,000 for the third, the committee found that any one of them would be seriously detrimental to the financial interests of the country, would involve obligations to meet which no satisfactory scheme of taxation had hitherto been devised, and by inflating the currency and thus lowering the purchasing power of money would increase the high cost of living to the disadvantage of the soldiers themselves.

The Canadian committee, Mr. President, in declining those proposals made in behalf of the returned soldiers of Canada used exactly the same sound argument that has been used in the discussion here against the pending bill.

Mr. President, here is a reference to some of the war gratuities paid and the amounts. The British Army gratuity or bonus payments totaled £114,000,000. Privates with a minimum of a month's service or less got £5 if any portion of this service was foreign. Noncommissioned officers, including corporals, sergeants, and warrant officers, got £6 to £15, depending on rank. Their regular pay during the war was $11.40 per month. But, Mr. President, in comparing what our country has done with what other principal countries involved in the war have done we must consider, too, what they paid their soldiers as regular monthly pay during their service in the war.

Czechoslovakia's regular pay during the war was $1.45 per month. France's regular pay during the war $1.45 per month. I quoted a little while ago in giving the pay of France to her soldiers from a statement furnished by the Library of Congress, which I think gave it at $1.50 a month, but here $1.45 per month is given. Italy paid during the war $1.75 per month. Belgium paid regularly during the war $2 per month. Germany paid during the war regularly $3 per month, and which, as I remember, was the pay she gave before the war.

Let us look a moment at some of the other benefits received by our soldiers and their dependents and their families through the legislation of Congress. I hardly think that the legislation of any other country will compare with it in the generous provisions made. Military and naval family allowances aggregate $298,615,000; military and naval compensation, $557,150,000; administration of these, $83,896,880; hospitalization, $224,729,402; hospital construction, $47,095,000; vocational training, $469,123,370, making the enormous total of $1,956,260,634.

I here call attention to what has been specifically appropriated for the War Veterans' Bureau for the current fiscal year. Beginning July 1, 1922, the Republican Congress has made an actual appropriation of $418,053,843 for use by the Veterans' Bureau. With the single exception of the item of interest on the public debt, this is the largest single appropriation made by the Congress for any department or function of the United States Government. It is $86,000,000 greater than the total appropriations for the War Department, $93,000,000 greater than the total appropriations for the Department of the Interior, $121,000,000 greater than the total appropriations for the Navy Department, four times the total appropriations for the Department of Agriculture, including appropriations for public highways, twenty-two times the total appropriations for the Department of Commerce, thirty-two times the total appropriations for all other independent commissions and bodies, like the Interstate Commerce Commission, twenty-three times the total appropriations for the Department of Justice, forty times the total appropriations for the Department of State, and fifty-nine times the total appropriations for the Department of Labor.

It is approximately double the total amount of money appropriated for pensions and other relief for the survivors and all the dependents of the survivors of all wars, exclusive of the World War, in which the United States ever has been engaged. Whatever may be said of other Republics, who will say in the face of such a record that this Republic has been ungrateful? Yet the assertion is made here that we are chargeable with the crime of ingratitude if we do not support the bonus bill which adds, in the aggregate, perhaps $5,000,000,000 to the public debt.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Tennessee?

Mr. STERLING. I yield.

Mr. McKELLAR. I want to ask the Senator whether or not he voted for the bill that was passed by the Congress providing for the readjustment of the pay of war contractors, and also the bill providing for the readjustment of the pay of railroads for our use of them during the war, and also for the extra pay of civilian employees of the Government? Did the Senator vote for all those measures?

Mr. STERLING. I did; and I know, too, I will say to the Senator from Tennessee, what a handle is sought to be made of what we have done in that respect in the Senate. Mr. President, Senators have referred to the bonus of $240 per annum given to the civilian employees of the Government. The soldiers, of course, were furnished their clothing and furnished their subsistence while in the service, but the people in the Government service, whether in Washington or in the field, had to have a bonus in order that they might live and in order that the Government might still retain them in the service.

The pay which most of them received for services rendered was inadequate. It was inadequate for the services rendered and inadequate also when we consider the high cost of living and the station in life which they occupied.

Mr. LENROOT. Will the Senator yield to me?

Mr. STERLING. I yield.

Mr. LENROOT. What does the Senator say about the soldier's dependents—his wife and children—who were compelled to remain at home on the pittance of $15 or $30 a month?

Mr. STERLING. I say, Mr. President, that it was not a pittance of $15 a month. That was merely the amount furnished by the Government, but the soldier himself was required then to provide an equal amount; so that the allowance aggregated $30 a month for the dependents or the family. Where there were other dependents than the wife there was a further allotment.

Mr. LENROOT. Does the Senator from South Dakota think that a soldier who had a wife and babies was on an equality with the civilian employees in the compensation received from the Government?

Mr. STERLING. I am not quite saying that, Mr. President, and I am not saying here, I will say to the Senator from Wisconsin, that I should not have been in favor of a greater allowance; but that is outside the present real issue. If we had not given them anything, it would be outside the issue.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from South Dakota yield further to the Senator from Tennessee?

Mr. STERLING. I yield to the Senator from Tennessee.

Mr. McKELLAR. If a soldier who had a dependent family was required by law to give up $15 a month and then gave $15 more, thus taking all his salary, does not the Senator think that as to such soldiers the Government might afford to give them something additional where all their salary was taken for their dependents during the war?

Mr. STERLING. Yes; but the pending bill, which is favored by the Senator from Tennessee, does not provide for anything of that kind. If it did, consideration might be given to it. If the bill provided for some additional compensation to the 300,000 veterans of the World War who, it is said, are out of employment it would be a different proposition. As to there being 300,000 ex-soldiers out of employment, I am not admitting that they are necessarily out of employment; but with that as the need, it is now proposed to give a bonus to each of 4,000,000 men in order to provide a slight and temporary relief for 300,000.

Mr. LENROOT. Will the Senator yield further?

Mr. STERLING. Yes.

Mr. LENROOT. With reference to the bonus given to civilian employees, was any distinction made between the civilian employee who had a family and the one who had none?

Mr. STERLING. No, there was not; and I can say in a general way, with reference to that proposition, that the bonus was not too much for the man who had no family and was hardly sufficient for the man who had a family.

Mr. LENROOT. Yet the Senator from South Dakota thinks that it was sufficient to allow $15 a month to the soldier who had a family?

Mr. STERLING. Oh, Mr. President, it was war in which we were then engaged, and no country ever did, and I do not know whether or not any country ever will, propose to furnish the entire living and subsistence and sustenance of the soldier's family and dependents. I think our Government, as history will show, made liberal provision for them. I do not think such provision had ever been made before in our history or that anything like it had ever been done in the history of any other government. The Government made such provision as seemed reasonable and liberal under all the circumstances. It was war, Mr. President; it was the belief, and justly the belief, on the part of the Government—if a government can believe, and I suppose it does through its Congress and its officials—that there would be patriotic citizens enough in this country who were able to prevent and who would see that there was no suffering upon the part of a soldier's dependents, his wife and his children.

Mr. LENROOT. Will the Senator yield further?

Mr. STERLING. If the Senator will permit me to say so, aside from some inexcusable delays upon the part of the War Risk Insurance Bureau in sending out the allotments, I have known of no distress which followed from the Government's course or because of the limited amount which it paid as an allowance to the soldier's family.

Mr. LENROOT. Will the Senator yield further?

Mr. STERLING. I yield.

Mr. LENROOT. Is it the Senator's position, then, that in time of war patriotic service should only be demanded upon the part of those who fight and not upon the part of those who stay at home?

Mr. STERLING. No, indeed, Mr. President. Patriotic service was demanded on the part of those who stayed at home; and, in obedience to that call to patriotic service, the friends and relatives of the soldier's dependents, his family and his children, would have said, and no doubt often did say, "These shall not suffer or be deprived of any of the necessities or even of the comforts of life because he has gone to war and because of the limited allowance which the Government provides."

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Tennessee?

Mr. STERLING. I yield.

Mr. McKELLAR. The Senator from South Dakota stated that he did not think the amount paid to the soldiers during the war was sufficient, but he excuses the low salary on the ground that it was war; and, therefore, on the ground that it was war, the soldier ought not to be paid anything additional. If that be good logic, why should it not have been applied to the war contractors when they came before us and got $800,000,000 of additional compensation on war contracts? In other words, if the doctrine is right so far as the soldier is concerned, why is not the same doctrine applicable to the war profiteers?

Mr. STERLING. Mr. President, if there is any argument in regard to which I have not been able to accord an overabundance of patience it is the argument in regard to what the war profiteers received.

Ah, Mr. President, there is something wrong in the principle that a soldier or his representative should come before Congress and demand a bonus on the ground that the profiteers got so much. That is not good ground because, in the first place, it has its foundation, if it has any at all, in wrong. Because there were conscienceless profiteers, will you make out of the soldier himself a profiteer?

Mr. President, this aspect of the situation, I think, has been greatly exaggerated. There were war contracts and there was an adjustment of many of the contracts. What led to that adjustment? I am not here to say that all the adjustments were equitable; not at all; there may have been some inequity or injustice in various adjustments; but it should be remembered that during the war and at the instance and urgent request of this Government men had invested their millions in plants which were to manufacture and provide war material, subsistence, clothing, guns, and munitions for the very men we had sent abroad. It was in their interest that such contracts were originally made. Having invested their millions a short time before the war ended, the day of the armistice came, with the consequence that all operations were suspended, and many of the contractors—I can not say how many of them—had their just claims against the Government because of the investments they had made in behalf of the Government to help the Government "carry on" and "carry on" successfully in the great struggle.

There were, Mr. President, some conscienceless profiteers; there is no question about that. I think that the contractors who built the camps and cantonments on the "cost-plus" plan of contract, although some of them were conscientious, perhaps, paid enormous wages to carpenters, plumbers, and electricians which they ought not to have paid; but, again, there is this to be taken into consideration: We have an old adage that "Haste makes waste." We were in haste, and necessarily so, and the Government's position was "that the work must be accomplished and quickly, at whatever cost." I think, however, notwithstanding the examples of gross profiteering and examples of wrongs amounting perhaps to crimes in the matter of some of the war contracts, history will justify the Government, as a rule, in doing what it did in making the contracts under the emergency which then existed and in making afterwards the adjustments authorized by law.

Mr. President, I wish to hasten on; I did not expect to take this long in the discussion. I want to speak just a word about the practical benefits which will accrue to the soldiers from the bonus. We have an example in the case of New Zealand as portrayed by Nellie Margaret Scanlan, American correspondent to the New Zealand Free Lance. Under the caption "Aid extended by New Zealand to ex-service men has not been an unmixed blessing to veterans," she goes into a very careful analysis, which impresses the reader with its truth, of conditions in New Zealand, of what New Zealand, with her little more than 1,000,000 people, had done during the war, more fortunately situated in some respects than other countries, I think, because of what I believe to be the homogeneity of her population. She says this:

> When a soldier returned home from the war he was given a free pass available for a month over the railways which are State owned. Later came a gratuity or bonus which was based on the man's pay and estimated on his period of service. Many of them received as much as $300 and $400. The thrifty ones saved it; others spent it on holiday or recuperating; and not a few invested in engagement rings. Human nature runs that way. It took a large sum to pay this gratuity, and but very little permanent good was achieved.

Further on this writer says:

> One thing, however, is quite evident, and that is the futility of giving the soldiers money in small sums or unemployment doles. It merely evaporates, and often the last state of that man is worse than the first. The idea is to help them to help themselves by financing the initial step of reestablishment in civil life, giving them a chance to recover what they have lost by the sacrifice made on active service. Responsibility for ultimate repayment of the money makes for industry and self-reliance, essential factors in the reorganization of this after-war chaos, and it is along this road alone that success lies.

Mr. President, that portrays, by taking the opposite view, the peculiar vice of this bill, which permits the soldier to negotiate or pledge his certificate at a bank for a loan and go away and forget about it. What he receives will not go far toward his rehabilitation if that is what he needs; it is hardly sufficient to finance any enterprise; but it is easy money, and instead of encouraging a spirit of thrift upon the part of the soldier, instead of encouraging him to find some enterprise in which he can engage, some fruitful employment, it invites him to recklessness in expenditure; and you will have the condition in America, so far as a great many of the returned soldiers are concerned, that this writer portrays as existing in New Zealand.

Mr. President, naturally enough reference has been made again and again to the duty and the patriotism of men; I call attention briefly to a few letters which I have received at various times. The lessons they contain ought to be of value in a time like this.

Here is a copy of a letter the original of which I submitted for the RECORD in 1920. I think it was the first letter from an ex-service man that had been submitted for the CONGRESSIONAL RECORD so far as the Senate is concerned. I want to reread that letter. It is dated March 6, 1920.

It is addressed to myself and reads as follows:

> Concerning the pending legislation relative to a bonus for the soldiers:
>
> As one who spent nearly two years in a uniform, and who is now in touch with a large number of others who did likewise, I want to express myself, where it is apt to do the most good, as being opposed to any gift or bonus being given me or any other uninjured returned soldier.
>
> The Nation suffered through a war which has left us with an immense debt for future generations, perhaps, to struggle with, and I know that the best of the 4,000,000 young men who gave up some of their time for the good cause do not wish to make this burden greater, but to lessen it. We gladly sacrificed what was necessary for humanity and the United States and do not now wish to have pay for patriotism.

Whose heart does not respond to the sentiment of that ex-soldier, who had served his country for nearly two years, and, as I recall, was in the service overseas?

I do not want to quit with reading this one letter. Here are a couple from fathers of men who were in the service.

This is dated April 22, 1921:

> Feeling that you are interested in the attitude of those most concerned in the soldier bonus bill now up for legislation, especially those who had sons and friends in the late war, I am going to briefly give you my viewpoint.
>
> I had four sons in the service, having lost one, and know that all three of those living, including myself, feel that the burden which this bill would put upon the taxpaying public would be an exceptional one, and they all feel that they did their bit willingly and are ready to do their part in getting the finances of our country back onto a more stable basis without saddling the taxpayer with this additional burden.

Mr. President, I sought to point out the other day, before being interrupted in the course of my remarks, that under present conditions, industrial and financial, with a coal strike on, a railroad strike on, and with no one knowing what the future holds for us in the way of industrial or financial disturbance, we are not in a condition, although we thought prosperity was just around the corner, to saddle upon the American people any greater indebtedness than they now have to bear.

One more letter. This is from a South Dakota farmer. In a few terse sentences he expresses the whole argument, both practical and sentimental, as against this proposed bonus:

It is of date February 13, 1922.

> I wish very strongly to protest against any bonus bill. I have two boys who have been soldiers, but I think they will agree with me that the bill is vicious in every way.
>
> Our taxes are now a burden that is crushing the farmer. The pension privilege has been abused, and a bonus will establish a bad precedent. There are some things in life that we do for honor and patriotism.
>
> This State has shown a generous disposition, as have others, by a bonus. No amount can fully repay our brave boys.
>
> Let well enough alone. Let all Legion men say with Roosevelt: "I did not go to war for the pay there was in it."

Mr. President, I wish the kind of a sentiment so well expressed in these letters animated all the boys of the American Legion to-day. If it did we would not have this bonus bill before us.

Mr. President, providing as we have already for the sick, for the disabled, for the wounded, for those whose health was impaired in any way, what is the situation of the man who went abroad, fought our battles there, and then came home sound in body, sound in mind, with the glow of health on his cheeks, richer in experience, richer from the educational standpoint by far than he ever would have been otherwise? What is his situation? Oh, and what else? He had the privilege of going and fighting for the grandest Republic on God's footstool; and instead of claiming a bonus now, he ought to consider himself, with all that he is and all that he has gained, the debtor of the Nation rather than its creditor. That is the situation. Those who are maimed or who suffer from disease, those whom the Veterans' Bureau is taking care of, those whom we in Congress will continue to take care of, are our creditors and we must pay our debt to them to the last farthing.

It is a good time to sound the call to duty, it seems to me. Whether to a citizen or to a soldier, no higher tribute can be paid than that found in these lines:

> His life consisted most of plain devotedness to duty, steadfast and still, nor seeking mortal praise,
> But finding amplest recompense in work done squarely, and unwasted days;
> For this we honor him.

Mr. President, "peace hath her victories, no less renowned than war"; but the victories of war have always been gained by sacrifice. Of little account are they unless there was sacrifice in gaining them. So the achievements of peace, the victories of peace, require sacrifice, and they are of little worth, as a rule, unless there is the sacrifice.

What we call upon the boys who fought bravely and well in the late war to do is to make a sacrifice of what? Not anything material, not of property, not of time, not of a moment's energy—none of these, but just the sacrifice of a desire for a bonus, which, while it means so little to each one individually, piles up and increases the national debt by $5,000,000,000, or nearly so, as a new burden upon an already overburdened people.

Mr. President, these are my reasons for opposing the soldiers' bonus bill. As I said in the outset, I cheered the soldiers when they enlisted; I cheered them when they went abroad, and was deeply grateful for all they accomplished at home or abroad; but here is the time, now, to show what good citizenship means and to show that peace as well as war calls for the practice of patriotism. What idea do we want to inculcate? What is the question involved? That it is not alone the benefit of the million or two million men or even four million men, granting this would be a benefit, that we are seeking. The guiding principle for every Senator is or ought to be, I know: That the legislation which he supports must be in the interest of and not opposed to the public welfare. Under existing conditions this bill, in my judgment, is opposed to that welfare which every citizen of the Republic should seek to promote.

Mr. McKELLAR. Mr. President, in view of the argument that took place here yesterday and the day before in reference to the payment of interest obligations by Great Britain, I desire to read a statement that was published in this morning's Washington Post:

> BRITAIN SHIPPING GOLD TO PAY DEBT INTEREST—$65,000,000 DUE OCTOBER 15; $38,000,000 SENT OVER IN LAST MONTH.
>
> Great Britain is shipping gold from her reserves to this country in preparation for the interest payment due on the British war debts to this country in October, according to a report to the commerce department yesterday.
>
> Quoting Sir Robert Horne, chancellor of the exchequer of Great Britain, the report said: "Gold has been withdrawn from the reserve for the purposes of shipment to the United States of America in connection with the dollar requirements of the Government, more particularly the approaching interest payment on the British debt to the United States Government."
>
> Of the totals of about $43,000,000 of gold imported by this country during July approximately $38,000,000 came from Great Britain. In round numbers $100,000,000 of interest on the British debt is due during October and November, about $65,000,000 being payable on October 15. Interest payments from Great Britain so far have been the only expected income from foreign debts included in Treasury estimates of receipts for the next two years.

This indicates, of course, that the interest payments from Great Britain alone, as I stated a day or two ago, will be ample to take care of the payments to be made under the soldiers' adjusted compensation bill.

Mr. POMERENE. Mr. President, yesterday I expressed my views on the amendment in the nature of a substitute to this bill offered by the Senator from New Mexico [Mr. BURSUM]. I am still very firmly of the opinion that the Senators made a mistake when they voted down that substitute. It would have given to those who had a service credit of $50 the same relief that is given by the pending measure. It would have given to the rest of the soldiers who had a service credit of over $50 one-half of that credit in cash and the balance in securities payable in five years. That would have been a real relief to the soldier.

Under the pending bill we give to him a certificate and ask him to go out among the banks. Perhaps they will make the loan, perhaps they will not; he does not know. In any event it is an attempt to impose upon the banks a duty which belongs to the Government, if it belongs to anybody, and it makes it incumbent upon the soldier to go out with his certificate and see whether he can negotiate a loan. I do not think that such legislation comports with the dignity of the great Government of the United States.

But we are now up to the point where we must decide what shall be done with the pending measure. I served on a special committee of five, appointed by the Senate in 1921 under Senate Resolution 59, and that committee submitted a preliminary report on July 20, 1921, and a further supplemental report on August 22, 1921, with respect to what should be done for the disabled veterans. The labors of that committee resulted in considerable changes in the relief measures which had theretofore been adopted.

I do not intend to discuss those reports or the legislation which grew out of the investigation, except to say that I am quite sure, so far as the wounded or disabled war veteran is concerned, I voice the sentiments of the Senate, as well as of the country at large, when I say that the Government of the United States ought to treat him with the same generosity that any well-to-do and well-intentioned parent would treat his son under the same circumstances.

I think I may say that, so far as the Congress is concerned, the wounded and disabled have been cared for. Up to May 19, 1922, according to a statement submitted to me by Colonel Forbes, the Director of the United States Veterans' Bureau, under that date, we had already expended $1,639,000,000 in their behalf, and other appropriations have been made since which, according to the statement made by the Senator from Utah [Mr. SMOOT] on yesterday, make it over $2,000,000,000.

The question now is, What shall we do for the other veterans? I realize that a very strong argument can be made both for and against the pending bill, depending upon the viewpoint. If we are to be guided alone by sentiment, then this bill is wholly inadequate. If we are to be guided alone by the financial viewpoint, then it is adding to the burdens of the Government and the taxpayers. But I do not think that sound wisdom will suggest to the Senate or to the country that we should deal with this problem wholly on the sentimental side or wholly on the financial side.

What shall we do? This subject has been agitated for several years. Twenty-two States in the Union have voted upon the subject. Of course, those votes related to a State bonus, not to Federal compensation. But in each of these States the vote was overwhelmingly in favor of relief. In the State of Ohio, where there was a referendum vote, the people of that State by the ballot, by a majority of three to one, authorized the issue of bonds of the State to the amount of $25,000,000, which at that time was believed to be sufficient. It has transpired since that an additional six or seven million will be required and the legislature of the State has voted an additional appropriation for that sum.

It may be suggested that those votes were on a State offering and not on an offering by the Federal Government. So be it. But it will be borne in mind at the same time that the States did this voluntarily, when there was no obligation on their part to do it, and I think that everyone must admit that if an obligation lies anywhere it lies with the Federal Government. I conclude from this statement that if the votes had been upon a Federal offering instead of a State offering, the votes in the several States would have been more pronouncedly in favor of the Federal offering than they were in favor of the several State offerings.

I realize very fully that industry everywhere is laboring under very substantial burdens. There is a good deal of force in the statement that we compensated those who had financial investments for their losses, particularly when engaged in governmental activities, and it makes it very difficult, therefore, to say why these boys should not be similarly recompensed for their losses. I know, on the other hand, it is said that this is an attempt to compensate patriotism by cash. I do not think that construction can be properly placed upon this movement.

This bill may or may not be defeated, it may or may not be vetoed, but whatever may be the fate of the pending bill, I am sure that the sentiment throughout the country will not subside until something substantial is done. It has been suggested that there has been a change in thought throughout the country and that if the same propositions were presented in the several States of the Union now which have been voted upon in the past the result would be different. But has anybody pointed out any substantial evidence which justifies that conclusion?

My belief is that while there has been some change of sentiment, perhaps one way and perhaps the other, the people generally want something done. That was evidenced, in my judgment, in the two conventions which met last week in Ohio. It is true there was nothing said on the subject by the Republican convention, and I have no authority to speak for the Republican convention, but I think we understand the reason why the Republican platform was silent on the subject. My belief is that if there had been a poll of the Republican convention the delegates would have very strongly indorsed some form of relief. That is what the Democratic convention did. It did not indorse this particular bill, but it expressed itself in favor of substantial relief. Under these circumstances it seems to me that Senators and Congressmen alike sooner or later will be required to do what the voters back home want done.

Mr. President, it is suggested that this will be setting a bad example for the future. I hope that we shall have no more wars of this kind, but if we are looking for precedents as to what shall be done in matters of this sort I think we can find ample precedent during the Revolutionary War. I am not going to take the time of the Senate to refer in detail to all of the relief measures which were inaugurated by the Continental Congress, or later, but I want to refer to one resolution which was passed by the Continental Congress.

On September 16, 1776, the Continental Congress provided for a bounty of $20 to each noncommissioned officer and private soldier "who shall enlist to serve during the war unless sooner discharged," and in the same resolution Congress made provision for granting lands to officers and soldiers engaged in the service, as follows: To a colonel, 500 acres; lieutenant colonel, 450 acres; major, 400 acres; captain, 300 acres; lieutenant, 200 acres; ensign, 150 acres; each noncommissioned officer and soldier, 100 acres. Money meant more then than it does now, and land was cheaper then than it is now, but we had lands to bestow then, and we have but little land now to bestow. The McNary amendment to the pending bill will give a preference to the soldier and sailor who hereafter may take up the unimproved lands of the country.

Mr. President, I realize, as I said a moment ago, that there is much that may be said both for and against the bill, but my belief is that if we will examine into it very carefully our own reason, as well as our own sentiment, must suggest that something be done.

I have before me the report which was filed on April 20, 1922, by the chairman of the Finance Committee in support of the bill. By reference to page 6 of that report, I find payments since the war by foreign countries to their veterans as follows, and this gives, as I understand it, the maximum possible: Great Britain, £29, or $101.50; Canada, $600, or, converted into our money, $540; Australia, £117, or, converted into our money, $409.50; New Zealand, £117, or, converted into our money, $409.50. I recognize that the soldiers from Canada, Australia, and New Zealand were longer in the service than were ours. They fought a true fight and they kept the faith, as our soldiers did. Notwithstanding the tremendous burdens which were on those dominions or provinces, they voted these very substantial amounts of money to their soldiers. Shall the United States do less than the British provinces did?

Mr. President, it is urged that much of the money may be dissipated. That may be so, but as I understand it, when money goes to a beneficiary the one who gave it or the power which gave it never seeks to exercise control over it afterwards. That it will be a benefit to many there can be no doubt. That it will be of little benefit to some is just as certain. But shall we decline to give to those who would be benefited because some would receive who would not be benefited?

I regret the burden that this measure is going to be to the country at large, but my belief is that the public generally would rather share the burden than to have it said that we were not grateful.

The PRESIDING OFFICER (Mr. WILLIS in the chair). If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended and the amendments were concurred in.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. REED of Missouri. Mr. President, I want to say just a word in explanation of the vote which I cast yesterday against the so-called Bursum amendment. My examination of that amendment, after it had been amended several times on the floor of the Senate, led me to the conclusion that it was probably a better measure for the soldiers than the pending bill; but I also understood that the amendment, if passed, would lead to a veto of the bill and that those who were watching the measure especially on behalf of the soldiers desired that the bill be passed in substantially the form in which it now appears before the Senate. Out of deference to their judgment and on account of the situation I have described, I voted against the Bursum amendment.

I shall vote for the bill. It is not a bill that is satisfactory to me. When the revenue bill was before the Senate and it was proposed to strike out the excess-profits tax, I sought to retain that tax and to devote it to the payment of a soldiers' bonus. Three times, I believe, that proposition was voted upon in various forms and was defeated. If that amendment had passed, all or at least a large part of the moneys would have been provided without levying any tribute or tax, or at least a very infinitesimal tax, upon the ordinary population of the country. It would have given the soldiers a payment in cash which would have been very substantial and which would have resulted in their obtaining their entire compensation within a period of two or three years, unless, indeed, the experts of the Treasury were in error in the estimate of the amount of excess-profits tax which would be paid.

I have had occasion hitherto in discussing the excess-profits tax to rebut the statement so often made that taxes are carried on to and paid by the ultimate consumer. Undoubtedly there are taxes which the individual or corporation pays and which it is possible to add to the price of the product, thus compelling the ultimate consumer to pay the tax. But it is also true that there are other taxes which can not be entirely passed on and some of them, in my judgment, are rarely if ever passed on to the ultimate consumer.

Let us take the question of income tax upon very large incomes. We remitted a portion of that tax and it was sought by the majority to remit a very much larger portion, to take away from the possessors of great incomes a tax burden of $90,000,000 a year.

Mr. President, if that tax had been paid, I question whether any substantial amount of it at all would ever have been passed on to the ultimate consumer. The possessors of great incomes receive them as personal emoluments; they come to them as the result of transactions that are already closed, of investments that are already made. It would be difficult to conceive of how they could be passed on to the general public. The income of the individual who is its beneficiary is already raised as high as the genius and ability of that individual can raise it. He has not lowered it out of consideration for the general public. That there may be slight exceptions or variations will be admitted, but, as a broad and general proposition, an income tax, particularly a tax upon the enormous incomes to which I am referring, can not be passed on.

In like manner, when we speak of the excess-profits tax, going back to an analysis of the origin of those profits, a candid review will convince most men, I think, that the man who reaps the very high profits is an individual who, for some reason, is able to extort a very high price, and the limit to the price which he charges is the ability to sell the article to people. He charges just as much as he can get; indeed, that is human nature, and that practice is generally indulged in.

If a man has already charged all he can get, it would be very difficult for him to add any amount on account of a tax he must pay.

The exception to that rule is found in those articles that are highly competitive, where prices are kept down by the competitive condition of the market. Where that is true, the ability to add to the price is destroyed by the fact that competition makes that out of the question. So these two classes of taxation, the one upon excess profits and the other upon very large incomes, are for the most part not passed on, and the argument that we have heard here in that behalf is fallacious.

Moreover, if we needed any other proof, we should find it in the fact that the demand for the reduction of such taxes did not come from the masses of the people, but came from the individuals or corporations required to pay them. They started the agitation; they carried on the agitation; and they were the ones who loudly complained.

Moreover, the testimony of the Secretary of the Treasury, who had demanded the repeal of the excess-profits tax and also a reduction of high income taxes, I think, sets the question at rest, for while he insisted that the tax was passed on his chief argument as to taxes upon great incomes nevertheless was that the possessors of those incomes would not pay the taxes. Indeed, he described various devices by which he said they were able to defeat the purpose of the law and to escape paying the burdens imposed upon them. So we simply stand to-day in the situation in which we were placed by the Secretary of the

Treasury, by the President, and by the majority of the Congress.

That situation was this: They insisted on reducing the taxes upon incomes of more than $68,000 a year by $90,000,000 per annum. In that they were partially defeated, but the reduction nevertheless was enormous. They insisted on taking off the profiteer the excess-profits tax of $450,000,000, and in that they were completely successful. The Secretary of the Treasury had insisted that the bonus bill should not be passed because we would not have enough revenue, according to his statement. The reason we were not to have sufficient revenue was because he proposed to force the repeal of those taxes. He succeeded in forcing the repeal of the taxes and in forcing the abandonment, for a time, of the bonus bill. Accordingly, when the bonus bill is now brought forward we are compelled to pass it without any adequate provision for the payment of the bonus. The Senate is powerless to create that revenue, because we in this body can not originate a tax bill. If we could, then we would have brought forward a proposition to restore the excess-profits tax and to have thus afforded a fund from which the bonus could be paid. The soldier, therefore, who fails to be satisfied by this bonus bill must charge it to those who cut off the sources of revenue from which the bonus could have been paid, and paid in cash or, at least, paid within two or three years' time.

Mr. FLETCHER. Mr. President, may I ask the Senator from Missouri to yield for just a moment at that point?

Mr. REED of Missouri. Certainly.

Mr. FLETCHER. I desire to ask the Senator whether or not he would think favorably of a plan by which a special addition to the income tax might be imposed in order to raise sufficient revenue to meet this obligation? Of course, under such a plan the people having the larger incomes would have to pay the larger proportion of such tax.

Mr. REED of Missouri. I have complained because the majority in Congress have reduced the tax on the larger incomes. That majority also reduced or entirely took off the excess-profits tax; and we here in the Senate are powerless to restore those taxes until a revenue measure shall have been brought before us, which we might amend. Since there is no revenue provision in this bill, of course we can not amend the bill in that respect.

Mr. FLETCHER. Such a proposition would have to originate in the other House.

Mr. REED of Missouri. It would have to originate in the House of Representatives.

Mr. FLETCHER. It may be, however, that some plan similar to that which the Senator from Missouri is suggesting may later develop there.

Mr. REED of Missouri. Such a proposition may come to us hereafter.

Mr. President, let those who have stood here and said that we could not have the revenues, who have offered that as the excuse for voting against this bill, also have it written under their names that they cut off the revenue, that they did so with their eyes open, and with the warning sounded in their ears upon this floor not once but many times and day after day. They obeyed their master's voice—the Secretary of the Treasury. He demanded that the taxes should be taken off the profiteer and should be reduced on incomes above $68,000. Having reduced the revenues of the Treasury, and done it with full and complete warning, they should not be heard here to cry poverty.

Mr. President, I have listened to the most singular array of verbal contradictions during this debate that I ever heard on this floor. A Senator will rise and tell us that when a soldier goes out on the field of battle he is engaged in so glorious a work that he can never be repaid by a grateful country. In the next breath, the same Senator will tell us that the soldier is indebted to his country for the privilege of fighting at all, and that the debt is all on the other side. I have heard those two statements made in the last few minutes, and the two statements were not more than 50 seconds apart. It is a fitting illustration of the fallacies which are brought forward to buttress a bad case, the bad case which is here now. We are told that our country, that no country can ever repay the debt of gratitude it owes to the soldiers who bared their bosoms upon the battle plains of France, and Senators go into heroics as they describe the wonderful valor of our troops. Having declared that we have a debt of gratitude that never can be paid, the inquiry naturally comes, For what are we grateful? The answer must be: We are grateful for services of inestimable value. If, then, we owe a debt of that kind, what sort of argument is it to say, "Because your services were beyond all value that can be fixed in dollars and in cents, we refuse to give you a penny to compensate you for your actual financial losses"?

In other words, "if you had stayed home and worked at a bench and made shells, you would have been," according to their philosophy, "entitled to pay for making the shells, because it was a commonplace thing to make the shells; but if you stood upon the field of battle as a gunner, shooting those shells and being shot at, then, because that can not be fully compensated in dollars you must not have anything at all to make up for the financial loss you suffered while you were there." In other words, "the more you do, the less claim you have on your country. If you stayed home and worked and profiteered you are entitled to pay; but if you went over yonder and worked harder, physically, than anybody at home, and chanced your life and your limb and your health, then, because you did so much more than a man at home you shall not have anything, while he has everything."

What kind of philosophy is that?

Here is a man who has a Government contract. He is making not only a return upon all he invested but he is making 100 or 200 or 300 per cent in addition. That is a sacred obligation. That must be redeemed to the uttermost farthing. That must be paid to the last penny. If he suffered any loss in his factory, if he suffered any loss by virtue of changed conditions, we make it up. But if that man had performed service under a rain of lead and of steel, then we would say to him, "Oh, they were shooting at you while you were doing this, and we will not pay you what is justly coming to you."

In one sense, of course, the service of the man who answers to his country's call never can be paid in dollars and cents; but does that mean that you shall not treat him fairly in so far as dollars and cents are concerned in the equation? I suppose that no man ever can repay his mother for the mother's ministrations to him from babyhood's hours to manhood's estate. Yet, because he could not pay her for her divine love and her tender ministrations, he does not send her to the poorhouse. He does not refuse to look after her physical wants. I suppose that no man could pay in money for the affection of his sister or his wife or his brother; but because you owe a debt so tender and so divine that money can not pay it, that does not give you license to pick their pockets or plunder them of that to which they are entitled. Nobody proposes to pay these men for their patriotism, but some of us wish to aid them with a little money that may help them get their feet under themselves and in a way compensate them for the financial loss they incurred in going into the war.

What would you think, anyway, of a fellow whose child was in a burning building, and a neighbor or a stranger came by, rushed into the flames, and carried the child out, and had his own clothes burned off of him, who would say to that man, "If you had lost this suit of clothes working in my garden, I would have made it up; but since you lost it saving my child, and I can not fully pay you for the life of the child, I will not even pay you for the shirt that was burned off your back"? What kind of logic is that?

A man who says that the country has done all it ought to be asked to do, or all it can afford to do, stands on a different basis; but do not let us hear any more of the talk, "Your service was so glorious that it can not be paid fully in money, and hence we are not going to give you anything to compensate you for your actual financial loss."

Mr. President, we have been told of the wonderful benefits that came to these men, that they have glorious memories, and that we pay them the tribute of our love and of our tears. Fine! There some Senators propose to stop. "We will just cheer you a little and we will just weep a little, and then you can go and hunt a job, just as it suits you—if the public will give it to you."

There is an old story which has been a matter of laughter for years, covered with the dust of time, and sanctified by repeated telling, of the board of directors of a corporation who on New Year's eve had just divided up a large, juicy dividend melon among themselves, and one of them, a little charitably inclined, rose and said: "We have had a very prosperous year. We have declared an enormous dividend. We ought to do something for the poor," whereupon an enthusiastic director arose and seconded the motion and ended by saying, "I move, Mr. President, that we give the poor three cheers." [Laughter.] That is what they want to give these boys.

They talk of the glorious privilege of serving their country. Well, it is a privilege, but it is a privilege that no man coveted, except because the burning desire to defend his country was so great that he was willing to sink every personal consideration and sacrifice his life and limb. But he did not covet it; he did not want it for the pleasure that he would get in marching across shell-torn fields. You can not pay him in rhetoric. We might do a little in other ways.

Then somebody says, "They will spend it all." Well, in the name of the Lord God of Israel why should they not spend it if they want to? That is their business, not ours. We did not ask the war profiteer who made 100 per cent what he was going to do with his money when we paid him that profit. We did not say to him, "You must save that money." He was permitted to take it and buy yachts and ten-thousand-dollar automobiles and build palaces and enjoy himself. We did not criticize that. Well, the humblest buck private has a right to take his money and spend it, just the same as the great millionaire. It is none of our business. But it is an impugnment of the intelligence of these boys to say that they are going to go out and squander their money. Some of them will; but many of them, the vast majority of them, will make very good use of their money. Anyway, if they want to spend it, I repeat, that is their business.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield a moment?

Mr. REED of Missouri. Yes.

Mr. WALSH of Massachusetts. A survey was made of the uses to which the veterans put the bonus given to them by the State of Ohio. In view of what the Senator has just been saying, he will be interested in the fact that this survey shows that only one-quarter of 1 per cent of the money was used for pleasure purposes and for the purchase of luxuries. The uses to which the money was put are enumerated under about 25 different heads. About 50 per cent of it was used to pay for the necessities of life and to pay debts—to be accurate, 23 per cent to pay debts and 25 per cent for clothing and fuel and other necessities of life—and only one-quarter of 1 per cent was used for the purchase of luxuries and for having a good time.

Mr. REED of Missouri. Somebody said here the other day—I have forgotten who it was; whoever said it has it duly registered in that great reservoir of dead things, the Congressional Record—that if we put on this tax it would drive the Ford employees to despair, and that they were already being put out of employment by virtue of high taxes.

Everybody knows that the Ford employees are to be turned out of employment by Henry Ford, and that the primary causes for turning them out which he ascribed are lack of transportation and lack of coal, and we all have a right to believe that when the coal strike is over and the railroad strike is over the factory will resume. But what has the discharge of the Ford employees to do with paying this bonus? The bonus has not been granted yet, and the Ford employees have been discharged or are to be laid off. Nobody proposes to pay a cent of this bonus for something like a year or two.

There was another argument put in, for what reason I do not know, that the taxes paid by the Ford employees will put them in despair. Yet the bill carries no revenue provision, except that we have voted to devote a part of the funds we hope to get out of the foreign countries to the payment of this debt. When we do bring forward a revenue measure, I promise the country that the Democratic Party, on this side of the Chamber—and I am sure I can speak for them in that respect—will be ready to put the taxes upon swollen fortunes and swollen incomes, not because we are the enemies of wealth but because the great fortunes and the great incomes of this country justly should pay the greater percentage of the tax burden. It is a rule, and a sound rule, in the levying of taxes, that he who has the ability to pay must bear a greater burden than he who has nothing with which to pay. Back of that lies the very sound reason that all the individual who has nothing to pay with gets from Government is the protection of his life and his liberty, whereas the man with an immense fortune obtains protection of his life and liberty, but he also has the constabulary, the Army, the Navy, the courts, all the machinery of the Government, employed constantly to guard and conserve his fortune.

The amount of money the Government expends, directly or indirectly, to protect a fortune like John D. Rockefeller's, is as much greater than the amount that it spends to protect the ordinary laboring man as the difference between Rockefeller's fortune and the laboring man's fortune. So it is just and right.

We have a Secretary of the Treasury—and I speak of him kindly, for I personally respect him—who belongs by instinct, by environment, by training, by desire, by interest to that great class of men who control the millions and billions of this country, and who want to escape every dollar of taxes they can escape. So he came here and demanded that the taxes be reduced upon great wealth, and demanded, in order that those taxes could be reduced, that we should not pay to the boys who stood upon the battle line and protected those fortunes a little compensation for their losses.

There is a statute providing that a man engaged in trade can not be Secretary of the Treasury, and I agree with the statement of the Senator from Georgia that the spirit of that statute has been violated every day Mr. Mellon has occupied that high position.

Mr. President, we are going to vote on this bill, and some people say the President will veto it. We know the influence of the administration has been constantly against it. Let the President veto it. He has certain constitutional prerogatives which he has the right to exercise, and if he believes the bill to be a bad bill it will be his duty to veto it. But if we believe it to be a good bill it is equally our duty to pass it, and if he vetoes it, it will be equally our duty to pass it over his veto. In any event let us do our duty as we see it. But whatever we do, if we are to vote against this bill, let us not hide behind the miserable subterfuge that the work was so good and so glorious that it can not be paid for in money, and hence, to use a slang expression, we will "welch" on the payment of the actual loss of money incident to the service.

Whatever we do, let us not put our action upon the basis that our Government is a pauper. We have heard the pauper cry. It seems to come forward only when we propose to pay something to the boys who saved the country. When the armistice was declared there lay some $200,000,000 over here in the Treasury of the United States, and it was nearly all turned over to foreign countries. It was said we had some kind of an implied obligation to them. It was turned over, although they had never given us their promissory notes or bonds, as they had agreed to. It was said that was all right. We were not so impoverished then that we could not do that.

Perhaps some of that money was used to pay the bonus to the English and French soldiers and other soldiers; I do not know. But how easily it went. Nobody then stood up and cried out that bankruptcy stared us in the face. That money was going to foreign countries, and the excuse was that it was going to be paid back to American contractors. I have always believed the greater part of it was turned over illegally, but I do not care to discuss that question to-day.

We have heard something about how hard it was for us to pay our debts incurred during the Civil War, and therefore that the present debt of the United States is a burden which we dare not increase.

Let us examine that a little.

At the opening of the Civil War there were approximately only 35,000,000 people in the United States. The country was divided into two warring factions. War was here on our own soil, and when it was over the fields of the South had been plowed and furrowed by cannon shot; the cities of the South and the homes of the South had been reduced to ashes. Yet the debt that was due from this Government at the close of that war was equal to 16.1 per cent of the total wealth of the United States in 1860, which antedated the destruction of the war. The total indebtedness of the United States, omitting interest calculations, amounts to-day, when compared with our estimated wealth, which is $350,000,000,000, to only 6.66 per cent of our present wealth.

To state the figures, the wealth of the United States in 1860 was only $16,159,616,000, and the war debt amounted to 16.1 per cent of that amount. To-day our estimated wealth is $350,000,000,000, and our war debt is only 6.66 per cent of that amount. But in that war debt is included the $10,500,000,000 owed to us from foreign countries. If all of that debt should be paid, then our national debt would be only $13,183,340,573.20, omitting interest, and that debt would bear to our total wealth the relation of 3.76 per cent.

It will be said that these debts will never be paid. The Senator from Tennessee [Mr. McKellar] called attention this morning to an article which seems to give hope that Great Britain is preparing to pay the interest on her debt. If Great Britain shall pay her debt, then the remainder of the debt which we will owe will be 5.47 per cent of our total wealth. If Great Britain and France shall pay their debts to us, that will so reduce our national indebtedness that it will be only 4.50 per cent of the total wealth. If Italy, France, and England shall all three pay their debts to us, then our total national indebtedness will be only a little over 4 per cent of our national wealth. That allows all the rest of the debt to go unpaid as a finality. I say it is entirely within reason to believe that England, France, and Italy will pay their debts if we can ever close the lips of that class of people who go around the country talking about it being the duty of the

United States to cancel those debts, and thus playing directly into the hands of every foreign repudiationist on earth.

I would not want to characterize a person indulging in that kind of talk as disloyal, but it is so utterly at variance with the interests of our country and is so consistent with the desires of foreign nations that want to escape the payment of their liabilities that I can not regard it as a manifestation of any very high order of loyalty.

Mr. President, I have presented the figures. The estimated wealth of this country amounts to $350,000,000,000 and the total debt aggregates only a little over $23,000,000,000, omitting interest charges, which are nearly all of them on the credit side on account of the foreign debt. To say to our veterans, "We will not pay you what you lost," seems to me to be the height of absurdity. Let us treat this bill as it ought to be treated, as a part of the cost of the war, which ought to have been paid on the day the soldiers were discharged and which we did not pay then, but should pay at the earliest possible moment. Treating it that way, we will be treating the boys measurably as well as we treated the manufacturer who built a plant and lost money, the contractor who collected materials and lost money because the war came to an end. We will be treating human beings, for once at least in the contemporary history of our country, approximately as well in principle, if not in degree, as we treat wealth.

Mr. President, the country will respond generously in a sentiment of approval to every man who casts his vote for the pending bill, not because he did a political duty but because he did a human and a just thing for the men who sacrificed and suffered and endured for the great cause in which our country was engaged.

Mr. JONES of Washington. Mr. President, I had intended to speak briefly upon the pending bill, but I have come to the conclusion that I can promote its passage better by voting than by talking. I therefore content myself with expressing the hope that we may vote at once.

Mr. SUTHERLAND. Mr. President, I am firm in the conviction that the people and the Government of the United States owe something more than a debt of gratitude to those who were enrolled in our armies during the recent World War. It is impossible to compute in figures just what this indebtedness is, or to arrange a basis of payment that will discharge this indebtedness in full. The adjusted compensation bill now under discussion offers a medium by which, in part, this obligation to our soldiers may be discharged. Those who are opposed to any form of adjusted compensation put forth the argument that to attempt in this way and by the means offered in the bill to recompense the soldiers to some extent for the economic loss suffered by them by reason of their service is putting a price upon patriotism. I do not believe that this argument is sound.

The volunteers in the service, both men and women, and those who were drafted, responded with equal readiness to the call of their country and patriotically served in the armies at the front or in camp in constant readiness to go to the front, but it does not appear to me that they should be so heavily penalized on account of their patriotism and of their services rendered to the whole country and to the whole people. We are not now attempting to pay them for their patriotic devotion to their country. We are only attempting a partial adjustment of the distinct economic loss which the vast majority of them suffered by reason of their service.

The opponents of the measure freely state that the utmost generosity on the part of the Government and the people should be directed toward the care of all those who were wounded or who suffered disability by reason of illness incident to the service, but that further than this it is not necessary or expedient to go. No one disputes the obligation of the Government to those who suffered these disabilities, and the Congress has generously provided for the care of these classes of our soldiers and is still on the alert to provide additional facilities in order that all disabled veterans may be treated with the tenderest care and solicitude. It must be borne in mind, however, first, that almost all of those who either volunteered or were drafted into the service suffered a distinct economic loss even though they were fortunate enough to escape any physical disability by reason of their service. Hundreds of thousands of young men were taken from their usual avocations through the operation of the draft law, or voluntarily left their usual avocations during the period of the war, and served for various periods of time upon a basis of compensation which, while liberal as compared with the compensation paid to the soldiers of some of the nations engaged in the war, was trifling and insignificant as compared with what they would have earned in wages or in business had they been permitted to remain at home.

Second, when they returned to their homes after this service many of them found their places filled. They found likewise that those who had remained safely in the homeland had been engaged in various occupations upon a basis of compensation hitherto unheard of, whereas those who were engaged in business almost without exception had made extraordinary profits. It is not just that the men who bore the brunt of the Great War for the benefit of the whole people and their Government should be allowed to stand entirely this economic loss. It should be distributed over the entire mass of the tax-paying public, including, of course, the veterans themselves, who as time elapses will pay an increasing amount of any tax burden occasioned by the passage of the bill.

An act of conscription is nothing more nor less than a tax. It is the most drastic form of taxation which the Government can exercise. There is no doubt but that it is the most equitable means of raising a large army for the national defense, but that fact does not relieve it of its harshness upon the class of citizens affected by it. The conscription act which it was deemed wise to enact during the recent war reached into the homes and took into the service of the Government the very flower of the young manhood of the country. It was a tax upon their very life and blood. Many of those who remained safely in the security of their homes and many of those who now violently oppose the passage of the bill are loud in their condemnation of class taxation of any kind, and yet they are willing to permit, through the operation of the act of conscription, the classes affected by it not only to be taken from their homes, often under the most drastic and harrowing circumstances, subjected to all the dangers of the camp and of the most horrible war that was ever waged, and are now willing to have this same class of citizens bear alone and unaided the entire economic loss which they undoubtedly have sustained.

It is frequently stated by the opponents of the legislation that it must not be enacted because the aggregate amount of money to be paid under its provisions is so large. If the people and the Government actually owe this as a part of their debt to our veterans, as I firmly believe to be true, then the size of the obligation can not be pleaded as an excuse for its nonpayment. Neither the Government of the United States nor its people are bankrupt. We all appreciate fully the great burden of taxation that has come upon us by reason of the war. We are all loath to increase those burdens except upon conditions which are entirely justifiable and defensible. It is my judgment that our debt to the soldiers is at this time just as distinctly a debt as though it had already been translated into terms of notes and bonds. If the extent of one's obligations can be pleaded as an excuse for their nonpayment it will be grateful news to large classes of our citizens. It is my conviction that the people of the United States fully recognize this obligation, not only as an actual debt but as a debt in the highest sense, a debt of honor, and that they will unhesitatingly ratify and approve the passage of the pending bill.

Another argument that is advanced by those opposing the legislation is that the benefits are so small to each beneficiary and that much of the money paid them would be wasted. Many of those who advance this argument can not possibly understand what a boon the benefits conferred by the bill will be to its beneficiaries. It would mean more to many of them at this time than ten or even a hundred fold larger sums would mean to them in later periods of their lives. It would enable many a brave young soldier to get a definite start toward a successful career.

I well remember the first $500 which came into my possession. Having married just at graduation from college, without a dollar in the world and even without a job, but with the confidence of youth in the possibilities of the future, we had been struggling along for many years in rather a precarious fashion. The $500 referred to enabled me to buy the furniture for a little cottage home into which I put my wife and two babies. Many of these boys are similarly situated, and to many of them it would give a basis of credit which would be a valuable factor in starting them upon careers of usefulness.

It is undoubtedly true that some of the money would be wasted by its recipients. Every means should be taken by private and governmental agencies to guard against such wastage, but I can not see that this fact is an argument for the nonpayment of this debt.

Mr. President, the pending bill may not be a perfect one; many of those who support it would have preferred it to be written in a different form. But it is believed that under the present circumstances it offers about the best and most equitable adjustment of the matter that can be made. It will prove to the soldier boys that this great Government and its people are willing, not because it is demanded, but because of their appreciation of a just and equitable obligation, to adjust to some extent the obligation to this splendid body of our citizenship which their patriotic service, at a large economic sacrifice, clearly places upon us.

Mr. OWEN. Mr. President, I am not able, as I had hoped, to vote for this bill in the final form as presented by the majority party of the Senate with no means therein provided for payment. I should feel justified in voting for imposing taxes for the benefit of our young men to the extent required to cure or relieve them of injuries, to support them where disabled or incapable of self-support or in distress, to instruct them in self-support by vocational instruction, and to assist them in developing a home on the public domain. But to tax the American people by from $4,000,000,000 to $7,000,000,000 by the certificate plan, without any discrimination whatever, as set forth in the bill, and pay out huge sums for those not in want, not unemployed, and in fine health, does not seem to me wise or defensible. We should be provident with the family purse and use its resources for those in need and not spend our resources for those not in need, lest we then may be compelled to deny those in great need.

I do not feel justified as a temporary trustee of the people's legislative power to put this unnecessary tax on my countrymen without a mandate or instructions from them. My sympathies are with all of our young men desiring the bonus, and I should be glad to support their wishes if the people of Oklahoma through the legislature should express the wish of the State to that effect, but I can not consent to tax our impoverished and troubled people any more without knowing that they wish me to vote this unnecessary tax upon them. The organization of our veterans committed to this plan is said to consist of 25 per cent of our soldiers enlisted and to represent approximately 5 per cent of our people. The members of the Legion are divided in opinion as to its wisdom, and they have advised me both for and against the bill.

The leaders of the party in power have determined to pass the bill, and the passage of the bill is absolutely sure. My vote is not needed to pass it. The Republican Party has the mandate of the country. That party will take the credit for the act, and I prefer that the Republican Party shall take the undivided responsibility for the added taxes which will be required to pay the full liability assumed by the act.

The PRESIDING OFFICER. The bill is still in the Senate and open to amendment. If there be no further amendment, the question is on the engrossment of the amendment and the third reading of the bill.

Mr. HEFLIN. Mr. President, I am anxious to reach a vote upon this measure. I merely wish to answer two or three suggestions that have been made to-day by those who oppose adjusted compensation for our soldiers.

The Senator from South Dakota [Mr. STERLING] this morning paid a glowing tribute to the soldier who returned to this country from Europe sound in body and mind; he spoke of the great contribution which that soldier had made to civilization and to human liberty. I thought while he spoke of what the Master said on one occasion when he was upon the earth. He talked about the disabled, the sick, and the afflicted. He also had something to say of the able-bodied. The able-bodied get hungry; the better health one has the better his appetite usually is. The Master spoke of the disabled class when he said, "I was sick and ye visited me." He spoke of the other class when he said, "I was hungry and ye gave me to eat; I was naked and ye clothed me," and He had both in mind when He said, "Inasmuch as ye did it unto one of the least of these, ye did it unto me."

Now, I am going to show Senators how many different things the Republicans have done for others, although they have failed utterly to do anything for the soldier. Senators who have spoken against the pending adjusted compensation bill have gone into the Public Treasury and have taken money out in order to protect from insect pests vegetation of various kinds. They have voted to appropriate money to stamp out the foot-and-mouth disease in horses and cattle in the United States. Thousands and hundreds of thousands of dollars have been devoted to that purpose and, indeed, the appropriations have gone into the millions. The same Senators have voted to appropriate money to eradicate cholera among hogs and to keep floods from overflowing crops, to keep fire from trees in our forests, but they refuse to vote a dollar in adjusted compensation to keep the wolf from the door of a needy soldier who offered his life for his country.

It is time, Mr. President, to indulge in some very plain talk. The first duty that we owe is to the soldier who saved the life of this Nation. As the Senators who are opposing this bill spoke I thought of occasions in which I participated during the World War when the soldiers were going off to a foreign land, some of them never to return. We had barbecues at farewell meetings and special tables were prepared; a throng numbering into the thousands were there; everybody stood back—they were compelled to stand back—until the soldiers came up and were served. Men and women delighted to honor the soldier; we were all expressing our pride in him and praising him then. The soldiers were first in our consideration—the hope of the Nation was in them. They went away to battle. We applauded as we saw them go, waving farewell from the deck of the ship moving out to sea; just as far as we could see Old Glory baring her beauty to the breeze we waved and wafted tender messages of good will and farewalls to them. We were thrilled with patriotic ardor and devotion to the brave boy who was going to the battle front to drive back the German Army.

When the soldier got over in France there were some other Americans there; profiteers were in the Old World looking around to see how and where they could make money. Not one of them wanted to get in front of the soldier over there; they all stood back and said, "After you, brave American soldier." The soldier went to the battle front; he was first in our consideration here; and when he arrived he was first on the battle front in France. When he came home, however, what place did he occupy?

Now I will bring up the procession and let Senators view them as they pass. Who was it that first gained admission through the door of a Republican Congress? The big income-tax payer, the man whose fortune was so swollen that he reveled in wealth and luxury; he came and demanded at the hands of Congress that he be excused from paying $90,000,000 that we had required him to pay into the Public Treasury to help win the war and discharge the war debt. A Republican Congress granted his request, and he went his way with $90,000,000.

Who next beat at the door of this Capitol? The excess-profit men, a group of greedy, avaricious profiteers, who took advantage of their Government in the hour of peril and speculated upon its misfortunes, who gouged the Government, took from it money to which they had no right, and enjoyed all sorts of profits for material which they knew the Government would never want, and the Republican Congress handed over to profiteers $450,000,000. That is the second group.

Who now stands at the door of Congress and knocks? Go look at and listen to them. They are certain war-material men; men in some instances who made a million articles when they knew the Government would not want more than 150,000; they are the men who took advantage of their Government and robbed it under the conditions which then prevailed. While the soldiers were camping on the battle fields of France they were camping near the United States Treasury. They went to the purse of the Government and they presented their bill and the Republican Congress paid them over $700,000,000 after the war was over. Then I said three groups have come and gone, and certainly the party in power will now consider the claims of the American soldier, but not so. They were first in our estimation and affections when they left, first on the battle front in France, but last in the consideration of the Republican Party at home. Three groups having come and been paid off and gone their way, I said, "now surely they will permit these boys to have a say and to have their claims adjusted," but they were shoved aside again.

Then I saw the deflationists come; I saw them controlling the money supply of the country; I saw the currency contracted, credits deflated; I saw Liberty bonds which had been bought by millions of people whose money to the extent of $10,000,000,000 went to help the Allies win the war sold for $80 on the $100. The deflationists feasted upon the people. Those who had bought Liberty bonds could not borrow money on them at the banks, and the Wall Street financiers again reveled on the profits which they made at the expense of the people. I saw the speculators and financiers of Wall Street depress the price of cotton in the South and feast upon the people whose boys had gone from that section, and rob those people of $1,250,000,000 on one cotton crop in 1920.

I saw the same men feast upon the grain producers and cattlemen of the West whence came many thousands of brave boys, and I saw them make billions more. When they had finished with that I said, "Surely now the cry of these long-neglected soldier boys will be heard"; but it was not yet to be.

Then I asked, "Who now beats at the door of the Republican Congress?" Again I saw the soldier boys standing there seeking a hearing, and again I saw them shoved aside by Republican leaders to make way for the tariff barons of the country. And now there has been written a tariff bill which will tax the American consumers $3,000,000,000, not a cent of which will go into the Public Treasury but will go into the pockets of the favored manufacturers of the country, the big tariff barons of the United States.

Mr. President, these five groups have been served by the Republican Congress. And at last, way down the list, comes the soldier; and yet Senators on the other side, some of whom represent great wealth, are saying that the soldier ought not now to be considered as we are about to consider him; that if we give him adjusted compensation, if we give him something with which to buy food, clothes, and something with which to provide shelter, it will take the halo from around his head. Well, Mr. President, the Master laid down another standard by which He judged the professions of men. When men came up to Him and said, "I love Thee, Master," He said something about lip service and mere talk, and He put this standard test to them: He said, "If you love me feed my sheep." Some Senators, who claim to honor the soldier, who delighted to see the halo around his head while he served, do not now want even to feed the soldier.

Mr. President, I can not understand the appreciation that some Senators have for the soldier who offered to die for his country. The Senator from South Dakota [Mr. Sterling] told us that the enactment of the pending bill would be setting a bad precedent; that we had never done such a thing before. Let me say to the Senator from South Dakota we never employed the selective draft system before to send soldiers out of this country to fight in a foreign land 3,000 miles away from home. We have no precedent for that. The soldiers went—went without a murmur—and answered that call. They did not say: "Have you authority and precedent for this?" They said, "We will go," and they went; and now, when they come back and present you a little account showing that you owe them $1.25 a day for the time they were over there you do not want to pay it.

Mr. President, $30 a month is what they got for standing out there amid all that hell and horror of battle, and Senators refer to the fact that they got $30 a month. You could not pull some of the Senators who are opposing this adjusted compensation out on that battle front for $1,000,000 a minute. [Laughter in the galleries.] They say: "He got $30 a month." Yes; and what did you do with him as soon as he came home? Industry was paralyzed, business dead, and nothing for him to do. Did you keep him on the pay roll at $30 a month to buy food and clothes long enough to cover the amount he claims is now due him? No; you discharged him in a land ravaged and fed upon by the profiteering vultures of Wall Street. That is what you did to him. You left him to root, hog, or die; and many a one of them has killed himself, and left a note saying that he did it because he was hungry and could not find work to do. God pity such gratitude.

I recall another picture that I have referred to on this floor. When the Kaiser was back of his soldiers and they were driving that mighty destructive war machine toward Paris, and when the British Army was being beaten back and back nearer to the English Channel and the soldiers of France were being beaten back and back nearer to Paris, General Haig said to his men: "There is nothing to do but to die." What happened then? The Kaiser said: "I am going to win this war, and when I do I am going to assess against the United States Government $40,000,000,000 indemnity—$40,000,000,000 against the Government of the United States." And these boys of ours were sent over there just at that time. The French and British soldiers said: "Who is that coming in the distance?" Then an officer at the front said: "They are the American soldiers." "Thank God," they shouted. What happened when they got there? They drove against the German line, beat back the German Army, and saved our liberty and the liberty of the world. I am going to close this speech as I closed one here a few days ago. I voted to call these boys to the colors, and so help me God I will vote now to do simple justice to them.

Mr. WATSON of Georgia. Mr. President, when the Senator from North Dakota was about to withdraw the bonus bill in July a year ago, I was one of those who protested and said that if the soldiers of this country had been as cowardly as were their friends in the Senate the victory would have been with the Germans and not with the Allies.

That is true. There has been a lack of resolution and a lack of courage on the part of those who went before the people, in press and on the hustings, proclaiming themselves to be the friends of the ex-soldier, saying that they wanted Congress to recognize their extraordinary services in some way fitting to the Republic and satisfactory to the soldiers.

For a year the tide of politics has run this way and that, has ebbed and flowed, and now at length we find this issue knocking at the door with such peremptory emphasis as takes no denial. It must be settled; it must be settled here; and it must be settled now, or the party in power will have to answer to the country for their failure to exercise their majority in the way that the soldiers and the people expect.

In an article in the New York Herald yesterday, which I am sure was meant to be friendly and not in any manner to misrepresent my position, I find this notice of the very brief talk which I made against the conversion of the soldier's recompense into a land speculation and other schemes which would pour millions and hundreds of millions of the tax money of the people into the channels of private speculation. Let me read. Quoting me, it says:

> The pending measure merely gives to them a promissory note. The plan of making loans on the certificates will prove a picnic to the strong banks. In this agitation over the land settlement of the option of the bonus bill I can see the specter of the land speculator and the fins of the land shark. I shall vote against this bonus bill.

Mr. President, nothing is more natural than that a reporter in the gallery hearing a speaker from the floor more or less distinctly, should run two subjects together and thereby unintentionally put the speaker in a position which he himself did not take. Here is the official Record, which represents me as having said:

> Another one of these bills proposes a sales tax on every article that can be mentioned, the tax to be repeated every time the article is sold. For no such bill could I vote.

I was referring to a bill providing for a sales tax, the scheme by which the soldier, his kindred and his friends, and the people at large were to be made to pay the bonus, which those who profited by the war should pay.

To show that the official record conforms exactly to what I stated, here are the original notes of the stenographer [exhibiting], showing exactly the same words.

My idea has been that while I favor a soldiers' bonus, and have done so from the first, and have cited from time to time the examples of the great men who had favored the principle of a bonus or recompense or reward to the soldier, I would not, even for a soldiers' bonus, burden the shoulders of the American taxpayer with an additional dollar of taxation for any purpose whatsoever. That has been my position heretofore. That is my position now.

Why do I take that position? Because, as everybody knows, the people are now taxed to the limit of endurance, taxed to the limit of toleration, taxed destructively, taxed until homes and farms are being sold by the hundreds and by the thousands all over this Union, East, West, and South. When a people is taxed to such an extent that the ordinary small farmer is sold out for his taxes, as was done in one county of a State like Georgia, and his family turned into the road, and that is done to the extent of 300 farms during the few months of this year which have already passed, then the man who will deny that our people are taxed to the limit of endurance shuts his eyes to the facts.

My colleagues will remember that when the sales tax proposition of the Senator from Utah [Mr. Smoot] came to a test vote upon the proposition of the eloquent Senator from Alabama [Mr. Heflin], the Senator from Utah himself was one of the half dozen who voted for it.

I was one of those who voted against it, as I said in the Record I would, and I will vote against any measure which adds to the tax burdens of our people, no matter how disguised.

But, as my colleagues will remember, and the Record will show, I heartily supported the proposition of the Senator from North Carolina [Mr. Simmons] to pay this bonus out of the interest due on the debt which foreign nations owe us, and to which, in turn, they owe their own existence. Had it not been for the help of the American dollar, as well as the American rifle, there might not now be a free country in Europe.

It is said here, and taken for granted, that England will pay and France will not, and when it is asked what we will do if France refuses to pay the answer is made, "We can not do anything." Why can we not? The time has been when we had a President who knew what to do to bring France to terms. If we had an Andrew Jackson in the White House, as I hope it may be revealed that we shall have, to meet such a crisis, he would say to France those words which would make her put on her thinking cap and find the wherewith with which to pay interest on her American debt. At this very moment she is maintaining in Palestine a larger army of conquest than the entire military forces of this Republic, and where she is making war upon an ally that gave her treasure and blood to rescue France during the World War, and it must cost France twice as much to maintain a soldier there as it costs us to maintain one here.

We are financing France's wars of conquest. Why not say to her in diplomatic language, "We can not further do that," and let it be understood that unless provisions are made to meet the interest on these past due debts which saved France from destruction, saved her from being trampled into the blood and mud of German conquest, we will seize every French ship within our waters, and if she chooses to make it a cause of war, dare her to the battle. That would bring her to her senses in short order.

Now, Mr. President, it is not altogether easy for a mere tyro like myself in senatorial service to say just how the bill does stand at the present time, but I thought it was due to myself, to my constituents, and perhaps to my colleagues to make my position perfectly clear. I am in favor of the principle of the bonus, and if the measure could be stripped of any feature which imposed additional taxation or transformed it into a private speculative affair, then I should vote for it, just as I said from the first I would do.

Mr. WALSH of Massachusetts. Mr. President, I have here an article written by Hugh K. Martin, adjutant of the American Legion, Department of Ohio, entitled "Adjusted compensation—Will it be wasted?" The article contains a survey made by Mr. Martin of the uses to which the soldiers of Ohio put the money which they received from the State when the State declared a bonus in favor of the soldiers. It is a very interesting article. It shows that the bulk of the money received was devoted to legitimate, useful, and helpful purposes. I ask to have the article inserted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Adjusted Compensation—Will it be Wasted?

(By Hugh K. Martin, adjutant of the American Legion, Department of Ohio.)

Where are those "calamity howlers" now who have used the argument against national adjusted compensation that the money, if given, would be squandered by the ex-service men? Ohio veterans have furnished the answer in their use of State adjusted compensation.

For one motive or another many people have felt that the ex-service men lacked a sense of responsibility on financial matters. Some good folks with philanthropic pocketbooks have viewed the matter from the standpoint of the ex-service men and have feared that the placing of adjusted compensation into empty pockets would corrupt the ex-service men into riotous living. Some with misanthropic pocketbooks have viewed the matter from the standpoint of dollars and cents and have feared that the taking of adjusted compensation for the ex-service men out of the pockets of those who would have it to pay would be a waste of their money for the riotous living of the ex-service men. Others have combined these two motives. Some have been actuated by entirely different motives, but have covered them up by using this "riotous living" argument as a clever bit of sophistry.

They are all wrong, because the ex-service men, if they get their national adjusted compensation, will not squander it. The average ex-service man represents a crosscut of America. He is not a dependent in spirit but is independent. He is not a prodigal but is thrifty. If it were not so, our country would be doomed in the present generation, but America is safe. She is absolutely safe, because the 4,800,000 men and women who were in her service in the World War are absolutely dependable, industrious, and thrifty.

There is, of course, always the exceptional case. How many people attempt to use the exceptional case against the ex-service people as a class! You will find an employer occasionally who will not want to hire an ex-service man because an ex-service man whom he had previously employed turned out to be worthless on that particular job. You will occasionally find people on the street who will condemn the ex-service men as a class because they happened to encounter some ex-service man who was using his uniform to put across some fake proposition.

As frequently as possible some newspapers, in giving an account of some highway robbery, will have in their headlines that the crime was committed by an ex-service man. On one occasion a United States Senator told the writer that he was opposed to national adjusted compensation because from his experience he had observed that ex-service men of all wars needed guardians to take care of what little money came their way. When asked for proof he stated that he knew an ex-service man of a poor family who, upon his discharge from the Army, had used his final pay and his $60 bonus to purchase a second-hand Ford.

What an injustice has been done the ex-service men by such judgments! So many people are so quick to judge the ex-service men by such standards, and yet the same people would not think of judging other groups by the exception. How many times do you see in the headlines of the paper, "Republican arrested for highway robbery," or "Democrat tried for larceny"? How many people, when approached by a man with some fake scheme, find out what particular religious denomination he is a member of and then proceed to condemn every person of the same faith? When a man earns $2 a day at some menial labor and "shoots" his money on pay day in a crap game, how many people will say that all men should receive no wages for their labor?

No. Everyone knows better than that. Yet by some strange process of reasoning some people have singled out the ex-service men as the group of which the exception is the rule.

Fortunately facts and figures are now available which prove that the ex-service men as a class are dependable and thrifty. These figures were accumulated by a recent survey made through the 500 local posts of the American Legion in Ohio. This survey shows the uses to which the Ohio adjusted compensation is being put by Ohio ex-service men upon receipt of their $10 per month of service from the State of Ohio. The survey has been digested and reduced to percentages. Then the percentages have been used to determine the proportion of the original $25,000,000 authorized by Ohio, used by the ex-service men for each particular purpose. The percentages have also been used to determine the proportion of the 243,000 Ohio ex-service men who have used their Ohio adjusted compensation for each particular purpose. The following is the complete digest made on this basis:

Use.	Percentage.	Amount.	Number of ex-service people.
1. To purchase necessaries of life for self or dependents (including food, clothing, fuel, rent, medical service, insurance, etc.)	25.26	$6,315,000	61,382
2. To pay debts	23.65	5,912,500	57,470
3. To contribute to dependent members of family	3.76	940,000	9,137
4. To purchase household furniture and equipment	7.30	1,825,000	17,739
5. To purchase business or agricultural, office, or business equipment or live stock	3.35	837,500	8,141
6. To pay on mortgage	3.88	970,000	9,428
7. To make payment on real estate	6.95	1,737,500	16,889
8. To deposit in bank, building and loan, savings and trust company	15.64	3,910,000	38,005
9. To pay expense of education, including purchase of books	2.67	667,500	6,488
10. To invest in Government bonds or war savings certificates	1.28	320,000	3,110
11. To purchase motor vehicle for business use	.75	187,500	1,822
12. To purchase motor vehicle for pleasure purposes	.27	67,500	656
13. To pay expense of vacation required by poor health	.54	135,000	1,312
14. To pay expense of vacation not required by poor health, including several wedding trips	.15	37,500	364
15. To purchase recreational equipment	.16	40,000	389
16. To pay fee in fraternal order or club	1.32	330,000	3,208
17. To donate to organizations of ex-service people	1.07	267,500	2,600
18. To donate to a welfare organization or to charity	.89	222,500	2,163
19. To invest in private corporation bonds	.26	65,000	632
20. To invest in preferred stock of private corporations	.27	67,500	656
21. To invest in common stock of private corporations for profit	.17	42,500	413
22. To invest in common stock of private corporations not for profit	.15	37,500	364
23. To purchase personal luxuries such as jewelry, etc., not included in above groups	.20	50,000	486
24. To spend for a good time	.06	15,000	146
Total	100	25,000,000	243,000

It will be noted from the above that the purchase of the necessaries of life leads with 25.26 per cent, with the payment of debts as second with 23.65 per cent. Deposits are third with 15.64 per cent. Contrast these with the six-hundredths of 1 per cent spent for a good time and it will be evident how much "riotous living" there has been. By adding the percentages for items Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 19, 20, and 21 it will be seen that 95.73 per cent of the Ohio ex-service men are using their adjusted compensation to meet necessary obligations or to make investments. Or to put it in another way, 95.73 per cent of the $25,000,000 is being used to meet necessary obligations or is being invested. Even then we are discarding the percentage which is being used for the expense of trips under item No. 14, many of which have been honeymoons, and we have also discarded the purchase of recreational equipment, the payment of fees in fraternal orders or clubs, the donations made to organizations of ex-service people which in many instances went to a fund for the building of American Legion homes in the community, and the investments not for profit in the building of fraternal homes which are included under item No. 22. Surely the purposes mentioned in this paragraph are commendable and would not indicate a lack of thrift, although they are not included in arriving at the 95.73 per cent which is being used for investments or to meet necessary obligations.

It is interesting to note that eighty-nine one-hundredths of 1 per cent, or $222,500, is being donated to welfare organizations or to charity. Such donations have come primarily from those ex-service people who drew the Ohio adjusted compensation but who felt that they did not need it. Contrast that with the fifty-three one-hundredths of 1 per cent used to purchase pleasure vehicles, personal luxuries, and to spend for a good time as covered by items Nos. 12, 23, and 24. It will be noted that about twice as much was used to help the other fellow who was in need of assistance as was spent for their own personal gratification in the purchase of pleasure cars, personal luxuries, and a good time. This certainly shows that the ex-service man is not the selfish individual as he has been sometimes pictured. Yet it can not be said that the ex-service men do not need adjusted compensation and would not use it to improve their conditions, because the total of those who gave it to welfare organizations or charity added to the total of those who purchased pleasure cars, personal luxuries, or for a good time makes the insignificant proportion of 1.42 per cent, leaving 98.58 per cent to use it for the other purposes.

The ex-service people of America have earned their national adjusted compensation; they have earned it by their toil and hardships in the service of their country. It is not right that they should be penalized by an economic handicap. The money is due them as an adjustment of their compensation which was inadequate. If the United States Government pays this just obligation every ex-service man will have as much right to do with it as he pleases as any other man has the right to do with his money on pay day. However, these statistics show that the American ex-service man is by nature a normal, thrifty American. Instead of dissipating the money on "riotous living" he will use it to purchase necessaries, to build homes, to make proper investments, and to put into circulation in legitimate trade. This would not only benefit the ex-service men but would benefit the country at large as well.

Mr. TRAMMELL. Mr. President, I know some Senators are anxious to have a vote so they can get away this afternoon on some mission which they have in contemplation. I further know the pending bill will be passed by the Senate by a large majority. Under these circumstances I will speak but briefly.

I feel, as a matter of justice and as a matter of expression of the gratitude of the Nation, that the Congress should enact some legislation giving substantial recognition for the services rendered by our loyal and patriotic soldiers. I have been among those who have since the close of the war stood for an adjusted compensation for our ex-service men. As has been stated in the course of the debate, the Government has pursued a policy since the war of making adjustments with all private interests, war contractors, munitions factories, railroads, and every concern that had business with the Government, saving them secure against all loss, even going to the extent of guaranteeing them profits in some instances. In taking over the railroads during the war the Government not only provided payment of expenses of operation with a reasonable rate of return but selected the three best years within the history of railroad operation and fixed the earning of the railroads at the rate of earnings which had been enjoyed by the railroads for the three years previous.

Following the war, when we came to turn back the railroads to private ownership, so solicitous for the interest of the transportation lines of the country was Congress that there was a guaranteed period of six months in which they were permitted to enjoy the same rate of return upon the stocks of the companies. Not only that, but we enacted a law authorizing them to increase rates and providing that they should have a guaranty of a certain rate of return. The whole policy of the Government in dealing with every interest except that of the soldier has been to make them secure in their finances.

So we find the condition confronting us where adjustment has been made with every interest—capital, contractors, and everyone who served the Government in any way during the war—except the soldier. The soldier alone is to suffer a sacrifice unless Congress sees fit to give him an adjusted compensation.

I think when we have already paid out about $3,000,000,000 in the way of adjusted compensation to those who were 3,000 miles from the zone of danger, that certainly if we are going to be actuated by any spirit of justice, if we are going to manifest a Nation's gratitude—and it should be a grateful Nation—with a proper spirit of gratefulness, we could do no less than try to adjust the compensation of the soldiers who served in the zone of danger, who represented the Nation upon the firing line instead of in the zone of safety, who served with a net income of only $7.50 to $10 per month, after deducting the allowances and charges which were made against their salary.

Believing in justice on the part of the Government, believing in the Nation expressing its gratitude not merely in empty platitudes and praise of the soldier but in a substantial way, I hope the bill will be passed. I had desired to speak more at length, but out of consideration for Senators desiring to vote immediately, and knowing we have the votes necessary to pass the bill, I refrain from speaking further.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. CURTIS demanded the yeas and nays, and they were ordered.

The reading clerk proceeded to call the roll, and Mr. Ashurst responded in the affirmative, Mr. Ball in the negative.

Mr. WATSON of Georgia. Mr. President, a parliamentary inquiry.

Mr. ASHURST. I withdraw my vote, if I may. Several Senators are on their feet.

The PRESIDENT pro tempore. The Senator from Georgia will state the inquiry.

Mr. WATSON of Georgia. Will the Chair be good enough to state the exact status of the bill, and what is before us, whether it is the McCumber bill pure and simple, or whether it is the McCumber bill with amendments; and if so, what amendments, so that Senators may vote intelligently?

The PRESIDENT pro tempore. The Chair is of the opinion that under the rules of the Senate it is quite out of order for the Chair to attempt to analyze the bill or describe its provisions. The Secretary will proceed with the calling of the roll.

Mr. DIAL. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The yeas and nays have been ordered, and the roll call has begun. Two responses have been made and the suggestion of the absence of a quorum is not in order. The Secretary will proceed with the calling of the roll.

The reading clerk proceeded with the roll call.

Mr. BROUSSARD (when his name was called). I have a general pair with the Senator from New Hampshire [Mr. Moses]. I transfer that pair to the Senator from Mississippi [Mr. Harrison] and vote "yea."

Mr. ROBINSON (when Mr. Caraway's name was called). My colleague, the junior Senator from Arkansas [Mr. Caraway] is necessarily absent. If he were present and not paired he would vote "yea."

Mr. BALL (when Mr. du Pont's name was called). My colleague [Mr. du Pont] is necessarily absent. He is paired with the Senator from Oklahoma [Mr. Harreld]. If present, the Senator from Oklahoma would vote "yea" and my colleague would vote "nay."

Mr. LODGE (when Mr. Johnson's name was called). I desire to announce that the Senator from California [Mr. Johnson] is paired with the Senator from Georgia [Mr. Watson]. The Senator from California, if present, would vote "yea."

Mr. WALSH of Massachusetts (when the name of Mr. Jones of New Mexico was called). I desire to announce that the Senator from New Mexico [Mr. Jones] is unavoidably absent. If present and not paired he would vote "yea."

Mr. CURTIS (when Mr. Ladd's name was called). I was requested to announce the unavoidable absence of the Senator from North Dakota [Mr. Ladd]. Were he present and not paired he would vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the junior Senator from Utah [Mr. King], who is out of the Chamber at present. I transfer that pair to the junior Senator from Washington [Mr. Poindexter] who, were he present, would vote "yea." I vote "yea."

Mr. McCORMICK (when Mr. McKinley's name was called). I desire to announce that my colleague [Mr. McKinley], if present, would vote "yea." He is paired with the Senator from Arkansas [Mr. Caraway]. Both Senators are absent at the meeting of the International Parliamentary Union.

Mr. KEYES (when Mr. Moses's name was called). My colleague [Mr. Moses] is necessarily absent. If present and not paired he would vote "nay."

Mr. NEWBERRY (when his name was called). On this question I am paired with the junior Senator from Missouri [Mr. Spencer], who, if present, would vote "yea." If permitted to vote, I would vote "nay."

Mr. REED of Pennsylvania (when Mr. Norbeck's name was called). I was requested to announce the necessary absence of the Senator from South Dakota [Mr. Norbeck]. If present and not paired, that Senator would vote "yea." He is paired on this vote with my colleague [Mr. Pepper].

Mr. CURTIS (when Mr. Norris's name was called). I was requested to announce the necessary absence of the Senator from Nebraska [Mr. Norris], and that if present he would vote "yea."

Mr. SIMMONS (when Mr. Overman's name was called). My colleague, the junior Senator from North Carolina [Mr. Overman], is detained from the Senate on account of illness. He has a general pair with the senior Senator from Wyoming [Mr. Warren]. If my colleague were present and not paired he would vote "yea."

Mr. REED of Pennsylvania (when Mr. Pepper's name was called). I wish to announce the necessary absence of my colleague, the senior Senator from Pennsylvania [Mr. Pepper]. If he were present and not paired, he would vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. Overman]. That Senator if present would vote "yea." I have been unable to obtain a transfer of my pair and therefore withhold my vote. If permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. CALDER. I am paired with the senior Senator from Georgia [Mr. Harris]. I transfer that pair to the junior Senator from Vermont [Mr. Page] and vote "nay."

Mr. CURTIS. I was requested to announce the unavoidable absence of the Senator from Oklahoma [Mr. Harreld]. Were he present and not paired, he would vote "yea."

Mr. SUTHERLAND. I desire to announce the absence of my colleague [Mr. Elkins] on account of illness. If he were present and not paired, he would vote "yea."

Mr. EDGE (after having voted in the negative). May I inquire if the senior Senator from Oklahoma [Mr. Owen] has voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. EDGE. I have a general pair with the senior Senator from Oklahoma. I am informed that if he were present he would vote as I have voted, and therefore I permit my vote to stand.

Mr. WILLIAMS. I wish to announce the necessary absence of my colleague [Mr. Harrison]. He is paired with the Senator from New Hampshire [Mr. Moses]. If both Senators were present, the Senator from New Hampshire would vote "nay" and my colleague would vote "yea."

Mr. WATSON of Georgia (after having voted in the negative). I have a general pair with the Senator from California [Mr. Johnson]. If the Senator from California were present, he would vote "yea." I am unable to obtain a transfer of my pair with that Senator and therefore withdraw my vote. If permitted to vote, I would vote "nay."

Mr. CURTIS. I was requested to announce that the junior Senator from Kentucky [Mr. Ernst] is paired with the senior Senator from Kentucky [Mr. Stanley]. If present, the junior Senator from Kentucky would vote "nay" and the senior Senator from Kentucky would vote "yea."

I was also requested to announce that the Senator from Maine [Mr. Fernald] is paired with the Senator from New Mexico [Mr. Jones]. If present, the Senator from Maine would vote "nay" and the Senator from New Mexico would vote "yea."

Mr. GERRY. I wish to announce that the Senator from Georgia [Mr. Harris] is paired with the Senator from Vermont [Mr. Page]. If present and not paired, the Senator from Georgia would vote "yea."

The result was announced—yeas 47, nays 22, as follows:

YEAS—47.

Ashurst
Brandegee
Broussard
Bursum
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Fletcher
Gerry
Gooding
Hale
Heflin
Hitchcock
Jones, Wash.
Kellogg
Kendrick
La Follette
Lenroot
Lodge
McCormick
McCumber
McKellar
McLean
McNary
Nicholson
Oddie
Pittman
Pomerene
Ransdell
Rawson
Reed, Mo.
Robinson
Sheppard
Shortridge
Simmons
Smith
Stanfield
Sutherland
Townsend
Trammell
Walsh, Mass.
Walsh, Mont.
Watson, Ind.
Willis

NAYS—22.

Ball
Borah
Calder
Dial
Dillingham
Edge
France
Frelinghuysen
Glass
Keyes
Myers
Nelson
New
Phipps
Reed, Pa.
Shields
Smoot
Sterling
Swanson
Underwood
Wadsworth
Williams

NOT VOTING—27.

Caraway
du Pont
Elkins
Ernst
Fernald
Harreld
Harris
Harrison
Johnson
Jones, N. Mex.
King
Ladd
McKinley
Moses
Newberry
Norbeck
Norris
Overman
Owen
Page
Pepper
Poindexter
Spencer
Stanley
Warren
Watson, Ga.
Weller

So the bill was passed.

Mr. McCUMBER. Mr. President, I move that the Senate insist upon its amendments, ask for a conference with the House on the bill and amendments, and that the conferees be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCumber, Mr. Smoot, Mr. McLean, Mr. Simmons, and Mr. Gerry conferees on the part of the Senate.

Mr. McCUMBER subsequently said:

I have just been informed by the junior Senator from Rhode Island [Mr. Gerry] that he will be necessarily absent for some days, and I will therefore ask the Chair to substitute for the name of the Senator from Rhode Island the name of the junior Senator from Massachusetts [Mr. Walsh] as one of the conferees on the part of the Senate.

The PRESIDENT pro tempore. Without objection, that order will be made.

Mr. SIMMONS. I wish to say that that is entirely satisfactory to the minority members of the committee.

UNITED STATES COAL COMMISSION.

Mr. BORAH. Mr. President, I move that the Senate proceed to the consideration of House bill 12377.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Idaho that the Senate proceed to the consideration of House bill 12377.

Mr. BRANDEGEE. Mr. President, the numerals used by the Senator from Idaho convey no information to me in regard to the subject matter of the bill for which he asks consideration. May I ask the Secretary to state the title of the bill?

The PRESIDENT pro tempore. The Secretary will read the bill by title.

The Assistant Secretary. A bill (H. R. 12377) to establish a commission to be known as the United States coal commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Idaho [Mr. Borah] that the Senate proceed to the consideration of the bill the title of which has just been reported.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

NATIONAL FORESTS IN THE STATE OF WASHINGTON.

Mr. WALSH of Montana. I ask permission at this time to report from the Committee on Public Lands and Surveys favorably, with amendments, the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes, and I submit a report (No. 900) thereon.

The PRESIDENT pro tempore. Is there objection to receiving the report? The Chair hears none, and the report is received.

Mr. JONES of Washington. Mr. President, that is a local bill, but it is rather important to the State of Washington. It permits the exchange, in the discretion of the Secretary of Agriculture, of certain lands that are definitely described in the bill. If the bill provokes any discussion at all, I shall not ask that it be considered, but otherwise I ask for its present consideration.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent for the present consideration of the bill just reported by the Senator from Montana. Is there objection?

Mr. UNDERWOOD. I understand that this is purely a local bill in reference to the exchange of certain lands in the State of Washington?

Mr. JONES of Washington. It involves a local matter in the State of Washington. It provides for the exchange of some lands outside of the reserve and proposes to put other lands in the reserve, in the discretion of the Secretary of Agriculture.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. LENROOT. I have no objection to the bill itself, but the proposed coal legislation is so important that I do not think it fair to permit the consideration of one local bill and then object to the consideration of other similar requests which may be made. Therefore, for the present, I shall object.

The PRESIDENT pro tempore. Objection is made.

REGULATION OF ELECTION EXPENDITURES.

Mr. BORAH obtained the floor.

Mr. POMERENE and Mr. BRANDEGEE addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I will yield for a question.

Mr. POMERENE. I was going to ask the indulgence of the Senator from Idaho to the extent of permitting me to call up the bill (S. 3603) to regulate expenditures in connection with the nomination and election of Senators and Members of the House of Representatives, and for other purposes. This is a measure about which I spoke to the Senator from Idaho the other day. I do not believe it will require a very long time to dispose of it, and I think the Senator from Idaho agrees with me that we ought to have some legislation upon the subject. In order that Senators may be advised, I wish to say that, as will be remembered, the Supreme Court held the provisions of the corrupt practices act so far as they applied to the primaries unconstitutional. The Attorney General later, some time perhaps in April, gave out an opinion to the effect that the law in so far as it applied to general elections would have no effect, because it was passed prior to the date of the amendment of the Constitution which authorized and required the election of Senators by popular vote. If he is correct in that view, then we have no Federal statute upon the subject.

After a number of conferences the subcommittee decided to eliminate everything from the bill except that part which applied to the general election of Senators, and the provisions of the bill now on the calendar in so far as they relate to the election of Senators are identically the same as those contained in the law now on the statute book. I feel that we would subject ourselves to criticism if there were not some legislation enacted at this time, just before the beginning of the campaign, and I hope the Senator from Idaho will see his way clear to yield for the consideration of this bill.

Mr. BORAH. Mr. President, there has been an objection made to the consideration of any other measure while the coal bill is pending. If I knew that the bill referred to by the Senator from Ohio could pass without debate, I would of course make no objection to it; but I do not presume it can.

Mr. POMERENE. Mr. President, one member of the committee has suggested that he is going to offer an amendment. I do not think it is a matter that will require very much discussion; but of course I can give the Senator no assurance on that subject.

Mr. BORAH. Mr. President, I should like to go ahead for a time with the coal bill. I do not know of any reason why we should be very long with its consideration. Perhaps I can get it out of the Senator's way before the afternoon closes.

Mr. EDGE. Mr. President, if I may interrupt the Senator from Idaho, the Senator referred to by the Senator from Ohio is myself. I have offered an amendment to the pending bill to regulate elections. That amendment I propose to discuss when the bill is brought before the Senate.

Mr. BORAH. Then I will not yield at this time.

UNITED STATES COAL COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12377) to establish a commission to be known as the United States coal commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

Mr. REED of Missouri. I offer an amendment to the pending bill, which I ask to have printed and lie on the table and also incorporated in the Record. It need not be read at this time unless so desired.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

> Amend the amendment reported by the Senator from Idaho [Mr. Borah] by inserting, after line 3, on page 12, the following:
>
> "Sec. 2. All persons, firms, and corporations engaged in taking coal deposits from the ground or recovering coal from culm banks, slack piles, or other sources for shipment in interstate or foreign commerce shall be known as producers.
>
> "All persons, firms, and corporations engaged in buying and selling in interstate or foreign commerce coal in carload or greater-than-carload lots shall be known as wholesalers.
>
> "All producers shall on the 1st and 15th days of each calendar month transmit by mail to the Department of Commerce of the United States a sworn statement showing the following facts:
>
> "First. The amount of coal by them produced for the 15 days preceding the issuance of said statement.
>
> "Second. The price per ton for the various grades received by them at the mine.
>
> "Third. The amount of such coal shipped direct to retail distributors and the amount to the wholesale dealers and the amount sold directly to consumers together with the prices in each instance received.
>
> "Fourth. The percentage the production bears to the capacity production of the mine as rated by the carriers serving the mine.
>
> "Fifth. The causes for failure to operate the mine at full production capacity and the percentage of reduction due to each of the several causes assigned.
>
> "The wholesalers of coal shall on the 1st and 15th days of each calendar month transmit by mail to the Department of Commerce of the United States a sworn statement showing the following facts:
>
> "First. The amount of coal by them purchased and the prices paid for the various grades; the amount of coal by them sold to retailers and the prices received for the various grades; the amount of coal by them sold directly to consumers and the prices received for the various grades.
>
> "Second. The statement shall disclose whether the coal so shipped in interstate or foreign commerce was contract coal or spot coal, and, if contract coal, the date the contract was entered into.
>
> "The Secretary of Commerce is authorized to require such statements to be made upon forms designated by him, and he may require such additional information as may be necessary to carry out fully the purposes of this section.
>
> "The Secretary of Commerce shall give publicity to the facts disclosed by such statements in such form as will most adequately advise the public of the prices paid at the mine and the prices charged by the wholesalers. He shall furnish to any consumer upon request a copy of said statements or of any part thereof.
>
> "Failure or refusal by any producer or wholesaler to prepare and transmit a true statement as herein required shall be unlawful. And such failure or refusal as the same applies to each semimonthly statement above described, shall be deemed a separate offense, and the person, firm, or corporation so failing or refusing shall forfeit to the United States the sum of $500 for each offense, to be recovered in civil action brought by the United States."

Mr. FRELINGHUYSEN. Mr. President, I desire to take a few moments of the Senate's time to discuss the pending bill.

The coal commission bill under consideration, introduced by the Senator from Iowa [Mr. Cummins], rouses in me a peculiar and vital interest. I am heartily in favor of this measure; but I can not allow this occasion to pass without referring to some other proposals which have been before this body in the last three years.

It may not be inappropriate at this time to remind the Senate that since 1919 legislation has been before this body designed to prevent the occurrence of the deplorable situation which now confronts the Nation, and against which eleventh-hour relief is now sought.

In the summer following the armistice my attention was drawn to an impending shortage of coal, with consequent exorbitant prices to the consumer. A subcommittee was appointed by the Interstate Commerce Committee to report upon the situation. After hearings, at which every interest among employers, mine workers, and the consuming public was allowed to present its case, the committee drafted two measures designed to stabilize the industry and to overcome the intermittent operation of the mines. I was not then in favor of regulation. I am not now in favor of regulation, except during the present emergency.

The two measures I proposed at that time contained no hint of regulation. The first was to create the office of coal commissioner, whose duty it should be to ascertain and to publish currently the facts about the industry. The second provided for seasonal freight rates on coal, designed to speed up the movement of coal during the slack summer months, and thereby to steady employment, relieve the burden on the railroads during the winter, and protect the consumer by encouraging storage against emergencies.

The Sixty-sixth Congress expired before action could be taken on these bills; but at the opening of the next Congress I again raised the subject before the Interstate Commerce Committee. The original bills were reconsidered, and certain changes made to meet the criticisms which an exhaustive hearing had developed. In the form reported to the Senate the bills provided for:

1. Seasonal freight rates on coal; and
2. A permanent fact-finding agency, under the direction of the Secretary of Commerce.

Neither of these measures involved the slightest hint of regulation. The fact finding bill was designed solely to ascertain and to publish for all the world to see the very facts about wages, employment, living costs, supply, demand, and prices that are covered at this belated hour by the bill before us.

Had these bills been passed at the time they were presented, I am convinced that the present crisis in the coal industry could have been averted. The application of the seasonal rates plan in the summer of 1921 would have mitigated the long siege of unemployment which left the miners in many districts with only starvation earnings in spite of the high union wage scale. More important, the passage of the fact finding bill would have provided a basis of fact upon which the merits of the controversy could have been settled by peaceful negotiations, instead of the welter of baseless claims and counterclaims that have been thrust upon the public.

I may be pardoned, Mr. President, for quoting from a speech I made before the Senate at that time. I then said (December 22, 1921, Congressional Record, p. 688):

> Mr. President, the present wage contracts in the union fields expire on March 31, 1922. On that day the wages to be paid over half a million men come up for settlement. It is clear that we are approaching a big labor readjustment, an adjustment fraught with possibilities of prolonged industrial upheaval. Yet we are doing practically nothing to forestall a break. We have not taken one step to alleviate the condition of the miners. Instead, we have let the situation drift until the mine workers have endured the longest siege of unemployment since the panic of 1893. * * *
>
> England liquidated her war-time miners' wage scale only after a three months' strike which paralyzed all her industries and dealt her export trade a staggering blow. Our liquidation remains ahead of us. I am not predicting a strike. I hope and trust that some honorable settlement may be worked out which will safeguard the interests of the workers, the operators, and the public. But I submit that with no real information about the issues at stake—about wages, about cost, about profits, about prices, about supply and demand—we, the public, are in the worst possible state to meet the issue. We are in the dark. No, more than that, we are being led around in a game of blindman's buff by some merry gentlemen who have picked our pockets before, but who now, through their Washington lobby, ask us to trust ourselves to them.

Those words, spoken last December, four months before the strike broke, are as true to-day as they were then. We are still facing a big labor readjustment. We have settled none of the issues raised by the last strike. We are drifting to-day, as we were drifting then. The legislation before us now is imperatively needed to meet the existing emergency, and to prepare for another crisis next spring.

The opposition to the very simple and practical legislation proposed more than a year ago came from a lobby of the coal interests. It was the lobby that has opposed all legislation in the House or Senate, the same lobby that will probably oppose these bills now. The organs of the producers and of the wholesale and retail trade attacked the proposals with a flood of propaganda. Senators will recall the daily bombardment from the American Wholesale Coal Association, the National Coal Association, the National Retail Coal Merchants' Association, and the Association of Anthracite Operators. These agencies had a consistent record for blocking all attempts of the Government to publish the facts about their industry. Their first move was the injunction against the Federal Trade Commission in the Maynard Coal case. By that injunction, the merits of which have never yet been passed on by the Supreme Court, the Government was prevented from ascertaining the cost of producing coal. By that injunction the coal lobby effectively tied the Government's hands and poked out its eyes.

The same lobby then came forward to defeat the bills proposed by the Interstate Commerce Committee in 1921. In defense of them, I said that they were intended to throw the light of publicity on a darkened industry, an industry that did not know itself, and could not keep its own house in order. I asked, not for regulation, but for light; but the coal lobby objected to the light. They wanted the people to continue to walk in darkness.

The coal industry drifted from a long siege of unemployment into a period of jockeying for position in a wage controversy and from that drifted into the strike. Concerning the issues in that strike, concerning the ability of the country to meet it, the Nation was in darkness. When the Senate asked the Secretary of Commerce last June for so simple a fact as the quantity of coal then in storage, he could answer only with a vague estimate. The administration has indeed handled the situation with great patience and forbearance, and the Secretary of Commerce has been ingenious and untiring in devising means to distribute coal with the slender powers the Government had at hand. But throughout all of these anxious months we have been walking in darkness. We do not to-day know the facts about nonunion wages and earnings. We are distributing coal, but we do not know what are the stocks of consumers, how low the reserve has fallen. We face privation for lack of anthracite, and the latest published information on the stocks of anthracite in the storage yards of the producers is dated November, 1921, nearly 10 months ago. To fix fair prices we have had to rely on the report of the Garfield engineers, made in 1918, for since then there have been no comprehensive studies of the cost of production except those obtained and issued by the operators themselves.

I have dwelt upon this history, not with any desire to say "I told you so," but to show that the coal lobby will fight these bills just as it has fought all the others. They will seek to emasculate what they can not openly defeat, and to postpone what they can not vote down.

The fact finding bill they dare not publicly oppose. The demand for an investigation will not be denied. It is imperative, to prevent a repetition of the strike next spring, that the Nation have the facts and all the facts. I shall support the bill, but it is not enough to do the job once. The information must be available currently and promptly. We must have a permanent agency responsible to a Cabinet officer whose findings shall be available not only in times of crises but at all times. I expect to see the commission give first place among its findings to a recommendation for such a continuing centralized compulsory fact-finding agency.

There is one feature of the coal commission bill (Senate bill No. 3865, introduced by the Senator from Idaho) which I think needs strengthening. The appropriation of $100,000 is entirely too small to insure that the facts demanded by the bill can be unearthed. The balance remaining after the salaries of the five commissioners have been paid is too small to cover the proposed investigation of cost profits, standards of living, and wages and earnings in so vast an industry as coal. The sum mentioned in the House bill—$300,000—is the minimum on which a worth-while investigation can be made. A safer figure would be $500,000. Nothing will so surely defeat the purpose of the administration as to cut the appropriation to the limit proposed. Nothing else would so play into the hands of the coal lobby.

Mr. BORAH. That is a proposition which can be taken care of at any time if the commission should be short of funds. One of the easiest things in the world to do is to grant more funds.

Mr. FRELINGHUYSEN. Mr. President, I agree with the Senator; but I do not believe that this commission should be hampered. I am so anxious that all the facts should be ascertained in regard to this great question that I do not want the appropriation to be limited or their efforts to be limited.

I am informed the coal interests will directly oppose the administration's plan to distribute coal this winter. Their answer is that the "crisis is over and can never happen again." Mr. President, that answer has a strangely familiar sound. It is the same one made by the lobby before the Select Committee on Reconstruction and the Committee on Manufactures. It is the same one made before the Committee on Interstate Commerce last year, and it has been repeated on the floor of the Senate.

The gentlemen who are giving this advice are the same advisers who guaranteed last spring that the nonunion mines would produce 6,000,000 tons a week. As a matter of fact, after the strike had lasted 19 weeks the report of the Geological Survey showed that they were producing 4,500,000 tons a week. They are the same gentlemen who last May predicted, through the vice president of their national association, that the "coal strike would be smashed flat by July 1." They are the same gentlemen who promised us that if only given police protection the striking miners would go back to work. That promise also was vain. After a month's trial it was clear that the plan of mining under police protection was a failure. Why, Mr. President, the terms finally signed under the Cleveland agreement are an absolute reversal of all these boasts and promises. If final proof were needed that the coal operators can not deliver under their promises, it is the news in this morning's papers that the Pittsburgh Coal Co., which swore it would never again consent to the check off, has now signed the Cleveland agreement, check off and all.

Mr. President, the crisis is not over, notwithstanding the statements of the operators. True, the majority of the bituminous mines are now ready to produce, but the statistics of the Geological Survey show that the output is 30,000,000 tons behind even the year of depression, 1921. And it is 150,000,000 tons behind a normal year. To make up that handicap is a difficult task under the best of circumstances, but under the present condition of the railroads it is difficult indeed. I am informed that present weekly requirements for consumption of bituminous coal are 8,500,000 tons. Normal requirements of anthracite at this season are 1,500,000 tons. In addition, the urgent needs of the Northwest require a million tons weekly for shipment up the Lakes. Further, the production of anthracite is so far delayed that should the anthracite mines resume to-morrow it will be necessary to produce an extra million tons of bituminous coal weekly to meet the deficit in household fuel. But even that is not enough. Our industries, our public utilities, our railroads have such scanty stocks of coal as will never suffice to pass through the winter season. They require another million tons weekly to build up a reserve against the severities of winter. All told, Mr. President, we require from twelve to thirteen million tons of coal a week, and that is more than our railroads can be expected to handle in their present condition.

Mr. KELLOGG. That is probably more than they could handle if they were at normal peak conditions, is it not?

Mr. FRELINGHUYSEN. Undoubtedly.

Not until the roads have proved that they can transport an average of 12,000,000 tons of coal weekly, including anthracite, and keep it up for months at a time will the need of a control of distribution be past.

The Senate is proposing seizing the anthracite mines. I think the President should be authorized to seize them, but even such drastic action will not prevent a shortage of domestic fuel in the anthracite-consuming territory.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER (Mr. Oddie in the chair). Does the Senator from New Jersey yield to the Senator from Missouri?

Mr. FRELINGHUYSEN. I yield.

Mr. REED of Missouri. If the railroads are unable to haul the coal, what value would there be in seizing the mines? That would not give us any more cars.

Mr. FRELINGHUYSEN. The value in seizing the mines would be that the mines would then be under Government authority and control, and the coal could be properly distributed and allocated for the prior needs of public utilities and household. The distribution at the present time is in control of the operators.

Mr. REED of Missouri. But I am speaking about the proposition of the cars. It would not increase railroad facilities any.

Mr. FRELINGHUYSEN. I do not think the seizure of the mines would increase the railroad facilities. I think that is a problem that is very important.

Mr. REED of Missouri. It is quite a different one.

Mr. STERLING. Mr. President, the Senator speaks about seizing the mines. Does the Senator contemplate any seizure other than for purposes of the emergency?

Mr. FRELINGHUYSEN. Only for relief in the temporary emergency. I am opposed entirely to nationalization and Government ownership. But we are facing an emergency; the people may starve and freeze, and I think it is the duty of the

Government to care for the people first. The coal year is nearly half gone and the production of anthracite is from thirty to forty million tons behind.

That deficit can never be made up by the anthracite mines because it requires steady operation of those mines the year round to meet the normal demands. There is no escaping the fact, Mr. President, that millions of American families in the New England, Middle Atlantic, and Northwestern States will have to burn run-of-mine bituminous coal this winter.

Mr. SUTHERLAND. Mr. President, is the Senator from New Jersey of the opinion that the Government can handle the intricacies of coal mining better than those who have been in the business for a lifetime?

Mr. TOWNSEND. I think that question ought to be changed. Could the Government do any worse than is being done now?

Mr. FRELINGHUYSEN. That is the answer I intended to make. They are not producing coal, and an emergency is facing us, and I know that something must be done to meet the emergency when the operators fail.

Mr. SUTHERLAND. Some of the States have been producing a great deal of coal, among them my own, during this emergency, and my State is now producing a great deal of coal; and, the Senator from Michigan to the contrary notwithstanding, it is being done efficiently. They are constantly producing coal, and it is being done much more efficiently than the Government could produce coal. I ask the Senator from New Jersey whether he actually thinks that the Government could do this work more efficiently than private enterprise?

Mr. FRELINGHUYSEN. I do not think the operators, unless they allow the Government to know the facts, unless the operators work in conjunction with the Government, can produce coal sufficient for the country's needs. Twelve months ago it was said that there would never be a shortage of coal, that there would be an ample supply, and all over the eastern country to-day the bins are empty. The operators' predictions have never been verified by the facts.

Mr. SUTHERLAND. I want to ask the Senator another question. Was it not stated, rather, that there would not be a shortage of coal provided the transportation problem were met properly?

Mr. FRELINGHUYSEN. Mr. President, last summer there were a hundred thousand idle cars, and the Senator from West Virginia himself opposed the bills I brought up in the Senate providing for seasonal freight rates to induce the purchase of coal in the summertime, to induce the buying of coal.

Mr. SUTHERLAND. The low prices which prevailed during the past spring did not induce the purchase of coal.

Mr. FRELINGHUYSEN. No; because the high freight rates prevented it.

Mr. SUTHERLAND. The freight rates are high upon all classes of commodities, and the matter suggested by the Senator as to the regional seasonal rate of freight would not have affected the matter at all. The prices of coal went down at the mines to $1.50 or less per ton, and yet those who are now clamoring for coal would not buy coal. You can not compel people to buy something when they do not want it.

Mr. FRELINGHUYSEN. Mr. President, that is perfectly true——

Mr. SUTHERLAND. And the Government can not.

Mr. FRELINGHUYSEN. The freight rates were so high that the people were waiting for a reduction in freight rates before buying their coal, and I proposed a reduction of 75 cents a ton in the freight rates in order to stimulate the purchasing of coal. I know of one concern in the West that was ready immediately to order 15,000 tons of coal if they could get a reduction in freight rates, and there were others throughout the country. It is the opinion of those who have studied this question that that would have stimulated the buying of coal, it would have stimulated the storage of coal, and, in a large measure, would have prevented the shortage of coal stocks which exists at the present time.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Idaho?

Mr. FRELINGHUYSEN. I yield.

Mr. BORAH. I have a couple of letters here which throw some light upon this proposition which I would like to read. One is dated July 18, 1922, a letter addressed to the Kanawha Valley Coal Co., Charleston, W. Va., and reads:

> GENTLEMEN: We have your telegram of July 17 offering mine run on the basis of $6.50, mines.
>
> The only comment we have to make is that it is profiteering like this that will be responsible, if anything ever does do it, for the Government taking over the coal mines. There is no real reason why coal should sell at $6.50 to-day, when it was selling for somewhere about one-third that price a few months ago. I had thought that the country had had enough of Government ownership during the operation of the railroads; I was sure that I had had. But if coal mining is a wildcat industry in the hands of people whose only object is to get all they can, or if there are enough of this class in the business so that the real business men can not control it, the sooner the Government takes it over the better. Thank God we have coal enough to last us some months yet.

That was signed by the secretary of one of the great educational institutions of the country. To that this response was made, addressed to the secretary of this institution, as follows:

> KANAWHA VALLEY COAL CO.,
> *Charleston, W. V., August 9, 1922.*
>
> DEAR SIR: Referring further to your letter of July 18 in connection with our telegram of the 17th.
>
> We note with interest your comments on the coal situation. Possibly you do not understand the game. Folks usually "make hay while the sun shines."
>
> When again in the market, we shall be glad to hear from you.
>
> Yours very truly,
>
> KANAWHA VALLEY COAL CO.,
> By O. J. COX, *President.*
>
> Coal is cash.

Mr. SUTHERLAND. Mr. President, when Mr. Hoover, in cooperation with the operators of the country generally, fixed a price of $3.50, as I recall, the Senator from Idaho made the point that that was an exorbitant price.

Mr. BORAH. That was exorbitant and this is outrageous and unconscionable.

Mr. FRELINGHUYSEN. Why is it that they have broken that gentlemen's agreement and to-day refuse to furnish coal at this price? Because they want to take advantage of a scarcity in the market and mulct the public; that is the reason.

Mr. SUTHERLAND. I will say to the Senator that one of the reasons is that many of the coal operators have actually been losing money, and they, like other men, desire to get on the right side of the ledger some time.

Mr. FRELINGHUYSEN. Losing money at $3.50 a ton, when they claimed to be making money at $2.10?

Mr. SUTHERLAND. Some of these mines have been idle for months at a time, even when they were supposedly running. They could not get cars to ship their product; but the overhead expense goes on. A great deal of the criticism from this Chamber and elsewhere in the country arises from a misunderstanding in regard to the fundamental questions affecting this industry.

I know that the Senator from New Jersey and other Senators have no desire to be unfair to the coal operators or to any other industry, but it is a fact that the men who operate the mines are subjected to heavy drains upon their resources. There is no guaranty made to them that when prices are low they shall be protected from loss, and yet when they have an opportunity to get sufficient to pay back some of their losses there is at once a cry on the part of those who are purchasing the coal that the price should be regulated.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. FRELINGHUYSEN. I yield.

Mr. LENROOT. I should like to ask the Senator from West Virginia whether he believes that the coal operators should make the public pay this fall all the loss occasioned to them by the strike?

Mr. FRELINGHUYSEN. Will the Senator answer the question?

Mr. SUTHERLAND. I think the coal operators are entitled to a fair return upon their investment——

Mr. LENROOT. From when?

Mr. SUTHERLAND. And the industry must bear its losses, but they should be permitted to get a fair price for their coal and they must at some time—I will not say within what limit of time—be allowed to recoup themselves for the losses they have sustained.

Mr. LENROOT. Losses occasioned by the strike?

Mr. SUTHERLAND. That opens up a very wide question as to who is responsible for the strike and whether that loss is a fair charge upon the industry or not. It opens up a great question. Those who have their money in the business and suffer serious losses either have to get it back or go broke and that is all there is to it. If the Senator from Wisconsin were in that business he would feel that he ought to be permitted to get back those losses.

Mr. LENROOT. If the operators are to be permitted to make the public pay all the losses of the strike, there is no incentive whatever upon the operators to keep continuous production, but they can to the fullest extent attempt to break all the labor unions; and if they fail or if they succeed, under the Senator's idea the public would pay the bill.

Mr. EDGE. Mr. President——

Mr. FRELINGHUYSEN. I yield to my colleague, but I do not want to lose the floor.

Mr. EDGE. If the situation is so misunderstood as the Senator from West Virginia would imply, and the coal operators are in such dire circumstances, then why the Senator's opposition to a fact-finding commission? It seems to me it would be the very best thing that could happen to have such a commission.

Mr. SUTHERLAND. I will say for the Senator's information that I am making no opposition to a fact-finding commission. I am perfectly willing to have the bill passed and I expect to vote for it. Nor do I know of a single coal operator anywhere who is opposed to it. I think there are a great many things in the bill that are pure bunk, so far as any definite results are concerned that may be obtained later on, but I am willing to have it tried out.

Mr. FRELINGHUYSEN. Then the Senator from West Virginia has changed his mind, because 13 months ago he opposed a similar bill which I introduced providing for the ascertainment by the Secretary of Commerce of these very facts, which would have assisted greatly in settling the strike and in continuing the production of coal had it been enacted into law at that time.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. FRELINGHUYSEN. I yield.

Mr. KELLOGG. In reply to the Senator from West Virginia, it is true that Mr. Hoover testified that he got a voluntary agreement out of the coal operators in the so-called nonunion field of a price varying from $2.50 to $3.50 a ton; but at the same time he testified that there were fully 30 per cent of the operators in those districts who did not agree to it and never would agree to it, and have been selling coal at from $10 to $12 or $15 a ton.

Mr. FRELINGHUYSEN. Mr. President, it remains to be seen whether the roads can transport that added burden. To produce the 20,000,000 tons of bituminous which must be substituted, move it to the point of consumption, distribute it to the householders, and teach them how to use a fuel they have never tried before in furnaces designed for an entirely different coal will tax the resources of the Government to the utmost.

The people of the South and the far West do not know what we are facing in the Northeast and in the lake dock States. The South and the far West do not know there has been a coal strike.

Mr. DIAL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from South Carolina?

Mr. FRELINGHUYSEN. I yield.

Mr. DIAL. The Senator is quite wrong about the South not knowing about the coal-strike situation. Just a day or two ago I received a telegram from the president of the largest mill under one roof in the world, down in my State, which was compelled to shut down for lack of coal and 4,000 people were thrown out of employment. Other mills have shut down in the last day or two. We can not get coal even for our cottonseed-oil mills. They have a tremendous complaint against the Government for interfering and taking our coal off to other sections of the country.

Mr. FRELINGHUYSEN. Then this catastrophe has been more widespread than I thought, but in the South the climate is mild and they do not need as much coal. Their mines have been at work. But to the people of Minnesota, Wisconsin, and the Dakotas this winter may be one of tragic suffering. According to the Geological Survey the movement of bituminous coal up the Lakes is already 5,500,000 tons behind the year 1920, when a drastic priority order had to be invoked to help them.

No anthracite at all has gone up the Lakes. Stocks of soft coal on the Lake Superior docks to-day are only 300,000 tons, against 5,500,000 a year ago.

The representative of the Northwest governors now in this city appealing for relief is simply speaking the truth when he says that unless something is done to get them coal conditions in the Northwest this winter will resemble Soviet Russia.

Neither do the people of the South and far West have any conception of what a shortage of anthracite means in our large cities of the Atlantic seaboard. After the great anthracite strike of 1902 we had acute inconvenience and even suffering. The price of substitutes rose to unjust and oppressive levels. Connellsville coke sold for a time at $10 and $15 per ton f. o. b. ovens, equivalent to $20 or $30 nowadays. Individual consumers in New York City paid $32 per ton for anthracite.

But the shortage created by the present strike is more acute than it was in 1902, for then the mines could supply the year's demand by working 200 days. Now they have to work 270 days. The production in 1902 was only 40 per cent below the normal for those times. The shortage this year will be 50 per cent below normal. Moreover, at that time there was no strike in the bituminous mines and soft coal and coke were available in abundance. To-day we are short 40,000,000 tons of bituminous alone.

In 1902 the railroads were in good condition, yet they had trouble in handling the extra tonnage of bituminous coal. To-day our railroads are in deplorable condition and getting worse every day.

The people of New England, New York, and New Jersey are the ones who will suffer the most from the shortage of anthracite. If they thought the high prices charged them were just and fair, they might accept the situation cheerfully. But the people of these States have a suspicion that the prices are not just and fair. They are not satisfied with the operators' explanation that the only way to bring down the price of anthracite is to cut wages. They believe there is room for a cut in the profits of the anthracite combination.

A year ago, in a speech before the Senate, I quoted some of the extraordinary dividends paid by the anthracite companies. The statements I then made have never been denied. I am going to repeat them now (December 22, 1921, CONGRESSIONAL RECORD, p. 689):

> We do know that the Philadelphia & Reading Coal & Iron Co. made profits of $6,672,000 in 1920 against $2,464,000 in 1916, an increase of 170 per cent. We know that the Lehigh & Wilkes-Barre Coal Co., having for the last 10 years or more paid 13 per cent regularly, on March 5, 1921, paid a cash dividend of 150 per cent. We know that not long after the same company paid another cash dividend of $35 on its stock of $50, or 70 per cent. In other words, this company in one year has paid 220 per cent. We know that the Lehigh Valley Coal Sales Co. paid 10 per cent each year from 1913 to 1916. In addition, it (the Lehigh Valley Coal Sales Co.) issued a stock allotment of 25 per cent in 1914. In 1917 it paid a dividend of 13 per cent and issued a stock allotment of 30 per cent. In 1916 it paid 16 per cent and an extra dividend of 10 per cent in Liberty bonds. In 1919 it paid 16 per cent and an extra dividend of 5 per cent in Liberty bonds. In 1920 it paid 16 per cent.
>
> The Delaware, Lackawanna & Western Coal Co. paid 10 per cent annually from its inauguration in 1909 until 1912. In 1913 it paid 30 per cent, and in 1914, 20 per cent. In 1915 it paid 60 per cent. In 1916 it paid 20 per cent. In 1917 it paid 100 per cent, 60 per cent in cash and 40 per cent in Liberty bonds and notes of Great Britain. In 1918 it paid 40 per cent, the 30 per cent extra being in Liberty bonds. In 1919 it paid 10 per cent and in 1920 10 per cent cash and a stock dividend of 75 per cent.
>
> Now, these fabulous dividends paid by the Delaware, Lackawanna & Western Coal Co. represented profits on only one branch of the business, the selling of the coal. During the same years the Delaware, Lackawanna & Western Railroad Co. was making another enormous profit out of the mining and transportation of the coal. These figures are taken from Poor's Manual of Railroads for 1921, page 426. Now, listen: This anthracite carrier paid 20 per cent in 1908. In 1909 it paid 85 per cent. In 1910 it paid 20 per cent. In 1911 it paid 55 per cent. From 1912 to 1916 it paid each year 20 per cent. In 1917 it paid 22½ per cent. In 1918 it paid 20 per cent, and the same in 1919 and 1920. In 1921 it has already paid 15 per cent, and on August 20, 1921, the shareholders received a stock dividend of 100 per cent.

Considering these dividends, we need not be alarmed as to the ability of the anthracite producers and carriers to look out for themselves. For five months we have waited for them to compose their differences with their men. We have been patient to the point where the public health is in danger. It is time now to think of the needs of the people who use the coal, the people who will be lucky if they get half their usual supply at twice the usual price. If keeping people from freezing means taking the mines, then take the mines. If it means seizing and operating railroads, then we will have to take the railroads.

The very least we can do is to set up machinery to distribute the coal produced and to restrain profiteering. Under the circumstances, with distress and suffering in the Northwest and the Northeast almost a certainty, not to make such provision is criminal negligence.

We have before us workable plans for producing coal, for controlling the movement of coal, and preventing a runaway market. If the coal lobby succeeds in defeating these bills, as it has all others presented since the armistice, the suffering of the people next winter will raise a cry for regulation so strong as to shake their industry to the foundations and to bring about permanent supervision by the Federal Government.

Mr. WILLIS. Mr. President, I do not desire to make a reply to what the Senator from New Jersey has said, because I am for his bill. I think that I can not with propriety remain silent in my place, however, in view of the statement that he last made, or, at any rate, the implication contained therein. We produce some coal in the State of Ohio, and, so far as I know, there is not any coal lobby that is opposing the pending bill. I think I should have heard about it if there had been such a lobby, because I know some of the coal people. I know the coal miners and the coal operators of the State of Ohio. Incidentally I wish to say that it was the miners and operators of the State of Ohio who met at Cleveland and took the lead in bringing to an end the disastrous coal strike, and they are the same people who settled the strike in 1915.

What I wish to get to the Senator from New Jersey is this: I have in my office telegrams—not 1 nor 5, but at least 25—from producers of coal in the State of Ohio. They do not need to be threatened by the Senator from New Jersey or by any officer of the Government. They are at work; they are producing coal; the coal is piled at the mouth of the mines; but the trouble is they can not get it hauled.

Mr. FRELINGHUYSEN. I wish to get this to the Senator from Ohio: Fourteen months ago when a bill containing the very provisions which are embraced in the pending bill was before the Senate, those same coal operators were down here opposing that bill through the National Coal Association and their hired officers.

I wish to ask further, Does the Senator assure the Senate that they will not oppose legislation authorizing an embargo against those who profiteer, so that the people in my section of the country who consume coal but who do not produce it will be protected against profiteering?

Mr. WILLIS. Mr. President, I think the Senator from New Jersey assumes a good many things in what he imputes to the coal miners and the coal operators of the State of Ohio. In the first place, they were not down here 14 months ago. I have some recollection of the Senator's bills. One of them I opposed, and my reasons for doing so are a matter of record. I stand by those reasons, because, as the Senator's bill was then framed, I think it would have defeated the very purposes he desired to accomplish. It would have made it possible for those who bought coal in large quantities in the summer time to secure better and reduced rates, but the small householder who desired to buy two or three bushels in the wintertime would have had to pay an increased rate, thus defeating the very purpose which the Senator then had in view and which he now has in view. That is why I then voted against the Senator's bill.

Mr. POMERENE. Mr. President——

Mr. WILLIS. I wish to finish this statement. I am not the spokesman here for the miners or for the operators, but I will say to the Senator from New Jersey—and I am saying it in perfect good faith and as a friend of his bill—that the difficulty with the coal situation is not that we are not producing coal in Ohio, for, as I said a moment ago, our miners and operators took the lead in resuming the production of coal and have been at work for days; but my office is swamped with telegrams from miners and operators who are begging for means of transportation. It is not necessary to hold a club over those men in order to get them to work. They are working and mining coal; and they are trying to get means to haul it to market. Transportation facilities are what we now need.

Mr. POMERENE. Will the junior Senator from Ohio yield to me?

Mr. WILLIS. Certainly.

Mr. POMERENE. Let me remind my colleague that one of the serious objections to the proposed legislation to which he has referred was this: It provided for seasonal coal rates; it would have given a lower rate to the operators during the summer months when nearly all of the coal would go up the Great Lakes to the Northwest. We, of course, are glad to have the people of the Northwest secure the best rates they can get, but if there were to be lower rates during the summer months there would have to be correspondingly higher rates during the winter months, and the Ohio people would have had to pay those increased rates.

Mr. WILLIS. My colleague is exactly accurate in that statement; that is the exact situation. That is why we opposed the bill of the Senator from New Jersey 14 months ago.

Mr. FRELINGHUYSEN. Mr. President, the Senator from Ohio is referring to an entirely different bill from the one which I mentioned. He is referring to the seasonal freight-rate bill. That could have been adjusted so as to have taken care of Ohio's needs and would have greatly relieved the situation. I spoke of the fact-finding commission bill, placing in the Department of Commerce certain powers to ascertain facts, such as the cost of distribution, the cost of production and supplying consumers' needs, and other matters which it is necessary to ascertain in order to enable the Government to act. The Senator opposed that measure and the Senator's constituents, the coal operators of Ohio, who are members of the National Coal Association, opposed it. I simply called attention to the fact that now he and the operators in his State are favoring a bill which was proposed by me 14 months ago.

I wish further to ask the Senator if the operators in his State—and he seems to speak for them—are in favor of legislation empowering the Interstate Commerce Commission to embargo coal in cases where the operators or the retailers or the wholesalers are profiteering? Is he in favor of such legislation?

Mr. WILLIS. Mr. President, no miner and no operator in Ohio has communicated with me upon that point. While I am on my feet I wish to say touching the Senator's fact-finding bill that our view in Ohio is not that we need information as to the number of bushels of coal that may have been dug out in a certain township, but the point I am making is that the mines having opened—and they are open and are now at work and the operators are ready to deliver coal; it is piled up at the mouth of the mines—the need is transportation. We are not going to benefit the situation any by holding up these people to execration and abuse. I speak not for the miners or the operators or anybody else, but in the name of fairness. We are producing coal in Ohio, and we welcome any opportunity to haul it out and sell it.

Mr. KELLOGG. Mr. President——

Mr. WILLIS. I yield to the Senator from Minnesota.

Mr. KELLOGG. The Senator is aware of the fact that except in the nonunion districts practically no bituminous coal has been produced since the 1st of April?

Mr. WILLIS. Yes.

Mr. KELLOGG. And the nonunion districts have not been able to produce within three or four million tons a month, or perhaps five million tons a month, of the normal needs of the country. The coal stocks of the country are exhausted. The coal docks of Lake Superior are swept clean; there is practically no coal there, and there are only three months left in which to move it. In many other sections of the country the conditions are similar. If the railroads could carry coal at peak capacity they could not relieve the entire situation between now and the close of navigation; it would not be possible. The Senator says the need is for transportation, but we have not railroad facilities to transport in three months what it is customary to transport in six months.

Mr. WILLIS. What is the Senator's question, then?

Mr. KELLOGG. The question is, Will not the price run away just as much if there is want of transportation as if there is want of coal?

Mr. WILLIS. Possibly so; but the Senator should not understand me as defending the lack of transportation any more than I defend the lack of coal. I realize the difficulties of the situation and deplore the strike. I rose, however, merely to put the shoe on the right foot. There is in the country too much discussion aimed at the coal miners and the coal operators. What I am trying to say is that in Ohio at least they are now producing coal, and the trouble is the lack of means of transportation. I am not opposing the Senator's bill, nor opposing the program which has been mapped out, but, in the name of fairness, I want justice done; that is all.

Mr. SUTHERLAND. Mr. President, I should like also to call the attention of the Senator from Ohio to the fact that in West Virginia the mine operators are actually repairing the engines of the coal-carrying roads in order to secure transportation facilities for their coal now being mined. The entire trouble practically is one of transportation. We have in West Virginia a partially regulated industry, the rates and wages all being regulated by a Government board. The cry is "Let us have a regulated coal industry." We have before us a fine example of a Government-regulated industry, that of transportation. Is it functioning normally or even partially normally? If it were there would be coal in ample abundance in most sections of the country to provide for the actual needs of the people. There is now no trouble in Ohio, and that is true largely of Pennsylvania, and there has not been at any time in a great portion of West Virginia except so far as transportation facilities are concerned. My judgment is that if we can solve the railroad problem and provide transportation for the coal that is now being mined, so far as the soft-coal industry is concerned, it will largely take care of itself.

Mr. KELLOGG. Mr. President, will the Senator yield to a question?

Mr. SUTHERLAND. I shall be glad to yield.

Mr. KELLOGG. The Senator says the entire trouble is now one of transportation, but the roads have been in a position from April 1 to July 1 to handle the maximum of coal, and they did not have it to handle, did they?

Mr. SUTHERLAND. The Senator knows that the railroads were getting into worse and worse condition, and about at the same time the coal strike was going on the railroad strike was going on.

Mr. KELLOGG. I beg the Senator's pardon. The railroad strike did not commence until July 1 and the railroads were getting in better and better position from April 1 to July 1, but they did not have the coal to haul because the mines were closed down, except in the nonunion districts.

Mr. SUTHERLAND. That is quite true as to many sections.

Mr. KELLOGG. It is true the railroads are crippled, but if they were not crippled they could not haul coal enough between now and the close of nagivation to supply fully the needs of this country.

Mr. WILLIS. Mr. President, will the Senator yield?

Mr. KELLOGG. Yes.

Mr. WILLIS. Does the Senator think that situation would be improved if we empowered the Government to take over and operate the coal mines that are now operating and producing? Would that help any?

Mr. KELLOGG. I have not made any suggestion at all about the Government taking over coal mines—not at all.

Mr. WILLIS. I was interested to have the Senator's statement on that subject.

Mr. KELLOGG. When the bill which was introduced by the Senator from Iowa [Mr. CUMMINS] comes before the Senate I shall express my opinion on the necessity of some regulation, and regulation of transportation, because there is a demand for coal over the country which can not be met.

Mr. WILLIS. That is absolutely true—that is, if the Senator means that it can not be met now because of the lack of transportation. The Senator knows that the facilities for producing bituminous coal in this country are vastly greater than the possibilities of consumption. That is one of the troubles. There are too many men at work in the production of coal. The industry is overmanned.

Mr. KELLOGG. But it is impossible to produce and transport in three months all the coal which should be produced and transported in six months.

Mr. WILLIS. Absolutely.

Mr. KELLOGG. Therefore I am in favor of the bill of the Senator from Idaho [Mr. BORAH], to have a big commission inquire into this subject, so that we are not going to be confronted every two years with a coal shortage and a coal panic and a necessity for prices to soar to unreasonable heights. Let us have an inquiry on the subject.

The PRESIDENT pro tempore. The Chair desires to have the Secretary state the pending question.

The READING CLERK. The pending question is the amendment offered by the Senator from Tennessee [Mr. SHIELDS], to insert after the words "United States," in line 22, page 6, of the committee substitute, the following words:

> Or any person in any wise interested as mine owner, operator, or miner in the coal industry.

Mr. DIAL. Mr. President, I should like to have some one inform me, if he can, by what authority Mr. Hoover changed the price of coal. In my State I have constituents who are users of large quantities of coal. They have contracts by the year with the mines, and my information from the mine operators is that they are willing to deliver the coal at the contract price, which is, for these large quantities, $1.90 a ton. Some time ago, I understand, Mr. Hoover fixed a price of $3.50 a ton at the mines as a reasonable price. Therefore, of course, the mine operators were very glad to sell the coal at the higher price. Hence, the coal has been diverted from the people who contracted for it to other people, and our industries have been shut down and are being shut down daily.

Some 10 days or two weeks ago I wrote Mr. Hoover a letter and told him of the situation which was then approaching rapidly down there and asked him for his authority for interfering with these people carrying out their contracts. I received an evasive reply. I concluded from that, as I thought I already knew, that he had no authority to change the price and no authority to set up this coal distribution which is now in operation all over the country. I think it is very unwise on the part of the Government to undertake to tamper with private business and interfere with our carrying on our industries in the usual way.

Our good friend from New Jersey [Mr. FRELINGHUYSEN] says that we have a good climate down South, and we are very proud of that. It is a good climate; but we can not eat the climate, Mr. President.

Mr. POMERENE. You have good men, too.

Mr. DIAL. We have both. I receive telegrams almost hourly from these people. The other day one of the largest mills in the South and perhaps in the world under one roof shut down, and over 4,000 people were thrown out of employment. They have a contract with coal mines near by, and the mines are willing to ship, but they are interfered with by these so-called priority orders. I took up the question with Mr. Spencer, who is the fuel administrator, and I was referred back, I believe, to the Interstate Commerce Commission. Then I went around to the usual governmental functionaries in Washington and tried to find some one who had responsibility and authority to act, and I am still in that circuit going around. I have not gotten it straightened out yet, and we have not gotten any coal. Only seven carloads of coal, I believe, have been shipped to my State for general use in the last two weeks.

The Interstate Commerce Commission claim that they do not interfere with these mine operators carrying out their contracts. The mine operators are here to-day, and a representative of several hundred cotton mills in my State is here to-day, but we can not get coal. We have the money to pay for it, we have the use for it, we have the labor, we have the orders for our goods, and we are suffering untold damage every hour our mills are shut down.

Mr. President, I think that if the Government is going to come in, by its officers and agents, and interfere with the private rights of the people, the Government ought to make whole the people who suffer. While perhaps it would be going a good, long way to introduce a bill to that effect, I believe that damages should be paid to our people who made contracts and who can not get coal by reason of Government interference.

This bill looks quite innocent, but I am totally and teetotally and unalterably opposed to the Government going into business or interfering with business in any manner except what was intended by the Constitution of the United States.

This bill proposes to have an investigation. I have been a Member of this body some three or four years, and a good part of our time has been spent in investigating people. If we were functioning here as we were intended to function, and attending to matters that we were intended to legislate upon, and stopped trying to cover the earth with legislation and interfering with people's business, and let them go home and go to work, and quit encouraging them to look to Washington, this country would be much better off. There is no such thing as building a country or a republic from the top down. It has to be built from the bottom up, and this is a good illustration of that.

Down in my section we have plenty of people who are willing to work in the mines. There is no question about production. We have all the production that is necessary—more production than we can handle. Those people are willing to work and anxious to work, and yet the Government comes in here now and takes this coal and sends it off to the Great Lakes, or sends it off to some of these centralized places, thereby taking bread out of the mouths of our people. There is no inducement for the people in the mines in those States to work if they can come down and get our coal at their pleasure, and that is what I object to.

Take this very coal. They shut down our mills and our other industries, and they take that coal off to warm these people who are Bolsheviks in a great measure, who bring on strikes and turmoil, trying to overturn this Government. So far as I am concerned, if some of these people should get a little chilly this winter I would not cry. I think about the best thing for this Government to do, instead of investigating business and industry so much, would be to investigate some of these infernal Bolsheviks, this I. W. W. crowd, and put them on ships and send them to the places from whence they came. Then we would begin to have a decent country in which to live.

I hate to criticize the pending bill, because I think the author of it is one of the ablest men in the United States—fair, bold, just, and able; but this bill gives a little bit of hope, I am afraid, to those who advocate a bad principle. It speaks about nationalizing the coal mines. It speaks about the feasibility or necessity of Government regulation and control of the coal industry. I do not know that I know much about constitutional law as it applies to regulating the coal industry. I used to study law and I practiced law a long time, but I sort of quit reading law. I am a sort of guerrilla lawyer now; but that does not sound very constitutional to me. They stretch the Constitution, I believe. If they can not get a provision under the welfare clause, they try to get it under the interstate commerce clause. The framers of the Constitution never dreamed that they were going to try to stretch the interstate commerce clause to any such extent as this.

As soon as the news goes out that Congress favors investigating the "feasibility"—that is a pretty big word, you know, and it covers a great many things—the "feasibility" of Government regulation it will be encouraging to these striking elements and a heap of these people that want to tear up our Government. The bill speaks about the wisdom of "nationalizing" this industry. That is a high-sounding sentiment that will please them wonderfully. They will have several meetings and talk about that, and then they will decide to quit mining coal and let business alone. After a while the people will be so accustomed to running to Washington that they will think there is no use in cutting any cordwood in the summer time, but that when the snow comes on the ground they can go to Washington and get a few cords of wood. I am a little afraid that after a while they will not cook their meals, because they will think they can come to Washington and there will be some governmental agency to attend to that.

I am teetotally disgusted—and I do not say it in a facetious manner—with the centralization of power in Washington. The best thing in the world this Congress could do would be to pass some appropriation bills and adjourn. If it were in my power, I would pass a constitutional amendment next week that Congress could not sit here more than three or four months in the year. That would strike out a good deal of eloquence, but I think this country would be better off. Then people, instead of sitting down and looking to Washington, and reading in the paper every morning what was done here, would get out and go to work. They think they can get some agency in Washington, as I said, if they get out of coal to furnish it to them if they just send a delegation up here instead of letting them do it down home. I think there were five men here to-day to see me about it.

I do not know where we are going to come to. Mr. Hoover has increased the price from $1.90 to $3.50, and I think quite recently in some States to $4.50. I am not intimate with Mr. Hoover. I do not know that I am any particular friend of Mr. Hoover. I know him pleasantly, but I should like somebody to tell me where he gets any right to do that.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. DIAL. Yes; I am glad to yield. I want information.

Mr. KELLOGG. Mr. Hoover has not fixed any price. In May when the prices of coal began to soar and go away above reasonable prices, and when it was perfectly evident that there was going to be a tremendous shortage, Mr. Hoover asked the operators in the nonunion districts—the only districts that were running—to get together with him and have a general understanding that they should not go above a certain price; and the highest price that they agreed not to go above was $3.50. They could sell coal just as cheaply as they pleased. If it had not been for that, coal would have been selling at the mines by those operators for $8 and $10 a ton. Thirty per cent of the operators in those districts refused to obey it and they have been selling coal all the way from $6 to $10 and $12 a ton during this time; but I will say for the operators that the great majority of them are honorable and stood by their word and have refused to accept the higher prices. That is the only price fixing there is. The Senator talks about the orders of the Interstate Commerce Commission. When only 4,000,000 tons of coal are being produced in the country per week and a necessity of practically 4,000,000 for public uilities and public institutions, there has to be some power to see that they get it, even if some people have to suffer. You can not stop the public utilities of this country.

Mr. DIAL. You might; I think you might as well stop the public utilities as turn our labor out of employment and let them perish. I reckon there is no particular provision as to which section of the country shall go a little cool or go hungry. We made contracts and we have the coal, but we can not get it delivered.

If I may be excused for a little personal illusion, I think I know what I am talking about. I am president of an enterprise which uses a lot of coal, and we can not get it delivered, although we have contracts at $1.90 a ton. Recently I started up a public utility plant. I am president of a hydroelectric plant, and I built a steam plant to supplement it. I made a verbal contract with the coal people at $1.90 a ton, as I thought, and they shipped me some coal, but notified me that the Government said $3.50 was a fair price. I raised no row about it, because I did not have a written contract, and told them I was willing to pay $3.50 or pay any other price at which I could get their coal, until I could get the matter straightened out.

Our coal operators are honorable people. They are willing to carry out their contracts. But they tell me, and have told me since 12 o'clock to-day in person, that they could not get cars to ship the coal; that the Interstate Commerce Commission would not let them have the cars to ship the coal under their contracts; that they took it under priority orders and sent it to different sections of the country. The chairman of the railroad commission of South Carolina told me, since 12 o'clock to-day, that it took at least four times as long to get one of those cars back as it did if they supplied the people with whom the mines had contracts.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me for an interruption, what he says is not only true as regards coal but I received a letter this morning from a gentleman in Mississippi who is engaged in the lumber business, and he tells me that for practically seven weeks the Southern Railway has not been functioning in carrying to the market lumber that was sold for delivery seven or eight weeks ago. They have not moved a car where he is.

Mr. DIAL. Those people may have their orders canceled. Those are questions of detail, however. Coming down to the larger question, I am very much afraid that the people of this country will be taught to rely upon the Government, and we will have the same thing to go over next year, and forever hereafter, until we let them know that they must look out for themselves.

I did not go into all the merits of the bill of the Senator from New Jersey [Mr. FRELINGHUYSEN], but I think it is along the right lines. We should use a little forethought and lay up our supplies in the spring time and the summer time, and then there would not be such a rush in the fall. We get the example from the ants, I believe, which we see running around on the ground.

So I am opposed to the pending bill. I do not see any necessity for its passage. It is not going to do any good; it is going to do harm. It is going to encourage the people to believe that this Government will buy the coal mines and operate the coal mines. Since we went through with a little experience in Government railroad operation during the war and a little after the war, that ought to be enough to satisfy any Senator who thinks a little as to what conditions in this country would be under Government ownership of the necessities of life, like coal. But I can not see any good to come from it. I think the best thing to do would be to say that we would not consider it; that we are not going to nationalize the mines. We do not care anything about any more rules. We know as much about the rules now as we would know if we had this investigation, and I can not see any good to come from it whatever.

I do not know what our people are going to do this winter if the Government comes down and arbitrarily takes the coal away from us. We have it right there to go to work. It is a very serious matter. Our orders were good. Our mills sell their goods ahead and promise delivery, and the orders will be canceled. Our people will be unable to get their cotton ginned if they can not get coal to run the oil mills. The oil mills in my country gin practically all the cotton. They have gins connected with them, and if they can not get coal they can not operate, and the people will not be able to get the cotton ginned, and their cotton will be likely to get burned up in the houses. There is a large quantity on hand. So it is a very serious situation with us. All we want and all we ask is to be let alone by the Government in its pernicious interference with business.

You can not take care of people who will not take care of themselves if they just sit down and will not buy coal. Not that I think I showed very great forethought, but last spring, after I burned up what coal I had and shut down the furnace, I had the bins replenished. Our people will have to follow examples of thrift and forethought. You can buy coal cheaper in the spring. It is beneficial to do that, because you relieve the railroads of great congestion.

I hope no such bill as this will pass. It is a bad precedent. It is a step in the direction of communism, of socialism, of Government ownership, of Government guardianship. It is taking away from the people the desire to excel and the desire to take care of themselves. You are making a helpless people out of them. You are making a dependent population instead of an independent race, which we ought to have, and we are centralizing the Government here at tremendous cost. The cost of coal will be much more if the people have to come to Washington to get their coal, and hence the cost of living will be increased. I see nothing good to be accomplished by it.

As for information, we ought to know enough about the business. There are large mines in several States, and the Senators from those States already know enough to draw any kind of a law they would want to draw without having a great commission take years to investigate, at considerable expense. The people of this country are tired of commissions. They are tired of investigations. They want to be let alone, and as soon as it can be made known that we are not going to tamper with their business and are not going to encourage people to do things that are not governmental, and try to encourage them to break down the enterprises of this country, the better this Government will be.

Mr. KELLOGG. Mr. President, I do not want the Senator to misunderstand me. I am no more in favor of the nationalization of mines or Government ownership of mines or Government operation of mines than he is.

Mr. DIAL. I am glad to know it. Therefore I hope the Senator will vote with me against the bill.

Mr BURSUM. Mr. President, I do not see that much harm could come from this investigation. It is to be an inquiry. I doubt whether there will be so very much good come from it; but there is a question in the public mind, and the solution of that question might be facilitated by the Government obtaining information with reference to the coal industry. The investigation will last only a year, as I understand it, and the expense should not be so very great.

In my State we have had no trouble about producing coal. We have been getting a hundred per cent of the normal production and more. Coal has been supplied from New Mexico for the States of Arizona, California, Nebraska, and as far east as Illinois. The reason why we have been enabled to do so is that we have been fortunate in having a State government which has had the ability to preserve the peace. The trouble in this country has been that in place of mining coal people have been engaged in warfare, in fighting. There has been a lack of ability on the part of the State governments to make it safe to mine coal, a lack of ability to preserve the peace. No industrial controversy can be settled on the basis of reason if you are unable to preserve the peace.

Mr. REED of Missouri. Mr. President, what State has been unable to maintain the peace?

Mr. BURSUM. Illinois is one.

Mr. REED of Missouri. Has it been unable or has it been unwilling?

Mr. BURSUM. It has failed.

Mr. REED of Missouri. That is a different proposition.

Mr. BURSUM. It has failed. I probably should have used the word "failed" in place of saying that it was unable.

Mr. REED of Missouri. The Senator refers, I presume, to the frightful occurrence at Herrin?

Mr. BURSUM. Yes; at Herrin.

Mr. REED of Missouri. But the Senator would not say on that ground that the whole State of Illinois had failed?

Mr. BURSUM. I say that the State government of Illinois has failed to preserve the peace.

Mr. REED of Missouri. At that one place. But the Senator does not mean to say that the State governments have broken down and are unable—I am using that term in contradistinction to "unwilling"—to preserve the peace and protect life and property?

Mr. BURSUM. They have been in some instances. The State of West Virginia was in a continuous state of warfare for more than a year and dozens and dozens of men were killed.

Mr. REED of Missouri. That is true, but——

Mr. BURSUM. There was no security and no man could go to work without a fear that some one would ambush him—hit him on the head with a rock or shoot him in the back. There was no security for operators or property owners. Their property was liable to destruction at any time.

Mr. REED of Missouri. I am trying to distinguish between a failure of the State government to do what it ought to do and the inability of the State government. The Senator does not mean to say there is a single State in the Union where, if the governor of the State had seen fit to apply the powers of the State, he could not have protected life and property in every part of his Commonwealth?

Mr. BURSUM. If the Senator means by his question that I would convey the idea that a State government as a form of government is a failure, he misunderstood me. That is not what I desired to convey; but I do say that the governmental authorities of some of the States have failed to do their duty in protecting lives and property and preserving the peace.

Mr. REED of Missouri. Now, if that is true, then is there any remedy which the Federal Government can properly apply simply because a governor has not done what he ought to do under the law?

Mr. BURSUM. There is no remedy that I know of which would be effective so far as legislation is concerned. The bill which is pending, as I understand it, provides merely for an inquiry.

Mr. REED of Missouri. What the bill does is another question. I am speaking of the other matter.

Mr. BURSUM. I do not advocate any Government ownership or nationalization or any national control or operation of coal mines. What I do say is that the reason for the nonproduction of coal is because of the failure of State governments to protect property and life and preserve the peace and to create such conditions as would under ordinary circumstances permit men engaged in industrial controversies to reason and agree upon the basis of reason, and that whenever violence is permitted there is no chance for reason to function. Those conditions have been notorious in West Virginia and in Illinois and in some other places.

Mr. REED of Missouri. Does the Senator believe, therefore, that we have arrived at a point where he would say that State governments are failures?

Mr. BURSUM. Not at all. I am simply trying to place the blame where it belongs.

Mr. REED of Missouri. We can all place the blame where we think it belongs, but now, dealing with the question of legislation by which the Federal Government proposes to do something, does the Senator believe we have arrived at a point of time where we should disregard the rights and duties of the several States, and that the Federal Government should say that the States have failed and therefore the Federal Government will now step in?

Mr. BURSUM. I do not. I would not favor national control. I would not favor the nationalization of coal mines. I do not object to an inquiry to ascertain what the conditions are and to having a report. I think it would be a sad day for this country if we were to undertake to nationalize the coal mines. That would carry with it naturally the nationalization of every other industry which is closely related to it, and in the last analysis we would have a soviet government. That would be the end.

Mr. SUTHERLAND and Mr. DIAL addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New Mexico yield; and if so, to whom?

Mr. BURSUM. I yield first to the Senator from West Virginia.

Mr. SUTHERLAND. I will say to the Senator from New Mexico that it was true for a time that the outbreaks in West Virginia were beyond the power of the State government to control absolutely and immediately. That was due to the fact that it had not at that time organized the State militia. It only had a small force of State constabulary, which was insufficient to cover the large territory involved. The State government of West Virginia was functioning then and functions now most creditably, and is able to and does keep the peace. For a short time it was compelled to call upon the General Government, as other States have been compelled to do under similar circumstances, because the trouble was quite widespread and the State forces were unable to cover that large territory.

Mr. BURSUM. I would say to the Senator from West Virginia that if the means had been available to preserve the peace from the inception of the trouble in West Virginia hundreds of thousands of dollars or millions of dollars' worth of property might have been saved and many lives would have been saved, and perhaps it would have aided in preventing the present shortage of coal.

Mr. BORAH. Mr. President——

Mr. BURSUM. I yield to the Senator from Idaho.

Mr. BORAH. I suggest to the Senator that we had intended to lay aside the unfinished business at 5 o'clock, if it would not inconvenience the Senator to continue his discussion in the morning.

Mr. BURSUM. I had not intended to occupy any considerable length of time on the matter.

Mr. BORAH. I have no objection to the Senator proceeding, but I thought he would just as soon go ahead in the morning instead of this evening.

Mr. BURSUM. Oh, yes. I was about through anyway. I am ready to vote.

Mr. BORAH. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside.

RIVER AND HARBOR PROJECTS.

Mr. JONES of Washington. Mr. President, as the Senate knows, we have disposed of nearly all of the amendments to House bill 10766, the legislative river and harbor bill. It is quite important that that measure should go to conference so we can have it adjusted, and it is also important from the standpoint of getting estimates to Congress. I think it can be disposed of without any debate in a very few minutes. I ask unanimous consent that the Senate may proceed to the consideration of that measure.

Mr. SMITH. If it is not delaying the matter too much, I would like to have the bill go over until to-morrow, because there are certain features of it to which my attention has been called and I would be very glad to look into them before the bill reaches a final vote.

Mr. JONES of Washington. Of course, if the Senator objects I can not take it up to-night. I understand there is another very important bill to be taken up in the morning hour to-morrow, and I had hoped that we might get through with House bill 10766 to-night.

Mr. SMITH. The possibilities are that there will not be any great delay. There are some matters in connection with it that I desire to look into.

Mr. JONES of Washington. Very well.

The PRESIDENT pro tempore. There is objection to the request of the Senator from Washington.

NATIONAL FORESTS IN THE STATE OF WASHINGTON.

Mr. JONES of Washington. Mr. President, a little while ago from the Committee on Public Lands and Surveys there was reported back favorably with amendments the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The first amendment of the Committee on Public Lands and Surveys was to strike out all on page 1 after the enacting clause down to and including the word "namely" and the colon in line 19 and in lieu thereof to insert:

> That within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes may be offered in exchange under the provisions of the act of March 20, 1922 (Public 173), upon notice as therein provided, and upon acceptance of title shall become parts of the Wenatchee National Forest, the Olympic National Forest, and the Snoqualmie National Forest, respectively, and any of such described areas in Government ownership chiefly valuable for national forest purposes and not now parts of any national forest may be added to said national forests as herein provided by proclamation of the President, subject to all valid existing entries: To the Wenatchee National Forest.

The amendment was agreed to.

The next amendment was, on page 4, at the end of line 21, to change the period to a semicolon and to add:

> To the Olympic National Forest, all of section 1, township 24 north, range 3 west, except lot 1; the southeast quarter of the northeast quarter, the northeast quarter of the southeast quarter, the southwest quarter of the southwest quarter, and lot 1, section 6, township 24 north, range 2 west, and a permanent right of way for a logging road 25 feet wide across lot 1, section 1, in township 24 north, range 3 west.
>
> To the Snoqualmie National Forest, sections 25, 26, 27, 28, 33, 34, 35, and 36, township 23 north, range 9 east, Willamette principal meridian.

So as to make the bill read:

> *Be it enacted, etc.,* That within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of the act of March 20, 1922 (Public 173), upon notice as therein provided, and upon acceptance of title shall become parts of the Wenatchee National Forest, the Olympic National Forest, and the Snoqualmie National Forest, respectively, and any of such described areas in Government ownership chiefly valuable for national-forest purposes and not now parts of any national forest may be added to said national forests as herein provided by proclamation of the President, subject to all valid existing entries: To the Wenatchee National Forest, township 20 north, range 13 east, west half of township and sections 1, 3, 10, south half of 14, 15, 22, 23, 25, 26, 27, 34, 35, and 36; township 20 north, range 14 east, sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, south half of section 29, south half of section 30, sections 31, 32, and 33; township 20 north, range 15 east, sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, and 15; township 21 north, range 15 east, sections 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, north half of 26, 28, 29, 30, 31, 32, 33, and 45; township 20 north, range 16 east, sections 1, 2, 3, 7, south half of section 8, north half of sections 11, 12, 15, 16, 17, 18, 19, 20, 21, north half of section 22; township 21 north, range 16 east, sections 4, 7, 9, 10, 15, 18, 19, east half of section 21, 22, 27, east half of section 28, 30, east half of section 33, and 34; township 20 north, range 17 east, sections 4, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, north half of section 18, 25, 26, 35, and 36; township 23 north, range 18 east, sections 3, 4, 5, 6, 7, 8, 9, 17, 18, 20, 23, 24, 25, 26, 35, and 36; township 24 north, range 18 east, sections 30, 31, 33, and south half of section 34; township 20 north, range 19 east; township 22 north, range 19 east, sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, and south half of township; township 23 north, range 19 east, sections 19, 30, 31, 32, 33, 34, and 35; township 25 north, range 19 east; township 26 north, range 19 east; township 27 north, range 19 east; township 20 north, range 20 east; township 21 north, range 20 east, sections 6, 7, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36; township 25 north, range 20 east, sections 5, 6, 7, 8, 16, 17, 18, 19, 20, and 21; township 26 north, range 20 east, sections 1 to 16, inclusive, 21 to 27, inclusive, 30, 31, 32, 35, and 36; township 27 north, range 20 east; all Willamette principal meridian; to the Olympic National Forest, all of section 1, township 24 north, range 3 west, except lot 1; the southeast quarter of the northeast quarter, the northeast quarter of the southeast quarter, the southwest quarter of the southwest quarter, and lot 1, section 6, township 24 north, range 2 west; and a permanent right of way for a logging road, 25 feet wide, across lot 1, section 1, in township 24 north, range 3 west; to the Snoqualmie National Forest, sections 25, 26, 27, 28, 33, 34, 35, and 36, township 23 north, range 9 east, Willamette principal meridian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the inclusion of certain lands in the Wenatchee National Forest, the Olympic National Forest, and the Snoqualmie National Forest, all in the State of Washington, and for other purposes."

AMENDMENT OF ORGANIC ACT OF HAWAII.

Mr. NEW. I ask unanimous consent for the present consideration of the bill (H. R. 11590) to amend sections 34 and 40 of the organic act of the Territory of Hawaii. If I may be permitted a moment, I would like to say that the bill provides for the deletion of the word "male" from the two sections of the organic act of Hawaii, and the reason for asking for its present consideration is that the last day for filing in Hawaii is September 6.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

> *Be it enacted, etc.,* That sections 34 and 40 of the organic act of the Territory of Hawaii, being an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, be amended by deleting therefrom the word "male," so that said sections when amended shall read as follows:
>
> "SEC. 34. That in order to be eligible to election as a senator a person shall—
>
> "Be a citizen of the United States;
>
> "Have attained the age of 30 years;
>
> "Have resided in the Hawaiian Islands not less than three years and be qualified to vote for senators in the district from which he or she is elected."
>
> "SEC. 40. That in order to be eligible to be a member of the house of representatives the person shall, at the time of election—
>
> "Have attained the age of 25 years;
>
> "Be a citizen of the United States;
>
> "Have resided in the Hawaiian Islands not less than three years and shall be qualified to vote for representatives in the district from which he or she is elected."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF CROP INSURANCE.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably Senate Resolution 341, submitted by the Senator from Oregon [Mr. McNARY] on August 23, 1922, authorizing the appointment of a special committee of three Senators to investigate the subject of crop insurance. There is no appropriation and no expense involved in the investigation, except for the employment of a stenographer. I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. JONES of Washington. Mr. President, how can an investigation be made without some expense, and will not the committee come in and ask for additional authority?

Mr. McNARY. Mr. President, if the Senator will permit me, the resolution carries the usual and customary form of authorization for the employment of a stenographer and payment thereof. There is no expense to be incurred out of the city, except that the subpœnaing of witnesses might occasion a little expense, but which I do not anticipate. For that reason it was not necessary to provide for more than the usual expenses to be paid out of the contingent fund of the Senate.

Mr. JONES of Washington. Is this to be a subcommittee of the Committee on Agriculture and Forestry?

Mr. McNARY. It it not. It is a special committee of three Senators.

Mr. JONES of Washington. Why can not the Committee on Agriculture and Forestry make the investigation under the authority it now has?

Mr. McNARY. For the reason that I thought the work would go forward during the holiday, and upon investigation I found that most of the members of that committee would be away. I wanted to have the work done so that a report could be made to the Agricultural Department before the next session of the Congress.

Mr. JONES of Washington. I think I shall ask that the resolution go over until I have an opportunity to confer with the Senator about it.

Mr. McNARY. Very well.

The PRESIDENT pro tempore. The resolution will go to the calendar.

MIRIAM KINSEY STEWART.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with an amendment the resolution (S. Res. 337) to make a payment to the heirs of William B. Stewart, late assistant clerk of the Finance Committee. The resolution was submitted by the Senator from North Dakota [Mr. McCumber], and provided for the payment of one year's salary, but the committee amended it, reducing it to six months' salary. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution. The amendment was, on page 1, line 6, after the word "one," to insert the world "half," so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to Miriam Kinsey Stewart, widow of William B. Stewart, late assistant clerk of the Committee on Finance, United States Senate, a sum equal to one-half year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The amendment was agreed to.

The resolution as amended was agreed to.

LANDS IN LOUISIANA.

Mr. RANSDELL. Mr. President, I ask unanimous consent for the present consideration of the bill (H. R. 2866) authorizing the Secretary of the Interior to sell and patent to parties named herein certain lands in Louisiana. The bill has passed the House and is unanimously reported from the Committee on Public Lands and Surveys.

The PRESIDENT pro tempore. The Senator from Louisiana asks unanimous consent for the present consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That upon the payment of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized to sell and issue patent to the parties named and for the lands described as follows:

To R. E. Barham the northwest quarter of southwest quarter section 25, township 19 north, range 6 east, Louisiana meridian.

To H. O. Blanks the north half of northeast quarter section 24, township 23 north, range 8 east, Louisiana meridian.

To Mrs. Sallie Loyd and Mrs. Jemmie D. Scott the southwest quarter of southeast quarter section 35, township 23 north, range 7 east, Louisiana meridian.

To B. B. Williams the southeast quarter of northwest quarter section 25, township 19 north, range 6 east, Louisiana meridian.

To J. P. Madison the northeast quarter of southwest quarter section 25, township 19 north, range 6 east, Louisiana meridian.

To T. J. Haynes the south half of northeast quarter section 19, township 23 north, range 8 east, Louisiana meridian.

To G. E. Mott the northeast quarter of southeast quarter section 1, township 18 north, range 6 east, Louisiana meridian.

To Mrs. E. L. Hadley the southeast quarter of northeast quarter section 29, township 23 north, range 8 east, Louisiana meridian.

To Gabe Moss and Morehouse Planting Co. (Ltd.), the northeast quarter of northeast quarter and the southwest quarter of southwest quarter section 7, township 19 north, range 8 east, Louisiana meridian.

To Mrs. Alice Felton the southeast quarter of northeast quarter section 29, township 22 north, range 7 east, Louisiana meridian.

To E. M. Clark and W. P. Kirkpatrick the west half of southwest quarter section 30, township 21 north, range 8 east, Louisiana meridian.

Provided, That proper application and payment for purchase of said lands be filed hereunder in the district land office within six months after the approval of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISCHARGE OF OIL IN NAVIGABLE STREAMS.

Mr. WILLIS. Out of order, from the Committee on Commerce, I report back favorably without amendment the bill (S. 3968) to improve the navigability of waters of the United States by preventing oil pollution thereof, and I submit a report (No. 901) thereon. If I may have permission to present the report, then I shall ask unanimous consent for immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to receiving the report? The Chair hears none.

Mr. WILLIS. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CURTIS. I ask that the bill may be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The bill was read, as follows:

Be it enacted, etc., That this act may be cited as the "oil pollution act, 1922."

Sec. 2. When used in this title—

(a) The term "oil" means oil of any kind or in any form, including fuel oil, oil sludge, and oil refuse;

(b) The term "United States" means the several States, Territories and possessions, the District of Columbia, and the Canal Zone;

(c) The term "person" means an individual, partnership, corporation, or association, and includes any officer, agent, and employee of the United States;

(d) The term "navigable waters of the United States" means all waters within the boundary of the United States navigable in their natural or improved condition, including all nonnavigable waters connecting any such navigable waters, but not including nonnavigable waters flowing into but not connecting any such navigable waters; and

(e) The term "Secretary" means the Secretary of War.

Sec. 3. That except for the purpose of smoothing the sea or quelling the force of the waves in case of emergency and except as otherwise permitted by regulations prescribed by the Secretary, which he is hereby authorized to make, no person and no vessel, barge, or other floating craft shall empty, discharge, throw, or deposit oil, or suffer or permit oil to run or flow upon or into the navigable waters of the United States.

Sec. 4. That any person who violates section 3 or any regulation prescribed thereunder, and any officer, employee, or agent of the United States in charge of any vessel owned or operated by the United States which violates such section or any such regulation, shall, upon conviction for such violation, be fined not more than $2,500 or imprisoned for not more than one year, or by both such fine and imprisonment.

Sec. 5. (a) That any vessel other than a vessel owned or operated by the United States, which violates section 3 or any regulation prescribed thereunder shall be subject to a penalty of not more than $2,500. Clearance of the vessel from a port of the United States may be withheld until the penalty is paid. The amount of such penalty shall constitute a lien upon the vessel which may be recovered in proceedings by libel in rem.

(b) A board of local inspectors of vessels may, subject to the provisions of section 4450 of the Revised Statutes and of the act entitled "An act to provide for appeals from decisions of boards of local inspectors of vessels, and for other purposes," approved June 10, 1918, suspend or revoke a license issued by any such board to the master of any vessel which violates any provision of section 3 or any regulation prescribed thereunder.

Sec. 6. That no fine, imprisonment, withholding of clearance, suspension or revocation of a master's license, or other penalty shall be enforced for any violation of this act or any regulation prescribed thereunder, occurring within three months after its passage.

Sec. 7. That section 13 of the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, as amended, and the act entitled "An act to prevent obstructive and injurious deposits within the harbor and adjacent water of New York City, by dumping or otherwise, and to punish and prevent such offenses," approved June 29, 1888, as amended, and the act entitled "An act to prevent the dumping of refuse material in Lake Michigan at or near Chicago," approved June 23, 1910, to the extent the same may apply to oil, is hereby repealed.

Sec. 8. That the President may at any time when the United States is at war suspend for the period of the war as determined by proclamation of the President, the provisions of this act with respect to violations by vessels owned or operated by the United States.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WILLIS. Mr. President, there has been great complaint about the effect of the discharge of oil into the navigable waters of the United States. It has very greatly increased the fire hazard in a number of localities, particularly in the cities of New York and Brooklyn. It has caused great damage to marine life, and has also caused great damage along bathing beaches, and so forth.

I think, however, that the chief reason why the bill should be enacted into law is to minimize, so far as possible, the tremendous fire hazard.

The committee have considered the measure very carefully, and I think every objection has been met save one. The Senator from Wisconsin [Mr. Lenroot] will offer an amendment to cover that point.

Mr. LENROOT. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The Reading Clerk. In section 3, page 2, after the word "make," at the end of line 12, it is proposed to insert:

under which such quantities as shall not be deleterious to health or fish or dangerous to property may be permitted to be discharged or deposited.

Mr. LENROOT. I greatly fear that in the form reported the bill would be invalid as giving a discretion to the Secretary which could not be delegated without some rule laid down. The amendment is designed to supply that defect. That is its only purpose.

Mr. WILLIS. I concur in the view, and accept the amendment.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WILLIS. In order that the record may be kept straight, I ask unanimous consent that the report, which is very brief may be printed in the RECORD. It gives a full statement of the reasons.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report (No. 901) submitted by Mr. WILLIS on this day is as follows:

Mr. WILLIS, from the Committee on Commerce, submitted the following report to accompany S. 3968:

The Committee on Commerce, to whom was referred the bill (S. 3968) to improve the navigability of waters of the United States by preventing oil pollution thereof, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

In the hearings before the Committee on Rivers and Harbors, page 102, Maj. Gen. Lansing H. Beach, Chief of Engineers, United States Army, gave reasons why the present law is insufficient to meet the needs when he testified as follows:

"With regard to the existing law, we do not feel that the act of March 3, 1899, is sufficient to meet the present conditions. That law states that parties shall not discharge or permit to be discharged, etc., materials which will impede or obstruct navigation. Those terms 'impede' and 'obstruct' are ordinarily considered as physical impediments to navigation, neither of which oil or acid is."

That there is urgent need for this legislation is shown by the following correspondence with General Beach relative to S. 3311, a bill similar to S. 3968. This makes it clear that under existing law the War Department is without authority to prevent oil pollution of navigable waters of the United States.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., August 18, 1922.

Hon. FRANK B. WILLIS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Your letter of July 28, 1922, on the subject of Senate bill No. 3311, to prevent the oil pollution of navigable waters, has received most careful consideration.

Section 13 of the river and harbor act of March 3, 1899, is not applicable to prevent the discharge of oil upon navigable waters, for the prohibition in that paragraph states:

"It shall not be lawful to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited * * * whereby navigation shall or may be impeded or obstructed."

This legislation was enacted at a time before the serious pollution of navigable waterways by oil had occurred or was anticipated. Its essential purpose was to prevent the introduction into navigable channels of the only kind of material which had given trouble to navigation up to that time, that is, such material as would form an actual physical obstruction to navigation. The use of the words "impeded or obstructed" imply a physical hindrance to navigation, which does not occur in the case of oil. It is, therefore, not at all likely that the courts would hold that oil, which is a fire menace and a source of destruction of animal and vegetable life in water rather than an impediment or obstruction to navigation, is refuse matter coming within the scope of the prohibition contained in the law.

It is therefore regarded as highly desirable that legislation be so drawn as to be distinctly and clearly applicable as to the discharge of oil. As the Secretary of War pointed out in his letter of March 30 to the chairman of the Committee on Commerce of the Senate, the particular form that the legislation should take is regarded by the department as a matter for Congress in its wisdom to decide.

Very respectfully,

LANSING H. BEACH,
Major General, Chief of Engineers.

P. S.—Since writing the above letter I am in receipt of a report of the United States district attorney for the eastern district of Virginia, and append copy of it hereto for your information.

L. H. B.

OFFICE OF THE UNITED STATES ATTORNEY,
EASTERN DISTRICT OF VIRGINIA,
Norfolk, August 14, 1922.

DISTRICT ENGINEER,
United States Engineer's Office, Norfolk, Va.

DEAR SIR: Replying to your favor of August 12, 1922, advise that in the case of United States *v.* W. F. Crouch and Harry Welliford, decided on February 3, 1922, by Hon. D. Lawrence Groner, judge United States court for this district, it was held that the discharge of oil from vessels into navigable waters does not fall within the provisions of section 13 of the rivers and harbors act of March 3, 1899.

It was contended by counsel for the defendants that section 13 only dealt with those things that impeded or obstructed navigation and did not come within the terms of the statute.

Judge Groner, in deciding this case, after stating that the statute did not cover oil, said: "While it seems to me that Congress would have power to provide against the pollution of navigable waters by depositing oil on them, it has not done so." In this particular case the defendants were engaged in taking oil from the ship by means of a barge. The barge was not so arranged as to confine the oil and great quantities were allowed to escape into navigable waters. It was not denied that the defendants were guilty of allowing oil to be discharged from the barge, and the sole question was whether or not such discharge constituted a violation of law.

We have had several other cases involving the discharge of oil, but in those cases the proof was not sufficient to send them on to the court. However, under the decision in the Crouch case, there can be no further criminal prosecutions for discharge of oil in this district until Congress has passed a law covering this subject.

Yours very truly,

PAUL W. KEAR,
United States Attorney.

There are several bills and resolutions pending in both Houses of Congress to correct the evils mentioned in the bill, and hearings have been held and, as bearing on the subject, we beg to quote a portion of a report recently submitted relative to House Joint Resolution 297:

"The negligent casting of refuse oil into the sea by oil-burning and oil-carrying steamers has become a serious menace to the maritime and fishing industries of the United States; the fire hazard created by the accumulation of floating oil on the piles, piers, and bulkheads in our harbors is increasing to an alarming exent; the destruction of ocean fisheries resulting from the discharge into the Atlantic and Pacific Oceans and the Gulf of Mexico of the waste products of the oil used for fuel and lubrication is destroying in great numbers the fish, oysters, clams, crabs, and lobsters, which are a material part of our national food supply; and is causing serious injury to bathing beaches as well as depreciating the value of property fronting on the seashore and used for residential or hotel purposes."

This states clearly and briefly the need for the legislation your committee recommends.

The bill is not objectionable to the War Department, as will appear by the annexed letter from the Secretary of War under date of March 30, 1922:

WAR DEPARTMENT,
Washington, March 30, 1922.

Hon. W. L. JONES,
Chairman Committee on Commerce, United States Senate.

MY DEAR SENATOR: I desire to acknowledge your reference, for the views of this department, of Senate bill No. 3311, "To improve the navigability of waters of the United States by preventing oil pollution thereof."

During the present session of Congress a variety of legislation on the subject of oil pollution and discharge has been proposed. On May 5, 1921, this department made a favorable report on Senate bill No. 1320, and on September 27, 1921, similar report was made on Senate bill No. 2414. Both of those measures proposed the amendment of the existing law, section 13 of the act of March 3, 1899, so as to specifically include "oil in any form" within its provisions. It is believed that the enactment of either would provide adequately for dealing with the oil menace.

The bill now under consideration proposes a specific code on the subject, which, though more elaborate and possibly more expensive to administer, would probably prove no more effective than legislation in the form of the bills above mentioned. However, some legislation is urgently necessary, and the particular form it is to take is a matter for Congress in its wisdom to decide. While I do not commend Senate bill No. 3311 for favorable consideration, I see no reason, from the viewpoint of this department, for objecting to its enactment.

Sincerely yours,

JOHN W. WEEKS,
Secretary of War.

LANDS IN LOUISIANA.

Mr. RANSDELL. I ask unanimous consent for the immediate consideration of the bill (H. R. 10361) authorizing the sale and patent of certain alleged public lands in Louisiana.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell and patent to Thomas Glynn, William Glynn, Alphonse Glynn, Charles Glynn, Aloysius Glynn, Alexander Glynn, Emma Glynn, Josephine Glynn, and Belle Glynn, of Pointe Coupee, La., lot or section 39, lots 5, 6, 7, 12, and 13, section 27, and lots 1 and 2, of section 26, township 5 south, range 11 east, Louisiana meridian west of the Mississippi River, situated in West Baton Rouge Parish, La., at $1.25 per acre, lands which they and their grantors have occupied, under claim and color of title from the State of Louisiana, ever since May 3, 1854: *Provided,* That application for the purchase of the described tracts under this authorization be filed at the United States land office in Baton Rouge, La., within 60 days from the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF THE COMMITTEE ON CLAIMS.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 1965) for the relief of Mrs. D. Montgomery (Rept. No. 898); and

A bill (H. R. 5791) for the relief of Robert Russell (Rept. No. 899).

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRANCE:

A bill (S. 3969) providing for a site and building at Pocomoke City, Worcester County, Md.; to the Committee on Public Buildings and Grounds.

By Mr. WADSWORTH:

A bill (S. 3970) amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes; to the Committee on Military Affairs.

By Mr. BRANDEGEE:

A joint resolution (S. J. Res. 240) authorizing the erection, on public grounds, of a memorial to the late Joseph J. Darlington; to the Committee on the Library.

Mr. McNARY (for Mr. SPENCER):

A joint resolution (S. J. Res. 241) providing payment of judgment in favor of Robert L. Owen and associates in the case known as the Mississippi Choctaws case No. 29821, Court of Claims; to the Committee on Indian Affairs.

AMENDMENT OF COTTON FUTURES ACT.

Mr. DIAL submitted an amendment intended to be proposed by him to the bill (S. 3146) to amend section 5 of the United States cotton futures act, which was ordered to lie on the table and to be printed.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, September 1, 1922, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate August 31 (legislative day of August 25), 1922.

UNITED STATES DISTRICT JUDGE.

John D. Wallingford, of Iowa, to be United States district judge, Canal Zone, vice Charles Kerr, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 31 (legislative day of August 25), 1922.

POSTMASTERS.

KANSAS.

Guy W. Bryan, Delia.
John W. Liggett, Rosalia.

MAINE.

Velorus T. Shaw, Prouts Neck.

MICHIGAN.

William L. Shulters, Hastings.

NEW JERSEY.

Daniel A. DeVries, Carlton Hill.
Richard V. Iderstine, Wyckoff.

NORTH CAROLINA.

Nollie M. Patton, Morganton.
Ross Matheson, Taylorsville.

OHIO.

Ida C. Steinman, Logan.
Bert E. Woodward, Stryker.

OKLAHOMA.

Robert B. Hill, Alex.
Sam A. Snyder, Hennessey.

TEXAS.

Leo W. Cox, Buda.
Clark A. Fortner, Crosby.
William T. Henderson, Odessa.
Bessie E. Fairless, Palo Pinto.

VERMONT.

Lewis S. Richardson, Chester Depot.

VIRGINIA.

Lela O'N. Scott, Amelia Court House.
John W. Rodgers, Hampden Sidney.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 31, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We bless Thee, O God, that there are none who may not look up and say: "Our Father," Thou art all in all, without beginning and without end, whose law is perfect and whose testimony is love. More than we know, far more than we can comprehend, Thou art full of compassion. Since we are weak in all that is perfect, give us encouragement that we may bear up under the consciousness of our limitations. May we not look for the reward of our work, but for the success of our task. O may our country not only be great in material wealth, but in righteousness, in intelligence, and in all the higher excellencies which the Son of man taught when here upon earth. In His holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3794. An act to amend section 35 of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3794. An act to amend section 35 of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain; to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2597. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914; and

S. 813. An act to authorize the Commissioners of the District of Columbia to close upper Water Street between Twenty-first and Twenty-second Streets NW.

FEDERAL FUEL DISTRIBUTER.

Mr. WINSLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12472, with Mr. TOWNER in the chair.

The Clerk reported the title of the bill.

The Clerk read as follows:

> At any time hereafter, when the President shall determine that an emergency exists, caused by shortage of supply or inequitable distribution of coal or other fuel, which endangers the public health and general welfare of the people of the United States, or injures industry and business generally throughout the United States, or causes extortion, or limits the supply of heat, light, and power, or threatens to obstruct and hamper the operation of the Government of the United States and of its several departments, or the transportation of the mails, or the operation and efficiency of the Army and the Navy, or the operation of carriers engaged in commerce among the several States, or with foreign countries, the President may proclaim that an emergency so exists and thereupon the powers conferred by this act shall be revived and in full force and effect.

With the following committee amendments:

> Page 6, line 1, insert "Sec. 9."
>
> Page 6, lines 4 and 5, strike out the words "endangers the public health and general welfare of the people of the United States, or."
>
> Page 6, line 6, strike out the word "or."
>
> Page 6, line 7, strike out the word "or," before the word "limits," and the word "or" after the word "power."
>
> Page 6, line 11, strike out the word "or" and insert the word "and."

The foregoing amendments were severally reported and severally agreed to.

The Clerk read as follows:

> Page 6, line 13, after the word "countries" insert the words "or otherwise endangers the public health and general welfare of the people of the United States."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. SANDERS of Indiana. Mr. Chairman, I rise in opposition to the amendment. This legislation as it is drawn in this paragraph is permanent. I shall offer an amendment later to limit it to a period of one year, and I hope the committee will notice just what this section does. We are supposed to be legislating for a great emergency. This section makes it a permanent law. I wonder if the members of the committee know that that is the force and effect of the section. After providing in other sections that the President may end the operation of the act, and assuming that the President has ended it, this section provides that at any time hereafter—and that means a century just as much as it means a year—the President may revive the act. The particular amendment to which I am addressing my remarks is the committee amendment in line 13. After reciting the emergency that has heretofore been described and the facts that are supposed to create that emergency, the bill provides that if those things exist, or, in the alternative, otherwise endangers the public health and the welfare of the people of the United States, the President may proclaim an emergency. That is a sweeping proposition which gives any future President the right to revive this act and make it effective and control the price of this commodity in this remarkable way at any time. I submit, Mr. Chairman, that this amendment proposed by the committee ought not to be adopted, and I shall later offer an amendment which will limit the period during which this may be resurrected to one year.

Mr. FOSTER. Mr. Chairman, will the gentleman from Indiana yield?

Mr. SANDERS of Indiana. Yes.

Mr. FOSTER. I supported the gentleman's motions yesterday. Has the gentleman any reasonable assurance at this time that we will have an opportunity to vote on that under a motion to recommit?

Mr. SANDERS of Indiana. I, of course, can not say what the situation will be when the time comes to move to recommit.

Mr. WINSLOW. Mr. Chairman, the words which are printed in italics in lines 13 and 14 are put there to make this part of the act conform to the rest of it, and of course the suggestion of dangers to public health and general welfare revert back to the consideration of a coal famine, or an emergency existing by virtue of such. It is not a wide-open declaration that the President can do this, that, or the other affecting public health but as affecting a coal famine, and I think that the House will agree that either the public health or the general welfare are reasons enough why the limitations which this section provides should be adopted.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. SANDERS of Indiana. Is it the purpose of the gentleman and the purpose of those who are supporting the bill to leave this legislation in such shape that it can be revived at any time in the future, which means at all times in the future, by act of the President alone?

Mr. WINSLOW. I was just about to speak on that point. This particular section probably interests more Members than any other in the bill. According to the provisions of the section the power to determine an emergency and to proclaim one is left in the hands of the President. The debate on the bill yesterday and the day before, together with a good many expressions of opinion on the part of Members of the House, have resulted in a most careful consideration of the points in this particular section. Our committee apparently, and I believe quite by accident more than otherwise, in adopting the language did not go as far through with the possibilities that might arise under the provisions of the section as was possible. At no time, so far as I remember, has there been particular or extreme emphasis put forward on the importance of having the President given the sole right to declare or proclaim an emergency. To boil it all down, it has seemed best to me at all events, and to Members with whom I have talked, in the committee and out of it, that that section should be modified, and as a matter of information, although not in order at the moment, I beg to advise members of this committee that I propose to offer amendments in such form and shape as to throw the responsibility for the determination and declaration of a fuel crisis hereafter, after this one may have ended, into the hands of Congress and not into the hands of the President.

Mr. SANDERS of Indiana. May I inquire whether there was any final limitation put upon it? As I recall, the amendment of Mr. Graham of Illinois was voted down.

Mr. WINSLOW. I believe there was nothing done, and, of course, if the suggestion of the committee should be adopted, it means that when this emergency terminates Congress hereafter will have the sole power to declare a future emergency.

Mr. SNELL. Will the gentleman yield for a question there?

Mr. SANDERS of Indiana. May I inquire, then, if the section as it reads now——

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. Winslow] has expired.

Mr. SANDERS of Indiana. I would like to have one minute.

Mr. SNELL. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts have five additional minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Massachusetts may have five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SANDERS of Indiana. I should like to ask the gentleman from Massachusetts if the bill as it is now proposed to be left, because we have passed section 8, is to leave it within the discretion of the Congress of the United States to make this permanent law?

Mr. WINSLOW. So far as I have any knowledge.

Mr. SNELL. As I understood the gentleman, he proposes to offer an amendment that will practically take away the power that is granted the President by section 9, and leave it up to Congress to declare when such situation or emergency exists.

Mr. WINSLOW. So far as the declaration of an emergency is concerned.

Mr. SNELL. If we are going to do that, why would it harm the bill or intent of the House at this time to entirely eliminate section 9?

Mr. WINSLOW. I am not sure I would be in order in debating that point in advance of submitting the amendment, but if there is no objection I would be glad to go on.

Mr. SNELL. I think there would be no objection.

Mr. WINSLOW. The object in keeping the paragraph is this, and a powerful argument. The Congress will have put forth an extreme effort if this legislation becomes a law to establish a reasonable and prompt method, we believe, for meeting an emergency situation. If the paragraph remains in there, as we would have it in the case I suggested, if the changes are adopted, that would leave in the last few lines, namely, "the powers conferred by this act shall be revived and in full force and effect." That would make it possible for Congress at any time when it might come to the conclusion that an emergency existed, and Congress saw fit to declare such, to simply make the declaration, in which event the machinery for operating would be at hand. Otherwise we would have to go through the time of drawing up new bills, going through committees, going through sessions of the House and Senate, and doing an unusual amount of work, which perhaps might be avoided, to say nothing of the loss of time.

Mr. SNELL. Then, as I understand it, it would be entirely dependent on the act of Congress for the whole matter to be revived?

Mr. WINSLOW. Yes; and once they declare it it would be automatic and a system of procedure would be established.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield?

Mr. WINSLOW. Yes, sir.

Mr. GRAHAM of Pennsylvania. In my remarks on Tuesday I gave notice that when section 9 was reached I would offer an amendment as follows. I want to ask a question in regard to it. On page 6, line 1, after the word "hereafter," insert the words:

> When the Congress or, if the Congress is not in session, the President shall determine that an emergency exists.

Now, as I understand from the chairman of the committee his amendment proposes to leave it entirely in the hands of Congress. If Congress was not in session, it ought to still remain in the President, and I would therefore give notice that I will insist upon offering the amendment which I foreshadowed in my remarks on Tuesday in this regard.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINSLOW. Mr. Chairman, may I have a moment or two in which to explain?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WINSLOW. I realize perfectly well that all this discussion about amendments to be offered is quite out of order in respect to the question before the House. I shall reserve the right, Mr. Chairman, when the time comes, as representing the committee, to propose an amendment.

Mr. BARKLEY. In the meantime the chairman does not want to be understood that this House committee amendment, about which this discussion has taken place, ought not to be adopted?

Mr. WINSLOW. The gentleman means in lines 13 and 14?

Mr. BARKLEY. Yes.

Mr. WINSLOW. No. The chairman has objected as far as he could to the removal of those lines.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the Chairman announced that he was in doubt.

The committee divided; and there were—ayes 55, noes 23.

So the committee amendment was agreed to.

Mr. WINSLOW. Mr. Chairman, I wish to offer an amendment to section 9, page 6, to strike out the words in line 1, "when the President," and insert in lieu thereof the words "whenever the Congress." And, in line 2, after the word "determine," insert the words "and declare." Strike out all of line 15 and the words "and thereupon" in line 16, so that the section will read—and I would like to have the Clerk report it.

The CHAIRMAN. The Clerk will report the amendment and the section as it would read when amended.

The Clerk read as follows:

> Mr. WINSLOW, of Massachusetts, moves to amend on page 6, line 1, by striking out the words "when the President" and inserting in lieu thereof the words "whenever the Congress" and on line 2, after the word "determined," insert the words "and declare"; and by striking out all of line 15 and the words "and thereupon" in line 16 so that section 9 as amended will read as follows:
>
> "SEC. 9. At any time hereafter, whenever the Congress shall determine and declare that an emergency exists caused by shortage of supply or inequitable distribution of coal or other fuel, which injures industry and business generally throughout the United States, causes extortion, limits the supply of heat, light, and power, threatens to obstruct and hamper the operation of the Government of the United States and of its several departments, or the transportation of the mails, or the operation and efficiency of the Army and the Navy, and the operation of carriers engaged in commerce among the several States, or with foreign countries, or otherwise endangers the public health and general welfare of the people of the United States, the powers conferred by this act shall be revived and in full force and effect."

Mr. WINSLOW. Mr. Chairman, in submitting this amendment we were mindful of the suggestion made by the gentleman from Pennsylvania [Mr. GRAHAM] yesterday, and recollected that in his view it will be as well to put the power of determining and declaring or proclaiming an emergency into the hands of Congress whenever Congress is in session, but, if not, in the hands of the President. In carrying that thought through, it seemed to us that if there were any lack of wisdom in putting the matter into the hands of the President when Congress is in session there would be an equal lack of wisdom in putting it into the hands of the President when Congress is not in session. It was either one thing or the other. The President could have it at one time as well as at another, and at all times or at no time. Between the two the amendment provides at no time. The idea is this, that if there is an emergency of sufficient moment to warrant the President in believing that it is of importance to the country to the extent of calling and declaring an emergency, it would oblige the Congress of the United States to come together by call of the President.

Mr. SANDERS of Indiana. Would it require such an action by Congress as would need the signature of the President, or could it be overridden by the President's veto—the act to create an emergency?

Mr. WINSLOW. I am not prepared to answer that question.

Mr. SANDERS of Indiana. If the gentleman will yield further, the reason why I asked that question, Mr. Chairman, is that if it is proposed to say that Congress in the future by an act of Congress may revive this act, I think it would be a rather curious and remarkable thing for the Sixty-seventh Congress to say that we propose in the future to allow Congress to pass legislation. If it is proposed to do it merely by congressional resolution, which does not require the signature of the President, that is a different thing.

Mr. MOORE of Virginia. You would find that impossible.

Mr. SANDERS of Indiana. The gentleman from Massachusetts [Mr. WINSLOW] has the floor, but I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. You would find it impossible to do it by resolution without the signature of the President, because legislation in that manner is not permissible.

Mr. SANDERS of Indiana. I would like to inquire of the gentleman if he does not think this is a remarkable piece of legislation, to pass a law informing future Congressmen that if they please they may pass a law?

Mr. MOORE of Virginia. I think it is absurd and without any precedent. If the amendment suggested by the gentleman from Massachusetts should be adopted and the Sixty-eighth or Sixty-ninth Congress should undertake to act, nevertheless, the entire subject would be open to consideration. There would be nothing to prevent any suggestions or amendments being made to any of the sections of the entire act. I respectfully submit, and with great deference, that we would not get anywhere by undertaking to do what the gentleman from Massachusetts proposes. I think the legislation is feeble and inadequate. However, I am going to vote for it, but I am not going to vote for any proposition that I think is the limit of absurdity.

Mr. RAYBURN. Mr. Chairman, if the gentleman will yield, I wish to say that the gentleman from Massachusetts [Mr. WINSLOW], as I understand it, intends to have this legislation read so that a joint resolution of Congress will call the emergency back into being, and that resolution does not have to have the signature of the President.

Mr. WINSLOW. I am frank to admit that I had not in mind any operation other than the ordinary operation of law.

Mr. RAYBURN. In other words, the gentleman from Massachusetts has this in mind, that we would give to a future Congress the power only to call that thing into being and not give them the power to pass any legislation repealing it or adding to it.

Mr. WINSLOW. I do not think you can detract that power from a future Congress.

Mr. RAYBURN. Then the amendment means absolutely nothing.

Mr. WINSLOW. Not at all.

Mr. RAYBURN. The amendment means absolutely nothing if you are not going to bind a future Congress as to what it can do. If that is it, then your amendment has no effect.

Mr. WINSLOW. I do not agree with the gentleman.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. RAYBURN. Mr. Chairman, would a motion to strike out section 9, offered as substitute for the motion of the gentleman from Massachusetts, be in order?

The CHAIRMAN. It would be in order to offer, but not to be voted on until all perfecting amendments are disposed of.

Mr. RAYBURN. I say, would it be in order to offer it as a substitute?

The CHAIRMAN. Yes.

Mr. RAYBURN. I make that motion—that section 9 be stricken out.

The CHAIRMAN. The gentleman from Texas offers a motion that the section be stricken out. The Clerk will report it.

The Clerk read as follows:

> Amendment offered by Mr. RAYBURN: Page 6, strike out all of section 9.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the amendment at this time or later, when the amendments shall have been passed?

Mr. RAYBURN. I would like to be heard now.

Mr. Chairman, the motion of the gentleman from Massachusetts [Mr. WINSLOW], if it does what he intends it to do, does absolutely nothing. The question, therefore, must recur upon whether or not this Congress wants to grant a continuing power. If this Congress wants to say that at any time in the future, whenever a man proposes this legislation says that it is emergency legislation—and that is the only reason why he advocates it—if they want to leave the power in the President of the United States or in Congress, as they say, by joint resolution to call this thing back into power without amendment, without doing anything except passing this resolution, that is one thing. If they do not want to grant unheard-of power to a President of the United States at any time he wants to call it into being, then section 9 ought to be stricken out.

It does seem to me that section 8 as it now stands grants all the power that this Congress ought to want to grant to anybody, for the reason that section 8 gives the President the power to continue this emergency just as long as he desires. It says that "whenever the President shall be of the opinion that the existing emergency has passed he may by proclamation so declare," and so forth. Therefore the President of the United States can hold this act in effect until after April 1, 1923, if, as gentlemen here think, there might be a strike or a threatened strike, or he might hold it until April 1, 1924, or at any time that he thinks it reasonable; so that if this Congress wants to vote into this measure anything that would prevent a continuation of this power in the hands of the President and granting to the President the right to hold this thing in being in future, the only thing to do is to strike out section 9.

Mr. SANDERS of Indiana. I should like to inquire of the gentleman from Texas [Mr. RAYBURN] whether he thinks we have the constitutional power to give to a future Congress the right to do a legislative act within the meaning of the Constitution, which ordinarily requires the President's approval, and to cut out the right of the President to veto it?

Mr. RAYBURN. I say I do not think the motion of the gentleman from Massachusetts means anything.

Mr. SANDERS of Indiana. I think the gentleman's motion to strike out the section should be sustained.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. GRAHAM] desire to offer an amendment to the amendment offered by the gentleman from Massachusetts?

Mr. GRAHAM of Pennsylvania. I desire to offer a substitute for it.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. GRAHAM of Pennsylvania: Page 6, line 1, after the word "hereafter," strike out the word "when" and insert "when Congress or when the Congress is not in session."

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I recognize the fact that it appears to be the established order that nothing except committee amendments to this bill shall be allowed. Nevertheless I indicated in my remarks the other day why I thought this section ought to be amended in this particular. Otherwise the declaration of an emergency in future years will rest solely with the President, this being continuing legislation. Personally I am heartily in favor of striking the section from the bill. It is senseless legislation. There is no principle better settled in law than that one Congress can not bind its successor in any way, and the question of having machinery ready for another Congress to put into operation borders on the edge of absurdity.

I offer this amendment with a view to perfecting the section if it is going to be passed by the committee; but if the motion to strike out prevails I shall feel that the committee will have adopted the wise course.

Now, my amendment differs from the amendment offered by the gentleman from Massachusetts only in this, except the correction of verbiage throughout the section. His amendment provides that Congress alone shall declare an emergency in the future—a contradiction of the spirit of this measure which is that in the future the President may announce and declare an emergency to exist calling for drastic action. In the amendment offered by the gentleman from Massachusetts no provision is made for that period when the Congress is not in session. I think it ought to be provided for. An emergency might arise of such a pressing character that there would be no time to convene the Congress, and the President ought to declare the emergency. If Congress is in session, then I am strongly and persistently opposed to Congress surrendering its right to declare when an emergency of this character exists, which is to call for such drastic treatment.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. What is the matter now pending before the committee that has precedence for consideration?

The CHAIRMAN. The substitute offered by the gentleman from Pennsylvania [Mr. GRAHAM] will be voted upon first. Then the amendment of the gentleman from Massachusetts will be voted on. Lastly, after all perfecting amendments have been passed on, the motion to strike out the section will be voted on. The order of debate, however, is not determined by that. The Chair recognizes the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, up to now I have refrained from taking any part in the discussion on this bill; but I think we have reached a stage where every Member of the House ought to express his opinion as to the wisdom of what we propose to do.

Section 8 of the bill provides that—

> Whenever the President shall be of the opinion that the existing emergency has passed he may by proclamation so declare, and thereupon the exercise of the powers conferred under this act shall be suspended.

And I assume that what is meant by the word "suspended" is that the act shall thereafter be of no force and effect. Now, section 9, as it is proposed to amend it, seems to me to be unnecessary; and section 9, as it is proposed without amendment, ought not to be in the bill. There ought not to be any instruction given to a future Congress as to what it undoubtedly has the constitutional right to do, and it seems to me that we should not under any circumstances give to the President the power to continue an act which by the preceding section has been suspended by the mere declaration of the nonexistence of the emergency to meet which this legislation is about to be enacted.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SANDERS of Indiana. Then, I take it, the gentleman would also be opposed to the amendment offered by the gentleman from Pennsylvania, which proposes to give to a President elected 50 years from now, if Congress does not happen to be in session, the power to resurrect this act?

Mr. MADDEN. I am opposed to both amendments, the amendment offered by the gentleman from Massachusetts and the amendment offered by the gentleman from Pennsylvania, and I am in favor of the elimination of section 9 in toto. [Applause.] That is what ought to be done, and it seems to me that is the way to reach the case. When the emergency no longer exists the law should be set aside.

Mr. MOORE of Virginia. May I say this to the gentleman——

Mr. MADDEN. Certainly.

Mr. MOORE of Virginia. Emphasizing his view, with which I thoroughly concur, that the fact which unfortunately will probably obtain throughout the future is that Congress will nearly always be in session and can deal with any emergency.

Mr. MADDEN. Whether it is in session or not it can be called into session, and it will be just as easy to enact legislation then which may be required to meet an emergency which may arise at that time as it is now; and the emergency then, if one should exist, may not be at all what the existing emergency is now, and this law might not be applicable to the emergency that might exist in the future.

Mr. TAYLOR of Tennessee. Under section 8 unless the President should see fit to declare the emergency at an end the power conferred in this act would continue?

Mr. MADDEN. Oh, yes.

Mr. VESTAL. It would go on indefinitely?

Mr. MADDEN. But no President would refuse to declare the emergency at an end if it was at an end.

Mr. VESTAL. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. VESTAL. Is it not unfortunate that, on page 5, at the end of section 8, the word "suspended" is used? What does that mean?

Mr. MADDEN. It means that the act is at an end.

Mr. VESTAL. Then why does not the section say so, that it shall terminate. With the word "suspended" there I think section 9 should go out.

Mr. MADDEN. I am not in favor of continuing an emergency by enacting permanent legislation under which the President or anybody can declare an emergency. That should be left to Congress. [Applause.]

Mr. HOCH. Mr. Chairman, while strongly supporting this bill as a piece of emergency legislation, I am opposed to a permanent grant of this extraordinary power to the President. To give to the Executive for all time to come such extraordinary power in control of prices seems unnecessary and unwise. Let the people, speaking through the Congress, say when the emergency exists and bestow the power. At the same time, I can not agree with the interpretation placed on the amendment offered by the gentleman from Massachusetts by the gentleman from Texas and the gentleman from Virginia. There is no attempt in the amendment of the gentleman from Massachusetts to dictate to any subsequent Congress. There is no attempt to preclude a subsequent Congress from doing this or that thing. There is no attempt to tell any subsequent Congress what it may or may not do. The only purpose of the amendment of the gentleman from Massachusetts is to make unnecessary the reenactment of all this legislation and go into all the questions as to machinery that would be set up in case an emergency existed. I believe we can determine what legislation shall be in existence until such time as a subsequent Congress may declare that the emergency exists. The subsequent Congress may repeal the law or set up any machinery it pleases. We can not by any act here prescribe or limit the action of a subsequent Congress, but I think we can provide legislation which is permanent to that extent, and that unless a subsequent Congress shall determine otherwise, then this legislation might be called into being by the subsequent Congress.

Mr. BUTLER. Will the gentleman yield?

Mr. HOCH. I will.

Mr. BUTLER. I thank the gentleman for yielding to me. I will be obliged to him if he will give me his view on the effect of this language at the end of the section, "and thereupon the powers conferred by this act shall be revived and in full force and effect." Does that attempt to bind a subsequent Congress?

Mr. HOCH. The subsequent Congress, knowing that the declaration of an emergency would revive these powers, would have it within its power to declare that the emergency existed and thereby automatically revive them. But if the Congress did not wish to revive the powers, it could refuse to declare the emergency, or it might declare it and put into effect a new law. But if it desired simply to declare an emergency and revive this act, it could do it by simply declaring the emergency.

Mr. BUTLER. Then we would bind a subsequent Congress, and therefore it seems to me the language employed is useless.

Mr. HOCH. We are not trying to bind any subsequent Congress, but to make it possible for the subsequent Congress to revive the act in a simple way if it desires.

Mr. BUTLER. The language is emphatic—"the powers conferred by this act shall be revived and in full force and effect."

Mr. HOCH. Certainly; but the Congress could repeal it or amend it if it so desired.

Mr. SANDERS of Indiana. If the gentleman from Kansas will yield.

Mr. HOCH. I yield.

Mr. SANDERS of Indiana. When Congress wanted to revive the War Finance Corporation act, without any authority in the former act at all, the Congress in five lines passed a joint resolution reviving the War Finance Corporation act, and if any future Congress wanted to revive this act it could do it in the same way.

Mr. HOCH. The gentleman is addressing himself to the question whether it would be more simple to revise the law in that way than by a declaration of emergency. That is open to question. I was addressing myself simply to the effect of the amendment and the argument and interpretation placed on it by a gentleman in opposition. The gentleman abandons that interpretation, and says that while the effect might be the same it would be unnecessary because it would be as simple to revise the law.

Mr. JONES of Texas. Mr. Chairman, if the amendment offered by the gentleman from Massachusetts means anything, it would give the next Congress or any other Congress the authority to revive this far-reaching bill without any opportunity for amendment, if the legislators saw fit to bring in a resolution to that effect. I do not believe we can grant any authority to a subsequent Congress, or in any way bind its free judgment, but if we could I would be opposed to it in view of the far-reaching powers of this bill. I do not believe in placing in the hands of any one man the authority to say that the industries in my district are not as valuable as the industries in some other man's district, and therefore the industries in my district must go or that people in some other sections shall have fuel and the people in my section shall not have fuel. The fuel distributor if he saw fit to determine that in some section of the country the industries were not as important as in some other section he could say that this section may have coal and that section may not have coal. Of course, he would submit his recommendation to the Interstate Commerce Commission, but with all the business that devolves upon the Interstate Commerce Commission and its great number of activities we know that it would follow the recommendations of the fuel distributor. I remember the trouble we have heretofore had in the distribution of cars out of Washington.

Mr. KNUTSON. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. KNUTSON. Would not the gentleman be in favor of this if he knew that it would save human lives in the northern part of the country?

Mr. JONES of Texas. I would if it would save human lives by conferring this power, but even the wildest supporter of the measure has made no such claim as that. The business of this country is very complex. I do not believe the man has lived since the days of the organization of the Republic who can get in his own mind and fully comprehend the various complex merits and relative importance of the different industries and the different activities and the different needs of the various sections of this country. For example, I represent a district containing 53 counties and it has about the same population as the city of Baltimore.

Suppose my district needed a thousand tons of coal and Baltimore needed a thousand tons of coal and that there is just a thousand tons for the two places. There is no organization in any of my counties; they are not large enough to justify any great organization. Baltimore is so located that it could send 100 men to the fuel distributor to present and show the needs of that city. It could flood him with telegrams. No one would come from my section, and who do you suppose would get the 1,000 tons of coal? You are making by this section permanent law of the provisions contained elsewhere in the bill, which renders it possible to deny any section, community, or municipality what it may need in the way of fuel. I believe the amendment of my colleague should be adopted. The measure would not be so bad if the bill simply conferred the power to give priority in the shipment of coal over the shipment of other commodities, but it goes further in section 5 and says that they can enter an order against any community or region or municipality, and thus deny to that community or region or municipality the use of any coal.

If this measure passes in its present form they will be compelled to burn kaffir, fodder, and corn for fuel in some sections, while certain other congested and highly organized centers would have their supply of coal. I would vote for any legitimate legislation that would destroy profiteering and extortion in this essential commodity. But this legislation will not accomplish that end and is not meant to do so. It is simply a blind and a smoke screen to hide the real purposes that are behind its enactment. I would like any advocate of this bill to explain to me why it would not be possible for the fuel distributor to say one section of the country shall not get any coal, or shall get only a small amount, while another section shall get a great amount. I grant you that he probably would not intend to do that, but he could not possibly get all of the facts, in the first place, and, in the second place, it is too much power to place in the hands of any one man, I do not care how bright or how patriotic he may be. [Applause.]

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLS. Mr. Chairman and gentlemen of the committee, I am one of those who originally felt and still feels that section 9 in its original form should not be in this bill. I am willing to grant to the President this extraordinary, almost extraconstitutional power to meet a great emergency, but I am unwilling to grant to any future President the right to say that an emergency exists and so arrogate to himself such extraordinary power as the right to fix the price of an essential commodity. It does seem to me, however, that the committee amendment is not open to the same objections. It is not open to the same objections, because obviously in the future Congress may revive this legislation and so grant the power to the President. But gentlemen say, if that be so, what then do you accomplish by such an amendment—you are not increasing the power of a future Congress, and you certainly can not diminish its power. It seems to me that you accomplish just this: If you leave in section 9 unamended, you have met the existing emergency, and you have declared that when the existing emergency is at an end this policy shall be discontinued for all time. If you adopt section 9 as amended by the committee, you declare that we propose to meet the emergency to-day with this kind of legislation, and that when the emergency is over we will bring it to an end, but we announce to the country and to operators and men alike that we propose to deal with future emergencies in just this way. [Applause.] Legally you may not accomplish very much, but do not neglect the moral effect of saying that in the future we will see to it that the American people and the American consumer are not held up. It is the moral effect of holding a club over the head of people who may create emergencies that may be the very means of avoiding emergencies, something infinitely preferable to dealing with them when they arrive. [Applause.]

Mr. LONDON. Mr. Chairman, the preceding speaker attempted to supply a reason for what appears to be an absurdity, and he almost succeeded—almost but not quite. I am anxious to utilize an occasion, a very rare occasion, when I can agree with the gentleman from Pennsylvania, Mr. GRAHAM. I think he is absolutely right in his contention that section 9 should go out. He prefers that the entire section should go out. The moral effect, of which the gentleman from New York [Mr. MILLS] so ably speaks, is accomplished by the enactment of this legislation. Congress has been called upon to deal with this problem, and it has dealt with the problem, not in a very effective way, I think, but still it has dealt with it. The moral effect is, therefore, accomplished. There is nothing to be gained by declaring now that a future Congress can revive the act by resolution. What substantial reason can be advanced for incorporating section 9 in the law as it is proposed to amend it?

No future Congress will be bound by it, and any future Congress can at any time reenact such a law. As the gentleman from Massachusetts recommends it to be amended it has no meaning at all, and it should go out. If a new emergency is to arise, let Congress be called upon to meet it. It is a dangerous thing to confer upon the President the extraordinary power of declaring an emergency.

Mr. LEA of California. Mr. Chairman, it seems to me that some confusing statements have been made in reference to section 9. If I can I want to clarify the situation somewhat. There are two separate questions presented by amendments pending before the House. The first question is whether or not the revival of the exercise of the powers of this act shall be by the President or by the Congress. The committee amendment proposes to change the bill as presented to the House and confer the power of reviving this act upon the Congress instead of the President.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. LEA of California. Not now.

Mr. HUDDLESTON. The gentleman calls that a committee amendment. I never heard of it as such.

Mr. LEA of California. Well, the amendment that is offered by the chairman of the committee.

Mr. HUDDLESTON. Should not the gentleman make that clear?

Mr. LEA of California. There is no doubt about the fact. The chairman offered this amendment.

Mr. HUDDLESTON. But it is not a committee amendment.

Mr. LEA of California. That is not an important consideration.

Mr. HUDDLESTON. I think it is very important.

Mr. LEA of California. The point I am suggesting is the question that the House is going to pass on. I was speaking with reference to the effect rather than the source of the amendment. It is a question whether you are going to confer the power on the Congress or upon the President. The amendment proposed conforms to the constitutional method of letting the Congress by legislative declaration establish the facts upon which the power shall be exercised. I believe the amendment offered by the chairman of the committee in that respect should be adopted.

The other question is whether or not you are going to retain the machinery that this bill establishes. Let me give a crude illustration that emphasizes the point. Suppose a farm is threatened by overflow of water. The farmer does not know when the overflow is going to come, but it is liable to come with any freshet. The question here is whether the farmer shall provide his machinery for meeting that emergency or shall wait until the emergency comes before he provides both the machinery and the men to operate it. The plan suggested in the amendment offered by the gentleman from Massachusetts [Mr. Winslow] is that we shall have the machinery established and on hand to meet the emergency, and that the only thing required to be done when the emergency arises is to provide a man to operate the machinery that is already on hand.

Mr. JONES of Texas. If they have the machinery in Washington, as they do, will not it be pretty hard for the farmer in California to get the facts before the man running the machine?

Mr. LEA of California. That is aside the question. The machinery is for this bill.

Mr. JONES of Texas. But you are providing machinery here in Washington.

Mr. LEA of California. The question whether or not you oppose this bill is one thing, and whether or not you want its operation and immediate operation in case of an emergency is another. The sufficiency of the propriety of the machinery adopted is not the question presented by this amendment.

Mr. HUSTED. Mr. Chairman, at this juncture it seems that we should do one of two things, either strike out section 9 entirely or leave section 9 exactly as it stands in the bill, so far as the power to call the emergency into effect is concerned. It seems to me that the amendment offered by the gentleman from Massachusetts is absolutely futile. What does it do? It says that Congress, by resolution, can call this legislation into effect. That is no more than to say that Congress can reenact the legislation, and what then would happen?

If a resolution of that kind was introduced it would call up every question which could be raised under the bill. It would take practically just as long to adopt that resolution as it would to reenact the legislation. The resolution would be a joint resolution of the Congress, and it would have to go to the President for his signature.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. HUSTED. I yield.

Mr. BLAND of Indiana. Your colleague from New York says it is setting a precedent; that this is to be the future legislation.

Mr. HUSTED. I do not think it sets any precedent at all. It simply says to the country that the Congress may by resolution reenact this legislation. The country knows that already, and anybody with any common sense knows that already. You have got to pass a resolution; you have got to have a majority of both Houses to do it; and you have got to have the signature of the President. Now, you have got to have that, and no more than that, in the case of a bill, and if such a resolution should be brought into the House do you not think it would be discussed just as thoroughly; do you not think that every question would be raised under it, just as if the legislation itself was before the House? I not only believe that that amendment should not be adopted but I believe that section 9 should remain in the bill exactly as it is now. I am not afraid to leave this power in the hands of any future President. I can not conceive that any President of the United States would abuse this power, and if we had had this authority in the hands of the President two or three months ago we would not be in the situation in the country which we are in to-day. The reason why we are in our present situation in the matter of production and distribution of coal is very largely because the Government has had no power of control. If this legislation now is good for this emergency, why is it not good for any future emergency? I believe that the deterrent effect lies and lies only by leaving in the hands of any President of the United States the right to call immediately into effect, on the happening of any such emergency, the full powers of the Government conferred by this bill, so that he may be able to cope with the emergency and deal with it adequately and promptly. The element of time is of prime importance in the handling of these matters. And that element of time is provided for by allowing the President of the United States to call these powers into effect immediately on the arising of an emergency, such as faces the country at the present time.

The CHAIRMAN. The time of the gentleman has expired. All time on the section has expired.

The question is on the substitute offered by the gentleman from Pennsylvania to the amendment offered by the gentleman from Massachusetts [Mr. Winslow].

Mr. GRAHAM of Pennsylvania. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GRAHAM of Pennsylvania. To ask unanimous consent to withdraw my amendment. I feel that the section is utterly useless and ought to be stricken out.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw his substitute. Is there objection? [After a pause.] The Chair hears none.

The question recurs on the amendment offered by the gentleman from Massachusetts [Mr. Winslow.]

The question was taken and the amendment was rejected.

The CHAIRMAN. The question now is on the motion of the gentleman from Texas [Mr. Rayburn] to strike out the section.

The question was taken and the Chair announced that he was in doubt.

The committee divided, and there were—ayes 65, noes 62.

Mr. WINSLOW. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. Winslow and Mr. Rayburn took their places as tellers.

The committee again divided, and there were—ayes 85, noes 64.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 9. Every person or corporation, whether carrier or shipper, who shall knowingly offer, grant, or give, or solicit, accept, or receive any concession or discrimination in respect of car service as the same is defined in paragraph (10) of section 1 of the interstate commerce act, in violation of any order, direction, or rule of the Interstate Commerce Commission in respect thereto, or who shall by any willful misrepresentation or by any fraudulent device or means whatsoever, procure or cause to be issued any order or direction for priority hereunder, or who shall knowingly or willfully use or cause to be used any fuel for purposes other than those for which any order or direction for priority is issued, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000: *Provided*, That any person or any officer or director of any corporation subject to the provisions of this act, or the interstate commerce act and the acts amendatory thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by any such corporation, who shall be convicted as aforesaid, shall, in addition to the fine herein provided for, be liable to imprisonment in the penitentiary for a term not exceeding two years, or both such fine and imprisonment, in the discretion of the court. Every violation of this section may be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation is committed, or through which the transportation is conducted, or in which the car service is performed, or in which such concession or discrimination is granted, or given, or solicited or accepted, or received; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

Also the following committee amendment was read:

Committee amendment: Page 6, line 18, strike out "9" and insert "10."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment. The Clerk informs the Chair that inasmuch as section 9 has just been stricken from the bill that committee amendment should be disagreed to. So the Chair will modify the statement by saying that, without objection, the amendment is rejected. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next amendment.

The Clerk read as follows:

Committee amendment: Page 6, line 18, after the word "corporation," strike out "whether carrier or shippers."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Also the following committee amendment was read:

Page 7, line 2, after the word "hereunder," strike out "or who shall knowingly or willfully use or cause to be used any fuel for purposes other than those for which any order or direction for priority is issued" and insert "or whoever having obtained coal or other fuel through a priority order shall dispose of the same for purposes other than those for which said priority order was issued without the consent of the Interstate Commerce Commission."

Mr. NEWTON of Minnesota. Mr. Chairman, I want to offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Newton of Minnesota: Amend the committee amendment, lines 5 to 9, on page 7, by inserting after the word "order," in line 6, the words "or direction," and in line 7, after the word "order," by inserting the words "or direction," so that the said committee amendment will read as follows: "or whoever having obtained coal or other fuel through a priority order or direction shall dispose of the same for purposes other than those for which said priority order or direction was issued without the consent of the Interstate Commerce Commission."

Mr. NEWTON of Minnesota. This is merely to conform to the text of the car service act as it has been written.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The question then recurring on the committee amendment as amended, the amendment as amended was agreed to.

Mr. GOODYKOONTZ. Mr. Chairman and gentlemen of the committee, under the Articles of Confederation, in which the original States entered, one of the difficulties encountered was in the laws enacted by one State against another—creating tariffs and establishing embargoes—operating as barriers and retarding free trade among the Colonies, so that when the Constitution was framed in order to remedy that evil what we know as the commerce clause, consisting of 10 or 11 words, was provided, saying in substance that Congress should have power to regulate commerce between the States, with the Indian tribes, and with foreign countries, the main object being that commerce between the States should always be free; that there should be no impediments or retarders placed thereto. In harmony with that thought the courts have always construed the commerce clause liberally with the purpose of facilitating commerce between the States.

Beginning with Gibbons against Ogden (opinion by Marshall), the Supreme Court in an unbroken line of decisions—Munn against Illinois and the others of the Granger cases, the Covington Bridge case, the child-labor decision, and thousands of other cases—has labored to hold that commerce between the States should be absolutely free. For the first time in the history of our country Congress has undertaken to legislate on price fixing, not itself fixing the price but by doing a much more questionable thing, namely, attempting to delegate to an inferior tribunal the power to fix the price of a commodity that should move freely in the channels of trade and transportation. I am aware of the fact that, as has been stated here already, the Supreme Court has gone a long way in recognizing the power of Congress to do certain things with reference to commerce between States, and for that reason this Congress should be the more ready to guard and protect that organic instrument in the object and purpose that the people had and undertook to accomplish by it.

We feel that at times the court has been influenced by the passing waves of popular opinion, as evidenced by the decision construing the Reed amendment to the Agricultural bill, holding that if one for personal use should carry a flask of intoxicating liquor from one State into another that that person was engaged in interstate commerce, and again, if a man take a woman on a personal escapade from one State into another, that this was commerce between the States, and the man liable to a term in prison for violating the Mann Act directed against "white slavery." The court probably acted on the theory that the man was polluting the channels of interstate commerce. But the court has never gone so far as to hold that Congress has the right to fix a price for the commodity. If the Supreme Court has gone far afield this alone should be a reason why we should restrain our own activities and keep within constitutional limitations.

The rent acts decisions are not precisely parallel, because Congress had plenary power to deal with the District of Columbia, and in the New York case the Supreme Court, in review, merely recognized the power of that sovereign State to legislate on the subject. There was not involved the question of power delegated to the Federal Congress to legislate concerning the domestic affairs of the State.

Before proceeding further on the constitutional phase of the subject I wish to direct attention to the fact that I am not speaking solely for the coal industry of my district, although I have the honor to represent one of the greatest coal sections in the world—the smokeless fields of the Winding Gulf, the Pocahontas, and the Tug River regions. Secretary Hoover, in his testimony before the committee (p. 21 of the hearings), said this:

For instance, in the smokeless fields, the figures will show that less than 5 per cent of the coal out of that field has moved at over the fair price. The average price of coal in the smokeless field has been less than $3.50 per ton right straight through until the agreement was dissolved by the end of the strike.

This certificate from Secretary Hoover shows that the captains of a great industry came to Washington and voluntarily entered into an agreement with the Department of Commerce not to charge in excess of $3.50 a ton for the highest grade coal to be found in the land, and they have been faithful to their agreement—having charged less than the maximum allowed. Therefore this legislation to West Virginia operators is a gratuitous insult.

The public question is one of transportation and not of production. The mines are installed and ready to produce a great volume of coal. Rather, I think the committee had better have directed its attention to opening up the channels of interstate commerce. The committee should have devoted its time and attention to perfecting some plan whereby the railroads of the country might operate. Very little coal is sold at extortionate prices. Eighty per cent of the output of legitimate operators is sold on time contracts, running from April 1 to April 1. The few cars of coal that have been sold at extreme prices generally represent the product of some little one or two car a day mines, or wagon mines. If a coal operator shall sell 80 per cent of his output to a manufacturer, or other consumer, and then is only able to run his mine for two or three days in the week, as is now generally the case, due to inability to get labor and on account of car shortage, then that operator is not in a position to produce any "spot coal," for his 80 per cent contracted will more than absorb his actual production.

To remedy the situation we must provide for transportation. There will be plenty of coal in the markets wherever the cars are rolling.

Mr. Chairman, I now offer an amendment.

The CHAIRMAN. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Goodykoontz: Page 6, line 18, strike out section 9.

Mr. GOODYKOONTZ. Mr. Chairman, I presume that the gentlemen who are in favor of legislation of the general tenor of that incorporated in the bill are interested in keeping that legislation within constitutional limitations. The major portion of the bill——

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. GOODYKOONTZ. I yield.

Mr. SANDERS of Indiana. Where does the gentleman get that idea?

Mr. GOODYKOONTZ. We admit for the purpose of argument that the gentlemen in good faith are interested in this legislation. If the bill shall pass, some little time must elapse before its constitutionality can be passed upon. The bill may for a few present the case of "good enough, Morgan, until after the election."

The major portion of the bill is a mere repetition of matter that was considered by the Congress and enacted into law by the transportation bill. By the transportation act the Interstate Commerce Commission was fully empowered to allocate cars, to promulgate priority orders and embargoes, to route and reroute cars, all of which was abundantly provided for in that legislation.

The only new thing that this bill undertakes to do is to lug in the condition that before a shipper can have his coal transported over an interstate line he must first submit the question as to the fairness of price of the commodity that he is to deliver to a tribunal—the Interstate Commerce Commission—whose chief duty should be to keep the channel open rather than to clog it, and if that tribunal shall be of opinion that the selling price amounts to extortion then cars are to be refused. The commission will thus become the all wise and all powerful tribunal before whom shippers must appear on bended knee and learn from delphiclike lips to the very cent, precisely, where fair dealing leaves off and extortion begins. It will be a sorry day for America when this bill becomes law. In granting the priority order the commission will assent to the price to be paid by the consignee, but if the coal goes over the road and one of the parties shall violate the terms of the order as respects price, or as to object and use of the coal so transported, then the offending person will be subjected to fine and also imprisonment, two years at the maximum, in the penitentiary.

Legislation of this character was condemned by the Supreme Court, clearly, in the case of the United States *v.* Cohen Grocery Co. (255 U. S. p. 81), which involved the Lever Act, and was decided, opinion written by Chief Justice White, February 28, 1921. The syllabus reads:

> Section 4 of the food control act of August 10, 1917, as amended October 22, 1919, in denouncing and attaching a penalty of fine or imprisonment to the making by any person of "any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries—

Which, of course, includes fuel—

> must be construed as forbidding and penalizing the exaction of an excessive price upon the sale of a commodity."

In the body of the opinion (idem, p 89) the Chief Justice said:

> Observe that the section forbids no specific or definite act. It confines the subject matter of the investigation which it authorizes to no element essentially inhering in the transaction as to which it provides. It leaves open, therefore, the widest conceivable inquiry, the scope of which no one can foresee, and the result of which no one can foreshadow or adequately guard against.

The court (idem, p. 93), in announcing the conclusion arrived at, said:

> It follows from what we have said that, not forgetful of our duty to sustain the constitutionality of the statute, if ground can possibly be found to do so, we are nevertheless compelled in this case to say that we think the court below was clearly right in holding the statute void for repugnancy to the Constitution, and its judgment, quashing the indictment on that ground must be, and it is hereby, affirmed.

In view of the fact that the Lever Act was an exertion of the war power of Congress and was declared unconstitutional and therefore void, it is somewhat difficult for me to understand upon what theory constitutional lawyers in the House base their opinion that the bill before us would be held valid if passed as an act of Congress.

Gentlemen on the floor have verbally castigated and vituperated the coal operators, but they have been very cautious not to say anything against the retailer, the jobber, and the "coal bootlegger." There is nothing in the bill to protect the public from any undue exactions of the jobber and the retailer. The people have asked for bread and you give them a stone—by this bill you give them nothing.

The bill is socialistic and vicious. If the commission be given the power to fix the price of coal, it may also be given the power to fix the price of cotton and wheat and shoes. The price so to be fixed may be maximum or minimum. As an incident, wages may be fixed. Differentials may be allowed concerning union or nonunion labor, affecting the commodity. You have entered upon a new field, the length and breadth of which none of us can see. It is without limit. It is the field of socialism. And very strange it is that among those who have entered upon the new field are to be found the representatives of manufacturing—New England and financial New York—all meekly following the gentleman from New York [Mr. LONDON], the only Socialist in the House who is frank enough to admit that he is a Socialist.

The CHAIRMAN (Mr. STAFFORD). The time of the gentleman from West Virginia has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, the question is whether we are going to put teeth in this act and penalize anyone from obtaining a priority through fraud or willful misrepresentation or from selling coal contrary to the expressed purpose upon which it was asked for and issued. The motion to strike out the section should be voted down. I now ask unanimous consent that all debate on this section and all amendments thereto be now closed.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that debate on this section and amendments thereto be now closed. Is there objection?

Mr. WOODYARD. I object.

The CHAIRMAN. Objection is made.

Mr. NEWTON of Minnesota. Mr. Chairman, I ask unanimous consent, then, that the debate on the section and all amendments thereto close in six minutes.

Mr. OLIVER. As I understand, that does not preclude an amendment that seeks to add a new section?

The CHAIRMAN. In response to the inquiry of the gentleman from Alabama, the Chair will state that the amendment to add a new section is not an amendment to the pending section. The gentleman from Minnesota [Mr. NEWTON] asks unanimous consent that all debate on this section and all amendments thereto close in six minutes. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, Mr. Chairman, I would like to have one minute in which to ask a question.

Mr. NEWTON of Minnesota. Then, Mr. Chairman, I will modify my request and make it seven minutes.

The CHAIRMAN. The gentleman from Minnesota modifies his request to seven minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from West Virginia [Mr. WOODYARD] is recognized for five minutes.

Mr. WOODYARD. Mr. Chairman, I have listened with considerable interest to the arguments advanced in behalf of this legislation. The principal one seems to be that profiteering in coal exists in this country and for that reason the coal operators are responsible for it, and this legislation is intended to correct that condition.

In the first place, I want to say that I hold no brief for the National Coal Operators' Association nor for the coal operators of my State. I am not aware that I know a single member of the National Coal Operators' Association, and possibly not more than five or six coal operators in my State. Outside of one or two small operations, I have no coal mines in my district. But, Mr. Chairman, I can not sit silent and hear men who have contributed so largely to the development of such a great State as my own maligned, as I believe they are, when the charge is made that they are profiteering. As my colleague [Mr. GOODYKOONTZ] just now stated, they have gone into a voluntary agreement with the Secretary of Commerce, Mr. Hoover, to regulate the price of coal during this period. We may have an emergency in this country at this time, but it is not the first time that condition has existed, and it is not going to be the last time.

I deplore this idea of coming to Congress and asking for legislation to remedy all kinds of conditions that prevail throughout this country. I insist that this legislation is absolutely socialistic, and if we continue to recognize and advance it in this House I shall not be surprised to soon see the farmers of this country coming into this body and asking us to give them a law whereby they can settle their differences in regard to a line fence.

Mr. Chairman, no statement of fact has been presented to this House to show where there has been any evidence of profiteering on the part of the coal operators of this country, and I want to express here my decided opposition to this legislation.

Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. WOODYARD. I reserve the balance of my time, and I yield one minute to my colleague Mr. ROSENBLOOM.

The CHAIRMAN. The gentleman can not yield any time.

Mr. WOODYARD. I yield back the remainder of my time.

Mr. ROSENBLOOM. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from West Virginia is recognized for five minutes.

Mr. ROSENBLOOM. The objections that have heretofore been made to the pending bill have been so numerous and have covered the ground so thoroughly that there remains but little to be said. I shall consume little time in voicing my objections to the measure.

The most noticeable fact with regard to the bill is that while it is generally conceded by every Member who has discussed it as being the most important bill to be considered by Congress, and while it will receive the vote of those Members of Congress who, by reason of their ability for clear thinking and expression of thought, have become recognized here and throughout the Nation as the leaders of their respective parties in Congress, these gentlemen are strangely silent on a matter of such admitted importance.

The great hue and cry being made for the passage of this bill comes from those whose sole argument is that it is necessary to prevent extortion; to prevent conscienceless profiteering. There are several words in the English language that have by discreet usage become the inseparable ally of persons desiring legislation for selfish purposes. When neither reason, fact, logic, or argument avail the practice is to subtly charge profiteering, extortion, or Bolshevism. All of these base eventualities are honestly feared, or, at least, earnestly charged by the advocates of the pending measure, who anticipate dire consequences if the ordinary economic law of supply and demand be permitted to prevail in the coal industry.

There is an ancient legal maxim, familiar to all of the gentlemen: "When you have a bad case of your own, throw mud at your opponent." Failing in their attempt to show reasonable need for legislation such as proposed in the pending measure, and realizing their failure, some of the gentlemen have adopted the nowadays popular subterfuge of referring to the persons connected with the industry which this legislation will affect as profiteers. Such references are probably intended to elicit the help of those who prefer not to be identified with parties who have been so designated or to alienate their assistance from those advocating the rights and privileges of the industry falsely designated as profiteers, merely as a substitute for logic to defend their own position.

The clamor for legislation to fix the price of coal comes from all parts of the country, except where coal is produced. In localities where the citizens have invested their money, their intelligence, their time, their lives, where men earn their daily bread for themselves and their families by producing coal, these people rightfully object and protest against the radical departure from long-established Government administration, permissible under this bill, to have the Government regulate and dictate prices and practice in their industry. It has been oft repeated that this is the first time in the history of the country where the Government has attempted such a policy, and I reiterate with all possible emphasis that such practice is essentially dangerous.

Should this legislation be enacted, you gentlemen who are advocating it will some day be confronted with similar situations. If you undertake to fix the price of coal to-day when the price of shoes advances, when the price of cotton goods soars, when the price of meat goes to a higher figure, when there is a big demand for wheat—when all of the human necessities, by reason of the law of supply and demand, become inadequate to meet the demand, and the price rises correspondingly, then we will see future sessions of Congress considering similar legislation with regard to each of those commodities. Again, I say, such a precedent as contemplated in the bill is essentially dangerous. Need I mention to the gentlemen from Boston that there are more people who wear shoes than produce them; to the gentlemen from Chicago that there are more people who eat meat than produce it; to the gentlemen from Kansas that there are more people who eat flour than produce it, and so on ad infinitum.

In the production of coal the producers are divided into two classes—operators and miners. The consumers of coal are those who throughout the breadth of our country are dependent upon coal for their fuel. These consumers are public and private, of which the majority are public—those who use the coal for operation of public utilities, street car companies, electric light, power, and public utilities of various kinds. During the past four or five years these public consumers of coal have increased their prices from 200 to 800 per cent for the services they have been rendering society.

Coal is a vital necessity for the continued operation of their plants, and the increase in price of coal has never corresponded with the increased price which they charged. There was no loud clamor voiced in Congress for the regulation of the price of those commodities, for the reason that in every congressional district in this country citizens had their money invested in those businesses. Any attempt to override the law of supply and demand in connection with those industries would, of course, be heard from at home in every part of this country.

Therefore without making a case or in any way showing the necessity for this legislation directed against the producers of coal, merely by brute strength and by reason of the fact that there are so many more consumers than producers you are asked to take this radical departure from established governmental practice and inject "less government in business and more business in government."

The contention that coal at $10 or $12 a ton delivered in the far West is extortionate and is indicative of profiteering by the industry is ridiculous. It is my opinion that coal heretofore has been sold too cheap, when you realize that in order to produce coal men take their capital, invest it in one of the most hazardous businesses, and are continually facing the possibility that they will be destroyed by forces over which they have no control. A man who invests in a coal mine knows not at what moment his entire investment may be wiped out. Some unthinking miner might strike a match to light his pipe, ignite gases far below the surface of the earth, and the result of years of toil, the fortunes of many people engaged in the coal-mining industry, together with the lives of many of the men who are engaged in digging coal, may be wiped out in an instant. There can be no insurance against this risk.

The miner who digs this coal must arise at the break of the day, descend deep into the bowels of the earth, hundreds of feet below the surface, and at the bottom of the mine shaft find his way through the ever-present darkness with the aid of a pit lamp to the face of the vein which he is working, maybe a mile or 2 or 3 miles from the foot of the shaft. He finds his way through the darkness, with water dripping from the walls and the roof of the mine, and begins to dig the coal, being constantly alert that the roof of the mine above him does not cave and crush out his life; often the water is over the top of his shoes; often he must lie on his back or side to dig the nuggets which are so essential to commerce and industry. After he has completed a most arduous day under conditions which could not well be made more unfavorable his reward from society is about enough to eat for himself and his dependents, without the possibility of being able to lay aside sufficient for the day which may come when he shall be taken from his place of employment crushed, bruised, or carried home dead to his little family group.

I contend that any man whose service to society in the production of so essential a commodity is necessary should not be asked to labor for a wage that is less than would guarantee him at the end of 12 or 15 years sufficient to be independent for the remaining years of his life.

While the gentlemen who have preceded me on the floor have urged legislation to limit the price of coal to $4 a ton, I believe that a price to the coal operator sufficient to allow him to pay $4 a ton to the miner alone would not be too high.

The inevitable result of fixing a price on coal will be to reduce the wages of the men who produce it; it will be a reduction in the profits of those who engage in this business, operator or miner, and in the final summing up it means a reduction in the production of coal—the last thing to be desired in this emergency. Men operating small wagon mines, as they are called, men operating thin veins of coal, men who by reason of contracts with their labor and with the royalties they must pay, will not, under such conditions, speed up their production, nor will they make any serious effort to remain in business.

The principal function of the Government at this time should be to see that adequate car service is rendered, but to undertake to cure the situation with a statute aiming to replace the natural law of supply and demand can have but one effect and that effect disastrous.

Mr. CHINDBLOM. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman is recognized in opposition to the pro forma amendment.

Mr. CHINDBLOM. Mr. Chairman, I call the attention of the committee to the words "or both such fine and imprisonment," in line 19, page 7. The proviso states, in line 17, page 7, that in addition to the fine herein provided for, anyone convicted shall be liable to imprisonment in the penitentiary for a term not exceeding two years, or both such fine and imprisonment. Of course, those words "or both such fine and imprisonment" are mere surplusage and should go out, because this imprisonment is in addition to the fine, in the discretion of the court. I offer the following amendment.

Mr. NEWTON of Minnesota. What are the words proposed to be stricken out?

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. CHINDBLOM. In line 19, page 7, strike out the words "or both such fine and imprisonment" and the comma after the word "imprisonment."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 7, line 19, after the word "years," strike out "or both such fine and imprisonment" and the comma.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the motion of the gentleman from West Virginia to strike out the section.

The question being taken, the amendment was rejected.

Mr. OLIVER. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. OLIVER: Add a new section, to be numbered 10 and to read as follows:

"If any State shall, through duly constituted authority, fix and promulgate sale-price schedules f. o. b. mines for coal mined in said State, the Federal fuel distributor and Interstate Commerce Commission shall recognize said State price schedules as establishing reasonable maximum sale prices for coal mined in such State."

Mr. OLIVER. Mr. Chairman, the proponents of this bill concede that the right to fix prices is vested in the States, and the claim is made that this bill in no way infringes on or abridges rights so vested in the States. The amendment I offer is drawn for the purpose of giving protection to those rights when lawfully exercised by the States.

It is needless to call attention of the House to the embarrassments that might follow if Federal officials in Washington, vested with rights under this bill, should undertake, by indirection or otherwise, to annul and render ineffective a clear constitutional right exercised by a sovereign State.

This amendment simply seeks to give protection and respect to any lawful act of a State which seeks to declare and promulgate f. o. b. price schedules for coal mined in such State and to forbid Federal officials, under the pending act, from declaring as reasonable any price which exceeds that lawfully fixed by State authority. It relates only to f. o. b. prices on coal in the States where mined, and makes the State price schedule, if lawfully promulgated, the maximum price that coal operators may charge for mine deliveries.

Mr. WINSLOW. For the purpose of information I should like to ask if, under the gentleman's amendment, the Federal authorities would have the right to fix a lower price?

Mr. OLIVER. Oh, yes. The amendment simply says that the fuel distributor and the Interstate Commerce Commission shall recognize schedules lawfully fixed by State authority as the maximum price that operators may demand or receive, with Federal sanction, for the sale of coal f. o. b. cars at their mines. The amendment is limited to f. o. b. prices at the mines for coal mined in the States, and then only in cases where the State in the exercise of lawful authority has declared and promulgated a price schedule.

It is to restrain the Federal fuel administrator or the Interstate Commerce Commission from declaring a price as reasonable in excess of that fixed by duly constituted State authority, and only applies to coal mined in the State and to mine-delivery prices.

Mr. WINSLOW. Is there any reason under this bill why the Federal authorities could not make as high a price as they wanted to?

Mr. OLIVER. The Federal authorities, as the gentleman has announced here, are not clothed with any authority to fix the price of coal. They may ascertain whether or not the operator is charging an unreasonable price, and if they so ascertain they can deny to him cars to ship the coal.

Mr. WINSLOW. Yes.

Mr. OLIVER. This amendment simply seeks to lend respect to the act of a sovereign State in fixing reasonable mine-delivery prices for coal mined in the State.

Mr. WINSLOW. For interstate commerce?

Mr. OLIVER. For any coal mined in the State.

Mr. WINSLOW. In other words, the Federal authority would have to consult the State authority to find out the maximum before they made a decision as to whether or not they were charging an extortionate price.

Mr. OLIVER. Every official is charged with notice of State law, and if a State in the exercise of its lawful authority has properly fixed and promulgated a schedule of prices f. o. b. mines for coal mined in the State, Federal officials should take notice of it and not be allowed under this or any other act of Congress to fix prices in excess of the State f. o. b. mine price, when coal is purchased at the mines in such State. In other words, the amendment simply seeks to protect the basic mine price if lawfully declared by a State as to coal mined in such State, and in no way would prevent proper freight and handling charges from being added thereto.

The gentleman from Massachusetts [Mr. WINSLOW], as well as all who have spoken in support of the pending measure, recognizes that States may in the exercise of sovereignty fix prices on certain essential commodities, and where such right exists and is lawfully exercised, I feel it should be respected by Federal officials.

Mr. WINSLOW. If I understand the procedure, we might have 48 different prices that a distributor would have to pay. It seems to me the difficulty in working it out would add to the labor and work confusion in the situation and would not help this bill at all.

Mr. OLIVER. A little labor is a cheap price to pay for properly respecting the exercise of constitutional rights by the States.

Mr. SIEGEL. Mr. Chairman, of all the amendments offered here so far which would make the bill ineffective, the one offered by the gentleman from Alabama [Mr. OLIVER] would assist most in putting this legislation to sleep if it were enacted into law. We all know that coal is mined principally in the States of Pennsylvania, Illinois, Indiana, Ohio, and Alabama. We know that the State of Pennsylvania has put a tax on each ton of coal produced in that State before it can leave the State. We know that under the decision of the Supreme Court of the United States in re Singer Sewing Machine Co. *v.* Buckell (233 U. S. p. 304) that such a tax has been held constitutional.

As has been said by Mr. Justice Pitney, on page 316:

> The contention that the statute violates the State constitution is grounded upon two sections of the Bill of Rights, viz, No. 1, "that all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness"; and No. 37, "that the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property; and when the government assumes other functoins, it is usurpation and oppression."
>
> The bearing of these provisions upon the case in hand is not clear. The argument seems to be that since the tax law in question is not a police measure but a revenue measure the discriminations are arbitrary. To quote from the brief: "Selling sewing machines is the business, and it is taxed highly, and it may be in fact prohibitorily, when it is done by the use of wagons and teams, and not at all when done at stores." There are other suggestions of a like import. They seem to be sufficiently answered by what has been already said respecting the "equal protection" clause of the fourteenth amendment. The State has a wide range of discretion with respect to establishing classes for the purpose of imposing revenue taxes, and its laws upon the subject are not to be set aside as discriminatory unless it clearly appears that there is no rational basis for the classification.

That being the decision of the court, it is our duty to respect it, for we are still a government controlled by laws and not by individuals having their own personal gain solely in view.

The great State of New York, with a population of 10,384,829, pays 33 to 35 per cent of all the taxes collected in the United States. If this amendment is adopted, the fuel administrator of the State of Alabama would fix the price, or two prices, one for the State of Alabama and one for such coal as leaves that State for consumption in other States. It puts the people of New York and New England at his mercy. Under this amendment the residents of the other States which have no coal mines would be compelled to take the price so fixed as the minimum price. We all know from the history of price fixing by distributers that the minimum price has always been the maximum price at the outset.

Mr. Chairman, there is an emergency in this country. When men arise here and say there is no emergency they either have not read the newspapers or are not acquainted with the facts.

Mr. OLIVER. Will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. OLIVER. I was under the impression that this bill was intended to prevent parties from charging an unreasonable price for coal at the mine. If the gentleman's position is correct you are hopeful that the Fuel Administrator will fix an amount largely in excess of that which the State permits to be charged at the mines for the delivery of coal.

Mr. SIEGEL. I believe not. The gentleman's amendment would permit one price for people residing in Alabama and a higher price for those residing elsewhere.

Some of the gentlemen who have been arguing that an owner's right to transfer property can not be limited are probably unfamiliar with the statutes of the various States requiring conditional sales to be recorded, and with the laws which require certain conditions precedent to be performed before sales of merchandise in bulk can be deemed valid.

For instance, Indiana has a law in reference to taking of natural gas. Read Ohio Oil Co. *v.* Indiana (177 U. S. 190).

An emergency, as I have stated, is here, and if during that time the coal business necessitates the right of public regulation in order to deal with that emergency, I am confident that the courts will sustain the exercise by Congress of that right for the public good.

In the recent rent cases which came before the Supreme Court of the United States the legal principles which underlie the question which is before this House was discussed at great length by Mr. Justice Holmes in Two hundred and fifty-sixth United States Reports, page 153, and I quote in part from pages 154, 155, and 156:

> No doubt it is true that a legislative declaration of facts that are material only as the ground for enacting a rule of law, for instance, that a certain use is a public one, may not be held conclusive by the courts. (Shoemaker *v.* United States, 147 U. S. 282, 298; Hairston *v.* Danville & Western Ry. Co., 208 U. S. 598, 606; Prentis *v.* Atlantic Coast Line Co., 211 U. S. 210, 227; Producers' Transportation Co. *v.* Railroad Commission, 251 U. S. 228, 230.) But a declaration by a legislature concerning public conditions that by necessity and duty it must know, is entitled at least to great respect. In this instance Congress stated a publicly notorious and almost world-wide fact. That the emergency declared by the statute did exist must be assumed, and the question is whether Congress was incompetent to meet it in the way in which it has been met by most of the civilized countries of the world.
>
> The general proposition to be maintained is that circumstances have clothed the letting of buildings in the District of Columbia with a public interest so great as to justify regulation by law. Plainly circumstances may so change in time or so differ in space as to clothe with such interest what at other times or in other places would be a matter of purely private concern. It is enough to refer to the decisions as to insurance, in German Alliance Insurance Co. *v.* Lewis (233 U. S. 389); irrigation, in Clark *v.* Nash (198 U. S. 361); and mining,

> in Strikley *v.* Highland Boy Gold Mining Co. (200 U. S. 527). They sufficiently illustrate what hardly would be denied. They illustrate also that the use by the public generally of each specific thing affected can not be made the test of public interest (Mt. Vernon-Woodberry Cotton Duck Co. *v.* Alabama Interstate Power Co., 240 U. S. 30, 32), and that the public interest may extend to the use of land. They dispel the notion that what in its immediate aspect may be only a private transaction may not be raised by its class or character to a public affair. See also Noble State Bank *v.* Haskell (219 U. S. 104, 110, 111).
>
> The fact that tangible property is also visible tends to give a rigidity to our conception of our rights in it that we do not attach to others less concretely clothed. But the notion that the former are exempt from the legislative modification required from time to time in civilized life is contradicted not only by the doctrine of eminent domain, under which what is taken is paid for, but by that of the police power in its proper sense, under which property rights may be cut down and to that extent taken without pay. Under the police power the right to erect buildings in a certain quarter of a city may be limited to from 80 to 100 feet. (Welch *v.* Swasey, 214 U. S. 91.) Safe pillars may be required in coal mines. (Plymouth Coal Co. *v.* Pennsylvania, 232 U. S. 531.) Billboards in cities may be regulated. (St. Louis Poster Advertising Co. *v.* St. Louis, 249 U. S. 269.) Watersheds in the country may be kept clear. (Perley *v.* North Carolina, 249 U. S. 510.) These cases are enough to establish that a public exigency will justify the legislature in restricting property rights in land to a certain extent without compensation. But if to answer one need the legislature may limit height, to answer another it may limit rent. We do not perceive any reason for denying the justification held good in the foregoing cases to a law limiting the property rights now in question if the public exigency requires that. The reasons are of a different nature, but they certainly are not less pressing. Congress has stated the unquestionable embarrassment of Government and danger to the public health in the existing condition of things. The space in Washington is necessarily monopolized in comparatively few hands, and letting portions of it is as much a business as any other. Housing is a necessary of life. All the elements of a public interest justifying some degree of public control are present. The only matter that seems to us open to debate is whether the statute goes too far. For just as there comes a point at which the police power ceases and leaves only that of eminent domain, it may be conceded that regulations of the present sort pressed to a certain height might amount to a taking without due process of law. (Martin *v.* District of Columbia, 205 U. S. 135, 139.)

It is my contention, therefore, that it is not only our duty but our constitutional right to alleviate as much as possible the terrible conditions which we are going to face this winter. We are here for the purpose of acting for and in behalf of what is the best interests of the entire American people and not for any particular class, be they either coal operators or miners.

Mr. ROSE. Will the gentleman yield?

Mr. SIEGEL. Certainly.

Mr. ROSE. Is it not the opinion of the gentleman that the adoption of the amendment offered by the gentleman from Alabama would result in the surrendering of all the powers of the Federal Government to the several States?

Mr. SIEGEL. No question about that. You would set up 48 State coal distributors who would determine what is a fair and reasonable price of coal. I have listened patiently to the debate here during three days, and I feel it my duty and obligation as a Member of this House to plead for prompt and effective legislation which will give notice to all that we are still a Government able to cope with any and all emergencies created by selfish man.

[Mr. SIEGEL had leave to extend his remarks.]

Mr. BLAND of Indiana. Mr. Chairman and gentlemen, I do not know as I understand the amendment of the gentleman from Alabama, but if I do I do not believe his last statement agrees with my interpretation of it. In other words, he asks that this law be made so that the Federal Government must recognize the maximum price fixed in the State by the State commission. Suppose they should make a maximum price of $9, this would make the Federal Government say it was a reasonable price.

West Virginia may pass a law fixing $7 and Indiana may pass a law fixing $3. It would not be fair; that is clearly not fair. You think you are going to regulate, but I do not think you are going to do much regulating under this act when the time comes. In Indiana we had a coal commission and they fixed the price, but an injunction was immediately obtained saying that they could not interfere with the production of our coal for the reason that they were interfering with interstate commerce. That same coal company, when this legislation goes into effect, is going to claim that the Federal Government is interfering with intrastate commerce and that the Federal Government can not be heard to say what coal they shall ship inside the limits of the State nor the price they shall receive. But if you are going to have this sort of legislation do not adopt an amendment of this kind. It will defeat the purpose you are trying to bring about. The legislation is wrong within itself. As the gentleman from Texas [Mr. RAYBURN] stated the other day, I do not want to be one of those wreckers who will help to wreck my country, and I am saying to you to-day that this bill which is being forced through here is the greatest departure from our fundamental form of government that has come on the floor of Congress in half a century.

The gentleman from New York [Mr. SIEGEL] says that there is an emergency. It was the opinion of this House yesterday that the President ought to have the right to declare an emergency any time he wanted to, so far as the production of coal is concerned. Well, for heaven's sake, if you can do that, it is just as consistent for you to pass a law saying that the President shall have the right to declare an emergency so far as food is concerned, because, God knows, people get hungry, and so far as clothing is concerned, because we all know that people get cold. Gentlemen, you are setting a precedent that will come back to plague you. You will have to meet it before your constituents; but I have got the nerve to face it now, notwithstanding the fact that my administration is demanding it.

Mr. SIEGEL. Mr. Chairman, will the gentleman yield?

Mr. BLAND of Indiana. Yes.

Mr. SIEGEL. Has the gentleman read the opinion of the Supreme Court in the rent cases, wherein they held that what Congress says is an emergency is deemed to be the fact?

Mr. BLAND of Indiana. I think there is no Supreme Court holding that under the declaration of an emergency the Federal Government can regulate the price of a commodity which a man produces. If there is such an opinion, then it is the end of government, because if Congress can declare an emergency it can declare one at any time on anything, whether there be an emergency in fact or not. No; I can not yield further. The gentleman from New York, as well as some others here, are bristling with prejudice against the coal industry. They do not produce any coal in New York, but they consume it, so they are willing to legislate the coal industry down. The manufacturing industries of the East will be regulated down in years to come. The agricultural interests of the West will find that this precedent will come up to plague them, because they will find that their products will be regulated by law through this overpowering Federal Government that seeks to go out into the States and say to a man that the thing which he manufactures or that he produces must be sold for so much. I know that the men gathering around in the cities and congested places are going to say that the food products are too high. They will claim that the price of the Angora goat hair in Texas and the onions produced there are too high, and that we have to regulate that price down, and give some man all power to do it, and wheat and corn will go the same route. The way it is proposed to be done is to say that we will not give the producer any cars to ship his stuff in if he violates the regulations of the dictator. If you recognize that as a constitutional doctrine, then you have recognized that the Federal Government has the right directly to fix prices. If it has the right to fix prices, it has the right to fix wages. Would not you like to be a Member of Congress when the fixing of wages and prices by law becomes the habit? My mouth will not be closed by my vote to-day when that unhappy hour arrives, and if this foolish legislation ever gets by the Senate it is certain to be the precedent unless the courts save us from our folly.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent that debate upon this amendment and all amendments thereto be now closed.

The CHAIRMAN. The gentleman asks unanimous consent that debate upon the pending amendment and amendments thereto be now closed. Is there objection?

There was no objection.

The CHAIRMAN. Without objection the pro forma amendment is withdrawn, and the question is on the amendment offered by the gentleman from Alabama.

The amendment was rejected.

The Clerk read as follows:

> SEC. 10. There is hereby authorized to be appropriated the sum of $250,000, available until expended, for the purposes of this act, including payment of personal services in the District of Columbia and elsewhere, and all expenses incident to organizing the Federal fuel distribution, and not exceeding $50,000 thereof shall be available for reimbursement and payment upon specific approval of the President of expenses incurred since May 15, 1922, in connection with the matters embraced in the title of this act under authority of the President.

With the following committee amendment:

> Page 8, line 6, strike out the figures "10" and insert the figures "11."

The CHAIRMAN. Without objection, that amendment will be disagreed to because of the elimination of section 9. The Clerk will report the other committee amendments.

There was no objection.

The Clerk read as follows:

> Page 8, line 10, after the word "organizing" insert the words "the work of."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Page 8, line 11, strike out the word "distribution" and insert the word "distributor."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following amendment which I now send to the desk.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 8, line 10, after the word "the," strike out "Federal fuel distributor" and insert "President's fuel distribution committee."

Mr. NEWTON of Minnesota. Mr. Chairman, the change in the text is to conform to the proper title of the preliminary organization that was called into being by the President some several weeks ago.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. NEWTON of Minnesota. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. NEWTON of Minnesota: Page 8, line 14, after the word "with," strike out the balance of the line and all of line 15 and insert "the work of the President's fuel distribution committee organized for the purpose of helping to meet the emergency existing in the matter of fuel."

Mr. NEWTON of Minnesota. Mr. Chairman, the amendment is merely to so change the text as to take care of the expenses of the President's fuel distribution committee.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 8, line 15, after the word "President," insert a new section, to read as follows:

"SEC. 11. Except as to prosecutions for offenses, the provisions of this act shall cease to be in force and effect at the end of one year from the date of its passage."

Mr. SANDERS of Indiana. Mr. Chairman, the Committee of the Whole has stricken out section 9, and those of us who have been making a fight against this legislation as permanent think we have won a victory. We have not. That amendment is subject to being voted on in the House. A great many Members have not heard the debate and the vote is close, and, mark my words, nine chances out of ten section 9 will go back in the bill. If it does, and when it does this is permanent legislation, unless we at the present time fix the duration of it. I have prepared a series of amendments, the first limiting the time to one year. I think this emergency ought to be limited to one year. If that amendment shall be voted down, I shall offer an amendment limiting it to two years. If that shall be voted down, I shall offer successive amendments up to the point of five years. I want to give this House an opportunity to write into this law that it is emergency legislation by which we undertake to depart from the fundamentals of government and fix the price of a commodity.

It is permanent unless you do, because a half century from now any Executive may bring it into full force and effect. You may say that the Congress can repeal it, but I want to repeat what I said the other day, because there are some Members here who were not here then, that this matter is in our hands now. When it passes from us it passes into the hands of the Chief Executive, and you can not take that vast, perpetual power out of his hands against his will and over his veto without a two-thirds majority of the House and Senate. So I warn you now, while we have the opportunity we should write a limitation into this law.

Mr. MOORE of Virginia. Will the gentleman let me make a suggestion? This is experimental legislation, as he says, and ought not to be made permanent. In order to render his proposition perfectly defensible, why does he not change it so as to provide that the act will only operate, say, until the next Congress will certainly be in session.

The first Monday in December, 1923, is the time for the convening of the next Congress. Fix the date as of the first Monday in December, 1923, or the 1st of January, 1924. That would not extend the period very much beyond the one year provided by the gentleman's amendment, and it would relieve the amendment, it seems to me, of any possible criticism.

Mr. SANDERS of Indiana. Well, Mr. Chairman, I am more anxious that this amendment shall carry in some form of limitation than I am to have any particular time fixed. I think the suggestions of the gentleman from Virginia [Mr. MOORE] are worthy of adoption, and I shall ask unanimous consent, Mr. Chairman, if the Clerk will do the work, to change the amendment to limit the time to the first Monday in January, 1924.

Mr. ANDREWS of Nebraska. Mr. Chairman, I object.

Mr. SANDERS of Indiana. All right. Mr. Chairman, I offer an amendment to the amendment which I offered, which will strike out the period of one year and insert in lieu thereof the termination on January 1, 1924.

The CHAIRMAN. The gentleman from Indiana offers an amendment to his amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SANDERS of Indiana: Page 8, line 15, after the word "President," insert a new section to read as follows:

"SEC. 11. Except as to prosecutions for offenses, the provisions of this act shall cease to be in force and effect January 1, 1924."

Mr. BUTLER. Will the gentleman from Indiana yield for a question?

Mr. SANDERS of Indiana. Yes.

Mr. BUTLER. Will the gentleman's amendment be in conflict with section 9 in the event it goes back into the bill?

Mr. SANDERS of Indiana. Not at all.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SANDERS of Indiana. Mr. Chairman, I call to the attention of the membership that the House is very likely to put back section 9. Whether it does or not, this ought to be adopted, because in section 8 there is a provision that the President may determine when the emergency ceases, and then the President may terminate the provisions of the act. That leaves it permanent legislation unless the President shall use his option and terminate the legislation. It does not say that it shall be the duty of the President to do so. He might think the emergency had ended, and yet, under the circumstances, we have conferred upon him the power and authority to carry it along, irrespective of whether there is a continuance of an emergency or not, and we ought now to write into this law this limitation upon the duration of time. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. SANDERS] to the amendment which he has already offered.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BLAND of Indiana. Mr. Chairman, I demand a division.

The amendment was agreed to.

The amendment as amended was agreed to.

Mr. WINSLOW. Mr. Chairman, I move that the committee do now rise and report the bill to the House as amended, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12472, had instructed him to report the same to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. According to the rule, the previous question has been ordered. Is a separate vote demanded on any amendment?

Mr. WINSLOW. Mr. Speaker, I desire a separate vote on the amendment by virtue of which section 9 was stricken from the bill.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. WINSLOW. In the event the amendment striking out section 9 from the bill should be voted down, I shall demand a separate vote on the Sanders amendment at the end of the bill.

The SPEAKER. The question is on agreeing to the other amendments.

The amendments were agreed to.

The SPEAKER. The question is on the amendment on which the gentleman from Massachusetts [Mr. WINSLOW] demanded a separate vote, and which amendment the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAYBURN: Page 6, line 1, strike out all of section 9.

Mr. WINSLOW. Mr. Speaker, I demand the yeas and nays.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry.

Mr. RAYBURN. Mr. Speaker, a parliamentary inquiry. On what is the vote being taken?

The SPEAKER. On the motion of the gentleman from Texas to strike out section 9.

Mr. WINSLOW. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 69, noes 66.

Mr. SIEGEL. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll. Those in favor of the motion to strike out section 9 of the bill will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 124, nays 148, answered "present" 3, not voting 152, as follows:

YEAS—124.

Ackerman
Almon
Aswell
Bankhead
Bird
Bixler
Black
Blakeney
Bland, Ind.
Bland, Va.
Bowers
Bowling
Box
Briggs
Buchanan
Bulwinkle
Burke
Butler
Byrnes, S. C.
Cable
Chandler, Okla.
Chindblom
Collier
Cooper, Wis.
Coughlin
Crago
Crisp
Denison
Doughton
Drane
Driver
Dyer
Echols
Ellis
Favrot
Fisher
Foster
Garner
Garrett, Tex.
Goodykoontz
Graham, Pa.
Hammer
Harrison
Hayden
Hickey
Hill
Hoch
Huddleston
Hudspeth
Jefferis, Nebr.
Jeffers, Ala.
Jones, Pa.
Jones, Tex.
Kendall
Ketcham
Kincheloe
Kirkpatrick
Kraus
Langley
Lanham
Layton
Lee, Ga.
Linthicum
London
Lowrey
Luhring
Lyon
McClintic
McCormick
McLaughlin, Mich.
Madden
Mansfield
Millspaugh
Moore, Ohio
Moore, Va.
Morgan
Mudd
Murphy
Oliver
Park, Ga.
Parker, N. Y.
Parks, Ark.
Pou
Quin
Rankin
Rayburn
Reed, W. Va.
Ricketts
Robsion
Rose
Rosenbloom
Rouse
Sanders, Ind.
Sanders, Tex.
Sandlin
Slemp
Smithwick
Snell
Sproul
Steagall
Strong, Kans.
Sumners, Tex.
Swank
Taylor, Tenn.
Thomas
Tillman
Tucker
Tyson
Underhill
Upshaw
Vaile
Vinson
Ward, N. Y.
Weaver
Wheeler
Williams, Ill.
Williams, Tex.
Wilson
Wingo
Wood, Ind.
Woodyard
Wurzbach
Wyant
Zihlman

NAYS—148.

Anderson
Andrew, Mass.
Andrews, Nebr.
Ansorge
Atkeson
Bacharach
Barbour
Barkley
Begg
Benham
Boies
Bond
Britten
Brooks, Ill.
Brooks, Pa.
Burdick
Burtness
Campbell, Pa.
Cannon
Chalmers
Chandler, N. Y.
Christopherson
Clague
Clarke, N. Y.
Cole, Iowa
Cole, Ohio
Colton
Cooper, Ohio
Crowther
Cullen
Curry
Dale
Dallinger
Darrow
Davis, Minn.
Dempsey
Dickinson
Dowell
Elliott
Evans
Fairchild
Fairfield
Faust
Fenn
Fess
Fish
Fitzgerald
Focht
Fordney
Free
French
Frothingham
Fuller
Glynn
Gorman
Graham, Ill.
Green, Iowa
Greene, Mass.
Greene, Vt.
Griest
Hadley
Hardy, Colo.
Hardy, Tex.
Haugen
Hawley
Hays
Henry
Hersey
Hogan
Hull
Husted
Hutchinson
Ireland
James
Johnson, S. Dak.
Johnson, Wash.
Kearns
Kelly, Pa.
Kennedy
Kindred
King
Kissel
Kleczka
Kline, N. Y.
Kline, Pa.
Knutson
Kopp
Kreider
Lampert
Lawrence
Lazaro
Lea, Calif.
Leatherwood
Longworth
McFadden
McLaughlin, Nebr.
McPherson
MacGregor
Magee
Mapes
Michener
Mills
Moores, Ind.
Morin
Newton, Minn.
Norton
O'Brien
O'Connor
Ogden
Olpp
Osborne
Paige
Parker, N. J.
Patterson, Mo.
Perkins
Perlman
Purnell
Radcliffe
Ramseyer
Ransley
Reece
Rhodes
Roach
Rogers
Rossdale
Sanders, N. Y.
Scott, Tenn.
Shaw
Siegel
Sinnott
Smith, Idaho
Smith, Mich.
Speaks
Stafford
Stephens
Sweet
Taylor, Colo.
Taylor, N. J.
Timberlake
Towner
Treadway
Vestal
Volk
Volstead
Walters
Ward, N. C.
Winslow
Young

ANSWERED "PRESENT"—3.

Edmonds
Mondell
Schall

NOT VOTING—152.

Anthony
Appleby
Arentz
Beck
Beedy
Bell
Blanton
Brand
Brennan
Brown, Tenn.
Browne, Wis.
Burroughs
Burton
Byrns, Tenn.
Campbell, Kans.
Cantrill
Carew
Carter
Clark, Fla.
Classon
Clouse
Cockran
Codd
Collins
Connally, Tex.
Connell
Connolly, Pa.
Copley
Cramton
Davis, Tenn.
Deal
Dominick
Drewry
Dunbar
Dunn
Dupré
Fields
Frear
Freeman
Fulmer
Funk
Gahn
Gallivan
Garrett, Tenn.
Gensman
Gernerd
Gilbert
Goldsborough
Gould
Griffin
Hawes
Herrick
Hicks
Himes
Hooker
Hukriede
Humphreys
Jacoway
Johnson, Ky.
Johnson, Miss.
Kahn
Keller
Kelley, Mich.
Kiess
Kitchin
Knight
Kunz
Lankford
Larsen, Ga.
Larson, Minn.
Lee, N. Y.
Lehlbach
Lineberger
Little
Logan
Luce
McArthur
McDuffie
McKenzie
McLaughlin, Pa.
McSwain
Maloney
Mann
Martin
Mead
Merritt
Michaelson
Miller
Montague
Montoya
Moore, Ill.
Mott
Nelson, A. P.
Nelson, J. M.
Nelson, Me.
Newton, Mo.
Nolan
Oldfield
Overstreet
Patterson, N. J.
Petersen
Porter
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Reber
Reed, N. Y.
Riddick
Riordan
Robertson
Rodenberg
Rucker
Ryan
Sabath
Scott, Mich.
Sears
Shelton
Shreve
Sinclair
Sisson
Snyder
Stedman
Steenerson
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Swing
Tague
Taylor, Ark.
Temple
Ten Eyck
Thompson
Tilson
Tincher
Tinkham
Vare
Voigt
Wason
Watson
Webster
White, Kans.
White, Me.
Williamson
Wise
Woodruff
Woods, Va.
Wright
Yates

So the motion to strike out section 9 was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Garrett of Tennessee (for) with Mr. Mondell (against).

Mr. Edmonds (for) with Mr. Vare (against).

Until further notice:

Mr. Cramton with Mr. Carter.

Mr. Thompson with Mr. Tague.

Mr. McArthur with Mr. Jacoway.

Mr. Burton with Mr. Oldfield.

Mr. Maloney with Mr. Gallivan.

Mr. Kahn with Mr. Cantrill.

Mr. Snyder with Mr. Overstreet.

Mr. Rodenberg with Mr. Rucker.

Mr. Lee of New York with Mr. Logan.

Mr. Nolan with Mr. Kitchin.

Mr. Tilson with Mr. Humphreys.

Mr. Tincher with Mr. Johnson of Kentucky.

Mr. Reed of New York with Mr. Bell.

Mr. Knight with Mr. Woods of Virginia.

Mr. Kiess with Mr. Deal.

Mr. Porter with Mr. Carew.

Mr. Shreve with Mr. Larsen of Georgia.

Mr. Newton of Missouri with Mr. Brand.

Mr. Hicks with Mr. McSwain.

Mr. Patterson of New Jersey with Mr. Davis of Tennessee.

Mr. Little with Mr. Connally of Texas.

Mr. Mann with Mr. Kunz.

Mr. Funk with Mr. Raker.

Mr. Mott with Mr. Ten Eyck.

Mr. White of Kansas with Mr. Goldsborough.

Mr. Brennan with Mr. Dominick.

Mr. Lehlbach with Mr. Cockran.

Mr. Tinkham with Mr. Mead.

Mr. Himes with Mr. Stoll.

Mr. Codd with Mr. Drewry.

Mr. Burroughs with Mr. Johnson of Mississippi.

Mr. Steenerson with Mr. Collins.

Mr. Gahn with Mr. Montague.

Mr. Strong of Pennsylvania with Mr. Riordan.

Mr. Sinclair with Mr. Dupré.

Mr. Lineberger with Mr. Martin.

Mr. Robertson with Mr. Stedman.

Mr. Appleby with Mr. Hooker.

Mr. Gernerd with Mr. Rainey of Alabama.

Mr. Beck with Mr. Wright.

Mr. Anthony with Mr. Taylor of Arkansas.

Mr. A. P. Nelson with Mr. Byrns of Tennessee.

Mr. Michaelson with Mr. Blanton.

Mr. Frear with Mr. Clark of Florida.

Mr. Connolly of Pennsylvania with Mr. Wise.

Mr. Dunn with Mr. Sears.

Mr. Yates with Mr. Fulmer.

Mr. Hukriede with Mr. McDuffie.

Mr. Montoya with Mr. Rainey of Illinois.

Mr. Larson of Minnesota with Mr. Sabath.

Mr. Watson with Mr. Gilbert.

Mr. Temple with Mr. Sisson.

Mr. McKenzie with Mr. Griffin.

Mr. Wason with Mr. Hawes.

Mr. Moore of Illinois with Mr. Stevenson.

Mr. Swing with Mr. Lankford.

Mr. Woodruff with Mr. Fields.

Mr. Williamson with Mr. Sullivan.

The result of the vote was announced as above recorded.

Mr. CHINDBLOM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CHINDBLOM. Will not this vote leave section 9 in the original form in which it was reported to the House?

The SPEAKER. It will.

Mr. CHINDBLOM. Without any committee amendments and without perfecting amendments.

The SPEAKER. Yes.

Mr. WINSLOW. My inquiry relates to the same matter that the gentleman from Illinois [Mr. CHINDBLOM] has asked about. I meant to ask if the perfecting amendments are included in the section.

The SPEAKER. They are not.

Mr. WINSLOW. I ask unanimous consent to have them reinstated and considered as adopted.

Mr. BLAND of Indiana. I object.

The SPEAKER. The gentleman from Indiana objects.

Mr. RAYBURN. Mr. Speaker, in the confusion it was impossible to hear what was said. Has anything been done by unanimous consent?

The SPEAKER. Nothing was done. Objection was made.

The question is on the amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SANDERS of Indiana: Page 8, line 15, after the word "President," insert a new section to read as follows:

"SEC. 11. Except as to prosecutions for offenses the provisions of this act shall cease to be in force and effect January 1, 1924."

The SPEAKER. The question is on agreeing to the amendment.

The question being taken, on a division (demanded by Mr. NEWTON of Minnesota) there were—ayes 122, noes 77.

Mr. WINSLOW. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Massachusetts demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Thirty-six Members rising, not a sufficient number. The yeas and nays are refused and the amendment is agreed to. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. RAYBURN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. RAYBURN. I am.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. RAYBURN moves to recommit the bill (H. R. 12472) to the Committee on Interstate and Foreign Commerce with instruction to report the same back forthwith with an amendment as follows: Page 4, line 10, after the word "emergency," strike out "prevent extortion in prices charged for coal and other fuel, and promote the general welfare."

Mr. RAYBURN. On that I ask for the yeas and nays.

The SPEAKER. The gentleman from Texas demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Thirty-two Members rising, not a sufficient number, and the yeas and nays are refused.

The question being taken, the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question being taken, the Speaker announced that the "ayes" appeared to have it.

Mr. GARNER. Mr. Speaker, let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 214, nays 61, answered "present" 4, not voting 148, as follows:

YEAS—214.

Anderson
Andrew, Mass.
Andrews, Nebr.
Ansorge
Atkeson
Bacharach
Barbour
Barkley
Begg
Benham
Bird
Bixler
Blakeney
Bland, Va.
Boies
Bond
Britten
Brooks, Ill.
Brooks, Pa.
Burdick
Burke
Burtness
Butler
Byrnes, S. C.
Cable
Cannon
Chalmers
Chandler, N. Y.
Chindblom
Christopherson
Clague
Clarke, N. Y.
Cole, Iowa
Cole, Ohio
Colton
Connolly, Pa.
Cooper, Ohio
Cooper, Wis.
Coughlin
Crowther
Cullen
Curry
Dale
Dallinger
Darrow
Davis, Minn.
Dempsey
Dickinson
Doughton
Dowell
Dyer
Elliott
Ellis
Evans
Fairchild
Fairfield
Faust
Favrot
Fenn
Fess
Fish
Fitzgerald
Focht
Fordney
Foster
Free
French
Frothingham
Fuller
Glynn
Gorman
Graham, Ill.
Green, Iowa
Greene, Mass.
Greene, Vt.
Griest
Griffin
Hadley
Hammer
Hardy, Colo.
Hardy, Tex.
Harrison
Haugen
Hawley
Hayden
Hays
Henry
Hersey
Hickey
Hill
Himes
Hoch
Hogan
Huddleston
Hull
Husted
Hutchinson
Ireland
James
Jefferis, Nebr.
Johnson, S. Dak.
Johnson, Wash.
Kearns
Kelly, Pa.
Kennedy
Ketcham
Kindred
King
Kirkpatrick
Kissel
Kleczka
Kline, N. Y.
Kline, Pa.
Knutson
Kopp
Kreider
Lampert
Lawrence
Lazaro
Lea, Calif.
Leatherwood
Linthicum
London
Longworth
Lowrey
Lyon
McClintic
McCormick
McFadden
McKenzie
McLaughlin, Mich.
McLaughlin, Nebr.
McPherson
MacGregor
Madden
Magee
Mapes
Michener
Mills
Millspaugh
Moore, Ohio
Moore, Va.
Moores, Ind.
Morgan
Morin
Mudd
Murphy
Newton, Minn.
Norton
O'Brien
O'Connor
Ogden
Olpp
Osborne
Paige
Parker, N. J.
Parker, N. Y.
Patterson, Mo.
Perkins
Perlman
Purnell
Radcliffe
Ramseyer
Ransley
Reece
Rhodes
Ricketts
Roach
Rodenberg
Rogers
Rose
Rossdale
Sanders, N. Y.
Sanders, Tex.
Schall
Scott, Tenn.
Shaw
Siegel
Sinnott
Slemp
Smith, Idaho
Smith, Mich.
Snell
Speaks
Sproul
Stafford
Stephens
Strong, Kans.
Strong, Pa.
Swank
Sweet
Taylor, Colo.
Taylor, N. J.
Taylor, Tenn.
Thomas
Timberlake
Towner
Treadway
Upshaw
Vestal
Vinson
Volk
Volstead
Walters
Ward, N. Y.
Ward, N. C.
Weaver
Wheeler
Williams, Ill.
Winslow
Wood, Ind.
Wurzbach
Young
Zihlman

NAYS—61.

Almon
Aswell
Bankhead
Black
Bland, Ind.
Bowers
Bowling
Box
Briggs
Buchanan
Bulwinkle
Chandler, Okla.
Collier
Crago
Crisp
Denison
Drane
Driver
Echols
Fisher
Garner
Garrett, Tex.
Goodykoontz
Hudspeth
Jacoway
Jeffers, Ala.
Jones, Pa.
Jones, Tex.
Kendall
Kincheloe
Kraus
Langley
Lanham
Lee, Ga.
Luhring
Mansfield
Oliver
Park, Ga.
Parks, Ark.
Pou
Quin
Rankin
Rayburn
Reed, W. Va.
Robsion
Rosenbloom
Rouse
Sanders, Ind.
Sandlin
Smithwick
Steagall
Tillman
Tucker
Tyson
Underhill
Vaile
Williams, Tex.
Wilson
Wingo
Woodyard
Wyant

ANSWERED "PRESENT"—4.

Ackerman
Edmonds
Layton
Mondell

NOT VOTING—148.

Anthony
Appleby
Arentz
Beck
Beedy
Bell
Blanton
Brand
Brennan
Brown, Tenn.
Browne, Wis.
Burroughs
Burton
Byrns, Tenn.
Campbell, Kans.
Campbell, Pa.
Cantrill
Carew
Carter
Clark, Fla.
Classon
Clouse
Cockran
Codd
Collins
Connally, Tex.
Connell
Copley
Cramton
Davis, Tenn.
Deal
Dominick
Drewry
Dunbar
Dunn
Dupré
Fields
Frear
Freeman
Fulmer
Funk
Gahn
Gallivan
Garrett, Tenn.
Gensman
Gernerd
Gilbert
Goldsborough
Gould
Graham, Pa.
Hawes
Herrick
Hicks
Hooker
Hukriede
Humphreys
Johnson, Ky.
Johnson, Miss.
Kahn
Keller
Kelley, Mich.
Kiess
Kitchin
Knight
Kunz
Lankford
Larsen, Ga.
Larson, Minn.
Lee, N. Y.
Lehlbach
Lineberger
Little
Logan
Luce
McArthur
McDuffie
McLaughlin, Pa.
McSwain
Maloney
Mann
Martin
Mead
Merritt
Michaelson
Miller
Montague
Montoya
Moore, Ill.
Mott
Nelson, Me.
Nelson, A. P.
Nelson, J. M.
Newton, Mo.
Nolan
Oldfield
Overstreet
Patterson, N. J.
Petersen
Porter
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Reber
Reed, N. Y.
Riddick
Riordan
Robertson
Rucker
Ryan
Sabath
Scott, Mich.
Sears
Shelton
Shreve
Sinclair
Sisson
Snyder
Stedman
Steenerson
Stevenson
Stiness
Stoll
Sullivan
Summers, Wash.
Sumners, Tex.
Swing
Tague
Taylor, Ark.
Temple
Ten Eyck
Thompson
Tilson
Tincher
Tinkham
Vare
Voigt
Wason
Watson
Webster
White, Kans.
White, Me.
Williamson
Wise
Woodruff
Woods, Va.
Wright
Yates

So the bill was passed.

The following additional pairs were announced:

On this vote:

Mr. Mondell (for) with Mr. Garrett of Tennessee (against).

Mr. Hooker (for) with Mr. Davis of Tennessee (against).

Mr. White of Kansas (for) with Mr. Graham of Pennsylvania (against).

Mr. Tincher (for) with Mr. Sumners of Texas (against).

Mr. Vare (for) with Mr. Edmonds (against).

Until further notice:

Mr. McArthur with Mr. Riordan.

Mr. White of Maine with Mr. Campbell of Pennsylvania.

Mr. Appleby with Mr. Rucker.

Mr. Campbell of Kansas with Mr. Johnson of Kentucky.

Mr. Merritt with Mr. Stoll.

Mr. Patterson of New Jersey with Mr. Goldsborough.

Mr. MAPES. Mr. Speaker, I desire to say that if my colleague, Mr. CRAMTON, was present he would have voted for this legislation.

The result of the vote was announced as above recorded.

On motion of Mr. WINSLOW, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE TO EXTEND REMARKS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on immigration and naturalization.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on immigration and naturalization. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. JOHNSON of Washington. Mr. Speaker, immigration is clearly the most important subject before the people of the United States to-day.

The demand for increased restriction of immigration continues.

Unless this demand is quickly met the people of the United States are likely to develop a spirit of intolerance which is not natural to them.

Fifty years ago James Russell Lowell warned us that because of immigration we were becoming a heterogeneous people, and that the time would come when we would have to control the influx of alien elements.

Thirty-five years ago the Congress of the United States began serious efforts to check immigration. But the efforts of Congress were vetoed by Presidents as early as the first administration of Grover Cleveland and as late as the last administration of Woodrow Wilson.

CREDIT FOR THIS CONGRESS.

It remained for this Congress and our illustrious President Harding to take the decisive step which has so reduced immigration that the net number of new aliens in the country for the year ended June 30, 1922, was but 87,121. The exact net gain, including admissions from Canada, the West Indies, and Mexico, was 100,844. What a drop from the million or more per year who came for years up to the second year of the World War! Steamship officials and our consuls estimate that without the percentage act immigration for the year ended June 30, 1922, would have been from 1,000,000 to 1,750,000 persons from European countries alone, mostly from the countries which quickly exhausted their quotas. English and Scandinavian countries did not use their full quotas, nor did Germany.

HISTORY OF PRESENT RESTRICTION.

The history of the "quota" law is described by Commissioner General Husband (U. S. Monthly Labor Review, August, 1922) as follows:

> In December, 1920, the House of Representatives passed a bill, the Johnson bill, H. R. 14461, Sixty-sixth Congress, which provided for suspending practically all immigration for a period of 14 months, only 40 votes being recorded against it. The Senate, however, was more conservative, and after extended hearings adopted in a modified form the Dillingham per cent limit plan as a substitute for total suspension, and eventually this prevailed. This per cent limit plan was first proposed by Senator DILLINGHAM in 1913 in a bill which provided that the number of aliens of any nationality who might be admitted to the United States in any fiscal year should be limited to 10 per cent of the number of persons of such nationality who were resident in the United States according to the census of 1910.
>
> At the time it was presented this bill represented a rather extreme attitude of restriction; but how materially sentiment changed during and after the war is reflected in the fact that when the idea was finally incorporated into law the limit was fixed at 3 instead of 10 per cent, as originally proposed.
>
> The Senate bill prevailed almost unanimously, but Executive approval was withheld, resulting in a "pocket veto," which obviously reflected President Wilson's opposition to immigration restriction quite as clearly as did his two previous vetoes of the literacy test bill. The measure, the Johnson bill (H. R. 4075, 67th Cong.), was again introduced in the special session which followed President Harding's inauguration, passed both Houses almost without opposition, and became a law on May 19, 1921.

Commissioner General Husband, in a statement before the House Committee on Immigration, August 22, 1922, presented numerous important tables concerning the immigration movement. One table is of particular interest, and will be referred to later in connection with Japanese, Polish, and certain other immigration. It follows:

Principal sources of immigration during 1922, together with the number of emigrant aliens departing for the countries named.

	Immigrant aliens admitted.	Emigrant aliens departed.
British North America	46,810	4,480
Italy	40,319	53,651
United Kingdom	35,732	9,591
Poland	28,635	33,581
Mexico	19,551	6,285
Germany	17,931	4,362
Russia	17,143	6,407
Czechoslovakia	12,541	7,846
Rumania	10,287	3,795
West Indies	7,449	5,252
Japan	6,716	4,368
Sweden	6,624	1,903
Yugoslavia	6,047	9,733
Hungary	5,756	4,307
Norway	5,292	1,427
Austria	5,019	579
China	4,406	6,362

PUBLIC DEMANDS MORE RESTRICTION.

Before discussing this and other statistical tables let me say here and now, with all of the force that I can command, that 3 per cent admission, based on the census of 1910, admits too many aliens of the wrong kind. Desire for more restriction of immigration continues to increase. Leading men who hitherto were strong advocates of a liberal immigration policy have become restrictionists. I could name 50 of the older Members of Congress who six and eight years ago saw no danger in the coming of a million immigrants a year who now urge haste toward more complete suspension than we have at present. I could name a hundred leading thinkers who were indifferent a few years ago, but who now are writing and pleading for more restriction. Newspapers and magazines, too, by the hundred have changed front. The World War opened their eyes. Present world conditions serve to intensify the demand. Whole peoples—millions of them—seem to desire to flee from worthless rubles, kopecks, kronen, and marks and to get to the United States, where dollars still have permanent value. What a pity that those we permit to come are met here by so many of their former countrymen who desire to reduce our American dollar to the value of the Russian soviet ruble.

WHAT CHANGES ARE NECESSARY.

The country seems to want complete suspension of immigration. That is impossible, it seems to me, for we should leave an opening for the admission of immediate relatives of citizens of the United States and permanently domiciled aliens; for their fathers, mothers, and children, but not for their uncles, cousins, and aunts.

How can this be done?

1. Reduce the percentage figure to 2 per cent or even to 1½ per cent, thus lowering the total number of admissibles from countries entitled to large quotas.

2. Give all countries which have separate governments, or parliaments which act independently of the parent government, base quotas of about 600 each annually, cutting down other exemptions as far as possible. This will relieve the everlasting cry from Australia, New Zealand, South Africa, and other countries whose present annual quotas are 300 or less.

3. Treat immediate families as units, admitting the husband, wife, or children of citizens of the United States and aliens permanently domiciled here. This will eliminate nine-tenths of the appealing distress cases at our principal ports by uniting families which might otherwise, because of exhaustion of quotas, become separated.

4. Perfect the literacy test by providing authority for exclusion of the mentally inferior and the emotionally unstable classes, some of whom, experience has shown, often are competent to meet the literacy test by reading 40 words but nevertheless are wholly unfit for incorporation into the mass of our people. Such a provision would exclude the weak-minded, the degenerate, and those who although old in years are children mentally and never can be expected to develop stability of character themselves or to transmit desirable capacities to their offspring. The literacy test has excluded many of these but not enough. It should be expanded and developed so as better to effect the purpose for which it was originally written. In the light of modern scientific experience this can and should be done.

5. Provide for more thorough physical examination of immigrants by authorizing the modern blood test, a simple yet effective step, which will exclude aliens afflicted with diseases not otherwise readily detected. Application of the blood test

will mean more thorough medical examinations at little increased cost if any. It will mean also the absolute exclusion of certain infectious and loathsome diseases, some cases of which now escape the attention of examining officers. Only three immigration stations, namely those at New York, Boston, and San Francisco, are now fully equipped to conduct thorough medical examinations. If application of the blood test be authorized, examinations at all ports will be simplified.

6. Apply the quota law to alien seamen who intend to leave ship and remain in the United States, preventing absolutely the landing of those who are diseased and preventing also violations of the Chinese exclusions acts and the gentlemen's agreement with Japan. Experience has shown that under existing laws and regulations thousands of seamen deserters have landed in the United States and remained unlawfully without examination. Such evasion of law must be stopped.

7. Admit certain excepted classes, such as students, actors, and members of certain professions, for temporary stay only. Their right to enter upon arrival in excess of quotas and remain in the United States permanently thereafter can not be maintained.

8. Change the percentage of monthly admissibles from 20 to 10, thus eliminating much confusion and hardship due to the absolute cessation of immigration from certain countries for seven months of each year. At present, with 20 per cent of a national quota permitted to arrive in one month, some countries exhaust their quotas in five months. If but 10 per cent could come monthly such quotas would be unexhausted for 10, instead of 5, months each year. A trifling percentage might be withheld from each quota for the 10 months in order to take care of cases of extreme distress, these to be charged against the eleventh and twelfth months.

9. Authorize the exercise of administrative discretion in determining nationality. As the law stands at present an alien must be charged to the quota of the country in which he was born. This has worked hardship in many cases. Nationality determined by place of birth may well remain a provision of the law, except when domicile in or attachment to another country during a long period of years establishes definitely and conclusively that as a matter of equity and justice the alien should be held and considered as a national of the country of his allegiance rather than of the country of his birth.

10. Limit all immigration to persons eligible to citizenship, once and for all time disposing of difficulties which have arisen by reason of the heavy colonization on our Pacific slope of unassimilable alien races. The policy of denying United States citizenship to the yellow and brown peoples is applauded by students and thinkers, both here and abroad, who appreciate the fact that because physical assimilation of oriental peoples is impossible their incorporation into the body politic is impracticable and unwise. If they can not, and should not, be made citizens, does it not follow that their admission to our country should be strictly and absolutely limited? We bar the Hindu, with certain exceptions, by a geographical barrier. We bar the Chinese, with certain exceptions, by an exclusion law. Our failure to bar the Japanese has resulted in the development of alien colonies in our Pacific Coast States, the residents of these colonies being entirely under the protection of a foreign government and amenable in only slight degree to American influence. It would seem to be reasonable and proper, therefore, that we set up a uniform rule affecting Hindu, Chinese, Japanese, and all oriental people alike, providing for exclusion of all who can not become American citizens, admitting only those justly and equitably entitled to come as members of the excepted classes or temporarily for business or pleasure.

A provision of law on this point would cover the essentials of the so-called "gentlemen's agreement," but instead of being a subject of international concord—or discord—would be the exercise of a national prerogative, which is universally acclaimed as an attribute of national sovereignty. The policy behind such a provision of law was espoused by the late Colonel Roosevelt. The Imperial Government of Japan adheres to a similar policy, as does every other nation which seeks to maintain its own identity. It may be suggested that the assertion and enforcement of the elemental right involved in this proposition will give offense to the Imperial Japanese Government. I think not. The jingo element, both here and in Japan, may make a loud outcry, but the statesmanship of the entire world, including that of Japan, will recognize that in pursuit of this policy the United States will be clearly within rights universally applied in international law. No nation can claim a right to send one, or a thousand, or a million, of its nationals to the United States for purposes of permanent domicile or colonization. Such a claim would be incompatible with all the essential elements of national sovereignty. If we admit those Japanese who have business here and those who travel within our boundaries for business or pleasure, we shall do all we are bound to do in justice to ourselves. To maintain this proposition, I believe, will mean the elimination of the friction which has developed out of the "gentlemen's agreement."

SEPARATE CITIZENSHIP FOR WOMEN.

Separate citizenship for American women and separate naturalization of alien women married to aliens, which passed House and Senate by overwhelming votes and is a law, will help straighten up many vexed questions.

American women married to aliens may under this law retain their American citizenship, while alien women married to aliens may not be naturalized upon the naturalization of husbands, but must go through a short, separate process. The bill was introduced by Representative CABLE and was perfected by the House committee. Similar legislation is before the English Parliament and the French Chamber of Deputies. Much of the credit for the passage of this legislation by this Congress is due to Mrs. Maud Wood Park, of the Women Voters' League. The fairness of its provisions to American institutions can be understood by all, and it is the first of numerous naturalization reforms about to be undertaken.

CRIMES BY ALIENS.

Of course, not all the crime in the United States, or even half of it, is committed by aliens, but much crime of a non-American kind is committed by them. I receive hundreds of letters and clippings concerning this phase of immigration. I have before me an editorial from the Grand Rapids Press, as follows:

> #### LIBERATORE.
>
> John Liberatore, the youth who stabbed and killed a fellow workman in Ionia and was brought to Grand Rapids because of high feeling at the scene of the crime, says he arrived in the United States from Italy three years ago. His father and uncle had already established themselves in the New World, and the family seems to have been typical of the race and in no way below the average. Young Liberatore apparently inherited the industry, the hot passions, the temper, and the code of violence of the southern Italian, and was aggravated, or worked himself up, to the point of applying it with a knife.
>
> There is a ward in Chicago populated by southern Italians and noted for a record of ambush murders. The Sicilian vendetta carried to America's shores has been a common source of docket entries. Yet we continue to admit these races, with their feud code intact, and either scatter them among our people who dislike them and inflame their passions, or else permit them to herd together in cities and live, with little or no chance of Americanization, in the same fashion and with the same ideas of life and law as in their Italian homes. Southern Italians not differing greatly in make-up from Liberatore have been for many years the biggest single source of increase for our population.
>
> The Ionia crowd which went to the mayor's house to protest against the employment of the Liberatore class of foreigners in their factories had, we think, a glimpse of the right idea. The need of cheap labor is not sufficient argument for opening the Nation's gates to men who, like the unfortunate Liberatore, can not assimilate American ways. We think this near-by crime is another call for immigration which will cull the unfit rather than admit all types without discrimination and according to a senseless ratio based on past mistakes.

HERRIN.

The Tacoma Ledger says editorially:

> #### WERE LARGELY FOREIGNERS.
>
> There is something significant in the statement that of the miner population of "Bloody" Williamson, the "Little Egypt" county of Illinois, which was recently the scene of the most savage display of barbarism in the history of America, a large proportion are foreigners.
>
> While, of course, this fact does not mitigate the horrible offense or serve to erase in the slightest degree the stain that has been placed upon the name of the Commonwealth of Illinois, still it is with some degree of satisfaction that red-blooded and true Americans can say of this barbarous thing down there at Herrin, "These were not our people who did this shameful thing."
>
> As a rule, Americans, no matter what the provocation, do not resort to assassination and outrage in seeking to correct that which they claim to be wrong. Respect for law and good order is almost instinctive with the American; and he, knowing that after all he has a chance to redress injuries in the courts and at the ballot box, is content to await the time when justice will come. Instead of appealing to the gun and the bomb, he is in the habit of appealing for the sympathies of his fellow Americans.
>
> The foreigner, smarting under class distinctions and denied opportunities to earn for himself and family the necessities and comforts so essential to right living, comes to this country in search of the things denied him in the homeland. He knows little and cares less for American laws and American institutions, and when demagogues ply their arts upon him he is too apt to drift into frenzy that leads to positive anarchy.

Comments such as the above appear in the public press almost daily, indicating clearly that the American people at last are appreciating the enormity of the burden borne by municipal and State governments by reason of the violation of criminal statutes by aliens. The repetition on court dockets of such names as Uselis, Popvitch, Petrowski, Alussio, Berkman, Goldman, and so forth, is impressing the public mind to such an extent that many believe our criminal courts are sustained chiefly for the punishment of crimes committed by those who are not of us, or for us, or concerned with our national welfare.

PROTECTION OF ALIENS.

President Harding, in a recent message to Congress, August 18, said:

> One specific thing I must ask at your hands at the earliest possible moment. There is pending a bill to provide for the better protection of aliens and for the enforcement of their treaty rights. It is a measure, in short, to create a jurisdiction for the Federal courts through which the National Government will have appropriate power to protect aliens in the rights secured to them under treaties and to deal with crimes which affect our foreign relations.

Well and good! But in addition to such a law there should be additional laws to protect the United States and its citizens from aliens who have no regard for State or national laws. We have provided laws for the deportation of aliens after serving sentences for certain crimes. The list should be extended. A bill introduced by me for the deportation of alien violators of State and national liquor and narcotic acts (H. R. 11118, which passed the House by a vote of 222 to 73) should be enacted into law. Deportation of aliens convicted of mob violence should be required. The alien deportation act should specifically name train wreckers, bank robbers, and so on. We are deporting more aliens than ever before (13,731 for the year ending June 30, 1922), but not enough convicted criminals. Study the following tables and see for yourself the points in the law which need changing:

Aliens debarred from entering the United States during the fiscal year ended June 30, 1922, by causes.

Idiots, imbeciles, and feeble-minded	112
Insanity, epileptics	94
Constitutional psychopathic inferiority	31
Surgeon's certificate of mental defect which may affect alien's ability to earn a living, other than idiots, imbeciles, feeble-minded, epileptics, and insanity	22
Tuberculosis (noncontagious)	14
Loathsome and dangerous contagious disease	672
Surgeon's certificate of physical defect which may affect alien's ability to earn a living, other than loathsome or dangerous contagious diseases	573
Likely to become a public charge	5, 529
Paupers	2
Vagrants	4
Professional beggars	2
Contract laborers	809
Assisted aliens	161
Chronic alcoholism	2
Stowaways	1, 483
Accompanying aliens (under sec. 18)	100
Under 16 years of age and unaccompanied by parent	146
Criminals	176
Polygamists	2
Prostitutes and aliens coming for any immoral purpose	113
Aliens who are supported by or receive proceeds of prostitution	3
Aliens who procure or attempt to bring in prostitutes or females for any immoral purpose	94
Had been deported within one year	24
Unable to read (over 16 years of age)	1, 249
Geographically excluded classes (natives of that portion of Asia and islands adjacent thereto described in sec. 3)	22
Under provisions Chinese exclusion act	225
Under passport provision, section 3	6
Under provisions section 23	107
Without proper passport (State Department regulations)	292
Under per cent limit act of May 19, 1921, "excess quota"	1, 662
Total	13, 731

IMMIGRANTS ON AMERICAN SHIPS.

House bill 12237 also contains provisions for carrying on American ships at least one-half of whatever aliens are to be admitted. These provisions need to be changed in numerous details. Should perchance the quota be retained at 3 per cent, the demand to make it 6 or 10 per cent will soon be in evidence, backed by Americans interested in our ships. If we are to give Federal aid to the American merchant marine, which I favor, we had better give it straight away rather than introduce 50–50 methods, which are sure to invite more immigration business than our people want. Uncle Sam can not afford to sell our American birthright for a mess of steamship pottage.

A better way to insure that most of those aliens permitted to come shall come on American ships is to fix requirements as to air space, English-speaking matrons, equipment, food, and so forth, which modern American ships can meet, but which foreign vessels can meet only at great expense.

I am inclined to favor an additional plan to help American ships, as soon as we have permanently fixed the quotas. I would enact a law by which citizens or permanent residents of the United States may deposit the cost of passage with any immigration commissioner or shipping commissioner in the United States.

Inasmuch as more than half come to relatives now here, who send their money abroad for the tickets for relatives, no harm would result, and in addition to assisting our ships, we would take a long step toward ending the damnable robbing of immigrants, which in many cases is done by people of their own kind, who exact commissions, tolls, and so forth, from the newcomers and even place them in peonage in the United States until passage money is repaid.

CANADIAN RESTRICTIONS.

The public has heard much of the "so-called" Canadian plan, which has been proclaimed as highly successful. In hundreds of letters, magazine articles, and newspaper editorials the House Committee on Immigration and Naturalization, of which I have the honor to be chairman, has been urged to adopt the last Canadian effort at overseas selection as the one method which will restrict with the minimum of hardship. Overseas examination sounds well as a theory, but in practice it utterly fails, for several reasons, as our Canadian neighbors have learned.

Remember that the Dominion of Canada is of immense area. It has a population of less than 8,000,000 and has public lands to give away. It has not sufficient big interests in the cities to take up the unemployment slack; but as badly as it needs people on its lands, it will not settle its unoccupied lands with those who will weaken its blood and threaten its Government.

Canada's general law is essentially the same as our law of 1917—the Burnett Act. A Canadian order in council provided that—

> From and after the date hereof, and until otherwise ordered, no immigrant of any Asiatic race shall be permitted to land in Canada who does not possess in his own right the sum of $250: *Provided*, That this regulation shall not apply to a national of any country in regard to which there is in operation a special treaty, agreement, or convention regulating immigration.

That did not work. The Japanese had an "agreement," while the Chinese were willing to pay $250, and even the $500 which British Columbia Province imposes by order in council.

The next order in council provided that a charge of $5 be imposed for the examination and visé by a Canadian officer of passports required under the authority of the regulation established by the order in council (P. C. 718) April 12, 1922.

The United States has a similar law, with a $9 fee and $1 for registration.

The next order (P. C. 717), May 9, 1922, provided:

> From and after the date hereof and until otherwise ordered the landing in Canada of any immigrant is hereby prohibited, except as hereinafter provided:
>
> The immigration officer in charge may admit any immigrant who otherwise complies with the provisions of the immigration act if it is shown to his satisfaction that such immigrant is—
>
> 1. A bona fide agriculturist entering Canada to farm and has sufficient means to begin farming in Canada.
> 2. A bona fide farm laborer entering Canada to follow that occupation and has reasonable assurance of employment.
> 3. A female domestic servant entering Canada to follow that occupation and has reasonable assurance of employment.
>
> And provided further that the immigration officer in charge may admit—
>
> (a) The wife and family of any person legally admitted to and resident in Canada who is in a position to receive and care for his dependents.
>
> (b) The national of any country in regard to which there is in operation a special treaty or agreement or convention regulating immigration.
>
> (c) Any British subject entering Canada—directly or indirectly from Great Britain or Ireland, the United States of America or any self-governing British dominion or Newfoundland, who shall satisfy the immigration officer in charge at the port of entry that he has sufficient means to maintain himself until employment is secured.
>
> (d) Any American citizen entering Canada from the United States, provided it is shown to the satisfaction of the minister of immigration and colonization that his labor or service is required in Canada.

Next came P. C. 1041, on May 12, 1922, which provided that—

> The landing in Canada is hereby prohibited of any immigrant who is not in possession of a valid passport issued in and by the government of the country of which such person is a subject or citizen, viséed as follows:
>
> 1. The passport of any alien immigrant landing in Canada from the Continent of Europe, whether directly or indirectly via Great Britain or Ireland, shall carry the visé of a Canadian immigration officer stationed on the Continent of Europe.
> 2. The passport of any immigrant not included in the last preceding paragraph shall carry the visé of a British diplomatic or consular officer. For the purpose of this regulation a passport to be valid must be presented within one year of the date of its issue: *Provided*, That this regulation shall not apply to British subjects landing in Canada directly or indirectly from Great Britain or Ireland, the United States of America, or any self-governing British dominion, or Newfoundland, nor shall it apply to American citizens, nor to immigrants landing in Canada from the United States who have been resident in the United States for at least one year immediately prior to their landing in Canada.

Neither was that entirely successful. I am informed it is proving troublesome, for—

> The Canadian act contemplated the creation of machinery which would determine an emigrant's fitness before he left his home, but it has been and is being enforced without this machinery being provided. All that has been done is to establish visé points which determine the civic fitness of intending citizens.

This determination of civic fitness is exactly what the consuls of the United States undertake to do under present laws.

> There is also no medical examination, so that the immigrant on reaching Canada, although having a visé, may still be rejected for physical unfitness.

The same situation prevails in the United States.

WHY NOT THE MEDICAL EXAMINATION ABROAD?

So much objection was taken by Scandinavian countries to the Canadian regulation requiring Scandinavians to obtain visés in England that a few months after the regulations were promulgated they had to be rescinded. Poland has now taken to fining the steamship companies for taking rejected emigrants to the visé station at Danzig.

Italy, France, and other countries have protested against the overseas medical examination proposed in a bill now before the House committee. If it dealt with immigrants only, no harm would be done by refusing to heed the protests, but we must consider the rights of visitors and travelers and be prepared for retaliation against our own people who visit foreign countries.

It is reported that—

> The steamship companies claim that as they are fined and made to bear the cost of returning unfit immigrants from Canada to their point of departure the preliminary examination of continentals may safely be left in their hands, since self-interest will dictate the exercise of care. They would not object to the Canadian act if adequate machinery were provided for its enforcement, but they do not think that the various European governments would allow the setting up of such an elaborate organization to drain their countries of their best citizens.

Mr. Speaker, in the United States we have long known that even before we had the passport system certain countries unloaded their undesirables on us. Most foreign countries have had their passport systems for a long time, and will continue to have them, whether we do or not. It is common in some countries to withhold passports from one class and grant passports freely to another class. Testimony before the House committee shows that this is the practice in Poland and elsewhere. It accounts for the oddity in the statistics for the past year, which show that more Poles left the United States than came here. One can well believe that the Poles of old-time blood went back to join the forces of the new Polish Government, and that Polish Jews were freely given passports to the United States—so freely that the number holding passports was out of all proportion to the quota.

The same thing applies to our statistics concerning immigration from and emigration to certain other countries. In fact, our evidence shows that in several of these countries—including some of the new ones—the political division is always racial—and even approximates the religious. The majority party fights, annoys, and sometimes tortures and maddens the members of the minority party, which is usually made up of Jewish citizens. That is the political division over there. We do not want it here, and the safest way to prevent it is to reduce the quotas from all such countries. It is the best for all concerned. Leading Jewish people of the United States have said this to me.

CONGRESS MUST NOT LOSE ITS CONTROL.

Reverting to the proposed examination of immigrants overseas, it is often said that if we are to obtain immigrants of the greatest promise of social worth we must devise some method by which the nationals of foreign countries may be examined by our immigration inspectors in their foreign homes. It has been suggested that a proper means of effecting such examination would be to set up an immigration office in each consulate, to function in connection with the work of viséing passports, and thus to sift out there the wheat from the chaff and send on to America such classes of migrants as shall appear most likely to meet the social and economic needs of our country.

The idea is not new. It has attracted popular attention and applause frequently during the past 20 years, possibly longer. It is decidedly appealing. One great trouble is that no such scheme could be devised without utilizing the already existing machinery of consular offices. Our consular offices are established under authority of trade and commercial treaties, each of which sets forth specifically what functions may be carried on by consular employees. Examination of persons who contemplate migration to the United States is not included. It follows that if we are to set up a plan for examination of immigrants overseas we must of necessity revise many of our trade and commercial treaties.

CARRYING OF IMMIGRANTS IS COMMERCE.

I am certain that such a step is neither contemplated nor desired by Members of Congress or by any student of the immigration problem. For one thing, we could not well request revision of a commercial treaty without according to another sovereignty some measure of authority bearing upon the subject. Control over immigration should not, must not, be dependent even in the slightest degree upon the wish or desire of another country. Therefore, it would be the part of unwisdom to suggest the revision of any treaty so as to afford a foreign power opportunity to dictate or advise concerning our immigration policy. We must reserve to ourselves all authority in this most important matter, even to the point of refraining from effectuating what to many minds appears to be a most desirable plan for the solution of the problem. Further, the representatives of the people in Congress assembled must hold fast to their powers as conferred by the Constitution. It will be remembered that one of the most important reasons for the rejection of the covenant of the League of Nations was the fear that the league would arrogate to itself a measure of control over immigration. The American people never would permit an act of abdication in this regard.

VIEWS OF SECRETARY OF LABOR DAVIS ON 3 PER CENT LAW.

Mr. Secretary Davis, of the Department of Labor, has given the abuse of their own passport systems by certain foreign governments as one of the reasons why, in his opinion, the 3 per cent restriction law has outlived its usefulness.

I disagree with the distinguished Secretary of Labor. The 3 per cent act came just in time to save us from one and one-half million immigrants who would have arrived in 1921–22, when we could not have employed them, assimilated or even housed them. Secretary Davis wrote in a letter under date of August 25, 1922, in part as follows:

> It is my firm conviction that we must have a radically different program for dealing with the immigration problem. In the first place, while the 3 per cent act serves very well as a temporary measure under the conditions responsible for its enactment, a permanent policy should be upon an entirely different basis. Good substantial immigrant stock has played an important part in the upbuilding of America. It has furnished labor for our mills and factories; it has helped to build our railroads and cultivate our farms. Apparently that kind of immigration is not forthcoming under the present program. The present passport and visé system gives to the foreign powers the privilege of designating or permitting those who are to emigrate, and those only. A selection of our future residents is, therefore, by some other power than our own Government, because they may refuse passports to whomsoever they desire to keep at home. It would be far better, and I am a strong advocate of the plan, if our own officers could be stationed at ports of emigration and in lieu of the viséing requirements put them through examinations covering the following tests:
>
> (1) Blood, (2) physical, (3) mental, (4) character.
>
> This will insure that we get immigrants of the constructive type. They will also be welcome, but our interests should not cease as soon as they arrive. We should follow them into the occupations that they go into and see that they make good. We should assist them to secure, at least, a working knowledge of the English language to better protect them in their work and open up possibilities for their advancement. We should acquaint them with the institutions of liberty which our forefathers fostered and which we have encouraged, and we should know that legally admitted aliens, and that only the legally admitted, are the recipients of the opportunities and privileges afforded. To do this we should have an annual census of the foreign born who are not citizens, requiring them to pay a nominal fee, this fee to be used entirely for their education and the advancement of their opportunities. While we should have no desire to create an espionage system through this restriction, it will nevertheless permit us to check up on all those who have violated the law in securing admission. If their regard for American law is such that they violated it in the first place by illegal entry, how can we expect that they will have any more regard for other laws. We will be able to trace surreptitious entries of orientals and we will be in a position to know our self-appointed enemies who are designing to rule America by revolution as opposed to our settled principle of advanced Government by evolution.

CHICAGO TRIBUNE REPLY.

Mr. Speaker, in my remarks I have covered the objections to some of the points made by Secretary Davis. I desire to add an editorial from the Chicago Tribune, dated August 29, 1922:

> GUARD THE GATES.
>
> Secretary of Labor Davis announces his belief that the present 3 per cent immigration restriction law has outlived its usefulness and "a radically different program must be evolved." He bases that conclusion on figures which show that immigration of the best European stock, which has done much to upbuild America, is insufficient under the present program.
>
> That contention may be true, but there is a legitimate question as to whether changes in the 3 per cent restriction would correct the deficiency of high-class immigrants. The facts are that the 3 per cent limitation is keeping out hundreds of thousands of undesirable aliens who seek refuge in this country from chaotic, social, political, and economic conditions abroad. But under the same law the peoples to whom Mr. Davis refers as desirable are not filling their quotas. In other words, the 3 per cent restriction is not keeping them out of America, because less than the permitted 3 per cent are desirous to come here.
>
> When, therefore, we begin to tamper with the present law we are likely to be laying ourselves open to the danger of bringing in more undesirables and no more desirables. The only way in which the latter can be brought in in larger numbers is to offer greater inducements or greater facilities for the move.
>
> Any such proposition must be considered very carefully, lest it involve us in unpleasant relations with the countries from which we limit immigration or lest it open the way to a greater influx of undesirables. If, as he says, selection of America's future citizens is now reposed in other Governments, that is a point worthy of consideration, but whatever the results of that study may be no changes in the law should be permitted to open our gates to a horde of undesirable aliens.

CABLE EXPLAINS 3 PER CENT LAW.

Representative CABLE, of Ohio, a valuable member of the House Immigration Committee, in a recent speech said:

> Mr. Speaker, a law of Congress should be judged by its benefits. If no good results ensue, it should be promptly repealed. What, then, of the 3 per cent restrictive immigration law of May 19, 1921? It has been in actual operation for the entire fiscal year ending June 30, 1922.

After discussing the heavy immigration, which was checked by the World War, Congressman CABLE speaks of its sudden revival after the armistice, saying:

> Evidence was introduced before our committee that the ports of southern Europe were congested with those seeking to come to this country; that unless a restrictive immigration law was passed there would be a virtual migration of foreign born to this country numbering from one to two million. The large number of ships created for war purposes were without goods to transport; they would be idle unless the owners could enter into the lucrative business of immigration transportation. But what was the condition in America? During the war the construction of homes and schools was stopped almost entirely. Congress was confronted with the proposition that there were no homes wherein these people could live, no schools whereby their children could be educated, and the American workingman should not be compelled to compete for his work with those seeking to come here. It was not a fair proposition either to the American people or to the foreign born. Prompt and proper solution of the problem was the passage of the 3 per cent restrictive immigration law.
>
> This law, in brief, simply provides that new immigrants equal in number to 3 per cent of those foreign-born nationals who resided in the United States as determined by our 1910 census could be admitted during the fiscal year, and that not more than 20 per cent were admissible during any one month.
>
> That this law is a success is proclaimed by the good and beneficial results it has accomplished. Not only has the number of immigrants been reduced to a minimum but the quality of those who came and remained here is of the highest standard obtainable from other countries. The workman is protected from foreign competition.
>
> Because of the law we have been able to learn many characteristic facts concerning the nationals of other countries. For example, the people of southern Europe are more anxious to come to the United States than those of northern Europe. This is shown by the records. The people of Greece, Hungaria, Italy, Poland, Rumania, and such countries exhaust their entire quota and every person who, under the law, was permitted to come, did come to America. On the other hand, the countries of northern Europe were not inclined to permit their nationals to leave for our shores and but a portion of the percentage allotted to such nationals was exhausted. For example, the people of France used but 75.9 per cent; Germany, 28 per cent; Norway, 48.7 per cent; Sweden, 43.8 per cent; and the United Kingdom, 55.2 per cent.
>
> Another interesting fact was disclosed in the operation of this law. While the nationals of the southern countries of Europe exhausted their full quota in coming to the United States, yet, instead of being a net gain, it was a loss in the number of immigrants from these countries for the entire fiscal year, because more nationals emigrated from the United States than entered here from these southern countries. On the other hand, when the English, French, Germans, Irish, Scandinavians, Scotch, Slovaks, and Welsh come to the United States they have the purpose of remaining here, making this their permanent home, and the United States the new country of their allegiance, because but few of these nationals return to their old countries.
>
> The most peculiar result of the operation of the law is that our net gain consists entirely of women and girls. The number of male aliens who departed from this country during the fiscal year just passed exceeded those admitted by almost 12,000, while the number of females who were admitted to this country during the fiscal year ended June 30, 1922, exceeded those who departed by more than 98,000, so that the net gain in the number of aliens for the fiscal year last past, from both quota and nonquota countries, is 87,121—all females.

OTHER BENEFICIAL RESULTS.

In addition, the immigration laws have been better administered. The percentage of those usually debarred has been less than 2 per cent each year of those who seek admission, while under the administration of the 3 per cent law the percentage of debarred has almost doubled.

Another fine result of the law is the fact that under restrictive immigration naturalization of foreign born is on the increase. We have approximately 14,000,000 foreign born in this country, and less than half are naturalized. As is well known, when a man is naturalized his wife and also his children who are under 21 years of age, and residing in this country, automatically become American citizens. This process takes at least five years for the man.

About 12 years ago naturalization was granted to a number equal approximately to 10 per cent of the new immigrants who came to this country. During the last fiscal year this situation has been reversed, and, while the net gain of foreign born is about 87,000, the naturalization amounts in round numbers to approximately 262,000. I am one of those who believe that a foreign born who comes to this country to make a living should think enough of the United States to renounce allegiance to his foreign ruler and become a citizen of the United States.

Sometimes those seeking to be naturalized fail, but generally through no fault of the Government. Of the 29,000 who were denied naturalization in the last fiscal year, 10,000 were refused because they had claimed exemption from military service of the United States on the ground that they were aliens.

This law has been operating so successfully that it has been extended for two additional years with some amendments. For example, a penalty is imposed upon steamship companies who bring aliens here in excess of the quota; also, instead of one year, aliens must reside continuously for five years immediately preceding the time they seek admission to the United States from Canada, Newfoundland, Cuba, Mexico, and countries of Central and South America or adjacent islands.

THOMAS THINKS LAW WORTHLESS.

On the other hand, Representative THOMAS, of Kentucky, thinks the law is worthless, and in a speech recently made says:

> The immigration bill is practically worthless and foreigners are pouring into this country by way of Canada, Cuba, and Mexico, while the law at the port of New York is administered principally by foreigners, and how many who should not enter come in through that port is not known. Whenever the gates to immigration are closed and those who have been in this country more than five years without becoming naturalized citizens are deported, then the immigration question will be settled as it should be. This administration really desires an influx of foreigners into this country that their cheap services may be utilized in competition with American labor.

Of course, Representative THOMAS desires complete suspension. Probably he does not realize the difficulties in the way. It is doubtful if European aliens have poured in surreptitiously in any such number as is popularly supposed. A few thousand, perhaps. But the amendment recently added by Congress has hung up in Mexico and Cuba many thousands who were sojourning there for one year in the hope of their beating the intent of the original quota law.

ARRESTING ALIENS FOR POSSIBLE DEPORTATION.

Under present law, aliens suspected of being illegally in the United States can only be arrested on a warrant from the Secretary of Labor which must show probable cause. The law should be changed so as to give any immigration commissioner the right to detain an alien and ask him to show his right to be in the United States. This would soon pick up the oriental and other aliens—also seamen—who have sneaked into the country and would greatly reduce the everlasting demand for certificates of arrival, or nunc pro tunc certificates, problems which have given the committee, as well as immigration and naturalization officials, much trouble. The provision for consular certificates which is in House Resolution 12237 will also lessen this trouble.

REGISTRATION OF ALIENS.

It will be noted that registration of aliens is also spoken of in the above letter of Secretary Davis. I introduced some time ago H. R. 10860, a naturalization bill containing many badly needed administrative features and proposing desired reforms in the law. I concluded that if the States must educate the alien the alien should pay a small part of the cost. Hence I proposed a nominal registration fee of $5, reducing certain present incidental naturalization fees, and greatly reducing the number of the costly processes of naturalization.

In another national legislative body this bill was introduced with the registration fee placed at $24, which in my opinion is prohibitory, particularly when United States labor wage boards establish $582 (or $11.20) as a living wage for laborers. In my opinion the introduction of the $24 fee proposed for registration as against the $5 fee proposed by me has set the much-needed naturalization bill back two years and possibly has killed the registration plan.

The alien press—never very friendly—was wildly worked up over the $24 proposal. I have hundreds and hundreds of copies of their editorials (translated and otherwise) in which they oppose registration and oppose especially the big fee. There are all sorts and kinds of foreign Americans, racial and even religious combinations, fighting restriction, and such traditional pillars of our very civilization as the public school. They have many hundred alien newspapers printed here. A study of the hundreds of clippings possessed by me is illuminating.

The Camp News of the Patriotic Order Sons of America says:

> The foreign-language newspapers are nearly always American at least in their titles—Italian, Armenian, Lithuanian, American, Polish-American—unless their titles are out-and-out foreign, and then half of them have titles which mean in English "The Masses," "The Revolutionist," "The Terrorists," "The Liberator," and the like.

The Camp News says:

> And all of them take a fling at immigration restriction and at that patriot, ALBERT JOHNSON; also at all Americans who would keep any foreigners out of this land of the "free and home of the brave."

The Italian American Review, published in New York City, urged editorially during last May the "organization of Italian-Americans," and that the organized Italians follow their leaders, and the editor even went to the extent of concluding:

> We not only need organization, we need not only a rapid increase in births (among Italians here), but an organized body of mentally alert men and women.

A similar argument is advanced by the Nowiny Polskie, of Milwaukee, Wis., the same month, as follows:

> It is the duty of every Pole to obtain his second naturalization papers as quickly as possible, so as to be able to vote this fall. * * * Let us remember there are many Chauvinistic and foolish (American) persons who are trying by various means to suppress the use of foreign languages and other personal liberties. Every Pole in America should acquire the right to vote and vote for men who are not in favor of limiting personal freedom.

And so forth.

The Glos Narodu, of Jersey City, has an editorial the same month calling attention to the fact that—

> We pride ourselves on having a Polish judge here, and there a Polish clerk.

And then lambasts Poles for not organizing and voting solidly as Poles for Poles and Polish notions.

The Obrena, of Scranton, Pa., characterizes the demand for restriction and better naturalization laws as "selfish," "prejudice," "hatred," and announces that there is room and work for 100,000,000 aliens in the United States of America, while the Amerika Magyar Nepszava boasts that Hungarians alone sent back $40,000,000 to friends and relatives last year, and the other paper declares foreigners will not take jobs from Americans, because "the nativists won't work."

And the various hyphenates are urged, exhorted, and browbeaten in long editorials and articles, almost as long as the foreign steamship advertisements in these foreign-language papers, to write and vote against and to telegraph Congressmen, Senators, and the President against the Johnson immigration and naturalization bills.

I have not time in this speech for foreign-language newspapers who urge the actual overthrow of our Government.

WHAT RETURNING CITIZENS SAY.

Four-fifths of all Americans who return from a trip to Europe and who have given any thought to the question of immigration indorse the views of Mrs. Lillian Russell Moore as presented to the Committee on Immigration. The New York Commercial (April 5, 1922) says:

> Those who reflect with any degree of seriousness upon the report dealing with the prospective immigration from Europe recently submitted to the Department of Labor by Mrs. Alexander P. Moore (Lillian Russell) can not desist from feeling that summary action should be taken by Congress to meet a situation which has been threatening the welfare of this country for several years. The report plainly states that unless our laws are revised to safeguard the country from a further influx of undesirables there will be no longer an America for Americans.
>
> That statement is none too strong. Our lawmakers have been seemingly oblivious to the grave dangers attending unrestricted immigration. The recently enacted law restricting immigration to a 3 per cent basis is not adequate. It is not our purpose to limit the entrance of undesirables but to absolutely exclude them.
>
> The future of this country and its institutions depends, to no small extent, upon the enactment and rigorous enforcement of a new immigration law which will adequately protect our citizens from the dangers which must necessarily follow the admission here of foreign subjects who can not measure up to our standards.

Dr. Henry Allen Tupper, of Washington, D. C., due back from Europe, again sounds the alarm; so do hundreds of leading citizens of national prominence. The cry is not from malice, not from race hatred, not from a denial of asylum, but for the preservation of our Government.

Doctor Tupper has been investigating labor and emigration problems in Constantinople, Beirut, Jerusalem, and Egypt on behalf of the Secretary of Labor. He says:

> I will make a full report on my arrival in the United States early in October. Tens of thousands are anxiously awaiting an opportunity to seek work in the United States.

ALIENS WOULD DESCEND LIKE CLOUD OF LOCUSTS.

Edna Ferber, the noted short-story writer, wrote from Paris, August 14, giving her impressions of the Old World, and said:

> Impression 3. If it weren't for the 3 per cent immigration law in force in the United States, Europe, en masse, would descend on us like a cloud of locusts. The earth, the sky, and the waters beneath the earth would be black with them. Every waiter, clerk, chambermaid, bath attendant, taxi driver, bootblack, engineer, dressmaker, embroiderer, accountant, teacher, unmarried woman, unmarried man confides to you a wish to come to America.

WARNING FROM DOCTOR SCHURMAN.

Dr. Jacob Gould Schurman warned the American people that they must protect themselves from the peril of denationalization by hordes of foreigners difficult to assimilate. He described the melting pot as a misleading shibboleth from the delusion of which the American people had awakened. He gives these figures on the present foreign population:

> We now have in the United States, of all the Jews in the world, 24 per cent; of all the Scandinavians, 17 per cent; of all the Germans, 13 per cent; of all the Slovaks, of all the Poles, and of all the Finns, 8 per cent each; of all the Italians, 7 per cent; of all the Dutch and of all the Lithuanians, 5 per cent each; of all the Greeks and of all the French, 3 per cent each.

Walker D. Hines, former railroad administrator, who recently returned from Europe, said he saw darker hours ahead in Europe and that the demoralization of the currency of France, Germany, and Austria was bound to grow worse. Russian rubles are now 7,000,000 to the dollar and will get cheaper. So will German marks and Austrian kronen. The desire to get to the United States will increase from these and other broken countries.

VIEW OF ORGANIZED LABOR.

Organized labor, speaking through the American Federation of Labor, with its 4,000,000 members, and through the railroad brotherhoods, with almost a million, is joined by chambers of commerce, like that of New York, and by such representative bodies as the Women's Federation and the immigration division of the National Civic Federation, in advocacy of restriction. The Federation of Labor at its last annual meeting in Cincinnati by formal resolution urged that immigration be either restricted to only blood relatives of foreign-born citizens in the country or that the 3 per cent law be made permanent.

And in this connection I want to call attention to the convincing and conclusive argument—one of the best I ever heard or read—made by one of the great leaders of the labor movement in America, Secretary Frank Morrison, before the Senate Committee on Immigration at the time the existing percentage law was considered, and I want to quote now, in answer to sentimentalists who seem to have so little sympathy and consideration for our own and so much for aliens in foreign lands, what he said a little while ago before the House committee when he stated:

> Mr. Chairman, I speak not only for the native but I speak for thousands of men of every nationality who believe that our first duty is to take care of those who are already here.

THE QUESTION OF WAGES.

Mr. Speaker, every good American sympathizes with workingmen in their effort to obtain decent wages and decent conditions. Believing as I do in protection in commodities, I can not agree to free trade in labor. Restriction is an absolutely necessary supplement to a protective tariff. Immigration must be curtailed until all workers, native and foreign born, whether in the basic or other industries, get wages and have conditions commensurate with American standards and ideals if we are to maintain those standards, ideals, and, in fact, our very civilization.

The 3 per cent restriction has done more for common labor than any other one thing. So say the managers of the big steel mills. They have recently increased wages of common laborers 20 per cent. Dividends may be a shade less, but the American standard of living gets a little chance in the all-labor communities.

I have before me various letters and printed statements of large employers and big bankers protesting restriction. In a recent pamphlet the National City Bank of New York City, and it ought to know, attributes the recent increase in the wages of common labor in the steel industry to the 3 per cent law. Similarly the president of the R. H. Johnson Co., of Wayne, Pa., writes that the percentage law, unless repealed, will necessitate a "further increase of 50 cents to $1 a day." Propaganda to break down restriction and open up the alien floodgates has been launched by big employers and importers of foreign cheap labor. The drive is on and is increasing. Members of Congress are being besieged with letters from factory districts and labor centers picturing a shortage of common labor and demanding foreign labor's importation in order to hold down the wages of unskilled workers. Common labor receives from $500 to $600 a year in the basic industries. As official investigation has shown and the writer of the above letter states, labor in these industries is practically all foreign.

WHO WILL DO THE WORK?

Americans can not and foreigners ought not be allowed to work in this country for those low wages. Neither can Americans work or ought foreigners be allowed to work for the $582 a year wage fixed by the United States Railroad Labor Board for maintenance-of-way men, whose duty it is to make and keep the rails safe for public traffic and travel.

Just as soon as wages in those industries rise to the point where the breadwinner can rear and support his family in keeping with American standards the native born will reinvade those industries from which they have been driven by the ruinous competition of imported cheap labor, often inducted into conditions amounting to slavery, and when wages do rise to that level the native supply will quite meet the demand, just as native labor does in every other country.

Gentlemen, the United States is paying and will pay a fearful price for the cheap labor already brought in. It is doubtful if our own ancestors will not damn us for the delay of years. Better slow down. To use up our resources still faster than we have simply to make more places for more aliens, to use more resources, to require more aliens on more jobs is waste. It has been a great scheme, it helped to make a great country, but it has its limitation.

PATRIOTIC SOCIETIES SEE THE DANGER.

Purely patriotic societies—national, State, and local—with no selfish interest or purpose, whose traditions and principles go back to colonial days, such as the Patriotic Order Sons of America, the Junior Order, and many others, are a unit in support of the existing 3 per cent law, and with the Grand Army of the Republic, the American Legion, and the Sons and Daughters of the American Revolution are urging more and more, perfecting and making permanent that legislation.

Not only are there all these organized groups urging this legislation but the farmers, who are the very mainstay of the Nation, through the National Grange or Patrons of Husbandry, with almost a million members, through their able representative, Dr. T. C. Atkeson, and prominent writers, experts, officials, and sincere students of the question, like Prof. Robert De Courcy Ward, of Harvard; Mr. Madison Grant, of New York; Colonel Yerkes, of the Army; Kenneth L. Roberts, Mr. James H. Patten, of Washington, D. C., and others who have made searching investigations of the whole problem, absolutely agree with the widespread demand of the press and public for strengthening, perfecting, and making the existing temporary legislation permanent.

NEW YORK'S PLIGHT.

The city of New York is rapidly becoming an alien metropolis, with a babel of the tongues of the earth. A leading New York daily recently quoted Prof. Duncan Joyce in a speech before the Young Women's Hebrew Association, as saying:

> New York City is overpopulated, and unless the immigration authorities open their eyes to the situation and enforce restriction in as rigid a manner as possible, the struggle for existence will grow keener and keener every year. Few facts are more remarkable nowadays than the enormous increase of the population in the city of New York, a city to which the eyes of all the people of the earth are turned as a sort of Elysium.
>
> With all the grounds we have for congratulating ourselves upon past achievements, however, there is one drawback that can not easily be overlooked. Never was this city so overcrowded. Never were there such numbers without work. In the professions, among the learned, in the stores, in the shops, in street work, all places are taken. While wretched men of all races exist by the hundreds who, for the wretched pittance of $1.50, will tramp the gutters of our streets all day bearing placards on their shoulders.

MORE THAN ONE IN EVERY THREE.

New York City has doubled her population in the last few years. Her foreign-born population is 35.5 per cent. A study of the 1920 census figures made by Dr. Walter Laidlaw, executive secretary of the New York City 1920 census committee, shows that New York City has a foreign white-stock population as large as the whole population of Chicago, Detroit, and Boston; that the Russian element is larger than the population of Warsaw, and that there are 100,000 more Italians there than in Naples. The leading foreign elements in New York City in 1920, according to Doctor Laidlaw, are as follows:

Russian	994, 356
Italian	802, 893
Irish	637, 744
Austrian and Hungarian	603, 167
German	593, 199

There are 13,920,692 foreign born in the United States according to the 1920 census. Many of them are unable to speak English, and a still larger number can not read it.

Oh, Mr. Speaker and gentlemen, in but a few years these aliens in very despair will be pounding heavily at the very pillars of our Government, where those who have come ahead of them a few years back with their socialism, their communism, their Bolshevism have been merely gnawing like rats at our foundations.

THE GREAT DANGER.

In concluding I want to commend to all those interested in the racial and political aspects of the question two epoch-making books by Dr. Lothrop Stoddard entitled "The Rising Tide of Color" and "The Revolt Against Civilization," an equally important book by Madison Grant entitled "The Passing of the Great Race," and a most illuminating monograph, just off the Putnam press, by Daniel Chauncey Brewer, entitled "The Peril of the Republic."

This book should be read by all persons who are giving study to the various forces which endanger the safety of our country. Mr. Kenneth L. Roberts's volume, "Why Europe Leaves Home," is well worth reading, and his forceful articles in the Saturday Evening Post have given great impetus to the movement for increased restriction. William Allen White, the noted editor of the Emporia Gazette, declares that immigration is bringing more morons from the Old World, and they are breeding faster than the good old stock of the early settlers of America.

No one concerned about the future of this Republic with any knowledge of the subtle "boring from within" that has been increasing from foreign sources year by year can afford to ignore the warnings contained in the books I have mentioned. They should be read by every thoughtful American, and a reading will convince him that our forces of assimilation and Americanization are strained to the breaking point; the melting pot is overflowing and will not melt any more, and that more foreign immigration is simply water on the wheels of the radicals and near radicals who would pull down our very house upon our heads, destroy our very civilization, and reenact here the Russian debacle ushering in the four horsemen of the Apocalypse.

APPENDIX A.

I present the following additional reports in reference to the Japanese situation:

JAPANESE SETTLERS ADVISED TO BRING FAMILIES SPEEDILY—PASSPORTLESS SHOULD ASK GOVERNMENT FOR PASSPORTS—SHORTRIDGE AND JOHNSON BILLS FEARED.

The press reports of the Albert Johnson immigration bill have aroused deep concern among California Japanese. Both of the San Francisco Japanese papers, the Japanese American News and the New World, are out to-day—June 28—in editorials on the subject. The Japanese American News looks to Tokyo for a strong protest if the bill should receive the approval of Congress. The New World anticipates the passage of something like the Johnson bill and also the Shortridge bill providing for alien registration. What the Japanese fear most, according to the New World, is an immigration law excluding relatives of resident Japanese and a registration law which would hit Japanese who are here without passports and have not been here long enough to acquire domicile under our present immigration laws. The frequency of references to the latter class by the Japanese press is a strong indication that it is numerically a large class. To save these men from detection and deportation under an alien registration act there is a quiet movement afoot for getting vouchers for them through the consulates. We know how easily a perfectly good certificate of domicile can be manufactured by the machinery of the consul-controlled Japanese associations. Of course, it is only those who have smuggled in recently who are objects of concern, and this gives all the more significance to the appeals on their behalf. If there were but few of them, there would not be so much anxiety. The New World says:

"At the present time the questions which give most anxiety to the resident Japanese are this one of prohibiting the coming of wives and children and the registration bills of Senator SHORTRIDGE and Representative JOHNSON. We think our nationals should at this time make the utmost haste in sending for their wives and children.

"The Shortridge-Johnson bill is likely to meet strong opposition in America on the part of resident aliens and others, but sooner or later it is likely to be adopted in some form. This bill does not strike any serious blow to aliens eligible to citizenship, but to others it is truly a great blow, spiritually and economically, and its most disastrous consequences will fall on the Japanese. Particularly those Japanese who are here without passports and have not been here long enough to acquire domicile will suffer greatly. Therefore the best thing for such persons to do is to confer with the secretaries of their local Japanese associations with a view to securing passports from the old country.

"The two questions above referred to have already come up for legislation in both Houses of Congress, and sooner or later the proposed bills may become laws. We must remember that both of the bills are aimed at orientals—i. e., aliens ineligible to citizenship. If the Japanese secure citizenship, these bills will not affect them. But the naturalization question seems to be very far from settlement, and so the quickest and best policy is that mentioned above."

JAPAN'S REACTION TO UNDESIRABLE IMMIGRANTS—A FEW HUNDRED CHINESE AND KOREANS BECOME A "PROBLEM" TO THE AUTHORITIES.

The following story, published in the Japanese-American News of August 29, 1922, shows the shallowness of the Japanese professions of "race equality" when it comes to admitting aliens to her own shores on an equality with native residents:

GOVERNMENT OFFICIALS GLARE AT CHINESE PEDDLERS—BRINGING THEIR CHEAP WARES TO OUR COUNTRY WHERE PRICES ARE HIGH—STRICT OVERSIGHT AT TIME OF LANDING.

Recently large numbers of Chinese peddlers have been crowding into Tokyo, and at present there are 800 or 900 of them. They bring to our country of high prices cheap goods, such as Chinese umbrellas, fans, medicines, etc., and peddle them about the country. These peddlers come chiefly from Tsingtau and Shanghai, and congregate in cheap lodging houses in the Kanda and Hongo districts of Tokyo. Recently another company of 70 or 80 have taken lodgings in the Gotanda district, where they operate under orders from a chief, who apportions the wares and sends them out under instructions. They can live very cheaply, six to seven of them occupying a single six-mat (9 feet by 12 feet) room, costing them, with two meals a day, only 17 to 18 yen a month. (A yen is about 50 cents.) After paying all expenses, car fare, etc., on their trips they can send home to the old country about 50 to 60 yen a month. Umbrellas which cost only 20 to 30 sen (a sen is a hundredth part of a yen) sell easily for 1 yen in Japan. They say they are especially successful in making money to send home by selling "rokushingan" (a kind of pill), said to be made of human liver. This medicine they claim to sell cheaper than the local druggists, and say it is more effective, hence it is eagerly bought, disappearing as if it had wings.

Furthermore, they are well organized and work together, all obeying well the orders of the chief. For this reason, they are regarded with suspicion, as being possibly the cat's-paws of the Bolsheviki. Not only so, but recently indications have appeared connecting them with Koreans. For these reasons the police officials are keeping the actions of these peddlers constantly under observation. A certain Government official, in speaking of this matter, says: "We are taking full precautions in regard to the landing of Chinese peddlers, but by disguises and other methods they are crowding in, much to our embarrassment. If this goes on we shall have vast numbers of them here, and our Japanese merchants will suffer from it. It may become necessary to adopt very stringent rules for dealing with the situation." This shows what a problem the Chinese peddlers have become to the Government.

APPENDIX B.

JAPANESE IN SUPREME COURT.

OLYMPIA, WASH., September 15.—Attorney General L. L. Thompson leaves next week to argue the question of the right of Japanese to be admitted to citizenship before the United States Supreme Court on

October 2. His brief, contending that the Japanese are not of white stock and therefore ineligible to citizenship, is now in the printers' hands.

Pitted against Attorney General Thompson in this case, on which hinges much of the anti-Japanese legislation in this county, is former United States Attorney General George W. Wickersham, of New York. At the same time the Washington case is heard a similar appeal from Hawaii will be argued.

The Washington question arose over the refusal of Secretary of State J. Grant Hinkle to accept articles of incorporation for the Japanese Real Estate Holding Co., presented for filing by Takuji Yamashita and Charles Hio Kono, who claimed to have been naturalized by the Pierce County Superior Court in May, 1902. The Washington Supreme Court held that the Japanese were not eligible to citizenship, sustaining Secretary Hinkle's refusal to permit the company to do business, and the Japanese appealed to the United States Supreme Court.

The United States Supreme Court will also be called on in October to decide the "color" of a man in the appeal of Takao Ozawa, Honolulu, Japanese, who is attempting to gain American citizenship by naturalization. Upon the outcome of the test case rests the disposition of several other similar suits in which Japanese have attempted to become naturalized.

Ozawa contends that he is entitled to citizenship on the ground that he has sought to mold his life along strictly American lines in accordance with the best American customs and ideals and on the further ground that he is "white" and is eligible for citizenship under the law, which provides that only a "free white person or person of African descent or nativity" may be naturalized.

Ozawa's efforts to obtain citizenship began here several years ago. The United States District Court for Hawaii denied his contention, and this decision was upheld by the Federal Circuit Court of the Ninth District of California. From this decision he appealed to the Supreme Court.

Ozawa contended that originally Japanese were of the white race. He traced the history of Japan several thousands of years to the Ainu Tribe and said that James M. Beck, Solicitor General of the United States State Department, had expressed the opinion that that particular branch of the Japanese race has characteristics of the Caucasian.

Ozawa came to Hawaii when a young man and was educated in the American schools here. In one of the briefs submitted here Ozawa said that he had taken special pains to educate his children in American public schools in order that they might become loyal American citizens, citizenship having been acquired by them through their birth on American soil. He said his children had not been taught the Japanese language, and that "nothing pertaining to Japan or the Japanese had been allowed to creep into their daily lives, education, or their religion."

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon.

The SPEAKER. The gentleman has that privilege.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House on the legislative program.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to address the House on the legislative program. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I hope that all Members will try to be here to-morrow. Under the unanimous-consent agreement the Unanimous Consent Calendar will be considered, and my understanding is that the Speaker contemplates the consideration of some measures under suspension of the rules. We hope also that the bonus bill will reach the House and that we may be able to send it to conference. In view of these matters of importance I hope that all Members will be here.

ADJOURNMENT.

Mr. WINSLOW. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Friday, September 1, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

677. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Commerce transmitting part 2 of the Annual Report of the Commissioner of Lighthouses for the fiscal year ended June 30, 1922, was taken from the Speaker's table and referred to the Committee on Expenditures in the Department of Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on District of Columbia. S. 2531. An act to create a board of accountancy for the District of Columbia, and for other purposes, with amendments (Rept. No. 1200). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MILLSPAUGH: A bill (H. R. 12528) to amend the Federal reserve act by prohibiting the establishment and maintenance of branch banks or branch offices by member banks; to the Committee on Banking and Currency.

By Mr. SCHALL: Joint resolution (H. J. Res. 375) directing the Postmaster General to report the cost of printing and distributing the official Postal Bulletin and the maintenance of the Postal Bureau of Information and the assignment of post-office inspectors; to the Committee on the Post Office and Post Roads.

By Mr. RYAN: A resolution (H. Res. 420) calling for the removal of Brig. Gen. Charles E. Sawyer as chief of the coordination section of the Veterans' Bureau, and the appointment of some one with sufficient time and ability to fill this office; to the Committee on Interstate and Foreign Commerce.

By Mr. BLAND of Indiana: A resolution (H. Res. 421) for the immediate consideration of House bill 12157; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ACKERMAN: A bill (H. R. 12529) for the relief of the estate of the late William R. Bennett; to the Committee on Claims.

By Mr. BARKLEY: A bill (H. R. 12530) granting an increase of pension to Mattie A. Tansil; to the Committee on Invalid Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 12531) granting an increase of pension to Thomas Ford; to the Committee on Pensions.

Also, a bill (H. R. 12532) granting a pension to Daisy Fear; to the Committee on Pensions.

Also, a bill (H. R. 12533) granting a pension to Minerva Douglas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12534) granting a pension to Allie M. Agrue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12535) granting a pension to Mary J. Steele; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12536) granting a pension to E. B. McMillen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12537) granting a pension to Mary Guy; to the Committee on Invalid Pensions.

By Mr. HOGAN: A bill (H. R. 12538) for the relief of Mary Dwyer; to the Committee on War Claims.

By Mr. LINEBERGER: A bill (H. R. 12539) for the relief of William H. Wagoner; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12540) granting an increase of pension to David Akridge; to the Committee on Pensions.

By Mr. VAILE: A bill (H. R. 12541) granting an increase of Pension to Mary S. Bisco; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6257. By Mr. KISSEL: Petition of Mr. Peter Moan, of Brooklyn, N. Y., favoring a 40 per cent duty on wire cloth; to the Committee on Ways and Means.

6258. Also, petition of the American Protective Tariff League, New York City, N. Y., regarding tariff publications; to the Committee on Ways and Means.

6259. By Mr. LEA of California: Petition of 332 citizens of California protesting against the enactment of pending Sunday bills; to the Committee on the District of Columbia.

6260. By Mr. SPEAKS: Papers to accompany House bill 12511, granting an increase of pension to Mary Bee; to the Committee on Pensions.

SENATE.

FRIDAY, *September 1, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, Thou hast granted unto us the privilege of seeing the opening of another month. We thank Thee that Thou hast carried us safely through the duties and the responsibilities of the past month. While we know not what the day or the hour may bring forth, we ask Thee that we may realize that our times are in Thy hands. Give us the conviction of high and holy duty, and enable us always to seek Thy good pleasure and to serve our generation by Thy will. We ask it in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Friday, August 25, 1922, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MEMORIAL.

Mr. SHEPPARD presented a resolution of the Farm Labor Union of America, No. 105, New Boston, Tex., protesting against the reappointment of W. P. G. Harding on the Federal Reserve Board, which was referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES.

Mr. COLT, from the Committee on Immigration, to which was referred the bill (H. R. 12022) relative to the naturalization and citizenship of married women, reported it without amendment.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 3970) amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, reported it without amendment.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURSUM:

A bill (S. 3971) granting a pension to Nellie Wilkinson; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3972) relating to the admission of attorneys and counselors to practice in the United States courts; to the Committee on the Judiciary.

By Mr. KELLOGG:

A bill (S. 3973) to remit the duty on a carillon of bells to be imported for the House of Hope Church, St. Paul, Minn.; to the Committee on Finance.

By Mr. KING:

A bill (S. 3974) to amend the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended; to the Committee on Agriculture and Forestry.

A bill (S. 3975) making an appropriation for the enforcement of the acts approved March 2, 1893, and February 17, 1911, requiring common carriers engaged in interstate commerce to provide certain equipment for their cars and locomotives; to the Committee on Interstate Commerce.

By Mr. SMITH:

A bill (S. 3976) to extend the Market News Service to certain States; to the Committee on Agriculture and Forestry.

By Mr. SHEPPARD:

A bill (S. 3977) to extend the Market News Service of the Department of Agriculture by telegraph to the State of Texas; to the Committee on Agriculture and Forestry.

By Mr. BRANDEGEE:

A joint resolution (S. J. Res. 242) authorizing the erection on public grounds in the District of Columbia of a statue by José Clará personifying "Serenity"; to the Committee on the Library.

UNITED STATES COAL COMMISSION.

Mr. DIAL submitted three amendments intended to be proposed by him to the bill (H. R. 12377) to establish a commission, to be known as the United States coal commission, for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes, which were ordered to lie on the table and to be printed.

AUTHORITY OF ADMIRAL BRISTOL IN THE NEAR EAST.

Mr. KING submitted the following resolution (S. Res. 343), which was referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State is directed to report to the Senate whether or not Admiral Mark L. Bristol, presently stationed at Constantinople, has been invested with any diplomatic or political authority on behalf of the Government of the United States in addition to the authority exercised by him as an officer of the Navy; whether or not said Admiral Bristol is entitled to be designated as American high commissioner at Constantinople, and if so, to report to the Senate the extent of his authority as such commissioner; and, if not incompatible with the public interests, to report the instructions which have been given to said Admiral Bristol in the premises, and particularly to report whether or not said Admiral Bristol has used his position as an officer of the Government of the United States or otherwise in favor of the Kemalist Turks in the existing war with the Greeks in Asia Minor and in the controversy as to the military occupation and political control of the Smyrna district and other districts in Asia Minor inhabited by the people of the Greek race.

THE CALENDAR.

The PRESIDENT pro tempore. The morning business is closed.

Mr. CURTIS. Mr. President, I ask unanimous consent that the time between now and 2 o'clock be devoted to the consideration of bills unobjected to on the calendar.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Secretary will report the first bill on the calendar.

Mr. ASHURST. At the beginning of the calendar?

Mr. CURTIS. At the beginning.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as the first in order on the calendar.

Mr. UNDERWOOD. In the absence of the Senator from North Carolina [Mr. Overman], I ask that the bill may go over.

The PRESIDENT pro tempore. It will be passed over.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum. A good many Senators interested in the calendar are not here.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst
Brandegee
Bursum
Calder
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dial
Dillingham
Edge
Ernst
Fletcher
Gooding
Harreld
Heflin
Jones, Wash.
Kellogg
Kendrick
Keyes
Lenroot
McCormick
McCumber
McLean
McNary
Myers
Nelson
New
Nicholson
Oddie
Phipps
Pittman
Pomerene
Rawson
Reed, Pa.
Robinson
Sheppard
Shortridge
Simmons
Smoot
Stanfield
Sutherland
Townsend
Underwood
Wadsworth
Walsh, Mass.
Walsh, Mont.
Warren
Watson, Ga.
Williams
Willis

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present.

REGULATION OF ELECTION EXPENDITURES.

Mr. POMERENE. Mr. President, I ask unanimous consent to take up Order of Business No. 864, the bill (S. 3603) to regulate expenditures in connection with the nomination and election of Senators and Members of the House of Representatives, and for other purposes.

The PRESIDENT pro tempore. The Chair will state that a unanimous-consent agreement has been entered into to consider unobjected bills on the calendar.

Mr. POMERENE. I realize that I am in a position where I can not insist upon the request if objection is made, but I have felt that it is absolutely necessary that something shall be done if we are to get any relief on the subject at all at this session of Congress and during the present campaign.

Mr. FLETCHER. The bill is on the calendar and it is possible that we may reach it before 2 o'clock.

Mr. POMERENE. It is one of the last bills on the calendar.

Mr. FLETCHER. The unanimous-consent agreement covers all unobjected bills, and the Senator could make way for it by objecting to the consideration of other bills.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

Mr. McCORMICK. Mr. President, reserving the right to object, I wonder if the Senator will not permit an opportunity for the preparation of amendments which may deal with the disparity in the voting population of the States? It seems to me that the purpose which the Senator has in mind is admirable, but that mere justice requires that a different limitation should be fixed, for example, for the States of Nevada and New York.

Mr. POMERENE. Mr. President, there is very great force in what the Senator from Illinois says, but this was the thought of the committee: The Supreme Court of New York has held the present law to be unconstitutional in so far as it applies to primaries——

Mr. CURTIS. Mr. President, I do not wish to object to the statement which is being made by the Senator from Ohio, but we have already a unanimous-consent agreement that until 2 o'clock to-day the time is to be devoted to the consideration of unobjected bills on the calendar.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Debate is not in order.

Mr. POMERENE. If the Senator——

Mr. CURTIS. I withdraw the point until the Senator from Ohio shall have answered the question of the Senator from Illinois.

Mr. POMERENE. I simply wish to suggest that the committee felt that if we were to have any legislation which would apply to the campaign the only way it could probably pass would be in the form in which the law now is in so far as it relates to general elections. The question which the Senator from Illinois [Mr. McCormick] suggests was considered by the Committee on Privileges and Elections, and the chairman of the committee, on motion of the Senator from Montana [Mr. Walsh], has appointed a subcommittee of five, which has been instructed to take up the entire subject, including the thought which the Senator from Illinois has in mind, and to report to the Senate not later than January 1 next. We thought that if we were to take up these new provisions it might jeopardize the passage of the bill; and I am sure that the Senator from Illinois, as well as myself, would regret if no law on the subject were passed to regulate expenditures during the coming campaign.

Mr. McCORMICK. Mr. President, I had a conference with the Senator from Ohio and the Senator from Montana on yesterday, and I also suggested to some of my colleagues, who at the moment are less engaged than am I, that they consider the question and endeavor to prepare a simple amendment graduating, in some simple form, expenditures in proportion either to population or to the number of Representatives allotted to the several States, and the one with whom I talked at greatest length assured me that during the evening he would study the matter.

Mr. WALSH of Montana. May I ask the Senator from Illinois if he would be willing to take up this bill some time during the morning hour next week?

Mr. McCORMICK. Oh, certainly. Indeed, I will go so far as to say that if I can not prepare or find some other Senator to prepare an amendment such as I have in mind, and submit it to the Senator in the course of the day, I shall have no objection to make thereafter. I am eager, as the Senator from Ohio will bear witness, to pass this character of legislation.

Mr. POMERENE. Certainly, I know that. Mr. President, it is suggested that this bill go over until next week. I have some important engagements, however, next week.

Mr. WALSH of Massachusetts. Then let the bill go over until to-morrow morning.

Mr. McCORMICK. I shall be willing that the bill go over until to-morrow morning.

Mr. POMERENE. Then I ask unanimous consent that this measure be taken up to-morrow morning on the convening of the Senate.

Mr. CURTIS. Mr. President, I can not tell at this time what measure may be under consideration to-morrow morning, but I hope the Senate may adjourn to-night, so that we may have a morning hour to-morrow. So far as I am personally concerned, I have no objection to the request of the Senator from Ohio.

Mr. POMERENE. If there is to be a morning hour to-morrow, then, I will modify my request.

Mr. CURTIS. I suggest that the Senator from Ohio modify his request.

Mr. POMERENE. I ask unanimous consent that the Senate take this bill up for disposition on the conclusion of the morning hour to-morrow, Saturday, morning.

Mr. LENROOT. If there be any morning hour?

Mr. CURTIS. If there be any morning hour.

Mr. POMERENE. If there be any morning hour; otherwise that it be taken up on the convening of the Senate.

Mr. LENROOT. We may have the coal bill up before the Senate for consideration.

Mr. POMERENE. Mr. President, I have talked with the Senator from Idaho on that subject, and, while there has been no binding agreement, he has indicated that, perhaps, an arrangement could be made to take up the bill for which I desire consideration either to-day or to-morrow. I regret that the Senator from Idaho is not here.

Mr. CURTIS. I suggest that we let the matter go over for a little while and proceed with the calendar. The Senator from Idaho when he comes in may then be interviewed, as also may other Senators who are interested.

Mr. POMERENE. I realize that the calendar has the right of way this morning. Then I will bring the matter up a little later in the day.

The PRESIDENT pro tempore. The Secretary will state the next bill on the calendar.

Mr. WALSH of Montana. Mr. President, before the pending matter is disposed of, I should like to say a word which I hope may be of some aid. I am in entire sympathy with the view which has been expressed by the Senator from Illinois [Mr. McCormick] that some distinction should be made with respect to the amounts to be expended by candidates for United States Senator in the various States. In the preparation of the general corrupt practices act some time ago, in which I participated as a member of the subcommittee of the Committee on Privileges and Elections, recognition was given to that principle and I am in entire accord with it; and, yet, Mr. President, I desire to say that, by reason of the extensive exemptions which are contained in the present law, the disparity is by no means so great as would be generally believed. It is true that there is a general limitation of $10,000, but it will be observed that every candidate is at liberty to expend large sums of money without the necessity of making any accounting at all—for instance, for circulars, for traveling expenses, and for all manner of printing and advertising except advertising through the newspapers. A limited amount may be expended for those purposes and for postage and other items of that kind, which ordinarily are the chief items of expense in the conduct of a campaign. So that it is not by any means a simple matter to prepare a provision which would be entirely fair and just, and I am satisfied that none can be prepared at this time that would be very generally accepted.

I trust that the Senator from Illinois will feel constrained not to precipitate that discussion at this time, but let us get along once more with the arrangement provided by the old law, and then, after the ensuing election, the committee already appointed will take into consideration these matters, hear the parties interested, and endeavor to frame a law for the future which will be fairly equitable.

I am perfectly satisfied that once we begin proposing amendments to the bill which has been reported by the committee other amendments will be added, so that its passage will be imperiled if not entirely defeated. There was scarcely a member of the committee who was entirely satisfied with the present law, but they conceived that it would be better to revitalize it for the present occasion and pass it than to have no law at all governing the expenditure of money at the ensuing election. I repeat I hope very sincerely that the bill as prepared by the committee will have the approval of the Senate without amending it in any particular except in the one suggested by the committee itself. There is no purpose except to give vitality to the present law and make it available for the occasion of the ensuing election, with the intention upon the reassembling of Congress to take up the subject and deal with it in a reasonable way and to devise a measure which will meet the approval of the Senate.

THE CALENDAR.

The PRESIDENT pro tempore. Under the unanimous-consent agreement the calling of the calendar is in order and nothing else is in order. The Secretary will state the next bill on the calendar.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. WALSH of Montana. I object to the consideration of that bill.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. CURTIS. I ask that that bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States," was announced as next in order.

Mr. JONES of Washington. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts, was announced as next in order.

Mr. WATSON of Georgia. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report such hearings, was announced as next in order.

Mr. FLETCHER. I ask that the resolution may go over.

The PRESIDENT pro tempore. The resolution will be passed over.

LESTER A. ROCKWELL.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. UNDERWOOD. I ask that the report may be read.

The PRESIDENT pro tempore. The report will be read.

Mr. WADSWORTH. Mr. President, perhaps I can expedite the matter by a brief statement and a reference to the report of the committee. It appears that—

> Lester A. Rockwell enlisted September 17, 1864, as a substitute, to serve three years as a private in Company G, First Connecticut Volunteer Cavalry. On March 16, 1865, he was captured in Hanover County, Va., and confined at Richmond until March 26, 1865, when he was paroled. On March 30, 1865, he was furloughed for 30 days—

It will be recollected that the war was nearly over at that time—

> and failed to return in accordance with the conditions of the furlough. In explanation of his failure to return within the 30 days he states that upon April 27, a few days before the expiration of his furlough, he left his home in South Windsor, Conn., but was refused transportation at Hartford station because his transportation papers were not indorsed by the Hartford official. He endeavored to locate the official to have them properly indorsed, but was unable to do so, and was informed that his regiment was mustered out May 1, 1865. He supposed such to be the case until several years afterwards, when he learned that his regiment remained in the service until August 2, 1865.

It is one of those cases which occurred at the very close of the war, and the committee believed that no desertion was intended.

Mr. UNDERWOOD. I have no objection to the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that Lester A. Rockwell, late of Company G, First Regiment Connecticut Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Company G, First Regiment Connecticut Volunteer Cavalry, on the 29th day of April, 1865; but no pay, bounty, pension, or other emolument shall accrue prior to or by reason of the passage of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RURAL HOMES.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CHARLES K. BOND.

The bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 7, to strike out "present with his company and regiment from the 19th day of March, 1865, to April 23, 1865," and insert "honorably discharged from the military service of the United States," so as to make the bill read:

> *Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Charles K. Bond, alias Kimball W. Rollins, late of Company H, Fourth New Hampshire Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States: *Provided,* That no pay, bounty, or other emoluments shall accrue by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1829) for the relief of Walter Runke was announced as next in order.

Mr. CURTIS. Let that go over, in the absence of the Senator introducing it.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. POMERENE. I ask that that go over.

The PRESIDING OFFICER. The bill will be passed over.

STREET RAILWAYS IN THE DISTRICT OF COLUMBIA.

The bill (S. 985) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1900, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 4, line 1, after the word "company," to insert "the East Washington Heights Traction Railroad Co., the Washington & Maryland Railway Co., the Washington & Virginia Railway Co., the Washington & Old Dominion Railway Co.," so as to make the bill read:

> *Be it enacted, etc.,* That the Washington Railway and Electric Co., a corporation, be, and hereby is, authorized and empowered, as hereinafter provided, to acquire, use, operate, and enjoy all the estate, property rights, and franchises of the Potomac Electric Power Co., also a corporation: *Provided, however,* That the said power company shall not be acquired by the said street railway company unless and until consent and approval so to do first shall have been given by the owners of record of at least 75 per cent of the capital stock of the railway company and by the owners of record of at least 75 per cent of the capital stock of the power company. When the said stockholders of the two corporations shall have given their respective consents and approval for the acquirement aforesaid, then, upon filing with the recorder of deeds for the District of Columbia such extracts of the proceedings of the meetings of the shareholders of said corporations, showing such assent and approval, duly certified and attested under the respective seals of said corporations, the said recorder of deeds shall duly record the same, together with a copy of this act, in his office; whereupon all of the estate, property, works, rights, privileges, and franchises of said Potomac Electric Power Co. shall vest in, be held, used, enjoyed, exercised, and be enforceable by the said Washington Railway & Electric Co; and thereupon the capital stock of the said power company shall be annulled: *Provided further,* That the existing liabilities of the Potomac Electric Power Co. and the rights of its creditors shall in no wise be prejudiced thereby: *And provided further,* That no action or proceeding to which the said Potomac Electrict Power Co. is or may be a party shall abate in consequence thereof, but the same may be continued in the name of the party, by or against which the same was begun unless the court shall order the said Washington Railway & Electric Co. to be substituted in its place. And thereafter the property so merged or consolidated shall be entitled to a reasonable return at all times on the fair value of the property of the consolidated corporation used and useful for street railway and electric power operations. The Public Utilities Commission of the District of Columbia in determining the reasonable return herein provided for shall give due consideration among other things to the transportation, heating, light, and power needs of the District of Columbia and the suburban community adjacent thereto, the necessity of enlarging and improving the existing facilities, of adequately protecting capital already judiciously invested therein, and of inducing further investments of capital needed for such purposes at reasonable rates of return, all subject to all rights of appeal from any such order or decision to the several courts upon the same conditions as are provided by the existing law for appeals from other decisions of the said commission: *And provided further,* That said Washington Railway & Electric Co. is hereby authorized, subject to the approval of the Public Utilities Commission, to issue such stocks and bonds or other evidences of indebtedness and to execute such mortgages, deeds of trust, trust agreements, or other securities as may be necessary for any corporate purpose, including the financing of needed extensions, additions, betterments, or purchase of equipment.
>
> SEC. 2. That the Capital Traction Co., the East Washington Heights Traction Railroad Co., the Washington & Maryland Railway Co., the Washington & Virginia Railway Co., the Washington & Old Dominion Railway Co., the Washington Railway & Electric Co., the Georgetown & Tennallytown Railway Co., the Washington-Interurban Railroad Co., the City & Suburban Railway of Washington, and the Washington & Rockville Railway Co. of Montgomery County are hereby authorized to merge or consolidate all and singular their respective corporate rights, privileges, and franchises, and all their respective works and properties, real and personal, tangible and intangible, into one corporation and property for the ownership, management, control, and operation of all their said works, properties, rights, privileges, and franchises under such corporate name as may be adopted under the following conditions:
>
> (a) The said corporations may, by agreement in writing, assented to by the owners of record of at least 75 per cent of the capital stock of each of them, agree to merge and consolidate into a single corporation and to own and operate all the rights, estates, works, properties, and franchises aforesaid owned by them under such corporate name as may be adopted and stated in said agreement and upon such terms and conditions not contrary to the provisions hereof as they may agree upon, but subject to the approval in writing of the Public Utilities Commission of the District of Columbia. Upon the execution of the said agreement in writing and its approval by the Public Utilities Commission and the lodging thereof in the office of the recorder of deeds for the District of Columbia for record, as hereinafter provided, the said merger and consolidation shall be complete and the merged or consolidated corporation shall be and become a body politic and corporate under the name so agreed on. It may sue and be sued thereby; may adopt and have a common seal and may change the same at pleasure, and shall have, own, and possess all and singular the rights, privileges, and franchises of each of said corporations parties to said agreement, their works and properties, and may own, operate, control, and mortgage all the said estates, works, properties, rights, and franchises of the several corporations merged, and shall be subject to all the duties, restrictions, and obligations imposed by law upon the several corporations whose estates, rights, and franchises it acquires pursuant to the provisions of this act except as the same may be modified by this act.
>
> (b) The approval of the stockholders herein provided for may be given by the consent in writing of the owners of record of at least 75 per cent of the capital stock of each company parties to said agreement or by the vote of the owners of at least 75 per cent of the capital stock of each of such companies represented at a special meeting called and held as prescribed by the by-laws of the several companies or by law. When a certificate shall be filed with the Public Utilities Commission of the District of Columbia, signed and acknowl-

edged by a majority of the board of directors of each of the corporations to be affected thereby and certified under the seals of each of said corporations showing the agreement for consolidation and merger and all of the terms thereof and its conformity with the provisions of this section, such certificate shall be presumptive evidence of the facts therein set forth, and thereupon said Public Utilities Commission shall approve or disapprove the same and certify its action thereon by certificate to be attached thereto under its seal and if approved it shall forward the same with the certificate of its approval thereon to the recorder of deeds of the District of Columbia, who shall indorse thereon the day and hour of its receipt and record the same in his offices. If the commission shall disapprove the same, its action thereon and a statement of its reasons therefor shall be forwarded to each of the corporations parties to said agreement.

(c) Within 15 days after the filing of such certificate with the recorder of deeds of the District of Columbia a notice shall be mailed to each stockholder of record in each of such corporations by the merged or consolidated corporation, setting forth the time when and the place where such certificate was filed; and if within 30 days after the mailing of such notice any stockholder or any of the companies affected thereby shall give notice in writing to the merged or consolidated corporation that he dissents from such contract, it shall be the duty of the merged or consolidated corporation within 60 days after the filing of such certificate to institute a proceeding for the appraisement of the shares of all of such dissenting stockholders. If any stockholder shall omit to give such notice of dissent within the period herein limited, he shall be deemed and taken to have assented to such contract. The said proceedings for appraisement may be begun by filing with the Supreme Court of the District of Columbia a petition setting out the names and addresses of record of each of the dissenting stockholders, with the number of shares, the name of the company in which they were held, and the par value thereof, and any other pertinent facts, and praying for proper process against said dissenting parties and the appointment of three persons to appraise the value of all such stock.

The court shall thereupon direct such process to issue, by order of publication or otherwise, and upon its return duly executed shall appoint three such appraisers and designate the time and place for their first meeting. The court may fill any vacancy in the board of appraisers occurring by the refusal or neglect to serve or otherwise. The appraisers shall meet at a time and place designated, and after being sworn honestly and faithfully to discharge their duties they shall appraise the stock of each dissenting stockholder at its fair value without any regard to any appreciation or depreciation thereof as a consequence of such merger and consolidation, and said award when confirmed by the court shall be final and conclusive on all parties. The charges and expenses of the appraisers shall be paid by the merged or consolidated corporation. If anyone entitled shall refuse to accept the amount awarded him, or if for any reason it shall be impossible to make payment of the amount of the award to such person entitled to receive the same without unreasonable delay, the court may direct the same to be deposited in court. When the said company shall have paid or deposited in court the amount fixed by the appraisers as the value of the shares of the dissenting stockholder or stockholders, such stockholder or stockholders shall cease to have any interest in the said appraised stock or in the property or franchises represented thereby, and the merged or consolidated corporation shall receive back from the proper corporation whose estate, rights, property, and franchises it has acquired that portion of the consideration for such merger and consolidation or the proceeds thereof which otherwise would have been distributed to such dissenting stockholder.

If such payment or deposit is not made within 30 days after the confirmation of the appraisal, the amount of the award with interest from the date of confirmation shall be a judgment against the said merged or consolidated corporation and may be entered, docketed, and collected as other judgments in said court are by law entered, docketed, and collected. If the said company shall omit to institute the proceedings hereinbefore required within the time hereby limited, any stockholder giving such notice may institute such proceeding by a proper petition on his own behalf or at the election of such stockholder the estate, rights, property, and franchises of the corporation in which he was a stockholder shall revest in such corporation, and the consideration received therefor shall be repaid to the said merged or consolidated corporation.

(d) Such merged or consolidated corporation is hereby authorized, subject to the approval of the Public Utilities Commission, to issue such stocks and bonds or other evidences of indebtedness and to execute such mortgages, deeds of trust, trust agreements, or other securities as may be necessary for the purposes.

(e) Such merged or consolidated corporation is hereby authorized to finance needed additions and improvements to its property and equipment or to retire outstanding bonds or other indebtedness by the issuance and sale or exchange therefor of additional stocks and bonds or other evidences of indebtedness under the same limitations as are provided by existing law for the issuance of additional bonds: *Provided*, That the certificate of the Public Utilities Commission showing authority for such issue shall first be obtained.

SEC. 3. That nothing contained in this act shall be construed to affect the proceedings for the valuations of the several component companies which may be merged or consolidated under the provisions of this act, but such proceedings, actions, and suits now pending shall proceed to final decision in the names of the now existing companies; and the fair value of the property of the merged or consolidated company used and useful for street railway and electric power operation shall be the sum of the fair values of the several companies which may enter into the merged or consolidated corporation aforesaid, as finally ascertained, plus any addition subsequently made.

SEC. 4. That Congress hereby reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel, in which it requested the concurrence of the Senate.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were subsequently signed by the President pro tempore:

S. 813. An act to authorize the Commissioners of the District of Columbia to close upper Water Street between Twenty-first and Twenty-second Streets NW.; and

S. 2597. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

DISTRIBUTION AND SALE OF FUEL.

The PRESIDING OFFICER. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel, was read twice by its title.

Mr. CUMMINS. Mr. President, I ask unanimous consent that the House bill just laid before the Senate be considered at the proper time without reference to the committee.

The PRESIDING OFFICER. Is there objection?

Mr. UNDERWOOD. I did not understand the request. What is the request?

Mr. CUMMINS. My request is that the bill be considered by the Senate at the proper time without reference to the Committee on Interstate Commerce. I ask that for this reason: There are two or three differences between the House bill and the bill upon the same subject which was reported by the Interstate Commerce Committee. Those differences will necessarily be settled upon the floor of the Senate, and there is no possible reason for referring the bill to the committee. It will delay the final disposition of the matter, and it is of great importance that there be a speedy consideration and disposition of the bill.

Mr. UNDERWOOD. Mr. President, I will ask the Senator to allow his request to go over for the present. I am willing to let the bill lie on the table for the present. I want to examine it before I will consent.

Mr. CUMMINS. Very well. I recognize, of course, that a single objection would necessitate the reference of the bill to the committee.

Mr. UNDERWOOD. Really, a bill of this very grave importance should go to the committee; and it is only out of deference to the Senator's request that I am not insisting that it go to the committee now.

Mr. CUMMINS. The Senator is entirely within his rights.

The PRESIDING OFFICER. The bill will lie upon the table.

Mr. UNDERWOOD subsequently said: Mr. President, a while ago I objected to the request of the chairman of the Interstate Commerce Committee to allowing the fuel control bill to go to the calendar without going to the committee. I did so because a similar bill had been considered by the Interstate Commerce Committee, and certain important amendments had been added to it. Since that time I have had a talk with the chairman of the committee, and he assures me that the same amendments will be proposed to the House bill, which obviates my objection. I have no objection, therefore, to the bill going to the calendar, as it has already been considered by the committee.

The PRESIDENT pro tempore. The Senator from Iowa asked that it lie on the table without reference to the committee.

Mr. LENROOT. I suggest that it go to the calendar. Then it will be subject to any motion that may be made in regard to it.

The PRESIDENT pro tempore. The Senator from Iowa did that in order that when the Senate bill is brought up the House bill can be then considered.

Mr. UNDERWOOD. I have no objection to its going to the calendar, with the understanding that I have in regard to the matter.

Mr. LENROOT. I suggest that it go to the calendar, which will absolutely fix its status.

The PRESIDENT pro tempore. It makes no difference whether it goes to the calendar or lies on the table. It may go to the calendar.

RETIREMENT OF CERTAIN ARMY FIELD CLERKS, ETC.

The joint resolution (S. J. Res. 48) authorizing retirement as warrant officers of certain Army field clerks and field clerks, Quartermaster Corps, was considered as in Committee of the Whole.

The PRESIDING OFFICER (Mr. LENROOT in the chair). This joint resolution has been heretofore considered as in Committee of the Whole, and amended. It is before the Senate as in Committee of the Whole, and open to amendment. If there be no further amendment to be proposed, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

COMPULSORY SCHOOL ATTENDANCE IN THE DISTRICT OF COLUMBIA.

The bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia, was announced as next in order.

Mr. FLETCHER. Let that go over.

Mr. CAPPER. Mr. President, I hope the Senate will take up that bill. It is exceedingly important that we have action upon it just as soon as possible. The District Commissioners, the Board of Education, the superintendent of schools, all the parent-teachers' associations, and practically every civic organization in Washington, have appealed to Congress for early action on the bill. The committee reported it unanimously. It is in line with the school laws governing all the cities of the United States, and Washington should have had this legislation long ago. I think if a few minutes' consideration were given the measure there would be no serious objection to it.

Mr. POMERENE. If the Senator will permit me, I want to suggest also, in support of the request made by the Senator from Kansas, that there has been, as I understand, no school census here for a considerable time, and without a school census it is next to impossible to provide for the compulsory-attendance feature, and that is provided for in this bill.

Mr. CAPPER. That is one of the main provisions of the bill. The Senator from Ohio is entirely correct. It is not known what the school population of this city is at this time.

Mr. FLETCHER. Mr. President, so far as I am concerned, I do not propose to stand in the way of early consideration of the bill. I have not examined it, but its title indicates that it is a bill of very far-reaching importance, and it seems to me that under the limitation under which we are proceeding now it would be impossible to consider it. However, as far as I am concerned, I withdraw any objection to it.

Mr. CAPPER. Probably the Senator from Florida has in mind the provision with reference to child labor.

Mr. FLETCHER. Yes; and other provisions.

Mr. CAPPER. There is no change in the provisions of this bill from the law as it now stands in the District of Columbia in that respect, except that it combines with the compulsory school attendance department the administration of the law as to child labor; but the requirements of the bill on that subject are no different than they have been for some years past in this District.

Mr. FLETCHER. I am not a member of the committee, and I do not care to take the responsibility of objecting to the consideration of the bill.

The PRESIDENT pro tempore. The objection is withdrawn. The Secretary will read the bill.

The reading clerk read the bill, which had been reported from the Committee on the District of Columbia with an amendment, on page 8, line 23, after the words "out of," to strike out "its reserves" and insert "the revenues," so as to make the bill read:

Be it enacted, etc.—

ARTICLE I.—COMPULSORY SCHOOL ATTENDANCE.

SECTION 1. That every parent, guardian, or other person residing permanently or temporarily in the District of Columbia who has charge or control of a child between the ages of 7 and 16 years shall cause said child to be regularly instructed in a public school or in a private or parochial school or instructed privately during the period of each year in which the public schools of the District of Columbia are in session: *Provided,* That instruction given in such private or parochial school or privately is deemed equivalent by the Board of Education to the instruction given in the public schools: *Provided further,* That any child between the ages of 14 and 16 years who has completed satisfactorily the eighth-grade course of study prescribed for the public elementary schools of the District of Columbia or a course of study deemed equivalent thereto by the Board of Education may be excused by the superintendent of schools from further attendance at school under the provisions of this act provided he is actually, legally, and regularly employed.

SEC. 2. That an accurate record of the attendance of all children between the ages of 7 and 16 years shall be kept by the teachers of every public, private, or parochial school and by every teacher giving instruction privately. Such record shall at all times be open to the school-attendance officers or other persons authorized to enforce this act, who may inspect and copy the same.

That it shall be the duty of every principal or head teacher of every public, private, or parochial school or private teacher to report to the department of school attendance and work permits the name and address of any child between the ages of 7 and 16 years enrolled in his school whenever such child has been absent from school two day sessions or four one-half day sessions in any school month, together with the reason for such absence as far as known.

The Board of Education of the District of Columbia may issue a certificate excusing from attendance at school a child who, upon examination ordered by such board, is reported to be unable mentally or physically to profit from attendance at school: *Provided, however,* That if such examination shows that such child may benefit from specialized instruction adapted to his needs, he shall attend upon such instruction in atypical, ungraded, or other special classes provided for such pupils.

The Board of Education shall in its by-laws define valid excuses for absence from school, and the absence of a child between the ages of 7 and 16 years for any reason other than so defined as valid shall be unlawful.

ARTICLE II.—SCHOOL CENSUS.

SECTION 1. That it shall be the duty of the director of school attendance and work permits, under instruction of the superintendent of schools, approved by the Board of Education, to cause to be made a complete census of all children between the ages of 3 and 18 years permanently or temporarily residing in the District of Columbia before December 31, 1921, or as soon thereafter as practicable and annually thereafter or as frequently as may be found necessary or desirable.

The record of such enumeration of children shall give the full name, address, race, sex, and date and place of birth of every such child, the school attended by him, and if the child is not at school the name and address of his employer, and the name, address, and occupation of the parents or guardian.

It shall be the duty of the principal or head teacher of every public, private, or parochial school or private teacher, in accordance with the rules adopted by the Board of Education, to report to the director of the department of school attendance and work permits the name, address, sex, age, and race of every child under 18 years of age residing permanently or temporarily in the District of Columbia who enrolls in or withdraws from his school.

Such census shall be amended from day to day as changes of residence occur among children within the ages prescribed in this act, and as other persons come within the ages prescribed, and as other persons within such ages shall become residents of the District.

SEC. 2. That any parent, guardian, custodian, principal, or teacher of a child of 3 and under 18 years of age or other persons, who withholds information or makes a false statement concerning the age or school attendance of such a child with intent to deceive or to evade any of the provisions of this act, or who willfully neglects or refuses to answer any inquiry lawfully made or to comply with the requirements of this act, or who induces or attempts to induce any child of 7 and under 16 years of age to be unlawfully absent from school, or who conceals, harbors, or employs while the public schools are in session any such child, unlawfully absent from school, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed $50.

The parent, guardian, or other person, residing permanently or temporarily in the District of Columbia and having charge or control of any child between the ages of 7 and 16 years who is unlawfully absent from public or private school or private instruction shall be guilty of a misdemeanor, and upon conviction of failure to keep such child regularly in public or private school or to cause it to be regularly instructed in private, shall be punished by a fine of $10 or by commitment to jail for five days, or by both at the discretion of the court: *Provided,* That each two days such child remains away from school unlawfully shall constitute a separate offense: *Provided further,* That upon conviction of the first offense, sentence may, upon payment of costs, be suspended. Any child between the ages of 7 and 16 years who is unlawfully and habitually absent from school or is found to be employed, working, or engaging in any trade in violation of any of the provisions of the act to regulate the employment of child labor in the District of Columbia, or any other law to regulate the employment of children may be deemed to be a dependent or a delinquent child and be dealt with as such.

ARTICLE III.—DEPARTMENT OF SCHOOL ATTENDANCE AND WORK PERMITS.

SECTION 1. That there shall be created under the Board of Education of the District of Columbia a department to be called the department of school attendance and work permits, the duties and powers of which shall be to carry out and enforce the provisions of this act and of the act to regulate the school attendance and employment of children. That said Board of Education is hereby authorized, empowered, and directed to appoint a director of said department whose rank shall correspond to that of other directors who serve as officers of the Board of Education and who shall be paid the same salary as said directors and who shall be known as the director of the department of school attendance and work permits, and also to appoint such a number of attendance officers, inspectors, clerks, and other assistants as shall be necessary to carry out the provisions of this act.

Such appointments other than that of the director of said department shall be made from a list of applicants obtained from open competitive examinations conducted by the respective boards of examiners of the Board of Education and designed to test the fitness of the applicants for the duties to be performed.

That the enforcement of the provisions of the act to regulate child labor in the District of Columbia is hereby transferred to the department of school attendance and work permits. All inspectors provided for in said act shall hereafter be appointed by the Board of Education and be assigned to the department of school attendance and work permits.

SEC. 2. That in order to enforce the provisions of this act and of the act to regulate the employment of child labor in the District of Columbia, the director of the department of school attendance and work permits, attendance officers, and inspectors duly appointed under the terms of this act, and all other persons authorized to aid in the enforcing of the provisions of this act and of the act to regulate the employment of child labor in the District of Columbia, shall have authority to enter any place or establishment covered by the terms of this act or the act to regulate the employment of child labor in the District of Columbia, to have access to all age and schooling certificates and statements of age kept on file by the employer, and to street trades badges in the possession of any child, and to such other record as may aid them in the enforcement of this act and of the act to regulate the employment of child labor in the District of Columbia. The persons authorized to issue age and schooling certificates and street trades badges shall have authority to administer all necessary oaths, but no fee shall be charged for this or for any other services rendered by the department of school attendance and work permits.

SEC. 3. That it shall be the duty of the police officers, juvenile court probation officers, and all other law-enforcing officers of the District of Columbia to cooperate in the enforcing of the provisions of this act and of the act to regulate the employment of child labor in the District of Columbia relating to the work of children in occupations pursued in streets and public places by reporting violations thereof to the director of the department of school attendance and work permits.

SEC. 4. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising from this act.

SEC. 5. That there is hereby authorized to be appropriated one-half out of the revenues of the District of Columbia and one-half out of the funds of the Treasury of the United States not otherwise appropriated, for the fiscal year ending June 30, 1922, to carry into effect the provisions of this act and the provisions of the act to regulate the employment of child labor in the District of Columbia, the sum of $30,000, or so much thereof as may be necessary, for the establishment and maintenance of the department of school attendance and work permits under the Board of Education of the District of Columbia, and hereafter appropriations shall be made upon estimates submitted showing in detail the number of employees, the salary to be paid to each, and the particular purpose for which any other sums are desired.

SEC. 6. That all acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed.

SEC. 7. That if any provision of this act or the application of any provision to certain circumstances be held invalid, the remainder of the act and the application of such provisions to circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 8. That this act shall take effect on the 1st day of July, 1921.

The amendment was agreed to.

Mr. CAPPER. Mr. President, on page 3, line 25, I move to strike out "1921" and insert "1922."

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. On page 3, line 25, it is proposed to strike out "1921" and insert "1922," so as to read:

That it shall be the duty of the director of school attendance and work permits, under instruction of the superintendent of schools, approved by the Board of Education, to cause to be made a complete census of all children between the ages of 3 and 18 years permanently or temporarily residing in the District of Columbia before December 31, 1922—

And so forth.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALARIES OF SCHOOL-TEACHERS.

The bill (S. 1976) to amend the first paragraph of section 2 of an act entitled "An act to regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia," approved June 20, 1906, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That hereafter the members of the Board of Education of the District of Columbia shall be appointed by the Commissioners of the District of Columbia, and section 2 of the act of Congress entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, is hereby amended by striking out the words "supreme court judges" and "judges of the supreme court" therein, and inserting in lieu thereof the word "commissioners."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the appointment of the members of the Board of Education of the District of Columbia."

Mr. JONES of Washington subsequently said: Mr. President, I desire to ask what was done with Senate bill 1976.

The PRESIDENT pro tempore. That bill was passed.

Mr. JONES of Washington. I wanted to have it passed over. I was busy with another matter at the time it was reached on the calendar. I ask for a reconsideration of the vote by which it was passed, and that it may go over.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent for the reconsideration of the vote by which Senate bill 1976 was passed. I assume the Senator also asks that all the votes taken on the bill and amendments be reconsidered, so that it may be returned to the Committee of the Whole.

Mr. JONES of Washington. Yes; that the bill may take its place on the calendar.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The votes are reconsidered, and the bill is placed upon the calendar.

Mr. JONES of Washington subsequently said: Mr. President, I have spoken to the Senator from Kansas [Mr. CAPPER], who has charge of Senate bill 1976, and it is entirely agreeable to him to have it transferred to the calendar under Rule IX. I ask unanimous consent that that may be done.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the bill will be transferred to the calendar under Rule IX.

FOREIGN TRADE ZONES.

The bill (S. 2391) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. UNDERWOOD. Let that go over.

Mr. SHEPPARD. I desire to ask the Senator from Washington if this foreign trade zone bill was not attached to another bill as an amendment?

Mr. JONES of Washington. Yes; and this bill should go over. We do not know whether that provision will be agreed to in conference or not. We hope it will, but we had better leave the bill on the calendar.

Mr. SHEPPARD. The Senator desires to have it remain on the calendar?

Mr. JONES of Washington. Yes; I desire that.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

BILL PASSED OVER.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims was announced as next in order.

Mr. WALSH of Montana. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

DUTY ON REIMPORTATION OF AMERICAN GOODS.

The joint resolution (H. J. Res. 183) imposing a duty of 90 per cent on all goods exported from the United States for the use of the American Expeditionary Forces and its allied forces and which have been sold to any foreign Government or person, when reimported into the United States, was announced as next in order.

Mr. UNDERWOOD. Let that go over.

Mr. WADSWORTH. I am not really informed as to the present conditions which might affect this situation, but if I am not very much mistaken the alleged emergency which this joint resolution was meant to meet has long since passed.

Mr. CURTIS. The committee was informed by the department a few days ago that the emergency still exists as to certain trucks. I hope the joint resolution will be passed.

Mr. UNDERWOOD. I do not care to interrupt the calendar, and I would rather have it go over for the present, because it will probably bring on some debate.

The PRESIDENT pro tempore. The joint resolution will be passed over.

WARRANT OFFICERS' RESERVE CORPS.

The bill (S. 2515) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, be amended as follows:

Add the following:

"SEC. 37b. Warrant Officers' Reserve Corps: For the purpose of providing a reserve of warrant officers available for military service when needed, there shall be organized a Warrant Officers' Reserve Corps, which shall consist of persons appointed therein, upon their voluntary applications, for periods of five years. Appointments shall be made by the Secretary of War and shall be limited to persons who possess such educational qualifications and have had such military or technical training as may be prescribed by regulations of the Secretary of War.

A reserve warrant officer may be discharged at any time in the discretion of the Secretary of War. Appointments in force at the outbreak of war, or made during its continuation, shall continue in force until six months after its termination unless sooner terminated by the Secretary of War. To the extent provided for from time to time by appropriations for this specific purpose, the President may order reserve warrant officers to active duty at any time and for any period; but, except in time of a national emergency expressly declared by Congress, no reserve warrant officer shall be employed on active duty for more than 15 days in any calendar year without his own consent. So far as practicable, reserve warrant officers shall be assigned to units in the locality of their place of residence. Any reserve warrant officer may be appointed a warrant officer in the National Guard without thereby vacating his appointment as a reserve warrant officer. A reserve warrant officer shall not be entitled to pay and allowances except when on active duty. When on active duty he shall receive the same pay and allowances as a warrant officer of the Regular Army of the same length of active service and mileage from his home to his first station and from his last station to his home, but shall not be entitled to retirement or retired pay. Reserve warrant officers shall take rank next below second lieutenants and among themselves according to the dates of their respective warrants."

Mr. LENROOT. I notice a provision in the bill that warrant officers may be placed upon active duty when provision is made for that purpose. The legislation in the Army appropriation bill prohibits an appropriation for any additional warrant officers.

Mr. WADSWORTH. That is true as to warrant officers in the Regular Army. All this bill does is to establish the grade of warrant officer in the Organized Reserves. The grade already exists in the Regular Army and the National Guard. The bill also carries authority, dependent, of course, upon appropriations, for the ordering of warrant officers of the Organized Reserves to active duty.

I remind the Senator from Wisconsin that Congress has laid down a rule in each Army appropriation act for the last two or three years that no reserve officer, under the provision "Pay of the Army," shall be ordered to active duty for more than 15 days of the year, and the same provision will undoubtedly be carried in the next bill.

Mr. LENROOT. That is carried in this bill; but it would permit Congress to make appropriations for warrant officers, where it is prohibited by law, in so far as the Regular Army is concerned.

Mr. WADSWORTH. It is not prohibited by a standing statute; it is prohibited from year to year.

Mr. LENROOT. Is it not permanent legislation in the Army appropriation act for the reduction of the warrant officers?

Mr. WADSWORTH. Yes; in the regular establishment. This provision does not provide for any fixed number of warrant officers. It establishes the grade in the Organized Reserves only.

Mr. LENROOT. But under this bill Congress may at any time increase the number of warrant officers on active duty by appropriating for these reserve warrant officers.

Mr. WADSWORTH. Yes; it could.

Mr. LENROOT. And to that extent, of course, it could increase the number of warrant officers prescribed by law as far as active duty is concerned.

Mr. WADSWORTH. It could increase the number drawing pay, but I can not conceive that the Congress would do such a thing for warrant officers of the Organized Reserves when it refused to do it for the commissioned officers.

Mr. LENROOT. I do not suppose it will, as long as the Senator from New York is chairman of the Committee on Military Affairs.

Mr. WADSWORTH. There will be one vote in the committee against it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM O. MALLAHAN.

The bill (S. 268) for the relief of William O. Mallahan was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers William O. Mallahan, who was a private in Company A, Eighteenth Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been mustered in as a member of said company or regiment on May 12, 1862, and honorably discharged therefrom on July 20, 1865: *Provided,* That, other than as above set forth, no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M. CARROLL.

The bill (S. 2035) for the relief of William M. Carroll was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment to add the following proviso: "*Provided,* That no back pay, pension, or other emolument shall accrue prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows and dependent relatives, William M. Carroll, who was a private in Company H, Seventeenth Regiment Kentucky Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment: *Provided,* That no back pay, pension, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SPECIAL OFFICER IN SECRETARY'S OFFICE.

The resolution (S. Res. 150) directing the Secretary of the Senate to employ a special officer for the office of the Secretary of the Senate was announced as next in order.

Mr. NEW and Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

AMENDMENT OF CRIMINAL CODE.

The bill (S. 2573) to amend section 198 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," as amended, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 1, line 5, to strike out the words "act of May 18, 1916 (39 Stats. p. 162)," and to insert the words "acts of May 18, 1916, and July 28, 1916 (39 Stats. pp. 162 and 418)," so as to make the bill read:

Be it enacted, etc., That section 198 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," as amended by the acts of May 18, 1916, and July 28, 1916 (39 Stats. pp. 162 and 418), be, and the same is hereby, amended to read as follows:

"That whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully or maliciously assault any letter or mail carrier, knowing him to be such, while engaged on his route in the discharge of his duty as such carrier, or shall willfully aid or assist in any of the aforementioned offenses, shall, for every such offense, be punished by a fine of not more than $1,000 or by imprisonment for not more than three years."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF TRANSPORTATION ACT.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill may be passed over.

CHARLES F. GETCHELL.

The bill (S. 748) to remove the charge of desertion from the military record of Charles F. Getchell was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles F. Getchell, late of Company B, Forty-seventh Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of said company and regiment: *Provided,* That no back pay, bounty, or other allowances shall be considered to have accrued by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Charles F. Getchell."

GEORGE EMERSON.

The bill (S. 726) for the relief of George Emerson was considered as in the Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to George Emerson, of Great Falls, Mont., late a second lieutenant in the Air Service, Division of Aeronautics, United States Army, out of any money in the Treasury not otherwise appropriated, the sum of $235, to reimburse him for money withheld from salary due him, upon his discharge from the Army, on or about

October 31, 1919, and still so withheld; and there is hereby appropriated for such purposes, out of any money in the United States Treasury not otherwise appropriated, the sum of $235.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them, was announced as next in order.

Mr. UNDERWOOD. The Senator from Arkansas [Mr. ROBINSON] informed me that he will desire to offer some amendments to this bill when it comes up for consideration. He is unavoidably detained from the Senate at this time on account of official business. Therefore I ask on his account that it may be passed over.

The PRESIDENT pro tempore. On objection, the bill will be passed over.

The joint resolution (S. J. Res. 138) authorizing the payment of the cost of transportation for certain supplies purchased by the Military Establishment was announced as next in order.

Mr. LENROOT. I ask that the joint resolution go over.

The PRESIDENT pro tempore. It will go over on objection.

The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks, Quartermaster Corps, was announced as next in order.

Mr. WARREN. Let the joint resolution go over.

The PRESIDENT pro tempore. On objection, the joint resolution will go over.

MARGARET I. VARNUM.

The bill (S. 2328) for the relief of Margaret I. Varnum was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, George Smith, late private of Company K, Twenty-first Regiment Massachusetts Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 4th day of March, 1862: *Provided,* That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1298) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co. was announced as next in order.

Mr. WALSH of Montana. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2718) to provide for leasing of the floating dry dock at the naval station, New Orleans, La., was announced as next in order.

Mr. CALDER. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

PETER SHELL.

The bill (S. 140) for the relief of Peter Shell was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, in line 6, to strike out the word "Marines" and insert "Marine Artillery Volunteers," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Peter Shell, late a private in New York Marine Artillery Volunteers, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 15th day of November, A. D. 1862: *Provided,* That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALONZO C. SHEKELL.

The bill (S. 2498) to correct the military record of Alonzo C. Shekell was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Alonzo C. Shekell, who was a member of Company H, First Regiment Michigan Volunteer Sharpshooters, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 22d day of November, 1864: *Provided,* That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Alonzo C. Shekell."

PAY OF ENLISTED MEN OF THE ARMY.

The bill (S. 2493) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith, was considered as in Committee of the Whole.

Mr. WALSH of Montana. Mr. President, will the chairman of the Committee on Military Affairs advise us exactly what the bill means and how great an expenditure is contemplated?

Mr. WADSWORTH. The expenditures will be exceedingly small. It is largely a matter of canceling charges now held against disbursing officers, in view of an unexpected decision of the Comptroller of the Treasury, to collect back from certain enlisted men in the Army very small sums which the comptroller said were paid in such a way as not to conform technically with the language of the national defense act.

I can describe very briefly what caused the confusion, but the matter from then on becomes exceedingly technical, and so highly confused at the outset that I find it difficult to follow it. The Senator from Arkansas [Mr. ROBINSON] made a very careful study of the whole matter as a subcommittee for the Committee on Military Affairs.

The act of June 4, 1920, provides that the enlisted personnel of the Army shall be divided into seven grades and fixes the rate of pay for each grade, with the stipulation that the number of enlisted men in each grade shall not exceed a fixed ratio to the entire enlisted personnel. It further provides that under such regulations as the Secretary of War may prescribe enlisted men of the sixth and seventh grades, which are the lowest grades, may be rated as specialists and receive extra pay therefor per month at rates stated in the act, and that "nothing in this section shall operate to reduce the pay which any enlisted man is now receiving during his current enlistment and while he holds his present grade."

The phrase "and while he holds his present grade" was deemed by the Comptroller of the Treasury to refer to the grade which he held on June 4, 1920, the day the new law took effect. We can see what happened and what caused the confusion.

By General Order 36, War Department, 1920, the system of grading and rating enlisted men then in effect was changed to conform to the requirements of the act of June 4, 1920, to which I have just referred. Certain grades, such as cook, horseshoer, and so forth, were abolished, and it was stipulated that the men who held such grades prior to July 1, 1920, should be regarded as privates first class or privates, and should be given a designated specialist's rating with extra monthly pay, as therein indicated. It was furthermore provided that sergeants theretofore authorized for duty as bakers, blacksmiths, horseshoers, and so forth, should likewise be regarded as privates first class or privates, and should be given a designated specialist's rating with extra monthly pay.

It is at that point, where the regrading took effect, that the dispute arose, and the decision of the Comptroller of the Treasury resulted in depriving the men of the pay which they were receiving at the time the new act took effect. Under the decision of the Comptroller of the Treasury the War Department has been compelled to endeavor to collect back from those men these very small sums. Some they succeeded in getting back. Other men have left the service and can not be reached. The department begs that the whole thing be canceled and that the acts of the disbursing officers, in originally paying the men in the way in which they thought the Congress wanted them paid, be validated.

The bill was read as follows:

Be it enacted, etc., That all payments heretofore made in good faith to enlisted men while in active service by reason of anything contained in that portion of the proviso of section 4b of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, reading: "That nothing in this section shall operate to reduce the pay which any enlisted man is now receiving during his current enlistment and while he holds his present grade," be, and the same hereby are, validated for all purposes irrespective of whether such payments conform to decisions of the Comptroller of the Treasury or the general accounting office; and such payments shall be passed by the proper accounting officers of the United States to the credit of the disbursing officers making the same. Any sums of money which may have been deducted from the pay of any enlisted man on account of such payment validated by this act shall be refunded.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2589) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. WARREN. I do not see the author of the bill nor the chairman of the committee in the Chamber. I ask that the bill may go over. There is quite a long report accompanying it and I wish to examine it.

The PRESIDING OFFICER (Mr. Townsend in the chair). On objection the bill will be passed over.

The bill (S. 67) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. WALSH of Montana. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JESSE L. CLAY.

The bill (S. 2258) for the relief of Jesse L. Clay was announced as next in order.

Mr. WALSH of Montana. Let the bill go over.

Mr. SHEPPARD. Mr. President, may I ask the Senator if he will withdraw the objection until I may make a brief explanation? A similar bill has passed the Senate on a former occasion. It involves a case where the man's illness was precipitated by an accident while he was an employee in the navy yard. He was compelled to be absent from duty because of consequent illness, was in a hospital more than a month, and necessarily incurred considerable expense. The committee, after looking carefully into the facts, decided that he had an equitable claim for the expense incurred due to his enforced separation from the service and his absence from the navy yard as a result of the accident.

Mr. WALSH of Montana. What is the amount involved?

Mr. SHEPPARD. About $1,000. He was separated from the service four months, was in the hospital between 30 and 60 days, and had to undergo a severe operation.

Mr. WALSH of Montana. The Senator stated that a similar bill had heretofore passed the Senate?

Mr. SHEPPARD. Yes.

Mr. WALSH of Montana. I withdraw the objection.

Mr. SHEPPARD. I thank the Senator.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission is authorized and directed to pay to Jesse L. Clay $1,013.56 as reimbursement for all expenses incurred by or for him for or on account of hospital treatment, nurses' and doctors' services, and pay for all time lost from his regular employment as a machinist in the navy yard, Washington, D. C., as the result of a necessary operation performed immediately following an injury sustained while on duty and in the course of his employment, on May 16, 1916, such reimbursement and payment to be made from funds under the control of said commission under the act of September 7, 1916, notwithstanding the failure on the part of the injured employee to report the injury as required by the rules of the commission, of which rules he had no knowledge, and without requiring strict proof that the operation was the direct and necessary result of the injury so sustained.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. WALSH of Montana. Let the bill go over.

Mr. CALDER. Will the Senator objecting withhold the objection until I can make a brief explanation?

Mr. WALSH of Montana. I must insist upon the objection. I think we should have an opportunity to examine into the matter more carefully than can be done at this time.

The PRESIDING OFFICER. On objection, the bill will be passed over.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. WALSH of Montana. Let that bill go over.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

The bill (H. R. 5965) for the relief of the owner of the vessel *Maria Artau* was announced as next in order.

Mr. WALSH of Montana. I ask that that bill may go over.

Mr. CAPPER. Mr. President, that bill involves a particularly meritorious claim, I think. I have had some further information in reference to it since the bill was reported to the Senate, and I think there are good reasons why it should pass. The owner of the vessel involved is a poor man; he lost practically all he had in the collision; and it would be really an act of justice that he be reimbursed. The bill has passed the House of Representatives, and the reports which have come from the departments with reference to the case are very strongly in favor of the allowance of the claim.

Mr. WALSH of Montana. I should like to have the bill go over for the present.

The PRESIDING OFFICER. Does the Senator still insist on his objection?

Mr. WALSH of Montana. I do.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2390) to redistribute the number of officers in the several grades of the supply corps of the Navy was announced as next in order, and the bill was read.

Mr. JONES of Washington. I ask that that bill may go over. It seems to me that it is too important a bill to be passed without some further consideration than that which may be accorded to it under Rule VIII.

The PRESIDING OFFICER. Under objection, the bill will go over.

HENRY P. COLLINS, ALIAS PATRICK COLLINS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2380) for the relief of Henry P. Collins, alias Patrick Collins. It provides that in the administration of the pension laws Henry P. Collins, alias Patrick Collins, late of Company A, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of Company A, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, on the 14th day of July, 1865; but that no pay, pension, bounty, or other emolument shall accrue prior to the passage of the act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALMOND S. ROOT.

The bill (S. 2654) for the relief of Almond S. Root was announced as next in order.

Mr. FLETCHER. There seems to be an adverse report in that case.

Mr. WADSWORTH. There is. I move the indefinite postponement of the bill, Mr. President.

Mr. LENROOT. I concur in the request.

The PRESIDING OFFICER. Without objection, the motion prevails, and the bill will be indefinitely postponed.

Mr. JONES of Washington. Does the Senator from New York think that action should be taken in the absence of the Senator from Utah [Mr. Smoot], who requested, when the report was made, that the bill go on the calendar? The Senator from Utah is now necessarily absent from the Chamber?

Mr. WADSWORTH. I am perfectly willing, under those circumstances, to withdraw my motion; and I ask unanimous consent that the vote by which the bill was indefinitely postponed be reconsidered, and that the bill may merely go over.

The PRESIDING OFFICER. Without objection, that order will be made.

MARTIN CLETNER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2362) to correct the military record of Martin Cletner. It proposes to remove the charge of desertion from the military record of Martin Cletner, late of the First Independent Company, Pennsylvania Volunteer Engineers, and of Company C, Third Regiment, New Jersey Volunteer Cavalry, and to grant him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 2674) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was announced as next in order.

Mr. NELSON. Let that bill go over.

The PRESIDING OFFICER. The bill will go over under objection.

BENJAMIN F. SPATES.

The bill (S. 1352) for the relief of Benjamin F. Spates, was announced as next in order, and was read.

Mr. LENROOT. I ask that the bill go over.

The PRESIDING OFFICER. The bill will go over on objection.

Mr. TRAMMELL. Will the Senator from Wisconsin allow me an opportunity to make an explanation in reference to that bill before objecting to it? It is a very meritorious measure.

The PRESIDING OFFICER. Does the Senator from Wisconsin withdraw his objection?

Mr. LENROOT. I do.

Mr. TRAMMELL. The beneficiary of the bill is an old man; he was a carpenter working on the Capitol grounds many years ago. In the course of his employment while carrying a heavy timber upon his shoulder he stepped into a sewer trap, which had been regarded as dangerous, and his doing so resulted in the breaking of his ankle, and an injury to his foot so that practically he has been disabled for manual labor ever since, which is now some 12 or 15 years ago. The bill has been before the Committee on Claims at different times, and in two or three instances it has been reported favorably, but never acted upon. I have looked into the matter.

Mr. LENROOT. Will the Senator yield to me?

Mr. TRAMMELL. Yes.

Mr. LENROOT. Did the Senator say that this accident occurred 12 or 15 years ago?

Mr. TRAMMELL. Yes, sir; it occurred quite a number of years ago.

Mr. LENROOT. It was nearly 40 years ago.

Mr. TRAMMELL. Well, I have forgotten the exact number of years, but I know it was quite a while ago. That, however, does not detract from the merits of the case. Ample proof has been presented to show that this man was injured without fault of his own; that he was injured by reason of defective equipment on the Capitol grounds here where he was at work; that he suffered illness from his injury, was in bed for some two months, and that the injury was permanent. He was a laboring man, a carpenter, and his income as the result of his manual labor has been cut off; he has never been able since to engage in his vocation, that of the ordinary carpenter and manual laborer.

I think if the Government ever has paid any one for an accident occurring to him without any fault on his part, but due to the negligence of the Government it should do so in this case. If such an injury had been sustained on account of the negligence of a private individual, instead of this man receiving a thousand dollars for his injury he would probably have obtained $10,000.

I have no personal interest in the case. I never saw the man until he came and talked with me in regard to the claim. He is not from my State; I do not know from what State he comes; but I think in justice he ought to be paid $1,000. I have seen many claims approved for amounts equal to this, and, indeed, for much larger amounts, which were not half so meritorious as is this one. I think this man ought to be paid $1,000; that is the way I feel about it; and I hope the Senator from Wisconsin will not insist on his objection to the consideration of the bill.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. LENROOT. Mr. President. I simply wish to say that there is nothing in the report in the way of medical testimony to prove that any permanent injury which this man is now suffering is the result of his accident. I ask that the bill may go over.

The PRESIDING OFFICER. On objection, the bill will go over.

BILLS PASSED OVER.

The bill (S. 403) for the relief of Louise St. Gez, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré, was announced as next in order.

Mr. LENROOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over on objection.

Mr. RANSDELL. Will the Senator withdraw his objection for just a moment?

Mr. LENROOT. Yes.

Mr. RANSDELL. I desire to state, Mr. President and Senators, that this bill has twice passed the Senate. It is to reimburse certain persons for cotton which was taken by the Federal forces during the Civil War, the proceeds of the sales of which passed into the Federal Treasury. The owners of the cotton were absolutely loyal, and certainly it is a just claim against the Government. The bill refers the claim to the Court of Claims and permits them to find the facts in the case. It has not been neglected, for it has been before Congress several times and passed the Senate twice. I trust the Senator from Wisconsin will not object.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. LENROOT. May I ask the Senator whether it provides for a judgment of the Court of Claims or only a report to Congress concerning the facts in the case?

Mr. RANSDELL. It permits the Court of Claims to find the facts and to render judgment.

Mr. LENROOT. I should have no objection if it merely provided that the Court of Claims might consider the case and report the facts to Congress. Under the circumstances I ask that the bill may go over.

Mr. RANSDELL. I did not understand the Senator.

Mr. LENROOT. I would not have any objection to the bill if it referred the case to the Court of Claims for a report to Congress concerning the facts, but as it involves more than that I ask that it go over.

The PRESIDING OFFICER. On objection, the bill will be passed over.

The bill (S. 404) for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others, was announced as next in order.

Mr. LENROOT. I ask that that bill may go over.

Mr. RANSDELL. I will state, Mr. President, that the same state of facts generally applies to Senate bill 404 as to Senate bill 403. I understand the Senator from Wisconsin to state that he would not oppose the bill if it merely required the court to find the facts and refer them back to Congress.

Mr. LENROOT. Exactly.

The PRESIDING OFFICER. On objection, the bill goes over.

VIRGIL O. M'WHORTER.

The bill (H. R. 1948) for the relief of Virgil O. McWhorter was considered as in Committee of the Whole, and was read, as follows:

> *Be it enacted, etc.*, That the accounting officers of the Treasury are authorized and directed to allow in the accounts of Virgil O. McWhorter, special disbursing agent of the Bureau of Animal Industry, United States Department of Agriculture, the sum of $850 paid by him on authority from said bureau and disallowed by said accounting officers, covering expenses incurred in the drilling of a well at the United States sheep experiment station at Dubois, Idaho.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES JOHNSON.

The bill (S. 942) for the relief of James Johnson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to insert at the end of the bill the following proviso:

> *Provided*, That no back pay, bounty, or other allowances shall accrue by reason of the passage of this act.

So as to make the bill read:

> *Be it enacted, etc.*, That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, their widows and dependent relatives, James Johnson, who was a private in Company A, Fifty-fourth Regiment Kentucky Mounted Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 15th day of December, 1864: *Provided*, That no back pay, bounty, or other allowances shall accrue by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TERMS OF UNITED STATES DISTRICT COURT IN COLORADO.

The bill (S. 2967) to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916, was announced as next in order.

Mr. NELSON. Mr. President, the bill simply relates to the places for holding court in the State of Colorado and provides for an additional place where the United States district court may be held. I think there can be no objection to it.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

> *Be it enacted, etc.,* That section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916, be, and the same is hereby, further amended to read as follows:
>
> "SEC. 73. That the State of Colorado shall constitute one judicial district, to be known as the district of Colorado. Terms of the district court shall be held at Denver on the first Tuesday in May and November, at Pueblo on the first Tuesday in April, at Grand Junction on the second Tuesday in September, at Montrose on the third Tuesday in September, at Durango on the fourth Tuesday in September, and at Alamosa on the first Tuesday in October.
>
> "That the Secretary of the Treasury in constructing the public buildings heretofore authorized to be constructed at the cities of Grand Junction and Durango be, and he is hereby, authorized and empowered to provide accommodations in each of said buildings for post office, United States court, and other governmental offices, and the existing authorizations for said buildings be, and the same are hereby, respectively amended accordingly; and the unexpended balance of all appropriations heretofore made for the construction of said buildings and all appropriations which may be provided in any pending legislation, or that hereafter may be made for the construction of said buildings, are hereby made available for the purpose stated in this paragraph: *Provided,* That if at the time of holding the terms of said court in any year in any of the said cities of Grand Junction, Durango, and Alamosa there is no business to be transacted by said court the term may be adjourned or continued by order of the judge of said court in chambers at Denver, Colo.: *And provided further,* That the marshal and clerk of said court shall each, respectively, appoint at least one deputy to reside at and who shall maintain an office at each of the five said places where said court is to be held by the terms of this act."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States, was announced as next in order.

Mr. JONES of Washington. That joint resolution may go over, Mr. President. It can not be disposed of in the short time allowed for consideration under Rule VIII. I also ask that the next bill on the calendar, being Order of Business No. 505, Senate bill 14, providing for the election of a delegate to the House of Representatives from the District of Columbia, and for other purposes, may be passed over.

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 133 and Senate bill 14 will be passed over at the request of the Senator from Washington.

RECORDS OF OFFICERS AND ENLISTED MEN IN THE WORLD WAR.

The bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making appropriation therefor, was announced as next in order.

Mr. FLETCHER. Mr. President, I do not see that bill listed on the calendar.

The PRESIDING OFFICER. The bill does not appear on the calendar. On April 3, 1922, the bill was considered as in Committee of the Whole, amended, read the third time, and passed, but on April 5, 1922, the Senator from Iowa [Mr. CUMMINS] entered a motion to reconsider the vote by which the bill was passed, and the bill was returned from the House and placed on the calendar.

Mr. WADSWORTH. Mr. President, I apologize for not having followed the colloquy more closely. Is it now suggested that this bill pass?

The PRESIDING OFFICER. That is the question before the Senate.

Mr. WADSWORTH. May I ask if it has to do with furnishing the records of the soldiers of the last war?

The PRESIDING OFFICER. It does. The notation on the bill indicates that the Senator from Iowa [Mr. CUMMINS] asked that the vote be reconsidered by which the bill was passed before. It is back on the calendar under that reconsideration.

Mr. FLETCHER. It has passed the Senate, and the vote has been reconsidered, and it comes back here again.

Mr. McNARY. Let it go over.

Mr. WADSWORTH. May it go over temporarily?

The PRESIDING OFFICER. On objection, the bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. WALSH of Montana. Mr. President, I ask to have the bill passed over. I do this at the request of a Senator who is absent. I shall be obliged to object, at his request, to the consideration of all omnibus pension bills at this time.

Mr. BURSUM. Mr. President, I regret that very much. The bill has been here a long time. These are just private bills.

Mr. WALSH of Montana. I understand that. I suggest that the Senator had better ask that some specific time be designated for the consideration of the bill. I ask that it go over now on the request of a Senator who is absent.

The PRESIDING OFFICER. Upon objection of the Senator from Montana, general pension bills will be passed over.

The bill (S. 1739) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was announced as next in order.

Mr. LENROOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was announced as next in order.

The ASSISTANT SECRETARY. This is a general pension bill.

The bill (H. R. 1274) for the relief of Maude H. Mosher was announced as next in order.

Mr. WILLIS. Mr. President, what became of House bill 6507, Order of Business No. 526? Was that passed over?

The PRESIDING OFFICER. It was passed over.

Mr. WILLIS. I did not hear an objection made.

The PRESIDING OFFICER. The Chair understood the Senator from Montana [Mr. WALSH] to say that he would object to the present consideration of general pension bills.

Mr. WALSH of Montana. That is correct.

Mr. WILLIS. Do I understand it to be the policy of the Senator from Montana to object to the consideration of all private pension bills on the calendar?

Mr. WALSH of Montana. At the request of an absent Senator I am objecting to the consideration at this time of any of the omnibus pension bills.

Mr. WILLIS. Of course, there is no use in discussing the matter with the Senator, but that is very unfortunate, I think, because these bills have been on the calendar a long time.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

MAUDE H. MOSHER.

Th bill (H. R. 1274) for the relief of Maude H. Mosher was announced as next in order, and was read as follows:

> *Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maude H. Mosher, the sum of $2,500, in full settlement against the Government as compensation for injuries sustained by being knocked down and run over by an automobile truck belonging to the arsenal at Watertown, Mass.

Mr. LENROOT. Mr. President, I think these private claim bills ought to be passed over unless there is some Senator present who is ready to explain them.

Mr. REED of Missouri. Mr. President, I dislike to object to any bill of this character, but I agree with the Senator from Wisconsin. We ought to know something about a bill and somebody ought to be ready to tell us something about it. I think the bill had better go over until the author of it can be here and tell us why we should pay this claim. If we are going into the business of paying a number of claims of that sort, I have a few myself which I should like to have paid.

Mr. DIAL. Mr. President, we ought not to pass on them at all. They ought to be referred to a court and let the court pass on them.

The PRESIDING OFFICER. The Chair understands that the Senator from Missouri asks that the bill go over.

Mr. REED of Missouri. Yes.

The PRESIDING OFFICER. The bill will be passed over under objection.

Mr. WADSWORTH. Mr. President, can not the chairman of the Committee on Claims have an opportunity to comply with the suggestion of the Senator from Wisconsin and the Senator from Missouri? They both asked that the Senator in charge of the bill, whoever he might be, explain it; and here he is, ready to do it.

The PRESIDING OFFICER. The Chair will be very glad to recognize the Senator from Kansas.

Mr. CAPPER. Mr. President, the bill which has just been called up is a House bill. It was considered very carefully in the usual way by the Committee on Claims. There is a report filed with the bill, and I will read just a few lines from it, which I think will fully explain the reasons for a favorable report:

> From the evidence submitted in this case it appears that Maude H. Mosher and another woman, while crossing Summer Street in Boston, Mass., on August 2, 1916, was struck by a Government truck in the service of the Watertown Arsenal, which was driven by an enlisted man named Patrick Mullen, a corporal. The testimony of witnesses is to the effect that the accident was due entirely to the gross negligence and reckless driving of Corporal Mullen. Miss Mosher was taken to the hospital and remained there about a month. Shortly afterwards she resumed her position as cashier in a mercantile establishment in Boston, but is unable to work more than a portion of the time. The affidavit of the physician in the case shows she has been permanently injured and will never again be as well as before the accident.

The committee felt that the case was a very meritorious one, and I hope the bill will be passed. It was carefully considered in the House, as well as by the Senate Committee on Claims.

Mr. WADSWORTH. What is the amount involved?

Mr. CAPPER. Twenty-five hundred dollars.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE M. LEPLEY.

The bill (H. R. 4504) for the relief of Annie M. Lepley, was announced as next in order, and was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Annie M. Lepley, as postmaster at Plymouth, Amador County, Calif., on her account as postmaster of said place, in the sum of $2,055.83, the same being the amount of certain moneys, money orders, and postage stamps taken and stolen by burglars from the post office at Plymouth, Amador County, Calif., at nighttime at about 10 minutes past 1 o'clock antemeridian on March 13, 1915, by unknown persons, and that the said Annie M. Lepley be, and she is hereby, relieved and released from payment to the Treasury of the United States of the said sum of $2,055.83, and every part thereof, as such postmaster, and that her account be credited as postmaster with said amount of $2,055.83 by reason of said loss caused by such burglary.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. FLETCHER. Mr. President, I do not object, but I question very much the wisdom of this sort of thing. For instance, the Post Office Department lay down certain rules and regulations which postmasters ought to observe. They require certain safes, locks, and so forth, and postmasters who do not observe those rules and regulations ought not to expect to come to Congress and get relief in case burglars take away the money.

In this instance the postmaster had the safe, and the outside door of the safe was locked, and an inner door, which locked with a key, had not been locked. It appears that she was technically at fault in not locking this inner door, and the money was stolen. Perhaps it is hardly fair to charge her up with that loss; but, at the same time, I question very much whether Congress ought, in cases of this sort generally, to reimburse a postmaster where he or she has failed to live fairly and squarely up to the regulations of the department with reference to taking care of funds.

Mr. CAPPER. I think the Senator from Florida is correct as a general proposition; but the committee looked into this case pretty carefully, and in view of the letter from the Postmaster General acquiescing in the claim, and the House Committee having passed it favorably, our committee thought it was worthy of favorable action on the part of the Senate.

Mr. WARREN. Mr. President, I will ask the Senator from Kansas if he has observed the last paragraph of the report, in which Postmaster General Hayes stated that the regulations had not been complied with, that the doors had not been locked, nor the safe itself, and a change of the combination of the safe has not been made as has been ordered. Unless there is something further than that, it would seem that this is an unfavorable report from the Postmaster General.

Mr. CAPPER. The Postmaster General did not report unfavorably upon the bill.

Mr. LENROOT. Mr. President, will the Senator yield? According to the report, no force at all was used in getting into the safe. They evidently walked right into it.

Mr. CAPPER. We have no further information that appears in the report.

Mr. WARREN. The last paragraph of the report says:

> The postmaster's failure to completely lock the safe, in which her stamps and funds were left at night, and to change the combination on her safe, as required by the above-quoted regulation—

Which, of course, follows any disturbance that has been had before—

> was considered negligence within the meaning of the above-cited statute, and, following the established practice of the department, this claim was disallowed under date of June 26, 1916. No additional evidence has been received by the department since that time which would justify different action in this case.

It would seem to me unwise for us to undertake to make good to every postmaster and postmistress funds that may be stolen when they will not observe their orders, and will not do such simple things as locking their safes, and so forth. I ask that the bill may go over.

The PRESIDING OFFICER. On objection of the Senator from Wyoming, the bill will be passed over.

BILLS PASSED OVER.

The bill (S. 820) for the relief of the Hunter-Brown Co. was announced as next in order.

Mr. WALSH of Montana. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3254) to enlarge the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. McNARY. I ask that that go over.

The PRESIDING OFFICER. The bill will be passed over.

ELLEN B. MONAHAN.

The bill (S. 2346) for the relief of Ellen B. Monahan was considered as in Committee of the Whole, and was read, as follows:

> *Be it enacted etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ellen B. Monahan, out of any money in the Treasury not otherwise appropriated, the sum of $1,371.18, for physical injuries received by her as the result of being overcome by illuminating gas escaping from a pipe (said to have been broken through the negligence of an employee of the Treasury Department) on the 14th day of June, 1911, while she was in the employ of the Government of the United States and in the discharge of her duties as a clerk in the national-bank redemption agency office of the Treasury of the United States.

Mr. UNDERWOOD. Mr. President, I should like to ask whether this claim does not come in under the general law for the payment of compensation to employees injured in the discharge of their duties? Why does it come here as a special bill?

Mr. SHORTRIDGE. Mr. President, I will say to the Senator that this is a most meritorious case. No one questions the liability of the Government, but it is thought that this bill is necessary in order to bring about compensation.

Mr. UNDERWOOD. That goes to my inquiry. Does not this woman come within the terms of the general compensation act for the payment of employees injured in the line of duty?

Mr. SHORTRIDGE. If I may answer, at the time this bill was introduced it was thought not so, and it was considered that this bill was necessary.

Mr. UNDERWOOD. I should like to have the report read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the report.

The reading clerk proceeded to read the report (No. 544) submitted by Mr. STANFIELD on March 9, 1922, and read as follows:

Report to accompany Senate bill 2346.

> The Committee on Claims, to whom was referred the bill (S. 2346) for the relief of Ellen B. Monahan, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

FINDINGS OF FACT.

> Miss Ellen B. Monahan entered the employ of the Government July 1, 1897, at $900 per year, and the salary increased as follows: August 10, 1899, to $1,000; May 4, 1904, to $1,200; July 1, 1909, to $1,400.
>
> During all this time she has served the Government in the national bank redemption agency.
>
> Some time prior to June 14, 1911, a vault was put in near the room where Miss Monahan was working, which involved the changing of the gas piping.
>
> A gas pipe 1 inch in diameter was cut directly underneath the floor where Miss Monahan was working and left uncapped, but the gas was prevented from escaping by a valve in the sub-basement on the rising supply pipe.
>
> About June 14, 1911, this valve was slightly turned in some manner which permitted the pipes to fill with gas and escape from the uncapped pipe.
>
> The gas gradually filled the room and overcame the claimant. She finally fell in a faint and was carried out and taken to Providence

Hospital, Washington, D. C., where she was confined until July 6, 1911. Her regular physician, Dr. Johnson Eliot, of 720 H Street, this city, was called and attended her.

Under the directions of her physician she left Washington and went to the ocean air at Atlantic City and later to The Weirs, N. H., and returned to Washington about September 20, 1911.

She again went to the seashore at Atlantic City March 30, 1912, and remained until April 13, 1912.

Supplementing medical treatment, she also had 73 massage treatments under advice of her physician. The result of the escaping gas upon Miss Monahan is best described by the attending physician. May 15, 1914, Dr. Johnson Eliot made the following sworn statement:

May 15, 1914.

Hon. Harry Lane,
United States Senate.

Dear Senator Lane: I was called to see Miss Ellen B. Monahan June 14, 1911. She had been overcome by inhaling illuminating gas while at work in the United States Treasury Department.

She was carried to Providence Hospital and remained there until July 6. I was in attendance upon her during that period, at times making several visits daily.

On July 6, under my professional advice, she left Washington, though still remaining under my general care through correspondence.

On her return to the city in October she was still suffering the effects of the gas inhalation and further treatment was necessary.

The two bills, $125 and $75, are for professional services, necessary entirely by reason of illness due to the gas inhalation and not for other illness.

I can not indicate to the committee why the effects should be so profound, other than to state that the degree of shock, absolute prostration, the marked anemia due to carbon monoxide poisoning, and the neurasthenic condition were unusually marked.

While in the hospital it was necessary to have a special nurse for two weeks in constant attendance, and for months after she had to employ the services of a masseuse.

Respectfully,

Johnson Eliot, M. D.

Sworn to before me this 18th day of May, 1914.

[SEAL.]

Dale S. Venable,
Notary Public, District of Columbia.

Under date of February 11, 1915, Doctor Eliot made the following supplemental statement:

"The inhaling of the great quantity of illuminating gas caused a profound anemic condition.

"The kidneys were seriously affected, an acute nephritis developed, the urine was totally suppressed, requiring catheterization for days.

"The anemic condition caused a general weakness of the entire system, seriously involving the heart and nervous systems, which caused her to remain under constant medical care for over two years.

"I have been Miss Monahan's physician for about eight years and can state positively that she had no affection of the heart or kidneys previous to this poisoning and that her health was excellent.

"Respectfully,

"Johnson Eliot, M. D."

Under date of September 12, 1911, Dr. Louis D. O. Jaques, of Worcester, Mass., wrote as follows:

Worcester, Mass., *September 12, 1911.*

Mr. Franklin MacVeagh.

Dear Sir: Miss Ellen B. Monahan has befallen to me as a patient. I am sorry to say that her condition is anything but desirable. I have sent her to the country, where I think she will recuperate as quickly as possible, but her nerves are still in such a state that it is impossible to state definitely how long it will be before she is able to resume her work. If she were to report for duty now the chances are that she would land in the hospital again before a week. If she can be excused for a few weeks I think she will be able to stay at work when she goes back to Washington.

Respectfully yours,

Louis D. O. Jaques, M. D.

Mr. UNDERWOOD. I do not care to have the remaining portion of the report read. I ask the chairman of the committee if the report shows that this accident happened after the general compensation act, to take care of clerks suffering personal injuries, was passed. If it was, I would like to know why this bill is pending here. If the injury happened prior to that time, I have nothing more to say. It seems to me somebody ought to be able to inform us on that point.

Mr. CAPPER. I have not been in charge of the bill, and I am not prepared to answer the question.

Mr. UNDERWOOD. I do not care to object to this claim, as I have no doubt it is a perfectly legitimate claim, but I think somebody should be able to inform us about it. I think the general compensation act, under which persons injured in the service can apply for compensation, was passed 6 or 7 years ago, prior to the happening of this injury. I may be mistaken about that.

Mr. SHORTRIDGE. The injury occurred 11 years ago.

Mr. UNDERWOOD. I am informed that the injury occurred 11 years ago, and as that was probably before the passage of the general compensation act, I will not object.

Mr. STANFIELD. I am quite sure the injury occurred before the enactment of the general compensation act. It occurred in 1911. I would like to say further, that the claim is not for any damage sustained; it is only for loss of time, and expenses incurred. It has the approval of the Treasury Department, as is shown by the letters which appear in the report.

Mr. UNDERWOOD. I do not question the claim. I merely wanted to know as to whether this was an effort to get around the general law. But I am informed the accident occurred 11 years ago, and I think the general law was passed since that time.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN ALLOTMENTS, ETC.

The bill (H. R. 10193) extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; payment for tuition of Indian children in Montana; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in fee in certain cases; establishing a revolving fund on the Rosebud Reservation; leasing, for mining purposes, certain lands on the Fort Peck, Mont., Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; additional water rights on the Crow Reservation; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes, was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 9, to insert the words "and to prosecute all appropriate proceedings to recover for such members any excess income tax which may have been paid by or exacted of them, respectively"; and on line 20, the words "and that such contract shall obligate the firms or individuals with whom the same are made to prosecute to a final determination all claims included in such contract, unless the Secretary shall otherwise direct"; and on page 5, line 5, after the word "Interior," to insert the words "heretofore or," so as to make the bill read:

Be it enacted, etc., That the time for making the allotments on the Crow Reservation, Mont., as provided by the act of June 4, 1920 (41 Stat. L. p. 751), be, and it is hereby, extended for a period of two years from December 4, 1921.

Section 1. That the Secretary of the Interior be, and is hereby, authorized, in his discretion, to make or approve contracts with competent and experienced firms or individuals to prepare and submit, through the Superintendent of the Five Civilized Tribes, amended income-tax returns covering the years 1919, 1920, and 1921, for the restricted members of the Five Civilized Tribes of Indians in Oklahoma, and to prosecute all appropriate proceedings to recover for such members any excess income tax which may have been paid by or exacted of them, respectively: *Provided*, That the compensation paid for the preparation and submission of such amended income-tax returns shall not exceed for any year 10 per cent of the actual net savings in taxes allowed such tax-paying Indians either by reason of deductions for depletion or other proper allowances actually secured in their behalf as a result of the work and efforts of the firms or individuals with whom such contract or contracts are made in pursuance of this act, and that such contract shall obligate the firms or individuals with whom the same are made to prosecute to a final determination all claims included in such contract, unless the Secretary shall otherwise direct: *Provided further*, That the Secretary shall make payment of such compensation out of the funds belonging to the several restricted Indians who shall be the beneficiaries of such contract.

Sec. 2. That all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913, and amended by the act of April 11, 1916, and the act of June 30, 1919, be, and the same are hereby, extended to March 4, 1923: *Provided*, That the provisions of this act shall apply only in cases where it is shown that the lands were actually occupied in good faith by Indians prior to March 4, 1913, and the applicants are otherwise entitled to receive such tracts in allotment under existing law, but for the grant to the railroad company.

Sec. 3. That the Secretary of the Interior is hereby authorized and directed to issue a patent to the duly authorized missionary board, or other proper authority, of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as have been heretofore set apart to and are now being actually and beneficially used and occupied by such organization solely for mission or school purposes, the area so patented to not exceed 160 acres to any one organization at any station: *Provided*, That such patent shall provide that when no longer used for mission or school purposes said lands shall revert to the Indian owners.

Sec. 4. That the Secretary of the Interior be, and he hereby is, authorized and directed to withdraw from the fund in the Treasury of the United States to the credit of the Rosebud Sioux Tribe of Indians, known as the Sioux fund, Rosebud, created under the act of March 2, 1884 (25 Stat L. p. 895), the sum of $30,000 for the purpose of establishing a revolving fund from which he may make loans to members of that tribe, under such rules and regulations as the said Secretary of the Interior may prescribe. Any loan so made is to stand as a preferred claim against any trust fund or trust lands under Government supervision which may belong to the borrower or his restricted estate from any source whatever.

Sec. 5. That there is hereby authorized an appropriation of $5,000, or so much thereof as may be necessary, from Rosebud tribal funds, for the erection of a monument, under the supervision of the Secretary of the Interior, on the Rosebud Indian Reservation as a memorial to Indians of that tribe who gave their lives for their country in the recent war with Germany.

Sec. 6. That wherever, in any law or treaty or in any patent issued to Indian allottees for lands in severalty pursuant to such law or treaty, there appears a provision to the effect that the lands so allotted can not be alienated without the consent of the President of the United States, the Secretary of the Interior shall have full power and authority to consent to or approve of the alienation of such allotments, in whole or in part, in his discretion, by deed, will, lease, or any other form of conveyance, and such consent or approval by the Secretary of the Interior hereafter had in all such cases shall have the same force and legal effect as though the consent or approval of the President had previously been obtained: *Provided, however*, That the approval by the Secretary of the Interior of wills by Indian allottees or their heirs involving lands held under such patents shall not operate to remove the restrictions against alienation unless such order of approval by said Secretary shall specifically so direct.

Mr. HARRELD. Mr. President, out of its order, I offer an amendment to the bill, which I send to the desk, and I would like to make a statement about it.

The PRESIDING OFFICER. Does the Senator offer it as a substitute?

Mr. HARRELD. No; it is to come in as a new section.

The PRESIDING OFFICER. The question first is upon agreeing to the committee amendments.

The amendments were agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma offers an amendment, which the Secretary will report.

The READING CLERK. Add a new section, as follows:

SEC. 7. That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of the heirs of Israel Folsom and of Peter Folsom, both deceased, on account of services rendered by said Israel Folsom and said Peter Folsom on behalf of the Choctaw Nation in connection with the net proceeds claims of said nation, and to render judgment therein in such amount, if any, as may appear to be equitably due. Said amount, if any, in favor of the heirs of Israel Folsom and of Peter Folsom, respectively, shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation.

Notice of said suit shall be served on the principal chief of the Choctaw Nation, and the Attorney General of the United States shall appear and defend said suit on behalf of said nation. That either party in the above-mentioned case may within three months of the rendition of any judgment by the Court of Claims in said case appeal therefrom to the Supreme Court of the United States.

Mr. HARRELD. Mr. President, there is on the calendar——

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. HARRELD. I yield.

Mr. WALSH of Montana. I inquire of the Senator whether the subject matter of the amendment he now tenders has had consideration by the Committee on Indian Affairs?

Mr. HARRELD. Yes; and if the Senator will listen I will make a statement which will fully explain the amendment.

There is another bill pending, Senate bill 3308, Calendar No. 708, providing for the same relief covered by this amendment, and it has already been reported favorably by the Committee on Indian Affairs. The only difference between the two is that Senate bill 3308 names one of these parties, and recommends that the bill be passed giving him the right to present his claim to the Court of Claims, but it does not mention the other one. To that extent the bills are different. We find, however, that the naming of the other party is absolutely necessary. The other bill takes care of Peter Folsom, and it is found that in order to have all the parties before the Court of Claims it is necessary to include the name of this other Folsom.

Senate bill 3308 was reported favorably, recommending certain amendments. The amendment which I have offered to this omnibus bill is included in the amendments which were recommended by the Committee on Claims. The only difference between this amendment and Senate bill 3308 is that this includes the name of another one of the Folsom heirs, who is a necessary party, and it is so drawn as to include the amendments which were recommended by the Claims Committee. We felt that it would be better to put this on as an amendment to this bill, where these matters could be corrected, and I assure the Senator there is no difference between this and Senate bill 3308, with that exception.

Mr. WALSH of Montana. Why does the Senator seek to incorporate it in this particular bill? Why not take that bill up when it is reached, and, if it is necessary to amend it, amend it then?

Mr. HARRELD. It would be necessary that that bill go back to the committee to insert this new name.

Mr. WALSH of Montana. The Senator can offer an amendment to that particular bill when it comes up for consideration, just as he offers it to the pending bill.

Mr. HARRELD. This is an omnibus bill, and it is a legitimate amendment to it, and, in my judgment, it would shorten matters.

Mr. WALSH of Montana. I can not take that view of it. The bill throughout is for the protection of the Indians. It is looking after their interest. The measure to which the Senator refers is a bill to establish a claim against the Indians, and it does not seem to me to be germane to the general subject of the bill under consideration. The Senator ought to tender his amendment to the other bill on the calendar.

Mr. HARRELD. Permit me to make this statement: There were four delegates sent to Washington some years ago by the Choctaw council. One of them was named Garland, another was named Lewis, another was named Folsom, and I forget the name of the other delegate. Two bills have already been passed, one in 1906 and another in 1908, the 1906 bill giving the Garland heirs the right to go before the Court of Claims and prosecute their claims in this connection. In 1908 another bill was passed, giving to the heirs of one of the other delegates the right to go before the Court of Claims and prosecute the case. This is a similar bill, giving to the heirs of one of the other delegates the same right which the heirs of the other delegates were given to prosecute a claim before the Court of Claims.

There is no question about the righteousness of the cause. They are entitled to prosecute their cases, and I do not see why the Senator should say it would be detrimental to the Indians. This is certainly a matter of expedition. Of course, if objection is made, I am going to offer the same amendment when we reach Senate bill 3308, but in my judgment it would very much simplify the matter to let it be adopted as an amendment to this omnibus bill.

Mr. WALSH of Montana. It seems to me the two things are in a sense antagonistic. This is a bill to protect the rights of the Indians. The bill which the Senator has under consideration is a bill permitting the establishment of a claim against the Indians, and it seems to me entirely incongruous to put it in the pending bill. This is a bill in which the State of Oklahoma is interested, as well as the State of Montana, and I trust we may be able to get consideration of it. But I shall object to its consideration if the Senator insists on putting that amendment on it.

Mr. HARRELD. I would not insist on it being put on the bill except for the fact that the Senate Committee on Claims has already recommended the passage of Senate bill 3308.

Mr. STERLING. I hope the Senator from Oklahoma will not press his amendment but will let the bill pass. He will have his opportunity later to make an amendment to the other bill.

The PRESIDING OFFICER. Does the Senator insist upon his amendment?

Mr. HARRELD. I understand there is objection to it and I withdraw it.

The PRESIDING OFFICER. The Senator withdraws his amendment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES COAL COMMISSION.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 12377) to establish a commission to be known as the United States coal commission, for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

Mr. BORAH. Mr. President, I ask unanimous consent that the unfinished business may be temporarily laid aside, with the expectation of not bringing it up again to-day. I do that for the reason that the settlement which is in progress in the anthracite industry would seem to require such action. There may be some things coming out of that settlement which may find a place in the bill later. I therefore ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Without objection it is so ordered.

DISTRIBUTION AND SALE OF FUEL.

Mr. CUMMINS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. Will the Senator allow me to state the situation? This is a House bill which was reported to the Senate this morning and which, as the title indicates, proposes to confer additional authority upon the Interstate Commerce Commission in the hope at least that we may be able to control to some extent the profiteers who are now enjoying a harvest in the coal business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. SUTHERLAND. I object to the immediate consideration of the bill.

The PRESIDING OFFICER. Objection is made.

Mr. CUMMINS. Then I move that the Senate proceed to the consideration of the bill to which I have referred.

Mr. UNDERWOOD. Let us see what is the status of the motion. If the motion to take up the bill is agreed to, it of course displaces the unfinished business.

The PRESIDING OFFICER. That is correct. The question is on the motion of the Senator from Iowa.

REGULATION OF ELECTION EXPENDITURES.

Mr. POMERENE. Mr. President, I realize the very great importance of the bill to which the Senator from Iowa refers, but I feel also that it is very important that the bill (S. 3603) to regulate expenditures in connection with the nomination and election of Senators and Members of the House of Representatives, and for other purposes, commonly spoken of as the corrupt practices bill, should be taken up and disposed of, too. It must be done if there is to be any sort of control of elections and nominations. This morning, when the matter was up for consideration, I anticipated that the Senator from Idaho was going on with his coal commission bill, and I had at least some reason to think that perhaps if anything should happen to that bill, I would be permitted to take up the corrupt practices bill. I do not think it will take very long to dispose of it. I am in a position where I shall be compelled to be away the greater part of next week, and I would like to dispose of the bill if possible. I had been hopeful that the Senator from Iowa might allow that bill to come up first.

Mr. EDGE. Mr. President, will the Senator from Iowa permit a further observation upon the suggestion made by the Senator from Ohio?

Mr. POMERENE. If I have the floor, I yield; but I am not sure that I have the floor.

The PRESIDING OFFICER. The Senator from Iowa [Mr. CUMMINS] has the floor.

Mr. CUMMINS. I yield to the Senator from New Jersey.

Mr. EDGE. I have no objection in the world to the consideration of the important election bill referred to by the Senator from Ohio, but I have offered an amendment to that bill, and if unanimous consent is given to consider the election bill, I of necessity must discuss the amendment which I have offered and which will, I presume, lead to some debate.

Mr. POMERENE. I knew, of course, that the Senator from New Jersey expected to offer an amendment. It is the same one, I take it, which was suggested in the committee?

Mr. EDGE. Yes; and the amendment has been printed.

Mr. POMERENE. I was not aware of that. I think it would only involve a brief discussion, because it is not an involved amendment at all, either as to the facts or the propositions of legislation.

Mr. WATSON of Indiana. Mr. President, will the Senator yield to me?

Mr. CUMMINS. If I have the right to yield, I do so. However, I have something to say about the matter.

Mr. WATSON of Indiana. I have this to say to my friend from Ohio. Of course, we can not measure the relative importance of measures before the Senate. Both bills are important, as we all recognize, but at the present time the coal situation presents a crisis. If that matter might be disposed of first, I think we might well assure the Senator from Ohio that the other measure will be disposed of before the present session of Congress closes. There is no disposition so far as I know, and certainly not on the part of any Republican Member of the Committee on Privileges and Elections, to sidetrack the bill. In fact, we are all for it and want to have it passed. We think it an important measure and that it should be considered and that we should have legislation upon the subject. But after all there is no election until the 7th of November. We are sure to pass the measure before that time and it is sure to be enacted into law before that time so as to be effective when the election occurs. Will not that suit the Senator?

Mr. POMERENE. Of course the campaigns are on now. That presents an important phase of the matter. I realize the importance of the measure which the Senator from Iowa has in charge, but I want to offer the suggestion that I be given unanimous consent to take up the corrupt practices act on the convening of the Senate in the morning. That would give all this afternoon for the consideration of the coal bill.

Mr. LENROOT. If we adjourn to-night. Otherwise it would displace the other bill.

Mr. POMERENE. I do not want to take any undue advantage and would not do that, but my belief is that within a couple of hours at the outside we can dispose of the corrupt practices act and that will leave me in a position where I can fill my other engagements.

Mr. CUMMINS. May I make a suggestion? Let us agree to adjourn, when the session of the Senate closes this evening, until 11 o'clock to-morrow. That would give the Senator from Ohio two hours at least in the morning in which to dispose of his bill.

Mr. POMERENE. If that is accompanied with the further understanding that we shall take up the corrupt practices act immediately upon the convening of the Senate, it will be satisfactory to me.

Mr. CURTIS. Upon the disposition of the routine morning business.

Mr. POMERENE. I would accept it with that understanding.

Mr. CUMMINS. That will be entirely agreeable to me.

Mr. POMERENE. Then it is understood that when we close the session of the Senate this afternoon we shall adjourn, and that we shall adjourn until 11 o'clock to-morrow morning.

Mr. CUMMINS. And that immediately after the routine morning business is disposed of the corrupt practices bill shall be taken up.

Mr. POMERENE. May I have unanimous consent that when the Senate closes its session to-night it shall adjourn until 11 o'clock in the morning?

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent that when the Senate adjourns to-day it shall adjourn until 11 o'clock to-morrow morning, and that immediately after the routine morning business is disposed of the Senate shall take up the corrupt practices act for consideration. Is there objection? The Chair hears none, and it is so ordered.

Mr. POMERENE. That is satisfactory to me.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. FORDNEY, Mr. GREEN of Iowa, Mr. LONGWORTH, Mr. GARNER, and Mr. COLLIER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed a bill (H. R. 12493) amending the act of June 30, 1922, making appropriations for military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

DISTRIBUTION AND SALE OF FUEL.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa to proceed to the consideration of the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel administrator, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. CUMMINS. Mr. President, I would like to state in a few words why I want to have the bill taken up. It is recognized everywhere that we are at this time passing through a tragedy which has no parallel in the past, and I hope will have no parallel in the future. The bill is not directed toward the settlement of a strike. It is not directed toward the possession of the railroads on the part of the Government. It is not directed toward the possession of the coal mines on the part of the Government. But there is a sharp, severe shortage in both bituminous coal and anthracite. Whether there will be any improvement in the anthracite situation depends upon conditions which we can not now predict, but there is being produced at this time an abundance of bituminous coal. Nevertheless there is the shortage of which I have spoken at the points at which the coal is to be consumed.

The shortage is not only on account of the suspension of the coal industry for something like five months, but it is because it is utterly impossible for the transportation companies to move the coal to the point at which it is to be consumed with sufficient rapidity to meet the demands of those who are to consume it. That gives an opportunity for those who are conscienceless enough to do it to exact unfair and unreasonable prices for the coal, and that is being done at the present time. I do not intend to single out any mine operator or mine field, but that both operators and dealers are exacting unfair and unreasonable prices for the commodity which they produce and in which they deal is an acknowledged fact. I assume there is not a Senator here who does not know that to be true from the knowledge he has of his own community. The bill is intended to give the Interstate Commerce Commission authority to prevent the extortion which is now being practiced everywhere, not by every coal operator, not by every dealer, but practically everywhere throughout the country.

I hope in view of the emergency, and it is a very grave emergency, that the Senate will agree to proceed to the consideration of the bill. For every day that passes, the undue profits which are passing into the hands of those who are willing to take advantage of the situation are immense and can never be recovered. We can never restore to those who are compelled to pay the extortionate prices the amounts which they are now paying.

Mr. FLETCHER. Mr. President——

Mr. CUMMINS. I yield to the Senator from Florida.

Mr. FLETCHER. I inquire of the Senator from Iowa whether the bill reaches not only the question of transportation and the operators, but if it extends to the dealers, so that it is a protection to the consumers?

Mr. CUMMINS. In some instances it will extend to the dealer. It depends upon how the dealer is doing business. I do not pretend to say that the bill will repress all the extortion that might be taking place in some of the States, but it will go very far in that direction.

Mr. SUTHERLAND obtained the floor.

Mr. WILLIS. Mr. President, will the Senator yield to me to ask the Senator from Iowa a question?

Mr. SUTHERLAND. I yield.

Mr. WILLIS. I desire to propound an inquiry to the Senator from Iowa. The Senator knows that copies of the bill are not available, and I ask the question entirely for information. Is there anything in this bill that authorizes any agency of the Government to take over or to operate any coal mines anywhere?

Mr. CUMMINS. There is nothing in either bill that authorizes any such action on the part of anybody.

Mr. SUTHERLAND. Mr. President, there is, of course, a considerable crisis with reference to the two great strikes which have been in progress causing a shortage of coal; it is possible that some legislation should be enacted; but I think, although the popular impression may be to the contrary, that we are in more danger of too hasty legislation than we are of too deliberate legislation. This is a very important as well as a very drastic piece of legislation which is now proposed, having no parallel, so far as I know, in time of peace. It would affect the property and the rights of a very large number of people. The bill has not even been printed; it is not upon the desk of any Senator. I do not believe that the situation is so acute that this bill should be taken up thus hurriedly, when the Members of this body are not permitted even to see a copy of it. I believe that no interest which is proposed to be benefited by the passage of the bill will be harmed by delay until to-morrow, or even later, when Senators may have an ample opportunity to study the bill and learn what is in it.

Mr. CUMMINS. Will the Senator from West Virginia yield to me for a moment?

Mr. SUTHERLAND. I yield to the Senator from Iowa.

Mr. CUMMINS. In reply to the first point which has been made by the Senator from West Virigina, I desire to say that there was a bill reported from the Interstate Commerce Committee several days ago on this subject and I intend to ask the Senate to substitute the Senate bill for the House bill. Senators have had ample opportunity to ascertain what is in the Senate bill; I think the Senate bill is to be preferred; and I shall ask the substitution of that bill for the House bill before we come to a final disposition of the matter.

Mr. SUTHERLAND. But, Mr. President, in order intelligently to pass upon that question, Senators should have an opportunity to study, at least, to read, the provisions of the House bill. It seems to me there is no occasion for this great haste. A few hours will not materially affect the question. I think that this measure should be taken up to-morrow, in the regular order, when Senators shall have had an opportunity to study and compare the two bills.

The PRESIDING OFFICER (Mr. Willis in the chair). The question is on the motion of the Senator from Iowa [Mr. Cummins].

Mr. UNDERWOOD. Mr. President, I desire to say a few words in reference to the pending bill, and I suppose now is just as good a time as any to say them.

I do not suppose that there is any man, woman, or child in America who does not regret the distressed condition of the American people due to the lack of fuel supplies for the coming winter, and I am sure that everyone who can possibly aid in facilitating the production of a suitable supply of coal desires to do so. The proposed substitute bill, somewhat on the same lines as the bill which came from the other House, was reported to the Senate with that general view in mind, and under the cry that it was designed to meet the distressing condition which prevails regarding fuel supplies. Mr. President, I think before we pass the proposed legislation we might as well take stock of the situation and understand just where this bill stands.

It is known to all men that the bituminous coal strike began last spring; that it was in active operation until several weeks ago; that it has now ceased; and that there is no coal strike in any bituminous coal mine in America. It is also well known to us all that early in July, or possibly in June——

Mr. CUMMINS. On July 1.

Mr. UNDERWOOD. On July 1, the Senator from Iowa advises me, the coal strike in the anthracite fields took place and we are informed on the floor of the Senate by the Senator in charge of the coal investigation bill that he now proposes to lay that bill aside because that coal strike is about to be concluded in the next day or two, and that intimation is also given by the press.

Mr. CUMMINS. I wish to make a correction there. I assumed that the Senator from Alabama was about to speak of the railroad strike and not of the anthracite strike.

Mr. UNDERWOOD. I think the anthracite strike began in July.

Mr. LENROOT. It was before that.

Mr. UNDERWOOD. Well, in June.

Mr. REED of Pennsylvania. It began on April 1.

Mr. WALSH of Massachusetts. I think the anthracite strike commenced April 1; so that it has been in effect for five months.

Mr. UNDERWOOD. I thank the Senator for the information; I was not quite sure about that. The strike commenced in April, and is about to be concluded.

The strike of the railway shopmen started about July 1, last, and is still in progress. Those are the conditions—two coal strikes and one railroad strike—which resulted in the distress of the people by reason of the lack of a supply of coal. One of the coal strikes has been ended, and all of the miners are back at work. The other, we are authoritatively informed on the floor of the Senate, will be ended in a day or two and the miners will go back to work. The real problem then which confronts the country so far as the shortage of a coal supply for the people of America is concerned is a railroad strike, and that is not touched by this bill. It is not referred to by this bill.

Of course the Senator in charge of the bill may say that because of the coal strike there is a shortage of coal in the country. I have no doubt that to a certain extent that is true; that there is a less supply of coal than if the strikes had not occurred, but this bill is not going to create any more coal. We are not by the enactment of legislation going to provide a supply of coal which does not exist. If there is a shortage of coal, if there is not enough to supply the American people, then somebody is going to be short, and we can not keep them from being short of coal by any legislation which may be passed. It is true that John Smith may be short of coal now and under existing contracts Bill Brown may be going to get his coal, and we may enact legislation to take the coal away from Bill Brown and give it to John Smith, but that will not create any more coal. Only the same amount of coal will be available.

Mr. President, I can not understand, if this distressed condition exists and can be remedied by legislation, why we should have waited from the 1st of April to the 1st of September before making any attempt to relieve the situation, if it can be relieved by legislation. I think the Senator from Iowa may reply that by "orders in council" the administration has attempted to relieve the conditions in the past. The administration by "orders in council" has attempted to relieve the situation in the last few months by directing the Interstate Commerce Commission to do just what this bill provides they shall do.

Mr. CUMMINS. Mr. President, will the Senator yield to me for a moment?

Mr. UNDERWOOD. I yield.

Mr. CUMMINS. I do not recognize the phrase "orders in council"——

Mr. UNDERWOOD. That is a convenient way of describing the situation.

Mr. CUMMINS. But the Interstate Commerce Commission has certain powers in regard to priority of shipments and embargoes upon shipments, and those powers were invoked for this very purpose, among others, some time ago. However, it has developed that the Interstate Commerce Commission is exceedingly doubtful about its authority to proceed under existing law to embargo or to issue an order of priority bottomed upon an unreasonable exaction in the price of coal. This bill is to supply that lack of authority as believed by the Interstate Commerce Commission. That is all that it is; there is no administration invested with the authority to fix the price of coal or to say whether or not a price is reasonable.

Mr. UNDERWOOD. Mr. President, that is just exactly what I have to say about this bill. Here we have been through a summer when the country faced strikes in practically all the coal districts of America except one. Knowing that there was going to be a shortage of coal, the administration, by its orders, directed the Interstate Commerce Commission to use its power of giving priority in shipment, and, more than that, announced to the country by proclamation, by orders, and through the newspaper press, that it had authority to give priority in shipment; and there is not a line in the bill now pending before the Senate that confers on the Interstate Commerce Commission any additional power to give priority above what it has to-day under the so-called Esch-Cummins law. There is not a power conferred in the bill I hold in my hand, that you ask us to pass, more than is conferred in the law today. I refer to the railroad enactment of 1920, known as the Cummins bill, which my friend across the aisle had the honor to introduce, and which bears his name; and he knows just what I say—that the bill which he now champions confers no power greater than that conferred in the bill which was passed in 1920.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. UNDERWOOD. Yes.

Mr. LENROOT. Is it the Senator's view that the Interstate Commerce Commission, under the existing law, can give a priority to one individual based upon the proposition that he will sell his coal at a less price than another individual will sell his coal?

Mr. UNDERWOOD. I do not understand that the bill before the Senate gives that power. If there is anything in the bill before the Senate that gives that power in direct terms, I fail to find it. I will say to the Senator what is in this bill and what is in the present law.

Mr. LENROOT. I should like to frame my question a little differently, then, before the Senator does that. Under existing law, does the Senator think that if an operator is willing to sell his coal at a reasonable price, he can be given priority over another operator who charges an extortionate price?

Mr. UNDERWOOD. The administration said that in its orders in council. It said it all summer. It said it up to this good hour. I do not have to go to any higher authority on that subject than what has already been proclaimed.

Mr. LENROOT. No; but I should like to know the Senator's opinion about it.

Mr. UNDERWOOD. My opinion will not affect the situation. I am reviewing the situation as expressed by those in authority. I think the present law is a very good law. I approved of the action of the chairman of the Interstate Commerce Committee when he put this provision in the law. He authorized the Interstate Commerce Commission to give priority in shipment whenever a national emergency arose, so that they could relieve the people of the United States by giving priority in shipment. I have no complaint to make against the chairman of the committee or the committee or the Congress or the law in that regard. That provision was put into the law to meet emergencies, and for no other purpose.

Mr. WATSON of Indiana. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I yield.

Mr. WATSON of Indiana. From what the Senator says, then, the general terms incorporated in the Esch-Cummins Act include these terms, and confer the same power that they are intended to confer. Is that right?

Mr. UNDERWOOD. Absolutely. If there is any difference, and the Senator can point it out to me, I should like to know what it is—I mean so far as the Interstate Commerce Commission is concerned. Does the Senator see any difference?

Mr. WATSON of Indiana. I am quite inclined to agree with the Senator; but the Interstate Commerce Commission think they have not the power conferred by this measure, and that is the reason for the formulation of the measure.

Mr. UNDERWOOD. The only trouble with the Interstate Commerce Commission is that we have loaded them and loaded them and loaded them. When anything came up that we wanted to do we have dropped it into the basket of the Interstate Commerce Commission, until we are overworking them and they want to throw off the load we are putting on them. That is about what the real question is.

Mr. WATSON of Indiana. The Senator was a member of the committee that aided in the formulation of the Esch-Cummins Act.

Mr. UNDERWOOD. I have just stated that I approved of it.

Mr. WATSON of Indiana. The Senator approved of it?

Mr. UNDERWOOD. Yes.

Mr. WATSON of Indiana. And when the Senator approved of it he thought that it conferred the power that this measure confers?

Mr. UNDERWOOD. Well, I will be candid. It said "emergencies." I did not analyze the emergencies, and I do not know now that I can say that at that time I was thinking of a coal strike, but I realized that emergencies might come in the transportation of products in the United States, and I was willing that this power should be given in emergencies. It might have been war; we probably had war in mind more than anything else at the time of the enactment of the law; but we said "national emergencies," and of course this is either an emergency or it is not. If it is an emergency, the power exists. If it is not an emergency, there is no reason for passing this bill.

Mr. WATSON of Indiana. We are proceeding on the theory that there is an emergency, and that when we passed the present general law we intended to cover an emergency. The Senator thought, and I thought, and we all thought, that we were covering all cases of emergency that might arise. If we intended to do that, and yet the Interstate Commerce Commission think that we have not done it, why do we not do it by passing this bill?

Mr. UNDERWOOD. The Interstate Commerce Commission evidently do not think any such thing, because if they had thought that they would not have been exercising the power all summer. I agree with the Senator from my information, although I have talked to none of the commission, but from what I have heard generally I understand that the Interstate Commerce Commission are not desirous of exercising this power in this particular way, but the idea that they do not believe they have the power is controverted by the facts. It is a reflection on the commission to say that they do not believe they have the power after they have exercised the power for three months this summer.

Mr. CUMMINS. Mr. President, will the Senator yield a moment?

Mr. UNDERWOOD. Yes; I yield.

Mr. CUMMINS. I am gratified, of course, to hear the Senator from Alabama speak well of this particular part of the railroad act. but——

Mr. UNDERWOOD. I agreed with the Senator in committee on it. He knows that, and has known it for two or three years.

Mr. CUMMINS. I suppose that part of it, however, is a legal question. I do not believe that the Interstate Commerce Commission has the power to do what this bill authorizes that commission to do, and I dissent from the conclusion which the Senator from Alabama draws from the priority orders and embargo orders which the commission has already issued. It has not exercised this power. The fuel administration asked it to exercise this power; and while I am told—this is mere information—that certain members of the commission, possibly the majority of the commission who were then here, believed that it had the power, upon further reflection it has reached the conclusion that it has not the power, and I agree with the commission in that respect. I do not believe that the commission has the power to lay an embargo against a coal operator because he is selling his product at an extortionate price. I think that is just the power that this bill gives to the commission.

Mr. REED of Missouri. Mr. President——

Mr. UNDERWOOD. Just a moment, and then I will yield to the Senator. I am sorry to hear the Senator make such an admission, because his statement is an admission that under the orders this summer the fuel administrator and the Interstate Commerce Commission, in attempting to give priorities, have been doing unlawful acts.

Mr. CUMMINS. The commission has not done anything of that kind. The so-called fuel administrator attempted to get an agreement with the coal operators which would provide that they should sell at a fair price. and attempted to fix that price. The Interstate Commerce Commission never had anything whatever to do with the price.

Mr. UNDERWOOD. Oh, of course I know they have not anything to do with the price. Under this bill they do not have anything to do with the price. There is not a line in this bill that gives the Interstate Commerce Commission or the fuel administrator power to say to a mine in Pennsylvania or Ohio, "You must sell coal for $5 a ton, or you violate this act." They do, however, say to these mines, "If you do not sell coal at $5 a ton," or whatever price they fix, "no cars are going to move onto your sidetrack to go to your tipple," and that is what they did this summer.

Mr. CUMMINS. No; I beg the Senator's pardon.

Mr. UNDERWOOD. Absolutely.

Mr. CUMMINS. I am sure the Senator is wrong about that.

Mr. UNDERWOOD. The cars moved under their direction, and they very conveniently did not move in the direction in which they did not want them to move, and they conveniently moved in the direction in which they did want them to move, and everybody recognized that.

Mr. CUMMINS. I know; but the Interstate Commerce Commission has not attempted to prevent the loading of cars because the person who was loading them is selling or is about to sell the coal at unreasonable, extortionate prices. That has not been done; and, if I understand the orders of the commission correctly——

Mr. UNDERWOOD. I have not charged that it has been done. I have not charged that anything of the kind has been done. In fact, I admit that it has not been done; but I do say that they told the man who wanted to sell his coal, "You can have cars at the end of your tipple if Mr. Hoover approves of it."

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. UNDERWOOD. I yield.

Mr. KELLOGG. I will say that any number of cars have been sent to mines that have been charging an extortionate price, and the coal has been shipped and is being sold to-day at extortionate prices in every city in this country.

Mr. UNDERWOOD. That was after the other mines could not supply the demand.

Mr. KELLOGG. No; it was not after that. It has been going on all summer.

Mr. UNDERWOOD. And the congested condition was such that they had to move that coal; but if that condition continues there is nothing in this bill that gives anybody the authority to fix the price of coal, is there? I do not see anything in this bill permitting them to fix the price of coal, but it does give them a right to say whether or not cars shall go to the end of the tipple.

Mr. REED of Missouri. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Missouri.

Mr. REED of Missouri. Mr. President, I am interested in knowing whether the Senator on the floor or the Senator who is in charge of the bill believes that the Federal Government has authority under the interstate commerce act to undertake to employ that authority so as to regulate prices? If they have any such authority, then they can regulate the price of everything in this country by the simple device of refusing to a citizen a car in which to move his goods.

Mr. WATSON of Indiana. Only, I will say to the Senator, when there is an emergency.

Mr. REED of Missouri. Oh, yes; only when there is an emergency. What constitutes an emergency? There is no war proposition here. Of course, I think, and I believe most men who have read the Constitution of the United States think, that we stretched the war powers to the very limit during the late war. There is no war now; and has the Federal Government the authority to put in the hands of an agent the right to say that "there is an emergency, and therefore, because there is a shortage of a particular article, we will divert cars from the man who is charging more than we see fit to say is a fair price and close his mine, or close his farm or close his elevator or close his shop"?

If we have that power, then Congress can regulate the price of every pound of steel that goes from a steel mill, every bushel of wheat that is shipped in the United States, every foot of lumber that is shipped; and, without continuing the illustration, we can have the Interstate Commerce Commission sit down and say that no goods shall be shipped the price of which is above the scale of prices which we have fixed, and then attach a scale of prices that covers everything that is to be shipped. Does the Senator who sponsors this bill believe that we have any such authority? And if we have, will he define the difference between this Government and the most autocratic, the most despotic government that has ever existed on this earth?

Mr. CUMMINS. I shall be very glad, if the Senator from Alabama will permit, to answer that question briefly.

Mr. UNDERWOOD. I do not care to lose the floor, but I will be glad to yield if I can do so without losing the floor.

Mr. CUMMINS. The question can not be answered either in the affirmative or in the negative, it embraces so many different propositions.

I have no doubt whatever about the right of Congress, if we have a starving community in one part of the country, to say that there shall be no cars loaded for any other purpose than to transport food and no cars carried to that community except cars loaded with food. I have no doubt whatever about that, under our power to regulate commerce among the States. When you grant the existence of such an emergency as I have described, I think we have the same authority, if we care to exercise it, to say that only those operators who are willing to sell their coal to a community without coal at a fair and reasonable price shall be permitted to transport coal to that community. I believe that we have that authority under our power to regulate commerce among the States.

I, for one, would not be willing to give the Interstate Commerce Commission the latter authority as a permanent authority. I would not be willing to give the commission the authority which is provided for in this act as a permanent authority.

I agree with the Senator from Alabama in the position he took in the committee, that if this authority is given, it must be limited to this emergency, and that the President should have no power to revive it. The President ought not to have the power to determine whether an emergency exists or not. That, I think, is for Congress. But I am willing, and I think every man ought to be willing if he believes it to be within our constitutional authority to meet this emergency in the way we propose to meet it in this bill.

Mr. REED of Missouri. Mr. President, if the Senator from Alabama will permit me a word, I think the Senator has answered my question. He affirms that the interstate commerce powers of the Federal Government can be employed to fix prices, by our directing the railroads to refuse to haul any article unless it is sold at a certain price. He says that Congress ought not to confer that power upon any board, unless Congress thinks there is a real necessity; but he affirms the existence of the power. Of course, it is only one step from that to say that the people of the United States are entitled at all times to have reasonable prices, and that nobody should be allowed to ship a single thing at any time unless he sells it at a reasonable price, and thereupon to authorize some board to decide what is a reasonable price, and deny the highways to every man who does not conform to that price. If that power exists in the Federal Government, we may be just as certain as we are that there is a sun shining somewhere that some day there will be a Congress which will employ that power to control prices.

If the interstate commerce power goes that far, then it goes further than anybody dreamed of a few years ago. I am not discussing the question; I am simply pointing out the question. I am glad to know that is the Senator's view—I am not glad to know it is his view, but I am glad the Senator has so clearly expressed the view he entertains.

We understand, then, that this is a price-fixing bill, pure and simple, and that the powers of the Federal Government to deny or to grant cars are to be employed to fix prices on coal while there is an emergency; and that power, of course, we can declare at any time, whether there is an emergency or not. There is nothing in the Constitution of the United States about emergencies.

Mr. CUMMINS. Mr. President, it is not my understanding that this is what would ordinarily be termed a price-fixing arrangement. The commission has no authority to fix generally the prices of coal. It must act upon the individual carrier, and because it must act upon the carrier it can not act upon any person. It all relates to transportation, and when the Interstate Commerce Commission says to the carrier that the A B company is selling its coal at $12 a ton at the mouth of the mine, whereas $3.50 a ton would be a fair price, it says to the carrier simply, "You must not serve that mine."

Mr. REED of Missouri. Establishing a mere subterfuge to get at the thing; but the purpose of the subterfuge is to fix a price, and if we possess that power and start to using it, we may as well understand that we will have opened a door through which may come a flood of trouble. Let me say this, so that I may not be misunderstood: Nobody views with any greater contempt or concern than I the attempt of any man to extort prices because of a shortage; but I think it is a matter which can be handled without violating the Constitution of the United States.

The Senator from Iowa, who is a very distinguished lawyer, thinks we have the power to withhold cars for the purpose of fixing prices. I would like to see that written into a law, on the face of the law, and put up to the Supreme Court to see what they would do with it.

Mr. UNDERWOOD. I will say to the Senator from Missouri that I do not think the author of this bill has any such idea, because the very purpose of the bill is to adopt a subterfuge, as the Senator from Missouri denominates it, to avoid that very legal proposition.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. UNDERWOOD. I yield.

Mr. DIAL. That is exactly what they are doing now; they are fixing prices in this illegal way and without any authority. They decline to let us have cars in which to haul coal, although we have a contract for coal at $1.90 a ton. To-day we are offered coal at $4.50 a ton, and we can get cars in which to transport that coal at $4.50 a ton.

Mr. UNDERWOOD. I understood that situation to exist, and that is the reason why I stated what I did—that in certain cases throughout the country, where men had contracts for their coal at less than $2 a ton, under these orders in council their supply of coal was stopped, and they were unable to get it, and now they are told that they can get the coal at a higher price. I asked the chairman in the committee if he intended by this bill to void contracts which had already been made.

Mr. KELLOGG and Mr. LENROOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield; and if so, to whom?

Mr. UNDERWOOD. I will yield first to the Senator from Minnesota.

Mr. KELLOGG. I want to ask the Senator if he thinks that when there is a shortage of coal in the country, and the coal on hand can not be transported to an extent greater than sufficient to keep moving public utilities and railroads necessary to furnish food for the people, that others should be permitted to bid any price and have all the cars they want?

Mr. UNDERWOOD. I have not said anything of that kind. If the Senator will allow me to get through, I will say what I really think; I have been very much interrupted.

I regret this distressed condition. I do not want any profiteers to mulct the people of the United States. I think it should be avoided if it can be avoided legally and properly, although I know you can not by legislation make 2 tons of coal where only 1 ton exists. I am not objecting if you try to relieve the situation in a proper way. What I am talking about is not what Senators say their objective is. I am not differing about their objective. I am differing about their method of approach.

Mr. LENROOT. Mr. President, to what orders in council did the Senator refer when he said that purchasers having contracts for coal were denied the right to get it at the contract prices, but were permitted to get coal a higher prices

Mr. UNDERWOOD. I do no say that the orders in council amounted to that, but the effect of the orders in council was that, and I have heard of a number of instances. My friend from South Carolina [Mr. DIAL] testified about one just a moment ago. If the Senator from Wisconsin wants him to, the Senator from South Carolina can tell the name of the party concerned.

Mr. LENROOT. I am very sure there has been nothing done by anyone in connection with the Government, voluntarily or otherwise, which had any such purpose or any such effect.

Mr. UNDERWOOD. I will not charge to the Government a purpose, because I can not prove that, but I will charge to the Government the effect, and my witness is right here. The Senator from South Carolina gave me the names of the persons, and I have heard of other instances. The Senator named the people to me the other day to whom that very thing happened. So I am not lacking a witness as to the result.

Mr. LENROOT. The Senator understands there is no power vested——

Mr. UNDERWOOD. I know there is no power. There is no power provided in the pending bill. There is no power now, and there will not be any when the pending bill is passed, but those people thought there was power, and acting under what they thought they obeyed it.

Mr. CUMMINS. The only way in which the condition suggested by the Senator from South Carolina [Mr. DIAL] could be brought about was when a coal operator was willing to violate his contract.

Mr. DIAL. I beg the Senator's pardon. The operator is willing to carry out his contract.

Mr. CUMMINS. Why did he not carry it out?

Mr. DIAL. They will not give him the cars to carry it out.

Mr. CUMMINS. There are not enough cars to carry all the coal that is being offered for the market. You can not make five cars do the business of twenty.

Mr. DIAL. I had two conferences with the operator yesterday, and he is anxious to carry out his contract, but they will not give him the cars.

Mr. LENROOT. I would like to get this straight. Does the Senator from South Carolina say he knows of a case where the operator can get cars if he will charge $4.50 a ton, but he can not get cars if he will charge $1.80 a ton?

Mr. DIAL. I did not say he could get cars if he did charge $4.50 a ton. That is not the condition. But by the priority orders they send the coal out. They do refuse to allow the operator to fulfill his contracts with us, and they do furnish cars on priority orders and send them elsewhere, where they do get $4.50 a ton.

Mr. LENROOT. Of course, that may be.

Mr. DIAL. They arbitrarily issue these priority orders.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I yield. I am only nominally occupying the floor.

Mr. REED of Missouri. I understood the Senator to say that there is a contract for the coal at $1.90 a ton?

Mr. DIAL. That is correct.

Mr. REED of Missouri. And the man who produces the coal can not get the cars to haul it?

Mr. DIAL. That is correct.

Mr. REED of Missouri. But at the same time the man who wants the coal can get coal at $4.50 a ton and cars will be provided, but it comes from some other mine?

Mr. DIAL. Oh, no; it comes from that very mine. The Interstate Commerce Commission will not let him have cars to carry out his contract with us, but will let him have cars to take the coal at a different price and carry it somewhere else.

Mr. CUMMINS. That is because of the character of the industry. The Interstate Commerce Commission has classified the industry and the order in which preferences shall be given. It has attempted to require coal to be distributed to those points absolutely necessary for human life and for transportation. It has the power now to say that an iron and steel manufacturer shall not have coal until the wants of an electric light company, serving a municipality, are served. That is common humanity. That is the law now and has been the law for a long time and ought to be the law for all time.

Mr. DIAL. A Congressman told me just last night that one of his constituents had a contract for a set price, possibly $2 or $2.50 a ton, and that the coal dealer notified him that he would not let him have the coal on that contract but would let him have it at a price something over $5 or perhaps $6 a ton; that if he would pay him for it at that price he would let him have it, but would not let it go on his contract.

Mr. KELLOGG. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Minnesota.

Mr. KELLOGG. I will say to the Senator that shippers out on the Lakes, where there is no coal at all, have contracts for 6,000,000 tons and could not get the cars to fill the contracts.

Mr. UNDERWOOD. I want Senators who cross-question me not to be mistaken about my viewpoint with reference to the bill. I am not resisting the question that the emergency ought to be taken care of if possible.

Mr. WATSON of Indiana. Mr. President, I am very much interested in having the Senator's opinion as to how it can be taken care of.

Mr. UNDERWOOD. Stop the railroad strike and you will relieve them, but that is what you have failed to do. That is what you should have done, and what you are starting to do just to-day. The railroad strike started on the 1st day of July, and on the 1st day of September the Attorney General of the United States takes out a restraining order to control the situation. The Senator from Indiana knows that just as well as I do. Therein lay the trouble. Of course the mining troubles have been more or less serious, but they have not caused the trouble and are not causing it now. As I said, by the bill we are not going to make two tons of coal out of one, but what is needed is to get to the right place the one ton of coal that you have, and you are not getting it there.

Mr. WATSON of Indiana. I am very familiar with the Senator's idea about how the railroad strike ought to be stopped, because we have discussed that question.

Mr. UNDERWOOD. The Senator's administration has started to-day to do something.

Mr. WATSON of Indiana. But we can not stop the railroad strike.

Mr. UNDERWOOD. You are starting to-day.

Mr. WATSON of Indiana. It can not be stopped in the way in which the Senator from Alabama suggests that it be done.

Mr. UNDERWOOD. But your Attorney General has started to-day. He has taken out an injunction in Chicago to prevent interference with the operation of trains and with the operation of interstate commerce, and he is beginning to act. That is what I said a while ago. The coal strike started in April, the railroad strike started on the 1st day of July, and on the 1st day of September we are told that we must pass this bill within an hour because there is an emergency. On the 1st day of September the Attorney General of the United States begins to pursue a method to stop the railroad strike.

Now, I am not going to resist the Senator from Iowa in his effort to take up the bill after I have discussed it a little while.

Mr. CUMMINS. That is the very point. I had hoped that the Senator would allow the bill to be taken up for consideration. I expected to give my views with regard to the powers given to the Interstate Commerce Commission in the bill.

Mr. UNDERWOOD. I am perfectly willing to have the Senator to do that, but the Senator discussed the bill when he proposed to take it up. I supposed he was through, and I desire to discuss it without intending to trench on the territory of the Senator from Iowa at all. Now that I have begun it I desire to finish.

Mr. REED of Missouri. May I inquire why the bill has not been printed and given to Senators as usual? I understand there is but one copy of it here.

Mr. CUMMINS. I said, while the Senator from Missouri possibly was not in the Chamber, that I intended, immediately after bringing up the matter, to offer the Senate committee bill, which has been printed, as a substitute for the House bill.

Mr. REED of Missouri. But we would like to have the House bill so that we could see what it is proposed to strike out.

Mr. CUMMINS. There is no Senator here who, I think, would not clearly and very quickly see the only points of difference between the House bill and the Senate committee bill, because they are not difficult to point out.

Mr. UNDERWOOD. Mr. President, I have gotten far away from what I intended to say about the matter, because I have yielded my time. I was very glad to yield to other Senators. I am not standing here in opposition to those in authority trying to relieve the coal situation. I am not going to do that. But I am not going to say that they are meeting the situation with the bill when I do not think they are. They did not meet it this summer by orders in council, and there is nothing more in the bill that is now presented to the Senate than was in the orders in council this summer, except an appropriation of $250,000. This is exactly the same thing to be carried out on the same terms with the same force. Except that by law the coal shortage is recognized as an emergency, there is nothing in the bill that differs from the emergency and the power under an emergency proclaimed in the Esch-Cummins railroad law.

The Esch-Cummins railroad law said that they might use the power to prescribe priorities in shipments when an emergency existed. The pending bill gives them the right to exercise their power of priority in car service, embargoes, or other suitable measures in favor of or against any carrier or region, municipality, community, person, copartnership, or corporation in case of any emergency in the fuel line. What do all those other words mean? Nothing; not a thing. They might just as well not be written as to be here.

Mr. CUMMINS. But the Senator read only a part of it.

Mr. UNDERWOOD. I shall read it all. I read from the House bill, but so far as this part is concerned it is the same as the Senate committee bill. The only difference between the House bill and the Senate committee bill is that the House bill seeks to create certain criminal features that are not in the Senate bill.

Mr. CUMMINS. I am referring to the last part of the paragraph which the Senator did not read.

Mr. UNDERWOOD. I will come back to that and read it. Section 5 of the House bill and section 2 of the Senate committee bill are the same.

Mr. CUMMINS. Not quite.

Mr. UNDERWOOD. Substantially the same. Here is what they say. It may as well be put in the RECORD. This is all there is in the bill that confers any power of action:

> The Interstate Commerce Commission is authorized, and is hereby directed, to receive and consider the said recommendation of the Federal fuel distributor and in its discretion to issue such order or orders for priorities in car service, embargoes, and other suitable measures in favor of or against any carrier or region, municipality, community, person, copartnership, or corporation, and to take any other necessary and appropriate steps for priority in car service and for the equitable distribution of coal or other fuel so as best to meet the emergency, prevent extortion in price charges for coal and other fuel, and promote the general welfare.

Now, the fuel-administrator provision in the House bill, which is the same as the Senate committee bill under a differently numbered paragraph, simply provides that the Federal fuel distributor shall ascertain certain facts. I shall not take up the time of the Senate to go into the details of all the facts, but the facts are as to the supply of coal and the usual price charged and as to what class of persons require the coal for consumption; but when he gets that he lays those facts before the Interstate Commerce Commission. Now, I think if the Interstate Commerce Commission were given the money with which to function when they are given the power under the existing law to ascertain whether or not an emergency exists in any line, if they are compelled to ascertain whether an emergency exists, as they are compelled to do under the existing law before they grant priorities, if they had the money with which to function they would have the power to ascertain the facts in regard to an emergency.

So the power which is given to the Federal fuel distributor is, in my judgment, already in the Interstate Commerce Commission if they have the money to pay for the proper investigation. But there is no power in the Federal fuel commissioner. He is given no power. He can not fix a price; he can not order the distribution of coal under the provisions of the bill. He may be the generalissimo of your army in the end and do the directing.

Mr. CUMMINS. I agree with that.

Mr. UNDERWOOD. The Senator says he agrees with me that he has no power, none whatever. He has no more power than he has been exercising all summer without any legislation. He had some money and he had a right to make a private investigation of the facts in regard to fuel conditions, and he made it and reported on those facts. He did not have any law for it, but he did it. I am not complaining of his acts. He had the right to do it if he did not disturb the acts of other people and I have not heard that he did. He made his report.

Now by law he is to be authorized to make an investigation and report, but he is given no power whatever. The only power in the bill to control the situation is contained in section 5, which I have just read, and it merely authorizes the Interstate Commerce Commission to receive and consider, not to act upon, but to receive and consider the recommendations of the Federal fuel distributor and "in its discretion to issue such order or orders for priority in car service, embargoes, and other suitable measures in favor of or against any carrier or region," and so forth, in regard to the fuel situation. What I said, and this bears me out, was that there is nothing in that language which gives any more power to the Interstate Commerce Commission than there is in the existing Esch-Cummins law.

Mr. CUMMINS. Mr. President, will the Senator from Alabama yield for another question?

Mr. UNDERWOOD. I will. I am glad to yield to the Senator.

Mr. CUMMINS. I feel that I have already trespassed too much upon him.

Mr. UNDERWOOD. Not at all. I am glad to learn the Senator's viewpoint. If I am wrong about this matter, I should be glad to find it out.

Mr. CUMMINS. The section of the bill which the Senator from Alabama has just been considering, eliminating intervening phrases which are not applicable to this question, provides that the Interstate Commerce Commission shall have the power to issue priority orders and to lay embargoes to prevent extortion in the sale or disposition of coal. That is the only new language that is put into this proposed law as compared with the existing law; and if that will not accomplish the purpose then, of course, the law would be of no value.

Mr. UNDERWOOD. But it does not say that, according to my construction. It is true that it does say that the existence of an emergency, a part of the emergency being exorbitant prices for coal, is the reason the commission may impose an embargo; but what is the embargo they can impose? The only embargo they can impose or which they have any power to impose is to say that no freight cars shall go across a certain track. That is the only embargo that they can levy, and that is an embargo which they have the power to provide now under the Esch-Cummins law, just exactly that same power. The Esch-Cummins law says they can use this power in an emergency. Of course, I do not think this particular kind of an emergency was contemplated; we were looking more to war emergencies; but the language covers any emergency. So, if there is a shortage of coal in the United States, as there is, and people are in danger of being frozen to death, I do not think it is necessary for us to pass a statute to tell the Interstate Commerce Commission that an emergency exists. We have known that this emergency existed for two or three months, and the Interstate Commerce Commission have known it. They do not have to be told by law that it exists. Every man, woman, and child in America knows that the emergency exists.

Mr. NELSON. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Minnesota.

Mr. NELSON. I call the Senator's attention to lines 20, 21, 22, and 23, on page 2 of the bill. I will quote the words:

> and to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal or other fuel at prices unjustly or unreasonably high.

I think that is a power that is not found in the Esch-Cummins law.

Mr. UNDERWOOD. I was referring to the House bill. The Senator from Minnesota refers to the Senate bill, which I will come to in a moment, but I do not think they materially differ.

Mr. WATSON of Indiana. Will the Senator from Alabama permit an interruption?

Mr. UNDERWOOD. Yes.

Mr. WATSON of Indiana. I think that that part of the sentence, I will say to my friend from Minnesota [Mr. Nelson], relates back to the power previously granted by the first part of the sentence, which reads:

> and other suitable measures in favor of or against any carrier, or region, or person, or corporation, and to take any other necessary and appropriate steps for the priority in transportation and for the equitable distribution of coal or other fuel so as best to meet the emergency and serve the public interest, and to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal or other fuel at prices unjustly or unreasonably high.

This is all to be done by priority orders. The clause quoted by the Senator from Minnesota relates back to the first part of the sentence. If the Senator from Alabama will permit me further, in reading that particular section I myself was at first somewhat confused because the words which the Senator from Minnesota read taken in and of themselves have no relation to priority orders and confer an authority which I scarcely think our Constitution would warrant, but the words refer back to the power to issue priority orders.

Mr. UNDERWOOD. I presume the Senator from Minnesota meant that the words referred back to the preceding clause, because I think we are all agreed that the only power that is given under this bill to the Interstate Commerce Commission is the power to regulate the movement of trains, but I wish to say that if this were really a direct attempt to fix prices I think it would be clearly unconstitutional.

We are all familiar with the recent decision in regard to a law enacted by Congress only a few years ago which attempted to provide a limitation as to the age at which children might be employed in industry and to enforce the regulation under the power granted by the interstate commerce clause of the Constitution. The Supreme Court said that we could not do that; that we went beyond the domain of the power conferred upon Congress by the Constitution when we sought to go into the States and to provide limitations as to the age at which a child might labor in a factory. The same logic would lead to the same conclusion if we should undertake to say at what price the product of labor in factory or in a mine might be sold.

There is no distinction between the two instances in my mind, but whoever drafted this bill evidently had that decision in mind and attempted to avoid it. There is not one line in this bill where the direct authority is given to fix prices. There are some criminal features in the bill, but they do not extend to the question of fixing prices; they go to the question of whether a man tells the truth in any representations made to the fuel distributor. There is, however, nothing in the bill to prevent any man in the United States who has coal for sale demanding $50 or $100 a ton for it.

I am not criticizing the author of the bill for leaving it in that shape, for if he had sought to confer that power there he would, under the decision to which I have referred, have destroyed the effect of his bill; he would have made it unconstitutional. But this bill seeks to accomplish the same thing by leaving it in the hands or in the minds of the members of the Interstate Commerce Commission to determine what is a fair and reasonable price. If the operator of the mine does not sell for what they determine is a fair and reasonable price, the commission will not give him cars to ship his product. That is all that there is in the bill.

Mr. CUMMINS. That is all there is in it.

Mr. UNDERWOOD. There is no difference between my position and that of the chairman of the committee in that regard; but what I am saying is that it will not be effective and it will not accomplish the result desired.

Mr. CUMMINS. Mr. President, will the Senator permit me to read while we are considering that matter the language contained in the Senate bill, which I think is a little better than the language of the House bill?

Mr. UNDERWOOD. I prefer the Senator's bill, I may say, and I will vote for his substitute.

Mr. CUMMINS. I think it leaves no doubt with regard to the authority conferred. Whether it be constitutional or unconstitutional can be determined hereafter. Section 2 of the Senate bill reads:

> That the powers of the Interstate Commerce Commission * * * are during the aforesaid emergency enlarged to include the authority to issue in interstate transportation of coal or other fuel orders for priorities, embargoes, * * * to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal or other fuel at prices unjustly or unreasonably high.

Mr. WATSON of Indiana. That means, does it not, by priority orders?

Mr. CUMMINS. That is what it says.

Mr. WATSON of Indiana. Precisely.

Mr. CUMMINS. The language does not admit of interpretation, for it says that the authority of the commission is enlarged to include the power to make a priority order or establish an embargo "to prevent upon the part of any person," and so on, "the purchase or sale of coal * * * at prices unjustly or unreasonably high." There may be an interpretation of the present law that would give that authority, but I do not think so.

Mr. UNDERWOOD. I do not say that the present law gives the commission the right to fix prices; the Senator misinterprets me. I say that there is nothing in this bill that gives any power that is not already contained in the present law, and the present law provides that when an emergency exists the commission may exercise the right to impose embargoes so far as train service is concerned. I am not quoting the language accurately, but that is the substance of it. It gives the commission authority to provide priorities in shipments. I do not say it uses the word "embargo," but it uses the language "priority of shipments." However, I have the law now before me, the Senator from West Virginia [Mr. Sutherland] having kindly brought it to me, and I should like to read it into the Record. I read from the act approved February 28, 1919, entitled:

> An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled "An act to regulate commerce, approved February 4, 1887, as amended, and for other purposes."

The act is called the "transportation act of 1920," but is generally known as the Esch-Cummins Act. Section 15 of that act reads as follows:

> (15) Whenever the commission is of opinion that shortage of equipment, congestion of traffic, or other emergency requiring immediate action exists in any section of the country, the commission shall have, and it is hereby given, authority, either upon complaint or upon its own initiative without complaint, at once, if it so orders, without answer or other formal pleading by the interested carrier or carriers, and with or without notice, hearing, or the making or filing of a report, according as the commission may determine: (a) To suspend the operation of any or all rules, regulations, or practices then established with respect to car service for such time as may be determined by the commission; (b) to make such just and reasonable directions with respect to car service without regard to the ownership as between carriers of locomotives, cars, and other vehicles, during such emergency as in its opinion will best promote the service in the interest of the public and the commerce of the people, upon such terms of compensation as between the carriers as they may agree upon, or, in the event of their disagreement, as the commission may after subsequent hearing find to be just and reasonable; (c) to require such joint or common use of terminals, including main-line track or tracks for a reasonable distance outside of such terminals, as in its opinion will best meet the emergency and serve the public interest, and upon such terms as between the carriers as they may agree upon, or, in the event of their disagreement, as the commission may after subsequent hearing find to be just and reasonable; and (d) to give directions for preference or priority in transportation, embargoes, or movement of traffic under permits, at such time and for such periods as it may determine, and to modify, change, suspend, or annul them.

Then the next provision relates to time of war, which does not exist to-day.

There are the civil provisions. They relate to the commerce of the country. I should like to know if the movement of coal is not a part of the commerce of the country? The law expressly gives them the right to institute an embargo; and what does an embargo mean? To prohibit anybody desiring to move an article of commerce from having a train in which to move it. It gives them the right to give priorities in shipment. There is not one thing either in the Senate bill or in the bill passed by the House that is not included in the Esch-Cummins law, which I hold in my hand, so far as power is concerned. The only difference is that in this bill an emergency is defined to be a lack of fuel in the country, and the Esch-Cummins law says "in an emergency" without defining it.

I say it is idle to define a lack of coal in the country as an emergency, when every man, woman, and child in America knows that it is an emergency when people do not get it freely. So this bill does not add a particle of power to the present law, and it does not give a particle of power to this fuel distributor. All he needed was some money. We can give the money to my friend, the Senator from Indiana [Mr. WATSON], without any power, and he will ascertain the facts for the information of the commission just as advisedly as this fuel distributor after we pass this bill; and, in fact, as I said, the fuel distributor, Mr. Hoover, under orders in council—he did not have the authority of law, but he had some money, and he had the approval of the administration—went out and ascertained the facts himself this summer, and I am not criticizing him for doing it. I am not saying this by way of criticism of him. I am merely saying that he did do it, and nobody objected to his doing it, and that he can not do a single thing under this bill more than he has already done this summer.

Mr. WATSON of Indiana. Mr. President, will the Senator permit an interruption? I took the position awhile ago that I agreed with the Senator about the power, but the Senator from Iowa [Mr. CUMMINS]—whose judgment I am always prone to accept on matters of this kind—takes a different view; and I want to ask the Senator from Iowa whether the Interstate Commerce Commission have not said that they do not possess this power under existing law? That has been my understanding.

Mr. CUMMINS. Mr. President, I do not believe that the commission has declared in a formal way what its power is with respect to this subject; but I know informally—it can be easily verified by referring to the hearings and the testimony of Mr. Aitchison before the House Committee on Interstate and Foreign Commerce—that the majority of the commission have grave doubts, at least, with regard to the power of the commission to lay an embargo simply because the mine operator or the dealer in coal is exacting unreasonable and extortionate prices; and I know that the commission will not exercise that power unless we give it in the way in which it is provided in this bill.

Mr. WATSON of Indiana. There is just the point, I want to say to my friend from Alabama. I was perfectly satisfied that the commission had all the power we seek to grant by this special measure, as is the honorable Senator; but my understanding was—and I got it from the chairman of the committee—that the Interstate Commerce Commission held a different view and would not undertake to exercise these powers, because they thought they did not have them. Inasmuch as the Senator believes they have them, and I believe they have them, why do we not give them to them?

Mr. UNDERWOOD. I have not said yet that I was going to vote against this bill. I told the chairman of the committee a while ago that I was going to vote for his Senate amendment as a substitute for the House bill. I think it is a better bill in some respects. There is not much difference; but, at any rate, the Senator from Iowa puts a limitation on it.

Mr. WATSON of Indiana. If the Senator will permit me, my objection to the bill is not the one that he has raised so much as that we do not get at the dealers.

Mr. UNDERWOOD. How are you going to get at the dealers?

Mr. WATSON of Indiana. Well, there you are; and yet, if the dealer is the man that is putting up the price, if he is the man that is profiteering, or if a speculator gets hold of the coal, there is no way in which you can get at it by a priority order, except in special instances.

Mr. UNDERWOOD. So far as this case that I referred to a while ago is concerned, this child-labor case, United States against L. Cohen Grocery Co., in Two hundred and fifty-fifth United States Supreme Court Reports, there is your red flag. You can not pass that case in interstate commerce.

Mr. CUMMINS. Mr. President, I want to remark upon the observation just made by the Senator from Indiana. I do not want the impression to get out that this bill will not reach some dealers.

Mr. WATSON of Indiana. I said, "except in special instances."

Mr. CUMMINS. I think probably in the majority of instances. That is, the dealer who is shipping coal from one State to another will be reached by this bill just as completely as the operator will be reached; but when a dealer gets coal in a city or town, and then begins to sell that coal to the consumer at an unfair price, I do not believe that this bill will reach him, and I do not believe that the Federal Government ought to attempt to reach him. If the State is so careless of the interests of its citizens as not to supply that remedy, then there can be no remedy.

Mr. UNDERWOOD. I will say to the Senator that so far as a dealer is concerned, if he is a shipper, this bill can reach him by not letting him have the cars to ship his products; but that is the only way in which it reaches anybody.

Mr. CUMMINS. That is the only way.

Mr. UNDERWOOD. There is no power in either one of these bills to affect anybody that tells the truth. There are some powers in the House bill—not in the Senate bill—to prosecute a man criminally if he misrepresents facts; but in neither bill is there any power at all except the power given the Interstate Commerce Commission to withhold cars for the shipment of fuel unless the man acts within reason. I say that there is nothing in the bill that is not in existing law, the Esch-Cummins law, except this: The mere question of appointing a fuel commissioner to ascertain a fact does not do anything. The Interstate Commerce Commission could ascertain the facts as to whether or not a necessity existed if they had the money to pursue the inquiry. There is nothing in this bill but an appropriation of $250,000 in addition to existing law. That is all that there is in it; and I want to say this:

I believe that there ought to be priority of shipments in this country, as far as coal is concerned, to people who are suffering. If there is any class of people in this country who are likely to suffer because they are not going to get coal, I am in favor of dividing up the coal of the country, if we can, and taking care of them. I should dislike very much to see the power given in this bill to favor one industrial enterprise over another, to say that John Smith can run his business because it is more important than that John Brown should run his. I think when you take that position you have gone beyond the scope of the emergency which exists, and will probably do innocent people a good deal of harm. You will have a chance for the exercise of favoritism where there is no real emergency.

The emergency that exists in this case is the fact that the transportation system of the United States broke down because of a railroad strike. If it had not been for the railroad strike, this condition could have been largely taken care of this summer. I know I can say this: Although there has been a strike in the mines, most of the mines are in operation now; but there are some mines where there has been no strike. I know that in the State of Alabama there has not been any strike in the mines and the operators in the State of Alabama have not been charging any exorbitant prices, because they agreed with Mr. Hoover and the orders in council on the price for which they should sell their coal, and it is admitted that they lived up to it to the letter; and yet every day now, and for weeks past, I have been getting telegrams asking me to try to get their cars moving. The fronts of their mines are choked with cars, and when they are filled they are not moved away so that they can put in other cars. They are not moved out of the district to the people who want coal, and the production of coal has been cut down in a district that was ready to produce coal, anxious to produce it and ship it to the people of the United States, not because the miners were not digging coal, not because the operators were asking exorbitant prices—for they accepted the orders in council, passed by your administration, as to what they should sell for—but because the railroads did not function and were unable to put their cars at the end of the tipple so that they could move the coal; and right now that condition exists. It has existed all summer to a greater or less degree, and it exists now.

I had a letter this morning from one of the largest producers of coal in Alabama, complaining that he could not get his cars moved to the place of their ultimate destination, in accordance with the orders of the Interstate Commerce Commission, and in accordance with the orders that you put in this bill.

Mr. President, all I have risen to say is that I am not here to resist any remedial legislation that may relieve the people of the United States from a distressed condition; but I am not going to vote for this bill and tell the people of the United States that I am granting them relief when there is no relief in the bill. There is nothing in this bill that we have not had in the law all summer, and there is no use in trying to fool anybody about it.

Mr. TOWNSEND. Mr. President——

Mr. UNDERWOOD. Just one sentence: The difficulty so far as the strikes are concerned is ended. We have some shortage of coal, but the miners will go back to work and get out the coal as soon as they can. Most of them are back at work. The difficulty that is confronting us is the movement of cars to carry this coal to the people of the United States, and there is not one line or one syllable in this bill that affects that situation, and no legislation has been brought before the Congress that affects that situation.

Mr. CUMMINS. Mr. President——

Mr. TOWNSEND. Mr. President, I wanted to ask the Senator what his remedy was—what suggestion he had to offer as to a remedy?

Mr. UNDERWOOD. I will state it to you very candidly. Both Senators—the Senator from Iowa and the Senator from Michigan—served with me, or I served with them, on the Committee on Interstate Commerce of the Senate when the Esch-Cummins bill was passed. We put in that bill a provision for a labor board to determine what was a fair and just and reasonable wage on interstate railroads, and what were fair operating working conditions for the men. We put teeth in that bill, as we reported it to the Senate. We had the teeth in the bill to make it operative, and I stood with Senators on the other side. It was their bill. There were some on this side like myself who gave them the opportunity to pass it, or it would not be a law to-day; but when they carried it to conference, they eliminated from the bill the provision granting power to make it effective and brought back an empty shell.

That is what is the matter with this situation. If they had kept the power in that bill we would not have had the transportation system of the country tied up to-day.

Mr. TOWNSEND. What power, and how could it be exercised, and why does the Senator think it would cure the trouble now if it had been kept in the bill?

Mr. UNDERWOOD. Because the power to enforce the decree of a court is the only thing that makes the decree of a court of value in the first instance, and when that bill was reported all four Senators sitting before me declared that it should be unlawful for men to enter into combinations to overthrow a decree of this labor board; but they brought it back from conference without that language in it.

Mr. CUMMINS. Mr. President, I agree absolutely with the conclusions of the Senator from Alabama. If the railroad bill had become a law as it passed the Senate there would have been no railroad strike, in my opinion, and if there had been an attempted strike it would not have been effectual; and I am just as much in favor of that provision now as I was then.

The bill went to conference, and for two months or more the Senate conferees attempted to maintain the Senate provisions in that respect. The House was adamant upon that subject, and, although I am now betraying a secret which possibly is not generally known, it was not until the information came to the Senate conferees that if the bill passed with the antistrike provision in it it would be vetoed that the Senate conferees yielded to the House demands and allowed the bill to pass without the provisions in it which I think are absolutely necessary to any effective railway regulation.

Mr. UNDERWOOD. Mr. President, there is no difference between the Senator and me, and the Senator gives me a piece of information I did not know before, and I do not think the country knew it before.

Mr. CUMMINS. I want to be fully understood about this matter. I had no information from the then President of the United States, but information came from sources which at least excited a great deal of doubt in my mind before we finally yielded. The Senator from Ohio [Mr. POMERENE] was on the conference committee. He knows how hard it was for us to yield, and with what reluctance we yielded.

Mr. UNDERWOOD. I am not saying this in criticism of the chairman of the Committee on Interstate Commerce. I have not said a word to-day that was intended as personal criticism of him, and I am sure he knows that. But I am talking about a fact. We are facing an issue here now. There is a distressed condition in the country. We are not dealing in theories; we are facing facts.

The Senator from Iowa may have been compelled in 1920, by the attitude of the President and the position of the conferees on the part of the House of Representatives, to surrender; I do not say he was not. But I do say that when he surrendered he left the door wide open, and failed to put up the only barrier in front of a great transportation strike in this country which could save the people of the United States from the dire conditions which are confronting them to-day.

I am not saying this in criticism; but I do say that the President of the United States has asked us for relief for the people of the United States. The Senator from Iowa, the chairman of the great committee that has these matters in charge, does not differ with me one iota in the position I am taking, and he says so.

I say it is idle to take this bill to the country and say we are going to grant relief to the American people. Senators know that we intended to put a just and fair court in the place of a strike.

It is idle for me to say that when you establish a court you are invading somebody's rights. A court can take me before it and try me for my life. The great life of the American people is at stake. When the fuel to keep them warm and the food that must go into their mouths to save them from starvation are at stake, is there any reason why you can not have a court that shall try the question as to what is a just and reasonable wage for any man? The court can take your property and your life. Do you hesitate to say that for the protection of the American people you will not establish a court which will stop this evil by determining what is a just and reasonable wage for men engaged in transportation?

For the reasons the Senator has given, there has been created a court without authority to enforce its decrees. How long would the decree of the District Court of the United States in any State of the Union last and be respected if the United States marshal did not stand with the authority to enforce it; and if anybody resists the authority of the United States marshal the whole Army of the United States stands behind the decree of the court to enforce its judgment? How long would the decisions of the highest court in the land, yea, more, the highest court in the world, the Supreme Court of the United States, be respected or stand as the law of this land if it did not have the power within itself to enforce its decrees? How long do you think this labor board, which stands as a court to determine these wage questions in order to avoid a strike, can stand and have the respect of anybody without power to enforce its decrees? It has already lost the respect of the operators and the employees. They have both spat upon it, and refused to obey its orders. How long will it continue to have the respect of the American people unless we say, by legislation, that its orders and decrees shall be enforced by the power of this great Government? If we do that, it will command respect.

I do not know what the President's position in this matter is; but that is not our affair. We can do our duty. We can pass legislation which will give force to the decrees of the court, and then, if the President does not sign the bill, the responsibility will rest with him, and not with us. That is what is needed in this case. It is not the power given to the Interstate Commerce Commission in this bill; it already has that. It is not the fact that there are some profiteers in the United States. That is not what the American people are suffering from. They are suffering, first, from a lack of coal, but primarily, and above all things, from the inability to move to the man who needs it the coal we already have in the country to-day.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Minnesota?

Mr. UNDERWOOD. I yield.

Mr. KELLOGG. The Senator knows that the President, as a member of the Senate, voted for the clause in the Esch-Cummins bill which passed the Senate, which provided that conspiracies to interrupt interstate commerce in violation of the orders of the labor board were illegal.

Mr. UNDERWOOD. Of course I do.

Mr. KELLOGG. The Senator knows I voted for it, and supported it.

Mr. UNDERWOOD. Certainly. I had no doubt whatever about the attitude of the President of the United States in this matter until this afternoon, when the chairman of the Interstate Commerce Committee, perhaps when the Senator from Minnesota was not present, stated on the floor that it was because of the possible attitude of the President of the United States that he had to yield when the matter was in conference.

Mr. CUMMINS. That was the President of the United States in 1920, Woodrow Wilson.

Mr. POMERENE. Mr. President, as I have been referred to in this connection, I want to say that I realize that after a period of two years a man's memory may be somewhat hazy, but not until perhaps yesterday or the day before had I learned—and I think my information came from the Senator from Iowa—that it was due to the position of the President of the United States that the Senate conferees had to surrender their position.

Mr. CUMMINS. Mr. President, I had no communication with the President at that time, directly or indirectly, but during the long period in which the conference committee considered the bill in 1920 two things happened. The Senator from Alabama and the Senator from Ohio will remember that the Senate provided a labor board consisting of five members, all of whom were to represent the public, to be appointed by the President, a board with substantially the same jurisdiction which the labor board as now constituted exercises. That was the bill as it passed the Senate. That bill also provided that it should be unlawful to enter into a conspiracy or by concert strike in order to coerce employers in disregard of the decisions of the labor board, or with respect to any dispute of which the labor board had jurisdiction. After we had threshed that out in conference for weeks and weeks, gentlemen whom I shall not name, but who were high in the confidence of the labor people and of the railroad administration, indicated to me that unless we yielded upon those points the President might find it difficult to sign the bill. I have never had and did not have any direct information upon that subject. But the Senator from Ohio will remember that it was at the very last moment that we changed the composition of the labor board, providing three members to represent the public, three to represent the railroads, and three to represent the men.

Mr. POMERENE. I do not think the Senator from Iowa understood what I intended to say. I agree with him that the Senate conferees were obliged to surrender their position with respect to the penal provisions, and we came to that conclusion after perhaps seven or eight weeks' work in conference. We came to the conclusion that we had to surrender or there would be no legislation upon the subject.

But what I intended to say is that it was not until perhaps a day or two ago that I learned that the impelling cause was the position of the President with respect to a possible veto of the bill. I realized that the views of the House conferees were such that it was impossible to get an agreement to the Senate provisions. That is all I intended to say upon the matter.

Mr. CUMMINS. The Senator is quite right so far as being compelled to accept the views of the House upon these points or get no bill. The President had said that the railroads would be returned to their owners on the 1st day of March or the 28th day of February. It was absolutely necessary to have legislation upon the subject. Whether I was well advised or accurately advised I do not know; but I do know that I was advised that even if the House were to agree to our provisions, it would be doubtful whether the bill with those provisions in it would receive the approval of the President.

Mr. UNDERWOOD. Mr. President, the Senator is speaking of a matter about which I know nothing, and this evening is the first time the information ever came to me.

Mr. CUMMINS. And it is not at all material to this controversy, I may say.

Mr. UNDERWOOD. No, it is not, and I did not say what I have said this evening in regard to the matter at all in criticism of the Senator from Iowa or the House conferees. I know the distressed condition which was facing them in regard to the legislation they had in hand. I am not saying anything contrary to that.

But what I do say with reference to the pending bill is that nothing is being done in passing the bill to relieve the situation. Senators may talk about profiteers, and there may be some. There are usually that kind of men whenever we go into the lines of commerce, but they do not represent the great body of men in any class of business. They do not represent them in the coal business nor in any other business. There are some unlawful men everywhere in life, and some greedy and some grafting men, but they are few, and that point does not go to the real keynote of the situation. The issue confronting the American people in the shortage of fuel to-day is the motive power to move the coal we have to places of consumption. If we had that power we could move the coal. There would be enough coal in the country to keep the people of the United States from freezing. There might be some great factories which would suffer, but there is enough coal to keep every man in the Northwest from freezing if we move the coal; but if we do not move the coal within the next 30 days they will freeze.

There is but one way in which to move that coal, and that is for the Government to function in regard to the railroad strike. No matter what may have been the difficulties which confronted the chairman of the committee or his party or the members of the committee two years ago, no matter whether those conditions confront them to-day, I say the responsibility rests upon them before this Congress adjourns to bring in legislation that will meet the condition of the railroad strike, and that they can not go to the country and say that the fuel administrative bill, which amounts to nothing, meets the situation.

I have served on the committee with the Senator. He commands control of the committee. If the Senator is willing to bring in a bill that will meet the strike conditions so the American people can have real relief he can count on the sustaining power of my vote and my voice, but until he does so I am going to say to the American people just what I believe, and that is that the bill now pending before the Senate effectuates nothing in the situation.

Mr. CUMMINS. Mr. President, may I take just a moment in response to the last suggestion of the Senator from Alabama? I am in favor of antistrike legislation with respect to every industry wherein the Government undertakes to do justice to the employees by establishing fair and reasonable wages. I am not in favor of antistrike legislation unless the Government attempts to substitute something better than the strike. As chairman of the Committee on Interstate Commerce, I intend to introduce bills of that character at the coming session. It is impossible to control the present strike by any such legislation. I think it would be futile, and worse than futile, to attempt to engage the attention of the Congress to that subject at this moment. We can not, by passing an act at this time, make unlawful what was lawful on the 1st day of July of the present year. I hope that no such effort will be made, and I am sure none will be made. I shall join the Senator from Alabama with all the energy and strength I have to bring about legislation that may in the future prevent a recurrence of the disastrous situation which now exists.

Mr. UNDERWOOD. Mr. President, will the Senator yield a moment?

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Iowa yield to the Senator from Alabama?

Mr. CUMMINS. Certainly.

Mr. UNDERWOOD. Of course, I am glad to hear the Senator say that next December he intends to advance legislation of that kind, but the Attorney General of the United States to-day has said that the matter is unlawful. He has asked for an injunction to relieve the situation. I do not see that there is any reason in the world why we should hesitate a moment to give to a court, which we ourselves created, the power to enforce its decree. Why do we have to wait until after election? Why wait until after the strike? There is no occasion in the world that I can see. Now is the appointed time, and in the distressed condition of the American people we are very much more likely to have the public sentiment behind a Congress that would write into law the legislation which the Senator proposes.

Mr. CUMMINS. I am not waiting for an election. I care nothing about that. But the way in which we tried to prevent such situations as this in the transportation act as it passed the Senate was by making it unlawful to do the thing which the shopmen have done. The Senator from Alabama knows that we could not by passing any law now make it unlawful to do what the shopmen did.

So far as the equitable relief is concerned, the Government of the United States is simply seeking an injunction to restrain those who are involved in the matter precisely as nearly all the railroads of the country have sought injunctions for that purpose. They can do no more than to enjoin those who are preventing the operation of mail trains, those who are interrupting the flow of interstate commerce, from interfering with these operations.

It is true that the bill does not pretend to add a single car to the service or a single engine to the service. That is a different phase of this very complicated and perplexing problem. I have my views about the way in which it should be met. The Senator from Alabama has his views, and I think if we were to take the opinions of all the Senators we would find a very wide divergence of views with regard to the best way of adding engines and cars to the equipment of the railroad companies. The railroad companies are doing everything in their power to meet the emergency—I mean physically. They are not agreeing with the shopmen. I have not agreed with the railroad managers with regard to the matter. I have not agreed with the shopmen at times when they have declined propositions which have been made by certain of the managers. But that is not the question now before the Senate. I hope we shall find some way to add engines and cars that are now disabled.

But the pending bill is for the purpose only, during the time when we have no engines or an insufficient number of engines, during the time when our equipment of cars is insufficient to meet the needs of the public, of preventing the people who sell coal from selling it at an exorbitant price. They are charging $22 a ton in my State for coal shipped from other parts of the country into my State. They are doing it in Wisconsin and they are doing it everywhere that coal is needed. Why should we not do all we can to prevent that imposition upon the people of the country?

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield.

Mr. REED of Missouri. I was going to offer a suggestion and ask the Senator's views upon it. The Senator states that they are charging $22 a ton for coal in his State. That, I take it, is not the price at the mine.

Mr. CUMMINS. I do not mean they are charging $22 a ton for the coal at the mouth of the mine in my State.

Mr. REED of Missouri. Is the price of $22 per ton, which is paid in the Senator's State, paid to the mine or is that the price which is paid to the retailer?

Mr. CUMMINS. That means that the retailer paid some mine operator about $12 a ton at the mouth of the mine for the coal.

Mr. REED of Missouri. Outside of the Senator's State?

Mr. CUMMINS. Outside of the State.

Mr. REED of Missouri. And then $10 is added afterwards. Now, is this not the fact—I ask the Senator from his experience for information about it—that in the greater number of instances these high prices result from the retail dealers or the wholesalers adding to the price and taking advantage of the people's necessities?

Mr. CUMMINS. I think to a considerable extent that is true.

Mr. REED of Missouri. This bill will not touch that?

Mr. CUMMINS. Not at all; that is, it would not affect the retail dealer who sells to consumers, but I assume that if the States are at all careful of the interests of their citizens they will take care of that part of the problem.

Mr. REED of Missouri. I simply wish to make one statement. In an investigation which was conducted by the Manufactures Committee over a year ago it was very clearly demonstrated that the household consumers, and even the manufacturing consumers, in some instances, in certain of the States, were being charged outrageous prices. I recall there were figures from towns in Wisconsin and towns, I think, in Iowa, and, possibly, in Minnesota, which demonstrated that the consumer was paying $15 and, I think, $20 a ton for a short time for coal. At the same time the figures also demonstrated that, speaking broadly, the mines had not increased their prices to a very great extent. There were small mines opened up which charged whatever they could get for spot coal, but their output was only a small part of the production. There was a considerable quantity of coal that was gotten hold of by speculators who bought up the spot coal and advanced the price to retailers. However, the result of the investigation left the conclusion very clear in my mind that 90 per cent of the increases in the price of coal—I mean the large, abnormal increases—occurred after the coal had left the mines, through the high profits charged by certain wholesalers, plus those of the speculators who cornered the free coal in the market, and then plus the energetic price raising of the local distributer.

All of us are alike anxious to remedy this condition, so far as we can within the just powers of Congress, but here is a bill which proposes to fix the price of coal at the mine, and to deny the mine owner who charges a larger price than that which is regarded by somebody—the fuel commission or some other board—as just, the right to ship his coal at all.

With the purpose of this legislation to afford relief I am in most hearty accord, but I wish to call attention to two or three facts which we can not ignore. First, the bill will not for a moment stop the speculator from operating. He can buy coal at the mouth of the mine. If the price fixed, we will say for illustration, is $3, the mine can sell it to the speculator for the $3, and may sell it in good faith, and if he can then buy up the coal he can charge whatsoever price he desires, and can ship it or have it shipped by the mine to the State of Iowa where he will receive it and then charge the retailer or the ultimate consumer an outrageous price for it.

Mr. NELSON. Will the Senator from Missouri allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED of Missouri. I do.

Mr. NELSON. The Senator from Missouri is a good lawyer, as is the Senator from Alabama, but his argument is in the nature of a plea in abatement. It has always been the rule in such cases that the man who made a plea in abatement should show a better remedy. It is the basis of the common law that for every wrong there is a remedy. The Senator from Missouri now proceeds to indicate what is likely to happen; he specifies the details of the emergency. Now, I ask him is there any remedy for this situation, or what suggestion does the Senator offer to remedy it?

Mr. REED of Missouri. Mr. President, the Senator from Minnesota evidently thinks because I am pointing out the defects of this bill that I am against trying to do anything; but if I shall succeed in pointing out the defects of the bill, possibly we may then find a way to remedy them. I am pointing to the fact that the effect of this bill begins and ends at the mine.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. REED of Missouri. Yes.

Mr. LENROOT. The Senator from Missouri has stated, as I understood him, that under this bill a man might buy coal at the mines for $3 a ton, ship it to the State of Iowa——

Mr. REED of Missouri. Have it shipped there to him by the mine.

Mr. LENROOT. Very well; have it shipped there to him, and then sell it at an exorbitant price. If he is not engaged in interstate commerce, the State of Iowa can regulate the price, can it not, and if the transaction is one in interstate commerce this bill will take care of the situation, will it not?

Mr. REED of Missouri. I do not know whether or not the State of Iowa can regulate prices; I do not think the State of Iowa, by any direct process, can regulate the price of an article which a citizen has for sale. But let me proceed step by step and perhaps we will not be so far apart when we all get through. I am pointing to the fact that the only regulation in this bill is the denial of cars to a mine which charges more than a certain price.

Mr. LENROOT. Will the Senator yield again?

Mr. REED of Missouri. I yield.

Mr. LENROOT. It is not only to a mine but to any person who buys or sells.

Mr. REED of Missouri. Well, we intend it to apply to the mine.

Mr. LENROOT. I am speaking of the terms of the bill.

Mr. REED of Missouri. I do not care what terms we read into the bill. The easy way to avoid that suggestion is for the man to buy it at the mine and at the price of the mine owner and then have it shipped to another State. Does anybody claim that this bill would deny that man the right to sell that coal for whatever he could get or deny him cars in which to ship it?

Mr. CUMMINS. Mr. President, I can only give my view of the possible operation of the bill. In the case put a speculator or dealer—and sometimes they are the same person—buys of the mine at a fair price; he ships in interstate transportation to a point in the State of Missouri to the city of St. Louis, for instance, and proceeds to sell that coal at an exorbitant, an extortionate price. I do not believe this bill would control or could control that particular shipment, but the next time that man sought to transport coal in any State he would not get cars with which to do it; that is all, and in that way the bill would control.

Mr. REED of Missouri. This is what he would do upon the instant: If his name were John Smith and the first coal had been billed to John Smith, the second shipment of coal would be billed to William Jones.

Mr. CUMMINS. All laws may be evaded; I have never known one that could not be.

Mr. REED of Missouri. I am talking about a thing that is so obvious that its evasion is absolutely certain. I think the Senator will get back to this, that in the practical operation of this bill the speculator will say to the coal mine owner, "What are you charging for your coal?" A price will be stated which is below the price declared to be reasonable, and the speculator will get his cars. When he gets those cars he will consign them, we will say, to a citizen in Des Moines, Iowa, and when the cars reach Des Moines, Iowa, and the coal gets into the hands of the individual, he will charge whatever he thinks the market commands. The question as to what the State of Iowa may do under such circumstances is quite another question which I do not want to mix with this. I have some views along that line to which I may give expression later.

Mr. POMERENE. Mr. President——

Mr. REED of Missouri. I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, I thank the Senator. I have not made up my mind as to what ought to be done. I am certainly anxious to bring relief if we can get it. I probably shall vote for this bill, but I see some difficulties in the way. I do not think it would meet a situation like this:

Let us suppose that $3.50 is a reasonable price at the mouth of the mine. If the operator was charging that price there would be no objection. But let us suppose that some large consumer of coal goes to the mine and finds out that the operator has contracted his output at $3.50, and this consumer says, "Look here; I must have coal, and I am willing to pay you $7 a ton for this coal at the mouth of the mine. You are having cars for your output. You bill those cars to me, and here is the cash."

How are the Interstate Commerce Commission going to find out about that? Of course, they can subpœna witnesses; but I fear that if you have an operator who is willing to take $7 under those circumstances, and you have a customer who is willing to pay it, they are going to defeat the operation of this bill. I fear that is so.

Mr. BORAH. Mr. President——

Mr. POMERENE. Pardon me just a minute. This is not an idle suggestion. I know that several years ago that was done, and that some operators excused themselves by saying, "We were offered $12 and $15 at the mouth of the mine. The cash was put in our hands. Did you expect us to resist the temptation?"

Of course, I understand that under the bill, or perhaps under the commerce act, the Interstate Commerce Commission would have authority to subpœna witnesses if they knew that this infraction of the law was taking place. I know, of course, that it may be said that anybody can violate the law. I do not know that this is sufficient reason to vote against it. I realize that the difficulty here is largely one of transportation. Many operators—in fact, most of them—are honorable and are willing to accept reasonable prices. I have heard it said that 70 per cent—I think a larger per cent—would be willing to do that; but there is a certain other small percentage that will not comply with what is a reasonable price. I know that; and the scarcity of cars, while it hampers the law-abiding operator, furnishes the opportunity for the man who will fail to comply with it. There can not be any question about that.

I am uncertain as to what good may come from this legislation.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. BORAH. I thought the Senator from Ohio had the floor. I was going to ask him a question.

Mr. REED of Missouri. I yield to the Senator.

Mr. BORAH. I have only had time to read this bill within the last hour, and I do not either criticize or eulogize it at this time. It is perfectly clear to me, however, that unless there is very active cooperation on the part of the States—unless the governors call their legislatures together and take action in regard to it—the people will be greatly disappointed as to the effect of this law. As stated by the Senator from Iowa [Mr. CUMMINS] this morning with his usual candor, it is not expected that this will solve the question. It is only a help; it is only an aid, and to that extent it may be justified; but there will not be any successful control of the matter of profiteering or of unreasonable prices unless the coal-mining States take hold of it and deal with it at the mouth of the mine.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. REED of Missouri. Yes.

Mr. LENROOT. May I ask the Senator how far he thinks the States could deal with the matter in so far as it involves interstate commerce?

Mr. BORAH. I said "unless we had the cooperation of the States." Of course, we must take charge of the interstate-commerce part of it; but we can not reach the retailer, and we can not reach the man who wants to sell to the retailer who is shipping, if they have a combine between themselves.

Mr. REED of Missouri. Mr. President, part of what I was going to say——

Mr. WATSON of Indiana. Mr. President, will the Senator from Missouri let me ask the Senator from Idaho a question?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED of Missouri. Yes; I always yield.

Mr. WATSON of Indiana. In the opinion of my friend from Idaho, who is a very able constitutional lawyer, how far can the State legislatures go in fixing the price that the dealer shall charge for coal when he sells it to the consumer or that the middleman shall charge when he sells it to the dealer?

Mr. BORAH. Mr. President, I do not know how far they can go in the various States. I know that so far as my State is concerned, under the provisions of its constitution they can practically control the price if it is a commodity which is impressed with a public service.

Mr. REED of Missouri. Mr. President, my desire is to help, as far as possible, to solve this difficulty. I have no stubborn or opinionated position that I want to maintain; but before you can apply a remedy to any case you must first diagnose the case, and without arguing against this bill let me say that after some study of the coal situation my judgment is that this bill does not reach the present cause of our troubles; and if I am right about that, all of us want to apply the remedy.

The fact is, without giving detailed figures—although I can give them—that the coal mines that are now open in this country, run at full capacity, will produce nearly 25 per cent more coal every year than we use; and when I say "run at full capacity" I do not mean at the absolute 100 per cent maximum, but at the practical working capacity of a mine.

Mr. POMERENE. More than that.

Mr. REED of Missouri. The Senator from Ohio corrects me, and says it is more than 25 per cent. I can give the figures and shall, perhaps, to-morrow; but for the present, in this interesting colloquy where we are not trying to make speeches but trying to consult, let me merely express this view:

These bituminous coal mines are over 11,000 in number. There are over 7,000 independent operators. There was no evidence, in the long hearing we had before the La Follette committee, of any combination between mine-owners for the purpose of fixing prices or limiting output. I am speaking now of bituminous coal; please bear that in mind throughout, and I shall not be speaking of anthracite coal at all unless I specifically say so. It was further in evidence that whenever there came a great shortage of coal, and prices mounted rapidly, large numbers of what were known as "snow-bird" mines came into the market, and that over 1,000 of these so-called "snowbird" mines—which are small mines, frequently operated by the farmers who own the land, or by some one who owns a little mine that he does not work all the time—over 1,000 of them came into operation along the line of the Pennsylvania Railroad alone within one year's time, when the price of coal had become very high; but—and I want to call particular attention to this—they came in because the spot coal market was controlled, and the price had become very high, and they could afford to mine this coal by expensive methods and market it by hauling it in with wagons and all sorts of devices which were employed to get it to the market. Necessarily, it cost more than the other coal. Nevertheless, when it came in it broke the market, and brought down the price of coal. Without stopping to argue the matter, I simply point out that this bill, if it goes into operation, will prevent the production and marketing of that particular coal.

Mr. CUMMINS. Mr. President, may I take up the matter at that point, and say a word?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED of Missouri. Yes.

Mr. CUMMINS. Let us deal with the facts as we know them; and I do not controvert a single statement made by the Senator from Missouri. I do controvert the conclusion which he just drew.

Less than half the normal production of bituminous coal has taken place since the 1st of April of this year. We ought to produce 800,000,000 or 900,000,000 tons per year. We have been producing at the rate of about half that. That is the first fact. Now, if we will assume—which the Senator assumes, and I think he is right about it—that the bituminous coal mines are now all at work, or nearly all at work, and they are producing quite enough to supply the demand for that kind of coal day by day if the coal that is brought to the surface or could be brought to the surface during the day could that night be transported to the places at which it is consumed, I think we would have no coal shortage for any considerable length of time; probably none at all; but it can not be. In order that it shall be transported even with ordinary dispatch to the places at which it is needed, the railroads must carry, practically speaking, in three months what they have heretofore, even when in the best of condition, required six months to carry. No matter, therefore, how much coal we produce, we can not get it promptly to the places of consumption, and with the impairment that now exists in railway facilities it will be still less possible to get it promptly to these places of consumption.

I have said that simply to reach this conclusion: No matter how ample our production may be, there is bound to be a coal shortage in a great many parts of the country. We can not avoid that.

Mr. REED of Missouri. I do not agree with the Senator in that last conclusion.

Mr. CUMMINS. That is my conclusion about it. It is no more possible to move the coal from the places where it is produced to the places where it is consumed in time to meet the necessities of the people than it would be to transport it to the heavenly land.

But I come now to the point on which I differ from the conclusions of the Senator from Missouri. I do not think the enactment of this measure will prevent the opening of high-cost mines. If a high-cost mine can secure a customer for its coal, there will be no interference by the Interstate Commerce Commission. No price, considered from the standpoint of an individual producer, is too high which does not afford a fair and reasonable profit to the producer.

The Interstate Commerce Commission would not deny cars to a mine that was charging $10 a ton if it cost that mine $9.50 a ton to produce its coal, if there were ample railroad facilities. It would not deny transportation to that producer simply because he was charging $10 a ton for his coal. But if it cost the producer $1.50 to produce a ton of coal, and he was attempting to get $10 a ton for it at the mine, then the power which I think is conferred in this bill would be exercised, and cars would be refused to that producer.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from South Carolina.

Mr. REED of Missouri. I yield.

Mr. DIAL. I just want to add more confusion to the proposition. I think the Senator from Missouri is right in calling these "mushroom" mines. I saw a list of one of the large carrying roads of the South, showing that they had five regular mines, and that there were some twenty-odd new mines opened up.

Mr. CUMMINS. Mr. President, if I may interrupt the Senator from South Carolina, the Senator from Missouri very kindly yields to me for the purpose of making a request. I asked unanimous consent at 2 o'clock that the Senate should proceed to the consideration of the so-called coal distribution bill. There was objection made to that request, and I then moved that the Senate proceed to the consideration of the bill. After a conference with the Senator from West Virginia [Mr. SUTHERLAND], I understand that at this time he will not object to a request of that character, and therefore, withdrawing the motion, I ask unanimous consent that the bill be laid before the Senate, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Does the Senator from Missouri yield for that purpose?

Mr. REED of Missouri. I yield for that purpose.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel administrator, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. DIAL. Mr. President, I will conclude, with the permission of the Senator from Missouri.

Mr. REED of Missouri. I yield.

Mr. DIAL. The regular mines stated that they could not get cars with which to fulfill their contracts, since the railroad commission would allocate cars to these "mushroom" mines, and the "mushroom" mines asked a very much higher price for the coal. Therefore there is no chance to get cars to carry coal which is sold at the contract price. Hence we go around in a circle, and keep the price up on the people.

Mr. REED of Missouri. Mr. President, bearing in mind that the prime purposes of this bill are to do two things, first, to get the coal to the consumer who must have it first——

Mr. CUMMINS. No, Mr. President——

Mr. REED of Missouri. The consumer to whom it is most necessary. Surely that is the purpose of the bill.

Mr. CUMMINS. The existing law is ample in that respect.

Mr. REED of Missouri. That is the purpose of the law, then?

Mr. CUMMINS. That is the purpose of the existing law.

Mr. REED of Missouri. The second purpose is to keep the price down.

Mr. CUMMINS. That is the purpose.

Mr. REED of Missouri. Of course, you destroy the second purpose the moment you say you are going to permit cars to be sent to the mine that may have to charge $8 when another mine can produce coal for $2. You necessarily shut out the so-called "snowbird" mine.

Mr. CUMMINS. No.

Mr. REED of Missouri. However, I only mention that as an incident as I go along, and I remark in disposing of that particular thing for the present, that before this board gets through classifying mines, and passing upon the right of an individual mine to produce at a particular price, and have cars, the winter will be over, and the summer and its flowers will be here.

We have had some experience with a board undertaking to classify a mine. It had to revise its work time and time again, and when it had finished, it had produced confusion worse confounded. So that all this commission can do for quick action is to deal with this matter by general rules applicable to districts and coal fields. That is my judgment. I may be wrong about it.

Mr. CUMMINS. Mr. President, there would be great weight and force in the observation of the Senator from Missouri if it were not for the fact that for two or three months at least a fuel administration has been functioning.

Mr. REED of Missouri. Under what authority?

Mr. CUMMINS. I do not know of any authority.

Mr. REED of Missouri. Very well.

Mr. CUMMINS. It has accumulated all the facts; it knows the situation, and the Interstate Commerce Commission is informed now with regard to the conditions which exist, and it could begin to operate, and I think with justice, and immediately, and it would not require the investigation to which the Senator refers.

Mr. REED of Missouri. I will venture to differ with my friend, for whose opinions I always have the utmost respect. I venture to say that whenever a usurping body of men, I think without authority of law, starts out to accumulate some figures in advance which apply to the entire United States, this great coal problem, with its 11,000 open mines scattered over 26 States, you will find out that they will not solve the problem and that no human brain can solve it, or work it out, unless it is the result of experience stretching over a period of years. But I say again, we are stopping to discuss a question which I think is not basic.

I have already said that the productive capacity of the mines is far beyond the wants of the people. I was about to say, and now say, that there is a surplus of mine labor in this country, the exact percentage of which I can not state, but if I recall rightly there are enough miners in this country so that if they worked one-half of the time eight hours a day they could produce all the coal this country needs. That may be an overstatement of the amount of labor, but I am very sure it could be recruited to that point in a short time.

Therefore we have the condition of an unlimited supply of coal, mines open sufficient to supply the public, and miners ready to produce coal. Now we come to the question as to what Congress can do to facilitate the distribution of that coal, and that leads us to the question of how much coal can be produced. I understand it is generally conceded that between now and the time snow flies coal can be brought to the mouths of the mines, if there are cars there to receive it, and so, after all, the whole question comes to a question of transportation.

We are not undertaking in this bill to deal with transportation except in the allocation of the cars to particular mines or to particular destinations, and it is to that phase of the question, that of transportation, that I desire to invite the attention of the Senate; not for the purpose of making a speech, but for the purpose of offering a suggestion which may be thought over. What can the Congress do to get the cars to the mouth of the mine?

Obviously, the first thing is to get the railroad equipment in proper shape. Why is it not in proper shape? Because the men who have been repairing the cars and engines have quit, and because other men have not been allowed to take their places and do that work. Is not that the absolute truth of this situation? It was due to two causes until the coal strike was settled; but the strike is now settled. If we can get rid of the railroad strike, the question will be very largely solved, although I admit it will take the capacity and work of the railroads and some shifting of cars in order to get them to the mouths of the mines.

Mr. KELLOGG. Mr. President, I quite agree that the strike has curtailed the power of the railroads. It is curtailing them now. But even were the railroads at normal capacity to-day, there would have to be priority orders of the commission in order to move the requisite amount of coal to certain parts of the country during the next three months.

Mr. REED of Missouri. I do not deny that.

Mr. KELLOGG. New England and the Northwest could not be supplied with the normal number of cars unless essential industries were given priority in the movement of those cars.

Mr. REED of Missouri. I have not challenged that.

Mr. KELLOGG. Even though the roads were at full capacity.

Mr. REED of Missouri. I have not challenged that; in fact, I stated that. But those powers of allocation of cars certainly are to be found in the present law. This bill undertakes to deal with prices; that is all. Let us be frank about it. You have the power of allocation, but you want something else. You want the power to deal with prices. I want to deal with the other two questions and will lay the price question aside for the present.

We have the power of allocating the cars, and now the question is—and this is the crux of the matter—how are we going to get the necessary cars? We can not get that unless one of two things is done—that the railroad strike is settled and the shopmen return to their positions, or that the Government shall insist that the shops shall be opened and protect against any kind of interference the men who go to the shops. Now, that is just the question that is before us, and we are trying to dodge it.

Mr. CUMMINS. Mr. President, may I give the Senator my view on that subject?

Mr. REED of Missouri. Certainly.

Mr. CUMMINS. I agree with the Senator entirely that the primal, fundamental question is one of transportation, and that we are met with a situation in which, let us say, 20 per cent of the engines and cars of all the railroads of the United States are in bad order. I am not attempting to be accurate about that.

Mr. REED of Missouri. I think the Senator understates it.

Mr. CUMMINS. That might understate it rather than overstate it. If all the shops of the railroad companies were filled to-morrow with competent men, or if the strike were settled to-morrow and the strikers were all taken back, it would require six months to repair the equipment of the railroad companies so that they could move traffic at their highest capacity. We are bound, therefore, no matter what is done, to have in the next three or four months a shortage of equipment.

Mr. REED of Missouri. But I think now the Senator, while making an accurate statement, nevertheless has made a statement that will not necessarily be applied here. I agree that it might take six months to bring the equipment back to its highest state of repair, but I undertake to say if the strike were settled to-morrow that in two weeks' time—of course, I am guessing at it, and in a way expressing an opinion—the freight engines and the coal cars necessary to transport the coal could be put into condition. We might have passenger engines and passenger trains and many classes of cars still out of commission, but I have no doubt that the first-class railroad men would get the cars for handling coal and the engines for hauling the cars in condition in a very short time.

Mr. WALSH of Montana. Mr. President, I would like to inquire of the Senator from Missouri or the Senator from Iowa if the Interstate Commerce Commission is not now issuing priority orders and thus allocating cars?

Mr. REED of Missouri. It is; and I am coming to that in a moment.

Mr. WALSH of Montana. That it does, I suppose, under the provision of the transportation act authorizing it "to give directions for preference or priority in transportation, embargoes, or movement of traffic under permits at such time and for such periods as it may determine, and to modify, change, suspend, or annul them." So, leaving out of consideration the price feature of the bill under consideration—let us assume that no one is going to charge any exorbitant price at all—it is a mere matter of getting the cars to effect the transportation. Why does not the present law cover all the requirements?

Mr. CUMMINS. It covers everything but the right to lay an embargo in order to control prices.

Mr. WALSH of Montana. So, then, the purpose is really not to repose in the commission a power to accomplish the orderly transportation of coal, because that is already granted, but to control transportation so as to regulate the price.

Mr. CUMMINS. I said when I began, and I repeat, that the bill will not add engines and cars to the equipment of the railroad companies. It will not add anything to increased capacity of the railroad companies to carry traffic. But inasmuch as there is an opportunity, by reason of the shortage both in carrying capacity and in coal in various parts of the country, this measure is intended to prevent coal operators, and in some instances coal dealers, from charging unreasonable prices.

Mr. WALSH of Montana. That was, as I understood, the purpose of the bill, but the discussion here has led me to believe that it was not the purpose of the bill, but that the real purpose was actually to accomplish the transportation of coal to those sections in which it was most needed as against those sections in which it was not most needed, to the essential industries and domestic needs as against nonessential industries.

Mr. CUMMINS. I think the law is ample upon that point.

Mr. WALSH of Montana. But the Senator from Iowa seems to think that in that respect the bill is but a duplicate of the existing statute. The bill would seem to give specific power to issue priorities for the purpose of controlling the price. I should like to have the Senator from Iowa, or anyone else who may care to speak on the subject, give us some clear idea concerning the basis for the exercise of any such power by the Congress of the United States.

My own judgment of the matter, if the Senator will pardon me, is in a state of uncertainty, I must confess, in view of some recent decisions of the Supreme Court of the United States. I refer, of course, to the child-labor case and others of the same character. When that legislation was first before the Senate I conceived the power of the Congress to enact the child labor law was so clear that it would be rather an offensive exhibition of erudition to endeavor to establish that proposition, but the Supreme Court held otherwise. I conceived that it was a very simple matter.

It occurred to me that at the time prior to the adoption of our Constitution each of the States exercising sovereign powers was entitled to exclude the products of any other State from within its borders if it saw fit to do so. Of course, that would be a very unwise policy to pursue, but that each State had that power I supposed no one would undertake to dispute. Now, either it retained that power or it conferred it upon the Federal Government. The power, it seems to me, was not hung up in the air somewhere. That the States did not retain that power is settled beyond question, because no State can exclude the products of another State at its will. That is solely within the power of Congress. So it occurred to me that the power of Congress in that respect must be unlimited, and if that view was correct, then, of course, Congress could pass a law practically excluding from one State the products of another State because the price charged for them was excessive in the judgment of those administering the law.

But the Supreme Court has held in the child-labor case, as I understand it, that there is no such power in the Congress to exclude the passage from one State to another of the products of the first-mentioned State, and that it has the power to exclude only those products which in some way affect the public morals or the public health or in some other way bring themselves under the control and regulation of the police powers. Obviously if that doctrine is correct, we could not prohibit the transportation of harmless products—indeed, most essential and desirable products—simply because the price was too high, any more than we could because they were manufactured by child labor, as seems to me.

I indicate how my mind is running on the proposition and should be very glad to hear from the Senator from Iowa.

Mr. CUMMINS. That subject has not been absent from my mind. It has given me a great deal of concern. I intended to discuss the bill for a brief time, including some attention to the questions of law involved in it, but I asked that the bill be laid before the Senate for its consideration, and pending that request or pending the motion which I made that the Senate take it up for consideration, the debate upon the merits of the bill began. I would be very glad to give my views upon the subject, but I do not want to give them separately from my general discussion of the bill, which I think I may be able to present to the Senate to-morrow, or, if not to-morrow, some time during the progress of the debate.

Mr. TOWNSEND. Mr. President, will the Senator yield?

Mr. REED of Missouri. I yield.

Mr. TOWNSEND. The Senator has touched upon the point which is giving me the most trouble of all. I think his conclusions are absolutely right in reference to the matter, and that it relates to transportation. But I hope before he gets through he can tell us how we can make it safe for men to work in the shops where there is a strike.

Mr. REED of Missouri. Mr. President, I appreciate the fact that the Senator from Iowa has been deprived of opening the debate as he was entitled to do, but the bill was sort of backed into the legislative program and that resulted in remarks having been made by others, and I have fallen into the error of following along. I should like to be permitted to take just enough time not to leave what I have said utterly in the air and partially stated.

As I have said, the difficulty, therefore, is one of transportation, and what we ought to be doing is not devoting our attention to the effect of the coal shortage, which may be high prices, so much as to removing the cause of the high prices, which is a shortage of coal, and the cause of the shortage of coal is the shortage of cars.

Now, I am not going to stand here and say that I have an out-of-hand solution, but I think there are enough powers in this Government and have been to have prevented this situation. It is here and I say for the moment—and I shall have more to say about the matter to-morrow or Monday—simply that I may not be misunderstood, I say that this railroad equipment must be furnished. Whether that result is to be accomplished by the railroad presidents conceding what the men want, or whether it is to be accomplished by the Federal Government saying that the movement of interstate commerce shall not be prevented, or whether it is to be worked out through the Congress or to be otherwise worked out, are questions that may require profound consideration. But that is the real trouble, so what is the use of talking about remedying that trouble by simply dealing with a symptom which springs out of the trouble itself? We ought to be courageous enough to face it. I am ready to take my share of the responsibility with the other Members of this body and with the President. However, there is one other phase of the situation to which I wish to call attention.

The Interstate Commerce Commission has the power to divert all of the cars in the United States, if it wishes to do so, to the coal-carrying trade; but the Interstate Commerce Commission is not exercising that power fully and effectively. I am prepared to prove that fact. I am not prepared to introduce any great volume of evidence this evening, but, just as a sample, I call attention to a letter dated September 1, 1922, which reads as follows:

SEPTEMBER 1, 1922.

Gen. R. C. MARSHALL,
1038 Munsey Building, Washington, D. C.

DEAR SIR: Referring to petition filed by you on behalf of the Associated General Contractors' of America for modification of service order No. 23, and on which division 5 accorded you a hearing August 25:

There is inclosed for your information copy of amendment 5 to service order No. 23, entered to-day, effective at midnight September 3, which permits of the use of open-top cars, 42 inches or less in height, for the movement of commodities other than coal. Under service order No. 23 approximately 62,000 open-top cars, less than 36 inches in height, were exempted from being preferentially loaded with coal. Amendment 5 will release approximately 34,000 additional open-top cars from this preferential loading, which we feel will, to a considerable extent, relieve the interests you represent, as well as others primarily dependent upon the use of open-top cars, for the movement of their commodities.

This action on our part should not be taken as our final word on this subject, but with the present and necessary demands for coal, it is not felt that we can consistently go further at this time. We will continue, as we have in the past, to keep in daily touch with the situation and as soon as we feel that the situation warrants action will be taken to relax our service order. We will be glad, in the meantime, if you will keep us informed of the general situation and of any exigencies which might require special attention.

Very truly yours,

CLYDE B. AITCHISON, *Commissioner.*

Amendment 5 to service order No. 23 of the Interstate Commerce Commission, referred to in the letter, reads as follows:

Amendment No. 5 to service order No. 23.

At a session of the Interstate Commerce Commission, division 5, held at its office in Washington, D. C., on the 1st day of September, A. D. 1922.

It is ordered, That the proviso in service order No. 23, entered July 25, 1922, which reads:

"*Provided,* That the phrase 'suitable for the loading and transportation of coal,' as used in this order, shall not include or embrace flat (fixed) bottom gondola cars with sides less than 36 inches in height, inside measurement, or cars equipped with racks, or cars which, on July 1, 1922, had been definitely retired from service for the transportation of coal and stenciled or tagged for other service," be, and it is hereby, amended, effective at midnight of September 3, 1922, to read:

"*Provided,* That the phrase 'open-top cars suitable for the loading and transportation of coal,' as used in this order, shall not include or embrace flat (fixed) bottom gondola cars with sides 42 inches—

The others were 36 inches—

or less in height, inside measurement, or cars equipped with racks, or cars which, on July 1, 1922, had been definitely retired from service for the transportation of coal and stenciled or tagged for other service."

And it is further ordered, That copies of this order be served upon the carriers upon whom service order No. 23 was served, and that notice hereof be given to the general public by depositing a copy of this order in the office of the secretary of the commission, at Washington, D C.

By the commission, division 5.

[SEAL.] GEORGE B. MCGINTY, *Secretary.*

Mr. President, with this coal crisis before us, with the mines open, and I am informed with many of them confronted by an actual shortage of cars, on the 1st day of this month the Interstate Commerce Commission modifies its order so as to take from the coal business 34,000 more cars suitable for handling coal than have already been taken from it.

I do not know how many cars would be included if all of those open-top cars with sides 36 inches high, as well as those with sides 40 inches high, were devoted to the coal-carrying trade; but 34,000 of them, it appears, have sides 36 inches high and less than 42 inches high; so that it is fair to assume that a very large number of cars which could be put into the coal-carrying business are now being employed in the handling of other commodities than coal.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED of Missouri. I will yield in a moment. For the sake of making the cars go as far as they can in relieving the coal situation, why should not the Interstate Commerce Commission take action exactly the converse of that which it took and order into the coal-carrying trade every car that is fit for the transportation of coal?

It is true that it will work a great hardship upon the builders and upon others who are shipping commodities in those cars, but if what is stated here is true—and I think it undoubtedly is—when we do the best we can, we shall still be confronted with some difficulty, but if that difficulty comes in the wintertime the failure to handle these other materials in the wintertime will be a much less calamity than if at present the miners are obliged to stop their work because the coal can not be sent out, when it is essential that it be sent out in order to keep the mines at full blast.

I have already called attention to and produced evidence that I think is conclusive that the Interstate Commerce Commission is not using the powers it now possesses but has been misusing them. I do not want to say that harshly of the Interstate Commerce Commission; I do not want to criticize it; but it has been misusing its power. I undertake to say that if to-day the Interstate Commerce Commission would employ all the powers it has and not only turn over the open flat cars but such of the other freight cars as could be used the production of coal from the mines could be enormously increased. One thing we ought to be looking after is to see that the Interstate Commerce Commission does this thing which I speak of and does it quickly. I now yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I know nothing about the circumstances which surrounded the issuance of the order which the Senator from Missouri has just read. I inquire whether he knows anything about them?

Mr. REED of Missouri. I do not, except that it has been stated to me that there has been a clamor for cars by the coal mines, there being a tremendous shortage; that right in the teeth of that situation this order comes out, and that it is issued for the purpose of facilitating the handling of building material; and that fact appears, indeed, upon its face.

Mr. CUMMINS. But I think the Senator from Missouri ought to inquire of the Interstate Commerce Commission the reasons for issuing the order before the commission is condemned. It may be supported for the very best of reasons, and I hope that the action of the Interstate Commerce Commission will not be conclusively condemned until we know what the reasons are. For instance—and this might be one of the reasons—I believe there are from 20,000 to 25,000 cars loaded with coal now on the sidetracks of the various railroads which can not be moved to their destination.

Mr. REED of Missouri. Will the Senator tell me why the railroads can not haul a car of coal if they can haul a car of cement?

Mr. CUMMINS. I am talking about the inability of certain railroads to move the coal which is upon their sidetracks already loaded, and it may very well be that these very cars—I know nothing about them—can be used to better advantage for the purpose indicated by the commission than for the shipment of coal. I am not expressing an opinion, and I hope the Senator from Missouri will reserve his judgment until it is known what induced the commission to enter the order.

Mr. REED of Missouri. Mr. President, I have made no attack upon the Interstate Commerce Commission; I expressly said that I was not doing it. I am calling the attention of this body to the fact that the only remedy for the coal situation is cars, and that here are 34,000 cars taken on the first day of September for use in other business than that of transporting coal, although they are suitable for the transportation of coal. The Senator says there may be coal upon the sidetracks of the railroads which can not be moved. If the coal on the tracks can not be moved, a car loaded with cement or other building material can not be moved if it is on the same railroad.

Mr. CUMMINS. That is very true.

Mr. REED of Missouri. And if it is on a different railroad and can be moved there and there is a surplus of engines to haul it, the Interstate Commerce Commission had better be getting those engines over on the other tracks to haul the coal. If we are going to freeze to death and starve to death, we had better get at the cause of it instead of getting at the price we are going to pay. I have no objection to keeping down prices; but I hold to the old-fashioned theory that if you can get enough of anything, and get it to the man who wants it, the prices very speedily take care of themselves.

Mr. WATSON of Indiana. There is no doubt of that.

Mr. REED of Missouri. The trouble with this situation is cars, cars, cars; engines, engines, engines. That is the problem that we ought to face, and we ought to face it like men. We ought not to be dodging around behind a subterfuge of price fixing. I will go after the profiteer as long as you can get after him under the Constitution and lay the lash across his back as vigorously and willingly as anybody. I want a condition here that will get the coal to the people; and I say that it is perfectly plain—and I have many facts and figures to buttress my statement—that if we can get the cars and the engines we can very nearly solve this coal proposition so that nobody will suffer. Let us get at that. Let us not be whittling around here with something else, and passing the bill and going home and saying, "We have done the job," when we have not done it, and when we well know we have not done it.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED of Missouri. I do.

Mr. DIAL. I do not know whether it is true or not, but I was told yesterday that there were several thousand loaded cars of coal in one yard that could not be moved because the hose connections had been cut. As I say, I do not know whether it is true or not.

Mr. REED of Missouri. Then, Mr. President, that means that somebody has been destroying the hose of these cars. If that is true, that sort of thing has to be dealt with; that is all there is about it; and we ought to be big enough to deal with it. We ought not to be getting around behind something that looks like a way of dealing with it when it is not; and I do not mean to charge, now, that the Senator who introduced this bill has not done it in the best of faith. I know he has. He never did anything in his life that was not honorable and high minded, and I mean that; but this is not the way to get at this matter.

If we were going to have a shortage of radishes in the market, and if they were a great essential and everybody had to have radishes, we would not deal with the situation so much by regulating the price in the market as we would by going out and opening the fields and planting enough so that everybody would have a surfeit. If a bridge was needed out on the road that would bring the radishes to town, we would try to build that bridge and get them in.

Suppose you regulate the price. Let us say that is all right if you have any authority to do it; yet if a man is burning coal at $3 a ton, and if he needs 3 tons of coal to last him through a given period of time, and he can get only 1, it does not do him much good to know that he got that 1 ton for $3. He would be glad to pay $10, and yet that would not justify some profiteer in charging him the $10. No matter what price you get it at, if you get it at 50 cents a ton, you have not solved this difficulty to the individual who has to go supperless to bed. You have not solved this question for the man whose wife gets pneumonia because the house is not heated. You have not solved this question at all, when you have fixed the price, for the manufacturing establishment that has to close its furnaces and turn thousands of people out of employment. The thing to do is to get the coal, and the only way I know to get the coal is to get the cars, and if I were President of the United States you would get the cars—and I am not putting myself up for President, either.

Mr. CUMMINS. How? How would the Senator do it if he were President?

Mr. REED of Missouri. I would get them, and I would get them under the Constitution, and I would see whether there were any two crowds of men in this country who could freeze this country to death. The trouble is, we are presented here with a spectacle of a boy in the chilly spring days going joyfully down to the water's edge, stripping himself, and then standing on the bank shivering, afraid to jump in.

Mr. LENROOT. Mr. President, will the Senator yield? I am sure everyone would be very much interested in knowing how the Senator would proceed, because that is the problem, of course. How would the Senator do it? Would he yield to the men and surrender to their demands? Is that the idea? Or, if not, what would he do?

Mr. REED of Missouri. Or would I sit down and twiddle my thumbs and say I could do nothing?

Mr. LENROOT. What would the Senator do?

Mr. REED of Missouri. I will tell the Senator one thing I would do. At the present moment I would put into the coal service every car that could run. I would tell these gentlemen on both sides that I would enforce the law of the United States, and I would follow it not by a mere assertion but by action.

Mr. CUMMINS. Has not that been done?

Mr. REED of Missouri. No.

Mr. CUMMINS. I venture to say that the President has made every effort within his constitutional power to protect the men and the property engaged in interstate commerce. So far as I know, there is nothing he could have done that he has not done. He can not compel these men to return to work.

Mr. REED of Missouri. No.

Mr. CUMMINS. He can not compel the railway executives to accept the proposition of the men, and the railway executives can not hire the men necessary to keep engines and cars in repair.

Mr. REED of Missouri. I can not accept all of those statements.

Mr. CUMMINS. I know that those things are true—that is, from my standpoint. It is easy enough to say that we ought to have the cars and we ought to have the engines. God knows we ought to have both of them, but I do not know any way to get them. I have a suggestion to make some of these days, if the situation does not change. It will not please my brethren upon this side of the Chamber, a great many of them, and I suppose it will not be at all in harmony with the views of a great many upon the other side of the Chamber; but when the railroad companies can not protect the men whom they have employed, and the Government of the United States finds it impossible to protect them, and we can not repair engines, and we can not repair cars, and we can not get coal to its destination——

Mr. REED of Missouri. Then we will sit down and regulate the price, and let it go at that?

Mr. CUMMINS. No, no; the Senator from Missouri has no right to say that. I would regulate the price until we can put into effect the only ultimate remedy. There is but one organization that can do more to operate these roads than the owners of the roads, and that is the Government of the United States.

Mr. REED of Missouri. I do not want to be misunderstood in my remarks. I do not want to lay all the responsibility in this case on the President. I am speaking of Congress as well as the President. I say that we ought all of us to be courageous enough to meet this situation, and take the responsibility; and I think a statute could be passed in this Congress, if the Congress would bring itself up to the point I am talking about, that would terminate this controversy. I am not prepared to say that I can present that out of hand. It may be that the Government will have to take over the railroads.

Mr. CUMMINS. I hope it will not.

Mr. REED of Missouri. I hope it will not.

Mr. CUMMINS. But it may be compelled to do it.

Mr. REED of Missouri. We all hope it will not. We all hope that labor will be reasonable; we all hope that capital will be reasonable; but it seems to me that to talk about freezing and starving the people of the United States when the bone of contention concerns the question of priority of men in the shops is producing a terrible disaster for a cause that is not in proportion to the disaster.

Mr. CUMMINS. I want to express my profound agreement with the sentiment just uttered by the Senator from Missouri. It is unthinkable that we should starve and freeze in this country because the senior privileges of the shopmen of the United States can not be adjusted in some way in order to enable them to go to work.

Mr. REED of Missouri. Mr. President, the whole purpose of what I rose to say was to lay before the Senate the fact that we are not employing the facilities we now have, and to urge upon the Senate the consideration of some plan that will get the coal out of the ground and get it to the consumers, and to urge in that connection that however earnestly this bill may have been conceived, the shot, if you please, falls short of the mark, and that when we pass this bill, if we do pass it, we will not have accomplished our purpose, and I make bold to say we will have made the situation worse.

I have seen this attempt of one man or one board to run the business of 110,000,000 people, and you have all seen it. I do not want to thrash over old straw or go into old matters. I have not the slightest doubt that the last coal administration we had in this country produced infinitely more harm than it did good.

Let me give you the simplest of illustrations. There were here in the city of Washington a lot of men who were engaged in the coal business, and who had their teams and their organizations for distribution. Before the coal administration had been in active operation for 30 days men were having to go down and haul coal home in their automobiles, get it in little truck wagons, and in every way they could. The whole of that organization had been broken up. Now, that is not said unkindly.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED of Missouri. In a moment. It is simply an impossibility for any set of men in Washington to sit here and manage a great business of that kind. They may have the best of intentions, but they make the most egregious blunders.

I yield to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, I wonder if the Senator really intended seriously the statement he has just made. Is it the opinion of the Senator, candidly and seriously, that during the dark days of the war we ought to have allowed coal to go to unessential industries, and to have permitted the industries necessary to be carried on at fever heat for the purpose of bringing the war to a termination to take their chances with the unessential industries, and that we should not have regulated in some way the distribution of coal in that trying hour?

Mr. REED of Missouri. That is a wholly different question than the one I am discussing. It may have been embraced in what was undertaken by the Government. The Government undertook to take hold of the whole coal industry—not merely to say that a preference should be given to certain essential industries, and that they should be supplied first—and the whole process of distribution and supply was disturbed, interrupted, and thrown out of joint.

Without going into a discussion of it, to show some of the mistakes, we needed 4,000,000 tons of coal to bunker all of the ships that touched at American ports. Enough coal was not permitted to go to those ports to bunker those ships. They lay tied up at docks for days and days; but at the same time there were sent to the Northwest part of this country 4,000,000 more tons of coal than had ever been sent there, and a great part of it, large quantities of it, was burned up on the docks.

However, those are details. The Senator asked me for my reason. I say that every attempt that has ever been made to regulate a great business in this country has ended in ignominious failure.

Mr. WALSH of Montana. I would not like to enter into any controversy with the Senator concerning the question of the perfection of the administration of these acts. I assumed the statement of the Senator to be in the nature of a condemnation of the legislation enacted by Congress. It may be that in its administration some mistakes were made.

Mr. REED of Missouri. I am speaking of the administration of the acts. We undertook to take the whole of the coal business within our hands. They did not get the coal down to bunker the ships. They closed down every factory east of the Mississippi and south of the Ohio for 14 days in order to relieve a railroad congestion which they claimed was due chiefly to the fact that the ships could not move the goods from the eastern ports, and the cars were backed up along the lines of road.

We made mistakes in the war. I am not going to drag those over, I simply cite this as an illustration, one of the things we undertook, and if this bill undertakes to go in and interfere with production, to classify the mines and fix the prices, I am asking myself the question whether, in the long run, it will not cost the people of this country more money than if we do not attempt to do it, because when men are allowed to run their own business, when they have some additional incentive in the way of additional profits to speed them on to production, when they make their own bargains, they are likely to produce at a maximum, and every doubt you throw over the situation, every official interference you have, is likely to be a brake upon production, and in the end the people pay for it. That is well worthy of consideration.

We may go on and try this experiment. I would like to have the Senate devote itself to the proposition of getting cars and engines to these mines, and I would like to see the Interstate Commerce Commission proceed with the execution of its powers, and do it now, and see that every mine in this country has some kind of a car in which to load this coal.

Now you come to the question of price. Of course, if the coal is sold at the mouth of the mine, the character of the car makes no difference; but if the coal is sold for delivery at a point, and the mine owner has to load his coal in a box car, for instance, to ship it, that will entail an additional cost. All of those questions must come up for settlement.

Mr. President, I have finished what I wanted to say. The thing we ought to do is to get our minds on the real point—cars and engines—and if it is necessary to invoke the radical and supreme powers of this Government, as far as it has such powers, to accomplish that end, we ought to be brave enough to do it.

REPORT OF THE GOVERNOR GENERAL OF THE PHILIPPINES, 1921 (S. DOC. NO. 246).

The PRESIDING OFFICER (Mr. McNARY in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 21 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith for the information of the Congress the report of the Governor General of the Philippine Islands, together with the reports of the heads of the various departments and bureaus of the Philippine government, for the fiscal year ended December 31, 1921.

I concur in the recommendation of the Secretary of War as to the printing of this report as a congressional document.

WARREN G. HARDING.

THE WHITE HOUSE, *September 1, 1922.*

ATTORNEY GENERAL'S COMPLAINT AGAINST STRIKING RAILROAD SHOPMEN.

Mr. WATSON of Indiana. Mr. President, the bill in equity filed by the Attorney General of the United States in the case in which an injunction against the strikers has been asked is a matter of some consequence. I have a full copy of it, and I ask unanimous consent that it be printed in the RECORD in 8-point type, together with a portion of the remarks of the Attorney General in presenting the bill to the court.

There being no objection, the matter was ordered to be printed in the RECORD in 8-point type, as follows:

(In Equity No. —.)

In the United States District Court for the Northern District of Illinois, Eastern Division.

United States of America, complainant, *v.* Railway Employees' Department of the American Federation of Labor, Bert M. Jewell, president, J. F. McGrath, vice president, and John Scott, secretary and treasurer; International Brotherhood of Blacksmiths, Drop Forgers, and Helpers, James W. Kline, president; International Alliance of Amalgamated Sheet Metal Workers, J. J. Hynes, president; International Brotherhood of Boiler Makers, Iron Ship Builders and Helpers of America, J. A. Franklin, president; Brotherhool of Railway Car Men of America, Martin F. Ryan, president; International Association of Machinists, William H. Johnston, international president, and E. C. Davison, grand secretary and treasurer; International Brotherhood of Electrical Workers, James P. Noonan, president; Atlanta, Tennessee & Northern System Federation, No. 132, J. M. Key, president, and Robert A. Seabury, secretary thereof; and numerous others system federations and the president and secretary of each thereof, defendants.

BILL OF COMPLAINT.

The United States of America, by its attorney for the northern district of Illinois, acting under the direction of the Attorney General, brings this bill of complaint against the following-named labor organizations and the officers and their successors in office and members of each thereof and others whose names to complainant are unknown, as defendants, and alleges—

I. (1) Railway employees' department of the American Federation of Labor is a voluntary labor organization, with its headquarters and principal place of business located at 4750 Broadway, Chicago, State of Illinois; Bert M. Jewell, president, J. E. McGrath, vice president, and John Scott, secretary and treasurer thereof, and who are now and during all of the times of the grievances hereinafter complained of have been within the northern district of Illinois; they are sued individually as representatives of all the members and in their respective official capacities.

(2) International Brotherhood of Blacksmiths, Drop Forgers, and Helpers is a voluntary labor organization, with its headquarters and principal place of business in the city of Chicago, State of Illinois, and James W. Kline, president thereof, who is a resident and citizen of said city and State; he is sued as such president, also individually and as representative of all of the members, of whom there are approximately 14,000.

(3) International Alliance of Amalgamated Sheet Metal Workers is a voluntary labor organization, with its headquarters and principal place of business in the city of Chicago, State of Illinois, and J. J. Hynes, president thereof, who is a resident and citizen of said city and State; he is sued as such president, also individually and as representative of all of the members, of whom there are approximately 18,500.

(4) International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America is a voluntary labor organization, with its headquarters and principal place of business in the city of Kansas City, State of Missouri, and J. A. Franklin, president thereof, who is a resident and citizen of said city and State; he is sued as such president, also individually and as representative of all of the members, of whom there are approximately 33,500.

(5) Brotherhood of Railway Car Men of America is a voluntary labor organization, with its headquarters and principal place of business in the city of Kansas City, State of Kansas, and Martin F. Ryan, president thereof, a resident and citizen of said city and State; he is sued as such president, also individually and as representative of all of the members, of whom there are approximately 224,400.

(6) International Association of Machinists is a voluntary labor organization, with its headquarters and principal place of business located in the city of Washington, D. C., William H. Johnston, international president, and E. C. Davison, grand secretary and treasurer thereof, who are residents and citizens of said city; they are sued as such officers, also individually and as representatives of all of the members, of whom there are approximately 86,500.

(7) International Brotherhood of Electrical Workers is a voluntary labor organization, with its headquarters and principal place of business located in the city of Washington, D. C., and James P. Noonan, president thereof, a resident and citizen of said city; he is sued as such president, also individually and as representative of all of the members, of whom there are approximately 24,000.

(8) Numerous system federations, each of which is made a defendant herein, and the respective officers of each who are sued as such officers, also individually and as representative of all the members of their respective federations. Each federation with its number, together with the names and addresses of its officers, are shown by the following table, viz:

STATEMENT SHOWING NAMES AND ADDRESSES OF OFFICERS OF THE SYSTEM FEDERATIONS.

Atlanta, Tennessee & Northern, No. 132:
J. M. Key, president, York, Ala.
Robert A. Seabury, secretary, York, Ala.
Ann Arbor, No. 77:
Walter Bennett, president, Owosso, Mich.
David Bodary, secretary, Owosso, Mich.
Atchison, Topeka & Santa Fe, No. 97:
Thos. L. Personett, president, Kansas City, Kans.
W. E. Wildhaber, secretary, Albuquerque, N. Mex.
Atlanta, Birmingham & Atlantic, No. 33:
L. W. Cook, president, Fitzgerald, Ga.
G. S. Garrett, secretary, Fitzgerald, Ga.
Atlanta & West Point and Western Ry, of Alabama, No. 126:
W. T. Eubanks, president, Montgomery, Ala.
L. A. Ratley, secretary, Montgomery, Ala.
Atlanta Joint Terminal, No. 110:
J. S. Price, president, Atlanta, Ga.
W. H. Ball, secretary, Atlanta, Ga.
Atlantic Coast Line, No 42:
C. D. Rosser, president, Rocky Mount, N. C.
R. C. Taylor, secretary, Montgomery, Ala.
Baltimore & Ohio, No. 30:
Wm. J. McGee, president, Cincinnati, Ohio.
H. L. Alberty, secretary, Cincinnati, Ohio.
Bangor & Aroostook, No. 102:
H. A. McLelland, president, Derby, Me.
A. H. Rowe, secretary, Milo, Me.
Big Four and Cincinnati Northern (C., C., C. & St. L.), No. 54:
J. E. Boyle, president, Mattoon, Ill.
J. H. Cron, secretary, Indianapolis, Ind.
Boston & Maine, No. 18:
C. E. Severns, president, North Woburn, Mass.
W. K. Cleary, secretary, Lyndonville, Vt.
Buffalo, Rochester & Pittsburgh, No. 49:
John M. Neil, jr., president, Dubois, Pa.
Leonard Singer, secretary, Dubois, Pa.
Buffalo & Susquehanna, No. 48:
Frank F. Hinman, president, Galeton, Pa.
Geo. Meikle, secretary, Galeton, Pa.
Carolina, Clinchfield & Ohio, No. 44:
F. B. Bowman, president, Erwin, Tenn.
J. H. Galloway, secretary, Erwin, Tenn.
Central of Georgia, No. 26:
J. H. Downs, president, Savannah, Ga.
C. H. Ray, secretary, Columbus, Ga.
Central Railroad of New Jersey, No. 2:
L. A. McGinley, president, Mauch Chunk, Pa.
C. L. Hulshizer, secretary, Easton, Pa.
Central Vermont, No. 93:
H. D. Leonard, president, St. Albans, Vt.
E. E. Corrigan, secretary, St. Albans, Vt.
Chesapeake & Ohio, No. 41:
G. H. Stewart, president, Covington, Ky.
W. O. Bradley, secretary, Huntington, W. Va.
Chicago & Alton, No 29:
W. T. Wolcott, president, Normal, Ill.
David Deans, secretary, Bloomington, Ill.
Chicago, Burlington & Quincy, No. 95:
D. J. Dillon, president, Galesburg, Ill.
A. C. Butler, secretary, Galesburg, Ill.
Chicago & Eastern Illinois, No. 20:
Percy Molyneaux, president, Danville, Ill.
Thos. J. Short, secretary, Danville, Ill.
Chicago Great Western, No. 73:
W. C. Elliott, president, Oelwein, Iowa.
A. B. Koile, secretary, Oelwein, Iowa.
Chicago, Indianapolis & Louisville, No. 32:
E. J. Humbert, president, Lafayette, Ind.
Roy W. Buikema, secretary, Lafayette, Ind.
Chicago, Milwaukee & St. Paul, No. 76:
C. S. Johnson, president, Milwaukee, Wis.
John Pelkefer, secretary, Milwaukee, Wis.
Chicago & North Western, No. 12:
R. C. Gaeth, president, Chicago, Ill.
Fred E. Williams, secretary, Chicago, Ill.
Chicago, Peoria & St. Louis, No. 128:
R. F. Cour, president, Springfield, Ill.
W. J. Walsh, secretary, Springfield, Ill.
Chicago, Rock Island & Pacific, No. 6:
Geo. Ganzer, president, Davenport, Iowa.
H. A. Whittemore, secretary, Moline, Ill.
Chicago, St. Paul, Minneapolis & Omaha, No. 75:
R. A. Henning, president, St. Paul, Minn.
H. C. Dixon, secretary, St. Paul, Minn.
Chicago, Terre Haute & Southeastern, No. 79:
E. T. Hopkins, president, Terre Haute, Ind.
H. O. Flood, secretary, Terre Haute, Ind.
Charleston & Western Carolina, No. 60:
R. C. Smith, president, Augusta, Ga.
Patrick Rice, secretary, Augusta, Ga.
Cincinnati, Indianapolis & Western, No. 65:
H. C. Darnell, president, North Indianapolis, Ind.
A. Lunsford, secretary, North Indianapolis, Ind.
Delaware & Hudson, No. 35:
E. J. McGovern, president, Troy, N. Y.
Wm. J. Williams, secretary, Oneonta, N. Y.
Delaware, Lackawanna & Western, No. 78:
T. J. Maloney, president, Scranton, Pa.
James F. Murdock, secretary, Paterson, N. J.
Denver & Rio Grande, No. 10:
Wm. E. Medors, president, Grand Junction, Colo.
J. V. Sartori, secretary, Salt Lake City, Utah.
Denver & Salt Lake, No. 47:
Frank Larimer, president, Denver, Colo.
W. J. Offield, secretary, Denver, Colo.
Detroit & Mackinac, No. 118:
John Moran, president, East Tawas, Mich.
E. Cecil, secretary, East Tawas, Mich.

- Duluth & Iron Range, No. 81:
  - Dick Masters, president, Two Harbors, Minn.
  - Chris Wold, secretary, Two Harbors, Minn.
- Duluth, Missabe & Northern, No. 71:
  - W. A. Newman, president, Proctor, Minn.
  - Sam Thomas, secretary, Proctor, Minn.
- Elgin, Joliet & Eastern, No. 88:
  - John Barnes, acting president, Joliet, Ill.
  - Adam L. Smith, secretary, Joliet, Ill.
- El Paso & Southwestern, No. 120:
  - D. H. Wood, president, El Paso, Tex.
  - P. P. Wentzell, secretary, El Paso, Tex.
- Erie, No. 100:
  - V. J. Davern, president, Meadville, Pa.
  - W. T. Rieman, secretary, Meadville, Pa.
- Fort Smith & Western, No. 5:
  - Jesse Davis, president, Fort Smith, Ark.
  - A. D. Chase, secretary, Fort Smith, Ark.
- Florida East Coast, No. 69:
  - R. D. Roberts, president, Miami, Fla.
  - J. F. Potts, secretary, Miami, Fla.
- Georgia Railroad, No. 70:
  - G. W. Akins, president, Augusta, Ga.
  - W. J. Goodwin, secretary, Augusta, Ga.
- Georgia & Florida, No. 116:
  - B. L. McCook, president, Douglas, Ga.
  - W. C. Jenks, secretary, Douglas, Ga.
- Grand Trunk Pacific, No. 82:
  - James Logan, president, West Edmonton, Alberta, Canada.
  - C. A. Boath, secretary, West Edmonton, Alberta, Canada.
- Green Bay & Western, No. 94:
  - Carl O. Betcher, president, Green Bay, Wis.
  - Louis J. McGahan, secretary, Green Bay, Wis.
- Great Northern, No. 101:
  - R. A. Henning, president, St. Paul, Minn.
  - J. W. Bowen, secretary, Hillyard, Wash.
- Gulf Coast Lines, No. 55:
  - W. R. Rolph, president, Kingsville, Tex.
  - C. B. Ballard, secretary, Kingsville, Tex.
- Georgia, Florida & Alabama, No. 137:
  - W. R. Wratley, president, Bainbridge, Ga.
  - W. G. Stephens, secretary, Bainbridge, Ga.
- Gulf, Mobile & Northern, No. 113:
  - G. W. DeVaughn, president, Mobile, Ala.
  - J. W. Sample, secretary, Laurel, Miss.
- Grand Trunk (lines in United States), No. 92:
  - J. W. Thompson, president, Battle Creek, Mich.
  - I. Barney, secretary, Chicago, Ill.
- Hocking Valley, No. 51:
  - H. T. Hamilton, president, Columbus, Ohio.
  - J. W. McDonald, secretary, Columbus, Ohio.
- Houston Belt & Terminal, No. 124:
  - Sam Genusa, president, Houston, Tex.
  - G. R. Brocks, secretary, Houston, Tex.
- Illinois Central, No. 99:
  - J. C. Eubanks, president, Paducah, Ky.
  - W. J. Meehan, secretary, Chicago, Ill.
- Indiana Harbor Belt, No. 74:
  - R. S. Johnson, president, Hammond, Ind.
  - W. M. Knight, secretary, Hammond, Ind.
- International & Great Northern, No. 14:
  - J. S. Quinn, president, Palestine, Tex.
  - P. F. Parker, secretary, Palestine, Tex.
- Jacksonville Terminal, No. 50:
  - W. A. Carey, president, Jacksonville, Fla.
  - E. M. Breese, secretary, Jacksonville, Fla.
- Kanawha & Michigan, No. 111:
  - W. E. Yaeger, president, Middleport, Ohio.
  - Virgil Edwards, secretary, Middleport, Ohio.
- Kansas City, Mexico & Orient, No. 1:
  - Oscar Maze, president, Wichita, Kans.
  - Jap Hall, secretary, Wichita, Kans.
- Kansas City Southern, No. 3:
  - W. A. Wood, president, Pittsburg, Kans.
  - H. S. Laughery, secretary, Pittsburg, Kans.
- Kansas City Terminal, No. 38:
  - J. R. Newton, president, Kansas City, Mo.
  - E. G. Smedley, secretary, Kansas City, Mo.
- Kentucky & Indiana Terminal, No. 58:
  - Geo. Stiggers, president, Louisville, Ky.
  - Wm. T. Sils, secretary, Louisville, Ky.
- Lehigh & Hudson River, No. 107:
  - E. Odell, president, Warwick, N. Y.
  - Alva J. Smith, secretary, Warwick, N. Y.
- Lehigh & New England, No. 129:
  - Joe Wheelock, president, Pen Argyle, Pa.
  - Wm. Burnard, secretary, Pen Argyle, Pa.
- Lehigh Valley, No. 96:
  - Edward Burke, president, Waverly, N. Y.
  - Robert Rumble, secretary, Sayre, Pa.
- Louisville & Nashville, No. 91:
  - S. M. Roper, president, Albany, Ala.
  - Fred C. Wayler, secretary, Louisville, Ky.
- Louisville & Arkansas, No. 59:
  - A. S. Hughes, president, Stamps, Ark.
  - B. F. Sapp, secretary, Stamps, Ark.
- Maine Central, No. 80:
  - Wm. J. Foley, president, Portland, Me.
  - A. L. Frame, secretary, Portland, Me.
- Macon, Dublin & Savannah, No. 56:
  - G. P. Baggarly, president, Macon, Ga.
  - H. C. Chambless, secretary, Macon, Ga.
- Michigan Central, No. 67:
  - D. E. Tanney, president, Bay City, Mich.
  - C. Cunningham, secretary, Jackson, Mich.
- Midland Valley, No. 52:
  - J. C. Allen, president, Muskogee, Okla.
  - C. F. Files, secretary, Muskogee, Okla.
- Minneapolis & St. Louis, No. 15:
  - John E. Stephenson, president, Minneapolis, Minn.
  - N. E. Theis, secretary, Minneapolis, Minn.
- Missouri, Kansas & Texas, No. 8:
  - Wm. Dickerson, president, Waco, Tex.
  - F. N. Galloway, secretary, Parsons, Kans.
- Missouri & North Arkansas, No. 27:
  - T. Jines, president, Harrison, Ark.
  - E. M. Roberts, secretary, Harrison, Ark.
- Missouri, Oklahoma & Gulf, No. 4:
  - J. D. Ratterre, president, Muskogee, Okla.
  - R. C. Kiddy, secretary, Muskogee, Okla.
- Missouri Pacific, No. 2:
  - S. L. Watts, president, St. Louis, Mo.
  - G. A. McDonald, secretary, St. Louis, Mo.
- Nashville, Chattanooga & St. Louis, No. 83:
  - H. L. Nelson, president, Nashville, Tenn.
  - W. H. Harper, secretary, Nashville, Tenn.
- New York, Chicago & St. Louis (Nickel Plate), No. 57:
  - Earl Duddleson, president, Fort Wayne, Ind.
  - L. E. Nicholson, secretary, Chicago, Ill.
- New York, Ontario & Western, No. 31:
  - William E. Appel, president, Carbondale, Pa.
  - M. S. Hopkins, secretary, Middletown, N. Y.
- New York, New Haven & Hartford, No. 17:
  - John C. Ready, president, New Haven, Conn.
  - Robert Henderson, secretary, Rosindale, Mass.
- New Orleans Great Northern, No. 112:
  - E. T. Williams, president, Bogalusa, La.
  - Alban Bush, secretary, Bogalusa, La.
- New York Central, No. 103:
  - T. A. Rodgers, president, Albany, N. Y.
  - J. H. Vance, secretary, Cleveland, Ohio.
- Norfolk & Western, No. 16:
  - W. L. Scott, president, Roanoke, Va.
  - H. W. Bias, secretary, Roanoke, Va.
- Norfolk & Southern, No. 28:
  - E. T. Kerchner, president, Raleigh, N. C.
  - J. W. Jelliff, secretary, Portsmouth, Va.
- Northern Pacific, No. 7:
  - W. A. Parranto, president, St. Paul, Minn.
  - M. A. Adams, secretary, St. Paul, Minn.
- Northern Pacific, No. 115:
  - Walter Scott, president, Sausalito, Calif.
  - J. F. Miller, secretary, Sausalito, Calif.
- Pennsylvania, No. 90:
  - N. P. Good, president, Pittsburgh, Pa.
  - H. A. Bixler, secretary, Pittsburgh, Pa.
- Pere Marquette, No. 9:
  - Frank Cavanaugh, president, Grand Rapids, Mich.
  - Fred J. Klump, secretary, Grand Rapids, Mich.
- Peoria & Pekin Union, No. 123:
  - A. K. Buckley, president, Peoria, Ill.
  - C. A. Myers, secretary, Peoria, Ill.
- Philadelphia & Reading, No. 109:
  - H. E. Ellenberger, president, Harrisburg, Pa.
  - W. J. Ryder, secretary, Philadelphia, Pa.
- Pittsburgh & Shawmut, No. 104:
  - C. O. Hellman, president, Brookville, Pa.
  - G. B. Fiscus, secretary, Brookville, Pa.

Pittsburgh & West Virginia, No. 127:
J. O'Neil, president, Pittsburgh, Pa.
J. F. Tietz, secretary, Carnegie, Pa.
Pullman Car Lines, No. 122:
Fred Nerman, president, Buffalo, N. Y.
Thomas W. Marsh, secretary, Denver, Colo.
Richmond, Fredericksburg & Potomac, No. 37:
S. C. Spencer, president, Richmond, Va.
D. Kennedy, secretary, Richmond, Va.
Rutland System, No. 98:
A. J. Carpenter, president, Rutland, Vt.
Thomas S. Keith, secretary, Rutland, Vt.
San Antonio, Uvalde & Gulf, No. 133:
A. J. Bell, president, North Pleasanton, Tex.
C. V. Wilkins, secretary, North Pleasanton, Tex.
Seaboard Air Line, No. 39:
H. N. Fallon, president, Savannah, Ga.
J. S. Wilds, secretary, Jacksonville, Fla.
Short Line Railroads of St. Louis and East St. Louis and Alton, No. 131:
C. D. Miller, president.
S. M. Laws, secretary, St. Louis, Mo.
Spokane, Portland & Seattle, No. 119:
W. B. Richardson, president, Vancouver, Wash.
W. E. Davy, secretary, Vancouver, Wash.
Soo Line, No. 66:
Dennis Doyle, president, Fond du Lac, Wis.
E. E. Thrall, secretary, Minneapolis, Minn.
Southern and allied lines, No. 21:
A. McGillvary, president, Birmingham, Ala.
Arthur Gledhill, secretary, Birmingham, Ala.
Southern Pacific, No. 114:
H. A. Jones, president, San Francisco, Calif.
L. S. Gordon, secretary, San Francisco, Calif.
St. Louis Southwestern, No. 45:
B. E. Shields, president, Pine Bluff, Ark.
G. W. Daroux, secretary, Pine Bluff, Ark.
St. Louis & San Francisco (Frisco), No. 22:
Harry Bayes, president, Springfield, Mo.
C. H. McEvilly, secretary, Springfield, Mo.
St. Louis Terminal, No. 25:
W. N. Baker, president, St. Louis, Mo.
William Ahearn, secretary, St. Louis, Mo.
Switching and Terminal Lines of Chicago, No. 130:
Travers Johnson, president, Chicago, Ill.
Walter Wingarait, secretary, Chicago, Ill.
Tennessee Central, No. 68:
H. B. Brown, president, Nashville, Tenn.
H. B. Goodrich, secretary, Nashville, Tenn.
Texas & Pacific, No. 121:
C. M. Boyett, president, Marshall, Tex.
E. L. Hilliard, secretary, Marshall, Tex.
Toledo, Peoria & Western, No. 135:
B. H. Roicholderfer, president, Peoria, Ill.
Philipp Probert, secretary, Peoria, Ill.
Toledo, St. Louis & Western, No. 64:
Albert S. Freas, president, Frankfort, Ind.
Abner Fellabaum, secretary, Frankfort, Ind.
Toledo Terminal, No. 134:
J. McCann, president, Toledo, Ohio.
J. C. Dandelin, secretary, Toledo, Ohio.
Trans-Mississippi Terminal, No. 46:
J. J. Davies, president, Gretna, La.
W. S. Konny, secretary, New Orleans, La.
Trinity & Brazos Valley, No. 62:
J. A. Yarbrough, president, Teague, Tex.
G. C. Ward, secretary, Teague, Tex.
Union Pacific, No. 105:
B. H. Furse, president, Omaha, Nebr.
Anthony Johnson, secretary, Omaha, Nebr.
Virginian Mutual, No. 40:
W. E. Gibbs, president, Princeton, W. Va.
W. H. Richards, secretary, Princeton, W. Va.
Wabash System, No. 13:
F. R. Lee, president, Moberly, Mo.
D. C. Hazlett, secretary, Springfield, Ill.
Washington Terminal, No. 106:
G. F. Holmes, president, Washington, D. C.
Ed. M. Bridwell, secretary, Washington, D. C.
Western Maryland, No. 24:
L. R. Barnhart, president, Hagerstown, Md.
F. E. Rossman, secretary, Hagerstown, Md.
Western Pacific, No. 117:
F. Bianchi, president, Sacramento, Calif.
Geo. Wright, secretary, Sacramento, Calif.
Wheeling & Lake Erie, No. 23:
W. M. McWade, president, Massillon, Ohio.
T. P. Powers, secretary, Massillon, Ohio.
Wrightsville & Tennille, No. 61:
G. W. Spivey, president, Tennille, Ga.
S. F. Davis, secretary, Tennille, Ga.

The defendants Jewell, McGrath, Scott, Johnston, Noonan, Kline, Hynes, Franklin, and Ryan, and their successors in office are also sued as members of the executive council of the railway employees' department of the American Federation of Labor, of which the Federated Shop Crafts are a part.

II. Approximately 400,000 persons comprise the membership of the International Alliance of Amalgamated Sheet Metal Workers, International Brotherhood of Boiler Makers, Iron Ship Builders and Helpers of America, Brotherhood of Railway Car Men of America, International Association of Machinists, and International Brotherhood of Electrical Workers, which are also known and designated as the Federated Shop Crafts; a certain number (which varies according to the location and size of the shops) of members of each of the six shop crafts constitute the membership of each of the aforesaid system federations.

Prior to the grievances hereinafter complained of the entire membership of Federated Shop Crafts were in the regular and established employment of the railway companies operating throughout the continental United States and engaged in carrying commerce among the States, and a substantial percentage of such membership had been so employed for a great many years. The Federated Shop Crafts was represented on one or more railway companies, or a system of railway companies operated under a single management or control, through one of the foregoing system federations. For the purpose of carrying on the activities hereinafter complained of, local executive committees have also been recently organized and established at local points on one or more railway companies, or system of railway companies operated under a single management or control, consisting of three persons from each of the six crafts, one of whom shall be designated as chairman, one as vice chairman, and one as secretary. The aforesaid railway employees' department issues and mails bulletins to the secretaries of the system federations in numbers sufficient for such secretaries to supply their respective local points.

III. The railway companies own and operate as the railway transportation system throughout the continental United States a total of approximately 250,000 miles of main and branch lines of railroads, and have in their service approximately 2,000,000 employees, who constitute six general divisions, i. e., (A) clerical and station forces and telegraphers, 480,000; (B) maintenance of way and unskilled labor, 620,000; (C) shop employees, 490,000; (D) engine service employees, 175,000; (E) train service employees, 220,000; (F) miscellaneous, 25,000. In the operation of railway freight and passenger trains and all rolling stock for the transportation of freight and passengers in interstate and foreign commerce and the carriage and handling of the mails it is necessary for the safety of the passengers and crews, and for the protection of the property carried, that all rolling stock and equipment shall be maintained in a complete state of repair and in perfect running order. To that end the railway companies maintain extensive shops at appropriate points on the line at which locomotives and cars are inspected after each run and overhauled or repaired whenever necessary. For the service of inspection, overhauling, and repairing, particularly on the larger systems, very large forces of laborers and skilled mechanics who have become experienced in and adapted to the work are essential. Without the shops in full and complete operation at all times the service required of the railway companies in the transportation of freight and passengers in interstate and foreign commerce and the carriage and handling of the mails is necessarily impaired to the extent that such operation and forces are inadequate. If the shop employees leave or abandon their work or otherwise are taken away, the rolling stock and equipment will so rapidly deteriorate that within a comparatively short time it will be unsafe and completely broken down. Immediately prior to the commission of the grievances hereinafter complained of the total membership of the Federated Shop Crafts (with minor exceptions, which include substantially all of the officers thereof) were in the peaceful and acceptable employment of all of the railway companies comprising the entire transportation system of the continental United States, which enabled such railway companies to discharge their functions as common carriers according to the law in such case made and provided, to the satisfaction of the traveling and shipping public, and to the health, comfort, happiness, and the great commercial prosperity of more than 100,000,000 people.

IV. *Inter alia,* in order "to best promote the service in the interest of the public and the commerce of the people"; and "to best meet the emergency and serve the public interest"; and "to properly serve the public"; and "that the public interest will be promoted"; and to consider "the transportation needs of the country"; and to meet the necessity of enlarging the facilities "in order to provide the people of the United States with adequate transportation"; and to enable the carriers "properly to meet the transportation needs of the public," the Congress of the United States enacted the transportation act of 1920, which for the adjustment and settlement of disputes between the railway companies and their employees, which in the past had endangered the peace and good order of society and openly disturbed the same, by Title III, entitled "*Disputes between carriers and their employees and subordinate officials,*" established the Railroad Labor Board. The personnel, duties, and powers of said board are fully set forth in sections 300 to 316, inclusive (41 Stat., pp. 469–474), of said act.

The parties recognizing and invoking the jurisdiction and authority of the Railroad Labor Board over the subject matter, there was duly brought before, and the Railroad Labor Board received, a dispute entitled *Alabama & Vicksburg Railway Co.* v. *Railway Employees' Department American Federation of Labor* (Federated Shop Crafts) *et al.,* Docket No. 1300. The complaint filed therein was in due form as provided for by the rules and regulations of said board. Notice of said complaint was duly and legally given to said employees, and especially to the proper officials of the several labor organizations heretofore described. All formal answers to said complaint required under the rules and regulations of said labor board were legally presented and filed.

Extensive hearings were had by said Labor Board thereunder, and at all of the said hearings duly and legally authorized representatives of all interested parties were present and participated therein; and the representatives of both the railroad companies and of the labor unions introduced before the Labor Board at said hearings a large amount of evidence relating to all the circumstances relevant to the questions presented by said complaint, among which were (1) the scales of wages paid for similar kinds of work in other industries; (2) the relation between wages and the cost of living; (3) the hazards of the employment; (4) the training and skill required; (5) the degree of responsibility; (6) the character and regularity of the employment; and (7) inequalities of increases in wages or of treatment, the result of previous wage orders or adjustments. And said Labor Board gave careful consideration to all facts and circumstances relating to all of said special matters, as well as to all other relevant facts and circumstances; and every opportunity was given at said hearings to both the railroad companies and said brotherhoods of railroad employees, each acting through their legally constituted representatives, to offer all the evidence they possessed or could procure concerning the aforesaid subjects and all other subjects pertinent to the matter under consideration; and said representatives of the railroad companies and the brotherhoods at said hearings presented to the Labor Board extended arguments wherein all the relative facts were carefully reviewed. After said hearings had been closed, the Labor Board continued the consideration of all relevant facts which had been presented to them by all parties concerned and of all circumstances and conditions relevant to the question whether the wages of said employees of the railroad companies should be reduced; and if so, to what extent; and on June 5, 1922, the Railroad Labor Board published its decision, No. 1036, effective July 1, 1922, wherein and whereby the Railroad Labor Board did determine, in accordance with the requirements of section 307 of said transportation act, the justness and reasonableness of the wages and salaries of members of the Federated Shop Crafts. Copy of decision No. 1036 is attached hereto, made a part thereof, and is marked "United States Exhibit No. 1." Said order was duly entered on the records of the proceedings of the Labor Board and was immediately communicated to the parties in dispute, to the President, to each adjustment board, and to the Interstate Commerce Commission, as required by said statute.

By the express provision of the aforesaid act of Congress the duty and power to hear said matter of dispute and determine whether the wages of the employees of said applicants should be reduced was vested in said labor board, and not only are all the parties to said hearings morally bound to observe the findings and the order based thereon, but said findings and order fixes the legal rights of all the parties to such proceedings; and neither of them has either the moral or the legal right to take any action to set them at naught or that may tend to prevent their observance, or to encourage their nonobservance by any or either of the parties or by any person or number of persons who were represented in said proceedings.

The railroad companies who were parties to said proceedings are public-service corporations whose charters were granted, and upon whom the right of eminent domain was conferred, in order that they might be enabled to perform functions vitally important to the public welfare; and each and all of them are continually engaged in the transportation of interstate and foreign commerce; and therefore the employees of said corporations, who as aforesaid were duly represented in said proceedings through their brotherhoods and by the proper officials or agents thereof, are likewise engaged in interstate and foreign commerce. The findings and order of the labor board not only created and declared a legal right as between the parties, but the general public and the Government of the United States are vitally interested in such an observance of said order as will prevent an interruption of such commerce. In fact the principal purpose for the creation of the labor board and the requirement that matters of dispute between transportation companies and their employees concerning wages and working conditions be submitted thereto, was to prevent an interference with interstate transportation, and the infliction upon the public of great inconvenience and damages arising from the interruption of such transportation in consequence of strikes brought about by disputes between companies engaged therein and their employees. And therefore the United States, acting for and on behalf of the public and through its proper official, that it may perform its proper functions and continue its necessary operations for the general welfare of the public, possesses the legal right to prevent an interruption of interstate transportation growing out of any failure to observe, or any complaint made of, said order by any of the parties to said proceedings.

V. Although, as above alleged, duly accorded a full hearing and submission of the dispute as provided by Title III, to which the defendants, through their duly accredited representatives, were parties and represented, immediately upon the promulgation of decision No. 1036, the defendants and all of them, acting through their hereinbefore-mentioned representatives and in concert, professing to be dissatisfied with decision No. 1036, conspired, combined, and confederated together, and agreed with each other and among themselves to repudiate, ignore, violate, disobey, and refuse to accept or to be bound by that decision, and to quit in a body and abandon the service and employment of the railway companies at one and the same time, and to sever their relations and connections therewith as employees or otherwise, all as an objection to, or as a protest against, and a contempt for decision No. 1036; and as a protest against, and a contempt for the Railroad Labor Board; and as a protest against, and a contempt for the United States and the Government thereof; and as an attempt to deprive the railway companies of the power and facilities with which to discharge their functions and obligations to the public, and also to coerce and compel the railway companies also to repudiate, ignore, violate, disobey, and refuse to accept or to be bound by decision No. 1036, and to that end the defendants, and all of them, acting through their hereinbefore-mentioned representatives and in concert, further conspired, combined, and confederated together, and agreed with each other and among themselves to issue and promulgate on or about June 29, 1922, a strike order to all of the members of Federated Shop Crafts and each of them through their respective organizations aforesaid, directing and requiring them to quit in a body and abandon the service and employment of the railway companies on July 1, 1922, at 10 o'clock a. m., and thereafter to absent themselves from such service and employment until such time as the railway companies should also repudiate, ignore, violate, disobey, and refuse to accept, comply with, or be bound by decision No. 1036, and consent to pay to the members of the Federated Shop Craft wages in excess of those prescribed by decision No. 1036, when they would return to such service and employment. The order so issued and promulgated was as follows:

"*To all general chairmen and local lodge secretaries:*

"In compliance with the strike vote all shop-craft employees below the rank of general foreman are hereby granted sanction to suspend work 10 a. m., July 1, on all railroads and Pullman shops in the United States. Notify all outside points. Wire number responding and number remaining at work."

Accordingly a large majority of the 400,000 members of the Federated Shop Crafts employed by the railway companies operating throughout the continental United States, some voluntarily acting on the directions of their hereinbefore-mentioned representatives, and others involuntarily coerced by such directions and in conspiracy, combination, confederation, and agreement with each other and among themselves, did, on July 1, 1922, at 10 o'clock a. m., purposely lay down their tools and walk out of the shops and did quit and abandon the service and employment of the respective railway companies by which they were employed, and they are now no longer in the service thereof and are nonemployed and idle. Pursuant to said conspiracy, combination, and confederation and agreement with each other and among themselves, and the strike order so issued and promulgated, and according to public statements of defendant Jewell, approximately 90 per cent of the members of Federated Shop Crafts have thus quit and abandoned the service and employment of the railway companies, thus purposely impairing the safety and efficiency of the entire transportation system of the continental United States. Such railway companies in many instances have been compelled to abandon the operation of many passenger and freight trains, with consequent inability and incapacity to carry the mails and to transport in interstate and foreign commerce food, fuel, and other necessaries and supplies for the immediate needs of the public, particularly in the large cities, the transportation of all of which has been and now is retarded, restrained, obstructed, and is seriously in danger of being utterly prevented.

VI. Under and by virtue of its power to regulate commerce among the several States and with foreign nations, the Congress of the United States has imposed many duties and obligations upon the railway companies named in decision No. 1036, with respect to the continuous operations of the railroads, the equipment of locomotives, cars, and trains with specific forms of safety appliances and devices, and their continued maintenance and repair according to the prescribed standards and with respect to the transportation of live stock, all of which duties and obligations are respectfully imposed by special acts, to wit: (a) The act to regulate commerce, approved February 4, 1887, and the various and sundry acts amendatory thereto and supplementary thereof, including the transportation act of 1920, approved February 28, 1920, wherein, among other things, such railway companies are required to provide and furnish transportation of freight and passengers in interstate and foreign commerce upon request, and to provide and furnish safe and adequate car service as that term is defined to include the supply, movement, distribution, exchange, interchange, and return of locomotives, cars, and other vehicles used in the transportation, including special types of equipment and the supply of trains; that the railway companies are subject to heavy penalties for failure to comply with the requirements of such acts, and the Interstate Commerce Commission may require the performance of such duties and obligations and award damages against such railway companies to any parties who may be injured by any breach of the duties and obligations thus imposed upon the railway companies; (b) the acts to promote the safety of employees and travelers upon railroads by requiring the railway companies to install various safety devices, being the act of March 2, 1893 (ch. 196, 27 Stat. 531); the act of March 2, 1903 (ch. 976, 32 Stat. 943); the act of April 14, 1910 (ch. 160, 36 Stat. 298); the locomotive ash pan act of May 30, 1908 (ch. 225, 35 Stat. 476); the locomotive boiler act of February 17, 1911 (ch. 103, 36 Stat. 913); and amending act of March 4, 1915 (ch. 168, 38 Stat. 1192); and other acts amendatory of the last aforesaid acts, wherein and whereby the Congress of the United States has legislated generally and specifically with respect to the installation, use, and maintenance of the many forms of safety appliances on the locomotives and car of the railway companies and the carriages of the mails, and has conferred upon the Interstate Commerce Commission the general jurisdiction and authority to supervise the enforcement of such acts, together with the jurisdiction and authority to standardize the appliances; in pursuance thereof the commission has made and entered many orders and is now making and entering orders against the railway companies which are in duty bound to observe and obey with respect to the installation, use, repair, and maintenance of drawbars on freight cars, brakes, couplers, ladders, running boards, grab irons, handholds, boilers, ash pans, headlights, and other similar devices used on the locomotives and cars of the railway companies; that the railway companies are subject to and liable for the heavy penalties imposed by such acts for failure to comply with the standards of use, repair, and maintenance so prescribed either by such acts or by the Interstate Commerce Commission acting thereunder; and (c) the live-stock transportation act of June 29, 1906 (ch. 3594, 36 Stat 607); the live stock contagious diseases act of March 3, 1905 (ch. 1496, 33 Stat. 1264), and the animal industry act of May 29, 1884 (ch. 60, 23 Stat. 31), and other acts amendatory of the last aforesaid acts, wherein and whereby the Congress of the United States has required the railway companies to unload all live stock transported in interstate and foreign commerce at stated intervals for feed, water, and rest, to transport live stock with such continuous and expeditious service as to enable the railway companies to unload the same at appropriate yards for such feeding, watering, and resting, to comply with prescribed rules and regulations with respect to transportation of live stock affected with contagious or infectious diseases, and otherwise to conform to the standards prescribed by the Congress of the United States in the transportation of live stock with provisions for heavy fines and penalties for which the railway companies are liable in the event of their failure in all respects to comply with such acts.

Moreover, the railway companies mentioned in decision No. 1036, and each of them are, and during all the times hereinafter mentioned, were engaged and required by the United States, in many instances by special laws, to carry daily and regularly upon numerous trains the United States mails; that the railway companies have been and are required by the United States so to carry the mails continually and daily upon their regular passenger and mail trains upon certain terms and conditions are to continue so to do. Said railway companies are required to carry the mails at certain hours of the day and night and upon specified trains having definite hours of departure and arrival and with definite times fixed for deliveries. By acts of Congress the railway companies are post roads of the United States, and many of such railway companies are required at any and all times, or whenever occasion arises, to carry troops and military forces of the United States, and provisions, munitions, and general supplies therefor.

VII. The railway system of transportation owned and operated throughout the continental United States and the railroads are so placed as to reach and serve the territories wherein are mainly located the agricultural, horticultural, live stock, mining, manufacturing, and commercial industries of the Nation. The continued operation of all systems of railway transportation to full capacity in delivering the raw materials for and distributing the products of all such industries is vital to the health, comfort, peace, happiness, and the commercial prosperity of the people. The failure continually so to operate all of such systems of railway transportation as aforesaid for the purposes aforesaid or an extended and substantial enforcement of such transportation necessarily and quickly results in the cessation of the operation of such industries with consequent widespread lack of employment, idleness, shortage of food, fuel, and other necessities, discomfort, disease, want, dissatisfaction, and unrest among the people, particularly in the large cities.

Bituminous coal is the most important fuel consumed in the United States. It is used throughout the United States in the generation of steam and electricity for motive power, in the operation of railroads, steamboats, light, heating, and power plants, street car lines, factories, and industrial plants of all kinds, including all public utilities, and in the generation of heat in hotels, office buildings, apartment houses, and private dwellings for the purpose of protection against cold. It is mined and produced from the ground to the extent of approximately 500,000,000 net tons annually, in the aggregate, in the States of Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Montana, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wyoming in varying amounts. However, the largest production is in the States of Pennsylvania, Illinois, and West Virginia. It is shipped and distributed from the mines in interstate commerce into all of the States of the United States for the above-described uses in the generation of heat and power, including the operation of the entire railway transportation system of the continental United States, with certain exceptions in the western and southwestern regions, where by a comparatively few railway companies fuel oil is used in part. There is now an acute coal shortage due to a practically complete suspension of mining operations since April 1, 1922. The period from the middle of June until the 1st of November of each year is the season for the harvest of wheat, corn, and other staple food products, fruits, and vegetables in the great agricultural districts, and of cotton in the Southern States. The marketing season of all of these products immediately following the harvest requires the prompt movement over a railway transportation system operated with a maximum of capacity and efficiency. If upon the early resumption of mining operations and the necessity for the movement to the market of the season's crops in order to save losses to the producers and to supply the purchasers and consumers is pressing, together with the necessity for the movement of the vast herds of live stock produced in the same regions and moving to the markets at the same time for slaughter and conversion into food products, the railway transportation system is broken down or impaired so as to be useless or inadequate for any and all emergencies, the entire Nation will become engulfed in a national disaster and the people thereof will be utterly unprovided with fuel and food in the face of winter.

VIII. The aforesaid simultaneous and concerted quitting and abandonment of the service of the railway companies by approximately 90 per cent of the 400,000 members of the Federated Shop Crafts in and of itself necessarily impairs forthwith the efficiency of the entire railway transportation system, and operates to restrain, hinder, delay, obstruct, and retard the transportation of passengers and property in interstate commerce and the carriage of the mail. To restore such efficiency, to prevent further impairment thereof, and save such entire railway transportation system from complete breakdown new employees in equal numbers must immediately be placed in the service and trained. The several railway companies mentioned in decision No. 1036 have undertaken to replace and are now engaged in the replacement of the nonemployed and idle members of the Federated Shop Crafts who so purposely quit and abandoned the service with like kind of employees, or as nearly as may be. In the nature of things it was and is impossible for the railway companies mentioned in decision No. 1036 to secure, replace, and train so large a number of skilled employees within the short time necessary to prevent interference with and delay in the transportation of passengers and property in interstate commerce and the carriage of the mail. Except for the unlawful acts hereinafter set forth the railway companies mentioned in decision No. 1036 could and would procure the required number of skilled employees to perform the service which the nonemployed and idle members of the Federated Shop Crafts thus quit and abandoned, and thus restore the hitherto high efficiency of the entire system of railway transportation, to prevent further impairment thereof, and to save such entire railway transportation system from complete breakdown, and to prevent restraint, hindrance, delay, and retarding of the transportation of passengers and property in interstate commerce and the carriage of the mail.

IX. Well knowing the railway companies mentioned in decision No. 1036 are and will be unable to continue to transport passengers and property in interstate commerce and to carry the mail without an adequate force of skilled employees with which to maintain all rolling stock in a complete state of repair and in perfect running order; and well knowing the railway companies were without employees to perform such service except the members of the Federated Shop Crafts; and well knowing that after the aforesaid quitting and abandonment of the service and employment by the members of the Federated Shop Crafts the railway companies would shortly be utterly and wholly unable to transport passengers and property in interstate commerce and to carry the mail; and well knowing that the transportation of passengers and property in interstate commerce and the carriage of the mail would be restrained, hindered, delayed, obstructed, and retarded unless the railway companies were permitted to and did engage and employ other persons to replace the nonemployed and idle members of the Federated Shop Crafts who so quit and abandoned the service; and well knowing that if left peaceably alone and unmolested the railway companies forthwith would be able to and would employ other skilled persons possessing the necessary experience and training to enable them to perform the required service to maintain all rolling stock and equipment in a complete state of repair and in perfect running order; and well knowing that large numbers of such persons were desirous of and ready to enter into the employment of the railway companies for the performance of such service; and well knowing that if such persons were permitted to and did enter into such employment of the railway companies for the performance of such service defendants would be unable to coerce the railway companies into violating, ignoring, and repudiating decision No. 1036, the defendants did unlawfully conspire, combine, and confederate and agree with each other and among themselves as nonemployed and idle members of the Federated Shop Crafts, and with other persons, to hinder and prevent the railway companies from hiring, engaging, and employing such other skilled and qualified persons who are willing to enter the service and employment and to perform the service of maintaining all rolling stock in a complete state of repair and perfect running order; and to prevent such other persons from entering and engaging in such service or employment, and to cause such members of the Federated Shop Crafts who continued in the service and employment and who loyally accept and complied with decision No. 1036, and who have refused to quit and abandon the service and employment, but still continue therein, to leave such service and employment; and to wholly deprive the railway companies of the forces and facilities with which to maintain all rolling stock in a complete state of repair and in perfect running order, and thus to hinder, delay, obstruct, and retard the transportation of passengers and property in interstate commerce and the carriage of the mail.

X. In pursuance of said unlawful conspiracy, combination, agreement, and arrangement agreed upon by the defendants, and to carry same into effect and to accomplish the purposes thereof as aforesaid, the defendants, Jewell, McGrath, Scott, Johnston, Noonan, Kline, Hynes, Franklin, and Ryan, members of the executive council of the railway employees' department of the American Federation of Labor, on or about June 27, 1922, published and circulated, and caused to be published and circulated, among all of the officers and members of said Federated Shop Crafts a letter dated June 27, 1922, which is attached hereto and marked "United States Exhibit No. 2"; and further in pursuance of said unlawful conspiracy, combination, agreement, and arrangement agreed upon by the defendants, and to accomplish the purposes thereof, and since the quitting and abandonment of the services and employment of the railway companies by the members of the Federated Shop Crafts, as aforesaid, on July 1, 1922, the defendants, Jewell, McGrath, Scott, Johnston, Noonan, Kline, Hynes, Franklin, and Ryan, have issued and circulated, and caused to be issued and circulated, instructions, directions, orders, and suggestions, in writing, by telegraph, telephone, word of mouth, published statements, and otherwise, to and among the said officers and nonemployed and idle members of Federated Shop Crafts of the same tenor and effect as United States Exhibit No. 2, directing the officers and nonemployed and idle members to picket the shops, yards, premises, and property of the railway companies, and the streets and avenues in the vicinity thereof, and the ways of ingress and egress thereto and therefrom, and to prevent the railway companies from securing and having a sufficient number of employees at all times to inspect, overhaul, and repair all of their rolling stock and equipment and at all times to maintain the same in a complete state of repair and in proper running order. Defendants, and each of them, are continuing, and unless restricted by a court's fiat will still continue, so to issue, publish, and circulate such instructions, orders, directions, and suggestions to the members and officers aforesaid.

XI. In carrying into effect the aforesaid unlawful conspiracy, combination, confederation, agreement, and arrangement, the defendants have caused the shops, yards, premises, and property of the railway companies and the streets and avenues in the vicinity thereof, and the ways of ingress and egress thereto and therefrom, to be picketed by large numbers or groups of nonemployed and idle members of the Federated Shop Crafts, which picketing is conducted by importuning in a threatening, violent, and offensive manner, and with violence and threats of further violence and with personal injuries inflicted and threats of further personal injuries to be inflicted on the officers and employees of the railway companies, including particularly the members of the Federated Shop Crafts who have refused to quit and abandon the service and employment of the railway companies, and upon other persons who have entered the service and employment of the railway companies to replace and to perform the service and employment which the nonemployed and idle members of the Federated Shop Crafts refused to perform, and other persons who desire to accept such employment and to perform such service. In pursuance of such unlawful conspiracy, combination, confederation, agreement, and arrangement defendants and each of them, by themselves and through their representatives and agents, are and have been continuously and persistently endeavoring and attempting, by importuning, intimidation, violence, and threats of further violence, bodily injuries, and threats of further bodily injuries, danger to life and property, and threats of further danger to life and property, and other acts of terrorism, and by such unlawful picketing and other forms of lawlessness, to put in fear, hinder, and obstruct persons seeking employment with the railway companies for the performance of the service of maintaining all rolling stock and equipment in a complete state of repair and in perfect running order from entering such service and employment; and by opprobrious epithets, intimidation, and use of physical force and violence and other forms of lawlessness, to drive and coerce all such employees to quit and abandon their service and employment. By order, procurance, and direction of the defendants, conspiring, combining, confederating, agreeing, and arranging together as aforesaid, persons contemplating and desiring to accept employment with the railway companies are met and accosted at the shops, yards, premises, and property of the railway companies and on the streets and avenues in the vicinity thereof and on the ways of ingress and egress thereto and therefrom by nonemployed and idle members of the Federated Shop Crafts; and by unfounded conversations and arguments, importuning, threats of violence, intimidation, and other forms of lawlessness are prevented and prohibited from entering or further considering employment by the railway companies who are thus deprived of the right and opportunity to bargain with, engage, and hire employees to maintain all rolling stock and equipment in a complete state of repair and in perfect running order.

All of the nonemployed and idle members of the Federated Shop Crafts who so quit and abandoned the service and employment of the railway companies as aforesaid, by direction of the defendants in their conspiracy, combination, confederation, agreement, and arrangement are required to and do devote their time, except as they have been heretofore restrained from so doing by injunctions issued in some districts on bills filed by railroad companies, to picketing the shops, yards, premises, and property of the railway companies and the streets and avenues in the vicinity thereof and the ways of ingress and egress thereto and therefrom for the purpose of preventing the railway companies from procuring or acquiring the necessary employees for the maintenance of all rolling stock and equipment in a complete state of repair and in a perfect running order, and inducing and procuring those employees who refused to quit and abandon the service now to quit and abandon the same. By the aforesaid methods and unlawful acts the defendants have caused many of the employees who refused and failed to comply with and obey the order to quit and abandon on July 1, 1922, the service and employment of the railway companies since to quit and abandon such service and employment. They have also thus prevented and prohibited still other persons seeking such service and employment and who are ready, able, and willing to perform the same from entering the service and employment of such railway companies. The latter are without and have been unable to acquire and keep a sufficient number of employees to operate their shops to full capacity at all times for the maintenance of all rolling stock and equipment in a complete state of repair and in running order. Freight and passenger trains to the aggregate of several hundred have already been necessarily discontinued and abandoned. Under such circumstances the entire rolling stock and equipment will so rapidly deteriorate that within a comparatively short time it may be completely broken down, and the transportation of passengers and property in interstate commerce and the carriage and handling of the mail may be completedly restrained, hindered, delayed, obstructed, and retarded.

XII. The purpose and intent of the defendants and each of them and their associates in conspiring, combining, confederating, agreeing, and arranging together to cause the members of the Federated Shop Crafts who have failed to quit and abandon the service and employment now to quit and abandon the service and employment of the railway companies as aforesaid; and to prevent the railway companies from hiring or employing persons to replace the nonemployed and idle members of the Federated Shop Crafts, and to prevent the railway companies from having in their service a sufficient number of men to inspect, overhaul, and repair the locomotives and cars, and at all times to keep all of the rolling stock and equipment in a complete state of repair and proper running order; and of committing the unlawful acts aforesaid in pursuance of the unlawful conspiracy, combination, confederation, agreement, and arrangement, was and is to delay, restrain, obstruct, and retard transportation in interstate commerce on the lines of all of the railway companies operating throughout the continental United States; and wholly to obstruct and prevent transportation or movement of any passengers or property whatever in interstate and foreign commerce and the carriage of the mail, in the event the railway companies should recognize and obey and shall continue to recognize and obey decision No. 1036, and should continue to refuse to be forced or coerced into acceding to the unlawful demands of the nonemployed and idle members of the Federated Shop Crafts, and agree to pay to them wages in excess of the wages found to be just and reasonable by the Railroad Labor Board.

The defendants' aforesaid unlawful conduct is still continuing with constantly and rapidly increasing activity and persistence, and now extends to practically every locality where the railway companies, or any of them, maintain repair shops or yards. Although the said railway companies have in some localities and in many instances invoked the protection of the United States courts, and although many injunctions have been issued and served on the offending officers and members of the Federated Shop Crafts enjoining the unlawful acts hereinbefore referred to, all of such efforts have been and are inadequate in many localities to break up and accomplish the abandonment of such unlawful acts. To effectually end this nation-wide conspiracy against the functions and operation of the Federal Government it is necessary that the defendants herein who have directed and are now directing, and all others who participate in the direction of such conspiracy, be enjoined from so doing.

The aforesaid conspiracy, combination, confederation, agreement, and arrangement and the aforesaid unlawful acts committed in pursuance thereof constitute and are a violation of the provisions of section 1 of the act of Congress of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies" (28 Stat. 209), known as the Sherman Antitrust Act, and the aforesaid transportation act of 1920.

XIII. The defendants and each of them and the officers and the nonemployees and idle members of the Federated Shop Crafts are still engaged in such unlawful conspiracy, combination, confederation, agreement, and arrangement and are still engaged in doing the aforesaid acts complained of and each of them.

As the result of said unlawful conduct of the defendants approximately a thousand mail trains are now discontinued; thousands of loaded freight care are and have been for weeks standing upon sidetracks, of which the greater number have been purposely and maliciously disabled to prevent them from being used in the transportation of coal and other commerce; thousands of disabled locomotives stand idle in the yards; the operation of numerous factories in all parts of the country are suspended for the want of fuel and material and facilities for the transportation of their products; and thousands of the employees of such factories are deprived of an opportunity to earn support for themselves and their families. In addition to all this the vicious element of the striking employees and those who despise all governmental authority have seized upon the situation to create, so far as they are able to do so, a reign of terror by dynamiting railroad bridges, removing spikes from rails, placing obstructions upon railway tracks, exploding bombs on tracks and in railroad yards, and hurling bombs at moving trains for the purpose not only of impeding and hindering the transportation of passengers and freight but of deterring by fear the trainmen from operating trains and passengers from riding thereon. That the court may have some comprehension of the extent of the lawlessness existing which has arisen from the conditions brought about by the unlawful activities of the defendants, there is attached hereto and marked as "United States Exhibit No. 3" a statement of the acts of depredation, a large proportion of which are criminal, that have been committed pursuant to and as a result of said unlawful conspiracy and reported to the Department of Justice.

Unless restrained and enjoined by this court, defendants will continue their unlawful conduct, and the conditions of lawlessness heretofore described will become more appalling.

XIV. By the express provisions of the act of July 2, 1890, known as the Sherman Antitrust Act, it is made the imperative duty of the several district attorneys of the United States, acting under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain all violations of said act. Furthermore, it is the duty of the Attorney General of the United States to see that all laws of the United States are enforced which are for the protection of the public, and this applies with special force to those laws and rights of parties fixed by governmental bodies, which can not be enforced or are difficult of enforcement by action brought by private citizens. Such power is vested in the Attorney General by the direct and implied provisions contained in the statutes creating and defining the duties of his office and of the Department of Justice. All power relating to the regulation of interstate and foreign commerce is vested by the Constitution in the Congress of the United States, and it is especially the duty of the Attorney General to see that said provision of the Constitution and all congressional legislation based thereon be enforced, and that all findings and orders of bodies created by Congress for the purpose of preserving the free and unhampered flow of interstate and foreign commerce be observed.

Forasmuch, therefore, as the United States is without remedy save in a court of equity, and to the end that defendants, Railway Employees' Department of the American Federation of Labor, Bert M. Jewell, president; J. F. McGrath, vice president; and John Scott, secretary and treasurer thereof, as such officers, respectively, and their successors in office, also as individuals and as representatives of all of the members thereof; International Brotherhood of Blacksmiths, Drop Forgers, and

Helpers and James W. Kline, president thereof, as such president and his successor in office, also individually and as representative of all of the members thereof; International Alliance of Amalgamated Sheet Metal Workers and J. W. Hynes, president thereof, as such president and his successor in office, also individually and as representative of all of the members thereof; International Brotherhood of Boiler Makers, Iron Ship Builders and Helpers of America and J. A. Franklin, president thereof, as such president and his successor in office, also individually and as representative of all of the members thereof; International Railway Car Men of America and Martin F. Ryan, president thereof, as such president and his successor in office, also individually and as representative of all of the members thereof; International Association of Machinists and William H. Johnston, international president, and E. C. Davison, grand secretary and treasurer thereof, as such officers, respectively, and their successors in office, as individuals and as representative of all of the members thereof; International Brotherhood of Electrical Workers and James P. Noonan, president thereof, as such president and his successor in office, individually and as representative of all the members thereof; also all defendants named in following schedule designated as system federations and as officers thereof and their successors in office, said officers being sued as such and individually and as representative of all members of the respective federations, viz:

STATEMENT SHOWING NAMES AND ADDRESSES OF OFFICERS OF THE SYSTEM FEDERATIONS.

- Atlanta, Tennessee & Northern, No. 132:
  - J. M. Key, president, York, Ala.
  - Robert A. Seabury, secretary, York, Ala.
- Ann Arbor, No. 77:
  - Walter Bennett, president, Owosso, Mich.
  - David Bodary, secretary, Owosso, Mich.
- Atchison, Topeka & Santa Fe, No. 97:
  - Thos. L. Personett, president, Kansas City, Kans.
  - W. E. Wildhaber, secretary, Albuquerque, N. Mex.
- Atlanta, Birmingham & Atlantic, No. 33:
  - L. W. Cook, president, Fitzgerald, Ga.
  - G. S. Garrett, secretary, Fitzgerald, Ga.
- Atlanta & West Point and Western Railway of Alabama, No. 126:
  - W. T. Eubanks, president, Montgomery, Ala.
  - L. A. Ratley, secretary, Montgomery, Ala.
- Atlanta Joint Terminal, No. 110:
  - J. S. Price, president, Atlanta, Ga.
  - W. H. Ball, secretary, Atlanta, Ga.
- Atlantic Coast Line, No. 42:
  - C. D. Rosser, president, Rocky Mount, N. C.
  - R. C. Taylor, secretary, Montgomery, Ala.
- Baltimore & Ohio, No. 30:
  - Wm. J. McGee, president, Cincinnati, Ohio.
  - H. L. Alberty, secretary, Cincinnati, Ohio.
- Bangor & Aroostook, No. 102:
  - H. A. McLelland, president, Derby, Me.
  - A. H. Rowe, secretary, Milo, Me.
- Big Four and Cincinnati Northern (C., C., C. & St. L.), No. 54:
  - J. E. Boyle, president, Mattoon, Ill.
  - J. H. Cron, secretary, Indianapolis, Ind.
- Boston & Maine, No. 18:
  - C. E. Severns, president, North Woburn, Mass.
  - W. K. Cleary, secretary, Lyndonville, Vt.
- Buffalo, Rochester & Pittsburgh, No. 49:
  - John M. Neil, jr., president, Dubois, Pa.
  - Leonard Singer, secretary, Dubois, Pa.
- Buffalo & Susquehanna, No. 48:
  - Frank F. Hinman, president, Galeton, Pa.
  - George Moikle, secretary, Galeton, Pa.
- Carolina, Clinchfield & Ohio, No. 44:
  - F. B. Bowman, president, Erwin, Tenn.
  - J. H. Galloway, secretary, Erwin, Tenn.
- Central of Georgia, No. 26:
  - J. H. Downs, president, Savannah, Ga.
  - C. H. Ray, secretary, Columbus, Ga.
- Central Railroad of New Jersey, No. 72:
  - L. A. McGinley, president, Mauch Chunk, Pa.
  - C. L. Hulshizer, secretary, Easton, Pa.
- Central Vermont, No. 93:
  - H. D. Leonard, president, St. Albans, Vt.
  - E. E. Corrigan, secretary, St. Albans, Vt.
- Chesapeake & Ohio, No. 41:
  - G. H. Stewart, president, Covington, Ky.
  - W. O. Bradley, secretary, Huntington, W. Va.
- Chicago & Alton, No. 29:
  - W. T. Wolcott, president, Normal, Ill.
  - David Deans, secretary, Bloomington, Ill.
- Chicago, Burlington & Quincy, No. 95:
  - D. J. Dillon, president, Galesburg, Ill.
  - A. C. Butler, secretary, Galesburg, Ill.
- Chicago & Eastern Illinois, No. 20:
  - Percy Molyneaux, president, Danville, Ill.
  - Thomas J. Short, secretary, Danville, Ill.
- Chicago Great Western, No. 73:
  - W. C. Elliott, president, Oelwein, Iowa.
  - A. B. Koile, secretary, Oelwein, Iowa.
- Chicago, Indianapolis & Louisville, No. 32:
  - E. J. Humbert, president, Lafayette, Ind.
  - Roy W. Buikema, secretary, Lafayette, Ind.
- Chicago, Milwaukee & St. Paul, No. 76:
  - C. S. Johnson, president, Milwaukee, Wis.
  - John Pelkefer, secretary, Milwaukee, Wis.
- Chicago & North Western, No. 12:
  - R. C. Gaeth, president, Chicago, Ill.
  - Fred E. Williams, secretary, Chicago, Ill.
- Chicago, Peoria & St. Louis, No. 128:
  - R. F. Cour, president, Springfield, Ill.
  - W. J. Walsh, secretary, Springfield, Ill.
- Chicago, Rock Island & Pacific, No. 6:
  - George Ganzer, president, Davenport, Iowa.
  - H. A. Whittemore, secretary, Moline, Ill.
- Chicago, St. Paul, Minneapolis & Omaha, No. 75:
  - R. A. Henning, president, St. Paul, Minn.
  - H. C. Dixon, secretary, St. Paul, Minn.
- Chicago, Terre Haute & Southeastern, No. 79:
  - E. T. Hopkins, president, Terre Haute, Ind.
  - H. O. Flood, secretary, Terre Haute, Ind.
- Charleston & Western Carolina, No. 60:
  - R. C. Smith, president, Augusta, Ga.
  - Patrick Rice, secretary, Augusta, Ga.
- Cincinnati, Indianapolis & Western, No. 65:
  - H. C. Darnell, president, North Indianapolis, Ind.
  - A. Lunsford, secretary, North Indianapolis, Ind.
- Delaware & Hudson, No. 35:
  - E. J. McGovern, president, Troy, N. Y.
  - William J. Williams, secretary, Oneonta, N. Y.
- Delaware, Lackawanna & Western, No. 78:
  - T. J. Maloney, president, Scranton, Pa.
  - James F. Murdock, secretary, Paterson, N. J.
- Denver & Rio Grande, No. 10:
  - William E. Medors, president, Grand Junction, Colo.
  - J. V. Sartori, secretary, Salt Lake City, Utah.
- Denver & Salt Lake, No. 47:
  - Frank Larimer, president, Denver, Colo.
  - W. J. Offield, secretary, Denver, Colo.
- Detroit & Mackinac, No. 118:
  - John Moran, president, East Tawas, Mich.
  - E. Cecil, secretary, East Tawas, Mich.
- Duluth & Iron Range, No. 81:
  - Dick Masters, president, Two Harbors, Minn.
  - Chris. Wold, secretary, Two Harbors, Minn.
- Duluth, Missabe & Northern, No. 71:
  - W. A. Newman, president, Proctor, Minn.
  - Sam Thomas, secretary, Proctor, Minn.
- Elgin, Joliet & Eastern, No. 88:
  - John Barnes, acting president, Joliet, Ill.
  - Adam L. Smith, secretary, Joliet, Ill.
- El Paso & Southwestern, No. 120:
  - D. H. Wood, president, El Paso, Tex.
  - P. P. Wentzell, secretary, El Paso, Tex.
- Erie, No. 100:
  - V. J. Davern, president, Meadville, Pa.
  - W. T. Rieman, secretary, Meadville, Pa.
- Fort Smith & Western, No. 5:
  - Jesse Davis, president, Fort Smith, Ark.
  - A. D. Chase, secretary, Fort Smith, Ark.
- Florida East Coast, No. 69:
  - R. D. Roberts, president, Miami, Fla.
  - J. F. Potts, secretary, Miami, Fla.
- Georgia Railroad, No. 70:
  - G. W. Akins, president, Augusta, Ga.
  - W. J. Goodwin, secretary, Augusta, Ga.
- Georgia & Florida, No. 116:
  - B. L. McCook, president, Douglas, Ga.
  - W. C. Jenks, secretary, Douglas, Ga.
- Grand Trunk Pacific, No. 82:
  - James Logan, president, West Edmonton, Alberta, Canada.
  - C. A. Boath, secretary, West Edmonton, Alberta, Canada.

- Green Bay & Western, No. 94:
  - Carl O. Betcher, president, Green Bay, Wis.
  - Louis J. McGahan, secretary, Green Bay, Wis.
- Great Northern, No. 101:
  - R. A. Henning, president, St. Paul, Minn.
  - J. W. Bowen, secretary, Hillyard, Wash.
- Gulf Coast Lines, No. 55:
  - W. R. Rolph, president, Kingsville, Tex.
  - C. B. Ballard, secretary, Kingsville, Tex.
- Georgia, Florida & Alabama, No. 137:
  - W. R. Wratley, president, Bainbridge, Ga.
  - W. G. Stephens, secretary, Bainbridge, Ga.
- Gulf, Mobile & Northern, No. 113:
  - G. W. DeVaughn, president, Mobile, Ala.
  - J. W. Sample, secretary, Laurel, Miss.
- Grand Trunk (lines in United States), No. 92:
  - J. W. Thompson, president, Battle Creek, Mich.
  - I. Barney, secretary, Chicago, Ill.
- Hocking Valley, No. 51:
  - H. T. Hamilton, president, Columbus, Ohio.
  - J. W. McDonald, secretary, Columbus, Ohio.
- Houston Belt & Terminal, No. 124:
  - Sam Genusa, president, Houston, Tex.
  - G. R. Brocks, secretary, Houston, Tex.
- Illinois Central, No. 99:
  - J. C. Eubanks, president, Paducah, Ky.
  - W. J. Meehan, secretary, Chicago, Ill.
- Indiana Harbor Belt, No. 74:
  - R. S. Johnson, president, Hammond, Ind.
  - W. M. Knight, secretary, Hammond, Ind.
- International & Great Northern, No. 14:
  - J. S. Quinn, president, Palestine, Tex.
  - P. F. Parker, secretary, Palestine, Tex.
- Jacksonville Terminal, No. 50:
  - W. A. Carey, president, Jacksonville, Fla.
  - E. M. Breese, secretary, Jacksonville, Fla.
- Kanawha & Michigan, No. 111:
  - W. E. Yaeger, president, Middleport, Ohio.
  - Virgil Edwards, secretary, Middleport, Ohio.
- Kansas City, Mexico & Orient, No. 1:
  - Oscar Maze, president, Wichita, Kans.
  - Jap Hall, secretary, Wichita, Kans.
- Kansas City Southern, No. 3:
  - W. A. Wood, president, Pittsburg, Kans.
  - H. S. Laughery, secretary, Pittsburg, Kans.
- Kansas City Terminal, No. 38:
  - J. R. Newton, president, Kansas City, Mo.
  - E. G. Smedley, secretary, Kansas City, Mo.
- Kentucky & Indiana Terminal, No. 58:
  - George Stiggers, president, Louisville, Ky.
  - William T. Sils, secretary, Louisville, Ky.
- Lehigh & Hudson River, No. 107:
  - E. Odell, president, Warwick, N. Y.
  - Alva J. Smith, secretary, Warwick, N. Y.
- Lehigh & New England, No. 129:
  - Joe Wheelock, president, Pen Argyle, Pa.
  - William Burnard, secretary, Pen Argyle, Pa.
- Lehigh Valley, No. 96:
  - Edward Burke, president, Waverly, N. Y.
  - Robert Rumble, secretary, Sayre, Pa.
- Louisville & Nashville, No. 91:
  - S. M. Roper, president, Albany, Ala.
  - Fred C. Wayler, secretary, Louisville, Ky.
- Louisville & Arkansas, No. 59:
  - A. S. Hughes, president, Stamps, Ark.
  - B. F. Sapp, secretary, Stamps, Ark.
- Maine Central, No. 80:
  - William J. Foley, president, Portland, Me.
  - A. L. Frame, secretary, Portland, Me.
- Macon, Dublin & Savannah, No. 56:
  - G. P. Baggarly, president, Macon, Ga.
  - H. C. Chambless, secretary, Macon, Ga.
- Michigan Central, No. 67:
  - D. E. Tanney, president, Bay City, Mich.
  - C. Cunningham, secretary, Jackson, Mich.
- Midland Valley, No. 52:
  - J. C. Allen, president, Muskogee, Okla.
  - C. F. Files, secretary, Muskogee, Okla.
- Minneapolis & St. Louis, No. 15:
  - John E. Stephenson, president, Minneapolis, Minn.
  - N. E. Theis, secretary, Minneapolis, Minn.
- Missouri, Kansas & Texas, No. 8:
  - William Dickerson, president, Waco, Tex.
  - F. N. Galloway, secretary, Parsons, Kans.
- Missouri & North Arkansas, No. 27:
  - T. Jines, president, Harrison, Ark.
  - E. M. Roberts, secretary, Harrison, Ark.
- Missouri, Oklahoma & Gulf, No. 4:
  - J. D. Ratterre, president, Muskogee, Okla.
  - R. C. Kiddy, secretary, Muskogee, Okla.
- Missouri Pacific, No. 2:
  - S. L. Watts, president, St. Louis, Mo.
  - G. A. McDonald, secretary, St. Louis, Mo.
- Nashville, Chattanooga & St. Louis, No. 83:
  - H. L. Nelson, president, Nashville, Tenn.
  - W. H. Harper, secretary, Nashville, Tenn.
- New York, Chicago & St. Louis (Nickel Plate), No. 57:
  - Earl Duddleson, president, Fort Wayne, Ind.
  - L. E. Nicholson, secretary, Chicago, Ill.
- New York, Ontario & Western, No. 81:
  - William E. Appel, president, Carbondale, Pa.
  - M. S. Hopkins, secretary, Middletown, N. Y.
- New York, New Haven & Hartford, No. 17:
  - John C. Ready, president, New Haven, Conn.
  - Robert Henderson, secretary, Roslindale, Mass.
- New Orleans Great Northern, No. 112:
  - E. T. Williams, president, Bogalusa, La.
  - Alban Bush, secretary, Bogalusa, La.
- New York Central, No. 103:
  - T. A. Rodgers, president, Albany, N. Y.
  - J. H. Vance, secretary, Cleveland, Ohio.
- Norfolk & Western, No. 16:
  - W. L. Scott, president, Roanoke, Va.
  - H. W. Bias, secretary, Roanoke, Va.
- Norfolk & Southern, No. 28:
  - E. T. Kerchner, president, Raleigh, N. C.
  - J. W. Jelliff, secretary, Portsmouth, Va.
- Northern Pacific, No. 7:
  - W. A. Parranto, president, St. Paul, Minn.
  - M. A. Adams, secretary, St. Paul, Minn.
- Northern Pacific, No. 115:
  - Walter Scott, president, Sausalito, Calif.
  - J. F. Miller, secretary, Sausalito, Calif.
- Pennsylvania, No. 90:
  - N. P. Good, president, Pittsburgh, Pa.
  - H. A. Bixler, secretary, Pittsburgh, Pa.
- Pere Marquette, No. 9:
  - Frank Cavanaugh, president, Grand Rapids, Mich.
  - Fred J. Klump, secretary, Grand Rapids, Mich.
- Peoria & Pekin Union, No. 123:
  - A. K. Buckley, president, Peoria, Ill.
  - C. A. Myers, secretary, Peoria, Ill.
- Philadelphia & Reading, No. 109:
  - H. E. Ellenberger, president, Harrisburg, Pa.
  - W. J. Ryder, secretary, Philadelphia, Pa.
- Pittsburgh & Shawmut, No. 104:
  - C. O. Hellman, president, Brookville, Pa.
  - G. B. Fiscus, secretary, Brookville, Pa.
- Pittsburgh & West Virginia, No. 127:
  - J. O'Neil, president, Pittsburgh, Pa.
  - J. F. Tietz, secretary, Carnegie, Pa.
- Pullman Car Lines, No. 122:
  - Fred Nerman, president, Buffalo, N. Y.
  - Thomas W. Marsh, secretary, Denver, Colo.
- Richmond, Fredericksburg & Potomac, No. 37:
  - S. C. Spencer, president, Richmond, Va.
  - D. Kennedy, secretary, Richmond, Va.
- Rutland System, No. 98:
  - A. J. Carpenter, president, Rutland, Vt.
  - Thomas S. Keith, secretary, Rutland, Vt.
- San Antonio, Uvalde & Gulf, No. 133:
  - A. J. Bell, president, North Pleasanton, Tex.
  - C. V. Wilkins, secretary, North Pleasanton, Tex.
- Seaboard Air Line, No. 39:
  - H. N. Fallon, president, Savannah, Ga.
  - J. S. Wilds, secretary, Jacksonville, Fla.
- Short Line Railroads of St. Louis & East St. Louis & Alton, No. 131:
  - C. D. Miller, president.
  - S. M. Laws, secretary, St. Louis, Mo.
- Spokane, Portland & Seattle, No. 119:
  - W. B. Richardson, president, Vancouver, Wash.
  - W. E. Davy, secretary, Vancouver, Wash.
- Soo Line, No. 66:
  - Dennis Doyle, president, Fond du Lac, Wis.
  - E. E. Thrall, secretary, Minneapolis, Minn.

- Southern and Allied Lines, No. 21:
    - A. McGillvary, president, Birmingham, Ala.
    - Arthur Gledhill, secretary, Birmingham, Ala.
- Southern Pacific, No. 114:
    - H. A. Jones, president, San Francisco, Calif.
    - L. S. Gordon, secretary, San Francisco, Calif.
- St. Louis Southwestern, No. 45:
    - B. E. Shields, president, Pine Bluff, Ark.
    - G. W. Daroux, secretary, Pine Bluff, Ark.
- St. Louis & San Francisco (Frisco), No. 22:
    - Harry Bayes, president, Springfield, Mo.
    - C. H. McEvilly, secretary, Springfield, Mo.
- St. Louis Terminal, No. 25:
    - W. N. Baker, president, St. Louis, Mo.
    - William Ahearn, secretary, St. Louis, Mo.
- Switching & Terminal Lines of Chicago, No. 130:
    - Travers Johnson, president, Chicago, Ill.
    - Walter Ungarait, secretary, Chicago, Ill.
- Tennessee Central, No. 68:
    - H. B. Brown, president, Nashville, Tenn.
    - H. B. Goodrich, secretary, Nashville, Tenn.
- Texas & Pacific, No. 121:
    - C. M. Boyett, president, Marshall, Tex.
    - E. L. Hilliard, secretary, Marshall, Tex.
- Toledo, Peoria & Western, No. 135:
    - B. H. Reichelderfer, president, Peoria, Ill.
    - Philipp Probert, secretary, Peoria, Ill.
- Toledo, St. Louis & Western, No. 64:
    - Albert S. Freas, president, Frankfort, Ind.
    - Abner Fellabaum, secretary, Frankfort, Ind.
- Toledo Terminal, No. 134:
    - J. McCann, president, Toledo, Ohio.
    - J. C. Dandelin, secretary, Toledo, Ohio.
- Trans-Mississippi Terminal, No. 46:
    - J. J. Davies, president, Gretna, La.
    - W. S. Konny, secretary, New Orleans, La.
- Trinity & Brazos Valley, No. 62:
    - J. A. Yarbrough, president, Teague, Tex.
    - G. C. Ward, secretary, Teague, Tex.
- Union Pacific, No. 105:
    - B. H. Furse, president, Omaha, Nebr.
    - Anthony Johnson, secretary, Omaha, Nebr.
- Virginian Mutual, No. 40:
    - W. E. Gibbs, president, Princeton, W. Va.
    - W. H. Richards, secretary, Princeton, W. Va.
- Wabash system, No. 13:
    - F. R. Lee, president, Moberly, Mo.
    - D. C. Hazlett, secretary, Springfield, Ill.
- Washington Terminal, No. 106:
    - G. F. Holmes, president, Washington, D. C.
    - Ed. M. Bridwell, secretary, Washington, D. C.
- Western Maryland, No. 24:
    - L. R. Barnhart, president, Hagerstown, Md.
    - F. E. Roseman, secretary, Hagerstown, Md.
- Western Pacific, No. 117:
    - F. Bianchi, president, Sacramento, Calif.
    - George Wright, secretary, Sacramento, Calif.
- Wheeling & Lake Erie, No. 23:
    - W. M. McWade, president, Massillon, Ohio.
    - T. P. Powers, secretary, Massillon, Ohio.
- Wrightville & Tennille, No. 61:
    - G. W. Spivey, president, Tennille, Ga.
    - S. F. Davis, secretary, Tennille, Ga.

and each of them, and all persons who may now or hereafter conspire, combine, confederate, agree, and arrange with them, whose names are to the complainant unknown, all of whom are made parties defendant to this bill of complaint, may be required to make full and complete answer, but not under oath, answer under oath being hereby expressly waived; and complainant prays:

(1) That such defendants, and each of them, and each and all of their attorneys, servants, agents, associates, members, employees, and all persons acting in aid of or in conjunction with them, be enjoined and restrained primarily until final hearing hereon, and perpetually thereafter, from—

(a) In any manner interfering with, hindering, or obstructing said railway companies, or any of them, their agents, servants, or employees, in the operation of their respective railroads and systems of transportation or the performance of their public duties and obligations in the transportation of passengers and property in interstate commerce and the carriage of the mail, and from in any way interfering with, hindering, or obstructing the agents, servants, and employees of said railway companies, or any of them, engaged in the inspection, repair, operation, and use of trains, locomotives, cars, and other equipment of said railway companies, or any of them, and from preventing or attempting to prevent any person or persons from freely entering into or continuing in the employment of said railway companies, or any of them, for the inspection and repairing of locomotives and cars, or otherwise;

(b) In any manner conspiring, combining, confederating, agreeing, and arranging with each other, or with any other person or persons, organizations, or associations to injure or interfere with or hinder said railway companies, or any of them, in the conduct of their lawful business of transportation of passengers and property in interstate commerce and the carriage of the mail; or to injure, interfere with, hinder, or annoy any employee of said railway companies, or any of them, in connection with the performance of their duties as such employees or while going to or returning from the premises of said railway companies in connection with their said employment, or at any time or place, by displays of force or numbers, the making of threats, intimidation, acts of violence, opprobrious epithets, jeers, suggestions of danger, taunts, entreaties, or other unlawful acts or conduct toward any employee or employees or officers of said railway companies, or any of them, or toward persons desirous of or contemplating entering into such employment;

(c) Loitering or being unnecessarily in the vicinity of the points and places of ingress or egress of the employees of said railway companies, to and from such premises, in connection with their said employment; or aiding, abetting, directing, or encouraging any person or persons, organization, or association, by letters, telegrams, telephone, word of mouth, or otherwise to do any of the acts aforesaid; trespassing, entering, or going upon the premises of the said railway companies, or any of them, to do any of the acts aforesaid, or for any other purpose whatsoever, at any place or in the vicinity of any place where the employees of said companies, or any of them, are engaged in inspecting, overhauling, or repairing locomotives, cars, or other equipment, or where such employees customarily perform such duties or at any other place on the premises of said railway companies, or any of them, except where the public generally are invited to come to transact business with said railway companies as common carriers of passengers and property in interstate commerce.

(d) Inducing or attempting to induce by the use of threats, violent or abusive language, opprobrious epithets, physical violence or threats thereof, intimidations, display of numbers or force, jeers, entreaties, argument, persuasion, rewards, or otherwise, any person or persons to abandon the employment of said railway companies, or any of them, or to refrain from entering such employment.

(e) Engaging, directing, or encouraging others to engage in the practice commonly known as picketing; that is to say, assembling or causing to be assembled numbers of the members of said Federated Shop Crafts or others in sympathy with them in proximity of said railway companies, or any of them, at or in the vicinity where the employees thereof are required to work and perform their duties, or at or near the places of ingress or egress thereto or therefrom, and by threats, persuasions, jeers, violent or abusive language, violence or threats of violence, taunts, entreaties or argument, or in any other way prevent or attempt to prevent any of the employees of said railway companies, or any of them, from entering upon or continuing in their duties as such employees, or so to prevent, or attempt to prevent, any person or persons from entering or continuing in the employment of said railway companies, or any of them, and from aiding, abetting, ordering, assisting, directing, or encouraging in any way any person or persons in the commission of any of said acts.

(f) Congregating upon or directing, aiding, or encouraging the congregating upon, or maintaining at or near any of the yards, shops, depots, terminals, tracks, way lands, roadbeds, or premises of said railway companies, or any of them, any guards, pickets, or persons to perform any act of guarding, picketing, or patroling any such yards, shops, depots, terminals, or other premises of said railway companies, or any of them, and in any manner threaten, intimidate, by suggestions of danger or personal violence toward any servant or employee of said companies, or any of them, or toward persons contemplating the entering of such employment, or aiding, encouraging, directing, or causing any other person or persons so to do.

(g) Doing or causing, or in any manner conspiring, combining, directing, commanding, or encouraging the doing or causing the doing by any person or persons of any injury or bodily harm to any of the servants, agents, or employees of said railway companies, or any of them; going singly or collectively to the homes, abodes, or places of residence of any employee of the said railway companies, or any of them, for the purpose of intimidating, threatening, or coercing such employee or member of his family, or in any manner by violence or threats of violence, or otherwise directed toward any said employee or member of his family, induce or attempt to induce such employee to refuse to perform his duties as an employee of said railway companies, or any of them; from so attempting to prevent any person or persons from entering the employ of either of said railway companies and from aiding, encouraging, directing, commanding, or causing any person or persons so to do.

(h) In any manner directly or indirectly hindering, obstructing, or impeding the operation of any of the trains of said railway companies, or any of them, in the movement and transportation of passengers and property in interstate commerce or in the carriage of the mail, or in the performance of any other duty as common carriers, and from aiding, abetting, causing, encouraging, or directing any person or persons, association or organization to do or cause to be done any of the matters or things aforesaid.

(i) In any manner by letters, printed or other circulars, telegrams, telephone, word of mouth, oral persuasion, or suggestion, or through interviews to be published in newspapers or otherwise in any manner whatsoever encourage, direct, or command any person, whether a member of any or either of said labor organizations or associations defendants herein, or otherwise, to abandon the employment of said railway companies, or any of them, or to refrain from entering the service of said railway companies, or either of them.

2. The said defendants—Jewell, McGrath, Scott, Johnston, Noonan, Kline, Ryan, Franklin, and Hynes, and each of them, as officers as aforesaid and as individuals—be restrained and enjoined from—

(a) Issuing any instructions, requests, public statements, or suggestions in any way to any defendant herein or to any official or members of any said labor organizations constituting the said Federated Shop Crafts, or to any official or member of any system federation thereof with reference to their conduct or the acts they shall perform subsequent to the abandonment of the employment of said railway companies by the members of the said Federated Shop Crafts, or for the purpose of or to induce any such officials or members or any other persons whomsoever to do or say anything for the purpose or intended or calculated to cause any employee of said railway companies, or any of them, to abandon the employment thereof, or to cause any persons to refrain from entering the employment thereof to perform duties in aid of the movement and transportation of passengers and property in interstate commerce and the carriage of the mails.

(b) Using, causing, or consenting to the use of any of the funds or moneys of said labor organizations in aid of or to promote or encourage the doing of any of the matters or things hereinbefore complained of.

3. That the complainant may have such other and further relief in the premises as the nature of the case may require and to your honor shall seem meet.

4. That a writ of subpœna issue directed to the said defendants and each of them and running to the districts of their residence or wherever they may be found, commanding them and each of them on a day certain to appear and answer this bill of complaint, but not under oath, answer under oath being expressly waived, and to abide by and perform such order and decree as the court may make in the premises.

5. That a temporary restraining order may be issued herein restraining the said defendants and each of them in accordance with the prayer for a preliminary and perpetual injunction pending a hearing on said application for a preliminary injunction; that said temporary restraining order may be served on each of the said defendants named; and that as to those unknown and unnamed defendants such temporary restraining order may be ordered and decreed to be and to become effective and binding upon such unknown and unnamed defendants immediately upon the receipt or acquisition of notice of knowledge thereof; and that for the purpose of bringing notice or knowledge thereof to such unknown and unnamed defendants the said temporary restraining order be ordered and directed to be published and posted in such manner and in such places and at such times as the court may direct, and that immediately upon the posting or publishing of such temporary restraining order in any locality on any of the said lines of railroad where employees are accustomed to perform the work of inspection and repair of the locomotives, cars, or other equipment, all such unknown and unnamed defendants in such locality shall be deemed to have notice and knowledge thereof and become bound thereby.

CHARLES F. CLYNE,
United States Attorney.
H. M. DAUGHERTY,
Attorney General.
GUY D. GOFF,
Assistant to the Attorney General.
A. A. MCLAUGHLIN,
BLACKBURN ESTERLINE,
Special Assistants to the Attorney General.

UNITED STATES OF AMERICA,
Northern District of Illinois, Eastern Division, ss:

Charles F. Clyne, being duly sworn, says that he is the United States attorney for the northern district of Illinois, and that he has read the foregoing bill of complaint and knows the contents thereof, and that the same is true of his own knowledge except as to matters therein stated on his information and belief, and as to those matters he believes them to be true. He further states that he is authorized to sign the said bill of complaint for the United States of America, the complainant therein, by the Attorney General of the United States.

———————,
Attorney of the United States for
the Northern District of Illinois.

Subscribed in my presence and sworn to before me this — day of ———, A. D. 1922.

———————.

CHICAGO, *September 1.*

After impressing upon the court the importance and necessity of this proceeding, outlining the strike situation since its inception, and stating in detail various acts of outlawry and depredation on part of defendants or their members, the Attorney General concluded his remarks as follows:

"The United States Government, through the Attorney General, in order to carry on the functions of the Government, has filed this bill of complaint and now asks for a temporary restraining order against all of the defendants. It is with great regret that I am compelled to institute this proceeding on behalf of the Government. Considering existing conditions and the welfare of the people of America there is no other course, and under the circumstances I have not the slightest fear or doubt of the Government's position.

"When the parties interested in the dispute which was decided by the Labor Board found that they could not by negotiations between themselves agree upon any plan by way of adjustment of their differences, at the request of both sides an appeal was made to the President of the United States to contribute his good offices to bring about a settlement. No man, officially or unofficially, in undertaking to bring about an adjustment which would prevent the necessity of this proceeding and prevent possibly more severe action on the part of the Government, ever displayed a more marvelous patience, a more deep-seated interest or conscientious application to any task in the interest of any people than was exhibited by the President of the United States in this effort.

"The President at one time, after many conferences with the representatives of both sides, and when he hoped and believed he had assurances from both sides involved in the dispute that a certain proposition would be accepted, made the proposition to the executives of the railroads and the officers of the Federated Shop Crafts which was ultimately rejected in part by the railroads.

"That proposition was made because the President knew that two strikes—one which practically prevented the production of coal in this country and the other which materially crippled transportation and interstate commerce, causing hardship and loss and suffering to the people—were in progress and his first consideration was in the people's interest and the public welfare.

"After the rejection of the first proposal the President made a second proposition, acting as mediator. The Federated Shop Crafts, through its representatives, the defendants named in this bill, rejected the second proposition. Negotiations for a compromise have since continued between the railway executives and the officers of the Shop Crafts, with frequent conferences by both with the President, and all without avail.

"In the meantime the equipment of the railroad companies is so materially affected by acts of vandalism and inattention that the service of the companies is generally seriously impaired, and in some instances the railroads have abandoned the running of trains altogether.

"On August 11 the President issued a proclamation calling upon the defendants and their associates to return to the service, to observe the decision of the Labor Board, and in any event not to interfere with the service, and not to interfere with men who are willing to enter or continue in the service.

"The Railroad Labor Board is an agency of the Government of the United States. In this particular contest both parties submitted the difference in dispute to the regularly constituted governmental authority to hear disputes and render decisions thereon. The railroads were willing to comply with the decision which was the cause of the strike, but the defendants not only repudiated the decision, but repudiated the Labor Board and its authority and hold the Labor Board and the Government of the United States in contempt.

"The President in his message to Congress on August 18, 1922, laying this entire matter before the Congress of the United States in connection with the coal strike, very truthfully said:

"'The Government can have no chart for its course except the law. These conditions can not remain in free America. If free men can not toil according to their own lawful choosing, all our constitutional guaranties born of democracy are surrendered to mobocracy and the freedom of a hundred millions is surrendered to the small minority which would have no law.

"'There are statutes forbidding conspiracy to hinder interstate commerce. There are laws to assure the highest possible safety in railway service. It is my purpose to invoke these laws, civil and criminal, against all offenders alike. The legal safeguarding against like menaces in the future must be worked out when no passion sways, when no prejudice influences, when the whole problem may be appraised, and the public welfare may be asserted against any and every interest which assumes authority beyond that of the Government itself.

"'We must reassert the doctrine that in this Republic the first obligation and the first allegiance of every citizen, high or low, is to his Government, and to hold that Government to be the just and unchallenged sponsor for public welfare, and the liberty, security, and rights of all its citizens. No matter what clouds may gather, no matter what storms may ensue, no matter what hardships may attend, or what sacrifice may be necessary, government by law must and will be sustained.

"'Wherefore I am resolved to use all the power of the Government to maintain transportation and sustain the right of men to work.'

"I do not appear here as a representative of the railroads; I appear here by virtue of law requiring me to do so, representing the Government of the United States and the people of the United States. The Government of the United States will never lift its hand against or touch a torch to the welfare of labor in its legitimate pursuit or to deny it what it is entitled to. The United States could not have been developed but for labor. Without that which labor produces the people of the United States can not be prosperous or achieve, and, in fact, they can not live.

"To-morrow it will be said by some persons, more malicious than truthful, that this proceeding is intended as a deathblow to the union; and, inasmuch as a falsehood travels twice as fast as the truth, let me to-day start the truth on its way in advance—that in my judgment this movement is necessary for the protection and the preservation of the unions themselves.

"The Government of the United States is not opposed to labor unions if they perform such functions as can be performed in lawful America. Never, while the labor unions limit their activities to legitimate acts and lawful pursuits not injurious to society, at least while I speak and to the extent that I can speak for the Government of the United States, shall a blow be struck at them.

"But it may be understood that so long and to the extent that I can speak for the Government of the United States, I will use the power of the Government of the United States within my control to prevent the labor unions of the country from destroying the open shop. When a man in this country is not permitted to engage in lawful toil whether he belongs to a union or not, with full protection and without interruption, the death knell to liberty will be sounded and anarchy will supersede organized government.

"There are many who believe, on account of the arrogance of certain officials of labor unions, that the unions themselves should be destroyed. I do not think they should, but I think they should be corrected and restrained.

"If the acts of violence and murder are inspired by the unions, then it is time for the Government to call a halt. No organization or association no matter how well organized or how powerful it may be can hold its constitution or its laws supreme over the Government, the Constitution, and the laws of the United States of America. No union or combination of unions can, under our laws, dictate to the American Union. When the unions claim the right to dictate to the Government and to dominate the American people and deprive the American people of the necessities of life, then the Government will destroy the unions, for the Government of the United States is supreme and must endure.

"No labor leader or capitalistic leader, no organization or association of any kind or kinds or combination of the same will be permitted by the Government of the United States to laugh in the frozen faces of a famishing people without prompt prosecution and proper punishment.

"There is ample authority in the laws of this country to support the court in the issuance of the restraining order prayed for in this proceeding. All modern decisions support the authority of the Government laid down more exhaustively and forcefully in the Debs case (158 U. S. 564) than probably in any other particular case decided by any court. In that case many of the serious offenses complained of in the case at bar were involved. Mr. Justice Brewer soundly pronounced the law of this country to be:

"'The complaint filed in this case clearly shows an existing obstruction of artificial highways for the passage of interstate commerce and the transmission of the mails, not only temporarily existing, but threatening to continue, and under it the circuit court had power to issue its process of injunction.

"'The Government of the United States has jurisdiction over every foot of soil within its territory, and acts directly upon each citizen.

"'While it may be competent for the Government through the executive branch and in the use of the entire executive power of the Nation to forcibly remove all such obstructions'—obstruction placed upon highways, natural or artificial, to obstruct the passage of interstate commerce, or the carrying of the mails—'it is equally within its competency to appeal to the civil courts for an inquiry and determination as to the existence and the character of any of them, and if such are found to exist or threaten to occur, to invoke the powers of those courts to remove or restrain them, the jurisdiction of courts to interfere in such matters by injunction being recognized from ancient times and by indubitable authority.'

"The right to work in this country is as sacred as the right not to be compelled to work, if a man is not disposed to do so, and every man must be made equally secure in his choice. I take notice of the fact that in the legislative branch of the Government the situation is deemed so serious that the taking over of the railroads by the Government is considered necessary. I do not believe that time has yet come. The Government has not reached the point where it will admit its inability to protect the rightful owners of property in their right to use that property for the general welfare of the whole people, and to require the owners of the railroads to furnish that service which is essential to the life of commerce, to the life of industry, to human life, and even to the very life of the Government itself.

"These defendants, considering the temperament of the people of the United States, can do no wiser or more beneficial thing for union labor than to consent that this temporary restraining order, if it should be granted by the court, be made permanent.

"I am not in this capacity before this honorable court pleading any cause of the railroads as their advocate, except as may be necessary to the welfare of the American people. The railroads are built under pledge to operate their lines. Representing the American people in this proceeding, I demand that the operation of the railroads shall not be interrupted in the service the Government requires them to perform.

"This dispute between the employers and employees is not involved in this proceeding. We have passed beyond that point. A governmental body entitled to recognition and obedience has decided that dispute. I am not taking sides between the disputants at this time as an advocate of either. It so happens in this instance that the railroads are willing to render the service the Government requires they shall render. They are trying to serve the American people. They are trying to observe the law. They are endeavoring to furnish transportation. On the other hand the defendants are preventing transportation and are offending against the law, as alleged in this bill, and by acts of violence are antagonizing and opposing the Government of the United States.

"The Government lays its hand on rich and poor alike when they do not obey the law, and if the Government fails to follow out that policy, the Government itself fails to obey the law.

"I had hoped this controversy would not come to this point. I had hoped both parties would abide by the decision of the Labor Board.

"Shall the American people suffer; shall property be destroyed; shall commerce be destroyed; shall laws be broken; shall society be disorganized; shall prosperity and all labor cease and the poor be in want because employers and employees engaged in interstate commerce, obligated to the Government and to the people of the United States, by a greater obligation than that which rests upon any other set of men in the country, because of a dispute between them refuse to obey the law? The answer is by the Government, that if they can not agree others will be given the privilege and protection of performing this service who will agree with the Government and obey the laws of Government.

"I had hoped, as all men who have the welfare of the Government and the welfare of the people at heart had hoped, that we would not come to this. Warnings since the foundation of the Government have been given. Washington, in his farewell address, anticipated this cloud when he said:

"'All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency.

"'However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.'

"But even though this widespread violence, this destruction of property, this threatening of starvation, and the hazarding and taking of human life as set forth in this complaint and situation were not present, no organization, no matter what its purpose or how powerful its plans and pursuits, can interfere with government and interstate commerce.

"As announced by the present Chief Justice of the Supreme Court of the United States in the case of Thomas *v.* Cincinnati Railway Co. (62 Fed. 803), when he was a justice of the United States Circuit Court of Appeals: 'Certainly the starvation of the Nation can not be a lawful purpose of a combination, and it is utterly immaterial whether the purpose is effected by means which are lawful or otherwise.'

"If the court please, the situation as set forth in this bill and as supported by proof presented and the condition of this country and of this service, the acts of these defendants and those inspired by them and conspiring with them, makes this proceeding necessary and justifies and makes necessary the application of the Government for a temporary restraining order, and such proceedings thereafter depending upon the acts of the defendants and those associated with them; and upon further hearing the Government will present additional proof of the increased and increasing necessity for a firm and positive stand on behalf of the Government against the things complained of in this bill.

"The underlying principle involved in this situation and this action is the survival and the supremacy of the Government of the United States."

REDUCTION IN RANK OF CERTAIN ARMY OFFICERS.

The PRESIDING OFFICER (Mr. STERLING in the chair). The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 12493) amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title.

Mr. WADSWORTH. Mr. President, the bill which has just come over from the House is an exact duplicate of Senate bill 3970, which was reported favorably from the Committee on Military Affairs and is now upon the Senate Calendar. In view of that situation I ask unanimous consent that the House bill may be now taken up without reference to the committee.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WADSWORTH. It may shorten the procedure if I am permitted to describe just what the bill does. It can be stated in a few sentences.

Mr. UNDERWOOD. The Senator wants to have the bill passed to-night?

Mr. WADSWORTH. I do.

Mr. UNDERWOOD. I am inclined to think I agree with the Senator from New York, but I do not think we ought to pass a bill of this importance without hearing it read.

Mr. WADSWORTH. I have no objection to having it read. I thought, possibly, I could explain it quicker than it could be read.

The PRESIDING OFFICER. The bill will be read.

The Assistant Secretary read the bill, as follows:

Be it enacted, etc., That the President, upon the recommendation of the board of general officers convened to carry out the elimination provisions of the act entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 30, 1922, is authorized to determine the number of officers below the grade of lieutenant colonel that shall be discharged and recommissioned in the next lower grade notwithstanding the limitation of 800 in said act: *Provided,* That the President is authorized, upon the recommendation of said board, to increase the authorized strength of various grades as prescribed in said act by not more than 50 colonels, 150 majors, and 300 captains, and to decrease by a total of not to exceed 500, apportioned among the grades as the President may determine, the authorized strength of the two lowest grades as prescribed by said act: *Provided further,* That on and after January 1, 1923, there shall be not to exceed a total of 12,000 officers in the Army, and on and after that date the authorized number in each grade shall be as prescribed in said act or as modified and prescribed by the President in accordance with the provisions of the preceding proviso, and on that date there shall not be any promotion-list officers in any grade in addition to these prescribed numbers: *Provided further,* That the discharge and recommission of officers in the next lower grade shall not operate to reduce the pay or allowances which they are now receiving or to deprive them of credit for service now counted for purposes of pay or retirement: *And provided further,* That in discharging and recommissioning officers in inverse order of standing on the promotion list any officer who is once discharged from the grade he now holds and is recommissioned in the next lower grade shall be passed over.

SEC. 2. That the retired general officers who have been called to active duty for service on the said elimination board shall be entitled from date of detail and while so serving to the active pay and allowances of their grade.

SEC. 3. That the first proviso under the heading "Arms, uniforms, equipment, etc., for field service, National Guard" in title 1 of said act is amended to read as follows: "That members of the National Guard and Officers' Reserve Corps who have or shall become entitled for a continuous period of less than one month to Federal pay at the rates fixed for the Regular Army, whether by virtue of a call by the President, of attendance at school or maneuver, or of any other cause, and whose accounts have not yet been settled, shall receive such pay for each day of such period; and the 31st day of a calendar month shall not be excluded from the computation."

SEC. 4. That all laws and parts of laws in so far as they are inconsistent with this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WADSWORTH. I move that the bill (S. 3970) amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, be indefinitely postponed.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 6 o'clock p. m.) the Senate, under the order previously made, adjourned until to-morrow, Saturday, September 2, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate September 1, 1922.

MEMBER OF THE UNITED STATES TARIFF COMMISSION.

Thomas O. Marvin, of Massachusetts, to be a member of the United States Tariff Commission for a term of 12 years. A reappointment.

PROMOTIONS IN THE NAVY.

MARINE CORPS.

Maj. Ellis B. Miller to be a lieutenant colonel in the Marine Corps from the 4th day of June, 1920.

Capt. Gerald A. Johnson to be a major in the Marine Corps from the 2d day of May, 1922.

First Lieut. Leonard E. Rea to be a captain in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Alexander Galt to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Robert S. Pendleton to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Raymond T. Presnell to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

Second Lieut. Carl W. Meigs to be a first lieutenant in the Marine Corps from the 1st day of July, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 1, 1922.

POSTMASTERS.

IDAHO.

Warren P. Jones, Priest River.

ILLINOIS.

Chester E. Brounson, Plainfield.
John K. Hoagland, Shelbyville.

NEW HAMPSHIRE.

Fred P. Dearth, Woodsville.

NEW YORK.

Anna Keegan, Ferndale.
Frank Davis, Stone Ridge.

PENNSYLVANIA.

Elma C. Dryden, New Galilee.
Charles H. Potter, Titusville.
Stephen J. Downs, Union City.

TENNESSEE.

Rufus T. Hickman, Lynnville.
Janie E. Pennington, Madisonville.

HOUSE OF REPRESENTATIVES.

FRIDAY, *September 1, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in heaven, hallowed be Thy name. We believe that the impulse we have to offer Thee daily our praise and gratitude is inspired by Thy Spirit. It is Thy creation, for we are Thy children. Enable us to covet zealously the best things; to treasure them up and love them. May we set ourselves with happy hearts, glad faces, and new desires toward this day. In every relationship may we be wise men and beneficent servants of our Republic. O lift the sick to Thy arms and give them rest and health, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. MILLSPAUGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of branch banks, and also on the subject of the need of the adoption of a comprehensive rural credits system.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD on the subjects indicated. Is there objection?

Mr. STAFFORD. I assume these are the gentleman's own remarks?

Mr. MILLSPAUGH. Absolutely.

There was no objection.

The extension of remarks referred to is here printed in full as follows:

BRANCH BANKING.

Mr. MILLSPAUGH. Mr. Speaker, a condition has arisen which menaces the existence of the independent banking system of our country, and which if permitted to continue, in my opinion, will result eventually in the destruction of the best friend the farmer and country business man have—the country banker of the present day.

There has been for some years a growing disposition on the part of some of the larger banks to encroach upon the business of the smaller financial institutions by the establishment of branches or "feeders," as we might term them. This has been accomplished to a large extent by the acquisition of control of smaller banks by the larger banks through purchase; but recently some of the large national banks have sought authority from the Comptroller of the Currency to establish branches, particularly in States which permit State banks to establish branches, giving as a reason the fact that they could not successfully compete with the State banks in those States, and when denied this authority it resulted in many national banks surrendering their charters and converting into State banks in order that they might avail themselves of the authority granted by the State to maintain branches.

This condition is deplorable, and to add to the gravity of the situation a large national bank in one of our Missouri cities—which State does not permit branch banking—has recently announced a policy of establishing a number of "branch offices" throughout that city.

It is, of course, well understood that the adoption of this policy would eventually result in the practice being extended to the rural communities. When some city bank failed to secure a correspondent in a desirable town, the next step would be to establish a branch bank in that community, then some other city bank, not willing to be outdone, would do likewise until in due time the State would be plastered with branch banks.

It is said that the bank referred to above takes the position that it does not require the consent of the Comptroller of the Currency; claiming the inherent right under its charter to pursue its announced policy.

If the Comptroller of the Currency permits this bank to continue this policy, it is self-evident that many other large banks will avail themselves of the same privilege, resulting very soon in an era of branch banking.

The Attorney General of Missouri has sought by injunction to prevent the bank referred to from carrying out its announced policy, after, however, it had already established one branch and was preparing to open a second one.

More than eleven hundred banks in Missouri have formed an Association of Missouri Banks and Trust Companies opposed to Branch Banking, and are seeking necessary legislation from Congress to accomplish their worthy object.

Having been a country banker for more than a quarter of a century, during which time I have been intimately associated with the country bankers of my State, and during all of which time I have been in daily contact with the farmers and business men, I feel that I am well qualified to speak upon the merits of this proposition.

Mr. Speaker, the banks in the agricultural sections of Missouri are owned by the farmers and business men of their respective communities; their affairs are administered by boards of directors composed of these same farmers and business men who are the financial bulwarks of their localities.

These country banks are officered by men who have risen to leadership in their communities through years of faithful and intelligent service rendered to their patrons, and these patrons have learned to rely on their good judgment and counsel in all matters.

Picture to yourself a condition in the future which would necessitate these worthy people coming to some young clerk sent out by a city bank to administer the affairs of their branch bank for counsel in their financial affairs. The very idea is preposterous.

There must be some reason for this desire upon the part of these large banks to establish branches, and it is a safe assumption that they are seeking deposits. For what purpose will these deposits be used? Will they be used in the interest of the communities where the branch banks or "branch offices" are located, or will these funds be garnered into the parent bank, there to be used by big business or used in speculative ventures?

Mr. Speaker, I want to raise my voice in protest against further indulgence in this practice; I desire to protect the interests of the people with whom I have been so long associated and who have so greatly honored me by sending me here to represent them in the Halls of Congress.

I feel that it is my duty and a privilege as well to carefully scrutinize all legislation that is proposed which affects their interests, and, furthermore, I feel it to be my duty to propose and to seek to have written into the laws of our country measures which will safeguard their rights and privileges.

With this end in view I have prepared and introduced House bill 12528, a bill which prohibits branch banking, both State and National, by forbidding membership in the Federal reserve system to any member bank which establishes or maintains a branch bank or "branch office," exempting only those which were in operation prior to July 1, 1922. The penalty for violation would be expulsion from the Federal reserve system.

An amendment to the national bank act would successfully prohibit the practice by national banks, but in States where branch banking is permitted the national banks would continue to surrender their charters and convert into State banks.

This would check the practice only in those States where branch banking is prohibited and would leave it to flourish even more prolific in States where it is now or may later be permitted.

It is of course well understood that the Federal Government has no direct control over branch banking when practiced by State banks in those States where it is permitted by State law, and believing as I do that branch banking is a menace to our present excellent independent banking system the bill introduced by me (H. R. 12528) prohibits the practice altogether by denying membership in the Federal reserve system to any offending bank.

Mr. Speaker, during the great World War the country banks of the Nation set a standard of patriotism, loyalty, and self-sacrifice that might well be emulated by the large financial institutions which are now striving to suck their lifeblood from them.

Although strained to the uttermost to care for the increased demand for funds for financing local interests, country banks in Missouri never turned a deaf ear to the appeals of the Government and actually embarrassed themselves by borrowing money from their correspondents at exorbitant rates of interest with which to purchase Liberty bonds and urged their customers to make every sacrifice in order that they too might help their country in time of need by purchasing these war bonds.

This has resulted disastrously to country banks, for their safety deposit boxes are now filled with these frozen assets, representing the capital with which they financed their customers in past years.

Many country banks and their customers, farmers and business men, are to-day struggling in adversity as a result of their loyalty and self-sacrifice during the war, and if branch banking is permitted to continue it will be the final blow.

I insert herewith a copy of H. R. 12528, which I commend to the thoughtful consideration of the membership of this Congress:

A bill (H. R. 12528) to amend the Federal reserve act by prohibiting the establishment and maintenance of branch banks or branch offices by member banks.

Be it enacted, etc., That a new section of the Federal reserve act be added to be known as section 2a, to read as follows:

"No member bank shall own, establish, maintain, or operate any branch bank, branch office, or branch place of business in conducting any of its business.

"Any member bank violating the provisions of this section shall thereby forfeit its membership in the Federal reserve bank in which it holds membership: *Provided*, That any member bank which maintained branch banks or branch offices prior to July 1, 1922, shall be exempt from the provisions of this section as to those branch banks or branch offices which were established prior to July 1, 1922."

RURAL CREDITS.

Mr. MILLSPAUGH. Mr. Speaker, I desire to discuss the pressing need for a comprehensive rural credits system, and shall undertake to show that with the adoption of such a system by the Congress of the United States the chief obstacle in the way of recovery of agriculture will be removed.

When the Federal reserve system was established, it was heralded abroad throughout the land that a panacea had been found for all of our financial ills; that business had been divorced from Wall Street and that in the future there would be an abundance of credit for all legitimate needs.

The country banker who was alert to the needs of his customers at that time pointed out the fact that no definite provision had been made in the establishment of the Federal reserve system to care for the interests of the farmer and stock raiser; but he was silenced by the assurance that credit would be so abundant and elastic that the farmer, stock raiser, and grain shipper would always have sufficient credit to meet their needs.

Deferring to the wisdom and experience of those whom he thought ought to be in a position to better judge the merits of the pending legislation, the country banker was lulled into a position of fancied security, only to awaken to learn that as usual the interests of the large financial and manufacturing institutions had been securely safeguarded; that credit had been guaranteed to business interests; but no definite provision had been made for the farmer.

Right on the heels of this Federal reserve legislation came the great World War with its era of inflation, when prices on all commodities soared, and it was not until the process of deflation began that it became evident that proper provision for credit for the farmer had not been made in the Federal reserve act.

The farmer was the first to feel the effects of deflation, and not only was he compelled to sell his product at a price far below the cost of production, but absolutely no provision had been made for financing him in making or marketing his crops.

Conditions became so acute in the agricultural sections that even wealthy farmers were unable to obtain a nominal credit, and the less fortunate ones were at once plunged into deep financial distress.

Country bankers did their best to meet the situation, but owing to their depleted line of deposits, caused by the withdrawal of funds to pay for Liberty bonds, they were helpless to furnish the necessary relief.

Prior to the war there was usually enough money on deposit in country banks throughout the country to take care of the normal demand of farmers both for funds for making and marketing their crops and also to take care of a goodly portion of the real estate loans in their respective communities, but when the appeal went forth for funds with which to win the war the local capital which was ordinarily used to finance the farmer was ungrudgingly handed over to the Government with which to prosecute the war.

This resulted in the safety deposit boxes of the country banks being gorged with Liberty bonds, which, under existing circumstances, were real frozen assets, and as Liberty bonds had depreciated about 15 per cent there was a natural hesitancy in selling them.

In fact, it was quickly realized by the holders of the Liberty bonds that it was financially suicidal to sell them at the prevailing discount, and the idea also became prevalent that, in view of the fact that evidently they would eventually reach par, the better policy of the local capitalist was to purchase even more of the bonds at the discount, thus affording him an extremely high rate of interest on a nontaxable investment when they reached par, which they very soon did.

The Government, to meet this emergency temporarily, created a revolving fund for agricultural relief to be administered by the War Finance Corporation, which has had a very salutary effect upon the situation, but which is recognized as a temporary measure.

A revolving fund of $25,000,000 was also created to be used by the Federal land bank to finance the sale of its bonds, which also has produced most gratifying results; but no provision was made for a permanent system of rural credits.

The farmer wants only a square deal; he does not seek any advantage over other interests; but he feels that this great Government of his should accord to him the same privileges and advantages it has accorded other interests of less importance than agriculture.

Mr. Speaker, I am raising my voice in behalf of the farmer for action, not promises. There have been enough investigations and commissions; what I am appealing for is the enactment of legislation that will furnish a real, dependable rural credit system, one which will function 365 days in the year.

When my constituents honored me by choosing me as their Representative in Congress, I felt they had commissioned me to do constructive work in their behalf, and knowing from actual experience the distressing conditions under which agriculture was trying to exist I immediately began work on the preparation of a rural credits system, based on my experience as a country banker, farmer, and grain shipper.

Believing that the Liberty bonds which were held as frozen assets should be used as a basis for credit for agricultural purposes and that it would be advisable to keep them in the communities where they were held to avoid unstabilizing the financial market by their forced sale, I prepared and introduced House bill 6503, a bill which utilizes the deposit of Liberty bonds in the Federal reserve banks as a basis of agricultural credits, giving the necessary elasticity and yet automatically controlling inflation.

While I sincerely believe the bill referred to, if enacted into law, will furnish the desired relief for agriculture, I hold no special pride in it, but insist that some dependable rural-credits system be promptly adopted, and my efforts in that direction will be continuously put forth.

Mr. Speaker, the farmer is compelled to toil long hours in the broiling summer sun; he must face the stormy blasts of winter to care for his stock; he must then trust to a favorable season to make a crop. His good wife and his household must labor the same long hours and must bend every energy in cooperating with him in his efforts to forge ahead.

Surely he is entitled to the utmost consideration in matters of legislation, for it is to his efforts that we owe our very existence.

Nothing should be overlooked that is conducive to stabilizing and vitalizing the business of agriculture.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 11590. An act to amend sections 34 and 40 of the organic act of the Territory of Hawaii;

H. R. 2866. An act authorizing the Secretary of the Interior to sell and patent to parties named herein certain lands in Louisiana; and

H. R. 10361. An act authorizing the sale and patent of certain alleged public lands in Louisiana.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3968. An act to improve the navigability of waters of the United States by preventing oil pollution thereof.

The message also announced that the Senate had passed with amendments the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, had insisted upon its amendments, had asked a conference with the House on the bill and amendments, and had appointed Mr. McCumber, Mr. Smoot, Mr. McLean, Mr. Simmons, and Mr. Gerry as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes, in which the concurrence of the House of Representatives was requested.

SENATE BILL REFERRED.

Under Clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 3968. An act to improve the navigability of waters of the United States by preventing oil pollution thereof; to the Committee on Rivers and Harbors.

POISONING BOLL WEEVIL BY AIRPLANE.

Mr. WILSON. Mr. Speaker, I ask unanimous consent to proceed for five minutes on the subject of poisoning cotton boll weevil by airplane.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to proceed for five minutes on the subject of the boll weevil. Is there objection?

Mr. STAFFORD. This is Unanimous-Consent Calendar day. I do not think——

Mr. MONDELL. I hope the gentleman will not ask for extension of the five minutes.

Mr. WILSON. I have a short report that I wish to have read.

Mr. STAFFORD. I will not object.

Mr. WILSON. Mr. Speaker, the press reports carried news a few days ago of the successful poisoning of the cotton boll weevil by airplane. I wired to the Delta Laboratory, at Tallulah, La., to secure an official report on the subject, which I have received and which is in a letter that I will ask to have read at the desk in my time.

The Clerk read as follows:

United States Department of Agriculture,
Bureau of Entomology,
Tallulah, La., August 28, 1922.

Hon. Riley J. Wilson,
House Office Building, Washington, D. C.

Dear Sir: I have your telegram of August 26 relative to the use of airplanes for cotton dusting. You will probably recall that in the hearings before the Agricultural Committee last winter the question of the use of airplanes for cotton dusting was discussed at considerable length, and we stated at that time that tests on the subject would be arranged for this season. Some two weeks ago I finally managed to get the Air Service to detail a couple of planes to our work, at our expense, and started out to determine just how the material could be handled in the air. I am frank to say that I really expected little or nothing in the line of successful results, and was very much surprised to find that the dust can be driven down through the plants in beautiful shape from an airplane. Of course, our hoppers and dust-feeding equipment are still exceedingly crude, and it would be a long task to work out a refinement in these to secure the most efficient distribution of dust possible, but even with our present equipment I am inclined to believe that there is a great future for airplanes in insect control, not only in cotton boll weevil and leaf worm work, but in poisoning any other field crop. For example, the large areas of alfalfa in the West which are poisoned every year for the control of the alfalfa weevil would be ideally adapted for airplane dusting.

One surprising feature to me is the fact that the use of the airplanes is much more economical with the poison than the use of even our best dusting machinery. The air blast of the propeller is so terrific that it seems to break the dust up into much finer particles than we have ever been able to secure with the use of ordinary fan equipment. I am very much inclined to believe that with the planes we can cut our dust poundage requirement per acre practically in half, and owing to the cost of the calcium arsenate this would, of course, be a tremendous item.

I am exceedingly interested in the possibility of developing the use of airplanes because of the situation which now exists in cotton dusting. Results of poisoning this year have been exceptionally good, and many districts are so thoroughly sold on the use of calcium arsenate that they have now reached the point where they are ready for community poisoning, rather than individual effort, and community poisoning is, of course, by far the most profitable since it practically eliminates the necessity for the late summer application due to weevil immigration from unpoisoned cotton.

The one difficulty we have seen so far in this operation has been the one of practicable and mechanical equipment for covering such large areas. The use of the plane, if practicable, would solve this since apparently one plane can easily take care of several thousand acres of cotton. Even with our present equipment a hopper carrying only approximately 100 pounds and making frequent landings and refillings necessary, we are poisoning practically 250 acres an hour, and, judging from the results we have been securing, we can easily operate the planes six hours a day.

To test the thoroughness of distribution of our material we are taking advantage of the present invasion of the cotton-leaf worm. The second generation of this worm is just now defoliating the cotton of this community and is so abnormally heavy that apparently all unpoisoned cotton will be stripped within the next week. We are treating these two plantations entirely with the planes and determining our results on the basis of the worms killed, which is, of course, a very easy index to observe. This also gives us a chance to test applications made at different times of the day, deliveries from different elevations, etc., and I think will give us a very valuable lot of information. I am hoping that we can go ahead with our present experiments, and if they continue as favorable as present indications, I am strongly in favor of developing decent dusting equipment for use in the planes during the winter months and undertaking some rather extensive poisoning operations with them next year.

The only difficulty I now foresee is that of securing the cooperation necessary from the Air Service, as I imagine they do not realize the commercial possibilities from the use of planes, and we can only succeed in our work by having them thoroughly interested and willing to furnish us the men and equipment needed. I might suggest that it would be of great value to us if you would kindly take the trouble to call on General Patrick, of the Air Service, and discuss this subject with him from the viewpoint of enlisting his assistance in the project. This is, of course, absolutely pioneering work, but I think has an enormous future.

For your further information I am inclosing herewith a few snapshots which I took from one plane while the other one was dusting.

If this letter does not cover the questions you have in mind, I will be very glad to hear from you further.

Very truly yours,
B. R. Coad,
In charge Delta Laboratory.

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. WILSON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record on this question.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to revise and extend his remarks in the Record on this subject. Is there objection? [After a pause.] The Chair hears none.

Mr. WILSON. I simply wish to add in this connection that Mr. Coad, who makes this very interesting and encouraging report, has been for several years in charge of the Delta Laboratory at Tallulah and has been the principal factor in developing methods and means for the control of the cotton-boll weevil. He is practical and conservative, and therefore his opinion as to this new method for the application of calcium arsenate is of intense public interest.

Since receiving this report I have conferred with the Air Service and the Bureau of Entomology of the Department of Agriculture, and we are assured of their complete cooperation and assistance in demonstrating the practical value of airplanes as a means of fighting the boll weevil and other insects destructive of field crops in all sections of the country.

TARIFF ON WOOL.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes on a matter connected with the tariff.

The SPEAKER. Is there objection?

Mr. POU. Mr. Speaker, reserving the right to object—and I shall not object—I wish to ask 10 minutes for my colleague [Mr. Hammer], on this side, to proceed, out of order, for a like time.

Mr. LONGWORTH. It is not a political speech.

Mr. POU. There will be no politics in the speech he will make.

Mr. GARNER. Mr. Speaker, reserving the right to object, if I understand the gentleman from Ohio, there is no political significance to the remarks he is going to make?

Mr. LONGWORTH. None whatever. I desire to discuss an advertisement which recently appeared in the papers.

The SPEAKER. Is there objection? As the Chair understands, the gentleman from North Carolina consented on the condition that there would be granted 10 minutes on the other side?

Mr. POU. Mr. Speaker, I will not put any conditions to it. I will ask unanimous consent that at the conclusion of the speech of the gentleman from Ohio that my colleague [Mr. Hammer] may proceed for 10 minutes.

The SPEAKER. Is there objection to the two requests? [After a pause.] The Chair hears none.

Mr. LONGWORTH. Mr. Speaker and gentlemen of the House, I hold in my hand a full-page advertisement which appeared yesterday in one of the Washington newspapers, and which I now ask unanimous consent to have printed as a part of my remarks without reading.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. LONGWORTH. The following is the advertisement referred to:

Senator Simmons Says, "Tariff Will Cost Consumers Three Billion a Year."

It will be gratifying to know that the customers of the Freeny Co. will not pay one cent of this three billion.

Increasing the cost of woolens means higher clothes prices. Fortunately we bought heavily this season and have a good stock on hand;

> also have thousands of yards contracted for future delivery bought before the rise.
>
> We could make more by holding these woolens for the rise, but we are tailors, not speculators.
>
> PRICE OF CLOTHING BOOSTED—MILLIONS INCREASE ON CLOTHING.
>
> Thus Senator SIMMONS takes wool clothing. The average ad valorem rate in the Underwood-Simmons tariff for revenue only law was 31.6 per cent. The average rate in the present Senate bill is 75 per cent.
>
> Based on annual consumption or use of clothing, the tariff protection to domestic manufactures under the existing tariff law was $265,000,000; under the Senate bill it jumps to $629,000,000. The estimated total cost to consumer under the Underwood bill was $477,000,000; under the Senate bill it will be $1,132,000,000—an increased cost of $655,000,000.
>
> Using a similar process of figuring, the sugar bill of the American consumer may be increased by $587,000,000. Sewing machines, free under the Underwood-Simmons tariff act, may cost $23,000,000 more in the aggregate under the Senate bill drafted.
>
> It possibly will cost $126,000,000 additional per year to buy cutlery; $32,000,000 for buttons, such as go on father's trousers or the baby's dress; $583,000,000 will be added on cotton manufactures, and $665,000,000 on wool manufactures.
>
> A thousand new satisfied customers are worth more to us than future profits in stock. To induce 1,000 men to try our service we are making it an object to buy now before we are forced to raise our prices.
>
> Here is your opportunity!
>
> Suits and overcoats to your individual measure, priced as low as $32.50. Many we can not duplicate now for double the price.
>
> All high-class woolens in genteel and distinctive patterns, attractive in appearance and serviceable in quality, made of fine selected long-fiber wool, in every coloring from blue to the new heathers and herringbone effects to smart stripings and English checks and plaids from Scotland.
>
> Tweeds, Shetlands, and homespuns; cheviots and smooth-faced worsteds.
>
> We hand press and clean all clothes made by us free of charge. Our liveried chauffeurs will call for and deliver same on notification from our customers. This privilege is extended also to those who buy at this pretariff sale.
>
> THE W. M. FREENY CO. (INC.),
> *Tailors and Direct Importers of Exclusive Woolens,*
> *611 Fourteenth Street NW., Washington, D. C.*
>
> (Member of Association of Army and Navy Stores (Inc.). We are the exclusive Washington representatives.)

Gentlemen of the House, this advertisement is printed at the expense of what is known as the W. M. Freeny Co. (Inc.), who style themselves tailors and direct importers of exclusive woolens, at 611 Fourteenth Street NW., Washington, D. C. This advertisement urges the public to buy now at present prices because as soon as the new tariff goes into effect the prices will necessarily be very greatly raised. There appears this statement:

> The average ad valorem rate in the Underwood-Simmons tariff for revenue only law was 31.6 per cent. The average rate in the present Senate bill is 75 per cent.
>
> Based on annual consumption or use of clothing, the tariff protection to domestic manufactures under the existing tariff law was $265,000,000; under the Senate bill it jumps to $629,000,000. The estimated total cost to the consumer under the Underwood bill was $477,000,000; under the Senate bill it will be $1,132,000,000—an increased cost of $655,000,000.

Now, gentlemen, that statement is an absolute, and I assume, a willful perversion of the facts, as I am about to point out. Further on they say:

> A thousand new satisfied customers are worth more to us than future profits in stock. To induce 1,000 men to try our service, we are making it an object to buy now before we are forced to raise our prices.

And again:

> Increasing the cost of woolens means higher clothes prices. Fortunately we have bought heavily this season and have a good stock on hand.

Mark that, gentlemen.

> Fortunately we bought heavily this season, and have a good stock on hand; also have thousands of yards contracted for future delivery bought before the rise.
>
> We could make more by holding these woolens for the rise, but we are tailors, not speculators.

Now, gentlemen, I repeat that this is a willful perversion of the facts, made undoubtedly with the sinister desire to obtain money under false pretenses from their customers.

They have stated that under the present law the duties are lower than under the future tariff law. Now, if the present law with regard to woolens was the Underwood tariff law that general statement would be true, because no doubt in whatever bill may be finally agreed to by the conferees and eventually by the Congress, the rates on wool will be higher than in the Underwood tariff law. But the existing tariff law which applies to wool and woolens is not the Underwood law. It is the emergency tariff law. The highest rates provided in the Senate bill are very much lower than in the existing law. I read from the existing law the rates of duty imposed on wool, commonly known as clothing wool. They are: Unwashed, 15 cents per pound; washed, 30 cents per pound; scoured, 45 cents per pound.

The highest rate on scoured wool in the Senate bill is 33 cents a pound. In other words, the duties in the existing law are 12 cents a pound higher than the highest rates in the Senate bill. Therefore, if the tariff would have any effect on the price of woolens, as this man says it will, its effect will be to greatly decrease the price of clothing. [Applause.]

Furthermore, I am reliably informed that the American Woolen Co. has recently issued its list of prices for the coming year on all grades of woolens, and that those prices are in every case at least as low and in many cases much lower than the wholesale existing prices of woolen goods.

Now note that this man Freeny says—

> Fortunately we have bought heavily this season and have a good stock on hand.

When was the existing tariff law passed on woolens? It was passed on May 25, 1921, and therefore Freeny bought his stock this season, as he states, when the rates on wool were 12 cents a pound higher than the highest rate in the tariff bill now under consideration. [Applause on the Republican side.]

I am going to make a point, gentlemen, to note from now on the prices that this man advertises, and if he shall later on charge higher prices than he is charging now, when lower tariffs on wools and woolens come into effect, he is just a plain, conscienceless profiteer, and nothing else. [Applause on the Republican side.]

I felt it my duty to bring this matter to the attention of the House, because this is a sample of the kind of advertising that is and will be prevalent throughout the country by men who are seeking to prey upon the public by imposing upon their credulity.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. I yield to my colleague from Iowa.

Mr. GREEN of Iowa. The gentleman is aware, but evidently has overlooked it for a moment, that there is over 100,000,000 pounds of wool in bond in Boston now waiting to come in when the lower rates are put into effect. They would not be held in bond in that way if there was going to be a rise.

Mr. MAGEE. Would the gentleman state the House rate?

Mr. LONGWORTH. The House rate in the pending tariff bill is 25 cents a pound on the scoured content and 26 cents on scoured wool. In the Senate bill the rate is 33 cents a pound on the scoured content and 33 cents on scoured wool, whereas the existing rate is 45 cents a pound, or 12 cents a pound higher. [Applause on the Republican side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On August 29, 1922:

H. J. Res. 170. Joint resolution to approve the holding of a national and international exhibition in the city of Philadelphia in 1926 upon the Fairmount Park and parkway site selected by the Sesquicentennial Exhibition Association, and lands contiguous thereto that may be acquired for that purpose, as an appropriate celebration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence.

On August 30, 1922:

H. R. 5775. An act for the relief of Liberty loan subscribers of the North Penn Bank, of Philadelphia, Pa.; Santa Rosa National Bank, Santa Rosa, Calif.; Mineral City Bank, Mineral City, Ohio; Robbinsdale State Bank, Robbinsdale, Minn., and Farmers & Merchants' State Bank, Kenmare, N. Dak.

On August 31, 1922:

H. R. 11396. An act to regulate foreign commerce in the importation into the United States of the adult honeybee (Apis mellifica).

On September 1, 1922:

H. R. 4. An act granting relief to soldiers and sailors of the war with Spain, Philippine insurrection, and Chinese Boxer rebellion campaign; to widows, former widows, and dependent parents of such soldiers and sailors; and to certain Army nurses; and to amend section 2 of an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917.

MUSCLE SHOALS—PRODUCTION OF NITRATES.

The SPEAKER. The gentleman from North Carolina [Mr. HAMMER] is recognized for 10 minutes.

Mr. HAMMER. Mr. Speaker, in the outset permit me to say that the tariff rates on wool, to which the gentleman from Ohio has referred, are to be found in the Republican emergency tariff law and not in the Underwood law.

So many eloquent speeches have been made by the Members of this House on the need of nitrates, not only as a means of preparedness for the emergencies of war in the manufacture of explosive and poison gases but in time of peace and war as an aid to agriculture in the manufacture of fertilizers, that I shall not take the time to indulge in generalities regarding this subject. It may be safely assumed that there is not a Member of this House who does not know that of all the countries on earth the United States, through failure of our Government authorities to make the necessary provision, is the only one which has chosen to depend on a distant foreign source for a supply of nitrogen, the most expensive element necessary to maintain our military defense as well as our soils.

OUR NITROGEN HISTORY SHAMEFUL.

It was in 1898, the year of our war with Spain, that Sir William Crooks, then president of the British Association for the Advancement of Science, called the attention of the scientific world to the fact that we were rapidly nearing the end of our available supply of nitrogen, and nitrogen is one of the most essential elements necessary to maintain life in any form on this planet. We are all familiar, or should be, with the history of what followed the nitrogen experiment that we tried a few years ago. We know how the nitrogen industry was driven out of the United States by the veto of President Taft when an attempt was made to locate such a plant on the Coosa River in Alabama, and the air fixation nitrogen industry from that day to this has been a beggar at the congressional doorway seeking a supply of cheap hydroelectric power that is necessary for the maintenance of the industry.

Whether at home or in foreign lands nothing is so inspiring to a patriotic American as to behold the flag of freedom, and I am glad that this is so. I am glad that we have an America we can all be proud of, and a flag that we worship with a spirit of devotion, but I bow my head in shame when I read the nitrogen record of this great country of ours. However well we may be acquainted with the facts, it will do us no harm, for the sake of the future, to briefly review for a moment the nitrogen lesson of the war. The ineffectiveness of our war-time nitrogen problem can not be laid at the door of Congress, for long before war had been declared Congress passed an appropriation of $20,000,000, approved June 3, 1916, authorizing and empowering the President of the United States—

> to make or cause to be made such investigation as in his judgment is necessary to determine the best, cheapest, and most available means for the production of nitrates and other products for munitions of war, and useful in the manufacture of fertilizer, and other useful products.

The Secretary of War was designated to carry out the provisions of this act, and at his request the President of the National Academy of Sciences, in cooperation with the American Chemical Society, appointed a committee of well-known scientists and engineers to determine the best, cheapest, and most available means for the production of the desired nitrogen compounds. This committee did its full duty and submitted its final report on January 20, 1917, and the report recommended:

COMMITTEE'S THREE RECOMMENDATIONS.

1. That there be imported a sufficient supply of Chilean nitrate, to be stored within the United States to meet the needs of the first year of hostilities.
2. That the Government should prepare to utilize the large domestic production of by-product coke-oven ammonia by erecting a plant for purifying this ammonia and converting it into nitric acid.
3. That the Government should provide for the development of processes for the fixation of atmospheric nitrogen on as large scale as possible by developing at a suitable location such hydroelectric power as possible with the available appropriation, and that the Government shall sell this power at cost to private companies for its use in fixing atmospheric nitrogen.

But there was delay due to the fact that on March 9, 1917, the Secretary of War appointed a new committee, called the nitrate supply committee, and in spite of the fact that the country had then declared war upon Germany this committee made the recommendation that this country should ignore the only process of fixing nitrogen that was in commercial operation on this side of the Atlantic and engaged in an extended program of research and investigation to cost about $4,000,000, and meanwhile recommended that—

> the decision as to more extensive installation of nitrogen-fixation processes and water-power development in connection with them be postponed until the (experimental) plants above recommended are in operation or until further need arises.

The further "need" was not long in arising. In spite of the fact that during the year 1917 we imported from Chile two hundred and fifty-three 5,000-ton shiploads of nitrate of soda the Ordnance Department in October of that year was confronted with a very large deficiency in the supply of explosives and materials for explosives, and finally, 17 months after Congress had provided the way and the means for the solution of the war-time nitrogen emergency, the Ordnance Department turned to the only people on this continent with commercial experience in the business which they were trying to develop, namely, the American Cyanamid Co., and nitrate plant No. 2 at Muscle Shoals, with its annual capacity of 110,000 tons of ammonium nitrate, containing 40,000 tons of pure nitrogen—equivalent of 250,000 tons of Chilean nitrate, which is the amount of nitrate used in a normal year by American agriculture. This great plant was the result, but 17 months of priceless time had been lost due to misguided or incorrect views as now in the light of time fully appears, and when the plant was ready to offer the relief and make available the great tonnage of explosive material that was necessary the sacrifices had been made and the war had been won.

Then followed the breaking up of a great war machine, a period of salvage, and the return to a peace-time basis. The administration, appreciating the fact that Congress had said, in making the original appropriation for the nitrate plants, that these plants should produce "nitrates and other products for munitions of war and useful in the manufacture of fertilizer and other useful products," sent experts to Europe to work out a plan for the utilization of the nitrate plants.

THE SPECIAL INTERESTS INTERVENED.

Meanwhile certain special interests which for years had been doling out to the farmer his nitrogen supply in this country looked with no small concern at the prospect of the building up a great nitrogen industry in America, but they knew that the plant was an explosives plant, that for its conversion to manufacture of fertilizer products would require the investment of many millions of dollars. These interests then decided that the United States nitrate plants should not be operated by anyone in the production of fertilizer.

A ready answer, therefore, awaited the Federal nitrate director, Dr. Arthur Graham Glasgow, when he approached the presidents of the great fertilizer companies. He offered them the use of these nitrate plants free of any rental or other charge whatever until they should earn 9 per cent on such capital as they might invest, and thereafter, he proposed, that they divide any additional profits with the Government, but with one accord they turned him down coldly.

An effort was also made to get certain financiers in New York to undertake to form a company to operate these plants. Scant consideration was given to the scheme and no investigations undertaken; an appeal was likewise made to the coke oven interests with the same result.

FORD'S THUNDERBOLT.

So, as a last resort a Government corporation was proposed by the administration, under what was known as the Wadsworth-Kahn bill. These interests, having declined the opportunity to operate the plants themselves, proceeded to bombard the Members of Congress with propaganda adverse to the proposal that the Government should operate the plant, and while the bill was passed by the Senate, it died in the House Committee on Military Affairs and the fertilizer companies and other big interests rejoiced and were made glad. It looked as though these interests had won.

The scrapping process at Muscle Shoals had already begun, and shipments of materials were going out from the nitrate plants when the farmers, who had fought for the preservation and operation of these plants from the beginning, called on Secretary of War Weeks and asked him if he would undertake to secure proposals for the purchase or lease of the Government's property at Muscle Shoals. He agreed to do so, and once more these various interests, including the hydroelectric power companies of the Southeastern States, were given an opportunity to bid on the property. Once more the answer was unanimously "No." Not an offer was made, and the House had rejected the amendment appropriating $10,000,000 for continuing the work at Muscle Shoals. The project was a dead issue until out of the blue there dropped the thunderbolt of Henry Ford. [Applause.]

Here was a rank outsider who did not belong to the fraternity, who had the audacity to oppose the well-laid plans of these thoroughly intrenched interests. The nerve of Ford was astounding. Something had to be done, some offer had to be put in to meet the proposal of Henry Ford; and, after hasty conferences behind closed doors, it was decided that the Alabama Power Co. was the logical party to present a bid which, it was confidently expected, would be more than a match for the Ford proposal. Meanwhile, encouraged by the unfriendly reception which the Ford proposal was receiving at the hands of the Secretary of War, other bidders of unknown responsibility began to appear until five or six proposals had been made for the property which previously had been considered on its way to the national junk heap with the entire consent and approval of the opposing interests.

DUBIOUS HOUSE COMMITTEE REPORT.

For seven months the Ford proposal was in the office of the Secretary of War, and finally the Secretary sent it to Congress, not with a recommendation, but with a letter of comment, in which his unfriendly attitude toward the offer was apparent, and after months of voluminous hearings in which the intents and purposes and motives of Mr. Ford were bitterly assailed the majority of the committee finally reported a recommendation for the acceptance of his offer. Doubtless to the astonishment of the other bidders their proposals, including that of the Alabama Power Co., did not even receive serious consideration.

Just why the majority of the Military Committee should elect to play into the hands of the Alabama Power Co. by reserving the right to sell to that company the Government's interest in the steam plant at Gorgas, Ala., and undertaking to "accept" the Ford proposal on this basis it is hard to understand.

During the war, when it was necessary to provide a supply of electric power for nitrate plant No. 2 at Muscle Shoals from a source immediately available, the Government had asked the Alabama Power Co. to cooperate in an effort to secure this power quickly. After much negotiation, which was brought to a hasty conclusion on the day of the false report of the signing of the armistice, the company entered into a most remarkable arrangement with the Government whereby the Government placed an additional unit in its power plant and paid the Alabama Power Co. a profit of $280,000 for installing this Government property on the Alabama Power Co.'s own land.

ALABAMA POWER CO. OVERPLAYS ITS HAND.

This contract, which has been denounced in vigorous terms by the Attorney General and the Acting Judge Advocate General, sought to turn every possible change of circumstances to the advantage of the Alabama Power Co. Under its terms, by the simple expedient of supplying power to the Government at a price almost twice as high as the price of four mills per kilowatt hour asked by the Union Gas & Electric Co. in its contract to supply power for nitrate plant No. 3 at Cincinnati, Ohio, and applying part of the power charges on the purchase of the unit, the Alabama Power Co. would ultimately have become the owner of the Government property with no cost to it whatever. But the Alabama Power Co. overplayed its hand by refusing to bid on the Government property until after the Ford bid had come in, and then, seeing the futility of attempting to secure this power plant under a contract which the highest legal authorities in the administrative branch of the Government had declared null and void, the company finally came out with an offer of $2,500,000—which I believe was subsequently raised to $3,000,000—for the purchase of the Gorgas plant, which had been built by the Alabama Power Co., as heretofore stated, under a long and difficult to understand contract with the United States at a cost of about $5,000,000 to the American taxpayers, $280,000 of which was clear profit to the Alabama Power Co. The Alabama Power Co.'s position for years has been one of anticipation that the Muscle Shoals power project in its entirety would fall into its hands, as is clearly seen by all who have taken the time to study and understand its operations.

GORGAS PLANT NECESSARY TO FORD CONTRACT.

Because of the irregularity of the flow of the Tennessee River steam power is necessary to supplement the hydroelectric power during times of low water. At such times the deficiency in power makes itself felt gradually and the large and unwieldy single unit of 80,000 horsepower which constitutes the steam-power plant at nitrate plant No. 2 is not an economical source to use as an auxiliary to a hydroelectric plant. However, combining this with a smaller unit such as that at Gorgas, which is only 40,000 horsepower, the system becomes flexible and much more economical. Mr. Ford, therefore, desires to use Gorgas as an auxiliary to the Muscle Shoals power, and for this reason included it in his offer. The Alabama Power Co. desires the Gorgas plant to use as an auxiliary to the water power which the company has. This plant, together with the Muscle Shoals development, once in the hands of the Alabama Power Co. would complete its monopoly of the power resources of the State of Alabama and make reasonable competition in the industry a commercial impossibility in that State. But, thanks to the Ford offer, the drift of this great enterprise in the direction of the Alabama Power Co. has been definitely stopped and the problem has resolved itself into one simple question: Shall we accept the Ford offer or shall we adopt a plan of Government operation? If we accept Mr. Ford's offer we should remember that undertaking to change his offer constitutes a rejection of it, and not an acceptance.

FORD PROPOSAL GIVES FARMERS SUPERVISION.

Many objections have been raised to the Ford proposal, for it is doubtful if there has been a single proposition in many years which promises to tread so vigorously on the toes of so many hitherto favored industrial interests. It actually proposes to give the farmers supervision and regulatory power by a board of nine over the price and distribution of one of their greatest needs, agricultural fertilizer.

This is terrible, say the special interests, and look with such disfavor upon it that they regard it in the light of a heresy. This board of nine, seven of whom are farmers nominated not by the President but by the American Farm Bureau Federation, the National Grange, and the Farmers' Union, appointed by the President and confirmed by the Senate. Two members represent the company, with an advisory member from the Department of Agriculture. This board is to determine cost and regulate price, to limit the profit to 8 per cent, and shall have access to books at any reasonable time. This board has the power to regulate the sale and distribution of fertilizer products. The Federal Trade Commission is given final power to settle any disagreement arising in the board. This guarantees to the farmers a square deal and an honest intent to make cheaper fertilizer for the farmer, who through his own agency is to determine what this fair, actual annual cost has been. [Applause.]

FORD WOULD GIVE CHEAP POWER.

The Ford proposal provides for the amortization and retiring of the capital invested in the water power, returning the plant, when he has paid for it in full by the amortization plan, to the Government under a plan which gives extremely cheap power to future generations without unduly increasing the cost of power to the present generation.

The Ford proposal would reduce the capital investment in hydroelectrical development, and since the interest on the investment is the principal item of the cost of hydroelectric power, less investment means cheaper power; but from the standpoint of Wall Street this is nothing short of outrageous, for if the Government encourages the development of cheap water power in this country by requiring the amortization of the capital, how will future syndicates make a million dollars in an afternoon by refinancing a hydroelectric operation?

WOULD MAINTAIN PLANT 100 YEARS.

And Mr. Ford actually proposes to maintain the nitrate plant for 100 years, and agrees to pay $35,000 a year to maintain Dam No. 2 and $20,000 a year to maintain Dam No. 3. What an idea! Of course, it will cost $2,235,000 a year just for the depreciation on this property; the replacements alone are $400,000 a year and it takes another $100,000 to guard it; but is not that the Government's business?

Is not that the Government's business, say the fertilizer manufacturers and the interests opposing this effort to lease to Mr. Ford in the interest of more than 6,000,000 farmers and the public generally throughout the entire country and not confined to any one section? What business has this rank outsider, who is not one of the money changers, to come up and make this offer and undertake to lighten the load of the taxpayer and take this burden off the Government and thereby expose the business methods and enormous profits of the big interests?

CONGRESS TOO INCOMPETENT TO ACT.

Is it not the duty of the Government to bear the burdens of the rich, as has been demonstrated in the action of this Congress in its tariff and revenue bills and in attempting to pass the ship subsidy bill and other legislation? And now, in the closing days of this session, instead of attending to the public business the majority leaders have decreed a program of adjournment from day to day and refuse to permit consideration of Muscle Shoals or other legislation in the interest of the farmer and the public generally. Is it not true these leaders are so scared about the doom which awaits them at the coming election they refuse to permit the House to function until it is becoming less and less useful as a branch of the Government, so much so that even Secretary of War Weeks says this Congress has reached the "lowest ebb of any Congress in the entire history of the Nation"?

Even the staid old Boston Transcript declares this is—

> the worst House in many years, breaking more pledges than any Congress in 20 years, its leaders being leaders in name only, and for the most part they represent either the worst or the most stupid in either party to-day, and by its record is unworthy of another lease of power.

Conditions are such that other great Republican newspapers condemn the House in equally strong terms.

FORD TO WORK OUT FARM PROBLEMS.

Mr. Ford also has a provision in his offer about research that is causing no end of anxiety to those who have feasted and fattened so long upon the public. What do the fertilizer companies want with research? They have been doing business for 50 years with little or none of it, and they have finally educated the farmer to buy their "Wonder Worker Corn Grower" with his eyes shut. They have sold him dirt and sand, inert matter, for years, all nicely sacked and neatly labeled, and if the compound contained only 12 pounds of plant food and 88 pounds of inert matter in a 100-pound sack that was no fault of theirs. The very nature of the kind of business they were doing required that it be done that way, as though the farmer did not have enough sense to mix the 12 pounds of plant food with 88 pounds of dirt and sand from his own farm, thereby greatly saving freight rates. And then by this method the railroads received more freight, and, again, a 100-pound sack looks like it is worth more than a 12-pound sack. [Applause.]

It was merely the result of using the raw materials that are available. To be sure, there had been disconcerting moments when inventors had brought out new processes, but, happily for the fertilizer interests, the patents could be purchased and locked up in a safe, without disturbing their normal business operations. But here comes this fellow Ford with a pile of cash as big as the Pyramids of Gizeh and sends along his chief engineer to testify that he is ready to spend more than $50,000,000 to work out the farmers' problems. Of course, it is preposterous, say these interests.

FORD DOES NOT NEED THIS TO MAKE MONEY.

But, Mr. Speaker, let us drop this point of view of the interests and take up for a moment the viewpoint of the great body of people who have sent us here to Washington to represent them. No reasonable-minded man can claim for a moment that Henry Ford needs Muscle Shoals to make money; he has a well-demonstrated working plant for that purpose at Detroit, Mich., which is one of the wonders of the world in modern industries, and it is turning out tractors and automobiles at the astounding rate of 5,200 per day. But, Mr. Speaker, with all due respect to Mr. Ford, it can hardly be said that it is desirable to go down in history merely as a maker of "flivvers," however successful in that art he may be, and it is easy to appreciate that in making this unmatched offer for Muscle Shoals Mr. Ford is seeking to build an agricultural monument to himself that shall endure when the last of his host of "flivvers" has gone the way of all machinery.

FORD'S GUARANTY.

What, then, does the Ford offer mean to the farmer and to the consumer? Is it some benefit dependent upon the life of Mr. Ford and which will be turned into a greedy monopoly at his death, as some have suggested? By no means. The best answer to criticism is found in the Ford offer itself, for it is binding upon Mr. Ford, "his heirs, representatives, and assigns, and upon his company, its successors and assigns," to manufacture "nitrogen and other commercial fertilizer, mixed or unmixed, with or without filler, according to demand." Mr. Ford's death would in no way delay or prevent the carrying out of the contract, for not only would the $10,000,000 paid-in capital stock of the Ford operating company be a guaranty of his good faith, but his vast estate after his death, binding his heirs and assigns, is a further guaranty according to express wording of the contract.

The annual production of these fertilizers shall have a nitrogen content of at least 40,000 tons of fixed nitrogen, which is the present capacity of nitrate plant No. 2. This is equivalent to 250,000 tons of Chilean nitrate, which is the entire amount of Chilean nitrate used annually by American farmers in a normal year such as 1913. Here is a benefit that is not conditional upon the life of Mr. Ford and it is not conditional for the making of fertilizer at a profit of 8 per cent or any other per cent, for while it is subject to the ordinary contingencies clause used in commercial contracts, this clause, in the opinion of the Judge Advocate General, would not excuse Mr. Ford from operating even though he made no profit at all. He would even be compelled to operate at a loss unless relieved by Congress or a court of equity. There can be no doubt about this. The Ford offer requires the making of fertilizers under a solemn, binding contract, continuously, whether at profit or a loss, throughout the entire period of the lease, as well as to carry on investigations by scientific research by the most skilled chemists in an effort to discover new and improved processes of making fertilizer products.

Emphatically there is the best authority in the testimony, which all of us should read, to show that under the conditions at Muscle Shoals cheaper fertilizer can be produced, and the price is likely to be about one-half of what it is at present. It is not claimed that the acceptance of the Ford offer is a relief from all industrial and economic ills, but it is contended that it is an important step in the right direction and will lead to many such developments for the producton of cheaper plant food and increased production for the farms of the entire country.

WILL MAKE CHEAP ALUMINUM.

Beyond all reasonable doubt the fertilizer program under the Ford offer will require the greater part of this useful power, and if he spends his own money and builds dams, as he will be compelled to do to economically produce fertilizer products, to regulate the flow of the Tennessee River, thereby increasing the supply of power for other purposes, he will have no unfair advantage over such producers of necessities as the Aluminum Co. of America, which is the greatest power user in the world and which enjoys perpetual rights on several of the great power streams. One of these aluminum plants is on a great river partly running through and forming the boundary line of six counties of the great agricultural and manufacturing district I have the honor to represent.

Mr. Ford expects to make aluminum at Muscle Shoals, and if he does he will have to compete with one of the most powerful monopolies ever established in this country, for it is well known that Mr. Mellon's aluminum company has no domestic competition whatever. We believe that it is to the interest of the consumer that the price of aluminum be cheapened by fair competition, and that aluminum be made a part of automobiles and tractors and railway cars, and the burdens of transportation thus lightened.

TO REDUCE COST OF HYDROELECTRIC POWER.

There is another feature of the Ford offer that strikes a hard blow at privileged financiers and offers in the future to lighten the daily tasks of hundreds of thousands of people.

As Senator LADD has pointed out in his able report on Muscle Shoals—

> * * * there is a feature of hydroelectric power economics well known to those in the business and testified to in the hearings since 1916 that the general public probably does not appreciate. When the items which go to make up the cost of hydroelectric power at the switchboard of the generating station are examined it is found that under the conditions of construction and financing existing in the United States the single item of interest on the investment constitutes 80 per cent or more of the cost of the power.
>
> Mr. Ford proposes to eliminate the interest by amortizing and returning the investment, through the operation of a long-time sinking fund. He therefore provides a series of payments which, when invested in a sinking fund at as low a rate of interest as 4½ per cent, will return the entire cost of both dams, including the $17,000,000 already expended by the Government. The total sum returned, as stated by the Secretary of War, would amount in this case to $70,100,000. This eliminates the capital charges and interest and ultimately reduces the cost of power to the mere cost of operation, maintenance, replacements, taxes, and administration, which in a large plant is from $2 to $5 per horsepower per year, or less than 1 mill per kilowatt hour. Under this plan the bonded indebtedness on a water-power development is reduced instead of being increased, as is frequently the procedure in refinancing operations.

Think of this and the great benefit to farmers as compared with the cost of the single item of interest on investment in hydroelectric power constituting four-fifths of the cost of the power produced under the present system of extravagant financing of power plants now operated.

WHAT CHEAP ELECTRICITY MEANS.

If throughout the United States hydroelectric powers can be developed under a plan which eliminates the greatest part of their financial burdens so that the cost of a large supply of hydroelectric power can be brought down to a low level, the benefits can not be estimated, for on one hand it means cheaper fertilizer and when distributed there is no other source of power which can take the place of manual and animal labor on the farm as conveniently and cheaply as electric energy. No other agent can supply all the requirements of light, heat, and power from the same source, and cheap electricity in rural communities will do much to make country life attractive and to provide those conveniences and comforts which now are available only to those who live in towns and cities.

Cheap electricity on the farm means power for reaping, thrashing, grinding, cutting fodder, sawing wood, operating cold-storage systems, together with all of the household appliances such as house lighting, washing, sewing machines, carpet sweeping, fans, and cook stoves, while in Germany even plowing is done by electricity, and their experience has been quoted to show that it can be done more cheaply per acre than by either horse or steam tractor.

No doubt one of the purposes of Mr. Ford is to build an industrial city on the banks of the Tennessee River, in which there will be model homes provided with every necessary convenience of modern civilization, with sufficient acreage as a part of each home owned by thrifty, contented workmen to make life comfortable and living easy, with community cooperative ownership of the most expensive implements for the cultivation of the soil.

Referring briefly in passing, permit me to say only three States in the entire Union made a better showing in gross crop values in 1919 than North Carolina—Illinois, Iowa, and Texas, in the order named. In 1920, 10 States stood above, but in 1921 the States ahead were only four—Texas, California, Illinois, and New York. Its rank in per acre production of crop values in 1921 was surpassed by only one farm State, and that was California, with its wonderful fruits and vegetables intensified by its cooperative marketing associations. The seven other States that were ahead in acreage are not, strictly speaking, agricultural States, but only have a very limited acreage devoted to farming; one is an irrigation State in the Rockies and the other six are States in the East chiefly devoted to industrial pursuits, with but a comparatively small acreage devoted to the cultivation of the soil, and that a most intensive method of cultivation.

WHAT HYDROELECTRIC POWER IS DOING FOR NORTH CAROLINA.

What the cheapening of hydroelectric power will do for a State is strikingly shown by the experience of my own State of North Carolina. Virtually the whole State is covered by a network of transmission lines which distribute power from many large hydroelectric plants. The total water-power development has recently been estimated at 360,000 horsepower in North Carolina. The development of this great water power has resulted in the building up of manufactures so that North Carolina in the past decade has advanced from the twenty-third to the tenth State in the value of its industries. In internal revenue receipts for the fiscal year 1920 North Carolina stood eighth, and her returns exceeded those of the wealthy State of New Jersey and the noted agricultural State of Missouri and of the great State of Texas with its vast and varied resources, and they are more than double the returns from such well-developed States as Maryland, Minnesota, Indiana, and Virginia, and yet to-day there is not sufficient power in North Carolina to meet the demand and the hydroelectric industry is certain to be extended within the next 10 years.

POINTING THE WAY TO BETTER CONDITIONS.

The acceptance of the Ford proposal means that there will be operated a hydroelectric development in this country under a plan which applied at other power sites can ultimately bring the cost of power to the point where the poor man can buy it as well as his well-to-do neighbor.

The testimony shows the Muscle Shoals plant itself is not adapted to public utility uses, but it is especially useful for such electro-chemical operations as the manufacture of fertilizer, aluminum, and other electro-chemical products. By utilizing it in this way its value to the country can be felt over a much larger area than if the power itself were distributed to small consumers. While not in itself adapted to public utility use, the Muscle Shoals development under the Ford offer will point the way to the most economical method of operating hydroelectric plants throughout the country for public utilities with great benefit to the consumer.

WAR AND PEACE TIME ADVANTAGES.

In conclusion, there are certain outstanding facts concerning the Ford offer for Muscle Shoals that can not be denied. Mr. Ford maintains under his contract the greatest of our war-time plants ready for immediate use in time of war, and bears all of the depreciation, replacements, repairs, guarding, and routine expenses himself. He carries on an extensive program of research on a commercial scale and he undertakes to adopt the results from such research so that the nitrate plant will be maintained in the most modern condition. These provisions alone will certainly call for the rebuilding by Mr. Ford, at his own expense, of the nitrate plant many times over, whether he has been able to write off the cost of the plant at the time the change is made or not.

One of his principal operations will be the manufacture of commercial fertilizers, for under the clear and express provisions of the contract he must not only produce nitrogen but other commercial fertilizers according to demand, and in all his fertilizer operations he is limited to a profit of not more than 8 per cent on the actual annual cost of production; and he has agreed that a board of farmers, as I have stated, shall inspect his books and pass on the fairness of his prices and the distribution of his product.

These are the great considerations in the Ford offer; beside them, the $5,000,000 which he offers is merely a cash payment to bind the transaction. No other offer has even approached the Ford proposal in the extent of the benefits which may be expected from it, and judging by the record which I have roughly reviewed, there is not the slightest reason to expect that by rejecting this splendid offer a more favorable proposition to the taxpayer and the consumer, who are the real owners of these plants, will be forthcoming. As a majority of the House Military Committee have well said, the operation of this plant by the Federal Government can not be expected to secure such benefits as those promised under the Ford offer.

The plant has been idle for nearly four years and America has lagged far behind in the international race for nitrogen preparedness, both for agriculture and munitions of war. Let us delay no further, but act at once and accept this splendid proposal while we still have the opportunity to do so. [Applause.]

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. HAMMER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. The Unanimous Consent Calendar is in order to-day. The Clerk will report the first bill on the calendar.

MAILS FOR THE BLIND.

The Clerk read as follows:

A bill (H. R. 10496) to provide for the free transmission through the mails of certain publications for the blind.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that this bill may retain its place on the calendar.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. STAFFORD. I think this bill should go off the calendar until the December session. The parties interested in this bill are away from the city, and therefore I think I shall have to object.

Mr. STEENERSON. I ask the gentleman to let this bill go over until Miss ROBERTSON comes back.

Mr. STAFFORD. They will have an opportunity of presenting it at the December session.

The SPEAKER. Objection is made.

ADJUSTED COMPENSATION FOR SERVICE MEN.

Mr. SNELL. Mr. Speaker, I offer a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

House Resolution 422 (Rept. No. 1201).

Resolved, That immediately upon the adoption of this resolution the bill H. R. 10874, together with the amendments of the Senate thereto, be taken from the Speaker's table; that the amendments of the Senate thereto be disagreed to in gross; that the conference asked by the Senate be agreed to; and that the Speaker without intervening motion appoint managers on the part of the House.

Mr. SNELL. Mr. Speaker, the intent and purpose of this rule is perfectly plain to all the Members of this House and needs no explanation from me at this time. It is for the purpose of sending to conference by the most direct method the adjusted compensation measure. It is practically the same rule that was used when we sent the tariff bill to conference last week.

I simply desire to state at this time that in offering this resolution I am not acting or speaking for myself or according to my own judgment. I am acting as an instrumentality of the majority of the House and a representative of the majority of the Rules Committee. This legislation passed the House by a very large vote of the Members on both sides of the aisle, and the Committee on Rules thought they were acting in accordance with the wishes and desires of the House by bringing in a rule to provide for facilitating the passage of this legislation at as early a date as possible.

Mr. MacGREGOR. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes; I yield to the gentleman.

Mr. MacGREGOR. I wanted to inquire whether it was not possible to fix a limitation of time in which the conferees could report.

Mr. SNELL. I do not think it is possible, but it is expected to come back in a reasonable length of time.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. Pou] five minutes.

Mr. POU. Mr. Speaker, the time for discussion of the bonus proposition has passed. The time for action is now here. This rule provides the shortest avenue to that action which is necessary to write this legislation upon the statute books.

The resolution comes as a unanimous report from the Committee on Rules.

Mr. GARNER. Mr. Speaker, will the gentleman yield for a question?

Mr. SNELL. I yield to the gentleman from Texas.

Mr. GARNER. I do not see the gentleman from Ohio [Mr. Longworth] or the gentleman from Iowa [Mr. Green] here at the moment. Will the conference on the bonus bill be a partisan conference or a full and free conference?

Mr. SNELL. I suppose it will be a full and free conference.

Mr. GARNER. Has the gentleman any information on the subject, or has any other Member any information as to how it is going to be considered?

Mr. SNELL. As far as I know, there is no limitation. The conference is to be under the same conditions as all other conferences.

Mr. MONDELL. Certainly it will be a full and free conference, Mr. Speaker.

Mr. GARNER. Is it to be considered as the tariff bill is now being considered, from a partisan standpoint, or are the Democratic members of the conference committee to be invited to participate in the conference?

Mr. MONDELL. That is a matter for the conferees to decide, but I assume that all the conferees will be invited in. I have no information on the subject, but that is certainly my opinion.

Mr. GARNER. I am asking the question now because the gentleman from Michigan [Mr. Fordney] did not hesitate to say to the House and to the country that he expected to consider the tariff bill at a partisan conference, from a partisan standpoint, and I did not know how he was going to consider this bill.

Mr. MONDELL. I think this is not a partisan matter, and my idea is, of course, that all the members of the conference committee will be in the conference.

Mr. SNELL. As far as the Rules Committee are concerned, it is not partisan. It is reported out by the unanimous vote of the committee, as stated by the gentleman from North Carolina [Mr. Pou], and I move the previous question.

The SPEAKER. The gentleman from New York moves the previous question on the adoption of the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to; and the Speaker appointed as conferees on the part of the House Mr. Fordney, Mr. Green of Iowa, Mr. Longworth, Mr. Garner, and Mr. Collier.

OFFICERS OF THE ARMY.

Mr. McKENZIE. Mr. Speaker, I move to suspend the rules and pass the bill as amended which I now send to Clerk's desk.

The SPEAKER. The gentleman from Illinois moves to suspend the rules and pass a bill as amended, which the Clerk will report.

The Clerk read the bill (H. R. 12493) amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes, as follows:

Be it enacted etc., That the President, upon the recommendation of the board of general officers convened to carry out the elimination provisions of the act entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 30, 1922, is authorized to determine the number of officers below the grade of lieutenant colonel that shall be discharged and recommissioned in the next lower grade notwithstanding the limitation of 800 in said act: *Provided*, That the President is authorized, upon the recommendation of said board, to increase the authorized strength of various grades as prescribed in said act by not more than 50 colonels, 150 majors, and 300 captains, and to decrease by a total of not to exceed 500, apportioned among the grades as the President may determine, the authorized strength of the two lowest grades as prescribed by said act: *Provided further*, That on and after January 1, 1923, there shall be not to exceed a total of 12,000 officers in the Army, and on and after that date the authorized number in each grade shall be as prescribed in said act or as modified and prescribed by the President in accordance with the provisions of the preceding proviso, and on that date there shall not be any promotion-list officers in any grade in addition to these prescribed numbers: *Provided further*, That the discharge and recommission of officers in the next lower grade shall not operate to reduce the pay or allowances which they are now receiving or to deprive them of credit for service now counted for purposes of pay or retirement: *And provided further*, That in discharging and recommissioning officers in inverse order of standing on the promotion list any officer who is once discharged from the grade he now holds and is recommissioned in the next lower grade shall be passed over.

SEC. 2. That the retired general officers who have been called to active duty for service on the said elimination board shall be entitled from date of detail and while so serving to the active pay and allowances of their grade.

SEC. 3. That the first proviso under the heading "Arms, uniforms, equipment, etc., for field service, National Guard" in title 1 of said act is amended to read as follows: "That members of the National Guard and Officers' Reserve Corps who have or shall become entitled for continuous period of less than one month to Federal pay at the rates fixed for the Regular Army, whether by virtue of a call by the President, of attendance at school or maneuver, or of any other cause, and whose accounts have not yet been settled, shall receive such pay for each day of such period; and the 31st day of a calendar month shall not be excluded from the computation."

SEC. 4. That all laws and parts of laws in so far as they are inconsistent with this act are hereby repealed.

During the reading—

Mr. BEGG. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEGG. When was that bill put on the Calendar? We can not get any copies of it.

The SPEAKER. Probably the gentleman from Illinois [Mr. McKenzie] can answer that question.

Mr. WINGO. I make the point of order that the gentleman can not interrupt the reading of the bill.

Mr. McKENZIE. The bill is not on the Calendar. It was introduced by the gentleman from Kansas [Mr. Anthony] a few days ago.

Mr. BEGG. "A few days ago." How many days ago?

Mr. WINGO. I demand the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. I demand a second.

The SPEAKER. The gentleman from Wisconsin demands a second.

Mr. McKENZIE. I ask unanimous consent that a second be considered as ordered.

Mr. WINGO. Mr. Speaker, I make the point of order that the gentleman from Mississippi [Mr. Quin], the ranking minority member of the committee, is entitled to recognition to demand a second.

The SPEAKER. Is the gentleman from Mississippi opposed to the bill?

Mr. QUIN. I am. I am not going to fight the bill. Of course I am opposed to this number of officers, but I have demanded a second for the purpose of having control in opposition.

The SPEAKER. The Chair thinks that under the rule he should recognize some one who is opposed to the bill, as he is sure the gentleman from Wisconsin [Mr. Stafford] is.

Mr. QUIN. I am opposed to the bill, although I say I am not going to fight it.

Mr. MOORE of Virginia. Mr. Speaker, I suggest to the gentleman from Illinois [Mr. McKenzie] that he defer consideration of the bill for a while until we can have a chance to get copies of it. I find that copies are not available now.

Mr. GREENE of Vermont. It is the Anthony bill, slightly modified.

Mr. McKENZIE. There certainly must be copies of the bill in the document room.

The SPEAKER. The Chair thinks he should recognize the gentleman from Mississippi [Mr. Quin] to demand a second.

Mr. QUIN. I demand a second.

Mr. McKENZIE. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Illinois asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. McKenzie] is entitled to 20 minutes, and the gentleman from Mississippi [Mr. Quin] is entitled to 20 minutes.

Mr. BANKHEAD. Mr. Speaker, this is an important matter. Will the gentleman consider the propriety of asking unanimous consent for an extension of the debate on this proposition?

Mr. McKENZIE. I do not think we want any considerable debate. I ask unanimous consent that I may be permitted to revise and extend my remarks in the Record.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. McKENZIE. Mr. Speaker, and gentlemen of the House, if I may have your attention for just two or three minutes I will yield the floor to the gentleman from Kansas [Mr. Anthony] and others who have been greatly interested in this bill.

You well remember that the reorganization act of 1920 provided for approximately 17,000 officers. In an attempt to fill up all of the grades we found that we could not get the officers, and as a matter of fact we found ourselves without any first or second lieutenants. An agitation started up to reduce the number of commissioned officers in the Army. That was taken up in this House, and General Pershing even wrote a letter suggesting that the number be reduced immediately to 12,000, with permission to increase the number to 13,000 later on by commissioning men in the Army.

While the bill recommended by General Pershing was pending in the Committee on Military Affairs the Committee on Appropriations took up this matter when appropriating the money for the pay of the Army, and undertook to solve it. They did some very hard work, and they provided in that bill that the total number of officers should be reduced to 12,000. They fixed the numbers in the grades, and provided also that the officers to be dismissed from the Army should be taken care of in three ways—by elimination, by demotion, and by being put into a reservoir to be absorbed hereafter as vacancies occurred.

In the Senate the bill was amended. In conference it was changed somewhat. The conference report was agreed to. A board to pass on these officers was provided. When the board undertook to administer this law they found it did not work out just as perhaps the House intended and as Congress intended, or as the Army intended.

The act of June 30, 1922, which provides for the reduction in the commissioned strength of the Regular Army, fixes the new strength at not to exceed a total of 12,000 officers and prescribes new authorized strengths for each of the grades of promotion list officers from colonel to second lieutenants, inclusive. The old authorized strength in these grades was based on an Army of something over 17,000 officers. The new authorized strength prescribed in the act of June 30, 1922, is based on a total strength of 12,000 officers, so that the problem of reduction was not only one of reducing the Army to a total of 12,000 officers but also included reducing the actual number of officers in each of the various grades to accord with the new authorized strengths. The methods for bringing about these reductions are elimination, which includes both retirements and discharges; absorption, which is holding additional officers in the various grades until they become absorbed by subsequent losses; and demotion, or forcing officers of any grade into the next lower grade.

Under the terms of the act of June 30 there was no restriction placed on the board as to the number of officers that could be disposed of by the first of these methods—that is, by elimination—except, of course, that officers could not be eliminated in excess of the surplus as determined by the new authorized strengths in the various grades. The number of officers that could be disposed of by the other two methods, namely, by absorption and by demotion, is limited by the act of June 30 to a total of 800. The fixing of this maximum of 800 which could be disposed of by absorption and by demotion operates to fix the minimum that must be disposed of by elimination. Under the War Department's interpretation of the effect of this limitation this minimum, based on the actual strength in the various grades of the Army on June 30, 1922, was 1,349 promotion-list officers. This would require the elimination from the Army of many good officers. It is for the purpose of correcting this situation that H. R. 12493 is now being considered. This bill provides that the limit of 800, so far as it affects demotion, is removed and that the Board of General Officers shall make the required reduction by means of elimination and demotion.

This bill gives the President the power, upon the recommendation of the board, to readjust the authorized strengths of the various grades. This power is very limited in its scope, but it will operate to meet those conditions which seem to make desirable some less elimination and demotion than would otherwise be necessary. The omission of an authorization to hold surplus officers for absorption and the granting of the power to readjust the grades and to demote without a restricting limit will bring about a condition on January 1, 1923, with every officer in the Army serving in his proper grade, without any additional or surplus officers in any grade, with promotions resumed on that date in all grades (most of these, of course, for some time will be the demoted officers getting back into the grade from which demoted) and with the total strength of the Army on that date not exceeding the authorized maximum fixed in the act of June 30, 1922, of 12,000 officers. The Board of General Officers under the terms of H. R. 12493 is given great latitude in determining the number of officers that shall be eliminated and the number that shall be demoted. It should be made clear that the present bill does not in any way change the situation with respect to the medical officers, the dentists, the veterinarians, and the chaplains. The present bill is concerned only with the promotion-list officers. So far as the grade of colonel is concerned the President, upon the recommendation of the Board of General Officers, is authorized to increase permanently the number of promotion-list colonels by not to exceed 50, which would make the maximum number 470 instead of retaining temporarily, as it might do under the act of June 30, 1922, as surplus in the grade of colonel whatever number of colonels it desired to so retain. So far as the lieutenant colonels are concerned the proposed bill makes no change from the act of June 30, 1922, except that no surplus lieutenant colonels can be retained for absorption. In the grades of major, captain, and first and second lieutenant the bill changes the act of June 30 to the extent that it authorizes the President, upon the recommendation of the Board of General Officers, to increase permanently the authorized strength of majors by not more than 150, which would make the maximum number 1,725, and the authorized strength of captains by not more than 300, which would make the maximum number 3,450, and to make corresponding reductions in the authorized strengths of the grades of first and second lieutenants. In view of these authorizations the bill removes the authority contained in the act of June 30 to hold temporarily any additional or surplus officers in any of these four grades.

There is some ground for the belief that a demoted officer will, by some arbitrary ruling, lose his pay status by reason of being discharged in order to be recommissioned in the lower grades. With several hundred officers being demoted, such a situation would be demoralizing. Besides, the only purpose in this matter is to reduce the strength of the Army and to suitably redistribute the officers in grades. It is enough of a hardship for the officer to lose his grade without a reduction in pay. Moreover, it is a fundamental principle of recent pay legislation that pay is based upon length of service. In demoting an officer his rank is changed but his length of service remains the same. Manifestly he should not suffer a reduction of pay unless this fundamental principle of the pay law is to be violated. H. R. 12493 definitely safeguards the pay rights of the demoted officer. The officers who are subject to demotion have barely had time to adjust themselves to the reduction in their pay brought about by the recent pay legislation, and it would be most demoralizing for them to be now subjected to a further reduction.

It was the intent of the act of June 30, 1922, that no officer be demoted more than one grade. It now appears that due to certain peculiarities of the promotion list a situation may arise that would subject some officers to a second demotion. This was never contemplated and should not occur. The last proviso of section 1 of H. R. 12493 will prevent it.

The board of general officers convened to carry out the readjustment in the Army consists of two retired major generals and three general officers of the active list. Existing law is construed to prevent the two retired general officers from receiving the active pay or the allowances of their grade while on this active duty. They are serving voluntarily, having at considerable inconvenience to themselves consented to serve as members of the board. Section 2 of H. R. 12493 authorizes them to have the pay and allowances of their grade while in active service on this important duty.

Section 3 of H. R. 12493 has been inserted simply to place officers of the Organized Reserve on the same basis as National Guard officers in so far as the right to be paid for the 31st day of any month is concerned. Without such a provision, reserve officers called to active duty for 15 days may receive only 14 days' pay.

The gentleman from Kansas [Mr. ANTHONY] who handled the appropriation bill in the House introduced this bill for the purpose of curing this difficulty. The gentleman from California [Mr. CURRY] also introduced a bill to underake to remedy the evil. We have now before us the bill introduced by the gentleman from Kansas [Mr. ANTHONY] with one or two minor amendments. This bill is to provide that the number of officers shall be reduced by January 1, 1923, to 12,000, and that they shall be distributed in the grades as provided in this bill.

Mr. JONES of Texas. Mr. Speaker, will the gentleman yield for a question for information?

Mr. McKENZIE. Yes.

Mr. JONES of Texas. The paper this morning said that the men whose rank was reduced would draw the pay of the higher grade after they were reduced in rank.

Mr. McKENZIE. That is true under this bill. The fact is that these officers will be demoted to lower grades and remain there until promotion can take place. Under the bill of the gentleman from Kansas [Mr. ANTHONY] the even flow of promotion will be carried on after January 1, and I want to say this in conclusion and then I will yield the floor. This is a distressing situation at best. These men, many of them young men, were invited into the Army of the United States, hoping to make this their life work. Now that Congress has decided that the number shall be reduced to 12,000 officers in the Army, some of them must be eliminated, and others must be demoted in order to get the number down to the 12,000. Under either bill the situation is distressing to these officers, to the men who will be put out. We realize that; but I am firmly convinced that the bill introduced by the gentleman from Kansas [Mr. ANTHONY] which provides for demotion and elimination rather than fixing a reservoir for absorption, which would block promotion for an indefinite time, is the better bill.

Mr. GARNER. Will the gentleman yield for a question?

Mr. McKENZIE. I yield to the gentleman from Texas.

Mr. GARNER. Is this a unanimous report from the Committee on Military Affairs?

Mr. McKENZIE. I will say to the gentleman from Texas that it is the unanimous report of the members of the Military Affairs Committee who were present at the hearing on the bill.

Mr. GARNER. Will the gentleman state how many there were present?

Mr. McKENZIE. I think there were eight or nine.

Mr. ANTHONY. Eleven.

Mr. McKENZIE. There had been 11, but not all present at one time.

Mr. GARNER. If I understand it, this bill does not increase the number of officers in the Army.

Mr. McKENZIE. It does not.

Mr. GARNER. And it does contain the provision that when you demote a man he shall draw the salary that he received before demotion.

Mr. McKENZIE. That is true under the law. The pay is based on length of service rather than on grade.

Mr. GARNER. If I understand this bill, it makes no different provision from that of the present law to the pay of officers?

Mr. McKENZIE. No; it does not.

Mr. GARNER. And it does not increase the number of officers of the Army?

Mr. McKENZIE. It does not; it reduces them.

Mr. KINCHELOE. Does it not increase the demotions?

Mr. McKENZIE. Yes.

Mr. GARNER. It will not cost any more under this bill?

Mr. McKENZIE. It will not cost as much, because we will demote some of these officers rather than retire them.

Mr. RANKIN. The number demoted will be increased under the bill.

Mr. GREENE of Vermont. Will the gentleman yield? Is it not a fact that the policy of the House as fixed in the appropriation bill is not changed, the total is the same, and the expenses are the same, but it is simply changing the machinery by which the result is to be accomplished, and that is slightly modified for the interest of the service?

Mr. McKENZIE. Yes; it is simply a change of the machinery, to which no one can make a valid objection. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Speaker and gentlemen of the House, the reason why this remedial legislation is necessary lies in the fact that after the War Department appropriation bill was passed by the House a few months ago, went to the Senate, and went to conference, the War Department objected to what they considered the rather drastic provisions of the House bill. In order to relieve the situation the conferees accepted a recommendation from representatives of the War Department in regard to the creation of a reservoir of 800 officers to be carried additional in their grade while they were being either absorbed or demoted.

Mr. QUIN. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. QUIN. Will the gentleman explain where this difficulty came in—the difference between the House bill and the Senate and the arrangement by the conferees?

Mr. ANTHONY. I intend to do that.

Mr. QUIN. The difference between the House bill and the Senate is what they want to get at.

Mr. ANTHONY. The language suggested from the department read not more than 800 may be so carried as additional in the various grades. In the construction placed on the language by the Judge Advocate General he ruled that not more than a total of 800 officers could either be absorbed or demoted. The bill as it passed the House intended that a great many more officers should be demoted. But under the construction of the language it would have required a balance surplus in their grades of about 1,300 officers to have been eliminated or discharged from the Army. So by the bill now before you we correct the error made in limiting the number to be absorbed or demoted to not more than 800. This mistake was made by the War Department, and while we increase by 500 the number of officers to be carried in the different grades, we provide that by January 1 the total number of commissioned officers must not exceed 12,000, as provided in the appropriation act of June 30. We further provide that the intention of the House in its measure of June 30 shall be carried out and the officers surplus in the grades shall be demoted, so that there will be no more in the grades January 1 than authorized by law.

Mr. JONES of Texas. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. JONES of Texas. While the number of officers are not increased by the bill, it authorizes the President to increase the majors, colonels, and captains?

Mr. MADDEN. It does away with the reservoir.

Mr. ANTHONY. It does away with the reservoir of 800 officers and authorizes the demotion of about 1,600 officers in the various grades, and from this we will again more nearly balance the numbers in the grades to what they should be.

Mr. GARNER. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. GARNER. Under this bill, will the expense of the Army be greater than it is under the present law?

Mr. ANTHONY. It will not. The officers of the Army are paid according to the length of service, and not according to rank. The comptroller has prepared a decision which, I understand, will soon be rendered, to the effect that in the demotion of an officer to be discharged from the grade; for instance, of a captain, in order to be recommissioned as a lieutenant, the comptroller has ruled that even if there is an interval of a minute between these two commissions he has left the Army, and he loses all benefit of his previous service. So this is designed to correct that.

Mr. GARNER. I understand that the appropriation bill for 1923-24 will not be any greater by virtue of this law than if it was not enacted?

Mr. ANTHONY. I think not. The virtue of the bill is that the Army will again have a balanced list of officers for the first time for many years. We will again have a considerable number of second lieutenants, but we still leave room for the class at West Point of probably 250, and the commission of several hundred new officers who will come in as the result of examinations now being held for the grade of second lieutenant, and on January 1 you will have some semblance of balance.

Mr. GARNER. Will the gentleman yield for the purpose of my asking a question of the gentleman from Illinois [Mr. MADDEN]?

Mr. ANTHONY. Yes.

Mr. GARNER. Let me ask the gentleman from Illinois, chairman of the Committee on Appropriations, if he agrees with the gentleman from Kansas that as a result of this legislation Congress will not have to increase the expense under the present law?

Mr. MADDEN. I agree with the gentleman from Kansas.

Mr. SPEAKS. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. SPEAKS. What was the number of officers provided for in the appropriation bill?

Mr. ANTHONY. Twelve thousand.

Mr. SPEAKS. And this will not increase the number of officers?

Mr. ANTHONY. Absolutely not.

Mr. QUIN. Mr. Speaker, of course I can not favor this bill. I do not believe in any such number of officers. I voted against the bill creating 12,000 officers. I thought at that time, and I think now, that the United States Army ought not to have over 7,000 officers and not over 50,000 enlisted men. But, anyway, the majority of Congress did not agree with me when they created this number of officers and appropriated for them.

Mr. GARNER. Will the gentleman yield?

Mr. QUIN. Yes.

Mr. GARNER. Does the gentleman agree with the gentleman from Illinois [Mr. MCKENZIE] and the gentleman from Kansas [Mr. ANTHONY] that this does not increase the number of officers?

Mr. QUIN. I do not think it increases the number of officers, but I believe it is going to increase the amount of money, because they provide for a greater number of majors and colonels, and so forth.

Mr. GARNER. Does the gentleman agree that they are paid by the length of service?

Mr. QUIN. I think that is so under the law.

Mr. GARNER. Would it change the compensation of the officers of the Army?

Mr. QUIN. It will not change the compensation, except that this provides for some of them to be promoted to the higher grades, and that will be an increase in Army pay and Army officers.

Mr. GARNER. As I understood the gentleman, he agreed with the gentleman that the higher Army pay is now based on longevity service.

Mr. QUIN. If you give a captain a majorship, of course his salary is increased. And under this bill it is bound to increase. And the gentleman from Illinois [Mr. MADDEN], the chairman of the Committee on Appropriations, when he analyzes it, is bound to see it is going to take some additional money.

Mr. KINCHELOE. Will the gentleman yield?

Mr. QUIN. I will.

Mr. KINCHELOE. The statement has been made here several times this morning that the pay of the officer is based on his time in the service. The gentleman says that is true, and then turns around and says there is going to be an increase of colonels and majors, and if they are promoted to higher rank they will get more pay.

Mr. QUIN. If a captain is in the Army 30 years, and then goes up to major, do you not know that his pay will be more?

Mr. KINCHELOE. Not if his pay is based on the length of service.

Mr. QUIN. Of course it is. You can not expect a major in the United States Army to serve on the salary that a captain serves on, and when you draw down the Treasury certificate of the pay of the second lieutenant you know it is less than that of captain, and that of a colonel is more than that of a first lieutenant.

Mr. GREENE of Vermont. Will the gentleman permit me to make a suggestion?

Mr. QUIN. I will.

Mr. GREENE of Vermont. Does my colleague realize that a man who has served in the Army as a first lieutenant under the pay bill might by length of service get more money than his captain? As a matter of fact, it does not depend upon grade at all.

Mr. QUIN. You are going to say it does not depend on grade. When you get the pay certificate from the Treasury of the Army officer you are going to see that those that are promoted to higher positions will naturally draw more money than they would if they held lower positions.

Mr. PARKER of New Jersey. Will the gentleman permit a question?

Mr. QUIN. I will.

Mr. PARKER of New Jersey. Does not this bill provide for the demotion of a good many officers who would otherwise under the old bill have retired and get retired pay in addition to the new officer that would come in; and so we really save in this bill by keeping the old man in?

Mr. QUIN. That may be one element that may come in. It was the intention of the bill that was passed, as I understood it, to retire these officers and get them down to the number that Congress agreed should be in the Army. And no doubt at that stage of the game the United States Army, through its General Staff, wanted a higher number. And men on this floor stated that you were ruining the Army because we were reducing the number of officers and retiring them.

Mr. WINGO. Will the gentleman yield?

Mr. QUIN. I yield.

Mr. WINGO. While Congress intended to reduce the number and demote some of them, it was not the spirit of the law, was it, that a man by being taken from, say, a majorship and demoted to captain should lose his longevity pay? Congress did not intend that?

Mr. QUIN. Congress did not intend that he should lose his longevity pay, but, as I understood it, it did not intend he should draw the pay of a major while serving as a captain.

Mr. WINGO. Here is the point: Congress did not intend, from the effect of the ruling that has been made, that the way of demotion would be by the way of separating a man from service as a major and recommissioning him as a captain? I understand that a decision has been made that if that is done he will lose his longevity. This bill will cure that. Congress did not intend he would lose that.

Mr. QUIN. These gentlemen who are anxious to take care of the great number of officers may not have intended it. What I intended to do was to cut all off the pay roll that I could.

Mr. WINGO. You intended, no doubt, to demote certain of the higher grade officers?

Mr. QUIN. Yes, sir.

Mr. WINGO. Did you intend in that demotion that they would lose the benefit of the provisions of the law giving additional pay for longevity service?

Mr. QUIN. For my part, I did not.

Mr. WINGO. Now, this bill will not, then, do anything more on that particular point than to carry out the original intent?

Mr. QUIN. They come up and say that the Comptroller of the Treasury has made a ruling nullifying what was intended by Congress. Since they can make such peculiar rulings, I do not want to vote for any bill on this floor that is going to let them reach down into the Treasury and take out more money on any kind of a subterfuge. An Army officer is entitled to his pay, like you and me, and ought to have it.

Mr. WINGO. The chairman of the Appropriations Committee and the gentleman from Illinois [Mr. MCKENZIE] and the gentleman from Kansas [Mr. ANTHONY] have assured this House that the appropriation bill that will be offered next year for the Army, so far as officer pay is concerned, will not by this bill be increased one single dollar. Does the gentleman differ with them? If so, wherein are they wrong? I do not care so much about the mechanics as I do about the part of the cost to the Government. If the number remains the same, and the cost remains the same, what do we care about the minute details of arriving at their reclassification?

Mr. QUIN. If the gentleman will look at the increase in the colonels and the majors he is bound to see it is going to draw a large proportion of increase out of the Treasury of the United States in salary.

Mr. GREENE of Vermont. Will the gentleman permit me to ask a question?

Mr. QUIN. I will.

Mr. GREENE of Vermont. There is no proposition for an increase in the commissioned personnel in this bill. It rearranges and redistributes the men already limited to a 12,000 total.

Mr. QUIN. Do you not increase the number of colonels?

Mr. GREENE of Vermont. Not over the present law.

Mr. QUIN. You look at the number, and——

Mr. GREENE of Vermont. I mean over the Army reorganization act. Over the figure of the Army appropriation bill there is some change. On the other hand, this bill offsets that by providing for demotions. It is 50 on one side and 50 on the other. It saves some retirement pay and is a matter of the redistribution in the grades, that is all; but, at least, it is as economical as the present law provided by the appropriation bill, and those who have had most to do with the details figure in odd ways there is a saving.

Mr. QUIN. Yes; you say a saving. I have heard that word "saving." I saw in the newspapers that the Republican administration claims it has saved $4,000,000,000. The taxpayers have not found out where they saved it. But when you come to this bill in the next Congress, calling for an appropriation, you will see you were fooled on the 1st of September, 1922, when they said it would not cost any more money. Do you believe that this bill is not going to cost any more cash? Do not come up under the pretense that it is not going to cost the taxpayers any more money. Let us be honest to ourselves at least, and let us not try to fool anybody.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. QUIN. Yes; I yield.

Mr. BARKLEY. I want to try to find out what this bill does. If I understand the gentleman correctly, one thing it does is to bridge over the interval between the discharge of a man in a certain rank and his reappointment to a lower rank. Is that true? Is that one of the things it does?

Mr. QUIN. Yes. This bill, under a ruling of the Comptroller of the Treasury, will be a saving to that class of officers on the longevity pay.

Mr. BARKLEY. You say it provides for a certain number of appointments to the higher grades that are not carried in the present law. Is that true?

Mr. QUIN. Yes; that is my understanding.

Mr. BARKLEY. If this bill passes, in conjunction with the present law and the appropriation bill, if a man is demoted from major to captain, under the longevity-pay provisions he has to draw a captain's salary, but continues to draw longevity as a major?

Mr. QUIN. No. He will not continue to draw a major's pay.

Mr. BARKLEY. What does he draw?

Mr. QUIN. It would take some fine old classic Greek mathematician to figure out what it would amount to. You can put that in your pipe and smoke it. [Laughter.] You can rest assured that the Army officers are not coming before Congress and asking us to reduce their pay. [Laughter.] Do you not know that? They do not come here to get their pay reduced, as some gentlemen are trying to make you believe. [Laughter.]

Mr. BARKLEY. In spite of the longevity provisions of the present law, if a major is promoted to the rank of lieutenant colonel he does not continue to draw a major's pay based on longevity, but draws the pay of lieutenant colonel.

Mr. QUIN. He gets a lieutenant colonel's pay, and it starts his longevity pay as a lieutenant colonel, and when he gets to be a colonel he gets longevity pay as a colonel, and when he gets to be a brigadier general he gets the pay of a brigadier general and starts the longevity pay of a brigadier general, and so on up.

Mr. BARKLEY. Is it possible under the law for a major, taking into consideration longevity pay, to get as much as a colonel? You say no, but others say yes. What is the truth?

Mr. QUIN. A colonel of the Army draws a colonel's pay, and a major of the Army draws a major's pay.

Mr. BARKLEY. But as I understand it, all colonels and all majors do not draw the same amount of pay.

Mr. QUIN. Yes; that is true. It depends on the longevity.

Mr. BARKLEY. So that a major might, by length of service, draw more pay than a lieutenant colonel or a colonel with shorter service?

Mr. QUIN. Yes.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. QUIN. Yes.

Mr. KINCHELOE. It is the contention of the proponents of this bill that Army pay is based on longevity of service, regardless of rank. If that is true there could arise a case where a first lieutenant would draw more than a lieutenant colonel, provided he was in the service a sufficient time longer.

Mr. QUIN. No; there is too much difference there. A first lieutenant could not draw as much pay as a lieutenant colonel. But it is a fact that they come up with all these technicalities to Congress and fool a lot of you into voting for them. I want a record vote on this bill in order to see how many Members are going to agree to this being done.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. QUIN. Yes. I want to get a record vote. I do not want to get a pitchfork out here and go after it in any rough manner. I am simply explaining the bill so that all you people will know how to vote. [Laughter.] The fact is that Army legislation, as explained by one gentleman, is an exceedingly technical matter. You can take the average Army appropriation bill as it was drawn when the Committee on Military Affairs had charge of it, and it would require many different kinds of experts to analyze the bill and to understand every different provision in it.

Now, since the appropriation feature has gone away from the Committee on Military Affairs and has been lodged in the custody of the Committee on Appropriations, and they have some gentlemen on there who were on the Committee on Military Affairs for a number of years, I can not tell you what they are doing; and for that reason I believe this House ought to know what it is doing when it votes to correct what they call "a mistake." And as long as the present method continues, where you have one committee saying what the size of the Army shall be and passing Army legislation, and another committee saying what amount of money shall be appropriated, and practically eliminating all the work of the Committee on Military Affairs, you can expect to have just such a jumbled-up mess as this. It is bound to continue. [Laughter].

Mr. JONES of Texas. Mr. Speaker, will the gentleman yield for a question?

Mr. QUIN. Yes.

Mr. JONES of Texas. As I understand it, this bill preserves the longevity pay of the officers in transferring them from one grade to another?

Mr. QUIN. Yes.

Mr. JONES of Texas. Would it not be possible for this bill to do that without making 50 more colonels and 50 more majors and 100 more captains? Could you not strike that out of the bill, and still carry the longevity pay from one grade to another?

Mr. GREENE of Vermont. Permit me to say that the changes in grade have no relation to that phase of the bill.

Mr. JONES of Texas. I know; but could you not provide in this bill for longevity pay being transferred with the grades and still not reach the result that the gentleman from Mississippi thinks it will reach?

Mr. GREENE of Vermont. That simply means a change of method. The former act provided that you could have a lot of extra majors and colonels and captains over the number specified, and they should come into the Army by absorption, as it is called. It has been provided that there should be no absorption of extra numbers, but that the number in a grade should be permanently increased up to that limitation.

Mr. JONES of Texas. Would it not save money under this bill if you struck out the provision for the 50 colonels and the 150 majors?

Mr. GREENE of Vermont. No; because the other way you would have them retired eventually.

Mr. QUIN. Of course it would save money. Do you not know that you can not increase the number of colonels and majors on the same amount of money? If you do not have them, you are bound to say that that is so. When you demote a man on his longevity pay, if he has been in the Army long enough, his pay might accidentally cover enough to equal the pay of the higher grades, but you can not put a man up from a lower grade into a higher grade without increasing the expense on the taxpayers of this country to save your life. [Applause.] Every man knows that. The last time we had this bill up they did not have a second lieutenant in the United States Army, notwithstanding the fact that there were 17,000 officers. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. McKENZIE. I yield five minutes to the gentleman from California [Mr. CURRY]. [Applause.]

Mr. CURRY. Mr. Speaker and gentlemen of the House, after the very lucid explanation of the technicalities of this bill to which we have just listened by the eminent gentleman from Mississippi [Mr. QUIN], I recognize the fact that it would be superfluous for me to take up the time of the House in going into the details of the measure. I am in favor of this bill. I hope it will be enacted. It was introduced for the purpose of correcting an inadvertent error of the House in the enactment of the Army appropriation bill. It will not increase the number of officers authorized by that act. Neither will it increase the appropriation by the expenditure of one more dollar than is provided in the Army appropriation bill, but it probably will result in a saving.

Mr. BARKLEY. Will the gentleman yield there?

Mr. CURRY. I will.

Mr. BARKLEY. There is a lot of confusion as to whether there is an increase in the number of officers in the higher grades. Is that true or not?

Mr. CURRY. Yes. But a readjustment of the number of officers in the several grades is necessitated by the reduction in the size of the Army personnel. This should have been done before.

Mr. BARKLEY. To what extent, if the higher grades are increased, will that increase the expenditures or call for an increased appropriation?

Mr. CURRY. Not at all.

Mr. BARKLEY. Why not?

Mr. CURRY. This bill does not interfere at all with the longevity pay. A colonel reduced to the grade of a major under this bill would still receive the same pay he received as colonel. A captain reduced to the grade of lieutenant would still receive the same pay he received as captain. The pay is fixed according to length of service under the McKenzie Act.

Mr. BLACK. Will the gentleman permit a question there?

Mr. CURRY. Yes.

Mr. BLACK. Will not that result in the captain who is reduced to that rank from that of a major receiving more pay than he otherwise would receive? If not, why is it necessary to put into the bill that his pay and allowances shall not be decreased by reason of his demotion?

Mr. CURRY. I do not know any particular reason for putting that in the bill. Probably, however, to make it explicit and to prevent its being technically misconstrued. I believe the McKenzie Act provides for that.

I introduced a bill along the same lines of the Anthony bill some days before this bill was introduced. It had the effect of inducing action. I am not a member of the Committee on Military Affairs, and I want to explain why I introduced that bill.

My attention was called, through conversations, letters, and press comments, to the demoralizing effect of the practical operation of the act carrying the appropriations for the Army. Under the provisions of that act the War Department appointed a plucking board. The operations of the plucking board absolutely disturbed the harmony and morale of the Army officers. No officer knew exactly where he stood and was fearful of what might happen to him. Probably five or six officers in the Army were sure of being retained, namely, General Pershing and the members of the plucking board who are still on the active list. No one else knew anything about what was going to happen to him. The plucking was not along the line of efficiency or service, but this plucking board could take anyone they wanted to and throw him out of the Army and reduce anyone that they wanted to.

Under the Army appropriation act, 1,716 officers of the Army would be dropped from the Army. This would naturally reduce the strength of the officer personnel below the authorized 12,000. It would then be necessary to fill up to the authorized strength by bringing in lieutenants from civil life, by examination, many of whom would know practically nothing of the military science, and none of whom would be as efficient as the recognized efficient officers dropped. It is known that there are a certain number of inefficient officers in the Army whose services can well be dispensed with, but this struck at efficient as well as inefficient officers. The lieutenants thus brought in would have to be thoroughly trained in the various service schools, and at great expense, and it would be many years before they reached the point of efficiency attained by those they replaced.

The bill that I introduced, the passage of which was recommended by Secretary of War Weeks, in an official report to the Committee on Military Affairs, endeavored to solve this problem in the following manner: It permitted the dropping of officers adjudged inefficient by the plucking board. It permitted the reduction in rank of officers adjudged efficient as officers but not yet fully qualified for the rank they hold. It permitted the retention of officers in their rank when held efficient by the board and eminently qualified for that rank. The retention of officers in their rank was permitted even above the numbers provided for that grade. Thus they would be retained in that grade until gradually absorbed in numbers.

The three elements entering into my bill were thus reduction, absorption, and elimination.

Mr. ANTHONY's bill provides only for reduction and elimination.

The result will be the same, practically, because those reauced in rank will be the first promoted in either bill.

The committee felt, I believe, that there would be less stagnation of promotion under the Anthony bill. This, however, does not hold true, because the officers who are promoted will be those who were demoted, and the promotion of the others will be no more rapid. The only thing is that they will be demoted in rank, and that will, of course, affect their morale and their influence with their men, without in the least affecting their pay. Then when promotion comes it will simply be returning to them the rank they were long since entitled to. My bill provided for the gradual absorption of these officers in their grades until by promotion of those highest on the lists the numbers in the grades would be reduced to the authorized strength. It is not material, except in so far as I hold it to be less advantageous to the morale of the officers.

It is the pride of position that I tried to maintain in my bill. This House is organized along the lines of seniority on both sides and on all the committees. Any member of a committee would feel humiliated if he should lose his place on the committee. If the chairman of a committee was supplanted he would feel humiliated. The member who was entitled to a chairmanship, if not appointed to that chairmanship, would feel humiliated. So the proposition of dollars and cents is not all that is to be considered in this matter or in any walk in life. A captain in the Army has not the same control over the men as a colonel, and a lieutenant has not the same control over the men as a captain; and if an officer is doing a captain's duty in a lieutenant's position he does not have the same control or power over his men as though he held the position of a captain. Furthermore, when you reduce an officer but continue him in the same assignment it will affect the respect in which his men hold him. I believe my bill is better than this one; but we need action, and we need it now to save the absolute destruction of the morale of the officers of the Army. I believe this bill will accomplish that. Most of the features of my bill have been incorporated in the Anthony bill. As we have it, it is practically the same, except the feature of absorption, and I believe the board of general officers, with the consent of the President, under the Anthony bill has been given the power to develop this method in a limited degree.

Mr. KINCHELOE. Do I understand that under the present law the pay of the officers is based on longevity regardless of rank?

Mr. CURRY. It is.

Mr. KINCHELOE. Is the longevity pay of a major greater than that of a captain?

Mr. CURRY. Does the gentleman mean under the operations of this bill?

Mr. KINCHELOE. Yes; or under the present law.

Mr. CURRY. It might be and it might not be.

The SPEAKER. The time of the gentleman has expired.

Mr. McKENZIE. I yield one minute to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Speaker, the Committee on Appropriations and the Committee on Military Affairs are agreed upon the wisdom of this bill. It is intended to prevent the dismissal of officers who by reason of their experience and qualifications are to-day needed to put in force the provisions of the national defense act on which the future peace of this Nation may depend.

The bill also meets a curious situation that has just arisen under the Army appropriation act. An old law provides that for computing officers' pay each month shall have 30 days only, and that where a month has a 31st day it shall not be counted, thus raising the question of "When is a day not a day?"

The Sixty-second Division, the Reserve Cavalry of Maryland, Pennsylvania, Virginia, and the District of Columbia, were ordered to Camp Meade, with their consent, for the 15 days' annual training provided by Congress. If they had been ordered from the 1st or 2d or 3d of a month for 15 days, a day would not have been "lost" out of the calendar, but they happened to be ordered for duty from August 20 to September 3, and since there was an outlaw "31st" day included the comptroller decided that that day ceased to exist for these men who were training to serve their country and stated he could authorize pay for 14 but not for 15 days. Although this may seem absurd, an amendment to the law is needed to save the 15th day for those reservists of the Sixty-second Division, who were ordered for duty with pay, and others who are to-day in training in various parts of the United States. I therefore yesterday offered before the Military Affairs Committee the following amendment to the original Anthony bill:

> SEC. 3. That the first proviso under the heading "Arms, uniforms, equipment, etc., for field service, National Guard," in Title I of such act is amended to read as follows: "That members of the National Guard and the Organized Reserves who have or shall become entitled for a continuous period of less than one month to Federal pay at the rate fixed for Regular Army, whether by virtue of a call by the President, or attendance at school, or maneuvers, or of any other cause, and whose accounts have not yet been settled, shall receive such pay for each day of such period; and the 31st day of a calendar month shall not be excluded from the computation."

General Martin, commanding Camp Meade, and Colonel Langhorne, chief of staff of the Sixty-second Division, had taken up the matter promptly, and the following communications explain fully the necessity of the provision in the pending bill:

HEADQUARTERS SIXTY-SECOND CAVALRY DIVISION,
Camp Meade, Md., August 30, 1922.

Subject: Pay of reserve officers, Sixty-second Cavalry Division, for the 15 days' annual training.

To: The commanding general, Third Corps Area, Baltimore, Md.

1. In compliance with instructions from corps area headquarters, 58 officers of the Sixty-second Cavalry Division were ordered to Camp Meade to report there for their 15 days' annual training prescribed by the national defense act of June 4, 1920, and S. R. 43, 1921.

2. The order was worded according to the form sent from your headquarters, which specifically requires their services for 15 days, August 20 to September 3. These officers came with the understanding that they were to be paid for 15 days' service. Yesterday the finance officer at Camp Meade sent a clerk to assist in making out the pay vouchers of the reserve officers in order to avoid irregularities and to facilitate payment. He stated that he could not pay these officers for the 31st day of August.

3. We are now placed in a most embarrassing position. These officers in good faith will have fulfilled their contract for the full 15 days' service and the Army will be in a position of refusing to pay them for 1 of these 15 days.

4. It is very important that this matter be settled immediately, as the officers are paid, according to the program, on Saturday, September 2, to enable them to return to their homes by September 3.

G. T. LANGHORNE, *Chief of Staff.*

[First indorsement.]

HEADQUARTERS THIRD CORPS AREA,
Baltimore, Md., August 30, 1922.

To the Adjutant General of the Army, Washington, D. C.:

1. It is understood that the refusal of the finance officer at Camp Meade, Md., to pay the reserve officers in question for the 31st day of August is based upon the telegram from the The Adjutant General of the Army to the commanding general Third Corps Area, dated July 12, 1922, reading as follows:

"The law excludes the thirty-first day of any calendar month from computation of pay of reserve officers called to active duty for training period. For example: Reserve officers on active duty from July 18 to August 1, only entitled to 14 days' pay. Members of National Guard when serving as such and entitled to Federal pay at rates fixed for Regular Army, receive pay for thirty-first day of month under authority contained in annual appropriation acts. Notify those concerned."

2. Waile Section 37–a of the act of Congress approved June 4, 1920, provides that a reserve officer "shall receive the same pay and allowances of an officer of the Regular Army" it is believed that the rule that the thirty-first day of a month shall not be computed in calculating pay of an officer of the Regular Army is not applicable to the case of a reserve officer called to active duty under the provisions of the Army appropriation act of June 30, 1922 (Public, No. 259, 67th Cong.), which provides:

"That no portion of this appropriation shall be expended for the pay of a reserve officer on active duty for a longer period than 15 days," etc.

It is believed that in the enactment of the latter-quoted provision, Congress intended that each reserve officer should be paid for each day of active service (not exceeding 15 days in the fiscal year).

3. It is to be said that the reserve officers in question have expected to receive pay for each day's active service (not exceeding 15 days) and it has been the view of those having immediate charge of their instruction that they would be so paid, the said telegram not having come to the attention of any of them. Failure to pay them for each day's service will, it is feared, be considered by the reserve officers as a breach of good faith.

4. It is requested that decision be made of the question and communicated to these headquarters by September 2, 1922, at the latest.

For the corps area commander:

FRANK S. COCHEU, *Chief of Staff.*

HEADQUARTERS THIRD CORPS AREA,
OFFICE OF THE FINANCE OFFICER.
Baltimore, July 13, 1922.

No. 241–240.
Subject: Pay.
To: Finance Officer, Camp Meade, Md.

1. The following telegram from The Adjutant General of the Army to the commanding general Third Corps Area, dated July 12, 1922, is quoted for your information and guidance:

"The law excludes the thirty-first day of any calendar month from computation of pay of reserve officers called to active duty for training period. For example, reserve officers on active duty from July 18 to August 1 only entitled to 14 days' pay. Members of National Guard, when serving as such and entitled to Federal pay at rates fixed for Regular Army, receive pay for thirty-first day of month under authority contained in annual appropriation acts. Notify those concerned."

R. S. OFFLEY, *Finance Officer.*

The War Department yesterday decided that the proposed correction would be necessary. The pending bill will put the organized reserves on the same basis as the National Guard, and I feel sure you will pass it. [Applause.]

Mr. McKENZIE. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing the latest quotations of the American Woolen Co. on wool, and to make a statement in connection therewith.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

Mr. BLACK. Reserving the right to object, how long are these quotations of the American Woolen Co.?

Mr. MORGAN. I think about three-fourths of a column in the newspaper, and I desire to make some statements in regard to the same subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. MORGAN. Mr. Speaker, next spring's quotations on woolens of the American Woolen Co. and statements in connection therewith, as published in the Daily News Record, New York, N. Y., August 1, are as follows:

AMERICAN WOOLEN CO. OPENS WORSTEDS AT ATTRACTIVE PRICES.

The American Woolen Co. opened yesterday in department 1, division B, department 2, and department 7, the lines of fancy weave piece dyes, mixtures, fancy worsteds, etc., at prices generally regarded in the trade as being very attractive.

The lowest priced, all worsted fancy worsted, is quoted at $1.47½ a yard, is 2-ply, both ways, contrast warp and filling. This cloth is made by the Riverside mill, range No. 8139, the entire range being quoted at $1.47½ to $1.60 a yard. This is regarded as being an exceptionally good value. The lowest priced fancy worsted last year was quoted at $1.77½ a yard, and the same fabric this year is quoted at $1.55.

An analysis of the showing of the lines of fancy worsted in department 2 reveals the fact that, whereas last year 25 per cent were below $2.50 a yard, this year 75 per cent are below $2.50 a yard. Out of 15 numbers selected for purposes of comparison, which are repeated from last year, 11 show declines in prices of 2½ cents to 22½ cents and 4 advances of from 2½ cents to 10 cents a yard.

There was the greatest amount of interest in the market over the opening, because all manufacturers of fancy worsteds have been awaiting this development. Under ordinary circumstances, serges are taken as the cue for the attitude to be maintained throughout the fancy worsted field, but this season, because there is so little interest in serges, the tendency is to watch the fancy worsted development. The problem of supplying the machinery with enough fancy worsted business to last for a season is not an easy one. Some regard the low prices as an attempt to offset the tendency of the market toward a day-to-day basis and constant style fluctuation.

The lines, however, are attractively styled and represent the latest developments in this respect. On the other hand, some observers question whether there is enough business to go around, and with some of the largest corporations in the business idle, the company is bidding for enough business to run its machinery. One of the problems of the fancy worsted business this season is to secure enough business on fancies to furnish business for staple machinery. Hence, there is an attempt to reach out and compromise the conditions by meeting the consumer's idea of price.

The outlook for a very successful season for the worsted department of the company is excellent. The response that has been experienced to the offerings of tropicals is very reassuring, and although the market has not been inclined to believe all that has been claimed of the success of the tropicals in department 2, they have done a very good business. What the competition did not realize is that the lines were shown in all out-of-town markets as soon as opened, and many buyers who have not been here at all purchased their requirements there.

The response to yesterday's opening was very gratifying. If it was true of the offerings of serges that meeting the prices of the big company would be exceptionally difficult, it would be more than ever so in connection with the fancy worsteds, judging by the general comment.

Following are 15 numbers that have been repeated this year, which furnish comparisons:

Department 2.

Mill.	Spring, 1923.	Spring, 1922.	Weight, ounces.
Anchor	$1.55	$1.77½	10½
Weybosset	2.00	2.02½	10
Champlain	2.02½	2.07½	10
Riverside	2.17½	2.20	10
Saranac	2.20	2.22½	10
Manton	2.27½	2.30	10½
Natl. & Prov	2.42½	2.45	10
Chase	2.47½	2.55	10-10½
Riverside	[1]2.57½	2.72½	10½
Do	2.65	2.70	10½
Saranac	2.65	2.67½	11
Arden	2.77½	2.75	11
Natl. & Prov	2.87½	2.82½	11
Do	3.00	2.92½	11
Do	3.12½	3.02½	11

[1] Better cloth.

In view that the emergency tariff rate on wool is 36⅓ per cent per scoured pound higher than the pending rate adopted by the Senate of 33 cents, it is interesting to note declines in prices quoted by the American Woolen Co. It disproves the statements of importers who have admitted that they are selling agents for foreign manufacturers and certain officials who have for political purposes attempted to deceive the American public as to the effect the pending rate of 33 cents will have upon the consumer over wool admitted free of duty. The following statement was checked up by an expert on wool and woolens and found to be correct:

From 100 pounds of clean wool there will be obtained, on the average, from the cloth and waste sold the equivalent of about 66⅔ pounds of cloth. Dividing by 66⅔ is the same as adding 50 per cent; therefore adding 50 per cent to the value of a pound of scoured wool will give the value of a pound of wool in cloth after allowing for waste in manufacture. An increased cost of 33 cents per pound of clean wool therefore means an increased cost of 33 by 1½, or 49½ cents—say 49 in round figures—per pound of wool in the cloth.

Assuming the average weight of wool cloth to be 12 ounces per linear yard, an increased cost of 49 cents a pound means an increased cost of twelve-sixteenths of 49, or 36¾ cents per linear yard. Calculating on 3½ yards to the average suit, the increased cost over free wool would be $1.28 per suit.

It will be important to note that the increased cost of $1.28 per suit based on a 33-cent rate is for a high-class product. The lower-priced suits would be on an average much less. That English manufacturers do not regard the 33-cent rate on wool and the pending rate on woolens of serious consequence is evidenced by the following, which was published in the Daily News Record of New York, August 20:

UNITED STATES RETAILERS SAID TO BE BUYING MORE CLOTHING IN ENGLAND—EXECUTIVE DECLARES MANUFACTURERS MAKING MORE EFFORTS TO GAIN AMERICAN TRADE.

[London Bureau Daily News Record.]

LONDON, August 19.—Purchase of British clothing for American account are increasing, and this season has seen many new buyers whose small individual orders have swollen the aggregate, said the executive of a large American buying agency here, who comes in close contact with the men's clothing buyers for most of the important retail establishments in the United States. This man made the comment in connection with the Government's announcement that shipments of British outergarments to America in July exceeded those of any other month in the year.

"We hear your tariff may go through in a few weeks," he said, "but we have heard that so frequently we are not paying much attention to it, and my observations are that the British manufacturers are going after the American trade with more of a push than they have displayed before. Old houses which have been satisfied with a small South American, South African, and Australian trade in addition to their domestic outlet are putting what your people call 'pep' into their operations, and I have numerous inquiries from manufacturers for responsible representatives to handle their lines in America.

"This organization is now shipping to several stores in the United States overcoats made of crombie, 28-ounce, check-backed cloth, which can be landed in the neighborhood of $30. They are excellent for the American trade. More care is being paid by manufacturers to their workmanship, and from what your buyers over here tell me the prestige of British goods and the quality of the fabrics will quite easily offset the extra costs necessitated by tariff charges."

That agriculture is one of the main sources of natural wealth is generally conceded by economists and close students of industrial and economic conditions. Mr. E. H. Gary, president of the United States Steel Corporation, is considered an authority on economics and industrial questions. In an interview given to the Chicago press, published August 30, he said:

> The farm communities of all the States are still the backbone of the Nation.
>
> At the present time, however, farmers are paying too much for productive costs and receiving too little for their products.

Mr. Gary, as well as every other good forecaster, realizes that the prosperity of our Nation largely rests upon our basic industry—agriculture. It is upon the relation that the buying power of agriculture bears to our total productive wealth that prosperity and economic balance depend. Statistics show that normally the agricultural purchasing power is approximately 35 per cent of our total productive wealth, and that by reason of the operation of the Underwood free trade law and the contraction of credit in the spring of 1920 its purchasing power was reduced over 30 per cent, or to less than 20 per cent of our total productive wealth, which remained on that basis until the enactment of the emergency tariff law and the reenactment of the War Finance Corporation act, extending loans to farming interests.

It is apparent from Mr. Gary's statement that he realizes the necessity of restoring the purchasing power of agriculture to its normal relation, and that unless it is so restored adverse industrial conditions will prevail.

The question is, What is the proper rate on wool? It naturally would be, according to our sound economic tariff system, the difference in the cost of production between this and competitive countries. The Tariff Commission reported:

> The raw-wool production cost in Argentina at 27.35 cents per pound and the range cost in the United States at 45 cents, a difference of 17.65 cents per pound, which on a 50 per cent shrinkage basis would be 35.30 cents per pound. Fifty per cent is used, because this is about the average shrinkage of wool imported under the emergency tariff act. It would require a tariff rate of 35.30 cents per pound on this basis to cover the difference between cost in the United States and Argentina, which is the highest production cost competitive country.

Wool production is an essential industry not only because sheep graze on a territory for which there is no probable substitute, and the land utilized for this purpose can not be used for any other profitable purpose, but because of the fact that in case this industry is destroyed, which it will be if a tariff rate is not adopted equal to the difference in cost of production between this and foreign countries, or adequate to its need, prices will rise abroad because of the decreased supply incident to the destruction of the industry. It is, therefore, highly important that the consumer be not deceived by the attempts of propagandists who are spreading propaganda in the interest of the maintenance of the immense profits they are now enjoying through the importation of foreign manufactured cloth that has been sold to the consumer at higher prices than those quoted by the American Woolen Co., and at higher prices than will ultimately prevail if the proposed 33-cent rate is adopted.

The destruction of American industries through importations enhances prices and results in the building up of foreign industries. The selfish purposes of those giving wide publicity to erroneous statements concerning the effect the pending rate and the objects of certain politicians who are supporting these propagandists for political purposes with erroneous statements will be discredited by the American consumers. They through experiences have learned to their detriment that they are not beneficiaries of the low production and foreign market costs of products that are imported under free trade, but are the victims of a system of profiteering which Mr. Gary correctly states "is a bar to progress"; and that their ability to purchase products and the necessaries of life under such a system is so decreased and so out of relation that they can not sell their energy or products at prices that will enable them to enjoy the benefits and living conditions that prevail under a sound tariff system.

The benefits of the emergency tariff act are apparent. There seems to be a general feeling that industrial activities will continue to increase and that prosperity will be witnessed when agricultural and industrial conditions become stabilized, which depends upon the adoption of proper tariff rates, and it is obvious that the 33-cent rate on wool is necessary and will adjust itself ultimately on a basis beneficial both to producer and consumer by retaining the sheep and wool industry which is essential to our prosperity and progress.

Mr. McKENZIE. Mr. Speaker, I ask for a vote.

Mr. JONES of Texas. In view of the fact that we have been unable to obtain copies of this bill, I ask unanimous consent that the bill be read again.

The SPEAKER. Without objection, the bill will be read again.

The bill was again read.

The SPEAKER. The question is, Will the House suspend the rules and pass the bill as amended?

The question being taken, the Speaker announced that in his opinion two-thirds had voted in the affirmative.

Mr. QUIN. Mr. Speaker, I object to the vote because there is no quorum present.

The SPEAKER. The gentleman makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and two Members present; not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members. As many as are in favor of suspending the rules and passing the bill will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 180, nays 34, answered "present" 1, not voting 212, as follows:

YEAS—180.

Ackerman
Anderson
Andrews, Nebr.
Ansorge
Anthony
Bacharach
Bankhead
Barbour
Begg
Bird
Bland, Ind.
Bland, Va.
Boies
Bond
Briggs
Brooks, Ill.
Brooks, Pa.
Buchanan
Bulwinkle
Burtness
Butler
Byrnes, S. C.
Campbell, Kans.
Campbell, Pa.
Cannon
Chalmers
Chandler, N. Y.
Chindblom
Christopherson
Clague
Clarke, N. Y.
Cole, Iowa
Cole, Ohio
Colton
Crago
Crisp
Crowther
Curry
Dale
Dallinger
Darrow
Davis, Minn.
Dempsey
Denison
Dickinson
Drane
Dyer
Echols
Elliott
Ellis
Evans
Fairchild
Fairfield
Faust
Favrot
Fisher
Fitzgerald
Focht
Foster
Frothingham
Fuller
Gorman
Graham, Ill.
Greene, Mass.
Greene, Vt.
Griest
Hadley
Hardy, Colo.
Harrison
Haugen
Hawley
Hayden
Hays
Hersey
Hickey
Hill
Himes
Hoch
Hull
Husted
James
Jefferis, Nebr.
Jeffers, Ala.
Johnson, Wash.
Kearns
Kelly, Pa.
Ketcham
King
Kissel
Kline, N. Y.
Kline, Pa.
Knutson
Kopp
Kraus
Kreider
Langley
Lawrence
Layton
Lazaro
Lea, Calif.
Leatherwood
Lee, Ga.
Linthicum
Lowrey
Lyon
McCormick
McFadden
McKenzie
McLaughlin, Mich.
McPherson
MacGregor
Madden
Magee
Mapes
Michener
Millspaugh
Mondell
Moore, Ohio
Moore, Va.
Moores, Ind.
Morgan
Morin
Murphy
Norton
O'Connor
Ogden
Osborne
Park, Ga.
Parker, N. J.
Patterson, Mo.
Pou
Purnell
Ramseyer
Reece
Reed, W. Va.
Rhodes
Ricketts
Roach
Robsion
Rodenberg
Rogers
Rose
Rosenbloom
Rossdale
Sanders, N. Y.
Schall
Scott, Tenn.
Shaw
Sinnott
Smith, Idaho
Smith, Mich.
Snell
Speaks
Sproul
Stafford
Steenerson
Stephens
Strong, Kans.
Sweet
Taylor, Colo.
Taylor, N. J.
Taylor, Tenn.
Timberlake
Towner
Treadway
Tyson
Vaile
Vestal
Vinson
Volstead
Walters
Ward, N. C.
Weaver
Wheeler
Williams, Ill.
Wingo
Winslow
Wood, Ind.
Woodyard
Young

NAYS—34.

Almon
Aswell
Barkley
Black
Bowling
Box
Collier
Doughton
Driver
Garner
Hammer
Hardy, Tex.
Huddleston
Hudspeth
Jacoway
Jones, Tex.
Kincheloe
Lanham
London
Oliver
Parks, Ark.
Quin
Rankin
Rayburn
Rouse
Sanders, Tex.
Sandlin
Steagall
Sumners, Tex.
Swank
Thomas
Tillman
Williams, Tex.
Wilson

ANSWERED "PRESENT" 1.

Dowell

NOT VOTING—212.

Andrew, Mass.
Appleby
Arentz
Atkeson
Beck
Beedy
Bell
Benham
Bixler
Blakeney
Blanton
Bowers
Brand
Brennan
Britten
Brown, Tenn.
Browne, Wis.
Burdick
Burke
Burroughs
Burton
Byrns, Tenn.
Cable
Cantrill
Carew
Carter
Chandler, Okla.
Clark, Fla.
Classon
Clouse
Cockran
Codd
Collins
Connally, Tex.
Connell
Connolly, Pa.
Cooper, Ohio
Cooper, Wis.
Copley
Coughlin
Cramton
Cullen
Davis, Tenn.
Deal
Dominick
Drewry
Dunbar
Dunn
Dupré
Edmonds
Fenn
Fess
Fields
Fish
Fordney
Frear
Free
Freeman
French
Fulmer
Funk
Gahn
Gallivan
Garrett, Tenn.
Garrett, Tex.
Gensman
Gernerd
Gilbert
Glynn
Goldsborough
Goodykoontz
Gould
Graham, Pa.
Green, Iowa
Griffin
Hawes
Henry
Herrick
Hicks
Hogan
Hooker
Hukriede
Humphreys
Hutchinson
Ireland
Johnson, Ky.
Johnson, Miss.
Johnson, S. Dak.
Jones, Pa.
Kahn
Keller
Kelley, Mich.
Kendall
Kennedy
Kiess
Kindred
Kirkpatrick
Kitchin
Kleczka
Knight
Kunz
Lampert
Lankford
Larsen, Ga.
Larson, Minn.
Lee, N. Y.
Lehlbach
Lineberger
Little
Logan
Longworth
Luce
Luhring
McArthur
McClintic
McDuffie

McLaughlin, Nebr.
McLaughlin, Pa.
McSwain
Maloney
Mann
Mansfield
Martin
Mead
Merritt
Michaelson
Miller
Mills
Montague
Montoya
Moore, Ill.
Mott
Mudd
Nelson, Me.
Nelson, A. P.
Nelson, J. M.
Newton, Minn.
Newton, Mo.
Nolan
O'Brien
Oldfield
Olpp
Overstreet
Paige
Parker, N. Y.
Patterson, N. J.
Perkins
Perlman
Petersen
Porter
Pringey
Radcliffe
Rainey, Ala.
Rainey, Ill.
Raker
Ransley
Reber
Reed, N. Y.
Riddick
Riordan
Robertson
Rucker
Ryan
Sabath
Sanders, Ind.
Scott, Mich.
Sears
Shelton
Shreve
Siegel
Sinclair
Sisson
Slemp
Smithwick
Snyder
Stedman
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Swing
Tague
Taylor, Ark.
Temple
Ten Eyck
Thompson
Tilson
Tincher
Tinkham
Tucker
Underhill
Upshaw
Vare
Voigt
Volk
Ward, N. Y.
Wason
Watson
Webster
White, Kans.
White, Me.
Williamson
Wise
Woodruff
Woods, Va.
Wright
Wurzbach
Wyant
Yates
Zihlman

So, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed as amended.

The following pairs were announced:

Mr. Maloney with Mr. Gallivan.

Mr. Kahn with Mr. Cantrill.

Mr. Thompson with Mr. Tague.

Mr. Cramton with Mr. Carter.

Mr. Burton with Mr. Oldfield.

Mr. McArthur with Mr. Jacoway.

Mr. Luce with Mr. Clark of Florida.

Mr. Snyder with Mr. Overstreet.

Miss Robertson with Mr. Stedman.

Mr. Hogan with Mr. Kindred.

Mr. Volk with Mr. Cockran.

Mr. Dowell with Mr. Smithwick.

Mr. Wyant with Mr. Hooker.

Mr. Appleby with Mr. McClintic.

Mr. Edmonds with Mr. Logan.

Mr. Kennedy with Mr. Stoll.

Mr. Gahn with Mr. Brand.

Mr. Hicks with Mr. Riordan.

Mr. Gernerd with Mr. Dupré.

Mr. Fish with Mr. Martin.

Mr. Bixler with Mr. Dominick.

Mr. Free with Mr. Upshaw.

Mr. Coughlin with Mr. Larsen of Georgia.

Mr. Fenn with Mr. Sears.

Mr. Kiess with Mr. Deal.

Mr. Funk with Mr. Woods of Virginia.

Mr. Olpp with Mr. Fields.

Mr. Burke with Mr. Bell.

Mr. Miller with Mr. Sisson.

Mr. A. P. Nelson with Mr. Carew.

Mr. Bowers with Mr. Kunz.

Mr. Longworth with Mr. Kitchin.

Mr. Lehlbach with Mr. Johnson of Kentucky.

Mr. Fess with Mr. Collins.

Mr. Mann with Mr. Garrett of Tennessee.

Mr. Cooper of Wisconsin with Mr. Byrns of Tennessee.

Mr. Montoya with Mr. Cullen.

Mr. Connolly of Pennsylvania with Mr. Lankford.

Mr. Beck with Mr. Connally of Texas.

Mr. Codd with Mr. Johnson of Mississippi.

Mr. Siegel with Mr. Montague.

Mr. Yates with Mr. Davis of Tennessee.

Mr. Reed of New York with Mr. Stevenson.

Mr. Wasson with Mr. Sabath.

Mr. Porter with Mr. Rucker.

Mr. Vare with Mr. Blanton.

Mr. Radcliffe with Mr. Drewry.

Mr. Watson with Mr. Goldsborough.

Mr. Shreve with Mr. Griffin.

Mr. Tincher with Mr. Garrett of Texas.

Mr. Sinclair with Mr. O'Brien.

Mr. White of Kansas with Mr. Gilbert.

Mr. Strong of Pennsylvania with Mr. Taylor of Arkansas.

Mr. Little with Mr. Sullivan.

Mr. Brennan with Mr. Hawes.

Mr. Cooper of Ohio with Mr. Fulmer.

Mr. Lineberger with Mr. Raker.

Mr. Mott with Mr. Rainey of Alabama.

Mr. Nolan with Mr. Wise.

Mr. Newton of Missouri with Mr. Rainey of Illinois.

Mr. Larson of Minnesota with Mr. Ten Eyck.

Mr. Burroughs with Mr. Wright.

Mr. Henry with Mr. Mead.

Mr. Patterson of New Jersey with Mr. McDuffie.

Mr. Hutchinson with Mr. Humphreys.

Mr. Perkins with Mr. McSwain.

Mr. Paige with Mr. Mansfield.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

LAC DU FLAMBEAU BAND OF INDIANS.

The SPEAKER. The Clerk will report the next bill on the Unanimous Consent Calendar.

The Clerk read as follows:

A bill (H. R. 6428) for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of Wisconsin, and for other purposes.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill go over without prejudice. Is there objection?

There was no objection.

ADJUSTING ACCOUNTS OF DIPLOMATIC OFFICERS.

The SPEAKER. The Clerk will report the next bill on the Unanimous Consent Calendar.

The Clerk read as follows:

A bill (H. R. 7764) authorizing the accounting officers of the Treasury to adjust certain accounts of certain diplomatic and consular officers.

The SPEAKER. Is there objection?

Mr. LANGLEY. Reserving the right to object, I ask unanimous consent to address the House for one minute.

Mr. STAFFORD. Mr. Speaker, I object to the bill.

The SPEAKER. The gentleman from Wisconsin objects. The gentleman from Kentucky asks unanimous consent to address the House for one minute out of order. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Speaker, on yesterday I left a sick bed against the advice of my physician and came here to vote against the Winslow coal bill. I was so anxious to vote against it that I overlooked the fact that I had a general pair with my beloved colleague, Mr. CLARK of Florida. I desire to make this statement in order to set him right in the RECORD. I have leave to extend my remarks on that bill, and shall shortly insert my reasons for opposing it.

AMENDING SECTION 100 OF THE JUDICIAL CODE.

The SPEAKER. The Clerk will report the next bill on the Unanimous Consent Calendar.

The Clerk read as follows:

A bill (H. R. 10817) to amend section 100 of the Judicial Code of the United States.

The SPEAKER. Is there objection?

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. STAFFORD. Reserving the right to object, can we have an understanding that this bill will not be called up for consideration until the judiciary bill for the appointment of new judges, now in conference, upon which this bill is conditioned, is passed?

Mr. VOLSTEAD. So far as I am concerned, I will not call it up.

Mr. STAFFORD. I have no objection; but this bill is conditioned upon the passage of that bill, and we should not pass a bill conditioned on the passage of another bill.

MARKING OF ANCHORAGE GROUNDS.

The next business on the Calendar for Unanimous Consent was the bill S. 2199, an act to provide for the marking of anchorage grounds in waters of the United States.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the Commissioner of Lighthouses shall provide, establish, and maintain, out of the annual appropriations for the Lighthouse Service, buoys or other suitable marks for marking anchorage grounds for vessels in waters of the United States, when such anchorage grounds have been defined and established by proper authority in accordance with the laws of the United States.

With the following committee amendment:

Page 1, line 9, strike out the word "law" and insert "the laws of the United States."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS THE OHIO RIVER—BENWOOD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11901) authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio.

The Clerk read the title to the bill.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Interstate Bridge Co., a corporation organized and existing under the laws of the State of Ohio, its successors and assigns, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, to and into the city of Benwood, Union District, county of Marshall, in the State of West Virginia, from the central part of the city of Bellaire, county of Belmont, in the State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CONFERRING JURISDICTION ON THE TERRITORIAL COURTS OF PORTO RICO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9270) to confer upon the Territorial courts of Porto Rico concurrent jurisdiction with the United States courts of that district of all offenses under the national prohibition act and all acts amendatory thereof or supplemental thereto.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Reserving the right to object, will the author of the bill explain to the House the criminal jurisdiction of the Territorial magistrates in Porto Rico?

Mr. TOWNER. Mr. Speaker, the Territorial courts of Porto Rico are very like our own throughout the United States. The municipal and justice of the peace courts, as known in the United States, have original jurisdiction up to a certain amount; and in all cases the district court has appellate jurisdiction.

Mr. STAFFORD. It occurred to me whether we should extend the national jurisdiction as carried in the prohibition act to these municipal districts and Territorial magistrates which are similar to our justices of the peace. There would be no objection to conferring jurisdiction on courts of record.

Mr. TOWNER. The right of appeal lies just as it does in the United States.

Mr. STAFFORD. I was wondering whether those in favor of the enforcement of the prohibition act would be in favor of a tribunal like a justice of the peace, or think that that was a proper tribunal to try violations of the national prohibition act?

Mr. TOWNER. They would not have it, except in the same cases they have in the United States.

Mr. STAFFORD. I withdraw my reservation of an objection.

Mr. ROSSDALE. Reserving the right to object, I want to ask the gentleman if this bill extends the operation of the national prohibition act to Porto Rico?

Mr. TOWNER. No; it is already extended. The Supreme Court of Porto Rico has said that all of the cases must be tried in the United States court, and there is only one United States court. Really this is for the benefit of the people who are charged with the violation of the prohibition act, because they have to come 40 and 50 miles to attend the United States court, and in many cases they have to walk.

I think the conditions are such as you will say that the parties, those in favor of the enforcement and those who are opposed to the enforcement, are in favor of this bill, because it affords a ready means to those charged with violations of the law to have their cases tried.

Mr. ROSSDALE. My objection would be to any further extension of the act, to any additional territory under the American flag.

Mr. TOWNER. The extension is already made.

Mr. HILL. Mr. Speaker, reserving the right to object, I simply want to say to the chairman that my understanding is that this bill relieves the Federal circuit courts of police cases?

Mr. TOWNER. That is it.

Mr. HILL. And it puts violations of the Volstead Act as police offenses and not as high treason? Is that it? I am for the bill.

Mr. TOWNER. In substance, that is correct. I do not agree entirely with the gentleman.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That there be, and is hereby, conferred upon the Territorial magistrates and courts of Porto Rico jurisdiction concurrent with the commissioners and courts of the United States for the said Territory of all offenses under the act of October 28, 1919, known as the national prohibition act, and all acts amendatory thereof and supplemental thereto, the jurisdiction of said Territorial magistrates and courts over said offenses to be the same which they now have over other criminal offenses within their jurisdiction.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

EXTENDING PROVISIONS OF SECTION 18A, OIL LEASING ACT.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 2460) to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat., p. 437), to certain lands in Utah.

The SPEAKER pro tempore (Mr. GRAHAM of Illinois). Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I see the gentleman who reported the bill is in the Chamber. I wish to inquire why these persons should be granted the additional privilege of another 12 months to that which they had under the act of February 25, 1920, when they had the privilege of 12 months to have their claims adjusted?

Mr. COLTON. That is the very point. If the gentleman will notice, they did not have the privilege. The act of February 20, section 18a, extended its privileges only to the lands that were withdrawn September 27, 1909, and these lands were not withdrawn until October 4, 1909, just seven days later. If the act had said "September 27, 1909, and October 4, 1909," then there would be no objection. But the date of the withdrawal was just one week later, and excluded them from the provisions of section 18a.

Mr. STAFFORD. Under that explanation, Mr. Speaker, I think there should be no objection to the act. When I read the bill and the report it was not very clear why these claimants were not in the purview of section 18a of the oil leasing act. I withdraw the reservation.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That for the period of 12 months from and after the approval of this act the provisions of section 18a of an act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920 (41 Stat. p. 437), be, and the same are hereby, extended to land in Utah embraced in the Executive order of withdrawal issued October 4, 1909: *Provided,* That nothing herein shall be construed as otherwise enlarging, continuing, or extending the provisions of the aforesaid section 18a of the act approved February 25, 1920 (41 Stat. p. 437).

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill having been read the third time was passed.

OFFICIAL REPORTS FROM PHILIPPINE ISLANDS.

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 21 of the act of Congress, approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith for the information of the Congress, the report of the Governor General of the Philippine Islands, together with the reports of the heads of the various departments and bureaus of the Philippine Government for the fiscal year ended December 31, 1921.

I concur in the recommendation of the Secretary of War as to the printing of this report as a congressional document.

WARREN G. HARDING.

THE WHITE HOUSE, *September 1, 1922.*

CLAIMS OF PRIVATE PARTIES TO MARIVELES QUARRY, P. I.

The next business in order on the Calendar for Unanimous Consent was Senate Joint Resolution 23, authorizing the Secretary of War to investigate the claims of private parties to the Mariveles Quarry within the limits of a United States military reservation in the Philippine Islands and to permit the working thereof by the persons entitled thereto, provided military necessities permit.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I certainly would object strenuously to the Senate joint resolution, but have no objection to the substituted amendment. However, I believe there might be some corrective phraseology in the amendment so far as the granting of licenses is concerned, in where it states "upon such conditions." Would it not be better to say "such terms and conditions"?

Mr. HILL. I think that would improve the bill.

Mr. STAFFORD. I withdraw the objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the committee substitute be reported instead of the Senate provision.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the committee substitute be reported in lieu of the original resolution. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

> That the Secretary of War is hereby authorized to grant revocable licenses for the quarrying and removal of stone from the Mariveles Military Reservation, Philippine Islands, to the Government of the Philippine Islands and to persons and corporations in the Philippine Islands upon such conditions as may be fixed by the Secretary of War.

Mr. HILL. Mr. Speaker, I offer the following committee amendment: Page 2, line 16, after the word "such," insert the words "terms and." So that it will read "upon such terms and conditions."

The SPEAKER pro tempore. The gentleman from Maryland offers an amendment which the Clerk will report.

The Clerk read as follows:

> Amendment by Mr. Hill: Page 2, line 16, after the word "such," insert "terms and."

Mr. CHINDBLOM. Mr. Speaker, I would like to ask a question. Was not the committee amendment correctly reported?

Mr. HILL. The committee amendment was correctly reported, but the words "terms and" would not do any harm, and they prevent any misunderstanding in the future. So they are accepted. I ask for a vote on the amendment.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. Hill].

The amendment was agreed to.

The SPEAKER pro tempore. The question now recurs on the committee amendment to the resolution as amended.

The committee amendment as amended was agreed to.

The resolution was ordered to be read a third time, was read the third time, and passed.

Without objection the title was amended to read as follows:

> Joint resolution to authorize the Secretary of War to grant revocable licenses for the quarrying and removal of stone from the Mariveles Military Reservation, Philippine Islands.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill by printing the committee report.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

Mr. STAFFORD. I have an objection to that. I do not see the necessity of printing the committee report on this bill.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

HOTEL ON FORT MONROE MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the resolution (S. J. Res. 156) authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia.

The title of the resolution was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate joint resolution?

Mr. STAFFORD. Mr. Speaker, before the objecting stage is passed I wish to inquire whether the committee considered the condition, not of a total destruction by fire but of a partial destruction of the property as a condition of its being rebuilt? I notice in the proviso the following language—

> That after the expiration of the grant herein authorized, or in case at any time previous thereto, the building hereby authorized is destroyed by other casualty, then all buildings erected or other installations made on said site or the remains thereof shall be removed and the site restored—

And so forth.

Now, suppose the building is only partially destroyed by fire. What is to be the status of the occupation of the premises under which the authority is given by the Government to have a building erected there?

Mr. HULL. I presume that would rest with the Secretary of War. He must make the lease under which the hotel corporation is to operate, and I presume that in the lease provision must be made for that contingency.

Mr. STAFFORD. I can conceive very readily, Mr. Speaker, of there being a partial destruction of the premises, where the owners might be desirous of continuing the lease by rebuilding and yet here we have the absolute language which provides in case the property is destroyed by fire. Does that not mean totally destroyed? I have prepared an amendment, which I submit to the consideration of the gentlemon from Iowa [Mr. Hull] and the gentleman from Virginia [Mr. Bland], who is directly interested, inasmuch as the property is in his district, to see if they have any objection to it, because I can see that it might be helpful to the tenant and to the Government. I have prepared an amendment so that the sentence beginning on line 3 of page 2 would read as follows:

> That after the expiration of the grant herein authorized, or in case at any time previous thereto the building hereby authorized is so totally destroyed by fire or other casualty as not in the opinion of the Secretary of War or the owner to be capable or profitable, respectively, to be rebuilt, then all buildings erected or other installations made on said site or the remains thereof shall be removed and the site restored at the expense of the then owner or owners of such hotel to the satisfaction of the Secretary of War, whenever he shall so direct, unless such grant at the expiration of the term, or in case of the rebuilding by reason of partial or total destruction by fire or other casualty, shall be renewed for another term not exceeding 50 years, which authority is hereby granted to the Secretary of War, in his discretion.

Mr. BLAND of Virginia. The only objection that occurs to me at this time is that this bill as prepared was made the subject of legislation by the General Assembly of Virginia, which is in the exact terms of the bill that is being considered here.

Mr. STAFFORD. Under those circumstances, Mr. Speaker, I would not attempt to delay the consideration of this bill by projecting the amendment, even though I think it would be helpful to the bill and meet the conditions that might arise. I have other amendments that I have prepared to offer to the bill, but I will not offer them, and I withdraw my objection.

The SPEAKER pro tempore. The reservation of the objection is withdrawn. The Clerk will report the resolution.

The Clerk read as follows:

> *Resolved, etc.,* That the Secretary of War be, and he is hereby, authorized to grant permission to such individuals or corporation as to him may seem proper to construct, operate, and maintain a hotel upon the Fort Monroe Military Reservation in Virginia, for a term not exceeding 50 years, upon such site, according to such plans and dimensions and subject to such conditions and restrictions as may be approved by the Secretary of War: *Provided,* That the State of Virginia, by its general assembly and governor, shall by proper legal enactment give the consent of such State to the construction, operation, and maintenance of such hotel: *Provided further,* That after the expiration of the grant herein authorized, or in case at any time previous thereto the building hereby authorized is destroyed by fire or other casualty, then all buildings erected or other installations made on said site or the remains thereof shall be removed and the site restored at the expense of the then owner or owners of such hotel to the satisfaction of the Secretary of War, whenever he shall so direct, unless such grant shall be renewed for another term not exceeding 50 years, which renewal is hereby authorized in the discretion of the Secretary of War: *And provided further,* That no claim for damages against the United States shall be made by reason of the enforcement of any conditions or restrictions which have been approved by the Secretary of War or by reason of the removal of buildings and installations and restoration of the site thereof: *And provided further,* That the buildings so erected shall be subject to State, local, and national taxation as other property located in the county of Elizabeth City, Va.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

INCORPORATION OF THE AMERICAN MATHEMATICAL SOCIETY.

The SPEAKER pro tempore. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9218) to incorporate the American Mathematical Society.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I am not very much enamored of this policy of Congress incorporating certain designated individuals who happen to be members of a voluntary society and giving them a national charter simply because they have organized themselves for some scientific purpose. I know of a great number of such societies in the country. Unless some good reason can be advanced why an exception should be made as to this society, I shall be inclined to object.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Will the gentleman yield?

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman from Iowa, or to the gentleman from Minnesota, or to the gentleman from Missouri.

Mr. TOWNER. The gentleman from Wisconsin raises a point that we often have to consider. One of the particular reasons why this association ought to be incorporated is because of the fact that it is intended to become a part of the international association, and in order to do that it is desired that it should have the sanction of the United States Government. This is the condition: This mathematical society——

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. TOWNER. Yes.

Mr. STAFFORD. Does the gentleman mean that this society can not obtain recognition by the international society unless it has a national incorporation?

Mr. TOWNER. That is exactly it. All the other national associations that belong to the international association have national incorporations.

Mr. STAFFORD. And a requirement of the international association is that the subsidiary orders must have national incorporations in order to be recognized?

Mr. TOWNER. I understand that to be the rule.

Mr. STAFFORD. Has anything like that statement been made before the committee in advocacy of this measure?

Mr. VOLSTEAD. I do not know of it. What I want to say is this: The European Governments have, from the dawn of history, incorporated associations of this kind for the purpose of encouraging progress in science, art, literature, and things of that kind. In almost every European country the government contributes money to-day for the support of those societies, and it does seem that when an association of this kind comes along and asks only this one thing—an incorporation—we ought to yield to that extent.

Mr. STAFFORD. Well, suppose the American Automotive Engineers or the American Chemical Society should come and ask the same thing?

Mr. CURRY. They are not scientific. They are business organizations.

Mr. STAFFORD. Oh, yes. The automotive engineers have no mercenary purposes.

Mr. CURRY. They have for the production of automobiles and the sale of automobiles.

Mr. STAFFORD. Oh, no. The gentleman evidently is not acquainted with the purposes of the American Automotive Engineers.

Mr. CURRY. This society is composed of scientists in the United States, the greatest mathematicians in the world.

Mr. CHINDBLOM. If a scientific engineering society sought national incorporation, I think the same reasoning would apply to it, and I think it would be proper to be incorporated.

Mr. STAFFORD. I do not think we should be incorporating every voluntary society that chooses to ask for it.

Mr. CURRY. Neither do I.

Mr. LAYTON. I think the gentleman is right about that.

Mr. STAFFORD. We should not give a national charter to it.

Mr. CHINDBLOM. The only way in which we can give any national character whatever to any of these scientific organizations in this country is by this method of national incorporation. In that way we place them on a par with other national associations of like character.

Mr. GARNER. Mr. Speaker, the matter of issuing national charters to various organizations has been brought up here at different times for the last 10 or 15 years. There are certain Members of Congress who have never voted for national charters for any kind of an organization, whether soldiers or scientific, or whatever it may be. It does seem to me that the gentleman from Minnesota [Mr. VOLSTEAD] and his committee ought to consider the question of passing a general statute authorizing national incorporation for certain purposes, and limiting those purposes. Until you do that, as far as I am concerned, you are never going to get unanimous consent to consider such bills in this House, and I am going to vote against them whenever they come up, it makes no difference what they are. You ought, however, to pass a general statute under which people under certain conditions can have the right to incorporate without having to come to Congress to get special legislation enacted.

Mr. CURRY. I hope the gentleman will not object.

Mr. GARNER. I will say to my friend from California that this applies to anything of this kind that may come up. I know that the gentleman from Tennessee [Mr. GARRETT] and several other gentlemen in the House feel the same way about it, that there is no necessity for national charters, or if there is that there ought to be a general law.

Mr. CURRY. There is a necessity for national charters for some organizations.

Mr. GARNER. That necessity ought to be met as a matter of right under a general law, and not as a matter of grace by asking for special legislation.

Mr. CURRY. I think the gentleman is right as far as that is concerned, and I hope such a general law may be enacted; but at the present time it is not on the statute books of the Nation, and the only way in which this association can get what it ought to have is by an act of Congress.

Mr. JONES of Texas. There is a law on the statute books which permits the incorporation in the District of Columbia of societies for certain purposes.

Mr. CURRY. That is simply for the formation of a District of Columbia corporation, which is like a State corporation.

Mr. JONES of Texas. I understand that includes charitable, benevolent, and scientific organizations.

Mr. CURRY. That is simply for the District of Columbia.

Mr. JONES of Texas. And this is a scientific organization.

Mr. CURRY. That is simply incorporation in the District of Columbia and not for the United States.

Mr. JONES of Texas. It is an organization in the National Capital.

Mr. CURRY. That is not a Federal corporation. Incorporation in the District of Columbia is the same as incorporation in a State, and if this society should be incorporated in that way, instead of making a report to Congress, as it should, it would have to make reports to all the States in the Union and all the Territories and also to the District of Columbia. That is hardly fair for a corporation of this kind. This is the same kind of a corporation as the Smithsonian Institution, on the same lines, and it ought to be permitted to incorporate. I hope the gentleman will not object.

Mr. JONES of Texas. The gentleman does not mean to say that if it was incorporated in the District of Columbia under the District of Columbia law it would have to make reports to all the different States.

Mr. CURRY. The State laws themselves require that.

Mr. JONES of Texas. They do not require it of charitable and benevolent associations.

Mr. CURRY. A corporation of the District of Columbia doing business in the District of Columbia must have an agent down there and also make report to the secretary of state of Texas.

Mr. VOLSTEAD. Let me say that it has been the custom for many years to incorporate a great many different societies. I think Congress has incorporated some 30 or 40 of them. They have come to Congress and sought incorporation for a great many different purposes—lodges, churches, charitable, religious, scientific, and every other purpose that you can think of. The committee has concluded, and has acted upon the determination for quite a long time, that it would not incorporate except in special cases. It has felt that in view of the precedents in foreign countries we ought to do what they do, which is to incorporate scientific, literary, and art associations of a national character. It does seem to me that we ought not to object on an arbitrary ground. These organizations get quite an advantage by getting national charters, and it seems to me that where they have no rivals and are doing valuable service we ought to be willing to give them that.

Mr. JONES of Texas. In foreign countries are they incorporated under a general law, or does each one require a special act?

Mr. VOLSTEAD. They are incorporated by special charters which are granted to them, and are supported by their Governments which levy taxes for their support. Here we only ask for incorporation, and I think gentlemen ought not to stand on mere technical objections.

Mr. EVANS. Mr. Speaker, reserving the right to object, the gentleman from Minnesota has just stated that these organizations secure Government help. Is that the purpose and intention of this corporation?

Mr. VOLSTEAD. No; there is no provision for the payment of a penny. All they ask is that the Congress incorporate them.

Mr. EVANS. I wish to call attention to the fact that there are quite a number of these organizations, and as quick as they become international organizations, then they come in and ask for salaried officers at the expense of the Government.

Mr. VOLSTEAD. Not one of them that we have ever incorporated has so far as I know ever come here to ask for a penny.

Mr. CURRY. I would not father a bill of that kind.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. GARNER. I object.

Mr. CURRY. Mr. Speaker, will the gentleman from Texas permit the bill to remain on the calendar?

Mr. GARNER. I have no objection to that. I merely made the statement that since I have been in Congress I have never voted for a proposition for the national incorporation of anything and that I would not permit it to come up on the floor of the House by unanimous consent.

Mr. CURRY. It would be a very good precedent if the gentleman would either vote for this, withdraw his objection, or retire to the cloak room, but if he will not and as he intends to object to the present consideration of the bill, I ask unanimous consent that it may be passed and remain on the calendar.

The SPEAKER. The gentleman from California asks unanimous consent that the bill retain its place on the calendar. Is there objection?

There was no objection.

WHITE HOUSE POLICE FORCE.

The next business on the Calendar for Unanimous Consent was the bill (S. 3659) to create the White House police force, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I ask unanimous consent that this bill may go over for two weeks without prejudice.

Mr. LANGLEY. I will say to my friend from Wisconsin that I think the probabilities are that two weeks from now there will be no chance to take up the bill. It has been unanimously reported by our committee, and the report shows very clearly why this legislation is desired. The President wants it; it is a matter of economy and involves good business principles. I hope the gentleman will not insist on his request.

Mr. STAFFORD. I will withhold my request temporarily under the reservation of the right to object. I should like to inquire why the guards at the White House should be put on a different pensionable status than the park police?

Mr. LANGLEY. The main purpose of this bill is to put the White House police force directly under the supervision of the President, or an officer designated by him and responsible directly to him.

Mr. STAFFORD. The gentleman did not answer my question. I asked the gentleman why there should be a different pensionable status for the guards at the White House than for the park police?

Mr. LANGLEY. Mr. Speaker, I did not quite understand the gentleman, but my colleague on the committee [Mr. CHINDBLOM] has given this question very thorough study, and I yield to him to answer the gentleman's question.

Mr. CHINDBLOM. What provision in the bill does the gentleman refer to?

Mr. STAFFORD. The reading of the bill shows that these men who are to be given permanent status as guards at the White House are to receive a different pensionable status from the United States park police. You are giving the guards at the White House, who have not the same jeopardizing work as the members of the Metropolitan police force, the same pensionable rights as the police force of the city. Why can not these guards who are to be appointed be in the same purview as the park police?

Mr. CHINDBLOM. I will say this to the gentleman: These men who serve at the White House will have necessary expenditures for their personal appearance which will not be incurred by members of the Metropolitan police.

Mr. STAFFORD. I take issue with the gentleman. The men who are members of the park police have the same expenditures to meet.

Mr. CHINDBLOM. Not necessarily.

Mr. STAFFORD. Well, I know they do.

Mr. CHINDBLOM. I wonder if the gentleman and the House are aware—I doubt if the country is aware—that up to the present moment the men on duty in the White House Grounds, who are charged with the policing of the White House Grounds and who are responsible for the safety of the President and his family, and to that extent of the National Government, are under the control of the superintendent of the Metropolitan police of the District of Columbia, and that the President of the United States can not issue an order to them, can not make a request of them, can do nothing with regard to their conduct without communicating with the superintendent of the Metropolitan police?

Mr. STAFFORD. Answering for myself, I am thoroughly conversant with the fact, and it is stated in the report. The gentleman has not answered the question which I propounded to the gentleman from Kentucky, and who yielded to the gentleman from Illinois to answer.

Mr. CHINDBLOM. I consider that a minor question. When the bill comes up, that may be a subject of amendment. My recollection is—it has been some time since the matter was before the committee—that the only difference relates to 2½ per cent of the total pay they receive.

Mr. LANGLEY. The gentleman is correct in that statement.

Mr. STAFFORD. When I read this bill and considered it, I recognized the potency of having guards at the White House under the direction and control of the President, or of an official under the President. Now, we have the park police that guard the various parks throughout the District under the supervision of the Superintendent of Public Buildings and Grounds. Why is it not feasible, instead of creating a distinct force, to increase the present force that is now under the Superintendent of Public Buildings and Grounds, and who is himself under the direction of the President of the United States? Colonel Sherrill is the Superintendent of Public Buildings and Grounds, and he has charge of the White House, and why not increase that force rather than bring into a separate force men who were placed there during an emergency? We never had any policemen around the White House in such numbers prior to the World War.

Mr. LANGLEY. Does the gentleman overlook the fact that the net result of the proposed legislation is to decrease the expenses for this police force by about 40 per cent? The difference as stated by the gentleman from Illinois is only 2½ per cent——

Mr. STAFFORD (interrupting). Oh, a few cents or a few hundreds or a million does not amount to anything as far as the gentleman from Kentucky is concerned. He is for the flag and an appropriation. That is his record in Congress. [Laughter.]

Mr. LANGLEY. I am proud of that record, because I have always tried to see to it that my people get their just share, and I shall continue to stand by it in the next Congress, of which I am to be a Member [applause], whether the gentleman likes it or not, or is in the next Congress or not.

Mr. STAFFORD. I am complimenting the gentleman because he stands by the flag and an appropriation; I never knew him to do anything else.

Mr. LANGLEY. And you never will if the appropriation is needed. I thank the gentleman for his compliment.

Mr. BEGG. The regular order, Mr. Speaker.

The SPEAKER. The gentleman from Ohio calls for the regular order. Is there objection?

Mr. STAFFORD. Well, if you are going to press me to a finality, I will object.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object——

Mr. BEGG. The regular order.

Mr. STAFFORD. I object.

Mr. LANGLEY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3659) to create the White House police force, and for other purposes.

The SPEAKER. The gentleman from Kentucky moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That there is hereby created and established for the protection of the Executive Mansion and grounds in the District of Columbia a permanent police force, to be known as the White House police. Such force shall be under the sole control of the President and under the direct supervision of such officer as he may designate. The members of such force shall possess privileges and powers and perform duties similar to those of the members of the Metropolitan police of the District of Columbia, and such additional privileges, powers, and duties as the President may prescribe.

SEC. 2 (a) That the White House police force shall consist of one first sergeant with grade corresponding to that of detective sergeant (Metropolitan police), two sergeants with grade coresponding to that of sergeant (Metropolitan police), and 30 privates with grade corresponding to that of private, class 3 (Metropolitan police), appointed under the direction of the President from the members of the Metropolitan police force and the United States park police force from lists furnished by the officers in charge of such forces. Vacancies shall be filled in the same manner.

(b) Any vacancy in the Metropolitan police force or in the United States park police force caused by appointments to the White House police force shall be filled in the manner provided by law.

SEC. 3. (a) That no person shall be appointed a member of the White House police force at a grade lower than the grade held by him as a member of the Metropolitan police force or of the United States park police force at the time of his appointment.

(b) A member of the White House police force shall receive a salary at the rate provided for the corresponding grade in the Metropolitan police force, and he shall be furnished with uniforms and other necessary equipment similar to the uniforms and equipment furnished the United States park police, and he shall be entitled to the same leave allowances as a member of the United States park police force.

(c) The President may transfer a member of the White House police force to the organization of which he was a member at the time of his appointment to such force.

SEC. 4. (a) That a member of the United States park police force appointed to the White House police force shall be included within the provisions of section 12 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1917, and for other purposes," approved September 1, 1916, as amended, upon payment into the policemen and firemen's relief fund, District of Columbia, of an amount equal to 1½ per cent of the total basic salary received by him since September 1, 1916, as a member of such United States park police force and as a watchman of the United States in any public square or reservation of the District of Columbia.

(b) For the purposes of retirement under such act service with the United States park police force and service as a watchman of the United States in any public square or reservation of the District of Columbia shall be deemed service with the White House police force.

(c) Any member of the Metropolitan police force appointed to the White House police force shall continue to be subject to the provisions of section 12 of such act, and appointment of such member to the White House police force or transfer of such member to his former organization shall not affect any right, privilege, or duty of such member under the provisions of such section of such act.

SEC. 5. That a member of the United States park police force appointed to the White House police force shall be paid a refund as provided for in section 11 of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, as amended, and upon transfer to the United States park police force he shall be paid a refund from the policemen and firemen's relief fund of all money paid by him as salary deductions into such fund, and he shall be reinstated and included within the provisions of such act upon payment to the Secretary of the Treasury of an amount equal to the amount refunded to him, at the time of such appointment, under the provisions of section 11 of such act, plus an amount equal to 2½ per cent of the total basic salary received by him during the period of his service as a member of the White House police force. For the purposes of retirement under such act service with the White House police force shall be deemed service with the United States park police force.

SEC. 6. That the provisions of section 5 of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," approved June 22, 1906, and of section 7 of the act entitled "An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," approved October 6, 1917, shall not apply to persons appointed or transferred under the provisions of this act.

SEC. 7. That the amounts necessary for the payment of salaries and for the purchase of uniforms and other equipment of the White House police force shall be disbursed by the officer in charge of public buildings and grounds, and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

SEC. 8. That the provisions of this act shall be in effect on and after July 1, 1922.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

Mr. LANGLEY. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kentucky is recognized for 20 minutes and the gentleman from Wisconsin for 20 minutes.

Mr. LANGLEY. Mr. Speaker, repeating somewhat the comments I made a few moments ago, the main purpose of the bill is to place directly under the supervision of the President the police force which guards the White House. As has already been stated, he has now no control over this force whatever but must go to the superintendent of the Metropolitan police force for whatever he wants done. Incidentally, I may remark that it will result in the net saving of $25,000 to $30,000 a year in the White House force by reason of the reduction provided in this bill. Mr. Speaker, I am surprised that there is any opposition to it. I reserve the balance of my time.

Mr. STAFFORD. Mr. Speaker, I do not question the position taken by the gentleman reporting this bill that there are altogether too many men acting as guards about the White House. There was some need of having 54 men guard the White House during the unsettled conditions of the war. But if there are 54 men still guarding the White House there are too many guards and the fault lies with some one, particularly the chief of police of the District. Perhaps there should be some special guard under the direct appointment of the President, under his direct control. I suggested in the previous interrogatory that that could be accomplished by increasing the present park police and have them interchangeable. We do not have a special force connected with the messengers detailed to the White House. The present park police is under the Superintendent of Buildings and Grounds, Colonel Sherrill, and if we increase the force by 20 it would provide adequate personnel to guard the White House in time of peace. When the President is not occupying the White House, these men could be given their vacation in connection with the park police. But the purpose now is to continue the guard that was had during the war to guard the White House—that we shall continue that force permanently. Everyone knows that the duties of guarding the White House are not so dangerous as the duties of the Metropolitan police force. You are going to create 30, with 8 hours a day, 7 in a shift. It is not easy for me to conceive how 7 would be needed, but I surrender my opinion on that. The President is many times absent from the White House, and it would be more economical for the Government to have them a part of the park police force and under the charge of Colonel Sherrill than a separate force, as is purposed by this bill.

Mr. YOUNG. Will the gentleman yield?

Mr. STAFFORD. Surely.

Mr. YOUNG. Will that mean that different ones will select these men? Should not these men be selected without reference to the duty?

Mr. STAFFORD. Oh, no. Colonel Sherrill, Superintendent of Public Buildings and Grounds, has the selection of the park police. These men are the same as you see about the Mall, about Potomac Park, and all the other squares. He has the selection of them. They are under his immediate supervision, and so many are detailed to each park. What do you find here? There was need during the war of having the White House specially guarded—good need for it. Now, it has been difficult since peace times to get rid of that guard. They have got hold of the teat and are still holding on. It is proverbial with Government positions, and applies to the House of Representatives, I am glad to say, so far as I am concerned, as to other public places.

Mr. LANGLEY. I understand the gentleman to pay a tribute to the intelligence of Colonel Sherrill and his capacity for taking charge of all that force. I beg to call his attention to the fact, and I agree with all that he says about the efficiency and high character and ability of Colonel Sherrill, that he, knowing the situation as the gentleman says—and I agree that he does—earnestly recommends the enactment of this bill.

Mr. STAFFORD. Will the gentleman yield to me?

Mr. LANGLEY. Yes.

Mr. STAFFORD. Is it not a fact that at the hearings on this bill Colonel Sherrill suggested detailing some of the Army enlisted men that are now doing service at Fort Myer to do this work?

Mr. LANGLEY. I never heard of it.

Mr. CHINDBLOM. Not before the Committee on Public Buildings and Grounds.

Mr. STAFFORD. What committee was it?

Mr. CHINDBLOM. I do not know. It was not before our committee.

Mr. STAFFORD. I have heard it stated authoritatively that he did. I do not agree with that policy. But it was in connection with the question of creating a force to take care of the situation.

Mr. MCKENZIE. The gentleman seems to have a copy of the bill. I have been unable to get one. I want to ask him whether these policemen are to be under the civil service or whether they will be appointed by the President?

Mr. STAFFORD. They merely continue the present force. It is an easy position down there to act as guard, in one of the finest uniforms of the District's policemen. There is no danger at all.

Mr. MCKENZIE. I can not agree with the gentleman. I think it is a difficult position.

Mr. STAFFORD. Does the gentleman mean it is difficult to stand idle all the day long?

Mr. MCKENZIE. I mean with all the people who go down there and want to go through the White House.

Mr. STAFFORD. It does not apply to those. The gentleman does not seem to be acquainted with the conditions at the White House.

Mr. LONDON. I would like to inquire how many police departments there are in the District of Columbia.

Mr. STAFFORD. Two.

Mr. LONDON. What are they?

Mr. STAFFORD. The Metropolitan police and the park police.

Mr. LONDON. What is the Capitol police force; who appoints them?

Mr. STAFFORD. That is a distinct force.

Mr. LANGLEY. And we also want a distinct force at the White House.

Mr. LONDON. Are any of these police officers civil-service employees?

Mr. STAFFORD. As I understand it, all the Metropolitan police and the park police are in the civil service.

Mr. LONDON. Was it contended that the officers under this bill will be appointed under the civil service?

Mr. STAFFORD. As I understand the bill, the President will retain those now doing duty and take one from those now acting in the park police, and when there is a vacancy he has the privilege to take them from the Metropolitan force or the park police.

Mr. LONDON. What is the immediate necessity for establishing this prætorian guard?

Mr. STAFFORD. Merely because it was used during the war, and it is very difficult to have any reduction or discontinuance in a public force when it is once established.

Mr. LANGLEY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Speaker, I think some of the cobwebs, spun by this discussion, ought to be brushed away. In the first place, the members of this police force are to be taken from the Metropolitan police and the park police. There is to be no new establishment whatever. The men are to be selected from the men who are now in the Metropolitan police and in the park police force and who have attained their status through civil service. The officer in charge is to be selected by the President and assigned by him for that purpose. Now, under the present conditions, as the report shows, if the committee will read the letter from Colonel Sherrill to myself, there is no question that the officer who will be designated by the President to be the chief of this force will be Colonel Sherrill himself. At the present time, as I said a moment ago, the superintendent of the Metropolitan police is in control of all of these men. The President can not do anything with regard to the conduct, the behavior, the assignments, or the routine duties of any of them. He must seek assistance, he must direct his inquiries, and try to obtain the changes which he desires in the operations of the police, through the superintendent of the Metropolitan police.

Mr. EVANS. Will the gentleman yield?

Mr. CHINDBLOM. I will.

Mr. EVANS. Will it not be a fact if this bill is adopted that the park police, the Metropolitan police, and the White House police, will in the entirety have 30 more members than are now in the police department?

Mr. CHINDBLOM. They will not. The White House force will have 24 less members.

Mr. EVANS. That is, the Metropolitan police, plus the park police, plus the White House police, will have 30 more policemen than are now doing all the work?

Mr. CHINDBLOM. I can not understand the gentleman's mathematics at all. There will be 24 less men at the White House, 24 more in the Metropolitan police department, and the same number of men in the entire service.

Mr. VAILE. When we incorporate this mathematical society, the gentleman from Nebraska should be a member of it.

Mr. KING. The gentleman has stated that the President has no power of removal of any of these policemen?

Mr. CHINDBLOM. Certainly not.

Mr. KING. Would he be permitted to remove a Democrat for pernicious activity?

Mr. CHINDBLOM. I have not found that he is disposed to do that, but I think some gentlemen on our side of the House think he ought to have that privilege.

Mr. LANGLEY. I think he ought to exercise it a little bit more than he does.

Mr. CHINDBLOM. I do not altogether agree with the gentleman on that. However, I want to discuss this bill seriously.

Mr. GRAHAM of Illinois. I want to ask what I hope is a sensible inquiry.

Mr. CHINDBLOM. Certainly.

Mr. GRAHAM of Illinois. In the first section of the bill you say that the members of such force shall possess privileges and powers and perform duties similar to those of the members of the Metropolitan police. Well, in my way of looking at it, to perform duties similar to some other duties does not mean anything, does it?

Mr. CHINDBLOM. They will be altogether under the officer who is designated by the President to be the chief of this police service. Of course, they will take their orders from him, and they will be subject to the regulations prescribed by him.

Mr. GRAHAM of Illinois. What powers are they going to have?

Mr. CHINDBLOM. They will have police powers and they will be under the management of the officer designated by the President to the chief of the police service at the White House.

Mr. GRAHAM of Illinois. I believe that is true, but nowhere in the bill can I find any expression of the powers of this force except in the first section.

Mr. CHINDBLOM. I dare say the gentleman will not find any other statute in which provision is made for the appointment of the Metropolitan police or the park police—any detailed statement of their powers and duties. They are under the direction of the superintendent.

Mr. GRAHAM of Illinois. I was wondering whether it would be the right language.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. LANGLEY. I yield to the gentleman two minutes more.

The SPEAKER. The gentleman from Illinois is recognized for two minutes more.

Mr. GRAHAM of Illinois. I was wondering if it would do to say that they should have the same powers.

Mr. CHINDBLOM. This bill had the unanimous support of the Senate committee. It was adopted unanimously by the Senate. It had the unanimous support of the Committee on Public Buildings and Grounds of the House. The President and the Superintendent of Public Buildings and Grounds are very anxious for the speedy enactment of this legislation. Then why delay for such a trifling thing?

Mr. GRAHAM of Illinois. Well, if the gentleman is satisfied with it, I am.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The SPEAKER. The Clerk will report the next bill.

CONVEYANCE OF PRESQUE ISLE, ERIE, PA., TO THE STATE OF PENNSYLVANIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10144) conveying the peninsula of Presque Isle, Erie, Pa., to the State of Pennsylvania, its original owners, for public-park purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire of the gentleman interested in this bill—and I see present the gentleman from Pennsylvania [Mr. CRAGO], who reported the bill—why should the National Government donate back to the city of Erie or to the State of Pennsylvania property that the State of Pennsylvania donated to the Government some 50 years ago?

Mr. CRAGO. I will say to the gentleman from Wisconsin that the State of Pennsylvania gave this to the United States Government at a time when the State of Pennsylvania did not intend to beautify it or use it for park purposes. Now the city of Erie, in cooperation with the State commission, plans to beautify this and make it a public recreation park.

Mr. STAFFORD. But the National Government, if the gentleman will permit, received some property of value without condition 50 years ago. Now it is of value. Why should the National Government now return the property, although it is to be used as a public park?

Mr. CRAGO. We are only loaning it to the State of Pennsylvania in order that it may be turned into a public park, and the State of Pennsylvania will return it whenever the United States Government desires to use it for any other purpose. Then it can be taken back.

Mr. STAFFORD. Then will the gentleman have any objection, in the last proviso, line 21 of page 3, to the insertion after the word "lighthouse" of the words "or other governmental purposes"?

Mr. CRAGO. We would be entirely satisfied to have that amendment made.

Mr. STAFFORD. And, on page 3, line 14, would he have any objection to inserting "at any time" after the word "event"?

Mr. CRAGO. That would be satisfactory.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation.

The SPEAKER. The gentleman from Wisconsin withdraws the reservation. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That whereas the United States acquired by deed of May 25, 1871, pursuant to the act of the Assembly of the Commonwealth of Pennsylvania approved May 11, 1871, the possession and custody of the peninsula of Presque Isle, at Erie, Pa., to be held by said United States as near as may be in its present condition and only for the purpose of national defense and for the protection of the harbor of Erie, but in all other respects to be subject to the civil and criminal jurisdiction of the State of Pennsylvania, as by said act fully and at large appears; and

Whereas by an act of the Legislature of the Commonwealth of Pennsylvania, approved May 27, 1921, certain lands of the Commonwealth of Pennsylvania, known as Presque Isle Peninsula, and the approachments thereto situated in the city and county of Erie, Pa., are dedicated and devoted to the use of the public to the end that said Presque Isle Peninsula be preserved, maintained, improved, and forever held as an historic memorial and public State park at Erie, aiding in the development of the harbor at Erie, and creating a commission to manage and control said lands and harbor improvements under the name and style of the Pennsylvania State Park and Harbor Commission of Erie, and providing, inter alia, that the Commonwealth of Pennsylvania does hereby dedicate to the use of the public all of the peninsula of Presque Isle, and the land covered by water adjacent thereto, subject nevertheless to the rights heretofore acquired by the commission of the water works of the city of Erie, the Department of Fisheries of Pennsylvania, and certain rights of the Department of Commerce to use two strips of the said peninsula of Presque Isle for lighthouse purposes, with right of ingress and egress thereto and therefrom, as by said act will fully and at large appear:

Now, therefore, in furtherance of and for facilitating the objects and purposes of the aforesaid act of the State of Pennsylvania, approved May 27, 1921, the United States hereby grants, quitclaims, and reconveys to the Commonwealth of Pennsylvania all of its right, title, and interest in and to the peninsula of Presque Isle at Erie, Pa., acquired by the United States under and by virtue of the act of Assembly of said Commonwealth of Pennsylvania, approved May 11, 1971 (Public Law 731), authorizing the conveyance of said peninsula of Presque Isle to the United States, subject nevertheless to the rights on said peninsula of Presque Isle heretofore granted by the United States to the commission of the water works of the city of Erie, Pa., to the Department of Fisheries of Pennsylvania, and to the Department of Commerce for lighthouse purposes.

With a committee amendment, as follows:

On page 3, after line 13, insert: "*Provided*, That in the event the said lands are not used for public park purposes the same shall revert to the Government of the United States: *And provided further*, That the land shall be subject to the right of the United States to at any and all times and in any manner assume control of, hold, use, and occupy without license, consent, or leave from said State any or all of said lands for any and all military, naval, or lighthouse purposes, free from any conveyances, charges, encumbrances, or liens made, created, permitted, or sanctioned thereon by said State."

Mr. CRAGO. Mr. Speaker, I move the adoption of the amendment.

The SPEAKER. The gentleman wants to amend the committee amendment, does he not?

Mr. CRAGO. Yes. I want to amend the committee amendment, on line 14, page 3, by inserting the words "at any time" after the word "event"; and on line 21, after the word "lighthouse," I would insert the words "or other," so that it will read "or other purposes"; and in line 20—this is all one amendment—strike out the word "or" after the word "naval."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. Crago to the committee amendment: On page 3, line 14, after the word "event" insert "at any time"; and on line 20 strike out the word "or" where it occurs the second time; and in line 21, after the word "lighthouse," insert "or other."

The SPEAKER. The question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

Mr. CRAGO. Mr. Speaker, in order that the bill may be shortened, I move to strike out the preamble beginning on line 3 of page 1, after the word "that"; strike out all the language on page 1 and on page 2, and line 1 of page 3 as far as "May 27, 1921," so that the bill will read, "That the United States hereby grants," and so forth.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Crago:

Beginning on page 1, after the word "That," in line 3, strike out all the remainder of page 1, all of page 2, and line 1 of page 3 to the figures "1921" and the comma.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill conveying the peninsula at Presque Isle, Erie, Pa., to the State of Pennsylvania, its original owner, for public-park purposes."

The SPEAKER. The Clerk will report the next bill.

CAREY SEGREGATION 11.

The next business on the Calendar for Unanimous Consent was the bill (S. 3195) to authorize the Secretary of the Interior to accept completion of Carey Segregation No. 11 and to issue patent therefor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that this bill go over without prejudice. Is there objection?

There was no objection.

FLOATING DRY DOCK, NEW ORLEANS, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9053) to provide for the leasing of the floating dry dock at the naval station, New Orleans, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I have no objection to authority being vested in the Secretary of the Navy to lease this floating dry dock. The thought occurred to me that he should have authority to sell it if he could receive favorable terms for it. If there is reason for leasing it and no further need for the Government to use it and the Secretary of the Navy can sell the dry dock, why not give him authority to do so?

Mr. BUTLER. That time may come, but it has not come yet.

Mr. O'CONNOR. That time may come at some time in the future, but I hope not. The Secretary of the Navy has asked that he have authority to lease it. He has not asked that he have authority to sell it.

Mr. STAFFORD. I presume the gentleman is acquainted with conditions there and I will ask him whether there is any use of this dry dock by the Government?

Mr. BUTLER. None whatever.

Mr. O'CONNOR. None whatever.

Mr. STAFFORD. Then why not vest in the Secretary of the Navy the authority to sell it?

Mr. BUTLER. All the naval activities of the Government at this point have been suspended, and we have received a little money by leasing this dry dock from time to time. I do not believe it is advisable to sell it, because there is no point near there where a small Government vessel may be docked for repairs if necessary.

Mr. STAFFORD. Mr. Speaker, after hearing the explanation of the chairman of the Committee on Naval Affairs I withdraw the reservation.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That authority be, and is hereby, given to the Secretary of the Navy, when in his discretion it will be for the public good, to lease for periods not exceeding five years, and revocable at any time, the floating dry dock at the naval station, New Orleans, La., and such lease shall be reported annually to Congress: *Provided*, That all money received from such lease shall be covered into the Treasury as miscellaneous receipts.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. O'Connor, a motion to reconsider the vote by which the bill was passed was laid on the table.

NATIONAL LEPER HOME.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12105) providing funds for the erection of additional suitable and necessary buildings for the National Leper Home.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. I object.

Mr. HUDSPETH. Reserving the right to object, I should like to get a little information from the gentleman from Indiana [Mr. Elliott].

Mr. STAFFORD. I reserved the right to object for the purpose of allowing the gentleman to ask his question.

Mr. HUDSPETH. I see you make provision for 300 additional beds to take care of that many additional lepers. I want to state to the gentleman that I have a letter from the State health officer in Texas stating that there are now 200 lepers in that State for whom they have no place, and asking me to support this bill. I want to ask the gentleman if he thinks $650,000 is a sufficient sum to enlarge this leprosarium sufficiently to take care of the lepers who are in the United States, when the Secretary of the Treasury in his report says there are probably now twelve hundred lepers in the United States outside of this leprosarium?

Mr. ELLIOTT. All I know about this matter is what has been brought to my attention by the Secretary of the Navy and the Surgeon General of the Public Health Service. I understand from their report that there are now in the neighborhood of 1,200 lepers in the United States.

Mr. HUDSPETH. That is what the Secretary stated.

Mr. ELLIOTT. And the leprosarium has a capacity of 200 beds at this time. It is necessary to have it enlarged so that they can provide for 300 additional beds to take care of people who ought to be in that institution.

Mr. HUDSPETH. Would the gentleman favor increasing the appropriation to $1,000,000, so that we can take care of these unfortunate people who are a menace to the country?

Mr. ELLIOTT. The Secretary of the Treasury has asked for only $650,000 at this time.

Mr. HUDSPETH. That would take care of about one-third of the number of lepers that the Secretary of the Treasury says are now in the United States outside of this leprosarium.

Mr. ELLIOTT. I am for the bill. I understand the gentleman from Wisconsin [Mr. STAFFORD] is going to object.

Mr. STAFFORD. Before the gentleman reserved the right to object I had already objected, but I withheld the objection in order to be courteous to the gentleman.

Mr. HUDSPETH. I wanted to get this information before the House.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the National Government provided an appropriation of $250,000 for the accommodation of 200 lepers at this leprosarium, which was opened for the reception of patients in March, 1921. There are 100 additional applications on file. The bill provides for an additional 300 beds. If, as suggested by the gentleman from Texas [Mr. HUDSPETH], it is going to be the policy of the National Government to take over all of the health activities of the Government, and that no health activities shall be prosecuted by the States, that the States, including those in the South, are to abandon their ancient doctrine of State rights in looking after the health and security and protection of their own, this appropriation will mount to not only $1,000,000 but to many millions, and we will have the care of all tubercular patients and every other invalid by the National Government. The finances of the Government are not in such a flourishing condition that we can launch upon this policy at the present time. We had better go a little slowly and therefore I object.

The SPEAKER. The gentleman from Wisconsin objects.

CREDIT FOR MILITARY SERVICE IN HOMESTEAD ENTRIES.

The next business on the Calendar for Unanimous Consent was House Joint Resolution 180, extending the provisions of the act of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of Public Resolution No. 29, approved February 14, 1920, allowing a preferred right of entry for at least 60 days after the date of opening in connection with lands opened or restored to entry to citizens of the United States who served with the allied armies during the World War.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The joint resolution was read, as follows:

Resolved, etc., That the provisions of the act of Congress of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of Public Resolution No. 29, approved February 14, 1920, allowing a preferred right of entry for at least 60 days after the date of opening in connection with lands opened or restored to entry, be, and the same are hereby, extended to apply to those citizens of the United States who served with the allied armies during the World War, upon their resumption of citizenship in the United States, provided the service with the allied armies shall be similar to the service with the Army of the United States for which recognition is granted in the act and resolution herein referred to.

With the following committee amendment:

Page 2, line 4, after the word "war," insert the words "and who were honorably discharged."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

SURVEY OF THE POTOMAC RIVER TO GREAT FALLS.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 192) providing for the survey of the Potomac River banks and adjacent lands from Washington, D. C., to Great Falls, with a view to possible extension of the District park system.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. STAFFORD. I object.

Mr. LINTHICUM. Will the gentleman reserve the right to object?

Mr. MONDELL. If the gentleman is going to object, I do not think we ought to take the time to discuss the joint resolution. I am fully in harmony with the gentleman's view of the matter. I think this ought to be done, but why discuss it when objection is going to be made?

Mr. DYER. Is there objection to its going over without prejudice?

Mr. LINTHICUM. I was going to ask the gentleman if he would not let it go over.

Mr. DYER. I ask unanimous consent that it go over without prejudice.

The SPEAKER. The gentleman asks unanimous consent that the bill retain its place on the calendar. Is there objection?

Mr. STAFFORD. I object.

BOY SCOUTS OF AMERICA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11492) providing for the transfer or sale of Army and Navy equipment to the Boy Scouts of America.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War and the Secretary of the Navy are hereby authorized, under such rules and regulations as they may prescribe, to transfer without reimbursement or sell by negotiation to the Boy Scouts of America, as chartered by Congress, such articles of equipment and supplies no longer needed in the military or naval service as may be helpful to scouts and scout officials in conducting their camps and in carrying out the program of the Boy Scouts of America.

With the following committee amendment:

Page 1, line 5, after the word "to" strike out the words "transfer without reimbursement or."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

RENTS, ROYALTIES, AND BONUSES OF NAVAL PETROLEUM RESERVES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11363) granting a portion of the rents, royalties, and bonuses received from lands within naval petroleum reserves to the States within the boundaries of which said reserves are located.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I am inclined to object unless I can get some information to change my present attitude. I recognize that we do grant to the State a certain per cent of receipts from various reserves or public lands to the State for schools and road purposes, but here we are attempting to grant a certain portion of the rents and royalties derived from the naval petroleum reserves. These reserves are different in character from the general public property of the United States. They are in some instances being operated for the Government, and the Government is receiving a return in the way of rentals. Why should we pay any percentage of the rentals that are coming to the Government for its own benefit if used by the Navy from the oil coming from these reserves?

Mr. MONDELL. Mr. Speaker, a good many years ago we established a policy of giving to the State a portion of the rents, royalties, or income received from any public land held permanently in public ownership. The basis of the policy is the right of the State to secure a return from the land within its borders held permanently in public ownership in order to compensate it for its loss by reason of not being able to tax the land.

Years ago we provided that 25 per cent of the receipts of the forest reserves should go to the State in lieu of taxes, it being estimated that that was about the portion of the receipts that would compensate the State for the loss of the right and opportunity to tax. When we passed the national leasing act we provided that as to rents and royalties that had accrued prior to the passage of the act the State should have 20 per cent, and of all future rents and royalties it should have 37½ per cent to compensate the State for loss of the opportunity to collect revenue through taxation. The only lands now held in public ownership for development from which the States receive no income are the naval oil reserves. As to these reserves the States are required to spend money for roads, schools, and other purposes in connection with their development. All the arguments that apply to the other lands certainly apply to the naval reserves. In fact, there is a stronger reason why the State is entitled to returns from these lands. In the case of the other lands they are reserved for general purposes and for the interest of all the people. In this case the lands are reserved as a source of revenue for the Navy. There is no reason why the State should forego its right to tax lands because the income from them is held for the Navy.

Mr. STAFFORD. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. Assuming in the case of these naval oil reserves being operated by the Navy for their own purposes, would the gentleman still contend that the Government should pay the State a percentage of the value?

Mr. MONDELL. I have tried to make that plain. I think there is a stronger equity in this case than if the land was withheld from taxation for the general public good. In that case it might be argued that the advancement of the general public good compensated the State for its loss. In this case it is held in the interest of one activity of the Government. In other words no State in the Union ought to be compelled to have part of its area held untaxed for the benefit of the Army or the Navy, and be compelled to furnish schools and build roads across these lands without having some compensation. The fact is the States where the reserves are located are building schools and building roads on and across these reservations at great cost.

Mr. STAFFORD. I can not follow the logic of the gentleman in view of the fact that when we erect public buildings and other public institutions we do not compensate the State for the loss of taxes that would be collected if it was owned by a private party.

Mr. MONDELL. That is a matter of a few square feet or part of a block or at the most a small area. Here are large areas. In the case of one reserve, a public road is now being built at the expense of the community—several miles in length at a cost of several thousand dollars a mile, and eventually it will cost $20,000 a mile or more. Schoolhouses are being built. The State has to pay all the cost for the maintenance of the Government in and about these lands as in all other cases. As a matter of fact when we passed the oil leasing bill there was an impression that these areas were included in the provisions of the oil leasing bill, but the comptroller held a short time ago they were not. The language was not clear. Instead of giving to the States what they would receive from similar lands held under the leasing act they are receiving only 20 per cent of the royalty instead of 37½ per cent.

Mr. McLAUGHLIN of Michigan. Will the gentleman state how many States this applies to?

Mr. MONDELL. California and Wyoming.

Mr. McLAUGHLIN of Michigan. Has the gentleman any information as to the amount of money that would be received for royalties under this provision?

Mr. MONDELL. One can not accurately tell; it would be in proportion about the same as other lands held under the leasing act.

Mr. McLAUGHLIN of Michigan. Can the gentleman give any idea of the amount of money involved in this bill?

Mr. MONDELL. Well, eventually it might amount to many thousands of dollars.

Mr. McLAUGHLIN of Michigan. How much?

Mr. MONDELL. I do not know; no one knows.

Mr. McLAUGHLIN of Michigan. Does not the gentleman think we ought to have this information before we consider such a bill as this by unanimous consent?

Mr. MONDELL. Let me say to the gentleman that nobody can tell how much the returns from the taxes of a certain tract would be. If these lands were in private ownership, and if they were rich in oil, they would bring a large return; if the returns were considerable, there would be considerable population and the outlay would be large because of the need of roads and schools and courts and police, and so forth.

We do not, of course, know just what the receipts will be, but we have said in the case of forest reserves that 25 per cent was a fair return for the State. We have said as to lands similar to these under the leasing act that 37½ per cent is not too much. The Interior Department and the Navy Department have both agreed that 20 per cent would certainly not be too much to grant in these cases.

Mr. McLAUGHLIN of Michigan. It seems to me we ought to have some estimate of the amount of money involved.

Mr. MONDELL. If the gentleman will allow me, there is no way under heaven by which you could tell how much taxation a State would receive from a certain tract or how much the royalty might be from a certain tract, but of this we are sure, that if the tract is rich there is much activity and a large number of people, and there the cost of government is great. If it is not, the cost of government and of maintenance of roads and schools is small, as is the income. So it is a matter that adjusts itself to the conditions. I trust the gentleman will not object, as this is a matter of considerable importance. My State is now spending a large sum of money in building roads and schools in the vicinity of one of these reserves, and the State of California is doing the same.

Mr. McLAUGHLIN of Michigan. The gentleman is entirely right in saying that a considerable percentage of the receipts of the national forests are paid to the State within which the lands are located. It is also true that there are few, if any, of the national forests that are self-sustaining. Altogether millions of dollars are spent by the Federal Government on the national forests over and above all receipts.

And when the percentage of the gross receipts of the forest are paid, as they are, to the States, running, in some instances, as high as 45 per cent of the receipts of the forests, it means, the whole proposition being a losing proposition, that, so far as the Government is concerned, the Government is making an appropriation of money out of the Treasury to be paid to the States for the privilege of using the Government's own property within those States. And until we know something more about what is going to be realized out of these leases and royalties, until there is more time for consideration of this proposition than will be available under the unanimous-consent arrangement, I shall object to the consideration of this bill.

Mr. MONDELL. Will the gentleman yield for a moment? The gentleman is talking about the forest reserves. It is not a question of forest reserves.

Mr. McLAUGHLIN of Michigan. The gentleman has referred to the forest reserves and has justified his bill on the basis that the Federal Government has always permitted a percentage of the income from forest reserves to go to the States.

Mr. MONDELL. Yes. But the gentleman refers to the fact that in some cases the forest reserves do not bring to the Government enough to care for the reserves. That is true. But here is a case where there must be a return to the Federal Government, and a large return, or the State gets nothing, for the Government gets 80 per cent of the income. The State gets but 20 per cent of it. So that the situation the gentleman complains of on the forest reserves does not and can not prevail here at all. The situation is very different. Here is a case where the income of the Government must be considerable or the State gets nothing.

Mr. McLAUGHLIN of Michigan. We are not advised of what the expense of operation is going to be; we are not permitted to know whether or not this thing will resolve itself into the same situation as the forests, which are a losing proposition, and we are paying a large percentage of the receipts out of a losing proposition, which, as I say, is virtually an appropriation from the Federal Government to the States for the privilege of the United States to use its own property.

Mr. MONDELL. But if the gentleman will allow me, his argument, whether it has force or not, as applied to the forests, does not apply to this situation. It can not apply to this situation, because there must be an income here, or there can be no payment to the State. Right now the States are being required and compelled to make large outlays with no compensation. It is not fair. It would not be fair in the gentleman's own State and it is not fair in the States where this condition exists. If we could tax these lands, as we would were they in private ownership and being developed, we should, of course, get our revenues in that way.

Mr. McLAUGHLIN of Michigan. The gentleman says that of course there are going to be large receipts, and I ask him how much or how large, and he gives no information whatever; is not able to make a suggestion. And we are asked to consider this whole thing by unanimous consent. So I am constrained to object, Mr. Speaker.

FOREST LANDS IN WENATCHEE FOREST, WASH.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 6750, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table the bill H. R. 6750 and disagree to the Senate amendments. The Clerk will report the bill by title.

The Clerk read as follows:

H. R. 6750. An act for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes.

The Senate amendments were read.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to disagree to the Senate amendments and ask for a conference.

There was no objection.

The SPEAKER appointed the following conferees: Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. HAYDEN.

UNANIMOUS-CONSENT CALENDAR.

The SPEAKER. The Clerk will report the next bill on the Calendar for Unanimous Consent.

FEDERAL RESERVE BANKS OF ST. LOUIS AND SALT LAKE CITY.

The next business in order on the Calendar for Unanimous Consent was Senate Joint Resolution 208, authorizing the Federal Reserve Banks of St. Louis and Salt Lake City to enter into contracts for the erection of buildings for its head office and branches.

The SPEAKER. Is there objection?

Mr. ROSSDALE. Reserving the right to object, will the gentleman in charge of the bill tell the House something about it? It looks to me like a very big proposition—$4,800,000 to be passed without due consideration.

Mr. McFADDEN. I will say to the gentleman that this legislation is made necessary by reason of the act of Congress by which it placed a limitation on the amount that could be spent by the several Federal reserve banks on building projects. The committee gave very careful consideration to this bill, and I will state for the benefit of the Members here that the St. Louis bank is the only one of the 12 banks that has not already contracted for or completed a building. The reason they have not completed their building is due to the fact that they had some leases on certain lands and the holders of the leases were attempting to hold them up by extortionate charges; and therefore when Congress put on this limitation of $250,000 the St. Louis bank was not under the line, so that they had to come to Congress for this relief. They are asking in the bill that was passed by the Senate—and I might say to the gentleman that the Senate has already passed this bill—that they put a limitation of 30 per cent on the capital and surplus of the bank that can be spent for a building.

Mr. ROSSDALE. What is the capital surplus?

Mr. McFADDEN. The capital and surplus of the St. Louis bank on August 30, 1922, was $14,173,000. The Senate provided for a limitation for building of 30 per cent of the capital and surplus. The House committee has amended that and made it 25 per cent.

Mr. ROSSDALE. Does the gentleman think it is a good thing for a bank with $13,000,000 of surplus and capital stock to spend $5,000,000 for a monument for the people of St. Louis?

Mr. McFADDEN. I do not think the gentleman has the right interpretation of this. It is a practical building in contemplation and not a monument, but is to be used for the exclusive service of the bank's requirements.

Mr. CHINDBLOM. How much did the Federal reserve bank in New York get?

Mr. ROSSDALE. That is also a monument and a shameful expense. They bought a big, square block in New York, and tore down some big, fine buildings to secure the space to build this worthless monument. I do not believe half the space is necessary. New York City did not especially want it. They are spending about $26,000,000 on that building and a building at a cost of six or eight million dollars would be ample.

Mr. DYER. If the gentleman will permit, I will say that all the space that we have provided for in this building is absolutely necessary, and now they are in rented buildings and at a great disadvantage. They are scattered in three or four places in the city. The matter has been gone into very carefully, and this space is needed, all of it, which the money will provide.

Mr. STAFFORD. What is the size of the lot that has been purchased by the Federal Reserve Bank of St. Louis?

Mr. McFADDEN. I do not know that I can answer the gentleman in detail, but it goes from one block to another.

Mr. STAFFORD. An entire square?

Mr. McFADDEN. Not an entire square. It is rather an L shape.

Mr. STAFFORD. I notice it is proposed to expend $3,500,000.

Mr. McFADDEN. Not to exceed $3,500,000. It is expected to cost less.

Mr. STAFFORD. The report says it has been estimated that it will cost $3,500,000.

Mr. McFADDEN. I am told that it will not cost quite $3,500,000.

Mr. STAFFORD. Whose money is it that goes to the erection of this building?

Mr. McFADDEN. It is money that belongs to the Federal reserve banking system.

Mr. STAFFORD. Is it money that goes to the Federal Government under the Federal reserve act?

Mr. McFADDEN. After the bank has earned a certain profit a stated amount is returned to the United States as a franchise tax. The Government is not entitled to any of the earnings of the system till the earnings are declared "net" earnings—and the law provides that a portion of these net earnings shall be taxed in the form of a franchise tax—and in this manner the Government gets a portion of the net earnings of the system.

Mr. ROSSDALE. Will it ever show a profit if they can go out and embark on a big scheme of building monuments throughout the country?

Mr. McFADDEN. My understanding is that this is not an excessive amount that is contemplated here for the requirements of the bank at St. Louis. By comparison with Kansas City and New York City, it is a much more moderate plant.

Mr. ROSSDALE. I think that any bank or corporation with $13,000,000 paid-in capital stock and surplus that will go out and spend $5,000,000 for a building is embarking on a dangerous scheme. Of course, none of us questions the safety of the Federal reserve bank, but if it were some other kind of bank does the gentleman think we would permit its officers and stockholders to spend $5,000,000 of that $13,000,000 for a great, big office building?

Mr. McFADDEN. I will state to the gentleman that they are now doing business in St. Louis in five different buildings. The subtreasury there has been discontinued, and they are running considerable of a hazard in doing business in the way they are situated now. There is not a building there available for next year in which to house the institution, so that the bank is going to be at the mercy of the landlords on their present leases unless this building is authorized, and, besides that, they own this land or site that has already been acquired and paid for.

Mr. ROSSDALE. Does the gentleman think that $1,300,000 for land in the city of St. Louis is a good business proposition? Does not the gentleman think that they could have gotten cheaper land?

Mr. McFADDEN. I will say to the gentleman that I am not familiar with the land values in St. Louis, but I am familiar with this site, having been recently in St. Louis. It is on a prominent business street in St. Louis, and I should say it is worth what has been paid for it.

Mr. DEMPSEY. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. DEMPSEY. Is it not true that this bank has paid over $1,000,000 for the lot, and that now the lot is not a source of income, but is subject to taxes and outgo until this building is erected?

Mr. McFADDEN. The gentleman is correct—something more than a million dollars.

Mr. DEMPSEY. And this bill does not require the expenditure of any particular sum, but is simply permissive that they can expend not to exceed 25 per cent of the capital and surplus, and they are not required to spend that sum, but can spend a less sum if they can construct a building for a less sum?

Mr. McFADDEN. Yes.

Mr. VAILE. Mr. Speaker, will the gentleman yield?

Mr. McFADDEN. Yes.

Mr. VAILE. I am in favor of the gentleman's bill and I think it is meritorious, but I would like to call the attention of the gentleman to the fact that a resolution was referred to the gentleman's committee, Senate Joint Resolution 23, authorizing a building to be erected at Denver at a cost of 5 per cent of the capital and surplus. It seems to me that that is such a modest request that I am surprised the gentleman's committee has not acted upon it.

Mr. McFADDEN. There is a great pressure not only from Denver but from Detroit, and Jacksonville, Fla., and perhaps one other place—Little Rock, Ark.—for a branch bank building; but the committee thought we had better not take up the consideration of bills for branch banks at this time. But in St. Louis the committee felt that we should go ahead and give them authority to erect this building. The lease on the rented buildings expires this year, and the Government has vacated an alley, and they have an understanding with the city council there that they must do a certain amount of work before a certain time—next May, I believe it is—or else a new contract will have to be made. The St. Louis Federal reserve directors do not think they should enter into any dickering with the city council as to this alleyway.

I will say to gentlemen of the committee that in regard to these authorizations of branch bank buildings, the committee proposes at an early date to bring in a bill for all of them, and ask for authority covering those branches. I am sure, as far as I can speak for the committee, I know of no objection to the inclusion of Denver for the requirements in their branch.

Mr. GRAHAM of Illinois. Mr. Speaker, reserving the right to object, this bill evidently repeals in part a former act passed by Congress. The former act, permitting these buildings, excepted from the provisions of it those buildings that were not under contract. It is expressly stated in this that it is not under contract, so that it is a new authorization. I should like to know something more about it before I sit here and acquiesce in unanimous consent to the passage of this bill. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that this bill be passed over without prejudice.

Mr. ROSSDALE. Mr. Speaker, I am unalterably opposed to any further extension of the plan of erecting any additional monumental Federal reserve bank buildings, and I object.

The SPEAKER. The gentleman from New York objects.

Mr. McFADDEN. Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The Chair will not recognize the gentleman just now for that purpose. The Clerk will report the next bill.

PUBLIC BUILDING, LAS VEGAS, N. MEX.

The next business on the Calendar for Unanimous Consent was the bill (S. 3163) to amend an act approved March 4, 1913, entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent that this bill retain its place on the calendar.

Mr. STAFFORD. I object.

The SPEAKER. The gentleman from Wisconsin objects. The Clerk will report the next bill.

SECTION 135 OF THE JUDICIAL CODE.

The next business on the Calendar for Unanimous Consent was the bill (S. 3618) to amend section 135 of the Judicial Code.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That section 135 of the Judicial Code is hereby amended by adding at the end thereof the following paragraph:

"If an appeal or writ of error has been or shall be taken to, or issued out of, any circuit court of appeals in a case wherein such appeal or writ of error should have been taken to or issued out of the Supreme Court; or if an appeal or writ of error has been or shall be taken to, or issued out of, the Supreme Court in a case wherein such appeal or writ of error should have been taken to, or issued out of, a circuit court of appeals, such appeal or writ of error shall not for such reason be dismissed, but shall be transferred to the proper court, which shall thereupon be possessed of the same and shall proceed to the determination thereof, with the same force and effect as if such appeal or writ of error had been duly taken to, or issued out of, the court to which it is so transferred."

With the following committee amendments:

Page 1 line 3, strike out the words "section 135 of."

Page 1, line 4, after the word "adding," strike out the words "at the end thereof the following paragraph," and insert in lieu thereof the words "thereto a new section to be known as section 238(a)."

Page 1, line 6, at the beginning of the line insert "Sec. 238(a)."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent the title of the bill was amended to read "An act to amend the Judicial Code, in reference to appeals and writs of error."

On motion of Mr. Dyer a motion to reconsider the vote by which the bill was passed was laid on the table.

SECTION 51 OF CHAPTER 4 OF THE JUDICIAL CODE.

Mr. VOLSTEAD. Mr. Speaker, I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read the bill (H. R. 12356) as amended, to amend section 51 of chapter 4 of the Judicial Code, as follows:

Be it enacted, etc., That section 51 of chapter 4 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be amended so as to read as follows:

"Sec. 51. Except as provided in the five succeeding sections, no person shall be arrested in one district for trial in another in any civil action before a district court; and, except as provided in the six succeeding sections, no civil suit shall be brought in any district court against any person by any original process or proceeding in any other district than that whereof he is an inhabitant; but where the jurisdiction is founded only on the fact that the action is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant: *Provided, however,* That any civil suit, action, or proceeding brought by or on behalf of the United States, or by or on behalf of any officer of the United States authorized by law to sue, may be brought in any district whereof the defendant is an inhabitant, or where there be more than one defendant in any district whereof any one of the defendants is an inhabitant, or in any district wherein the defendant, or any one of the defendants, may sojourn; or in any district wherein the cause of action or any part thereof arose; and in any such suit, action, or proceeding, process, summons, or subpœna against any defendant issued from the district court of the district wherein such suit is brought shall run in any other district and service thereof upon any defendant may be made in any district within the United States, or the territorial or insular possessions thereof in which any such defendant may be found, with the same force and effect as if the same had been served within the district in which said suit, action, or proceeding is brought."

Sec. 2. That section 876 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"Sec. 876. Subpœnas for witnesses who are required to attend a court of the United States in any district may run into any other district: *Provided,* That in civil cases no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than one hundred miles from the place of holding the same without the permission of the trial court being first had upon proper application and cause shown."

The SPEAKER. Is a second demanded?

Mr. STAFFORD. I demand a second.

Mr. WINGO. I demand a second.

Mr. VOLSTEAD. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, this bill combines two different bills—H. R. 12356 and H. R. 12355—both of which were sent to me by the Attorney General, with the request that I introduce them, because, it was claimed, they were necessary for the purpose of aiding in carrying on the suits that are being instituted with reference to war frauds.

Mr. HUDSPETH. Does the gentleman refer to this bill and the one which we have just passed?

Mr. VOLSTEAD. No; two bills have been combined and embodied in this bill.

Mr. WINGO. There is no printed copy of any bill that embodies all that the gentleman has moved to suspend the rules and pass, is there?

Mr. VOLSTEAD. Yes; all of it with the exception of just one slight change. It combines H. R. 12356 and H. R. 12355. Both have been reported and both are embodied in this, so that both may be passed at once.

Mr. GARNER. Will the gentleman yield for a question?

Mr. VOLSTEAD. I yield for a question.

Mr. GARNER. I will ask the gentleman if he has conferred with any of the Democratic membership on the Judiciary Committee as to the advisability of the passage of this legislation?

Mr. VOLSTEAD. It was considered by the committee, and there was no objection on the part of anyone, and I have conferred with the gentleman from Texas [Mr. Sumners] at various times, and also with other Members in reference to it, and so far as I know there is no objection to the bill in its present form.

Mr. GARNER. Do I understand the gentleman to say he has conferred with my colleague [Mr. Sumners], and that Mr. Sumners favors the legislation that he proposes to suspend the rules and pass?

Mr. VOLSTEAD. Yes; that is my understanding.

Mr. STAFFORD. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. STAFFORD. The gentleman has combined in his bill, as I gather from the reading of it, the provisions of two bills that have been reported by the committee?

Mr. VOLSTEAD. Yes.

Mr. STAFFORD. As I understand it, one is to grant the right to a judge to allow a subpœna to run to a person who lives more than 100 miles from the situs of the trial?

Mr. VOLSTEAD. Outside of the district.

Mr. STAFFORD. Does the gentleman think in civil actions that such great power should be granted to the trial judge to summon a man perhaps 2,000 miles or 3,000 miles to testify in a civil proceedings? This is not limited only to those actions which are brought by the Government, which are the basis of the demand for this legislation on the part of the Attorney General, but it extends to all cases.

Mr. VOLSTEAD. It is not an arbitrary power. It is a power granted subject to the direction of the court, and there are cases where a witness ought to appear in court in person. I can not conceive of a court granting an order of this kind unless there is some good reason for it.

Mr. STAFFORD. It is a great power to vest in a judge, to compel a witness in a civil case to be brought across the country and held in a city, where the same purpose could be accomplished by deposition.

Mr. VOLSTEAD. Fees will have to be paid. Very often, as the gentleman is aware, in the trial of a lawsuit it is of great importance to have a person in court to contradict or explain anything that may be sprung at the trial. Often it is not possible to anticipate in taking testimony by deposition what testimony may be wanted.

Mr. STAFFORD. I think it is a large power to vest in a trial judge. That might cause great inconvenience to the witness.

Mr. VOLSTEAD. The gentleman knows how unsatisfactory it is to take the deposition of a witness without knowing anything about what the witnesses on the other side may testify to on the trial. There are cases where I think the trial judge ought to have the power to order the subpœnaing of a witness so he may be present personally in court.

Mr. STAFFORD. The trial judge may not be acquainted with the inconvenience that might be caused by compelling the witness to come 3,000 miles, which he might do in an extreme case.

Mr. VOLSTEAD. It has got to be on a showing before the court, and those are matters that the court can take into consideration.

Mr. WINGO. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. WINGO. In addition to the change in the running of subpœnas, you also change the venue in certain actions do you not?

Mr. VOLSTEAD. Yes.

Mr. WINGO. In other words, as I understand from some statements that have been made, in the Government war-fraud cases you want to bring suit in the city of Washington instead of going to Philadelphia, New York, San Francisco, Nashville, Memphis, and so forth?

Mr. VOLSTEAD. We may want to bring suit in this city.

Mr. WINGO. That is what it means, does it not?

Mr. VOLSTEAD. It may mean that. In reference to matters that have taken place at a distance, it may be easier for the Government to try the case where it occurred, but it is true that what is wanted is the power to sue and bring people across State and District lines. Under the present law if you bring a civil suit in the District of Columbia you can not bring in anyone who lives beyond the District, and in equity suits it very often defeats the suit itself if you are unable to bring all of the parties into court.

Mr. WINGO. Will the gentleman explain to the House how it is that it is proposed to change this long-established rule for the benefit of the Government, when you will not give the same right to a private citizen?

Mr. VOLSTEAD. I leave that for some other gentleman to explain.

Mr. WINGO. What reason was given for that?

Mr. VOLSTEAD. There was no special reason given. They are asking for it in war-fraud cases.

Mr. WINGO. Why should the Government in a civil action be given a privilege that the humblest citizen would not have in a civil action in a Federal court?

Mr. VOLSTEAD. I think they ought to have it in these war-fraud cases.

Mr. WINGO. That has been the rule, has it not?

Mr. VOLSTEAD. It has been the rule that you could not bring a person across a district line in a civil action.

Mr. GARNER. If you indicted a man for an offense, where the jurisdiction was in Texas, under your bill could you bring him here?

Mr. VOLSTEAD. Oh, no; this has nothing to do with criminal cases. It applies only to civil cases.

Mr. JONES of Texas. But under the second section of the bill as presented by the gentleman, if the United States had a claim of $1,000 against a man on the Pacific coast, it could make him come clear across the country to the District of Columbia to defend a $1,000 suit, could it not?

Mr. VOLSTEAD. They might if they could find the man here.

Mr. JONES of Texas. If they could find any one of several men here. They might bring a suit against half a dozen men jointly, and if they could catch any one of them in the District of Columbia temporarily, they could sue them all here. The bill says:

> *Provided, however*, That any civil suit, action, or proceeding brought by or on behalf of the United States, or by or on behalf of any officer of the United States authorized by law to sue, may be brought in any district whereof the defendant is an inhabitant, or where there be more than one defendant in any district whereof any one of the defendants is an inhabitant, or in any district wherein the defendant or any one of the defendants may be found.

Now, if the United States Government had a claim against six men in California, for instance, and one was found temporarily here, they could make all six come here. If one was sojourning here, they could bring all here to defend a thousand-dollar claim.

Mr. VOLSTEAD. You could not sue them under the present arrangement, perhaps, because they claim they are inhabitants of some other district.

Mr. JONES of Texas. The United States Government can go into any Federal district where they live. This is not confined to war-fraud cases. This is a general statute.

Mr. VOLSTEAD. Yes; it is a general statute, as far as the Government is concerned.

Mr. JONES of Texas. Your bill says, "in any civil suit, action, or proceeding by or on behalf of the United States, or by or on behalf of any officer of the United States authorized by law," and so forth.

Mr. VOLSTEAD. Unless you have such a provision a great many of the defendants in war-fraud cases will escape.

Mr. JONES of Texas. Why is it necessary to say in any civil suit or action? Why not limit it to war-fraud cases?

Mr. VOLSTEAD. Brought by the Government.

Mr. JONES of Texas. Or on behalf of an officer.

Mr. VOLSTEAD. Yes; an officer of the Government.

Mr. JONES of Texas. Why is it necessary; why can not the Government go into the district?

Mr. VOLSTEAD. If you sue them in one district, unless you can get others across the district line, your suit may fail.

Mr. JONES of Texas. No; you may sue any man in the district where he resides under the present law.

Mr. VOLSTEAD. Let the gentleman read the Attorney General's report.

Mr. JONES of Texas. You can sue any man that is liable and show that the other is out of the jurisdiction, and you can recover against him.

Mr. VOLSTEAD. You can sue one individual, but if it is an equity suit in which there is an accounting you may not be able to proceed at all. Many of these suits no doubt will be suits where an accounting is required and where all the parties must be in court.

Mr. JONES of Texas. Why do you not limit it to suits involving war-fraud cases?

Mr. VOLSTEAD. Well, it is difficult to determine just exactly what is "a war-fraud case."

Mr. JONES of Texas. Does the gentleman mean to say that under the present rule if two men were liable on a claim brought by the United States Government and one lived in one district and one in another that you could not sue them under the present law?

Mr. VOLSTEAD. You can sue in different districts separately, but you can not sue in one district and get judgment against the two, and if it is an equity suit you may not be able to get judgment against either of them.

Mr. JONES of Texas. Does the gentleman think that a man who has some liability to the Government should be dragged across the continent because the Government chooses to join him to some other man in some little claim?

Mr. VOLSTEAD. I do not think there will be any trouble about that.

Mr. BANKHEAD. Mr. Speaker, this is a very important bill and I think we ought to have a quorum.

Mr. MONDELL. Will the gentleman withhold that?

Mr. BANKHEAD. I will withhold it for a moment.

Mr. MONDELL. Will the gentleman from Minnesota withdraw his motion to give me an opportunity to make a unanimous-consent request?

Mr. VOLSTEAD. I will.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next. Is there objection?

Mr. GARNER. Reserving the right to object, will not the gentleman from Wyoming tell the House what his program is as far as he can for the future? I have had a number of Members come to me to-day asking what was the purpose of the gentleman from Wyoming and the organization for next week. I think it would be an accommodation to gentlemen if he would give us all the information he can touching the program for the next 10 days.

Mr. MONDELL. Mr. Speaker, I have already discussed this matter somewhat with the gentleman from Texas. My opinion is that when the House meets on Tuesday it is altogether possible that there will not be a quorum present. The Senate may have by that time passed the coal commission bill, the fact-finding bill. It has occurred to me that there would probably be no difficulty in sending that bill to conference without raising the question of a quorum. If at that time there is nothing before the House other than such a measure as that, it has occurred to me that the House might see fit to recess, if it was agreeable all around, until Friday; though if at that time it seemed probable that the Senate was likely to promptly pass the coal distribution bill, or there were other conditions which rendered such action inadvisable, the House would adjourn over only until the following day. We have stated to Members on this side that we shall not insist upon a quorum being here Tuesday, but that they will be called if a quorum is necessary for any purpose.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. MOORE of Virginia. Assuming that there will be no Senate business on Tuesday that requires consideration, does not the gentleman believe that it would be very expedient to consider the Private Calendar? I find that on that calendar there are 79 bills undisposed of. A great many of these bills are not only very meritorious but a great many of them are urgent. I, myself, have no particular personal interest in the matter. My name is attached to but one bill, and that is comparatively unimportant. It has seemed to me for a long time that Congress is rather slow in passing on small claims against the Government which ought to be handled as promptly as possible.

Mr. MONDELL. Mr. Speaker, I assume that in any event the House will be in session on Friday, which is Private Calendar day, and so far as the "gentleman from Wyoming" is concerned, he certainly would have no objection to taking up the Private Calendar at that time if that should be the disposition of the House. I will say to the gentleman from Virginia that we have given more attention to bills on the Private Calendar in this Congress than in almost any Congress for a good many years, and we have passed a considerable number of bills that have not received consideration in the Senate.

Mr. MOORE of Virginia. Even granting that this Congress has been reasonably speedy in dealing with the Private Calendar, that constitutes no reason why we should not take up private bills not yet acted on if we have ample time in which to do it.

Mr. MONDELL. I will say this: That it is always difficult to take the Private Calendar up without a quorum. There is almost certain to be some one who will object. But I assume we will probably have a quorum next Friday.

Mr. MOORE of Virginia. But to-day we have been taking up bills by unanimous consent, a good many of them, and some of them are not dissimilar to the kind of bills that appear on the Private Calendar, and I believe a great many of those 80 bills could be considered without objection or without a quorum call if it can be understood that the Private Calendar is to be considered Tuesday, Wednesday, or Thursday. The trouble about Friday is that by that day business from the Senate may be such as to displace everything else.

Mr. MONDELL. I do not anticipate that there will be any business from the Senate by Friday to take up any considerable time of the House unless the Senate shall very radically amend our coal distribution bill.

Mr. GARNER. As I understand the program of the gentleman, so far as we can definitely understand it, that outside of the possibilities of a quorum not being here the possibilities are that you will continue to adjourn until Friday?

Mr. MONDELL. Yes; unless something arises in the meantime that would seem to necessitate an earlier meeting, in which event the gentleman from Texas will be notified in time.

Mr. FULLER. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. FULLER. May we not have an understanding now that Tuesday next may be substituted for Friday, so that private pension bills can be taken up that day?

Mr. MONDELL. I doubt if we can get such an agreement; on Friday those bills are in order, anyway.

Mr. FULLER. The question is whether we will be in session then.

Mr. MONDELL. We will be in session on Friday, undoubtedly.

Mr. BLAND of Indiana. I am informed that the pension bills were in order to-day; those that were on the Private Calendar.

Mr. GARNER. Mr. Speaker, I will say to the gentleman that by unanimous consent this day was set aside for the Unanimous Consent Calendar and suspensions. Of course, anyone could be recognized to suspend the rules, but the unanimous-consent agreement was that the day should be devoted to unanimous consent and suspension business.

Mr. MONDELL. May I say this in regard to pension bills: The Senate has not, as I recall, passed a single omnibus pension bill in this Congress. We have now before the Senate—I do not know how many——

Mr. FULLER. Eight.

Mr. MONDELL. Eight, the gentleman says. While I shall certainly not object to having the pension bills passed on Friday, I presume that there are gentlemen who would object to our taking up pension bills on Tuesday, inasmuch as we will be in session on Friday.

Mr. LANGLEY. I will suggest to the gentleman that when the Senate gets ready to pass those bills, it does it in but a few moments.

Mr. MONDELL. And without consideration?

Mr. BLAND of Indiana. The chairman of the Senate committee is now trying to get all the House bills through, but this coal control act took the place of them this afternoon, and the corrupt practices act will be taken up to-morrow. He hopes to get it up in two or three days. If we could pass today the omnibus bill, that contains a lot of distressing cases, he might pass it along with the others. If it could be done now, it could go in with the other bills.

Mr. MONDELL. I hope I can have my request for adjournment passed upon.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next. Is there objection. [After a pause.] The Chair hears none.

Mr. BANKHEAD. Mr. Speaker, I withdraw the point of no quorum.

FEDERAL RESERVE BANKS OF ST. LOUIS AND SALT LAKE CITY.

Mr. DYER. Mr. Speaker, I desire to call up again Senate Joint Resolution 208. This is very important, Mr. Speaker.

The SPEAKER. The gentleman from Missouri asks unanimous consent to call up Senate Joint Resolution 208, which the Clerk will report.

The Clerk read as follows:

> Senate Joint Resolution 208, authorizing the Federal Reserve Banks of St. Louis and Salt Lake City to enter into contracts for the erection of buildings for its head office and branches.

The SPEAKER. Is there objection?

Mr. ANDREWS of Nebraska. I object.

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

RENTS FROM LANDS WITHIN NAVAL PETROLEUM RESERVES.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the bill (H. R. 11363) granting a portion of the rents, royalties, and bonuses received from lands within naval petroleum reserves to the States within the boundaries of which said reserves are located, which was objected to, may retain its place on the calendar.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bill H. R. 11363 be allowed to retain its place on the calendar. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I wish to say just a word.

Mr. MONDELL. Mr. Speaker, if there is to be objection, I will not press it, and will withdraw my request.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to address the House for three minutes. Is there objection?

Mr. MONDELL. I object.

The SPEAKER. Objection is made.

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

ACQUISITION OF LANDS FOR MILITARY PURPOSES.

Mr. CRAGO. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2885) to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes.

Mr. STAFFORD. Mr. Speaker, I make the point of no quorum.

The SPEAKER. Will the gentleman withhold that for a moment?

Mr. STAFFORD. I withhold the point.

MARTHA H. SAERS—LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. Dyer, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Martha H. Saers (H. R. 10318), Sixty-seventh Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. Fenn, for five days, on account of important business.

To Mr. Bixler, indefinitely, on account of serious illness in his family.

To Mr. Brennan (at the request of Mr. Michener), indefinitely, on account of investigating coal situation.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 25 minutes p. m.) the House, under the order previously agreed to, adjourned until Tuesday, September 5, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CHINDBLOM: Committee on the Merchant Marine and Fisheries. H. R. 12368. A bill to abolish the inspection districts of Apalachicola, Fla., and Burlington, Vt., and the office of one supervising inspector, Steamboat Inspection Service; without amendment (Rept. No. 1201). Referred to the Committee of the Whole House on the state of the Union.

Mr. EDMONDS: Committee on the Merchant Marine and Fisheries. S. 1771. An act to authorize the United States, through the United States Shipping Board, to acquire a site on Hazzell Island, St. Thomas, Virgin Islands, for a fuel and fuel-oil station and fresh-water reservoir for Shipping Board and other merchant vessels, as well as United States naval vessels, and for other purposes; with amendments (Rept. No. 1202). Referred to the Committee of the Whole House on the state of the Union.

Mr. FULLER: Committee on Invalid Pensions. H. R. 12545. A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; without amendments (Rept. No. 1203). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12514) granting a pension to Robert Garrett, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UPSHAW: A bill (H. R. 12542) to establish State engineering experiment stations in the States and Territories in connection with institutions of higher technical education for the promotion of engineering and industrial research as a measure of industrial, commercial, military, and naval progress and preparedness in times of peace or war; to the Committee on Education.

By Mr. ROGERS: A bill (H. R. 12543) for the reorganization and improvement of the foreign service of the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. VAILE: A bill (H. R. 12544) to authorize the Secretary of the Interior to issue oil and gas permits and leases to persons equitably entitled thereto, and for other purposes; to the Committee on the Public Lands.

By Mr. FULLER: A bill (H. R. 12545) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNE of Wisconsin: A bill (H. R. 12546) granting an increase of pension to Sarah F. Murdock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12547) granting an increase of pension to Mary E. Buckley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12548) for the relief of Axel Jacobson; to the Committee on Claims.

By Mr. DYER: A bill (H. R. 12549) granting an increase of pension to Nathan P. Jackson; to the Committee on Pensions.

By Mr. LINTHICUM: A bill (H. R. 12550) for the relief of Oscar F. Lackey; to the Committee on Claims.

By Mr. MORGAN: A bill (H. R. 12551) granting an increase of pension to Ida May Pierson; to the Committee on Invalid Pensions.

By Miss ROBERTSON: A bill (H. R. 12552) granting a pension to Edith Bonter; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 12553) granting a pension to Jane Platner; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 12554) granting a pension to Louis Weiss; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6261. By Mr. GRAHAM of Illinois: Petition of Colonel Edward Kittilsen Camp, No. 27, favoring the passage of House bill 9198; to the Committee on Pensions.

6262. Also, petition of Local Union No. 364, Brewery Workers, Rock Island, Ill., relating to the Government of Russia; to the Committee on Foreign Affairs.

6263. By Mr. KISSEL: Petition of Mr. Christian F. Megerle, Brooklyn, N. Y., favoring the 40 per cent tariff on wire cloth; to the Committee on Ways and Means.

6264. Also, petition of J. A. Colgan, representative of the New York State legislative board, of Brooklyn, N. Y., requesting repeal of Title III of the transportation act of 1920; to the Committee on Interstate and Foreign Commerce.

6265. By Mr. LINTHICUM: Papers to accompany House bill 12451, granting an increase of pension to Robert M. Maginniss; to the Committee on Pensions.

6266. By Mr. VARE: Petition of Philadelphia Chamber of Commerce, opposed to taking over of public utilities and enterprises by the Government; to the Committee on Interstate and Foreign Commerce.

SENATE.

Saturday, *September 2, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we rejoice before Thee this morning that whatever may be the uncertainties of these days of anxiety, Thou art the One who can blaze the pathway before our feet. Thou canst indicate by Thy wisdom where we fail, and what we ought to do. We do ask, therefore, that Thou wouldst come to each of us and to all those in whose hands are the interests of our beloved land with Thine own direction and enable us to know that the Heavens do rule, and that Thou art God, and shall be our Guide even unto the end. We ask in Jesus Christ's name. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

THE RAILROAD SITUATION.

Mr. SHEPPARD. Mr. President, I ask to have inserted in the Record in 8-point type a very able and timely article on the railroad situation by Hon. S. H. Cowan, of Fort Worth, Tex.

There being no objection, the article was ordered to be printed in the Record, in 8-point type, as follows:

Whom The Gods Would Destroy They First Make Mad.

To-day's papers quote Senators and others at Washington as predicting Government ownership and operation of railways unless the existing strike is settled. The statements are the more weighty because made by men thoroughly familiar with railroad legislation, regulation, and operation, and the labor and coal situation to railroads and coal, and their intertwining relationship to every industry and to the country as a whole.

As a condition to the surrender of Government operation during the war, railroad investors, bankers, the railroads themselves and their allies in and out of Congress procured the establishment of a percentage profit guaranty as a rate-making rule for the Interstate Commerce Commission to enforce to make rates on a cost-plus basis of 5½ per cent (now 5¾) and a method of valuation on which to estimate it, regardless of the real earning power of any railroad or the roads as a whole upon reasonable rates.

All opposition was swept off its feet and spurred into permitting the enactment by the demand for return of the railroads. Senators and Congressmen who knew it was wrong voted for it.

The commission undertook to apply the rule as a revenue producer with enormous increase of rates. While they have been reduced an average of 10 per cent from the high point, they are out of all reason and destroying the progressive development of the country which must continue unless operating expenses are very greatly reduced.

Generally speaking, the people believe that operating expenses could be greatly reduced by greater efficiency on the part of employees and by reducing the number of employees if that increased efficiency shall be obtained, reductions of high salaries and high wages, and by more economical methods of operation.

Proof of this apart from individual opinion or even public opinion has not been accumulated nor is there any system of actual observation or supervision by any public agency over expenditures sufficient to form the basis of the opinion. The opinion exists however.

On the other hand, the railroads declare they are using a maximum of effort to reduce operating expenses by every available method, and have continuously and tenaciously urged the Labor Board to reduce wages as far as possible.

It must be plain to everyone that the wage question not only enters into that item that is paid by the railroads to their own employees but in the production and manufacture of everything that the railroads use—fuel, equipment, steel, ties, and every item of maintenance and construction.

The strike of coal miners, said to be 600,000 men; the strike of shopmen on the railroads, said to be 400,000; and here and there additional strikes against reduction in wages and the certainty that further reductions of wages for other employees would likely result in a strike, coupled with the improbability of being able by any method to very much reduce the cost of fuel, equipment, supplies, materials, and maintenance, presents a condition against which there is no legal remedy that can reach the point of certainly reducing operating expenses. The most that can be done would be greater economy and operation. Operating expenses as related to rates must be applied to the unit of traffic, and since some 45 per cent or more of the aggregate of operating expenses of the railroads consists of items which are not materially affected by the volume of traffic, but are constant whether the traffic moves or not, it is evident that the greater the volume of traffic the less these expenses are per unit; that is, per ton-mile or passenger-mile.

A vast movement of traffic formerly going by railroad now goes by truck and automobile, and a great volume that did move under the lower rates that would permit it does not move at all. That is the necessary tendency of high rates, and will increase as expenses enables people to transport otherwise than by railroad more advantageously, and with the continued building of hard-surface roads.

Whether the reductions in wages which have been made by the Labor Board after having heard most extensively both sides on the question and what they had to say, has reached substantially a standard under the present cost of living, there seems to be no way to determine. It is not seriously contended by the roads that much greater reductions should be made, but on the other hand the employees insist that too much reduction has been made in certain lines, and they are probably a unit against any further reduction in any department. Nor is it at all probable that they will be made.

Upon the valuation which the Interstate Commerce Commission placed upon the roads for purposes of the application of the rate-making rule as a standard for the aggregate of earnings and the rates which produce the same, there is no expectation that such aggregate net income can, under existing expenditures, be much above 3 per cent as an aggregate, although if we selected out the big systems of railroads making great volume of traffic they earn really more than 5 per cent on the average value per mile obtained by dividing aggregate mileage into the aggregate value. Yet the other roads are earning less than nothing and in some instances not enough to pay operating expenses, for example, like the Orient Railroad.

It follows inevitably that rates can not be made upon any such valuation of the railroads because it must so reduce the volume of traffic as to destroy the earning power while it cripples the industry of the country, and besides having once lost the traffic to the trailer and the truck they can never get it back and flowing directly from this situation the percentage of earnings possible to make if you take the railroads as an aggregate would be such as to forbid additional construction, with rare exceptions growing out of peculiar circumstances and the development of transportation in the unoccupied and unserved portions of the United States will have ceased. This does not apply to the big systems generally although it does apply to some. But rates are not made based upon what the big systems can do and the shipper has no right to rates based upon that under existing law, but the rates must be determined on what can be earned on the aggregate of all net returns.

This net return is after paying all expenses, including taxes. Hence, it is an attempt to make rates under a cost-plus basis of a guaranteed percentage of return.

It has been demonstrated to be an impossibility, and it deprives the public of a reasonable basis of rates. The principle necessarily leads to unreasonableness.

It is plain, therefore, that under this law and the attempt to enforce it all of the calamity and all of the burden of extraordinary expenses of operation are shifted to the shoulders of the public. Not to all of the public alike but it doubles up on the producer of agricultural products and live stock and other farm products, because all of these things must go to a central market for a standard price, and the price at home deducts the cost of transportation if sold there, and it is deducted out of the account sales if sold at the central market. In turn all of the manufactured articles are sold f. o. b. factory, and the farmer and the stock raiser pay the factory price plus the high freight rates on whatever is shipped to them.

Yet the same invincible combination of railroad bankers and bankers controlling railroad investments and their followers and allies who secured the enactment of this iniquitous law is sufficiently powerful up to this date to command the administration now in power and the Congress now in session to forestall and prevent a modification or repeal of this iniquitous guaranty provision of this act so as to afford again to the shipper the opportunity for reasonable rates upon the railroad that he patronizes judged from the standpoint of his interest as well as the carrier.

All of the benefit of the multitude of laws passed by the States and the Nation in the last 40 years to regulate railroads to the end of securing reasonable rates for the shippers and to protect them against exorbitant exactions is destroyed by this provision of the act, and so they are really unregulated in those particulars.

Supposing themselves to be protected in the opportunity to shift to the shoulders of the public, there has been the most unparalleled and enormous increase in operating expenses in every direction. So it has come to pass that they can not make the money because the traffic does not move in sufficient volume, and they can not reduce the expenses, according to their contention, and it is the case of "Daniel come to judgment."

It is no wonder, however, that the leaders in thought on this great transportation problem are brought to the point against their will, where they can see no other solution than Government ownership and operation of the railroads.

The impelling reasons for it will remain just the same after the strike is settled as before. It is a condition in the evolution of the times and of the whole situation of industry as related to labor and price as related to the cost of production and transportation, and the result of having reached that point where the individual ownership of public service corporations renders it impossible for them to secure the returns which they demand and pay the wages which they are required to pay and furnish the public with the service that it ought to have.

With the thought I have given this subject heretofore for a long number of years, and with some intimate knowledge of these things, I have long seen the coming necessity, and men who have thought on the subject have entertained the same idea, and that is Government ownership and operation of the roads.

I visited Judge Prouty frequently during his illness that resulted in his death. He was probably the ablest man in this country or elsewhere with respect to every detail of the great railroad transportation problem and the operation and financing and the public relations of the railroads. His mind was perfectly clear during his illness, and he often discussed these matters, and he said to me there was no other solution of the railroad problem of this country except to nationalize the railroads.

I do not submit this article to you because of ever having advocated or now advocating the Government ownership of railroads, but I submit it for the purpose of pointing to the fact that unless the railroads and their banking interests and allies shall concede the repeal of the guaranty clause of the transportation act and will abandon the inflated valuation that has been placed upon their property, seeing it is impossible for them to earn enough money to make them worth what they are valued at, and unless they will return to reasonable rates as they were before the war, and demonstrate that they can, with the vast increase in volume of traffic that will flow, again successfully operate their property, Government ownership will be inevitable, and that will have been the direct result of their own policies, coupled with the industrial and labor conditions in this country as they exist whatever might have been the cause.

There are many of the best thinkers in the Senate and in the House of Representatives who believe, and so expressed themselves, that if at the close of the war the railroads had been returned to their owners and the rates restored as they were before there was no obstacle to their successful operation as transportation companies and they would abandon making of themselves speculative financial institutions.

Restoration of pre-war rates would have stimulated industry everywhere, with no unemployment; return to more nearly normal cost of living would have justified and, in fact, would have been followed by reduction of wages, and the wage earner profited more by his ability to save, compared to continued profiteering prices and high rents that beset him. The farmer and stock raiser would not have been compelled to pay out everything he makes for expenses, while the railroads and the public-service corporations would have not made so much until readjustment could be made all along the line on a live-and-let-live basis. They should have been willing, after enjoying the guaranteed returns during the war, to share with the whole people in the return to normal prices, and laid thereby the foundation for return to wages that they could afford to pay in the end and that the wage earners could afford to take with high cost of living abolished.

It is quite certain that capital and labor will have to share with the producer of the primary wealth from the soil in a restoration of live-and-let-live basis, without a guaranty or standard that the industries of the country as a whole can not pay. Friendly cooperation on a live-and-let-live basis lies at the foundation of the safety of government itself. If it can not be otherwise brought about, can Government ownership be avoided? This is the paramount present burning inquiry staring us all in the face. Capital must look at it; labor must look at it; the producer of bread and meat is looking at it.

These necessities of unusual cooperation were not considered when the transportation act was passed, and the people have to meet the problem and face it as it is to-day. Whatever may have been the objections to Government ownership—and they are legion—it is by no means certain that it is possible to avoid it if we are to have adequate transportation, and it is practically certain it can not be avoided unless the returns on the investment, taken in the aggregate, are reduced to such a small percentage that none but the Government can afford to take it.

It is a pretty safe prediction that the railroads themselves will be the ones who in the near future will be the strongest advocates of Government ownership.

Verily, it is correct to say, when casting the minds' eye back over the history of the demands and standards that they have been able to get written into the law to attempt to force upon the public, "Whom the gods would destroy they first make mad."

S. H. Cowan.

STREET RAILWAYS IN THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. Mr. President, when the bill (S. 985) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1900, was reached on the calendar yesterday my attention was engaged with something else and I thought it was a different bill that was being considered. I desire to enter a motion to reconsider the vote by which the bill was passed. If the bill has already gone to the House I desire to have a request made that the House return it to the Senate.

The PRESIDENT pro tempore. The Chair is advised that the bill is still in the possession of the Senate.

Mr. JONES of Washington. Then I suppose all I need to do is to enter a motion to reconsider the vote by which the bill was passed, which I do.

The PRESIDENT pro tempore. The motion will be entered.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Bursum
Cameron
Capper
Cummins
Curtis
Dial
Dillingham
Edge
Ernst
Gooding
Harreld
Heflin
Jones, Wash.
Kellogg
Kendrick
Keyes
McCormick
McCumber
McNary
Nelson
New
Nicholson
Oddie
Phipps
Pomerene
Ransdell
Rawson
Reed, Pa.
Robinson
Sheppard
Simmons
Smith
Sterling
Townsend
Trammell
Underwood
Walsh, Mass.
Walsh, Mont.
Watson, Ga.
Watson, Ind.
Willis

Mr. SIMMONS. I wish to announce that my colleague [Mr. OVERMAN] is detained from the Senate on account of illness.

The PRESIDENT pro tempore. Forty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absent Members.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Lenroot
McLean
Myers
Shortridge
Smoot

The following Senators entered the Chamber and answered to their names:

Broussard
Culberson
King
Warren

The PRESIDENT pro tempore. Fifty-one Senators have answered to their names. There is a quorum present.

ADJOURNMENT OVER LABOR DAY.

Mr. CURTIS. Mr. President, I ask unanimous consent that when the Senate concludes its business to-day it adjourn until 12 o'clock on Tuesday next.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ROSA E. PLUMMER.

Mr. WATSON of Georgia, from the Committee on Claims, to which was referred the bill (S. 2794) for the relief of Rosa E. Plummer, reported it with an amendment and submitted a report (No. 902) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GOODING:

A bill (S. 3978) to amend section 4 of the act to regulate commerce, passed February 4, 1887, and subsequent amendments thereof; to the Committee on Interstate Commerce.

By Mr. JONES of Washington:

A bill (S. 3979) to extend the market news service of the Department of Agriculture by telegraph to the State of Washington; to the Committee on Agriculture and Forestry.

By Mr. KING:

A bill (S. 3980) to provide for the reimbursement for money expended in the construction of hangars for the use of the Air Mail Service of the Post Office Department; to the Committee on Appropriations.

By Mr. REED of Missouri:

A bill (S. 3981) to amend the Revised Statutes of the United States relating to branch banks under the national bank act; to the Committee on Banking and Currency.

REGULATION OF ELECTION EXPENDITURES.

The PRESIDENT pro tempore. The morning business is closed. The Chair lays before the Senate, in pursuance of the unanimous-consent agreement, Senate bill 3603.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3603) to regulate expenditures in connection with the nomination and election of Senators and Members of the House of Representatives, and for other purposes, which had been reported from the Committee on Privileges and Elections, with an amendment to strike out all after the enacting clause and to insert:

That the term "political committee" under the provisions of this act shall include the national committees of all political parties and the national congressional campaign committees of all parties and all committees, associations, or organizations which shall in two or more States influence the result or attempt to influence the result of an election at which United States Senators or Representatives in Congress are to be elected.

Sec. 2. That every political committee as defined in this act shall have a chairman and a treasurer. It shall be the duty of the treasurer to keep a detailed and exact account of all money or its equivalent received by or promised to such committee or any member thereof, or by or to any person acting under its authority or in its behalf, and the name of every person, firm, association, or committee from whom received, made by the committee or any member thereof, or by any person acting under its authority or in its behalf, and to whom paid, distributed, or disbursed. No officer or member of such committee, or other person acting under its authority or in its behalf, shall receive any money or its equivalent, or expend or promise to expend any money on behalf of such committee, until after a chairman and treasurer of such committee shall have been chosen.

Sec. 3. That every payment or disbursement made by a political committee exceeding $10 in amount be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt, or account shall be preserved for 15 months after the election to which it relates.

Sec. 4. That whoever, acting under the authority or in behalf of such political committee, whether as a member thereof, or otherwise, receives any contribution, payment, loan, gift, advance, deposit, or promise of money or its equivalent, shall, on demand, and in an event within five days after the receipt of such contribution, payment, loan, gift, advance, deposit, or promise, render to the treasurer of such political committee a detailed account of the same, together with the name and address from whom received, and said treasurer shall forthwith enter the same in a ledger or record to be kept by him for that purpose.

Sec. 5. That the treasurer of every such political committee shall, not more than 15 days and not less than 10 days next before an election at which United States Senators or Representatives in Congress are to be elected in two or more States, file in the office of the Secretary of the Senate in the case of a committee to promote the election of Senators or in the office of the Clerk of the House of Representatives in the case of a committee to promote the election of Representatives in Congress, at Washington, D. C., with said Secretary or Clerk, an itemized detailed statement; and on each sixth day thereafter until such election said treasurer shall file with said Secretary or Clerk a supplemental itemized detailed statement. Each of said statements shall conform to the requirements of the following section of this act, except that the supplemental statement herein required need not contain any item of which publicity is given in a previous statement. Each of said statements shall be full and complete and shall be signed and sworn to by said treasurer.

It shall also be the duty of said treasurer to file a similar statement with said Secretary or Clerk within 30 days after such election, such final statement also to be signed and sworn to by said treasurer and to conform to the requirements of the following section of this act. The statements so filed with the Secretary of the Senate or Clerk of the House shall be preserved by him for 15 months and shall be a part of the public records of his office and shall be open to public inspection.

Sec. 6. That the statements required by the preceding section of this act shall state:

First. The name and address of each person, firm, association, or committee who or which has contributed, promised, loaned, or advanced to such political committee, or any officer, member, or agent thereof, either in one or more items, money or its equivalent of the aggregate amount or value of $100 or more, and the amount or sum contributed, promised, loaned, or advanced by each.

Second. The aggregate sum contributed, promised, loaned, or advanced to such political committee, or to any officer, member, or agent thereof, in amounts of less than $100.

Third. The total sum of all contributions, promises, loans, and advances received by such political committee or any officer, member, or agent thereof.

Fourth. The name and address of each person, firm, association, or committee to whom such political committee, or any officer, member, or agent thereof, has distributed, disbursed, contributed, loaned, advanced, or promised any sum of money or its equivalent of the amount or value of $10 or more, stating the amount or sum distributed, disbursed, contributed, loaned, advanced, or promised to each, and the purpose thereof.

Fifth. The aggregate sum distributed, disbursed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof, where the amount or value of such distribution, disbursement, loan, advance, or promise to any one person, firm, association, or committee in one or more items is less than $10.

Sixth. The total sum disbursed, distributed, contributed, loaned, advanced, or promised by such political committee, or any officer, member, or agent thereof.

Sec. 7. That every person, firm, association, or committee, except political committees as hereinbefore defined, that shall expend or promise any sum of money or other thing of value amounting to $50 or more for the purpose of influencing or controlling, in two or more States, the result of an election at which Representatives to the Congress of the United States are elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file the statements of the same under oath, as required by section 5 of this act, in the office of the Secretary of the Senate or Clerk of the House of Representatives, as the case may be, at Washington, D. C., which statements shall be held by said Clerk in all respects as required by section 6 of this act.

Sec. 8. That any person may in connection with such election incur and pay from his own private funds for the purpose of influencing or controlling, in two or more States, the results of an election at which United States Senators or Representatives to the Congress of the United States are elected, all necessary personal expenses for his traveling, for stationery, and postage, and for telegraph and telephone service without being subject to the provisions of this act.

Sec. 9. That when used in this act—

The term "election" means any general or special election at which a Senator or a Member of the House of Representatives of the United States is elected.

Sec. 10. That every candidate for election to the House of Representatives shall, not less than 10 nor more than 15 days before the day for holding the election, file with the Clerk of the House of Representatives at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him, or by anyone for him with his knowledge and consent, from any source in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part, and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his election.

Sec. 11. That every candidate for election to the Senate shall, not less than 10 nor more than 15 days before the day for holding the election, file with the Secretary of the Senate at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his election.

Sec. 12. That every candidate shall, within 15 days after the election, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such election, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his election.

Every such candidate shall include therein a statement of every promise or pledge made by him, or by anyone for him with his knowledge and consent, or to whom he has given authority to make any such promise or pledge, before the completion of any such election, relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy; and if any such promise or pledge shall have been made, the name or names, the address or addresses, and the occupation or occupations of the person or persons to whom such promise or pledge shall have been made shall be stated, together with a description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate that fact shall be distinctly stated.

Sec. 13. That no candidate shall promise any office or position to any person or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person or of any person, in his candidacy.

Sec. 14. That no candidate shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his election, any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That no candidate shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $5,000 in any campaign for his election to the House of Representatives, and no candidate shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $10,000 in any campaign for his election to the Senate: *Provided further*, That money expended by any candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this title, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements required to be filed under the provisions of this title.

Sec. 15. That every statement required under the provisions of this act shall be verified by the oath or affirmation of the person making such statement, taken before an officer authorized to administer oaths, and the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives or to the Secretary of the Senate, as the case may be, duly stamped and registered, within the time required, shall be deemed a sufficient filing of any such statement under any of the provisions of this act.

Sec. 16. That this act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the selection, nomination, or election of candidates for election to the Senate or House of Representatives, or to the election of Senators or Members of the House of Representatives, or to exempt any person from complying with such State laws.

Sec. 17. That nothing contained in this act shall limit or affect the right of any person to spend money for proper legal expenses in maintaining or contesting the results of any election.

Sec. 18. That every person willfully violating any provision of this act shall, upon conviction, be fined not more than $1,000 or imprisoned not more than one year, or both.

Sec. 19. That if any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

Sec. 20. That this act may be cited as the corrupt practices act, 1922.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. POMERENE. Mr. President, I have on one or two occasions discussed briefly the necessity for this legislation. Perhaps there may be some Senators present who did not hear my statement in that behalf, and for that reason I beg the indulgence of the Senate just for a very few minutes.

The Senate will remember that the Supreme Court held the provisions of the corrupt practices act relating to the nomination and election of Senators and Congressmen unconstitutional in so far as it attempted to regulate the expenditures in primary or convention campaigns. The question of its validity so far as it related to the general election of Senators or Congressmen was not involved in that litigation or in any other litigation, so far as I am advised.

After that law was held unconstitutional I presented the bill now before the Senate, and as I presented it the provisions of the bill were the same as in the corrupt practices act, except that I subdivided it into titles, having one title apply to general elections, the other title applying to primary nominations or conventions nominating Senators or Congressmen. My reason for that was that I felt, and I feel now, that if this matter should come before the court again there might be a reversal of the opinion of the Supreme Court; and I am constrained to say that in view of the fact that while the decision was 5 to 4 holding the provisions in so far as they related to primaries unconstitutional, Mr. Justice McKenna said that he concurred in the opinion as it applied to the statute under consideration, which was enacted prior to the seventeenth amendment, but he reserved the question of the power of Congress under that amendment. Senators will see the pertinency of this statement by Mr. Justice McKenna when we keep in mind the fact that the corrupt practices act was passed, I think, in 1911 and prior to the adoption of the amendment to the Constitution which requires Senators to be elected by popular vote.

If there were more time, I should ask the Senate to vote upon the bill as I presented it, regulating both primaries and general elections; but I realize, as all Senators must realize, that a serious question is involved when it comes to the regulation of the primaries or conventions, and the time is now all but past when any law regulating primaries would have any effect during this year. That being so, the committee decided, and I think wisely, to eliminate all provisions in this bill in so far as they relate to the nomination or selection of candidates for Senate or Congress, and the bill which the committee is now asking the Senate to pass applies only to the general election of Senators or Congressmen; and in that behalf the provisions of the pending amendment are exactly what they were under the old law in so far as it related to general elections.

There is another special reason for the passage of this special legislation at the present time.

Mr. WATSON of Indiana. Mr. President, will the Senator yield?

Mr. POMERENE. Certainly.

Mr. WATSON of Indiana. Do I understand the Senator to say that this bill is precisely the same as the existing law except that it is applied to elections by the people?

Mr. POMERENE. That is it exactly; and I had begun to state another reason why we should have this legislation at this time.

It will be remembered that the old legislation was passed at a time when the only method of election of Senators was by the legislatures of the several States. The present Attorney General—perhaps in March or early in April—gave it as his opinion that the present corrupt practices act would have no application whatsoever to the election of Senators by popular vote, because at the time it was enacted we knew only of elections of Senators by legislatures. I express no opinion as to whether or not the Attorney General was right, but I think lawyers will agree with the Attorney General that it at least raised a very serious question, and we ought not to adjourn without having passed some legislation which would avoid that question.

Again, I have no doubt that the Attorney General's opinion was the result of considerable investigation; otherwise he would not have given it. Whether he is right or not, if any question should arise as to the violation of the criminal provisions of the corrupt practices act, we could hardly expect the Attorney General, entertaining the views that he does entertain, to take up the prosecution.

Without referring to any particular case at all, I think Senators must all agree that we ought to have some Federal legislation upon this subject. If we were to adjourn without passing this bill, so far as the Federal Government is concerned there would be no effective statute upon the statute books regulating the amount of expenditures. Of course, Senators know that in many of the States there is pretty drastic legislation upon this subject. So far as the limitations of expenditures are concerned, the present law applies only to those States where there is no State legislation, or perhaps, to express myself more accurately, the Federal law does not conflict, and is not intended to conflict, with the legislation of any State where there is legislation.

I think that is about all I care to say so far as the provisions of the bill are concerned.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Ohio yield to the Senator from Utah?

Mr. POMERENE. I yield.

Mr. KING. While I am a member of the Committee on Privileges and Elections, I have been absent from the city, and was not present when the pending bill was considered and reported. I would like to ask the Senator, for information, his view as to the efficacy of the existing law to deal with elections in contradistinction with primaries. The Senator, as I understood him, broadly stated that under the present law there is no Federal provision which would limit the expenditures in an election by a candidate for the United States Senate. My understanding was that the existing law, notwithstanding the decision of the Supreme Court of the United States, is applicable to elections but not to primaries.

Mr. POMERENE. I think perhaps the Senator was not in the Chamber when I covered the very question which he evidently has in mind. Some time ago, perhaps the latter part of March or early in April, the Attorney General announced it as his opinion that as the corrupt practices act was passed prior to the amendment to the Constitution requiring Senators to be elected by popular vote, it could apply only to the election of Senators by State legislatures, and therefore, in his judgment, we have no regulation on the subject, even so far as it applies to the general election of Senators.

Mr. KING. Then this bill is to meet the criticism or suggestion of the Attorney General?

Mr. POMERENE. That is an accurate statement of the situation.

Mr. KING. If I might be permitted to respectfully dissent from the view of the Attorney General, I should do so; but perhaps it may be wise to enact some legislation.

Mr. POMERENE. I think the Senator must agree with me, however, in this thought, that that being the opinion of the head of the Department of Justice, it could hardly be expected that he would begin criminal proceedings under a law which he thought was not applicable to the present state of affairs.

Mr. KING. Before the Senator resumes his seat, I want to call his attention to one provision in the bill.

Mr. WATSON of Indiana. Will the Senator from Utah allow me to ask the Senator from Ohio a question?

Mr. KING. I yield for a question.

Mr. WATSON of Indiana. I am a member of the Committee on Privileges and Elections, but was not a member of the subcommittee which had this matter in charge, and because of other business did not attend the meeting of the full committee when the bill was reported.

I am wondering whether the Senator from Ohio regards the limitation of $10,000 on the expenditures as altogether fair in all States. In the State represented by our present Presiding Officer [Mr. ODDIE in the chair] there is a population of probably 100,000. In New York the population runs well up toward 11,000,000. The bill would permit precisely the same expenditure—$10,000—in each State. Is that altogether a fair proposition?

Mr. POMERENE. Mr. President, the very question which the Senator from Indiana has put to me was considered in the committee, and I agree with him that when it comes to the general law of the land, perhaps there ought to be some discrimination as to the amount to be expended, depending upon the population. But as the law has been on the statute books for 10 years or more, we felt that if we should suggest any amendment of that kind it would lead to a vast deal of discussion and might possibly delay final action by the present Congress.

May I say to the Senator from Indiana that when it comes to the limitation of expenditures based upon population, he will find, if he confers with other Senators, a good deal of difference of opinion as to the rule which should be adopted as to the amount of expenditure.

Again, if the Senator will permit me to suggest, I have not the figures before me, but my belief is that in the majority of the States there is a limitation on expenditures, and under the provisions of the pending bill, as under the provisions of the old law, the limitations provided herein apply only in States where there are no limitations fixed by State law. In other words, wherever there are State limitations, they must prevail, irrespective of the limitation fixed in the pending bill.

Mr. WATSON of Indiana. I understand that. Of course, the Senator is entirely right in that statement. I was merely calling attention to what I thought was unfair in this provision. I might add that this limitation of $10,000 was fixed when the legislatures elected Senators. Now a candidate may go about all over the State, if he chooses so to do, and go before the people of an entire State. If $10,000 was the limit when Senators were elected by the legislatures, there certainly ought to be some recognition of the additional expenditure required since a candidate must go out among the people, which it is entirely proper for him to do.

I want to ask the Senator, however, does he say that he understands this legislation to be temporary, simply to cover the approaching campaign and election?

Mr. POMERENE. That was our thought exactly. The Senators who were present when this bill was voted out seemed to be unanimously of the opinion that this whole subject should be taken up, and that we should have some act passed in the immediate future which would regulate both primaries and elections, if the Senate is of the opinion that we have that constitutional power. The chairman of the committee, on motion made by the Senator from Montana [Mr. WALSH], has appointed a subcommittee of five, and that subcommittee of five is instructed to present to the full committee, not later than January 1, a bill covering this entire subject.

Mr. ROBINSON. Mr. President, will the Senator from Ohio yield?

Mr. POMERENE. I yield to the Senator from Arkansas.

Mr. ROBINSON. Is there anything in the pending measure which would prevent an individual from expending any sum he desired to expend, independent of the action of any political committee, to secure the election of a candidate for the Senate, or of a candidate for the House of Representatives?

Mr. POMERENE. I do not believe I caught the import of the Senator's question.

Mr. ROBINSON. Is there anything in the bill which would prevent the expenditure of an unlimited sum by an individual to secure the election of a candidate for the Senate or a candidate for the House of Representatives, if that individual chose, on his own initiative, to expend money independent of the action of any political committee?

Mr. POMERENE. This limitation applies to the candidate for the Senate or for the House.

Mr. ROBINSON. I understand that. The publicity requirement is upon the political committee and upon the candidate.

Mr. POMERENE. No; the limitation——

Mr. ROBINSON. The requirement as to publicity is upon the political committee, and the limitation as to expenditure is upon the candidate. Is there anything in the bill which limits the amount an individual may, on his own initiative, spend to secure the election of a candidate for the Senate or the House of Representatives, and, to go a little further than that, is there anything in the bill requiring an individual to account for his expenditures?

Mr. KING. An individual who is not a candidate?

Mr. ROBINSON. Yes. Suppose the Senator from Ohio were a candidate for election in Ohio, as he is, and some individual should desire to expend a quarter of a million dollars to secure his election, a thing which, of course, is unthinkable in connection with the candidacy of the Senator from Ohio. Is there anything in this bill which would require that individual to account, and is there anything in this bill which would prevent that individual from expending an unlimited sum in such a case?

Mr. WALSH of Montana. Mr. President, I think I can fully inform the Senator in that regard. There is nothing in the bill which puts any limit whatever on what one individual may spend for the election of one Senator.

Mr. ROBINSON. That was my understanding.

Mr. WALSH of Montana. Nor is the individual required to make any accounting whatever of his expenditures. A political committee is required to give publicity to its actions, but it is not limited in the amount which it may expend. A political committee is defined in the bill as follows:

> The term "political committee" under the provisions of this act shall include the national committees of all political parties and the national congressional campaign committees of all political parties, and all committees, associations, or organizations which shall in two or more States influence the result or attempt to influence the result of an election at which United States Senators or Representatives in Congress are to be elected.

So that even an association or an organization in a State for promoting the candidacy of one Senator in that State, or of two Senators in that State, is not under the ban of the bill in any way.

Mr. ROBINSON. The Senator from Montana has construed the proposed measure just exactly as my casual reading of it would lead me to construe it.

Mr. POMERENE. I have nothing further to say, and I yield the floor.

Mr. ROBINSON. I do not desire to make a speech. I wanted to get information. With the permission of the Senator from Ohio, I will point out now that this statute can be very easily evaded. It is not going to accomplish very much. I am not attaching censure to the Senator from Ohio, or even to the committee which reported the bill. Admittedly an individual or an association desiring to encompass the election or the defeat of a candidate for the Senate, or of a candidate for the House of Representatives, can expend, without accounting for it, any sum that individual or association may be prompted to expend.

Mr. WALSH of Montana. The Senator will bear in mind that this is not to be construed at all as an approbation upon the part of the committee of practices of that character. Nor, if the committee were framing a bill which met their views with respect to the matter, would they for a moment tolerate that kind of thing.

Mr. ROBINSON. Nothing I have said can be construed into a criticism of the committee. I stated in the beginning that I did not censure either the Senator from Ohio, who introduced the bill, or the committee. I understand perfectly well that the committee, in order to secure any legislation at all regulating the coming election, has been prompted to report this measure, which is substantially in conformity to the existing law, except that it is made applicable to elections by popular vote, whereas the old law was determined by the Attorney General to be applicable only to elections as they were held at the time the law was passed, namely, by the legislatures, so far as Senators are concerned.

I am not criticizing the committee nor the author of the bill, because unquestionably a complete and effective statute upon the subject can not be enacted to become effective between the present day and the time of the November elections under the conditions which surround legislation here. But I am pointing out the fact that if anyone chooses to do so he can evade the provisions and effect of the legislation without the slightest difficulty. If any corporation or individual or association is sufficiently interested in the election or the defeat of a candidate for the Senate or of a candidate of the House of Representatives to take that course, that corporation, that association, or that individual can expend an unreasonable sum to accomplish the purpose without being required to account for a dollar of it and without being held amenable to the Federal law for any criminal act. In that view of the matter I shall support the bill without any very great degree of enthusiasm.

Mr. WATSON of Indiana. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. WATSON of Indiana. I think the Senator is quite right in his criticism of the bill. My understanding is that the bill with its imperfections is being presented now purely as a temporary proposition to meet the present campaign and the approaching election. I will say that in my State provision has been made for that, where a man can not spend money as an individual except as he shall do it through a committee.

Mr. ROBINSON. I very much regret that the committee has not found it consistent to report a bill dealing with the entire subject, a bill that could be regarded properly as permanent legislation. The regulation of campaign expenditures has been before the Congress and the country for a long time. It is not necessary to review the history of it or the circumstances which have made necessary additional legislation on the part of Congress. I realize that the subject is associated with many difficulties, and I am only expressing regret that the bill presented leaves it possible for unlimited sums to be expended by individuals, either to elect or to defeat candidates for the Senate or candidates for the House of Representatives, with no limitations of amount, with no requirement as to accounting, and with no possibility of penalties to be imposed.

Mr. POMERENE. Mr. President——

Mr. ROBINSON. I yield, of course, to the Senator from Ohio.

Mr. POMERENE. I simply want to say that I join in the Senator's regret that we have not been able to do that which he suggests.

Mr. ROBINSON. I want to ask the Senator from Ohio another question. It is perfectly apparent that before this bill can be enacted the election will be approaching. Many activities are already in progress on the part of political committees and on the part of candidates looking toward that election. Sums are being contributed now both to candidates and to political committees. Will a contribution made prior to the approval of the act, either to the candidate himself or to a political committee, be accounted under the terms of the pending bill, or, if no accounting is made, will any liability attach by reason of the failure to account? In other words, will the act be retroactive?

Mr. POMERENE. If it comes to a violation of the criminal law I would have my doubts about it. In other words, I do not think that a prosecution could be sustained. Assuming that the $10,000 had been expended prior to this time, I doubt whether the criminal statute would apply.

Mr. ROBINSON. Assuming that a political committee had collected $1,000,000, just to make the case a strong one, prior to the approval of the act and had expended that sum for its purposes prior to the approval of the act. In that event does the act require the committee to account that sum? Can the act require the committee to account that sum? Those are the two questions.

Mr. POMERENE. The Senator has asked a very pertinent question, but it has not troubled me very much so far as the pending legislation is concerned, because I think we can avoid, in part at least, the difficulties which the Senator suggests by the speedy passage of the bill. I have no doubt about this, however, that if the candidate had expended these exorbitant sums I am still of the opinion that the Senate, if it came to a contest, could deal with the subject in such way as its wisdom would suggest.

Mr. ROBINSON. Of course, my question was based upon the premise that the contribution should be received and the expenditure made before the bill is passed. As to the speedy passage of the bill, I join with the Senator from Ohio in expressing the hope that it will occur. I am not in a position, however, to give him any assurance that it will. The body at the other end of the Capitol has yet to consider the matter, and, according to the press notices, there is no very great indication that it is going to do that very hastily.

In any event there are two very great difficulties presented that the legislation can not or does not at least remedy. The first is that it does not seek to prevent unlimited contributions and expenditures by an individual acting independently of a political committee or of the candidate. The second is that before it can become effective, even if it is speedily passed, excessive contributions may have been made in anticipation of it and the expenditures also may have been had.

Mr. WALSH of Montana. Mr. President, I have some very definite views on the question now raised by the Senator, which I should be very glad to express briefly. The matter of the political committee is really not particularly applicable. That is rather academic because we have the present law in relation to political committees, the initial section of which reads as follows:

> That the term "political committee" under the provisions of this act shall include the national committees of all political parties and the national congressional campaign committees of all political parties, and all committees or associations or organizations which shall in two or more States influence the result or attempt to influence the result of an election at which Representatives in Congress are to be elected.

That is to be reenacted simply by adding to the phrase "Representatives in Congress" the words "or Senators," so it would read—

> influence the result or attempt to influence the result of an election at which Representatives in Congress or Senators are to be elected.

That will remain the law until the new law takes effect. The statute applies to political parties who endeavor to control the election at which Representatives in Congress are elected, but at that same election Senators are also to be elected. So the statute would apply with all the force and vigor that the new law would have with respect to political committees.

Now, with respect to contributions by the candidate, of course, if the candidate has already contributed $10,000 or more than that sum he could not be punished under the pending bill because as to that it would be ex post facto. He could only be punished for what he does after the law goes into effect and, as the Senator said, he may in anticipation of the act contribute the money, and thus escape the penalty. The question is presented, however, as to the case of one who has already made some contribution and as to how much more he may be able to contribute without incurring the pains and penalties of the act. If he has contributed $9,000, the question is presented can he contribute $1,000 more, making $10,000 in all, or may be contribute $10,000 after the act is passed in addition to what he has already contributed?

Mr. ROBINSON. Even though he may have contributed $50,000 prior to the passage of the act.

Mr. WALSH of Montana. Yes; even though he may have contributed $50,000 prior to that time. My judgment as to the matter is, in the case of the candidate who has contributed more than the $10,000, that he is shut out. He can not contribute anything more. If he contributed anything more, he would fall under the provisions of the act. In the case of the candidate who has already contributed $9,000, my judgment is that more than $1,000 would bring him under the same penalties of the act.

Mr. ROBINSON. It is in effect retroactive to that extent?

Mr. WALSH of Montana. No; I do not regard it as retroactive at all. Of course, in a certain sense it might be so designated, but it looks to expenditures in the future. If, altogether, what he contributed in the past and what he contributes in the future amounts to more than $10,000, he may then be prosecuted, but he is not amenable to prosecution unless he contributes something in the future.

Mr. ROBINSON. The limitation is upon future amounts, according to the ordinary construction of statutes.

Mr. WALSH of Montana. There is no doubt about that.

Mr. ROBINSON. Unless there is something in the statute which expressly makes its provisions applicable to past conduct it would not be construed as applying to things which have happened before it passed.

Mr. SMITH. Let me ask the Senator this question: Suppose one had spent $9,000 before the law became effective. After the law goes into operation, according to what the Senator said, he could spend but $1,000 more. What right would the law have to take cognizance of an act committed before ever the law went into effect?

Mr. ROBINSON. That is the very question I am raising. But to make the case stronger, suppose the candidate, acting upon the judgment of the Attorney General that there is no law limiting his expenditure in his candidacy for the Senate, has expended $250,000 to promote his election before this law goes into effect. My question is whether it is retroactive so as to prevent him from expending any sum in the future?

My question is, Is the statute retroactive so as to prevent him from expending in the future any sum contributed in the past? Is it retroactive so as to penalize his expenditure in the past? The Senator from Montana has completely answered the last question. The point I am making is that if it is held retroactive at all its retroactive effect must arise from the language of the proposed act making it clear that the intention of the law is to relate its provisions to past acts or conduct; and if there is nothing in the act that does that all the candidate would have to do in order to entirely escape its provisions would be, the day before the President signed this act, to give his political committee all that he would give if it were not anticipated that the act would be passed.

These are difficulties, of course, that naturally arise, but they go to show that the act is not going to be very effective for the coming elections if there shall be candidates and if there shall be political committees who wish to avoid its effect.

Mr. EDGE. I desire to offer an amendment to the amendment reported by the committee to the pending bill. I send the amendment to the amendment to the desk and ask that the Secretary may read it.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from New Jersey to the amendment reported by the committee.

The ASSISTANT SECRETARY. On page 20, section 14, line 13, after the word "printing," it is proposed to amend the amendment reported by the Committee on Privileges and Elections by striking out the words "(other than in newspapers)."

Mr. EDGE. Mr. President, very briefly I wish to draw the attention of the Senate to what I feel is a very distinct discrimination in the bill under consideration as reported by the Committee on Privileges and Elections. I agree with everything the Senator from Arkansas [Mr. ROBINSON] has said as to the weaknesses of this measure; there is very much more criticism of it, it seems to me, which may be justified. However, I join with the Senator from Ohio [Mr. POMERENE] in holding that some law in reference to campaign expenditures should be on the statute books; at least we should be assured, the present law being under legal question, of a similar law to take its place, even with its weaknesses; but in passing such a measure it appeals to me that there can be no reasonable objection to perfecting it in some detail where it seems so apparent that it may be perfected.

In my judgment, no one can justify a provision imposing a maximum limitation on campaign expenditures of $10,000 by a candidate for the United States Senate and applying to all the States equally. One State may have a population of only 100,000, while another may have a population of 10,000,000, and of course it is impossible, in view of such comparisons, to justify a provision which limits to the same amount the expenditures for circularization and other necessary legitimate expenses in those two States.

However, I am not going to attempt to amend that section of the bill, because I realize that to make such an attempt would develop a long debate and would give rise to a discussion as to the proper rule to be followed, whether it should be based on population or otherwise, or on a classification of the States. Some of those questions have already been discussed in the Committee on Privileges and Elections; and I do not care to propose anything which would retard the passage of the proposed law.

My amendment, however, applies alone to section 14, which sets forth the exceptions covering the items for which candidates may spend money regardless of amount just so long as State laws do not prohibit such expenditures. The provisos in section 14 of the committee amendment read:

> *Provided*, That no candidate shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $5,000 in any campaign for his election to the House of Representatives, and no candidate shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $10,000 in any campaign for his election to the Senate: *Provided further*, That money expended by any candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this title, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements required to be filed under the provisions of this title.

In other words, a candidate for the Senate, say, in Nevada or New York, is entitled to spend $10,000 under the Federal statute, and can then spend $10,000,000, so far as that is concerned, if the State laws do not prohibit, for any of the purposes enumerated in the exceptions which I have just read. Personally, I think that the exceptions are very broad. Some one may ask, "Then why make it broader?" If we are purposing to embody in this bill the exceptions provided, then it appeals to me that it is only fair that the one great medium, it may be said, provided for public statements be not excluded from use. I refer to the newspapers and the magazines. A candidate would be permitted under this proposed law to send circular matter costing 1 cent or 2 cents for postage and incur the printing costs and the cost for addressing to 10,000,000 citizens of the State of New York or any other State in which the candidate may reside, the expenditure in the aggregate amounting to thousands and thousands of dollars; yet it is provided that a candidate may not insert in a newspaper in the State of New York or in some other State a modest announcement or any kind of an announcement which will inform the electorate as to the principles and the position of the candidate in the campaign.

Again it appeals to me, Mr. President, as being very dangerous and very unfair to make this exception. We well know that the editors and publishers of some leading newspapers become candidates for public office, in which event they have the advantage of using their editorial and news columns in presenting their own candidacy. In doing so the matter published is not in the form of an advertisement, but they publish whatever they please, either as editorials or as news. Any opponent or contestant is absolutely barred from obtaining the same publicity through the columns of the newspaper, because, under this proposed law he could not insert an announcement in a newspaper and pay for it in order that the public might be informed as to his position as contrasted with that of the person who might be favored by the newspapers. It need not be that the person so favored shall be the editor or publisher of the newspaper; he might be some friend of the proprietor or of the corporation owning the newspaper. It seems to me that it is indefensible when other exceptions are allowed not to extend a similar exception to legitimate newspaper advertising. Understand, I do not agree with the exception; I think the exceptions are entirely too broad; I think that they leave an opening through which a double-horse team may be driven through the bill at any time, so that the candidate may expend any amount of money he desires to expend if the State law does not prohibit it. But if we are going to allow exceptions, why discriminate in this matter and put a candidate in a position where he can not answer his opponent in the usual manner employed in circulating public statements before the electorate?

Many States, as we well know, have from 4,000,000 voters down; but as an illustration I will cite the case of a candidate who sends out 500,000 letters, each under a 2-cent stamp, the postage alone costing $10,000, with all the additional cost of printing, addressing, and so forth.

That candidate reaches in that manner 500,000 electors; he states his position as he pleases; but for very much less than the $15,000 or $20,000 which it would cost to reach the voters in that way he could secure many more times the publicity by utilizing a few newspapers. As we well know, some individual newspapers have a circulation of over 500,000 copies. It seems to me that brings up another thought, namely, that the provision as now drawn will encourage greater expenditure on the part of a candidate, because it will cost him more money to reach the electorate through circulars, post cards, and similar means than it will in the ordinary way by using the columns of a newspaper.

The only objection—and I will anticipate that—which I have heard raised to the exception of newspapers has been that in some cases perhaps—and it is a very broad assertion necessarily—the expenditure of money for advertising in newspapers might have undue influence upon the editorial policy of the newspaper or upon the opinion of the editor in discussing and taking a position in the political campaign. I really do not think, Mr. President, that such an argument need be seriously considered in the debate. Things have come to a very bad pass in this country if any considerable number of newspaper editors can be influenced by the ordinary political advertising that might be printed in the columns of their publications in a campaign. Perhaps some of them could be so influenced, for in every branch of society there are men who may be influenced, but as a real argument against the exception which my amendment proposes, I do not think that it has merit or much force.

Therefore, if we are going to make the other exceptions and permit candidates to print and distribute circulars and posters galore, then let us make the provision broad enough and fair enough so as to permit a candidate to reach the electorate in competition with an opponent who may be favored by the newspapers, and in that way enable him to conduct his campaign at a less cost, perhaps, than would be entailed under the provisions of the bill now pending.

Mr. TOWNSEND. Mr. President, I take it that we are shortly to have a vote on the pending measure. I hope so, and I do not want to delay action, for I am very much in favor of its enactment at the present time. I am greatly pleased to learn that the Committee on Privileges and Elections have appointed a subcommittee to prepare effective legislation on this whole subject.

The Senator from Arkansas [Mr. ROBINSON] has pointed out a few of the infirmities of the bill even after it is enacted into law. For myself, I believe it is a wise thing to have campaign money expended through a committee. Whatever is authorized to be expended should be expended by a responsible committee, and that committee should report all moneys received and from what sources and all moneys expended and for what purposes. Under present conditions any amount of money may be expended, any amount of newspaper space may be devoted to the defeat of a candidate if it is done by an individual or association or a corporation not connected directly with a campaign committee. That phase of the subject ought to be covered by law. It is proper in a republic to give the people information as to the issues and as to the qualifications of candidates. The candidates themselves are financially disproportionately equipped for doing this. The man of large means may advertise; he may send out under the statute in a perfectly legal manner as much information as he wishes, while the poor man necessarily must depend upon his friends who are interested in him and who feel that they want to do something for him properly and legally under the State and Federal laws.

That should be encouraged; but I have in my mind the thought that there should be a law of some kind whereby all of the candidates can receive equal publicity and all stand on an equality. That can be done through some arrangement with the press by State law.

I am in favor of a law limiting and regulating campaign expenses and I am ready to consider a bill to this end on its merits. I realize that it can not be done under this bill at this time. I am a candidate for the Senate. I propose to make a report, whether this bill is passed or not, in accordance with the existing law, regardless of the opinion of the Attorney General; but I want to see this bill passed so that there will be no question as to what the law is. I repeat that I am very much in favor of the action of the committee, which created a subcommittee to frame a law, which, I trust, will be considered at the earliest possible moment, and one that will be in harmony not only with honest elections but with the spirit of our free institutions.

Mr. DILLINGHAM. Mr. President, I want to say only a word regarding this matter.

The amendment which has been proposed was also proposed when the committee had this bill under consideration, and at that time other proposed amendments were also discussed; but, as has been stated by the Senator from Ohio, it was considered by the committee that it was better not to encumber this measure with any of these proposed amendments, because of the fact that the importance of these amendments would not perhaps be clearly understood by the Senate in the limited time we would have for discussion.

The amendment that has been offered by the Senator has been offered with a very clear and a very fair statement. The one point, as it addresses itself to my mind, is this: This bill limits to $10,000 the amount that a Senator may expend in his election; but, as the Senator from New Jersey has stated, in making his return he is not bound to take into consideration the money that he has spent in travel, in postage, in letters and circulars, in telegrams, and in telephone service, and some other things; but if the Senator's amendment is adopted it will take away the restriction as to the amount of money that could be spent upon newspapers.

The effect of it, to my mind, would be this: A man of immense wealth running for the office of Senator would be enabled to spend all the money that he wishes, unlimited sums, in newspaper publications without having it deducted from the amount that he is authorized to expend under the provisions of this bill.

Mr. EDGE. Mr. President, will the Senator yield to a question?

Mr. DILLINGHAM. Certainly; I shall be glad to yield.

Mr. EDGE. If the amendment I have offered is not agreed to, is there any restriction of any kind whatever upon the expenditure of the wealthy man, as the Senator illustrates it, in circular matter, posters, letters, and so forth?

Mr. DILLINGHAM. Not at all. For the information of the Senate, I will say that a motion was adopted by the committee authorizing the chairman to appoint a subcommittee to draft a bill covering the subject of corrupt practices in elections, including primaries, and report to the full committee on the 1st of January next. Under the authorization contained in that motion, I have appointed the Senator from New York [Mr. WADSWORTH], the Senator from Indiana [Mr. WATSON], the Senator from California [Mr. SHORTRIDGE], the Senator from Ohio [Mr. POMERENE], and the Senator from Montana [Mr. WALSH] members of that subcommittee; and I think it is very safe for the Senate to leave all questions not embraced in the pending legislation to be considered by that committee, who will make this report early in the next session.

Mr. WATSON of Indiana. Mr. President, the understanding by the committee, so I am told, when this bill was reported, was that it was temporary in character; and that is borne out by the statement made by the chairman that a subcommittee had been appointed for the purpose of formulating proposed legislation to be hereafter introduced. Because of that fact, I shall not support the amendment offered by the Senator from New Jersey. Otherwise I should be tempted to support it, because I think newspaper advertising should be permitted, at least to some extent, as well as the sending of circulars throughout the State, and also, if I remember correctly, letters and postage.

Of course, it is an exceedingly difficult law to draw; but, inasmuch as it is hedged about by many difficulties which are not susceptible of hasty solution, I am quite content that this bill shall pass; and I shall not vote for the amendment offered by the Senator from New Jersey simply because this is a temporary matter to meet the existing situation.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from New Jersey to the amendment of the committee.

Mr. EDGE. I call for a division.

On a division, the amendment to the amendment was rejected.

Mr. POMERENE. Mr. President, if I may have the attention of the chairman of the committee, I find, on page 21, line 7, the words "the selection, nomination, or." I think they should be stricken out, in view of the fact that at one stage of our consideration of this bill we made the limit apply to the "selection, nomination, or election," and that we did not intend those words to be stricken out in other sections.

Mr. DILLINGHAM. Yes; they should be stricken out here.

Mr. POMERENE. I move, therefore, that on page 21, line 7, the words "selection, nomination, or" be stricken out.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. On page 21, line 7, in the proposed amendment of the committee, it is proposed to strike out the words "selection, nomination, or," so that it will read:

> Not directly in conflict herewith, relating to the election of candidates for election to the Senate or House of Representatives.

Mr. WALSH of Montana. Mr. President, should not the words "for election," on line 8, be stricken out also?

Mr. POMERENE. I think so. On line 8, I move to strike out the words "for election."

The PRESIDENT pro tempore. The question is upon the first amendment proposed by the Senator from Ohio, which will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out the words "selection, nomination, or" on line 7, page 21.

The amendment to the amendment was agreed to.

The ASSISTANT SECRETARY. On line 8, it is proposed to strike out the words "election to," so that it will read "candidates for the Senate or House of Representatives."

The amendment to the amendment was agreed to.

Mr. WALSH of Montana. Mr. President, may the Secretary now read section 16 as amended?

The PRESIDENT pro tempore. The Secretary will read the section as amended.

The ASSISTANT SECRETARY. Section 16, as amended, reads as follows:

> SEC. 16. That this act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the election of candidates for the Senate or House of Representatives or to the election of Senators or Members of the House of Representatives or to exempt any person from complying with such State laws.

Mr. WALSH of Montana. That will not do. In order to perfect it, all of lines 7, 8, and 9, reading "the selection, nomination, or election of candidates for election to the Senate or House of Representatives, or to" should be stricken out.

Mr. TOWNSEND. That is right.

Mr. WALSH of Montana. So that it will read:

> That this act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the election of Senators or Members of the House of Representatives or to exempt any person from complying with such State laws.

Mr. TOWNSEND. That is right.

Mr. POMERENE. That will improve it very much.

Mr. WALSH of Montana. I suggest, then, that the action heretofore taken with respect to that be reconsidered.

The PRESIDING OFFICER (Mr. ODDIE in the chair). The question is on reconsidering the action by which the amendments proposed in lines 7 and 8 were agreed to.

The motion to reconsider was agreed to.

Mr. WALSH of Montana. Now I move to amend by striking out, from lines 7, 8, and 9, the following—

> the selection, nomination, or election of candidates for election to the Senate or House of Representatives, or to—

So that the section will read:

> That this act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the election of Senators or Members of the House of Representatives, or to exempt any person from complying with such State laws.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Montana to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the committee amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' approved June 25, 1910, as amended by the act entitled 'An act to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," and extending the same to candidates for nomination and election to the offices of Representative and Senator in Congress of the United States and limiting the amount of campaign expenses,' approved August 19, 1911, and by the act approved August 23, 1912."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the following Senate bills and joint resolution:

S. 2460. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stats. 437), to certain lands in Utah;

S. 3659. An act to create the White House police force, and for other purposes; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia.

The message also announced that the House had passed the bill (S. 2199) to provide for the marking of anchorage grounds in waters of the United States, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following Senate bill and joint resolution, each with amendments, in which it requested the concurrence of the Senate:

S. 3618. An act to amend section 135 of the Judicial Code; and

S. J. Res. 23. Joint resolution authorizing the Secretary of War to investigate the claims of private parties to the Mariveles Quarry within the limits of a United States military reservation in the Philippine Islands and to permit the working thereof by the persons entitled thereto, provided military necessities permit.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message further announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 9053. An act to provide for leasing of the floating dry dock at the naval station, New Orleans, La.;

H. R. 9270. An act to confer upon the Territorial courts of Porto Rico concurrent jurisdiction with the United States courts of that district of all offenses under the national prohibition act and all acts amendatory thereof or supplemental thereto;

H. R. 10144. An act conveying the peninsula of Presque Isle, Erie, Pa., to the State of Pennsylvania, its original owner, for public park purposes;

H. R. 11492. An act providing for the transfer or sale of Army and Navy equipment to the Boy Scouts of America;

H. R. 11901. An act authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio; and

H. J. Res. 180. Joint resolution extending the provisions of the act of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of Public Resolution No. 29, approved February 14, 1920, allowing a preferred right of entry for at least 60 days after the date of opening in connection with lands opened or restored to entry, to citizens of the United States who served with the allied armies during the World War.

RIVER AND HARBOR PROJECTS.

Mr. JONES of Washington. Mr. President, while I know I can not have House bill 10766, the river and harbor bill, disposed of in its entirety this morning, there are a few amendments to which I think there will be no objection whatever, which I would like to have disposed of because several Senators who are interested want to go away soon. I understand the Senator in charge of the unfinished business does not care to call it up before 1 o'clock, so I ask unanimous consent that the Senate proceed to the consideration of House bill 10766, authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, with the understanding that only unobjected amendments will be considered.

Mr. KING. May I inquire of the Senator whether it is his intention to press the bill for consideration before the recess or adjournment?

Mr. JONES of Washington. It is not my intention to press the bill for passage to-day. There are two amendments to which there is some objection which I do not expect to call up to-day.

Mr. KING. Does the Senator expect to have the bill passed, or to ask for its passage, before the adjournment?

Mr. JONES of Washington. I hope to dispose of all the amendments except two and I want to present some to-day to which I think there will be no objection. Of course it will depend on the action of the Senate as to whether we pass the bill or not. We ought to pass it. The bill does not carry appropriations at all, and unless we pass it now estimates can not come down for the projects included in the bill. I think it is important that the bill should be passed soon.

Mr. KING. What amount of appropriations does the bill carry?

Mr. JONES of Washington. It merely approves and authorizes projects which have been carefully considered. It does not appropriate a dollar. The Senator will understand that under the rules under which we are proceeding it is necessary, in order that an appropriation may be made, that a project shall be authorized. The appropriation is made through a different committee—the Committee on Appropriations. I am not trying to have the bill passed to-day.

Mr. KING. I am familiar with the rule. I understood that there was a bill either incubating or which had been hatched by one of the committees carrying approximately $80,000,000 for rivers and harbors. This is not that bill?

Mr. JONES of Washington. Oh, no. This bill approves projects which, if we should appropriate for them all, would cost only some $37,000,000.

Mr. KING. How many new projects are provided for in the bills?

Mr. JONES of Washington. I do not remember the number of them, but, as I have said, they do not exceed about $37,000,000 in cost.

Mr. SMITH. I understand the Senator simply desires to have certain amendments incorporated in the bill, or action taken upon them, without attempting to-day to bring the bill to passage?

Mr. JONES of Washington. That is all I desire.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. FLETCHER. I have no objection, but I want to say in this connection that I think it very important to pass the bill as early as we can. We have not had a river and harbor bill for some time. As the Senator explained, the bill does not carry any appropriations, but it authorizes certain projects which have been reported favorably by the engineers and which have been before Congress for some time past.

Mr. JONES of Washington. Let us take that question up a little later. I agree with the Senator absolutely.

Mr. FLETCHER. We must have this legislation before there can be any basis for an appropriation. I want to offer one or two amendments myself.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington to proceed with House bill 10766?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. JONES of Washington. I present the following amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 22, between lines 3 and 4, insert the following paragraph:

> Arkansas River, in the vicinity of Star Lake, Okla.

The amendment was agreed to.

Mr. JONES of Washington. On page 22, line 6, I desire to have reconsidered the vote by which the amendment was agreed to with reference to a survey, and to amend it in accordance with the amendment I send to the desk.

The PRESIDING OFFICER. The Senator from Washington asks that the vote by which the amendment was agreed to, on page 22, lines 5 and 6, striking out the words "Sioux City, Iowa," and inserting the words "Chamberlain, S. Dak.," be reconsidered. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. JONES of Washington. I move to strike out the word "Chamberlain" in the amendment and to insert the word "Pierre," so that the amendment will be to strike out "Sioux City, Iowa," and insert "Pierre, S. Dak."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. JONES of Washington. I submit the following amendment providing for a survey.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 25, after line 9, as amended, in the Washington items of survey, the Senator from Washington moves to insert:

> Cowlitz and Puyallup Rivers, Wash., with a view to preparing plans and estimates of cost for the prevention and control of floods on said rivers and their tributaries, and to determining the extent to which the United States and local interests should cooperate in carrying out any plans recommended.

The amendment was agreed to.

Mr. JONES of Washington. I desire to offer an amendment concerning a project which was approved after the bill passed the House, and the bill was reported to the Senate.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Assistant Secretary. On page 2, between lines 14 and 15, insert the following:

> Absecon Inlet, N. J., in accordance with a report submitted in House Document No. 375, Sixty-seventh Congress, second session.

Mr. KING. Mr. President, I appreciate that any objection to river and harbor bills meets with but scant sympathy in this body or in the body at the other end of the Capitol. The Senator from Washington has stated that the new projects authorized will call for over $35,000,000. I have just hastily glanced at the bill, and I find that there are a very large number of projects authorized. The amendment just offered calls for an additional project.

In addition to those authorized, if I understand the bill, directing attention now to section 13, the Secretary of War is "directed to cause preliminary examinations and surveys to be made at the following-named localities," and a sufficient sum is appropriated for that purpose. Then follow several score of names of new projects.

Mr. JONES of Washington. Those are simply surveys. I want to say to the Senator that that is the usual provision in a bill of this kind. A project can not get any consideration at all unless it is surveyed. I venture to say that 50 per cent of those surveyed will be reported on adversely on the preliminary examination. That is the usual practice.

If the Senator looks into the matter carefully, I do not believe he will see any very serious objection to a proposition like that. Of course, we do not know any of the facts about these projects until they are reported upon, and I was in hopes that there would be no discussion with reference to the bill generally this morning. I did not call it up for that purpose. If the Senator has objection to any of these amendments, well and good; but he will have full opportunity hereafter to present any objection he may have to the bill in its general form or to any item in it. I did not want to take very much time this morning. I hope to dispose of the amendments to which I have called attention before 1 o'clock. That is all I wanted to do.

Mr. KING. Of course, I shall not engage in any discussion of the bill this morning. I only want to say that I shall object to any new projects of any kind, character, or description, and if I can defeat a bill containing these new projects in any proper and parliamentary way I shall do so. We have enough projects now pending, incomplete, to call for all the money the Treasury can properly give. I am in favor of completing all legitimate and proper projects, and I think we should complete them where the work of completion can be carried forward expeditiously before we order surveys of a hundred or a hundred and fifty new surveys.

I think this is a most absurd and most impolitic proposition. Take the Mississippi and the Missouri Rivers, where on many old projects we have expended large sums, projects which we have not completed, and much that has been expended has been wasted because the projects were not completed. In view of the drains upon the Treasury let us complete the worthy projects now under process of completion and not inaugurate work upon a hundred additional projects when we are not completing those upon which work has already been begun and upon which work has been authorized.

Mr. JONES of Washington. Does the Senator object to this amendment?

Mr. KING. I object to it.

Mr. JONES of Washington. I will withdraw that amendment at this time, because I do not desire to precipitate any discussion. But I have an amendment to propose, to which I am satisfied the Senator will not object. This is an amendment recommended by the engineers with reference to the continuation of the improvement in New York. Under the project as now adopted it will cost ultimately about $78,000,000 to complete it. Here is an amendment which reduces that $33,000,000.

Mr. KING. If the Senator will offer an amendment to withdraw the project entirely, I shall agree with him very cheerfully.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Assistant Secretary. On page 8, after line 20, insert the following:

> East River, N. Y., in accordance with the report submitted by the Rivers and Harbors Committee, Document No. 3, Sixty-seventh Congress, second session.

Mr. JONES of Washington. That is a modification of the existing project.

The amendment was agreed to.

Mr. JONES of Washington. In connection with the amendment just agreed to I ask to have printed in the Record the following letter from the Secretary of War.

There being no objection, the letter was ordered to be printed in the Record, as follows:

War Department,
Washington, July 12, 1922.

Hon. Wesley L. Jones,
Chairman Committee on Commerce, United States Senate.

My Dear Senator: Supplementing my letter of May 31, 1922, in reply to your letter of May 24 asking certain questions in regard to the merits of the pending river and harbor bill (H. R. 10766) now before your committee, I desire to invite attention to the report submitted in River and Harbor Committee Document No. 3, Sixty-seventh Congress, second session, recommending a modification of the project for the improvement of East River.

The project heretofore adopted for this improvement provides, among other things, for a channel 40 feet in depth extending through East River from upper New York Bay to Throgs Neck. The part of this project which provides for a through channel 40 feet in depth was adopted by the river and harbor act of July 18, 1918, partly as a war measure with a view to providing a second deep channel into New York Harbor which could be utilized by the Navy in time of necessity. The estimated cost of the project at that time was $36,900,000, exclusive of amounts expended upon previous projects. Since 1918 additional surveys and investigations have been made, and experience in the conduct of the work indicates that due to the difficulties of the work and rise of prices the work will now cost approximately twice as much as was previously estimated. Consideration is given in the document above referred to (River and Harbor Committee Document No. 3, 67th Cong., 2d sess.) to the reduction in the project depth from 40 feet to 35 feet in the through channel east of the navy yard. Based on present prices, the cost of completing the through channel 40 feet in depth is estimated to be $71,500,000, while the cost of completing a channel 40 feet in depth up to the navy yard and 35 feet in depth east of the navy yard is $38,000,000, a difference of $33,500,000.

On account of the swift currents, rocky bottom, narrow and tortuous channel and congested traffic conditions, it is highly improbable that any vessel drawing as much as 35 feet would attempt to use the channel. Moreover, the channel is crossed by a number of bridges having a clearance of 135 feet above high water, which is insufficient for most, if not all, vessels drawing more than 35 feet to pass under without lowering their masts and funnels. The commercial statistics for the calendar year 1920 show that the deepest draft vessel entering New York Harbor drew between 35 and 36 feet, and that the deepest draft vessel leaving the harbor drew between 38 and 39 feet, and that out of 5,338 vessels entering and leaving the harbor only 8 drew 35 feet or more. At high tide, even with the 35-foot project depth, there would be over 40 feet of water through this channel, which would be sufficient for any vessel entering or leaving New York Harbor in the calendar year 1920, if other conditions were such as to make it possible for such vessel to pass through this channel.

The adoption of the 40-foot channel was favored by the Navy Department at the time it was adopted in 1918, but as shown by a letter published on page 5 of the River and Harbor Committee Document No. 3, Sixty-seventh Congress, second session, the Navy Department is now satisfied with a channel 40 feet in depth leading up to the navy yard and a 35-foot channel from there on through the East River.

The conditions, therefore, which tended to favor the adoption of the 40-foot channel in 1918 have materially changed, and in view of the great saving which will be effected by the modification of this project so as to provide for 35 feet east of the navy yard and the sufficiency of such project for all present or prospective commerce, I recommend that this project be modified accordingly. An item reading substantially as follows, inserted in section 2 of the pending bill, will accomplish this result:

East River, New York, in accordance with the report submitted in Rivers and Harbors Committee Document No. 3, Sixty-seventh Congress, second session.

Very sincerely,

John W. Weeks,
Secretary of War.

Mr. JONES of Washington. That is all I will propose this morning, the hour of 1 o'clock having arrived. So I ask that the bill may be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FLETCHER. The Chair has not announced that the hour of 1 o'clock had arrived. I wanted to offer one or two amendments to the bill.

CONSIDERATION OF PENSION BILLS.

Mr. BURSUM. Mr. President, I desire to give notice that immediately after the disposition of the pending coal emergency bill and of the coal commission bill, which is the unfinished business, I intend to move to take up the pension bills on the calendar.

UNITED STATES COAL COMMISSION.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate, the unfinished business, which will be stated.

The Assistant Secretary. A bill (H. R. 12377) to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

Mr. CUMMINS. Mr. President, may I suggest that the unfinished business is House bill 12472, the coal bill which was considered yesterday.

The PRESIDING OFFICER. The bill now before the Senate was temporarily laid aside yesterday in order to consider House bill 12472.

Mr. CUMMINS. I would like to know the present status, then, of House bill 12472.

Mr. CURTIS. Mr. President, I understood upon yesterday that the Senator from Idaho [Mr. BORAH] asked unanimous consent to lay aside temporarily House bill 12377, which was then the unfinished business, and that the Senator from Iowa then asked unanimous consent to proceed with House bill 12472, the emergency coal bill. That being so, of course the commission bill, H. R. 12377, is still the unfinished business. I would suggest to the Senator from Iowa, in view of that fact, that he ask unanimous consent to proceed to the consideration of the emergency coal bill.

Mr. CUMMINS. In conformity with that suggestion, I ask unanimous consent that the bill just reported by the Assistant Secretary be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DISTRIBUTION AND SALE OF COAL.

Mr. CUMMINS. I now ask unanimous consent that the Senate proceed to the consideration of House bill 12472.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. CUMMINS. Mr. President, I intend this afternoon to address myself to certain questions which were presented yesterday by the Senator from Alabama [Mr. UNDERWOOD], the Senator from Missouri [Mr. REED], and the Senator from Montana [Mr. WALSH], these being the more important matters which are in controversy. But before I do so I desire to state in the briefest possible way what the bill is. In order that we may be prepared to vote upon the first question that must be disposed of, I move that the matter contained after the enacting clause in the bill now under consideration be stricken out, and that there be substituted therefor the matter contained in Senate bill 3940, together with the amendments to that bill which were reported by the Committee on Interstate Commerce.

The PRESIDING OFFICER. The amendment offered by the Senator from Iowa, in the nature of a substitute, will be read.

The ASSISTANT SECRETARY. Strike out all after the enacting clause in the bill H. R. 12472 and insert the matter which appears after the enacting clause in Senate bill 3940, as reported by the Committee on Interstate Commerce, as follows:

> That by reason of prolonged interruption in the operation of a substantial part of the coal mining industry in the United States and of impairment in the service of certain common carriers within the jurisdiction of the Interstate Commerce Commission and engaged in commerce among the States a national emergency exists which threatens to obstruct and hamper the operation of the Government of the United States and of its several departments, the transportation of the mails, the operation of carriers engaged in commerce among the several States and with foreign countries, and to furnish an opportunity for the disposition of coal and other fuel at unreasonably high prices.
>
> SEC. 2. That the powers of the Interstate Commerce Commission under the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, including the transportation act, 1920, and especially under section 402 of said transportation act, 1920, are, during the aforesaid emergency, enlarged to include the authority to issue in interstate transportation of coal or other fuel orders for priorities, embargoes, and other suitable measures in favor of or against any carrier, or region, or person, or corporation, and to take any other necessary and appropriate steps for the priority in transportation and for the equitable distribution of coal or other fuel so as best to meet the emergency and serve the public interest, and to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal or other fuel at prices unjustly or unreasonably high.
>
> SEC. 3. That for the purpose of assisting in carrying into effect the orders of the Interstate Commerce Commission made under existing law or under section 2 hereof there is hereby created and established an agency of the United States to be known as "the Federal fuel distribution," and there shall be appointed by the President a Federal fuel distributor, who shall ascertain:
>
> (a) Whether there exists within the United States or any part thereof a shortage of coal or other fuel and the extent of such shortage;
>
> (b) The fields of production of coal and other fuel and the principal markets to which such production is usually transported and distributed and the means and methods of distribution thereat:
>
> (c) The prices normally and usually charged for such coal and other fuel and whether current prices, considering the costs of production and distribution, with fair profits, are just and reasonable; and
>
> (d) The nature and location of the consumers, whether persons, firms, corporations, municipalities, or communities, which should receive priority in transportation and distribution under the acts to regulate commerce administered by the Interstate Commerce Commission, including the transportation act 1920 in time of shortage of coal or other fuel, or the transportation thereof, to the end that an equitable distribution of coal or other fuel may be secured so as best to meet the emergency and serve the public interest.
>
> The Interstate Commerce Commission is hereby directed to receive and consider the recommendation of the Federal fuel distributor based upon his reports upon the foregoing subjects, and any other information which it may secure in any manner authorized by law.
>
> SEC. 4. That the Federal fuel distributor may make such rules, regulations, and orders as may be necessary to carry out the powers conferred upon him under the provisions of this act, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department agency or political subdivision thereof, or any person or persons, and may avail himself of the advice and assistance of any department, commission, or board of the Government, and may appoint or create any agent or agency to facilitate the power and authority hereby conferred; and he shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing laws, and make such expenditures for rent, printing, telegrams, telephones, furniture, stationery, office equipment, travel, and other operating expenses as shall be necessary for the due and effective administration of this act.
>
> SEC. 5. That whenever the President shall be of the opinion that the national emergency hereby declared has passed he shall by proclamation declare the same, and thereupon this act shall no longer be in force or effect, and in no event shall it continue in force and effect for longer than one year from the passage thereof.
>
> SEC. 6. That for the enforcement of the provisions of this act, including personal services and every other expense incident to the enforcement thereof, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000, or so much thereof as may be necessary.

Mr. CUMMINS. Mr. President, in view of the motion which I have just made I shall review, with such brevity as is possible, the provisions of the Senate committee bill as it has been proposed to be amended by the Committee on Interstate Commerce.

Section 1 of the Senate committee bill declares the emergency and the character of the emergency. It reads as follows:

> That by reason of prolonged interruption in the operation of a substantial part of the coal-mining industry in the United States and of impairment in the service of certain common carriers within the jurisdiction of the Interstate Commerce Commission and engaged in commerce among the States, a national emergency exists which threatens to obstruct and hamper the operation of the Government of the United States and of its several departments, the transportation of the mails, the operation of carriers engaged in commerce among the several States and with foreign countries, and to furnish an opportunity for the disposition of coal and other fuel at unreasonably high prices.

This is the emergency which is declared by Congress. We do not delegate to any officer, executive officer, or administrative officer, or body the authority to declare the emergency. The Congress declares it. That the emergency is very real no one will dispute. The bill, however, is intended to deal with a single phase of the emergency, namely, the opportunity for the disposition of coal and other fuel at unreasonably high prices. The second section of the bill reported by the Committee on Interstate Commerce reads as follows:

> SEC. 2. That the powers of the Interstate Commerce Commission under the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, including the transportation act, 1920, and especially under section 402 of said transportation act, 1920, during the aforesaid emergency, enlarged to include the authority to issue in interstate transportation of coal or other fuel orders for priorities, embargoes, and other suitable measures in favor of or against any carrier, or region, or person, or corporation, and to take any other necessary and appropriate steps for the priority in transportation and for the equitable distribution of coal or other fuel so as best to meet the emergency and serve the public interest and to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal or other fuel at prices unjustly or unreasonably high.

I may remark that section 1 of the Senate committee bill is not essentially different from section 1 of the House bill, concerning which some discussion was had yesterday. There is, however, a marked essential difference between section 2 of the Senate committee bill and section 5 of the House bill, which is the corresponding section in the measure passed by the House of Representatives.

The first point of difference, and it is the fundamental one, is that the House bill attempts to give the Interstate Commerce Commission the authority to embargo coal produced in a State and transported from the mines to points within that State or to embargo against a dealer the transportation of coal from one point in a State to another point within that State. I find myself utterly unable to accept the bill of the House in that particular. I do not believe it would be wise to attempt it even if we had the authority to do it. I am very firm in my conviction that Congress has no authority to clothe the Interstate Commerce Commission with power to lay an embargo upon coal or other fuel that is simply being transported from one point in a State to another point in the same State. I would, for that reason if for no other, ask the substitution which I have proposed. We must prepare ourselves to do the best we can to reconcile the difference between the House and the Senate upon that point.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in chair). Does the Senator from Iowa yield to the Senator from Florida.

Mr. CUMMINS. I yield.

Mr. FLETCHER. Does the House bill propose to place a direct embargo on intrastate shipments, or does it propose to accomplish the embargo by taking all the cars for interstate business? It seems to me undoubtedly they have no authority to do the first.

Mr. CUMMINS. The House bill makes no distinction between interstate and intrastate transportation; none whatever.

The second point of difference between the Senate committee bill and the House bill, so far as section 2 of the Senate committee bill is concerned, is that the House uses this language:

> And to take any other necessary and appropriate steps for the priority in car service and for the equitable distribution of coal or other fuel so as best to meet the emergency, prevent extortion in prices charged for coal and other fuel, and promote the general welfare.

The Senate bill uses this language:

> and to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal or other fuel at prices unjustly or unreasonably high.

Whether there is any difference between the word "extortion" and the word "unreasonable" I shall not pause to consider. It is sufficient to say that in all these regulatory acts we have adhered to the words "fair, just, and reasonable," and I think it is much better in describing the circumstances under which an embargo may be issued by the Interstate Commerce Commission to employ the words "unjustly or unreasonably high" rather than the word "extortion," which is less understood, at least in the administration of regulatory laws, and would not furnish a court or any other tribunal with the same guide that the words "unjust and unreasonable" would supply. Those are the two differences in section 2 of the Senate bill as compared with section 5 of the House bill.

I now come to devote myself for a moment to the position taken by the Senator from Alabama [Mr. UNDERWOOD]. As I understand, his attitude is that this bill adds nothing to the existing law, and therefore is unnecessary. I do not understand him to object to the proposed law because it is unconstitutional or to object to it because it may indirectly control the price of a particular dealer or of a particular operator. My impression from his very able and very comprehensive discourse on yesterday is that it is of no value whatever; that the commission already has all the power that this bill would give or would attempt to give it; and, furthermore, that we do not in this bill reach the real difficulty which now exists in the United States, namely, the existence of a strike which has not only prevented the normal production of coal but another strike which has prevented the normal operation of railways.

I admit at once that this bill does not have any tendency whatever to prevent strikes; it does not concern itself with disputes between employers and employees, or with the best manner of adjusting, settling, or adjudicating such disputes. There is nothing in the bill which can possibly have that effect. I admit that, fundamentally, that is the trouble which has come upon the United States; but it does not follow that because this bill will neither prevent strikes nor compose them after they have become accomplished facts it is therefore useless or unnecessary. The argument simply points out that at the proper time we must go forward and deal with these fundamental industrial troubles.

I admit also, as stated by both the Senator from Alabama and the Senator from Missouri [Mr. REED], that this bill will not return a single disabled engine to the service, nor will it repair a single car that has become unfit for service. Those are great problems to which we must very soon give our undivided, our earnest, and our courageous attention. This bill is confined to one object, and it springs from the hope that if the bill shall become a law during the time the present strike is in existence, during the time that the carriers are unable to perform their functions in an adequate way, that those who are disposed to take advantage of that deplorable condition may be prevented from doing so, and that the people of the country may secure whatever coal is produced and whatever coal the transportation companies can carry to the points of consumption at a reasonable price. That is the whole purpose of the bill.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield to the Senator from Missouri.

[At this point a colloquy took place which appears at the conclusion of Mr. CUMMINS's speech.]

Mr. CUMMINS. Recalling the discussion to the point I was presenting when I was interrupted by the Senator from Missouri [Mr. REED], I suggest to the Senator from Alabama a reconsideration of his views with respect to the powers bestowed by this bill upon the Interstate Commerce Commission.

I repeat, the Senator from Alabama believes that the bill is of no value because the Interstate Commerce Commission now has the authority this bill attempts to give that commission, and that therefore the bill will accomplish nothing, even if it be passed. It is to that point I desire for a moment to address myself.

The Senator from Alabama yesterday read one section, and a vital section, with regard to the present power of the commission, but that is not the only section which has reference to the powers of the commission with regard to the distribution of coal, and I take the liberty of reading paragraph 12 of section 1 of the present law. It became a part of the present law through the transportation act of 1920. It reads as follows:

> It shall also be the duty of every carrier by railroad to make just and reasonable distribution of cars for transportation of coal among the coal mines served by it, whether located upon its line or lines or customarily dependent upon it for car supply. During any period when the supply of cars available for such service does not equal the requirements of such mines it shall be the duty of the carrier to maintain and apply just and reasonable ratings of such mines and to count each and every car furnished to or used by any such mine for transportation of coal against the mine. Failure or refusal so to do shall be unlawful, etc.

Here is a specific direction given to the Interstate Commerce Commission with regard to the supply of cars to coal mines. Then I come to section 15, which does contain the authority to issue priority orders and lay embargoes. I will not read the entire paragraph, because the Senator from Alabama read it yesterday. The first part of the paragraph declares that whenever the commission is of opinion that there is a shortage of equipment, and so forth, it shall have authority to suspend, and so on. Then follows this:

> (d) To give directions for preference or priority in transportation, embargoes, or movement of traffic under permits, at such time and for such periods as it may determine, and to modify, change, suspend, or annul them.

However the Senator from Alabama may interpret these two paragraphs, a part of which I have read, I am sure he will agree that there is room for another reasonable interpretation. My opinion on this question was not formed for the purposes of this argument. It is one that was formed after some study, and I advised those who were connected with the fuel administration that, in my judgment, when paragraph 12 and paragraph 15 are considered together the Interstate Commerce Commission did not have the authority to lay an embargo simply because a coal operator or a coal dealer who would be affected by the embargo was exacting from the persons with whom he is dealing an unfair or unjust price. That is my opinion still.

It may be that the Senator from Alabama is giving it a fuller and more correct construction, but at least he will admit that there is room for difference of opinion, and inasmuch as that difference of opinion prevents the Interstate Commerce Commission from acting in the way of laying an embargo or preventing a coal operator or a coal dealer who is selling his coal at an exorbitant price from having the use of cars to transport his commodity in interstate commerce there ought to be no hesitation about enacting this bill, if that be the only objection to it.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me——

Mr. CUMMINS. I yield to the Senator from Alabama.

Mr. UNDERWOOD. The Senator has been so courteous and kind this morning that his speech has been interrupted many times, and I therefore dislike to interrupt him again.

Mr. CUMMINS. I am glad to yield to the Senator.

Mr. UNDERWOOD. The Senator has referred to my statement the other day, and if he will be kind enough to allow me I should like to make just this suggestion: I am familiar with the paragraph to which the Senator has referred. In fact, serving together on the committee which prepared the bill on the part of the Senate, we have discussed the issue before.

As the Senator well knows, the rule of construction is that in construing two paragraphs or two sections of a bill they must be read, if possible, so that each shall have its full and vital power, and not to destroy one paragraph by a construction of the other paragraph. The Senator knows that the paragraph which was put in with regard to coal was not put in with the idea of Congress—and the debates in this Chamber will reflect this viewpoint—of preventing the shipment of coal or the levying of an embargo, but was injected into the bill to guarantee to every producer of coal in the United States an equitable distribution of cars for his service. That is all it was for, so that each might have an equitable distribution of cars to serve his mines.

On the other hand, paragraph 15, in authorizing the commission to lay an embargo, was intended to place within the power of the Interstate Commerce Commission the right to levy an embargo to guard against a national disaster, if one confronted the country, or a great injury to business. It seems to me the construction the Senator puts upon the two paragraphs, construing them together—that the fact that we directed that there should be equal distribution of cars to the mines is negative of section 15 where we gave the power to levy an embargo and meet an emergency—is a construction which is in violation of all the rules of construction, because if we put that construction on the two paragraphs then we make paragraph 15 negative paragraph 12, the paragraph which already requires equal distribution of cars, when if we take the debates and consider the question as it was presented to Congress and the purpose of the legislation there is no necessity for that construction. It is not within the reason of what we attempted to do. We merely by section 12 guaranteed to the mines an equal distribution of cars, not to meet an emergency but to see that each mine got a fair opportunity for cars for the distribution of coal; but we put section 15 in there to meet an emergency in transportation that could not be met except by drastic measures.

In the first place, I want the Senator to understand that my objection to the bill has not been based on the proposition that it was hurtful to reenact the law, if it is constitutional. I have doubts in my mind as to whether the provisions of the bill attempting to fix prices in this indirect way are constitutional, but I realize that there is a great emergency which confronts the people of the United States.

The purpose of my discussion yesterday was not to negative the bill, because I realize there is something in the bill of great value, and that is an appropriation of $250,000. Whether the Interstate Commerce Commission exercise this power, as I believe they have a right to do under existing law, or whether they exercise the power under the bill which the Senator has proposed, I realize that they need some money, and I have no objection to giving them the $250,000 necessary to allow them to meet the emergency. That was not the purpose of my discussion at all.

Yesterday I simply attempted to point out the fact that, regardless of the passage of the bill, the Interstate Commerce Commission has the power to act and that its action along this line does not meet the emergency which confronts the country; that it is not a coal strike that is making the people suffer, but it is a railroad strike which does not enable the producers of coal to deliver the coal at the door of the consumer, who is badly in need of it. That was the sole purpose of my argument in this case. It was not to resist the Senator's bill, but to point out the fact that we are proceeding here with legislation which, in my judgment, does not meet the situation, does not enlarge the powers of the Government, and only gives the Interstate Commerce Commission $250,000 to be effective, and leaves the situation just as it was when the measure was brought into the Senate. I think the Senate should pause and seriously consider, before we pass the bill, as to whether or not we are going to put powers within the bill which meet the real emergency that confronts the country.

Mr. CUMMINS. I have evidently misunderstood the general position taken by the Senator from Alabama. While I do not agree with him with respect to the power that is given to the Interstate Commerce Commission under section 15 or section 12 of the interstate commerce act, and while I believe that the bill is necessary to enable the commission to act in a way and for the purposes described, and that we ought to give to the Interstate Commerce Commission this addidtional power, yet if the Senator from Alabama does not intend to oppose the bill upon that ground I shall not dwell a single moment longer upon that phase of it.

Mr. UNDERWOOD. I will tell the Senator candidly the only question that makes me hesitate about voting for the bill, although I do not think it is effective, but it does not work injury to twice enact the same statute. We could enact the same statute twice and it would not work injury, so I am not objecting to it on the ground that they already have the power. The only question in the world that confronts me and makes me doubt as to whether I should vote for the bill is the question as to whether it is in the power of the Congress under the Constitution of the United States to attempt, in this indirect method, to regulate coal prices. I have no objection in an emergency to regulating the price if we can, because I think this is a real emergency in the country, where we should carry the coal to the consumers at reasonable prices if we can do so without violating the Constitution of the United States. But is the bill constitutional? That each Senator must determine for himself when it is before the Senate; he is precluded from voting for it if he concludes for himself that it is inhibited by the Constitution of the United States. But on that point I have not reached a conclusion, and I am listening to the Senator to hear what he has to say on the subject.

Mr. CUMMINS. As I said a moment ago, in view of the suggestion of the Senator from Alabama, I shall not analyze the two statutes to show, as I think I could show, that there is authority in the bill which we now propose to enact that is not contained in the law as it now exists. I pass on, as I am engaged now in pointing out the differences between the two bills.

Mr. WALSH of Montana. Mr. President, before the Senator passes from the discussion of the two provisions of the bill I should like to supplement with this comment what was said on the subject by the Senator from Alabama. It occurs to me that paragraph 12 expresses a duty on the part of the railroad companies with respect to the furnishing of cars for the use of the mines. Paragraph 15 prescribes certain authority of the commission with respect not to coal mines particularly but generally. It occurs to me that the two sections are not in any sense in conflict. Paragraph 12 prescribes the duty of the railroad companies to furnish the cars for use at the mines as therein prescribed.

Mr. CUMMINS. The Senator did not understand me to say they were in conflict, did he?

Mr. WALSH of Montana. Oh no. But the idea did occur to me that it was intended to provide that the commission could make orders of priority or embargo as provided in subdivision (d) of paragraph 15, and of course then paragraph 12 would not be operative. In other words, the duty of the carriers would be modified by the provision of subdivision (d).

Mr. CUMMINS. If no Senator intends to vote against the bill because it is simply a duplication of authority, I shall not continue the argument to any great extent, but I can give the Senator from Montana my own view about it. I think that paragraph 15 gives to the Interstate Commerce Commission the authority to lay an embargo upon any commodity. The issuing of a priority order is not confined to coal, but I think the power is limited to the distribution of the commodity. I think the commission has the authority to say that the coal mined at a certain mine shall be transported only to a certain place and used for a certain purpose, or to issue an order as to any other commodity that may be essential or vital in the life of the people.

I think it enables the Interstate Commerce Commission to say that a certain quantity of coal shall be assigned to a certain industry or to a certain public utility. All these things I feel sure the commission has the authority to do. The commission exercised that authority in 1920, as it exercised the authority in 1921. But I venture to say that it has never dreamed of exercising that authority in order to prevent unfair, unjust, and unreasonable prices.

Mr. WALSH of Montana. That is just the point with respect to which I want to get the views of the Senator. The power is given here to give direction for preference or priority in transportation, embargoes, or movements of traffic under permit at such time and for such purpose as it may determine and to modify, change, suspend, or annul them. There is absolutely no restriction whatever.

Mr. CUMMINS. I think there is. That is the difference between the Senator from Montana and myself. I think that the whole atmosphere which surrounded the enactment of the law, what might be called the spirit of the law, restrains or restricts the commission from exercising the power of creating priorities and laying embargoes for the purpose of controlling or regulating prices.

Mr. WALSH of Montana. But could the Senator express the rule of restriction? By what rule is the Interstate Commerce Commission governed with respect to these embargoes? How is it limited? By what rule is it limited?

Mr. CUMMINS. There is a rule against discrimination. I do not believe that paragraph 15 destroys the entire interstate commerce law.

Mr. WALSH of Montana. But——

Mr. CUMMINS. Just a moment. I think if there were two mines side by side, equally meritorious, and each wanting to supply a utility or other consumer, under the order of the commission, the commission could not say to one mine "You shall have the entire business" and to the other mine "You shall not ship any coal."

Mr. WALSH of Montana. If there is such a restriction in the proposed statute, it, of course, is implied; it is not expressed; and I agree with the Senator from Iowa that probably it is implied by reason of constitutional principles.

Mr. CUMMINS. I think so.

Mr. WALSH of Montana. Yes; but if there are no——

Mr. CUMMINS. Not of constitutional principles alone, because there are a half dozen paragraphs or sections in the interstate commerce act prohibiting discrimination.

Mr. WALSH of Montana. Yes; but subdivision 12 of the transportation act clearly expresses that rule as to coal mines; it goes into details, providing that there shall be no discrimination with respect to them; but, of course, the rule of no discrimination is subject to the exception of subdivision (d) of paragraph 15, for, undoubtedly, the commission can discriminate and impose embargoes and preferences and priority orders; so that the rule of no discrimination, it seems to me, is subject to discretion vested in the board by the provisions of subdivision (d).

Mr. CUMMINS. The discrimination prohibited by the law is unjust discrimination, unfair discrimination. There is no provision in the interstate commerce law which forbids all discrimination; but there is a prohibition—and it occurs many times in the statute—against unjust discrimination; and I assume that the Interstate Commerce Commission takes the position, although I have not conferred with any member of that commission upon the subject, that, in view of all the provisions of the law, it has no authority to say that a coal mine shall not be supplied with cars if the coal operator is charging unfair and unjust prices for his product.

If the present law gives the Interstate Commerce Commission that authority—and I assume that that is the view of the Senator from Montana—or, at least, if it gives them that authority so far as Congress can confer authority of that character, then it becomes immaterial—there is no harm in again giving it to them in order that the commission may exercise it, for it will not exercise it now. It has not exercised it and it will not exercise it; and the reason that it refuses to do so is because its members believe that it has no power under the statute to do so.

Mr. WALSH of Montana. I have no answer to make to the argument of the Senator, that the commission, having the power, it would do no harm to grant it again; but I wish to submit that if the rule governing discriminations is such as now suggested by the Senator from Iowa, namely, that discriminations may be made by the Interstate Commerce Commission, but that unjust discriminations may not be made by them, then it certainly is not the intention of this proposed statute to give the commission the power to make unjust discriminations. If they have power to make just discriminations, if that is the rule, then the pending bill can be condemned as authorizing unjust discriminations.

Mr. CUMMINS. The argument, it seems to me, is purely academic, and I, therefore, do not intend to pursue it further.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. NELSON. I shall not branch off into another line of discussion as I did before.

Mr. CUMMINS. I will yield to the Senator from Minnesota whether he branches off or not, for I am always glad to hear him.

Mr. NELSON. I wish to call attention to a condition which existed in 1917. We in the Northwest were then confronted with pretty nearly the same condition as now exists, but the condition at that time arose from a car shortage and not because of a strike.

There was plenty of coal, but large consumers in the West, in Chicago and other places, for instance, were offering the coal producers a larger price than they could get by shipping their coal to the Lake Erie ports and from there by water to Duluth and other points on Lake Superior. The Interstate Commerce Commission at that time intervened and enabled us to get coal, and to get it in this way: They ordered shipments to be made to the Lake ports before navigation closed. Indirectly the same situation will develop again; that is, the coal producers will be offered greater prices by some other locality and will insist on shipping their coal there. The Interstate Commerce Commission, however, can intervene and say, "This coal is needed more urgently at the Lake ports than at any other place," and order it to be shipped to those ports, so that it may be carried by water before navigation closes on the Lakes. In that way this proposed legislation can help us.

Mr. CUMMINS. The danger which the Senator from Minnesota points out is a very real danger, for, indeed, I do not believe that the Government has it in its power to get or that there is any instrumentality known to the industry of the United States that can get the required amount of coal to the head of the Lakes. There is bound to be a very great shortage of coal during the entire winter throughout the States of Minnesota, North Dakota, South Dakota, and a part of my own State, which uses and must use coal from Kentucky, Illinois, or West Virginia.

I need not dwell upon the similarity or dissimilarity of sections 3 and 4 of the Senate bill as compared with sections 3, 4, and 7 of the House bill. While they differ in phraseology there is no substantial difference between them.

The next difference of real importance between the House and the Senate bills will be found in section 9, for which there is no equivalent section or provision in the Senate bill. Section 9 of the House bill provides:

> SEC. 9. Every person or corporation who shall knowingly offer, grant, or give, or solicit, accept, or receive any concession or discrimination in respect of car service as the same is defined in paragraph (10) of section 1 of the interstate commerce act, in violation of any order, direction, or rule of the Interstate Commerce Commission in respect thereto, or who shall by any willful misrepresentation or by any fraudulent device or means whatsoever procure or cause to be issued any order or direction for priority hereunder, or whoever having obtained coal or other fuel through a priority order or direction shall dispose of the same for purposes other than those for which said priority order or direction was issued without the consent of the Interstate Commerce Commission, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000.

Then there is a proviso which explains in some degree—or, possibly, modifies in some degree—the provisions I have just read.

The Senate bill acts entirely upon common carriers; the House bill acts in a measure, as will be observed from the section I have just read, upon others than carriers. I am in sympathy with the spirit and the purpose of the House provision, but I think it needs considerable revision. I do not intend to discuss the respects in which I think it may be lacking in certainty or in justice, but if the motion which I have made shall prevail the whole section will be in conference, to be considered by the conferees and reported afterwards to the Senate.

A further difference between the House bill and the Senate bill is found in section 10. Each of the bills proposes to appropriate $250,000 for the enforcement of the provisions of the proposed act. I want here to say that the Senator from Alabama interpreted or analyzed the pending measure with absolute accuracy when he said that the fuel distributor will simply be an arm of the Interstate Commerce Commission and will have no other function except to carry out and help to enforce the orders of priority and of embargo which that commission may issue and to supply the commission with such information as he may be able to gather.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield.

Mr. REED of Missouri. What is the Senator's understanding or what is meant by the term "embargo" in this bill?

Mr. CUMMINS. I take it that to embargo is to prevent a shipment.

Mr. REED of Missouri. That is, we would authorize an embargo against a private individual or company?

Mr. CUMMINS. Precisely. The Senator from Alabama contends that the law now authorizes that; and I think that is also the conclusion of the Senator from Montana. I may be wrong in thinking that it requires additional legislation to give the commission that authority, and this proposed legislation is intended to do that very thing.

Mr. UNDERWOOD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Alabama?

Mr. CUMMINS. I yield.

Mr. UNDERWOOD. I will say that the commission is exercising its power to create embargoes right now. It did so during the war. I know of a company in my home town which acquires from the furnaces slag which it sells for road-building purposes; it has a large business; but during the war, because the commission exercised the right of embargo and refused to let it have cars, it shut up its plant and suffered great loss. It is a very meritorious company; it had been guilty of no wrong; but the commission said they could not let it have cars to move slag for road-building purposes. I have a letter lying on my desk, which came in this morning, from one of the officers of the Birmingham Slag Co., which is the company to which I have referred, in which he says that since the 29th day of July, I believe, the commission have refused to let that company have any cars to move its product. That is an embargo, and the commission are exercising the authority to impose embargoes now, because they are transferring those cars, which are open dumps and necessary for coal purposes, to the coal mines. There can be no question about their exercising the authority.

Mr. CUMMINS. Undoubtedly the Interstate Commerce Commission has laid embargoes upon a great many kinds of freight, and the very instance cited by the Senator from Missouri [Mr. REED] yesterday to the effect that the commission has now released certain open-top cars from the requirement that they be used only in the transportation of coal indicates just what an embargo is.

Mr. REED of Missouri. Mr. President, I think I see a very great difference. Of course, two things might operate to bring about the same result; but I see a great difference between the Interstate Commerce Commission, in the exercise of a discretion or judgment as to what particular class of goods ought to be first moved, allocating cars to move that class of goods, the result being that there may not be cars for another class of goods—I see a great difference between that, which is merely giving a preferential service, and the commission sitting down and writing a declaration to the effect that a certain man shall not have cars at all because he has done something that offends the commission; and that is the use that I think is likely to be made of this term "embargo." If it is not the use, then it is surplusage in the bill.

Mr. CUMMINS. It is to be used—that is, I hope it is to be used.

Mr. REED of Missouri. It is one thing to say that you shall first haul perishable goods, and that if there are not enough cars to go around you shall give to the shipper of perishable goods the first preference, the result being that perhaps a man could not move coal or some other commodity; and it is quite another thing to say: "We hereby decree that the man having these other commodities shall not have a car." That is an embargo. That is the refusal by direction to a citizen of the United States of the right to use the highways of the United States; and I doubt the right of this Government to do anything of that sort. Of course, the other thing it can do. We can direct the cars to be given in preference to a particular class of freight, as long as the regulation is within the limits of reason; but I take it that it could not be an unreasonable and arbitrary act and be sustained by the courts.

I should like to see the word "embargo" out of this bill, because I believe it will be employed in just the manner I have indicated, by simply writing an order: "You shall furnish no cars to A, B, C, or D." If you leave that in the bill and if that is ever attempted, in my judgment the courts will say that it is beyond the power of Congress.

Mr. CUMMINS. Mr. President, the word "embargo" is in the existing law——

Mr. REED of Missouri. It may be.

Mr. CUMMINS. And it operates fully and completely upon the subject matter upon which it can operate. The very purpose of this bill—and if it is not a wise policy, then it should be defeated—is to give the Interstate Commerce Commission the authority to embargo on account of the exaction of unreasonable prices for coal. If it is not worthy of being passed, then it ought to be defeated; but, mark you, in the law as it is the Interstate Commerce Commission found and declared the emergency. I am not willing to give the Interstate Commerce Commission the right to determine that an emergency exists, and use the power that is given in this bill. It would be very repugnant to me. I think Congress alone should determine the emergency which calls into exercise so grave a power as we are proposing now to confer upon the Interstate Commerce Commission.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me——

Mr. CUMMINS. I yield.

Mr. UNDERWOOD. The Senator has already given the commission that power. He gave it under the transportation act. I cited a moment ago the instance of the Birmingham Slag Co. There was no reason in the world why it should not receive dump cars, flat cars. It was conducting a perfectly legitimate business; but your commission to-day is refusing to give cars to them because it wants to give those cars to the producers of coal.

It does not make any difference whether you are refusing to give cars to a man because he is charging too much money for his coal or whether you are taking cars away from a slag man because you say he shall not ship his product because you want to move coal. It is identically the same thing, for the same purpose and the same reason and the same power.

Mr. DIAL. Mr. President——

Mr. CUMMINS. I yield to the Senator from South Carolina.

Mr. DIAL. They are doing the same thing with us. They refuse to give cars for coal to be shipped to certain people, and only give them when the coal is to be shipped to certain designated parties.

Mr. CUMMINS. Precisely. I have no doubt about the proposition that the present law gives the commission the authority to lay an embargo, and it has done it many times. It did it in 1920, and it did it in 1921, and it has repeated its authority in that respect in 1922. My proposition is—and I have said it so many times that I may weary you with it—that it has no power to lay an embargo against a man or an operator or a company simply because that man or operator or company is exacting unreasonably high prices for coal.

Mr. UNDERWOOD. If I do not weary the Senator, here is the gist of it: Let me ask him a question there. Suppose Smith is asking $20 a ton for coal and Jones is asking $5 a ton for coal. Does not the Senator concede that under the existing law when there are only so many cars that can be ordered to a tipple the Interstate Commerce Commission can order them to Jones, who is selling his coal for $5, instead of to Smith?

Mr. CUMMINS. It can not do it openly and frankly. It might by indirection do it.

Mr. UNDERWOOD. It can do it. It has been doing it this summer.

Mr. CUMMINS. But if those two coal mines were both supplying the same utility, and were both within the priority order that had been issued, I do not think the Interstate Commerce Commission would be justified, under the existing law, in saying that all the cars must be delivered to the mine that was charging $5 a ton, and none of the cars to the mine that was charging $20 a ton.

Mr. UNDERWOOD. Not to meet a national emergency of this kind?

Mr. CUMMINS. We meet the national emergency, so far as that is concerned, if the coal is devoted to a particular use.

Mr. UNDERWOOD. If they have not the right, morally and equitably, to meet that emergency and stop profiteering by giving the cars that they have to carry coal to the mine that is producing and selling the cheapest, then there is no justification for your bill at all, because they certainly can do it; they are doing it; but if you say they are not justified in doing it, then you say there is no justification——

Mr. CUMMINS. They are justified morally in doing it; but I say they have no authority in the law to do it; and they are not doing it, and they never have done it.

Mr. UNDERWOOD. They have a right to order their cars where they want them to go. They have gone so far in certain utilities that, if you carry out the argument, why should they discriminate, except to meet the emergency, between slag and coal? It is because of the emergency, and justly because of the emergency.

Mr. CUMMINS. Certainly.

Mr. UNDERWOOD. But, of course, if they can discriminate between slag and coal to meet the emergency, they can discriminate between coal and coke. There is no logic in that proposition.

Mr. CUMMINS. I will give another illustration. Suppose there were two mine operators, and one had red hair and the other had black hair, and the Interstate Commerce Commission said: "We prefer to deal with the man with red hair and we will not give the black-haired man any cars." Does the Senator think the country would sustain a proposition of that sort?

Mr. UNDERWOOD. No; but the only justification for your bill and the only reason why the country will sustain your bill for a moment is to meet an emergency, and they are authorized to make their discrimination under existing law to meet a national emergency which exists to-day.

Mr. CUMMINS. Very well. I can not convince the Senator from Alabama that this bill is needed; but the reason that he gives for believing that the bill is not needed is one which can not incline him to vote against the bill, because he insists that the commission already has all the authority that is attempted to be conferred upon it by this bill.

Mr. UNDERWOOD. Oh, I am not raising a question with the Senator about that, because I have no objection to your passing the statute twice if you want to do it. That is not the issue that I am raising at all.

Mr. CUMMINS. So that question becomes academic and I will not discuss it any further.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield to the Senator from Tennessee.

Mr. SHIELDS. I wish to interrupt the Senator for a question only, to see if I understand his explanation, in view of the discussion that has just taken place.

Do I understand the Senator's construction of the Esch-Cummins law to be that that related to transportation and distribution more particularly, and that the difference between that law and the powers there conferred upon the Interstate Commerce Commission and this bill is the concluding words of section 2, in which it is said:

> And to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal or other fuel at prices unjustly or unreasonably high.

I do not understand what is meant by inserting the word "purchase" there—to prevent a man from paying a high price for it. Really, what is desired is to prevent them from selling it for a high price; but that is trivial. Is that the distinction between this bill and the present law?

Mr. CUMMINS. So far as the authority of the Interstate Commerce Commission is concerned; yes.

Mr. SHIELDS. That is what I understood the Senator to say. Now, one other question: Did I understand the Senator to assent to the proposition which I think the Senator from Minnesota made, that under this bill the Interstate Commerce Commission could, on account of the necessities of a certain region, force a dealer or an operator to ship his coal and accept the price of $12, for instance, at the Lakes, when at St. Louis he could get $20 for it?

Mr. CUMMINS. No; but if the necessities of the Northwest be great, it can now, under the present law, prevent the use of cars for the purpose of shipping coal where it is not needed in order to supply the region in which the coal is needed.

Mr. SHIELDS. Regardless of the competition in price?

Mr. CUMMINS. It can do that now, and has done it.

Mr. SHIELDS. Then, if my understanding is correct, the distinction between this bill and the law now, to which the Senator assents, is that it is really a price-fixing bill under that concluding clause?

Mr. CUMMINS. No; I refuse to assent to that phrase, although I have tried many times to indicate what I really thought the bill did authorize the commission to do. It is not a price-fixing bill, because a price-fixing bill would mean the creation of some commission that could say, for instance, that a fair price for coal is $3.50 a ton, and just issue that proclamation, or $2, or $10 a ton. No such authority is given in this bill.

Mr. REED of Missouri. But is there not authority to say that more than a certain price is an unfair price?

Mr. CUMMINS. It can say that with regard to a particular operator or a particular dealer.

Mr. REED of Missouri. When it says that, it then proceeds to take the cars away from that individual. Is not that the difference between tweedledee and tweedledum?

Mr. CUMMINS. No; there is a vast difference between the two propositions in my opinion. We had price fixing during the war, and this bears no more resemblance to the operations of the Fuel Administration during the war than it bears to the ordinances which we suppose prevail in the heavenly land.

Mr. REED of Missouri. I am not so sure that the Senator's illustration is not a little extreme. Suppose we took the prices of the last coal board and their classifications and the Interstate Commerce Commission should write above that, "No cars shall be furnished to any producer who charges more than the following scale of prices." You would have exactly the same thing which the coal board did, exactly the same result, exactly the same prices, unless the whole thing broke down, as the other might have broken down.

Before they can say what is an unreasonable price they must say what is a reasonable price, and that anything above that is unreasonable. That fixes the maximum price a mine can charge. It does not fix its minimum price. I do not understand that the coal board, in its worst days, ever said that a mine could not sell for less than their schedule of prices.

Mr. CUMMINS. It is not material to this bill, but I will state what the Fuel Administration did during the war. Its purpose was, of course, to induce the maximum production of coal. In my own State it ascertained the cost of producing coal in the highest-cost mines, mines which did not produce quite 5 per cent of the coal that was mined and used. It fixed the price in my region so that the mines thus unfortunately situated would receive a fair profit on their coal, and that enabled the mine in the next township or the next county which produced coal for one-half the cost of the first mine to which I have referred to reap an enormous and unconscionable profit. I hope that there is nothing in this bill which can possibly have any such effect. I know there is not.

Mr. REED of Missouri. I think I can show the Senator that that is inevitably the result, if not in degree at least in principle.

This board meets, and it starts in to determine what is a fair price for coal. How is it to determine it? It must take into consideration the costs of production, just as the other board took into consideration the costs of production. Having ascertained costs of production and added a profit, it will say that anything above that amount is unreasonable. That is just what the other board did.

But when the board undertakes to fix the figure above which the price of coal is unreasonable, if they fix it so low that the moderate-sized mines or the high-cost production mines can not operate, they immediately limit the production of coal and deny the country the benefit of that coal. Consequently when they fix a price which they say is a reasonable price they must fix that price high enough so that not only the best mines can operate under it, but, if not the poorest mine, at least the great mass of the mines can operate, and accordingly the best or lowest-cost mine will be permitted to make a very high profit, while the highest-cost mine that can operate at all may make almost nothing. So your rule works out in each case substantially the same when you put it to the touch of practical application.

Besides, as the Senator knows, it is impossible to classify these mines so that each mine shall have its costs ascertained and a price fixed for it. First, the job is interminable, and could not be done under a year's time. But if you did do it, then you would have a dozen mines, each of them producing the same character of coal, and the one which had a low price fixed as its maximum could sell its coal, but one that had a high price fixed as its maximum could not sell its coal at all.

Mr. CUMMINS. I do not understand the bill as the Senator from Missouri understands it. The operation of the bill is upon the carrier, and so far as the coal operator is concerned, cars would not be denied to him if he were selling his coal, produced in his mine at his cost, with a fair profit. If it cost one coal operator $10 a ton to produce his coal, if he could sell it at $10 a ton, this bill would not operate to prevent him from doing it.

Mr. REED of Missouri. That means an examination as to each mine.

Mr. CUMMINS. Very well.

Mr. REED of Missouri. This is an emergency. Let us just deal with it candidly and fairly. Does the Senator think we could ascertain those costs of production, classify these mines, and settle the question as to what mine was entitled to cars and what was not, and what was the price at which it would be entitled to cars, in less than six or eight months' time?

Mr. CUMMINS. All the information which would be necessary in order to apply this law is in the hands of the fuel administration. I do not mean that it would be necessary to examine the cost of production in every wagon mine on every hillside, but that information is now in the hands of the fuel administration, and this bill could be applied in one-half hour after its passage, and applied intelligently and effectively.

Mr. REED of Missouri. They could not get a stenographer in half an hour.

Mr. LENROOT. Mr. President, does the Senator think that if the result of this bill would be exorbitant prices, as indicated by the Senator from Missouri, the representatives of the coal operators would be about the city of Washington opposing the passage of this bill?

Mr. CUMMINS. It is not probable, at least.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I yield.

Mr. SUTHERLAND. The purpose of everyone is to secure the maximum of production, and would not the proposal of the Senator from Iowa operate exactly in the opposite direction, if, as he says, this is to be directed at prices and to limit profits? He has just stated, as he stated yesterday evening, that if a man were operating a small mine and producing coal at a cost of $8 a ton, and selling it at $9 a ton, and that were regarded as a fair price by those charged with the operation of the machinery under this bill, he would not be interfered with; he would be making only a dollar a ton. If, on the other hand, a highly equipped mine, capable of producing 2,000 tons a day, were selling its coal at $5 a ton, and, by the economies possible to be practiced under such a highly equipped and well-organized mine, it was making $3 a ton, then an embargo, under this plan of procedure, would be laid against the highly organized mine operator, because he would be making higher profits?

Mr. CUMMINS. Not necessarily.

Mr. SUTHERLAND. I understood the Senator's proposal to be directed to cutting down the price.

Mr. CUMMINS. It would depend on the cost of production, the amount of capital invested in the enterprise, and the other risks and hazards which accompany that business. I do not say that a mine operator who produces coal at a cost of $3 a ton is receiving an unreasonable profit, or charging an unreasonable price, if he sells the coal at $4 a ton. I do not pass upon that question. That is for the Interstate Commerce Commission to determine. Nor would it diminish the production of coal, unless an operator insisted upon closing down his mine if he could not secure an unreasonably high price for his product.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. KELLOGG. I do not want to take the Senator's time, but I did not understand the Senator to say that it was the intention, under this bill, that the Interstate Commerce Commission would figure out the profits of each mine, and see that each mine had only a reasonable profit. The intention of this bill is to transport in the commerce of the country the coal which will be amply produced, without permitting it to go to unreasonable and absurd prices, as it is being sold to-day.

Mr. CUMMINS. Of course no one contemplates having a survey of all the coal mines of the United States, and entering into a close and analytical examination of the cost of production in those mines. Those who have studied the subject know what a fair price is in the various parts of the country, in the large producing territories, and at the great mines of the country.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I yield.

Mr. SUTHERLAND. I was going to ask the Senator how long he intended to continue his statement. This is such a very important bill and the matters under discussion are of such interest to the entire membership of the Senate that it seems to me we ought to have a larger attendance present, and I accordingly make the point of no quorum.

Mr. CUMMINS. May I suggest to the Senator, before that is done, that it will be very difficult, as everyone knows, to secure a quorum this afternoon. There is no expectation that the bill will be voted upon this afternoon. We already have entered into an agreement that when we close business to-day we will adjourn until Tuesday. I would like to have the Senator from West Virginia allow me to finish what I have to say, and then others can take up the subject. There will be no disposition to ask a vote upon any part of the bill this afternoon.

Mr. SUTHERLAND. It seems to me the Senator's statement should be heard by a larger proportion of the membership of this body. How, otherwise, will the Members of the Senate know how to vote, or know what the Senator has said upon the subject?

Mr. CUMMINS. What has been the observation of the Senator in regard to the number of Senators present when serious subjects of this sort were under discussion? I think we have quite as many as we usually have, probably more. I am unusually complimented by the number of Senators who are listening to me.

Mr. President, in view of the situation and knowing that it is impossible to obtain a quorum this afternoon I ask that the pending bill be temporarily laid aside.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Senator from Iowa asks unanimous consent that the pending bill be temporarily laid aside. Is there objection? The Chair hears none and it is so ordered.

During Mr. CUMMINS's speech,

Mr. REED of Missouri. The Senator from Iowa has made the matter so plain that I need hardly ask my question, but the whole purpose of the bill is to fix prices?

Mr. CUMMINS. There is a malign sound in the phrase just used by the Senator from Missouri and possibly it might be misconstrued.

Mr. REED of Missouri. Well, let us say "to regulate prices."

Mr. CUMMINS. This is not a bill to fix prices. It is a bill to forbid transportation to one who is selling his coal at an unreasonable price.

Mr. REED of Missouri. With the purpose of compelling him to cut his price?

Mr. CUMMINS. There might be but one mine operator who would attempt to sell coal at an unreasonably high price; there might be but one such dealer—I am now fixing the minimum—who would attempt to commit extortion upon the public, and this proposed legislation would enable the commission—although there would be no definite judgment entered as to what is a reasonable price for coal—to deny to that person, whether he be an operator or a dealer, the facilities for interstate transportation; and it would also compel—I do not wish to evade the issue at all—that corporation or that person to sell its or his coal at a price which the Interstate Commerce Commission believed to be fair and reasonable.

Mr. REED of Missouri. Exactly. Now—it does not take many words to say it—the object of the bill is to compel the producer of coal to sell at a price which the Interstate Commerce Commission or some other tribunal to be created considers a reasonable price. Of course, if there be only one operator to be affected it would not be worth while to endeavor to pass this bill.

Mr. CUMMINS. What I stated was simply by way of illustration.

Mr. REED of Missouri. I so understand. It is intended to affect a substantial part of the production and to fix the price of coal by the refusal of cars. Does the Senator from Iowa believe that if we were to write that purpose squarely in the face of this bill the courts would not declare it to be unconstitutional?

Mr. CUMMINS. The purpose is written plainly on the face of the bill. The act which the Interstate Commerce Commission is authorized to perform and the conditions under which it may perform it are as plainly set out in the bill as is possible by any form of expression.

Mr. REED of Missouri. I hardly think they are as plainly set out as the Senator's statement would imply, but whether they are or not—and let us assume that they are—does the Senator believe that we have the power under the Constitution to do what the bill contemplates shall be done?

Mr. CUMMINS. I intend to discuss that when I come to the consideration of the legal phases of the bill. There is no human being who can tell at the present time what the Supreme Court certainly and definitely will hold to be a proper regulation of interstate commerce, but it is not too much to say—and I do not mean it as a criticism or disparagement of the Supreme Court—that there is from my standpoint a sad lack of harmony in the decisions of that tribunal with regard to the application of the authority given in the Constitution to regulate commerce among the States. I intend to show if I can that this bill proposes such regulation as will, in all probability, be sustained by the Supreme Court.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield.

Mr. SHIELDS. Mr. President, I do not agree with the statement which the Senator from Iowa has just made. He has disclaimed that he intended any attack upon the Supreme Court, and in that statement I know he is sincere, but especially in view of the child-labor decisions of the Supreme Court, which are not only pertinent to this question but almost directly in point.

I think the decisions in the recent child-labor case are directly applicable to the bill under consideration. Without going into a detailed discussion of those cases or of the opinion of the court, an attempt on the part of Congress, by indirection, to control a matter peculiarly and solely within the province of the police powers of the States was held void. Now, we are presented with the very same question, for the object of this bill is, by indirection, to control price fixing. That is the only difference between it and existing law, so far as I can see. It seems to me beyond question that the court will not be governed by mere phraseology; that it will not be controlled by indirection, but will cut through the phraseology of the bill and reach to the substance, as they did in the child-labor cases, and hold such a provision for fixing prices in contravention of the Constitution.

I have no sympathy with profiteers. They are like the men who follow up an army after a battle and rob the dead. The profiteers who are taking advantage of conditions to extort money from the people for a necessity are entitled to no sympathy; but, still, I believe in keeping within the Constitution. I do not believe that any so-called emergency or any real emergency justifies us in overturning the Constitution. We went too far during the war in doing that in our enthusiasm, in our patriotism, and our desire to support the administration and win the war. Both sides of the Chamber did it. There was no difference in this in the Republican Party or the Democratic Party. We were all Americans, and we supported the most extreme measures to prosecute the war successfully; but there is no Senator, no lawyer, who will stand here and deny that some of the laws then passed are no precedent to follow in times of peace.

My opinion is that Congress has done a great deal to break down the confidence of the country in our form of government and the respect of the people for the Constitution. We have done a great many things that have misled and corrupted the minds of the people as to constitutional law and constitutional government. I was astonished last night in reading the argument of a prominent lawyer of the Department of Justice to a committee of the House how far Congress might interfere with the police powers of the States. He referred to the action of the Senate in appointing a committee to investigate the coal troubles in West Virginia some six or eight years ago. He relied upon it as authority that the Congress could interfere with the police powers of the States, could provide for preventing mob violence, and matters kindred. If that made such an impression upon a lawyer, what impression will such a measure as this make upon the citizenship of the country?

I think we ought to be very careful in these matters. If the Congress of the United States violates the Constitution, what respect will the people have for it?

Mr. CUMMINS. I quite agree with the last statement of the Senator from Tennessee. I am only sorry that before reaching a definite and final conclusion upon the constitutionality of this bill he did not wait to hear what little I had to say with regard to it.

Mr. SHIELDS. I shall listen with a great deal of interest to what the Senator says.

Mr. CUMMINS. But has the Senator an open mind?

Mr. SHIELDS. I certainly have in any matter that the Senator from Iowa discusses.

Mr. CUMMINS. It occurs to me that the Senator has closed it pretty effectually.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. NELSON. Mr. President, everybody concedes that a great emergency exists in the matter of supplying the people of this country with fuel. A most serious situation confronts us; and when we have such an emergency as this I think it is the duty of all of us to find some legislative or executive method of relief.

I never could see much good in raising all manner of constitutional objections to legislation that was intended to meet emergencies like this. It has always seemed to me that simply to raise a lot of constitutional objections, and then not propose any remedy but advocate permitting existing things to continue to exist, was a good deal like Nero fiddling when Rome was burning. I think it ought to be the aim of all of us in a great emergency like this to aid in finding legislative relief to protect the people of this country, and not to raise any technical or finical constructions of the Constitution.

The Senator from Tennessee has referred to the police power of the State. That is the trouble; the police power of the State has not been exercised in most of the States in this emergency. What is the situation? Under the Adamson law, passed during the administration of President Wilson, railroad labor was utterly demoralized in this country. At the time the Adamson law was passed the attitude of the railroad unions was to hold up the entire transportation system of the country. We yielded to that in passing the Adamson law, and what has been the result? Many of these railroad men since that time have been possessed with the idea that they controlled the country and that the Government of the United States was absolutely impotent.

Mr. SHIELDS. Mr. President——

Mr. NELSON. I will yield to the Senator when I have finished.

Mr. SHIELDS. I thought the Senator had finished, as he seemed about to sit down.

Mr. NELSON. Now, we are confronted with an emergency. The shopmen have quit. They have struck, they have bid defiance to an order of the Railway Labor Board, and what is their attitude? No one denies the right of the unions to organize to enter into collective bargaining, or to quit their work. The trouble with the unions is that when they strike, as they call it, when they quit work, they stand with a club in their hands to prevent other men taking their places and doing the work which they have left. That is the trouble. As the Senator from Tennessee says, the police power belongs to the States in the first instance; but have the States exercised it? Look at Illinois, in the case of Herrin. If the governor and the executive department of that State had done their duty that massacre would not have occurred.

I have heard a good deal said in this Chamber about free speech. Any amount of eloquence has been poured out in this Chamber about liberty of speech, but I have heard very little eloquence about liberty of labor—liberty to work for a living. That is the great question which confronts the American people to-day: Shall an American citizen have a right to work? Shall he have freedom of labor? If we had as much eloquence on that subject as we have had on freedom of speech, we might accomplish something.

Mr. President, the great menace that confronts the country to-day is not so much interference with freedom of speech as it is interference with ability to work and earn an honest living without having men stand over you and threaten you.

I want to read a little communication I have received from a gentleman residing in a small town in Minnesota that happens to be a railroad station. I do not care about giving his name and putting it in the Record, for I am sure he would be subject to persecution from the strikers. He says:

> You are no doubt annoyed by much useless correspondence. I shall be brief. I want to say a few words in regard to the railway strike, some things that I know, and I say them to you as the only man in Congress who seems to have the courage to say what he thinks.
>
> This is a railroad town. These men have nothing to strike for, but have to obey Jewell, who defied the Labor Board. The board said they were outlaws, or words to that effect, and men were invited to take their places and promised protection; but what a crime it would be to deny them this protection!
>
> Many men are employed here now, and good men, too. I was called a few nights ago to see a sick machinist in a bunk car. I found there in that one car 11 fine fellows, all buddies in the war, and all sticking together. They went to the war from Hartford, Conn., and were and are polite, gentlemanly men. While they were fighting for their country in France these strikers were making eight or ten dollars a day just fussing around and doing very little, and since the war it has been the same. I have been through the roundhouse and shops often enough to know. They did not half work and were getting six to seven dollars a day. Now they want to keep these other men from working.
>
> The strike would have been settled long ago if there had been a little firmness and consistency. If men could receive protection they would work, but one hates to put his life in jeopardy. Men have been threatened and assaulted here. The shopmen need weeding out. I know five or six who are just agitators, so radical that they ought to be sent to Russia.
>
> Now, they talk of taking over the control of the roads, which is just what the unions want: just what they are waiting and hoping for! If the Government would adequately protect the workers the strike would soon be over. This is the opinion of three-fourths of the people not connected with the unions. I have lived here 22 years and I know the selfishness and lack of patriotism of most of these union birds, for I know them personally, and I know the real sentiment of the people. Most business men are afraid to say what they think for they are threatened by the strikers.

Mr. President, in this connection, if the Senator will pardon me——

Mr. CUMMINS. I have the floor, but I yield to the Senator.

Mr. NELSON. I am talking in the Senator's time. I will be through in just a little while.

Mr. CUMMINS. I am glad to yield.

Mr. NELSON. In this connection I hold in my hand here, clipped from the New York Times of August 30, a list of the raids made by some of these railroad men in different parts of the country. The first is the case at Gary; then there is a case at Elkhart, Ind.; then there are cases at several other places; but I want to read you the last one, which is a sad case:

> Syracuse, N. Y., August 29.—Masked men in automobiles rode about East Syracuse last night and spread terror among the families of men who have taken the places of the striking shopmen in the New York Central yards in the village. The autos, filled with shouting strike sympathizers, visited at least six homes. Threats were made that the men would be beaten up if they did not give up their work, and some of the homes were stoned. Sheriff's deputies were called, but the automobile parties disappeared by the time they arrived from Syracuse.

No one can deny that nobody else but strikers would resort to that. The aim of the strikers is not only to quit work but to prevent other people from working, and the aim of our Government, State and Federal, ought to be to protect all men who desire to work and are willing and fit to work, and if our Government fails in that our Government is wanting in its duty to the public of America.

I ask that this newspaper clipping to which I have referred, and from which I have quoted, may be inserted in my remarks, and I desire to thank the Senator from Iowa for yielding to me.

There being no objection, the matter referred to was ordered to be printed in the Record, as follows:

[From the New York Times, August 30, 1922.]

REVEAL PLOT TO WRECK "TWENTIETH CENTURY"—CONFESSIONS FOLLOWING GARY WRECK TELL OF DESIGN—ROAD IS WELL GUARDED, OFFICIALS SAY.

Chicago, August 29.—Confessions obtained from some of the five men held in connection with wrecking the "Million Dollar Express" on the Michigan Central near Gary, Ind., on August 20 have also bared a plot to wreck the Twentieth Century Limited, crack New York-Chicago train, near Elkhart, Ind., the police said to-day.

Bombing of the homes of railroad employees at Bloomington, Ill., and Montgomery, Ala.; the shooting of a Chicago & Alton watchman in Chicago; a gun fight between railroad guards and a sniper at Moline, Ill.; and the dynamiting of a bridge at Spuds, Fla., were among strike disorders reported from different sections of the country.

Discovery of an inflammable bomb near a gasoline storage tank at Flint, Mich., increased the rapidly growing list of reports of violence.

—

ELKHART, IND., August 29.—Every foot of the New York Central right of way is being closely guarded day and night, John Kuespert, captain of the New York Central police department here, said to-day, referring to confessions of the Gary prisoners that they plotted wrecking the Twentieth Century Limited near Elkhart.

"Our best men are constantly on guard and all suspicious characters found near the tracks are taken into custody," Captain Kuespert added.

—

OSWEGO, N. Y., August 29.—Police to-day investigated an explosion of dynamite which last night tore off the porch and partially wrecked the home of Albert Johnson. Johnson's son, the police claimed, was for a time out on strike from the New York Central shops here, but recently returned to work.

No one was injured, but members of the family were shaken up and thrown out of bed. Two weeks ago a similar explosion occurred in New Haven, a village near here.

—

SYRACUSE, N. Y., August 29.—Masked men in automobiles rode about East Syracuse last night and spread terror among the families of men who have taken the places of the striking shopmen in the New York Central yards in the village. The autos, filled with shouting strike sympathizers, visited at least six homes. Threats were made that the men would be beaten up if they did not give up their work, and some of the homes were stoned. Sheriff's deputies were called but the automobile parties disappeared by the time they arrived from Syracuse.

Louis Coffin, 39, of Kirkville, a railroad workman, was attacked without warning and badly beaten by four men on the main street of Minoa this morning.

—

DANVILLE, ILL., August 29.—Four bombs were exploded at the shops of the Chicago & Eastern Illinois Railroad early to-day, but little damage was done.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield to the Senator from Tennessee, not for a discussion of the matter at issue but for a question.

Mr. SHIELDS. I will be very brief. The Senator from Minnesota is a great lawyer and a great Senator, and chairman of the great Judiciary Committee. I agree with him that some grievous outrages are being committed against men who want to make an honest living for their wives and children. I have condemned those things heretofore on this floor and shall continue to do so. But he has suggested no remedy. His party is in power. It controls every branch of the Government. It controls the Executive and both Houses of the Congress. With his views about these matters, why does he not introduce a bill to prevent such things? Why does he not introduce a bill to amend the Clayton law, in so far as it exempts those who organize a national strike to starve and to freeze the people of the United States from the provisions of the Sherman law? What is the use of getting up here and talking about it when he has the power to act? He defies organized labor in words, but takes no action to suppress its wrongful action.

Mr. CUMMINS. I can not yield for a discussion of these questions. They are entirely foreign to the argument I am making.

Mr. SHIELDS. But the Senator yielded to the Senator from Minnesota for a discussion of those questions, and I am answering him.

Now as to the bill. The mere fact that laws which violated the Constitution have been enacted heretofore is no excuse for enacting one now. Notwithstanding the usual course of the Senator in standing by the Constitution, he criticizes me for opposing a violation of it, without giving any argument to support his position, simply because an emergency exists, as he says. I do not see the consistency or the logic of his position. If this law is unconstitutional, we should observe our oaths and vote against it. If it is constitutional and will afford the remedy the Senator from Iowa thinks it will and give relief, it should be supported. But I do not believe in violating the Constitution, in overthrowing this form of government, because of a mere temporary emergency, especially this coal strike, part of which has already been settled and part of which the press this morning says will be settled within 24 hours. The Senator from Minnesota would seem to favor the Constitution when it suits him, but forgets it when it stands in the way of legislation he desires passed.

Mr. CUMMINS. Mr. President——

Mr. NELSON. Mr. President, I would like to reply, but I do not feel like taking up more of the time of the Senator from Iowa.

Mr. CUMMINS. I will have no objection at all to yielding to the Senator from Minnesota to reply if I can have this understanding: The Senator from Minnesota made a very eloquent and a very impressive speech, and the Senator from Tennessee has replied to it. I would like to have the observations of the Senator from Minnesota printed in the RECORD as his own speech and not incorporated in mine, and I would like to have the order made with regard to the reply of the Senator from Tennessee. If that can be done, I will have no objection to yielding to the Senator from Minnesota to make whatever further observations he wants to make.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none, and the RECORD will be arranged accordingly.

Mr. NELSON. I have no objection. I can readily see how the Senator from Iowa is afraid of dynamite.

Mr. CUMMINS. I am not afraid of dynamite. The Senator from Minnesota has made that suggestion several times. There is nothing in it. But the question of the strike is not pertinent to this particular bill. I am for antistrike legislation. The Senator from Minnesota knows that.

Mr. NELSON. I want to say, in regard to that, that we are having a sufficient amount of bituminous coal mined. It is a question of the distribution of that coal by railroads, and the Senator knows the condition we are in in the Northwest.

We have to get our supply from Ohio, Pennsylvania, and West Virginia shipped to the lake ports on Lake Erie and from there up to Superior and Duluth during the season of navigation. That is our method of distribution. If we can not get the coal up to the lake ports and shipped that way our people in the Northwest, northern Wisconsin, Minnesota, and North and South Dakota, will suffer during the winter. So that today the distribution depends more on railroad transportation because the boat transportation is ready on the Lakes to take the coal up to Superior and Duluth.

Mr. CUMMINS. I think it depends entirely on boat transportation. I have said that in the most positive and emphatic way. But while we are trying to get the transportation I do not think the dealers in coal or the operators in coal ought to have an opportunity to extort from your people in Minnesota and my people in Iowa the prices which are now being exacted for coal.

Mr. NELSON. I do not want to break up the argument of the Senator, but if he will allow me, the only relief under this bill in the way of regulating prices will be through the denial of priority shipments. Is there any other method proposed in the bill to restrain the high prices of the profiteers? If there is, I fail to grasp it.

Mr. CUMMINS. Priority is an embargo, that is all. If Senators do not believe that this will give their country any relief they ought not to vote for the bill. Of course that is a privilege every Senator has, to vote against it if he thinks it will not furnish relief so far as prices are concerned in the immediate future.

SOUTH DAKOTA MEMORIAL STONE IN WASHINGTON MONUMENT.

Mr. STERLING. Mr. President, some time ago exercises were held in the Washington Monument in connection with the dedication of a memorial stone placed in the monument by the State of South Dakota. There was a program of exercises, and short addresses were made by members of the South Dakota delegation in Congress and by a few other residents and former residents of South Dakota. I ask unanimous consent that those proceedings be printed in the RECORD in 8-point type, as has been done in the case of like exercises held by other States.

There being no objection, the matter was ordered to be printed in the RECORD in 8-point type, as follows:

PROCEEDINGS HELD IN THE WASHINGTON MONUMENT, WASHINGTON, D. C., UPON THE DEDICATION OF THE MEMORIAL STONE PLACED IN THAT MONUMENT BY THE STATE OF SOUTH DAKOTA, ON JUNE 22, 1922, SENATOR THOMAS STERLING PRESIDING.

Rev. Peirce Pinch, formerly of Huron, S. Dak., offered the following invocation:

"Almighty God, our Heavenly Father, we would acknowledge Thee in all our ways, and we thank Thee for the promise that Thou wilt direct our paths. We confess the goodness of God in Thy dealing with the great Commonwealth represented here to-day. We thank Thee for its history; we thank Thee, O God, for the resources with which Thou hast given men to deal; we thank Thee even for the difficulties which make strong men and women. We praise Thee, O God, for the part this State has in the life of this great Nation; that she has not been found wanting at the country's call; and now, O God, as to-day we dedicate that which is given by the State to be a part of this great monument, we pray that the State may feel itself to be more than ever a part of the great Commonwealth of States that constitute the Nation.

"Do Thou be in the message that shall be spoken unto us this day. Grant, O God, that this may be one of the great occasions that cultivate that patriotic spirit, that spirit of devotion, which constitutes the glory of the Nation.

"We ask it in the name of Jesus Christ, our Lord. Amen."

ADDRESS BY SENATOR STERLING.

Senator THOMAS STERLING delivered the presentation address, as follows:

"Mr. Secretary, fellow South Dakotans, and friends: I give you all a hearty welcome. It is an occasion such as puts me in a reminiscent mood, and I feel like invoking for a little while the muse, not of poetry but of history:

"All the territory embraced in the two Dakotas was a part of the great Louisiana Purchase of 1803, consummated when Thomas Jefferson was President of the United States and the First Napoleon was Emperor of France.

"It was separately organized as a Territory of the United States in 1861, and Doctor William Jayne, of Springfield, Ill., whom I in after years well knew, was appointed its first governor by President Lincoln.

"To those of us who once lived in the Territory of Dakota this happy commemoration is like another milestone along the pathway of our lives. This granite slab, with the facsimile of the great seal of the State of South Dakota thereon, brings to mind the many years of effort and struggle for the division of that great Territory and the admission of the south half to the sisterhood of States. One of the most important steps in the movement for statehood was the first of three constitutional conventions held in the city of Sioux Falls in September, 1883. That convention brought together many who were, and for years before had been, most active in their efforts to secure recognition of the just claims of our people to all the 'rights, privileges, and immunities' of the people of other States of the Union.

"To name a few of those of that first convention who have passed on to the great beyond.

"There were Judge J. P. Kidder, of Clay County; Hon. A. C. Mellette, of Codington, last Territorial and first State governor; Judge Gideon C. Moody, of Lawrence, one of the two first United States Senators; Oscar S. Gifford, of Lincoln County, later Territorial Delegate at Washington; Alphonso G. Kellam, of Brule, one of the first three of our supreme court judges; Judge W. W. Brookings and Melvin Grigsby, of Sioux Falls; John R. Gamble, elected to Congress in 1890, but who died before taking his seat in that body; Gen. Hugh J. Campbell; George H. Hand, secretary of the Territory of Dakota; Rev. Joseph Ward, president of Yankton College; and Bartlett Tripp, president of the convention and the last chief justice of the Territory of Dakota.

"The true history of South Dakota can not be written without some mention of their work and their devotion to the cause of division and statehood. Knowing them as I did, I deem it fitting here to pay this brief tribute to their memories and the sacrifices they made for that cause.

"Our early hopes of admission were to be long deferred. A second constitutional convention, that of 1885, was held under the authority of the Territorial legislature. Its work was ratified by a vote of the people, as had been the constitution of 1883. And now the scene shifts to Washington, where for years the contest over the question of the division of the Territory and the admission of the States of North and South Dakota was waged. Benjamin Harrison, of Indiana, later President, but then chairman of the Senate Committee on Territories, was the first leader in that fight. He was succeeded by Senator Platt, of Connecticut, but with these other great names were associated Senators Cushman K. Davis, of Minnesota; John C. Spooner, of Wisconsin; William B. Allison, of Iowa; John Sherman, of Ohio; Shelby M. Cullom, of Illinois; George F. Edmunds, of Vermont, all able champions of our cause on the floor of the Senate. In the course of the debate Senator Edmunds said: 'It is not only the duty of Congress to admit new States, but it is the duty of the people of the Territories when possessing the requisite conditions to form a constitution and fix a seat of government and apply for admission.'

"The culmination came in the passage of what was known as the omnibus bill, as it was called, the great enabling act, which provided for the admission into the Union on certain conditions of the four great Commonwealths—the two Dakotas, Montana, and Washington—on an equal footing with the original States. It is worthy of note that the enabling act was approved February 22, 1889, the anniversary of the birth of him whose monument through the ages to come will give shelter and a resting place to this tablet of pure South Dakota granite, as firm and enduring as is the name of Washington, to whose memory we reverently dedicate it.

"The conditions imposed by the enabling act were joyously complied with by the people of South Dakota. It was fitting, indeed, that the act should provide that the constitutional conventions for the four States to be admitted should assemble on the 4th day of July, 1889. To South Dakotans it gave the Declaration of Independence a new significance. A Territory no longer, the government, both National and State, would be, when admission was accomplished, with 'the consent of the governed.' The two elements which have made our Nation great, a pride in the resources and progress of the individual State and loyalty to the Union, were to be henceforward among the most cherished possessions of our South Dakota citizenship.

"The work of the third convention having been ratified by the people by an overwhelming majority at the election held on October 1, 1889, President Harrison, who as Senator had been our early advocate, issued his proclamation on November 2, 1889, formally admitting South Dakota into the Union.

"And now, for almost a third of a century, one of the stars in the flag stands for South Dakota. As you may well judge after all this history it had come to be a star of some magnitude before it found its place in the flag.

"Its population far exceeded that of each of at least 21 other States when they were admitted to the Union. The amount expended for education in South Dakota in the last fiscal year prior to her admission exceeded that of any one of 15 Southern States that opposed her admission.

"Our history has not been one of unalloyed peace. Of course we made contribution in proportion to population to the Union cause in the Civil War. But seven Indian reservations within our borders, numerous old forts along and beyond the Missouri River, bear witness to the menace of Indian depredations and warfare in the earlier days. But the forts were but the outposts of that all-conquering civilization which when once established knows no abandonment or turning back. As the men of that earlier day dared the danger of the wild men of the West who believed their hunting grounds invaded, so those who followed braved the storms and all the rigors of the prairie and great plains regions. But there was the fertile soil, and from it they soon produced a large part of the grain that went to fill the great Northwest granary of the world.

"And there are the "hills," the Black Hills, which for pure scenic beauty, if not for sublimity, are hardly eclipsed by the Rockies themselves. They have in the Homestake what is reputed to be the greatest single gold-producing mine in the world. They may well be called the golden hills.

"Such the fundamental material resources of the great new State of South Dakota out of which the genius and enterprise of her citizens are year by year bringing that infinite diversity of interests and industry and products which give assurance of continuing prosperity and progress. The day will yet come when the great river that courses through the State and along its border for a distance of 500 miles will no longer be a menace to the land along its shores, but when in the interests of commerce, of hydroelectric power, and of irrigation, it will be harnessed and controlled, all to the end that the convenience, comfort, and happiness of men may be thereby served.

"And so, in a word, we see under what conditions, ordeals, and happy auspices too, South Dakota has come from small beginnings to her present proud position in the Union of States. Her people are pioneers or the immediate descendents of pioneers. With struggle they have grown strong. And like those imbued with the spirit of the true pioneer in all the fields of human endeavor, their story is a 'story of faith and of effort and expectation and desire, and something evermore about to be'.

"They love the Union; they hold to the principles and ideals of the fathers of the Republic. From whatsoever nationality descended, they are Americans, and as such, they worship in spirit at this shrine."

MISS NORBECK UNVEILS THE STONE.

The South Dakota State stone was at this point in the proceedings unveiled by Miss Nellie Norbeck, daughter of Hon. PETER NORBECK, junior Senator from the State of South Dakota, the orchestra playing the national anthem. Miss Norbeck is a native of South Dakota, having been born at Redfield.

The stone is of native granite, with a facsimile of the great seal of the State of South Dakota carved thereon, the motto on the seal being "Under God the People Rule."

Senator STERLING, proceeding, said:

"We all regret deeply that the Governor of South Dakota can not be here to make this presentation. I read this telegram from him, however, which shows that his heart is with us to-day:

"'I keenly regret that it is not possible for me to be in Washington and personally assist in the presentation of the South Dakota native granite tablet. The occasion is not only of interest but of real significance, and the people of the State feel keenly appreciative of being able to thus have South Dakota so appropriately brought to the attention of those visiting the monument. Through you I extend our best wishes.

"'W. H. McMASTER, *Governor.*'

"And now, Mr. Secretary, in the name of the governor, and on behalf of the people of South Dakota, I present, through you, to the people of the United States, this tablet as a symbol of our fundamental political ideals and aspirations, and as a tribute of our love and of our devotion to the memory of the 'Father of his Country.'"

ACCEPTANCE BY SECRETARY WEEKS.

Hon. John W. Weeks, Secretary of War, and whose department has jurisdiction over the monument, accepted the South Dakota State memorial stone with the following remarks:

"Members of the South Dakota Delegation in Congress, ladies, and gentlemen, it is a very pleasant duty to accept on behalf of the people and Government of the United States the stone which the State of South Dakota to-day places in the Washington Monument. It is altogether fitting that the great and patriotic State of South Dakota should join with the other States of the Union in being represented by a separate stone in this monument to the Father of our Country.

"With the placement of this stone there now remain but four States unrepresented in this shaft by State stones—North Dakota, Idaho, Arizona, and New Mexico. I understand that Idaho is cutting a stone and it will soon be ready for presentation. The legislature of the State of North Dakota has the matter under consideration. Arizona and New Mexico have not yet taken any action, but I hope it will not be long before every State in the Union is represented here by a native stone.

"This great obelisk was erected by a grateful people as a token of their love and respect for the man whose wisdom and courageous leadership made possible their independence, their enjoyment of the blessings of liberty, and, indeed, this great and wonderful United States of America. The Washington Monument is even more than a memorial to the imperishable memory of the founder of the Nation, for this great white shaft symbolizes the unity of 48 distinct sovereign States—an indissoluble Union—and typifies the Americanism that has made and has preserved us a nation.

"There is no obligation on any State to contribute a stone to the Washington Monument. It is a practice founded on a beautiful sentiment, and every stone thus presented is in a sense a token of love and a pledge to uphold and maintain the Union. South Dakota has contributed this splendid granite block from her quarries, and it is my honor and great pleasure to welcome the South Dakota State stone to the monument and accept it in the name of the President and the people of the United States."

"A DACOTAH ODE TO WASHINGTON," BY MRS. BONNIN.

Mrs. Gertrude Bonnin (Zitkala-Sa), a native Indian woman from the Yankton Agency, but now residing in Washington, in Indian costume, read an original prose poem entitled, "A Dacotah Ode to Washington."

THE MYSTIC CIRCLE.

Upon the prairie grass sat aged men and women, in mystic circle, their bronzed faces upturned to the stars. Through many winters their once raven hair was whitened till in the uncertain twilight on the plains it appeared luminous about their heads. White blossoming manhood, white flowering womanhood, these seven Dacotah wicarcana and winocrana held secret conclave under the night sky.

Keepers of the sacred eagle mysteries, priest and priestess of the Seven Council Fires of their people, they are sages of that other day when Indian camps vied with huge cloud shadows drifting on the playground of the prairie. To-night they have chosen from out their seven a member of the smallest fire, summoned before them a Yankton Dacotah of the young generation. The spokesman, a veritable grandfather of the federated tribes, addressed her saying: "To-morrow is the day of days. Loyal Americans will gather before a great stone shrine at the Nation's capital. South Dakotans beckon to us, the Dacotah, to join them. We accept the gracious invitation of our pale-face brothers. This is brotherhood."

As he momentarily paused, his quiet voice floated out into the eternal spaces among the stars, seemed to echo and reecho against the stillness of the night in the concave sky, "This is brotherhood!" The voice continued, "You are called as our messenger, our interpreter. Are you willing to serve?" Without hesitation the answer came, "I am." The other members of the circle, hitherto silent, responded in approval, "Be it so." "Hecetu." The spokesman said, "You have answered well. Service is the highest privilege."

Together they taught her what to say, placed an eagle plume in her hand. "With this sacred quill write word for word what we have told you here to-night," they commanded. "At dawn start upon the journey to the great stone shrine with our message." In final parting bade her, "Upon the way, keep your own heart warm with love and strong with truth. Lift up your eyes for vision."

UPON THE WAY.

Straight as an arrow flies from a strong bow, sped the Dacotah runner from the hallow'd circle of the starlit prairie. At break of day hastened with the message, speeding faster, ever faster. Upon the way were many relays, from footsore pony to stagecoach plunging over rough country roads, from coach to the iron horse gliding rapidly upon a steel track. The miraculous journey to the Nation's Capital is made in safety. All faithful to her trust, the messenger stands before the monumental shrine of Washington.

THE MESSAGE.

"The day of days is at hand. It is now." These the words from the Seven Council Fires of the Dakotah. "We sing the name of our first President. We call him Washington—Ohitika—undaunted leader of nations crying in the dark. He brought them light from the sky, taught them principles of peace and brotherhood; taught the lisping multitudes to say, 'We, the people,' counseled them 'to observe good faith and justice toward all nations.'

"The Dacotah people carol with lusty throats the memorable deeds of Washington. He scanned with eagle eye the hope of a united people and happy; beheld the vision of democratic government. He rose on powerful eagle wings, with unswerving purpose attained to lofty virtues of public service.

"A victory song we sing to the memory of Washington, who disdained kingship upon a lower realm and preferred to be a servant of the people, who by his life demonstrated only 'Right makes might.' Then over all his glorious achievements upheld our sacred emblem, the eagle, pointing to its meaning in all his noble acts.

"We venerate the memory of our great pale-face brother, Washington, the chiefest among guardians of spiritual fires—liberty and unity. Washington, thrice worthy of the decoration of the eagle plume, for he left the impress of its meaning upon the minds and hearts of all Americans.

"This is our glad song to-day. The eagle represents the conscious spirit of man, soaring into the silent upper air for meditation and spiritual communion, soaring away from the transitory turmoils of the day, into the heights, there gaining wider vision, added strength, and wisdom, there finding the secret of joyous being, unburdened from the pettiness of make-beliefs.

"Comrades of the earth, the hope of our humanity lies in the preservation of high ideals, in holding fast to these symbols and precepts bequeathed us through all ages and races of men till we have learned their innermost lesson. It is well that the sacred eagle is carved upon America's gold, lest we forget in the heat of world commerce our brotherhood upon earth. It is well that the eagle is engraved upon the buttons and insignia of our brave men, lest we forget in the wild flurry of swift locomotion and radio communication to perfect our relationships, man to man, nation to nation, with justice and mercy.

"Long live the memory of Washington, whose praises we sing this day of days!

"Long live the eagle principles he inculcated in the hearts of the people!

"Then shall come many days of peace, prosperity, and happiness!"

ADDRESS BY SENATOR NORBECK.

Senator PETER NORBECK delivered the following address:

"Mr. Chairman and South Dakota friends, we have a long and splendid program and I am sure we are all enjoying it, so I will not take up much time. There are other speakers whom we should hear and who will not be with us on some other occasion. You will have other opportunities to hear me speak.

"With the rest of the South Dakota people here assembled, I am proud and I am pleased that our State is now represented in this monument by the contribution of a memorial stone. It was quite natural that South Dakota, which is a young State and has come into the Union of late years, should be one of the later to take part in doing honor to the memory of George Washington, but it was a foregone conclusion that we would not fail to do our part. The settlement of our State is within the memory of men and women all reassembled, some of whom are among our early pioneers. Some of them came a little later, but they came on the first passenger train to arrive. They were first to settle in the villages that sprang up on the prairie.

"The history of our State is short but marvelous. While we are lacking in many things that older settled States still enjoy, none have made more progress in such a short period.

Our people are hardy pioneers, each contributing his part to the upbuilding of one of the greatest Commonwealths of the Union in the not far distant future. We have splendid people, and they have come to our State with the right spirit, the pioneer spirit, to take on the responsibility without flinching. They have come from every State in the Union and from nearly every country on the globe, but we have the best of each, the more enterprising, those who pushed on ahead of the rest.

"We are happy in this privilege that we can join in doing something to show our appreciation of the 'Father of his Country.' Great men have come forward in every crisis and they will not be lacking in the next, but George Washington stands out among them all as the greatest. Years will come and years will go. Great men will appear on the horizon, but there will probably be no one among them who fits his work as well as did Washington."

REMARKS BY CONGRESSMAN JOHNSON.

Congressman ROYAL C. JOHNSON made the following remarks:

"The State of South Dakota is proud that it may join with its sister States in doing honor to the memory of George Washington, and as this tablet is dedicated to his memory, the people of the State renew their faith in the policies enunciated by our first great President.

"No man may say how long this granite block or monument containing it may last, as no man may foretell the span of life of men or nations, but this we can foretell that as this monument of stone with strong foundation and good workmanship will exist for ages, the ideals of Washington will survive with civilization.

"The people of South Dakota who to-day honor his memory love him as a man, admire him as a soldier, and respect him as a statesman—the Father of our Country."

ADDRESS BY CONGRESSMAN CHRISTOPHERSON.

Congressman C. A. CHRISTOPHERSON made the following address at the unveiling of the South Dakota tablet in the Washington Monument, the Mall, Washington, D. C., June 21, 1922:

"Mr. Chairman and South Dakotans, we unveil to-day a tablet that represents the contribution of South Dakota to this shrine erected to the memory of George Washington, the Father of our Country.

"The funds for constructing this monument were raised by voluntary subscriptions of 1 cent from the school children of the country; a vast undertaking consummated under a plan beautifully conceived which permitted each and every one to share in the honor. It is one of the most conspicuous monuments in the world and is about the first object that attracts the attention of the visitor when he comes to the Capital City and the last he sees when he leaves.

"The first time I wended my way down to this monument, walked up the stairway and saw the numerous tablets placed there by other States, I was struck by the thought that surely South Dakota should be represented. This absence of South Dakota has been commented on by many visitors from our State, and I am glad that from now on we will not be among the missing.

"It is only right and proper that South Dakota, surpassed by no State in the Union, should be represented in this shrine. Our State, once a part of the Louisiana Purchase and only 33 years old, is nevertheless one of the leading States in the Union. Its varied surface and physical characteristics are responsible for the diversity of the opportunities which have brought such satisfactory returns to the pioneers who have taken the brunt in its development.

"We are located in the Corn Belt, and South Dakota is rightfully named the Sunshine State. We have vast areas of broad valleys and rolling prairie lands, unsurpassed in the richness and fertility of the soil, where a diversity of crops may be raised and the yield is abundant, and that is the principal reason why South Dakota for many years has led all the States of the Union in the per capita production of new wealth.

"We of South Dakota, keen as we are in business and industry, also have a love for the beautiful, and are proud of the fact that our State can be classed with those having exquisite mountain scenery. This is embraced in the Black Hills, a misnomer, as they are mountains in every sense, long described as the 'richest hundred square miles on earth,' and where is located the Homestake mine, which for many years was the largest single gold-producing mine in the world. In the Black Hills we have the highest mountains between the Rockies and the Himalayas. In Spearfish Canyon we have a Royal Gorge, and in the southern part are located Sylvan Lake, Wind Cave, and Hot Springs, not to mention other numerous points of interest that are yearly attracting more and more tourists to our State.

"In the eastern part of the State we are blessed with many lakes and rivers which are being used more extensively each year for camping and fishing, and it is therefore not necessary for any of our residents to leave the State in order to satisfy the most critical in the matter of opportunities for vacation trips that will benefit both mind and body. Nor is anyone deprived of this privilege, for the opportunities are so numerous and near at hand that the most lowly can avail themselves of their enjoyment at little expense.

"While we are not so great in number, we yield to none in quality, in loyalty, industry, thrift, and progress. Every day and year sees improvements in our highways; constantly our schools and churches are being improved, and in every way we are striving to attain the high ideal that has ever been our goal.

"We are, indeed, a forward-looking people, as is clearly expressed in the progressive and advanced legislation on our statute books. We have been the leader among States in enacting laws for the benefit of all our citizens and in the interest of their advancement. This is true for the reason that our people have always taken an interest in the political government of our State. Indeed, the people of our State have governed it and have at all times maintained complete control, so that the policy followed has been the one that seemed best to them in the light of their experience. Thus we can proudly say we have lived up to our State motto, 'Under God the people rule.'

"However, the interest of our people is not confined to the State; we are not clannish or provincial but hospitable and friendly, and keep abreast with the progress of the Nation, always striving to better conditions in our country. We have always taken a keen interest in the life and work of the men who have been leaders in our Nation, those upon whose shoulders have been placed the great responsibilities, and of those the work of none lies closer to our hearts than that of George Washington. We have always admired his patriotism, patience, courage, and unselfishness, and we have, individually and collectively, sought to emulate these noble characteristics. We have rejoiced in the fact that our country has constantly been moving forward and always toward that ideal in government that was the goal when our Government was established.

"South Dakota, always modest, is rapidly attaining her rightful place as one of the leading States of the Union, and it is therefore also right, fitting, and proper that among the forward steps we should place in this monument a tablet, hewn from native green granite, as a visible testimonial of the honor and respect in which we hold the Father of our Country."

ADDRESS BY CONGRESSMAN WILLIAMSON.

Congressman WILLIAM WILLIAMSON delivered the following address:

"Ever since the human race developed sufficient capacity to realize that life on this earth is but an evanescent dream that vanishes like a fleeting cloud into the mists of eternity man has sought to invent some means of perpetuating the memory of his life and work. Long before he learned to record his deeds in manuscript or book he erected huge monuments to commemorate the illustrious dead or to satisfy the vanity of the living.

"This seems to be an inborn trait of the human mind, a melancholy reminder of the brevity of our common existence, and one of the most powerful forces in causing men to contemplate a hereafter. Intelligence abhors oblivion; activity rebels at eternal sleep; and reasoning rejects endless incapacity for achievement.

"So we, too, are joining the ranks of those who through the centuries have struggled to leave some reminder that they have lived. Happily, we are not placing this green granite slab that the names of those who are here may be remembered but that the countless pilgrims who through the years shall climb these stairs may be reminded of that glorious State whose representatives we are.

"In a special sense we are here to rededicate that State to those principles of civil and religious liberty which have come to be recognized as the essential groundwork of a republican form of government and to renew our pledge of loyalty and support to the end that we may hand them down to posterity in all their pristine vigor. It is particularly fitting that this memorial stone should be set and that these ceremonies should be had in this great shaft erected in the honor of him who was 'first in war, first in peace, and first in the hearts of his countrymen.' May the ideals for which he stood and the example of his life ever serve as an inspiration to those who love liberty and justice everywhere.

"We who are here to-day are among South Dakota's pioneers. While we have experienced the hardships incident to that kind of life, we have also enjoyed its inestimable privileges and inspiration. It is a wonderful thing to be permitted to be among those who have helped shape the destinies of a new State. How well we have wrought only those who come after may fittingly judge. But we have lived long enough to see our State develop from small beginnings into one of the most enterprising and progressive of all the States. In the rich fertility of its soil, the healthfulness of its climate, and the variety and wealth of its production it has, indeed, few, if any, equals. For many years it has stood first among all the States in the per capita production of new wealth. Here the energetic young man, no matter what the bent of his mind or the line of his activity, may find a fitting home.

"Nor has nature failed to be lavish with all that is wonderful and beautiful. No one who has ever climbed to the crest of the great Bad Lands and cast his vision over that wilderness of ridges, canyons, minarets, and towers but has stood in awe and silence. As he proceeds he finds much of the grotesque but also much that has been finely chiseled by nature's hand. The vast desolation stretches out on every hand in a bewildering chaos that defies description. Withal, it is fascinating and has an appeal that causes thousands to return again and again only to have their wonderment and amazement increase. Here lies buried the remains of countless monsters of ages gone, hundreds of whose bones now grace the museums of the world. Here, indeed, is a monument of the past whose ever unfolding pages offer unrivaled opportunities for the student of the flora and fauna that thrived a million years ago. Here is written the history of the activities of the Creator of the universe long before man made his advent upon this terrestrial sphere. Only recently bills have been introduced in both Houses of Congress to make this extraordinary region one of our great national parks. It has been most appropriately named the 'Wonderland.'

"Beyond this lies a rising plain, well watered by numerous streams that have their origin in the Black Hills, the highest region in the continental United States east of the Rockies. For sheer loveliness and scenic beauty these mountains are not surpassed by anything to be found in America. Here the hardiest climber can scale the heights to his heart's content, the angler can fill his basket with the spotted trout from numerous sparkling streams, and the tired business man can find rest in numberless secluded nooks. Not only has nature provided towering peaks, deep canyons, and vast underground caverns, but lakes, cascades, and waterfalls add charm to the splendidly wooded landscapes. To all this she has added bubbling fountains of healing waters, that he who enters may take up his bed and walk. Buffalo, elk, deer, and other wild-animal life abound. It is one of nature's playgrounds. Hither the weary may wend their way from summer's heat and seek surcease from grinding toil. To these mountains in increasing numbers they will continue to come in quest of health, recreation, and pleasure. To all we extend a hearty welcome, and bid them bathe in her limpid pools and breathe the pine-scented breezes that the old may have their youth renewed like the eagle's and that the young may never taste of the weariness of years."

ADDRESS BY JUDGE CARLAND.

Hon. John E. Carland, formerly United States district judge for South Dakota and now United States circuit judge, delivered the following address:

"Mr. Chairman, ladies, and gentlemen, citizens of South Dakota, I had not expected to make any remarks on this occasion, but when your chairman suggested that I say something, taking into consideration the object of this meeting, I could not resist the opportunity to rejoice with other citizens of South Dakota in celebrating the unveiling of the tablet which is upon the walls of this great monument to George Washington.

"It was 45 years ago next August that I had to go from St. Paul to what was then called Northern Pacific Junction, near Duluth, to get a train west. A passenger train ran from that point to Fargo. From there a mixed passenger and freight train ran to Bismarck, Dakota Territory. As that was the end of the railroad, I stopped there—not because it was the end of the road, but because I thought it was a good place to stop.

"The territory within the boundaries of the present State of North Dakota was then practically the third judicial district of the Territory of Dakota, and the judge of that district lived at Fargo, so that I was compelled, if I wanted to get the ear of the court, to go 200 miles, from Bismarck to Fargo. Some people now claim that the ear of the court is sometimes farther off than that, but in the sense they mean they are undoubtedly mistaken.

"I rejoice in taking part in these ceremonies, because all my professional life has been spent in either the practice of the law or upon the bench, in either the Territory of Dakota or South Dakota, until I was appointed judge at large, to be sent anywhere the Chief Justice of the United States chose to send me. I am very thankful, however, that he never sent me to any other place than the eighth circuit, which includes South Dakota.

"In thus being engaged in the practice of the law and in an honest endeavor, so far as I was able, to administer justice, my attention has been called frequently to the institutions of this country and the fundamental principles of the Constitution and those other principles which underlie, support, and make stable and successful the affairs of this Nation.

"I think it is well that these meetings have for their object the calling of the citizens together to look back upon the heroes and statesmen who founded this Government. To observe what they did and what they thought is very beneficial, and I think the more we have of these meetings the better, especially in this day and age, when we read in the papers the advocacy of the proposition that the manner of amending the Constitution ought to be made easier; that it is all wrong and must be changed. I hope that citizens who attend a meeting of this kind will have their minds turned to those fundamental principles of this Government which can not be amended, and at the same time preserve liberty regulated by law. I believe in progress; we all, I hope, believe in progress, and there must be progress; we can not stand still. The liberty of the individual, the rights of humanity, the alleviation of suffering must be looked after, but it is not necessary to abolish the fundamental principles established by the fathers of the country in order to do this. It can be done by peaceful, lawful, regular methods prescribed by law. Liberty without law, or without regulation, means a mere license to do as one pleases, which is destructive of all rights, civil and political.

"I do not wish to oppose or criticize the right of any honest-minded citizen from advocating principles which he thinks will benefit humanity, but if I may venture a word of advice to any citizen engaged in the making of laws, it is that attempts to change fundamental principles ought to be approached with the utmost carefulness and consideration. In connection with these exercises it may be well to remember that—

"'In a free republic, where all men exercise political power, the prevalence of correct views and principles on political subjects is essential to the safety of the State. It is not enough that their truth should be recognized. Their operation and tendency must be understood and appreciated; they must be made familiar to the mass of the people, become closely interwoven with their whole habits of thought and feeling, objects of attachment to which they may cling instantly and instinctively in all time of doubt or peril, so as not to be swept away by any sudden flood or prejudice or passion. Hence, it is the duty of every man to embrace all fit occasions, nay, to seek fit occasions, for declaring his adherence to such principles and giving them the support of his influence, however high or however humble that influence may be.'"

ADDRESS BY HON. O. S. BASFORD.

Hon. O. S. Basford, a pioneer in South Dakota, delivered the following address:

"Mr. Chairman, ladies, and gentlemen, let me first express to the committee my appreciation of the honor conferred by asking me to occupy a few minutes on an occasion which will mark an important date in the history of the State of our birth or adoption. We may not be responsible for place of birth, but the choice is ours when in adult age we select a place for a future home.

"Some of you, I know, were born in South Dakota; others, perhaps the majority, chose the State of South Dakota in which to make permanent residence. Such as so chose never have shown better judgment.

"It could not have been my reputation as an orator that secured to me the invitation to speak, but it may have been the fact that my selection of the State for a home dates back among the early settlers.

"The greatness of our United States from every viewpoint has been forced on our attention by the rapid and thrilling events of the past seven years. No period in our history has so strikingly revealed ourselves to ourselves and revealed all other nations to our view. As on a panoramic canvas these years have moved before us, and no historic pen will be able to paint the events for our posterity as they have appeared to us.

"When the first call came for the Nation to buy six billions of bonds and pay spot cash we were startled and asked, 'How can it be done?' Quickly we went over the top, and again and again we repeated ourselves until over twenty-four billions had been poured into our National Treasury.

"Had necessity demanded, we could have continued the flood, though perhaps in lessening volume.

"How gathered we such wealth?

"Speaking for the West, I can help to answer that question.

"In May, 1880, 42 years ago, I first visited South Dakota, then a part of Dakota Territory. It was possible then to go by rail only to Watertown. With horse and buggy I drove 70 miles west to the James River, in Spink County. There I learned that the county had been organized the previous year, that about 200 claims of 160 acres each of Government land had been filed upon, that 150 acres of the approximately 1,000,000 acres of prairie land in the county had been plowed. The nearest railroad to the present county seat—Redfield—was 70 miles away. In the fall of 1887, only seven years later, there were 150 miles of railroad in the county.

"Your speaker bought grain at the county seat in the fall of 1887, and, with the assistance of an auditor of a line of grain elevators, we estimated that 6,000,000 bushels of small grain was shipped from the county to eastern markets from the crop of 1886. Similar developments were in progress throughout the larger part of the region which now constitutes the State of South Dakota.

"It is therefore not startling to know that the year our State was received into the Union, 1889, we gained the distinction of producing more new wealth per capita per annum than any other State in the Union. That record we have maintained up to the present time.

"We were not long past our age of majority as a State when the first call to buy Government bonds for the World War was made. In responding to the several calls our State purchased an aggregate of $110,000,000 of bonds, although our total population as a State did not exceed 650,000 people, the large majority being actual dirt farmers.

"English history is replete with well-deserved encomiums on the accomplishments of the Anglo-Saxon race. Did you ever search for the reason why that name was applied to the people of England?

"The earliest known races of the English Isles were the Britons, Gaels, and Picts. Centuries ago there dwelt in Germany two tribes near the south shore of the North Sea. They invaded England, conquered its people, settled its lands, and mingled with its inhabitants. That their name became attached to the English people as a racial name is a credit to the Germanic race.

"In English literature there is also much said of the beneficial effects on English language, habits, and character by the Norman conquest.

"Who was William the Conqueror, Duke of Normandy? He was the grandson of Rolla, foremost among the Scandinavian sea kings or rovers.

"In recent extensive travel and business transactions with the successful farmers of South Dakota I found Finlanders, Hollanders, Germans, Scandinavians, Irish, Scotch—indeed every European race seemed to be with us as well as a sprinkling from Asia. These races are intermarrying, and in the second and third generations race pride and prejudice are disappearing and a new race is becoming common.

"If there was sense and justice in giving to English people the racial title of Anglo-Saxon, greater sense would be shown in giving to this new race the name American. To the south are Mexicans and to the north Canadians. Let the people of this United States be known as Americans. So far as the people of South Dakota are choosers, Americans we are and Americans we will remain and of the 100 per cent variety.

"It is a pleasure to see among the emblems of our sister States the seal of South Dakota. Using a figure of speech borrowed from Holy Writ, 'As a hen gathereth her chickens under her wings,' so here has come one of the latest hatched of the brood to be sheltered among the others by these rock walls, placed here in memory of George Washington, father not only of the thirteen original States, but father of all States ever carved out of the territory of our free and mighty Republic."

As presiding officer, Senator STERLING made the following remarks in closing:

"Before the concluding number by the Army Music School band I want to express our appreciation for the presence here to-day of Secretary Weeks to accept our memorial on behalf of the Government. I also wish to express our hearty thanks to Col. Clarence O. Sherrill, commissioner of public buildings and grounds, and engineer in charge of the Washington Monument, for his assistance and that of his aides in arranging for this dedication; also to Mr. Frederick L. Harvey, secretary of the Washington National Monument Society, for the work that he has done in helping to make this dedication a success. And finally I want to express our appreciation of the excellent music that has been furnished by the Army Music School band."

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The PRESIDING OFFICER. The Chair lays before the Senate bills from the House of Representatives for reference.

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 9053. An act to provide for leasing of the floating dry dock at the naval station, New Orleans, La.; to the Committee on Naval Affairs.

H. R. 9270. An act to confer upon the Territorial courts of Porto Rico concurrent jurisdiction with the United States courts of that district of all offenses under the national prohibition act and all acts amendatory thereof or supplemental thereto; to the Committee on Territories and Insular Possessions.

H. R. 10144. An act conveying the peninsula of Presque Isle, Erie, Pa., to the State of Pennsylvania, its original owner, for public park purposes; and

H. R. 11492. An act providing for the transfer or sale of Army and Navy equipment to the Boy Scouts of America; to the Committee on Military Affairs.

H. J. Res. 180. Joint resolution extending the provisions of the act of February 25, 1919, allowing credit for military service during the war with Germany in homestead entries, and of Public Resolution No. 29, approved February 14, 1920, allowing a preferred right of entry for at least 60 days after the date of opening in connection with lands opened or restored to entry, to citizens of the United States who served with the allied armies during the World War; to the Committee on Public Lands and Surveys.

OHIO RIVER BRIDGE.

The bill (H. R. 11901) authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio, was read twice by its title and referred to the Committee on Commerce.

Mr. SHEPPARD. I am instructed by the Committee on Commerce to report back the bill favorably without amendment, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

Be it enacted, etc., That the Interstate Bridge Co., a corporation organized and existing under the laws of the State of Ohio, its successors and assigns, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Ohio River, at a point suitable to the interests of navigation, to and into the city of Benwood, Union District, county of Marshall, in the State of West Virginia, from the central part of the city of Bellaire, county of Belmont, in the State of Ohio, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIVELES MILITARY RESERVATION.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 23) authorizing the Secretary of War to investigate the claims of private parties to the Mariveles quarry within the limits of a United States military reservation in the Philippine Islands and to permit the working thereof by the persons entitled thereto, provided military necessities permit, which were to strike out all after the resolving clause and insert:

That the Secretary of War is hereby authorized to grant revocable licenses for the quarrying and removal of stone from the Mariveles Military Reservation, P. I., to the Government of the Philippine Islands and to persons and corporations in the Philippine Islands upon such terms and conditions as may be fixed by the Secretary of War.

And to amend the title so as to read: "Joint resolution to authorize the Secretary of War to grant revocable licenses for the quarrying and removal of stone from the Mariveles Military Reservation, P. I."

Mr. WARREN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

NATIONAL FOREST IN THE STATE OF WASHINGTON.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. Lenroot, Mr. Stanfield, and Mr. Walsh of Montana conferees on the part of the Senate.

APPEALS ON WRITS OF ERROR.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3618) to amend section 135 of the Judicial Code, which were on page 1, line 3, to strike out "section 135 of"; on page 1, line 4, to strike out "at the end thereof the following paragraph:" and insert: "thereto a new section to be known as section 238 (a)."; and to amend the title so as to read: "An act to amend the Judicial Code, in reference to appeals and writs of error."

Mr. REED of Missouri. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ANCHORAGE GROUNDS IN UNITED STATES WATERS.

The PRESIDING OFFICER laid before the Senate the amendment of the House to the bill (S. 2199) to provide for the marking of anchorage grounds in waters of the United States, which was on page 1, line 9, to strike out "law", and insert: "the laws of the United States."

The PRESIDING OFFICER. The Chair asks unanimous consent that the amendment of the House be concurred in. Is there objection? The Chair hears none, and it is concurred in.

PAYMENTS FOR INTERNAL-REVENUE STAMPS DESTROYED.

Mr. REED of Missouri. I ask unanimous consent for the present consideration of the bill (S. 1988) for the relief of Faxon, Horton & Gallagher; Long Bros. Grocery Co.; A. Rieger; Rothenberg & Schloss; Ryley, Wilson & Co.; and Van Noy News Co.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Faxon, Horton & Gallagher the sum of $888, to Long Bros. Grocery Co. the sum of $197, to A. Rieger the sum of $327, to Rothenberg & Schloss the sum of $441, to Ryley, Wilson & Co. the sum of $466, and to Van Noy News Co. the sum of $866; said sums being in full payment of the value of United States internal-revenue stamps destroyed by flood, as shown by investigation by the collector of internal revenue and by the findings of the Court of Claims, reported in Senate Document No. 642, Sixty-fourth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CUMMINS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADJOURNMENT TO TUESDAY.

Mr. CURTIS. I move, in accordance with the order previously entered, that the Senate adjourn until Tuesday at 12 o'clock.

The motion was agreed to, and the Senate (at 3 o'clock and 10 minutes p. m.) adjourned until Tuesday, September 5, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 2, 1922.

Appointment, by Transfer, in the Regular Army.

CAVALRY.

First Lieut. Joseph Magoffin Glasgow, Infantry, with rank from December 5, 1919.

Postmasters.

ALABAMA.

Wayne M. Carlisle to be postmaster at Alexander City, Ala., in place of J. L. Thornton. Incumbent's commission expired July 23, 1921.

H. Fontaine Little to be postmaster at Sheffield, Ala., in place of J. R. Coleman, resigned.

ARIZONA.

John M. Turner to be postmaster at Peoria, Ariz. Office became presidential January 1, 1921.

Arthur E. Weech to be postmaster at Pima, Ariz., in place of D. H. Weech, resigned.

ARKANSAS.

William V. Trautman to be postmaster at Bearden, Ark., in place of Bessie Mahan. Incumbent's commission expires September 13, 1922.

Clint B. Smith to be postmaster at Berryville, Ark., in place of J. D. Hailey. Incumbent's commission expires September 5, 1922.

COLORADO.

Barnett F. Greene to be postmaster at Dolores, Colo., in place of W. F. Ordway, resigned.

CONNECTICUT.

Archibald Macdonald to be postmaster at Putnam, Conn., in place of Alexander Gilman, resigned.

FLORIDA.

Fannie P. Reeves to be postmaster at Avon Park, Fla., in place of F. P. Reeves. Incumbent's commission expired January 31, 1922.

Herbert E. Ross to be postmaster at Jacksonville, Fla., in place of G. L. Drew, deceased.

GEORGIA.

Jennie S. Lester to be postmaster at Lexington, Ga., in place of J. S. Lester. Incumbent's commission expires September 28, 1922.

Thomas H. Anthony to be postmaster at Shellman, Ga., in place of H. O. Crittenden. Incumbent's commission expired February 18, 1922.

Charles W. Gunnels to be postmaster at Tennille, Ga., in place of L. J. Pritchard. Incumbent's commission expired July 21, 1921.

ILLINOIS.

Harley R. Tucker to be postmaster at Williamsfield, Ill. Office became presidential July 1, 1920.

Clayton O. Merricks to be postmaster at Abingdon, Ill., in place of A. E. Werts, resigned.

Clyde W. Clanton to be postmaster at Huntley, Ill., in place of J. F. Wendt, resigned.

Willis T. Harris to be postmaster at Marion, Ill., in place of Harry Holland. Incumbent's commission expired February 24, 1922.

INDIANA.

Sam J. Bufkin to be postmaster at Newcastle, Ind., in place of Edward Smith. Incumbent's commission expires September 5, 1922.

Charles J. Wheeler to be postmaster at Noblesville, Ind., in place of R. P. Carpenter. Incumbent's commission expires September 5, 1922.

KANSAS.

Rosa M. Harmon to be postmaster at Oil Hill, Kans., in place of J. T. Harmon, deceased.

LOUISIANA.

Wilson Ardoin to be postmaster at Meridian, La. Office became presidential July 1, 1921.

Arthur J. Richard to be postmaster at Lafourche, La., in place of F. H. Toups, removed.

William L. Galloway to be postmaster at Arcadia, La., in place of J. P. Harrell. Incumbent's commission expired January 5, 1920.

MICHIGAN.

David A. Kooker to be postmaster at Ewen, Mich., in place of E. T. Jermin, removed.

MINNESOTA.

Clyde H. Hiatt to be postmaster at Granada, Minn., in place of B. S. Colton. Incumbent's commission expired March 16, 1921.

Fred F. Campbell to be postmaster at White Bear Lake, Minn., in place of F. F. Campbell. Incumbent's commission expired June 6, 1922.

MISSISSIPPI.

William D. Woods to be postmaster at Houston, Miss., in place of R. B. Waldrop, resigned.

Evalyn B. Jones to be postmaster at Mound Bayou, Miss., in place of M. C. Booze, resigned.

MISSOURI.

Elizabeth Middleton to be postmaster at Kingsville, Mo. Office became presidential April 1, 1922.

Paul L. Horner to be postmaster at Caruthersville, Mo., in place of H. E. Averill, resigned.

MONTANA.

Frank P. Sherburne to be postmaster at Browning, Mont., in place of M. W. Clarke, deceased.

NEW JERSEY.

Samuel Munyan to be postmaster at Gibbstown, N. J., in place of Samuel Munyan. Incumbent's commission expired April 24, 1921.

NEW YORK.

George I. Yost to be postmaster at Ballston Spa, N. Y., in place of W. S. Waterbury, deceased.

Henry Gibson to be postmaster at Cornwall, N. Y., in place of J. J. Heneber, resigned.

Ernest J. Hager to be postmaster at Stamford, N. Y., in place of L. A. Govern. Incumbent's commission expired January 5, 1920.

NORTH CAROLINA.

Lula M. Choate to be postmaster at Sparta, N. C. Office became presidential April 1, 1921.

Raymond C. Barker to be postmaster at Badin, N. C., in place of J. A. MacRae, deceased.

Willis A. Willcox to be postmaster at Halifax, N. C., in place of L. N. Fenner. Incumbent's commission expired January 24, 1922.

NORTH DAKOTA.

Fred A. Scott to be postmaster at Devils Lake, N. Dak., in place of M. J. Bloom, resigned.

OHIO.

Jennie B. Coburn to be postmaster at Amherst, Ohio, in place of A. E. Stiwald, deceased.

James U. Riley to be postmaster at Brookville, Ohio, in place of H. J. Spitler, removed.

Samuel F. Rose to be postmaster at Clarington, Ohio, in place of J. W. Sanford. Incumbent's commission expired January 31, 1922.

William H. Lambert to be postmaster at Delta, Ohio, in place of J. N. Peterson. Incumbent's commission expires September 19, 1922.

OKLAHOMA.

Lura Williams to be postmaster at Manitou, Okla. Office became presidential January 1, 1921.

Grace S. Prentiss to be postmaster at Fairfax, Okla., in place of E. C. Quigley. Incumbent's commission expired June 6, 1922.

Orlando J. Bradfield to be postmaster at Lamont, Okla., in place of Monroe Moore, resigned.

Otis E. Dale to be postmaster at Mountain Park, Okla., in place of J. O. Jackson, deceased.

Albert R. Museller to be postmaster at Pawhuska, Okla., in place of Vernon Whiting, resigned.

Arthur L. Shannon to be postmaster at Stilwell, Okla., in place of G. M. Hagan. Incumbent's commission expired May 24, 1922.

OREGON.

John S. Hudson to be postmaster at Troutdale, Oreg. Office became presidential October 1, 1921.

George L. Edes to be postmaster at Yoncalla, Oreg., in place of W. W. Wilson. Incumbent's commission expired March 16, 1921.

PENNSYLVANIA.

Arthur E. Foster to be postmaster at Thompson, Pa. Office became presidential January 1, 1921.

Carl V. Erickson to be postmaster at Arnot, Pa., in place of T. V. Torney, resigned.

Paul Smith to be postmaster at Hughesville, Pa., in place of C. S. Hill. Incumbent's commission expired August 26, 1922.

William C. Lebo to be postmaster at New Bloomfield, Pa., in place of W. S. Clegg. Incumbent's commission expired February 4, 1922.

PORTO RICO.

Rafael P. Robert to be postmaster at Fajardo, Porto Rico, in place of M. S. Pacheco. Incumbent's commission expires September 5, 1922.

RHODE ISLAND.

Leon Charbonneau to be postmaster at Arctic, R. I., in place of H. H. Archambault, resigned.

SOUTH CAROLINA.

James M. Graham to be postmaster at Alcolu, S. C., in place of L. M. Jones. Incumbent's commission expired January 24, 1922.

SOUTH DAKOTA.

Dennis J. Delaney to be postmaster at Custer, S. Dak., in place of D. J. Delaney. Incumbent's commission expired July 21, 1921.

TENNESSEE.

John D. Taff to be postmaster at Dandridge, Tenn., in place of J. E. Bettis, declined.

Paul M. Ware to be postmaster at McKenzie, Tenn., in place of W. S. Regenold, resigned.

John D. Helton to be postmaster at Waynesboro, Tenn., in place of C. L. Boyd, declined.

TEXAS.

William E. Bogle to be postmaster at Fort Davis, Tex. Office became presidential July 1, 1921.

James E. Shelton to be postmaster at Bowie, Tex., in place of W. F. Lancaster, resigned.

VIRGINIA.

Joseph N. Booth to be postmaster at Dante, Va., in place of G. C. Turner, resigned.

WASHINGTON.

Orien L. Renn to be postmaster at Touchet, Wash. Office became presidential July 1, 1922.

WEST VIRGINIA.

Sterling L. Toney to be postmaster at Holden, W. Va., in place of E. L. Dacey, removed.

Sada L. Goode to be postmaster at Chattaroy, W. Va. Office became presidential January 1, 1922.

WYOMING.

William O. Braley to be postmaster at Upton, Wyo., in place of Juan Jenkins. Incumbent's commission expired January 24, 1922.

George J. Snyder to be postmaster at Glendo, Wyo. Office became presidential January 1, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 2, 1922.

UNITED STATES DISTRICT JUDGE.

John D. Wallingford to be United States district judge, Canal Zone.

PROMOTIONS IN THE ARMY.

Albert Fields to be captain, Dental Corps.

George Paul Sandrock to be captain, Medical Corps.

POSTMASTERS.

LOUISIANA.

Joseph P. Lucas, Dodson.
William Fear, Welsh.

MISSOURI.

Clarence Wehrle, Eureka.
Henry C. Brantley, Newtown.

NORTH CAROLINA.

Frank C. Brinson, Bayboro.
Lola A. Thomas, Jackson Springs.

VIRGINIA.

Clinton L. Wright, Norfolk.

WITHDRAWAL.

Executive nomination withdrawn from the Senate September 2, 1922.

POSTMASTER.

Bernice Wilson to be postmaster at Yoncalla, in the State of Oregon.

SENATE.

TUESDAY, *September 5, 1922.*

The Rev. Wallace Radcliffe, D. D., of the city of Washington, offered the following prayer:

Most gracious God, it is good to give thanks unto Thee and to praise Thy Name, O Most High; to show forth Thy loving kindness in the morning, and Thy faithfulness every night. We thank Thee for the night of rest and sleep and protection. We thank Thee for the day with its light and life and promise. Guide us through this day with Thy loving providence. Make us grateful for Thy blessings. Help us to recognize Thy presence and Thy power.

Especially do we pray for Thy blessing upon the United States Senate. Protect them. Give Thine angels charge over them, and guard their lives, their health, and strength in the special burdensome duties and exposures of these days. Be near to any that are sick, or in any way burdened in body, in mind, or in estate, and comfort and speedily relieve them.

And now bless the United States Senate in lawful assemblage, and send to them the Holy Spirit of Thy wisdom and grace. Keep them from unwise council and disorder and mistakes, and so give them Thy presence and power that their legislation may be the establishment of peace and happiness, of truth and justice, of virtue and piety. To the whole land reveal Thyself in Thy great tenderness. Over the tumults of the people rule Thou, and out of all confusion bring order and fraternity and brotherhood. To the glory of Thy Name. Through Jesus Christ our Lord. Amen.

The Assistant Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst
Borah
Brandegee
Broussard
Bursum
Capper
Culberson
Cummins
Curtis
Dial
Dillingham
du Pont
Ernst
Gooding
Harreld
Heflin
Jones, Wash.
Kellogg
Lenroot
McCumber
McNary
Nelson
New
Nicholson
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Robinson
Sheppard
Simmons
Smith
Smoot
Sterling
Sutherland
Underwood
Walsh, Mass.
Walsh, Mont.
Warren
Watson, Ga.
Watson, Ind.

Mr. SIMMONS. I wish to announce that my colleague [Mr. OVERMAN] is absent on account of illness.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Forty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Assistant Secretary called the names of the absent Senators and the following Senators answered to their names when called:

Fletcher
McLean

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present.

Mr. CURTIS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

The following Senators entered the Chamber and answered to their names:

Myers
Reed, Mo.
Shields
Shortridge
Stanfield
Williams

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum of the Senate is present. The presentation of petitions and memorials is in order.

DISTRIBUTION AND SALE OF COAL.

Mr. REED of Missouri. Mr. President, I ask consent of the Senate to interrupt the regular order of procedure for just a moment. I am obliged to leave the Chamber and leave the city in a few minutes. I ask unanimous consent to be permitted at this time to submit an amendment to the amendment submitted by the Senator from Iowa to House bill 12472.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent, out of order, to offer an amendment to the amendment of the Senator from Iowa, submitted on behalf of the committee, to House bill 12472.

Mr. CURTIS. Does the Senator want it acted on at this time?

Mr. REED of Missouri. No; I want to speak on it for about 5 or 10 minutes.

The PRESIDING OFFICER. The Senator desires to speak on the amendment. Is there objection? The Chair hears none.

Mr. REED of Missouri. Mr. President, I should like very much to have this amendment acted upon if it is not disagreeable to the Senator in charge of the bill. A brief word of explanation is due the Senate, of course; and I should be very glad if I could have the attention of the Senate for a moment.

Mr. DIAL. Mr. President, may the amendment be read now, so that we may know what it is?

Mr. REED of Missouri. I will state what is in it, and the phraseology can be read afterwards.

The amendment which I have offered simply provides that there shall be added to the bill offered by the Senator from Iowa as a substitute for the House bill a section to be known as section 7; and section 7 provides that all producers of coal for shipment in interstate commerce shall, every 15 days, report to the Secretary of Commerce the prices they have received for their coal at the mine, and that all wholesalers and jobbers engaged in handling coal in interstate commerce shall in like manner report the prices they have charged for coal. The object of the amendment is to advise the purchasing public what prices are being charged. It will enable the purchasing public to know first what the general and average price of coal is, and to judge whether the purchaser is being charged an unreasonable price. It will enable the purchaser of coal to compare the prices charged by different mines. If the ordinary price is, let us say, $4 a ton, if some mine owner is charging $8 or $10 a ton, the fact will immediately become known to the purchaser that he is being robbed and cheated, and he will know that he should not buy from that man, and the profiteer and his practices will be exposed.

All that I have said applies equally to the wholesaler. If, then, a purchaser of coal in a community for household use finds that a certain price is fixed by his retail dealer, and there is any combination or any extortion practiced, he can discover that fact by simply referring to the price at the mine and the price the wholesalers are charging and adding to the price the amount of the railroad charges, which are easily ascertained.

I do not claim that this amendment will afford a complete remedy for our ills. It will, however, give to the general public valuable information, and it will result in exposing the unjust practices of a part of the dealers in coal, those who do indulge in unjust practices, and at the same time will serve to vindicate from the charge of extortion every dealer who is charging only fair and reasonable prices. It does not undertake to regulate prices, but it disseminates information regarding prices.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Tennessee?

Mr. REED of Missouri. I yield to the Senator.

Mr. SHIELDS. I did not hear the statement of the substance of the amendment of the Senator from Missouri. Is it confined to coal transported in interstate commerce?

Mr. REED of Missouri. It is.

Mr. SHIELDS. That is the first impression I had; but just then the Senator stated that it referred to the prices of coal as sold by the operators at the mines.

Mr. REED of Missouri. The prices charged by operators for coal to be shipped in interstate commerce.

Mr. SHIELDS. Let us stop right there. What jurisdiction have we over coal to be sold in interstate commerce before it goes into interstate commerce? Does not that come directly within the decision in the case of the child-labor law?

Mr. REED of Missouri. I think not. This is a mere matter of information. A man is engaged in producing an article to be shipped in interstate commerce. We do not regulate his price. We simply ask him to report his price.

Mr. SHIELDS. What power have we to require him to report about a matter that Congress has no jurisdiction to regulate?

Mr. REED of Missouri. But I think the Senator will agree with me on reflection that when an article is produced for the express purpose of shipment in interstate commerce the production is the first step in the interstate-commerce transaction. We could not compel the producer to report his prices, and I do not seek to compel him to report his prices, on any coal except that which he disposes of for shipment in interstate commerce; and, in fact, great bodies of it are sold by the mine owners directly into interstate commerce. That is all I am seeking to reach. I am trying to keep squarely within the limits of the Federal authority.

Mr. President, this gives the people a chance to a degree, at least, to protect themselves from extortion. It exposes extortion and exposes profiteering. It is a thing that can be easily done, because in the past substantially the same thing has been done, so far as collecting information is concerned; but the dissemination of it, I believe, never has been undertaken. It is one practical step that I think we can take within the limits of our constitutional authority. It imposes no unjust burden upon anyone. It does not interfere with freedom of trade or commerce, except to the extent that the dissemination of facts may interfere with some individual's desire to practice extortion. Moreover, it is justifiable for another reason: It enables the purchaser to know the sources from which he can obtain his supply.

I can illustrate that. A few days ago a large consumer of coal wired me that he was being required to pay as high as $12 a ton for bituminous coal to be used in manufacturing establishments. The next day I received a telegram from a large coal producer saying that there were then 500 cars upon the tracks in Missouri and Kansas without a purchaser, and that the coal was held at $4.50 to $6 a ton. If that fact had been generally known, nobody would have been buying $12 coal on that day.

I am sorry I can not be here to present this amendment. If it is entirely agreeable to the Senator in charge of the bill, and he will get consent to lay his bill before the Senate, I should like to offer the amendment; but perhaps Senators would like to discuss it further.

Mr. CUMMINS. Mr. President, it is wholly agreeable to me to have the bill laid before the Senate. I intended to ask to have that done immediately after the disposition of the routine morning business.

Mr. WALSH of Montana. Mr. President, there are some of us who would like to dispose of the morning business first.

Mr. REED of Missouri. Then, Mr. President, I thank the Senate for the courtesy they have extended me, and I shall have to leave this matter in charge of some other Senator.

Mr. SMITH. Can not the Senator from Missouri introduce his amendment by unanimous consent?

Mr. REED of Missouri. It has been introduced.

The PRESIDING OFFICER. The amendment has been introduced, and it will be ordered to be printed and lie on the table.

CONFIRMATION OF ASSOCIATE JUSTICE GEORGE SUTHERLAND.

Mr. NELSON. Mr. President, the President has sent in the nomination of Mr. George Sutherland as Associate Justice of the Supreme Court of the United States, in place of Associate Justice Clarke, who has resigned. According to the usual custom in a case where the appointee has served in this body as long as Mr. Sutherland did, I ask unanimous consent that the nomination may be taken up and disposed of as in open executive session.

The PRESIDING OFFICER. Is there objection? The Chair hears none. As in open executive session, the Chair lays before the Senate the following message from the President of the United States.

The Assistant Secretary read as follows:

To the Senate of the United States:

I nominate George Sutherland, of Utah, to be Associate Justice of the Supreme Court of the United States, vice John H. Clarke, resigned.

WARREN G. HARDING.

THE WHITE HOUSE, *September 5, 1922.*

Mr. NELSON. I move that the nomination be confirmed without reference to the Committee on the Judiciary.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent for the present consideration of the nomination. Is there objection? The Chair hears none, and the Secretary will report the nomination.

The ASSISTANT SECRETARY. George Sutherland, of Utah, to be Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination? [Putting the question.] The nomination is confirmed unanimously, and the President will be notified.

TREATY WITH PANAMA (S. DOC. NO. 248).

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting a letter from the Acting Secretary of State, setting forth the desirability of terminating the present treaty arrangement with Panama and the negotiation of a new treaty with that Government, etc., which, with the accompanying papers, was referred to the Committee on Foreign Relations and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 243) providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak., reported it with amendments, and submitted a report (No. 904) thereon.

Mr. McNARY, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 2625) for the relief of sufferers in New Mexico from the flood due to the overflow of the Rio Grande and its tributaries, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 3193) to provide for the refund of penalties paid under section 4 of the food control act, as amended, reported adversely thereon and moved that the bill be indefinitely postponed, which was agreed to.

ENROLLED BILLS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that September 2, 1922, they presented to the President of the United States the following enrolled bills:

S. 813. An act to authorize the Commissioners of the District of Columbia to close upper Water Street between Twenty-first and Twenty-second Streets NW.; and

S. 2597. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

BLACKFEET INDIAN RESERVATION.

Mr. WALSH of Montana. From the Committee on Indian Affairs I report back favorably with an amendment the bill (S. 3790) authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the disposal of the surplus waters of Milk River, Two Medicine, Cut Bank, and Badger Creeks, not needed by the Indians of the Blackfeet Indian Reservation for domestic or irrigation purposes, and I submit a report (No. 903) thereon. Being a matter of some urgency, I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Indian Affairs was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized to enter into agreement, jointly or separately, with the Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the sale of the surplus waters of Two Medicine, Cut Bank, and Badger Creeks, not needed by the Indians of the Blackfeet Reservation, Mont., for domestic or irrigation purposes, upon such terms and conditions and under such rules and regulations as may be deemed for the best interests of the Indians: *Provided*, That said districts shall furnish in advance the entire cost to be incurred in determining the amount of the surplus water of said streams over and above the amount needed for the Indians. The districts shall furnish their respective proportionate share of such cost. Any differences as to the cost of such investigation shall be properly adjusted at a later date.

Mr. WALSH of Montana. I offer the following amendment to the amendment: After the word "authorized" where it occurs in the third line of the typewritten substitute insert "by the advice and with the consent of the Business Council of the Blackfeet Tribe of Indians."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill authorizing the Secretary of the Interior to enter into an agreement with the Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district of Cut Bank, Mont., for the disposal of the waters of Two Medicine, Cut Bank, and Badger Creeks, not needed for domestic or irrigation purposes by the Indians of the Blackfeet Indian Reservation.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PHIPPS (by request):

A bill (S. 3982) to authorize the Secretary of the Interior to issue oil and gas permits and leases to persons equitably entitled thereto, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. SHIELDS:

A bill (S. 3983) to extend the market news service of the Department of Agriculture by telegraph to the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Mississippi, Louisiana, and Florida; to the Committee on Agriculture and Forestry.

AMENDMENT OF BANKRUPTCY LAWS.

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, which was ordered to lie on the table and to be printed.

DISTRIBUTION AND SALE OF COAL.

The PRESIDING OFFICER. The morning business is closed.

Mr. CUMMINS. I ask unanimous consent that the Senate proceed to the consideration of House bill 12472, the emergency coal bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. FLETCHER. I would like very much if we could go on with the calendar until 2 o'clock. There are quite a number of bills on the calendar, and it is very important that we should go on with it.

Mr. UNDERWOOD. I suggest that we take up the calendar where we left off at the last call of the calendar.

Mr. CUMMINS. If that be the desire of the Senate, I shall not even attempt to stand in the way. Everyone knows the emergency of the particular bill which I have called up.

Mr. CURTIS. I suggest to the Senator from Florida that he let the matter go over for the present. If we do not take the calendar up to-day, I shall try to arrange later in the week to devote an entire day to the calendar, so that we can clean it up.

Mr. FLETCHER. If that can be arranged, I will not press the matter.

Mr. CURTIS. I will try to arrange for that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. FLETCHER. I make no objection, with that understanding.

The PRESIDING OFFICER. The Chair hears no objection, and House bill 12472 is before the Senate as in Committee of the Whole.

Mr. CUMMINS. I yield to the Senator from South Carolina [Mr. SMITH].

THE COTTON INDUSTRY.

Mr. SMITH. Mr. President, I deem it to be my duty, in view of certain statements made by the Agricultural Department, to call to the attention of the Senate what I consider the greatest menace which now confronts our industrial life. Of course, it is a matter which has not challenged the attention of the whole people, because they were not apprised of certain facts.

Just a few days ago we passed a tariff bill, and one of the most important provisions in that bill as it pertained to America, as well as the rest of the world, was that relating to cotton manufactures. It is a matter not only of concern to America, where there are money investments in cotton-manufacturing plants of almost incalculable sums, but it is a matter of worldwide interest, that there has appeared and is now operating in this country a destructive pest which last year spread its infestation to practically the entire Cotton Belt. I want to read a report of the estimate of loss made by the Department of Agriculture, which is nothing short of startling in its revelations concerning the amount of loss we are now sustaining. This report, in part, says:

> From point of loss in production through all causes, 1921 was a record year. The estimated potential production aggregates 18,666,000 bales, prevented production being 10,712,000 bales, for which the boll weevil was responsible for 6,277,000 bales in one year alone.

When we consider that the average export of cotton for 10 years was 7,456,000, and our domestic consumption was 6,396,000 bales, we can begin to appreciate the actual loss in dollars and cents yearly from the presence of this pest. The article further reads:

> Prevented production therefore far exceeded the actual crop and the weevil caused a reduction equal to 79 per cent of the actual crop. Had it not been for the weevil last year's crop could have been obtained from 66 per cent of the acreage cultivated. The weevil was more destructive than all other causes of damage combined, being credited with 59 per cent of the total damage.

Mr. President, I had a talk this morning over the telephone with the chief entomologist of the Department of Agriculture. The presence of this pest is menacing the commercial life of the South Atlantic States. In my State alone last year practically 1,000,000 bales of cotton were taken from production. At $100 a bale, or 20 cents a pound, that spelled a loss of $100,000,000 in that State alone.

We have been experimenting with this terrible plague for something like 21 years, and have not even checked his ravages. We have come to the point where heroic remedies must be applied if we propose to save for the mills of America, to say nothing of the mills of the world, a supply of cotton sufficient to meet the demands of those mills.

It is needless for me to say to the Senate that American cotton has no competitor, and is practically the only cotton used for human consumption the world over, and from an average of 13,000,000 bales in the last 10 years, the production during the years 1921 and 1922 will not exceed 8,000,000 bales, and the weevil has not yet quite covered the entire cotton belt.

As the chief entomologist said to me this morning, it is not a local matter; it has now become a national menace, and we have to meet it, not with experiments here or rotation of crops there but with the only method indicated, the cessation of the planting of cotton for one year, either in the entire belt or in the eastern half of it, with a like cessation in the western half next year.

I asked this morning if it was the opinion of the chief entomologist that cotton was the only host of this pest. He replied that, so far as their investigations went, he was of that opinion. I asked him to write me a letter setting forth whether or not, in the opinion of the entomologist, the cessation of the planting of cotton a year would put the pest beyond the Rio Grande River, in which case we could zone a hundred miles east of the river, and forever remove the danger of this incalculable loss that has fallen upon the southern people.

It is claimed that the price of cotton, now 20 to 22 cents a pound, is higher than it was during pre-war times. When it is taken into consideration that we produce one bale now where we produced two then, that we are fighting the weevil, picking off the square, adding the fertilizer, and then making one bale where we made two, the cost on the south Atlantic this year will aggregate from three to four times the cost before the weevil occurred. I predict that unless heroic measures are adopted such as I have indicated and such as the South is now aroused to the necessity of, that in the course of three or four years there will be no cotton planted in the South Atlantic States for the reason that at the prices now obtaining the producer can not fight the weevil, buy fertilizer, and take a gambler's chance as to what he will get for his cotton. The current prices now are around 22 or 23 cents, while the estimated yield has been reduced 1,000,000 bales, according to the last Government report, to 10,500,000 bales, where the average consumption of the world is around 13,500,000 or 14,000,000 bales, spell a shortage and famine in cotton before next August shall arrive. The present price spells the absolute bankruptcy of those who are attempting to make the cotton and yet under the manipulation of our financial affairs, the price seems to be arbitrarily controlled by those who have no regard for the law of supply and demand or the welfare of the producer. We are confronted with a condition that is not only going to spell disaster to the cotton producers of the South, but, as Sir Charles McCara said in his letter to one of the officials of the American Cotton Association, it spells disaster and ruin to the cotton industry of England and of Europe and of the Orient. Japan, Great Britain, France, Italy, Spain, Germany, all run their mills dependent upon the American supply.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. SMITH. I yield.

Mr. WATSON of Georgia. On yesterday I had a call from the president of the National Farmers' Union, who had just returned to this city after a trip through Florida and Georgia. Naturally, I asked him about conditions in my own State of Georgia, which, as the Senator from South Carolina well knows, has been next to Texas the largest producer of cotton in the Union. Mr. Barrett told me of one county in which more than half the farms had been sold this year under the sheriff's hammer. The houses were abandoned. The folks and the animals were gone. From the train windows could be seen field after field where the farmer had given up hope and left his crop to the boll weevil. That is true all over the State of Georgia. The newspapers will not play it up, because they pursue the mistaken policy of optimism instead of giving the people the facts.

In my own case, if I may be permitted a personal allusion, I invested in cotton lands the savings of a quarter of a century at the bar and felt assured of a comfortable income for my old age. A report sent to me at my request by the manager of those farms last week said that I might get 60 bales where I had been getting from 500 to 600 bales. With 60 bales it will be impossible to pay the taxes and the expenses. My case is simply typical of 10,000.

Mr. SMITH. Mr. President, the thing that I desire to call to the attention of the Senate is that we tax the patience and energy of this body to protect the manufacturers of cotton in making a profit, to practically embargo them against the menace of competition from the Old World, and yet we have done practically nothing at all to check the inroads of this foreign enemy, deadly in its effect upon the production of cotton, and we have done nothing whatever to see that those who produce this great American monopoly for 900,000,000 people shall get an adequate return for that which they produce.

I want to call attention to just one other startling statement made in the report from the Department of Agriculture:

> The hypothetical value of the prevented production of cotton brought the extraordinary total of $11,473,599,000. Of that amount the boll weevil amounted to $3,102,152,000. The farm value of cotton, including seed produced, in these 13 years aggregated $15,646,523,000, or an average of $1,203,578,700.

I am calling this matter to the attention of the Senate because it has got to be met by cooperation of the United States and the States. We have got to prepare to meet it. If the report of the entomologists be true, that cotton is the only host of this pest and that he will starve and be exterminated if cotton is not planted, we have got to meet the issue and start by leaving all east of the Mississippi for one year and then the next year all west of the Mississippi without the planting of cotton. It is absolute folly to think that the planters of the South can go on making cotton for the world's consumption, taking chances against the pest which, in unusually favorable years for him, destroys from six million to seven million bales and even in the best years cutting down the crop 30 per cent—it is idle to think that any sensible men are going to engage in the production of an article that is not only problematical even under the best of conditions, but absolutely bankrupting when it comes to the question of the added fight by virtue of this pest.

Mr. WATSON of Georgia. Mr. President, I hope my friend from South Carolina will explain to the Senate, so the country may know, that in the South it is impossible for us to adopt any money crop in the place of cotton.

Mr. SMITH. That is true. In the South Atlantic States all the land, in spite of its wonderful productivity when artificially fertilized, makes the cost of any other crop prohibitive in competition with the great grain fields of the West. There all the grain grows without artificial fertilization. Corn is raised in all the valleys of the West, the Middle West, and the far West, in such quantities and at such a cost as to make it absolutely impossible for us to grow it in competition. And yet there is not a spot on the habitable globe found that will grow a pound of cotton comparable to the American variety. We have, as Sir Charles McCara said, adopted the stupid policy of allowing Europe and America to put the price on cotton just as low as the poor, resourceless producers of the South can stand. For 50 years, as the Senator from Georgia knows, we have been producing cotton in adequate supply for the world demand at a result to us of just a bare living for those who produced it. The purchaser of cotton in America and in Europe has adopted the stupid policy of trimming the price down just as low as the producer could possibly exist—not live, but exist. So that to-day we are confronted with the condition of one-half of a crop at four times the cost with the average price of normal times. We have two resources. If the Government and the States do not take hold of this matter and finance it the production of cotton in America, so far as the world supply is concerned, is a thing of the past. It means the exploitation of every acre in the world outside of America that can grow any cotton to meet the demands of the world.

When this letter shall come from the entomologist which I have asked him to write I hope it will state specifically and indicate to us whether the nonplanting of cotton for a year would mean the eradication of the weevil. Over the telephone this morning he indicated to me that he believed that would be true. If it is true the Federal Government in conjunction with the State governments must meet the matter by law and prohibit the planting of cotton until such time as this national menace shall have been destroyed.

Mr. KING. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. KING. The picture painted by the Senator is one which is very tragic. I have been wondering, as he has been explaining the matter in such a clear way, whether all of our scientific knowledge was unavailing to meet the situation.

Mr. SMITH. Absolutely unavailing, Mr. President, on account of the peculiar character of the particular insect. He does not eat. He sucks his food or his pabulum through a proboscis, so that any application of poison to the plant does not affect him, does not reach him, because he lives upon the circulation of the plant and not upon the foliage or any of its fruit. It is a peculiar thing, as developed in the South Atlantic States, that makes him a more terrible menace than in the Western States and the Mississippi Valley. In the Western States and the Mississippi Valley, where they do not have to use artificial fertilization, the soil keeps the vitality of the plant until the frost destroys it, so that he takes the blooms and shapes, as they are called. The weevil prefers those to the boll. Down in the South Atlantic, where we artifically fertilize, we produce more when the weevil is not there than they do in the West because the plant gets the proper food in the concentrated form, rapidly matures the boll, and we make more to the acre than where the plant has such a luxuriant vegetable growth. But when the fertilizer is exhausted and the full crop is practically on the stalk, it stops fruiting, but it stops fruiting before the frost falls. Consequently this pest, having no bloom or shapes, is bound to feed and he punctures practically every boll on the stalk. Those bolls in which the lint and seed are so immature as to form a liquid in which the larvæ may develop, are destroyed, and only those bolls are left where the fiber is so near to maturity that it does not furnish food for the egg and the larvæ; so that one walking through the field and seeing the cotton stalks covered with bolls thinks, perhaps, that he will make from one-third to one-half a crop, when by an examination of the bolls or waiting until they arrive at the age when bolls open he will find that, perhaps, 50 per cent of the bolls have been destroyed by this pest.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from South Carolina yield to his colleague?

Mr. SMITH. I yield.

Mr. DIAL. My colleague speaks of the Mississippi River being the dividing line. Is there any particular virtue in that being the line on one side of which cotton might be cultivated and not on the other, or could there be some other line, although I know, in general, that is regarded as the dividing line? But take, for instance, the Savannah River.

Mr. SMITH. The reason I suggested the Mississippi—and I shall take the question up more particularly with the entomologist—is because that is practically the dividing line between where artificial fertilizers are used and where they are not. It is also practically the dividing line as between the peculiar climatic conditions. Out on the western plains of Texas, where the sun gets extremely hot and the soil extremely dry, the larvæ of this pest are destroyed by the climate to such an extent that they do make something like a half crop under favorable conditions; but east of the Mississippi River the humidity is so great and the rainfall is so heavy, while the heat is not so great as it is beyond the Mississippi, that it makes it practically impossible to grow cotton in any year.

Take my State, with a production of a million and a half bales; the State of the Senator from Georgia, with a production of 2,000,000 bales; North Carolina, with a production of 1,250,000 bales; Alabama, with a production of 1,500,000 bales; in those States the production of cotton is being practically wiped out, and on what we do produce such prices are received as to ruin any man who attempts to grow cotton.

Furthermore, our income from the exportation of raw cotton abroad has maintained the balance of the trade in favor of America for more than 52 years, and with the discovery of the processes by which from the seed alone were taken the wonderful by-products such as lard and butter and cooking oil, cattle feed, and fertilizer, the seed were rapidly becoming as profitable as the cotton was a few years ago. Taking the two in conjunction, the loss to America is beyond calculation.

If the cotton producers of the South through the last 52 years had received a just compensation for the cotton which they produced, they might have been in a position in some way themselves to cooperate to combat this menace, but they have been under the heel of a master; they have been more or less without capital and without credit; and yet cotton is the only basis upon which there could be brought into the South food and clothing sufficient to meet the necessities of a war-ridden and oppressed people; and the purchasers have seen to it religiously that the price has never been advanced beyond the necessities of a bare living.

That policy has resulted in a menace to every cotton mill in America and to every cotton mill in Europe. As one of the foremost spinners of Europe said: If the American cotton crop shall fail, as it seems to be failing, it means that Lancashire, Manchester, Leeds, and Oldham, and all that cluster of mills upon the Manchester Canal, will have to be closed, and then what will the world have to wear? Of what use will the mills be?

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to his colleague?

Mr. SMITH. I yield.

Mr. DIAL. I was reminded when I heard my colleague answer the question of the Senator from Utah of a statement made by a speaker week before last. He had come from Texas and was a very intelligent man, having been a demonstration agent in that State. He made a speech in which he said there were not 500 farmers in Texas who were then using chemical preventives; that they had lost faith so far as extirpating the weevil is concerned; but that the only remedy they had was by cultivation. The farmers were very blue, indeed.

Mr. SMITH. Mr. President, it has been demonstrated in my State this year that, perhaps, the use of this poison will in some very minute way aid; but the bald fact stares us in the face that as a gift from the Creator America was given a monopoly of the raw material essential to the clothing of all the civilized peoples of the world; and as a result our stupid policy of allowing Liverpool, the members of whose exchange do not know a cotton stalk from the jimson weed, to dictate the price to America as to what we, America, with a monopoly of the cotton, shall get for our world's production, to-day the producers of cotton in America are the most notoriously poor people in the United States, although they have a practical monopoly of the world's production of cotton.

The weevil, however, seems to have a monopoly of that monopoly; and it is the duty of the Federal Government to cooperate with the several States and see, not as my colleague has intimated, that there shall merely be experiments conducted here and there, but that some system shall be devised which will not only reduce the ravages of but exterminate the boll weevil.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. SMITH. I yield.

Mr. WALSH of Massachusetts. I judge from what the Senator is so well saying that he does not believe the National Government has done all that it ought to do to exterminate the pest to which he has referred.

Mr. SMITH. I do not think it has done so. From time to time the Congress has made appropriations for experimentation, but that has been going on for about 21 years and we have not even checked the ravages of the weevil as yet. That is true.

Mr. WALSH of Massachusetts. What does the Senator suggest should be done to remove this pest which is causing such extensive damage and injury to one of our great national assets?

Mr. SMITH. Stop planting cotton for one year is the suggestion. That would put the weevil beyond our borders, and then, by establishing a zone 100 miles in width east of the river, the flight of the weevil being not more than 60 miles during its migratory period, according to the preliminary statement by the entomologist, we would be rendered immune so long as we maintained the zone.

Mr. WALSH of Massachusetts. What expenditure would that involve?

Mr. SMITH. My information now is that probably the expense would be very slight as compared with the radical nature of the measure, because every cotton planter, knowing that he would not plant cotton in a given year, say in 1923, would put all of his acreage into foodstuffs and forage crops. The only thing that I would suggest would be that the Federal Government and the States obligate themselves to pay on the acreage planted a certain percentage of its value in order to enable the farmer to meet his taxes and current expenses necessary to keep him going on a credit basis.

Mr. WALSH of Massachusetts. While the Senator has been speaking I have thought of the large sums of money appropriated to prevent damage caused by the overflowing of the Mississippi River in times of high water. In the case of the damage to cotton there is an injury being done that is tremendous compared to the injury caused by floods, and yet we are practically doing nothing, according to what the Senator says, despite the very serious and heavy annual financial loss to our people.

Mr. SMITH. The loss involved is practically a billion dollars a year. It would take nothing like that amount to aid the farmers, and it would be money well spent if we were to appropriate a billion dollars if by such an expenditure we could eradicate this pest, the ravages of which have increased rather than diminished during the time that we have been fighting it, for 21 years.

Mr. WALSH of Massachusetts. I read the article to which the Senator has called attention, and I was very much impressed by it. I think the Senator is making a very useful and valuable contribution by discussing this subject to-day, and I am very glad to hear him.

Mr. SMITH. I thank the Senator. It seems as though it is a matter that does not seem to concern anyone. When we of the South were struggling and pleading for financial aid to hold what cotton we made for a price that would at least meet the cost of production, we were treated with indifference. In 1920, when deflation began, cotton was the first commodity to feel the effects of it. Cotton fell from 40 cents a pound to less than 10 cents a pound during the 12 months. Not only was the weevil taking two bales out of every four, but, under the policy of our Government, we were taking 3 cents out of every 4 in the price of cotton, thus burning the candle at both ends. Yet some people marvel that the income-tax receipts of the National Government are falling off and that the tax burdens of the national and local government are more grievous than the people can bear. That is the situation.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. SMITH. I do.

Mr. WATSON of Georgia. Mr. President, granting that the Federal Government has the constitutional power to prevent the planting of crops that are injurious to the public health or injurious to the country generally, does the Senator from South Carolina think that the Congress has a right to pass a law prohibiting the planting of a harmless crop like cotton?

Mr. SMITH. No, sir; I do not believe that the Federal Government has any constitutional power whatever to say a word to a sovereign State as to what shall be planted within that State, but I do think that if a sovereign State will exercise its power and cooperate with the other sovereign States and then the Federal Government will aid them in tiding over the year of nonproduction by a proper appropriation to help them to live and sustain their credit, we will have met the situation. I do not believe the Federal Government has any power whatever to control the planting of any crop within a given State. I do think that the emergency which now confronts us in the cultivation of cotton is not only national but international in character. England is as much interested in the American cotton crop as is America; Europe is as interested as is America. Heretofore it has had an abundant supply; but consider these figures: When the weevil had spread from the western territory across the Mississippi and had covered all of the State, say, of North Carolina, production dropped from an average of 13,000,000 bales to a production last year of 7,900,000 bales. Our exports of cotton for 10 years averaged 7,456,000 bales annually. So it is apparent that our production last year only exceeded our average exportation of cotton by about 400,000 bales.

Mr. WALSH of Massachusetts. Which represents a drop in production of 100 per cent.

Mr. SMITH. A drop in production of practically 100 per cent.

Mr. WALSH of Massachusetts. And due almost entirely to this pest.

Mr. SMITH. It is due almost entirely to this pest. The domestic consumption of America averaged for 10 years 16,396,000 bales. The prospects are that the average consumption in America will increase; the probabilities are that this year our cotton crop will not exceed 9,000,000 bales. The Agricultural Department estimated that, based upon conditions as of August 25, the present crop would yield 10,500,000 bales; but they took the precaution to say: "It may be more or it may be less, on account of the uncertainty that attaches to the maturity of the crop and conditions from now on."

Well-informed men, men who know cotton, do not believe that the present crop will exceed 9,000,000 bales. Suppose our consumption in America maintains the average of 6,396,000 bales; we will have, out of a 9,000,000-bale crop, something like two and a half million bales to meet an export demand of an average of 7,000,000 bales.

Mr. WALSH of Massachusetts. And yet the prices do not rise with this reduced production.

Mr. SMITH. And yet the other day, when the Agricultural Department brought out a statement showing a condition of 57 per cent as compared with normal and indicated that the maximum crop upon that basis would be ten and a half million bales, which, with the carry over from last year, would lack something like two and a half million bales of meeting the world's demand for American cotton, the cotton market broke 100 points.

In view of that condition, how long do the Members of the Senate, who boast on this floor from time to time of the great resources of this country and of our marvelous trade, suppose that the balance of trade will be in favor of America. It is a notorious fact that our food production is rapidly being overtaken by consumption, so that in a few years we will cease to export foodstuffs, and, according to one of the experts of the department, we will be importing foodstuffs. What will happen when we will cease to export cotton and perhaps begin importing cotton to meet the demands of the increased population and the necessities of the people? Yet we sit here, not only paying no attention as a body to this frightful menace but raising not a finger in protest against the manipulation of our financial affairs that refuses credit to the man who desires to hold his cotton until he can get enough out of it to pay expenses.

To give you an idea of how things go, some one issued an order to the effect that any producer who attempted to hold cotton from one year into another year was necessarily speculating. I had an intimate friend who went to a banker and said, "I want to hypothecate this warehouse receipt for cotton as security for my note in order to borrow some money." The banker said, "In what year was the cotton made?" My friend said, "1920." The banker replied, "You can not get a dollar, because if the cotton is carried from one year to another we deem it speculation." In other words, it was not a question of the intrinsic value of the collateral put up but it was a question of forcing the producer, in his abject necessity, to sacrifice his product, leaving him interminably and hopelessly in debt.

Mr. President, I have tried to call the attention of the Senate to a menace the like of which never has fallen upon us before. I am not going to stand here and plead that the producer of this world necessity shall have extraordinary treatment for his benefit, though he has had extraordinary treatment for his destruction. I will not stand here and make a plea for that; but I am putting it upon the broad ground of a national asset and saying that as sensible men we ought to meet the ravages of this pest in a heroic manner and preserve this great American asset to the benefit of our country and the producer. I am making a plea that the power of this asset shall not pass from this country; and yet it is my prediction that unless this heroic remedy is applied and we cease the planting of cotton so as to eradicate this pest it is only a question of a few years before the supply of American cotton will be inadequate even to meet the demand of our own spindles.

Mr. President, in conclusion I want to make this plea:

We are now just upon the eve of gathering and marketing the crop of 1922. A small portion of the crop of 1921 is still in the hands of the producers. At the present price of cotton, at the present cost of production and the amount of production it would take three crops produced without cost to meet the indebtedness incurred in producing the crops of 1920 and 1921. I believe the Senator from Georgia [Mr. WATSON] and the Senator from Alabama [Mr. UNDERWOOD] will agree with me that with the present price of cotton, the supply in sight, the prospective supply to be produced this year, with the carry over from last year, added to an entire crop of the same size that cost nothing to produce, if sold at the present price would not more than liquidate the indebtedness incurred by the drastic deflation of 1920 and 1921.

In my own case as a cotton producer, I can specify that my carry over, which I am fortunate enough to have, perhaps, or maybe unfortunate, plus this crop, plus the next crop, would not more than liquidate the indebtedness that I incurred to produce the crops of 1920 and 1921. It is a stupid policy for us to sit idly by and allow the Old World, Liverpool, to dictate to America the price of her world monopoly, and to impoverish the producer, and then come here and pass a tariff that is beyond all reason in protecting the manufacturer against the same source.

Mr. President, I hope that at least when I receive the report from the entomologist Senators will give their earnest attention to this subject, which means the balance of trade in our favor, which means the prosperity of all America. If you take $1,000,000,000 out of the primary circulation of this country by virtue of the failure of the cotton crop, it will affect every manufacturing plant from Florida to Maine and from the Atlantic Ocean to the Pacific. The untold millions that have been turned loose in the sale of cotton and cotton seed have largely spelled the development and progress of this country. It is coming to an end. The manufacturers of the West and Middle West and the East and the North must find some other place to dispose of their manufactured goods rather than in the South. It is a matter that calls for the most serious consideration of this body. Matters of less importance have received not only the serious consideration of this body but their hearty response. When the starving millions of Russia were menaced we poured out our largess. I am not asking you to give the South anything. I am asking you just to give us a fair chance under our common Government; and when I shall have received this report from the entomologist I propose to introduce a joint resolution looking toward the cooperation of the Federal Government, as far as the Constitution will allow, in ceasing the planting of cotton and bringing about a condition that means a to-morrow for the cotton grower of the South.

DISTRIBUTION AND SALE OF COAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. KELLOGG. Mr. President, I am quite aware, as the Senator from Alabama [Mr. UNDERWOOD] said, that this bill is not a complete remedy for the grave crisis now confronting the country in the production of coal; but it is the only remedy which can be immediately applied.

A bill has been suggested providing that the Government shall create a corporation to purchase and sell coal and to operate mines. Mr. President, if such a bill could be passed—and I doubt the advisability of it—it could not be put in operation for 60 or 90 days.

The scheme would require a large organization, a large appropriation by Congress, and the emergency would be over or the damage done before the remedy could be applied.

What does this bill seek to accomplish and what are the conditions surrounding the coal situation, both bituminous and anthracite?

For five months there has been a coal strike which has practically completely tied up the anthracite mines and the bituminous mines except in the so-called nonunion districts. In the nonunion districts there has been produced not over 50 per cent of the normal requirements per month of the country of bituminous coal. The result is that for five months the coal reserves in the country have been depleted until railroads and public utilities are perilously close to being shut down.

It is true that the bituminous strike has ended and the mines are prepared now to produce, and it looks as though the anthracite mines would resume very shortly; but owing to the exhaustion of the coal surplus in the country and the shortage, if the railroads of the country could move the normal or even the peak amount of coal per month priority orders would be necessary to supply those industries which are absolutely necessary to the life of the people—transportation, public utilities, and public institutions.

So, with the depleted condition of the roads, owing to the strike, it is impossible, without priority orders from the commission, to move enough bituminous or anthracite coal to supply in the next three months what is necessary for industries which are absolutely indispensable, and unless some drastic measure is taken the want of transportation for coal, just as much as the want of production, will make the price soar to unreasonable heights, and while I am opposed generally to paternal legislation to controlling prices this is a crisis, and unless something is done by priority orders of the commission to supply the essential industries at reasonable prices the country is going to lose hundreds of millions of dollars because the public utilities of this country, whose earnings are limited by law, can not pay the prices which are now being asked for coal at the coal mines in this country.

The great majority of bituminous operators in the nonunion districts—I think, 70 per cent of them—agreed with Mr. Hoover in May on a schedule of prices based on the Garfield prices plus their added costs since that time, and they have generally kept their agreements. Thirty per cent of the operators refused to join in that, and sold their coal for $6, $8, or $9 a ton at the mine, and many of the other operators are now breaking away from those agreements, and, with the impossibility of transporting coal enough to meet the demands of this country for manufacture and for public utilities, if the market is thrown wide open those who wish coal are going to bid prices which will raise the prices of coal to everybody in this country away beyond any reasonable profit. I am perfectly willing, and I think everybody else is, that those coal mines should have an opportunity to make liberal profits, even to make up their losses, but $4 or $5 a ton extra is not necessary for that purpose, as I think I can demonstrate when I come to the figures.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. KELLOGG. I yield.

Mr. KING. I ask, for information, whether it is a fact, as has repeatedly been stated, that the price fixed by Mr. Hoover and a large number of the coal operators was greatly in excess of the then market price and what would have been a fair return to the coal operators for the product which they were agreeing to sell?

Mr. KELLOGG. I do not think it was in excess. It ranged from about $2.50, I think, in the Alabama field, to $3.50 in the highest producing fields, and it was simply a maximum. The fixing of that price did not interfere with the prices fixed in contracts which mines had entered into, and the price was not really fixed by Mr. Hoover at all. It was simply an agreement by the operators that they would not exceed that price in the face of a national emergency which they knew would bring coal to an absurd price of $6, $8, or $10 at the mouth of the mine. It was based upon the Garfield prices plus certain additional expenses which the coal operators incurred after that time.

All of the mines have not followed the agreement, but a good many of them have. To-day, however, coal is being offered at the mouths of the mines in all of these districts at $6, $7, $8, and as high as $9 a ton, and purchasers are being advised to buy at those prices.

Mr. KING. The Senator knows that is extortionate.

Mr. KELLOGG. I know that it is extortionate.

Mr. KING. My information is that the high price of coal to the consumers has largely resulted from the actions of speculators and brokers and intermediaries. I am told that many persons who never dealt in coal purchased from producers and from each other for purely speculative purposes and that by the cumulative purchases and practices the prices were advanced to levels that were unjust and caused prices to be advanced so as to be oppressive to the great mass of consumers. However, the statement just made by the Senator would seem to indicate that some mine operators were profiteering and robbing the public. I was going to suggest to the Senator, in view of the fact that speculators and brokers have gone in and bought coal, not for their own use but to hold for speculative purposes, that the Federal Government might pass a law making it a penal offense for men to buy coal for speculative purposes in a crisis of this kind, coal which passes in or is used in interstate commerce. I know that would be drastic, but it seems to me that if these robbers and exploiters are going to continue their nefarious work the power of the Federal Government may properly be exercised to restrain them and open the doors of the penitentiary for some of them.

Mr. KELLOGG. Mr. President, such action may become necessary. Of course, I have no doubt that there have been coal speculators who have sought to reap large profits out of the necessities of the country. It was thought by the committee that this bill, which could be instantly placed in operation by the commission without the creation of a large organization, which would take considerable time, would go far to relieve the situation, and that if we could get an expeditious movement of coal, speaking, now, of bituminous coal, with the proper orders of the commission for the use of cars, the price would be largely kept down. The other may become necessary.

Mr. President, I realize, as stated by the Senator from Alabama, that the present crisis is caused by the coal strike, which has been going on for five months, and is augmented by the railroad strike, which has been going on for over two months. The Senator from Alabama says the pending bill is not a remedy for this condition. I realize that also. But it is the only immediate remedy which can be applied in time to give priority to deliveries at reasonable prices.

I realize that some remedy must be found for such an industrial condition as has existed in this country during the last five months. There are especially two industries in the country which are absolutely necessary to the life of the Nation—that is, transportation and fuel—and it is not possible for the people to exist if any set of men, either labor unions or combinations in labor unions, or operators of transportation or of coal mines, can paralyze the industries and endanger the life and health of the people. I do not generally believe in paternal legislation. The power must exist and must be exercised to preserve the very existence of the Government and the life of the people. Every man has a right under the Constitution to freedom of action, to work or not to work as he sees fit, and nobody is going to invade that right; but no set of men, whether laborers or operators, have any constitutional right to conspire or combine for the purpose of stopping transportation or production of the necessaries of life.

Under our modern economic system railroads must run every day. A stoppage of transportation for one month would imperil the lives of millions of people, and coal production is necessary to transportation. It is of such universal use and necessity in modern life that a strike or a walkout may not only imperil the country but the lives of the people. Witness every year or two such scenes as at Herrin, dynamiting of trains, destruction of rolling stock, and almost a civil war, such as existed in West Virginia. Such scenes must and will be prohibited. Is this a government by force and intimidation or a government by law? I think this issue, thus sharply portrayed to-day, is one of the greatest that ever confronted the American people.

Before discussing the pending bill, let me state the condition of the country. It is essentially illustrated by the condition of the Northwest. All the coal, both bituminous and anthracite, which is used in northern Minnesota, North Dakota, most of South Dakota, and northern Wisconsin, must be transported between this time and the close of navigation, which ends on December 1—some years a little before and some years a little later.

The coal is transported to the Lake Erie ports, and from there transported by ships to the Lake Michigan and Lake Superior ports, Milwaukee, Sheboygan, Ashland, Superior, and Duluth, as well as Canadian ports.

It is true that some coal can be sent into southern Minnesota and South Dakota by rail from the Illinois fields, and some coal can be sent to Milwaukee from those fields; but the limitations upon transportation are such that it is a physical impossibility to supply northern Minnesota, including the cities of St. Paul and Minneapolis, northern Wisconsin, and North and South Dakota without lake transportation.

Ordinarily navigation opens about the 1st day of May, and by the 1st of September there are upon the docks of Superior and Duluth, at the head of the Lakes, which principally supply the country to which I have referred, outside of a district around Milwaukee, about 5,000,000 tons of bituminous coal, to say nothing about the anthracite, and they usually have about 750,000 tons of anthracite by this time of the year.

This year there have been transported to the head of the Lakes 473,000 tons, of which about 200,000 tons were transported back down the Lakes to keep the railroads from stopping, because of the absolute necessity for coal for railroad operations. So that we have net about 273,000 tons.

There are upon those docks to-day about 100,000 tons, which belong to the railroads and public utilities. In fact, more has been sold than has been shipped there. On Lake Michigan there are about 78,000 tons.

The PRESIDING OFFICER. The Senator from Minnesota will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 12377) to establish a commission, to be known as the United States Coal Commission, for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

Mr. KELLOGG. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, at the request of the Senator from Minnesota, the unfinished business will be laid aside, and the Senate will proceed with the consideration of House bill 12472.

Mr. UNDERWOOD. May I inquire if the unfinished business is not the House bill with the Senate committee substitute?

The PRESIDING OFFICER. No; the unfinished business is the bill which the Senator from Idaho [Mr. BORAH] had in charge a few days ago, to establish a coal commission.

Mr. UNDERWOOD. My understanding was that we took up House bill 12472 on motion, and that became the unfinished business.

The PRESIDING OFFICER. That bill was taken up by unanimous consent each time and the unfinished business temporarily laid aside.

Mr. KELLOGG. I am speaking upon the so-called Cummins substitute.

Mr. UNDERWOOD. I have no objection to the bill which has been before the Senate being proceeded with.

The PRESIDING OFFICER. House bill 12472 is now before the Senate by unanimous consent, and the Senator from Minnesota will proceed.

Mr. KELLOGG. Mr. President, a week ago I had a telegram from the Northern States Power Co. of St. Paul and Minneapolis, which operates the electric light and steam plants of those two cities and 216 other cities in Minnesota and northern Wisconsin, and I think North Dakota. I will read that part of the telegram which applies to the question of the supply of coal:

> We have only two weeks' supply of steam coal and four days' requirements in transit from Lake Erie ports. Are consuming 5,200 tons per week. At Minneapolis and St. Paul steam plants are shut down. If these plants shut down will discontinue electric service in Minneapolis and St. Paul and 216 cities and towns in southern Minnesota.

We have less than three weeks' supply of gas coal at Fargo, Grand Forks, Mankato, Faribault, and Stillwater, and require 1,000 tons per week.

The balance of the telegram is as to the details of their desire for action in transportation.

Mr. President, Mr. Griggs, manager of the ore and coal exchange at Cleveland, who is administering the priority orders as to shipments of coal to the Northwest, sent a telegram the 30th day of August to the Federal fuel director as follows:

Mr. HENRY B. SPENCER,
Federal Fuel Director,
718 Eighteenth Street N. W., Washington, D. C.:

While reports of no coal on upper lake docks at this time of navigation season is seriously impressive, the actual visualization which I had Monday of all commercial docks at Duluth and Superior swept clean and absolutely bare of coal when there should be 5,000,000 tons stored, and with nights in Northwest already requiring some heat, is vastly more startling than any one in Washington or elsewhere actually realizes. Winter approaching, docks empty, and definite indications of shortage of cars and transportation for all coal to Northwest, make it absolutely necessary in my opinion that every customer and dealer in the Northwest make contracts or place definite buying orders in upper lake docks at once for actual minimum requirements until opening navigation next spring so that aggregate requirements for the winter will be determined and utmost efforts put forth to secure enough coal to avoid suffering until next spring. Only 12 weeks left for lake shipment.

H. M. GRIGGS,
Manager Ore & Coal Exchange, Cleveland, Ohio.

Mr. STERLING. Mr. President, may I ask the Senator if to the telegram which he has just read is not attached a photograph of the docks showing that they are swept clean?

Mr. KELLOGG. Mr. President, I have received many photographs of which this [exhibiting] is a fair example. One can not see a piece of coal on the docks. That is the general condition. If that country tributary to Duluth and Superior does not receive at least 6,000,000 tons of coal public utilities will have to close down during the winter, and if it does not receive a million tons of anthracite the people of the Northwest are going to suffer for want of fuel. From the best calculation I can make, if the railroads can handle the coal it is not going to be possible to put through the Lake Erie docks more than 13,000,000 tons as a maximum, which goes to supply not only the Lake Michigan and Lake Erie ports but Detroit, Port Huron, the Canadian ports, and many other places which will get coal out of that supply.

So that I see no escape from the conclusion that with everything the Interstate Commerce Commission can do, and I believe they will do everything they can, to give priority for the transportation of bituminous coal and anthracite from now until the close of navigation, the Northwest is bound to suffer. Nine million tons is the normal amount which the head of the Lakes would take in bituminous alone and about 10,700,000 tons of bituminous and anthracite. In fact, all of the lake ports during 1918 to 1921 received each year upwards of 15,000,000 tons; in 1918 over 16,000,000 tons; in 1919 over 15,000,000 tons; in 1920 there was a shortage and much coal was transported by railroad; and in 1921 over 15,000,000 tons. The totals to all ports, Canadian, Lakes Erie, Superior, and Michigan, this year have been only 4,649,000 tons, of which a large part went to Chicago, Detroit, and similar places.

Mr. President, the Senator from Alabama [Mr. UNDERWOOD] stated that in his opinion the House bill and the so-called Cummins bill which has been offered as a substitute, do not grant any power beyond that which the Interstate Commerce Commission now has. In my opinion, the Senator is in error in this regard. The power which the commission now has under section 402 of paragraph 15 of the transportation act, so far as it applies to the priority orders, is as follows:

To give directions for preference or priority in transportation, embargoes, or movement of traffic under permits, at such time and for such periods as it may determine, and to modify, change, suspend, or annul them.

Then follows the provision as to action in the time of war. I am not going to stop at this time to argue the legal aspects of one clause of the so-called Cummins bill, but the commission construes that to give them priority for the use of all equipment to supply certain districts or necessary industries in preference to other industries, public utilities over ordinary industries, but that it does not give them the power to furnish preferred transportation to the coal mines which are willing to sell at reasonable prices. It may be that a broad construction of that provision would include the power, but the bills now before the Senate, both the House bill and the Cummins bill, make that perfectly clear, and to the Cummins bill I desire for a few moments to ask the attention of the Senate.

The bill authorizes the commission as follows:

SEC. 2. That the powers of the Interstate Commerce Commission under the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, including the transportation act, 1920, and especially under section 402 of said transportation act, 1920, are, during the aforesaid emergency, enlarged to include the authority to issue in interstate transportation of coal or other fuel orders for priorities, embargoes, and other suitable measures in favor of or against any carrier, or region, or person, or corporation, and to take any other necessary and appropriate steps for the priority in transportation and for the equitable distribution of coal or other fuel so as best to meet the emergency and serve the public interest, and to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal or other fuel at prices unjustly or unreasonably high.

It is true probably that the Federal Government in a great emergency has the power to preserve the life and the health of the people. It is true that the Federal Government could undoubtedly take over all the mines if it were necessary to do that. It is true that the Federal Government could probably organize a corporation to buy and sell all the coal. But, as I said, an organization so vast could not be put into effective operation for 60 or possibly 90 days and by that time the damage would be done. It is questionable whether such authority should be granted at this time.

Mr. President, as said upon this floor, there is coal enough being produced in the anthracite mines which can be sold at a reasonable price, and I do not think anybody who advocates this legislation is going to stand upon the floor of the Senate and deny to the operator a liberal price. I notice that the various State administrations in Pennsylvania, Kentucky, West Virginia, and other States have fixed a price on an average of about $1 higher than the Hoover price. I do not think anybody would question that, but when coal can be purchased in quantities which will equal the power of the railroads to transport to the market, to the consumers of the United States, and be sold at such a reasonable price, why should we not give preference to cars to handle that coal as against the man who wants to take advantage of the necessities of the people, of the panic which ensues under such conditions as this, and offers his coal at $6, $7, $8, or $9 a ton at the mines, which may mean $10, $11, $12, or $15 to the consumer?

The Senator from Iowa [Mr. CUMMINS] and other Senators intend to discuss the constitutionality of that feature, and I shall not stop at this time to do so. In my opinion it is an exercise of the constitutional power of the Government, because the excessive price of coal, partly used for railroad transportation, is a direct burden on interstate commerce within the decisions of the Supreme Court of the United States.

It has been said on the floor that excessive prices for coal are not now being charged, and will not be charged, because there is a surplus of production; but the limitation of transportation creates just as great an inducement to demand and to receive excessive prices as would a limitation upon production. I hold in my hand, Mr. President, a synopsis which is published in the Black Diamond of August 19, 1922, and I have confirmed the quotations which it contains down to within the last two or three days. This synopsis shows that in practically all the coal fields east of the Mississippi River and in the principal coal-marketing cities coal is being offered to-day by the producers at enormous and exorbitant prices, and is being taken by those consumers who had rather pay those prices than to run the risk of not getting coal.

What will be the condition if coal is thrown open to general bidding and competition among the purchasers? Manufacturing companies whose coal consumption enters even to a small degree into the production of their product will bid any price for their coal. That necessarily will put up the price of coal to everybody else. They would rather pay the high price than not to continue their manufacturing industry. Public utilities can not stand such prices; the people can not stand them; and they should not be permitted. Why should not the Interstate Commerce Commission give preference in cars for transporting coal from those mines which are willing to receive a reasonable price and which can supply, to the extent they can supply at all, the needs of the country?

In the statement to which I have referred I find that in the Chicago market coal is being offered at $9 a ton, the prices having advanced 50 cents a ton in the last two days. In the Minneapolis market screenings were sold late in the week at $11.50 for Youghiogheny, Hocking, and splint. "Eastern Kentucky coal sold at from $8 to $15. Pocahontas lump and egg sizes sold at from $14.50 to as high as $15.95, with mine run from $12.50 to $13.75, and screenings from $11.50 to $12.75."

LOUSVILLE, KY.—It is reported that such open-market coal as is available is quoted at from $7.50 to $8.50 a ton at mine. Some of the railroads are refusing to pay over the $3.50 to $4 price on priority fuel, but a great deal of coal on priority orders is selling at well above regulated prices.

At Detroit there is the same report.

At Indianapolis, Ind., right near the coal belt, there is the same report. At Norfolk, Va., it is the same as it is at Cincinnati and Cleveland. As to Cumberland, Md., it is stated:

Prices are still soaring to a great extent, the prevailing price on coal in the several pools ranging from $6 to $7.20 at the very minimum—

That is at the mine—

> Fairmont (W. Va.)—

Which is the center of the great Fairmont district—

> market conditions remain much the same in so far as they affect northern West Virginia, the price range during the greater part of last week having been from $6 to $7.25 per ton.

At Bluefield, W. Va., the price has been from $6 to $8 a ton; in Ashland, Ky., it has been from $6 to $7.25 per ton. As to Birmingham, Ala., it is stated:

> Buyers in the spot market are reported to be paying $5 to $6 per ton mines for run-of-mine and washed coal and about the same for lump for domestic use.

In Pittsburgh, Pa., the price is from $8 to $8.50 per ton; and for Connellsville steam coal it is from $7.50 to $7.75 per ton for mine run.

Then follow quotations in a large number of other places, which I shall not take the time of the Senate to read.

Mr. President, I hold in my hand [exhibiting] a bundle of letters from coal operators all over Pennsylvania, West Virginia, Kentucky, Tennessee, and Ohio demanding for coal from $6 to $9 a ton at the mines. Tell me they are not profiteering! I shall not weary the Senate by reading these letters, though any Senator may see them if he desires. They are only a few of the hundreds of letters which are being sent to the Fuel Administration in Washington.

Mr. President, as I have said before, I am loath to go into price fixing. I have seen it tried; but, Mr. President, there is facing this country to-day the greatest emergency in the coal situation which has faced the country since I can remember in time of peace, brought about by the strike which has lasted for five months. It is perfectly fair to allow the coal operators to add a reasonable price, even to make up their losses, but no man will stand upon this floor and claim that 25 cents, or 50 cents a ton at the very outside, will not cover the additional cost and the additional profits which are necessary to the operators. A charge for coal of $4, $5, or $6 over a reasonable price is simply robbery of the American people.

I know of no way adequately and speedily to handle this situation except through transportation facilities. If the industries of the country generally can stand such a price, the public utilities can not do it, for their earnings are limited by law. Freight rates are already too high. Are they going to be reduced by permitting the coal operators to demand of the railroads $6, $7, or $8 a ton at the mine? Can street railways and lighting companies and public institutions pay such a price? Can the people generally pay it?

Mr. President, in the last two years there has been the greatest depression in agriculture throughout this country that I have known for many years. The tremendous increase in the cost of labor and in the cost of supplies incident to the production of agricultural crops has burdened the farmers so that when their prices went below pre-war prices many of them were bankrupt. Can the farmers of this country pay $15, $18, $20, or $25 a ton for coal and receive only 60 or 75 cents a bushel for their wheat and corresponding prices for their other products?

To-day the market price of farm products is going down. Undoubtedly that is partially due to the derangement of the market caused by the railroad strike and lack of transportation facilities, but, correspondingly, the price of coal, which the farmers must buy, is going up. I believe that it is a proper and just exercise of the power of the Interstate Commerce Commission to give preferred transportation to the coal mines—and there are plenty of them which can mine and sell coal at a reasonable price. If that is done, and the orders of the Interstate Commerce Commission are enforced, all of the available transportation facilities of the country are going to be turned into the carrying of coal and, so far as possible, the country will be relieved.

There are two sections of the United States which will probably suffer more than any other sections. One is the Northwest, where winter will stop the transportation by the 1st of December, and the other is New England. New England has shipped in more than the usual quantity of coal by water, but it is over 4,000,000 tons short by rail shipment. It is true that New England can ship coal every day in the year and that the resumption of operations in the union mines, bituminous and anthracite in Pennsylvania and other northern districts, will undoubtedly relieve New England to a great extent, but the limitations of transportation are going to make it extremely difficult, if not impossible, adequately to supply the Northwest, and to-day the railroads, public utilities, and public institutions are facing a shutdown, and many industries will have to close down. I fear there is going to be great suffering in spite of everything which can be done. I believe we are confronted by an emergency which calls for drastic action, and certainly the bill of the Senator from Iowa is not too drastic in this respect.

Mr. CUMMINS. Mr. President, I take this opportunity to conclude the observations which I began at the last session of the Senate. As an addition, however, to the showing just made by the Senator from Minnesota [Mr. KELLOGG], I desire to read a telegram which I received from my own State yesterday morning. This telegram is sent to me by the president of the Iowa City Gas & Electric Co. It is a public utility organization which supplies that city, being the home of the State university, with light and power. It says:

> Four dollars and fifty cents per ton is price fixed by all operators for southern Illinois screenings. This is double last year's price, and double price fixed by Government during war. The pre-war price on same screenings was 90 cents per ton. The public service business and industry can not stand such extortion. Coal is a vital commodity that supplies the life to industry. Its price must be controlled by the United States Government if industry shall live. Can not relief be given, and quickly, to a situation—

And I use the words of the telegram; they are not my own—

> to a situation which is damnable?

There are many other instances of the same character, not only in Iowa but in many other States of the Union. It seems almost unspeakable that coal operators who are now at work with wages just as they were last September or October, or before the strike, should more than double the price of this inferior quality of coal—coal that can only be used, generally speaking, in large furnaces and the like. As the Senator from Minnesota [Mr. KELLOGG] has said, there would be nothing remarkable if, in view of the idleness of these mines for the last six months, there should be added 25 or 50 cents per ton, to continue for six months to come, in order to compensate for the period of inactivity; but to double the price of coal of this character seems to me to call for quick and efficient action upon the part of the Government of the United States.

When I suspended Saturday afternoon I was considering the differences between the House bill and the Senate bill. I have concluded that review, with the exception of two distinctions or differences, and I name them, not, however, to dwell upon them.

The House bill provides that of the appropriation of $250,000, $50,000 may be used to pay the expenses incurred by the fuel administration appointed by the President some weeks ago, whereas the Senate bill does not contain a like provision. I say frankly that I am in entire sympathy with the provision of the House bill in that respect. If the bill goes to conference I shall feel at liberty, unless otherwise instructed by the Senate, to yield to the House provision in that respect.

The last difference that I care to mention relates to the period of the duration of the law, and that I regard as somewhat important.

The House bill provides, in section 8, that—

> Whenever the President shall be of the opinion that the existing emergency has passed he may by proclamation so declare, and thereupon the exercise of the powers conferred under this act shall be suspended.
>
> At any time hereafter, when the President shall determine that an emergency exists caused by shortage of supply or inequitable distribution of coal or other fuel, which endangers the public health and general welfare of the people of the United States, or injures industry and business generally throughout the United States, or causes extortion, or limits the supply of heat, light, and power, or threatens to obstruct and hamper the operation of the Government of the United States and of its several departments, or the transportation of the mails, or the operation and efficiency of the Army and the Navy, or the operation of carriers engaged in commerce among the several States, or with foreign countries, the President may proclaim that an emergency so exists and thereupon the powers conferred by this act shall be revived and in full force and effect.

In connection with that, however, I will read section 11 of the House bill, which provides:

> Except as to prosecutions for offenses, the provisions of this act shall cease to be in force and effect January 1, 1924.

The Senate bill has this provision on that subject:

> SEC. 5. That whenever the President shall be of the opinion that the national emergency hereby declared has passed, he shall by proclamation declare the same, and thereupon this act shall no longer be in force or effect, and in no event shall it continue in force and effect for longer than one year from the passage thereof.

Those who followed the two provisions will see that under the House provision, while the law will expire absolutely on January 1, 1924, yet during that period in which the law is in force the President might declare the existing emergency at an end, and thereupon the law would be suspended, but at any time before the 1st of January, 1924, he could by proclamation revive the operation of the law, whereas under the Senate bill when he declares the emergency which Congress has now recognized at an end he can not revive the law by declaring another emergency to exist, and the law itself ceases to operate at the end of one year after the bill has passed.

Personally I very much prefer the Senate provision. I am reluctant to give this great power to the commission, and I do not want it to continue a moment longer than the existing emergency continues. When that emergency has passed, if another one shall arise Congress can deal with that as it is now dealing with the present situation.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. I yield.

Mr. LENROOT. I should like to ask the Senator whether he thinks the courts would attach the same weight to the finding of an emergency by the President that they do attach to the declaration of an emergency by Congress?

Mr. CUMMINS. I am sure the courts would not attach the same consequences or weight to a declaration by the executive branch of the Government that they will attach to a declaration by Congress. That is perfectly evident to anyone who has read the decisions of the courts which refer to powers that may be exercised during an emergency.

With this, Mr. President, I turn to the points that have been raised with regard to the constitutionality of the proposed statute. I need hardly say that I do not intend to review all the cases upon this subject. They are very numerous; they are very unlike, and it is not difficult for an ingenious mind to discover some want of harmony in these decisions; but I believe that in a very short review of the rulings of the Supreme Court I can convince an open mind that the power we seek to give the Interstate Commerce Commission in this bill is a constitutional power, and that we can confer under the authority of the Constitution the power that we propose to confer in this bill.

The clause of the Constitution which gives Congress the right to regulate commerce among the States and with foreign nations and with the Indian tribes is, as everybody agrees, the most comprehensive power bestowed upon Congress in the Constitution. I think the Supreme Court has so described that power many times; and it is quite evident that as commerce changes—and commerce is the great characteristic of the development of the United States—the application of this clause in the Constitution must from time to time change in order to meet the necessities of the existing situations.

There are but two limitations of the power given to Congress to regulate commerce among the States; and I am not philosophizing myself, because the Supreme Court has said this repeatedly. The first qualification is that the proposed measure of legislation must be a regulation of commerce among the States. The second—and it is the only other—is that the measure proposed must not violate another specific provision of the Constitution.

As an instance of the two qualifications, I may mention, first, the recent decision of the Supreme Court in what is known as the child-labor case. I am not referring now to the decision invalidating the tax law, but to the decision upon the act of Congress which was based upon the power of Congress to regulate commerce among the States. In that case—and I will examine it a little more minutely in a moment—the Supreme Court held the act unconstitutional because it was not a regulation of commerce among the States.

Another instance can be found in any of the several cases in which a regulation of commerce, whether directly by Congress or through the instrumentality of the Interstate Commerce Commission, has been declared by the Supreme Court invalid because it violated the fifth amendment to the Constitution; that is to say, it took property for a public use without just compensation. If either Congress or the Interstate Commerce Commission should prescribe a rate for a service to be rendered by a railroad company that, in the opinion of the Supreme Court, did not furnish just compensation for the service, and therefore was confiscatory, the Supreme Court would invalidate or void the regulation, whether it be from Congress or whether it be from the Interstate Commerce Commission, by reason of its repugnance to the fifth amendment to the Constitution.

I give these two illustrations in which the Supreme Court has applied in the one instance the doctrine that the legislation did not constitute a regulation of commerce among the States, and the other is an instance in which, although the regulation was properly a regulation of commerce among the States, yet, inasmuch as it was in violation of another specific provision of the Constitution, it could not be sustained.

Mr. President, this proposed legislation can be sustained upon either of two grounds. It can be sustained on the ground that the evil which it proposes to remedy constitutes an undue burden upon interstate commerce. There are two decisions of the Supreme Court which are very clear, and, as it seems to me, very convincing upon this point.

In the case of Stafford against The Secretary of Agriculture, the Supreme Court sustained a recent act for the regulation of stockyards upon precisely that theory. I need not review the terms or the purpose of that act, because it is perfectly familiar to all Senators. But among the provisions of that act was a prohibition against undue or unreasonable charges and exactions relating to services rendered in and about the stockyards, which are described by the bill, and which come within its scope.

It was urged before the Supreme Court, with great force, that the operations of the stockyards were purely intrastate operations; that when an animal came from the west and passed into the stockyards, there to be sold to a packer and to be manufactured by that packer into meat, and the meat transported to the East, so far as the operations of the stockyards were concerned they were purely intrastate. The Supreme Court disposed of that contention without much difficulty, and I need not read the manner in which it connects the stockyards and the function they perform in transforming live animals into meat for human consumption, but I do want to read one paragraph, possibly two, referring to the commissions and exactions which prevail and are charged by those who are either in the employ of the stockyards company or who are there for the purpose of purchasing cattle, or taking some part in the great transformation which begins after the cattle are sold. All will remember that Chief Justice Taft rendered the opinion in this case. Said the Chief Justice:

> The object to be secured by the act is free and unburdened flow of live stock from the ranges and farms of the West and the Southwest through the great stockyards and slaughtering centers on the borders of that region, and thence in the form of meat products to the consuming cities of the country in the Middle West and East, or, still, as live stock, to the feeding places and fattening farms in the Middle West or East for further preparation for the market.

I read now another part of the decision:

> Congress thought that the power to maintain this monopoly was aided by control of the stockyards. Another evil, which it sought to provide against by the act, was exorbitant charges, duplication of commissions, deceptive practices in respect of prices, in the passage of the live stock through the stockyards, all made possible by collusion between the stockyards management and the commission men on the one hand and the packers and dealers on the other.

Now mark:

> Expenses incurred in the passage through the stockyards necessarily reduce the price received by the shipper, and increase the price to be paid by the consumer. If they be exorbitant or unreasonable, they are an undue burden on the commerce which the stockyards are intended to facilitate. Any unjust or deceptive practice or combination that unduly and directly enhances them is an unjust obstruction to that commerce.

I need not read more, although the remaining part of that paragraph is very interesting and instructive. The whole opinion reflects a single view with regard to the connection between such practices and interstate commerce.

The other decision which I desire to bring to the attention of the Senate, which I shall not read, although I have it here, is the decision of the Supreme Court in the late case of the Railroad Commission of Wisconsin against the Chicago, Burlington & Quincy Railroad Co. That case arose under the transportation act of 1920, and the facts were that under that act, on the 26th of August, the Interstate Commerce Commission advanced not only freight charges but advanced passenger rates 20 per cent, together with what is known as a Pullman surcharge. The latter, however, is not material to be mentioned at this time.

A statute of the State of Wisconsin provided a fare of 2 cents a mile for passengers within the State of Wisconsin. The Railroad Commission of Wisconsin advanced the freight rates in that State in the same proportion precisely that the Interstate Commerce Commission had advanced interstate rates, but, of course, declined to advance passenger fares, because it had no authority to do so, the fixing of those rates being an act of the legislature. I may remark that during the period of Federal control, when the Government was operating the railroads, the statute had fallen into disuse, because it was assumed that the Federal authority superseded the State authority so long as the Government was in operation of the property, and during that time the passenger fares in Wisconsin had been 3 cents per mile. But when the Interstate Commerce Commission increased the rates 20 per cent, that meant 20 per cent above the rates that had theretofore been charged by the Government, or 3.6 cents per mile.

In that situation this suit was brought, and it was brought to determine whether the Interstate Commerce Commission had the authority to increase passenger rates in Wisconsin between points in Wisconsin to 3.6 cents a mile. There were some complications about the matter with regard to the proof as to certain points in Wisconsin, but upon the proof, which was undoubted, the difference between the rate that was then being charged by the railroad companies for passengers and the rate which had been ordered by the Interstate Commerce Commission in interstate traffic would make a difference in revenue of something like six or eight million dollars annually. I am possibly getting that figure too high. I do not recall just the amount, but the amount is not material. It was substantial, however.

In that situation the case came to the Supreme Court of the United States, and that court held, with an amplitude of reasoning, and apparently without any difference of opinion, that although as an original proposition Congress could not affect rates wholly within the State of Wisconsin, and had no authority as an original proposition over them, yet, because the diminished rates in Wisconsin yielded a lesser revenue than rates for a like service in commerce or transportation between the States, therefore the Wisconsin rates constituted an undue burden upon interstate commerce; and held, further, that the rates established by the Interstate Commerce Commission superseding the rates in Wisconsin were valid rates, and the court held that, of course, upon the theory that the rates in Wisconsin were so inseparably connected with interstate commerce that the association itself gave to Congress and gave to the Interstate Commerce Commission as complete power over the State rates as though they had been rates governing the transportation of passengers between the States.

So that the proposition, Mr. President, that Congress can assume authority and can confer authority upon the Interstate Commerce Commission over any local or State institution or regulation or whatnot which affects or burdens interstate commerce is so well established that I need not go further in presenting it at this time. So much for the law. Now, with respect to the application of that phase of the matter to the present case.

The pending bill proposes to give to the Interstate Commerce Commission authority to prohibit a carrier from furnishing transportation or cars to anyone who is charging for the commodity in question an unreasonably high price. The Senate bill acts only upon the carriers.

Under the Senate bill there could be no order issued against anyone but the carrier which proposed to transport such a commodity. Remember, in the first place, that the railroads themselves use for transportation purposes nearly 30 per cent of all the coal that is consumed in the United States. It is obvious, therefore, that the exaction of an unreasonable price for the coal which must be consumed by the railroads for motive power or for other purposes necessarily is a burden upon interstate commerce. There is no one charge that can be made for any commodity sold to the railroad companies which so quickly and so directly affects not only the ability of the companies to serve the public but affects the charge which the railroad companies must make in order to serve the public as the disposition of coal, and for that reason, if for no other, we have the right to prescribe that a railroad company shall not, so long as its cars are needed elsewhere, furnish transportation to a coal operator or a coal dealer who is exacting unfair, unreasonable, and extortionate prices.

But it is more than that. Under the decision of the Supreme Court to which I have referred and from which I have read in the stockyards case the unreasonable price of coal as it circulates through the commerce of the United States, disregarding now the effect of it upon the railroads themselves, is an undue and an unreasonable burden upon commerce. Why was it that the Supreme Court said that we have the power to say that those who render services in the stockyards in Chicago should not charge more than a reasonable price for their labor or their service, or whatever it may have been? It was solely because when the unreasonable price was charged and the commodity upon which the charge was imposed passed into interstate channels of commerce those channels were obstructed and it did not flow with that freedom and facility which the Constitution intended to give Congress the power to preserve. It is utterly impossible to distinguish in principle between the cases which I have cited and the case which we have now before us. The bill does not touch the coal operator. It imposes no penalty upon him. It may be that we ought to do it, but the bill imposes no penalty upon the coal operator. It simply takes care of the channels of interstate trade after the coal is loaded upon the car and begins its journey to another State.

Mr. DIAL. Mr. President——

Mr. CUMMINS. I yield to the Senator from South Carolina.

Mr. DIAL. How would the Senator treat cars that were loaded under contract? Would the bill undertake to interfere with prior orders?

Mr. CUMMINS. I am not going to predict or try to predict just what can be done under the provisions of the bill. I am very sure that if a coal man has entered into a contract to sell coal at $2 a ton and is willing to sell it at $2 a ton, or whatever may be a reasonable price, there could be and would be no interference in that case. If, on the other hand, the mine operator and the consumer had entered into a contract for coal at $10 a ton at the mouth of the mine, and that was $6 or $7 more than ought to be charged, giving the mine operator a reasonable profit upon the coal, it might be that that operator would find difficulty in securing cars for the delivery of that coal until other mines which were willing to sell at a reasonable price had been able to deliver their product.

But the Senator from South Carolina is one of the ablest lawyers in the Senate. I have discussed with him cognate subjects, and he knows as well as I do what may happen. I would not guarantee to the Senator from South Carolina that the one who has through some necessity entered into an agreement to pay a coal operator an excessive price for coal would at all times be able to get his coal. I would not guarantee that.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I yield.

Mr. SUTHERLAND. The Senator stated a few moments ago that the bill does not impose a penalty upon the operator.

Mr. CUMMINS. None at all.

Mr. SUTHERLAND. How, then, is it proposed through the bill to control the price of the commodity unless it does impose the penalty of withholding cars?

Mr. CUMMINS. I shall hope that when the bill is passed every operator will see that it is for his benefit and his advantage to sell coal at a reasonable price. If he does not sell coal at a reasonable price, the chances are he will not sell any coal at all.

Mr. SUTHERLAND. That is entirely a matter of personal opinion——

Mr. CUMMINS. Oh, entirely.

Mr. SUTHERLAND. It is a matter of the operator's opinion as to what is a fair and reasonable price, and he, knowing more about the business than some bureau officer here, might differ with that officer.

Mr. CUMMINS. Oh, certainly; but there is no bureau officer who has anything to do with the matter.

Mr. SUTHERLAND. He might differ with the bureau officer as to what is a fair and reasonable price. He would certainly then be penalized for his opinion about the subject——

Mr. CUMMINS. Not at all.

Mr. SUTHERLAND. And have cars withheld from him.

Mr. CUMMINS. It is the Interstate Commerce Commission that determines whether coal is being sold at an unreasonably high price. It is not a bureau officer. It is not an individual. The Interstate Commerce Commission does it and issues its orders with all the sense of responsibility which accompanies and ought to accompany every official act.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. KELLOGG. As a matter of fact, I might say that heretofore the prices fixed have been simply by agreement of the operators themselves, and the so-called Hoover price was nothing more than an agreement of the operators that they would not go above that price, not in any way affecting contract coal below that price.

Mr. CUMMINS. That is true. Up to this time what might be called the unofficial arrangement, which has been made and which I think has resulted in great good both to coal operators and to the public, has been a purely voluntary one, and its observance by a large percentage of the operators has been very much to their credit. I am not suggesting that any of the operators who made the agreement which fixed the price at which they should sell coal desire to depart from it. I do know, however, that there is a great deal of coal now being mined for which an unreasonable price is asked, and we are trying to reach that situation.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. I yield.

Mr. LENROOT. I would like to state that I have been credibly informed that some operators who did enter into the agreement have served notice that they would not longer be bound by it.

Mr. CUMMINS. I was told so. It may be so. The temptation is very great when a man is offered $10 a ton for coal that cost him $2, and I am not surprised that the man who owns the coal takes it. But if we confer this authority upon the Interstate Commerce Commission it would help him somewhat to withstand that very severe temptation.

I now pass to the second proposition of law. I have considered the general subject with regard to the validity of the law as tested by the criterion of the burden upon interstate commerce. I have no doubt that the law is bottomed upon a strong and unassailable foundation. But there is another ground upon which it could be placed, I think, with equal assurance of its being finally held valid.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I yield.

Mr. WALSH of Montana. Before the Senator passes from the line of argument he has been pursuing, would he mind my submitting some observations suggested by his argument?

Mr. CUMMINS. I shall be very glad to yield for that purpose.

Mr. WALSH of Montana. It has occurred to me that there is very much force to the argument made by the Senator to the effect that an exorbitant price for coal used for power purposes, in transportation by railways, lays such a heavy burden upon interstate commerce that it is possibly within the power of Congress to regulate the price of the coal for use in railway service. Of course, if we admit that, we must likewise admit that it is within the power of Congress to regulate the price of steel entering into the construction of railroads, both the right of way and rolling stock. If we admit that, we must, of course, admit that high rates of interest charged upon loans which the railroad companies may make lay also an undue burden upon interstate commerce.

Mr. CUMMINS. We have already recognized that.

Mr. WALSH of Montana. Shall we regulate the rate of interest?

Mr. CUMMINS. We have regulated that through the Interstate Commerce Commission.

Mr. SHIELDS. May I ask the Senator would it not also include the wages paid to employees?

Mr. WALSH of Montana. It occurs to me that the argument of the Senator finds much support in the decision of the Supreme Court sustaining the Adamson law. It was there held that the rate of wages paid to the operatives and their continuance in the service are so intimately bound up with the problem of transportation that Congress may regulate the wages paid to the men; but when we go beyond that and reach the question of the price asked for coal not for sale to the railroad companies for use in the operation of the railroads, but for general consumption and to purchasers other than the railroad companies, we have progressed considerably beyond the realm which we have been discussing; and, of course, then we must admit that the exorbitant prices for any commodity passing in interstate commerce impose a burden upon interstate commerce, and accordingly Congress would have a right to regulate the price of any such commodities.

Reference has been made to the Packers' case and to the Wisconsin Commission case and others of that character. I have no recollection of the exercise of any regulatory power by the State governments over any rates except such as are connected in a way with service, not with commodities. Rates charged for the service of the railroad companies may be regulated; the rates charged for the services of elevator and other warehouse companies may be regulated; and the rates charged for services rendered by electric light companies and by water companies may be regulated; for, I take it, the delivery of water through mains laid under the public streets and other places, the right to occupy which is acquired under the right of eminent domain, can hardly be regarded as a sale of a commodity, the same as the sale of a yard of calico is regarded. So, the service rendered by the stockyards is a service, as indicated by the Senator from Iowa, in the transportation of the commodity from the producer to the consumer passing in interstate commerce. That service may be regulated by State authority, in the first place, and, constituting a link of interstate commerce, it may be regulated by the General Government.

So likewise with reference to the rates prescribed by the statute of the State of Wisconsin for transportation in intrastate business. Of course, if such rates are inordinately low correspondingly high rates must be prescribed by the Interstate Commerce Commission upon commodities passing in interstate shipment, and in that way the charge made for the intrastate service lays an undue burden upon the charge for transportation in interstate commerce; but it seems to me we have not yet gotten anywhere near the proposition which is now before us, namely, the regulation of the price of commodities, not service which is affected with a public use, in a sense, but the charges for commodities which are purchased in the general market and for general use.

Mr. LENROOT. Mr. President, will the Senator from Iowa yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. I yield.

Mr. LENROOT. Might I remind the Senator from Montana [Mr. WALSH] of the case of Lemke et al. against Farmers' Grain Co., of Embden, N. Dak., where the State of North Dakota sought to fix the price of wheat, but the Supreme Court held that action to be invalid because wheat was subject to interstate commerce and a subject of Federal jurisdiction.

Mr. WALSH of Montana. What conclusion does the Senator from Wisconsin draw from that?

Mr. LENROOT. The Senator from Montana had said that he could not recall any case where a State had undertaken to fix the price of a commodity. The commodity the price of which was attempted to be fixed in this instance was wheat.

Mr. WALSH of Montana. I had not that case in mind; but, apparently, the action of the State was not sustained.

Mr. LENROOT. It was not sustained because and only because wheat was the subject of Federal jurisdiction and not State jurisdiction.

Mr. WALSH of Montana. But the Federal courts held that it could not be done.

Mr. LENROOT. That it could not be done by the State.

Mr. CUMMINS. That is, that the State of North Dakota could not do it?

Mr. WALSH of Montana. But the Supreme Court did not hold that the price even of a commodity which did not enter into interstate commerce could be fixed by the State authority.

Mr. LENROOT. That question was not involved, because the court held that wheat was a matter of interstate commerce.

Mr. WALSH of Montana. I am speaking, of course, of the regulation ordinarily prescribed and endeavoring to point out that legislation of such character is directed to service rather than to commodities.

Mr. CUMMINS. Mr. President, it is obvious that neither the Wisconsin case nor the stockyards case is exactly parallel to the present proposition. Anyone must concede that in a moment. I cited those cases principally for the purpose of establishing the conclusion that, no matter how exclusive the jurisdiction of a State may be over the particular subject matter, if it undoubtedly attaches a burden to interstate commerce it becomes a subject of Federal legislation and Federal power; and that must necessarily be so if the channels of interstate commerce are always to be kept free and unobstructed; that is, theoretically free and unobstructed.

The Senator from Montana must never forget that this bill does not touch the operator; it does not touch the coal miner; it regulates only the common carrier. I know that the Senator from Montana will say that the courts may inquire into the motives, into the purposes, of Congress, and will assert that while this is in terms the regulation of a common carrier, and only with regard to the interstate business of that common carrier, yet what we are really trying to do is to prevent the operator or the dealer from charging an unreasonable price. I think, however, that is not material to the inquiry. I do not believe that the Supreme Court has either the right legally or morally to inquire into the motives of the Congress which passes a law. I do not forget what the Senator said the other day about the last "child-labor" decision, and that the Supreme Court did there what it refused to do when Congress passed the law taxing State bank circulation 10 per cent and when it passed a half score of other taxing laws which were intended for regulation rather than for raising revenue; I do not forget any of those cases; but when we apply our regulation to the carrier, prescribing the conditions under which that carrier may receive goods and commodities for transportation, that is, and must necessarily be, a regulation of interstate commerce. The question of whether the Supreme Court would say that what we really intended was to keep down the price of coal I regard as an immaterial one.

Mr. WALSH of Montana. Mr. President, if the Senator will pardon me——

The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from Montana?

Mr. CUMMINS. I yield.

Mr. WALSH of Montana. In what I said awhile ago I assumed that there would be no concealment—and there is no concealment—of the real purpose of this proposed legislation, namely, to prevent the exaction of exorbitant prices for coal under the conditions which now exist.

Mr. CUMMINS. Broadly speaking, that is true, but the immediate purpose is to prohibit a carrier from carrying coal which is sold at an exorbitant price.

Mr. WALSH of Montana. Exactly.

Mr. CUMMINS. That is the immediate purpose. It may be that will have no effect upon the coal operator; that if he can sell his coal at an exorbitant price and deliver it in any way known to him, he can go on selling and delivering it, and we can not reach him. The effect of the bill in reducing prices is wholly indirect; it is not direct.

Mr. WALSH of Montana. Mr. President, I repeat what I said the other day, that were it not for the position of the Supreme Court in the "child-labor" case and in the grain-futures case I should have no misgivings whatever about the validity of this proposed legislation; but, if the law is to be applied to this measure as it was applied in those cases, we must get back to the question, it seems to me, of the power of Congress to regulate the price. I never had the slightest doubt, as I said the other day, about the power of Congress to exercise plenary power in the matter of interstate transportation. I do not conceive that there are any restrictions, except as indicated by the Senator, where it is otherwise provided in the Constitution; but the Supreme Court has declared otherwise; and they have declared also that, notwithstanding the act appears on its face to be a revenue measure, the court may go beyond what appears upon its face and determine what the real purpose and motive of Congress in the enactment of the legislation was. As stated by the Senator from Iowa, that seems to me to be quite out of harmony with a long line of decisions from which there was no variation whatever; but here, Mr. President, it occurs to me that the purpose is not only disclosed in the general debate upon the matter, but appears upon the face of the bill itself, namely, to prevent the exaction of exorbitant prices; and that is to be accomplished by preventing the transportation of commodities of a certain character in interstate commerce.

Mr. CUMMINS. Mr. President, I intend to read a few passages from the first "child-labor" decision and to point out what I regard as a very palpable distinction between that case and this.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. Yes; I yield.

Mr. NELSON. In this connection, I wish to call the attention of the Senator from Montana to the fact that in the "child-labor" case the Supreme Court virtually overruled the principles of the oleomargarine case and one or two other cases. The Senator is aware of that?

Mr. CUMMINS. The Senator is referring to the last "child-labor" case?

Mr. NELSON. I refer to the last "child-labor" decision.

Mr. CUMMINS. I agree with the Senator.

Mr. NELSON. That decision practically overruled decisions which the court laid down in the oleomargarine case and one or two other cases which I can not at this moment recall.

Mr. CUMMINS. The Senator from Montana has just said that that case seems to him to overrule a long line of decisions, and I agree with the Senator from Montana about that; but we have not a taxing case here before us, and possibly we can get along without employing the taxing power.

I have described the foundation which I have attempted to put under this bill so far as it relates to the undue burden put upon commerce through unjust and unfair exactions in the price of coal. I regard that foundation as ample to sustain this structure, but there is another application of the authority given in the Constitution to regulate commerce among the States that I think is equally satisfactory.

All lawyers know the reasoning upon which the Supreme Court sustained the law which forbids the transportation of lottery tickets and lottery literature, and everything that pertains to an enterprise of that kind. The Louisiana Lottery was purely a Louisiana institution, and it disseminated its information and its invitations for the enterprise through the mails and through the channels and by the instrumentalities of interstate commerce. How did the Supreme Court find it possible to hold that the sending of a pamphlet concerning the Louisiana Lottery or any lottery upon an interstate train could be arrested and prevented through the power of Congress to regulate commerce among the States? It did it because the effect of the lottery or the gambling enterprise which began in the State, and of which we would have had no jurisdiction if it had not extended beyond the State, was in fact extended throughout the United States, and the evil of gambling was stimulated and multiplied by the facilities which we furnished for the transportation of matter pertaining to the lottery; and so the lottery law was sustained. On what other theory than the one I have just mentioned could it have been sustained? It absolutely excluded from interstate commerce all these instrumentalities through which the lottery was carried on. Why, and under what power? Under the power to regulate commerce, and because of the character of the enterprise itself, and of the commodities or literature which were being carried in interstate commerce.

The Supreme Court possibly would not have excluded from interstate commerce a perfectly harmless bit of literature, or a perfectly innocent commodity; but it attached to the lottery in that case, as all civilized people will attach to it, a harm, an evil. Now, what of the overcharge for coal that begins at the mine? Does the overcharge for coal end with the State? Is its influence confined to the State? No. An overcharge for coal extends to every part of the Union. Wherever that coal goes, and wherever people are required to pay more than a fair and reasonable price for it, the evil influences and the evil consequences go. Why, therefore, has not Congress the same right to authorize the carriers to refuse to receive coal for which an unreasonable price is being charged, in order to protect the people, that it had to forbid the transportation of lottery tickets or lottery literature?

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. NELSON. The Senator is undoubtedly correct. The Supreme Court not only in the lottery case, but also in the prohibition cases which arose before the constitutional amendment was adopted, and also, I think, in the case of the shipment of explosives by rail, held that the regulation of commerce might extend to absolute prohibition.

Mr. CUMMINS. I was about to mention the liquor cases. There was a time when liquor was a perfectly legitimate subject of transportation, when there were very many States in which it was entirely lawful to sell liquor, and yet Congress absolutely forbade the transportation of liquor under certain circumstances.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. WALSH of Montana. Let me ask if the logic of the lottery case and of the liquor case and of the narcotic drug act and all of those of similar character is not that Congress may prevent the transportation in interstate commerce of those things the sale or circulation of which the State may prohibit within its own borders?

Mr. CUMMINS. No.

Mr. WALSH of Montana. And is not that the distinction which must be drawn between the child-labor case and those cases? The Supreme Court said that the commodity produced by the labor of children is a perfectly harmless thing. It may, in itself, be even a beneficent thing and therefore it must pass in interstate commerce.

Mr. CUMMINS. I am going to read from the child-labor case in a moment.

Mr. WALSH of Montana. But in the lottery case the legislation prohibiting the transportation of that article in interstate commerce was founded upon the proposition that it was subject to police regulation in the State.

Mr. CUMMINS. So is coal sold at an extortionate price, subject to police regulation. That is to say, that is my view of it.

Mr. WALSH of Montana. If the Senator can put those upon exactly the same basis, of course——

Mr. CUMMINS. The cases are unlike, but the principle upon which legislation may be founded is exactly the same.

Mr. President, take the pure food law. Congress became its own judge with regard to the commodities that might be transported from State to State. Congress laid down the criterion. Congress forbade the transportation into a State of many things which under the laws of that State were perfectly lawful to be dealt in in that State. Congress became its own judge with regard to the evil that might be accomplished by their transportation throughout the country. That is true of our liquor laws; that is true of our pure food law and pure drug law; and it is true of so many acts of Congress in which we have attempted to prevent interstate transportation that I need not recite them. And with regard to the power of taxation, who gave us the power to tax oleomargarine that is colored yellow 10 cents a pound? We did not exercise that power for the purpose of raising revenue. We exercised it for the purpose of suppressing and preventing the coloring of artificial butter so that the people of the country could be readily and easily deceived when it was offered for sale.

Now, I intend to refer for a moment to this case which gives so many good lawyers pause when they come to consider this question.

Mr. DIAL. Mr. President, before the Senator gets to that I am unable to follow him. Is it his contention that if a ton of coal costs less than $3 a ton there is no harm in transporting it, but that if it costs $15 a ton there is?

Mr. CUMMINS. There is a great deal of harm. Yes; that is what I said. That is my position, that I would rather see a lottery ticket transported—I think it would do less harm to the community—than a ton of coal that is sold at three or four times a fair profit.

Mr. DIAL. I do not favor profiteering. I simply want to get at the real remedy.

Mr. CUMMINS. That is the reasoning, and I am trying to reach for the profiteer, and I hope the Senator from South Carolina will help me.

You will all remember that Justice Day delivered the opinion in the first child-labor case; and he reviews these cases, and he attempts to withdraw the Hammer case, which is the child-labor case, from the operation of these prior decisions. He says—I am reading now from page 270:

> The first of these cases is Champion *v.* Ames (188 U. S. 321), the so-called Lottery case, in which it was held that Congress might pass a law having the effect to keep the channels of commerce free from use in the transportation of tickets used in the promotion of lottery schemes.

I have tried to show the parallel between lottery tickets and coal the price of which is intended to be an imposition and an unjust exaction upon the people, and to show that it falls within the same principle as the Lottery case.

> In Hipolite Egg Co. *v.* United States (220 U. S. 45) this court sustained the power of Congress to pass the pure food and drugs act, which prohibited the introduction into the States by means of interstate commerce of impure foods and drugs.

You all know that there are a great many things that are prohibited in the pure food law which people have been accustomed to consume from time immemorial and without very serious consequences to their health.

> In Hoke *v.* United States (227 U. S. 308) this court sustained the constitutionality of the so-called white slave traffic act—

Who ever thought in the old days that the power to regulate commerce among the States would be sufficient to prevent the transportation of women for immoral purposes? I have no doubt that would have seemed to the forefathers a perfect travesty upon the Constitution; and yet it has not only been sustained by the Supreme Court but it is believed by many people to be one of the most helpful laws which Congress has ever passed in the exercise of that power.

> In Caminetti *v.* United States (242 U. S. 470) we held that Congress might prohibit the transportation of women in interstate commerce for the purpose of debauchery and kindred purposes. In Clark Distilling Co. *v.* Western Maryland Ry. Co. (242 U. S. 311) the power of Congress over the transportation of intoxicating liquors was sustained. In the course of the opinion it was said;
>
> "The power conferred is to regulate, and the very terms of the grant would seem to repel the contention that only prohibition of movement in interstate commerce was embraced. And the cogency of this is manifest, since if the doctrine were applied to those manifold and important subjects of interstate commerce as to which Congress from the beginning has regulated, not prohibited, the existence of government under the Constitution would be no longer possible."
>
> And, concluding the discussion which sustained the authority of the Government to prohibit the transportation of liquor in interstate commerce, the court said:
>
> "* * * The exceptional nature of the subject here regulated is the basis upon which the exceptional power exerted must rest, and affords no ground for any fear that such power may be constitutionally extended to things which it may not consistently with the guaranties of the Constitution embrace."

Just as the coal that is sold at an excessive price must be regarded as of an exceptional nature, and the provision in regard to it can be sustained upon exactly the same reasoning that sustained the prohibition against the transportation of liquor.

> In each of these instances the use of interstate transportation was necessary to the accomplishment of harmful results.

So it is with unduly high-price coal. The transportation is necessary before the person who seeks to exact undue prices from the people can accomplish his end. He must use transportation, and this bill is directed entirely against his use of the transportation. I read further from the opinion of the court:

> In other words, although the power over interstate transportation was to regulate, that could only be accomplished by prohibiting the use of the facilities of interstate commerce to effect the evil intended.

If it is an evil to extort from the people an unjust price for this necessary commodity, then we bring this case exactly within the reasoning which the court in the child-labor case has indulged in up to this moment. Let us see further. Then Justice Day proceeds:

> This element is wanting in the present case.

What element? That is, the accomplishment of an evil result by and through transportation. I continue reading:

> The thing intended to be accomplished by this statute is the denial of the facilities of interstate commerce to those manufacturers in the States who employ children within the prohibited ages. The act in its effect does not regulate transportaion among the States, but aims to standardize the ages at which children may be employed in mining and manufacturing within the States. The goods shipped are of themselves harmless.

Mr. President, is that true of the present case? The commodity is just the same, but it can not be said that the distortion of the commerce of the United States is not affected by the carriage of coal sold under these circumstances. I read further:

> The act permits them to be freely shipped after 30 days from the time of their removal from the factory. When offered for shipment, and before transportation begins, the labor of their production is over, and the mere fact that they were intended for interstate commerce transportation does not make their production subject to Federal control under the commerce power.

Mr. President, I will read no more of this opinion. It has been read by every lawyer in the Senate many times. I have studied it myself very carefully, and while I would not have either the Senate or the country understand that the reasoning of the court has convinced my judgment, yet it is easy for me to perceive the wide distinction between that case and the present one.

Mr. President, so far as I am concerned, I submit this matter for the determination of the Senate. I believe that during the next three months, or the next six months, the Government can protect the people of this country from a grievous imposition through the power given or attempted to be given in this bill. I have no words which can adequately describe the indignation I feel when I observe coal operators or coal dealers taking advantage, or attempting to take advantage, of a most unfortunate situation, in which there must be shortage of coal for several months to come, in the endeavor to overcharge those who must consume coal to keep themselves warm during the coming winter, and to prevent those hardships which are crowding so fast upon great communities of the United States; and if there is any way within the purview of the Constitution in which we can save them from the disaster which is falling so rapidly upon them I want to take that way, and I am willing to risk the constitutionality of the measure that is now before the Senate, and which I have proposed as a substitute for the bill as it passed the House.

I will say just one word more. This morning the Senator from Missouri [Mr. REED], being compelled to leave the city, received unanimous consent to introduce an amendment to the Senate committee bill which he had proposed to offer to the commission bill. I am very familiar with the amendment, and there is not a thing in it to which I object. I do not think it has a proper place in this bill, but I do not intend to make a fight against it, for I am in sympathy with everything it proposes, and the only reason I desire to suggest adverse to that amendment is that it ought to be made the subject of an independent bill rather than to be attached as an amendment to this bill. But if the Senate desires to make it a part of this measure I shall not urge any objection.

Mr. STERLING. Mr. President, just a word, not in discussing the constitutional phases of this question at all but to emphasize the need for some such legislation as is provided for in the pending bill. I may say that I deeply regret the necessity of having proposed legislation of this kind before the Senate at this time. What I shall say, and what I shall read, will in the main be corroborative of the statements made by the Senator from Minnesota in regard to the great need of the Northwest country.

I read first a paragraph from a letter of date August 31, from Mr. Donald D. Conn, chairman of the Governors' Committee of the States of Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, and Montana. Mr. Conn says in this short paragraph:

> I can not impress upon you too strongly the necessity of including some provision in the bill which will give the Federal body control over this lake distribution. The bill should be passed at once, or the Northwest will not obtain their coal.

I understand that an amendment will be offered by the Senator from Minnesota [Mr. KELLOGG] which will make certain the right on the part of the commission to control lake distribution, it not being quite apparent from the bill that the Interstate Commerce Commission has such power.

To show further the necessity of some action in getting coal to the Northwest, I read now a paragraph from a letter received from Mr. John Valentine, secretary of the Commercial Club of Huron, near the central part of the State of South Dakota. It reads in part:

> In our opinion, South Dakota is in the most precarious position of any other State and would suffer most if anything resembling a coal famine should happen. This is because we have no coal of our own, we are a long distance by rail from the great producing areas, and also because we have not even wood to burn in case of necessity. Within 30 days coal will be needed to heat the homes of our people, and unless steps are taken now to bring the coal into the State, we incur the greatest danger of actual suffering of our people, as well as curtailment of industries.

In addition to this, I received this morning a letter from one of the judges of our supreme court, in which he says:

> I am getting very anxious about the coal situation. It looks to me as though, even with the most prompt and drastic action that could be taken, there is bound to be a large amount of suffering through lack of fuel in the Northwest. I do not believe now that the roads can get the coal here fast enough, even if the winter should be comparatively open; and if we should have an old-fashioned severe winter I do not know what would happen. There is practically no fuel to be had.

* * * * * * *

> If an emergency ever existed, it seems to me it exists now in the coal situation.

* * * * * * *

> Can not something be done to relieve the situation? The people are, I believe, becoming very much aroused over it.

That is from the Hon. Carl G. Sherwood, who, as I stated, is one of the judges of our supreme court.

One further quotation will fitly express my sympathy with that provision of the bill which will enable the Interstate Commerce Commission to deny the use of cars to coal operators who persist in charging exorbitant rates for the coal. This discloses the need of our people for coal at a reasonable price. They are not in a situation to pay exorbitant prices.

Referring to some remarks made the other day on the bonus bill, I quote from a letter from which I read at that time. The letter was written August 21, 1922, and is from the president of the State Bankers' Association of South Dakota. He says as follows:

> To-day oats are worth 17 cents, barley 29 cents, rye 47 cents, mixed durum around 60 cents, and hard wheat 90 cents. You can readily see that spells the same thing it did last year.

So there is a picture, and a pretty graphic one, I think, of our necessities in regard to the shipment of coal to our part of the country and the furnishing of that coal to the consumers at a reasonable price.

The constitutional phases of the question have been very ably discussed by the Senator from Iowa [Mr. CUMMINS] and by the Senator from Minnesota [Mr. KELLOGG] as well, and I forbear further discussion of that aspect of the case at the present time.

Mr. DIAL. Mr. President, I have listened to the argument of the Senator from Iowa [Mr. CUMMINS] with a great deal of interest. It was clear and able, as usual, but I was unable to follow him to his conclusion. I regret that I am constrained to differ with him in his conclusions of law. Of course it goes without saying that none of us favor profiteering. We are all trying to work to the same end, but the question is how to get results. No one has a greater contempt than I for people who will take advantage of unforeseen conditions to profiteer, but I do not believe we are going to attain the desired end by legislation.

It seems from the argument of the Senator from Iowa that certain goods made by certain individuals would be prohibited from shipment in interstate commerce. There is nothing per se wrong in those goods. It is simply Congress trying to undertake to do indirectly what everyone knows it could not do directly, however commendable the object sought, as it is commendable here. I can not see any difference between that case and the present case. Court decisions have been cited, such as the narcotic case, the Louisiana lottery case, the alcohol case, and cases of that kind, but the articles there involved were injurious per se. So far as liquor goes that was prohibited by constitutional amendment. But I can not distinguish the harm in carrying a ton of coal that costs one price as against a ton that costs a different price. I can not see how we are going to arrive at that difference. If it cost $3 a ton there is no harm in carrying it, while if it cost $10 a ton it would be a great wrong and would be injurious to the producer and to interstate commerce. I do not think the framers of the Constitution ever dreamed of such a construction of the Constitution. Congress denying to coal the right of shipment in interstate commerce is clearly an attempt to fix prices, a thing that Congress could not do directly, saying that coal should not be sold at more than a certain price per ton or to establish some agency to ascertain a reasonable price for the coal. I do not know of any right of the States to fix the price of a commodity much less of Congress to do so, however desirable it might be under certain circumstances.

So we resolve ourselves down now to the practical question. We are trying to get results. I confess that the matter has given me a great deal of concern. I have been very much interested in it because 15 per cent of the population of my State are employed in cotton mills and a very large number of those mills are dependent upon coal to operate. In fact they are, in a measure, all dependent upon coal to operate. Besides, the operation of those mills makes the market not only for our cotton but a market for our other products, and when our mills shut down great distress will ensue in my section of the country. Hence I am exceedingly anxious and I try to be alert to keep the mills going and to render every assistance I can to that end.

Some time ago we foresaw the result that the mills would have to shut down, so about the middle of August I wrote Mr. Herbert Hoover, Secretary of Commerce, and told him I understood he was trying to establish a fuel distribution agency to control the shipment of coal, and so forth, and asked him if he would kindly refer me to his authority for so doing. I remembered, of course, that during the war we had some such agency, but my recollection was that we repealed that law after the war, and that we had gotten back to pre-war or normal conditions, as we thought and as we hoped. I received a letter from Mr. Hoover on the 16th of August. I hardly think Mr. Hoover read the letter before he signed it, if he signed it at all, or that whoever signed it in his office read it, because it is a little bit childish, and I do not think Mr. Hoover has so far lost his equilibrium as to sign so nonsensical a letter. However, being so anxious that the coal strike should be settled, I did not make it public, nor did I reply to his letter.

I understood the President was going to address Congress, and my interest was not in strikes, but in the people carrying on the industries of the country. I have no objection to people quitting work when their term is up if they want to quit. On the other hand, I strongly favor letting every man work who wants to work.

When the President addressed Congress he stated, according to my recollection, that the Government had no authority to do what they were doing at that time so far as fuel distribution was concerned. I am glad that the fuel strike is over, and I hope that we may never have any more such strikes in the country. My advice to those people, if I should be allowed to give any advice, would be to sit down and talk the matter over, the employers and the employees, and always settle their differences, whatever they may be, in that peaceable way.

The matter has become more acute in my State. I have received numerous telegrams from mill operators, one in particular from a very large mill in my State, perhaps the largest mill in the world under one roof. I have a copy of the telegram before me. That mill had to shut down because of lack of coal, which threw 4,000 people out of employment. This particular mill had a contract with a mine, and after various letters and telegrams my advice to the mill was to stand on the contract and demand delivery. The price was reasonable and the coal had been delivered prior to that time. Following my advice, they made that demand on the coal-mine operators. The operators replied that they could not get cars in which to deliver the coal, that they were ready to carry out their contract if they were allowed to ship, but that through Mr. Hoover's agency priority orders had been issued, and that cotton mills were placed in class 5, which I believe is at the foot of the list, and coal could not be delivered. Hence that mill was shut down, and other mills have been shut down since, and there was great probability that many more would be shut down.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. DIAL. I yield.

Mr. KELLOGG. The Senator knows that Mr. Hoover did not issue those orders. Those orders were issued by the Interstate Commerce Commission.

Mr. DIAL. I shall come to that in a little bit. I have a letter from Mr. Hoover.

Mr. KELLOGG. Does the Senator mean the letter of September 1?

Mr. DIAL. Yes. I am taking the matter up logically. I shall refer to that in a little bit.

About that stage of the matter I had the mill president, the coal purchaser for all the mills in my State, the fuel distributor, who was chairman of the railroad commission of South Carolina, and the mine operators come to Washington and we had a conference. We went at the matter not with any hot-air proposition, but in an endeavor to get at it in a businesslike way. We sat down around a table trying to get the matter adjusted. The mine operator said he was satisfied with his contract and that he had plenty of coal and plenty of labor, and was ready to fill the contract if he could get cars; that cars had been furnished him to fill priority orders, but that he was unable to get cars to furnish us with coal. I arranged for a conference with Mr. Spencer, who was fuel distributor here, and sent the gentlemen up to see him. I am sorry to state that while up to the present time they have not got the matter fully adjusted, yet in the last few days they have disbanded, priority orders are no longer issued, and they are now not interfered with, but we have not got the coal matter straightened out.

On the floor of the Senate about a week ago I referred to this matter briefly, and referred to Mr. Hoover. On September 1 I received a letter from him, to which I have not yet replied. In the letter Mr. Hoover said:

> My attention has been called to your statement in the Senate yesterday.

This is what he said I said, and I did say it:

> I should like to have some one inform me, if he can, by what authority Mr. Hoover changed the price of coal. In my State I have constituents who are large consumers of coal. They have contracts by the year with the mines, and my information from the mine operators is that they are willing to deliver the coal at the contract price, which is, for these large quantities, $1,90 per ton. Some time ago, I understand, Mr. Hoover fixed a price of $3.50 a ton at the mines as a reasonable price.

Mr. Hoover then continues in his letter to me:

> It appears to me that you have not understood the arrangements made. In the first instance a voluntary agreement was entered into between myself and a majority of the southern bituminous operators that they should not charge more than the Garfield prices plus their expenses since the Garfield scale. This averaged something less than $3.25 for southern coal, and applied solely to free or spot coal and had no relationship whatever to contract coal. No authority existed, nor has any attempt ever been made by this department to interfere in contracts, and therefore if your constituent was working under contract coal this arrangement in no way affected him. The value to the public of this arrangement is proved by the price of coal from $6 to $12 made by the minority who refused to cooperate.
>
> The difficulties over contracts which you mention may have arisen after the 1st of August, when the Interstate Commerce Commission, in order to secure supplies for urgent public utilities issued priorities which in effect displaced all contract coal for industries lower in the priority list. This is not a matter for which this department is responsible; however, it was an urgent necessity, unless public utilities of the country were to be closed, and direct authority in law exists for such action.

As I understand from Mr. Hoover's letter, there is no authority in his department to fix the price of coal or to interfere with the distribution of coal at all, but that it was done through the Interstate Commerce Commission, and that there is authority of law to that effect and for that purpose.

Mr. KELLOGG. They gave priorities simply in the use of cars.

Mr. DIAL. Yes; and I shall come to that in a moment. Mr. Hoover went on further in his letter to say:

> With the general resumption of mining in the union fields at the end of last week, it had not been necessary to place so large a burden upon the southern mines for the purpose of public utilities, and it is probable that your constituent's contract could be resumed; in any event, no act of mine prevents it.
>
> In view of the misimpression your statement has created, it would seem to me fair that you correct it in an early issue of the RECORD.
>
> Yours, faithfully,
>
> HERBERT HOOVER.

I did not desire the other day to do Mr. Hoover any injustice, and I do not desire to do so now. In fact, I would prefer to refrain from mentioning the name of anyone who is not on the floor of the Senate. However, I do not think I did Mr. Hoover any injustice, and I certainly did not intend to do him one. I think his letter bears out my contention instead of contradicting it. What I am trying to get is a correct solution of the situation. It is simply a business matter with me, because it is a matter of paramount importance to our people in my State not only every day but every hour as well as in the entire South. The matter now comes down to the point of where the trouble really lies, and shows it is not a question of coal or quantity of coal or labor but that it is a question of transportation. I must repeat what I stated the other day, that I do not know of any authority for Mr. Hoover to have done what he did. No doubt he intended to prevent profiteering in coal, and that is to be commended.

Mr. KELLOGG. Mr. President, will the Senator from South Carolina yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. DIAL. Yes, sir.

Mr. KELLOGG. Mr. Hoover got the coal operators to limit their price for coal to a maximum of $3.25 a ton at a time when they could have obtained $6, $7, or $8 a ton; but it was all done through voluntary action. Will the Senator tell me what harm there was in that?

Mr. DIAL. I will tell the Senator in a moment. It would, perhaps, have been commendable for Mr. Hoover to have undertaken to do that, although I do not know that it was any of his business particularly to go into that matter. However, it would have been commendable in him, so far as trying to get coal for certain people is concerned, but when through the machinery set up by the Fuel Administration priority orders are given, and the Interstate Commerce Commission will not allow the mines to ship coal on contracts, then Mr. Hoover has injured us, though he may have benefited other people. That is my complaint.

Mr. KELLOGG. Will the Senator again yield?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. DIAL. Yes; I yield.

Mr. KELLOGG. Would it be any worse for the manufacturing industries in the Senator's State to close down for the want of coal than for industries in my State to close down, as they have closed down, for the same reason, in order to supply coal to the railroads and public utilities, which it is necessary should be operated?

Mr. DIAL. I should much prefer to have the manufacturing industries close down in the Senator's State than to have the manufacturing industries close down in my State.

Mr. KELLOGG. I have no doubt the Senator would; but would the Senator say that it was better for the railroads and public utilities to close down and to have the manufacturing industries operated?

Mr. DIAL. Well, as to the public utilities, it depends upon how far the Senator would desire to go.

Mr. KELLOGG. Then, I will say the railroads?

Mr. DIAL. I had rather close down some railroads and have some trains on those roads discontinued than to let my people suffer by reason of the shutting down of manufacturing industries.

Mr. KELLOGG. I will say further that some trains have been discontinued.

Mr. DIAL. I think some trains ought to be discontinued.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. DIAL. I am glad to yield to the Senator from Georgia.

Mr. WATSON of Georgia. As I understand, the Senator from South Carolina seeks to know where Mr. Hoover got the authority which he has been exercising?

Mr. KELLOGG. Mr. Hoover did not exercise such authority; it was the Interstate Commerce Commission that issued the orders for the use of cars. Mr. Hoover made no orders whatever.

Mr. DIAL. But did not Mr. Hoover issue the orders of priority?

Mr. KELLOGG. No; he did not issue the priority orders.

Mr. DIAL. Did he not arrange matters so that the priority orders could be issued?

Mr. KELLOGG. No, sir; the priorities are stated in the orders of the Interstate Commerce Commission and named in those orders themselves.

Mr. DIAL. What is the function, then, of the coal administrator? What does he do?

Mr. KELLOGG. He simply advises the coal operator not to increase his price beyond a certain figure, and gives the Interstate Commerce Commission information.

Mr. DIAL. He does not fix priorities?

Mr. KELLOGG. No, sir. The priorities are named in the orders of the commission itself, as the Senator will see if he will look at them.

Mr. DIAL. Very well.

Mr. KELLOGG. They are not Mr. Hoover's orders at all, for he never issued a priority order.

Mr. DIAL. I do not see what he had to do with it.

Mr. KELLOGG. I have the orders here, if the Senator would like to look over them.

Mr. DIAL. I do not care about that; I have too many here; in fact, I have so many of them that I have not been able to read all of them. I have one here numbered 23, I believe, on the subject.

Mr. President, the point I am making is that when one interested in the matter comes to Washington he is compelled to go from one office to another. It will take him a good long time to find the right place at which to get the information. It takes an expert to handle a matter of that kind. A man from the mining section of the country can not do it. I spent about a week in telephoning from the car-service man to the Interstate Commerce Commission and up to Mr. Hoover's office and back to Mr. Spencer's office, all on the upper side of town, and I hardly know whether I have got the matter straightened out right yet or not. However, they have abandoned the priority orders, I was informed this morning—I believe by Mr. Spencer's office, though I do not know how that may be. I do not want to do Mr. Hoover any injustice; it is commendable, of course, for him to try to keep the price of coal down; but, on the other hand, it is not commendable in him to encourage those who are under contract to deliver coal to violate their contracts. I do not believe in individuals violating their contracts without just cause, excuse, and reason. Neither do I believe in the United States Government violating contracts or taking action which will result in individuals repudiating their contracts.

The Interstate Commerce Commission plays "hide and seek" and denies sometimes that they have this authority and sometimes they claim to have it; but I do not think anybody has come to a correct conclusion on that proposition.

I have a very voluminous correspondence here, and I am not able yet to get their exact view on it; but I am told that there is nothing to prevent the mines from carrying out their contracts and shipping coal to us. Mr. Hoover says so, and that is all I want; but, whether the contracts are interfered with directly or indirectly, the result is the same so far as the people in my State are concerned.

It sets a bad example, a bad precedent, to send cars to a mine to ship coal out on some other order at a much higher price than to carry out their contract to deliver to those to whom they have been delivering and with whom they have yearly contracts. I do not think it is good morals, and I do not think it is good policy for the Government to encourage anything of that kind.

The Interstate Commerce Commission claim that they are willing that the contracts should be carried out, but they are not being carried out, and my people are not getting the coal. We are hopeful that conditions are improving, but within the last hour I have seen a telegram saying that the congestion was getting very bad, indeed, in certain sections. The other day they had some thirteen hundred loaded cars right at the gateway of our State which could not be moved, and the telegram which I saw a while ago says, I think, that there are probably now some sixteen hundred or eighteen hundred.

So, Mr. President, whatever legislation we may enact here, if we are going to pass any at all, ought to be along business lines; it ought to be practical; but I can not get my mind to believe that the remedy is an embargo. We do not want the transportation of less coal, but we want the transportation of more coal. The only final solution of it is going to be to mine more coal, get the cars in which to ship it, send those cars to their destination, unload them as quickly as possible, and send them back, and hereafter let our people use a little forethought and get in their supply of coal early in the spring and not wait until the congested conditions are brought about.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to his colleague?

Mr. DIAL. I yield to my colleague.

Mr. SMITH. I have seen the statement in the press within the last day or so that there is practically enough coal in sight to meet the ordinary necessities both of manufacturing concerns and public utilities, as well as private use, and that the problem now is motive force or transportation facilities to get the coal to those who need it.

Mr. DIAL. Absolutely; and I should much prefer that some of the public utilities, some of the street car lines, for instance, should not have coal if their having it will close down some of our mills. Then the people could walk and have a little exercise; they would be in better health, and I think that would be conducive to the public good.

Mr. KELLOGG. Mr. President, will the Senator yield?

Mr. DIAL. Yes; I yield to the Senator from Minnesota.

Mr. KELLOGG. I will say to the Senator from South Carolina that in view of the fact that for five months only about 50 per cent of the normal supply of coal has been transported because there was not any being produced at the mines, if the railroads could transport to their reasonable ordinary capacity they could not in the next few months make up the deficiency in the country. Certainly the Senator would not claim that a priority should not be issued to keep the railroads running when they are moving the food of the country?

Mr. SMITH. The point that I should like to have cleared up in my mind, if my colleague will allow me, is this: Say there is a sufficient amount of coal being mined and ready for transportation. We all know that what is called an "ordinary supply" implies that a certain amount is stored, so that the term covers not only what a given concern may consume within 24 hours or 48 hours or a week, perhaps, but a supply sufficient to carry them over for a considerable period. Is it not possible for our present transportation facilities to be so adjusted as to meet the daily needs of practically all consumers and then gradually increase the storage?

Mr. KELLOGG. No; it is not; that is the trouble; that is what the Interstate Commerce Commission are trying to do. The priority orders, for instance, for the movement of coal for public utilities have been issued because their supply is practically exhausted. Some of the railroads are within a week and others within two weeks of closing down. There are not sufficient transportation facilities to supply all the needs of the country because the reserve stocks have been exhausted. That is the reason why public utilities are put in a class which is given priority in the use of coal cars. I think, although the production of the mines and transportation facilities are not as yet normal, that in a short time they are going to be able to supply the immediate necessities of the public utilities.

Mr. SMITH. Mr. President, if my colleague will allow me further——

Mr. DIAL. I yield.

Mr. SMITH. We all know the experience we had during the period of the war, especially during one severe winter. The condition confronting us can not possibly parallel that, because——

Mr. KELLOGG. It is worse.

Mr. SMITH. It can not be as bad, for this reason, that we were at war and vast quantities of our coal were used for bunkering our ships and other ships that touched at our ports. Perhaps as much was used for that purpose as was used in this country.

Mr. KELLOGG. More.

Mr. SMITH. More was used for that purpose.

Mr. KELLOGG. But we were moving it then.

Mr. SMITH. I understand that. We have now added to our facilities what was then subtracted from them in order to meet war necessities and to carry other commodities for war purposes, and furthermore, now everything is approximately normal so far as our necessities are concerned; so that I do not see why our available facilities, which did in a measure, without entailing death and starvation, meet the conditions that existed in 1917 and 1918, can not meet the present situation in practically an adequate manner.

Mr. KELLOGG. Does not the Senator know that for five months we have only been producing 50 per cent of the coal normally needed by the country?

Mr. SMITH. I am aware of that fact.

Mr. KELLOGG. Very well. Does the Senator think that deficiency can be made up in a week or ten days or two weeks?

Mr. SMITH. No; but my idea is that if we could get the transportation facilities sufficiently mobilized and move the coal——

Mr. KELLOGG. The commission is trying to mobilize transportation facilities to its utmost extent to move coal everywhere.

Mr. DIAL. Mr. President, just for information, then, why did the commission the other day withdraw 34,000 cars, according to the Senator from Missouri, from the coal business?

Mr. KELLOGG. Because they were principally open-top cars that were not efficient in carrying coal, and for another reason: Here is the beet crop of the country, that will rot unless it is moved right now, and they have to have some cars; and they can use cars that are not proper for moving coal for moving the beet crop. The commission is doing the best it can with this problem.

Talk about contracts: Many, many contracts in my country have been shut off because they could not get the coal, and the coal is being shipped to public utilities. Electric-light plants in some 216 cities that I showed to-day are within two weeks of closing down.

Mr. DIAL. Answering my colleague further about these cars, one of the misfortunes of these priority orders, if the Senator will excuse me for a personal allusion, is this: The other day Mr. Shealey, whom my colleague knows very well, the chairman of the South Carolina Railroad Commission and the fuel distributor of South Carolina, who was up here trying to straighten out this matter, telephoned me that there were 400 loaded cars of coal on the track that had been exempted under a prior order, but since the strike was about settled that coal could be had for our district. However, they wanted $6 a ton instead of the contract price.

Mr. SMITH. Where did the coal come from?

Mr. DIAL. I could not say positively about it, but it was down in our territory, and it had not gone north. It had been preexempted to go north, but had not gone, and on account of the opening up of the mines it was not needed, and they wanted to turn it back provided our constituents would pay $6 a ton for it. There were 400 cars of it.

Mr. SMITH. Did the coal come from the companies or from the mines with which you had made the contract?

Mr. DIAL. I could not say as to that. It was in that territory; but they are practically all under contract down there.

Mr. KELLOGG. I will say to the Senator that coal is selling in my State for $10 and $15 a ton; and I will say to the Senator further that the hardships to the manufacturers in his State that he is talking of are nothing to the hardships which the people themselves are going to suffer this fall and winter in the North. I am sure the commission are doing their very best to supply all parts of the country with transportation, but there is not enough to go around immediately.

Mr. DIAL. Then they ought to shut one eye to defective cars, and let the cars go on if they can run, and just go along in the usual way until we can get conditions relieved a little bit, and not be too exacting.

Mr. KELLOGG. I do not think they have been very exacting.

Mr. DIAL. I do not know that they have been, but I just throw out that suggestion.

Mr. KELLOGG. The Senator knows that the labor unions have made complaints about equipment not being in shape. I do not know, of course, about the merits of those complaints.

Mr. DIAL. In the case of the same mill about which I have been speaking, the president of that mill the other day bought 10 cars which he thought were suitable to handle coal, and sent them to the mines, and they refused to load those cars. He thought he would furnish his own cars and get his coal. He is a man of large means, and he thought he would get coal in that way. I know him well. They refused to load coal into those cars; so I think they are a little too exacting. They had better go along and use the machinery they have until the situation can be relieved a little.

Mr. SMITH. Who refused to load the coal in the cars?

Mr. DIAL. Either the mines or the railroads. Mr. Spring, the president of the mill, bought 10 cars that he thought were suitable for that purpose, and sent the cars up to the mines, and they refused to load them.

Mr. President, I realize that this is a difficult proposition. I was on a committee here some time ago which investigated the mining of coal a little. I will be candid in saying that I do not know much about mining coal. We have no mines in my State, and I have only been in a few mines in my life; but, as I look at it, the great trouble is that there is no way to store the coal. They have to have cars to transport it as it is mined, if it is to be done efficiently; and these modern mines, I am told, can not even load coal in box cars. Their dumping facilities are not suited to it. They have to have a certain kind of car. That is one of the great troubles, that they are not furnished with suitable cars at the proper time. There is no place to store up coal, as there is in the case of nearly every other commodity in the world. Therefore it is a difficult matter to have people look ahead and provide for their needs.

I do not want our friends up in the Northwest to get chilly this winter, but I hope that hereafter they will lay in a supply a little bit earlier. I hope they will follow the example of the squirrels, and prepare for winter in the summer time. We get a sort of command to that effect, or at least an example of it, in the Bible in the parable about the virgins, where they did not get their lamps filled with oil, and trimmed and burning; and they will have to do better on a business proposition.

Mr. President, I can not see how we are going to benefit this proposition by passing legislation. I think it will be a sad day when we lodge in any body of men the right to say that one car of a given commodity shall go forward and another car of the same kind of commodity shall not.

Mr. KELLOGG. Mr. President, will the Senator yield there?

Mr. DIAL. Yes; I yield.

Mr. KELLOGG. Does the Senator know that that power is in the law now, and had been exercised for years? We are not changing the law in that regard.

Mr. DIAL. Then you do not need any more law. What do you want of this bill, then?

Mr. KELLOGG. I have explained why we need the additional power.

Mr. DIAL. I do not want to give it to you if you have not got it. I do not want to give you any more power. You have a little too much now.

Mr. President, I feel that we should encourage production. If we have a right to fix the price of a commodity by law directly I am ready to vote for it, but I do not know of any such national law, and I do not know of any such law even in the States. I wish they had some such law, but I am not willing to try to do indirectly something which I do not think is constitutional and which I do not think we can do directly. I do not believe in holding out false hopes to the people. I think we might just as well let them have bad news. If the bad news has to go forth, let them have it, and let them get prepared for it.

I confess that I have a bad taste in my mouth toward turning over business to Government agencies. There are usually people in those positions who have not made much of a success of their lives and they want shorter hours and more pay and a little less work and a little more red tape. To my mind it will increase the cost of production and the cost of living, and it will annoy business until a man would almost prefer to break and go out of business than to try to continue under so many restrictions and regulations. I think that is one of the great troubles now; one thing that retards the prosperity of the country. We hardly know under what law we are operating. We do not know when business is going to be hauled up and jerked around and perhaps fined, criticized, and one thing and another.

So I do not see any good in this legislation. I think perhaps the amendment of the Senator from Missouri [Mr. Reed] possesses merit, and probably it would do very well to strike out both this bill and the bill that is proposed by the Senator from Idaho [Mr. Borah], and substitute the amendment of the Senator from Missouri [Mr. Reed], and if people are going to profiteer and rob the people let the world know it and bring public sentiment to bear against it. But I can not see how it is illegal to transport a car of coal if it costs one price and legal to transport it if it costs another price. I can not get that through my head this afternoon. Possibly upon reflection and a little more consideration I might discriminate, but I am unable to do so now. Therefore I think we ought just to say: "Get busy, boys, and fix up these cars and haul them right quick and unload them," and let the Government not interfere with people carrying out their contracts.

Any legislation that is proposed here, if any should pass—and I am going to vote against it all I think—should have a provision in it that vested rights and contract rights are not to be interfered with. I hope that our friends who favor prosperity and enterprise and employment in this country will help me, and see if we can not get in that kind of a provision—that whatever rights may be given anybody, if we give them any, they have no right to divest contract rights. People who go along and make contracts and get ready ought to be served, and it is not fair and not conducive to the upbuilding of this country to subject business to the uncertainty that would result from any other course.

Mr. President, I heard a man talking on this subject the other night, a brick manufacturer. He had already sold his product. He had a contract for his coal and had sold his brick. He expected to get his coal at a certain price. Now the price has changed and he could not be supplied and he was begging to get the coal at all, and he would lose money of course on the whole output of his manufacturing enterprise. That is true in a good many other cases. Take the cotton mills. They make their contracts for coal by the year and they sell their goods ahead accordingly, and they figure out all those things; and if you go to change it now you will disrupt business to a very great extent.

I do not see any necessity for the passage of this bill and I think we had better just vote it down.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. Reed] to the substitute amendment of the Senator from Iowa [Mr. Cummins].

The amendment to the amendment was rejected, it being to add to the proposed substitute the following section:

Sec. 7. All persons, firms, and corporations engaged in taking coal deposits from the ground or recovering coal from culm banks, slack piles, or other sources for shipment in interstate or foreign commerce shall be known as producers.

All persons, firms, and corporations engaged in buying and selling in interstate or foreign commerce coal in carload or greater than carload lots shall be known as wholesalers.

All producers shall on the first and fifteenth days of each calendar month transmit by mail to the Department of Commerce of the United States a sworn statement showing the following facts:

First. The amount of coal by them produced for the 15 days preceding the issuance of said statement.

Second. The price per ton for the various grades received by them at the mine.

Third. The amount of such coal shipped direct to retail distributors and the amount to the wholesale dealers and the amount sold directly to consumers, together with the prices in each instance received.

Fourth. The percentage the production bears to the capacity production of the mine as rated by the carriers serving the mine.

Fifth. The causes for failure to operate the mine at full production capacity and the percentage of reduction due to each of the several causes assigned.

The wholesalers of coal shall, on the first and fifteenth days of each calendar month transmit by mail to the Department of Commerce of the United States a sworn statement showing the following facts:

First. The amount of coal by them purchased and the prices paid for the various grades; the amount of coal by them sold to retailers and the prices received for the various grades; the amount of coal by them sold directly to consumers and the prices received for the various grades.

Second. The statement shall disclose whether the coal so shipped in interstate or foreign commerce was contract coal or spot coal, and if contract coal the date the contract was entered into.

The Secretary of Commerce is authorized to require such statements to be made upon forms designated by him, and he may require such additional information as may be necessary to carry out fully the purposes of this section.

The Secretary of Commerce shall give publicity to the facts disclosed by such statements in such form as will most adequately advise the public of the prices paid at the mine and the prices charged by the wholesalers. He shall furnish to any consumer upon request a copy of said statements or of any part thereof.

Failure or refusal by any producer or wholesaler to prepare and transmit a true statement as herein required shall be unlawful; and such failure or refusal, as the same applies to each semimonthly statement above described, shall be deemed a separate offense; and the person, firm, or corporation so failing or refusing shall forfeit to the United States the sum of $500 for each offense, to be recovered in civil action brought by the United States.

Mr. DIAL. Mr. President, the Senator from Missouri [Mr. Reed] asked the Senator from North Carolina [Mr. Simmons] to look after that amendment. I see that the Senator from North Carolina is absent; and in his absence I believe I will ask unanimous consent to reconsider the vote whereby that amendment was rejected, and wait until the Senator from North Carolina comes in.

Mr. CURTIS. He can offer it in the Senate.

The PRESIDING OFFICER. The amendment, of course, can be offered in the Senate.

Mr. DIAL. Very well; I will withdraw the request, then.

Mr. SUTHERLAND. Mr. President, in line 3 on page 5 of the Senate substitute for the pending bill I move that the two words "one year" be stricken out and the words "six months" be substituted therefor.

The PRESIDING OFFICER. The Senator from West Virginia proposes an amendment to the amendment of the Senator from Iowa, which will be stated.

The Reading Clerk. On page 5, line 3, it is proposed to strike out "one year" and insert "six months."

Mr. CUMMINS. Mr. President, so far as I have a right to express an opinion about it, I have no objection to that amendment.

Mr. KELLOGG. Mr. President, I object to it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from West Virginia to the amendment of the Senator from Iowa.

The amendment to the amendment was agreed to.

Mr. KELLOGG. Mr. President, I move further to perfect the amendment of the Senator from Iowa by adding, after the word "carrier" in line 16, page 2, the following words:

Including vessels suitable for transportation of coal on the inland waters of the United States.

The PRESIDING OFFICER. The Senator from Minnesota proposes an amendment to the amendment of the Senator from Iowa, which will be stated by the Secretary.

Mr. KELLOGG. It would then read:

That the powers of the Interstate Commerce Commission under the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, including the transportation act, 1920, and especially under section 402 of said transportation act, 1920, are, during the aforesaid emergency, enlarged to include the authority to issue in interstate transportation of coal or other fuel orders for priorities, embargoes, and other suitable measures in favor of or against any carrier, including vessels suitable for transportation of coal on the inland waters of the United States—

And so forth.

Mr. UNDERWOOD. Are the vessels on the Lakes under the jurisdiction of the Interstate Commerce Commission?

Mr. KELLOGG. Some of them are and some are not. Wherever they form a part of a through transportation line, they are; but nearly all of them are engaged in interstate commerce, carrying coal for outside concerns.

Mr. UNDERWOOD. I do not object to the amendment, and it is not within my jurisdiction; it is the Senator's own part of the country. All I want to suggest is that if the Lakes are not within the power of the Interstate Commerce Commission now, not being within the power of the interstate commerce act, it seems to me it would require more language than the Senator has proposed to make his amendment effectual. I do not think you could bring them within the power of the Interstate Commerce Commission by simply trying to apply this act to them, if they are not already within its power.

Mr. LENROOT. Why not? The paragraph itself is limited to interstate commerce.

Mr. UNDERWOOD. Of course, I am not saying you have not authority to bring them within the power of the Interstate Commerce Commission; but merely providing that in the shipment of coal priority shall be given, when there is no authority within the law to make them amenable to the control of the Interstate Commerce Commission, it does not seem to me, would accomplish what you want. I am not saying this by way of objection to the amendment. If you want to put it in, I have no objection; but I do not believe you have enough language to effectuate the purpose.

Mr. KELLOGG. It may be that the amendment would have to be enlarged; but the only object is to give the Interstate Commerce Commission power, during this emergency, the six months or the year this bill will be in force, to extend those priorities to the vessels mentioned. They take coal at Lake Erie ports and sell it wherever they get the biggest price for it.

Mr. UNDERWOOD. I am not raising this by way of objection, but simply to relieve the situation. How are you going to issue an order to a concern over which you have no jurisdiction?

Mr. KELLOGG. Does not this create jurisdiction?

Mr. UNDERWOOD. I do not think it creates any jurisdiction. It takes more than that to create jurisdiction.

Mr. LENROOT. The language following what the Senator suggests could be made to read as follows:

Which, for such purpose, shall be subject to the interstate commerce act.

Mr. KELLOGG. I will accept that.

Mr. UNDERWOOD. I am not sure that that language will cure the defect. At any rate, it will carry it to conference; and that is probably what you are trying to do.

The PRESIDING OFFICER. The Senator from Minnesota offers an amendment to the amendment, which the Secretary will state.

The Reading Clerk. On page 2, line 16, after the word "carrier" insert:

Including vessels suitable for transportation of coal on the inland waters of the United States, which, for such purpose, shall be subject to the interstate commerce act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota to the amendment.

The amendment to the amendment was agreed to.

Mr. SUTHERLAND. Mr. President, I propose the amendment to the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment:

The Reading Clerk. After section 4, on page 4, line 22, add a new section as follows, changing the numbers of the succeeding sections:

Sec. 5. Nothing herein shall be construed as affecting valid existing contracts in effect prior to the date of the passage of this act, nor shall car service be denied to any person or corporation because of any prices named in any such preexisting contract.

Mr. KELLOGG. Mr. President, that would render the whole act absolutely ineffective and take away the power the commission now has of giving priority for the use of cars. There would be nothing left of the act at all.

Mr. SMITH. May we have the proposed amendment to the amendment read again?

The amendment to the amendment was again read.

Mr. CUMMINS. Mr. President, I simply want to reiterate what the Senator from Minnesota [Mr. Kellogg] has said. If that amendment is adopted the bill may as well be defeated, for while it might not cover every transaction to which the bill reaches it would so impair its effectiveness that I would see little use for the adoption of the measure to meet the present emergency.

The first clause in the amendment is, of course, mere surplusage. This act does not affect any contract made between an operator and a consumer or a dealer. It does not pretend to affect any contract. It could not affect any contract. This act is directed solely to the carriers. Therefore, the first part of the amendment is of no value at all to anybody. But the second part of it says to the Interstate Commerce Commission that they can not deny cars to any mine operator because they may believe that the contract price is more than a reasonable price. That might result in denying cars to mines which were willing to sell at a fair price and supplying cars to mines which were selling at an unfair price.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I yield.

Mr. SUTHERLAND. I would like to call the Senator's attention to the fact that the amendment reads "valid existing contracts in effect prior to the date of the passage of this act." So that it will take cognizance only of contracts which exist at the time of the passage of this act. If two parties have agreed, one to sell and the other to buy coal at what they believe to be a fair price, then even though some clerk in the office of the Interstate Commerce Commission may think the price is 25 cents higher than it ought to be, car service can not be denied to the person or corporation contracting.

Mr. CUMMINS. This act is not to be executed by any clerk in the Interstate Commerce Commission. It is a very serious matter, and it will undoubtedly, in its execution, be administered by a responsible part of the commission itself. But this amendment simply proposes that if there are not cars enough to distribute the coal which operators and dealers are willing to sell at a fair price, then the carriers must furnish cars to operators, who are insisting upon an unfair price, and allow the coal which can be sold and will be sold and distributed at a fair price to remain unmined or at the mouth of the mine without cars to distribute it. I very earnestly hope that the amendment to the amendment will not prevail.

Mr. DIAL. I would call the Senator's attention to the fact that this amendment simply seeks to have men carry out their contracts. It does not change the contracts at all.

Mr. CUMMINS. The public welfare is infinitely superior to the private interests of any concern, whether that concern be an operator or a consumer, and if there are not cars enough to deliver all the coal which may be mined and which may be under contract, then I for one am in favor of distributing that coal to those people who need it most and at a fair and reasonable price.

Mr. DIAL. Then the Senator agrees to violate contracts by legislative action?

Mr. CUMMINS. We are not disturbing the contracts.

Mr. DIAL. That is what you would do.

Mr. CUMMINS. If the carrier can secure cars with which to move his unreasonably priced coal, that can be done. This is merely a question of priority.

Mr. DIAL. You would not expect the miner to lessen the price. Under this bill the tendency would be to increase the prices of coal. All this amendment does is to provide that contracts may be carried out.

Mr. CUMMINS. I am not interested in carrying out contracts. I am interested in furnishing coal at a fair price to the people of this country who will need coal during the coming winter. That is my interest in this legislation. If the Senator from South Carolina knows of any person who has bought coal at an unreasonably high price, even though he may have been under the necessity to do it, I am not in favor of limiting or taking away the powers of the Interstate Commerce Commission to say that the reasonably priced coal shall be moved first.

Mr. DIAL. Mr. President, this is the first time in my life I have ever heard of a legislative body proposing to annul contracts.

Mr. CUMMINS. That is the interpretation which the Senator from South Carolina puts upon it.

Mr. DIAL. That would be the result of it.

Mr. CUMMINS. This does not annul any contract; but when we are experiencing a shortage of transportation—and we might as well recognize the fact that we are experiencing a very great shortage of transportation—and there are some operators who are willing to furnish coal at a fair price, enough of them to tax the energies and the capacity of all the transportation lines of the country, I believe that such coal should be moved in preference to the coal which the Senator has in mind. There must be somebody the Senator has in mind who has contracted for coal at an unfair price.

Mr. DIAL. This coal was contracted for at an exceedingly low price.

Mr. LENROOT. This has nothing to do with that.

Mr. CUMMINS. The person the Senator has in mind would not be interfered with at all.

Mr. LENROOT. With reference to the suggestion of the Senator from South Carolina, this amendment, in so far as it has any application at all, would apply only where the contract was at an unreasonably high price. It would have no effect upon the shipment of coal sold at a low price.

Mr. DIAL. I do not see it that way. All I want is to have the contracts carried out.

Mr. LENROOT. If it has that effect, it not only destroys this bill but destroys the existing power of the Interstate Commerce Commission. There can not be any question about that.

Mr. KELLOGG. That is what it is intended to do.

Mr. LENROOT. The Senator evidently wants to destroy the power of the Interstate Commerce Commission to grant priority, not based upon price alone but for any reason. If there be a contract existing, he would have them carry out that contract, no matter what the needs of the rest of the country are, and to that extent he would destroy not only this bill but he would destroy the existing law.

Mr. REED of Pennsylvania. Mr. President, I think the Senator from Wisconsin has misread the amendment, or, perhaps, has not heard it read. As I understand the amendment, it provides simply that there shall be no discrimination against a particular shipper because of some price which may have been fixed in a preexisting contract. It does not in any way cut down the power of the Interstate Commerce Commission to classify consignees and to prefer one class over another.

Mr. LENROOT. Mr. President, I was replying to the argument of the Senator from South Carolina, in which he took the position that the purpose of the amendment was to enable those who had contracts, whether at a low price or a high price, to secure their coal under those contracts. I did not agree with him upon that. I said that the only effect of the amendment, in my judgment, would be to give the Interstate Commerce Commission power to deny cars to a person who had a contract at an unreasonably high price, and would have no effect upon contracts at a low price or a price below the maximum which might be fixed.

Mr. REED of Pennsylvania. I think that is so, and I believe that is the purpose of the amendment.

Mr. LENROOT. But the effect of it would be, nevertheless, that if there is an existing contract to-day for coal at $10 a ton, which is $5 too much, we will say, the Interstate Commerce Commission would be compelled under the amendment to offer the same facilities to the profiteer charging $10 which it offers to the man who charges $5.

Mr. REED of Pennsylvania. Then the Senator thinks that if both the buyer and the seller are satisfied with the existing contract and are willing to carry it out, the Interstate Commerce Commission should step in and prevent it from being carried out because the price is higher than the commission thinks is fair?

Mr. LENROOT. No; I say the Interstate Commerce Commission should have the power to furnish the cars and the equipment to those who are selling at a reasonable price.

Mr. NELSON. Mr. President, I want to call the attention of the Senator from Pennsylvania to the fact that this is a bigger question than a question between the buyer and the seller of coal. It involves the interests of the public, which far transcend the interests of the coal operators.

Mr. KELLOGG. Certain parties are merely going in now and making contracts before the passage of the bill for coal at unreasonable prices because they want to get possession of it and want to use it to speculate on. I know of one case where a concern bought a lot of coal and said, "We shall not sell it until next winter, when the public will have to pay for it." The Senator's amendment would permit them to enter into contracts at any price up to the time of the passage of the bill, whether they needed the coal or not and whether the industries needed it, and then the commission would not have the power to give priorities against those contracts to cars to move the necessary coal to the necessary industries. The amendment, as was intended, would take the very life out of the whole bill. It goes further than that. It provides:

> Nothing herein shall be construed as affecting the validity of existing contracts in effect prior to the date of the passage of this act.

It will be remembered that the bill reenacts certain powers of embargo and priority use of cars which now exist in the interstate commerce act. To-day the Interstate Commerce Commission can issue priorities of cars notwithstanding contracts, and ought to do so, and they could not protect the public if they did not do so. To say that private individuals could make contracts that would tie up the coal of the country and that the Interstate Commerce Commission could not have any power to grant priority of cars would be to turn the coal business of the country over to a lot of profiteers who made contracts prior to the passage of the bill. That is what would be done, and I am not in favor of it. If the coal operators insist upon anything of that kind, they are liable to get something worse.

The amendment provides further:

> Nor shall car service be denied to any person or corporation because of any prices named in any such preexisting contract.

As the Senator from Wisconsin [Mr. LENROOT] said, they could make contracts for any price they please and get their cars for shipment of coal equally with those concerns needing the coal as a necessity. I hope the amendment will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia [Mr. SUTHERLAND] to the amendment of the committee.

Mr. SUTHERLAND. Mr. President, I think the Senator from Minnesota is unduly exercised about the amendment and has entirely misunderstood it. The amendment was not intended to interfere with the rights of the Interstate Commerce Commission to route cars according to the necessities of the case after they had been loaded. It does have the purpose, however, of preventing the withholding of cars from a shipper who had made a contract satisfactory to both sides of the contract prior to the passage of the act. The Senator from Iowa very distinctly stated that the bill did not purpose, or could not have for a purpose, any violation of existing contracts between individuals or corporations.

Mr. CUMMINS. Mr. President——

Mr. SUTHERLAND. The Senator from Minnesota has taken an entirely different view of the case. I yield to the Senator from Iowa.

Mr. CUMMINS. I do not think there is any difference in the position taken by the Senator from Minnesota and that taken by myself. If Mr. A enters into a contract with Mr. B for the sale and delivery of a certain amount of coal at a certain price, the bill does not affect the validity of that contract. If Mr. B does not deliver the coal he may be liable in damages. I do not say as to that, for I suppose that both parties, so far as they are concerned, would be estopped to deny that the price was a fair and reasonable one. That is the only sense in which I said the bill did not affect the validity of contracts which had been entered into between a seller and a buyer of coal.

But when we come to the latter part of the amendment offered by the Senator from West Virginia, which relates to the distribution of coal, to the fulfilling of the contract, to the securing of cars to fulfill the contract, it destroys the entire measure when it provided that, no matter what the price may be or the circumstances under which the contract was made, the Interstate Commerce Commission, when it surveys the public interests and determines where coal ought to go, to whom it should go in order to prevent hardship and suffering, must give the contracting parties the same privileges of transportation that are given to coal which is being sold at a fair price and which is going where it is most needed.

Then, as the Senator from Wisconsin said, and as the Senator from Minnesota said, the Senator's amendment not only impairs, if not entirely destroys, the efficiency of the bill, but it would repeal a very large part of the law which has been in force since 1920 and has been used on two different occasions for the relief of hardships similar to those through which we are now passing.

Mr. SUTHERLAND. But I do not believe that the law enacted during the war affecting the proper distribution of coal was used in the way the Senator now suggests. We passed laws, of course, regulating the price of coal at that time.

Mr. CUMMINS. I am not speaking of the war regulation in the production and sale of coal at all. I am speaking of the provisions of the act of 1920——

Mr. KELLOGG. The permanent railroad act.

Mr. CUMMINS. And which were invoked in the summer of 1920 to prevent a shortage of coal in certain communities, and which were invoked again in 1921 and which occasioned some embarrassment to some people. However, I think there is no observer of the situation which then existed who would question the wisdom of what was done by the Interstate Commerce Commission. It prevented by its act the stoppage of hundreds of essential industries and public utilities upon which the people depended, not only for light and heat but for every other purpose for which public utilities are operated. The Senator remembers what occurred in 1920 and in 1921, I am sure.

Mr. SUTHERLAND. I remember that, but I maintain that the amendment which I have proposed does not interfere at all with the priority orders issued under the Esch-Cummins Act of 1920, and it is not so intended to do.

Mr. CUMMINS. But it would do so, nevertheless.

Mr. SUTHERLAND. It is intended to accomplish this purpose: Where two persons have made an equitable contract for coal at a certain price, both parties being thoroughly agreeable to the contract, it is proposed that then the Interstate Commerce Commission or its agents shall not say to the shipper of that coal, "You shall not have cars in which to ship that particular coal at that price upon which you have agreed." The purpose of the amendment is not contrary to the public interests. There is going to be a great deal of coal mined from now on. It is going to be entirely a question of how the railroads can ship the coal. The potential mining capacity of the country to-day is about 16,000,000 tons a week, and it is not possible for the railroad companies to approach anything like distribution of that much coal.

Mr. CUMMINS. But that is coal. The mining capacity is great enough, but the carrying capacity is unfortunately at a low ebb.

Mr. SUTHERLAND. Whom is the Senator about to attempt to protect? Is it the purchaser of coal who, prior to the passage of the bill, might have done a foolish thing and paid too much for it, or is he trying to protect somebody else who hereafter might possibly be prevented from buying coal at a reasonable price?

Mr. CUMMINS. There are two very general classes of people whom we are trying to protect. The first class is the class that must have coal in order to operate necessary industries. For instance, an electric light and power company that supplies the light and heat and power for a community of 150,000 people is out of coal. It has no contract. With the shortage of transportation, if an industry in the same town has a contract with some mine operator and is permitted to secure the fulfillment of its contract, the electric light and power company must shut down. The law as it is now, without any addition whatever, says to the Interstate Commerce Commission, "You may require the shipment of coal to the electric light and power plant instead of to the contractee of any quantity of coal." The Senator's amendment would not only take away the power which we are now trying to give to the commission but it would take away the power to order the equitable and the necessary distribution of coal.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Wisconsin?

Mr. SUTHERLAND. I yield.

Mr. LENROOT. The Senator's amendment has two distinct parts. What is the Senator's purpose in the first part of his amendment and what does he think it would accomplish?

Mr. SUTHERLAND. The first part of the amendment simply states that valid existing contracts between the purchaser and seller of coal "shall not be affected by this act." That means as to price. Of course, the purchaser of that coal takes his chances. If his enterprise is not one of the essential public necessities he would have to take his chances in regard to the delivery of the coal just as all other enterprises would. The amendment was not intended to reach or to prevent the fair distribution of coal according to the exigencies of the situation, realizing, of course, that the essential industries had a prior claim to a supply of coal.

Mr. LENROOT. Suppose here is a contract made by an operator, we will say, with a speculator, whereby he agrees to deliver to the speculator within 10 days so many cars of coal. The Senator's theory is, is it not, that the first part of his amendment would compel that delivery irrespective of any other provision in the interstate commerce act?

Mr. SUTHERLAND. In the first place, I do not believe that it is within the power of the Congress to affect those contracts, but I think it ought to be clearly set out in the bill to prevent uneasiness and to prevent a lot of lawsuits and troubles which are likely to follow the passage of the bill. I do not believe, and I do not think there is a lawyer in the Chamber who believes, that the bill can abrogate private contracts between purchaser and seller.

Mr. LENROOT. I agree, but the Senator's contention is that here is a contract which requires the delivery of coal in cars at a certain point at a certain time. The language of the amendment, it seems to me, might abrogate entirely the provision of the present law with regard to priority.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. SUTHERLAND. I yield.

Mr. DIAL. I would like to pour a little oil upon the troubled waters. Would it not answer the Senator's purpose to say that the provisions of the bill should not interfere with contracts entered into prior to the 1st of August? To all intents and purposes those contracts should be carried out.

Mr. SUTHERLAND. The amendment states:

> SEC. 5. Nothing herein shall be construed as affecting valid existing contracts in effect prior to the date of the passage of this act, nor shall car service be denied to any person or corporation because of any prices named in any such preexisting contract.

We could make that "prior to September 1" in order that there would be no opportunity for any such contracts to be entered into subsequently, as has been suggested by the Senator from Wisconsin [Mr. LENROOT]. There was no intention on my part to protect any such contracts as that. My belief is that there are very few such contracts. About 75 per cent of the coal, I should say, in my State is distributed on contracts made with the railroad companies, public utility companies, and all sorts of concerns which need coal. They are obliged to see that their needs are supplied and their coal is contracted for in advance in order that they may insure for themselves an adequate supply of coal.

I do not know of any better way for concerns like those to which I have referred to express their need for coal when the season is on than to express it in figures, and that is the usual way. If one very greatly desires an article which is in the possession of somebody else, and there are two or three bidders for it, the one who desires it most will give more money for it. There have been no panic prices lately. Mr. Hoover and the coal operators, by voluntary action on their part, agreed upon a price for coal of $3.50 per ton. As I recall, that was in June. That agreement was lived up to by at least 70 or 75 per cent of the coal operators. Voluntarily, my understanding is, at a subsequent date that price was raised to the extent of $1 a ton. That was done in order to stimulate production. If the price of coal be kept down too low, there is going to be a shortage of production. If the price goes up, more mines will be operated and consequently more coal will be produced.

Mr. LENROOT. But the Senator from West Virginia said that we had too much coal already produced for the equipment that we have. Is not that the complaint?

Mr. SUTHERLAND. That is very true, Mr. President.

Mr. LENROOT. Then the purpose of this proposition is not to stimulate the production of coal but to regulate its distribution, is it not?

Mr. SUTHERLAND. A large number of mines—I will not say most of them—have been shut down for a year or two; a very large number of them have been closed down entirely, while others have been working only sporadically. The high-cost mines have not been able to operate until recently; during the last spring, when the price of coal was low, a large number of such mines were automatically put out of commission; they could not produce coal at such a price as would permit them to enter the market. Now about 75 or, at any rate, 70 per cent of all the coal operators have voluntarily conformed to the ideas of Mr. Hoover with reference to the price of coal.

Mr. LENROOT. Then, the Senator from West Virginia now wishes to protect the other 30 per cent who have not done so? That can be the only purpose of the amendment.

Mr. SUTHERLAND. The 30 per cent, Mr. President, or, indeed, a smaller number than that, habitually, at one time or another, keep their coal on the market as spot coal. They themselves speculate, instead of having a sure run of coal for the entire year, as most of them do, at a certain price. If they think coal is going up, they act like other business men in similar situations. A man who owns a bushel of wheat in the State of the Senator from Wisconsin or in Minnesota, if he thinks the price of wheat is going up, will put his wheat into an elevator and will hold it. The coal operators in my State are actuated by the same business principles as are the wheat growers of the West. I am just as willing to protect the wheat growers in the West as I am to protect the coal operators in my State.

Mr. LENROOT. Then, the Senator from West Virginia thinks it perfectly right, does he, to permit an increase of 300 per cent over the fair price fixed by the Hoover committee?

Mr. SUTHERLAND. We have paid an increase of 300 per cent on a great many commodities when they became scarce and nothing is said about it. We are obliged to pay it.

Mr. LENROOT. But what the Senator from West Virginia is trying to do is to permit that kind of contracts.

Mr. SUTHERLAND. I am not trying to protect that kind at all; but I say that where a voluntary contract has been entered into between two men, then it does not seem to me that it is up to the Government to protect one man as against the other.

Mr. CUMMINS. Will the Senator from West Virginia yield to me for a moment?

Mr. SUTHERLAND. I yield.

Mr. CUMMINS. I ask unanimous consent that when the Senate closes its session this afternoon it take a recess until 11 o'clock to-morrow morning.

Mr. UNDERWOOD. Mr. President, I am perfectly willing to continue this afternoon. In an emergency, I would be perfectly willing that the Senate should take a recess by unanimous consent, but I do not see any such emergency as would require this bill to be considered between 12 o'clock and 2 o'clock to-morrow, thereby preventing the Senate having its usual morning hour. In all probability half an hour in the morning will dispose of the morning business. I have not any desire to resist the Senator's bill, and I have not done so, but I do not see any reason for taking a recess until to-morrow morning while a bill of this kind is being considered.

Mr. CUMMINS. The Senator from Alabama is very considerate, but I think there is a very great emergency existing.

Mr. UNDERWOOD. I am willing to stay here this evening.

Mr. CUMMINS. If the Senator objects, of course, I shall withdraw the suggestion, or if the Senator really desires a morning hour to-morrow morning——

Mr. UNDERWOOD. I think we should have a morning hour to-morrow morning, unless there is some good reason for not doing so.

The PRESIDING OFFICER (Mr. McNary in the chair). Is there objection to the request of the Senator from Iowa for unanimous consent that when the Senate closes its session today it be to recess until to-morrow morning at 11 o'clock?

Mr. CURTIS. May I suggest as a compromise that when the Senate closes its session to-day it adjourn, instead of taking a recess, until 11 o'clock to-morrow morning? That will give us a little extra time, which we may, by unanimous consent, devote to the calendar, if that is desired.

Mr. UNDERWOOD. I am perfectly willing to run on here this evening if there is any emergency existing; I am in favor of disposing of the bill to-night; but I do not see any reason to dispense with the usual morning business because a bill of this character is under consideration. For four months Senators on this side of the Chamber raised no objection to recessing from day to day during the consideration of the tariff bill.

Mr. SMITH. May I ask the Senator from Iowa if there is any reason other than as a matter of courtesy, perhaps, why we should not dispose of the pending bill this evening?

Mr. CUMMINS. There is no reason that I know of, save that I am sure the Senator from West Virginia [Mr. Sutherland] has not yet concluded his observations upon the bill.

Mr. SUTHERLAND. No.

Mr. CUMMINS. I am willing to stay here until 11 o'clock to-night, if that be necessary.

Mr. KELLOGG. Then I suggest that the Senator from West Virginia proceed and finish his remarks.

Mr. SMITH. I do not know why we should adopt any unusual methods to force this bill through. It has been the custom of the Senate, where a Senator has preferred that the consideration of the bill should go over for another day, to follow that course unless there was some really urgent reason why the Senate should continue its session. Does the Senator think he could finish his remarks this evening?

Mr. SUTHERLAND. I will say to the Senator that there is hardly a possibility that we might finish this evening and I prefer to go on in the morning. I understand there are one or two other Senators who wish to speak in the morning.

Mr. CUMMINS. May I ask the Senator from West Virginia whether he has any objection to a vote on the bill to-night, and whether or not he can conclude this evening?

Mr. SUTHERLAND. I hardly think that a vote may be had on the bill to-night.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that when the Senate closes its session today it recess until 11 o'clock to-morrow morning. Is there objection?

Mr. UNDERWOOD. Mr. President——

Mr. CURTIS. I have suggested as a compromise, to which I hope there will be no objection, that when the Senate concludes its business to-day we adjourn until 11 o'clock to-morrow morning.

Mr. CUMMINS. I accept that suggestion, Mr. President.

The PRESIDING OFFICER. It is suggested that when the Senate concludes its business to-day it adjourn until 11 o'clock to-morrow morning. Is there objection to such unanimous-consent agreement? The Chair hears none, and it is so ordered.

Mr. DIAL. Mr. President, I want to urge Senators to accept the amendment of the Senator from West Virginia. If they think there would be any improper contracts entered into before the passage of the bill then I strongly urge that they accept the amendment so as to provide that all contracts entered into by the 1st of September shall be carried out.

This, I fear, is a much more serious proposition than we realize. I wish to call the attention of Senators to the fact that manufacturing plants sell their products many months ahead. They buy their supplies of raw material and ascertain the approximate cost of their production and then sell their output, sometimes as far ahead as six months or perhaps longer. If by legislative enactment we attempt to abrogate their contracts for fuel supplies we are going to disorganize all business in this country. The proposal is very far-reaching and would be very injurious to industry and would also disconcert labor. In the case of manufacturing institutions which use coal, as practically all of them do, the contract price for the coal has been fixed, and it is not right; it is not fair; it is not honest; it is not just for the Government now to say that those contracts shall not be carried out at the price agreed upon.

The contracts I want carried out are those contracts made at reasonable prices, in fact, at exceedingly reasonable prices; much more reasonable than could be obtained if there were any change. So I hope Senators will seriously consider the effect of the bill on existing contracts, and then as to the surplus coal above that contracted for any price which may be agreed upon may be fixed or the price may be regulated in any way which may seem proper; but it is not right to abrogate vested rights.

I do not want the coal operators to profiteer on anybody, but the contracts I want carried out particularly are those made by my constituents in South Carolina at $1.90 a ton for coal at the mines. Those contracts, made in the South, provide a lower price than can be obtained hereafter. It is not fair for the Government to set aside such contracts or to interfere with their fulfillment.

What I am trying to do is in the interest of fair play, in the interest of trade, in the interest of industry, in the interest of seeing that the business of a large section of the country shall be continued.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. DIAL. I yield.

Mr. LENROOT. If a man has a contract for coal at $1.90 a ton, does the Senator want the cars to fill that contract irrespective of the needs of the remainder of the country?

Mr. DIAL. No; but I think that coal should be supplied under that contract to keep the enterprise going, and then let the other portions of the country also have the coal they need. I believe there is plenty to go around.

Mr. LENROOT. The trouble is there is not plenty to go around.

Mr. DIAL. All we need is just a little business sense in this matter, and not to get excited about it. I think there is plenty for everybody, and it is merely a question of getting it out. However, it is not right, it is not fair, to interfere with the contracts which the people whom I have in mind have made. They sell their products many months ahead, and now for the Government to disrupt their contracts without any fault upon their part, I believe, is not justified. It will result in abrogating their scale of wages; it will throw their business into confusion and involve loss to them.

We pass bills here in Congress to pay people for claims which are much less honest than claims would be on the part of those who now hold such contracts if they were permitted to be broken. We have passed claims involving unearned profits on contracts canceled after the war. Some time ago the Senate passed a bill involving several million dollars, introduced by the Senator from New York [Mr. WADSWORTH], to pay some claims growing out of sugar contracts made in South America, the contracts not having been carried out. I say that for Congress in time of peace, when there is opportunity for sober thought, knowingly to abrogate contracts and destroy their effect is not just.

Mr. LENROOT. Mr. President, will the Senator yield again?

Mr. DIAL. Yes; I yield; but all I want is simply to endeavor to see if I can not cover the situation to which I have referred.

Mr. LENROOT. The Senator does not understand that there is anything in this bill that affects any contract for coal at $1.90 a ton, does he?

Mr. DIAL. Absolutely and directly, it does. That is what is done to-day. They will not furnish them cars now.

Mr. LENROOT. Yes; but that is under existing law.

Mr. DIAL. This does not help it. This makes it worse. It gives them more power.

EXECUTIVE SESSION.

Mr. CURTIS. Mr. President, if the Senator from Iowa is willing, I should like to have a short executive session now.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate, under the order previously entered, adjourned until to-morrow, Wednesday, September 6, 1922, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate September 5, 1922.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.

George Sutherland, of Utah, to be Associate Justice of the Supreme Court of the United States, vice John H. Clarke, resigned.

JUDGE OF MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

Charles V. Meehan, of the District of Columbia, to be judge of the municipal court of the District of Columbia, vice Edward B. Kimball, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 5, 1922.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES.

George Sutherland, Associate Justice of the Supreme Court of the United States.

POSTMASTERS.

FLORIDA.

Herbert E. Ross, Jacksonville.

ILLINOIS.

Byron C. Colborn, Peoria.

MARYLAND.

Lewis Keiser, Bethesda.
Elmer W. Sterling, Church Hill.

WEST VIRGINIA.

Mary M. Brown, Albright.
James T. Keeney, Eskdale.

WYOMING.

Lee Wilcox, Saratoga.

WITHDRAWAL.

Executive nomination withdrawn from the Senate September 5, 1922.

REGISTER OF THE LAND OFFICE.

Sidney M. Wharton, to be register of the land office at Fort Sumner, N. Mex., which was sent to the Senate on July 24, 1922.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September 5, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We bless Thee, O Lord, for the encircling ministries of Thy Providence. Help all to understand that through repentance and love we have access to the Father, who pardons and restores all who are of a humble heart. O Thou God of the eternities, look upon our Nation. Destroy the dissensions, the jealousies, and the enmities of class. Strike to silence the discordant notes of defiance to law and authority. Bring into unity all our fellow citizens until righteous freedom from every form of oppression and repression is achieved. May we remember our heritage and gird ourselves to follow the teachings of Thy truth. Whatever betides these critical days, the Lord helping us, we shall not fail. In Thy holy name we pray. Amen.

The Journal of the proceedings of Friday, September 1, was read and approved.

CHIEF CLERK.

The Speaker laid before the House the following communication:

SEPTEMBER 2, 1922.

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives.

DEAR SIR: Desiring to be temporarily absent from my office, I hereby designate Mr. John H. Hollingsworth, Chief Clerk of the House of Representatives, to sign any and all papers for me which he would be authorized to sign by virtue of this designation and of clause 4, Rule III, of the House.

Very respectfully,

WILLIAM TYLER PAGE,
Clerk of the House of Representatives.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 62. An act for the relief of Charles K. Bond, alias Kimball W. Rollins;

S. 63. An act for the relief of Lester A. Rockwell;

S. J. Res. 48. Joint resolution authorizing retirement as warrant officers of certain Army field clerks and field clerks, Quartermaster Corps;

S. 2515. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920;

S. 268. An act for the relief of William O. Mallahan;

S. 2035. An act for the relief of William M. Carroll;

S. 2573. An act to amend section 198 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," as amended;

S. 748. An act to remove the charge of desertion from the military record of Charles F. Getchel;

S. 726. An act for the relief of George Emerson;

S. 2328. An act for the relief of Margaret I. Varnum;

S. 140. An act for the relief of Peter Shell;

S. 2498. An act to correct the military record of Alonzo C. Shekell;

S. 2493. An act to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith;

S. 2258. An act for the relief of Jesse L. Clay;

S. 2380. An act for the relief of Henry P. Collins, alias Patrick Collins;

S. 942. An act for the relief of James Johnson;

S. 2967. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916;

S. 2346. An act for the relief of Ellen B. Monahan;

S. 2040. An act to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits, for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes within the District of Columbia;

S. 1988. An act for the relief of Faxon, Horton & Gallagher; Long Bros. Grocery Co.; A. Rieger; Rothenberg & Schloss; Ryley, Wilson & Co.; and Van Noy News Co.; and

S. 3603. An act to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, approved June 25, 1910, etc."

The message also announced that the Senate had concurred in House of Representatives amendment to the joint resolution of the following title:

Joint resolution (S. J. Res. 23) authorizing the Secretary of War to investigate the claims of private parties to the Mariveles quarry within the limits of a United States military reservation to the Philippine Islands and to permit the working thereof by the persons entitled thereto provided military necessities permit.

The message also announced that the Presiding Officer had laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes, had insisted upon its amendments, had agreed to the conference asked by the House, and had appointed Mr. LENROOT, Mr. STANFIELD, and Mr. WALSH of Montana as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1948. An act for the relief of Virgil O. McWhorter; and

H. R. 12493. An act amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 10193. An act extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 1274. An act for the relief of Maude H. Mosher; and

H. R. 11901. An act authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio.

ORDER OF BUSINESS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from Kansas asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next. Is there objection?

Mr. HUDDLESTON. Reserving the right to object, will the gentleman from Kansas [Mr. CAMPBELL], who is chairman of the Committee on Rules, inform us what the House will probably consider on reconvening on Friday?

Mr. CAMPBELL of Kansas. Late word from the conferees on the tariff bill indicate an early agreement on the tariff bill, and there is some probability that the report will be made Friday or the very last part of the week.

Mr. HUDDLESTON. May I ask what will follow?

Mr. CAMPBELL of Kansas. It is hoped that the bonus bill and the coal legislation will also come in about the same time, or immediately following.

Mr. HUDDLESTON. Those are merely conference reports that the gentleman refers to.

Mr. CAMPBELL of Kansas. The coal legislation would not be in the nature of a conference report.

Mr. HUDDLESTON. Is it contemplated that the House will not transact any original business during the present session?

Mr. CAMPBELL of Kansas. I am not advised at this moment of matters that are to be taken up before the report of the conferees on the tariff bill.

Mr. HUDDLESTON. May I say to the gentleman from Kansas and the House that there are several subjects of very great public interest which could with propriety be discussed in the House, and that it looks to me that some time ought to be provided in which Members of the House could discuss those matters. Does not the gentleman think so, and would he not be willing to have a session of the House for that purpose?

Mr. CAMPBELL of Kansas. There are matters of very great concern to the country that might well be discussed, and I think probably between the consideration of the report of the conferees on the tariff bill and the taking up of the report of the conference committee on the bonus bill opportunity may be had for such discussion. It is expected that within a very short time, probably to-day or to-morrow, as soon as it is definitely ascertained when the conferees will reach an agreement on the tariff bill, notice will be sent out to the Members to be in attendance; that will probably be on Friday or Saturday, and in any event not later than Monday.

Mr. HUDDLESTON. The gentleman means that Members will then be here; but when will time be afforded for discussion?

Mr. CAMPBELL of Kansas. As I say, there will be time between the consideration of these conference reports when there might well be opportunity for discussion.

Mr. HUDDLESTON. That seems to me very vague. Might I ask why it would not be proper to have the discussion to-day or to-morrow? Members of the House, many of them, are here in attendance on their duties; why should they remain here with nothing to do?

Mr. CAMPBELL of Kansas. There are no concrete propositions now before the House.

Mr. HUDDLESTON. May I say that the matter of accepting Henry Ford's offer for Muscle Shoals is a concrete proposition now before the House. It has been stated on that side that it will not be allowed to come before the House, but surely the gentleman will appreciate the fairness of allowing those who favor the proposition an opportunity to discuss it and express their views.

Mr. CAMPBELL of Kansas. That matter is not before the House.

Mr. HUDDLESTON. We have the bill on the calendar.

Mr. CAMPBELL of Kansas. It is not before the House for consideration.

Mr. HUDDLESTON. It can not come before the House without the consent of the gentleman from Kansas, as chairman of the Committee on Rules, and his committee. Why are we forbidden to say anything about it? Are we to be gagged and not permitted to call the attention of the country to the position which the gentleman and his committee and the Republican steering committee have taken? Is it possible that at this session of Congress, with that matter ripe and ready, those who control that side will not allow the subject of Ford's offer to come before the House, although we have nothing else to do?

Mr. CAMPBELL of Kansas. There are many matters quite as important as leasing Muscle Shoals to Henry Ford.

Mr. HUDDLESTON. Evidently the gentleman thinks they are more important, but why not take them up?

Mr. CAMPBELL of Kansas. The shipping bill is quite as important. Is the gentleman in favor of taking that up?

Mr. HUDDLESTON. I certainly am. I would like to see how many Members on that side can be induced to vote for it. I would like to have it demonstrated that the ship subsidy bill can not get the support on that side that you think—only the support of a few leaders. I would be glad to have the gentleman in the exercise of his power to bring it before the House. I challenge him to do it.

Mr. CAMPBELL of Kansas. Oh, the gentleman from Alabama is not on the stage.

Mr. HUDDLESTON. I am in the House of Representatives, which is the greatest stage in the country. The people of the country are looking at the farce being played upon that stage——

Mr. GREENE of Vermont. From the galleries.

Mr. HUDDLESTON. The country is looking at this stage and expecting Congress to do something. The affairs of the Nation are at a crisis, yet the gentleman from Kansas and the leaders of the majority of the House are doing nothing and seem incapable of intelligent action.

He will let us do nothing. Will he persist in doing so?

Mr. MADDEN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, I object.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

ADJOURNMENT.

The motion was agreed to; accordingly (at 12 o'clock and 19 minutes p. m.) the House adjourned until to-morrow, Wednesday, September 6, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

678. Communication from the President of the United States, transmitting a copy of a letter from the Acting Secretary of State setting forth the desirability of terminating the present treaty arrangement with Panama and the negotiation of a new treaty with that Government; to the Committee on Foreign Affairs.

679. Communication from the President of the United States, transmitting a draft of proposed legislation authorizing the expenditure of not exceeding $30,000 of the appropriation for collecting statistics, Bureau of Census, for the fiscal year 1923, for binding schedules (H. Doc. No. 380); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WURZBACH: A bill (H. R. 12555) to amend and modify the war risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODYKOONTZ: A bill (H. R. 12556) to amend the act of Congress approved March 4, 1913 (37 Stats.); to the Committee on Public Buildings and Grounds.

By Mr. REED of West Virginia: A bill (H. R. 12557) to provide for a public building at Clarksburg, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. MALONEY: A bill (H. R. 12558) to make the 12th day of February a holiday in the District of Columbia, the Territory of Hawaii, and the Territory of Alaska; to the Committee on the Judiciary.

By Mr. HUDDLESTON: A bill (H. R. 12559) to further define malfeasance in office, providing punishment therefor, and for other purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MONTOYA: A bill (H. R. 12560) granting a pension to Nicolasita B. Speakman; to the Committee on Invalid Pensions.

By Mr. PATTERSON of Missouri: A bill (H. R. 12561) granting a pension to Julia A. H. Colby; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 12562) granting an increase of pension to Ulysses S. Lewis; to the Committee on Pensions.

By Mr. SEARS: A bill (H. R. 12563) granting a pension to Pet Floyd; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6267. My Mr. FULLER: Resolutions of Brooklyn Post, No. 368, Department of Ohio, Grand Army of the Republic, favoring enactment of the Bursum general pension bill to increase Civil War pensions; to the Committee on Invalid Pensions.

6268. Also, petition of Missouri banks and trust companies, opposed to branch banking, favoring the Capper-Dyer bills (S. 3941 and H. R. 12414); to the Committee on Banking and Currency.

6269. By Mr. KISSEL: Petition of Mr. and Mrs. J. Kemmet, Brooklyn, N. Y., favoring an import duty of 40 per cent on wire cloth; to the Committee on Ways and Means.

6270. Also, petition of National Shoe Retailers' Association of the United States of America (Inc.), Chicago, Ill., opposing tariff on hides; to the Committee on Ways and Means.

6271. By Mr. LINEBERGER: Memorial of officials of Bullock's, of Los Angeles, protesting against passage of bill prohibiting importing trade-marked goods; to the Committee on Ways and Means.

6272. By Mr. ROSENBLOOM: Petition of Fairmont Railway Shop Trades Federation, S. D. Summers, president, Fairmont, W. Va., regarding the strike situation; to the Committee on Labor.

SENATE.

WEDNESDAY, *September 6, 1922.*

The Senate met at 11 o'clock a. m.

The Rev. Wallace Radcliffe, D. D. of the city of Washington, offered the following prayer:

Almighty God, our heavenly Father, the eyes of all wait upon Thee. Again we thank Thee that Thou hast crowned our lives with loving kindness and tender mercy. Continue this day Thy favors, blessing us and our dear ones here and at a distance, and be near to any with Thy comfort and strength who are oppressed in body, in mind, or in estate. Bless our land. We glorify Thee that Thou art, out of the tumult, apparently bringing quickly peace and confidence. Continue Thy favor. Grant an abundant harvest, grant work to willing hands, and in all our borders bring peace and prosperity.

And especially to Thy servants in the United States Senate come in Thy loving providence and grace, endowing them in this hour with that wisdom which is from above. Keep them in harmony, in faithfulness, in loyalty to Thee and to their fellowmen, and help them so to legislate and enact that, without the thought of personal selfishness or personal ambition, there may be through them ministry of peace, of truth, of justice, and of brotherhood, for a blessing to the land and to the glory of Thy name in Jesus Christ. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. ROBINSON. Mr. President, I ask unanimous consent to address the Senate on the subject of the temporary injunction in the railway strike.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Senator from Arkansas has the floor and will proceed.

THE TEMPORARY INJUNCTION IN THE RAILWAY STRIKE.

Mr. ROBINSON. Mr. President, I realize that under the conditions confronting the Senate, difficulty may be encountered in procuring the attendance of a quorum of Senators. For that reason I have procured consent to address the Senate on a subject intimately related to the acts of the Congress as construed and applied by the courts of the United States in injunction cases, and particularly in a proceeding recently instituted and now pending in the Federal court at Chicago.

Mr. President, responding to public impatience at the conditions arising from the railway shopmen's strike, Attorney General Daugherty on the 30th of August filed in the United States District Court for the Northern District of Illinois, Eastern Division, a bill of complaint joining as defendants the railway employees' department of the American Federation of Labor, the Interational Brotherhood of Blacksmiths, Drop Forgers, and Helpers, the International Alliance of Amalgamated Sheet Metal Workers, the International Brotherhood of Boiler Makers, Iron Ship Builders and Helpers of America, International Association of Machinists, International Brotherhood of Electrical

Workers, and the superior officers of these respective organizations, together with numerous other system federations and unknown and unnamed labor organizations and their officers. The judge immediately issued an order probably more comprehensive in practical effect than any injunction ever before issued by any court.

According to the Washington Post, of September 4, and other newspapers, 1,000 writs were immediately issued and a force of 5,500 deputy United States marshals mobilized to serve and enforce the same. Announcement is made that the Federal Army is held in readiness to enforce the court's order in all its details in the event the army of marshals and deputy marshals prove inadequate for that purpose.

Persons not parties to the proceedings are required to take notice of them under penalty of processes of contempt in case the prohibitions of the injunction are disregarded by them.

THE ATTORNEY GENERAL'S JUSTIFICATION FOR THE EXTRAORDINARY PROCEEDING.

The Attorney General in a statement made to the court in presenting the petition for temporary injunction, which statement is published in the CONGRESSIONAL RECORD of September 1, seeks to justify the very extraordinary procedure on the ground that a nation-wide conspiracy exists among the shopmen and their sympathizers to prevent by force or intimidation the operation of the railroads, to destroy railroad property, and to imperil the lives of persons engaged in the operation of the railroads and particularly those employed in the places of the striking shopmen.

That crime shall be prevented when it is legally possible to do so and that it shall be punished when proven is axiomatic, and will not be controverted by any citizen who is a believer in law and who is opposed to anarchy.

It follows that a worker has no more right, merely because he is on strike, to commit assault or to destroy property or to threaten to do so than any other citizen. If a laborer on strike is charged with crime, his guilt or innocence should be tested and determined in the same way as the guilt or innocence of other citizens must be tried. No man can claim immunity from punishment for crime because of membership in a labor union or of sympathy with laborers who are on strike.

On the other hand, no citizen may be presumed guilty of assaulting another person or of seeking to destroy or endanger property merely because of affiliation with a labor organization whose members may be engaged in a strike.

These principles when stated in the abstract are not controverted. They are fundamental.

In their practical application, however, difficulty is found when industrial disputes attended by strikes disturb the normal course of industry and commerce.

Intolerance, frequently widespread, particularly among those who experience discomfort and inconvenience, follows, with the result that prejudice often prompts hasty conclusions and confuses the question of the guilt or innocence of the accused with just indignation at the commission of the crime.

CONDITION OF LOCOMOTIVES AND CARS.

The Interstate Commerce Commission has reported that one-half of the railway locomotives and cars available are in bad order. Press reports are to the effect that the Attorney General claims one-half the cars and locomotives have been injured, the implication being that the strikers or their sympathizers are responsible. It is said in news reports that the Attorney General has accumulated evidence in numerous cases to show conspiracy and attempts to ruin property and jeopardize life but that it will not be alleged that the strikers are guilty in the majority of these cases, but that the conduct of strikers or their leaders indirectly caused the violations.

In any case where the evidence shows a striker has injured property, in any case where it is established that strike leaders or sympathizers have incited such injuries, arrests, trials, and convictions should be procured under due process of law.

Students, however, understand that lawless elements in no wise connected with the strikers, frequently while strikes are in progress avail themselves of the opportunity afforded by strike conditions to commit crimes and to cast suspicion of guilt upon the strikers. In a sense it is undeniable that strike conditions are promotive of disorder and afford opportunities for violence.

Nevertheless strikes are not unlawful under any statute of the United States and no justification exists for attributing to strikers acts which may be committed by persons or organizations interested in creating public sentiment against the strikers or by lawless persons not connected with labor unions or under their influence or control.

FEW CASES OF VIOLENCE FAIRLY ATTRIBUTABLE TO STRIKERS.

Fully indorsing the prevention and punishment of crime by whomsoever committed and from whatever motive, careful study of the evidence now available for public consideration prompts the conclusion that few cases of violence attributable to strikers have occurred. None incited by strike leaders have been published. Undoubtedly personal encounters between strikers and strike breakers have taken place, but press reports do not indicate that those in sympathy with the laborers have had more to do in causing violence in such cases than their opponents. With thousands of men employed and armed to discharge the functions of strike breakers, with thousands of armed guards, many of whom are desperate characters and noted gunmen, it is not surprising that conflicts, for which the laborers and their leaders are not fairly blamable, should have occurred and that some of these conflicts have resulted in homicide.

Candidly, from the standpoint of one out of sympathy with strikes as an enlightened process for securing settlement of industrial controversies, the evidence available for my study establishes the conclusion that the leaders in the shopmen's strike have without exception emphatically and in good faith advocated and counseled against all forms of violence in the prosecution of the strike. They have proclaimed the justice of the shopmen's cause, urged them to stand together, and have encouraged them against yielding, but there is no evidence, and no evidence has been published, to show the use of language which expressly or impliedly incites to violence.

Of course, it is understandable that wise leadership would not discredit its cause by open promotion of lawlessness and crime. Nevertheless, it must not be assumed that because violence has occurred the leaders in the labor organizations interested have prompted it. To do this would be violative of every rule of evidence and fairness.

THE ATTORNEY GENERAL'S DUTY RESPECTING BAD-ORDER CARS.

It may be that instances have occurred where strikers or their sympathizers have deliberately contributed to the impairment of railway equipment, and in all such cases penalties should be imposed with promptness and with firmness. The correct procedure, however, is by indictment and prosecution so that the accused may have a trial and be confronted with the witnesses against him.

On the other hand, the diminution in the railway repair forces, caused by the shopmen's strike, and the employment of less-skilled workers in their places, as everyone knows, has caused bad-order condition in many cars and locomotives, and in spite of the constantly increasing number of repairmen being employed by the railroads bad-order cars and locomotives are accumulating by reason of natural causes. This condition will continue throughout the early future, because the railroads can not secure repair workers sufficient in numbers and efficiency completely to perform normal repair services.

Every bad-order locomotive and car operated in the passenger business menaces the safety of passengers and of the operatives. Every locomotive and freight car operated in bad condition in the carriage of freight endangers property and the lives of the freight-train operatives.

To safeguard life and property the Congress enacted the safety appliance laws and the locomotive and boiler inspection acts. Everyone knows that the railroads are daily using cars and locomotives in bad order in disregard of these laws. Everyone knows that lives are being lost and property is being destroyed because of the condition of the railway equipment. The Attorney General has made no effort, so far as public information goes, to enforce these laws, but their violation has been acquiesced in through sympathy with the effort to break the shopmen's strike.

Why has no effort been made to enforce safety appliance and inspection laws? The answer, of course, is that their rigid enforcement would make more effective the shopmen's strike and increase the difficulties encountered by the railroads in breaking and defeating the strike.

No other explanation exists for the failure to enforce these laws.

THE INJUNCTION EXCEEDS THE LAWFUL POWER OF THE COURT.

Thoroughly in sympathy with the protection of life and property, cordially supporting the enforcement of law and the punishment of crime, I protest the temporary injunction issued in the shopmen's strike as exceeding the powers of the court, as violative of express law, and of the constitutional guaranties of freedom of speech, freedom of the press, and the right peaceably to assemble.

THE TEMPORARY INJUNCTION VIOLATES THE CONSTITUTION OF THE UNITED STATES.

In a manifest effort to end the strike by injunction, following, as it is alleged, precedents heretofore established in certain industrial strikes, the Attorney General has prompted the district court at Chicago to issue an order which is not only plainly in violation of the Clayton Act but which likewise transgresses the Constitution of the United States in the following particulars:

1. By abridging freedom of speech.
2. Freedom of the press.
3. The right of the people peaceably to assemble.

The Chicago Federal district court issuing the injunction has only such powers as are conferred upon it by law. The Congress has not attempted to authorize the Federal courts to abridge the privileges mentioned, and certainly could not do so if it tried.

The alleged advantages to the public to be derived from this legal process, issued in excess of the judicial power, are more than offset by the permanent impairment of the reputation of the Federal judiciary for integrity and impartiality which must result from such an unwarranted assumption of authority. No court order violative of constitutional rights may be countenanced, even if it finds sympathy among influential bodies of our citizenship, or, for that matter, in widespread public opinion. From the beginning of the Government wise statesmen have feared that the Federal judiciary may become the instrument for nullifying the Constitution which it was created to uphold. This fear was epitomized by Jefferson when he said:

> The great object of my fear is the Federal judiciary. That body, like gravity, ever acting, with noiseless foot and unalarming advance, gaining ground step by step, and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them.
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> There is no danger I apprehend so much as the consolidation of our Government by the noiseless and therefore unalarming instrumentality of the Supreme Court. This is the form in which federalism now arrays itself, and consolidation is the present principle of distinction between Republicans and pseudo Republicans but real federalists.
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> Where the press is free and every man able to read all is safe.

The courts themselves in recorded opinions, and judges in formal dissents, have repeatedly and frequently denounced the alleged tendency of the Federal judiciary to extend its power by implication and by construction so as to minimize the constitutional influence of the legislative department and break down the sacred guaranties of the Constitution. Many of the ablest lawyers, whose labors have glorified the history of the American bar, have taken occasion in public addresses, in briefs, and in arguments before courts to protest what they have termed the encroachment of the judiciary upon the powers of other departments. These fears and these criticisms find justification in the consciences of enlightened citizens, who realize that the surest way to discredit American justice and the courts established to administer it is by usurpation of power on the part of the courts and the inevitable undermining in the public conscience of that confidence and respect in the judiciary which are indispensable to the maintenance of law and order. The perpetuity of the American judicial system depends upon the fidelity with which Federal judges observe the limitations imposed by the Constitution for the exercise of their powers, and not by the readiness with which they disregard those limitations in conformity to alleged public opinion.

Corruption and decay, ruin and anarchy, inevitably must follow the prostitution of the Federal judiciary to proceedings violative of the fundamental safeguards of liberty and conformable to the varying moods of public opinion.

This principle is general and of far greater importance than the conservation of public convenience or comfort. It must be rigidly applied. No exception can be justified by arbitrary court orders, even though acquiesced in by the public in the anxiety of citizens to secure industrial peace. The Federal courts on the pretense of public convenience or necessity can not exercise power denied them by the Constitution to the impairment of rights or the abridgement of privileges which the Congress itself is forbidden to ignore, abridge, or impair.

The question of fact and of legal interpretation as to whether the injunction issued by the Chicago court in the shopmen's strike is open to the objections mentioned, or to any of them, involves consequences which transcend in importance present industrial disputes, and which are associated with the future happiness and liberty of our people.

Acts of violence to persons and property, the employment of language in the nature of threats, or the use of words printed or spoken calculated to intimidate persons lawfully employed or seeking employment, are easily distinguishable from statements, publications, and acts which in fact and in law are ordinarily permissible in the prosecution of strikes.

In this order, however, the court employs language which practically construed constitutes a denial to the shopmen of the right to continue the strike. It expressly forbids their leaders and attorneys from advising them as to the ordinary proceedings incident to the conduct and essential to the prosecution of the strike. It forbids argument and declares requests and entreaties unlawful. Under penalty of punishment for contempt it denies to striking shopmen the privilege of requesting others to quit or refrain from accepting railway employment; the leaders from encouraging members of the union to abandon employment or to refrain from entering the service of the railways; it restrains instructions, requests, and statements by word of mouth, by telephone, by interview, published in newspapers or otherwise, with reference to the conduct of strikers or members of the Federated Shop Crafts, and denies to anyone the right to do or say anything for the purpose of inducing another to abandon railway employment or to refrain from entering such employment.

In conformity, perhaps, to precedents discredited in the sober judgment of lawyers and judges generally, it restrains the use of labor-employment funds in behalf of strikers for purposes that are lawful as well as for unlawful purposes. It enjoins meetings, addresses, and communications designed to encourage a continuance of the strike. It outlaws peaceful picketing and interviews in newspapers, and, in substance, declares any act in aid of the strikers or in promotion of their cause, such acts as are usually pursued in the prosecution of peaceful strikes, to be unlawful.

To sustain the foregoing provisions of the injunction with any semblance of authority it is necessary to hold that the shopmen's strike constitutes an unlawful conspiracy, and that any words spoken or written and any acts performed, however peaceful in their nature or lawful in themselves, constitute efforts in pursuance of such unlawful conspiracy. Surely no lawyer who is familiar with the history of this controversy will make such a contention. No citizen, however anxious he may be to end the strike and to prevent future strikes, will assert such a proposition.

RAILWAY EMPLOYEES HAVE LEGAL RIGHT TO STRIKE.

Whatever may be your opinion as to how the law should be written, the law is that railway employees have the legal right to strike for the enforcement of a demand, either for an increase or against a reduction in wages, notwithstanding a decision against their contentions by the Labor Board.

No one will contend that express provisions of law forbid members of labor organizations concertedly to abandon employment either for the purpose of preventing a reduction in wages or for securing an increase in compensation or for preventing or for securing a change in working conditions. That the legal right on behalf of railway employees to strike for these purposes exists, unless prevented by law, no one will deny. The right has often been asserted. It has occasionally been exercised, and prior to the transportation act has not been seriously questioned in any legal proceedings. Differences of opinion concerning the wisdom of a policy which permits strikes on the part of railway employees have occasioned inquiries and investigations by committees of Congress in an effort to devise some plan which will prevent their occurrence, but the Congress has never outlawed strikes among transportation employees.

Mr. WATSON of Indiana. Mr. President——

Mr. ROBINSON. I yield with pleasure to the Senator from Indiana.

Mr. WATSON of Indiana. Mr. President, of course what the Senator has just said is true; but the right to strike has not been denied. He and I voted for an antistrike provision in the transportation act as it originally passed the Senate, but it was stricken out by the House. I do not understand, however, that any injunction was sought or that any injunction has been granted on the subject of the right to strike.

Mr. ROBINSON. Mr. President, of course the Senator from Indiana understands that what he and I or others may have attempted unsuccessfully to write into the law is not the law, and that if Congress rejected the position taken by the Senator from Indiana and other Senators the action of Congress in doing so is binding not only on Senators and Representatives but it is binding on judges.

Mr. WATSON of Indiana. Mr. President——

Mr. ROBINSON. I propose to show if the Senator will permit me to proceed——

Mr. WATSON of Indiana. Certainly.

Mr. ROBINSON. I propose to show that the principle underlying this injunction is that it is unlawful to strike. Otherwise, the Attorney General never would have dared ask the court to say to American freemen that they could not hold public meetings; otherwise, the Attorney General never would have dared to ask the court to say to American citizens that they could not publish interviews in a newspaper relating to the issues involved in the strike; that they could not appeal by argument or entreaty to workers to refrain from accepting railway employment or to abandon railway employment. On no other theory could the Federal court in Chicago have proceeded than that the complaint set up an allegation that the strike was an unlawful conspiracy to restrain commerce. I propose to establish that conclusion.

Mr. WATSON of Indiana. I shall be very much interested in the argument to be pursued by the Senator from Arkansas along that line. I did not understand that there was anything said or anything inferred about the legality of the strike or the right to strike. The injunction was issued against what is called a conspiracy to interfere with interstate commerce and stop the mails.

Mr. ROBINSON. It so happens, Mr. President, that the Senator from Indiana interrupted me just at the moment where I was entering upon a discussion of the very subject-matter of his inquiry and interruption.

Mr. WATSON of Indiana. I beg the Senator's pardon.

Mr. ROBINSON. The Senator owes no apology to me. I welcome interruptions from the Senator from Indiana. They are always illuminating, if his conclusions are frequently erroneous.

Analysis of the complaint upon which the injunction in the shopmen's strike was issued reveals the implication that the Attorney General takes the position that the decision of the Labor Board reducing the wages of the shopmen renders a strike in protest unlawful. The complaint recites the history of the controversy which caused the shopmen's strike. It recites the decision of the Labor Board. It recites the violation of that decision by the shopmen, and, by implication, charges that the strike is unlawful, and follows that charge with injunctions and prohibitions against acts on the part of individuals and on the part of organizations which could be restrained only on the theory that they, while lawful in themselves, were in pursuance of a common conspiracy. The complaint discloses very careful study on the part of those who framed it. The only theory on which the courts have ever sought to restrain men from holding public meetings, either as individuals or as organizations, is that the meetings to be held and the things to be done and said, while not unlawful in themselves, were, in fact and in law, in pursuance of a conspiracy.

Mr. WATSON of Indiana. Mr. President, will it interrupt the Senator if I ask him a question right at this point?

Mr. ROBINSON. Certainly not. Of course, it will interrupt me, but it will not disturb me.

Mr. WATSON of Indiana. I do not want to disturb the Senator or interrupt the thread of his argument. I should like just to get the Senator's viewpoint.

Mr. ROBINSON. Very well.

Mr. WATSON of Indiana. Does the Senator hold that the Government was wrong in seeking an injunction at all for any purpose?

Mr. ROBINSON. If the Senator will just be good enough to let me make my statement, I shall discuss wherein I think the Attorney General caused the Chicago court to exceed its powers, and wherein I think every lawyer who studies the question, I care not what his politics or his sympathies in this controversy, will concede that literally construed and rigidly enforced the injunction is a violation of law and a defiance of the Constitution of the United States.

Mr. WATSON of Indiana. The length to which the injunction goes, or the fact that any injunction whatever was granted?

Mr. ROBINSON. The length to which the injunction goes, of course.

Mr. WALSH of Massachusetts. The Senator has made it clear that his complaint is that the court exceeded its authority.

Mr. ROBINSON. Why, certainly; and that it exceeded its authority in ways and to a degree that among lawyers there can be no question about.

I have just declared that clearly, considering the character of the injunction sought and issued, one of the theories underlying the complaint is that the shopmen's strike is unlawful; that it constitutes, in fact and in law, a conspiracy unduly to restrain commerce, and that acts done in pursuance of that conspiracy, even though lawful in themselves, are sought to be restrained. I now recur to that proposition. The shopmen's strike is not unlawful. Strikes against decisions of the Labor Board are not violations of law. The shopmen had the legal right to strike, notwithstanding the Labor Board's decision. This right must not be confused with questions involving the wisdom underlying the strike or the merits of the shopmen's contention. The transportation act does not outlaw strikes against decisions by the Labor Board. The Congress after full discussion refused to go that far. Congress deliberately chose to rely solely upon the moral force which public opinion habitually gives to the decisions of impartial tribunals in order to secure acceptance on the part of the railways and the employees of decisions by the Labor Board. No other conclusion can be justified from the history of title 3 of the transportation act relating to disputes between carriers and their employees. No other position is tenable from the language of the act.

After prolonged discussion and deliberate consideration, Congress rejected the provision defining and penalizing as conspiracies to interfere with commerce refusals of railway executives and of railway employees to abide by decisions of the Labor Board, and adopted in its stead the following:

> All decisions of the Labor Board shall be entered upon the records of the board, and copies thereof, together with such statement of facts bearing thereon as the board may deem proper, shall be immediately communicated to the parties to the dispute, the President, each adjustment board, and the commission, and shall be given further publicity in such manner as the Labor Board may determine.

Section 313 of the transportation act, the only other provision of law relating to the binding effect of decisions by the Labor Board, is as follows:

> The Labor Board, in case it has reason to believe that any decision of the Labor Board or of an adjustment board is violated by any carrier, or employee, or subordinate official, or organization thereof, may upon its own motion, after due notice and hearing to all persons directly interested in such violation, determine whether in its opinion such violation has occurred and make public its decision in such manner as it may determine.

Thus Congress deliberately left both the railways and their employees at liberty to observe or disregard decisions of the Labor Board, subject only to the influence of public opinion.

This is the construction uniformly placed upon the transportation act by both the representatives of the executives and the railway employees. The railroads, as stated by the President in his address to Congress August 18, 1922, were first to ignore or to refuse to obey decisions of the Labor Board.

> When these failures of many of the carriers to abide by decisions of the board were brought to my attention, I could more fairly appraise the feelings of the strikers though they had a remedy without seeking to paralyze interstate commerce.

He must have meant by this declaration that since the carriers in numerous instances had elected to disregard the decisions of the board, where its decisions were beneficial to the employees, it is not surprising that the latter should follow the example so often set by the carriers and refuse to obey decisions adverse to their interest, decisions helpful to labor, being neither observed nor enforced in their behalf, although the President thought the shopmen might have found a milder remedy than resort to a strike. Surely if the carriers are not bound by decisions which protect the rights and interests of the laborers, it is unreasonable to insist that the workers have no practical course save submission to orders which they regard as oppressive and subversive. If the orders in their favor may be disregarded and the executives be not required to conform to those orders, how, then, can a fair-minded person say that the laborers are bound to regard decisions adverse to them? The truth is that neither the railway executives and managers nor the representatives of the railway employees wanted the Labor Board created. Both preferred that they be left free from the danger of incurring penalties because of violations. The railroads have challenged and still challenge the authority of the Labor Board, and the workers very naturally regard it unfair that the board's decisions shall be enforced only when against their interests or contentions.

Not only is the right to strike not denied by law to railway employees, but it is expressly preserved and secured by the provisions of the act known as the Clayton Act.

INJUNCTION VIOLATES CLAYTON ACT.

The injunction issued in the shopmen's case is a plain violation of sections 6 and 20 of the Clayton Act.

The history of this law is that it was enacted to relieve labor unions and agricultural and horticultural organizations from the provisions of the Sherman Antitrust Act, and from the danger of prosecutions under certain decisions of the Federal courts. It was intended to dignify human labor and to recognize that something more than mere mercenary considerations must be taken into account in repressing the organized efforts of laborers to advance their welfare and to secure more wholesome living and working conditions. These considerations are not less important now than when the Clayton Act was passed. When humanely contemplated they have lost no power of appeal which ever moved the hearts and judgments of men and women, who regard the health, the comfort, and the happiness of the millions who toil, and of all who are dependent upon their labors, as more sacred than the interests of profit makers.

The sections of the Clayton Act applicable are as follows:

> SEC. 6. That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.
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> SEC. 20. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.
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> And no such restraining order or injunction shall prohibit any person or persons, whether singly or in concert, from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at any place where any such person or persons may lawfully be, for the purpose of peacefully obtaining or communicating information, or from peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful and lawful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute any strike benefits or other moneys or things of value; or from peaceably assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.

Section 6 expressly asserts that the labor of a human being is not a commodity or article of commerce, and implies that laborers may organize and act in concert for the purpose of mutual help without incurring the risk of prosecution under antitrust laws. Admittedly this paragraph is ambiguous and lacking in definite expression.

Section 20 contains two paragraphs free from ambiguity and expressive of a forceful and definite policy on the part of Congress respecting the employment of injunctions in labor controversies.

The first paragraph expressly prohibits Federal courts and judges in controversies between employers and employees from issuing injunctions or restraining orders in labor disputes, except where irreparable injury to property or to a property right will result, or where there is no adequate remedy at law, and requires that such property or property right must be described with particularity in the application.

The Attorney General by suing in the name of the United States seeks technically to escape the direct effect of this inhibition, and of the provision in paragraph 2 of section 20 which affirms the right of laborers to strike and to carry on singly or in concert the peaceful methods usually pursued, namely, ceasing from employment, recommending, advising, or persuading others to do so; attending at places lawful for the purpose of obtaining information and advice, or for the purpose of peacefully persuading others to work or abstain from work, and so forth.

This paragraph also expressly affirms the right to pay or give strikers strike benefits or other rewards, and expressly denies the right to enjoin strikers from peaceably assembling in a lawful manner and for lawful purposes, or from doing other things which might lawfully be done in the absence of such dispute.

The Attorney General has sought to avoid all these limitations on the power of Federal courts to issue injunctions in labor controversies by proceeding on behalf and in the name of the United States Government. He has sought to employ in the controversy the power, prestige, and influence of the Government with all its agents and instrumentalities for the carriers who have themselves openly and repeatedly violated decisions by the Labor Board in behalf of the workers, and who peremptorily declined the President's first proposal submitted for the settlement of the strike.

It will be recalled that the President, acting as a voluntary mediator, after conferring with many Senators, particularly the Senator from Iowa [Mr. CUMMINS], the Senator from Indiana [Mr. WATSON], and the Senator from Minnesota [Mr. KELLOGG], as reported in the press, submitted a proposal to the representatives of the shopmen and to the railway executives for the immediate termination of the strike. It was in substance that both the railway executives and the employees should agree to obey the decisions of the Labor Board hereafter rendered; that the shopmen should immediately resume work with their seniority unimpaired; and that the Labor Board should hear again and decide anew the wage dispute involved. The question of seniority, of course, originally was not involved in the strike, but arose out of it, and in a strange, not to say extraordinary, manner.

The Labor Board already had decided against the shopmen the wage dispute and had ordered a reduction, which was one of the immediate causes of the strike, when the President submitted this proposal.

According to the rules of seniority, which by practice and common consent have become a part of the custom regulating railway employment, the laborer who has been longest employed shall, within well-understood limits, enjoy the right to select his place of labor, and in cases where the force within his craft is increased be first restored to employment, and where it may be diminished be last dismissed from service. Seniority attaches to the railway service in all or nearly all its branches and is regarded by the laborers as a part of their compensation. When the shopmen went out on strike Chairman Hooper of the Labor Board announced as a penalty for their action that unless they returned to work within a short time all striking shopmen should be held to have forfeited their seniority, and if thereafter taken back would enter the service inferior in rank, not only to all who had continued and refused to strike but also to all strikebreakers employed to take the places of the striking shopmen. This immediately created a controversy more vexing and difficult than the original wage dispute.

The seniority issue was perhaps inevitable, but it was precipitated without a hearing and was regarded by the workers as a threat. It was seized upon by the railway executives as a sacred decision of the Labor Board which they had neither the power nor the disposition to override.

The shopmen's representatives, realizing the dangers in the seniority issue if the strike continued and the chances for a reversal of the decision respecting wage reductions growing out of widespread altered conditions, particularly relating to the scale of wages paid and prospective in other industries, promptly accepted the President's plan upon assurance from him that the executives would be urged, not to say coerced, into doing likewise. The railway executives, however, realizing the potentialities of the seniority issue as a factor in future labor disputes, took the responsibility for prolonging the strike and justified their refusal of the President's plan on the ground that to induce others to accept employment in place of the striking shopmen they had pledged the new employees seniority over the strikers, and to violate this pledge would constitute bad faith upon their part.

Thereupon the President, expressing resentment at the failure of the executives to accept his proposal, and thus to end the strike, submitted a second plan for settlement, which he must have anticipated the laborers would refuse. This plan was that the strikers should immediately return to work; that the wage controversy should be reheard and decided by the Labor Board; that the seniority issue should be determined by the board, and that the laborers and the employers should thereafter conform to decisions of the Labor Board.

Considering the fact that both the wage issue and the seniority question had already been determined against the workers, and that while the dictum of Chairman Hooper had not the full effect of a formal board decision, the workers under the President's second proposition took all the chances with little substantial prospect of winning either dispute, it is not surprising that they declined this proposition, submitted immediately following the refusal of the President's first proposition, which they had readily accepted, and that the strike continued.

The chiefs of the brotherhoods of trainmen, commonly referred to as the "Big Four," then volunteered to act as mediators, and arranged a conference with the railway executives, during the progress of which the President announced his purpose to appear before Congress in an address on the strike situation. The newspapers proclaimed that the prospects for a settlement were highly promising, and numerous leaders for the administration in Congress, some of them in this body, urged the President to defer his address, in the fear that it might operate to hamper or prevent a settlement. The President, however, without submitting recommendations to Congress for legislation to settle or terminate the railway strike, and expressly affirming that it was not possible to settle the strike by legislation to be enacted while the strike was in progress, and asserting that any legislation dealing with the subject must be considered at a time when passion and prejudice were not enthroned, persisted in his purpose and delivered an address on August 18, which apparently had the effect of breaking up the conference between the railway executives and the mediators for the shopmen. In any event, that conference failed, immediately following the delivery of the President's address, and all proposals were rejected.

Thereupon, at the instance of the President, the Attorney General, whose assistants had been engaged for weeks in preparing the complaint in this injunction case, filed the bill upon which the injunction under discussion was issued. Thus the shopmen, who had accepted the President's first proposal, are treated by the Government as outlaws, and the railway executives, who declined the President's proposal and made the President's efforts to settle the strike unsuccessful, are relieved of responsibility in the further conduct of the controversy. To say the least, the President and the Attorney General have placed between the railway managers and executives and the strikers the power of the Government an army of United States marshals and deputy marshals, and hold in the background in readiness to move the military and naval forces of the Government—all this in the name of law and order and for the administration of justice and impartiality.

DOES THE END JUSTIFY THE MEANS?

In this morning's press reports and in editorials published throughout the country we read that the injunction is too sweeping; that it exceeds the powers of the court which issued it; that it does restrain by the language used, when given its ordinary interpretation and application, the constitutional right of free speech and free press and the right peaceably to assemble; but the justification for this lawless act of the Chicago court is public necessity and public comfort and convenience.

The New York World, under date of September 2, 1922, in an editorial entitled "Daugherty's Injunction," discloses the sham, the pretense, and the injustice underlying the injunction in the shopmen's strike. This morning's Washington Post quotes the Attorney General as saying that the decent press of the United States, which is 90 per cent of the newspapers published in America, support his action, the inference being that the New York World and all newspapers edited by men who have the courage in the face of unpopularity to stand for the Constitution of the United States and the principles of human freedom are indecent. No newspaper that I have read has denied in an editorial, but on the contrary, by implication, the editorials have admitted that the injunction goes too far. Read the editorials in the Washington Star: "The injunction is too sweeping, but it can be modified."

Mr. WATSON of Georgia. Mr. President——

Mr. ROBINSON. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. If the Senator will allow me, I call his attention to the fact that the Baltimore Sun is universally recognized as one of the most independent and impartial of all our metropolitan papers, and the Baltimore Sun is condemning the injunction as vigorously as does the New York World.

Mr. ROBINSON. Mr. President, our people enjoy the services of a great many newspapers which have devoted their columns to right, justice, and the publishing of reliable news. No newspaper in the United States has more certainly, in the judgment of students of public questions, earned the title, and all that goes with it, of honest, fearless, newspaper than the New York World. It is a matter of common knowledge that so eagerly is that newspaper read by Senators that within an hour after the Senate has assembled it is difficult, if not impossible, to procure one of the four copies of that paper kept upon the table in the reading room for Senators. It is read more by Senators than any other two papers which come upon that table. Why? Because when officers of the United States Government are willing to prostitute their powers and their positions to the procurement of illegal process from the courts, that paper and others of equal courage stand up for right, declare for law. The Attorney General, by impliedly branding as indecent the New York World and the Baltimore Sun and other papers which in this controversy have spoken for justice, right, and liberty and in the name of humanity, can not destroy their reputation for honesty and fairness, nor can he give to them a reputation for indecency.

The New York World editorial to which I have referred will be printed in the RECORD following my remarks, in 8-point type, if I may have permission to that end. It points out the administration's efforts to obtain political advantage through a belated and questionable use of the injunction.

The PRESIDING OFFICER (Mr. NEW in the chair). Without objection, it is so ordered.

Mr. ROBINSON. Some are saying here in this Chamber, some are thinking while I am speaking: "The end justifies the means; the injunction is too sweeping, but the strike ought to be ended. The injunction will accomplish this. Therefore remain silent while the Constitution which we are sworn to uphold is disregarded." I have no disposition to control or advise the action of other Senators or of other representatives of the Government; but for my part, such declarations as that, such declarations as are now commonly heard, "Anything to stop the strike, lawful or unlawful, constitutional or unconstitutional," are fraught with more danger to the permanent safety of the Government and the institutions upon which it rests than all the strikes which have occurred or will happen while our flag flies.

No more dangerous doctrine can be announced. If constitutional limitations and safeguards and statutory provisions may be disregarded by the courts which were created to secure their observance, tyranny will supersede justice and liberty will be subordinated to public opinion. The courts first of all among our institutions must conform to the Constitution and the laws. No quicker, surer way of discrediting and undermining this Government can be pursued than to make court process independent of constitutional limitations and statutory restrictions and responsive readily to mere public convenience and opinion.

Lawless courts represent anarchy in its worst form. Nothing is to be feared from enemies who blatantly assail our institutions. Beware, however, of those who in the name of Americanism wink at the exercise of unlawful authority and condone violations of the Constitution and laws. These are the real, the dangerous enemies of liberty; the real foes of republican government.

The strike ought to be settled. The permanent freedom of commerce will be assured by adjustment of the disputes underlying the shopmen's strike, rather than by destroying the hopes and crushing the spirit of railway employees through an abuse of power by the Government.

The efforts of mediators to settle the strike following the President's failure and change of front are set forth in two circulars which I ask to be printed as a part of my remarks, and in connection therewith a further editorial from the New York World of Wednesday, September 6, 1922, entitled "Daugherty's delusion of grandeur." I ask that all these may be printed in the RECORD in 8-point type.

There being no objection, the matter referred to was ordered to be printed in the RECORD in 8-point type.

Mr. ROBINSON. The injunction thus issued has had the effect and will continue, until modified or set aside, to have the effect of coercing the laborers into the acceptance of the Labor Board's decisions adverse to them, and of leaving the railroads apparently at liberty to disregard the rulings of the board at will. The sober final judgment of the lawyers of the United States and of our citizens generally will condemn this as oppressive and unjust.

This feature of the subject, this aspect of the injunction, I may take another occasion to discuss. The evidence shows that the railroads in numerous cases openly refused to obey the decisions of the Labor Board, and that the instant the employees took that course they encountered apparently the wrath of public opinion, certainly the power of all the agencies and instrumentalities of the Government of the United States.

Mr. CUMMINS. Mr. President——

Mr. ROBINSON. I yield with pleasure to the Senator from Iowa.

Mr. CUMMINS. There is one remark which has been made by the Senator from Arkansas twice now, I think, to which I should like to call his attention. He indicates or intimates that the Government of the United States made no effort whatever to compel obedience on the part of the roads to the orders of the Labor Board. I think he is misinformed with regard to that.

Mr. ROBINSON. If the Senator understood me to say that, he understood me to say nearly what I meant, and in proof of that statement I call his attention to the address of the President of the United States delivered on the 18th of August, in which he declared that in numerous instances the railway officials had violated the decisions of the Labor Board, but he did not know anything about it, and for that reason, except in one case which was called to the attention of the Department of Justice, no action had been taken to compel observance. I call to the attention of the Senator now that no mandatory process of a Federal court has been sought or employed, so far as public information goes, to require the railroad executives to submit to the same rule of obedience that is being applied to the workers.

Mr. CUMMINS. I will not interrupt the Senator further. I did not get an opportunity to say what I wanted to say in that regard.

Mr. ROBINSON. Mr. President, if the Senator from Iowa will read the address of the President of the United States he will see that prior to August 18, when that address was delivered, the railroad executives had in many cases violated the Railroad Labor Board's decisions, and the President pleads as an excuse for the failure of the Department of Justice to take some action to enforce those decisions the fact that the matter had not been brought to his knowledge and that he was ignorant of it, as undoubtedly he was, or he would not have said so. However, since the 18th of August last this injunction has been issued and men, known and unknown, laborers named and nameless, some organizations specified and other organizations not named, have been enjoined according to the terms of this writ from the exercise of what any lawyer must admit are their legal rights, as well as from the exercise of unlawful acts; and yet the Department of Justice has not moved, so far as the record shows, to apply to the railroad executives the rule that they must observe the Labor Board's decision, while all the power of the Government is in practical effect being employed and exerted to compel the workers to do what the executives are impliedly excused from doing. The sober final judgment of the lawyers of the United States and of the people of this country will condemn the extent to which the Chicago Federal court has abused its power and authority at the instance of the Attorney General, as oppressive and as inconsistent with the principles of liberty as expressed in the Constitution.

APPENDIX.

[From the New York World, Saturday, September 2, 1922.]

DAUGHERTY'S INJUNCTIONS.

Assuming that the railroad strike can be broken by writs of injunction, President Harding and his Attorney General are exactly two months late.

What was done yesterday might with considerable show of justification have been done on July 1, when the shopmen struck by way of protest against the decision of the Railroad Labor Board reducing their wages.

Mr. Harding made no effort to uphold the Labor Board at that time. Having allowed various railroads to flout it, he apparently thought the balance could be comfortably restored by permitting the unions to flout it.

Since that time Mr. Harding has made practically all the blunders that could have been made in dealing with a serious industrial situation. He has never failed to meddle whenever it was possible by meddling to make a bad matter worse. He has never missed an opportunity to do the wrong thing. Now he has permitted the Attorney General to rush into court with a petition for an injunction which is so sweeping that it will arouse the bitter resentment of organized labor in every part of the country.

When the transportation bill was before Congress an attempt was made to forbid railroad strikes on the ground that the railroad employees themselves were affected with a public interest and had no right to suspend a necessary service. Congress refused. Strikes were not forbidden in the act and the railroad unions were especially recognized as agencies with which the Labor Board was to deal in the adjustment of wages. Mr. Daugherty in his petition for a restraining order now seeks to enjoin the unions not only from acts which are clearly illegal under the laws of every State but from acts which are in themselves legal and are so implied by the statute itself in making the unions a party to the transportation act.

The Attorney General's injunction, even if it is made permanent, will not turn a wheel or wipe a joint. The shopmen's strike has been slowly settling itself for weeks. It might have been prevented altogether if the Harding administration had shown vigor and courage in sustaining the transportation law. Quite apart from that, there is reason to believe that it would have been adjusted weeks ago if the President had kept his hands off and maintained the policy of neutrality that he assumed at the beginning.

That anything substantial will come out of the Daugherty injunctions at this late day is more than improbable. The petition will inflame a great deal of passion and arouse much animosity. It will convince many of the strikers that the Government has finally assumed the rôle of a strike breaker and that unless they fight to a finish they will have lost everything for which organized labor has contended. It will arouse labor unions everywhere to active support of the shopmen.

There has been a great deal of violence, particularly in the West, in connection with this strike. No evidence has yet been produced to show that the shopmen's unions were responsible, and Mr. Daugherty himself makes no specific accusation against them. Yet he evidently believes that if a striker wrecks a train the proper thing to do is not to proceed against him for murder but to have him punished for contempt of court.

The President has been smarting under the criticism directed against him from all sides for his weak and vacillating policy during the strike. Something had to be done for political effect, so after the strike is two months old and conditions are steadily improving, the Attorney General is sent into court to paint up the Harding lath in an endeavor to make it look like iron.

BROTHERHOOD OF LOCOMOTIVE ENGINEERS, BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN, ORDER OF RAILWAY CONDUCTORS, BROTHERHOOD OF RAILROAD TRAINMEN, SWITCHMEN'S UNION OF NORTH AMERICA.

CLEVELAND, OHIO, *August 30, 1922.*

To the Officers and Members: Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen, Switchmen's Union of North America.

DEAR SIRS AND BROTHERS: In accordance with the request of Brother B. M. Jewell, president of the railway employees' department, American Federation of Labor, in behalf of our brother shopmen on strike, Brother W. S. Stone, chairman, called the 16 chief executives of the standard recognized railroad labor organizations to meet at Washington, D. C., the 11th instant.

The situation was presented in full by the seven chief executives of the shopmen, and the nine chief executives of the organizations not on strike were requested to act as mediators or do anything they could to compose the situation, and they signified their willingness to assist in every way possible.

A meeting with the President was arranged for and the nine executives met President Harding on the afternoon of the 12th. At this meeting the President had with him Secretaries Hoover and Davis, Senator Cummins and Chairman Hooper of the United States Railroad Labor Board. We urged the President to insist that the railroad companies accept his proposition, made July 31, to the effect that the entire controversy be resubmitted to the United States Railroad Labor Board without prejudice to either side, which meant that the shopmen resume work just as they stopped work, with all their rights, including seniority, unimpaired.

The President said he was unable to put his original proposition over, but that he was to meet a committee from the Railway Executives' Association, with Mr. T. DeWitt Cuyler as chairman, as soon as our meeting was over. We argued and plead with the President, as above indicated, without results. We remained with him until the committee representing the railroads arrived, when we retired, with the understanding that he (the President) would advise us further after his meeting with the railroad executives. This same evening we were advised that he had not been successful in inducing the railroad presidents to change their position, that they were willing to send the shopmen's rules and working conditions back to the Labor Board, but they positively refused to restore seniority to men on strike.

We had requested President Harding, in the event he failed to get satisfactory results from his meeting with the railroad presidents, that he endeavor to bring about a meeting between the committee of railroad presidents and the mine executives representing the men not on strike.

We were notified that the committee of railroad presidents would meet the five executives of the transportation group, and we were requested to meet them at once at the Willard Hotel. This meeting was held with no results.

We met President Harding the afternoon of the 14th, and he advised that he had not been able to induce the railroad presidents to change their attitude, and that he could do nothing more.

The railroad presidents had left Washington, but being unwilling to cease our efforts, the following letter was prepared:

WASHINGTON, D. C., *August 15, 1922.*

Mr. THOMAS DEWITT CUYLER,
Chairman Association of Railway Executives,
Care of Col. Alfred P. Thom, Vice Chairman,
Munsey Building, Washington, D. C.

MY DEAR MR. CUYLER: Strike conditions are rapidly arriving at a critical stage, and in a final effort to find some solution for the present trouble, we ask that you call your committee together again at the earliest moment and meet with the executives of the transportation brotherhoods.

Will you kindly advise Mr. Stone, Hotel Powhatan, of the time we may expect this committee, if you convene them?

Yours very truly,

W. S. Stone,
Grand Chief Engineer Brotherhood Locomotive Engineers.
L. E. Sheppard,
President Order of Railway Conductors.
W. N. Doak,
Vice President Brotherhood Railroad Trainmen.
D. B. Robertson,
President Brotherhood of Locomotive Firemen and Enginemen.
T. C. Cashen,
President Switchmen's Union of North America.

We were advised that they were willing to meet us, but requested that the meeting be held in New York, and designating the 17th as the date. Meetings were held on the 17th and 18th, and no progress was made, due to the continued refusal of the railroad executives to agree to our suggestions regarding seniority. We contended throughout that the fundamental rights of men on strike, including their seniority in full when they resumed work, should be recognized.

When these efforts also failed we requested Chairman Cuyler to convene the entire membership of the Railway Executives' Association, which was agreed to, and said association was convened in New York on the 23d. We appeared before those in attendance on the 23d, about 200 in number. We reviewed the entire controversy and offered a suggestion as follows:

MEMORANDUM.

First. All men to be reinstated in the position of the class they originally held on June 30, 1922, and as many of such men as possible are to be put to work September 1, at present rates of pay and all employees who have been on strike to be put to work, or under pay, not later than October 1 next, except such men as have been proven guilty of destruction of railroad property or convicted of crime; ordinary cases of assault and battery the result of personal encounter are to be disregarded.

Second. If a dispute arises as to the relative standing of an employee or employees that can not be otherwise adjusted by the carrier and said employee or employees, the matter shall be referred to the United States Railroad Labor Board in accordance with the transportation act of 1920, by the organization, the employees, or the carrier, in the interest of any employee who may be aggrieved.

Third. No intimidation nor oppression shall be practiced or permitted as against any of the employees who have remained or taken service or as against those who resume service under this understanding.

Fourth. All suits at law now pending as the result of the strike to be withdrawn and canceled by both parties.

We refrained in all our written communications from using the word "seniority" conspicuously, for reasons which should be obvious.

We explained to all present that the shopmen had not seen our "suggestion" as shown above, but if accepted we would do our best to induce the shopmen to accept it.

When we presented our suggestion we requested that if it was not accepted by the body, we be advised how many, if any, representatives would meet us for further consideration of the subject. Action by the entire body was quickly taken and rejected by the entire body, with but one president voting in favor of our suggestion. We were told, however, that the presidents of 52 roads, representing 85,000 miles of track, were desirous of continuing negotiations and had appointed a committee of six to meet with us for this purpose.

The committee selected was President Willard, Baltimore & Ohio, chairman, and Presidents Holden, Burlington System; Smith, New York Central; Donnelly, Northern Pacific; Byram, Milwaukee; and Maher, Norfolk & Western, representing the following roads:

Alabama & Vicksburg; Vicksburg, Shreveport & Pacific; Baltimore & Ohio System; Buffalo, Rochester & Pittsburgh; Chesapeake & Ohio Lines; Chicago & Northwestern System; Chicago, Burlington & Quincy System; Chicago, Indianapolis & Louisville; Chicago, Milwaukee & St. Paul System; Chicago, Rock Island & Pacific System; Chicago, St. Paul, Minneapolis & Omaha; Erie System; Hocking Valley; Lake Erie & Western; El Paso & Southwestern; Lehigh & New England; Louisiana & Arkansas; Minneapolis & St. Louis; New York Central System; New York, Chicago & St. Louis; Norfolk & Western System; Norfolk Southern System; Northern Pacific System; Rutland Railroad; Seaboard Air Line System; Trinity & Brazos Valley; Virginian Railroad; Wheeling & Lake Erie; Winston-Salem Southbound.

After prolonged conferences we presented as our final recommendation the following suggestion as a basis of settlement for the roads represented by this committee:

"In order to bring the existing strike of shop employees upon the undersigned railroads to an end and relieve the country from the adverse effects thereof and expedite the movement of essential traffic, the following memorandum of agreement is made upon the understanding, which the parties hereto accept, that the terms hereof shall be carried out in a spirit of conciliation and sincere purpose to effect a genuine settlement of the matters in controversy referred to below.

"1. All men to return to service in positions of the class they originally held on June 30, 1922, and as many of such men as possible are to be put to work September 1, at present rates of pay, and all employees who have been on strike to be put to work or under pay not later than October 1 next, except such men as have been guilty of proven acts of violence.

"2. If a dispute arises as to the relative standing of an employee or employees, or any other controversy arises that can not be otherwise adjusted by the carrier and said employee or employees, the matter shall be referred for final decision to a commission to be established and constituted as hereinafter provided, by the organization, the employees or the carrier, in the interest of any employees who may be aggrieved.

"3. The commission referred to in paragraph 2 hereof shall be comprised of the five chief officers of the train service brotherhoods and five railroad officers experienced in matters of this kind and selected from among the railroads agreeing hereto. This commission shall be constituted forthwith upon the signing of this agreement and shall have jurisdiction to decide all cases that may be referred to it on or before May 31, 1923, but not thereafter.

"4. Inasmuch as this agreement is reached for the purpose of composing this controversy on the railroads signing the same with the shop crafts on strike, in a spirit of compromise, all parties hereto agree that neither this settlement nor any decision of the commission above provided for shall be used or cited in any other controversy between these parties or between the railroads signing the same or any other class or classes of their employees, in any other controversy that may hereafter arise.

"5. No intimidation nor oppression shall be practiced or permitted as against any of the employees who have remained or have taken service or as against those who resume service under this understanding.

"6. All suits at law now pending as the result of the strike to be withdrawn and canceled by both parties."

It will be noted that in this last suggestion or recommendation the word "seniority" does not appear, but when it was explained to the committee of railroad presidents that paragraph No. 1 meant full restoration of seniority in a short time they refused to agree; the shopmen did not accept our recommendation because we could not obtain any definite assurance that the striking shopmen's seniority would be restored, and on the morning of the 25th we advised both sides that we had nothing further to suggest in the following letter:

New York City, *August 25, 1922.*

Mr. Daniel Willard,
Chairman Committee Railway Executives.
Mr. B. M. Jewell,
President Railway Department, A. F. L., City.

Gentlemen: The undersigned, together with the chief executives of the other standard recognized railroad labor organizations not on strike, on invitation of the representatives of the shopmen and others on strike which began July 1 last, offered their good offices as mediators in the controversy with the hope that a mutually acceptable settlement might be reached, with regard to the one particular question which seemed to be the only stumbling block, viz, the fundamental rights of men on strike and their seniority standing when they resumed work.

The offer was accepted and an interview was sought with President Harding and conferences with the President were held on the 12th instant, the question being presented to him from all angles. The President met a committee representing the Railway Executives' Association following his meeting with us on the 12th. He also met them on Sunday, the 13th, but no progress toward settlement was made, but we were advised from the White House that the committee representing the railway executives were willing to meet the chief executives of the train and enginemen's organizations, since which date mediation has been conducted by those whose signatures appear hereto.

The nine chief executives also met President Harding on the afternoon of the 14th, and inasmuch as nothing had been accomplished at the Washington meeting the mediators came to New York and conferred with a committee of the railway executives on the 17th and 18th instants, but these efforts brought no satisfactory results.

Fully appreciating the seriousness of the situation confronting the people of the United States and with the determination to use every possible effort and every ounce of energy at our command, we requested a conference with the entire body comprising the Railway Executives' Association, which was at once arranged for, to be held in New York the 23d.

At this meeting we presented the subject as briefly but as explicitly as we could, and made a recommendation for consideration by the entire body. Coupled with the recommendation was a request that if it were not accepted we would be glad to meet such members of the Executive Association as might look upon it with favor, or who would meet with us in further efforts to reach a solution of the problem. We were later advised that the recommendation was declined practically unanimously, but that the chief executives representing 52 railroads with approximately 85,000 miles of track were willing to meet us to give further consideration to the subject.

Conferences with a committee consisting of six railroad presidents, representing this group, were held on the evening of the 23d, also two conferences on the 24th, and again this morning, without avail.

While the conferences with both sides were most pleasant, we found we could not present a recommendation acceptable to both, because both parties insisted throughout that their respective contentions were based on principles which could not be set aside and which must be observed at all cost.

We reluctantly notify all concerned that we consider further efforts futile and with much regret announce that we have nothing more to suggest.

We are transmitting a copy of this letter to the President of the United States and Mr. T. DeWitt Cuyler, chairman Railway Executives' Association, and to the press.

Most sincerely,

L. E. SHEPPARD,
President Order Railway Conductors.
W. N. DOAK,
Vice President Brotherhood of Railroad Trainmen.
W. S. STONE,
Grand Chief Engineer Brotherhood Locomotive Engineers.
D. B. ROBERTSON,
President Brotherhood Locomotive Firemen and Enginemen.
T. C. CASHEN,
President Switchmen's Union of North America.

We have given much detail that all may be fully advised. Our efforts as mediators failed. It appears to be a fight to the finish between the railroad companies and the shopmen.

Our members are again cautioned as to becoming involved. Follow instructions heretofore given to the letter.

Fraternally yours,

W. S. STONE,
Grand Chief Engineer Brotherhood of Locomotive Engineers.
L. E. SHEPPARD,
President Order of Railway Conductors.
D. B. ROBERTSON,
President Brotherhood of Locomotive Firemen and Enginemen.
W. G. LEE,
President Brotherhood of Railroad Trainmen.
T. C. CASHEN,
President Switchmen's Union of North America.

RAILWAY EMPLOYEES' DEPARTMENT,
August 8, 1922.

SPECIAL CIRCULAR.

Greetings: We are herewith submitting for your information the correspondence exchanged between President Harding and this department, and between the President and the Association of Railway Executives. You are urgently requested to give the widest possible publicity to the contents of this circular:

THE WHITE HOUSE,
Washington, D. C., July 31, 1922, 1.27 p. m.

B. M. JEWELL,
President Railway Employees Department,
American Federation of Labor, Chicago, Ill.:

I am hereby conveying to you the terms of agreement upon which the railway managers and United Shopcraft Workers are to unite preliminary to calling off the existing strike. First, railway managers and workmen are to agree to recognize the validity of all decisions of the Railroad Labor Board and to faithfully carry out such decisions as contemplated by the law. Second, the carriers will withdraw all lawsuits growing out of the strike, and Railroad Labor Board decisions which have been involved in the strike may be taken, in the exercise of recognized rights by either party, to the Railroad Labor Board for rehearing. Third, all employees now on strike to be returned to work and to their former positions with seniority and other rights unimpaired. The representatives of the carriers and the representatives of the organizations especially agree that there will be no discrimination by either party against the employees who did or did not strike. I think it is fair to say that I have changed the second condition from the original form in which it was discussed with you and your associates. You will note that I have suggested that appeals for rehearing may be taken "in the exercise of recognized rights by either party" to the board for rehearing. This does not change the substance, but I thought it only fair to have the statement apply to either side of the controversy alike. I hope you and your associates will see fit to express your approval to the terms submitted. Confirmation follows by mail.

WARREN G. HARDING.

JULY 31, 1922.

MY DEAR MR. CUYLER: I am writing to convey to you the terms of agreement, as I understand them, upon which the railway managers and United Shopcraft Workers are to agree, preliminary to calling off the existing strike.

First. Railway managers and workmen are to agree to recognize the validity of all decisions of the Railroad Labor Board and to faithfully carry out such decisions as contemplated by the law.

Second. The carriers will withdraw all lawsuits growing out of the strike, and Railroad Labor Board decisions which have been involved in the strike may be taken, in the exercise of recognized rights by either party, to the Railroad Labor Board for rehearing.

Third. All employees now on strike to be returned to work and to their former positions with seniority and other rights unimpaired. The representatives of the carriers and the representatives of the organizations especially agree that there will be no discrimination by either party against the employees who did or did not strike.

In view of the things said in our personal interview it is hardly necessary for me to emphasize my belief in the wisdom of the railway managers accepting this compromise in order to bring the strike to an end. I have made a very full appraisal of all the embarrassments involved in making the seniority restoration. It has seemed to me that the proposition that the order of things on the day the strike began be restored, and that both employers and workers agree against discrimination toward either those who struck or did not strike, will leave to the managers only the difficult problem of dealing with the new men employed. It would be futile for me to attempt to point the way of most easily solving that difficulty. I have only attempted to appraise the situation from the larger viewpoint. It seems to me that such a settlement brings, first of all, the restoration to normal operations in transportation for which the country is calling. In the second place, it establishes definitely the full recognition of the Railroad Labor Board by all parties concerned. I have not specifically stated it in the terms of settlement; but, of course, the abandonment of the contract system, in accordance with the decision of the board, is to be expected on the part of all railroads. It is wholly unthinkable that the Railroad Labor Board can be made a useful agency of the Government in maintaining industrial peace in the railway service unless employers and workers are both prompt and unquestioning in their acceptance of its decisions. I think it is more desirable than I know how to express to have established the unchallenged authority of the Railroad Labor Board, because we must do those things which are necessary to bring about the recognition of suitable authority to decide and end such disputes as menace the continuity of transportation.

You are at liberty to present the situation as I have outlined it to you, and I hope you will convey to the members my deep conviction that this dispute must be brought to an early termination. I need hardly add that I have reason to believe these terms will be accepted by the workers. If there is good reason why the managers can not accept they will be obligated to open direct negotiations or assume full responsibility for the situation.

With very best regards, I am, very truly yours,

(Signed) WARREN G. HARDING.

Col. T. DEWITT CUYLER,
Chairman Association of Railway Executives,
Care Waldorf-Astoria Hotel, New York City, N. Y.

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AUGUST 3, 1922.

THE PRESIDENT,
The White House, Washington, D. C.

MY DEAR PRESIDENT: The following in confirmation of my wire of the 2d.

Your terms of agreement for settling the present controversies between the railroad managements and employees, as embodied in your telegram under date of July 31, 1922, have been presented to a meeting of the general conference committee held in Chicago, and acted upon as follows:

The representatives of the employees feel themselves under obligation to support every proper effort on the part of the Government to bring about or to preserve the uninterrupted operation of the transportation industry. The stubborn refusal of the railway executives to establish a board of adjustment, as contemplated by law, in order to settle efficiently disputes over rules and working conditions between the carriers and their employees; the continued refusal of railways, representing over a quarter of the mileage of class 1 railroads, to comply with the decisions of the Railroad Labor Board against the practice of contracting out work and shops; the persistent campaign to deny to the railway employees just and reasonable wages, to impose upon them unfair working conditions and to disintegrate their organizations; all in cumulative effect rendered service by railway employees under the terms and conditions to be effective July 1, 1922, intolerable to over 95 per cent of these employees, who, therefore, voted to suspend work.

It is now proposed that they return to work, temporarily accepting wages and working conditions which they feel to be unjust, with reliance upon the following program for redress of grievances:

"First. Railway managers and workmen are to agree to recognize the validity of all decisions of the Railroad Labor Board and to faithfully carry out such decisions as contemplated by the law."

The employees have always taken the position that as long as they continued to render service they should abide by the rules and working conditions and accept the wages agreed upon by proper negotiation or determined by the Labor Board after a hearing of a dispute upon any of these matters. They respectfully point out again that violations of law, and refusals to comply with decisions of the Labor Board, have been exhibited only by the railway managements, and that it has been universally admitted that the employees in exercising their right to suspend work under nonacceptable conditions were neither violating the law nor the decisions of the board.

We understand that the recognition of "the validity of all decisions of the Railroad Labor Board, as contemplated by the law," means, for example, that in the case of the Pennsylvania Railroad all employees will return to work under the wages and working conditions established in the decisions of the Labor Board, and that the sole question of "validity" pending is the authority of the Labor Board to determine as in decision No. 218 the method of selecting accredited representatives of the employees, assuming that the railroad has appealed from the decision of the United States Circuit Court of Appeals, which sustained the action of the Labor Board.

"Second. The carriers will withdraw all lawsuits growing out of the strike, and Railroad Labor Board decisions which have been involved in the strike may be taken, in the exercise of recognized rights by either party, to the Railroad Labor Board for rehearing."

It is our understanding that the representatives of the employees, upon seeking a rehearing of the controverted decisions concerning wages and working conditions, will be afforded a prompt rehearing and decision by the Labor Board. We assume also that the practically unanimous action of the employees in electing to suspend work and in continuing this suspension under the sanction of, and in accordance with the laws of, their national organizations has ended any captious questioning as to who are the properly accredited spokesmen of the vast majority of railway employees. We desire to call attention to the orderly and disciplined conduct of these employees under difficult conditions, which has demonstrated the indispensable value of their national organizations in aid of the effective adjustment of controversies and the efficient conduct of the industry.

"Third. All employees now on strike to be returned to work and to their former positions with seniority and other rights unimpaired. The representatives of the carriers and of the organizations especially agree that there will be no discrimination by either party against the employees who did or did not strike."

We are glad to observe that the obvious justice of this proposition has been accepted. It would certainly be a wholesale injustice of unparalleled extent if hundreds of thousands of experienced men, who have given 4 to 40 years' service and whose value to the transportation industry is proportioned to the length of their service, should be placed in a position of inferiority to a limited number of men who have been employed as substitutes for these experienced railroad workers. The demand that such a wrong should be perpetrated as a penalty against men who have exercised a fundamental and admitted right not to render service under nonacceptable conditions was so unfair that we could not believe it would receive the sanction of any impartial judgment.

We understand the language "All employees now on strike" to include all employees who hold seniority rights under the rules agreed upon between the carriers and the organizations of employees or as promulgated by the United States Railroad Labor Board.

It should be understood that in acting favorably upon these proposals for settlement of the pending controversies the representatives of the organized employees feel that they are making concessions and sanctioning sacrifices on the part of the employees which entitle them to the highest consideration and to recognition as law-abiding American citizens, who are ready and willing to do all in their power, even beyond that which is strictly reasonable, in order to promote industrial peace and to further the uninterrupted flow of the commerce of the Nation.

We see evidence of little sacrifice required on the part of the managements to whom like proposals have been submitted. They will suffer no loss in abandoning a host of futile lawsuits, complaining of wrongs which have never been committed. It is understood that the Labor Board must confirm its previously announced position and that the railways must abandon the condemned practice of contracting out work and shops and restore the employees to their former status. It should be noted that this practice is not only a violation of the transportation act and of the decisions of the board, but, as shown by many decisions of the courts, is a violation of the charter obligations of the railroads and would have been unlawful without the passage of the transportation act or any action by the Labor Board.

We understand that an effort will be made to insure the setting up of a board of adjustment, but inasmuch as such a board can function effectively only with the full cooperation of both managements and employees, we can look merely with hope, and not with certainty, for the establishment of this "essential part of the machinery to decide disputes between the carriers and their employees." In the meantime, upon advice from you of the expressed acceptance of your terms of agreement contained in your telegram of July 31, by all carriers, we will take the responsibility of directing the employees to return to work, and upon the confidence that by action of the Labor Board upon rehearing of the recent controverted decisions a delayed justice will be rendered to the employees in the matter of wages and working conditions.

We should certainly assume that the railway executives in their own obvious interest eventually will accept the proposals made, unless their counsels are dominated sufficiently by antilabor forces to resist even the pressure of public opinion exerted through your high office and to carry on to the bitter end a nihilistic policy of attempting to destroy the self-protecting, democratic institutions of organized labor. We can hardly believe that such a counsel of folly will finally prevail within the railroad managements. It therefore appears that upon the organizations of railway executives and employees rests the immediate responsibility of serving the public interests in bringing about a resumption of efficient operation of the railroads. Under pressure of this responsibility, we have voted by the requisite constitutional majority to accept the terms of agreement which you have submitted to us. We accept reluctantly, it is true, but commit ourselves to carry out the terms of settlement in utmost good faith and in aid of the general welfare. If these proposals fail to bring about the results which you desire, the responsibility of failure will not rest upon the representatives of the organized employees.

By order general conference committee.

Very sincerely,

WM. H. JOHNSTON,
International President, International Association of Machinists.
J. A. FRANKLIN,
International President, International Brotherhood of Boilermakers, Iron Ship Builders and Helpers.
JAS. W. KLINE,
General President, International Brotherhood of Blacksmiths, Drop Forgers, and Helpers.
J. J. HYNES,
International President, Amalgamated Sheet Metal Workers' International Alliance.
JAS. P. NOONAN,
International President, International Brotherhood of Electrical Workers.
MARTIN F. RYAN,
General President, Brotherhood Railway Carmen of America.
TIMOTHY HEALY,
President, International Brotherhood of Stationary Firemen and Oilers.
JOHN SCOTT,
Secretary-Treasurer, Railway Employees' Department.
B. M. JEWELL,
President, Railway Employees' Department.

[Telegram.]

NEW YORK, *August 1, 1922.*

Hon. WARREN G. HARDING,
President of the United States,
The White House, Washington, D. C.

I am instructed to transmit to you the resolutions adopted by the Association of Railway Executives at its meeting to-day, as follows:

"*Resolved* (1) That we accept the first recommendation of the President, reading as follows:

"'First. Railway managers and workmen are to agree to recognize the validity of all decisions of the Railroad Labor Board, and to faithfully carry out such decisions as contemplated by the law.'

"With the understanding that this is not intended to preclude any party to a controversy from proceeding by legal action to question the validity of any order of the board on the ground that jurisdiction and authority to make the order was not conferred by the statutes creating the board and defining its authority.

"(2) That we accept the second proposal of the President, reading as follows:

"'Second. The carriers will withdraw all lawsuits growing out of the strike, and Railroad Labor Board decisions which have been involved in the strike may be taken, in the exercise of recognized rights by either party, to the Railroad Labor Board for rehearing.'

"With the understanding that the strike is first called off, and the representatives of the strikers pledge themselves and the strikers against violence in any form against the men now at work and the property of the carriers, since otherwise it would be impossible to consider the dismissal of injunctions and other legal measures necessary to protect such persons and property from the violence and intimidation of the character resorted to in many localities since the strike was called.

"(3) That it is impossible to agree to the first sentence of the third proposal of the President, the whole of which reads as follows:

"'Third. All employees now on strike to be returned to work and to their former positions with seniority and other rights unimpaired. The representatives of the carriers and the representatives of the organizations especially agree that there will be no discrimination by either party against the employees who did or did not strike.'

"The railroad executives and managers agree entirely with the President's statement in his letter that it is wholly unthinkable that the Railroad Labor Board can be made a useful agency of the Government in maintaining industrial peace in the railway service unless employers and workers are both prompt and unquestioning in their acceptance of its decisions.

"I think it is more desirable than I know how to express to have established the unchallenged authority of the Railroad Labor Board, because we must do those things which are necessary to bring about the recognition of suitable authority to decide and end such disputes as menace the continuity of transportation.

"By this language the President has expressed with great force and clearness the policy which we advocate. But the decisions of the Railroad Labor Board were flouted and defied by the six organizations comprising the Federated Shop Crafts; the strike was called to take effect July 1, 1922, and even the summons of the board to appear with the railroad executives before the Labor Board, after the strike was called and before it took effect, was contemptuously ignored by the leaders of the strikers, who refused to attend the hearing. Thereupon it became the plain duty of the railroads actively and vigorously to undertake to uphold the orderly processes for the adjustment of industrial disputes contemplated by the statute creating the Labor Board, and represented by the decisions of that board against which the strike in question was directed, and at the same time continue to the best of their ability to discharge their duty to the public as common carriers.

"Many men in the service refused to join the strike and in so doing were assured of the seniority rights accruing to them and of the permanence of their positions. On some important lines 50 per cent or more refused to join the strike. To these old loyal employees have been added thousands of new men who were employed and could be secured only upon a definite promise that their services would be retained regardless of the settlement of the strike, with all the rights appertaining to such employment, including that of seniority under the working rules and regulations previously approved by the Railroad Labor Board. We especially point out that a refusal to the old men who remained in the service and to the new men who accepted service of the rights of seniority incident to their employment would have just the opposite effect to that desired by the President, and would most seriously discredit the Labor Board. The board itself prescribed the rules of seniority under which the men referred to have secured their seniority rights, and the railroad companies have neither the legal nor moral right to deprive these men of those rights. By public utterances since the strike began the board has recognized and emphasized these rights, and to deny them now would, instead of upholding the authority of the Labor Board, overthrow its rules and discredit its authority.

"The chairman of the Labor Board at the time the strike was called made the following public statement:

"'Upon one question the striking employees should not be deceived; their leader has said that the strikers are no longer employees of the railways, and they have thus automatically abandoned all the rights they possess under their agreements and under the decisions of the board, including their seniority. This is not the board's action. It is their own.

"'Many carriers are giving their former employees the opportunity to reenter the service within a limited time. It must be understood now that men who remained in the service and those who are now entering it will have rights of seniority that the board could not ignore.'

"The chairman of the board's statement that—

"'This is an individual utterance, but it expresses, in substance, the sentiments of a large majority of the members of the Railroad Labor Board.'

"Was justified by formal action of the board taken in its resolution of July 3, 1922, which stated, among other things, as follows:

"'*Be it further resolved,* That the employees remaining in the service and the new ones entering same be accorded the application and benefit of the outstanding wage and rule decisions of the Railroad Labor Board until they are amended or modified by agreements with said employees, arrived at in conformity with the transportation act, or by decision of this board, and be it further

"'*Resolved,* That, if it be assumed that the employees who leave the service of the carrier because of their dissatisfaction with any decisions of the Labor Board are within their rights in so doing, it must likewise be conceded that the men who remain in the service and those who enter it anew are within their rights in accepting such employment, that they are not strike breakers seeking to impose the arbitrary will of an employer on employees; that they have the moral as well as the legal right to engage in such service of the American public to avoid interruption of indispensable transportation, and that they are entitled to the protection of every department and branch of the Government, State and National.'

"It must be understood that any proposal that employees now on strike shall be permitted to return to the service, without impairment of their seniority, is merely another way of suggesting that these men who took employment in this crisis in good faith, relying on the promises of the railroads to protect them in their positions, these promises being justified by the authoritative utterances of the Labor Board, and thus have made possible the continued operation of the railroads, shall now be sacrificed in favor of men now on strike, who not only brought about the crisis but by their own action and declaration are no longer employees of the railways, under the jurisdiction of the United States Railroad Labor Board, or subject to the application of the transportation act.

"In addition to the necessity of upholding the Labor Board, and maintaining the pledges by the railroads to the men now at work, there is the practical effect on the supervisory officers of a violation of the pledges they were authorized to make. Much harm has already been done by repeated publication of rumors in recent days that the loyal men and the new men are to be sacrificed to the strikers. This has discouraged new men from accepting employment in as great numbers as would come forward if certain that the pledges given would be fulfilled. Such published rumors only delay the collapse of the strike.

"In view of the above, it is submitted that the striking former employees can not be given preference to employees at present in the service, without doing violence to every principle of right and justice involved in this matter and without the grossest breach of faith on the part of the railroads to the men at present in their service. Under these circumstances, it becomes apparent that the railroads can not consider any settlement of the present strike which does not provide protection in their present employment both to the loyal employees who remained in the service and to the new employees entering it."

I am sending you by mail a copy of the resolutions and a letter giving in detail the roads represented at the meeting.

THOMAS DEWITT CUYLER,
Chairman Association of Railway Executives.

Respectfully submitted.

RAILWAY EMPLOYEES' DEPARTMENT,
AMERICAN FEDERATION OF LABOR.
B. M. JEWELL, *President.*
JOHN SCOTT, *Secretary-Treasurer.*

[From the New York World, Wednesday, September 6, 1922.]

DAUGHERTY'S DELUSION OF GRANDEUR.

Part of Mr. Daugherty's ailment is undoubtedly the delusion of grandeur. He has suddenly come to regard himself as the heroic champion of the open shop and has muddled the entire railroad situation in an endeavor to give to his personal economic theories the force of law.

By the Attorney General's own admissions, one of the main objects of the Daugherty injunction is to maintain the open shop. In his address to the court Mr. Daugherty said:

"But it may be understood that so long and to the extent that I can speak for the Government of the United States I will use the power of the Government to prevent the labor unions of the country from destroying the open shop."

Mr. Daugherty might with equal authority of the Constitution have said that to the extent that he could speak for the Government of the United States no flapper would be allowed to wear skirts that were more than 6 inches from the floor. It is none of Mr. Daugherty's business as Attorney General whether shops are open or closed. It is none of his business whether industry is carried on exclusively by members of trades-unions or exclusively by people who do not belong to trades-unions.

All these matters of economic adjustment must be settled in the long run by employer and employee. They can not be settled by Government, or Government will break down under the stupendous burdens that it usurps. Least of all can they be settled by the process of injunction. Whenever Government gets very far away from its primary function, which is the protection of life and property, it is certain to mire itself, and that is what the Attorney General has done to it in this case.

So far as labor unions are concerned, the right of organization has been formally declared by Congress in the Clayton Act. So far as the unions are concerned in the railroad strike, the transportation act, which was passed by a Republican Congress, specifically recognized them as one of the agencies through which the Government must deal in helping to determine the rate of wages. Why the Attorney General should have dragged his open-shop theories into this controversy is one of the mysteries of the "best minds" which the ordinary intellect is incapable of fathoming.

When President Harding went before Congress August 18 to tell his troubles to the country he made various recommendations which he begged the legislative branch not to carry out, inasmuch as "the legal safeguarding against like menaces in the future must be worked out when no passion sways, when no prejudice influences, when the whole problem may be appraised." Then he permitted his Attorney General to attempt to do by writs of injunction what he urged Congress not to attempt to do by means of legislation. Nothing could be more bewildering.

Some day Mr. Daugherty ought to take an hour or two and read the Constitution of the United States. If he read it carefully, he would discover that the Federal Government is not omnipotent; that it was never intended to be omnipotent; and that by inference the Attorney General of the United States is not omnipotent. Had he known that much at the outset he might have spared the Harding administration one of the stupidest blunders it has committed out of a record of innumerable stupid blunders.

Mr. WATSON of Indiana. Mr. President, before the Senator from Arkansas takes his seat——

Mr. ROBINSON. I will rise again, if the Senator does not mind.

Mr WATSON of Indiana. I asked the Senator from Arkansas in the midst of his address, and then desisted at his request, as to whether he objected to the fact that any injunctive proceedings had been requested at all or to their extent?

Mr. ROBINSON. That is an academic question not related intimately or inseparably to the subject matter of my discussion and to the principles involved in this injunction. I am not going to take the position that under the precedents the courts have not power to issue injunctions in labor disputes. I am willing to say, however, that from my study of the subject they have been too ready to issue injunctions in labor controversies and not quite quick enough to issue extraordinary process in cases of violations of the antitrust law of the United States.

Mr. WATSON of Indiana. I, then, understand from the Senator's remarks that he does not criticize the court for having issued an injunction, but——

Mr. ROBINSON. I decline, after having spoken for an hour and a half, to enter upon an interpretation of my own remarks. The Senator from Indiana is at liberty to place upon my remarks any construction that he thinks they justify. I know his intelligence and his fairness will prevent him from either misconceiving or misrepresenting me.

Mr. WATSON of Indiana. What I want to get at is this——

Mr. ROBINSON. Mr. President, I shall decline to be cross-examined by the Senator from Indiana.

Mr. WATSON of Indiana. I am not seeking to cross-examine the Senator. I was simply leading up to a final question.

Mr. ROBINSON. The Senator from Indiana may take the floor and state his position in his own time and in his own language.

Mr. WATSON of Indiana. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana——

Mr. WATSON of Indiana. Mr. President, I was not seeking to catechize the Senator, of course, in the form of cross-examination, but simply trying to get his viewpoint. I understand that the Senator does not find any fault with the fact that the Attorney General sought to have an injunction granted, and, furthermore, that he does not object to the fact that an injunction or a temporary restraining order was granted, but that he does object to the length to which it went. Therefore it is upon the narrow basis of the extent to which the order has gone and not the fact that it was issued or that the court lacked jurisdiction to act that his speech has been made.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Georgia?

Mr. WATSON of Indiana. Certainly.

Mr. WATSON of Georgia. Mr. President, the Senator from Indiana knows that down South the cotton planters are sometimes prosecuted by the Federal courts for what is called peonage. Those cases arise on facts like this: A negro goes to a white landowner and says in that persuasive way that a negro can adopt when he wants to, "Boss, I have not got anything to eat; my family is out of food; we have not got shoes; we have not got clothing. Won't you lend me $15 to buy something to support my family? If you will I will work it out for you." Then the planter advances the $15 and relieves the distress of the colored man. The colored man, however, does not want to work out the contract, and he leaves the farm. The planter follows the colored man, brings him back to the farm and says, in substance, "You must work out your contract." What is the difference in principle between the planter saying that to an individual negro and a lifetime Federal judge saying, in substance, the same thing to a railroad employee?

Mr. WATSON of Indiana. Mr. President, there is no effort being made by anybody to compel the striking shop craft men to go back to work. Nobody can compel a man to work in this country if he does not want to work. There is nothing of that kind in the injunction. Nobody is pretending to do any such thing; nobody is assuming to have any authority to do any such thing. That is all there is to that.

Mr. WATSON of Georgia. Will the Senator allow me further?

The PRESIDING OFFICER. Does the Senator from Indiana yield further to the Senator from Georgia?

Mr. WATSON of Indiana. Yes.

Mr. WATSON of Georgia. Mr. President, one may so surround a man with prohibitions not to do this, that, and the other, and so surround his neighbors and friends and the strangers with whom he comes in contact with prohibitions not to do this, that, and the other, that the man is forced either to work or starve.

Mr. WATSON of Indiana. Mr. President, I am not going to enter into a discussion of the merits of this controversy. While of course, recognizing always the loftiness of the motives of my friend from Arkansas [Mr. ROBINSON], I very much deplore any discussion of this question at this time on the floor of the Senate of the United States. We are not trying this case on this floor, nor by Senators; nor is it to be tried either by the news or editorial columns of the press of the United States, as my friend has sought to lead us to believe. A temporary restraining order only has been granted on a petition filed by the Attorney General of the United States. A final hearing of the case is to be had on the 11th of September, next week, and, therefore, personally, without impugning the motives of anybody, I deplore any discussion that would have a tendency to influence the court in the final decision which is to be rendered on the 11th of September.

I do not know whether the court will modify the injunction or whether he will emphasize it or repeat it or renew it; I have not any idea what the court will do; but the courts are open to anybody who is aggrieved, and if the laboring men, the shop crafts, are dissatisfied with the decision, certainly they have their rights which they can take advantage of and exercise. Therefore, personally, I repeat I shall not enter upon an extended discussion of the merits of this controversy at all on the floor of the Senate, preferring to wait until after the decision. Then, if I believe, as the Senator from Arkansas says he believes—and he does believe it or he would not say it—that the court has exceeded its authority and that any injunction granted does interfere with personal liberty, as a matter of course I shall voice my protest, but until that time I regard it, with all due respect to my friend, as unseemly that this discussion should be had.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. WATSON of Indiana. I yield.

Mr. ROBINSON. The Senator understands that the temporary injunction is now in force?

Mr. WATSON of Indiana. I do.

Mr. ROBINSON. And that it is in operation and will remain in operation until it is modified?

Mr. WATSON of Indiana. Yes.

Mr. ROBINSON. If the court never sees fit to modify it, then, of course, its provisions will remain operative until they have served their purpose.

Mr. WATSON of Indiana. They will.

Mr. ROBINSON. How does the Senator, in that view of the matter, find it unethical or unpatriotic or worthy of rebuke for a Senator to criticize what he asserts to be plain violations by the court of the Constitution of the United States which have already been put into effect for a time by the court, any more than he would find it consistent to condemn such criticism if they were put into effect for all time?

In other words, what is the difference in the principle involved? If a court for an hour, for a week, or until the controversy can be settled, through its power issues an injunction that is unlawful—if it is unlawful in this instance—and it is the duty of a lawmaker or of a citizen to protest it, it is just as much his duty when put into effect temporarily as when put into effect indefinitely or permanently.

Mr. WATSON of Indiana. Mr. President, a great national crisis confronted the country. There was a nation-wide coal strike and a nation-wide railway strike. The people of the United States were threatened with freezing and with starvation and with unutterable disaster during the approaching winter. Every effort at negotiation and conciliation that human ingenuity could devise was made. Everybody worked at it. The President of the United States used his great authority and the power of his great office to bring the parties together with a view to settling both disputes. Outsiders volunteered to aid in the efforts at negotiation, and every step was taken that could be taken to bring about a settlement; but no settlement could be had. I am not here to discuss the merits of that proposition; I am not here to discuss the various steps that were taken leading up to the finality; but the conclusion was finally reached that negotiations were of no further value, and, therefore, something had to be done. The railroads were tied up in certain places in the country; the whole transportation system of the United States was threatened with paralysis. Under those circumstances the Attorney General, at, of course, the instance and request of the President of the United States, went into a Federal court for the purpose of asking for a temporary injunction or restraining order until the whole matter could be determined on its merits. It is now in that suspended condition, and until the court shall have finally determined as to what shall be done by way of injunctive relief I, for one, shall not discuss the question.

I wish merely to advert very briefly to one portion of my friend's speech. He has said that under section 20 of the Clayton Act that court had no authority whatever to grant this temporary restraining order, as I understood him, or that the court violated the law by granting this temporary restraining order. I want to read it, and, if I can, interpret it:

> That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof—

Mark you, when?

> in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

The section recites—

> shall prohibit any person or persons, whether singly or in concert—

And so forth, and so forth. "No such restraining order"—what kind of restraining order? A restraining order between employers and employees, a restraining order sought by employer against employee or employee against employer. That is the only sort of a case to which section 20 refers.

Mr. STERLING. Or between employees.

Mr. WATSON of Indiana. Or between employees, limiting it altogether to employers and employees.

This case, I believe without knowing, was brought under section 15 of the Clayton Act, and I call the Senator's attention to section 15, which recites:

> That the several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act, and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition, the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition, and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises. Whenever it shall appear to the court before which any such proceeding may be pending that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned whether they reside in the district in which the court is held or not, and subpœnas to that end may be served in any district by the marshal thereof.

Mr. ROBINSON. Now, will my friend yield to me?

Mr. WATSON of Indiana. Yes.

Mr. ROBINSON. Mr. President, in the course of my remarks I stated that it was in an effort to escape the prohibitions of that statute that the Attorney General was prompted to proceed in the name of the United States instead of proceeding in the name of the real parties in interest, the railroads—the railroads whose operations it was alleged were being interfered with; but the Senator has read a statute which he says the Attorney General proceeded under, which gives the Federal courts authority to enjoin violations of law. I want to point out to the Senator that the acts enjoined, of which I have complained, are not violations of law, and therefore the statute that he has cited does not furnish a basis for procedure by the Attorney General.

Listen: The Clayton Act, section 20, of which the Senator from Indiana read that part which was applicable to sustain his position, and, of course, with no intention of overlooking a controlling declaration in the act, provides in its last clause, which the Senator refrained from reading, as follows:

> Nor shall any of the acts specified in this paragraph be considered or held to be violations of any law of the United States.

Not only does the Clayton Act expressly authorize labor organizations to proceed to strike in the usual and in the peaceful methods which the laws of the country have recognized from the beginning of the Government but it expressly provides that peaceful picketing, persuading, entreating, asking, or recommending others to refrain from employment, or to abandon employment, or the giving of strike rewards and benefits, are not only permitted in all controversies between employers and employees, and shall not be restrained in such proceedings, but they are not violations of the laws of the United States; and since the section which the Senator read merely authorizes courts to issue injunctions to prevent violations of certain laws, injunctions can not be issued in proceedings brought in the name of the United States for acts which by the law of Congress are declared to be not violations of law. It is no answer to the proposal. The Senator's argument answers itself. Laborers have a right under the law of Congress to strike and they have a right peacefully to do the things which are ordinarily done in the promotion of strikes, such as presenting their cases in public meetings in order that the public may be informed as to the principles and the rights, or the injustices, for that matter, underlying their cause, appearing in a peaceful manner where others are at work or about to go to work and asking them to refrain from acting as strike breakers or appealing in a peaceful way to the public to support their cause; and this act restrains the arm of the Federal courts from issuing injunctions in such cases and expressly provides that they shall not be regarded as violations of law. Therefore neither the United States nor any citizen of the United States can lawfully restrain laborers from performing those acts which Congress authorizes them to perform.

Mr. WATSON of Indiana. Mr. President, I disagree entirely with my honorable friend from Arkansas.

Mr. ROBINSON. The Senator will pardon me for saying that I neither experience nor express surprise at that.

Mr. WATSON of Indiana. I presume that the Senator took that for granted in the beginning. I think section 20 very explicitly declares precisely what it means, and I think section 15 explicitly declares precisely what it means. Section 20 refers to contests between employers and employees, but does not in any respect bind the power of the Government of the United States or limit its authority to seek injunctive relief in cases of this character. I have not any doubt about that; but I am not going into the merits of it, as I have said before.

I want for a little while, however, to read into the RECORD the decision of the Supreme Court of the United States in a case very nearly on all fours with this one, though the court did not go to the length that the United States district court has gone in this particular instance. That is the case of Eugene Debs, decided by Judge Brewer in One hundred and fifty-eighth United States Reports.

Mr. BORAH. That was decided before the Clayton Act.

Mr. WATSON of Indiana. Yes; that was decided before the Clayton Act; but, nevertheless, I assume that the principle of injunctive relief involved was precisely the same there as here, so far as the injunction is concerned.

Mr. BORAH. What I meant to say was, the court found ample authority for justifying the proceedings without the Clayton Act.

Mr. WATSON of Indiana. Yes; precisely. The Senator is entirely right in that suggestion.

Mr. FLETCHER. Mr. President, may I inquire of the Senator if there is not a later case, the case of Duplex Printing Press, that bears on the same subject?

Mr. WATSON of Indiana. There is one, but I will say to the Senator from Florida—and I read it this morning—that I do not regard it quite as clearly in point as the Debs case in the particulars that will enable me better to respond to my friend.

Mr. ROBINSON. The Senator understands, of course, that the Clayton Act was passed for the express purpose of meeting the principles asserted in certain decisions by the Supreme Court of the United States. The Clayton Act was passed for the purpose of relieving labor unions and farm organizations and horticultural societies from the danger of prosecution under the Sherman antitrust law. The whole trend of the decisions since the Clayton Act has been to sustain the right of peaceful picketing. The Supreme Court of the United States has never since the Clayton Act, in any case within my knowledge, held that the act of Congress which assures to a laborer the right of peaceful picketing is an unwarranted or unauthorized exercise of the legislative power by Congress.

Mr. WATSON of Indiana. Of course, I may say in passing, although it has not anything to do with the merits of the case, that personally I do not believe in exempting labor organizations from the operation of the Sherman antitrust law or the Clayton Act.

Mr. ROBINSON. Will the Senator yield to me there?

Mr. WATSON of Indiana. Oh, yes.

Mr. ROBINSON. While the Senator disavows belief in the principle of the law, he certainly does not urge that as a justification for violation of law.

Mr. WATSON of Indiana. Oh, no; not at all.

Mr. ROBINSON. The courts are just as much bound to observe laws which the Senator from Indiana does not approve as they are to observe laws which the Senator from Indiana is prominent in supporting.

Mr. WATSON of Indiana. But, if the Senator will remember, I said that it had not anything to do with the case. I was expressing only my personal opinion.

Mr. ROBINSON. I wondered why the Senator said it if it had nothing to do with the case.

Mr. WATSON of Indiana. I said it in order to express my personal opinion about a statute in which I do not believe, and which, if I had my way, would be repealed; for, so far as I am concerned, there is no reason in the world for permitting a combination of laboring people to do a thing that a combination of business men would be subject to prosecution for if they did it.

Mr. ROBINSON. A great many have asserted the same opinion.

Mr. WATSON of Indiana. That is my personal opinion. I am not going to argue it.

Mr. ROBINSON. I am not, either; but I just wanted to point out this fact: In this discussion, where the whole question is one of right, where the whole question is whether the court has exceeded its authority, where the whole question is whether the machinery of the court and the process of the court has been employed to restrain the constitutional rights of citizens it is strange that the Senator from Indiana should assert that in his opinion this law, which among other restraints imposed by the Constitution and laws I have claimed is violated by the court, is not to be justified in sound public policy. Of course, there are a great many who feel that way, and that is just the danger of such procedure as has taken place in this injunction suit. There is not any doubt in my mind but that at this time the people are so anxious to secure a settlement of the strike and get back to normalcy that they will wink at almost any process that may be employed when they have not had an opportunity of contemplating the effects upon the permanent enforcement of law and order. This law, whether its policy is approved by the Senator from Indiana, or by me, or by others, should be just as sacred in the eyes of a Federal Judge who has taken an oath to support and uphold the laws and the Constitution of the United States as if it met with the universal approval of the people of this Nation; and whenever you give consent that a court shall respond in violation of law in its process to public opinion you override the constitutional guaranties and limitations which were created for the purpose of preventing them from doing that very thing, and of protecting minorities against the force of public opinion, which under settled conditions and under normal conditions perhaps would be different but which, if it existed at all times, could not be controlling in the face of the law to the contrary.

Mr. WATSON of Indiana. Mr. President, the Senator knows that I know very well that the mere fact I do not believe in a law is no excuse for its nonenforcement. I believe in the enforcement of all law, and I express merely my personal opinion about the value of this law.

Mr. ROBINSON. Will the Senator pardon an interruption there?

Mr. WATSON of Indiana. Yes.

Mr. ROBINSON. Of course, I do not intend to criticize my friend the Senator from Indiana, but the very point I am making is that this proceeding is in response to a real or imaginary public opinion and in violation of the limitations fixed in the laws and in the Constitution.

Mr. WATSON of Indiana. I do not in any respect agree that it is in violation of the law or that the court exceeded its authority or transgressed the limits of its jurisdiction.

I am going to read from this case somewhat in extenso, though I shall not make comments, as lawyers usually do in reading a decision. I read as follows:

> On presentation of it [the bill] to the court an injunction was ordered commanding the defendants "and all persons combining and conspiring with them, and all other persons whomsoever, absolutely to desist and refrain from in any way or manner interfering with, hindering, obstructing, or stopping any of the business of any of the following-named railroads [specially naming the various roads named in the bill] as common carriers of passengers and freight between or among any States of the United States, and from in any way or manner interfering with, hindering, obstructing, or stopping any mail trains, express trains, or other trains, whether freight or passenger, engaged in interstate commerce, or carrying passengers or freight between or among the States; and from in any manner interfering with, hindering, or stopping any trains carrying the mail; and from in any manner

> interfering with, hindering, obstructing, or stopping any engines, cars, or rolling stock of any of said companies engaged in interstate commerce, or in connection with the carriage of passengers or freight between or among the States; and from in any manner interfering with, injuring, or destroying any of the property of any of said railroads engaged in or for the purpose of, or in connection with, interstate commerce or the carriage of the mails of the United States or the transportation of passengers or freight between or among the States; and from entering upon the grounds or premises of any of said railroads for the purpose of interfering with, hindering, obstructing, or stopping any of said mail trains, passenger, or freight trains engaged in interstate commerce, or in the transportation of passengers or freight between or among the States, or for the purpose of interfering with, injuring, or destroying any of said property so engaged in or used in connection with interstate commerce or the transportation of passengers or property between or among the States; and from injuring or destroying any part of the tracks, roadbed, or road, or permanent structures of said railroads; and from injuring, destroying, or in any way interfering with any of the signals or switches of any of said railroads; and from displacing or extinguishing any of the signals of any of said railroads, and from spiking, locking, or in any manner fastening any of the switches of any of said railroads, and from uncoupling or in any way hampering or obstructing the control by any of said railroads of any of the cars, engines, or parts of trains of any of said railroads engaged in interstate commerce or in the transportation of passengers or freight between or among the States, or engaged in carrying any of the mails of the United States; and from compelling or inducing or attempting to compel or induce, by threats, intimidation, persuasion, force, or violence, any of the employees of any of said railroads to refuse or fail to perform any of their duties as employees of any of said railroads in connection with the interstate business or commerce of such railroads or the carriage of the United States mail by such railroads, or the transportation of passengers or property between or among the States; threats, intimidation, force, or violence of any of the employees of any of said railroads who are employed by such railroads and engaged in its service in the conduct of interstate business or in the operation of any of its trains carrying the mail of the United States, or doing interstate business, or the transportation of passengers and freight between and among the States, to leave the service of such railroads; and from preventing any person whatever by threats, intimidation, force, or violence from entering the service of any of said railroads and doing the work thereof, in the carrying of the mails of the United States, or the transportation of passengers and freight between or among the States; and from doing any act whatever in furtherance of any conspiracy or combination to restrain either of said railroad companies or receivers in the free and unhindered control and handling of interstate commerce over the lines of said railroads, and of transportation of persons and freight between and among the States: and from ordering, directing, aiding, assisting, or abetting in any manner whatever any person or persons to commit any or either of the acts aforesaid.

This injunction was granted. Of course, this does not go to the length of saying that two men may not meet on the street and talk about a strike or that two strikers may not come together in a room somewhere and talk about it. It does not go to the length of saying that they shall not talk over the telephone, but it does go to the length of restraining any two persons engaged in that strike from discussing it with the view of aiding or abetting that strike or of adding to the force of the strike or of furthering a conspiracy to continue the strike. I have said that I would not discuss this case, and I do not intend to. I want to go on, however, to read what the court says.

Mr. OWEN. Mr. President, was not that opinion delivered prior to the passage of the Clayton law?

Mr. WATSON of Indiana. Yes; however, the principle involved is precisely the same.

On page 579 the court says:

> Among the powers expressly given to the National Government are the control of interstate commerce and the creation and management of a post-office system for the Nation—

And so forth.

Then it recites the various acts which Congress has passed for the control of interstate commerce. Then the court proceeds, and I commend this language to my good friend from Arkansas:

> As, under the Constitution, power over interstate commerce and the transportation of the mails is vested in the National Government and Congress by virtue of such grant has assumed actual and direct control, it follows that the National Government may prevent any unlawful and forcible interference therewith. But how shall this be accomplished?

This is the direct question. The Senator from Arkansas has not given us the benefit of his advice as to how the strike should be stopped. He said it should be settled, but he has not said how it should be settled.

Mr. ROBINSON. Will the Senator yield?

Mr. WATSON of Indiana. Certainly.

Mr. ROBINSON. Congress having refused to require obedience to decisions in disputes likely to result in strike, and having left the parties the privilege of effecting a settlement, the only way the strike can be settled lawfully is by express or implied agreement of the parties to the strike. Let the Senator understand that as my position.

Mr. WATSON of Indiana. But the Senator took the position a while ago that he did not object to the issuance of this injunction.

Mr. ROBINSON. Oh, Mr. President, I object to the issuance of this injunction because it violates the laws of the United States and seeks to infringe the constitutional rights of citizens of the United States. I say you can not under the law settle a strike by an injunction. If the Senator wants to make that an issue, in addition to the one I raised, I assert that you have no authority of law to issue an injunction to settle a strike, although you have apparently done that in this case.

Mr. WATSON of Indiana. I understood the Senator to say in the beginning that he did not question the right of the court to issue an injunction, when I asked him a number of times whether or not he took exception to the fact that the court had issued an injunction at all or criticized the length to which it had gone in the injunction.

Mr. ROBINSON. I did not then and do not now intend to enter into a discussion of the extent of the lawful powers of courts in the issuance of injunctions. That is a very complicated legal question. But I do make this contention, that the courts have no right to issue injunctions to settle strikes. Whatever they may have done in a case, whatever they may do in this case, there is no authority, express or implied, for the Government to settle a strike by an injunction. I hope I have made myself clear.

Mr. WATSON of Indiana. No; the Senator has not made himself clear to me at all. It is perhaps due to my lack of understanding.

Mr. ROBINSON. I do not know whether my failure to do so is due to my own inability of expression or the inability of the Senator to comprehend the language which I have used. I leave it to those who have heard the debate. I say that the injunction in this case is an abuse of the authority of the Federal courts, because it violates the laws of Congress and because it infringes, or seeks to infringe, upon the constitutional rights of citizens. I go further now and say that it is an attempt, apparently, to settle a strike by an injunction, and that the laws of the United States do not, expressly or impliedly, give the Attorney General or the courts that power.

Mr. WATSON of Indiana. I would like to ask the Senator the same old question, and I do it with all due respect to the Senator. I want to find out whether or not, first, he criticizes the Attorney General——

Mr. ROBINSON. The Government——

Mr. WATSON of Indiana. Just a moment; let me ask my question. Does the Senator criticize the Attorney General for having asked for an injunction at all?

Mr. ROBINSON. No.

Mr. WATSON of Indiana. Does the Senator criticize the court for having issued any injunction, or does the Senator deny the power——

Mr. ROBINSON. First——

Mr. WATSON of Indiana. Wait a moment.

Mr. ROBINSON. The Senator wants to ask 40 questions, and then insist upon my answering "yes" or "no." If the Senator asks me a question, he must permit me to answer it after he has asked it.

Mr. WATSON of Indiana. But I have not asked it.

Mr. ROBINSON. And the Senator can not confine me to categorical answers. The Senator can not express half a dozen questions at once and then say, "Oh, the Senator from Arkansas has not cleared my mind on this subject."

Mr. WATSON of Indiana. The Senator has answered one question.

Mr. ROBINSON. Very well; what is the Senator's next question?

Mr. WATSON of Indiana. I ask the second question. Does the Senator deny that the court had any authority at all to issue any injunction in this case?

Mr. ROBINSON. Certainly not——

Mr. WATSON of Indiana. Then——

Mr. ROBINSON. Wait a moment. The statutes of the United States expressly give the courts power to issue injunctions.

Mr. WATSON of Indiana. Precisely.

Mr. ROBINSON. And I do not know whether facts exist in this case which would warrant a court in issuing an injunction to prevent interference with the mails, and so forth, or not; but I do know that in issuing this injunction the court has told American citizens that they can not do things which the law of the United States and which the Constitution guarantee to them they shall have the right to do, and for procuring that unlawful process I criticize the Attorney General, I criticize the court, and I criticize anybody who approves it.

Mr. WATSON of Indiana. I understand now, in the first place, that the Senator——

Mr. ROBINSON. I have not changed my position in the least.

Mr. WATSON of Indiana. I imagine that is true; but my trouble has been to find out what the Senator's position is.

Mr. ROBINSON. Mr. President——

Mr. WATSON of Indiana. Let me see if I understand the Senator.

Mr. ROBINSON. The Senator may proceed in his own way to discuss this subject. I have submitted to a process of heckling which has disclosed the unreadiness of the Senator to use his great powers to comprehend the language I have used.

Mr. WATSON of Indiana. Mr. President, I understand the Senator to say, first, that he does not criticize the Attorney General for having asked injunctive relief in this case.

Mr. ROBINSON. Not if the Attorney General had in his possession facts which justified him in taking action.

Mr. WATSON of Indiana. Of course, that must be assumed.

Mr. ROBINSON. Which in his opinion justified him in taking action.

Mr. WATSON of Indiana. Certainly. Secondly, the Senator does not criticize the court for having issued an injuction, and thinks that, so far as interfering with the mail or interfering with interstate commerce is concerned, the court would have jurisdiction to issue an injunction.

Mr. ROBINSON. I have not expressed an opinion on that.

Mr. WATSON of Indiana. Has the court such jurisdiction?

Mr. ROBINSON. The Senator is misquoting me. I have said I do not know what the facts are. I am perfectly willing for an officer of the United States to take any action which, under his conscience and the oath he has taken to support the laws and the Constitution, he is prompted to take, and he shall be the judge of that. The point I make is that in this case a course has been taken which can not be justified from the standpoint of a lawyer or a citizen who believes in upholding the Constitution.

Mr. WATSON of Indiana. Now, the Senator has referred to the newspapers quite frequently. The newspapers every day give accounts of interference with trains, of interference with the mails, of interference with interstate transportation, of destruction of bridges, of destruction of culverts, of the murder of people, and all that sort of thing.

Mr. CUMMINS. Will the Senator yield to me a moment while I ask the Chair what happens at 1 o'clock?

The PRESIDING OFFICER. The hour of 1 o'clock has not quite arrived.

Mr. CUMMINS. I am not making the suggestion to interrupt or stop the debate, because I know that is not within my power even if it were my inclination to do so, but I want to keep the record straight, and so I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair will say to the Senator from Iowa that the Chair waited for the hour of 1 o'clock to arrive before laying before the Senate the unfinished business. That hour having but just arrived, that action is now taken and the unfinished business will be stated.

The ASSISTANT SECRETARY. A bill (H. R. 12377) to establish a commission to be known as the United States coal commission, for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

Mr. CUMMINS. I ask that the unfinished business be temporarily laid aside, and I ask unanimous consent further that House bill 12472 be laid before the Senate for consideration.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. CUMMINS. I also ask unanimous consent that the Senate proceed to the consideration of House bill 12472.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The Chair lays before the Senate the following bill.

The ASSISTANT SECRETARY. A bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. CUMMINS. Now, I suppose the discussion of the injunction can proceed in order.

The PRESIDING OFFICER. The pending question is the amendment offered by the Senator from West Virginia [Mr. SUTHERLAND] to the amendment of the Senator from Iowa [Mr. CUMMINS]. The Senator from Indiana will proceed.

Mr. WATSON of Indiana. Continuing the reading of the decision—and I read it because I think it is so peculiarly in point and sets forth the very things that the present injunction sets forth, with the exception of two or three matters to which I referred a moment ago—the court then said:

> Under the power vested in Congress to establish post offices and post roads Congress has, by a mass of legislation, established the great post-office system of the country, with all its detail of organization, its machinery for the transaction of business, defining what shall be carried and what not, and the prices of carriage, and also prescribing penalties for all offenses against it.
>
> Obviously these powers given to the National Government over interstate commerce and in respect to the transportation of the mails were not dormant and unused. Congress had taken hold of these two matters, and by various and specific acts had assumed and exercised the powers given to it, and was in the full discharge of its duty to regulate interstate commerce and carry the mails. The validity of such exercise and the exclusiveness of its control had been again and again presented to this court for consideration. It is curious to note the fact that in a large proportion of the cases in respect to interstate commerce brought to this court the question presented was of the validity of State legislation in its bearings upon interstate commerce, and the uniform course of decision has been to declare that it is not within the competency of a State to legislate in such a manner as to obstruct interstate commerce. If a State with its recognized powers of sovereignty is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limits of that State has a power which the State itself does not possess?
>
> As under the Constitution power over interstate commerce and the transportation of the mails is vested in the National Government, and Congress by virtue of such grant has assumed actual and direct control, it follows that the National Government may prevent any unlawful and forcible interference therewith. But how shall this be accomplished? Doubtless it is within the competency of Congress to prescribe by legislation that any interference with these matters shall be offenses against the United States and prosecuted and punished by indictment in the proper courts.

There is the particular principle laid down, and that, I claim, is all that has been done by this injunction.

> But is that the only remedy?

I call the attention of my friend from Arkansas to this clause:

> Have the vast interests of the Nation in interstate commerce, and in the transportation of the mails, no other protection than lies in the possible punishment of those who interfere with it? To ask the question is to answer it. By article 3, section 2, clause 3, of the Federal Constitution it is provided: "The trial of all crimes except in cases of impeachment shall be by jury; and such trial shall be held in the State where the said crime shall have been committed." If all the inhabitants of a State, or even a great body of them, should combine to obstruct interstate commerce or the transportation of the mails, prosecutions for such offenses had in such a community would be doomed in advance to failure. And if the certainty of such failure was known, and the National Government had no other way to enforce the freedom of interstate commerce and the transportation of the mails than by prosecution and punishment for interference therewith, the whole interests of the Nation in these respects would be at the absolute mercy of a portion of the inhabitants of that single State.
>
> But there is no such impotency in the National Government. The entire strength of the Nation may be used to enforce in any part of the land the full and free exercise of all national powers and the security of all rights intrusted by the Constitution to its care. The strong arm of the National Government may be put forth to brush away all obstructions to the freedom of interstate commerce or the transportation of the mails. If the emergency arises the Army of the Nation, and all its militia, are at the service of the Nation to compel obedience to its laws.
>
> But passing to the second question, is there no other alternative than the use of force on the part of the executive authorities whenever obstructions arise to the freedom of interstate commerce or the transportation of the mails? Is the Army the only instrument by which rights of the public can be enforced and the peace of the Nation preserved? Grant that any public nuisance may be forcibly abated, either at the instance of the authorities or by any individual suffering private damage therefrom, the existence of this right of forcible abatement is not inconsistent with nor does it destroy the right of appeal in an orderly way to the courts for a judicial determination and an exercise of their powers by writ of injunction and otherwise to accomplish the same result. In Stamford *v.* Stamford Horse Railroad Co. (56 Conn., 381) an injunction was asked by the borough to restrain the company from laying down its track in a street of the borough. The right of the borough to forcibly remove the track was insisted upon as a ground for questioning the jurisdiction of a court of equity, but the court sustained the injunction, adding: "And none the less so because of its right to remove the track by force. As a rule injunctions are denied to those who have adequate remedy at law. Where the choice is between the ordinary and the extraordinary processes of law, and the former are sufficient, the rule will not permit the use of the latter. In some cases of nuisance and in some cases of trespass the law permits an individual to abate the one and prevent the other by force, because such permission is necessary to the complete protection of property and person. When the choice is between redress or prevention of injury by force and by peaceful process the law is well pleased if the individual will consent to waive his right to the use of force and await its action. Therefore, as between force and the extraordinary writ of injunction, the rule will permit the latter."
>
> So in the case before us the right to use force does not exclude the right of appeal to the courts for a judicial determination and for the exercise of all their powers of prevention. Indeed, it is more to the praise than to the blame of the Government that instead of determining for itself questions of right and wrong on the part of these petitioners and their associates and enforcing that determination by the club of the policeman and the bayonet of the soldier it submitted all those questions to the peaceful determination of judicial tribunals and invoked their consideration and judgment as to the measure of its rights and powers and the correlative obligations of those against whom it made complaint. And it is equally to the credit of the latter

> that the judgment of those tribunals was by the great body of them respected and the troubles which threatened so much disaster terminated.
>
> Neither can it be doubted that the Government has such an interest in the subject matter as enables it to appear as party plaintiff in this suit. It is said that equity only interferes for the protection of property and that the Government has no property interest. A sufficient reply is that the United States have a property in the mails, the protection of which was one of the purposes of this bill. Searight *v.* Stokes (3 How. 151, 169), arose upon a compact between the United States and the State of Pennsylvania in respect to the Cumberland Road, which provided, among other things, "that no toll shall be received or collected for the passage of any wagon or carriage laden with the property of the United States," the question being whether a carriage employed in transporting the mails of the United States was one "laden with the property of the United States," and it was held that it was; the court, by Chief Justice Taney, saying: "The United States have unquestionably a property in the mails. They are not mere common carriers, but a government, performing a high official duty in holding and guarding its own property as well as that of its citizens committed to its care; for a very large portion of the letters and packages conveyed on this road, especially during the session of Congress, consists of communications to or from the officers of the executive departments or members of the legislature on public service or in relation to matters of public concern. * * * We think that a carriage, whenever it is carrying the mail, is laden with the property of the United States within the true meaning of the compact." (In re Debs, 158 U. S. Repts. 580–584.)

Mr. President, based upon this decision, there is ample grounds for the issuance of this injunction, and I do not believe that any thoughtful lawyer will deny its right so to do.

First, Mr. President, as I have said, I deplore—remembering always the right of the Senator from Arkansas—any discussion of the proposition on the floor of the Senate at this time, because it is a matter in the court and is to be settled one way or another next week. The court may modify its decree. I do not know. It may not modify its decree. That I can not say. But until a decree has finally and formally been issued, I do not believe it is the subject of legitimate discussion on the floor of either of the Houses of Congress, with all deference to my friend from Arkansas, the purity of whose intentions I always recognize.

Mr. ROBINSON. I suppose the Senator concedes to me the right to discuss it if he assumes the right to do so himself?

Mr. WATSON of Indiana. Precisely; although I disclaim any intention of discussing it.

Mr. ROBINSON. I agree with the Senator if he means to imply that he is not throwing much light on the question.

Mr. WATSON of Indiana. I am not discussing it except as I am reading particular sections of the Clayton Act to which the Senator referred, and with his construction of which I am totally at variance, and in the next place to read from a decision of the Supreme Court of the United States which I believe to be on all fours with the case.

What I want to say very briefly is this: The Senator has said that the President of the United States changed front on the proposition. That I deny. The President of the United States was under no obligation as the Executive to interfere in any way with these two strikes, but knowing the situation and realizing the impending disaster to the country if the strike proceeded, he, in my judgment, went further than he need to have gone in order to bring about reconciliation between the contending factions. When conference after conference had been held, he having both sides at the White House several times, conference after conference by the executives, conference after conference by the labor people, conference after conference in which the five brotherhoods have acted as mediators—after all those conferences, when negotiation had signally failed to bring peace to the industrial situation of the country, then and then only did the President of the United States instruct the Attorney General to bring the injunctive proceedings.

What else was to be done? The mails were being interfered with. Interstate commerce was being interfered with. The free transportation of freight and passengers and the mails was being interfered with. Is the Government absolutely helpless in a situation of this kind? Have the 110,000,000 people other than the strikers no rights that the strikers themselves are bound to respect?

So far as I am concerned, Mr. President, I believe that it is the duty of the General Government to put behind the men who are seeking to give us transportation, both employer and employee, the full power of the Government to see that transportation moves unhindered and that the rights of the general people are not interfered with in that respect. So far as I am concerned, I hope that all the power of the General Government will be arrayed against the men, either employers or employees, who seek to interfere with the transportation of the mails and of the freight and of passengers over the lines of the railroad systems of the United States. I do not believe that the President could have done less, and I call attention again to the fact that he did not even go to that length until he had exhausted all possible sources of conciliation and until all the avenues of negotiation were blocked, and with that I am content to leave it.

I think that anyone who will sit down and read very seriously the case which I have cited, even though the decision was rendered before the passage of the Clayton Act, when taken in connection with sections 15 and 20 of the Clayton Act, expressly empowering the courts of the United States to act in certain instances, will be fully satisfied that the Attorney General was clearly within his rights in asking for the injunction and that the court was clearly within the limits of its power and jurisdiction and authority when it granted the temporary restraining order of which the Senator complains.

STREET RAILWAYS IN THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. Mr. President, on the 1st day of September the Senate passed the bill (S. 985) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1900. On the 2d of September I entered a motion to reconsider the vote by which that bill was passed.

The Committee on the District of Columbia have reported another bill later than that bill, and it is now on the calendar, being Order of Business 563, Senate bill 3296, to authorize the merger of certain street railway corporations in the District of Columbia, and for other purposes. In that bill there is a tax provision upon the operating income of the companies. That in my judgment is a very important provision, and I am very strongly in favor of it, and because it was not in the bill which was passed by the Senate was one reason why I entered a motion to reconsider. I am also opposed to the merger of the railway company and the power company.

I have conferred with members of the District Committee of the House of Representatives. They feel that possibly, with the bill coming over from the Senate, they may not be able to bring something out of that committee which will work out the situation in a satisfactory way. They have assured me that if Senate bill 985 comes to them it will not be reported by their committee unless the tax provision amendment is contained in the bill as reported from their committee. With that assurance and in the hope that something will be worked out satisfactorily I desire to withdraw my motion to reconsider the vote by which Senate bill 985 was passed.

The PRESIDING OFFICER. The Senator from Washington having withdrawn his motion to reconsider the vote by which Senate bill 985 was passed, the record will show the bill as having been passed.

LABOR DAY ADDRESS OF HON. A. F. LEVER.

Mr. DIAL. Mr. President, in the Columbia State, a newspaper published in my State, there appeared a synopsis of a most excellent address delivered by Mr. A. F. Lever, who was recently a Member of Congress, on the question of strikes. I ask to have the synopsis printed in the Record in 8-point type. It contains food for thought for the people of the United States.

There being no objection, the matter referred to was ordered to be printed in the Record in 8-point type, as follows:

[From the State, Columbia, S. C., Tuesday morning, September 5, 1922.]

TALKS PLAINLY TO UNION MEN—LEVER'S LABOR DAY SPEECH IS EXPLICIT—RIGHTS OF PUBLIC—REMINDS HEARERS THAT PUBLIC OPINION CONTROLS—CAROLINA COMMUNITY OF PRODUCERS.

Not in many months has a more courageous address been made in South Carolina than that delivered yesterday at Victory Park during a Labor Day celebration by A. F. Lever, former Congressman from South Carolina. Other features of the celebration are reported elsewhere in the State to-day.

Probably 90 per cent of the male portion of the audience addressed by Mr. Lever was made up of members of labor unions and a large part of the balance of the audience was composed of sympathizers. Many of the men in the crowd were on strike, yet Mr. Lever gave what might be termed "the average nonunion individual's view of the strike." Be it said to the credit of the hundreds of labor-union men who heard Mr. Lever that they accorded him a respectful hearing and gave him that attention due an invited guest.

His address elicited no enthusiastic applause, but it was a thoughtful crowd which dispersed after Mr. Lever had spoken. Mr. Lever outlined clearly labor issues as he saw them and spoke with that compelling earnestness which in former years made him a power on the stump.

"I quit politics some years ago," he said in the outset of his address, after which he spoke briefly of the honors which the people of his district had conferred upon him.

"We are living in extremely troublesome times," he said. "We are getting the results of the upheaval which a few months ago nearly overthrew civilization.

"In certain sections of Europe civilization is standing on the brink of a vast chasm which threatens it with destruction," and then he spoke of conditions in Russia.

"Civilization," he said with appealing earnestness, "can not live without government. Without government, the strong will overrun the weak, and the weak will be at the mercy of the strong and the criminal." "Government," he continued, "comes from God."

THE RIGHT TO WORK.

"There is a great deal of strange thinking and of strange acting in this country to-day.

"I do not fear for the future of America. The elements which founded it came to America that they might have freedom to worship God according to the dictates of their consciences.

"If there is any potential danger ahead of us, it lies in the fact that we have come to thinking in terms of the group rather than in terms of the individual.

"There are some things that are fundamental. Among them is the right of the individual to work or not to work. That right can not be taken from him nor can he bargain it away—it is an inalienable right.

"Now, the corollary to that right, the right of the individual to work, carries with it the right of the individual to quit work when he gets ready to do so.

"Then the right to work carries with it the right of the other fellow to work if he wants to.

"Union labor has the right to strike for more wages and for better working conditions.

"But neither I, as an individual, nor you, as a group, have the right to say that because I don't want to work under such and such conditions, I refuse the right of some other fellow to work under those conditions." Here there were some calls of "Good night," but Mr. Lever, never shifting his eyes, continued his address and spoke of collective bargaining.

OUTSIDE PUBLIC INTERESTED.

"The outside public has an intimate concern with what you do," he said, in continuing his address to the union men.

"To the railroad men of the State and Nation is given the task of moving to market the products of the farms of America.

"Eighty per cent of the people of South Carolina are engaged in production. They produce two of the necessities of life.

"Deny the people clothing or food or fuel and civilization freezes—starves—collapses. Our people, 80 per cent of them, produce either food or clothing.

"If the farmers should refuse to produce for you, you would starve in four months. The great cities of the land are within about three weeks of starvation—that is, they have food supplies to last for that length of time without replenishment.

"No cause can live unless it appeal to the great mass of the people. If public sentiment is not with you, you fail.

"I say to you frankly, the public feels that it is time that labor and capital should come to some agreement and get to work.

"When the farmer sees his crops rotting in the field because of lack of transportation, he concludes that some element of our population is not living up to its job. I want to see organized labor so conduct itself as to have the support of the public, as it once had.

"The salvation of agriculture in South Carolina is the salvation of every other group.

"Labor has got to win its fight within the bounds of the law. The public will not support any group which refuses to conform its acting and its thinking to the law of the land."

ALONG REGIONAL LINES.

"I wonder," Lever said, in drawing his address to a conclusion, "if labor will not be organized some day along regional lines, somewhat as are the land banks.

"Conditions vary in our great country. For example, we might say that a workman in San Francisco could get comfort and satisfaction from a wage scale 25 per cent lower than the same comfort and satisfaction could be procured for in South Carolina. If labor in South Carolina is getting along satisfactorily, you should not, at the mandate of some half dozen men, be compelled to walk out. With a regional arrangement, you would have some say in regard to the matter."

When Mr. Lever concluded, there was some rather perfunctory applause. Some of the audience spoke with him and many expressed their pleasure at seeing him back in South Carolina.

DISTRIBUTION AND SALE OF COAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. CUMMINS. I ask that the pending question be stated.

The PRESIDING OFFICER. It will be stated by the Secretary.

The ASSISTANT SECRETARY. The pending question is the amendment offered by the Senator from West Virginia [Mr. SUTHERLAND] to the amendment in the nature of a substitute submitted by the Senator from Iowa [Mr. CUMMINS]. The amendment to the amendment is to add a new section as follows, changing the numbers of the succeeding sections:

> SEC. 5. Nothing herein shall be construed as affecting valid existing contracts in effect prior to the date of the passage of this act, nor shall car service be denied to any person or corporation because of any prices named in any such preexisting contract.

Mr. CUMMINS. Mr. President, I am very much opposed to the amendment to the amendment.

SALT RIVER RECLAMATION PROJECT—CONFERENCE REPORT.

Mr. McNARY. Mr. President, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 10248) authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona, which will take but a moment.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the consideration of the conference report on House bill 10248. Is there objection?

Mr. CUMMINS. I desire to ask whether the immediate consideration of the conference report has been asked for?

The PRESIDING OFFICER. It has been.

Mr. CUMMINS. Will it involve debate?

Mr. McNARY. It will involve no debate whatsoever.

Mr. CUMMINS. I shall not object to its consideration.

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10248) authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona, which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10248) authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, and 4 and from its amendment to the title of the bill.

CHAS. L. McNARY,
W. L. JONES,
MORRIS SHEPPARD,
Managers on the part of the Senate.
N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

CONDITION OF THE COTTON CROP AND ABANDONED ACREAGE (S. DOC. NO. 249).

The PRESIDING OFFICER (Mr. JONES of Washington in the chair) laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to Senate Resolution 333, the September 1 cotton report of the Department of Agriculture, including estimate of the acreage of cotton abandoned since June 25 up to August 25, 1922, and the acreage remaining in cultivation on the last-named date, which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

DISTRIBUTION AND SALE OF COAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. FLETCHER. Mr. President, the Senator from West Virginia [Mr. Sutherland] has offered an amendment to the amendment which the Senator from Iowa [Mr. Cummins] has offered as a substitute for the bill. The amendment offered by the Senator from West Virginia to the amendment of the Senator from Iowa reads:

> Sec. 5. Nothing herein shall be construed as affecting valid existing contracts in effect prior to the date of the passage of this act, nor shall car service be denied to any person or corporation because of any prices named in any such preexisting contract.

There was some discussion last evening about modifying the amendment proposed by the Senator from West Virginia. It was suggested that we should strike out the words "the date of the passage of this act" and insert in lieu thereof the words "prior to September 1, 1922," so that it would read:

> Nothing herein shall be construed as affecting valid existing contracts in effect prior to September 1, 1922—

And so forth. I do not know whether the suggested modification was agreed to by the Senator from West Virginia. It seems to me that such a modification is rather important, because it will have the effect of relieving the objection urged by the Senator from Minnesota [Mr. Kellogg] and the Senator from Wisconsin [Mr. Lenroot] and others, I think, that if the amendment was agreed to in its present shape opportunity would be afforded for speculating; that would undertake to make contracts now for the purpose of speculating in coal, but if such limitation was put in the amendment and the operation of the bill was confined to contracts in existence prior to September 1, there would not be that opportunity for speculating which was mentioned. I, myself, think it is quite important, even if the proposed amendment is considered favorable at all, that it should specify that it refers to contracts in effect prior to September 1. Otherwise, I think there would be very valid objection to the amendment. With that change in it, however, much more argument, I think, could be offered in support of it.

Mr. CUMMINS. Mr. President, I can only express my own view with regard to the matter, and I did so fully last night. The amendment proposed by the Senator from West Virginia [Mr. Sutherland] in the particular form in which it is now offered would destroy the bill and render it impotent and ineffective. Anyone who believes that the remedy which we seek here ought not to be given to the people of this country should vote for the amendment, and those who wish some real effective legislation ought to vote against it. That is all I have to say with regard to it.

Mr. SUTHERLAND. I desire to modify my amendment to the pending amendment by inserting in lieu of the words "in effect prior to the date of the passage of this act" the words "in effect prior to September 1, 1922."

The PRESIDING OFFICER. The question is on the adoption of the amendment, as modified, which the Senator from West Virginia proposes to the amendment of the Senator from Iowa.

Mr. DIAL. Mr. President, unless we shall adopt an amendment of the kind now proposed by the Senator from West Virginia to the amendment of the Senator from Iowa we are going to disorganize the business of the United States. The manufacturers make contracts for their raw materials, and then they sell their manufactured products ahead perhaps three months, six months, or even longer. If this bill shall be passed without protecting contracts for coal which are already in existence prices will be disarranged and the manufacturing interests will not know where they stand. Perhaps those industries sell goods in China or Japan or South America, all over the world. It is absolutely wrong legally and it is wrong morally for Congress to enact legislation which will encourage people to break their contracts, and, in fact, this proposed legislation, if enacted, would be an invitation to people to break their contracts.

As I stated on yesterday, I am opposed to profiteering and I hope something may be done to check it, but the contracts which I am trying to protect are contracts which were entered into perhaps six months ago. There ought to be some date fixed, say the 1st of September or the 1st of August or some other date, so that the contracts entered into prior to that time may be carried out. This proposed legislation will very nearly result in ruination to the business of the country. I feel that the pending bill is the most radical measure which could possibly be enacted into law.

Mr. LENROOT. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Wisconsin?

Mr. DIAL. I yield.

Mr. LENROOT. What particular price is involved in the contracts which the Senator from South Carolina has in mind?

Mr. DIAL. I have in mind the particular contracts which call for the delivery of coal at $1.90 a ton.

Mr. LENROOT. How does the Senator think this amendment would affect those contracts?

Mr. DIAL. It would affect them just as it is affecting them now. They will not be able to get cars enough in which to deliver the contract coal.

Mr. LENROOT. The Senator, then, thinks this amendment would compel the Interstate Commerce Commission to furnish those cars?

Mr. DIAL. It would not compel them to furnish the cars, perhaps, though it ought to compel them to furnish them; but this proposed legislation will excuse them for not furnishing them. I do not wish to give those who have entered into the contracts any more encouragement to fail to carry out their contracts than they have at present. In fact, I think the Government ought not to interfere at all, but should let them go on and carry out their contracts.

Mr. LENROOT. The Senator thinks, then, that a cotton mill which has a contract should have coal in preference to those who need it in order to keep from freezing, does he?

Mr. DIAL. Not in preference to those who need it in order to keep them from freezing; but if the cotton-mill employees are turned out of work they will perish by starvation, and I reckon it would be about as painful to perish in that way as it would be to freeze to death.

Mr. LENROOT. It is the Senator's idea, then, that a cotton mill should have a preference over the domestic users who need coal to keep them from freezing if the cotton mills have a contract?

Mr. DIAL. Not altogether. I think the supply ought to be spread out so as to keep all activities going and prevent the people from freezing as well as perishing in other ways; but I do not think it is constitutional, in the first place, and I know it is not morally right, in the second place, for Congress to invite people to violate their contracts. It is proposed to abrogate contracts by legislative enactment, and that will set a bad precedent in this country. I certainly hope, Mr. President, not that any profiteering contracts but that perfectly legitimate, honest, and fair contracts will be protected; in fact, I do not see that we could possibly grant any less to the people of this country. We have got plenty of time; winter is not on us, and if the production of coal at the mines is rushed and the delivery expedited I think everybody can be taken care of, and I believe they will be.

Mr. SUTHERLAND. Mr. President, I call the attention of the Senate to the language of the Lever Act, in which during the war it was attempted to regulate prices. That act was approved August 10, 1917, just a few months after we had become involved in the war. On page 14 of that act there is a provision which reads:

> The maximum prices so fixed and published shall not be construed as invalidating any contract in which prices are fixed, made in good faith, prior to the establishment and publication of maximum prices by the commission.

The two preceding paragraphs of the act related to the fixing of prices and provided how they should be fixed by the commission and what factors should be taken into account. I will read them:

> In fixing maximum prices for producers the commission shall allow the cost of production, including the expense of operation, maintenance, depreciation, and depletion, and shall add thereto a just and reasonable profit.
>
> In fixing such prices for dealers the commission shall allow the cost to the dealer and shall add thereto a just and reasonable sum for his profit in the transaction.

Then follows the paragraph which I first read.

At that time we were in the midst of a war and we were using every energy of the Government to marshal the forces of the country for war and enacting legislation which was considered at that time, and which many still consider to be extremely drastic in order that the war might be prosecuted successfully, yet it was thought wise and proper to insert in the Lever Act a provision which made it perfectly clear that it "should not be construed as invalidating any contract in which prices are fixed, made in good faith, prior to the establishment and publication of maximum prices by the commission." It seems to me, Mr. President, we can well adopt a similar precaution at this time, in order that the sanctity of private contracts may not be unnecessarily violated.

Mr. LENROOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Wisconsin?

Mr. SUTHERLAND. I yield.

Mr. LENROOT. The Lever Act provided for a maximum price at which coal could be sold, and a penalty was imposed if that price were exceeded. There is nothing in the pending bill which prevents any man from making any contract at any price he may choose; it merely goes to the question of transportation and delivery.

Mr. SUTHERLAND. Mr. President, the Senator will recall that it has been stated frequently on this floor with reference to the purposes of the pending bill that it does go directly to the fixing of the prices. If it does not do that, then the bill is without purpose at all. That is certainly the object of the bill, because it has been stated by lawyers in the Senate—and the statement has been uncontradicted practically—that all the powers with reference to establishing priorities in car service now exist by virtue of the Cummins-Esch Act, passed in 1920; but the chairman of the Committee on Interstate Commerce said that he was in some doubt, as I understood him—and I do not want to misrepresent him—as to whether the commission in discriminating with reference to car service could take into account the prices at which the coal was to be sold. In section 2 of the pending bill it is stated specifically that it is—

> to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal or other fuel at prices unjustly or unreasonably high.

Mr. President, some one must fix a maximum price. Otherwise, how will there be any determination as to whether a price is unjustly or unreasonably high? Some officer of the commission, or the Interstate Commerce Commission itself, must fix a maximum price or maximum prices. So it is perfectly plain that this bill does go directly to the fixing of prices, and a penalty attaches to it, in that it is attempted to give the commission power to withhold cars from any such operator who may, in the judgment of the commission, charge unjust or unreasonable prices; and that, as before stated, is largely a matter of opinion.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Wisconsin?

Mr. SUTHERLAND. I yield to the Senator from Wisconsin.

Mr. LENROOT. If a man sells coal at a greater price than that found to be reasonable, has he violated this law in any way?

Mr. SUTHERLAND. If he sells coal at a price which the Interstate Commerce Commission or its agents regard as unreasonable or unjust, he certainly has incurred the penalty of this bill.

Mr. LENROOT. My question was, Has he violated the law?

Mr. SUTHERLAND. He has not violated any law, but he has incurred a penalty which this bill imposes, namely, withholding car service from him.

Mr. LENROOT. But under the Lever law, if he sold at a price in excess of the maximum, he would have violated a law. Does not the Senator see the distinction?

Mr. SUTHERLAND. The authors of this bill did not dare go to the extent of framing a bill which provided for the fixing of maximum prices. They are attempting, however, to do that very thing by indirection; and they perfectly well know that to carry out the purposes which they state this bill is to include, some one must fix maximum prices of coal. Otherwise, how would the agents of the commission exercise the power which this bill proposes to give to them, that of withholding car service? While no price fixing is specifically provided for in the bill, yet it is perfectly apparent what the purpose of this thing is; and we ought to look the matter squarely in the face and know what we are doing, rather than to be misled by statements about the public interest, and other general statements of that kind.

Mr. President, it is not my purpose in offering this amendment to protect any profiteer in coal, either producer or wholesaler. I have offered an amendment to my amendment in order to make it perfectly clear that any valid existing contract in effect prior to September 1 shall not be interfered with, and that means that the price at which that coal shall be sold shall not be used as an excuse for withholding cars in order that the coal may be delivered. It does not attempt to set aside the law which at present exists, under the operation of which proper priorities may be given to essential industries. Many of those who have these valid, binding private contracts are essential industries. I believe that by far the larger number of them have been made by essential industries.

It appears to me to be quite apparent that the attempt is being made to protect rather those who lost their opportunity last spring to make contracts for their coal at exceedingly low prices. I stated yesterday evening that a certain percentage of coal operators speculated in their own coal in this way: If in their judgment coal was likely to rise in price during the year, they refused to contract for their coal, or for all of their coal. They left all or a good part of it subject to the spot market. In other words, they took the market price every day throughout the year, whereas the usual custom is to contract for all or nearly all of the coal produced at a given mine or by a given company. On the other hand, a great many purchasers of coal speculate in coal. If they believe that the price of coal is going down, when the contract period comes around—the 1st of April, as it usually is—every year, they refuse to renew their contracts or make new contracts for coal. They prefer to take their chances on the spot coal market.

Every large consumer of coal that is accustomed to purchase its coal requirements for the year had an opportunity, before the 1st of April of this year or subsequent to that date, to purchase all the coal it could possibly need during the current year at very low prices. A great many of them did so. Some of them did not do so; and no doubt in the last month or two, realizing that they made a wrong guess in reference to the coal market or the probabilities of it during the winter months, they have made contracts at larger prices than were current during the early part of the coal year; and I believe that the effort is being made more to protect those people than it is really to serve the public interest by this legislation.

We all realize that there is a crisis in respect to the production of fuel, or more especially with reference to the distribution of fuel; for while there is a great shortage of coal, confessedly by all who know anything about the subject the greater part of that shortage with respect to bituminous coal—and I am not speaking about anthracite coal—is occasioned by the lack of transportation facilities; and until we go to the question of transportation, and solve that difficulty, we are not going to solve the problem that is before Congress and before the country to solve.

Mr. President, I believe that the pending amendment is very essential and that it should be inserted in this bill as a means of letting those know who have been wise enough to enter into contracts at prices entirely reasonable to them that they will not have cars denied them upon the pretext that the prices for which they have consented to purchase this coal are unreasonable in the judgment of some officer or clerk up here in the Interstate Commerce Commission.

It was stated yesterday that no clerk would exercise these functions. All of us who were in this body during the recent war had relations with the fuel administration here. I believe that Mr. Garfield, who was at the head of the fuel administration, is one of the very ablest and fairest men that I came in contact with during the war period at Washington. I know that he wanted at all times to do what was right, and as nearly as he could discover what the right was he did it. We know, however, as will be the case under the operation of this bill, that it is going to entail a vast amount of routine work. The man at the top can not possibly attend to the many details that it will be necessary for him to master and pass upon in the discharge of the duties that are devolved upon him by reason of this bill. It becomes the custom, as we all know, in all of these departments to pass along these duties, and finally we find some $1,500 or $1,800 clerk down in the department who is actually doing the work, and getting very little for it. If it is taken up higher, his act is O. K'd all the way up to his superior officers, or it is supposed to receive the sanction of his superior officers unless some question is raised about it. I knew personally men who had been mine clerks out in West Virginia who had very important duties devolving upon them, and some of them became so important that United States Senators could hardly get in to see them during the morning period before we came to the Senate. A good many of the duties imposed by this bill upon this commission will eventually be discharged by some minor official, and upon his judgment as to what is a fair and reasonable price for this fuel the operation of this law will depend.

I think the pending amendment is entirely fair and just. It will not interfere with the orderly distribution of cars, taking into account the essential industries, but it will not give an excuse to those who administer the law to withhold cars because some minor official there conceives the idea that a person who has already contracted for the coal and has a valid existing binding contract has paid a little more than he thinks should be paid for that coal.

Mr. FLETCHER. Mr. President, just a word with regard to the amendment as modified.

It seems to me that in that condition the amendment would not by any means destroy or even impair the virtue of this measure. I can not agree with the chairman of the committee that the adoption of such an amendment would practically annihilate all the good that would come from the enactment of this bill into law.

It seems to me the effect is only this, that it will deprive coal dealers and sellers of the excuse which they can now allege, that they would carry out their contracts but for the fact that they can not get cars. I have no experience in the matter, and no constituents of mine are involved at all, but these facts have been brought to my attention by others, and it is entirely conceivable that an industry requiring coal should have made contracts in advance for their supply. They are almost obliged to do that in order to make their own calculations and to dispose of their own product in an orderly way. They must provide for the fuel with which to carry on their industry, and they must make contracts for it.

Let us take any important industry which needs coal and which has made a contract with a coal dealer or an operator, a person having a mine or coal, at so much a ton for the coal supply. Those contracts made before September 1 were therefore not made in contemplation of the passage of such a bill as this, not made for speculative purposes, but made in due course of business, and relied upon by those conducting the industry, and of course figured on by the men who sold the coal.

Suppose a contract is made, for instance, for $1.90 a ton f. o. b. The coal dealer may be able to get $3.90 a ton now for that same coal. He does not want to violate his contract heretofore made, but he can say to the person with whom he made the contract, "I am perfectly willing to supply the coal, but I can not get the cars. The trouble is that they will not let me have the cars to move the coal." Perhaps all the time he is getting cars to supply somebody else at $3.90 a ton, but he makes that excuse, and so far as the purchaser, the party with whom he has the contract, is concerned, that party is unable to disprove his statement that he can not get cars. For some reason or other he may not be making an effort to get those cars. On the other hand, he may present his case to the distributor, for instance, or the Interstate Commerce Commission under this bill, but not press it at all, and get no action upon it, and keep delaying and delaying before he gets an order for the cars to carry out his contract, and he can usually make it appear that he can not obtain cars and therefore can not perform his contract, and because it can get no order for the delivery of the coal that industry will be injured and suffer loss and damage which it can not recover.

Mr. LENROOT. Mr. President, I want to ask the Senator whether he thinks this amendment would permit the furnishing of cars where there was a contract for $1.90 a ton, where it would otherwise not permit it under existing law?

Mr. FLETCHER. This amendment would not permit it. It would not change the status of the parties at all, except it would preclude the denial of cars on the sole ground that the price specified in the contract might, but for the contract, be regarded as too high.

Mr. LENROOT. The Senator thinks it would? The Senator from West Virginia says not.

Mr. FLETCHER. Without this amendment if the price is considered too high cars would be denied. There is the control, but the power is extended to preventing high prices. It is not to be invoked in preventing low prices.

Mr. LENROOT. It does not affect the low prices, does it?

Mr. FLETCHER. I do not think so.

Mr. LENROOT. But the Senator gave an illustration of a contract at $1.90, where a man could get cars for coal to be sold at $3.90. Of course that could not be.

Mr. FLETCHER. It might be. Of course I mean without the knowledge of all the facts by the distributor or the commission.

Mr. LENROOT. If he could get cars to deliver coal contracted for at $3.90 a ton, he could get cars for $1.90 coal, could he not?

Mr. FLETCHER. The trouble is that the chap who has made the contract to deliver that coal at $1.90 does not want to deliver it. He does not want to carry out his contract. He can sell coal at $3.90, and he prefers, of course, to sell that coal and get the cars to haul it.

Mr. LENROOT. If he can get cars for $3.90 coal, what is there in this bill which would prevent him from getting cars for $1.90 coal?

Mr. FLETCHER. This amendment would simply deprive him of the excuse that he can not get cars.

Mr. LENROOT. How would it?

Mr. FLETCHER. Because if the application were made to the distributor or to the Interstate Commerce Commission under this bill, based on the prior contract, they would order the cars, provided all conditions of priority and classification of the demand were complied with, irrespective of the price. Every other condition being met the party would be entitled to the cars no matter what the price agreed on was.

Mr. LENROOT. But does the Senator say that without this amendment they would refuse to order the cars for hauling coal sold at a low price, but permit the operator to get cars to haul coal sold at a higher price?

Mr. FLETCHER. I do not say they would. I am simply saying that the operator might manipulate and manage the matter so as to delay shipments and offer that excuse, that he could not get cars to carry out his contract. This amendment would deprive him of that excuse, because under this amendment the distributor would say, "So far as these contracts which have already been made prior to September 1 are concerned cars will be furnished to carry out the contracts if all conditions and requirements entitling the party to them are met, and will not be denied only because of the prices named."

The Senator from Wisconsin suggested a moment ago to the Senator from South Carolina that he might insist that his industry be supplied with coal, and people might suffer elsewhere in comfort and health for lack of fuel, because the amendment would require the furnishing of cars. The amendment does not provide that. The amendment states:

> Nor shall car service be denied to any person or corporation because of any prices named in any such preexisting contract.

That is the only limitation. There is no denial of the right of ordering priorities or determining priorities. The only restriction is that by reason of the prices fixed in these contracts made before September, the cars may not be denied. Outside of that, they can be denied.

Mr. LENROOT. The Senator's theory is that an operator would deny coal under contract at a low price because he could furnish it to some one else at a higher price. That can not be, because if he could get cars for the high-priced coal, he could get cars for the low-priced coal.

Mr. FLETCHER. I agree fully with the Senator; he can get them, other things being equal, but I am simply saying it is entirely conceivable that he will not do it, and will not attempt to do it. He will tell the person with whom he has the contract to supply that coal that the reason he does not supply it is because he can not get cars. This amendment will deprive him of that excuse.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Minnesota?

Mr. FLETCHER. I yield.

Mr. KELLOGG. The other day a coal speculator or a coal dealer in Cincinnati made a contract for a large amount of coal at $6, $7, or $8 a ton—I do not remember the price—and is now offering it to the public while there is a shortage of coal cars. The Senator would compel the commission to give him cars to move that speculative coal in preference to moving coal for essential industries, would he?

Mr. FLETCHER. The only question which will not be considered by the distributor and by the Interstate Commerce Commission is the price. All other questions are still open.

Mr. KELLOGG. That man is not an operator; that man is not a manufacturer; he does not run a public utility. He bought the coal for speculation, and he contracted for it at $6, $7, or $8 a ton. The Senator would force the commission to give him cars to carry that coal in preference to noncontract coal at a reasonable price.

Mr. FLETCHER. Not at all.

Mr. KELLOGG. That is exactly what you would do by this amendment.

Mr. FLETCHER. The commission's power and right to determine whether or not that coal is to be used in an industry, the purpose for which it is bought, the object for which it is to be shipped, the intention for which it is to be used, and they would have the unimpaired right to say to a man, "We will not permit you to buy coal and store it for speculation and will not allow you to have cars to carry out that plan and purpose," precisely as if this amendment had not been adopted.

Mr. KELLOGG. This amendment prohibits that.

Mr. FLETCHER. On the contrary, the only thing this amendment prohibits is an inquiry into the question of price where preexisting contracts are involved. The language is perfectly plain, "Nor shall car service be denied to any person," not because they made a contract heretofore, dated prior to September 1, not because to do so would violate the contract, not because a contract between the parties was heretofore made, but "because of any prices named in any such preexisting contract." That is all. The distributor will have no right, if this amendment is adopted, to refuse cars because of the price fixed in the contract heretofore made, but as to all other questions the field is wide open for them to order priorities based upon the rules which they will prescribe. The only question they can not inquire into is the question of price. They have the absolute right, under this amendment, to inquire into whether the purchase is being made for speculative purposes, whether the coal is to be stored and kept out of use, or is needed for an industry or for heating the home, and all other questions it may be determined shall be considered. They still have that right, if this amendment is agreed to, and they could deny the cars for any of the reasons established, except they can not deny them on the ground of the price fixed in the contract when one exists.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. FLETCHER. I yield.

Mr. DIAL. Then it would be left in the discretion of the commission to close down a business if it saw proper. It would have authority to deny coal to any enterprise and close it down if, in its judgment, it thought best.

Mr. FLETCHER. Yes.

Mr. DIAL. That was not the purpose for which I rose, however. I have a copy of a telegram, the name of the sender of which I do not care to give, sent to Mr. J. G. Roth, director of service, Interstate Commerce Commission, Washington. This is from the mine operator, the man who actually mines the coal. It reads:

> "We are being swamped with complaints by contract customers in class 5 who say they can get all the coal they want from Southern Railway and land mines in Tennessee if they pay the price. Have checked this up and find that it is true. How is it that these mines can ship in class 5 at a price and we are not allowed to ship on contracts to class 5 business? Clinchfield Railroad positively will not let us ship coal to cotton mills, claiming violation of service order 23. Is this order still in effect? If so, when do you expect it will be changed?"
>
> I list below the numbers of five cars which were shipped from Palmer, Tenn., on the N. C. & St. L. to a cotton mill in this territory.

He gives the number of cars, and states:

> This coal was shipped on August 28. The price, I think, was $5.75 per net ton f. o. b. cars at the mines, or $6.

Then he gives the name to whom it was shipped. I do not care to give that name. He can get cars to ship at one price, but can not get them to ship on contract at the lower price.

Mr. FLETCHER. That simply illustrates what is being practiced now, and that kind of practice is what we are trying to reach and correct by this amendment.

Mr. DIAL. Exactly.

Mr. FLETCHER. They will give the excuse, no doubt, that they can not get cars, and therefore do not fill their contracts. But they can get cars to deliver higher priced coal to other people. This amendment would deprive them of that excuse. The distributor, the commission, would still determine whether that industry ought to be classified in a certain way or not. They will still determine where the coal ought to go and for what reasons. They will still have the right to lay down all the rules necessary, and issue priority orders for shipment just the same, but they will not have the right to say that where the owner of an industry has made a contract at a certain price for the delivery of coal heretofore solely by reason of that price they will not give him the cars. That is a matter they will not be able to control. But outside of the question of price they would have all the authority as to priority of shipments that they have under the law without the amendment. That is perfectly plain from the express terms of the amendment.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from South Carolina?

Mr. FLETCHER. I yield.

Mr. SMITH. I have been listening to the contentions about these contracts which existed prior to this legislation. I can not understand why there should be any objection to stipulating in the legislation that the terms of any contract which existed prior to the passage of this act should be left, and only put the contractor in the category of others as to what percentage and what amount he would get, without disturbing the contract.

For instance, if my colleague had contracted for 100 tons of coal at a certain price and in the judgment of the fuel administrator the public good would be served by denying him a percentage of it, let it be determined how much he is to get but do not disturb his contract or deny him a prorata share by virtue of the existing contract. I take it that is what the Senator's amendment provides, that if in the judgment of the fuel administrator those who have made previous contracts should not get the entire fulfillment of their contract, whatever they did get would be subject to the contract. I can not see any objection in the world to that provision in the bill, because if any business man has bought coal and the price is satisfactory as between himself and the seller, if an emergency arose where it would not be for the public welfare for him to receive the entire amount of the coal for which he had contracted, he should be allowed to get such of the coal he did get under the priority order and in the mobilization and distribution of the coal at the contract price upon which he had agreed.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. FLETCHER. I yield.

Mr. LENROOT. If a speculator made a contract for $7 a ton and said "I am going to sell that coal to the railroad and get whatever I can for it," will the Senator tell me why we should protect that speculator through this measure when otherwise the railroad would get the coal at a reasonable price?

Mr. SMITH. I understand that there may be a purchase of coal in view of the fear that there might be a shortage, but I do not think that the end to be accomplished justifies the means invoked. We are embarking upon a precedent that will come back to plague us. We are going to attempt to fix prices. I am in favor of the distribution of coal to obviate suffering. I would never oppose any bill which, in an emergency of this kind, looked toward the relief of human suffering. But we are all intelligent people, and the railroad people and those who buy coal are just as well aware of the situation as we are. I do not know that we have the right to engage in the enactment of ex post facto laws which involve the abrogation of contracts to relieve the situation. I think we are embarking upon rather dangerous ground. We can distribute the coal, and we can regret that human greed may have imposed certain financial suffering, but the financial suffering is nothing compared to the establishment of a precedent here that may ultimately come back to plague us.

Mr. FLETCHER. Mr. President, I doubt very much if Congress has the right or authority to enact a law that violates a contract or permits the violation of contracts. The amendment simply recognizes the existence of contracts which have been made heretofore and in good faith, with the limitation that the bill carries as to all conditions throughout the country; that is to say, with reference to priority orders—the furnishing of cars, and that sort of thing—all obtaining as to these contracts. The only thing the amendment prohibits is that because of the price fixed in the contracts cars shall not be denied. That is all. The question of price is a matter between the coal dealer or operator and the industry or individual making the contract with him. That price has been agreed upon and settled. Both parties are satisfied with it. I do not see why we can not eliminate that feature from all consideration by the distributor and by the Interstate Commerce Commission in perfect good faith to everybody under those contracts. The thing finally accomplished by it, as I said, is that it deprives the coal people, who have made the contracts, of the excuse for not fulfilling their contracts or not performing them, the claim that they can not get cars. I think that is worth while doing, and for that reason I think the amendment is entirely proper and should be agreed to.

Mr. REED of Pennsylvania. Mr. President, my respect for those Senators who have spoken in behalf of the bill is so high and my belief in their wisdom and legal ability is so great that I would not venture to speak on the bill if my belief in its unconstitutionality and in its unwisdom did not amount to a positive conviction. I believe it is unconstitutional; I believe it is unwise; and I believe that if enacted into law it would be utterly impracticable and unenforceable. With all the brevity I can command I should like to explain why I so think.

Whenever a measure is proposed to Congress of course the query suggests itself, under what express power does Congress propose to enact the statute? That query has been made and has been answered by the proponents of the bill that it is under the interstate-commerce power. Under that power it is proposed to provide that the highways of the Nation shall be denied to such sellers of coal, either producers or dealers, as charge more or have in the past charged more than some appointive officer or appointive commission in Washington may decide to be a fair and reasonable price. It is claimed that this is a regulation of commerce; that is to say, that it is within the power of the Congress in substance to prohibit the transportation of a commodity like coal because, forsooth, back in its history some one who owned it has sold it for an undue price. I venture to assert, Mr. President, that never has the commerce clause been stretched to such an extent as that.

In the first child-labor case, decided in 1917, the Supreme Court reviewed those cases in which the regulation of commerce by Congress had amounted to a prohibition. It called attention first in the list to the Lottery case. A lottery ticket was a thing that was evil in itself, and it was upon that ground, because the subject of the commerce was evil, that the power of Congress to prohibit its passage in interstate commerce was sustained. The next case involved the pure food law. The power there was sustained because impure food and impure drugs were evil in themselves. Next came the white slave act, obviously of the same nature. Next the traffic in intoxicating liquors in interstate commerce was prohibited because they in themselves had been declared by Congress to be an evil.

In all those cases the power to regulate was construed to include the power to prohibit the passage of those evil things from one State to another. But in the child-labor case the Supreme Court very forcefully called attention to the fact that the product of child labor was not evil in itself, that the articles intrinsically did not bear evil. It was the evil of child labor in production, in the State of their origin, against which Congress was aiming. It was held in that case, and I think it would necessarily be held in a case involving the pending bill, that as the subject of the prohibition was not in itself unlawful, it was not within the regulatory power of Congress to prohibit its passage in interstate commerce. That is what that bill in substance would do. It would prohibit the use of facilities impartially so long as there was any shortage. It would be a denial of an ordinary right to a citizen transacting an ordinary business in a commodity not evil in itself.

It has been very often held that all of the express powers given Congress in the Constitution are subject to the prohibitions of the Bill of Rights. In the Monongahela Navigation case it was directly held that the interstate commerce power of Congress was expressly subject to those guaranties of the rights of the individual which are contained in the first 10 amendments. If that is so, then the exercise of the power to regulate commerce is still subject to the Bill of Rights, and particularly to the fifth amendment. Congress can not escape that by declaring an emergency, as it is proposed to do in the first section of the pending bill. It has never been held that either in an emergency or out of an emergency the guaranty of just compensation for property taken is suspended. On the other hand, it has been affirmatively held in the Milligan case and others that even the existence of such an emergency as a state of war does not suspend the provisions of the fifth amendment to the Constitution.

As the court said in the Milligan case, decided in 1866, speaking of the wisdom of our ancestors in adopting the Bill of Rights:

> Time has proven the discernment of our ancestors. * * * Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

Yet, forsooth, Mr. President, because there has been a coal strike, which fortunately now has passed, because the greed of some men has led them to ask high prices for the commodity which they controlled during this period of stringency—because of that comparatively slight emergency in the history of this country, we are now asked to sanction an act which will take from all producers of coal a part of the market value of their property, without making a shadow of compensation for it; which will deprive them of their liberty of contract in the sale of their commodity at the market price; which will go back retrospectively and punish them by denying them railway facilities because of some contracts which they may have made in the past before this bill becomes a law. All of the guaranties of the Constitution are to be suspended, if you please, because we have for a moment a period of high prices in coal.

I refuse to be considered the advocate of the profiteer because I rise in my place now and claim that the calamities that will follow such an overturning of constitutional protection are far worse than any calamity that can happen because of the momentary stringency in coal. It is idle to say that this is not a price-fixing bill. Of course it is declared in the title of the House bill, and it is also declared in the title of the Senate substitute, which it is sought to put in place of the House bill, that it is to prevent the exaction of unreasonable high prices. I believe in all sincerity that it is utterly beyond the power of Congress in or out of an emergency, in war or in peace, to do any such thing as is proposed to be done.

The proponents of this bill seem to rely upon the decision of the Supreme Court in the rent law cases, where it was held, in substance, that if Congress commenced its enactment by a declaration that an emergency existed that, so to speak, stunned the Constitution during the emergency and allowed Congress to impair the obligation of contracts. It has never been held in any case that a declaration of an emergency would suspend the just compensation provision; it has never been held that it would suspend the guaranties of liberty of contract; but the theory of the proponents of the bill seems to be along the line of the rent law cases, that, having declared a coal emergency to exist, Congress may go on and ignore the Constitution. I submit that that is most seriously wrong; that the decision in the rent law cases can not be attacked more savagely than it was in the dissenting opinion that came down with that decision. Nothing I could say could be as severe as that dissenting opinion, in which then Chief Justice White, Justice McKenna, Justice Van Devanter, and Justice McReynolds concurred. They characterized the act of Congress as a revolution in constitutional law. The case was decided by a 5-to-4 vote; but the probability is that if the case was to be decided to-day it would not be decided the same way in which it then was. The bar of the United States stands aghast at that case. Certainly it would be unfortunate for Congress to attempt to extend that principle now.

However, suppose, Mr. President, that all that I have said is wrong; suppose that the pending bill is not an unconstitutional invasion of the rights of the individual; then it seems to me very clear that it is the height of unwisdom for Congress now in time of peace to launch into a policy of price fixing. Many of us are committed to the policy of "less Government in business"; and yet here, by this bill, we go further toward putting Government into business than has ever before been done in time of peace. As has been so well pointed out by the Senator from Florida [Mr. FLETCHER] and the Senator from West Virginia [Mr. SUTHERLAND], the measure now before us goes further even than the war-time Lever Act, because the pending bill would abrogate contracts in existence; it would penalize them and make them unenforceable; make it impossible to carry them out, though they were contracts which were entered into before this bill was ever presented in either House of Congress. Even if it were not unconstitutional, it seems to me it would be the height of unwisdom to proceed along that line.

It is proposed that the Government shall go into the coal business and regulate it from Washington, as if we had forgotten that the one business that we do regulate from Washington, railroading, is to-day probably in a worse condition than any other business. Its prices to the citizen are higher and the service which it renders is worse than that of any business which is still left in private hands.

In conclusion, Mr. President, I desire to say that I think this bill, if it were passed, would not be effective. It would be the easiest thing imaginable to avoid it. Let us take the case of a mine which is selling coal to a customer in another State. This proposed act would apply to that mine if it chose to sell at a higher price than the fuel distributor thought was fair. It would be denied cars by the Interstate Commerce Commission if it made a sale at a higher price than the fuel distributor permitted. The obvious thing for that mine to do, if it is approached by its customer for another purchase, is to say, "We will not sell you coal in interstate commerce, but if you will come here into our State and will buy the coal here and accept delivery of it at the mine pit, we will sell to you and we will sell at such and such a price." Under such circumstances that mine would be entirely beyond the reach of this proposed act.

Mr. LENROOT. Mr. President, will the Senator from Pennsylvania yield to me?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Wisconsin?

Mr. REED of Pennsylvania. I yield.

Mr. LENROOT. Does the Senator say that a man may go into the State of Pennsylvania, buy coal and complete the transaction there, with the purpose to ship the coal elsewhere, and that such an act would be without the interstate commerce law?

Mr. REED of Pennsylvania. The shipment of such a purchaser would be under the interstate commerce law, but he has not sold any coal; he has bought coal.

Mr. LENROOT. Yes; but he has bought it for delivery, has he not, in another State?

Mr. REED of Pennsylvania. Yes.

Mr. LENROOT. And is not such a transaction under the authority of the Interstate Commerce Commission?

Mr. REED of Pennsylvania. The customer, the man who has bought the coal, may be penalized, but certainly the man who is selling it and is exacting a high price would not be penalized because he is making delivery at the mine, and he is beyond our reach.

Mr. President, a good deal has been said about protecting the consumer. More than 90 per cent of the consumers of coal in this country are retail consumers. They buy locally; they buy from coal yards; and we ought not for one moment to delude ourselves with the thought that there is a syllable in this bill which will protect them from profiteering, because the transaction when they buy from a coal yard is purely intrastate and is beyond the reach of Congress. The proponents of the bill do not pretend that this bill will apply to those retail transactions. So our domestic consumers from all over the country ought not in fairness to be led to think that there is the slightest vestige of protection for them in this bill, because the fact is that they will be just as subject to profiteering if it shall pass as they are at this moment.

Mr. President, that is my opinion of this bill. I venture to state in conclusion that never before has it been suggested in the American Congress that a commodity privately owned should be regulated in price by an appointive officer and an appointive commission here in Washington, who will not only fix the price retroactively as well as prospectively, but will do it without notice to the victim, the owner of the commodity—without hearing his proof or his arguments and without affording to him the slightest vestige of compensation for that part of the value of his property which has been confiscated.

Mr. LENROOT. Mr. President, if I correctly understand the argument of the able Senator from Pennsylvania, it is that the right to profiteer in coal and charge extortionate prices is under all circumstances and all conditions a vested right which can not be in any way interfered with by the Government of the United States. I think I have stated correctly the position of the Senator from Pennsylvania.

He states further that we are committed—I suppose he means upon this side of the aisle—to less Government in business; but, Mr. President, the entire country is crying out to-day because in a crisis like this, the States having no power, the Government is refusing to exercise or has failed up to this time to exercise such power as it may have to bring relief to the people.

The Senator from Pennsylvania takes the position, in the first place, that we are without constitutional power to give them relief; and in the second place that, even if we had the power, it ought not to be exercised. That leaves us in this situation, Mr. President, that we may assume that the great masses of the people not living in coal-producing States may freeze during the coming winter; that the owners of the coal mines may charge $50 a ton if they choose; and that the Government of the United States is helpless under the Constitution, but even if it had the power it ought not to exercise it to save the Nation.

Mr. President, I wish to say a few words with reference to the constitutional power. I shall be very brief; I shall not go over the ground so very ably discussed yesterday by the Senator from Iowa and the decisions which he quoted—the Stockyards case and the Wisconsin rate case—which clearly laid down the proposition that if there be a practice in interstate commerce that lays an undue burden or restriction upon interstate commerce it is within the regulatory power of Congress. The latest opinion upon that subject of our court is in the Coronado case, which is familiar to all Senators, where Chief Justice Taft, in rendering the opinion, after stating that coal mining is not interstate commerce as such and that the power of Congress does not extend to its regulation as such, went on to say:

> Obstruction to coal mining is not a direct obstruction to interstate commerce in coal, although it, of course, may affect it by reducing the amount of coal to be carried in that commerce. We have had occasion to consider the principles governing the validity of congressional restraint of such indirect obstructions to interstate commerce in Swift *v.* United States (196 U. S. 375), United States *v.* Patten (226 U. S. 525), United States *v.* Ferger (250 U. S. 199), Wisconsin Railroad Commission *v.* Chicago, Burlington & Quincy Railroad, decided February 27, 1922, and Stafford *v.* Wallace, decided May 1, 1922—

The last two cases being the ones analyzed yesterday by the Senator from Iowa. Then he says:

> It is clear from these cases that if Congress deems certain recurring practices, though not really part of interstate commerce, likely to obstruct, restrain, or burden it, it has the power to subject them to national supervision and restraint.

Mr. President, in the Stockyards case, analyzed by the Senator from Iowa yesterday, one of the reasons—in fact, the principal reason—upon which it was sustained was that regulation was necessary to prevent exorbitant charges, and that exorbitant charges would impose an undue burden upon interstate commerce.

In the Wisconsin rate case it was held that although the Federal Government has no jurisdiction over intrastate rates as such, yet if intrastate rates be too low they place an undue burden upon interstate rates, because under the Constitution the carrier is entitled to a reasonable return upon the value of his property devoted to such transportation use.

But, Mr. President, I want to discuss for a moment the subject from a little different angle, and that is the proposition that in an emergency like the present the sale and purchase of coal is clothed with a public interest, and, being so clothed, is subject to regulation by Congress, even to price-fixing if we chose to exercise it. May I say, in passing, that this is not a price-fixing bill. All that this bill does is to lay the foundation and give the reason for a discrimination that under other circumstances would be unlawful against those charging exorbitant prices.

The Senator from Pennsylvania [Mr. REED] has referred to the rent cases. It will be remembered that in the rent cases—the one going up from the District and the other an appeal from the State of New York—the power in the one case of Congress to regulate rents, declaring an emergency existing, and in the New York case a like declaration of an emergency on the part of the State of New York, were decided. In the case coming up from the District, however—Block *v.* Hirsh—the court says:

> Housing is a necessary of life. All the elements of a public interest justifying some degree of public control are present. The only matter that seems to us open to debate is whether the statute goes too far.

"Housing is a necessary of life." Mr. President, is housing any more a neccessary of life than coal is a necessary of life? If there be any distinction at all between the two, is not coal more of a necessary of life than shelter? And having found that an emergency existed, and accepting the declaration of Congress that such an emergency did exist—a declaration similar to that which is contained in this bill—the court then goes on to say:

> But if the public interest be established the regulation of rates is one of the first forms in which it is asserted, and the validity of such regulation has been settled since Munn *v.* Illinois (94 U. S. 113).

Then they say:

> The general proposition to be maintained is that circumstances have clothed the letting of buildings in the District of Columbia with a public interest so great as to justify regulation by law.

If that be true of housing in the District of Columbia, is it not a thousand times more true with reference to the existing coal situation, where we have not one-half of the car facilities to-day necessary to provide the coal that this country needs? In this case the right of Congress to regulate rents in the District of Columbia was sustained as an exercise of the police power. It may be said, however, that the United States as such has no police power. That is a statement that is very often made, and yet the courts have repeatedly stated that in the regulation of interstate commerce Congress may and Congress does exercise what is in the nature of police power, and in so far as interstate commerce is concerned our control over it is exactly the same as is the control of the States in the exercise of their police power.

Cooley, in the last edition of Constitutional Limitations, says:

> The line of distinction between that which constitutes an interference with commerce and that which is a mere police regulation is sometimes exceedingly dim and shadowy, and it is not to be wondered at that learned jurists differ when endeavoring to classify the cases which arise. It is not doubted that Congress has the power to go beyond the general regulations of commerce, which it is accustomed to establish, and to descend to the most minute directions, if it shall be deemed advisable; and that to whatever extent ground shall be covered by those directions the exercise of State power is excluded. Congress may establish police regulations as well as the States, confining their operation to the subject over which it is given control by the Constitution.

Citing a number of cases.

Mr. President, I think I understood from the argument of the Senator from Pennsylvania [Mr. REDD] that this measure could be defeated by a party going into a coal-producing State, buying the coal there, completing the contract, and that was an intrastate matter and not an interstate one, and therefore not within the control of Congress by regulation. I think the Senator, upon my inquiry, took the position that while the purchaser might be subject to interstate commerce the seller was not. But, Mr. President, in the case of Pennsylvania Railroad Co. against The Sonman Coal Co. the court said, citing Pennsylvania Railroad Co. *v.* Clark Coal Co. (238 U. S.)—and I have not that here before me:

> We there said of the sale and delivery of coal f. o. b. at the mine for transportation to purchasers in other States: "The movement thus initiated is an interstate movement and the facilities required are facilities of interstate commerce."

And I have here a number of cases where the entire transaction is held to be a part of interstate commerce, where the commodity or the great bulk of the commodity is intended for shipment to other States than that in which the transaction occurs.

In that connection I want to refer to the case of Lemke against Farmers' Grain Co., of Embden.

In this case, as Senators will remember, the State of North Dakota undertook to authorize its administrative officials in effect to fix the price of wheat. Wheat was brought by a farmer to a country elevator in North Dakota and there sold to that country elevator, and the officials of North Dakota attempted to exercise that power; but it was resisted upon the ground that the entire transaction was one of interstate commerce, and therefore beyond the power of the State of North Dakota to regulate. The court said:

> It is alleged that such legislation is in the interest of the grain growers and essential to protect them from fraudulent purchases and to secure payment to them of fair prices for the grain actually sold. That may be true, but—

Mark the words—

> Congress is amply authorized to pass measures to protect interstate commerce if legislation of that character is needed. The supposed inconveniences and wrongs are not to be redressed by sustaining the constitutionality of laws which clearly encroach upon the field of interstate commerce placed by the Constitution under Federal control.

It is established by many cases that if a purchaser of coal buys coal in a coal-producing State to be shipped elsewhere that State has no right, under the police power or otherwise, to regulate that transaction. The State of Pennsylvania undoubtedly has a right in an emergency like this, if it sees fit to exercise it, in the exercise of its police powers, to fix the price that operators shall charge for their coal to residents of Pennsylvania to be consumed in Pennsylvania; but the State of Pennsylvania has no right under any circumstances to fix the price that operators in Pennsylvania shall charge for coal for shipment outside of the State. Therefore, the argument of the Senator from Pennsylvania leads us to this: The States have no power to protect against profiteering and extortion, and he says the Federal Government, although it be interstate commerce, has no power to prevent profiteering and extortion.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LENROOT. I do.

Mr. REED of Pennsylvania. I do not recall saying that the Federal Government had no power to prevent profiteering, but I did say it had no power to prevent it by this method. Would the Senator say that the Federal Government did not have power to condemn supplies of coal and pay the full market price?

Mr. LENROOT. For its own purposes or for the public at large?

Mr. REED of Pennsylvania. For either?

Mr. LENROOT. For either. If the Senator concedes the power of the Federal Government to exercise the right of eminent domain to furnish coal for the people of the United States it seems to me the Senator must then concede the power of regulation of coal when shipped in interstate commerce, because in either case it must be clothed with a public interest and taken for a public use. We have no power under the right of eminent domain to take the property of any individual except for a public use, and if the Senator admits that we have the right to exercise the right of eminent domain for the protection of the people of the United States against profiteering, it seems to me it necessarily must follow that we have a like right under the express power to regulate commerce in the interstate commerce clause of the Constitution to protect them from profiteering.

But, Mr. President, as I stated in the beginning, this bill is simply one that deals with the furnishing of facilities and authorizes discriminations that enable the Interstate Commerce Commission to say to a man, "If you are practicing extortion, if you are profiteering, the Federal Government, having control over the facilities, will not furnish you those facilities." That is all—nothing more.

The Senator referred to the child-labor case. Mr. President, although I think the decision was wrong in that case, and I think Justice Holmes in the dissenting opinion had very much the best of the reasoning, nevertheless it must be admitted that in that case there was nothing in the article itself, or in dealing with the article as it entered into interstate commerce, which could invoke the regulatory power, unless it be granted that the power to regulate is absolutely the power to prohibit, which the court denied.

What distinguishes this case? In the first place, the commodity must become a part of interstate commerce before this bill applies at all; and, in the second place, before the bill attaches and the discrimination can be invoked somebody must be guilty of exacting unreasonably high prices.

Can the Senator point to any distinction between that kind of a case and the Commodity case where a railroad was denied the power, as I recollect it, to transport commodities where it itself produced those commodities prohibited by the statute?

What gives us the power in this case is not the material coal but it is the transaction with reference to it, exactly as we have power over restraints of trade by reason of conspiracies and monopolies. It is the course of dealing with reference to it in interstate commerce that gives us our power.

So it seems to me we are abundantly justified in authorizing this discrimination with reference to car facilities, with reference to car service, where one demanding that car service is profiteering or extorting. The result of it simply is that we have this car shortage, and under the operation of this bill the Interstate Commerce Commission will say that the man who sells his coal to the public at a reasonable price shall have priority over one who refuses to so sell at a reasonable price. Or they may go further than that. They may say that the man who sells at an unreasonably high price shall not have these facilities at all, and I deny that anybody has any vested right under the Constitution to enter into interstate commerce for profiteering and extortion.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LENROOT. I yield.

Mr. REED of Pennsylvania. The Senator has stated that before these penalties for profiteering can attach somebody must be guilty of exacting unreasonably high prices. Does the Senator think that it is fair or American or constitutional to find a man guilty in that way without notice to him and without hearing his proof or his arguments?

Mr. LENROOT. I did not mean guilty in a criminal sense, and I should not have used that word. I should have said committting the act of charging unreasonably high prices. As between that man and the man who is not charging a high price I say, irrespective of any other reason, that when we have a car shortage the preference ought to be given to the man who is willing to sell his coal at a reasonable price.

So far as contracts are concerned, of course this pending amendment does not affect the validity of a contract unless it be the kind of a contract where the agreement is to deliver coal on cars, or to deliver to another State, prior to a given date. In that case this amendment would affect not only the pending bill but would destroy existing law and enable the man who had a contract for coal to secure his cars because he had a contract that the coal should be loaded upon cars at a certain date.

The Supreme Court, by a divided court, it is true, decided that the rent law was constitutional, a law passed in an emergency not to be compared for a single moment with the present emergency in the United States, an emergency affecting nearly all of the people of the United States, which does affect all the people of the United States living in States who are not so fortunate as to have coal produced within their borders. Does anyone believe that the Supreme Court will say that under this emergency the sale and purpose of coal are not clothed with a public interest, and under such circumstances that Congress may not, under the commerce clause, exercise police powers in doing what it is proposed to do by this bill?

Mr. REED of Pennsylvania. Mr. President, I have but one question I should like to ask the Senator, and that is this: If this new departure in public policy, if this new policy in price fixing without giving notice to the owner of the commodity, is such a beneficent thing for the country as a whole, would the Senator be willing to provide in this bill that in case hereafter we shall have a similar emergency because of short crops, or any other cause, in wheat or cotton or other commodities likewise tinged with public use, there should be a Federal wheat distributor, or a Federal cotton distributor, or a Federal short-ribs distributor, or whatever might be appropriate, so that that emergency could similarly be coped with by denying to every farmer any transportation facilities if he charged more than some official in Washington might think was fair?

Mr. LENROOT. I am very glad, indeed, to answer the question of the Senator from Pennsylvania. In the first place, I am not willing to permit anybody but Congress itself to declare such an emergency as this bill declares. Congress should be the one to declare the emergency in which this unusual power is to be exercised, and if an emergency shall hereafter arise, such as the Senator from Pennsylvania indicates, if there should at some time in the future be only half enough wheat in the country to supply the population of the country, I would be the first to advocate the declaring of an emergency similar to this, and give some Federal authority power to control the distribution and the price of wheat; and I should be very sorry, indeed, if the Senator from Pennsylvania would not join in such an action.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. SUTHERLAND] to the amendment proposed by the Senator from Iowa [Mr. CUMMINS].

The amendment to the amendment was rejected.

Mr. DIAL. Mr. President, I offer the following amendment to the amendment.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. Add at the end of section 5 the following proviso:

Provided, That nothing herein shall be construed as changing or amending the present law as to assigning cars for handling or transporting coal on contracts entered into prior to July 25, 1922.

Mr. CUMMINS. Mr. President, all I desire to say in reference to the amendment just offered by the Senator from South Carolina is that it is exactly the same as the amendment proposed by the Senator from West Virginia with the exception that it fixed July 25 as the date instead of the 1st of September. It is as obnoxious in principle and as repugnant to the desire of those who want to control this subject as was the amendment offered by the Senator from West Virginia. I hope it will not prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Carolina [Mr. DIAL] to the amendment in the nature of a substitute proposed by the Senator from Iowa [Mr. CUMMINS].

Mr. DIAL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Brandegee
Bursum
Capper
Cummins
Curtis
Dial
Dillingham
Fletcher
Gooding
Harreld
Heflin
Jones, Wash.
Kellogg
King
Lenroot
McNary
Nelson
New
Nicholson
Oddie
Phipps
Rawson
Reed, Pa.
Sheppard
Shields
Simmons
Smith
Sterling
Sutherland
Underwood
Walsh, Mass.
Warren
Watson, Ga.
Watson, Ind.
Williams

The PRESIDING OFFICER. Thirty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

McCumber
McLean
Smoot
Swanson

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is not a quorum present.

Mr. CURTIS. I ask that the Sergeant at Arms be requested to report whether he has been able to secure a quorum. He has had such an order since yesterday.

The PRESIDING OFFICER. The Chair desires to state that he is informed at the desk that the Sergeant at Arms never makes a report upon an order such as the one made yesterday requesting the attendance of absent Senators.

Mr. CURTIS. That order is still in force; it has not been revoked.

Mr. UNDERWOOD. Mr. President, I do not object, of course, to getting a quorum here, for I hope a quorum may be obtained, but, without a special order of the Senate, it seems to me clearly that when a quorum responds that of itself revokes the order directing the attendance of absent Senators.

Mr. CURTIS. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

Ashurst
Borah
Broussard
du Pont
Myers
Owen
Shortridge
Trammell

Mr. CURTIS. Mr. President, if the Sergeant at Arms is ready to report, I should like to find out the status.

The PRESIDING OFFICER. The Sergeant at Arms will report.

The ASSISTANT DOORKEEPER (C. A. Loeffler). Forty-four Senators are out of the city; 47 Senators are present on the roll call; 5 Senators are in the city whom the Sergeant at Arms has been unable to reach. Efforts have been made to reach them either at their offices or at their residences.

Mr. CURTIS. Mr. President, I ask for the adoption of the order which I send to the desk.

The PRESIDING OFFICER. The Senator from Kansas moves the adoption of the order which will be read by the Secretary.

The Assistant Secretary read as follows:

Ordered, That the Sergeant at Arms be directed to use all necessary means to compel the attendance of absent Senators, excepting those detained on account of sickness.

The PRESIDING OFFICER. The question is on the adoption of the order.

The order was agreed to.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, September 7, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *September 6, 1922*.

The House met at 12 o'clock noon, and was called to order by its Chief Clerk, John H. Hollingsworth.

SPEAKER PRO TEMPORE.

The Chief Clerk laid before the House the following communication:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., September 6, 1922.

To the CLERK OF THE HOUSE OF REPRESENTATIVES:

I hereby designate Hon. HORACE M. TOWNER to act as Speaker pro tempore during my absence.

F. H. GILLETT.

Mr. TOWNER assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Chaplain will offer prayer.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou God, our heavenly Father, who art the master of the night and the glory of the day, hear our little prayer. Let the light of Thy truth into all our hearts and may it clear away all prejudice, misconception, and ignorance. O give us to feel that it is a great honor to be assigned to the service of our country and labor for the welfare of our fellows. Teach us how to harden ourselves against trouble, loss, and fear. Through Christ. Amen.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3790. An act authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the disposal of the surplus waters of Milk River, Two Medicine, Cut Bank, and Badger Creeks, not needed by the Indians of the Blackfeet Indian Reservation for domestic or irrigation purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 62. An act for the relief of Charles K. Bond, alias Kimball W. Rollins; to the Committee on Military Affairs.

S. 63. An act for the relief of Lester A. Rockwell; to the Committee on Military Affairs.

S. 2515. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920; to the Committee on Military Affairs.

S. 268. An act for the relief of William O. Mallahan; to the Committee on Military Affairs.

S. 2035. An act for the relief of William M. Carroll; to the Committee on Military Affairs.

S. 2573. An act to amend section 198 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," as amended; to the Committee on the Post Office and Post Roads.

S. 748. An act to remove the charge of desertion from the military record of Charles F. Getchell; to the Committee on Military Affairs.

S. 726. An act for the relief of George Emerson; to the Committee on War Claims.

S. 2328. An act for the relief of Margaret T. Varnum; to the Committee on Military Affairs.

S. 140. An act for the relief of Peter Shell; to the Committee on Military Affairs.

S. 2498. An act to correct the military record of Alonzo C. Shekell; to the Committee on Military Affairs.

S. 2493. An act to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith; to the Committee on Military Affairs.

S. 2258. An act for the relief of Jesse L. Clay; to the Committee on Claims.

S. 2380. An act for the relief of Henry P. Collins, alias Patrick Collins; to the Committee on Military Affairs.

S. 942. An act for the relief of James Johnson; to the Committee on Military Affairs.

S. 2967. An act to amend section 73 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by an act approved June 12, 1916; to the Committee on the Judiciary.

S. 2346. An act for the relief of Ellen B. Monahan; to the Committee on Claims.

S. 2040. An act to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits, for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes within the District of Columbia; to the Committee on the District of Columbia.

S. 1988. An act for the relief of Faxon, Horton & Gallagher; Long Bros. Grocery Co.; A. Rieger; Rothenberg & Schloss; Ryley, Wilson & Co.; and Van Noy News Co.; to the Committee on Claims.

S. 3603. An act to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," etc., approved June 25, 1910; to the Committee on Election of President, Vice President, and Representatives in Congress.

S. 2632. An act to correct the military record of Martin Cletner; to the Committee on Military Affairs.

S. 3790. An act authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the disposal of the surplus waters of Milk River, Two Medicine, Cut Bank, and Badger Creeks, not needed by the Indians of the Blackfeet Indian Reservation for domestic or irrigation purposes; to the Committee on Indian Affairs.

S. J. Res. 48. Joint resolution authorizing retirement as warrant officers of certain Army field clerks and field clerks, Quartermaster Corps; to the Committee on Military Affairs.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER pro tempore. Without objection, the Journal will stand approved.

Mr. WINGO. Mr. Speaker, reserving the right to object, may I ask the gentleman from Kansas what the program is?

Mr. CAMPBELL of Kansas. What is the question?

Mr. WINGO. I reserved the right to object to the approval of the Journal for the purpose of finding out what the program will be for the rest of this session of Congress. Have the Republicans agreed upon a date for final adjournment, and have they agreed when the conference reports shall be brought in on the bonus and the tariff?

Mr. CAMPBELL of Kansas. There has been no thought or agreement as to when the session will adjourn. There is very good prospect that the conferees will bring in an agreement on the tariff bill Monday. In any event, if an agreement has not been reached, votes will be asked from both the House and the Senate on some of the questions in disagreement. It is the purpose to send out notices to-day in order to have the Members here on Monday with a view of terminating the action of the Congress on the tariff and bonus bill within the next week.

Mr. WINGO. As a matter of fact, the tentative program is to have the tariff conference report here on Monday and possibly the bonus report on that day or the next day, and to have the final adjournment on the 16th. Is not that the tentative program? Why not take the House into your confidence? Why not let the House know it?

Mr. CAMPBELL of Kansas. That matter has not been called to my attention.

Mr. WINGO. The gentleman has not been consulted on that? I naturally thought he would be.

Mr. CAMPBELL of Kansas. I have not had a conference with anyone as to the date of the adjournment. I have with respect to the action of the conferees on the tariff bill and the possible bonus legislation.

Mr. WINGO. The gentleman does expect—he and the Republican leaders do expect—that the bonus bill and the conference report will be agreed to some day next week and go to the President some day next week?

Mr. CAMPBELL of Kansas. Yes.

Mr. WINGO. And the Republican leaders do hope to adjourn Congress sine die on the 16th, which is Saturday week? That is the hope, is it not?

Mr. CAMPBELL of Kansas. As I have stated to the gentleman, I have had no conferences with Members at the other end of the Capitol or with Members here with respect to the date of the adjournment.

Mr. WINGO. The gentleman understands, however, that that is the hope and belief of the Republican leaders?

Mr. CAMPBELL of Kansas. Whatever the hope may be, it has not been crystallized into conversation.

Mr. WINGO. That is the tentative program, so the gentleman understands?

Mr. CAMPBELL of Kansas. If the gentleman from Arkansas insists that that is the program, he has information that I have not yet received.

Mr. WINGO. Well, now, has the gentleman any information to give the House as to what will be the probable fate of the bonus if the bill goes to the President some day next week and in the meantime Congress adjourns? The gentleman knows what will happen under the Constitution to the bonus then, does he not? It will die.

Mr. CHINDBLOM. Mr. Speaker, I call for the regular order.

Mr. WINGO. If the gentleman from Illinois is so anxious, I will object and give him the regular order.

ADJOURNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. WINGO. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 48, answered "present" 2, not voting 285, as follows:

YEAS—92.

Andrews, Nebr.
Anthony
Atkeson
Barbour
Bland, Ind.
Burtness
Campbell, Kans.
Cannon
Chandler, N. Y.
Chandler, Okla.
Chindblom
Clague
Clarke, N. Y.
Cole, Iowa
Colton
Cooper, Wis.
Crowther
Dale
Davis, Minn.
Denison
Dowell
Elliott
Ellis
Evans
Fairfield
Faust
Foster
Free
French
Fuller
Greene, Mass.
Greene, Vt.
Hadley
Hawley
Hays
Hickey
Himes
Hoch
Hogan
Hull
Jefferis, Nebr.
Johnson, Wash.
Kelly, Pa.
Kendall
Ketcham
King
Kissel
Kline, N. Y.
Knutson
Kopp
Kraus
Lawrence
Lea, Calif.
Leatherwood
McCormick
McKenzie
McLaughlin, Mich.
McPherson
Magee
Maloney
Millspaugh
Moores, Ind.
Mott
Newton, Minn.
Ogden
Patterson, Mo.
Ramseyer
Reece
Reed, W. Va.
Ricketts
Riddick
Roach
Robsion
Shaw
Sinnott
Smith, Idaho
Speaks
Sproul
Steenerson
Strong, Kans.
Swing
Taylor, Tenn.
Timberlake
Towner
Vaile
Vestal
Volstead
Walters
Wheeler
Wyant
Yates
Zihlman

NAYS—48.

Almon
Aswell
Bankhead
Black
Bowling
Buchanan
Carew
Drane
Drewry
Driver
Favrot
Fisher
Garner
Garrett, Tex.
Hardy, Tex.
Hayden
Huddleston
Hudspeth
Jones, Tex.
Keller
Kincheloe
Lanham
Lankford
Lazaro
McClintic
Martin
Moore, Va.
O'Connor
Park, Ga.
Parks, Ark.
Quin
Rankin
Rayburn
Riordan
Sanders, Tex.
Sandlin
Scott, Tenn.
Smithwick
Steagall
Stedman
Swank
Taylor, Ark.
Taylor, Colo.
Thomas
Tillman
Williams, Tex.
Wilson
Wingo

ANSWERED "PRESENT"—2.

Davis, Tenn.
Jacoway

NOT VOTING—285.

Ackerman
Anderson
Andrew, Mass.
Ansorge
Appleby
Arentz
Bacharach
Barkley
Beck
Beedy
Begg
Bell
Benham
Bird
Bixler
Blakeney
Bland, Va.
Blanton
Boies
Bond
Bowers
Box
Brand
Brennan
Briggs
Britten
Brooks, Ill.
Brooks, Pa.
Brown, Tenn.
Browne, Wis.
Bulwinkle
Burdick
Burke
Burroughs
Burton
Butler
Byrnes, S. C.
Byrns, Tenn.
Cable
Campbell, Pa.
Cantrill
Carter
Chalmers
Christopherson
Clark, Fla.
Classon
Clouse
Cockran
Codd
Cole, Ohio
Collier
Collins
Connally, Tex.
Connell
Connolly, Pa.
Cooper, Ohio
Copley
Coughlin
Crago
Cramton

Crisp
Cullen
Curry
Dallinger
Darrow
Deal
Dempsey
Dickinson
Dominick
Doughton
Dunbar
Dunn
Dupré
Dyer
Echols
Edmonds
Fairchild
Fenn
Fess
Fields
Fish
Fitzgerald
Focht
Fordney
Frear
Freeman
Frothingham
Fulmer
Funk
Gahn
Gallivan
Garrett, Tenn.
Gensman
Gernerd
Gilbert
Glynn
Goldsborough
Goodykoontz
Gorman
Gould
Graham, Ill.
Graham, Pa.
Green, Iowa
Griest
Griffin
Hammer
Hardy, Colo.
Harrison
Haugen
Hawes
Henry
Herrick
Hersey
Hicks
Hill
Hooker
Hukriede
Humphreys
Husted
Hutchinson
Ireland
James
Jeffers, Ala.
Johnson, Ky.
Johnson, Miss.
Johnson, S. Dak.
Jones, Pa.
Kahn
Kearns
Kelley, Mich.
Kennedy
Kiess
Kindred
Kirkpatrick
Kitchin
Kleczka
Kline, Pa.
Knight
Kreider
Kunz
Lampert
Langley
Larsen, Ga.
Larson, Minn.
Layton
Lee, Ga.
Lee, N. Y.
Lehlbach
Lineberger
Linthicum
Little
Logan
London
Longworth
Lowrey
Luce
Luhring
Lyon
McArthur
McDuffie
McFadden
McLaughlin, Nebr.
McLaughlin, Pa.
McSwain
MacGregor
Madden
Mann
Mansfield
Mapes
Mead
Merritt
Michaelson
Michener
Miller
Mills
Mondell
Montague
Montoya
Moore, Ill.
Moore, Ohio
Morgan
Morin
Mudd
Murphy
Nelson, Me.
Nelson, A. P.
Nelson, J. M.
Newton, Mo.
Nolan
Norton
O'Brien
Oldfield
Oliver
Olpp
Osborne
Overstreet
Paige
Parker, N. J.
Parker, N. Y.
Patterson, N. J.
Perkins
Perlman
Petersen
Porter
Pou
Pringey
Purnell
Radcliffe
Rainey, Ala.
Rainey, Ill.
Raker
Ransley
Reber
Reed, N. Y.
Rhodes
Robertson
Rodenberg
Rogers
Rose
Rosenbloom
Rossdale
Rouse
Rucker
Ryan
Sabath
Sanders, Ind.
Sanders, N. Y.
Schall
Scott, Mich.
Sears
Shelton
Shreve
Siegel
Sinclair
Sisson
Slemp
Smith, Mich.
Snell
Snyder
Stafford
Stephens
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Sumners, Tex.
Sweet
Tague
Taylor, N. J.
Temple
Ten Eyck
Thompson
Tilson
Tincher
Tinkham
Treadway
Tucker
Tyson
Underhill
Upshaw
Vare
Vinson
Voigt
Volk
Ward, N. Y.
Ward, N. C.
Wason
Watson
Weaver
Webster
White, Kans.
White, Me.
Williams, Ill.
Williamson
Winslow
Wise
Wood, Ind.
Woodruff
Woods, Va.
Woodyard
Wright
Wurzbach
Young

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. McArthur (for) with Mr. Jacoway (against).

Mr. Kahn (for) with Mr. Cantrill (against).

Mr. Thompson (for) with Mr. Tague (against).

Mr. Cramton (for) with Mr. Carter (against).

Mr. Burton (for) with Mr. Oldfield (against).

Mr. Langley (for) with Mr. Clark of Florida (against).

Mr. Snyder (for) with Mr. Overstreet (against).

Mr. Mondell (for) with Mr. Garrett of Tennessee (against).

Mr. Appleby (for) with Mr. Harrison (against).

Mr. Lineberger (for) with Mr. Kunz (against).

Mr. A. P. Nelson (for) with Mr. Sears (against).

Mr. Bacharach (for) with Mr. Humphreys (against).

Mr. Olpp (for) with Mr. O'Brien (against).

Mr. Siegel (for) with Mr. Barkley (against).

Mr. Madden (for) with Mr. Byrnes of South Carolina (against).

Mr. Perkins (for) with Mr. Johnson of Mississippi (against).

Mr. Morin (for) with Mr. Collins (against).

Mr. Reed of New York (for) with Mr. Griffin (against).

Mr. Vare (for) with Mr. Pou (against).

Mr. Beck (for) with Mr. Rainey of Illinois (against).

Mr. Shreve (for) with Mr. Gallivan (against).

Mr. Larson of Minnesota (for) with Mr. Hawes (against).

Mr. Kennedy (for) with Mr. Bell (against).

Mr. Griest (for) with Mr. Sisson (against).

Mr. Watson (for) with Mr. Byrns of Tennessee (against).

Mr. Johnson of South Dakota (for) with Mr. Johnson of Kentucky (against).

Mr. Funk (for) with Mr. Rucker (against).

Mr. Butler (for) with Mr. Goldsborough (against).

Mr. Connolly of Pennsylvania (for) with Mr. Connally of Texas (against).

Mr. Dallinger (for) with Mr. Stoll (against).

Mr. Patterson of New Jersey (for) with Mr. Collier (against).

Mr. Rhodes (for) with Mr. Crisp (against).

Mr. Luce (for) with Mr. Rainey of Alabama (against).

Mr. Krieder (for) with Mr. Woods of Virginia (against).

Mr. Frear (for) with Mr. Tucker (against).

Mr. Coughlin (for) with Mr. Dupré (against).

Mr. Paige (for) with Mr. Dominick (against).

Miss Robertson (for) with Mr. Ten Eyck (against).

Mr. Fordney (for) with Mr. Hooker (against).

Mr. Fess (for) with Mr. Mansfield (against).

Mr. Hicks (for) with Mr. Logan (against).

Mr. Dyer (for) with Mr. Lowrey (against).

Mr. Ackerman (for) with Mr. Upshaw (against).

Mr. Tincher (for) with Mr. Sumners of Texas (against).

Mr. Brooks of Pennsylvania (for) with Mr. Lyon (against).

Mr. Gernerd (for) with Mr. Doughton (against).

Mr. Gahn (for) with Mr. Ward of North Carolina (against).

Mr. Burdick (for) with Mr. McDuffie (against).

Mr. Brennan (for) with Mr. Fields (against).

Mr. Focht (for) with Mr. Bulwinkle (against).

Mr. Snell (for) with Mr. Oliver (against).

Mr. Taylor of New Jersey (for) with Mr. Bland of Virginia (against).

Mr. Volk (for) with Mr. Raker (against).

Mr. Fish (for) with Mr. Cullen (against).

Mr. Kiess (for) with Mr. McSwain (against).

Mr. Bixler (for) with Mr. Wright (against).

Mr. Burroughs (for) with Mr. Larsen of Georgia (against).

Mr. Hutchinson (for) with Mr. Sullivan (against).

Mr. Lee of New York (for) with Mr. Lee of Georgia (against).

Mr. Henry (for) with Mr. Cockran (against).

Mr. Graham of Pennsylvania (for) with Mr. Box (against).

Mr. Radcliffe (for) with Mr. Gilbert (against).

Mr. Strong of Pennsylvania (for) with Mr. Sabath (against).

Mr. Wason (for) with Mr. Blanton (against).

Mr. Longworth (for) with Mr. Stevenson (against).

Mr. Mann (for) with Mr. Montague (against).

Mr. Montoya (for) with Mr. Tyson (against).

Mr. Curry (for) with Mr. Brand (against).

Mr. Codd (for) with Mr. Weaver (against).

Mr. Bowers (for) with Mr. Deal (against).

Mr. Graham of Illinois (for) with Mr. Kindred (against).

Mr. Lehlbach (for) with Mr. Wise (against).

Mr. Newton of Missouri (for) with Mr. Briggs (against).

Mr. Osborne (for) with Mr. Linthicum (against).

Mr. Rose (for) with Mr. London (against).

Mr. Sinclair (for) with Mr. Vinson (against).

Mr. Fitzgerald (for) with Mr. Fulmer (against).

Mr. Edmonds (for) with Mr. Mead (against).

Mr. Darrow (for) with Mr. Hammer (against).

Mr. Cooper of Ohio (for) with Mr. Kitchin (against).

Mr. Stephens (for) with Mr. Jeffers of Alabama (against).

Mr. Voigt (for) with Mr. Campbell of Pennsylvania (against).

Mr. JACOWAY. Mr. Speaker, I am paired with the gentleman from Michigan [Mr. McLAUGHLIN]. Therefore I wish to be recorded as present.

The result of the vote was announced as above recorded.

Accordingly (at 12 o'clock and 27 minutes p. m.) the House adjourned until Thursday, September 7, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LANGLEY: Committee on Public Buildings and Grounds. S. 3721. An act providing for the erection of additional suitable and necessary buildings for the National Leper Home; without amendment (Rept. No. 1205). Referred to the Committee of the Whole House on the state of the Union.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COPLEY: A bill (H. R. 12564) for the relief of S. K. Truby; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 12565) granting a pension to Ella Clark Shoecraft; to the Committee on Invalid Pensions.

By Mr. SPEAKS: A bill (H. R. 12566) granting a pension to Mary M. Maynard; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A resolution (H. Res. 423) to pay Harry Norman Fleming $1,200 for extra and expert services to the Committee on Pensions; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6273. By Mr. ANSORGE: Petition of Julius Loewith (Inc.) of New York City, opposing tariff on imported live game; to the Committee on Ways and Means.

6274. By Mr. JOHNSON of Washington: Petition of United Spanish War Veterans, Department of Washington and Alaska, favoring a constitutional amendment abolishing child labor; to the Committee on the Judiciary.

6275. Also, petition of United Spanish War Veterans, Department of Washington and Alaska, favoring retention in the military service of Chaplain George R. Longbrake, United States Army; to the Committee on Military Affairs.

6276. Also, petition of United Spanish War Veterans, Department of Washington and Alaska, favoring a memorial day legal holiday; to the Committee on the Judiciary.

6277. Also, petition of Tacoma Advertising Club, Tacoma, Wash., indorsing punishment of the massacre at Herrin, Ill.; to the Committee on the Judiciary.

6278. By Mr. KISSEL: Petition of United States Sugar Association, New York City, N. Y., opposing the Senate tariff rate on sugar; to the Committee on Ways and Means.

6279. Also, petition of Mr. James O'Keefe, of Brooklyn, N. Y., regarding wages for policeman at the supply depot; to the Committee on Naval Affairs.

6280. Also, petition of the National Industrial Traffic League, Chicago, Ill., regarding the strike situation; to the Committee on Labor.

SENATE.

THURSDAY, *September 7, 1922.*

Rev. Wallace Radcliffe, D. D., of the city of Washington, D. C., offered the following prayer:

Almighty God, in this hour we remember Thy Fatherhood. It is our joy and crown. We thank Thee for the multitude of Thy mercies, new every morning and fresh every moment. We pray for Thy blessing upon the United States Senate, now lawfully convened. Replenish them with the gifts of Thy Holy Spirit. Keep them this day in health and comfort. Deliver them from the machinations of bad men. Guide them in all ways that shall be in Thy wisdom through Thy favor. Endow them with Thy wisdom that is from above, and so use them that their work may be a benediction to their fellowmen and to the honor of Thy name. Bless our land and rebuke all mischief, all selfishness, all hatred. In all our borders let Thy favor abide. Bring abundant harvests and establish righteousness and peace as a blessing to the land and to the glory of Thy name. For Jesus' sake. Amen.

CALL OF THE ROLL.

Mr. UNDERWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Bursum
Calder
Capper
Culberson
Cummins
Curtis
Dial
Dillingham
du Pont
Ernst
Fletcher
Gooding
Harreld
Heflin
Jones, Wash.
Kellogg
Lenroot
McCumber
McLean
McNary
Nelson
New
Nicholson
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Robinson
Sheppard
Smith
Smoot
Sterling
Sutherland
Trammell
Underwood
Walsh, Mass.
Warren
Watson, Ga.
Watson, Ind.
Williams

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absent Members.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

King
Simmons

The following Senators entered the Chamber and answered to their names:

France
Myers
Shields
Shortridge
Stanfield
Stanley

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE COAL SITUATION—MESSAGE OF GOVERNOR MILLER.

Mr. CALDER. Mr. President, I request permission to insert in the RECORD of to-day's proceedings, in regular RECORD type, Governor Miller's recent message to the New York State Legislature urging the enactment of laws that would assure to the people of that State a fair and equitable distribution of coal during the coming winter. Inasmuch as we are to-day discussing coal legislation, it seems to me timely that the message of Governor Miller, which is such a complete elucidation of the subject, should be printed in the RECORD for the information of the Senate and the country.

There being no objection, the message was ordered to be printed in the RECORD in 8-point type, as follows:

GOVERNOR MILLER'S MESSAGE.

The message of the governor convening the legislature was as follows:

"*To the Legislature:*

"Industrial disputes, impairing transportation and suspending the production of both anthracite and bituminous coal, recently threatened the paralysis of industry and now threaten widespread distress next winter from a shortage of domestic fuel.

"A few have set their wills above the public will, their selfish purposes above the interest of all. Winter approaches, a coal famine stares the people in the face, threatening acute distress among those least able to provide for themselves, but the dispute goes on.

"The disputants are too intent on carrying their points to consider the public welfare which it is the high function of government to promote.

"A nation-wide industrial dispute involving essential industries verges on revolution, and in fact is the method advocated by those who plot revolution, of whom there are still unfortunately too many in this country. Such a dispute, irrespective of its merits, is revolutionary, because it subordinates the general interest to the selfish interests of a few. It is subversive of free government because it subjects all the people to the tyranny of a few, and a government established to promote the general welfare can not tolerate the tyranny of any interest, group, or individual and endure. When the health, happiness, and welfare of all the people are placed in jeopardy, no matter how, the Government, to whom alone the public can look at such a time, must intervene, not alone to safeguard the public health and general welfare at the moment, but, if it is to accomplish its high purpose, to prevent a recurrence of similar jeopardy. The time for such intervention has now arrived.

"Emergencies may require the exercise by the Government of unusual powers, even limiting the freedom of individual action, but individual interest is subordinate to the general interest which must be supreme at all times. The individual has to surrender some liberty of action to preserve any. The extent of the public need is the measure of the surrender required, and of that the legislative authority, in the first instance at least, is the judge. I have therefore convened the extraordinary session to ask consideration of the measures which the State of New York may take to protect the public health and promote the general welfare in the present emergency.

"Happily, the resumption of mining in the bituminous fields has averted the threatened national calamity from the suspension of industry. The shortage of bituminous coal promises to be speedily relieved if the railroads are able to transport it. The menace at the moment arises from the shortage of anthracite coal. There are no stocks of anthracite anywhere, and surveys so far made indicate that there is less than the usual amount in the hands of consumers. Five months of production have already been lost and can not be made up, as, unlike the bituminous situation, the capacity of the anthracite mines is but little above the consumption of the country mostly during the winter months. The summer is the time for the accumulation of supplies for the winter. The summer production has been lost and the resumption of mining is not yet in sight. If production were resumed to-morrow the situation would probably be aggravated by the impairment of railroad equipment which will soon be taxed to move the crops.

"Whatever happens there is bound to be a shortage of domestic fuel and every day's delay in the resumption of mining now adds in increasing ratio to the menace. There is bound to be such a shortage as to require rationing to insure every one a fair share of what there may be. Hoarding and gouging always attendant upon a shortage must be prevented. In any case unless the State intervenes those who can pay most will be served first, whereas the least able must be our first concern, for they are totally unprepared to cope with a fuel shortage. We must practice rigid economy. That may have to be enforced. Those who have anthracite coal should have it all for severe weather. It will be easier to use substitutes now and during the cold snaps of fall and early winter than after cold weather sets in. Oil, gas, and electricity should be substituted for anthracite whenever possible and people should equip themselves with the facilities to use them.

"Wood will have to be used by those who can procure it and it is well to lay in a stock now. There promises to be enough bituminous coal if it can be transported to care for the needs of industry and the public utilities and we must learn how to use it for domestic fuel. Hydroelectric energy may have to be diverted from industrial to household uses. Light, heat, and power, however produced, may have to be regulated and their use possibly curtailed for some purposes. In a word, the State must intervene or leave the public to shift for themselves in a situation which has got beyond the operation of economic law or the power of individual action. The State must intervene in an emergency or confess that, except under normal conditions, it has not the power, the capacity, or the energy to serve the high purpose of its creation, i. e., the promotion of the general welfare.

"The foregoing suggestions relate only to palliatives—to measures of relief, not cure, but the State of New York has no coal to mine. It can neither start production now nor take measures to prevent a general suspension of production in the future. We can not even insure the receipt of our fair share of coal when mining is resumed, though we must be prepared to do our best to get our share. I trust that when mining is resumed the States will not have to compete for their fair share of coal with the inevitable inflation of prices and derangement of distribution consequent upon such competition at a time of an acute shortage, but it is beyond the power of this State to prevent that. If we do all we can we shall have the satisfaction at least of doing our best whatever happens and we can do much to prevent hardship and relieve distress even if the worst should happen.

"Briefly, I recommend the creation of a single-headed fuel administration with adequate power to supervise, regulate, and control the distribution, use, sale, and price of all fuel, and the creation of a revolving fund of at least $10,000,000 for the use of the administrator to finance any operations that may be required and to buy and sell fuel if necessary. Such operations should be conducted without loss to the treasury, which is fortunately in a condition to advance that amount or any additional sum that may be required. That sum should be ample, however, to provide all the financing required at a given time.

"I think it would be a grave mistake to attempt to substitute new for existing agencies of distribution, and I trust that supervision only will be required. But it is better not to interfere at all than to attempt interference without adequate power and energy, the possession of which may in fact make it possible to exercise a minimum of unusual powers.

"Perhaps the most doubtful powers suggested are those to buy and sell fuel and to fix prices or margins of profit. Such powers are not suited to normal times and conditions, but we are dealing with an emergency. I do not intend any reflection upon either producers or distributors, but the public can not be left to the mercy of any class, group, or individual however good their motives. Price fixing is contrary to all economic laws, but economic laws do not operate in an emergency such as we are dealing with. I am not unmindful of the objections to grants of extraordinary power by the legislature. The exercise of such powers begets the habit and accustoms the people to dangerous innovations. Such powers will rarely in the first instance be granted, except for a good purpose; but once exercised in time of emergency, they set the example and furnish the excuse for the demagogue to incite popular clamor for their continued exercise when there is no emergency and no occasion for them. It is often better to suffer temporary ills than to employ remedies which may do permanent harm. However, the Government should not in an emergency be left impotent to protect the very lives of the people for fear of setting a precedent which may be abused. Our reluctance to grant extraordinary powers should yield, precisely as constitutional limitations upon the exercise of such power yield, to compelling public necessity. I do not contemplate putting the State in the coal business. What I propose is that the agency created by us shall have power enough to make it unnecessary for the State to go into the coal business.

"The decisions of the Court of Appeals and of the United States Supreme Court in the so-called rent or housing cases appear to remove any doubt of the constitutional validity of the legislation proposed: People *v.* La Fetra (230 N. Y. 429); Levy *v.* Siegel (230 N. Y. 634); Block *v.* Hirsch (256 U. S. 135); Brown Co. *v.* Feldman (256 U. S. 170).

"Those cases involved both the fifth and fourteenth amendments of the Federal Constitution and similar provisions of the State constitution to which the exercise of the police power to protect the public health and promote the general welfare was held to be superior. The present emergency directly involves the public health and the general welfare. The temporary interruption of transportation due to terminal conditions in New York Harbor has on two occasions within recent years created conditions from lack of fuel in the tenement districts of New York, which no one can calmly contemplate having repeated on a larger scale. The courts have held that Government is not impotent in such an emergency and it is for us who are charged with responsibility to demonstrate its capacity to protect its citizens.

"I am submitting to you the single question of how to deal with the impending emergency due to a shortage of fuel because I deem that of paramount importance at the moment, and do not think the consideration of it should be embarrassed by extraneous subjects. This will enable you to consider the measures suited to the emergency, irrespective of whether they relate to State or municipal power. The present emergency is State-wide and must be dealt with as such by a single State agency, which will naturally have local representatives and possibly advisory committees in every locality and will cooperate with the mayors' committees and local organizations and agencies, and I trust will receive their cooperation as well as the hearty cooperation of the public. In the present emergency all must unite for the common purpose of promoting the general welfare.

"If anthracite mining is speedily resumed and if we are then favored with maximum production, maximum transportation service, and a mild winter we shall squeeze through without serious discomfort. If we are not thus favored the public may have to submit to some discomforts, but, in any case, I trust that if we make the maximum use of all our resources equitably distributed we shall be able to avert serious distress. At any rate, we can do no more than to create a suitable agency, backed by the power and resources of the State, and in the present emergency I do not think we can safely do less."

PETITION AND MEMORIAL.

Mr. WARREN presented resolutions of the Laramie (Wyo.) Council of Industry, favoring the sustaining of the United States Supreme Court decree relative to the divorcement of the Central Pacific Railway from the Southern Pacific Co., which were referred to the Committee on Interstate Commerce.

Mr. SHEPPARD presented a telegram in the nature of a memorial from the Federated Shop Crafts, of Dallas, Tex., remonstrating against the issuance of the temporary injunction in the present railway strike, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BURSUM, from the Committee on Pensions, to which was referred the bill (S. 3540) fixing the fees of the examining surgeons in the Bureau of Pensions, reported it without amendment and submitted a report (No. 907) thereon.

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 6863) granting to certain claimants the preference right to purchase unappropriated public lands in the State of Arkansas, reported it without amendment and submitted a report (No. 908) thereon.

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the resolution (S. Res. 336) authorizing the Committee on Agriculture and Forestry to investigate all matters relative to the supply, demand, and marketing of cotton, reported it with an amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD (by request):

A bill (S. 3984) for the relief of the heirs of George S. Thebo; to the Committee on Indian Affairs.

By Mr. KING:

A bill (S. 3985) to declare the existence of a national emergency in the mining of coal and its transportation in interstate commerce and prohibiting practices which are pursued for the purpose of manipulating the prices of coal; to the Committee on the Judiciary.

A bill (S. 3986) to transfer to the Federal Farm Loan Board the powers, duties, and functions, and the assets, funds, securities, and liabilities of the War Finance Corporation; to provide for the discount of negotiable paper representing debts incurred for agricultural purposes or uses or for the raising of live stock; and to promote the orderly marketing of agricultural products to accommodate the normal and current demand for consumption of such products in the United States; to the Committee on Finance.

AMENDMENT OF LIBERIAN LOAN JOINT RESOLUTION.

Mr. BORAH submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia; which was ordered to lie on the table and to be printed.

FEDERAL RESERVE BOARD INVESTIGATION.

Mr. HEFLIN. Mr. President, I send to the Secretary's desk a resolution which I ask to have read and considered at the present time.

Mr. CURTIS. Let the resolution be read for the information of the Senate.

The PRESIDENT pro tempore. The resolution offered by the Senator from Alabama will be read.

The reading clerk read the resolution (S. Res. 344) as follows:

Whereas it has been charged in the Senate that while deflation was being conducted under the direction of Governor Harding of the Federal Reserve Board that he permitted the Federal reserve bank officials of the regional bank of New York City to appropriate out of the earnings of that bank, 60 per cent of which belonged to the Federal Government, more than $20,000,000 for the purpose of erecting a Federal reserve bank building in the city of New York; and

Whereas that amount of money is more than it cost the Government to build the Capitol of the Nation, the House and Senate marble office buildings, and the State, War, and Navy Building, all four of them; and

Whereas it has been charged in the Senate that the said Governor Harding permitted the officials of the Federal Reserve Bank of New York City to use the tremendous earnings made during the period of drastic deflation to greatly increase their salaries and the salaries of the clerks and agents of said banks, increasing clerks' salaries from $1,200 to $12,000, from $1,600 to $16,000, and from $1,800 to $18,000; and

Whereas it has been charged in the Senate that the said Governor Harding permitted the bank officials of the 12 Federal reserve banks to increase their salaries for the year ending June, 1922, over the salaries paid for the year 1918 more than $15,000,000; and

Whereas that increase alone is three times as much money as it costs the Government of the United States to pay the annual salaries of the Vice President and the Speaker of the House, all the Members of both branches of Congress, all the members of the Supreme Court of the United States, the President and his Cabinet, the members of the Federal Trade Commission, the Interstate Commerce Commission, the General of the Army, and the Admiral of the Navy; and

Whereas neither the then governor of the Federal Reserve Board, W. P. G. Harding, nor the officials of the Federal reserve banks have denied said charges; and

Whereas the failure to challenge and disprove these grave and serious charges has had the effect of creating in the public mind apprehensions and suspicions of a serious nature regarding the alleged conduct of said officials in these matters; and

Whereas the allegations in said charges involving the wanton extravagance with, and the brazen misuse of, funds belonging in part to the Federal Government are of such a character as to call for an investigation on the part of the Senate: Therefore be it

Resolved, That a committee of nine Senators, composed of Democrats and Republicans, five from the majority party, and four from the minority, be appointed by the Vice President to investigate and report on said charges, and said committee is hereby authorized and empowered to summon and compel the attendance of witnesses upon said investigation, and to pay the expenses incurred out of the contingent fund of the Senate.

Mr. CURTIS. Mr. President, I ask that the resolution go over under the rule.

Mr. HEFLIN. Mr. President, I wish to suggest to the Senator from Kansas that this resolution involves a very important matter. It contains three very grave charges. The Senate may not be in session for more than a couple of weeks, and the Senate and the country are entitled to know whether or not the money of the Government is being squandered by the Federal Reserve Board in the manner indicated in the resolution.

Mr. CURTIS. I agree with the Senator from Alabama with reference to that matter, but no member of the Banking and Currency Committee of the Senate is now present. There are a great many whereases in the resolution, and I think it should go over until other Senators may have an opportunity to read and consider it. I therefore object to the present consideration of the resolution.

The PRESIDENT pro tempore. The Chair desires to observe that, in any event, the resolution must at some time be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CURTIS. My understanding is that under the rule the resolution goes over until to-morrow.

The PRESIDENT pro tempore. The resolution will go over until to-morrow upon objection.

Mr. CURTIS. I object to the present consideration of the resolution, and ask for the regular order.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that September 6, 1922, the President approved and signed the following acts:

S. 813. An act to authorize the Commissioners of the District of Columbia to close upper Water Street between Twenty-first and Twenty-second Streets NW.; and

S. 2597. An act to amend an act entitled "An act to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys of the District of Columbia," approved September 25, 1914.

ORDER OF BUSINESS.

The PRESIDENT pro tempore. Morning business is closed.

Mr. CURTIS. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar, beginning where the Senate left off when the calendar was last under consideration, and continue the consideration of such bills until 2 o'clock to-day.

The PRESIDENT pro tempore. Is there objection?

Mr. KELLOGG. Mr. President, what is the object in not proceeding with the consideration of the coal bill?

Mr. CURTIS. If I might say so, I have consulted with the chairman of the committee who has charge of that bill and he said that he would like to have it go over until 2 o'clock.

Mr. KELLOGG. As the chairman of the committee desires that the bill shall go over until 2 o'clock, I have nothing further to say; but if there is some reasonable necessity for passing the bill, action upon it should not be delayed. I should like to read to the Senate a few letters which I have received this morning in reference to the price of coal, which is now running from $10 and $11 to $12 a ton at the mines.

Mr. CURTIS. I have stated to the Senator from Minnesota that I made my suggestion that the coal bill go over until 2 o'clock at the request of the chairman of the committee. If the Senator from Minnesota wishes to object to my request, let him object.

Mr. KELLOGG. I shall not object, of course. If the Senators desire that the bill shall go over and fool along with it, they may follow that course; but I think the bill ought to be passed. What is going on to-day at the mines is an outrage. The demand is being made that public utilities pay $11 and $12 a ton for coal. They are denouncing such prices, and are saying that they will go bankrupt if such prices are to prevail. Other consumers are also protesting.

Mr. CURTIS. I withdraw my request.

Mr. KELLOGG. I do not ask the Senator from Kansas to withdraw it.

Mr. CURTIS. I withdraw it.

Mr. STANFIELD. Mr. President——

The PRESIDENT pro tempore. The calendar under Rule VIII is in order.

Mr. STANFIELD. I should like to ask unanimous consent to report three bills from the Public Lands Committee.

The PRESIDENT pro tempore. Without objection, the reports will be received out of order.

Mr. KELLOGG. I object. I ask that the Senate go ahead with the coal bill.

Mr. LENROOT. Then the Senator from Minnesota had better move that the bill be taken up.

Mr. KELLOGG, Mr. FLETCHER, and Mr. HEFLIN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Minnesota.

Mr. KELLOGG. Mr. President——

Mr. LENROOT. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Wisconsin will state his parliamentary inquiry.

Mr. LENROOT. What is the question before the Senate?

The PRESIDENT pro tempore. There is now nothing before the Senate. The regular order is the calendar under Rule VIII.

Mr. LENROOT. I ask unanimous consent that the coal bill may be laid before the Senate.

Mr. FLETCHER. Mr. President, before that is done, I should like to say that the Senator from Oregon [Mr. STANFIELD], from the Public Lands Committee, desires to report two or three bills which have been pending for some time and to which there can be no objection. Two of the bills pertain to matters in the State of Florida. The Senator from Oregon is here ready to submit the reports, and has asked that he be permitted to do so. The bills can be disposed of in a couple of minutes, and I ask the Senator from Wisconsin to withhold his request for a moment and let the reports be made, and the bills to which I have referred be acted upon.

Mr. KELLOGG. To what reports does the Senator from Florida refer?

Mr. FLETCHER. To reports from the Public Lands Committee respecting two matters in the State of Florida, which are purely local in character, and will not take more than a minute of the time of the Senate.

Mr. KELLOGG. I have no objection to that if it does not lead to debate.

Mr. LENROOT. Mr. President, I do not think it is fair to other Senators upon the floor to make an exception in the case suggested by the Senator from Florida. We shall have an opportunity to take up the calendar when the pending business is disposed of. I think we ought to get right at the important piece of legislation which is now pending.

Mr. FLETCHER. I agree with the Senator as to that. I have no desire to delay the pending measure.

Mr. LENROOT. But other Senators would have the same right as the Senator from Florida to ask for the consideration of bills.

Mr. FLETCHER. The Senator from Oregon [Mr. STANFIELD] has been busy at the committee hearings; he hurried over here in order to submit the reports, but arrived just after the order of presentation of reports of committees had been closed.

Mr. LENROOT. I have no objection to the reports being presented.

Mr. KELLOGG. Mr. President, have I the floor?

The PRESIDENT pro tempore. The Senator from Wisconsin [Mr. LENROOT] has asked unanimous consent that the Senate proceed to the consideration of what is ordinarily known as the coal bill, and the Chair inquires whether there is objection.

Mr. FLETCHER. I want to ask the Senator if he will not allow the reports to which I have referred to be made.

Mr. LENROOT. Let us get the coal bill before the Senate first.

Mr. SMITH. Mr. President, I should like to make an inquiry. If we proceed with the consideration of the coal bill is it the intention that we shall have this week, if possible, a day on which we may proceed to the consideration of bills on the calendar?

Mr. CURTIS. I announced day before yesterday that later in the present week, or next week, I would ask for a day to be devoted to the consideration of bills on the calendar, but it is desired first to dispose of the two coal bills, if that may be done.

Mr. SMITH. The reason why I make the inquiry is because I have a resolution to offer which I do not suppose it will take long to consider and dispose of. I did not care to bring it up to embarrass the pending measure, and if we are going to complete that measure let us complete it.

Mr. LENROOT. I think we can pass both the coal bills to-day.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin?

Mr. FLETCHER. Mr. President, I do not want to make objection; I want to go on with the coal bill, but I again ask the Senator to allow the two local measures in reference to the State of Florida to be reported and considered. I think they can be disposed of in a very short time.

Mr. LENROOT. Let the coal bill be laid before the Senate and then the Senator can ask unanimous consent to take up the bills to which he has referred, and I will not object to that.

Mr. FLETCHER. Very well.

DISTRIBUTION AND SALE OF COAL.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin that the Senate proceed to the consideration of House bill 12472? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

LANDS IN THE STATE OF FLORIDA.

Mr. KELLOGG. Mr. President——

Mr. FLETCHER. Mr. President, will the Senator from Minnesota yield for a moment in order that reports may be submitted on the bills to which I have referred and the bills may be acted upon? It will not take more than a moment or two.

Mr. KELLOGG. I yield for that purpose.

Mr. STANFIELD. From the Committee on Public Lands I ask unanimous consent to report favorably three bills.

The PRESIDENT pro tempore. Without objection, the reports will be received.

Mr. STANFIELD. From the Committee on Public Lands I report back favorably with amendments the bill (S. 3641) to grant and confirm to the State of Florida title in and to sections 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, and for other purposes, and I submit a report (No. 905) thereon.

Mr. FLETCHER. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 7, before the word "mineral," to strike out "now known or believed to be"; in line 8, after the word "not," to strike out "now," and in the same line, after the word "occupied," to insert "on May 27, 1922," so as to make the bill read:

> *Be it enacted, etc.*, That all the unsurveyed sections 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, under the provisions of the act of September 28, 1850, Ninth Statutes at Large, page 519, embracing the so-called Everglades, not mineral in character, and not occupied on May 27, 1922, by bona fide settlers under the homestead law, be, and the same are hereby, reserved, granted, and confirmed to the State of Florida for the benefit of public schools as though the official surveys had been extended over such lands.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. STANFIELD. From the Committee on Public Lands I also report back favorably, without amendment, the bill (H. R. 8763) validating and confirming a certain indemnity school-land selection of the State of Florida, and I submit a report (No. 906) thereon.

Mr. FLETCHER. I also ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

> *Be it enacted, etc.*, That the following Florida indemnity school-land selection be, and the same is hereby, validated and confirmed, notwithstanding its inclusion within an abandoned military reservation, and the Secretary of the Interior is authorized to approve the same to the State of Florida, if the selection list is in all respects regular and accompanied by the necessary fees: Gainesville, 016649, filed May 1, 1920, covering the southwest quarter of the northwest quarter of section 28, township 54 south of range 42 east, Tampa meridian, Florida, 40 acres.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRIBUTION AND SALE OF COAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. KELLOGG. Mr. President, we listened all day yesterday to the arguments of the Senators from certain coal States, and other Senators who wanted some contracts fulfilled, that there ought to be no preference as to the furnishing of cars between those demanding an exorbitant price for coal and those demanding a reasonable price.

The amendment which was before the Senate provided as follows:

> Nor shall car service be denied to any person or corporation because of any prices named in any such preexisting contract.

Now, I want to show the Senate the kind of contracts that coal speculators are making, and the kind of contracts that these Senators wish to protect. I have some letters here. They are a few picked out of a large bundle of letters, hundreds of which are coming in daily, about the coal situation.

Here is a letter from Charleston, W. Va., dated August 28, 1922, written by the Kanawha Valley Coal Co. to the E. A. Poe Brick Co., Fayetteville, N. C.:

> GENTLEMEN: Referring to your letter of the 17th.
>
> Due to the scarcity of coal, we are not screening anything now, but can let you have a couple or three cars of good ROM—

That is not "rum." That is "run-of-mine" coal, I think—

> in box cars for prompt shipment on basis of $7 per net ton f. o. b. mines, cash with order. The boxes will contain about 40 tons each.
>
> Please advise promptly if you want shipment made.
>
> At your service,
>
> KANAWHA VALLEY COAL CO.,
> By O. J. COX, *President.*

At the bottom is written in red—I suppose intended to be written in blood—"Coal is cash."

That is the kind of letters we are getting from West Virginia and from Kentucky, and these are the men who want their contracts fulfilled, and want to force the Interstate Commerce Commission to get them cars in preference to the honorable, reasonable mine operators who are willing to ship their coal at a fair profit. I want the Senate to understand this.

Here is a telegram from Paducah, Ky.:

> Notwithstanding the acceptance July 28 of your coal price by west Kentucky coal operators, we are to-day asked $10.50 at mines for slack coal. Coal operators now claim that you have failed to set price. This for your information and relief. If it is a fact that you have not set price to be charged, we trust you will demand that slack coal be sold at a *materially* lower price than mine run and lump. Public utilities will be bankrupt even at $3.50 per ton at mines.
>
> PADUCAH WATER CO.

Now they are asking $10 a ton for slack at the mine in Kentucky! That is another telegram from a public utility.

Here is one from Savanna, Ill., addressed to John C. McKenzie, Rock Falls, Ill.:

> In order that you may know the true condition existing in Savanna and territory served by us and how well the Hoover agreement is working relative to coal situation: We are quoted $12 mines on western Kentucky screenings which should be normally about $1.50. Freight rate approximately $3. This is absolutely prohibitive for us, and unless the situation is relieved soon this company will be compelled to shut down both gas and electric, which will cause flooding 3,000 acres of tilled land and Chicago, Milwaukee & St. Paul Railway Co. will be unable to procure water for their locomotives, shops, and roundhouses at this terminal point. We understand the principal cause of this shortage of coal is railroad congestion in western Kentucky. Can not something be done to relieve the situation.
>
> PEOPLES GAS & ELECTRIC CO.

In reply to that, to relieve the situation, Senators are offering amendments to this bill to compel the railroad companies to give cars to fulfill that kind of a contract! If the Senators want to do that, I want them to do it with their eyes open.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from Minnesota yield to the Senator from South Carolina?

Mr. KELLOGG. Yes; I yield to the Senator.

Mr. DIAL. I have an amendment pending relative to the furnishing of cars for coal under contract, and I presume the Senator includes me along with others.

Mr. KELLOGG. I do.

Mr. DIAL. I think perhaps we can obviate some of this trouble and expedite a vote on this bill if the Senator will allow me to suggest another amendment.

Mr. KELLOGG. I will allow the Senator to offer his amendment when I get through with my remarks. I will not yield for that purpose at this time. If the Senator wishes to withdraw his amendment, I will yield for that purpose.

Mr. DIAL. No; I do not expect to withdraw it, but I wanted to offer an amendment to the amendment which would limit the price of coal, and that perhaps would meet the Senator's objection.

Mr. KELLOGG. I shall be glad if the Senator will wait until I get through with my remarks.

Mr. DIAL. Very well.

Mr. KELLOGG. The Senator then can offer all the amendments he pleases.

Here is another telegram:

> CHICAGO, ILL., *August 25, 1922.*
>
> AMERICAN PUBLIC UTILITIES CO.,
> *Grand Rapids, Mich.:*
>
> Offer you 25 cars American Eagle Cedar Grove Seam West Virginia mine run $6.25 net ton mines. Prompt shipment. Advise if interested.
>
> FORT DEARBORN COAL CO.

Those are West Virginia reasonable prices!

Here is a telegram from the Alleghany Coal Corporation:

> RICHMOND, VA., *August 24, 1922.*
>
> WHITE FURNITURE CO.,
> *Mebane, N. C.*
>
> GENTLEMEN: Replying to yours 23d inst.
>
> We quote you for prompt shipment in box cars the following coals, subject to immediate wire acceptance upon receipt of this letter and prior sale of coal offered, viz:

	Mines.
New River or Pocahontas ROM	$7.90
Kanawha or Thacker ROM	6.90
Upper Banner mine run	6.90

> Very truly yours,
>
> ALLEGHANY COAL CORPORATION,
> E. S. CULLEN,
> *President and General Manager.*

Here is another letter, dated August 4, 1922, a little earlier; but I have a whole bundle of them here if Senators are interested in them. This is dated Detroit, August 4, to the Holland Furniture Co., Holland, Mich. This is from the Evans Coal Co., evidently one of these dealers in coal who bought coal to resell:

> We have your favor of August 3, and in reply beg to state that we can offer you our Kentucky or West Virginia mine-run coal at $9 per net ton f. o. b. cars mines.

There is another gentleman who has made some contracts for coal, and he is one of the kind of men hanging around the lobbies here, seeking to have the Senate put on an amendment that there shall be no discrimination in the use of cars for the delivery of coal on account of the contract price!

He says further:

> If you are in need of coal, we would advise your taking advantage of our offer, as we believe the coal we now have en route will be the last we will have for some time to come, as all coal now being mined is either going to the railroads or public utilities under Government orders.

That is not true. He knew it was not true when he wrote it.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. KELLOGG. Yes; I yield to the Senator.

Mr. REED of Pennsylvania. Does the Senator think that the bill he is advocating can reach a dealer in Michigan who is selling to a consumer in Michigan, such as his letter would indicate?

Mr. KELLOGG. This dealer in Michigan was advertising this coal f. o. b. the cars in West Virginia and Kentucky, to be shipped to Michigan; and if the Federal Government can not reach that, I want to know the reason why.

Mr. WATSON of Indiana. What price was it?

Mr. KELLOGG. Nine dollars a ton f. o. b. cars, net.

Here is another telegram from the Ohio & Kentucky Coal Co. It is headed "Coal! Coal! Coal! Coal!" in four places, for fear the purchaser would not see it:

> We have car numbers, 25 cars straight run-of-mines coal; originates southeastern Kentucky on Southern Railway, now en route Cincinnati, taking regular freight rate. We offer you any part of these 25 cars at $7.50 per ton f. o. b. mines. Terms, 50 per cent cash on receipt of bills of lading, balance upon receipt of invoices. Wire quick if can use, as this offer is subject to prior sale.
>
> Buy your coal now.

That is another coal dealer who has contracts for coal.

Here is a letter from the Delano Coal Co. (Inc.), Philadelphia. This is written to the Colebrookdale Iron Co., Pottstown, Pa.:

> GENTLEMEN: Acknowledging receipt of your favor of the 11th instant, asking us to ship you a car of Vinton smokeless run-of-mine coal at $4.50, regret very much to say the Vinton people are asking us to quote $8.50 per net ton f. o. b. cars mines, subject to prior sale on their coal.
>
> If you wish us to ship you a car at this price kindly advise and we will get it off for you.
>
> Very truly yours,
>
> W. KISHBAUGH,
> *Vice President.*

Mr. President, here is another:

> [Western Union telegram.]
>
> DETROIT, MICH., *August 7, 1922.*
>
> HOLLAND CITY GAS CO.,
> *Holland, Mich.:*
>
> Offer subject to prior sale any part 125 cars Pittsburgh No. 8, Elkhorn, W. Va., mine run. Thirty-five cars of this coal on track Detroit. Can furnish car numbers with orders, price $9 f. o. b. mines. Wire acceptance quick if you want any of above coal.
>
> UNITED COAL MINES (INC.).

Mr. WATSON of Indiana. Where is that?

Mr. KELLOGG. Detroit, Mich. That is another one of these gentlemen who are making contracts.

Mr. WATSON of Indiana. Will the Senator permit me to ask him a question?

Mr. KELLOGG. Yes.

Mr. WATSON of Indiana. Has the Senator any letters or telegrams from Indiana coal mines?

Mr. KELLOGG. Oh, I think so. I have not the time to go through them. There is a large bundle of them there. I do not want to weary the Senate with reading them. The fact is that every coal broker in all these cities who can get hold of any coal at the mines has already contracted for it at these exorbitant prices of $6, $8, $9, and $10 a ton.

It is now sought in the Senate to provide that no preference should be given in the use of cars to the fulfilling of contracts made for coal on account of the price.

Mr. DIAL. Mr. President, I would like to ask the Senator at what price he expects to buy coal?

Mr. KELLOGG. Mine run of good bituminous coal ought to be sold at the mines for from $2.50, down in Alabama, up to $3.50 in the high-price mines.

Mr. DIAL. I thank the Senator.

Mr. KELLOGG. I do not think anybody will complain if there is a reasonable profit put on top of that. I know many of the West Virginia and Kentucky coal-mine operators have acted honorably, and have stuck by these prices. A percentage of them have not, and many of those who did at first are breaking away, and the coal speculators in the cities are getting hold of this coal. They have contracted for it, and they are now trying to force it on to the public at these absurd prices.

I am as much against price fixing as anybody else, but there is a limit to what the American people are going to stand. Is it expected that every two years we are going to have a coal strike, and be tied up for three or four or five months, and then that the American people are going to shell out money at the rate of ten or fifteen dollars a ton, enough to make up all the losses the mine operators have had, and a profit besides, and allow them to pay the miners what they please? If the public is to be ground between the upper and nether millstones in this way it is time the public understands it.

All I have to say is that if the Senate wishes to adopt an amendment to this bill which will take the life out of it and destroy its efficiency the Senate can do it, but it will never do it by my vote. I do not expect this bill will be a remedy for all of the evils which we are going to suffer by reason of this terrible shortage of coal on account of the coal strike, but it is the only immediate remedy which can be put into force, because transportation is what we are now lacking, and priority in the furnishing of cars is the only thing which will relieve this country.

I hope the Senate will see to it that these amendments are beaten, and that this bill is passed. Then let us take up the bill of the Senator from Idaho and have a general inquiry, to find out whether there is any remedy for the intolerable conditions through which the people of this country are going.

Mr. DIAL. Mr. President, yesterday I offered an amendment to the bill, and I now desire to modify that amendment. In order that the Senate may know what the amendment is, I will read it. It is as follows:

> *Provided*, That nothing herein shall be construed as changing or amending the present law as to assigning cars for handling or transporting coal on contracts entered into prior to July 25, 1922, at not more than $2 per ton f. o. b. cars at mine.

I do not want to tire the Senate, but this bill ought to be designated as a bill to take care of the slothful and not of the energetic people of the country. Its object is to transfer coal from the coal mining country and the manufacturing country up to the lake region of the United States, where they have not contracted for their coal. I do not want them to get chilly this winter, but if they do it will be their fault and not mine, and I am not going to let this bill pass if I can help it. I am going to make the situation so plain that I think anybody will have to support this amendment.

I believe it was stated here yesterday by the able chairman of the Committee on Interstate Commerce [Mr. CUMMINS] that the railroads of this country take at least one-third of the coal that is mined, and I think that is correct. I do not know how much of the other coal is contracted for, but I imagine that the manufacturing interests of this country contract for at least 40 per cent of the coal mined. In fact, I imagine there is but little coal mined that is not contracted for ahead. In my part of the country we operate large mills, cottonseed-oil mills and various other kinds of plants which need coal, which operate by steam, and we make yearly contracts for coal.

I put the 25th of July in my amendment because I wanted to fix a safe date before any of this profiteering business was entered into. I am sorry I am not able to say when the contracts were entered into for a large part of the coal, but I do not favor profiteering. I have no interest in a coal mine. I was in a coal mine but once in my life. I believe I know personally but one man in the coal business.

I am not in sympathy with profiteering, but I am in sympathy with carrying out contracts made under the laws of this country. In the first place, I think this bill is teetotally unconstitutional. In the next place, it is immoral; it is wrong; it is an invitation to the coal operators by the Congress of the United States to abrogate their contracts. I want them to carry out their contracts. I do not care to monopolize the coal for our industries, of course, but I do want enough coal sent to my part of the country to carry those industries on.

The other day a mill in my State shut down for the want of coal, and threw 4,000 people out of employment; and they are still out of employment.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. DIAL. I yield.

Mr. BORAH. The Senator's amendment provides "that nothing herein shall be construed as changing or amending the present law as to assigning cars for handling or transporting coal on contracts entered into prior to July 25, 1922, at not more than $2 per ton." I presume the Senator means provided said contracts do not specify more than $2 a ton?

Mr. DIAL. Provided the coal is not sold at more than $2 a ton f. o. b. at mine.

Mr. BORAH. If the Senator would put language in the amendment so that it would plainly convey the idea that these contracts should not carry a price above $2 a ton, I think it would be a very good amendment.

Mr. DIAL. That is what I intended to put in the amendment. If I have not put it in there, I would be glad to change the phraseology. That is the intention of the amendment.

Mr. KELLOGG. Mr. President, I suppose what the Senator wants is to provide by law that the contracts down in the part of the country to which he refers shall be fulfilled now?

Mr. DIAL. Fulfilled from now on.

Mr. KELLOGG. Whether any of the rest of the country gets coal for public utilities or not.

Mr. DIAL. No; I do not want the rest of the country to suffer, but I do not want our industries to shut down while the operators are selling coal at a higher price and transporting it somewhere else.

Mr. CUMMINS. Mr. President, I speak only for myself, but so far as I am concerned, this amendment is entirely unobjectionable. It does not mean anything, however. It will not give any relief to the operators or to the contractors whom the Senator from South Carolina has in mind, simply because everybody knows that $2 a ton is not an unreasonable price at the mines, and everybody knows that the present law gives to the Interstate Commerce Commission the authority to discriminate, having in view the uses to which the coal is to be put.

The Interstate Commerce Commission now has the authority to say that coal being shipped to a cotton mill in order to keep it in operation is subordinate to coal being shipped to a public utility or coal being shipped to domestic consumers who must have coal in order to keep themselves warm and to live.

Mr. DIAL. My amendment does not interfere with that.

Mr. CUMMINS. That is the law now.

Mr. DIAL. I am willing to take my chances with the law.

Mr. SMITH. If my colleague will allow me, he has been contending from the first that he, together with others, has contracted for coal at a price which does not exceed $2, and that under this proposed bill the average price——

Mr. CUMMINS. In order to avoid further discussion, I am quite ready to say that I am willing to accept the amendment. It accomplishes nothing.

Mr. SMITH. That certainly is all we have been contending for from the beginning.

Mr. CUMMINS. That is not what has been contended for in the past. It is not what was contended for yesterday or the day before.

Mr. SMITH. The record ought to be kept right. My colleague has from the beginning stood for the fact that the price at which he bought his coal, whatever coal he did get under the administration, should not exceed that price.

Mr. CUMMINS. I do not so remember it; but the amendments which were offered yesterday excluded from the operation of the law contract coal, no matter at what price it was contracted for.

Mr. SMITH. Oh, no.

Mr. CUMMINS. I know what the amendments offered were.

Mr. SMITH. The one offered by my colleague did not so provide.

Mr. BORAH. It does not make any difference what the amendments were yesterday. The question is, What are they to-day?

Mr. ROBINSON. What will they be to-morrow?

Mr. DIAL. I am very glad to have the amendment accepted, and that ends it.

Mr. BORAH. If the Senator from South Carolina is satisfied with it as it is to-day, let us adopt it.

Mr. DIAL. I am satisfied with it.

Mr. KELLOGG. Of course, if the chairman of the committee wants to accept it, I shall not object. All I have to say is that it may become necessary, before this coal shortage is over, to take coal to keep public utilities running, and, of course, what the Senator from South Carolina wants is to force the fulfillment of his contracts to run his cotton mills. But if the Senator from Iowa is willing to accept the amendment, of course, I have no objection.

Mr. CUMMINS. I am perfectly willing to take my responsibility in the matter, and I say that in my judgment the amendment means nothing whatever, and that it will not impair the efficiency of the law if we adopt it.

Mr. KING. Will the Senator from South Carolina permit me to make an inquiry of the Senator from Iowa?

Mr. DIAL. I yield.

Mr. KING. As I understand the Senator from Iowa, it is not the purpose of this bill, as he construes it, to abrogate existing contracts between purchasers of coal and vendors of coal?

Mr. CUMMINS. We have nothing to do with contracts whatever. The law does not relate to contracts.

Mr. KING. As I understand, the Senator from South Carolina contends that cotton mills and other industries in the South have contracts for the purchase of coal at approximately $2 per ton, and he does not want a law passed which would abrogate or interfere with or impair those contracts. The question of priority is a matter, however, which will have to be determined by the law, but he does not want any law passed which would interfere with those contracts or relieve the coal companies from meeting their obligations.

Mr. CUMMINS. We have been discussing that question for two days now with regard to the effect of this bill upon contracts if it becomes a statute. It will have no effect upon contracts. The law operates entirely upon the common carrier and relates to the distribution of cars on the part of a common carrier to the various mines. The Interstate Commerce Commission now has the authority to say that if coal is intended for a certain purpose, cars shall not be furnished for the transportation of that coal until the coal that is required for a more important purpose has been furnished. That is the law now, and this bill does not propose to change that law in any respect.

The amendment offered by the Senator from South Carolina is as follows:

> *Provided*, That nothing herein shall be construed as changing or amending the present law as to assigning cars for handling or transporting coal on contracts entered into prior to July 25, 1922.

And he has added this morning the words, "at not more than $2 per ton f. o. b. cars at mine."

The purpose of the present bill is to prevent the shipment of coal at unreasonably high prices, and $2 per ton at the mine, as we all know, under present conditions is not an unreasonably high price. If we have the present law remaining unchanged so far as the equitable distribution of coal is concerned—that is, to supply coal for those purposes which we all recognize as of the highest importance compared with other uses of coal—that is all that we want to preserve.

Mr. LENROOT. The Senator from South Carolina is a very distinguished lawyer and he must have some purpose in offering the amendment. I would like to ask him what he thinks the amendment will accomplish.

Mr. DIAL. In answer to the Senator's question, there is a divided opinion as to the law directing the Interstate Commerce Commission to assign cars to transport coal and other commodities. I am not undertaking to go into any great detail.

Mr. LENROOT. Divided opinion as to anything except assigning upon the basis of price?

Mr. DIAL. Yes. I think the other day the Senator from Iowa [Mr. CUMMINS] had one opinion and the Senator from Alabama [Mr. UNDERWOOD] held another view.

Mr. LENROOT. That was only upon the basis of price.

Mr. DIAL. Perhaps so, but my information is that the Interstate Commerce Commission has some doubt about the proposition. At any rate, without going into detail about what the law is, I am willing to let the old law stand and let the old contract stand. I do not want any profiteering or anything of that sort. I am against all that sort of thing, but I do not want Congress to lay itself open to the censure of inviting people to violate their contracts.

Mr. LENROOT. But how does the Senator think that the pending bill affects that situation in any way?

Mr. DIAL. The pending bill enables them to lay an embargo on shipments.

Mr. LENROOT. Only on account of price.

Mr. DIAL. I think possibly it would give them an excuse to go further and say that they would not care to ship to one customer, notwithstanding the price at which he purchased was lower than the price at which they cared to ship to another.

Mr. LENROOT. They would have that right under the present law.

Mr. DIAL. There is no question about that. I am willing to take my chances on that. In other words, I wish they did not have as much authority as they have, but having that authority I do not care to give them any more.

Mr. LENROOT. Of course, what the Senator desires is to get coal for his industries in the South on their contracts, irrespective of the needs of the other sections of the country.

Mr. DIAL. That is a rather frank way of putting it, but that puts it in a word. I want our people to get coal, and that is what we all want. I want our people to get the coal they have bought and contracted for. What would the Senator have expected us to do—to have made no contracts, but wait until now and then make contracts at $4, $6, or even $10 a ton, whereas we contracted at $1.90 a ton for a very large quantity of coal? I have one constituent using eight carloads of coal a day.

Mr. WILLIAMS. Mr. President, if the Senator from South Carolina will pardon an interruption, I want to see whether I am mistaken or not.

Mr. DIAL. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I do not understand that the Senator's amendment has anything in it about the South or any particular section of the country.

Mr. DIAL. Not a word.

Mr. WILLIAMS. Or to give people who made contracts for coal in the South any advantage over people who made contracts for coal in any other section of the country.

Mr. DIAL. Of course not.

Mr. WILLIAMS. It is merely intended to maintain the sacredness of contracts made, provided that the contracts do not fix a price higher than the price which is fixed in the amendment to the amendment.

Mr. DIAL. Absolutely. I think that is wrong, but I am willing to accept it.

Mr. LENROOT. I would like to state that when I said the South I had also in mind people up in my country who have like contracts who would like to get coal for the same reasons the Senator's constituents would like to get coal, but I am not willing that Congress should by any act provide that they shall have their coal because they have a contract, irrespective of the public necessities.

Mr. WILLIAMS. It would not be Congress providing that at all. It would be the free business of the country having already provided that. These people had a right to make the contracts, and those contracts ought to be respected provided that they were not contracts of such a character as would defeat the purpose of the bill. If the price is fixed at the mine, the contracts are not of such character as would defeat the purpose of the bill. The Senator from Wisconsin is taking the position that what the Senator from South Carolina has proposed is something new, something exceptional, something out of the ordinary. What he is demanding is a compliance with existing contracts as far as possible in keeping with the public interests.

Mr. LENROOT. In violation of existing law if they can do it. He said so frankly.

Mr. WILLIAMS. But it was not in violation of any law to make those contracts.

Mr. LENROOT. The existing law gives the Interstate Commerce Commission in time of emergency power to deny cars to anybody who has a contract if it is not in a preferential class.

Mr. WILLIAMS. I understand that, but they never had authority to forbid anybody making contracts for any commodity, even coal, at a special price.

Mr. LENROOT. Oh, nobody claims that.

Mr. WILLIAMS. I was at first blush rather opposed to the amendment offered by the Senator from South Carolina. Talking to him yesterday about it I said, "My objection to your amendment would be dissipated if you would fix the price at a price not above what the commission would fix." That is all he has sought to do.

Mr. DIAL. That is true. It is a price much lower than the commission would fix, I think.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina, as modified, to the amendment of the Senator from Iowa.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KING. Mr. President, I submit an amendment and ask that it be read. I am not sure, however, of the parliamentary situation.

The PRESIDING OFFICER. The Senator's amendment can not be offered to the amendment which was pending, because that amendment has been agreed to as amended.

Mr. LENROOT. I suggest that the Senator wait until the bill is in the Senate.

Mr. KING. Very well. I have no objection.

Mr. SUTHERLAND. Mr. President, I desire to say only a few words with reference to the pending bill. I want to disclaim any intention or effort to protect the class of profiteers referred to by the Senator from Minnesota [Mr. KELLOGG]. My purpose in offering an amendment to protect existing contracts from the operation of the bill was only that the element of prices should not enter into the matter of the exclusion of cars from shippers where valid existing contracts were in force. I think the Senator from Minnesota, as well as the Senator from Iowa in charge of the bill, misunderstood the amendment and the purpose of it. From the wording of it I do not think it could be construed as interfering with the present authority of the Interstate Commerce Commission to exercise its powers in the issuing of priority orders for the benefit of essential industries.

But the bill gives authority to take into account a new element, the element of prices. It is absolutely new in time of peace to propose a remedy of this kind even for an emergency which may be supposed to exist. It is a very dangerous power to be placed in the hands of any person or commission, in my judgment. One can readily conceive of a situation, if the Government is to have absolute power, regardless of anything or of any condition in an existing contract, to refuse car service to shippers, where they could absolutely destroy certain lines of business. If it can be done with reference to the coal business in order to control prices under the spur of an emergency that may be supposed to exist, with reference to some other commodity, like power may be sought in order likewise to control the price of such commodity. It is one of the greatest grants of power in time of peace, if not the greatest grant of power in time of peace, that has ever been given to the central government. It goes even further than the legislation which was enacted during the war, when we all agreed that it was right even to strain the Constitution, if necessary, to prosecute the war to a successful conclusion, and there were some who contended that it was so strained.

If it is conceded that the General Government may control the prices of coal by interfering with the rights of shippers to obtain facilities for loading their commodities on common carriers, it may just as well be contended later that the same power should be granted with reference to steel, with reference to grain, with reference to building material, or with reference to a great many other commodities which are equally essential at various times to carry on the industries of the country.

Mr. President, a great deal of villification has been indulged in by Members of this body sometimes and by others in regard to the acts of producers of coal, no matter where situated. They have had very few defenders in this body or elsewhere. Because of the relatively small number of the producers of coal compared with the number of users of coal, it has been a very popular practice to bait the coal operator and to villify him and to impugn his motives, when he is and has been acting clearly and only under the constitutional guaranties to which every citizen is entitled under our form of government.

Now, the coal operators of the United States are by no means perfect men—no more perfect than men in other callings, but quite as perfect as men in other pursuits of life. They are, as a class, as patriotic a set of men as may be found in any other line of business. During the war they responded as readily to the call of their Government as did any other class of citizen. They made no outcry or complaint when it was decided to be wise, under the emergency then existing, to fix the price of their product, although the coal produced by them went into the manufacture of many other products which were sold at wholly unrestricted prices, thereby enabling many men in other lines of industry to receive greater profit that otherwise they would have received. Those engaged in the production of coal made every effort, even under those conditions, to produce coal in the largest possible quantities in order that the industries of the country might be kept fully supplied with that necessary product.

Mr. KELLOGG. Will the Senator yield to me?

Mr. SUTHERLAND. I yield to the Senator from Minnesota.

Mr. KELLOGG. Who made that effort?

Mr. SUTHERLAND. To what effort does the Senator from Minnesota refer?

Mr. KELLOGG. I refer to the effort to produce the largest amount of coal at a reasonable price?

Mr. SUTHERLAND. The coal operators made that effort.

Mr. KELLOGG. Did all of them do so?

Mr. SUTHERLAND. As a body, the coal operators did so.

Mr. KELLOGG. Does not the Senator from West Virginia know that 30 per cent of the operators always refused to be bound by the agreement and charged whatever they could get, and that many of the others "ducked away" from it?

Mr. SUTHERLAND. I think the Senator from Minnesota is laboring under a misapprehension and is referring to a different period of time from that to which I am referring. I am referring to the war period, during which time prices were regulated under the fuel administration. I have not yet reached the point to which the Senator from Minnesota is referring.

Mr. KELLOGG. The coal operators had to do it then, because their prices were fixed.

Mr. SUTHERLAND. I will say to the Senator from Minnesota that the coal operators, however, did it voluntarily; they did it willingly; and they did it quite as willingly as did the constituents of the Senator from Minnesota when the price of their wheat was fixed.

Mr. LENROOT. If the Senator will yield to me, I desire to ask if it is the Senator's opinion that during the war coal would have been produced at the price for which it was sold if it had not been for governmental interference?

Mr. SUTHERLAND. That question does not enter into the proposition which I am stating at this time. The coal operators readily assented to the regulation of the price of their product and to the regulation of their business, though such regulation was done in a very bungling manner. I think, however, it was done, probably, as well as governmental agencies can usually solve complicated problems of that kind. The efforts made at that time demonstrate very conclusively what we shall have to contend with under the present emergency should the proposed legislation be passed, for it will operate very inefficiently. While the purpose may be good, and the administrators of the law will endeavor to make the necessary adjustments which are entailed by an interference with the ordinary flow of commerce, no man or no set of men, in my judgment, can make all the adjustments that are necessary when the ordinary course and flow of commerce have been interfered with.

During the war period, when the invitation came, the coal operators subscribed liberally to the bond issues of the Government, and often made sacrifices in order to do so. They responded in every other way to every call their Government made upon them. These men are high-class business men. Many of them are engaged in other undertakings, such as banking and similar business enterprises. In a given community or in a town storekeepers and bankers and others will get together and buy a piece of land and start in the coal business. When the term "coal operator" is used, many people have in mind only some gigantic monopoly which is bearing down hard upon the users of coal. As a matter of fact, however, there is probably no business which is more hazardous than is the business of producing coal.

The business is subjected to more vicissitudes in its ordinary operation than is, perhaps, any other business or certainly to as many vicissitudes as is any other business. Some of the obstacles to the successful prosecution of the coal business we hope may be removed. In the first place, the coal operators have only a seasonal market for coal. At times when transportation is more or less interfered with by reason of the winter weather the demand for coal is most urgent. During the summer, however, when transportation facilities are much more easily obtained and operated, there is very little demand for coal.

The business is also subject to the hazard of accident. If a mine is shut down for a time, one would naturally suppose that the expenses of the coal operators would cease, but that is not true. If, as is often the case, the mine is a shaft mine, as soon as work in the mine ceases and the pumps stop working, the mine is flooded with water, and the property is absolutely destroyed.

The coal operators also have to maintain a highly trained technical force in order to cope with the gases that are found in the mines and to rid the mines of those gases. In spite of the greatest care that they can possibly exercise the mines are often subjected to explosions, the results of which are terrible in the loss of life and of property.

It is easy to figure here on the floor of the Senate that coal ought to be sold at $2 a ton at the mine; that sounds well out in Minnesota and in some of the other States where coal is not produced; but I notice that when the products of those States are mentioned, such as wheat and other crops which are grown there, the Senators from those localities are delighted when market conditions are such that their constituents get top prices for their wheat and corn and various other products. Now, however, some of them are attempting, in contravention of constitutional rights, to interfere with the coal producers in selling their coal at the market price if the customers are willing to pay that price.

I have no sympathy whatever, Mr. President, with the profiteer, whether he be the producer or wholesaler in coal. I think the coal operators themselves realize that one of the greatest menaces to their business is what is known as a "runaway coal market." Some years ago, fearing that there would be such a "runaway coal market" and seeing that a shortage was about to occur, a number of the leading coal operators in the United States assembled and voluntarily agreed that the price of coal should not be allowed to go over $3 per ton. The agents of the Government in a very short time brought indictments against 100 or more of those operators. The case was tried in the city of New York, and they were put to an expense of hundreds of thousands of dollars to defend themselves against criminal prosecution, when their only effort had been to protect the public against higher prices. Even while that trial was progressing in New York the Government itself asked the coal operators to come together here in Washington and agree upon a maximum price for coal. The coal operators were naturally loath to do so, having in mind the experience through which they were even then passing—being prosecuted for doing something which they regarded as in the public interest—but finally they acceded to the importunities of the Government and came here and conferred with the then administration with reference to the price of coal. Again they agreed upon a price, the same price which had previously been agreed upon, and it was considered by the Secretary of the Interior and others conversant with the situation to be an entirely fair price, although, as I recall, the Secretary of the Navy at that time, feeling that the Navy should be allowed to get coal at a cheaper price, refused to abide by that agreement.

So, Mr. President, those engaged in the production of coal have suffered interference of more than one kind. They are under rigid control of the State governments with reference to mine inspection, mine-safety appliances, and in all manner of ways relating to the operation of their mines, and thereby their cost of operation is greatly increased. If, as I said a while ago, a mine is shut down, even if it is not a shaft mine, a process of disintegration begins the very day the mine is closed. The roof begins to fall and deterioration goes on, so that if the mine should not be opened for a month or two months or six months later a very large expense must be undergone before that mine can again be operated.

There is nothing provided in this bill or any other bill to protect business men engaged in coal production from loss when the price of coal on the market is below the cost of operation. I have never heard on this floor from those representing coal-purchasing constituencies any offer to come forward and voluntarily pay even the cost of coal when market conditions are such that the coal operator can not get for his coal as much as it has cost to produce it.

An exceedingly small percentage of men in the coal-producing business could be under any fair allegation charged with responsibility for such prices as have been named by the Senator from Minnesota. As I said yesterday, the greatest part of the coal production of my State and other States is under contract from a period prior to the 1st of April every year until the 1st of April of the next year.

I have no desire whatever to protect any coal profiteer in Detroit, Mich., or Philadelphia, Pa., who may go to these coal operators and purchase a certain number of cars of coal and hold it there with a view of profiting by a rising market. I do, however, want to protect these business men who are in the business of producing coal, and who have made legitimate contracts for the delivery of their coal, though they may realize perfectly, as I do, that under the priority authority given to the Interstate Commerce Commission under the Esch-Cummins Act the flow of their product may be interfered with to some extent in order that homes may be kept warm, in order that our public utilities may be kept in operation, in order that our hospitals and other similar enterprises may be kept fully warm, in order that all those things may be accomplished; and no coal operator nor anyone else seeks to interfere with that.

Mr. KING. Mr. President, will the Senator permit a question?

Mr. SUTHERLAND. Yes.

Mr. KING. I should like to inquire of the Senator, for information, what interpretation he places upon this bill. The Senator has just alluded to the fact that he did not want the operators, nor did the operators themselves desire, to breach contracts which they had made for the sale of their coal. As I understand the Senator, many of the operators make their contracts covering a long period of time, and make them in advance of the season's development. To put it in a concrete way, suppose that a contractor has sold his coal in advance for one year at $2 per ton, and under this bill the Interstate Commerce Commission shall rule that priority must be given to some other branch of industry, and his contractee be relegated to the last category in the list of priorities, so that the coal of the coal operator might not be delivered to this person who had bought it at $2 a ton: If Mr. Hoover shall say that $4 or $5 per ton is a reasonable price, and the Interstate Commerce Commission shall so determine, will the coal operator be permitted to charge $4 or $5 a ton for it, instead of the $2 that he would have obtained if it had gone to the person with whom he had made the contract?

Mr. SUTHERLAND. I suppose that there may be coal operators who under those circumstances would welcome the interference of the Interstate Commerce Commission, and the diversion of their product to some one who was willing to pay $4 or $5 a ton, under the maximum price to be set by the Interstate Commerce Commission, rather than to ship their coal to their customers to whom they had contracted it at $2 per ton.

Mr. KING. I am very much interested in knowing the effect of this bill, because, as I understand it now, the result will be that in many instances coal that has been contracted at $2 may be sold at $4 or $5 a ton, and the mine operator relieved perhaps not from some legal liability as to his contractee but relieved of the immediate duty of furnishing that coal to the contractee, and he will be permitted to charge $2 or $3 or $4 a ton more than he had contracted to receive.

Mr. SUTHERLAND. Yes; that is quite possible. That is entirely possible and very probable under the operation of this bill.

Mr. CUMMINS. Mr. President, will the Senator yield to me a moment?

Mr. SUTHERLAND. I yield to the Senator.

Mr. CUMMINS. If that were possible, it would not be brought about by this bill, and that would not comport very accurately with the description which the Senator from West Virginia has just been giving of coal operators. I assume that coal operators are just as honest as other men, neither more honest nor less honest; and if a coal operator has agreed to deliver coal at $2 a ton, I assume that if he can get the cars with which to deliver it he will not violate his contract.

Mr. SUTHERLAND. Mr. President, if he were permitted to continue to deliver to his customer, of course he would carry out his contract; but suppose that under the operation of this measure he were directed by the Interstate Commerce Commission to ship his coal to some one else, would he be obliged to ship that coal at the price at which he had sold it to his original customer, or would his coal go to the new destination at the price fixed by the Interstate Commerce Commission?

Mr. CUMMINS. Certainly he would not be obliged to ship his coal to some one with whom he has not contracted for the contract price; but that has nothing to do with the violation of the contract. This bill does not enable him to violate his contract.

Mr. SUTHERLAND. It prevents him from carrying out his contract.

Mr. CUMMINS. It may prevent him from carrying out his contract—I mean the existing law. I am not speaking about the pending bill. The existing law authorizes the commission to create these classifications and to require coal for certain purposes to be first furnished. If among those purposes the contract coal does not fall, then that coal must be furnished at a fair and reasonable price; that is all, and that is right.

Mr. KING. Mr. President, may I inquire of the Senator, if the Senator from West Virginia will yield, if existing law permits the Interstate Commerce Commission to accomplish that end, what is the object of the pending bill?

Mr. CUMMINS. I really do not want to go into the whole argument again. The purpose of the pending bill is to supply to the Interstate Commerce Commission an authority which it is believed by many people, and among those people the majority, I think, of the members of the Interstate Commerce Commission, that the commission does not at present possess; namely, authority to classify preferences on account of unreasonable prices that may be charged. It can classify these preferences, taking into consideration the purposes for which the coal is to be used, the importance, the necessity for the coal, but it can not say to a railroad company: "You shall not furnish cars to an operator because that operator is exacting unreasonable prices for his coal."

Mr. KING. Mr. President, if the Senator from West Virginia will yield, I should like to ask the Senator from Iowa practically the same question that I propounded to the Senator from West Virginia as to the effect of this bill; and may I premise the statement by this observation, with the facts of which the Senator is familiar:

Many of these bituminous coal operators, as the Senator knows, contract in advance with large corporations. For instance, in my State they contract with the smelters, with the sugar factories, with corporations that would be put far down the list in establishing priorities. Perhaps those corporations consume the greater part of the coal. If it should develop that coal is required in excess of that which will be available for domestic use and for public utilities, so that a portion of the coal contracted to the corporations of which I have been speaking would be required, would not the effect be that the coal operators would be compelled, upon the orders of the Interstate Commerce Commission, to breach their contracts with these corporations to whom they had contracted to furnish large quantities of coal at, say, $2 a ton or $1.75 a ton, and hold that coal available for domestic or other purposes—purposes classified in a higher list of priorities—and at prices that might be double the prices at which they had contracted to sell to these corporations?

Mr. CUMMINS. I do not think so; but, if it were so, it would be all the better for the country, because these public utilities must have coal. They have no contract with the coal operators. The Senator from Utah is assuming that, I take it. They must buy their coal at the current price, and if the coal operator or the coal dealer has no restriction upon him, if he has coal to sell, he will charge, naturally, all that the market will bear; and this bill is intended to require, through this process that has been described many times, the sale of that coal at a reasonable price. It does not compel the operator to sell coal to anybody at any price. It does not interfere with any contract which the operator may have to sell coal or deliver coal, except in so far as the superior necessity of some community or some institutions or some purposes will lead the Interstate Commerce Commission to say that the railroads must use their facilities for furnishing these communities and these people and these purposes first.

It can not by any possibility increase the price of coal to the people who have no contracts for coal. On the contrary, I think it will very much diminish the price of coal. That is, it will be a restriction upon the coal operator.

I am not one of the people, I am sure, to whom the Senator from West Virginia referred when he remarked that we were disposed to vilify the coal operators.

Mr. SUTHERLAND. I have not heard the Senator do that.

Mr. CUMMINS. The coal operator, so far as I know him, is the ordinary business citizen of the United States, and he has all the qualities that business men generally possess. He will sell at the highest price that he believes for his own interest.

Mr. SUTHERLAND. Just as every other business man does.

Mr. CUMMINS. Just as every other man who has anything to sell will sell at the highest price that he can get, considering the future, of course. He may not regard it for his own interest to sell at the very highest price he can get at a given time; but that will not be out of consideration for the public, but it will be because he does not believe it good policy to do so. We have had to restrict many of these people. We are doing it all the while. We are restricting the railroad companies. The municipalities are restricting electric-light companies and gas companies and water companies. All these institutions are composed of and are managed by men of honesty, as we understand that word; but we have found that the inevitable inclination and the uncontrollable impulse of human nature is to secure the largest possible profit in any transaction which the person who is controlling the situation believes to be for his own interest. It is in that sense, and that sense only, that I have spoken of the coal operator. I think he is just as good as anybody else, and no better than ordinary people. He will yield to this temptation—and no one can blame him for yielding to the temptation—unless, as I remarked the other day, he is protected against the temptation by the restrictions which we propose to put upon him in this law.

Mr. SUTHERLAND. Mr. President, I would say to the Senator that the only other industry which is comparable with this one in the action now suggested to be taken is the transportation industry, and there is quite a marked difference in the treatment of these two great industries. Under the bill relating to the regulation of our transportation system, which bears the name of the distinguished Senator from Iowa, there is a guaranty given to the railroads of a certain minimum profit. There is no such guaranty given to the coal operators under this bill of a minimum profit, or any profit at all, and yet, if, in the judgment of the Interstate Commerce Commission, under the operation of this bill, any man in the industry is selling his coal at what it regards as an unjust or unreasonable price, though he may be only getting back what money he has actually lost in the operation of his mines, he has no recourse at all; he is shut off from his supply of cars and is obliged to take what is offered him.

Mr. CUMMINS. Mr. President, the Senator from West Virginia is very much mistaken with regard to the transportation act. There is no guaranty of any kind in the transportation act. There is a rule of rate making, which is simply the rule which the Supreme Court has laid down over and over again.

The fact that there is no guaranty, and can be no guaranty, is evidenced by this situation, that in the first year of the operation of the transportation act the railroad companies made no profit whatever. During the whole time since the transportation act was passed the railway net operating income has been less than 3 per cent. There is prevalent a very general misapprehension with regard to that matter.

I was not instituting a parallel between a coal operator and a railroad operator or the municipal utility operator. If they were under strict control they would charge whatever they could get for the service which they rendered, and it is for that reason, and because they exercise a monopoly, or something in the nature of a monopoly, that Congress and the States have found it necessary to put a limitation upon their charges for service.

I hope that the day will be long coming when we shall be obliged to take the coal mines of the country and establish the same relation between them and the Government that we have established between the Government and the railroads, or which the States have established between themselves and the public utility companies, such as I have mentioned. But there is only one way in which that can be avoided, and that is that competition, which is the natural force in business, and which is the only force which ordinarily limits prices to a fair and reasonable level, will be so persuasive and controlling in the coal business that we will never have occasion to call upon the power of the Government to establish prices.

Just now we know that competition is not performing its ordinary functions. It can not perform them because of the situation existing with regard to transportation. That is the whole basis for this temporary measure, the power under which, as I remarked a long time ago, is to be invoked only at rare intervals. I hope it may never be invoked again, but just now it seems to be, from my standpoint, absolutely necessary.

Mr. SUTHERLAND. Mr. President, I would not attempt at all to try to tell the Senator from Iowa what is in the transportation act; but I have the same impression which he says is quite general, that there is a provision in the law which permits the Interstate Commerce Commission to grant rates which, taken in connection with the wages allowed by the Labor Board, will allow a certain percentage upon the return.

Mr. CUMMINS. The law now provides that the Interstate Commerce Commission shall make rates which will yield a fair return upon the value of the property which renders the service.

Mr. SUTHERLAND. Under the operation of this bill there is no provision whatever which would allow the coal operator whose coal might be forced down below the actual cost of production any return whatever upon his capital investment.

One of the things which reconciles me to the perhaps inevitable passage of this bill is that, while in my judgment it does not reach the seat of the trouble at all, the impossibility of its execution in a fair and practical manner will be so fully demonstrated, as it was during the operation of a similar law relating to the railroads, even in war time, that the country will be fully persuaded that it will have nothing of Government operation of mines, just as the Government operation of railroads during the last administration fully persuaded the country, and many of those who earnestly advocated that measure, that it wanted none of Government ownership or operation of the railroad systems of this country.

I believe this experiment which the Senator is seeking to have tried will fully convince the country that it wants no interference of this kind with the ordinary operations of business. It is absurd to claim that a few men in one of the departments can run the railroads better than the railroad organizations themselves can run them, subject to reasonable regulations with reference to rates, and so forth, or that they can run the mines better than those who have been in the mine business a lifetime and know all the intricacies of the business.

The difficulty in the transportation question must be settled, because whenever there has failed to be a condition of free competition, just referred to by the Senator from Iowa, it has invariably been through the failure of our transportation systems. I know that high operating officials at this minute indicate that if the Interstate Commerce Commission would let them work out this car distribution matter, they could do it much more efficiently and to the better satisfaction of everybody, and more in the interest of the country, than is now being done under the orders issued by the Interstate Commerce Commission. Of course, that is a matter of opinion. These men tell me that is the case, and I personally know they make the statement that instead of the operation of the railroads under these orders being furthered, they are being hampered and very seriously hampered. Until the real seat of the trouble is reached and the transportation difficulty solved, it will not be possible to greatly increase the amount of coal which should flow uninterruptedly now from the producers to the consumers of that article.

To show how acute that situation is, I want to call attention to facts brought out by the last report of the American

Railway Association, which show, for the first week of August, 1922, a total of 852,580 revenue cars of freight handled by the railroads of the United States.

The same report shows that in 1920, when the country was booming, for the same week in August, 971,269 cars were loaded.

For the week ending August 5, the figures show there were 851,351 cars, in 1922, as compared with 935,730 cars of revenue freight in 1920.

In other words, the railroads are now handling about 90 per cent as much freight as they were moving in the boom days of August, 1920.

Let us compare the amount of coal and coke. Out of these 852,580 cars of freight loaded during the week ended Saturday, August 12, 1922, there was a total of 92,979 cars of coal and coke, as compared with 235,777 cars of coal and coke for the same week in August, 1920. Subtracting these coal and coke loadings from the total of all cars loaded, we find that in the week of August 12, 1922, 759,601 cars of freight, other than coal, were loaded on the railways, while in 1920 only 735,492 cars of freight other than coal and coke were loaded.

Thus, in spite of the partial stoppage of our transportation system by reason of the pending strike, the railroads are now handling more freight, other than coal and coke, than they were handling in 1920, and they are handling approximately 90 per cent of the total volume of traffic they were then handling. In other words, while there has been a reduction of 142,000 cars of coal and coke a week, yet the total tonnage hauled by the railroads at this time is 90 per cent of the total tonnage hauled per week in the same period of 1920. Under those conditions it must be clear to any reasonable person that the roads can not continue to handle this enormous volume of other freight and expect to handle the 250,000 cars of coal and coke per week which they ought now to be handling. If they can not handle more than 850,000 cars of all kinds of freight per week, then the obvious thing to do, of course, is to curtail the movement of some of the other freight and devote that service to the task of moving coal and coke.

The PRESIDING OFFICER (Mr. Ernst in the chair). The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The Assistant Secretary. A bill (H. R. 12377) to establish a commission to be known as the United States coal commission, for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

Mr. CUMMINS. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. CUMMINS. I now ask unanimous consent that the Senate proceed with the consideration of House bill 12472.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

The PRESIDING OFFICER. The Senator from West Virginia will proceed.

Mr. SUTHERLAND. It will be seen, therefore, from the figures given that the Interstate Commerce Commission has before it a gigantic task. It would have a superhuman task if the transportation systems of the country were now in normal condition, and able to carry a normal amount of freight, whereas we know that the entire organization of the operating departments of the railroads are very much upset. Their motive power is in very bad condition and has been growing steadily worse instead of better. If the pending railroad strike was settled to-day it would be six or eight months probably before the transportation systems of the country could resume their normal functioning with reference to the transportation of freight and passengers and keep up the equipment that is in operation and repair the equipment that is in need of repair.

For that reason it seems to me that the pending bill is not an essential measure at all. It does not go to the root of the trouble. It simply adds a very doubtful expedient giving a power to the Interstate Commerce Commission which will undoubtedly be contested in the courts and in my judgment found to be unconstitutional. While my opinion on that subject could be entirely disregarded, yet it is likewise the opinion of profound lawyers, thoroughly versed in the subject, that it is unconstitutional. The element which is now added to the powers of the Interstate Commerce Commission—and that is the sole excuse for the passage of the bill—is that it enables the Interstate Commerce Commission or its agencies to inquire into the question of prices at which coal is being sold in interstate commerce; and if in the judgment of some minor officer—because in the administration of these laws we generally find the power and authority delegated from one to another until it is finally found reposing in the hands of some very minor officer with whom the public has to deal with reference to the subject—if such minor officer or if the Interstate Commerce Commission itself in its judgment, with the information which it is able to gather in the short time it will have, shall deem the prices unreasonably high, then they shall issue orders as provided in the bill. In spite of the fact that the Senator from Iowa says they already have the information, they can not have all the information which they will need to have in order to pass intelligently upon the great variety of subjects which will enter into the question we have before us. That is the only thing that is added to the power of the Interstate Commerce Commission, that of inquiring into the prices at which the fuel is to be sold.

While the Senator from Minnesota made the point that some few people in our cities, coal scalpers, are inclined to speculate in coal—and if they do I have no sympathy with them or any desire whatever to protect them—I wish to call the attention of the Senator from Minnesota and of the Senator in charge of the bill to the fact that the public-service corporations, which they have freely mentioned as being within the scope of their intention to protect, are and have been speculating in coal. They had an opportunity which was taken advantage of by a very large majority of the public-service corporations needing large quantities of coal. Knowing that they would need so much coal every week of every month and every day of every year, if they have been at all wise, they have provided by contracts prior to the 1st day of April for their fuel needs. Some of the middlemen handling coal in our cities will buy coal sometimes, and sometimes they lose and sometimes they profit by it. They speculate in coal just as men speculate in wheat or cotton or in any other commodity that is handled by business men anywhere. Yet at the same time these very public-service corporations, if they have not provided for their needs in fuel, have not done so because they chose to take their chances with the spot coal market during the remainder of the year. It is nothing but speculation, and the purpose of the bill is to protect them from the consequences of their folly, a species of paternalism which we have not often been called upon in time of peace, if ever, to exercise.

Mr. President, I do not want to detain the Senate. There are a great many things one might say upon the subject, but I do not know that it would greatly interest the Senate or change any votes upon the subject. I apprehend that the bill is to pass, but I want to say that I believe it is a departure from the fundamental principles of the Government upon which we should be loathe to embark. It is putting Government in business to an extent which, I think, is a very serious mistake. There might possibly be instances where hardship would follow. I think there will be instances where hardship will follow in spite of the bill. I do not think the bill attempts or is thought to prevent that, because it is admitted that the Interstate Commerce Commission already has ample power to protect the public so far as it can do so with the available amount of fuel that it will have at its disposal.

I think the bill proceeds upon a wrong principle and I have only wanted to voice my protest against its passage.

The PRESIDING OFFICER. If there are no further amendments, as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. KING. Mr. President, I desire to offer an amendment.

Mr. CUMMINS. The bill is now in the Senate?

The PRESIDING OFFICER. The bill is now in the Senate.

Mr. CUMMINS. The amendment made, as in Committee of the Whole, has not been concurred in?

The PRESIDING OFFICER. It has not. The Senator from Utah has offered an amendment.

Mr. CUMMINS. The first question is whether the amendment made, as in Committee of the Whole, shall be concurred in in the Senate.

Mr. KING. Mr. President, may I say to the Senator from Iowa that I have no objection to concurrence in the amendment made, as in Committee of the Whole, provided it does not cut off the tendering of the amendment which I have just sent to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Utah.

The Assistant Secretary. Add a new section, as follows:

Sec. 11. That during such emergency and for the period of one year from and after the passage of this act it shall be unlawful for any person, either in his individual capacity or as an officer, agent, or employee of a corporation, or member of a partnership, to buy, sell, acquire, handle, or hold, or to contract to buy, sell, acquire, handle, or hold, any coal shipped in commerce among the several States or foreign nations or in the Territories or other possessions of the United States, when the purpose of such person in so doing is to affect, whether temporarily or otherwise, the market price of such coal by diverting any shipment of such coal from its regular and normal movement to the consumers' market and limiting the supply of such coal on such market. Any person who willfully violates any of the provisions of this section or who knowingly engages in any operation, practice, or transaction prohibited by this section, or who willfully aids or abets any such violation or any such prohibited operation, practice, or transaction, shall on conviction thereof be punished by a fine of not more than $10,000 or by imprisonment for not more than two years, or both such fine and imprisonment.

Mr. KING. Mr. President, it may be that the amendment which I have just offered is not germane to the bill under consideration. However, the Senate pays but little attention to the question of pertinency or germaneness in dealing with legislation. Bills dealing with a specific matter are frequently amended so as to deal with an entirely different subject; and often, upon appropriation bills, there are grafted provisions of vital and far-reaching character. Penal statutes and substantive law frequently are found in appropriation bills.

I do not mean to express approval of this method of legislation; indeed, it is obnoxious in many ways. However, there are ample precedents for the amendment which I have sent to the desk. I do not want to interfere with the consideration of the bill reported by the able Senator from Iowa [Mr. Cummins], though I am compelled to say that I do not believe it will accomplish the good claimed for it by him and by the Senator from Minnesota [Mr. Kellogg]. Indeed, if we are to accept the statements of a number of Senators who have discussed the bill there will be some evils and injustices resulting from it, and its passage will justify serious apprehension as to its wisdom or efficacy.

That legislation dealing with the coal situation is needed, perhaps, most Senators will concede. There will be, however, a contrariety of views as to the character of legislation which the situation either justifies or demands. It is a serious matter to interfere with the laws of supply and demand and the operation of the laws of trade and commerce. That evils frequently arise in the economic world and in trade and commerce, none can deny. Greedy and selfish persons and conscienceless profiteers are found in all lines of business and in all trades and professions. Human nature is much the same now as it has been in the past, and cupidity and avarice find representatives in trade and commerce and in substantially all business activities. There always have been those who sought to interrupt natural economic laws and to take advantage of conditions which obstacles interposed by them have created.

Men have sought to "corner" the necessities of life and to rob the victims of their rascality. History is replete with examples of the criminal conspiracies of persons who sought to control the necessities of life. Food supplies, clothing, fuel—these have always been the subjects which cruel and rapacious persons have sought to control in order to obtain unconscionable profits. Because of the evils which have resulted from these acts the people have frequently demanded that governments step in and assume control over matters of trade and commerce, and particularly over those articles which are indispensable to the happiness and welfare of the people.

I do not think that conditions to-day differ in principle from those which we read of in countless volumes. I think it is generally conceded that the results of governmental interference in the matters referred to have failed to produce beneficial results. Of course, there are situations which require the assertion of governmental authority; but, generally speaking, attempts by the Government to regulate prices or to fix prices or to provide rules and regulations with respect to the business transactions between individuals, or to impair contracts or interfere with the contractual relations of individuals have worked more harm than good. The common law, which affords us many valuable precedents, dealt with engrossing, regrating, and forestalling, and punished those who sought to interfere with the natural and orderly processes by which commodities, and particularly food commodities and products, passed from the producer to the consumer. The American people, trained in the school of liberty and independence, and owing their progress and development and prosperity to the freedom of trade and commerce which they have enjoyed, view with great concern the adoption of policies which project the Federal Government into the private affairs and into the business activities and concerns of the people.

The States, reflecting the views of the people, have not asserted paternalistic control over the business affairs of the people. They have enacted statutes punishing conspiracies to restrain trade or monopolies or efforts to thwart and destroy competition. They have preferred that business be left unfettered and that the individual have a free field within which to develop and expand and produce and make contribution to the wealth and advancement of his community and his State.

The Federal Government, exercising its authority under the interstate commerce clause of the Constitution, has passed various statutes dealing with interstate commerce, and has sought through the Sherman antitrust law to prevent monopolies and conspiracies to destroy competition. Great powers have been committed to the Interstate Commerce Commission, and the bill before us seeks to expand the authority of that Federal agency.

The situation may justify this bill, but undoubtedly its provisions may be so perverted or construed as to injure and operate oppressively. It is conceded that it may have the effect of interfering with existing contracts, and of permitting coal operators to sell coal which they have contracted to deliver, at higher prices and to other individuals and corporations than those with whom they have contracted. I concede that a situation may develop justifying priorities, indeed requiring priorities, in the shipment of coal, and justifying a coercive policy which will result in supplying coal for domestic uses and by public service corporations at the expense of industries not indispensable to the life of the people.

The situation may be so serious as to justify a bill of this character. I have not had time to make full investigation as to the facts upon which this bill is founded, but I assume that the committee reporting it believe that the condition is so critical as to call for legislation of this drastic character.

While there are features of the bill that are to me exceedingly obnoxious, I shall not oppose it. I regret, however, that the administration has been unable to offer a measure that has greater promise of benefit and relief. This bill is a rather pitiful exhibition of Republican statesmanship and is no flattering testimonial of which a party might be proud, of its ability and competency to deal with great public or national questions.

Mr. President, I do not desire to be partisan or to engage in a partisan discussion, but I can not refrain from observing that the party in power has utterly failed to meet industrial and political conditions in the United States or to inaugurate or execute policies conducive to the public welfare or to the prosperity of the American people.

It has blundered and failed to as great an extent in its domestic policies as it has in its foreign policies. It has brought the country to the verge of industrial chaos, and it has not only failed to aid in the rehabilitation of other nations, but it has contributed to the grave and tragic situation in which Europe and her people find themselves. The executive branch of the Government and the Republican majority in Congress since the Republicans have come into power have shown vacillation and an utter inability to grasp the significance of domestic or world conditions or to provide adequate measures to promote the welfare and prosperity of the people.

Mr. President, the amendment which I have submitted is not intended to deal with the entire coal situation. It is in harmony, as I have suggested, with common-law remedies, and has a proper relation to Federal statutes heretofore enacted, such as the Sherman antitrust law and the Clayton Act. Undoubtedly Congress has the authority to enact a law containing the provisions found in this amendment. The amendment purports to deal with interstate transactions, and in my opinion may be supported under the interstate commerce clause of the Constitution.

I have referred to the fact that at common law forestalling was an offense. It interfered with the orderly movement of commodities from the producer to the consumer. The speculator and the purchaser who desired to hold commodities for a rise in prices was subject to the pains and penalties of the law. Speculation in foodstuffs and in commodities was interdicted. We have been advised that after the war, when the prices of sugar and coal reached very high levels, that speculators were largely, if not wholly, responsible therefor. It is known that individuals and corporations who had not theretofore dealt in sugar or coal or other products suddenly became active in their purchase and sale. Men who had never dealt in coal bought thousands of tons without ever seeing it and with no intention of using it and having no necessity for its use.

They were speculators, profiteers, and greedy, conscienceless offenders against moral law and the laws of society, if not against criminal statutes.

I have been told of many individuals who made enormous profits in their speculations in sugar and in coal. Individuals would buy coal which was in storage or in cars and pay storage charges or demurrage in order to prevent the coal from reaching the consuming public. They actively contributed to the movement which forced higher prices and thus became conspirators in exploiting the people. Speculators of this character ought to be punished, and if statutes are not sufficiently broad to punish them, the States and the Federal Government should promptly enact laws that will send them to the penitentiary. They are worse than highway robbers; they take advantage of the necessities of the people and profit by their sufferings.

Many persons of whom I have spoken would make fictitious sales in order to advance prices and to increase their illegal gains and profits. Their course was cowardly, cruel, wicked, and criminal. I am told that there are persons now speculating in coal and forcing the prices to higher levels by somewhat the same plan as that adopted following the war and to which I have just referred.

The situation is such as to perhaps warrant the Federal Government passing a penal statute of the character indicated in my amendment. Briefly, this amendment means that persons or corporations can not speculate in coal. They can not interrupt the orderly processes by which the coal passes from the producer to the ultimate consumer. It punishes those who buy coal to hold for sale at higher prices. In other words, it seeks to prevent all forms of speculation in this commodity so important to the welfare of the people. It is not intended to interfere with wholesale or retail dealers or with legitimate transactions which are essential to the transfer of the coal from the producer to the consumer. This amendment if enacted into law would not interfere with all proper agencies essential as conduits to pass the coal from the mine to the consumer. The important part of the amendment provides that it is an offense to—

> buy, sell, acquire, handle, or hold, or to contract to buy, sell, acquire, handle, or hold any coal shipped in commerce among the several States or foreign nations or in the Territories or other possessions of the United States, when the purpose of such person in so doing is to affect, whether temporarily or otherwise, the market price of such coal by diverting any shipment of such coal from its regular and normal movement to the consumers' market, and limiting the supply of such coal on such market.

Senators will observe that it is made an offense for individuals to deal in coal when the purpose is to affect the market price by diverting any shipment from its regular and normal movement to the consumers' market and where the effect would be to limit the supply of such coal on the market. Speculators, for the purpose of affecting, temporarily at least, the market price of coal under speculating transactions divert the coal from its regular and normal movement, and to that extent the supply in the market is limited. It may be that the limitation is for a brief period only, but nevertheless any speculative transaction interferes with the natural law of supply and demand and the regular and orderly processes which are brought into play in the transfer of the coal from the mine operator to the consumer, and to prevent this is the object of my amendment.

Mr. President, during the war I suggested a plan which I believe would have proven effective in dealing with profiteering and speculation in commodities. I suggested that the States enact laws under which some State agency would be empowered to commandeer all products and commodities which were controlled by speculators, monopolists, and conspirators who sought to rob and exploit the people, paying therefor a reasonable price. The plan also contemplated that the State agent would then sell the commandeered commodities to the people at reasonable prices. It is obvious that under such a law corporations or individuals would be afraid to unduly increase prices for fear that the State authority would be exercised, and the commodities, the prices of which they were seeking to unduly elevate, commandeered. A person will not speculate in commodities which the State may immediately seize and sell for reasonable prices. I suggested that the bills could provide that the States, upon commandeering the commodities, should tender what was regarded as a reasonable price, and if the person owning the property refused to accept the same, then 75 per cent of the agreed reasonable value should be tendered and the owner remitted to an action at law to recover what he regarded as proper.

At the same time I also suggested that the Federal Government, as a war measure, might enact a law authorizing an appropriate Federal agency to commandeer commodities whenever there was monopolistic control resulting in unreasonable prices or whenever the prices charged were unreasonable or oppressive. I further suggested that the Federal agency commandeering the property be authorized to sell the same to the public for reasonable prices.

I repeat that a measure of that kind would have gone to the root of profiteering. Those who robbed and exploited the people would have hesitated to embark upon their nefarious course if there had been a law hanging over their heads under which the Federal Government, whenever their prices were too high, could have seized the property and sold it to the public at reasonable prices.

My suggestion took into account the constitutional provision requiring the payment of due compensation for property taken for a public use. I am not recommending such legislation at this time, but undoubtedly the States have power to enact such legislation, and a crisis may arise which may warrant the exercise of such power by the Federal Government. That question, however, Mr. President, is academic, and I shall not further discuss it.

Mr. President, a number of Senators, while expressing approval of the general purpose of my amendment, have urged me not to press it at this time for fear that it may delay the passage of the pending bill, either in the Senate or in the House. I have reluctantly reached the conclusion to not press my amendment at this time. I shall immediately, however, offer it in the form of a bill and ask its reference to the appropriate committee. I have received some assurances that it will be promptly considered. With this understanding I shall not press my amendment, but I give notice that if the committee to which the amendment in the form of a bill is referred fails to act upon it promptly, I shall offer it as an amendment to some other bill which will be presented to the Senate for consideration before adjournment.

Mr. CUMMINS. Mr. President, whatever may be the merit or the demerit of the amendment proposed by the Senator from Utah, it is quite obvious that it ought not to become a part of the pending bill. It relates to a different subject. Its effect would be nothing else than either greatly to delay or entirely to defeat the passage of the pending bill; and, inasmuch as the emergency, from my standpoint, is very great and we are losing every day the opportunity to protect the people of the country from onerous exactions, I sincerely hope that the amendment will not be agreed to.

So far as the suggestion that there be immediate consideration of the bill, if it is introduced as an independent measure, is concerned, all I can say is that if it shall be referred to the committee of which I am chairman it shall have all the consideration that the committee can give it. I would not promise, however, that it could be considered and a report made upon it at this session, for the Senator from Utah knows that very soon we shall have to cease work for this session.

Mr. KING. May I inquire of the Senator whether, in his judgment, the Interstate Commerce Committee would deal with this bill? Technically, I think it should go to the Committee on the Judiciary.

Mr. CUMMINS. Ordinarily, I think bills which simply impose penalties and define crimes ought to go to the Committee on the Judiciary rather than to the Committee on Interstate Commerce.

Mr. KING. I shall now content myself by asking that the bill be referred to the Committee on the Judiciary. The chairman is present, and I direct his attention to the bill and request that at the earliest possible date the committee be convened for the purpose of considering this measure.

The PRESIDING OFFICER. The Senator from Utah having withdrawn his amendment, the question now is on concurring in the amendment to the pending bill which was made as in Committee of the Whole.

Mr. SIMMONS. Mr. President, the Senator from Missouri [Mr. Reed] submitted and had printed an amendment to the pending bill, which he announced he would offer at the proper time. Before the matter was in shape for the Senator to present his amendment, however, he was called from the city, and he requested me to present the amendment to the Senate.

A few days ago, in my absence, the matter came up, and the Senator from South Carolina [Mr. Dial] very kindly presented the amendment, and a vote was taken upon the amendment with a very slim attendance of the Senate, as I understand, and it was rejected. I feel it my duty, under the circumstances, to offer the amendment now to the bill in the Senate. I recall that when the Senator from Missouri offered his amendment and very fully discussed it, the Senator from Iowa [Mr.

Cummins], in charge of this bill, indicated that he had no opposition to the purpose of the amendment.

Mr. CUMMINS. Mr. President, not quite that. I agreed with the proposals contained in the amendment suggested by the Senator from Missouri.

Mr. SIMMONS. That is what I said. I said "the purpose of the amendment."

Mr. CUMMINS. I did not agree, or even suggest, that it ought to be put upon this bill as an amendment. It belongs as an amendment to the bill under the charge of the Senator from Idaho [Mr. Borah] if it should be added to any bill as an amendment.

Mr. SIMMONS. The Senator misunderstood me. I did not state that he expressed a willingness to accept the amendment to this bill, but that he did say that he had no objection to the purposes of the amendment.

Mr. CUMMINS. That is entirely correct.

Mr. SIMMONS. That is what I said at first. The Senator probably did not understand me.

Mr. BORAH. Mr. President——

Mr. SIMMONS. I yield.

Mr. BORAH. I stated to the Senator from Missouri [Mr. Reed] before he left that I had no objection to the purpose or object of his amendment, but that I should object to its going on a bill which is solely for the purpose of creating a commission. If you will look at the amendment, you will see that it has no part or parcel with the object or purposes of the measure which I have in hand. I think it is a very good thing to do; but my bill simply creates a commission for the purpose of investigating certain matters touching the coal industry. It is not in the way of permanent legislation, nor imposing by law any obligation upon the operators or anybody else connected with the coal industry until such time as the commission shall report, and we shall enact a law in accordance with the suggestions of the commission. I stated that to the Senator from Missouri before he left. He did not express himself after I had expressed myself, so I am not authorized to state that he accepted my view.

Mr. SIMMONS. Mr. President, the amendment as printed purports to be an amendment to be offered to House bill 12377. The Senator from Missouri, before he left, so changed it as to make it an amendment to the pending bill, Senate bill 3940. Now I understand that the Senator from Iowa thinks it is not appropriate as an amendment to the present bill, and now I understand the Senator from Idaho to say that it would not be appropriate as an amendment to the bill that he has in charge.

Mr. BORAH. I really think that both the Senator from Iowa and I are correct. I do not think that the legislation which is there proposed is, I might say, germane—although, technically speaking, that never obtains in the Senate—I do not think it really belongs to either one of these measures. This bill is purely an emergency proposition, and mine is purely for an investigation. The amendment of the Senator from Missouri undertakes to create an obligation upon the operators, which will be permanent law, to have them report every so often concerning their profits, the amount of coal which they have sold, and so forth. That may be perfectly proper when we come to legislate permanently upon this question. I have no objection to it if it is offered as a separate bill now, although I think it might well wait until we come to the matter of permanent legislation.

Mr. SIMMONS. It seems to me that this amendment would be very appropriately attached to a bill which raises a commission, because the amendment proposes that the operators of the coal mines shall make bimonthly reports embodying some information that would be exceedingly helpful, I should say, to the commission which it is proposed to create.

Mr. BORAH. That is true, Mr. President; but no man investigating as a member of this commission would accept one of those reports as conclusive.

Mr. SIMMONS. No; not as conclusive.

Mr. BORAH. And he would have to investigate the same subject matter anyway.

Mr. SIMMONS. The Senator will have to admit, I think, that if a report of this sort were required from the operators of the coal mines, while it would not be conclusive upon the commission, and while they probably would desire to make additional investigations, it would be exceedingly helpful to the commission, especially if that report is required to be made under oath. This amendment does require that the statement of the operators shall be made under oath, and it is a very sweeping statement, one that would seem to get at the very vitals of their business operations.

The amendment provides for a sworn statement from the operators showing the following facts:

> First. The amount of coal by them produced for the 15 days preceding the issuance of said statement.
>
> Second. The price per ton for the various grades received by them at the mine.
>
> Third. The amount of such coal shipped direct to retail distributors and the amount to the wholesale dealers and the amount sold directly to consumers, together with the prices in each instance received.
>
> Fourth. The percentage the production bears to the capacity production of the mine as rated by the carriers serving the mine.
>
> Fifth. The causes for failure to operate the mine at full production capacity and the percentage of reduction due to each of the several causes assigned.

I can not conceive of any information that a commission such as the Senator from Idaho proposes to raise by this bill would find more valuable than the information sought to be elicited by this amendment proposed by the Senator from Missouri [Mr. Reed]. I had intended merely to take a perfunctory vote now upon whether this amendment shall be adopted as an amendment to the pending bill, and later, if it was rejected—and I rather assume it will be, in view of the statement now made by the Senator from Iowa—offer it as an amendment to the proposition of the Senator from Idaho, to which bill I think it would probably be somewhat more germane—in fact, altogether more germane, in my opinion—than it is to this bill; and I am disappointed to hear the Senator from Idaho indicate that he might not be willing to accept it. However that may be, I am going to ask for a vote now, and I will say to the Senator from Idaho that when his bill is taken up I shall offer it, and I hope he will change his mind about it.

Mr. BORAH. Perhaps it will be accepted on this bill.

Mr. SIMMONS. I hope it will be. The Senator indicated that he would accept it, I thought, a little while ago.

Mr. CUMMINS. Mr. President, as I said to the Senator from Missouri, there are no provisions in the proposed amendment with which I do not agree. It proposes a system of regulating the production and the distribution of coal; but, as I remarked to the Senator from Missouri, this bill expires by its own limitation in six months.

Mr. SIMMONS. I appreciate that.

Mr. CUMMINS. It would be of no value at all to attach this amendment to it, and really I think it ought to be made the subject of an independent bill, because it does constitute a system of regulation.

Mr. SMITH. Let us take a vote on it.

Mr. CUMMINS. I only say that I can not accept it, or advise Senators to vote for it as an amendment to this bill.

Mr. SIMMONS. Does the Senator mean to say that if this provision is added as an amendment to his bill, it would not be operative after six months?

Mr. CUMMINS. That is just what I mean to say. The bill before us has been amended so as to make it expire in six months from the day of its passage.

Mr. SIMMONS. The Senator has fixed six months because he thinks probably this emergency will last that long?

Mr. CUMMINS. Precisely.

Mr. SIMMONS. The information that is sought here is largely to help in dealing with this emergency.

Mr. CUMMINS. I do not think so, Mr. President.

Mr. SIMMONS. This information will be exceedingly valuable, it seems to me, in this emergency.

Mr. CUMMINS. I hope the amendment will not prevail.

Mr. SIMMONS. Mr. President, I have no disposition to discuss the matter. In fact, I am not sufficiently acquainted with the purposes of the Senator offering the amendment to discuss it satisfactorily to myself. Senators will remember, however, the very forceful and able presentation made by the Senator from Missouri at the time he offered this amendment.

I agree, as I stated a little while ago, that this amendment is clearly more germane to the bill which will hereafter be under consideration, introduced by the Senator from Idaho [Mr. Borah], to raise a commission of a permanent character to deal with the coal situation, than it is to this bill; but I do believe that the amendment would be helpful in carrying out the purposes of both of these measures. The fuel distributor provided for in this bill, the powers that are to be exercised by the Interstate Commerce Commission in connection with the pending bill, are of such a character that it seems to me if they could have these bi-monthly reports from the operators, disclosing these fundamental and vital facts with reference to their operation, production, and prices, it would be very helpful; in the one case helpful only during an emergency, but the bill is being passed to serve an emergency; and I think this amendment would help the agencies of the Government that are intrusted with the power of executing the duties imposed under the bill.

I simply wish to ask for a vote, and I wish to say now th if the amendment is defeated, I shall offer it to the bill of

Senator from Idaho [Mr. Borah], and then I shall press it with some degree of vigor, because in the meantime I shall more fully advise myself with reference to the matter.

Mr. CALDER. Mr. President, I am sorry the Senator from West Virginia is not in the Chamber. I listened to his address a few moments ago, and noted the defense he made of the coal industry in his State.

As I understand it, it is not charged by the proponents of this bill that every man engaged in the coal business is corrupt, or endeavoring to raise prices unduly, or to do anything unlawful. In fact, I am sure we will all agree that the great majority of the men engaged in the business of mining or handling coal in any manner are honest men, just as honorable as any other class of men engaged in any industry. But they are human, and in the past the experience has been that in a time of shortage coal gets into the hands of speculators, and very often passes through a number of hands, and vast sums of money are made upon it.

I recall distinctly the facts brought out a few years ago, when a committee of the Senate, of which I was a member, made some inquiry into this subject. I remember a coal operator from West Virginia contended before our committee that he was disposing of his coal at something like $2.60 a ton at the mine, when at the same time he was a coal wholesaler in Philadelphia selling soft coal at the mine—though not at the mine of this operator, it is true—for $11 a ton to the Department of War. I know our committee took the trouble to follow that coal right down from the mine to the consumer, and discovered that in some cases the coal passed through seven or eight different hands before it finally reached the War Department.

So, because of that knowledge, because of the experience of the past, it seems to me this legislation is wise.

In my own State we have recently passed a law much more drastic than this. Our governor, who has been a member of our court of appeals, and who is perhaps one of the most learned lawyers of the Nation, after a careful examination of the subject feels confident that this very drastic coal control law of ours, which seeks to prevent profiteering in coal within our State, will stand the test of the courts.

In New York we passed a law regulating rents because of the emergency, and it has gone through our supreme court and court of appeals to the Supreme Court of the United States, where in two different cases the courts have decided that the law is constitutional. I am just as sure that when this bill is passed and reaches the Supreme Court, which it undoubtedly will, following the line of decisions in the rent act, the higher court will uphold the constitutionality of this measure.

In New York last week we appropriated $10,000,000 to be used as a revolving fund wherever necessary to assure a reasonable price of coal to the consumer. The State will take charge of this matter itself and thereby assure fair dealing in all coal that comes into our State.

I shall vote for the pending bill. It does not go too far for me, although usually I deplore legislation of this character. But we are in a great emergency, and we must not stand helpless and fail to protect the people of the country in this emergency.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Carolina [Mr. Simmons] on behalf of the Senator from Missouri [Mr. Reed].

The amendment was rejected.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in. The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. DIAL. I ask for the yeas and nays.

The yeas and nays were ordered, and the principal legislative clerk proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I transfer my general pair with the Senator from Virginia [Mr. Glass] to the Senator from New York [Mr. Wadsworth] and vote "yea."

Mr. NEW (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. McKellar]. I transfer that pair to the junior Senator from Washington [Mr. Poindexter] and vote "yea."

Mr. SIMMONS (when Mr. Overman's name was called). I desire to announce that my colleague [Mr. Overman] is absent on account of illness. He is paired with the senior Senator from Wyoming [Mr. Warren]. I will let this announcement stand for the day.

Mr. SHIELDS (when his name was called). I have a general pair with the Senator from Maine [Mr. Hale]. In his absence I transfer that pair to the Senator from Missouri [Mr. Reed] and vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. Overman]. I transfer that pair to the junior Senator from New Hampshire [Mr. Keyes] and vote "yea."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from California [Mr. Johnson], and not knowing how he would vote on this question, I refrain from viting.

The roll call was concluded.

Mr. McCUMBER. I desire to announce that the junior Senator from Utah [Mr. King], with whom I have a general pair, was called to one of the departments on official business, and is therefore temporarily absent. If present, he would vote "yea" on the passage of the bill. I vote "yea."

Mr. BORAH. I am not at liberty at this time to cast my vote.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. Edge] with the Senator from Oklahoma [Mr. Owen];

The Senator from West Virginia [Mr. Elkins] with the Senator from Mississippi [Mr. Harrison];

The Senator from Maine [Mr. Fernald] with the Senator from New Mexico [Mr. Jones];

The Senator from New Jersey [Mr. Frelinghuysen] with the Senator from Montana [Mr. Walsh];

The Senator from Massachusetts [Mr. Lodge] with the Senator from Alabama [Mr. Underwood];

The Senator from Illinois [Mr. McCormick] with the Senator from Wyoming [Mr. Kendrick];

The Senator from Illinois [Mr. McKinley] with the Senator from Arkansas [Mr. Caraway];

The Senator from New Hampshire [Mr. Moses] with the Senator from Louisiana [Mr. Broussard];

The Senator from Missouri [Mr. Spencer] with the Senator from Georgia [Mr. Harris]; and

The junior Senator from Ohio [Mr. Willis] with the senior Senator from Ohio [Mr. Pomerene].

The roll call resulted—yeas 40, nays 7, as follows:

YEAS—40.

Ashurst
Ball
Brandegee
Bursum
Calder
Capper
Culberson
Cummins
Curtis
Dillingham
du Pont
Fletcher
Gooding
Harreld
Heflin
Jones, Wash.
Kellogg
Lenroot
McCumber
McLean
McNary
Nelson
New
Nicholson
Oddie
Phipps
Ransdell
Rawson
Sheppard
Shortridge
Simmons
Smoot
Stanfield
Sterling
Swanson
Trammell
Walsh, Mass.
Warren
Watson, Ind.
Williams

NAYS—7.

Dial
Ernst
Reed, Pa.
Robinson
Shields
Stanley
Sutherland

NOT VOTING—49.

Borah
Broussard
Cameron
Caraway
Colt
Edge
Elkins
Fernald
France
Frelinghuysen
Gerry
Glass
Hale
Harris
Harrison
Hitchcock
Johnson
Jones, N. Mex.
Kendrick
Keyes
King
Ladd
La Follette
Lodge
McCormick
McKellar
McKinley
Moses
Myers
Newberry
Norbeck
Norris
Overman
Owen
Page
Pepper
Pittman
Poindexter
Pomerene
Reed, Mo.
Smith
Spencer
Townsend
Underwood
Wadsworth
Walsh, Mont.
Watson, Ga.
Weller
Willis

The PRESIDING OFFICER. On this question the yeas are 40, the nays are 7, and the Senator from Georgia [Mr. Watson], the Senator from South Carolina [Mr. Smith], and the Senator from Idaho [Mr. Borah] are present, not voting. The bill is passed.

The bill as passed is as follows:

Be it enacted, etc., That by reason of prolonged interruption in the operation of a substantial part of the coal-mining industry in the United States and of impairment in the service of certain common carriers within the jurisdiction of the Interstate Commerce Commission and engaged in commerce among the States, a national emergency exists which threatens to obstruct and hamper the operation of the Government of the United States and of its several departments, the transportation of the mails, the operation of carriers engaged in commerce among the several States and with foreign countries, and to furnish an opportunity for the disposition of coal and other fuel at unreasonably high prices.

SEC. 2. That the powers of the Interstate Commerce Commission under the act entitled "An act to regulate commerce," approved F ruary 4, 1887, as amended, including the transportation act, 1920, and especially under section 402 of said transportation act, 1920, are, during the aforesaid emergency, enlarged to include the authority to issue in interstate transportation of coal or other fuel orders for priorities, embargoes, and other suitable measures in favor of or against any carrier, including vessels suitable for transportation of coal on the inland waters of the United States which for such purpose shall be subject to the Interstate Commerce Act, or region, or person, or corporation, and to take any other necessary and appropriate steps for the priority in transportation and for the equitable distribution of coal or other fuel so as best to meet the emergency and serve the public interest, and to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal or other fuel at prices unjustly or unreasonably high.

Sec. 3. That for the purpose of assisting in carrying into effect the orders of the Interstate Commerce Commission made under existing law or under section 2 hereof there is hereby created and established an agency of the United States to be known as "the Federal fuel distribution," and there shall be appointed by the President a Federal fuel distributor, who shall ascertain:

(a) Whether there exists within the United States or any part thereof a shortage of coal or other fuel and the extent of such shortage;

(b) The fields of production of coal and other fuel and the principal markets to which such production is usually transported and distributed and the means and methods of distribution thereat;

(c) The prices normally and usually charged for such coal and other fuel and whether current prices, considering the costs of production and distribution, with fair profits, are just and reasonable; and

(d) The nature and location of the consumers, whether persons, firms, corporations, municipalities, or communities, which should receive priority in transportation and distribution under the acts to regulate commerce administered by the Interstate Commerce Commission, including the transportation act, 1920, in time of shortage of coal or other fuel, or the transportation thereof, to the end that an equitable distribution of coal or other fuel may be secured so as best to meet the emergency and serve the public interest.

The Interstate Commerce Commission is hereby directed to receive and consider the recommendation of the Federal fuel distributor, based upon his reports upon the foregoing subjects, and any other information which it may secure in any manner authorized by law.

Sec. 4. That the Federal fuel distributor may make such rules, regulations, and orders as may be necessary to carry out the powers conferred upon him under the provisions of this act, and may cooperate with any department or agency of the Government, any State, Territory, district, or possession, or department agency or political subdivision thereof, or any person or persons, and may avail himself of the advice and assistance of any department, commission, or board of the Government, and may appoint or create any agent or agency to facilitate the power and authority hereby conferred; and he shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing laws, and make such expenditures for rent, printing, telegrams, telephones, furniture, stationery, office equipment, travel, and other operating expenses as shall be necessary for the due and effective administration of this act.

Sec. 5. That whenever the President shall be of the opinion that the national emergency hereby declared has passed he shall by proclamation declare the same, and thereupon this act shall no longer be in force or effect, and in no event shall it continue in force and effect for longer than six months from the passage thereof: *Provided*, That nothing herein shall be construed as changing or amending the present law as to assigning cars for handling or transporting coal on contracts entered into prior to July 25, 1922, at not more than $2 per ton f. o. b. cars at mines.

Sec. 6. That for the enforcement of the provisions of this act, including personal services and every other expense incident to the enforcement thereof, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000, or so much thereof as may be necessary.

Mr. CUMMINS. I move that the Senate insist upon its amendment, and request a conference with the House, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. Cummins, Mr. Kellogg, and Mr. Smith conferees on the part of the Senate.

UNITED STATES COAL COMMISSION.

Mr. BORAH. I ask that the unfinished business, House bill 12377, be laid before the Senate and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12377) to establish a commission to be known as the United States coal commission, for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

Mr. BORAH. I ask that the pending amendment offered by the Senator from Tennessee [Mr. Shields] may be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The Assistant Secretary. In line 22, page 6, of the committee substitute as printed, after the words "United States," insert "or any person in any wise interested as mine owner, operator, or miner in the coal industry."

Mr. BORAH. Mr. President, I do not desire to discuss the matter again, but to state in a sentence or two what it is. When the bill was originally drawn it was provided that there should be a representative of the mine owners and a representative of labor upon the commission. The committee deemed it wise to eliminate that provision and leave the matter entirely to the Executive. That is the way the bill now stands. I very much desire to have the bill go through that way. I do not think it is wise to prohibit the right of the President to have these different interests represented on the commission if he sees fit. The more I think about it the more I believe they ought to be represented. Nevertheless, I have waived my view upon that in the interest of harmony and progress, but I sincerely hope that the amendment offered by the Senator from Tennessee will not be adopted, because it would undertake to prevent the President from having those interests represented.

Mr. SHIELDS. The Senator, I think inadvertently, stated that there was no provision as to excluding anyone from the commission.

Mr. BORAH. I said no provision excluding representatives of the mine operators or the labor interests.

Mr. SHIELDS. I know it was an inadvertent statement.

Mr. BORAH. No; it was not inadvertent because that is true.

Mr. SHIELDS. The bill as it stands excludes Members of Congress and members of the executive departments of the Government.

Mr. BORAH. I did not state that it did not prohibit anyone. I said it did not prohibit representatives of the mine owners or the workmen.

Mr. SHIELDS. I thought it might be inferred from the Senator's statement that it was without any reservation whatever. That is why I called it to the attention of the Senate.

I do not desire to argue the matter any further. The only comment I wish to make is that I thought Members of Congress and members of the executive departments were as competent to pass upon these matters as men interested in the coal industry, and certainly they were more disinterested as they have no financial interest. It was upon that theory and for that reason that I offered the amendment.

I ask that the entire provision may be read as it would read if my amendment were agreed to.

The PRESIDING OFFICER. The Secretary will read as requested.

The Assistant Secretary. If amended, as proposed by the Senator from Tennessee, the paragraph would read:

That there is hereby created and established a commission to be known and designated as the United States coal commission, to be composed of five members to be appointed by the President of the United States, by and with the advice and consent of the Senate, Members of the House of Representatives and United States Senate and any person holding an office under the United States, or any person in anywise interested, as mine owner, operator, or miner, in the coal industry to be ineligible to serve on said commission.

Mr. BORAH. The amendment which is now before the Senate relates only to the last provision, "or any person in anywise interested, as mine owner, operator, or miner, in the coal industry."

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Tennessee to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. BORAH. I desire to offer an amendment. The amendment should appear upon page 8, after line 6, and is as follows:

Said commission shall make a separate investigation and report for the anthracite industry, which investigation and report shall cover all of the matters specified in the last preceding paragraph, and shall cover also every other phase of the anthracite industry, including the production, transportation, and distribution of anthracite, and the organized or other relationships, if any, among the mine operators or the mine workers, or among any persons engaged in the production, transportation, or distribution of coal.

I wish to say just a word in regard to the amendment. The amendment has been tendered as a result of the settlement of the anthracite controversy and was deemed by those interested in the matter—I mean those interested in having a complete investigation of it—to be more ample and make fuller provision for the investigation of that industry than the bill otherwise provided. I think the amendment is a good amendment. I feel that it would add to the bill and not detract from it in its efficiency. I should like to see it adopted.

Mr. STERLING. Mr. President, may we have the amendment to the amendment read at the desk?

The Assistant Secretary read the amendment to the amendment.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Idaho to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BORAH. On page 9, in line 8, I offer the following amendment: After the words "the President" insert a separate sentence to read as follows:

Said commission shall render its separate report on the anthracite industry on or about July 1, 1923, and shall endeavor, in said separate report and in the recommendations contained therein, regarding wages in the anthracite industry, to take into consideration the conditions obtaining up to the time when said report is made.

Mr. STERLING. Should not the Senator say "on or before July 1, 1923"?

Mr. BORAH. Very well. I think that would be better.

The PRESIDING OFFICER. The Senator from Idaho modifies his amendment to read "on or before July 1, 1923." The question is on the amendment offered by the Senator from Idaho to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. BORAH. On page 9, line 8, before the word "data," I move to amend by inserting the word "detailed."

The PRESIDING OFFICER. The amendment will be stated.

The Assistant Secretary. On page 9, line 8, before the word "data," insert the word "detailed," so as to read:

> That the detailed data or information obtained by the commission shall not be made public—

And so forth.

The amendment to the amendment was agreed to.

Mr. BORAH. In the interest of an improvement of the language of the bill, on page 7, line 18, after the word "Constitution," I move to insert the word "Congress."

The amendment to the amendment was agreed to.

Mr. BORAH. On page 11, line 11, after the word "expenses," I move to insert the word "and." These amendments, I will say, are merely to correct the phraseology.

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be stated.

The Assistant Secretary. On page 11, line 11, after the word "expenses," it is proposed to insert the word "and," so as to read:

> Expenses, and per diem rates of allowance—

And so forth.

The amendment to the amendment was agreed to.

Mr. BORAH. Mr. President, that completes all of the amendments which I have to offer.

Mr. DIAL. I desire to offer two or three amendments to the pending bill, the first of which I send to the desk and ask that it may be stated.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from South Carolina.

The Assistant Secretary. On page 6, beginning with line 16, it is proposed to strike out all of the paragraph down to and including the word "Senate" in line 20, and in lieu thereof to insert the words "Federal Trade Commission."

Mr. DIAL. Mr. President, as I understand, this bill merely provides for an investigation. We now have an organization constituted under our Government, and a very efficient organization, which has been established for the very purpose of conducting investigations. In these times when we are trying to economize, or, at least, when we should be trying to economize, I can not see any necessity for appointing five commissioners, at a salary of $7,500 a year each, with all the attendant expenses, to carry on the proposed investigation; in fact, I do not think we shall get very far with the investigation anyway.

I take it that some one member of the Trade Commission with about a couple of clerks and in about a couple of months could secure all the information which will be obtained under this bill, should it become a law. I am opposed to so much investigation. We know the condition of the coal business in this country and this proposition if carried out would be a useless expenditure of time, money, and energy. In the first place, I think there is no necessity for the proposed investigation, and, in the next place, there is no necessity for the appointment of a commission to conduct the investigation should it be ordered. I feel that the Federal Trade Commission could do everything which the proposed coal commission could do, and do it much better and with much less expense to the Government.

Mr. BORAH. Mr. President, of course the adoption of the amendment would have the effect of defeating the pending bill, and I trust it will not prevail.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Carolina.

The amendment to the amendment was rejected.

Mr. DIAL. I desire to offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Carolina will be stated.

The Secretary. On page 6, line 18, after the word "Senate," it is proposed to insert the following:

> Who shall be selected, as far as practicable, from the different sections of the country, and no more than three of whom shall belong to one political party.

Mr. DIAL. Mr. President, the amendment speaks for itself and it needs no argument. I hope it will prevail.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from South Carolina.

Mr. BORAH. Mr. President, let the amendment again be stated.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Assistant Secretary again read the amendment to the amendment.

Mr. BORAH. I assume, Mr. President, of course, that the President will so far as practicable in the appointment of the coal commission select men from different sections of the country; but I do not think that at all should be the rule by which the President should be guided in this particular matter. He will endeavor to select the men who are best fitted for the work, even though they might all come from one particular section of the country. I have no particular objection to the amendment, because I do not think it will be any particular embarrassment to the President.

So far as the other question is concerned, I assume, of course, that this commission will not be a partisan commission, and therefore I do not object to having that part of the amendment agreed to. It might be a little embarrassing, if the President should find a number of men peculiarly fitted for the work belonging to one party—even if he should find them all in the Democratic Party—he would probably desire to have a chance to select them. I have no idea in the world that in this particular kind of commission the President would think of selecting a partisan commission. If he did, he would very likely destroy the commission if that was in his mind. The difficulty with the amendment is that it might enforce the doing of something which would embarrass the commission rather than help. However, at the present time, Mr. President, I am not going to object to that amendment, though I may look into it later.

Mr. DIAL. I was trying by this proposition to relieve the President of any embarrassment. I sought to help him. I thank the Senator from Idaho for accepting the amendment.

Mr. REED of Pennsylvania. Mr. President, from the standpoint of the anthracite industry and continued peace in that industry it seems to me that it is of the very highest importance that the President should be absolutely free to select disinterested experts as members of the proposed coal commission, and that we should not in any way tie his hands by qualifications of political alignment or residence or geography of any sort. The whole question of peace in the anthracite region in 1923 will depend upon the fairness and the comprehensiveness of the report of the commission proposed to be created. I know whereof I speak, because I have been in touch with the negotiations which led up to the present strike settlement, and I know that both parties are looking forward expectantly to the appointment of an able commission that will cast full light on the problems that have agitated the coal region. For that reason I hope the amendment will not be adopted.

Mr. JONES of Washington. Mr. President, heretofore I have opposed provisions sought to be embodied in laws creating commissions requiring the President to take any particular portion of their membership from a certain political party. I did that under the preceding administration, and I see all the more reason in the case of a commission such as is proposed to be created why the President should not be hampered and why we should not by legislation inject politics into a commission of such a character. I hope the amendment will be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Carolina.

The amendment to the amendment was rejected.

Mr. DIAL. Mr. President, I offer another amendment.

The PRESIDING OFFICER. The amendment offered by the Senator from South Carolina will be stated.

The Assistant Secretary. On page 9, beginning in line 1, it is proposed to strike out:

> (d) The advisability or wisdom of nationalizing the coal industry.
> (e) The feasibility or necessity of governmental regulation and control of the coal industry.

Mr. DIAL. Mr. President, in my opinion, subdivision (d) is merely an invitation to all of the disgruntled people of the country to appear before the proposed commission to complain and talk about nationalizing the coal industry. So far as I am concerned, I do not want to see any effort made to nationalize the railroads or the coal industry or anything else. I want the various industries of the country to remain in the hands of private individuals. I feel that the language which I seek to strike out will merely afford an invitation to people who have become dissatisfied to find fault and to complain with the conduct of business. I thought this administration were going to have less politics in business and more business in politics, or something of that sort, but it seems that they have in some way lost the text or, at any rate, they do not stick to it. I am trying to help them a little, for they need a great deal of help. They are wobbling around and flopping about and it seems difficult for them to stabilize themselves.

If the bill shall be adopted containing the provision which I seek to strike out, the commission will go gallivanting around over the country to hear all the soreheads and the dissatisfied element generally who wish to nationalize everything. We heard something about nationalization during the war and directly after the war, and we are being nationalized now until many of us are in bankruptcy, and nearly every man who has a little business wishes he did not have, for he can hardly pay his taxes. I do not see any use of holding out any hope here, like sirup trying to draw flies, and then come back here and have to kill the hope. It is out of place and it ought to be beneath the notice and dignity of the Senate to encourage any such investigation along impracticable, improbable, revolutionary, and, as I view it, I. W. W. lines. That is about where we are drifting. We ought to shut the door against all such foolishness and nonsense.

Of subdivision (e) about the same thing may be said. If we are going to investigate the coal industry, let us investigate it in a sensible way, but do not let us hatch up any more foolisms in this country.

Mr. STERLING. Mr. President, I am so much in sympathy with the main features of this bill and the purposes that it is meant to accomplish that I do not like to put myself in the attitude of offering an amendment or supporting an amendment to what may be considered any material feature of the bill; but I sympathize with the position of the Senator from South Carolina in regard to what he says concerning subdivision (d). I am not going to discuss the question, Mr. President, further than to say that I think that subdivision will invite all sorts of propaganda and the putting forth of all kinds of theories relative to the nationalization of this great industry. The commission to be created will be besieged by every believer in State socialism to report favorably upon the nationalization of the coal mines. I do not believe that we ought to enter upon that field at this time. I think the other provisions of the bill will furnish enough for the commission to do without going into the theoretical and speculative question of the nationalization of the coal mines of the country. I think it may readily be shown that public ownership or nationalization has in hardly any instance proved satisfactory and that in many it has proved disastrous. I do not think we want to cloud the immediate issue here, the settlement of present controversies, by introducing this subject into this legislation.

I hope the question will be divided and that we may vote separately on the first proposition involved in the amendment of the Senator from South Carolina. I understand that both subdivision (d) and subdivision (e) are embraced in the amendment offered by him, and when it comes to a vote I will call for a division of the question so that subdivision (d) may be voted upon separately.

Mr. BORAH. Mr. President, I may have a different view of this matter from my colleague on the committee, the Senator from South Carolina [Mr. Dial], and I may not. This is simply an investigation of a subject which is up for discussion among a great many people in this country who are neither I. W. W's nor insane. It is a feature of the coal situation which has presented itself to men of very high intelligence who have given a great deal of study to it. They have felt, and I feel, that an investigation of it is a wise thing to have. If, as the Senator from South Dakota [Mr. Sterling] says, nationalization is impracticable and has proven impracticable in many instances and disastrous in others, that will be the thing which this commission will likely report to this body. If the evidence or the showing is to that effect, we will have it disposed of, as I assume that this commission is not going to be composed of the kind of men that Senators seem to fear. In fact, I should be very glad to have my friend from South Carolina, if it were possible, on this commission. I am satisfied that he would make a thorough investigation of it if he were authorized to do it, and I do not think there is very much doubt about what his report would be when it came in. But, Mr. President, I am not afraid of investigating any feature of the coal industry; and if there is anything at all in nationalization which it is worth while for this body to have when it comes to establish a national policy I want this body to have it. I do not want the ordinary commission, which goes out and gathers a lot of incoherent data and brings it back here and dumps it into the wastebasket of the Congress and leaves it there. I desire, so far as I have any ambition at all in regard to this matter, to see something of a crystallization of these facts into some policy which will enable the Congress to deal with the matter from a national standpoint and adopt a national policy in regard to the coal industry. It is altogether probable that the commission which will be appointed in this matter will be as desirous of arriving at a practical policy as anybody in the Senate; and it is not to be presumed, because they are investigating this matter, that it is foreordained that they are going to recommend nationalization.

I say, therefore, that it is wise to have a complete study, a thorough investigation, a comprehensive investigation of the entire subject. Let us know it in all its details and establish once for all, if we can, a national policy with reference to this great industry upon which the industrial life of our people so largely depends.

Mr. STANLEY. Mr. President, even if it were desirable to investigate, through a commission appointed by the President, the establishment of a socialistic régime in the control of the second greatest industry in the United States—perhaps its greatest industrial enterprise—I doubt the propriety of doing it as an addendum to an effort to secure an immediate adjustment of certain unfortunate conditions existing in that industry and in the transportation system of the country.

The Senator from Idaho [Mr. Borah] has very wisely suggested in his amendment that this committee shall report on or before a certain date in the immediate future. If the Senator from Idaho should go into this question of nationalization it is not within the realm of human intelligence to discuss so vast and intricate a subject, one that has fixed the attention of the governments of the Old World, one upon which the greatest political economists have written volumes, and one about which jurists and statesmen have differed for generations. It will be utterly impossible for this commission, with a simple, definite, tangible program before it—one with which I am not in sympathy, but which I am glad to see is not so intricate or so difficult as the proposal of the Senator from Idaho—I am not in favor of increasing the powers of the Interstate Commerce Commission for the purpose of fixing the price of coal, but that, if it is done, will be done for the simple purpose of preventing the charging of an excessive price in the immediate future, and after the mines resume and before the present demand is supplied. You will becloud the issue, you will delay a definite result, you will prevent an immediate report about certain things we wish settled at the earliest possible moment, by going into this interminable question.

Mr. President, I admire the willingness of the able Senator to meet any question with an open mind. I agree with him and with Thomas Jefferson that an untrammeled mind should question all things divine and human, and should weigh, if need be, the very divinity of God; but there is a vast difference between our duty here and the courage of the philosopher who is willing to look any question in the face, the courage of the political economist who is willing to question any theory, however wild or dangerous. There is a place to make dynamite, but it is not in the Senate of the United States. There is a place to play with questions that are full of revolution and chaos, that shake governments to their foundations, that destroy industry, but the place is not the Senate, and the place is not before commissions appointed by the President which will necessarily give more or less of a political color to their findings.

In addition to that, this investigation must result in producing the very condition you wish to escape. What are you trying to do? To prevent profiteering in coal; to prevent the holders of over three trillions of tons of coal from selling a modicum of it at an inordinate price.

Mr. BORAH. Is not the Senator speaking now in particular of the bill which has just passed?

Mr. STANLEY. I am speaking of this bill.

Mr. BORAH. This bill has nothing at all to do with that subject.

Mr. STANLEY. I know, but what I mean to say is this: When you go into the subject of fixing the value of coal, or go into the subject of preventing profiteering, or any other like subject, and you frighten these men who hold coal enough to supply the world for 5,000 years with the idea that we are liable to have this thing taken over by the Government, we are liable to establish a socialistic régime, we are liable to have Government ownership and Government control, what is the natural thing for the coal owner to say? "It is coming. We had Government regulation of railroads and the prices of railroad securities went to smash." The Government did this very same thing in England, in Prussia, and in the coal fields of Austria and of Russia, and the value of these properties have been destroyed or immensely impaired. Will you not force the coal operators to say with Louis XV, "'After us the deluge.' Let us make what we can and what we may out of these properties while they are still in our hands, for to-morrow is the 'day of judgment' for us—the Government and the socialists will destroy us. Let us sell what we can for as much as we can and as fast as we can." Nothing will prevent profiteering on the part of the coal dealer like a belief that he is to have the same title to his property as the owner of the land under which the coal is situated, as the owner of any other real estate or any other *chattel*. I think this feature of the inquiry is unwise at any time and is especially injudicious at this time.

Mr. BORAH. Mr. President, the logic of the able Senator's argument is, of course, to leave the coal industry unregulated, uncontrolled, untouched in any way. We now have before us some object lessons in regard to what that means. These men have, as he says, enough coal under their control to last thousands of years, and they are in a position to do what they are now doing, some of them—because I do not care to condemn them all—and that is to take advantage of the distress of the community to gather untold millions into their hands.

What we desire by this investigation is to see if we can not work out some national policy which will give the public the protection which it is entitled to have, and at the same time, of course, to deal in the utmost fairness with the men who hold this vast property. If there is any desire upon the part of anyone lurking about here anywhere to confiscate property, it is not upon the part of those who are urging the creation of this commission. No such thought enters our minds; but we do desire that this vast industry be subjected to some reasonable regulation and control, so that the public may share with the industry the vast wealth which God in His infinite wisdom has planted in the bowels of the earth, and the sole object and purpose here is to work out a national policy. Shall we say in advance that there are certain features of this policy which we will not stop to investigate; there are certain angles of it which we will not survey; there are some features of it to which we close our minds?

The Senator says that this may be a subject for the philosopher, for the economist, for the man in the outer world. Mr. President, if I may be permitted to say so without reflecting upon the great body of which I am a humble Member, that is one of the criticisms which are passed upon this body. The outer world is ahead of us. Business has outstripped our legislation here. The energy of the outside world has surpassed us in the race, and we are lagging behind, for the reason that either through political timidity or because we think it is unwise we refuse to grasp the questions which the development of the world is forcing upon the minds of everyone else. Let us at least have the courage to seize this great problem in all its angles and at every point, and investigate it from every angle of which we can conceive.

Mr. STANLEY. Mr. President, the able and accurate Senator from Idaho is surprising in his statement that the Senator from Kentucky is inclined to leave this great business unregulated so far as profiteering is concerned. The best years of my life have been given in a more or less futile attempt to prevent profiteering in coal, in steel, in tobacco, and in everything else. I regard extortion, whether by organizations selling or buying a commodity or producing it, whether by men who have fuel to sell, cloth to sell, skill to sell, or anything else, interference with the natural course of trade, of supply and demand, as a crime so far extended, touching intimately the lives of so many citizens, as to approach in its enormity the crime of treason itself. Save only the man who raises his hand to tear down the flag, he who devotes his talents or his wealth toward the destruction of the law of supply and demand, to the artificial limiting of output, or the raising of price for the purpose of wholesale plundering of a helpless people, is akin to a traitor and deserves the severest punishment this Government can inflict.

Mr. BORAH. Mr. President, I am well aware of the view of the Senator from Kentucky. I am also well aware that the Senator from Kentucky has, as he said, given his time and energy to that subject in an effort to control it. But what I said was that the logic of the Senator's contention would be to accomplish that purpose. The Senator said, for instance, that we had regulation and control of railroads, and railroad securities went to pieces. I understood him to mean from that that if we had regulation of coal, it would destroy the industry. I was not impugning the motive, much less patriotism, of the Senator from Kentucky.

Mr. STANLEY. I know that.

Mr. BORAH. I only contend that the logic of his argument would lead us to the point where we would have to drop the investigation and drop any kind of regulation of this industry entirely.

Mr. STANLEY. No; the Senator from Idaho and the Senator from Kentucky are in exactly the position of two good Christians who have two entirely different ways of going to heaven, but both want to get there. Our purposes are the same, but for once our religions are entirely different. I would prevent extortion in the coal industry by a rigid enforcement of the Sherman antitrust law and other antitrust laws, through any agreement between two producers of coal shipped in interstate commerce, fixing the price or limiting the output, whether between the miners producing the coal or between the jobbers and the miners distributing and selling the coal. I would reenforce the commodities clause of the interstate commerce act, and I would prevent any carrier from owning a coal mine or any coal mine from owning a share in a common carrier.

Mr. BORAH. It may be possible, and I presume it is not improbable, that this commission will ultimately report that along such lines alone we can deal with this matter; I do not know. But I do not want to send the commission out in the first place so limited in its scope and in its authority as to have to come back here with a certain line of action. When they do report, I want them to have had the authority which will enable them to say, "This out of a full investigation was all we could find that was reasonable."

With reference to the Sherman antitrust law, during the brief period in which I have been here I have always been a believer in the Sherman antitrust law and so recorded my belief by my vote; but through that peculiar method which we have of dealing with subjects here, doing things which we do not profess we do, we have emasculated and practically destroyed the Sherman antitrust law right here in the Senate.

You can not have a law which applies to one class of people in this country and enforce it which does not apply to another class doing the same thing. It is obnoxious to the first principle of an American and his conception of government. Yet we have exempted this class and that class from the operation of the Sherman antitrust law, and now we have nobody whom we can seize under the Sherman antitrust law, practically, except those who have not enough votes, supposedly, to hurt us very badly.

The labor organizations have been exempted, the farm and agricultural interests have all been exempted, and nobody is now subject to the law except the monopolies, pure and simple, in certain lines of industry, and we are not going to gather sufficient moral force in this country to enforce the law against one particular class when all other classes are exempted from the operation of the law. So, in my judgment, unless we restore the Sherman antitrust law in all its amplitude, in all its authority, it is at the present time a dead letter, and the talk about it, so far as enforcing it is concerned, does not bring a sense of relief to anybody against exorbitant rates or exorbitant prices.

Mr. STANLEY. I appeal from Philip drunk to Philip sober.

Mr. BORAH. No, the Senator does not, because I voted against all those exemptions.

Mr. STANLEY. I know it, and I do not mean that. I appeal from the philosophy of the Senator from Idaho, just expressed, to the philosophy of the bill for which he is standing. I did not mean to charge the Senator with any lack of sincerity, because I know he is sincere. He is exactly right; you will never prevent combinations in restraint of trade, you will never prevent monopolies, you will never prevent extortion, except in State socialism, as long as you refuse to enforce laws against combinations in restraint of trade, wherever those combinations, made by anybody, good or bad, high or low, no matter whether tilling the soil, digging mines, or doing anything else.

If a man agrees with his neighbor to charge more than a reasonable price for a thing, and uses the instrumentality of interstate commerce for the purpose, he should be punished, or prevented, at least. If you paralyze the Sherman Antitrust Act, if you refuse to punish monopolies which have been illegal under the common law for nearly a thousand years, or as long as we have had a common law, which have been illegal in every civilized community which ever pretended to protect its people from the power of combinations of wealth; if the Government refuses to punish monopolies, then there is but one thing for the Government to do, and that is to take over the properties themselves. You will either have a Government where people own their own property and obey rational laws in the use of it, or universal extortion as a result of the violation of such laws, when the Government necessarily, to prevent that extortion, must take control of those things itself.

Mr. BORAH. Mr. President, it is that alternative——

Mr. STANLEY. That alternative is right here.

Mr. BORAH. It is that alternative which I want this commission to investigate. I want them to face the two propositions, that we have either to take State socialism, or we have to take the other proposition and enforce it, provide for it, and do the work which devolves upon us. It is two halves of an apple. You have to examine both propositions. One supports the other and one is the alternative of the other. So let us go at this thing as the Senator does when he examines it; examine both sides of it and all parts of it, and determine what is best for this Republic to do. Let us be courageous enough to grasp it in all its details and in all its comprehensiveness.

Mr. STANLEY. An investigation to determine whether a socialistic governmental control and Government ownership is necessary to remedy existing conditions is like a doctor investigating whether it is better to let the patient die of disease or commit suicide. We are not investigating any remedy; we are investigating which of two things is the most certain to produce national and industrial ruin.

Mr. BORAH. They will determine that.

Mr. STANLEY. Mr. President, instead of investigating, as I would love to see the Senator from Idaho do, and as he can so well do, the feasibility of strengthening the commodities clause of the interstate commerce act, you passed an act which forbade carriers controlling and owning certain industries along their lines, but you did not provide a corresponding inhibition against the great industrials owning a carrier. So your commodities clause is not worth the paper it is written on. I tried for four long years to induce Congress to remedy that situation, until I was denounced as a flannel-mouthed demagogue, and now they say I am a hopeless reactionary and conservative; but I stand now where I have always stood, and where I expect to die.

Mr. BORAH. I am traveling, then, along the road the Senator traveled 8 or 10 years ago; so he must be patient with me.

Mr. STANLEY. No; the Senator is getting off on a side road. I tried to get them to strengthen the commodities clause, and if it had not been for the owners of a few tap lines and a few sawmills who came here, I would have succeeded. Two or three other industries had some plant facilities which they owned, and on which they earned four or five thousand per cent, and that ended it. On one occasion, I remember, when the great Senator from Pennsylvania [Mr. Reed] was on the other side, he representing the United States Steel Corporation as attorney, and very ably and properly so, and I was acting as chairman of the committee, Judge Gary appeared as a witness and advocated price fixing by the Government, fixing the price of labor and of commodities.

Mr. BORAH. Who did that?

Mr. STANLEY. Judge Gary. I told him then, respectfully—and I remember it amused my good friend the Senator from Pennsylvania [Mr. Reed] very much—that the only difference between him, the judge, and the other socialists was that he was an unconscious socialist, and that that was the only difference between him and Mr. Debs on that proposition.

Separate these railroads from the industrials and say to the anthracite people, " You can own your own mines and run them, hire labor in the open market, but you can not own and control a single railroad," and the anthracite question will settle itself; you will not have to go any further.

Mr. BORAH. That is included in the bill. But there are some gentlemen I know who are just as much opposed to that as the Senator is to the other and would like to see that cut out of the bill.

Mr. STANLEY. Oh, yes. I do not know whether they will call me radical or a reactionary, a demagogue or a conservative. I do know I have certain ideas, and it does not matter much which class they put me in.

If you should absolutely separate the tangled and intricate relations between the producers of coal and the carriers all over this country, let the railroads pay as much as anybody else pays for coal and carry everybody's coal and keep the railroads from the secret ownership of mines and the granting of preference in the mines they own, you would go a long ways toward settling this problem.

These are known, simple, tangible, manifest evils.

Are you investigating the things that cause the trouble? No; you are investigating the standardization of the coal industry. Standardize the coal industry and you make of it a corpse; to standardize the coal industry or to standardize the railroads of this country is to stiffen them into enternal death. Standardization of the railroads is a form of industrial rigor mortis, and necessarily so.

Let us consider some of your standardization. You might just as well invoke God Almighty to improve the human race by making all men 6 feet 2 inches high, with Roman noses, blue eyes, and bald heads. In the fact that this great mining industry is not standardized, as in the fact that the railroads were not standardized, rests their wonderful success. At one time the great railroads of this country committed all kinds of sins, and I denounced them for it, and they have denounced me. No man has ever been more heartily hated by railroad presidents than I. But with all that fight; with the Chicago & Alton scandal; all the Pittsburgh, Bessemer & Lake Erie extortion; the Gould operations; the Harriman operations; the Morgan operations—I have seen instances where they would pick up $50,000,000 at a time without any consideration for it whatever, things that would have made highwaymen blush—with all that, and with all their sins scarlet upon them, it is true, nevertheless, that these men understood the country through which they went, and understood the men with whom they dealt.

The Great Northern and the Northern Pacific took on the very atmosphere of Hill. Harriman's roads were a part of him like the fiber of his being, breathing his ambition and his daring. Those great roads, operated by individuals, often in violation of the law, but free, untrammeled, able to adapt themselves to existing conditions, traversed this continent in two generations. We built twice as many miles of railroad as all the rest of the world put together. In two or three generations we had crossed rivers, spanned estuaries, conquered mountain ranges; had bound the Atlantic to the Pacific; had made the mountains and the plains adjacent; had placed the fruits of California among the frozen wilds of the North. We have made Florida and Maine close neighbors. We were hauling a ton of freight at less cost than any other railroads in the world. We were hauling passengers with greater celerity and at less cost than any other carrier on earth.

We standardized. We made one mile of road just as much like another as two peas. We paid every trackwalker the same wage; we paid every engineer the same wage; we made conditions in Louisiana identical with conditions in Connecticut and in Pennsylvania, with the result that in some places the laborer was not sufficiently paid, in other places he was overpaid, and with the result that we kited railroad rates and fares so high that to-day they have destroyed industries which formerly they served, and the high plane of freight rates will end in reducing the revenue of the carriers.

Take a simple instance: We had the Hog Island navy yard, the great war babies in Connecticut and in Massachusetts and in Pennsylvania. We had the great munition works. Expert and skilled labor was demanded in those works, and they drew that labor from our railroads. The railroads in turn raised their wages to keep the men at work. In Alabama, in Kansas, in a dozen other places, they hardly knew there was a war as far as industrial conditions were concerned. Those men could live on one-half or one-third the prices that maintained in places where this scarcity of labor existed and this high cost of living had already taken place.

The moment we standardized the roads we raised wages where it was not necessary, and we raised rates to a point where we have paralyzed the traffic of the United States. To-day the thing that would save the railroads, the thing that would save the transportation of this country, is to do away with this nationalization, to do away with this foolish attempt to consolidate them all, and freeze them into one body, to give them individual initiative, to allow them to adapt themselves to conditions.

Take the carpenters, for instance. The carpenters are organized, the bricklayers are organized, the stonecutters are organized, all over the United States, but they are not standardized; they are not consolidated. The bricklayer in California will get twice as much, possibly, as the bricklayer in Connecticut for the same work, working the same hours, and laying the same number of brick. Take any report of the wages paid, and it will be found that they vary according to local conditions. Hours of labor must necessarily vary with local conditions. In the far North we have a day of one length and in the far South a day of another length. Business must adapt itself to its soil; it must adapt itself to its habitat. It must have pliability and resourcefulness. The resourcefulness of American labor, the resourcefulness of the pioneer, the resourcefulness of the individual, and of the corporation have made us the most puissant country in the world. That individuality you would destroy, that initiative you would suppress. Your standardization is nothing more nor less than the pressing of men and industries into an iron groove that has paralyzed the industry of the Old World. The reason why American labor is so much more intelligent, is so much more effective, is so much more aspiring, was all told by De Tocqueville about 75 years ago. It was because the American laborer still retained the courage and resourcefulness of the pioneer, because he thought and acted for himself, because he worked out his own salvation, and in doing it worked out the salvation of his country as no other people in the world ever have.

I protest against this effort of the Senator from Idaho to borrow this socialistic strait-jacket from Prussia and from Russia and place it upon the puissant limbs of American labor, place it upon the thriving agencies of American capital, to destroy the one thing that has made the Yankee what he is and made America the greatest and wealthiest and proudest and freest country in all the world.

Mr. STERLING. Mr. President, I think the Senator from Idaho [Mr. BORAH] is satisfied that I do not disagree with him in any of the fundamental propositions involved in the bill unless indeed he calls the one particular subdivision to which I objected a fundamental thing. I referred a moment ago to the amount of work the commission would have to do independently of studying the question of nationalization. Let me call attention specifically to the duties of the commission:

> Said commission shall ascertain and report to the President and Congress: As to the ownership and titles of the mines; cost of production; profits realized by the operators or owners of said mines during the last 10 years; labor costs; wages paid; irregular production and suggestions as to the remedy for the same; the conditions generally under which coal is produced; the causes which from time to time induce strikes, thereby depriving interstate carriers of their fuel supply and otherwise interrupting the flow of interstate commerce; and all facts, circumstances, or conditions which would be deemed helpful in determining and establishing a wise and efficient policy by the Government relative to said industry.

That is a pretty big field, Mr. President, covered by that one paragraph alone. Think of the duties devolving upon this commission if they obey the terms of the paragraph just read, and then, in addition to that, all the specific duties which they are to perform, such as studying and submitting—

> recommendations relative to—
>
> (a) Standardizing the mines upon the basis of their economic productive capacity—

And so forth.

> (b) Standardizing the cost of living for mine workers and the living conditions which must be supplied or afforded in order to surround the workmen with reasonable comforts—

And so on; and then subdivision (c), relating to the standardizing of a basis of arriving at the overhead costs of producing and distributing.

And further:

> (e) The feasibility or necessity of governmental regulation and control of the coal industry.

All this is aside from the proposition that they shall study and make recommendations in regard to the question of the nationalization of the coal mines and the coal industry.

Mr. President, I am frank to say, in answer to a statement made by the Senator from Idaho, that I do not want Congress to be put now in an attitude before the country of studying the question of the nationalization of the coal industry. I think I am warranted in saying that by reference to experience elsewhere in State ownership. I want to call attention to a late authority, one which I have always regarded as very high authority, Viscount Bryce, in his latest and last book, "Modern Democracy," and what he has to say about the attempted nationalization of industries in Australia and elsewhere. He says:

> It is no less difficult than important to ascertain the actual results of the State assumption of industries. Some sections of State employees certainly gain in having better wages, and all gain in greater security of employment. But what of the community at large? Is the work efficiently done, and done as cheaply as it would be on a system of private employment? My stay in Australia was not long enough to enable me to probe the matter to the bottom, and some of my informants may have been biased. But such evidence as I obtained went to show that in proportion to the wages paid less work was done than private employers obtained. The workers were said to do as little as they well could. "The Government stroke" has passed into a byword. "They dropped the tools the moment the hour came for stopping," because "the slower the work goes the more of it remains to be done." One informant not hostile to the Labor Party remarked that the systematic practice of slack working to make every job last long had a bad effect on character, because it prevented men from doing their best. The foreman fears to keep the men up to the mark or to dismiss them, because they may appeal to their union, and the union can influence the member of the legislature for the district and he in turn the executive government.

He states in a note what is said by Sir C. Wade, as follows:

> In Government undertakings laxity in discipline or efficiency was soon manifested by loss instead of profit. * * * As in construction (of works) so in the administration of Government departments political interference should be avoided. Experience shows that if a strike takes place in a Government establishment ministerial intervention is enforced and a concession made to the strikers. The Government position is always difficult. If the ministry resist the demands, votes may be imperiled; if they yield, discipline may be threatened.

Further, Mr. Bryce says:

> If a labor ministry is in power it can not resist labor pressure. Some of my informants declared that these things were notorious in the case of the great irrigation works undertaken by New South Wales and Victoria. Grievances, real or fancied, are constantly brought up in Parliament, wasting its time and lessening the authority of those who direct the work. When complaints accumulate a commission of enquiry may be appointed, with further expenditure of time and money, and no relief of the disquietude. It is alleged that where government owns the wharves the workers, though paid twice as much per ton for loading and unloading as the ordinary market rate, loiter over their work to prolong it.
>
> The unions, practically controlling the Government whenever a labor ministry is in power, are both employers and employed, and it is natural that where considerations of State business interest come into opposition with personal and political self-interest State business interest should go to the wall. Some one has summed up the labor policy as "more wages for shorter hours; less work and more amusement."

Mr. BORAH. Mr. President, suppose a commission appointed, after a full investigation and a thorough consideration of the subject, should adopt that theory and report it back here to Congress, the Senator from South Dakota would be perfectly delighted with the report.

Mr. STERLING. I would be perfectly delighted with it, because I think the report would be in accord with the facts developed by the commission.

Mr. BORAH. Mr. President, the Senator from South Dakota and the Senator from Kentucky are arguing against the proposition, but they have both spent many hours, many days, and many weeks investigating this subject. They have gone into the field of nationalization and have studied it; but they refuse to permit a committee of the Senate to do that which they have done, and which has enabled them to arrive at the conclusion which they have reached.

Mr. STERLING. No, Mr. President. I am proceeding upon this theory: That investigation elsewhere, the conclusions of close observers elsewhere of nationalization and State ownership, ought to convince us now that we ourselves ought not to consider the question or submit it to a commission to consider at the present time.

Mr. President, as I stated before, as a mere practical question now before us in the consideration of this bill, the committee will have an abundance to do without considering the speculative, academic question of the nationalization of the coal industry. Think of the field that it must cover independently of the provision in regard to nationalization; and that, too, without inviting propaganda, as I said awhile ago, from every believer in State socialism throughout the country; without being harassed continuously, as they are apt to be, by the advocates of State socialism and the ownership by the State of the public utilities of the country.

Mr. President, we have already had a sample of it. We had a qualified nationalization of the railroads awhile ago, and we know what came from that; that from that came the propaganda for Government ownership of the railroads. Seeing no possibility of reaching that goal, the advocates of that proposition then sought, through the Director General of Railroads—our former Secretary of the Treasury—to have Federal control continued for a period of five years. Had that been done we should have been no nearer the goal than we were when we began. As it is, we have legislated; we passed the transportation act, and we shall have other acts, possibly, amendatory of that, as needs may require. By ending Federal control, by escaping Government ownership, we escaped what I believe would have been a national calamity.

We have other sources of authority. See what Viscount Bryce has said about the ownership of the Great Western Railway system in France. Other railways in that country are privately owned, as I understand, but the ownership by the State of that railway system has proven disastrous to the State; the road has been run at a great loss. So, Mr. President, there is the immediate question. Not that I am afraid of the investigation; but in view of the facts which we have before us in regard to nationalization and what it has resulted in elsewhere where it has been tried, we do not want now to invite either the theorists or the discordant and dissatisfied elements of the country to enter upon a new campaign for the nationalization of this or other industries.

Mr. STANLEY. Mr. President, the Senator from Idaho [Mr. BORAH] has assumed that if the report of the proposed commission should unanimously favor private ownership and state unequivocally that the nationalization and the standardization of the coal business was impracticable the Senator from South Dakota [Mr. STERLING] and the Senator from Kentucky [Mr. STANLEY] would be alike delighted. I can say truthfully that such a report would not delight me. This demand does not spring from a conviction in people's minds.

Mr. BORAH. What demand?

Mr. STANLEY. The demand for the nationalization of the coal industry.

Mr. BORAH. Of course, Mr. President——

Mr. STANLEY. No.

Mr. BORAH. It does spring from a conviction. It may be an unfounded and it may be an ill-advised one, but there are men who believe just as sincerely in it as the Senator from Kentucky believes against it.

Mr. STANLEY. That may be; but this is the demand of a faction; this is the demand of an organization; this is but a part of a general propaganda. The individual socialist is sincere and has convictions, but socialism, as I see it, is not a conviction; it is an organized discontent. It rises and falls with the state of popular excitement. The people who believe in it are not like the opponents, for instance, of a protective tariff or of a strict construction of the Constitution. They are not the advocates of a fixed principle.

A man becomes a socialist not because he believes in any particular thing but because he is against many particular things. It is a cry of anger and resentment, a state of hysteria to a greater or less extent. It is fanned by agitation; it is fanned by discussion. Every disordered mind, every bug, every wheel that is loose in all the heads of all the cranks in the country will go fanning and buzzing the minute the Congress of the United States begins to discuss that sort of thing.

This is a country of happy homes; but there are people who believe in the destruction of the home and in the nationalization of women; they believe that the institution of marriage is an absurdity. Let us start an investigation touching the propriety of the proposition to nationalize women, to do away with marriage, and every unhappily married couple in the country, every bug that hates women, and every bugess that hates men will immediately be worked into a frenzy because the Federal Congress is considering the nationalization of women. All the cranks and all the criminals and all the fools in the country are stirred up by the waving of that sort of a red flag from the Dome of the Capitol. Leave these questions that act on bugs exactly like poking a hornets' nest acts on the hornets. It turns them all loose. Let the sleeping dog alone. Do not discuss the propriety of doing anything you know you are not going to do. Do not talk about giving medicine to a patient that you know will either kill the patient or drive the patient crazy.

Mr. WALSH of Massachusetts. Mr. President, so far as I know, there is no sentiment in the committee which reported this bill in favor of Government interference with private business as that term is generally used; there is not a Member of the Senate who wants the Government to put its hands in any respect or in any way upon private business; but when it comes to the consideration of an industry which deals with and controls the very essentials of life, then there are men in this country, and, indeed, in this Chamber, who propose, if necessary to preserve health and life, to lay the general principle behind, to stop and listen, inquire and investigate, and, if possible, require the industry to operate itself with due regard to the requirements of our people.

Two factors must appear before we depart from the general rule of non-Government interference. First, is the industry about which we attempt to inquire so vital and so important to the life and to the well-being and to the happiness of people that a breakdown or failure to function will bring hardships, suffering, and destruction of health and the necessary comforts of life? And, secondly, is the industry being conducted along lines that indicate it is more or less permanently disorganized for public service? A mere temporary misadjustment of an industry is not enough. Mr. President, the coal industry is within these exceptions. The mere temporary misadjustment of the coal industry, which provides the fuel supply of the country, is not enough to justify Government interference; but when that misadjustment continues, when it is steady, *when it is constant*, when it occurs year after year, I, for one, refuse to be bound by the general principle of no interference with industry by the Government. I propose to say to those conducting it, "As your industry is vital to the well-being of our people; as you can not stop or prevent the constant misadjustment of your industry, then the Government is going to make inquiry and see if it can not suggest by some form of regulation that it be managed or conducted to prevent industrial depression and health impairment."

Mr. STERLING. Mr. President, will the Senator yield?

Mr. WALSH of Massachusetts. I yield?

Mr. STERLING. Mr. President, the Senator will note that subdivision (e) provides for investigating and making recommendations in regard to—

> The feasibility or necessity of governmental regulation and control of the coal industry.

Mr. WALSH of Massachusetts. I will come to that. I am now merely stating the preface of my remarks.

If there are no industries whatever in this country which are charged with a responsibility of service to the public equally as important and necessary as profit making; if there are no industries in this country which do not owe to the people service first and profit making afterwards, then we have no business to attempt to regulate anything or any business. But when we come to consider an industry organized and chartered by our laws, granted the privilege to exist by the favor of our people and specially protected by corporation privileges and exemptions, to say that when our people are starving for food or perishing for heat and light, we are powerless, there should be no interference by the Government—it is to laugh; it is to nullify one of the very purposes for which governments exist, to wit, the protection of life as well as property.

Does anybody challenge the assertion that there has been more than a temporary misadjustment of the coal industry? Can anybody who has been in touch with the business men and the home dwellers of New England and of the Northwest during recent years answer that question in any other way than by saying that the misadjustment is continuous, that it is permanent, that it is constant?

I appreciate the sentiments of the Senators in this Chamber who look upon with reluctance and who hesitate even to think of a serious discussion of nationalization of the coal industry; but let me tell you that the sentiment for it has gone on and on by reason of the continuous misadjustment of this industry, so that manufacturing associations from my State have even petitioned, asking for the nationalization of this industry. Men who hate the very name "nationalization," men who protest against Government interference with business, when driven year after year to desperation to get coal, to beg and cringe for it, and pay high prices, to be victims of extortions, at last petition their public officials to favor the nationalization of that industry. Does that condition mean anything? Is such sentiment to be waived away with a mere gesture of disgust?

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kentucky?

Mr. WALSH of Massachusetts. I yield.

Mr. STANLEY. Does the Senator favor an inquiry as to the nationalization of the weaving of woolen and cotton cloth?

Mr. WALSH of Massachusetts. Mr. President, evidently I have not made myself clear. The one thing I was trying to say here was that we are not dealing with a woolen mill, we are not dealing with a boot and shoe factory, we are not dealing with the tobacco industry, we are not dealing with the steel industry, but we are dealing with an industry that denies the public service, and that is vital to life itself, vital to industry, vital to the health and happiness and prosperity of our people; and that is why I began what I have to say by trying to indicate that a different principle, a different rule, a different obligation applies when we come to consider an industry which must make service—service to the public—go hand in hand with profit making.

Mr. STANLEY. The Senator has not answered my question.

Mr. WALSH of Massachusetts. Of course, I do not favor it. I am opposed to Government interference with all businesses that are not charged with a very great public interest.

Mr. STANLEY. Would the Senator favor the nationalization of the steel industry?

Mr. WALSH of Massachusetts. I do not even favor nationalization of the coal industry. I am not making a speech for nationalization.

Mr. STANLEY. Or an investigation of it?

Mr. WALSH of Massachusetts. If the Senator will listen, I am trying to say that as a United States Senator I am not going to cry socialism or run away from the word "regulation" or the word "nationalization" when it comes to an industry with this record of incapacity and misservice to humanity. That is all I am saying. With the coal bins of New England empty, with our industries closing down, with women and children and the poor suffering, it is laughable, if it was not so tragic, to think that out of all this deliberation we are only able to offer a bill here—to do what? To investigate and report! A fine thing to tell the people of New England this fall; a fine thing to tell the people of our coal-famine communities, "Oh, we have been very busy down in Washington considering your distress. We have been active. The Republican administration has passed a law to inquire, investigate, and report about the coal industry."

Mr. STANLEY. Mr. President, would it not be well to investigate and report about all business enterprises that have been persistently making profits, rather than service, the purpose of their activities?

Mr. WALSH of Massachusetts. Oh, no; not at all, sir. The situation is not parallel.

Mr. STANLEY. Does the Senator think it is any more necessary to have fire in his stove than to have woolen clothes on his back? Does he think it is any more necessary to have fuel than it is to have utensils, tools, implements?

Mr. WALSH of Massachusetts. It is very apparent that the Senator and I differ upon a fundamental question. The Senator thinks the coal industry is not an essential industry to health and life itself. I think it is.

Mr. STANLEY. It is not more essential than other industries. Is the Senator willing to apply the same principle to all industries that have been guilty of like offenses and that are equally essential to the happiness and comfort of the community?

Mr. WALSH of Massachusetts. I have not yet charged it with any offenses. I have said that the strike and the troubles that we have just passed through have been due to the prevalence of a spirit of profit making over that of service—perhaps on the part of the strikers, perhaps on the part of the operators, or both. I am not distinguishing between them; but these struggles have been profit-making struggles, and the result is that the public have had no service. Mr. President, the friends of private ownership of industry are the men who are now trying to stop the tide that is swelling up in this country in favor of decreeing the doom of private control by asking for governmental inquiry and disinterested suggestions as to how we may preserve private ownership of this and other like industries.

I consider this bill a bill to stop nationalization of coal mines. Why? Because it is notice upon the part of the Congress of the United States to the coal industry that we are concerned about the successful and satisfactory conduct of this industry; that we consider it of such a peculiar relationship to the public that it must be conducted with an eye and a purpose of public service; that the public will not permit it to be so conducted that it paralyzes other industries and impairs health and life.

Mr. President, why do men form trusts? Why do men give up the private conduct of business and organize corporations? What is the spirit in which it is done? Let us be honest with each other. It is greed and selfishness. We can make more money by incorporating and enlarging our business than we can by doing it alone; and to assert that our Government can not check greed and selfishness when it recognizes no limits in an industry vital and essential to the prosperity and well being of the people, I say, is to confess the impotency and uselessness and absurdity of government itself.

I do not want my remarks misunderstood. I am not for the nationalization of coal mines or of other essential industries; but I do assert that when it is essential for public service to predominate in an industry and the industry collapses, then this Government should step in and regulate it, or, at least, indicate that unless it does keep in mind the public interest and service to the public, it proposes to regulate the industry rather than permit extortion or gross indifference to the general well-being.

Therefore, Mr. President, I am not afraid of the word "regulation." Neither am I afraid of the word "nationalization." I am, however, afraid of the growing sentiment in this country for nationalization. I am afraid when I see it indorsed and approved by conservative business men. I am afraid when I see manufacturers themselves pleading and asking for some relief and for some remedy, rather than financial ruin by being deprived of power, light, and heat.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. WALSH of Massachusetts. Yes; certainly.

Mr. DIAL. I should like to ask the Senator if it were not for the hope of reward or return upon an investment, would people organize and develop enterprises in this country?

Mr. WALSH of Massachusetts. Of course not; and I go so far as to say—and it is going far—that every other industry but an essential industry has a right to consider profit making first, and need consider service only in so far as it will promote its profit making, if you please.

It is a different matter, however, when it comes to an industry that means life to our people, and this industry means life itself; note I have gone further than that. I repeat, it must be more than a temporary misadjustment. It must not be merely one panic; it must not be merely one strike; it must not be merely one breakdown, but it must be showing evidence of continuous breakdown; and that is what the coal industry, more than any other industry, has given repeated evidence of.

It is, I say, puerile to sit here with this condition in this country which is germinating seeds of radicalism in places where radicalism ought not to be found and ought not to prevail, and talk of the helplessness of this Government to step in and even "investigate and report," in order to control in the future, in an emergency like this, the production and transportation and distribution of such an essential commodity as coal. Let me say to my Republican friends that in my opinion in the Eastern States of this country and in the Northwestern States the principal issue in the coming campaign will be coal. You can not talk interestingly of tariffs or revenue laws or bonuses to people shivering with the cold; and I say that unless something is done to remedy this condition the votes next November will be not party votes but votes of protest against empty coal bins. Is there any Republican who does not appreciate the effectiveness of an argument to American citizens that "for five months the coal mines of this country have been closed, for five months the Government stood idly by and did nothing, for five months this thing was known to all mankind, and the result is that you are to-day without a ton of coal, without a job or a shovel of coal in your home or your house"?

Talk about making the old-time political arguments to such people, to the women who have to form lines, and whom you will see every day at the coal yards getting a hod of coal! I repeat, there is no issue you have to face that can compare with it. The tariff burdens are insignificant in some parts of this country compared with coal; and farsighted, thinking men know it. Candidates for election in these States, if they would speak, I venture to assert would say that they were more fearful of the result in this campaign because of the unrest growing out of the coal conditions than anything else; and I venture to assert that the Senator from New York [Mr. CALDER], who protested this condition and did much to try to bring about governmental assistance, would say the same thing.

Mr. President, I have talked longer than I intended. I will sum up in a brief statement:

An essential industry, not merely passing through temporary misadjustment, but chronically in a condition of misadjustment, must be prepared to face Government investigation and possible regulation, and if Government regulation fails it must appreciate the possibility at least of a sentiment for nationalization, which may be prevented, which none of us want, and which I am opposed to as violently as anybody else, but I am not blind to its advent, if we refuse to help a famine-inflicted people.

Why has our attempts at regulation failed? Let us be honest with each other. You know what one of the Senators said on this floor, and it has never been denied, about the attempt to regulate the packers. He charged on this floor that the bill that came out of conference was one drawn by the lawyers of the packers. How can any man expect regulation to be a success if any such statement as that is true, or half true, or one-quarter true?

We know that our attempts to regulate have had to be compromise laws because of different opinions here, and we have scarcely ever had regulation attempted solely and alone for the public interest. We know and the people know how the checks and barriers have been set up to prevent regulations.

One of the greatest commissions in my State, the gas and electric light commission, had a national reputation for its regulation of those great industries to the great advantage of those industries and the public because it has had strong and effective laws, and because it has been dominated and controlled by fearless, courageous, honest men, who were not dominated and controlled by the self-interest and prejudices of one side or the other. Our efforts at regulation have failed first because our laws have not been drawn with an eye solely to the public interest, and secondly because the men that we have appointed to regulate have forsaken their public trust, unconsciously often, and have allowed their environment and their prejudices to dominate and control their acts. Bad administration by men often selected indirectly by the interests to be regulated have caused our failure in the field of Government regulations.

Mr. President, in the midst of this emergency, with an industry that has broken down, with an industry that confesses that for some reason or other it is unable to serve the public—that is the indictment—I ask, what objection can there be to having every phase and every aspect of this question studied? What can we propose, what can we suggest, that will help this industry and promote and protect the public interest in the industry? That is all that is asked for; that is all that is proposed.

Mr. President, I hope the bill will be enacted into law, imperfect as it is, but it is at least a notice to the country that the United States Congress has realized that this industry has an obligation to the public that must be guarded, that it proposes to make a thorough inquiry into it, and suggest what remedies, if any, may be made to prevent future coal famines. Every remedy recommended we may later be against, but what harm can there be in investigation and in recommendation? The other alternative is to set by and let the next and the next famine come, and then expect our people to grow more and more conservative and satisfied with the blessings of our institutions.

Mr. STANLEY. Mr. President, I hesitate at this late hour to impose further upon the time of the Senate, but I can not refrain from making a few remarks expressing my surprise, if nothing else, at the statements of the junior Senator from Massachusetts.

The smug manufacturers of New England propose to turn over the producers of coal to the socialists and to Government regulation because they preferred profits to an altruistic, disinterested, and profitless service to the public. Because they did not carefully abstain from doing a profitable business, they must be punished by men whom he has repeatedly charged with being the most persistent, insistent, and consistent profiteers this country has produced. Take the profits of the coal industry, and take the profits of the woolen manufacturers' association, as demonstrated by the Senator, and it will be seen that the manufacturers of wool have made a higher percentage upon the capital actually invested than the diggers of coal.

The cotton mills of this country have done as much profiteering as the operators of mines. The manufacturers of steel have made as large profits, have been as inordinate in their demands, as the producers of coal. The railroads were admittedly as defiant of the law, as continually and fundamentally and systematically disorganized and misadjusted, as he calls it. There was a misadjustment there. Now we have these men coming with their coffers bursting with inordinate profits, profits which the Senator himself has denounced, to lecture the coal producers on greed and extortion. He can not take a Democratic campaign book for the last 20 years that has not jumped on the tariff barons of the East, and my good and estimable friend has done as much as anybody else in denouncing them. Yet he tells us that because his profiteers can not operate without coal, the Government should take possession of somebody else's profiteers. That is a new proposition.

I will say to the Senator from Massachusetts that he may not be afraid of this question, probably is not; but he will never socialize one-third of the industrial power of this country, he will never socialize two or three million men, he will never take over eight or ten billions of money, and live to see other industries escape from the whirl of that maelstrom.

I am surprised that the Senator from Massachusetts warns Senators on the other side of the political effect of this issue. Oh, Mr. President, as I turn a face of flint to the perilous proposal of the Senator from Idaho, I am not thinking of the November election. In the face of such possibilities, I am not considering how many Democrats or how many Republicans shall fall before the wild cry of anarchy. I am not considering whether it will be a Democratic pennant or a Republican pennant of victory that shall be flaunted on the Avenue. I am thinking whether or not the Stars and Stripes or a red flag shall float above the white dome of the Capitol. I am thinking not whether a protectionist policy or a free-trade policy shall color the councils of sane statesmen; I am thinking whether or not a bloody chief with a ragged mob behind him shall cover the land with hunger and desolation, blood and nakedness.

The Senator from Idaho says that political discussions, fiery and intense, inspired by political ambitions and fanned by political hate, settled the slavery question in the United States, and he expresses a strange satisfaction at that. I am amazed. Has it never occurred to the great and learned Senator from Idaho that it was that character of discussion that plunged the wisest nation in the world into the greatest war that was ever known up until then, ever witnessed in all the tide of times.

Is it not unspeakably sad, I care not whether he writes from the standpoint of Alexander H. Stephens or of Ridpath, whether he stands in the north or in the south, the east or the west, whether his tears flow more copiously over the unmarked mounds of the ragged heroes in gray or the neatly formed rows of white headstones above the boys in blue; is it not unspeakably sad that nearly 500,000 boys, clad in blue and gray, sleep forever under the green sward of the North and under the sands of the South, because inflamed politicians maddened the public to settle a question with the sword which should have been settled in council, which should have been settled by wise men in peace and without political rancor and without political agitation?

Is it not strange that England could have liberated her slaves; that Russia could have liberated her serfs; that even Dom Pedro, down in darkened Brazil, could have broken the shackles from every slave in all his domains; that in all the world that thing of the ownership of a chattel slave, which I abhor, although I am the son of a rebel captain, should have been settled without bloodshed; that here alone men should have butchered each other? And why this slaughter of the chivalry of America? Because they did not listen to the wise words of Webster, because they did not listen to the plea of the great pacificator, Henry Clay, who in his lifetime, giantlike, held apart the warring sections.

It was because we had men like Hayne and Cobb in the South; it was because we had men like Wendell Phillips and Beecher in the North, who insisted upon an interminable discussion in Congress and out of it until a whole people were maddened by their wild literature and wilder propaganda. Now, the Senator would settle this question by a discussion of the merits of socialism, as wild men settled that question of slavery by inflamed discussions and new political alignments.

Oh, let it rest. Do not make that a theme for political organizations. Do not make it the means of arraying party against party. Do not make it the football of politics. Do not have the great Senator from Idaho leading the Republicans and the great Senator from Massachusetts leading the Democrats, having one party or the other with a socialistic side show and a Bolshevistic background as its asset. If I can not overthrow Republicanism without appealing to the hatred and the ignorance and the passion and the madness of these men who have made a wreck of Europe, bad as it is, I will live under Republican rule for the rest of my life.

Let us leave this question. I appeal to the great Senator from Idaho, in the name of God and reason, and the peace of his country, do not lift the lid at this time from this Pandora's box.

Mr. DIAL. Mr. President, I will detain the Senate but a minute or two. As I stated before to-day, we have no coal mines in my State, and it is not my pleasure to know more than one man engaged in the mining business, I believe. I have now a startling announcement to make to the Senate. I have a letter in my hand, although I do not care to give the name of the writer, from a man who is shipping coal on priority orders, and he is billing the invoices at the contract prices. So it is refreshing to know that there is one honest man in the country, notwithstanding he is a coal operator. It is not my business to defend the coal operators; but I am glad to make this announcement.

I did not hear fully the Senator from South Dakota in his first remarks about my amendment. Did he ask that we separate it and vote on one provision at a time?

Mr. STERLING. That is what I asked.

Mr. DIAL. If I am allowed to do so, I will ask that that be done.

Just one word more. I was delighted to hear my good friend from Kentucky [Mr. STANLEY] say that he and my other good friend the Senator from Idaho [Mr. BORAH] are on their road to the happy hunting ground, and I hope they will have a safe delivery. But that reminds me of this other proposition to investigate under sections (d) and (e). It might be suggested that we appoint somebody to investigate the easiest road to hell. But we do not want to find out an easy road to hell, or which road would be easier than another. Therefore we do not want to investigate that proposition at all.

I take pleasure in dividing my motion, and ask that a vote be had.

Mr. MYERS. Mr. President, just a few words, if you please. I have great respect for the Senator from Idaho [Mr. BORAH]. There is no Member of this body for whom I have higher regard in respect to ability, courage, and sincerity. In some things I think him a safe leader and sound statesman, and at times I am very happy to find myself in full and complete accord with him. But as to this measure I am at complete variance with him. I am totally opposed to this measure, all and every part of it, and especially to the first four lines at the top of page 9, which are sought to be stricken out, I believe, by the pending amendment.

It will take but few words to say what I purpose saying about the measure. As the hour of the day is becoming late——

Mr. BORAH. If the Senator desires, if it will not inconvenience him, I am going to lay the bill aside, and he may defer his speech.

Mr. MYERS. I can finish in a few minutes what I have to say, and I prefer to do so now. As the hour is becoming late, if this amendment should be voted on to-day, or if the measure should be disposed of to-day, I do not know whether or not a record vote will be had upon the pending amendment or upon the final disposition of the bill, and I am not content to let the pending amendment be voted upon or let the bill be voted upon without in some manner going on record as approving the pending amendment and opposing the bill. As quite a number of votes have been had in the Senate in the last few days on important matters without a record vote, and it is possible that the pending amendment to this bill and the bill itself may be disposed of without a record vote, I want to put myself on record at this time, in the event there should be no roll call on either, as being in favor of the amendment to strike out the first 4 lines at the top of page 9, and as being opposed to the measure itself. Therefore I shall vote for the pending amendment, and then, whether it be adopted or not, I shall vote against the measure. I consider the measure full of menace and dangerous to the welfare of the country, and I am not content to let it be disposed of without briefly expressing my opposition to it and making known my hearty dissent from it. In my opinion it gives encouragement to and affords dissemination for the seeds of socialism.

I am opposed to socialism. I am opposed to the nationalization of any industry in the country. Nationalization of industry is the first step to socialism. There are some things to which I am so opposed that I am even opposed to investigating them. I am opposed to investigating the question of the advisability of turning smallpox loose in a community, and I think the evils from that action would be far less than would arise from an attempt to nationalize any industry in the country.

Mr. BORAH. The Senator would not be opposed to investigating the question of whether or not some one was going to turn smallpox loose in the community?

Mr. MYERS. I do not consider that analogous. I am opposed to investigating the advisability, using the exact language of this measure, of turning smallpox loose in a community and I am opposed to investigating the advisability or the wisdom, again using the language of the bill, of nationalizing the coal industry, because I do not think there is any advisability whatever to be found about turning smallpox loose in a community and I do not think there is any advisability or wisdom whatever to be found about nationalizing any industry in the country.

I am opposed, further, as an illustration, to investigating the question of whether the Russian soviet government is a better form of government than we have in this country. I am opposed to investigating the advisability of abolishing the institution of marriage, the home, and the family. There are some things to which I am so much opposed that I am opposed to investigating the advisability or inadvisability of adopting them, and thereby encouraging those who believe that they would be good things. If the pending measure should be adopted with subdivision (d) and subdivision (e), as contained at the top of page 9 of the printed bill, in it, I think it would encourage and greatly hearten every socialist, Bolshevist, and communist in the country to renewed hope and increased activity, and there are lots of them in this country.

I am in favor of discouraging their activities and hopes instead of encouraging them. If we were to nationalize the coal industry the next step would be to nationalize the railroads of the country and that would be putting the Plumb plan into effect. That is what many people want to have done. The Plumb plan would be nothing but nationalizing the railroads.

Mr. BRANDEGEE rose.

Mr. MYERS. Does the Senator from Connecticut wish to interrupt me?

Mr. BRANDEGEE. I do not want to interrupt the Senator if disagreeable to him, but I want to get his idea about his objection to considering the question of governmental regulation of the coal industry.

Mr. MYERS. I have not said I was opposed to regulation. I said I was opposed to nationalization of it and to the investigation of nationalizing it.

Mr. BRANDEGEE. By "nationalization" I assume the Senator means the Government taking title to the mines?

Mr. MYERS. Taking over the coal mines of the country and operating them. That is what nationalization means.

Mr. BRANDEGEE. I want to ask the Senator a further question, and I ask it because I am free to admit that I am perplexed about this great matter of what the remedy is for the present disturbances the Nation is enduring, and I am seeking for something that will possibly bring forth some well-considered suggestion for relief. This thought lay in my mind. Although the railroads of the country are privately owned and have not been nationalized, still we regulate them.

Mr. MYERS. Because they are engaged in interstate commerce.

Mr. BRANDEGEE. Yes. Now the coal industry, in a large sense, involving the production and transportation of coal, may be engaged in interstate commerce and, in my judgment, probably is in a great many cases, and, therefore, Congress may constitutionally, possibly, have authority to regulate it.

I wanted to get clearly in mind whether the Senator was absolutely convinced that under no circumstances should the Government attempt to regulate the coal industry in some manner similar to that by which the Government, through the Interstate Commerce Commission, regulates the railroads.

Mr. MYERS. I have not said anything against that.

Mr. BRANDEGEE. I was aware the Senator had not said anything against it. If he had I would have known where he stood. I am asking whether he does not think it would be profitable perhaps for the commission to inquire into the feasibility or advisability, or both, of the regulation of the coal industry by the Government?

Mr. MYERS. I have no vital objection to reasonable regulation of the coal industry, in so far as it enters into interstate commerce. I think the Senate just this afternoon passed what is known as the Cummins bill—I was not present, but that is my understanding—for the regulation to some extent of the coal industry, as to prices and distribution, in so far as it enters into interstate commerce. If I had been here I think I would have voted for that measure.

Mr. BRANDEGEE. That was a temporary expedient, was it not?

Mr. MYERS. I understand so. If it be tried and prove advantageous, it might be adopted permanently or might not be. That should depend, I think, upon the result of the trial and future need.

Mr. BRANDEGEE. Then the Senator would not desire to strike that provision from the bill?

Mr. MYERS. I am in favor of striking it out so long as it is coupled with the words "and control." I have no vital objection to express at this time to regulation, but I object to governmental control of the coal industry. It is not necessary to nationalize the coal industry in order to regulate it.

Mr. BRANDEGEE. I would not want the word "control" in the bill if it meant absolute control, but it may be that complete regulation of a thing can practically control it.

Mr. MYERS. Then, if complete regulation amounts to practical control, I am opposed to complete regulation. I am opposed to control whether absolute control or not. Control is control, and I am opposed to it. Those who own an industry should be allowed to control it, subject to governmental regulation, in the interest of the public, if it enters into interstate commerce. We had a case of Government control of industry in the control of the railroad industry in the country a few years ago, and I do not want any more of it. I think it was very disastrous to the country, to the railroads, and to industrial conditions.

Mr. BRANDEGEE. I agree with the Senator about that.

Mr. MYERS. It was such that I do not want Government control of the railroads or any other industry any more, if we can get along without it; not unless it be absolutely necessary to the perpetuation of the Government, as it seemed to be or as we thought it was during the World War. I hope there may never be any more of it.

Mr. DIAL. May I say to the Senator that I have asked for a separate vote on subdivisions (d) and (e)?

Mr. MYERS. I am going to vote against each and both of them, separately or together. I do not care whether they are voted on separately or jointly. I am opposed to each and I am opposed to both, and I am opposed to the bill itself.

Mr. DIAL. I agree with the Senator in toto, but I wanted the Senator from Connecticut to know that we are to vote on them separately.

Mr. MYERS. Nationalization of industry is the dream, the goal, of every socialist, every Bolshevist, every communist of this country. To investigate by action of Congress their visionary, confiscatory schemes would only encourage them and give a fresh impetus to their mischievous propaganda, already carried too far. If we start on nationalization of industries, where will it end? If we should nationalize the coal industry in the country, the next thing would be to nationalize the railroads of the country, and then the metalliferous mines of the country, and in turn the steel industry of the country, the clothing industry of the country, the boot and shoe industry of the country, and then to nationalize the farming industry of the country, agriculture. If we are going to nationalize, let the Government take over all the land, all the farms, and say that the people who now own the land must work for the Government; let it say how much each former landowner shall be paid in the way of wages; that he shall be paid $50 a month and his board or $100 a month and his board.

If the land be leased, let the Government say how much those leasing it should pay for it. Nationalize and standardize the farming industry of the country. Then we would have a

Russian soviet government in this country. We would have in this country just what they have in Russia. I am opposed to taking the first step in that direction. I am opposed to state socialism, and I am opposed to looking in that direction.

I think this bill one of the most ominous and significant steps the Congress has been asked to take since I have been in Congress and for many years before that. I am opposed to nationalizing any industry or beginning to nationalize any industry or encouraging sentiment in favor of it. It is simply a step in the direction of complete state socialism.

As to the next proposition, subdivision (e), as I have just said in reply to a question by the Senator from Connecticut [Mr. BRANDEGEE], I am opposed to Government control of the coal industry. I am opposed to the Government taking control of any industry whatever. If it is going to take control of the coal industry, it might as well take control of the railroads, the steel industry, the manufacture of clothing, the woolen manufacturing business, the cotton manufacturing industry, the manufacture of boots and shoes, hats and caps, the agricultural industry, and everything else. If the Government is going to take control of coal, it would be logical for it to go further and take control of everything.

I am opposed to the bill on other grounds. I think we have now too many commissions regulating business. Congress has gone daft about commissions to regulate everything. Every time something goes wrong, the first suggestion in Congress is to create a commission to regulate it. Congress has now gone too far in that direction. We have too many commissions for the good of the country. We should have fewer instead of more. As to standardizing the mines or standardizing any industry it would be utterly destructive of every law of competition and of the law of supply and demand. We might as well try to standardize the farming industry and say that farm hands shall be paid the same price in all parts of the country and that living conditions on farms shall be the same in all parts of the country.

Mr. STERLING. Mr. President, will the Senator yield?

Mr. MYERS. I yield with pleasure.

Mr. STERLING. Does the Senator think there is very much more involved in the word "control" than in the word "regulate"? Does not the regulation itself involve a control of the business or industry regulated?

Mr. MYERS. Not necessarily so; but the terms are very nearly related. They are not entirely synonymous but very nearly so. I do not entirely oppose moderate Government regulation of business which enters into interstate commerce, but I regard that as a much more moderate step than taking absolute control of the business, taking it out of the hands of the people who own it, and letting the Government control it. As the terms are in the bill connected, "to investigate governmental regulation and control," I am totally opposed to the provision. Therefore I shall support the pending amendment and oppose the bill when it comes to the final vote. The bill would be rendered somewhat less obnoxious by adopting the pending amendment, and then it would be bad enough. It contemplates embarking on a dangerous sea, full of hidden rocks. Surely the American people do not want to head in that direction. I, for one, do not. It will never be done by my vote or with my sanction.

Mr. CURTIS. Mr. President, I ask unanimous consent to have a reprint of the pending bill, the unfinished business, with the amendments which have been adopted up to this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, September 8, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 7, 1922.

APPRAISER OF MERCHANDISE.

James L. Higgins, of New Orleans, La., to be appraiser of merchandise in customs collection district No. 20, with headquarters at New Orleans, La., in place of Bat P. Sullivan.

JUDGE OF THE MUNICIPAL COURT OF THE DISTRICT OF COLUMBIA.

George C. Aukam, of the District of Columbia, to be a judge of the municipal court, District of Columbia. (A reappointment, his term expiring September 13, 1922.)

UNITED STATES MARSHAL.

Linus P. Meredith, of Indiana, as United States marshal for the district of Indiana, vice Mark Storen, whose term expires September 28, 1922.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

AIR SERVICE.

Capt. Victor Parks, jr., Infantry, with rank from October 4, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 7, 1922.

MEMBER OF UNITED STATES TARIFF COMMISSION.

Thomas O. Marvin to be a member of the United States Tariff Commission for a term of 12 years.

POSTMASTERS.

COLORADO.

Barnett F. Greene, Dolores.

CONNECTICUT.

Archibald Macdonald, Putnam.

GEORGIA.

James A. Griffin, Cordele.
Eli Waughtel, Homeland.
Jennie S. Lester, Lexington.
Ralph H. Johnson, Ocilla.
Charles W. Gunnels, Tennille.
Charles W. Barnes, Valdosta.

INDIANA.

Robert F. Morris, Elberfeld.
Sam J. Bufkin, Newcastle.
Charles J. Wheeler, Noblesville.
John C. Hinshaw, Westfield.

KENTUCKY.

Jimmie R. Botts, Glendale.

MICHIGAN.

David A. Kooker, Ewen.

UTAH.

Frank Beesley, Eureka.

HOUSE OF REPRESENTATIVES.

THURSDAY, *September 7, 1922.*

The House met at 12 o'clock noon, and was called to order by Mr. TOWNER as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, continue to establish us in all those virtues and in the love of truth as taught by the Teacher of men. Impress the rich that their possessions are but for a moment, and the poor that their poverty may become the means of great strength. Chasten all desire. Graciously help us to know ourselves and Thy purpose concerning us. O lead us to the deepest considerations which can move and elevate human thought and action. Give us right views of the needs of our country and renew our strength and hope in all good things. In the blessed name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved, and the Journal of the proceedings of Tuesday, September 5, 1922, was approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10248) authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 985. An act to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1900.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 985. An act to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1900; to the Committee on the District of Columbia.

ADJOURNMENT OVER UNTIL MONDAY.

Mr. CAMPBELL of Kansas. Mr. Speaker, after conversation with Members on the other side, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

Mr. MOORE of Virginia. Reserving the right to object, Mr. Speaker, although I do not really expect to object——

Mr. FULLER. Mr. Speaker, I reserve the right to object.

Mr. MOORE of Virginia. Mr. Speaker, I do not really expect to object, but this seems to be the situation: The gentlemen on the other side, who are charged, of course, with the primary responsibility and are in control of the proceedings of the House, have stated to us very plainly that no business is to be transacted this week. Now, whether I approve that position or disapprove it—and I may say that I think there is a great deal of business that might be taken up that is ready to be transacted, and a great many matters that ought to be considered, laid before the House—inasmuch as it is perfectly apparent that there is nothing to be done this week, it seems clear that there is no advantage in assembling here every day at 12 o'clock and passing forthwith on a motion to adjourn. That does not get us anywhere. Personally, therefore, I would be very glad to see the request of the gentleman from Kansas [Mr. CAMPBELL] prevail.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the coal situation in northern Minnesota. A very serious situation has arisen there from the fact that they are shipping coal from Duluth, anthracite coal from Pennsylvania, into Canada, and we are compelled to get it from there at about double prices.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. GARNER. I want to ask a question of the gentleman, as well as the gentleman from Kansas [Mr. CAMPBELL]. Evidently there is no quorum in Washington, and there probably will not be a quorum here until Monday. I wish the gentleman from Minnesota would defer his request to extend his remarks until that time. I think there are a number of gentlemen on this side who would like to extend their remarks, and there are some gentlemen on this side who would like to have time to make speeches on various subjects. If we are going to adjourn over until Monday, let us take it out and adjourn over until Monday.

Mr. STEENERSON. Of course, if there is objection, I shall not press my request. I have notified the United States coal commissioner and the Minnesota commissioner to investigate.

Mr. MOORE of Virginia. And may I say this further: The coal situation in the Northwest, including Minnesota, was the subject of discussion in the Senate day before yesterday. It will be found that one of the Senators from the gentleman's State discussed it at some length, bringing the facts to the attention of the Senate and of the country.

Mr. STEENERSON. I think the gentleman is mistaken. This peculiar condition I call attention to was not mentioned in the Senate yesterday. This situation has just come to light. In order to evade the law they are shipping Pennsylvania anthracite coal to Duluth and from there into Canada for the purpose of reselling it in Minnesota at an exorbitant price. I do not think that has been explained in the Senate. I am calling attention to it now, anyway.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas [Mr. CAMPBELL]?

There was no objection.

ORDER OF BUSINESS.

Mr. CAMPBELL of Kansas. Mr. Speaker, may I address the House for one minute before making the motion to adjourn?

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. It is manifest to everybody that there is not a quorum of the House in the city, and for that reason from day to day a motion to adjourn has been made. In our near-by States Members are at home engaged in their primary campaigns, and it would be manifestly unfair to them to take up any business during their absence, it having been generally understood between them and other Members who are absent and those who are here that nothing would be done until the conference report on the tariff bill was reported, or at least until the first of next week. I therefore move——

Mr. GARNER. Mr. Speaker, will the gentleman yield for a moment?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARNER. I understand that the gentleman from Kansas does not mean to say that if the conference reports are not ready by Monday the House will not have some business to transact. I understand the gentleman from Kansas has notified the membership on the Republican side to be here on Monday for the purpose of transacting business.

Mr. CAMPBELL of Kansas. Yes; that notice has been given to all the Members, and it is expected that we shall have a quorum here on Monday.

Mr. GARNER. And it is also expected that the conferees will submit a report on the tariff on that day?

Mr. CAMPBELL of Kansas. It is expected that the conferees will report either an agreement or a disagreement and ask instructions from the House, and it is generally known among Members that that is the matter of importance that will be then pending.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. GREENE of Vermont. The gentleman wants to make rather emphatic the idea that it is very desirable and extremely important that all the Members of the House shall be here next Monday.

Mr. CAMPBELL of Kansas. It is all important that the membership of the House be in attendance here on next Monday.

Mr. KNUTSON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. KNUTSON. It is the intention, is it not, to bring up the conference report on the bonus bill within a few days after the conference report on the tariff bill is presented?

Mr. CAMPBELL of Kansas. It is hoped that the bonus bill will be reported to the House very soon after the conference report on the tariff.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STEENERSON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. My time has expired.

Mr. STEENERSON. I wanted to ask the gentleman if he remembered that he gave notice that the Members of the House should be here on Friday and Saturday and that those who are absent had notice of that fact?

Mr. CAMPBELL of Kansas. That was an indefinite suggestion.

The SPEAKER pro tempore. The time of the gentleman has expired.

ADJOURNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 10 minutes p. m.) the House, under the order previously adopted, adjourned until Monday, September 11, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. H. R. 12223. A bill for the relief of Louis Leavitt; without amendment (Rept. No. 1206). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SWING: A bill (H. R. 12567) to provide for the retirement of certain officers of the Naval Reserve Force on account of physical disability received in line of duty after many years of service, and for other purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 12568) for the relief of certain officers of the Naval Reserve Force who were placed on inactive duty on or about the close of the fiscal year ending June 30, 1922, and for other purposes; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIRD: A bill (H. R. 12569) granting a pension to Thomas G. Redd; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 12570) granting a pension to Clara E. Smith; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 12571) granting an increase of pension to Sarah Lighthart; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 12572) granting a pension to Luther L. Haight; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 12573) granting an increase of pension to Mary Garno; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12574) granting a pension to Delia Garno; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 12575) granting a pension to Martha Flener; to the Committee on Invalid Pensions.

By Mr. CANNON: Resolution (H. Res. 424) to pay Arthur Lucas for special janitor services; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6281. By Mr. KISSEL: Petition of Frank L. Young Co., Boston, Mass., regarding tariff on soya-bean oil; to the Committee on Ways and Means.

6282. Also, petition of Francis W. Stulz, of Brooklyn, N. Y., regarding increase of pay for policemen at supply depot; to the Committee on Naval Affairs.

SENATE.

Friday, *September 8, 1922.*

Rev. Wallace Radcliffe, D. D., of the city of Washington, offered the following prayer:

Almighty God, may the grace of Our Lord Jesus Christ, the love of God, and the communion of the Holy Ghost be with the United States Senate in their personal life and official service, with all executives of the Nation, and with the land, for the sake of Him who hath taught us to pray and say:

Our Father which art in heaven, hallowed be Thy name. Thy Kingdom come. Thy will be done in earth as it is in heaven. Give us this day our daily bread and forgive us our debts as we forgive our debtors. And lead us not into temptation, but deliver us from evil; for Thine is the kingdom, and the power, and the glory, forever. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MERGER OF STEEL COMPANIES (S. DOC. NO. 208, PT. 2).

The PRESIDENT pro tempore laid before the Senate a communication from the acting chairman of the Federal Trade Commission, transmitting, in response to Senate resolution 286, agreed to May 12, 1922, further information relative to the proposed merger of certain steel companies and steps taken by the commission, etc., which was ordered to lie on the table and to be printed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURSUM:

A bill (S. 3987) granting a pension to Malcolm D. Lincoln; to the Committee on Pensions.

By Mr. CALDER (for Mr. Frelinghuysen):

A bill (S. 3988) for the relief of the estate of Thomas N. Avery; to the Committee on Claims.

FEDERAL RESERVE BOARD INVESTIGATION.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from the previous day, which will be stated.

The Reading Clerk. A resolution (S. Res. 344) providing for the appointment of a committee to investigate charges against the Federal Reserve Board, the resolution submitted yesterday by the Senator from Alabama [Mr. Heflin].

Mr. CURTIS. Mr. President, the resolution has to go to the Committee to Audit and Control the Contingent Expenses of the Senate. I promised the Senator from Alabama [Mr. Heflin] last night that at this morning's session I would ask that it be referred to that committee.

The PRESIDENT pro tempore. Without objection, it will be so referred.

THE COTTON INDUSTRY.

Mr. SMITH. Mr. President, I ask unanimous consent that the resolution (S. Res. 336) submitted by me on August 10, 1922, relative to the cotton industry be taken up and disposed of. It has been unanimously reported from the Committee on Agriculture and Forestry and simply gives that committee power to investigate conditions in reference to the marketing and handling of cotton.

Mr. BRANDEGEE. Does not the resolution have to go to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. SMITH. No; it does not.

Mr. BRANDEGEE. It does not involve the expenditure of any money?

Mr. SMITH. No.

The Senate, by unanimous consent, proceeded to consider the resolution which had been reported from the Committee on Agriculture and Forestry with an amendment on page 2, line 9, to strike out the word "methods" and insert "agencies," so as to make the resolution read:

> Whereas the carry-over or present stock of American cotton as given by official statistics is less than the normal carry-over; and
>
> Whereas the present condition of the growing crop indicates a yield far below the world's demand for American cotton; and
>
> Whereas the entire carry-over plus the indicated yield would not meet the world's demand; and
>
> Whereas the ravages of the boll weevil are more extensive and severe than ever before in the history of the ravages of this pest, making the yield entirely problematical; and
>
> Whereas the cost of producing cotton under these adverse conditions has been enormously increased; and
>
> Whereas the price of cotton in the markets has failed utterly to respond to these conditions; and
>
> Whereas the consumption of American cotton, both at home and abroad, has shown a progressive increase: Therefore be it
>
> *Resolved*, That the Agricultural Committee of the Senate be authorized and empowered to investigate all matters pertaining to the subject of supply and demand and marketing of cotton, with a view of determining whether any undue methods or practices are being employed by the trade in restraining the natural operation of the law of supply and demand.
>
> *Resolved further*, That the committee be empowered to use such agencies as in its judgment are necessary to obtain the information desired.

The amendment was agreed to.

The resolution as amended was agreed to.

The PRESIDING OFFICER (Mr. Oddie in the chair). Morning business is closed.

ADDITIONAL DISTRICT JUDGES—CONFERENCE REPORT.

Mr. CUMMINS. I ask unanimous consent that the Senate proceed to the consideration of the conference report on House bill 9103, known as the additional judges bill.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. I do not see the Senator from Tennessee [Mr. Shields] here. I shall have to object for the present. I do not know that the Senator from Tennessee would object to taking up the conference report, but I would like to have him here when it is called up.

The PRESIDING OFFICER. There is objection to the request of the Senator from Iowa.

Mr. CUMMINS. I move that the Senate proceed to the consideration of the conference report.

Mr. WATSON of Georgia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Borah
Brandegee
Broussard
Bursum
Calder
Capper
Colt
Culberson
Cummins
Curtis
Dillingham
du Pont
Ernst
Fletcher
Gooding
Harreld
Heflin
Jones, Wash.
Kellogg
Lenroot
McCumber
McLean
McNary
Myers
Nelson
New
Nicholson
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Sheppard
Shields
Simmons
Smith
Smoot
Stanley
Sterling
Sutherland
Swanson
Trammell
Walsh, Mass.
Warren
Watson, Ga.
Watson, Ind.
Williams

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators.

The following Senators entered the Chamber and answered to their names:

Ashurst.
Shortridge.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Iowa.

Mr. HEFLIN. Mr. President, I withdraw the objection which I made, if the Senate will permit me to do so. The Senator from Tennessee [Mr. SHIELDS] has entered the Chamber, and I understand he has no objection to the consideration of the conference report. I simply desired that he should be present when the matter was taken up. I withdraw the objection.

CONSIDERATION OF THE CALENDAR ON SATURDAY.

Mr. CURTIS. Mr. President, I should like to submit a request for unanimous consent. I ask unanimous consent that when the Senate meets to-morrow, after the routine morning business shall have been concluded, it take up the calendar under Rule VIII for the consideration of unobjected bills, and that the consideration of the calendar be proceeded with until it is completed, but not later than 4 o'clock, beginning with Order of Business No. 555, where the Senate left off on the last call of the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. LENROOT. That is, provided, of course, that the pending coal bill shall have been passed?

Mr. CURTIS. Certainly; providing that the pending unfinished business shall have been disposed of.

Mr. McNARY. I should like to propound an inquiry. I desire to know what is involved in the request of the Senator from Kansas?

Mr. CURTIS. I have asked unanimous consent that to-morrow, at the conclusion of the routine morning business, the Senate proceed with the consideration of unobjected bills on the calendar, and continue their consideration until 4 o'clock, provided the present unfinished business shall have been disposed of before that time.

Mr. McNARY. I entertain very little hope of the ability of the Senate to hold a quorum to-morrow. I should think that we had better adjourn over until Monday.

Mr. CURTIS. That is why I ask unanimous consent, for there will be enough Senators interested in bills on the calendar to be present in order that such bills may be disposed of to-morrow. I have made the request for unanimous consent so that to-morrow may not be wasted.

Mr. McNARY. I think that some Senator might suggest the absence of a quorum, and the day would be lost.

Mr. CURTIS. I do not think there will be any danger of that if we only consider unobjected bills, and that was the request. I submit the request, Mr. President.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ADDITIONAL DISTRICT JUDGES—CONFERENCE REPORT.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa [Mr. CUMMINS] that the Senate proceed to the consideration of the conference report on what is known as the judges' bill.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States; to provide for annual conferences of certain judges of United States courts; to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. CUMMINS. Mr. President, I desire to say just a word. I have promised to say nothing with regard to the report save that the report presents the bill in exactly the same form in which it was formerly presented, except that the objections made by the Senator from Tennessee [Mr. SHIELDS] upon his point of order have been removed from the report which is now before the Senate.

Mr. BORAH and Mr. SHIELDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. BORAH. Mr. President, I do not know that there is going to be a yea-and-nay vote called for upon the report, and I wish to say merely a word, therefore, in regard to my position.

Mr. SHIELDS. Mr. President, I had just risen when the Senator preceded me to demand a yea-and-nay vote on the adoption of the report. I will ask now for the yeas and nays on that question.

The PRESIDING OFFICER. The question is on agreeing to the conference report, on which the yeas and nays have been requested.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL] who is absent, but I am advised that he would vote as I shall vote on this matter. I vote "yea."

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the junior Senator from Rhode Island [Mr. GERRY] and will vote. I vote "nay."

Mr. McCUMBER (when his name was called). I transfer my general pair with the junior Senator from Utah [Mr. KING] to the junior Senator from Washington [Mr. POINDEXTER] and will vote. I vote "yea."

Mr. NEW (when his name was called). I have a general pair with the junior Senator from Tennessee [Mr. McKELLAR]. I do not know how he would vote on this measure, and I therefore withhold my vote; but I ask to be recorded as present for the purpose of making a quorum.

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire to announce the absence of my colleague [Mr. OVERMAN] on account of illness. He is paired with the senior Senator from Wyoming [Mr. WARREN]. If my colleague were present, and at liberty to vote, he would vote "nay."

Mr. SHIELDS (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I transfer my general pair with the senior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from New York [Mr. WADSWORTH] and vote "yea."

Mr. WARREN (when his name was called). I transfer my general pair with the junior Senator from North Carolina [Mr. OVERMAN] to the junior Senator from New Hampshire [Mr. KEYES] and vote "yea."

Mr. WATSON of Georgia (when his name was called). From the Senator from California [Mr. JOHNSON] I transfer my general pair to the Senator from Nevada [Mr. PITTMAN] and will vote. I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I transfer my pair with the Senator from Virginia [Mr. GLASS] to my colleague [Mr. PAGE] and vote "yea."

Mr. PHIPPS. I transfer my pair with the junior Senator from South Carolina [Mr. DIAL] to the junior Senator from Maryland [Mr. WELLER] and vote "yea."

Mr. BROUSSARD. I am paired with the senior Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and vote "nay."

Mr. CURTIS. I have been requested to announce the following general pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Illinois [Mr. McCORMICK] with the Senator from Wyoming [Mr. KENDRICK];

The Senator from Illinois [Mr. McKINLEY] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Missouri [Mr. SPENCER] with the Senator from Georgia [Mr. HARRIS]; and

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE].

The roll call resulted—yeas 32, nays 16, as follows:

YEAS—32.

Ashurst
Bursum
Calder
Colt
Cummins
Curtis
Dillingham
du Pont
Ernst
Fletcher
Gooding
Harreld
Jones, Wash.
Kellogg
Lenroot
McCumber
McLean
Nelson
Nicholson
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Shortridge
Smoot
Sterling
Sutherland
Trammell
Walsh, Mass.
Warren
Watson, Ind.

NAYS—16.

Borah
Broussard
Capper
Culberson
Harrison
Heflin
King
McNary
Sheppard
Shields
Simmons
Smith
Stanley
Swanson
Watson, Ga.
Williams

NOT VOTING—48.

Ball
Brandegee
Cameron
Caraway
Dial
Edge
Elkins
Fernald
France
Frelinghuysen
Gerry
Glass
Hale
Harris
Hitchcock
Johnson
Jones, N. Mex.
Kendrick
Keyes
Ladd
La Follette
Lodge
McCormick
McKellar

McKinley
Moses
Myers
New
Newberry
Norbeck
Norris
Overman
Owen
Page
Pepper
Pittman
Poindexter
Pomerene
Reed, Mo.
Robinson
Spencer
Stanfield
Townsend
Underwood
Wadsworth
Walsh, Mont.
Weller
Willis

The PRESIDING OFFICER. On this vote the yeas are 32, the nays are 16. The Senator from Indiana [Mr. New] being present and paired, there is a quorum present, and the conference report is agreed to.

THE MUSCLE SHOALS PROJECT.

Mr. CAPPER. I report favorably from the Committee on Printing a resolution providing for the printing of 10,000 copies of the Muscle Shoals report, and ask unanimous consent for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution (S. Res. 345), as follows:

> *Resolved*, That there be printed 10,000 additional copies of Part I of Senate Report No. 831, entitled "Disposal of Muscle Shoals," for the use of the Senate document room.

Mr. BORAH. What is Part I?

Mr. CAPPER. It is the Senate committee report. There has been an unusual demand for copies of the report.

Mr. HEFLIN. Does it contain the report on the Ladd bill?

Mr. CAPPER. This is the majority report.

Mr. BORAH. Does Part I contain the views as expressed by the Senator from Nebraska [Mr. Norris]?

Mr. CAPPER. It does.

Mr. BORAH. Very well.

Mr. HEFLIN. It does not contain the report we made in favor of the Ladd bill?

Mr. CAPPER. It does not. We already have the other report printed, and there is a liberal supply on hand. If there are more copies needed, they can be ordered.

The resolution was agreed to.

DISTRIBUTION AND SALE OF COAL.

Mr. CUMMINS. Mr. President, yesterday the Senate passed House bill 12472 with an amendment. The House is not in session and will not be until Monday. On account of that circumstance I ask that the bill, with the amendment, be printed by the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hearing none, it is so ordered.

UNITED STATES COAL COMMISSION.

Mr. BORAH. I ask unanimous consent that the Senate proceed to the consideration of House bill 12377, the coal commission bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12377) to establish a commission to be known as the United States coal commission, for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Carolina [Mr. Dial] to the amendment, which the Secretary will state.

The Assistant Secretary. The amendment of the Senator from South Carolina is to strike out, on page 9, lines 1, 2, 3, and 4, as follows:

> (d) The advisability or wisdom of nationalizing the coal industry.
> (e) The feasibility or necessity of governmental regulation and control of the coal industry.

Mr. STERLING. I ask for a division of the question and a separate vote on subdivision (d), that relating to the advisability or wisdom of nationalizing the coal industry.

The PRESIDING OFFICER. The Chair holds that the question is divisible, and will put the question on the first subdivision, which the Secretary will state.

The Assistant Secretary. Strike out the following:

> (d) The advisability or wisdom of nationalizing the coal industry.

Mr. HARRISON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMITH. Will the Chair have the Secretary state what the proposition is we are about to vote upon?

The PRESIDING OFFICER. The Secretary will state again the amendment to the amendment.

The Assistant Secretary. The first half of the amendment proposed by the Senator from South Carolina [Mr. Dial], on page 9, is to strike out lines 1 and 2, or subdivision (d), as follows:

> The advisability or wisdom of nationalizing the coal industry.

Mr. STERLING. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. STERLING. Those who favor striking out that provision will vote in the affirmative?

The PRESIDING OFFICER. That is correct. The Secretary will call the roll.

The Assistant Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. Elkins]. I understand that if he were present he would vote as I intend to vote. I vote "yea."

Mr. NEW (when his name was called). I have a general pair with the Senator from Tennessee [Mr. McKellar]. I transfer that pair to the junior Senator from Michigan [Mr. Newberry] and vote "yea."

Mr. PHIPPS (when his name was called). Transferring my pair as on the previous vote, I vote "nay."

Mr. SHIELDS (when his name was called). Making the same announcement as before as to my pair and transfer, I vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as on the previous vote with reference to my pair and transfer, I vote "yea."

Mr. WARREN (when his name was called). Transferring my general pair with the junior Senator from North Carolina [Mr. Overman] to the Senator from New Hampshire [Mr. Keyes], I vote "yea."

Mr. WATSON of Georgia (when his name was called). Making the same announcement as before with regard to the transfer of my pair, I vote "nay."

The roll call was concluded.

Mr. FLETCHER. I have a general pair with the Senator from Delaware [Mr. Ball]. In his absence I transfer that pair to the Senator from Rhode Island [Mr. Gerry] and vote "nay."

Mr. DILLINGHAM. Making the same announcement as before regarding the transfer of my pair, I vote "nay."

Mr. COLT (after having voted in the negative). I transfer my general pair with the Senator from Florida [Mr. Trammell] to the junior Senator from Washington [Mr. Poindexter] and allow my vote to stand.

Mr. BROUSSARD. I transfer my pair with the Senator from Missouri [Mr. Reed] to the Senator from New Hampshire [Mr. Moses] and vote "yea."

Mr. SMITH. I desire to announce the unavoidable absence of my colleague [Mr. Dial] who, if present and not paired, would vote "yea." He is paired with the Senator from Maryland [Mr. Weller].

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from New Jersey [Mr. Edge] with the Senator from Oklahoma [Mr. Owen];

The Senator from Maine [Mr. Fernald] with the Senator from New Mexico [Mr. Jones];

The Senator from New Jersey [Mr. Frelinghuysen] with the Senator from Montana [Mr. Walsh];

The Senator from Massachusetts [Mr. Lodge] with the Senator from Alabama [Mr. Underwood];

The Senator from Illinois [Mr. McCormick] with the Senator from Wyoming [Mr. Kendrick];

The Senator from Illinois [Mr. McKinley] with the Senator from Arkansas [Mr. Caraway];

The Senator from Missouri [Mr. Spencer] with the Senator from Georgia [Mr. Harris]; and

The junior Senator from Ohio [Mr. Willis] with the senior Senator from Ohio [Mr. Pomerene].

The result was announced—yeas 19, nays 30, as follows:

YEAS—19.

Broussard
Bursum
Harrison
Heflin
King
McCumber
Myers
New
Ransdell
Shields
Simmons
Smith
Smoot
Stanley
Sterling
Sutherland
Swanson
Warren
Williams

NAYS—30.

Ashurst
Borah
Calder
Capper
Colt
Culberson
Cummins
Curtis
Dillingham
du Pont
Ernst
Fletcher
Gooding
Harreld
Jones, Wash.
Kellogg
Lenroot
McLean
McNary
Nelson
Nicholson
Oddie
Phipps
Rawson
Reed, Pa.
Sheppard
Shortridge
Walsh, Mass.
Watson, Ga.
Watson, Ind.

NOT VOTING—47.

Ball
Brandegee
Cameron
Caraway
Dial
Edge
Elkins
Fernald
France
Frelinghuysen
Gerry
Glass
Hale
Harris
Hitchcock
Johnson
Jones, N. Mex.
Kendrick
Keyes
Ladd
La Follette
Lodge
McCormick
McKellar
McKinley
Moses
Newberry
Norbeck

Norris
Overman
Owen
Page
Pepper
Pittman
Poindexter
Pomerene
Reed, Mo.
Robinson
Spencer
Sanfield
Townsend
Trammell
Underwood
Wadsworth
Walsh, Mont.
Weller
Willis

So Mr. Dial's amendment to strike cut subdivision (d) of the committee amendment was rejected.

The PRESIDING OFFICER. The question now is on the second branch of the amendment of the Senator from South Carolina to strike out subdivision (e) of the amendment reported by the committee.

The amendment to the amendment will be stated.

The Assistant Secretary. On page 9, after line 16, it is proposed to amend the committee amendment by striking out:

> (e) The feasibility or necessity of governmental regulation and control of the coal industry.

Mr. HARRISON. A parliamentary inquiry. Is that amendment subject to division?

The PRESIDING OFFICER. The amendment of the Senator from South Carolina to the committee amendment has been divided. Does the Senator inquire whether the second branch of the amendment to the amendment is divisible?

Mr. HARRISON. If it is subject to division, I should like a vote on the question of regulation, and leaving out "control." If not, I shall offer an amendment to it.

Mr. SMITH. How does the Senator distinguish between regulation and control?

Mr. HARRISON. Does the Chair hold that it is not subject to a division?

Mr. BORAH. It does not seem to me that it is subject to division.

Mr. HARRISON. I really do not think it is, either.

The PRESIDING OFFICER. The Chair rules that the Senator from Mississippi can offer an amendment to the committee amendment to strike out the words "and control."

Mr. HARRISON. I offer an amendment to the committee amendment to strike out the words "and control."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The Assistant Secretary. In the amendment reported by the committee, on page 9, line 4, after the word "regulation" it is proposed to strike out "and control," so that subdivision (e) will read:

> (e) The feasibility or necessity of governmental regulation of the coal industry.

Mr. MYERS. Mr. President, I do not see how that can be done so long as the amendment of the Senator from South Carolina is pending. He has moved to strike out the whole of subdivision (e). I do not see, therefore, how the Senator from Mississippi can move to strike out a part of it when there is an amendment pending to strike out all of it. If the amendment of the Senator from South Carolina to strike out subdivision (e) should be defeated and subdivision (e) should be allowed to remain in the bill, then it seems to me the Senator from Mississippi, either as in Committee of the Whole or in the Senate, could move to strike out the words "and control," and leave in the provision as to regulation alone. I repeat, however, I do not see how he can get at it in the way he is trying.

Mr. LENROOT. Mr. President, if the Senator from Montana will yield to me the rule is just to the contrary. An amendment must be perfected before the motion is in order to strike it out.

Mr. MYERS. To perfect what amendment?

Mr. LENROOT. The pending amendment.

Mr. MYERS. I did not understand that the Senator from Mississippi offered an amendment to the amendment of the Senator from South Carolina. I thought he was trying to amend the bill.

Mr. LENROOT. The Senator from Mississippi desires to perfect the language which is proposed to be stricken out by the amendment offered by the Senator from South Carolina, and such a motion is always in order before the motion to strike out is put.

Mr. MYERS. The Senator from Mississippi offers an amendment to the amendment offered by the Senator from South Carolina?

Mr. LENROOT. He offers a preferential amendment, which is in order before the motion to strike out can be put.

Mr. MYERS. It is desired then, to perfect the bill, before the amendment of the Senator from South Carolina is voted on. In that view of the case, I presume the Senator from Wisconsin is probably right about it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi to the amendment of the committee.

Mr. HARRISON. I ask that the amendment be stated again.

The PRESIDING OFFICER. The amendment will be stated.

The Assistant Secretary. On page 9, line 4, after the word "regulation" it is proposed to strike out the words "and control," so as to read:

> (e) The feasibility or necessity of governmental regulation of the coal industry.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi to the amendment of the committee. By the sound, the "noes" have it.

Mr. HARRISON. I ask for a division.

On a division the amendment to the amendment of the committee was rejected.

Mr. HARRISON. Mr. President, a parliamentary inquiry. The other day the Senator from Connecticut [Mr. Brandegee], occupying the chair at the time, ruled that on a division, it having been revealed that not a quorum was present, there must be a quorum procured before the question could be determined. Does the Senator now presiding hold the same as the Senator from Connecticut did the other day?

The PRESIDING OFFICER. He does not.

Mr. MYERS. What was the result of the vote, Mr. President?

The PRESIDING OFFICER. The amendment was lost.

The question now is upon the amendment offered by the Senator from South Carolina to the amendment reported by the committee to strike out subdivision (e).

Mr. MYERS. On that I call for the yeas and nays.

The PRESIDING OFFICER. Is the demand sustained?

The yeas and nays were not ordered.

Mr. MYERS. I ask that those in favor of sustaining the call for the yeas and nays be directed to rise and be counted.

The PRESIDING OFFICER. Those in favor of sustaining the demand for the yeas and nays will rise and be counted. [A pause.] Not a sufficient number have seconded the demand.

Mr. ASHURST. Mr. President, I am against the amendment to strike out subdivision (e), for I think it will weaken the bill. I am going to vote contrary to the views of my friend from Montana, but I do think he is entitled to the yeas and nays on an important question like this. I hope he will ask again for the yeas and nays, and call the names of those who sit here and refuse to grant the yeas and nays on a vital question.

The PRESIDING OFFICER. The Chair rules the question has been decided.

Mr. MYERS. I rise to a parliamentary inquiry. Does the Chair hold that one-fifth of those present did not stand up and support the demand for the yeas and nays? There are only about a couple of dozen Senators present. Does the Presiding Officer hold that so many as half a dozen Senators did not stand up?

The PRESIDING OFFICER. The Chair will state that there were 49 votes on the roll call just had, and the Chair is not advised as to how many Senators are now present.

Mr. MYERS. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst
Borah
Broussard
Bursum
Calder
Capper
Culberson
Cummins
Curtis
Dillingham
du Pont
Fletcher
Gooding
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
King
Lenroot
McCumber
McLean
McNary
Myers
Nelson
New
Nicholson
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Sheppard
Shields
Shortridge
Simmons
Smith
Smoot
Stanley
Sterling
Sutherland
Swanson
Walsh, Mass.
Warren
Watson, Ga.
Watson, Ind.

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The Assistant Secretary called the names of the absent Senators, and Mr. Ernst answered to his name when called.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is not present.

Mr. Colt entered the Chamber and answered to his name.

Mr. CURTIS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. Trammell entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the second subdivision of the amendment of the Senator from South Carolina [Mr. DIAL] to the amendment of the committee.

Mr. MYERS. I ask for the yeas and nays.

The PRESIDING OFFICER. That has been asked once, and refused. The question is on agreeing to the second subdivision of the amendment to the amendment of the committee.

The second subdivision of the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended.

Mr. SHIELDS. I move to strike out, on pages 10 and 11, the paragraph beginning on line 23 of page 10.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The ASSISTANT SECRETARY. Beginning on page 10, line 23, it is proposed to strike out the following words:

> That every officer or employee of the United States whenever requested by the commission shall supply it with any data or information pertaining to any investigation by the commission which may be contained in the records of the office of such officer or employee.

Mr. SHIELDS. Mr. President, I do not care to debate that amendment. The objection is obvious. While, strictly, that would not come within the objection of unreasonable search, it is so near it, and in my opinion such an inquisition and espionage on the private business of the citizens of the country, that I do not think it ought to be in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee to the amendment made as in Committee of the Whole.

The amendment to the amendment made as in Committee of the Whole was rejected.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. MYERS. Mr. President, I know and we all know that certain classes of people in this country will hail with joy the enactment of this measure if it be enacted with the provision in it which is comprised in subdivision (d), at the top of page 9, which provides for investigation and report upon the advisability or wisdom of nationalizing the coal industry.

Among other people who would be greatly encouraged and heartened by the enactment of legislation of that kind are about 200 people who recently met in the woods in secret conclave in some obscure place in Michigan. They are avowed communists and revolutionists and are dedicated to the task of overthrowing this Government and totally changing our form of government by any means they can command—peaceful, lawful, unlawful, violent, revolutionary, bloody, or in any other way. Those people and the people whom they represent, that class of people, all look forward with great zest to nationalizing all industries in this country and nationalizing everything and everybody. Their dream and aim is the nationalization of everything. They want to nationalize not only the coal industry of the country but also the railroads, the manufacturing industries, the farms, the land, every resource in this country. They are working to have the Government take over everything and own it all, and make everybody an employee of the Government, and let some dictator who may happen to be at the head of the Government tell this man to work at this job and another man to work at another job; say that this man must work on a farm at a wage to be fixed by the dictator of the Government and that another must work at something else and take what wage may be fixed for him. They want to get hold of all of the industries of this country, so they can loot them and exploit them for their own greed, gain, and advantage, and make the rest work for the chosen few who may be dictators or favorites of the dictators, as it is in red Russia.

That was the aim of that meeting of some 200 people whom the newspapers report to have been in secret conclave in the woods in Michigan about a week or 10 days ago.

They meet in secret and plot in the dark. Their ways are those of darkness, but we know what their objects are.

Most of those people were arrested. Those who did not scatter and disappear and seek devious ways of getting out of sight were arrested, and among those caught by the officers and arrested was one W. F. Dunn, formerly a resident of Montana, who two years ago made a desperate effort, by proxy, to get control of the State of Montana and its government, and to apply there his vicious and nefarious doctrines. He was aided in that scheme by one A. C. Townley, who has since been convicted, and served a term in jail for disloyalty to his country during the World War. Their scheme was to get hold of the State of Montana and nationalize or socialize many things and many of the resources of the State; to erect and conduct State-owned warehouses, elevators, mills, creameries; to have State-owned newspapers, coal mines, stores, and banks; to build homes for people with State money, and do many things of like character.

Fortunately, their scheme was frustrated. It was tried in North Dakota for a number of years, and many experiments in State socialism were tried there. The State embarked upon an extensive plan of socialism; State-owned banks, warehouses, elevators, flour mills, and other institutions, which had prior to that time been conducted by private capital and enterprise were instituted or planned. As a result, the State was plunged heavily into debt and was placed in what was regarded as a precarious financial condition. The hold of the people who had put it in that condition was finally broken and thrown off, but neither the State of Montana nor the State of North Dakota appears to be yet wholly free from designs of that character by those who hold such views and advocate such schemes.

Of course, I do not say that a congressional investigation as to the advisability of nationalizing the coal industry of the country would necessarily lead to conditions of that kind. I am sure the esteemed Senator from Idaho has in mind to attain no such conditions as I have inveighed against. But my position is that such an investigation by official sanction would simply afford hope to that class of people who meet secretly and plot to sovietize this country; would hearten them, inspire them to renewed effort, and put renewed hope in their hearts.

In my opinion, it would simply stir up and stimulate the propaganda which has resulted in efforts of that kind being made to capture and control the resources of several of the States of the Union, and which looks ultimately to nationalizing or sovietizing everything in this country. I do not say the enactment of this one measure would lead to nationalizing the industries of this country; but what is the use of encouraging the idea if we do not want it done? Therefore I oppose the bill.

I am reluctant to believe that a majority of the Members of this body are in favor of nationalizing any industry in this country, or even want to take a step in that direction. I sincerely hope and believe that a majority of the Members of this body are not in favor of nationalizing any industry of this country which can be conducted by private capital and enterprise; and if a majority do not want to go to that length, why on earth they should encourage the people who do want to do so by holding out this bait to them to renew their agitation is more than I can see. I think it is the duty of all good citizens, Democrats and Republicans, to set their faces and minds firmly against socialism, sovietism, nationalization, and all such schemes, and to do nothing to countenance them. We must do so if America is to survive. As for me, I am against all such things.

The PRESIDING OFFICER. The question is, Shall the amendment be engrossed and the bill be read a third time?

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. MYERS. I ask for the yeas and nays.

The yeas and nays were not ordered.

The bill was passed.

The title was amended so as to read: "A bill creating a commission to investigate the coal industry and sources of coal supply with a view to aiding Congress in framing such legislation relative to said industry and the supply of coal to the public as Congress has the power and may deem wise to enact."

Mr. BORAH. I move that the Senate insist upon its amendment and ask for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. BORAH, Mr. STERLING, and Mr. WALSH of Massachusetts conferees on the part of the Senate.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURSUM. I ask unanimous consent that the Senate proceed to the consideration of House bill 5214, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

Mr. BURSUM. I offer the following amendment to the bill. This amendment is designed to cover the items contained in the Senate committee report on House bills 6569, 7210, 7847, 8261, 8569, and 10643, and also Senate bills 3309 and 3919.

Mr. FLETCHER. I think that we may proceed in order. The Senator should first obtain consent to consider the bill for action on the committee amendments. Is it a committee amendment that the Senator now proposes?

Mr. BURSUM. These are substantially the committee amendments, the idea being to consolidate the bills so as to obtain quick action. All the bills have been considered by the committee and reported to the Senate, and in view of the short time we have and the desire for quick action, and in view of the fact that these bills will necessarily go to conference with the House, the amendments are submitted in order to consolidate the bills and make them one bill. There are two pension committees of the House—the Committee on Invalid Pensions, relating to the Civil War, and the committee considering pensions for those who did not serve in the Civil War.

Mr. FLETCHER. I gather that the Senator is now offering as amendments to the pending bill some other pension bills?

Mr. BURSUM. Yes; all the pension bills reported.

Mr. FLETCHER. Including the Mexican War and Indian war pension bills?

Mr. BURSUM. Yes; that is, outside of the Civil War, House bills 6569, 7210, 7847, 8261, 8569, and 10643, as well as Senate bills 3309 and 3919. That is the only method by which we can hope to obtain final action at this session of Congress on these pension bills.

Mr. FLETCHER. Does the Senator offer Senate bill 3275 as an amendment to this bill?

Mr. BURSUM. No; that is a general bill. These are only private pension bills.

Mr. STERLING. Let me ask the Senator are not these the ordinary omnibus pension bills?

Mr. BURSUM. Exactly; and this action consolidates all of them.

Mr. STERLING. Is not the Senator from Florida right in asking that the committee amendments be passed upon first? The committee amendments are indicated in the bill by striking out certain lines.

Mr. BURSUM. They are; and in the bill which is now before the Senate the committee amendments cover the names which have been stricken off. The amendments which I am about to present cover the amendments in all the other bills and the object is to consolidate the several bills into one bill.

Mr. STERLING. But the Senator from Florida, I understand, asks that the committee amendments be first considered, which is the usual course of procedure.

Mr. BURSUM. Very well; I am agreeable to that course.

Mr. FLETCHER. I wanted to have the RECORD show that we are proceeding in an orderly manner. The first thing is to have the bill read. It would be proper, I take it, for the Senator to ask that the formal reading of the bill be waived and have it read for action on the committee amendments, the committee amendments to be first considered.

Mr. BURSUM. I ask unanimous consent that the formal reading of the bill be waived and that the committee amendments be first considered, and that thereafter the amendments which I have offered be presented to the Senate for consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will state the amendments of the committee in their order.

Amendments of the Committee on Pensions to House bill 5214:

The first amendment of the Committee on Pensions was, on page 1, after line 5, to strike out:

> The name of Hattie Hjelmberg, widow of William Hjelmberg, late of the Fourth Company, United States Coast Artillery Corps, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 4, to strike out:

> The name of Annie N. Sullivan, widow of Calvin Sullivan, late of Captain Yoakum's Tennessee Volunteers, Indian war, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to strike out:

> The name of Lurany McClellan, widow of William E. McClellan, late of Captain Durrance's company, Florida Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 16, to strike out:

> The name of Edward Halloran, late of Company I, Twenty-seventh Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out lines 1 to 4, inclusive:

> The name of James H. Scollin, late of Company G, Twenty-second Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 7, to strike out "$18" and to insert "$12," so as to read:

> The name of Fred J. Griffin, late of United States Navy, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to strike out:

> The name of Julia Godon, dependent mother of Joseph I. Godon, late of Company C, Ninth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 11, to strike out:

> The name of Louisa H. Highley, dependent mother of Robert A. Highley, late of Company M, First Regiment Missouri Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to strike out:

> The name of Ella G. Brock, widow of Christopher C. Brock, late of Battery A, Fourth Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 7, to strike out:

> The name of Charles B. Wilson, late of Troop B, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out:

> The name of Dorothea Hoefling, widow of William Hoefling, late of Battery M, First Regiment United States Artillery, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 15, to strike out:

> The name of Susan M. Gregory, former widow of John R. Sherry, alias John Fitzgerald, late of Troop F, Fifth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 19, to strike out:

> The name of Maurice Roach, late of the One hundred and twelfth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $24 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 23, to strike out:

> The name of Jennie S. Avery, dependent mother of Frank E. Moulton, late of Troop G, Sixth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 14, to strike out:

> The name of John A. Poe, late of Lieut. W. Riley Wood's company, Texas Minute Men, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 18, to strike out:

> The name of James B. Bristow, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 22, to strike out:

The name of Christina Stenger, widow of Ferdinand Stenger, late of Troop K, Third Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 2, to strike out:

The name of Andrew J. Duncan, formerly known as Andrew J. Revels, late of Captain Willard's company, First Regiment Florida Mounted Volunteers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 7, to strike out:

The name of May E. Bunn, widow of George B. Bunn, late major and brigade surgeon, United States Volunteers, War with Spain, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 11, to strike out:

The name of Fletcher Duling, late of Company D, Thirty-third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 22, to strike out "$17" and to insert "$12," so as to read:

The name of Elmer H. Weddle, late of Company H, Twenty-eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 7, to strike out:

The name of Emma M. H. Haas, widow of Charles Haas, late of Company D, Twenty-third Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving and $2 per month additional on account of each of the minor children of said Charles Haas until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 8, line 22, to strike out "$17" and to insert "$12," so as to read:

The name of William H. Grimes, late of One hundred and forty-ninth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, after line 10, to strike out:

The name of Willis D. Clark, dependent father of Forrest L. Clark, late of Company F, Twenty-first Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that be is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 19, to strike out:

The name of Henry Oelhoff, late of Company D, Eighteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 8, to strike out:

The name of John H. Dale, late of Troop G, Second Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 16, to strike out:

The name of Jerus S. Dickinson, late of Company I, Fifth Regiment United States Infantry, Indian wars, and pay him a pension at rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 11, to strike out lines 1 to 5, inclusive:

The name of Alice L. Collins, widow of Charles S. Collins, late of Captain A. J. Hembree's Company E, First Oregon Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 5, to strike out:

The name of Thomas Rolle, late of Troop I, Third Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 9, to strike out:

The name of Harry W. Feldman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 13, to strike out:

The name of Clara L. Conklin, dependent mother of Ray R. Conklin, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to strike out:

The name of James M. Wilson, late of Troop A, Nineteenth Regiment Kansas Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to strike out:

The name of Frank M. Schmehr, late of Company B, Nineteenth Regiment United States Infantry, Regular Establishment, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 9, to strike out "$17" and insert "$12," so as to read:

The name of Ackley R. Plumstead, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 13, to strike out:

The name of Patrick Flood, late of Captain Johnston's independent company, Florida Mounted Volunteers, Seminole Indian War, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 21, to strike out:

The name of August Richards, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 13, to strike out:

The name of Marguerite B. Fitzgerald, widow of John Fitzgerald, late of Signal Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 8, to strike out:

The name of Elijah P. Higgins, late of Capt. G. W. Steven's Company, Wise County, Tex., Rangers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 12, to strike out:

The name of James E. Mulford, late of Companies E and M, Twenty-eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 16, to strike out:

The name of Jacob Amberg, late of Troop D, Fifth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, to strike out:

The name of Elizabeth Leher, widow of George Leher, late of Company A, Seventh Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 14, to strike out:

The name of Cornelius Conley, alias Cornelius Connelly, late of Troop B, Second Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 18, to strike out:

The name of Francis M. Washburn, late of Company G, Fourteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 22, to strike out:

The name of Charles Dilden, alias James Carman, late of Company A, Thirty-sixth Regiment United States Infantry, Indian Wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 9, to strike out:

The name of James Sullivan, late of Company E, Fourth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 17, to strike out:

The name of Norman F. Henry, late of Company D, Second Battalion, Eighteenth Regiment United States Infantry, and Company D, Twenty-seventh United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 2, to strike out:

The name of Edith Z. Pyles, widow of Richard A. Pyles, late major and surgeon First Regiment District of Columbia Infantry, war with Spain, and pay her a pension at the rate of $37 per month: *Provided*, That in the event of the death of Helen E. Pyles, helpless and dependent daughter of said Richard A. Pyles, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Edith Z. Pyles the name of said Helen E. Pyles shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Edith Z. Pyles.

The amendment was agreed to.

The next amendment was, on page 16, after line 14, to strike out:

The name of Sarah A. Evans, widow of Thomas C. Evans, late of Marine Corps, United States Navy, war with Mexico, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 18, to strike out:

The name of Edward McClellan, late of Company G, Seventh Regiment United States Infantry, and Company L, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $65 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to strike out:

The name of Charles Hurrle, late of Troop E, Sixth Regiment United States Cavalry, and Companies C and G, Thirteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to strike out:

The name of Mary C. Parsons, widow of Martin Parsons, late of Troop C, Fifth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 7, to strike out:

The name of Giles A. Woolsey, late of Company H, Tenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 5, to strike out:

The name of Frederick W. Gruber, dependent father of Daniel E. Gruber, late of Company C, Eighth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 10, to strike out:

The name of Linda C. O'Connor, widow of Joseph A. O'Connor, late of United States Navy, war with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Joseph A. O'Connor until he reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 20, after line 16, to strike out:

The name of George Sheenhan, late of Troop M, Third Regiment United States Cavalry, Indians wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 20, to strike out:

The name of Frederick H. Thompson, late of Troop C, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 21, to strike out:

The name of James M. Berry, late of Capt. E. J. Harding's Company A, First Oregon Mounted Volunteers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 9, to strike out:

The name of Margaret O'Hara, widow of Charles O'Hara, late of Troop F, United States Mounted Rifles, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 13, to strike out:

The name of Sallie M. Cohen, widow of Henry Cohen, late of Capt. Moses Curry's and John F. Broer's companies, Florida Mounted Volunteers, Indian wars, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 22, to strike out:

The name of Charles B. Ross, late of Troop I, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 4, to strike out:

The name of Catherine Fitzgerald, widow of Thomas Fitzgerald, late of Troop B, First Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 17, to strike out:

The name of Della A. Cooter, late of the Sixty-ninth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, after line 21, to strike out:

The name of George W. Burleson, late of Company A, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 23, to strike out:

The name of Cornelia A. Deal, dependent mother of Lyman A. Deal, late of Company L, Second Regiment North Carolina Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 23, after line 4, to strike out:

The name of Edward A. Branham, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, after line 11, to strike out:

The name of George R. Robinson, late of Troop F, Seventh Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 24, to strike out:

The name of Annie Dougherty, widow of Daniel Dougherty, late of United States Navy, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to strike out:

The name of Charles L. McClure, late of Company M, Second Regiment Missouri Infantry, war with Spain, and pay him a pension at rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, after line 8, to strike out:

The name of Margaret Pinkham, widow of Chester E. Pinkham, late of Troop H, First Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 24, after line 12 to strike out:

The name of Julia Tomlin, dependent mother of Archie Tomlin, late of Company A, Fourth Regiment Missouri Infantry, war with Spain, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 21, to strike out "$20" and insert "$12," so as to read:

The name of Mary M. Whitford, dependent mother of James E. Whitford, alias James E. McCarrick, late of the United States Marine Corps, and the Fifty-second Company, United States Coast Artillery, war with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 24, after line 21, to strike out:

The name of Lena Fitzgerald, widow of Robert Fitzgerald, late of Captain Pickett's company, Florida Mounted Volunteers, Indian wars, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 3, to strike out "$17" and to insert "$12," so as to read:

The name of Lee F. Pixley, late of Company C, Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 25, after line 3, to strike out:

The name of M. Davis, late of Company D, Texas Frontier Battalion, Indian wars, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 25, after line 6, to strike out:

The name of Walter J. Hawthorne, late of Company I, First Regiment Connecticut Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to strike out:

The name of William Weddington, late of the Eighteenth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 14, to strike out:

The name of Louisa Spurgeon, widow of George S. Spurgeon, late of Company H, Ninth Regiment United States Infantry, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, after line 21, to strike out:

The name of Michael Balenti, late of Company G, Fourth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 26, to strike out:

The name of Elizabeth Ellen Bealer, widow of William Bealer, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 26, after line 3, to strike out:

The name of John Coyne, late of Company E, Fourth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 18, to strike out:

The name of Dustin D. Elsie, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 26, after line 21, to strike out:

The name of Isabelle Barnett, widow of Theophilus Barnett, late of Troop H, Nineteenth Regiment Kansas Cavalry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 27, to strike out:

The name of Jacob James, late of Companies L and C, Ninth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The ASSISTANT SECRETARY. The next amendment of the committee is at the end of the bill (H. R. 5214) to insert the following amendments, which comprehend and include the items passed by the House and favorably reported by the Senate Committee on Pensions on House bills numbered 6569, 7210, 7847, 8261, 8569, 10643, and Senate bills numbered 8309 and 3919.

The name of Lewis K. Allen, late of Company E, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eva R. Smailes, widow of Edward M. Smailes, late of Company D, First Regiment Florida Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Edward M. Smailes until he reaches the age of 16 years.

The name of Charles G. Sullivan, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Robert Hicks, late of Company H, Second Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Rosco Wilkins, late of the Eleventh Recruiting Company, general service, Infantry, United States Army, Regular Establishment, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Anna Kendrick, widow of Herbert N. Kendrick, late of Company G, Twelfth Regiment Minnesota Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of William M. Bainbridge, late of Company E, Twentieth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Isaac Tierson, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Addie Evans, widow of Louis M. Evans, late of Company K, Thirty-third Regiment Michigan Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Sarah J. Nagel, widow of John F. E. Nagel, late of Company M, Second Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Lucy Hunt, widow of Evert J. Hunt, late of Twenty-fourth Battery, United States Field Artillery, war with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of James La Rue, late of Troop F, Ninth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Charles M. Green, late unassigned recruit, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Mary D. Jenness, dependent mother of Herbert T. Jenness, late of Company B, Fifth Regiment Massachusetts Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Rosie E. Crabtree, widow of John F. Crabtree, late of Company K, Twelfth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said John F. Crabtree until they reach the age of 16 years.

The name of Fred J. Driftmeyer, late of Company G, One hundred and fifty-seventh Regiment Indiana Infantry, war with Spain, and pay him a pension at the rate of $18 per month.

The name of Levina Baize, widow of Charles E. Baize, late of Company A, Thirteenth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Robert G. Clark, late of Company E, Third Regiment New York Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Benson, late of Company E, First Regiment New York Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ole L. Rindahl, late of Capt. Stone Olson's company, Lake Prairie Rangers, Capt. A. Stark's company, Minnesota State Militia (Scandinavian Guards), and Lieut. William Huey's company, St. Peter (Nicollet County), Minnesota Home Guards, and pay him a pension at the rate of $20 per month.

The name of Harmon E. Deck, late of Troop B, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Frank J. Griesbaum, late of Twenty-fourth Battery, United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel E. Blevins, late of general service, Infantry, United States Army, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Anson C. Douglas, late a wagoner, Supply Company, Sixth Regiment Ohio Infantry, Regular Establishment, border defense, and pay him a pension at the rate of $30 per month.

The name of Emily E. Patison, widow of William W. Patison, who served in Capt. Joseph Bailey's Company A, Second Regiment Oregon Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Allen, late of Company F, Sixth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of James M. Farris, late of Troop D, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias L. Banta, late of Battery B, Fourth Regiment United States Artillery, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eva Bassett, widow of Edward Bassett, late of Company E, Sixth Regiment Illinois Infantry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alonzo Tomlinson, late of Company F, Second Indiana National Guard Regiment Infantry, border defense, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Mary Rafferty, widow of Joseph Rafferty, late of Company I, Seventh Regiment Illinois Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Joseph Rafferty until they reach the age of 16 years.

The name of Beulah Hopkins, widow of John Hopkins, late of band, and Troop I, Tenth Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of the minor child of said John Hopkins until she reaches the age of 16 years.

The name of George W. Rathman, alias William Kerper, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Matilda J. Henderson, widow of Hiram Henderson, late landsman, U. S. S. *Ohio* and *United States*, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Delbert R. Spice, late of Company M, Second Regiment Wisconsin Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The name of Vida V. Johnson, widow of Charles W. Johnson, late private of Battery K, Fourth Regiment United States Artillery, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Charles W. Johnson until she reaches the age of 16 years.

The name of John H. Doremus, late second lieutenant of Company D, Second Regiment New Jersey Infantry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of James H. Hornsby, late of the Seventh Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of George W. Mason, late of Company A, First Regiment Kentucky Cavalry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Adelia A. Dell, widow of Valentine Dell, alias Valentine Tell, late of Company G, Seventh Regiment United States Infantry, Seminole Indian war, and pay her a pension at the rate of $20 per month.

The name of Wesley Sweet, late of Company K, Fifth Regiment Pennsylvania Infantry, war with Spain, and pay her a pension at the rate of $18 per month.

The name of Benjamin Blackburn, late of Captains Bennett and Fellows' Company F, First Regiment Oregon Mounted Volunteers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Buzan, late of Capt. R. E. Eastland's Company B, Second Regiment Oregon State Militia, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Claudie O. Neff, late of Troop I, Fifteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Bessie P. Leffel, widow of Perlie H. Leffel, late of the Hospital Corps, United States Army, war with Spain, and pay her a pension at the rate of $20 per month, and $2 per month additional on account of the minor child of said Perlie H. Leffel until he reaches the age of 16 years.

The name of Peter Urban, late of Company F, Fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Fanny F. Robertson, widow of James M. Robertson, late major, Third Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jacob J. King, late of Company H, Second North Carolina Infantry National Guard, border defense, and pay him a pension at the rate of $30 per month.

The name of Lizzie M. Worster, widow of Isaac H. Worster, late of Company H, Sixteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Burke, Battery I, First Regiment United States Artillery, and pay him a pension at the rate of $12 per month.

The name of Charles W. Willis, late of Troop B, First Regiment Kentucky Cavalry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy I. Wainscott, widow of Hiram Wainscott, late of Company U, Montague County, Tex., Minute Men, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Emma P. Coffey, widow of John Coffey, late of the United States Navy, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Earl S. Reeves, late of Company D, Second Regiment Indiana Infantry, National Guard, Regular Establishment, border defense, and pay him a pension at the rate of $12 per month.

The name of Bridget J. Snody, widow of Frederick Snody, late of the United States Navy, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Thomas Roy, late of Company A, First Regiment New Hampshire Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Margaret Hickman, widow of William Hickman, late of Troop G, Second Regiment United States Dragoons, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Levi F. Howell, late of Company C, Battalion Eighteenth Regiment Kansas Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma C. Blackshear, widow of Cicero S. Blackshear, late of Capt. Stewart's company, First Regiment Florida Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert Petritz, late of Battery L, Second Regiment United States Artillery, Indian wars, and pay him a pension at the rate of $20 per month.

The name of George C. Emmert, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Joseph H. Glover, helpless and dependent child of John Glover, late of Company I, Sixteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of George Foos, late of Troop L, Eighth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank P. Lilley, late of the band and Company M, Fourth Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Melissa F. Procter, widow of Robert G. Procter, late second lieutenant, Fifth Regiment United States Artillery, Regular Establishment, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Elmira E. Sheldrake, widow of John T. Sheldrake, late of Company E, Thirty-seventh Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Allen Kirk, late of Captain J. K. Kelly's Company C, First Regiment Oregon Mounted Volunteers, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The names of Mary Elizabeth Wilson, Frances Wilson, Vitula Wilson, Otto Wilson, and Woodrow Wilson, minor children of Ott Wilson, late of Battery M, First Regiment United States Artillery, war with Spain, and pay them a pension at the rate of $12 per month and $2 per month additional on account of each of the five minor children of the said Ott Wilson until they reach the age of 16 years.

The name of Florence E. Foster, widow of David M. Foster, late of Company I, Ninth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James W. Robinson, late of Company M, Twenty-sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Richard Stevens, late of Company E, Fifth Regiment United States Volunteer Infantry, Indian wars and Civil War, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza Hook Hinkle, former widow of James T. Hook, late of Company G, Third Regiment Indiana Volunteers, war with Mexico, and pay her a pension at the rate of $30 per month.

The name of Annie M. O'Brien, widow of Bernard J. O'Brien, alias Barry McLaughlin, late of the United States Marine Corps, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Addison Holmes, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper Johnson, late of Company D, Thirtieth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion A. McCartney, widow of Ted. W. McCartney, late of Company M, Second Regiment Wisconsin Infantry, war with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of said Ted. W. McCartney until they reach the age of 16 years.

The name of William P. Grimm, late of Company C, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Thomas M. Stroud, late of Lieutenant Willingham's Company U, Montague County, Texas Minute Men, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Glen L. Jones, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month.

The name of Lizzie K. Thorpe, widow of John J. Thorpe, late of Company D, Eleventh Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Albert E. Alexander, late of Captain Nelson Miner's Company A, Dakota Volunteers, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Elizabeth Welsh, widow of Abram Welsh, late an unassigned recruit, Fifteenth Regiment, United States Infantry, war with Mexico, and pay her a pension at the rate of $30 per month.

The name of Ella E. Carbonell, widow of Emil Carbonell, late of Company B, Twenty-second Regiment New York Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Emil Carbonell until he reaches the age of 16 years.

The name of Isaac B. Butler, late of Company E, Sixteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William O. Taylor, late of Troop A, Seventh Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Melville M. Gordon, late of Company H, Third Regiment Nebraska Infantry, war with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Amanda Ellen Howell, widow of John C. Howell, alias John C. Howard, late of Troop B, Second Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Polly A. Blair, widow of William M. Blair, late of Company F, Fourth Regiment Tennessee Infantry, war with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Laura E. Daniels, widow of Charles E. Daniels, late of Troop K, First Regiment Illinois Cavalry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Charles Dueber, late of Captains Louis' and Schaefer's companies of Minnesota Volunteers, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Richar M. Van Dervort, late of Capt. James Atkinson's company Minnesota Volunteers, and scout, Minnesota Volunteers, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Alonzo Sidman, late of Company I, Fifth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Herbert G. Hoots, late of Company F, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John C. Ballmann, late of Company K, First Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary Berry, widow of George W. Berry, late of Troop L, Third Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen E. Alger, widow of Ernest L. Alger, alias Frank L. Snow, late of Company C, Seventh Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of $24 per month, and $2 per month additional on account of the minor child of said Ernest L. Alger until she reaches the age of 16 years: *Provided*, That in the event of the death of Ernest E. Alger, helpless and dependent son of said Ernest L. Alger, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Ellen E. Alger the name of Ernest E. Alger shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Ellen E. Alger.

The name of Juana M. Lopez, widow of Antonio Lopez, late of Captain Gonzales' Company B, St. Vrain's Battalion, New Mexico Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John C. McDowell, late of Troop E, First Regiment United States Volunteer Cavalry, war with Spain, and pay him a pension at the rate of $24 per month.

The name of William Johnson, late of Company H, Thirty-eighth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward S. Coffin, late of Company C, One hundred and fifty-eighth Regiment Indiana Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of George Archambault, late of Company C, First Regiment Field Artillery, Minnesota National Guard, border defense, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Willie Brown, late of Company B, Instruction, General Service, Recruits, United States Army, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Melvina Parker, widow of Frank H. Parker, late of Company M, Twenty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $24 per month: *Provided*, That in the event of the death of Irving Peter Parker, helpless and dependent son of said Frank H. Parker, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Melvina Parker, the name of said Irving Peter Parker shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Melvina Parker.

The name of Charles B. Clark, late of Company L, Fifth Regiment Pennsylvania Infantry, war with Spain, and pay him a pension at the rate of $18 per month.

The name of John G. Patton, late of Company D, First Regiment Georgia Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Moorehead, widow of James Moorehead, late of Troop K, Third Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Katherine Raumbeller, widow of August Raumbeller, late of Troop G, Eighth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of William E. Slimp, late of Company M, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Robert Vaughn, late of the Sixty-ninth Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Jennie Fleming, former widow of James M. Vaughan, late of Troop E, Sixth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Patrick Newell, late of Troop E, Sixth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of John Sopher, late of Troop C, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Christian S. Mathison, late of Company H, Third Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Reinhard Deibel, late of Battery L, Third Regiment United States Light Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Alex H. Burns, late of the Seventeenth Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Curt T. Spicer, late of Company B, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Vivian Powers, widow of Frederick J. Powers, alias Fred J. Rew, late of Company K, Third Regiment Connecticut Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and to continue the pension of $4 per month for each minor child of said Frederick J. Powers until they reach the age of 16 years.

The name of James F. Dakins, late of Company G, Sixteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William F. Slack, late of Company K, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Emil J. Olsen, late of Company G, Third Regiment, and Company G, Thirteenth Regiment, United States Infantry, and Company E, United States Signal Corps, Regular Establishment, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Bernard J. Boldermann, late of Battery A, First Battalion California Heavy Artillery, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George C. Hazeltine, late of Company K, Second Regiment Texas Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Jeffery, late captain and assistant quartermaster, United States Volunteers, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Winfield H. Handley, late of Company I, Fifth Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Johanna Moss, widow of Christopher T. Moss, late of Company H, Third Regiment New York Cavalry, Civil War, and Companies A and B, Tenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Mary M. Newman, widow of John R. Newman, late captain Company K, Second Regiment Arkansas Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said John R. Newman until he reaches the age of 16 years.

The name of Frederick Daggett, helpless child of Alfred Daggett, late of Company H, Ninth Regiment Illinois Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Charles A. Evans, late of Company G, First Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of John Shafranek, late of Company E, Fourth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Daniel Smith, late of Company K, Second Regiment Wisconsin Infantry, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of George Milams, late of the Sixty-sixth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jasper N. Baker, late of Troop E, Fourteenth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of August C. Reisz, late of Battery A, Wisconsin Light Artillery, war with Spain, and pay him a pension at the rate of $18 per month.

The name of Timothy P. Brennan, late of the United States Marine Corps, war with Spain, and pay him a pension at the rate of $24 per month.

The name of Ann Cannon, widow of William R. Cannon, late of Captain Layton's Company H, First Regiment Oregon Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martin F. Gibbons, late of the United States Navy, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Ann H. Russell, widow of James H. Russell, late major, Ninth Regiment Oregon Militia, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Victoria St. C. E. C. Mickelson, widow of Michael Mickelson, late of Captain Thomas Smith's company, Ninth Regiment Oregon Mounted Militia, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James B. Gibson, late of Company C, Frontier Battalion, Texas Rangers, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Alonzo Blankenship, late of Company K, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Alfred Ashton, late of Company H, Second Regiment New York Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles A. Swartz, late of Company B, Third Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $18 per month.

The name of William H. Robinson, late of Company A, First Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Maggie L. Schafer, widow of Henry W. Schafer, late of Company I, Nineteenth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Henry W. Schafer until they reach the age of 16 years.

The name of Frederick A. Mackey, late of Company B, Thirty-fourth Regiment Michigan Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The name of James E. Embury, late of Company F, Thirty-third Regiment Michigan Infantry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Nancy J. Miller, dependent mother of Jerry Miller, late of Battery A, Fifth Regiment United States Field Artillery, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of William H. Trautman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Elizabeth Whitehurst, widow of Berrien D. Whitehurst, late of Captain Snell's Independent Company, First Regiment Florida Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James M. Howard, late of Company M, Third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Charles F. Carver, late of Company D, Fourth Regiment Virginia Infantry, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Kitty B. Reynolds, widow of Samuel W. Reynolds, late of Company E, Twenty-fourth Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harry M. Batty, late of Company K, Sixth Regiment Pennsylvania Infantry, war with Spain, and pay him a pension at the rate of $17 per month.

The name of Mary McBride, widow of James McBride, late of Troop A, Second Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martin V. Endicott, late of Company L, Second Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milford W. Oxley, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $65 per month in lieu of that he is now receiving.

The name of Bertel Pederson, late of Battery D, Second Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $16 per month.

The name of Anna M. Prendergast, widow of Patrick Prendergast, late of Company B, Thirty-seventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of John E. Root, late of Troop A, Second Regiment, and Troop D, Eighth Regiment, United States Cavalry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Isabelle R. Brown, widow of Eldon Brown, late of the band, Thirteenth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Frances A. Kirk, widow of Robert J. Kirk, late of Company E, Fourteenth Regiment New York Infantry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lida S. Williams, widow of William C. Williams, late of Company A, Third Regiment Tennessee Infantry, War with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Orpha Young, widow of Lemuel Young, late of Company B, Fourteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Joseph Hixon, late of Company E, Sixteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Barbara A. Chambreau, widow of Edward Chambreau, late of Captain Kelly's company, Clark County Rangers, Washington Territory Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Arabell Hatcher, widow of John Hatcher, late of Captain Cone's company, First Florida Mounted Volunteers, and of Captain Joseph J. Knight's company, Florida Militia, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The names of Joseph M. Bingler, John R. Bingler, and Alice M. Bingler, minor children of Eugene Bingler, late of Troop H, Seventh Regiment United States Cavalry, war with Spain, and pay them a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of the said Eugene Bingler until they reach the age of 16 years.

The name of Van Letsinger, late of Company D, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Peter McLaughlin, late of Company B, Thirtieth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Nellie Hubacher, widow of Nicholas Hubacher, late of Company M, Sixth Regiment Illinois Infantry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ora O. Beerbower, late of Company E, First Regiment Ohio Cavalry, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Freeland H. Dam, late first lieutenant, Thirty-sixth Regiment Minnesota Militia, Indian wars, and pay him a pension at the rate of $20 per month.

The name of John F. Brannan, late of Company B, Twenty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Gilbert J. Jackson, late of Troop H, Seventh Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Archie M. Leighton, late of Company C, First Regiment New Hampshire Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret G. Boudreaux, widow of Louis R. Boudreaux, late of the Hospital Corps, United States Army, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Louis R. Boudreaux until they reach the age of 16 years.

The name of Catherine Howard, dependent mother of Joshua E. Howard, late of Company C, Second Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Mary Lee Love, helpless and dependent child of Richard Lee Love, late lieutenant, United States Navy, war with Mexico, and pay her a pension at the rate of $20 per month.

The name of John W. Albrey, late of Company G, Thirty-first Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Edward Kirchen, late of Company K, Second Regiment Wisconsin Infantry, war with Spain, and pay him a pension at the rate of $18 per month.

The name of Edward Frank, late of Company K, Second Regiment Wisconsin Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Oscar Neumeister, late of Company C, Second Regiment Wisconsin Infantry, war with Spain, and pay him a pension at the rate of $18 per month.

The name of Mary J. Beard, widow of John David Beard, late of Company D, Thirtieth Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Maria D. Emmanuel, dependent mother of Michel Emmanuel, late of the United States Naval Auxiliary Service, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Lydia F. Munns, widow of Charles L. Munns, alias Lee C. Munns, late of Company C, Fourth Regiment Wisconsin Infantry, and Hospital Corps, United States Army, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Charles L. Munns until they reach the age of 16 years.

The name of Alvin E. Briggs, late of Company B, Third Regiment, Field Artillery, New York National Guard, Regular Establishment, border defense, and pay him a pension at the rate of $24 per month.

The name of Peter F. Fleming, late of Company D, Thirty-sixth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Robert Leigh Morris, late of Company B, Fourth Regiment Virginia Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The name of Osco L. Robinson, late of Company K, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Taylor Hubbard, late of Company I, Eighth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James G. Follansbee, late of Company M, Two hundred and second Regiment New York Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William W. Gillihan, late of Company D, Gray's battalion, Arkansas Volunteers, war with Mexico, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Edward J. Murphy, late of Company I, Nineteenth Regiment Kansas Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James O. Cotman, late of Company H, Twenty-fifth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of George Bingham, late of Company C, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Axie M. McClendon, widow of Thomas M. McClendon, late of Company A, First Regiment Florida Infantry, war with Spain, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John T. Knotts, late of Company A, Instruction General Service, United States Army, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Lillie Dixon, widow of Aaron W. Dixon, late of Company E, Twenty-ninth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Aaron W. Dixon until they reach the age of 16 years.

The name of Solomon Williams, sr., late of Company A, Fourth Regiment Tennessee Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The name of Will Brown, late of Company A, Third Regiment Tennessee Infantry, war with Spain, and pay him a pension at the rate of $18 per month.

The name of Carrie C. Fry, widow of Robert J. Fry, late of Company E, Second Battalion, Sixteenth Regiment United States Infantry, Regular Establishment and Civil War, and pay her a pension at the rate of $20 per month.

The name of Merle Hoopengardner, helpless child of Marion Hoopengardner, late of Company F, One hundred and sixtieth Regiment Indiana Infantry, war with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving, and continue to pay pension to Dorothy V. Hoopengardner, minor child of said Marion Hoopengardner, at the rate she is now receiving until she reaches the age of 16 years.

The name of Melvin F. Wyman, late of Company K, First Regiment Maine Infantry, war with Spain, and pay him a pension at the rate of $18 per month.

The name of Monroe Cole, late of Company D, Fourth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Burbage, late of Company H, Third Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Abbie Devere, widow of William Devere, late of Company D, Independent Battalion Washington Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Joseph R. Lanham, late of the One hundred and twenty-seventh Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Walter G. Benninger, late of Company G, Forty-ninth Regiment Iowa Infantry, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of William Hulshart, late of Company H, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Jesse C. Cawood, late of Company B, Seventh Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Henry C. Block, late of First Lieut. Freeland H. Dam's company, Minnesota Militia, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Samuel V. Hamilton, late of Company E, Texas Frontier Battalion, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick J. Manning, late of the United States Navy, war with Spain, and pay him a pension at the rate of $18 per month.

The name of Lona B. Porter, late of the Coast Artillery School Detachment, United States Army, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Max Landowsky, late of Company I, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month.

The name of Lettie Stewart, widow of Edward Stewart, late of Company C, Tenth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Rose Edwards, widow of William H. Edwards, late of Company B, First Battalion Nevada Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said William H. Edwards until they reach the age of 16 years.

The name of Vina Blanks, dependent mother of Dennis Blanks, late of Company F, Sixth Regiment Virginia Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Thomas F. Riley, late of Battery I, Second Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William Johnson, late of Company E, Twentieth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Phebe E. Sargent, widow of John R. Sargent, late of Company E (Capt. H. O. Neil's), Second Regiment Oregon Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary E. Wannall, widow of William T. Wannall, late of the United States ship *Alert*, United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of John C. Butler, late of Company H, Sixth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of John J. Roberts, late of Troop B, First Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John F. Graper, late of the Thirteenth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Bettie Cowels, dependent mother of George E. Cowels, late of Company E, Forty-eighth Regiment, United States Volunteer

Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Alonzo Hazelton Hatch, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John Tomlinson, late of Tyler's Rangers, Colorado Volunteers, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Louis Settles, late of Company E, Twelfth Regiment United States Infantry, Regular Establishment, Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Julia A. Atkinson, widow of John T. Atkinson, late of Company A, First Regiment Wisconsin Infantry, and Hospital Corps United States Army, war with Spain, and pay her a pension at the rate of $20 per month.

The name of Mary K. Ward, widow of John Ward, late of Company H, Fifth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Susan Penn, widow of Abram C. Penn, late of Captain McLins's Company Tennessee Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Isaac M. Conley, late of Company B, Twelfth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Francis M. Phares, late of Company E, Thirty-first Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Mattie Grimes, widow of Albert Grimes, late of Troop D, Fifteenth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month.

The name of Kate Momper, dependent mother of John G. Momper, late of Company M, Eighth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lemuel G. Cherry, late of Troop K, Seventh Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Abby G. W. Ross, widow of Worth G. Ross, late commander United States revenue cutter *Woodbury*, United States Revenue Cutter Service, attached to United States Navy, war with Spain, and pay her a pension at the rate of $30 per month.

The name of John R. Wright, late of Company M, First Regiment Arkansas Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The name of Charles J. Kilcullen, late of Company C, Tenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William J. Hines, late of Company B, Sixty-fifth Regiment New York Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Frederick C. Harlacher, late of Company A, Sixth Regiment Pennsylvania Infantry, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Hugh G. Smelcer, late of Seventy-fifth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Richard T. Jacob, late captain Company K, Eighth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Kate Thomas, dependent mother of William J. Thomas, late of the Sixteenth Company, United States Coast Artillery, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Emil Voris, late of the Machine Gun Company, Second Infantry New York National Guard, Regular Establishment, border defense, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Ellsworth W. Pixler, helpless and dependent child of William Pixler, late of Company B, Thirteenth Regiment United States Infantry, war with Mexico, and pay him a pension at the rate of $12 per month.

The name of Margaret Smyth, widow of Bryan Smyth, late of detachment of Artillery, United States Military Academy, and detachment United States Army Service men, war with Spain, and pay her a pension at the rate of $32 per month: *Provided*, That in the event of the death of John Smyth, helpless and dependent son of said Bryan Smyth, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Margaret Smyth the name of said John Smyth shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Margaret Smyth.

The name of Clara Cloe Ross, widow of Samuel W. Ross, late of the United States Navy, war with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of said Samuel W. Ross until they reach the age of 16 years.

The name of Charles Ingle, late of Company C, Tenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John J. Haggerty, late of Company E, Sixty-ninth Regiment New York Infantry, and Fourth and Ninth Companies, United States Volunteer Signal Corps, war with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Maude Woods, widow of John D. Woods, late of Seventh Battery United States Field Artillery, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Gustave Domras, late of Company H, Thirteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving. Pension to be paid to duly appointed guardian.

The name of James J. O'Shea, late of Company A, Fourth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Sawyers Webb, late of the Sixth and Twenty-fourth Companies, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Addie I. Meuli, widow of Martin Meuli, late of Capt. I. B. Cowan's company, Second Regiment Idaho Volunteers, Nez Perce Indian wars, and pay her a pension at the rate of $12 per month.

The name of James P. Patton, late of Company G, Second Regiment North Carolina Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bettie B. Scott, widow of Walker Scott, late of Company F, Twenty-fifth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Eva A. Smith, widow of Franklin H. Smith, late of Company G, Twenty-third Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Albert Luek, late of Company F, Third Regiment Wisconsin Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nelson Yarnall, late scout and guide, with General Crook, United States Army, Indian wars, and pay him a pension at the rate of $20 per month.

The name of James Neary, late of Company H, Third Battalion, Thirteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Surridge, late of Troop F, Fourth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Charles L. Farmer, late of Troop E, Sixth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Julia A. Hatcher, dependent mother of Clarence O. Casto, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of John J. Mahan, late of Company E, Fourteenth Regiment New York Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The name of Martin Beckler, late of Company F, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Janie M. Jones, widow of Robert M. Jones, late of Company G, First Regiment Mississippi Infantry, war with Spain, and pay her a pension at the rate of $22 per month in lieu of that she is now receiving.

The name of John W. Wabrass, late of Company F, Sixth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Jacob S. Best, late of Company F, First Regiment District of Columbia Infantry, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Esther J. Hamilton, dependent mother of Benton F. Hamilton, late of Company G, One hundred and sixty-first Regiment Indiana Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Henry Fleming, late of Company M, Third Regiment Nebraska Infantry, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Leona J. Johnson, widow of Green Johnson, alias Green Brown, late of Troop L, Ninth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Tena Allard, widow of Silas J. Allard, late of Troop B, Sixth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $12 per month.

The name of Frank Miller, late of the Sixty-seventh Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Bertha A. Beckman, widow of Charles C. Beckman, late of Company B, Eleventh Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of said Charles C. Beckman until they reach the age of 16 years.

The name of John H. Dority, late of Company E, Thirty-second Regiment Michigan Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The name of John Welton, alias Weldon, late of Battery I, Fourth Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Lee, jr., late of Troop B, Sixth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Jennie C. Richardson, dependent mother of Warren W. Richardson, late of Troop I, Seventh Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Herbert S. Coheley, late of Troop A, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Reese H. Johnson, late of the Ninety-third Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Ernest H. Maynard, late of Company M, First Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles Nichols, late of the Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jacob Mottl, late of Company K, Second Regiment Wisconsin Infantry, war with Spain, and pay him a pension at the rate of $18 per month.

The name of James F. B. P. Gould, late of Company K, Third Regiment Pennsylvania Infantry, war with Spain, and band, Third Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Godfrey Müller, alias John Maier, late of Company A, Sixth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Sarah E. Fowler, former widow of Robert Morgan, late of Capt. Abram Fulkerson's company, Virginia Militia, War of 1812, and pay her a pension at the rate of $30 per month.

The name of William W. Waters, late of Company D, Sixth Regiment United States Cavalry, Indian wars, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Reuben J. Smith, late of Company I, First Regiment South Carolina Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The name of Elizabeth Willis, widow of Eugene Willis, late of Troop E, Fourth Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Harry Weinheimer, late of Company F, Forty-second Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Antoinette McMacken, widow of George F. McMacken, late of Company L, Fifty-first Regiment Iowa Infantry, war with Spain, and pay her a pension at the rate of $20 per month in lieu of that *she is now* receiving.

The name of Emily Watkins, widow of William H. H. Watkins, late of Captain B. Miller's Company I, Second Regiment Washington Territory Volunteers, Oregon and Washington Territory Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Francis H. McGee, late of Troop G, Third Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy Ellis, dependent mother of Martin C. Ellis, late of Troop E, Tenth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $12 per month.

The name of Solomon Hubbard, late of Company A, Twenty-seventh Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Sarah F. Clark, widow of Zachariah Clark, late of Company K, Twenty-fifth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Myrtle Leone Tucker, widow of William Francis Tucker, late colonel, United States Army, Regular Establishment, and pay her a pension at the rate of $30 per month.

The name of Charles H. Jackson, late of Company M, First Regiment South Dakota Infantry, war with Spain, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Louisa Donnelly, widow of Joseph J. Donnelly, late of Company F, Eighth Regiment New York Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Joseph J. Donnelly until she reaches the age of 16 years.

The name of Florence Belle Andarsson, widow of Oskar Andarsson, late of the United States Navy, war with Spain, and pay her a pension at the rate of $20 per month.

The name of James T. Gibbs, late of Company M, Thirteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mearl Simon Shockley, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Sarah Jane Perkins, widow of John H. Perkins, late of Captain T. G. Rainer's company, Alabama Militia, Indian wars, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Teddy Sexton, late of Company A, Twenty-ninth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Holtz, late of Battery B, First Colorado Field Artillery, and pay him a pension at the rate of $17 per month.

The name of Anna E. Herrington, widow of Charles E. Herrington, late of Company C, Tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month and $2 per month for minor child in lieu of that she is now receiving.

The name of Mary Callaway, widow of Hugh R. Callaway, late of Company F, Second Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Hugh R. Callaway until they reach the age of 16 years.

The name of James H. Stevens, late of Company I, Third Regiment Georgia Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Ferrill, late of Company L, Second Regiment Arkansas Infantry, war with Spain, and pay him a pension at the rate of $20 per month.

The name of George R. Cott, late of Company C, Twenty-third Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary E. Foley, dependent mother of Lawrence A. Foley, alias Lawrence A. Ryan, late of Troop M, Third Regiment United States Cavalry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of John V. Blum, late of Company H, First Regiment Georgia Infantry, war with Spain, and pay him a pension at the rate *of $12 per* month.

The name of William H. Van Name, late of Company G, Second Regiment New Jersey Infantry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of William D. Warren, late of Company G, First Regiment Territorial United States Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Peter F. Weasel, late of Company I, Sixteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lillie Guffey, widow of Robert S. Guffey, late of Company I, Thirteenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Robert S. Guffey until they reach the age of 16 years.

The name of Mary E. Steepy, widow of William F. Steepy, late of Company C, Fifty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William M. Davis, late of the medical department First Regiment Arizona National Guard Infantry, and pay him a pension at the rate of $17 per month.

The name of John G. Pearson, late of Company B, Thirty-fourth Regiment Michigan Infantry, and pay him a pension at the rate of $15 per month.

The name of Charles B. White, late of Troop E, Eighth Regiment United States Cavalry, and pay him a pension at the rate of $20 per month.

The name of Thomas V. Hunt, late of Company E, Second Regiment United States Infantry, and pay him a pension at the rate of $17 per month.

The name of Mary E. Frederick, widow of Henry Frederick, late of Troop E, Seventh Regiment United States Cavalry, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George B. Allard, late of Company D, Twenty-first Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of William J. Shirley, late of Company A, Fifth Regiment Pennsylvania Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lester H. Greer, late of Company A, Second Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert L. Hester, late of Battery A, Georgia Light Artillery, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Sidney Payne Smith, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James D. Silman, late of Company C, Sixteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Israel J. Mazerall, late of Troop H, Seventh Regiment United States Cavalry, and United States Navy, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Joseph Watts, late of Troop L, Tenth Regiment United States Cavalry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Arthur D. Warden, late of Quartermaster Corps, United States Army, and Company M, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John N. Day, late second lieutenant Company F, Third Regiment Tennessee Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Carl L. Setchell, late of Company F, Thirteenth Regiment Minnesota Infantry, and pay him a pension at the rate of $15 per month.

The name of Pleasy J. Graham, late of the United States Coast Artillery Corps, unassigned, and pay him a pension at the rate of $40 per month.

The name of Nancy M. Oglesby, widow of William W. Oglesby, late captain of Company G, Second Regiment Oregon State Militia, Indian wars, and pay her a pension at the rate of $12 per month.

The name of William W. Rowan, late of Company E, Battalion United States Engineers, and pay him a pension at the rate of $24 per month.

The name of William M. Metzger, late of Capt. W. W. Oglesby's Company G, Second Regiment Oregon State Militia, and Capt. John L. Sperry's company, Umatilla County Guards, Oregon Militia, Indian wars, and pay him a pension at the rate of $20 per month.

The name of James Carnes, late of Capt. M. R. Green's company, Texas Rangers, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Oscar A. Badder, late of Company I, Thirty-fourth Regiment Michigan Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles F. Harrison, late of Troop C, Sixth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Oscar Ernst, late of the Eighth Battery United States Field Artillery and of Company K, Twenty-sixth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Earl B. Durham, late of the Sixty-eighth and Sixty-ninth Companies United States Coast Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Burton, late of Company A, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of John S. Cisco, late of Company E, Second Regiment Kentucky National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catherine A. Long, widow of William F. Long, late of Battery E, Third Regiment United States Artillery, and pay her a pension at the rate of $12 per month.

The name of Stella Joplin, widow of Arthur T. Joplin, late of Company A, Nineteenth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $20 per month, with a continuation of the $2 per month for each of the soldier's minor children until they reach the age of 16 years, in lieu of that she is now receiving.

The name of William E. Heglin, late of Company I, One hundred and sixty-first Regiment Indiana Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary A. McKay, widow of Robert McKay, late seaman, United States Navy, and pay her a pension at the rate of $25 per month, with the customary $2 per month additional for minor child until it shall attain the age of 16 years, in lieu of that she is now receiving.

The name of William Adamson, late of Company L, Second Regiment Wisconsin Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Robert Farewell, late of Company C, Second Regiment California National Guard Infantry, and pay him a pension at the rate of $30 per month.

The name of Willard M. Girton, late private, Company D, First Regiment Nebraska Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin C. Maham, late of Twenty-third Battery, United States Field Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen T. Barnes, late of Company L, Fifth Regiment Illinois Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Malvern H. Miller, late of the United States Marine Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Downs, late of Company I, One hundred and sixty-first Regiment Indiana Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marcel H. Poirier, late of Troop C, Thirteenth Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles C. Cooper, late of Company F, First Regiment Arkansas Infantry, and pay him a pension at the rate of $12 per month.

The name of John Cunniff, dependent father of Thomas Cunniff, late of Company F, Twentieth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of La Verne Allen Brown, late of Company G, First Regiment Wisconsin Infantry, war with Spain, and pay him a pension at the rate of $24 per month.

The name of John A. Ott, late of Company E, Thirteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month, without recovery of any pension heretofore to him paid.

The name of Thomas McBride, late of Company C, First Regiment Wisconsin Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles A. McComb, late of Company G, Twentieth Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Leslie V. Murrell, late of Company D, Twelfth Regiment Minnesota Infantry, war with Spain, and pay him a pension at rate of $12 per month.

The name of Jacob Copeland, late of Company F, First Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Williams, late of United States ship *Marcellus*, United States Navy, and pay him a pension at the rate of $18 per month.

The name of Herbert L. Lemon, late of Company I, Thirty-third Regiment Michigan Infantry, war with Spain, and pay him a pension at the rate of $17 per month.

The name of John W. Welliver, late of Company K, Thirty-second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Samuel J. Haslett, late of the United States Navy, and pay him a pension at the rate of $12 per month.

The name of Alfred T. Koopman, late of the United States Navy, and pay him a pension at the rate of $24 per month.

The name of Edward M. Carter, late of Battery A, First Battalion Field Artillery, National Guard of Georgia, in the World War, and pay him a pension at the rate of $12 per month.

The name of John Prater, late of Company K, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis Owens, late of Company D, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Edward F. Henderson, late of Company K, One hundred and sixty-first Regiment Indiana Infantry, war with Spain, and pay him a pension at the rate of $45 per month in lieu of that he is now receiving.

The name of Rutherford H. Bowsher, late of Company K, Nineteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Edmund Willis, late of Company G, Ninth Regiment United States Cavalry, and pay him a pension at the rate of $17 per month.

The name of George H. Netcher, late of United States Navy, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Annie Estelle Moore, widow of Benjamin F. Moore, late of Company D, Second Regiment Mississippi Infantry, war with Spain, and pay her a pension at the rate of $20 per month and $2 per month additional on account of each of the minor children of said Benjamin F. Moore until they reach the age of 16 years, in lieu of that she is now receiving.

The name of William G. Shotwell, late of Company E, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $18 per month.

The name of Harry W. Weston, late of Troop M, Third Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Anna R. Wright, widow of Orlie Wright, late of Company E, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Carrie A. Boggess, widow of Charles L. Boggess, late of the Coast Artillery School Detachment, United States Army, and pay her a pension at the rate of $12 per month with $2 additional for each minor child of the soldier.

The name of William R. Holt, late of Company H, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Frank A. Klein, late of Hospital Corps, United States Army, and pay him a pension at the rate of $14 per month.

The name of Jacob Dossenback, late of Companies A and H, Sixth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Robert O. Thomas, late of the United States Marine Corps, and pay him a pension at the rate of $12 per month.

The name of Melvin B. Krause, late of Company M, Fourth Regiment Pennsylvania Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of George L. Hollis, late of Troop F, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John Ford, late of Company G, Second Regiment New York National Guard Infantry, and pay him a pension at the rate of $10 per month.

The name of Harry M. Isbell, late of Company L, Third Regiment Nebraska Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

The name of John F. Harmon, late of Company H, Twenty-ninth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Scott, late of Company M, Sixth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Briney, late of Company L, Fourteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willard F. Bradford, late of Company K, Sixth Regiment United States Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Mabel P. Hubbell, widow of John D. Hubbell, late of Troop A, First Regiment United States Volunteer Cavalry, war with Spain, and pay her a pension at the rate of $12 per month with $2 per month additional for each of the soldier's minor children until they shall attain the age of 16 years.

The name of John T. Phillips, late chaplain, Sixth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Michael J. Monahan, late of Company L, Fifteenth Regiment, and Company D, Second Regiment, United States Infantry, and pay him a pension at the rate of $17 per month.

The name of Abel B. Conger, late of Company A, Thirty-first Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary H. Swats, widow of John G. Swats, late of Company L, Fourth Regiment Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John M. Quinlan, late of One hundred and sixth Company, United States Coast Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Alexander, late of Company F, First Regiment Tennessee Infantry, and Company D, Thirty-seventh Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $15 per month.

The name of Ebbin A. Irvin, late of Company G, Second Regiment United States Infantry, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Anna Miller, widow of August Miller, alias August Metz, late of Troop B, Fifth Regiment United States Cavalry (North Cheyenne and Sioux campaign), and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph J. Waldron, late of Troop C, Sixth Regiment United States Cavalry, and Company K, Twenty-seventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jules J. Toffier, late of Company I, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James H. Schneider, late of Company C, First Regiment Arkansas Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Esther Clark Hill, widow of Joseph Edmund Hill, late of Company B, Twenty-second Regiment Kansas Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Anna J. Shepherd, widow of Orange H. Phillips, late of Company I, Second Regiment Illinois Volunteer Infantry, war with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of James Reynolds, late of Company A, Thirteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $20 per month.

The name of Anna B. Tegler, widow of Rudolph Tegler, late of Company A, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month, without deduction of former payments made to her by the Bureau of Pensions.

The name of Elizabeth Commons, widow of Benjamin L. Commons, late of Company G, First Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Fred Fornoff, late of Troop G, First Regiment United States Volunteer Cavalry, and pay him a pension at the rate of $24 per month.

The name of Lavinia L. Tagert, mother of Walter G. Tagert, late of Company D, First Regiment Mississippi Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

The name of Mary H. Shupe, widow of Wilbur J. Shupe, late of Company E, First Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month, and an additional allowance of $2 per month for each child of the soldier under the age of 16 years.

The name of Lois Stubbs, widow of Eber C. Stubbs, late chief machinist mate, United States steamship *Dale*, United States Navy, and pay her a pension at the rate of $30 per month.

The name of John Stevens, late of Company H, Fifth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Henry Hankins, late of Troop H, Second Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Mary L. H. Brodie, widow of Alexander O. Brodie, late second lieutenant, First Regiment United States Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Edmond De Jarnac, late of Companies K and G, Eighth Regiment United States Infantry, and band, Fourteenth Regiment United States Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward P. LeCompte, late acting assistant surgeon, United States Army, and pay him a pension at the rate of $20 per month.

The name of Bertha Greaves, widow of Clinton Greaves, late of Troop C, Ninth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Katheryne E. Murphy, widow of Philip H. Murphy, late of Company C, First Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month and $2 additional for each minor child.

The name of John A. Shannon, late of Company I, Second Regiment Alabama Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. Grimm, late of Company G, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elizabeth Vollmar, widow of Wilhelm F. Vollmar, late of Company H, Eighth Regiment United States Infantry, and pay her a pension at the rate of $12 per month, and $2 additional for each child of the soldier until they severally attain the age of 16 years.

The name of John J. Osborne, late of Company F, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Clyde A. Hockett, late of Company A, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Albert H. Irvine, late of Company M, First Regiment Colorado Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Pierce O'Connell, late of United States ship *Pensacola*, and pay him a pension at the rate of $30 per month.

The name of Cadie L. Eggleston, widow of Everett L. J. Eggleston, late of United States Navy, and pay her a pension at the rate of $12 per month, and an additional $2 per month for the minor child of the sailor until it attains the age of 16 years.

The name of Lucious O. House, late of Company I, Third Regiment United States Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Hattie E. Rust, widow of Charles M. Rust, late of Company A, First Regiment United States Artillery, and pay her a pension at the rate of $25 per month.

The name of Adolph Lochwitz, late of the United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Mellor, jr., late of Capt. Christian Tallestrup's company, Utah Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Flannery, late of Troop G, Third Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mertina Andrew, widow of Joseph Andrew, late of the Seminole Indian War of 1857–58, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Bernard Brady, late of Company I, Fourth Regiment United States Infantry, and pay him a pension at the rate of $90 per month in lieu of that he is now receiving.

The name of Francis M. Britton, late of Company G, Fourth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

The name of Arthur L. Manchester, late of the United States ship *North Dakota*, United States Navy, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Florence M. Luro, widow of Henry W. Luro, late of Company A, First Regiment Maine Infantry, war with Spain, and pay her a pension at the rate of $4 per month on account of the helpless and deformed child Forrest W. Luro, in addition to that she is now receiving, to continue during the period of his present deformity.

The name of Dora Flynn, the crippled and helpless daughter of Patrick J. Flynn, late of Company L, First Regiment Montana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of George S. Rust, late of Captain Callister's company, Smith's Utah Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza Naomi Kimball, widow of William H. Kimball, late of Company A, Battalion Life Guards, Nauvoo Legion Utah Volunteer Militia, and pay her a pension at the rate of $20 per month.

The name of James S. Pendergast, late of the United States ship *Despatch*, United States Navy, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Jessie M. Bedinger, widow of Bryant J. Bedinger, late of Company C, Eleventh Regiment United States Cavalry, and pay her a pension at the rate of $12 per month with $2 additional for each of the two minor children of the soldier until they attain the age of 16 years.

The name of Henry Washington, late of Company E, Twenty-fifth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Leroy C. White, late of Troop L, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $40 per month.

The name of Thomas M. Woods, late of Company C, Third Regiment Tennessee Volunteer Infantry, Spanish-American War, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas W. Bath, late of the war with Spain, and pay him a pension at the rate of $30 per month.

The name of Fred F. Harris, late of Battery A, First Regiment Maine Volunteer Heavy Artillery, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Floyd K. Meyer, alias Frank H. Williams, late of Company B, Twenty-second Regiment United States Infantry, and pay him a pension at the rate of $60 per month.

The name of George A. Devoe, late of Company B, Seventeenth Regiment, and Company G, Fourth Regiment, United States Infantry, and pay him a pension at the rate of $65 per month.

The name of Louis N. Mallet, late of Company I, First Regiment District of Columbia Volunteer Infantry, and Company A, Twenty-seventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of John Kiernan, late of Troop G, First Regiment United States Cavalry, and pay him a pension at the rate of $20 per month.

The name of John Gonigam, late of Company K, Sixth Regiment Illinois Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Richard Burnside, late of Company C, Thirty-eighth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orville G. Willett, late of Company G, First Regiment United States Infantry, and pay him a pension at the rate of $72 per month.

The name of Elizabeth Brannon, widow of Henry Brannon, late of Company C, Thirty-eighth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lucy Ord Mason, former widow of John S. Mason, jr., late first lieutenant, First Regiment United States Infantry, and pay her a pension at the rate of $25 per month.

The name of John T. Rudy, late of United States Signal Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Katherine Urell, widow of Michael Urell, alias Charles Welsh, late of Company K, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Herman Bindewald, late of Company M, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ernest F. Grimm, late of United States Marine Corps, United States Navy, and pay him a pension at the rate of $30 per month.

The name of Ovid B. Orr, Hospital Corps, United States Army, and pay him a pension at the rate of $27 per month.

The name of Lavina Frame, former widow of Perry D. Frame, late of Troop I, Seventh Regiment United States Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mabel A. Bergeron, widow of Charles H. Bergeron, late of Company G, First Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month, with an additional allowance of $4 per month for each of the soldier's four minor children until they severally attain the age of 16 years.

The name of Patrick J. O'Malley, late of Company A, Forty-sixth Regiment United States Volunteer Infantry, War with Spain, and Company K, Ninth Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Roscoe W. Barker, late of Company A, Hospital Corps, United States Army, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Mary E. Hall, widow of Thomas J. Hall, late chief yeoman, United States Navy, and pay her a pension at the rate of $25 per month.

The name of Charles W. Smith, late of Company A, Twenty-first United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Wotherspoon, widow of W. W. Wotherspoon, late major general, United States Army, and pay her a pension at the rate of $50 per month.

The name of Lola G. Crawford, widow of Medorem Crawford, late brigadier general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Ruby J. C. Furlong, widow of Maj. John W. Furlong, late of Thirteenth Regiment United States Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Leona J. Johnson, widow of Green Johnson, alias Green Brown, late of Troop L, Ninth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Thomas Lloyd, late of Company G, Twenty-fifth Regiment United States Infantry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of James Brophy, late of Company B, Eighth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in addition to that he is now receiving as a medal of honor man.

The name of Jane M. Brown, widow of Guy W. Brown, late commodore, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Mullen, nurse, war with Spain, and pay her a pension at the rate of $30 per month.

The name of George A. Joyner, late of Company S, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Robertson, late of Company H, Second Regiment Georgia Volunteer Infantry, National Guard, and pay him a pension at the rate of $30 per month.

The name of Augusta Barlow Greene, widow of Henry A. Greene, brigadier general, United States Army, and pay her a pension at the rate of $100 per month in lieu of any pension to which she might now or may hereafter be entitled and in lieu of any compensation she is now receiving from the Veterans' Bureau.

The name of John W. Jenkins, late of Company A, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month.

The name of Charles H. Trudeau, late of Tenth Company, United States Signal Corps, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of James White, late of Company G, Twenty-second Regiment United States Infantry, Regular Army, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Albert Young, late of Company C, Twenty-sixth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cecilia W. Farwell, widow of Judge L. Farwell, late second lieutenant, Company D, Twenty-ninth Regiment United States Infantry, and pay her a pension at the rate of $25 per month.

The name of Henry V. Faris, late of Company G, Fifteenth Regiment Kansas Militia, and pay him a pension at the rate of $30 per month.

The name of Kate Buman, widow of Augustus Buman, late of Troop I, Fourth Regiment United States Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ammon M. Tenney, late of Capt. James Andrus's company, Utah Militia Cavalry, during the Indian wars, and pay him a pension at the rate of $20 per month.

The name of James E. Mulford, late of Companies E and M, Twenty-eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Sam Ferguson, late of Company D, Twenty-fifth Regiment United States Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Mitchell Gatter, late of Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of $12 per month.

The name of Mary J. Davis, widow of Nathaniel Davis, late of Company C, Eighteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Mary R. Cooney, widow of Daniel C. Cooney, late acting assistant contract surgeon, United States Army, and pay her a pension at the rate of $25 per month and $4 additional for each of the minor children of the soldier until they attain the age of 16 years.

The name of Nellie Thornton, widow of John Y. Thornton, late of Company C, Fifteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month.

The name of Hannah Linton, widow of Francis M. Linton, late of Company B, First Regiment United States Cavalry, and pay her a pension at the rate of $20 per month.

The name of Jerome P. Murphy, alias Jeremiah Murphy, late of Company B, Twenty-eighth Regiment, and Company B, Nineteenth Regiment, United States Infantry, and pay him a pension at the rate of $20 per month.

The name of Betsy Anderson, widow of Peter Anderson, late of Company H, Fifteenth Regiment United States Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Maggie Crouch, widow of William C. Crouch, late of Company K, Fifth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $12 per month and $2 additional for the soldier's minor child until it attains the age of 16 years.

The name of Mary E. Rae, widow of Edward P. Rae, late of Company A, Ninth Regiment Massachusetts Volunteer Infantry, and pay per a pension at the rate of $20 per month.

The name of James J. Holland, late of the United States ships *Nashville* and *Baltimore*, United States Navy, and pay him a pension at the rate of $12 per month.

The name of Francis Roy, late of Company C, First Regiment United States Infantry, and pay him a pension at the rate of $30 per month.

The name of George W. Wise, late of Company L, Seventh Regiment United States Cavalry, and pay him a pension at the rate of $30 per month.

The name of Henry H. Forsyth, late of Company E, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of $24 per month.

The name of Cecilia H. Chambers, widow of Charles W. Chambers, late of the Signal Corps, United States Army, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Jane Z. Tolman, widow of Judson Tolman, late of Captain Ferguson's company, Nauvoo Legion, Utah Life Guards; Captain Wright's company, Nauvoo Legion, Utah Home Guards; and Captain Walker's company, Nauvoo Legion, Utah Home Guards, and pay her a pension at the rate of $12 per month.

The name of Michael Yallowich, late of Battery M, Fifth Regiment United States Artillery, and pay him a pension at the rate of $24 per month.

The name of William Cowan, late of Troop H, Second Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah E. Roberts, widow of James M. Roberts, late of Captain Ford's company, Texas Mounted Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. BURSUM. I move to insert after the item for Van Letsinger, line 9, and before the item for Peter McLaughlin, line 3, the following new paragraph:

> The name of George M. Wright, late of Capt. June Peak's Company B, Frontier Battalion, Texas Rangers, Indian wars, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

Mr. SIMMONS. Mr. President, I would very much like to have the attention of the Senator from New Mexico [Mr. BURSUM]. This seems to be a very comprehensive bill, and there is a very small attendance of Senators at this time. A great many amendments have been proposed, and no objection has been made to them. I would be very glad if the Senator would state in a general way about what the bill covers, how much of an appropriation it will carry, and any other facts with reference to it which in his judgment may be desirable information to give to the Senate.

Mr. BURSUM. I will say to the Senator that the amendments which are proposed cover individual pensions which were disallowed by the Senate committee. None of the amendments propose an increase of pension. They involve pensions which the committee did not see fit to allow.

Mr. SIMMONS. They are stricken out?

Mr. BURSUM. They are stricken out. That is what the amendments do. This is a House bill, and nearly all the bills involved are House bills. The bills which were submitted and which passed the House involve, all told, approximately 1,600 individual cases. The committee did the best they could and used their best judgment.

Mr. SIMMONS. Am I to understand the Senator to say they have added about 1,600 names to the pension roll?

Mr. BURSUM. Oh, no; the bills which came from the House, as passed by the House, include, all told, about 1,600 cases, but that does not mean necessarily that they were added. Most of them involve increases.

Mr. SIMMONS. Most of the names are on the roll and the items give an increase of pension?

Mr. BURSUM. Yes.

Mr. SIMMONS. Do I understand the Senator to say that the committee has carefully considered each item in the bill, and has eliminated some and made some reductions in other cases?

Mr. BURSUM. Yes.

Mr. SIMMONS. And since the bill left the House, the House has passed a number of separate bills and those are to be added in the form of amendments?

Mr. BURSUM. No; they were all passed by the House, but the proposition is that the House has passed several omnibus bills, the first of which was House bill 5214. The bills have all been reported to the Senate with amendments striking out quite a number of allowances which were made in the House. Now, on account of the short time remaining, I have proposed to consolidate the bills so as to have only 1 bill instead of 16 or 18. They have all been considered by the committee.

Mr. SIMMONS. What I desire especially to know is whether the Senator's committee has given considerataion to all the items in the bill?

Mr. BURSUM. To every one of them, and in every bill.

Mr. SIMMONS. The Senator has not accepted them simply because the House passed them?

Mr. BURSUM. Not at all. I will say that over one-third of the items have been disallowed by the Senate committee. In every bill there are a large number which have been disallowed.

Mr. STERLING. Mr. President, may I ask the Senator why there are so many amendments to the bill as reported, where items are stricken out? It seems to me at least one-third of the items in the bill are stricken out. Why is that done?

Mr. BURSUM. Because the committee believed that they were not justified in allowing the pensions. There is an individual report on each and every bill giving the reason for the action on each and every item. Of course, out of 1,600 cases it would be impossible for the chairman of the committee to recall every one of the individuals and the particular reasons why their cases were stricken out, but there is a written report on each and every item giving the reason why it was left out.

Mr. STERLING. It seemed to me that there was an unusual number of items stricken out.

Mr. BURSUM. There were about one-third of them stricken out. We tried to do the fair thing and to be liberal. The policy has been to be as liberal as possible, but it is impossible to allow every claim that comes to the committee.

Mr. STERLING. I thought there might be cases where the claimant had died after the introduction of the bill.

Mr. BURSUM. There are quite a number of such cases also. Those are noted and stricken out.

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Indiana?

Mr. BURSUM. I yield.

Mr. NEW. I wish to ask the chairman of the committee if he can tell us about how much in the aggregate the bills carry. If he has stated the amount, I have not heard it.

Mr. BURSUM. I should say that all told the bills in the aggregate would amount to approximately $600,000.

On page 12, line 10, I move to insert:

> The name of William W. Jordan, late of Captain Hardee's company, First Regiment Florida Mounted Volunteers, Seminole Indian War, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. JONES of Washington. Mr. President, I want to understand the situation. I wish to ask the Senator if he has consolidated in this bill order of business No. 526, House bill 6507?

Mr. BURSUM. That belongs to the Civil War class.

Mr. JONES of Washington. That is a separate bill?

Mr. BURSUM. Yes.

Mr. JONES of Washington. Very well.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

The bill was passed.

The PRESIDENT pro tempore. Without objection, the bills which have been taken from the calendar and consolidated with the bill just passed will be indefinitely postponed.

THE TARIFF.

Mr. CURTIS. Mr. President, the Senator from New Mexico [Mr. JONES] is unavoidably absent from the city and desires to be excused from further service as one of the conferees on the tariff bill. I ask that his request be granted, and that the Senator from Massachusetts [Mr. WALSH] be substituted in his stead.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas? The Chair hears none, and the request is granted.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURSUM. I ask unanimous consent that the Senate proceed to the consideration of House bill 6507.

There being no objection, the Senate as in Committee of the Whole proceeded to the consideration of the bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, which had been reported from the Committee on Pensions with amendments.

Mr. BURSUM. I ask unanimous consent that the formal reading of the bill be dispensed with and that the amendments of the committee be considered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The first amendment of the Committee on Pensions was, on page 3, after line 16, to strike out:

> The name of Anna Scofield, widow of Charles H. Scofield, late of Company F, Twenty-second Regiment New York State Volunteer Militia Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 11, to strike out:

> The name of Hannah M. Chalmers, widow of James L. Chalmers, late of Company D, Twentieth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 6, to strike out:

> The name of Robert A. Ayers, helpless and dependent son of Jonathan Ayers, late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 6, after line 9, to strike out:

> The name of Helen M. Dannat, widow of George H. Dannat, late of Company C, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 13, to strike out:

> The name of Mary J. Hayes, widow of George W. Hayes, late of Company D, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 11, to strike out:

> The name of Viola S. Cook, widow of John B. Cook, late of Company K, Seventh Regiment Maine Volunteer Infantry, and Company —, Twenty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 8, to strike out:

> The name of Georgiana Ballard, former widow of Richard Ballard, late of Company A, Fifth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 16, to strike out:

> The name of Martha J. Morris, former widow of Jordan Keen, late of Company G, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 20, to strike out:

> The name of Benjamin H. Sellars, helpless and dependent son of John H. Sellars, late of Company B, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 9, line 11, after the word "receiving," to strike out the comma and the following words "under certificate numbered 309334," so as to read:

> The name of Julia A. Marcum, daughter of Hiram C. Marcum, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 12, to strike out:

> The name of Mary A. Bordwell, widow of Joseph Bordwell, late of Company I, Sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 20, to strike out:

> The name of Clara H. Farnsworth, widow of John A. Farnsworth, late of Company H, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 10, after line 4, to strike out:

> The name of Cerelda A. Robbins, helpless and dependent daughter of Samuel Robbins, late of Company I, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian.

The amendment was agreed to.

The next amendment was, on page 12, after line 4, to strike out:

> The name of Sarah A. Bradley, widow of William A. Bradley, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Edgar F. Bradley, helpless and dependent son of said Sarah A. and William A. Bradley, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Sarah A. Bradley, the name of said Edgar F. Bradley shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sarah A. Bradley.

The amendment was agreed to.

The next amendment was, at the top of page 13, to strike out:

> The name of Elizabeth Jennings, widow of Calvin Jennings, late of Company A, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 13, after line 12, to strike out:

> The name of Christine Miner, widow of Daniel Miner, late of Company H, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 16, to strike out:

> The name of Isola Foster, helpless and dependent daughter of Gideon W. Foster, late of Company H, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

Mr. JONES of Washington. Mr. President, I understood from the chairman of the committee that he would ask to have this amendment disagreed to. I spoke to the Senator about it the other day and I understood that he would ask that it be disagreed to.

Mr. BURSUM. But in a supplementary amendment this item is included. I have looked into this case and it is a bona fide case and ought to be allowed. The girl is being cared for by the soldiers' home in the State of Washington now. My understanding is that the case is taken care of in a supplementary amendment.

Mr. JONES of Washington. I merely wish to correct one statement made inadvertently by the chairman of the committee. He said the girl is being cared for by the soldiers' home. She is being cared for by a Grand Army post.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the committee.

The amendment was rejected.

The next amendment was, on page 13, after line 20, to strike out:

> The name of Jesse A. Smith, helpless and dependent son of William Smith, late of Company F, Phelps Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, at the top of page 14, to strike out:

> The name of George E. Hyde, helpless and dependent son of George W. Hyde, late of Company K, First Regiment Wisconsin Volunteer Infantry, and the Forty-ninth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 5, to strike out:

> The name of Ruth E. Russell, widow of Dennis L. Russell, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 9, to strike out:

> The name of John Linean, late of Company C, Tenth Regiment Illinois Volunteer and Veteran Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 19, to strike out:

> The name of Terrissa N. Hunter, widow of Andrew J. Hunter, late of Company A, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 2, after the words "rate of," to strike out the figures "$50" and insert "$42," so as to read:

> The name of Eliza F. Platt, widow of William H. Platt, late of Company E, Thirteenth Regiment New York State Militia Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 17, after the words "rate of," to strike out the figures "$50" and insert "$42," so as to read:

The name of Louisa Lee, widow of James Lee, late of Company C, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 10, after the words "rate of," to strike out the figures "$20" and insert "$12," so as to read:

The name of Arthur E. Lewis, helpless and dependent son of Cicero A. Lewis, late of Company D, Second Regiment Missouri Volunteer State Militia Cavalry, and pay him a pension at the rate of $12 per month through duly appointed guardian.

The amendment was agreed to.

The next amendment was, on page 17, after line 19, to strike out:

The name of Nancy A. Taylor, widow of William Taylor, late of Captain Hurst's Company B, Osage County Regiment Missouri Volunteer Home Guards, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 17, after line 23, to strike out:

The name of Caroline I. Minneley, widow of Henry Minneley, late of Company A, Fifty-sixth Regiment Pennsylvania Enlisted Militia Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 11, to strike out:

The name of Anna M. Bohn, widow of George F. Bohn, late of Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Frank A. Bohn, helpless and dependent son of said Anna M. Bohn and George F. Bohn, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Anna M. Bohn the name of said Frank A. Bohn shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Anna M. Bohn.

Mr. BURSUM. I move to amend the amendment by inserting in lieu of the matter proposed to be stricken the following:

The name of Anna M. Bohn, widow of George F. Bohn, late of Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 19, line 2, after the words "rate of," to strike out the figures "$35" and insert "$30," so as to read:

The name of Laura E. Pengelly, former widow of Hewitt Dickson, late of Company F, Eleventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to strike out:

The name of Lydia B. Ellis, widow of William Ellis, late of Company C, Fifty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 19, after line 19, to strike out:

The name of Lizzie J. Levensaler, widow of William H. Levensaler, late of Company E, Twentieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 20, after line 9, to strike out:

The name of Adaline M. Hannaford, widow of Thomas J. Hannaford, late of Company F, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 22, to strike out:

The name of Hattie Gorse, widow of John W. Gorse, late of Company K, Tenth Regiment, and Company F, Sixth Regiment, New York Volunteer Heavy Artillery, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 18, to strike out:

The name of Ellen E. Rose, widow of Truman Rose, late of Second Brigade, Second Division, Sixth Army Corps, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 22, to strike out:

The name of Savira Hutchins, widow of Frederick A. Hutchins, late of Company D, One hundred and fifteenth Regiment New York Volunteer Infantry, and Company B, First Regiment New York Volunteer Veteran Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 15, before the words "per month," to strike out "$35" and to insert "$30," so as to read:

The name of Emma Hotchkiss, widow of Florentine Hotchkiss, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 23, after the words "rate of," to strike out the figures "$20" and insert "$12," so as to read:

The name of Maria Dell Schooley, helpless and dependent daughter of Thomas C. Schooley, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 26, after line 4, to strike out:

The name of F. W. Gerding, late special agent Ordnance Department, United States Army, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 7, after the words "rate of," to strike out the figures "$35" and insert "$30," so as to read:

The name of Mary J. Milton, widow of Alfred Milton, late of Company A, Third Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 11, to strike out:

The name of Minnie J. Cogle, helpless and dependent daughter of James A. Cogle, late of Company G, Eighth Regiment Missouri Volunteer State Militia Cavalry, and Company K, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 28, after line 19, to strike out:

The name of Loudica Howard, widow of Stephen G. Howard, late of Company D, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 8, after the words "rate of," to strike out "$50" and insert "$42," so as to read:

The name of Mary E. Goldman, former widow of Henry C. Collins, late of Captain Lamb's company, Indiana Volunteer Mounted Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, after line 22, to strike out:

The name of Jennie Harris, helpless and dependent daughter of John B. Harris, late of Company D, Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, after line 2, to strike out:

The name of Julia Beckley, helpless and dependent daughter of Benjamin F. Padgitt, late of Company G, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 30, after line 19, to strike out:

The name of Sarah A. Stoddard, former widow of Willard Wilder, late of Company A, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, after line 23, to strike out:

The name of Lugenia M. Stuller, widow of William Stuller, late of Company D, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, after line 12, to strike out:

The name of Phebie Hamilton, widow of George W. Hamilton, late of Company F, Fortieth Regiment, and Company I, Fifty-first Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Georgia A. Hamilton, helpless and dependent daughter of said Phebie and George W. Hamilton, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Phebie Hamilton the name of said Georgia A. Hamilton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Phebie Hamilton.

The amendment was agreed to.

The next amendment was, at the top of page 32, to strike out:

The name of Lorilla Downhour, former widow of Amos T. Richards, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 4, to strike out:

The name of Sarah Barnett, widow of Winfield S. Barnett, late of Company C, Thirty-third Regiment Ohio Volunteer Infantry, and Company B, First Battalion Cavalry Mississippi Marine Brigade, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 32, after line 9, to strike out:

The name of Tillie Parkhurst, widow of Ryerson J. Parkhurst, late of Company D, First Battalion, Twelfth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 33, line 12, after the words "rate of," in line 11, to strike out the figures "$50" and insert "$42," so as to read:

The name of Virginia Saum, widow of William Saum, late of Company E, One hundred and sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, line 21, after the word "incompetent," to strike out "(James R. Wetherby, guardian)," so as to read:

The name of Frances Wilson, incompetent, widow of David Wilson, late of Company B, Seventy-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 8, to strike out:

The name of Mary Kerr, widow of Samuel C. Kerr, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 35, line 3, after the word "Volunteer," to strike out "Infantry" and insert "Cavalry," so as to read:

The name of Jacob Shultz, helpless and dependent son of Conrad Shultz, late of Company H, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 35, after line 8, to strike out:

The name of John H. Stewart, late first-class pilot, United States Navy, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 35, after line 15, to strike out:

The name of Rebecca Welker, widow of George Welker, late of Company D, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 35, after line 19, to strike out:

The name of Sarah A. Judson, widow of Charles O. Judson, late of Company A, Ninety-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, after line 6, to strike out:

The name of Angeline Wilson, widow of Joseph S. Wilson, late commissary sergeant, Thirteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Elmer E. Wilson, helpless and dependent son of said Angeline and Joseph S. Wilson, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Angeline Wilson the name of said Elmer E. Wilson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Angeline Wilson.

The amendment was agreed to.

The next amendment was, on page 36, after line 22, to strike out:

The name of Katherine Schone, widow of Charles F. Schone, alias Henry Warrenburg, late of Company C, Second Regiment Missouri Volunteer Cavalry, and Company G, Fourth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 39, after line 2, to strike out:

The name of Sarah J. Pratt, former widow of John Garner, late of Company I, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 39, after line 10, to strike out:

The name of Marion B. Patterson, widow of Robert F. Patterson, late lieutenant colonel Twenty-ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

Mr. BURSUM. I ask that that amendment may be disagreed to.

The amendment was rejected.

The next amendment was, on page 40, line 11, afer the words "rate of," to strike out the figures "$50" and insert "$42," so as to read:

The name of Susan A. Bailey, widow of John F. Bailey, late of Company H, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, after line 4, to strike out:

The name of Nancy A. North, widow of Christopher C. North, late of Company F, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, after line 12, to strike out:

The name of Alice Gillon, widow of John Gillon, late of Company D, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 42, to strike out:

The name of Augusta L. Benzing, former widow of Richard Papendieck, late of Company E, Forty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, after line 8, to strike out:

The name of Anna B. McCurley, widow of Felix McCurley, late commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, after line 12, to strike out:

The name of Orpha Teagarden, widow of Albert Teagarden, late of Company G, Forty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, after line 16, to strike out:

The name of Mary J. Boo, widow of Adam Boo, late of Company L, Seventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, line 23, after the words "rate of," to strike out the figures "$50" and insert "$42," so as to read:

The name of Mary Gibbens, widow of Jacob Gibbens, late of Company I, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, after line 21, to strike out:

The name of Annie J. Haynes, former widow of John S. McIntire, late of Company K, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 44, to strike out:

The name of Sarah A. Heck, former widow of Oliver C. Martin, late of Company C, Fifteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 45, after line 4, to strike out:

The name of Jennie Turner, widow of James M. Turner, late of Company G, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mamie Dell Turner, helpless and dependent daughter of said James M. Turner, stepdaughter of Jennie Turner, the additional pension herein granted shall cease and determine: *Provided further*, That the additional amount of pension herein granted, $20 per month, shall cease from such time as soldier's widow, Jennie Turner, helpless child's stepmother, does not take proper care of said child: *And provided further*, That in the event of the death of Jennie Turner, the name of said Mamie Dell Turner shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Jennie Turner.

The amendment was agreed to.

The next amendment was, on page 46, after line 2, to strike out:

The name of Nicholas Schiller, helpless and dependent son of Nicholas Schiller, late of Company K, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 46, after line 6, to strike out:

The name of Levi S. Seeley, late of the First Regiment New York Dragoons, also known as the Nineteenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 46, line 16, after the words "name of," to strike out "George W. Ganung" and insert "Percey D. Ganung," so as to read:

The name of Percy D. Ganung, helpless and dependent son of George W. Ganung, late of Company C, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 46, after line 20, to strike out:

The name of Alice Haskins, widow of Charles Haskins, late of Company G, Second Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, at the top of page 47, to strike out:

The name of Mary J. Cordon, former widow of Isaac Cordon, late of Company B, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 48, after line 9, to strike out:

The name of Carrie Shanahan, widow of Winfield S. Shanahan, late of Company K, First Regiment Michigan Volunteer Sharpshooters, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 48, line 21, before the words "per month," to strike out the figures "$35" and insert "$30," so as to read:

The name of Elizabeth Sanders, widow of James Sanders, late unassigned, Forty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 49, line 2, after the word "Regiment," to strike out "unassigned detachment," so as to read:

The name of Mary E. Thompson, widow of George W. Thompson, late of Company F, First Regiment Wisconsin Volunteer Cavalry, Veteran Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 51, after line 18, to strike out:

The name of Mary M. Strong, widow of Thomas J. Strong, late lieutenant colonel Sixteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, after line 15, to strike out:

The name of Joseph S. Penland, late of Company A, Eleventh Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, on page 52, after line 22, to strike out:

The name of Elizabeth Burket, widow of Joseph Burket, late of Company E, Second Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving, upon her appointment as legal guardian of Daniel Burket: *Provided*, That in the event of the death of Daniel Burket, helpless and dependent son of said Elizabeth and Joseph Burket, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Elizabeth Burket, the name of said Daniel Burket shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Elizabeth Burket, to be paid to duly appointed guardian.

The amendment was agreed to.

The next amendment was, on page 53, after line 11, to insert:

The name of Daniel Burket, helpless and dependent son of Joseph Burket, late of Company E, Second Regiment Tennessee Infantry, and pay him a pension at the rate of $12 per month in addition to that now being paid to his stepmother, Elizabeth Burket.

The amendment was agreed to.

The next amendmeent was, on page 54, after line 3, to strike out:

The name of Alice D. Knight, former widow of Henry Knight, late of Company I, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 54, after line 7, to strike out:

The name of Mattie J. Clark, former widow of Thomas H. Dayton, late of Company G, Sixty-first Regiment, and Company H, Sixty-first Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 55, line 19, before the words "per month," to strike out the figures "$35" and insert "$30," so as to read:

The name of Sarah P. Dobbins, widow of Joshua Dobbins, late of Company C, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was on page 55, after line 19, to strike out:

The name of Maria J. Loop, widow of Charles B. Loop, late major, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 55, after line 23, to strike out:

The name of Emeline Johnson, former widow of George S. Prior, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $35 per month.

The amendment was agreed to.

The next amendment was, on page 56, after line 2, to insert:

The name of Orlie A. Armstrong, widow of George W. Armstrong, late of Company D, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary R. Aten, helpless and dependent daughter of Peter Aten, late of Company A, Ninth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Dollie C. Goodell, widow of Lyman P. Goodell, late second-class private, Signal Corps, United States Volunteers, and pay her a pension at the rate of $30 per month.

The name of Eveline S. White, widow of James T. White, late of Company G, Sixth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of William R. Potter, late of Company E, Third Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Mary A. Lutz, widow of Frederick Lutz, late of Captain Hopkins' Company H, First United States Reserve Corps, Missouri Volunteer Home Guards, and pay her a pension at the rate of $30 per month.

The name of Dora Richter, widow of Charles H. Wittman, alias Herman Wittman, alias Charles Richter, late of Company K, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and Twenty-fifth Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Eva A. Steece, widow of James A. Steece, late of Company H, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Marsha E. Towles, widow of John R. Towles, late of Company L, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Laura A. McCormick, widow of James T. McCormick, late of Company C, Sixty-second Regiment Ohio Volunteer Infantry, and Company A, One hundred and sixtieth Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of James Campbell, late of Company G, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month without recoupment by the Government for former alleged erroneous payments of pension.

The name of Alcey Thompson, widow of Peter Thompson, late of Company A, One hundred and sixth Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma E. Waldo, widow of Dillingham Waldo, late of Company K, Sixth Regiment, and Company E, Second Regiment, Vermont Volunteer Infantry, and Twenty-fourth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Sadie J. Waldo, helpless and dependent daughter of said Emma E. and Dillingham Waldo, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Emma E. Waldo the name of said Sadie J. Waldo shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Emma E. Waldo.

The name of Mamie Van Tyle, widow of George H. Van Tyle, late of Company H, Fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Kirk, widow of Edmond C. Kirk, late of Company A, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Clara Collins, widow of John H. Collins, late of Company B, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Bridget Maloney, widow of Michael Maloney, late of Company A, Fifteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susan Zeek, widow of Farlow S. Zeek, late of Company C, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ellen Murray, widow of David M. Murray, late acting assistant surgeon, United States Army, Third Army Corps, and pay her a pension at the rate of $30 per month.

The name of John Canfield, late landsman, United States Navy, and pay him a pension at the rate of $50 per month.

The name of Catharine M. Miller, widow of John A. B. Miller, late of Company K. Third Regiment Maryland Volunteer Cavalry, Company A, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and Company G, First Regiment United States Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Aletta A. Querry, widow of John M. Querry, late of Company G, Third Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Nellie Thompson, widow of George Thompson, late of Company B, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza J. Roman, widow of John Roman, late of Company K, Third Regiment, and Company B, Eighth Regiment, Indiana Volunteer Cavalry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Howard Roman, helpless and dependent son of said Eliza J. and John Roman, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Eliza J. Roman the name of said Howard Roman shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month, from and after the date of the death of said Eliza J. Roman.

The name of Leo J. Emery (Poe H. Emery, guardian), helpless and dependent son of Charles F. Emery, late of Company D, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving, payable to guardian.

The name of Charles I. Ginter, helpless and dependent son of William Ginter, late of Company E, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Cyrus W. Harris, late of Company I, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and Company D, Fifty-third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Jessie Lockwood, helpless and dependent daughter of Samuel D. Lockwood, late of Company I, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month through legal guardian, Francis M. Long.

The name of Nannie Williams, widow of James Williams, late of Company C, One hundredth Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of $30 per month.

The name of Lurania Reynolds, widow of James H. Reynolds, late of Company E, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy Cochran, former widow of Brice W. Jarvice, late of Company C, Eightieth Regiment, and Company C, One hundred and twenty-ninth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma A. Palmer, widow of John Palmer, late of Company F, Sixtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Canton, widow of John Canton, late of Companies I and B, Eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Harriet M. Tyler, widow of Herman A. Tyler, late of Company F, First Regiment Connecticut Volunteer Heavy Artillery, any pay her a pension at the rate of $30 per month.

The name of George F. Bemont, helpless and dependent son of Nelson J. Bemont, late of Company K, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Abigail Snay, widow of Joseph Snay, late of Company C, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $30 per month.

The name of Melissa A. Sears, widow of George W. Sears, late of Company I, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Etta B. Julius, widow of John D. Julius, late of Company C, Sixth Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of $30 per month.

The name of Evaline Kerr, widow of Henry C. Kerr, late of Company M, Second Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Acton, former widow of John Quinn, late of Company B, Tenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Benjamin F. Schriver, late of Company B, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Jennie Upton, widow of Gainford N. Upton, late of Company C, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Edward Lichtenstein, helpless and dependent son of Gustave A. M. von Lichtenstein, alias George Smith, late landsman, United States Navy, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Mary E. Webb, widow of James S. Webb, late of Company H, Thirtieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Fogg, widow of George Fogg, late of Company I, Fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Adelia A. Devan, widow of David Devan, late of Company F, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jennette Hamilton, widow of James D. Hamilton, late of Company D, Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of James M. Byrne, late of Company I, Eighth Regiment, and Company C, Fourth Regiment, New York Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month.

The name of Ella Shurtleff, widow of Aaron Shurtleff, late of Company A, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Walter W. Donahue, helpless and dependent son of James Donahue, late of Company E, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Permelia J. Battelle, widow of George S. Battelle, late of Company H, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Ellen B. Lathrop, widow of Frederick O. Lathrop, late of Company G, First Battalion, Fourteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alida Payne, helpless and dependent daughter of John A. Payne, late of Company E, Thirty-ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mina Binder, widow of Nicklos Binder, late of Company C, First Battalion, Thirteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Bridget Keating, widow of Patrick Keating, late of Company M, Second Regiment, and Company M, Ninth Regiment, New York Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jessie Banta, helpless and dependent daughter of Perry Banta, late of Company G, Twenty-fourth Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charity L. Wentzel, widow of George Wentzel, late of Company H, Eighth Regiment New York State Volunteer Militia Infantry, and pay her a pension at the rate of $30 per month.

The name of Julia B. Leibrich, widow of John Leibrich, alias John Miller, late of Company C, One hundred and eighty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annis Lavera Hastings, helpless and dependent daughter of John W. Hastings, late of Company B, Fifty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emeline Weir, widow of Robert A. Weir, late of Company G, Eleventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Susan F. Tolson, widow of Benjamin Tolson, late of Company K, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Fannie M. Wilson, widow of David H. Wilson, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Sarah H. Adams, widow of Alvin Adams, late of Company C, United States Engineer Battalion, and pay her a pension at the rate of $30 per month.

The name of Edith C. Rowlison, widow of Manlabert C. Rowlison, late of Compay K, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jane Loring, widow of Nelson W. Loring, late of Company A, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth A. Sitzer, widow of Daniel S. Sitzer, late of Company B, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of M. Isabel Peirce, widow of James E. Peirce, late of Company L, Third Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Louisa Phelps, widow of Joseph J. Phelps, late of Company G, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jennie E. Lane, widow of Riley Lane, late of Company F, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month and $6 additional on account of the minor child of the soldier until it attains the age of 16 years, subject to the provisions and limitations of the pension laws, and in lieu of that now being paid to and on account of the said minor child.

The name of Susie Rebekah Underwood, widow of Henry C. Underwood, late of Company C, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sharlett Farmer, widow of Felix G. Farmer, late of Companies G and H, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Johanna Mulvihill, widow of Jeremiah C. Mulvihill, late of Company M, Eleventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Katharine Denzer, widow of George Denzer, late of Company K, Thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Florence A. David, widow of Alpheus David, late of Company E, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Georgeanna Sharp, widow of Orin B. Sharp, late of Company K, Sixty-fifth Regiment New York Volunteer Infantry, and Company K, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catharine Brummet, widow of William Brummet, late of Company H, Eighty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Margaret M. Bowzer, widow of Augustus A. Bowzer, late of Company K, Thirty-ninth Regiment United States Volunteer

Colored Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Whelan, widow of Timothy Whelan, late seaman, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Mary C. Mott, widow of Gilbert Mott, late of Company E, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Celia H. Hulslander, widow of Charles B. Hulslander, late of Company A, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mattie F. Conkle, widow of Philip M. Conkle, late of Company F, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nellie C. Newton, widow of Chauncey Newton, late of Company E, Forty-sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Martin Egeness, helpless and dependent son of Larse T. Egeness, late of Company M, First Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Jennie Yarbrough, widow of John R. Yarbrough, late of Company K, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Augusta Harrington, widow of John Harrington, alias John Shannon, late of Company I, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucinda Buckles, widow of Roley Buckles, late of Company G, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jane Lewis, widow of Alfred Herman Lewis, alias Alfred H. Herman, late of Company A, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary Burke, widow of John Burke, late of Company B, Sixth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma Phipps, widow of William A. Phipps, late of Companies H and A, Sixty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Joshua B. Anderson, late of Company A, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Lola A. Stevens, widow of Cyrenus P. Stevens, late of Company E, Fifth Regiment Maine Volunteer Infantry, and Company A, First Regiment Maine Veteran Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Holton, widow of Noble Holton, late of Company B, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Lucy J. Foster, widow of James M. Foster, late of Company B, One hundred and sixth Regiment Illinois Volunteer Infantry, and Company K, Twenty-fourth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lillie A. Foster, helpless and dependent daughter of said Lucy J. and James M. Foster, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Lucy J. Foster, the name of said Lillie A. Foster shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Lucy J. Foster.

The name of Loretta Burket, widow of Peter Burket, late of Company F, Nineteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Martha Baker, widow of James M. Baker, late of Company D, Sixty-third Regiment Missouri Enrolled Militia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy J. Duncan, widow of Charles P. Duncan, late of Company B, Sixth Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Carrie Lourenia Briney, helpless and dependent daughter of Simon P. Briney, late of Company G, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, to continue at that rate during period of helplessness.

The name of Rebecca Brown, widow of George J. Brown, late of Company F, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Alice M. Stafford, widow of Stephen R. Stafford, late captain, Fifteenth Regiment, and major, United States Army, retired, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Louisa Tincher, widow of Thomas B. Tincher, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma L. Helsel, widow of John F. Helsel, late of Company A, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Drucilla T. Collier, widow of Frank M. Collier, late of Companies F and C, First Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jonah B. Eaton, late of Company D, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month, without recoupment by the Government for former alleged erroneous payments of pension.

The name of Caroline Sowers, widow of George H. Sowers, late of Company A, Sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Rose E. Cain, widow of Anthony Cain, late of Company A, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary J. Johnson, widow of John Johnson, late of Companies M and E, Twenty-first Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Malinda S. Lambert, widow of James H. Lambert, late of Company K, Forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary O. Weatherhead, widow of Lewis Weatherhead, late of Companies K and C, Second Regiment United States Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Inez Weatherhead, helpless and dependent daughter of said Mary O. and Lewis Weatherhead, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Mary O. Weatherhead the name of said Inez Weatherhead shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary O. Weatherhead.

The name of Nancy A. Young, widow of John F. Young, late of Company C, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John Young, helpless and dependent son of said Nancy A. and John F. Young, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Nancy A. Young the name of said John Young shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Nancy A. Young.

The name of Mittie Van Bibber, widow of Sidney Van Bibber, late hospital steward Twenty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Lydia A. Keller, widow of Hiram E. Keller, late of Company H, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and Twenty-fifth Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of William Owins, helpless and dependent son of John P. Owins, late of Company G, One hundred and thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Hall S. Siner, helpless and dependent son of William Siner, late of Company F, Seventy-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Harriet F. Bailey, helpless and dependent daughter of Ephraim Bailey, late of Company I, Fourth Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Noelie Gilmore, widow of Henry E. Gilmore, late of Company I, One hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Helen A. Seeker, former widow of Edward A. Edgar, late of Company F, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Graham, helpless and dependent daughter of Barton W. Graham, late of Company H, Sixty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Martin, helpless and dependent son of Clay Martin, late of Company B, First Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month.

The name of Andrew J. Shepherd, late of Company A, Michigan Provost Guards Volunteers, and pay him a pension at the rate of $50 per month.

The name of Jemima J. Parker, widow of Isaac A. J. Parker, late of Company G, First Regiment Alabama Volunteer Cavalry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lillian Parker, helpless and dependent daughter of said Jemima J. and Isaac A. J. Parker, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Jemima J. Parker, the name of said Lillian Parker shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Jemima J. Parker.

The name of Sarah B. Jewett, widow of Orin Jewett, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Ash, helpless and dependent daughter of Andrew J. Ash, late of Company F, Osage County Missouri Home Guards, and pay her a pension at the rate of $20 per month through duly appointed guardian.

The name of Mary Jane Miller, widow of John C. Miller, late of Battery E, Fifth Regiment United States Volunteer Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary E. Coss, widow of John C. Shoemaker, known as John Coss, late of Company A, One hundred and forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lewis E. Phillips, helpless and dependent son of George W. Phillips, late of Company B, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Mary A. Adams, widow of James F. Adams, late of Company D, One hundred and sixty-seventh Regiment Pennsylvania Volunteer Drafted Militia Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary W. McShellabarger, widow of John McShellabarger, late of Company C, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mathilda Wendorff, widow of Ferdinand Wendorff, late of Companies A and D, Ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Cora A. Lasley, helpless and dependent daughter of Francis M. Lasley, late of Company D, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Johannah Cuff, widow of Patrick Cuff, late of Company G, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Dow, widow of William H. Dow, late of Company D, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Carrie M. Smart, helpless and dependent daughter of William M. Smart, late of Company K, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emily Wilson, widow of George Wilson, late of Company H, Fifty-third Regiment, and Company D, One hundred and thirty-second Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Laura C. Kinney, widow of Sylvester Kinney, late of Company G, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Jennings, widow of John J. Jennings, late of Company H, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Eveline Weekley, widow of Andrew J. Weekley, late of Company G, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of George W. Weekley, helpless and dependent son of said Eveline Weekley and Andrew J. Weekley, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Eveline Weekley the name of said George W. Weekley shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Eveline Weekley.

The name of Cora May Hill, widow of Perry S. Hill, late of Company G, One hundred and fifty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy J. Brafford, widow of Thomas J. Brafford, late of Company H, Twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Agnes L. Hoffman, widow of Frank George Hoffman, late of Company I, Fifteenth Regiment New Jersey Volunteer Infantry, and Company E, Second Regiment New Jersey Volunteer Veteran Infantry, and pay her a pension at the rate of $30 per month.

The name of Clara Jackson, widow of Peter W. Jackson, late of Company C, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice M. McCoy, widow of Robert J. McCoy, late of Company E, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Nancy Smith, widow of David U. Smith, late of Company F, Twenty-sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Clara B. Jinks, widow of Liberty Jinks, late of Company I, Second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Frances V. Kenney, widow of Michael Kenney, late of Quartermaster Department, United States Army, and pay her a pension at the rate of $30 per month.

The name of Hester A. Devereux, widow of Hugh Devereux, late of Company K, First Regiment New York Volunteer Mounted Rifles, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ellen Brown, widow of Reuben B. Brown, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Martha E. Fuqua, widow of Cyrus G. Fuqua, late of Company I, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of George S. Fuqua, helpless and dependent son of said Martha E. and Cyrus G. Fuqua, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Martha E. Fuqua, the name of said George S. Fuqua shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Martha E. Fuqua.

The name of Mollie Nave, widow of Isaac N. Nave, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Christine Schlusser, widow of Benjamin J. Schlusser, late of Company H, One hundred and eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Fanny E. Cade, widow of William A. Cade, late of Company B, Nineteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian.

The name of Mary J. Thompson, widow of John R. Thompson, late of Company H, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Waters, widow of Thomas Waters, late major, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary A. Crow, widow of Washington D. Crow, late of Company C, First Regiment Alabama Volunteer Vidette Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nancy Miller Odom, former widow of Thomas Miller, late of Company M, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Catharine Celley, widow of James M. Celley, late unassigned, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah L. McDavitt, widow of Phillip McDavitt, late of Company B, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Gertrude B. Swain, widow of John B. Swain, late of Company K, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Callaghan, widow of Michael Callaghan, late of Company K, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Andrew J. Leonard, helpless and dependent son of Albert R. Leonard, late of Company A, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Margaret J. Ewers, widow of Mire Ewers, late of Company E, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Morrill, widow of Ira G. Morrill, late of Company B, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Cora C. Prickett, widow of Francis M. Prickett, late of Company D, Seventieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Myers (whose guardian is Logan Shuey), helpless and dependent daughter of David R. P. Myers, late of Companies C and B, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian.

The name of Nettie E. Myers (whose guardian is Logan Shuey), helpless and dependent daughter of David R. P. Myers, late of Companies C and B, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian.

The name of Elizabeth J. Batchelor, widow of James Batchelor, late of Company C, Ninty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Henrietta Argadine, widow of Elmore C. Argadine, late of Company A, First Battalion, Thirteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of William W. Stone, helpless and dependent son of William W. Stone, late of Company F, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Elizabeth V. McAllister, widow of Miron B. McAllister, late of Company A, Fifth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John Green, helpless and dependent son of Richard Green, late of Company B, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of Anna E. Washington, widow of Robert Washington, late of Company I, Fifty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Hide, widow of Francis M. Hide, alias George Bryant, late of Company E, Ninety-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian.

The name of Margaret Keller, widow of George Keller, late of Company I, Fifty-third Regiment, and Company G, One hundred and thirty-second Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Topper, widow of William A. Topper, alias Avitus B. Topper, late of Company F, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary Walden, widow of William Walden, late of Company E, First Regiment Arkansas Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Marion B. Rathbun, helpless and dependent son of George W. Rathbun, late of Company I, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian.

The name of Sadie M. McKinney, widow of Harvey McKinney, late of Company K, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan Hall, widow of Melvin S. P. Hall, late of Company E, Forty-ninth Regiment, and Company I, Seventh Regiment, Kentucky Volunteer Infantry, and Company E, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Martha E. White, widow of William L. White, late of Company B, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month.

The name of Eliza P. Pike, widow of Elijah Pike, late of Company C, Thirteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Holt, widow of Joseph D. Holt, late of Company A, Twenty-eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Louisa A. Pennock, widow of Henry Pennock, late of Company K, Sixth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month through duly appointed guardian.

The name of Josephine C. Browning, widow of Abraham M. Browning, late of Company H, Thirty-eighth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Carrie M. Birdsall, helpless and dependent daughter of James H. Birdsall, late of Company I, Fifty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary J. Rookard, widow of James Rookard, late of Company C, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Kester, widow of Francis M. Kester, late of Company A, Twenty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Rankin, widow of John Rankin, late of Company F, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah Elizabeth Burress, widow of Jesse Burress, late of Company A, Twenty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Louisa S. Skaggs, widow of William B. Skaggs, late of Company E, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary J. Davis, widow of Jacob B. Davis, late of Company C, Twenty-sixth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Hannah Bailey, widow of James W. Bailey, late of Company E, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Arthur Bailey, helpless and dependent son of said Hannah and James W. Bailey, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Hannah Bailey, the name of said Arthur Bailey shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Hannah Bailey.

The name of Emelie Caron, widow of David Caron, alias David Curran, late of Company D, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Evaline Jenkins, widow of David B. Jenkins, late of Company F, Second Regiment Tennessee Volunteer Infantry, and Company C, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Celia Cary, helpless and dependent daughter of Samuel Cary, late of Company I, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month through duly appointed guardian.

The name of Mary J. Brown, widow of William Brown, late of Company B, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and the Eighty-sixth Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Claribel Healy, helpless and dependent daughter of Stephen Healy, late of Company D, Eighty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Melissa J. Walker, widow of Hiram Walker, late of Company B, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha J. Munson, widow of Henry C. Munson, alias Charles Wright, late of Company H, Thirty-third Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Andrew Shillingburg, late of Quartermaster Department, United States Army, and pay him a pension at the rate of $30 per month.

The name of Fannie Knowles, widow of James Knowles, late of Company K, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice B. Moore, widow of Pliny Moore, late of Company C, Sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Sabria L. Clark, former widow of Louis G. Foote, late of Company H, Second Battalion Fourteenth Regiment United States Volunteer Infantry, and Battery E, Third Regiment United States Volunteer Artillery, and pay her a pension at the rate of $30 per month.

The name of Seph J. Jones, widow of Hubbard F. Jones, late of Company L, Eighth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minnie W. Caswell, widow of Morris A. Caswell, late of Company H, Ninety-second Regiment New York Volunteer Infantry, and Company K, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Susan E. Slinker, widow of Levi Slinker, late of Company G, Seventy-first Regiment Illinois Volunteer Infantry, and pey her a pension at the rate of $30 per month.

The name of Sarah A. Graves, widow of Samuel C. Graves, late captain Twenty-seventh Unattached Company Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Joseph Miley, late of Company F, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Lavina F. Prichett, widow of Martin Prichett, late of Company B, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Marie Hirt, widow of Herman A. Hirt, late of Company B, Twelfth Regiment, and Company I, Fifty-fourth Regiment, and Company A, One hundred and ninety-first Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha J. Purdon, widow of John P. Purdon, late of Company I, Twelfth Regiment, and Company D, Fifty-ninth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Albert H. Ellwood, late of Company P, First Regiment California Volunteer Infantry, and Company G, Seventy-first Regiment Pennsylvania Infantry, and Company P, Seventy-first Regiment Pennsylvania Volunteer Infantry, and Eighteenth Independent Battery and Twenty-fifth Independent Battery, New York Volunteer Light Artillery, and pay him a pension at the rate of $50 per month.

The name of Mary E. Wells, widow of Edwin O. Wells, late of Company H, Sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rose M. Tucker, widow of Frank Tucker, late of Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Jones, widow of Samuel Jones, late of Company E, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Winifred W. Adams, widow of Martin L. Adams, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Reynolds, widow of William Reynolds, late of Company C, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ezra M. Sellers, helpless and dependent son of John H. Sellers, late of Company B, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Emma M. McIntyre, widow of Ezra McIntyre, late of Company E, Fourteenth Regiment New York Volunteer Infantry, and Company E, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Hester Lindsay, widow of William W. Lindsay, late of Company A, First Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $72 per month, to include $6 per month for each of the seven minor children of Hester and William W. Lindsay, to wit, Mable Lee, William Henry, Eula Bell, Mary Daisy, Angeline, Leo, and Clarence Walden, to the date they severally attain the age of 16 years, such pension to be paid, distributed, and terminated the same as widows' and minors' pensions granted under existing general pension laws.

The name of Jeremiah W. McNew, helpless and dependent son of John J. McNew, late of Company D, Thirty-seventh Regiment Indiana Volunteer Infantry, and Company H, Fifteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $12 per month.

The name of Catherine Rugg, widow of Jay Rugg, late of Company D, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen J. Webb, former widow of John N. Lawson, late of Company E, Forty-sixth Regiment Ohio Volunteer Infantry, and Company K, Second Regiment United States Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jennie M. Freeborn, widow of Montraville M. Freeborn, late of Company L, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Viola Andrews, helpless and dependent daughter of George W. Andrews, late of Company E, Thirty-third Regiment Pennsylvania Volunteer Infantry, Fourth Reserve, and unassigned, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of William H. Willard, helpless and dependent son of Elias Willard, late of Company A, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Emma F. Freeland, widow of John J. Freeland, late of Company I, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maria C. Fick, widow of William P. Fick, late of Company F, Eleventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Elizabeth Mullins, former widow of James Monroe, late of Company E, First Regiment Kentucky Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Clara L. Randall, widow of James H. Randall, late of Company D, First Regiment Vermont Volunteer Heavy Artillery, and Company C, First Battalion Vermont Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary Chapman, widow of Henry K. Chapman, late of Company A, First Battalion Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Lucinda Grubb, widow of Abraham Grubb, late of Company K, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sally A. Carney, widow of John H. Carney, late of Company A, Second Regiment, and Company H, First Regiment, North Carolina Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Cole, widow of Alonzo Cole, late of Company F, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida J. McMath, widow of Charles McMath, late of Company C, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of William S. Wilson, late of United States steamship *Vermont*, United States Navy, and pay him a pension at the rate of $50 per month.

The name of Ella W. Cunningham, helpless and dependent daughter of John Cunningham, late of Company B, Fourteenth Regiment New York State Militia, later known as the Eighty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Annie E. Allen, widow of George L. Allen, late of Company F, Ninth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza Robinson, widow of William A. Robinson, late of Company K, Seventieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of George W. Garrison, late of Company C, One hundred and twentieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Nancy A. Judson, widow of Phineas D. Judson, late of Company H, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sallie Perdue, widow of Granville C. Perdue, late of Company A, Eleventh Regiment East Tennessee Volunteer Cavalry, and Company E, Seventh Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lucrusy Gray, widow of Hiram H. Gray, late of Company A, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary F. Green, former widow of James R. Rice, late of Company B, Sixty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John Calvin Lane, late scout and guide, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nellie A. Lovell, helpless and dependent daughter of J. Byron Lovell, late of Company C, Twenty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ella J. Lovell, widow of Nathan V. Lovell, late of Company B, Seventh Regiment Michigan Volunteer Cavalry, and Company B, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alverdie Rush, helpless and dependent daughter of Salathiel Rush, late of Company F, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Anna D. Clinch, widow of Edward S. Clinch, late of Company A, Eighth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary F. Grady, former widow of Jesse Grady, late of Company H, Sixty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Cole, widow of James M. Cole, late of Company C, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jacob B. Boyer, late of Company F, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month without recoupment by the Government for former alleged erroneous payments of pension.

The name of Salada Moses, late nurse, Medical Department, United States Army, and pay her a pension at the rate of $30 per month.

The name of Dorcas B. Hall, widow of William N. Hall, late of Company B, Eleventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sadie E. Younkin, helpless and dependent daughter of Samuel F. Younkin, late of Company A, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian.

The name of Alice Meeks, widow of Reuben M. Meeks, late of Company E, First Regiment Alabama Volunteer Vidette Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Steinberg, widow of John Steinberg, late of Company K, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Albertina L. McAllister, widow of William B. McAllister, late of Company A, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Esteller Barrows, helpless and dependent daughter of Isaac C. Barrows, late of Company E, Fourteenth Regiment Connecticut Volunteer Infantry, and Forty-first Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Margaret L. Livensparger, widow of Louis Livensparger, late of Company G, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Hobbs, widow of James H. Hobbs, late of Company F, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha L. Stahl, widow of Hiram E. Stahl, late of Company D, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth J. Smith, widow of Harry H. Smith, late of Company I, Eleventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lou Phillips, widow of John C. Phillips, late of Company G, Fourth Regiment Kentucky Volunteer Infantry, and Company H, Sixteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Alice H. Williams, widow of James J. Williams, late of Company B, Sixteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth E. Rettig, widow of George Rettig, late of Company F, Forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Kate Wilder, widow of John W. Wilder, late of Company F, Twelfth Regiment, and Company G, Fifty-ninth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Caroline E. Harris, widow of Edward J. Harris, late of Company D, Sixty-fifth Regiment Indiana Volunteer Infantry, and Company E, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Lydia E. Johnson, widow of Thomas W. Johnson, late of Company H, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriet J. Houghtaling, widow of Aaron Houghtaling, late of Company D, Fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Phebe A. Moore, widow of James A. Moore, late of Company E, Osage County (Missouri) Home Guards, and pay her a pension at the rate of $30 per month.

The name of Mary White, widow of George W. White, late of Company I, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth D. Place, widow of Edward Place, late of Company I, One hundred and twenty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Druke Nettie Barnett, now Humphry, helpless and dependent daughter of Edmond Barnett, late of Company B, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary A. Bennett, widow of Emery Bennett, late of Company C, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rose E. Stephens, widow of Owen Stephens, late of Company B, Third Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Bernadina Bruns, helpless and dependent daughter of Anton Bruns, alias Anton Brown, late of Company C, Sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Nora H. Dobbins, widow of George H. Dobbins, late ordinary seaman, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Harry H. Sieg, helpless and dependent son of Henry A. Sieg, late of Company F, Ninth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Samuel W. Farmer, helpless and dependent son of James E. Farmer, late of Company G, Third Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of Laura J. Lowman, widow of Zachariah W. Lowman, late of Company A, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay, her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Malinda C. Greyer, widow of John H. Greyer, late of Company H, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Charlotte E. Rockwell, widow of Thomas H. Rockwell, late of Company G, Ninth Regiment, and Company E, Third Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Morrow, widow of William A. Morrow, late of Company G, Tenth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of David J. Collins, late of Company D, First Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Hattie E. Rayburn, widow of John F. Rayburn, late of Company C, Fiftieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eva Lochner, widow of Charles Lochner, late of Company A, Seventeenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth Walker, widow of Reason Walker, late of Company C, Seventieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Price, widow of James M. Price, late of Company D, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Henry Coffee, helpless and dependent son of Grandison G. Coffee, late of Company E, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Josephine McAfee, widow of James McAfee, late of Company E, Fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Matilda Marshall, widow of Abram L. Marshall, late of Company C, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Clara A. Young, widow of John Young, late of Company L, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Bessie M. Cogley, helpless and dependent daughter of David D. Cogley, late of Company M, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Maggie Simpson, widow of James Simpson, late of Company A, Sixtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary L. S. Bailey, widow of Lorenzo W. Bailey, late assistant surgeon, Ninety-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Charity A. Freeman, widow of Jasper T. Freeman, late quartermaster surgeon, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Charles E. Tate, helpless and dependent son of David M. Tate, late of Company B, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Mary E. Selby, widow of Francis M. Selby, late of Company I, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Margaret R. Smallwood, widow of Francis M. Smallwood, alias Charles Kimble, late of Company K, Seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza Jane Bell, widow of Jesse W. Bell, late of Company F, Thirteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nancy L. King, widow of John H. King, late of Company G, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Lutitia Stilwell, widow of Jarrett Stilwell, late of Company I, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Effie Fatheree, helpless and dependent daughter of William Fatheree, late of Company C, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Emma Wiley, widow of Lemuel S. Wiley, late of Company H, Fiftieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Phebe Cooper, widow of Louis Cooper, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Walter H. Cannon, helpless and dependent son of Thomas B. Cannon, late of Company K, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Rosa De Graff, widow of Simon De Graff, pensioned as Simon De Gruff, late of Company B, One hundred and sixty-sixth Regiment Ohio National Guard Volunteer Infantry. and pay her a pension at the rate of $30 per month.

The name of Emma A. Littrell, widow of William W. Littrell, late of Company A, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John W. Fish, helpless and dependent son of James Fish, late of Company E, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month.

The name of Clara J. Merwin, widow of Byron W. Merwin, late of Company D, Ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza M. Clark, widow of Jehiel Clark, late of Company F, Seventy-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Wright, widow of Joel Wright, late of Company H, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida D. Campbell, widow of Jacob Campbell, late of Company I, Ninth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna M. Hay, widow of Wellington Hay, late of Company K, Sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Shearer, helpless and dependent daughter of William Shearer, late of Companies B and A, Eighth Regiment, and Company E, Fourth Regiment, Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma Hodge, former widow of Zachariah Roberts, late unassigned, Twenty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Malone, widow of John H. Malone, late of Company A, Fourth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah Bennett, widow of Nathaniel Bennett, late of Company C, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Tabitha Hammons, widow of William Hammons, late of Company E, Twenty-first Regiment, and Company C, Twenty-fourth Regiment, Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Henry H. Hill, late of Company G, First Regiment Alabama and Tennessee Independent Vidette Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Nancy J. Kelliker, widow of James C. Kelliker, late of Company H, First Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Jessie M. Brundage, widow of Isaac S. Brundage, late of Company C, One hundred and fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of James W. McLaughlin, late of Captain Tilbert's Company C, Benton Cadets, Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Milton T. Callahan, jr., helpless and dependent son of Milton T. Callahan, late major, Thirty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving, through duly appointed guardian.

The name of Mary Jane Quiggle, widow of Horatio H. Quiggle, late of Company K, Fourteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Frances I. Wallace, widow of William A. Wallace, late of Company E, Thirteenth Regiment New York State Volunteer Militia Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Louisa S. Gayland, widow of Alexander Gayland, late of Company I, Forty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Effie J. Wolf, helpless and dependent daughter of Leonard Wolf, late of Company B, Forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary L. Haddix, widow of David Haddix, late of Company C, Seventeenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Katherine Hoch, widow of John Hoch, late of Company A, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Malinda K. McGowen, widow of William S. McGowen, late of Company C, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary Peters, widow of Wesley B. Peters, late of Company H, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hattie Nolan, widow of James Nolan, late landsman, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Mary A. Guthrie, widow of Frederick A. Guthrie, late of Company B, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma F. Bartholomew, widow of Ephraim Bartholomew, late of Company A, Nineteenth Regiment Indiana Volunteer Infantry, and Company I, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eugene Hightower, widow of Meade Hightower, late of Company H, One hundred and sixteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of William S. Dilger, helpless and dependent son of Mathias J. Dilger, late of Company A, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month, through duly appointed guardian.

The name of Thomas H. Dilger, helpless and dependent son of Mathias J. Dilger, late of Company A, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month, through duly appointed guardian.

The name of Frances W. Mallow, widow of Adolphus P. Mallow, late of Company C, Sixtieth Regiment Ohio Volunteer Infantry, and Company A, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Martha J. Cooper, widow of Thomas McCuin Cooper, late of Company I, Ninth Regiment Provisional Enrolled Missouri Volunteer Militia, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Alice Carleton, helpless and dependent daughter of Daniel W. Carleton, late of Company A, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian.

The name of Ella Snow, widow of Thomas J. Snow, late of Company H, Second Regiment Ohio Volunteer Heavy Artillery, and Two hundred and forty-fourth Company, First Battalion Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Mary J. Mackey, widow of David L. Mackey, late of Company B, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Rosetta Moon, widow of Whitcom Moon, late of Company C, Sixth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Kate R. Wolf, widow of Peter F. Wolf, late of Company C, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louis Wise, helpless and dependent son of Thomas A. Wise, late of Company E, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $20 per month: *Provided*, That should claimant's mother hereafter be allowed a pension the additional amount granted by this act shall be reduced to $12 per month.

The name of S. Ida C. Lewis, widow of Reuben M. Lewis, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Ada C. Figley, widow of William B. Figley, late of Company F, Ninety-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Phoebe Ann Webb, widow of Daniel C. Webb, late of Company C, Third Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza J. Stever, widow of John H. Stever, late of Company I, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Carrie M. Stringer, widow of George Stringer, late third assistant engineer, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Nancy A. Stratton, widow of William Stratton, late of Company D, Sixth (Eleventh) Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Martha E. Hart, former widow of Jeptha S. Hart, late of Tenth Independent Battery, Wisconsin Volunteer Light Artillery, and transferred to Ninth Independent Battery, Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Nancy A. Flannigan, widow of Harrison Flannigan, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian.

The name of Mary E. Berdine, widow of George W. Berdine, late of Company B, Eighty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of William Edwards, helpless and dependent son of Montgomery Edwards, late of Company C, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Emma Oliver, widow of William M. Oliver, late of Company L, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Mary A. Stroup, widow of Samuel Stroup, late of Company C, One hundred and twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Maggie Schweigert, widow of Louis Schweigert, late of Company H, Forty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Laura A. Rains, widow of James Rains, late of Company B, Fifth Regiment East Tennessee Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Irene B. Johnson, widow of Bradish W. Johnson, late midshipman, United States Naval Academy, and pay her a pension at the rate of $30 per month.

The name of Anna Robbins, widow of Daniel S. Robbins, late of Company M, Second Regiment California Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Olive Robbins, helpless and dependent daughter of said Anna and Daniel S. Robbins, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Anna Robbins, the name of said Olive Robbins shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Anna Robbins.

The name of Anna M. Benton, widow of Edward T. Benton, late of Company F, First Regiment United States Cavalry, and Company M, First Regiment United States Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Julia Larone, widow of Julius Larone, late of Company M, Sixth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ida V. Trinkle, widow of Leander Trinkle, late of Company I, Seventy-third Regiment Indiana Volunteer Infantry, and Company A, Fifth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Sarah Dailey, widow of Francis M. Dailey, late of Company C, Thirtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Hatfield, widow of William H. Hatfield, late of Company H, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louisa E. Williams, widow of John D. Williams, late of Company H, Eighth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Louisa M. Loving, widow of George W. Loving, late of Company B, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Josa Anna Loving, helpless and dependent daughter of said Louisa M. and George W. Loving, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Louisa M. Loving, the name of said Josa Anna Loving shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Louisa M. Loving.

The name of Emma Loop, widow of Spellman Loop, late of Company K, One hundred and sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Matilda S. Brewer, former widow of John B. Brewer, late of Company G, One hundred and sixty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lewis V. Boyle, helpless and dependent son of James H. Boyle, late of Company C, Tenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month, through duly appointed guardian.

The name of Rachel Melton, widow of Austin P. Melton, late of Company I, Fourth Regiment, and Company G, One hundred and sixth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Pryor R. Bright, helpless and dependent son of Robert H. Bright, late of Company I, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Myra C. Robbins, widow of Henry A. Robbins, late of Company B, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Cann, widow of Otho Cann, late of Company E, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Gray, widow of Charles D. Gray, late of Company E, Eighth Regiment, and Company C, One hundred and forty-eighth Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Betty Dobson, widow of Manuel Dobson, late of Company F, Seventy-ninth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha J. Hazlewood, widow of George W. Hazlewood, late of Company I, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Inez Hazlewood, helpless and dependent daughter of said Martha J. and George W. Hazlewood, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Martha J. Hazlewood, the name of said Inez Hazlewood shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Martha J. Hazlewood.

The name of Martha F. Berry, widow of Charles T. Berry, late of Company F, Fifty-fourth Regiment Illinois Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Carroll, widow of Henry Carroll, late brigadier general, United States Volunteers, Spanish war, and colonel Seventh United States Cavalry, Regular Establishment, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Caroline Sherman, widow of Alexander V. Sherman, late of Company C, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Effie Robinson, helpless and dependent daughter of Peter Robinson, late of Company E, First Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian.

The name of Catherine Moler, widow of Henry Moler, late of Company B, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma Hibbard, widow of Oliver D. Hibbard, late of Company E, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie I. Geen, widow of William Geen, late of Company M, Sixth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Margaret C. Fish, widow of Simon W. Fish, late of Company E, Twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amanda J. Moon, widow of Isaac F. Moon, late of Company B, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Malcom C. Rogers, late guide United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Evelina Sprague, helpless and dependent daughter of William N. Sprague, late of Company D, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Mollie Alexander, widow of Josiah Alexander, late of Company G, First Regiment Provisional Enlisted Missouri Volunteer Militia, and pay her a pension at the rate of $30 per month.

The name of Mary Demott, widow of Charles Demott, late of Company H, One hundred and third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan C. McCollum, widow of Owen McCollum, late of Seventeenth Battery New York Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Cora A. Froman, widow of James M. Froman, late of Company F, Seventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Margaret E. Geist, widow of Frederick W. Geist, late of Companies A and F, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Davis, widow of William Davis, late of Company B, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Rehwinkel, widow of Fritz Rehwinkel, late of Company B, Third Regiment United States Mounted Rifles; Third Regiment United States Cavalry; and captain Company D, Third Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of William H. Jenkins, helpless and dependent son of William Jenkins, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month, through duly appointed guardian.

The name of Sarah E. Squires, widow of Newlon Squires, late of Company F, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Maryettie Crawford, widow of Eli H. Crawford, late of Company E, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of $30 per month.

The name of Flora I. Siggins, widow of Isaac W. Siggins, late of Company E, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary J. Trimble, widow of Robert Trimble, late of Company C, One hundred and ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Weaver, former widow of Benjamin F. Weaver, late of Company F, Fourth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Northcraft, widow of Joseph R. Northcraft, late of Company H, Sixth Regiment Ohio Volunteer Infantry, and Company A, Fourth Regiment United States Veteran Volunteers, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian.

The name of Harriet R. J. Hughes, widow of Ceola K. Hughes, late of Company A, Eighth Regiment, and Company D, Eleventh Regiment, Missouri Volunteer Cavalry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Martha M. Hughes, helpless and dependent daughter of said Harriet R. J. and Ceola K. Hughes, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Harriet R. J. Hughes the name of said Martha M. Hughes shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Harriet R. J. Hughes.

The name of Eliza A. Grizzle, widow of John F. Grizzle, late of Company H, Fifty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Helen M. Silsby, widow of William H. Silsby, late lieutenant colonel Tenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Martha F. Vanzant, widow of John G. Vanzant, late of Company D, Thirteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Frederick Kidwiler, late teamster, Quartermaster Department, United States Army, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Mary J. Coulson, widow of Alpheus D. Coulson, late of Company B, Second Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Everett Coulson, helpless and dependent son of said Mary J. and Alpheus D. Coulson, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Mary J. Coulson the name of said Everett Coulson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary J. Coulson.

The name of Margaret Zetler, widow of William H. Zetler, late of Company A, Seventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Prudence A. Hempstead, widow of James Hempstead, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lizzie Butler, widow of James F. Butler, late of Company K, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mourning Sisemore, widow of Farris Sisemore, late of Company F, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Georgia A. Ludwick, helpless and dependent daughter of James E. Ludwick, late of Company A, Twelfth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry A. King, late of Clay County (W. Va.) Independent Scouts, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Margaret J. Rowe, widow of Thomas G. Rowe, late of the Signal Corps, United States Army, and pay her a pension at the rate of $30 per month.

The name of Henry C. Selleck, helpless and dependent son of Woodward D. Selleck, late of Company D, Ninety-second Regiment, and Company D, Ninety-sixth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $20 per month, through duly appointed guardian.

The name of Mollie A. Bradford, helpless and dependent daughter of Jackson A. Bradford, late of Company F, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Harriet A. Wood, widow of Abner G. Wood, late of Company H, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Ellen Clendenin, widow of Leverett H. Clendenin, late of Company I, Forty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Rose, helpless and dependent daughter of George W. Rose, late of Company K, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth Corl, widow of Martin Corl, late of Company K, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susan Tolbert, widow of John H. Tolbert, late of Company B, Fifth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary F. May, widow of Jeremiah May, late of Company F, Thirtieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catharine Hoover, widow of Allen Hoover, late of Company H, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Hannah Bell, widow of John L. Bell, late of Company A, Fourth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna Coleman, widow of Thornton Coleman, late of Company I, First Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Drusilla Bush, helpless and dependent daughter of Daniel D. Bush, late of Company G, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian.

The name of Louisa A. Gemmill, widow of Edwin S. Gemmill, late of Company I, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza J. Adams, widow of Edward Adams, late of Company F, Forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John R. Adams, helpless and dependent son of said Eliza J. and Edward Adams, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Eliza J. Adams, the name of said John R. Adams shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Eliza J. Adams.

The name of Margaret LaFayette, former widow of Alonzo L. Scott, late of Company F, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Paula E. Nyce, helpless and dependent daughter of John O. Nyce, late of Company B, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian.

The name of Philip B. Depp, late of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Jennie Barker, widow of John Wesley Barker, late of Company F, Twenty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan E. Allgood, widow of William F. Allgood, late of Company C, Fifteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha E. W. Briggs, widow of Martin Briggs, late of Company C, Twenty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annis Tatum, widow of Shepherd B. Tatum, late of Company K, Fiftieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Carrie E. Preston, widow of Henry H. Preston, late of Company H, Sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Elenore Adams, former widow of William M. Perry, late of Company F, Seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Thornton, widow of Benjamin Thornton, late of Company D, Twentieth Regiment New York State Militia, and pay her a pension at the rate of $30 per month.

The name of Anna O. D. Mickley, widow of Joseph P. Mickley, late chief engineer, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of William H. Spencer, helpless and dependent son of William H. Spencer, late of Company B, Sixty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month, payable to duly appointed guardian or conservator.

The name of William Sanderson, late of Company B, Forty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Maggie Patterson, widow of Thomas J. Patterson, late of Company I, Eleventh Regiment Illinois Volunteer Cavalry, and Company G, Sixth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of Ernestine Jacob, widow of Ferdinand Jacob, late of Company D, Ninety-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of James B. Mulford, late of Company B, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Comfort C. Gregory, widow of Green A. Gregory, late of Company C, Fourth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Belinda Patrick, widow of John Patrick, late of Company I, Eighth Regiment Kentucky Volunteer Infantry, and Company C, Ninth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Nora Hazzard, widow of John J. Hazzard, late of Sixth Independent Battery, Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Cora E. Brown, helpless and dependent daughter of James S. Brown, late of Company F, Thirteenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of William Martin, late of Company I, Forty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Samuel S. McKenzie, late of Company D, Veteran Battalion, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of George Hetchler, helpless and dependent son of George Hetchler, late of Company E, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of Paul Hubner, late of Company C, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Josephine McCready, widow of James A. McCready, late of Battery B, First Regiment Pennsylvania Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Anna C. Livingston, widow of James C. Livingston, late of Company E, Third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Joseph F. Ritcherdson, late of Company C, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Frank L. Pierce, helpless and dependent son of George Pierce, late of Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Josephus S. Ambrose, helpless and dependent son of Snod Ambrose, late of Company L, First Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Julia A. Tomlinson, widow of Samuel Tomlinson, late of Company I, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The *name of Josephine* Saffell, widow of Charles Saffell, late of Company I, One hundred and seventy-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alta A. Roush, helpless and dependent daughter of Joseph Roush, late of Company C, One hundred and eighty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian.

The name of George H. Dearborn, late of Company A, Fifty-sixth Regiment Pennsylvania Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of John S. Dodge, late of Company F, Fifth Regiment Massachusetts Volunteer Infantry, and Company G, Eleventh Regiment Maine Volunteer Infantry, and Company G, Second District of Columbia Volunteer Infantry, and Company E, Twentieth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $72 per month without recoupment by the Bureau of Pensions for former alleged erroneous payments of pension.

The name of Thomas Holden, late of Company E, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Ellie A. Hill, widow of William H. Hill, late of Company C, Fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Mary E. Read, former widow of Henry Earls, late of United States Navy, and pay her a pension at the rate of $30 per month.

The name of Nancy J. Whittington, former widow of James A. Evans, late of Company L, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Margret Huckleberry, widow of John Huckleberry, late of Company B, Sixteenth Regiment Michigan Volunteer Infantry, and Thirteenth Battery, Michigan Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Charles P. Kibler, late of Company B, First Battalion Pennsylvania Volunteer Infantry, and Company L, First Regiment, Potomac Home Brigade, Maryland Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Maria D. Dyer, widow of J. Franklin Dyer, late of Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Robert T. C. Blevins, helpless and dependent son of Dillion Blevins, late of Company F, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Elizabeth J. Andrews, widow of Rankin H. Andrews, late of Company G, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louisa Sampson, widow of George M. Sampson, late of Company G, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Albert M. Crouch, helpless and dependent son of Solomon Crouch, late of Company E, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The name of Ellen A. Miller, helpless and dependent daughter of James M. Miller, late of Company K, Sixtieth Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $20 per month.

The name of William H. Taylor, helpless and dependent son of Sampel S. Taylor, late of Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month, through duly appointed guardian.

The name of Lanie Wood, widow of Samuel D. Wood, late of Company H, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of Carrie Wood, helpless and dependent daughter of said Lanie and Samuel D. Wood, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Lanie Wood the name of said Carrie Wood shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Lanie Wood.

The name of Araminta Jones, helpless and dependent daughter of Lafayette Jones, late of Companies K and A, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Christina B. Graeser, widow of Bernard N. Graeser, late of Company H, Eighth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John W. Graybill, late of Company D, Thirty-sixth Regiment Pennsylvania Militia, and pay him a pension at the rate of $50 per month.

The name of Anna B. Brackett, widow of Charles T. Brackett, late of Company E, Seventy-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amanda Johnson, widow of Lewis Edward Johnson, alias Lewis Best, late of Company K, Fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Fred J. Souter, helpless and dependent son of Christian Souter, late of Battery M, Third Regiment United States Artillery, and pay him a pension at the rate of $20 per month.

The name of John S. Souter, helpless and dependent son of Christian Souter, late of Battery M, Third Regiment United States Artillery, and pay him a pension at the rate of $20 per month.

The name of Francis A. Naille, late nurse, United States Army Hospital Corps, and pay him a pension at the rate of $30 per month.

The name of Sarah J. Duncan, helpless and dependent daughter of William I. Duncan, late of Company C, Eleventh Regiment, and Company I, Ninth Regiment, Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Leota M. Jones, former widow of John E. Chamberlin, late of Company G, Forty-sixth Regiment Indiana Volunteer Infantry, and Company D, Varner's Battalion Indiana Volunteer Legion, and pay her a pension at the rate of $30 per month.

The name of Rebecca L. Jamison, widow of Ewell Jamison, late of Company C, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Waite, widow of Fortescue Waite, late of Company G, Twenty-second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah H. Willburn, widow of William R. Willburn, late of Company E, Fortieth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $42 per month: *Provided,* That in the event of the death of either Benjamin M. Willburn or John R. Willburn, minor sons of said Sarah H. and William R. Willburn, $6 per month of the pension herein granted shall cease and determine: *And provided further,* That upon the attainment of the age of 16 years by each of the said minor children, $6 per month of the pension herein granted shall cease and determine.

The name of Aldora Buffaloe, widow of Bryant Buffaloe, late of Company C, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alida D. Garden, widow of Lewis B. Garden, late of Company F, Eighth Regiment Illinois Volunteer Cavalry, and One hundred and seventh Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of George Emma Outten, widow of William W. Outten, late of Company C, Third Regiment Delaware Volunteer Infantry, and Company I, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louisa Mawhiney, widow of William I. Mawhiney, late of Company B, Eighth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided,* That in the event of the death of John H. Mawhiney, helpless and dependent son of said Louisa and William I. Mawhiney, the additional pension herein granted shall cease and determine: *And provided further,* That in the event of the death of Louisa Mawhiney, the name of said John H. Mawhiney shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Louisa Mawhiney.

The name of Margaret Gunther, widow of Philip Gunther, alias Guenther, late of Company K, Twenty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie M. Gage, widow of William B. Gage, late of Company C, Third Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Sarah H. Matheny, widow of Nathaniel B. Matheny, late of Company D, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nellie K. Johnson, widow of William R. Johnson, late of Company K, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Wait, helpless and dependent daughter of Warren Wait, late of Companies E and C, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Mary L. McCoy, helpless and dependent daughter of John W. McCoy, late of Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Lily Foughty, helpless and dependent daughter of Franklin Foughty, late of Company F, Fifty-fourth Regiment Ohio Volunteer Infantry, and Tenth Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Ernestine Baxter, widow of William Baxter, late of Company D, Seventy-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Rose Frost, helpless and dependent daughter of Major Frost, late of Companies E and I, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of William E. Kerbaugh, helpless and dependent son of William W. Kerbaugh, late of Company E, Forty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Cynthia C. Jones, widow of Richard C. Jones, late of Company D, First Regiment Eastern Shore Maryland Volunteer Infantry, and Company G, Eleventh Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah R. McGrew, widow of John T. McGrew, late of Company I, Third Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lena E. Deming, widow of George F. Deming, late of Company I, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Johnson, widow of Alexander Johnson, late of Company F, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucinda E. Jones, widow of Francis M. Jones, late of Company F, One hundred and thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Dena Lewis, widow of Robert Lewis, late of Company B, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth A. Peacock, widow of Arthur B. Peacock, late of Company I, Forty-sixth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Phoebe Sutherland, former widow of Orson Fleming, late of Company A, Fourth Regiment Iowa Volunteer Cavalry, and Company B, Forty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna M. Owen, former widow of Barney Hiter, alias Barney Hidard, late of Company E, Twenty-seventh Regiment United States Colored Volunteer Infantry, and Company K, Twenty-fifth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of America Soles, widow of Thadeous Soles, late of Company G, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy Holland, widow of Benjamin F. Holland, alias John Holland, late of Company K, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Abigail M. Laughlin, widow of James N. Laughlin, late of Company H, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jane Faunce, former widow of Josiah T. Linneus, late of Company A, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Fannie Cross, former widow of John H. Cross, late of Company C, Third Regiment East Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Cora McCullough, widow of James R. McCullough, late of Company A, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Matilda Devenney, widow of George Devenney, late of Captain McClellan's company, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Scott Farmer, helpless and dependent son of Eli Farmer, late of Company K, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Emma S. Hewitt, former widow of John A. Brown, late of Company L, Ninth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Colclasure, widow of Samuel Colclasure, late of Company C, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Dorcas A. Wilcox, widow of Franklin E. Wilcox, late of Company A, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of James R. Lee, jr., late of Company I, One hundred and fifty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Claude W. Swartwood, helpless and dependent son of Anson O. Swartwood, late of Company K, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Rebecca Scott, widow of John H. Scott, late of Company B, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Alden, widow of Samuel E. Alden, late of Company A, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Charlotte Case, widow of Pinney A. Case, late of Company K, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, paid to duly appointed guardian or conservator.

The name of Emily A. Day, widow of Hiram W. Day, late of Company A, One hundred and sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of James H. Russell, helpless and dependent son of George Russell, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $12 per month through duly appointed guardian or conservator.

The name of Annie L. Fonda, widow of Gardiner H. Fonda, late of Company B, One hundred and seventy-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen M. Hathaway, widow of Emerson C. Hathaway, late of Company E, Twenty-fifth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Retta B. Ackerson, widow of John O. Ackerson, late of Company A, One hundred and sixtieth Regiment New York Volunteer Infantry, and Company C, Eighty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret J. Cody, widow of Alonzo O. Cody, late of Company F, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Clara W. Hunt, helpless and dependent daughter of Ira W. Hunt, late first lieutenant and adjutant, Eleventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Susannah Larson, widow of Peter Larson, late of Company B, One hundred and nineteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Patterson, former widow of Elijah J. Shadwick, late of Company H, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Sallee, widow of James N. Sallee, late of Company C, Ninth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Linda Paul, widow of Joseph Paul, late of Company B, First Regiment Tennessee Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Eliza J. Lynch, widow of Calvin V. Lynch, late of Company K, Sixty-third Regiment Enrolled Missouri Militia, and pay her a pension at the rate of $30 per month.

The name of Effie C. McKay, helpless and dependent daughter of Alexander McKay, late of Company I, Second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Rebecca D. Chizum, widow of James W. Chizum, late of Company D, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Louisa C. Williams, widow of James H. Williams, late of Company F, Thirty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Hattie D. Osborn, widow of Charles O. Osborn, late of Company E, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jennie L. Ryon, widow of John F. Ryon, late of Company I, One hundred and twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary F. Carlisle, widow of Joseph M. Carlisle, late of Company F, First Batallion, Twelfth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of Abbie McCabe, widow of Patrick B. McCabe, late of Company B, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of John W. Haynes, alias John Webster, late of Company F, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Philemon Walker, helpless and dependent son of Philemon Walker, late of Company I, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Benjamin Hall, alias John Riley, alias William H. Grace, alias William H. Gray, late landsman United States Navy and of Company F, Forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Henrietta Rawn, widow of Louis Rawn, late of Company D, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Cox, widow of William F. Cox, late of Company H, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and Company I, Twentieth Regiment Veteran Volunteer Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. S. Butman, widow of Joseph E. Butman, late of Company I, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Laura B. Burditt, helpless and dependent daughter of William Burditt, late of Company C, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Frances Vandermade, widow of John Vandermade, late of Company E, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah Clark, widow of Robert Clark, late of Companies D and I, Fifth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hattie B. Search, widow of Zach Search, late of Company E, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah J. Shenkle, former widow of James Burton, late of Company C, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Billmeyer, former widow of Martin M. Miles, late of Company K, Fifty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Toler, widow of Robert N. Toler, late of Company D, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary B. Jenks, widow of George W. Jenks, late of Company F, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ellen F. Clifford, widow of James Clifford, late of Company C, Forty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Arthur Cox, helpless and dependent son of John Q. Cox, late of Company F, Fourth Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Malinda Morris, widow of John W. Morris, late of Company I, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Charles W. Smith, late of United States ship *Sabine*, United States Navy, and pay him a pension at the rate of $50 per month.

The name of Mary E. Allen, widow of Robert A. Allen, late of Company E, Tenth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma E. Keeney, helpless and dependent daughter of Alfred Keeney, late of Company G, Thirty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Sarah J. Davis, widow of Robert Davis, late of Company C, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eleanor A. Peasley, widow of Bradford J. Peasley, late of Company M, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lena M. Stansbery, widow of Ephraim Stansbery, late of Company G, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Caroline Rich, widow of Zopher C. Rich, late of Company C, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Julia Waddell, widow of William H. Waddell, late of Company A, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Catherine Gardner, widow of William Gardner, late of Company E, Ninety-seventh Regiment, and Company E, Thirty-seventh Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Ann Pack, widow of Noah L. Pack, late of Company E, Eighth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Belle E. Vincent, widow of Albion S. Vincent, late of Company D, Tenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Abner Lehman, helpless and dependent son of Josiah Lehman, late of Company H, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of William Lehman, helpless and dependent son of Josiah Lehman, late of Company H, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Caroline H. Vincent, widow of Bishop M. Vincent, late of Company C, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary C. Triplett, widow of Joshua D. Triplett, late unassigned, Eleventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Abbie M. Babcock, widow of Volney C. Babcock, late of Company E, Thirteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John H. Chrisler, helpless and dependent son of John D. Chrisler, late of Company B, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Harriet Gale, widow of Rufus Gale, late first lieutenant and commissary, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Marietta Vader, widow of Henry Vader, late unassigned, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louisa Firkins, widow of William Firkins, late of Company I, One hundred and forty-first Regiment Illinois Volunteer Infantry, and Company K, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Phoebe Laing, helpless and dependent daughter of Paisley Laing, late unassigned, First Regiment, and Company B, Fifteenth Regiment, Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Eliza Davis, widow of John Davis, late of Company A, Thirteenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Brown, widow of Adnah Brown, late of Company G, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Theresa L. Mathewson, widow of James W. Mathewson, late of Company E, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Sargent, widow of John W. Sargent, late of Company G, Tenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sam Wells, helpless and dependent son of John Wells, late of Company M, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Matilda Parkhurst, helpless and dependent daughter of Elisha D. Parkhurst, late of Company K, First Regiment Wisconsin Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ellen Grain, widow of James Grain, late of Company G, Fifty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Evans, widow of George Evans, late of Company I, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Minnie Newton, helpless and dependent daughter of Erastus Newton, late of Company I, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Permelia Hogle, widow of Alpheus A. Hogle, late of Company H, Seventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mollie A. Paden, widow of Berryman Paden, late of Company B, Second Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Helen L. Scudder, widow of Lyman H. Scudder, late of Company G, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed conservator.

The name of Minerva A. Ford, widow of Egbert A. Ford, late of Company D, Tenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lucinda Hooper, widow of William R. Hooper, late of Company E, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Josephine F. Cox, helpless and dependent daughter of Robert Cox, late of Company G, Thirty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Frederick E. Woodle, helpless and dependent son of Thomas J. Woodle, late of Company K, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Sarah D. Wood, widow of Jonathan E. Wood, late of Company H, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of John Kircher, late of Company D, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Lydia A. Anderson, widow of Andrew J. Anderson, late of Company B, One hundred and tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Bonnie Spraggins, helpless and dependent daughter of Alexander W. Spraggins, late of Company E, Tenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Minerva Plummer, widow of Robert Plummer, late of Company I, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Meek, widow of John Meek, late of Company G, Fifty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Florence Burnett, widow of Franklin S. Burnett, late of Company C, Eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. George, helpless and dependent daughter of Samuel George, late of Company B, Twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Laura Dolson, widow of Cornelius Dolson, late of Company E, One hundred and twenty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Warren O. Withrow, helpless and dependent son of Leander Withrow, late of Company A, Forty-second Regiment Indiana Volunteer Infantry, and Company Twenty, Second Battalion Veteran Volunteer Reserve Corps, and pay him a pension at the rate of $20 per month.

The name of Addie Martha Blevans, helpless and dependent daughter of John S. Beard, late of Company G, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hannah G. Wise, widow of Jacob Wise, late of Company I, Twenty-fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sylvia C. Richardson, widow of John T. Richardson, late of Company K, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elma McCann, widow of James A. McCann, late of Company I, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Effie McCann, helpless and dependent daughter of said Elma and James A. McCann, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elma McCann, the name of said Effie McCann shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Elma McCann.

The name of Olive C. Taylor, widow of Isaac A. Taylor, late of Company A, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth R. McKallip, helpless and dependent daughter of Robert McKallip, late of Company H, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Sophia E. Quirk, former widow of Robert Neillie, late of Company E, Sixty-first Regiment Pennsylvania Volunteer Infantry, and Company I, Sixth Regiment Pennsylvania Volunteer Cavalry, and Company A, Fourth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Thomas, widow of Henry Thomas, late of Company E, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Barbara Williams, widow of John T. Williams, late of Company B, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ann Austin, widow of Elvin F. Austin, late of Company C, Seventh Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of James McFarland, helpless and dependent son of William McFarland, late of Company B, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Sarah C. Bunner, widow of Isaac W. Bunner, alias Boner, late of Company F, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah E. Bell, widow of Asa C. Bell, late of Company A, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ellen Cordes, former widow of Collins McClaflin, late of Company A, Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret M. Browning, helpless and dependent daughter of Jeremiah Browning, late of Company L, Second Regiment Illinois Volunteer Cavalry, and Company C, Fiftieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Celina B. Lyon, widow of George H. Lyon, late of Company F, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hannah McReynolds, widow of John W. McReynolds, late of Company G, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month.

The name of George Warner, late of Company H, Second Reigment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month.

The name of Emeline W. Swanson, widow of Warren Swanson, late of Company F, Twelfth Regiment, and Company A, One hundred and first Regiment, United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month through duly appointed guardian or conservator.

The name of Addie M. Elliott, widow of Levi D. Elliott, late of Company A, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Briggs, widow of Dallas Briggs, late of Company C, One hundred and forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Kate E. Reimert, widow of Samuel Reimert, late of Company G, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Miriam Lambert, widow of Samuel Lambert, late of Company E, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Lemon, widow of Samuel Lemon, late of Company B, Thirty-fourth Regiment, and Company B, Thirty-sixth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of John W. McCeldry, helpless and dependent son of John McCeldry, late of Company B, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Nancy M. Travillion, widow of Thomas Travillion, late of Company B, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Hattie Kindred, widow of Granville Kindred, late of Company A, Forty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Priscilla Burk, widow of George W. Burk, late of Company F, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy J. Barnett, widow of Daniel Barnett, late of Captain Bradshaw's Company G, Osage County Missouri Home Guards, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Winnie L. Martin, helpless and dependent daughter of Thomas J. Martin, late of United States Marine Corps, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Frances E. Morrison, widow of John L. Morrison, late of Company G, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Rhoda B. Roberts, widow of John B. Roberts, late of Company D, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Candus Bailey, helpless and dependent daughter of William Bailey, late of Company H, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary E. Johnson, widow of William M. Johnson, late of Company G, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Georgiana Page, widow of Caesar Page, late of Company B, One hundredth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret E. Patterson, widow of John T. Patterson, late of Company C, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving through duly appointed guardian or conservator.

The name of Julia E. Millington, widow of Edward H. Millington, late of Companies M and H, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Clarinda Riggs, widow of William W. Riggs, late of Company E, Eightieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma Darby, helpless and dependent daughter of Daniel O. Darby, late of Company C, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Annie Grady, widow of Edmund W. Grady, late of Company K, First Regiment Minnesota Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susana Whitlatch, widow of William P. Whitlatch, late of Company G, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Estella Connelly, widow of John Connelly, late of Company H, One hundred and ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Letitia D. Wheeler, widow of Alfred M. Wheeler, late of Company C, Sixth Regiment Missouri Volunteer Cavalry, and Company D, Fourteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mariah Johnson, widow of Franklin Johnson, late of Company A, Seventy-ninth Regiment United States Colored Volunteer Infantry, and Company A, First Regiment Kansas Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Matilda W. Leightner, widow of Daniel L. Leightner, late of Company C, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Alfred Skinner, helpless and dependent son of James R. Skinner, late of Fourteenth Battery, Michigan Volunteer Light Artillery, and pay him a pension at the rate of $20 per month.

The name of Julia Hill, widow of John W. Hill, late of Company I, Eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha J. Curtis, widow of David H. Curtis, late of Company B, Thirtieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Georgianna Peabody, widow of William R. Peabody, late of Company A, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Walter E. Ellis, helpless and dependent son of Walter B. Ellis, late of Company H, Ninth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Elizabeth Wiggin, widow of Lafayette Wiggin, late of Company A, Sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Alma W. Yewell, widow of Solomon Yewell, late of Company H, Thirteenth Regiment Indiana Volunteer Infantry, and Troop M, Second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ora Cornelius Stombaugh, widow of Isaac Stombaugh, late unassigned, Forty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elvira Louisa Kanady, widow of Sanford B. Kanady, late of Company C, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Wilhelmine Worm, widow of Frederick W. Worm, late of Company D, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary E. Boroff, widow of John Boroff, late of Company A, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alberto Murray, helpless and dependent son of Ivory Murray, late of Company I, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Catharine Davis, widow of David D. Davis, late of Company F, Ninety-seventh Regiment Ohio Volunteer Infantry, and Company B, First Regiment United States Volunteer Engineers, and pay her a pension at the rate of $30 per month.

The name of Harriet A. Hardy, widow of George W. Hardy, late of Company D, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alfred G. Hawkins, helpless and dependent son of Lewis G. Hawkins, late of Company E, Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Carrie A. Chaplin, helpless and dependent daughter of Nathaniel W. Chaplin, late of Company A, Twenty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving through duly appointed guardian or conservator.

The name of Henry H. Snow, late unassigned, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Sarah J. White, widow of John C. White, late of Company K, Sixth Regiment California Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Voneky, widow of Louis Voneky, late major, Fifty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah J. Pait, widow of Jasper N. Pait, late of Company A, First Regiment Kansas Volunteer Infantry, and Company D, Fifteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Dawson, widow of Moses T. Dawson, late of Company B, Forty-eighth Regiment Ohio Volunteer Infantry, and A Battalion, Forty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Georgeanna E. Howard, widow of Charles Howard, late of Company A, Eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Grace E. Howard, helpless and dependent daughter of said Georgeanna E. and Charles Howard, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Georgeanna E. Howard the name of said Grace E. Howard shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Georgeanna E. Howard, through duly appointed guardian or conservator.

The name of William W. Cooper, late of Company E, Fifth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Mary Sexton, widow of Ransom Sexton, late of Company C, Fourth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Richard S. Wilks, late of Company A, Seventy-sixth Regiment Enrolled Missouri Volunteer Militia, and pay him a pension at the rate of $50 per month.

The name of Marietta Nichols, widow of Isaac M. Nichols, late of Company E, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Kittie Young, widow of Jeremiah Young, late of Company E, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lillian M. Woodard, widow of Charles C. Woodard, late of Company C, Eleventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Lape, widow of William Lape, late of Company G, Twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Margaret E. Lape, helpless and dependent daughter of said Mary E. and William Lape, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary E. Lape, the name of said Margaret E. Lape shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary E. Lape.

The name of Benjamin Jones, late of Company I, First Regiment United States Reserve Corps, Missouri Volunteer Home Guards, and pay him a pension at the rate of $50 per month.

The name of Lucy Jane Lucke, widow of Frederick Lucke, late of Company F, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Amos C. Tewell, helpless and dependent son of Orlestus R. Tewell, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Sarah Oswald, widow of John C. Oswald, late of Company H, Fifty-third Regiment Pennsylvania Volunteer Militia, and Company C, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary C. Olson, widow of Ole Olson, late of Company C, Brackett's Battalion Minnesota Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Kate B. Shatzer, helpless and dependent daughter of John M. Baker, late hospital steward, Tenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of William J. Barr, late of Company G, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of James H. E. Guest, late of Captain Gilbreath's company, Alabama Volunteer Scouts and Guides, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mary J. Wylie, widow of Benjamin Wylie, late unassigned, First Regiment Minnesota Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

To remove from the pension roll the name of Florence E. Williams, helpless and dependent daughter of Henry D. Williams, late private, Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, and discontinue payments of pension to her at the rate of $14 per month, and to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Williams, former widow of Henry D. Williams, late of Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month: *Provided*, That in the event of the death of Florence E. Williams, helpless and dependent daughter of said Ellen and Henry D. Williams, $20 per month of the pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Ellen Williams the name of said Florence E. Williams shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Ellen Williams.

The name of Toliver Roberts, late of Samuel D. Nelson's Company E, Green County, Missouri, Home Guards, and Company H, Seventy-second Regiment Enrolled Missouri Militia, and Company M, Seventy-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Amelia O. Buten, widow of Benjamin C. Buten, late of Company A, Third Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Stella D. Johnson, widow of Charles Johnson, late unassigned, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Hattie Ousley, widow of Banjamin Ousley, late of Company D, Twenty-seventh Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Means, widow of Drury Means, late of Company G, Twelfth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Hannah C. Hayes, widow of Harrison Hayes, late of Companies I and H, Thirty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine A. Bartley, widow of Allen Bartley, late of Company F, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Frances A. Sapp, widow of Willis M. Sapp, late of Company C, Fourth Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That upon the attainment of the age of 16 years by, or in the event of the death prior to the attainment of the age of 16 years of, either Paul M. Sapp or Joseph F. Sapp, minor sons of said Frances A. Sapp and Willis M. Sapp, $6 per month of the pension herein granted shall cease and determine.

The name of Nancy Mastin, widow of John W. Mastin, late of Company G, Seventh Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ida F. Thoroman, helpless and dependent daughter of Samuel H. Thoroman, late of Company E, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month.

The name of Mary Sneider, widow of Lewis Sneider, late of Company F, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Adelia Riter, widow of Wellington Riter, late of Company K, Forty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nellie Perry, helpless and dependent daughter of Noah H. Perry, late of Company B, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Elizabeth Wright, widow of Jefferson Wright, late of Company B, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Johnson, widow of Soren Johnson, late of Company A, First Battalion Minnesota Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary F. Sullivan, widow of Michael Sullivan, late of Company E, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Phoebe Bradfute, widow of Hazlewood A. C. Bradfute, late of Company D, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Mary Josephine Coates, former widow of Orlando Bell, late of Company B, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Melvilla McConnell, widow of Thomas McConnell, late of Company I, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Laura M. Miller, widow of John Miller, late of Company B, Thirteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Risseller Everhart, widow of John Everhart, late of Company C, Tenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Bethena Starkey, widow of George W. Starkey, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah J. Cox, widow of Rufus D. Cox, late of Company H, Eightieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma E. Lethco, widow of Henry Lethco, late of Company I, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary Yancy, widow of Joseph Yancy, late of Company G, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary B. Thorpe, widow of Joshua Thorpe, late of Twenty-fourth Unattached Company Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Dabel, helpless and dependent daughter of Fred Dabel, late of Company B, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Ellen F. Hughes, helpless and dependent daughter of Francis Hughes, late of Company G, First Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Nancy E. Bruce, widow of William C. Bruce, late of Company E, Twelfth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John A. Brammett, helpless and dependent son of John W. Brammett, late of Company H, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Amy V. Rice, helpless and dependent daughter of John Rice, late of Company B, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Mamie E. Boatright, former widow of Wilson C. Etherton, late of Company B, Twenty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida R. Bowden, widow of William T. Bowden, late of Company C, Tenth Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Albert M. Whipple, helpless and dependent son of Charles Whipple, late of Company M, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $20 per month.

The name of Mark Cox, late private substitute, unassigned, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Samuel Bond, late private, Twenty-eighth Regiment Unassigned Maine Volunteer Infantry, and of Battery L, Fourth Regiment United States Volunteer Artillery, and pay him a pension at the rate of $30 per month.

The name of Amelia Freshla, widow of Andrew Freshia, alias Gottlieb Keller, late of Fifteenth Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Joanna Craig, widow of Lyman Craig, late of Company C, Seventy-second Regiment, United States Colored Volunteer Infantry, and Company H, Fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Leonard, former widow of Otis Leonard, late of Company E, Eighty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mattie Watts, widow of Andrew J. Watts, late of Company I, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Addie Pierce, widow of Joshua A. Pierce, late of Company K, Forty-eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza J. Spencer, widow of William Spencer, alias William Rager, late of Company K, Twentieth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Edward Dupler, helpless and dependent son of Reuben Dupler, late of Company D, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Sallie W. Kennamer, widow of Jacob L. Kennamer, late of Capt. John B. Kennamer's Alabama Volunteer Scouts and Guides, and pay her a pension at the rate of $30 per month.

The name of Mary A. Holt, widow of Ira E. Holt, late of Company K, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha A. Denison, widow of Aseal B. Denison, late of Company B, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $30 per month.

The name of Amanda A. Lewis, widow of Andrew J. Lewis, late of Company F, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy J. Page, widow of Jerome B. Page, late of Company D, Eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ella Ellsworth, widow of Allen Ellsworth, late of Company F, Sixty-eighth Regiment Illinois Volunteer Infantry, and lieutenant, Company I, One hundred and eighteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month.

The name of Mary K. Wise, widow of Robert Wise, late of Company H, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret E. Bentley, widow of Green S. Bentley, late of Company A, Ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice F. Parrigin, widow of Joseph Parrigin, late of Company F, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary E. Hulen, widow of Hiram Hulen, late of Companies F and M, Fourth Regiment United States Volunteer Artillery, and Company B, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of R. T. Crews, late scout and guide, and pay him a pension at the rate of $30 per month.

The name of Eliza F. Atkinson, widow of W. J. K. Atkinson, late of Company C, Sixth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Amanda Baker, widow of Alfred Baker, late of Company K, Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lora Bell Fasig, widow of Albert Fasig, late of Company G, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Charles H. Fasig, helpless and dependent son of said Lora Bell and Albert Fasig, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lora Bell Fasig, the name of said Charles H. Fasig shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Lora Bell Fasig, through duly appointed guardian or conservator.

The name of Helen M. Holt, widow of Alexander H. Holt, late of Company G, First Regiment Illinois Volunteer Cavalry, and lieutenant colonel One hundred and thirty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ruth M. Deardoff, widow of Perry H. Deardoff, late of Company F, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amelia C. States, widow of Oscar L. States, late of Company B, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $36 per month: *Provided*, That upon the attainment of the age of 16 years by, or in the event of the death prior to the attainment of the age of 16 years of, Lillian A. States, minor daughter of Amelia C. States and Oscar L. States, $6 per month of the pension herein granted shall cease and determine.

To drop from the pension roll the name of Mary Arthur as guardian of Milleson M. Arthur, minor child of Stephen Arthur, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and discontinue payments of pension to her at the rate of $36 per month as guardian of said minor child, and to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Arthur as widow of Stephen Arthur, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $36 per month as widow of said soldier: *Provided*, That upon the attainment of the age of 16 years by, or in the event of the death prior to the attainment of the age of 16 years of, Milleson M. Arthur, minor son of Mary Arthur and Stephen Arthur, $6 per month of the pension herein granted shall cease and determine.

The name of Mary Kelly, widow of John Kelly, alias John King, late landsman, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Ida A. Richardson, widow of Jefferson Richardson, late of Twenty-sixth Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Albert Ullman, late of Company K, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Mary A. Fisher, former widow of William Chase, late of Company D, Seventy-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catharine Longshore, widow of Archer B. Longshore, late of Company C, Fifth Regiment California Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ruth Moss, helpless and dependent daughter of Sumers Moss, late of Company B, Ninth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ruth C. Weatherford, helpless and dependent daughter of Charles L. Weatherford, late of Company B, Twenty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Mary Shoemaker, widow of Henry Shoemaker, late of Company F, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Spilker, widow of John F. Spilker, late of Company G, One hundred and fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Katie Kenedy, widow of Harrison B. Kenedy, late of Company D, Forty-eighth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Joseph F. Rosenberger, helpless and dependent son of Frederick Rosenberger, late of Company B, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Grace K. Wheelwright, widow of Charles Wheelwright, late of Company G, One hundred and thirty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma C. Eldridge, widow of William McK. Eldridge, late of Company A, Sixteenth Regiment Ohio Volunteer Infantry, and Company G, Twenty-fourth Regiment Veteran Volunteer Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Shannon, widow of Robert Shannon, late of Company B, Fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Lawyer, widow of Alexander Lawyer, late of Company F, Seventh Regiment Ohio Volunteer Cavalry, and Company A, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of May Blunt, helpless and dependent daughter of Thomas W. Blunt, late of Company A, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian or conservator.

The name of Mary E. Kellogg, former widow of Nathaniel Kellogg, late of Company G, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Laura A. Hoyt, widow of George G. Hoyt, late of Company H, Twenty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma D. Manson, widow of Ammi Manson, late of Company A, Thirty-first and Thirty-second Regiments Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Poe, widow of James M. Poe, late of Company C, Fifth Regiment Missouri Volunteer State Militia Cavalry, and Company C, Twelfth Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Edwin F. Poe, helpless and dependent son of said Elizabeth and James M. Poe, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth Poe, the name of said Edwin F. Poe shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Elizabeth Poe.

The name of Miles S. Sisk, late of Company D, Second Regiment North Carolina Volunteer Mounted Infantry, and Company B, Fifth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Mary Ely, widow of Thaddeus Ely, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Cephas Davis, helpless and dependent son of James Davis, late of Company B, Forty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Lavina Kerr, widow of William O. Kerr, late of Company K, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Carrie Keefer, widow of Benjamin F. Keefer, late of Company H, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Melissa J. Wells, widow of William Wells, late of Company E, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine Filius, widow of Eustis Filius, late of Company B, Twelfth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Cook, widow of Andrew J. Cook, late of Company H, Third Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nancy A. Cook, helpless and dependent daughter of said Mary A. and Andrew J. Cook, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Mary A. Cook, the name of said Nancy A. Cook shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary A. Cook, through duly appointed guardian or conservator.

The name of Joseph R. Lawson, late of Company J, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

The name of Millie A. Scoggin, widow of James O. Scoggin, late of Company K, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriet E. Burgess, widow of John W. Burgess, late of Company B, Forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sabra W. Williams, widow of Abram D. Williams, late of Company K, First Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lewis C. Allentharp, helpless and dependent son of Joseph P. Allentharp, late of Company E, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Alwilda Dobson, widow of Crawford Dobson, late of Company G, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella J. Crosse, widow of Elliott W. Crosse, late assistant third engineer, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jeff Clark, helpless and dependent son of Richard Clark, alias Dick Thurston, late of Company E, One hundred and ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Delphine Darling, widow of Thomas V. Darling, late of United States Marine Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Miranda A. Vance, widow of John B. Vance, late of Company H, One hundred and fortieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth Vaughn, former widow of William A. Vaughn, late of Company K, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine Smith, widow of William Smith, late of Company C, Second Regiment New York Volunteer Mounted Rifles, and pay her a pension at the rate of $30 per month.

The name of Sarah McEwen, widow of David McEwen, late unassigned Eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah M. Cleveland, widow of Alexander B. Cleveland, late of Company H, Fifth Regiment United States Artillery, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Darling, widow of Benjamin E. Darling, late of Company G, Sixteenth Regiment Wisconsin Volunteer Infantry, and Company K, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jeremiah Hays, late of Company K, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Carrie B. Billman, widow of Alfred Billman, late of Company H, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and Company A, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lucretia Davy, widow of William A. Davy, late of Company B, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nellie A. Storrs, widow of Hector W. Storrs, late of Company E, Twenty-second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Adams, widow of Jesse Adams, late of Company I, Twenty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Arviline Gilkison, widow of Henry Gilkison, late of Company E, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Ora Williams, helpless and dependent daughter of Larkin Williams, late of Company A, Seventeenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Celia L. Johnson, widow of Merrill Johnson, late of Captain Clark's Independent Cavalry Company Missouri Home Guards, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of George R. Grubaugh, late of Company F, Seventy-second Regiment Enrolled Missouri Volunteer Militia, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Anna E. Short, widow of John H. Short, late of Company B, Eleventh Regiment, and Company H, Ninth Regiment, Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Flora Johnson, widow of Lyman Johnson, late of Company G, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Maria E. Huff, widow of Henry Huff, late of Company C, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah J. McCormick, widow of John McCormick, late of Company E; Sixty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emeline Smith, widow of George W. Smith, late of Company A, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sophy Lilley, widow of Charles Lilley, late of Company H, Eighth Regiment New York Volunteer Heavy Artillery, and Company K, Fourth Regiment New York Volunteer Artillery, and pay her a pension at the rate of $30 per month.

The name of Eliza Laport, widow of William W. Laport, late of Company F, Tenth Regiment Iowa Volunteer Infantry, and Company I, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Rinehart, widow of Simon Rinehart, late of Company H, Forty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella Heminger, helpless and dependent daughter of James M. Heminger, late of Company K, Thirteenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Etta Rand, widow of Warren S. Rand, late of Company E, Fifteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sallie Blevins, helpless and dependent daughter of George Blevins, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Rosanna Moore, widow of Elias G. Moore, late of Company C, Nineteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Edith L. Howland, widow of Levi Howland, late major, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah Ross, widow of William Ross, late of Company H, Second Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Catharine Elliott, widow of Enos T. Elliott, late of Company F, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Otimer Elliott, helpless and dependent son of said Catharine and Enos T. Elliott, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Catharine Elliott the name of said Otimer Elliott shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Catharine Elliott, through duly appointed guardian or conservator.

The name of Martha E. Fry, widow of William F. Fry, late of Company G, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Gleich, helpless and dependent daughter of August Gleich, late of Companies A and K, Eighth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Sarah J. Ross, widow of Jacob H. Ross, late of Company C, Fourth Battalion Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lettie W. Smith, widow of Henry Smith, late of Company G, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catharine Kelley, former widow of Benjamin Ridenour, late of Company A, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma D. Veeder, widow of John H. Veeder, late of Company H, One hundred and ninety-third Regiment New York Volnuteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna Cahill, helpless and dependent daughter of John Cahill, late of Company D, One hundred and fifty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Nellie J. Stanton, widow of Benjamin F. Stanton, late of Company D, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Catharine Sollenberger, widow of Seth W. Sollenberger, late of Companies K and A, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of James G. Carmack, late civilian volunteer, Indian campaigns, and pay him a pension at the rate of $30 per month.

The name of Katherine Myers, helpless and dependent daughter of George H. Myers, late of Company G, Fifth Regiment New York Volunteer Infantry, and Company H, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary E. Riley, widow of Martin V. Riley, late of Company K, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Maria Hill, widow of Nelson P. Hill, late of Company M, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Devany, widow of John Devany, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Amanda Bierly, widow of Jeremiah Bierly, late of Company C, One hundred and sixty-third Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Bushong, widow of Jacob Bushong, late of Company B, Fifth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving

The name of Minnie Market, widow of Vietal Market, late of Company I, Second Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Hawkins, widow of Joseph W. Hawkins, late of Company H, Fourteenth Regiment, Missouri Volunteer State Militia Cavalry, and Company B, Fifty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Roxey Phillips, widow of Travers Phillips, late of Company F, Eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah C. Britton, widow of Fountain E. P. Britton, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Hamilton Wallace, helpless and dependent son of Daniel J. Wallace, late of Company G, Twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of J. Oscar Rust, helpless and dependent son of John D. Rust, late colonel, Eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Hester Cohoon, widow of William J. Cohoon, late of Company C, Forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Hollingsworth, widow of Russell B. Hollingsworth, late of Company B; Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Emeline Umfleet, widow of Jarvis J. Umfleet, late of Company I, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ellen Umfleet, helpless and dependent daughter of said Emeline and Jarvis J. Umfleet, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emeline Umfleet the name of said Ellen Umfleet shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Emeline Umfleet.

The name of Julia E. Good, widow of John Good, late of Ninth Unattached Company, Massachusetts Vlunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emma A. Drake, widow of Henry Drake, late of Company B, Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Tillie L. Mitchell, widow of Edwin Mitchell, late of Company D, Second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary C. Davis, widow of Elwood Davis, late of Company C, Fourth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Katharine Falk, widow of Albert Falk, late of Company C, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Agnes Ditter, helpless and dependent daughter of George J. Ditter, late of Company A, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary A. Bandy, widow of Henry T. Bandy, late of Company H, Ninety-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minnie A. Houser, widow of Christopher Houser, late of Company G, Ninety-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy Keen, former widow of Anderson Keen, late of Company B, Ninety-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Julia M. Keen, helpless and dependent daughter of said Nancy and Anderson Keen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Nancy Keen the name of said Julia M. Keen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Nancy Keen, through duly appointed guardian or conservator.

The name of Caroline Leasure, widow of William H. Leasure, late of Company I, Fourth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Rebecca Wentz, now Roberts, former widow of Augustus Wentz, late lieutenant colonel, Seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Louella Sevey, former widow of Charles H. Sevey, late of Company K, Eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month, through duly appointed guardian or conservator.

The name of Mary E. Wright, widow of Charles T. Wright, late of Company C, Seventh Battalion, District of Columbia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret E. Nunley, widow of Abner P. Nunley, late of Company A, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Lucy A. Nelson, widow of James H. Nelson, late of Company F, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eva F. Hussey, widow of Frank D. Hussey, late of United States Signal Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah A. Dickinson, widow of George W. Dickinson, late of Company C, Seventy-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan Fleck, widow of Martin L. Fleck, late of Company B, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louisa E. Treanor, widow of Thomas D. Treanor, late of Company K, Fifteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lety Wilson, widow of David M. Wilson, late of Company C, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Eliza A. Nichols, widow of Amos J. Nichols, late of Company G, Eighty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Hannah Spring, former widow of George H. Spring, late of Company C, Seventh Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $30 per month.

The name of John Kent, helpless and dependent son of Gypson Kent, late of Company I, Fiftieth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $20 per month.

The name of Susan J. Murray, widow of Charles R. Murray, late of Company C, Fourth Regiment New Mexico Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Abbie A. Stone, widow of Harvey S. Stone, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Abbie T. Holbrook, widow of Manlius Holbrook, late of Company G, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Stough, widow of Jacob L. Stough, late of Company A, Sixteenth Regiment Pennsylvania Infantry, and pay her a pension at the rate of $30 per month.

The name of Frances E. Drake, widow of William B. Drake, late of Company C, Seventy-fifth Regiment Illinois Volunteer Infantry, and Company I, Fifteenth Regiment Veteran Volunteer Reserve Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Helen Donaldson, widow of Richard Donaldson, late of Company A, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Josephine Timerson, widow of Harmon Timerson, late of Company C, One hundred and eleventh Regiment New York Volunteer Infantry, and Company D, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jacob H. Mertz, late of Company D, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Susan J. Garland, widow of David Garland, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Martin, widow of Augustus Martin, late of Company A, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Abbie P. Haskell, widow of Joshua Haskell, late of Company B, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Mary F. McCaw, widow of William John McCaw, late of Company I, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Annie Cason, widow of Nathan Cason, pensioned as Nathan Casey, late of Company A, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of William F. Critchfield, late of Company H, One hundred and sixty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Benjamin Troutman, late of Captain Gowan's Company D, Veterans' Battalion, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Kate M. House, widow of Edwin J. House, late of Company H, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Margaret T. Deaver, widow of George W. Deaver, late of Company A, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Celia Hunt, former widow of Henry Hunt, alias Henry Albon, late of Company G, Fifth Regiment Michigan Volunteer Infantry, and Company D, Tenth Regiment Ohio Cavalry, and pay her a pension at the rate of $30 per month.

The name of Harriet E. Hagan, widow of John Hagan, late of Company I, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Fred E. Morehouse, late of Company L, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Clara C. Thomas, widow of Earl D. Thomas, late sergeant major and brigadier general, Eighth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary F. Dean, widow of Augustus Dean, late of Company C, Sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Minnie McMullen, widow of Gilbert McMullen, late quartermaster, U. S. S. *Silver Cloud*, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Bessie B. Waldo Howland, former widow of William L. Waldo, late of Company A, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Otis C. Mooney, late of Company K, Eighth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Jennie B. Cullum, widow of John Cullum, late of Company H, Fifty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza D. Brattain, former widow of Andrew C. Brattain, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Henry T. Goodhue, late of Captain Chandler's company, National Guard, New Hampshire Volunteer Militia, and pay him a pension at the rate of $50 per month.

The name of Rebecca A. Boster, widow of James A. Boster, late of Company A, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret Moore, widow of William S. Moore, late of Company K, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Melissa A. Becker, widow of William H. S. Becker, late of Company C, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of William F. Nichols, helpless and dependent son of John Nichols, late of Company D, One hundred and ninety-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving, through duly appointed guardian or conservator.

The name of Sarah T. Hendrick, widow of Pleasant F. Hendrick, late of Company E, Fifty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida M. Benson, former widow of William Brown, late of Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of George Hull, alias John Buchanan, late of Company D, Thirty-second Regiment Ohio Volunteer Infantry, and Company A, First Regiment Michigan Volunteer Light Artillery, and pay him a pension at the rate of $50 per month.

The name of Mary Miller, widow of Emanuel Miller, late of Company G, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Clara J. Hicks, widow of Owen Hicks, late of Company C, Seventh Regiment, and Company B, Fifth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha J. Morris, widow of Levi B. Morris, late of Company D, Seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary Sansoucie, widow of Adolph Sansoucie, late of Company K, Thirty-fifth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mahala Davis, widow of Samuel Davis, late of Pioneer Corps, First Division, Sixteenth Army Corps, and pay her a pension at the rate of $30 per month.

The name of Martha Ann Cravens, widow of John Cravens, late of Company B, Eighty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza Johnson, widow of Charles A. Johnson, late of Company D, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Creighton Bradshaw, helpless and dependent son of Thomas W. Bradshaw, late of Company H, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Martha M. Robb, widow of Elijah C. Robb, late of Company I, Eighth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret B. Harrington, widow of Charles Harrington, late of Company C, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Louise Schenkel, widow of Leonard Schenkel, late of Companies A and E, Third Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Elizabeth Eutsey, widow of Jacob Eutsey, late of Companies B and A, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mollie Cole, widow of Zachariah W. Cole, late of Company D, Eighteenth Regiment Iowa Volunteer Infantry, and Company E, Ninth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah Patterson, former widow of Noah F. Patterson, late of Company D, Thirty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Sage, widow of Nathaniel S. Sage, late of Company F, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elvira E. Clark, widow of Peter F. Clark, late of Company A, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ida B. Sechler, widow of George Sechler, late of Company K, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary A. O'Neil, former widow of William O'Neil, alias William O. Nelson, late of Company A, Tenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Malissa A. Hanes, widow of William A. Hanes, late of Company G, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of William S. Tester, helpless and dependent son of Henry W. Tester, late of Company C, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

To drop from the pension roll the name of Franklin C. York, minor child of William F. York, late of Company B, Fourth Regiment New Hampshire Volunteer Infantry, and discontinue payments of pension to him at the rate of $12 per month, and to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Susie C. York, widow of William F. York, late of Company B, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $36 per month: *Provided*, That upon the attainment of the age of 16 years by, or death prior to attainment of the age of 16 years of, Franklin C. York, $6 per month of the pension herein granted shall cease and determine.

The name of Nellie Knight, widow of Edwin S. Knight, late of Company G, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John W. Heller, late of Company F, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Alice K. Foster, helpless and dependent daughter of Peter Kingry, late of Company G, Fifty-third Regiment Ohio Volunteer Infantry, and Company I, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Augusta L. Simpson, widow of Benjamin F. Simpson, late major, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lucinda Welch, widow of Messor B. Welch, late of Company A, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Millie Campbell, widow of Henry L. Campbell, late of Company K, Sixty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Josephine P. Whitney, helpless and dependent daughter of Oliver C. Whitney, late of Company A, Seventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Van Vechten, late of Company F, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Agnes Badger, widow of Ransom Badger, late of Companies F and D, First Regiment Vermont Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jacob Barger, late of Company E, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Mary Bay, helpless and dependent daughter of George Bay, late of Company K, Eighth Regiment New York Volunteer Cavalry, and Fifth Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ida V. Moore, widow of Jacob D. Moore, late of Company E, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and Company K, Fifth Regiment United States Infantry, and pay her a pension at the rate of $30 per month.

The name of William J. Eaton, helpless and dependent son of Henry H. Eaton, late of Company G, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Sarah E. Robinson, widow of Calvin Robinson, late of Company E, Twentieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Minnie May Andrews, helpless and dependent daughter of John E. Andrews, late of Company E, Third Regiment Ohio Volunteer Cavalry, and Company G, Seventy-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Matilda A. Runions, widow of Joseph Runions, late of Company C, Second Regiment East Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah C. Croxwell, widow of Granville Croxwell, late of Company B, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Harriet A. Blagg, widow of William T. Blagg, late of Company K, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Joseph D. Hayes, helpless and dependent son of John Hayes, late of Company E, Eighth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month.

The name of Phebe J. Burrows, widow of Charles W. Burrows, late of Company C, Eleventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Henrietta Hyman, former widow of Thomas P. Knowland, late of Company D, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Hampton, widow of John Hampton, late of Company G, Fifth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary A. Penny, widow of Andrew J. Penny, late of Company D, Twenty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Hanes, widow of John Hanes, late of Company D, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Joseph H. Hanes, helpless and dependent son of said Sarah E. and John Hanes, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah E. Hanes, the name of said Joseph H. Hanes shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sarah E. Hanes.

The name of Sarah R. Spraggins, widow of Alexander W. Spraggins, late of Company E, Tenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Robert Ashby, helpless and dependent son of John W. Ashby, late of Company I, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Eva E. Parker, widow of Francis Parker, late of Companies B and G, Thirty-fourth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Perry, widow of Emery Perry, late of Company A, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Maurice Perry, helpless and dependent son of said Mary A. and Emery Perry, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary A. Perry, the name of said Maurice Perry shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Mary A. Perry, through duly appointed guardian and conservator.

The name of Emily D. Jenkins, widow of George W. Jenkins, late first lieutenant and regimental quartermaster, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Arta P. Beedle, helpless and dependent daughter of Andrew P. Beedle, alias William Dostman, late of Company L, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month.

The name of Angie Caldwell, widow of James H. Caldwell, late of Company G, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Morrison, widow of William H. Morrison, late of Company F, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Julia Parish, widow of Marion Parish, late of Company G, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Tillie R. Reeves, widow of Orange D. Reeves, late of Company I, Thirteenth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susan Maurer, widow of Jeremiah Maurer, late of Company E, One hundred and seventy-first Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Dudley Harlan, helpless and dependent son of George W. Harlan, late of Independent Battery E, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $20 per month through duly appointed guardian or conservator.

The name of Ann R. Kiger, widow of Elias D. Kiger, late of Company H, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Sarah Icenogle, widow of William J. Icenogle, late of Company A, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Sarah M. Love, widow of John W. Love, late of Company A, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Helen J. Cook, widow of Isaac Cook, late of Company D, Fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mahala J. Stoner, widow of Joseph Stoner, late of Company H, Third Regiment, and Company D, Thirty-third Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jennett Pangle, widow of David Pangle, late of Company G, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Fannie M. O'Linn, widow of Daniel H. O'Linn, late of Company F, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Margaret V. Bartlett, widow of John Bartlett, late of Company D, Sixteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary E. Ward, widow of George F. Ward, late of Company G, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Becker, widow of Jacob Becker, late of Company C, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah J. Gray, widow of Samuel M. Gray, late of Company E, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Malinda Davis, helpless and dependent daughter of William H. Davis, late of Company K, One hundred and twenty-eighth

Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Catherine J. Mock, widow of James M. Mock, late captain of Company F, Twenty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Carrie E. Jackson, widow of Alfred S. Jackson, late of Company H, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eva Shaw, widow of John J. Shaw, late captain and commissary of subsistence, United States Volunteers, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Morgan A. Harris, late of Company F, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Annie E. Homan, widow of Alfred W. Homan, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy M. Henderson, widow of Richard Henderson, late of Company K, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susan Tyler, widow of Oliver Tyler, late of Company F, Eighty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Edna McConahy, helpless and dependent daughter of Wesley McConahy, late of Company D, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Martha J. Corrie, widow of William Corrie, late of Company H, Twelfth Regiment New York Volunteer Infantry, and Company H, Marine United States Volunteers, and pay her a pension at the rate of $30 per month.

The name of Margaret J. Briggs, widow of David Briggs, late of Twelfth Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Henry C. Ferguson, late of Company F, One hundred and forty-eighth Regiment, and Company K, Eighteenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Caroline Bast, helpless and dependent daughter of Henry Bast, late of Company F, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

The name of Angeline Tait, widow of Lionel R. Tait, late of Company C, Fifth Regiment, and Company D, First Regiment, California Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Anna B. Kimball, widow of George M. Kimball, late of Company B, Ninteenth Regiment Massachusetts Volunteer Infantry, and Company G, Tenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha G. Waldron, widow of George H. Waldron, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Emily T. Buchanan, widow of James C. Buchanan, late of Company I, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret Jones, widow of George W. Jones, late of Company H, Sixty-third Regiment Missouri Volunteer Enrolled Militia, and pay her a pension at the rate of $30 per month.

The name of Julia Van Wicklen Jolley, widow of Uriah Jolley, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Kathryn Labonde, widow of Peter Labonde, late of Company I, Second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eunice A. Prettyman, widow of Leven T. Prettyman, late of Company A, Eleventh Regiment, and Company E, Tenth Regiment, West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Annie C. Bonam, former widow of John M. Lemmon, late of Company B, Seventy-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Catharine B. Hall, widow of James L. Hall, late of Company K, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Harriett N. Chatfield, widow of Alonzo B. Chatfield, late of Company B, Thirty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Agnes May Taylor, widow of Henry P. Taylor, late of Company D, One hundred and thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Denison, widow of Luther L. Denison, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Euphemia Jones, widow of Robert S. Jones, late of Company E, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary F. Gay, widow of Marion Gay, late of Company F, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Catherine Tuttle, widow of Ira C. Tuttle, late of Company G, First Regiment Missouri Volunteer State Militia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah Rice, widow of Jacob Rice, late of Company C, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary A. Anderson, widow of John Anderson, late of Companies F and A, Second Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Susan M. Worthing, widow of John K. Worthing, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Maggie Lowe, widow of John E. Lowe, late of Company G, Third Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jessie L. Burr, widow of Edwin A. Burr, late of Company E, Nineteenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Lundy, widow of Robert Lundy, late of Company A, Nineteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amelia Stegner, widow of Ernest Stegner, late of Company D, Third Regiment United States Reserve Corps, Missouri Volunteer Infantry, and Company A, Boonville Reserve Corps, Missouri Volunteer Home Guards, and pay her a pension at the rate of $30 per month.

The name of Lodesca F. Wertz, widow of Cornelius Wertz, late of Company B, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Alice McCarty, widow of William McCarty, late of Company H, Forty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Christiana Hoffman, widow of Joseph Hoffman, late of Company I, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Delilah R. Mann, widow of Christian H. Mann, late of Company I, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Edna Hall, widow of Philip Hall, late of Company D, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza Wisher, widow of Jacob H. Wisher, late of Company H, Sixtieth Regiment New York Volunteer Infantry, and Troop A, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lucy E. Porter, widow of Myron Porter, late of Company F, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary E. Waddell, widow of Nathan Waddell, late of Company F, One hundred and forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Johanna Staton, widow of James C. Staton, late of Company A, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Nannie E. Scott, widow of Charles E. Scott, late of Company G, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Harriet Myers, widow of William Myers, late of Company I, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Charlotte C. Brandau, widow of Gustavus R. Brandau, late surgeon Eleventh Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lois A. Bentz, widow of Lewis Bentz, late of Company F, Tenth Regiment Pennsylvania Reserve Infantry, and Company I, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Rebecca Ann Hayes, helpless and dependent daughter of James M. Hayes, late of Company F, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, through duly appointed guardian.

The name of Zoria B. McCrary, widow of Joseph S. McCrary, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Andrew J. Gouge, late of Moore's Independent Company, Stone County Missouri Home Guards, and Green's Company F, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Hattie C. Spencer, widow of Thomas D. Spencer, late of Company H, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Helena Whitney, widow of Alfred A. Whitney, late of Company F, Fourth Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Mary J. Horan, widow of Patrick H. Horan, alias Henry Horron, late of Company C, Second Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Nancy E. Byous, widow of Dr. H. Byous, late of Company B, Ninth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Eliza A. McClellan, widow of John S. McClellan, late of Company B, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary C. Agnew, widow of Erastus St. J. Agnew, late quartermaster sergeant, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lusutta A. Duvall, widow of Sherrod W. Duvall, late of Company K, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month.

The name of John Brantlinger, helpless and dependent son of Andrew J. Brantlinger, late of Company E, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month, through duly appointed guardian.

The name of Mary A. Ormsby, widow of John H. Ormsby, late of Company B, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine W. Durst, widow of Michael William Durst, late of Company A, Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Jane Gentry, widow of Charles Gentry, late of Company H, Third Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $30 per month through duly appointed guardian.

The name of Lexie Fuller, widow of Hiram Fuller, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lottie M. Bettis, widow of John C. Bettis, late of Company F, First Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha Cox, helpless and dependent daughter of Daniel Cox, late of Company F, Fifteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month through duly appointed guardian.

The name of Sarah Blanton, widow of James Blanton, late of Company H, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Roy S. Davis, helpless and dependent son of Alphonso C. Davis, late of Company G, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month through duly appointed guardian.

The name of Mary Ann Jolly, widow of Joseph Jolly, late of Company C, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Henrietta Hull, widow of Henry Hull, late of Company G, One hundred and thirty-sixth Regiment Ohio Volunteer National Guard Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lorinda Sutton, widow of Richard Sutton, late of Company G, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Esther E. Babcock, former widow of Alonzo Clark, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Lizzie E. Fender, widow of Daniel Fender, late of Company D, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Helen D. Craig, widow of William B. Craig, late of Company I, Fifth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Jane Ritchie, widow of George Ritchie, late of Company H, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucinda Brown, widow of Elias Brown, late of Company E, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Rebecca J. Rush, widow of Allen N. Rush, late of Company E, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mollie Bailey, helpless and dependent daughter of Alexander J. Bailey, late of Company A, Thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary M. Zimmerman, former widow of Nathan Zimmerman, late of Company K, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary F. Stevenson, widow of John Stevenson, late of Company I, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lottie J. Thomas, widow of Noble O. Thomas, late of Company E, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Margaret White, widow of Jasper N. White, alias Joseph N. White, late unassigned, Seventy-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Stout, widow of John Stout, late of Company C, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Mary J. Morgan, widow of Samuel Morgan, late of Company H, Ninety-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Agnes E. Jones, widow of John Jones, late of Company D, First Regiment Ohio Heavy Volunteer Artillery, and pay her a pension at the rate of $30 per month.

The name of Elizabeth Lippert, widow of George Lippert, late musician, band, Forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Olive W. Cox, widow of John F. Cox, late of Company F, One hundred and fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Charlotte Wirsing, widow of James J. Wirsing, late of Company C, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Grace Olive Jones, helpless and dependent daughter of Robert Jones, late of Company B, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Katie Wood, widow of Jasper Wood, late of Company B, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Lucina Heath, helpless and dependent daughter of George C. Heath, late of Company H, Twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emma W. Pohlmann, helpless and dependent daughter of Charles Pohlmann, late of Company E, Seventh Regiment Missouri Volunteer Cavalry, and Company F, Bishop's Battalion, Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The name of Fredonia Williams, widow of Andrew J. Williams, late of Company K, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Lucia M. Bartlett, widow of John Bartlett, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Emma Weast, helpless and dependent daughter of George L. Weast, late of Company H, First Regiment Virginia Volunteers, and Company H, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month, through duly appointed guardian.

The name of Lottie L. Tripp, widow of Edwin Tripp, late of Company I, One hundred and fortieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ella M. Foll, widow of John W. Foll, late of Company G, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Olive W. Myrick, widow of Lewis A. Myrick, late of Company C, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Martha E. Mulford, widow of James B. Mulford, late of Company B, Seventy-ninth Regiment Ohio Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Sarah E. Hanes, widow of John Hanes, late of Company D, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Sarah E. Hanes the name of Joseph H. Hanes, helpless and dependent child of John Hanes, shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Sarah E. Hanes: *Provided further*, That in the event of the death of John Hanes, prior to that of Sarah E. Hanes, the pension of said Sarah E. Hanes shall be reduced to $30 per month from date of death of said John Hanes.

The name of Belva A. Fergason, widow of Erastus Fergason, late of Company C, Third Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ralph S. Jordan, late of Company I, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate to which he is entitled under the pension laws without deduction on account of former erroneous or alleged overpayments.

The name of John Christian Hohman, late of Company A, Second Regiment Northeast Missouri Home Guards, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Maria C. Vance, widow of Robert A. Vance, late of Company I, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Fannie S. Grant, helpless child of Columbus Grant, late of Company C, Ninth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary E. King, widow of Gilbert L. King, alias Hartley L. Oliver, late of Company D, Eighth Regiment Wisconsin Veteran Infantry, and pay her a pension at the rate of $30 per month.

The name of Florence A. Hill, widow of Leonard C. Hill, late of Company G, Tenth and Twenty-ninth Maine Infantry, and pay her a pension at the rate of $30 per month.

The name of Elizabeth M. Reynolds, widow of Henry A. Reynolds, late of Company B, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of James Forsyth Harrison, late of the Quartermaster Department, United States Volunteers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lottie M. Steele, widow of Samuel A. Steele, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Ryan, daughter of Daniel Ryan, late of Company M, Second Regiment Massachusetts Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles H. Phillips, late of Company D, Tenth Regiment Connecticut Veteran Volunteers, and pay him a pension at the rate of $50 per month.

The name of Maeriana Luke, widow of Isaac Luke, late unassigned, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary Ann Richardson, widow of Milford Richardson, late of Company D, Ninth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy J. Gregory, widow of Oscar P. Gregory, late of Company M, Fourth Regiment United States Artillery, and pay her a pension at the rate of $30 per month.

The name of Nancy P. Settle, widow of John B. Settle, late of Company F, One hundred and thirty-seventh Regiment, and Company F, Twelfth Regiment, Indiana Volunteer Cavalry, and pay her a pension at the rate of $50 per month.

The name of Abbie McCabe, widow of Patrick B. McCabe, late of Company B, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Laura A. Richardson, widow of Green Richardson, late of Company F, Third Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Esther A. Eastman, widow of Reuben J. Eastman, late of Company K, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Arzanna Swiger, now known as Arzanna Nesbitt, former widow of Richard Nesbitt, late of Company I, Fifth Regiment New Jersey Volunteer Infantry, and Ninety-sixth Company Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $30 per month.

The name of Rebecca E. Philabaum, widow of Christopher Philabaum, late of Company G, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Celia Wilfong, widow of John Wilfong, late of Company I, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Arabella Roberts, widow of James S. Roberts, late of the United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Joana Boone, widow of William Boone, late of Company H, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Ann Sheffler, widow of John Sheffler, late of Company A, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mattie Florence Sinclair, destitute and helpless daughter of Henry Sinclair, late of Company D, Eleventh Regiment Missouri State Militia Cavalry, and Company F, Second Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month.

The name of Emma L. Porter, widow of George W. Porter, late of Company B, One hundred and thirty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret A. L. Pratt, widow of James F. Pratt, late of Company C, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Nathaniel Cunningham, invalid son of William H. Cunningham, late of the U. S. S. *Ohio* and *Vermont*, United States Navy, and pay him a pension at the rate of $20 per month.

The name of Medora B. Ambrose, blind and dependent daughter of William H. Ambrose, late of Company D, Twelfth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Millie S. Jones, widow of James Wilson Jones, late of Company F, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Zania Seal Trent, widow of Madison T. Trent, late of Company C, Tenth Regiment, and Company E, Eighth Regiment, Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Julia Rumbley, widow of Thomas J. Rumbley, late of Company D, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary Durham, widow of John Durham, late of Company A, One hundred and forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nancy J. Lee, widow of Jesse U. Lee, late of Company D, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving: *Provided*, That on the death of both of the idiotic and helpless children, Milton Lee and George Taylor Lee, the rate of the widow's pension shall be reduced to $30 a month: *Provided further*, That, on the death of the widow, the names of Milton Lee and George Taylor Lee shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, as idiotic and helpless children of the soldier, at the rate of $30 a month, to continue during the period of their helplessness: *Provided further*, That on the death of one of the said children the rate of pension to the surviving child shall be reduced to $20 a month.

The name of Augusta Glidden, widow of John E. W. Glidden, late of Company I, Fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Julianita G. Ortiz, widow of Guadalupe Ortiz, late of Company H, Third New Mexico Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Lodesca F. Wertz, widow of Cornelius Wertz, late of Company B, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Ursulia S. Dinsmore, widow of Charles Dinsmore, late of Company I, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Abbie L. Lockwood, widow of Horace Hill Lockwood, late of Company D, Second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Lora Belle Fasig, widow of Albert Fasig, late of Company G, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month and $12 additional for the imbecile child, Charles Hays Fasig, in lieu of that she is now receiving: *Provided*, That the additional allowance herein provided shall cease and determine upon the death of the child.

The name of Barbara Carter, widow of Isaac Carter, late of Company C, One hundred and thirty-third Regiment West Virginia Militia, and pay her a pension at the rate of $24 per month.

The name of Celia Phillips, widow of Willis J. Phillips, late of Company E, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Estella Ferris, widow of Cyrus D. Ferris, late of Company E, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary L. Williams, widow of Sidney Sereno Williams, late of Company C, Tenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary A. Sands, paralytic daughter of Edward D. Sands, late of Company I, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Mary H. Wishart, degenerate daughter of David W. Wishart, late of Company G, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Elizabeth M. Engelhardt, helpless and dependent daughter of Conrad Engelhardt, late of Company A, First Kansas Infantry, and Company B, Veteran Battalion, First Regiment Kansas Infantry, and pay her a pension at the rate of $20 per month.

The name of Sarah E. Spears, widow of Elijah Spears, late of Company A, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Maria Love, former widow of Philip Gunckel, late of Company D, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Anna Louise Jenks, widow of John H. Jenks, late of the United States Navy, and pay her a pension at the rate of $30 per month.

The name of Mary McGowan, daughter of Anton McGowan, late of Company G, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary A. Manuel, widow of Jesse Manuel, late of Company H, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Augusta Baumann, widow of Emil Baumann, late of Company E, Twentieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Vicilla Bullock, widow of Lyman Bullock, late of Company H, First Regiment Pennsylvania Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Agnes Gibbons, widow of William Gibbons, late of Company G, Fifty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ellen Hurlbut, widow of Spencer W. Hurlbut, late of Company I, Fifth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Lolie M. Earle, widow of David M. Earle, late captain Company F, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza J. Paradee, widow of John A. Paradee, late of Company H, Ninth Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Carl Reed, helpless son of Gasper Reed, late of Company K, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of John Salmon, late of Company D, Eightieth Regiment Ohio Volunteer Infantry, and Company B, First Marine Brigade, and pay him a pension at the rate of $90 per month in lieu of that he is now receiving.

The name of Mary C. Myers, widow of John P. Myers, late of the Fourteenth Battery Indiana Volunteer Artillery, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary Trott, widow of Conrad Trott, late of the Thirty-second Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

The name of Sarah A. Dickinson, widow of George W. Dickinson, late of Company C, Seventy-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Joseph Vermilyea, late of Company H, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month without any deductions for alleged erroneous or overpayments.

The name of Nancy Angie Vermillion, widow of William Henry Vermillion, late of Company I, First Regiment United States Veteran Volunteer Engineers, and pay her a pension at the rate of $30 per month.

Carrie E. Finnell, widow of Stephen Finnell, late of Company I, Sixty-ninth Regiment, New York National Guard Artillery, and pay her a pension at the rate of $30 per month.

The name of Sarah E. Totten, widow of David R. Totten, late of Company G, First Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Neil J. Devlin, helpless and dependent son of Thomas Devlin, late of the United States Navy, and pay him a pension at the rate of $20 per month.

The name of Helen A. Seeker, former widow of Edward E. Edgar, late of Company F, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Barker, widow of William B. Barker, late of Company C, First Regiment Wisconsin Volunteer Cavalry, and Company K, Second Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Julia S. Webb, widow of Edgar C. Webb, late of Company A, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Rebecca M. Langley, widow of Nicholas B. Langley, late of Company F, Second West Virginia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Alma L. Bruce, helpless daughter of John A. Bruce, late of Company M, Sixth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth A. Haskell, widow of George A. Haskell, late of Company B, Thirty-second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Sholts, widow of John A. Sholts, late of Company F, Thirty-third and Eleventh Regiments Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sallie E. Patrick, widow of William H. Patrick, late of Company A, Ninth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mollie E. Paulk, widow of Sardine X. Paulk, late of Company K, Seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna Droste, widow of Martin Droste, late of Company L, Second Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Kimble, widow of David B. Kimble, late of Company F, Seventieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Elizabeth Shufelt, widow of Henry T. Shufelt, late of Company K, Forty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of John Y. Carpenter, late of Company G, Eleventh Regiment Indiana Volunteer Infantry, and captain Company C, Second Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $50 per month without recovery of pension heretofore to him paid.

The name of Ralph M. Collins, late pilot, United States Navy, Civil War, and pay him a pension at the rate of $50 per month.

The name of Justus W. King, late of Company F, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Lucinda Harrington, widow of Henry F. Harrington, late scout, guide, and dispatch bearer, United States Volunteers, Civil War, and pay her a pension at the rate of $30 per month.

The name of Benjamin Williams, late of Company K, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving, without recovery of any former erroneous payments.

The name of Margaret Kearney, widow of James Kearney, late of Company A, Third Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Izora B. McGill, widow of John C. McGill, late of Company F, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and Company F, Twentieth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Margaret J. Humbert, widow of Jacob N. Humbert, late of Company D, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and Company K, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month on account of the helpless child, Sidnie C. Humbert, in addition to that she is now receiving.

The name of Ettie Serven, former widow of Jackson Serven, late of Company F, Twenty-ninth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Francisco Giron, late of Company E, First Regiment New Mexico Volunteer Infantry, and pay him a pension at the rate of $50 per month.

The name of Dennis B. Shuey, late of Company A, Twenty-sixth Regiment Pennsylvania Emergency Militia, and pay him a pension at the rate of $30 per month.

The name of John T. Clark, late of Company H, Eighty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Sarah Wilson, widow of William Wilson, late of Company D, Seventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Annie E. White, widow of Harrison White, late of Company I, Second Regiment Kansas State Militia, and pay her a pension at the rate of $30 per month.

The name of Elizabeth J. Edson, widow of Leander N. Edson, late of Company H, One hundred and ninety-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Henry Carroll, late of the United States Navy, and pay him a pension at the rate of $50 per month.

The name of Josephine K. Woodson, widow of Albert Emmett Woodson, late brigadier general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nannie Johnson Veale, widow of George W. Veale, late captain Company E, Fourth Regiment, major Sixth Regiment, Kansas Volunteer Cavalry, and colonel Second Regiment Kansas State Militia Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jane Allen, widow of Nathan Allen, late of Company I, Third Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of $54 per month in lieu of that she is now receiving.

The name of Sarah Prim, widow of George Prim, late of Company H, Ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Martha F. Acton, widow of John Acton, late of Company C, Seventh Battalion District of Columbia Militia Infantry, and pay her a pension at the rate of $30 per month.

The name of Anna D. Blackford, former widow of Isaac Blackford, late of Company D, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Vina Cochran, former widow of William R. Kirk, late of Company H, First Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Isaiah G. Mayo, late of the United States Sanitary Commission Service, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen G. Frame, widow of John O. Frame, late of Company F, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Carrie H. Chandler, widow of George P. Chandler, late of Company B, One hundred and twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Harriet Adams, widow of Charles B. Adams, late first lieutenant Company I, Fourth Regiment Quartermaster Volunteers, United States Army, and pay her a pension at the rate of $30 per month.

The name of Sarah H. E. Ryan, widow of Edmund T. Ryan, late of Company B, Music Boys, general service, United States Army, and pay her a pension at the rate of $30 per month.

The name of Katie Kensinger, widow of Christopher Kensinger, late of Company K, Twentieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eleanor L. Curtiss, widow of Warner H. Curtiss, late captain and provost marshal, sixth congressional district of Iowa, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Sarah Haley, former widow of Richard A. DeKay, late of Company L, First Regiment United States Volunteer Engineers, and pay her a pension at the rate of $30 per month.

The name of Elsea H. Allison, late of Company A, Fifty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $50 per month.

The name of Mary D. L. Young, former widow of William H. Hakes, late captain of Company B, One hundred and twenty-fifth Regiment New York Infantry, and pay her a pension at the rate of $30 per month.

The name of Lizzie K. York, widow of John H. York, late of Company A, Thirteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Ida May Hollister, widow of John L. Hollister, late of Company F, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Frances A. Bright, widow of John N. Bright, late of Company G, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Susan Boyson, widow of George T. Boyson, late of Company I, Thirteenth Regiment New Hampshire Volunteer Infantry, Civil War, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Hannah F. Taylor, widow of Richard B. Taylor, late of Company A, Thirteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amanda Brewster, widow of Stephen G. Brewster, late unassigned, Thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Louisa Edwards, widow of Major Edwards, late of Company D, Sixty-fifth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nettie Benward, widow of Joseph M. Benward, late of Company C, Thirty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Charles L. Kent, invalid son of Abraham Kent, late of Company D, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Barbara Farrar, widow of Edward Johnson Farrar, late of Company I, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Alice S. Kaywood, widow of Orrin F. Kaywood, late of Company G, Seventeenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Melquiades Sanchez, late of Company E, Second Regiment New Mexico Volunteer Infantry, and Company D, First Regiment New Mexico Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Deborah J. Harris, widow of William Harris, late of Company C, Second Artillery Regiment New York Volunteers, and pay her a pension at the rate of $30 per month.

The name of Lorinda Porter, widow of Reuel W. Porter, late of Company M, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Jennie S. Emery, widow of John C. Emery, late assistant surgeon, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Susan Backus, widow of Jerome Backus, late of Company D, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Emeline J. Whitmore, widow of Hiram Whitmore, late of Company C, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month without deduction of any former erroneous payments.

The name of Emma F. Carter, widow of Elery H. Carter, late of Company A; Eleventh Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine Carroll, widow of William Carroll, alias Farrell, late of the United States Navy, and pay her a pension at the rate of $30 per month.

The name of Ina M. Robinson, widow of Robert A. Robinson (Robertson), late of Company F, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of George G. Ham, helpless and dependent son of Greenleaf G. Ham, late of Company M, Fiftieth Regiment New York Engineers, and pay him a pension at the rate of $20 per month.

The name of Arthur W. Gross, helpless and dependent son of James H. Goss, late of Company B, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $36 per month.

The name of Edna P. Getchell, helpless and dependent daughter of Horace W. Getchell, late of Company K, First Regiment Maine Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month.

The name of Deborah G. McCoy, widow of Matthew McCoy, alias Thomas Jackson, late of United States Navy, and pay her a pension at the rate of $30 per month.

The name of Louisa White, daughter of Giles E. White, late of Company A, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Carrie Shanahan, widow of Winfield S. Shanahan, late of Company E, First Regiment Michigan Volunteer Sharpshooters, and pay her a pension at the rate of $35 per month.

The name of Henry Mott, late of Company E, Ninty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Asenath Welch, widow of Nathaniel Welch, late of Company A, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Vesta A. Brown, widow of Franklin A. Brown, late of Company K, Forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Marinda A. Wilcox, widow of William T. Wilcox, late of Company B, Eleventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Addie E. Auten, widow of Oliver V. Auten, late carpenter's mate, *Mound City*, gunboat, United States Navy, and pay her a pension at the rate of $30 per month.

The name of Fannie R. Harvey, widow of Wesley C. Harvey, late carpenter and second master, United States ram *T. D. Horner*, Mississippi ram fleet, and pay her a pension at the rate of $30 per month.

The name of Effie D. Hunter, widow of Edward C. Hunter, late of Company C, Forty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Emsley F. Canutt, late of Company A, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

The name of Nancy H. Hism, widow of Dr. H. Hism, alias Harvey Hism, late of Company D, Second Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $30 per month.

The name of Frances Ann Weddell, widow of Henry H. Weddell, late of Company G, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Augustus J. Cline, late of Capt. M. T. Haller's scouts and Capt. Moore McNeill's company, Barbour County, W. Va., and pay him a pension at the rate of $50 per month.

The name of Laura Major, widow of Sim Major, late of Company I, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Flora M. G. Halfpenny, widow of Henry C. Halfpenny, late of Company F, Second Regiment Pennsylvania Heavy Artillery, and pay her a pension at the rate of $30 per month.

The name of Altana B. Clark, widow of William Henry Clark, late of Company E, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Eliza W. Cobb, widow of Daniel R. Cobb, late of Company I, Fifteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Abbie Holbrook, widow of Manlius Holbrook, late of Company G, Fourth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Nellie Leahy, widow of Thomas F. Leahy, late unassigned, Vermont Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Mary G. Grover, widow of Alpheus E. Grover, late of Company B, Seventeenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Charles E. Wilson, crippled and deformed son of Alexander Wilson, late of Company H, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month.

The name of Adra Crawford, widow of Ampudia Crawford, late of Company B, Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Amelia D. Crocker, widow of Lewis N. Crocker, late of Company L, Thirty-first Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah M. McKinnis, widow of Livingston McKinnis, late of Company I, Ninety-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Abigail R. Ellet, widow of Alfred W. Ellet, brigadier general, United States Volunteers, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Nancy Heffelfinger, widow of James Heffelfinger, late of Company E, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Mary M. Wonsetler, widow of Josiah H. Wonsetler, late of Company M, Sixth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Clarence W. Failor, deformed and invalid son of Samuel Failor, late a musician in the band, Third Brigade, Fourth Division, Fifteenth Army Corps, Civil War, and pay him a pension at the rate of $12 per month supplemental to and in addition to that now being paid to his mother as the widow of the soldier.

The name of Pomucena Benavides, widow of Juan Benavides, late of Company A, Third Regiment New Mexico Mounted Infantry, and pay her a pension at the rate of $30 per month.

The name of Sallie A. Palmer, widow of James H. Palmer, late of Company H, Twelfth Regiment Ohio Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Maria L. de Baca, widow of Nicholas Baca, late of Company G, Second Regiment New Mexico Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Caledonia Vaughn, late cook and nurse Third Regiment Illinois Volunteer Cavalry and Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary J. Quincy, widow of Horatio H. Quincy, late of Company H, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Mary Cannon, widow of Patrick Cannon, late of Troop H, Fifth Regiment United States Cavalry, and pay her a pension at the rate of $30 per month.

The name of Mary E. Cline, widow of Floyd S. Cline, late of Company K, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Catherine Degnan, widow of John Degnan, late of Company E, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of James McNulty, late of Company D, Thirty-seventh Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Julia A. Manzer, widow of Nathan Manzer, late of Company G, One hundred and twenty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Sarah Cowman, widow of David A. Cowman, late of Company B, Fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $50 per month.

The name of Frances Henrietta Bubb, widow of John W. Bubb, late brigadier general, United States Army, and pay her a pension at the rate of $75 per month in lieu of that she is now receiving.

The name of Maggie E. Campbell, widow of George W. Campbell, late of Company E, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The name of Jose Padilla, of Capt. Juan de Dios Baca's company, Perea's battalion, New Mexico Militia Infantry, and pay him a pension at the rate of $50 per month.

The name of Martin T. Knapp, late unassigned, Fiftieth Regiment New York Engineers, and pay him a pension at the rate of $50 per month without recovery of any part of the former payments to him by the Bureau of Pensions.

The name of David Mitchell, late of Company I, Eighty-second Regiment Missouri Enrolled Militia, and pay him a pension at the rate of $50 per month.

The name of Sevilla Heikenhorn, widow of Martin Heikenhorn, late of Company F, Third Regiment Maryland Potomac Home Brigade, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDENT pro tempore. Without objection, House bills numbered 7340, 7827, 8624, 8874, 10025, 11427, and 11533, and Senate bills numbered 3310 and 3920 will be indefinitely postponed.

Mr. BURSUM. In the case of both of the bills which have just been passed I move that the Senate insist on its amendments and ask for a conference with the House on the bills and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. BURSUM, Mr. MCCUMBER, and Mr. WALSH of Montana conferees on the part of the Senate.

Mr. BURSUM. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 3275) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 10, after the word "discharged," to insert "from such service, or regardless of length of service was discharged"; so as to read:

SEC. 2. That the widow of any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for 90 days or more during the Civil War, between April 12, 1861, and August 20, 1866, inclusive, and was honorably discharged from such service, or regardless of length of service was discharged for a disability incurred in service and line of duty, such widow having been married to such soldier, sailor, or marine prior to the passage of this act and having attained the age of 62 years who has been, or may hereafter be placed on the pension roll under this or any other law, public or private, shall be paid a pension at the rate of $50 a month, and an additional pension of $6 a month for each child of the officer or enlisted man under the age of 16 years, and in case of the death or remarriage of the widow leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 3, after line 17, to insert the following additional proviso:

Provided, still further, That no pension shall be allowed or paid under this act to a widow or a former widow whose marriage to the soldier, sailor, or marine on account of whose service pension is claimed took place subsequent to March 3, 1899, unless such widow or former widow lived with such soldier, sailor, or marine continuously from the date of the marriage to the date of his death, or unless the continuity of the cohabitation was broken by soldier having deserted her or by conduct on his part compelled her to leave him.

The amendment was agreed to.

Mr. TRAMMELL. Mr. President, I should like to ask the chairman of the committee what increase this bill carries with it. It seems now it is proposed to fix the pension of Civil War veterans at $72 per month. What have they been receiving heretofore?

Mr. BURSUM. At present they receive $50 a month, but they receive $72 per month where they are unable to take care of themselves, and I understand the great majority of them are receiving the latter amount.

Mr. TRAMMELL. This bill provides that all of them shall receive $72 per month.

Mr. BURSUM. That is true, and the reason for it is that practically all of them are unable to care for themselves. Their average age is 78, and their expectancy of life is only about 5½ years. In order to obtain the $72 there is now required certain evidence, and compliance with certain forms and regulations, so that in many instances the veterans die before they receive the increase.

The number of veterans of the Civil War on the pension roll is rapidly diminishing. This year approximately 50 per cent will be separated from the rolls by death, and next year there will probably be a loss of 75 per cent, so that they only have a short time here; and if we are going to do anything to help them out in their old age, now that they are incapacitated, and to afford them relief on account of the high cost of living, they should have that relief immediately. It should be summary and automatic, and they should not be required to submit applications and proofs and all that sort of thing, which tend to retard the benefits which were intended to be given to the soldier.

I submit that $72 a month for an old veteran, as compared with the allowance we are giving now to those who served during the World War and who were disabled, is not unreasonable; it is a very meager allowance. Seventy-two dollars a month is no great sum. These men are all more than three score and ten years old; the youngest of them are more than 70, and the average is 78. They have only a few years to live. They need the increased pension and there ought to be no hesitancy about allowing them the rate proposed by the bill.

Mr. TRAMMELL. Mr. President, I just desired to know what the increase was. How much will the increase be, in the aggregate, per annum?

Mr. BURSUM. The Senator desires to know what increase in the appropriation this bill will require?

Mr. TRAMMELL. Yes; I just, as a matter of information, desire to know the increase authorized.

Mr. BURSUM. For the first year, about $60,000,000; but the second year it will probably require less money than we are appropriating now, because the number is being reduced at the rate of 50,000 a year now, and next year it will probably be 75,000, and it will decrease until there will be none left.

Mr. TRAMMELL. That would be true if no increase were made in the individual pensions; would it not? It would grow less annually?

Mr. BURSUM. That is very true; but no matter what we allow them as a pension, whenever they are dropped from the rolls they do not any longer draw a pension, and it is manifestly just and fair and right and equitable to give these veterans a little more allowance.

Mr. TRAMMELL. I am in favor of giving them a liberal pension and am not raising any question about that, but I desired some information regarding the proposed increase and the need for this legislation.

Mr. BURSUM. I will say to the Senator that there is no question about their absolute need. There is no question about the righteousness or the fairness of this increase, and $72 is a very meager sum to take care of a family or where an attendant has to be employed to take care of the veteran. Seventy-two dollars a month will hardly pay his own expenses. How far would it go to take care of a family?

Mr. TRAMMELL. That is very true where the condition exists that the Senator has detailed; but take the entire pension roll. Nothing like all of them are in a helpless condition, requiring attendants and nurses and care.

Mr. BURSUM. Most of them are. If any of us, after we become 78 years of age, do not require attendants, we are pretty lucky, and entitled to the benefit of the doubt.

All of the veterans, through their several posts and organizations, are most anxious and are pleading for this legislation. I could read to the Senate a thousand letters on the subject, and the stories that are told are pitiful. I can not for the life of me see how anyone could object to this increase as not being fair and equitable and reasonable and an absolute obligation on the part of the Government.

Mr. FLETCHER. Mr. President, if my colleague will allow me, I should like to ask the Senator what is the total amount now required to meet the pension appropriations?

Mr. BURSUM. It is less than $300,000,000.

Mr. FLETCHER. And this will add $60,000,000?

Mr. BURSUM. That is, for the first year, and, of course, not taking into account those who will drop from the rolls before they are paid any pension. The chances are that the net increase will be much less.

Mr. TRAMMELL. Mr. President, I just desired to get some information on this subject. I do not wish to raise any objection to giving liberal pensions to the veterans of the Civil War. I have always favored giving liberal pensions to the Confederate veterans through the State governments, and, of course, would not advocate a contrary policy regarding the Union soldiers. The only question with me is whether we might not go a little too far, considering the present financial condition of the country, in making an increase of $60,000,000 in one year to increase the pension allowance from $50 to $72 per month to all soldiers, regardless of their needs. Doubtless many of them need it, but the question is whether or not all of them do, and that is the reason for my inquiry of the chairman of the committee.

Mr. BURSUM. Mr. President, I will say to the Senator from Florida that the $60,000,000 which I stated was the estimate made by the Pension Bureau. That estimate has been revised in my office, and the examiner in my office estimates that the total expenditure will not exceed $35,000,000. At the same time the Commissioner of Pensions states that it will be two years before all of those who are given increases under the bill will be on the roll; so that if we were to compare the actual amount of cash necessary to be paid out of the Treasury there probably would not be an increase. My first statement with reference to the increase was upon the basis that all of those who are now on the roll continued on the roll and all of those who were given added pensions were continued on the roll, and there were no deaths. But, as I stated a few moments ago, more than 50,000 have been dropped from the roll this year, and next year there will be more, probably 75,000, and the number will increase until the veterans of the Civil War will be a matter of history.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 4, line 10, after the word "allowed," to insert "or may hereafter be allowed," so as to make the section read:

> SEC. 3. That the rate of pension for the widow of an officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States in the War of 1812, or for 60 days or more in the war with Mexico, or on the coasts or frontier thereof, or en route thereto during the war with that nation, and was honorably discharged therefrom, shall be $50 per month, and this section shall apply to any pension heretofore allowed or may hereafter be allowed under any law, public or private.

The amendment was agreed to.

The next amendment was, on page 4, line 24, after the word "without," to strike out "fault," and insert "proof of adultery," so as to read:

> SEC. 4. That the former widow of any officer or enlisted man who served in the Army, Navy, or Marine Corps of the United States for 90 days or more during the Civil War between April 12, 1861, and August 20, 1866, inclusive, and was honorably discharged from such service, or who, having so served for less than 90 days, was discharged for a disability incurred in the service and line of duty, such widow having married the officer or enlisted man prior to June 27, 1905, and having remarried, either once or more than once after the death of the soldier, sailor, or marine, if it be shown that such subsequent or successive marriage has or have been dissolved, either by the death of the husband or husbands, or by divorce without proof of adultery on the part of the wife, shall be entitled and be paid a pension at the rate of $30 per month: *Provided*, That in case of any widow whose name has been dropped from the pension roll because of her remarriage, if the pension has been granted to an insane, idiotic, otherwise helpless child, or to a child or children under the age of 16 years of age, she shall not be entitled to renewal of pension under this act until the pension to such child or children terminates, unless such child or children be a member or members of her family and cared for by her, and upon the renewal of pension to such widow, payment of pension to such child or children shall cease.

The amendment was agreed to.

The next amendment was, on page 5, line 12, after the word and figure "Sec. 5," to strike out "That the benefits of this act shall include any person who served during the late Civil War, or in the war with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, and February 17, 1897," and in lieu thereof to insert:

> That the benefits of this act shall be extended to and shall comprehend and include each and severally the classes of persons enumerated in the first, second, third, fourth, and fifth paragraphs of section 4693, Revised Statutes of the United States, who served during the Civil War, and also any person who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, and February 17, 1897, on account of service during the Civil War and the war with Mexico, and the widows and minor children of such persons: *Provided*, That service under this act shall be proven in the manner and form specified in section 2, act of March 4, 1917.

Mr. BURSUM. On page 6, line 5, I move to amend the committee amendment by striking out the word "act" and inserting in lieu thereof the word "section."

The amendment to the amendment was agreed to.

Mr. BURSUM. On page 6, line 7, after the figures "1917," I move to add "and the act of September 1, 1922."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BURSUM. Mr. President, I offer the amendment which I send to the desk, the effect of which is to include the nurses of the Civil War.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. At the conclusion of section 5, page 6, line 7, it is proposed to insert the following as a new section, namely:

> SEC. 6. That all Army nurses of the Civil War who have been or who may hereafter be allowed a pension under existing laws shall be entitled to and shall be paid a pension at the rate of $50 per month.

The amendment was agreed to.

The READING CLERK. It is also proposed to renumber the sections in accordance with the amendments made.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, I offer an amendment, which would have to be called section 7 now, since the adoption of the amendment that has just been agreed to.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. It is proposed to add at the end of the bill a new section, to read as follows:

> SEC. 7. That from and after the passage of this act the rate of pension to the soldiers of the various Indian wars and campaigns who are now on the pension roll, or who may hereafter be placed thereon under the acts of July 27, 1892, June 27, 1902, May 30, 1908, or under the act of March 4, 1917, shall be $30 per month, and that the rate of pension to the widows of soldiers of the various Indian wars and campaigns who are now on the pension roll or who may hereafter be placed thereon under said acts shall be $20 per month.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

The amendment was agreed to.

Mr. FLETCHER. Now, I offer another amendment to strike out section 6 as it appears in the bill and insert the matter I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. It is proposed to strike out section 6 as it appears in the bill, being lines 8, 9, 10, 11, and 12 on page 6, and in lieu thereof to insert the following:

> That the pension or increase of pension herein provided for, as to all persons whose names are now on the pension roll, or who are now in receipt of a pension under existing law, shall commence at the rates herein provided on the 1st day of the next month after the approval of this act; and as to persons whose names are not now on the pension roll, or who are not now in receipt of a pension under existing law, but who may be entitled to a pension under the provisions of this act, such pensions shall commence from the date of filing application therefor in the Bureau of Pensions in such form as may be prescribed by the Secretary of the Interior.

Mr. FLETCHER. Mr. President, the purpose of that amendment is to make it unnecessary for all those provided for in the pending bill to apply for the increase of pension. It will save time and expense and annoyance. It will protect those who live in remote sections of the country, who would not be likely to hear of the provisions of the bill for some time, perhaps never, and yet who would be just as much entitled to its benefits as those who keep posted on pension legislation. It would relieve congestion of work in the Bureau of Pensions, I believe, and make it unnecessary for the bureau to employ additional clerks and examiners. It would save the Government hundreds of thousands of dollars in administering the provisions of the act, and it would relieve Members of Congress of a flood of correspondence.

I think it is important to adopt this amendment, taking the place of section 6 as it appears in the bill.

Mr. BURSUM. Mr. President, the only difference is that under the amendment proposed by the Senator from Florida these pensions would be raised in accordance with the bill automatically. As the bill provides at present, it would be necessary for the veterans to make application. There is difference of opinion as to that on the part of those who are interested in the bill, and also so far as the Pension Bureau is concerned. Some say that to make the increase of pension automatic would increase the burdens of the Government a little too fast. Personally, I can see no objection to it, and will leave the matter to the Senate.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Florida.

The amendment was agreed to.

Mr. FLETCHER. The adoption of those two amendments will necessitate the changing of the title. That is a matter to which we can attend a little later, but I call attention to it now. The title should be amended so that after the figures "1812," in the title, there will follow the words "and certain Indian war veterans and widows." Then the sections will have to be renumbered.

The PRESIDENT pro tempore. The Chair suggests that an amendment to the title is not properly in order until after the passage of the bill.

Mr. FLETCHER. I understand that.

The PRESIDENT pro tempore. If there be no further amendment to be proposed the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows."

LIBERIAN LOAN.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia, with the announcement that if it is made the unfinished business I do not intend to call it up until Monday. I shall ask that it be laid aside for to-day.

The PRESIDENT pro tempore. The Senator from Kansas moves that the Senate proceed to the consideration of House Joint Resolution 270.

Mr. HARRISON. May I ask the Senator if that is agreeable to the Senator from North Carolina and the other minority members of the committee?

Mr. CURTIS. I spoke to the Senator from North Carolina [Mr. SIMMONS] and to the Senator from Arkansas [Mr. ROBINSON] and others, and the agreement was that the joint resolution would not be taken up for consideration until next week.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CURTIS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the joint resolution is temporarily laid aside.

PENSIONS TO STATE MILITIA.

Mr. BURSUM. I ask unanimous consent that the Senate proceed to the consideration of House bill 211, another pension bill.

Mr. WARREN. Let the bill be read.

The PRESIDENT pro tempore. The Secretary will report the bill by title.

The READING CLERK. A bill (H. R. 211) to extend the provisions of the pension act of May 11, 1912, and May 1, 1920, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. I want to ask the Senator from New Mexico a question in regard to this bill. I understand that it would mean entering into a new field, paying United States pensions to soldiers and officers of the different States without reference to service to the United States.

Mr. BURSUM. Oh, no; not at all. The bill would simply give what Congress gave under section 4693 of the Revised Statutes, but the provisions of that act expired in 1874. It would not allow any pension to any militiaman who did not serve in the Army of the United States in the Civil War. There were certain militiamen, notably in the State of Missouri and in the State of Kentucky, who would be covered by this bill.

Mr. WARREN. Those Missouri cases have been before different committees of the Senate a great many times. We have had no opportunity to read this bill, and I shall have to object to its present consideration.

Mr. BURSUM. I will say to the Senator that these ex-soldiers might have obtained their pensions earlier, but they failed to make application, and the law expired by limitation in 1874. The chances are that there are very few who would come in under the extension of the provisions of the law of 1874.

Mr. WARREN. Let the bill go over until I can look into it further. I have very strong opinions about the measure.

Mr. BURSUM. Very well; let the bill go over.

The PRESIDENT pro tempore. The Senator from New Mexico withdraws his request.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 2 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Saturday, September 9, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 8, 1922.

REAPPOINTMENT IN THE REGULAR ARMY.

Maj. Gen. Merritte Weber Ireland, Surgeon General, to be Surgeon General, with the rank of major general, for a period of four years beginning October 30, 1922, with rank from October 4, 1918. His present appointment will expire October 29, 1922.

PROMOTIONS IN THE NAVY.

The following-named lieutenant commanders to be commanders in the Navy from the 3d day of June, 1922:

William C. I. Stiles.
William C. Barker, jr.
James J. Manning.
Charles C. Gill.
Charles C. Slayton.
William F. Newton.
John W. Lewis.
Richard R. Mann.
Rufus W. Mathewson.
Lucien F. Kimball.

The following-named lieutenants to be lieutenant commanders in the Navy from the 31st day of December, 1921:

Edward W. Hanson.
Frank C. McCord.
Frank Loftin.
John W. McClaran.

Lieut. Schuyler Mills to be a lieutenant commander in the Navy from the 3d day of June, 1922.

Lieut. (Junior Grade) Harry L. Dodson to be a lieutenant in the Navy from the 26th day of April, 1922.

Lieut. (Junior Grade) Roy W. Bruner to be a lieutenant in the Navy from the 27th day of April, 1922.

Lieut. (Junior Grade) Louis Dreller to be a lieutenant in the Navy from the 17th day of May, 1922.

The following-named ensigns to be lieutenants (junior grade) in the Navy, from the 7th day of June, 1922:

Roscoe F. Good.
William R. Cushman, jr.
Reinhard C. Moureau.
Lemuel P. Padgett, jr.
John H. Heintz.
Alfred W. Burket.
Felix L. Baker.
Hugh E. Haven.
Robert E. Robinson, jr.
George H. Burnham.
James H. Chadwick.
Bernard J. Kelley.
Francis Taylor.
Mark H. Crouter.
Edwin A. J. Poehlmann.
John F. Rees.
James R. Tague.
Ralph D. Baker.
Marshall A. Anderson.
George C. Haeberle.
William Hibbs.
Philip R. Kinney.
Thomas H. Robbins, jr.
Clarence V. Lee.
John N. Kelty.
Felix L. Johnson.
Warner U. Hines.
George A. Seitz.
Leo B. Schulten.
Brook S. Mansfield.
Chester L. Walton.
Frederick C. Sachse.
Paul R. Heineman.
Walter H. Weed, jr.
Jennings B. Dow.
Julian McC. Boit.
Joseph U. Lademan, jr.
Charles D. Edmunds.
Harris C. Aller.
Hugh D. Lyttle.
Elmer S. Stoker.
Elmer F. Helmkamp.
Stanley J. Michael.
Morgan C. Wheyland.

Surg. Addison B. Clifford to be a medical inspector in the Navy, with the rank of commander, from the 11th day of February, 1922.

Passed Asst. Surg. Horace V. Cornett to be a surgeon in the Navy, with the rank of lieutenant commander, from the 4th day of March, 1921.

Edwin F. Patton, a citizen of Colorado, to be an assistant surgeon in the Navy, with the rank of lieutenant (junior grade), from the 23d day of August, 1922.

Asst. Dental Surg. Howard C. Wickham to be a passed assistant dental surgeon in the Navy, with the rank of lieutenant, from the 1st day of July, 1920.

Asst. Dental Surg. Ronnie A. Berry to be a passed assistant dental surgeon in the Navy, with the rank of lieutenant, from the 1st day of January, 1921.

Paymaster Noel W. Grant to be a pay inspector in the Navy, with the rank of commander, from the 1st day of November, 1921.

Passed Asst. Paymaster Charles V. McCarty to be a paymaster in the Navy, with the rank of lieutenant commander, from the 21st day of October, 1921.

Lieut. Helmer H. Koppang (Supply Corps), United States Naval Reserve Force, to be a chief pay clerk in the Navy, to rank with but after ensign, from the 5th day of August, 1920, in accordance with the provisions contained in the act of Congress approved June 4, 1920.

POSTMASTERS.

ALABAMA.

Fred M. Fitts to be postmaster at Alabama City, Ala., in place of Y. E. Adams. Incumbent's commission expired September 5, 1922.

ARKANSAS.

Harry L. Kelley to be postmaster at Holly Grove, Ark., in place of H. L. Kelley. Incumbent's commission expired September 5, 1922.

CALIFORNIA.

Walter S. Sullivan to be postmaster at Agnew, Calif., in place of W. S. Sullivan. Incumbent's commission expired September 5, 1922.

Harry C. Smith to be postmaster at Campbell, Calif., in place of L. L. Miracle. Incumbent's commission expired September 5, 1922.

Gilbert M. Aylesworth to be postmaster at Cupertino, Calif., in place of G. M. Aylesworth. Incumbent's commission expired September 5, 1922.

Francis R. Evans to be postmaster at Grafton, Calif., in place of F. R. Evans. Incumbent's commission expired September 5, 1922.

Frank S. Farquhar to be postmaster at Livingston, Calif., in place of F. S. Farquhar. Incumbent's commission expired September 5, 1922.

Carrie V. Stoute to be postmaster at Saratoga, Calif., in place of W. A. Rice. Incumbent's commission expired September 5, 1922.

Chester D. Matthews to be postmaster at Susanville, Calif., in place of I. B. Clark, resigned.

GEORGIA.

Mary L. Burch to be postmaster at Eastman, Ga., in place of L. M. Peacock, jr. Incumbent's commission expires September 28, 1922.

Herschel F. Harris to be postmaster at Hamilton, Ga., in place of L. W. Stanford. Incumbent's commission expired March 21, 1922.

ILLINOIS.

Eugene D. Freshwater to be postmaster at Fairfield, Ill., in place of J. J. Lloyd, removed.

INDIANA.

Earl D. Robison to be postmaster at Attica, Ind., in place of F. W. Macoughtry. Incumbent's commission expired September 5, 1922.

Maudaline Marshall to be postmaster at Clermont, Ind., in place of H. B. Moore, declined.

William S. Milner to be postmaster at Ligonier, Ind., in place of G. D. Gaby. Incumbent's commission expired September 5, 1922.

Lee F. Griffith to be postmaster at Tipton, Ind., in place of F. S. Vawter. Incumbent's commission expired September 5, 1922.

MISSISSIPPI.

Minnie B. Dubuisson to be postmaster at Long Beach, Miss. Office became presidential April 1, 1922.

MISSOURI.

Samuel A. Chapell to be postmaster at Monett, Mo., in place of J. E. Sater, resigned.

Harvey H. Fluhart to be postmaster at Stewartsville, Mo., in place of L. H. Smith. Incumbent's commission expired December 20, 1920.

NEW YORK.

George M. Higinbotham to be postmaster at Victor, N. Y., in place of W. F. Keating. Incumbent's commission expired July 12, 1920.

NORTH CAROLINA.

William Z. Gibson to be postmaster at Gibson, N. C., in place of F. D. Gibson, declined.

NORTH DAKOTA.

George Hummel to be postmaster at Gackle, N. Dak., in place of E. F. Neumann. Incumbent's commission expired January 13, 1921.

OHIO.

Otho P. Wycoff to be postmaster at Buffalo, Ohio. Office became presidential July 1, 1921.

Robert L. Nelson to be postmaster at Senecaville, Ohio. Office became presidential January 1, 1921.

PENNSYLVANIA.

Anna R. Lovett to be postmaster at Chalfont, Pa. Office became presidential January 1, 1921.

Isaac W. Edgar to be postmaster at Glenshaw, Pa. Office became presidential January 1, 1921.

Mary G. Campbell to be postmaster at Nottingham, Pa. Office became presidential July 1, 1920.

Hulda J. McCormick to be postmaster at South Connellsville, Pa. Office became presidential January 1, 1921.

Maude H. Wilson to be postmaster at Wallingford, Pa. Office became presidential January 1, 1921.

Paul M. Seaber to be postmaster at Lititz, Pa., in place of J. J. Huebener, removed.

SOUTH DAKOTA.

Carl H. Kubler to be postmaster at Deadwood, S. Dak., in place of Edward McDonald, deceased.

TEXAS.

Lucile Hamner to be postmaster at La Feria, Tex. Office became presidential April 1, 1922.

Burna H. Cain to be postmaster at Thrall, Tex. Office became presidential July 1, 1920.

Hoyt E. Hager to be postmaster at Mercedes, Tex., in place of N. E. Tucker. Incumbent's commission expired January 24, 1922.

Charles L. Loftis to be postmaster at Paducah, Tex., in place of E. L. Wheeler, removed.

VERMONT.

William H. Lang to be postmaster at Beecher Falls, Vt. Office became presidential January 1, 1921.

WEST VIRGINIA.

Roland U. Myers to be postmaster at Rivesville, W. Va. Office became presidential April 1, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 8, 1922.

POSTMASTERS.

ALABAMA.

Wayne M. Carlisle, Alexander City.

ARKANSAS.

William V. Trautman, Bearden.
Clint B. Smith, Berryville.

ILLINOIS.

Clayton O. Merricks, Abingdon.
Clyde W. Clanton, Huntley.
Willis T. Harris, Marion.
Harley R. Tucker, Williamsfield.

MARYLAND.

Harry S. Clements, Oella.
Charles J. Benedict, Silver Spring.

MINNESOTA.

Clyde H. Hiatt, Granada.
Fred F. Campbell, White Bear Lake.

MISSOURI.

Paul L. Horner, Caruthersville.
Elizabeth Middleton, Kingsville.

NEBRASKA.

Stella V. Caulfield, Newcastle.

NEW JERSEY.

Samuel Munyan, Gibbstown.

NEW YORK.

Charles A. Van Sise, Syosset.

OKLAHOMA.

Orlando J. Bradfield, Lamont.
Lura Williams, Manitou.
Otis E. Dale, Mountain Park.
Albert R. Museller, Pawhuska.
Arthur L. Shannon, Stilwell.

SOUTH CAROLINA.

Peter A. Salvo, Ridgeville.

SOUTH DAKOTA.

Dennis J. Delaney, Custer.

TENNESSEE.

John D. Taff, Dandridge.
Paul M. Ware, McKenzie.
John D. Helton, Waynesboro.

WYOMING.

George J. Snyder, Glendo.
William O. Braley, Upton.

SENATE.

SATURDAY, *September 9, 1922.*

Rev. Wallace Radcliffe, D. D., of the city of Washington, offered the following prayer:

Our Father, Thou didst breathe upon man and he became a living soul; and day by day and every day in Thee we live and move and have our being. Teach us the sacredness of the body and the responsibility of life.

And especially in this hour we remember that Thou hast come with illness and suffering to the home of the Chief Executive. If it be Thy holy will, lift Thy hand and speedily restore her whom Thou hast laid upon the bed of pain and anxiety. Give skill to the physicians; give efficacy to the medicines that may be used. Give knowledge and tenderness and kindness to those who are round about her to care for her. Do Thou in these hours sustain her by Thy Spirit, that in all things and through all things she may rest in the Lord and wait patiently for Him.

Give unto Thy servant, the President of the United States, strength in these hours, the grace of Thy Spirit, and power to wait and endure, the will to look for the love of God, the heavenly Father.

And unto all of us give Thy benediction to save our souls from death, our eyes from tears, and our feet from falling. Let Thy grace be unto the Members of the United States Senate as they now convene. Keep them in health of body and vigor of mind, and fit them for all Thou hast appointed unto them to be or to do this day, that their living and their service may be in harmony of council for the good of the Republic and to the glory of Thy name. Through Jesus Christ our Lord. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CIVIL-SERVICE RECLASSIFICATION.

Mr. STERLING. Mr. President, I present a petition, numerously signed, by a number of citizens of St. Louis, Mo., praying for the early passage of the reclassification bill. I ask that it be referred to the Committee on Civil Service and printed in the RECORD without the names.

There being no objection, the petition was referred to the Committee on Civil Service, and the body of it was ordered to be printed in the RECORD, as follows:

ST. LOUIS, MO., *June 24, 1922.*

Hon. THOMAS STERLING,
Chairman Civil Service Reclassification Committee,
United States Senate, Washington, D. C.

SIR: We, the undersigned registered voters, now residing in the city of St. Louis, Mo., are heartily in favor of the speedy passage of the Lehlbach-Sterling civil service reclassification bill, which is now before the Senate, and we would respectfully request that you exercise your influence to secure immediate action on this worthy bill.

JURISDICTION OF PORTO RICAN COURTS.

Mr. NEW, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 9270) to confer upon the Territorial courts of Porto Rico concurrent jurisdiction with the United States courts of that district of all offenses under the national prohibition act and all acts amendatory thereof or supplemental thereto, reported it without amendment.

EXTERMINATION OF INSECTS.

Mr. CALDER. Mr. President, the House has passed a concurrent resolution (H. Con. Res. 66) appropriating $2,500, one-half of the expense to be paid out of the contingent fund of the Senate and one-half out of the contingent fund of the House, for the purpose of exterminating and banishing insects from the Capitol Building and the two office buildings. The Committee to Audit and Control the Contingent Expenses of the Senate, to which the concurrent resolution was referred, report back the concurrent resolution favorably and have added a provision including the extermination and the eradication of rats and mice, and increasing the appropriation from $2,500 to $4,500. I ask for the present consideration of the concurrent resolution.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendments were, on page 1, line 4, after the word "insects" to insert "rats and mice," and in line 6, to strike out "$2,500" and insert "$4,500," so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol be, and he is hereby, authorized and directed to make a contract for the extermination and banishment of insects, rats, and mice from the House Office Building, the Capitol, and the Senate Office Building at an expenditure not to exceed $4,500. That the expenditures in carrying out the contract be paid from the contingent funds of the House and Senate in equal proportions, and upon vouchers authorized by the respective committees having control of the contingent funds of the Senate and House of Representatives and approved by the chairmen thereof.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

HARLEM RIVER SHIP CANAL.

Mr. CALDER. Mr. President, by an act of Congress of March 4, 1913, certain waterway improvements were authorized in connection with the improvement of the Harlem River ship canal to connect the Hudson River with Long Island Sound. The legislation provided that the State of New York should contribute toward this improvement. It has been found necessary to acquire certain property which New York State is required to pay for and the last legislature authorized an appropriation of $1,500,000 for this purpose. It seems that the property has recently been deeded to the New York Central

Railroad Co. I offer a Senate resolution for the purpose of inquiring of the War Department whether the property sold to the railroad company would interfere with this project. It is simply a resolution asking for information, and I ask unanimous consent for its present consideration.

Mr. CURTIS. Let the resolution be reported.

The resolution (S. Res. 347) was read as follows:

> *Resolved,* That the Secretary of War is hereby authorized to report to the Senate as soon as practicable, after due investigation, whether the conveyances made in June, 1922, by Isaac G. Johnson & Co., a corporation of the State of New York, to the New York Central Railroad Co., also a corporation of the State of New York, of certain land within or contiguous to the proposed modification of the channel of the Harlem River Ship Canal, prevents or seriously interferes with the straightening of such waterway in accordance with the project of improvement which was adopted and authorized by the act of Congress approved March 4, 1913, such waterway improvement being necessary for the purpose of facilitating and cheapening the transportation to, from, and between the States and municipalities riparian to the Great Lakes, the Barge Canal of the State of New York, and all the States and towns bordering upon Long Island Sound and the seaboard of New England.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BRANDEGEE. Reserving the right to object until I can make an inquiry, I would like to ask the Senator from New York whether the improvement alluded to in the resolution has ever been authorized by Congress and has been appropriated for?

Mr. CALDER. Yes; but the appropriation in the main comes from the State of New York. The resolution simply inquires whether the property deeded by the Johnson Corporation to the railroad company will interfere with the project. It does not commit Congress to anything.

Mr. BRANDEGEE. I understand that, but the Senator does not understand the inquiry, I think. Has Congress appropriated anything?

Mr. CALDER. It has.

Mr. BRANDEGEE. How much?

Mr. CALDER. I do not know.

Mr. NELSON. Mr. President, I should be glad to have the resolution read again.

Mr. BRANDEGEE. I have no objection to that. I do not ask for it myself, but I will suspend my remarks while it is being read again.

Mr. KELLOGG. I did not understand the purpose of the resolution.

The PRESIDENT pro tempore. The Secretary will again read the resolution for the information of the Senate.

The reading clerk again read the resolution.

Mr. BRANDEGEE. Now, what I wanted to ask the Senator is whether the improvement is to be constructed under the auspices of the engineers of the United States Army?

Mr. CALDER. The improvement is to be constructed under the supervision of the engineers of the United States Army, but the State of New York pays the larger part of the money for the work.

Mr. BRANDEGEE. By some agreement with the War Department?

Mr. CALDER. Yes. It is simply a resolution asking for information.

Mr. BRANDEGEE. I understand that is all it is, but what I do not quite understand is what makes it necessary to inquire of the War Department whether in its opinion the conveyance of land to the railroad company referred to in the resolution will or will not affect the project? Are not the authorities in the State of New York satisfied as to whether it will or will not?

Mr. CALDER. The authorities of the State of New York are uncertain. They are inclined to believe the conveyancing of the property does interfere with the project, and they desire the War Department to make a definite statement whether it does or not.

Mr. BRANDEGEE. The conveyance has been made, I understand.

Mr. CALDER. I am so informed.

Mr. BRANDEGEE. I have no objection to the consideration of the resolution, but if the land has been conveyed to the railroad company I do not exactly see but what the inquiry is more or less academic.

Mr. CALDER. There is some doubt as to whether the land deeded by the Johnson Co. to the railroad company affects the direction of the proposed change in the line of the channel of the ship canal. New York State is anxious to have that fact definitely established.

Mr. BRANDEGEE. All they will get definitely established, if the resolution of the Senator is responded to by the War Department, will be that in the opinion of the department, it either does or does not interfere, and then what?

Mr. CALDER. Then we propose to ask the War Department to take appropriate action, perhaps to set aside the conveyance, if that can be done. At any rate, we shall have the knowledge.

Mr. BRANDEGEE. I do not think that, as a matter of law, the conveyance could be set aside, if it has been made in good faith, except by condemnation proceedings. I wish to ask the Senator whether the legislation already passed in relation to this matter gives the authorities the right to condemn the land necessary for the construction of the project?

Mr. CALDER. It does; and it seems to us to be important, before the railroad company goes ahead with improvements on this land, which will mean the expenditure of larger sums of money if it should be condemned, that the facts asked for should be established. I might add that the Legislature of New York at its session appropriated $1,500,000 to purchase this land.

Mr. BRANDEGEE. I have no doubt it is a meritorious project and, as I have stated, I shall not object; but in the light of the last few remarks of the Senator, I think that I can see as through a glass darkly the motive of the resolution, which is to file a lis pendens of record and to issue a caveat of warning to the railroad company not to improve the property which they have bought until the Government decides whether or not it wishes to institute condemnation proceedings. I have no objection to the resolution.

Mr. JONES of Washington. Mr. President, I wish to suggest to the Senator from New York that there is a recital in the latter part of the resolution which may be true or which may not be true, but I do not think it ought to be included in the resolution.

Mr. CALDER. I have no objection to striking out the portion of the resolution to which the Senator from Washington refers.

Mr. JONES of Washington. If the Senator will consent to strike that out, then I shall have no objection to the consideration of the resolution. I refer to the portion of the resolution following the reference to the act of Congress under which the project was approved.

Mr. FLETCHER. Mr. President——

The PRESIDENT pro tempore. The Chair desires to observe that, in the opinion of the Chair, no debate is in order. The Chair will, however, recognize the Senator from Florida.

Mr. FLETCHER. I wish to inquire what part of the resolution it is proposed to strike out.

The PRESIDENT pro tempore. The Secretary will state the portion of the resolution proposed to be stricken out.

The READING CLERK. The Senator from New York proposes to modify his resolution by striking out the following language—

> Such waterway improvement being necessary for the purpose of facilitating and cheapening the transportation to, from, and between the States and municipalities riparian to the Great Lakes, the Barge Canal of the State of New York, and all the States and towns bordering upon Long Island Sound and the seaboard of New England.

Mr. FLETCHER. As I understand the Senator from New York, the resolution refers to a project which has been adopted by the Government and that the State of New York is to furnish certain of the lands and right of way?

Mr. CALDER. Yes.

Mr. FLETCHER. And the Legislature of New York has appropriated $1,500,000 for that purpose, but has probably sat down and allowed the land to pass to somebody else in the meantime. I can not see how the actual conveyance of the land itself which is wanted would obstruct the enterprise in any way. If the land is needed, if it is going to interfere with the construction of the project, it seems to me it will be entirely within the power of the State of New York to correct that situation by proper proceedings. I do not see how the War Department can do more than say that the land embraced in the deeds mentioned will be needed for the improvement of that waterway. That is about all they can say. They can not say that the conveyance will obstruct the project.

Mr. CALDER. The resolution simply provides that the War Department shall furnish the Senate information as to whether or not the lands conveyed, as stated in the resolution, will interfere with the project which is under way.

Mr. FLETCHER. I have no objection to the resolution.

Mr. BRANDEGEE. Mr. President, I think——

The PRESIDENT pro tempore. The Chair must again observe that the Senate is acting under a unanimous-consent agreement, which permits the transaction of nothing but routine morning business, unless there is unanimous consent to transact some other kind of business.

Mr. BRANDEGEE. I understood that a unanimous-consent request was pending for the immediate consideration of the resolution, and pending the granting of unanimous consent it has generally been the custom, as I have understood, that Senators were allowed, in order to elicit information concerning the matter for the consideration of which their consent was asked, to secure information about it.

It has been the custom for Senators to say, "Reserving the right to object, I should like to ask a question"; and, of course, the interrogatories may continue by unanimous consent until Senators may be satisfied that they ought not to object to the request, as I had supposed. Assuming, in the absence of objection, that I am proceeding by unanimous consent, I wish to make an observation about the resolution. If, however, I am out of order I shall resume my seat.

I wish to say, if I may be allowed, Mr. President, that I think the Senator from Florida [Mr. FLETCHER] is entirely correct. I think in no event can the conveyance from one party to another of the land referred to in the resolution interfere with the project. It will make no difference who is the owner of record of the land in question. Either the Government of the United States or the State of New York has authority to condemn it on the ground that it is necessary for this great public purpose. Therefore I regard the resolution, without having any information of the intention of the drafter of the resolution as to what it will accomplish, as more or less a desirable thing, because it will be regarded by the railroad company, I have no doubt, if they can see through a hole in a millstone, as a notice that if they make any improvement upon this property in the pending situation they will be very likely not to receive compensation for doing so when condemnation proceedings shall be instituted.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution as modified by its author?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. JONES of Washington. Mr. President, I wish to suggest to the Senator from New York that the word "authorized" in the resolution should be changed to "directed," so as to read:

> That the Secretary of War is hereby directed to report to the Senate—

And so forth.

Mr. CALDER. I shall be glad to have the resolution so modified.

The PRESIDENT pro tempore. The resolution will be modified as proposed by the Senator from New York at the suggestion of the Senator from Washington. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRELD:

A bill (S. 3989) to appropriate $500,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. CALDER:

A bill (S. 3990) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Brooklyn Museum the silver service which was presented to the cruiser *Brooklyn* by citizens of Brooklyn, N. Y.; to the Committee on Naval Affairs.

By Mr. SUTHERLAND:

A bill (S. 3991) granting a pension to Wilbert Harless; to the Committee on Pensions.

FEDERAL AID TO PUBLIC-ROAD PROJECTS.

Mr. HARRELD submitted the following resolution (S. Res. 346), which was referred to the Committee on Post Offices and Post Roads:

> Whereas it has been charged, especially in the State of Oklahoma, that certain State highway departments, especially the State Highway Department of Oklahoma, has been governed by favoritism and political considerations in laying out road projects for which Federal aid under the acts providing for Federal aid to public-road projects, initiated by the State highway department, was asked and desired; and
>
> Whereas it appears that in the said State of Oklahoma it is charged that certain counties in said State have been favored in the granting of such Federal aid because of favoritism and political considerations, and that as a result thereof certain counties and road projects in said counties have received more of Federal aid than that to which they were entitled, while other counties and projects have been entirely ignored, refused Federal aid or else given very much less than that to which they were entitled under a fair apportionment; and
>
> Whereas such discriminations, if practiced by the State highway departments, are inimical to the best interests of the Federal aid system for public roads: Now, therefore be it
>
> *Resolved*, That the Secretary of Agriculture, through the Federal Road Bureau, be, and is hereby, requested to make investigation and report to the Senate whether or not there are any such discriminations being made and the particulars in each case for the information of the Senate.

THE CALENDAR.

The PRESIDENT pro tempore. Morning business is closed, and, under the unanimous-consent agreement entered into yesterday, the Secretary will now proceed to call the Calendar for the consideration of unobjected bills, beginning at Calendar No. 555.

VERNON STREET, DISTRICT OF COLUMBIA.

The bill (S. 2130) changing the name of Vernon Street in the county of Washington, District of Columbia, to U Street, was announced as first in order.

Mr. CAPPER. Mr. President, that bill was recommended by the District Commissioners; but the request for the legislation has been withdrawn; nobody now wants the bill to be passed, and I therefore move that the bill be indefinitely postponed.

The motion was agreed to.

CIVIL WAR MILITARY TELEGRAPH CORPS.

The bill (S. 1343) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War, was announced as next in order, and the reading clerk proceeded to read the bill.

Mr. FLETCHER. Mr. President, may I inquire what the effect of this bill will be? I understand that it will give a pensionable status to some 1,500 people. I inquire how many will be affected by it?

Mr. NEW. Mr. President, the bill will affect about 100 people. There were 1,500 originally in the military telegraph service, but there are only about 100 alive to-day who would be affected by the bill.

Mr. JONES of Washington. Mr. President——

Mr. NEW. I yield to the Senator from Washington.

Mr. JONES of Washington. I was going to suggest that I think the bill ought to go over.

The PRESIDENT pro tempore. The bill will be passed over at the request of the Senator from Washington.

MERGER OF DISTRICT RAILWAY CORPORATIONS.

The bill (S. 3296) to authorize the merger of certain street railway corporations in the District of Columbia, and for other purposes, was considered as in Committee of the Whole, and the reading clerk proceeded to read the bill.

Mr. FLETCHER. Mr. President, may I inquire if this is the same bill the passage of which the Senator from Washington moved to reconsider some days ago?

Mr. JONES of Washington. This is substantially the same bill, except that it contains an amendment which should have been in the other bill relating to the taxation of the excess income of the corporations.

Mr. FLETCHER. If the Senator from Washington has no objection to it, I shall not raise any. I merely wished to call the matter to his attention.

Mr. JONES of Washington. I am much better satisfied with this bill, in view of the amendment which has been reported to it, than with the bill which was passed some days ago. If the bill which was passed then had contained a similar amendment, I should not have asked for the reconsideration of the vote by which it passed. However, I withdrew the motion to reconsider with the understanding that the committee in the House will report the bill out, if they shall report it at all, with the exact amendment that the bill now under consideration contains. So if there is no objection, I should like to have this bill passed this morning with the amendment reported by the committee. The other bill, I think, was read in full, and therefore I ask unanimous consent that the further reading of the bill at this time may be dispensed with.

The PRESIDENT pro tempore. Without objection, the further reading of the bill will be dispensed with. The Secretary will state the amendments reported by the committee.

The READING CLERK. In section 2, page 4, line 1, after the word "Company," it is proposed to insert the words "the East," so as to make the section read:

> SEC. 2. That the Capital Traction Co., Washington Heights Traction Railroad Co., the Washington & Maryland Railway Co., the Washington & Virginia Railway Co., the Washington & Old Dominion Railway Co., the Washington Railway & Electric Co., the Georgetown & Tennallytown Railway Co., the Washington-Interurban Railroad Co., the City & Suburban Railway of Washington, and the Washington & Rockville Railway Co. of Montgomery County are hereby authorized to merge or consolidate all and singular their respective corporate

rights, privileges, and franchises, and all their respective works and properties, real and personal, tangible and intangible, into one corporation and property for the ownership, management, control, and operation of all their said works, properties, rights, privileges, and franchises under such corporate name as may be adopted under the following conditions:

(a) The said corporations may, by agreement in writing, assented to by the owners of record of at least 75 per cent of the capital stock of each of them, agree to merge and consolidate into a single corporation and to own and operate all the rights, estates, works, properties, and franchises aforesaid owned by them under such corporate name as may be adopted and stated in said agreement and upon such terms and conditions not contrary to the provisions hereof as they may agree upon, but subject to the approval in writing of the Public Utilities Commission of the District of Columbia. Upon the execution of the said agreement in writing and its approval by the Public Utilities Commission and the lodging thereof in the office of the recorder of deeds for the District of Columbia for record, as hereinafter provided, the said merger and consolidation shall be complete and the merged or consolidated corporation shall be and become a body politic and corporate under the name so agreed on. It may sue and be sued thereby; may adopt and have a common seal and may change the same at pleasure, and shall have, own, and possess all and singular the rights, privileges, and franchises of each of said corporations parties to said agreement, their works and properties, and may own, operate, control, and mortgage all the said estates, works, properties, rights, and franchises of the several corporations merged, and shall be subject to all the duties, restrictions, and obligations imposed by law upon the several corporations whose estates, rights, and franchises it acquires pursuant to the provisions of this act except as the same may be modified by this act.

(b) The approval of the stockholders herein provided for may be given by the consent in writing of the owners of record of at least 75 per cent of the capital stock of each company parties to said agreement or by the vote of the owners of at least 75 per cent of the capital stock of each of such companies represented at a special meeting called and held as prescribed by the by-laws of the several companies or by law. When a certificate shall be filed with the Public Utilities Commission of the District of Columbia, signed and acknowledged by a majority of the board of directors of each of the corporations to be affected thereby and certified under the seals of each of said corporations showing the agreement for consolidation and merger and all of the terms thereof and its conformity with the provisions of this section, such certificate shall be presumptive evidence of the facts therein set forth, and thereupon said Public Utilities Commission shall approve or disapprove the same and certify its action thereon by certificate to be attached thereto under its seal, and if approved it shall forward the same with the certificate of its approval thereon to the recorder of deeds of the District of Columbia, who shall indorse thereon the day and hour of its receipt and record the same in his offices. If the commission shall disapprove the same, its action thereon and a statement of its reasons therefor shall be forwarded to each of the corporations parties to said agreement.

(c) Within 15 days after the filing of such certificate with the recorder of deeds of the District of Columbia a notice shall be mailed to each stockholder of record in each of such corporations by the merged or consolidated corporation, setting forth the time when and the place where such certificate was filed; and if within 30 days after the mailing of such notice any stockholder or any of the companies affected thereby shall give notice in writing to the merged or consolidated corporation that he dissents from such contract, it shall be the duty of the merged or consolidated corporation within 60 days after the filing of such certificate to institute a proceeding for the appraisement of the shares of all of such dissenting stockholders. If any stockholder shall omit to give such notice of dissent within the period herein limited, he shall be deemed and taken to have assented to such contract. The said proceedings for appraisement may be begun by filing with the Supreme Court of the District of Columbia a petition setting out the names and addresses of record of each of the dissenting stockholders, with the number of shares, the name of the company in which they were held, and the par value thereof, and any other pertinent facts, and praying for proper process against said dissenting parties and the appointment of three persons to appraise the value of all such stock.

The court shall thereupon direct such process to issue, by order of publication or otherwise, and upon its return duly executed shall appoint three such appraisers and designate the time and place for their first meeting. The court may fill any vacancy in the board of appraisers occurring by the refusal or neglect to serve or otherwise. The appraisers shall meet at a time and place designated, and after being sworn honestly and faithfully to discharge their duties they shall appraise the stock of each dissenting stockholder at its fair value without any regard to any appreciation or depreciation thereof as a consequence of such merger and consolidation, and said award when confirmed by the court shall be final and conclusive on all parties. The charges and expenses of the appraisers shall be paid by the merged or consolidated corporation. If anyone entitled shall refuse to accept the amount awarded him, or if for any reason it shall be impossible to make payment of the amount of the award to such person entitled to receive the same without unreasonable delay, the court may direct the same to be deposited in court. When the said company shall have paid or deposited in court the amount fixed by the appraisers as the value of the shares of the dissenting stockholder or stockholders, such stockholder or stockholders shall cease to have any interest in the said appraised stock or in the property or franchises represented thereby, and the merged or consolidated corporation shall receive back from the proper corporation whose estate, rights, property, and franchises it has acquired that portion of the consideration for such merger and consolidation or the proceeds thereof which otherwise would have been distributed to such dissenting stockholder.

If such payment or deposit is not made within 30 days after the confirmation of the appraisal, the amount of the award, with interest from the date of confirmation, shall be a judgment against the said merged or consolidated corporation and may be entered, docketed, and collected as other judgments in said court are by law entered, docketed, and collected. If the said company shall omit to institute the proceedings hereinbefore required within the time hereby limited, any stockholder giving such notice may institute such proceedings by a proper petition on his own behalf, or at the election of such stockholder the estate, rights, property, and franchises of the corporation in which he was a stockholder shall revest in such corporation, and the consideration received therefor shall be repaid to the said merged or consolidated corporation.

(d) Such merged or consolidated corporation is hereby authorized, subject to the approval of the Public Utilities Commission, to issue such stocks and bonds or other evidences of indebtedness and to execute such mortgages, deeds of trust, trust agreements, or other securities as may be necessary for the purposes.

(e) Such merged or consolidated corporation is hereby authorized to finance needed additions and improvements to its property and equipment or to retire outstanding bonds or other indebtedness by the issuance and sale or exchange therefor of additional stocks and bonds or other evidences of indebtedness under the same limitations as are provided by existing law for the issuance of additional bonds: *Provided*, That the certificate of the Public Utilities Commission showing authority for such issue shall first be obtained.

The amendment was agreed to.

The next amendment was, in section 3, page 10, line 16, after the words "per cent," to strike out "of the fair value of the property of each company used and useful for the public service within the District of Columbia as ascertained by the Public Utilities Commission of the District of Columbia under the provisions of section 8 of the act of Congress approved March 4, 1913, entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes,' a tax of 50 per cent per annum of such excess," and insert "and not exceeding 7 per cent of the fair value of the property of each company used and useful for the public service within the District of Columbia as ascertained by the Public Utilities Commission of the District of Columbia under the provisions of section 8 of the act of Congress approved March 4, 1913, entitled 'An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes,' a tax of 50 per cent; and upon operating income in each year in excess of 7 per cent upon said fair value, a tax of 75 per cent," so as to make the section read:

SEC. 3. That so much of section 5 of the act of Congress approved July 1, 1902, and such other provisions of law as impose a tax of 4 per cent upon the gross receipts of street railway corporations operating within the District of Columbia be, and the same are to that extent hereby, repealed, effective June 30, 1922, and beginning July 1, 1922, each such corporation operating within the District of Columbia shall pay annually to the District of Columbia in lieu of all other taxes on personal property and franchises a tax based upon its net operating income as follows: Upon operating income in each year in excess of 6 per cent and not exceeding 7 per cent of the fair value of the property of each company used and useful for the public service within the District of Columbia as ascertained by the Public Utilities Commission of the District of Columbia under the provisions of section 8 of the act of Congress approved March 4, 1913, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," a tax of 50 per cent; and upon operating income in each year in excess of 7 per cent upon said fair value, a tax of 75 per cent. The said tax shall be based upon the operations of each calendar year, except for the calendar year 1922, in which it shall be based upon the operations of the last six months of that calendar year.

The term "operating income" as used herein bears the meaning now attached to its in the uniform system of accounts for electric railways as prescribed by the Interstate Commerce Commission, but its component elements, accounts Nos. 201, 202, 213, and 214, shall include only revenues and expenses properly assignable to street railway operations within the District of Columbia by the said Public Utilities Commission, and from account No. 215 there shall be excluded the tax on operating income herein provided for.

On or before March 1 of each year each such company through its president or other chief executive officer shall make affidavit to the board of personal tax appraisers of the District of Columbia as to the amount of its operating income for the preceding calendar year ascertained in the manner herein provided. All taxes levied under the provisions of this act shall be assessed and collectible as are other personal taxes and when paid to the collector of taxes shall be deposited in the Treasury of the United States as are other taxes collected within the District of Columbia; and each of such companies, their respective presidents or other chief executive officers, shall be subject to the same penalties for failure to make the affidavits above provided for within the time prescribed and for making false affidavits in relation thereto and for nonpayment of said taxes when due as are now provided for similar offenses, respectively, by the personal tax law of the District of Columbia for the collection of such taxes. The real estate of such public-service corporations shall be taxed as other real estate in the District of Columbia is taxed, provided their tracks, conduits, cables, and underground and overhead structures and appurtenances shall not be taxed as real estate.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 3326) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Survey, was announced as next in order.

Mr. SUTHERLAND. I ask that that bill may go over.

The PRESIDENT pro tempore. The bill will be passed over upon objection.

STATISTICS OF FOREIGN COMMERCE.

The Senate as in Committee of the Whole proceeded to consider the bill (S. 3295) to consolidate the work of collecting, compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce, which had been reported from the Committee on Commerce with amendments.

The first amendment was, on page 2, line 14, after the words "Secretary of Commerce," to strike out "All" and insert "75 per cent of the," so as to make the section read:

That the control and with it the expense of operation of the office known as the Bureau of Customs Statistics under the jurisdiction of the Department of the Treasury, now located in the customhouse, city of New York, State of New York, including all offices, clerks, and other employees of that bureau, official records, papers, mechanical and office equipment, furniture, and supplies now in use, be, and the same hereby is, transferred from the Department of the Treasury to the Department of Commerce. The Secretary of Commerce is hereby authorized, if by him deemed advisable, to consolidate the said Bureau of Customs Statistics with the Division of Statistics of the Bureau of Foreign and Domestic Commerce into one office, located in either Washington or New York, or partly in either place, in the discretion of the Secretary of Commerce; that the statistical bureau hereby authorized to be located in New York under the jurisdiction and control of the Department of Commerce continue to occupy the premises in the New York customhouse which are now occupied by the Bureau of Customs Statistics, and that additional space as needed be assigned in the same building for its use by the Secretary of the Treasury upon request of the Secretary of Commerce. Seventy-five per cent of the unexpended appropriations or allotments from appropriations available for the maintenance and expense of operation of the said Bureau of Customs Statistics are, from the time when this act takes effect, deducted from the appropriation of the Department of the Treasury for collecting revenue from customs and transferred to the appropriation for the Department of Commerce, to be available from the time of such transfer for expenditure in the District of Columbia or elsewhere, under the direction of the Secretary of Commerce, for personal services, rental, or purchase of mechanical, tabulating, duplicating, and other office machinery, devices, furniture, and supplies, including their exchange or repair; subsistence, traveling and transportation expenses of employees for official purposes; telegraph, telephone, and all other contingent expenses not specifically included in the foregoing.

The amendment was agreed to.

The next amendment was, on page 3, after line 5, to insert a new section, as follows:

SEC. 2. That the Department of Commerce will furnish monthly to the collectors at the several ports a tabulation in detail showing the quantities and values of the merchandise imported and exported from their respective districts, and will furnish the Treasury Department upon request such special reports as may be necessary from time to time.

The amendment was agreed to.

The next amendment was, on page 3, line 12, to change the number of the section from "2" to "3."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN STEWART, DECEASED.

The bill (S. 1282) for the relief of the estate of John Stewart, deceased, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William L. Browning, administrator of the estate of John Stewart, deceased, late civil engineer, for extra compensation for services rendered by him to the Government in connection with the Potomac Flats case, $2,000, which amount is hereby appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1345) to amend an act entitled "Interstate commerce act," approved February 28, 1920, was announced as next in order.

The PRESIDENT pro tempore. The Chair asks to have that bill passed over.

The bill (S. 1346) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, including the safety appliance acts and the act providing for the valuation of the several classes of property of carriers subject to the Interstate Commerce Commission, approved March 1, 1913, was announced as next in order.

The PRESIDENT pro tempore. The Chair also requests that that bill be passed over.

PENSIONS OF RETIRED POLICEMEN AND FIREMEN, DISTRICT OF COLUMBIA.

The bill (S. 3169) to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia, with an amendment to strike out all of section 1 and to insert in lieu thereof the following:

That on and after the passage of this act all persons upon the pension rolls of the police and fire departments of the District of Columbia who were granted relief in accordance with laws enacted prior to December 5, 1919, shall receive such relief as is allowable under existing law, and all persons now or hereafter receiving relief from the policemen and firemen's relief fund shall also be entitled to all pension benefits resulting from any increase in pay that has or may hereafter be granted by Congress: *Provided,* That no arrears of pension shall be granted for any period prior to an application for an increase in pension under the provisions of this act: *Provided further,* That any widow entitled to relief from the policemen and firemen's relief fund may hereafter receive not more than $60 per month.

So as to make the bill read:

Be it enacted, etc., That on and after the passage of this act all persons upon the pension rolls of the police and fire departments of the District of Columbia who were granted relief in accordance with laws enacted prior to December 5, 1919, shall receive such relief as is allowable under existing law, and all persons now or hereafter receiving relief from the policemen and firemen's relief fund shall also be entitled to all pension benefits resulting from any increase in pay that has or may hereafter be granted by Congress: *Provided,* That no arrears of pension shall be granted for any period prior to an application for an increase in pension under the provisions of this act: *Provided further,* That any widow entitled to relief from the policemen and firemen's relief fund may hereafter receive not more than $60 per month.

SEC. 2. That all acts and parts of acts to the extent that they are inconsistent with this act are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. JONES of Washington. Let that go over.

Mr. FLETCHER. I think that bill had better go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2371) to further amend an act entitled "An act for making further and more effective provision for the national defense, and for other purposes," approved June 3, 1916, was announced as next in order.

Mr. BORAH. Will the Senator from Indiana [Mr. NEW], or some other member of the committee, advise us as to just what that bill is?

Mr. NEW. I think it had better go over until the chairman of the committee is present.

The PRESIDENT pro tempore. The bill will be passed over on objection.

The joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF NATIONAL BANKING LAWS.

The bill (S. 3255) to amend section 5136, Revised Statutes of the United States, relating to corporate powers of associations, so as to provide succession thereof until dissolved, and to apply said section as so amended to all national banking associations was announced as next in order.

Mr. JONES of Washington. Mr. President, the Senator from New York [Mr. CALDER] asked me, if he was not here, to request that that bill may be indefinitely postponed, as I understand from him that a House bill similar to it has already been enacted into law. I ask, therefore, that it may be indefinitely postponed.

The PRESIDENT pro tempore. On motion of the Senator from Washington, without objection, the bill will be indefinitely postponed.

UNIVERSITY OF ARIZONA.

The bill (S. 2140) to authorize the Secretary of the Interior to issue patent in fee simple to the University of Arizona, State of Arizona, of Tucson, Ariz., for a certain described tract of land was considered as in Committee of the Whole.

The READING CLERK. On page 2, line 2, after the words "United States," the committee proposes to insert "or its assigns."

The amendment was agreed to.

The READING CLERK. On page 2, line 9, after the words "United States," the committee proposes to insert "without further action on the part of the United States upon a finding of such failure by the Secretary of the Interior."

The amendment was agreed to.

Mr. FLETCHER. Mr. President, there is an amendment on page 1.

The PRESIDENT pro tempore. The bill has already been under consideration, and the amendment on page 1 was agreed to on April 22.

Mr. ASHURST. Mr. President, I have here a letter from the attorney general of Arizona which gives some data, of which I think the Senate should be advised, respecting the particular title. I ask that it may be printed in the RECORD.

There being no objection, the letter referred to was ordered to be printed in the RECORD, as follows:

Opinion of the attorney general (No. 124).

ATTORNEY GENERAL OF ARIZONA, STATE CAPITOL,
Phoenix, May 3, 1922.

Subject: University of Arizona—Title to real estate.
Statutes and laws: R. S. A., 1913, Civil Code, paragraph 4475.

INQUIRY.

In granting lands by the United States for the benefit of the University of Arizona, should the title vest in the "University of Arizona" or in the "State of Arizona for the use and benefit of the University of Arizona"?

OPINION.

Paragraph 4475 of the Revised Statutes of Arizona, 1913, Civil Code, makes the "Board of Regents of the University of Arizona" a body corporate, with power to hold title to real property, and said paragraph reads as follows:

"The regents of the university and their successors in office shall constitute a body corporate with the name and style of the 'Board of Regents of the University of Arizona,' and by that name they and their successors shall be known in law; have perpetual succession; may sue and be sued; may purchase, receive, and hold property, real and personal, for the benefit of the State of Arizona and the use of said university; or of contracting and being contracted with; of making and using a common seal and altering the same at pleasure."

It is, therefore, the opinion of this office that the patent proposed to be issued should be made to the "Board of Regents of the University of Arizona."

W. J. GALBRAITH,
Attorney General.
F. W. PERKINS,
Assistant Attorney General.
GEORGE R. HILL,
Assistant Attorney General.

Mr. ASHURST. In accordance with the letter, I move, on page 1, line 5, before the word "University," to insert the words "board of regents of the."

The amendment was agreed to.

As amended, the bill reads as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent as hereinafter limited to the board of regents of the University of Arizona, State of Arizona, of Tucson, Ariz., for the following described tract of land, to wit: The southeast quarter of section 29, in township 9 south, range 23 west of the Gila and Salt River principal meridian in Arizona, said tract of land to be occupied and used solely for educational and investigational purposes: *Provided,* That there shall be reserved to the United States or its assigns all oil, coal, or other mineral deposits found in the land, and the right to prospect for, mine, and remove the same: *Provided further,* That this grant of land shall be subject to all prior valid existing rights under the land laws of the United States, and that if the grantee shall fail to use the land for educational or investigational purposes or shall devote the same to other uses the title thereto shall revert to the United States without further action on the part of the United States upon a finding of such failure by the Secretary of the Interior.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. ASHURST, the title was amended so as to read: "A bill to authorize the Secretary of the Interior to issue patent in fee simple to the board of regents of the University of Arizona, State of Arizona, of Tucson, Ariz., for a certain described tract of land."

WILLIAM HENSLEY.

The bill (S. 1723) for the relief of William Hensley, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to William Hensley, out of any money in the Treasury not otherwise appropriated, the sum of $1,500, in full payment for injuries sustained by him while in the discharge of his duties at the navy yard, Washington, resulting in the loss of three fingers of his right hand, loss of his left eye, and other injuries incurred by him in the line of duty.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (H. R. 449) for the relief of the Cornwell Co., Saginaw, Mich., was announced as next in order.

Mr. FLETCHER. Mr. President, may I ask the Senator from Kansas to give the reason why this refund is necessary? I should like a little explanation about it. It involves the amount of $8,000.

Mr. CAPPER. I think this bill probably had better be passed over, on account of the absence of the Senator from Michigan.

The PRESIDENT pro tempore. On objection, the bill will be passed over.

CORTEZ OIL CO.

The bill (H. R. 6525) for the relief of the Cortez Oil Co. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID B. LANDIS, DECEASED, AND JACOB F. SHEAFFER, DECEASED.

The bill (S. 1599) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased, was announced as next in order.

Mr. BORAH. Mr. President, this seems to be a bill disposing of quite a large sum of money. Is there any Senator present who knows anything about it?

Mr. CAPPER. Mr. President, that bill has been in charge of the Senator from Louisiana [Mr. BROUSSARD], who is not here to-day; and I suggest that it be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

RETIREMENT OF CIVIL SERVICE EMPLOYEES.

The bill (S. 3472) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 5 of an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920 (41 Stat. L. p. 614), be amended by substituting for the second paragraph of said section the following:

"Every annuitant retired under the provisions of this section, unless the disability for which retired is permanent in character, shall, at the expiration of one year from the date of such retirement and annually thereafter until reaching the retirement age as defined in section 1 hereof, be examined under direction of the Commissioner of Pensions by a medical officer of the United States, or a duly qualified physician or surgeon or board of physicians or surgeons designated by the Commissioner of Pensions for that purpose, in order to ascertain the nature and degree of the annuitant's disability, if any; if an annuitant recovers and is restored to his or her former earning capacity or an earning capacity which would permit him or her to be appointed to some appropriate position available before reaching the retirement age, payment of the annuity shall be continued until the annuitant is placed in such position, but not in any case exceeding 60 days from the date of the medical examination showing such recovery; if the annuitant fails to appear for examination as required under this section, payment of the annuity shall be suspended until continuance of the disability has been satisfactorily established. The Commissioner of Pensions is hereby authorized to order or direct at any time such medical or other examination as he shall deem necessary to determine the facts relative to the nature and degree of disability of any employee retired on an annuity under this section."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BARGE "HAVANA."

The bill (H. R. 4368) for the relief of the owners of the barge *Havana* was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK WILLIAM BROWN AND CLARA BRYAN BROWN.

The bill (H. R. 5634) for the relief of Frank William Brown and Clara Bryan Brown was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CANADIAN PACIFIC RAILWAY CO.

The bill (H. R. 7923) for the relief of the Canadian Pacific Railway Co. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES KELLY.

The bill (H. R. 7984) for the relief of James Kelly was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMBASSADOR TO HAITI.

The resolution (S. Res. 249) requesting the Committee on the Judiciary to investigate the power of the President to appoint an ambassador to Haiti without the advice and consent of the Senate was announced as next in order.

Mr. FLETCHER. Let that go over.

Mr. NELSON. Mr. President, that resolution should be stricken off the calendar. All that it amounts to is this: A resolution was introduced directing the Judiciary Committee to make a report. We made the report, and that is the end of it. The resolution should be stricken off the calendar.

The PRESIDENT pro tempore. Without objection, the resolution will be stricken from the calendar, as it requires no action on the part of the Senate.

CAPT. WILLIAM REES RUSH.

The bill (S. 3356) to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to commission Capt. William Rees Rush, United States Navy, retired, in the rank of rear admiral on the retired list, and that he shall receive the pay authorized by law for a rear admiral on the retired list: *Provided,* That the said William Rees Rush shall not be entitled to any back pay or allowances by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WRITS OF ERROR.

The bill (S. 2610) in reference to writs of error, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and to insert:

That the writ of error in cases civil and criminal is abolished. All relief which heretofore could be obtained by writ of error shall hereafter be obtainable by appeal.

SEC. 2. That an appeal may be taken by serving upon the adverse party or his attorney of record and by filing in the office of the clerk with whom the judgment or order appealed from is entered a written notice to the effect that the appellant appeals from the judgment or order or from a specified part thereof. No petition of appeal or allowance of an appeal shall be required: *Provided, however,* That before such appeal shall become effective the appellant shall furnish the same security as is now provided by section 1000 of the Revised Statutes of the United States in case of writs of error.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLEM VAN DOORN.

The joint resolution (S. J. Res. 169) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Willem van Doorn, a subject of the Netherlands, was considered as in Committee of the Whole, and was read as follows:

Resolved, etc., That the Secretary of the Navy be, and hereby is, authorized to permit Mr. Willem van Doorn, a subject of the Netherlands, to receive instruction at the United States Naval Academy at Annapolis: *Provided,* That no expense shall be caused to the United States thereby, and that the said Willem van Doorn shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said Willem van Doorn shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNDERTAKING AND EMBALMING IN THE DISTRICT OF COLUMBIA.

The bill (S. 2083) to regulate the practice of undertaking and embalming in the District of Columbia, and to safeguard the public health, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments; on page 1, line 6, before the word "experience," to insert the words "a practical"; on page 3, line 1, to strike out "or" and insert "and"; on page 4, line 14, at the beginning of the line, to insert the words "once, at least" and a comma; on page 5, line 17, after the word "year" and the comma, to strike out the following: "so much thereof as the undertakers' and embalmers' board deems proper shall be divided among the members of said board in such proportions as the members of said board unanimously agree upon; and in the event of a failure of the members of said board to agree on the method of distribution, then in such proportion as the commissioners of said District determine," and to insert:

The members of said board shall be paid such reasonable compensation as the commissioners of said District may determine.

On page 6, line 18, after the word "has," to insert the word "actually."

On page 13, line 3, after the word "persons," to insert the word "legally"; and on line 10, before the word "physician," to insert the word "licensed," so as to make the bill read:

Be it enacted, etc., That there be, in and for the District of Columbia, an undertakers' and embalmers' examining board, consisting of five members, appointed by the commissioners of said District. Each of said members shall have had a practical experience of at least five years as undertaker and embalmer, and shall be actively engaged in the practice of undertaking and embalming in the District of Columbia, and so registered at the time of his appointment and during the entire term of his service. Each member shall be appointed for a term of three years, but may hold office after the expiration of that term until his successor has qualified: *Provided,* That the appointments first made and all appointments to fill unexpired terms shall be so arranged that the terms of not more than two members shall expire in any one calendar year. No appointee shall enter upon the discharge of his duties until he has taken an oath fairly and impartially to perform the same. Said commissioners may remove, after full hearing, any member of said board for neglect of duty or other just cause.

SEC. 2. That in order to provide for the issue of licenses to the several members of the undertakers' and embalmers' examining board of the District of Columbia, first appointed, the commissioners of the said District be, and are hereby, authorized to appoint a board consisting of the health officer of the District of Columbia and one physician legally qualified to practice medicine in the District of Columbia, and one undertaker and embalmer duly qualified to practice undertaking and embalming in the District of Columbia, to examine and pass upon the qualifications of the persons first nominated by the commissioners for membership on the undertakers' and embalmers' examining board; and said board shall be paid for their services from the funds of the undertakers' and embalmers' examining board such amounts as the said commissioners direct. No person shall act as a member of the said undertakers' and embalmers' examining board unless and until he has been examined as in this section provided and the fact that he is qualified to serve as a member of said board has been duly certified to said commissioners by the board appointed to examine him, unless he has been duly licensed by said undertakers' and embalmers' examining board.

SEC. 3. That annually the undertakers' and embalmers' examining board of the District of Columbia shall organize by the election of a president, a secretary, and a treasurer, each of whom shall hold office for one year and until his successor has been elected and qualified: *Provided,* That in case of vacancies occurring by death, resignation, or removal, or when any officer has held over beyond the term for which he was elected the election shall be for the unexpired term. The treasurer shall give such bond for the performance of his duties as the Commissioners of the District of Columbia require, and shall render to said commissioners accounts of his receipts and disbursements from time to time as said commissioners direct. Said board shall keep records of its proceedings, including the issue, renewal, and revocation of licenses, and such records shall be prima facie evidence of all matters contained therein in all courts in the District of Columbia. Said board shall, in the month of July of each year, make to said commissioners a written report of all such proceedings and of its receipts and disbursements for the preceding fiscal year ending June 30. The undertakers' and embalmers' examining board shall have a common seal and may alter the same at pleasure. Said board shall make all such rules subject to approval or revocation by the commissioners of said District as it deems necessary for carrying into effect the provisions of this act, including rules for determining in accordance with this act the qualifications of applicants for licenses and may amend such rules from time to time as it deems needful, but no rules of said board nor any amendment thereto shall take effect until the expiration of 10 days after its approval by the commissioners of said District, nor until the expiration of 10 days immediately following the publication thereof, once at least, in a daily newspaper published in the District of Columbia. The undertakers' and embalmers' examining board shall hold examinations for applicants for licenses as undertakers and embalmers and for the discharge of such other business as may come before it once in each year during the month of September and at such other times as the members of said board deem necessary.

SEC. 4. That the Commissioners of the District of Columbia are hereby authorized and directed to permit the undertakers' and embalmers' examining board of said District to utilize in the discharge of its official duties bodies in the custody of officers and employees of the District government for burial or cremation at public expense: *Provided, however,* That in the use of such bodies said board shall not mutilate them in such a way as to interfere with their subsequent use for the purposes of an act entitled "An act for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia," approved April 29, 1902.

SEC. 5. That each applicant for a license to practice undertaking and embalming in the District of Columbia, and each applicant for the renewal of such a license, shall pay to the treasurer of the undertakers' and embalmers' examining board of said District, at the time of making application, such fee as is hereinafter provided; and each such fee shall thereupon become the property of said board for its official use. All expenses of said board shall be paid from the funds collected as aforesaid. If any balance remains on hand on the 30th day of June of any year, the members of said board shall be paid such reasonable compensation as the commissioners of said District may determine.

SEC. 6. That every person desiring to practice undertaking and embalming, or to style himself or to be styled an undertaker or embalmer in the District of Columbia, shall apply to the undertakers' and embalmers' examining board of said District for a license so to do and shall pay to the treasurer of said board $25. The application shall be accomplished with the certificate of two reputable persons not related to the applicant; that the applicant is not less than 21 years of age, of good moral character and free from habits liable to interfere with the performance of the duties which he desires to assume; that he has had a common-school education or the equivalent thereof; and that he has been lawfully practicing as an undertaker and embalmer for not less than two years in the jurisdiction wherein he has resided, or has been under the instruction for not less than two years in the aggregate of an undertaker or embalmer duly licensed and registered as such by the laws of such jurisdiction, and that in either event the applicant has actually embalmed arterially, cared for, and prepared for burial or shipment not less than 10 human bodies, said board shall examine said applicant theoretically and practically in anatomy, sanitation, disinfection, embalming, caring for, and preparing for burial or for shipment dead human bodies, and in the laws and regulations relating to communicable diseases and the duties of undertakers and embalmers in the District of Columbia, and if said undertakers' and embalmers' examining board is thereafter of the opinion that the applicant is in every way a suitable person to be licensed as an undertaker and embalmer, a license shall be issued to him in the name of said board, signed by the president and secretary thereof, which license, after having been duly registered in a book to be kept for that purpose in the health department of said District, shall entitle the person so licensed to practice as an undertaker and embalmer, and to style himself and to be styled an undertaker and embalmer in said District for a period of three years from the date thereof.

SEC. 7. That within the 30 days immediately preceding the expiration of any license issued or renewed under the provisions of this act the holder thereof, if he desires to continue to practice undertaking and embalming and to style himself and to be styled an undertaker and embalmer in the District of Columbia, shall apply to the undertakers' and embalmers' examining board of said District for the renewal of his license, paying to the treasurer of said board a fee of $5; and thereupon said applicant shall be entitled to receive from said board a renewal of his license authorizing him, after it has been registered with the health department of said District, to continue to practice undertaking and embalming and to style himself and to be styled an undertaker and embalmer in said District for a period of three years from the date of said renewal: *Provided*, That the time for making application for the renewal of his license may be extended in specific cases by the undertakers' and embalmers' examining board upon good cause shown for such action, but no such extension shall be granted unless the applicant satisfies said board that he still retains the qualifications necessary for the granting of an original license.

SEC. 8. That the undertakers' and embalmers' examining board of the District of Columbia shall make, so far as may be practicable, arrangements with analogous boards of the several States and Territories whereby due credit for license or registration as an undertaker and embalmer in such States or Territories will be allowed in the District of Columbia to persons so licensed or registered who desire to be licensed under the provisions of this act, and whereby persons licensed under the provisions of this act will obtain corresponding credit for their District of Columbia licenses when they apply for license or registration as undertakers and embalmers in said States or Territories; but no arrangement shall be made under the provisions of this section that is liable to lower the standards for licensing in the District of Columbia, and no arrangement shall be valid until it has been approved by the commissioners of said District. Persons applying for licenses under the provisions of this section shall pay to the treasurer of said undertakers' and embalmers' examining board such amounts as may be fixed by arrangements herein authorized in lieu of the fee elsewhere in this act provided for.

SEC. 9. That the license of any person as an undertaker and embalmer in the District of Columbia may be suspended for a given term or revoked if such person be found to have obtained such license by fraud; or if such person be found to be addicted to such habits as to render it expedient that in the interests of the public his license should be suspended or revoked; or if such person be found to be of an immoral character, or if he be convicted in a court of competent jurisdiction of two or more willful violations of the laws and regulations relating to communicable diseases, and to the duties of undertakers and embalmers in the District of Columbia. Upon presentation to the commissioners of said District of evidence satisfying them that the license of any person is subject to suspension or revocation under the provisions of this section, said commissioners shall cause a petition to be presented to the Supreme Court of the District of Columbia, sitting as an equity court, praying that such license be suspended or revoked; and said court is hereby authorized to hear and determine any case so presented and to make such orders and decrees revoking or suspending such license as said court deems proper. The filing costs of such proceeding shall be advanced by the undertakers' and embalmers' examining board out of the funds coming into its hands by its exercise of the rights and functions herein conferred upon it.

SEC. 10. That no person shall assist in the District of Columbia in procuring, or attempting to procure, by fraud, a license for himself or for any other person as an undertaker and embalmer in said District. No person shall forge or counterfeit in said District any license authorized by this act to be issued or any reissue of any such license.

SEC. 11. That every person who at the time this act takes effect is actually engaged in the practice of undertaking and embalming in the District of Columbia, who is then regularly licensed to do business as an undertaker and registered as such in the health department of said District, and who desires to continue in such business, may, within 60 days next after the organizaion of the undertakers' and embalmers' examining board, file with said board a written application for license to practice and do business as an undertaker and embalmer, under the provisions of this act, verified by the health officer and the collector of taxes, stating therein the fact and length of time of his having been so engaged in business, his name, age, and place of business, paying at the time of filing said application a fee of $5; and thereupon said board shall issue to said applicant, as speedily as practicable, a license to do business as an undertaker and embalmer in the District of Columbia, and said license so issued shall entitle the holder thereof to practice and do business as an undertaker and embalmer for the three years ensuing after the date thereof, after said license has been registered in a book provided for that purpose in the health department of said District: *Provided*, That nothing herein contained shall prevent any person so engaged, licensed, and registered from obtaining a license through examination: *Provided further*, That no license issued without examination under the foregoing provisions shall at any time entitle the holder thereof to serve as a member of the undertakers' and embalmers' examining board.

SEC. 12. That in the District of Columbia, from and immediately following the passage of this act, no person who is not licensed as an undertaker and embalmer, or specifically exempted from the provisions thereof, shall perform any of the duties of an undertaker and embalmer as hereinafter specified, or attempt to embalm any dead body or inject into the blood vessels or into any cavity of any such body any fluid for the purpose of disinfecting said body or of preserving or of preparing the same for burial or for shipment; nor shall any person not so licensed or exempt attempt to care for or prepare for burial or shipment any dead human body; nor shall any person not so licensed style himself an undertaker or embalmer, nor if he has authority and power to prevent, permit himself to be so styled.

SEC. 13. That every undertaker and embalmer shall at all times keep his undertaking establishment, and all vehicles, equipment, and paraphernalia used in connection with his business, in a clean and wholesome condition, and as soon as possible after having used his equipment or paraphernalia in connection with any body dead as a result of a communicable disease shall thoroughly disinfect the same.

SEC. 14. That any person who violates any of the provisions of this act shall, upon conviction thereof, be punished by a fine not exceeding $200 or by imprisonment in the workhouse of the District of Columbia for a term not exceeding six months, or by both such fine and imprisonment.

SEC. 15. That the duties of an undertaker and embalmer as referred to in this act shall be, and the same are hereby, defined to be the embalming and preparing for burial, shipment, or other disposition of dead human bodies, or of any part or parts of such bodies, within the District of Columbia. From and after 60 days next following the organization of the undertakers' and embalmers' examining board of said District no permit for the removal, interment, disinterment, or transportation of any dead body, or of any part or parts thereof, in said District, shall be issued or granted to any person not regularly licensed as an undertaker and embalmer under the provisions hereof: *Provided, however,* That nothing contained in this act shall be so construed as to prevent or interfere with any persons legally disposing of the body of any member of his or her family; or with any officer or employee of the United States or of the District of Columbia in the discharge of his official duties; or with any person acting under the provisions of an act for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia, approved April 29, 1902; or with any licensed physician or dentist in the study, teaching, or practice of his profession.

SEC. 16. That all acts and parts of acts contrary to this act or inconsistent herewith be, and the same are hereby, repealed.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANACOSTIA PARK.

The bill (S. 3448) to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co., was considered as in Committee of the Whole, and was read as follows:

Whereas Congress has provided for the work of reclaiming and improving the land along the Anacostia River, in the District of Columbia, and made and declared it a part of the park system of the District of Columbia, to be known as Anacostia Park, and it has become necessary in the prosecution of the said work to settle certain questions in dispute between the United States and the Washington Gas Light Co. as to the ownership of land and to quiet title thereto: Therefore

Be it enacted, etc., That the agreement made between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co., a corporation, for the purpose of effecting an adjustment and settlement of all the matters at issue between the United States and the said company respecting the title and ownership of certain parcels and lots of land adjacent to the Anacostia River, the terms of which agreement are embodied in a formal instrument on file in the War Department, bearing date of September 8, 1821, and signed by J. M. Wainwright, Assistant Secretary of War, and H. S. Reeside, president of the said Washington Gas Light Co., is hereby approved, and the consent of Congress is hereby given to the carrying out of said agreement in full accordance with the tenor and terms thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

SPECIAL POLICEMEN IN THE DISTRICT OF COLUMBIA.

The bill (S. 3483) to authorize the Commissioners of the District of Columbia to appoint as special policemen such District employees as they may deem necessary for the protection of property of the District of Columbia, and for other purposes, was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to appoint as special policemen, without additional compensation, such employees of the District of Columbia as they may deem necessary and proper for duty in connection with District property, and to prevent violations of and to enforce laws and regulations within the District of Columbia.

Mr. BORAH. Mr. President, this bill seems to authorize the Commissioners of the District of Columbia to appoint as special policeman such District employees as they may deem necessary. I do not see the Senator in charge of the bill in the Chamber. Who is to pass upon the question whether it is necessary or not?

Mr. JONES of Washington. The Commissioners of the District of Columbia, I suppose.

Mr. FLETCHER. If I may make a suggestion, it will be seen that these men are to be appointed without additional compensation. It relates to such employees, who are in control of city property, as the commissioners may want to vest with police powers. I do not know anything about it, but I presume that is what it amounts to. It does not seem to call for any extra compensation or any additional number of policemen.

Mr. BORAH. Very well.

Mr. FLETCHER. It appears to me to be a reasonable bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

C. M. RIEVES.

The bill (S. 3154) for the relief of C. M. Reives was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments; on line 3, to strike out the words "the Secretary of the Interior is authorized and directed to relinquish," and to insert the words "there is hereby relinquished"; on line 4 to strike out "Reives" and to insert in lieu thereof "Rieves," so as to make the bill read:

Be it enacted, etc., That there is hereby relinquished to C. M. Rieves, of Marion, Ark., all right, title, and interest of the United States in the unsurveyed part of the east one-half of section 11, lying south of the *unsurveyed* north half of the northeast quarter of said section, in township 8 north of range 8 east of the fifth principal meridian in the State of Arkansas.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of C. M. Rieves."

HOMESTEAD ENTRIES ON PUBLIC LANDS.

The bill (S. 3235) validating certain applications for and entries of public lands was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 3, after line 20, to insert:

"Homestead entry, Alliance Nebr., No. 018311, made by Theodore A. Crapsey on January 21, 1918, for lots 1, 2, 3, and 4, section 3, township 29 north, range 42 west, sixth principal meridian," and to add a new section, to be known as section 4, at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents upon the entries hereinafter named upon which proof of compliance with the law has been filed, upon the payment of all moneys due thereon:

Additional homestead entry, Blackfoot, Idaho, No. 018220, made by Ora R. Brower, for the heirs of Henry Brower, deceased, on August 15, 1914, under the act of June 17, 1910 (36 Stat. L. p. 531), for the east half of the northeast quarter and east half of the southeast quarter, section 20, township 10 north, range 41 east, Boise meridian.

Homestead entry, Miles City, Mont., No. 033305, made by Susanna McLain on December 9, 1916, for the west half of the west half of section 10, township 10 north, range 43 east, Montana principal meridian.

Homestead entries, Roswell, N. Mex., Nos. 035320 and 037120, made by Alma E. Squire, for the south half of the northeast quarter, southeast quarter of the northwest quarter, east half of the southwest quarter, north half of the southeast quarter, and southeast quarter of the southeast quarter of section 7, the southwest quarter of section 8, and the northwest quarter of section 17, township 9 south, range 30 east, New Mexico principal meridian.

Additional homestead entry, Pierre, S. Dak., No. 014332, made by Orlo W. Horsley on November 20, 1916, under the act of February 19, 1909 (35 Stat. L. p. 639), for the north half of the northeast quarter and north half of the northwest quarter of section 21, township 3 north, range 30 east, Black Hills meridian.

Homestead entry, Bozeman, Mont., No. 09094, made by Glenn Conklin on June 3, 1914, under the act of June 11, 1906 (34 Stat. L. p. 233), for a tract of land described as homestead entry survey No. 884.

Homestead entry, Durango, Colo., No. 07166, made by Alva John Burch on September 10, 1917, for the east half of section 9, township 35 north, range 14 west, New Mexico principal meridian.

Desert-land entry, Evanston, Wyo., No. 06098, made by Enger K. Chrisman on March 22, 1919, for lots 4 and 5 of section 29, lot 1, and the northwest quarter of the northeast quarter of section 32, and lots 2, 3, and 4 and the south half of the northeast quarter and the southeast quarter of the northwest quarter of section 33, township 26 north, range 113 west, sixth principal meridian.

Homestead entry, Alliance, Nebr., No. 018311, made by Theodore A. Crapsey on January 21, 1918, for lots 1, 2, 3, and 4, section 3, township 29 north, range 42 west, sixth principal meridian.

SEC. 2. That the entry hereinafter named be, and the same is hereby, validated, and the Secretary of the Interior authorized to issue patent thereon upon submission of satisfactory proof of compliance with the law under which such entry was allowed:

Desert-land entry, Phoenix, Ariz., No. 031411, made by Isabelle S. Forest on January 10, 1920, for the southeast quarter of the northeast quarter, section 23, township 14 north, range 4 east, Gila and Salt River meridian: *Provided,* That the payment of $1.25 per acre required under the provisions of the desert-land law shall be in lieu of the like amount at which this land was appraised when opened to entry.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to allow the following application to make entry:

Homestead application, Phoenix, Ariz., No. 039571, filed by Frank D. Thomas for the north half of the southeast quarter, section 9, township 1 south, range 2 east, Gila and Salt River meridian, subject to the reclamation law, and to allow said entryman, in complying with the requirements of the homestead laws credit for his residence upon, improvement, and cultivation of said land prior to the date of this act.

SEC. 4. That the Secretary of the Interior be, and he is hereby, authorized to accept proof of residence of Mary E. Battles, formerly Mary E. Burdett, upon the homestead entry of her husband Albert L. Battles, in lieu of residence upon her homestead entry, Portland, Oreg., No. 05473, made August 7, 1918, for the northwest quarter of section 11, township 7 south, range 2 east, Willamette meridian, in conformity with the selection filed by her husband under the provisions of the act of April 6, 1914 (38 Stat. L. p. 312).

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RICHARD MURPHY.

The bill (S. 3248) to provide for the issuing of a patent to Richard Murphy for a certain tract of land in what is known as the Big Pasture of Oklahoma, and upon which he has made full payment of purchase price, was announced as next in order.

Mr. HARRELD. That is a bill introduced by me. I would like to have it passed over, pending the consideration of an amendment to be offered to it.

The PRESIDENT pro tempore. The bill will be passed over.

CREDIT FOR MILITARY SERVICE IN HOMESTEAD ENTRIES.

The bill (H. R. 70) to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the case of the death of any person who would be entitled to a homestead under the provisions of the act of Congress approved February 25, 1919 (40 Stat. L., p. 1161), entitled "An act to extend the provisions of the homestead laws touching credit for period of enlistment to the soldiers, nurses, and officers of the Army and the seamen, marines, nurses, and officers of the Navy and the Marine Corps of the United States, who have served or will have served with the Mexican border operations or during the war between the United States and Germany and her allies," his widow, if unmarried and otherwise qualified, may make entry of public lands under the provisions of the homestead laws of the United States and shall be entitled to all the benefits enumerated in said act subject to the provisions and requirements as to settlement, residence, and improvement therein contained: *Provided,* That in the event of the death of such homestead entrywomen prior to perfection of title, leaving only a minor child or children, patent shall issue to the said minor child or children upon proof of death, and of the minority of the child or children, without further showing or compliance with law.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOT SPRINGS NATIONAL PARK.

The bill (H. R. 7109) to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the provision of the act of the legislature of the State of Arkansas, approved February 2, 1921, ceding to the United States exclusive jurisdiction over block 82, within the Hot Springs National Park, are hereby accepted, and the provisions of the act approved April 20, 1904, as amended by the acts of March 2, 1907, and March 3, 1911, relating to the Hot Springs Mountain Reservation, Ark., are extended to said block 82.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROCKY MOUNTAIN NATIONAL PARK.

The bill (H. R. 8675) to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to accept a certain tract of land in the town of Estes Park, Colo., described as lot 5, Buena Vista Terrace, in the southeast quarter of the northwest quarter, section 25, township 5 north, range 73 west of the sixth principal meridian, Larimer County, Colo., donated by the Estes Park Woman's Club as a site for an administration building for the Rocky Mountain National Park.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXCHANGE OF GOVERNMENT LANDS IN IDAHO.

The bill (H. R. 9499) to authorize the State of Idaho to exchange certain lands heretofore granted for public school purposes for other Government lands, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, upon the recommendation of the Secretary of Agriculture to accept title from the State of Idaho to certain sections, sixteen and thirty-six, within the boundaries of national forests of Idaho which were granted for public-school purposes, and in exchange therefor to issue patents for equal values of any or all of the following-described lands found and determined to be nonmineral in character:

In township thirty-nine north, range three east: Section ten, the southeast quarter; section fourteen, the north half of the north half and the northwest quarter of the southwest quarter; section fifteen, the southeast quarter of the northeast quarter and the north half of the southeast quarter; section twenty-three, the southeast quarter and the south half of the northeast quarter and the south half of the southwest quarter; section twenty-four, lot one, the northwest quarter of the northeast quarter, the north half of the northwest quarter; lot three, the northwest quarter of the southeast quarter and the north half of the southwest quarter; section twenty-five, lot one, the west half of the northeast quarter and the southeast quarter of the northeast quarter; section twenty-six, the north half of the north half.

In township forty north, range three east: Section twenty-five, the southwest quarter of the southwest quarter; section twenty-six, the southeast quarter of the southeast quarter; section thirty-five, the north half of the northeast quarter.

In township thirty-six north, range five east: Section three, lots three and four; section four, lots one and four, the southwest quarter of the northwest quarter and the north half of the southwest quarter, and the south half of the northeast quarter and the east half of the southeast quarter; section twelve, the southeast quarter of the southwest quarter; section thirteen, the east half of the northwest quarter and the northeast quarter of the southwest quarter; section seventeen, the northwest quarter, the northwest quarter of the southwest quarter and the north half of the northeast quarter; section eighteen, the northeast quarter of the northeast quarter.

In township thirty-seven north, range five east: Section thirty-three, the east half of the southeast quarter; section thirty-four, the northwest quarter of the southwest quarter and the south half of the southwest quarter.

In township thirty-eight north, range two east: Lots two, three, six, and seven, section thirty.

In township thirty-eight north, range five east: Section twenty-five, the west half of the southwest quarter.

In township thirty-nine north, range five east: Section seventeen, the southeast quarter; section nineteen, lots three and four, and the northeast quarter of the southwest quarter and the northwest quarter of the southeast quarter; section twenty-one, the southeast quarter.

In township thirty-eight north, range six east: Section twenty-nine, the northwest quarter; section nineteen, lots three and four, and the east half of the southwest quarter.

All on the Boise base and meridian.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC LAND ENTRIES.

The bill (H. R. 10443) to repeal sections 2453 and 2454, and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That sections 2453 and 2454, Revised Statutes of the United States, be repealed and sections 2450, 2451, and 2456 be amended to read as follows:

"SEC. 2450. That the Commissioner of the General Land Office is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be approved by the Secretary of the Interior, consistently with such principles, all cases of suspended entries of public lands and of suspended preemption land claims, and to adjudge in what cases patents shall issue upon the same.

"SEC. 2451. That every such adjudication shall be approved by the Secretary of the Interior and shall operate only to divest the United States of the title to the land embraced thereby, without prejudice to the rights of conflicting claimants.

"SEC. 2456. That where patents have been already issued on entries which are approved by the Secretary of the Interior, the Commissioner of the General Land Office, upon the canceling of the outstanding patents, is authorized to issue a new patent, on such approval, to the person who made the entry, his heirs or assigns."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS AT MEDFORD, OREG.

The bill (H. R. 5684) to authorize the purchase by the city of Medford, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior shall be, and is hereby, authorized to issue a patent to the city of Medford, Oreg., for the following-described lands, being a part of the lands revested in the United States by the act of Congress enacted June 9, 1916 (39 Stat. p. 218), to wit: The southwest quarter of the southwest quarter of section 25 in township 36 south, range 2 east, and the northeast quarter of the southeast quarter of section 13, in township 36 south, range 1 east, of the Willamette meridian, in the State of Oregon; on condition that the said city first shall pay to the United States the sum of $2.50 per acre for all of said lands and in addition thereto the appraised price of the timber on all such lands as may be classified as timberlands: *Provided,* That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same, and that there shall be reserved to the United States, as to the said southwest quarter of the southwest quarter of section 25 in township 36 south, range 2 east, or to its permittees or licensees, the right to enter thereon and take and use the same for power purposes, in accordance with the terms and conditions of section 24 of the Federal water power act of June 10, 1920.

SEC. 2. That the Secretary of the Interior shall prescribe all necessary regulations to carry into effect the foregoing provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. N. CALHOUN AND ZAIDEE BOATNER CALHOUN.

The bill (H. R. 7862) authorizing the Secretary of the Interior to sell and patent certain lands to William S. N. Calhoun and Zaidee Boatner Calhoun, residents of Catahoula Parish, La., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That upon the payment of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized to sell and patent to William S. N. Calhoun and Zaidee Boatner Calhoun, residents of Catahoula Parish, La., the fractional west half of the east half of section 20, township 7 north, range 5 east, Louisiana meridian, containing 35.04 acres, more or less, land which they and their grantors have occupied under claim and color of title, and of which they have had actual possession, beneficial use, and enjoyment, believing themselves to be owners in good faith for more than 30 years: *Provided,* That application for the purchase of the described tract of land be filed at the United States land office at Baton Rouge, La., within 90 days after the passage and approval of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISRAEL BUTTS.

The bill (H. R. 8358) for the relief of Israel Butts was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Northern Pacific Railway Co., upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to the northwest quarter of the southwest quarter, section 11, township 53 north, range 23 west, fourth principal meridian, in the Duluth, Minn., land district, under its indemnity selection, list numbered 551, embracing said tract, shall be entitled to select and receive a patent for other vacant, unreserved, nonmineral public lands of an equal area situate within any State into which the company's grant extends; and the Secretary of the Interior is hereby authorized and directed to permit, after the filing of such relinquishment by said railway company, the homestead entry of Israel Butts to remain intact as though said entry had been properly allowed, accept the proof offered, and duly issue patent thereon.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROTECTION OF TIMBER.

The bill (H. R. 9495) for the protection of timber owned by the United States from fire, disease, or the ravages of beetles or other insects, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to protect and preserve, from fire, disease, or the ravages of beetles or other insects, timber owned by the United States upon the public lands, national parks, national monuments, Indian reservations, or other lands under the jurisdiction of the Department of the Interior owned by the United States, either directly or in cooperation with other departments of the Federal Government, with States, or with owners of timber; and appropriations are hereby authorized to be made for such purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SISKIYOU NATIONAL FOREST.

The bill (H. R. 10461) to add certain lands to the Siskiyou National Forest, in Oregon, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the north half of the northeast quarter, the northeast quarter of the northwest quarter, and lot 1 of section 31, township 39 south, range 6 west, of the Willamette meridian, are hereby added to and made a part of the Siskiyou National Forest in Oregon.

SEC. 2. That the Secretary of Agriculture is hereby authorized, in his discretion, to sell the merchantable timber on the land added to the Siskiyou National Forest by section 1 hereof in accordance with the regulations governing the sale of public timber in the national forests, and the entire proceeds of any sale of the timber on such land shall be deposited in the Treasury of the United States in a special fund designated as "The Oregon and California land-grant fund," referred to in section 10 of the act of Congress approved June 9, 1916 (39 Stat. p. 218), and be disposed of in the manner therein designated, the land added forming part of the area which revested in the United States under the provisions of the said act.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

FENCING OF RESERVOIR SITES.

The bill (S. 3123) to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, to strike out lines 7, 8, and 9, and on page 2, to strike out lines 1 and 2, and to insert:

The Secretary of the Interior, in his discretion, under such rules, regulations, and conditions as he may prescribe, upon application by such person, company, or corporation, may grant permission to fence such reservoirs in order to protect live stock, to conserve water, and to preserve its quality and conditions: *Provided,* That such reservoir shall be open to the free use of any person desiring to water animals of any kind; but any fence erected under the authority hereof shall be immediately removed on the order of the Secretary.

So as to make the bill read:

Be it enacted, etc., That section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended, is amended by inserting at the end thereof the following new sentence:

The Secretary of the Interior, in his discretion, under such rules, regulations, and conditions as he may prescribe, upon application by such person, company, or corporation, may grant permission to fence such reservoirs in order to protect live stock, to conserve water, and to preserve its quality and conditions: *Provided,* That such reservoir shall be open to the free use of any person desiring to water animals of any kind; but any fence erected under the authority hereof shall be immediately removed on the order of the Secretary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK M. STEWART.

The bill (H. R. 6323) for the relief of Frank M. Stewart was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That homestead application 04809, Independence series, made by Frank M. Stewart for the southwest quarter of section 14, township 32 south, range 37 east, Mount Diablo meridian, California, be, and the same is hereby, validated, notwithstanding the fact that before making the said application he had perfected a former entry for 160 acres in Oregon: *Provided,* That the application thus validated and patent issuing thereon shall be subject to and contain a reservation to the United States of all the oil, gas, and other minerals in the lands so entered and patented and with the right to prospect for, mine, and remove the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL FOREST LANDS.

The bill (H. R. 8119) for the relief of certain persons, their heirs, or assigns, who heretofore relinquished lands inside national forests to the United States, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That where any person or persons in good faith relinquished to the United States lands in a national forest as a basis for a lieu selection under the act of June 4, 1897 (30 Stat. L. pp. 11, 36), and failed to get their lieu selections of record prior to the passage of the act of March 3, 1905 (33 Stat. L. p. 1264), or whose lieu selections, though duly filed, are finally rejected, the Secretary of the Interior, with the approval of the Secretary of Agriculture, upon application of such person or persons, their heirs, or assigns, is authorized to accept title to such of the base lands as are desirable for national-forest purposes, which lands shall thereupon become parts of the nearest national forest, and, in exchange therefor, may issue patent for not to exceed an equal value of national-forest land, unoccupied, surveyed, and nonmineral in character, or the Secretary of Agriculture may authorize the grantor to cut and remove an equal value of timber within the national forests of the same State. Where an exchange can not be agreed upon the Commissioner of the General Land Office is hereby authorized to relinquish and quitclaim to such person or persons, their heirs or assigns, all title to such lands which the respective relinquishments of such person or persons may have vested in the United States: *Provided,* That such person or persons, their heirs or assigns, shall, within five years after the date of this act, make satisfactory proof of the relinquishment of such lands to the United States by submitting to the Commissioner of the General Land Office an abstract of title to such lands showing relinquishment of the same to the United States, which abstract or abstracts shall be retained in the files of the General Land Office.

SEC. 2. That if it shall appear that any of the lands relinquished to the United States for the purpose stated in the preceding section have been disposed of or appropriated to a public use, other than the general purposes for which the forest reserve within the bounds of which they are situate was created, such lands shall not be relinquished and quitclaimed as provided therein, unless the head of the department having jurisdiction over the lands shall consent to such relinquishment; and if he shall fail to so consent, or if any of the lands so relinquished have been otherwise disposed of by the United States, other surveyed, nonmineral, unoccupied, unreserved public lands of approximately equal area and value may be selected and patented in lieu of the lands so appropriated or disposed of in the manner and subject to the terms and conditions prescribed by said act of June 4, 1897, and the regulations issued thereunder: *Provided,* That applications to make such lieu selections must be filed in the General Land Office within three years after the date of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANCES KELLY.

The bill (H. R. 9275) for the relief of Frances Kelly was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, page 2, line 4, after the words "Indian Reservation," to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized in his discretion to issue patent to Frances Kelly for 160 acres of nonmineral unreserved public lands of the United States within the State of Idaho, in lieu of lands described as follows: The west half of the east half of the east half of the northwest quarter and the west half of the east half of the northwest quarter of section 32, township 35 north, range 2 east, Boise meridian, for which patent was issued her upon her final homestead certificate, but which it subsequently appeared was partly included in the land patented under Indian allotments Nos. 1133 and 1134, in the Nez Perces Indian Reservation: *Provided, however,* That the Secretary of the Interior shall have alternative authority to cancel the trust patents issued for said Nez Perce Indian allotments Nos. 1133 and 1134, and to issue in lieu thereof new trust patents, subject to the conditions contained in the original trust patents as extended, eliminating only the west 10 acres of each of said allotments in conflict with the homestead patent to Mrs. Kelly; to determine damages and compensate the heirs for such loss in an amount not to exceed in all $1,000. To enable the Secretary of the Interior to carry out the provisions of this act there is hereby appropriated, out of any moneys in the United States Treasury not otherwise appropriated, $1,000.

The amendment was agreed to:

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LANDS IN LASSEN COUNTY, CALIF.

The bill (H. R. 10554) authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to issue patent to Lassen County, Calif., for the following tract of public land, to wit: The northeast quarter of the southeast quarter of section 4, township 37 north, range 11 east, Mount Diablo base and meridian, Susanville land district, in the State of California, upon payment therefor to the Secretary of the Interior for the Government of the United States the full sum of $1.25 per acre, which patent shall be issued upon the express condition that Lassen County shall use said tract of land for county uses and purposes only: *Provided,* That whenever said lands cease to be used by said county for county uses and purposes only, or are attempted to be sold or conveyed, then, in that event, title to said lands and the whole thereof shall revert to the United States: *Provided further,* That such patent shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits that may be found in such land, and the right to the use of the land for extracting the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BOISE BARRACKS MILITARY RESERVATION.

The bill (S. 3332) to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation, under certain conditions, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant permission to the city of Boise, in the county of Ada, State of Idaho, to occupy and use a certain parcel of land constituting a part of the Boise Barracks Military Reservation, the property of the United States, situated in the said county of Ada, in the State of Idaho, described as follows: Beginning at the most westerly corner of the United States Military Reservation, thence north 69 degrees 35 minutes east 1,319.64 feet to the center of the Capitol Water Co. ditch; thence up said ditch south 26 degrees 29 minutes west 57.32 feet; thence south 69 degrees 41 minutes west 530.56 feet; thence south 35 degrees 42 minutes west 862.2 feet; thence south 70 degrees 3 minutes west 35.81 feet; thence north 20 degrees west 518.89 feet to the place of beginning, excepting therefrom any rights of said Capitol Water Co.; such occupative grant to be as and for a public park, and upon the agreement of said city of Boise to repair, maintain, and protect above-described part of the reservation and the public property thereon during the continuance of its occupancy at its own expense: *Provided,* That the said permission shall be subject to such conditions, restrictions, rules, and regulations as the Secretary of War may from time to time prescribe: *Provided further,* That the Secretary of War may terminate the said permission to use said grounds whenever and at such time as he may deem it expedient to do so.

SEC. 2. That any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to above-described part of the reservation, made by the municipal authorities at Boise, shall be made only according to detailed plans submitted to and approved by the Secretary of War in each case prior to the commencement of any work under such plans, and all such repairs, improvements, changes, or alterations made by said city of Boise shall be made without expense to the United States, and in the event of the withdrawal of said permission, such improvements as the Secretary of War may deem valuable to the military service shall become the property of the United States without cost to the Government; and such structures as may have been placed upon above-described part of the reservation by said city of Boise, which are directed to be removed therefrom by the Secretary of War, shall be removed forthwith and the grounds placed in a condition entirely satisfactory to him, at the expense of the city, and no claim of any character whatever incident to the occupation by said city of such part of the reservation shall ever be made by it against the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC PARK AT CANON CITY, COLO.

The bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park, was considered as in the Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, in line 3 after the word "That" to insert "upon the payment of $1.25 per acre," so as to make the bill read:

Be it enacted, etc., That upon the payment of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the city of Canon City, in the State of Colorado, the south half of the southwest quarter, the northwest quarter of the southwest quarter of section five; the southeast quarter of the southeast quarter of section six; the north half of the northeast quarter of section seven; the northeast quarter of the southeast quarter, and the north half of section eight, township seventeen south, range seventy west, sixth principal meridian; to have and to hold said lands for use as a public park: *Provided,* That the grant hereby made is, and the patent issued thereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises or any part thereof, and now existing under and by virtue of the laws of the United States: *Provided further,* That there shall be reserved to the United States all coal, oil, or other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same: *And provided further,* That the lands hereby authorized to be conveyed, as hereinbefore set forth, and all portions thereof shall be held and used by or for the said grantee for the purpose herein specified, and if the lands shall cease to be so used for a period of three years at any one time, they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ROAD BUILDING AT ST. ANDREWS, FLA.

The bill (H. R. 7968) granting to the city of St. Andrews, Fla., the right to remove shells, sand, and gravel from certain public lands for road-building purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the city of St. Andrews, a municipal corporation chartered under the laws of Florida, be, and is hereby, granted the right to remove and use for road-building purposes shells, sand, and gravel from lots 1, 2, and 3, sec. 22, T. 3 S., R. 15 W., Tallahassee meridian, comprising 39.93 acres, all in Bay County, State of Florida, reserving, however, to the United States all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same, as well as all other right, title, and interest in and to the said lands not herein granted and conveyed.

SEC. 2. That this grant shall be terminated by the Secretary of the Interior whenever he shall be notified by the mayor of the city of St. Andrews that the interest in the said lands herein granted is no longer desired by the city of St. Andrews for the purposes set forth in section 1 of this act.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AIRPLANE ACCIDENT AT LANGIN FIELD, W. VA.

The bill (S. 2467) to provide relief for the victims of the airplane accident at Langin Field was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to pay, in lieu of any other payment now authorized by law, (a) the sum of $5,000 to the personal representative of every person not in the military or naval forces of the United States who was killed or whose death is a direct result of injuries sustained in the airplane accident at Langin Field, Moundsville, W. Va., on July 10, 1921; (b) a reasonable amount, not exceeding $2,000, to every such person who was injured in such accident, as reimbursement for medical, surgical, and hopsital attendance, supplies, and expenses, and as compensation for loss of time as a direct result of such injury; (c) a reasonable amount to the owner of any property destroyed or damaged by such accident as compensation for such destruction or damage.

SEC. 2. That the amounts to be paid under subdivisions (b) and (c) of section 1 shall be determined after a public hearing by a board of officers appointed by the commanding officer of the nearest aviation post, and approved by the Chief of the Air Service and the Secretary of War.

SEC. 3. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RESOLUTIONS PASSED OVER.

The resolution (S. Res. 269) authorizing the appointment of a committee to report the facts and reasons relative to the removal by order of the President of responsible officials of the Bureau of Engraving and Printing, and the resolution (S. Res. 271) requesting the President to inform Congress as to alleged demotion, dropping, and discharge of honorably discharged sailors and soldiers from the service since March 4, 1921, were next in order on the calendar.

Mr. STERLING. As the author of the resolutions is not present, I ask that they may go over.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The resolutions will be passed over.

AMENDMENT OF JUDICIAL CODE.

The bill (S. 3040) to amend section 266, chapter 11, of the Judicial Code was considered as in Committee of the Whole. The bill had been reported from the Committee on the Judiciary with an amendment, in line 7, after the word "adding," to strike out "after the colon in line 1, page 137," and to insert "and inserting after the first proviso," so as to make the bill read:

Be it enacted, etc., That section 266, chapter 11, of the act of March 3, 1911 (36 Stat., p. 1087), entitled "An act to codify, revise, and amend the laws relating to the judiciary, as amended by the act of March 4, 1913," be further amended by adding and inserting after the first proviso the following:

"*Provided further,* That at the final hearing of the cause upon the pleadings and evidence the same shall be heard by three judges, one of whom shall be a justice of the Supreme Court or a circuit judge and two district judges."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARTHUR J. BURDICK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4356) for the relief of Arthur J. Burdick. It proposes to pay to Arthur J. Burdick, Riverside County, State of California, $1,981.68, in full compensation for the amount expended by him in compliance with law upon his desert-land entry No. 07331, allowed by the local land office at Los Angeles, Calif., and subsequently canceled for conflict with the grant to the Southern Pacific Railroad Co.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. E. H. JACKSON.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8173) for the relief of Mrs. E. H. Jackson. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $43, which by her was paid to John J. Langston, a recruiting sergeant in the United States marine service, for the purpose of defraying the transportation home of her son, and which amount the said sergeant appropriated to his own use, and thereafter deserted, and is now a deserter, there being more than a sufficient amount due by the Government to said sergeant at the time of his desertion to reimburse the said Mrs. E. H. Jackson, but which pay was forfeited to the Government at the time said sergeant deserted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 3136) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, and for other purposes, was announced as next in order.

Mr. KING. I inquire if that bill has not heretofore been passed?

Mr. STERLING. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over on the request of the Senator from South Dakota.

The bill (H. R. 5385) for the relief of Henry T. Hill was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 8475) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith, was announced as next in order.

Mr. KING. Reserving the right to object, I ask that the bill may be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Assistant Secretary read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. My recollection in reference to that bill, although I am not very clear about it, is that one of the Senators—in fact, two Senators who are not now present—desire further to examine into the bill. In their absence, I ask that it go over.

The PRESIDING OFFICER. The bill will go over.

EDWARD JOHNSON.

The bill (S. 57) for the relief of Edward Johnson was announced as next in order.

The PRESIDING OFFICER. This bill was reported adversely from the Committee on Military Affairs by the Senator from Tennessee [Mr. MCKELLAR] on May 8, 1922.

Mr. KING. I move that the bill lie upon the table.

Mr. CURTIS. Why not have this bill and the two succeeding bills on the calendar indefinitely postponed, they having been adversely reported?

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed. The Chair hears none.

THEOPHILUS NUZUM.

The bill (S. 946) for the relief of Theophilus Nuzum was announced as next in order.

The PRESIDING OFFICER. If there be no objection, that bill will be indefinitely postponed, it also having been adversely reported. The Chair hears none, and it is so ordered.

GEORGE W. SAMSON.

The bill (S. 1822) for the relief of George W. Samson was announced as next in order.

The PRESIDING OFFICER. If there be no objection, that bill will be indefinitely postponed, it also having been adversely reported. The Chair hears none.

WILLIAM EDWARD TIDWELL.

The bill (S. 1672) for the appointment of William Edward Tidwell as first lieutenant in the United States Army was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

> That in the administration of the laws conferring rights and privileges upon honorably discharged officers and enlisted men who have served in the Army of the United States between April 6, 1917, and November 11, 1918, William Edward Tidwell shall be held and considered to have been honorably discharged from the military service on August 7, 1919, and that the President be, and he is hereby, authorized to appoint the said William Edward Tidwell a first lieutenant in the Officers' Reserve Corps of the Army of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of William Edward Tidwell."

WELCH, FAIRCHILD & CO. (INC.).

The bill (H. R. 2620) for the relief of Welch, Fairchild & Co. (Inc.) was considered as in Committee of the Whole. It proposes to pay $4,752.63 to Welch, Fairchild & Co. (Inc.), of Manila, P. I., in satisfaction of all claims arising out of damages sustained on account of loss of cargo of sugar as a result of the sinking of a vessel known as lighter *No. 10* caused by collision with the United States Navy tug *Wompatuck* at Pier No. 1, in the harbor of Manila, P. I., on May 16, 1918, the responsibility for the collision having been placed by a naval board of investigation on the naval vessel.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR DURFEE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 99) to correct the military record of Edgar Durfee, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

> That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edgar Durfee, who was a private in Company K, Ninth Regiment Michigan Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 6th day of August, 1862: *Provided*, That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Edgar Durfee."

OWNERS OF BRITISH STEAMSHIP "CLEARPOOL."

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6628) for the relief of the owners of the British steamship *Clearpool*.

The bill was read, as follows:

> *Be it enacted, etc.*, That the claim of the Pool Shipping Co. (Ltd.), owner of the British steamship *Clearpool*, against the United States for damages alleged to have been caused by collision between the said steamship and the United States Coast Guard cutter *Apache*, in Chesapeake Bay, on the 13th day of November, 1914, may be sued for by the said Pool Shipping Co. (Ltd.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Pool Shipping Co. (Ltd.), or against the Pool Shipping Co. (Ltd.) in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 3565) relating to the collection of taxes in the District of Columbia was announced as next in order.

The PRESIDING OFFICER. The present occupant of the chair is under the impression that the matter covered by that bill has been taken care of in another measure, and will therefore ask that the bill be passed over.

LANDS AT CAMP KNOX, KY.

The bill (S. 3461) to amend the act of February 28, 1920, so as to authorize the acquisition of additional land and the disposition of certain lands already acquired at Camp Knox, Ky., was considered as in Committee of the Whole.

The bill was read, as follows:

> *Be it enacted, etc.*, That so much of the act approved February 28, 1920, entitled "An act to amend the Army appropriation act for 1920, and for purchase of land and to provide for construction work at certain military posts, and for other purposes," which prohibited the purchase of lands for Camp Knox, Ky., west of the Illinois Central Railroad tracks and north of the Tip Top-Grahampton Road, be, and the same is hereby, amended so as to authorize the acquisition of the necessary easements for the power transmission line leading from Louisville to the camp site both within and without said prohibited area, and also the acquisition within said prohibited area of a right of way for the Dixie Highway, and the sum of $40,000 is hereby authorized to be appropriated therefor.
>
> SEC. 2. That the further sum of $150,000 is hereby authorized to be appropriated in addition to the appropriation authorized to be expended by the act of February 28, 1920, to complete the acquisition of title to lands now under condemnation within the limits of the present Camp Knox Military Reservation.
>
> SEC. 3. That the Secretary of War is hereby authorized and directed to sell at public or private sale, upon such terms as he may deem expedient, all Government-owned land lying west of the Illinois Central Railroad which was acquired as part of the Camp Knox Military Reservation prior to the act of February 28, 1920, prohibiting the further acquisition of land west of the Illinois Central Railroad and to execute and deliver in the name of the United States and in its behalf any and all deeds or other instrument necessary to effectuate such sales, and to sell or otherwise dispose of all Government improvements erected thereon.
>
> That all moneys received as the proceeds of such sale, after deducting the necessary expenses in connection therewith, shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JEROME KENNERLY.

The bill (H. R. 8669) authorizing the issuance of a patent in fee to Jerome Kennerly for land allotted to him on the Blackfoot Reservation, Mont., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PERRY H. KENNERLY.

The bill (H. R. 8256) authorizing the issuance of a patent in fee to Perry H. Kennerly for land allotted to him on the Blackfoot Reservation, Mont., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAN JUAN RIVER BRIDGE, NEW MEXICO.

The bill (S. 3279) to provide for the payment of one-half the cost of construction of a bridge across the San Juan River, N. Mex., was considered as in Committee of the Whole. It proposes to appropriate $6,620, or so much thereof as may be necessary, to defray one-half the cost of a bridge across the San Juan River near Bloomfield, N. Mex., under rules and regulations to be prescribed by the Secretary of the Interior, who shall also approve the plans and specifications for said bridge; but the State of New Mexico or the county of San Juan shall contribute the remainder of the cost of the bridge, the obligation of the Government to be limited to the sum named, but in no event to exceed one-half the cost of the bridge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLVILLE INDIAN RESERVATION WAGON ROAD.

The bill (S. 2714) for the improvement of a wagon road on the Colville Indian Reservation was considered as in Committee of the Whole. The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

> That authority is hereby given for an appropriation of $10,000 from the tribal funds of the Colville Indian Tribe, to be used in the improvement of the wagon road between Omak and Nespelem on the Colville Indian Reservation, in the State of Washington.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing an appropriation for the improvement of a wagon road on the Colville Indian Reservation."

APACHE INDIANS OF OKLAHOMA.

The bill (H. R. 6512) for the relief of and purchase of lands for certain of the Apache Indians of Oklahoma lately confined as prisoners of war at Fort Sill Military Reservation, and for other purposes, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to continue relief to the Apache Indians of Oklahoma lately confined as prisoners of war at Fort Sill Military Reservation, for their subsistence and for the purchase of lands for their settlement thereon, to be selected for them by the Secretary of the Interior and the Secretary of War; and proposes to appropriate $42,500 for the purpose named, to be immediately available and to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIANS OF GILA RIVER AND PAPAGO RESERVATIONS, ARIZ.

The bill (S. 3393) for the relief of the Indians of the Gila River and Papago Reservations, in the State of Arizona, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $75,000, or so much thereof as may be necessary, for the relief of the Indians of the Gila River and Papago Reservations in Arizona, to be used in the discretion of the Secretary of the Interior for the employment of labor in road work and other reservation activities, the encouragement of native industries, and other purposes which will contribute to the welfare and support of said Indians: *Provided*, That any expenditures hereunder shall be reimbursed to the United States under such rules and regulations as the said Secretary may prescribe.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISRAEL FOLSOM, DECEASED.

The bill (S. 3308) for the relief of the heirs of Israel Folsom, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 5, after the word "deceased," to insert "on account of services rendered by said Israel Folsom on behalf of the Choctaw Nation in connection with the net proceeds claims of said nation," and on the same page, line 9, after the word "due," to insert "with the right of appeal of either party to the Supreme Court of the United States within three months after the rendition of said judgment," so as to make the bill read:

Be it enacted, etc., That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of the heirs of Israel Folsom, deceased, on account of services rendered by said Israel Folsom on behalf of the Choctaw Nation in connection with the net proceeds claims of said nation, and to render judgment therein in such amount, if any, as may appear to be equitably due, with the right of appeal of either party to the Supreme Court of the United States within three months after the rendition of said judgment. Said amount, if any, in favor of the heirs of Israel Folsom shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation.

Notice of said suit shall be served on the principal chief of the Choctaw Nation, and the Attorney General of the United States shall appear and defend said suit on behalf of said nation.

Mr. HARRELD. Mr. President, I desire to offer an amendment to the bill.

The PRESIDING OFFICER. The Senator from Oklahoma offers an amendment, which will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all after the enacting clause and substitute the following:

That the Court of Claims is hereby authorized and directed to hear and adjudicate the claims against the Choctaw Nation of the heirs of Israel Folsom and Peter Folsom, both deceased, on account of services rendered by said Israel Folsom and said Peter Folsom on behalf of the Choctaw Nation in connection with the net proceeds claims of said nation and to render judgment therein in such amount, if any, as may appear to be equitably due. Said amount, if any, in favor of the heirs of Israel Folsom and of Peter Folsom, respectively, shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Nation.

Notice of said suit shall be served on the principal chief of the Choctaw Nation, and the Attorney General of the United States shall appear and defend said suit on behalf of said nation. That either party in the above-mentioned case may, within three months of the rendition of any judgment by the Court of Claims in said case, appeal therefrom to the Supreme Court of the United States.

Mr. HARRELD. Mr. President, just a word of explanation. After this bill was reported favorably, with these minor amendments, by the Committee on Indian Affairs, it was found that Peter Folsom was a necessary party, and about all that this amendment does is to include his name. Otherwise, the amendment complies with the recommendations of the committee.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the heirs of Israel Folsom, deceased, and for the relief of the heirs of Peter Folsom, deceased."

PAIUTE INDIAN LANDS, NEVADA.

The bill (S. 3384) authorizing an appropriation to meet proportionate expenses of providing a drainage system for Paiute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 1, line 4, after the words "four thousand," to strike out "eight hundred and eighty-seven" and insert "and forty-seven"; in line 10, after the words "sum of," to strike out "$2,500" and insert "$2,100"; and on page 2, line 3, after the word "exceed," to strike out "$49,603.05" and insert "$41,077.05," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is authorized, by agreement or otherwise, to bring 4,047 acres of Paiute Indian lands in the State of Nevada within the provisions and benefits of a drainage district, organized pursuant to the laws of said State, for the purpose of draining the lands within the Newlands irrigation project; and there is hereby appropriated the sum of $2,100 for the purpose of paying the first installment assessable against said Indian lands: *Provided*, That the total amount of the charges assessed against said Indian lands shall not exceed $41,077.05, and shall be payable in 20 annual installments: *Provided further*, That the Indian lands so drained by said district shall not be amenable to any lien which is subject to foreclosure created by the laws of said State for failure to pay charges when due: *And provided further*, That the money herein appropriated shall be reimbursed in accordance with such rules and regulations as the Secretary of the Interior shall prescribe.

The amendments were agreed to.

The bill was reported to the Senate as amended.

Mr. McNARY. Mr. President, I think some one ought to explain the purpose of this bill. I have not had time to follow through every bill here, but this appertains to reclamation. I want to ask if it is an appropriation and if the amount comes out of the tribal funds of the Indians?

The PRESIDING OFFICER. The Secretary will read the bill.

The Assistant Secretary read the bill as amended.

Mr. McNARY. I think I shall ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over, on the request of the Senator from Oregon.

ALBERT F. SMITH, DECEASED.

The bill (S. 685) to remove the charge of desertion from the military record of Albert F. Smith, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Albert F. Smith, deceased, late of Company F, Second Regiment Rhode Island Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the above organization on the 18th day of July, 1862: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Albert F. Smith, deceased."

OLIVER A. CAMPBELL.

The bill (H. R. 5125) for the relief of Oliver A. Campbell was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS MYSHRALL.

The bill (S. 2595) for the relief of Lewis Myshrall was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That in the administration of the pension laws Lewis Myshrall, late of Company E, Fifteenth Regiment Maine Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company E, Fifteenth Regiment Maine Volunteer Infantry, on the 17th day of September, 1864: *Provided*, That no pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUDITOR AND DEPUTY AUDITOR, PHILIPPINE ISLANDS.

The bill (S. 3617) to fix the salaries of the auditor and deputy auditor of the Philippine Islands was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the annual salaries of the auditor and deputy auditor of the Philippine Islands shall be $10,000 and $7,500, respectively, and shall be paid out of the revenues of the Philippine Islands as now provided by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DR. C. LEROY BROCK.

The bill (S. 3202) for the relief of Dr. C. LeRoy Brock, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. C. LeRoy Brock, Government physician at the Northern Pueblo Agency, N. Mex., the sum of $750 for the loss of his personal automobile in a flood while responding to an emergency call among the Indians.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES MARSHAL, SOUTHERN DISTRICT OF NEW YORK.

The bill (S. 3614) relating to the official bond of the United States marshal for the southern judicial district of the State of New York was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That whenever the business of the United States district court in the southern judicial district of the State of New York shall make it necessary, in the opinion of the Attorney General, for the United States marshal to furnish greater security than the official bond now required by law, a bond in an amount not to exceed $75,000 shall be given, when required by the Attorney General, who shall fix the amount thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REAR ADMIRAL LIVINGSTON HUNT, SUPPLY CORPS, UNITED STATES NAVY.

The bill (H. R. 3754) for the relief of Rear Admiral Livingston Hunt, Supply Corps, United States Navy, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REAR ADMIRAL J. S. CARPENTER, SUPPLY CORPS, UNITED STATES NAVY.

The bill (H. R. 3508) for the relief of Rear Admiral J. S. Carpenter, Supply Corps, United States Navy, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD J. EASTON.

The bill (H. R. 1949) for the relief of Richard J. Easton was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIBERIAN LOAN.

The joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia was announced as next in order.

The PRESIDING OFFICER. That is the unfinished business, and will be passed over.

SOUVENIR COINAGE OF 50-CENT PIECE.

The bill (S. 3633) to authorize the coinage of a 50-cent piece in commemoration of the one hundredth anniversary of the birth of the late President Rutherford Burchard Hayes at Delaware, in the State of Ohio, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Banking and Currency with an amendment, on page 2, line 8, to strike out "counterfeiting" and insert the same word with a comma, so as to make the bill read:

Be it enacted, etc., That in commemoration of the one hundredth anniversary of the birth of the late President Rutherford Burchard Hayes at Delaware, in the State of Ohio, there shall be coined at the mints of the United States 50-cent pieces to the number of 100,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

J. A. LESLIE.

The bill (H. R. 1764) for the relief of J. A. Leslie was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRUSTEES OF MILLIGAN COLLEGE, TENNESSEE.

The bill (S. 3048) for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "$36,300" and insert "$23,096.37," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee, out of any moneys not otherwise appropriated, the sum of $23,096.37, being the balance due to said trustees of said college because of the destruction by fire of sundry buildings at Milligan College, Tennessee, on November 16, 1918, while in the use and occupation of the War Department of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEASE OF LAND AND WATER POWER, MUSKINGUM RIVER.

The bill (S. 3611) authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 3, after the words "payment of," to strike out "$99.17" and insert "$155," and on page 2, line 2, after the words "for the," to strike out "land and," so as to make the bill read:

Be it enacted, etc., That upon the payment of $155 additional by the lessee to the United States Government, to be paid within three months after this act is approved, and with the understanding that no part of the moneys paid by the lessee to the United States Government shall ever be refunded, and in satisfaction of all claims of both parties the Secretary of War be authorized and directed to abrogate a contract lease entered into on the 24th day of June, 1904, between Robert Shaw Oliver, Assistant Secretary of War, for the United States of America, and the Phoenix Mill Co., by D. P. Torpy, its president, of Marietta, Ohio, for the water power at Dam No. 1 at Marietta, Ohio, on the Muskingum River, in the State of Ohio.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing and directing the Secretary of War to abrogate a contract lease of water power on the Muskingum River."

UNITED DREDGING CO.

The bill (S. 3570) for the relief of the United Dredging Co., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the United Dredging Co., owner of certain dredging plant, out of any money in the Treasury not otherwise appropriated, the sum of $620, or so much thereof as may be necessary, to fully reimburse said company for damages suffered by its said dredging plant as a result of collisions therewith by the United States Navy destroyers *Tingey* and *Swasey* in the harbor of San Diego, Calif., on May 17, 1920.

SEC. 2. That the claim of the United Dredging Co. against the United States for damages alleged to have been caused to its plant in the harbor of San Diego, Calif., by the U. S. S. *Brant* on April 21, 1920, be, and the same is hereby, referred to the United States Court of Claims with jurisdiction to hear and determine the issues involved and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the United Dredging Co., or against the United Dredging Co. in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within six months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK W. KNIGHT.

The bill (H. R. 8374) for the relief of the estate of Frank W. Knight, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR A. PADMORE.

The bill (S. 2960) for the relief of Arthur A. Padmore, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Major Arthur A. Padmore, United States Army, retired, out of any money in the Treasury not otherwise appropriated, the sum of $645.33, being the difference in pay and allowances from March 4, 1921, to November 21, 1921, which would have been due and payable to him had it been possible to promote him to the grade to which his seniority entitled him before his retirement by operation of law on November 21, 1921.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILITARY RESERVATION, FORT DE RUSSY, HONOLULU.

The bill (S. 3424) to provide for the reclamation of the United States Military Reservation, Fort De Russey, Honolulu, Hawaii, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments; on line 4 to strike out "Russey" and to insert "Russy"; on line 8, to strike out "shall" and insert "is hereby authorized"; and on line 10 to strike out "$85,000" and insert "$100,000," so as to make the bill read:

Be it enacted, etc., That such portion of the United States Military Reservation, Fort De Russy, Honolulu, Hawaii, as is low, marshy, or insanitary shall be filled in and raised to the grade of other marshlands now in process of reclamation by the Territory of Hawaii in the immediate vicinity of said reservation, and for this purpose there is hereby authorized to be expended under the direction or supervision of the Secretary of War a sum not to exceed $100,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the reclamation of the United States Military Reservation, Fort De Russy, Honolulu, Hawaii."

ALASKA COMMERCIAL CO.

The bill (S. 2294) to confer jurisdiction upon the Court of Claims to ascertain the cost to the Alaska Commercial Co., a corporation, and the amount expended by it from November 5, 1920, to April 18, 1921, in repairing and rebuilding the wharf belonging to said company at Dutch Harbor, Alaska, which wharf was damaged and partially destroyed on or about November 5, 1920, through collision therewith of the U. S. S. *Saturn*, United States Navy, and to render judgment therefor, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments; on page 2, line 11, to strike out the words "in favor of said Alaska Commercial Co. and against the United States for such aggregate amounts with the right of appeal to both parties," and to insert the words "or decree for the amount of such repairing and rebuilding as shall be found to be due against the United States in favor of the Alaska Commercial Co. or against the Alaska Commercial Co. in favor of the United States, with the right of appeal to both parties"; and, on line 23, to strike out the words "The Secretary of the Treasury shall be, and he is hereby, authorized to pay to said Alaska Commercial Co., a corporation, whatever sum shall be adjudged by the Court of Claims to be due for such cost and amounts expended, after such judgment shall have become final, out of any moneys in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the claim of the Alaska Commercial Co., a corporation, against the United States for reimbursement and repayment to said company of the cost to said company and the amounts expended by it from November 5, 1920, to April 18, 1921, in repairing and rebuilding the wharf belonging to said company at Dutch Harbor, Alaska, resulting from collision with said wharf of the United States steamship *Saturn*, United States Navy, on November 5, 1920, be, and such claim is hereby, referred to the Court of Claims, and full jurisdiction is hereby vested in said court to ascertain the cost to said Alaska Commercial Co., and the amounts expended by it in repairing and rebuilding said wharf within said period, and to render judgment or decree for the amount of such repairing and rebuilding as shall be found to be due against the United States in favor of the Alaska Commercial Co., or against the Alaska Commercial Co. in favor of the United States, with the right of appeal to both parties. In ascertaining the aforesaid cost and amounts expended, the court may receive and consider all papers, depositions, records, correspondence, and documents heretofore at any time filed in the executive departments of the Government, together with any other evidence offered.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CIVIL WAR CLAIMS OF THE CITY OF NEW YORK.

The bill (S. 3413) for the relief of the city of New York was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and audit the claim of the city of New York for expenses incurred by said city in aiding to suppress the insurrection against the United States during the years 1861 to 1865, and in making said audit the provision of the act of Congress of July 27, 1861 (12 Stat., p. 276), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York *v.* the United States, decided January 6, 1896 (160 U. S. Repts., p. 598), shall be applied by the said Comptroller General and report the amount so ascertained to Congress for consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES HURST.

The bill (S. 463) for the relief of Charles Hurst was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Charles Hurst, of 217 East Sixth South Street, Salt Lake City, Utah, as full compensation for injuries sustained by his minor son, Fred Hurst, when a United States Army motor ambulance from Fort Douglas, Utah, through the negligence of the driver thereof, collided with the automobile in which such Fred Hurst was riding on November 12, 1918, on South Temple Street, Salt Lake City, Utah, causing such Fred Hurst to be thrown to the pavement and to sustain a compound fracture of his right leg, permanently crippling such Fred Hurst and necessitating medical expenses amounting to $669.50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HERBERT E. MEILSTRUP.

The bill (S. 3118) for the relief of Herbert E. Meilstrup was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Herbert E. Meilstrup, formerly an enlisted man in the Forty-first Company of Engineers, unassigned, the sum of $53.40, the same being the value of personal property lost in a manner unknown when the said company was discharged from service in the Army, and while the said Herbert E. Meilstrup was confined in General Hospital No. 25, Fort Benjamin Harrison, Ind., suffering from pneumonia, during the month of December, 1918, the said personal property having been reasonable, useful, necessary, and proper for an enlisted man while in quarters, engaged in the public service, in the line of duty, and having been lost without fault or negligence on the part of the owner, and claim for replacement of such property or recoupment of damages having been disallowed by the proper accounting officers of the Treasury, which decision was sustained on review.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS FOR DAMAGES.

The bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was announced as next in order.

Mr. McNARY. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MICHIGAN BOULEVARD BUILDING CO.

The bill (H. R. 5918) for the relief of the Michigan Boulevard Building Co. was announced as next in order.

Mr. FLETCHER. That seems to be quite a large appropriation, and in the absence of any explanation I think the bill had better go over.

The PRESIDING OFFICER. The bill will be passed over.

GENERAL STAFF DUTY.

The bill (S. 3630) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the first paragraph of section 5 of the act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, be amended to read as follows:

"SEC. 5. General Staff Corps: The General Staff Corps shall consist of the Chief of Staff, the War Department general staff, and the general staff with troops. The War Department general staff shall consist of the Chief of Staff and four assistants to the Chief of Staff selected by the President from the general officers of the line, and 88 other officers of grades not below that of captain. The general staff with troops shall consist of such number of officers not below the grade of captain as may be necessary to perform the general staff duties of the headquarters of territorial departments, armies, Army corps, divisions, and brigades, and as military attachés abroad. In time of peace the detail of an officer as a member of the General Staff Corps shall be for a period of four years, unless sooner relieved, and such details shall be limited to officers whose names are borne on the list of General Staff Corps eligibles: *Provided*, That notwithstanding other provisions of this act touching eligibility for appointment and service of members of the General Staff Corps, any general officer of the line may be appointed Chief of Staff and when so appointed shall be eligible to serve as such for a period of four years unless sooner relieved. The initial eligible list shall be prepared by a board consisting of the General of the Armies, the commandant of the General Staff College, the commandant of the General Service Schools, and two other general officers of the line, selected by the Secretary of War, who are not then members of the General Staff Corps. This board shall select and report the names of all officers of the Regular Army, National Guard, and Officers' Reserve Corps of the following classes who are recommended by them as qualified by education, military experience, and character for general staff duty:

"(a) Those officers graduated from the Army Staff College or the Army War College prior to July 1, 1917, who, upon graduation, were specifically recommended for duty as commander or chief of staff of a division or higher tactical unit, or for detail in the General Staff Corps;

"(b) Those officers who, since April 6, 1917, have commanded a division or higher tactical unit, or have demonstrated by actual service in the World War that they are qualified for General Staff duty."

Mr. FLETCHER. I think we have passed a House bill which accomplishes this purpose in a different way, and that this bill had better go over.

Mr. WARREN. I did not understand the Senator's request.

Mr. FLETCHER. My understanding is that we have passed a bill which accomplishes this purpose in a different way.

Mr. WARREN. I do not think that is the case, and, if we have done so, it will do no harm to let this bill go through.

Mr. FLETCHER. My impression is that we have covered the same ground in another bill.

Mr. NEW. I think not.

Mr. FLETCHER. I shall not object if the Senator from Wyoming wants to have the bill passed.

Mr. WARREN. I prefer that it shall go through.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CORA T. DERING.

The bill (H. R. 5668) for the relief of Cora T. Dering was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Cora T. Dering, of Sullivan County, N. Y., out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in full settlement of all claims against the United States for the loss by death of her husband, John Dering, caused by carelessness in the use of a rifle or other firearm issued to Pvt. John T. Kelley, while on duty as guard in the service of the United States at Callicoon, N. Y., on or about the 7th day of April, 1917.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. SLAINE.

The bill (H. R. 9069) for the relief of William H. Slaine was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William H. Slaine the sum of $475 for damages to his automobile by a mail truck belonging to the Government.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. FITZGERALD.

The bill (S. 3419) for the relief of James E. Fitzgerald was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 5, before the name "Fitzgerald," to strike out "E." and insert in lieu thereof "B.," so as to make the bill read:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to James B. Fitzgerald, a former employee in the Postal Service, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James B. Fitzgerald."

FRANCIS L. FLANDERS.

The bill (S. 163) for the relief of Francis L. Flanders was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Francis L. Flanders, out of any money in the Treasury not otherwise appropriated, the sum of $2,000, being the amount paid by Francis L. Flanders in satisfaction of the bond in cause No. 226 in the District Court of the United States for the western district of Missouri, entitled "United States *v.* John Blaney and Francis L. Flanders," for the reason that said sum of $2,000 was paid by said Francis L. Flanders under order of the district court of the United States above mentioned for the nonappearance of said defendant, who was afterwards apprehended by the officers of the United States through the efforts of Francis L. Flanders and subsequently convicted and sentenced.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF RURAL CARRIERS.

The bill (H. R. 7544) authorizing the Postmaster General to temporarily reduce the pay of rural carriers for disciplinary purposes instead of suspending them without pay was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized in his discretion, whenever for disciplinary purposes he deems it advisable to do so, to reduce temporarily the pay of rural carriers: *Provided*, That in no case shall such a reduction in pay be of more than one grade as fixed by the Act of June 5, 1920, nor extend over a greater period of time than one year.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH SHELTON.

The bill (S. 162) for the relief of Sarah Shelton was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, on line 6, to strike out "$5,000" and to insert in lieu thereof "$1,643.25," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Sarah Shelton, of Granite City, Ill., the sum of $1,643.25, for the death of her husband, William Shelton, who was killed by being run down by a launch under the charge and control of the deputy collector of customs at St. Louis, Mo., while said deputy collector was in the exercise and discharge of his duties.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WIDOW OF SURGEON VON EZDORF, DECEASED.

The bill (S. 528) for the relief of the widow of Rudolph H. von Ezdorf, deceased, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 5, to strike out "two years" and insert in lieu thereof "one year," so as to make the bill read:

Whereas Rudolph H. von Ezdorf, late surgeon and a commissioned officer in the United States Public Health Service, contracted myocarditis as a sequel to an attack of yellow fever incurred in line of duty while an assistant surgeon engaged in the special work of suppressing an epidemic of yellow fever in the State of Mississippi during the year 1898; and

Whereas said myocarditis so contracted was the approximate cause of the death of the said Rudolph H. von Ezdorf while he was actually engaged in the special work of investigating the suppression and control of malarial fever in the county of Lincoln, N. C., on September 7, 1916: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the widow of Rudolph H. von Ezdorf, deceased, the sum of $4,500, being the amount of salary and allowances for one year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

EDWARD J. SCHAEFER.

The bill (H. R. 1723) for the relief of Edward J. Schaefer was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, to Edward J. Schaefer the sum of $5,000 in full settlement of damages for the death of his wife, Ruth Stone Schaefer, who was accidentally shot by a soldier in the service of the United States at Camp Alexander, Va., on July 7, 1919.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. CONNORS.

The bill (H. R. 7695) for the relief of James E. Connors was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of James E. Connors the sum of $2,500 in compensation for injuries caused by a Navy automobile, resulting in the amputation of his left foot.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJOR FRED H. GALLUP.

The bill (H. R. 6966) to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Fred H. Gallup, formerly a captain of Field Artillery, whose nomination as major of Field Artillery was confirmed by the Senate in June, 1916, a major of Field Artillery, to take rank at the foot of the list of majors of Field Artillery, and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of majors of Field Artillery now authorized by law by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXEMPTION OF D. A. R. PROPERTY.

The bill (H. R. 6258) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C., was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the property situated in square 173 in the city of Washington, D. C., described as lots 12, 13, 14, 15, and 16, inclusive, occupied by the Daughters of the American Revolution, be exempt from and after February 28, 1921, from all taxation so long as the same is so occupied and used, subject to the provisions of section 8 of the act approved March 3, 1877, providing for exemptions of church and school property and acts amendatory thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIBERIAN LOAN.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

Mr. CURTIS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it will be temporarily laid aside.

BILL PASSED OVER.

The bill (S. 171) to extend the provisions of the act of May 11, 1912, was announced as next in order on the calendar.

Mr. BURSUM. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF DISTRICT CODE.

The bill (S. 2568) to amend section 196 of the Code of Law for the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments in line 7 to strike out "a deputy coroner and an assistant deputy coroner. The deputy coroner," and to insert "two deputy coroners, who," and on page 2, in line 1, to strike out the word "assistant"; in line 1 to strike out the word "coroner" and insert the word "coroners"; in line 3 to strike out the words "or the deputy coroner"; in line 3 to strike out the word "his" and insert the word "their"; in line 4 to strike out the word "deputy"; in line 5 to strike out the words "coroner and the assistant deputy coroner" and insert the word "coroners," so as to make the bill read:

Be it enacted, etc., That section 196 of the Code of Law for the District of Columbia be, and the same is hereby, amended by striking out said section and inserting in lieu thereof the following:

"SEC. 196. Deputy coroners: The Commissioners of said District shall have authority to appoint two deputy coroners, who shall assist the coroner in the performance of his duties aforesaid, and shall perform the same duties in case of the absence or disability of the coroner. The deputy coroners shall serve and receive pay only in case of the absence or disability of the coroner, and when serving, their duties shall be the same as the aforesaid duties of the coroner. The deputy coroners shall, while acting, receive compensation at a rate not exceeding $5 per day, to be paid as other expenses of said District, and each shall give bond in the penalty of $2,500, with security to be approved by the said Supreme Court, conditioned for the due performance of his duties."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO INDIAN WAR SURVIVORS.

The bill (S. 451) to amend section 2 of an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, was announced as next in order.

Mr. BURSUM. The provisions of that bill were included in House bill No. 4, previously passed. I therefore move that Senate bill 451 be indefinitely postponed.

The motion was agreed to.

THE NATIONAL GUARD.

The bill (S. 3704) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in addition to the sum heretofore appropriated for the item "transportation of supplies," under the appropriation "arming, equipping, and training the National Guard," as contained in an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes," there may be used for such purpose the sum of $175,000 from the appropriation "arms, uniforms, equipment, etc., for field service, National Guard," for the fiscal year 1922.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAST GUARD STATION, GREEN BAY, WIS.

The bill (H. R. 2874) to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis., in such locality as the captain commandant of the Coast Guard may recommend, at a limit of cost for station buildings and equipment thereof of $35,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECOVERY OF ALLOTMENTS.

The bill (S. 3740) regulating the recovery of allotments heretofore paid to designated allottees was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That no recovery of allotments heretofore paid to, or on behalf of, an allottee, designated by any person who served in the Army between April 6, 1917, and August 9, 1921, shall hereafter be made for any reason whatsoever, except in cases of manifest fraud.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALICE M. GORMAN.

The bill (S. 3350) for the relief of Alice M. Gorman, was considered as in the Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, in line 3, to strike out "that there be paid" and to insert "that the Secretary of the Treasury be, and is hereby, authorized and directed to pay," and in line 7, to strike out "$10,000" and insert "$2,500" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated by law, to Alice M. Gorman the sum of $2,500 for injuries received when the automobile in which she was riding collided with an Army truck near North East, Md., April 17, 1921.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

G. DARE HOPKINS.

The bill (S. 3351) for the relief of G. Dare Hopkins, was considered as in the Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, in line 3, to strike out "That there be paid" and to insert in lieu thereof "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay," and in line 7, to strike out "$15,000" and insert in lieu thereof "$5,000" so as to make the bill read:

> *Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated by law, to G. Dare Hopkins the sum of $5,000 for injuries received when his automobile collided with an Army truck near North East, Maryland, April 17, 1921.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL SWEENEY.

The bill (S. 2580) for the relief of Michael Sweeney was considered as in Committee of the Whole, and was read, as follows:

> *Be it enacted, etc.,* That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, Michael Sweeney, late of Battery C, First Missouri Light Artillery, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization: *Provided,* That no pay, bounty, or other emolument shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APPEALS IN ADMIRALTY CASES.

The bill (S. 3632) to amend section 128 of the Judicial Code, relating to appeals in admiralty cases, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, in line 8, after the word "admiralty," to insert "determining the rights and liabilities of the parties," so as to make the bill read:

> *Be it enacted, etc.,* That section 128 of the Judicial Code is hereby amended by adding thereto the following:
>
> "In all cases where an appeal from a final decree in admiralty to the Circuit Court of Appeals is allowed by this section an appeal may also be taken to said court from an interlocutory decree in admiralty determining the rights and liabilities of the parties, provided the same is taken within 15 days after the entry and service of a copy thereof upon the adverse party, but the taking of such appeal shall not stay proceedings under the interlocutory decree unless otherwise ordered by the district court upon such terms as shall seem just."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DETENTION HOSPITAL BUILDING, NOME, ALASKA.

The bill (H. R. 9528) providing for the retention by the Government of the property in Nome, Alaska, known as the Detention Hospital Building, and its use by the Bureau of Education, Department of the Interior, was considered as in Committee of the Whole, and was read, as follows:

> *Be it enacted, etc.,* That the property commonly known as the Detention Hospital Building, being situated on plot consisting of lot 66, in block 30, in the town of Nome, Territory of Alaska, according to the official plat thereof, and the easterly 65 feet of Second Avenue west, in said town of Nome, Territory of Alaska, vacated by said town of Nome and donated by said town of Nome to the Department of Justice on the 25th day of August, 1913, by ordinance No. 232, and a portion and part of lot 67, in block 30, in the town of Nome, Territory of Alaska, according to the official plat thereof, approximately 8 feet in width and extending the full length of said lot 67 alongside of and contiguous to said lot 66, shall not be sold but shall be retained by the United States for use by the employees of the United States Bureau of Education, Department of the Interior, and for such other uses of the Government as the President may direct.
>
> The Attorney General is authorized to transfer the custody of said building to the Secretary of the Interior for use as set forth above.
>
> All laws or parts of laws to the extent they are in conflict with the provisions of this act are repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS FOR REFUND OF TAXES.

The bill (S. 3716) to define a period in which certain claims may be presented for determination to the Commissioner of Internal Revenue for refund of taxes erroneously collected from certain estates of decedents under color of section 29 of the act of Congress approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," and amendments, and to authorize payment of amounts allowed in the determination of such claims, was announced as next in order.

Mr. McNARY. Let the bill go over.

The PRESIDING OFFICER. On objection, the bill will be passed over.

AARON KIBLER.

The bill (H. R. 478) for the relief of Aaron Kibler was considered as in Committee of the Whole and was read, as follows:

> *Be it enacted, etc.,* That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Aaron Kibler shall hereafter be held and considered to have been honorably discharged from the military service of the United States in his final service as a private of Company G, Sixth Regiment Iowa Volunteer Infantry: *Provided,* That no pension, bounty, pay, or other emoluments shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY JOHN TITTINGER.

The bill (S. 1040) authorizing the appointment of Anthony John Tittinger as captain of Cavalry was announced as next in order.

The PRESIDING OFFICER. The bill was adversely reported from the Committee on Military Affairs and, without objection, will be indefinitely postponed. The Chair hears no objection, and it is so ordered.

HENRY M. WILLIAMS.

The bill (S. 2569) for the relief of Henry M. Williams was announced as next in order.

The PRESIDING OFFICER. The bill was adversely reported from the Committee on Military Affairs and, without objection, will be indefinitely postponed. The Chair hears no objection, and it is so ordered.

OAKLEY RANDALL.

The bill (S. 2854) for the relief of Oakley Randall was considered as in Committee of the Whole and was read, as follows:

> *Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $160 to Oakley Randall, of Fairmont, W. Va., due him for services rendered as a volunteer soldier in the Fourteenth Regiment West Virginia Volunteer Infantry during the Civil War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF PANAMA CANAL ACT.

The bill (H. R. 11872) to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the opening and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McNARY subsequently said:

Mr. President, may I inquire what disposition was made of Order of Business 792, House bill 11872?

The PRESIDING OFFICER. The bill was passed.

Mr. McNARY. I ask that the vote by which the bill was passed may be reconsidered. I might have no objection to it if some one would explain it. It seems to me to be very important legislation.

The PRESIDING OFFICER. Without objection, the vote by which the bill was passed will be reconsidered. The Chair hears no objection, and it is so ordered.

Mr. CURTIS. I suggest that the bill go over.

The PRESIDING OFFICER. The bill will go over, retaining its place on the calendar.

LEPROSY INVESTIGATION STATION, HAWAII.

The bill (H. R. 11589) to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kalawao, on the island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECLAMATION PROJECT AT HOPE, N. MEX.

The bill (S. 3709) to provide for an examination and report on the condition and feasibility of a reclamation project at Hope, Eddy County, N. Mex., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to cause an examination and survey of the Penasco River to be made in and around Hope, Eddy County, in the State of New Mexico, to determine the general character of the lands in such county and in such river valley which can be reclaimed at a reasonable cost, and to ascertain the character, extent, and cost of a reclamation project for such locality. Such Secretary shall report to Congress not later than February 1, 1923, the result of the examination and survey, with recommendations as to the feasibility and advisability of the undertaking or participation by the United States in such reclamation project.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, to be available for the purposes of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE T. LARKIN.

The bill (S. 1491) for the relief of George T. Larkin was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out "$706.10" and insert in lieu thereof "$692.55," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to George T. Larkin, late deputy United States marshal for the eastern district of Tennessee, the sum of $692.55 for expenses incurred and paid by him out of his personal funds by direction of the United States marshal and the United States attorney of said district for physicians' services, nurses, and board for one Joseph Vandergriff, a United States prisoner, who was seriously injured in a railway wreck while in the custody of said Larkin as deputy marshal; also the sum of $1,284, the same being for salary for 642 days, from October 1, 1881, to January 22, 1884, at $2 per diem, the period during which he was suspended from duty as deputy United States marshal while under indictment and trial for murder, of which he was acquitted, because of his killing in self-defense a citizen who resisted lawful arrest by said Larkin as deputy.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY C. WILKE.

The bill (S. 1515) for the relief of Henry C. Wilke was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out "$1,993.90" and insert in lieu thereof "$1,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry C. Wilke, out of any money in the Treasury not otherwise appropriated, the sum of $1,500 in full compensation for losses sustained when the dwelling house in which he resided, together with his furniture and other household effects, were destroyed by fire as the result of an explosion at the United States Naval Ordnance Plant, Baldwin, Long Island, N. Y., on February 26, 1919.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RIVER AND HARBOR PROJECTS.

The bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was considered as in Committee of the Whole.

Mr. JONES of Washington. Mr. President, the bill can not be passed to-day; the Senator from South Carolina [Mr. SMITH] wants it to go over until Monday; but before it is passed over I should like to have the Senate consider two or three certain minor amendments. The Senator from New York [Mr. CALDER] expects to be away on Monday, when we will probably call the bill up for consideration. He has an amendment or two to offer and I have one or two minor amendments. I would like to have those amendments considered and then have the bill passed over.

The PRESIDING OFFICER (Mr. NEW in the chair). Without objection, that course will be pursued. The bill is before the Senate as in Committee of the Whole.

Mr. CALDER. I submit the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 2, after line 9, insert:

Westchester Creek, N. Y., in accordance with report submitted in Rivers and Harbors Committee Document No. 8, Sixty-seventh Congress, second session, and subject to the conditions set forth in said document.

Mr. JONES of Washington. I have no objection to the amendment. It is recommended by the engineers, but the report came in after the bill had been passed by the House.

The amendment was agreed to.

Mr. CALDER. I now submit another amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. Add a new section, as follows:

SEC. —. That the Secretary of War may, in his discretion, and if he deems it fair and equitable to do so, annul a contract entered into on the 22d day of May, 1916, between the United States and the Great Lakes Dredge & Dock Co., for the removal of Coenties Reef, East River, N. Y., and relieve the said company from further obligation thereunder as between the company and the United States.

Mr. JONES of Washington. I shall make no objection to the amendment, but I desire to say now that when the bill goes to conference the proper authorities of the State of New York will be notified of the nature of the amendment so that the matter may come up in conference and be taken care of there.

Mr. CALDER. Mr. President, may I make a brief statement in reply to what the chairman of the Committee on Commerce has said? I appreciate fully the view of the Senator. I may say that I believe the amendment is agreeable to the authorities of the State of New York. I know it is agreeable to the War Department.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. JONES of Washington. I offer the amendment which I send to the desk, to be inserted on page 9, line 2, after the word "allotments."

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington will be stated.

The READING CLERK. On page 9, line 2, after the word "allotments," it is proposed to insert the words "heretofore or hereafter made."

The amendment was agreed to.

Mr. JONES of Washington. In line 5, on the same page, after the word "sloughs," I move to insert the words "or former channels."

The amendment was agreed to.

Mr. JONES of Washington. At the beginning of line 13 I move to strike out "$100,000" and to insert "$50,000."

The amendment was agreed to.

Mr. JONES of Washington. On page 9, at the end of line 13, after the word "to," I move to insert the words "any one."

The amendment was agreed to.

Mr. JONES of Washington. In line 14, on the same page, after the word "landing," I move to strike out the word "places" and to insert the word "place."

The amendment was agreed to.

Mr. JONES of Washington. I think the Senator from Florida [Mr. FLETCHER] has an amendment which he desires to offer to the bill.

Mr. FLETCHER. I wish to offer two amendments under the head of "Surveys," which do not change the real substance of the bill at all.

On page 20, after line 9, I move to insert the words:

Caloosahatchee River, Fla.

That will include the Caloosahatchee River in the survey.

Mr. JONES of Washington. I have no objection to that amendment.

The amendment was agreed to.

Mr. FLETCHER. Following the amendment just agreed to, I move to insert the words:

St. Lucie Inlet, Fla.

The amendment was agreed to.

Mr. JONES of Washington. For the Senator from New Jersey [Mr. EDGE], I offer an amendment, the report on which came down from the engineers after the bill had passed the House of Representatives.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington on behalf of the Senator from New Jersey will be stated.

The READING CLERK. On page 2, between lines 14 and 15, it is proposed to insert the following:

> Absecon Inlet, N. J., in accordance with the report submitted by House Document No. 375, Sixty-seventh Congress, second session.

The amendment was agreed to.

Mr. JONES of Washington. I now ask that the bill may be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACCOUNTS OF UNITED STATES TREASURER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3780) authorizing a credit in certain accounts of the Treasurer of the United States. It directs the Secretary of the Treasury and the General Accounting Office to credit in the accounts of the Treasurer of the United States certain items of unavailable funds, in the sum of $15,956, now carried in the accounts of the office of the assistant treasurer of the United States at Boston, Mass., and in the general account of the Treasurer of the United States as unavailable funds and representing a shortage found upon the discontinuance on October 25, 1920, of the subtreasury at Boston, Mass., in the amount of money belonging to the United States while in the custody of the assistant treasurer, the loss having occurred through no fault or negligence on his part, as set forth in Senate Document No. 400, Sixty-sixth Congress, third session, and proposes for the purpose named to appropriate $15,956.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUIS LEAVITT.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3754) for the relief of Louis Leavitt. It proposes to appropriate $620,623.33 to pay Louis Leavitt in reimbursement of certain moneys paid by him to the United States and for certain expenses incurred under circumstances set forth in the communication of the President of the United States to the Speaker of the House of Representatives dated the 6th day of May, 1922, and in the accompanying report of the Director of the Budget, House Document No. 313, Sixty-seventh Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CROP INSURANCE.

The joint resolution (S. J. Res. 219) creating a joint commission to investigate the subject of crop insurance was announced as next in order.

Mr. McNARY. Mr. President, subsequent to the time when I introduced Senate Joint Resolution 219 I offered a substitute for it which is now on the calendar. I therefore ask that this joint resolution may be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

GEORGE R. CAMPBELL AND OTHERS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 513) for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long. It directs the Secretary of the Treasury to pay to George R. Campbell, Milton R. Germond, and Walter D. Long, their heirs or assigns, $5,034.75, being the amount due them for services performed as United States deputy surveyors, in accordance with the report of the Secretary of the Treasury contained in House Document No. 683, Sixty-second Congress, second session.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIVIAN HOOD.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 862) for the relief of Vivian Hood. It directs the Secretary of the Treasury to pay to Vivian Hood $2,500, in full compensation against the Government for injuries sustained as a result of being struck by a fragment of shell May 14, 1920, while witnessing a demonstration party from the Chemical Warfare Service at the State Fair Grounds, Des Moines, Iowa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KINEO TRUST CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8073) for the relief of the Kineo Trust Co. It directs the Secretary of the Treasury to pay to the Kineo Trust Co, of Dover, Me., a banking corporation existing by law, or its assigns, $5,000, with interest at the rate of 4½ per cent per annum from September 15, 1919, to September 15, 1920, the amount of the principal and interest due it as owner of a United States Treasury certificate of indebtedness of series T-10, No. 6768, dated September 15, 1919, and maturing March 15, 1920, of which the Kineo Trust Co. has established loss from its possession; but the Kineo Trust Co. shall furnish to the Secretary of the Treasury a bond in the penal sum of double the principal amount of the lost United States Treasury certificate and the interest accrued on such obligation, with such securety or surety as the Secretary of the Treasury may require to indemnify the United States against any loss from any claim that may subsequently be made upon such lost United States Treasury certificate of indebtedness.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FITZCHARLES DRY GOODS CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8143) for the relief of Fitzcharles Dry Goods Co. It directs the Secretary of the Treasury to pay to the Fiztcharles Dry Goods Co., of Trenton, N. J., $137, on account of damage to property by a Government-owned motor cycle.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CANADIAN PACIFIC RAILWAY CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9472) for the relief of the Canadian Pacific Railway Co. It directs the Secretary of the Treasury to pay to the Canadian Pacific Railway Co. $50, as reimbursement for customs fine in connection with shipment of four packages of old clothes covered by immediate transportation entry No. 122, of November, 1919, erroneously imposed by the collector of customs at Richford, Vt.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS CAYET.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10544) for the relief of Louis Cayet. It directs the Secretary of the Treasury to pay to Louis Cayet $585 for injuries sustained by him when his motor cycle collided with a mail truck in Cleveland, Ohio, August 20, 1920.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LANDS IN ESCAMBIA COUNTY, FLA.

The Senate as in Committee of the Whole proceeded to consider the bill (H. R. 7967) granting certain lands to Escambia County, Fla., for a public park, which had been reported from the Committee on Public Lands and Surveys with an amendment in section 1, on page 2, line 5, after the name "Florida," to insert "upon the payment of $1.25 per acre," so as to make the section read:

> That the public lands within the areas hereinafter described be, and the same are hereby, granted and conveyed to Escambia County, Fla., in trust, for the purposes of a public park, reserving, however, to the United States all oil, coal, and other mineral deposits within said lands and the right to prospect for, mine, and remove the same, to wit: The north half northeast quarter section 34, township 3 south, range 32 west; south half southwest quarter section 26, township 3 south, range 32 west; lot 3, section 26, township 3 south, range 32 west; lot 1, section 27, township 8 south, range 32 west, comprising $253\frac{8}{10}$ acres, all Tallahassee meridian, within Escambia County, State of Florida, upon the payment of $1.25 per acre; but nothing herein contained shall in any wise affect any claim of title heretofore acquired or asserted to any of the lands herein described.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the *bill to* be read a third time.

The bill was read the third time, and passed.

LANDS IN LINCOLN NATIONAL FOREST, N. MEX.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3702) providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain, also within such State, which had been reported from the Committee on Public Lands and Surveys with amendments.

The first amendment was, in section 1, page 1, line 4, after the word "lands," to strike out "or any interest therein"; on page 2, line 1, after the word "lands" to strike out "or interest"; in line 15, after the word "empowered," to insert "in his discretion"; and at the beginning of line 18, to strike out "or interest therein," so as to make the section read:

> That whenever the owner or owners of any privately owned lands, situated within township 18 south, range 11 east, or townships 15, 16, 17, 18, and 19 south, range 12 east, New Mexico principal me-

ridian, within the county of Otero and State of New Mexico, and within the present boundaries of the Lincoln National Forest, shall submit to the Secretary of Agriculture a proposal for the exchange of said lands for lands upon the public domain situated in the county of Otero and State of New Mexico, and such Secretary shall be of opinion that the acquirement of the same by the United States for national forest purposes would be beneficial thereto, he is hereby authorized and empowered to transmit to the Secretary of the Interior such offer so made to him, together with such recommendations as he may see proper to make in connection therewith, together with a description of the property included in such offer and an estimate of the commercial or other value thereof, intrinsically or otherwise; and if he shall recommend the acquirement of the same by the United States under the provisions hereof, then, and in such event, the Secretary of the Interior shall be, and hereby is, authorized and empowered in his discretion to enter into and conclude negotiations with such owner or owners thereof and in exchange for such designated privately owned lands, and upon conveyance by the owner or owners thereof to the United States by a good and sufficient deed, to cause to be patented to such owner or owners such acreage of nonmineral, nonirrigable grazing lands not suitable for agricultural purposes except for raising grass, situated within the said county of Otero, State of New Mexico, of equal total value, as near as he may be able to determine, to the lands so conveyed to the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 1, after the word "lands," to strike out "or interest therein," so as to make the section read:

SEC. 2. That any lands conveyed to the United States under the provisions of this act shall, upon acceptance of the conveyance thereof, become and be a part of such Lincoln National Forest.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE MUSCLE SHOALS PROJECT.

The joint resolution (S. J. Res. 227) rejecting bids for the acquisition of Muscle Shoals was announced as next in order.

Mr. McNARY. I ask that the joint resolution may be passed over.

The PRESIDING OFFICER. The joint resolution will be passed over at the request of the Senator from Oregon.

VALIDATION OF PUBLIC-LAND ENTRIES.

The bill (H. R. 10419) validating certain applications for and entries of public lands was announced as next in order.

Mr. WARREN. Mr. President, that seems to be a duplicate of a bill which was passed this morning.

Mr. FLETCHER. I think it had better go over.

The PRESIDING OFFICER. The Chair will state that this bill appears already to have been passed.

Mr. McNARY. The Senator from New Mexico [Mr. BURSUM], who reported the bill, is present.

Mr. WARREN. I will say to the Senator from New Mexico that I hesitate to ask for the indefinite postponement of the bill because it may contain matter not in the other bill which has been passed.

Mr. BURSUM. Mr. President, the measure has been very thoroughly considered. It applies to certain entries of public lands——

Mr. WARREN. I understand that; but we passed a bill this morning, of which this bill is apparently a duplicate.

Mr. FLETCHER. I suggest that the bill go over.

Mr. WARREN. I think it had better go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. WARREN subsequently said: Mr. President, a moment ago I objected to the consideration of House bill 10419 on the ground that we had already passed a similar measure. The Senator from New Mexico [Mr. BURSUM] has checked up the bill for me, and we find that House bill 10419 contains all of the matter in the other bill—which was a Senate bill—and other matters as well; so I move to reconsider the votes whereby the Senate passed Senate bill 3235, Order of Business 642.

The PRESIDING OFFICER. The Chair understands that the motion of the Senator from Wyoming is to reconsider the vote by which Senate bill 3235 was passed.

Mr. WARREN. That is my motion. I make it for the purpose of taking up now the bill that we passed over a moment ago, House bill 10419, Order of Business 819.

The PRESIDING OFFICER. Without objection the vote will be considered as having been reconsidered. The Chair now lays before the Senate House bill 10419.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10419) validating certain applications for and entries of public lands, which had been reported from the Committee on Public Lands and Surveys with amendments.

The first amendment was, on page 3, after line 20, to insert:

Homestead entry, Evanston, Wyo., No. 04797, made by Maurice E. Williams on June 12, 1915, for east half of the east half of the west half of the northeast quarter, east half of the east half of the northwest quarter of the southeast quarter, east half of the southwest quarter of the southeast quarter, west half of the east half of the northeast quarter, west half of the east half of the east half of the northeast quarter, west half of the northeast quarter of the southeast quarter, west half of the east half of the northeast quarter of the southeast quarter, and the west half of the southeast quarter of the southeast quarter, section 28, township 42 north, range 113 west, sixth principal meridian.

The amendment was agreed to.

The next amendment was, on page 4, after line 9, to insert:

Homestead entries, Douglas, Wyo., Nos. 022064 and 022065, made by Clarence R. Smith, for section 12, township 35 north, range 75 west, sixth principal meridian.

The amendment was agreed to.

The next amendment was, on page 4, after line 14, to insert:

Homestead entry, Alliance, Nebr., No. 018311, made by Theodore A. Crapsey on January 21, 1918, for lots 1, 2, 3, and 4, section 3, township 29 north, range 42 west, sixth principal meridian.

The amendment was agreed to.

The next amendment was, on page 4, after line 19, to insert:

Desert-land entry, Sterling, Colo., No. 010728, made by James H. Parker on February 2, 1910, for the southwest quarter of the southeast quarter of section 12, township 11 north, range 46 west, sixth principal meridian.

The amendment was agreed to.

The next amendment was, at the top of page 5, to insert:

Preemption declaratory statement, Durango, Colo., No. 052069, filed by John A. Hawk on July 3, 1915, for the northeast quarter of section 11, township 39 north, range 18 west, New Mexico principal meridian.

The amendment was agreed to.

The next amendment was, on page 5, after line 5, to insert:

Small holding claim, Las Cruces, N. Mex., No. 5122, serial 019992, of Paul A. Marcellino, embracing tract 1 in sections 15 and 16, township 3 south, range 1 west, New Mexico principal meridian, containing 5.02 acres.

The amendment was agreed to.

The next amendment was, on page 5, after line 12, to insert:

Forest lieu selection, Missoula, Mont., No. 01858, filed by H. P. Kennett, attorney in fact, embracing lot 9, section 14, township 8 north, range 21 west, Montana principal meridian, containing 17.06 acres.

The amendment was agreed to.

The next amendment was, in section 2, page 5, line 19, after the word "the," to strike out "entry" and insert "entries"; in line 20, after the word "same," to strike out "is" and insert "are"; in line 21, after the word "issue," to strike out "patent" and insert "patents"; and in line 23, after the word "such," to strike out "entry was" and insert "entries were," so as to read:

That the entries hereinafter named be, and the same are hereby, validated, and the Secretary of the Interior authorized to issue patents thereon upon submission of satisfactory proof of compliance with the law under which such entries were allowed.

The amendments were agreed to.

The next amendment was, on page 6, after line 7, to insert:

Additional homestead entry No. 029539, made by Erich von Buddenbrock, on November 1, 1918, under the act of December 29, 1916 (39 Stat. L. p. 862), for the south half of the northeast quarter, east half of the southeast quarter, southwest quarter of the southeast quarter of section 10, southwest quarter of the northwest quarter and west half of the southwest quarter of section 11, township 31 south, range 60 west, sixth principal meridian.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WARREN. Mr. President, I now move the indefinite postponement of the bill which we reconsidered, Senate bill 3235.

The motion to postpone indefinitely was agreed to.

LOUIS A. HOGUE.

The bill (S. 3799) for the relief of Louis A. Hogue was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That the claim of Louis A. Hogue, of Crittenden, Va., owner and master of the auxiliary sloop *Ivy*, on behalf of himself and the crew thereof and as bailee of the cargo laden on board said sloop at the time of the occurrences hereinafter mentioned, against the United States for damages alleged to have been caused by collision between the said auxiliary sloop *Ivy* and the United States steam tug *S. T. Co. No. 2*, in Norfolk Harbor, on the 8th day of April, 1919, may be sued for by the said Louis A. Hogue in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of Louis A. Hogue on behalf of himself and the crew thereof and as bailee of the cargo then laden on board said auxiliary sloop *Ivy* or against Louis A. Hogue, suing on behalf of himself and the crew thereof and as bailee of the cargo then laden on board said auxiliary sloop *Ivy*, in favor of the United States upon the same principles and measures of liability as in like cases of admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend said United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OWNERS OF STEAMSHIP "CONSTANTINOS PATERAS."

The bill (S. 3800) for the relief of C. Pateras & Sons and C. Lemos, owners of the Greek steamship *Constantinos Pateras*, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That the claim asserted by C. Pateras & Sons and C. Lemos, owners of the Greek steamship *Constantinos Pateras*, for damages alleged to have been suffered in a collision which occurred in Hampton Roads on the 17th day of October, 1920, between the *Constantinos Pateras* and the United States naval vessel *Falcon*, by reason of said collision, may be submitted to the United States District Court for the Eastern District of Virginia, the district in which said collision occurred, under and in compliance with the rules of said court sitting as a court of admiralty; and that said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of damages sustained by reason of said collision, either for or against the United States, upon the same principles and measure of liability, with costs, as in like cases in admiralty between private parties, with the same right of appeal: *Provided*, That such suit shall be brought and commenced within four months after the passage of this Act: *Provided further*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by the order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States.

SEC. 2. That should damages be found to be due from the United States to the said C. Pateras & Sons and C. Lemos, as owners of said steamship *Constantinos Pateras*, the amount of the final decree or decrees therefor shall be paid to those entitled thereto, or their proctors of record, out of any money in the United States Treasury not otherwise appropriated.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 9, 1920, entitled "An act authorizing suits against the United States in admiralty, etc.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, was announced as next in order.

Mr. FLETCHER. I ask that that bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

D. C. DARROCH.

The bill (S. 2946) for the relief of D. C. Darroch was considered as in Committee of the Whole. It provides that D. C. Darroch, former private, Company B, Fifty-first Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States; but no pension, pay, bounty, or allowance shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF ALMON R. PROCTOR.

The bill (S. 1715) for the relief of the heirs of Almon R. Proctor was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the heirs of Almon R. Proctor $2,100, to compensate them for the death of their father on June 26, 1912, due to malarial poisoning contracted while in the discharge of his duty as sanitary inspector on the Panama Canal in the employ of the Isthmian Canal Commission.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMBROSE I. MORIARTY.

The bill (S. 2750) to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarity was considered as in Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment on line 6, before the word "on," to strike out "major" and insert "captain," so as to make the bill read:

Be it enacted, etc., That the President be, and hereby is, authorized, by and with the advice and consent of the Senate, to appoint Ambrose I. Moriarty, second lieutenant on the retired list of the Regular Army, a captain on the retired list of the Regular Army.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarty."

BILLS AND RESOLUTION PASSED OVER.

The bill (S. 385) to amend section 5 of the United States cotton futures act, approved August 11, 1916, as amended, was announced as next in order.

Mr. McNARY. Mr. President, as I recall that bill was adversely reported by the Committee on Agriculture some time ago.

Mr. WARREN. It is so stated on the face of the bill.

The PRESIDING OFFICER. The bill has been reported adversely.

Mr. McNARY. In the absence of the junior Senator from South Carolina [Mr. Dial], the senior Senator from South Carolina [Mr. Smith], and the Senator from Louisiana [Mr. Ransdell], I ask that the bill may go over at this time.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3146) to amend section 5 of the United States cotton futures act was announced as next in order.

Mr. FLETCHER. I think that had better go over also.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 330) authorizing a special committee to report to the Senate the results of its investigation concerning the financial interest of Senators in matters affected by the pending tariff bill was announced as next in order.

Mr. FLETCHER. Had we not better let that go over? The Senator from Idaho is not here.

The PRESIDING OFFICER. The resolution will be passed over.

AMENDMENT OF NATIONAL DEFENSE ACT.

The bill (S. 3408) to amend section 126 of the national defense act, approved June 3, 1916, as amended, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 126 of the national defense act, approved June 3, 1916, as contained in section 3 of an act entitled "An act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment and to wear the same under certain conditions," approved February 28, 1919, be, and hereby is, amended to read as follows:

"SEC. 126. Hereafter an enlisted man discharged from the Army, Navy, or Marine Corps, except by way of punishment for an offense, shall receive 5 cents per mile for the distance from the place of his discharge to the place of his acceptance for enlistment, enrollment, or muster into the service: *Provided*, That for sea travel involved in travel between place of discharge and place of acceptance for enrollment, enlistment, or muster into the service only transportation in kind and subsistence en route shall be allowed: *Provided further*, That enlisted men under the age of 18 discharged on the application of either of their parents or legal guardian shall be furnished with transportation in kind from the place of discharge to the railroad station at or nearest to the place of acceptance for enlistment, or to their home if the distance thereto is no greater than from the place of discharge to the place of acceptance for enlistment; but if the difference be greater they may be furnished transportation in kind for a distance equal to that from the place of discharge to the place of acceptance for enlistment."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Civil Service with amendment, to strike out all after the enacting clause and insert:

That the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, is hereby amended as follows:

That any employee 55 years of age or over to whom the act of May 22, 1920, applies, who shall have served for a total period of not less than 15 years and who, before reaching the retirement age as fixed in section 1 of said act shall become involuntarily separated from the service, unless removed for cause on charges of misconduct or delinquency preferred against him, shall be granted an annuity certificate in the manner provided in section 7 of said act which will entitle said employee, upon reaching retirement age, to an annuity as provided in section 2 thereof equal to the annuity he would have received upon such separation from the service had he been of full retirement age: *Provided*, That the deductions made under the provisions of section 8 of said act of May 22, 1920, from such employee's salary, pay, or compensation prior to separation from the service shall remain in the "civil-service retirement and disability fund" subject to the provisions of section 11 of said act governing the return of deductions in the case of a deceased annuitant or employee.

SEC. 2. That any employee coming within the provisions of section 1 of this act shall have the right to apply for an immediate annuity in lieu of deferred annuity at the age of retirement; and if otherwise entitled, such immediate annuity shall be granted under the following conditions:

If the employee is eligible for retirement upon reaching the age of 70 years, his immediate annuity is to be found by multiplying the annuity which he would receive were he then 70 years of age by the decimal 0.951945 raised to a power the exponent of which is the number of years his age at such separation from the service is less than 70 years.

For mechanics, city and rural letter carriers, and post-office clerks, who are eligible for retirement at 65 years of age, the immediate annuity is found by deducting 47/900 of the annuity he would receive were he then 65 years of age for each year his age at such separation is less than 65 years.

For railway postal clerks, who are eligible for retirement at 62 years of age, the immediate annuity is to be found by deducting 47/630 of the annuity he would receive were he then 62 years of age for each year his age at separation is less than 62 years.

For the purpose of computing annuities as provided in this section fractional parts of a year in respect to the age of the applicant shall be disregarded.

SEC. 3. That in case such former employee be reemployed by the Government in a position affected by the provisions of the act of May 22, 1920, the annuity certificate issued under the provisions of this act shall be canceled and all rights and benefits under this act shall terminate from and after the date of such reemployment.

SEC. 4. That this act shall include former employees coming within the provisions of the act of May 22, 1920, who have been separated from the service subsequent to August 20, 1920, under the conditions defined in section 1 hereof: *Provided*, That in the case of an employee who has withdrawn from the "civil-service retirement and disability fund" his deductions under the provisions of section 11 of the act of May 22, 1920, such employee shall be required to return the amount so withdrawn with interest compounded at the rate of 4 per cent per annum before he shall be entitled to the benefits of this act.

SEC. 5. That any employee otherwise entitled to the benefits of the act of May 22, 1920, who, prior to the passage of this act, has been continued in the service without the approval of the Civil Service Commission as provided in section 6 thereof, or, who has been reemployed in the civil service subsequent to retirement, shall be entitled to credit for such subsequent service and to receive salary, pay, or compensation therefor at the regular rates, but shall not be entitled to annuity covering the same time; and this act shall operate as a direction to the Commissioner of Pensions to remove suspension of annuity in all such cases, and shall be warrant for the proper fiscal officer of the Government to make payment or adjustment of salary, pay, or compensation earned by such employee.

SEC. 6. That nothing contained in this act shall modify the provisions of section 5 of the act of May 22, 1920.

Mr. CALDER. Mr. President, I desire to offer an amendment to the amendment of the committee. On page 4, line 1, I move to strike out "55" and insert "50."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 4, line 1, it is proposed to strike out "55" and insert "50."

Mr. CALDER. Mr. President, I offer this amendment because of conditions existing in many places throughout the country to-day. I have in mind two instances in my own State where a man was employed in the New York Navy Yard. He entered the yard as an apprentice at 16 years of age. A few months ago he was discharged at 53 years of age. He had been employed continuously for 35 years. The reason for his discharge was because of the fact that we have stopped building capital ships.

The Brooklyn Navy Yard formerly employed, in the days before the war, something like 6,000 men. That number of men has been reduced to about 3,000, and, of course, the Navy Department was compelled to discharge a very great many efficient men. It seems to me that in cases of this kind, where men have been employed, as I have indicated, for 35 years, and are just ruthlessly thrown out, they have a right to consideration in legislation of this character. It is just and equitable, and I hope the chairman of the committee will permit the amendment to be agreed to.

Mr. STERLING. Mr. President, I appreciate what the Senator from New York says in regard to this matter; but I am opposed to this amendment, and I hope it will not prevail.

The bill as it passed the House made the age 60 years instead of 55. It was amended by the Senate committee so that the bill should apply to everyone in the employ of the Government who had served 15 years and who had reached the age of 55 years. I am satisfied that the amendment of the Senator from New York would not prevail in the House, even if we should adopt it here. The best we could hope to do in that respect would be to have the House agree to have the bill apply to employees who had been dismissed from the service without cause on their part after serving 15 years, and who had reached the age of 55 years; so I do not believe it advisable to put the limit at 50 years.

Mr. CALDER. Mr. President, I sympathize a good deal with what the Senator from South Dakota has said. Fifty-five years ordinarily would be a fair age for retirement. The committee was very reasonable in the consideration of this subject; but, because of the reduction of the size of our Navy, the fact that we are not going to build these large capital ships necessarily has resulted in a large number of splendid men being dismissed from the naval service without any fault of their own.

I therefore request that despite the opposition of the Senator from South Dakota the Senate will agree to my proposal.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New York to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment of the committee.

The amendment of the committee was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LEONIDAS SAWYER.

The bill (H. R. 4145) for the relief of Leonidas Sawyer was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. R. MESSENGER.

The bill (H. R. 7662) for the relief of F. R. Messenger was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS AGAINST UNITED STATES GOVERNMENT.

The bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims, with amendments, on page 1, line 6, after the word "Government," to insert "the word 'employee' shall include enlisted men in the Army, Navy, and Marine Corps"; and on page 2, line 1, after the word "after," to strike out "the passage of this act" and insert "April 6, 1917," so as to make the bill read:

Be it enacted, etc., That when used in this act the terms "department and establishment" and "department or establishment" mean any executive department or other independent establishment of the Government; the word "employee" shall include enlisted men in the Army, Navy, and Marine Corps.

SEC. 2. That authority is hereby conferred upon the head of each department and establishment acting on behalf of the Government of the United States to consider, ascertain, adjust, and determine any claim accruing after April 6, 1917, on account of damages to or loss of privately owned property where the amount of the claim does not exceed $1,000, caused by the negligence of any officer or employee of the Government acting within the scope of his employment. Such amount as may be found to be due to any claimant shall be certified to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of each claim, the amount claimed, and the amount allowed: *Provided*, That no claim shall be considered by a department or other independent establishment unless presented to it within one year from the date of the accrual of said claim.

SEC. 3. That acceptance by any claimant of the amount determined under the provisions of this act shall be deemed to be in full settlement of such claim against the Government of the United States.

SEC. 4. That any and all acts in conflict with the provisions of this act are hereby repealed.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ARMY OFFICER IN CHARGE OF PUBLIC BUILDINGS AND GROUNDS.

The bill (S. 3862) fixing the rank of the officer of the United States Army in charge of public buildings and grounds was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the total number of colonels of the line of the United States Army is hereby decreased by one, upon occurrence of the next vacancy: *Provided*, That the officer in charge of public buildings and grounds shall, during the term of his office, have the rank, pay, and allowance of a colonel of engineers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUBERT REYNOLDS.

The bill (H. R. 2003) for the relief of Hubert Reynolds was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHIGAN BOULEVARD BUILDING CO.

Mr. McCORMICK. Mr. President, if it is not out of order, I should like to ask the Senate to revert to House bill 5918, on page 15 of the calendar. It was not possible for me to be in the Chamber at the time it was reached. It is a bill for the relief of the Michigan Boulevard Building Co.

The PRESIDING OFFICER. Is there objection to returning to House bill 5918? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5918) for the relief of the Michigan Boulevard Building Co., which had been reported from the Committee on Claims with an amendment.

Mr. McCORMICK. The bill was reported by the Senator from Missouri [Mr. SPENCER] from the Committee on Claims, and the story is very brief. During the war the space in the Federal Building in Chicago occupied by the War Department proved inadequate, of course. The department sought additional space conveniently located, and advised the claimant that it desired space in the Michigan Boulevard Building, so-called. The representatives of the department furthermore stated that if the space were not placed at their disposal they would commandeer the space.

An agreement was reached on the basis of a lease for a term of years. The commandant of that district was transferred. Another commandant upon summary notice moved the headquarters, bag and baggage, from the space in the Michigan Boulevard Building for reasons alleged, upon which I will not dwell, and left the owners of that building with that space on their hands, they having made considerable outlay for the changes and arrangements necessary to accommodate the War Department.

If Senators desire, I am very ready to read the whole account of the transaction, but I think it will satisfy Senators to know that the bill having passed the House was scrupulously examined in the Committee on Claims, and without any solicitation on my part, or any argument on my part, before the committee it was reported by the Senator from Missouri from that committee.

Mr. BRANDEGEE. Mr. President, what is the total amount of money carried in the bill?

Mr. McCORMICK. About $31,000.

Mr. BRANDEGEE. What was the length of the lease the Government entered into? How many years did it cover?

Mr. McCORMICK. On November 4, 1917, the department presented a draft of a lease——

Mr. FLETCHER. Mr. President, I do not think it necessary to read all the correspondence. I understand that the claim is for the actual damage suffered by reason of the violation of the terms of the lease.

Mr. McCORMICK. Precisely.

Mr. FLETCHER. I want a little further explanation about why the Senate raised the amount from $18,931.69, as carried in the bill as it passed the House, to $31,931.69, nearly double the amount allowed by the House.

Mr. McCORMICK. Because the amount allowed in the bill as it passed the House in the judgment of the Senate committee was not full compensation for the loss of the claimants on account of the lease.

Mr. CAPPER. Let me call the attention of the Senator from Florida to this paragraph in the report of the committee, which explains the very point he has raised:

> The House committee evidently acted under a misapprehension in deducting $18,000 from this amount, on the theory that the rental upon the space which was unrented (approximately 4,500 square feet on the third floor, and 3,000 square feet in the basement floor) should be credited to the Government in the amount of $18,000. (For the time November 1, 1917, to April 30, 1918, 18 months.)
>
> As a matter of fact the rental upon this space was $1,000 a month and was actually occupied by the Government up to November 1, 1918.
>
> The committee's information is that the House committee has recognized that it made an error and preferred to have it corrected in the Senate rather than to jeopardize the passing of the bill in the House after it was discovered.

Mr. McCORMICK. The Senator from Kansas has answered the question more briefly and better than I could.

The PRESIDING OFFICER. The Secretary will state the amendment of the committee.

The READING CLERK. On page 1, line 6, strike out "$18,931.69" and insert in lieu thereof "$31,931.69," so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, do pay to the Michigan Boulevard Building Co., a corporation of Chicago, of the State of Illinois, the sum of $31,931.69 in full satisfaction of all claims of the Michigan Boulevard Building Co. growing out of or pertaining to the occupancy of office space in the building of the Michigan Boulevard Building Co., at the southwest corner of Washington Street and Michigan Avenue, in the city of Chicago, by the War Department for central department headquarters during the period from December 15, 1917, to November 30, 1918, both inclusive.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

W. W. M'GRATH.

The bill (H. R. 2722) for the relief of W. W. McGrath, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 6, to strike out "$459.50" and insert in lieu thereof "$180.50," so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $180.50 to W. W. McGrath, in full of all claims he may have against the Government for damages done to his automobile by a United States Army truck on October 21, 1918.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LIZZIE ASKELI.

The bill (H. R. 3034) for the relief of Lizzie Askeli, was considered as in the Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 4, to strike out "$5,000" and insert in lieu thereof "$2,500," so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay the sum of $2,500 to Lizzie Askeli, widow of Charles Askeli, and that the said sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ELWOOD GRISSINGER.

The bill (S. 3738) authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Elwood Grissinger, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments. On page 1, line 6, to strike out "the" and insert "any," on line 6; to strike out "manufacture, use and," line 7, to strike out "the manufacture, use, and," and insert "any unauthorized," on line 9, after the word "elsewhere," to insert "for any use outside the United States and exclusive of any use by the United States"; on page 2, line 1, to strike out "also," and insert "of"; on line 11, to strike out "the said manufacture, use, or," and insert "any unauthorized," so as to make the bill read:

> *Be it enacted, etc.*, That the United States Court of Claims be, and it is hereby, authorized and directed to hear, determine, and render final judgment in the claim of Elwood Grissinger for compensation for any unauthorized sale by the United States, and any unauthorized sale by others for the United States, either in the United States or elsewhere, for any use outside the United States and exclusive of any use by the United States of certain long-distance telephone repeaters, and of a system for the use of any repeaters on transmission lines, as disclosed and described in certain letters patent granted to said Grissinger by the United States, and also as disclosed and described in patents granted to him by certain foreign countries, and competent jurisdiction is hereby conferred upon said court in this matter, and the acceptance by the said Grissinger of the said judgment of the Court of Claims shall operate as a release to the United States from any further claim by him for compensation from the United States for any unauthorized sale of said patents or devices manufactured under it: *Provided*, That either the United States or the said Grissinger may appeal to the Supreme Court of the United States upon any question which may, under existing law, be appealed from the Court of Claims to the Supreme Court.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OFFICERS' RESERVE CORPS.

The bill (S. 3890) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, was considered as in Committee of the Whole and was read, as follows:

> *Be it enacted, etc.*, That the second paragraph of section 5 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, hereinafter referred to as the national defense act of June 4, 1920, be, and the same is hereby, amended to read as follows:
>
> "After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation

from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps, except the Chief of Staff, shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list: *Provided,* That the name of any National Guard or reserve officer who has demonstrated by actual service with the War Department General Staff during a period of not less than six months, as hereinafter provided for, that he is qualified for General Staff duty, may, upon the recommendation of a board consisting of the general officers of the War Department General Staff, assistants to the Chief of Staff, be added to said eligible list at any time. The Secretary of War shall publish annually the list of officers eligible for General Staff duty, and such eligibility shall be noted in the annual Army Register. If at any time the number of officers available and eligible for detail to the General Staff is not sufficient to fill all vacancies therein, majors or captains may be detailed as acting General Staff officers under such regulations as the President may prescribe: *Provided,* That in order to insure intelligent cooperation between the General Staff and the several noncombatant branches, officers of such branches may be detailed as additional members of the General Staff Corps under such special regulations as to eligibility and redetail as may be prescribed by the President, but not more than two officers from each such branch shall be detailed as members of the War Department General Staff."

SEC. 2. That section 37 of said act, as contained in section 32 of the national defense act of June 4, 1920, be, and is hereby, amended to read as follows:

"SEC. 37. Officers' Reserve Corps: For the purpose of providing a reserve of officers available for military service when needed there shall be organized an Officers' Reserve Corps consisting of general officers of sections corresponding to the various branches of the Regular Army, and of such additional sections as the President may direct. The grades in each section and the number in each grade shall be as the President may prescribe. Reserve officers shall be appointed and commissioned by the President alone, except general officers, who shall be appointed by and with the advice and consent of the Senate. Appointment in every case shall be for a period of five years, but an appointment in force at the outbreak of war or made in time of war shall continue in force until six months after its termination. Any reserve officer may be discharged at any time in the discretion of the President. A reserve officer appointed during the existence of a state of war shall be entitled to discharge within six months after its termination if he makes application therefor. In time of peace a reserve officer must at the time of his appointment be a citizen of the United States or of the Philippine Islands, between the ages of 21 and 60 years. Any person who has been an officer of the Army at any time between April 6, 1917, and June 30, 1919, or an officer of the Regular Army at any time may be appointed as a reserve officer in the highest grade which he held in the Army or any lower grade. Any person commissioned in the National Guard and recognized as a National Guard officer by the Secretary of War may upon his own application be appointed as a reserve officer in the grade held by him in the National Guard. No other person shall in time of peace be originally appointed as a reserve officer of Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Service in a grade above that of second lieutenant. In time of peace appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Service shall be limited to former officers of the Army, officers of the National Guard recognized as such by the Secretary of War, graduates of the Reserve Officers' Training Corps, as provided in section 47b hereof, warrant officers and enlisted men of the Regular Army, National Guard, and Enlisted Reserve Corps, and persons who served in the Army at some time between April 6, 1917, and November 11, 1918. Promotions and transfers shall be made under such rules as may be prescribed by the President, and shall be based so far as practicable upon recommendations made in the established chain of command. So far as practicable reserve officers shall be assigned to units in the locality of their places of residence. Nothing in this act shall operate to deprive a reserve officer of the reserve commission he now holds. Any reserve officer may hold a commission in the National Guard without thereby vacating his reserve commission."

SEC. 3. That the second paragraph of section 67 of said act be, and is hereby, amended to read as follows:

"The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided,* That the sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services; for expenses of enlisted men of the Regular Army on duty with the National Guard, including an allowance for quarters and subsistence provided in section 11 of the pay readjustment act of June 10, 1922, medicine, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the hire of clerks in the offices of United States property and disbursing officers, as approved by the Secretary of War; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law."

SEC. 4. That section 81 of said act, as contained in section 44 of the national defense act of June 4, 1920, be, and is hereby, amended to read as follows:

"SEC. 81. Militia Bureau of the War Department: The Militia Division of the War Department shall hereafter be known as the Militia Bureau of the War Department. After January 1, 1921, the Chief of the Militia Bureau shall be appointed by the President by and with the advice and consent of the Senate, by selection from lists of present and former National Guard officers, recommended by the governors of the several States and Territories as suitable for such appointment, who hold commissions in the Officers' Reserve Corps, and have had 10 or more years' commissioned service in the National Guard, at least five of which shall have been in the line, and who have attained at least the grade of major. He shall hold office for four years, unless sooner removed for cause, and shall have the rank, pay, and allowances of a major general of the Regular Army during his tenure of office, but shall not be entitled to retirement or retired pay. While serving as chief his reserve commission shall continue in force and shall not be terminated except for cause assigned. Until the chief is appointed, as provided in this section, the President may assign an officer of the Regular Army, not below the grade of colonel, to perform the duties of chief. For duty in the Militia Bureau and for the instruction of the National Guard the President shall assign such number of officers and enlisted men of the Regular Army as he may deem necessary. He may also assign for duty in the Militia Bureau three officers who hold or have held commissions in the National Guard and who at the time of assignment are reserve officers, and any such officer while so assigned shall receive out of the whole fund appropriated for the support of the National Guard the pay and allowances provided in the pay readjustment act of June 10, 1922, for officers of the National Guard when authorized by law to receive Federal pay. The President may also assign, with their consent, and within the limits of the appropriations previously made for this specific purpose, not exceeding 500 officers of the National Guard, who hold reserve commissions, to duty with the Regular Army in addition to those attending service schools, and while so assigned they shall receive the pay and allowances authorized in the preceding sentence, to be paid out of the whole fund appropriated for the support of the militia."

SEC. 5. That section 99 of said act be, and is hereby, amended to read as follows:

"SEC. 99. National Guard officers and men at service schools, etc.: Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and any such officer shall receive out of any National Guard allotment of funds available for the purpose, the pay and allowances provided in the pay readjustment act of June 10, 1922, for officers of the National Guard when authorized by law to receive Federal pay and the travel allowances provided in section 12 thereof, and any such enlisted man shall receive therefrom, except as otherwise provided in section 14 of the pay readjustment act of June 10, 1922, the same pay and allowances, including allowances for quarters, subsistence, and travel to which an enlisted man of the Regular Army of like grade would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction, and for the necessary period of travel from and to his home station."

SEC. 6. That section 110 of said act, as amended by section 48 of the national defense act of June 4, 1920, be, and is hereby, amended to read as follows:

"SEC. 110. Pay for National Guard enlisted men: Each enlisted man belonging to an organization of the National Guard, other than enlisted men of the sixth and seventh grades, shall receive compensation at the rate of one-thirtieth of the initial monthly pay of his grade in the Regular Army for each drill ordered for his organization where he is officially present and in which he participates for not less than one and one-half hours, not exceeding eight in any one calendar month and not exceeding 60 drills in one year: *Provided,* That no enlisted man shall receive any pay under the provisions of this section for any month in which he shall have attended less than 60 per cent of the drills or other exercises prescribed for his organization: *Provided further,* That the proviso contained in section 92 of this act shall not operate to prevent the payment of enlisted men actually present at any duly ordered drill or other exercises: *And provided further,* That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War.

"All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Finance Department of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the 31st of March, the 30th day of June, the 30th day of September, and the 31st day of December of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War: *Provided,* That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

"Except as otherwise specifically provided herein no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over 64 years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe, nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof unless and until such State, Territory, or District provides by law that staff officers, including officers of the Finance, Inspection, Quartermaster, and Medical Departments hereafter appointed shall have had previous military experience and shall hold their positions until they shall have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE HEWITT MYERS.

The bill (S. 2582) for the relief of George Hewitt Myers was considered as in Committee of the Whole.

The bill had been reported by the Committee on Claims with an amendment, on line 6, to strike out "$19,940.68" and to insert in lieu thereof "$15,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Hewitt Myers, out of any money in the Treasury not otherwise appropriated, the sum of $15,000, being the amount of damage and loss sustained by him by reason of the occupancy of his warehouse, located at 21 M Street NE., Washington, D. C., while leased and used by the Public Printer from June 30, 1918, to June 30, 1919.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTA REITER.

The bill (S. 2388) for the relief of Augusta Reiter was announced as next in order.

Mr. SHORTRIDGE. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

F. J. BELCHER, JR., TRUSTEE FOR ED FLETCHER.

The bill (S. 3609) for the relief of F. J. Belcher, jr., trustee for Ed Fletcher, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to F. J. Belcher, jr., trustee for the benefit of Ed Fletcher, out of any money in the Treasury not otherwise appropriated, the sum of $21,838, in full payment for damage to lands owned by said Ed Fletcher inflicted thereon by the Government while occupying said lands as an Army training camp.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STANDARD FOR BUTTER.

The bill (S. 3858) to define butter and to provide a standard therefor was announced as next in order.

Mr. STERLING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN VERNON BOUVIER.

The bill (S. 823) for the relief of John Vernon Bouvier was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment on page 1, line 5, to strike out "$2,459.80" and to insert in lieu thereof "$1,659.80," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,659.80 to John Vernon Bouvier, of New York, as settlement in full for professional services rendered to the War Department and expenses incurred from February 2 to February 15, 1919, both dates inclusive, in connection with hearings before a subcommittee of the United States Senate in opposition to a petition to secure legislation authorizing the purchase by the Government of the Speedway Hospital, at Chicago, Ill., such services having been rendered at the request of the War Department and the amount of this claim having been approved by the War Department as a just and proper charge for the services rendered and expenses incurred.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE FEDERAL LINE (INC.).

The bill (S. 1069) for the relief of the Federal Line (Inc.) was considered as in the Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 6, to strike out the words "with interest from September 5, 1918," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, to Federal Line (Inc.) the sum of $700.94 for damages to 187 bags of corn meal, part of the cargo of Federal barge *No. 3*, owned by said Federal Line (Inc.), and caused by water discharged from the exhaust of the U. S. S. *Standard Arrow* on September 5, 1918, at approximately 4 o'clock p. m., while said Federal barge *No. 3* was lying at Pier B, Erie Basin, in the borough of Brooklyn, of the city of New York and State of New York, and the U. S. S. *Standard Arrow* was trying to make a berth in Robins Dry Dock in the borough of Brooklyn, in the city and State of New York.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FURNESS, WITHY & CO. (LTD.).

The bill (S. 1537) for the relief of Furness, Withy & Co, (Ltd.) was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized, empowered, and directed to pay to Furness, Withy & Co. (Ltd.) the sum of $300, out of any moneys in the Treasury not otherwise appropriated, for and on account of moneys deposited by them under section 36 of the immigration act of February 5, 1917, and covered into the Treasury before rehearing on appeal.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WARD BAKING CO.

The bill (S. 3110) for the relief of the Ward Baking Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Ward Baking Co. the sum of $1,500 for damages to its automobile by a Navy automobile on October 4, 1919, at Rye, N. Y.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. JOHN D. HALL.

The bill (S. 3412) authorizing the Secretary of War and the Auditor for the War Department to consider and settle the claim of Mrs. John D. Hall, widow of the late Col. John D. Hall, United States Army, retired, for personal property destroyed in the earthquake at San Francisco, Calif., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, on page 1, line 3, to strike out the words "That the Secretary of War and the Auditor for the War Department be," and to insert in lieu thereof the words "That the Comptroller General of the United States be, and he is hereby;" and on page 2, line 4, to strike out "their" and insert in lieu thereof "his," so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to consider the claim of Mrs. John D. Hall, widow of the late Col. John D. Hall, United States Army, retired, for value of personal property destroyed in the military service of the United States Army by the earthquake and fire at San Francisco, Calif., on April 18, 1906, under the provisions of the act of Congress approved March 3, 1885, and make such allowance in settlement therefor as in his judgment may be deemed just and proper.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mrs. John D. Hall."

UNITED STATES COAL COMMISSION.

The bill (S. 3865) to establish a commission to be known as the United States Coal Commission, was announced as next in order.

The PRESIDING OFFICER. The Chair calls attention to the fact that the bill known as the United States Coal Commission bill, which was passed yesterday, was a House bill, and Senate bill 3865 is still on the calendar.

Mr. CURTIS. I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

OTHA POTTER.

The bill (S. 2832) authorizing the Secretary of the Interior to allow the additional homestead application of Otha Potter was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to allow the additional homestead application of Otha Potter, Havre, Mont., No. 046297, as heir and legal representative of Rufus A. Potter, who was killed in action during the war with Germany, for the northwest quarter, the northwest quarter of the southeast quarter, the northeast quarter of the southwest quarter of section 26, the south half of the south half of section 23, and the east half of the northeast quarter of section 27, township 24 north, range 23 east, Montana principal meridian, subject to the act of Congress approved July 28, 1917 (40 Stats. L. p. 248).

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF AGRICULTURAL DEPARTMENT APPROPRIATION ACT.

The bill (H. R. 10672) to amend the act of July 24, 1919, entitled "An act making an appropriation for the Department of Agriculture for the fiscal year ending June 30, 1920," was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the act approved July 24, 1919, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920" (41 Stat. at L., p. 234, and the following), be, and the same is hereby, amended as follows:

I. By striking out on page 241, line 46, after the word "determine," the comma and inserting in lieu thereof a period.

II. By striking out on page 241, in said line 46, the following provision, beginning on said line 46 and ending with line 48: "and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act to amend the act of July 24, 1919, entitled 'An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920.'"

JANIE BEASLEY GLISSON.

The bill (S. 652) for the relief of Janie Beasley was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments, in line 6, after the word "Beasley," to insert the word "Glisson," and in line 6 to strike out "$10,000" and insert "$5,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Janie Beasley Glisson $5,000 for damages suffered by her when she was struck and permanently injured by a Government airplane which was in charge of and driven by officers of the United States Army.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Janie Beasley Glisson."

S. C. DAVIS.

The bill (S. 2858) authorizing the Treasurer of the United States to pay to S. C. Davis the sum of $617.70 as full compensation for services rendered as a member of the local draft board for Bibb County, Ga., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 3, to strike out "Treasurer of the United States" and insert in lieu thereof "Secretary of the Treasury," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. C. Davis, of Macon, Bibb County, Ga., the sum of $617.70 as full compensation for services rendered as a member of the local draft board for Bibb County, Ga.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of S. C. Davis."

FEDERAL RESERVE BANK INTEREST RATES.

The resolution (S. Res. 335) directing the Federal Reserve Board to require the Federal Reserve Banks of Atlanta, Dallas, St. Louis, and Kansas City to report to the Senate the rates of interest charged by them on loans and discounts in 1920 and 1921, was announced as next in order.

The PRESIDING OFFICER. The Chair asks that the resolution go over.

SHASTA NATIONAL FOREST, CALIF.

The joint resolution (S. J. Res. 226) authorizing the acceptance of title to certain land within the Shasta National Forest, Calif., was considered as in Committee of the Whole and was read, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, authorized to accept, on behalf of the United States, and without expense to the United States, except for recording deed and for taxes for the current year, from Mary Burt Brittan, of San Francisco, Calif., a gift of certain land described as lots 1, 2, 3, and 4, section 18, township 39 north, range 4 west, Mount Diablo meridian, and the northeast quarter of section 24, township 39 north, range 5 west, Mount Diablo meridian, conveyed by deed dated July 4, 1922: *Provided*, That said lands shall thereupon become a part of the Shasta National Forest and subject to all laws relating thereto except the mineral land laws.

SEC. 2. That the Secretary of Agriculture is authorized to pay the expense of recording of the deed and taxes for the current year from the appropriation made for general expenses of the Forest Service.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF GRAIN-FUTURE EXCHANGES.

The bill (H. R. 11843) for the prevention and removal of obstructions and burdens upon interstate commerce in grain, by regulating transactions on grain-future exchanges, and for other purposes, was announced as next in order.

Mr. McNARY. As the bill has a fixed status to come up during the session as agreed upon by the steering committee, I ask it may go over to-day.

The PRESIDING OFFICER. The bill will be passed over.

ESTATE OF C. C. SPILLER.

The bill (S. 2078) for the relief of the estate of C. C. Spiller, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of C. C. Spiller, deceased, late of Hamilton County, Tenn., the sum of $8,000, found to be due him by the Court of Claims, in congressional case No. 10549, as appears by Senate Document No. 173, Fifty-ninth Congress, second session, being his share of the reasonable charter value, together with the destruction thereof, of a small steamboat, known as the *Paint Rock*, taken and used by the United States and while in their possession accidentally destroyed and never paid for, all while the said C. C. Spiller, deceased, was a loyal citizen of the United States, as evidenced by the findings or report, dated June 27, 1864, of a board of claims designated by the commanding officer of the Department of the Cumberland, by special field orders, No. 104, dated April 12, 1864, still of record in the War Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SANFORD KIRKPATRICK.

The bill (H. R. 2763) for the relief of Sanford Kirkpatrick was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Sanford Kirkpatrick, of Ottumwa, Iowa, the sum of $2,191 on account of injuries received while in the discharge of his duty as special agent under the collector of internal revenue.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM LEIBOVITZ.

The bill (H. R. 6926) for the relief of Abraham Leibovitz was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Abraham Leibovitz, of Philadelphia, Pa., which sum was paid by him to the United States on a judgment against him on the bail bond of Michael Taylor, who was afterwards captured and returned to the United States officers by said Abraham Leibovitz.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORACE E. WALKER.

The bill (H. R. 6929) for the relief of Horace E. Walker was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, after the word "County," to insert the word "Massachusetts," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Horace E. Walker, of Suffolk County, Mass., the sum of $403, in full compensation for damages done to an automobile of the said Horace E. Walker, caused by negligence on the part of the employees of the United States in the operation of a mail truck owned and operated by the United States Government on January 5, 1920.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

D. V. BUSSIE.

The bill (H. R. 8553) for the relief of D. V. Bussie was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to D. V. Bussie the sum of $1,000 on account of injury sustained by the said D. V. Bussie when struck by a United States mail truck as he was crossing Normal Boulevard at Sixty-first Street, in the city of Chicago, Ill., on the 17th day of April, 1921.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD A. PURDY.

The bill (H. R. 10234) for the relief of Edward A. Purdy was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit Edward A. Purdy, as postmaster of Minneapolis, Minn., in the sum of $1,948.48, said sum being the balance due the United States Government after a collection of $1,000 had been made on the bond and applied to the shortage of certain postage stamps and cash from the money-order funds embezzled or stolen by Christian H. Mackeprang from one of the branch post offices of the said city of Minneapolis.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY ANN SHIPPING CO.

The bill (H. R. 11078) for the relief of the Mary Ann Shipping Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to the Mary Ann Shipping Co. as compensation for and in full satisfaction of all claims of such company for any damages to the steamship *Mary Ann*, sustained as a result of a collision between said steamboat and the United States tugboat *Nahant* on October 21, 1919, in the harbor of Ponta Delgada, Azores, the responsibility for such collision having been placed upon said United States tugboat *Nahant* by a naval board after investigation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA LAMEE.

The bill (S. 646) for the relief of Emma LaMee was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Emma LaMee, widow of the late Frank W. LaMee, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 as full compensation to her, the said Emma LaMee, for and on account of the death of the said Frank W. LaMee, caused by his falling in an open elevator shaft in the United States post-office building at Jacksonville, Fla., on December 3, 1919.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRED V. PLOMTEAUX.

The bill (S. 911) for the relief of Fred V. Plomteaux was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 5, to strike out "$225" and insert "$200," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $200 to Fred V. Plomteaux, of Espanola, N. Mex., as reimbursement for the loss of two horses, one having died while in use on official business on May 12, 1916, and the other being killed on account of an injury sustained while in official use on July 8, 1914, said horses being the personal property of Fred V. Plomteaux and used by him in the performance of his duties as forest ranger.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF HILLSBORO DREDGING CO.

The bill (S. 3171) for the relief of the trustee of the estate of the Hillsboro Dredging Co., a corporation, bankrupt, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 8, to strike out "Boca Seiga" and to insert "Boca Ceiga," so as to make the bill read:

Be it enacted, etc., That there be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $4,593.74 for the relief of the trustee of the estate of Hillsboro Dredging Co., a corporation, bankrupt, for extra dredging and blasting in the improvement of the channel from Clearwater Harbor through Boca Ceiga Bay to Tampa Bay, Fla., the same having accrued to the benefit of and having been made necessary by acts of the Government.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

A. L. GRAMLING.

The bill (S. 3256) for the relief of A. L. Gramling, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments; in line 6, to strike out "$219.63" and to insert "$218.13," and, in line 8, to strike out the word "April" and, in line 9, to strike out the comma after the word "July," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to A. L. Gramling, out of any money in the Treasury not otherwise appropriated, the sum of $218.13 as compensation for expenses incurred by him while employed by the Bureau of Internal Revenue, district of Florida, during the months of July and August, 1921.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. B. STOUT.

The bill (S. 3257) for the relief of H. B. Stout was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out "$475.31" and insert in lieu thereof "$475.30," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to H. B. Stout, out of any money in the Treasury not otherwise appropriated, the sum of $475.30 as compensation for expenses incurred by him while employed by the Bureau of Internal Revenue, district of Florida, during the months of February, March, April, May, and June, 1921.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENINSULAR & OCCIDENTAL STEAMSHIP CO.

The bill (H. R. 1941) to provide for the refund of entrance and clearance fees erroneously collected by the customs authorities from the Peninsular & Occidental Steamship Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Peninsular & Occidental Steamship Co., out of any money in the Treasury not otherwise appropriated, the sum of $7,717.20, covering entrance and clearance fees erroneously collected by the customs authorities at Key West, Miami, and Knights Key, Fla., during the period from January 3, 1909, to February 20, 1914, and in violation of section 2792, Revised Statutes, as amended by the act approved May 28, 1908 (35 Stat. p. 424).

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS TO STATE MILITIA.

The bill (H. R. 211) to extend the provisions of the pension act of May 11, 1912, and May 1, 1920, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes, was announced as next in order.

Mr. WARREN. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT TO JUDICIAL CODE.

The bill (S. 3918) to amend section 51 of chapter 4 of the Judicial Code was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, in line 12, after the word "defendants," to insert "being a necessary party, or being jointly, or jointly and severally, liable," and in line 14, after the word "inhabitant," to strike out "or in any district wherein the defendant or any one of the defendants may be found," so as to make the bill read:

Be it enacted, etc., That section 51 of chapter 4 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be amended so as to read as follows:

"SEC. 51. Except as provided in the five succeeding sections, no person shall be arrested in one district for trial in another in any civil action before a district court; and, except as provided in the six succeeding sections, no civil suit shall be brought in any district court against any person by any original process or proceeding in any other district than that whereof he is an inhabitant; but where the jurisdiction is founded only on the fact that the action is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant: *Provided, however,* That any civil suit, action, or proceeding brought by or on behalf of the United States, or by or on behalf of any officer of the United States authorized by law to sue, may be brought in any district whereof the defendant is an inhabitant, or where there be more than one defendant in any district whereof any one of the defendants, being a necessary party, or being jointly, or jointly and severally, liable, is an inhabitant, or in any district wherein the cause of action or any part thereof arose; and in any such suit, action, or proceeding process, summons, or subpœna against any defendant issued from the district court of the district wherein such suit is brought shall run in any other district, and service thereof upon any defendant may be made in any district within the United States or the territorial or insular possessions thereof in which any such defendant may be found with the same force and effect as if the same had been served within the district in which said suit, action, or proceeding is brought."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMMA KIENER.

The bill (S. 470) for the relief of Emma Kiener was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 11 to strike out "$5,000" and insert "$1,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, for the relief of Emma Kiener, of Salt Lake City, Utah, widow of Christian Kiener, deceased, for damages suffered through the destruction by soldiers stationed at Fort Douglas, Utah, of certain buildings erected on a homestead location, made in good faith, near Fort Douglas, Utah, by said Christian Kiener, the sum of $1,500.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANKLIN A. SWENSON.

The bill (S. 2262) for the relief of Franklin A. Swenson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment. in line 6 to strike out "$350" and insert in lieu thereof "$300," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Franklin A. Swenson, of Salt Lake City, Utah, from any money in the Treasury not otherwise appropriated, the sum of $300, to reimburse the said Franklin A. Swenson for expenditures made to defend an action brought by the United States against said Franklin A. Swenson and others to condemn to the use of the United States certain lands for a post-office site in Salt Lake City, Utah, which action was abandoned by the United States after the value of said lands had been ascertained in such action.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRIBUTION AND SALE OF FUEL.

The bill (S. 3940) to declare an emergency respecting the production, distribution, and price of coal and other fuel, to create an additional agency of the United States with respect thereto, to enlarge the powers of the Interstate Commerce Commission in esablishing priorities and embargoes in the transportation of coal and other fuel in interstate commerce in order to prevent the exaction of unreasonably high prices for these commodities, and for other purposes, was announced as next in order.

Mr. CURTIS. Should not that bill be indefinitely postponed?

The PRESIDENT pro tempore. The Chair remembers very distinctly that at his place on the floor he moved that the bill be indefinitely postponed. If the record does not so show, it ought now to show that the bill is indefinitely postponed. Without objection, it is so ordered.

PAN-AMERICAN PETROLEUM & TRANSPORT CO.

The bill (H. R. 9866) authorizing the Pan-American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the Pan American Petroleum & Transport Co., a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal place of business in the city and county of Los Angeles, in the State of California, owner of the oil tank steamer *Edward L. Doheny, Junior*, for damages caused by collision between said vessel and the torpedo-boat destroyer *Henley*, a naval vessel belonging to the United States, in the North Atlantic Ocean in the neighborhood of Fenwick Shoal Light Vessel, on or about the 14th day of July, 1918, may be sued for and submitted to the United States District Court in and for the Southern District of New York, sitting as a court in admiralty and acting under the rules in admiralty, governing said court, in an action in which said Pan American Petroleum & Transport Co. is hereby authorized to commence against the United States for the recovery of said damages. Said court shall have jurisdiction to hear and determine said action and enter its judgment or decree therein for the amount of such damages, if any, as shall be found to be due against the United States in favor of said Pan American Petroleum & Transport Co., or against the Pan American Petroleum & Transport Co. in favor of the United States, upon the same principles and according to the measure of liability prevailing in like cases in admiralty between private parties and with the same right of appeal: *Provided*, That such notice of said action shall be given upon or after the commencement of said action to the Attorney General of the United States, as may be provided by order of said court, and it shall be the duty of the Attorney General upon receipt of such notice to cause the United States attorney in such district to appear for and defend the United States in such action: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. D. MONTGOMERY.

The bill (H. R. 1965) for the relief of Mrs. D. Montgomery was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mrs. D. Montgomery, of Carrollton, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $200.90 to cover expenses incurred for hospital service rendered to Mrs. D. Montgomery and child as a result of injuries sustained by the forced landing of an airplane owned by the United States Government and operated by an officer of the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT RUSSELL.

The bill (H. R. 5791) for the relief of Robert Russell was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to Robert Russell, a citizen and resident of St. Cloud, Minn., who, without fault on his part, was, on the 16th day of February, A. D. 1920, severely injured by reason of the icy condition of the steps leading to the Federal building, or post-office building, at St. Cloud, Minn., the sum of $218; and the sum of $218 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVESTIGATION OF CROP INSURANCE.

The resolution (S. Res. 341) providing for an investigation of the subject of crop insurance was considered by unanimous consent.

The resolution had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with amendments, on page 2, in line 3, to strike out the word "farm" and insert the word "farmer"; in line 8 to strike out the words "to employ actuarial and other experts"; and in line 11 to strike out the words "The expenses of the committee, including necessary traveling expenses, shall be paid from the contingent fund," and to insert in lieu thereof "to be paid from the contingent expenses," so as to make the resolution read:

Resolved, That a committee, to be composed of three Senators appointed by the President of the Senate, is authorized and directed to investigate the subject of crop insurance, particularly with reference to (1) the kinds and costs of insurance now obtainable; (2) the adequacy of the protection afforded by such insurance; (3) the desirability of and practical methods for extending the scope of such insurance; and (4) the availability and sufficiency of statistics necessary to properly and safely issue additional crop insurance. Within six months after the adoption of this resolution the committee shall report to Congress the results of its investigations, together with its recommendations, if any, upon the most practical and efficient methods whereby the farmer can obtain, at a reasonable cost, adequate and safe crop insurance.

Such committee is authorized to hold hearings at such times and places as it may deem advisable, to send for persons and papers, to administer oaths, and to employ stenographers to report such hearings at a cost not exceeding $1.25 per printed page, to be paid from the contingent expenses of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

NATURALIZATION AND CITIZENSHIP OF MARRIED WOMEN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 12022) relative to the naturalization and citizenship of married women, which was read, as follows:

Be it enacted, etc., That the right of any woman to become a naturalized citizen of the United States shall not be denied or abridged because of her sex or because she is a married woman.

Sec. 2. That any woman who marries a citizen of the United States after the passage of this act, or any woman whose husband is naturalized after the passage of this act, shall not become a citizen of the United States by reason of such marriage or naturalization; but, if eligible to citizenship, she may be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required;

(b) In lieu of the five-year period of residence within the United States and the one-year period of residence within the State or Territory where the naturalization court is held, she shall have resided continuously in the United States, Hawaii, Alaska, or Porto Rico for at least one year immediately preceding the filing of the petition.

Sec. 3. That a woman citizen of the United States shall not cease to be a citizen of the United States by reason of her marriage after the passage of this act, unless she makes a formal renunciation of her citizenship before a court having jurisdiction over naturalization of aliens: *Provided,* That any woman citizen who marries an alien ineligible to citizenship shall cease to be a citizen of the United States. If at the termination of the marital status she is a citizen of the United States she shall retain her citizenship regardless of her residence. If during the continuance of the marital status she resides continuously for two years in a foreign State of which her husband is a citizen or subject, or for five years continuously outside the United States, she shall thereafter be subject to the same presumption as is a naturalized citizen of the United States under the second paragraph of section 2 of the act entitled "An act in reference to the expatriation of citizns and their protection abroad," approved March 2, 1907." Nothing herein shall be construed to repeal or amend the provisions of Revised Statutes 1999 or of section 2 of the expatriation act of 1907 with reference to expatriation.

SEC. 4. That a woman who, before the passage of this act, has lost her United States citizenship by reason of her marriage to an alien eligible for citizenship, may be naturalized as provided by section 2 of this Act: *Provided*, That no certificate of arrival shall be required to be filed with her petition if during the continuance of the marital status she shall have resided within the United States. After her naturalization she shall have the same citizenship status as if her marriage had taken place after the passage of this act.

SEC. 5. That no woman whose husband is not eligible to citizenship shall be naturalized during the continuance of the marital status.

SEC. 6. That section 1994 of the Revised Statutes and section 4 of the expatriation act of 1907 are repealed. Such repeal shall not terminate citizenship acquired or retained under either of such sections nor restore citizenship lost under section 4 of the expatriation act of 1907.

SEC. 7. That section 3 of the expatriation act of 1907 is repealed. Such repeal shall not restore citizenship lost under such section nor terminate citizenship resumed under such section. A woman who has resumed under such section citizenship lost by marriage shall, upon the passage of this act, have for all purposes the same citizenship status as immediately preceding her marriage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROSA E. PLUMMER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2794) for the relief of Rosa E. Plummer; which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Rosa E. Plummer, a former employee in the Bureau of Engraving and Printing, the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

SPILLWAY AND DRAINAGE DITCH IN SOUTH DAKOTA.

The bill (H. R. 243) providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak., was announced as next in order.

Mr. CURTIS. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. On objection, the bill will go over.

Mr. STERLING. Does the Senator from Kansas think that bill ought to go over?

Mr. CURTIS. I reported the bill favorably, with amendments, but after I reported it I understood that the chairman of the Committee on Indian Affairs had asked that the matter be held until his return. I am merely asking that the bill now go over, because I understand that the Senator from Missouri [Mr. SPENCER] desired that it should take that course. So far as I am concerned, having reported the bill, I think it should be considered and passed. However, on the suggestion of the Senator from South Dakota, I withdraw my objection to its consideration.

Mr. STERLING. The Senator, if he so desires, may ask that the vote may be reconsidered after the bill shall have been passed.

The PRESIDENT pro tempore. The objection to the consideration of the bill is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments, on page 1, line 4, after the word "authorized," to insert the words "and directed"; in line 6, before the word "feet," to strike out "two" and to insert "four"; in line 7, after the word "line," to insert "as found at the southwest corner of section 4, in township 96 north of range 65 west of the fifth principal meridian, in the State of South Dakota"; on page 2, line 1, after the word "of," to strike out "$60,000" and to insert "$50,000"; and at the end of line 2, to insert "*Provided*, That any person sustaining loss of property on account of the overflow of said Lake Andes, from and after the completion of the spillway and drainage ditch herein provided for, shall be forever barred from bringing suit against the Government of the United States," so as to make the bill read:

Be it enacted, etc., That the Commissioner of Indian Affairs is hereby authorized and directed to construct a spillway and drainage ditch that will lower and maintain the level of Lake Andes, S. Dak., to 4 feet above the present Government meander line as found at the southwest corner of section 4, in township 96 north of range 65 west of the fifth principal meridian, in the State of South Dakota; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, for the construction of said spillway and drainage ditch: *Provided*, That any person sustaining loss of property on account of the overflow of said Lake Andes from and after the completion of the spillway and drainage ditch herein provided for shall be forever barred from bringing suit against the Government of the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FEES OF EXAMINING SURGEONS IN PENSIONS BUREAU.

The bill (S. 3540) fixing the fees of the examining surgeons in the Bureau of Pensions was announced as next in order.

Mr. BURSUM. That bill was not considered with the other pension bills yesterday; but it has been reported, and at the request of the Pension Bureau, and is for the purpose of regulating the fees of examining surgeons.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That hereafter each duly designated examining surgeon, except expert and foreign surgeons, and each member of a board of examining surgeons, appointed by the Commissioner of Pensions for the examination of pensioners and claimants for pension or increased pension, shall receive the sum of $3 for each examination and satisfactory report thereof: *Provided, however*, That the fee for each examination made by an examining surgeon at a claimant's residence for use in a pension claim shall be $5, and in lieu of actual traveling expenses there shall be paid the sum of 20 cents per mile for the distance actually and necessarily traveled, not exceeding the distance by the usually traveled route from the surgeon's office to the claimant's home and return: *Provided further*, That no fee shall be paid to any member of an examining board unless he is personally present and assists in the examination of the claimant: *And provided further*, That the report shall specifically and accurately set forth the physical condition of the claimant and include a full description of every existing disability.

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNAPPROPRIATED PUBLIC LANDS IN ARKANSAS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6863) granting to certain claimants the preference right to purchase unappropriated public lands in the State of Arkansas, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, any of those public lands situated in the State of Arkansas which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public land laws.

SEC. 2. That any citizen of the United States who in good faith under color of title or claiming as a riparian owner has, prior to this act, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this act, shall have a preferred right to file in the office of the register and receiver of the United States land office of the district in which the lands are situated an application to purchase the lands thus improved by them at any time within 90 days from the date of the passage of this act if the lands have been surveyed and plats filed in the United States land office; otherwise within 90 days from the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant.

SEC. 3. That upon the filing of an application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

SEC. 4. That an applicant who applies to purchase lands under the provisions of this act, in order to be entitled to receive a patent must within 30 days from receipt of notice of appraisal by the Secretary of the Interior pay to the receiver of the United States land office of the district in which the lands are situated the appraised price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this act. The proceeds derived by the Government from the sale of lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

SEC. 5. That the Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this act and determining conflicting claims arising hereunder.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The consideration of the calendar under Rule VIII is now completed.

MRS. E. H. JACKSON.

Mr. CURTIS. I ask unanimous consent to return to Order of Business 681, being the bill (H. R. 8173) for the relief of Mrs. E. H. Jackson. By a mistake, the committee neglected to report an amendment to the bill which is necessary. I ask unanimous consent to reconsider the votes by which the bill was ordered to a third reading and passed.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent to reconsider the votes by which the bill named by him was ordered to a third reading and passed. Without objection, the votes are reconsidered.

Mr. CURTIS. I now move to amend the bill by inserting on page 1, line 4, after the word "pay," the words "to Mrs. E. H. Jackson."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Kansas will be stated.

The Reading Clerk. On page 1, line 4, after the word "pay," it is proposed to insert "to Mrs. E. H. Jackson," so as to read:

> That the Secretary of the Treasury be, and he is hereby, directed to pay to Mrs. E. H. Jackson—

And so forth.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

KINEO TRUST CO.

Mr. CAPPER. I ask unanimous consent to return to Order of Business 810, being the bill (H. R. 8073) for the relief of the Kineo Trust Co. Since the passage of the bill my attention has been called to a clerical error in it. I ask that the vote whereby the bill was ordered to a third reading and passed may be reconsidered in order that I may move an amendment to it.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the vote by which the bill to which he refers was ordered to be read the third time and passed may be reconsidered. The Chair hears no objection, and the vote is reconsidered.

Mr. CAPPER. On page 1, line 13, after the word "maturing," I move to strike out the word "March" and to insert the word "September."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Kansas will be stated.

The Reading Clerk. On page 1, line 13, after the word "maturing," it is proposed to strike out the word "March" and to insert the word "September," so as to read:

> That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay to the Kineo Trust Co., of Dover, Me., a banking corporation existing by law, or its assigns, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 with interest at the rate of 4½ per cent per annum from September 15, 1919, to September 15, 1920, the amount of the principal and interest due it as owner of a United States Treasury certificate of indebtedness of series T–10, No. 6768, dated September 15, 1919, and maturing September 15, 1920, of which the Kineo Trust Co. has established loss from its possession.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

DEFINITION OF BUTTER.

Mr. McNARY. I ask unanimous consent to revert to Order of Business 847, being the bill (S. 3858) to define butter and to provide a standard therefor. The Department of Agriculture, I may say, Mr. President, is very anxious for the early enactment of this bill into law. The bill merely proposes to standardize the butter-fat content at 80 per cent.

Mr. CURTIS. That bill went over on the objection of the senior Senator from South Dakota [Mr. Sterling].

The PRESIDENT pro tempore. There is no necessity for a reconsideration of the vote in reference to this bill, as it was simply passed over on objection.

Mr. FLETCHER. It was passed over and the Senator who objected is now absent from the Chamber.

Mr. CURTIS. The senior Senator from South Dakota [Mr. Sterling] objected. We shall have a calendar day on Monday next. I therefore hope that the Senator from Oregon will let the bill go over.

Mr. McNARY. I did not know that the senior Senator from South Dakota [Mr. Sterling] had objected to the bill. His colleague, the junior Senator from South Dakota [Mr. Norbeck] reported the bill favorably, I, as acting chairman of the committee, directing a favorable report.

There can be no objection to the bill, but, as a matter of courtesy, I shall let the matter go over, provided the calendar may be considered on Monday next.

Mr. CURTIS. We shall have the calendar under consideration on next Monday.

ADJOURNMENT.

Mr. CURTIS. Under the unanimous-consent agreement, I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 22 minutes p. m.) the Senate adjourned until Monday, September 11, 1922, at 12 o'clock meridian.

SENATE.

Monday, *September 11, 1922.*

Rev. Wallace Radcliffe, D. D., of the city of Washington, offered the following prayer:

Almighty God, we thank Thee for the rest and gladness of the past Lord's Day. May its influences beautify and sanctify the duties and experiences of the coming week, that we may walk before the Lord in the land of the living.

We remember again the darkness and fear in the Executive Mansion. We thank Thee for every measure of comfort and promise, and we pray for Thy special benediction upon her whom Thou hast appointed to this sickness and fear. Hear the prayers that arise from so many all over the land. Rebuke her sickness. Give knowledge, and skill, and success to those that care for her; and sustain her by the grace Thou hast promised, that in peace and quietness her soul may rest. Bless the President of the United States in these special hours of burden and fear. Let Thy rod and staff comfort him, that he may fear no evil.

And unto all of us help us so to use the world as not abusing it, knowing that the fashion of this world passeth away. Baptize Thy servants in the United States Senate with Thy spirit for all that Thou hast appointed to them this day to be or to do, that through them Thy will may be declared as a blessing to the land, and to the glory of Thy name. In Jesus Christ. Amen.

The Assistant Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with and the Journal was approved.

COMPULSORY SUNDAY OBSERVANCE.

Mr. WILLIS presented a memorial numerously signed by sundry citizens of Dayton, Ohio, remonstrating against the enactment of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

PUEBLO INDIAN LANDS IN NEW MEXICO.

Mr. BURSUM. Mr. President, I desire to submit a report on behalf of the Committee on Public Lands and Surveys.

Mr. HEFLIN. Mr. President, I think we had better have a quorum this morning. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Broussard
Bursum
Cameron
Capper
Culberson
Cummins
Curtis
Dillingham
du Pont
Ernst
Fletcher
France
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
McCormick
McCumber
McLean
McNary
Moses
Myers
Nelson
New
Nicholson
Oddie
Phipps
Ransdell
Rawson
Robinson
Sheppard
Shields
Shortridge
Simmons
Smith
Smoot
Stanfield
Stanley
Sterling
Swanson
Trammell
Warren
Watson, Ga.
Willis

Mr. CURTIS. I was requested to announce that the Senator from Wisconsin [Mr. Lenroot] has been called from the city by reason of illness in his family.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. There is a quorum present.

Mr. BURSUM. From the Committee on Public Lands and Surveys, I report back favorably without amendment the bill (S. 3855) to ascertain and settle land claims of persons not Indians within Pueblo Indian land, land grants, and reservations in the State of New Mexico, and I submit a report (No.

909) thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ROBINSON. I inquire of the Senator from New Mexico if the bill is now on the calendar?

Mr. BURSUM. It is not on the calendar.

Mr. ROBINSON. The bill has just been reported from the committee?

Mr. BURSUM. Yes.

Mr. ROBINSON. Will the Senator from New Mexico make a brief statement as to its purpose? It is impossible to understand the bill by hearing the title read.

Mr. BURSUM. I will make a statement covering the object and purpose of the bill.

I will first say that the reason for urgency in the consideration of the bill is that titles to about 5,000 homes in New Mexico, which are situated upon land grants which were made by Spain in the seventeenth century are in question. The controversy is one which has gone on in New Mexico for a great number of years. The controversy arose on account of lands which were located on grants originally made by Spain in 1745. Those grants were what were called pueblo or town grants. Upon those pueblos or town grants were residing Indians and non-Indians. Those people have lived upon those grants for all these years. A few years ago the Government brought a suit against a party by the name of Sandoval. In that case there indirectly came up the question of the relationship between the Government and the Indians, and the legality of the title to those lands was threatened. An investigation was made by an agent of the Interior Department and of the Department of Justice. They investigated the whole question from the standpoint of the Government, from the standpoint of the Indians, and from the standpoint of the settlers. Finally the attorneys for the settlers and the attorneys for the Government met and conferred, and hearings were held before the Commissioner of Indian Affairs and also before the Secretary of the Interior. A bill was agreed upon vesting jurisdiction in the Federal court of the State of New Mexico to hear and determine the questions in controversy, and providing a remedy whereby title might be quieted to settlers occupying lands on the various grants.

Mr. ROBINSON. Is the bill to which the Senator from New Mexico now refers the one which he has just reported to the Senate and for which he asks immediate consideration?

Mr. BURSUM. The bill which I have reported is exactly the one to which I have referred as having been agreed to by the parties in interest.

Mr. ROBINSON. Are suits now pending affecting the title to the lands in question?

Mr. BURSUM. There were such suits started, but by mutual consent it has been agreed to defer them until the passage of this proposed legislation.

Mr. ROBINSON. Is the report of the committee unanimous?

Mr. BURSUM. The report is unanimous.

Mr. ROBINSON. And it is recommended by the Interior Department?

Mr. BURSUM. It is recommended by the Interior Department and by the Commissioner of Indian Affairs, and also is agreed to by the parties to the controversy.

Mr. BORAH. How much land is involved in this controversy?

Mr. BURSUM. There are about 5,000 settlers on the land the title of which is involved, and the various tracts range from 2 acres all the way up to 100 acres or more in some instances. The specific basis upon which it is now proposed that title may be quieted is that recognition is to be given to titles which were granted by authorities under the Spanish Government, also by authorities under the Mexican Government, and also as the result of peaceable possession for 20 years prior to 1912; but in certain instances, where the court may find peaceable possession and the use of the land and improvements, the court may provide that such lands shall be appraised, their value ascertained, and in such cases payment shall be made to the Indians.

Mr. BORAH. Does this bill contemplate a suit to quiet title after the measure shall have been passed?

Mr. BURSUM. After the bill shall have been passed, suit must be brought by the settlers to quiet title.

Mr. BORAH. Then, no title will be quieted by virtue of the passage of the bill?

Mr. BURSUM. No; no title will be quieted by virtue of the passage of the bill. It will merely afford the machinery through which these titles may be quieted.

Mr. BORAH. It is merely, then, an act to enable the parties interested to bring suit?

Mr. BURSUM. Exactly so.

Mr. BORAH. And it establishes the rules by which suits may be maintained?

Mr. BURSUM. It proposes to establish the rules, and the rules will be as stated with reference to the rights of settlers.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill; which is as follows:

Be it enacted, etc., That the District Court of the United States for the District of New Mexico shall have original jurisdiction of all crimes and offenses cognizable under the authority of the United States, in addition to the jurisdiction heretofore granted to said court, in the following cases:

(a) Crimes and offenses committed by any person whomsoever upon any lands included within the exterior boundary lines of any grant of land confirmed, or for which patent has been or shall be issued by the United States of America to the following-named Indian pueblos, to wit: The Pueblo of Taos, Pueblo of Picuris, Pueblo of San Juan, Pueblo of Pojoaque, Pueblo of Nambe, Pueblo of Tesuque, Pueblo of Santa Clara, Pueblo of San Yldefonso, Pueblo of Cochiti, Pueblo of Santo Domingo, Pueblo of San Felipe, Pueblo of Santa Ana, Pueblo of Cia, Pueblo of Jemez, Pueblo of Pecos, Pueblo of Sandia, Pueblo of Isleta, Pueblo of Laguna, Pueblo of Acoma, and the Pueblo of Zuni, so long as the legal title thereto shall remain in the said pueblos, respectively, or in any inhabitant thereof who shall be commonly known and accepted by the pueblo as a Pueblo Indian.

(b) Crimes and offenses committed by any person whomsoever upon lands included within the exterior boundaries of any reservation of lands set apart by the United States of America for the use or benefit of any of the pueblos above named, or for the use and benefit of any of the inhabitants thereof, commonly known and accepted by the pueblo as Pueblo Indians, so long as the said reservation so set apart shall continue as such reservation and be used by said Pueblo Indians for their purposes.

(c) Crimes and offenses committed by any person whomsoever upon any lands belonging to or claimed by any of the foregoing-named pueblos, acquired by said pueblo or any Indian or Indians thereof, by purchase, gift, or conveyance in writing, or in any other manner whatsoever, so long as said lands shall be in the possession of and the legal title thereto shall remain in the said pueblos or in any Indian or Indians thereof.

SEC. 2. That the District Court of the United States for the District of New Mexico shall have exclusive original jurisdiction in all suits or controversies of a civil nature, at common law or in equity, in addition to the jurisdiction heretofore granted to said court in the following cases:

(a) All suits of a civil nature, at common law or in equity, involving any right, title, or interest, benefit, use, possession, or right of possession of any person or corporation whomsoever, or of the United States of America, to any lands, included within the exterior boundary lines of any grant of land confirmed, or for which patent has been or shall be issued by the United States of America to the following-named Indian pueblos, to wit: The Pueblo of Taos, Pueblo of Picuris, Pueblo of San Juan, Pueblo of Pojoaque, Pueblo of Nambe, Pueblo of Tesuque, Pueblo of Santa Clara, Pueblo of San Yldefonso, Pueblo of Cochiti, Pueblo of Santo Domingo, Pueblo of San Felipe, Pueblo of Santa Ana, Pueblo of Cia, Pueblo of Jemez, Pueblo of Pecos, Pueblo of Sandia, Pueblo of Isleta, Pueblo of Laguna, Pueblo of Acoma, and the Pueblo of Zuni, so long as the lands involved shall not have been segregated from said grant by final decree of the District Court of the United States for the District of New Mexico.

(b) All suits of a civil nature, at common law or in equity, involving any right, title, or interest, benefit, use, possession, or right of possession, of any person or corporation whomsoever, or of the United States of America, to any lands included within the exterior boundaries of any reservation of lands set apart by the United States of America for the use or benefit of any of the pueblos hereinbefore named, or for the use and benefit of any of the inhabitants thereof, commonly known and accepted by the pueblo as Pueblo Indians, so long as the said reservation so made or set apart shall continue as such reservation and be used by said Pueblo Indians for their purposes.

(c) All suits of a civil nature, at common law or in equity, involving any right, title, or interest, benefit, use, possession, or right of possession, of any person or corporation whomsoever, or of the United States of America, to any lands belonging to, or claimed or over or upon which any easement shall exist, by any of the foregoing-named pueblos, acquired by said pueblo, or any Indian or Indians thereof, by purchase, gift, or conveyance in writing, or in any other manner whatsoever, so long as said lands and any right or easement therein and the legal title thereto shall be and remain in the said pueblos, or in any Indian or Indians thereof.

(d) All suits of a civil nature, at common law or in equity, involving any right, title, or interest, benefit, use, possession, or right of possession, of any personal property owned, or claimed to be owned, by any of the hereinbefore-named pueblos, or any of the Indian inhabitants thereof, commonly known and accepted by the pueblo as Pueblo Indians, as well as all actions ex contractu and ex delictu wherein any one of said pueblos or any one of the Indian inhabitants thereof, commonly known and accepted by the pueblo as Pueblo Indians, shall be a party.

(e) All suits of a civil nature, at common law or in equity, involving any question of internal affairs or the government of any of said pueblos, including the right to hold office in said pueblo in accordance with the customs and regulations of said pueblo.

SEC. 3. That the State of New Mexico and the courts thereof shall have jurisdiction over all lands and in all questions arising in relation thereto, which shall have been segregated from any of the pueblo grants hereinbefore enumerated by final decree, as well as also over all lands and as to all questions or controversies arising in relation thereto which have ceased to be reservations as hereinbefore provided, or which shall have been legally sold or disposed of by any of said pueblos or any Indian or Indians thereof, as now or hereafter provided by law.

SEC. 4. That all suits brought under the provisions of this act shall be brought by or against the pueblo or the individual Pueblo Indian, and in all actions brought under the provisions hereof involving any pueblo or the rights thereof, said pueblo shall be designated and styled as "The pueblo of ———," inserting the name of said pueblo, and any individual Pueblo Indian shall be designated and styled "———, a Pueblo Indian of the pueblo of ———," inserting the name of said Pueblo Indian, if known, and the name of said pueblo.

SEC. 5. That in all civil cases brought under the provisions of this act service of process shall be had and made upon the pueblo or upon any Indian inhabitant of such pueblo, commonly known and accepted by said pueblo as a Pueblo Indian, by serving the same upon the governor of said pueblo, or in his absence, or in case of any vacancy in said governorship, by serving the same upon any officer of said pueblo then acting in his place and stead, and, in the case of any individual Indian inhabitant of any pueblo, upon both the governor or other officer acting in his place and stead and the individual Indian.

SEC. 6. That pleading, practice, procedure, and rules of evidence shall be the same in all causes arising under this act as in other civil and criminal causes in the Federal courts, unless hereinafter otherwise set forth and declared.

SEC. 7. That all persons or corporations who, prior to and since the date of the ratification and proclamation of the treaty of Guadalupe Hidalgo, July 4, 1848, either in person or through their predecessors, in claim of interest, grantors, privies, or agents, have had actual, open, notorious, exclusive, and continuous possession, under color of title, of, in, or to any lands included within the exterior boundaries of any grant of land confirmed or patented to any of the pueblos hereinbefore named by the United States of America, shall be entitled to a decree in their respective favor for all of the lands so possessed, and the district court shall, by its decree, segregate the said land from the said pueblo grant, and shall ascertain and adjudicate the true boundaries and extent thereof, in the proof of which character of possession and of the boundaries and extent thereof secondary evidence shall be admissible and competent. Upon the entry of any decree segregating any of the lands of any pueblo grant pursuant to the provisions and requirements of this paragraph, the clerk of the said court shall forthwith send to the Secretary of the Interior of the United States a certified copy of said decree, and the said tract of land so segregated having been surveyed by or under his direction, according to the boundaries and extent as set forth in said decree, said Secretary of the Interior shall cause patent therefor to be issued to said person, his heirs or assigns, or to such corporation or its successors in interest. In all cases arising under the provisions of this act wherein the original title and the adverse possession thereunder antedates the dates of ratification and proclamation of the treaty of Guadalupe Hidalgo, the remedy, relief, and procedure in this paragraph provided shall be exclusive and either party to any suit brought pursuant to the provisions of this act may make proof of date and source of title and the possession thereunder.

SEC. 8. That all persons who, or corporations which, for more than 10 years prior to June 20, 1910, either in person or through their respective predecessors in claim of interest, grantors, privies, or agents, have had actual, open, notorious, exclusive and continuous possession, with or without color of title, of any lands falling or included within the exterior boundaries of any grant confirmed or patented to any of the pueblos in this act specified, and all persons who or corporations which in person or through their respective predecessors in claim of interest or grantors claim any such lands lying within the exterior boundaries of any of said pueblo grants, under valid grant from the Governments of Spain or Mexico, or under any grant, act of confirmation or patent of the United States of America, shall be entitled to a decree in their favor respectively for the whole of the lands so claimed, and the district court shall in its decree segregate the said land from the said pueblo grant and shall ascertain and adjudicate the area and extent thereof and the value of the said lands without improvement, if any there shall be thereon, as of the date of the decree, and upon the entry of any decree provided for in this paragraph segregating any of the lands of any pueblo grant therefrom, the clerk of the district court shall forthwith send to the Secretary of the Interior of the United States of America a certified copy of the final decree, and, thereupon, the Secretary of the Interior shall cause to be surveyed from the public lands of the United States of America a tract or tracts of land as nearly adjacent to the said pueblo as possible, equal in area and value or equal in value to the lands so segregated in said final decree and shall cause patent therefor to be issued to the pueblo entitled thereto; but if it be found that such lands are not available then the Secretary of the Interior shall place to the credit of the said pueblo the value of the said land so segregated in cash as provided in said adjudication, and shall disburse the same to the best advantage and interest of the said pueblo.

SEC. 9. That the Secretary of the Interior shall promulgate all necessary rules and regulations relative to the selection of such lieu lands to be patented to any pueblo as in this act provided, and all necessary surveys, field notes, and plats made or necessary in ascertaining the extent and area of any land to be segregated from any pueblo shall be made under the direction of the surveyor general of the United States for New Mexico upon instructions to that effect from the Secretary of the Interior, without cost to litigants.

SEC. 10. That whenever upon, through, or over, in whole or in part, any lands of any pueblo grant sought to be segregated, or segregated, from any Indian pueblo under the provisions of this act, there shall be located any river, creek, lake, pond, spring, reservoir, dam, irrigating ditch, canal, or other watercourse or source of water supply used for the irrigation and cultivation of any lands of any Indian pueblo not included within the areas so segregated, or sought to be segregated, the right of the pueblo to the use and benefit of any waters existing or found in any such river, creek, lake, pond, spring, reservoir, dam, irrigating ditch, canal, or other watercourse shall, in case of suit brought therefor, be decreed to the said pueblo according to its appropriation thereof for the irrigation of the lands of the pueblo as irrigated and cultivated at the time of the passage and approval hereof, and any further and additional use of such waters and the appropriation thereof shall be acquired, determined, and adjudicated according to the laws of the State of New Mexico governing the appropriation aud use of waters for irrigation purposes.

SEC. 11. That all proceedings under this act in the said district court shall be without costs to parties.

SEC. 12. That any party aggrieved by any final judgment or decree of the district court in any of the foregoing cases, either civil or criminal, shall have the right to an appeal or writ of error as in other civil and criminal cases.

SEC. 13. That in any action brought under the provisions of this act in which the segregation of any lands of any pueblo is sought the United States of America, in its capacity of guardian of the said Pueblo Indians, shall appear and shall be represented by some person learned in the law, who shall be named and designated by the Attorney General of the United States for that purpose, with such assistants, legal and clerical, and with such compensation as to the Attorney General shall seem meet and proper.

SEC. 14. That all suits which may be brought by persons or corporations other than the pueblos hereinbefore named and the inhabitants thereof, commonly known and accepted by the pueblo as Pueblo Indians, involving any right, title, interest, benefit, use, possession, or right of possession, of any such person or corporation, to any lands falling or included within the exterior boundary lines of any of the pueblo grants in this act enumerated and specified shall be commenced within five years from the date of the passage and approval of this act; otherwise the same shall be forever barred, and said persons or corporations shall lose all rights and benefits by this act provided.

SEC. 15. That surveys of lands within pueblo grants and reservations held and occupied by persons not Indian, or corporations, as heretofore made under the supervision of the surveyor general for New Mexico, and plats and field notes of which have been filed in his office, shall be accepted as prima facie evidence of the boundaries of lands therein described.

SEC. 16. That in cases where lands within such grants, or any part or parcel thereof, shall at the trial be shown not to have been held and occupied by the claimants, non-Indian, for the period fixed by section 8 of this act for the acquiring of title under the provisions hereof, but have been purchased, or acquired by inheritance, used and cultivated, or purchased, or acquired by inheritance, held, occupied, or otherwise used for pastoral purposes under fence, in good faith by the claimant, the court shall make a special finding determining the boundaries of the tract so purchased, acquired, held and occupied, used and cultivated, in good faith, as well as also the value of the land without improvement, and shall report such finding to the Secretary of the Interior, and the claimant, if the Secretary of the Interior shall approve an application made by the claimant for said land, may purchase the same at the value found by the court, and the purchase price shall be held in trust and expended for the pueblo under such rules and regulations as shall be from time to time prescribed for the benefit of the pueblo within whose grant any such tract of land shall be situated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF MINING LAWS.

Mr. KING presented the report of a subcommittee of the mining committee to the Salt Lake Commercial Club, of Salt Lake City, Utah, relative to the provisions of the so-called Arentz bill, being the bill (H. R. 7736) to revise, amend, and codify the laws of the United States relating to the location of mining claims on the public domain, and for other purposes, which was referred to the Committee on Public Lands and Surveys.

REPORTS OF COMMITTEES.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (S. 3962) to prohibit the sending of threatening letters through the mails, and for other purposes, reported it with amendments.

Mr. BURSUM, from the Committee on Pensions, to which was referred the bill (S. 1883) granting a pension to Anna Claude Howard, reported it without amendment and submitted a report (No. 910) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. KING:

A bill (S. 3992) to provide for the publication of an annual directory of income-tax payers;

A bill (S. 3993) to raise revenue to meet the expenses of the Government, and to prevent the monopolization of the industries of the United States, and amending sections 230 and 234 of the revenue act of 1921; and

A bill (S. 3994) to simplify and equalize the income tax, and amending sections 210 and 216 and repealing section 211 of the revenue act of 1921; to the Committee on Finance.

By Mr. BURSUM:

A bill (S. 3995) to authorize the Secretary of Agriculture to exterminate bean beetles in the State of New Mexico, and authorizing expenditures therefor; to the Committee on Agriculture and Forestry.

LIBERIAN LOAN.

The PRESIDENT pro tempore. Morning business is closed.

Mr. McCUMBER. Mr. President, I am going to ask unanimous consent that the Senate proceed to the consideration of Order of Business No. 725, being the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia. I should like briefly to state my reason for making the request at this time. The joint resolution will come up, of course, at 2 o'clock in regular order. However, the conference committee of which I am a member will meet at 2 o'clock, and I assumed that there probably would be no objection to taking the joint resolution up a little earlier for that reason.

Mr. BORAH. Mr. President, if the Senator wishes to take up the joint resolution merely for the purpose of speaking on it and then having it laid aside until after 2 o'clock, I have no objection, but I do object to its being taken up for the purpose of consuming the time this morning.

Mr. McCUMBER. Very well; if there is objection, of course I can not move to take the joint resolution up until after 1 o'clock.

Mr. BORAH. If the Senator desires to speak upon the joint resolution I have no objection, but——

Mr. McCUMBER. I should not care to speak upon the joint resolution unless it were regularly under consideration.

The PRESIDENT pro tempore. Does the Senator from North Dakota modify his request?

Mr. McCUMBER. No; I withdraw the request.

PUBLIC MINERAL LANDS.

Mr. KING. Mr. President, there is a bill pending in the House of Representatives, known as the Arentz bill, which has attracted a great deal of attention in the public-land States, particularly those States having public mineral lands. The bill seeks to change existing law and to eliminate what we call in the West "extra lateral rights in lode claims." The bill, as I have said, has attracted a great deal of attention, and it has many supporters. The Commercil Club of Salt Lake City, which has a mining section which gives attention to mineral matters, appointed a committee to examine the bill and to make a report to the Commercial Club with reference to its provisions. The committee has made a very exhaustive examination of the bill and has condemned some of its features. The analysis, it seems to me, is very important, and I ask that it may be referred to the Committee on Public Lands, with the hope that they will find it sufficiently meritorious to have it printed as a public document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the report to which the Senator from Utah has referred will be referred to the Committee on Public Lands and Surveys.

INTERVIEW WITH FORMER GOVERNOR COX.

Mr. KING. Mr. President, recently a distinguished Democrat, former Governor Cox, of Ohio, the Democratic nominee for the Presidency two years ago, gave an interview dealing with international questions which attracted a great deal of attention. Reference has been made to it in the Senate and frequently in the public press. I ask that the interview may be published in the RECORD, together with two brief editorials, one from the New York World and one from the Washington News, in relation thereto.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The interview and editorials are as follows:

COX TELLS OF EUROPE'S NEED OF UNITED STATES HELP—FORMER GOVERNOR, BEFORE VISITING LLOYD-GEORGE, DISCUSSES OUTLOOK—SEES WORLD'S FATE IN HANDS OF UNITED STATES—LONDON PRESS ATTACHES IMPORTANCE TO HIS "UNUSUAL PILGRIMAGE."

[By the Associated Press.]

LONDON, August 26.—James M. Cox, former Democratic candidate for President, was the guest of Prime Minister Lloyd-George at breakfast to-day. Last night Mr. Cox dined with Col. E. M. House, who is visiting here.

Before going to the premier's residence in Downing Street this morning Mr. Cox gave out a statement to the American and British press dealing with the economic plight of Europe and quoting the German chancellor, Doctor Wirth, as saying to him a few days ago in Berlin:

"Unless the United States interests herself in European affairs within a very short time, all in Germany is lost, and all in Central Europe as well."

Mr. Cox's complete statement follows:

"The storm center of the economic condition lies in Europe.

"Those who have visited Austria and Germany are of one opinion as to the state of things now and the tragic point to which both countries are drifting. Austria has reached a stage of almost complete dissolution.

"The approach of Germany to the same condition is steadily marked by every passing hour.

"The nations of Europe are deadlocked on the reparations question. There seems to be no relief on this side of the Atlantic. The master key is held by the United States. No decision by England seems likely to be accepted by the French.

"The French Government will not sanction a proposal from Germany which might approximate a readjustment of the figures now in the minds of French statesmen, for that circumstance might be regarded by the public opinion of French as a surrender to Germany.

"There is no respite, and every hour is fraught with danger. It is well to summarize the contentions of both France and Germany.

"Since the end of the war France has sold approximately $10,000,000,000 worth of bonds to her own people upon the reparations by which she would have been reimbursed by Germany in compliance with the terms of the peace treaty. Germany says she lost a fourth of her grain lands and altogether one-tenth of her territory. She issued about $25.000,000.000 worth of bonds during the war, and a deficit of $10,000,000,000 remains as a floating debt.

"The fiscal state of both countries without economic stabilization portends but one result.

"In the midst of this situation two false impressions obtain in Europe: First, that France is aggressively militaristic, and second, that Germany is making munitions and preparing for war. The military policy of France is based upon the desire to protect herself against invasion. With assurances on this point she will reduce her army.

"The Government of Germany desires peace. The leaders are progressively democratic, and the story of hidden arms, with the exception of unimportant sporadic community instances, is pure fiction. Germany has 20,000,000 more people than she can sustain except under high industrial stress. When the mark was 100 to 200 to the dollar there were certain trade advantages accruing to Germany, but in the present circumstances the banks of Germany can not finance the industries of that country in the purchase of raw products and foodstuffs.

"Unless relief is granted shops will soon be closing, millions will be out of employment, and the winter will bring the threat, if not the certainty, of starvation.

"With economic collapse the Government will go down, too. If Germany fails, France is without reimbursement, and can not sustain the loss involved without serious consequences.

"Within the last week I had a long interview with Chancellor Wirth in Berlin. He summarized the situation by saying with deepest emotion:

"'Unless the United States interests herself in European affairs within a very short time, all in Germany is lost, and all in Central Europe as well.'

"Recognizing that this statement broke the fetters of diplomatic usage in France, authority to repeat it in Chancellor Wirth's name to the people of the United States is given without reservation."

Mr. Cox said it was not too late to prevent disaster, that the American Government acting on behalf of the United States could do it without inconsistency with the existing policy.

Mr. Cox also advocates the designation of Herbert Hoover as an American representative on the reparations commission.

"Mr. Hoover holds the confidence of Europe," continued Mr. Cox's statement. "Peoples and governments trust him. He can analyze the economic situation in Germany. His decision as to what Germany can pay beyond much question of doubt would be accepted by France—and that means by all parties. I believe every chancellor in Europe would welcome his coming. The mere announcement of his selection would stabilize things.

"With reparations adjusted, Germany and France—both are in need of large loans—would be given credits, and Austria, too. Then would come the dawn of a new day.

"Mr. Hoover is not of my political party, but anyone that is in close touch with continental conditions, as I have been, is thoroughly stripped of every partisan thought.

"The question of the interallied debt need not be considered; it is not necessary. Europe recognizes that discussion in America is unlimited now."

Three considerations, said the statement, would cover every shade of American public opinion:

"First. If from a moral awakening, we desire to relieve distress, the opportunity is presented.

"Second. If our desires are purely practical and a market for our products is to be gained, the necessary rehabilitation of Europe is guaranteed.

"Third. If our policy is to insist upon the ultimate payment of the interallied debt, we must remember who the world's debtors are and realize that if some of them are permitted to go to ruin now there is not even a chance of collection later.

"The fate of the world is in the hands of America. Days wasted in procrastination now will bring years of self-reproach later. From Europe, the base of our ancestry, prayers go up that America will understand and, understanding, will not falter."

[From New York World, August 29, 1922.]

HOOVER ON THE REPARATION COMMISSION.

A proposal of the utmost weight and value is that of James M. Cox, who, after personal study of the crisis in middle Europe, says that the United States should "designate Herbert Hoover, now a member of the Cabinet, to serve in the reparation task." Mr. Hoover "holds the confidence of Europe." He can "analyze the economic situation of Germany," and his decision as to what Germany can pay "would be accepted by France—and that means by all the parties interested."

Mr. Cox does not exaggerate when he adds that the mere announcement of Mr. Hoover's selection "would stabilize things." All Europe has great confidence in Mr. Hoover, in his vast experience and his common sense. What is quite as important, our own people have confidence in him; and not the most punctilious Senator can scent the trail of partisan politics in a suggestion by Mr. Harding's late opponent that a member of the Harding Cabinet be sent to represent the United States in Europe.

No technical difficulty attends this sane proposal. Under the separate treaty with Germany the United States reserves every right defined in the treaty of Versailles to be represented in the Reparation Commission. No difficulty of practical politics ought to stand in the way; work on the Reparation Commission need touch directly no controversy about the handling of our foreign debts—though it might and should lead to a more general consideration of that problem.

Mr. Hoover, with his personal prestige and the power of his Nation behind him, would morally dominate the Reparation Commission. James M. Cox has given to Mr. Harding the wisest counsel that the President has received from any source in many a day.

[From the Washington News, August 30, 1922.]

Ex-Governor Cox, who is touring Europe, says America must act to save the central European nations from dissolution. He is right. If central Europe is allowed to degenerate, the United States will have to take a large part of the permanent loss in diminished world trade and in Europe's inability to pay her debts. Self-interest, therefore, demands that America help Europe, for in doing so we shall do no more than help ourselves.

The spectacle of the American people idly twiddling their thumbs while Europe continues to breed another war would be tragic even if America were not personally affected by the outcome. But, with American unemployment spreading because foreigners must curtail their purchases of American foodstuffs, raw materials, and manufactured goods it is suicidal for this country to let the process of European decay continue.

It would be unfortunate if any attempt were made to interpret Mr. Cox's appeal in partisan spirit. Mr. Cox, obviously, is not trying to embarrass the Republican Party, nor to help his own party. He specifically urges that Herbert Hoover represent America on the Reparation Commission, which holds the key to the European settlement.

If American intervention in Europe, under the management of Mr. Hoover, were successful, credit would go to the Harding administration. If Mr. Hoover got into trouble, the Democrats could not point to Republican inefficiency, since the original idea had been suggested by a presidential candidate of their own party. Democrats and Republicans would both have to get behind Mr. Hoover and make his mission succeed.

Any attempt by America to carry through a policy of assisting Europe can succeed only if its nonpartisan character is maintained throughout and is recognized by the world. It is probable that hard blows, in debate with the Europeans, might have to be exchanged. Only a united America could impress Europe with the determination of this country to go through with the job of stabilizing international relations, once the work were undertaken.

President Harding can do America and the world a very great service by consulting with ex-Governor Cox about European affairs, with Mr. Hoover to act as their agent in carrying out an American—not a party—policy of reconstruction. The fact of Democratic and Republican leaders acting in concert for world betterment would be in itself an inspiration.

The American people are tired of partisan politics being carried beyond the water's edge. America is the common country of Democrats and Republicans alike. The fact should be made clear to the world by international cooperation between the two parties.

A Harding-Cox alliance to help put Europe on its feet not only would go far toward restoring general prosperity, it would also speed the return of that era of good feeling in American affairs which has become lost during the domestic confusion of the past months.

SUITS AGAINST THE GOVERNMENT IN DISTRICT COURTS.

The PRESIDENT pro tempore. The Secretary will state the first bill on the calendar.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as first in order.

Mr. KING. I ask that the bill may be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Assistant Secretary read the bill.

Mr. KING. I ask that the bill go over.

Mr. NELSON. Mr. President, I should like to make a brief statement in regard to that bill. The only change in existing law is that under existing law all suits to enforce claims against the Government must be brought in the Court of Claims, except by an amendatory statute passed some years ago it was provided that claims involving $10,000 or less may be brought in the district courts. This bill simply amends the statute by increasing the limitation to $50,000, so that a person who has a claim against the Government for $50,000 or less may bring suit in a United States district court instead of the Court of Claims. That is the only change in existing law.

Mr. ROBINSON. The effect of the bill, then, is to expand the jurisdiction of the district courts?

Mr. NELSON. Yes; from $10,000 to $50,000.

Mr. KING. Mr. President, will the Senator yield?

Mr. NELSON. Certainly.

Mr. KING. The practical effect of the bill will be this, will it not—and I ask for information—that suits may be brought anywhere by any person up to $50,000 in any court——

Mr. NELSON. In any district court of the United States; but, of course, the rule as to the place in which such suits shall be brought generally applies to the cases covered by the bill. The suit must be brought in the district court where the cause of action arose or where the parties may be found.

Mr. KING. It places the Government at a disadvantage, because most of these cases either originate in Washington or the proof will be found in the archives of the Government here, and it will compel the Government to go to remote parts of the United States in order to defend suits against it, instead of defending them, as now, in the Court of Claims.

Mr. NELSON. That may be true to some extent, but it is a great hardship on a claimant who lives in a remote part of the Union to compel him to come here to Washington to file and prosecute a claim of $50,000 or less. This bill authorizes such claimants to bring suits in the district courts where they live. It is a great burden for them to be obliged in all these cases of small claims to come here to Washington and bear the expense incident to attendance on the court here. Besides, the proceedings here in the Court of Claims are rather slow and dilatory. There is no jury in the Court of Claims.

The cases are all decided by the judges on written briefs and documents, whereas if the suit is brought in the district court of the United States a jury can be invoked and a regular trial had, as in other common-law cases.

Mr. KING. Of course, the Senator knows that it is rather uncommon to authorize the suit of the sovereign anyway; and where the sovereign permits itself to be used it seems to me that there is no impropriety in its surrounding itself with such just measures of protection as will insure that no wrong shall be done to the Government itself.

Mr. NELSON. The law which is amended, giving jurisdiction in cases of claims not exceeding $10,000, has worked satisfactorily and well; and it seems to me that in these small claims of less than $50,000 it will lead to the convenience of litigants if they can have the cases tried in the districts in which they live.

Mr. KING. There is no intention by this bill to extend the class of cases in which liability attaches to the Government?

Mr. NELSON. No; the bill makes no change in that respect. Its operation is confined to claims arising ex contractu. Actions for tort, claims for damages for all kinds of torts, none of them can be brought in the Court of Claims under the existing law. This does not change the law in any particular except as to the amount.

Mr. KING. Does the Government recommend the passage of this bill?

Mr. NELSON. There is no recommendation from the Government. My recollection is that the Senator from North Carolina [Mr. OVERMAN] introduced this bill, and it was considered by the committee, and there seemed to be no objection to it.

Mr. KING. There has been no recommendation one way or the other by the Attorney General or the Department of Justice?

Mr. NELSON. No; no recommendation.

Mr. KING. Does not the Senator think that a bill of this importance, affecting the interests of the Government as it does, ought to be referred, as is the rule, to a department?

Mr. NELSON. We refer a great many of the bills to the departments.

Mr. KING. I have discovered, in the case of many bills that I have introduced, that I can not get them reported until they go to the departments. I think this bill ought to go to the Department of Justice for review. There may be some reasons, not yet brought to the attention of the Senate, why it should not pass.

Mr. NELSON. I hope no objection will be made. The bill has been on the calendar a long time, and the officials in the Department of Justice no doubt have been aware of its existence, and no protest has been filed by the Department of Justice.

Mr. KING. I will ask the Senator to let the bill go over until to-morrow, and in the meantime I will take up the matter with Attorney General Daugherty and see what objection, if any, the Government has.

Mr. NELSON. Very well.

The PRESIDENT pro tempore. Objection is made.

ELIZABETH WHITE, ADMINISTRATRIX.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. RANSDELL. Mr. President, I hope the Senator will withdraw his opposition until I can make a very brief explanation about that claim. I may say that it has been on the calendar for quite a while. Mrs. White is a very old lady. She is the widow of Captain White, of my State, from whom the Federal Government took a boat during the Civil War. I shall not attempt to go into all the details about it, but I wish to state just one or two points mentioned in the report of the committee.

The bill has been before Congress several times. It has passed both the Senate and the House. On one occasion it passed both the Senate and the House during the same Congress, and by a clerical error the claim was omitted from the enrolled bill which was sent to the House, and was omitted for the same reason from the bill finally approved, the error not being discovered until after March 4, 1915, which date marked the end of the Sixty-third Congress.

This old lady has been trying to get the claim paid for a great while. There is no question about the merit of the claim. The Court of Claims has passed upon it, and this is a bill to provide for its payment. It is as just a claim as ever was presented to the Congress of the United States. As I say, it has passed both Houses during different Congresses, and on one occasion it passed both Houses during the same Congress.

I think, Mr. President and Senators, that it would be very unjust to hold this claim in abeyance any longer. I sincerely hope the Senator will withdraw his opposition and let the bill be passed.

Mr. SMOOT. Mr. President, I do not want to take the time of the Senate to read the report, or to go over the statement that I made before. I can not withdraw my objection at this time, nor do I care about taking the time of the Senate now to refer to certain questions that I referred to when the bill was under consideration before. The report, however, says:

> The words "in full of the above account," upon which the solicitor relies to maintain his position, should be restricted to the subject matter on which they were to operate, and that was "the above account."
>
> They are not like words of release standing alone without reference to any specific matter to be taken most strongly against the releasor and not liable to explanation by extrinsic evidence, but they constitute merely a receipt of the particular account to which they are subscribed, and a receipt of that character is always open to explanation.

I can not see why claims of this character should be paid under the conditions that exist. I will ask that the bill go over to-day. I have some letters on the subject over in the office that I thought I had here to-day but I have not. They were left with the bill at the last session.

Mr. RANSDELL. I am going to request the Senator to bring those letters and let us thrash this thing out. If the old lady is entitled to the money, let us give it to her. If not, let the agony be settled one way or the other.

Mr. SMOOT. That is right.

Mr. RANSDELL. I think this is a just claim, and the Court of Claims says it is a just claim. Congress has passed the bill several times and we ought to settle the matter.

The PRESIDENT pro tempore. The bill will be passed over.

STABILIZATION OF THE COAL INDUSTRY.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. SMOOT. I ask that that bill be put over under Rule IX.

The PRESIDENT pro tempore. The Senator from Utah moves that Order of Business 54, Senate bill 1807, be transferred to the calendar under Rule IX.

The motion was agreed to.

RICHARD MURPHY.

Mr. HARRELD. Mr. President, I ask that the same order be made in the case of Order of Business 643, Senate bill 3248.

The PRESIDENT pro tempore. The Senator from Oklahoma asks unanimous consent that Senate bill 3248, to provide for the issuing of a patent to Richard Murphy, and so forth, be transferred to the calendar under Rule IX. Is there objection? The Chair hears none, and the bill is so transferred.

BILL PASSED OVER.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was announced as next in order.

Mr. SMOOT. I ask that that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PUNISHMENT OF SEDITIOUS ACTS.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. STERLING. I ask that that bill be transferred to the calendar under Rule IX.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

BILLS, ETC., PASSED OVER.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 491) to provide, without expenditure of Federal funds, the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1829) for the relief of Walter Runke was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. BALL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2391) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims was announced as next in order.

Mr. NELSON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (H. J. Res. 183) imposing a duty of 90 per cent on all goods exported from the United States for the use of the American Expeditionary Forces and its allied forces and which have been sold to any foreign Government or person, when reimported into the United States, was announced as next in order.

Mr. SMOOT. I ask that the joint resolution be transferred to the calendar under Rule IX.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

SPECIAL OFFICER FOR OFFICE OF SECRETARY OF SENATE.

The resolution (S. Res. 150) directing the Secretary of the Senate to employ a special officer for the office of the Secretary of the Senate was announced as next in order, and was read, as follows:

> *Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to employ a special officer for the office of the Secretary of the Senate at a salary of $1,800 per annum, to be paid out of the miscellaneous items of the contingent fund of the Senate until provided otherwise by law.

Mr. NEW. Let that go over.

Mr. ROBINSON. Mr. President, I express the hope that Senators may permit that resolution to be considered at this time. The Secretary of the Senate has felt the urgent necessity of having the officer whose selection is authorized by this resolution for the protection of the funds of the Senate, and under the existing conditions he believes that the manner of keeping the funds of the Senate is unsafe.

Under the practice which prevails it is necessary to keep in the room immediately adjoining the Senate Chamber a large amount of cash, and under the existing conditions the arrangements for the protection of those funds are inadequate. I make this statement from a full knowledge of the feelings of the officers who are charged with the responsibility for the preservation of the funds. I have no other purpose than to do what seems to be manifestly just and fair to the Secretary, who is charged with a very grave responsibility in this connection.

Mr. CURTIS. I join in what has been said by the Senator from Arkansas, and I hope the Senator from Indiana will withdraw his objection and let the resolution go through.

Mr. NEW. My objection is withdrawn.

The resolution was considered by the Senate and agreed to.

AMENDMENT OF TRANSPORTATION ACT.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill will be passed over.

PROTECTION OF MIGRATORY BIRDS.

The bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding grounds, for protecting migratory birds, and requiring a Federal license to hunt them, was announced as next in order.

Mr. ROBINSON. Let the bill go over.

Mr. NEW. I understand the Senator from Arkansas has interposed an objection to the consideration of the bill because of the absence of his colleague, who desires to offer an amendment to it.

Mr. ROBINSON. The Senator is correct in that statement. I also made the request because of the absence of other Senators who desire to be present when the bill is considered. The bill is quite an important one, and its consideration and disposition by the Senate will require some time. I myself have an amendment which I intend to propose to the bill, which has been approved by one of the committees of the Senate, and other Senators who are not present have stated that they desired an opportunity to discuss the bill, and they are unable to be here at the present time. So for that reason I am compelled to ask that the bill may go over.

Mr. NEW. It was not my purpose to ask the Senator from Arkansas to withdraw his objection. I realize that it is a bill of some importance, and that there are Senators who desire to make amendments to it. However, I would like to be permitted an opportunity to say at this time that, as the author of the bill, I have sought to obtain from Senators an expression of their views concerning its provisions, and I myself have a number of amendments to offer in connection with it. If it be in order and permissible, I would like to send those amendments to the desk and to have the bill printed as it will be with those amendments in it. I ask unanimous consent that that be done.

Mr. ROBINSON. I, of course, have no objection to the Senator presenting his amendments and having them printed. I think that is all he can do, unless he chooses to revise his bill and reintroduce it.

Mr. NEW. I do not want to reintroduce it. That is what I am seeking to obviate.

Mr. ROBINSON. I suggest to the Senator that he simply offer his amendments and have them printed.

Mr. NEW. I want unanimous consent to perfect my bill.

Mr. FLETCHER. In other words, I understand the Senator proposes now to offer amendments as committee amendments to the bill?

Mr. NEW. That is correct.

Mr. ROBINSON. They can not be incorporated in the bill until the bill is under consideration. The only course open to the Senator now is either to modify his bill and reintroduce it, which he can easily do, or have his amendments printed and let them lie on the table, announcing his purpose to offer them as committee amendments when the bill is considered.

Mr. NEW. I send to the desk a number of amendments which I have prepared and ask that they be printed and lie on the table.

The PRESIDENT pro tempore. The amendments will be printed and lie on the table.

TRANSPORTATION OF MILITARY SUPPLIES, ETC.

The joint resolution (S. J. Res. 138) authorizing the payment of the cost of transportation for certain supplies purchased by the Military Establishment was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks, Quartermaster Corps, was announced as next in order.

Mr. SMOOT. Let that be passed over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

FORE RIVER SHIPBUILDING CO.

The bill (S. 1298) to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $106,521.12 to the Fore River Shipbuilding Co., successor of the Fore River Engine Co. and the Fore River Ship & Engine Co., being the difference between the actual cost of the construction of two torpedo-boat destroyers and the amount paid under the contract entered into for the building of the said boats, as found by the Court of Claims and reported in Senate Document No. 170, Sixty-sixth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLOATING DRY DOCK AT NEW ORLEANS, LA.

The bill (S. 2718) to provide for leasing of the floating dry dock at the naval station, New Orleans, La., was announced as next in order.

Mr. JONES of Washington. The Senator from New York [Mr. CALDER] requested me to ask that this bill go over if reached in his absence.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS PASSED OVER.

The bill (S. 2589) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. SMOOT. I was requested to ask that this bill should go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 67) for the relief of heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CAPT. DAVID M'D. SHEARER.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. RANSDELL. I wish the Senator would not press his opposition to that bill. I know something about it. Captain Shearer is an eminent young engineer, and he made some discoveries which were used, to my certain knowledge, by the Mississippi River Commission on work upon the river. He thinks he has a claim against the Government. I do not know that he has, but all the bill proposes is to refer it to the court. It ought to be left to the court to say whether or not this citizen of the Union has a claim against the Government. That is all the bill proposes to do.

Mr. SMOOT. I will say to the Senator that I have spent a good deal of time with Capt. David McD. Shearer upon this claim. I wanted him to show me why he had a claim against the United States for using what he claims was an invention of his while he was an employee of the Government, and going into the case in detail I could not see one particle of excuse for the claim being allowed to the captain.

Mr. RANSDELL. With all due respect to the Senator, he may be a perfect judge of such matters, but I am pretty familiar with that claim, too. The incident occurred in my section of the State. Captain Shearer is not a Louisianian; he is a Mississippian; but I happen to know a good deal about the facts in the case, and I am not satisfied in my own mind but that he is justly entitled to be paid. If he is not entitled to be paid, the court will not award a judgment in his favor. We have courts to determine such controversies between citizens and the Government, and I think this ought to be left to the court rather than to the judgment of a Member of the Senate. I certainly would not put myself up as lawyer enough to say whether or not he is entitled to it or not entitled to it, although I practiced law for many years. I think he is entitled to payment. One Senator says he is not entitled to it and another says he is. Let us leave it to the court, and we can pay it or not if the court finds he is entitled to it.

Mr. SMOOT. Of course, I do not know what State he comes from, and it would not make any difference to me if he came from the State of Utah; if the claim was not just, I would not support it.

Mr. RANSDELL. The Senator surely would not expect the court to decide in his favor if the claim were not a just one.

Mr. SMOOT. Why put the Government to all the expense involved in defending the case, and why put the captain to a great deal of expense? Perhaps he would take his chance of getting some kind of a judgment from the court, because——

Mr. RANSDELL. He is a very sincere man and a very able man, and he thinks he has a claim. Let us permit him to file his claim before the court. That is what courts are established for.

Mr. SMOOT. We have so many cases before the courts now that they can hardly take care of what they have. When the bill came up before I asked that it might go over, and I had the captain come to my office after I objected. That was in the last Congress, not at this session. It was a direct claim against the Government in the last Congress. Since that conversation he has asked that the case go to the Court of Claims.

I say to the Senator that I have a good deal of sympathy with the captain, because I know what he did on the Mississippi River, but for the life of me I can not think that the Congress is going to establish the policy of compensating men under circumstances like those of this case. While working for the Government of the United States this claimant devised some plan for performing his work and in later years comes to the Congress and asks Congress to pay him for the thought he gave in perfecting, not a piece of machinery but some scheme, I will say, for better handling and keeping the Mississippi River from washing its banks away.

Mr. HARRISON. May I say to the Senator that I feel quite sure that one of the reasons why the bill has been changed in form was that an appropriation may not be made directly out of the Treasury of the Government, but that the case may go to the court so that it can make an award, if it finds the facts justify it. From the conversation the gentleman had with the Senator from Utah he saw that it was impossible to get the claim through in its original form because of the views entertained by the Senator, and perhaps others; but if the bill should go through in its present form and the court should hold that the facts would not justify the payment of the claim, it certainly would do no harm for us to pass the bill.

Mr. ROBINSON. I am not familiar with the merits of the case in question, but there are precedents under which the Government of the United States has paid large sums to soldiers, for instance, for inventions devised while the soldiers were in the service of the Government, which inventions were subsequently used by the Government for the benefit of the Army.

Mr. SMOOT. I think there is a law against that. Was there not an amendment to the patent laws prohibiting the payment of compensation even for the use of a patent under such circumstances?

Mr. ROBINSON. That provision is all right. The time of one who is in the employ of the Government belongs to the Government, and his service belongs to the Government. On the other hand, where one performs an extraordinary service and perfects an invention of great value to the Government, there is no reason why he should not be granted some compensation by a special act, when under the particular circumstances of the case the claim may be found to be meritorious.

Take the case of the soldier who, prior to the Civil War, invented a tent which the United States Army used throughout the Civil War. Comparatively recently Congress passed a private claim bill for the benefit of one of the soldiers who made that invention. One of the soldiers received his compensation some years ago. The other was denied his compensation on account of some question affecting his loyalty, as I remember, but that question was subsequently satisfactorily met and, if my recollection serves me correctly, an appropriation was made by Congress. I merely refer to this case in reply to the suggestion of the Senator from Utah.

Mr. NEW. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. I yield.

Mr. NEW. I wish to follow up what the Senator from Arkansas has just said about the allowance that was made to the inventor of the tent. I suppose he was referring to the Sibley case?

Mr. ROBINSON. Sibley was one of the claimants.

Mr. NEW. It has been but a few days since the Committee on Claims has had under consideration a very similar case involving a device upon a tent invented by an officer many years subsequent to the Civil War. As a subcommittee of the Committee on Claims I have reported adversely on that case upon the theory strictly that while the officer was in the service of the United States Government the Government was as much entitled to the product of his brain as it was to the service of his hand, and that I fully believe. I believe, however, that the officer was clearly entitled to anything he might have received from the use of that patent by any other government or by any private party. I think that this claim comes under the same general head, that what this officer or any other officer of the Government devised and employed in Government work the Government is entitled to without cost. That is exactly what the Government educated the officer for, exactly what it employed him for, and if he is to say "I will serve the Government manually, but I will not give it the benefit of my intellect," then I think there is something wrong. I do not think the Government should be required to pay for his invention any more than for his service.

Mr. ROBINSON. Will the Senator from Utah permit me to make a brief statement?

Mr. SMOOT. Certainly.

Mr. ROBINSON. I do not wish it to be understood, if the language I had heretofore used may have misled Senators into that belief, that I take the position that every officer of the Government serving the Government who makes an invention should have compensation therefor from the Government. On the contrary, I recognize the legal principle that one in the employ of another is duty bound to give the best services of which he is capable. There are, however, cases in which the Government has recognized the right of officers in the Army or employees of the Government to receive satisfactory compensation for inventions they have made, on the theory that it is wise and sound policy for the Government to encourage men who happen to possess inventive genius to exercise it while in the employ of the Government.

Mr. RANSDELL. May I read just a paragraph from the report of the committee?

Mr. SMOOT. If the Senator will permit me, perhaps my statement will clear the situation satisfactorily to the Senator. I have absolute confidence that if the matter is ever referred to the Court of Claims, that court will not give judgment against the Government. But there is another objection to the bill. It provides that the Court of Claims shall render judgment. If the Senator will change the bill so as to allow the court to report the findings of fact and then let Congress decide as to whether an appropriation should be made, I shall have no objection to it.

Mr. RANSDELL. I am entirely willing to make that change.

Mr. SMOOT. Then let the bill go over to-day, and I will confer with the Senator and we will modify that provision when it comes up again.

Mr. RANSDELL. I ask the Senator, before the bill goes over, to allow me to read very briefly from the report, because I do not think Senators are familiar with it. Speaking of Captain Shearer, the report states that—

> In 1914, outside of office hours and not interfering with his duties and service as employee of the Mississippi River Commission, he invented a reinforced-concrete revetment; also molds for manufacture of said reinforced-concrete revetment; also apparatus for laying said reinforced-concrete revetment. He applied for and obtained patents on each.
>
> The United States Government, through the Mississippi River Commission, adopted and used all three of said inventions, covered by said letters patent, is still using them, and is planning for their extensive use in the future.
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> * * * * * * *
>
> The Supreme Court has in several decisions declared that an employee of the Government making an invention while in Government employ is entitled to compensation therefor if adopted and used by the Government.
>
> The Supreme Court says:
>
> "If an officer or employee of the Government, not specifically employed to make experiments with a view to suggest improvements, devises a new and valuable improvement, he is entitled to the benefit of it, and to letters patent for the improvement from the United States, equally with any other citizen not engaged in such service, and the Government can not after the patent is issued make use of the improvement any more than a private individual without license of the inventer or making compensation to him. (United States *v.* Burns, 12 Wall. 252.)
>
> "An employee performing all the duties assigned to him in his department of service may exercise his inventive faculties in any direction he chooses, with the assurance that whatever invention he may thus conceive and perfect is his individual property. There is no difference between the Government and any other employer in this respect. But this general rule is subject to these limitations: If one is employed to devise or perfect an instrument or a means for accomplishing a desired result, he can not, after successfully accomplishing the work for which he was employed, plead title thereto against his employer. That which he was employed and paid to accomplish becomes, when accomplished, the property of his employer." (Solomons *v.* United States, 137 U. S. 346.)

Mr. SMOOT. We will let the bill go over, but since the Senator has read from the report, I want the Senate to know another feature of the case. Captain Shearer did not furnish the money to build the machine. His idea was presented to the officials of the Government and the Government put up every solitary cent for building the machine that handled the particular invention or improvement for revetment work. I personally think that, the Government having done that and the improvement having been made by a Government employee, he is barred from receiving any kind of compensation from the Government for the invention of the machine. If Captain Shearer had put up his own money, and employed some one to do the work and had taken all the chances, it would be a different thing; but he did not use one cent of his own money. The Government took the chance and the Government put up the money with which to build the machine, and now, after years have passed, to say that the Government ought to pay him for the use of it I think is not right.

Mr. WATSON of Georgia. Mr. President——

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oregon will state the inquiry.

Mr. McNARY. Has objection been made to the consideration of the bill?

Mr. SMOOT. It goes over for to-day.

The PRESIDING OFFICER. The Senate is proceeding with the discussion by unanimous consent. The Senator from Utah has objected to the consideration of the bill and it will go over.

VESSEL "MARIA ARTAU."

The bill (H. R. 5965) for the relief of the owner of the vessel *Maria Artau* was considered as in Committee of the Whole, and was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,901.35 to the owner of the vessel *Maria Artau* as compensation for and in full satisfaction of all claims of such owner for any damages to said vessel sustained as a result of a collision between said vessel and the United States ship *Kittery* on August 7, 1917, in Santo Domingo waters, the responsibility for such collision having been placed on the United States ship *Kittery* by a naval board after investigation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAVAL SUPPLY CORPS OFFICERS.

The bill (S. 2390) to redistribute the number of officers in the several grades of the Supply Corps of the Navy was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ALMOND S. ROOT.

The bill (S. 2654) for the relief of Almond S. Root was announced as next in order.

Mr. SMOOT. I ask that the bill be transferred to the calendar under Rule IX.

The PRESIDING OFFICER. The Senator from Utah asks that the bill be transferred to the calendar under Rule IX. Without objection, it is so ordered.

DAMAGES FOR COLLISIONS WITH NAVAL VESSELS.

The bill (S. 2674) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was considered as in Committee of the Whole.

Mr. SMOOT. I forget just what is to-day the amount of claims which may be settled in this way, but I think it is $500.

The PRESIDING OFFICER. It is $500; but the department very strongly urges the passage of the bill. The committee have reported it unanimously.

Mr. FLETCHER. I think it would save a lot of trouble in coming to Congress with small claims to be adjusted if we would raise the limit to $5,000, as proposed. We passed a bill Saturday allowing the heads of departments to settle claims up to the amount of $1,000. That gives the heads of the departments general power to settle claims, and such an arrangement should include, of course, this department. The only question is whether the limit of $5,000 is a little high.

Mr. SMOOT. I think it is a little too high. I think the $500 limit ought to be increased, but $5,000 is quite a claim.

The PRESIDING OFFICER. The Chair suggests that the Senator propose an amendment.

Mr. SMOOT. On page 2, in line 11, I move to strike out "$5,000" and to insert in lieu thereof "$3,000."

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 2, line 11, strike out "$5,000" and insert "$3,000," so as to make the bill read:

> *Be it enacted, etc.,* That the provision contained in the act entitled "An act making appropriation for the naval service for the fiscal year ending June 30, 1911, and for other purposes," approved June 24, 1910 (Public, No. 261, 61st Cong., 2d sess.), authorizing the Secretary of the Navy "to consider, ascertain, adjust, and determine the amounts due on all claims for damages, where the amount of the claim does not exceed the sum of $500, hereafter occasioned by collision, for which collisions vessels of the Navy shall be found to be responsible, and report the amounts so determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor," be, and the same is hereby, amended to read as follows, namely:
>
> "The Secretary of the Navy is hereby authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages, where the amount of the claim does not exceed the sum of $3,000, occasioned since April 6, 1917, and hereafter, by collisions or accidents incident to the operation of vessels for which collisions or accidents vessels of the Navy or vessels in the naval service shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to the Congress through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BENJAMIN F. SPATES.

The bill (S. 1352) for the relief of Benjamin F. Spates was announced as next in order.

Mr. ODDIE. Mr. President, that bill has been before the Senate for some time. Objections to its consideration were made the other day, which I understand have been withdrawn. It is a very meritorious bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Claims with an amendment on page 1, line 6, after the words "sum of," to strike out "$2,000" and to isert "$1,000"; so as to make the bill read:

> *Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Benjamin F. Spates, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 for a personal injury received by him on September 17, 1885, without fault or negligence on his part, while in the service of the United States Government, performing labor at the Capitol.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LOUISE SAINT GEZ.

The bill (S. 403) for the relief of Louise Saint Gez, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré, was announced as next in order.

Mr. RANSDELL. Mr. President, this bill was before the Senate several days ago, but it was objected to because as drawn it provided for the payment of whatever judgment the court might find.

The PRESIDING OFFICER. The Chair desires to state to the Senator from Louisiana that the bill has been reported to the Senate from the Committee of the Whole. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. RANSDELL. I move to amend the bill by striking out all after the enacting clause and inserting what I send to the desk. The amendment is in the usual form and provides that the claim shall be referred to the Court of Claims for an adjudication of the law and the facts under the act of Congress of March 12, 1863.

The PRESIDING OFFICER. The amendment proposed by the Senator from Louisiana will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

> That the claim of Louise Saint Gez, executrix of Auguste Ferré, deceased, surviving partner of the late firm of Lapene & Ferré, for the net proceeds of the cotton purchased or owned by them, taken by United States officers, sold, and the net proceeds thereof placed in the United States Treasury, be, and the same is hereby, referred to the Court of Claims for determination of the law and the facts under the act of Congress approved March 12, 1863 (12 Stat. L. 820), any statute of limitations, or the act of July 2, 1864 (13 Stat. 376), and all other nonintercourse laws to the contrary notwithstanding, and report to Congress.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Louisiana.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF ALPHONSE DESMARE, DECEASED.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 404) for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others.

Mr. RANSDELL. That is a bill of very similar character to the one which has just been passed, and I move a similar amendment to it referring the case to the Court of Claims for a finding of facts. I ask that my amendment may be stated.

The PRESIDING OFFICER. The amendment proposed by the Senator from Louisiana will be stated.

The ASSISTANT SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

> That the claim of the legal representative of the estate of Alphonse Desmare, deceased, and the claim of the legal representative of the estate of Cyprian Dupré, deceased, surviving partner of the late firm of Desmare & Dupré, for the net proceeds of the cotton purchased or owned by them, taken by the United States officers, sold and the net proceeds thereof placed in the United States Treasury, be, and the same is hereby, referred to the Court of Claims for determination of the law and the facts, under the act of Congress approved March 12, 1863 (12 Stats. L. p. 820), any statute of limitations, or the act of July 2, 1864 (13 Stats. p. 376), and all other nonintercourse laws to the contrary notwithstanding, and report to Congress.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Louisiana.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION AND BILLS PASSED OVER.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

The PRESIDING OFFICER. Let that joint resolution go over.

The bill (S. 14) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Let that bill go over.

The bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, was announced as next in order.

The PRESIDING OFFICER. The Chair is advised that on April 3 last this bill was considered as in Committee of the Whole and was amended and passed. On April 5 the senior Senator from Iowa [Mr. CUMMINS] entered a motion to reconsider the bill and the Secretary was directed to ask for the return of the bill from the House of Representatives, and the bill has been returned from that body.

Mr. FLETCHER. The bill does not appear on the calendar.

The PRESIDING OFFICER. As the Senator from Iowa [Mr. CUMMINS] is interested in this measure, the Chair will suggest that it be passed over without prejudice, and, if he desires, it may be taken up when he returns to the Chamber.

Mr. FLETCHER. I suggest that the calendar be corrected. The bill does not appear on the calendar.

The PRESIDING OFFICER. The bill does not appear on the calendar, because it has passed the Senate and gone to the House and been brought back on a motion to reconsider, as the Chair understands.

BOARD OF ASSISTANT ASSESSORS OF THE DISTRICT.

The bill (S. 1739) to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes, was considered as in Committee of the Whole.

Mr. FLETCHER. Mr. President, I should like to ask the chairman of the committee to state just what it is proposed to accomplish by the proposed amendment to sections 5 and 6 of the act referred to in the bill. I should like to know what the purpose of the measure is.

Mr. BALL. Mr. President, the existing law provides for five assistant assessors in the District of Columbia, but the District appropriation bills have for some time been providing for one additional assessor. Under the provisions contained in that bill, however, the sixth assistant assessor can only be employed in connection with the making of the assessments. Under the bill now before the Senate the board of assistant assessors is constituted of six members, and the sixth assistant assessor may act on the board of review and in other respects just as the other five assistant assessors may be employed. For a number of years there have been six assistant assessors.

The bill also provides that the board of personal tax appeals shall meet in January instead of February, the provision reading:

> That hereafter the board of personal-tax appeals shall convene on the first Monday in January of each year and continue in session to and including the second Monday in February of each year.

Section 2 fixes the status of those who reside in the District of Columbia so far as taxation of tangible and intangible property is concerned. There have been people living in the District who have refused to pay taxes in the District on the ground that they held citizenship in other States. The attorney for the District claims that many of those people should be taxed, and there has been some dispute concerning the matter, the law not being specific upon that point. This bill proposes to establish who shall be considered residents of the District of Columbia so far as their being subject to taxation in the District is concerned.

Mr. FLETCHER. How will the bill affect Members of Congress?

Mr. BALL. It exempts Members of Congress or those elected for a definite term, the provision being—

> That Cabinet officers, Members of Congress, and persons in the service of the United States Government elected for a definite term of office shall not be considered as residents of the District of Columbia for the purposes of this act.

Mr. FLETCHER. Will the passage of the bill add very materially to the expenses of the District government?

Mr. BALL. It will not add to them at all, but it will permit the District government to use the sixth assessor for other duties than now devolve upon him.

Mr. FLETCHER. Very well, I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill as passed is as follows:

Be it enacted, etc., That section 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, is hereby amended so as to provide that the permanent board of assistant assessors referred to therein shall consist of six members instead of five members, and the assessor of the District of Columbia shall designate three of the members of said board for the assessment of real estate, and the three other members of said board to assess personal property, in accordance with law; all members of said board, together with the assessor of the District of Columbia, as chairman, shall constitute the board of equalization and review of real estate assessments, and also the board of personal tax appeals. That hereafter the board of personal tax appeals shall convene on the first Monday in January of each year and continue in session to and including the second Monday in February of each year.

SEC. 2. That, for the purposes of this act, any person maintaining a place of abode in the District of Columbia on July 1 of any year and for six months or more prior thereto shall be considered a resident of the District of Columbia, and shall be taxable on his tangible personal property if located in the District of Columbia during the period of his domicile therein or for any fractional part thereof; said person shall also be taxable on his intangible personal property wherever located unless evidence shall be submitted to the assessor of the District of Columbia, satisfactory to him, that such intangible personal property is taxed to said person in some other jurisdiction for the period hereinbefore referred to: *Provided*, That Cabinet officers, Members of Congress, and persons in the service of the United States Government elected for a definite term of office shall not be considered as residents of the District of Columbia for the purposes of this act.

SEC. 3. That section 5 of the act of Congress hereinbefore referred to is hereby amended by providing that in addition to the annual assessment of all real estate made on or prior to July 1 of each year there shall be added a list of all new buildings erected or under roof prior to December 1 of each year in the same manner as provided by law for all annual additions; and the amounts thereof shall be added as assessments for the second half of the then current year. The board of equalization and review, hereinbefore referred to, shall hear such complaints as may be made in respect of said assessments and determine said complaints between the first and third Mondays of December of the same year.

SEC. 4. That paragraph 32 of section 7 of the act of Congress approved July 1, 1902, above referred to, is hereby amended by inserting after the words "fortune tellers" the word "phrenologists," so that said paragraph shall read as follows:

"That mediums, clairvoyants, soothsayers, fortune tellers, phrenologists, or palmists, by whatsoever name called, conducting business for profit or gain, directly or indirectly, when permitted to practice their calling in the District of Columbia, shall pay a license tax of $25 per annum: *Provided*, That no license shall be issued without the approval of the major and superintendent of police."

SEC. 5. That hereafter no deed, except deeds of release, deeds of trust, or other deeds not involving the transfer of title to real estate, shall be recorded among the land records of the District of Columbia unless it is accompanied by a sealed statement, addressed to the assessor of the District of Columbia, giving the information hereinafter referred to; and the recorder of deeds of said District is directed to receive such sealed statement and transmit it to the assessor of said District without breaking the seal.

Said sealed statement shall be made by the grantee, and shall be on a form approved by said assessor, and shall contain the names of the grantor and grantee, together with their addresses, the full nature of the transaction, together with the true amount of all moneys paid or received, and any other consideration in addition to said moneys shall be given and certified to by the grantee or an authorized agent.

The information contained in the sealed statement shall be regarded as confidential by said assessor and shall be used by him or by the said board of assistant assessors for the equalization of assessment of real estate in the District of Columbia in accordance with the requirements of law.

If any such grantee or his authorized agent shall fail to make any statement or shall make any false statement of the nature of the transaction, or as to the amount of money actually involved, he shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than $5 and not more than $500 for each offense. Such offenses shall be prosecuted in the police court of the District of Columbia in the name of said District by the corporation counsel or any of his assistants.

ANNIE M. LEPLEY.

The bill (H. R. 4504) for the relief of Annie M. Lepley was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Annie M. Lepley, as postmaster at Plymouth, Amador County, Calif., on her account as postmaster of said place, in the sum of $2,055.83, the same being the amount of certain moneys, money orders, and postage stamps taken and stolen by burglars from the post office at Plymouth, Amador County, Calif., at nighttime at about 10 minutes past 1 o'clock a. m. on March 13, 1915, by unknown persons, and that the said Annie M. Lepley be, and she is hereby, relieved and released from payment to the Treasury of the United States of the said sum of $2,055.83, and every part thereof, as such postmaster, and that her account be credited as postmaster with said amount of $2,055.83 by reason of said loss caused by such burglary.

Mr. SMOOT. Mr. President, I have almost come to the conclusion that the only way we can stop the introduction and consideration of measures of this kind is to pass some law which will require postmasters to carry some kind of insurance. Since we began the payment, by special act of Congress, of claims for reimbursement on account of robberies of post offices the stealing of postal funds has increased, I presume, 100 per cent, or perhaps even more than that, and so long as we continue to pay every dollar that is stolen in any way, whether the postmaster is responsible or whether he is not, we will never stop post-office robberies, for there will be no incentive at all for those in charge to take care of the money intrusted to them. I do not want to object to this bill; but really I should like to say to the chairman of the Committee on Claims that if we continue to reimburse postmasters on account of funds stolen from their offices we will never stop the robbing of Government post offices. It used to be a rare thing that we ever had a case of this kind; it was very seldom that such a claim was ever paid, and it never was paid unless the Government of the United States was responsible, in that it failed to furnish a safe place in which to keep the money; but now every postmaster who loses a dollar in any way, whether it is stolen by friend or foe, immediately comes to Congress and Congress provides the money to reimburse him. I think the policy is bad.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HUNTER-BROWN CO.

The bill (S. 820) for the relief of the Hunter-Brown Co. was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims, with an amendment on line 6, after the words "sum of," to strike out $2,423.08" and insert "$1,198.08," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the Hunter-Brown Co., Chattanooga, Tenn., the sum of $1,198.08 as settlement in full for loss incurred through failure of the War Department to receive 192 cords of wood delivered by the Hunter-Brown Co. at Camp Forrest, Ga., under the terms of a contract with the War Department entitled "Quartermaster Corps contract," which represents the sum of the amount agreed to be paid for the wood so delivered and expenses incurred by the Hunter-Brown Co. by reason of delayed delivery occasioned by the refusal of the agents of the War Department to receive the shipments of wood and in prosecuting its claim for the payment of the contract price, the War Department having since refused to approve or settle such claim.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. McNARY. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1343) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. SMOOT. I ask that that bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3326) to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1345) to amend an act entitled "Interstate commerce act," approved February 28, 1920, was announced as next in order.

Mr. McNARY. Mr. President, the Senator from Indiana [Mr. NEW] was called from the Chamber, and he has asked me, in his absence, to request that this bill and the next one on the calendar might go over.

The PRESIDING OFFICER. Senate bill 1345 will be passed over.

The bill (S. 1346) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, including the safety appliance acts and the act providing for the valuation of the several classes of property of carriers subject to the Interstate Commerce Commission, approved March 1, 1913, was announced as next in order.

The PRESIDING OFFICER. In accordance with the request of the Senator from Oregon, this bill also will be passed over.

The bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2371) to further amend an act entitled "An act for making further and more effective provision for the national defense, and for other purposes," approved June 3, 1916, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

THE CORNWELL CO.

The bill (H. R. 449) for the relief of the Cornwell Co., Saginaw, Mich., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. FLETCHER. Mr. President, we had that bill up the other day. It was called on Saturday and I think it went over then because we wanted some little explanation about it.

Mr. SMOOT. It ought to go over to-day.

Mr. FLETCHER. I think it had better go over.

The PRESIDING OFFICER. The bill will be passed over at the request of the Senator from Florida.

DAVID B. LANDIS, DECEASED, AND JACOB F. SHEAFFER, DECEASED.

The bill (S. 1599) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of David B. Landis, deceased, late of Lancaster, Pa., the sum of $11,112.22, and to the estate of Jacob F. Sheaffer, deceased, late of Lancaster, Pa., the sum of $34,055, being the amounts found due said estates by the Court of Claims under the act of Congress approved March 3, 1887, commonly called the Tucker Act, for taxes and penalties collected on distilled spirits that had been destroyed by fire.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The resolution (S. Res. 269) authorizing the appointment of a committee to report the facts and reasons relative to the removal by order of the President of responsible officials of the Bureau of Engraving and Printing, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 271) requesting the President to inform Congress as to alleged demotion, dropping, and discharge of honorably discharged sailors and soldiers from the service since March 4, 1921, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 3136) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

HENRY T. HILL.

The bill (H. R. 5385) for the relief of Henry T. Hill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (H. R. 8475) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3565) relating to the collection of taxes in the District of Columbia was announced as next in order.

The PRESIDING OFFICER. The Chair will ask to have that bill passed over.

The bill (S. 3384) authorizing an appropriation to meet proportionate expenses of providing a drainage system for Paiute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia was announced as next in order.

Mr. FLETCHER. That is the unfinished business.

Mr. SMOOT. Yes; that is the unfinished business.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 171) to extend the provisions of the act of May 11, 1912, was announced as next in order.

Mr. SMOOT. Let that go over too.

The PRESIDING OFFICER. The bill will be passed over.

REFUND OF TAXES.

The bill (S. 3716) to define a period in which certain claims may be presented for determination to the Commissioner of Internal Revenue for refund of taxes erroneously collected from certain estates of decedents under color of section 29 of the act of Congress approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," and amendments; and to authorize payment of amounts allowed in the determination of such claims was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue is hereby authorized and directed to receive, consider, and determine, in accordance with law but without regard to any statute of limitation, any claim filed not later than six months after the passage of this act by the personal representative of any estate of a decedent for money illegally collected from such estate under color of section 29 of the act of Congress approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes," and amendments, where and when and only when it be found and determined that such illegal collection was upon the erroneous interpretation of the law passed upon and condemned by the United States Supreme Court in decision rendered in 1915 in the case of United States *v.* Jones, and in the case of McCoach, collector, *v.* Pratt, reported in 236 United States Reports.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the personal representatives of any such decedents any amounts allowed in the determination of any claims so defined and which shall have been presented in accordance with this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (H. R. 11872) to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the opening and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes, was announced as next in order.

Mr. McNARY. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RIVER AND HARBOR PROJECTS.

The bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was considered as in Committee of the Whole.

The PRESIDING OFFICER. This bill has been heretofore considered by the Senate as in Committee of the whole, and all except two of the committee amendments have been agreed to. The Secretary will state the amendments passed over.

The first amendment passed over was, on page 2, after line 22, to insert:

Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.: The Secretary of War is hereby authorized to purchase, as a part of said waterway, the existing Lake Drummond Canal, together with all property rights and franchises appertaining thereto, at a price of not to exceed $500,000, in accordance with the report submitted in House Committee Document No. 5, Sixty-seventh Congress, second session.

The amendment was agreed to.

The next amendment passed over was, on page 14, beginning with line 24, to insert the following:

SEC. 12. That the contract dated July 29, 1921, executed by the Boston, Cape Cod & New York Canal Co., and transmitted to Congress by the Secretary of War and printed in House Document No. 139, Sixty-seventh Congress, second session, is hereby ratified on condition that such company files with the Secretary of War its consent in writing that paragraph 8 of such contract be amended to read as follows:

"8. The payment of the amount herein agreed to be paid, or any part of same, to the said canal company is to be upon the express condition that the Boston, Cape Cod & New York Canal Co. waives, in writing, any and all claims of any nature whatsoever that it may have against the President, the Director General of Railroads, or the United States, and upon such release the Director General of Railroads shall release the company from any claim or demand against the company growing out of Federal control."

The amendment was agreed to.

Mr. SHIELDS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT SECRETARY. On page 7, at the end of section 1, after line 19, it is proposed to insert:

Tennessee River and tributaries in North Carolina, Tennessee, Alabama, and Kentucky. Survey in accordance with report submitted in House Document No. 319, Sixty-seventh Congress, second session.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The PRESIDING OFFICER. The Chair feels that he should ask that this bill go over temporarily, because the Senator from South Carolina [Mr. SMITH] has a survey amendment that he desires to offer, and the Chair does not know what it is; so, if there is no objection, it will be passed over temporarily. It has reached the Senate, and the amendments made as in Committee of the Whole have been agreed to.

The PRESIDING OFFICER subsequently said: The Senator from South Carolina [Mr. SMITH] informs the Chair that his matter is already covered in the bill. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JONES of Washington subsequently said: Mr. President, this afternoon the Senate passed the river and harbor bill. I move that the Senate insist upon its amendments and ask for a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. ODDIE in the chair) appointed Mr. JONES of Washington, Mr. NELSON, Mr. CALDER, Mr. FLETCHER, and Mr. RANSDELL conferees on the part of the Senate.

BILLS, ETC., PASSED OVER.

The joint resolution (S. J. Res. 227) rejecting bids for the acquisition of Muscle Shoals was announced as next in order.

Mr. McNARY. I ask that that go over.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The joint resolution will be passed over.

The bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching was announced as next in order.

Mr. FLETCHER. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 385) to amend section 5 of the United States cotton futures act approved August 11, 1916, as amended, was announced as next in order.

Mr. SMOOT. That will have to go over.

Mr. McNARY. In the absence of the Senator from South Carolina [Mr. DIAL] I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3146) to amend section 5 of the United States cotton futures act was announced as next in order.

The PRESIDING OFFICER. That bill will be passed over for the same reason.

The resolution (S. Res. 330) authorizing a special committee to report to the Senate the results of its investigation concerning the financial interest of Senators in matters affected by the pending tariff bill was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 2388) for the relief of Augusta Reiter was announced as next in order.

The PRESIDING OFFICER. The Senator from California [Mr. SHORTRIDGE] asked that that bill might go over when it was reached. It will be passed over.

The bill (S. 3858) to define butter and to provide a standard therefor was announced as next in order.

Mr. McNARY. Mr. President, I spoke of that bill Saturday, and expressed a hope that it would be considered to-day; but the Senator from South Dakota [Mr. STERLING] advised me that he would like to have it go over for the day. So I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 335) directing the Federal Reserve Board to require the Federal Reserve Banks of Atlanta, Dallas, St. Louis, and Kansas City to report to the Senate the rates of interest charged by them on loans and discounts in 1920 and 1921 was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (H. R. 11843) for the prevention and removal of obstructions and burdens upon interstate commerce in grain, by regulating transactions on grain future exchanges, and for other purposes, was announced as next in order.

Mr. McNARY. As I stated a few days ago, that bill has a fixed status, and I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 211) to extend the provisions of the pension act of May 11, 1912, and May 1, 1920, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes, was announced as next in order.

Mr. NEW. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ENFORCEMENT OF PROHIBITION IN PORTO RICO.

The bill (H. R. 9270) to confer upon the Territorial courts of Porto Rico concurrent jurisdiction with the United States courts of that district of all offenses under the national prohibition act and all acts amendatory thereof or supplemental thereto was considered as in Committee of the Whole, and was read, as follows:

> *Be it enacted, etc.*, That there be, and is hereby, conferred upon the Territorial magistrates and courts of Porto Rico jurisdiction concurrent with the commissioners and courts of the United States for the said Territory of all offenses under the act of October 28, 1919, known as the national prohibition act, and all acts amendatory thereof and supplemental thereto, the jurisdiction of said Territorial magistrates and courts over said offenses to be the same which they now have over other criminal offenses within their jurisdiction.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. That completes the calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendment of the Senate to the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WINSLOW, Mr. NEWTON of Minnesota, and Mr. RAYBURN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12377) to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WINSLOW, Mr. HOCH, and Mr. RAYBURN were appointed managers on the part of the House at the conference.

The message further announced that the House disagreed to the amendments of the Senate to the bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. FULLER, Mr. BLAND of Indiana, and Mr. DAVIS of Tennessee were appointed managers on the part of the House at the conference.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

S. 2199. An act to provide for the marking of anchorage grounds in waters of the United States;

S. 2460. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. p. 437), to certain lands in Utah;

S. 3618. An act to amend the Judicial Code in reference to appeals and writs of error;

S. 3659. An act to create the White House police force, and for other purposes;

H. R. 1274. An act for the relief of Maude H. Mosher;

H. R. 1948. An act for the relief of Virgil O. McWhorter;

H. R. 2866. An act authorizing the Secretary of the Interior to sell and patent to parties named herein certain lands in Louisiana;

H. R. 10361. An act authorizing the sale and patent of certain alleged public lands in Louisiana;

H. R. 11590. An act to amend sections 34 and 40 of the organic act of the Territory of Hawaii;

H. R. 11901. An act authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio;

H. R. 12493. An act amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes;

S. J. Res. 23. Joint resolution to authorize the Secretary of War to grant revocable licenses for the quarrying and removal of stone from the Mariveles Military Reservation, Philippine Islands; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia.

LIBERIAN LOAN.

Mr. McCUMBER. I ask that the unfinished business, H. J. Res. 270, be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

Mr. CURTIS. Mr. President, the Senator from Idaho [Mr. BORAH] wants to be here when the joint resolution is considered. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Borah
Broussard
Bursum
Cameron
Capper
Cummins
Curtis
Dillingham
Fletcher
France
Glass
Gooding
Hale
Harrison
Heflin
Jones, Wash.
Kellogg
McCormick
McCumber
McNary
Moses
Nelson
New
Nicholson
Oddie
Phipps
Ransdell
Rawson
Robinson
Sheppard
Shields
Shortridge
Simmons
Smith
Smoot
Stanfield
Sterling
Swanson
Trammell
Walsh, Mass.
Warren
Watson, Ga.
Williams
Willis

The PRESIDING OFFICER. Forty-five Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Ball
Culberson
du Pont
Ernst
Harreld
McLean

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

Mr. McCUMBER. Mr. President, I am due at a conference at this hour but will take just a few minutes to make a general statement in reference to the Liberian loan.

Authority was given by one of the Liberty loan acts under which credit was given to Liberia in the sum of $5,000,000. Like all such credits, there were conditions that had to be worked out. The Liberian Government immediately accepted the conditions, but the conditions had to be arranged for under which the money was to be advanced. Some of the conditions were that the Liberian Government should get rid of the French-British control of her finances and make some other arrangements, so that the control of her finances would be under the United States rather than France and Great Britain, but before final arrangements were concluded the war ceased. Our Government then took the position that although the credit had been given and although it had been drawn upon, I think, to the extent of $26,000, we had no authority to go ahead and complete the loan and turn over the balance of the sum. The matter had been under consideration. Possibly actuated by this intention and expectation, the Liberian Government declared war upon Germany. She suffered considerably by having her ports blockaded and also by having vessels attacked which were loaded with produce from and to Liberia. She performed everything in accordance with her arrangements so far as she had been able to go within the time which had elapsed between the arrangements for the loan and the closing of the war.

Mr. BORAH. Mr. President, would it interrupt the Senator if I asked him what evidence or proof or data he has that Liberia declared war against Germany because of the prospect of this loan?

Mr. McCUMBER. No; I could not say, except as I understand from the Treasury Department that it was in the expectation that we would make the loan. I have no definite information myself, and I do not know that we have the record of that information.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Tennessee?

Mr. McCUMBER. I yield.

Mr. SHIELDS. If Liberia did declare war against Germany, as suggested by the Senator, and of which I understand there is no evidence, did Liberia do anything, did it change its status in any way, or was it a mere paper declaration?

Mr. McCUMBER. Certainly the declaration of war changed her status with the German Government. Connected with that was the understanding, as I am informed, that we would assist her financially and as a condition of that assistance we were to control her finances.

Mr. SHIELDS. Did Liberia take any part in the war?

Mr. McCUMBER. She furnished no army, but she did a considerable part. She excluded the German control of some of her financial interests and she also did everything that an independent nation declaring war would do with reference to the nationals of the enemy in her territory.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I yield.

Mr. WATSON of Georgia. I did not understand what the Senator said that Liberia did during the war. What did she do?

Mr. McCUMBER. I will read it as set forth in the committee report, if the Senator desires me to do so:

> The Government of Liberia declared war against Germany on August 4, 1917. Concurrently with this declaration the Liberian Government, at the instance of Great Britain, France, and the United States, closed all German business houses in the Republic, liquidated the property, and deported all German subjects. Since approximately 85 per cent of the trade and commerce of Liberia was under the control of Germans, their deportation as a war measure very adversely affected the economic situation of the country. Germany meanwhile declared the territorial waters of Liberia to be prohibited areas to all merchant vessels, including the vessels of neutral nations, and served notice that any merchant vessels frequenting these waters were liable to be torpedoed.
>
> In an attempt to make this declaration effective German submarines attacked, and in several cases sank, merchant vessels en route to and from Liberian ports. On April 10, 1918, the wireless station at Monrovia, the capital of Liberia, was attacked and partially destroyed and other damage done by German submarine gunfire. Under these circumstances neutral vessels refused to call at Liberian ports and the calls of vessels of the allied nations became infrequent and uncertain. A severe trade depression inevitably ensued.

I do not think that I need go further than that mere statement to show that Liberia did suffer.

Mr. SWANSON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from North Dakota yield to the Senator from Virginia?

Mr. McCUMBER. I yield.

Mr. SWANSON. I understand from the report that sufficient property belonging to Germans was seized in Liberia to discharge all the claims for damage done by Germany to Liberia.

Mr. McCUMBER. Yes; they seized German property in Liberia.

Mr. SWANSON. And they held it to pay the damages. I would like to have the Senator answer this question: This is a $5,000,000 loan. My experience and investigation have shown that when such loans are made to some governments they are generally made for the purpose of paying the creditors of that government who have loaned it money and who are not able to collect it from the government and who simply desire to unload the debt upon us. Does the Senator know whether the $5,000,000 is owing to certain creditors of Liberia and will be appropriated to discharge the debts due those creditors?

Mr. McCUMBER. My understanding is that the $5,000,000 will be so used under the control of American agents as to relieve the Liberian Government from the control now exercised over that little Republic by both Great Britain and France, and that as soon as the loan is made the control will be through American agents, which naturally would be to the advantage of the United States.

Mr. SWANSON. Of what advantage to the United States?

Mr. McCUMBER. Certainly there would be an advantage in the diversion of trade, possibly, to this country, the same as it has been an advantage to the other countries, France and Great Britain.

Mr. SWANSON. We get no tariff advantages. We get no advantages at all except that we loan the $5,000,000 and then have to go to the expense of collecting the customs in order to have the debt repaid.

Mr. McCUMBER. There is some advantage in that respect, and there is another reason in which I think we have a just pride. Liberia is more or less a child of this Government. It was started by free negroes as such and under the control, to a great extent, of the American Nation. We have looked after her interests, and our dominant control of that country has generally been recognized by other countries.

Mr. SWANSON. Mr. President——

Mr. McCUMBER. I want to say to the Senator that I have but a few moments and I desire to close a few remarks that I have to make and then allow others to take charge of the joint resolution.

Mr. SWANSON. I am only asking the Senator for information. Has the Senator a list of the creditors of Liberia to whom this money would go, even under the direction of representatives of the United States?

Mr. McCUMBER. I think the Treasury Department has a full list.

Mr. CURTIS. Mr. President, may I suggest that the record shows that there is between $1,500,000 and $2,000,000 due to France and Great Britain.

Mr. BORAH. And about $1,500,000 due Morgan & Co., of New York.

Mr. ROBINSON. Mr. President, may I ask the Senator from North Dakota a question? The Senator from Kansas has accounted for about $1,800,000 of the fund which it is now proposed shall be loaned to Liberia. What is it contemplated shall be done with the remainder of the loan?

Mr. McCUMBER. It is contemplated, I understand, that there are many internal matters to be looked after, and that it will be devoted to the building of railways or what else may be needed for the internal rehabilitation of that little country. All of these matters are to be worked out under a commission which is to be appointed by the United States in case the loan is made.

Mr. ROBINSON. If I understood the Senator correctly, it can not now be stated definitely what disposition shall be made of the remainder of the fund after the $1,800,000, accounted for by the Senator from Kansas, has been paid.

Mr. McCUMBER. Except that the disposition of it will be under the control of an American commission.

Mr. ROBINSON. That statement has been repeatedly made, but before Congress authorizes the appropriation of moneys which are collected by taxation from the American people——

Mr. McCUMBER. May I remind the Senator that the conference committee is waiting for me and has been waiting for 10 minutes, and I would like to finish my statement and then return to the conference.

Mr. ROBINSON. I shall detain the Senator but a moment. I was about to say that the Congress is now asked to appropriate $5,000,000 to pay debts which Liberia owes other Governments——

Mr. McCUMBER. A small proportion of it is for that purpose.

Mr. ROBINSON. And perhaps some debts which she owes American citizens. The statement is made that the authorization of $5,000,000 is justified on the ground that some American agents selected by this Government will have control of the disposition of the remainder of the fund. I think that Congress when asked to appropriate money contributed by American citizens, in view of conditions that exist in this country, should have definite and full information. We ought to know in advance just how the money will be expended. It is admitted that there is no legal obligation upon the part of the Government to make the loan. It is claimed that it grows out of an alleged moral obligation assumed by this Government in inducing Liberia to declare war upon the German Government. After the signing of the armistice, in advance of what was supposed to be the conclusion of the war, terminating the negotiations——

Mr. McCUMBER. I again ask the Senator if he will not allow me to complete my statement?

Mr. ROBINSON. Yes, I will, in just a moment.

Mr. McCUMBER. The Senator will have all the afternoon to make his speech on the subject.

Mr. ROBINSON. I do not want to make a speech. I am trying to get information. There were a number of other governments, including the Russian Government, as I remember, to which the United States had committed herself in a policy of extending credits. There was the Grecian Government, as suggested by my friend the Senator from Virginia [Mr. Swanson]. If we are now entering upon a policy of taxing the American people to carry out arrangements that were never effected, entered into for the prosecution of the war, to establish credits by governments which were cooperating with the United States in the conduct of the war, the subject matter of the joint resolution might be extended to comprehend all governments with which those same arrangements were at one time in progress. At least our country ought to have full information respecting the purposes of the loan and the subjects to which it was to be applied. We can not tax the American people in a spirit of generosity for the benefit of Liberia.

Mr. McCUMBER. I have no doubt that the Senator from Virginia [Mr. Glass] could possibly answer the question of the Senator from Arkansas. The whole Liberian loan matter was inherited from a previous administration, and the question arises whether under all the circumstances there is or is not a moral obligation on the part of this Government to proceed to carry out the provisions of the agreement notwithstanding the fact that the war closed——

Mr. SWANSON and Mr. ROBINSON rose.

Mr. McCUMBER. I am not going to yield until I finish this statement—notwithstanding the fact that the war closed before the money was drawn or all of the conditions precedent had been complied with by Liberia.

Mr. GLASS. Mr. President, may I interrupt the Senator from North Dakota for just a moment?

Mr. McCUMBER. I will yield for a question; but really I wish Senators would allow me to finish my statement, because, while they have all the afternoon to discuss this matter, I have not.

Mr. GLASS. I will say to the Senator that the statement I wish to make will not consume the time of an ordinary question. I note that in the report of the committee reference is made to the fact that the Secretary of State, in a letter addressed to me as Secretary of the Treasury, urged that this Government was under a moral obligation to make this loan. I think I have a right to say that I did not concur in that opinion.

Mr. McCUMBER. Mr. President, I read from the report the statement that after more than a year's delay diplomatic negotiations with France and England having terminated, and a definite program having been announced as to what Liberia was to do, Secretary of State Lansing, in a letter to the then Secretary of the Treasury, Mr. Glass, stated:

> Not to carry through this program would be simply disastrous for our position in Liberia and would cast a blemish on our good name in international relations. I can not too strongly emphasize the embarrassment which would result to this Government from such a course, an embarrassment which would not be limited to our intercourse with Liberia but would be reflected in our larger relations with France and Great Britain.
>
> I have given this matter the most serious consideration, and I very strongly feel that to avoid being gravely compromised this Government is in honor bound to live up to the agreement made in this instance and to carry through the program of economic rehabilitation. I hope very earnestly that you will accept my point of view.

It may be that the then Secretary of the Treasury, Mr. President, did not accept that point of view, but that was the point of view of the then Secretary of State.

Again, in his letter of July 29, 1921, addressed to the Senate——

Mr. GLASS. Mr. President, it is that statement of the Secretary of State which I desire to repeat I did not accept. I totally dissented from that view. Not only that, but I thought the $26,000 which had already been advanced to Liberia was the only item in all of the credits established by this Government that could not be justified.

Mr. ROBINSON. Will the Senator from North Dakota permit me to ask him a question?

Mr. McCUMBER. The Senator's questions are generally speeches, but I will yield to him for a question.

Mr. ROBINSON. The Senator from North Dakota understands the difficulty of asking a question sometimes without prefacing it by a statement, but I will confine my statement to a question as to the agreement. What were the terms of the alleged agreement referred to by the then Secretary of State, Mr. Lansing, under which he claims that the Government was morally obligated to make this loan to Liberia?

Mr. McCUMBER. The agreements, I suppose, were both with the Secretary of the Treasury and the Secretary of State, but the conditions that were carried out by the Liberian Government and the position in which she placed herself with the expectation of being able to draw upon this sum of money, in my opinion and according to my view of the case, imposed a moral obligation upon this Government to make good its promises to make her that loan, even after the war had closed.

Mr. ROBINSON. Mr. President, throughout the report, throughout the statement of the Senator from North Dakota [Mr. McCumber] and in the letter quoted by him, which it is alleged was addressed by the then Secretary of State to the then Secretary of the Treasury, reference is made to an agreement. Now, was the agreement written or was it verbal, and what were the terms of the agreement? Congress ought to be permitted to judge what the obligation of the agreement is by a consideration of the terms of the agreement.

Mr. McCUMBER. I think, Mr. President, that the agreement will be found in the report of the Secretary of the Treasury. I have it not before me. Again, however, I plead with Senators to allow me to finish my statement.

Mr. SWANSON. I simply wish to make a suggestion to the Senator. As I understand from what the Senator has read and from the report of the committee the loan was delayed because it had not been made safe and certain conditions had not been complied with.

Mr. McCUMBER. All of the conditions under which the loan was to be made had not been fully complied with.

Mr. SWANSON. That is, so as to make the loan safe and to insure that the Government would not lose anything. That was during time of war. What has been done since to change that aspect of the situation?

Mr. McCORMICK. Mr. President, will the Senator from North Dakota allow me to interrupt him for a moment?

Mr. McCUMBER. I yield.

Mr. McCORMICK. Did the Senator from Virginia say a "safe loan"?

Mr. SWANSON. I said "to make it safe."

Mr. McCORMICK. Does the Senator from Virginia regard the billion and a half dollars which were loaned to foreign powers after the signing of the armistice as a "safe loan"?

Mr. SWANSON. If we made any unsafe loans, we ought not to make any more. However, I am talking about the moral obligation referred to in the report from which the Senator from North Dakota [Mr. McCumber] has read, and from that very report it appears that the delay was occasioned on account of the desire to make the loan safe.

Mr. McCUMBER. Mr. President, I shall have to resume the floor and insist on holding it. Other Senators have all day in which to discuss the pending subject, but I have not. I have stated and tried to make as clear as I could that there were certain conditions precedent with which it was necessary that the Liberian Government should comply before the money was paid to it. Although the Liberian Government was proceeding to comply with the requirements, all of them had not been fulfilled when the war closed, but nearly all of the conditions precedent had been complied with, or at least a sufficient number of those of greater importance, to place upon our shoulders the moral obligation to make good.

Now, Mr. President, I wish to read from another letter. In his letter of July 29, 1921, addressed to the Senate, transmitting a letter from Secretary Hughes recommending the reestablishment of the loan credit, President Harding declared:

> "It is impossible to escape the conviction that we have an obligation which the executive branch of the Government can not discharge without the properly expressed approval of Congress."
>
> A financial plan was drafted by the State Department and signed by the Secretary of State and the representatives of the Liberian Government in Washington on October 28, 1921. This plan was approved, without change, by the Legislature of Liberia on January 26, 1922. All of the papers relating thereto were sent to the Foreign Affairs Committee of the House by Secretary Hughes and in turn referred to the Committee on Ways and Means.
>
> Representatives of the State Department appeared before the committee on March 22 and 24 and April 19, 1922.
>
> In his statement before the committee Secretary Hughes said:
>
> "I can not bring myself to believe that under the circumstances of this particular and important situation Congress would not realize how deeply the honor and good faith of the United States are involved."
>
> In a letter to the Ways and Means Committee, dated April 1, 1922, President Harding said:
>
> "The simple truth about this loan situation is that our Government is unable to deal with the Republic of Liberia in that good faith which is becoming a great Republic like ours. This loan was pledged to the Republic of Liberia by the previous administration and the funds would long since have been furnished that Government except for the de-

> lay incident to the making of arrangements to guarantee its wise expenditure and certain repayment. Pending these arrangements our Government has stood in the way of the grant of the loan by any other nation and we find ourselves in the position of denying financial assistance from others and unable to keep faith in the pledges made for ourselves. I do not believe your committee or the Congress wishes to put the Government in this position."

I think, Mr. President, this substantially presents the only real issue there is in the case. I think undoubtedly the Ways and Means Committee of the House have all of the papers, including the agreement, which I think is further referred to, though perhaps not in full, by the Treasury Department.

I now ask the Senator from Kansas [Mr. CURTIS] if he will kindly take charge of the joint resolution during my absence.

Mr. WATSON of Georgia. Mr. President, before the Senator takes his seat, if he will allow me to ask him a question, What nation on earth could have loaned Liberia any money? They all borrowed from us, and they have not paid the money back.

Mr. McCUMBER. Unless there is a moral obligation resting upon us to make good the agreement which we made to loan Liberia the money, providing she did certain things, which she has done in large part, we can not extend her any loan at all. I think, however, we are morally obligated now to loan her the money, or withdraw all claims, and allow France and Great Britain again to take charge of Liberian finances and look after their own interests.

Mr. WATSON of Georgia. But, Mr. President, the Senator has not answered my question. He said that our failure to lend to Liberia had prevented other nations from lending. What nations had money to lend and would have loaned anything to Liberia?

Mr. McCUMBER. I do not know what nations had the money to loan; but Liberia was already indebted to certain other nations, which other nations had control of her economic affairs, and the expectation and understanding was that if we were to take charge of her affairs to the extent, I suppose, that she was indebted to other nations, their interests would be taken care of.

Mr. BORAH obtained the floor.

Mr. ROBINSON. Mr. President, I think there ought to be a fuller attendance of the Senate here to hear the remarks of the Senator from Idaho. If he will yield to me for that purpose, I should like to suggest the absence of a quorum.

Mr. BORAH. I think the Senate ought to know what is to be said, but I doubt if they will stay to listen.

Mr. ROBINSON. Unless the Senator objects, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Borah
Broussard
Bursum
Cameron
Capper
Culberson
Curtis
Dillingham
du Pont
Ernst
France
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Kellogg
McCumber
McLean
McNary
New
Nicholson
Oddie
Phipps
Ransdell
Rawson
Robinson
Sheppard
Shields
Simmons
Smith
Smoot
Stanfield
Sterling
Swanson
Trammell
Walsh, Mass.
Warren
Watson, Ga.
Willis

The PRESIDING OFFICER. Forty-one Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

Ball
Cummins
Fletcher
Jones, Wash.
McCormick
Moses
Nelson

After a little delay,

Mr. CURTIS. Mr. President, may we have a statement of the number present?

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is not present.

Mr. CURTIS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. SHORTRIDGE entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, is the joint resolution now open to amendment?

The PRESIDING OFFICER. The joint resolution is open to amendment.

Mr. BORAH. I offer the following amendment.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. The Senator from Idaho moves to amend by adding the following new section:

> SEC. —. That to expedite the completion of Government reclamation projects heretofore begun and extensions thereof and to take up new projects under the national irrigation law, being the act of June 17, 1902 (32 Stat., p. 388), and acts amendatory thereof or supplementary thereto, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000,000, and the Secretary of the Treasury is authorized, upon request of the Secretary of the Interior, to transfer the same or any part thereof from time to time to the credit of the reclamation fund created under the said act of June 17, 1902.
>
> The said sum of $20,000,000, or so much thereof as shall have been transferred to the reclamation fund, shall be reimbursed to the general funds of the Treasury by transferring annually the sum of $1,000,000 from the reclamation fund to the general funds of the Treasury, beginning July 1, 1940.

Mr. BORAH. Mr. President, the basis upon which the Liberian loan is supposed to rest is a very difficult one to discover. It rests in certain undertakings apparently arising from correspondence, none of which is direct or conclusive upon any particular proposition involved in this matter. I have endeavored to go through the record and the correspondence and the hearings, and I think I have covered them all, and I repeat that the basis upon which the loan rests is difficult to locate.

That there is no legal obligation to make the loan is conceded. If there were a legal obligation there would be no occasion for this legislation. But it is contended on the part of Liberia that there is a claim upon our conscience, that we are under a moral obligation, by reason of certain circumstances and conditions, to make this loan. Of course, if there is a moral obligation we must fulfill it. But I venture to say that if it be deemed to be a moral obligation, it rests upon the slightest evidence upon which anyone ever undertook to establish that kind of an obligation. In addition to the slight evidence of the moral obligation it is necessary to establish that obligation in the face of a statute. I am going to review briefly some of the facts connected with the supposed moral obligation to see upon what proponents of this measure rest their argument.

In the first place, the second Liberty loan act, approved September 24, 1917, provided as follows:

> That for the purpose of more effectually providing for the national security and defense and prosecuting the war * * * the Secretary of the Treasury, with the approval of the President, is hereby authorized, on behalf of the United States, to establish credit with the United States for any of the foreign governments then engaged in war with the enemies of the United States.

But with this distinct limitation:

> With the limitation that this authority shall cease upon the termination of the war between the United States and the Imperial German Government.

Now, there was no loan made to the Liberian Government during the war. There was no contractual obligation completed for the loan during the war. What happened was this: The President of the United States, through his Secretary of State, notified the Liberian Government at one time that upon its complying with certain conditions it would have a credit of $5,000,000. Those conditions were specifically set forth in a letter by Mr. Lansing, to which I shall call attention in a few moments.

I need not argue to either lawyer or layman that if I tender a loan upon certain conditions there is neither a legal nor a moral obligation until those conditions are substantially complied with. I make the statement that the conditions were never complied with; that it has been conceded they were not complied with. Long after the war closed this Government notified the Liberian Government that the credit was withdrawn. There the entire affair might have ended. The slate was washed clean. No obligation had arisen. They were notified that the credit theretofore to be extended was withdrawn. There was no chance thereafter to comply with the conditions.

Another thing which I desire to impress at this time is that the first essay at a loan was for war purposes supposedly to bring into the battle line this puissant nation of Liberians, who had neither a soldier nor a gun. There might have been a situation developed there which would warrant the statement that it was for war purposes, but now as the new loan was taken up it was stated that it was for commercial purposes, for the purpose of building up our commerce upon the coast of Africa, a wholly different proposition from the original proposition as it was submitted to the Liberian Government. This fact alone, that the initiation was for the purpose of establishing a war credit, and that it is now for the purpose of a commercial credit to be used for entirely different purposes under an entirely different scheme and wholly different program, shows that the thing did not initiate and does not intiate in the old original transaction.

Here is what Mr. Lansing said:

> The Treasury has established credit of $5,000,000 in favor of Liberia. Before any part of the money is available, however, department must have the following:
>
> Copy of portion of Liberian constitution providing for legislation authorizing the Liberian Government to borrow money.
>
> Copy of law authorizing loan enacted in accordance with said provision of constitution.
>
> Copy of proceedings on the part of the executtive branch of the Liberian Government in accordance with said law.
>
> Copy of full powers given Liberian representative in United States authorizing him to sign such obligations as may be necessary and to receive the advances or take such other steps as the Liberian law may require.
>
> You are instructed to inform Liberian Government immediately of the establishment of this credit and the legal formalities this Government considers necessary.
>
> LANSING.

Those were the conditions which were imposed in the notice of extension of the credit, conditions which could have been complied with fully, it would seem, but which never were complied with.

Let me here correct what I think is a mistake upon the part of the able Senator from North Dakota [Mr. McCUMBER]. He seemed to be of the opinion that it was by reason of the extension of this credit that Liberia came into the war or declared war. I asked the able Senator if he had any facts or circumstances to show that, and he stated frankly that he did not have, but that he so understood. I understand to the contrary. The extension of that credit had nothing to do with Liberia declaring war against Germany. The declaration of war arose out of these circumstances. Germany had practically taken possession of the waters surrounding Liberia. Liberia was unable to trade, unable to send out goods or to get in goods, and therefore it was stated that if she would exclude the Germans, Great Britain and France, the United States assisting, would protect her ports, as it were, and enable her to trade with the other nations of the world. That she did and that those nations did. The transaction or the understanding which was to bring Liberia into the war was another transaction, and was completely fulfilled upon the part of the other nations. That is my understanding. I think that is clearly borne out by the records. The loan had nothing to do with actually causing her to declare war.

The Lansing cablegram stated:

> You are instructed to inform Liberian Government immediately of the establishment of this credit and the legal formalities this Government considers necessary.

Long after the war closed, after the armistice had been signed and hostilities had ceased, these prerequisites were still uncomplied with. At a later date, a date to which I shall call attention in a few moments, by reason of this fact, our Government officially notified them that the loan was withdrawn. What possible obligation could arise under those circumstances? What moral obligation could arise under those circumstances? Liberia had gone into the war for a different reason. The conditions which had been agreed upon to take her into the war had been complied with. She was then extended credit upon certain conditions. Those conditions she never complied with, and we later withdrew the credit.

In the hearings the Secretary of State said:

> We should make the loan—

Mind you, he does not place it upon the grounds which seems to apply here—

> for the protection and promotion of American commercial interests on the West Coast of Africa.

That is the ground on which the loan is now being made. The question is not whether the Senate of the United States wants to make a loan which it is not in honor bound to make nor in equity bound to make but whether we want to enter upon the enterprise of loaning $5,000,000 for the purpose of building up our commercial interests upon the coast of Africa. It is a pure business transaction, and very bad business at that.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. ROBINSON. Of course, if the Government should embark upon a policy of that character, trade conditions and the conditions of our commerce as they would be affected by the arrangement would be the governing consideration and not an alleged moral obligation growing out of war relations.

Mr. BORAH. Precisely so, and if there is any business in it it ought to be revealed here. If there is any commercial advantage, it should be revealed. I have been unable to find it.

Under date of November 8, 1921, F. M. Dearing, Assistant Secretary of State, wrote the President of Liberia as follows:

> NOVEMBER 8, 1921.
>
> Hon. C. D. B. KING,
> *President of Liberia.*
>
> MY DEAR MR. PRESIDENT: In view of the execution of the financial agreement of October 28, 1921, in terms of a proposed new credit of $5,000,000, subject to appropriate action of Congress, I have the honor to inform you, in keeping with previous verbal expressions of the Department of State, that the balance of the credit established in favor of Liberia with the United States Treasury September 12, 1918, but not deemed available, has therefore been withdrawn.
>
> I am, my dear Mr. President,
> Sincerely yours,
> F. M. DEARING.

Now, let us take up another feature of the loan business. I do not think it is very difficult to find out why the loan is being urged. I have before me a copy of a financial plan and depositary agreement signed by the Secretary of State and the Liberian commission on October 28, 1921. It is to be found in the hearings before the Ways and Means Committee of the House, at pages 124 and 125.

Mr. ROBINSON. The hearings on the pending joint resolution?

Mr. BORAH. Yes. On page 125 they specify what is to become of the money, or a large portion of it, which is to be loaned to Liberia. Among other things it is said:

> (b) A new arrangement for that purpose shall be made between the Government of Liberia and the Government of the United States.
>
> 3. Two hundred and thirty-three thousand dollars, or such less amount as shall be sufficient to enable the Government of Liberia to pay its internal funded debt and the interest due thereon.

I have been informed by a party who has investigated the matter and who is, I think, wholly reliable—I know he is reliable so far as his information goes—that the claims which were taken care of in this way were claims which had been bought up for 10 to 20 cents on the dollar, and that they are now being turned in and taken care of by the Government of the United States and the taxpayers of the United States on the basis of dollar for dollar. I think before the joint resolution becomes a law that the Government of the United States should know what kind of claims it is that we are proposing to pay, whether they are the claims of speculators, those who have taken advantage of the Liberian people, or whether it is really to the benefit in some way of the Liberian people themselves.

I continue the reading:

> 4. Three hundred and fifty thousand dollars, or such less amount as shall be sufficient to enable the Government of Liberia to pay its internal floating debt.
>
> 5. One million six hundred and fifty thousand dollars, or such less amount as may be necessary for the purpose of enabling the Government of Liberia to purchase or redeem all of its bonds now issued and outstanding representing the 5 per cent sinking-fund gold loan, due July 1, 1952, under the agreement for refunding loan dated March 7, 1912, between the Republic of Liberia, of the first part, and J. P. Morgan & Co.; Kuhn, Loeb & Co.; the National City Bank of New York; and First National Bank of New York, acting for themselves and for Robert Fleming & Co., Banque de Paris et des Pays Bas; M. M. Warburg & Co.; and Hope & Co., and for others, of the second part, including such payments of interest, costs of notices and other payments or deposits, as well as payments which may be due from the Government of Liberia under the fiscal agency agreement dated March 7, 1912, between the Republic of Liberia, of the first part, and the National City Bank of New York, of the second part, as shall be necessary to terminate all obligations of the Government of Liberia under all of said bonds or under the agreements for refunding loan or the fiscal agency agreement above mentioned, as shall entitle the Government of Liberia in accordance with the terms of said agreement to the cancellation and destruction of all said bonds held by the fiscal agents in the sinking fund mentioned in said agreements. Advances for this purpose shall be made at such times and in such amounts as shall be determined by the Secretary of State of the United States. It is understood that the Secretary of State of the United States may determine the best method for acquiring part or all of the aforesaid bonds, but in no event shall more than par and accrued interest be paid therefor.

So it appears, Mr. President, that this money is to be utilized in large measure in the first instance to take care of certain internal debts and certain other floating debt, which I have stated has been purchased, as I am informed, and is held by speculators, and by taking up a bonded indebtedness of $1,650,000 which is due to certain bankers in New York City.

Mr. SHIELDS. Mr. President——

Mr. BORAH. I yield to the Senator from Tennessee.

Mr. SHIELDS. I desire to ask the Senator from what he has been reading?

Mr. BORAH. I have been reading from a contract which has been entered into between the Secretary of State of the United States and the Liberian Government. That contract is dated October 28, 1921, and is found in the hearings before the Ways and Means Committee of the House of Representatives, at page 125.

The President has written a letter in which he says the executive department finds itself a little embarrassed because of this agreement. I should think the Congress of the United States would feel considerably embarrassed if it should O. K. that agreement simply because it had been negotiated unless there was solid foundation for the loan in the first instance.

In other words, Mr. President, the Secretary of State can not bind the Congress, and I do not presume he intends to bind the Congress, by making an agreement with the Liberian Government as to what shall be done with the money. He can not thereby bind the Congress to loan the money. It was, perhaps, a matter of foresight and a matter of good judgment for the Secretary of State in advance to provide how the money should be used in case Congress should grant it, but that agreement ought not to be utilized for a moment as establishing a moral obligation upon the part of Congress to make the loan. If that were true, the entire proposition of loaning money to foreign Governments could be taken over by the executive department, and all we should have to do would be to ratify that which had been provided for. I say, therefore, that while I have no criticism of this agreement having been made in advance, it is not proper for Senators here to refer to it as binding upon Congress. It was simply negotiated on condition that the Congress should make the loan, and for no other reason, I presume.

However, let us look further into this agreement and see how much Liberia is going to get out of the proposed credit of $5,000,000. We are relieving those who have made investments in Liberian obligations, but how much is Liberia going to get?

> ARTICLE V.
>
> The Government of Liberia further engages:
>
> 1. That, for the purpose of securing the United States loan, the control during the life of the United States loan of the collection, application, and administration of all the assigned revenues and receipts in accordance with the present plan shall be vested in the financial commission, the administration of which shall be under the direction and control of the financial commissioner or, during his absence, of the next ranking member of the financial commission. The financial commission shall be composed of a financial commissioner, at a salary of $15,000 per annum; a deputy financial commissioner, at $10,000 per annum; an auditor, at $6.000 per annum; three administrative assistants of class I, at $6,000 per annum, to be assigned, respectively, as controller general of customs, commissioner general of the interior, and director general of sanitation——

Mr. McCORMICK. From what is the Senator from Idaho reading?

Mr. BORAH. I am reading from the agreement which Mr. Hughes made with the Liberian Government. The agreement continues:

> 10 administrative assistants of class 2, at $4,000 per annum, to be assigned, respectively, as follows: Three controllers of customs, three district commissioners, two technical advisers (roads and ports), an accountant, and an agricultural adviser; and two administrative assistants of class 3, at $3,000 per annum, to be assigned, respectively, as follows: One postal-revenue officer and one clerk assistant. All members of the financial commission shall be designated by the President of the United States, to serve during his pleasure, and shall be appointed by the President of Liberia. The administrative assistants shall be under the direction and supervision of the financial commission, which shall be organized and function according to methods of procedure to be approved by the Secretary of State of the United States.
>
> The financial commissioner, the deputy financial commissioner, and such other members of the financial commission as may be charged with the collection, application, or administration of moneys under the provisions of the present plan shall give adequate bond. All premiums on bonds executed by the aforesaid officials shall be considered a part of the expenses of the financial commission.

Mr. McCORMICK. Mr. President. is what the Senator from Idaho is reading a contemplated treaty?

Mr. BORAH. It is an agreement which is to take effect when we get ready to advance this money.

Mr. McCORMICK. But suppose that a year after the agreement had gone into effect one of the parties to the agreement declined to go on with it, would the agreement have any legal validity?

Mr. BORAH. None at all.

Mr. McCORMICK. If Liberia undertook to overthrow the agreement at the end of 12 months, would the agreement be binding?

Mr. BORAH. Not at all.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

Mr. BORAH. Yes.

Mr. CURTIS. As I understand, the Liberian Legislature has indorsed the agreement concerning the loan?

Mr. BORAH. Yes; that is correct. But suppose the Liberian Government should repudiate it at the end of six months or at the end of a year, we should be perfectly helpless.

Mr. McCORMICK. I was wondering if it might not be better for us to vote the money outright rather than to lend it to them?

Mr. BORAH. I had rather go down into the Treasury of the United States and take out $5,000,000 and hand it to the President of Liberia than to turn it over in this way. Then, if the Liberian people could not administer it, it would be their fault; but I am not in favor of taking over Liberia and bringing her under our protection and control, establishing our authority upon the West Coast of Africa, becoming a part of this imperial scheme of finance, which is now one of the curses which are leading the world into another war. I would rather give them the money outright than to get messed up in African affairs which will cost us many millions to get away from.

Mr. FLETCHER. Mr. President, may I ask the Senator how much Liberia will get of the $5,000,000, as he has estimated it, if that amount shall be credited to her? I should like further to ask does not the agreement require that about $2,000,000 of the total amount of $5,000,000 shall be used to pay those who have made loans to Liberia?

Mr. BORAH. One million six hundred and fifty thousand dollars would go to bankers in New York City.

Mr. SWANSON. Mr. President, does the agreement say anything with reference to the indebtedness of Liberia to France and Great Britain?

Mr. BORAH. I have not discovered that it does.

Mr. STERLING. Mr. President, the Senator referred to the officials constituting the membership of the financial commission.

Mr. BORAH. Yes.

Mr. STERLING. There are a good many of them.

Mr. BORAH. And there will be more.

Mr. STERLING. I wonder if any of them will be officials or representatives of America.

Mr. BORAH. They will likely all be Americans.

Mr. STERLING. Does it so provide in the agreement? From what I heard the Senator read I did not understand the agreement so to provide.

Mr. BORAH. It says the President of the United States shall name the members of the financial commission.

Mr. STERLING. I did not hear that portion of it.

Mr. BORAH. I presume if we ever expect to get any part of this money back, we will send Americans over there to look after it.

Mr. STERLING. Is it not provided in the agreement that the customs duties, and so forth, shall be devoted to the liquidation of this indebtedness?

Mr. BORAH. Exactly. What the agreement really provides is for our taking charge of Liberia and administering it. So far as finances, revenues, customs, and so forth, are concerned practically they are turned completely over to the United States.

Mr. STERLING. Then the agreement with Liberia in a way corresponds to the arrangement made with the Haitian Government in regard to the collection of customs, and so forth, for the purpose of paying the debts of Haiti?

Mr. BORAH. I suppose, in a general way, it does.

Now, Mr. President, observe thus far, before the credit of $5,000,000 ever reaches the Liberian people at all, some $2,000,000 of it are disposed of to those who are said to hold the "bought up" loans of Liberia and to those who hold the bonds of the Liberian Government. Speaking in round numbers, that represents about $2,000,000, $1,650,000 of it going direct to New York bankers, and then it is estimated that the other floating indebtedness, and so forth, will make up the balance of the $2,000,000. So there will be about $3,000,000 left yet to be disposed of.

In connection with that sum I want the Senate to contemplate the force and the cost thereof which is to be appointed to administer to the Liberian people $3,000,000. A battalion of officials at exorbitant salaries are provided to administer the remaining amount, assuming that the Liberian people will get the balance, amounting to $3,000,000.

Mr. NELSON. Mr. President, will the Senator be good enough to read the officials and their salaries again?

Mr. BORAH. I will read the statement again for the Senator.

> The financial commission shall be composed of a financial commissioner at a salary of $15,000 per annum——

Mr. ROBINSON. How much?

Mr. BORAH. Fifteen thousand dollars—

> a deputy financial commissioner at $10,000 per annum; an auditor at $6,000 per annum; three administrative assistants of class 1 at $6,000 per annum, to be assigned, respectively, as controller general of customs, commissioner general of the interior, and director general of sanitation; 10 administrative assistants of class 2 at $4,000 per annum, to be assigned, respectively, as follows: Three controllers of customs, 3 district commissioners, 2 technical advisers (roads and ports), an accountant, and an agricultural adviser; and 2 administrative assistants of class 3 at $3,000 per annum, to be assigned, respectively, as follows: One postal-revenue officer and 1 clerk assistant. All members of the financial commission shall be designated by the President of the United States to serve during his pleasure.

Mr. ROBINSON. Mr. President, will the Senator yield to a question?

Mr. BORAH. Yes.

Mr. ROBINSON. In the event the expenses and salaries of the officials appointed to administer the remaining $3,000,000 exceed that sum, how is it proposed that the balance shall be paid? By another appropriation from the Treasury?

Mr. BORAH. Of course, Mr. President, I think it logical; I think it inevitable that if we once enter upon this enterprise this is merely the first step. It is not possible to rehabilitate Liberia with $3,000,000; Liberia will be no better off when she gets the loan than she was before, in my judgment. If we are going to rehabilitate Liberia, if we are going to put Liberia on her feet, establish her agriculture and build roads, $50,000,000 will not be a cent less than we will appropriate.

Mr. SHIELDS. Mr. President, has the Senator any data about the income of Liberia now—the entire revenue of the Republic?

Mr. BORAH. It is really nil.

Mr. SHIELDS. I understand, from the evidence heard before the Judiciary Committee on the subject some time ago, that in 1920 and 1921 it was about $163,000—just a little over half of 6 per cent interest on the loan that we propose to make.

Mr. BORAH. It is practically nothing.

Mr. ROBINSON. Mr. President, will the Senator permit an inquiry? It would seem, from the size of the organization that it is proposed shall be established to administer this small balance of the loan which is to go to the Liberian people, and the very large salaries to be paid, that the arrangement contemplates a permanent organization, and, as suggested by the Senator from Idaho, the advancement of other sums in the future by this Government to Liberia; and, as said by the Senator from Idaho, certainly $5,000,000 would prove inadequate for any general plan of rehabilitation.

Mr. NELSON. Mr. President, I suppose it is on account of the climatic conditions that the salaries are put so high; and I suppose that has something to do with the number of employees, because it is contemplated, no doubt, that owing to climatic conditions some of them may be sick, and it is desired to have a reserve force there to perform the functions.

Mr. BORAH. I think the Senator's construction is likely the correct one. You see, there we have 10 administrative assistants.

Mr. NELSON. But suppose half of them get the fever there?

Mr. BORAH. Yes, and suppose the other half of them are guilty of defalcation, and have to get out of the country? That is what happens in these administrations abroad. There is not any form of government so calculated to be corrupt as the administration of another people's Government 3,000 miles away from the source of authority. It has been a source of corruption from the time of Rome until to-day, and it does not make any difference what kind of men you try to select; it always results in dissatisfaction to the people who are having the government administered for them, and dissatisfaction for the people who are administering the government. If there is not actual corruption, there is the charge of corruption, and the people lose faith in the government, and the result of it is that it proves unsatisfactory to everybody. It is a vicious system, and speaking for myself, I do not want any interests in Africa. I am perfectly sure from all the facts it will not prove beneficial to either Liberia or the United States. This money will all be consumed in high salaries, bureaucratic waste, and the common people of Liberia will be no better for the amount which the taxpayers of the United States have donated.

I am opposed to this loan, then, for three reasons, among others:

First. There is no legal obligation for the loan.

Second. In my judgment there is no moral obligation for the loan.

Third. I am perfectly satisfied that the loan never will benefit the Liberian people a particle, and it never will benefit the United States. What will result in the end is that we will have to go in there and practically take possession of Liberia and ultimately claim it as our own territory, and in my judgment that would be a very great misfortune.

Mr. FLETCHER. Mr. President, may I ask the Senator if he does not think it will result in our being somewhat in the same situation that we are in with reference to San Domingo and Haiti? We will have the same trouble arising hereafter as to Liberia that has arisen in connection with both San Domingo and Haiti.

Mr. BORAH. I think that is true; but, Mr. President, attached to this discussion there is a far more important question than the mere question of loaning $5,000,000 to Liberia.

At this time in this country you can hardly find money for the purpose of starting any new enterprise. The able Senator from North Dakota [Mr. McCumber] read an editorial in the Washington Post a few days ago to the effect that untold billions were locked up in New York City banks, using the language of the Senator, "crying out for investment." Mr. President, if that be true, why is it that you scarcely ever hear of a new enterprise in this country, of a development of any kind out of the ordinary? If that be true, why is it that the railroads that are pleading for money with which to rehabilitate themselves, with which to reconstruct their tracks, with which to buy cars and put themselves in condition to do the transportation work of the country, can get no money? One reason is that not merely millions but billions of money each and every year are going from the United States into foreign investments, going into exploitation of some people, and the United States is expected to do precisely what we are doing here. When the loan gets a little bad, or the situation gets critical, the United States steps in and becomes a collector for the loan agents who have made the loan abroad.

We went into Nicaragua and practically took possession of Nicaragua. The financiers of New York City exploited Nicaragua to the tune of billions. There is practically no limitation upon their profits in such enterprises. There is practically no limitation upon the amount which they make, the interest which they may draw, and that which they may realize. Then we went into Haiti, and practically at the point of the bayonet we forced upon the Haitian people a loan of from $10,000,000 to $14,000,000 which they were objecting to taking.

Why did we force it upon them? Is it not an anomalous condition that a nation will be forced to take a loan when it says it does not need it and does not want it? If you will read the prospectus of that loan, which I have here in my possession, there will be no difficulty in arriving at why it was forced upon them. It was because when the commissions were paid and the exorbitant interest was paid the loan realized for those who were loaning it far beyond anything that could possibly be realized in this country. The same was true with reference to Santo Domingo. And this is but another step—a small one, indeed, but reaching into a vast region of country into which I do not desire to go. I should prefer to see this money invested in our own country unless it can be demonstrated beyond peradventure that it is to be directly beneficial to the people who are to receive it abroad.

Mr. President, I have introduced here an amendment providing for a loan to the reclamation fund. I am opposed to this bill upon policy and upon principle; but out in the West there are vast tracts of arid land upon which settlers moved—some of them 8 and 10 years ago, some of them 20 years ago. In some instances there was an express obligation on the part of the Government to reclaim those lands and to give those home hunters an opportunity to build homes. In other instances there was the strongest possible moral obligation, because the Government advertised that within certain periods and under certain conditions the lands would be reclaimed; and people came from all parts of the United States hungry for land and settled upon these lands, and there they have remained for years and years under the most adverse circumstances waiting for the Government to redeem its pledge. The war came on, and among other things which had to be put aside and had to suffer was home building throughout this region of country. So these people have been there, under circumstances and conditions which it would be difficult to describe, waiting month after month and year after year for the Government to fulfill its express or its implied obligation to bring the water to their lands that they might build themselves homes.

I am wondering if there is any stronger obligation resting upon this Government to rehabilitate the agricultural conditions of Liberia than there is to build homes upon these western deserts, where the citizen moved years ago, waiting for his Government to fulfill its obligations. If the money is at hand to extend foreign credit, to take up foreign loans of bankers, certainly we ought to be ready to help take care of our own obligations here at home. While I do not propose to discuss this measure in detail this afternoon, I call attention to it, that the Senate may reflect upon it before they come to vote upon it.

Mr. CURTIS. Mr. President, may I ask the Senator if he expects to discuss the amendment to-morrow?

Mr. BORAH. I do.

Mr. CURTIS. Mr. President, I think we are all agreed that there is no legal obligation growing out of this transaction, and the question as to whether or not the Government of the United States is under a moral obligation to carry out this loan depends largely upon the feeling of every Senator. Each must settle that question for himself. The former Secretary of State, Mr. Lansing, thought there was a moral obligation. The present Secretary of State thinks there is a moral obligation. I believe a careful review of the facts will convince those who have not studied the question that there is a moral obligation.

On August 4, 1917, Liberia declared war against Germany. It is admitted by Secretary Lansing that that was done at the request of the United States, Great Britain, and France.

After Liberia declared war against Germany she needed financial assistance, and in January, 1918, a request was submitted to the United States, through the President and council of Liberia, for a loan of not less than $5,000,000. That proposition came to the Secretary of State and by him was submitted to the President of the United States, with a recommendation that the loan be approved. The President did approve the loan and authorized the Secretary of the Treasury to notify the Liberian Government that they had been given a credit of $5,000,000. The Secretary served that notice upon the Government of Liberia and asked for certain information, certain documents, and certain agreements.

But the Government did not stop there. The distinguished Senator from Idaho overlooks the fact that immediately upon the Government of Liberia being notified that $5,000,000 had been placed to the credit of Liberia, this Government, through our Secretary of State, informed Great Britain and France that that amount had been placed to the credit of Liberia.

It is true that the proposition first submitted was not accepted, but the Liberian Government did not give up its desire for the money; it did not withdraw its application, and this Government did not at that time, and not until long afterwards, withdraw the loan which it had placed to the credit of Liberia. It advanced $30,000 on that loan to that Government.

Mr. WILLIS. When?

Mr. CURTIS. In 1919.

Mr. BORAH. It advanced $26,000 to enable the Liberian delegates to attend the peace conference at Paris.

Mr. CURTIS. No matter what it was for, it advanced that much money, and thus recognized the loan.

Mr. SHIELDS. The advance of that $26,000 was after the armistice was signed, was it not?

Mr. CURTIS. Probably after the armistice was signed, but not before the war ended, so far as the United States was concerned.

Mr. SHIELDS. That $26,000 was to pay the expenses of the delegates to the Peace Conference?

Mr. CURTIS. That I do not know.

Mr. BORAH. That was the purpose, Mr. President.

Mr. SHIELDS. They could not even raise funds to pay the expenses of their delegates to the Peace Conference.

Mr. BORAH. I wish the Senator from Virginia [Mr. GLASS] were here. He knows all about the loan of the money for that junketing trip. The money was loaned after the war was over, advanced to them, and they used it for making a trip to Paris.

Mr. ROBINSON. If the Senator from Kansas will permit——

Mr. CURTIS. Certainly.

Mr. ROBINSON. In connection with the remark just made by the Senator from Idaho, as I understood the Senator from Virginia, he stated on the floor that the $26,000 which was advanced was advanced without authority.

Mr. CURTIS. It was advanced, the advance was recognized by the Liberian Government, and they are willing to pay it back when we loan them the $5,000,000.

It seems to me that if a government in need of money negotiates with another government, and the latter government informs them in writing that the loan will be made, and then notifies other creditors that it has established a credit, there is a moral obligation at least to carry out the undertaking.

The Senator from Idaho very adroitly said that all the negotiations under the agreement were abandoned, and that this last proposition is entirely new. The Secretary of State does not agree with the Senator from Idaho on that question. In a letter under date of April 5, 1922, the Secretary of State said:

> Because of unavoidable delay, a plan to control the application and administration of this credit was not submitted to the Liberian Government until June 15, 1920.

The application was made in 1918.

> Certain modifications were requested in this loan plan by the Liberian Legislature, but there was no question of the withdrawal of the offer of the money already promised, the time when the credit should be made available depending on satisfactory agreements as to details of administration.
>
> Such an agreement was concluded on October 28, 1921.

That is the agreement from which the Senator from Idaho has read, and I need not repeat what he said in reference to it.

I may add, however, that in giving the figures, a few were overlooked by the Senator from Idaho; of course, not intentionally. First, the return of the $30,000 advanced by this Government was provided for; then a payment of certain obligations of $560,000; then an obligation to take care of the funding of a debt of $233,000; then the settlement of a debt of $350,000, which I judge was a floating debt; then the repayment of $1,650,000 owed to the bankers in New York and France, and I think probably in Great Britain. I believe, if the matter were looked into, most of the $1,650,000 could be traced to the bonds issued by the Government and held in France and England, and afterwards purchased by the New York bankers. Then there was $348,000, as read by the Senator, making in all $3,171,000 accounted for. As I understand it, the balance of the money is to be used in making internal improvements.

I know nothing about conditions in Liberia, and I was not in the committee when this question was presented, but I am told the Liberians have resources which, when developed, will be ample to repay this money. It does seem to me, in view of what has been said by the former Secretary of State, Mr. Lansing, and the present Secretary of State, Mr. Hughes, that there is a moral obligation to make this loan, that this money should be advanced, and this agreement carried out.

Mr. HARRELD. Mr. President, when this money was put to the credit of the Liberian Government, who authorized it? Did Congress ever authorize it?

Mr. CURTIS. The President had authority, under the second Liberty loan act, to make the loan. There is no question about that; I do not think anyone will dispute it.

Mr. HARRELD. What became of the credit? If the money was deposited to the credit of Liberia, how was that action set aside?

Mr. CURTIS. I do not think the money was really deposited to their credit. They were notified that a credit had been established in that amount, and that, of course, the money would not be appropriated and deposited until the contracts referred to were sent in properly approved by our Government.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Virginia?

Mr. CURTIS. I yield.

Mr. SWANSON. The Senator from Idaho distinctly stated, in reading the Liberty loan act, the specific purposes for which the Government could make those loans. This is an entirely different purpose from those contemplated under the second Liberty loan act. As that Senator well said, if this loan be for an entirely different purpose from those enumerated in the second Liberty loan act, how could there be a moral obligation to make a loan entirely different from what that act provided for?

Mr. BORAH. The second Liberty loan act provides, after providing for the authority of the President to extend credit upon behalf of the Governments engaged in the war with Germany:

> With the limitation that this authority shall cease upon the termination of the war between the United States and the Imperial German Government.

If the Senator from Kansas will permit me——

Mr. CURTIS. I yield. We want to get all the facts.

Mr. BORAH. This is what happened. The Liberian Government was notified that a credit had been established with this Government for $5,000,000, upon certain terms and conditions to be complied with before it could be drawn upon. Those terms and conditions, as we contend and as I think the correspondence shows beyond question, were never complied with. That is the way it ended.

Mr. CURTIS. But the Senator will no doubt admit that negotiations were going on between the two Governments all the time, and it was like any other proposition submitted, even between individuals.

Mr. BORAH. No, Mr. President——

Mr. CURTIS. An examination of the facts bears out that statement, because the Governments were in continual negotiation, correspondence passed, and at last a new agreement was drawn up.

Mr. BORAH. Mr. President, no negotiations continued during the time in which the President had authority under the act to complete the loan. When the war with Germany ceased, the negotiations had to end for want of authority, and that is the reason why those seeking to make the loan are here. They would not be here if they had the authority.

Mr. CURTIS. Does the Senator hold that the time expired upon the signing of the armistice or upon the passage of the resolution declaring that war no longer existed between the United States and Germany?

Mr. STERLING. If the Senator from Kansas will yield for a moment, I do not believe this statement from the report of the Secretary of the Treasury for 1921 has been brought to the attention of the Senate; at least, I have not heard it. This is the statement in regard to Liberia:

> The credit in favor of Liberia was established only for specific purposes. The balance of this credit was withdrawn on November 4, 1921.

Mr. CURTIS. That was read by the Senator from Idaho.

Mr. STERLING. I did not know it had been read by that Senator.

Mr. SHIELDS. May I ask the date of the agreement to make this loan?

Mr. CURTIS. The last agreement?

Mr. SHIELDS. Yes.

Mr. CURTIS. October 28 of last year. The first one was dated September 12, 1918.

Mr. SHIELDS. In view of the inquiry of the Senator from Oklahoma, I would like to ask the Senator from Idaho if he read the statute setting forth the purposes for which such a loan was to be made?

Mr. BORAH. Yes; I read it.

Mr. SHIELDS. I think it would be well right in that connection to read a few words, if the Senator from Kansas will yield.

Mr. CURTIS. I am perfectly willing to have it read.

Mr. SHIELDS. Just a part of it. It provides:

> That for the purpose of more effectually providing for the national security and defense and the prosecution of the war.

I understand this loan was made after the war was practically over, and, of course, the Liberian Government knew that, and knew whether or not the Secretary of War or anybody else was acting by authority of law.

Mr. CURTIS. Application for the loan was made in January, 1918. The loan was placed to their credit or the credit was established on September 9, 1918, and notice to that effect was sent to them on September 12, 1918.

Mr. SHIELDS. To be used, of course, for the purposes expressed in the statute, but the war stopped before they could even get the money, much less use it for those purposes.

Mr. CURTIS. I have called to the attention of the Senate what Secretary Lansing said with reference to the moral obligation and the matter is presented now, as I said a moment ago, wholly upon the question that there is a moral obligation. When Secretary Hughes appeared before the Committee on Ways and Means of the House, he said:

> I think it a point of honor that this loan should be made, and I shall briefly endeavor to explain why I think that the question of primary importance, that is to say, the moral obligation of the United States is involved.

I am not going to read all his testimony, but he said further:

> Liberia had entered the war, you might say, at the instance of the United States and came within the description of these governments. Liberia had greatly suffered by reason of her relation to the war.
>
> * * * * * *
>
> Now, what is the basis of a moral obligation? I take it to be a promise on which another has acted. We told the Liberian Government that, assuming that the proper provisions for the protection of the loan was provided, this credit was open.
>
> We went further than that. And now I must refer to a confidential paper which I hope will not be put upon the minutes, but which I think you should closely study, and which is found on page 58 of the confidential print.

I have referred to those letters and one of them has been read by the Senator from Idaho [Mr. Borah]. It is unnecessary to read the letters. It all comes back to one point, and that is that the credit was established, the Liberian Government was notified, and England and France were notified. Some money was advanced, and the Liberian Government is asking us to advance the balance of the loan. I think clearly there is a moral obligation existing, and I hope the joint resolution will be passed.

I wish to say that to-morrow, after the Senator from Idaho has discussed his amendment in regard to irrigation projects, I shall probably have something to say upon that subject.

Mr. MOSES. Mr. President——

Mr. CURTIS. I yield to the Senator from New Hampshire.

Mr. MOSES. I would like to ask the Senator if he knows of other claims of a similar nature which may be pending?

Mr. CURTIS. I read in the report this morning, which was the first time I had an opportunity to read it, that there is no other similar claim pending and that this does not establish a precedent.

Mr. MOSES. Members of the Committee on Foreign Relations will readily recall that former Secretary of the Treasury Houston appeared before the committee in confidential session, shortly before his exit from office, and set forth several credits which he averred were not only moral obligations, but in one case, involving some $33,000,000, as I recall, a complete legal obligation, a written contract having been entered into for the payment of certain military expenses incurred by one of the nations engaged in the war upon our side, and awaiting merely a vouchering of the accounts in order to secure its payment. I wondered why this particular claim had been singled out on the basis of moral obligation if there were others involving actually validated legal obligations which had been overlooked.

Mr. CURTIS. A question similar to the one asked by the Senator from New Hampshire was asked Secretary Hughes, and my recollection is that he answered that there was no similar case and that this would not establish a precedent.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. SWANSON. The Senator said that the resources of Liberia are sufficient to pay the debt. I have looked into the testimony given before the Ways and Means Committee of the House and it seems there are only 40,000 civilized negroes in Liberia and about 1,000,000 uncivilized negroes. The revenues last year were $446,000 and the expenses of the Government were $500,000. The additional $300,000 annual payment would leave a deficit annually of $350,000. Where does the Senator expect to get the money from those 40,000 people to pay any such deficit?

Mr. CURTIS. A few days ago I had occasion to read several articles upon Liberia and I became convinced, after reading those articles, that Liberia is a very rich country indeed and has many resources which, if properly developed, can be used for the payment of these obligations and also to pay the expenses of the Government.

Mr. SWANSON. I would like to know where those resources are and where the sources of revenue are to be found. I have looked everywhere and I have not been able to learn where they ever had any revenue. The indebtedness of the country now existing was contracted in 1912, prior to the war, and it amounts to over $1,000,000,000.

Mr. BORAH. The best evidence of the fact that there is nothing there to satisfy the keen financial appetite of Morgan & Co. and Great Britain is that they are trying to get out and they want us to pay so that they can get out.

Mr. CURTIS. As I understand the testimony, the Government of the United States under a former administration wanted to get France and Britain out so that we could get in.

Mr. BORAH. I do not care anything about which administration did it. That is wholly immaterial to me. I know that if Great Britain and France were satisfied with their presence in Liberia they would stay there. I know that if Morgan & Co. and the other bankers were satisfied with their security they would not be endeavoring to get us to take it up.

Mr. NELSON. The hearings before our committee on this matter were not printed, but my impression is that the origin of these debts was through a German or French syndicate which agreed to make certain improvements in Liberia. They failed to do it. They have bonds or Liberian securities, and the New Yorkers became the residuary legatees of those debts and took them over from the French or German syndicate. I think upon investigation that will be found to be the case.

Mr. BORAH. I think that is correct.

Mr. GLASS. Mr. President, I would like to inquire how getting France and Great Britain out and getting ourselves in was conducive to the security of this Nation and to the prosecution of the war? Only for those two purposes could any loans be made or credits established.

Mr. BORAH. The Senator will have to ask some one else, because I can not tell him.

Mr. GLASS. I was asking the Senator from Kansas how getting Great Britain and France out and getting ourselves in was at all conducive to the security of this Nation or to the prosecution of the war. That is what I would like to know. As a matter of fact, there is not one particle of merit in the contention here. As I have said, the payment of the $26,000 pending the negotiation was the only item in all the war loans which in my judgment can not be justified. The $26,000 was paid for what purpose? Was it paid for any purpose connected with the security of this Nation, for any purpose that related to the prosecution of the war? No; it was paid to afford the representatives of Liberia a junket to the Paris peace conference, and that was all.

Mr. BORAH. Precisely so. Mr. President, if this is a moral obligation there is a moral obligation to other governments resting upon much stronger evidence covering some millions or hundreds of millions. We owe a vast amount of money to Russia upon this basis. We established a tremendous credit for Russia. She had only about one-third of it. Now the evidence is the same precisely. We paid to Russia $186,000,000 upon that credit. Russia would have a right as a moral proposition to come and ask us to complete the payment. I have forgotten the exact figures, but they are very large, because Russia comprises a very large territory and was deemed to be very important at that time.

Mr. GLASS. I would like to ask the Senator from Idaho, who is a distinguished lawyer, if a moral obligation may be incurred in the face of the express language of a statute governing fiscal transactions?

Mr. BORAH. Certainly not.

Mr. STERLING. Mr. President, the Senator referred to the credit established with Russia. In the report of the Secretary of the Treasury the credit was stated to have been $187,729,750, and that credit was exhausted just to the cent. That was the only Russian credit, I think.

Mr. BORAH. I can furnish to the Senator to-morrow, I am sure, a statement of the credit established and the amount which was actually paid out.

Mr. STERLING. In the last report of the Secretary of the Treasury, as well as in his previous report, he gave the full amount of the credit and then gave the amount advanced on that credit. I remember the report of 1920, in which that amount was given as the credit established for Russia, and that amount was given as the amount drawn.

Mr. BORAH. I do not remember that particular report, but I am quite sure that a very much larger sum in the way of credit was established. I know that Russia had about $186,000,000, but that was only a small portion of the credit which was first established.

Mr. CURTIS. Mr. President, the Senator from Maryland [Mr. France] desires to make a few remarks on the pending joint resolution, but does not want to do so at this time. If there is no one else who desires to talk on the unfinished business this evening, I shall ask to have it temporarily laid aside. I would like to have the measure disposed of this evening, but that I presume is impossible.

Mr. FRANCE. I desire to submit some remarks before the measure is finally acted upon, but prefer not to do so this evening because of the condition of my throat.

Mr. CURTIS. I ask unanimous consent that the unfinished business may be temporarily laid aside.

Mr. FRANCE. I would only consent to that with the understanding that it is impossible to finish the measure to-night. I would much prefer to have it finished to-night.

Mr. CURTIS. It is perfectly apparent, with the amendment of the Senator from Idaho pending and other amendments which I have been informed will be offered, that it is impossible to dispose of the joint resolution to-night. I would not care to attempt to hold the Senate here very much longer. There is barely a quorum in the city, and we would have a hard time to get a quorum here at this time in the afternoon. I renew my request for unanimous consent that the unfinished business may be temporarily laid aside.

Mr. FRANCE. To be taken up to-morrow as the unfinished business?

Mr. CURTIS. Yes.

Mr. FRANCE. I have no objection.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered.

Mr. FRANCE. I ask leave to offer an amendment to the Liberian loan joint resolution. I ask that the amendment may be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAMAGES FOR COLLISIONS WITH NAVAL VESSELS.

Mr. JONES of Washington. Mr. President, the Senate this afternoon on the call of the calendar passed the bill (S. 2674) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels. An amendment was made to allow the settlement of claims in the sum of $3,000 or less. I find that order of business 741, the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels, is a House bill identical with the Senate bill passed this afternoon. The House bill has been reported from the Committee on Claims. The committee recommends the settlement of claims for damages to the limit of $5,000 instead of $1,000, as passed by the House. In order to get results it would be better for us to pass the House bill with an amendment in accordance with the action of the Senate this afternoon, and then the matter could go to conference. So I ask unanimous consent for the consideration of House bill 5349 with the understanding that I shall offer an amendment to make the amount of claims $3,000 to correspond with the action of the Senate on the Senate bill this afternoon.

Mr. ROBINSON. What was the action of the House?

Mr. JONES of Washington. The action of the House was to fix a maximum of $1,000, while the Senate bill as passed provided a maximum of $3,000.

Mr. ROBINSON. I recall the circumstances now.

Mr. JONES of Washington. I should like to make the bill conform to the action of the Senate.

Mr. ROBINSON. I have no objection to the request of the Senator. I think it is a very reasonable one.

The PRESIDING OFFICER. Is there objection to the consideration of the House bill referred to by the Senator from Washington?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels, which had been reported by the Committee on Claims with an amendment, on page 2, lines 10 and 11, to strike out the words "occurring after the passage of this amendatory act," and to insert in lieu thereof the words "occasioned since the 6th day of April, 1917"; and, on page 2, line 13, after the words "sum of," to strike out "$1,000" and insert "$5,000," so as to make the bill read:

Be it enacted, etc., That the provision contained in the act entitled "An act making appropriation for the naval service for the fiscal year ending June 30, 1911, and for other purposes," approved June 24, 1910 (Public, No. 261, 61st Cong., 2d sess.), authorizing the Secretary of the Navy "to consider, ascertain, adjust, and determine the amounts due on all claims for damages where the amount of the claim does not exceed the sum of $500, hereafter occasioned by collision, for which collisions vessels of the Navy shall be found to be responsible, and report the amounts so determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor," be, and the same is hereby, amended to read as follows, namely:

"The Secretary of the Navy is hereby authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages occasioned since the 6th day of April, 1917, where the amount of the claim does not exceed the sum of $5,000, occasioned by collisions or damage incident to the operation of vessels for which collisions or other damage vessels of the Navy or vessels in the naval service shall be found to be responsible, and report the amounts so ascertained and determined to be due the claimants to the Congress through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor."

Mr. JONES of Washington. I move to amend by striking out "$5,000" and inserting "$3,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. Without objection, the votes whereby the bill (S. 2674) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels was ordered to a third reading, read the third time, and passed will be reconsidered, and the bill will be indefinitely postponed.

REMOVAL OF SNOW AND ICE IN THE DISTRICT.

Mr. BALL. I move that the Senate proceed to the consideration of the amendment of the House of Representatives to Senate bill 3086, in order that I may move to concur in the House amendment.

The motion was agreed to, and the Senate proceeded to consider the amendment of the House of Representatives to the bill (S. 3086) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, which was, on page 3, line 10, after the word "State," to insert "except the Capitol buildings and grounds and the Congressional Library building."

Mr. BALL. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendments of the Senate to the bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Knutson, Mr. Robsion, and Mr. Rankin were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Lehlbach, Mr. Fairfield, and Mr. Black were appointed managers on the part of the House at the conference.

The message further announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10248) authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of the United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

The message further announced that the House agreed to the amendments of the Senate to the bill (H. R. 10193) extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments; and for other purposes.

The message also announced that the House agreed to the amendment of the Senate to the joint resolution (H. J. Res. 322) favoring the establishment in Palestine of a national home for the Jewish people.

The message further announced that the House had passed without amendment the joint resolution (S. J. Res. 169) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Willem van Doorn, a subject of the Netherlands.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STERLING. I move that the Senate insist on its amendments, agree to the conference asked for by the House, and that the Presiding Officer appoint the conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. STERLING, Mr. CUMMINS, and Mr. RANSDELL conferees on the part of the Senate.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, September 12, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 11, 1922.

POSTMASTERS.

ARKANSAS.

Fred E. Marble, Carlisle.
Harry L. Kelley, Holly Grove.

FLORIDA.

Fannie P. Reeves, Avon Park.

KANSAS.

Rosa M. Harmon, Oil Hill.

LOUISIANA.

William L. Galloway, Arcadia.
David Dunn, Columbia.
Arthur J. Richard, Lafourche.
Wilson Ardoin, Meridian.
Anna M. Shadow, Sibley.

NORTH CAROLINA.

Ella E. Meshaw, Council.
John G. Frazier, jr., Guilford College.
Fred H. Morris, Kernersville.
John L. Dixon, Oriental.

PENNSYLVANIA.

Lawrence G. Weller, Bechtelsville.
Arthur R. Lovell, Blandburg.
Everett E. McBride, Dravosburg.
John Stephenson, Elmora.
Charles W. Goss, Expedit.
Mary M. Arrison, Mount Morris.
Frank H. McCully, Osceola Mills.
Horace H. Hammer, Reading.
Henry Daugherty, Red Hill.
James S. Fennell, Salina.
Roy L. Kalbfus, Shohola.
Howard C. Shenton, Slatington.

TENNESSEE.

Edward C. Roberts, Harriman.

TEXAS.

James E. Shelton, Bowie.
William E. Bogle, Fort Davis.
Oscar B. Acton, Jasper.

HOUSE OF REPRESENTATIVES.

MONDAY, *September 11, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou art all in all, our heavenly Father, and each passing day may it be a source of joy and strength to us. May we strive to serve Thee in our daily duties by a high standard of thinking, feeling, and living. Give rich blessing and strength to our President as he waits in anxious silence above the stricken companion of his years. O God, in yonder chamber, press not the cup of death to their breathless lips. O Lamp of Life, shine forth and linger there and leave them not alone. From the gloom let come the morning's glow of hope and promise. Tenderly, graciously, may Thy grace to bear, Thy spirit to bless, and Thy power to heal never fail. Give wisdom and skill to those who love to serve. Come to this assembly and give strength to those who may be under burdens, hope to those who may be despondent, and pardon to all. Increase our faith and continue to sweeten the song of life. Through Christ. Amen.

The Journal of the proceedings of Thursday last was read and approved.

IMPEACHMENT OF ATTORNEY GENERAL DAUGHERTY.

Mr. KELLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Minnesota rise?

Mr. KELLER. I rise to a question of the highest privilege. I impeach Harry M. Daugherty——

Mr. GARNER. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. GARNER. There are a great many important matters to come up to-day, and the Senate has not yet messaged over the coal bill. I think it would be a good idea to have a quorum present. I make the point that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point that no quorum is present. Evidently a quorum is not present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman
Anderson
Ansorge
Arentz
Barkley
Beedy
Begg
Bell
Brand
Brennan
Britten
Brooks, Ill.
Brooks, Pa.
Browne, Wis.
Bulwinkle
Burroughs
Burton
Byrnes, S. C.
Byrns, Tenn.
Cantrill
Carter
Chandler, Okla.
Clark, Fla.
Classon
Cockran
Codd
Collier
Connally, Tex.
Connell
Connolly, Pa.
Cooper, Ohio
Copley
Cramton
Crisp
Dallinger
Deal
Dempsey
Dickinson
Dominick
Doughton
Drewry
Dunbar
Dunn
Dupré
Edmonds
Fess
Fields
Fisher
Focht
Frear
Free
Freeman
Frothingham
Fulmer
Funk
Gallivan
Garrett, Tenn.
Gensman
Gernerd
Gilbert
Goldsborough
Gould
Graham, Pa.
Green, Iowa
Griffin
Hammer
Hawes
Henry
Herrick
Hersey
Hooker
Humphreys
James
Johnson, Ky.
Johnson, S. Dak.
Jones, Pa.
Kelley, Mich.
Kennedy
Kiess
Kirkpatrick
Kitchin
Kline, N. Y.
Knight
Kreider
Kunz
Langley
Larsen, Ga.
Larson, Minn.
Layton
Lee, Ga.
Lee, N. Y.
Lineberger
Linthicum
Little
Logan
Luce

Luhring
Lyon
McArthur
McDuffie
McLaughlin, Pa.
McPherson
McSwain
MacGregor
Maloney
Mann
Mapes
Mead
Michaelson
Michener
Miller
Mills
Montague
Montoya
Morin
Mott
Mudd
Nelson, Me.
Nelson, A. P.
Nelson, J. M.
Newton, Mo.
Nolan
O'Brien
Oldfield
Olpp
Overstreet
Paige
Parker, N. Y.
Patterson, N. J.
Perkins
Perlman
Petersen
Porter
Pou
Pringey
Radcliffe
Rainey, Ala.
Rainey, Ill.
Raker
Ransley
Reber
Rhodes
Riordan
Robertson
Rogers
Rossdale
Rouse
Rucker
Sabath
Sanders, N. Y.
Schall
Scott, Mich.
Sears
Shaw
Shelton
Sisson
Slemp
Smith, Mich.
Snell
Stafford
Steenerson
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Sweet
Tague
Taylor, N. J.
Temple
Ten Eyck
Thompson
Tincher
Tinkham
Underhill
Upshaw
Vare
Volk
Walters
Ward, N. Y.
Ward, N. C.
Wason
Webster
White, Kans.
White, Me.
Williamson
Wise
Wood, Ind.
Woodruff
Woods, Va.
Woodyard
Wright
Wurzbach
Zihlman

The SPEAKER. Two hundred and thirty-two Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. KELLER. Mr. Speaker, I impeach Harry M. Daugherty, Attorney General of the United States, for high crimes and misdemeanors in office.

Now, Mr. Speaker, I ask recognition on that high privilege.

The SPEAKER. The Chair has already recognized the gentleman.

Mr. KELLER. Mr. Speaker, because of the privileged character of this proceeding I shall object——

The SPEAKER. The Chair will say to the gentleman that he ought first to prefer his charges.

Mr. KELLER. I will do that in due time.

The SPEAKER. But the gentleman ought to do it now.

Mr. KELLER. I thought that in the memorial I might present the charges.

The SPEAKER. When the gentleman rises to a question of this high privilege he ought to present definite charges at the outset.

Mr. KELLER. The Chair means such charges as acts of the Attorney General?

The SPEAKER. Yes; definite charges.

Mr. KELLER. Very well, Mr. Speaker, I will do so.

First. Harry M. Daugherty, Attorney General of the United States, has used his high office to violate the Constitution of the United States in the following particulars:

(1) By abridging freedom of speech.

(2) By abridging the freedom of the press.

(3) By abridging the right of people peaceably to assemble.

Second. That, unmindful of the duties of his office and his oath to defend the Constitution of the United States, and unmindful of his obligations to discharge those duties faithfully and impartially, the said Harry M. Daugherty has, in his capacity of Attorney General of the United States, conducted himself in a manner arbitrary, oppressive, unjust, and illegal.

Third. He has, without warrant, threatened with punishment citizens of the United States who have opposed his attempts to override the Constitution and the laws of this Nation.

Fourth. He has used the funds of his office illegally and without warrant in the prosecution of individuals and organizations for certain lawful acts which, under the law, he was specifically forbidden to prosecute.

Fifth. He has failed to prosecute individuals and organizations violating the law after those violations have become public scandal.

Mr. BLANTON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Texas will state it.

Mr. BLANTON. I make the point of order that the recitation of generalities does not under the rules of this House constitute an impeachment of a public official; that this recitation is nothing but generalities, no specific charge of malfeasance in office, no specific charge of improper conduct in office, but a mere recitation of generalities which could be lodged against any official of the United States. I make the point of order that it does not come within the rule.

The SPEAKER. The Chair could not hear the gentleman from Minnesota very well, but the Chair thought that there were definite charges. [After examining the written charges.] The Chair overrules the point of order.

Mr. KELLER. Sixth. He has defeated the ends of justice by recommending the release from prison of wealthy offenders against the Sherman Antitrust Act.

Seventh. He has failed to prosecute defendants legally indicted for crimes against the people.

Mr. Speaker, from all precedent in impeachment cases, the House can not refuse to consider an impeachment brought publicly and seriously on the floor of this Chamber against a public official.

I offer, therefore, the following resolution and am prepared to appear before a committee of the House, there to produce evidence and witnesses in proof of my charges.

Mr. Speaker, I offer this resolution, and I would like to have the Clerk read it.

The SPEAKER. The gentleman from Minnesota offers a resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 425.

Whereas impeachment of Harry M. Daugherty, Attorney General of the United States, has been made on the floor of the House by the Representative from the fourth district of Minnesota: Be it

Resolved, That the Committee on the Judiciary be, and they hereby are, authorized and directed to inquire into the official conduct of Harry M. Daugherty, Attorney General of the United States, and to report to the House whether, in their opinion, the said Harry M. Daugherty has been guilty of any acts which in contemplation of the Constitution are high crimes or misdemeanors requiring the interposition of the constitutional powers of this House; and that the said committee have power to send for persons and papers and to administer the customary oaths to witnesses.

Mr. KELLER. Mr. Speaker, I move the adoption of the resolution.

Mr. MONDELL. Mr. Speaker, I move the reference of the resolution to the Committee on the Judiciary.

The SPEAKER. The gentleman from Wyoming moves the reference of the resolution to the Committee on the Judiciary.

Mr. MONDELL. Mr. Speaker, this is in accordance with the usual practice of the House in matters of this sort to have a resolution of impeachment considered by the Committee on the Judiciary. While it is true in some cases there have been special committees appointed, the usual practice is otherwise. I move the previous question on my motion.

Mr. KELLER. Mr. Speaker, I would like to ask unanimous consent to extend my remarks in the RECORD.

Mr. SNYDER. Mr. Speaker, I object.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to refer the resolution to the Committee on the Judiciary.

Mr. WINGO. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. WINGO. I suggest to the Chair the gentleman from Minnesota has the floor, and if he wishes to discuss it before its reference under the rule he has the right to point out what the specific facts are which he charges. It is true he did not object when the gentleman from Wyoming made his motion, but he did not yield the floor, Mr. Speaker. I think it is not very material in this instance, but in a matter of this kind we certainly ought not to set a precedent by which a man can be taken off his feet in the midst of his proceedings.

The SPEAKER. The Chair will state the facts. The gentleman addressed the House and offered a resolution, and the gentleman from Minnesota then moved the adoption of that resolution, and, of course, he yielded the floor——

Mr. WINGO. I beg the Speaker's pardon, but if the Speaker will listen for just a moment. The motion to refer to the Committee on the Judiciary by the adoption of the resolution is purely incidental and ancillary to his action. The gentleman had obtained the floor on the impeachment charge.

Now, it was his duty, having the floor, and it was his right to make one of two motions. Now, he made a motion that he had a perfect right to make. He could have waited until he had finished to make the motion, but the better practice would have been to make the motion and then address himself to the disposition of the impeachment.

The SPEAKER. The gentleman from Arkansas states the facts accurately. The gentleman had the floor and the Chair had recognized him and he was addressing the House. He then moved the adoption of the resolution. The Chair was entirely in ignorance as to whether the gentleman desired to further address the House. But he made the motion. Thereupon the gentleman from Wyoming moved, as he had the right to do, the Chair thinks, the gentleman from Minnesota [Mr. KELLER] having made a motion, that the whole matter be referred to the Committee on the Judiciary, and upon that he has moved the previous question. The Chair thinks he had the right to do so, and that that is the proper practice.

Mr. WINGO. Does the Speaker hold that a Member having the floor and has not indicated his intention to yield, can of right be taken off the floor by some one making a privileged motion?

The SPEAKER. The Chair does not think he could unless he had made his motion.

Mr. WINGO. The gentleman had made it. And the protest is not so much with reference to this instance, but a man in any solemn proceeding like it could be taken off the floor while making serious charges.

The SPEAKER. The gentleman made a motion for the disposition of the matter and thereupon the gentleman from Wyoming [Mr. MONDELL] made another motion, and upon that the previous question was ordered.

The question is on the motion of the gentleman from Wyoming for the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to refer the resolution to the Committee on the Judiciary.

The motion was agreed to.

Mr. KELLER. Mr. Speaker, I again ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to address the House for 10 minutes. Is there objection?

Mr. KEARNS. Mr. Speaker, I object. However, I withhold it for a moment in order to ask the gentleman on what subject he wishes to address the House?

Mr. KELLER. On the impeachment proceeding.

Mr. KEARNS. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1282. An act for the relief of the estate of John Stewart, deceased;

S. 3169. An act to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes;

S. 2140. An act to authorize the Secretary of the Interior to issue patent in fee simple to the University of Arizona, State of Arizona, of Tucson, Ariz., for a certain described tract of land;

S. 3472. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

S. 3356. An act to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy;

S. 2610. An act in reference to writs of error;

S. J. Res. 169. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis, Mr. Willem van Doorn, a subject of the Netherlands;

S. 685. An act to remove the charge of desertion from the military record of Albert F. Smith, deceased;

S. 3413. An act for the relief of the city of New York;

S. 463. An act for the relief of Charles Hurst;

S. 3118. An act for the relief of Herbert E. Meilstrup;

S. 3630. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920;

S. 171. An act to extend the provisions of the act of May 11, 1912;

S. 2568. An act to amend section 196 of the Code of Law for the District of Columbia;

S. 3704. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes";

S. 3710. An act regulating the allotments heretofore paid to designated allottees;

S. 3350. An act for the relief of Alice M. Gorman;

S. 3351. An act for the relief of G. Dare Hopkins;

S. 2580. An act for the relief of Michael Sweeney;

S. 3632. An act to amend section 128 of the Judicial Code, relating to appeals in admiralty cases;

S. 3702. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State;

S. 3799. An act for the relief of Louis A. Hogue;

S. 3800. An act for the relief of C. Pateras & Sons and C. Lemos, owners of the Greek steamship *Constantinos Pateras;*

S. 3862. An act fixing the rank of the officer of the United States Army in charge of public buildings and grounds;

S. 2595. An act for the relief of Lewis Myshrall;

S. 3617. An act to fix the salaries of the auditor and deputy auditor of the Philippine Islands;

S. 3202. An act for the relief of Dr. C. Le Roy Brock;

S. 3614. An act relating to the official bond of the United States marshal for the southern judicial district of the State of New York;

S. 3633. An act to authorize the coinage of a 50-cent piece in commemoration of the one hundredth anniversary of the birth of the late President Rutherford Burchard Hayes at Delaware, in the State of Ohio;

S. 3048. An act for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tenn.;

S. 3611. An act authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River;

S. 3570. An act for the relief of the United Dredging Co.;

S. 2960. An act for the relief of Arthur A. Padmore;

S. 3424. An act to provide for the reclamation of the United States Military Reservation, Fort De Russey, Honolulu, Hawaii;

S. 2294. An act to confer jurisdiction upon the Court of Claims to ascertain the cost to the Alaska Commercial Co., a corporation, and the amount expended by it from November 5, 1920, to April 18, 1921, in repairing and rebuilding the wharf belonging to said company at Dutch Harbor, Alaska, which wharf was damaged and partially destroyed on or about November 5, 1920, through collision therewith of the U. S. S. *Saturn*, United States Navy, and to render judgment therefor;

S. 3419. An act for the relief of James B. Fitzgerald;

S. 163. An act for the relief of Francis L. Flanders;

S. 162. An act for the relief of Sarah Shelton;

S. 528. An act for the relief of the widow of Rudolph H. von Ezdorf, deceased;

S. 3738. An act authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Elwood Grissinger;

S. 3890. An act to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920;

S. 2582. An act for the relief of George Hewitt Myers;

S. 3609. An act for the relief of F. J. Belcher, jr., trustee for Ed Fletcher;

S. 3918. An act to amend section 51 of chapter 4 of the Judicial Code;

S. 470. An act for the relief of Emma Kiener;

S. 2262. An act for the relief of Franklin A. Swenson;

S. 2794. An act for the relief of Rosa E. Plummer;

S. 3540. An act fixing the fees of the examining surgeons in the Bureau of Pensions;

S. 2854. An act for the relief of Oakley Randall;

S. 3709. An act to provide for an examination and report on the condition and feasibility of a reclamation project at Hope, Eddy County, N. Mex.;

S. 3780. An act authorizing a credit in certain accounts of the Treasurer of the United States;

S. 375. An act for the relief of Louis Leavitt;

S. 2083. An act to regulate the practice of undertaking and embalming in the District of Columbia, and to safeguard the public health;

S. 3448. An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.;

S. 3483. An act to authorize the Commissioners of the District of Columbia to appoint as special policemen such District employees as they may deem necessary for the protection of property of the District of Columbia, and for other purposes;

S. 3154. An act for the relief of C. M. Reives;

S. 3235. An act validating certain applications for and entries of public lands;

S. 1672. An act for the appointment of William Edward Tidwell as first lieutenant in the United States Army;

S. 99. An act to correct the military record of Edgar Durfee;

S. 3565. An act relating to the collection of taxes in the District of Columbia;

S. 3461. An act to amend the act of February 28, 1920, so as to authorize the acquisition of additional land and the disposition of certain lands already acquired at Camp Knox, Ky.;

S. 3279. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.;

S. 2714. An act for the improvement of a wagon road on the Colville Indian Reservation;

S. 3123. An act to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended;

S. 2467. An act to provide relief for the victims of the airplane accident at Langin Field;

S. 3040. An act to amend section 266, chapter 11, of the Judicial Code;

S. 3393. An act for the relief of the Indians of the Gila River and Papago Reservations, in the State of Arizona; and

S. 3308. An act for the relief of the heirs of Israel Folsom, deceased.

S. 3332. An act to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation, under certain conditions;

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4368. An act for the relief of the owners of the barge *Havana;*

H. R. 5634. An act for the relief of Frank William Brown and Clara Bryan Brown;

H. R. 7923. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 7984. An act for the relief of James Kelly;

H. R. 70. An act to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes;

H. R. 7109. An act to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes;

H. R. 8675. An act to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park;

H. R. 9499. An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands;

H. R. 10443. An act to repeal sections 2453 and 2454, and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States;

H. R. 2620. An act for the relief of Welch, Fairchild & Co. (Inc.);

H. R. 6628. An act for the relief of the owners of the British steamship *Clearpool;*

H. R. 7968. An act granting to the city of St. Andrews, Fla., the right to remove shells, sand, and gravel from certain public lands for road-building purposes;

H. R. 4356. An act for the relief of Arthur J. Burdick;

H. R. 5125. An act for the relief of Oliver A. Campbell;

H. R. 3754. An act for the relief of Rear Admiral Livingston Hunt, Supply Corps, United States Navy;

H. R. 3508. An act for the relief of Rear Admiral J. S. Carpenter, Supply Corps, United States Navy;

H. R. 1949. An act for the relief of Richard J. Easton;

H. R. 1764. An act for the relief of J. A. Leslie;

H. R. 8374. An act for the relief of the estate of Frank W. Knight;

H. R. 5068. An act for the relief of Cora T. Dering;

H. R. 9069. An act for the relief of William H. Slaine;

H. R. 7544. A act authorizing the Postmaster General to temporarily reduce the pay of rural carriers for disciplinary purposes instead of suspending them without pay;

H. R. 1723. An act for the relief of Edward J. Schaefer;

H. R. 7695. An act for the relief of James E. Connors.

H. R. 6966. An act to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army;

H. R. 6258. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.;

H. R. 2874. An act to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis.;

H. R. 9528. An act providing for the retention by the Government of the property in Nome, Alaska, known as the Detention Hospital Building, and its use by the Bureau of Education, Department of the Interior;

H. R. 478. An act for the relief of Aaron Kibler;

H. R. 8669. An act authorizing the issuance of a patent in fee to Jerome Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 8256. An act authorizing the issuance of a patent in fee to Perry H. Kennerly, for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 5684. An act to authorize the purchase by the city of Medford, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916;

H. R. 7862. An act authorizing the Secretary of the Interior to sell and patent certain lands to William S. N. Calhoun and Zaidee Boatner Calhoun, residents of Catahoula Parish, La.;

H. R. 8358. An act for the relief of Israel Butts;

H. R. 9495. An act for the protection of timber owned by the United States from fire, disease, or the ravages of beetles or other insects;

H. R. 10461. An act to add certain lands to the Siskiyou National Forest in Oregon;

H. R. 6323. An act for the relief of Frank M. Stewart;

H. R. 8119. An act for the relief of certain persons, their heirs or assigns, who heretofore relinquished lands inside national forests to the United States;

H. R. 10554. An act authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes;

H. R. 6512. An act for the relief of and purchase of lands for certain of the Apache Indians of Oklahoma lately confined as prisoners of war at Fort Sill Military Reservation, and for other purposes;

H. R. 11589. An act to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kalawao, on the island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes;

H. R. 513. An act for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long;

H. R. 862. An act for the relief of Vivian Hood;

H. R. 8143. An act for the relief of Fitzcharles Dry Goods Co.;

H. R. 9472. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 10544. An act for the relief of Louis Cayet;

H. R. 2003. An act for the relief of Hubert Reynolds;

H. R. 9866. An act authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision;

H. R. 1965. An act for the relief of Mrs. D. Montgomery;

H. R. 12022. An act relative to the naturalization and citizenship of married women;

H. R. 243. An act providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak;

H. R. 6863. An act granting to certain claimants the preference right to purchase unappropriated public lands in the State of Arkansas; and

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributer, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel, had requested a conference with the House thereon, and had appointed Mr. CUMMINS, Mr. KELLOGG, and Mr. SMITH as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, had requested a conference with the House thereon, and had appointed Mr. BURSUM, Mr. MCCUMBER, and Mr. WALSH of Montana as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon the amendments to the bill (H. R. 12377) to establish a commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes, had requested a conference with the House thereon, and had appointed Mr. BORAH, Mr. STERLING, and Mr. WALSH of Massachusetts as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 5214) granting pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, had requested a conference with the House thereon, and had appointed Mr. Bursum, Mr. McCumber, and Mr. Walsh of Montana as the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 9275. An act for the relief of Frances Kelly;

H. R. 7053. An act to grant certain lands to the city of Canon City, Colo., for a public park;

H. R. 2722. An act for the relief of W. W. McGrath;

H. R. 3034. An act for the relief of Lizzie Askell;

H. R. 5918. An act for the relief of the Michigan Boulevard Building Co.;

H. R. 6929. An act for the relief of Horace E. Walker;

H. R. 7967. An act granting certain lands to Escambia County, Fla., for a public park;

H. R. 8073. An act for the relief of Kineo Trust Co.;

H. R. 8173. An act for the relief of Mrs. E. H. Jackson;

H. R. 9275. An act for the relief of Frances Kelly;

H. R. 10672. An act to amend the act of July 24, 1919, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920";

H. R. 11212. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes";

H. R. 243. An act providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak.;

H. R. 7912. An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case;

H. R. 10419. An act validating certain applications for and entries of public lands;

H. Con. Res. 66. Concurrent resolution to provide for the extermination and banishment of insects from the House Office Building, the Capitol, and the Senate Office Building;

PENSIONS.

Mr. FULLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 6507, an omnibus pension bill, disagree to all the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table and disagree to Senate amendments and agree to the conference asked for, a bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, if I recall, in looking over the proceedings in the Senate, they took one of the House bills and put in a lot of Senate bills as amendments, and then put in general amendments applying to the pension system of the country. I do not know whether the minority members of the Pension Committee have been consulted as to sending this to conference or not, but it is a matter of importance in sending bills to conference that have in them provisions which affect the general pension policy of the country. I would like to ask the gentleman to withhold his request until I can talk with some of the Democratic members of the committee.

Mr. FULLER. All the Democratic members who are in the city—two, I think—were at the meeting this morning, and it was unanimously agreed to take this course. The Senate had eight of our bills, and they put them all in one omnibus bill, and included also some Senate bills.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER appointed the following conferees: Mr. Fuller, Mr. Bland of Indiana, and Mr. Davis of Tennessee.

COAL FACT-FINDING COMMISSION.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12377, with Senate amendments, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the bill H. R. 12377, with Senate amendments, disagree to the Senate amendments, and agree to the conference requested by the Senate. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12377) to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

The SPEAKER. Is there objection?

Mr. LONDON. Mr. Speaker, reserving the right to object, is it in order to make a motion to concur in the Senate amendments?

The SPEAKER. This is a unanimous-consent request, and the matter is only before the House so far by unanimous consent. Therefore it would not be in order now.

Mr. LONDON. May I ask the Speaker if, when it is in such condition, I may be recognized for that motion?

The SPEAKER. The Chair sees only one way that the gentleman can do it. The Chair does not see how he could consent conditionally, but the Chair thinks the gentleman could obtain the same relief my moving to instruct the conferees.

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts to indicate what are supposed to be the real questions in controversy, if there is any controversy. I do not ask the gentleman to discuss anything immaterial, but questions that he considers material.

Mr. WINSLOW. There are a number of them. The question propounded by the gentleman from Virginia is a perfectly natural and orderly one, but in view of the considerable cut-up of the bill on the part of the Senate, it is a difficult matter to explain.

Mr. MOORE of Virginia. I may say to the gentleman that I do not care about the matter of controversy, but he knows what are the substantial questions at issue.

Mr. WINSLOW. One of the particular questions is a modification of the number of commissioners from nine to five. Another one is the separate report to cover the anthracite business as contrasted with coal and fuel business.

Then comes a suggestion as to different dates of making reports. The amount of money to be appropriated to meet the expenses of the work is reduced from $300,000 to $100,000, and there are other matters of no great importance. If the gentleman would like to look at this for a moment I shall be pleased to show it to him.

Mr. MOORE of Virginia. I had assumed that perhaps the most fundamental question is the question as to whether the inquiry shall extend to the proposed nationalization of the coal industry.

Mr. WINSLOW. Yes. That is here, and it should be emphasized. It makes it a very different proposition.

The SPEAKER. Is there objection?

There was no objection.

Mr. LONDON. Now, Mr. Speaker, I ask that the conferees when appointed be instructed to concur in the Senate amendments.

The SPEAKER. The gentleman from New York moves that the conferees when appointed be instructed to concur in the Senate amendments. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. LONDON. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from New York asks for a division.

The House divided; and there were—ayes 7, noes 117.

So the motion was rejected.

The SPEAKER. The Chair appoints the following conferees on the part of the House: Mr. Winslow, Mr. Hoch, and Mr. Barkley.

DISTRIBUTION AND SALE OF COAL.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12472, with Senate amendments, disagree to the Senate amendments, and agree to the request of the Senate for a conference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take from the Speaker's table the bill H. R. 12472, with Senate amendments, disagree to the Senate amendments, and agree to the request of the Senate for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts to give his conception of the real questions in controversy.

Mr. WINSLOW. I do not wish to start out with an apology, but I wish to say to the Members of the House that this information did not come to hand until this very morning in form to be compared.

Mr. MOORE of Virginia. If it will embarrass the gentleman to answer the question, I will not press it.

Mr. WINSLOW. No. It may be a little slow, but I have been over the ground several times with others.

One of the important features is the elimination of the penalty clauses.

Another is the elimination of any allowance to be made for expenses incurred in taking down this coal trouble previous to the passage of this bill, dating back to May 15.

The Senate bill has limited in some respects the power of the Interstate Commerce Commission in respect to car service. It has limited the time during which the bill shall be considered in force to July 1, 1923, if I am not mistaken, rather than to January 21, 1924. The termination of the act on July 1, 1923, appears to carry with it the elimination of the right of the President to bring it up to the rest of the unexpired period.

These are the important features, but there is a great deal of phrasing of a different kind but much to the same purpose.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, may I make an inquiry of the gentleman from Massachusetts?

Mr. WINSLOW. Yes, indeed.

Mr. GARNER. I am advised from the office of the gentleman from Kentucky [Mr. BARKLEY] that he is now in Kentucky. As I understand it you are going to work as conferees to-day or to-morrow. I ask that the next member ranking on the committee be substituted for the gentleman from Kentucky, not only in this conference but in the other one also.

Mr. WINSLOW. Mr. Speaker, if it is in order, I would like to ask the gentleman from Texas if it is agreeable to the next man on the committee to serve on the conference?

Mr. GARNER. I assume that if he is a Democrat, he is willing to do his duty, and that he will serve. [Applause.]

Mr. WINSLOW. That is a hopeful suggestion. [Laughter.]

The SPEAKER. The gentleman from Texas asks unanimous consent that the next ranking minority member on the committee be substituted in place of the gentleman from Kentucky [Mr. BARKLEY]. Will the gentleman suggest the name?

Mr. GARNER. Mr. RAYBURN is the next one.

The SPEAKER. That Mr. RAYBURN be appointed instead of Mr. BARKLEY. Is there objection?

There was no objection.

The SPEAKER. The Chair will appoint as conferees on the part of the House Mr. WINSLOW and Mr. NEWTON of Minnesota; and Mr. RAYBURN on both bills.

ADDITIONAL FEDERAL JUDGES—CONFERENCE REPORT.

Mr. VOLSTEAD. Mr. Speaker, I call up the conference report on the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The statement accompanying the conference report was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9103) for the appointment of additional district judges for certain courts of the United States, to provide for annual conferences of certain judges of United States courts, to authorize the designation, assignment, and appointment of judges outside their districts, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, the following number of district judges for the United States district courts in the districts specified in addition to those now authorized by law:

"For the district of Massachusetts, 2; for the eastern district of New York, 1; for the southern district of New York, 2; for the district of New Jersey, 1; for the eastern district of Pennsylvania, 1; for the western district of Pennsylvania, 1; for the northern district of Texas, 1; for the southern district of Florida, 1; for the eastern district of Michigan, 1; for the northern district of Ohio, 1; for the middle district of Tennessee, 1; for the northern district of Illinois, 1; for the eastern district of Illinois, 1; for the district of Minnesota, 1; for the eastern district of Missouri, 1; for the western district of Missouri, 1; for the eastern district of Oklahoma, 1; for the district of Montana, 1; for the northern district of California, 1; for the southern district of California, 1; for the district of New Mexico, 1; and for the district of Arizona, 1.

"A vacancy occurring, more than two years after the passage of this act, in the office of any district judge appointed pursuant to this act, except for the middle district of Tennessee, shall not be filled unless Congress shall so provide, and if an appointment is made to fill such a vacancy occurring within two years a vacancy thereafter occurring in said office shall not be filled unless Congress shall so provide: *Provided, however*, That in case a vacancy occurs in the district of New Mexico at any time after the passage of this act, there shall thereafter be but one judge for said district until otherwise provided by law.

"Every judge shall reside in the district or circuit or one of the districts or circuits for which he is appointed.

"SEC. 2. It shall be the duty of the Chief Justice of the United States, or in case of his disability, of one of the other justices of the Supreme Court, in order of their seniority, as soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September, at Washington, D. C., or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said justices in order of their seniority, may designate, the senior circuit judge of each judicial circuit. If any circuit judge is unable to attend, the Chief Justice, or in case of his disability, the justice of the Supreme Court calling said conference, may summon any other circuit or district judge in the judicial circuit whose senior circuit judge is unable to attend, that each circuit may be adequately represented at said conference. It shall be the duty of every judge thus summoned to attend said conference, and to remain throughout its proceedings, unless excused by the Chief Justice, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved.

"The senior district judge of each United States district court, on or before the 1st day of August in each year, shall prepare and submit to the senior circuit judge of the judicial circuit in which said district is situated a report setting forth the condition of business in said district court, including the number and character of cases on the docket, the business in arrears, and cases disposed of, and such other facts pertinent to the business dispatched and pending as said district judge may deem proper, together with recommendations as to the need of additional judicial assistance for the disposal of business for the year ensuing. Said reports shall be laid before the conference herein provided by said senior circuit judge, or, in his absence, by the judge representing the circuit at the conference, together with such recommendations as he may deem proper.

"The Chief Justice, or, in his absence, the senior Associate Justice, shall be the presiding officer of the conference. Said conference shall make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment and transfer of judges to or from circuits or districts where the state of the docket or condition of business indicates the need therefor, and shall submit such suggestions to the various courts as may seem in the interest of uniformity and expedition of business.

"The Attorney General shall, upon request of the Chief Justice, report to said conference on matters relating to the business of the several courts of the United States, with particular reference to causes or proceedings in which the United States may be a party.

"The Chief Justice and each justice or judge summoned and attending said conference shall be allowed his actual expenses of travel and his necessary expenses for subsistence, not to exceed $10 per day, which payments shall be made by the marshal of the Supreme Court of the United States upon the written certificate of the judge incurring such expenses, approved by the Chief Justice.

"SEC. 3. Section 13 of the Judicial Code is hereby amended to read as follows:

"'SEC. 13. Whenever any district judge by reason of any disability or necessary absence from his district or the accumulation or urgency of business is unable to perform speedily the work of his district, the senior circuit judge of that circuit, or, in his absence, the circuit justice thereof, may, if in his judgment the public interest requires, designate and assign any district judge of any district court within the same judicial circuit to act as district judge in such district and to discharge all the judicial duties of a judge thereof for such time as the business of the said district court may require. Whenever it is found impracticable to designate and assign another district judge within the same judicial circuit as above provided and a certificate of the needs of any such district is presented by said senior circuit judge or said circuit justice to the Chief Justice of the United States, he, or in his absence the senior associate justice, may, if in his judgment the public interest so requires, designate and assign a district judge of an adjoining judicial circuit if practicable, or if not practicable, then of any judicial circuit, to perform the duties of district judge and hold a district court in any such district as above provided: *Provided, however*, That before any such designation or assignment is made the senior circuit judge of the circuit from which the designated or assigned judge is to be taken shall consent thereto. All designations and assignments made hereunder shall be filed in the office of the clerk and entered on the minutes of both the court from and to which a judge is designated and assigned.'

"SEC. 4. Section 15 of the Judicial Code is hereby amended to read as follows:

"'SEC. 15. Each district judge designated and assigned under the provisions of section 13 may hold separately and at the same time a district court in the district or territory to which such judge is designated and assigned and discharge all the judicial duties of the district or territorial judge therein.'

"SEC. 5. Section 18 of the Judicial Code is hereby amended to read as follows:

"'SEC. 18. The Chief Justice of the United States, or the circuit justice of any judicial circuit, or the senior circuit judge thereof, may, if the public interest requires, designate and assign any circuit judge of a judicial circuit to hold a district court within such circuit. The judges of the United States Court of Customs Appeals, or any of them, whenever the business of that court will permit, may, if in the judgment of the Chief Justice of the United States the public interest requires, be designated and assigned by him for service from time to time, and until he shall otherwise direct, in the Supreme Court of the District of Columbia or the Court of Appeals of the District of Columbia, when requested by the chief justice of either of said courts.

"'During the period of service of any judge designated and assigned under this act he shall have all the powers and rights, and perform all the duties, of a judge of the district, or a justice of the court, to which he has been assigned (excepting the power of appointment to a statutory position or of permanent designation of newspaper or depository of funds): *Provided, however*, That in case a trial has been entered upon before such period of service has expired and has not been concluded, the period of service shall be deemed to be extended until the trial has been concluded.

"'Any designated and assigned judge who has held court in another district than his own shall have power, notwithstanding his absence from such district and the expiration of the time limit in his designation, to decide all matters which have been submitted to him within such district, to decide motions for new trials, settle bills of exceptions, certify or authenticate narratives of testimony, or perform any other act required by law or the rules to be performed in order to prepare any case so tried by him for review in an appellate court; and his action thereon in writing filed with the clerk of the court where the trial or hearing was had shall be as valid as if such action had been taken by him within that district and within the period of his designation.'

"SEC. 6. Section 118 of the Judicial Code, as amended, is hereby further amended to read as follows:

"'SEC. 118. There shall be in the second, seventh, and eighth circuits, respectively, four circuit judges; and in each of the other circuits, three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. All circuit judges shall receive a salary of $8,500 a year each, payable monthly. Each circuit judge shall reside within his circuit, and when appointed shall be a resident of the circuit for which he is appointed. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided*, That nothing in this section shall be construed to prevent any circuit judge holding district court or otherwise, as provided by other sections of the Judicial Code.'

"SEC. 7. All laws or parts thereof inconsistent or in conflict with the provisions of this act are hereby repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes."

And the Senate agree to the same.

A. J. VOLSTEAD,
L. C. DYER,
Managers on the part of the House.
ALBERT B. CUMMINS,
THOMAS STERLING,
LEE S. OVERMAN,
Managers on the part of the Senate.

STATEMENT.

A conference report was made on June 27, 1922, by the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 9103. A like report was submitted by the managers on the part of the Senate. This report when taken up for consideration in the Senate was objected to upon the ground that it violated a Senate rule against omitting matters agreed to by the two Houses and adding new matters not contained either in the House bill or Senate amendment thereto. The objection was sustained and the report rejected upon that ground. The bill and amendment were thereupon resubmitted to the conferees on the part of the two Houses and a new conference report has been agreed upon and is submitted herewith. The following statement shows the effect of the action agreed upon by the conference committee:

The Senate struck out all after the enacting clause of the House bill (H. R. 9103) and inserted a new bill.

The conferees have written a new bill, embodying the substance of the original House bill and of the Senate amendment.

The effect of the bill as submitted by your conferees is to increase the number of judges from 22, as provided by the House, to 24. Two districts not in the House bill are provided with an additional judge each, namely, New Jersey and New Mexico. The additional judge for the northern and southern districts of Georgia has been eliminated.

The provision for an annual conference of judges to be called by the Chief Justice of the United States has been rewritten, and certain clarifying changes in phraseology have been adopted, but otherwise the provision remains practically the same.

The amendments to sections of the Judicial Code have also been rewritten, with no substantial change in effect.

The provision for designation and assignment of judges of the Court of Customs Appeals has been retained, but the authorization for designating and assigning a district judge to sit in the Supreme Court of the District of Columbia has been dropped. An additional circuit judge has been provided for the fourth judicial circuit, as carried in the Senate amendment.

The matter omitted in the former conference report, namely, the requirement that every judge shall reside in the district or circuit, or one of the districts or circuits for which he is appointed, and the further provision that the Attorney General shall, upon request of the Chief Justice of the United States, report to the conference of judges provided for in the bill on matters relating to the business of the several courts of the United States, have been added, and the provision in that report eliminating the jurisdiction of the judge of the eastern and middle districts of Tennessee, over the middle district of Tennessee, has been omitted.

The title has been amended to conform to the text as agreed upon in conference.

A. J. VOLSTEAD,
L. C. DYER,
Managers on the part of the House.

Mr. VOLSTEAD. Mr. Speaker, the statement which has just been read covers in a general way the changes that have been effected by Senate amendments and in the conference. It is substantially the House bill, somewhat modified in phraseology. It adds two district judges to those provided for in the House, one in New Mexico and another in New Jersey. A judge provided for the northern and southern districts of Georgia by Senate amendment has been eliminated. The provision with reference to the judges of the Court of Customs Appeals has been retained.

There has been one circuit judge added to the fourth judicial circuit. There are only two in that circuit, while in others there are three or more judges. It was believed that there ought to be another in that circuit, and the House conferees agreed to accept that provision.

I do not know that there is anything further that I care to add, because otherwise the bill is practically as adopted by the House. I will yield to the gentlemen on the other side of the House, if they desire.

Mr. DENISON. Will the gentleman yield for a question?

Mr. VOLSTEAD. I yield to the gentleman from Illinois.

Mr. DENISON. I call the attention of the gentleman to section 2 of the conference report, the second paragraph, where it provides for making a report to the court of the condition of the business in the different circuits, and it reads as follows:

> The senior district judge of each United States district court, on or before the 1st day of August in each year, shall prepare and submit to the senior circuit judge of the judicial circuit in which said district is situated, a report setting forth the condition of business in said district court, including the number and character of cases on the docket, the business in arrears, and cases disposed of, and such other facts pertinent to the business dispatched and pending as said district judge may deem proper, together with recommendations as to the need of additional judicial assistance for the disposal of business for the year ending.

Is that a misprint, or is that the way the conferees intended it should read? Should that word be "ending?" I think it should be "ensuing" If it is a mistake it ought to be corrected now.

Mr. VOLSTEAD. It would not be very material one way or the other. He makes a report on what has taken place in the year prior to the time the report is made.

Mr. DENISON. No; but this is a recommendation as to what should be done for the year "ending." That does not mean anything. I think it ought to be the year "ensuing."

Mr. VOLSTEAD. When do you figure that the year begins?

Mr. DENISON. What did the conferees intend that word to be? Did they mean it to be "ending" or "ensuing"?

Mr. VOLSTEAD. It may perhaps be a mistake, but it is immaterial anyway. This will take care of the situation or it can be corrected later on.

Mr. DENISON. I see the word used in the same paragraph in the Senate bill, and I think also in the House bill is "ensuing," and I think this is clearly a misprint that somebody ought to correct.

Mr. VOLSTEAD. We can not correct it now, anyway.

I yield two minutes to the gentleman from New York [Mr. CHANDLER].

Mr. CHANDLER of New York. Mr. Speaker, I ask unanimous consent to address the House for two minutes out of order.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for two minutes out of order. It there objection?

There was no objection.

Mr. CHANDLER of New York. Mr. Speaker, a few months ago President Harding delivered before the Vaughn Bible class of the Calvary Baptist Church of Washington an address on the proper relations of the citizen to the state. In the course of his remarks he used the following language:

"There is no relationship here between church and state. Religious liberty has its unalterable place, along with civil and human liberty, in the very foundation of the Republic. Therein is shown the farseeing vision of the immortal founders, and we are a better people and a better Republic because there is that freedom.

"I fear it is forgotten sometimes. In the experiences of a year in the Presidency there has come to me no other such unwelcome impression as the manifest religious intolerance which exists among many of our citizens. I hold it to be a menace to the very liberties we boast and cherish."

The fears and anxieties entertained by the great, patriotic, liberal-minded Chief Magistrate of the Nation are those also entertained by many Members of Congress and by every patriotic citizen who loves his country and its most sacred national tradition, that of freedom of conscience and of worship. In no period of our history since the proclamation of the Declaration of Independence and the adoption of the Constitution has the menace to religious freedom been so great as it is to-day. Race prejudice, religious bigotry, and lawlessness of every kind are running riot in the land. The alarm sounded by the President should be heeded by patriots everywhere and friends of freedom in every State should rally around the Constitution and the flag.

The propaganda of prejudice and persecution now in progress in the United States is sometimes open and sometimes insidious, but is always aggressive and perpetually malignant. At times we hear its utterances from the pulpit or from the political rostrum, at times we get it through the press or read it in books and pamphlets, and again it conceals itself in Ku-Klux garb of mask and gown and does its dirty and destructive work in mob action under the cover of night.

The leaders and champions of this un-American propaganda are almost without exception designing and unscrupulous men whose motives are mean and mercenary and whose bank accounts appeal more powerfully to them than do the guaranties of religious freedom in the Constitution of their country. Its votaries and victims are generally the most ignorant, narrow-minded, and lawless of our countrymen.

Mr. Speaker, the President in his address to the Baptist Bible class referred to the "unwelcome impression" of "manifest religious intolerance" that had come to him during his first year in the Presidency. This same impression, it may be added, has come to every Member of Congress in many ways, and very vividly and pointedly through the books, pamphlets, and newspapers containing anti-Catholic and anti-Jewish literature that have been thrown upon his desk with alarming frequency in the last two years. Reference to just a few of these publications will be not only illustrative but entertaining and instructive as well.

In the month of November, 1921, I received at my office in Washington a Texas newspaper entitled "Pure Democracy." It was dated "Elgin, Texas, November 5, 1921." On the first page, in big, black letters, was the heading:

READ
PURE DEMOCRACY
Get The Dope, Sign The Petition, And Kill The Pope!

Following this big, black letter caption came this announcement on the front page:

The Letter Below
Goes This Week to
Your Congressman
And Senator.
Get His Answer.

DEAR SIR: We are respectfully requesting answers to the questions inclosed here, which are the same that occur in the current issue of "Pure Democracy" being sent you.

We desire the answer to these questions for publication. In desiring the submission of an amendment, forbidding office holding and voting as a penalty against those under foreign papal allegiance, direct or indirect, please bear in mind that we want your commitment on the principle involved. The wording of such an amendment will necessarily be fixed by those officials who submit the same for ratification.

Our petition is clear enough to let you know our aims, and we will thank you for giving us your stand on this question.

Truly,

DONALD B. ALLEN,
Editor of "Pure Democracy."

ELGIN, TEX.

In another place on the front page of this paper was the following petition addressed to its subscribers for signature:

"We, the undersigned citizens of the United States, of voting age, petition the submission for ratification of an amendment to the Constitution of the United States (also to our State constitution) forbidding voting or office holding, appointive or elective, by any person under direct or indirect allegiance to any foreign political potentate, such as the Papacy of Rome.

"Signature ——— ———."

You will note that the very modest request of the editor of Pure Democracy is for the disfranchisement of Roman Catholic citizens of the United States by constitutional amendment.

This puny publication, I understand, has passed out of existence, having died in early infancy, probably from lack of brains or want of nourishment and I feel that I should apologize to the House for using a corpse as an exhibit. Nevertheless its editor, I have been informed, is still spreading the gospel of hate and dissension among his fellow citizens in Texas wherever he can find an audience low-browed enough to listen to him in the following lectures:

1. Darkness from the Pit, or Rome Robbing the Records of History.
2. Babylon's Fall, or Rome must be Destroyed.

3. Ruling with Rods of Iron, or Amending the Constitution Against Foreign Papal Treason.

No wonder that Mayfield and the Ku-Klux Klan flourish in the Lone Star State, where propaganda of this kind is permitted and encouraged. But there is no reason for despair as long as the Dallas Morning News, one of the greatest and most ably edited newspapers in America, continues to wage ruthless warfare against the traitorous brood and the cheap and cowardly politicians who bend the knee to them.

Again, a few weeks ago, I received from Seattle, Wash., a pamphlet entitled "The Heretic Circular," edited or prepared by one Baron Dudley. The front-page caption was this:

Strong Reasons
Why
Roman Catholics
Should Not Hold
Civic or Federal Offices
In The
United States of America.

Then followed statements, references, and allusions, founded in ignorance and bigotry, that should have shut the dirty sheet from the mails of the United States. I need not discuss the contents of this circular with you, my colleagues, since it is doubtless true that copies of it have been thrown upon the desk of each Member of the House.

During the last two years scarcely a week has passed that I have not received at my office in Washington, from every section of the country, north, east, south, and west, trashy and treasonable literature of this kind, intended to excite prejudice and hatred against Jews and Catholics, and generally patterned in cheap and imitative fashion after The Menace and the Dearborn Independent. Up to the present time I have not thought it worth while to pay any serious attention to these various anti-Catholic and anti-Jewish circulars, pamphlets, and newspapers that have been sent to me. I judged it best to treat them with the silent contempt that they deserved. This course seemed to me to be all the more proper and expedient since I was not personally or politically involved in any way.

But recently I received a pamphlet, sent by whom I do not know, that mentions me personally, makes charges against me, and threatens me with political punishment. The impudent and belligerent character of the booklet challenges my serious consideration, all the more so since it contains a charge and a threat.

This pamphlet is entitled "Rome in Congress," and was prepared by one Gilbert O. Nations, who describes himself as a "Ph. D." This gentleman seems to be the editor and publisher of a monthly magazine entitled "The Protestant," with offices at 639 F Street NW., Washington, D. C. This magazine is a violent anti-Roman Catholic publication, and is about a year and a half old.

In order to acquaint myself thoroughly with the views of Mr. Nations, and to determine how much consideration he and his magazine deserved, I sent to the Congressional Library and secured all back numbers of The Protestant. I have spent nearly a week, at odd moments, examining them. I find that they contain an amazing amount of literary trash and rubbish, and that their pages are filled with ludicrous citations from canon and other laws and with grotesque references to literary works that have not the remotest connection with the subject discussed or the thesis proposed. A perusal of this magazine convinces the reader that the editor of The Protestant is a literary paranoiac with a strong propensity to mendacity and a distinct predilection for hypocrisy.

Nearly every issue of this magazine from the first to the last publication devotes considerable space to an appeal for subscribers and a cry for financial help. In more issues than one the alarm is given that the ship is about to sink and that the lifeboats are being made ready to be lowered. Throughout the publication are strong suggestions of strained financial circumstances as well as mental and moral bankruptcy, and from the whole enterprise we feel justified in concluding that the author of The Protestant has prostituted his meager talents, not for love of Protestantism or solicitude for the Republic and its free institutions, but rather from a sordid desire for mercenary gain. The motive at the back of the publication of this magazine is the same as that at the back of the publication of The Menace and all others of its kind, a desire and a determination to make money, even if truth is outraged at every turn and the Constitution of the country is trampled under foot, even if religious freedom is ruthlessly struck down in her own temple, even if good-fellowship among the citizens of a common country is utterly destroyed.

But let us revert to the pamphlet styled "Rome in Congress." On the cover of this booklet, beneath the words "Rome in Congress," are the two words "A handbook," and beneath these there are the words "The record of national Senators and Representatives on issues of vital interest to Protestant voters."

On the first page of the pamphlet is a kind of preface, entitled "The political situation," and under this caption the author has grouped and discussed certain political problems and economic questions that in his mind indicate friendliness or hostility to the Roman Catholic Church. These political problems and economic questions may be grouped as follows, under varying titles:

1. The Burnett and Johnson immigration bills.
2. The Gallivan Irish petition and the Borah Irish resolution.
3. Prohibition.
4. Woman suffrage.
5. The Towner-Sterling bill.

In the opinion of this man Nations, the author of the booklet entitled "Rome in Congress" and the editor of the magazine called The Protestant, a Congressman or Senator who voted for certain of these measures or against others should be branded as Catholic or Protestant, as the case may be.

His contention is that those who voted for the Burnett immigration bill were Protestants and those who voted against it were Catholics who desired the rule of Rome in America. He seems to forget that 3,000,000 Jews in America are opposed to the Burnett immigration bill, and that Jews are neither Protestants nor Catholics. He also seemingly forgets that three Protestant Presidents of the United States, Cleveland, Taft, and Wilson, all vetoed the Burnett immigration bill or similar bills because of the "literacy tests" that they contained. According to the reasoning of Mr. Nations these men should be characterized in history as papal Presidents or presidential Popes, notwithstanding the reasons assigned in their veto messages that were not even remotely related to any religious consideration.

Again, it is contended that those Congressmen or Senators who signed the Gallivan Irish petition or voted for the Borah Irish resolution are friends of Rome and enemies of America. It matters not if they were prompted by love of liberty and by a belief in right of self-government for the Irish people; nevertheless they are to be classed as friends of Rome. The record shows that more than a hundred Representatives and Senators, Protestant and Catholic, Jew and gentile, Democratic, Republican, and Socialist, from the North, South, East, and West, signed the Gallivan Irish petition. Nevertheless, they are all Catholics, friends of Rome and enemies of America, according to the editor of The Protestant.

According to the reasoning of the author of this pamphlet those who voted for prohibition are Protestants and patriots; those who voted against prohibition are Catholics and traitors. The queer-headed, addle-brained man who makes this contention seems to have forgotten that the Germans of America, most of whom are Lutheran Protestants, are violently opposed to prohibition, and that the 3,000,000 Jews of America, who are neither Protestants nor Catholics, are also violently opposed to prohibition. If he had an ounce of gray matter in his head and were capable of a moment's serious and intelligent reflection, he would know that the antiprohibition ranks number millions of Protestants of all denominations—Methodists, Baptists, and Presbyterians, amen-corner brethren, and backsliders alike. He would also know that a very considerable percentage of Catholics in America are in favor of prohibition. The late Archbishop Ireland, of St. Paul, a distinguished Roman Catholic prelate, was an avowed prohibitionist.

In the recent primaries in Texas ex-Gov. James E. Ferguson, a fallen political angel, who had been removed from the governor's chair for malfeasance and misfeasance in office, ran on a light wine and beer platform. He received nearly half the votes cast, more than 200,000, in a run-off primary. His chief source of popularity was his light wine and beer program. Now, the Catholics of Texas do not number more than 10 per cent of the population of the State, and a large majority of those who voted for Ferguson must have been good Protestants, who do not object to taking a little light wine and beer "for the stomach's sake."

The absurdity and imbecility of attempting to identify a particular church organization with an economic problem that affects all the people, or even with a certain question of morals, may be easily shown by considering the matter from a world-wide viewpoint. To identify the Protestant Church and Protestant teachings with prohibition and then be compelled to stare Germany in the face would be something that only a fool and fanatic like Nations could stand without embarrassment and a blush, for we must remember that Germany is the land not only of Martin Luther and thoroughgoing Protestantism but of beers, wines, and whiskies as well.

Since the days of Gustavus Vasa, Sweden has been densely Protestant, and yet only a few weeks ago Protestant Sweden voted overwhelmingly against prohibition. And to give a touch of mingled humor and pathos to the scene, we need only mention that "Pussyfoot" Johnson was ridden on a rail and lost an eye while trying to convert Protestant England to prohibition. So much for the ludicrous attempt of the editor of The Protestant to identify the Roman Catholic Church and antiprohibition.

Under this heading I wish only to relate a matter of personal experience that may be both instructive and entertaining. A few years ago I spent a summer in Scotland. I was the guest of a merchant prince of Glasgow who had a summer home on Loch Long, an arm of the River Clyde. I remember that this excellent Scotch family and I would spend each day fishing, rowing, and swimming. After dinner in the evening the beautiful and charming daughters of the Scotchman would give a concert of piano and violin music. After the concert we would eat cheese and crackers and drink Scotch whisky. Then followed family prayers and sweet sleep, undisturbed by the fanatical prohibition agitations of "Pussyfoot" Johnson, Gilbert O. Nations, and their kind. This all took place, please remember, in Protestant Presbyterian Scotland, the land of John Knox and the Covenanters.

In the fourth place, the man who prepared the booklet, "Rome in Congress," makes woman suffrage a test of Protestantism and Catholicism. He insists that the Catholic Church was opposed to woman suffrage and that those Members of Congress who voted against woman suffrage were friends of Rome and therefore enemies of the Republic and of free institutions. But here again the reasoning of the imbecile and bigot strikes a snag. In a lucid interval he remembers that the Catholic Church is not strong in the South. He also recalls that southern Senators and Representatives very generally voted against woman suffrage. Then half whiningly and at the same time with brazen impertinence he adds in this connection:

"In justice it should be stated that sentiment in favor of woman suffrage was not strong in the South, and therefore votes of southern Senators and Representatives against the nineteenth amendment were not necessarily inspired by Rome."

But if non-Catholic reasoning and sentiment inspired southern Senators and Representatives to vote against woman suffrage, what evidence have we that northern, western, and eastern Senators and Representatives were inspired by different motives or guided by different principles from those that influenced the conduct of southern Senators and Representatives? Only a man lacking in mother wit, blinded by fanaticism, undisciplined in debate, thirsting for cheap notoriety, and overpowered by greed could be entangled in a mesh or caught in a trap of this kind.

And, lastly, we are told by the editor of The Protestant in his preface to his booklet called "Rome in Congress" that the Catholic Church is opposed to the Towner-Sterling bill, and that those Members of Congress who vote for this bill will be Protestants and patriots because their votes will be opposed to the will of Rome. On the other hand, those Members who vote against the Towner-Sterling bill will be friends of Rome and at the same time enemies of the Republic and of free institutions. But here again the dear Mr. Nations finds his difficulties. It is an admitted fact that a large majority of southern Senators and Representatives will vote against the Towner-Sterling bill because of their peculiar State rights theories and without any reference whatever to the Catholic Church or its teachings. When the vote has been taken what will then be left to the editor of The Protestant but to make the same idiotic observations that he made in connection with woman suffrage and thereby become entangled in the same mesh and fall into the same trap of ludicrous inconsistency and contradiction?

If he should find after a canvass that a majority of the New York State Representatives, both Republican and Democratic, will vote against the Towner-Sterling bill because they do not believe it just and right that New York State, only 1 in 48, should pay one-third of $100,000,000 annually to educate the illiterates of other States, would the editor of The Protestant then give them credit for sincerity or would he still insist that the Pope has them under his heel and that they are slavishly dominated by Rome and the canon law?

In the booklet called "Rome in Congress" every Member of the House is classified by States as a friend or enemy of Rome by indicating his votes on the subjects that I have just discussed. And it is interesting to note that this is the closing paragraph of the preface:

"Scan the list with care. See how your Members voted in order that you may know how to vote when they ask reelection at your hands. If their records are clean, give them your active support. If unclean, defeat them in the primary if possible, and if not possible to defeat them there then support the candidate of the other party in the general election provided he is any better. They are arranged in this handbook by States and districts. Here is the list."

Then follows the classified list of all the Members of the House and Senate, beginning with Alabama and ending with Wyoming. Each of you, my colleagues, is listed as a friend or enemy of Rome according to your votes on the subjects heretofore mentioned, and you are notified that the pamphlet to which I have so frequently referred is to be used as a campaign document against you among the Protestant voters of your district or in your behalf, as the case may require. As for me I gladly accept the issue.

Under the New York subdivision my name is written thus:

"WALTER M. CHANDLER; voted against Burnett immigration bill and prohibition, and signed Gallivan Irish petition."

The statement is correct, and I have no apologies to make for my vote in any single case, and I am not ashamed that I signed the Gallivan Irish petition.

I voted against the Burnett immigration bill for the very same reasons that caused Presidents Cleveland, Taft, and Wilson to veto this and similar bills. In my speech of March 25, 1916, against the Burnett immigration bill I stated my reasons in the following language:

"I voted against the Burnett immigration bill during its passage through the Sixty-third Congress. I shall vote against it again at this time because it contains an unjust, undemocratic, and un-American provision, the so-called literacy test.

"I am convinced that the humanitarian traditions of our country should still be observed, and that foreigners of sound body, mind, and morals, of good and patriotic intentions toward our country and its institutions, and of sufficient means to justify the assumption that they will not become public charges should be welcomed into our midst, made to feel that they are at home, and extended all the blessings of law and liberty that our Constitution and our flag afford."

This was the real reason of my vote against the Burnett immigration bill, although I called attention in the same speech to the anti-Catholic tendencies of the bill and denounced the attempt to accomplish covertly in Congress by restricting Catholic immigration what it was feared could not be accomplished in the columns of a free press or in the forum of debate.

Yes; I voted against prohibition also, but I did not have the Catholic Church in mind when I voted. I voted against reporting the eighteenth amendment because I did not believe it either right or expedient to take the police power from the States where it had rested for more than a hundred years and place it with the Nation. I resisted with all my might the attempt to bring about a constitutional innovation of this kind. I voted as I did because my prophetic vision foresaw the bootlegging operations of this day and the contempt for law and order that would result from the adoption of this amendment. I also foresaw the Volstead Act against which my better judgment rebelled from the very beginning.

I am in favor of law enforcement of all State and Federal statutes. Antiprohibition may be bad and prohibition worse, but disregard and contempt for law are worse than either. A dead law upon the statute books is a stench in the nostrils of all good citizens. Believing this, I shall vote at the very first opportunity for a modification of the Volstead Act that will permit light wines and beers, within the limitations prescribed by the Supreme Court of the United States defining the extent of the jurisdiction of Congress in regulating the alcoholic content of beverages.

I believe that the saloon is gone forever, and I shall shed no tears because of this fact, but I am convinced that light wines and beers may be had without any violation of law, and that these slightly exhilarating beverages would greatly lessen and cool what Shakespeare is pleased to call "life's fitful fever."

It is a well-known fact that an abundance of liquor may be had almost anywhere in the United States, either in town or country, under bootlegging operations, by the wealthy who can afford to pay the price, but our laborers and workmen who create the wealth of the country in the sweat of the brow and who return to their homes at nightfall tired and exhausted with the toil of the day are denied even a single glass of refreshing beer because the law forbids the brewing of a drink that is reasonable in price and not an insult to the taste. This inevitable discrimination in the operation and effect of the Volstead Act has a direct tendency to embitter the minds of the masses of the people, to fill their hearts with rebellion against the law, and to drive them to lawlessness and anarchy as a refuge.

Yes; I also signed the Gallivan Irish petition, and I am glad and proud that I did. I signed it, however, as other Congressmen did, without any reference to the Roman Catholic Church. I signed it because I believed then as I feel now that the magnificent race of Celtic people who inhabit the Emerald Isle, who have fought bravely on all the battle fields of the world for the liberties of other peoples, are entitled to freedom for themselves.

I have never failed to cast my vote and to raise my voice in behalf of this proud, spirited, and gifted race that has contributed so much to the freedom and civilization of other nations and that has received so little from them in return. I shall continue my efforts in their behalf with the ardent hope that peace and happiness may return soon to the people of the stricken island and that all may yet be well with the children of Erin.

Furthermore, I want the narrow-minded, bigoted editor of The Protestant to understand that I do not have to show my sympathy for races or religions covertly in votes upon economic problems and political questions. Thank God, I have never once been charged by my bitterest enemies with cowardice or camouflage in politics, and whether my life be long or short in public office I am determined never once to attempt to deceive by trickery or evasion my constituents or my countrymen. As proof of this, in the matter of having signed the Gallivan Irish petition, I wish to submit at this time for insertion in the RECORD the following leading editorial from the Gaelic American of Saturday, February 16, 1918, entitled:

ONE CONGRESSMAN WHO IS NOT EVASIVE.

"The resolutions indorsing Miss Rankin's resolution for Irish independence passed by the John P. Holland branch of the Friends of Irish Freedom, New York, were forwarded to the Members of Congress, and Father John H. Dooley, of Corpus Christi Church, president of the branch, has received several replies. With one exception these replies are the usual perfunctory, stereotyped kind which say nothing at all except that the matter has been received and will be given consideration. Such replies are always followed by inaction. The Congressmen do nothing because they believe that they can afford to ignore the wishes of their constituents, or think the men who write to them have no influence and can do them no harm in the next election. Until Irish citizens convince them by the vigor and determination of their action that they mean what they say and will not submit to be trifled with this state of things will continue.

"Father Dooley has sent us copies of the replies he has received from the Congressmen, and we find that only one of them is from an Irish-American—Representative Peter J. Dooling. Mr. Dooling simply says, 'I will give this matter my most careful attention when it is brought before the House for action.' As Miss Rankin's resolution is now buried in a pigeonhole and will not come before the House for action until it is forced out by a vigorous demand, this promise amounts to nothing. What is wanted is an insistent demand that the resolution be reported by the committee which has smothered it.

"None of the other Irish members from New York City, who all owe their elections to the votes of Irish citizens, have thought it worth while to reply. They apparently think it is not necessary to be even polite with the people to whom they owe their political existence; and these people have stood so much of that kind of thing in the past that there is some excuse for treating them with contempt. The only Representative from New York who has promised whole-hearted support of the Rankin resolution is Mr. WALTER M. CHANDLER, and he is a native American, without, so far as we know, any Irish blood in his veins. Mr. CHANDLER writes as follows to Father Dooley:

"'MY DEAR FATHER DOOLEY: This is to acknowledge receipt of yours of February 2, containing the resolution recently adopted at the Star Casino. It is needless for me to write you that I am in favor of the resolution of Miss Rankin or any other resolution looking to Irish independence. You may depend upon me to do anything I can to realize this grand ideal of the war.

"'I was the orator of the evening at the Academy of Music in Philadelphia January 31, when the Ancient Order of Hibernians had their annual meeting. I there proclaimed and now declare my intention to do everything I can to make possible Irish independence as the result of the world struggle in which we are now engaged.

"'I hope that you will do me the kindness to let my attitude be known, as far as you can, to all the friends of Irish freedom in New York City.' (February 4, 1918.)

"What are the constituents of the Irish Congressmen in New York doing to make them feel that they have a duty to perform and an obligation to fulfill? Evidently little or nothing. These gentlemen ought to be got after without delay. Some of them seem to think that Ireland is no longer on the map and that only Belgium, Poland, Serbia, Montenegro, Lithuania, and Mesopotamia are worth bothering about. It is time to let these gentlemen know that the claims of Ireland antedate and outweigh those of all these countries and that the Irish people in America will insist that Ireland shall not be ignored. They must put themselves on record so that we may know our friends from our enemies at the next congressional elections."

The world seems to have forgotten, Mr. Speaker and my colleagues, what Catholic Ireland has done for the uplift of mankind and the civilization of the earth. When the night of the Middle Ages fell upon the human race, priests in her monasteries and schools held high the torch of learning and religion, sent her missionaries throughout Europe, and gained for her the merited title of the "Isle of Sages and Saints." To the monastic schools of Ireland flocked students from Scotland, England, Germany, and Gaul in numbers so great that St. Aldheim declared that they were as "numerous as bees." Throughout the seventh, eighth, and ninth centuries her schools of learning were the most illustrious in the world. Her missionary spirit is shown by the fact that she maintained 7 monasteries in France, 13 in Scotland, 7 in Lotharingia, 9 in Belgium, 11 in Burgundy, 10 in Alsatia, 16 in Bavaria, and 12 in Armoric Gaul.

Too frequently we hear from the lips of the light-headed and the flippant the remark that Ireland is nothing but a land of tragedy and ruins. Before they begin to mock and jest, let such men and women read and ponder the brilliant verses of Father Abram J. Ryan, the poet laureate of the Southern Confederacy:

A LAND WITHOUT RUINS.

"A land without ruins is a land without memories; a land without memories is a land without history. A land that wears a laurel crown may be fair to see; but twine a few sad cypress leaves around the brow of any land, and be that land barren, beautiless, and bleak it becomes lovely in its consecrated coronet of sorrow and it wins the sympathy of the heart and of history. Crowns of roses fade—crowns of thorns endure. Calvaries and crucifixions take deepest hold of humanity; the triumphs of might are transient, they pass and are forgotten; the sufferings of right are graven deepest on the chronicles of nations."

Yes, give me the land where the ruins are spread
And the living tread light on the hearts of the dead;
Yes, give me a land that is blest by the dust
And bright with the deeds of the downtrodden just.
Yes, give me the land where the battle's red blast
Has flashed to the future the fame of the past;
Yes, give me the land that hath legends and lays,
That tell of the memories of long-vanished days;
Yes, give me a land that hath story and song,
Enshrine the strife of the right with the wrong;
Yes, give me a land with a grave in each spot
And names in the graves that shall not be forgot;
Yes, give me the land of the wreck and the tomb—
There is grandeur in graves, there is glory in gloom;
For out of the gloom future brightness is born,
As after the night comes the sunrise of morn;
And the graves of the dead with the grass overgrown
May yet form the footstool of liberty's throne,
And each single wreck in the warpath of might
Shall yet be a rock in the temple of right.

—Abram J. Ryan.

But let us not go too far afield and forget our good friend Nations and his precious publication called The Protestant. Mark you, my colleagues, that this man by the very title of his publication is assuming to speak for all the great Protestant denominations of America and the world. To play such a rôle properly and successfully a man should be strong and cultured in mind, noble and charitable in disposition, powerful in debate after the manner of St. Paul, merciful in conduct according to the teachings of the Sermon on the Mount, and truthful in character after the spirit of the commandment, "Thou shalt not bear false witness against thy neighbor." A paladin of the church should be armored with all these weapons for the battles of Christianity, but the editor of The Protestant is clothed with none of them. He is as naked as a new-born babe. He is above all things a liar and a hypocrite, and I am going to prove it to you at once by a single illustration.

There is an old saying that a half truth may be a whole lie, and that a suppression of the truth may be the worst kind of falsehood. Let us apply these tests to this fellow Nations and his magazine.

In the issue of The Protestant of date November, 1921, on page 142, appears the following article:

WAR DEPARTMENT AND PRIEST.

"A good patriotic friend has written the following note, which deserves the thoughtful reflection of every good citizen:

"'DEAR SIR: I would like to call your attention to an article in the New York Evening Telegram of October 15, headed "Father Kelley named to conduct unknown services."

"'Was there no Protestant clergyman available who served overseas that it was necessary for Secretary Weeks to select a Roman Catholic priest to conduct the services over the body of the unknown soldier at Arlington Cemetery on Armistice Day?

"'The inquiry is timely. You should ask Mr. Weeks. It is time for the people to arrange things at the ballot box, so members of the President's Cabinet will not seek every opportunity to peddle favors to the alien hierarchy and clergy of the Vatican throne.'"

The "good patriotic friend" who wrote the editor of The Protestant asking for truthful information received a suppressed truth that is a lie in answer. The facts were these, as I have learned them authoritatively from the War Department. Secretary Weeks invited a Protestant preacher, Doctor Brent; a Catholic priest, Father Kelley; and a Jewish clergyman, Rabbi Lazaron, all of whom had been chaplains and had seen overseas service, to officiate at the ceremonies conducted over the body of the unknown soldier at Arlington Cemetery on Armistice Day. All of them accepted the invitation. Two of them, the Protestant preacher, Doctor Brent, and the Jewish clergyman, Rabbi Lazaron, were present and officiated. Father Kelley was unavoidably kept away. These were the facts, and Gilbert O. Nations doubtless knew them, or could easily have learned them, when he wrote that dirty lie and libel against Secretary Weeks and the contemptible and sneaking little diatribe against the Catholic Church.

Nations is a miserable little pedant. He delights to quote Latin, doubtless to impress his ignorant readers with his learning and importance. In this connection, and in the matter of the Arlington Cemetery ceremonies, this Latin phrase is peculiarly applicable to him, falsus in uno falsus in omnibus; that is, having been caught lying in this case, we are justified in assuming that he is a liar in all cases.

Secretary Weeks played a fine and manly part. Feeling that the occasion was truly national and that the unknown dead soldier might have been a Catholic, a Protestant, or a Jew, he acted with exquisite tact and taste and invited to officiate at the ceremonies representatives of all the great religious organizations of America. Nevertheless, the petty pamphleteer got in his dirty work of falsehood and of libel.

The Protestant clergymen of America, like the clergymen of the Catholic and Jewish faiths, are in the main men of education, earnestness, and piety, and are sincere seekers after truth. The large majority of them would scorn to subscribe for a magazine that disseminates falsehoods and seeks to destroy character by libelous inuendoes. If the real character of this magazine were known to them not a dozen clergymen in America would be subscribers to it.

Occasionally he is called down by some indignant citizen who has been the victim of his lies, and then it is vastly amusing to hear him apologize and watch him crawl and whine. In the characteristic recklessness of his irresponsible journalism, Nations called Colonel MacNider a Roman Catholic and attributed his appointment as head of the American Legion to the political machinations of what he is pleased to call the Roman hierarchy. The following brave and manly letter of Colonel MacNider to Nations should be read every day for a full month to every class of every public school in the Republic:

FEBRUARY 19, 1922.

To the EDITOR OF THE PROTESTANT,
Washington, D. C.

SIR: Your article "Rome Heads the American Legion" has just come to my attention. When you called to apologize, it was my impression that you had simply mistaken my religious affiliations and that your statement was entirely personal. I told you that I was not concerned with what you had said about me, but your article is an attack upon the American Legion, and it can not go unanswered, foolish as it is.

The American Legion is an organization of returned service men and women holding together in an endeavor to continue their service to their country in peace as well as in war as constructive citizens. Religion in Legion membership is no more a question than it is in American citizenship, nor can it be brought into Legion affairs.

It was not a question when a man stepped out to join the colors and to defend his country. It will never be a question in our service as Legion men. This country was formed by men who sought religious tolerance, and it was in that spirit that it was made free and worth living in. I happen to be a Protestant and to attend a Protestant church, but as a member of many Masonic bodies, of which I have taken a more or less active part, I have great admiration for that institution—the Roman Catholic Church. Its stand and teaching for the preservation of the integrity of our lawful Government were well exemplified in the heroic deaths of men who served in my command. And might I add that chaplains of that faith gave a human touch to their splendid service which made them beloved by all—Jew, Protestant, and Catholic alike.

Such propaganda as you are spreading is a menace to America and America's institutions. How a man worships his God is his own business and not yours.

The Constitution of the United States of America gives every man the right to choose his own religion, and it was to uphold that Constitution that the American Legion was formed.

Yours very truly,

HANFORD MACNIDER.

The editor of The Protestant was seized with convulsions when he learned that Colonel MacNider was a Protestant and a Mason and still had "great admiration for that institution—the Roman Catholic Church."

In his reply which was published in his magazine he went soaring into the empyrean of absurdity and bombast. One paragraph of his letter was this:

"But until the Roman hierarchy expiates the terrible ruin it has heaped on Mexico, South America, Spain, and Hungary during the long and dismal centuries of its dominion in those lands I am utterly unable to share in your expressed admiration of that hierarchy and institution. The tragedy of the whole matter is that popery vascillates before the world, feigning religion, but practicing the most venal and despotic kind of politics."

He meant by all this that until conditions changed in Mexico, South America, Spain, and Hungary he was not willing to stop lying about MacNider, Weeks, and others. He meant also that the constitutional guaranties of religious freedom in America must be suspended until the religious status of these countries formed itself to his liking. The language of this paragraph proves conclusively that as a word-monger Nations is a glittering success, but as a logician and disputant he is a dismal failure. It proves also the truthfulness of the saying of Lowell that "the vulgar intellectual palate hankers after the titillation of foaming phrase."

An examination of the various numbers of The Protestant shows that its editor is wholly without any sense or sentiment of propriety, modesty, shame, or fitness of things in his desperate drive for subscribers and "long green" with which to line his pockets. He is one of those fools that deliberately rush in where angels fear to tread. In his feverish desire for notoriety and cash he has not hesitated to attack, in a mean and lying manner, the characters and careers of the greatest and most beloved of modern American statesmen, who have been voted for and admired and loved by millions.

Of ex-President Wilson he has this to say:

"The constant secret gravitation of President Wilson toward popery is one of the mysteries of American history. * * *

"Why a great Presbyterian scholar, born in the mountains of Virginia of Presbyterian parents, his father being a minister, should seek every opportunity to enthrone popery in the White House and every department of the Government and should then go out and join a Roman Catholic Club established by a Jesuit priest passes understanding. It is time to annihilate that kind of secret plotting in high official life."

All this probably because Wilson had a Catholic secretary, Mr. Tumulty.

Of Ex-President Taft he has this to say:

"Rome and Wall Street rejoice at the appointment of ex-President William Howard Taft to the office of Chief Justice of the United States Supreme Court. Well may they rejoice. No politician in this country ever served them better. * * * His whole administrative policy favored political popery at every opportunity."

All this because Taft was independent enough and American enough to appoint Mr. White, a Catholic, Chief Justice.

The editor of this magazine in one of its issues describes Mrs. Taft as a Catholic, a statement that he subsequently had to retract. From this and the MacNider incident we learn his methods of journalism, first to lie and, if caught up with, then to retract; if not detected, to let the lie stand in the name of many subscribers and much cash.

Not content with attacking ex-Presidents, the editor of The Protestant insults the present President of the Republic by showering him with his slimy slander and abuse. The following appears in the issue of his magazine of June, 1922:

THE PRESIDENT PRAISES GIBBONS.

"The Associated Press exploited generally throughout the country a letter which President Harding is alleged to have written March 20 to Rev. Albert E. Smith, a Roman priest and editor of the Baltimore Catholic Review, praising the late Cardinal Gibbons in connection with the approaching anniversary of his death. The Baltimore Roman paper mentioned of course published the letter very conspicuously in a heavy border and under great headlines on the front page of the paper March 25. It reads as follows:

THE WHITE HOUSE,
Washington, March 20, 1922.

Rev. ALBERT E. SMITH,
The Baltimore Catholic Review, Baltimore, Md.

MY DEAR FATHER SMITH: It is hard to realize that almost a year has passed since the death of Cardinal Gibbons. He was one of the men whom the Nation could ill spare, for his long and earnest service for both church and country had made him one of the most useful and wise counsellors in a wide realm of public concerns. He possessed in a marked measure the qualities of the statesman as well as the churchman, and his influence was invariably exerted in favor of the best conceptions of America, its institutions and its destiny. Like others who have borne a somewhat extraordinary burden in the public service, I have learned to appreciate and rely upon his sincerity and breadth of vision in many matters of public concern, and his death was a very real loss. I am sure the same feeling was entertained throughout the Nation, regardless of creed. His liberal views had earned for him a high place in the esteem of all Christian citizens, and his services and leadership will not be forgotten.

Very sincerely, WARREN G. HARDING.

"Why did our Baptist and Masonic President of the United States write such a letter? Why did a great Baptist and great Mason, at the head of the greatest Protestant and democratic Nation in the world, thus extol the memory of an enthroned prince in the one government inevitably hostile to Baptists and Masons and democratic institutions? Was there any canon of propriety that called for such a letter from the White House to a priest of Rome in Baltimore?"

Why did the President write such a letter? The answer is easy to anyone not inflamed by fanaticism or blinded by bigotry. Warren G. Harding is the big, brainy, great-hearted, Christian-minded President of a great Republic of more than 100,000,000 of people, whose citizenship is made up of all races and all religions of the earth, and whose constitutional guaranties of religious freedom constitute the most sacred right and the most precious heritage of Americans everywhere. It is the duty of this great President to see that the laws of the Nation are properly safeguarded and duly executed in maintaining the rights, civil and religious, of men and women of every race and creed, and in every act of his public life he has shown a fine sense of consciousness of this duty and of the solemn responsibility that rests upon him of being President of all the people and not a part of them, of all races and of all creeds and not of certain races and certain creeds. This sense of propriety, this consciousness of lofty political duty, caused him to pay the tribute to the memory of Cardinal Gibbons, a distinguished Roman Catholic prelate, the spiritual guide and leader of some 16,000,000 Catholic American citizens, whose civic were as great as his ecclesiastical virtues, and who left at his death a problem for his countrymen to solve, whether in life he was greater as a priest or a patriot.

President Harding might have paid his fine tribute to Cardinal Gibbons because Gibbons once uttered these patriotic sentiments:

"As the years go by I am more than ever convinced that the Constitution of the United States is the greatest instrument of government that ever issued from the hand of man. Drawn up in the infancy of our Republic, and amid the fears and suspicions and oppositions of many patriotic men, it has weathered the storm period of American public life, and has proved elastic enough to withstand every strain put upon it by party spirit, western development, world-wide immigration, wars with little and great, far-reaching social and economic changes, inventions and discoveries, the growth of individual wealth, and the vagaries of endless reformers; that within the short space of 100 years we have grown to be a great Nation, so much so that to-day the United States is rightly regarded as the first among the nations of the earth, due to the Constitution, the palladium of our liberties and the landmark in our march of progress."

Again President Harding may have had in mind these words of the great patriot and priest:

"Fifteen millions of Catholics live their lives in our land with undisturbed belief in the perfect harmony existing between their religion and their duties as Americans. It never occurs to their minds to question the truth of a belief which all their experience confirms. Love of religion and love of country burn together in their hearts. They love their church as the divine spiritual society set up by Jesus Christ, through which they are brought into a closer communion with God, learn His revealed truth and His holy laws, receive the help they need to lead Christian lives, and are inspired with the hope of eternal happiness. They love their country with the spontaneous and ardent love of all patriots, because it is their country and the source to them of untold blessings. They prefer its form of government before any other. They admire the institutions and the spirit of its laws. They accept the Constitution without reserve, with no desire as Catholics to see it changed in any feature. They can with a clear conscience swear to uphold it."

Gilbert Nations, the bigoted editor of The Protestant, will never forgive Cardinal Gibbons for having uttered those splendid patriotic sentiments, for they brand him forever as a liar and a slanderer of the Roman Catholic Church in America when he says that Catholicism is identical with monarchy and that the Catholics of America are enemies of the Constitution and of our free institutions.

The closing sentences that I have just quoted seem to have been intended by the great priest and cardinal to confound the enemies of his church and to serve as a mighty breakwater against floods of false accusation that future enemies of his people and of the Republic, such as the Ku Klux Klan, might cunningly and designedly create.

The trouble with the mentally afflicted man who edits The Protestant is that his diseased imagination conjures up papal images in connection with everything that he considers evil in the heavens above, the earth beneath, and the waters down under the earth. He probably honestly believes that liquor is a very bad thing, and it then follows as the night the day that the Pope must be at the back of antiprohibition. He is probably an anglomaniac and honestly believes that self-government for the Irish is a bad thing. He has no doubts, then, that the Pope inspired the deviltry of which was born, in his opinion, the Gallivan Irish petition. He feels that war is the scourge of the race, and that the Great War was the greatest of all scourges, and he has not the slightest doubt that it was created by what he imagines to be the greatest of all evils, namely, the papacy of Rome, and he does not hesitate, in more than one issue of The Protestant, to charge the Pope with having brought about the war.

The insane delusion that some god or pope or other religious agency or power is working infinite harm or boundless good in the universe, along a multitude of lines and involving a multiplicity of detail, is a striking peculiarity of a certain kind of lunatic. The psychopathic wards of our great insane asylums are filled with unfortunate creatures of this kind.

If you will go back and consult the CONGRESSIONAL RECORDS containing the debates on the war resolution, my colleagues, you will find that the ablest of our statesmen in Congress, both Senators and Representatives, reached their loftiest flights of eloquence in bitter denunciation of the Kaiser and his imperialistic designs to extend his empire from Berlin to Bagdad and to crush the liberties of the world with the mailed first of imperialism, absolutism, and despotism.

We all felt perfectly assured that the assassination of an Austrian grand duke by a simple-minded fanatical Serbian youth was the beginning but not the cause of the Great World War; that it was simply the match that lit the flame that threw the world into conflagration. We believed that the elemental causes of the war were to be found deeply embedded in German military philosophy, in Prussian despotism and desire for world dominion, in a false and fraudulent diplomacy handed down from the days of Frederick the Great, and in the belief of the German Kaiser that he was the annointed of God, and that the German people were the chosen seed. These intellectual principles, we thought, were the spiritual elements that formed the fertile soil in which was germinated the world catastrophe and from which it received its budding and its blossoming. We have reason to believe that President Wilson had these thoughts in mind when he asked us to declare war against the Kaiser and the Germans in order that the world might be made safe for democracy.

The strongest brains of the greatest statesmen of the allied powers spent all their energies and talents in all kinds of books—blue, yellow, and others—in demonstrating that the Kaiser caused the war. The finest minds among the greatest statesmen of the German and Austrian Empires, in their white and red books, spent their supreme intellectual forces proving that the Kaiser and Franz Joseph did not cause it, but that it was brought about by the jealousy of the surrounding nations of the industrial greatness and the military power and prowess of the Germanic peoples.

But poor, ignorant, deluded statesmen of both the Allied and the Central Powers! Poor fools in the Congress of the United States, both House and Senate! Everybody was wrong. The world was laboring under a strange and incomprehensible delusion. The Kaiser did not cause the Great War. It was the Pope, the very man whom nobody had ever suspected, and the editor of The Protestant is now dealing out this dirty stuff, this poisonous misinformation, to the poor dupes and ignoramuses who have nothing else to do but to read his magazine.

Another characteristic method of the fanatic, who is both stupid and dishonest, is to claim for his friends or his cause virtues or excellencies that the facts of history show are also possessed by his enemies, or to ascribe crimes and vices to his enemies which it is apparent to every intelligent mind are also to be justly attributed to his friends. The real polemic, the sincere friend of truth, the man who is too conscientious and courageous to permit himself to degenerate into a pettifogger and special pleader, is not afraid or ashamed to make damaging statements or confessions if his object is to enlighten and not to deceive.

We are deeply impressed with these considerations while scanning the pages and studying the headlines of the various issues of The Protestant. Everywhere there is evidence of an attempt to deceive the mind of his readers and to inflame their passions against the Roman Catholic Church by telling only half truths or by suppressing truth altogether. A few illustrations will suffice to prove my point.

In one number of his magazine Nations speaks with horror of the attempted or threatened burning of Dante by the Church of Rome, but is strangely silent everywhere in regard to the actual burning of Servetus by Protestants with the approval and at the instigation of John Calvin himself.

In another place he speaks sneeringly of "alien names of Roman hierarchy," and his patriotic soul shudders when he hears mentioned the names Pope, Cardinal, and Archbishop, but that same dear soul is filled with heavenly music by the entrancing sounds of the words Invisible Empire, Imperial Wizard, Grand Goblin, Kleagle, and King Kleagle, terminology of the Ku-Klux Klan, an organization that he praises throughout his publication, calling it in one place that "mighty patriotic organization," whose principles, methods, and conduct are very dear to him.

The editor of The Protestant takes great delight in crowding the pages of his magazine with accounts of the removal from office and disbarment of the Roman Catholic district attorney of Suffolk County, Mass., Joseph C. Pelletier, but is again strangely silent in regard to the removal from office and disbarment of the Protestant district attorney of Middlesex County, Nathan A. Tufts, who was involved in the same scandal that brought about both the personal and professional ruin of himself and Pelletier. Neither has mention ever been made, as far as I have been able to learn, of the impeachment and removal of William Sulzer, Protestant Governor of New York, or of James E. Ferguson, Protestant Governor of Texas. In other words, if a Protestant is convicted of corruption in public office, it is in the mind of Nations probably a miscarriage of justice or at worst only a slight manifestation of human depravity. If a Roman Catholic commits a crime in public office it is, to hear Nations tell it, a diabolical offense, not only because it violates a criminal statute of the State but because it is also a dastardly assault upon the Republic and our free institutions through the papacy.

In another issue of his magazine the editor of The Protestant rails against the Knights of Columbus for alleged distortion of the facts of American history, but fails, so far as I have been able to find, to mention the fact that the Knights of Columbus recently awarded a capital prize of $3,000 for the best essay on American history to a professor in a Protestant college.

It is a favorite pastime with papers like The Menace and The Protestant to describe in every detail of horror and execration the atrocities of the Catholic Spanish Inquisition, but they doubtless contemplate with merry indifference or even with silent satisfaction the tortures and cruelties of the English Court of Star Chamber and the Court of High Commission, a kind of double-barreled judicial organization, a Protestant tribunal that corresponded to the Spanish Inquisition and that did the same bloody work, but upon Catholics this time. A contributor to the New International Encyclopedia, writing of Whitgift, archbishop of Canterbury, as head of the High Commission, says:

"He established practically a new commission with enlarged powers and administered the oath with such rigor that his inquisition was comparable to those of Rome and Spain."

Describing a judgment of this court, an English writer says:

"In 1637 Mr. Pickering, for saying that the King was reconciled to Rome and for having built a pigsty on ground belonging to a churchyard, was fined £10,000, pillory, ears, whipping, branding with a hot iron, boring his tongue with an awl, and imprisonment for life."

While writing about the Catholic Spanish inquisition why not manifest the true spirit of American fair play and tell something about the English High Commission? Why suppress one-half the truth and thereby tell a lie? Also, while condemning the massacre of St. Bartholomew for the purpose of creating prejudice against the Catholic Church would it not be truly American and brave and righteous to tell the other half of the story and let the world know that Oliver Cromwell slaughtered every man, woman, and child in the Irish garrison of Drogheda and then had the impiety and inhumanity to write about it as follows:

"It hath pleased God to bless our endeavors at Drogheda. * * * I believe we put to the sword the whole number of its defendants. * * * This hath been a marvelous great mercy."

In this connection Green, the Protestant historian of England, says:

"Religion had been turned into a system of political and social oppression."

The pharisaic hypocrisy of the editor of The Protestant is so monumental that it makes us dizzy and fairly takes the breath. When Colonel MacNider charged him with being intolerant he calmly replied:

"I am as uncompromisingly opposed to anything even bordering on religious intolerance as you or anyone could be. The provisions of our National Constitution on that and all subjects have my profound and unqualified approval."

The most cursory perusal of any number of his magazine would convince any sane and disinterested reader that only a liar and hyprocite could have written that sentence.

As the journalistic motto of The Protestant he has taken a sentence from St. John 8-32:

Ye shall know the truth, and the truth shall make you free.

This sentence is the only suggestion of truth in the whole realm of his journalistic activity, as far as I have been able to find. Its only service, as he sees fit to use it, is to remind us of the imp who stole the livery of heaven to worship the devil in.

Throughout his publication he is fond of quoting celebrated writers and historians to show the intolerance and bigotry of the Catholic Church. If he is sincere in his desire that his readers shall know the truth concerning the history of intolerance, why does he not occasionally quote from standard Protestant historians showing the intolerance and bigotry of the Protestant Church? If he will not do it, in the name and interest of truth, I will do it for him, Protestant though I am.

"Persecution," says Hallam, "is the deadly original sin of the reformed churches; that which cools every honest man's zeal for the cause, in proportion as his reading becomes more extensive." (Constitutional History, Vol. I, Ch. II, p. 51.)

"The spirit of Calvinistic Presbyterianism," writes Green, "excluded all toleration of practice or belief. The absolute rule of bishops, indeed, Cartright denounced as begotten of the devil; but the absolute rule of presbyters he held to be established by the word of God. For the church founded after the fashion of Geneva he claimed an authority which surpassed the wildest dreams of the masters of the Vatican. Not only was the rule of ministers to be established as the one legal form of church government but all other forms were to be put down. For heresy there was the punishment of death. Never had the doctrine of persecution been urged with such blind and reckless ferocity." (History of the English People, Book VI, Chap. V.)

"It must be admitted," writes Buckle, "that in Scotland there is more bigotry, more superstition, and a more thorough contempt for the religion of others than in France. And in Sweden, which is one of the oldest Protestant countries in Europe, there is, not occasionally but habitually, an intolerance and a spirit of persecution which would be discreditable to a Catholic country, but which is doubly disgraceful when proceeding from a people who profess to base their religion on the right of private judgment." (History of Civilization in England, Vol. I, p. 264.)

Mark you, my colleagues, these historians just cited are all Protestant historians, whose historical writings constitute integral and important parts of English literature, the greatest and most brilliant of all literatures, with Shakespeare, the intellectual crown of the world, as the most splendid ornament. Why, it may be asked, if Nations wants to have his readers know the truth, in order that they may be made free, does he not give some of these quotations to his readers? Does he fear that he would lose his subscribers overnight and be mobbed by the Ku-Klux Klan besides?

Instead of writing long discourses on the canon laws of Rome, why does he not give his readers a brief history of Protestant Puritan life in early colonial days? If he were a truthful historian he would tell the whole truth about the Massachusetts Puritans—how they fled from England to America, braving the storms of the seas in coming and bloodthirsty savages on arriving, in order that they might worship God Almighty as they saw fit. Being a truthful historian, he would then tell his readers how the Puritans, as soon as they became thoroughly established in the complete enjoyment of unbounded religious freedom for themselves, began to persecute and imprison and murder the Baptists and Quakers, their Protestant brethren, who were bold, brazen, and imprudent enough to claim the same rights as those enjoyed by the Puritans.

He might tell them the story of how the Rev. Cotton Mather tried to kidnap William Penn and the Quakers and sell them as slaves in Barbados for rum and sugar. His historical sketch might be illuminated and be made quite entertaining by the insertion of the following letter by Cotton Mather:

SEPTEMBER YE 15, 1682.

TO YE AGED AND BELOVED MR. JOHN HIGGINSON: There is now at sea a ship called the *Welcome*, which has on board an hundred or more of the heretics and malignants called Quakers, with W. Penn, who is the chief scamp, at the head of them.

The general court has accordingly given secret orders to Master Malachi Huscott, of the brig *Porpoise*, to waylay the said *Welcome* slyly, as near the Cape of Cod as may be, and make captive the said Penn and his ungodly crew, so that the Lord may be glorified and not mocked on the soil of this new country with the heathen worship of these people. Much spoil can be made by selling the whole lot to Barbados, where slaves fetch good prices in rum and sugar, and we shall not only do the Lord great service by punishing the wicked but we shall make great good for His minister and people.

Master Huscott feels hopeful, and I will set down the news when the ship comes back.

Yours in ye bowels of Christ, COTTON MATHER.

Furthermore, he might devote a special chapter to Roger Williams, a refugee from the Puritan colony, and the truths of history would compel him to say that the voice of the Baptist in the wilderness of Rhode Island proclaiming religious freedom was a protest not against Catholic persecution but against the Protestant persecution of his Puritan brethren whom he had left behind when he fled for life from Massachusetts.

But it would be too much to ask Nations to do anything of that kind. A delegation of the Ku-Klux Klan would come all the way from Texas to put him to death for a base betrayal of their cause; that is, for telling the truth just once in the columns of his magazine.

If he intends to be fair why does not the editor of The Protestant cite tributes to the Catholic Church as well as criticisms of it? He delights to quote the great British statesman and orator, William E. Gladstone, against the Catholic Church. Why does he not also tell his readers things that Gladstone has said that are favorable to the Church of Rome? Why does he not quote this paragraph:

"A century ago we began to relax that system of penal laws against Roman Catholics, at once pettifogging, base, and cruel, which Mr. Burke has scathed and blasted with his immortal eloquence."

Why does he not quote for the pleasure and instruction of his readers this beautiful and eloquent passage from the writings of Mr. Gladstone on the Catholic Church:

"She has marched for fifteen hundred years (since the days of Constantine) at the head of civilization, and has harnessed to her chariot as the horses of a triumphal car the chief intellectual and material forces of the world; her art, the art of the world; her genius, the genius of the world; her greatness, glory, grandeur, and majesty have been almost, though not absolutely, all that in these respects the world has had to boast of. Her children are more numerous than all the children of the sects combined; she is every day enlarging the boundaries of her vast empire; her altars are raised in every clime and her missionaries are to be found wherever there are men to be taught the evangel of immortality and souls to be saved. And this wondrous church, which is as old as Christianity and as universal as mankind, is to-day, after its twenty centuries of age, as fresh and vigorous and as fruitful as on the day when the Pentecostal fires were showered upon the earth."

Why not also give his comrades and compatriots of the Ku-Klux Klan the benefit of the estimate of Macaulay, who, in his essay on Ranke, paid the following eloquent tribute to the Church of Rome and to its history of nineteen hundred years:

"There is not, and there never was on this earth, a work of human policy so well deserving of examination as the Roman Catholic Church. The history of that church joins together the two great ages of human civilization. No other institution is left standing which carries the mind back to the times when the smoke of sacrifice rose from the Pantheon, and when camelopards and tigers bounded in the Flavian amphitheater. The proudest royal houses are but of yesterday when compared with the line of supreme Pontiffs. That line we trace back in unbroken series from the Pope who crowned Napoleon in the nineteenth century to the Pope who crowned Pepin in the eighth; and far beyond the time of Pepin the august dynasty extends till it is lost in the twilight of fable. The Republic of Venice came next in antiquity. But the Republic of Venice was modern when compared to the papacy, and the Republic of Venice is gone and the papacy remains. The papacy remains, not in decay, not a mere antique, but full of life and youthful vigor. The Catholic Church is still sending forth to the farthest ends of the world missionaries as zealous as those who landed in Kent with Augustine, and still confronting hostile kings with the same spirit with which she confronted Attila. The number of her children is greater than in any former age.

"Her acquisitions in the New World have more than compensated for what she has lost in the old. Her spiritual ascendancy extends over the vast countries which lie between the plains of the Missouri and Cape Horn. Nor do we see any sign which indicates that the term of her long dominion is approaching. She saw the commencement of all the governments and of all the ecclesiastical establishments that now exist in the world; and we feel no assurance that she is not destined to see the end of them all. She was great and respected before the Saxon had set foot on Britain, before the Frank had passed the Rhine, when Grecian eloquence still flourished at Antioch, when idols were still worshiped in the temples of Mecca, and she may still exist in undiminished vigor when some traveler from New Zealand shall, in the midst of a vast solitude, take his stand on a broken arch of London Bridge to sketch the ruins of St. Paul's."

This was the judgment of Macaulay, Protestant historian of England—statesman, orator, and essayist—one of the great ornaments of the history and literature of his country, a man whose fine brain was grandly lit with learning and with truth, whose courage was too splendid to permit him to accuse falsely, whose goodness was too noble to tolerate even the thought of persecution. What a contrast between Macaulay, the statesman, orator, and writer, and the peanut politicians and petty pamphleteers of America who are willing to barter their souls for a little ready cash and sell their birthrights of religious freedom for a miserable mess of pottage of the Ku-Klux Klan! What a dangerous and dizzy descent from Macaulay to one of the candidates for office of this traitorous vendetta!

Mr. Speaker, I have been told recently by different Members of this House that the members of the Ku-Klux Klan are still circulating at their secret meetings in the South and West reports of the existence of a terrible oath which it is alleged is taken by members of the Knights of Columbus, an oath too dirty and filthy to be spoken or printed, an oath said to be directed at the destruction of Protestantism and free government, an oath that has been repeatedly shown to be bogus and false.

The poor dupes and ignoramuses who allow themselves to be misled by lies of this kind are doubtless ignorant of the fact that this alleged oath of the Knights of Columbus has been shown to be false not only by commissions of Protestants appointed for the purpose but by court trials as well, at which Protestant judges presided and Protestant juries convicted. In the interest of truth and justice I wish to cite several instances.

On January 29, 1915, Hon. William Kettner, formerly a Member of Congress from California, a Protestant, and a thirty-third degree Mason, caused to be inserted in the CONGRESSIONAL RECORD a report of a committee of Free Masons of Los Angeles which read as follows:

"We hereby certify that by authority of the highest officer of the Knights of Columbus in the State of California, who acted under instructions from the supreme officer of the order in the United States, we were furnished a complete copy of all the work, ceremonies, and pledges used by the order, and that we carefully read, discussed, and examined the same. We found that while the order is in a sense a secret association, it is not an oath-bound organization, and that its ceremonies are comprised in four degrees, which are intended to teach and inculcate principles that lie at the foundation of every great religion and every free state. Our examination of these ceremonials and obligations was made primarily for the purpose of ascertaining whether or not a certain alleged oath of the Knights of Columbus, which has been printed and widely circulated, was in fact used by the order, and whether, if it was not used, any oath, obligation, or pledge was used which was or would be offensive to Protestants or Masons, or those who are engaged in circulating a document of peculiar viciousness and wickedness. We find that neither the alleged oath nor any oath or pledge bearing the remotest resemblance thereto in matter, manner, spirit, or purpose is used or forms a part of the ceremonies of any degree of the Knights of Columbus. The alleged oath is scurrilous, wicked, and libelous, and must be the invention of an impious and venomous mind. We find that the order of Knights of Columbus, as shown by its rituals, is dedicated to the Catholic religion, charity, and patriotism. There is no propaganda proposed or taught against Protestants or Masons or persons not of Catholic faith. Indeed, Protestants and Masons are not referred to directly or indirectly in the ceremonials and pledges. The ceremonial of the order teaches a high and noble patriotism, instills a love of country, inculcates a reverence for law and order, urges the conscientious and unselfish performance of civic duties, and holds up the Constitution of our country as the richest and most precious possession of a knight of the order. We can find nothing in the entire ceremonials of the order that to our minds could be objected to by any person.

"MOTLEY HUGHES FLINT,
"*Thirty-third Degree, Past Grand Master of Masons of California.*

"DANA REID WELLER,
"*Thirty-second Degree, Past Grand Master of Masons of California.*

"WM. RHODES HERVEY,
"*Thirty-third Degree, Past Master and Master of Scottish Rite Lodge.*

"SAMUEL E. BURKE,
"*Thirty-second Degree, Past Master and Inspector of Masonic District.*"

Let it not be forgotten, my colleagues, that the committee that framed this report and the Congressman who introduced it in the RECORD were all Protestants and Free Masons and were actuated in their conduct only by motives of truth and justice.

Mr. Speaker, I wish now to tell briefly of two criminal trials in which the bogus character of this alleged oath was conclusively shown.

The first was a Philadelphia case and was legally styled "Commonwealth of Pennsylvania against Charles Megonegal and Clarence H. Stage."

Megonegal and Stage were indicted for malicious libel, and were charged with printing and causing to be printed libelous matter—the bogus Knights of Columbus oath—thereby willfully and maliciously exposing the Knights of Columbus as a body and certain individually named men, members of the order, who were complainants, to public hatred, contempt, and ridicule, to their great damage, disgrace, scandal, and infamy.

At a preliminary hearing before the trial Megonegal stated that he had bought copies of the bogus oath in bulk from The Menace before starting to print it on his own account.

On Friday, January 30, 1914, Megonegal and Stage appeared in the quarter sessions court before Hon. Robert N. Willson, presiding judge, to answer the indictment against them. Megonegal pleaded guilty and Stage nolo contendere, meaning that the truth of the charge was not denied, the district attorney having previously agreed that sentence be suspended in consideration of these pleas.

Attorneys MacLaren and King, counsel for the defense, joined in the request to the court for suspended sentence, pleading good faith on the part of their clients, who, they said, had received the "oath" from The Menace, of Aurora, Mo.

As evidence that their clients had been deceived, they presented to the court a copy of a letter sent to The Menace by Mr. King, asking the paper's aid in the defense of Megonegal and Stage, and the original of the reply received from The Menace.

The text of Mr. King's letter follows:

PHILADELPHIA, *February 27, 1913.*

MENACE PUBLISHING CO., *Aurora, Mo.*

GENTLEMEN: Mr. Peter M. MacLaren and myself are associated in the case of libel and conspiracy brought by the Knights of Columbus against Clarence H. Stage and Charles Megonegal, of this city.

We notice in your issue of March 1 that you are prepared to print and distribute the complete ritual and secret work of the Knights of Columbus, and we desire to obtain an authentic copy of said ritual and secret work for use in the trial of our clients, since the prosecution alleges that there is no oath taken by candidates for any of the Knights of Columbus degrees. Can you supply us with what we desire and need?

Our clients have no knowledge of the authenticity of the Knights of Columbus oath, having received them in the first instance from your company, and they naturally rely upon you to aid them in their present difficulty.

An early reply will be greatly appreciated.

Yours very truly,

LEROY N. KING.

The answer of The Menace was as follows:

AURORA, MO., *March 5, 1913.*

Mr. LEROY N. KING,
Philadelphia, Pa.

DEAR SIR: Replying to your letter of February 27, we wish to state that we are not in possession of the ritual and secret work of the Knights of Columbus, but we believe we are in fair way to get it; and the statement in a recent issue of The Menace which led you to believe that we had it in our possession, while somewhat of a bluff on our part, was based on the fact that we know that it can be had. You will note that we printed in our No. 99 the ritual and secret work of the Hibernians, and we are positive that it is authentic. The alleged oath which your clients in Philadelphia were arrested for distributing was circulated in practically every State during the late campaign, and the demand upon us for this document was something great, and we had received copies of them from so many sources we simply printed and handled them as we would any other job of printing—to supply the demand—and while we have no apologies to make for so doing, we do not have any evidence that the oath is the one which is taken by members of the Knights of Columbus.

We feel sure that it would be folly for you to undertake to base your defense on the authenticity of this document.

We note that some of the officials are claiming that it is not an oath-bound order, which, of course, is a subterfuge and untrue. You can depend on them resorting to any method which they can contrive to bluff away their critics, and if they are so bent on vindicating themselves, why not ask that they present in court the obligations which they do take? This would be the quickest way to clear the matter up in the minds of the people.

We are filing your letter and will be on the lookout for anything which we think will aid in the defense of these men.

Trusting that this will be satisfactory, we beg to remain,

Yours sincerely,

THE MENACE PUBLISHING CO.

In suspending sentence under the agreement, Judge Willson, a prominent Presbyterian layman in Philadelphia, said:

"I think that these cases have reached a very proper conclusion, and it is, in my judgment, quite suitable that, in accordance with the desire of all parties concerned, sentence should be suspended in the cases.

"Great care ought to be taken that no injustice should be done by written or spoken words to either individuals or institutions. It is not at all strange that the prosecutors in these cases should not have been willing that the opprobrium which would naturally arise if the publications complained of had been founded in truth should be allowed to exist.

"I am personally glad to hear from the head of the order or society referred to what he has said in regard to the matter.

"Though not of the same faith, I realize fully and without reluctance that the church with which that society is affiliated accomplishes a vast deal of good. Its activities should be protected from misrepresentation.

"I may add that my personal acquaintance with Mr. Flaherty, the head of the order in question, leads me to accept his statement without hesitation."

The distressing conclusion to be drawn from this trial, Mr. Speaker and my colleagues, is that there are publications in this country which are permitted to pass through the mails that shamelessly admit that they lie and bluff, and unblushingly confess that they ship these printed lies and bluffs in job lots and carloads to the detriment of the character and to the destruction of the good names of American citizens.

Another case of the greatest interest in this regard was that entitled "State of Minnesota against A. M. Morrison and Garfield E. Morrison, editors and publishers of the Mankato (Minn.) Morning Journal."

This was an action of criminal libel brought by one E. M. Lawless, editor of the Waterville Sentinel, against two men—A. M. Morrison and G. E. Morrison, father and son, editors and publishers of the Mankato Morning Journal, of Mankato, Minn. The libel consisted, as alleged, in the charging of Lawless with having taken the bogus Knights of Columbus oath.

After a long and sensational trial the jury returned a verdict of guilty, which was read by the foreman, Rev. Thomas Billing, a Methodist minister, and the court imposed a jail sentence of 30 days on each of the defendants, from which an appeal was taken.

An interesting correspondence regarding this trial between the Reverend Mr. Billing and Mr. Fred Bierman, publisher of the Decorah (Iowa) Journal, was as follows:

DECORAH, IOWA, *August 14, 1914.*

Rev. THOMAS BILLING,
Pastor of Methodist Church, Waterville, Minn.

DEAR SIR: I have noted with interest that you were a juror in the prosecution of A. M. and G. E. Morrison, of Mankato, for criminal libel by E. M. Lawless, of the Waterville Sentinel.

The reports are that the jury unanimously voted for the conviction of A. M. and G. E. Morrison. May I not ask you to write me a line or two, stating whether or not this report is a fact? And also give me any bit of information that may be of interest in the case.

This anti-Catholic agitation, in my judgment, is very discreditable to all the Protestant Churches that do not seek in the spirit of Christian charity to quiet it. Furthermore, it is a menace to the best conduct of political affairs and breeds a very regrettable bitterness and suspicion among people who otherwise would be friends.

If you have no objection, I should thank you very much for the privilege of publishing your reply in the Journal.

Sincerely yours,

FRED BIERMAN.

—

The answer:

WATERVILLE, MINN., *August 15, 1914.*

Mr. FRED BIERMAN, *Decorah, Iowa.*

DEAR SIR: Yours of the 14th received. And while I do not care for publicity, must admit that either by the irony of fate or by the hand of Providence I found myself upon the jury empaneled to find a verdict in the E. M. Lawless criminal libel case against A. M. and G. E. Morrison, of the Mankato Journal. I did not know until I reached the court room of the case. Had I known what awaited me that day I would probably have been absent when the sheriff came three-quarters of an hour before the trial to summon me. But when summoned, did not inquire how or learn for what purpose. However, never having run away from anything that looked like duty, and not being challenged by either party, I stood my ground, and notwithstanding much adverse local criticism, am glad to have had the privilege of helping to nail down so ugly and diabolical a lie as the pseudo oath so widely published and attributed to Ed Lawless was proven to be.

Furthermore, my district superintendent and other of my ministerial brethren (all of whom I have hitherto met) have expressed themselves as being perfectly at one with me.

The case was very simple.

1. The publication of the so-called oath in the defendant's paper was proven.

2. Its diabolical character was proven.

3. Its circulation in Waterville was proven by Rev. H. P. Chapman, pastor of the Congregational Church of that city.

4. Its utter and complete falsity was proven by two witnesses of the highest standing in the order, viz, Doctor Buckley, of St. Paul, by whom or in whose presence the fourth degree was conferred on complainant Lawless, and also by William J. McGinley, of New York, supreme secretary of the order and custodian of all the written and oral work.

The first ballot stood 9 to 3 for conviction. The second ballot stood 10 to 2 for conviction, and the third was unanimous for conviction. The verdict was followed by a sentence of 30 days for each of the defendants in the county jail. The case, however, is appealed to the district court in September.

The case was the result of an anti-Catholic spirit (which has had other deplorable results), stirred up by the advent of Annie Lowry, the pseudo nun, whose trail across the State is quite visible and certainly not enviable. Such things exhibit the strange anomaly of a religion of love producing the keenest haters and a gospel of peace engendering strife and animosities more bitter than the disputes and rivalries of the most profane.

Yours for the peace of Zion,

(Rev.) THOMAS BILLING,
Foreman of Jury.

Thanks for letter:

DECORAH, IOWA, *August 17, 1914.*

Rev. THOMAS BILLING,
Waterville, Minn.

MY DEAR SIR: I thank you very much for your letter of August 15 and for the promptness of your reply.

I want to compliment you on the position you take in the matter and to say that, in my opinion, if the Protestant clergymen in general took this position they would be held in higher esteem by the general public.

If I can do you a favor at some future date, I hope that you will not hesitate to call upon me.

Sincerely yours, FRED BIERMAN.

And lastly, Mr. Speaker, not only have Protestant committees and the courts of the country branded the alleged "oath" as a lie but an election committee of this House, after careful examination of the subject, has done the same.

In the CONGRESSIONAL RECORD of February 15, 1913, pages 3215 et seq., appears a report of the Committee on Elections No. 1 of this House, in the contested-election case of Eugene C. Bonniwell against Thomas S. Butler. The contestant alleged that the circulation of the "oath" against him was libelous and had influenced the election to his disadvantage.

After reciting the "oath," which is too indecent to be quoted here, the committee in its report said:

"This committee can not condemn too strongly the publication of the false and libelous article referred to in the paper of Mr. Bonniwell, and which was the spurious Knights of Columbus oath, a copy of which is appended to the paper. It also condemns the publication of editorials to excite religious prejudice in a political campaign. No man should be persecuted for his religion, whether he be Catholic or Protestant."

Notwithstanding the indisputable proofs of the falsity of this alleged "oath" by Protestant committees, by the courts, and by the Congress, anti-Catholic publications and the Ku-Klux Klan still continue to poison the public mind with this infamous lie and libel.

The latest form of persecution directed by fanatics against the Knights of Columbus is to accuse them of misappropriation of war funds intrusted to them for the benefit of American soldiers of the Great War. Recently I received at my office in Washington from one Jay W. Forrest, alleged supreme grand master of the so-called Sons and Daughters of Washington, Albany, N. Y., a card which read, in part, as follows:

"*To the Congress of the United States:*

"We demand that the Knights of Columbus, a secret Roman Catholic organization, be investigated by a committee to ascertain what they have done with the millions of dollars raised by the American people for the benefit of the American soldiers, turned over to them by the invisible hand in Washington the latter part of 1918."

Then following this on the card are statements, allegations, and insinuations that are doubtless as baseless as those concerning the bogus Knights of Columbus oath.

I have in front of me, my colleagues, the printed "Report of the Supreme Board of Directors, Knights of Columbus Educational and Welfare Work," for the fiscal year ending June 30, 1922. This report is certified as correct by Mr. Emanuel Engel, a member of the New York bar and a certified public accountant, with offices in the Woolworth Building, New York City.

Mr. Engel is a non-Catholic, and there is no reason whatever to believe that he has certified a false account. On the contrary, there is every reason to believe that the account is absolutely correct. The receipts and disbursements, the assets, liabilities, and reserves are given systematically and in great detail, in such detail and at such length that I do not deem it expedient to insert them in the RECORD. I will gladly submit the printed report to any Member of the House who wishes to examine it. It was evidently issued by the Knights of Columbus for the inspection and examination of the general public.

I will merely state that the account shows that the Knights of Columbus received from the two sources, (1) Knights of Columbus drive a total of $15,230,503.76, and (2) from the united war-work campaign a total of $26,862,592.69, making a grand total of $42,093,096.45.

When the disbursements are subtracted from the receipts, the amount shows a balance of $7,879,104.11, and the printed statement concludes with this paragraph:

DISPOSITION OF BALANCE UNENCUMBERED.

Balance unencumbered as of July 1, 1922		$7,116,370.51
Estimated budget for fiscal year beginning July 1, 1922	$2,094,370.51	
Estimated requirements for continuation and extension of activities for five years beyond June 30, 1923, for hospital service, correspondence courses, general administration, sundry requirements (chaplains, insurance, etc.), and contingencies	5,022,000.00	
		7,116,370.51

It affords me great pleasure, Mr. Speaker, to call attention to this accounting, which is doubtless correct to a cent. It affords we pleasure also to testify personally to the magnificent work of the Knights of Columbus during the Great War in France, Belgium, and Germany. I was myself a member of the faculty of lecturers of the American Expeditionary Forces University at Beaune, France. I had occasion and opportunity to study the fine work of all the great religious and charitable American organizations. Many times have I stood and watched agents of the Knights of Columbus, standing in front of their booths, huts, or tents inviting soldiers to come in for refreshments, and never once did I hear even a suggestion of religion or denominational adherence. The doughboys were given sandwiches, chocolates, or drinks, and were then sent away with a blessing and a Godspeed, without question or comment concerning any religious or denominational profession. And the very last thing that I remember when our train pulled into Brest from Paris loaded with American soldiers homeward bound was the presence of Knights of Columbus men, together with representatives of other welfare organizations, shouting welcome to the happy doughboys and showering them with sandwiches, chocolates, and candies.

I remember, too, that there was no mention of religion there. Such a thing would have been despicable and mean, for every train from Paris brought Protestants, Catholics, and Jews, indiscriminately mingled; great, strong-limbed, ruddy-faced youths in khaki, with brows crowned with laurels of victory fresh from the battle fields of France where they had covered themselves and their country with glory at Chateau-Thierry and in the Argonne Forest. And when I think of those splendid days of national exultation, of magnanimous and generous self-forgetfulness, of distinctions in politics and religion buried in supreme patriotic enthusiasm and emotion, and then am compelled to consider and contemplate the meanness and degeneracy of the race prejudice and religious bigotry of this day and time, I am alternately angered and made sick at heart.

Mr. Speaker, I am neither Catholic nor Jew. I am a Presbyterian Protestant, and I hold the tenets of my faith as dearly as does any man. But I despise racial intolerance and religious bigotry, and I hate persecution as I do the spirit of the devil and all his ways. I believe that the best hope of this Republic lies in the maintenance forever of the groundwork of religious freedom upon which the fathers founded it. When that foundation crumbles I believe that the Republic will crumble with it.

Civil liberty was not born in America. It was born in Catholic England, at Runnymede, in 1215, more than 300 years before Protestantism appeared upon the earth, when Catholic barons wrung from King John the famous Magna Charta, the foundation of all Anglican and American civil freedom.

America's distinct and priceless contribution to the political civilization of the earth was in the gift of religious freedom to mankind; in other words, in the framing of a government that separated church and state forever, and made individual judgment and conscience the test of man's rights of faith and worship in matters of religion.

Excepting a few years in the reign of Constantine, beginning in the year 313 of our era and ending with the death of that monarch, there was no religious freedom upon the earth until the adoption of the American Constitution and the founding of the American Republic. That is, there was no separation of church and state and no legal religious freedom.

The founders of the Republic who gathered at Philadelphia in 1787 had the history of mankind before them for inspiration and instruction. They were deeply familiar with all the bloody religious wars that had cursed the human race. They knew that Protestants and Catholics had been equally guilty of religious persecution and oppression. They also knew that both Catholics and Protestants had fought the battles of the Revolution successfully side by side, had suffered together at Valley Forge, had both upheld the arms of Washington at every turn, and together had triumphed gloriously at Yorktown.

These reflections impressed the framers of the Constitution with a holy magnanimity, imbued them with a divine generosity, and blending their patriotic counsels, they said: In building our Constitution, the great instrument of our new Government, we will forget the horrors and barbarities, the cruelties and atrocities of the religious persecutions of the past. We will forget the burning of Savanorola by Catholics and of Servetus by Protestants. We will forget both the Catholic Spanish inquisition and the Protestant English Court of High Commission. We will only remember that almost simultaneously Roger Williams, a Protestant, in the forests of Rhode Island, and Lord Baltimore, a Catholic, in the wilderness of Maryland, proclaimed religious liberty to the world, based upon the sublime declaration of the Nazarene, the divine author of their common faith, when he said: Render therefore unto Cæsar the things which are Cæsar's, and unto God the things that are God's.

Washington, the immortal first President of the Republic, expressing his own views as well as indicating the sentiments of his compatriots of the great convention, once said.

"If I could have entertained the slightest apprehension that the Constitution framed in the convention, where I had the honor to preside, might endanger the religious rights of any ecclesiastical society certainly I would never have placed my signature to it, and if I could now conceive that the General Government might be so administered as to render the liberty of conscience insecure I beg you will be persuaded that no one would be more zealous to establish effectual barriers against the horrors of spiritual tyranny and every species of religious persecution."

Thomas Jefferson, expressing the same patriotic sentiments in condensed form, once wrote:

"I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

In the same tone and tenor James Madison wrote:

"Religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, and not by force or violence. The religion, then, of every man must be left to the conviction and conscience of every man to exercise it as these may indicate. This right is in itself an inalienable right."

Line upon line and precept upon precept this cumulative creed of religious freedom has come down to us from the lips and lives of all our statesmen, heroes, and patriots, and has marked every step of our progress toward a marvelous and magnificent destiny.

But, Mr. Speaker, all this is to be now reversed if the Ku-Klux Klan can have its way. Protestants are to be secure, but Catholics and Jews insecure, in their rights of religious freedom. We are to return to those days of bigotry and persecution that the fathers in their wisdom believed they had blotted forever from the minds and memories of men. God forbid!

Roman Catholics, I respectfully submit, Mr. Speaker and my colleagues, are entitled to complete religious freedom as a matter of "inalienable right," in the language of Madison. But aside from this inalienable right, of which no human agency can legally rob them, Catholics have earned this constitutional right as statesmen in the councils, generals in the tents, and soldiers in the ranks of freedom.

Time does not permit and the occasion does not demand a calling of the roster of Catholic great names in the annals of the Republic. Nevertheless, Catholic deeds and achievements enrich the pages of all our history.

Charles Carroll of Carrollton, the Irish Revolutionary patriot, was a signer of the Declaration of Independence and a bosom friend of Washington.

"Saucy Jack Barry, father of the American Navy," whose monument adorns one of the parks of the Capital, was, like many of the seamen under him, an Irishman and a Catholic.

Gen. Stephen Moylan, appointed by Washington, was a Catholic and the first quartermaster of the Revolutionary Army.

It is a well-known fact that the Friendly Sons of St. Patrick met the revolutionary bankrupt Government's appeal for financial aid with a subscription of over a half million dollars. Thomas Fitzsimmons, a Catholic merchant of Philadelphia, made an individual subscription of $25,000, a vast sum at that time.

Our later military history has been adorned by the illustrious names of Meagher, Ewing, Sheridan, and Rosecrans.

The Supreme Court of the Nation has been ably presided over by two great Catholic jurists, Taney and White, Chief Justices.

The Senate of the United States has been adorned by the brilliant statesmanship of many Catholic Senators, notable among them being General Shields, whose statue stands in Statuary Hall, who was the hero of two wars—the Mexican and the Civil—and that had the peculiar distinction of being a United States Senator from three States—Illinois, Minnesota, and Missouri.

Every grammar-grade pupil in the public schools knows the history of Catholic activity and achievement in the discovery, exploration, and settlement of America. The first names taught him are those of Columbus, Americus Vespuccius, De Soto, Balboa, Cortez, Champlain, Joliet, Marquette, Cartier, La Salle, and Iberville, all Catholic heroes and explorers. He no sooner learns of the discovery and settlement of America than his teacher tells him of the great aid of Catholic France and Catholic Poland in the establishment of the independence of his country. He is thrilled with the mere mention of the names of Lafayette, Rochambeau, Fleury, Count de Gras, Pulaski, De Kalb, and Kosciusko, all Catholic comrades of Washington and champions of American independence.

If the grand goblins and king kleagles of the Ku-Klux Klan could gather in Lafayette Square in front of the White House in Washington and be reminded that of the four heroic figures in bronze and marble that adorn the four corners of this square, three of them—those of Lafayette, Rochambeau, and Kosciusko—are statues of Catholic heroes, they might be slightly mollified in their hatred of Catholicism. They might even be inclined to allow a few Catholics to remain in the country undisturbed in the enjoyment of the civil and religious liberty that these men with their swords helped to establish.

The names of Lafayette and Rochambeau, Mr. Speaker, remind us that brave and brilliant and beautiful Catholic France has more than once in a supreme crisis of human history stood in the breach for liberty and civilization.

They were Catholic knights under Karl Martel at the nine-day battle of Tours that stopped the advance of Mahomet's empire, that preserved western Christian civilization, and that gave to Europe Bibles instead of korans and cathedrals instead of mosques. They were Catholic youths at Verdun who, with faces lit by the eternal Gallic smile and with hearts beating wildly to the trumpet calls of La Marseillaise, went, like bridegrooms to a marriage feast, to death and dust for liberty, humanity, and civilization.

In closing, Mr. Speaker, I wish to make vigorous and earnest protest against the anti-Catholic propaganda in many sections of the country that is becoming a menace to the peace of the Nation, that is furnishing a solemn mockery of our boasted religious freedom, and that would destroy the corner stone of the Republic if allowed to become effective. As a Presbyterian who believes that there can be no religious freedom for the Protestant unless there is equal religious freedom for the Jew and Catholic, I protest against the widespread anti-Catholic agitation in America.

It is not possible, my colleagues, that the nature and character of this propaganda are unknown to you. The purposes are seriously and solemnly proposed and proclaimed by certain anti-Catholic organizations and anti-Catholic newspapers to restrict the political rights of Catholics in America by denying them, as far as possible, the privilege of holding public offices under the Government. Could any proposal be more undemocratic and un-American? Could a more dastardly project be suggested to undermine the spirit of the Constitution and to destroy religious freedom in our country? And do you know that these agitators advocate this religious discrimination in spite of the fact that Article VI of the Constitution provides that—

"No religious test shall ever be required as a qualification to any office or public trust under the United States."

And in spite of the fact that article 1 of the Bill of Rights provides that—

"Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."

Do you know that they strangely contend that such a discrimination is needed to preserve free institutions and as a means of perpetuating public liberty? Have you stopped to consider that they seriously contend that Catholicism and despotism are identical and interchangeable and that Catholic domination would be the destruction of free institutions in the United States? These anti-Catholic propagandists tell us that if Catholics reach a numerical majority in the country and get control of the machinery of government, the Pope, instead of the President, the Congress, and the courts, will rule us. They boldly assert that we are even now threatened with Catholic domination, and they point with alarm to numerous offices held by Catholics under the State and Federal Governments, as if Catholics were not constitutionally entitled to hold offices if the people see fit to elect them.

In their fear and trembling that Catholics will seize the Government and overturn the Republic, they do not seem to understand that Catholics do not now hold and that they have never held public office in America, except in a few large cities, in proportion to their percentage of the general population. There are approximately 16,000,000 Catholics in the United States, about 17 per cent of the whole people. But, except in a few cities, like Boston, New York, and Chicago, they do not hold public positions in proportion to their numbers.

On a proportional basis Catholics would be entitled to about 76 Members of this House. They have only about 30. They would be entitled to 17 Members of the United States Senate. I understand that they have only five. And what is true of Congress is true of nearly every other branch of both the State and Federal Governments of this Union. How we are seriously threatened with Catholic domination, then, it is impossible for me to comprehend.

The silly and preposterous charge that Catholicism is hostile to free institutions and identical with a union of church and state is made in the very face of comparatively recent radical democratic developments in the histories of two of the most powerful Catholic countries in the world, of Italy and France, where the separation of church and state is as positive and pronounced as in our own country.

What support for their arguments, may I ask, do these anti-Catholic agitators derive from the outcome of the Garibaldian revolution, from the separation of church and state in Italy, and from the imprisonment of the Pope in the Vatican by Italian Catholics themselves? What support have they in the separation of church and state in France, the beautiful and brilliant among the nations, whose chivalric sympathies sent Lafayette and Rochambeau as ambassadors of freedom to our shores, whose school children presented to our Republic the Liberty Goddess in the harbor of New York, and whose "Liberty, Equality, and Fraternity" of her famous revolution has reverberated like a splendid anthem around the earth for more than a hundred years?

What have these anti-Catholic propagandists, who charge that Catholicism is a menace to free institutions, to say when they are told that nearly every Republic on this earth, more than 20 in number, excepting the pagan Republic of China and the United States, is overwhelmingly Catholic in population? Far from being antagonistic to free institutions, is there not a strong suggestion in this fact that Catholicism and republican government are identical? Is there not a further suggestion of republican heredity when we consider that nearly all the Catholic races of modern times are direct descendants of the people of the ancient Roman Republic?

Are the anti-Catholic agitators, we may ask, ready to declare that Catholics of other Republics are advocates of freedom and are friendly to free institutions, while the Catholics of the United States are hostile and unfriendly? Would not such a charge be a gratuitous insult to the patriotism and an ungrounded slander upon the heroic conduct of American Catholics in every crisis of our history? Is it not a matter of common knowledge that Irishmen, chiefly Catholics, have always been foremost as defenders of American liberty? Has there ever convened a single Congress of this Republic in which Irish Catholic Members were not present and ready to defend American constitutional freedom if occasion arose and necessity required defense? Has there been a single battle field of this Republic upon which their blood has not richly flowed in defense of liberty and of the Union? Then why this unfounded calumny, these ungenerous insinuations, these cruel attacks upon their religion and their patriotism?

Let me remind my colleagues, in closing, of their exalted character and of the sacred and solemn obligations resting upon them as national representatives of the foremost Republic of the earth. If ungenerous and un-American impulses and fierce and unbridled passions must kindle the fires and stir the hatreds of religious bigotry among the people at large, let us here, at least, in the sacred confines of this Hall, preserve a dignified and patriotic equanimity, a statesmanlike composure, and a courageous attitude as the legislative guardians of civil and religious freedom on this continent. Let us above all things not forget that this Republic was not designed by the Revolutionary fathers to be Protestant, Catholic, or Jewish, but was intended as a perpetual asylum of religious freedom, where Protestant, Catholic, and Jew might each worship Almighty God after the dictates of his own conscience and in his own way.

The founders of the Republic designed the Constitution to be perpetual, the generations that followed proclaimed it an immortal document, and it is our sacred and solemn duty to help to transmit it untarnished and undiminished in beauty and in strength to all the generations that come after us. Any assault upon it should be accounted an accursed act. He who would despoil it should be execrated as we would loathe the profaner of a temple or the desecrator of a shrine.

There is positively no place for race prejudice or religious bigotry beneath our flag. In vain did Washington, marching in Liberty's vanguard, "lead freedom's eaglets to their feast"; in vain the proclamation of the Declaration of Independence and the adoption of the Constitution at Philadelphia more than a hundred years ago; in vain the bonfires and orations of the Nation's natal day, if our boasted liberties are to exist in theory but not in practice, in fancy but not in fact. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CHANDLER of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. JOHNSON of Washington. Reserving the right to object, what is the subject, in detail?

Mr. CHANDLER of New York. I desire to extend my remarks along the lines of what the President has said on this particular subject.

Mr. Speaker, I renew my request to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York renews his request to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Speaker, I yield 20 minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker and gentlemen of the House, I hope that the Members of this House appreciate the importance of this judgeship bill. By one act of Congress we are increasing the number of Federal judges of this country by 24. I dare say that never in the legislative history of this country, with perhaps one exception, has a similar addition been made to the Federal judiciary at one time. I believe every Member of this House, regardless of which side he may sit upon, will agree with me that one of the highest duties which this Congress owes to the country is to see to it that neither the fact nor the suspicion shall rest against the Federal judiciary that political considerations have entered into the creation of the positions or the clothing of an individual with judicial authority. Is not that a sound proposition? If it is not, then I do not understand the duty and responsibility which rests upon Members of the American Congress.

I call your attention especially, gentlemen, to one particular judgeship in this bill, and incidentally I shall refer to some others; and upon facts which can not be controverted, I respectfully challenge the right of a Member of the American Congress to vote for this sort of legislation.

Gentlemen upon the left-hand side of this Chamber have the responsibility with regard to legislation now. You have proclaimed to the country that this is an administration of economy. Those were words, and words only; by your deeds you shall be judged. But, gentlemen, there is something far more important involved in a bill touching the Federal judiciary than the mere matter of dollars and cents. The man who wears the robe of a Federal judge tries the citizens of this country for their lives and their liberties and adjudicates property rights. The citizenship of this country have no power, directly or indirectly, broadly speaking, to choose their Federal trial judges. Now, let us see. I am referring now to the new judge for the State of New Mexico. The record shows that the judge now provided for the State of New Mexico—the judge already there during the fiscal year covered by the last report of the Attorney General—tried only 44 cases, criminal and civil together—44 cases only—and yet this administration is putting in a new judge there. Why? Politics! The rankest sort of politics! I hate to say that, but it is a palpable fact.

Now, gentlemen on the Republican side of the House, I am not claiming any superior merits for the party of which I am a member. I am speaking to you now because you have the responsibility. We must not be Democrats and Republicans when we face a question of this sort.

I tell you that in a time like this, when there are grave questionings in the hearts of many of the people of this country with regard to the integrity of their officials, the honesty of governmental administration generally, we can not afford to have the suspicion rest against the judge or against the position which he holds that his job was created for the sake of politics; because, gentlemen, if the facts justify the suspicion that the job has been created for political considerations, you can not make the people believe that political consideration stopped short of filling the position. That is why you create the position—to put the man in it. When you go before the tax-burdened people this fall with these unnecessary judgeships, you may be able to help some individual Members of Congress who have gotten these judgeships for their respective districts and for their States, but you must face the people of the country as a whole, who are required to pay the taxes for their maintenance, and you must face the people of the country as a whole, whom, I believe, do not favor and have virtue enough to resent "playing politics" with Federal judgeships. The people of this country are not going to indorse a policy on the part of this administration to make secure the reelection of its adherents by such a price as this.

This New Mexico judgeship which is provided in this bill is not the only judgeship which is provided where no judge is needed. In my opposition to this bill when it was before the House originally I called your attention to a number of others, but this New Mexico judgeship is the rawest deal of them all. It illustrates the lengths to which you are apparently willing to go; it demonstrates the lengths to which you are going in "playing politics" with Federal judgeships. It is not fair to you; it is not fair to the country; it is violative of one of the highest duties which you owe to have regard for the sanctity of these judicial positions and to keep them free from the fact and free from the suspicion of political jockeying. No Member of Congress, in the House or in the Senate, has a right to ask the Congress to lay the hand of politics—cheap, palpable, jockeying politics—upon the Federal judiciary in order to make sure his reelection. I believe in party loyalty within proper limitations, but there are duties which men owe which are higher than the duties which they owe to their party. I challenge any man on this floor to defend this judgeship, the honorable chairman of the Judiciary Committee [Mr. VOLSTEAD] included. I want to say to his credit that he opposed the creation of this position. The only criticism that I have with him is that he ever consented to it. Forty-four cases tried in one year and we create a new judge for the district. Think of it, gentlemen; we had already added a new judge to each of the districts of California, a new judge to Arizona, one for the eastern district of Oklahoma, one for the northern district of Texas, and one for the district of Montana, absolutely surrounding the district of New Mexico with new judges and most considerably oversupplying that western territory. And now you are sending an additional judge to New Mexico! What for? Let us be honest about it. Is he needed in that district? No. Nobody can seriously contend that; I assume nobody here will contend that he is needed there. Is he needed in any of the territory from the Pacific Ocean straight through to the Atlantic, in any of the Western or Southern States? Nobody can contend that he will be needed there. He can not be used anywhere without transporting him across the continent at Federal expense for transportation and $10 per day additional for each day that he is out of his district. Then why is this new judge provided for New Mexico, for a district where he is not needed and in a territory where he can not be used? Simply, gentlemen, to help out the New Mexico delegation in Congress, or some member of that delegation, you are asked to contribute as a matter of politics this Federal judgeship with its added burden upon a tax-burdened people. I say with all respect, gentlemen, it is a disgrace to the American Congress. You can not defend it and you can not afford to do it.

Mr. YATES. This judgeship for New Mexico came from the Senate, did it not?

Mr. SUMNERS of Texas. Yes; it was put on by the Senate.

Mr. BUTLER. The gentleman knows that the House conferees objected to it.

Mr. SUMNERS of Texas. I objected to it.

Mr. BUTLER. Was the gentleman one of the conferees?

Mr. SUMNERS of Texas. Yes; and I never signed the conference report and never will.

Mr. BUTLER. I know the gentleman very well, and I know he will not stultify himself by doing what he does not want to do. What I want to know is, how this judgeship got in. I want to know the reason of it.

Mr. SUMNERS of Texas. I wish I could tell you how it got in.

Mr. BUTLER. I voted for the bill originally, thinking there was occasion for some of these additional judges, and I think my friend did.

Mr. SUMNERS of Texas. No; I voted against the bill then. I have always conceded that there is need for some additional judges, but we must not permit that need to be taken advantage of, and this bill turned into a pork-barrel affair.

Mr. BUTLER. Is it not a case of simply having to take this judgeship or have no bill at all?

Mr. SUMNERS of Texas. I think not. But I take the position, and regard it as fundamental, that in the creation of Federal judgeship positions, it can not be compromised or sacrificed for any other consideration on earth, that it must be so—that every man that wears the robe of a Federal judge shall not have attached to him or his office the suspicion that he was given the job as a matter of political consideration at all. I think that is fundamental. How can you if you make the American people believe that the job has been created for the sake of politics—how in the name of common sense are you going to make them believe in the integrity of the man that will take a job of $7,500 from the taxpayers, the people of this country, hard up as the people are, put that money in his pocket, loaf around, and make them believe that he is the right sort of man to try the issues of life, property, and liberty in this country? If you will defeat the conference report we will get the judgeship bill back this session of Congress, and one that will not stultify a man when he votes for it. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I desire to say a few words in answer. I am very glad of one thing. It has been generally charged in the newspapers that this bill was a pork barrel bill that provided for a great many unnecessary judges. When the bill is here for final passage the gentleman from Texas has only been able to stress one instance where he thinks there is anything wrong.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. SUMNERS of Texas. I voted against the bill originally in the House. I cited the instance of New Mexico as illustrating what I believe is the general character of the bill touching not only New Mexico but a number of other judgeships.

Mr. VOLSTEAD. An examination was made by a commission selected by the Attorney General, composed of three judges and two district attorneys, for the purpose of determining how many judges were needed. They concluded that 30 new judges were needed if we should clean up and take care of the business as it is coming in.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. CHINDBLOM. Were these 30 judges who were recommended to be rotated?

Mr. VOLSTEAD. They recommended that 18 should be rotated, and that we put in other judges so as to make up the number of 30.

Mr. CHINDBLOM. And did that recommendation contain a judge for New Mexico?

Mr. VOLSTEAD. It did not; the House conferees were not in favor of a judge for New Mexico. But this bill provides for a conference of the senior circuit judges of each circuit, to be called here at Washington annually, for the purpose of determining where judges are needed. If judges have not sufficient work in their own districts, they will be assigned to a place where they can work.

Mr. BUTLER. That would include any district, any of the northern districts?

Mr. VOLSTEAD. It would.

Mr. BUTLER. Then this judge of New Mexico could be sent to Maine?

Mr. VOLSTEAD. Yes; and he will be sent where he is needed. That was one of the chief arguments used by the Senate conferees to convince the House conferees that the amendment for this judge ought to be accepted. It seems clear to me that all of these judges are needed, and that it is only a question of where they ought to be located. It perhaps is unfortunate that one of these judges should be located in New Mexico, as he might have been located where it would have been more convenient. But there is nothing in the contention that because this man is appointed from New Mexico he will have nothing to do, because we provide in this bill that these judges shall be assigned for work elsewhere when it is necessary to keep the work current everywhere, and there is no question but that there is a great deal more work to do than the judges can clean up in the next dozen years to come. In all probability there will be more business than all of these judges can care for as the business of the country increases.

Mr. CHINDBLOM. Is the gentleman from Minnesota personally convinced that there is enough work for all these judges to do if properly assigned?

Mr. VOLSTEAD. There is no doubt about it; there will be more business for the Federal courts to do for years to come regardless of the fact that we have these 24 new judges.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. SUMNERS of Texas. Would the gentleman object to stating his judgment as to why they located the judge in New Mexico?

Mr. VOLSTEAD. I do not think that is material one way or the other. The Senate insisted on having the man appointed from New Mexico, it voted for it, and their conferees insisted that we ought to allow it.

Mr. BLANTON. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. BLANTON. Will the gentleman state to the House what the expenses in the way of per diem and subsistence are allowed for a district judge when he is holding court in a place other than where he resides?

Mr. VOLSTEAD. Not exceeding $10 a day for maintenance, besides mileage.

Mr. BLANTON. The gentleman spoke of the judge who is not needed in New Mexico being sent to Maine. If that should occur incidentally and he was sent to Maine, we would allow him $10 a day and mileage from New Mexico to Maine, because he is holding court in a place other than his residence.

Mr. VOLSTEAD. I do not think I mentioned Maine or sending the New Mexico judge to Maine.

Mr. BUTLER. I mentioned Maine myself to make a rather extravagant supposition.

Mr. BLANTON. I know the State of Maine was mentioned.

Mr. CHINDBLOM. The State of Maine is on everybody's lips to-day.

Mr. BLANTON. It is to-day.

Mr. BUTLER. And will be to-morrow. Let me ask the gentleman the objection is not to the number of judges that are created by this bill but it is the error or misfortune in the location?

Mr. VOLSTEAD. Even if we agree that it is an unfortunate thing to locate one of these judges in a place where we believe he ought not to be appointed there is no reason for finding serious fault with a bill of this kind. We can not expect to get all the things we may want; compromise is necessary; we have to be reasonable. So long as we do not provide unnecessary judges, it does not seem to me that we should oppose the bill or take serious exceptions. We have done the best we could, and the bill on the whole is a very good one. I move the previous question on the conference report.

Mr. SUMNERS of Texas. Mr. Speaker, if the gentleman will withhold his motion, I desire to ask unanimous consent to revise and extend my remarks.

Mr. VOLSTEAD. I withhold my motion.

The SPEAKER pro tempore (Mr. DOWELL). The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none. The gentleman from Minnesota moves the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is upon the adoption of the conference report.

Mr. SUMNERS of Texas. Mr. Speaker, on that I demand the yeas and nays.

Mr. BLANTON. Mr. Speaker, I ask for a division, and I make the point that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Texas demands the yeas and nays. Forty-six Members have arisen, a sufficient number, and the Clerk will call the roll.

The question was taken, and there were—yeas 139, nays 78, not voting 210, as follows:

YEAS—139.

Ackerman
Andrew, Mass.
Andrews, Nebr.
Anthony
Appleby
Atkeson
Barbour
Benham
Bird
Bixler
Blakeney
Boles
Bond
Bowers
Brennan
Brown, Tenn.
Burtness
Butler
Cable
Campbell, Kans.
Campbell, Pa.
Cannon
Chalmers
Chandler, N. Y.
Chindblom
Christopherson
Clague
Clarke, N.Y.
Clouse
Colton
Coughlin
Crago
Crowther
Curry
Dale
Darrow
Davis, Minn.
Denison
Drane
Dyer
Echols
Elliott
Ellis
Fairchild
Faust
Fish
Fitzgerald
Fordney
Foster
French
Fuller
Glynn
Goodykoontz
Gorman
Graham, Ill.
Green, Iowa
Greene, Mass.
Greene, Vt.
Hadley
Hardy, Colo.
Haugen
Hawley
Hayden
Hays
Hickey
Hicks
Himes
Hogan
Hudspeth
Hukriede
Husted
Hutchinson
Ireland
Jefferis, Nebr.
Johnson, Wash.
Jones, Pa.
Kearns
Keller
Kelly, Pa.
Kendall
King
Kissel
Kline, Pa.
Knutson
Kraus
Lawrence
Lehlbach
McCormick
McFadden
McKenzie
McLaughlin, Nebr.
Madden
Magee
Merritt
Millspaugh
Mondell
Moore, Ill.
Moore, Ohio
Morgan
Murphy
Newton, Minn.
Newton, Mo.
Norton
Ogden

Osborne
Parker, N. J.
Patterson, Mo.
Reece
Reed, N. Y.
Reed, W. Va.
Riddick
Roach
Rodenberg
Ryan
Scott, Tenn.
Shaw
Shreve
Sinnott
Smith, Idaho
Smithwick
Snyder
Sproul
Steenerson
Swank
Swing
Taylor, Tenn.
Tilson
Timberlake
Towner
Treadway
Vaile
Vestal
Volstead
Watson
Wheeler
Williams, Ill.
Wyant
Yates
Young

NAYS—78.

Almon
Aswell
Bankhead
Beck
Black
Bland, Va.
Blanton
Bowling
Box
Briggs
Buchanan
Bulwinkle
Burke
Carew
Collins
Cooper, Wis.
Cullen
Davis, Tenn.
Dowell
Driver
Evans
Fairfield
Favrot
Gahn
Garner
Garrett, Tex.
Hardy, Tex.
Harrison
Hill
Hoch
Huddleston
Jacoway
Jeffers, Ala.
Johnson, Miss.
Jones, Tex.
Kincheloe
Kindred
Kleczka
Kopp
Lampert
Lanham
Lankford
Lazaro
Lea, Calif.
Leatherwood
London
Lowrey
McClintic
McLaughlin, Mich.
Mansfield
Moore, Va.
Moores, Ind.
Oliver
Park, Ga.
Parks, Ark.
Purnell
Quin
Ramseyer
Rankin
Rayburn
Ricketts
Robsion
Rose
Sanders, Tex.
Sandlin
Sinclair
Steagall
Stedman
Stephens
Summers, Tex.
Taylor, Colo.
Thomas
Tillman
Tucker
Tyson
Voigt
Williams, Tex.
Wingo

NOT VOTING—210.

Anderson
Ansorge
Arentz
Bacharach
Barkley
Beedy
Begg
Bell
Bland, Ind.
Brand
Britten
Brooks, Ill.
Brooks, Pa.
Browne, Wis.
Burdick
Burroughs
Burton
Byrnes, S. C.
Byrns, Tenn.
Cantrill
Carter
Chandler, Okla.
Clark, Fla.
Classon
Cockran
Codd
Cole, Iowa
Cole, Ohio
Collier
Connally, Tex.
Connell
Connolly, Pa.
Cooper, Ohio
Copley
Cramton
Crisp
Dallinger
Deal
Dempsey
Dickinson
Dominick
Doughton
Drewry
Dunbar
Dunn
Dupré
Edmonds
Fenn
Fess
Fields
Fisher
Focht
Frear
Free
Freeman
Frothingham
Fulmer
Funk
Gallivan
Garrett, Tenn.
Gensman
Gernerd
Gilbert
Goldsborough
Gould
Graham, Pa.
Griest
Griffin
Hammer
Hawes
Henry
Herrick
Hersey
Hooker
Hull
Humphreys
James
Johnson, Ky.
Johnson, S. Dak.
Kahn
Kelley, Mich.
Kennedy
Ketcham
Kiess
Kirkpatrick
Kitchin
Kline, N. Y.
Knight
Kreider
Kunz
Langley
Larsen, Ga.
Larson, Minn.
Layton
Lee, Ga.
Lee, N. Y.
Lineberger
Linthicum
Little
Logan
Longworth
Luce
Luhring
Lyon
McArthur
McDuffie
McLaughlin, Pa.
McPherson
McSwain
MacGregor
Maloney
Mann
Mapes
Martin
Mead
Michaelson
Michener
Miller
Mills
Montague
Montoya
Morin
Mott
Mudd
Nelson, Me.
Nelson, A. P.
Nelson, J. M.
Nolan
O'Brien
O'Connor
Oldfield
Olpp
Overstreet
Paige
Parker, N. Y.
Patterson, N. J.
Perkins
Perlman
Peterson
Porter
Pou
Pringey
Radcliffe
Rainey, Ala.
Rainey, Ill.
Raker
Ransley
Reber
Rhodes
Riordan
Robertson
Rogers
Rosenbloom
Rossdale
Rouse
Rucker
Sabath
Sanders, Ind.
Sanders, N. Y.
Schall
Scott, Mich.
Sears
Shelton
Siegel
Sisson
Slemp
Smith, Mich.
Snell
Speaks
Stafford
Stevenson
Stiness
Stoll
Strong, Kans.
Strong, Pa.
Sullivan
Summers, Wash.
Sweet
Tague
Taylor, Ark.
Taylor, N. J.
Temple
Ten Eyck
Thompson
Tincher
Tinkham
Underhill
Upshaw
Vare
Vinson
Volk
Walters
Ward, N. Y.
Ward, N. C.
Wason
Weaver
Webster
White, Kans.
White, Me.
Williamson
Wilson
Winslow
Wise
Wood, Ind.
Woodruff
Woods, Va.
Woodyard
Wright
Wurzbach
Zihlman

So the conference report was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Free (for) with Mr. Martin (against).

Mr. Knight (for) with Mr. Wilson (against).

Mr. Burton (for) with Mr. Oldfield (against).

Mr. Thompson (for) with Mr. Tague (against).

Mr. Patterson of New Jersey (for) with Mr. Garrett of Tennessee (against).

Mr. Kahn (for) with Mr. Cantrill (against).

General pairs:

Mr. Cooper of Ohio with Mr. Ward of North Carolina.

Miss Robertson with Mr. Logan.

Mr. Fess with Mr. O'Brien.

Mr. Gernerd with Mr. Lee of Georgia.

Mr. Mann with Mr. Stoll.

Mr. Luce with Mr. Mead.

Mr. Edmonds with Mr. Barkley.

Mr. Brooks of Pennsylvania with Mr. Fields.

Mr. Langley with Mr. Clark of Florida.

Mr. Henry with Mr. Upshaw.

Mr. Griest with Mr. McDuffie.

Mr. Kiess with Mr. Deal.

Mr. Frear with Mr. Connally of Texas.

Mr. Kirkpatrick with Mr. Johnson of Kentucky.

Mr. Longworth with Mr. Kitchin.

Mr. Graham of Pennsylvania with Mr. Linthicum.

Mr. Tincher with Mr. Byrns of Tennessee.

Mr. Strong of Pennsylvania with Mr. Kunz.

Mr. Snell with Mr. Drewry.

Mr. A. P. Nelson with Mr. Doughton.

Mr. Little with Mr. Humphreys.

Mr. Burdick with Mr. Larsen of Georgia.

Mr. Kennedy with Mr. Bell.

Mr. Nolan with Mr. Byrnes of South Carolina.

Mr. Paige with Mr. Sears.

Mr. Burroughs with Mr. Cockran.

Mr. Lineberger with Mr. Dominick.

Mr. Porter with Mr. Rainey of Alabama.

Mr. Schall with Mr. Pou.

Mr. Maloney with Mr. Gallivan.

Mr. Morin with Mr. Sullivan.

Mr. Taylor of New Jersey with Mr. Crisp.

Mr. Rhodes with Mr. Fulmer.

Mr. Bland of Indiana with Mr. Collins.

Mr. Cramton with Mr. Carter.

Mr. Webster with Mr. Overstreet.

Mr. Volk with Mr. Wise.

Mr. Wood of Indiana with Mr. Sisson.

Mr. Winslow with Mr. Riordan.

Mr. Brooks of Illinois with Mr. O'Connor.

Mr. Funk with Mr. Goldsborough.

Mr. Wason with Mr. Taylor of Arkansas.

Mr. Krieder with Mr. Vinson.

Mr. McPherson with Mr. Montague.

Mr. Perkins with Mr. McSwain.

Mr. Dickinson with Mr. Woods of Virginia.

Mr. Radcliffe with Mr. Griffin.

Mr. Johnson of South Dakota with Mr. Rainey of Illinois.

Mr. Bacharach with Mr. Hammer.

Mr. Connolly of Pennsylvania with Mr. Fisher.

Mr. Anderson with Mr. Brand.

Mr. Mudd with Mr. Dupré.

Mr. Wurzbach with Mr. Gilbert.

Mr. Dallinger with Mr. Hawes.

Mr. Cole of Ohio with Mr. Hooker.

Mr. White of Maine with Mr. Raker.

Mr. Stiness with Mr. Sabath.

Mr. Siegel with Mr. Lyon.

Mr. Begg with Mr. Rucker.

Mr. Temple with Mr. Ten Eyck.

Mr. Codd with Mr. Wright.

The result of the vote was announced as above recorded.

PENSION BILL.

Mr. KNUTSON. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 5214, disagree to the Senate amendments, and agree to the conference asked for by the Senate.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War, and widows of such soldiers and sailors.

The SPEAKER pro tempore. Is there objection?

Mr. CANNON. Mr. Speaker, I desire to move to reconsider the vote by which the judges bill was passed and to lay that motion on the table.

The motion was agreed to.

Mr. GARNER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Minnesota whether or not he has consulted with the minority members of the committee about sending this bill to conference?

Mr. KNUTSON. I will say to the gentleman that I spoke to the gentleman from Georgia [Mr. UPSHAW] possibly two weeks ago and told him that I hoped to get the bill to conference just as soon as the Senate had acted upon it, and he said that it was perfectly agreeable to him. I do not know whether the gentleman is in the city or not.

Mr. GARNER. Well, Mr. Speaker, the gentleman from Georgia [Mr. UPSHAW] could not have known what is in this bill because it was added to in the Senate, very materially changing the pension policy of the country. It is not a mere private pension bill granting pensions to private individuals, but the Senate has broadened the scope of the pension laws of the country. I do not think a bill like that should go to conference by unanimous consent, but should be considered by the membership of the committee, and for the present I shall object.

Mr. KNUTSON. I think this is just merely an omnibus bill, I will say to the gentleman. I do not think there has been any legislation attached to it. It is nothing but an omnibus bill.

Mr. GARNER. May I ask the gentleman if he is certain that his statement is correct, that it is nothing but an omnibus pension bill and has no legislation in it? If he takes the responsibility of making that statement, I will not object, but my impression is, in looking over the proceedings of the Senate, that there is general legislation in the bill.

The SPEAKER pro tempore. Is there objection?

Mr. GARNER. For the present, Mr. Speaker, I object.

Mr. KNUTSON. I am informed by the parliamentary clerk, Mr. Speaker, that there are no amendments such as the gentleman suggests.

Mr. GARNER. Then I withdraw my objection.

Mr. RANKIN. Mr. Speaker, I was out of the Chamber when this matter was brought up. I would rather have the chairman of the committee withdraw the request for the present, until members of the committee have an opportunity to look over this bill. I am not one of the conferees.

Mr. KNUTSON. I will say to the gentleman this is about the last opportunity at the present session to dispose of the bill, and if it goes over now it will go over until next winter. It has been before one House or the other since last winter, and I think we ought to dispose of it. I will say to the gentleman that if the gentleman from Georgia [Mr. Upshaw] is not here, of course it would be perfectly proper to substitute the name of the gentleman from Mississippi [Mr. Rankin].

Mr. RANKIN. Mr. Speaker, I am not asking to go on the conference committee.

Mr. KNUTSON. I make the suggestion in order to expedite this legislation. Otherwise it will go over until next winter, and there are some very meritorious cases here for which Members on both sides are anxious for consideration at this time.

The SPEAKER. Is there objection?

Mr. RANKIN. I shall not object.

There was no objection.

SURPLUS POWER, SALT RIVER RECLAMATION PROJECT.

Mr. HAYDEN. Mr. Speaker, I call up the conference report on the bill H. R. 10248.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10248) authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

[For conference report and statement see House proceedings of August 30, 1922.]

CADET FROM THE NETHERLANDS TO THE NAVAL ACADEMY.

Mr. STEPHENS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 169 and ask for its consideration.

The SPEAKER. The gentleman from Ohio calls up a Senate resolution. Has it been passed by the House?

Mr. STEPHENS. It has been passed by the House and passed by the Senate.

The SPEAKER. It is a Senate resolution similar to a bill that has already been passed by the House. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution (S. J. Res. 169) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Willem van Doorn, a subject of the Netherlands.

Resolved, etc., That the Secretary of the Navy be, and he hereby is, authorized to permit Mr. Willem van Doorn, a subject of the Netherlands, to receive instruction at the United States Naval Academy at Annapolis: *Provided,* That no expense shall be caused to the United States thereby, and that the said Willem van Doorn shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and that the said Willem van Doorn shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board.

Mr. BLANTON. Mr. Speaker, reserving the right to object in order to ask a question, may I ask the gentleman how many countries are given this privilege by the United States Government?

Mr. STEPHENS. I can not answer the gentleman, but it is customary to give countries this privilege when they make application, and they are granted the privilege of sending to our Naval Academy some one whom they desire.

Mr. BLANTON. The gentleman will remember that there was a measure before the House to increase the present membership in the Naval Academy, and the proposition was turned down. I was just wondering whether or not we were going to deprive our own American boys from entering the academy and then at the same time permit various countries to send boys there?

Mr. STEPHENS. Not at all. There was a disposition to reduce the Naval Academy numbers because we did not need so many of them for the future. But this is not an expense to our Government, and it does not take the place of any boys from our own country that need a place, and it is a courtesy that has always been extended.

Mr. BLANTON. Does the Netherlands grant a reciprocal privilege to the United States?

Mr. STEPHENS. I do not believe they do, because there is never any application from the United States to attend any of their naval or military academies in the Netherlands.

Mr. BLANTON. Will the gentleman advise us why this privilege should be granted by the United States to any country?

Mr. STEPHENS. I probably could if I had the time to go into a lengthy discussion of the custom that has been followed here in our country for years and years to grant this courtesy to different nations in order to give their representatives appointment in either our Naval Academy or our Military Academy.

Mr. BLANTON. The only reason for my taking up the time of the gentleman by asking this question is this, that when we are in war we seek to overcome our enemy by reason of having better trained soldiers and sailors. Now, if we are going to give every country the right to the same knowledge and training that our soldiers and sailors receive in this country, what is our hope of being able to outdo them in strategy or in any other way in war time?

Mr. STEPHENS. We are only going to give one representative.

Mr. BLANTON. But that representative can go home and tell his country every single item that is connected with the training that our naval officers receive in this country.

Mr. STEPHENS. They can get that anyhow. That is not a secret. It is open to all countries, the whole public, as to the character of the instruction they receive at the Naval Academy. There is nothing secret about that.

Mr. BUTLER. Anybody can get that.

Mr. BLANTON. I doubt very seriously the wisdom of it.

The SPEAKER. The question is on the third reading of the Senate resolution.

The resolution was ordered to a third reading; and having been read the third time, was passed.

On motion of Mr. Stephens, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

EXTENSION OF ALLOTMENTS ON CROW RESERVATION, ETC.

Mr. SNYDER. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 10193 and concur in the Senate amendments.

The SPEAKER. The gentleman from New York calls from the Speaker's table and asks to concur in the Senate amendments, a bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10193) extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes.

The SPEAKER pro tempore (Mr. Tilson). The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, may I ask the gentleman from New York if any objection has been made to the amendments?

Mr. SNYDER. No. I have conferred with members of the committee on the other side and there is no objection. These amendments simply clarify the language in the House bill.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

On motion of Mr. Snyder, a motion to reconsider the vote whereby the Senate amendments were agreed to was laid on the table.

Mr. FISH rose.

NATIONAL HOME FOR JEWISH PEOPLE IN PALESTINE.

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. FISH. I desire to call up from the Speaker's desk House Joint Resolution 322.

The SPEAKER pro tempore. The gentleman from New York calls up from the Speaker's table House Joint Resolution 322, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 322) favoring the establishment in Palestine of a national home for the Jewish people.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Senate amendment was read.

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, may I ask the gentleman to explain the change that has been made in this resolution by the Senate?

Mr. FISH. Mr. Speaker, I understand that the Senate amendment simply struck out the preamble—not all after the preamble.

The SPEAKER pro tempore. All of the preamble.

Mr. MOORE of Virginia. Then the resolution remains exactly the same as when passed by the House?

Mr. FISH. Yes; except the preamble.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

ADDITIONAL FEDERAL JUDGES.

Mr. VOLSTEAD. Mr. Speaker, I move to lay on the table Senate bill 1288, for the purpose of clearing the calendar. I have a number of them that I would like to lay on the table, because they are embodied in the general bill which has just been passed.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 1288) to provide for the appointment of two additional judges of the District Court of the United States for the Southern District of New York.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Minnesota.

The motion was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I also move to lay on the table the bill S. 2089.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (S. 2089) authorizing the appointment of an additional judge for the district of Minnesota.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Minnesota.

The motion was agreed to.

Mr. VOLSTEAD. I also move to lay on the table Senate bill 1254.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (S. 1254) providing for the appointment of an additional district judge in and for the eastern district of Michigan.

The SPEAKER pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Mr. VOLSTEAD. I also move to lay on the table the bill H. R. 2261.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 2261) providing for an additional judge for the district of Montana.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Minnesota.

The motion was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I also move to lay on the table the bill S. 395.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (S. 395) providing for an additional judge for the district of Arizona.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from Minnesota to lay the bill on the table.

The motion was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I also move to lay on the table the bill H. R. 6648.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 6648) authorizing the appointment of an additional judge for the district of Minnesota.

The SPEAKER pro tempore. The gentleman from Minnesota moves that the bill lie on the table. The question is on agreeing to that motion.

The motion was agreed to.

SUBPŒNAS FOR WITNESSES.

Mr. VOLSTEAD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 3917 in lieu of the bill H. R. 12355, reported by the Committee on the Judiciary of the House, being a similar bill.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

A bill (S. 3917) to amend section 876 of the Revised Statutes.

Be it enacted, etc., That section 876 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 876. Subpœnas for witnesses who are required to attend a court of the United States, in any district, may run into any other district: *Provided*, That in civil cases no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than 100 miles from the place of holding the same without the permission of the court being first had upon proper application and cause shown."

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, am I correct in understanding that this bill, if the House proceeds with its consideration, will be open for amendment?

Mr. VOLSTEAD. This is open for amendment.

Mr. MOORE of Virginia. There is at least one important amendment that ought to be adopted. With that understanding, I shall not object.

Mr. VOLSTEAD. I think we have the right under the rule to bring it up, anyhow.

Mr. Speaker, the only change that is made in this bill from the present law is found in the last two or three lines, with respect to permission to bring a witness more than 100 miles, provided the court gives consent. Heretofore you could only get them across the district line if the district was within 100 miles of the trial court. This bill gives discretion to the trial court to determine whether he shall be brought or not. It is not an arbitrary power given, but it is to be controlled by the court.

Mr. LONDON. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. LONDON. I assume that the permission can be granted by the court, on an ex parte examination, to the party desiring it?

Mr. VOLSTEAD. That may be true on proper application on cause shown. Of course, that would be within the discretion of the judge, if he would require the witness. It naturally would have to be granted on notice to the opposite party, I presume. There are two parties to the suit—that is, if the defendant has appeared.

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman allow me?

Mr. VOLSTEAD. Yes.

Mr. PARKER of New Jersey. The danger of this kind of legislation, as I understand it, is that some court trying a case, I do not care where, may make an order holding that some prominent man in New York is a material witness, and that he should be brought from New York to some distant State. I will not name any State. There is a great deal of prejudice against the power to take a man out of his State an unconscionable distance to be kept until the trial is over. This is not being done by unanimous consent, is it?

Mr. VOLSTEAD. No.

Mr. PARKER of New Jersey. I think this is a dangerous bill in its present form. There ought to be consent of the court in the jurisdiction from which the man is to be taken as well as of the court in the jurisdiction to which he is to be taken.

Mr. VOLSTEAD. This is asked for by the Attorney General for the purpose of enabling him to try these war-fraud cases.

Mr. PARKER of New Jersey. It will be used in ordinary small civil cases. It is one of the most dangerous powers in the world to allow a judge who wants to make a reputation to summon all the big bankers of New York to attend his court.

Mr. VOLSTEAD. The gentleman is afraid for New York, is he?

Mr. PARKER of New Jersey. No; I do not come from New York. I will take it from the gentleman's own State. Suppose all your big millers were ordered to come to some other State.

Mr. LONDON. Why not confine it to actions where the Government is the plaintiff? That would do what you desire.

It would give the power to the Attorney General in the cases that he wishes to apply it in. If we confine this extraordinary right to cases where the Government is a plaintiff, that will satisfy the Attorney General.

Mr. YOUNG. To cases where the Government is a party, either plaintiff or defendant.

Mr. LONDON. Where the Government is a party.

Mr. PARKER of New Jersey. Did not the gentleman from Minnesota ask unanimous consent to substitute the Senate bill?

The SPEAKER pro tempore [Mr. Tilson]. The gentleman from Minnesota called up the bill for consideration.

Mr. PARKER of New Jersey. I object.

Mr. VOLSTEAD. The gentleman can not object.

The SPEAKER pro tempore. The gentleman from Minnesota called up the bill as a matter of right.

Mr. PARKER of New Jersey. The gentleman had on the calendar his own bill. He moved to substitute the Senate bill for it. That has to be done by unanimous consent.

Mr. VOLSTEAD. I called up the Senate bill because it is substantially the same as the House bill that has been reported and is on the House Calendar.

Mr. PARKER of New Jersey. But that can not be done except by unanimous consent, and I object.

The SPEAKER pro tempore. The rule is clear that bills of similar substance may be considered in this way. The Chair overrules the point of order.

Mr. PARKER of New Jersey. Is there no difference in the bills?

Mr. VOLSTEAD. No; except that the word "trial" is stricken out; but it must be the trial court anyway. I yield five minutes to the gentleman from Arkansas [Mr. Wingo].

Mr. WINGO. Mr. Speaker, this bill embodies part of the provisions that were in the motion of the gentleman from Minnesota [Mr. Volstead] the other day, to suspend the rules and pass a bill which he made up by adding together parts of two bills, as I recall.

Mr. VOLSTEAD. All of two bills.

Mr. WINGO. Two bills. I objected to that procedure at that time because I thought a serious matter like this ought not to be passed by suspension of the rules, but that it ought to be passed only after full consideration and with the right of the House to amend the bill.

Here is what the gentleman from Minnesota [Mr. Volstead] wants to do. He wants to give the Attorney General the right in the war-fraud cases to subpœna witnesses and bring them to Washington, although they may be more than 100 miles away. Of course, I do not think this bill is going to do that without the amendment which the gentleman from Virginia [Mr. Moore] will suggest or offer. I think he has got to amend his bill by referring specifically to the courts of the District of Columbia; but, anyway, that is what he was trying to do. Now, it not only does that for this extraordinary purpose, but it makes it permanent law, and I do not think it ought to be made into permanent law. But we all hate to be put into the attitude of doing anything that will stand in the way of the Attorney General prosecuting these war-fraud cases. My candid judgment is that what the House ought to do is to give the Government the special right for 12 months, in these civil cases, to subpœna witnesses, upon the approval of the court, where the distance is more than 100 miles, and to bring the suits here in the District of Columbia, as the gentleman seeks to do in the other bill. That would give the Attorney General this extraordinary remedy in order to meet this extraordinary situation. But the gentleman does not do that. Let me say a word to my Democratic friends. We all appreciate the danger of this, just as I do, but we are up against this proposition, that from the standpoint of the Government we do not want to put one stone in the way of the Attorney General in prosecuting these war-fraud cases. He has made first one excuse and then another for not doing it now for nearly two years. You remember in the last campaign, two years ago at this time, gentlemen upon the Republican side went upon the stump and led the voters to believe, "If you will just put us in power and give us charge of the Department of Justice, we will have these war-fraud criminals in Federal jails so thick that their feet will be hanging out of the windows." Time has passed on, and where are they? Name the men that they have put in prison. They have offered first one excuse and then another.

Finally, Republicans upon that side, patriotic men, got after their own Department of Justice some months ago and threatened impeachment, and then Mr. Attorney General got busy, and he said, "Oh, yes; just give me an extraordinarily big fund. Let me employ a whole lot of lawyers and I will get busy." The House said, "All right; we will let you do that." So he stuck upon the pay rolls a bunch of high-priced lawyers. Then next he said, "Give me a special grand jury and I will carry out the pledge we made." We gave him the special grand jury, and now here in the closing hours of this session, just before the campaign, he comes along and says that the United States Government can not afford to use the ordinary processes, even in these civil cases of war frauds, but that the United States Government is so discredited in the outlying districts of the United States that he proposes to bring the suits in the District of Columbia, and that you must give him the right to bring witnesses from any part of the Nation. That is what is proposed by this bill. Then going further, he says, "We desire not to bring suits in any other district in the United States, but we want the right to join two or more citizens of the United States in a civil war-fraud action, and not to bring the suit in the domicile of either one of them, not to bring it where you may find them, but to bring it where the cause of action may have arisen on the war contract, in the District of Columbia." That is what the Attorney General of the United States now says. That is his last excuse. I think it is extraordinary. I have told representative Republicans, "If you will limit this to 12 months or even to 3 years, I will be willing to stand out of the way." I am going to stand out of the way. I do not want any excuse for this Attorney General. Give him what he now asks. For two years he has played ping-pong with this matter. It is a disgrace to you as well as to us. I know the humiliation of good Republicans. You have got to give him this extraordinary remedy; but let us hope that when we give it to him he will do more than he has done so far. [Applause.]

Mr. LONDON. Mr. Speaker, I offer an amendment.

Mr. VOLSTEAD. I do not yield for that purpose. What is the amendment?

Mr. LONDON. I want to offer an amendment to include after the words "civil cases" the words "in which the Government or any officer thereof is a party."

Mr. VOLSTEAD. That would limit it beyond the present law and as to anybody else.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield to me a few minutes?

Mr. VOLSTEAD. Yes. Will five minutes be sufficient?

Mr. MOORE of Virginia. Yes.

Mr. VOLSTEAD. I yield to the gentleman from Virginia five minutes.

Mr. MOORE of Virginia. Mr. Speaker, I am not antagonizing this legislation. I suppose if the Attorney General believes he needs additional power in order to carry on this business of his office, we ought to give it to him. I do agree, however, with the gentleman from Arkansas [Mr. Wingo] that it would be very unwise to pass the bill without attaching a time limit to its operation. I think, furthermore, that it would perhaps be proper to amend the bill so as to vest in the courts discretion as to the allowance of compensation to witnesses from a very great distance. But there is a further matter to be considered. The hearings on the bill have not been printed, but I have read the typewritten report of the hearings, and the confessed general purpose of the bill is to locate proceedings in the District of Columbia. I think it is fairly clear from the provisions of existing statute that to pass the bill in its present form would not serve that purpose. The bill should be amended, and a very simple amendment will accomplish what I have in mind, so as to make it relate specifically to the District of Columbia. It is true the bill refers to "districts." That means judicial districts, and while the District of Columbia is a geographical district it is not a judicial district within the meaning of the Judicial Code. In order to clear up any doubt and surely effect the purpose in view, I am going to suggest to the gentleman that this language be added as an independent sentence at the end of the bill:

> The word "district" and the words "district court" as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia.

If that is done, no doubt will exist. If that is not done, the provision will be left open to construction upon the question being raised by counsel in the cases that will be brought here.

Mr. VOLSTEAD. Will the gentleman hand his amendment to me?

Mr. MOORE of Virginia. I offer the amendment, Mr. Speaker.

Mr. VOLSTEAD. If the gentleman will give the amendment to me, I will offer it. I do not want to yield the floor.

Mr. MOORE of Virginia. I will hand the amendment to the gentleman.

Mr. VOLSTEAD. Mr. Speaker, I offer the amendment.

The SPEAKER. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 1, line 12, after the word "shown" and the period insert a comma and the following sentence: "The word 'district' and the words 'District of Columbia' as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

Mr. JONES of Texas. Mr. Speaker I understood when the bill was first brought up the gentleman from Minnesota made the statement that the bill would be open to amendment.

Mr. VOLSTEAD. It is, just the same as any House bill is open to amendment.

Mr. JONES of Texas. Does not the gentleman think it would be well to put a time limit of three years on this, so that it will not be enacted into permanent law? After the war-fraud cases are disposed of it will be a serious matter to require witnesses to cross the continent in general civil cases. I do not see any provision made for payment to witnesses outside of the usual fees. Are they to pay anything for the extra travel of a witness coming from San Francisco?

Mr. VOLSTEAD. Oh, they have got to be paid their fees; you have to tender them the money.

Mr. JONES of Texas. You do not have to tender them mileage in advance; you do have to tender them the fees for attendance, but you are not compelled to tender them the mileage. Unless they make affidavit of their inability to pay they can not collect the mileage in advance. I think the gentleman should consent to this being limited to a three-year term. I understand the Department of Justice does not object to a time limit. I would like to see them begin on these fraud cases and prosecute them to the limit. It may be that such a limitation will cause them to begin sooner, and the sooner the better.

Mr. VOLSTEAD. What form of an amendment does the gentleman suggest? It does not seem to me that this proposition is at all dangerous, and I see no reason why we should cover it up with any such amendment.

Mr. JONES of Texas. Let me make this suggestion. After this has run along a while and it becomes a customary thing to take a witness across the country and application is made to have a witness brought from a certain place, the witness will not be there to show why he can not attend. The attorney that represents the litigant will go to the court and show that it is an important case and that here is a witness in Montana, or California, or Wyoming, or Colorado, and they would like to have him in attendance. They present one side of the case and the court makes the order and the witness is dragged clear across the continent. I am in accord with the stated purposes of the gentleman's bill, but I do think there ought to be this time limit.

Mr. VOLSTEAD. I have not heard any complaint in regard to these things.

Mr. JONES of Texas. The gentleman has heard complaints of witnesses being dragged great distances and forced to leave their business and attend court, and at any rate if he makes a permanent law, applying to all civil cases, he will hear many complaints.

Mr. HILL. Will the gentleman yield?

Mr. VOLSTEAD. Certainly.

Mr. HILL. Suppose there is an ordinary patent litigation in the district of Maryland, if this act is passed could a witness be summoned from any district in the country?

Mr. VOLSTEAD. I presume so.

Mr. BLANTON. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. BLANTON. Suppose a citizen of Minnesota was summoned to attend a Federal court to be held in El Paso, Tex., and he did not obey the subpœna. Suppose he was under a contempt charge and punished as seriously as a Federal judge can punish a witness who refuses to obey a summons. Does the gentleman from Minnesota want his constituents to be punished down in El Paso, Tex., for refusing to obey a civil subpœna?

Mr. VOLSTEAD. Oh, you can apply that to a person inside the district. You do not want him punished any more than you do a man outside. If the man has not got the money to go to Texas, he could show that and probably he could get out of it. The same argument applies to every summons, it makes no difference whether it is one district or another or the distance traveled. Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be read a third time and was read the third time.

Mr. BLANTON. Mr. Speaker, I move to recommit the bill to the Committee on the Judiciary.

Mr. JONES of Texas. Mr. Speaker, I offer an amendment to the motion to recommit. I move to amend the motion by recommitting it to the Committee on the Judiciary with instructions to report the same back forthwith with the following amendment: At the end of the second section insert the following:

This amendment shall be effective for a period of three years after the date of the passage of this bill, after which time section 876 of the existing law shall be and remain in full force and effect.

The SPEAKER. The Clerk will report the amendment.

Mr. JONES of Texas. I have not the amendment reduced to writing, but will do so immediately.

Mr. WINGO. Will the gentleman from Minnesota yield while the gentleman from Texas is reducing his amendment to writing?

Mr. VOLSTEAD. Yes.

Mr. WINGO. As I understand the gentleman's motion to recommit and the amendment he has offered, it is simply that this extraordinary right shall exist for a period of three years, at the expiration of which time the present existing law shall be revived and be in full force and effect?

Mr. VOLSTEAD. Yes; and I have no objection to it. I do not think it is necessary, but I have no objection.

Mr. WINGO. And the gentleman will accept the amendment?

Mr. VOLSTEAD. I will accept it.

Mr. WINGO. Will the gentleman yield for another question?

Mr. VOLSTEAD. Yes.

Mr. WINGO. This is one of the bills which the gentleman embodied in his motion to suspend the rules the other day. The other bill is S. 3918, that passed the Senate on Saturday. Is it the gentleman's intention to call that up to-morrow?

Mr. VOLSTEAD. I intend to call it up immediately.

Mr. WINGO. But it has just been reported.

Mr. VOLSTEAD. It is on the Speaker's table.

Mr. WINGO. I doubt if the gentleman can call it up to-day, but I may be in error about that.

The SPEAKER. The Clerk will report the amendment to the motion to recommit offered by the gentleman from Texas, Mr. JONES.

The Clerk read as follows:

Mr. JONES of Texas moves to recommit by inserting that the bill be recommitted to the Committee on the Judiciary, with instructions to report the same back forthwith, with the following amendment: "This amendment shall be effective for a period of three years after the date of the passage of this act, after which section 876 as it exists in the present law shall be and remain in full force and effect."

Mr. VOLSTEAD. On that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the amendment to the motion to recommit.

The amendment to the motion to recommit was agreed to.

The SPEAKER. The question is on the motion to recommit as amended.

The motion to recommit as amended was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I report the bill back with the amendment.

The SPEAKER. The Clerk will report the bill as amended.

The Clerk read the bill as amended.

Mr. HILL. Mr. Speaker, as reported is it in order to offer an amendment to this bill?

The SPEAKER. It is unless the previous question is moved.

Mr. HILL. I therefore offer the following amendment——

Mr. VOLSTEAD. Mr. Speaker, I move the previous question.

Mr. HILL. Add to the last line——

The SPEAKER. Of course the gentleman from Minnesota is entitled to prior recognition if he demands it.

Mr. HILL. I thought I was recognized.

Mr. VOLSTEAD. Mr. Speaker, I move the previous question on the bill.

The SPEAKER. The Chair must always recognize the gentleman in charge of a bill if he desires it. The gentleman from Minnesota talked so low the Chair could not understand just exactly what he said.

Mr. HILL. I would like to ask the gentleman in charge of the bill if he would object to an amendment limiting it to these war-fraud cases.

Mr. VOLSTEAD. I shall object because it is impossible to distinguish between classes of cases and other cases. I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The question was taken, and the bill as amended was passed.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, a similar House bill will lie upon the table.

There was no objection.

RETIREMENT OF GOVERNMENT EMPLOYEES.

Mr. FAIRFIELD. Mr. Speaker, I desire to call up the bill H. R. 11212 and ask that it be sent to conference.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table the bill H. R. 11212, to disagree to Senate amendments, and ask for a conference. The Clerk will report the bill by title.

The Clerk read as follows:

> A bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service and for other purposes," approved May 22, 1920.

The SPEAKER. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, has the gentleman consulted with the ranking member on the committee?

Mr. FAIRFIELD. I have.

Mr. WINGO. And this meets the joint wishes?

Mr. FAIRFIELD. It is the joint wish that it shall be sent to conference.

Mr. MOORE of Virginia. Mr. Speaker, still further reserving the right to object, will the gentleman state briefly what are the points of difference between the Senate and House?

Mr. FAIRFIELD. The House fixed the age at 60. The Senate fixed the age at 55 as the age at which the employee might be able to have the benefit of compensation under the retirement act.

Mr. MOORE of Virginia. As I recollect, that was the main question of the subject of debate in the House when the bill was up here.

Mr. FAIRFIELD. The bill as originally introduced contained the age of 50. The committee amended it and raised it to 60. The Senate has put the age at 55. That is the only material amendment to the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk announced the following conferees: Mr. LEHLBACH, Mr. FAIRFIELD, and Mr. BLACK.

VENUE IN CASES OF THE GOVERNMENT.

Mr. VOLSTEAD. Mr. Speaker, I move to take from the Speaker's table the bill (S. 3918), the Committee on the Judiciary having reported a bill substantially the same which is now on the calendar.

The SPEAKER. The gentleman from Minnesota calls up the bill, which the Clerk will report by title.

The Clerk read as follows:

> A bill (S. 3918) to amend section 51 of chapter 4 of the Judicial Code.

Mr. WINGO. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. WINGO. I may be in error, but I understood the gentleman from Minnesota to say the bill was "substantially" the same. There is a "substantial" difference in the bills, and I am going to raise the question and state to the Speaker there is a very substantial point of difference, and if I am in error I desire the gentleman from Minnesota to correct me. In the House bill authority is given for joining the parties bringing suit in any district where the defendant or any one of the defendants may be found. That is not in the Senate bill. That is the most substantial change that is made in the law.

One of the substantial objections to the bill the Senate cut out. Now, would the Speaker hold that a Senate bill which changed in some other minor ways a law would be substantially the same as a House bill?

The SPEAKER. The gentleman from Minnesota stated they were practically the same.

Mr. WINGO. As I say, I challenge the accuracy of the judgment of the chairman. Page 2, lines 14 and 15, these are the words that are stricken out in the Senate, as I understand—

> or in any district wherein the defendants or any one of the defendants may be found.

And the Senate inserted this language—

> being a necessary party, or being jointly, or jointly and severally, liable.

But I do not know that the latter language would make any difference. But the substantial major change that was proposed in the law, or one of them, was left out of the Senate bill.

Mr. VOLSTEAD. The entire proviso, from line 7, on page 1, down to the end is the same in the two bills. And the only change occurs in lines 13, 14, and 15. It is one of the provisions as to the place where a suit may be brought. Now, it seems to me clear that the entire purpose of this legislation is the same in both bills. Now, some years ago—quite a number of years ago—a bill was brought in for the purpose of limiting immigration, and in the Senate bill, which was put upon the Speaker's desk and was taken from the desk and considered, there were quite a number of changes; changes, it seems to me, that were very much more material than this change would be. I think it is referred to in fourth Hinds, and the Speaker can refer to it. There are quite a number of minor changes of this kind. There are three or four different provisions here as to where a suit may be brought, and we have simply stricken out one. And the object of the Speaker at that time was to advise the House as to things that would likely be brought up. Our bill advises as to all of it, every item, including the thing that was stricken out, because we put upon the calendar a bill in exactly the same form as the Senate bill, with the exception of these changes.

Mr. WINGO. Will the gentleman yield for a question? And I would like to ask the Speaker to follow me. Under the existing law it is covered by the part before the proviso:

> No civil suit shall be brought in any district court against any person by any original process or proceeding in any other district than that whereof he is an inhabitant.

Now, the House bill proposed several substantial changes. One of them was that you might bring it where any one of the defendants might be found, or wherein the cause of action, or any part thereof, arose. In other words, that part of it with reference to being an inhabitant is now in existing law. The substantial change is to bring the suit wherever he may be found or where the action arises.

Mr. VOLSTEAD. In any district where one or more of the defendants may be found. Under the old law you can only bring it where he is an inhabitant.

Mr. WINGO. The House bill permits you to bring a suit where you may find either one of the several defendants that are joined, and it makes a substantial difference and leaves in the words—

> any district wherein the cause of action or any part thereof arose—

whether they are inhabitants there or have been in that district.

Mr. VOLSTEAD. That is in both bills.

Mr. WINGO. In the Senate bill the Senate cuts out—

> or in any district where the defendant or any one of the defendants may be found.

If you will examine at the desk you will find the Senate adopted the amendment of its committee. Is not that true?

Mr. VOLSTEAD. Yes.

Mr. WINGO. The amendment of the committee, on page 2, line 14, strikes out the words—

> or in any district wherein the defendant or any one of the defendants may be found.

The Senate cut that out, but the House bill has it in. In the minds of some people it is the one substantial change.

Mr. VOLSTEAD. The only change that is in this bill is this, that you can bring the suit against two or more persons living in different districts. That is the real substantial change made in this bill. The Senate has only cut out a part of what our House bill provides for. We are asking to the extent at least that we have reported it.

Mr. WINGO. My contention is that that is a substantial point.

Mr. VOLSTEAD. And we ought to be permitted to take up the Senate bill and pass it, because it seems to me it is substantially the same thing.

The SPEAKER. The Chair understands that the gentleman from Minnesota [Mr. VOLSTEAD] moves to pass the Senate bill as it stands?

Mr. VOLSTEAD. Yes.

The SPEAKER. It seems to the Chair that that is in order. Speaker Reed stated that the purpose of the rule that they should be substantially the same, was in order that the House might not be taken by surprise; that a bill shall not be brought in under the guise of being the same and yet have matter in it which the House would have no reason to expect. In this case it seems to the Chair that the Senate amendment restricts instead of enlarging the operation of the bill.

Mr. WINGO. There is no doubt about that.

The SPEAKER. Therefore anybody who objected to the House bill would object less to the Senate bill. A person might oppose the House bill and support the Senate bill, but a person could hardly oppose the Senate bill without opposing more earnestly the House bill. There can therefore be no surprise, because the Senate bill does not accomplish as much as the House bill does. It seems to the Chair that it comes within the rule that it is substantially the same.

Mr. WINGO. I never did appreciate that decision of Speaker Reed, to the effect that a party to a suit should not offer a demurrer because he was not surprised by the allegation of the complaint.

I ask for the bill to be reported in full, because it is not printed.

Mr. MOORE of Virginia. Mr. Speaker, for the sake of accuracy, the gentleman from Minnesota referred to this bill, when he called it up, as S. 3917. Should it not be S. 3918?

Mr. VOLSTEAD. Yes.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 3918) to amend section 51 of chapter 4 of the Judicial Code.

Be it enacted, etc., That section 51 of chapter 4 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be amended so as to read as follows:

"SEC. 51. Except as provided in the five succeeding sections, no person shall be arrested in one district for trial in another in any civil action before a district court; and, except as provided in the six succeeding sections, no civil suit shall be brought in any district court against any person by any original process or proceeding in any other district than that whereof he is an inhabitant; but where the jurisdiction is founded only on the fact that the action is between citizens of different States, suit shall be brought only in the district of the residence of either the plaintiff or the defendant: *Provided, however*, That any civil suit, action, or proceeding brought by or on behalf of the United States, or by or on behalf of any officer of the United States authorized by law to sue, may be brought in any district whereof the defendant is an inhabitant, or where there be more than one defendant in any district whereof any one of the defendants is an inhabitant, or in any district wherein the defendant or any one of the defendants may be found, or in any district wherein the cause of action or any part thereof arose; and in any such suit, action, or proceeding process, summons, or subpœna against any defendant issued from the district court of the district wherein such suit is brought shall run in any other district, and service thereof upon any defendant may be made in any district within the United States or the territorial or insular possessions thereof in which any such defendant may be found with the same force and effect as if the same had been served within the district in which said suit, action, or proceeding is brought."

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, this is the companion bill I referred to in the consideration of the other bill. Now, here is what the House understands you are proposing to do. Up to 1885, I believe it was, you permitted, I think, this kind of a proceeding by either the Government or by individual citizens. It was so abused, especially by citizens, that Congress changed the law.

Now, here is what is proposed by this bill: That the Government of the United States may join two or more citizens who live in different districts in the United States in these civil actions, these war-fraud cases, for that is what it is. You by this bill authorize the Government to bring the suit, not necessarily in the district where one or both of the defendants reside or of which they may be inhabitants, not necessarily where you may find one of the defendants, but you may bring the suit in a district where the cause of action arose. That means in these war-fraud cases that the Government intends to make this litigation take place right here, under the control of the Federal Government and under the eye of the Federal Government, in a territorial jurisdiction that is strange to the citizens who will be haled into that court, and the Government, under the bill you have just passed, will have the power to bring witnesses from Maine to California, from Florida to Oregon, and keep those citizens here in the District of Columbia.

What is the necessity for that extraordinary change in the law—a permanent change? The only plea that was offered was that in these war-fraud cases the Attorney General finds himself helpless, confessing that this Government had sunk to such a low estate that it dare not sue a citizen of Philadelphia in the State of Pennsylvania; that it dare not sue a citizen of Tennessee in the city of Nashville; that it dare not sue a citizen of San Francisco in the courts of California; but the Government of the United States can trust itself only in its own courts here. Nowhere on earth can it trust itself except within the shadow of the Capitol dome and aided by the prestige and the power and the influence that go with the seat of government. That is what you propose.

You Republicans may do as you may. We Democrats do not care to be put in the attitude of standing in the way of these war-fraud cases, but I regret that you feel the necessity, and I suggest that this be limited to one or two or three years and that it be provided for the Government's use alone in these war-fraud cases. I accept the conditions, that the Attorney General says the only way that he can do anything is in this way. I agree to give him that temporary power, although it is violative of the very spirit of our institutions. He has had one excuse after another for two years past. Now his last excuse is this. You have given him hundreds of thousands of dollars. You have given him a barn full of lawyers. He has raked and scraped the highways of the country, and you have given him a special grand jury; and now, forsooth, he says you have got to give him a special jurisdiction, in which none of the defendants reside. If that is the only way for the Attorney General to commence action, much as I regret it, we will have to stand for it, but I hope you gentlemen will limit it to a specific period of years. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield to the gentleman from Texas [Mr. JONES].

Mr. JONES of Texas. Mr. Speaker, I understand the gentleman from Minnesota [Mr. VOLSTEAD] will offer an amendment limiting the time.

Another limitation, it seems to me, should be adopted, and I have drafted it in the form of an amendment, and I would like for the gentleman from Minnesota to give consideration to it. That is to provide at the end of the bill, "*Provided further*, That the provisions of this act shall not apply to income-tax levies, suits, and assessments." As the bill is drafted, the Government in an income-tax matter might force a man to cross the continent to defend a tax claim, thus entailing great expense and hardship upon him.

For instance, just to give a personal illustration, I have a cattleman living in my home town who sometimes ships his cattle to Kansas for fattening just before finally shipping them to market. He has other men to work for him there, and he finds he can get better work from them by paying them a percentage of the profit on the cattle rather than specific wages.

They are simply employed by him in Kansas. When they rendered income-tax reports the Government took the attitude that these men were all partners of this man, and it threatened to file proceedings at that time. Of course, if this bill passes, they would probably in such a case file suit in Kansas, where these men were working, whereas the real party at interest would live in Texas, and would be forced to go up in Kansas to defend the suit.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. HILL. Does the gentleman think it would be proper to add to this bill a provision to the effect that it will apply only to war-fraud cases?

Mr. JONES of Texas. I thought of offering an amendment to that effect, but the department has suggested that that would raise another question of fact requiring proof on the part of the Government and would make it very difficult. That a man prosecuting the case would not only have to prove the facts ordinarily necessary to sustain his contention but would also have to prove that it was a war-fraud case, which would be a difficult thing to do. I do not want to do anything to interfere with the prosecution of war-fraud cases. On the contrary, I want them prosecuted most vigorously. Now, I think the only other cases that the United States is likely to be interested in to a very great extent, or very extensively, are income-tax cases. Then, by saying that it will not apply to them, it will not put the burden of proof on the Government to show that it was a war-fraud case. In this particular case that I speak of, an income-tax matter, there were two men in the State of Kansas working on a commission or percentage basis. They did not share in the losses. If there were any losses, he paid the losses, and he rendered a return as an individual. When it came to reviewing the income-tax claims the Government levied an additional assessment, because they claimed he was a partner with these other men. The thing ran along for about three years and finally they held that they were not partners; but if they had held that they were partners, and this act had been in force, unamended, as I have suggested here, they could sue the man in Kansas and make him go all the way to Kansas to defend the suit. I do not think that is right. I simply wish that this shall not apply to income tax levies and assessments. This would leave the full machinery of the law as at present provided for handling income-tax matters.

Mr. GOODYKOONTZ. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. GOODYKOONTZ. In the case of the Government proceeding to collect income taxes it does so in the form of an assessment, and the process for the collection of it is placed in the hands of the marshal. The Government does not bring the suit. If the person taxed wishes to relieve himself he must invoke the law, and this statute would have no application.

Mr. JONES of Texas. Oh, no; when it comes to the final analysis, if the man refuses to pay, it practically means a suit on the part of the United States Government or on the part of the officer. The proposed statute applies not only to an action brought by the United States, but by or on behalf of any officer in any civil suit, action, or proceeding. It is not confined to any suit. It applies to "any civil suit, action, or proceeding," and even the instance the gentleman recites would be a proceeding or an action if brought by the United States or by or on behalf of any officer of the United States. It is just as broad as the earth. I think it ought to be made broad if we are going to pass this law, in order to give the Attorney General full power, and I simply went into this by the back way so as to relieve the man of the burden of proof. In other words, I want to eliminate these tax levies and assessments from the operation and purview of the bill, thus leaving the present law intact in that regard.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. BLANTON. In the case the gentleman cited it all hinged on the question of whether the parties were partners?

Mr. JONES of Texas. Yes.

Mr. BLANTON. That was decided under the law of Kansas or Texas, was it not?

Mr. JONES of Texas. Yes.

Mr. BLANTON. In neither of those States would the parties be partners under those facts; but the gentleman realizes that in some States there are individuals who are so powerful politically and otherwise that it is hard to get a judgment against them. Now, under such a state of facts as that does not the gentleman think it would be proper for the Government to bring even income-tax suits against individuals?

Mr. JONES of Texas. Most assuredly; if a man owes a tax which he is able to pay and refuses the Government should make him pay, but I think the present law gives the Government the full power to do it in any place where it is interested. I simply do not want them to have the privilege of running all over the country and taking these men away from their homes.

Mr. HILL. I should like to ask the gentleman in charge of the bill if this bill affects any suit except suits in which the Government is a party?

Mr. VOLSTEAD. The Government has got to be a party in one form or another, either as a corporation directly or through an officer who brings a suit on behalf of the Government.

Mr. HILL. It would not affect any cases between private litigants?

Mr. VOLSTEAD. No.

Mr. BLACK. Will the gentleman yield for a question?

Mr. VOLSTEAD. Yes.

Mr. BLACK. Are there any cases now under the general law where the Government can bring a suit at the place where the cause of action arose if that place is not the residence of some one of the defendants?

Mr. VOLSTEAD. I have not examined those statutes lately, but under the law in reference to trusts and monopolies you can bring suits just about the same as they are authorized in this bill. The Government has been doing that for many years.

Mr. BLACK. But that jurisdiction is conferred specifically, is it not—in specific language?

Mr. VOLSTEAD. No; it is a general statute.

Mr. BLACK. This general statute, as I understand it, would open up the way for the Government to bring any kind of a suit upon the allegation that the cause of action in the suit arose in the jurisdiction where the Government was seeking to bring the action.

Mr. VOLSTEAD. In a criminal suit now the Government has jurisdiction to bring the action where the offense was committed, and under the trust law and under the railroad law you can bring suits in this fashion.

Mr. BLACK. Very well. Speaking of criminal cases, where the indictment alleges that the man has violated the antilottery law the Government has the choice of several jurisdictions in which to prosecute him, one where he mailed the letter and another where the letter was delivered, but that is set up specifically in the law.

Mr. VOLSTEAD. Under the conspiracy law you may be able to reach him in a good many different places.

Mr. BLACK. That is probably correct; but it occurs to me that you are going a very long distance when you open up an avenue by which the Government can bring any kind of a civil suit against any citizen, and bring it upon the allegation that the cause of action arose wherever the suit is brought.

Mr. VOLSTEAD. Of course, that is a provision in a great many States that you can bring the suit where the cause of action arose. Unless they get the power to do specifically what is provided for here a good many of these claims will fail completely. The Government is completely barred by this statute which we seek to amend from effectively prosecuting these parties.

Mr. BLACK. The fault that I have to find with the gentleman's amendment is that it is too all-inclusive.

Mr. VOLSTEAD. It is almost impossible to make it less inclusive and still reach the situation.

Mr. BLACK. It occurs to me that it is going a very long way.

Mr. VOLSTEAD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 2, line 25, after the word "brought" and the period, add the following sentence: "The word 'District' and the words 'District of Columbia' as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. VOLSTEAD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: Page 2, line 25, after the amendment just adopted, strike out the period and insert a comma and add the following: "*Provided further*, That this act shall be effective for a period of three years only, after which said section 51, chapter 4, as it exists in the general law shall be and remain in full force and effect."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES of Texas. Now, will the gentleman permit me to offer the amendment which I was talking about awhile ago?

Mr. VOLSTEAD. No; I am going to oppose that amendment, Mr. Speaker. I do not believe the other amendment the gentleman has suggested ought to be offered or included. It seems to me that the question whether these parties paid their income taxes or paid the excess-profits tax is a question that ought to be left open and ought to be reached if possible. My understanding is that they are going to prosecute cases of that kind. I move the previous question on the bill and all amendments to final passage.

Mr. JONES of Texas. I do not object, particularly after the three years' limitation has been put in, anyway.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and it was accordingly read the third time and passed.

On motion of Mr. VOLSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

PINEY BRANCH ROAD.

Mr. GOODYKOONTZ. Mr. Speaker, I ask unanimous consent to take up the bill (S. 1066) relating to the closing of Piney Branch Road.

The SPEAKER. The Chair has no right to recognize the gentleman for that.

LEAVE TO EXTEND REMARKS.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the coal distribution in Minnesota.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks on coal distribution in Minnesota. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Speaker, last Thursday I called the attention of the House to the report I had received to the effect that the people in the towns and villages in Kittson County, Minn., who had early last spring ordered a sufficient supply of hard coal for their needs had failed to receive any, but that right across the Canadian line they had received not only a sufficient supply for their own use but sufficient to enable them to sell at profiteering prices—$23 per ton—to the people on this side of the line. The letter I received was from Mr. P. H. Konzen, a leading citizen of Hallock, and was as follows:

HALLOCK, MINN., *September 4, 1922.*

Hon. H. STEENERSON,
Washington, D. C.

DEAR SIR: I wish to call your attention to a condition that exists here and which I think ought to be investigated with a view to ascertaining the reason for its existence.

The coal shortage, as you understand, is a serious menace at this time to this section of the country. It begins to look very doubtful that we are going to get an adequate supply to prevent great suffering here the coming winter. Many carloads that were ordered by the dealers early last spring have not been furnished yet, and we are informed can not be had owing to the miners and railway employees' strike, and stress seems to be laid on the fact that if furnished at all it will be at an excessive price. This looks to me like an attempt to bolster up the price beyond the ability of all but a few to pay. At Emerson, just across the Canadian line, they apparently have an ample supply of Pennsylvania anthracite coal, and are supplying not only their own customers on that side of the line but are selling or offering to sell to St. Vincent, Pembina, Humboldt, and other near-by American towns, and only on Saturday, last, one of the dealers was here at Hallock taking, or trying to take, orders for coal and, I understand, promised any quantity desired at $23 a ton. This coal comes to Emerson from Lake Superior ports, and the thing that is mystifying about the situation is that they are able to get it and we are not.

In the fall of 1919 we had the same situation here. We were unable to get coal here except in small quantities, from a few hundred pounds to half a ton at a time, while Emerson was supplying St. Vincent, Pembina, Humboldt, Northcote, and even some at Hallock, in any quantity desired. Now, to "a man up a tree"—and we are sadly up a tree in this section of the country regarding the coal situation—it would appear that the whole coal situation is being deliberately managed and engineered by the coal barons with a view to excessive extortion and profiteering.

Now, friend Steenerson, if you have any explanation to offer for this situation that is compatible with honest dealing upon the part of the coal barons as well as a "square deal" to the people of this section of the country, I would be very grateful for same. If not, do you not think the situation would bear investigation?

Very sincerely yours,

P. H. Konzen.

I immediately telegraphed Mr. Ivan Bowen, head of the Minnesota Coal Commission, as follows:

September 8, 1922.

Ivan Bowen,
Governor's Coal Commission, St. Paul, Minn.:

P. H. Konzen, of Hallock, Kittson County, Minn., is my informant and can give you the names of those offering to sell coal at Hallock and other Minnesota points from Emerson and other Canadian points.

Congressman Steenerson.

I received this reply:

St. Paul, Minn., *September 7, 1922.*

Halvor Steenerson,
Washington, D. C.:

Please supply me with names of parties selling coal in question. Need this information in order to trace the coal to source before answering your inquiry. I have been receiving reports of dock company of daily shipments, and same do not disclose hard coal shipped in any considerable quantity to Canada. Very little hard coal on dock at Duluth. Will be glad to trace shipments if given dealers' or consumers' names to start on. Can not understand what law is evaded by consigning to Canada.

Ivan Bowen.

I also notified the Federal Fuel Administration and wrote to the Interstate Commerce Commission and got this reply:

Interstate Commerce Commission,
Bureau of Service,
Washington, September 9, 1922.

Hon. Halvor Steenerson,
House of Representatives, Washington, D. C.

My Dear Sir: Replying to your letter of September 7, inclosing copy of a letter from Mr. P. H. Konzen, of Hallock, Minn., in regard to the movement of coal to Minnesota points:

As you know, the anthracite mines have not yet opened, but it is expected they will do so early next week. Arrangements are being made to distribute the anthracite coal in the most equitable manner possible. Special consideration will be given to the movement of such coal to the upper Lake Superior ports.

The information offered by Mr. Konzen will be placed in the hands of Mr. H. B. Spencer, Federal fuel distributor, for his information and consideration.

Very truly yours,

J. C. Roth, *Director.*

The Minneapolis Journal for the 8th instant contains the following:

Americans Victimized in Rebuying Coal Diverted to Canada, is Charge—Kellogg Reads Letter Alleging Fuel Shipped to Lake Ports is Sent North of Boundary and Resold in United States at Profiteering Price—Bowen Discredits Reports.

Hard coal shipped to Lake Superior ports is being diverted to Canada and resold to northern Minnesota counties at profiteering prices, according to a letter received by Representative Halvor Steenerson from P. H. Konzen, of Kittson County, dispatches from the Pioneer Press Washington bureau Thursday night disclosed.

Mr. Konzen's letter follows:

"At Emerson, just across the Canadian line, they apparently have an ample supply of Pennsylvania anthracite coal and are supplying not only their own customers on that side of the line but are selling, or offering to sell, to St. Vincent, Pembina, Humboldt, and other near-by American towns, and only on Saturday last one of the dealers was here at Hallock taking, or trying to take, orders for coal, and I understand promised any quantity desired at $23 a ton.

CANADIANS GET COAL.

"This coal comes to Emerson from Lake Superior ports, and the thing that is mystifying about the situation is that they are able to get it and we are not."

After calling this situation to the attention of the House and the Federal authorities, Mr. Steenerson sent the following telegram to the governor's coal committee in St. Paul:

"Complaint has been received from citizens of Kittson County that Emerson and other points across the line in Canada are receiving large supplies of anthracite coal from Duluth and that they are now offering it for sale at $23 a ton to the near-by towns in Minnesota, such as St. Vincent, Noyes, Humboldt, and Hallock. An investigation is requested to ascertain why coal operators are supplying the Canadian points when none can be obtained for American points. Apparently it is simply a course adopted to evade the law so as to enable them to profiteer on coal. Please investigate."

Charges made in the letter were disputed by Ivan Bowen, State fuel administrator, Thursday night.

Mr. Bowen declared that he has not heard from Representative Steenerson directly regarding the charges, but that he will investigate them as soon as any official complaint is made.

"It does not seem reasonable that any operator would ship the coal to Canada and then try to sell it to Minnesota consumers for reshipment, standing the expense of high freight rates both ways," Mr. Bowen said.

SOME CANADIAN SHIPMENTS.

"There is nothing to prevent the dealer from selling it directly on the Minnesota market at high prices, or at least holding it for high prices.

"It may be that some small Canadian dealers have foreseen the shortage in anthracite coal and have laid in a supply which they now are trying to sell at a large profit. It also is possible that this coal was shipped to them from the Duluth docks. A great deal of coal goes to Canada from the Duluth docks annually."

ORDERS ARE RECHECKED.

A recheck of the orders filled by Minnesota dock operators in the last 30 days was made by Mr. Bowen's office, but no record could be found of shipments from the head of the Lakes to Emerson or any other Canadian town. The only Canadian shipments were of coke and coal to Winnipeg, the transactions being between operators in Minnesota and their regular customers in Winnipeg.

V. E. Smart, traffic expert of the North Dakota Railroad Commission, arrived in St. Paul Thursday to represent that State on the Northwest central coal committee. Frank Milhollan, chairman of the North Dakota commission, who has been serving on the committee, will return to his offices in Bismarck.

It will be noticed that Mr. Bowen, without waiting to investigate, questions the report and tries to explain why the Canadians might have received anthracite coal from Duluth, and says "It may be that some small Canadian dealers have foreseen the shortage in anthracite coal and have laid in a supply which they now are trying to sell at a large profit. It is also possible that the coal was shipped to them from the Duluth docks. A great deal of coal goes to Canada from the Duluth dock annually." But the fact is that the dealers on the American side also have foreseen the shortage, and ordered supply in ample time but failed to get a single pound. This is distinctly stated in the Konzen letter, and also that they had the same situation there in 1919, when the town across the line in Canada got ample coal supplies not only for their own use but sufficient to enable them to sell to the people on the American side at advanced prices. Let us hope that in the future the authorities of the United States and of the State of Minnesota will see to it that this will not occur again. This American coal should first be supplied to our own people.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on railroad legislation.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the Record on railroad legislation. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. ANDREWS of Nebraska. Mr. Speaker, in 1912 the railroads of this country were furnishing the best and cheapest transportation that has ever been enjoyed by the American people. That condition had been developed under Republican legislation and administration extending through a period of nearly 50 years.

In 1913 the Republicans were retired from both legislative and executive branches of our Federal Government.

Between 1915 and 1921 the Democratic Party under the leadership of Woodrow Wilson enacted legislation and adopted executive policies that resulted in the advancement of railroad rates to the highest point ever known in American history. The peak was reached in 1920. Under those conditions the people not only paid the highest transportation charges but they have also been required to pay billions of dollars into the National Treasury through taxes and loans to discharge the financial obligations which the Wilson administration imposed upon the country by guaranteeing net returns to the railroads by the Federal control act of March 21, 1918.

According to the terms of that act, that guaranty was to extend 21 months beyond the date of the issuance of a proclamation of peace with the Central Powers. That proclamation was issued July 2, 1921. Thus the McAdoo-Shallenberger guaranty carried in the Federal control act would have extended to April 2, 1923. The transportation act of 1920, however, repealed that guaranty to take effect on September 1, 1920, 31 months earlier than the termination of the McAdoo-Shallenberger guaranty, thus releasing our National Treasury from an additional liability of $1,937,000,000.

The Railroad Labor Board, appointed by President Wilson, advanced wages to their highest point in 1920, and in the same year the Interstate Commerce Commission, also appointed by President Wilson, advanced railroad rates to their highest point. Crown Prince McAdoo did not, however, increase railroad rates sufficiently to balance the increase of wages made by him during his control of the roads as director general. Consequently the Labor Board made a larger increase in wages in 1920 than would have been required if the crown prince had discharged the duties of director general properly.

The Republican administration at Washington has been gradually developing plans during recent months for the restorations of the transportation business of the country to a normal peace basis. The most serious difficulties encountered in that effort are results of the Democratic policies established under the former crown prince, William G. McAdoo.

Every dollar that has been taken from the National Treasury to pay those guaranties to the railroads was levied by the Wilson administration under the Federal control act of March 21, 1918.

Some critics assert, however, that the transportation act of 1920 (sometimes called the Esch-Cummins Act) originated and adopted the principle of guaranteeing railroad rates. That idea is wholly incorrect. The transportation act of 1920 repealed the rate guaranty of the Federal control act to take effect September 1, 1920. While my opponent, Mr. Shallenberger, voted for the guaranty provision of the Federal control act, I voted for its repeal.

When driven into a corner on this point they declare with gasping breath that section 15a of the transportation act of 1920 guarantees rates of 6 per cent net. That section came into the law as a Senate amendment. While I voted against that amendment, it does not do what the opposition alleges. I was confident that it would convey a false impression to the country and give the Interstate Commerce Commission an excuse to assume control of certain intrastate business that should be left exclusively with the State commissions. For this reason I am supporting an amendment to repeal that section. Of course all well-informed persons know that the so-called 6 per cent provision of that section expired on the 1st day of March, 1922, by virtue of its own limitations.

Under that section any road that earned 5½ per cent net was authorized to retain such net gain and apply it on stock dividends. If it earned 6 per cent net it could retain the additional one-half of 1 per cent and apply it on improvements of the road. If it earned more it was required to divide the excess over 6 per cent equally with the Federal Government. A report from the Interstate Commerce Commission, however, shows that the average net earnings of all the roads approximated 3.27 per cent annually under the terms of that section. If within that period of time a particular road earned only 1 per cent net, the Government did not make up the shortage to 5½ per cent or 6 per cent. Every road was left to carry its own shortage or net gain, as the case might be, within those limitations.

Thus it will appear that the Federal Treasury has not and will not be responsible for the payment of a single dollar to the roads under the terms of that section. These facts completely explode the propaganda that section 15a of the transportation act of 1920 guarantees net rates of 6 per cent from the National Treasury to the railroads of the country. Now let our opponents bring on another scarecrow.

All guaranties mentioned in the transportation act of 1920—sometimes called the Esch-Cummins act—are reproductions of like provisions of the Federal control act, and were thus allowed to continue for a period of six months to avoid a financial collapse and general strikes throughout the country.

The McAdoo-Shallenberger guaranties have cost the National Treasury over $2,000,000,000 already, and if the law had run its course to April 2, 1923, they would have created additional liabilities approximating $1,937,000,000.

These facts clearly demonstrate two distinct propositions, namely:

First. The principle of guaranteeing net gains to the railroads of the country was adopted and enacted into law by the Wilson administration at the expense of the taxpayers of the United States.

Second. The repeal of that legislation and the emancipation of the people of the country from those unjust burdens of taxation were secured through the wise action of the Republican Party.

Here, again, Republicanism has demonstrated its superiority over Democracy in the wise management of national affairs.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the soldiers' compensation bill.

The SPEAKER. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD on the soldiers' compensation bill. Is there objection?

There was no objection.

THE M'NARY AMENDMENT TO THE ADJUSTED COMPENSATION BILL.

Mr. SMITH of Idaho. Mr. Speaker, the bill providing for adjusted compensation for veterans of the World War as it passed the House contained under title 8 a provision for land settlement which was stricken out by the Senate Committee on Finance and a provision inserted in lieu thereof under the same title which simply provides for the re-enactment of existing law giving preference right of entry to men who served in the War with Germany, and 25 per cent additional of the amount of his adjusted compensation to be used in making payment on the purchase price of the land selected or for the improvement thereof. No provision whatever is made for the reclamation of land, and inasmuch as all of the public land that is susceptible of cultivation has been exhausted the provision for land settlement in the bill as it was reported to the Senate would be of little or no benefit to the returned service men who desire to secure a farm.

There are millions of acres of arid and swamp lands throughout the country which can be reclaimed for less than one-half of the actual worth by the construction of reservoirs and dams for the watering of arid land or by the building of ditches and dikes for draining swamp land which would afford the returned service men an opportunity to secure a farm home at nominal cost.

The amendment adopted by the Senate, introduced by Senator MCNARY, which embodies the provisions of the Smith-McNary bill, which has been reported favorably by the Committee on Arid Lands in both the Senate and House, will make available to the returned service men in the near future millions of acres of the most fertile land in the country and which will enable the returned service men who secure homes thereon to become independent.

The proposed legislation provides for the creation of a fund to be expended under the direction of the Secretary of the Interior for the building of reclamation works, the Government to be reimbursed with interest at 5 per cent.

As an underlying capital for the building of reclamation works, Congress is asked to authorize an advance, over a period of years, of $350,000,000, which is to be appropriated from time to time upon estimates made by the Secretary of the Interior.

The bill contemplates that the Secretary of the Interior shall contract with a reclamation district, organized under State laws, having power to contract with the Government and possessing authority to issue bonds with which to pay for reclamation works, the bonds to be a general charge upon all the land within a district. The Secretary is to investigate proposed projects, one-half of the cost of the investigation to be advanced by the district or those interested in the lands of the district and one-half by the Government, which expenditure is to form a part of the cost of the project. If a project is found feasible by the Secretary he may agree to build it, conditioned upon the district depositing its bonds with the Federal Farm Loan Board in ample amount to cover the estimated cost of the project, the bonds to bear interest at a rate not exceeding 5 per cent per annum and to run for a period not exceeding 40 years. The bonds deposited with the Federal Farm Loan Board are to be held by the board until the property within the district amounts to twice the value of the outstanding bonds, when they are to be sold at private or public sale by the board, and the proceeds used to discharge the contract between the district and the Government, or placed in the national reclamation fund, to be used by appropriation in the construction of other reclamation works, as Congress may determine. It is believed by your committee that there will be a ready sale of the district bonds and that from this source a very large sum will be derived for reclamation purposes.

Before the Secretary agrees to build a project the farm unit must be fixed by him, of sufficient size for the support of a family, ranging from 20 acres in a fruit district or one adapted to intensive cultivation to one not exceeding 160 acres in a general farming section. The lands owned by private parties in excess of the farm unit are classified as excess lands; and these lands as well as all public lands within a district may be acquired by ex-service men under a preference right of entry. Ex-service men are also to be given the preference right of employment on all project works.

The pending measure does not modify or interfere with the operation of the irrigation law of 1902, although it involves the general principles of that law. The purpose is that the proposed law shall operate in a broader field than the general reclamation law and provides a plan to more rapidly reclaim the waste lands of the country.

The reclamation fund under the present irrigation law is derived from special sources, namely, the sale of public lands and royalties on coal, oil, etc., taken from public domain.

There was much opposition to the passage of the irrigation law of 1902, the operation of which has proved the wisdom of its enactment. Its opponents in the committee in a minority report to the House declared, among other things, that "the scheme was unwise and improvident"; "if workable it would add millions of acres of productive land to the national possession which would diminish the value of farm lands throughout the Union"; "it would open up new areas in the far West to compete with production on the farms in the South, East, and West"; "no sane man desirous of promoting the growth and prosperity of our whole country would consent to the placing of a great sum per annum at the disposal of one man"; "in the mad scramble for the fund, corruption would run riot"; "the Secretary of the Interior has not the time to see to the honest distribution and application of the money, and the whole matter will necessarily be left to the management of irresponsible subordinates"; "the bill is unconstitutional, as Congress has no power to provide for the irrigation of the public lands"; "the plan of turning operation of projects over to the water users is impracticable and dangerous."

None of the dire predictions of the opponents of the original irrigation bill came true.

On the contrary, the prophecy of Hon. Thomas B. Reed, the able Speaker of the House of Representatives, in a speech delivered at Pittsburgh in 1894, in which he spoke as follows, has been more than fulfilled:

> Mighty as has been our past, our resources have just been touched upon and there is wealth beyond the Mississippi which in the not distant future will astonish even the dwellers on the shores of Lake Michigan. From the time my eyes first rested on the great uncultivated plains which lie between the Mississippi and the Pacific Ocean my waking dreams have been filled with visions of incalculable wealth. The touch of living water will bring life to those voiceless deserts. Their wealth can only produce wealth and man, single and alone, might as well try to subdue the Himalayas as to cope with these wastes, but the hand of united and associated men is already reaching forth to grasp the great results.
>
> The same power which wastes millions on the Mississippi can be utilized to make the desert blossom with the homes of men for whom, and for all of us, the now blighted soil will bring forth the fruit of the Garden of Eden.

The operation of that law has demonstrated that public money can be judiciously expended and that even subordinates of a department can be relied upon to act honestly and with skill.

The best possible argument in favor of the continuance and enlargement of the Government's plan to make land available for settlement is afforded by the splendid record of the United States Reclamation Service since its organization in 1902. During the 20 years the service has been in operation much has been accomplished in reclamation of the arid lands and in increasing the food supply and the national wealth.

Twenty-six projects have been undertaken in 16 different States and many of them have been completed. Nearly 2,000,000 acres of land have been placed under a permanent water supply and nearly 1,000,000 additional acres will soon be supplied with water from storage reservoirs. Forty thousand families have established homes on these lands and are happy and prosperous. Cities and towns have sprung up on these projects, and the national wealth created amounts to about $600,000,000, nearly five times the amount expended by the Government in reclamation work. The reclamation fund which is represented by the receipts from sales of public land, leases, and repayment charges is far inadequate. Nearly $50,000,000 is required to complete projects now under way and $100,000,000 to construct new projects which have been approved.

Many people who have not investigated the importance to the whole country of reclaiming the waste lands appear to regard the question as a local one, and that the only people benefited are those who may make homes on the land or those living in the section of the country where the land is reclaimed. As a matter of fact, every section of the country is benefited by land reclamation. Every acre of waste land that is placed under cultivation creates a market for merchandise, building material, staple food products, clothing, and every other kind of manufactured article which generally come from the central and eastern sections of the country.

The adoption of a broad and comprehensive plan to reclaim the waste lands of the country would go far toward giving work to those out of employment in construction work on projects, or by reason of the need of labor on account of the increased demand for commodities manufactured in the industrial centers.

While the work of the Reclamation Service is of the highest order, those who have carried it forward have labored under many trying circumstances. At no time have there been sufficient funds with which to promptly complete and put into operation the irrigation projects undertaken; and this want of funds has entailed a very heavy carrying charge. And even now, for want of funds to complete projects, some of the works in which much money has been expended are unused.

There has been no disposition in the West to wholly rely upon the Federal Government for funds with which to reclaim lands. Fifteen million acres of arid land have been reclaimed in the public-land States, of which amount the Federal Government has reclaimed less than one-fifth. In the last 10 years, according to official census, the amount of arid land reclaimed by private enterprise is over 3,000,000 acres.

There is a significant factor favorably affecting the general welfare in irrigated districts which is practically absent in farming communities in humid sections. Sir William Willcocks, formerly director general of reservoir studies in Egypt and consulting engineer to the Turkish Government in Mesopotamia, outlined this factor, as follows:

> The lessons of order and method are taught so thoroughly by irrigation that it is not to be surprised at that all the ancient civilizations of the world had their birth in the irrigated valleys of the great Old World rivers. Uncivilized men could live in woods and partially civilized ones on desert oases, but to exist in the country needing irrigation, men had to be disciplined and amenable to laws and regulations. When hundreds of thousands of families had at first to learn the laws of nature, then apply them, and then live in accord with one another in order to insure the irrigation and drainage of their individual holdings, true civilization took its birth.

Is it too much to assert that cooperative marketing in the far West, which the Middle West is now copying, is traceable in no small degree to the necessarily cooperative efforts of irrigationists? And who can believe that in the absence of cooperative marketing the superior pack of western fruits and western products would ever have taken place, with the result that these products, in spite of distance from the market and excessive freight rates, successfully compete with what is produced under more favorable conditions?

It may be said that now is an inopportune time in which to press legislation the result of which will be the creation of more farms. The progressive thought of the world has always acted upon the maxim "Competition is the life of trade." Running counter to this has been the voice of those who have had an abiding faith in monopoly, either partial or complete.

A survey of the activities of the Caucasian race for the hundred years immediately prior to the World War may not be amiss. It may be that we and those who follow us must look back to this hundred years as the Golden Age, the acme of human achievement. During this period the Caucasian race overran and reduced to private ownership a greater area than ever before in any 1,000 years of its history. During this time this race increased in numbers more rapidly than ever before in its existence. Strange indeed, as hundreds of millions of acres of lands in different parts of the world came under the plow, farm products not only increased in value but land values had a corresponding rise. In the United States, from 1860 to 1900, over 400,000,000 acres of land of the public domain fell into private ownership, or at a rate of 10,000,000 acres per year; and from 1875 to 1914 there was almost a continuous rise in values in every field of activity, general farm values in the United States per acre being as follows:

1800	$11.14
1860	16.35
1870	18.26
1880	19.02
1890	21.31
1900	19.82
1910	39.60
1920	70.98

We hear a great deal about the exodus from the farm to the city, and unthoughtfully we say it is social. In the main it is not social; it is economic, and it always has been economic. We must not overlook the fact that in the growth and development of nations there has always been three stages—agriculture, manufacturing, and commerce. No new country was ever settled through either manufacturing or commerce. Pioneers first till the soil. As the population increases and produces a surplus of food and raw material, the excess laborers enter into manufacturing, the products of which are at first consumed locally and later the excess enters outside trade; thus a commerce is developed.

It would be folly to account for the movement of the Caucasian race into Australasia, South and North America by reason of a mania to leave the homeland. Migration has always been an element in human nature more developed in some races than in others. What gave it impetus with the white man was first his ability to navigate the seven seas and later the invention of the steam engine. The building of the railroads practically revolutionized economic conditions. Cheap transportation had the effect of taking manufacturing away from the farm and placing it at centers having advantages in competitive transportation facilities. It was soon discovered that plows could be made more cheaply at some centrally located competitive point than on the farm or at the four corners; and the same was found true in regard to shoes, which the farmer had been in the habit of making for members of his family; and such was the case as to cloth and the making of garments, which the housewife had been accustomed to weave and fashion for those under her care. In fact, it became apparent that the farmer and his wife and the members of the household could be more profitably employed in agricultural pursuits than in manufacturing at home. As manufacturing ceased on the farm it went to rail centers, and in going there it released men and women from the farm and they found employment at the manufacturing points. Not only this, but as transportation developed to carry the raw material from the farm to the factory and the manufactured articles from the factory to the consumer, a large number became engaged in transportation itself.

But inventive genius was not confined to transportation and communication. It reached into other fields. In a large way it reached the farm. There was a time when people spoke of the farmer and his tools. To-day it is the farmer and his machinery. By the use of machinery the farmer of to-day produces many times more than the farmer of 50 years ago, and this in turn has released laborers from the farm, and they have gone to the city for profitable employment. Had they remained upon the farm and been idlers or only partially employed, farming would present a sorry spectacle. Had they remained upon the farm and all labored assiduously, it stands to reason that there would be such a surplus of farm products that their value would be almost nil.

What shall be our national policy from now on? Shall we rely upon the betterment of the land under plow, or reclaim virgin sections? Is there not grave danger in departing from a policy which has been so successfully pursued during the last 100 years? In looking over the industrial statistics of our country we find that the products of our farms have been a wonderful factor in the creation of our national wealth. This is well stated by the Secretary of the Department of Agriculture in his report of 1912, wherein he says:

> During the last 16 years the wealth production on farms, according to the census items, reached the grand total of more than $105,000,000,000. This stream of wealth has poured out of the farmer's horn of plenty, and in 16 years has equaled about three-fourths of the present national wealth.

If we are not to reclaim our waste lands, we must, in order that our agricultural production shall keep abreast of agricultural production elsewhere, rely upon a more intensive farming of our present cultivated areas. Intensive cultivation of the soil always meant and always will mean the use of a large amount of manual labor. It almost excludes the idea of the use of machinery. In the thickly settled portions of Europe, as well as those of Asia and Africa, where intensive cultivation is practiced, there is almost a total exclusion of machinery upon the farm, and the efforts of the husbandman are largely directed to the elimination of weeds in the growing crops; and gardening as practiced in those sections is unheard of where machinery is used for harvesting. If we limit ourselves to more intensive farming, we may rest assured that such will not be the practice in the still-to-be-reclaimed areas of South America, Siberia, Canada, and Australasia. In those sections it is probable that farm machinery will be more extensively used in the future than in the past, and that cereals and other farm products from these localities will, if we lag, take the place of ours in the markets of the world.

Some of our farmers seem to be happy in the thought that when our farms shall not yield all the food that the Nation consumes they, in the nature of things, will receive more for their products. The fallacy of this idea has been demonstrated several times in the history of the world. Through its adoption Grecian husbandry failed and the glory of the State departed. Its perfect absurdity was demonstrated in Italy when Rome became the mistress of the world. The Romans insisted that they must have cheap food. The farmers of Italy did not produce it. Rome went abroad for her supplies, and agriculture in Italy decayed. England had her corn laws. The artisans and poor of the cities cried out against them. It was asserted that England's hope was in manufacturing, not farming. The corn laws were repealed; manufacturing thrived and agriculture dwindled.

In the last few years in the United States the value of manufactured articles has far outreached the value of agricultural products. Should manufacturing reach a stage where it must depend upon raw material—not the output of mines—and food products from abroad, who can doubt but that our national policy will be to foster manufacturing rather than agriculture? Thus, is it not wise to add to the number of our farms and by degrees increase the productivity of the old ones, to the end that at all times there shall be a surplus of farm products as well as a surplus of manufactured articles to enter into our foreign trade? There is no necessity of changing from the old order of things, that there may be a surplus in many lines for export. There is to-day under plow in the United States in the neighborhood of 400,000,000 acres of land. There are yet susceptible of reclamation some 20,000,000 acres of arid and semiarid land, 80,000,000 acres of swamp land, and 200,000,000 acres of cut-over land, or a total of 300,000,000 acres. The arid and semiarid lands are very inviting in character. They have never been leached of their plant-life elements. When moistened they readily give up their properties to vegetation. They lack only one ingredient to a perfect agricultural soil. They are deficient in nitrogen. This, however, can be readily supplied by the growing of legumes. Swamp lands in the main are wonderfully productive when drained, for they have received the fertilizing properties of the centuries. If we were to place on an acre of sterile land the nutritive elements contained in an acre of arid land or an acre of swamp land, it would probably cost over $2,000. Thus, in the reclamation of the arid and swamp lands within the country we will tap a reservoir of wealth which is almost inexhaustible.

As communication and transportation have revolutionized industrial conditions and have made all sections of our country interdependent, and what aids one district necessarily aids all, no land which is now waste can be put into a state of productivity without exciting activity in a multitude of places. Even to build an irrigation or drainage ditch, a dike, or a reservor means the utilization of manufactured articles gathered from a great radius; and every agricultural community under present conditions draws from the manufacturing centers large quantities of products essential to the life and well-being of the farmer.

There are attached hereto data showing the extent to which the people of the reclaimed areas of the West are purchasers of articles which are not produced within such districts and are supplied in a large measure even by industrial plants several thousand miles distant.

We have spoken of the danger of manufacturing far exceeding in importance agriculture. Our political institutions are more likely to be perpetuated if a proper balance shall be maintained between manufacturing and agriculture, and let foreign commerce be a feature of each of these. The surest way of maintaining a proper relationship between manufacturing and agriculture is to increase the number of farms, and this necessarily means the reclamation of waste lands.

While the movement from the farm to the city has been economic, it involves some very serious social problems affecting the national life. When the farm was not only the seat of agriculture but of manufacturing, the members of the family as a rule remained at home until marriage separated them from the parental roof, and when this took place it only meant the establishment of other homes. There is no escaping the conclusion that not only is the family unit essential to farm life but it is here that we find it at its best, and the family in its own home is the sheet anchor of the ship of state. Those leaving the farm for the city are as a rule single people of both sexes, and too often in reaching and engaging in the activities of the city they find that the marriage state is, individually considered, less essential and less desirable than in the country, and too often a vicarious existence is the result. It is in the city rather than in the country that the girl finds employment which either postpones or defeats her marriage, and each single woman means a single man, and from this source springs much social evil and much crime, it being estimated that a very large per cent of all crime in the United States is traceable to unmarried adults. Occupation prior to commitment was reported for 374,988 male prisoners and juvenile delinquents committed in 1910, as shown by the Federal census, of which number only 28,009 were farmers and farm laborers. The necessity of rural life and the cultivation of the soil, in the growth and welfare of a nation, have been often voiced by far-seeing men, and we quote from a recent article by O. C. Stine, Office of Farm Management, United States Department of Agriculture:

> Webster said: "Let us never forget that the cultivation of the earth is the most important labor of man." By the demoralization of rural life Greece was deprived of the means of rejuvenating her city life. The farmers constituted the most prolific portion of her population, but the Hellenic element was almost entirely removed from the farms. In the city the population declined in virility. Polybius tells us that in his time Greece was suffering childlessness and general depopulation, the cities were becoming deserted, and the fields were not yielding, though they had known neither war nor plague. The people became greedy idlers. They did not care any longer to marry; if they did marry they did not care to bring up more than one or two children that they might inherit the individual fortune of their parents. The leading cities of Greece became absolutely dependent upon foreign supplies of food. Cato thought highly of a man engaged in commerce, but he says: "It is from the tillage of the soil that spring the best citizens and staunchest soldiers." Varro, in his introduction to a book on livestock husbandry, writes: "Those great men, our ancestors, did well to esteem the Romans who lived in the country above those who dwelt in town." When the barbarians from the north invaded Rome they found but a feeble resistance from the State which was dying of dry rot through the disintegration of its agricultural life. The dawn of our modern civilization came with the revival of commerce from the surplus of the products of a reorganized agriculture. Macaulay, writing to an American correspondent 50 years ago, points out in a striking way the problems that would be faced by this country when our free land was exhausted. He says: "As long as you have a boundless extent of fertile and unoccupied land your laboring population will be found more at ease than the laboring population of the Old World; but the time will come when wages will be as low and will fluctuate as much with you as they do with us. Then your institutions will be brought to the test. Distress everywhere makes the laborers mutinous and discontented and inclines them to listen with eagerness to agitators who tell them that it is a monstrous iniquity that one man should have a million and another can not get a full meal. * * * The day will come when multitudes of people, none of whom has had more than half a breakfast or expects to have more than half a dinner, will choose a legislature. Is it possible to doubt what sort of legislature will be chosen? There will be, I fear, spoliation. The spoliation will increase the distress; the distress will produce fresh spoliation. Either civilization or liberty will perish. Either some Caesar or Napoleon will seize the reins of government with a strong hand, or your Republic will be as fearfully plundered and laid waste by barbarians in the twentieth century as the Roman Empire in the fifth." The importance of the country as a training ground for citizens can not be overestimated. Former President Roosevelt has said: "If there is one lesson taught by history it is that the permanent greatness of any State must ultimately depend more upon the character of its country population than upon anything else. No growth of cities, no growth of wealth, can make up for a loss in either the number or the character of the farming population." The rural birth rate of native Americans is about 40 per cent higher than the urban. Farm people marry younger than urban people. The farm home consequently has a longer life than the city home. The family is the corner stone of civilization and on the farm the family forms a stronger unit than anywhere else. Professor Warren, of Cornell University, has well said, "No higher civilization can endure that is not based on the type of citizenship on the farms." To quote James J. Hill: "It is as clear as any future event can be that the farm is the only hope of our national salvation." Abraham Lincoln, in his address to Wisconsin farmers, said, "Let us hope, rather, that by the best cultivation of the physical world, beneath and around us, and the intellectual and moral world within us, we shall secure an individual, social, and political prosperity and happiness, whose courage shall be onward and upward, and which, while the earth endures, shall not pass away."

The Aryans were the tillers of the soil. They had fixed habitations; they recognized individual rights in property, which necessitated law, order, and government. To them, and to them only, are we able to trace civilization.

We have inherited from the World War many grave problems. At the present hour the number of unemployed is between three and four million, many of whom are ex-service men. There is no economy in unemployment. Four million men out of useful employment means a tremendous national loss. If there is any way of restoring these men to useful pursuits, it should be done. Putting them to work on internal improvements, particularly in the reclamation of waste lands, will excite activity to a wonderful degree. It will cost our people as a whole less to furnish them employment than it will to support them in idleness. There is no possible way in which the lands to be reclaimed will immediately produce crops to increase the surplus of farm products already within our country.

We should not be unduly alarmed over the present surplus of farm products in the United States. As has well been said by Dr. E. D. Ball, director of scientific work, United States Department of Agriculture:

> If some one possessed a magic wand that would restore the world to normal conditions we would suddenly be confronted with the fact that there is no overproduction; that what the world is suffering from is underconsumption. There is not enough food in the world at present to provide for normal consumption. If buying power could be restored to-morrow the surpluses would almost instantly disappear.

And he further states:

> The peak of agricultural production per capita of population in the United States was passed in 1898, nearly a quarter of a century ago. Agricultural production almost kept pace with the populational increase for some little time after that date, but in the last decade it has steadily and even more rapidly fallen. Statisticians have estimated that our population at the close of this century will be more than 220,000,000, and have placed the probable time in which we shall begin to import the staple foods at from 15 to 30 or more years. Even if it should turn out to be the longer period, it is time we should be considering the problem not only from the national standpoint but from its effect on agriculture.

The reclamation of land by aid of the Federal Government is not a new idea. Wherever seriously considered it has been indorsed by thoughtful men. The platforms of the two national parties in the last campaign declared in favor of a Federal system of reclamation, and both candidates advocated such a policy. The Chamber of Commerce of the United States at its annual meeting at Atlantic City in July last, by unanimous vote of the whole convention of some 3,000 delegates, indorsed land settlement in aid of the war veterans. Within the last few days this chamber of commerce, through a referendum to its members—these being the leading commercial manufacturing organizations of our country—by over a two-thirds vote indorsed land settlement for soldiers. President Harding, faithful to his pre-election declarations, in his annual message to Congress strongly urged national aid for reclamation, and lately he restated his position before the farmers' conference. Organized labor is back of this great movement. Those in opposition seem to be limited to a class who fear competition; and, strangest of all, competition not foreign, but at home.

The venture of the Federal Government in 1902 into the irrigation field has been highly beneficial. The proposal to take a further step and aid in the reclamation of the swamp lands of our country is not a plunge into the dark, neither is it a character of work which has been shunned by foreign nations. Putting money into reclamation projects in our country is far less hazardous than it was for the British Empire to put millions of money into Egypt, India, and Mesopotamia in the reclamation of land there. Most European Governments have found it profitable to reclaim their waste areas.

The law under consideration is not paternalistic. It is not asking the Government to do that which can be done by the individual or group of individuals. The work is of such character and magnitude that it can only be successfully prosecuted through some governmental agency.

So far as the public-land States of the West are concerned, they find themselves financially handicapped through the withdrawals from sale and settlement of extensive areas of public land rich in timber, coal, oil, shale, phosphate, and other minerals. The Secretary of the Interior in his late report has called attention to the vast wealth of the West and of Alaska withdrawn by the Federal Government from settlement or sale for the benefit of future generations, which has an intrinsic value of $150,000,000,000. None of this vast wealth bears any part of the expense of government of those States, and in the nature of things can not be pledged by the citizenship of those States to raise money for reclamation purposes. The people of the older States of the Union have no conception of this handicap upon western development.

Looking at our Nation as a whole, we can not cast aside the necessities of the South. There is an industrial plight there which should be remedied by Federal cooperation. The reclaiming of the great swamp districts, particularly those skirting the Atlantic Ocean from New Jersey to the southern point of Florida and then following the Gulf into Texas, is an improvement of such magnitude as to be national in character. It is only by reclamation of large tracts that the mosquito can be eradicated and malaria successfully combated. Their settlement will mean the social and political evolution of the South, and it will tend to harmonize political differences.

When our swamp and dry lands are reclaimed we will have a country far more attractive, productive, and wealthy than at the present time, and we will have a better distributed and more homogeneous people. It is the belief of your committee, based upon what has been accomplished by the present irrigation law, that in a short time after a reclamation project has been built the land within the district and the improvements thereon will have a value several times as great as the construction cost; consequently, there should be a ready sale of district bonds and a rapid turnover of the amount invested. If such proves true, it should not be many years before the dry and swamp land worth while would be reclaimed and occupied by millions of prosperous and contented citizens.

If such a great work can be accomplished it will be a crowning achievement in our national life.

This bill under consideration makes provision for service men and women. In the past those who have served us in war have been remembered in the allotment of land from the public domain. The records of our Government show that some 75,000,000 acres of the public domain have been allotted to soldiers and sailors of wars prior to our entering into the World War. If the veterans of our late war are to receive land for homes, it must first be reclaimed, for there is scarcely a tract left for the public domain which would justify a soldier in endeavoring to make his home upon it. Already upward of 200,000 ex-service men have signified a desire to acquire land for a home. Should this bill be enacted into law and operate as your committee believes it will there will, in a reasonable length of time, be enough land reclaimed to accommodate all soldiers who may wish to become agriculturists.

Acknowledgment is hereby made to thoughts expressed in an article written by John E. Thompson, Esq., on the "Away-from-the-farm movement."

The following statistics with reference to two reclamation projects in the western country should convince the most skeptical that the benefits of the reclamation of waste lands are national in their scope and not local.

The Yakima project in Washington is a fair example of what reclamation has accomplished. This project is about 10 years old. The city of Yakima, in the center of the project, contains a population of nearly 20,000. Over 300,000 acres of the irrigated land are tributary to the city, the trade of which is dependent almost entirely upon the products of the soil, with the exception of one lumber mill.

Comparative statement of products on the Yakima project.

Products.	1917	1918	1919	1920
Fresh fruits	$11,524,300	$12,081,320	$20,393,223	$16,065,540
Fruit products	1,277,375	1,298,200	1,839,500	1,192,000
Grains	1,591,065	1,701,300	1,642,200	2,380,000
Hops	360,000	435,600	900,000	1,950,000
Vegetables	1,324,000	1,513,370	2,045,350	1,021,175
Hay	3,126,195	3,800,900	5,171,500	2,859,110
Wool hides, poultry products	1,225,000	2,209,000	3,230,880	1,955,000
Live stock	4,177,750	3,656,500	4,403,500	3,425,720
Dairy	1,335,000	1,493,600	1,443,625	1,159,250
Miscellaneous	....	2,090,000	1,533,292	435,000
Lumber	1,000,000	1,000,000	1,500,000	2,250,000
Sugar beets	1,146,250	1,011,500	1,324,500	1,435,000
Honey	88,125	184,000	175,000	190,000
Total	28,175,555	32,365,290	45,602,576	37,218,795

Outgoing carload shipments:	
1918	28,105
1919	31,850
1920	35,862

Value of manufactured products received on the project.

Products.	1918	1919	1920
Automobiles, tires, and accessories	$2,195,000	$3,225,000	$2,600,000
Hardware and building supplies	900,000	1,200,000	1,100,000
Mixed groceries	1,750,000	2,000,000	2,150,000
Farm machinery	600,000	750,000	500,000
Ready-to-wear clothing	1,600,000	2,000,000	1,500,000
Shoes	700,000	1,000,000	1,000,000
Furniture and household supplies	1,000,000	1,500,000	1,200,000
Cotton and woolen goods	800,000	1,200,000	1,000,000
Drugs	700,000	1,100,000	1,250,000
Millinery, notions, crockery, and electrical apparatus	800,000	1,000,000	950,000
Insurance premiums	2,500,000	3,000,000	3,200,000
Total	13,545,000	17,975,000	16,450,000

It is important that consideration should be given to the last item in the above table, that of insurance. Practically all of the insurance companies operating in this section have their headquarters in the East, and several million dollars leave this valley each year to build up eastern industry and commerce, all of which would be impossible were it not for irrigation. As a matter of fact, all of the aggregate productive wealth of this section, now amounting to above $40,000,000 annually, with the exception of lumber as above stated, is the product of water scientifically applied to rich volcanic ash soil. The annual total lumber output does not exceed $1,500,000.

BOISE PROJECT, IDAHO.

Boise, the capital of the State, is a city of less than 25,000 people, and is near the center of the project. The origin of many commodities which the Boise merchants receive in carload lots per annum clearly demonstrates the interdependence of far-separated districts in practically every State in the Union and indicates the market developed in one city on the Boise project is largely the result of reclamation.

Approximate number of carload lots of merchandise reaching Boise annually from various States.

State and city.	Commodity.	Number of carloads.
Alabama:		
Anniston	Pipe and fittings	4
Bessemer	do	6
Arkansas:		
Fayetteville	Hardwood	4
Fort Smith	Wagon wood	6
Colorado:		
Denver	Crackers	4
Pueblo	Wire fence	6
Do	Nails	18
Do	Bar iron	8
Do	Bale ties	12
Do	Barbed wire	6
Do	Bolts and spikes	2
Denver	Paper	2
Fort Lupton	Canned beans	4
Connecticut:		
New Britain	Hinges	2
Bridgeport	Ammunition	[illegible]
Florida, Arcadia	Grapefruit	12
Iowa:		
Cedar Rapids	Cereals	12
Newton	Electric washers	8
Clinton	Wire	1
Mount Pleasant	Canned corn	4
Davenport	Pumps	2
Dixon	Wire cloth	1
Illinois:		
Chicago	Furniture	12
Do	Sirup	26
Do	Pipe and fittings	8
Do	Boilers	1
Do	Oil	1
Galva	Machinery	1
Chicago	Electric washers	1
Do	Catalogues	3
Decatur	Pumps and tanks	1
Rock Island	Agricultural implements	4
Joliet	Wire fence	6
Chicago	Canned goods	4
Aurora	Grindstones	2
Chicago	Autos	8
Cairo	Wagon wood	4
Chicago	Starch	3
Proviso	Coal	1
Aurora	Barn-door hangers	1
Chicago	Paint and varnish	2
Granite City	Enamel ware	3
Quincy	Stoves	2
De Kalb	Barbed wire	1
Quincy	Cereals	2
Indiana:		
Kendallville	Windmills	2
Newtondon	Washing machines	1
Gary	Iron roofing	2
Indianapolis	Pork and beans	2
Do	Corn meal	1
Connersville	Autos	4
Anderson	Shovels	3
Indiana Harbor	Steel bars	1
Elwood	Kitchen cabinets	1
Kansas:		
Topeka	Cereals	2
Hutchison	Salt	6
Wilson and Wichita	Flour	8
Wichita	Egg-case fillers	4
Do	Brooms	2
Kentucky:		
Newport	Iron roofing	4
Louisville	Soap	10
Louisiana:		
New Orleans	Bananas	8
Gretna	Cottolene	6
Harvey	Molasses	2
Crowley	Rice	4
New Orleans	Oyster shells	2
Maine, Rumford	Paper bags	4
Michigan:		
Lansing, Flint, Alma, Detroit	Autos	220
Detroit	Stoves	2
Do	Paint	3
Jackson	Wood handles	2
Do	Agricultural implements	1
Detroit	Salt	2
Adrian	Wire fence	6
Lawton	Grape juice	3
Grand Rapids	Cereals	2
Lansing	Concrete mixers	1
Minnesota:		
Minneapolis	Cereals	6
St. Paul	Sirup	4
Maryland, Baltimore	Oysters	3
Massachusetts:		
Milton	Chocolate	2
Boston	Sirup	4
Do	Range boilers	2
Missouri:		
St. Joseph	Pancake flour	1
Kansas City	Radiators	3
Do	Autos	30
St. Louis	Sirup	1
Do	Tinware	6
Do	Sweeping compound	[illegible]
Do	Cereal beverages	8

Approximate number of carload lots of merchandise, etc.—Continued.

State and city.	Commodity.	Number of carloads.
Missouri—Continued.		
St. Louis	Stoves	4
Kansas City	Soap	2
Oklahoma, Sands Springs	Fruit jars	10
Pennsylvania:		
Lebanon	Bolts and nuts	2
Chester	Toilet paper	1
Tennessee, South Pittsburg	Stoves	1
Texas, Wichita Falls	Fruit jars	12
Wisconsin:		
Racine	Wagon irons	1
Sheboygan	Bathtubs	6
La Crosse	Beverages	14
Milwaukee	Tinware	3
Superior	Salt	1
Kenosha	Furniture	2
Waupun	Canned goods	1

The foregoing data is but an index of what the manufacturers of the East and South sell to the irrigationists who are engaged in intensively farming irrigated land in the Rocky Mountain and Pacific Coast States. There are 20,000,000 acres of arid lands yet to be reclaimed.

For the past 100 years the best thought and energy of the world have been devoted to the building up of an industrial system which now seems top-heavy. It is the view of the most thoughtful minds in the world to-day that sweeping changes of far-reaching effect will have to be made in our present system in order to prevent its collapse. There are few who fail to realize the menace to our national security which results from the steadily increasing congestion of humanity in our large centers of population. Without doubt our social and economic stability could be most readily strengthened by the development of our latent land resources, converting them into living means of production. The most valuable of all our undeveloped resources is the vast acreage of now unproductive land. Its development and settlement would establish the economic independence of hundreds of thousands of our citizens, whose stability and character would be assured by their foothold on the soil.

Phoenix, Ariz., is served by two railroads—the Santa Fe and the Southern Pacific. The latter road has furnished a statement showing that the number of carloads of manufactured products received at Phoenix over its line for the calendar year 1920 amounted to 2,492 cars from Maine, Connecticut, New York, New Jersey, Pennsylvania, West Virginia, Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, and many other States. For the same year, over the same road, there were received at Phoenix manufactured products in less than carloads a total tonnage of 5,734 tons, in which the manufacturing States east of the Mississippi River shared in large part. The tables furnished by the Southern Pacific Railroad as to carload and less-than-carload lots of manufactured products received at Mesa, a city only a short distance from Phoenix, shows a volume not much less than that of Phoenix.

The Union Pacific system has furnished interesting data with reference to the number of cars of live stock and tons of commodities shipped from towns located on the Twin Falls irrigation tract in southern Idaho, one of the most successful in the entire West, and which prior to 1905 was a great expanse of desert country on which there lived but a few hundred people.

During the year 1921 there were shipped from the Twin Falls project 822 carloads of stock, 15,617 tons of potatoes, 78,672 tons of wheat and flour, 4,822 tons of fruit, and 5,905 tons of hay and straw.

There were received on this tract during the year 1921, 166 tons of automobiles, 278 tons of agricultural implements, 13,210 tons of building material, and 8,646 tons of merchandise, all of which came from the industrial centers in the central and eastern part of the United States.

Number of tons of specified commodities and the total tons of all commodities; also the number of cars of live stock forwarded, and the number of tons of specified commodities and total tons of all commodities received at stations on branch lines south of Minidoka and east of Bliss, during the year 1921.

FORWARDED.

Origin or destination.	Live stock.	Potatoes.	Wheat and flour.	Fruit.	Hay and straw.	Total all commodities.
	Cars.	*Tons.*	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Twin Falls	176	1,402	5,299	304	191	77,961
Filer	94	4,351	11,132	937	140	22,454
Kimberly	63	3,459	7,331	1,054	28	20,282
Buhl	205	1,929	28,062	1,740	4,108	44,591
Hansen	43	1,267	6,813	355	166	24,105
Murtaugh	21	116	1,840		44	6,794
Knull	1	354	945	38	107	2,159
Godwin		37	1,093		38	1,556
Amsterdam			753		474	1,421
Curry	6	1,371	3,012	297	512	7,814
Hollister	2		2,513		26	2,716
Rogerson	205		520			3,167
Peavey	6	365	4,292	16	51	6,134
All other stations in Twin Falls County		966	5,067	81	20	20,929
Total, Twin Falls County	822	15,617	78,672	4,822	5,905	242,083

RECEIVED.

Origin or destination.	Automobiles.	Agricultural implements.	Building material.	Merchandise.	Total all commodities.
	Tons.	*Tons.*	*Tons.*	*Tons.*	*Tons.*
Twin Falls	150	109	3,319	4,828	69,847
Filer		15	4,859	551	27,561
Kimberly			617	292	30,889
Buhl	16	118	1,998	1,505	21,908
Hansen			1,149	211	21,566
Murtaugh		10	193	250	1,496
Knull				21	1,179
Godwin				2	92
Amsterdam				38	189
Curry			814	7	4,306
Hollister		26	20	145	934
Rogerson			171	640	2,019
Peavey			30	26	272
All other stations in Twin Falls County			40	124	78,796
Total, Twin Falls County	166	278	13,210	8,640	261,054

Mr. LONDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the work of the Sixty-seventh Congress.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the work of the Sixty-seventh Congress. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles:

H. R. 12493. An act amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes;

H. R. 2866. An act authorizing the Secretary of the Interior to sell and patent to parties named herein certain lands in Louisiana;

H. R. 10361. An act authorizing the sale and patent of certain alleged public lands in Louisiana;

H. R. 1948. An act for the relief of Virgil O. McWhorter;

H. R. 1274. An act for the relief of Maude H. Mosher;

H. R. 11901. An act authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio; and

H. R. 11590. An act to amend sections 34 and 40 of the organic act of the Territory of Hawaii.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 3618. An act to amend the Judicial Code in reference to appeals and writs of error;

S. 2199. An act to provide for the marking of anchorage grounds in waters of the United States;

S. 2460. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stats., p. 437), to certain lands in Utah;

S. 3659. An act to create the White House police force, and for other purposes;

S. J. Res. 23. Joint resolution to authorize the Secretary of War to grant revocable licenses for the quarrying and removal of stone from the Mariveles Military Reservation, P. I.; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. CHANDLER of Oklahoma, indefinitely, on account of sickness in his family.

To Mr. ARENTZ (at the request of Mr. CABLE), on account of important business.

To Mr. VINSON, for 10 days, on account of important business.

To Mr. MCPHERSON, indefinitely, on account of severe illness in his family.

To Mr. ROSSDALE (at the request of Mr. SIEGEL), for five days, on account of investigation of Veterans' Hospital No. 81.

To Mr. LINTHICUM, for to-day, on account of important business.

WORLD POULTRY CONGRESS.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 2251) authorizing an appropriation for the World's Poultry Congress be laid on the table. The bill provides for exhibits at the World's Poultry Congress to be held at The Hague, Holland, on September 6 to 13, 1921.

Mr. WINGO. The gentleman's purpose is merely to clear the calendar?

Mr. HAUGEN. Yes.

The SPEAKER. Without objection, it is so ordered.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

Mr. MOORE of Virginia. Pending that will the gentleman indicate as far as he can what the program is for to-morrow.

Mr. CAMPBELL of Kansas. I am unable to say what will be up to-morrow. There will be a session of the House and matters of some importance may come up.

Mr. MOORE of Virginia. What does the gentleman say will be before the House on Wednesday?

Mr. CAMPBELL of Kansas. I have no doubt that the conference report on the tariff bill will be before the House on Wednesday.

HOUSE BILL 12356 LAID ON THE TABLE.

The SPEAKER. Without objection, the bill H. R. 12356, a similar bill to S. 3918, just passed, will lie on the table.

There was no objection.

ADJOURNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Tuesday, September 12, 1922, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 12436) granting a pension to James McDonough, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 12576) providing for the purchase of a site and the erection of a public building thereon at Wapakoneta, Ohio, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. SEARS: A bill (H. R. 12577) to extend the market news service to certain States; to the Committee on Agriculture.

By Mr. MALONEY: A bill (H. R. 12578) to amend an act entitled "An act to authorize the association of producers of agricultural products," approved February 18, 1922, and to authorize association of producers of fishery and other sea products; to the Committee on the Judiciary.

By Mr. NORTON: A bill (H. R. 12579) to provide for the purchase of a site and the erection of a building for postal and other Federal purposes at Cleveland, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. MURPHY: A bill (H. R. 12580) to authorize the Secretary of the Interior to issue oil and gas permits and leases to persons equitably entitled thereto, and for other purposes; to the Committee on the Public Lands.

By Mr. HOCH: A bill (H. R. 12581) to establish a board of railroad adjustment for the settlement of disputes arising between carriers subject to the interstate commerce act and the employees of such carriers, to prevent the undue interruption of interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLER: Resolution (H. Res. 425) authorizing and directing the Committee on the Judiciary to inquire into the official conduct of Harry M. Daugherty, Attorney General of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. IRELAND: Resolution (H. Res. 426) appropriating $250 for additional clerical service in the enrolling room of the House; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Virginia: A bill (H. R. 12582) granting an increase of pension to Clare D. Fielding; to the Committee on Pensions.

By Mr. BROWN of Tennessee: A bill (H. R. 12583) granting a pension to Ava Pinkerton; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 12584) for the relief of Alice Loeber; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 12585) granting a pension to Hannah M. Atha; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 12586) granting a pension to Mary J. Kearns; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 12587) granting an increase of pension to Mary Ann Cross; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 12588) granting an increase of pension to John Holmes; to the Committee on Pensions.

By Mr. McPHERSON: A bill (H. R. 12589) granting a pension to Albert E. Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12590) granting a pension to James H. Patterson; to the Committee on Invalid Pensions.

By Mr. MILLSPAUGH: A bill (H. R. 12591) granting a pension to Cora May Potes; to the Committee on Invalid Pensions.

By Mr. MOORE of Illinois: A bill (H. R. 12592) to correct the military record of William L. Million; to the Committee on Military Affairs.

By Mr. RIDDICK: A bill (H. R. 12593) for the relief of J. W. Cook; to the Committee on Claims.

By Mr. ROBSION: A bill (H. R. 12594) granting an increase of pension to William G. Jones; to the Committee on Pensions.

By Mr. SANDERS of Texas: A bill (H. R. 12595) for the relief of the parents of Charles James Crow, deceased; to the Committee on Claims.

By Mr. STEPHENS: A bill (H. R. 12596) for the relief of Frederick S. Easter; to the Committee on Naval Affairs.

By Mr. SWANK: A bill (H. R. 12597) for the relief of John H. McAtee; to the Committee on Military Affairs.

Also, a bill (H. R. 12598) granting a pension to Antoinette C. Constant; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 12599) granting a pension to Elizabeth J. Phelps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12600) to correct the naval record of Harry Aretus Walters; to the Committee on Naval Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 12601) for the relief of Edna Mae Baird; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12602) for the relief of Edna Mae Baird; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6283. By the SPEAKER (by request): Petition of Western Swedish Conference of Methodist Episcopal Church, in conference at Stratford, Iowa, favoring the passage of House Joint Resolution 159, proposing an amendment to the Constitution of the United States to prohibit sectarian appropriations; to the Committee on the Judiciary.

6284. By Mr. ANSORGE: Petition of Sailmakers' Union, Port of New York, favoring passage of ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

6285. By Mr. BROWN of Tennessee: Papers to accompany House bill 12583, granting a pension to Ava Pinkerton; to the Committee on Invalid Pensions.

6286. By Mr. CULLEN: Petition of Central Trades and Labor Council of New York, favoring the impeachment of Attorney General Daugherty and Federal Judge Wilkerson; to the Committee on the Judiciary.

6287. By Mr. KISSEL: Petition of Insecticide and Disinfectant Manufacturers' Association, New York City, N. Y., favoring the placing of white arsenic on the free list; to the Committee on Ways and Means.

6288. Also, petition of Regant Co. (Inc.), New York City, N. Y., regarding flood waters of the Mississippi; to the Committee on Flood Control.

6289. Also, petition of Berger, Raphael & Wiles, New York City, N. Y., regarding flood waters of the Mississippi; to the Committee on Flood Control.

6290. Also, petition of William Wallace Brauer, Esq., Washington, D. C., regarding the German debt; to the Committee on Foreign Affairs.

6291. Also, petition of Chas. C. Bradley, Esq., of Brooklyn, N. Y., favoring a duty of 40 per cent on wire cloth; to the Committee on Ways and Means.

6292. By Mr. LEA of California: Petition of 13 citizens of Oakland, Calif., protesting against the enactment of pending Sunday bills; to the Committee on the District of Columbia.

6293. By Mr. SINCLAIR: Petition of A. V. Schallern and 52 others, of Mandan, N. Dak., and vicinity, for the enactment of legislation insuring a minimum price on wheat and other farm products; to the Committee on Agriculture.

6294. Also, petition of H. P. Hammer and 130 others, of Cooperstown, N. Dak., urging the enactment of a law for a set price on grain; to the Committee on Agriculture.

SENATE.

TUESDAY, *September 12, 1922.*

(Legislative day of Monday, September 11, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

LIBERIAN LOAN.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst
Ball
Borah
Broussard
Calder
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dillingham
du Pont
Edge
Fletcher
France
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
King
McCormick
McCumber
McLean
McNary
Moses
Nelson
New
Nicholson
Oddie
Pepper
Phipps
Ransdell
Rawson
Robinson
Sheppard
Shields
Simmons
Smoot
Sterling
Sutherland
Swanson
Trammell
Walsh, Mass.
Warren
Watson, Ga.
Watson, Ind.
Willis

Mr. CURTIS. I was requested to announce that the Senator from Wisconsin [Mr. LENROOT] is detained by reason of illness in his family.

Mr. SIMMONS. I wish to announce that my colleague [Mr. OVERMAN] is absent on account of illness.

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, there is a quorum present. The question is upon the amendment proposed by the Senator from Idaho [Mr. BORAH.]

Mr. KING. Let the amendment be read.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The ASSISTANT SECRETARY. Add at the end of the joint resolution a new section, as follows:

> SEC. —. That to expedite the completion of Government reclamation projects heretofore begun and extensions thereof and to take up new projects under the national irrigation law, being the act of June 17, 1902 (32 Stat. p. 388), and acts amendatory thereof or supplementary thereto, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of $20,000,000, and the Secretary of the Treasury is authorized, upon request of the Secretary of the Interior, to transfer the same or any part thereof from time to time to the credit of the reclamation fund created under the said act of June 17, 1902.
>
> The said sum of $20,000,000, or so much thereof as shall have been transferred to the reclamation fund, shall be reimbursed to the general funds of the Treasury by transferring annually the sum of $1,000,000 from the reclamation fund to the general funds of the Treasury, beginning July 1, 1940.

Mr. BORAH. Mr. President, during the debate last evening some question arose as to credits which had been extended to other nations upon the same basis as the credit to the Liberian Government. I stated at the time that I was of the opinion that a number of credits had been extended and that the moral obligation, so called, obtained with reference to those credits the same as to the Liberian credit. I find upon examining the record that there was a credit extended to Russia of $450,000,000.

Mr. STERLING. To what record does the Senator refer?

Mr. BORAH. I am examining the hearings before the House Committee on Expenditures in the State Department and reading from the testimony of Mr. Polk, Secretary of State.

Mr. STERLING. I wonder why it is that the Secretary of the Treasury in two reports has stated that a credit of only $187,000,000 was extended.

Mr. BORAH. There were some withdrawals afterwards which I presume justified the Secretary of the Treasury in stating what he did, but those withdrawals were no different from the withdrawal under the Liberian loan.

Mr. STERLING. The question then is, What was the net credit given to that Government?

Mr. BORAH. Then, the fact is that there was no credit given to Liberia beyond the $26,000 to enable the Liberian representatives to take a junketing trip to Paris.

According to Mr. Polk, this was a complete Treasury statement. The statement referred to was set out in the hearings, and it discloses the following facts: Credits established, May 16, 1917, $100,000,000; May 17, 1917, $75,000,000; August 23, 1917, $100,000,000; October 12, 1917, $50,000,000; all of which make $325,000,000.

Mr. STERLING. The Senator is reading the credits extended to Russia?

Mr. BORAH. Yes. Then, on page 19 of those hearings, Mr. MCFADDEN said:

> Mr. Polk, as I understand, the total credits established amounted to $450,000,000?
>
> Mr. POLK. Yes.
>
> Mr. MCFADDEN. And out of that we paid in money how much?
>
> Mr. POLK. $187,729,750.
>
> Mr. MCFADDEN. That was the amount of the advances in cash by this Government to Russia?
>
> Mr. POLK. Yes, sir.
>
> Mr. MCFADDEN. The balance of the credits have been turned back?
>
> Mr. POLK. Turned back into the Treasury.
>
> Mr. MCFADDEN. You say that $187,000,000 was paid to Russia?
>
> Mr. POLK. It was paid in installments, as I have them here, from July 6, 1917—

And so forth.

What took place was precisely the same thing that took place in the instance of Liberia. At a certain time Russia was notified that the credits were withdrawn, as in this case Liberia was notified that the credits were withdrawn; but Liberia was notified that the credits were withdrawn before Liberia had complied with the conditions which were prerequisite to the obtaining of the loan.

Mr. STERLING. Mr. President, there is this difference between the two reports of the Secretary of the Treasury in regard to Liberia and Russia, and especially is the report different in regard to Liberia: The first report of the Secretary of the Treasury, that of 1920, gives the entire credit established for Liberia, namely, $5,000,000, with a withdrawal, I think, then of $26,000; but the two reports give the credit established for Russia as being $187,000,000.

Mr. BORAH. Mr. President, that is true so far as the reports are concerned; but in order to know what was done we must go back to the correspondence, and the correspondence of the Secretary of State was to the effect that Liberia had a credit of $5,000,000 provided she complied with certain conditions. Those conditions were specified in the notice of the credit, but the conditions were not complied with. Later, however, the entire credit was withdrawn. So, Mr. President, while a greater space of time was occupied in the transaction as to Liberia, the transaction was precisely similar in the one case as in the other.

Mr. President, I also find from the record, according to my calculation, that the following credits were made: To Czechoslovakia of $61,000,000, that is in excess of any amounts paid. These credits all rest upon the same moral obligation at the time that the war ceased. Nobody regarded them as binding upon the Government after the cessation of war except with reference to Liberia, and there different circumstances and conditions arose, matters to which we shall come later. A credit was due to Czechoslovakia of $61,000,000; to Serbia of $14,000,000; to England still of $330,000,000; to Rumania of $20,000,000; to Italy of $45,000,000; and to Greece of $48,000,000. The nations named had been notified that they had those credits in excess of the amounts drawn. Any claim to those credits, according to the figures which I have given here, if my investigation of the record be accurate and correct, rests precisely upon the same basis as the claim of Liberia, except that the basis of the Liberian loan is weaker by reason of the fact that Liberia never did comply with the conditions which are prerequisite, while these other nations did comply and drew a part of their credit and ceased to draw only when the war ended; in other words, it was understood that the credits were extended during the progress of the war, and that no nation had any right to claim the excess amount after the war had closed. The only exception which is attempted to be made is in regard to Liberia.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. KING. If there is a moral obligation to extend this credit now to Liberia, is there not a moral obligation to extend the credits which they have not drawn and to respect the credits which have not been drawn as to Greece and other nations?

Mr. BORAH. A precisely similar situation, as I understand, existed.

Mr. KING. Have we not declared by some affirmative action that none of these unexhausted credits should be respected; in other words, that no further payments should be made by the Treasury to any of the governments as to which it was urged there was a moral obligation to extend their credits?

Mr. BORAH. I do not know whether the Senate has passed a resolution in reference to this matter; but I think when the Secretary of the Treasury, Mr. Houston, was before the Committee on the Judiciary when this matter was under investigation, and was asked if he proposed to recognize any of these credits, he said that he did not, and gave the committee the assurance that no advances to these nations would be made in the future.

Mr. KING. I think, perhaps, the Senator from Idaho is correct in his statement. I recall the matter was before the Judiciary Committee, and, upon that assurance, some of us who had contemplated introducing a resolution that would prohibit any further payments did not press it.

Mr. CURTIS. Mr. President——

Mr. BORAH. I yield to the Senator from Kansas.

Mr. CURTIS. I understand the department held that no further advances could be made except by the sanction of Congress.

Mr. BORAH. Yes. The same moral obligation, however, is there upon which to base the action of Congress if any action is to be had.

Mr. President, there was another feature of this question which arose on yesterday as to which I desire to read part of an editorial from the New York Nation. I presume if there is any one journal in the United States which may be credited with having advocated the cause of the colored man, in season and out of season, and upon all occasions, it is that journal. The proposed loan is supposed to be for the benefit of the people of Liberia, but I do not think that it will benefit the masses of the people of Liberia at all. I read a portion of an editorial from the New York Nation:

> This arrangement, signed at Washington last October by Mr. Hughes and by plenary commissioners of the Liberian Republic, makes Liberia in fact a servile American colony, ruled by a financial commissioner to be named by the President of the United States. This financial commissioner will collect and disburse all Liberian revenues; he will determine the size of the Liberian police and military force, which will be commanded by American Army officers; he will have power to veto any item in the Liberian budget, to order any financial legislation passed which he may desire, to dismiss any employee of the Liberian customs, tax, or treasury services at will; he will limit the annual expenditures of Liberia to a total of $560,000, almost a fifth of which, $109,700, must go to pay the salaries of 22 American officials, and more for their expenses. He will himself receive a salary 25 per cent larger than that received by the Secretary of State of the United States. In short, he will be the well-paid dictator of Liberia, subject to no Liberian control and only in a very distant manner to control by the United States.
>
> Incidentally one of his definite instructions will be to apply a part of the $5,000,000 "lent" from the Treasury of the United States to the payment of approximately $1,650,000 to repay the present foreign debt of Liberia to "J. P. Morgan & Co., Kuhn, Loeb & Co., the National City Bank of New York, and First National Bank of New York, acting for themselves and for Robert Fleming & Co., Banque de Paris et des Pays Bas, M. M. Warburg & Co., and Hope & Co., and for others." These bonds have been, according to the testimony of Harry A. McBride, of the State Department, before the House Committee on Ways and Means, selling at 98, approximately par, "since the $5,000,000 loan was first announced to Liberia. Before that, I think, they were selling for about 75 or 80." In other words, the bare announcement that Uncle Sam was about to lend this $5,000,000 at one leap increased the value of the holdings of these bankers by at least $330,000.

So, view the situation as you will, Mr. President, the carrying out of this "moral obligation" will not, in my judgment, result in any moral benefit to the people of Liberia.

I called attention yesterday to the fact that I had been advised—and I have been advised to the same effect since yesterday—that all the floating indebtedness of Liberia which is to be taken up, amounting to some $500,000 or more, has been purchased by speculators at a very low rate, and the fact that that indebtedness is now to be taken care of out of the $5,000,000 proposed to be advanced to Liberia has resulted in an increase in the value of the securities representing that indebtedness amounting to several hundred thousand dollars. We now find that the $1,650,000 indebtedness which was rated at 75 or 80 cents is now to be taken care of at par.

Then it is proposed to add onto the people of Liberia a bureaucratic form of government which is a model of complete bureaucracy. I want the Senate to think about that again for a moment and to consider what we are doing to help the people of Liberia and the way we are proposing to do it. I read again from the agreement negotiated by the Secretary of State.

> The financial commission shall be composed of a financial commissioner, at a salary of $15,000 per annum—

For what? To administer the balance of the $5,000,000, amounting to something over two and one-half million dollars, possibly less and possibly more.

> A deputy financial commissioner, at $10,000 per annum—

Here are two officers who are imposed upon the people of Liberia at $25,000 a year, and, as stated by the editorial in the New York Nation, the powers conferred upon them are dictatorial, unlimited, uncircumscribed, so far as the Liberian people are concerned.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. BORAH. I yield.

Mr. HARRISON. Are the members of the financial commission to Liberia to be appointed by the President of the United States?

Mr. BORAH. Yes.

Mr. HARRISON. Are they to be confirmed by the Senate?

Mr. BORAH. No; I do not so understand. I will not be certain about that, but it is my understanding that they are not to be confirmed by the Senate. Their appointment is provided for merely in an agreement with Liberia, which does not take the form of a treaty, and I do not discover anywhere in it that it is provided that the appointees shall be confirmed by the Senate. Then additional officers are provided for, as follows:

> An auditor, at $6,000 per annum; three administrative assistants of class 1, at $6,000 per annum, to be assigned, respectively, as controller general of customs, commissioner general of the interior, and director general of sanitation.

Mr. FLETCHER. Mr. President, may I ask the Senator does that mean $6,000 each, or $6,000 for the three?

Mr. BORAH. Six thousand dollars each.

Mr. FLETCHER. Eighteen thousand dollars in all?

Mr. BORAH. Yes. Then, there are provided—

> Ten administrative assistants of class 2, at $4,000 per annum—

That represents $40,000, in addition to the $18,000 for the three administrative assistants of class 1, and $25,000 for the financial commissioner and the deputy financial commissioner.

Mr. STERLING. Mr. President, has the Senator figured it up so as to give the aggregate of salaries paid?

Mr. BORAH. No; I have not.

Mr. FLETCHER. I think it amounts to about $95,000, as I figure it in my mind—from $95,000 to $100,000.

Mr. BORAH. Three controllers of customs, three district commissioners, two technical advisers, an accountant, an agricultural adviser, two administrative assistants of class 2, at $3,000 per annum, one postal revenue officer, and one clerk assistant.

Mr. President, when we take into consideration those that are provided for in the agreement itself, and the salaries, and contemplate what they will be after they have got all their clerks and assistants into their control or under their appointment, we can imagine the size and the weight and the consuming effect of this bureaucracy which we are placing upon Liberia. How long will it take Liberia to pay this debt under that kind of an expense?

Mr. GLASS. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. GLASS. May I ask the Senator what possible relation any of these administrative activities which have been mentioned by him have to the security of the United States or to the prosecution of the war against Germany?

Mr. BORAH. I do not see any immediate connection.

Mr. GLASS. The Senator knows very well that the only authority on earth for establishing credits and making loans was in behalf of the security of this Nation and the prosecution of the war. Upon the question of moral obligation, it is distinctly shown by Mr. Secretary Huges, in his letter to the late Senator from Pennsylvania, Mr. Penrose, that he himself gravely questioned the propriety of making this loan now proposed to relate to the war, so that the "moral obligation" talk is idle. It has no relation in the world to the consideration of this question. If we propose to make an independent loan to Liberia in consequence of somebody's obligation to somebody else long after the war, that is an entirely different proposition.

Mr. BORAH. Mr. President, I think the debate in the House discloses very clearly upon the part of the advocates of this measure that, as the Senator from Virginia says, the moral obligation proposition has dropped out. For instance, the able Representative from Ohio [Mr. BURTON], in presenting this matter, presented it almost entirely upon the proposition of a commercial loan upon the theory that we ought to build up our commerce over there; that it would give us a foothold, as it were, to enable us to do so; and I have here somewhere a statement of his, which I think I can turn to readily, which will show precisely what is in the minds of those who are advocating this measure at this time.

Mr. FLETCHER. Mr. President, while the Senator is looking for that, if he will allow me to interrupt, I call attention to the fact that the report submitted in support of this measure refers back to 1909: It says:

> In a letter to Congress, dated January 19, 1909, advocating legislation proposed to aid Liberia, President Roosevelt said—

And then—

> President Taft, in * * * 1910, said—

So and so. So, evidently it is not claimed now that his proposition is based upon the emergency growing out of the war.

Mr. GLASS. Oh, yes; the report itself bases it upon some declaration of Mr. Secretary Lansing that there was some moral obligation involved and that this Nation was in honor obliged to make this loan, and yet Mr. Secretary Hughes, in his letter of June 22, 1921, to the late Senator from Pennsylvania, Mr. Penrose, uses this language:

> In view of the time which has elapsed since the establishment of the credit and the questions which might well be raised as to the propriety at this time of advancing money to Liberia as a war measure, it is hoped that Congress—

Will take some independent action. Who ever heard of there being any question of propriety of complying with a moral obligation if the moral obligation really exists? There is no moral obligation or any other sort.

Mr. FLETCHER. I quite agree with the Senator. I am simply reinforcing his position by referring to the report, which, as I say, goes back for argument to support it to 1909, and the position taken then that we ought to help Liberia.

Mr. CURTIS. Mr. President, of course the Senator knows that that was referred to simply to show the relationship which has existed between this country and Liberia ever since its organization.

Mr. GLASS. Does the Senator from Kansas mean that we are to go ahead and loan money to every nation with which we are on cordial terms simply because they want to borrow money?

Mr. CURTIS. No, Mr. President; and that was not what I said. I said that the reference to Roosevelt's attitude and Taft's attitude was simply to show the relationship between the two countries. I am supporting this bill because the Secretary of State under the former administration, Mr. Lansing, and the present Secretary of State, Mr. Hughes, say it is a moral obligation upon the part of this Government.

Mr. GLASS. Mr. Hughes distinctly says that the question of propriety might well be raised as to the payment of this money with respect to the statute under which the credit was established.

Mr. CURTIS. Here is what he said in his testimony, if the Senator from Idaho will permit me:

> I think it a point of honor that this loan should be made, and I shall briefly endeavor to explain why I think that the question of primary importance.

Then he goes on and states:

> Liberia had entered the war, you may say, at the instance of the United States——

Mr. BORAH. Mr. President, let me pause there and ask the Senator a question.

Mr. CURTIS. Let me finish this.

Mr. BORAH. I want to pause right there and ask the Senator to indulge me. That is constantly being brought in here by Mr. Hughes and by other parties as an element creating a moral obligation—because they entered the war at our suggestion. They did enter the war because they were in a condition where they needed relief, and we told them we would give them relief, to wit, by protecting their ports, and they entered the war, and we gave them the relief.

Mr. CURTIS. How much protection did we give their ports?

Mr. BORAH. We gave them all they had.

Mr. CURTIS. They did not have any.

Mr. BORAH. They proceeded to do business just the same afterwards.

Mr. CURTIS. No; I beg the Senator's pardon. They did not do any business at all, and their ports were attacked by German submarines. They were at the mercy of German submarines.

Mr. BORAH. The ports were closed at the time we made that promise to them, and after that they were opened. Of course, we were not able to control the German submarines on the instant. If we had been, we would have put an end to the war; but, as a matter of fact, their entering into the war had nothing to do with the creation of this loan.

Mr. GLASS. What did they enter the war for? Why, two Washington policemen could have captured their whole force.

Mr. CURTIS. Mr. President, I started to answer the Senator's question, if the Senator will permit me.

Mr. BORAH. Yes; I will permit the Senator, but Mr. Hughes's statement on that proposition seemed to me an erroneous one.

Mr. CURTIS (reading):

> Now, what is the basis of a moral obligation?

The Secretary said:

> I take it to be a promise on which another has acted. We told the Liberian Government that, assuming that the proper provision for the protection of the loan was provided, this credit was open.
>
> We went further than that. And now I must refer to a confidential paper, which I hope—

And so forth.

This was all read yesterday, and these confidential papers were referred to—some of them read by the Senator from Idaho and some of them referred to by me. They have all been put in the RECORD, and, of course, there is no use in going over them again.

Mr. BORAH. Mr. President, let us analyze Mr. Hughes's statement a moment.

> Now, what is the basis of a moral obligation? I take it to be a promise on which another has acted.

Then he leaves you to infer that a promise was made upon which Liberia acted; and there he discloses his great adroitness as a lawyer, letting the reader assume that to be true which is not true.

> We told the Liberian Government that, assuming that the proper provision for the protection of the loan was provided for, this credit was open.

Liberia did not comply with the conditions which were prescribed and made precedent. So Liberia did not take any steps upon our promise at all. Upon the other hand, she refused to take any steps.

What has Liberia lost? What has she forfeited? What step did she take that she can not retrace? The United States is the only one that has lost anything. It has lost $26,000; but Liberia has not parted with any money. Liberia has not parted with any property. Liberia has not taken any step that she can not retrace; but Mr. Hughes leaves us, as the only basis of his moral obligation, the assumption that Liberia has done something by reason of our promise, which I must controvert upon this record.

Mr. GLASS. And then he pulls up his "moral obligation" argument by the roots by stating himself that questions of propriety may well be raised against it.

Mr. BORAH. And he goes further, and says that the real reason for this loan, as I quoted yesterday from his own language, was a commercial proposition for the future.

Now I will read what the able Representative from Ohio, [Mr. BURTON], in discussing this matter, said:

> Mr. Chairman, it is about time for us to depart from that selfish policy which I have often heard advocated on this floor and to maintain a larger degree of altruism. The nations of Europe are criticizing us because we are gathering in great hoards the gold of the world.

I suppose if he had read Kipling in the last day or two he would feel more keen than ever to take care of the situation in an altruistic fashion:

> If I may again stray into consideration of what I think a selfish policy, we had better utilize that gold in making advances to other countries, not in the way of Government loans but in dividing up that great surplus which is not beneficial to this country and unnecessary for its credit.

In other words, we want to get rid of our gold surplus; we want to divide it up, and instead of sending it West to build irrigation projects and make homes for the American people we propose to loan it to Liberia, and create a bureau which will have the effect, sure enough, of dividing up the gold of the United States.

> It has a tendency to increase the high cost of living—

This gold of ours, in our possession—

> because of the immense stock of money in this country. I especially oppose the idea that we should build up this great hoard like that of Midas. Let us cooperate in the development of the rest of the world; let our people make advances to them for their rehabilitation and growth. This will not only be our duty as a member of the great family of nations, but will be for our own interest as well, and especially does that apply when this promise has been definitely made that we would make a loan and the money has been set aside.
>
> I am not in favor of making any more loans like this to foreign governments.

Why stop with Liberia?

> I am not in favor of this Government making further loans to other countries. There is plenty of money in the country, however; our investors loaned $100,000,000 to Canada and the loan was oversubscribed. Gentlemen speak of destitution. If you want to relieve the destitution, let us aid other countries in their development and let them buy of us. Here is Liberia, with her splendid resources, almost unlimited, without roads, without harbors, without improvements; and this loan, or the largest share of it, would be applied to building up that country and giving them an opportunity to come nearer to the rank of civilized nations of the earth.

The President of Liberia, Mr. King, in his letter dated January 11, 1918, discloses clearly the real purpose of this loan. It was not to enable them to carry on the war or to take part in the war. He said:

> The financial dangers at present threatening the Republic, as foreshadowed in the inclosed memorandum are, in the opinion of the President, so imminent as to warrant his excellency's firm conviction that a strong and candid appeal should be immediately made to the Government of the United States to come to the relief of the Republic without delay by:
>
> 1. A loan of not less than $5,000,000 to enable the Republic to cancel the refunding loan of 1912 and to establish a receivership under American control alone; to take up our internal floating indebtedness; to stimulate education, agriculture, and industry, and to inaugurate such public works as will operate for the complete financial and economic rehabilitation of the country.

This is the object of the loan, not war; not to make us more secure or more powerful in our fight, but purely a commercial proposition, to rehabilitate Liberia, and to pay off her debt. He continued:

> 2. By the loan of additional American agents to assist the Government in perfecting its desires and plans for effective administration and control, both in the several departments of government and in the administration of our hinterland.
>
> To this end, therefore, does the President desire this memorandum to be laid before the Government of the United States through your legation. Knowing as he does your warm interest and concern in the welfare and prosperity of Liberia, his excellency feels justified in relying upon your support and indorsement of this appeal now being made to your Government.

Mr. President, there is not a word in that, not an intimation, in connection with the question of the prosecution of the war. There is no suggestion that if this loan is made they will declare war, and turn their vast armies and navies loose upon the German Empire. It is just the same as if we would make a loan to-day, if there were no war, and should discuss the proposition of a foreign loan; it is simply a commercial transaction, a commercial proposition.

Mr. FLETCHER. Mr. President, bearing out the Senator's thought in this connection, the report says that the Government of Liberia declared war against Germany on August 4, 1917. It was not until Septemebr 24, 1917, that the second Liberty loan act was passed.

Mr. BORAH. Precisely.

Mr. FLETCHER. So it was not by reason of any promise on our part that Liberia declared war on Germany. She did that on August 4, prior to the time the act was passed.

Mr. BORAH. Mr. President, I desire to say a word now with reference to the amendment. The situation in the West with reference to reclamation has been very discouraging for a number of years. The Government indicated its purpose of opening up certain large tracts of land, and so arranged affairs that homesteaders were permitted to go upon those tracts and undertake to secure homes. Of course, nothing can be raised upon those tracts without irrigation. The settler went there in the belief and with the understanding, sometimes direct and sometimes implied, that the Government would within a reasonable time reclaim those tracts of land.

In a number of instances the settlers have been upon those tracts for all the way from 5 to 10 years, sometimes a longer period of years. They have suffered and sacrificed pretty nearly everything a human being could suffer and sacrifice in order to get a home. They have undertaken to hold out against most adverse circumstances in order to maintain their homes, in order to secure them, but the Government has not been able or willing up to this time to take care of many of those tracts. The result is that the settlers are being forced off of those lands because the Government does not complete its contracts and does not reclaim the lands.

There is not sufficient money in the reclamation fund at this time to complete those projects. There is only one way by which the work can be completed, and that is by a loan from the General Treasury to the reclamation fund. That loan is provided for, to a limited extent, by this amendment. The loan provided for is not a large one, but in my opinion it would assist in taking care of those tracts where the settlers are actually in possession of the land where they have located and initiated their interests. I know of no other way by which those people can be taken care of.

I understand from the press reports this morning that the conferees on the bonus bill have eliminated what is known as the McNary amendment. If that amendment had been left on the bill, with the chances of its becoming a law in case the bill itself should become a law, I think in all probability I should have withdrawn this amendment this morning. But it is now very clear that by no other means and in no other way can the western settler be aided at this session of Congress except in this way.

I feel that it is the solemn duty of this Government to carry out those contracts. If the Government does not desire to initiate new enterprises, that is a wholly different question. If the Government desires to end the reclamation policy and program with the projects which are now begun, that is a wholly different proposition. But I undertake to say that where settlers have gone upon the land, where the projects have been initiated, where the settlers are there, where they have made an effort and made every sacrifice, the Government is under the highest obligation, if not legal, certainly moral, to complete the contracts and to enable those people to acquire their homes.

If I may refer to another matter, one of the specific promises made in the last national campaign was that these projects would be taken care of, and that the party, if given power, would go forward with the completion of this work. That was put out in the midst of the campaign, particularly in the West. So, as a party and as a Government, we stand to-day under the highest moral obligation to make some arrangements for the completion of this work.

If, as is said by the advocates of this bill, we are in a position to loan money to rehabilitate Liberia, what possible excuse can we give to our own settlers when we say we have not the money to complete the projects upon which we invited them 5 and 10 years ago? When we say we have the means to go 3,000 miles away and take up a half-civilized country and expend our means upon it for the same purpose precisely, that of improving agriculture, that of reducing the land to cultivation, what possible explanation can we make to our own citizens when we say we have not the money to loan from the General Treasury to the reclamation fund in order to take care of their claims?

So I say, Mr. President, that while we are discussing the question of moral obligation to a people, while we are considering the question of improving agricultural lands and making homes, it is quite proper to take into consideration a condition in our own country which has been neglected for too long a time.

Mr. KING. Before the Senator takes his seat, may I make a suggestion?

Mr. BORAH. Certainly.

Mr. KING. The Senator has made reference to the party obligation, and to the declaration of the party in favor of reclaiming arid lands. I am afraid the Senator overlooks the fact that an election is approaching. It looks as though the Republicans in the North would be defeated in many States. It is alleged that there are a great many Republican colored voters in the North. Has the Senator taken into account the fact that the Republican steering committee, perhaps with an eye to political considerations rather than to justice, conceive that a loan to Liberia and the passage of the antilynching bill will help the Republicans in the North, and that it is mere partisanship and opportunism rather than moral obligation, or a regard for international obligations that prompts the steering committee and the Republican Party to project this legislation and the antilynching bill at this time? Is not that something the Senator has failed to enlighten the Senate about?

Mr. BORAH. That is something I have not enlightened the Senate about; but I called attention to the fact that we have as a party made a specific promise to the settlers of the West. If there is another promise out, then I want the two promises to be fulfilled together.

Mr. CURTIS. Mr. President, I judge from the question asked by the Senator from Utah that he has not read the returns from Maine.

Mr. KING. Oh, yes; I have.

Mr. CURTIS. The election there would indicate that the North is going Republican, as it has been going for years. But that is outside of this question, and I am sorry the Senator brought it up. I should not have referred to it had he not done so.

It seems to me, from the arguments, that the Senator from Idaho and gentlemen on the other side of the aisle are trying to place the Secretary of State in a wrong position. He clearly stated, as I have read here several times, that he based this recommendation, first, upon the ground that there was a moral obligation. He referred to the other considerations, and that is how the commercial question was brought in. The Secretary of State said:

> I also wish to say this, that to which I have already adverted, I will say for the record that the consequences of a failure to give this authority from my point of view, which, of course, with all deference, I merely submit to your consideration, would be lamentable, in the first place, with respect to the position of the United States before the world, not only before Liberia but before the world.

Now, next, and this is where the question of commerce comes in, and is the only reference to it—

> Next, it would be most lamentable for Liberia; and, third, it would forfeit to the United States an opportunity which ought not to be held as the chief motive in entering into this enterprise, but which we can very properly consider, an opportunity which confers without prejudice to the interests of the people of Liberia certain natural advantages from the association which the making of this loan would create.

But, as I stated yesterday and again this morning, the main basis for the Secretary's recommendation was the moral obligation which he claims exists, as did Secretary Lansing.

I hardly think it is necessary to refer to the part of the argument of the Senator from Idaho as to what effect our taking over the affairs of Liberia might have upon the people. It would depend entirely upon the character of the men sent to Liberia. It would depend upon the management they gave to the affairs of that country.

I dislike very much to oppose the amendment offered by the Senator from Idaho, but the Senator clearly realizes that the amendment is not germane to the joint resolution. Of course, there is no use of raising the question of germaneness, because that must be submitted to the Senate, so if we can have a vote the matter can be settled that way. Since I have been in Congress I have voted for the various reclamation measures, feeling that the Government owed an obligation to aid the settlers who had gone out to the West and Northwest to develop that country, and I feel that all the obligations and promises made to those people should be fully kept. But I desire just for a moment or two to present the other side of the question. I do not believe our people fully realize what has been done for irrigation in that country, nor do they realize that some of the people on the irrigation projects have failed to appreciate what has been done for them by the Government. It must be remembered that the Government has already advanced on irrigation projects $132,000,000, of which——

Mr. KING. Mr. President, will the Senator yield?

Mr. CURTIS. Certainly.

Mr. KING. I think the Senator on reflection would feel disposed to modify that statement. The original appropriation, as I recall it, was in the aggregate about $20,000,000. There is a revolving fund, and only $20,000,000 has come out of the Treasury. The residue has come from the sale of public lands and upon the contracts made with settlers upon the irrigation projects.

Mr. CURTIS. I was just coming to that and will come to it if the Senator will rest easy for a moment or two. The Government has advanced or there has been paid out on irrigation projects upon public lands $132,000,000, of which there has been returned to the Government the sum of $12,000,000. There has been expended upon Indian lands for irrigation purposes the sum of $23,000,000, of which there has been returned to the Government only about $1,800,000.

I am referring to this regretfully because I would not discuss the matter if the Senator from Idaho had not offered the amendment, but in the State of Idaho one project cost the Government about $20 an acre; the water rights were given to the settlers at $6 an acre, and they have returned but little if any of the money.

Mr. BORAH. That was an Indian proposition.

Mr. CURTIS. It was given to the white settlers.

Mr. BORAH. But it was an Indian proposition.

Mr. CURTIS. Yes; but the money was paid out of the Treasury of the United States.

Mr. BORAH. The Congress of the United States enacted the law.

Mr. CURTIS. Certainly.

Mr. BORAH. And the white settlers complied with the letter of the law. Who is to blame, the Congress or the settlers?

Mr. CURTIS. The white settlers were to pay and they have not paid. The matter went so far that a year or two ago an amendment was proposed to an Indian appropriation bill, which I offered myself, and afterwards eliminated upon the promise of the Senator from Idaho and his colleague that the settlers would enter into an agreement with the Government that the settlers should pay the Government the amount agreed upon. That agreement has been made. I am glad to say they have entered into it, and I hope the money will soon be repaid.

Mr. FLETCHER. May I inquire of the Senator how much was involved in that project?

Mr. CURTIS. Nearly $2,000,000 was advanced. I believe that some of the projects where they have raised such large crops should pay back to the Government what the Government has advanced and let the Government then advance that money to new settlers and to those who have not been aided.

In Arizona we have the Salt River project, where the cost of construction was $10,000,000. The crops raised upon that project in the last 10 years have amounted to $111,000,000 and yet they have only returned to the Government $609,000.

On the Yuma (Arizona-California) project, which cost $8,000,000, the crops raised were valued at $25,000,000, and they have returned to the Government $800,000.

Mr. BORAH. Will the Senator yield?

Mr. CURTIS. Certainly.

Mr. BORAH. I have been trying to think of the name of the project in Kansas where the settlers never paid anything back.

Mr. CURTIS. No; and the Senator from Kansas refused to ask for an appropriation to continue it.

Mr. BORAH. Exactly. I am not attacking the Senator from Kansas. I am speaking about the settlers in Kansas.

Mr. CURTIS. That project was started, and when the Senator from Kansas came to this body and an additional appropriation was asked for, the Senator from Kansas told the committee that he did not want the appropriation because it was not doing the Government any good nor was it doing the settlers any good. It would be better for the Government and for the settlers if some Senators from the irrigation States would take that position in regard to some of the projects in their States.

The Orland (Calif.) project cost $1,000,000; crops raised, $4,000,000; paid back to the Government, $168,000.

In Colorado the Grand Valley project cost over $3,700,000; value of crops raised, $20,000,000; paid back, nothing.

The Uncompahgre project cost $6,000,000; crops raised, $22,000,000; paid back, nothing.

In Idaho the Boise project cost $12,000,000; crops raised, $30,000,000; paid back, $1,099,000.

King Hill project cost $1,400,000; crops raised, $652,000; paid back, nothing.

Minidoka project cost $6,000,000; crops raised, $31,000,000; paid back, $2,000,000.

In Montana the Huntley project cost $1,400,000; crops raised, $5,600,000, returned to the Government, $340,000.

Milk River project cost $6,500,000; crops raised, $1,900,000; returned, nothing.

Sun River project cost $3,900,000; crops raised, $1,700,000; returned, $124,000.

Montana-North Dakota, Lower Yellowstone, cost $3,000,000; crops raised, $3,600,000; returned, $41,000.

Nebraska, North Platte, cost $12,000,000; crops raised, $24,000,000; returned, $1,000,000.

In Nevada the Newland project cost $6,000,000; crops raised, $10,000,000; returned, $484,000.

In New Mexico the Carlsbad project cost $1,300,000; crops raised, $6,000,000; returned, $300,000.

New Mexico and Texas, Rio Grande, cost $11,000,000, crops raised, $25,000,000; returned, nothing.

North Dakota pumping project cost $400,000; crops raised, $200,000; returned nothing.

In Oregon, the Umatilla project cost $2,700,000; crops raised, $2,700,000; returned $300,000.

Oregon-California, Klamath cost $3,500,000; crops raised, $5,000,000; returned $450,000.

Utah, Strawberry Valley cost $3,000,000; crops raised, $9,000,000; returned $300,000.

Washington, Okanogan cost $1,000,000; crops raised, $6,000,000; returned $40,200.

Yakima cost $10,000,000; crops raised, $7,700,000 in 10 years, and paid back $2,000,000.

In Wyoming, the Shoshone project cost $7,000,000; crops raised, $7,900,000; paid back $558,000.

Mr. STERLING. The Senator has not given South Dakota. I would like to have the figures for that.

Mr. CURTIS. The South Dakota project cost $3,500,000; crops raised, $7,900,000; returned to the Government, $456,000.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER (Mr. HARRELD in the chair). Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. CURTIS. I yield.

Mr. SHIELDS. As the Senator seems to be familiar with the subject, I would like to ask with reference to the immense crops which have been raised, evidently upon projects which have been successful, why more has not been paid back to the Government?

Mr. BORAH and Mr. McNARY addressed the Chair.

Mr. SHIELDS. Let me finish my question. Is that because the law did not require it or because the law was not enforced?

Mr. CURTIS. I think, in the first place, it was because the law put a limit upon the time of payment that should be made and afterwards Congress extended the time from 10 to 20 years. But that does not answer the question. Those people have raised the crops. Their neighbor gets an extension on the irrigation projects. They have raised crops to the value of millions of dollars more than the projects cost, and they have not paid back as much as I believe they could have and should have.

Mr. BORAH. Before the Senator leaves that point, let me ask him where does he estimate the value of those crops? Is it on the project?

Mr. CURTIS. I take the statement from the Reclamation Service—the department of the Government which gives the value of the crop, as I understand it, at the place of production.

Mr. BORAH. Let me give an illustration. We have a project in Idaho which was very successful this year in raising a certain crop—that is, potatoes. It is now costing the potato raisers more money to dig and ship their potatoes to Omaha than they can get for their potatoes when they get there, to say nothing at all about the expense of raising the crop to the point of digging. That is the situation. I saw a statement the other day in a New York paper about the vast value of this crop, but it was estimated at its value upon the ground. After it gets to the place where it can find a market the crop raiser is indebted to the party to whom he must pay his shipping expenses.

Mr. CURTIS. The Senator from Kansas has not insisted that in the last two or three years the farmers on the irrigation projects have made money any more than have the farmers in other sections of the country. I know it has been a bad time for them all, and they have not made money. What I am talking about are the years when they did make money.

Now let us come back to the Indian project.

Mr. FLETCHER. May I inquire of the Senator whether the law does not require annual payments on those projects? If Congress extends the time of final payment, that does not necessarily relieve them of the payment.

Mr. CURTIS. Under some projects we have year by year extended the time by resolution of the House and Senate.

Mr. FLETCHER. Year by year, but that was the annual payment. They are required to make certain annual payments on account of these projects, I understand.

Mr. BORAH. Before the Senator from Kansas leaves that point, to what resolution does he refer by which we extended the limit?

Mr. CURTIS. I say that resolutions have been passed from time to time extending any yearly payments that may have become due under any project.

Mr. BORAH. The Senator is in error.

Mr. CURTIS. I may be in error; if so, I withdraw the statement.

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. CURTIS. Certainly.

Mr. McNARY. That statement was not made to mislead——

Mr. CURTIS. It was not.

Mr. McNARY. But it was entirely erroneous.

Mr. CURTIS. I do not know whether the resolutions had reference to irrigation projects or to public-land settlers.

Mr. McNARY. I am certain it was not the irrigation projects. About a year ago I offered the first and only resolution of that character which permitted the Secretary of the Interior, after thorough investigation and in special cases, to extend the time for payment of maintenance and operation charges.

Furthermore, the Senator from Kansas is in grievous error about defaults being made in the payment of those sums. It is less than 3 per cent. One hundred and thirty million dollars has been covered into the reclamation fund from the sale of public lands and royalties on oil lands, and of that $15,000,000 has been paid. The law declares a default when it is made. Payments have been made more promptly and in larger amounts upon irrigation projects than under private contracts between individuals. Furthermore, with those large crops the Senator must remember that the projects are not finished from year to year, but certain units in each project are finished, and no one is yet a complete project. These sums have been paid out over a period of 21 years. It takes a good many years after a project is started before it produces anything in the way of crops, and it is unfair to say to those who are administering the great irrigation service that they have been guilty of neglect in the collection of the money due for maintenance and construction charges.

Mr. CURTIS. Mr. President, I do not think any Senator who has studied the question on the Appropriations Committee or elsewhere will say for a moment that they have not been neglectful of their duty so far as collecting moneys due. They have been neglectful of their duty. I do not believe they have tried to collect payments as diligently as they should have done.

Mr. McNARY. I will say to the Senator from Kansas that he is not at all familiar with the record.

Mr. CURTIS. The Senator from Kansas has been upon the Appropriations Committee and has asked the representatives of the Reclamation Service questions and has received their answers.

Mr. McNARY. I appreciate that the Senator from Kansas has been on the Appropriations Committee, but that does not mean that he understands much about reclamation.

Mr. CURTIS. I do not claim to be an expert on reclamation, but I claim to understand what a man says in answer to questions——

Mr. McNARY. I say that it is most manifest that the distinguished Senator from Kansas does not know anything about the proposition which he is discussing.

Mr. CURTIS. It is too bad that some other Senators do not know more about it. Now, let us take the reclamation projects on Indian reservations. I suppose the Senator from Oregon will say that I do not know anything about them.

On the Blackfeet (Mont.) project they have raised crops of the gross value of $860,615; the net cost of the construction has been $1,444,360.60, while the repayments to the Government have only been $2,142.75.

On the Flathead (Mont.) project crops have been raised of a gross value of $3,486,763; the net construction cost has been $4,491,586.70, while the repayments have been but $13,694.29.

On the Fort Peck (Mont.) project the gross crop values have been $146,818; the net construction cost has been $866,121.14, while the repayments have been but $497.24; and they returned but a small amount until a provision was put in the appropriation bill requiring the Bureau of Indian Affairs to collect the money.

I am not here to attack irrigation projects. As I have stated, I have voted for such projects and I should like to see the country developed. I think the Government has reserved too much land in the State of Idaho and in other States in the Northwest and West; that it has tied up too many acres; but that does not excuse the people who have settled upon these projects, who have produced good crops, and who have received a fair profit for them from making their payments to the Government, so that their neighbors might have the benefit of such repayments in the revolving fund.

As I have stated upon this floor a number of times, I will vote for any appropriation to carry out the contract of the Government with the people who are upon the irrigation projects. We had this question up a number of years ago, when the Senator from Montana [Mr. WALSH] presented their side. In that debate I stated that as a member of the Committee on Appropriations I was ready to vote for every dollar which was required to carry out the promise of the Government; and I now stand ready to do that, whether the project is a success or a failure. If the Senators from those States would be fair, however, they would stand up here and admit that some of the irrigation projects ought to be abandoned.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. CURTIS. I yield.

Mr. GOODING. Speaking for Idaho, I desire to say to the Senator from Kansas that it is not necessary to abandon any irrigation project in my State, and it will be nothing less than a crime to do so. If the Government had not increased the freight rates 73 per cent in my State it would be possible for the settlers on reclamation projects there to pay what they owe the Government, but unreasonable freight rates have been exacted and made possible by a Government agency. Is it strange, therefore, that a farmer can not meet his obligations? In not many of the projects in my State will the products raised bear the freight rates to market this year.

Is the Senator from Kansas going to hold the farmer responsible for that condition over which he has no control at all, and that, too, when the railroads did not need the increase, when their dividends have been greater year by year than they were during pre-war times?

Mr. CURTIS. The Senator from Kansas said a few moments ago—I judge the Senator from Idaho was absent from the Chamber at the time—he would not hold those people responsible. I know what the conditions have been for the last few years; but I contend that some of those people did not make their repayments before the freight rates were increased.

Mr. BORAH. I assert that that statement is without foundation.

Mr. CURTIS. I have given the figures taken from official reports, and I would like to see the senior Senator from Idaho give the figures to prove the contrary of what I have stated if he can.

Mr. BORAH. I do not care anything about the figures which the Senator brings down here from the department. I assert that these men did pay whenever they could pay. Of course, the department itself passed upon the question of whether or not they could pay, and the department concluded that they could not pay.

Mr. GOODING. With the exception of the Boise-Payette project, in which there has been controversy between the settlers and the Government, generally the settlers have paid in my State.

Mr. CURTIS. On that project they were only required to pay $6 for what cost the Government twenty-odd dollars.

Mr. GOODING. I imagine that when that controversy shall have been settled the people of the Boise-Payette project will pay; and, without any exception, in my State the time is coming when we shall be able to pay.

Mr. CURTIS. I am glad to hear that.

Mr. GOODING. But it is impossible for them to pay with the present freight rates.

Mr. FLETCHER. Mr. President, may I ask the Senator why it is that land which cost the Government $20 per acre, as he says, was sold for $6 per acre?

Mr. CURTIS. I did not mean to convey the impression that the land cost $20 an acre, but that the construction of the project and putting on the water cost that amount. The House and Senate, in 1907, passed a law directing that the water rights be sold to the settlers at $6 an acre, but as yet they have not been paid for.

Mr. President, I do not like to make this kind of a speech here, but I think the people——

Mr. GOODING. In that very case the Senator knows that there has been a controversy all the time between the settlers and the Government and, so far as that is concerned, Congress passed an act which gave the settlers their water rights at $6 an acre, and then immediately the Government tried to increase that price without any authority.

Mr. CURTIS. Oh, no.

Mr. GOODING. That is what the Indian Bureau did, as the Senator well knows.

I wish to state to the Senator that there are no more honest people on the face of God's footstool than in the State of Idaho——

Mr. CURTIS. I agree with the Senator on that point.

Mr. GOODING. And I think that is true of all the western States.

Mr. CURTIS. I agree with the Senator fully as to that.

Mr. GOODING. Many of them are men who have been pioneering and making possible the settlement and development of that great section of the country.

Mr. CURTIS. I agree with the Senator as to that, but I want the Senator to remember that it was not until an amendment was proposed to be attached to the Indian appropriation bill that the junior Senator from Idaho and the senior Senator from Idaho joined and took the matter up with the Indian Bureau, as a result of which an understanding was reached to the effect that if that amendment was left out the settlers would enter into an agreement to pay back the money owed to the Government. I have here in my possession a copy of that agreement.

Mr. President, I am not here to attack the settlers on irrigation projects who have not been able to produce crops. They have my sympathy. Do we not have crop failures in Kansas, and do not I know what a crop failure means? I would extend the time of payment year after year as long as necessary in order to relieve the people suffering from such disadvantages, but the point I make is this——

Mr. GOODING. Mr. President, the Senator has reflected very seriously upon the citizens of my State.

Mr. CURTIS. Oh, no; I have not and have no intention of doing so.

Mr. GOODING. The Senator says they did not pay when they could pay, and in that statement I take issue with the Senator from Kansas. It is not true.

Mr. CURTIS. I have not said what the Senator seems to think I said. What I say is that the men who have land under these projects, and who have raised crops and who have earned sufficient money to enable them to repay the Government, should repay the Government, so that the payments might go back into the fund and thereby help those under projects where help is needed. That is my contention, and the only contention I make.

As I have said, this amendment is not germane to this bill, but the only way to settle the question is to have a vote, and, so far as I am concerned, I am ready for a vote.

Mr. GOODING. Mr. President, I will say to the Senator that so far as the Government, through the Reclamation Service, is concerned, it has not given the settlers of the West anything at all. It is the only branch of the Government for the maintenance of which those proposed to be benefited are taxed. Every item of expense in administration is charged up to a project. There is no other department of the Government of which that is true. So I want the Senator to understand that, so far as the Reclamation Service is concerned, the Government is not giving the settlers a single penny.

I wish further to say that in time all the money advanced by the Government in connection with reclamation projects will be paid back, when conditions are such that the settlers on the projects may market their products without paying all their profits in freight rates. Last year the farmers of my State paid in freight rates 78 cents out of every dollar they received for the potatoes they sold, and this year they can not market their potatoes at all, and have stopped digging. Will it be possible for them to market their fruit crops unless they receive better freight rates than they have now? For wheat the farmer is receiving from 65 to 70 cents a bushel, and after he pays the freight rate, what is there left for him? Nothing except poverty. It is merely a question where industry and thrift are paid back in hardship and privation; that is all. I wish to say to the Senator from Kansas that the Oregon Short Line and the Union Pacific Railroads never needed the increases in freight rates given to them during the war, and their dividends show very clearly that to be the fact.

Mr. BORAH. Mr. President, there is no mistaking the import of the speech of the Senator from Kansas. I have known for some time that the leaders upon this side of the Chamber propose to kill the reclamation policy. There has not been an effort here or a move made that has not been checkmated by these gentlemen. The Senator from Kansas has been perfectly frank in announcing to the country that the policy is at an end so far as the leaders of the Republican Party in this Chamber are concerned.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BORAH. I yield.

Mr. CURTIS. I will state to the Senator that I never talked with any other Senator upon this question; I have not talked with the department or any branch of the Government about it. I merely gathered this information, in addition to some information previously obtained from my service on committees, since the Senator offered his amendment.

Mr. BORAH. Mr. President, that does not relate to the subject I am discussing at all, and that is that the reclamation program or policy no longer receives favor at the hands of those who are directing affairs here in the Senate upon the part of the Republican Party. All I need to do, Mr. President, is to refer to the record. The steering committee determines what bills are to be passed at this session, and, instead of taking up any measure which has to do with carrying out the solemn pledge made by the party in the last campaign, it puts upon the program a joint resolution proposing to loan $5,000,000 to Liberia.

When the Senator from Oregon offered his amendment to the bonus bill and it passed into conference it was immediately throttled; it was not even given an opportunity to die a respectable death in case the bill itself should die. It received the disapproval, the condemnation, of the leaders of the party itself and by itself rather than permit it to have a chance with the bill on which the Senate passed it.

Now, when we come to the pending joint resolution and offer an amendment to it, which is germane because it has to do with the loaning of money for the purpose of building homes in our own country, the Senator from Kansas, the whip of the Senate, denounces the men who are trying to build homes in the West practically as dishonest and unwilling to pay their debts. If that is not a condemnation of the whole scheme, a pronouncement from one in authority that the settlers of the West may look elsewhere, I do not know what would constitute such a pronouncement.

What are the facts, Mr. President? These men have gone out upon these projects and with great sacrifice, under conditions of adversity which human language can not describe, have built up homes, have built communities, have built churches, have built schoolhouses; and there, where the desert was 15 and 20 years ago, are now communities, are all the things which make a community in our country of to-day. They have fought under most adverse circumstances. They have met every obligation which it was possible for them as a financial proposition to meet, and no man has failed to pay without sacrificing his home, just the same as a man who has a mortgage upon it, until he had the approval of this Government that he was unable to pay.

You would draw the inference from the statement of the Senator from Kansas that these men have refused to pay when they were able to pay, thereby indicating that they were dishonest with the Government, when, as a matter of fact, the only authority which has ever been given the Secretary of the Interior to pass upon these matters was to take up each individual, particular case, and if that individual, particular case seemed to be a case of a man who was acting in good faith and he could not pay the Secretary could extend the loan. There has been no wholesale extension. There has been no blanket ordinance authorizing them, and when a man does not pay he loses his farm, unless he has the acquiescence of the Secretary of the Interior; so there has been no chance for these men to make anything. There has been no chance for them to refuse to pay and still hold the benefits of the Government. They have met the situation as pioneers always meet it, with integrity of purpose, with honesty, and with good faith; and thus they have built up their homes in the West. I think it ill becomes the great Republican Party, having made its pledge to these people here upon the floor of the Senate, to brand them as recreants and as citizens unworthy of further confidence from the Government.

We get greatly excited here if the farmer of the West, under the adverse circumstances which have surrounded him, fails to meet his obligation upon the day named, and yet what have we been doing all this time? We have been loaning uncounted millions to irresponsible governments and other governments, thereby adding taxes to those farmers of the West, and making it doubly difficult for them to pay; but do we become disturbed with $187,000,000 in the hands of Russia? Are we disturbed when we propose to loan $5,000,000 to Liberia, and to create positions with salaries of $15,000, $10,000, $6,000, and innumerable smaller amounts to administer $2,500,000? Are we disturbed with our loans in Europe to-day? Are we not preparing to postpone for an indefinite time our loans to even such nations as France and England? Can we not postpone for six months or a year or for 10 years our loans to these men who have gone out upon the desert and made homes for the American Republic? Have our affections all been transferred to foreign people? Have we no concern, no sympathy, for our own people?

Why, Mr. President, we appropriate here year after year uncounted millions and pour them into the rivers and the harbors and the duck streams where no ship ever floated nor ever can, and not a dollar of it ever comes back; but the man who goes out upon the prairie and builds a home on the desert, if he fails to pay for six months or a year, is told from the floor of the Senate that he is no longer worthy of the trust of the Government of the United States!

Mr. President, if no one else desires to speak upon this amendment, I am ready for a vote.

Mr. FLETCHER. Mr. President, I want to say just a word on this subject.

I have always felt a very keen interest in this general scheme of reclamation. I have always felt that the reclamation act was a deserved, everlasting monument to one of the great statesmen of this country, the late Senator Newlands. I have felt all along—and I have heard lectures on the subject, and I have seen illustrated pictures of what has been going on in the West—that, in the main, the whole great enterprise was a tremendous success. It may be, as the Senator from Kansas [Mr. CURTIS] has said to-day, that mistakes have been made here and there. It may be that some of the projects which have been undertaken ought to be abandoned. I have no particular instance in mind; but I can see that in a great development like that, spreading over a vast area of the country, mistakes might creep in here and there. Even admitting that, however, the general plan and scheme and purpose and the general results, I think, have been most commendable and gratifying; and I believe a great future is ahead of us, showing the permanent development of these projects, and we ought to continue that policy, which was evidently a very wise one when originally initiated.

I regret that it is impossible to amend the Senator's amendment so as to include reclamation by drainage. I wish it were possible to do that; but of course the amendment refers to this particular act, and to existing undertakings, and settlers now on the ground, and so forth. It can not be broadened in such a way as to include reclamation by drainage. I think the whole system ought to be extended to the reclamation of swamp and overflowed lands, as well as embracing arid lands.

I regret exceedingly to hear that the amendment to the bonus bill known as the McNary amendment has been rejected in conference. I think it was a very important and valuable amendment, and it ought to have been included.

Speaking with reference to reclamation by drainage, I say that field is wide open, and is broad and susceptible of almost infinite development. There is the opportunity of very great constructive work, and the reclamation of these overflowed lands, these wet lands, would add immensely to the national wealth. We have had nothing in the way of governmental aid in the reclamation of those lands, although thirty to sixty million acres of those lands, the most fertile in the world when the water is taken off, can be made available for production.

I have in my hand a clipping from a newspaper in Florida which indicates what has been going on there under one project of reclamation. It says:

> From Moore Haven to Clewiston—

Two towns located now where five years ago there were 4 to 5 feet of water—

> one is nearly always in sight of a cultivated farm now, where two years ago it was an unbroken jungle.

Then the account goes on to state that hundreds and thousands of acres of land are now producing enormous crops, three and four a year, where five years ago there was nothing but a watery waste. That could be continued in Florida to the extent of four or five million acres of land. That is being done, however, without any sort of Federal governmental assistance; and, as I said, I should be glad if we could extend this whole scheme of reclamation so as to include and embrace in the plan the muck lands or the swamp and overflowed lands.

Mr. President, I ask unanimous consent to include in the RECORD as a part of my remarks, by way of showing conditions in Florida, a statement issued by the Barnett National Bank, of Jacksonville, compiled by L. M. Rhodes, commissioner of the State marketing bureau. It is an authentic statement, not very long, and I ask to have it printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

THE MATERIAL PROGRESS OF FLORIDA FROM 1911–12 TO 1921–22, AND OTHER INTERESTING FACTS ABOUT THE STATE.

Florida is a State of great dimensions and sparsely populated.

It is as far from Key West to Pensacola by rail as it is from Jacksonville to New York City. Key West is 500 miles south of Jacksonville.

Florida is as large as New York, Massachusetts, and Rhode Island. Those States have a population of 15,000,000; Florida has 1,000,000.

The population of Florida has increased an average of 4⅞ per cent annually since 1880. The United States has increased in population 2⅜ per cent annually since 1880. Florida is growing twice as rapidly as the United States.

The northern boundary of Florida is farther south than the southern boundary of California.

The average temperature in Jacksonville, the State's northernmost city, is 55° in January and 82° in July—the coldest and hottest months.

You need less fuel and clothing in Florida than in any other State in the Union.

There are many beautiful hills and fertile valleys in Florida. It is not all flat.

Shipments of fruits and vegetables showing 10-year increase.

Name.	Carloads, 1911-12.	Carloads, 1921-22.
Oranges	13,248	22,777
Grapefruit	3,913	15,018
Watermelons	6,895	11,056
Tomatoes	3,771	11,123
Irish potatoes	1,964	2,585
Lettuce	1,562	2,585
Celery	1,201	5,684
Cabbage	968	3,011
Peppers	629	1,088
Cucumbers	908	2,052
Strawberries	35	720
Beans	1,920	293
Cantaloupes	801	162
Miscellaneous fruit and vegetables not otherwise classified	2,811	3,401
Total	40,626	83,493

Including express and boat shipments.

Field crops.

Name.		1912	1922
Sweet potatoes	bushels	2,952,258	3,200,000
Corn	do	5,453,936	11,100,000
Oats	do	287,708	560,000
Peanuts	do	1,534,736	2,088,000
Cowpeas	do	76,885	125,000
Velvet beans	do	320,930	1,045,500
Soy beans	do		30,000
Rice	do	14,737	113,200
Hay	tons	60,953	212,000
Sugar-cane sirup	barrels	67,650	135,000
Tobacco	pounds	1,144,626	3,131,000
Pecans	do	844,650	3,785,000
Upland cotton	bales	42,013	22,000
Sea-island cotton	do	28,071	5,500

Decline in cotton due to boll weevil.

Value of live stock.

1912	$23,510,479
1922	56,717,321

Value of poultry products.

1912	$2,178,059
1922	7,150,000

The total shipments to points outside the State of farm products, fruits, live stock, and poultry products for 1922 will exceed $100,000,000.

The total acreage of improved Florida farms in 1912 was 1,854,594. The total acreage in 1922 is 2,346,457, an increase of 26 per cent.

The State has 20,000,000 acres of unimproved land available for farm use—*but, as in other localities, the land should be inspected before purchase.*

The value of all crops and live stock in 1912 was $63,823,297; 1920, $148,226,091. Estimated 1922 to be $156,500,000, an increase since 1912 of 131 per cent.

The live stock, dairy, and poultry products of Florida increased from 1912 to 1922 132 per cent.

The increase in crop and live stock value of the United States for the last 10 years has been 9 per cent per annum, while the crop and live stock value of Florida for the last 10 years has shown 13 per cent per annum increase

The assessed valuation of Florida property is $423,906,718. As this is based on a 40 per cent valuation, our real wealth has a value of over $1,000,000,000. With a few years of real development this could easily be raised to $5,000,000,000.

Tax-assessment rolls have increased in totals 100 per cent since 1912.

The State has no bonded debt.

The banking resources of Florida have increased 410 per cent in 10 years.

Seventy-six per cent of Florida farmers are white, 72 per cent of the farms are operated by owners.

No State in the Union has better natural advantages for growing cattle and hogs than Florida. We can grow some kind of feed crops every month in the year.

In July, 1922, a progressive farmer, near Jacksonville, gathered 105 bushels of corn from an acre of land.

With a mild climate and plenty of grass, Florida is the natural home of the dairy cow. So far as dairying is concerned we can do in Florida anything that can be done in Wisconsin.

We never have sunstrokes to man or animal and no one freezes in Florida.

In Florida you can swim in the surf, pick strawberries, and wear roses in December.

Florida has 2,635 common schools, 272 high schools, 4 State schools for higher education, 16 denominational colleges, and 2 industrial schools, one for boys and one for girls.

There are 100 ice factories in the State. Incidentally, artificial ice was first manufactured in Florida. A statue of Dr. John Gorrie—perhaps humanity's greatest benefactor—is Florida's contribution to the Hall of Fame in the National Capitol.

The State has 10,000 miles of good roads, some of the best in the world, and is rapidly building more.

Adding lake and river fronts to the 1,100 miles of seacoast, Florida has 9.500 miles of beautiful water front, enough to accommodate 1.000.000 homes and have 5,000,000 people dwelling comfortably on the margin of our waters.

Florida has the finest sea beaches in the world—many of them 500 to 1,000 feet in width.

The State has 5 trunk-line railroads, 11 steamship lines, and a half dozen year-round ports on the ocean and Gulf.

There are a score of navigable rivers and thousands of lakes, bays, and inlets.

Some of the largest springs in the world are in Florida. One of these has a daily flow of 10,000,000 barrels of water, is 80 feet deep, clear as a crystal, and large enough to float a steamship.

There are many giant trees in the State. A live oak in the suburbs of Jacksonville measures 25 feet in circumference and has a spread of 142 feet.

Florida produces the best oranges and grapefruit on earth.

Florida trees supply fruits, nuts, oils, sweets, dyes, drugs, chemicals, tar, pitch, rosin, turpentine, gum, lumber, creosote, and moss, all marketable and of use to man.

It is not an uncommon thing to grow $1,000 worth of produce on a Florida acre.

There have been 10,000 quarts of strawberries grown on an acre of land in Florida.

Florida produces 80 per cent of the watermelon seed planted in the United States. We ship watermelon seed in car lots.

Tampa and Key West factories send out to the smokers of the world 500,000,000 cigars annually.

The fish, oyster, and shrimp industry is one of great proportions.

Florida is a hunter's paradise. There is much wild game in the State—even bear and deer. In winter geese and ducks abound.

Florida sawmills turn out 1,000,000,000 feet of lumber annually, counting finished product. The State has sufficient building material to build comfortable homes for 20,000,000 people.

The average annual production of turpentine in Florida is 120,000 barrels; average rosin per annum, 390,000 barrels. Not less than $50,000 per day drips from our pine trees in summer.

Florida mines 80 per cent of the total output of phosphate in the United States. Its value in 1920 was $19,000,000.

The State production of manufactural forest, mineral, and sea food products reaches $200,000,000 annually.

There are 250 different varieties of crops, fruits, nuts, and vegetables grown in Florida, and shipments out of the State average one car every six minutes day and night the year round.

Florida is building sugar mills which can produce sugar from cane in 36 hours. A ton of cane will make 190 pounds of sugar. There are 3,000,000 acres of everglade land that should average 30 tons of cane. An acre often produces 60 tons.

Sugar cane grows well in all parts of the State. Florida could be made the sugar bowl and sirup barrel of the United States.

Florida has 10,520,000 acres of flat woodland, 8,640,000 acres of pineland, 3,840,000 acres of hammock or hardwood land, and 3,840,000 acres of muck land. The other 6,876,000 acres are divided among rivers, lakes, and lowland prairies.

The State has 10,000,000 acres underlaid with red clay subsoil.

Nine oil wells are being drilled, but only slight traces of oil have been found.

Florida leads all States in diversity of food products, in variety of crops, fishes, birds, trees, flowers, and herbs. It excels in number of growing days, in production of phosphate, naval stores, fuller's earth, in fishing industry, in surface water, in length of coast line, in area of standing timber, in winter-grown truck crops, in annual rainfall, in coconuts, bananas, camphor, sisal, and sponges, in muck soil, in drainage of rich lands, in variety of hay crops, in equable climate, and leads all Southern States in increase of population and in value of crops per acre.

Florida has an invigorating atmosphere, cooled, warmed, and cleansed by ozone from pines and by breezes from silvery lakes and tropic seas. It has sublimity of landscape, beautiful water scenes, and an open air, health-giving climate which often grants marked increase in years to those in poor health. It is nature's sanitarium.

Florida is in the most ideal latitude and longitude on earth, the warmest in winter, the coolest in summer. We are in the same latitude with the land which the Lord said would flow with milk and honey and in which Jesus Christ and the Christian religion were born.

Florida is a Commonwealth wherein every worthy person from every clime is welcomed, whether as a new citizen or visitor; where millionaires with the whole earth to choose from come and build their stately mansions; where professional men and men of industry find recreation; where an intelligent, hospitable, energetic, and patriotic citizenship live, labor, and love.

Florida is the playground of the western continent, the garden of the United States, where babbling brooks, rippling lakes, silvery rivers, and crystal seas blend in eternal melody with stately palms, gorgeous magnolias, flaming poinsettas, and myriad song birds; where generous sunbeams, salt sea breezes, and mellow moonlight make one forget his troubles and his enemies, and where amid climatic luxury, incomparable beauty, and the fragrance of flowers, he may hear nature's seductive invitation, "abide with us forever."

Mr. WATSON of Georgia. Mr. President, if there ever was a time when this Government intended to put a stop to the unconstitutional and unbusinesslike way of becoming the money lender of the whole world, it seems to me we have reached that time. During the war there was a state of feeling throughout the country which was naturally different from that which existed prior to the war and which should now exist, after the war has been over for so long a time.

The President of the United States said that the Government and the people should come back to normalcy. No doubt he meant that they should; but when are we to come back to normalcy—to-day, to-morrow, next year, or 10 years from now? Have we the constitutional right to tax our people in order to lend money to every nation on earth that wants to borrow it? From what source do we get such authority? What line of the Constitution authorizes it? Among the purposes of taxation, who will say that we have been given power to take the tax money of the people, which in our custody is a trust fund, and misappropriate it by lending it to nations that we know will never pay and that never intend to pay?

Much talk has been indulged in here about moral obligations. Do Senators on this floor owe no moral obligations to their own constituents? Do they owe no legal obligations to them?

This appropriation of $20,000,000 for the reclamation of arid lands in the West has been linked by the Senator from Idaho [Mr. BORAH] with the Liberian loan, and you can not consider one without thinking of the other. At this time the one can be defended as easily as the other, in my judgment.

How often have we heard the Senator from Idaho [Mr. BORAH] say that the expenses of the Government should be reduced; that the Army should be cut down; that the Navy should be cut down; that all the expenses of the Government should come down? In every one of those positions I have taken my stand with him, because I honestly believed that during the war period our Government almost ran mad with extravagance; but everybody expected that when the war was over the expenses of the Government would be reduced, that the burdens of the taxpayer would be lightened, and the door of hope opened to the people who were almost in despair on account of their financial condition.

I hope I will not be understood by the Senate or the country as having any feeling of hostility to the great West. From my very childhood that part of our country has held me with a fascination which still holds good. But there should be some sanity, some reason, some moderation, some wisdom, in our expenditure of the money which is placed in our control. If there is any one thing of which this country has a superabundance now, it is cultivatable land, land ready for the plow, land ready for the man who can cultivate it, the man with the means to operate it.

There is the abandoned farm in New England which says so. There are abandoned farms in New York which say so. There are abandoned farms all over the South which say so. At this time we do not need to have any swamp lands drained. Give us the wherewith to till the uplands which are already in cultivation and the lowlands which have already been drained. What is true of the South is true of other sections. There is land enough for every man who wants to put his hand to the plow or to the hoe and make crops.

The irrigated farm is the rival and the menace of the farm that is not irrigated. Let the Government furnish its money, empty the Treasury onto the arid lands of the West, build colossal dams, send out irrigating ditches, and let the farmer have moisture whenever he wants it, not too much and not too little, but just enough; and in the long run that farmer will be the ruin of the farmer who has to depend upon the passing clouds and the uncertainties of climate. These irrigated farms are the rivals of the East, the North, the Middle West, and the South.

Not on that account would I vote against any reasonable proposition for the reclamation of arid lands, but here at the heel of the session, when we have voted money with a recklessness which has astounded conservative observers, when we have taken more than half a billion dollars a year in taxes off the richest people, off the people who made billions of dollars out of the blood of our soldiers who were fighting abroad, while with a tariff bill which will soon come back here we are placing almost unbearable burdens on every necessary of life, it seems a crime against our people and recreancy to our trust to be putting out $20,000,000 more to irrigate arid lands.

As to this Liberian loan, who expects that it would ever be paid? I really would like to see what Senator on this side or the other would venture to rise in his place and say that he honestly expected that Liberia would ever repay that loan. Nobody ever expects it to be repaid. What is more, Liberia will not get enough of that money as, invested in bacon, would make a frying pan smell across this Chamber.

Of what does Liberia consist? In a book which I sent for yesterday and got from the Library, chapter 65, page 138, it is said:

> The approximate total coast population of civilized Liberia, mostly Christians, and of mixed American and indigenous negro races, amounts to 50,000.

We are going to lend or give $5,000,000 to 50,000 negroes in Liberia. I would rather give it to the negroes in Washington City. I would rather give it to the negroes in Alabama or the negroes in Georgia, whose needs for it are much greater. In Liberia the negro does not have to wear anything in particular, except, perhaps, a pleasing expression of countenance. He can live on the natural products of the soil. He does not have to build a house to live in unless he wants to put on style. He can live on the broad bosom of nature and draw his nourishment from it as a child would from the bosom of its mother.

Five million dollars to be given to 50,000 negroes! That is a hundred dollars apiece for every negro man, every negro woman, and every negro child in Liberia, and what, in the name of God, could they do with the money if they got it? Suppose a negro family in Liberia consists of an average of five; there would be a gift of $500 to every family. Oh, what a jubilation there would be in Washington City if we made a present of $500 to every negro family in the District of Columbia. We would doubtless have to submit to the affliction of serenades for a week or so.

Mr. President, I think there has been a general misapprehension about the origin of Liberia. In the report of the committee apparently an attempt has been made to impress the Congress and the country with the idea that Liberia was founded by the Government of the United States; that it is a kind of an adopted child of this Government; that we hold it by some sort of trusteeship or guardianship; that we are responsible for its maintenance.

Nothing could be further from the truth. Liberia was a dream of philanthropists long before the Civil War. Those men who dreamed that if the free and intelligent negro were just taken away from corrupting contact with the white man and given a government of his own, given land of his own, given freedom which nothing but the horizon bounded, he would achieve a civilization, established Liberia. The colonization societies of this country and of England sent over the freedmen, selected the most intelligent, the men of the highest character. Henry Clay lent to that scheme and that dream the marvelous power of his eloquence in this very Capitol.

From that day to this there never has been a time when Liberia could stand alone. There never was a time when she could support herself. She was always, from year to year, supported and maintained by the colonization societies, and when the societies, in despair, exhausted in patience and in funds, ceased to send money to Liberia, she went into debt to European nations and to American financiers, and the real essence of this so-called Liberian loan is to pay off her debts and to pay them to American and European financiers.

If we set this example it will become a precedent, and every lawyer here knows that a precedent, once set, has almost the power of a statute. If we begin it, we will never end it. Liberia will be our tar baby and we will never get loose from it.

Mr. President, if it had been proposed to lend Liberia $5,000,000 out of what England owes us, the proposition might have been more attractive. If it had been proposed to lend to Liberia $5,000,000 out of what France owes us, then the proposition might have been more warmly welcomed. But England has not paid us a cent and apparently is not making any motion like a nation that intends to pay its honest debts.

During the Revolutionary War, when our struggling colonies were maintaining against overwhelming odds a long struggle for the glorious privilege of being independent, we were loaned money by Holland, France, and Spain, and almost before the smoke floated away from the last gun that was fired we had paid those debts. In 1917–18 our money and our men saved England and France. The war has been over since November, 1918, and not one dollar that crossed the seas has recrossed them. We paid the freight on the soldiers who went to England's relief and we probably paid the freight on the gold that we loaned her, and she has not paid the freight either way.

In the Washington Post of Sunday, September 10, 1922, there appeared a leading article signed by the writer whose nom de plume is "Ex-Attaché." He speaks of the almost unlimited wealth of France. He says that France to-day is paying a pension to the King of Sweden, the lineal descendant of Bernadotte, who betrayed Napoleon, led armies against France, and stood guard around the scaffold while the head of Queen Marie Antoinette was being struck off by the guillotine. If there is any debt that might be confiscated or declared obsolete and no longer binding, especially upon this generation, that seems to me to be one of them—and there are others equally farcical. The other debts that France is paying are given by the writer of the article. Then he goes on to tell how rich France is, what are her assets, and said:

> Yet those assets are enormous, in many respects incalculable. Thus, what can one say of the colossal phosphate resources of Algeria and Tunis?

How did France get Algeria and Tunis? By conquest. Every square mile of the land which France wrested from those natives was soaked with the blood of natives who were defending their independence just as our ancestors defended ours.

Again:

> Of the apparently inexhaustible potash fields discovered last year in Morocco, which properly exploited are in themselves sufficient to pay off the entire national debt of France.

What do you think, Mr. President, of a country that inspires a special writer to tell the whole world that her potash beds in Morocco would pay off her entire national debt, when she will not pay one single franc on the enormous debt of principal and interest that she owes us?

Is this the time to take more money out of the people's Treasury and give it to a foreign country, white or black, little or big? What will they say to us back home? What excuse can we give when we go back to those who sent us here and tell those who have in their houses little to eat, and in whose wardrobes there is little to wear, and in whose soul there is little hope for the future? What will they say to us when we tell them that one of the last things we did was to give $20,000,000 to bring in some more desert lands on the other side of the continent and give $5,000,000 to a lot of buccaneering financiers, European and American, who loaned money to Liberia?

RIVER AND HARBOR PROJECTS.

Mr. KING. Mr. President, the other day while I was absent I understand that the bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was taken up for consideration and passed. I conceive the bill to be a very imprudent one, to use a mild expression, at this time, and to contain many items wholly unjustified and unjustifiable. I desire to enter a motion for a reconsideration of the action of the Senate by which the bill was passed.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Chair desires to suggest to the Senator from Utah that a motion to reconsider must be made by a Senator voting on the prevailing side. The Senator prefaced his remarks by stating that he was not present when the bill was passed.

Mr. KING. I do not understand that the rule excludes a Senator who was an absentee from entering the motion. If that were true no one might be able to enter a motion to reconsider who happened to be absent. I know the question was raised some time ago. I am not sure whether it was raised in open session, but the views of those with whom I conversed at the time were adverse to the position just suggested by the Chair.

Mr. CURTIS. Mr. President, there can be no harm done by a slight delay that we may look into the question, if there is any doubt about it. Why not let the matter rest for an hour or two so that we may go on and dispose of the pending amendment?

Mr. KING. I have no objection to that. I want to say that certainly there ought not to be any objection to the motion prevailing, or rather the opportunity being given to enter the motion, because a bill which involves nearly $50,000,000 directly, and perhaps hundreds of millions of dollars indirectly, ought to be fully considered and there ought to be an opportunity for a full discussion of a subject so momentous. But I shall accept the suggestion of my friend from Kansas and bring up the question a little later.

TRADE WITH CHINA—CONFERENCE REPORT.

Mr. CUMMINS. Mr. President, I want to give notice to all who are interested in the subject, that immediately after the completion of the routine morning business to-morrow I intend to ask the Senate to consider the conference report upon the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China. I think every one should know that the conference report is coming up at that time.

LIBERIAN LOAN.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States Government for the Government of Liberia.

Mr. KING. Mr. President, before proceeding to a brief discussion of the bill before us, I ask unanimous consent to offer a resolution and I ask that it may be read.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent to present a resolution which he asks to have read by the Secretary. Is there objection? The Chair hears none, and the Secretary will read the resolution.

The resolution (S. Res. 348) was read, as follows:

Whereas it is alleged that the chairman of the Shipping Board has announced in the newspapers that the board intends, in the event that the impending ship subsidy bill be enacted into law, to advance to private parties $25,000,000 to finance the construction of a ship of 70,000 tons burden and that the board desired to expend at least $400,000,000 of public moneys to finance the construction of additional ships by private parties; and

Whereas it is reported that officials, agents, and employees of the Shipping Board, under the guise of hearings and otherwise, are carrying on a propaganda in favor of the ship subsidy bill, and are spending large amounts of public moneys in various ways in the furtherance of such propaganda: Now, therefore, be it

Resolved, That the chairman of the Shipping Board be required and directed to report to the Senate whether or not the board intends to finance the construction of additional ships by private parties and if so, to report to the Senate the details of such plan and the money it intends to advance for such purpose, and further to report the amount of any and all moneys that have or are being expended for newspaper articles, in advertising, traveling expenses, hearings, lectures, addresses, or other means of propaganda to promote the passage of said ship subsidy bill, together with a statement of the activities of the officials, agents, and employees of the Shipping Board with respect thereto.

Mr. KING. Mr. President, I ask that the resolution may be printed and lay upon the table. At an early date I shall present it to the Senate and ask its adoption. May I submit a few words respecting the resolution?

The Shipping Board and its activities have been the subject of discussion in Congress for a number of years, and I have no doubt but what for a number of years to come they will be the subjects of discussion. I feel sure that Congress has not felt any antipathy toward the Shipping Board, but upon the contrary has desired to find its virtues and discover whatever it has done that might be deemed worthy of commendation. But candor compels me to say that the Shipping Board from the beginning has failed to measure up to its responsibilities or to perform the important task assigned to it. Its record has called for censure and criticism, and the investigations made have justified many of the charges which have been laid at its door—charges of inefficiency, incompetency, waste, and extravagance.

It was hoped that when the reorganization occurred, under what is known as the Jones Act, reforms would be effectuated and measures adopted that would speedily give to the country a satisfactory merchant marine. I think there is general disappointment over the work of the Shipping Board, and a feeling that the situation of the board is as hopeless now as it has been in the past. I have felt, and I know that view has been shared by others, that the present Shipping Board, or at least some of the members, and particularly the president, have been too much concerned in advertising and in carrying on a propaganda in behalf of the passage of a ship subsidy bill. For months the press has been filled with statements in favor of the ship-subsidy bill, many of which have emanated from Mr. Lasker or others connected with the Shipping Board or those who would benefit by the terms of such bill. It would appear that some of the officials of the Shipping Board are more interested in carrying on a propaganda to secure a ship subsidy than they are in executing the law and discharging the duties which rest upon them.

They seem to forget that their duty is to carry out policies declared by Congress and enacted into law. They exhibit the faults of other executive branches of the Government and devote much of their time to securing legislation and molding public sentiment—time which should be expended in performing the duties which the law lays at their doors. Mr. Lasker, as we all know, is engaged in the advertising business, and it would seem as though he has employed many avenues to exploit his views concerning the ship subsidy bill and to carry on a nation-wide campaign in behalf of the bill which, it is understood, he helped to frame, and then "wished" on the present administration.

If reports are true, Mr. Lasker is spending much of his time in writing articles in favor of the ship subsidy bill, or making addresses upon the same theme, or visiting various parts of the country and seeking to secure the approval of business men and business organizations, of the scheme to take millions and hundreds of millions out of the Treasury of the United States, to be paid as subsidies to shipping interests of the United States. And it is also currently reported that other members of the Shipping Board, as well as employees and agents of the board, give a portion of their time to a similar propaganda. I have been advised that some members of the board who have been conducting hearings under one particular section of the act have been quite interested in advocating the ship-subsidy plan and have obtained testimony in support of that view. I deny the right of the Shipping Board or any of its members to employ their positions to procure this legislation. They were not invested with executive authority and appointed to executive positions in order to conduct a nation-wide campaign in favor of some shipping scheme.

They have become interested in a plan which does not meet the approval of millions of the American people. Mr. Lasker has not been employed to carry on a campaign for the shipping subsidy bill. With the record of the Shipping Board, it will be, in my judgment, a long time before it will obtain further appropriations for shipbuilding purposes.

I regret that the board and those controlling it have not brought reforms and worked improvements which were promised and which the public were led to believe would be forthcoming.

The present course of the Shipping Board, in my opinion, compels continued loss, if not waste, which will culminate in irretrievable loss, if not disaster. I am informed that the board, in its operations, is perpetuating the condemned M. O. 4

contracts, which were devised several years ago and under which great losses to the Government resulted, and indeed under which frauds were perpetrated. The Shipping Board is losing millions of dollars annually under its present plan of operation. It permits rate contests to continue which result in enormous losses to the Government. Having the power to discontinue these contracts, it does not do so, and having the authority to prevent some of the evil results of the present intercoast rate warfare, which take millions monthly out of the Treasury, it complacently permits the evils to continue. It pursues a course which will inevitably result in most of the pioneer contracts for the sale of ships being abrogated or destroyed, thus causing great hardships and losses to bona fide purchasers, and the ultimate transfer to a very limited number of huge corporations or syndicates of practically all of the ships title to which is claimed by the Shipping Board.

As Senators know, many ships were sold by the Shipping Board a few years ago at war level prices, or slightly below such levels. Part payment was made by the purchasers, who in most instances have endeavored to operate the ships for the purpose of developing an American merchant marine. With the great slump in world prices for ships, and with the great shrinkage in ocean traffic, they have encountered most serious difficulties. It will be impossible for them to pay for the ships according to the contracts entered into.

In my opinion, it is not only imprudent and unwise, but unjust for the Shipping Board to attempt to enforce these contracts. They should be rewritten and the purchase price scaled down, and fair and just terms offered to the purchasers. It is of no benefit to the Government to destroy these contracts and deprive the purchasers of the ships, and then sell them for from $25 to $30 per ton to some syndicate which may be formed for the purpose of controlling or attempting to control our merchant marine.

There is a general feeling that the policy being pursued by the Shipping Board will result in practically all of the ships passing into the hands of some shipping combine on the Pacific coast and a limited number of shipping organizations constituting a combine upon the Atlantic coast, who will be the beneficiaries of any shipping subsidy bill that may be driven through Congress. I protest against any policy that will bring about such a result. The ships ought to be sold to as many purchasers as possible, and those who have purchased and have acted in good faith and are attempting to operate the ships purchased should be treated with consideration and a policy adopted that will enable them to retain the ships.

Mr. President, I shall have more to say upon this subject at a later time, but I want to add that I can appreciate the wisdom of the steering committee of the Republican Party in not attempting to push through the subsidy bill at this session of Congress. President Harding, we are told, is very anxious for the passage of this bill. Mr. Lasker, who seems to run the Shipping Board and determine the administration's policy with respect to the operations of the Shipping Board, desires the shipping subsidy. He not only desires a subsidy, but as the resolution which I have offered indicates, wants a large appropriation in order that other ships may be built. I think the Republican leaders are beginning to hear from the people and to learn that the present subsidy bill can never be passed. The American people are not for it. They perceive that it is a sinister measure and will not be promotive of the best interests of our country.

Mr. President, I shall now briefly discuss the Liberian loan bill before us and the amendment thereto which has been offered by the Senator from Idaho [Mr. BORAH].

My first inclination was to support the bill under consideration. I had been told that there was a moral, if not a legal, obligation upon the part of our Government to consummate a contract which had been entered into by the former administration with the Government of Liberia. I have investigated the question and have examined all the facts presented by Secretary Hughes in support of this bill. I have reached the conclusion that there is no moral obligation, nor indeed is there any obligation whatever, resting upon the United States to loan to Liberia $5,000,000 or any sum or amount whatever.

Liberia entered the war and in so doing performed an act which entitled her people to great credit. There was no promise of financial payment as an inducement to secure her accession to the cause of the allied nations and the associated powers.

It is true we are profoundly interested in the welfare of Liberia and desire that it shall be so governed as to bring happiness and prosperity to its people. The American people are deeply interested in the welfare of all Republics and particularly such as have emancipated themselves from imperialistic rule and established policies calculated to bring freedom to all within their borders. Liberia particularly excites not only the interest but the sympathy of the American people. That country is inhabited by members of the Negro race. It is unnecessary to refer to the great obstacles which this race has encountered and which it will encounter in the future. Where any considerable number of the Negro people associate themselves together and seek to maintain an independent and enlightened government, they should have the sympathy and the moral support and, indeed, the material support of all Christian nations. Speaking for myself, I wish the Liberian Republic success. I hope that it will meet every problem with courage and success and that the people within its borders will enjoy increasing prosperity and that freedom and independence which will justify the appellation of the "Liberian Republic."

I have no doubt that a loan of $5,000,000 to the Liberian Republic would be of some benefit to it at this particular moment. However, I think there would result some evils which in the end might overshadow all benefits. It is a policy not to be commended or followed except under peculiar and unusual conditions of powerful nations; that is, of taking over the fiscal control of small and weak nations. And, of course, when a loan is made by a strong nation to a weak one, particularly where the latter is regarded as being incompetent to exercise absolute control over its internal and fiscal affairs, the creditor nation accompanies the loan with imposed conditions which interfere with the autonomy and the independence of the borrowing nation. In other words, the debtor nation puts itself more or less under the control of the creditor nation, and this very course tends to imperialism, to the establishment of such relations as lead to imperialistic policies and the subjugation of defenseless people.

Countries have been exploited by powerful nations through the extension of credits and the making of loans. Great international syndicates have been formed and exist to-day to loan money to weak and impoverished countries. Too often the terms imposed are onerous in the extreme; indeed, they are indefensible in morals. Sometimes concessions are demanded or high rates of interest are exacted or benefits and privileges are wrung from the borrowing peoples and countries which are not only humiliating but are oppressive and result in their exploitation. It seems to be a policy in these days for rich corporations or large financial interests to extend credits and make loans to small States that are rich in undeveloped resources, with a view of obtaining concessions and benefits which will prove financially of enormous advantage to the creditors extending the credits and making the loans. Of course, there are occasions that warrant nations and weak peoples obtaining credits and financial help from strong nations and peoples. No doubt Yugoslavia and some European countries have been benefited by loans recently made to them. Loans were made by Holland and Germany and France to many Americans, and important industries were developed in the United States by means of foreign capital.

But what I am particularly protesting against is the policy, which has too often been followed, of strong nations extending credits to feeble nations under terms which gave to the creditor nations dominating influence in the political and financial affairs of their debtors.

I have not approved of the course of our Government in entering Haiti and Santo Domingo, nor have I approved of the efforts which have been made by officials of our Government to induce, if not compel, Haiti to negotiate a loan in the United States of between twenty and thirty millions of dollars. The Haitian people are opposed to the occupancy of their territory by our military forces, nor do they desire the United States to interfere in the affairs of their Government. We are now imposing taxes, collecting duties, and directing the political affairs of the Haitian Republic. Indeed, it is no longer a Republic. We have also interfered in the affairs of the Republic of Santo Domingo and have provoked the antagonism of the people of that country.

Our course in dealing with both of these nations has provoked criticism in most South and Central American countries, and has aroused the fear of the people in some of these countries that the United States contemplates entering upon an imperialistic policy which will be a menace to the independence of Latin America.

Mr. President, this Republic must deal with all nations in a manner so just and so fair as to command not only the admiration but indeed the affection of fair-minded people throughout the world. We can not afford to encourage the exploitation of any country or any people, nor must we adopt a course that will lead capitalistic forces in the United States to believe that they will be supported by this Government in any enterprise or policy that is calculated to exploit the people of any country or secure for them any unfair advantages or illegitimate profits.

There is something in the Liberian record before us which seems to indicate that by means of this loan to Liberia we are to get some commercial advantages in that country. Certainly, if the loan is made, the United States will have more or less control over the Republic of Liberia. Americans will supervise her customs, control in part, at least, her expenditure, and direct her internal policy. These activities will mean more or less of control over the political life of Liberia.

Mr. President, it is a dangerous thing to be brought into such close relation with another nation. The relations which begin in friendship, or at least grow out of the supposed necessity of an impoverished people, will probably end in animosity and deep-seated resentments.

Mr. WATSON of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. KING. I yield.

Mr. WATSON of Georgia. The Senator from Utah has probably not forgotten that the Guaranty Trust Co. of New York and the associated firm of Morgan & Co. have recently made loans to three of the South American countries for 50 years, and have obtained financial control of their resources?

Mr. KING. Mr. President, I am somewhat familiar with the transactions to which the Senator refers, and his view seems to corroborate the position which I have taken. I have no doubt but what some of our South American friends require capital for their development, and there can be no wrong in their seeking credits here or in other countries. I have no objection to American capital being employed to aid other countries and the people of other countries. However, I do look with some little degree of apprehension upon policies which result in loans being made not imperatively needed by small or weak countries, or where they are made under conditions that are oppressive or lead to the belief that the benefits to be derived, or that will be derived, by the borrowing country are entirely disproportionate to the obligations passed to the creditors. We hear of cases where the borrowing nation got but a small part of the loan, and where concessions, commissions, and evaporating or sinkhole places consumed a considerable part of the fund. Unfortunately there is a disposition upon the part of some international bankers or of capitalists who make international loans to raise international questions which may involve the countries in serious controversies in the event of any dispute arising over the loans made or the collections attempted to be enforced.

I have no objection to American financiers and capitalists making loans to Liberia or to any other country if they desire. I do not want them, however, in the event of their extending credits to other countries, or to the people of other lands, to attempt to have the Government of the United States perform the functions of a collecting agency. I do not mean that our Government should refrain from discharging whatever obligations rest upon it, including the protection of American citizens and American rights in all parts of the world. Americans must not, however, seek to exploit weak and defenseless people or to take advantage of the pecuniary necessities of impoverished nations, and then expect the Government of the United States to guarantee their investments or to enforce usurious contracts.

Mr. President, the Senator from Idaho has offered an amendment which in effect provides that $20,000,000 shall be placed in a reclamation fund to aid in the development of new reclamation projects. He has told us that certain measures were agreed upon by the steering committee of the Republican Party, which were to be considered before the adjournment of Congress. I do not recall the entire personnel of the Republican steering committee. I congratulate, however, the astuteness exhibited by this committee in the selection of some of the measures which it has brought to the attention of Congress. However, I express my surprise at what I was about to call the stupidity of the committee—but perhaps that word is not parliamentary, and I therefore withdraw it—at its selection of other bills to be acted upon this session. The Liberian loan bill is one of the preferred bills. The steering committee, in my opinion, showed no sagacity in insisting upon the passage of this bill. However, upon second thought, it may be said that there was political wisdom in this selection. It is known that there are a great many voters in the North who are reputed to be Republicans and who belong to the Negro race. They have not been satisfied with Republican policies and with the administration of President Harding. Perhaps the steering committee that controls Republican legislation in the Senate believes the Republican cause would be helped in the coming election if the colored voters could be placated. Doubtless, that is the reason for the attempt to force this bill through Congress, and, undoubtedly the same reason prompted the steering committee to give priority to what is known as the Dyer antilynching bill. There are many important and vital measures upon the calendar and before the committee—measures affecting the welfare and the prosperity of the American people. These measures are not found upon the preferred list. The Republican steering committee relegates them to the rear, but in its partisanship, in its efforts to play politics, it holds Congress in session for the consideration of the two measures which I have just mentioned.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. KING. I yield.

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst
Borah
Broussard
Bursum
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dillingham
du Pont
Edge
Ernst
Fletcher
France
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
McCormick
McCumber
McLean
McNary
Moses
Nelson
New
Nicholson
Oddie
Pepper
Phipps
Rawson
Robinson
Sheppard
Shields
Smoot
Sterling
Sutherland
Swanson
Trammell
Walsh, Mass.
Watson, Ga.
Willis

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators, and the following Senators answered to their names when called:

Ball
King
Simmons
Warren
Watson, Ind.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present.

Mr. KING. I asked the Senator from Idaho a few moments ago if he had not failed to assign as one of the reasons for the the passage of this bill the supposed benefits to the Republican Party from its enactment. I called his attention to the fact that there were a large number of colored voters in the North; that undoubtedly the Republican leaders desired to strengthen their party and hoped to do so by leading the colored voters to believe that the Republican Party was their friend, and as proof of such friendship it proposed to loan $5,000,000 to the Republic of Liberia.

But the Republican steering committee did not place any reclamation bill upon its program. The development of the arid lands of the West apparently is of no interest to Republican leaders. They are too intent upon passing tariff bills that will rob and plunder the American people, and increase the wealth of predatory interests in our country, to think of irrigation or the real and vital interests of the Republic.

Various reclamation bills have been offered during this session, but it is apparent that none will be passed. Several months ago western Senators and Representatives conferred together with a view to reporting a bill that would meet the requirements of the West and the demands of the country. The Smith-McNary bill was the result of these conferences. It became a part of the bonus bill in the Senate. It has, however, been eliminated from the bonus bill by the conference committee, and therefore we have no reclamation measure before us which has the support of the Republican leaders or the Republican steering committee which determines what measures shall be brought before the Senate.

Mr. President, if Congress would cede the public lands to the respective States within which they are situate, there would be no appeal now being made for appropriations for reclamation projects. For many years Congress has been importuned to pass title to the public lands, nonmineral in character, to the States. Senators know that the thirteen original States owned all the lands within their borders. Texas owned a great empire. The States have handled their own public lands far better than the Federal Government has handled the land which it controlled. If the Federal Government will not take steps to reclaim its millions of acres of arid lands, then it should convey them to the States so that they may adopt measures for their reclamation. The Government, in the public lands' States, owns from 50 per cent to 70 per cent or more of their entire area. This vast domain is withdrawn from taxation. The States are compelled to extend all the benefits that flow from their authority over the public domain. Upon the people of these States rests the burden of carrying on the State governments, notwithstanding the fact that in some instances the greater part of the lands within the State are owned by the Federal Government. Moreover, the Federal Government has assumed jurisdiction over most of the streams of the West and under the Federal power act have practically made it impossible for the inhabitants of the various States to utilize to the highest advantage the waters arising within their States.

Mr. President, I shall support the amendment offered by the Senator from Idaho. It does not present the reclamation question as it should be presented, nor does it deal with the subject in the comprehensive way which I and others desire. But it proposes something and will be of immeasurable benefit to the West and to the people of the United States. It will be the foundation upon which a number of reclamation projects will rest. It will bring many thousands of acres of arid lands under cultivation and provide homes for thousands of people. It will add to the wealth of our country and afford opportunity for hundreds of ex-service men to acquire suitable homes. The Republican Party, pledged to a constructive reclamation project, has shown its utter contempt for such pledge and proposes now to accentuate its opposition to the development of the public lands of the West.

We will find the Republican leaders voting $5,000,000 for Liberia, but not a cent to furnish homes to the soldiers or the people of the United States by reclaiming the valleys in our western domain. Republican leaders may think this is good politics, but in my opinion it will be resented by the American people and condemned by those whose votes they are so frantically seeking to obtain.

Mr. EDGE. Mr. President, it seems evident that this discussion will probably continue through the balance of the day, and I am going to ask unanimous consent for the immediate consideration of a bill which was passed over on the calendar yesterday when I was absent simply because no one was here to speak for the bill. It is House bill 11872 and is a measure of great importance. I think we can dispose of it in a few minutes, if we can bring it before the Senate.

Mr. CURTIS. If it would take no time, I should not object, but I understand the Senate is about ready for a vote on the pending amendment, and I hope we can get a vote on it.

Mr. EDGE. If a vote can be secured now, of course, I do not want to interfere with it; but the bill to which I have referred is one asked for by the Secretary of War. It relates to the codification of the laws of Panama. It seems to be a measure of extreme importance. It has been reported unanimously by the Committee on Interoceanic Canals, of which I am chairman, and I simply want to get it before the Senate.

Mr. CURTIS. I wish the Senator would delay his request for a little while.

Mr. EDGE. Very well.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The question is on agreeing to the amendment offered by the Senator from Idaho.

Mr. JONES of Washington. Mr. President, I heard just the latter part of the remarks of the Senator from Kansas a short time ago with reference to the amendment of the Senator from Idaho and with reference to repayment of the amounts due by settlers on irrigated lands. I gathered from what was said that he charged or asserted that those moneys were not being repaid by the settlers.

I had on the wall of the Senate a few days ago a chart showing the condition of those payments. That chart showed that the net expenditure of the Government on the reclamation projects amounted to about $130,000,000; that the amount which has become due to the Government from the settlers is about $15,000,000; and that of that amount about $12,500,000 has been paid. In other words, it showed that of the amount which has matured under the laws passed by Congress only about two million and a half were unpaid at the time the chart was prepared. It seems to me that shows pretty clearly that the settlers are repaying the money almost as fast as it becomes due.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kansas?

Mr. JONES of Washington. I yield.

Mr. CURTIS. I gave a statement of the amounts which had been repaid. The position I took was that if those people received large sums for their crops under the irrigation projects, they should themselves assist by paying back to the fund as fast as they could what they owe to it. That is the position I took.

Mr. JONES of Washington. There can be no controversy, it seems to me, over a statement like that, except for the implication it conveys that they are not doing it. I assert that they are repaying that money as fast as they can and as they are required to do, and the figures I think show it.

The Senator from Kansas will bear me out, I know, from his knowledge of the conditions in my State, at any rate, that under not only the reclamation projects in the State of Washington but under the Indian projects, to which he referred, the moneys are being repaid to the Government. The settlers on the reclamation projects in the State of Washington have repaid to the reclamation fund almost $3,000,000 of the amount of money that was expended in the construction of those projects. But with the statement as the Senator from Kansas makes it, now I have no controversy at all, except, as I said, in the implication that those settlers are not repaying the money. The figures I have given show that they are repaying the money.

I wish the Senator from Idaho would change his amendment to provide for an appropriation of $100,000,000, and I will state why; $20,000,000 applied to the projects now under way will amount to very little in the prosecution of those projects. According to the estimates of the engineers, it will take about $112,000,000 to complete the projects which are now under way, to complete the projects which have been begun and which are now being carried on. I want to say, Mr. President, that in my judgment those projects are being carried on in an uneconomical way, not because of the inefficiency of the Reclamation Service but because of the lack of funds to carry them on. You can not carry on 30 projects in different parts of the country economically and expeditiously with the small amount of money they have had, six, seven, or eight million dollars a year.

The $20,000,000 proposed to be appropriated by the Senator from Idaho, if spread over these 30 projects, would not go very far. In my judgment, if we should appropriate $100,000,000 the Reclamation Service could lay out a program of a yearly expenditure of fifteen, twenty, or twenty-five million dollars, which would not embarrass the Treasury, but which would enable the Government to carry on these projects economically and rapidly to completion and save to the Government and in the end save many millions of dollars to the people who will really have to repay this money to the Government. In other words, it would be economical upon the part of the Government, in my judgment, to make available money which can be appropriated as it is needed to carry out a well-prepared and a well-considered program for the completion of those projects. So I would much rather vote for an appropriation of $100,000,000 on those grounds than the $20,000,000, although I am going to vote for the $20,000,000.

Just a word or two with reference to the report that the Senate conferees on the bonus bill have receded from the McNary amendment. I regret that very much for the reasons I gave when that amendment was under consideration. I think the Senate conferees should have held out a little bit longer with reference to that amendment, which was carried in the Senate on a roll call, according to my recollection, by a vote of 2 to 1, if not more than that. Rather than that the Senate conferees should have receded on that amendment, I think that bill should have been brought back to the Senate and the expression of the Senate taken upon the question as to whether or not we should recede from that amendment. Of course, it may be said that would cause some delay. I do not think it would cause any delay in the ultimate enactment of the measure. I feel satisfied that if the expression of the Senate had been adhered to, we would have gotten some result. I trust that when the report comes into the Senate, the Senate will reject the report and send that bill back to conference with the amendment put on in the Senate by a vote of more than 2 to 1. I say that as a friend of the bonus bill, one who voted for it. I believe action of that kind would be in the interest of the soldier in the long run and in the passage of the bill.

We will probably be told, when the conference report comes up, that the presence of that amendment upon the bill endangers its being signed by the President. We were told that when the bill was under consideration. We will probably be told of some intimations the President has given with reference to it. I do not know how true it is, but I have been told that a Senator asked the President if the presence of this amendment on the bill would make it any easier for him to sign it, and he said no. We will probably be told that from the floor of the Senate, and no doubt that will be used as an argument to show that the presence of this amendment would endanger the signing of the bill. Yet I have no doubt but that if the President had been asked if the presence of this amendment hindered its signing or made any difference in the situation with reference to its signing, he would have said no.

I do not know whether or not the President is going to veto the bonus bill, but if he does it will not be on account of the McNary amendment. It will be for reasons already stated by the President which he considers ample justification for his vetoing the bill. If the President vetoes that bill it will be because Congress has made no specific provision in the bill, as it ought to do, for the raising of the money to pay the bonus, not because of the presence upon it of the McNary amendment.

As I have said, I regret that the Senator from Idaho did not provide in his amendment for an appropriation of $100,000,000. I think it would be much wiser from every standpoint. But I shall vote for the amendment as it is.

Mr. ASHURST. Mr. President, some days ago, when the McNary reclamation amendment was proposed to the bonus bill, I read to the Senate a statement of the figures furnished me by the Reclamation Service showing the amounts of money expended for reclamation and the amounts returned to the Treasury. During the course of my discussion the Senator from Florida [Mr. FLETCHER] asked me if I had the figures down to the 1st of July, 1922. I replied that I did not have them, but would obtain them from the Reclamation Service and would put them in the RECORD at the first opportunity. Inasmuch as it has been asserted that the repayments are small, it seems to me it is not only my duty but certainly it is an appropriate time when I should read the statements showing every dollar appropriated for reclamation and every dollar returned to the Treasury by the particular projects.

Senators will be amazed that such a large percentage of the money appropriated—no; I must not use the word "appropriated." The money never "came out" of the Federal Treasury in a strict sense. The funds came as the avails of public-land sales in public-land States.

The reclamation law was signed by President Roosevelt on June 17, 1902. I ask that there be included in my remarks at this point a letter dated August 31, 1922, from Mr. Morris Bien, Acting Director of the Reclamation Service. Therefore the information I now furnish to the Senate is but 13 days old and the status of the figures could not have changed much in 13 days.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none, and it is so ordered.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, August 31, 1922.

Hon. HENRY F. ASHURST,
United States Senate.

MY DEAR SENATOR: In compliance with the request contained in your letter of August 23, I am sending you herewith copies of the Reclamation Record for June and July, 1922, containing a brief summary of 20 years of reclamation.

In 1921 the acreage cropped on the Reclamation Service projects, largely exclusive of lands under Warren Act contracts, amounted to 1,157,900 acres, producing crops to the value of $49,620,300, or $42.85 per acre, as compared with $14.52 per acre in the same year for the 10 leading crops of the United States as a whole, as stated by the Department of Agriculture. The aggregate value of all crops produced on the projects from the time water was first available up to and including 1921 amounted to $475,000,000. The value by years and the cumulative values are given in Table 6 on page 132 of the June issue of the Record.

I am also inclosing a separate from the twentieth annual report, containing on pages 7, 8, and 9, a table of settlement data for the years 1900 and 1920. This shows that in 1920 there were on the Reclamation Service projects 32,835 irrigated farms with a population of 125,214, and 223 project cities and towns with a population of 324,289. The large increases in the number of schools, churches, and banks, and especially of the amount of deposits are shown in the table.

The inclosed tabulation of financial data is on a slightly different basis from Appendix C printed in the CONGRESSIONAL RECORD, the total investment being reduced by the amount of "other credits," covering materials and supplies transferred to other projects, leaving as "reimbursements" actual collections redeposited in the Treasury to the credit of the reclamation fund, the net investment not being affected by this change.

The total reimbursement into the reclamation fund to June 30, 1922, on account of the Government investment in the construction of the Reclamation Service projects amounts to $32,000,000, comprising $13,200,000 of repayments on the net cost of construction, $6,900,000 on account of water rentals, and the balance, reimbursements from various sources, such as power receipts, rentals of land and buildings, and other miscellaneous operations under the law, practically all of which are placed to the credit of the individual projects. In addition, about $9,400,000 has been paid by the water users on account of annual operation and maintenance charges, which are paid to the amount of about $1,500,000 each year and spent each year for current expenses of running the projects formally opened under public notice. Including the $9,400,000 of operation and maintenance charges, the books show a total repayment of $41,400,000 to June 30, 1922.

Very truly yours,

MORRIS BIEN, *Acting Director.*

Mr. ASHURST. There are, of course, some losses. I would be uncandid with the Senate if I were to pretend there had not been some losses. Indeed, I think the reclamation office will state that owing possibly to some insurmountable obstacle, some physical difficulty, or some event which no sagacity could have anticipated, probably 2 or 3 per cent of the moneys expended may be lost or never paid. Since the reclamation office began to function, or since the 17th of June, 1902, there has been expended from the funds derived from the sales of public lands in public-land States the sum of $171,873,362. I omit reference to pennies. Credits and repayments aggregate the sum of $41,351,434. This leaves a net investment of the Government in the sum of $130,521,927.

Under the law these projects could not repay all this money at one time. The law grants the right to distribute the payments throughout a period of 20 years. The first four or five years 2 per cent is repaid. When Senators reflect that the projects are limited in their payments to 2 per cent of the debt and that the 4 and 6 per cent payments come later, Senators will be amazed that the projects have returned such a large percentage of these moneys to the Treasury. I say to my friend from Kansas that I am astonished that such a well-informed Senator would have drawn the inference or stated that the projects were negligent in repaying.

Mr. CURTIS. Mr. President——

Mr. ASHURST. I yield to the Senator.

Mr. CURTIS. I read the facts which were given by the department, and I think I read exactly the same figures which have been read by the Senator from Arizona.

Mr. ASHURST. I did not know that.

Mr. CURTIS. The Senator's statement simply corroborates what I have said; that is all.

Mr. ASHURST. I was not aware that the Senator from Kansas read these figures. Doubtless he procured the figures he read from the same source whence I have procured my figures. However, I can not agree with my friend in view of the fact that on an investment which this Government has made of $171,000,000, which is not to be repaid for 20 years, and may not be repaid except 2 per cent for the first 2 or 3 years, there has been a credit of $41,351,000. I do not see how a Senator whose mind usually functions correctly could draw the inference that the payments have been slow.

Mr. KING. Will the Senator from Arizona yield to me?

Mr. ASHURST. I yield.

Mr. KING. I do not know whether or not the Senator has stated, but if he has not I am sure he will if he reaches that part of his remarks, that there have been but two direct appropriations from the Treasury of the United States for all the reclamation projects—one for $20,000,000, which was made in 1908, and one for $1,000,000 for what is known as the Elephant Butte Dam, which was a sort of a special project, at a more recent date. So the direct appropriations from the Treasury Department amount to but $21,000,000. The other sums, aggregating $135,000,000, to which the Senator has called attention, were either from the revolving fund created by repayments or from the amounts derived from the sale of public lands.

If the Senator will permit me, I desire to say that many of the lands which were sold and the proceeds from the sales of which were placed in the Treasury of the United States never would have been sold and could not have been sold except for the development of irrigation projects; in other words, the development of an irrigation project brought into the market contiguous territory belonging to the Government, and a market was found for that land. When the land was sold the proceeds derived from the sale thereof were devoted in part to reclamation projects. So the United States has only paid from the Treasury of the United States $21,000,000 for all the reclamation projects which we now find in the United States.

Mr. ASHURST. I thank the Senator. Now, Mr. President, if the Senator from Kansas [Mr. CURTIS] has already included in the RECORD the tabulated statement which I hold in my hand, I shall not ask to have it again inserted. I would be content with the Senator's figures, but I do not know whether or not he has presented all the figures embraced in the table.

Mr. CURTIS. I read the figures as to the cost of each project, the value of the crops produced thereon for the last 10 years, and the amount which had been refunded.

Mr. ASHURST. I am not quarreling with the Senator's figures, because I know he would submit authentic figures; but I ask, because I think I have an amplified statement, that it also be included in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table referred to is as follows:

Voucher transactions and net investment as of June 30, 1922, reclamation fund projects, including Wind River (Riverton).

	Expenditures.[1]		Collections.		Net investment.	
	Fiscal year 1922.	To June 30, 1922.	Fiscal year 1922.	To June 30, 1922.	Fiscal year 1922.	To June 30, 1922.
Arizona, Salt River		$14,671,484.24	$838.95	$4,734,165.23	[2] $838.95	$9,937,319.01
Arizona-California, Yuma	$414,965.52	11,642,765.63	323,229.65	2,528,201.10	91,735.87	9,114,564.53
California, Orland	74,300.12	1,397,851.52	88,433.80	493,527.77	[2] 14,133.68	904,323.75
Colorado:						
Grand Valley	94,335.01	4,121,204.39	47,886.63	257,043.86	46,448.38	3,864,160.53
Uncompahgre	160,882.69	7,991,315.55	136,789.79	1,308,116.33	24,092.90	6,683,199.22
Idaho:						
Boise	338,150.01	15,225,178.05	575,450.83	3,550,523.25	[2] 237,300.82	11,674,654.80
King Hill	271,325.77	1,615,039.71	29,556.98	67,760.55	241,768.79	1,547,279.16
Minidoka	392,963.28	8,990,876.24	570,572.39	4,340,730.94	[2] 177,609.11	4,650,145.30
Kansas, Garden City		390,495.54	504.89	57,638.77	[2] 504.89	332,856.77
Montana:						
Huntley	45,427.03	2,381,139.84	42,138.35	707,770.58	3,288.68	1,673,369.26
Milk River	275,034.75	4,115,319.83	34,268.06	202,700.51	240,766.69	3,912,619.32
St. Mary Storage	34,035.71	2,878,453.93	10,971.43	109,071.72	23,064.28	2,769,382.21
Sun River	126,078.59	4,399,569.51	26,793.21	402,418.37	99,285.38	3,997,151.14
Montana-North Dakota, lower Yellowstone	196,859.50	3,925,606.31	12,287.69	279,052.71	184,571.81	3,646,553.60
Nebraska-Wyoming, North Platte	1,149,684.19	15,335,420.61	416,275.67	3,322,073.03	733,408.52	12,013,347.58
Nevada, Newlands	490,844.19	8,119,057.91	153,419.80	1,439,828.71	337,424.39	6,679,229.20
New Mexico:						
Carlsbad	53,709.32	1,917,038.21	98,158.94	746,006.38	[2] 44,449.62	1,171,031.83
Hondo		406,744.36		34,841.70		371,902.66
New Mexico-Texas, Rio Grande	941,760.23	13,743,371.15	230,161.07	1,814,727.18	711,599.16	11,928,643.97
North Dakota, North Dakota pumping	70,462.41	1,449,229.46	63,176.20	377,511.63	7,286.21	1,071,717.83
Oregon, Umatilla	142,255.00	3,290,933.16	40,910.60	733,570.24	101,344.40	2,557,362.93
Oregon-California, Klamath	424,071.75	4,376,997.10	128,806.83	1,086,417.97	205,264.92	3,290,579.13
South Dakota, Belle Fourche	195,737.49	4,568,788.81	69,160.06	1,040,983.62	126,577.43	3,527,805.19
Utah, Strawberry Valley	58,329.32	4,146,316.72	152,652.48	950,098.14	[2] 94,323.16	3,196,218.58
Washington:						
Okanogan	115,569.06	1,761,463.36	60,490.92	341,386.64	55,078.14	1,420,076.72
Yakima	932,440.71	14,259,059.27	655,985.21	5,361,542.74	276,455.50	8,897,516.53
Wyoming:						
Riverton*	306,867.75	855,191.44	2,070.05	20,029.18	304,797.70	835,162.26
Shoshone	880,474.90	8,622,907.93	98,826.73	1,191,754.26	781,648.17	7,431,153.67
Secondary (including Deschutes and Imperial Valley)	232,385.53	1,724,489.09	187,003.63	486,632.06	45,381.90	1,237,857.03
Denver office (net not transferred)	34,095.58	216,271.04	13,744.65	109,732.84	20,350.93	106,538.20
Washington office (net not transferred)	[3] 19,784.11	334,805.00	23,990.11	257,747.69	[2] 4,206.00	77,057.31
Indian projects (old accounts)		2,997,829.24		2,997,829.24		
Civil-service retirement deductions (unabsorbed)	[2] 4,711.20	1,148.62			[2] 4,711.20	1,148.62
Total	8,468,118.32	171,873,362.77	4,294,555.60	41,351,434.94	4,173,562.72	130,521,927.83
*Less Riverton Indian Service investment	266.08	376,953.73	48.26	985.46	217.82	375,968.27
Reclamation Service investment	8,467,852.24	171,496,409.04	4,294,507.34	41,350,449.48	4,173,344.90	130,145,959.56
Reclamation Service investment analyzed:						
Reclamation fund	8,040,050.75	167,754,976.51	4,294,507.34	41,350,449.48	3,745,543.41	126,404,527.03
Net increase compensation funds	327,572.56	2,191,084.95			327,572.56	2,191,084.95
Judgments, Court of Claims	100,228.93	550,347.58			100,228.93	550,347.58
Rio Grande Dam appropriation		1,000,000.00				1,000,000.00
Total	8,467,852.24	171,496,409.04	4,294,507.34	41,350,449.48	4,173,344.90	130,145,959.56
Mesa division, Yuma project:						
Auxiliary fund	288,940.84	501,572.46	133,199.13	557,279.76	155,741.71	[2] 55,707.30
Increase of compensation fund (net)	3,319.82	12,462.38			3,319.82	12,462.38
Total	292,260.66	514,034.84	133,199.13	557,279.76	159,061.53	[2] 43,244.92
Drainage and cutover fund	21.01	100,279.59		464.51	21.01	99,815.08
Increase of compensation fund (net)		728.94				728.94
Total	21.01	101,008.53		464.51	21.01	100,544.02
Indian projects (Montana):						
Blackfeet—						
Indian funds	35,712.36	1,198,097.31	16,035.42	38,952 24	19,676.94	1,159,145.07
Increase of compensation (net)	2,298.30	11,564.85			2,298.30	11,564.85
Judgments, Court of Claims		29.91				29.91
Total	38,010.66	1,209,692.07	16,035.42	38,952.24	21,975.24	1,170,739.83
Flathead—						
Indian funds	184,699.92	4,661,014.41	48,490.69	182,751.84	136,209.23	4,478,262.57
Increase of compensation fund (net)	9,899.23	136,702.95			9,899.23	136,702.95
Total	194,599.15	4,797,717.36	48,490.69	182,751.84	146,108.46	4,614,965.52
Fort Peck—						
Indian funds	32,850.14	890,221.62	13,725.81	23,717.12	19,124.33	866,504.50
Increase of compensation fund (net)	1,526.66	16,176.13			1,526.66	16,176.13
Judgments, Court of Claims		168.34				168.34
Total	34,376.80	905,566.09	13,725.81	23,717.12	20,650.99	882,848.97

[1] Expenditures reclamation fund: Disbursements plus transfers from other projects, less transfers to other projects.
[2] Contra.
[3] Expended for the Bureau of Indian Affairs from reclamation fund and later reimbursed by congressional appropriation.

NOTE.—Denver and Washington office investment represents under or over distributed expenditures, analyzed as follows:

	Denver office.		Washington office.	
	Fiscal year 1922.	To June 30, 1922.	Fiscal year 1922.	To June 30, 1922.
Reclamation fund disbursements	$270,399.15	$1,558,421.88	$221,779.71	$4,740,988.18
Net increase of compensation disbursements	19,870.54	67,107.96	16,624.58	69,089.21
Total disbursements	287,269.69	1,625,529.84	238,404.29	4,810,077.39
Less net transfers	253,174.11	1,409,258.80	218,620.18	4,475,272.39
Net expenditure	34,095.58	216,271.04	19,784.11	334,805.00
Reclamation fund collections	13,744.65	109,732.84	23,990.11	257,747.69
Net investment	20,350.93	106,538.20	[1] 4,204.00	77,057.31

[1] Contra.

Mr. ASHURST. Mr. President, I do not wish to prolong the discussion, but this is one of the most vital subjects with which Congress can grapple.

Mr. JONES of Washington. Will the Senator from Arizona yield to me?

Mr. ASHURST. I yield.

Mr. JONES of Washington. As I understand the Senator's table, it will show the amount of indebtedness which has matured on each project? I understand the Senator from Kansas did not present the figures showing the amount that had matured on each project.

Mr. ASHURST. I do not believe that the table which I have presented states that, though it is an elaborate table. I am not certain, however, that it states the amount which is still outstanding or which may become payable.

Mr. JONES of Washington. I refer to the amount which has matured.

Mr. ASHURST. I shall try to supply the figures as to the amount that has actually matured.

Mr. JONES of Washington. Of course, I had a statement as to the lump sum, as I stated a while ago——

Mr. ASHURST. I know the Senator had that.

Mr. JONES of Washington. And I supposed the table of the Senator from Arizona showed the amount that had matured upon each project.

Mr. ASHURST. If the table which I have asked be printed in the RECORD does not show it, I shall try to supply it, and I ask permission to insert that if I obtain the figures.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

Mr. ASHURST. Mr. President, whatever men may say or howsoever they believe about the Government going into business or putting business into Government, when practical difficulties arise and calamities come that threaten the very existence of our primal industry, agriculture, it is not only constitutional but it is right and proper for a progressive Government to keep abreast of the problems of the day.

At this point, fearful lest some one may rise and say that the War Finance Corporation has been of no value to the people, I will submit some figures as to the energies of that organization. They were furnished to me on August 31 last by the assistant to the managing director.

These data that I am about to supply give in detail the classification of loans, whether to exporters, cooperative marketing associations, or to banking and financing institutions, and they show the advances made in financing the various industries under the different classifications up to August 15, 1922. I shall merely read the summary of advances up to August 15, 1922, to exporters, agricultural and live-stock associations, and banking and financing institutions under sections 21, 22, and 24 of the act approved January 4, 1921:

To exporters, $9,732,608; to cooperative marketing associations, $96,899,634; to banking and financing institutions, $233,972,230; to live-stock loan companies, $59,693,608; or a total of $400,298,081.

Without tiring the Senate to read all the figures, I ask unanimous consent to place in the RECORD the statement showing the amounts of money loaned in each State and for what purposes used, whether for exports, whether to banking and financing institutions, or to live-stock and loan companies. These data, as I have said, have been furnished by the War Finance Corporation through its managing director.

The PRESIDING OFFICER. Without objection, the compilation will be printed in the RECORD.

The matter referred to is as follows:

WAR FINANCE CORPORATION,
Washington, August 31, 1922.

Hon. HENRY F. ASHURST,
United States Senate.

DEAR SENATOR ASHURST: In the absence of Mr. Meyer, I acknowledge the receipt of your letter of August 29. In accordance with your request, I take pleasure in sending you herewith a statement showing the loans approved by the War Finance Corporation from January 4, 1921, when it resumed operations, to and including August 15, 1922.

Very truly yours,

F. R. HARRISON,
Assistant to the Managing Director.

—

OPERATIONS OF THE WAR FINANCE CORPORATION FROM JANUARY 4, 1921, TO AND INCLUDING AUGUST 15, 1922.

I.—*Advances to assist in financing exports under sections 21, 22, and 24 (par. 2), approved from January 4, 1921, to August 15, 1922, inclusive.*[1]

Classification:	
To exporters	$9,732,608.89
To cooperative marketing associations	5,262,183.90
To banking and financing institutions	38,379,462.38
Total	[2] 53,374,255.17
Classification:	
Grain	5,858,610.69
Tobacco	3,246,369.77
Cotton	35,677,708.35
Canned fruits	1,120,000.00
Meat products	1,000,000.00
Condensed milk	1,000,000.00
Textile products	250,000.00
Sheet steel	180,000.00
Copper	145,600.00
Sugar-mill machinery	470,966.36
Agricultural machinery	500,000.00
Railroad equipment	2,925,000.00
Lumber	1,000,000.00
Total	[2] 53,374,255.17

II. *Advances to banking and financing institutions, live-stock loan companies and cooperative associations for "agricultural and live stock purposes," under section 24 (par. 1), approved from August 24, 1921, to August 15, 1922, inclusive.*[3]

To banking and financing institutions	$195,592,768.03
To live-stock loan companies	59,693,608.03
To cooperative marketing associations	91,637,450.10
Total	[4] 346,923,826.16
Classification:	
Grain	23,790,189.31
Cotton	22,147,626.79
Sugar beets	9,996,000.00
Sugar cane	35,000.00
Rice	2,750,000.00
Canned fruits	300,000.00
Dried fruits	1,250,000.00
Peanuts	1,044,634.00
Tobacco	40,000,000.00
Hay	320,000.00
General agricultural purposes	156,960,784.29
Live stock	88,329,591.77
Total	[4] 346,923,826.16

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[1] Section 21 was added to the original War Finance Corporation act by the act of March 3, 1919, and section 22 and 24 by the agricultural credits act of August 24, 1921.

[2] Does not include advances aggregating $27,387,816.10 originally applied for and approved under section 21 for export purposes, and subsequently withdrawn by the applicants and resubmitted and approved as advances for agricultural purposes under section 24.

Of the total amount $40,697,784.40 represents advances approved subsequent to August 24, 1921.

[3] Section 24 was added to the original war finance corporation act by the agricultural credits act of August 24, 1921.

Classification:

[4] Includes applications totaling $7,998,745.42, which were approved by the corporation, but subsequently withdrawn by the applicants.

By States.

(1) To banking and financing institutions:

Alabama	$851,203.30
Arizona	2,379,000.00
Arkansas	651,500.00
California	266,360.00
Colorado	2,523,697.66
Florida	382,000.00
Georgia	6,860,434.88
Idaho	2,842,760.00
Illinois	5,221,000.00
Indiana	1,445,950.00
Iowa	24,180,184.20
Kansas	4,602,753.06
Kentucky	506,388.56
Louisiana	1,689,399.77
Michigan	175,000.00
Minnesota	12,619,250.46
Mississippi	1,602,838.19
Missouri	5,041,387.38
Montana	7,718,452.50
Nebraska	12,427,309.05
Nevada	640,500.00
New Mexico	1,711,736.94
New York	600,000.00
North Carolina	9,162,075.00
North Dakota	21,225,261.21
Ohio	1,513,806.00
Oklahoma	4,047,004.95
Oregon	3,324,101.09
South Carolina	10,740,259.25
South Dakota	15,374,184.50
Tennessee	3,796,412.11
Texas	8,812,535.67
Utah	11,357,671.00
Virgina	2,005,700.00
Washington	689,791.30
Wisconsin	6,013,500.00
Wyoming	591,360.00
Total	195,592,768.03

(2) To cooperative marketing associations:

Alabama	100,000.00
Arizona	1,200,000.00
Arkansas	1,250,000.00
California	3,050,000.00
Georgia	35,000.00
Idaho	962,355.66
Kentucky	10,000,000.00
Minnesota	[5] 15,000,000.00
Mississippi	5,060,060.29
North Carolina	[6] 30,000,000.00
Oklahoma	8,500,000.00
Texas	10,107,566.50
Virginia	1,044,634.00
Washington	5,327,833.65
Total	[7] 91,637,450.10

(3) To live stock loan companies:

Arizona	2,091,500.00
California	2,528,311.28
Colorado	8,811,874.67
Florida	400,000.00
Idaho	2,987,492.12
Illinois	1,404,873.14
Kansas	482,452.57
Minnesota	353,458.80
Missouri	3,102,688.75
Montana	3,631,700.00
New Mexico	6,745,690.75
North Dakota	148,800.00
Oregon	2,738,539.55
South Dakota	236,000.00
Texas	14,842,971.82
Utah	659,480.00
Washington	156,915.00
Wyoming	8,370,859.58
Total	59,693,608.03

III. *Summary of advances for export, agricultural, and live stock purposes under sections 21, 22, and 24, approved from January 4, 1921, to August 15, 1922, inclusive.*

Classification:

To exporters	$9,732,608.89
To cooperative marketing associations	96,899,634.00
To banking and financing institutions	233,972,230.41
To live stock loan companies	59,693,608.03
Total	400,298,081.33

Mr. JONES of Washington. Mr. President, before the Senator from Arizona yields the floor I should like to call his attention to the fact that the table which he has submitted does not show the amount that has matured upon each project. I think it really gives a more correct impression of the situation when the amount which has matured is ascertained, and then the portion of that amount which has been paid, because it is only the amount which has matured and which is unpaid which can be said to be delinquent so far as the irrigation projects are concerned.

Mr. ASHURST. The Senator is correct, and I regret that the table does not show that. I think that is an unfortunate omission. Of course, the figures were not compiled by me, but I assume that complete data will be furnished.

I conclude, Mr. President, by saying that the farmers of this country will not be remiss nor tardy in repaying the sums due from them on Federal irrigation projects. The farmers, the water users under Federal irrigation projects, the agricultural interests generally, and all those to whom loans have been made by the War Finance Corporation, will repay the Federal Government long before the foreign debt is repaid to the Federal Government by foreign governments to which we have loaned vast sums. There is no propaganda in the United States conducted by the farmers looking toward the ultimate escape from the repayment to the Federal Government of the money which it has advanced to the farmers; but there is being conducted in America by alleged Americans a skillful propaganda urging the United States to cancel the debts due the United States from foreign countries; indeed, Mr. President, some of the Americans who go to Europe, seeking to curry favor and obtain possibly an invitation to some social function, begin to give out interviews pointing out the necessity and the propriety of canceling the debts due to the United States by foreign governments. A celebrated poet said the other day that America had obtained the gold of the world, but that England had saved England's soul. That may be; we may or may not dispute whether in the recent war England saved her soul, but nobody will dispute that in the World War Uncle Sam saved England's hide.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Idaho [Mr. BORAH].

Mr. HARRISON. Mr. President, there have been few more important questions considered in the Senate that affect the great western section of the country than the amendment which is now pending to the Liberian loan joint resolution. Yet as I scan the Republican side of the Chamber I see less than five Republican Senators from the far West now in the Senate while this great question which means so much to them is being considered. I am sure as the people from that section read this debate and study the consequences of this amendment, whether it shall be adopted or defeated, they will view with no little complacency the fact that so many of their Senators were absent and had absconded during the consideration of this question.

I can not understand why the junior Senator from Washington—of course I see the distinguished Senator from Oregon [Mr. MCNARY] in his seat—and the Senators from California are absent. I am going down the line. The Republican Senator from——

Mr. CURTIS. Mr. President——

Mr. HARRISON. I do not yield to the Senator.

Mr. CURTIS. Will not the Senator——

Mr. HARRISON. I do not yield for the present. I refuse to yield. The remarks of the Senator from Kansas that have been so abundant in the RECORD to-day can not go in at this particular time. If the Senator wants to make a point of no quorum to bring in these Senators who will not stay here when the interests of their constituents are at stake, I will yield for that purpose.

Mr. BORAH. Mr. President——

Mr. HARRISON. I yield to the Senator.

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst
Ball
Borah
Broussard
Calder
Cameron
Capper
Cummins
Curtis
Dillingham
Edge
Ernst
Fletcher
France
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
King
McCumber
McLean
McNary
Moses
New
Nicholson
Oddie
Pepper
Phipps
Robinson
Sheppard
Smoot
Stanfield
Sterling
Sutherland
Swanson
Trammell
Walsh, Mass.
Watson, Ga.
Williams
Willis

The PRESIDENT pro tempore. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

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[5] This amount represents an advance authorized to a cooperative marketing association doing business in Minnesota, North Dakota, and South Dakota.

[6] This amount represents an advance authorized to a cooperative marketing association doing business in North Carolina, South Carolina, and Virginia.

[7] Includes advances aggregating $27,387,816.10 originally applied for and approved for export purposes (under section 21) and subsequently withdrawn by the applicants and resubmitted and approved as advances for agricultural purposes under section 24.

Does not include applications of cooperative associations, totaling $72,250,000, tentatively approved by the corporation to assist in financing the orderly marketing of wheat, cotton, and tobacco during the coming season.

The Assistant Secretary called the names of the absent Senators, and Mr. Bursum, Mr. Colt, Mr. Kellogg, Mr. McCormick, Mr. Nelson, Mr. Rawson, Mr. Simmons, Mr. Warren, and Mr. Watson of Indiana answered to their names when called.

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, there is a quorum present.

Mr. HARRISON. Mr. President, now that all the western Senators are in their seats, I hope they will remain here until we have finished the consideration of this amendment, which means so much to the far West.

Although I do not live in that great fertile and undeveloped country, with its wonderful natural resources and beautiful landscapes, I have always tried to help in the passage of any legislation that might be beneficial to it. I have voted for its reclamation projects, and for large appropriations to carry on its irrigation and reclamation policy. I am delighted that I have, and I am ready to do it again. I have been happy to-day to hear the senior Senator from Idaho [Mr. Borah]—who, in my opinion, is one of the really great statesmen of this country, progressive, conscientious, courageous, always standing for what he thinks is right and for the interest of his people—as he has advocated this amendment, and pleaded with his colleagues on the other side of the aisle to help him out that he might in turn help the people of the far West.

He spoke one sentence to-day which will ring through the coming days, and echo through the coming weeks, and to which Senators on the other side must respond. People away out in the far western country, whether in mine or factory, on the ranch or in the hut, will read in the papers as it is heralded to them to-morrow morning the statement, aye, I might say, the indictment, and a truthful indictment it was, against the leadership of the Republican Party in the American Congress. I would impress upon the Senators who do me the kindness now to hear me the purport and force of the words the Senator from Idaho then uttered. You must respond to that indictment, because the people have faith in this apostle of the people, this independent thinker, this great progressive of the far West.

What is it he has said touching the leadership of the Republican Party? You promised to the people in Arizona, in Oklahoma, in Nevada, in Oregon, in Washington, and throughout the Pacific-Mountain States, aye, even unto Colorado, that you would do something for reclamation and irrigation. You promised to bring back legislation to them which would insure to that country something along those lines. Even in your platform it was enunciated. Let me read it to you. You bound yourselves that you would give to the people a reclamation and an irrigation policy—a policy that would really carry results and benefits to the people of the West. For fear you have forgotten it, let me read it again. Here is the plank of the Republican Party in 1920:

> We favor a fixed and comprehensive policy of reclamation to increase national wealth and production.
>
> We recognize in the development of reclamation through Federal action, with its increase of production and taxable wealth, a safeguard for the Nation.
>
> We commend to Congress a policy to reclaim lands and the establishment of a fixed national policy of development of natural resources in relation to reclamation through the now designated Government agencies.

There was not a western Senator or a western Representative as candidates in that campaign who did not proclaim that as one of the most important planks in the Republican platform. You pledged to them that you would exert your efforts and use all your ability in Congress to foster that policy and see that it became a law. Yet, a Senator of high standing in this body, at this late date after that plank was adopted, about two years, in beginning his speech upon the floor of the Senate, uttered these remarkable truths, and whether Senators from the far West would now prefer to engage in conversation upon the floor of the Senate or betake themselves into the lobbies rather than to hear it, I say through them to their constituents in the far West that you must give an account of your action, not only on this amendment but on other measures affecting the reclamation and irrigation policy of this country, to which I shall come later.

This is what the Senator from Idaho said:

> Mr. President, there is no mistaking the import of the Senator from Kansas.

He was speaking of one of the real leaders of the Republican Party in this Chamber, aye, the vice chairman of the Republican caucus of the Senate, one who stands as high here as any other; one who, as he casts his vote and rings out his voice, others flock in to follow, because the others know he is the leader to follow. So, following the speech of the Senator from Kansas, the Senator from Idaho said:

> Mr. President, there is no mistaking the import of the speech of the Senator from Kansas.

The Senator from Idaho knew that the Senator from Kansas, Republican leader, was speaking with authority, was voicing the expression of the Republican leadership in this Chamber; aye, further than that, because he is in constant conference with the President of the United States and the Cabinet members of this administration, the speech he made, as the Senator from Idaho knew, was carrying great import.

Mr. CURTIS. Mr. President——

Mr. HARRISON. I will yield in one moment. The Senator from Kansas is possessed of great modesty; that is one of the characteristic virtues of my distinguished friend from Kansas, and I am sure that if he should now rise to speak, he would say that he was speaking his own individual sentiments; but those who know the power of the man and his great influence would not believe that if he should state it, but would know that he was speaking authoritatively. I now yield to the Senator from Kansas.

Mr. CURTIS. The Senator heard me state, in response to the remark of the Senator from Idaho [Mr. Borah], that I had not consulted with anyone connected with the administration, and that I had not consulted with any Member of the Senate with reference to my attitude upon this question; that I had looked it up after the Senator from Idaho had offered his amendment, and after the Senator from North Dakota [Mr. McCumber] had asked me to take charge of the joint resolution because he had to be absent as a member of the conference committee.

Mr. HARRISON. The Senator from Kansas, as I knew, would live up to his reputation as we know him, of being perfectly modest. He is too much so. This is what the Senator from Idaho said:

> There is no mistaking the import of the speech of the Senator from Kansas [Mr. Curtis]. I have known for some time that the leaders upon this side of the Chamber—

The Republican side of the Chamber—

> propose to kill the reclamation policy.

Listen, Senators, you from the far West who are interested in reclamation and irrigation for your States; consider the meaning of the indictment brought by the distinguished Senator from Idaho:

> I have known for some time that the leaders upon this side of the Chamber propose to kill the reclamation policy. There has not been an effort here for a move made that has not been checkmated by these gentlemen.

What gentlemen? Republican leaders. Who said that? Not a Democratic Senator, but a great progressive Republican from the far West—from the State of Idaho. He further said:

> The Senator from Kansas has been perfectly frank in announcing to the country that the policy is at an end so far as the leaders of the Republican Party in this Chamber are concerned.

Yet in the approaching election Senators on the other side will go back to their respective States and appeal for reelection, and appeal for the election of colleagues in their respective States, in the face of this indictment against Republican leadership in the Congress of the United States.

You can not fool the people of the West. They are intelligent, they read the papers, they study the Congressional Record, they scan your votes, and, sirs, when you take back to them an empty basket, as you will do touching reclamation at this time, they will know the reason why, namely, that the Republican leadership have decreed that you shall not have reclamation legislation for the West at this time.

Mr. NICHOLSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. HARRISON. I yield.

Mr. NICHOLSON. I would like to ask the distinguished Senator from Mississippi what amount of money was appropriated during the eight years of the Democratic administration for the reclamation of the arid lands of the West, for which great country the Senator is now shedding crocodile tears? And I am glad he is interested in the question.

Mr. HARRISON. My friend, the Senator from Colorado, whom I like so much that I almost love him, is following in this instance the old practice of the burglar who, with stolen goods, throws a few down in order to divert the attention of his pursuers. The Senator's constituents know, whether he knows it or not, that one of the greatest men who ever came out of the West was placed in office as Secretary of the Interior to administer the affairs of the far West—Franklin K. Lane.

Mr. NICHOLSON. I admit that, but——

Mr. HARRISON. I have not answered the Senator's question yet; I have answered just a part of it. I hope that when I shall have finished he will get up and beg my pardon for asking such a foolish question.

During the years preceding the war not a proposition came out of the far West for the benefit or in the interest of the western people which that administration did not put through, and if the Senator had studied his CONGRESSIONAL RECORD in those days he would have seen it; but he was busy, as everybody in the West was, enjoying the wonderful Democratic prosperity. He was clipping his coupons and making his big profits, and he did not have time to read the CONGRESSIONAL RECORD and study the wonderful administration of the Democratic Party, which controlled affairs at that time. I hope I have answered the Senator.

Mr. HEFLIN. Mr. President——

Mr. NICHOLSON. Will the Senator permit me to ask one more question?

Mr. HARRISON. I yield first to my friend from Alabama.

Mr. HEFLIN. I would remind the Senator that a Democratic Senator from the West, Senator Newlands, was the father of the reclamation policy.

Mr. HARRISON. I now yield to the Senator from Colorado.

Mr. NICHOLSON. The Senator from Mississippi did me the honor to say that I was engaged in clipping coupons during the Democratic administration. I say now to my good friend that in my case that was not a period of prosperity. In common with many other people, I was much poorer after the war was over than before it commenced.

Mr. HARRISON. The Senator was one of the "war babies."

Mr. NICHOLSON. While the Senator is talking about Franklin K. Lane, who rendered the West a great service, what about Theodore Roosevelt? He is the man who placed reclamation on the map in the West. He is the man who pleaded for the West.

Mr. HARRISON. He was a great man, if the Senator will allow me to say it.

Mr. NICHOLSON. Theodore Roosevelt backed up the movement for reclamation more than any other man who ever lived.

Mr. HARRISON. And the Senator and his Republican colleagues sink into insignificance by the side of the name of Theodore Roosevelt, and their record looks like a decimal point by the side of a mountain when their records are compared with the wonderful record embodied in the reclamation policies of Theodore Roosevelt. If the Senator would come on and join with some of us who really want to help the West, we could do your people some good.

Mr. KING. Mr. President, I would like to ask the Senator from Colorado, who has just been uttering such a panegyric on Theodore Roosevelt, if when Mr. Roosevelt was running for the Presidency against Mr. Taft and was supporting western projects, the Senator from Colorado was not denouncing Mr. Roosevelt and eulogizing Mr. Taft?

Mr. HARRISON. I yield to the Senator from Colorado for an answer.

Mr. NICHOLSON. No man ever heard me denounce Theodore Roosevelt.

Mr. KING. Did not the Senator support Mr. Taft?

Mr. NICHOLSON. I supported Mr. Roosevelt until the convention at Chicago had closed and had selected Mr. Taft as its nominee. Then I stayed regular, with my party.

Mr. KING. The Senator supported Mr. Taft, and Mr. Taft and the Republican Party conducted a campaign of vituperation and abuse of Mr. Roosevelt.

Mr. HARRISON. I yield to the Senator from Colorado to answer. [Laughter.]

Mr. President, I had started out to talk on another line. The Senator from Idaho [Mr. BORAH] was correct in his indictment. He knew what he was talking about. There is not a Senator over on the other side of the Chamber who does not in his heart agree with him. There is no Senator now who will rise in his place in the Senate and take issue with the statement he made. I pause for an answer. Of course, it does not come. There are more Senators now in their seats on the other side of the aisle than I have seen for some time. Yet they know that the Senator from Idaho was right when he said that the Republican leadership was against any reclamation policy; that they had checkmated it; and that it would never be put through under the present Republican leadership.

I could read the speech made by the present President of the United States, Mr. Harding, which scintillates with wisdom and promises, giving to the people of the West the idea that one of the first things that would be done would be to put through a reclamation policy. So the Senator from Oregon [Mr. MCNARY], progressive, popular, conscientious, able, splendid champion of the people, having the interest of his State and section at heart, has worked night and day—in season and out of season—trying to frame a reclamation policy such as would meet the approval of the Congress and which would give his people some benefit and bring to his section some relief. His measure was reported out from the committee, reported unanimously, and taken up on the floor of the Senate. I understand the steering committee at one time winked at the idea that it might be put through in a separate bill, but they changed their minds. When the adjusted compensation bill was before the Senate, so eager was the Senator from Oregon to enact legislation that, assisted by an almost solid vote on this side of the Chamber, he proposed to incorporate his measure, which was known as the McNary bill, as an amendment to the adjusted compensation legislation. It was adopted and went to conference. How easy it would have been for this administration, if they really desired to adopt a reclamation policy, to have sent word down the line for the conferees to adopt it and let the House and Senate vote for it; but the Republican leaders who were appointed as conferees to adjust the differences between the House and the Senate, as I have read this morning, struck the McNary amendment from the measure.

Not only did they do that, but they struck out the proposition of paying the soldiers with the interest that might come from the allied indebtedness. No; they preferred, perhaps, to tax the American people more in order to pay the adjusted compensation. Your leadership is so in the habit of pressing down upon the American people with higher taxes that you choose that course.

I am for the measure. I want to see it passed. I want to see it passed before we adjourn this Congress. I hope from the innermost part of my heart that it will become a law, but I know the forces that are at work. They will destroy it if they can, and when they struck out the McNary amendment in conference they helped to defeat the adjusted compensation legislation. I am for the McNary amendment which was adopted in the Senate and which went to conference, because I believe in the principle. I believe it would be helpful not only to the West but to the southern part of the country to drain their overflowed lands, to irrigate their arid lands, and to help them open up fields in order that products may be raised and the cost of living reduced.

But I am for it for another reason. The other reason is that it might influence the President of the United States from vetoing the soldiers' adjusted compensation legislation. I do not know whether he is going to veto it or not. Some say he will and some say he will not. Some say he is going to do so and some say he is not. I do not think anyone knows. I think his position with reference to the soldiers' bonus is just about as quixotic and uncertain and vacillating as it has been on everything from the strike down.

But be that as it may, you have an opportunity to give to the West a reclamation policy. The conferees, who are representing the sentiment of the Senate and who doubtless will represent the views of the administration when they eliminate it and bring it back here, know the position we took and of which we were in favor. If we vote it down, it will be said that we are against it. Well, I will tell you now that if I can find enough Senators here who will join in an effort to refuse to adopt the conference report, with the understanding that after the report has been rejected they will then vote to instruct the conferees to report the McNary amendment as a part of the adjusted compensation legislation, I shall join with them and vote accordingly. We would be helping the soldiers' legislation along when we help reclamation along, and when you defeat the Borah amendment and defeat the McNary amendment you are repudiating a solemn pledge made to the American people and especially to the far western country.

Now, as to the pending joint resolution, it is peculiarly strange to me that the same day the Republican leadership was deferring and delaying and procrastinating with reference to adjusted compensation for the soldiers of the country and killing the reclamation policy that had been adopted by the Senate, an effort is made to press through here with all the force and influence of the Republican leadership a joint resolution to give $5,000,000 to the colored population of Liberia. Why did you not do it a few months ago and not wait until the eve of election? You are not fooling anybody. You think you can catch the negro votes up in some of the Northern States. God bless you, I have more negroes in my State than all of you have in yours.

Mr. MOSES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. HARRISON. I yield.

Mr. MOSES. Will the Senator permit me to remind him that the negro population of his State is not permitted to vote?

Mr. HARRISON. They do not want to vote. They have the right to vote if they should desire to vote. They know that affairs are so well administered by the white people that they do not desire to vote.

Mr. MOSES. I take the Senator's statement at its face value, but I think I need further evidence as to whether the colored population of his State wishes to vote.

Mr. HARRISON. They can vote if they want to. I shall not go into the provisions of our Constitution which permit them to vote, but I take it from the question put to me by the distinguished Senator from New Hampshire that he admits the other suggestion I made, that this is a measure merely to catch some negro votes in the North.

Mr. MOSES. I admit nothing. I am merely commenting upon the statement made by the Senator from Mississippi, with great emphasis, that he has more colored population in his State than several northern States put together. The only difference is that the provisions of the fourteenth and fifteenth amendments are observed in the northern States, while in the Senator's State I fear their right of suffrage is more honored in the breach than the observance.

Mr. HARRISON. The Supreme Court of the United States has passed upon that question, and we all know what it has observed about it. We treat the negroes right, good, fine, splendid; they are satisfied, happy, and contented. I wish the Senator would come down there some time and see it. He would move out of New Hampshire, away from those rocks and crags, those snowbounds and snowdrifts to a really good State—a place of sunshine and beauty and resources, contentment, and happiness.

Now I have said about all I desire to say. I sincerely hope Senators on the other side of the Chamber who come from the far West will join with the distinguished Senator from Idaho and the distinguished Senator from Oregon and with those of us on this side who favor the legislation, and we will put it over. I hope, since you hold the whip handle, that you will bring influence to bear upon the conferees who have the adjusted compensation measure in hand and have them reinstate the McNary bill as an amendment to that measure, so we can have a reclamation policy. No doubt the House will adopt it, for they want to carry out their pledges, and it would influence the President, I believe, to sign the bill.

Mr. HEFLIN. Mr. President, the pending joint resolution seeks to collect a debt due by certain officeholders and other people in Liberia to certain speculators and financiers of Wall Street. We are not only made the collecting agency for Wall Street, but we are called upon in this instance to furnish the money to pay the debt.

Mr. President, the Senate solemnly declared a few days ago that the debt due to the Government, to the American people, by foreign countries of over $10,000,000,000 should not be canceled but that the interest should be collected and used to make the entire payment of adjusted compensation to our soldiers. That meant that we were going to meet the payments without taking one 5-cent piece out of the Treasury, without levying one cent of tax against the American people. What happened yesterday to that provision? The conference committee, a majority of which is Republican, of course, has stricken out that just and meritorious provision. The Senator from Washington [Mr. Jones] told us that the President would not veto the adjusted compensation bill if we provided some way to meet the payments called for in the bill. Here was a provision to take money which the leaders of the Republican Party in the Senate and in the House intend to give away to the allied countries and use it for that purpose. They are not deceiving anybody.

The American people shall know before the November elections that the plan and purpose of the Republican Party is to cancel the foreign debt, to cancel it when our people are already burdened with taxation, cancel it when there is distress in many quarters of our country, and that money is needed to relieve our own people of burdens grievous to be borne. Here, after every grafting concern in the country had been fed to the full, the soldiers are the last on the list—first to answer their country's call; first on the battle front in France; first to wave our flag in victory, but last in Republican consideration when they come home. They were pushed back in the rear of the processions which have come by the Treasury and have been fed and filled. I stated here a few days ago that the first to appear were the big income-tax payers. The Republican Senate handed out to them $90,000,000 on a silver platter. The next procession to come in view was that of a band of marauding profiteers, and they had handed out to them $450,000,000. Then came the wealthy war contractors, questionable, many of their contracts, and they took away $700,000,000, and more. Then what? The tariff barons came. You have written a tariff bill which will tax the American consumers $3,000,000,000, and that money will go into the pockets of the tariff barons and not a cent of it into the Public Treasury. You have held them up, you have cried out against imposing additional taxes to give the soldier justice, and yet you are running your hands into the pockets of the American masses to take out the little that they have left in order to increase prosperity amongst the favored few, and you are doing it by the improper use of the taxing power.

I have stated here that the Republicans are responsible for the deflation gang, who have made their millions and their billions and to-day sit in Wall Street and say "There shall be no soldiers' adjusted compensation. It shall not pass." Our boys—God bless them—at the Marne, when the Prussian guard stormed their line in mass formation, cried out, as they moved forward, "They shall not pass." Everyone of them who fell in the conflict as his life blood ran red upon the soil of France, whispered with his last breath, "They shall not pass." And they did not pass. The Wall Street slogan now is, "Adjusted compensation shall not pass." What a miserable mockery!

Oh, Mr. President, we provided in the bill that adjusted compensation should be paid out of the interest due to the American people from foreign Governments. The Republicans will not let us collect it.. The Republican Party has had control of the legislative instrumentalities of this Government for four years, and yet they have not collected a dime of that indebtedness; they have not made any effort to collect a dime of it.. Every time Democrats have suggested the collection of that debt certain Republican newspapers and a few other kind have started a propaganda to cancel it—to forgive the debt.

If they succeed in getting it canceled, they will receive a rich financial reward. Finally, under the leadership of a Democrat, the Senator from North Carolina [Mr. Simmons], by the aid of the solid Democratic vote, we put into the adjusted compensation bill a provision by which adjusted compensation could be met without taking money from the Public Treasury, without additional taxation; but what have the Republicans done? They have slaughtered it in conference. This morning the newspapers were flaming with headlines which told the story around the country and to the boys who carried the flag and had saved the day that the provision that would furnish the money to settle with them without taxing our people or taking any money out of the Treasury had been taken out of the bill. I predicted that Wall Street would make you strike it out.

Mr. WATSON of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I yield to my friend from Georgia.

Mr. WATSON of Georgia. The Senator from Alabama, of course, remembers that some months ago Congress authorized a foreign debt commission composed of the Secretary of the Treasury, who has no legal right to hold his office, and two Members of Congress, one Senator and one Representative, and two other members, to arrange with foreign nations which owe us debts about their payment. Can the Senator from Alabama inform this body and the country what those men have done since they have been appointed?

Mr. HEFLIN. Mr. President, the Senator from Georgia has put up to me an exceedingly hard task. I am unable to tell what that commission has done or has not done. It would be interesting to know just what they have done and said upon the subject. There is no Democrat upon it. There is nothing like it in history, so far as I can recall. It is a partisan commission appointed to handle an indebtedness of $10,000,000,000 and more due to the whole American people. When the time came to arrange for its settlement the Republican Congress provided not for the selection of a commission composed, as all such commissions have been in the past, of three Republicans and two Democrats, but for a commission composed entirely of Republicans.

Mr. President, the Senator from Georgia raises a very interesting question. Why was that done? It is so plain that a wayfaring man may see why it was done. It is not intended that the country shall know what is going on behind closed doors with regard to the $10,000,000,000 indebtedness. The Republican Party is handling that proposition. Politics may be entering into it very largely; I think it is. Wall Street interests are involved. Who would have had a commission of five Republicans except Wall Street? The American people do not indorse that, and that one act ought to cost the Republican Party thousands and hundreds of thousands of votes. I do not care whether the President be a Democrat or a Republican, or whether Congress be Democratic or Republican, it is not right; it is not fair; it is not just to name a commission of five partisans, whether those in power be Democrats or Republicans, to handle such a big matter as this is.

That is the way I feel about it. The Republican administration had no business to name five Republicans upon a commission of this kind. With the Republicans in power there ought to have been three Republicans and two Democrats upon it. Then when Republicans whispered suggestions of cancellation of the foreign indebtedness due this Government the Democrats would have told it; the public would have been apprised of it; public opinion would have begun to exert its influence and prevented them from doing what they expect finally to do—give this debt over to the allied nations, and give it over, too, while 4,000,000 boys who answered to their country's call are denied justice at the hands of a Republican Congress.

Mr. President, to recur to the matter I was discussing, why was the provision with reference to the payment of the adjusted compensation from the interest on the foreign debt due us stricken out in the conference committee? The newspapers tell us that that action has been taken. So likewise in the case of the amendment providing for the development of reclamation projects. Southern Democratic Senators, anxious to join with the western people to grant relief to them, voted for that amendment, but now what has happened? The conferees met behind closed doors, and there was enough pressure brought to bear by the powers that be to kill that reclamation amendment—to throw it down—as well as to kill the provision which called for the payment of the soldiers' adjusted compensation from the debts owing to our Government from foreign nations. They were all stricken down. What for? So that the bill could be brought back into this Chamber and it could be said: "The bill contains no provision for paying the soldier. We will have to provide the money by taxation, and then the President can say he vetoed it because it will increase taxes."

My God, Mr. President, it is enough to make the blood of an American patriot boil to see how these boys are treated! Just think of it, the American soldiers, the boys who stood between us and the overthrow of our Government, the boys who saved the life of the Nation and saved the liberty of the world, are schemed against, plotted against, planned against in order to defeat paying him what we owe him by such chicanery as we have witnessed! Now, what have we before us? We have a measure here to provide for paying debts owing to some Wall Street interest by Liberia. The Senator from Idaho [Mr. BORAH], able and conscientious statesman, has satisfied the mind of every man who has listened to him, and who has intelligence, that we are under no obligation in the world to make a loan of $5,000,000 to Liberia. He has shown plainly, it seems to me, that the conditions precedent set out on our part months and months ago have never been complied with or met; that we were regarded as out of it, and we were out of it and we are out of it; but this crowd in Wall Street, so rollicking and rampant with the affairs of our Government, now think that all they have to do is merely to O. K. it and send it down here and it will go through. Mr. President, it is a blessed thing that there is a judgment day coming in politics when the American people may have a chance to vote upon these questions. Do they know what is going on here?

Mr. MOSES. Mr. President——

Mr. HEFLIN. I yield to the Senator.

Mr. MOSES. At this point I will remind the Senator from Alabama that the State of Maine had such an opportunity yesterday.

Mr. HEFLIN. And I will remind the Senator from New Hampshire that President Harding carried Maine by 70,000 majority and the Republicans carried it yesterday by twenty-odd thousand, a loss of nearly 50,000 votes. I will let the Senator smoke that for awhile.

Mr. MOSES. I will say, Mr. President, that the Republican majority in Maine is not as deep as a well nor as wide as a barn door, but it will serve.

Mr. HEFLIN. I did not catch the Senator's statement.

Mr. MOSES. I will say to the Senator again that the majority in Maine is not as deep as a well nor as wide as a barn door, but it will serve.

Mr. HEFLIN. Oh, certainly it will serve. It will serve just like my friend from New Hampshire did after he promised the soldier boys to vote for a bonus until he got elected, and then voted against it.

Mr. MOSES. Mr. President, I resent such a statement as being wholly out of tune with the facts. My statement was that I would support some adjusted compensation bill, but I did not say I would support such a bill as might be advocated by the Senator from Alabama here, and I am not in the habit of taking my orders from him, nor am I in the habit of having my words interpreted by another. I will answer to my constituents when the time comes, as the Senator may answer to his.

Mr. HEFLIN. That is very true, but the Senator waited to answer them until after they had voted for him and had no way to get their votes back.

Mr. MOSES. They will have the opportunity in due time.

Mr. HEFLIN. Yes; I suppose they will in due time.

Mr. MOSES. But I want to say now to the Senator that I resent and I object to his repeating a statement which is not in accord with the facts. I never promised to vote for the bonus bill which passed the Senate. I simply said that I favored adjusted compensation, and I do now, but I do not intend to favor it and I shall not vote for it at the expense of the Treasury of my country. The Senator from Alabama may do as he chooses about that measure, but I think it would be well if he would have his State do something for the soldier before he comes to the National Treasury and demands that the Nation shall take care of him. My State has done something for the soldier; it has voted a bond issue, and provided for the soldier everything else which was asked for on the program presented by the American Legion. The Senator's State has done nothing.

Mr. HEFLIN. Mr. President, this obligation is a national one. The Senator from New Hampshire talks quite differently now from the way he talked when he was a candidate for the Senate, and these boys had not yet voted for him.

Mr. MOSES. I object to that also as being not in accord with the facts. I never mentioned the soldiers' bonus when I was a candidate. I made my campaign upon the League of Nations and the treaty of Versailles, and I touched no other issue. All that I ever did was to write a few letters in answer to people who asked me concerning my position, and I read those letters with great care before I determined my course upon the adjusted compensation bill to find exactly what my obligation was. I have kept my obligation, Mr. President, to a hair's breadth of its letter, and I hope the Senator will keep his with equal fidelity.

Mr. HEFLIN. Before the Senator takes his seat let me ask him if he did not say to me in debate here some months ago when I reminded him that he had promised the soldiers to support an adjusted compensation measure, in substance, that he had, but that the condition of the Treasury would not warrant it?

Mr. MOSES. I stated in my speech in the Senate on the subject of the soldiers' adjusted compensation bill exactly what my position had been; that, like many others, I had made some promise for some form of adjusted compensation bill; but that does not mean that I have to carry it out whenever the Senator from Alabama says I shall, and it does not mean that I shall carry it out in the form in which the Senator from Alabama says I shall. When, however, we may do it with justice to the country, I am willing to meet it.

Mr. HEFLIN. In order that I may compare what the Senator is saying now with what he did say, which is in the RECORD, in response to my question, I want him to answer me this question: Did he not say to me in substance that he did promise to vote for adjusted compensation, but that the condition of the Treasury would not now warrant it?

Mr. MOSES. Exactly, Mr. President. I said in my former statement on the floor that I was under some form of promise to vote for some form of adjusted compensation, but that I wished to give due notice that I could not go forward with that promise now, and I maintain that position at the minute.

Mr. HEFLIN. Mr. President, the Senator from New Hampshire seems to be very much disturbed. I do not blame him—not at all. I would be disturbed if I had by any hook or crook or by any act of mine induced the soldier boys to believe that I was for adjusted compensation and got their support, and after I got it if I should fail to vote for adjusted compensation and I should be confronted with the statement by another Senator I would be embarrassed, as is no doubt the Senator from New Hampshire.

Mr. MOSES. Mr. President, I am not embarrassed at all. My sole promise was contained in nine letters. There were 17,000 soldiers from my State in the late war, and to nine of them I made some kind of a promise to support some kind of an adjusted compensation bill. I did not promise to vote for any particular bill, nor at any particular time; and I say that no Senator here has a right to make the insinuation or to put upon my words the interpretation that the Senator from Alabama does. I wish to say further that I am sick and tired of it, and I do not intend to stand for it in silence any more. If the Senator from Alabama can not abide by the rules without imputing to Senators motives which are improper, I shall have to appeal to the protection of the Chair. Ordinarily I can take care of myself, and I am not afraid of the Senator from Alabama in any course of debate, even though he invokes all the vampires of Wall Street; but I do say, Mr. President, that no Senator has a right continually to impute to another Senator falsehood and evasion of obligation and to impute to him improper motives in the manner that the Senator from Alabama has been doing.

The PRESIDENT pro tempore. The Senator will remember Rule XIX. Senators have had it called to their attention many times, but the Chair will read it again.

Mr. HEFLIN. Read it, Mr. President.

The PRESIDENT pro tempore (reading):

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. HEFLIN. Mr. President, I was just referring to facts as I understood them.

The PRESIDENT pro tempore. The Chair simply reminds the Senator from Alabama of the rule.

Mr. MOSES. I ask that the Senator from Alabama may be permitted to proceed in order.

Mr. HEFLIN. Mr. President, the Senator from New Hampshire does not have to ask that I be permitted to proceed in order. I proceed in my own right, and if the Chair holds that I am not proceeding in order and in my own right I appeal from the decision of the Chair.

The PRESIDENT pro tempore. The Chair has not ruled——

Mr. HEFLIN. The Senator from New Hampshire asked that I proceed in order. I am not asking for his permission to proceed. In my own way I am going to operate some on the Senator from New Hampshire.

The PRESIDENT pro tempore. The Senator from Alabama must proceed in accordance with the rules of the Senate.

Mr. HEFLIN. I intend to do that, Mr. President, and I am satisfied that the Chair thought I was doing that. The Senator from New Hampshire seemed to think that I was not, or wanted something to come and protect him from the preelection reminders that I was laying at his door.

Mr. President, these soldier boys offered to die for me; and why should not I tell the whole truth about things that pertain to them, and do justice to them in the land for which they offered their lives? That is my position, and I propose to stand by it. The Senator from New Hampshire can not prevent me from doing that. Of course, I shall proceed in order; I am going to read the RECORD in the morning and see first what the Senator said to me before. I remember the debate very well. I simply said to the Senator a little while ago that he had indicated to the boys, or promised them, that he would vote for a bonus or adjusted compensation, and that after he got elected he had not done it. If the RECORD does not bear that out, I am wrong. If the RECORD does bear it out, I am right. Why should not the truth be told?

Now the Senator says that he is in favor of some sort of adjusted compensation. Pray God, what sort of adjusted compensation is it? And when, oh when, will the Senator from New Hampshire make up his mind to render aid to these boys—while they are living or when they are dead?

Mr. MOSES. Mr. President, the Senator from Alabama is evidently in favor of paying the adjusted compensation with the proceeds of the interest on the foreign loans. I hope that both he and the boys to be benefited will live to see the day when money enough will be received from that source to pay anything. Nothing has been paid except by one small nation.

In my opinion nothing will be paid except by one great nation. The others can not, some of them, and others of them will not, pay. They have no intention of paying, some of them; and what the Senator has heretofore complained of in that connection is not due to a Republican administration, even though we have been in charge of Congress for nearly four years. It is due to the fact, if it can be properly chargeable to anyone, that a Democratic Secretary of the Treasury, the son-in-law of a Democratic President, himself now recently announced as a Democratic candidate for nomination to the Presidency, refused to obey the law. In the law he was instructed to make these advances to foreign nations, and to take from them obligations similar in terms and in conditions to those from which the proceeds were paid. Mr. McAdoo did nothing of the kind. He took an I. O. U. and left it to the Republican administration to make it good.

Mr. HEFLIN. Mr. President, I can not yield to the Senator from New Hampshire to make a speech in my time.

The PRESIDENT pro tempore. The Senator declines to yield further.

Mr. HEFLIN. I want him to get cool. He has gotten warmed up here considerably under this fire. The Secretary of the Treasury under Mr. Wilson, Mr. McAdoo, one of the greatest Secretaries that we ever had, stated a few days ago that he was not a candidate for President, and that he had not made any such announcement. The Senator from New Hampshire has him saying that he is an announced candidate, and Mr. McAdoo says that he is not. I just submit that for the RECORD and the public generally, if it is not offensive to the Senator from New Hampshire to let those facts go in.

Mr. MOSES. Oh, not at all, Mr. President. I can not keep up with the daily procession of proclamations put out by the Democrats.

Mr. HEFLIN. Mr. President, the Senator from New Hampshire in his excitement has admitted what I said a while ago is true, that they did not intend to collect this foreign debt. He says that these people—some of them—do not intend to pay. What do I do if a man owes me, and can pay, and will not pay? I make him pay through the court. What will the Government do when a country owes it money, loaned to it in the hour of its peril, when it gets able to pay that money back, and will not pay it back, under Republican rule? All you have to do is to elect Democrats, free from the control of Wall Street, and we will collect it; so help us God, we will collect it!

Mr. MOSES. How?

Mr. HEFLIN. How? Why, just like we collected all other debts that have been paid to us in the past—by insisting on it.

Mr. MOSES. By force of arms?

Mr. HEFLIN. By insisting on it; that is all. That is all we have to do, Mr. President. Foreign politics are getting mixed up too much in this Government. The Senators who talked about fighting the League of Nations are more tied up with foreign powers now than the Government has ever been in its history.

Mr. MOSES. Mr. President, if the Senator will yield to me further, I once read in the CONGRESSIONAL RECORD of a Senator who was described in another place as having the bravest mouth in the country. I think I can identify him now.

Mr. HEFLIN. Mr. President, my mouth is incapable of uttering anything that smacks of deception or ingratitude toward the American soldier.

Mr. WATSON of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. HEFLIN. I yield to my friend from Georgia.

Mr. WATSON of Georgia. With the permission of the Senator from Alabama may I ask the Senator from New Hampshire how Great Britain collected her money from Greece when Greece refused to pay her debt after a Grecian mob had sacked the house of a man in Athens, named Don Pacifico, who claimed to be a British subject?

Mr. MOSES. My recollection is, Mr. President, that a squadron was sent to the Bay of Piræus and held the capital of Greece under tribute until it was done.

Mr. WATSON of Georgia. Precisely. Great Britain used force, and we could do it, too.

Mr. MOSES. Does the Senator from Georgia advocate going to war in order to collect this debt?

Mr. WATSON of Georgia. The Senator from Georgia would seize a ship of France or England or any other country that owes us that will not pay its debt, and if they wanted to fight over it I would fight.

Mr. HEFLIN. Mr. President, I insist that we can collect that money without shedding a drop of blood and without causing any hard feeling when we let Great Britain know and let France know and let Belgium know and let the other countries know that we, the people of the United States, are insisting upon the payment of this debt, and that no coterie of financiers and speculators in Wall Street is going to be able to prevent our insistence upon its payment. I know and the country knows, or will know, who it is that does not want this debt paid. Why is it that the Republican Party has held back our forces from the collection of one five-cent piece while Wall Street private interests went over and collected nearly $2,000,000,000 from France and England alone? Can you explain that. Yet the Senator from New Hampshire, who is on the inside and in a position to know, tells us that they do not intend to pay. He tells us that some of these countries never intend to pay. He says some of them are not able just now, and that others do not intend to pay. Do you get that, Senators?

Oh, Mr. President, how pusillanimous and impotent under Republican rule is the Republic whose army broke the German line and saved the liberty of the world! Just think of the mightiest government on the globe helpless to collect its obligations from countries able to pay, simply because private interests insist that they be permitted to collect all of their debts. Oh, Mr. President, how shameful a picture it is that the Senator from New Hampshire presents to Congress and the country in what he has said about countries not intending to pay.

We had a provision in the adjusted compensation bill for the payment of our soldiers from the interest paid on this foreign debt. I heard the Senator from New Hampshire, this touchy Senator—he is exceedingly sensitive and touchy, especially when you get upon the subject of adjusted compensation—say that the condition of the Treasury did not warrant the payment of adjusted compensation now, and I recall what the Kaiser said, when looking toward Paris, and no doubt having in his mind the cry "On to America." He said: "I am going to win this war, and assess against the United States $40,000,000,000 indemnity."

I wonder what the Senator from New Hampshire would have been doing now if we had lost that war and were tugging and pulling trying to raise money to pay the Kaiser $40,000,000,000 of indemnity? Who was it that kept off that indemnity? Who was it that made imposition impossible? Who was it that threw himself in the breach and died for his country while his comrades carried the flag on to victory? The American soldier. Who was it that cut that war short when it was costing a million dollars an hour and saved all the expense of another year, and more? It was the American soldier. Who was it that protected the Senator from New Hampshire in his holdings and in his wealth, and permitted him to enjoy it at home in safety, 3,000 miles from the battle front? The American soldier. Who was it that made it possible for this band of marauding profiteers to enjoy money filched from the pockets of the people, millions and hundreds of millions, while the war was on? The American soldier. Who was it that made it possible for the American people who filled the contracts to take advantage of the Government, to profit upon its distress and misfortune, and make millions and hundreds of millions and possess it to-day? The American soldier. Who was it, when that money was made, in order to keep up their revel and their robbery, that contributed to the Republican Party to get control of Congress? The profiteers, the war contractors, the men who fleeced the Government in time of war and remained at home.

The Senator from New Hampshire tells us that the condition of the Treasury does not warrant him in voting for adjusted compensation. I have in my mind's eye a picture of a young man stepping out of the door of a humble home in the South, the North, the East, the West, his old father and mother bidding him goodbye, and his sweetheart with tears lingering on the brink of her eyelids as he walked away, maybe never to see him again. He goes to France through a sea festooned with the desperadoes of the deep, the submarines, and on to the battle front and out on the firing line, death raining all around him, leaving his all of earthly things and dear ones behind him and standing out on the firing line offering to die for his country.

That is the condition in which he found things; that is the offer he made; that is the sacrifice he was willing to make. He came home with victory, but left thousands of his comrades dead on the plains of France. He came home and went back to that place where he bade his old father and mother and sweetheart good-by, and they said to him, "Johnny, times are bad; industries are shut down. Deflation is on, raging everywhere. The old job you had is gone; there isn't anything to do here; all the industries are in distress. There is a mortgage on the home, and the value of the farm products which would have taken care of our indebtedness has been so deflated that it is going to take the farm itself and the house and all we have to pay the mortgage, and we will not even have any home for you to live in."

Then I see a tear come in his eye as he said, "My God, has this transpired while I was offering to die?" Who is it that has brought this curse on the people? Wall Street speculators and financiers, through the Republican Party in power. Income taxes fell off because of deflation and cut down the volume of money that went into the Treasury. The soldier was not in any way responsible. Yet the Senator from New Hampshire says the condition of the Treasury does not warrant him in voting for adjusted compensation.

Mr. President, at another time I replied briefly to the Senator from New Hampshire, and lest he forget I will do it again.. I said I could see these soldier boys back in their dugouts one morning when the officer said to them, "Boys, I want you to go across this no man's land and take those guns in the grove on the hill." The German guns were sweeping the plain; there was no blade of grass, no bush, no shrub anywhere in sight. Death, death reigned everywhere. They said to those boys, "Go across and take those batteries in the grove." Those boys marched—God bless them—these intrepid warriors of the West, and did not stop. Suppose they had started out there and stopped suddenly under the theory of the Senator from New Hampshire, that conditions out there did not warrant them in going. How beautiful that sentiment would have been. We would have branded every one of those soldiers as cowards. We would have put the scarlet letter of cowardice upon the brow and the breast of every one of them. We would have said, "You played the part of traitors to the best traditions of the American soldier. You have lowered the standard. You are not worthy of the name. You ought not to be permitted to have the uniform taken off of you; it ought to be torn off."

But they did not do that. They walked out with heads erect, with quick steps, eagle eyes blazing with the light of battle, and as soon as they got in the range and commenced to fire they took the battery in the grove on the hill. They returned, having fulfilled their mission, and along their trail lay the dead bodies of their comrades. What would you have thought if they had said, "I can't go out there. Conditions don't warrant me in going"?

But Wall Street came down and said, "We want $90,000,000 taken off the big income taxes"; and you let them do it. The profiteers took out $450,000,000 more and the war contractors took out $700,000,000 more. Then the Senator from New Hampshire looked into the Treasury and said, "The condition of the Treasury is such that I can not now vote for adjusted compensation."

Oh, Mr. President, how pitiable. I never heard him open his mouth when the big-income taxpayers wanted $90,000,000. He smiled blandly, as he usually does when something like that of a pleasing nature is taking place.

Mr. MOSES. Mr. President, is the Senator now referring to the revenue bill passed by this Congress?

Mr. HEFLIN. A Republican Congress; yes.

Mr. MOSES. I voted against that bill, I may say to the Senator.

Mr. HEFLIN. The one that took off the big income taxes?

Mr. MOSES. I voted against the revenue bill which changed the income taxes.

Mr. HEFLIN. Did the Senator make a speech against it?

Mr. MOSES. I did, and a good one, I think.

Mr. HEFLIN. Sure, the Senator is committed to the idea that it was a good one if he made it. The Senator felicitates himself that whatever he says is good, whether anybody else shares in that opinion or not.

Mr. MOSES. The Senator from Alabama voted with me, so he must have been impressed by it.

Mr. HEFLIN. I have been frequently impressed by what the Senator did, even that time when he came down and tampered with our negroes in the political campaign of 1920. I remember the Senator's record pretty well.

I do not recall his speech against the removal of the big income taxes. I must look that up. That will be glorious reading and feeding for me if I can find it. I never heard him open his mouth against the $450,000,000 for the profiteers. How did the Senator vote on that?

Mr. MOSES. Mr. President, I do not happen to recall it. I assume the Senator is referring to the settlement of the contracts made by the Wilson administration. I do not happen to remember how I voted on settling the contracts made by Mr. Wilson and Secretary of War Baker.

Mr. HEFLIN. How did the Senator vote on the removal of the excess-profits tax?

Mr. MOSES. That was all contained in the revenue bill, against which I voted.

Mr. HEFLIN. Did the Senator oppose taking off the excess-profit taxes?

Mr. MOSES. I think that I stated my opinion with reference to the revenue bill clearly in the speech I made on the subject. I do not recall definitely just what I said. I remember at the time I thought I had expressed myself without any nebulousness. At any rate, I voted against the bill.

Mr. HEFLIN. At any rate, he is satisfied he did. I was asking about specific points in the bill. The Senator is not clear now as to whether he was opposed to the removal of the excess-profits tax or not.

Mr. MOSES. It makes no difference since I voted against the bill.

Mr. HEFLIN. It makes a difference as to whether the Senator favored certain principles in it which might be according to his way of thinking. He might vote for the bill or against the bill and not be agreeable to some things that were in it, or he might be for some things that were in it. That $450,000,000 was a very nice item, which would pay about one-third of the soldiers' adjusted compensation in cash. So I was anxious to know how the Senator voted on that. One billion and a half would pay about $350 in cash to each of 4,000,000 soldiers.

The Senator speaks about the contracts being made in the Wilson administration. Oh, Mr. President, some day the tale will be truthfully told of how the dollar-a-year Republicans came here with tears in their eyes wanting to do what they could to help the Government, and, as the President wanted to have a nonpartisan thing of it, he appointed those Republicans one after another; and how they did gouge the Government after they got in. Hog Island is an instance that the country will probably never forget. What did these dollar-a-year men do? They directed the purchase of stuff that their own companies were making. The Senator from Michigan [Mr. NEWBERRY] was one of them. He was in the service of the Government; and the testimony discloses the fact that his company made thousands and hundreds of thousands of dollars out of the Government during the war. So the Senator reminds me that he was voting to pay up the contracts made under the Wilson administration. It is going to be disclosed some day that that grafting business was done by the hungry Republican leaders, who came down here looking piouslike, walked up to the President with tears in their eyes, and he took that to mean that they were straight and reliable, but it did not mean that. They did enough to the Government. They made thousands, hundreds of thousands, millions, hundreds of millions, and billions.

Then what happened? These pompous, purse-proud plutocrats marched in solid phalanx to the Republican convention at Chicago, congregated in the same hotel, and there proceeded to dictate what should take place. They were going to buy that nomination. But a strong man stood up like Saul amongst his brethren, head and shoulders above all—Senator BORAH, of Idaho—and reminded them of the days when the emperorship of Rome was put upon the auction block and bartered to the highest bidder. He cried out against them, and some of them hate him now for it. But he broke up that part of the game. They had to hurry around and nominate a man who had not been considered very seriously up to that time.

BORAH saw things done at that convention by these money-bag, miserable wretches who had made their millions out of the distress of their Government, holding secret conferences, and offering to buy the Nation's highest office, or the nomination, which meant an election at that time, and he cried out against it. What happened? He broke up their plan, and another was nominated by that convention.

Am I to be criticized now for reminding the Senator from New Hampshire and others of some of the interesting incidents of recent history? They happened in 1920, and this is only 1922, and our country is hardly a century and a half old.

Yet one of the great parties in its confines is so dead in its leadership to the moral sensibilities that should inspire them that they are about to auction off the highest office, and but one Senator has the courage to go upon the rostrum of that convention and cry out to his brethren that that thing ought to be scorned and condemned. The Republican Party, in a great and glorious Government 150 years old, is seeking to sell the highest office within its gift.

Mr. President, I stated, and before I conclude I am going to say again, that this bunch of money bums feel like they own the Government. God pity us! Why, the belief is becoming general that no measure can go through either branch of Congress without the O. K. of Wall Street. Now, one of the big financiers of that street has said, "I will not contribute to your campaign funds until the President reappoints"—who? The man who was the director of the most murderous deflation policy ever conducted in all the tide of time. He is out; he went out on the 9th day of August; but he is still lingering around. They are doing everything they can to have him reappointed, and now the threat comes that Wall Street insists that he be reappointed.

I received a telegram from a banker very much interested in the matter and opposed to him, who had received a telegram from an editor saying the Wall Street crowd were bringing pressure to bear upon the President to reappoint him, and get busy; that the whole country ought to be notified; that they ought to protest to the President and ask him not to reappoint him. But this purse-proud individual said, "No; I will not contribute to your campaign until you arrange for the reappointment of W. P. G. Harding."

Mr. President, I have just read in Percy's Anecdotes the story of Admiral Seymour, whose ship passed the wreckage of a merchant vessel all under water but a little deck house. He gave orders to stop near the ship. They came as close to the wreck as they could, and the admiral said, "Go and see if there is anyone left alive in the wreck." They went to the deck house still above water and found an individual wrapped in rags. They took him up, emaciated, starving, and almost dead, and bore him to their ship; and with the last bit of strength he had he managed to whisper, "There is another man." They went back and found the other man, but he was dead. They fed the first man, ministered to him, nursed him for weeks and weeks, and finally they all rejoiced and applauded when they saw him walking upon the deck of the ship, restored to health.

I saw this Governor Harding upon the ship of the Federal reserve system driving upon the sea of American finance in my country. I saw him pass shipwrecked vessels carrying starving farmers, merchants, and country bankers. I heard them crying out to him for aid, but he turned a deaf ear to their cries and gave orders to sail on and on. Wall Street financiers and speculators stood on the shore and applauded as the merchants, the country banks, and the farmers of my section went down and as the cattlemen and grain growers of the West went down. Wall Street people have made their millions and hundreds of millions. Those Wall Street gamblers and robbers are now demanding that he who drove that ship in that heartless fashion to the distress and ruin of our people shall be reappointed. God save the country from such a catastrophe!

Mr. HARRISON. I offer an amendment to the pending joint resolution and ask that it be printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be received, printed, and lie on the table.

Mr. CURTIS. Mr. President, I understand that the Senator from New Jersey [Mr. EDGE] desires to call up a bill. I therefore ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECODIFICATION OF PANAMA CANAL ZONE LAWS.

Mr. EDGE. Mr. President, House bill 11872, providing for a recodification of the Panama Canal Zone laws, was passed over when the calendar was called yesterday. I have a letter from the Secretary of War, together with other documents, referring to the measure. I do not know of the slightest opposition to it. It was considered by the Committee on Interoceanic Canals and reported unanimously by that committee. The bill passed the House without objection. The Secretary of War feels that it is essential to have it passed at this session of Congress in order that the zone district may have the benefit of the recodification. That is all there is to the measure.

Mr. McNARY. May I say just a word of explanation? When the calendar was called yesterday for the consideration of measures by the Senate, I objected to the consideration of the bill now called up by the Senator from New Jersey and asked that it go over because there was no one here to explain the bill. That is the reason why it was not acted upon yesterday. I have no objection to the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, as follows:

Be it enacted, etc., That section 7 of the Panama Canal act, approved August 24, 1912, is hereby amended to read as follows:

"SEC. 7. That the Governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone and shall perform all duties in connection with the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this act otherwise provided, all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the Governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law. The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide and from time to time resubdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined. In each town there shall be a magistrate's court with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases in which the principal sum claimed does not exceed $300, and all criminal cases wherein the punishment that may be imposed shall not exceed a fine of $100, or imprisonment not exceeding 30 days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate. Such magistrates shall also hold preliminary investigations in charges of felony and offenses under section 10 of this act and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction herein granted to the magistrate courts, and commit or bail in bailable cases to the district court. A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts, shall be appointed by the Governor of the Panama Canal for terms of four years and until their successors are appointed and qualified, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same. The rules governing said courts and prescribing the duties of said magistrates and constables, oaths and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition, treatment, and pardon of convicts shall be established by order of the President. The Governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them.

"Appeals in civil and criminal cases are hereby authorized from the judgments and rulings of the magistrate courts to the district court under the rules and regulations prescribed by section 6 of Executive order of March 12, 1914, relating to the Canal Zone judiciary: *Provided, however,* That there shall be no right of appeal in criminal cases, except in those cases wherein the defendant has been sentenced to jail or has been fined in amount exceeding $25."

Sec. 2. That section 8 of the Panama Canal act is hereby amended to read as follows:

"Sec. 8. There shall be in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in such district court shall be prescribed, amended, or repealed by order of the President.

"(b) The said district court shall have jurisdiction of—

"All felony cases under the laws of the Canal Zone;

"All offenses arising under section 10 of this act;

"All cases in equity;

"All cases in admiralty;

"All cases of divorce and annulment of marriage;

"All cases at law involving principal sums exceeding $300;

"All appeals from judgments rendered in the magistrates' courts;

"All matters and proceedings not otherwise provided for which at the time this act took effect were within the jurisdiction of the Supreme Court of the Canal Zone, the Circuit Court of the Canal Zone, the District Court of the Canal Zone, or the judges thereof; and

"In addition to the jurisdiction now specifically conferred on it by certain acts of Congress, the said court shall have jurisdiction of offenses under the criminal laws of the United States when such offenses are committed upon the high seas beyond the territorial limits of the Canal Zone, on vessels belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof, and the offenders are found in the Canal Zone or are brought into the Canal Zone after the commission of the offense: *Provided,* That this provision shall not be construed to deprive district courts of the United States of any jurisdiction now provided by law. The procedure and practice in such cases shall be the same as in other criminal cases tried under the laws of the Canal Zone.

"The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same as is exercised by the United States district judges and the United States district courts, and the practice and procedure shall be the same as in the United States district courts.

"(c) The judge of the district court shall provide for the selection, summoning, and serving of jurors from among the citizens of the United States, subject to jury duty, to serve in the division of the district in which such jurors reside; and a jury shall be had in any civil or criminal case originating in said court on the demand of either party. The compensation of jurors shall be prescribed by order of the President.

"(d) The said district judge shall receive the same salary as is allowed to United States district judges, and when holding court away from home shall be allowed the same mileage and per diem as is allowed to United States district judges; he shall appoint the clerk of said court, and may appoint one assistant clerk and such other additional help as the President may authorize; all of such officials and help shall receive such compensation as shall be prescribed by order of the President.

"(e) During the absence of the district judge or during any period of disability or disqualification from sickness or otherwise to discharge his duties, the same shall be temporarily performed by a special judge, to be designated by the President, which designation may be made by cablegram or otherwise, and who shall be an attorney at law qualified to practice before the courts of the Canal Zone or any of the United States district courts or any of the superior courts of any State, Territory, or possession of the United States, and who during such service shall be paid at the same rate of compensation and the same mileage and per diem as that paid the district judge of the Canal Zone.

"(f) There shall be a district attorney for said court, who shall be paid a salary of $5,000 per annum.

"It shall be the duty of the district attorney to conduct all legal proceedings, civil and criminal, for the Government, and to advise the Governor of the Panama Canal on all legal questions touching the operation of the canal and the administration of civil affairs.

"There shall be a marshal for said district. It shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal. The marshal shall be paid a salary of $5,000 per annum.

"(g) The district judge, the district attorney, and the marshal shall be appointed by the President, as heretofore, by and with the advice and consent of the Senate, for terms of four years each, and until their successors are appointed and qualified; they shall reside within the Canal Zone during their term of office and shall be allowed six weeks' leave of absence each year with pay, under such regulations as the President may from time to time prescribe."

Sec. 3. Section 9 of the Panama Canal act is hereby amended so as to read as follows:

"Sec. 9. That the records of the existing courts and all causes, proceedings, and criminal prosecutions pending therein as shown by the dockets thereof, except as herein otherwise provided, shall, immediately upon the organization of the courts created by this act be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the existing courts, except the Supreme Court of the Canal Zone, shall cease to exist. The President may continue the Supreme Court of the Canal Zone and retain the judges thereof in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein. All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of existing courts shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this act having jurisdiction of like cases, matters, and duties.

"All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

"(b) The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the district court of the Canal Zone, and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, and in cases in which the value in controversy exceeds $1,000, to be ascertained by the oath of either party or by other competent evidence, and also in criminal cases wherein the offense charged is punishable as a felony; and also in civil and criminal cases in which the jurisdiction of the trial court is in issue, but whenever any such case is not otherwise reviewable in said appellate court the question of jurisdiction alone shall be reviewable by said appellate court. And such appellate jurisdiction, subject to the right of review by or appeal to the Supreme Court of the United States as in other cases authorized by law, may be exercised by said Circuit Court of Appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States. Cases pending in the said Circuit Court of Appeals at the time of the passage of this act shall not be affected hereby, but the same shall be disposed of as though this act had not been enacted.

"(c) That it shall not be necessary in the district court of the Canal Zone to exercise separately the law and equity jurisdiction vested in said court; and the code of civil procedure of the Canal Zone and the rules of practice adopted in said zone, in so far as they authorize a blending of said jurisdictions in cases at law and in equity, are hereby confirmed."

Sec. 4. That section 288 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"Sec. 288. A person who engages in, instigates, aids, encourages, or does any act to further a fight commonly called a ring or prize fight, or who engages in a public or private sparring exhibition, with or without gloves, within the Canal Zone, who sends or publishes a challenge or acceptance of a challenge for such an exhibition or fight, or trains or assists any person in training or preparing for such an exhibition or fight, shall be guilty of a felony, and upon conviction shall be fined not more than $5,000, or be imprisoned in the penitentiary not more than three years or both: *Provided, however,* That the provisions of this section shall not apply to voluntary boxing or sparring exhibitions conducted under rules and regulations to be promulgated by the President of the United States, or by the Governor of the Panama Canal Zone by authority of the President of the United States."

Sec. 5. That section 289 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"Sec. 289. That every person willfully present as a spectator at any exhibition or fight prohibited in the preceding section is guilty of a misdemeanor."

Sec. 6. That section 342 of the Penal Code of the Canal Zone, as amended by the Executive order of March 13, 1907, is hereby amended to read as follows:

"Sec. 342. That grand larceny is larceny committed in either of the following cases:

"1. When the property taken is of the value of $50 or more;

"2. When the property is taken from the person of another;

"3. When the property taken is a horse, mare, gelding, cow, steer, bull, calf, mule, jack, or jenny.

Sec. 7. That section 368 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"Sec. 368. That every person guilty of embezzlement is punishable in the manner prescribed for feloniously stealing property of the value of that embezzled and where the property embezzled is an evidence of debt or right of action, the sum due upon it or evidenced to be paid by it shall be taken as its true value."

Sec. 8. That section 343 of the Penal Code of the Canal Zone is hereby amended to read as follows:

"Sec. 343. That larceny in other cases is petit larceny, and is punishable by imprisonment in jail for a term not to exceed 30 days or by a fine of not to exceed $100, or by both such fine and imprisonment."

Sec. 9. That section 461 of the Penal Code of the Canal Zone is hereby amended by adding thereto a clause numbered seventeenth, to read as follows:

"Seventeenth. That whenever any property or interest is intended to be protected by a provision of this penal code and the general term 'person' or any other general term is used to designate the party whose property it is intended to protect, the provision of such penal code and the protection thereby given shall extend to the property of the United States of America, or of any State, Territory, or possession of the United States, and any other political entity, foreign or domestic. This provision shall not be construed to restrict the meaning of the term 'person' as defined under any other provision of this penal code."

Sec. 10. That paragraph 2 of the Executive order of the President of July 9, 1914, establishing rules and regulations for the operation and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction, is hereby amended to read as follows:

"2. Any person violating any of the provisions of the rules and regulations established hereunder shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $100 or by imprisonment in jail not exceeding 30 days, or by both such fine and imprisonment."

Sec. 11. That section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916, be amended to read as follows:

"Sec. 6. That deposit money orders issued in the Canal Zone in lieu of postal savings certificates in accordance with the rules and regulation heretofore established by the President, or that may hereafter be established by him, shall bear interest at a rate not exceeding 3 per cent per annum."

Sec. 12. Divorce—Causes: That in every case in which a marriage has been, or hereafter may be, contracted and solemnized between any two persons, and it shall be adjudged, in the manner hereinafter provided, that either party at the time of such marriage was and continues to be (1) naturally impotent; or (2) that he or she had a wife or husband living at the time of such marriage; or (3) that either party has committed adultery subsequent to the marriage, except as hereinafter provided; or (4) has willfully deserted and absented herself or himself from the husband or wife without any reasonable cause for a period of two years; or (5) has been guilty of willfull neglect, which shall consist of the willful failure of the husband to provide for his wife the necessaries of life, he having the ability to do so, or the willful failure to do so by reason of voluntary idleness, profligacy, or dissipation, in either case continued for a period of one year; or (6) has been guilty of habitual drunkenness for the space of two years; or (7) has attempted the life of the other by any means showing malice; or (8) has been guilty of extreme and repeated cruelty, involving acts of grievous bodily injury or producing grevious mental suffering endangering life, health, or reason; or (9) has been, subsequent to the marriage, convicted of felony or other infamous crime, it shall be lawful for the injured party to obtain a divorce and dissolution of such marriage contract in the district court of the Canal Zone.

Sec. 13. Venue—Residence: (a) That the petition for divorce shall be filed in the division of the court in which the petitioner resides. Any person having an official residence within the territorial limits of the Canal Zone, or who resides therein for the purpose of any occupation or employment, shall, during such residence, be deemed a resident of the Canal Zone for the purpose of this act, notwithstanding that he or she may not have acquired a permanent domicile within the Canal Zone.

(b) No person shall be entitled to a divorce in pursuance of the provisions of this act who has not actually resided on the Canal Zone continuously during the whole year next before the filing of his or her petition, which residence shall be duly proven by the petitioner to the satisfaction of the court by at least two witnesses who are residents of the Canal Zone; and the petitioner shall file with the petition his or her own affidavit, in which he or she shall state the length of time the petitioner has resided on the Canal Zone, the place or places where he or she has resided for the last preceding year, and his or her office or occupation.

Sec. 14. When not granted for adultery: Divorces shall not be granted for adultery when (1) the offense has been committed with the consent or connivance of the party seeking the divorce; or (2) when the party seeking the divorce has voluntarily cohabited with the other with knowledge that the offense has been committed; or (3) when the party seeking the divorce has also been guilty of adultery under such circumstances as would have entitled the other party, if innocent, to a divorce.

Sec. 15. Process—Service—Notice by publication: (a) The clerk of the district court shall issue a summons for the defendant to appear and answer, which summons shall be personally served on the defendant, if the defendant is found on the Canal Zone, by delivering a true copy thereof to the defendant in person.

(b) When any petitioner shall file in the office of the clerk of the district court an affidavit showing—

(1) That the husband and wife have their legal domicile in the Canal Zone and that the defendant has gone out of the Canal Zone and willfully refuses to return, so that process can not be personally served upon him or her; or

(2) That the marriage was celebrated in the Canal Zone and the wife, being the petitioner, continues to reside therein, and the husband, being the defendant, has abandoned his wife and gone out of the Canal Zone to avoid his marital obligations; or

(3) That the marriage was celebrated in the Canal Zone and the husband, being petitioner, continues to reside therein and was abandoned by his wife, the defendant, who has gone out of the Canal Zone in disregard of her marriage obligation; and

When such affidavit states the present place of residence of the defendant, if known, or that upon diligent inquiry his or her present place of residence can not be ascertained, and stating the last known place of residence of the defendant, the clerk shall cause publication to be made in some newspaper published in the Canal Zone, and if there is no newspaper published in the Canal Zone, then in the nearest reliable newspaper with a general circulation published in the Republic of Panama, and printed in English or having an English section or edition, containing notice of the pendency of such suit, the names of the parties thereto, the time and place of return of the summons in the case; and he shall also, within 10 days after the first publication of such notice, send a copy thereof by mail addressed to the defendant at the last known place of residence stated in the affidavit. The certificate of the clerk that he has sent such notice shall be evidence thereof.

(c) The notice by publication required herein may be given at any time after the commencement of the suit and after summons has been returned showing that the defendant was not found on the Canal Zone, and shall be published at least once each week for three successive weeks, and no default or proceeding shall be taken against any defendant not personally served with summons and not appearing, unless 90 days shall intervene between the first publication as aforesaid and the date at which such default or proceeding is proposed to be taken. All the facts necessary to constitute personal service, where personal service is had, or to authorize the notice by publication, where service is had by publication, must be established to the satisfaction of the court by competent evidence: *Provided,* That if the defendant resides or is found within the Republic of Panama and the place of such residence is established to the satisfaction of the court by competent evidence, then such default or other proceeding may be taken against the defendant when 30 days shall intervene between the first publication and the date at which such default or proceeding is proposed to be taken.

Sec. 16. Issue and trial: (a) The cause shall stand for trial after the summons has been personally served upon the defendant at least 10 days, or 90 days after the first publication, or 30 days after the first publication if the defendant resides in the Republic of Panama. The process and practice under proceedings for divorce shall be the same as in other cases in chancery except as in this act otherwise provided.

(b) If the bill is taken as confessed, the court shall proceed to hear the cause by examination of witnesses in open court, and in no case of default shall the court grant a divorce unless the judge is satisfied that all proper means have been taken to notify the defendant of the pendency of the suit, and that the cause of divorce has been fully proven by competent evidence. Whenever the district judge is satisfied that the interests of the defendant require it, the court may order such additional notice as equity may seem to require.

(c) No admission of the defendant shall be taken as evidence unless the court shall be satisfied that such admission was made in sincerity and without fraud or collusion to enable the complainant to obtain a divorce. If it shall appear to the satisfaction of the court that the injury complained of was occasioned by collusion of the parties, or done with the assent of the complainant for the purpose of obtaining a divorce, or that the complainant was consenting thereto, then no divorce shall be decreed.

Sec. 17. Custody of children pending suit: The court may, on the application of either party, make such order concerning the custody and care of the minor children of the parties during the pendency of the suit as may be deemed expedient and for the benefit of the children.

Sec. 18. Legitimacy of children: No divorce shall in anywise affect the legitimacy of the children of such marriage.

Sec. 19. Cross petition and proceedings thereon: In addition to an answer, the defendant may file a cross petition for divorce; and when filed the court shall decree the divorce to the party legally entitled thereto. If the original petition be dismissed after the filing of the cross petition, the defendant may proceed to the trial of the cross petition without further notice to the adverse party; and the case upon such cross petition shall in all things be governed by the same rules applicable to a case on an original petition.

Sec. 20. Alimony pending suit: (a) In all cases of divorce the court may require the husband to pay to the wife or pay into court for her use during the pendency of the suit such sum or sums of money as may enable her to maintain or defend the suit; and in every suit for divorce the wife, when it is just and equitable, shall be entitled to alimony during the pendency of the suit. And in case of appeal or writ of error by the husband the district court may grant and enforce the payment of such money for her defense and such equitable alimony during the pendency of the appeal or writ of error as to the court shall seem reasonable and proper.

(b) The court, upon granting to a woman a divorce from the bonds of matrimony, may allow her to resume her maiden name or the name of any former husband.

(c) Whenever a divorce is granted, if it shall appear to the court that either party holds the title to property equitably belonging to the other, the court may compel conveyance thereof to the party entitled to the same, upon such terms as it shall deem equitable.

(d) When a divorce shall be decreed the court may make such order touching the alimony and maintenance of the wife, the care, custody, and support of the children, or any of them as, from the circumstances of the parties and the nature of the case, shall be reasonable and just; and in case the wife be complainant, to order the defendant to give reasonable security for such alimony and maintenance, or may enforce the payment of such alimony and maintenance in any other manner consistent with the rules and practice of the court. And the court may, on application, from time to time make such alterations in the allowance of alimony and maintenance and the care, custody, and support of the children as shall appear reasonable and proper. In decreeing a divorce to the wife the court may order the husband to pay alimony in a gross sum or in installments as may seem best. And it may make such orders and enforce the same by attachment and secure the payment of such alimony, but judgment for alimony can not be taken when the defendant is not personally served with summons or does not voluntarily appear.

Sec. 21. Remarriage within one year forbidden: In every case in which a divorce has been granted, neither party shall marry again within one year from the time the decree was granted: *Provided,* That when the cause for such divorce is adultery, the person decreed guilty of adultery shall not marry for a term of two years from the time the decree was granted: *Provided, however,* That nothing in this paragraph shall prevent the persons divorced from remarrying each other, and every person marrying contrary to the provisions of this paragraph shall be punished by imprisonment in the penitentiary for not less than one year nor more than three years, and said marriage shall be held absolutely void.

Sec. 22. That all proceedings in the District Court of the Canal Zone, wherein and whereby a decree of divorce has heretofore been granted upon personal service, or service by publication, and wherein other orders have been made affecting the status of the parties or their children, are hereby legalized.

Sec. 23. That all laws, orders, and regulations, or parts thereof in conflict with this act, are hereby repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills and joint resolutions, which had been previously signed by the Speaker of the House:

S. 2199. An act to provide for the marking of anchorage grounds in waters of the United States;

S. 2460. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. p. 437), to certain lands in Utah;

S. 3618. An act to amend the Judicial Code in reference to appeals and writs of error;

S. 3659. An act to create the White House police force, and for other purposes;

H. R. 1274. An act for the relief of Maude H. Mosher;

H. R. 1948. An act for the relief of Virgil O. McWhorter;

H. R. 2866. An act authorizing the Secretary of the Interior to sell and patent to parties named herein certain lands in Louisiana;

H. R. 10361. An act authorizing the sale and patent of certain alleged public lands in Louisiana;

H. R. 11590. An act to amend sections 34 and 40 of the organic act of the Territory of Hawaii;

H. R. 11901. An act authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio;

H. R. 12493. An act amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes;

S. J. Res. 23. Joint resolution to authorize the Secretary of War to grant revocable licenses for the quarrying and removal of stone from the Mariveles Military Reservation, Philippine Islands; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia.

MEMORIAL.

Mr. EDGE presented the memorial of W. D. Tyndall, of Waldwick, Bergen County, N. J., protesting against the food, tableware, and women's-wear schedules of the so-called Fordney-McCumber tariff bill, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (H. R. 11116) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, reported it without amendment and submitted a report (No. 911) thereon.

Mr. GOODING, from the Committee on the District of Columbia, to which was referred the bill (S. 2377) to authorize the extension and widening of Ninth Street from Longfellow Street NW. to Underwood Street and Underwood Street from Ninth Street to Georgia Avenue NW., reported it without amendment and submitted a report (No. 912) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 367. An act for the relief of J. Irving Brooks (Rept. No. 913);

H. R. 6251. An act for the relief of Leo Balsam (Rept. No. 914); and

H. R. 8264. An act for the relief of Thomas B. Smith (Rept. No. 915).

Mr. STANFIELD, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3588) granting certain lands to the city of Ogden, Utah, to protect the watershed of the water-supply system of said city, reported it with an amendment and submitted a report (No. 916) thereon.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills reported that on September 12, 1922, they presented to the President of the United States the following enrolled bills and joint resolutions:

S. 2199. An act to provide for the marking of anchorage grounds in waters of the United States;

S. 2460. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. p. 437), to certain lands in Utah;

S. 3618. An act to amend the Judicial Code in reference to appeals and writs of error;

S. 3659. An act to create the White House police force, and for other purposes;

S. J. Res. 23. Joint resolution to authorize the Secretary of War to grant revocable licenses for the quarrying and removal of stone from the Mariveles Military Reservation, Philippine Islands; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia.

BILL INTRODUCED.

Mr. JONES of Washington introduced a bill (S. 3996) to appropriate $1,000,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of the United States, said amount to be expended under rules and regulations prescribed by the Secretary of Agriculture, which was read twice by its title and referred to the Committee on Agriculture and Forestry.

INVESTIGATION OF VETERANS' BUREAU.

Mr. KING submitted the following resolution (S. Res. 349), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas Congress has enacted laws to care for the invalid and disabled veterans of the World War, and has provided a comprehensive plan for vocational rehabilitation and training, and has sought to provide adequate organization and arrangements for the expeditious consideration and adjustment of claims for relief under the various acts of Congress; and

Whereas complaints are being made in all parts of the country against alleged lassitude and delay in the administration of the Veterans' Bureau by which the adjustment of claims and the making of payment in cases pending is subject to recurring correspondence, postponement, and disappointment; and

Whereas it is claimed that the rules and regulations promulgated, and the organization provided in the Veterans' Bureau and its branches throughout the country, is so overelaborated and complicated as to cause intolerable indirection in the handling of cases and to constitute an impediment to the prompt and expeditious performance of the functions of the Veterans' Bureau; and

Whereas it is claimed that there has been great and needless delay in the construction of hospitals and in providing proper hospitalization for the relief of disabled veterans, as a result of which much unnecessary suffering exists; and

Whereas it is claimed that an inordinately large proportion of the appropriations made by Congress for the relief of the veterans is being improperly consumed in overhead expense, duplication of duties, rent of expensive quarters, and in the employment of an excessive number of agents, doctors, and inspectors and other persons; and

Whereas there is a feeling in many parts of the country that the acts of Congress in behalf of the veterans are not being properly, fairly, and equitably administered, as a result of which much injustice exists, which provokes adverse criticism and dissatisfaction in the communities where the same is known: Now, therefore, be it

Resolved, That a committee of three Senators, to be appointed by the President of the Senate, is authorized and directed to investigate the matters and conditions in the premises set forth and to report their findings together with recommendations for the improvement of such conditions to the Senate. Such committee is authorized to send for persons and papers, administer oaths, employ clerical and professional assistance, and to hold sessions in the city of Washington and such other places in the country as it may deem advisable.

INVESTIGATION OF CHARGES AGAINST FEDERAL RESERVE BOARD.

Mr. HEFLIN. Mr. President, I offer a resolution, which I ask may be read by the Secretary.

The resolution (S. Res. 350) was read, as follows:

Whereas it has been charged in the Senate that while deflation was being conducted under the direction of Governor Harding, of the Federal Reserve Board, that he permitted the Federal reserve bank officials of the regional bank of New York to appropriate funds of the bank for the purpose of erecting palatial banking quarters for the Federal reserve bank in New York City, the total cost of which was estimated in the Federal Reserve Board's official report to the Senate of October 31, 1921, as shown on pages 21–23 of said report, at the sum of $25,646,410, including land, building, and structures; and

Whereas the cost for banking quarters of 4 of the 12 reserve banks was estimated in the Reserve Board's report to the Senate of October 31, 1921 (pp. 21–23), at $49,878,914, which is nearly five times as much as the average expenditures for the past 20 years on all appropriations made by Congress for all public buildings, post offices, courthouses, and customhouses in all 48 States of the Union; and

Whereas the reserve banks have already in the calendar years 1918, 1919, 1920, and 1921 charged against the net earnings of the banks over $10,000,000 on account of alleged depreciation, etc., on their bank premises, while said premises were still under construction or unfinished, and thereby greatly reduced the amount which would otherwise have gone to the Government for franchise tax; and

Whereas it has been charged in the Senate that the said Governor Harding permitted the officials of the Federal Reserve Bank of New York City to use the enormous earnings made during the period of drastic deflation to greatly increase their own salaries and the salaries of the clerks and other officials of said banks, increasing such other salaries from $1.320 to $10,000, from $2,500 to $15,000, from $3.600 to $25,000, and from $6,500 to $30,000 a year; and

Whereas as a result of the huge increases in salaries 25 of the 40 officers of the New York Reserve Bank on October 1, 1921, were drawing, in the aggregate, salaries which amounted to 594 per cent of the salaries which they drew when they first came to the New York Reserve Bank or immediately prior to their employment by that bank, and the total amount paid in salaries by said New York bank has increased from $1,298,474 in the calendar year 1918 to $4,937,597 in the calendar year 1921; and

Whereas it has been charged in the Senate that the said Governor Harding permitted the bank officials of the 12 Federal reserve banks to increase their salaries for the year ending June, 1922, over the salaries paid for the year 1918, more than $15,000,000; and

Whereas that increase alone is three times as much money as it costs the Government of the United States to pay the annual salaries of the Vice President and the Speaker of the House, all the Members of both branches of Congress, all the members of the Supreme Court of the United States, the President and his Cabinet, the members of the Federal Trade Commission, the Interstate Commerce Commission, the General of the Army, and the Admiral of the Navy; and

Whereas neither the then governor of the Federal Reserve Board, W. P. G. Harding, or the officials of the Federal reserve banks have denied said charges; and

Whereas the failure to challenge and disprove these grave and serious charges has had the effect of creating in the public mind apprehensions and suspicions of a serious nature regarding the alleged conduct of said officials in these matters; and

Whereas the allegations in said charges involving the wanton extravagance with and the brazen misuse of funds belonging in part to the Federal Government are of such a character as to call for an investigation on the part of the Senate: Therefore be it

Resolved, That a committee of nine Senators composed of Democrats and Republicans, five from the majority party and four from the minority, be appointed by the Vice President to investigate and report on said charges, and said committee is hereby authorized and empowered to summon and compel the attendance of witnesses upon said investigation and to pay the expenses incurred out of the contingent fund of the Senate.

Mr. HEFLIN. I introduced a resolution similar in character a few days ago—Senate Resolution 344. I now desire to withdraw that resolution. The resolution just submitted and read contains the correct figures, according to the report of the board and the bulletin. I desire to have this resolution lie on the table in lieu of the other one.

The PRESIDENT pro tempore. The Chair is in doubt. Where is the other resolution? Has it been referred to a committee?

Mr. HEFLIN. I think it is lying on the table.

Mr. CURTIS. I understood that Senate Resolution 344, at the request of the Senator from Alabama, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The Chair is informed that the resolution was referred to that committee.

Mr. HEFLIN. Then let this one take the same course.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate and printed.

DISTRIBUTION OF SPEECHES BY FEDERAL RESERVE BANKS.

Mr. HEFLIN submitted the following resolution (S. Res. 351), which was ordered to lie on the table and to be printed:

Whereas the officials of the 12 Federal reserve banks have admitted that they have had printed and circulated, out of the funds of the banks, thousands of copies of a speech made in the Senate touching a controverted subject, and in which the position of one Senator is assailed and criticized by another Senator; and

Whereas the Senate feels that the Senator who spoke on the other side of the subject involved in the Senator's speech which was printed and circulated by said Federal reserve bank officials, is entitled, in fair play and justice, to have the opportunity of sending copies of his speech to the citizens who have received the speech which assailed and criticized him; and

Whereas the Senate, by resolution, requested and received from the officials of the Federal Reserve Bank of Atlanta a certain list of citizens to whom they have sent the speech in question; and

Whereas the Senate feels that the officials of the other 11 Federal reserve banks should furnish to the Senate a list of the names and post-office addresses of citizens to whom they sent copies of said speech: Therefore be it

Resolved, That the Federal Reserve Board be, and it is hereby, requested to obtain from said Federal reserve bank officials, and have sent to the Senate, a list of names with post-office addresses of the citizens to whom said speech was sent.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House disagreed to the amendment of the Senate to the bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H. R. 7967) granting certain lands to Escambia County, Fla., for a public park, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message further announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10419) validating certain applications for and entries of public lands, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. HAYDEN were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DEMPSEY, Mr. FREEMAN, Mr. RADCLIFFE, Mr. MANSFIELD, and Mr. KINDRED were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 8010. An act to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont.; and

H. R. 10672. An act to amend the act of July 24, 1919, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920."

The message also announced that the House had agreed to the amendments of the Senate to the concurrent resolution (H. Con. Res. 66) providing for the extermination and banishment of insects from the Capitol and the Senate and House Office Buildings.

The message further announced that the House had passed the bill (S. 3917) to amend section 876 of the Revised Statutes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3918) to amend section 51 of chapter 4 of the Judicial Code, with an amendment, in which it requested the concurrence of the Senate.

SUBPŒNAS FOR WITNESSES IN UNITED STATES COURTS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3917) to amend section 876 of the Revised Statutes, which were, on page 1, line 12, after "shown," to insert: "The word 'district' and the words 'district court' as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia"; and on page 1, after line 12, to insert:

This amendment shall be effective for a period of three years after the date of the passage of this act, after which section 876 as it exists in the present law shall be and remain in full force and effect.

Mr. NELSON. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

CIVIL SUITS IN UNITED STATES COURTS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3918) to amend section 51 of chapter 4 of the Judicial Code, which was, on page 2, line 21, after "brought," to insert: "The word 'district' and the words 'district court' as used herein shall be construed to include the District of Columbia and the Supreme Court of the District of Columbia: *Provided further*, That this act shall be effective for a period of three years only, after which said section 51, chapter 4, as it exists in the present law shall be and remain in full force and effect."

Mr. NELSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After 5 minutes spent in executive session the doors were reopened; and (at 5 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, September 13, 1922, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 12 (legislative day of September 11), 1922.

APPRAISER OF MERCHANDISE.

James L. Higgins to be appraiser of merchandise, customs collection district No. 20, New Orleans, La.

JUDGES OF MUNICIPAL COURT OF DISTRICT OF COLUMBIA.

George C. Aukam to be judge of the municipal court, District of Columbia.

Charles V. Meehan to be judge of the municipal court, District of Columbia.

UNITED STATES MARSHAL.

Linus P. Meredith to be United States marshal for the district of Indiana.

POSTMASTERS.

ALABAMA.

H. Fontaine Little, Sheffield.

ARIZONA.

John M. Turner, Peoria.
Arthur E. Weech, Pima.

GEORGIA.

Mary L. Burch, Eastman.
Herschel F. Harris, Hamilton.

ILLINOIS.

Eugene D. Freshwater, Fairfield.

KENTUCKY.

Lenard W. Thrasher, Burkesville.
Edward M. Jolly, Mentor.
Walter C. Swift, Morehead.
Robert L. Jenkins, Upton.

MISSISSIPPI.

Annie B. Sherman, Brookhaven.
Key R. Hodges, Wesson.

MISSOURI.

Samuel A. Chapell, Monett.
Harvey H. Fluhart, Stewartsville.

NEBRASKA.

Frank E. Britton, Blue Hill.

NEW YORK.

George I. Yost, Ballston Spa.
George M. Higinbotham, Victor.

NORTH DAKOTA.

Frank W. Lovestrom, Adams.
Fred A. Scott, Devils Lake.
Ivah M. Shuley, Edinburg.

OHIO.

Jennie B. Coburn, Amherst.
James U. Riley, Brookville.
Samuel F. Rose, Clarington.
William H. Lambert, Delta.

PENNSYLVANIA.

Carl V. Erickson, Arnot.
Paul Smith, Hughesville.
William C. Lebo, New Bloomfield.
Arthur E. Foster, Thompson.

TEXAS.

Lucile Hamner, La Feria.
Hoyt E. Hager, Mercedes.
Charles L. Loftis, Paducah.
Burna H. Cain, Thrall.

VERMONT.

William H. Lang, Beecher Falls.

WEST VIRGINIA.

Sada L. Goode, Chattaroy.
Sterling L. Toney, Holden.

WISCONSIN.

Herman Rau, Chilton.
Elsie O. Barnes, Friendship.
John M. Albers, Thiensville.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September 12, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

In this solemn moment, O God, dedicated to Thee, we turn to that throne which is forever sanctified and glorified by our Savior's sacrifice. Open our hearts and bid them welcome. O Lord continue Thy mercy toward us and withhold Thy judgments. Magnify Thyself in our needs, in our labors, and show Thy face when the clouds hang low and we know not the way. O regard her with all fatherly love and care for whom our Nation prays. Spirit of God, let Thy answer come with the mercy of recovery. Give cheer and courage to our President and lift up all who are cast down. While we pray for all mankind, O hear us for the land we love the best and be our refuge and our everlasting friend. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

TARIFF BILL.

Mr. FORDNEY. Mr. Speaker, I present a conference report on the tariff bill for printing under the rule.

The SPEAKER. The gentleman from Michigan presents a conference report on the bill, the title of which the Clerk will report.

The Clerk read as follows:

H. R. 7456. To provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The SPEAKER. Ordered printed under the rule.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that the bill be printed as agreed to in conference.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill be printed as agreed to in conference. Is there objection?

Mr. STAFFORD. Mr. Speaker, has the gentleman considered having the bill printed in document form for distribution?

Mr. FORDNEY. Not as yet; no.

Mr. STAFFORD. Of course, there will be great demand for it.

Mr. HAWLEY. I do not think that will be necessary, because the bill itself will be finally signed by the President in a short time if at all, and then we will have the bill as finally adopted by the Congress, instead of something only temporary in character which might be affected by what is done later.

Mr. STAFFORD. I hope a number of copies will finally be printed for distribution.

Mr. GARRETT of Tennessee. And it is liable to be amended considerably before it becomes a law.

Mr. GARNER. Do I understand the gentleman wishes to have the bill printed in the form showing the Senate amendments or have it printed as it becomes the law?

Mr. FORDNEY. To have the bill printed as reported by the conferees, not as finally acted upon.

Mr. GARNER. As reported by the conferees. The object is to obtain additional copies?

Mr. FORDNEY. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendments bills of the following titles:

H. R. 9270. An act to confer upon the Territorial courts of Porto Rico concurrent jurisdiction with the United States courts of that district of all offenses under the national prohibition act and all acts amendatory thereof or supplemental thereto;

H. R. 5965. An act for the relief of the owner of the vessel *Maria Artau*;

H. R. 5385. An act for the relief of Henry T. Hill; and

H. R. 4504. An act for the relief of Annie M. Lepley.

The message also announced that the Senate had passed bills of the following titles:

S. 820. An act for the relief of the Hunter-Brown Co.;

S. 403. An act for the relief of Louise Saint Gez, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré;

S. 404. An act for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others;

S. 1298. An act to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co.;

S. 1352. An act for the relief of Benjamin F. Spates;

S. 1739. An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes;

S. 3716. An act to define a period in which certain claims may be presented for determination to the Commissioner of Internal Revenue for refund of taxes erroneously collected from certain estates of decedents under color of section 29 of the act of Congress approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes"; and

S. 3855. An act to ascertain and settle land claims of persons not Indian within Pueblo Indian land, land grants, and reservations in the State of New Mexico.

The message also announced that the Senate had passed with amendments the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3086) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. STERLING, Mr. CUMMINS, and Mr. RANSDELL as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had requested a conference with the House thereon, and had appointed Mr. JONES of Washington, Mr. NELSON, Mr. CALDER, Mr. FLETCHER, and Mr. RANSDELL as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3641. An act to grant and confirm to the State of Florida title in and to sections 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, and for other purposes; to the Committee on the Public Lands.

S. 3296. An act to authorize the merger of certain street railway corporations in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 3412. An act for the relief of Mrs. John D. Hall; to the Committee on Claims.

S. 3614. An act relating to the official bond of the United States marshal for the southern judicial district of the State of New York; to the Committee on the Judiciary.

S. 3275. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars, and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows; to the Committee on Pensions.

S. 3040. An act to amend section 266, chapter 11, of the Judicial Code; to the Committee on the Judiciary.

S. 3632. An act to amend section 128 of the Judicial Code, relating to appeals in admiralty cases; to the Committee on the Judiciary.

S. 2854. An act for the relief of Oakley Randall; to the Committee on War Claims.

S. 3118. An act for the relief of Herbert E. Meilstrup; to the Committee on War Claims.

S. 3393. An act for the relief of the Indians of the Gila River and Papago Reservations in the State of Arizona; to the Committee on Appropriations.

S. 823. An act for the relief of John Vernon Bouvier; to the Committee on Claims.

S. 652. An act for the relief of Janie Beasley Glisson; to the Committee on Claims.

S. 646. An act for the relief of Emma LaMee; to the Committee on Claims.

S. 1515. An act for the relief of Henry C. Wilke; to the Committee on Claims.

S. 1491. An act for the relief of George T. Larkin; to the Committee on Claims.

S. 1069. An act for the relief of Federal Line (Inc.); to the Committee on Claims.

S. 911. An act for the relief of Fred V. Plomteaux; to the Committee on Claims.

S. 2078. An act for the relief of the estate of C. C. Spiller, deceased; to the Committee on War Claims.

S. 1723. An act for the relief of William Hensley; to the Committee on Claims.

S. 1715. An act for the relief of the heirs of Almon R. Proctor; to the Committee on Claims.

S. 1537. An act for the relief of Furness, Withy & Co. (Ltd.); to the Committee on Claims.

S. 2858. An act for the relief of S. C. Davis; to the Committee on War Claims.

S. 2832. An act authorizing the Secretary of the Interior to allow the additional homestead application of Otha Potter; to the Committee on the Public Lands.

S. 2750. An act to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarty; to the Committee on Military Affairs.

S. 3171. An act for the relief of the trustee of the estate of Hillsboro Dredging Co., a corporation, bankrupt; to the Committee on Claims.

S. 3110. An act for the relief of the Ward Baking Co.; to the Committee on Claims.

S. 2946. An act for the relief of D. C. Darroch; to the Committee on Military Affairs.

S. 3169. An act to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 1282. An act for the relief of the estate of John Stewart, deceased; to the Committee on Claims.

S. 3257. An act for the relief of H. B. Stout; to the Committee on Claims.

S. 3256. An act for the relief of A. L. Gramling; to the Committee on Claims.

S. 2610. An act in reference to writs of error; to the Committee on the Judiciary.

S. 3356. An act to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy; to the Committee on Naval Affairs.

S. 3472. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; to the Committee on Reform in the Civil Service.

S. 2140. An act to authorize the Secretary of the Interior to issue patent in fee simple to the Board of Regents of the University of Arizona, State of Arizona, of Tucson, Ariz., for a certain described tract of land; to the Committee on the Public Lands.

S. 2568. An act to amend section 196 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

S. 3630. An act to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920; to the Committee on Military Affairs.

S. 463. An act for the relief of Charles Hurst; to the Committee on Claims.

S. 3413. An act for the relief of the city of New York; to the Committee on War Claims.

S. 685. An act for the relief of Albert F. Smith, deceased; to the Committee on Military Affairs.

S. 3800. An act for the relief of C. Pateras & Sons and C. Lemos, owners of the Greek steamship *Constantinos Pateras*; to the Committee on Claims.

S. 3799. An act for the relief of Louis A. Hogue; to the Committee on Claims.

S. 2580. An act for the relief of Michael Sweeney; to the Committee on Military Affairs.

S. 3351. An act for the relief of G. Dare Hopkins; to the Committee on Claims.

S. 3350. An act for the relief of Alice M. Gorman; to the Committee on Claims.

S. 3740. An act regulating the recovery of allotments heretofore paid to designated allottees; to the Committee on Interstate and Foreign Commerce.

S. 3704. An act to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1922, and for other purposes"; to the Committee on Appropriations.

S. 3633. An act to authorize the coinage of a 50-cent piece in commemoration of the one hundredth anniversary of the birth of the late President Rutherford Burchard Hayes at Delaware, in the State of Ohio; to the Committee on Coinage, Weights, and Measures.

S. 3202. An act for the relief of Dr. C. LeRoy Brock; to the Committee on Claims.

S. 3617. An act to fix the salaries of the auditor and deputy auditor of the Philippine Islands; to the Committee on Insular Affairs.

S. 2595. An act for the relief of Lewis Myshrall; to the Committee on Military Affairs.

S. 3862. An act fixing the rank of the officer of the United States Army in charge of public buildings and grounds; to the Committee on Military Affairs.

S. 3048. An act for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee; to the Committee on Claims.

S. 3611. An act authorizing and directing the Secretary of War to abrogate a contract lease of water power on the Muskingum River; to the Committee on Military Affairs.

S. 3332. An act to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation under certain conditions; to the Committee on Military Affairs.

S. 3408. An act to amend section 126 of the national defense act, approved June 3, 1916, as amended; to the Committee on Military Affairs.

S. 3308. An act for the relief of the heirs of Israel Folsom, deceased, and the heirs of Peter Folsom, deceased; to the Committee on Indian Affairs.

S. J. Res. 226. A joint resolution authorizing the acceptance of title to certain land within the Shasta National Forest, Calif.; to the Committee on the Public Lands.

S. 3295. An act to consolidate the work of collecting, compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce; to the Committee on Ways and Means.

S. 3702. An act providing for acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State; to the Committee on the Public Lands.

S. 2794. An act for the relief of Rosa E. Plummer; to the Committee on Claims.

S. 528. An act for the relief of the widow of Rudolph H. von Ezdorf, deceased; to the Committee on Claims.

S. 3419. An act for the relief of James B. Fitzgerald; to the Committee on Claims.

S. 3448. An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.; to the Committee on Public Buildings and Grounds.

S. 3540. An act fixing the fees of the examining surgeons in the Bureau of Pensions; to the Committee on Invalid Pensions.

S. 3570. An act for the relief of the United Dredging Co.; to the Committee on Claims.

S. 2960. An act for the relief of Arthur A. Padmore; to the Committee on Claims.

S. 3424. An act to provide for the reclamation of the United States Military Reservation, Fort De Russy, Honolulu, Hawaii; to the Committee on Military Affairs.

S. 2294. An act to confer jurisdiction upon the Court of Claims to ascertain the cost to the Alaska Commercial Co., a corporation, and the amount expended by it from November 5, 1920, to April 18, 1921, in repairing and rebuilding the wharf belonging to said company at Dutch Harbor, Alaska, which wharf was damaged and partially destroyed on or about November 5, 1920, through collision therewith of the U. S. S. *Saturn*, United States Navy, and to render judgment therefor; to the Committee on Claims.

S. 162. An act for the relief of Sarah Shelton; to the Committee on Claims.

S. 163. An act for the relief of Francis L. Flanders; to the Committee on Claims.

S. 3738. An act authorizing the Court of Claims of the United States to hear, determine, and render final judgment in the claim of Elwood Grissinger; to the Committee on Claims.

S. 3890. An act to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920; to the Committee on Military Affairs.

S. 2582. An act for the relief of George Hewitt Myers; to the Committee on Claims.

S. 3609. An act for the relief of F. J. Belcher, jr., trustee for Ed Fletcher; to the Committee on War Claims.

S. 470. An act for the relief of Emma Kiener; to the Committee on Claims.

S. 2262. An act for the relief of Franklin A. Swenson; to the Committee on Claims.

S. 3709. An act to provide for an examination and report on the condition and feasibility of a reclamation project at Hope, Eddy County, N. Mex.; to the Committee on Irrigation of Arid Lands.

S. 3780. An act authorizing a credit in certain accounts of the Treasurer of the United States; to the Committee on Claims.

S. 2083. An act to regulate the practice of undertaking and embalming in the District of Columbia, and to safeguard the public health; to the Committee on the District of Columbia.

S. 3483. An act to authorize the Commissioners of the District of Columbia to appoint as special policemen such District employees as they may deem necessary for the protection of property of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 3154. An act for the relief of C. M. Rieves; to the Committee on the Public Lands.

S. 1672. An act for the relief of William Edward Tidwell; to the Committee on Military Affairs.

S. 99. An act for the relief of Edgar Durfee; to the Committee on Military Affairs.

S. 3461. An act to amend the act of February 28, 1920, so as to authorize the acquisition of additional land and the disposition of certain lands already acquired at Camp Knox, Ky.; to the Committee on Military Affairs.

S. 2714. An act authorizing an appropriation for the improvement of a wagon road on the Colville Indian Reservation; to the Committee on Indian Affairs.

S. 2467. An act to provide relief for the victims of the airplane accident at Langin Field; to the Committee on Claims.

CONFERENCE REPORT—PENSION BILL.

Mr. FULLER. Mr. Speaker, I present a conference report on the bill (H. R. 6507) for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

> A bill (H. R. 6507) granting pensions and increases of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. Ordered printed under the rule.

EXTENSION OF REMARKS.

Mr. VAILE. Mr. Speaker, I ask unanimous consent to extend my remarks by printing in 8-point type several short articles written by my colleague [Mr. Hardy] on the work and functions of the Congress.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. VAILE. Mr. Speaker, Congressman Guy U. Hardy, of Colorado, is a trained newspaper man and writer of national outlook professionally as well as politically. In view of the habit of the American people of criticizing Congress carelessly and often with an ignorance which should find no place in the electorate of a Republic, it is fortunate that he has undertaken the work of putting in readable and interesting form the interesting facts concerning the work of the most important part of the Government of our country. This has been done in a series of stories entitled "Looking in on Congress."

Mr. Hardy was president of the National Editorial Association in 1918 and 1919. He has traveled extensively. From his own struggles in building up a successful newspaper business from most modest beginnings, and from his close association with people in all walks of life, he thoroughly knows the heart of the American people. He also knows his present job. The contributions of a man as familiar with the work in which he is engaged and as conscientious in its performance as Mr. Hardy, written in his characteristic vein of sincere seriousness and dry humor, are sure to bring a better knowledge of the subject home to the American people, whose chosen Representatives he thus describes.

That the value of his work for this purpose is appreciated is shown by the fact that these stories have been run through hundreds of newspapers supplied with features by the Western Newspaper Union, at whose solicitation he wrote them, and have been read in millions of homes all over the land.

The stories are as follows:

LOOKING IN ON CONGRESS—FIRST VIEW OF CONGRESS.

(By Congressman Guy U. Hardy.)

If you came to Washington for the first time and wanted to see Congress in action, what would you do and what would you see?

I remember doing that very thing a few years ago—coming as a sort of tourist—and I sat in the gallery and looked on. I can get the viewpoint, I think, of the person looking down as well as that of a Member who is on the floor.

On that trip a Member friend took me in to see the late Speaker, Champ Clark. It was in the beginning of the Great War. My friend said to Mr. Clark: "Mr. Hardy has come down to Washington to see what we are doing." Mr. Clark replied in his characteristic way: "If he can find out, I hope to God he will let me know." And it is ever so; we are all seeking information about the Congress, even the Speaker of the House sometimes.

We have got to start from some place, so we might as well assume that you have come to my office in the House Office Building. Every man who comes to Washington should call on his Congressman. The Representatives are always glad to see folks from back home; especially so are the Members from the West. Some Members from near-by States have more callers than they can well take care of.

The House Office Building is a fine structure built of marble. It has 410 office and committee rooms in it. Each Member is entitled to an office room. If he is chairman of a committee, he gets two, sometimes. The building covers a large block of ground with a grass-covered court in the center. There are five floors and a basement. It is a mile walk around the corridors on the four sides of the five floors.

THROUGH THE TUNNEL TO THE CAPITOL.

After we have had a little visit I will take you over to the Capitol. You have already seen that magnificent building from the outside and will see it many times before you leave the city, so we will go over underground, just to show you the tunnel. This tunnel, which is large, well lighted, and spacious, runs for about two blocks, I should think. By the use of it a Member can go back and forth in winter or hot summer time and during bad weather without putting his hat on, if he wishes. It is not used much in good weather. Over on the Senate side through a similar tunnel a little electric car system carries the Senators back and forth between their office building and the Capitol; but the Representatives of the people have to walk.

Arriving at the Capitol, we will go up in the gallery and look down on the House for a while.

You will be disappointed at first by the small number of Members present. Every Member does not sit in his seat all the time every day. If he did, he would not be able to keep up with his office business, and besides that, he would grow nutty. Much of the time is spent in general debate, and much of the debate is very general. So when a definite time has been set for general debate—two hours being the usual time, though it may be 12 hours sometimes—a Member not interested can safely get up and go to his office, or visit out in the cloak rooms for a while. During general debate it often happens that not more than 75 or 100 Members are in their seats. After a while some one will probably call for a quorum, and then we will see the House fill up with Members, as most of them like to answer as many roll calls as possible.

We will sit here in the gallery for a while. This is a historic old room. It has been occupied since 1857; so it has seen much history made. It used to have desks in it, but when the number of Representatives was last increased the desks were taken out and plain, comfortable rows of seats put in. A Member has no special seat. He may sit anywhere he pleases. The Democrats sit on one side and the Republicans on the other.

SPEAKER GILLETT PRESIDING.

The mace is in its place, so we know that the House is in session. If it were in Committee of the Whole, the mace would be resting on the floor.

The mace is the symbol of the Speaker's authority, and it has been doing duty ever since the American Congress was organized.

The Speaker is in the chair, behind a finely carved marble desk. Mr. GILLETT makes an excellent Speaker in this modern day of great freedom in the House. He does not rule with the iron hand of a Tom Reed or as Mr. CANNON did in more recent years, but he is an able presiding officer, tactful and considerate, well posted as to rules and precedents, fair, square, and honorable in all his dealings, absolutely nonpolitical in his decisions, and he makes a very popular Speaker. He is 70 years of age; has served in the House 30 years and as Speaker 4 years. He comes from Springfield, Mass., and is a gentleman of high class and fine instincts. He is popular in his home district, as he is in the House, as is indicated by the fact that only 36 votes were cast for all other candidates for Congress in his district at the last election.

At Mr. GILLETT's left stands a young man who is official timekeeper. Whenever a Member is recognized to speak he has a definite amount of time. Rarely it is an hour, occasionally it is 30 minutes, but usually it is only 5 or 10 minutes. The timekeeper notifies the Speaker and the Speaker calls the Member down at the end of his allotted time. By unanimous consent the Member is sometimes permitted to proceed for 5 or 10 minutes longer, and I have seen Members plead and beg the House for 5 minutes or 2 minutes or 1 minute more, like a Methodist preacher pleading for money to pay off the church debt. Sometimes it is granted, but often a Member says "I object," and that settles it.

PARLIAMENTARIAN IS IMPORTANT.

At the right of the Speaker stands another young man who is the parliamentarian. This young man is supposed to be thoroughly posted and trained in the rules and precedents of the House. He has various books of rules and precedents at hand, and advises with the Speaker or presiding officer when any knotty points of order are to be decided. When the House is in Committee of the Whole the Speaker does not preside, some other Member being selected to be Chairman of the committee.

The House has been run mostly by lawyers for a hundred years or more, and it is not a difficult matter for some lawyer Member to dig up a precedent on either side of any parliamentary question brought up. The House had a Speaker one time of the name of Crisp. His son, Charles, became the parliamentarian for Speaker Clark. Charles is now a valued Member of the House. In the last Congress we had both ex-Speaker CANNON and ex-Speaker Clark on the floor, but they all differ some times on points of order. It was one of the pleasures of Republicans to refer occasionally to the fact that Speaker Clark ruled "thus and so" at some time in the past, and Speaker Clark announced several times in his facetious way: "As a Member on the floor of the House I do not propose to be bound by any rulings I made from the Speaker's chair."

So you can see that with a couple of hundred lawyers in the House there is at times much argument and jangling over points of order and modes of procedure.

MANN KNOWS ALL THE RULES.

However, when JAMES R. MANN is on the floor, the House soon gets some advice that it can depend upon. I think that Mr. MANN knows more about the rules and precedents of the House than all the other Members combined, and he usually has his way, because the man in the chair knows that he knows what he is talking about.

In front and below the Speaker at another marble desk are the reading clerks, who have to be men of considerable ability.

Below and in front are the CONGRESSIONAL RECORD clerk and the official reporters. Every word that is spoken in the House is taken down by an official stenographer. There are five or six of them. They work in shifts of about 20 minutes each. As soon as a stenographer is through with his task he goes to his room and reads his notes into a phonograph. An amanuensis takes the record and puts the stuff through a typewriter and within an hour a Member may read and correct the speech he has made.

To-morrow morning the CONGRESSIONAL RECORD will contain a complete report of to-day's proceedings. The RECORD is a little abused, I think. It is a valuable publication and contains much information, little humor, some wisdom, and a minute report of the proceedings of the House. It contains some speeches that are not delivered in the House. Members occasionally get permission to extend their remarks, and a speech of five minutes may be extended over several pages. To do this, unanimous consent must be asked in each instance, which means that if any Member merely says, "I object," the permission is not granted. There are watchdogs of the RECORD as there are of the Treasury, and some one frequently objects. Mr. Clark once said that the greatest speech ever run on an important subject of interest to the country was put in the RECORD by Samuel J. Randall, and was not made in the House.

The CONGRESSIONAL RECORD is issued daily during the sessions of Congress. A Member has only about 50 copies at his disposal. These he sends to libraries, clubs, newspapers, and places where they may be seen by the public at large. He can not fill out many individual requests. Those who are interested in the CONGRESSIONAL RECORD, however, can subscribe for it at $1.50 per month.

Speeches and remarks [like these, for instance] that are printed and sent out to the public are not printed at public expense. All such speeches are paid for by the individual Members, and while they may be done at the public printing plant they cost about as much as if done by a print shop in Colorado.

LOOKING IN ON CONGRESS—ABOUT THE MEMBERS.

(By Congressman GUY U. HARDY.)

A gentleman has raised the question of a quorum and the roll of the House of Representatives is being called. Most Members try to answer all roll calls in order to maintain a quorum and vote on all measures possible.

Now, the House is filling up, so we will look over the personnel of the body. The House, if all were present, would be composed of 435 Members, with Delegates from Alaska, Hawaii, the Philippine Islands, and Porto Rico. These Delegates do not vote.

I once heard ex-Speaker Clark, in praising the House, say it was the most democratic parliamentary body in the world. He didn't allude to politics. As I have met the Members and have looked over the body of men I have often thought of that remark. As you now look down into the House with me I think you will realize, as I do, that this is a democratic body of men, representing, as it does, the whole of the great American Republic—the greatest Republic in the history of the world. Almost every type and phase of American citizenship is represented there. It is a sort of high-class melting pot. Laborer and manufacturer, rich and poor, big brains and mediocre, wise, earnest men, and near-chumps, all have seats. All classes of business and professions and all shades of political and religious beliefs are represented. Ex-governors, ex-Senators, ex-judges, an ex-President, and ex-convicts have occupied seats. The blind and the halt are well represented. Only the deaf and dumb seem to be missing, though I am of the private opinion that it would not jar the feelings of the House much if some Members were so stricken.

After some years of observation from the inside, I can assure you that Congress is made up of a fine lot of patriotic men.

UNCLE JOE AND JIM MANN.

Here is a good chance to look at some of the men as they walk in. You will recognize some of them from the pictures you have seen. Uncle JOE CANNON saunters in with the cocky air of youth, chewing the cigar cartoonists have made famous. If it is a cool day he may have his hat on. He was elected to Congress first in 1872 and is now serving his twenty-third term. Only twice in all these years has he been defeated, and he told the House one day that the years he was out were the longest years of his life. He is 86 years old and is young for his years. I have seen him dance at a dinner party, and I have heard that he plays a little poker now and then, but never puts in over a dollar or two at a time. He takes a keen interest in important legislation, has a sane view of public affairs, and makes a vigorous speech occasionally. Uncle Joe, as he is affectionately called, has declined to stand for reelection and will close his official career with the ending of this Congress, after serving in the House of Representatives longer than any other man.

I think I have already mentioned JAMES R. MANN. There he is by the table. The two tables in the center of each side of the House are used by the leaders, by the chairman of the committee in charge of a bill, and by others especially interested in the proceedings of the day. Mr. MANN belongs at the table on the Republican side. This is his thirteenth term in the House and he was long the Republican leader. He is not the Fourth of July style of orator, but a most convincing speaker and the best-posted man on pending legislation in the House. He is a terror to those who have private bills up on unanimous-consent day. A bill must be innocent indeed, or properly amended, before it gets through when he is present. I fancy he has saved the Government literally millions of dollars by his industry. In some ways he is the most valuable man in the House.

TWO PARTY LEADERS.

The other gentleman by the table is FRANK MONDELL, the Republican leader at this time. He is serving his thirteenth term in the House—nearly 26 years of service—and he has been absent only four days, an unequaled record, I think. Mr. MONDELL is not a lawyer, but is an able and fearless leader, a keen thinker, and strong debater. He was once a laborer and later a railroad contractor in Colorado, afterwards going to Wyoming. He has a hard, nerve-wrecking job, but does it very well. When he makes a motion it usually carries. Mr. MONDELL will not be in the House in the next Congress, as he is a candidate for the United States Senate.

The leader on the Democratic side is CLAUDE KITCHIN, but I can not point him out to you, as he has been ill at home for about a year. He is a likable chap and was a man of great force in the House. His place is being filled by JOHN N. GARNER, of Texas, and a worthy substitute he makes. He is serving his tenth term, and for 18 years he was a unique Member of the House in that, during all of that time, he never let one of his speeches appear in the CONGRESSIONAL RECORD. Since assuming leadership, and speaking for the party, he lets his speeches go in. The gentleman by his side is FINIS J. GARRETT, of Tennessee, who acts as assistant minority leader. Mr. GARRETT is in his ninth term. He is a keen cutter, and can roast the Republicans and their measures in a more polished, clever, and entertaining way than any other Member on his side of the House.

ONLY LADY REPRESENTATIVE.

Yes; the lady on the floor is a Member. That is Miss ALICE M. ROBERTSON, of Oklahoma, the only lady Member, and the second woman to be elected to Congress. She was born in Oklahoma 66 years ago. Her father was a missionary to the Cherokees. Miss Alice has been teacher, a postmaster of a first-class office at Muskogee, and in recent years has conducted very successfully the largest cafeteria in Oklahoma. She is not what some are pleased to term themselves, a "new woman." She is a little old-fashioned in a way, for she stands by her convictions and is not easily influenced by organizations outside of her State. She was never a suffragist, and it may seem an irony of fate that the only woman in Congress did not favor votes for women. Miss Alice is a popular Member. She accepts things as they are, asks no favors on account of her sex, and has more good horse sense and is less afraid to stand by her convictions than are most of her fellow Members.

That old boy up in the press gallery is General Sherwood, of Ohio. He was a Member of the Sixty-sixth Congress, but was retired by the landslide. General Sherwood was elected to Congress as a Republican in 1872, the year Uncle JOE CANNON first came in. Then he came back in the Sixtieth Congress as a Democrat and served 14 years. The general is 87 years of age. When retired from Congress he took up newspaper work, his former profession. When asked the other day if he would run again, he said: "No; I can't afford it. I have got to work now and lay up something for old age." But late newspaper reports indicate that he may have changed his mind.

NOT THE PLACE FOR ORATORY.

Who are the orators of the House? Well, that is hard to say. You hear many speeches in the House, but little oratory. I know several gentlemen who are noted orators in their home States whom I have never heard make a speech in the House. Those who have been used to swaying the multitude with their oratory do not get very far with it in the House and soon become disappointed in their audience. I must say the House is not a very attentive listener. The Members get fed up on speeches. They do not care for eloquence. What they want are facts. Order is not very good. Members come in and go out; they talk and read; they listen if something of interest is being said, but they are not sitting there for entertainment and flowery speeches do not draw large audiences here.

A speaker is often interrupted by questions. Any Member may rise at any time and ask if the gentleman will yield for a question. The gentleman usually does yield, and he often gets his set speech badly punctured and comes out with a flat tire. Many Members read their speeches. President Wilson and President Harding, when appearing before Congress, have always read their speeches, and Secretary Hughes read his great speech at the opening of the limitation of arms conference, so it is not necessarily a sign of lack of ability for a man to read a speech, as it is often done to guarantee accuracy. However, we have plenty of orators for all occasions and can furnish the country with a good supply for the campaign.

Do the men in Congress to-day rank up to those of the Congresses of years ago? Well, yes; I think so. If you name your ideals of other days your list covers a hundred years. You are endeavoring to compare this one Congress with 50 others. Of course, I do not care to back this Congress against the whole of American history.

The Congress is not made up of experts or highbrows or bosses or supermen. We have no breed of ruling men in this country. It is made up of a pretty good average of the citizenship it represents—men who meet their folks back home on common ground and do not tower too high above them.

LOOKING IN ON CONGRESS—WHAT THE HOUSE IS LIKE.

(By Congressman GUY U. HARDY.)

When I was a boy I heard a story of three blind men who were taken to "see" an elephant. They were led up to the animal and each felt the first part he came in contact with and went away. In describing it afterwards one of the blind men said that an elephant was like a rope, he having felt the tail; another said it was more like a palm-leaf fan, he having felt its ear; and the third said it did not resemble either but was a big flat object something like a stone wall covered with a leathery skin with some hair on it. Each was speaking from his own point of view and telling only of what he had seen—or rather felt.

It is that way with many things in life. We see only a very small part, yet having seen that, we think that we are competent to judge, describe, and criticize.

An hour or two in the gallery would certainly give one a very lopsided view of Congress. Yet many come, look on for a few moments, and go away to tell of Congress as they have seen it, a good deal as the blind men told of the elephant and with fully as much accuracy.

If you were a casual caller in the gallery you might find the House full of Members, or only half full, or even with only a few dozen present. You might find it doing routine business and as quiet and placid as a summer calm; or excited to fever heat by a partisan discussion between party leaders, or in a storm of agitation over a question of personal privilege or the exercise of personal rights. The House has its varying moods, as human beings have. Sometimes it works along doing business rapidly and as smoothly as clockwork. And sometimes everything seems to be on edge and everybody on his nerves, when one could hardly get an amendment through to dot an "i" or cross a "t" without a fight and a roll call.

CAN NOT ALWAYS BE ON THE FLOOR.

Members need not sit on the floor all the time. They have much to do besides. Much of the business of Congress is transacted in the committees. The major committees are composed of from 21 to 35 members each. Some of the committee meetings are as important and formal as the meeting of a State senate and with about equal membership. Committees are frequently meeting while the House is in session. There is also much office work to be done and Members take advantage of every lull in proceedings to catch up with their office work. There is always departmental work to be taken care of, but Members as a rule do not go down town in the afternoon when the House is in session. Most Members stay within reach of the roll call signals.

Whether your Member is on the floor or not, you may depend upon it that he knows pretty well what is going on and can easily be reached when his presence is required.

The greatest safeguard is thrown about legislation to keep anyone from putting something over. Much is done by unanimous consent when a single Member can object and stop or stay proceedings. A Member may at any time question the presence of a quorum, and if the Speaker does not find a quorum present by actual count the roll is called. Signal bells ring in the corridors, restaurant, and House Office Building so that Members may appear and answer to their names. Whenever a Member is fearful that something will be done which he doesn't want done except by consideration of the whole House, he can raise the question of a quorum and a quorum must be secured before business is further considered.

A quorum in the House consists of a majority of its membership. There are 435 Members when all are alive and there are no vacancies, although there are often two or three vacancies on account of death or resignation. So it usually requires 217 or 218 Members to make a quorum. When the House is doing business as the Committee of the Whole 100 Members make a quorum.

REASONS FOR DEMANDING A QUORUM.

The point of no quorum is raised often because a Member wants a full attendance when the question before the House is considered. It is raised sometimes because some one present wants a good audience for an important speech. It is raised occasionally merely in order to delay the game and is resorted to by the minority to use up the time and postpone or defeat legislation that can not be defeated by a majority vote. It is frequently used when a filibuster is in progress, and sometimes the roll is called six or eight times a day. As it requires 35 or 40 minutes to call the roll, it can be seen how a few roll calls will block the business of the day.

Occasionally the point of no quorum will be raised out of spite. A Member may desire some time to speak and those in charge of the time may feel that they have none at their disposal or for some reason do not wish to yield the gentleman time. The gentleman with a grievance may conclude that he will block the business of the House for a time by causing a roll call. I have seen a Member state frankly on the floor that if he can not get the time desired he will feel it his duty to raise the question of a quorum. Sometimes the gentleman in control of the time will give in and yield the time desired, and sometimes he will call the other gentleman's bluff. These incidents do not occur very often.

Once in a while a little filibuster is resorted to by the minority or by an obstreperous Member who wants to force consideration of some special matter. Then the roll calls come thick and fast. One day the Committee on Rules tried to get a rule adopted giving four hours for debate on a certain bill. The minority took a notion to block the game and it took a day and a half of roll calls to get the rule passed.

Some bills are passed by the majority of those present without a roll call. But any Member can always demand a quorum, and if a quorum is not present a roll call on the bill automatically follows. And even if a quorum is present, 20 per cent of those present can always demand and secure a roll call on any proposition.

TOO MUCH TALKING, OF COURSE.

There is much unnecessary talking in the House. Nobody realizes that so much as those who have to be present and listen to much of it. The same thing is true wherever men and women congregate—especially where they meet to consider matters of public concern. As a reporter I have sat up past midnight listening to rambling, unnecessary talk over some trivial matter at a small town council meeting where only eight or nine members had to agree on a policy.

Some freedom must be given to those who want to talk. Some opportunity must be given for all sides to be heard. It requires some consideration and explanation and talk sometimes to get many minds to look at the subject in the same way.

There is too much unnecessary talk in the House, but I do not see how it could be eliminated. Who is to say what talk may be made and what talk shall not be made? Who is so wise that he may be set up as a censor?

It is not so bad in the House as in the Senate. In the Senate there is no limit on debate. In the House debate is always limited, usually to one or two hours, occasionally to four hours, and perhaps twice in recent years to 12 hours on very important measures.

Congress is often criticized for being slow in doing business. Of course it is slow. It is made up of human beings of many minds. They come from all parts of a great country stretching from the Atlantic to the Pacific.

The Representatives represent peoples and communities as diversified and as far apart in thoughts and interests as they are in distance. It requires time for these Representatives of these various minds and interests to weigh and consider and amend and whip into shape and finally agree upon proposed legislation that is to be written for a hundred and ten millions of people and may run for all time. It necessarily takes time for a majority of 435 Members to be brought to see things alike.

This is one of the necessary results of a republican form of government. It is not so in an autocracy. It is not so in Russia. There you get quick action. By a decree from the autocrats the lands are confiscated. By a decree anything can be done quickly. But by parliamentary procedure it takes time for just and due consideration.

But after all Congress is not so slow as compared with other governing bodies in a republic. Consider your own city council, your own board of county commissioners, your own State legislature. Who has not tried for years and years to get a certain street light placed, a street crossing fixed up, a city street cut through, a city park established, the city streets paved, a country road defined, or a bridge built, or this or that law amended, changed, repealed, or passed? Let that individual who has never seen these long delays in getting worthy propositions put through the governing body at home, where every member knows the conditions like a book, throw the first rock at Congress.

REQUIREMENTS FOR MEMBERS.

The Constitution provides that a Representative must have attained the age of 25, have been a citizen of the United States for seven years, and shall be an inhabitant of the State in which he is elected. There is no law specifying that a Representative must be a resident of the district he represents, although it is very unusual for a district to elect a Representative residing in another district. It is done occasionally in New York City. A Senator must be 30 years of age, at least nine years a citizen of the country, and an inhabitant of the State electing him.

LOOKING IN ON CONGRESS—THE STORY OF A BILL.

(By Congressman GUY U. HARDY.)

About the easiest thing in the world for a Member of Congress to do is to introduce a bill.

All one needs to do is to write the bill out on a piece of paper and put it in the basket on the Clerk's desk. Then it has been introduced.

Many bills are introduced, but few are passed. In the last Congress 16,170 bills and 559 joint and concurrent resolutions were introduced in the House, and 5,052 bills and 304 joint and concurrent resolutions in the Senate.

Out of all of these, 69 public resolutions and 521 bills passed and became laws of the land. The record for the greatest number of bills introduced was made in the Sixty-first Congress, when 34,383 bills and resolutions were introduced in the House alone, out of which 810 became law.

When the Clerk gets hold of the bill it is referred to the appropriate committee. And there it may rest in peaceful slumber forever more, or it may be heard from again if enough pressure is exerted in its favor.

Out home a good friend of mine suggested once that he did not like this committee system; he thought that each Member should give individual consideration to every bill introduced.

Imagine it, if you can.

No man can read fast enough to keep up with all bills introduced.

Most committees get more bills referred to them than can be given intelligent consideration. So, naturally, the bills which have the greatest support in the country get first consideration. Congress gives first consideration to the appropriation and revenue bills. These and some other bills of nation-wide importance come along automatically.

HEARINGS ON BILLS.

When a committee decides to give consideration to a bill, if it concerns many people or interests, hearings are held. That is, people interested are invited to come in and tell the committee why they think the bill should or should not become a law.

Sometimes these hearings are quite elaborate affairs. Some last several weeks and hundreds of people come from all over the country to testify for or against the bill. The tariff bill hearing brought experts and prominent representatives of every line of industry to Washington.

The Appropriations Committee has 35 members, the Ways and Means 25 members, and other important committees have 21 members each. The members sit around a long table and the witness addresses them. The witness must know what he is talking about if he would make a good impression. Any member may interrupt him at any time with any question, and before he gets through the committee is likely to find out all he knows and some he doesn't know about his subject. The hearings are open to the public.

An official reporter takes down everything that is said, and later the hearings are printed in paper-bound book form. Some of these hearings, like that on the tariff, for instance, *run into* thousands of pages. They bring out a vast amount of useful information, and some of the printed hearings are practically textbooks on the subject discussed. The printed hearings are given to all Members, so that they may become posted on any proposed legislation. Others who are interested may, at times, get copies.

After the hearings are closed the committee holds executive sessions and discusses the bill. It may decide not to report it out. This practically kills a bill. It may decide on some or many amendments to the bill, or it may rewrite the bill in another form, or it may report it out as it was introduced.

When the bill is reported out it goes on the calendar. There are several kinds of calendars, operating for different classes of bills under different rules.

DEBATING THE MEASURE.

The big bills come up in the Committee of the Whole House on the state of the Union. Debate is usually two or four hours, though any amount of time may be agreed upon. Sometimes

12 or 14 hours has been agreed on. The time is equally divided between the majority and minority sides. The greatest fairness as to division and distribution of time always prevails. The time is parceled out by the chairman of the committee in charge on the majority side and the ranking minority Members on the other side.

The bill is first read. Then comes the debate. Sometimes Members must stick to the subject under discussion, and sometimes they are permitted to talk about anything under the sun. Here is where campaign speeches sometimes get in.

After the hours for general debate have been used up the bill is read again by sections for amendments. This is termed "reading the bill under the five-minute rule," as no Member may talk more than five minutes, except by unanimous consent. No Member can get the floor except to advocate or oppose an amendment. Members do often make a motion "to strike out the last word," or "last two words," etc., in order to get the floor for five minutes.

Many amendments are offered and usually some are adopted. On one bill over 300 amendments were offered. Often amendments are offered in order to weaken the bill and help to defeat it. Amendments not supported by the committee have hard sledding and few are passed. Occasionally amendments are offered by Members merely to enable them to make a speech that may please constituents interested. It has been estimated that only about 5 per cent of the amendments offered on the floor are adopted.

When the bill is read through for amendments, which is the second reading, the Committee of the Whole votes on recommending its passage. If this is favorable, the committee then "rises" and the Speaker takes the chair and calls the House to order.

The Chairman of the Committee of the Whole reports the proceedings to the Speaker. Then the bill comes up for third reading. It is read by title only and voted on without further remarks or debate.

FIXED UP IN CONFERENCE.

If it is passed, the bill is sent to the Senate and has the same rocky road to travel over there. Probably it will have sundry amendments tacked to it in the Senate. Then it comes back to the House for another vote. If the House declines to accept the amendments put in by the Senate, the bill is sent to conference. That is, a committee made up of a few Senators and Representatives, the ranking members on the committees that reported the bill out, consider all phases, endeavor to compromise differences, and when they agree their report goes back to both Houses and is usually adopted. Once in a while the bill is sent back to conference several times before one of the Houses is satisfied.

Many a proud father of proposed legislation does not recognize his fond offspring when it is finally passed by both Houses and is ready to be sent over for the President's signature.

There are several other ways of getting bills up in the House. Those pertaining to claims and pensions and of a private nature come up under "unanimous consent." On consent day the father of the bill has good reason to be on the anxious seat, for a single Member may "object" and prevent the consideration of the bill. Very seldom does a Member object out of spite or on account of personal enmity. But there are a half dozen who make a specialty of studying these bills and stand ready to see that they are properly amended or objected to. And many an innocent looking little bill is choked to death on unanimous-consent day.

Some bills come up under a special rule. The Rules Committee presents a resolution providing a special rule for consideration of a bill. The bonus bill, for instance, came up under a special rule. Four hours were allowed for debate and then the bill came up for vote, without allowing any amendments to be offered. You had to take the bill the way it was or not at all. The object, of course, was to prevent unreasonable and harmful amendments being offered or adopted. Men often vote for an amendment and then vote against the bill.

Some think that a curb should perhaps be put on the introduction of so many bills, but that is hardly possible. Who would be competent to censor? Of course, the greatest freedom in this respect must prevail. Let the Congress and the country decide which are worthy and needful. As a matter of fact, when you come to think about it the wonder is that many more bills are not introduced, for practically every man and most every woman in the country has in his or her system the idea of some new law or laws that in his or her opinion ought to be enacted. Many of these ideas of proposed new legislation find their way in the shape of bills to the basket on the Clerk's desk in the House of Representatives or in the Senate. Many start there, but very few wind up at the White House seeking the President's signature.

BUNCOMBE IN CONGRESS.

When the Missouri compromise bill was up for final passage in the House of Representatives in 1820, Henry Clay was pressing for a vote. A Member from North Carolina had been begging for a little time. Mr. Clay tried diligently to put him off; there was no time to yield; the big bill should come up for a vote.

"But," retorted the industrious Member, who had a speech in his system and wanted to get it out, "I must make a speech for Buncombe."

Thus, a hundred and two years ago a new word was coined in a most unexpected manner, and it has come on down the century, growing in significance as it has been abbreviated.

Buncombe, bunkum, bunk—they all mean the same, and the meaning has not changed in the 102 years.

Felix Walker was a sturdy Member of the talkative kind. The old Congressional Globe reports several of his speeches. One of the principal counties in his district was Buncombe County, N. C. Election was coming on. He wanted something to touch the hearts of the voters back home. He wanted to say something for Buncombe.

History does not record whether he succeeded in getting the time to make that speech or not, but he did succeed in coining a new word that will long hold its place in the American dictionaries.

Felix Walker served in the House of Representatives from 1817 to 1823. Whether he was the first to make a speech for Buncombe I do not know. I rather fancy not. But after an intimate knowledge of the House for several years I am fully convinced that he was not the last. In fact, I think he has had many worthy followers—some of whom are still with us.

LOOKING IN ON CONGRESS.

(By Congressman GUY U. HARDY.)

Seniority or length of service has long been a controlling factor in many things in the House of Representatives. I suppose it has always been so more or less, and it is a little more so now than formerly, if possible.

A Member gets his office room in the House Office Building, his seat at committee tables, his rank on his committee, his chairmanship of committee, his place as a conferee on conference committees of the House and Senate, and many other little favors and big opportunities for influence through seniority.

There was a time when the Speaker had some choice in fixing up committees and chairmanships. You heard Uncle JOE CANNON roundly "cussed" about his exercise of that privilege a few years ago. Even then most of the chairmen were selected because they had served longest on the committees. But the Speaker had some latitude and he did make some independent appointments in an effort to put the best qualified man in the place. And often such appointment raised Cain. About 12 years ago there was a revolution, Uncle Joe was defeated for Speaker, new rules were adopted. Committee assignments are now made by a large Committee on Committees and the seniority rule is closely adhered to. There has been but one notable exception in years. The present chairman of Appropriations was not the high man but the second high man on the list.

Chairmen of committees have much power and influence in directing legislation. They can help write legislation, help push it through the committee or hold it back. They have charge of it on the floor. Many bills pass the House in one form and the Senate in another. If one House refuses to accept the amendments of the other, the bill is sent to conference. Conference committees include three or five Members from each House. The House conferees now usually consist of two Republicans and one Democrat or three Republicans and two Democrats who have served longest on the committee. These conferees get together and agree to anything they can and report their findings back. These reports are usually accepted by both Houses.

The seniority rule has been much criticized and there is room for criticism. But there is something to be said for it. Chairmen have the advantage of long experience on their committees. If they are not dubs they must have learned much about the business in hand, and usually dubs do not remain long in Congress. Any other method of selection would start log-rolling, build up machinery and factions, and breed strife and trouble.

The old Members are for seniority rule, and while the new Members may be critical, I rather fancy we will never get far away from it.

However, after all is said, it does sometimes appear that seniority and long service have more influence and power in the House of Representatives than brilliancy and ability.

CHAMP CLARK'S ADVICE.

In discussing the value of long service in the Congress, ex-Speaker Champ Clark said in the House in an address in 1916:

"A man has to learn to be a Representative just as he must learn to be a blacksmith, a carpenter, a farmer, an engineer, a lawyer, or a doctor.

* * * * * * *

"It is an unwise performance for any district to change Representatives at short intervals. A new Congressman must begin at the foot of the class and spell up. Of course, the more brains, tact, energy, courage, and industry he has, the quicker he will get up. If he possess these qualities, and if his constituents will keep him in the House, he is as certain to rise as the sparks are to fly upward. No human power can keep him down. It is only fair and rational to assume that every Representative's constituents desire to see him among the 'top-notchers.'

* * * * * * *

"No man should be elected to the House simply to gratify his ambition. All Members should be elected for the good of the country.

"The best rule, it seems to me, is for a district to select a man young enough to learn and to grow, with at least fair capacity, industrious, honest, energetic, sober, and courageous, and keep him here so long as he discharges his duties faithfully and well. Such a man will gradually rise to high position and influence in the House. His wide acquaintance with Members helps him amazingly in doing things. We live in parlous times. Abraham Lincoln's favorite argument for his own reelection was that it is unwise to swap horses in the middle of the river—which applies to Congressmen as well as Presidents.

"I can speak freely on this subject without violating the proprieties, for my constituents have kept me here 22 years, and for 20 years have given me nominations without opposition, for all of which favors I thank them from the bottom of my heart. Their generous action and unwavering friendship have enabled me to devote all my time to the public service. I have not been compelled to spend any portion of my time in 'mending my fences.' My constituents have attended to that. God bless them!"

WHEN A CONGRESSMAN DIES.

When a Congressman dies the House solemnly passes a resolution of acknowledgment and then adjourns. But usually by common consent the resolution is held on the Speaker's desk until the business of the day has been completed, and at about 5 or 5.30 o'clock the resolution is read, passed, and the House stands adjourned.

The resolution always runs the same. It reads:

"*Resolved*, That the House has heard with profound sorrow of the death of Hon. Mr. Blank, a Representative from the State of ———.

"*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

"*Resolved*, That as a further mark of respect this House do now adjourn."

Few things are permitted to interfere with the business of the House. The work goes grinding on through the weeks and months. The House passes laws setting apart holidays that others may rest, and celebrate, and revere the memory of notable men, but the House goes on with the Nation's business without resting or celebrating.

The House evidently thinks that the best respect it can pay to the memory of the country's notables and its own dead is to go on with its important work. And so it does, usually.

Occasionally, if business is not too pressing and if the deceased Member was more or less prominent, the resolution is passed soon after the House meets at noon. And when that happens I dare say that most of the Members feel a good deal as the schoolboy feels when a teacher or a fellow pupil dies and school is dismissed; they enjoy getting a day off.

Seventeen Members are usually appointed to attend the funeral, and when a Member dies in office he is likely to have a notable gathering at his grave side.

A day is set apart when those who knew him best pay eloquent tribute to his work and memory. Here again the economical tendency of Congress is shown, as the day set is always a Sunday when other business is not up for consideration. The speeches delivered on this occasion are published in the CONGRESSIONAL RECORD, and a little booklet containing them is made up, each Member being given a few copies.

The other day I looked up a copy of one of these memorials for a gentleman in Pueblo. It was the memorial address on the life and character of James N. Burns, of Missouri, delivered February 23, 1889. Although this was over 33 years ago, I was surprised to note how many gentlemen spoke on that day whose names are well known to us of this day; and some of the addresses are notable examples of eloquence. Ex-Speaker Henderson, Dockery, Holman, Randall, Breckenridge, Butterworth, Stone, Grosvenor, Cockrell, Voorhees, Hale, Gorman, and Vest. Surely an array of brilliant names.

It is customary for Congress to vote a year's pay to the widow of a deceased Member.

There are many deaths in Congress. I am told about 18 a year, and the flag on the House Office Building flies at half-mast a good deal of the time.

In the present Congress there have been 13 deaths. They are as follows: Fred L. Blackmon, of Alabama; Samuel M. Taylor, of Arkansas; John A. Elston, of California; William E. Mason, of Illinois; William H. Frankhauser, of Michigan; Charles F. Van de Water, of California; Henry D. Flood, of Virginia; Prince J. Kuhio Kalanianaole, of Hawaii; Lucian W. Parrish, of Texas; Samuel M. Brinson, of North Carolina; and Moses R. Kinkaid, of Nebraska.

Two of these Members committed suicide and two were killed in automobile accidents.

After a death occurs the governor of the State from which the deceased comes, as soon as he can decently do so, calls a special election to fill the vacancy. If he does not do this the vacancy is not filled until the next regular election.

Over in the Senate when a death occurs the governor of the State appoints a Senator to fill the vacancy until the next regular State election. A constitutional amendment has been suggested to provide that vacancies in the House should be filled in like manner. Such an arrangement would save the States much money which special elections necessarily cost.

HOME PROBLEM OF MEMBERS.

One of a Congressman's little troubles is the home problem—getting a house to live in. Washington is the highest priced city in the country. Property and rents are high. If a man is there alone, he can live at a hotel. If he has a family, he must have a house or an apartment. The hotels are high priced. The houses and flats are out of sight.

What Members pay for houses, of course, depends upon what they get and want to pay. Several Members pay $7,500 a year rent, and quite a number pay from $3,600 to $5,000. Of course, they do not live on their salaries. They get something from back home. The Members who try to live on their salaries, or nearly so, pay from $150 to $250 a month for a furnished house. And you do not get as much in Washingtor for $200 a month as you can get in Colorado cities for $50.

Within the moderate prices, houses are very hard to get and usually undesirable. Most residence property in Washington is built in rows—houses in solid blocks, like store buildings. They are usually 17 to 20 feet wide, three stories high, with three rooms on each floor, windows only in front and back, a front yard 10 or 12 feet deep.

FIRST CONGRESS MET IN 1789.

The Congress in session at this time is the Sixty-seventh Congress. The First Congress under the Constitution met in 1789. It should have met on March 4, but a quorum did not show up, so it adjourned from day to day until April 1, when it opened for business. On April 6 of that year both Houses met in joint session and canvassed the electoral vote for President and Vice President. George Washington was found to be elected President and John Adams Vice President.

CONGRESS LASTS TWO YEARS.

Congress consists of a two-year term. There are two regular sessions and occasionally a special session or two. Members of the House of Representatives are elected for two years and Senators for a term of six years. The Congress elected in November does not convene in regular session until the first Monday in December of the following year. But for several years a special session has been called soon after the 4th of March following the election.

LOOKING IN ON CONGRESS—A CONGRESSMAN'S DAY.

(By Congressman GUY U. HARDY.)

Most people think that a Congressman has a soft snap. Little work, big pay, bright lights, much society. I suppose I used to think so. I had seen legislatures at work, and I naturally supposed that such an important body as the Congress would not work more continuously than does a State legislature. I had never seen much of the eastern part of the country, and when I came down here I found myself planning little week-end trips to New York, Atlantic City, New England, and near-by places.

But I had another guess coming. The Congress takes mighty few week-end recesses.

In olden times, a few years ago in fact, the Congress was in session, more or less leisurely, for about half the year. The Members could spend a good deal of time back home where Congressmen are not so numerous and where their official title cuts more ice than it does here in Washington. But during the past six or seven years the Congress has been in almost continuous session. The war, of course, threw a big burden on Congress and brought about the extra long sessions. The talk here would indicate that for a long time to come a Member will spend most of his time in Washington.

The House meets every day at 12 o'clock noon and continues in session usually until 5 or 6 o'clock at night, and sometimes later. It meets usually every day except Sunday. It observes few legal holidays and has taken only short recess at Christmas times.

When the House is in session a Member rarely leaves the hill. He may not sit in the House all the time, but he sticks around near by so as to be on hand if a quorum is needed or a vote taken.

He gets his lunch whenever he can. There is a restaurant in the Capitol and in the House Office Building, and he usually eats hurriedly in one of these when he finds a slack time. Men's tastes in lunches vary everywhere, but I have observed that Members are usually light eaters at lunch time. The Speaker and several other men of my acquaintance always take a pint bottle of milk and eat it in a bowl with crackers or bread. This may be followed by ice cream, pie, or some simple dessert.

HARD WORK IN COMMITTEES.

If a Member had nothing else to do but to attend sessions of the House and give some study, thought, and consideration to the big problems before Congress he would find himself quite well occupied. But that is only half of the work—perhaps not half. Much of the business of Congress is conducted in committees.

Every bill is first considered in a committee, and sometimes a committee spends weeks or months holding hearings and considering a single bill. This was true of the revenue, tariff, bonus, immigration, educational, prohibition enforcement, appropriation, and other big bills. Some committees meet every day for weeks at a time, and others at less frequent intervals. Committees usually meet at 10 o'clock in the morning. Sometimes they go on working while the House is in session and sometimes they meet at night.

Some Members have very hard committee work and some are more or less fortunate, as they choose to look at it. As a rule, every committee wants to consider every bill that can possibly be referred to it, and almost every Member is anxious to get on the most important and hardest working committees.

Then there is the office work. The mail brings lots of office work. The office and departmental work alone would keep a man fairly busy all of the time if he worked union hours.

MUCH BUSINESS WITH DEPARTMENTS.

The practice has grown up for many people to write their Congressman about their business with the various departments. The western Members get a great deal more of this class of work to do than do the Members from the East and South. The public land States furnish much business that must be looked after at the General Land Office. During the week a Member is apt to have business before the Interior Department, the Forestry Service, the Pension Bureau, the Veterans' Bureau, and the Post Office Department. And he may have an immigration case before the Labor Department, a passport case before the Department of State, some business in some branch of the Agriculture Department, and almost anything else before any other bureau or department in Washington.

A Member never considers the question of official duty. If it is something that can properly be done, and a constituent wants it done, he goes and does it. And he is glad to do it, for it makes him a friend back home. But it all takes time and helps to make his day a full day.

Offices are usually open by 9 o'clock in the morning and many Members are there ahead of their secretaries. The secretaries may have hours to work by, but the Congressman has none—or rather many. There are lights in half the offices at night and the best time to find many Members in their offices is at night.

Society affairs are not on the daily program of many Members. A few large receptions may be attended and a few dinners exchanged, but the average Member wears his evening clothes, if he has any, less frequently in Washington than he does in his home town.

So it may be seen that a Congressman, if he takes his job seriously, soon finds that in Washington he is just a plain, everyday workingman with a daily program full and complete.

A CONGRESSMAN'S MAIL.

A Congressman's desk is full of mail and propaganda.

What do the people write about, you ask.

Well, about almost everything under the sun. The Congressman is the bureau of information for his district. He is the direct Representative for his district of the great Government at Washington to which all people turn when in need or distress.

Letters come favoring or opposing legislation; asking for information on every conceivable subject; asking for Government aid in all sorts of enterprises; asking help to get people out of all sorts of difficulties and troubles; asking for information that will help boys and girls in debates; asking for decisions to help settle bets; asking for literature on all manner of subjects; asking for aid in getting post offices and rural routes established.

The homesteader seeks his Congressman's assistance in land office matters. The old soldier and the soldier of later wars bring many problems to their Congressman. The mothers of soldiers often have need of help in the way of delayed insurance adjustments, a discharge for the boy who enlisted under age, and occasionally help to get clemency for a boy in prison. The farmer asks for bulletins, agriculture yearbooks, garden seed, rare field seed, farm loans, and a variety of other things. One wrote in and asked for the loan of a Government bull. They also write often about fence laws, road laws, and high taxes on real estate, with all of which the Federal Government has nothing to do.

Claims against the Government produce much mail and some work. Some of the claims are recent and collectible, but many are for losses during the Civil War and before, and these, however just, are hard to do anything with at this late date.

Many people write urging larger appropriations for various departments of the Government in which they or their communities are directly interested. Some urge greater appropriations and lower Federal taxes at the same time.

Some letters refer to jobs the writers would like to obtain, but a Congressman has little influence in procuring jobs now since nearly all Government positions have been put in the civil service. This class of letters does not crowd the desk.

There are many unclassified requests, such as one from the citizens of a certain town alleging that the citizens of another town had stolen their courthouse in the night and asking for its return through Government agency.

PROPAGANDA IS PLENTIFUL.

Then there is the propaganda, which is in a class by itself. It comes from all quarters of the globe and covers all subjects relating to life, from birth control to Government graveyards. It is delivered by wire, mail, and messenger. It runs in volume from a telegram or post card to bound books. No subject is suggested in Congress, it seems, that does not bring forth a shower of propaganda, and some subjects bring a deluge.

So you can see that a Congressman's desk is apt to be full of mail. His office is quite a business institution. If he had no legislative duties to perform he would find his whole time well employed in taking care of the mail and the requests for service which the mails bring in.

And, withal, let me say that a Congressman likes to hear from home. He wants to be of service to his constituents. He courts the business, so to speak. He is proud of the big bunch of mail that comes in and is pleased to see a big bunch go out at the close of the day. A big mail indicates a close touch with home. Most Members answer most letters. I have replied to every letter that has come to my office from Colorado except one. That came from a sort of anarchist, I would judge. Anyway, I could hardly dictate a proper reply to a lady stenographer, so that single letter among the thousands went into the wastebasket unanswered.

RIVER AND HARBOR BILL.

Mr. **FREEMAN**. Mr. Speaker, I call up the river and harbor bill and ask to disagree to the Senate amendments and agree to the conference asked for by the Senate.

The **SPEAKER**. The gentleman asks unanimous consent to disagree to the Senate amendments and agree to the conference asked for on the river and harbor bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (10766), authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The **SPEAKER**. Is there objection?

Mr. **STAFFORD**. Mr. Speaker, reserving the right to object, there are two very important amendments added to the river and harbor authorization bill in the Senate, one providing for the purchase of the Cape Cod Canal and the other in reference to the Dismal Swamp Canal. It was my privilege to talk with the chairman of the Committee on Rivers and Harbors on his way home a week ago. I am not privileged to express his position on those projects, but I wish to inquire whether the chairman of the committee (Mr. Dempsey) is going to be one of the conferees on the river and harbor bill and will be in the city to attend the conference?

Mr. FREEMAN. Mr. Speaker, in reply to the gentleman I understand the gentleman from New York (Mr. Dempsey) will be here this afternoon and will take part in the conference.

Mr. STAFFORD. Mr. Speaker, so far as the Dismal Swamp project is concerned, if it is not going to be disagreed to in conference from my acquaintance with the project, the House should have an opportunity to express its opinion on it before an agreement is reached.

Mr. FREEMAN. Mr. Speaker, in reply to the gentleman I will state that it is a matter that may be attended to in conference, and after the conferees have considered the matter the House will have an opportunity to act upon it.

Mr. STAFFORD. That is not definite enough. I would like for the House to have an opportunity to vote on the Dismal Swamp project if the conferees are not disposed to disagree to it, because from what I know of the facts in the case it is not worthy of adoption.

Mr. MOORE of Virginia. Will the gentleman allow me to say this——

Mr. STAFFORD. In the closing hours of a Congress I do not intend to have a project of that character adopted without any consideration on the part of the House.

Mr. MOORE of Virginia. I know something about the matter, probably more than does the gentleman from Wisconsin, and I oppose my view to the view he has stated. I think it is a proposition that ought to be very seriously and deliberately considered by the House.

Mr. STAFFORD. That is what I am asking, that the House be given an opportunity to consider it, and not merely have it considered on the conference report and voted up or down.

Mr. MOORE of Virginia. The gentleman made the statement, that unless the House is disposed to reject the proposition there ought to be a yea and nay vote.

Mr. STAFFORD. I did not say that. I said that unless the conferees are disposed to disagree to it, I want the House to be given an opportunity to vote upon it before it is agreed to in conference.

Mr. DYER. Mr. Speaker, has this proposition ever been considered by the House Committee on Rivers and Harbors?

Mr. FREEMAN. Not definitely.

Mr. DYER. I think the gentleman's proposition is the correct one. We ought to have an opportunity to vote upon it.

Mr. WARD of North Carolina. I would say to the gentleman that the committee has considered the Dismal Swamp proposition.

Mr. DYER. During this Congress?

Mr. WARD of North Carolina. Yes, during this Congress, and within the last 60 days. There is a member of the committee behind me hears me.

Mr. FREEMAN. Mr. Speaker, in the absence of the chairman of the committee, the gentleman from New York [Mr. Dempsey], I will make an agreement in behalf of the gentleman from New York to that effect in so far as I have the power to act for him.

Mr. MOORE of Virginia. Mr. Speaker, we could not hear what the gentleman from Connecticut said.

The SPEAKER. The gentleman from Connecticut said that in the absence of the gentleman from New York [Mr. Dempsey] he would make an agreement in so far as he had the power. Is there objection?

Mr. HUDDLESTON. Mr. Speaker, reserving the right to object, I understand that in the report is this Cape Cod Canal proposition, which is recommended by a bill now on the calendar, reported by the Committee on Interstate and Foreign Commerce, to which I have very serious objection.

I regret very much that I am compelled to object in the matter, to taking any short cut, such as is proposed. May I ask the gentleman in charge of the bill, Mr. Speaker, if the House will have an opportunity to vote on that Cape Cod Canal proposition as a separate matter?

Mr. FREEMAN. I make the same statement in regard to the Cape Cod Canal proposition as to the Dismal Swamp Canal, that the House will have an opportunity to vote upon either one or both of them.

Mr. HUDDLESTON. I understand that will be separate?

Mr. FREEMAN. Yes; so far as I am concerned.

The SPEAKER. The Chair will appoint as conferees on the part of the House Mr. Dempsey, Mr. Freeman, Mr. Radcliffe, Mr. Mansfield, and Mr. Kindred.

HOUR OF MEETING TO-MORROW—10.30 O'CLOCK.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 o'clock to-morrow morning.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 o'clock to-morrow morning. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand this is for the purpose of expediting the consideration of the conference report on the tariff bill?

Mr. MONDELL. That is my purpose.

Mr. GARRETT of Tennessee. It will require, if I am correctly informed, at least two hours to read the report or the statement, whichever one may be read. It is the intention, I presume, to dispose finally of the conference report to-morrow?

Mr. MONDELL. It is.

Mr. GARNER. Mr. Speaker, if the gentleman will permit, I suggest that now is a good time to make an arrangement for the disposition of time in the debate on the conference report to-morrow. As I understand, you are asking unanimous consent to meet at 10.30 o'clock to-morrow morning, and that, as stated by the gentleman from Tennessee [Mr. Garrett], is for the purpose of expediting the passage of the bill to-morrow?

Mr. MONDELL. Yes.

Mr. GARNER. Would it not be well now to arrange that after the statement or report is read, so much time shall be had by the gentleman from Michigan and myself?

Mr. FORDNEY. That is agreeable to me, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. FORDNEY. Mr. Speaker, when the report shall have been read, I ask that we have four hours' general debate on the bill, one half of that time to be controlled by myself and the other half to be controlled by the gentleman from Texas [Mr. Garner], and that at the end of that time the previous question be ordered.

The SPEAKER. Considered as ordered?

Mr. FORDNEY. Yes; considered as ordered.

The SPEAKER. The gentleman from Michigan asks unanimous consent that there be four hours' general debate, and that half of that time be controlled by himself and the other half by the gentleman from Texas [Mr. Garner], and that at the end of that time the previous question shall be ordered. Is there objection?

There was no objection.

Mr. STAFFORD. That does not waive any rights as to points of order on the conference report?

The SPEAKER. No; the Chair so understands.

EXTERMINATION OF INSECTS.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Concurrent Resolution No. 66.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Speaker's table House Concurrent Resolution No. 66, with Senate amendments. The Clerk will report it.

The Clerk read as follows:

House Concurrent Resolution 66.

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol be, and he is hereby, authorized and directed to make a contract for the extermination and banishment of insects from the House Office Building, the Capitol, and the Senate Office Building at an expenditure not to exceed $2,500. That the expenditures in carrying out the contract be paid from the contingent funds of the House and Senate in equal proportions, and upon vouchers authorized by the respective committees having control of the contingent funds of the Senate and House of Representatives and approved by the chairmen thereof.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. STAFFORD. The principal Senate amendment has merely doubled the amount of money that will be available for the extermination of rodents, roaches, and bugs.

Mr. IRELAND. Quite so.

Mr. STAFFORD. Has any estimate been given the committee by the Architect of the Capitol as to how this money is to be expended, whether under contract or by the employment of individuals?

Mr. IRELAND. There is a perfect understanding between the committee and the Architect of the Capitol. It is to be done under contract, and the gentleman from Wisconsin will observe that the resolution states "not to exceed" a certain amount. We rely on the Architect of the Capitol to make the most equitable and best contract possible. I think the amount inserted by the Senate is excessive, but we have the protection of the office of the Architect of the Capitol. I think it is amply protected under the resolution.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

On motion of Mr. IRELAND, a motion to reconsider the vote by which the Senate amendments were agreed to was laid on the table.

LAKE ANDES, S. DAK.

Mr. SNYDER. Mr. Speaker, I move to take from the Speaker's table House bill 243, providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak., and to concur in the Senate amendments.

The SPEAKER. The gentleman from New York moves to take from the Speaker's table and concur in the Senate amendments to a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. STAFFORD. Mr. Speaker, will the gentleman explain the scope of the amendments just read and how they change the original House bill if in any material particular?

Mr. SNYDER. A number of years ago four wells were sunk upon this land for the purpose of providing water for Indian allotments. They have produced so much water, more than is needed—which is very unusual—that the surplus water has spread over certain lands and formed a sort of lake. The proposition now is to provide a spillway and ditch for taking the water away, so that it will not destroy the land that the water has backed up upon. Since the bill was originally presented it has been found that by raising the level 2 feet it will cost considerably less money to carry out the project. So the bill has been amended and the authorization reduced from $60,000 to $50,000. There is no other purpose. It is an absolute necessity for the purpose of retaining what land we have up there for the use of the people who own it and who are allotted upon it. Therefore, this morning the committee held a meeting and decided to accept the amendments, and authorized me to ask that the House accept them.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

FORT PECK RESERVATION, MONT.

Mr. SNYDER. Mr. Speaker, I move to take from the Speaker's table H. R. 8010, an act to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont., and agree to the Senate amendment.

The SPEAKER. The gentleman from New York moves to take from the Speaker's table and agree to the Senate amendment to a bill which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. Yes.

Mr. STAFFORD. As I understand, the Senate amendment is in the identic form in which the Committee on Indian Affairs originally reported the bill to the House.

Mr. SNYDER. Absolutely the same.

Mr. STAFFORD. During the consideration of the bill in the House an amendment was adopted providing that the land should be leased under the terms of the general oil leasing law.

Mr. SNYDER. Yes.

Mr. STAFFORD. Why did the gentleman not insist on that amendment?

Mr. SNYDER. I had no opportunity to insist upon it. The bill has just come over, and there is so little difference between the one proposition and the other that it really amounts to nothing.

Mr. STAFFORD. The gentleman has that opportunity now, to move to disagree to the Senate amendment and ask for a conference, so as to test out that provision as to whether the leasing of these oil lands on the Fort Peck and Black Earth Indian Reservations should be according to the terms of the general oil leasing bill or not. That was the purpose of the House in adopting the amendment.

Mr. MONDELL. That was the purpose of the gentleman who made the motion.

Mr. STAFFORD. It was the purpose of the House in adopting the amendment.

Mr. SNYDER. The purpose was to allow the leasing of certain surplus lands that were earning nothing for anyone, so as to produce some revenue from them, and from my investigation, so far as income from that surplus property is concerned, there would be no difference whether we adopt this language or the language of the bill as it passed the House.

Mr. MONDELL. Mr. Speaker, I think the language of the bill in its present form is preferable to the amendment offered in the House. I do not know, and I doubt if anyone knows just what regulation under the general leasing act would be followed in connection with the leasing of land on an Indian reservation where the funds go to the Indians. I think the original House provision the better one, leaving the matter to the discretion of the Secretary under the general law, and the rules that apply to the leasing of lands on Indian reservations.

Mr. STAFFORD. That allows the leasing of them without any limit at all, indefinitely and for all time to come, whereas under the general oil leasing law the leasing is for a term of years.

Mr. MONDELL. The Indian leases are generally for a shorter term than the leases under the general leasing act—they are almost invariably for a shorter period.

Mr. SNYDER. The Interior Department makes the leases anyway, and, as far as I have been able to discover since I have had anything to do with Indian affairs, the Indians are pretty well looked out for in the making of these leases, whether they are made by one board or the other, so I was not particularly technical about this. I think the Senate amendment is all right. Therefore I agreed with the committee this morning that we would ask the House to accept the Senate amendment. If the House does not wish to do that, it will be perfectly agreeable to me.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

AMENDMENT TO AGRICULTURAL APPROPRIATION ACT OF 1920.

Mr. HAUGEN. Mr. Speaker, I move to take from the Speaker's table H. R. 10672, to amend the act of July 24, 1919, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920," and agree to the Senate amendment to the title.

The SPEAKER. The gentleman from Iowa calls up a House bill with a Senate amendment, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment to the title of the bill was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

CERTAIN APPLICATIONS FOR AND ENTRIES OF PUBLIC LANDS.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 10419 validating certain applications for and entries of public lands, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table a bill which the Clerk will report, and to disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. HAYDEN.

PUBLIC PARK FOR CANON CITY, COLO.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 7053, to grant certain lands to the city of Canon City, Colo., for a public park, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table a bill which the Clerk will report, and to disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. HAYDEN.

PUBLIC PARK FOR ESCAMBIA COUNTY, FLA.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 7967, granting certain lands to Escambia County, Fla., for a public park, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table a bill which the Clerk will report, and to disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. SINNOTT, Mr. SMITH of Idaho, and Mr. HAYDEN.

FRANCES KELLY.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House bill 9275, for the relief of Frances Kelly, and to disagree to the Senate amendment and ask for a conference.

The SPEAKER. The gentleman from Oregon asks unanimous consent to take from the Speaker's table a bill which the Clerk will report, and to disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object on this bill. I believe there is a distinct proposition involved. There was some question whether we should ever grant to this woman the right to these lands in the forest reserve. Is the gentleman acquainted with the Senate amendment?

Mr. SINNOTT. No; I am not very well acquainted with the Senate amendment. It was handed to me, and I think it is a bill which should go to conference.

Mr. STAFFORD. Will the gentleman have it lie over temporarily?

Mr. SINNOTT. I have no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House dispense with business under the Calendar Wednesday call to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that Calendar Wednesday business to-morrow be dispensed with. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 39 minutes p. m.) the House, under the order heretofore adopted, adjourned until Wednesday, September 13, 1922, at 10 o'clock and 30 minutes a. m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ECHOLS: A bill (H. R. 12603) to provide for the purchase of a site and for the erection of a public building thereon at Beckley, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. HUDDLESTON: A bill (H. R. 12604) to provide for public education upon political questions and for the dissemination of information upon political issues and matters of a political nature of public interest; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. JOHNSON of Washington: A bill (H. R. 12605) to forbid the employment of noxious substances upon the living bodies of domestic animals; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 12606) for the relief of Charles Ritzel; to the Committee on Naval Affairs.

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 12607) granting a pension to Sallie T. Dietrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12608) granting a pension to Helen Gordon; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 12609) to provide for a preliminary survey of the Skagit River, Wash., with a view to the control of its floods; to the Committee on Flood Control.

By Mr. HAWLEY: A bill (H. R. 12610) granting a pension to John Forncrook; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 12611) for the relief of W. R. Grace & Co.; to the Committee on Claims.

By Mr. O'CONNOR: A bill (H. R. 12612) for the relief of Frank B. Ferrill; to the Committee on Naval Affairs.

By Mr. ROBSION: A bill (H. R. 12613) granting a pension to Ruth V. Hutchens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12614) granting a pension to Vina Hacker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12615) granting a pension to Grant Combs; to the Committee on Pensions.

By Mr. SEARS: A bill (H. R. 12616) for the relief of Emma LaMee; to the Committee on Claims.

Also, a bill (H. R. 12617) for the relief of H. B. Stout; to the Committee on Claims.

By Mr. SPEAKS: A bill (H. R. 12618) granting a pension to Anna O'Neil; to the Committee on Pensions.

By Mr. TREADWAY: A bill (H. R. 12619) granting an increase of pension to Esther E. Green; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6295. By Mr. KISSEL: Petition of Aeronautical Chamber of Commerce of America (Inc.), New York City, N. Y., regarding Senate bill 3076, to create a bureau of aeronautics; to the Committee on Interstate and Foreign Commerce.

6296. Also, petition of Army and Navy Journal, New York City, N. Y., regarding the Army appropriation bill for 1922 and 1923; to the Committee on Appropriations.

6297. Also, petition of the Modern Priscilla, Boston, Mass., favoring the passage of House bill 11965; to the Committee on Post Offices and Post Roads.

6298. Also, petition of International Association of Machinists, Washington, D. C., favoring the passage of House bill 10967; to the Committee on Naval Affairs.

6299. Also, petition of Charles Colman Miller, Esq., Brooklyn, N. Y., regarding the tariff bill; to the Committee on Ways and Means.

6300. By Mr. SPEAKS: Papers to accompany House bill 12566, granting a pension to Mary M. Maynard; to the Committee on Invalid Pensions.

6301. By Mr. TOWNER: Petition of 35 widows of soldiers of the Civil War of Mount Ayr, Iowa, asking for the passage of a law to increase pensions to $72 and $50 per month; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *September 13, 1922.*

Rev. Wallace Radcliffe, D. D., of the city of Washington, offered the following prayer:

Blessed be the Lord who daily loadeth us with His benefits, even the God of our salvation. Accept our thanksgiving. Forgive our sins of forgetfulness or neglect or abuse, or in any way wherein we have not obeyed Thee, and endow us with Thy grace for that which Thou hast appointed to us for this day.

Again we thank Thee and especially are grateful that Thou art lifting Thy hand from the special burden in the home of the Chief Executive. Continue Thy favor. Quickly restore to health and vigor. Relieve all fear and anxiety. And to Thy servant, the President of the United States, and to all of us, out of the things that are not joyous but grievous, bring the exceeding and eternal weight of glory.

Bless Thy servants of the United States Senate to-day. Keep them in Thy fear. Endow them with Thy wisdom, that their lives may be in Thy favor and their decisions be in harmony, to the peace and righteousness of the Nation and to the glory of Thy name. Through Jesus Christ. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, September 11, 1922, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 9103) for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes, and it was thereupon signed by the President pro tempore.

TEAPOT DOME CONTRACT—NAVAL RESERVE NO. 3, WYOMING.

Mr. WARREN. Mr. President, I wish to have printed in the Record certain papers which I send to the desk, being a short note written by me to the Secretary of the Interior, his letter in reply, with certain memoranda, and an item clipped from the Boston Transcript, all concerning a matter in Wyoming relative to the production of oil, which I think important. I ask that the matter may be printed in 8-point type.

There being no objection, the matter was ordered to be printed in the Record in 8-point type, as follows:

United States Senate,
Committee on Appropriations,
Washington, D. C., August 28, 1922.

My Dear Mr. Secretary: Your attention has probably been called to those pages of the Congressional Record setting forth some criticisms of the Teapot Dome contract made in the Senate.

You can realize that the State of Wyoming is very intensely interested in this matter, owing to the fact that the land in question is located in that State, and the State is in hopes that it may obtain a substantial interest in the Government royalty through the enactment of necessary legislation.

It would be appreciated if you would advise me fully relative to your conception of the alleged causes for the criticism of this contract which has been made by some of the Senators.

Trusting I may hear from you at your convenience, and with kind regards, I am,

Very sincerely yours,

F. E. Warren.

Hon. A. B. Fall,
Secretary of the Interior, Washington, D. C.

The Secretary of the Interior,
Washington, September 12, 1922.

My Dear Senator Warren: I have your note in which, among other things, you state: "It would be appreciated if you would advise me fully relative to your conception of the alleged causes for the criticism of this contract which has been made by some of the Senators." Of course, you refer to what is known as the Teapot Dome contract, and, among others, I suppose, to the recent speech of Senator Kendrick.

Under date September 8 an article concerning this contract appeared in the Boston Transcript, and I think other papers, the same being written by William E. Brigham.

Mr. Brigham, after reading one of these speeches, came to me concerning the same and was furnished a memorandum which I dictated, also of facts, etc., from the records in the Bureau of Mines, and after the preparation of this article he read the same over to me before having it published. I therefore had an opportunity to check it over, and I can say to you that the statements as to royalties, bonus, and other data and figures given are correct, as shown by our records.

Some time since an article appeared in the Denver Post which appears to be the basis for the errors made by Senator Kendrick and others. At that time I had a memorandum prepared concerning these various misstatements, or incorrect statements, and I am also inclosing you this memorandum. In addition to the comparative data given in the Brigham statement and in the memorandum inclosed I might call attention to the fact that upon section 30, in the Salt Creek field, Mr. F. G. Bonfils has a permit with a producing well thereupon for which no lease has been requested and which pays a flat royalty under the law of 20 per cent. The tested 24-hour production of this well is 1,125 barrels. If the well were allowed to produce at this rate, and royalty could be collected under the Teapot Dome-Sinclair contract upon the oil produced, the lessee would pay 35.74 per cent royalty instead of 20 per cent.

As to the real causes of the original criticism concerning this contract I am informed that some persons claim that they were entitled, by assignment or otherwise, to a large amount of money through the sale by the Pioneer Oil Co. to Sinclair of titles to the privately claimed lands within the Teapot Dome. I am informed that Sinclair paid $1,000,000 for the titles to these properties, and that some parties, of whom at the time he knew nothing, and who had no contract of record, have declined to settle with the Pioneer Co. and are seeking to collect some sum between $500,000 and $5,000,000. My information is that these parties are very much impressed with the idea that they can not recover by a suit, but that by agitation in the press and in the Senate they may secure a large sum.

Very respectfully yours,

Albert B. Fall, *Secretary.*

Hon. Francis E. Warren,
United States Senate.
(Inclosures.)

MEMORANDUM.

No attempt is made at this time to answer fully the speech of Senator John B. Kendrick of Wyoming, delivered in the United States Senate on August 25, 1922, relative to the contract between the Government and the Mammoth Oil Co., for the development of naval reserve No. 3, Wyoming. It is felt, however, that the Senate should be advised on a few of the more important facts.

The Senator states: "I also appealed to geologists and to others experienced in the oil business for information," which has led me to conclude in reading over the Senator's speech that he has been misinformed upon several points. Some of these are brought out in the following:

ESTIMATES OF ULTIMATE PRODUCTION FROM SALT CREEK AND TEAPOT.

The Congressional Record reads: "It is confidently believed it (Salt Creek) will equal, if it does not exceed, a billion barrels"; also "oil men * * * estimate the possible production of this naval reserve at 420,000,000." These figures indicate that Salt Creek and Teapot will have an ultimate production of 1,420,000,000 barrels. This figure seems exceedingly high. In this connection I call attention to an estimate of the oil supply of the United States after a review of the producing, probable and possible, oil-bearing regions of the United States by a joint committee composed of members of the American Association of Petroleum Geologists and of the United States Geological Survey. Those familiar with estimation of oil reserves undoubtedly agree that this group of men represented the country's most competent geologists. Their estimates gave the entire State of Wyoming a total oil reserve of 525,000,000 barrels on January 1, 1922. In other words, this estimate was only 105,000,000 barrels in excess of the amount which Senator Kendrick advises the Senate as the ultimate production of Teapot alone. It must be emphasized again that the geologists' estimate referred to above covered the oil remaining underground in the entire State of Wyoming on January 1, 1922.

DRAINAGE.

I find it impossible to agree with the Senator regarding the danger of drainage of naval reserve No. 3. It is true that the bulk of the land adjacent the reserve No. 3 is owned by the United States. This land, however, was leased or prospecting permits were granted for its development under the leasing act of February 25, 1920, so that all of the land surrounding the reserve is subject to drilling. The reserve therefore would be in danger of drainage, not only from certain wells which have already been drilled in Salt Creek adjacent to the reserve, but from other wells which will be drilled in the near future within 200 or 300 feet from its boundary.

Senator Kendrick states "that part of the reserve that lies north of this dividing line is not a part of Teapot structure, but a part of the Salt Creek structure, and might be subject to some drainage." It should be pointed out that if the dividing line were drawn at the point he suggests—that is, roughly parallel to the northern boundary and 1 mile to the southeast—there would lie within the reserve between this line and the northern boundary approximately 1,400 acres, all but a small area of which should be productive. This 1,400 acres would be included in the estimated 4,700 to 5,500 probable productive acres of the reserve. It should be pointed out in this connection that the southern portion of the reserve will probably contain water and not oil in the first and second Wall Creek sands, assuming that the oil limits follow in general the same conditions as in Salt Creek; that is, probably 3,700 to 4,500 acres in the reserve will contain water and not oil in both first and second Wall Creek sands.

Senator Kendrick advised the Senate that "a well will not draw oil from a greater area than 10 acres," so that oil could not be drawn from over 200 or 300 acres out of a total of 9,000. In the first place, it is believed that there will not be over 5,500 acres productive in this reserve. In the second place, I frankly believe that the Senator has been confused in the matter of one well draining 10 acres. It is ordinarily considered in oil-field practice that the economic spacing of wells for the recovery of the maximum commercial extraction of oil is one well to 8 or 10 acres, but this is distinctly different from and should not be confused with the distance which drainage will affect a given area. It is the reduction of gas pressure which is the most serious thing in affecting future production, for on the withdrawal of gas, which migrates farther than oil, there is left behind "dead oil," which has no propulsive force to move it to other wells drilled later.

The matter of drainage has been quite fully covered in my report to the President dated June 3, 1922, and I do not wish to go into the subject again at this time, but feel impelled to call attention to Exhibits A and B, pages 27 to 30, in Senate Document No. 210, in which the Director of the Bureau of Mines has informed me of an estimated loss of 22,000,000 barrels of oil by the Government in naval reserves in California due to failure to drill necessary wells in those reserves. It was, of course, argued by a great many that the Government would suffer no loss at the time such drilling was necessary, but men like Mr. M. L. Requa and Mr. Franklin K. Lane urged that the Navy should protect its reserves by drilling wells. Time has since shown that the contention of these men regarding the need of protection by the Government with its own wells was more than justified.

I wish also to point to Exhibits G, H, and I in Senate Document 210, furnished by three experts of the Department of the Interior, who are in actual charge of the Government's oil work, and by a former member of the United States Geological Survey, who prepared the report on Salt Creek issued as Bulletin No. 670 of the United States Geological Survey. After a review of these impartial statements I am convinced that the Senate will be inclined to agree with the statements which I made on drainage, as printed on page 17 of Senate Document No. 210.

ROYALTIES.

As previously stated, no attempt is being made to fully answer the criticisms of Senator Kendrick regarding this contract, but it is believed that a brief discussion of the royalty situation in Salt Creek is advisable. The royalty rates in the Salt Creek field vary and the land bears one of the following royalty rates:

a. Regulation royalty sliding scale, 12½ up to 25 per cent.
b. Sliding scale, 12½ up to 33⅓ per cent.
c. Flat royalty of $14\frac{2}{7}$ per cent.
d. Flat royalty of 25 per cent.
e. Flat royalty of 33⅓ per cent.
f. Flat royalty of 20 per cent.

Within the generally accepted productive limits of Salt Creek 13 per cent of the acreage and 5.4 per cent of the production from Government land is on a flat royalty of 33⅓ per cent, which is the highest royalty the Government receives in the Salt Creek field. About 93 per cent of the production carries a royalty of 25 per cent or less; in fact, the bulk is on the regulation sliding scale royalty of 12½ up to 25 per cent. But let us take this high royalty of 33⅓ per cent on the property of the Fensland Oil Co., which Senator Kendrick has cited in his speech to the Senate, and compare it to the royalties of the Mammoth Oil Co. contract. The Fensland well referred to produced in July, 1922, 30,739 barrels with a Government royalty of 10,246 barrels. Under the royalty scale of the Mammoth Oil Co. contract the Government would have received for July a royalty of 10,409.63 barrels, or 163 barrels in excess of the royalty of 33⅓ per cent now being paid by the Fensland Oil Co. It should also be borne in mind that this well is running under a prorate. Its tested capacity a few months ago was 2,115 barrels a day. If the well produced at this rate for a 30-day month, it would yield 63,450 barrels, which under its present royalty of 33⅓ per cent would give to the Government a royalty of 21,150 barrels, but under the Mammoth Oil Co. contract it would give to the Government 26,912 barrels, or 5,762 barrels more than the high royalty cited by Senator Kendrick of 33⅓ per cent. As a matter of fact, the well running at full capacity under the Mammoth Oil Co. royalties would yield to the Government a revenue equivalent to a flat rate of 42.4 per cent, or 9.1 per cent more than under the flat rate of 33⅓ per cent.

BONUS.

Senator Kendrick mentions that this 160 acres now being operated by the Fensland Oil Co. also paid a bonus of $51,000 for 160 acres, or $318.75 per acre. Would it not be fair to have also advised the Senate that the three tracts including this one, and all of which adjoined naval reserve No. 3, sold for an average price per acre of $181.46 and that the bonus on this particular tract was the highest of the three? The Senator also states that one tract sold for a bonus of $1,412.50. Would it not have been fair to have stated that this tract was about 2½ miles from the reserve while several tracts much closer to the reserve brought a bonus respectively of $12.50, $16.88, $18.75, and $19.38 per acre. The Senate would probably be interested to know that in the sale of June 15, 1921, the bonus received for all the acreage averaged $260 per acre.

MANIPULATION OF ROYALTIES.

Senator Kendrick has stressed about the possibilities of the Mammoth Oil Co. manipulating the contract in such a way as to reduce the royalty rates. Practically in all leases granted the Government has provided two royalty scales, one for high-grade oil and the other for oil of lower gravity. The same principle was applied in the Mammoth Oil Co. contract, and, as far as I am aware, of the millions of barrels of oil being produced annually on Government land the Government has never been beaten by such practice as referred to by the Senator; and I can assure you that if any such cases are found the department will take drastic steps to see that the Government is treated fairly.

In this connection I wish to point out that the department has experienced drillers, gaugers, and engineers located in the various oil fields, and it is their duty and they have the authority and are under instructions to see that such practices do not take place; also it might be interesting to point out that a pamphlet has been in course of preparation for some time which contains regulations which have been issued from time to time, as well as new regulations and a general outline of the department's policy in the handling of public lands. This pamphlet contains instructions that operators will neither be permitted to blend their oils or even to produce their wells in such a way as to reduce the gravity by mixing heavy and light oils to the point where the gravity will be lower than the figure which determines the royalty scale.

Under such a condition and with these facts known to those who have closely followed operations on Government lands, I do not feel that Senator Kendrick, or any other Member of the Senate, has any reason to feel that there would be a possible manipulation of handling of the wells or production on Government lands in such a way as to work against the best interests of the United States.

I must also confess that it is not clear to me how the Senator can argue that the Navy will receive only 63 per cent of one barrel of bunker A fuel oil for one barrel of crude above 34 gravity. It might be well at this time to point out that the method of exchange was arrived at by a comparison between the average price of mid-continent crude oil for the past five years against the price the Navy paid for bunker A fuel oil during the same period. This ratio indicated that one barrel of mid-continent crude was equivalent to 95 per cent of one barrel of bunker A fuel oil on the Atlantic coast for the past five years. The contract, however, provides an even barrel exchange, so that under this contract the Navy is therefore receiving 5 per cent more of bunker fuel oil than it was able to purchase on the market during the past five years. If the Salt Creek price for the past five years had been used in this exchange, the Navy would receive in place of one barrel of bunker A fuel oil for each barrel of royalty oil over 34° Baumé only two-thirds of a barrel of bunker A fuel oil. I wish to emphasize that this contract is based on mid-continent prices for Wyoming oils, and during the past five years Salt Creek crude has been on the average 67 cents a barrel less than mid-continent crude of an equivalent grade.

I believe that the fairest method of exchange is to consider the prices for the past several years, as in this way the fluctuations of price in the industry during periods of depression and inflation are equalized. This was done in arriving at the exchange figures in this contract. I can not resist, however, at this time to call attention to the fact that if there were production on Teapot to-day—as there will be within a few weeks—the Navy would receive for one barrel of 70-cent crude above 34 gravity one barrel of bunker A fuel oil on the Atlantic coast, which is worth to-day between $1.50 and $1.75 per barrel.

The Senator has advised the Senate that the splitting point of 34 gravity "suggests still another way in which royalties can be manipulated to the lessee's advantage." The 34° division point was used in this contract for the following reasons: In most fields the Government receives the posted field prices, while in the Mammoth contract the Government receives mid-continent prices for Wyoming oils which for the past five years have been 67 cents a barrel more than Salt Creek prices. The mid-continent crude, usually referred to, for which a definite price is posted, runs around 35 or 36 gravity, and the bulk of the oil from Teapot will undoubtedly be from the two Wall Creek sands and of about 36½ gravity. Oil produced from those sands therefore will safely fall above the 34° division point. There is in the mid-continent, however, a posted price for Healdton crude, whose gravity is around 31° Baumé. During the past five years the Healdton oil has averaged 76 cents a barrel less than the posted price for oil of about 35 or 36 gravity. Inasmuch as the Mammoth Oil Co. is paying mid-continent prices it was thought fair that they should pay these prices for oils of mid-continent quality. The division point had to be above the gravity of 31° to take account of any possible oils of the quality of Healdton crude but still low enough to take in the expected production from the two Wall Creek sands of 36½ gravity. The 34° splitting point should do this. In other words, if oil is found in Salt Creek of a gravity equivalent to Healdton crude, Healdton crude prices should be paid for it. The 63 per cent figure was arrived at by comparing the average price of Healdton crude for the past five years to the average price paid by the Navy for bunker A fuel oil for the same period.

There is considerable criticism throughout the Senator's speech implying that the naval reserves are to be destroyed, and I wish to call attention to the fact that the contract provides for the erection and storage of large quantities of fuel oil. It is the plan of the Navy Department to have available millions of barrels of fuel oil stored as a permanent reserve in permanent fuel-oil storage tanks located at strategic points in a form available for an emergency. It will not be in the form of crude oil in the sand located almost 2,000 miles from the seacoast, and when needed in the event of any emergency it would take several years to produce, erect pipe-line facilities, and refine and transport to seaboard.

These are some of the points which I believe indicate that the Senator's criticisms are not warranted.

Department of the Interior,
Bureau of Mines,
Washington, August 18, 1922.

(Memorandum for the Secretary.)

Referring to the article in the Denver Post, dated August 15, 1922, commenting on the Mammoth Oil Co.'s contract, certain comments are submitted herewith for your information. These comments refer to parts of the article which have been indicated by the subheadings (a), (b), (c), etc.

(a) Article states that the United States received an average of over $1,000 per acre on the lands carrying 33⅓ per cent royalty, and that the 25 per cent lands carried the same bonus. The information at hand indicates as follows: Total bonus received on this sale was $1,687,000 for 6,480 acres, or an average price per acre of $260. On three leases immediately adjoining naval reserve No. 3, average price received was as follows:

Tract L	$318.75
Tract ET	131.25
Tract FU	94.38

or an average price per acre for that land immediately adjoining naval reserve No. 3 of $181.46.

(b) Average price per acre for land adjoining naval reserve No. 3 was $181.46 and not $1,000 per acre.

(c) This line infers that Teapot should have brought a bonus of $9,000,000. Assuming that the Teapot was worth as much as the lands immediately adjacent to it or $181.46 per acre, the 9,321 acres would have a cash bonus value of 9,321 times $181.46, which equals $1,691,388.66.

It is estimated that only about 5,500 acres of this reserve will be productive.

(d) Starting at a point in the article marked (d), and immediately following, there is the inference that the average production per well will be lowered by mixing of the Shannon wells and the wells producing from the lower sands. In this connection, it is interesting to note that, although the article points out that the average size of the Shannon wells is 10 barrels per day, there has been no Shannon production in Salt Creek for the past five years. It is the duty of Government field engineers and gaugers not to permit such practice, and if this were attempted the department could immediately provide a regulation to prohibit such practice.

Referring to the size of wells listed in the article, the production test, when the wells were run to full capacity in December, 1921, showed that the average production per day of wells on Government and patented lands from 55 wells in the first Wall Creek sand in Salt Creek field was 34 barrels, and from 176 wells in the second Wall Creek sand was 415 barrels. This covered all the wells whose production was available in this office. In this connection, it should be pointed out that the first Wall Creek sand has been drawn on for the last 10 years, while the second sand covers a much larger area and has not been drawn on for so long a period. This accounts for the difference in size of the wells.

Of the wells producing in the 100 per cent production test in December, 1921, 46 wells in Salt Creek had a production of over 500 barrels per day, of which 22 averaged over 1,000 barrels per day. It is interesting to note in this connection that the well closest to naval reserve No. 3, namely, that of the Fensland Oil Co. in section 20, came in recently with an average daily production of more than 2,100 barrels per day. The above indicates that it is decidedly unfair to estimate that the average initial production will be maintained at under 50 barrels per well.

(e) As stated in (d), the department would not allow the blending of low-gravity and high-grade oil, and royalties will be computed and paid for different grades of oils on a separate basis. The Government therefore will get the benefit of the higher royalty scale in the Mammoth Oil Co.'s contract for the 37° Baumé gravity oil to be produced from the second Wall Creek sand.

The article suggests that possibly a few 2,500-barrel wells will be brought in.

(f) See (d) regarding the average size of wells.

(g) Article states that the Mammoth Oil Co. pays the royalty in fuel oil after extracting gasoline, kerosene, and gas oil, which can be paid in Mexican fuel oil. The contract provides for bunker A fuel oil. Mexican fuel oil passes only bunker C specifications; therefore Mexican oil does not meet the high-grade fuel oil required by the United States Navy. Bunker A fuel oil is about 60 cents a barrel higher than bunker C fuel oil.

It is interesting to note how the method of exchange of fuel oil was arrived at. The average price per barrel of mid-continent crude was figured for the past five years and a ratio obtained between that and the average price per barrel that the Navy paid for its bunker A fuel oil for the same period. This ratio indicated that 1 barrel of mid-continent crude was equivalent to 95 per cent of 1 barrel of bunker A fuel oil on the Atlantic coast for the past five years. In other words, the Navy by this contract receives 5 per cent of a barrel more of bunker A fuel oil than it was able to secure by purchase on the market during the past five years. It is important to point out that if the Salt Creek price for the past five years had been used in this exchange the Navy would have received in place of 1 barrel of bunker A fuel oil for each barrel of royalty oil only two-thirds of a barrel of bunker A fuel oil. This is because of the marked differential between the price of mid-continent crude and the price of Salt Creek crude which has obtained during the past five years. The oils are practically of the same quality.

Fuel oil is popularly considered a residue after gasoline has been taken out. It is the result of an economic fact which can be made more clear by comparison with some agricultural products. For example, the average price of wheat on March 1, 1922, in 10 leading wheat-producing States was 1.905 cents per pound. The wheat as a raw material corresponds to the crude oil in the field. From the crude oil gasoline is taken while from the wheat about 75 pounds of flour is made from each 100 pounds of wheat. Bunker A fuel oil on the Atlantic coast will correspond to a residue bran on the Atlantic coast. The average price of bran on February 15, 1922, was approximately 1¾ cents per pound, so that the money value of 1 pound of wheat in the field was equivalent to 1.08 pounds of bran, or residue, on the Atlantic coast, or almost one for one, as in the Mammoth oil contract of 1 barrel of crude for 1 barrel of fuel oil.

(h) The article refers to "cheap" fuel oil. The average price of mid-continent crude for the past five years was $2.23 per barrel, Salt Creek crude $1.56 per barrel, while the Navy paid $2.35 per barrel for bunker A fuel oil. In other words, bunker A fuel oil cost the Navy during this period almost 80 cents a barrel more than the Salt Creek producer received for his crude during the past five years.

(i) Referring to the 34° B. gravity division point as compared to the 30° gravity used in other Government leases: In most fields the Government receives posted field prices, while in the Mammoth Oil Co. contract the Government receives the mid-continent prices, which, for the past five years, have been 60 to 75 cents a barrel more than Salt Creek prices. The mid-continent crude, on the other hand, averages around 35 or 36 gravity, and, inasmuch as the Mammoth Oil Co. is paying mid-continent prices, it should pay such a price for the oil of the same grade, therefore the dividing line was set at 34° B. The exchange basis for oil of less than 34° B. was made upon the Healdton (Okla.) price in which price figures for the past five years were used. The Healdton crude has a gravity of about 31° B., and in the mid-continent district this oil has been about 75 cents per barrel less than higher grade oil in mid-continent during the past five years. For that reason it was necessary to raise the dividing line to 34° B., which would be above any oil of Healdton grade and still low enough to put oil from the two Wall Creek sands into the higher royalty scale.

(j) The article states that the "wildcatter" pays only 14 per cent of the first 50 barrels. It is evident that this part of the article is in error, because, in case of a discovery in a prospecting permit, the permittee, or "wildcatter," gets one-fourth of the area at 5 per cent royalty rate and the balance at a royalty rate varying from 12½ to 33⅓ per cent. The comparisons, therefore, in this part of the article, have no meaning.

(k) It is possible that no field with a settled production averages over 300 barrels per well, but many leases average over 300 barrels per well. For example, the one well on a lease to Mr. Bonfils, Denver Post, tested 1,125 barrels per day in December, 1921.

(l) The statement that the Mammoth Oil Co. pays less for high-grade oil than for low-grade oil can not be followed.

(m) Referring to oil certificates, it is true that these certificates are noninterest bearing, but it is the plan of the Navy Department to liquidate these shortly after they are issued. If this is not done the Government representatives and not the contract itself is to blame. These were made noninterest bearing in fairness to the oil company, otherwise the Navy could hold these several years and call suddenly for an amount of fuel oil which the company could not deliver.

(n) The matter of the Mammoth Oil furnishing the Navy with gasoline and other petroleum products at market prices is optional with the Navy, and this part of the contract simply allows the Navy to secure its products without an outlay of cash by exchanging oil certificates if it so desires. If the Navy can not get a favorable exchange, obviously the Navy would not liquidate certificates by the purchase of petroleum products through the Mammoth Oil Co. but would buy them on the market.

(o) The contract reads, the lessee agrees when requested to do so by the lessor to construct or pay the cost of construction of tankage. It is probable that the Navy will let competitive bids for erection of these tanks and that these will be paid for by liquidation of oil certificates presented to the construction company—that is to say, there will be competition in the erection of these tanks unless the Navy feels that it will require the Mammoth Oil Co. to erect the tanks through their own force.

(p) The Secretary of the Interior has approved a bill in Congress that 20 per cent of the royalties on this land will be used by the State of Wyoming in public schools and reclamation purposes.

(q) As previously stated, Mexican crude oil does not meet bunker A fuel-oil specifications required by the Navy.

[From the Boston Transcript, Saturday, September 9, 1922.]

Teapot Dome Oil Deal Sound—Negotiations that Democrats Hope to Use for Campaign Material is Really a Shrewd Arrangement by Which the Government Profits Through the Ability of Secretary Fall.

(By William E. Brigham, regular correspondence of the Transcript.)

WASHINGTON, *September 8.*

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NUMEROUS LOSSES FROM DRAINAGE.

It is a matter of familiar history that owing to failure to drill suitable offset wells in naval reserves Nos. 1 and 2, California, the Government has suffered a loss of 6,800,000 barrels of royalty oil through drainage. Teapot Dome lies south of and adjoins the great Salt Creek oil field in Wyoming, and exactly the same loss from drainage was threatened by private operations in the Salt Creek field to the north when the Harding administration determined that naval-reserve oil history should not be repeated. To this end Secretary Fall cast about to secure a development of Teapot Dome which should end the danger and secure to the Navy an adequate supply of oil, both for the present and for future use. It was, of course, argued with respect to the California fields that the Government would suffer no loss if the situation were let alone, but men like Mark L. Requa and Franklin K. Lane urged that the Navy should protect its reserves by drilling wells, and the sequel proved that their advice was more than justified. According to Dr. H. Foster Bain, director of the Bureau of Mines, "delay in properly protecting the boundaries of the reserves (Nos. 1 and 2, California) against drainage by wells on adjoining lands has resulted in a loss of ultimate total production from the reserves as a whole, as most conservatively estimated, as follows: Total production, 22,000,000 barrels; Government royalty, 6,800,000 barrels; value of royalty, $8,800,000."

LIKE CONDITIONS IN TEAPOT DOME.

Teapot Dome is supposed to contain, at approximately the same depth, the same oil-bearing sands developed in the main Salt Creek structure. For this and other reasons, according to Government experts who have studied naval reserve No. 3, the same presumption of loss through drainage exists as with reference to the California reserves. It is to be borne in mind, moreover, that another dangerous factor is the loss of gas pressure, the propulsive power of the oil, which loss leaves the oil inert and incapable of coming to the surface except through expensive pumping or artificial air pressure. As Secretary Fall has said: "The undeniable facts, in so far as human judgment can ascertain them from expert evidence and otherwise, are that at least a certain portion of the north part of naval reserve No. 3, the Teapot Dome, is now, or will be, disastrously affected through drainage by the drilling upon the lands outside the naval reserve, which drilling is now being carried on from day to day. Such drillings upon such lands is in accordance with the terms of the law itself (law of February 25, 1920), and those conducting such operations are protected by the law."

CONTRACT CALLED FOR COMPETITION.

It was under these circumstances that President Harding directed the Secretary of the Interior to act for the Navy Department and negotiate such contract as would relieve the situation, avoid the losses in petroleum, and, at the same time, if possible, provide a competitive market for the royalty oils of the United States Government, already being produced in Wyoming. The purpose the administration had in mind is not left to inference, for the preamble to the Sinclair contract contains this pregnant paragraph: "Whereas the Government is desirous of creating a competitive market and securing the best prices obtainable for royalty oil received and to be received by the Government of the United States from the public domain in the Salt Creek field in Wyoming," etc. The Government, be it noted, is not buying oil at the lowest possible price; it is selling it at the highest. This last consideration is extremely important, as will be shown later, and it is little short of a triumph of business genius that Secretary Fall succeeded in his endeavor, as the sequel makes clear.

MORE OIL THAN STANDARD CAN CARRY.

The Mid-West Refining Co., owned by Standard Oil, has an absolute monopoly in the transportation, refining, and practically the purchase of all oil in the Salt Creek field and owns a pipe line running to Caspar, Wyo., where perhaps the greatest refinery in the world is maintained. But production in Salt Creek is so great that all but 40 per cent is "choked down," as it can not be handled. All the properties are operated under the leasing act of 1920, and so plentiful is oil in comparison with facilities for handling it that lessees, the Government and the State of Wyoming, all lose money through low prices, which average about 67 cents a barrel less than mid-continent oil brings at Tulsa, Okla. In California competitive markets exist and pipe lines to the coast, but Wyoming oil must leave the State by rail, as the nearest pipe-line connection to Chicago or the Gulf is Carrollton, Mo., 800 to 1,000 miles away. The naval-reserve oil is worthless in the ground, and when brought to the surface it must face a glutted market with no facilities except those of the Standard Oil Co., and those limited, for transporting it to refining points. Some one must be found who could take the oil away.

SINCLAIR IN AN IDEAL POSITION.

Numerous interviews with the leading oil companies convinced Secretary Fall that Sinclair was the only man in a position to make a suitable contract. This point never has been understood and Secretary Fall has been too proud to explain it; hence the charge that the contract was negotiated in "secrecy." It was, in the sense that the Secretary did not advertise for bids. But the point is missed that Fall was not functioning as Secretary of the Interior in the leasing of public oil lands under the leasing act of February 25, 1920, but, by direction of the President, was administering a naval oil reserve for the Navy Department under a wholly different set of laws. Naval reserve No. 3 is land that has been withdrawn from leasing privileges and is the absolute property of the Navy Department, and the Secretary of the Navy is directed by act of Congress of June 30, 1920, to take possession of all oil properties in the petroleum reserves on which are pending no claims or applications or patents and "to conserve, develop, use, and operate the same in his discretion directly or by contract, lease, or otherwise." Teapot Dome is in a wholly different class from Salt Creek—a point whose pertinence will be noted in a later discussion of an episode involving the police use of marines. Incidentally, this is the reason the State of Wyoming will not share in the benefits of the Sinclair contract, except through fresh legislation by Congress now pending. He has neither funds nor administrative machinery for direct development, because existing law expressly provides that royalties from the naval-reserve oils shall be converted into the miscellaneous receipts of the Treasury.

REFUSED TO DEAL WITH STANDARD OIL.

Secretary Fall has been accused of dealing ostensibly with Sinclair but actually with Standard Oil in negotiating the Teapot Dome contract. Exactly the reverse is the truth. The Secretary refused to negotiate with the Mid-West Refining Co. because it already monopolized the Salt Creek field. Moreover, this company had an excess of production and a shortage of pipe-line facilities. The same was true of another great oil magnate, and he frankly admitted it. Fall had known this man intimately for 30 years and he hardly knew Sinclair at all. But Sinclair was unique in being long on pipe lines and refineries and short on oil. He was found to be the only man to whom the Teapot Dome proposition would appeal and who would concede enough to make the deal satisfactory to the Government. Secretary Fall knew what he wanted before he talked with any of the oil men. He laid down the proposition himself, and Sinclair was the only man that measured up to it. It is a point of the most far-reaching importance that the Government, not Sinclair, made the terms.

FALL'S DEMANDS OF SINCLAIR.

The Fall proposition involved two major points—one that the monopoly should be broken in the Salt Creek field and competitive conditions be established there; the other, that a pipe line should be constructed to connect the Wyoming field with the main pipe lines running to Kansas City, Chicago, New York, and other points.

Such a pipe line would cost $15,000,000 to $20,000,000, and Sinclair agreed to build it. He already owned the Sinclair line running to Chicago, which parallels that of the Prairie Oil & Gas Co., controlled by the Standard. A third point of prime importance related to the provision of suitable facilities for the permanent storage of naval oil. Sinclair agreed to two more demands of Secretary Fall—one that he (Sinclair) should pay the mid-continent and not the Mid-West (Standard-Salt Creek) price for naval reserve oil, said mid-continent price, which varies, having averaged for five years 67 cents a barrel higher; and Sinclair agreed also to wipe out all the private claims existing in Teapot Dome.

Naval reserve No. 3 was by no means clear of claims when Secretary Fall began his negotiations. A great many were outstanding and Sinclair wiped them out, his quitclaim deeds costing him a million dollars. This sum figures importantly also, as will be shown later. Until these claims were disposed of no contract could safely be made with anyone, and Sinclair assumed the burden of disposing of them, which he has done. A group of adventurers who were disappointed over the transaction were howling against Fall and Sinclair, but their complaint appears to be that not enough money has been passed around. Criticism from this source, which really is at the root of most misrepresentations with which the public ear has been regaled, has no relation to the actual merits of the contract.

SOME HONEST MISINFORMATION.

Along with criticism derived from this mercenary source has come some honest misinformation. For example, the CONGRESSIONAL RECORD has been informed that Salt Creek will produce "a billion barrels" and Teapot Dome 420,000,000. A joint committee of the American Association of Petroleum Geologists and the United States Geological Survey—the best informed authorities in the country—estimated the oil possibilities of the whole State of Wyoming as of January 1, 1922, at only 525,000,000 barrels. The royalty estimates have suffered equally gross misrepresentation. The highest royalty the Government receives from Salt Creek is 33⅓ per cent, which represents 13 per cent of the acreage and 5.4 per cent of the production. This is paid by the Fensland Oil Co., which produced in July, 1922, 30,739 barrels, with a Government royalty of 10,246 barrels. Under the royalty scale of the Mammoth Oil Co. (Sinclair) the Government would have received 163 barrels more. As a matter of fact, the Fensland well running at full capacity under the Mammoth Oil Co.'s contract would yield the Government a revenue equivalent to a flat rate of 42.4 per cent, or 9.1 per cent more than under the highest rate collected in the Salt Creek field.

"BONUS TALK IS ALL DUST."

It has been said that the 160 acres now operated by the Fensland Oil Co. paid a bonus of $51,000, or $318.75 an acre. But the three tracts which included this one, all of which adjoin the naval reserve, sold for an average price of $181.46 an acre. It is cited that one tract sold for a bonus of $1,412.50. But this tract was several miles from the reserve, while tracts much closer brought, respectively, $12.50, $16.88, $18.75, and $19.38 an acre. The average price in the sale of June 15, 1921, was $260 an acre. An effort has been made to show that because of certain high bonuses in the Salt Creek field the Government should have received something like $1,420,000 in bonuses from Teapot Dome. Not only are the figures extravagant, as the foregoing indicates, but no mention is made of the fact that Sinclair paid $1,000,000 in cash in the settlements which wiped out the claims, and that because mid-continent and not Salt Creek prices will be paid for oil by Sinclair, an additional revenue of hundreds of thousands of dollars a year as long as the wells produce is expected. The bonus talk is all dust. As to any criticism regarding the 34° Baumé test as the division point, the truth is that under the Sinclair contract the Navy will receive 5 per cent more fuel oil than it was able to purchase on the market for the same money during the last five years. If the Salt Creek prices for the last five years had been used in this exchange, the Navy would receive in place of one barrel of bunker A fuel oil for each barrel of royalty oil over 34° Baumé only two-thirds of a barrel of bunker A fuel oil.

SINCLAIR CAN LOSE, GOVERNMENT CAN'T.

Another foolish point raised is that the Navy does not get its oil until Sinclair has extracted from it the kerosene, the gasoline, and the gas oil. It does not appear to be understood that the crude oil containing these by-products is useless to the Navy, which is not in the refining business. The Navy uses and demands a certain grade of fuel oil, and this or its equivalent in cash Sinclair is obligated to furnish, whether from Teapot Dome or elsewhere. It could use no other oil; and it is quite within proprieties that Sinclair should make some money out of his contract if he strikes oil. If he does not, the Government loses nothing and Sinclair loses a lot, as already he has spent hundreds of thousands of dollars in Wyoming preparing for development.

PROVIDES IMMENSE STORAGE FACILITIES.

The crowning achievement in the Sinclair contract knocks the last peg, if the figure be not too much mixed, from the argument that the naval reserve is to be "destroyed" as a result of the contract. The oil is worth nothing in the ground, and it never has been urged by anyone that the Government itself should try to develop Teapot Dome. But the contract obligates Sinclair not only to develop this field and pay mid-continent prices for the naval oil, to construct a pipe line connecting with the main outlets to the seaboard, and to put all royalty oils into the pipe line before he sends through a barrel of his own, but he must also deliver the oil at any points the Navy may designate. It is the plan of the Navy to have available millions of barrels of fuel oil as a permanent reserve in permanent tanks located at strategic points in a form available for instant use. It will not be in the form of crude oil lying in the sand almost 2,000 miles from the seaboard. The Government may collect its royalty in the form of fuel oil or cash. It is not giving Sinclair oil and taking what is left over; it is supplying itself and him with oil and making him pay for what it lets him have at a price which for five years has averaged 67 cents a barrel higher than the Standard Oil Co. is now able to charge for oil from the same field. It is a fair comment that had Secretary Fall been an outside attorney paid $100,000 to negotiate the best possible contract for the Government he could not have done better.

TRADE COMMISSION'S ERROR.

The Federal Trade Commission, inadvertently or otherwise, has been responsible for a gross misuse of terms which has been caught up by the hostile press in its attempt to show that Sinclair and Standard Oil are tied up together. This is in the statement that the Standard Oil Co. of Indiana "purchased one-half interest in the Sinclair Pipe Line Co., and in conjunction with Sinclair interests, organized the Sinclair Crude Oil Producing Co., in which the Standard Oil Co. holds one-half interest. According to current reports this latter company (Sinclair Crude) is now planning to purchase and store Wyoming crude, etc." The foregoing is merely a sample quotation. The fact is that there is no such thing as the "Sinclair Crude Oil Producing Co." and the Federal Trade Commission ought to know it. Sinclair and Standard Oil are interested together in certain pipe lines and a purchasing company, but these have nothing whatever to do with production. It is likely also that the Standard Oil Co. will be associated with Sinclair in the construction of the pipe line out of Teapot Dome to Carrollton or whatever other point the line may reach. This is purely a measure of economy, for there could be no economic sense in the Mid-West Refining Co. (Standard) operating in Salt Creek and the Mammoth Oil Co. (Sinclair) operating in Teapot Dome constructing a double run of pipe lines to carry off oil produced from practically the same source. It would be like building two lines of railroad side by side, for the competition between the two companies is not in the purchase or transportation of oil but in the production of it, and Sinclair, as a matter of fact, is obligated to pay a higher price for the naval oil than Mid-West gets at present for its own production. But the organization of the Mammoth Oil Co. alongside the Mid-West has introduced competition into the purchasing of oil, and that is exactly what the State of Wyoming and the Government of the United States, beneficiaries, respectively, under the leasing act of 1920 and the Sinclair contract, most ardently desire. It was to break up the Standard Oil monopoly that the Sinclair contract was negotiated. Sinclair and Standard Oil are and always have been competitors in the production of oil, although not always in its transportation, and they will so continue under the Sinclair contract with the Navy Department. Indeed, if anyone's nose is sore over the Sinclair contract, it is the Standard Oil's.

MARINES IN THE TEAPOT DOME.

A great hullabaloo was raised in some quarters because the Navy Department not long ago sent a squad of marines to eject the Mutual Oil Co. from Teapot Dome. This was a company in which James G. Darden, of some political note, is prominent. It may be well here to repeat that Teapot Dome is not "public land" in the ordinary sense of the term, but is as completely under the jurisdiction of the Navy Department as the deck of a warship. Court action may be necessary for the ejection of a corporation or a person from public land—Salt Creek, for example—but the Navy needs no red tape to prevent trespass upon its own oil reserve. Darden and his associates had been warned off Teapot Dome in May, 1922, by Acting Secretary Roosevelt and Secretary Fall, and June 13, 1922, formal notice was served on him or his company. No attention was paid to any notices, although several reports of trespass had been received. President Harding is acquainted with Darden and personally communicated with him, requesting him to leave, but to no avail. Then, by authority of the President, a squad of marines was sent into Teapot Dome and the Mutual Oil Co. was thrown out. In Salt Creek similar circumstances exist, but there it is necessary under the law to bring suit for trespass, and this has been done. But the ejectment of Darden from Teapot Dome was clearly legal as if he had been ordered out of a navy yard.

RUBE ALLEN.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 3595) to reimburse Rube Allen for losses and damages sustained by him through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture, reported it with an amendment and submitted a report (No. 917) thereon.

ASSISTANT CLERK TO THE DISTRICT COMMITTEE.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate, I desire to report favorably two Senate resolutions, which continue for the remainder of the present Congress the temporary clerks employed, respectively, by the Committee on the District of Columbia and the Committee on Indian Affairs.

First from the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably without amendment the resolution, Senate Resolution 339, and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 339) submitted by Mr. BALL on August 17, 1922, was considered by unanimous consent and agreed to, as follows:

> *Resolved,* That Senate Resolution No. 182, agreed to December 15, 1921, authorizing the continuance during the present session of Congress of Senate Resolution No. 68, agreed to May 31, 1921, which authorizes the Senate Committee on the District of Columbia to employ an additional clerk to be paid out of the contingent fund of the Senate, be, and hereby is, extended and continued in full force and effect until the end of the Sixty-seventh Congress.

ASSISTANT CLERK TO THE COMMITTEE ON INDIAN AFFAIRS.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably without amendment the Senate Resolution 328, and ask unanimous consent for its immediate consideration.

The resolution (S. Res. 328) submitted by Mr. SPENCER on August 1, 1922, was considered by unanimous consent and agreed to, as follows:

> *Resolved,* That Senate Resolution No. 157, agreed to November 16, 1921, authorizing and directing the Senate Committee on Indian Affairs to employ an assistant clerk to be paid out of the contingent fund of the Senate for the second session of the Sixty-seventh Congress be, and the same is hereby, extended and continued in full force and effect until the end of the Sixty-seventh Congress.

BILL INTRODUCED.

Mr. FLETCHER introduced a bill (S. 3997) for the purchase of a site for and erection of a post-office building at Winter Haven, Fla.; which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

CANCELLATION OF INTERNATIONAL DEBTS.

Mr. BORAH. Mr. President, I ask permission to present and have read a letter from Bernard M. Baruch. The letter is with regard to the cancellation of international debts, and, in view of the high position which Mr. Baruch occupies in the financial world and his close association with the makers of the Versailles treaty, I think it interesting enough to have it read.

Mr. SHEPPARD. Mr. President, I think we should have a quorum while the letter is being read. I therefore make the point of no quorum.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Senator from Texas makes the point of no quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Ball
Borah
Broussard
Bursum
Calder
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dillingham
du Pont
Ernst
Fletcher
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
McCumber
McLean
McNary
Moses
Nelson
New
Nicholson
Oddie
Phipps
Ransdell
Rawson
Robinson
Sheppard
Shields
Simmons
Smoot
Stanfield
Sterling
Sutherland
Swanson
Trammell
Walsh, Mass.
Warren
Watson, Ga.
Watson, Ind.
Willis

Mr. CURTIS. I was requested to announce that the Senator from Wisconsin [Mr. LENROOT] is necessarily absent, due to illness in his family.

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum is present. Without objection, the Secretary will read the letter presented by the Senator from Idaho [Mr. BORAH].

The reading clerk read as follows:

NEW YORK, *September 12, 1922.*

HON. WILLIAM E. BORAH,
The United States Senate, Washington, D. C.

MY DEAR SENATOR: Pursuant to our conversation of the other day, as promised, I am putting on paper some of my views concerning the financial aspects of the so-called Balfour note.

That note is the presentation of the opinion of a certain school in England that contends that the German reparation can not be reduced unless all interallied indebtedness is canceled or reduced, and that the interallied indebtedness should be canceled on the ground that the war was a common cause, and that each country gave what it could in men and treasure.

The Balfour note listed among the claims that England had, and which it would reduce or cancel if America canceled the indebtedness of the Allies to her, a claim of £1,300,000,000 for German reparation.

If the purpose of the note was to secure America's coming in on the same basis as England it might have been well to have eliminated entirely England's claims against Germany, which are based almost entirely upon pensions and separation allowances, because America has put in no such claim.

The moving cause, as I understand it, for our not demanding a share of the German reparation was in order to permit the devastated countries—France, Belgium, Italy, and others—to have what the Germans could pay.

So far as the allied debts are concerned, there are several ways of looking at them.

There are those who say they should be canceled because they can not be paid, and there are those who, like Mr. Balfour, say they should be canceled because they were incurred in a common cause.

The first of these apparently considers the matter from a purely commercial standpoint. What do the advocates of cancellation mean when they say that the Allies can not pay? Do they mean that these countries can not pay all or that they can not pay a part? Surely all of the great countries who are now our debtors can pay something if given time. And I am sure that countries like England, if we insist, can and will pay all, no matter what the cost may be. From a business standpoint it is going to be exceedingly difficult to convince the American people, who, after all, are the final arbiters in this matter, that if Germany can pay $10,000,000,000, which all thoughtful people think she can pay if given time and opportunity, the Allies can not pay the amounts due us. Money is not the only method of payment. It is through the exchange of things that nations will pay one another as most individuals pay one another. But the nations of the world can not make things with which to pay unless they get down to work.

Now, as to the Balfour point of view:

Whatever may be the opinions of others, including myself, on the subject, the American people, as a whole, decided that the war was not theirs until we entered it; and the international community of interest and purpose must be viewed as dating from our entrance into the war. Then we must consider what portion of our advances was truly for common objectives.

The records of the Allied Purchasing Commission and the Treasury Department will show for what the various sums of money borrowed by England or any other nation were spent. Whereas it might be convincingly contended that the money spent for the purchase of munitions (because we had not enough soldiers ready to use them, and because England and the other allies were able to use them to better advantage in the quicker winning of the war) could be called a contribution to a common cause, yet the same decision could not be arrived at regarding certain other important expenditures.

Surely money that was spent for things that went into the making of shipping which became a permanent part of the mercantile fleet of England, or money that was used for the purchase of such material as went for commercial purposes or to bolster exchange—in most instances this was to facilitate purchases in other countries—or to pay for loans or materials obtained previously to our entering the war, if there were such, can by no conceivable reason be considered a contribution to a common cause, and therefore should not be canceled.

The same applies in instances where food was bought for England's civilian population, not for her soldiers, and was paid for by that population. It must be remembered that the English Government did not give but sold to its people the food bought in this country.

On the other hand, in practically every instance where purchases were made in England by us after we entered the war they were paid for in cash and not by means of a loan by England to America. Again, America paid England for ferrying our soldiers to Europe.

Surely the expenditures mentioned above should be considered a contribution by the English in a common cause and should be set off against any amount by which England proposes that her gross debt to us should be reduced.

If this subject is treated on the basis suggested in the Balfour note, equity and justice would demand that England, whose territory was not devastated, should relinquish her claim against Germany for the benefit of the devastated countries. Then we could count as a contribution to a common cause that which was spent for munitions and for fighting purposes in this country by England. But England, besides paying the balance due on the loan, should repay us, as a contribution to the common cause, that which we spent in her country for munitions and for shipping.

I do not make these remarks in a spirit of narrow criticism. Nor am I unmindful of the great sacrifices that the English people made so nobly and unstintingly in the World War. But I do believe that those behind the Balfour note should give full consideration to all of the facts involved in the case, and not make it appear that the United States is ungenerous in her position. We were ready and willing to have gone to the bitter end despite what the cost might have been to us. We made no bargain then for our continuance in the struggle, and we want no one to set a value upon our contribution.

In my opinion, it is useless to consider either the German reparation or the readjustment of the interallied debts by themselves, because they are but two symptoms of a disease that lies deeper. These problems should be treated as a whole so as to leave all peoples in the various countries free to go back to work under conditions that will cause them to look forward with hope and not backward with hate.

Very truly yours,

BERNARD M. BARUCH.

ADDRESS BY SENATOR CALDER.

Mr. SHORTRIDGE. Mr. President, my attention has been called to an address delivered by the junior Senator from New York [Mr. CALDER] at the Nazarene Congregational Church, in Brooklyn, N. Y., on Sunday evening, September 10. In this address the Senator from New York discusses the development of the Negro race during the past 60 years, and urges the enactment of the Dyer antilynching bill. It was my privilege to report that bill out of the Judiciary Committee, of which I am a member, and I join with the Senator from New York in expressing the hope that that measure will be passed before Congress adjourns this session. The address is thoughtful and contains some very interesting facts bearing upon the progress of the Negro race in our country. I ask unanimous consent that the address may be printed in the RECORD in 8-point type.

Mr. HEFLIN. Mr. President, for the time being I object, until I can examine the address.

The PRESIDING OFFICER. The Senator from Alabama objects.

Mr. SHORTRIDGE. I shall be very glad to hand a copy of the address to the Senator from Alabama and if he then objects to it, it will be his privilege to do so.

PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORT.

Mr. BURSUM submitted the following report, which was ordered to lie on the table:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 7, 8, 13, 15, 16, 17, 18, 19, 20, 21, 25, 26, 28, 29, 31, 32, 34, 35, 37, 38, 39, 40, 42, 44, 45, 47, 48, 50, 56, 58, 61, 62, 63, 64, 65, 66, 68, 74, 76, 77, 79, 80, 83, 84, 85, 86, and 87.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 9, 10, 12, 22, 23, 24, 27, 30, 33, 36, 41, 43, 46, 49, 51, 53, 54, 55, 57, 59, 60, 67, 69, 70, 71, 72, 73, 75, 78, 81, 82, and 88.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "The name of Helen M. Dannat, widow of George H. Dannat, late of Company C, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "The name of Mary J. Hayes, widow of George W. Hayes, late of Company D, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "The name of Mary A. Bordwell, widow of Joseph Bordwell, late of Company I, Sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "The name of Sarah A. Bradley, widow of William A. Bradley, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "The name of Mary Kerr, widow of Samuel C. Kerr, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with the following changes:

Strike out lines 22 to 25, inclusive, page 216, and lines 1 to 3, inclusive, page 217, of the Senate engrossed amendments; page 220, strike out lines 9 to 12, inclusive; page 240, strike out "month" and insert "month."; page 240, strike out line 10; page 240, after line 10, insert:

"The name of Edmond D. Judkins, late of Company E, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month.

"The name of Mary D. Phillippi, widow of Robert M. Phillippi, late of Company E, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Georgia M. Sabin, widow of George F. Sabin, late of Company F, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and Company B, Nineteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Charles Lynch, alias Thomas Sheridan, late of Company A, Ninth Regiment Connecticut Volunteer Infantry, and Company M, Fourth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

"The name of Margaret J. Wadsworth, widow of Daniel P. Wadsworth, late of Company H, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

"The name of Mary J. Wright, widow of Franklin Wright, alias Franklin Reifine, late of Company H, Twelfth Regiment Pennsylvania Volunteer Cavalry, and Company D, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Eliza J. Farmer, widow of Eli Farmer, late of Company A, Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Anna M. Quinlan, helpless and dependent daughter of John T. Quinlan, late of Company B, One hundred and fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of James Gilroy, late of Company H, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Martha Ousley, widow of James Ousley, late of Company K, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Sarah Gaddis, widow of Robert F. Gaddis, late of Second Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Arthur O'Hara, late of Company G, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

"The name of Paschal C. Hibbs, late of Company F, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Reuben Clymer, late of Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and Companies C and K, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

"The name of George W. Horn, late of Companies A and E, Fifth Regiment New Jersey Volunteer Infantry, and Company B, Second Regiment United States Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

"The name of Florence F. Watson, widow of Willis H. Watson, late of Company G, Eightieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Martha J. Holden, widow of Richard Holden, late of Company G, Thirtieth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Lucy Lavin, widow of Patrick Lavin, late of Company C, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Aaron V. S. Rouse, late of Company B, One hundred and second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Mary A. Gibbons, former widow of Lysander Pelton, late second-class fireman, United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Catharine Celley, widow of James M. Celley, late unassigned, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $35 per month.

"The name of Louisa Sinclair, widow of Benjamin F. Sinclair, late of Company K, Forty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Maggie B. Sullivan, widow of George W. Sullivan, late of Company E, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Jonathan D. Hale, late of Company D, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Annie Casey, widow of James Casey, late landsman, United States Navy, and pay her a pension at the rate of $30 per month.

"The name of Lucetta Brown, widow of William H. Brown, late of Company C, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and Thirteenth Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Earl Brown, helpless and dependent son of said Lucetta and William H. Brown, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lucetta Brown, the name of said Earl Brown shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Lucetta Brown.

"The name of George Stanley, late of Company D, Fifth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Nellie Thompson, widow of George Thompson, late of Company B, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Hester Tracy, widow of Daniel P. Tracy, late of Company D, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Margaret Staton, widow of Reuben Staton, late of Company C, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ernest M. Staton, helpless and dependent son of said Margaret and Reuben Staton, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret Staton, the name of said Ernest M. Staton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Margaret Staton.

"The name of Oscar F. Heath, late of Company C, Seventh Regiment, and Company I, Ninth Regiment, Kansas Volunteer Cavalry, and Company A, Twenty-first Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of James Gloster, late musician, Sixteenth United States Volunteer Infantry, and of the Twenty-seventh Independent Battery New York Volunteer Light Artillery, and Company K, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

"The name of Nora E. Billstein, widow of Marcus Billstein, late of Company A, Fifteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Josephine Jump, widow of Joseph Jump, alias George Millington, late of Company G, Seventy-seventh Regiment New York Volunteer Infantry, and Company D, Twelfth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mary Sanders, widow of Christian Sanders, late of Companies C and A, Thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Margaret Poore, widow of Joel L. Poore, late of Battery C, First Regiment Kentucky Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Calvin Logan, late of Company F, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Harriet Dietrich, helpless and dependent daughter of Jeremiah Dietrich, late of Company C, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Elizabeth A. Lunsford, widow of John H. Lunsford, alias John Harrison, late of Company B, Fifty-second Regiment Ohio Infantry, and Company K, Sixty-ninth Regiment, and Company F, Eighteenth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Isaac Johnson, late of Company F, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Hattie Pringle, former widow of Morris H. Allen, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Margaret A. Plank, widow of George W. Plank, late of Company C, Webster County (Mo.) Volunteer Home Guards, and pay her a pension at the rate of $30 per month.

"The name of Caroline Chambers, former widow of LaFayette Stahlman, late of Company B, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Annie J. Gove, widow of Edward A. Gove, late of Company H, Sixth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary Mahoney, widow of Patrick Mahoney, late of Company G, Cole County (Mo.) Home Guards, and pay her a pension at the rate of $30 per month.

"The name of Mathilde Richter, widow of August Richter, late of Company G, Twenty-fourth Regiment Illinois Volunteer Infantry, and ordinary seaman, United States Navy, and pay her a pension at the rate of $30 per month.

"The name of Lizzie Cragg, widow of Edmund Cragg, late of Company D, One hundred and nineteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Henry A. Rowley, helpless and dependent son of Robert Rowley, late of Company C, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Mary E. Howard, widow of Joseph H. Howard, late of Company B, Seventy-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of John A. Robinson, helpless and dependent son of Henry Robinson, late of Company C, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Emsey O. Young, widow of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving; and the name of William M. Young, helpless and dependent son of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $12 per month in lieu of that now being paid to his mother for his benefit.

"The name of Emerette McKernan, widow of James C. McKernan, late of Company F, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lydia A. Campbell, widow of Edward Campbell, late of Company A, Tenth Regiment New Jersey Infantry, and Company H, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Annie M. Gage, widow of William B. Gage, late of Company C, Third Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Emma Koontz, widow of Phillip Koontz, late of Company D, Fortieth Regiment Illinois Volunteer Infantry, and Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Leela Koontz, helpless and dependent daughter of said Emma and Phillip Koontz, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emma Koontz, the name of said Leela Koontz shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Emma Koontz.

"The name of Mary J. Brewer, former widow of Noah Brewer, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Alameda J. McBride, former widow of Lorenzo D. Hold, late of Company D, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Rebecca Uzell, known as Rebecca Meyer, former widow of Charles W. Meyer, late of Company H, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Jabez Lumbert, late of Company H, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Elizabeth Waldon, former widow of Christian Cieving, late of Company H, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Nancy E. Minor, widow of William W. Minor, alias William Wallace, late of Company E, Ninth Regiment, and Company G, One hundred and forty-ninth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Dorcas W. Ash, former widow of Michael B. Hogle, late of Company C, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Hannah Orr, former widow of John C. White, late of Company H, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry; Company A, Eighteenth Regiment Pennsylvania Volunteer Cavalry; and Company B, Third Regiment Pennsylvania Volunteer Provisional Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Slatha Beard, former widow of George W. Henderson, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Martha J. Curtis, widow of David H. Curtis, late of Company B, Thirtieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elvira F. Jarrett, former widow of David Witty, late of Company E, Ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rosetta Davis, widow of Joseph A. Davis, late of Company B, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Charles H. Frizzell, late of Company I, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Louisa C. Coleman, widow of Garrett F. Coleman, late of Company B, Second Regiment Potomac Home Brigade Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Napoleon B. Corns, late of Company K and unassigned, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Amelia D. Comstock, widow of Levi H. Comstock, late unassigned, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of John A. Beach, late of Company K, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

"The name of Lucinda Viles, former widow of John H. Trent, late of Company B, First Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Frances E. Dunwoody, helpless and dependent daughter of Lorenzo D. Dunwoody, late of Company B, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Olive A. Ham, widow of Moses C. Ham, late of Company B, First Regiment Maine Volunteer State Guards, and pay her a pension at the rate of $30 per month.

"The name of Maggie S. Vaughn, former widow of Lorenzo Schweninger, late of Company E, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary J. Titus, widow of Francis J. M. Titus, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Lura Hines, former widow of James Wingler, late of Company H, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Alonzo S. Newell, late of Company B, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Sarah C. Peterson, former widow of Riley C. Hodge, late of Company B, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Lurinda J. Neighbour, former widow of Levi B. Smith, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

"The name of Mary J. Green, former widow of Jonathan W. Green, late of Company B, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving."

And the Senate agree to the same.

H. O. BURSUM,
P. J. MCCUMBER,
Managers on the part of the Senate.
CHAS. E. FULLER,
OSCAR E. BLAND,
EWIN L. DAVIS,
Managers on the part of the House.

TRADE WITH CHINA—CONFERENCE REPORT.

Mr. CUMMINS. Mr. President, I inquire if morning business has been concluded?

The PRESIDING OFFICER (Mr. STERLING in the chair). Morning business is closed.

Mr. CUMMINS. Mr. President, I should like to have the attention of the Senate for a moment. I ask unanimous consent that the Senate proceed to the consideration of the conference report on House bill 4810, what is known as the China trade bill, and I desire to state the circumstances which surround it, so that any Senator may determine for himself whether I ought to attempt to bring up the report at this time.

The bill on which the conference report is submitted went to conference on the 20th of last December, and the conferees met repeatedly—I suppose twenty times between that date and the 1st of April, or some time during April of the present year. We had great difficulty in reaching a conclusion, but we did finally reach a conclusion, and the conference report has been on file since some time in April.

The Senator from Wisconsin [Mr. LA FOLLETTE] is opposed to one feature of the bill as reported by the conferees, and when I sought to bring it up on a former occasion he told me that he was opposed to it. I advised him that I would give him notice when I sought to bring it up. On more than one occasion when the tariff bill was before the Senate I attempted to have the report considered, but Senators all remember how difficult, if not impossible, it was to bring anything else before the Senate during the consideration of the tariff bill. The Senator from Wisconsin has been away a considerable time; the session is nearing an end. I have made inquiries upon two occasions within the last two or three days, first, as to the time of the return of the Senator from Wisconsin or whether he intended to return at all during the present session, but I have not been able to secure any information either with regard to his purpose of returning or the time of his return.

I gave notice yesterday, as appears in the Record, that I should ask the Senate this morning to take up the conference report, and I am asking unanimous consent to take it up; but if any Senator feels that further delay, consistent with the disposition of it at this session, ought to be had I shall follow whatever may be the desire of the Senate in that respect.

The bill is a very important one—important to our interests in China—and I have stated frankly and fully the circumstances which surround the matter. If any Senator makes objection on the ground that it ought to be further delayed, within the limits of this session, I do not intend to move to take it up. I think I have used every reasonable effort to bring it up at a time that would be satisfactory to all who may be concerned in it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. BORAH. Mr. President, I am not in a position to object to the consideration of this matter. I know the interest which the Senator from Wisconsin [Mr. La Follette] has in it, and yet at the same time I have not been requested to object to its consideration, and therefore I am not going to object. I want to say before it is taken up, however, that there is one feature of the bill which I hope the Senator from Iowa will explain pretty fully, and that is the feature with reference to exemption from taxation. It is the objectionable feature of it, so far as I am concerned, at the present time. After the Senator has explained it, I may have a different view; but I regard that as very important, and I trust that when it is taken up it will be discussed from that standpoint by the Senator, so that we may know just what it does.

Mr. CUMMINS. I shall be very glad to do that. What I want more than anything else is to know whether there is any violation of understanding in bringing it on at this time, in view of the facts which I have stated; and if any Senator feels that it ought not to be brought on at this time I do not intend to ask that it be brought on until I can telegraph to the Senator from Wisconsin. I have not the least information with regard to what he intends to do.

Mr. KING. Mr. President, may I make an inquiry of the Senator from Iowa?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield to the Senator.

Mr. KING. Is the Senator asking for the immediate consideration of the report?

Mr. CUMMINS. I am asking for its immediate consideration.

Mr. KING. I shall not object to the consideration of it.

Mr. BROUSSARD. Mr. President, may I inquire if the provision to which the Senator from Wisconsin objects is that which has reference to exemption from taxation?

Mr. CUMMINS. I so understand.

The PRESIDING OFFICER. The Chair hearing no objection to the request of the Senator from Iowa for the consideration of the conference report on House bill 4810, the conference report is laid before the Senate.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China.

Mr. CUMMINS. Mr. President, this bill has been the subject of very great controversy in the committees which have considered it. As it passed the House the bill provided for incorporation under the general regulatory power of the Congress over foreign commerce, together with an alleged power that it was said arose under a treaty or a series of treaties between the United States and China. It is not necessary to go into the details of the manner in which the corporations were to be organized, because there is no controversy with regard to that part of the subject.

The bill came to the Senate, and the Judiciary Committee of the Senate was of the opinion that Congress had no power, under either the commerce clause of the Constitution or any treaty that had been made between the United States and China, to authorize the creation of corporations whose business should be confined wholly to the territory of China.

The Judiciary Committee reported practically a new bill, substituting it for the House bill. The view of the Judiciary Committee was that if a corporation of this sort was to be organized, it must be organized to do business or to carry on commerce between the United States and China, with such incidental powers in China as a corporation so organized would have under the law; and that is the kind of bill which we reported.

The great need of a law authorizing the incorporation of Federal companies or quasi Federal companies was acknowledged on all hands. Our people who are trying to do business in China are carrying it on at a very great disadvantage. Great Britain organizes companies to do business wholly within China under what is known as the Hongkong ordinances, and France organizes national corporations to carry on business in China. I think Italy does, as well, and Germany did before the war. Our people have been compelled to organize, if they organized at all, under the laws of either some State or some Territory. The fact is that we had a few corporations organized to carry on business in China under the law of the Territory of Alaska, and they were organized under the law of that Territory not because it gave to the incorporators or to the persons who afterward became stockholders any advantage but because the law under which corporations are organized in Alaska is a law passed by Congress, and therefore the people of China looked upon a corporation so organized as really a Federal corporation. The people of China know the United States, and they feel secure when they are dealing with any agency created by the United States. They do not so feel when they are brought in contact with corporations organized under the laws of the States, and very few have been so organized.

Feeling this very great advantage that our competitors have over the people of the United States in doing business in China we finally settled that phase of the dispute between the House and the Senate by providing for the organization of corporations of the District of Columbia, our authority with regard to the District of Columbia being substantially the power which each State has over its own affairs within its own borders; and a large part of this bill is taken up in providing the manner in which such corporations shall be organized and the safeguards that should be put about those who deal with them and those who compose them. I think all Senators will agree, if they have become familiar with the code we have prepared in this bill, that every modern precaution that could be taken to render these companies properly responsible to the authority which created them has been taken; and I have never heard one word of criticism or complaint with regard to that part of the bill which proposes a plan for the organization of these corporations as District of Columbia corporations to do business wholly within the Republic or Empire or territory of China.

I pass that phase of the subject.

Mr. KING. Mr. President, will the Senator permit an inquiry there?

Mr. CUMMINS. Certainly.

Mr. KING. Is there any provision made which would inhibit the District from imposing upon the corporations franchise taxes or such other taxes as a progressive system of taxation might demand?

Mr. CUMMINS. There is such provision in the sense that a franchise tax is provided for, although it is a very moderate one, and is intended to cover the expense incident to the organization and control of these companies, but the act contains a provision which would allow Congress to take care of that subject in the future if it is thought desirable at any time to do so. The last section of the bill reads:

> The Congress of the United States reserves the right to alter, amend, or repeal any provision of this act.

The next phase of the matter—and that is the one which has given us the most concern—relates to the imposition of Federal taxes upon a corporation so organized. The House bill, practically speaking, exempted from Federal taxation the corporations which it proposed to create—that is, not quite from all but from nearly all of the taxation that is imposed by the present law upon corporations—and we had months of discussion and investigation, for it was with some difficulty that we brought ourselves to the conclusion that there ought to be any exemption from taxation.

I propose now to read a brief description of what we finally agreed upon. We did agree to some exemption but not the exemption that is provided for in the bill as it passed the House. I may say that one of the great objects of these corporations in carrying on business in China is to enlist the capital of Chinese citizens, and the imposition of taxes upon Chinese citizens practically precludes the organization or success of such corporation. I now read:

The House bill granted to corporations organized under the act a complete exemption from income and excess profits taxes if the gross income derived from sources within the United States did not amount to 5 per cent or more of its entire gross income and if it distributed in dividends during the taxable year at least one-third of its net income. That was one of the provisions of the bill as it passed the House.

The House bill also granted complete exemption to the American stockholders from the payment of normal income tax on dividends received from the corporation. The House bill also provided that a China trade corporation should be considered a domestic corporation, which it necessarily would be within the meaning of the income tax law, but that it should not be deemed to be affiliated with any other corporation within the meaning of the section of the income tax law providing for consolidated returns of net income.

I desire Senators to observe that point particularly, because it has been preserved in the bill as it now reaches the Senate. A China trade corporation can not affiliate itself with any other corporation so that the combined corporation can make a consolidated return. The very object of our bill compels a complete separation of a China trade corporation from any other corporation.

The Senate struck out of the bill all provisions relating to Federal taxation. That was the action of the Senate when the bill came from the Judiciary Committee to the Senate, and was submitted for passage, and that created a controversy between the House conferees and the Senate conferees.

One of the principal reasons for the passage of this act is the impossibility of attracting capital to invest in our corporations so long as such corporations, while subject to our tax laws, have to compete with British and other corporations having tax exemptions of great importance.

I may say that, speaking generally, Great Britain exempts her China corporations from all taxation on the part of the Empire. That is true also of France, and our people would do business at a very great disadvantage, as can be readily seen.

The Senate conferees felt that the act would fail of its purpose of encouraging trade with China if the permission to incorporate under a Federal charter could not be availed of as a practical matter under competitive conditions. They therefore came to the conclusion that a carefully guarded tax exemption should with justice be incorporated as a part of the bill. The conference bill, it is believed, grants only such exemptions as are essential to carry out the purposes for which the bill is passed, and does not extend the exemption so as to deplete the Treasury for the benefit of individuals.

It might be said at this point also that our revenue derived from profits from our business carried on wholly within China is negligible, and it is the opinion of the Treasury Department that this bill would increase rather than diminish the revenue from business controlled by American citizens wholly within China.

The bill as recommended by the conference committee contains amendments to the income tax law allowing a much narrower exemption than that provided in the House bill. It is proposed—and Senators will find this in sections 21 and 22—to allow to a China trade corporation a credit on its net income of an amount equal to that proportion of its net income from sources within China which its capital stock owned by individual citizens of the United States or China, resident in China, bears to its entire capital stock.

I hope Senators grasp that without difficulty. I confess that it has involved me in a good deal of study.

Mr. STERLING. Will not the Senator read that statement again, so that we may better understand it?

Mr. CUMMINS. It is proposed, in sections 21 and 22, "to allow to a China trade corporation"—and I am speaking now of the corporation itself—"a credit on its net income"—I pause there to say that under our law ordinarily a corporation pays a tax of 12½ per cent, according to my recollection, upon its net income. It is proposed—sections 21 and 22—to allow to a China trade corporation "a credit on its net income of an amount equal to that proportion of its net income from sources within China which its capital stock owned by individual citizens of the United States or China, resident in China, bears to its entire capital stock."

That is to say, if one half of the capital stock of the corporation shall be owned by citizens of China or citizens of the United States resident in China and the other half owned by citizens of the United States resident in the United States, then that corporation would be entitled to a credit upon its net income when it comes to compute the 12½ per cent tax of 50 per cent. This exemption, however, Senators will observe, is hedged about with some restrictions.

"This exemption is, however, allowed only if an amount, equal to the saving in tax, is distributed as a special dividend to such of its stockholders as are individual citizens of the United States or China and reside in China."

That is to say, the Senate conferees did not believe that citizens of the United States who had invested in the corporation, but who resided in the United States, should indirectly receive, by any possibility, any benefit from the credit that is so provided.

"Citizens of China, resident therein, are exempted from tax on their dividend, as provided by section 26, but all other stockholders are subjected to both surtax and normal tax on all their dividends from a China trade corporation in section 27."

That hardly needs elaboration. We do not tax, and we ought not to tax, citizens of China upon the dividends which they receive from the corporations of which they become stockholders.

Mr. STERLING. I suppose if we were to tax them, that would defeat the primary purpose of the bill, which is to encourage investment on the part of Chinese.

Mr. CUMMINS. Exactly. What we are trying to do is to put our people upon as nearly even a footing with the people of other countries in doing business in China as possible, and to enlist the aid and the influence and the capital of citizens of China in the business which Americans control.

"The provision of the House bill treating these corporations as domestic corporations for the purposes of the income tax law is retained (sec. 25), as well as the provision prohibiting such a corporation (sec. 24) from making consolidated returns of net income with other corporations."

I referred to that prohibition a few moments ago. The conference bill also provides (sec. 23) "that a China trade corporation shall not be permitted to avail itself of the privilege allowed other corporations by the revenue act, namely, to credit against its income tax, dollar for dollar, the amount paid to foreign countries as income, war profits, or excess-profits taxes."

That is to say, if China were to levy a tax upon the business of this corporation, our corporation would not be permitted to credit itself with the taxes paid to China or to any other foreign country which might get jurisdiction over it.

It should be observed that under these provisions—

"(1) The corporation gets no exemption in respect to its income not derived from sources within China.

"(2) Even as to the income derived from sources within China the exemption is as to only a portion of it, namely, the same proportion which the stock of the corporation owned by citizens of the United States or China, resident in China, bears to the entire capital stock of the corporation.

"(3) Even this proportion is based on stock owned by individuals and not by other corporations or holding companies"—

That was one of the subjects which created a great deal of discussion, and we did the best we could to see that this stock, if it passed into the hands of a holding company or an affiliated company, was then not entitled to the exemption which we have provided for—

"(4) The limited exemption thus granted is only allowed"—

I desire Senators particularly to note this point—

"The limited exemption thus granted is only allowed if the resulting saving in tax is distributed as a special dividend to those individual residents in China on the basis of whose stockholding the proportion of the net income from sources within China is computed."

That is, the corporation can not accumulate this fund which would arise on account of the credit upon the net income. If it is to get the exemption, it must distribute that saving among the Chinese stockholders.

"(5) For the purpose of computing the exemption no person is considered a stockholder unless the equitable right to the income from the shares is in good faith vested in him, thus guarding against the possibility of defaulting the Government by placing the stock in the hands of a trustee or a dummy holder.

"(6) The dividends received by the stockholder from the corporation (whether regular dividends or the special dividend, the amount of which limits the amount of the tax saved by the corporation)"—

Now, mark this—

"are subject to full surtax and normal tax, except in the case of stockholders who are citizens of China, resident in China, in whose case it should be remembered that there is no way of collecting a tax even if it should be imposed.

"(7) The corporation is not allowed to credit against its Federal tax the amount of income, war profits, and excess-profits taxes paid to foreign countries, a privilege which is allowed by the revenue act to all other domestic corporations."

Our present law provides for that credit, but in view of the peculiar circumstances of this matter, and in view of the fact that we were granting to this corporation substantial exemptions, it was believed that the corporation should not have the privilege which is granted under the revenue law to other domestic corporations.

By forbidding a China trade corporation to make a consolidated return with any other corporation, it has been made impossible to transfer the tax exemption to a holding company or a subsidiary by any intercorporate financial adjustment.

Now, Mr. President, if it is believed by the Senate that a quasi Federal incorporation will add to the opportunities of our citizens residing in China to carry on business there and indirectly to increase the trade between China and the United States, it is my opinion that the exemption is a fair one and is the least that we can do for their protection.

I hope that Senators will all remember that while the American corporations are limited to business carried on within China, yet the indirect effect must be to increase greatly the trade between China and the United States. A corporation organized to carry on business in China must purchase essentially all of the things in which it deals from countries outside of China. An American corporation will at least have a tendency to buy in the United States rather than in Great Britain or in France or in Italy or in any other country. That is the natural pride, I think, of the American citizen. I think it must be assumed that he would be controlled by that motive. I do not mean to say, of course, that a China trade corporation, if it could buy goods at greatly lower prices in other countries, would buy in the United States notwithstanding that advantage; but upon anything like even terms the American corporation would do business with the United States; that is, it would buy in the United States the goods which were to be distributed in China and with which it dealt in the commerce of China.

It is the opinion of those who are qualified to express an opinion that the organization of corporations of this kind would tremendously enhance or increase the trade and commerce of the United States. I have been deeply impressed as I have heard—as I have upon many occasions, not only when the bill was pending before the Judiciary Committee, but while it was pending before the conference committee—the testimony of our people who live in China and our former ministers to China and of men from every calling who had become familiar with conditions in China. One of the witnesses before certain members of the conference committee is a district judge in China. All Senators know that we have an extraterritorial jurisdiction in China, and that we have a United States district court in China, created under a treaty for the purpose of protecting the interests of Americans in China, so that Americans in China could be judged not only by the laws of the United States but by a judge appointed by the President of the United States.

I have said now all that I care to say with regard to the matter.

Mr. KING. Mr. President, will the Senator yield?

Mr. CUMMINS. I yield.

Mr. KING. When the bill was before the Senate some time ago, as I understood, the Senator from Wisconsin [Mr. La Follette] offered some objection to the taxation scheme.

Mr. CUMMINS. No; when the bill reported by the Judiciary Committee of the Senate was before the Senate there was no exemption from taxation at all, and that bill was substituted for the House bill. I do not remember that the Senator from Wisconsin asked me any question save one, namely, Is there in the Senate committee substitute any exemption from taxation? My reply was that there was not any exemption.

Mr. KING. It may be that I have confounded the position of the Senator from Wisconsin with respect to the pending bill with observations which he made when the revenue bill was under consideration and when the question of taxing the profits resulting from foreign business was involved. I recall that upon that occasion a discussion took place as to the profits which might be derived from business in the Orient or in other countries. I was wondering if the objection then suggested by the Senator from Wisconsin had been met?

Mr. CUMMINS. I think the observation just made by the Senator from Utah is quite correct—that the Senator from Wisconsin was opposed really to any exemption in the revenue bill. I do not think that the entire objection which the Senator from Wisconsin made at that time has been overcome in this bill, because the pending bill does grant a certain limited exemption.

Mr. KING. May I inquire of the Senator whether the bill would change or modify, to the advantage of the taxpayer or to any member of a corporation or its stockholders, any of the provisions of the revenue measure?

Mr. CUMMINS. I think so. I think that under the revenue measure the corporation to be organized under the provisions of the pending bill would not be entitled to any exemption. There would be possibly an exception to that. Undoubtedly the bill gives to the corporation organized under it a privilege in regard to the exemption which the corporation could not exercise under the general revenue law of the United States.

Mr. KING. Then, if I understand the Senator, persons engaged in business in China who may organize under the provisions of the pending bill will have advantages in a question of taxation as compared with the provisions of the revenue bill?

Mr. CUMMINS. I think so.

Mr. KING. In other words, the pending bill modifies to some extent the provisions of the revenue bill?

Mr. CUMMINS. Undoubtedly.

Mr. KING. And does so to the advantage of the taxpayer?

Mr. CUMMINS. That does not follow. If it could be assumed that the business which we hope to create through the agency of those corporations was being done or would be done in China, and that the citizens of China and the citizens of the United States who reside in China made the profits and made reports to the United States, there would be to them an advantage in the passage of the bill. But the business is not being done in that way, and business will not be done in that way. I am not expert enough to have an opinion upon the future with regard to our trade with China. I must rest content with the position of the Treasury Department, which is that in its opinion there will be more revenue derived from business done wholly within China under the provisions of this bill than the Treasury Department is now receiving on account of profits on business done wholly within China. The attitude of the experts from the Treasury Department who appeared before us was that it could be very fairly considered as a measure to increase revenues rather than to diminish revenues.

Mr. KING. If the Senator will further yield, the point I am attempting to make is this. Of course, as the Senator knows, I am very much interested in the extension of our foreign trade, as I know the Senator from Iowa is. The Senator does not believe in a theory which some upon the other side of the Chamber announce, that we must cut off our trade with foreign nations and build a Chinese wall around the Republic.

Mr. CUMMINS. I have no sympathy with that doctrine.

Mr. KING. The Senator perceives that our prosperity is largely dependent upon our foreign trade and commerce. Therefore, being interested in the extension of our foreign trade and commerce, I would be glad to support any bill that would facilitate that desirable result. But I am anxious to know—and I repose absolute confidence in the Senator, and therefore I appeal to him—whether the pending bill will invite persons, who are engaged in business or who may desire to engage in business, to take refuge under the provisions of the bill in order that they may escape paying a fair and legitimate tax to the Government of the United States?

Mr. CUMMINS. I do not think it can possibly have that effect. One of the things that is always mentioned by anyone familiar with business in China and the desire of Americans who live there to engage in business is the difficulty of enlisting Chinese capital in the business. We are told that there is an abundance of Chinese capital, and those who are promoting the plan desire first to secure a corporation of a Federal character in which the people of China would have a greater confidence than they would repose in a corporation organized under the laws of some State. That is the first thing that is always mentioned. It is the belief of those with whom I have consulted that if these corporations were permitted practically one-half of the capital would be contributed by citizens of China. The bill provides that the control of the corporation must always be with citizens of the United States, otherwise it would lose its distinctive character of an American corporation. That is the first thing.

The second thing is that when a citizen of China has an opportunity to invest in a British corporation, as he has, a corporation exempt from all taxation so far as Great Britain is concerned, and he comes to compare the advantages of an investment in such a corporation with the advantages of investing in an American corporation, he will choose that corporation upon which the country creating it does not impose the taxes.

The Senator from Utah will readily understand that when an American is trying to do business in China he desires to gather about him influential Chinamen who, through their acquaintance and their knowledge of conditions, can enlarge and develop the business in which the American is engaged. I do not conceal at all, however, and I do not desire to conceal, the fact that a corporation under this proposed law will have an advantage over a corporation doing the same kind of business organized under the law of a State, because the latter is not entitled to any considerable exemption from taxation, while the former is.

I have explained the matter as fully as I can; it is a somewhat technical subject, and I shall be glad to answer any question I can answer. If, however, there are no further inquiries, I submit the matter for such action as the Senate may desire to take.

Mr. KING. I desire to make an inquiry of the Senator from Iowa, in view of the statement which he has made that the bill provides for these corporations to be incorporated under the laws of the District of Columbia. I do not find that provision in the bill. May I ask the Senator from Iowa to advise me what section in the bill carries out that statement of the Senator?

Mr. CUMMINS. I shall be glad to indicate the section. Has the Senator from Utah a copy of the conference report on the bill?

Mr. KING. A copy of the conference report has just been handed to me.

Mr. CUMMINS. At the top of page 2 the language of the conference report reads:

> SEC. 4. (a) Five or more individuals (hereinafter in this act referred to as "incorporators"), a majority of whom are citizens of the United States, may, as hereinafter in this act provided, form a District of Columbia corporation for the purpose of engaging in business within China.

Mr. KING. I now perceive the provision to which the Senator refers. I had before me at first only a copy of the Senate bill.

Mr. CUMMINS. The language I have read is not contained in the Senate bill.

Mr. KING. It is not in the Senate print, but, in view of what the Senator has read from the report of the committee of conference, I see that he was correct in his statement. May I inquire whether or not corporations of the character provided for would be amenable to the general provisions of the laws of the District of Columbia with respect to visitation, if such provisions are made?

Mr. CUMMINS. There are the most particular provisions made in the bill with regard to the visitation and control of the corporations.

Mr. KING. I perceive from the conference report on the bill which has just been handed to me that the bill has been rewritten by the conferees in many particulars.

Mr. CUMMINS. The bill has not been essentially changed except in providing that China trading companies shall be incorporated under the laws of the District of Columbia instead of under the laws of the United States.

Mr. KING. Mr. President, I shall not object to the adoption of the conference report. However, I confess that I have some apprehension in regard to the operation of the bill and its scope and effect. Of course, anything that will aid in the development of our foreign trade and commerce should receive the hearty support of this body. All of the bills, though, which we may pass to increase our foreign trade and commerce or aid in the development of our foreign trade or commerce will be nullities if we pass tariff laws such as the Fordney-McCumber bill, which is now before us.

Undoubtedly we are subject to the charge of inconsistency in the character of legislation enacted by Congress dealing with revenue questions and with tariff and other matters relating to trade and commerce. The Senator from Iowa [Mr. CUMMINS] has submitted a bill and conference report that deal with our foreign trade and commerce. This bill, he contends, will enlarge our foreign markets and increase the trade between the United States and China. Legislation seeking to expand our trade and commerce is of the highest importance, but we follow this bill by the reactionary Fordney-McCumber tariff bill, the schedules of which are so high as to constitute almost insurmountable obstacles to the development of our foreign trade.

The bill last mentioned is not to increase our exports or our foreign commerce. It seeks to restrict both imports and exports and to place the American consumers at the mercy of exploiting domestic corporations. One day we make magnificent gestures in favor of national prosperity and development and looking toward opening markets for our surplus agricultural products as well as our manufactured commodities.

The following day we render nugatory and impossible of fulfillment the promises of the preceding day and prevent the realization of the hopes of those who seek to increase our foreign commerce and thus add to the prosperity and the welfare of the American people. It is unfortunate that reactionaries and selfish interests dominate the Republican Party and control legislation. The Senator from Iowa has often emphasized the necessity of finding markets for our surplus products. He is from an agricultural State and appreciates that the farmers of the United States as well as the growers of live stock must, if they have prosperity, find an outlet for their surplus products in lands beyond the sea. He can appreciate how unjust it is to the American agriculturists to enact legislation which destroys their foreign markets and compels them to purchase the commodities which they do not produce at prices raised to oppressingly high levels by legislation which builds up monopolies and permits the exploitation of the American consumers.

We want trade with the Orient. There a fruitful field for American enterprise can be found. Europe is involved in debt to the extent of billions of dollars, but China owes but little and Japan's obligations are unimportant. India, while impoverished, has external obligations of but slight importance. While the wants of the people of some of the oriental countries are limited, nevertheless in the aggregate their requirements are enormous. They are desirous of purchasing American products and increasing their trade with the American people. The Orient affords a great market for the surplus products of our mines and mills and farms. If we pursue rational trade policies with the countries of Asia we can soon increase our exports to the extent of hundreds of millions of dollars annually. In the past we have rather regarded the Orient as terra incognita, or at least so far removed from the United States as to be beyond the circle of our commercial dealings.

I have sometimes thought that we have been too provincial and have assumed an attitude entirely too supercilious toward not only the peoples of Asia but those of other countries.

The American people and the American business man must realize that if prosperity is to come to this country we must be brought into friendly relationship with all the world. We want markets and still more markets; we want to know what the peoples of the world desire to buy, because with our boundless resources and our financial supremacy in the world we can supply all countries with commodities and products varied in character and quality to the extent of billions of dollars annually.

If our tariff legislation were wise and the interests of the American people regarded in their preparation, and if the business men of the United States should adopt rational trade and business policies, it would be but a short time before China and Japan would be purchasing from the United States commodities of the value of from $300,000,000 to $1,000,000,000 annually. The foreign trade of the United States finds its chief impediment in the foolish and exasperating tariff and fiscal legislation and policies projected by selfish and greedy interests within our own borders.

Mr. President, with the purpose of this bill, as I understand its terms, I am in entire sympathy. I regret that it is felt necessary to have a Federal law providing for corporations to engage in trade in China. I am opposed to the granting of charters to private corporations by the Federal Government. I have doubted the authority of Congress to create private corporations. Of course, such corporations as are necessary to execute the powers of the Federal Government Congress may create. Undoubtedly it may authorize Territories to provide for the organization of corporations and it may because of its anomalous relation to the District of Columbia create corporations within the District.

I think it would be wiser, however, to amend the general incorporation law which has been enacted by Congress for the purpose of dealing with District of Columbia corporations, and provide generally for the organization of corporations to engage in foreign trade and commerce, if the general act is not sufficiently broad to permit this to be done. In other words, general incorporation acts I regard as preferable to special and private acts creating corporations. There is no reason why corporations to carry on trade and commerce in China or South America or any other country should not be organized under general incorporation laws.

Nor do I look with any great favor upon the proposition that business corporations engaged in foreign commerce should have the prestige which it is alleged flows from the claim that they are Federal corporations. It is apparent from statements made in support of this bill, statements made in hearings and to Senators, that if a corporation is organized by an act of Congress people in other countries attribute to it greater powers than it actually possesses and associate it with the Government of the United States, indeed, regard it as if it were discharging governmental functions and performing acts for which the Government may be held responsible. Undoubtedly, a Federal charter gives the corporation possessing it a prestige and standing not merited or warranted, and may result in unpleasant surprises and perhaps disappointments in the event that enterprises in which the corporation is engaged prove unsuccessful.

I have some concern as to whether this measure before us properly guards the United States with respect to the subject of taxation. American capital employed abroad and which brings returns to American citizens should make reasonable contribution by way of taxation to the Government. But the Senator from Iowa has given this bill prolonged study, and his assurances that the Government is properly protected induces me to offer no objection to the adoption of the conference report.

INVESTIGATION OF CHARGES AGAINST FEDERAL RESERVE BOARD.

Mr. HEFLIN. Mr. President, I have in my hand an editorial from the Wall Street Journal opposing the resolution introduced by me calling for an investigation of the tremendous increase in the salaries of the officers and employees of the Federal reserve banks and in the current expenses of those banks. I have shown, Mr. President, that the salaries and current expenses of the 12 Federal reserve banks in 1918 amounted to $4,768,449. I have shown that at the end of the fiscal year 1922 these expenses had increased to $19,987,559. I want to know, and the country is entitled to know, why it cost $15,219,110 more to run the 12 Federal reserve banks in 1922 than it cost to run them in 1918, when the amount of business done by the 12 banks in 1922 was not as much as it was in 1918 in its most important department.

In defending the extravagant expenditure of over $20,000,000 on a banking palace in New York City the Wall Street Journal says:

> The New York Federal Reserve Bank is not spending Government money to construct its building. It is spending money that belongs to member banks, and these member banks are not complaining.

Mr. President, I am going to submit a statement here to the Senate and to the country, and I challenge any member of the Banking and Currency Committee of the Senate and of the House to answer these figures. I challenge the Federal Reserve Board and the Wall Street Journal to refute them. This letter from which I will read is from a very high former official of the Government, a man of great ability and unimpeachable integrity:

> Section 7 of the Federal reserve act as originally passed reads in part as follows:
>
> "After all necessary expenses of a Federal reserve bank have been paid or provided for the stockholders shall be entitled to receive an annual dividend of 6 per cent on the paid-in capital stock, which dividend shall be cumulative. After the aforesaid dividend claims have been fully met all the net earnings shall be paid to the United States as a franchise tax, except that one-half of such net earnings shall be paid into a surplus fund until it shall amount to 40 per cent of the paid-in capital stock of such bank.
>
> "The net earnings derived by the United States from Federal reserve banks shall, in the discretion of the Secretary, be used to supplement the gold reserve held against outstanding United States notes, or shall be applied to the reduction of the outstanding bonded indebtedness of the United States under regulations prescribed by the Secretary of the Treasury."
>
> Please note that the surplus which, under the act as originally passed, could be accumulated from the earnings of the banks was limited to 40 per cent of the paid-in capital. As only one-half of the subscribed capital of the reserve banks has been paid in, the surplus was therefore limited to 20 per cent of the total subscribed capital.
>
> At the end of December, 1918, the reserve banks, after the payment of operating expenses and dividends and after making various charge-offs to reduce their net earnings, showed that they had accumulated a large amount of money, which, under the law, ought to have been paid over to the Federal Government as franchise tax.
>
> The money thus accumulated as of December 31, 1918, actually amounted to $26,728,440. This was the amount of net earnings which had been accumulated after the reserve banks had charged against their net earnings for the year 1918 alone large sums of money for the purpose of reducing the amount to be paid to the Government. The amount to which I refer aggregated $2,730,669, of which $1,609,537 was on account of alleged depreciation in bank premises, $848,000 was alleged depreciation in Government bonds, and $307,000 was for certain "special reserves" which were not explained.
>
> When Governor Harding and some of the Federal reserve officials realized that they had this respectable sum of $26,728,440, then actually belonging to the Government, they determined, if possible, to hold on to the money and not to let the Government get any of it. They, therefore, caused to be introduced in Congress a bill to enable a reserve bank to use the net earnings of the bank in building up a surplus equal to 100 per cent of subscribed capital or 200 per cent of paid-in capital, instead of 40 per cent as the Federal reserve act originally provided.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Alabama yield to the Senator from Idaho?

Mr. HEFLIN. I am glad to yield to my friend from Idaho.

Mr. BORAH. Did the Senator state from whom he was reading?

Mr. HEFLIN. I am reading from a former able and faithful official of the Federal Government, the former Comptroller of the Currency, John Skelton Williams. Continuing, he says:

> This bill, as originally presented, as well as I can recall, authorized a surplus equal to 100 per cent of the paid-in capital and, I think, was changed later to make it 200 per cent of the paid-in capital. At any rate, when finally passed it provided that the Government should go without franchise taxes until the reserve banks had accumulated a surplus equal to 200 per cent of their paid-in capital. That bill was adroitly maneuvered through Congress by Governor Harding with the help of his Republican friends, and finally got through on March 3, 1919—the very end of the session.

Mr. President, this is in keeping with the last two years of scheming and secret maneuvering of William P. G. Harding. In the closing hours of the session, March 3, 1919—why, Mr. President, that is how they got the resolution through the bankers' convention of New Jersey, when all the delegates had gone but about 15; and the very last thing done, when nobody knew what was happening, they slipped through a resolution asking the President to reappoint him.

> As a result of that bill, the Federal Government was instantly deprived of $26,728,440 which on December 31, 1918, stood to the credit of Government franchise taxes on the books of the reserve banks. Meanwhile, the Federal Reserve Board on December 14, 1918, gave instructions to all Federal reserve banks directing that the amount which, under the law, was due to the Federal Government on account of franchise tax should be "credited" to an account to be opened under the title of "reserved for franchise tax," to remain in such account until demand therefor is made by the Government, of which due notice will be given you by the Federal Reserve Board.

There he is, Mr. President, this smooth artist governor, leaving in these banks this money that should have gone to the Government, and instructing the banks to hold it, to put it under the money held for franchise taxes until the Government should call for it, and that he would notify them before that was done.

His suggestion was eagerly followed.

> Under these instructions the banks swung on to the franchise taxes due the Government, amounting, as above shown, to $26,728,440, and then, when Congress on March 3, 1919, passed the bill, the reserve banks calmly added this sum to their surplus and the Government got no part of it.
>
> Thereafter the reserve banks rapidly added to their surplus funds, and on September 6, 1922, this surplus account amounted to $215,398,000.

Mr. President, this man, Governor Harding, knew what they were going to do. He knew that they were going to apply the progressive interest rate to the South and West, and this man knew that these earnings would accumulate by the millions and tens of millions. You see what has happened here in a very brief time—an increase in that fund of nearly $200,000,000.

The paid-in capital of the 12 banks on September 6, 1922, was $106,085,000. Under the original Federal reserve act the total amount of "surplus" which would have been accumulated from earnings would be $42,434,000; but as a result of the amendment, sneaked through in the closing hours of the session in March, 1919, the United States Government has been deprived, thus far, of the enormous sum of $172,964,000.

Mr. President, is it any wonder that the officials of these banks, like the New York Federal Reserve Bank, are having me attacked editorially, and are trying to hamper me in this great fight, and injure me politically, when they have had all this money pass into their hands to be accounted for in various questionable and ridiculous ways, so as to keep it from going into the Federal Treasury as franchise taxes. Did you get those figures, Senators—$172,964,000?

But I ask you to note particularly that this does not represent the total amount of earnings of which the Government has been deprived by the operations of the reserve banks.

In the Reserve Board's annual report for 1918, on page 31, will be found a copy of letter of instructions sent to all reserve banks on December 14, 1918, telling them how they can reduce their net earnings on which they have to pay taxes to the Federal Government by making certain charge-offs against profit and loss.

Was there ever such an underhand and thieving scheme devised? Here is the governor of the Federal Reserve Board suggesting crooked schemes and teaching these bank officials how to cheat the Government, how to hold this money, how to use it to private ends and prevent the Government from getting any of it, and then having the unmitigated gall to ask that he be reappointed, placed again at the head of this great banking system. I am not surprised that these gentlemen who are in control and who have flourished in evil-doing want to keep him in, because they are like Pat was when the jury tried him for the larceny of a yearling, and the jury acquitted him when the facts were all against him. His friends said, "Pat, how do you account for this verdict of acquittal?" He said, "Faith, and 11 of those jurors got some of the beef." [Laughter.]

I want to repeat that statement.

In the Reserve Board's annual report for 1918, on page 31, will be found a copy of letter of instructions sent to all reserve banks on December 14, 1918, telling them how they can reduce their net earnings on which they have to pay taxes by making certain charge-offs against profit and loss. For example, the banks are told—

"Bank premises"—

where properties have been purchased with the intention of erecting new bank buildings, banks to be permitted to charge against profit and loss account an amount sufficient to cover the estimated value of buildings which will have to be razed. Such estimated valuation of buildings to be submitted to the Federal Reserve Board for approval before depreciation allowance is determined.

Mr. President, I wonder if Senators get the full significance of that? The estimated values of buildings and depreciation charges and charge-offs against profit and loss must all be submitted to him before such allowance is determined or granted. You see he wants to keep his hands on these bank officials and place them under obligations to him so that no one of them would wish a change in the governorship of the Federal Reserve Board.

Now please note how this little scheme was worked. On page 31 of the Reserve Board's annual report for 1918 we find the following statement. I want those who do me the honor to listen to get these figures:

The Federal Reserve Bank of Chicago has purchased for $2,938,000 a property in the financial district most suitably located. The building is not regarded as being of any value—

Do Senators get that?—

and will be torn down to make room for a new structure.

Now, listen:

Please note that the building was not regarded as being of any value! But the Chicago bank was doing a very lucrative business and was piling up profits which would entitle the Federal Government to a large franchise tax. Therefore in reducing the earnings which ought to have gone to the Government the Federal Reserve Bank of Chicago, with the Reserve Board's sanction, deliberately made the following charges against profit and loss or net earnings in the years indicated below—

On account of alleged depreciation in "bank premises," etc.:

Calendar year 1919	$820,000
Calendar year 1920	29,062
Calendar year 1921	145,000

and in the same year they charged account bank premises to their so-called "supersurplus" previously accumulated the sum of $2,030,000.

The real estate originally purchased by the Chicago bank for ground and buildings had cost $2,938,000 and the amount which was charged off for alleged depreciation before the new building was finished amounted to actually $3,024,062!

Senators, was there ever such a scandal perpetrated against the people and the Government of the United States—more allowed for depreciation, profit and loss accounts, than the whole thing cost, buildings and all?

John Skelton Williams says of this transaction:

This can be regarded as an illustration of the manner in which these charge-offs have been handled in other banks and the manner in which the Government has thereby been robbed. I will leave comments to you.

Mr. President, as a result of the unjustifiable change of the law and as a consequence of the indefensible charge-offs for alleged depreciation on buildings, etc., which the reserve banks have been making, the Federal Government has thus far actually lost the enormous sum of $180,000,000.

Are you surprised that this Wall Street Journal and the New York Journal of Commerce and the New York Commercial are continually nagging at me and criticizing me? I am interfering with their business. They are sitting right close up under the drippings of the golden sanctuary, all three of them, receiving their baptismal blessings right out of this crooked and corrupt fund. Then they go back to their quarters and write editorials attacking me for daring to interfere with the criminal conduct of crooks. Well, the Bible tells us that the ox knoweth his owner and the ass his master's crib.

Mr. President, it does not make any difference to me whether a thief is a little thief or a big thief; they all look alike to me. A crook is a crook, and I would never want to look my constituents in the face again if I were to sit silent here because of fear that certain big special-interest newspapers would attack and criticize me for attacking some big interest. I would not be worthy to represent a sovereign State in this body if I did not have the decency and the courage to condemn the things that I know are wrong and injurious to the people that I represent and injurious to the country. Why should I fear to do it?

My people expect and they are entitled to have the very best service that I am capable of rendering—not half-hearted, but whole-hearted service.

I have shown you how Governor Harding taught these bank officials and in collusion with them prevented the Government from getting in franchise taxes from these banks over $180,000,000. Yet this Wall Street Journal says:

The New York Federal Reserve Bank is not spending Government money to construct its building. It is spending money that belongs to member banks. These member banks are not complaining.

Mr. President, the truth is they are squandering money, disposing of money somehow, and spending money that belongs to the Government. If they would honestly account for these earnings and not put them into charge-offs and depreciation and useless salaries, the Government would get a vast sum to help take care of its obligations.

The Federal Reserve Bank of New York in its statement of July 5, 1922, reports a total paid-in capital—

And I hope Senators will get these figures:

The Federal Reserve Bank of New York in its statement of July 5, 1922, reports a total paid-in capital of $27,572,000. The surplus which they were, by the amendment to the reserve act, entitled to accumulate was, therefore, $55,144,000; but they have accumulated a total of $60,197,000 or $5,053,000 over and above the amount they were entitled to lay aside before paying anything to the Government. The law provides, however, that—now that they have gotten a surplus equal to twice their paid-in capital—of the surplus earnings made by each bank in excess of 6 per cent dividends on their capital stock, 90 per cent (and not 60 per cent) shall be turned over to the Government.

Therefore, when the reserve banks spend, in addition to the 6 per cent dividend, $15,000,000 needlessly for alleged current expenses and fat salaries, etc., the Government loses exactly 90 per cent of the amount thus improvidently squandered or, say, $13,500,000 out of every $15,000,000 thus unnecessarily paid out.

I assert that when these banks increased their salaries and current expenses over 1918 in the sum of $15,000,000, they took $13,500,000 which should have gone, and would have gone, to the Federal Government. That is a nice item in these hard times. Of course, it does not seem very large to fellows like the New York bank officials, who are squandering money by the millions which they have wrung out of the sweat and toil of the masses of America.

The banks have shown much resourcefulness and ingenuity in devising means for reducing their net earnings so that they may not be required to pay this 90 per cent to the Government.

The official reports of the Federal Reserve Board show that for the calendar year 1919—page 234—net earnings were charged on account of—

Alleged depreciation in bank premises, etc., of	$2, 649, 819
For the calendar year 1918 they charged against profit and loss on account of bank premises (p. 213, report for 1918)	1, 609, 537
For the year 1920 they deducted from current net earnings on account of bank premises (p. 22, report for 1920)	1, 914, 484
For 1921 they charged for current net earnings on account of depreciation allowance on bank premises	1, 251, 675
This latter charge was exclusive of amounts charged to "supersurpluses" on account of bank premises, amounting to	2, 630, 277
Total	10, 055, 792

These figures show in connection with their land purchases and building operations the Government has apparently been deprived of about $9,000,000 of revenue already.

I have already shown that the Federal Reserve Bank of New York raised clerks or other minor officials' salaries from $1,320 to $10,000, from $2,500 to $15,000, from $3,600 to $25,000, and from $6,500 to $30,000 a year.

Mr. President, such conduct is not only reprehensible but it is inexcusable and indefensible.

Listen, Senators!

The cost for banking quarters of 4 of the 12 reserve banks is estimated in the Reserve Board's report to the Senate of October 31, 1921 (pp. 21-23), at $49,878,914, which is nearly five times as much as the average annual expenditures for the past 20 years on all appropriations made by Congress for all public buildings, post offices, courthouses, and customhouses in all 48 States of the Union.

Was there ever such misuse, taking over, and squandering of semipublic funds? Fifty million dollars squandered on four bank buildings when hundreds of thousands of people are so hard pressed financially that they have to borrow money with which to pay their taxes. In order to make these tremendous bank earnings progressive interest rates were charged on loans and discounts granted to people who were compelled to borrow to save their business from ruin. Those interest rates ran from 7 to 87½ per cent. Is it any wonder that these Wall Street papers hate and criticize me?

Mr. President, the time has come in the history of the Senate when to be attacked and assailed by one of these papers is a badge of honor. It is a notice to the public that the Senator thus assailed is a man of integrity. Why do not these New

York papers answer my arguments? If my position is not sustained by the facts, they should point out wherein my statements are inaccurate and incorrect. I want to serve notice on them now that they can not frighten or intimidate me.

Our boys on the firing line in France would never have had any trouble at all in getting one of the German soldiers to pilot them into the camp of the enemy on the promise that they would take care of them and would not let them get hurt. I would have had no trouble at all in having these very papers boost me if I had become one of their subservient tools. The honest and intelligent people of my State and of the whole country know what is the matter when one of these papers commences to criticize and bitterly assail a man in this body.

Now, Mr. President, I want to read another statement to Senators. I want the whole truth of Governor Harding's record and of the record of these banks to be known to the President. I have nothing to hide from him. I have scores of things I have not yet mentioned, but I will mention them if necessary. I do not want to hold anything back and have anybody say that I ought to have brought these things to the attention of the President before any appointment was made. I am bringing them to his attention little by little and bit by bit.

I want Senators to get this statement:

The Federal Reserve Bank of New York, whose total "earning assets" on September 7, 1922, amounted to less than $270,000,000, paid out in salaries for the calendar year 1921 an amount which exceeded the total salaries paid to all Members of both Houses of Congress, the President and his Cabinet, the Vice President, the Supreme Court, the Interstate Commerce Commission, Federal Trade Commission, the Tariff Commission, the War Finance Corporation, all Federal circuit judges of the United States, and the General of the Army and the Admiral of the Navy, all combined.

In view of such suspicious and reprehensible conduct on their part, do you wonder, Senators, that those fat agents and officials up there hate me? Do any of you wonder now why they have certain daily papers there writing editorials attacking me? Do any of you wonder why H. Parker Willis, who is on the Federal reserve pay roll and also editor of the New York Journal of Commerce, writes editorials assailing me? He is Governor Harding's friend in more ways than one. They wanted to keep all these things covered up and hid from public view. They thought that they could fire a few broadsides at me and that I would retire and remain silent. They did not dream that any Senator would dare to attack the tremendous influences back of deflation and the rake-off from franchise taxes that should have gone to the Government.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Senator will suspend a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT SECRETARY. A joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

Mr. CURTIS. I understand the Senator from Iowa [Mr. CUMMINS] desires to have a vote upon the conference report which has been before the Senate and that probably a vote can be had as soon as this speech is ended. Therefore I ask unanimous consent to lay aside temporarily the unfinished business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HEFLIN. Mr. President, one other item on that line. The New York reserve bank, according to their latest report to the Senate, appears to be still employing between 2,500 and 3,000 men and women on salaries to look after its business. There is a large national bank in New York City whose total loans, discounts, investments, and so forth, as reported on page 1186 of the New York Commercial and Financial Chronicle of September 9, 1922, amounted to more than the "earning assets" of the Federal reserve bank, and which was conducting its business ably and successfully with less than 200 employees in *all* departments.

Mr. President, how much longer will this reckless and wanton waste of the public funds be permitted? Twenty-five hundred or three thousand men and women on the Federal reserve bank pay roll in New York; and here is another bank, right in the same city, with greater "earning assets" and carrying on all its transactions with less than 200 employees. Two thousand and odd more on the other pay roll that ought not to be there. Why are they there? They are there to give those people an opportunity to account for this money that ought to go into the Federal Treasury. They were quick to learn under Governor Harding's instructions how to cheat the Government out of millions of franchise taxes.

Mr. President, the New York Times, not long ago, had an editorial to the effect that since the Senator from Virginia [Mr. GLASS] had spoken in defense of the Federal Reserve Board's deflation policy that I should be quiet and refrain from any further discussion of the subject, but I decline to take its advice. I am now going to submit some figures on deflation, and I challenge any member of the Senate Committee on Banking and Currency to refute them. I challenge the board itself. I challenge the editor of the New York Times and all his associate editors. I include in the challenge H. Parker Willis, who is on the Federal reserve pay roll and editor of the New York Journal of Commerce. I want Senators to get these figures.

On page 28 of his January speech on the Federal reserve system Senator GLASS said:

> From January 1, 1920, to January 1, 1921, these reserve banks expanded loans to member banks in an amount approaching $1,000,000,000.

On page 15 of the same speech he said:

> This tremendous expansion of Federal reserve credits aggregating nearly $1,000,000,000 within the 12 months' period of falling prices—

And so forth.

Both of those statements were wholly inaccurate and incorrect. The period from January 1, 1920, to January 1, 1921, embraced five months during which prices in this country were either rising or were stabilized, and the official records of the Federal Reserve Board show that from the end of January, 1920, to the end of May, 1920, the loans, discounts, and bought paper held by the 12 Federal reserve banks actually increased about $200,000,000. Coincidentally with that increase corn at Chicago advanced from an average of 1.47 in January to an average of 1.98 in May. Wheat, which had averaged 2.63 in January, advanced to 2.97 in May. Cotton yarns advanced, copper was fairly steady, and raw cotton maintained its price. The great downward slide in prices in this country began or got well under way about the end of May or the first of June, 1920. On May 28, 1920, the outstanding credits of the 12 Federal reserve banks amounted to $2,938,031,000.

Let us now see what the real truth was as to whether Federal reserve credits expanded or contracted in the "12 months' period of falling prices." The Federal Reserve Board's bulletins show that on May 25, 1921, the outstanding credits of the 12 Federal reserve banks had been reduced to $1,957,394,000. Therefore there was an actual shrinkage in that "12 months' period of falling prices" of exactly $980,637,000.

I have gone over the figures in the Federal Reserve Bulletin and in reports of the Federal Reserve Board, and I have submitted them to the highest authority in the country. I submitted those figures to gentlemen who know that they are correct. I submitted them to one who will stand out in history, when the story of that deadly deflation policy is told to our children, as one who, like Daniel of old, refused to eat the king's meat and to drink his wine, who stood and fought for what he thought was right, and ably and fearlessly exposed the deflation crooks all around him.

And for every subsequent 12 months' period in the era of falling prices the actual shrinkage which took place in each such period amounted to about $1,000,000,000 or more.

The shrinkage which took place from October 29, 1920, to October 26, 1921, when the deflation in prices was especially severe, amounted to $1,728,607,000.

The Senator from Virginia himself informs us that the whole of the calendar year 1920 was not a period of falling prices, for he says that prices did not reach their "peak" until the "early summer" of 1920—presumably he meant May or June. But if we include the first five months of the year, when the Federal reserve credits were increasing, and when prices were advancing at the same time, with the last seven months of the year, when prices were declining, we find that the actual net increase in Federal reserve credits held by the 12 Federal reserve banks from January 2, 1920, to December 30, 1920, was exactly $169,018,000, which is a very sad contrast with Senator GLASS's statement that "from January 1, 1920, to January 1, 1921, these reserve banks expanded loans to member banks in an amount approaching $1,000,000,000."

Senator GLASS also says, on page 15 of his pamphlet speech:

> During the whole period of falling prices the Federal reserve banks were supplying largely increased credit facilities and issuing a constantly increasing volume of Federal reserve notes.

In view of the official figures contained in the Federal Reserve Bulletin showing the period during which prices were falling, Senator GLASS probably will not deny that the period from May 28, 1920, about which time Senator GLASS says prices reached their apex, up to January 25, 1922, composed the greater part of or was the "whole period of falling prices."

Let us now see whether the Senator's statement is correct, that during that period the reserve banks "largely increased their credit facilities." The total amount of Federal reserve credits which these banks had outstanding May 28, 1920, was $2,938,031,000. On January 25, 1922, the total amount of credits outstanding by the 12 Federal reserve banks was $932,882,000, so that, indisputably, during this period the Federal reserve banks, instead of having "largely increased" credit facilities, brought about an actual contraction of the huge sum of $2,005,149,000.

Senator Glass should either explain amazing discrepancies in his statements or else withdraw them publicly.

The following table shows the amount of Federal reserve credits outstanding about the time that Senator Glass says prices reached their "peak," or, say, May 28, 1920, and the contraction which had taken place at the end of the first 12 months' period, and up to the end of each month thereafter, to January 25, 1922:

Outstanding credits of the 12 Federal reserve banks.		Contraction.	
Date.	Amount.	In—	Amount.
May 28, 1920	$2,938,031,000		
May 25, 1921	1,957,394,000	12 months	$980,637,000
June 29, 1921	1,803,163,000	13 months	1,134,868,000
July 27, 1921	1,669,920,000	14 months	1,268,111,000
Aug. 31, 1921	1,527,255,000	15 months	1,410,776,000
Sept. 28, 1921	1,441,794,000	16 months	1,496,237,000
Oct. 26, 1921	1,371,065,000	17 months	1,566,966,000
Nov. 30, 1921	1,255,255,000	18 months	1,682,776,000
Dec. 28, 1921	1,294,073,000	19 months	1,643,958,000
Jan. 25, 1922	932,882,000	20 months	2,005,149,000

Yet the Senator from Virginia said:

> During the whole period of falling prices the Federal reserve banks were supplying largely increased credit facilities.

When the official figures show that in precisely the period he mentions those reserve banks were calling and contracting credits right and left, and actually shrank the credit facilities of the people in that period by the colossal sum of over two thousand million dollars.

These figures tell the tale of drastic and destructive deflation.

They tell us, Mr. President, that a dollar circulates five times and that $1,000,000,000 in circulation amounts, when followed up through business channels, to $5,000,000,000 at work. If that is true, and it is, they took out of business $2,000,000,000, and five times $2,000,000,000 is $10,000,000,000. All this was done at a time when additional currency and credits were needed and when the Federal Reserve Board governor said that the system was capable of extending additional aid to business.

Mr. President, the figures that I have given speak for themselves. Let the friends of deflation answer them. I know that the Wall Street Journal does not wish this investigation, but I am going to have it or know the reason why, by roll call, which shall reveal the position of every Senator in this Chamber. The time has come to draw the line and let the people know who it is who sit in this body, however they may be able to hide their foot prints and to keep themselves from being known, who it is who are representing the special interests in this Government as against the interests of the great mass of the people; and who it is who are cloaking—and I am calling to judgment William "Poison Gas" Harding and all that bunch of helgibites who have associated with him in this awful scandal and crime against the country.

Think of this trusted Government official telling these bank officials, "You must do this and you can avoid paying the franchise tax to the Government." Think of that, Senators! Think of the crimes of which this man is guilty! Cold-blooded, shrewd, cunning—he is all that.

I am going to read a letter which was written about him by a man in Birmingham, Ala. I shall not give his name, but I will read what he says. He is a distinguished lawyer and an able, fine man. He is congratulating me on the fight that I have made. I desire to say to Senators that in all the fight that I have waged against this man and his reappointment and against his crooked conduct in office, and against the extravagance and crookedness of certain reserve-bank officials, I have only had two letters from my State which have condemned my position, while I have had hundreds of letters commending my course. I have had letters from every State in this Union indorsing my stand. This letter reads:

> You know I have known Harding—William P. G.—personally for 30 years. I knew him first when he was receiving teller in the little old Burney National Bank at Birmingham, and he has not grown in heart and spirit one inch since that time. He was always cold as an icicle. I never discovered in him the slightest uplifting interest in his fellow men or any broad human sympathy. He was simply one of those unfortunate individuals born without it. He makes an admirable and efficient executioner for the selfish financial powers of Wall Street.

The writer of this letter drew his picture perfectly.

Mr. President, there he is. Cold blooded! When I saw him turn a deaf ear to the pitiful cries of the cotton producers in my section, sit with folded arms and say, "On with the dance of deflation." When I saw him turn a deaf ear to the grain growers of the West and the cattlemen of that great section of our country, I made up my mind that he had ice water in his veins instead of blood, and that there was no pity or human sympathy in his curious make-up.

I read enough of these letters in the outset to give Senators an idea of what manner of man he is. He is the man who tells the reserve banks how to beat the Government out of its taxes; who slips up here to Congress in the closing hours on March 3, 1919, when the gavel is about to fall, when Members are telling each other good-by, when they think the work is over and nothing else is coming up, and slips through an innocent looking amendment. What did Members say about it? They said that Harding stated it was merely to allow them to set aside a little of their earnings to secure banking quarters; that they merely wanted to provide proper places in which to carry on business. Then everybody said, "Sure, that is a very good thing"; but what did he do when he got the amendment through? He saw the high interest rates approved by him accumulating millions; and then what? He sanctioned the erection of a bank palace in the city of New York to cost more money than this Capitol Building, the House and Senate marble Office Buildings, and the State, War, and Navy Building combined. This man sanctioned that thing; and I say, that after the running expenses of the Federal reserve system have been paid and dividends met, 90 per cent of the twenty-odd million dollars should have gone into the Public Treasury.

Mr. President, I learned something the other day about W. P. G. Harding that I did not know. The bankers of my State held a convention in May. He was down there, and the governor of the Federal reserve bank at Atlanta was also there. The governor of the Atlanta bank made some statements about deflation, denying it in part. When he went home John Skelton Williams, who read what he had said, wrote him a letter that made him acknowledge that he had made a mistake. At that convention—I had forgotten when the convention met, and never asked a single banker to be on guard—W. P. G. Harding was present, and after all but 14 or 15 of the delegates had gone home there was slipped through a resolution, a weak sort of a thing, in a way indorsing Harding's administration of the Federal reserve system, and Charlie Verner, of Tuscaloosa, an able and honest man, a banker, wrote me that less than half of those present voted for it. That is the way it went through. He further asserted that only a minority of the bankers of the State would favor such an indorsement. Why did they not publish that resolution? Why did they not give it out to the newspapers that Harding had in a way secured some kind of an indorsement from the bankers of Alabama? I know him, and I know his tactics. He said to himself, "If I do that, Heflin will take this thing up and these bankers will be writing him over the State and saying that they do not indorse me; so that the best thing to do with it is to quietly file it with the President and make the President think that the bankers of Alabama are for me." The rank and file of the bankers of my State distrust him; they hate and despise him. The rank and file of the people of my State have no confidence in him.

We had a State convention of the Democratic Party in Alabama. I was invited to address it, but could not leave Washington and go there. Knowing of the tactics of this gentleman, I wrote to some of my friends and advised them that they had better be on the lookout or an effort would be made to slip something through in the closing hours. There were some of his friends at the convention, but they felt around enough amongst the delegates to know that if they undertook such a thing a substitute resolution would be offered and adopted and that that would "cook his goose." So they dared not try such a thing.

Secretive! Why, what did he do in New Jersey? What did Ex-Governor Stokes say? He slipped through a resolution there when most of the delegates—all but 14—had gone home. What was done in a bankers' convention in a Northwestern State? One of the agents of the Federal reserve system was present urging them to indorse Harding, and those bankers knew that they had to rely on that system to get their money supply. My God, think of that, Senators! Men sitting there, hating the very name of the man, seeing the terrible effects of the deflation which he conducted, wanting him out of the system; but there in the presence of one of the agents of the board indorsing him—intimidated, coerced; and as soon as the convention adjourned and they go home they write to their Senators here and ask them to protest against his reappointment.

Then in my State a bankers' convention was held down in Mobile, and in the closing hours they slipped through a mild-mannered resolution and then put it away, pigeonholed it, and would not publish it in the proceedings to let the people know it happened, fearing that I would get behind it and have it repudiated.

Senators, I am going to make a significant statement to you now. Do you know why these Wall Street fellows want this man reappointed? They do not want to take any chances on controlling and training another man. He knows the tricks, all of them. Oh, he is a smooth artist, this man; cold-blooded; conscience never gets in his way. He knows the game. He taught them how to avoid paying a franchise tax to the Government; taught them how to beat the Government out of $200,000,000 in franchise taxes; he taught them how to use this money in increasing salaries and keeping it in their own hands, so that they might never get out of the inner circle. That is this "William Poison Gas." They do not want Crissinger, because when he saw the people of the South and West, the great mass struggling beneath the burdens of deflation, he said 3½ per cent is enough for rediscounts. They did not want that; they wanted matters arranged so they could charge 6 per cent, 7 per cent, and on up to 87½ per cent as they had done before. That is why they do not want to lose this man. Why is he frequenting these clubs in the city of Washington? Why are the Wall Street speculators and financiers demanding that the President shall reappoint this man? Why is it?

It is easy to say why it is. Governor Strong, of the New York Bank, was getting $30,000, and as soon as they got this thing well under way, greased well, oiled up properly under the instructions of William Poison Gas, that they could charge it to this account and that and beat the Government, his salary was increased to $50,000. Think of it, Senators! A man sworn to support the institutions of his country, a man supposed to be a man of integrity, teaching the officials under him how to cheat their Government, how to beat the American people and impose more burdens upon them by telling them how to defeat paying the franchise tax. Here are the figures.

Now, Senators, I have shown you—it is set out in that resolution—that they have increased their salaries over 1918, when the business was greater in the most important department than for the year ending June 30, 1922, $15,219,110. That increase alone is three times as much as it cost the Government to pay the Vice President's salary, the Speaker of the House, every Member of both branches of Congress, the Chief Justice of the Supreme Court, every associate justice, the President of the United States, his Cabinet members, the Federal Trade Commission, the Interstate Commerce Commission, the General of the Army, and the Admiral of the Navy. Three times as much as these Federal officials have received in salaries in 1922, and they did more business in 1918 than they did in 1922; and I have shown you that one big national bank in New York City, within a stone's throw of this Federal reserve bank, with less than 200 employees, had greater "invested assets" than the Federal reserve bank of that city with 3,000 men and women on its pay roll. Yet they ask that this man be reappointed, and these despicable crooks of Wall Street have somebody hired to write scurrilous editorials about me because I am exposing the most diabolical crime that has come to public notice in a half century.

Thrice armed is he whose cause is just. In spite of the efforts to misrepresent, suppress, and injure me, I shall continue the fight.

Why, Mr. President, some of the newspapers have tried in different ways to drive me from the course of duty in this matter. They are now suggesting that William Poison Gas Harding is going to see to it that I have opposition two years hence. One paper went so far as to name a man that this man Harding would put forward as a candidate to oppose me. Well, Mr. President, I am not frightened yet; and to such a candidate, whoever he may be, I serve notice on him now that when we, the people, get through with him he will be wiser but weaker politically. I shall give an account of my stewardship to a people who hate a crook and scorn a coward; to a people who have never sold out; to a people who will pursue and condemn the man from our State who betrays a trust.

I have indicted and I have convicted W. P. G. Harding of a grave crime against the country. He is the first man from a southern State to go over to the enemy, betray his trust, and prove himself unworthy of the section that points with pride to the honor and integrity of the officials that it has for a century and more given to the service of the Nation. I honor those who sent me here when I assail and condemn such a man.

I do not care where he comes from, an unfaithful public official is dangerous and ought to be condemned; it makes no difference what section of the country he hails from. I still believe with Thomas Jefferson that the whole art of government consists in the art of being honest. I still believe with Cleveland that a public office is a public trust. I believe with old Hickory Jackson that the public official in high and responsible position should be held to strict accountability to the people. That is what I am doing with W. P. G. Harding. Do you know what Jackson told old Biddle? Listen, Senators:

Old Biddle told Hickory Jackson: "You can not get your measure through without I say so," and Jackson invited him to go to a warmer climate—do you remember that?—down yonder where the fire never goes out. Then do you know what old Biddle told him? Listen, old Biddle said to him: "I will produce deflation and bring on a panic." What did old Hickory Jackson say? He said: "If you do, damn you, I will hang you," and he did not deflate or bring on a panic. Old Biddle passed away, and old Hickory—honest, brave old Hickory—still lives in the hearts and minds of the American people, and will live on and on as long as honest men and women have their being.

Governor Harding conducted a deflation policy under whose destructive drive property values vanished by the billions. It cost Alabama $102,000,000 on the cotton crop of 1920; the South, $1,500,000,000. That policy robbed the many for the benefit of a few. It held up the farmer, the country merchant, and country banker and literally plundered them. It drove Liberty bonds out of the hands of thousands of people in the South and West, and Wall Street got them for $80 and $85 on the hundred. He is congratulated in Wall Street for his part in the crime of deflation, but in the South and West he and his friends deny that we had deflation. I have shown by Federal Reserve Board figures that we did have it, drastic and destructive; and it is incumbent on the Senator from Connecticut [Mr. McLEAN] or the Senator from Virginia [Mr. GLASS] to disprove the figures that I have given to-day on the deflation policy of 1920.

FINANCIAL AND TRANSPORTATION PROBLEMS.

Mr. WATSON of Georgia. Mr. President, in one of the biographies of Alexander H. Stephens—who, as everybody knows, was vice president of the Southern Confederacy, and one of the purest, best, and ablest men that ever lived—he gives an account of a journey which he made by private conveyance from Georgia through Alabama on up to Washington City, on to Baltimore and other points north; and I remember that in this diary of his journey he says:

> I sat in the gallery of the Senate, and I heard Daniel Webster delivering a long speech, apparently from notes, and there was nobody listening to him on the floor, and nobody in the galleries. Next morning when I reached Baltimore I was amazed to see on the front pages of all the papers the headline: "The great speech of Daniel Webster on the finances."

In listening to speeches here in the Senate I have often been reminded of that. The seats mostly are vacant, and desks neither open or shut. The disbursing officer pays the salaries, and the salaries come from the people; but the men who draw those salaries are, according to common report, some in Europe, some in the East, some in the West, some in the North, some in the South; and no doubt the mail reaches them all in due time, bringing the monthly salary check.

The Senator from Alabama [Mr. HEFLIN] deserves the thanks of his constituents and of the country for the many able speeches which he has made against our present financial system. I can not add to what he has so eloquently said except by this prediction, and there are men living who will see it come true, even if I do not: Unless this system is changed this Government is going into the vortex of a revolution and a new Government will arise and take its place.

The Senator from Idaho [Mr. BORAH] asked the Senator from Alabama from what source he read, and the Senator from Alabama said he was reading from John Skelton Williams, who was for four years, I believe, the Comptroller of the Currency under President Wilson. I will read just one extract from the official reports of those who now control the Nation's money.

In December, 1920, there was in circulation $34,000,000,000. In December, 1921, there was in circulation $24,0000,000,000.

There was a difference of $10,000,000,000, and the veriest amateur in the study of economics knows in his mind, his heart, and his soul that it is a crime to take that amount of money out of circulation in so short a period. It is bound to cause a convulsion. It is bound to mean abandoned farms and broken homes. It is bound to mean destitution, beggary, and suicide. It has always been so, and always will be so.

Mr. President, I disclaim the very idea of being a vengeful man, a bloodthirsty man, a vindictive man, but I say that those who willfully, deliberately, persistently commit high crimes and misdemeanors against a people should be punished; and if W. P. G. Harding and his associates, including the house of Morgan & Co. and the affiliated bankers who are in the conspiracy, received their just deserts they would spend the balance of their days behind the bars.

During the reign of King Henry the Seventh, the first of the Tudors, he had two ministers of finance, as all Senators will remember, named Empson and Dudley, and knowing how avaricious was their master, the King, they squeezed the people to the utmost limit that pressure could make money come. The King could do no wrong, and while he lived his ministers could not be reached. But the breath was hardly out of the body of Henry the Seventh before his son and successor, Henry the Eighth, brought Empson and Dudley to the block and had their heads struck off. If Senators will read the pages which tell of the extortions, the exactions, the cruelties, and the sufferings they brought upon the people of England, and compare them with the miseries which this Federal Reserve Board has brought upon the American Republic, they will observe that the one page is almost white while the other is as black as hell.

Mr. President, I have not now the time to go into this money question and trace its history. From the time the Civil War began up to this moment there have been vampires and harpies in every great city—Boston, Philadelphia, New York, Chicago—who apparently have had the appetites of the horse leech, and were willing to suck the last drop of blood from the veins of the American people.

Those who control the volume of money are like those who have their hands around your throat; they can choke off or let on the flow of blood. They have your life in their power. The men who can expand the currency and lift prices, or contract the currency and depress prices, are the men whose fingers will still be white while they are heaping up gold which they take from the hands of those whose fingers grow rough and red in the fields of industry.

That is a long chapter as familiar to me as my alphabet. Some day I am going to take the time to go into it; but I will not do it now. At the present time the Federal Government is seeking to intimidate not only the labor unions but the entire body of the American people by writs of injunction. The railroads must be run by a life-term Federal judge, appointed, apparently, after the Government had had a consultation with him.

Judge Wilkerson of Chicago was not appointed to succeed Judge Landis until the railroad strike had begun. Did Daugherty have a secret consultation with him? Did Daugherty know what his rulings would be? Naturally those are questions which we can not answer, but I will say to Senators in all seriousness that the situation is one which calls for deep and anxious thought.

It never was intended that life-termers should rule this country. The very spirit of our Constitution, its very words, and the examples of the fathers show that they meant that the Government should be conducted by representatives who often went back to the people to be indorsed or repudiated, to be kept in or to be thrown out. These life-termers were never intended to rule this Republic, and, by the splendor of God, they never shall rule it. If they want to start a revolt which will spread from the labor union and the workshop to the farm and field, store and factory, let Daugherty take one more insolent step, and he will hear the rumble in the distance. The life-termers are not our bosses. The people are our bosses, and the people shall rule in spite of Daugherty and his life-termer Wilkerson.

Mr. President, reading in the New York Herald this morning an account of the character of evidence which Daugherty and his regiment of assistants were putting before the court, I could not help thinking that there is not an intelligent justice of the peace from Texas to Georgia, and from Georgia to Maine, who would not spurn that character of evidence and say that it has no business in a court. There has been no legal evidence of any conspiracy. Crimes committed by one man have been imputed to another, and the Government has gone out to settle economic questions, which, if settled by legislation at all, ought to be settled by the Senate and the House of Representatives.

Not for one moment would I defend a murderer, a man who commits arson, in fact a man who deliberately commits, without legal provocation, any sort of crime; but in all cases I would think it rational to consider the circumstances and the provocation. I would not try A for the crime of B. I would not try a citizen of Oklahoma for a crime of a citizen of Alabama. I would produce, if I could, the evidence against each criminal and let each criminal answer for his crime, unless it could be shown beyond a reasonable doubt that some other person was his accomplice either before or after the fact.

Mr. President, it is not my purpose to go into the merits of this particular railroad strike, but I remind the Senate and the country that the railway owners, as they call themselves, have time and again defied the decision of the Labor Board and no injunction or mandamus has been issued against those railroad owners and operators to compel them to bend their haughty heads to the mandates of the Labor Board. But when the Labor Board made a drastic cut of something like 40 per cent, as I remember, in the wages of those who work then the Labor Board became at once clothed with the powers of omnipotence, and its orders had to be obeyed if it took every soldier in the Army. At one time this Attorney General, who can not find time to prosecute and punish such criminals as Charles W. Morse and J. L. Phillips, said that he would string the United States Army along the railroads and have the railroads run by the Army.

I remember that it was always legal for the men of money—the employers—to organize their unions, to deliberate upon their plans, to fix the hours of labor, to dictate the scale of wages. I remember that it was scarcely 100 years ago that the laboring people of England wrested from the Crown the right to organize themselves in self-defense. It is the history of reform, civil and legal, that the Government never has listened to the plea of right simply because it was right, but the Government has always given way when those who were wronged showed that they were determined not to submit any longer.

Did the English Government grant Catholic emancipation for Ireland of its own free will? It did not. It was not until, under the leadership of Daniel O'Connell, the Government of Great Britain, headed by the Iron Duke of Wellington, saw that they were drifting into civil war that the Government backed down and repealed the code which denied the rights of man to Catholics in Ireland and in England.

So with the Chartists, who were hounded down and whose public meetings were broken up by cavalry charges, men on horseback with sabers in their hands riding down men, women, and children because they met at Manchester in the open field to discuss their condition, their grievances, and to petition the Government for redress. What did the Chartists demand? The annual Parliament, manhood suffrage, representation for great cities like Leeds, Bristol, and Manchester, the abolition of rotten boroughs, where an old chimney, as at old Sarum, was represented in Parliament by two members, and where the Duke of Norfolk had the right to sell 11 seats in the House of Commons, and other peers had almost equal numbers for sale, and they were sold just as a horse was sold at a fair. Did the Government give way to argument? It did not. It gave way only when it saw that even Wellington's orders to his troops, "Sharp grind your sabers as at Waterloo," had no effect at all upon the people and that there would be a bloody civil war unless man was recognized as the image of his God whether he wore the "hodden gray" or whether he wore the broadcloth.

Do we not all remember the time so late as that of the reign of Queen Elizabeth when the laboring man was under obligation to work for the first man that asked him to work, and to accept whatever pay the man offered him, else he was a criminal? Do we not all remember that under the same Queen and her predecessors, if a man was a third time hungry and a third time asked for something to eat, he forfeited his life and went to the gibbet like a felon who had raped a woman or murdered a man?

How have the laboring men lifted themselves? Not always without wrongdoing, not at all; not always without committing crime, not at all. They are human, just as the capitalists are. When they have too much power they will abuse it, just as the capitalists do. But every thinker, every reader, knows that organization, concert of action, which is now penalized as a conspiracy, is the thing to which the under dog owes the fact that he is no longer to be trampled upon with impunity.

Where did the railroad owners get the railroads? From whom did they steal them? We know who the robbers were, but who were robbed? Let me give you one instance, and I can prove every word of it. The people of Georgia with their own money built the Central Railroad, which connected the seaport of Savannah with the great city of Atlanta. It cost $7,500,000. The Legislature of Georgia encouraged guardians, trustees, and administrators to put their estate funds in the stock of that road. Those investments were virtually guaranteed by the State of Georgia. A band of speculators saw in the Central Railroad, with its small capitalization and its splendid territory, an opportunity for exploitation, and they sent Pat Calhoun, of notorious San Francisco and Cleveland memory, to Hetty Green, also somewhat celebrated, who owned the majority stock of the Central Railroad. Pat Calhoun, with his smooth tongue, persuaded Hetty Green to sell to this syndicate, the West Point Terminal crowd, a controlling interest in the Central Railroad of Georgia. As soon as they had bought control they put a mortgage of $23,000,000 upon the road which had cost our people $7,500,000. Then they let the roadbed run down and the depots become dilapidated, and the business was neglected until the receipts fell off and the management could not pay the interest on the mortgage. What then happened? They asked a life-termer Federal judge for a receivership and got it, and the receiver sold that railroad at public outcry as one would sell a cow. It was bought in by the robbers who had put the mortgage on it. It was turned over to the elder J. P. Morgan to be reorganized in the most approved New York style. By the time he got through reorganizing it the road was burdened with $55,000,000 of indebtedness, and upon that sum the shippers and passengers, whether in Georgia or out of it, have been taxed ever since. Between $7,500,000 and $55,000,000, what is there but robbery and the action of a band of robbers?

The same thing is true of the transcontinental railroads. Look at the report of Patterson, of California, and learn from that official report that the Union Pacific and the Central Pacific never cost those five exploiters one single penny. The money of towns and cities, the money of counties and States, the money of individuals, and the guaranty of the Federal Government built every mile of that railroad, and after the Government and the people had built it it belonged to the robbers, just as it does now.

Mr. President, if any Senator should introduce a resolution looking to a perpetual lease or to the sale of the Potomac River, the Ohio River, the Mississippi River, or the Tennessee River to a private corporation he would be howled out of the Chamber with shouts of derision, scorn, and contempt. And yet without a thought we have given to private corporations immensely more power over transportation, and therefore over values and therefore over the welfare of the people, than if we were to lease every navigable stream of water in the Republic.

Some days ago a western Senator introduced a mild-mannered resolution to make inquiry as to the advisability of having the Government, that is, all the people, own the coal mines. There is a vast difference between the coal deposit which nature put there when it put the soil on top of it and the harvest of wheat or of corn or of cotton which depends every year upon individual labor and the chance of the season. I voted for that resolution, and if it ever goes a step further and proposes to have the Government exercise its power of eminent domain and take in charge the coal fields, the express companies, the telegraph companies, the telephone companies, and the railroad companies, I shall be found fighting in the front ranks for it.

People say the Government can not run railroads; but it runs the post offices; it runs the parcel post; it runs the Rural Free Delivery Service, of the credit for which the Government is so anxious to deprive me, I having introduced the first mandatory resolution for it some 30 years ago, when my head was red and my heart was much younger than it is to-day.

It seems to me anomalous, monstrous, that 5 men or 5,000 men or 500,000 men should have the right to say whether or not my fireplace shall be warmed at night during the cold winter and whether or not I shall ride on a train, or ship any freight at reasonable rates that will allow me a chance to live off my farm. A few days ago a Nebraska shipper sent a carload of corn to Atlanta. After the railroads had modestly taken out what they claimed for freight the Nebraska shipper—and I wish the Senator from Arizona [Mr. ASHURST] to hear the figures—got 52 cents. The Georgia farmer will pay that much and a half more to get 1 bushel of that corn.

Mr. President, we dare to call ourselves a progressive Nation. As a matter of fact, in some respects we are, while in others we are the most backward people in the civilized world. Ever since 1868 the English Government has owned its telegraphs; it now owns its telephones; and one can go into any English post office and either write a letter or a card or send a telegram or hold a telephone conversation with anyone in the United Kingdom at a nominal cost. Here, however, we are in 1922 still bound hand and foot to the express companies, to the telegraph companies, to the telephone companies, and to the railroad companies.

I say, and will defend it in any forum whatsoever, that my sympathies are with the great public and with the laboring people, without whose toil these men of the office would never ride into this harbor down here on the Potomac and cast the anchor of imperial yachts so magnificent that one almost inquires what king it is who has come to visit Washington City. Mr. President, the men of whom I speak never created any wealth. The brokers, the bankers, the railroad executives never created any wealth; the mine operators never did. It is the men who take hold with their hands or the men who invent with their brains who create wealth. I for one stand with Robert Burns and Thomas Jefferson, and say—

> A man's a man for a' that.

Let us have laws that will do justice to high and low, to black and white, to town and country; but we shall never have them so long as we allow the money of the country to be held in the hands of the unscrupulous few, and the transportation companies to be ruled by an unscrupulous few, nor any of the public utilities to be exploited for private gain.

TRADE WITH CHINA—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

The report was agreed to.

REPORT OF JOINT COMMISSION ON POSTAL SERVICE (S. DOC. 250).

Mr. STERLING. Mr. President, for the senior Senator from Michigan [Mr. TOWNSEND], chairman of the Joint Commission on the Postal Service, I submit the report of that commission, making recommendations relative to postal facilities at Brooklyn, Philadelphia, Pittsburgh, Buffalo, and Detroit; and I ask that it may be printed as a public document.

The PRESIDING OFFICER. The report will be received and printed.

LIBERIAN LOAN.

Mr. CURTIS. I ask that the unfinished business be now laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, the Liberian loan joint resolution.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Ball
Borah
Broussard
Bursum
Calder
Cameron
Capper
Colt
Cummins
Curtis
Dillingham
du Pont
Fletcher
France
Glass
Hale
Harrison
Heflin
Jones, Wash.
Kellogg
King
McCumber
McLean
McNary
Moses
Nelson
New
Nicholson
Oddie
Phipps
Rawson
Robinson
Sheppard
Shortridge
Smoot
Sterling
Swanson
Trammell
Walsh, Mass.
Watson, Ga.
Willis

The PRESIDING OFFICER. Forty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and Mr. RANSDELL answered to his name when called.

Mr. OWEN and Mr. ERNST entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-five Senators have answered to their names. There is not a quorum present.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 32 minutes p. m.) the Senate adjourned until to-morrow, Thursday, September 14, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *September 13, 1922.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, we are all debtors to the continual goodness of our heavenly Father, hence we are inspired with a sense of thanksgiving and praise. How terrible art Thou and yet how gentle! O may we behold wondrous things out of Thy law. Give to our understanding clear vision that we may discern wisely Thy will concerning our public and private obligations. In the midst of the days remember mercy. May the secrets of our energy be in Thy wisdom and constraining love. Fill our memories with the sweetest, the best, and the purest in our recollections, and through all the light and through all the dark be with us. In the blessed name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONFERENCE REPORT—PENSION BILL.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to submit a conference report on the bill H. R. 5214 for printing under the rule.

The SPEAKER. The gentleman from Minnesota submits a conference report on a bill which the Clerk will report by title.

The Clerk read as follows:

> A bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Ordered printed under the rule.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 11872. An act providing for a recodification of the Panama Canal Zone laws.

The message also announced that the Senate had concurred in the amendment of the House of Representatives to the bill (S. 3917) to amend section 876 of the Revised Statutes.

The message also announced that the Senate had concurred in the amendment of the House of Representatives to the bill (S. 3918) to amend section 51 of chapter 4 of the Judicial Code.

EXTENSION OF REMARKS.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Federal control of railroads.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. STEENERSON. Mr. Speaker, President Wilson, by authority of a clause of the annual Army appropriation act for 1917, on December 28 of that year, issued his proclamation taking possession and control of the railroads in the United States and appointed W. G. McAdoo director general. The proclamation contained the following paragraph:

> The director shall as soon as may be after having assumed such possession and control enter upon negotiations with the several companies looking to agreements for just and reasonable compensation for the possession, use, and control of their respective properties on the basis of an annual guaranteed compensation above accruing depreciation and the maintenance of their properties equivalent, as nearly as may be, to the average of the net operating income thereof for the three-year period ending June 30, 1917, the results of such negotiations to be reported to me for such action as may be appropriate and lawful.

This clause was no doubt inserted to comply with the Constitution, which says that "private property shall not be taken for public use without just compensation." The Federal control act, approved March 21, 1918, provided more in detail for compensation to the railroads on the basis indicated.

The director general under the authority thus given entered into contracts with substantially all the roads whereby the Government guaranteed this net return, which amounted to $917,000,000 per annum. This net return was to continue during Federal control, and this control was to continue during the war and for a reasonable time thereafter, not exceeding one year and nine months after date of the proclamation of the exchange of ratification of the treaty of peace—August 14, 1923. The price of labor and other items that enter into the cost of railway operation were advancing more rapidly than the railroad administration could raise the freight and passenger rates, and hence there arose a growing deficit between what the railroads earned and what had been guaranteed them.

This deficit in the beginning of 1920 was at the rate of $100,000,000 per month, and had to be made good by appropriations out of the United States Treasury. This was the situation that confronted the President and Congress, and resulted in the passage of the Esch-Cummins law, which ended Federal control on March 1, 1920, and also terminated the guaranteed net return to take effect six months later, to wit, September 1, 1920. But for this act this deficit of $100,000,000 per month might have continued to burden the taxpayers until August 14, 1923, or a period of 36½ months longer than the above six-month period, and would have cost the Government an additional expense of $3,650,000,000.

Instead of this law creating a guaranty it terminated the one made by President Wilson in December, 1917. The contention that this six-month guaranty was based on "watered stock" is therefore on its face a pure fabrication. It was not based on capital stock or on valuation, but was based on the "average of the net operating income for the three-year period ending June 30, 1917," as agreed to by President Wilson.

Another provision of the law that has been much misunderstood and misrepresented is the one which in substance states—

> That for the two years beginning March 1, 1920, the commission in the exercise of their power to prescribe just and reasonable rates "shall take as a fair return on the property used in the service of transportation a sum equal to 5½ per cent of the value of such property, but may in its discretion add thereto a sum not exceeding one-half of 1 per cent to make provision for improvement, betterments, or equipment.

This has been pointed out as a guaranty of income. The commission, however, has decided that it is not a guaranty, and that although the roads may fail to earn the amount stated there is no liability. During the two-year period referred to the railroads only earned 3.27 per cent. They have never asked for any more. The period expired on the 1st of last March, and the Government has never paid nor has it ever been asked to pay a single cent.

At the time of the passage of this law, February, 1920, prices and the cost of living were at the highest point ever reached, and the employees of the carriers were demanding increases in wages and threatening a general railway strike in case the increases were not given. The Labor Board created by the act was appealed to by the employees, and after a hearing on July 20, 1920, increases estimated to amount to over $600,000,000 per annum were granted. The carriers then applied to the commission for increased rates, to enable them to meet this addition to the operating cost, and as a result they were granted increases in freight rates as follows: Eastern group, 40 per cent; southern group, 25 per cent; western group, 35 per cent; and Montana-Pacific group, 25 per cent.

In their decision of July 29, 1920, the commission estimated that these increases would produce additional revenue of $618,000,000, and also found that such increased revenue was necessary to meet the increased wages given by the said decision of the Railroad Labor Board. It is undisputed and a matter of public official record that the cause of this increase in railroad rates was the increased wages allowed to the employees by the Labor Board of July 20, 1920. Those who claim otherwise are simply trying to deceive the public. During the next year, 1921, general deflation of prices had set in, and the Labor Board upon application by the carriers, and after hearing both sides to the controversy, on July 1 rendered a decision reducing the compensation of employees, estimated at about $300,000,000. Immediately following this action of the Labor Board the commission upon the application of farmers and shippers generally, and after extended hearings, ordered a reduction in freight rates on farm products, lumber, and other basic commodities of 10 per cent, which is still in force. Later other reductions in freight rates were ordered applicable to certain designated territory and special commodities. These reductions were estimated to equal the amount of wage reductions granted the carriers. Last spring upon application of the carriers the Labor Board took up the question of a reduction in the compensation of the station forces, unskilled labor, and shop employees, about 1,400,000 in number, and after a careful hearing where all parties in interest were heard a reduction of 10 per cent in wages of these employees was ordered. The shopmen, however, refused to abide by the decision and went on a strike. By crippling or interrupting railway transportation in the whole United States they expected to enforce their demands. When the strike appeared to fail they proposed a general strike on all the railroads. The people of the country, and especially those in the cities, are so dependent on uninterrupted railway transportation service that without it even for a few days would be a calamity, the extent of which can not be adequately imagined or described. But in the eyes of these labor leaders the danger of starvation, sickness, and death of millions of their fellow men might well be risked for the sake of nullifying the reduction of 10 per cent in the wages of the shopmen ordered by the Labor Board, the same board that in 1920 granted them and their fellow workers an increase of $600,000,000 per annum. The extremes to which the strikes may go when lead by unscrupulous agitators is well illustrated in the facts brought out in the injunction proceedings brought by the United States, and recently decided in favor of the Government.

The railroad as well as the coal strikes are now over and the danger of freezing and starvation are past at least for the present, but these recent events will serve to impress on the public mind the truth that railway transportation is a public service necessary to the life and well-being of the people, and that some reasonable and just way must be found to insure its continuous operation in the future. It was hoped that the Railroad Labor Board, upon which the employers, the employees, and the public are equally represented would be an efficient instrumentality to this end, and if its decisions would be respected in the future by both sides to the dispute there can be no doubt that this hope would be realized.

Now that the strike is over and the 10 per cent reduction in the wages of about 1,300,000 employees goes into effect it will be the proper time for the farmer, upon whom the burden of high freight rates bears the hardest, to apply for reductions, and I am going to do all I can to help to get it.

CONFERENCE REPORT—ADJUSTED COMPENSATION BILL.

Mr. FORDNEY. Mr. Speaker, I submit a conference report on the bonus bill.

The SPEAKER. The gentleman from Michigan submits a conference report on a bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10874) to provide adjusted compensation to veterans of the World War, and for other purposes.

The SPEAKER. Ordered printed under the rule.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9103. An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes;

H. R. 10248. An act authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona;

H. R. 3508. An act for the relief of Rear Admiral J. S. Carpenter, Supply Corps, United States Navy;

H. R. 1764. An act for the relief of J. A. Leslie;

H. R. 1723. An act for the relief of Edward J. Schaefer;

H. R. 70. An act to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes;

H. R. 8374. An act for the relief of the estate of Frank W. Knight;

H. R. 9495. An act for the protection of timber owned by the United States from fire, disease, or the ravages of beetles or other insects;

H. R. 10554. An act authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes;

H. R. 862. An act for the relief of Vivian Hood;

H. R. 8669. An act authorizing the issuance of a patent in fee to Jerome Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 3754. An act for the relief of Rear Admiral Livingston Hunt, Supply Corps, United States Navy;

H. R. 8675. An act authorizing the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park;

H. R. 10461. An act to add certain lands to the Siskiyou National Forest in Oregon;

H. R. 513. An act for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long;

H. R. 1949. An act for the relief of Richard J. Easton;

H. R. 1941. An act to provide for the refund of entrance and clearance fees erroneously collected by the customs authorities from the Peninsular & Occidental Steamship Co.;

H. R. 4356. An act for the relief of Arthur J. Burdick;

H. R. 6258. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.;

H. R. 7109. An act to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes;

H. R. 5125. An act for the relief of Oliver A. Campbell;

H. R. 8358. An act for the relief of Israel Butts;

H. R. 8256. An act authorizing the issuance of a patent in fee to Perry H. Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 7862. An act authorizing the Secretary of the Interior to sell and patent certain lands to William S. N. Calhoun and Zaidee Boatner Calhoun, residents of Catahoula Parish, La.;

H. R. 7968. An act granting to the city of St. Andrews, Fla., the right to remove shells, sand, and gravel from certain public lands for road-building purposes;

H. R. 7984. An act for the relief of James Kelly;

H. R. 478. An act for the relief of Aaron Kibler;

H. R. 7923. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 2620. An act for the relief of Welch, Fairchild & Co. (Inc.);

H. R. 6323. An act for the relief of Frank M. Stewart;

H. R. 5668. An act for the relief of Cora T. Dering;

H. R. 7544. An act authorizing the Postmaster General to temporarily reduce the pay of rural carriers for disciplinary purposes instead of suspending them without pay;

H. R. 6525. An act for the relief of the Cortez Oil Co.;

H. R. 7695. An act for the relief of James E. Connors;

H. R. 5634. An act for the relief of Frank William Brown and Clara Bryan Brown;

H. R. 5684. An act to authorize the purchase by the city of Medford, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916;

H. R. 6628. An act for the relief of the owners of the British steamship *Clearpool*;

H. R. 6512. An act for the relief of and purchase of lands for certain of the Apache Indians of Oklahoma lately confined as prisoners of war at Fort Sill Military Reservation, and for other purposes;

H. R. 6966. An act to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army;

H. R. 9069. An act for the relief of William H. Slaine;

H. R. 9528. An act providing for the retention by the Government of the property in Nome, Alaska, known as the detention hospital building, and its use by the Bureau of Education, Department of the Interior; and

H. R. 7662. An act for the relief of F. R. Messenger.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1352. An act for the relief of Benjamin F. Spates; to the Committee on Claims.

S. 1599. An act for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased; to the Committee on Claims.

S. 3279. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.; to the Committee on Indian Affairs.

TARIFF BILL—CONFERENCE REPORT.

The SPEAKER pro tempore (Mr. HICKS). Under the arrangement concluded on yesterday, the time for debate on the conference report was limited to four hours, two hours to be under the control of the gentleman from Michigan [Mr. FORDNEY] and two hours under the control of the gentleman from Texas [Mr. GARNER].

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 25, 35, 43, 44, 46, 87, 90, 91, 92, 116, 119, 129, 136, 137, 145, 147, 160, 162, 166, 197, 228, 237, 241, 245, 288, 449, 450, 455, 456, 515, 516, 520, 751, 768, 769, 771, 782, 808, 846, 869, 870, 893, 913, 914, 915, 927, 931, 947, 948, 1023, 1139, 1140, 1142, 1218, 1338, 1344, 1416, 1527, 1535, 1551, 1569, 1587, 1600, 1603, 1650, 1651, 1652, 1653. 1686. and 1928.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 85, 86, 88, 93, 96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 131, 132, 133, 134, 135, 138, 139, 140, 141, 142, 143, 144, 146, 148, 149, 150, 152, 153, 154, 155, 156, 157, 158, 159, 161, 163, 164, 165, 167 168, 169, 170, 172, 173, 174, 176, 177, 178, 180, 181, 182, 183, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 198, 199, 200, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 229, 230, 231, 232, 233, 234, 235, 236, 239, 240, 242, 243, 244, 247, 249, 250, 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2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2402, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, and 2436, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "17"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment and on page 2 of the House bill, line 20, strike out "formic acid" and the comma; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "propyl, and"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "12"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "barium hydroxide, 1¼ cents per pound" and a semicolon; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "three-tenths"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "PAR. 19. Casein or lactarene, 2½ cents per pound"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "50 per cent ad valorem and 7 cents per pound"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "60 per cent ad valorem and 7 cents per pound"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "unless the immediate container"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: On page 9 of the Senate engrossed amendments, line 21, strike out "package, case, or container, or the" and insert "immediate container or the"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: On page 10 of the Senate engrossed amendments, line 20, strike out all after "1549" down to and including line 6 on page 11; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 42. Edible gelatin, valued at less than 40 cents per pound, 20 per cent ad valorem and 3½ cents per pound; valued at 40 cents or more per pound, 20 per cent ad valorem and 7 cents per pound; gelatin, glue, glue size and fish glue, not specially provided for, valued at less than 40 cents per pound, 20 per cent ad valorem and 1½ cents per pound; valued at 40 cents or more per pound, 20 per cent ad valorem and 7 cents per pound; casein glue, agar agar, isinglass and other fish sounds, cleaned, split, or otherwise prepared, and manufactures, wholly or in chief value of gelatin, glue or glue size, 25 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "not specially provided for, five-eighths"; and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "3.3"; and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 55. Coconut oil, 2 cents per pound; cottonseed oil, 3 cents per pound; peanut oil, 4 cents per pound; and soya-bean oil, 2½ cents per pound."

And the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "4 cents per pound" and a semicolon; and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 202: That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: On page 20 of the Senate engrossed amendments, line 7, strike out "pans" and, after "cakes," insert "jars, pans" and a comma, and on page 20 of the Senate engrossed amendments, line 8, strike out "boxes, kits" and, after "sets," insert "kits" and a comma; and the Senate agree to the same.

Amendment numbered 227: That the House recede from its disagreement to the amendment of the Senate numbered 227, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1½ cents"; and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment and, on page 23 of the House bill, line 8, strike out "five" and insert "three"; and the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "15"; and the Senate agree to the same.

Amendment numbered 246: That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1¾"; and the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "2¼"; and the Senate agree to the same.

Amendment numbered 252: That the House recede from its disagreement to the amendment of the Senate numbered 252, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 265: That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "brown, and measuring seven-eighths of an inch or over in thickness, 3 cents per square foot, but not less than 30"; and the Senate agree to the same.

Amendment numbered 271: That the House recede from its disagreement to the amendment of the Senate numbered 271, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert: "PAR. 204. Crude magnesite, five-sixteenths of 1 cent per pound; caustic calcined magnesite, five-eighths of 1 cent per pound; dead burned and grain magnesite, not suitable for manufacture into oxychloride cements, twenty-three fortieths of 1 cent per pound"; and the Senate agree to the same.

Amendment numbered 311: That the House recede from its disagreement to the amendment of the Senate numbered 311, and agree to the same with an amendment as follows: On page 29 of the Senate engrossed amendments, line 14, strike out "2" and insert "1½"; and the Senate agree to the same.

Amendment numbered 313: That the House recede from its disagreement to the amendment of the Senate numbered 313, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30"; and the Senate agree to the same.

Amendment numbered 314: That the House recede from its disagreement to the amendment of the Senate numbered 314, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40"; and the Senate agree to the same.

Amendment numbered 323: That the House recede from its disagreement to the amendment of the Senate numbered 323, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "operations, and shall not include bottles for table service and thermostatic bottles"; and the Senate agree to the same.

Amendment numbered 324: That the House recede from its disagreement to the amendment of the Senate numbered 324, and agree to the same with an amendment as follows: On page 31 of the Senate engrossed amendments, line 7, strike out "and" and insert "or," and on page 31 of the Senate engrossed amendments, line 9, strike out "75" and insert "65," and on page 31 of the Senate engrossed amendments, line 14, strike out "70" and insert "60," and on page 31 of the Senate engrossed amendments, line 18, strike out "70" and insert "60," and on page 32 of the Senate engrossed amendments, line 3, strike out "65" and insert "55"; and the Senate agree to the same.

Amendment numbered 353: That the House recede from its disagreement to the amendment of the Senate numbered 353, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "cases, 50 per centum ad valorem"; and the Senate agree to the same.

Amendment numbered 354: That the House recede from its disagreement to the amendment of the Senate numbered 354, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "50"; and the Senate agree to the same.

Amendment numbered 361: That the House recede from its disagreement to the amendment of the Senate numbered 361, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "50"; and the Senate agree to the same.

Amendment numbered 396: That the House recede from its disagreement to the amendment of the Senate numbered 396, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "this schedule"; and the Senate agree to the same.

Amendment numbered 442: That the House recede from its disagreement to the amendment of the Senate numbered 442, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45"; and the Senate agree to the same.

Amendment numbered 443: That the House recede from its disagreement to the amendment of the Senate numbered 443, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "and tie plates" and a comma; and the Senate agree to the same.

Amendment numbered 451: That the House recede from its disagreement to the amendment of the Senate numbered 451, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 452: That the House recede from its disagreement to the amendment of the Senate numbered 452, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30"; and the Senate agree to the same.

Amendment numbered 459: That the House recede from its disagreement to the amendment of the Senate numbered 459, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 473: That the House recede from its disagreement to the amendment of the Senate numbered 473, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "11 cents per pound and 55"; and the Senate agree to the same.

Amendment numbered 474: That the House recede from its disagreement to the amendment of the Senate numbered 474, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "composed wholly or in chief value of copper, brass, steel, or other base metal, not specially provided for, 40 per cent ad valorem" and a semicolon; and the Senate agree to the same.

Amendment numbered 475: That the House recede from its disagreement to the amendment of the Senate numbered 475, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 478: That the House recede from its disagreement to the amendment of the Senate numbered 478, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 494: That the House recede from its disagreement to the amendment of the Senate numbered 494, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "15"; and the Senate agree to the same.

Amendment numbered 499: That the House recede from its disagreement to the amendment of the Senate numbered 499, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "valued at not more than 40 cents per dozen, 1 cent each and 50 per cent ad valorem; valued at more than 40 and not more than 50 cents per dozen, 5 cents each and 50 per cent ad valorem; valued at more than 50 cents and not more than $1.25 per dozen, 11 cents each and 55 per cent ad valorem; valued at more than $1.25 and not more than $3 per dozen, 18 cents each and 55 per cent ad valorem; valued at more than $3 and not more than $6 per dozen, 25 cents each and 50 per cent ad valorem; valued at more than $6 per dozen, 35 cents each and 55 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 501: That the House recede from its disagreement to the amendment of the Senate numbered 501, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "55"; and the Senate agree to the same.

Amendment numbered 503: That the House recede from its disagreement to the amendment of the Senate numbered 503, and agree to the same with an amendment as follows: On page 47 of the Senate engrossed amendments, line 15, strike out "20" and insert "16," and on page 47 of the Senate engrossed amendments, line 16, strike out "10" and insert "8," and on page 47 of the Senate engrossed amendments, line 19, strike out "10" and insert "8," and on page 48 of the Senate engrossed amendments, line 1, strike out "10" and insert "8"; and the Senate agree to the same.

Amendment numbered 506: That the House recede from its disagreement to the amendment of the Senate numbered 506, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "3½ cents each and 45"; and the Senate agree to the same.

Amendment numbered 507: That the House recede from its disagreement to the amendment of the Senate numbered 507, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "and not more than $1.75 per dozen, 15 cents each and 45 per centum ad valorem; valued at more than $1.75 per dozen, 20 cents each and 45 per centum ad valorem: *Provided*, That all articles specified in this paragraph, when imported, shall have die sunk conspicuously and indelibly, the name of the maker or purchaser and beneath the same the name of the country of origin, to be placed on the outside of the blade, between the screw or rivet and the handle of scissors and shears (except pruning and sheep shears), and on the blade or handle of pruning and sheep shears and clippers"; and the Senate agree to the same.

Amendment numbered 508: That the House recede from its disagreement to the amendment of the Senate numbered 508, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "Safety razors, and safety-razor handles and frames, 10 cents each and 30 per cent ad valorem; razors and parts thereof, finished or unfinished, valued at less than 75 cents per dozen, 18 cents each; valued at 75 cents and less than $1.50 per dozen, 25 cents each; valued at $1.50 and less than $3 per dozen, 30 cents each; valued at $3 and less than $4 per dozen, 35 cents each; valued at $4 or more per dozen, 45 cents each; and in addition thereto, on all the foregoing, 45 per cent ad valorem: *Provided*" and a comma; and the Senate agree to the same.

Amendment numbered 535: That the House recede from its disagreement to the amendment of the Senate numbered 535,

and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "55"; and the Senate agree to the same.

Amendment numbered 537: That the House recede from its disagreement to the amendment of the Senate numbered 537, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45"; and the Senate agree to the same.

Amendment numbered 538: That the House recede from its disagreement to the amendment of the Senate numbered 538, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45"; and the Senate agree to the same.

Amendment numbered 546: That the House recede from its disagreement to the amendment of the Senate numbered 546, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45"; and the Senate agree to the same.

Amendment numbered 547: That the House recede from its disagreement to the amendment of the Senate numbered 547, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "50"; and the Senate agree to the same.

Amendment numbered 554: That the House recede from its disagreement to the amendment of the Senate numbered 554, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert a colon and the following: "*Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, in excess of the duty herein provided, there shall be imposed upon such article, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency, province, or other subdivision of government on such article imported from the United States, but in no case shall such duty exceed 50 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 557: That the House recede from its disagreement to the amendment of the Senate numbered 557, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert a colon and the following: "*Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, in excess of the duty herein provided, there shall be imposed upon such article, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency, province, or other subdivision of government on such article imported from the United States, but in no case shall such duty exceed 50 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 558: That the House recede from its disagreement to the amendment of the Senate numbered 558, and agree to the same with an amendment as follows: On page 53 of the Senate engrossed amendments, line 20, strike out "25" and insert "15," and on page 54 of the Senate engrossed amendments, line 1, strike out "40" and insert "30"; and the Senate agree to the same.

Amendment numbered 559: That the House recede from its disagreement to the amendment of the Senate numbered 559, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30 per cent ad valorem" and a semicolon; and the Senate agree to the same.

Amendment numbered 560: That the House recede from its disagreement to the amendment of the Senate numbered 560, and agree to the same with an amendment as follows: On page 54 of the Senate engrossed amendments, line 11, strike out "50" and insert "40," and on page 54 of the Senate engrossed amendments, line 13, after "separators," insert "valued at more than $50 each" and a comma, and on page 174 of the House bill, line 12, after "carts," insert "cream separators valued at not more than $50 each" and a comma; and the Senate agree to the same.

Amendment numbered 563: That the House recede from its disagreement to the amendment of the Senate numbered 563, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30"; and the Senate agree to the same.

Amendment numbered 565: That the House recede from its disagreement to the amendment of the Senate numbered 565, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"Par. 375. Metallic magnesium and metallic magnesium scrap, 40 cents per pound; magnesium alloys, powder, sheets, ribbons, tubing, wire, and all other articles, wares, or manufactures of magnesium, not specially provided for, 40 cents per pound on the metallic magnesium content and 20 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 567: That the House recede from its disagreement to the amendment of the Senate numbered 567, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "pound; needle or liquated antimony, one-fourth of 1 cent per pound"; and the Senate agree to the same.

Amendment numbered 576: That the House recede from its disagreement to the amendment of the Senate numbered 576, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "14 cents per pound; aluminum powder, powdered foil" and a comma; and the Senate agree to the same.

Amendment numbered 581: That the House recede from its disagreement to the amendment of the Senate numbered 581, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "55"; and the Senate agree to the same.

Amendment numbered 583: That the House recede from its disagreement to the amendment of the Senate numbered 583, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "385. Tinsel wire, made wholly or in chief value of gold, silver, or other metal, 6 cents per pound and 10 per cent ad valorem; lame or lahn, made wholly or in chief value of gold, silver, or other metal, 6 cents per pound and 20 per cent ad valorem; bullions and metal threads made wholly or in chief value of tinsel wire, lame or lahn, 6 cents per pound and 35 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 594: That the House recede from its disagreement to the amendment of the Senate numbered 594, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 625: That the House recede from its disagreement to the amendment of the Senate numbered 625, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and on page 77 of the House bill, line 18, strike out "402" and insert "401"; and the Senate agree to the same.

Amendment numbered 626: That the House recede from its disagreement to the amendment of the Senate numbered 626, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "402"; and the Senate agree to the same.

Amendment numbered 628: That the House recede from its disagreement to the amendment of the Senate numbered 628, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment and restore the language proposed to be stricken out by said amendment, and on page 78 of the House bill, line 10, strike out "404" and insert "403"; and the Senate agree to the same.

Amendment numbered 630: That the House recede from its disagreement to the amendment of the Senate numbered 630, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "404"; and the Senate agree to the same.

Amendment numbered 635: That the House recede from its disagreement to the amendment of the Senate numbered 635, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "405"; and the Senate agree to the same.

Amendment numbered 636: That the House recede from its disagreement to the amendment of the Senate numbered 636, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "406"; and the Senate agree to the same.

Amendment numbered 643: That the House recede from its disagreement to the amendment of the Senate numbered 643, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "407"; and the Senate agree to the same.

Amendment numbered 645: That the House recede from its disagreement to the amendment of the Senate numbered 645, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert a comma and "20"; and the Senate agree to the same.

Amendment numbered 650: That the House recede from its disagreement to the amendment of the Senate numbered 650, and agree to the same with an amendment as follows: In lieu

of the matter proposed to be inserted by said amendment insert "1¼ cents"; and the Senate agree to the same.

Amendment numbered 655: That the House recede from its disagreement to the amendment of the Senate numbered 655, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "408"; and the Senate agree to the same.

Amendment numbered 656: That the House recede from its disagreement to the amendment of the Senate numbered 656, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "409"; and the Senate agree to the same.

Amendment numbered 660: That the House recede from its disagreement to the amendment of the Senate numbered 660, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 661: That the House recede from its disagreement to the amendment of the Senate numbered 661, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45"; and the Senate agree to the same.

Amendment numbered 662: That the House recede from its disagreement to the amendment of the Senate numbered 662, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "410"; and the Senate agree to the same.

Amendment numbered 665: That the House recede from its disagreement to the amendment of the Senate numbered 665, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert a comma and "33⅓"; and the Senate agree to the same.

Amendment numbered 667: That the House recede from its disagreement to the amendment of the Senate numbered 667, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1 24/100"; and the Senate agree to the same.

Amendment numbered 668: That the House recede from its disagreement to the amendment of the Senate numbered 668, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "forty-six one-thousandths"; and on page 81 of the House bill, line 9, strike out "one-hundredths"; and the Senate agree to the same.

Amendment numbered 689: That the House recede from its disagreement to the amendment of the Senate numbered 689, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "3"; and the Senate agree to the same.

Amendment numbered 692: That the House recede from its disagreement to the amendment of the Senate numbered 692, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "4"; and the Senate agree to the same.

Amendment numbered 695: That the House recede from its disagreement to the amendment of the Senate numbered 695, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "4 cents per pound"; and the Senate agree to the same.

Amendment numbered 703: That the House recede from its disagreement to the amendment of the Senate numbered 703, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 706: That the House recede from its disagreement to the amendment of the Senate numbered 706, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "7"; and the Senate agree to the same.

Amendment numbered 757: That the House recede from its disagreement to the amendment of the Senate numbered 757, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "80"; and the Senate agree to the same.

Amendment numbered 773: That the House recede from its disagreement to the amendment of the Senate numbered 773, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "10"; and the Senate agree to the same.

Amendment numbered 778: That the House recede from its disagreement to the amendment of the Senate numbered 778, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 783: That the House recede from its disagreement to the amendment of the Senate numbered 783, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 735. Apricots, green, ripe, dried, or in brine, one-half of 1 cent per pound; otherwise prepared or preserved, 35 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 791: That the House recede from its disagreement to the amendment of the Senate numbered 791, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40"; and the Senate agree to the same.

Amendment numbered 796: That the House recede from its disagreement to the amendment of the Senate numbered 796, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "4½"; and the Senate agree to the same.

Amendment numbered 802: That the House recede from its disagreement to the amendment of the Senate numbered 802, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 804: That the House recede from its disagreement to the amendment of the Senate numbered 804, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 741. Dates, fresh or dried, 1 cent per pound; prepared or preserved in any manner, 35 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 814: That the House recede from its disagreement to the amendment of the Senate numbered 814, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 816: That the House recede from its disagreement to the amendment of the Senate numbered 816, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "candied, crystallized, or glacé, 35 per cent ad valorem; otherwise prepared or preserved, and not specially provided for, 2"; and the Senate agree to the same.

Amendment numbered 818: That the House recede from its disagreement to the amendment of the Senate numbered 818, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 821: That the House recede from its disagreement to the amendment of the Senate numbered 821, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 823: That the House recede from its disagreement to the amendment of the Senate numbered 823, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "prepared or preserved, 35"; and the Senate agree to the same.

Amendment numbered 836: That the House recede from its disagreement to the amendment of the Senate numbered 836, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "and all nursery or greenhouse stock, not specially provided for, 25"; and the Senate agree to the same.

Amendment numbered 841: That the House recede from its disagreement to the amendment of the Senate numbered 841, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 842: That the House recede from its disagreement to the amendment of the Senate numbered 842, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "4¾"; and the Senate agree to the same.

Amendment numbered 843: That the House recede from its disagreement to the amendment of the Senate numbered 843, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "14"; and the Senate agree to the same.

Amendment numbered 844: That the House recede from its disagreement to the amendment of the Senate numbered 844, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert a semicolon and "almond paste, 14 cents per pound"; and the Senate agree to the same.

Amendment numbered 847: That the House recede from its disagreement to the amendment of the Senate numbered 847,

and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "3½"; and the Senate agree to the same.

Amendment numbered 852: That the House recede from its disagreement to the amendment of the Senate numbered 852, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "pound; pickled, or otherwise prepared or preserved, and not specially provided for, 35 per cent ad valorem; nut and kernel paste not specially provided for, 25 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 854: That the House recede from its disagreement to the amendment of the Senate numbered 854, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "pound; soya beans, one-half of 1 cent per pound; cotton seed, one-third of 1 cent per pound"; and the Senate agree to the same.

Amendment numbered 861: That the House recede from its disagreement to the amendment of the Senate numbered 861, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "10"; and the Senate agree to the same.

Amendment numbered 863: That the House recede from its disagreement to the amendment of the Senate numbered 863, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "15"; and the Senate agree to the same.

Amendment numbered 877: That the House recede from its disagreement to the amendment of the Senate numbered 877, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "50"; and the Senate agree to the same.

Amendment numbered 879: That the House recede from its disagreement to the amendment of the Senate numbered 879 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "2½"; and the Senate agree to the same.

Amendment numbered 880: That the House recede from its disagreement to the amendment of the Senate numbered 880, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "one-half of"; and the Senate agree to the same.

Amendment numbered 881: That the House recede from its disagreement to the amendment of the Senate numbered 881, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40"; and the Senate agree to the same.

Amendment numbered 883: That the House recede from its disagreement to the amendment of the Senate numbered 883, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 896: That the House recede from its disagreement to the amendment of the Senate numbered 896, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment and on page 98 of the House bill, line 14, strike out "780" and insert "779," and on page 99 of the House bill, line 21, strike out "781" and insert "780"; and the Senate agree to the same.

Amendment numbered 950: That the House recede from its disagreement to the amendment of the Senate numbered 950, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 906. In addition to the duty or duties imposed upon cotton cloth in paragraph 903, there shall be paid the following duties, namely: On all cotton cloths woven with eight or more harnesses, or with Jacquard, lappet, or swivel attachments, 10 per cent ad valorem; on all cotton cloths, other than the foregoing, woven with drop boxes, 5 per cent ad valorem. In no case shall the duty or duties imposed upon cotton cloth in paragraphs 903, or 903 and 906 exceed 45 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 951: That the House recede from its disagreement to the amendment of the Senate numbered 951, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "907"; and the Senate agree to the same.

Amendment numbered 955: That the House recede from its disagreement to the amendment of the Senate numbered 955, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 908. Cloth in chief value of cotton, containing silk or artificial silk, shall be classified for duty as cotton cloth under paragraphs 903, 904, and 906, and in addition thereto there shall be paid on all such cloth 5 per cent ad valorem: *Provided*, That none of the foregoing shall pay a rate of duty of more than 45 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 956: That the House recede from its disagreement to the amendment of the Senate numbered 956, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "909"; and the Senate agree to the same.

Amendment numbered 959: That the House recede from its disagreement to the amendment of the Senate numbered 959, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "910"; and the Senate agree to the same.

Amendment numbered 962: That the House recede from its disagreement to the amendment of the Senate numbered 962, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "911"; and the Senate agree to the same.

Amendment numbered 964: That the House recede from its disagreement to the amendment of the Senate numbered 964, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "912"; and the Senate agree to the same.

Amendment numbered 970: That the House recede from its disagreement to the amendment of the Senate numbered 970, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "913"; and the Senate agree to the same.

Amendment numbered 976: That the House recede from its disagreement to the amendment of the Senate numbered 976, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "914"; and the Senate agree to the same.

Amendment numbered 977: That the House recede from its disagreement to the amendment of the Senate numbered 977, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "55"; and the Senate agree to the same.

Amendment numbered 979: That the House recede from its disagreement to the amendment of the Senate numbered 979, and agree to the same with an amendment as follows: On page 90 of the Senate engrossed amendments, line 2, strike out "917" and insert "915"; and on page 90 of the Senate engrossed amendments, line 13, strike out "pairs;" and insert "pairs" and a comma, and on page 90 of the Senate engrossed amendments, line 15, after the word "pairs" insert a comma and "but in no case shall any of the foregoing duties be less than 40 nor more than 75 per cent ad valorem"; and on page 90 of the Senate engrossed amendments, line 17, strike out all after the word "valorem" down to and including the word "valorem" in line 19; and the Senate agree to the same.

Amendment numbered 980: That the House recede from its disagreement to the amendment of the Senate numbered 980, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "916"; and the Senate agree to the same.

Amendment numbered 982: That the House recede from its disagreement to the amendment of the Senate numbered 982, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "50 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 984: That the House recede from its disagreement to the amendment of the Senate numbered 984, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "917"; and the Senate agree to the same.

Amendment numbered 985: That the House recede from its disagreement to the amendment of the Senate numbered 985, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45 per cent ad valorem" and a period; and the Senate agree to the same.

Amendment numbered 986: That the House recede from its disagreement to the amendment of the Senate numbered 986, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "918"; and the Senate agree to the same.

Amendment numbered 989: That the House recede from its disagreement to the amendment of the Senate numbered 989, and agree to the same with an amendment as follows: In lieu

of the matter proposed to be inserted by said amendment insert "919"; and the Senate agree to the same.

Amendment numbered 991: That the House recede from its disagreement to the amendment of the Senate numbered 991, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30"; and the Senate agree to the same.

Amendment numbered 993: That the House recede from its disagreement to the amendment of the Senate numbered 993, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "920"; and the Senate agree to the same.

Amendment numbered 997: That the House recede from its disagreement to the amendment of the Senate numbered 997, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 999: That the House recede from its disagreement to the amendment of the Senate numbered 999, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "921"; and the Senate agree to the same.

Amendment numbered 1001: That the House recede from its disagreement to the amendment of the Senate numbered 1001, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "crin vegetal, or palm-leaf fiber, twisted or not twisted" and a comma; and the Senate agree to the same.

Amendment numbered 1002: That the House recede from its disagreement to the amendment of the Senate numbered 1002, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1 cent"; and the Senate agree to the same.

Amendment numbered 1004: That the House recede from its disagreement to the amendment of the Senate numbered 1004, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "2"; and the Senate agree to the same.

Amendment numbered 1005: That the House recede from its disagreement to the amendment of the Senate numbered 1005, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 1013: That the House recede from its disagreement to the amendment of the Senate numbered 1013, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "shall not be less than 25 nor more than 35 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 1018: That the House recede from its disagreement to the amendment of the Senate numbered 1018, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert a semicolon and "and in addition thereto, on any of the foregoing threads, twines, and cords when boiled, 2 cents per pound; when bleached, dyed, or otherwise treated, 5 cents per pound"; and the Senate agree to the same.

Amendment numbered 1020: That the House recede from its disagreement to the amendment of the Senate numbered 1020, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30"; and the Senate agree to the same.

Amendment numbered 1022: That the House recede from its disagreement to the amendment of the Senate numbered 1022, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "pound; wholly or in chief value of hemp, 2½ cents per pound"; and the Senate agree to the same.

Amendment numbered 1036: That the House recede from its disagreement to the amendment of the Senate numbered 1036, and agree to the same with an amendment as follows: On page 96 of the Senate engrossed amendments, line 13, strike out "or hemp," and insert "hemp, or ramie" and a comma, and on page 96 of the Senate engrossed amendments, line 14, strike out "either" and insert "any," and on page 96 of the Senate engrossed amendments, line 20, strike out "or hemp," and insert "hemp, or ramie" and a comma, and on page 96 of the Senate engrossed amendments, line 21, strike out "either" and insert "any"; and the Senate agree to the same.

Amendment numbered 1046: That the House recede from its disagreement to the amendment of the Senate numbered 1046, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "or unfinished having drawn threads, 45"; and the Senate agree to the same.

Amendment numbered 1058: That the House recede from its disagreement to the amendment of the Senate numbered 1058, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40"; and the Senate agree to the same.

Amendment numbered 1060: That the House recede from its disagreement to the amendment of the Senate numbered 1060, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "8"; and the Senate agree to the same.

Amendment numbered 1061: That the House recede from its disagreement to the amendment of the Senate numbered 1061, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "6"; and the Senate agree to the same.

Amendment numbered 1062: That the House recede from its disagreement to the amendment of the Senate numbered 1062, and agree to the same with an amendment as follows: On page 99 of the Senate engrossed amendments, line 20, after "remitted," insert "or refunded"; and the Senate agree to the same.

Amendment numbered 1063: That the House recede from its disagreement to the amendment of the Senate numbered 1063, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1102. Wools, not specially provided for, and hair of the Angora goat, Cashmere goat, alpaca, and other like animals, imported in the grease or washed, 31 cents per pound of clean content; imported in the scoured state, 31 cents per pound; imported on the skin, 30 cents per pound of clean content."

And the Senate agree to the same.

Amendment numbered 1064: That the House recede from its disagreement to the amendment of the Senate numbered 1064, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1105. Top waste, slubbing waste, roving waste, and ring waste, 31 cents per pound; garnetted waste, 24 cents per pound; noils, carbonized, 24 cents per pound; noils, not carbonized, 19 cents per pound; thread or yarn waste, and all other wool wastes not specially provided for, 16 cents per pound; shoddy, and wool extract, 16 cents per pound; mungo, woolen rags, and flocks, 7½ cents per pound. Wastes of the hair of the Angora goat, Cashmere goat, alpaca, and other like animals shall be dutiable at the rates provided for similar types of wool wastes."

And the Senate agree to the same.

Amendment numbered 1065: That the House recede from its disagreement to the amendment of the Senate numbered 1065, and agree to the same with an amendment as follows: On page 101 of the Senate engrossed amendments, line 11, strike out "36" and insert "33"; and the Senate agree to the same.

Amendment numbered 1066: That the House recede from its disagreement to the amendment of the Senate numbered 1066, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1107. Yarn, made wholly or in chief value of wool, valued at not more than 30 cents per pound, 24 cents per pound and 30 per cent ad valorem; valued at more than 30 cents but not more than $1 per pound, 36 cents per pound and 35 per cent ad valorem; valued at more than $1 per pound, 36 cents per pound and 40 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1067: That the House recede from its disagreement to the amendment of the Senate numbered 1067, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1108. Woven fabrics, weighing not more than 4 ounces per square yard, wholly or in chief value of wool, valued at not more than 80 cents per pound, 37 cents per pound and 50 per cent ad valorem; valued at more than 80 cents per pound, 45 cents per pound upon the wool content thereof and 50 per cent ad valorem: *Provided*, That if the warp of any of the foregoing is wholly of cotton or other vegetable fiber, the duty shall be 36 cents per pound and 50 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1068: That the House recede from its disagreement to the amendment of the Senate numbered 1068, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1109. Woven fabrics, weighing more than 4 ounces per square yard, wholly or in chief value of wool, valued at not more than 60 cents per pound, 24 cents per pound and 40 per cent ad valorem; valued at more than 60 cents but not more than 80 cents per pound, 37 cents per pound and 50 per cent ad valorem; valued at more than 80 cents but not more than $1.50 per pound, 45 cents per pound upon the wool content thereof and 50 per cent ad valorem; valued at more than $1.50 per pound, 45 cents per pound upon the wool content thereof and 50 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1073: That the House recede from its disagreement to the amendment of the Senate numbered 1073, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40 cents per pound and 50"; and the Senate agree to the same.

Amendment numbered 1074: That the House recede from its disagreement to the amendment of the Senate numbered 1074, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1111. Blankets and similar articles, including carriage and automobile robes and steamer rugs, made of blanketing, wholly or in chief value of wool, not exceeding 3 yards in length, valued at not more than 50 cents per pound, 18 cents per pound and 30 per cent ad valorem; valued at more than 50 cents but not more than $1 per pound, 27 cents per pound and 32½ per cent ad valorem; valued at more than $1 but not more than $1.50 per pound, 30 cents per pound and 35 per cent ad valorem; valued at more than $1.50 per pound, 37 cents per pound and 40 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1075: That the House recede from its disagreement to the amendment of the Senate numbered 1075, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1112. Felts, not woven, wholly or in chief value of wool, valued at not more than 50 cents per pound, 18 cents per pound and 30 per cent ad valorem; valued at more than 50 cents but not more than $1.50 per pound, 27 cents per pound and 35 per cent ad valorem; valued at more than $1.50 per pound, 37 cents per pound and 40 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1076: That the House recede from its disagreement to the amendment of the Senate numbered 1076, and agree to the same with an amendment as follows: On page 104 of the Senate engrossed amendments, line 8, strike out "49" and insert "45"; and the Senate agree to the same.

Amendment numbered 1077: That the House recede from its disagreement to the amendment of the Senate numbered 1077, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1114. Knit fabrics in the piece, wholly or in chief value of wool, valued at not more than $1 per pound, 30 cents per pound and 40 per cent ad valorem; valued at more than $1 per pound, 45 cents per pound and 50 per cent ad valorem.

"Hose and half hose, and gloves and mittens, wholly or in chief value of wool, valued at not more than $1.75 per dozen pairs, 36 cents per pound and 35 per cent ad valorem; valued at more than $1.75 per dozen pairs, 45 cents per pound and 50 per cent ad valorem.

"Knit underwear, finished or unfinished, wholly or in chief value of wool, valued at not more than $1.75 per pound, 36 cents per pound and 30 per cent ad valorem; valued at more than $1.75 per pound, 45 cents per pound and 50 per cent ad valorem.

"Outerwear and other articles, knit or crocheted, finished or unfinished, wholly or in chief value of wool, and not specially provided for, valued at not more than $1 per pound, 36 cents per pound and 40 per cent ad valorem; valued at more than $1 and not more than $2 per pound, 40 cents per pound and 45 per cent ad valorem; valued at more than $2 per pound, 45 cents per pound and 50 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1078: That the House recede from its disagreement to the amendment of the Senate numbered 1078, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1115. Clothing and articles of wearing apparel of every description, not knit or crocheted, manufactured wholly or in part, composed wholly or in chief value of wool, valued at not more than $2 per pound, 24 cents per pound and 40 per cent ad valorem; valued at more than $2 but not more than $4 per pound, 30 cents per pound and 45 per cent ad valorem; valued at more than $4 per pound, 45 cents per pound and 50 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1088: That the House recede from its disagreement to the amendment of the Senate numbered 1088, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1119. All manufactures not specially provided for, wholly or in chief value of wool, 50 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1136: That the House recede from its disagreement to the amendment of the Senate numbered 1136, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "india and bible paper weighing 10 pounds or more and less than 18 pounds to the ream, 4 cents per pound and 15 per cent ad valorem" and a semicolon; and the Senate agree to the same.

Amendment numbered 1169: That the House recede from its disagreement to the amendment of the Senate numbered 1169, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert: "Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, sheets or printed pages of books bound wholly or in part in leather, pamphlets, music in books or sheets, and printed matter, all the foregoing not specially provided for, if of bona fide foreign authorship, 15 per cent ad valorem; all other, not specially provided for, 25 per cent ad valorem; blank books, slate books, drawings, engravings, photographs, etchings, maps, and charts, 25 per cent ad valorem; book bindings or covers wholly or in part of leather, not specially provided for, 30 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 1195: That the House recede from its disagreement to the amendment of the Senate numbered 1195, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 1200: That the House recede from its disagreement to the amendment of the Senate numbered 1200, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 1217: That the House recede from its disagreement to the amendment of the Senate numbered 1217, and agree to the same with an agreement as follows: In lieu of the matter proposed to be inserted by said amendment insert "8"; and the Senate agree to the same.

Amendment numbered 1219: That the House recede from its disagreement to the amendment of the Senate numbered 1219, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40"; and the Senate agree to the same.

Amendment numbered 1225: That the House recede from its disagreement to the amendment of the Senate numbered 1225, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "60"; and the Senate agree to the same.

Amendment numbered 1228: That the House recede from its disagreement to the amendment of the Senate numbered 1228, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 1237: That the House recede from its disagreement to the amendment of the Senate numbered 1237, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 1244: That the House recede from its disagreement to the amendment of the Senate numbered 1244, and agree to the same with an amendment as follows: On page 123 of the Senate engrossed amendments, line 6, strike out "922" and insert "920"; and the Senate agree to the same.

Amendment numbered 1246: That the House recede from its disagreement to the amendment of the Senate numbered 1246, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "and seal, sheep, goat and calf leather, dressed and finished, other than shoe leather" and a comma; and the Senate agree to the same.

Amendment numbered 1257: That the House recede from its disagreement to the amendment of the Senate numbered 1257, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "and manufactures of worm gut, 40"; and the Senate agree to the same.

Amendment numbered 1258: That the House recede from its disagreement to the amendment of the Senate numbered 1258, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40"; and the Senate agree to the same.

Amendment numbered 1259: That the House recede from its disagreement to the amendment of the Senate numbered 1259, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Par. 1436. Harness valued at more than $70 per set, single harness valued at more than $40, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing, 35 per cent ad valorem."

And on page 188 of the House bill, line 18, after the word "unfinished" insert a comma and "and not specially provided for"; and the Senate agree to the same.

Amendment numbered 1262: That the House recede from its disagreement to the amendment of the Senate numbered 1262, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 1277: That the House recede from its disagreement to the amendment of the Senate numbered 1277, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "$1 each and 35"; and the Senate agree to the same.

Amendment numbered 1293: That the House recede from its disagreement to the amendment of the Senate numbered 1293, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 1296: That the House recede from its disagreement to the amendment of the Senate numbered 1296, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45 cents per gross and 25 per cent ad valorem; pencil point protectors, and clips, whether separate or attached to pencils, 25 cents per gross; pencils stamped with names other than the manufacturers' or the manufacturers' trade name or trademark, 50 cents per gross and 25 per cent ad valorem," and a semicolon; and the Senate agree to the same.

Amendment numbered 1317: That the House recede from its disagreement to the amendment of the Senate numbered 1317, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "15": and the Senate agree to the same.

Amendment numbered 1318: That the House recede from its disagreement to the amendment of the Senate numbered 1318, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30"; and the Senate agree to the same.

Amendment numbered 1319: That the House recede from its disagreement to the amendment of the Senate numbered 1319, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45"; and the Senate agree to the same.

Amendment numbered 1320: That the House recede from its disagreement to the amendment of the Senate numbered 1320, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "55"; and the Senate agree to the same.

Amendment numbered 1389: That the House recede from its disagreement to the amendment of the Senate numbered 1389, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert a colon and the following: "*Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on calcium acetate, when imported from the United States, an equal duty shall be imposed upon such article coming into the United States from such country, dependency, province, or other subdivision of government"; and the Senate agree to the same.

Amendment numbered 1400: That the House recede from its disagreement to the amendment of the Senate numbered 1400, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert a colon and the following: "*Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, an equal duty shall be imposed upon such article coming into the United States from such country, dependency, province, or other subdivision of government"; and the Senate agree to the same.

Amendment numbered 1439: That the House recede from its disagreement to the amendment of the Senate numbered 1439, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"Par. 1580. Gloves made wholly or in chief value of leather made from hides of cattle of the bovine species."

And the Senate agree to the same.

Amendment numbered 1488: That the House recede from its disagreement to the amendment of the Senate numbered 1488, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment and on page 82 of the House bill, line 8, after "proportion" insert a semicolon and "molasses testing not above 52 per cent total sugars not imported to be commercially used for the extraction of sugar, or for human consumption, one-sixth of 1 cent per gallon"; and the Senate agree to the same.

Amendment numbered 1489: That the House recede from its disagreement to the amendment of the Senate numbered 1489, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1621"; and the Senate agree to the same.

Amendment numbered 1490: That the House recede from its disagreement to the amendment of the Senate numbered 1490, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1622"; and the Senate agree to the same.

Amendment numbered 1491: That the House recede from its disagreement to the amendment of the Senate numbered 1491, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1623"; and the Senate agree to the same.

Amendment numbered 1492: That the House recede from its disagreement to the amendment of the Senate numbered 1492, and agree to the same with an amendment as follows: On page 145 of the Senate engrossed amendments, line 5, strike out "1625" and insert "1624"; and on page 115 of the House bill, line 11, after "ramie," insert "and not specially provided for" and a comma; and the Senate agree to the same.

Amendment numbered 1493: That the House recede from its disagreement to the amendment of the Senate numbered 1493, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1625"; and the Senate agree to the same.

Amendment numbered 1494: That the House recede from its disagreement to the amendment of the Senate numbered 1494, and agree to the same with an amendment as follows: On page 145 of the Senate engrossed amendments, line 10, strike out "1627" and insert "1626"; and the Senate agree to the same.

Amendment numbered 1495: That the House recede from its disagreement to the amendment of the Senate numbered 1495, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1627"; and the Senate agree to the same.

Amendment numbered 1496: That the House recede from its disagreement to the amendment of the Senate numbered 1496, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1628"; and the Senate agree to the same.

Amendment numbered 1497: That the House recede from its disagreement to the amendment of the Senate numbered 1497, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1629"; and the Senate agree to the same.

Amendment numbered 1498: That the House recede from its disagreement to the amendment of the Senate numbered 1498, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1630"; and the Senate agree to the same.

Amendment numbered 1500: That the House recede from its disagreement to the amendment of the Senate numbered 1500, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1631"; and the Senate agree to the same.

Amendment numbered 1503: That the House recede from its disagreement to the amendment of the Senate numbered 1503, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1632"; and the Senate agree to the same.

Amendment numbered 1504: That the House recede from its disagreement to the amendment of the Senate numbered 1504, and agree to the same with an amendment as follows: In lieu

of the matter proposed to be inserted by said amendment insert "1633"; and the Senate agree to the same.

Amendment numbered 1505: That the House recede from its disagreement to the amendment of the Senate numbered 1505, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1634"; and the Senate agree to the same.

Amendment numbered 1507: That the House recede from its disagreement to the amendment of the Senate numbered 1507, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1635. Duplex decalcomania paper not printed."

And the Senate agree to the same.

Amendment numbered 1508: That the House recede from its disagreement to the amendment of the Senate numbered 1508, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1636"; and the Senate agree to the same.

Amendment numbered 1509: That the House recede from its disagreement to the amendment of the Senate numbered 1509, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1637. Pads for horses."

And the Senate agree to the same.

Amendment numbered 1510: That the House recede from its disagreement to the amendment of the Senate numbered 1510, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1638"; and the Senate agree to the same.

Amendment numbered 1511: That the House recede from its disagreement to the amendment of the Senate numbered 1511, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1639"; and the Senate agree to the same.

Amendment numbered 1513: That the House recede from its disagreement to the amendment of the Senate numbered 1513, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1640"; and the Senate agree to the same.

Amendment numbered 1514: That the House recede from its disagreement to the amendment of the Senate numbered 1514, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1641. Pigeons, fancy or racing."

And the Senate agree to the same.

Amendment numbered 1515: That the House recede from its disagreement to the amendment of the Senate numbered 1515, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1642"; and the Senate agree to the same.

Amendment numbered 1516: That the House recede from its disagreement to the amendment of the Senate numbered 1516, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert

"Par. 1643. Plaster rock or gypsum, crude."

And the Senate agree to the same.

Amendment numbered 1517: That the House recede from its disagreement to the amendment of the Senate numbered 1517, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1644"; and the Senate agree to the same.

Amendment numbered 1519: That the House recede from its disagreement to the amendment of the Senate numbered 1519, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1645"; and the Senate agree to the same.

Amendment numbered 1520: That the House recede from its disagreement to the amendment of the Senate numbered 1520, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert the following: "*Provided*, That for a period of three years beginning on the day following the passage of this act there shall be levied, collected, and paid, on the actual potash (potassium oxide) content of all the foregoing, a duty of 1½ cents per pound: *Provided further*, That thereafter the said potash content shall be free of duty"; and the Senate agree to the same.

Amendment numbered 1521: That the House recede from its disagreement to the amendment of the Senate numbered 1521, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1646"; and the Senate agree to the same.

Amendment numbered 1523: That the House recede from its disagreement to the amendment of the Senate numbered 1523, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1647"; and the Senate agree to the same.

Amendment numbered 1525: That the House recede from its disagreement to the amendment of the Senate numbered 1525, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1648"; and the Senate agree to the same.

Amendment numbered 1526: That the House recede from its disagreement to the amendment of the Senate numbered 1526, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1649"; and the Senate agree to the same.

Amendment numbered 1528: That the House recede from its disagreement to the amendment of the Senate numbered 1528, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1650"; and the Senate agree to the same.

Amendment numbered 1529: That the House recede from its disagreement to the amendment of the Senate numbered 1529, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1651"; and the Senate agree to the same.

Amendment numbered 1531: That the House recede from its disagreement to the amendment of the Senate numbered 1531, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1652"; and the Senate agree to the same.

Amendment numbered 1532: That the House recede from its disagreement to the amendment of the Senate numbered 1532, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1653"; and the Senate agree to the same.

Amendment numbered 1534: That the House recede from its disagreement to the amendment of the Senate numbered 1534, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1654"; and the Senate agree to the same.

Amendment numbered 1536: That the House recede from its disagreement to the amendment of the Senate numbered 1536, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1655. Sausage casings, weasands, intestines, bladders, tendons, and integuments, not specially provided for."

And the Senate agree to the same.

Amendment numbered 1537: That the House recede from its disagreement to the amendment of the Senate numbered 1537, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1656"; and the Senate agree to the same.

Amendment numbered 1541: That the House recede from its disagreement to the amendment of the Senate numbered 1541, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1657. Seeds: Chickpeas or garbanzos, cowpeas, and sugar beet."

And the Senate agree to the same.

Amendment numbered 1542: That the House recede from its disagreement to the amendment of the Senate numbered 1542, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1658"; and the Senate agree to the same.

Amendment numbered 1543: That the House recede from its disagreement to the amendment of the Senate numbered 1543, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1659"; and the Senate agree to the same.

Amendment numbered 1544: That the House recede from its disagreement to the amendment of the Senate numbered 1544, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1660. Shingles."

And the Senate agree to the same.

Amendment numbered 1545: That the House recede from its disagreement to the amendment of the Senate numbered 1545, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1661"; and the Senate agree to the same.

Amendment numbered 1546: That the House recede from its disagreement to the amendment of the Senate numbered 1546, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1662"; and the Senate agree to the same.

Amendment numbered 1547: That the House recede from its disagreement to the amendment of the Senate numbered 1547,

and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1663"; and the Senate agree to the same.

Amendment numbered 1548: That the House recede from its disagreement to the amendment of the Senate numbered 1548, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1664"; and the Senate agree to the same.

Amendment numbered 1549: That the House recede from its disagreement to the amendment of the Senate numbered 1549, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1665"; and the Senate agree to the same.

Amendment numbered 1550: That the House recede from its disagreement to the amendment of the Senate numbered 1550, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1666"; and the Senate agree to the same.

Amendment numbered 1552: That the House recede from its disagreement to the amendment of the Senate numbered 1552, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1667"; and the Senate agree to the same.

Amendment numbered 1554: That the House recede from its disagreement to the amendment of the Senate numbered 1554, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1668"; and the Senate agree to the same.

Amendment numbered 1555: That the House recede from its disagreement to the amendment of the Senate numbered 1555, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1669"; and the Senate agree to the same.

Amendment numbered 1556: That the House recede from its disagreement to the amendment of the Senate numbered 1556, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1670"; and the Senate agree to the same.

Amendment numbered 1557: That the House recede from its disagreement to the amendment of the Senate numbered 1557, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1671"; and the Senate agree to the same.

Amendment numbered 1558: That the House recede from its disagreement to the amendment of the Senate numbered 1558, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1672"; and the Senate agree to the same.

Amendment numbered 1560: That the House recede from its disagreement to the amendment of the Senate numbered 1560, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1673"; and the Senate agree to the same.

Amendment numbered 1561: That the House recede from its disagreement to the amendment of the Senate numbered 1561, and agree to the same with an amendment as follows: On page 150 of the Senate engrossed amendments, line 13, strike out "1677" and insert in lieu thereof "1674"; and the Senate agree to the same.

Amendment numbered 1562: That the House recede from its disagreement to the amendment of the Senate numbered 1562, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1675"; and the Senate agree to the same.

Amendment numbered 1564: That the House recede from its disagreement to the amendment of the Senate numbered 1564, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1676"; and the Senate agree to the same.

Amendment numbered 1565: That the House recede from its disagreement to the amendment of the Senate numbered 1565, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1677"; and the Senate agree to the same.

Amendment numbered 1566: That the House recede from its disagreement to the amendment of the Senate numbered 1566, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1678"; and the Senate agree to the same.

Amendment numbered 1567: That the House recede from its disagreement to the amendment of the Senate numbered 1567, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1679"; and the Senate agree to the same.

Amendment numbered 1568: That the House recede from its disagreement to the amendment of the Senate numbered 1568, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1680"; and the Senate agree to the same.

Amendment numbered 1570: That the House recede from its disagreement to the amendment of the Senate numbered 1570, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1681"; and the Senate agree to the same.

Amendment numbered 1571: That the House recede from its disagreement to the amendment of the Senate numbered 1571, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1682"; and the Senate agree to the same.

Amendment numbered 1573: That the House recede from its disagreement to the amendment of the Senate numbered 1573, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1683"; and the Senate agree to the same.

Amendment numbered 1574: That the House recede from its disagreement to the amendment of the Senate numbered 1574, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1684"; and the Senate agree to the same.

Amendment numbered 1575: That the House recede from its disagreement to the amendment of the Senate numbered 1575, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1685. Tin in bars, blocks or pigs, and grain or granulated and scrap tin, including scrap tin plate."

And the Senate agree to the same.

Amendment numbered 1576: That the House recede from its disagreement to the amendment of the Senate numbered 1576, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1686"; and the Senate agree to the same.

Amendment numbered 1577: That the House recede from its disagreement to the amendment of the Senate numbered 1577, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1687. Turmeric."

And the Senate agree to the same.

Amendment numbered 1578: That the House recede from its disagreement to the amendment of the Senate numbered 1578, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1688"; and the Senate agree to the same.

Amendment numbered 1579: That the House recede from its disagreement to the amendment of the Senate numbered 1579, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1689"; and the Senate agree to the same.

Amendment numbered 1580: That the House recede from its disagreement to the amendment of the Senate numbered 1580, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1690"; and the Senate agree to the same.

Amendment numbered 1581: That the House recede from its disagreement to the amendment of the Senate numbered 1581, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1691"; and the Senate agree to the same.

Amendment numbered 1582: That the House recede from its disagreement to the amendment of the Senate numbered 1582, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1692. Wafers, not edible."

And the Senate agree to the same.

Amendment numbered 1583: That the House recede from its disagreement to the amendment of the Senate numbered 1583, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1693"; and the Senate agree to the same.

Amendment numbered 1586: That the House recede from its disagreement to the amendment of the Senate numbered 1586, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1694"; and the Senate agree to the same.

Amendment numbered 1588: That the House recede from its disagreement to the amendment of the Senate numbered 1588, and agree to the same with an amendment as follows: In lieu

of the matter proposed to be inserted by said amendment insert "1695"; and the Senate agree to the same.

Amendment numbered 1591: That the House recede from its disagreement to the amendment of the Senate numbered 1591, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1696"; and the Senate agree to the same.

Amendment numbered 1592: That the House recede from its disagreement to the amendment of the Senate numbered 1592, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1697"; and the Senate agree to the same.

Amendment numbered 1593: That the House recede from its disagreement to the amendment of the Senate numbered 1593, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1698"; and the Senate agree to the same.

Amendment numbered 1594: That the House recede from its disagreement to the amendment of the Senate numbered 1594, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1699"; and the Senate agree to the same.

Amendment numbered 1595: That the House recede from its disagreement to the amendment of the Senate numbered 1595, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1700"; and the Senate agree to the same.

Amendment numbered 1601: That the House recede from its disagreement to the amendment of the Senate numbered 1601, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1701. Paving posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods."

And the Senate agree to the same.

Amendment numbered 1602: That the House recede from its disagreement to the amendment of the Senate numbered 1602, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1702. Pickets, palings, hoops, and staves of wood of all kinds."

And the Senate agree to the same.

Amendment numbered 1604: That the House recede from its disagreement to the amendment of the Senate numbered 1604, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1703"; and the Senate agree to the same.

Amendment numbered 1606: That the House recede from its disagreement to the amendment of the Senate numbered 1606, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1704"; and the Senate agree to the same.

Amendment numbered 1608: That the House recede from its disagreement to the amendment of the Senate numbered 1608, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1705"; and the Senate agree to the same.

Amendment numbered 1609: That the House recede from its disagreement to the amendment of the Senate numbered 1609, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1706"; and the Senate agree to the same.

Amendment numbered 1610: That the House recede from its disagreement to the amendment of the Senate numbered 1610, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1707"; and the Senate agree to the same.

Amendment numbered 1612: That the House recede from its disagreement to the amendment of the Senate numbered 1612, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1708"; and the Senate agree to the same.

Amendment numbered 1613: That the House recede from its disagreement to the amendment of the Senate numbered 1613, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1709. Worm gut, unmanufactured."

And the Senate agree to the same.

Amendment numbered 1614: That the House recede from its disagreement to the amendment of the Senate numbered 1614, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1710"; and the Senate agree to the same.

Amendment numbered 1623: That the House recede from its disagreement to the amendment of the Senate numbered 1623, and agree to the same with an amendment as follows: On page 156 of the Senate engrossed amendments, line 16, strike out the words "to the importer"; and on page 157 of the Senate engrossed amendments, line 11, strike out the words "to the importer"; and the Senate agree to the same.

Amendment numbered 1631: That the House recede from its disagreement to the amendment of the Senate numbered 1631, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "subdivision (a) or (b) of this section"; and the Senate agree to the same.

Amendment numbered 1637: That the House recede from its disagreement to the amendment of the Senate numbered 1637, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "in such subdivisions"; and the Senate agree to the same.

Amendment numbered 1638: That the House recede from its disagreement to the amendment of the Senate numbered 1638, and agree to the same with an amendment as follows: On page 159 of the Senate engrossed amendments, line 14, strike out the word "subsection" and insert "subdivision"; and the Senate agree to the same.

Amendment numbered 1665: That the House recede from its disagreement to the amendment of the Senate numbered 1665, and agree to the same with an amendment as follows: On page 166 of the Senate engrossed amendments, line 18, after "production" insert "in the United States and the principal competing country";

And on page 167 of the Senate engrossed amendments make the following changes: Line 1, strike out "Sixty" and insert "Thirty"; line 4, strike out "merchandise" and insert "articles"; lines 15 and 16, strike out "products provided for in paragraphs 27 or 28 of" and insert "articles provided for in"; line 16, after "the" insert "growth or"; line 17, strike out "products" and insert "articles"; line 18, strike out "product of" and insert "growth or product of competing"; line 21, after "differences" insert "in costs of production in the United States and the principal competing country"; line 23, strike out "products" and insert "articles";

And on page 168 of the Senate engrossed amendments make the following changes: Line 3, strike out "product" and insert "article"; line 6, strike out "product" and insert "article"; line 7, strike out "products" and insert "articles"; line 14, strike out "or increased"; line 16, strike out "product" and insert "articles, nor shall any such rate be increased"; line 19, strike out "product" and insert "articles"; line 23, strike out "product" and insert "article"; line 24, strike out "products" and insert "articles";

And on page 169 of the Senate engrossed amendments make the following changes: Line 1, strike out "product" and insert "article"; line 2, strike out "product" and insert "article"; line 11, strike out "merchandise" and insert "articles"; line 13, strike out "merchandise" and insert "articles";

And on page 170 of the Senate engrossed amendments make the following changes: Lines 1 and 2, strike out "Said hearings shall be public. Subject to the foregoing, the" and insert "The"; strike out all of lines 4, 5, 6, 7, and 8; line 19, strike out "merchandise" and insert "articles"; line 21, strike out "merchandise" and insert "articles";

And on page 171 of the Senate engrossed amendments make the following changes: Line 9, strike out "products" and insert "articles"; line 10, strike out "products" and insert "articles"; strike out all of lines 14, 15, and 16.

And the Senate agree to the same.

Amendment numbered 1666: That the House recede from its disagreement to the amendment of the Senate numbered 1666, and agree to the same with an amendment as follows: On page 171 of the Senate engrossed amendments make the following changes: Line 19, strike out "merchandise" and insert "articles"; line 20, strike out "its" and insert "their";

And on page 172 of the Senate engrossed amendments make the following changes: Line 5, strike out "findings" and insert "decisions"; lines 8 and 9, strike out "the initiative of such department or independent establishment" and insert "its initiative"; line 19, strike out "decision" and insert "findings"; line 22, strike out "merchandise" and insert "articles"; line 23, strike out "and decision"; strike out lines 24 and 25 and lines 1, 2, and 3 on page 173 of the Senate engrossed amendments and in lieu thereof insert "conclusive, except that a rehearing may be granted by the commission, and except that, within such time after said findings are made and in such manner as appeals may be taken from decisions of the United States Board of General Appraisers, an appeal may be taken from said findings upon a";

And on page 173 of the Senate engrossed amendments make the following changes: Lines 5 and 6, strike out "merchandise" and insert "articles"; line 14, strike out "the"; line 15, strike out "unless" and insert "except that"; line 16, strike out "shall" and insert "may";

And on page 174 of the Senate engrossed amendments make the following changes: Line 3, strike out "merchandise" and insert "articles"; line 5, strike out "merchandise." and insert "articles"; line 8, strike out "merchandise" and insert "articles"; line 14, strike out "findings" and insert "decision"; line 15, strike out all beginning with the comma down to and including "conclusive" in line 17; line 19, strike out "merchandise" and insert "article."

And the Senate agree to the same.

Amendment numbered 1667: That the House recede from its disagreement to the amendment of the Senate numbered 1667, and agree to the same with an amendment as follows: On page 175 of the Senate engrossed amendments strike out lines 7 to 15, inclusive, and insert the following:

"SEC. 317. (a) That the President when he finds that the public interest will be served thereby shall by proclamation specify and declare new or additional duties as hereinafter provided upon articles wholly or in part the growth or product of any foreign country whenever he shall find as a fact that such country"—;

And on page 175 of the Senate engrossed amendments make the following changes: Line 18, before the word "product" insert "article wholly or in part the growth or"; line 20, strike out "products of any" and insert "articles of every"; line 21, after the word "Discriminates" insert "in fact";

And on page 176 of the Senate engrossed amendments make the following changes: Line 4, strike out "(c)" and insert "(b)"; line 8, strike out "subsection (b) hereof" and insert "subdivision (a) of this section"; line 12, strike out "products" and insert "articles"; line 15, strike out "(d)" and insert "(c)"; strike out lines 22 to 25, inclusive, and lines 1 to 25, inclusive, on page 177 of the Senate engrossed amendments and in lieu thereof insert the following:

"(d) Whenever the President shall find as a fact that any foreign country places any burdens upon the commerce of the United States by any of the unequal impositions or discriminations aforesaid, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty as he shall determine will offset such burdens, not to exceed 50 per cent ad valorem or its equivalent, and on and after 30 days after the date of such proclamation there shall be levied, collected, and paid upon the articles enumerated in such proclamation when imported into the United States from such foreign country such new or additional rate or rates of duty; or, in case of articles declared subject to exclusion from importation into the United States under the provisions of subdivision (b) of this section, such articles shall be excluded from importation.

"(e) Whenever the President shall find as a fact that any foreign country imposes any unequal imposition or discrimination as aforesaid upon the commerce of the United States, or that any benefits accrue or are likely to accrue to any industry in any foreign country by reason of any such imposition or discrimination imposed by any foreign country other than the foreign country in which such industry is located, and whenever the President shall determine that any new or additional rate or rates of duty or any prohibition hereinbefore provided for do not effectively remove such imposition or discrimination and that any benefits from any such imposition or discrimination accrue or are likely to accrue to any industry in any foreign country, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty upon the articles wholly or in part the growth or product of any such industry as he shall determine will offset such benefits, not to exceed 50 per cent ad valorem or its equivalent, upon importation from any foreign country into the United States of such articles and on and after 30 days after the date of any such proclamation such new or additional rate or rates of duty so specified and declared in such proclamation shall be levied, collected, and paid upon such articles."

And on page 178 of the Senate engrossed amendments make the following changes: Line 1, strike out "(g) All articles of merchandise" and insert "(f) All articles"; lines 9 and 10, strike out "the products" and insert "articles wholly or in part the growth or product"; line 11, strike out "products" and insert "articles"; line 13, strike out "(h)" and insert "(g)"; line 16, strike out "subsections (b), (c), and (f)" and insert "subdivisions (a), (b), and (e)"; line 21, strike out "(i)" and insert "(h)"; line 25, strike out "Act" and insert "section";

And on page 179 of the Senate engrossed amendments, line 1, strike out "(j)" and insert "(i)."

And the Senate agree to the same.

Amendment numbered 1685: That the House recede from its disagreement to the amendment of the Senate numbered 1685, and agree to the same with an amendment as follows: On page 184 of the Senate engrossed amendments, line 5, strike out "reimported" and insert "imported"; and the Senate agree to the same.

Amendment numbered 1721: That the House recede from its disagreement to the amendment of the Senate numbered 1721, and agree to the same with an amendment as follows: On page 197 of the Senate engrossed amendments, strike out line 16 and in lieu thereof insert "(2) If neither the foreign value nor the export value can be"; and on page 200 of the Senate engrossed amendments, line 20, strike out "section" and insert "subdivision"; and on page 201 of the Senate engrossed amendments, line 2, after "price" insert a comma; and on page 201 of the Senate engrossed amendments, line 6, after "delivery" insert a comma; and on page 201 of the Senate engrossed amendments, line 9, strike out "and" and insert a comma and "or"; and the Senate agree to the same.

Amendment numbered 1897: That the House recede from its disagreement to the amendment of the Senate numbered 1897, and agree to the same with an amendment as follows: On page 222 of the Senate engrossed amendments, line 12, after "triplicate" insert "or in quadruplicate, if desired by the shipper, for merchandise intended for immediate transportation, under the provisions of section 552 of this act" and a comma; and the Senate agree to the same.

Amendment numbered 1898: That the House recede from its disagreement to the amendment of the Senate numbered 1898, and agree to the same with an amendment as follows: On page 222 of the Senate engrossed amendments, line 22, after "duplicate" insert "and, if made, the quadruplicate"; and the Senate agree to the same.

Amendment numbered 1903: That the House recede from its disagreement to the amendment of the Senate numbered 1903, and agree to the same with an amendment as follows: On page 224 of the Senate engrossed amendments, line 1, before the word "declaration" insert "verified"; and the Senate agree to the same.

Amendment numbered 1924: That the House recede from its disagreement to the amendment of the Senate numbered 1924, and agree to the same with an amendment as follows: On page 230 of the Senate engrossed amendments, line 14, after "seize," insert "the whole case or package containing"; and the Senate agree to the same.

Amendment numbered 2054: That the House recede from its disagreement to the amendment of the Senate numbered 2054, and agree to the same with an amendment as follows: On page 247 of the Senate engrossed amendments, line 13, strike out the words "in any entry or liquidation"; and the Senate agree to the same.

Amendment numbered 2084: That the House recede from its disagreement to the amendment of the Senate numbered 2084, and agree to the same with an amendment as follows: On page 258 of the Senate engrossed amendments, line 24, after the word "trade-mark," insert "owned by a citizen of, or by a corporation or association created or organized within, the United States, and"; and the Senate agree to the same.

Amendment numbered 2415: That the House recede from its disagreement to the amendment of the Senate numbered 2415, and agree to the same with an amendment as follows: On page 293 of the Senate engrossed amendments, line 12, after "909," insert "2520, 2521, 2524, 2537, 2540, 2554, 2561" and a comma; and on page 294 of the Senate engrossed amendments, line 2, after "2894," insert "2895" and a comma; and on page 294 of the Senate engrossed amendments, line 3, after "2915," insert "2916" and a comma; and on page 294 of the Senate engrossed amendments, line 8, after "2978," insert "2979" and a comma; and on page 294 of the Senate engrossed amendments, line 17, after "3090," insert "3095" and a comma; and the Senate agree to the same.

Amendment numbered 2430: That the House recede from its disagreement to the amendment of the Senate numbered 2430, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "and Titles I and III of the act entitled 'An act imposing temporary duties upon certain agricultural products to meet present emergencies, and to provide revenue; to regulate commerce with foreign countries; to prevent dumping of foreign merchandise on the markets of the United States; to regulate the value of foreign money; and for other purposes,' approved May 27, 1921, as amended. The dye and chemical control act, 1921, as extended, shall cease to be in effect one year after the passage of this act; but if the President finds and proclaims (1) that the rates specified in paragraph 27 or 28 of Title I, or imposed under the provisions of section 315, do not equalize the differences in cost of production of any article provided for in paragraph 27 or 28 of Title I, wholly or in part the product of the United States, and of like or similar articles wholly or in part the product of competing foreign countries, or (2) that an industry in the United States is being or is likely to be materially injured by reason of the importation into the United States of any article specified in paragraph 27 or 28 of Title I, then the provisions of the dye and chemical control act, 1921, shall continue to be in effect, in respect to the articles as to which the President makes such finding and proclamation, for such period as he may proclaim, but not exceeding two years after the passage of this act"; and the Senate agree to the same.

J. W. FORDNEY,
W. R. GREEN,
NICHOLAS LONGWORTH,
Managers on the part of the House.
P. J. MCCUMBER,
REED SMOOT,
GEO. P. MCLEAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The following amendments make clerical changes, and the Senate recedes: 90, 91, 92, 162, 449, 450, 913, 1338, and 1416.

The following amendments make clerical changes, and the House recedes: 9, 27, 29, 32, 36, 38, 40, 48, 65, 68, 70, 71, 78, 79, 88, 93, 96, 99, 101, 112, 113, 114, 142, 152, 154, 167, 181, 182, 219, 260, 261, 268, 269, 270, 273, 274, 275, 276, 277, 278, 279, 280, 284, 286, 291, 299, 301, 302, 305, 306, 308, 312, 317, 318, 321, 322, 325, 344, 345, 346, 352, 357, 367, 386, 391, 401, 409, 411, 412, 413, 414, 415, 417, 422, 424, 425, 427, 428, 430, 431, 432, 433, 440, 444, 447, 476, 483, 488, 493, 496, 502, 509, 510, 512, 513, 514, 517, 518, 519, 522, 523, 526, 528, 529, 530, 533, 536, 539, 540, 541, 542, 543, 545, 548, 549, 550, 552, 553, 555, 564, 574, 577, 588, 597, 611, 613, 614, 627, 631, 632, 637, 639, 640, 641, 642, 644, 651, 653, 658, 664, 666, 673, 675, 678, 693, 697, 705, 707, 725, 747, 759, 767, 770, 772, 795, 797, 801, 805, 806, 807, 811, 812, 817, 824, 825, 830, 835, 837, 838, 839, 840, 864, 867, 868, 872, 898, 904, 908, 909, 911, 912, 928, 929, 932, 965, 981, 994, 995, 996, 1003, 1009, 1010, 1011, 1015, 1016, 1017, 1019, 1028, 1038, 1039, 1040, 1041, 1082, 1090, 1094, 1095, 1096, 1097, 1098, 1099, 1101, 1107, 1108, 1118, 1124, 1126, 1133, 1138, 1144. 1153. 1157, 1158. 1160 1161. 1171, 1180, 1189, 1191, 1193, 1194, 1204, 1206, 1214, 1222, 1223, 1227, 1231, 1235, 1238, 1242, 1247, 1248, 1250, 1268, 1274, 1280, 1281, 1284, 1306, 1308, 1313, 1315, 1316, 1321, 1322, 1325, 1334, 1335, 1336, 1337, 1339, 1343, 1355, 1362, 1369, 1379, 1402, 1411, 1438, 1447, 1474, 1501, 1502, 1506, 1530, 1538, 1540, 1584, 1585, 1597, 1598, 1599, 1605, 1607, 1622, 1625, 1626, 1627, 1628, 1629, 1630, 1632, 1633, 1634, 1635, 1636, 1645, 1646, 1647, 1648, 1656, 1659, 1660, 1661, 1662, 1663, 1671, 1672, 1673, 1674, 1676, 1677, 1678, 1679, 1680, 1681, 1687, 1688, 1689, 1691, 1694, 1697, 1700, 1705, 1707, 1709, 1710, 1711, 1713, 1723, 1724, 1725, 1727, 1729, 1730, 1731, 1733, 1736, 1739, 1740, 1741, 1742, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1752, 1753, 1754, 1755, 1756, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1795, 1796, 1797, 1798, 1799, 1801, 1804, 1805, 1806, 1811, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1823, 1824, 1825, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1840, 1841, 1842, 1843, 1844, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1855, 1857, 1858, 1859, 1860, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1874, 1876, 1877, 1878, 1879, 1880, 1881, 1883, 1884, 1887, 1888, 1894, 1902, 1906, 1907, 1911, 1912, 1919, 1922, 1925, 1926, 1932, 1934, 1935, 1937, 1938, 1939, 1940, 1941, 1943, 1944, 1948, 1949, 1950, 1951, 1958, 1959, 1960, 1961, 1962, 1964, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1977, 1978, 1979, 1980, 1981, 1982, 1984, 1985, 1986, 1987, 1994, 1996, 1998, 1999, 2000, 2001, 2002, 2005, 2008, 2009. 2011. 2012, 2013, 2015, 2019. 2025, 2026, 2027, 2028, 2029, 2035, 2036, 2037, 2038, 2040, 2044, 2046, 2047. 2049, 2050, 2051, 2052, 2055, 2057, 2058, 2061, 2062, 2063, 2064, 2065, 2070, 2071, 2073, 2074, 2075, 2087, 2089, 2090, 2091, 2094, 2095, 2096, 2099, 2100, 2102, 2103, 2104, 2105, 2108, 2109, 2110, 2113, 2114, 2115, 2116, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2154, 2155, 2156, 2157, 2158, 2159, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2191, 2192, 2194, 2196, 2197, 2198, 2199, 2201, 2202, 2203, 2204, 2205, 2207, 2208, 2209, 2210, 2211, 2212, 2214, 2215, 2216, 2217, 2219, 2220, 2222, 2223, 2225, 2226, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2252, 2253, 2254, 2255, 2256, 2257, 2259, 2261, 2263, 2264, 2266, 2269, 2270, 2271, 2272, 2274, 2275, 2277, 2278, 2280, 2281, 2283, 2285, 2286, 2288, 2289, 2293, 2295, 2298, 2301, 2302, 2303, 2305, 2306, 2307, 2311, 2312, 2313, 2314 2315, 2317, 2318, 2323, 2327, 2329, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2340, 2341, 2342, 2344, 2346, 2347, 2349, 2351, 2355, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2368, 2369, 2371, 2372, 2374, 2376, 2378, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2390, 2391, 2392, 2393, 2398, 2399, 2400, 2401, 2403, 2406, 2407, 2409, 2411, 2414, 2421, and 2435.

The following amendments make changes in paragraph numbers, and the Senate recedes: 915, 927, 931, 947, and 948.

The following amendments make changes in paragraph numbers, and in references to paragraph numbers, and the House recedes: 42, 47, 49, 51, 52, 53, 55, 59, 62, 64, 67, 69, 72, 75, 77, 81, 82, 84, 85, 86, 98, 103, 104, 109, 110, 111, 115, 117, 118, 122, 125, 126, 131, 133, 134, 135, 138, 144, 146, 148, 158, 161, 168, 176, 178, 180, 183, 185, 187, 191, 192, 195, 196, 198, 200, 203, 204, 205, 207, 208, 209, 210, 215, 217, 218, 220, 222, 226, 235, 236, 239, 243, 244, 247, 249, 250, 251, 253, 255, 257, 258, 267, 298, 304, 571, 573, 580, 582, 589, 593, 595, 603, 606, 610, 612, 616, 620, 623, 670, 672, 674, 677, 718, 719, 721, 724, 731, 735, 741, 745, 748, 750, 752, 754, 758, 760, 763, 766 774, 777, 779, 781, 785, 788, 792, 794, 800, 887, 888, 890, 892, 894, 1027, 1032, 1034, 1037, 1044, 1047, 1052, 1054, 1056, 1059, 1070, 1079, 1086, 1089, 1117, 1121, 1123, 1261, 1263, 1267, 1270, 1271, 1272, 1279, 1283, 1286, 1289, 1290, 1292, 1294, 1295, 1297, 1299, 1307, 1312, 1323, 1329, 1330, 1332, 1333, 1342, 1345, 1346, 1348, 1350, 1351, 1352, 1354, 1361, 1363, 1364, 1365, 1367, 1368, 1371, 1373, 1375, 1378, 1380, 1383, 1385, 1386, 1388, 1390, 1394, 1396, 1398, 1399, 1401, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1412, 1413, 1414, 1415, 1417, 1418, 1420, 1422, 1423, 1424, 1426, 1427, 1429, 1430, 1431, 1432, 1434, 1435, 1436, 1437, 1440, 1441, 1443, 1445, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1469, 1470, 1471, 1472, 1473, 1475, 1476, 1577, 1478, 1479, 1480, 1481, 1483, 1485, 1486, 1487, 1618, 1619, 1620, 1624, 1639, 1640, 1642, 1643, 1644, 1664 1669, 1670, 1675, 1693, 1696, 1699, 1704, 1706, 1708, 1712, 1802, 1862 1875, 1882, 1885, 1889, 1891, 1893, 1899, 1901, 1905, 1909, 1918, 1931, 1942, 1945, 1947, 1952, 1954, 1957, 1965, 1976, 1989 2014, 2016, 2022, 2023, 2031, 2033, 2034, 2039, 2043, 2045, 2048, 2060, 2067, 2068, 2069, 2076, 2101, 2190, 2193, 2195, 2200, 2206, 2227, 2229, 2237, 2250, 2260, 2262, 2265, 2268, 2276, 2282, 2287, 2292, 2297, 2304, 2322, 2343, 2353, 2354, 2359, 2370, 2373, 2386, 2397, 2405, 2408, 2413, 2416, 2432, 2433, and 2434.

The following amendments make changes in paragraph numbers, and the House recedes with amendments making further changes in paragraph numbers: 626, 630, 635, 636, 643, 655, 656, 662, 951, 956, 959, 962, 964, 970, 976, 980, 984, 986, 989, 993, 999, 1489, 1490, 1491, 1493, 1495, 1496, 1497, 1498, 1500, 1503, 1504, 1505, 1508, 1510, 1511, 1513, 1515, 1517, 1519, 1521, 1523, 1525, 1526, 1528, 1529, 1531, 1532, 1534, 1537, 1542, 1543, 1545, 1546, 1547, 1548, 1549, 1550, 1552, 1554, 1555, 1556, 1557, 1558, 1560, 1562, 1564, 1565, 1566, 1567, 1568, 1570, 1571, 1573, 1574, 1576, 1578, 1579, 1580, 1581, 1583, 1586. 1588, 1591, 1592, 1593, 1594, 1595, 1604, 1606, 1608, 1609, 1610, 1612, and 1614.

TITLE I.—DUTIABLE LIST.

SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS.

On amendments Nos. 1 and 2: The House bill did not specify the basis for determining the per cent of acetic acid content of acetic acid for the application of the duties imposed upon the same. The Senate amendment specifies that the basis shall be by weight; and the House recedes.

On amendment No. 3: The House bill imposed a duty of 8 cents a pound upon acetic anhydride. The Senate amendment lowers this duty to 5 cents a pound; and the House recedes.

On amendment No. 4: The House bill imposed a duty of 2 cents a pound upon boric acid. The Senate amendment reduces this duty to 1½ cents a pound; and the House recedes.

On amendment No. 5: The House bill imposed a duty of 12 cents a pound upon citric acid. The Senate amendment increases this duty to 18 cents a pound; and the House recedes with an amendment making the duty 17 cents a pound.

On amendments Nos. 6, 7, and 8: The House bill imposed the following duties upon lactic acid: Containing by weight of lactic acid less than 30 per cent, 1½ cents a pound; 30 per cent or more and less than 55 per cent, 3 cents a pound; and 55 per cent or more, 5 cents a pound. The Senate amendments increase these duties, respectively, to 2 cents, 4 cents, and 9 cents a pound; and the House recedes.

On amendments Nos. 10, 11, and 12: The House bill based the duty upon tannic acid containing 50 per cent or more of tannic acid by weight upon the tannic-acid content. The Senate amendment changes the basis to existence or nonexistence of medicinal use; and the House recedes.

On amendment No. 13: The House bill imposed a duty of 25 per cent American value upon arsenic acid. The Senate amendment makes the duty 3 cents a pound; and the House recedes.

On amendments Nos. 14 and 1353: The House bill imposed a duty of 25 per cent American value upon arsenious acid or white arsenic. The Senate amendments Nos. 14 and 1353 place this article upon the free list; and the House recedes.

On amendment No. 15: The House bill imposed a duty of 25 per cent American value upon formic acid. The Senate amendment makes this duty 4 cents a pound; and the House recedes with an amendment striking out the reference to formic acid, having the effect of making it dutiable at 25 per cent foreign value under the basket clause of this paragraph.

On amendment No. 16: The House bill imposed a duty of 25 per cent American value upon gallic acid. The Senate amendment makes the duty 8 cents a pound; and the House recedes.

On amendment No. 17: The House bill imposed a duty of 25 per cent American value on oleic acid or red oil. The Senate amendment makes this duty 1½ cents a pound; and the House recedes.

On amendment No. 18: The House bill imposed a duty of 25 per cent American value on oxalic acid. The Senate amendment makes this duty 4 cents a pound; and the House recedes.

On amendment No. 19: The House bill imposed a duty of 25 per cent American value on phosphoric acid. The Senate amendment makes this duty 2 cents a pound; and the House recedes.

On amendment No. 20: The House bill imposed a duty of 25 per cent American value on pyrogallic acid. The Senate amendment makes this duty 12 cents a pound; and the House recedes.

On amendment No. 21: The House bill imposed a duty of 25 per cent American value upon stearic acid. The Senate amendment makes this duty 1½ cents a pound; and the House recedes.

On amendments Nos. 22 and 23: The House bill imposed a duty of 6 cents a pound upon amyl, butyl, isopropyl alcohol, and fusel oil. Amendment No. 22 reduces this duty to 3 cents a pound in the case of amyl and butyl alcohol, and makes this duty applicable to all propyl alcohol (which alcohol other than isopropyl was dutiable under paragraph 5 of the House bill at 25 per cent American value). Amendment No. 23 reduces the duty upon fusel oil to 2 cents a pound. The Senate recedes on amendment No. 23, restoring the duty upon fusel oil to 6 cents a pound; and the House recedes on amendment No. 22 with an amendment making the duty upon amyl, butyl, and propyl alcohol 6 cents a pound.

On amendment No. 24: This amendment reduces from 15 cents a gallon to 10 cents a gallon the House duty upon methyl or wood alcohol; and the House recedes with an amendment making the duty 12 cents a gallon.

On amendments Nos. 25 and 26: The House bill imposed a duty of 15 cents a proof gallon upon ethyl alcohol for nonbeverage purposes. Senate amendment No. 25 reduces the rate to 10 cents; and the Senate recedes. Amendment No. 26 changes the basis from proof gallon to gallon; and the House recedes.

On amendment No. 28: The House bill imposed a duty of 1 cent a pound upon potassium aluminum sulphate and ammonium aluminum sulphate. The Senate amendment lowers the duty to three-fourths cent a pound; and the House recedes.

On amendment No. 30: This amendment imposed a duty of 1½ cents a pound upon ammonium bicarbonate, which under the House bill was dutiable under the basket clause of the chemical schedule at 25 per cent American value; and the House recedes.

On amendment No. 31: The House bill imposed a duty of 25 per cent American value upon ammonium nitrate. The Senate amendment makes the duty 1 cent a pound; and the House recedes.

On amendment No. 33: The House bill imposed a duty of 25 per cent American value on ammonium perchlorate and ammonium phosphate. The Senate amendment makes this duty 1½ cents a pound; and the House recedes.

On amendment No. 34: The House bill imposed a duty of three-fifths of 1 cent per pound on ammonium sulphate. The Senate amendment makes this duty one-fourth of 1 cent per pound; and the House recedes.

On amendment No. 35: The House bill imposed a duty of 2 cents per pound on oxide of antimony. The Senate amendment makes this duty 1½ cents per pound and 25 per cent foreign value; and the Senate recedes.

On amendment No. 37: The House bill imposed a duty of 5 cents per pound on tartar emetic. The Senate amendment makes the duty 6 cents per pound; and the House recedes.

On amendment No. 39: The House bill imposed a duty of 25 per cent American value on sulphides of antimony and other antimony compounds not specially provided for. The Senate amendment makes the duty 25 per cent foreign value and 1 cent per pound; and the House recedes.

On amendments Nos. 41 and 1446: These amendments take amber and amberoid from the free list and impose upon them a duty of $1 per pound; and take arabic from the free list and impose upon it a duty of one-half cent per pound; and the House recedes.

On amendment No. 43: The House bill imposed a duty of 1 cent per pound on precipitated barium carbonate. The Senate amendment increases this duty to 1¼ cents per pound; and the Senate recedes.

On amendment No. 44: The House bill imposed a duty of 1¼ cents per pound on barium chloride. The Senate amendment increases this duty to 1¾ cents per pound; and the Senate recedes.

On amendment No. 45: This amendment imposed a duty of 1¾ cents per pound on barium hydroxide, which under the House bill was dutiable under the basket clause of the chemical schedule at 25 per cent American value; and the House recedes with an amendment making the duty 1¼ cents per pound.

On amendment No. 46: The House bill imposed a duty of 2 cents per pound on barium nitrate. The Senate amendment increases this duty to 2½ cents per pound; and the Senate recedes.

On amendment No. 50: The House bill imposed a duty of three-fifths of 1 cent per pound on bleaching powder. The Senate amendment reduces the duty to one-fifth of 1 cent per pound; and the House recedes with an amendment making the duty three-tenths of 1 cent per pound.

On amendment No. 54: The House bill imposed a duty of 30 per cent American value on calomel, corrosive sublimate, and other mercurial preparations. The Senate amendment makes the duty 45 per cent foreign value; and the House recedes.

On amendment No. 56: The House bill imposed a duty of 8 cents per pound on chloroform. The Senate amendment reduces this duty to 6 cents per pound; and the House recedes.

On amendment No. 57: The House bill imposed a duty of 25 per cent American value on tetrachloroethane and trichloroethylene. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendments Nos. 58 and 1468: These amendments take casein off the free list and impose upon it a duty of 4 cents per pound. The House recedes with an amendment to amendment No. 58 making the duty 2½ cents per pound and making a clerical change, and recedes on amendment No. 1468.

On amendment No. 60: The House bill imposed a duty of 15 per cent American value on chalk or Paris white. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 61: The House bill imposed a duty of 25 per cent American value on putty. The Senate amendment makes the duty three-fourths of 1 cent per pound; and the House recedes.

On amendment No. 63: The House bill imposed a duty of 15 per cent American value on chemical compounds, mixtures, and salts composed in chief value of gold, platinum, rhodium, or silver. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 66: The House bill imposed a duty of 25 per cent American value on chemical compounds and salts of bismuth. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 73: The House bill imposed a duty of 15 cents per pound on crude chicle. The Senate amendment reduces this rate to 10 cents per pound; and the House recedes.

On amendment No. 74: The House bill imposed a duty of 20 cents per pound on chicle refined or advanced in value. The Senate amendment reduces this duty to 15 cents per pound; and the House recedes.

On amendment No. 76: The House bill imposed a duty of 25 per cent American value on chloral hydrate, terpin hydrate, etc. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 80: This amendment imposes a duty of 75 per cent American value and 10½ cents per pound on certain coal-tar products which, on being subjected to distillation, yield in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75 per cent of the original distillate. These products were free of duty under paragraph 1546 of the House bill; and the House recedes.

On amendment No. 83: The House bill provided a duty of 30 per cent American value and 7 cents per pound on coal-tar intermediates. The Senate amendment imposes a duty of 75 per cent American selling price, as defined in section 402 of the bill as amended, and 10½ cents per pound. The Senate amendment also provides that if there be no similar competitive article manufactured or produced in the United States the ad valorem rate shall be based upon the foreign value or export value as defined in section 402 of the bill as amended; it further declares that for the purpose of this act any domestic coal-tar products shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to the domestic product when used in substantially the same manner, and provides that the President can not increase the duty under the provisions of section 315 of the bill as amended. The House recedes with an amendment striking out the Senate amendment and making the duty 50 per cent foreign value and 7 cents a pound.

On amendment No. 87: This amendment makes all synthetic organic medicinals and chemicals, not specifically provided for, dutiable at 90 per cent American selling price and 10½ cents per pound which under the House bill were dutiable at 25 per cent American value under paragraph 5 when not specially provided for; and the Senate recedes.

On amendment No. 89: The House bill provided a duty of 35 per cent American value and 7 cents per pound upon coal-tar dyes and other finished coal-tar products. The Senate amendment imposes a duty of 90 per cent American selling price as defined in section 402 of the bill as amended and 10½ cents per pound. The amendment also provides that if there be no similar competitive article manufactured or produced in the United States the ad valorem rate shall be based upon the foreign value or export value as defined in section 402 of the bill as amended. The House recedes with an amendment striking out the Senate amendment and making the duty 60 per cent foreign value and 7 cents per pound.

On amendments Nos. 94 and 95: These amendments make clerical changes; and the House recedes with amendments making further clerical changes.

On amendment No. 97: The House bill provided that the Secretary of the Treasury should adopt a standard of strength for each dye or other article which should conform to the commercial strength in ordinary use in the United States prior to July 1, 1914. The Senate bill amplifies this provision and provides that in the case of dyes or other articles introduced in commercial use since July 1, 1914, shall conform to the commercial strength in ordinary use and provides further that if a dye or other article was or is ordinarily used in more than one commercial strength, then the lowest commercial strength shall be adopted as the standard of strength for such dye or other article. The House recedes with an amendment which eliminates the provisions defining when any coal-tar product or synthetic organic medicinal or chemical are similar to or competitive with products of domestic manufacture in order to correspond with agreements on preceding amendments in paragraphs 27 and 28.

On amendment No. 100: The House bill imposed a duty of 25 per cent American value on cobalt sulphate and linoleate. The Senate amendment makes this duty 10 cents per pound; and the House recedes.

On amendment No. 102: The House bill imposed a duty of 25 per cent American value on cobalt compounds not specially provided for. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes.

On amendments Nos. 105 and 108: The House bill imposed duties upon compounds of cellulose known as vulcanized or hard fiber ranging from 40 cents per pound to 65 cents per pound and 25 per cent American value according to the degree of manufacture. The Senate amendments make the duty 35 per cent foreign value; and the House recedes.

On amendment No. 106: The House bill imposed a duty of 65 cents a pound and 25 per cent American value upon compounds of pyroxylin, of other cellulose esters, or of cellulose when made into finished or partly finished articles. The Senate amendment strikes out the specific duty and makes the duty 60 per cent foreign value; and the House recedes.

On amendment No. 107: The House bill made all articles composed wholly or in chief value of compounds of pyroxylin, of other cellulose esters, or of cellulose, dutiable at 65 cents a pound and 25 per cent American value whether or not more specifically provided for elsewhere. The Senate amendment exempts photographic and moving-picture films from this requirement; and the House recedes.

On amendment No. 108: See amendment No. 105.

On amendment No. 116: The House bill imposed a duty of 25 per cent American value upon belladonna, digitalis, henbane, and stramonium. The Senate amendment makes the duty 3 cents a pound; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721, the basis is foreign valuation instead of American valuation.

On amendment No. 119: The House bill imposed a duty of 25 per cent American value upon diethyl sulphate and dimethyl sulphate. The Senate amendment makes this duty 15 cents a pound; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721, the basis is foreign valuation instead of American valuation.

On amendment No. 120: The House bill imposed a duty of 4 cents a pound upon ethyl acetate. The Senate amendment reduces the duty to 3 cents a pound; and the House recedes.

On amendment No. 121: The House bill imposed a duty of 6 cents a pound upon ethyl ether. The Senate amendment reduces this duty to 4 cents a pound; and the House recedes.

On amendments Nos. 123 and 1349: The House bill placed saffron and safflower upon the free list. The Senate amendment No. 1349 strikes these articles off the free list, and amendment No. 123 imposes upon them a duty of 15 per cent foreign value. Amendment No. 123 also makes a clerical change; the House recedes on both amendments.

On amendment No. 124: The House bill imposed a duty of 11 per cent American value on natural dyeing and tanning extracts. The Senate amendment makes this duty 15 per cent foreign value; and the House recedes.

On amendment No. 127: The House bill imposed a duty of 25 per cent American value on formaldehyde solution. The Senate amendment makes this duty 2 cents a pound; and the House recedes.

On amendment No. 128: The House bill imposed a duty of 25 per cent American value on solid formaldehyde. The Senate amendment makes this duty 8 cents a pound; and the House recedes.

On amendment No. 129: The House bill imposed a duty of 25 per cent American value on hexamethylenetetramine. The Senate amendment makes this duty 10 cents a pound; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721, the basis is foreign valuation instead of American valuation.

On amendment No. 130: The following table shows the duties upon gelatin and glue as proposed by the House bill, the Senate amendment, and as agreed to in conference:

Article.	House bill.	Senate amendment.	Conference agreement.
Edible gelatin:			
Valued at less than 40 cents per pound.	1½ cents per pound plus 20 per cent.	7 cents per pound plus 20 per cent.	3½ cents per pound plus 20 per cent.
Valued at 40 cents or more per pound.	.....do............	15 cents per pound plus 20 per cent.	7 cents per pound plus 20 per cent.
Gelatin, n. s. p. f., glue, and glue size:			
Valued at less than 40 cents per pound.	.....do............	1½ cents per pound plus 25 per cent.	1½ cents per pound plus 20 per cent.
Valued at 40 cents or more per pound.	.....do............	15 cents per pound plus 20 per cent.	7 cents per pound plus 20 per cent.
Casein glue, agar agar, etc., and manufactures of gelatin, glue, or glue size.	25 per cent........	25 per cent........	25 per cent.

In using the above table it should be borne in mind that in the House bill the value dividing line as well as the ad valorem rates were based upon American value while the Senate amendment and the conference agreement are based upon foreign value.

The House recedes with an amendment making changes in duties as indicated above, and making a clerical change.

On amendment No. 132: The House bill imposed a duty of 3 cents a pound upon refined glycerin. The Senate amendment reduces the duty to 2 cents a pound; and the House recedes.

On amendment No. 136: The House bill imposed a duty of 10 cents a pound on bromine. The Senate amendment reduces this duty to 5 cents a pound; and the Senate recedes.

On amendment No. 137: The House bill imposed a duty of 10 cents a pound upon all bromine compounds not specially provided for. The Senate amendment reduces the duty to 8 cents a pound; and the Senate recedes.

On amendment No. 139: The House bill imposed a duty of 3¼ cents a pound upon white acetate of lead. The Senate amendment reduces this duty to 2½ cents a pound; and the House recedes.

On amendment No. 140: The House bill imposed a duty of 2¼ cents a pound upon brown, gray, or yellow acetate of lead. The Senate amendment reduces this duty to 2 cents a pound; and the House recedes.

On amendment No. 141: The House bill imposed a duty of 2½ cents a pound upon lead nitrate. The Senate amendment increases this duty to 3 cents a pound; and the House recedes.

On amendment No. 143: The House bill imposed a duty of 30 per cent American value on lead arsenate and resinate. The Senate amendment makes this duty 3 cents a pound; and the House recedes.

On amendment No. 145: The House bill imposed a duty of 25 per cent American value on extracts of licorice. The Senate amendment makes this duty 2 cents a pound; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721 the basis is foreign valuation instead of American valuation.

On amendment No. 147: The House bill imposed a duty of 7 cents a pound upon citrate of lime. The Senate amendment reduces this rate to 6 cents a pound; and the Senate recedes.

On amendment No. 149: The House bill imposed a duty of 2½ cents a pound upon precipitated carbonate of magnesium. The Senate amendment reduces this rate to 1½ cents a pound; and the House recedes.

On amendment No. 150: The House bill imposed a duty of three-fourths cent a pound upon anhydrous chloride of magnesium. The Senate amendment increases this duty to 1 cent a pound; and the House recedes.

On amendment No. 151: The House bill imposed a duty of three-fourths cent a pound upon chloride of magnesium. The Senate amendment makes this rate one-half cent a pound except in the case of anhydrous chloride of magnesium; and the House recedes with an amendment making the duty five-eighths of 1 cent a pound.

On amendment No. 153: The House bill imposed a duty of 7 cents a pound upon medicinal oxide of magnesium. The Senate amendment reduces this duty to 3½ cents a pound; and the House recedes.

On amendment No. 155: The House bill imposed a duty of three-fourths cent a pound upon oxide of magnesium not suitable for medicinal use. The Senate amendment increases this duty to 3½ cents a pound; and the House recedes.

On amendments Nos. 156 and 271: Amendment 156 strikes out of the House bill the duty of three-fourths of 1 cent a pound on calcined magnesite (including dead-burned and grain), and the duty of one-half of 1 cent a pound on crude or ground magnesite, and amendment 271 imposes a duty of five-sixteenths of 1 cent a pound on crude magnesite, five-eighths of 1 cent a pound on caustic calcined magnesite, and four-tenths of 1 cent a pound on dead-burned and grain magnesite not suitable for manufacture into oxychloride cements; and the House recedes on amendment 156, and recedes on amendment 271 with an amendment making the rates five-sixteenths of 1 cent a pound on crude magnesite, five-eighths of 1 cent a pound on caustic calcined magnesite, and twenty-three fortieths of 1 cent a pound on dead-burned and grain magnesite not suitable for manufacture into oxylchloride cements.

On amendment No. 157: This amendment imposes a duty of 25 per cent foreign value upon manganese compounds and salts which under the House bill were dutiable at 25 per cent American value under the basket clause of the chemical schedule; and the House recedes.

On amendment No. 159: The House bill imposed a duty of 25 per cent American value upon menthol. The Senate amendment makes this duty 50 cents a pound; and the House recedes.

On amendment No. 160: This amendment imposes a duty of 25 per cent foreign value upon all natural and synthetic camphor when the President is satisfied that United States manufacturers are producing 2,000,000 pounds of synthetic camphor a year; and the Senate recedes.

On amendment No. 163: The House bill imposed a duty of 8 cents a gallon upon sod, herring, and menhaden oil. This amendment reduces the duty to 5 cents a gallon; and the House recedes.

On amendment No. 164: The House bill imposed a duty of 10 cents a gallon upon whale and seal oil. This amendment reduces the duty, except in the case of sperm oil, to 6 cents a gallon; and the House recedes.

On amendments Nos. 165 and 1499: The House bill imposed a duty of 12½ cents a gallon upon cod and cod-liver oil. The Senate amendments put these articles on the free list; and the House recedes on both amendments.

On amendment No. 166: The House bill imposed a duty of 20 per cent American value upon all fish oils not specially provided for. The Senate amendment makes this duty 5 cents a gallon; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721 the basis is foreign valuation instead of American valuation.

On amendment No. 169: The House bill imposed a duty of 4½ cents a pound on castor oil. The Senate amendment reduces this duty to 3 cents a pound; and the House recedes.

On amendments Nos. 170, 173, and 175: The House bill imposed a duty of 2 cents a pound on cottonseed oil, coconut oil, and soya-bean oil, and a duty of 2½ cents a pound on peanut oil. The Senate amendment makes these duties 4 cents a pound on coconut oil and peanut oil and 3 cents a pound on cottonseed oil and soya-bean oil. The House recedes on amendments Nos. 170 and 173 and recedes on amendment No. 175 with an amendment making the duties 2 cents a pound on coconut oil, 3 cents a pound on cottonseed oil, 2½ cents a pound on soya-bean oil, and 4 cents a pound on peanut oil.

On amendment No. 171: The House bill imposed a duty of 2½ cents a pound on linseed oil. The Senate amendment increases this duty to 3½ cents a pound; and the House recedes with an amendment making the duty of 3$\frac{3}{10}$ cents a pound.

On amendment No. 172: The House bill imposed upon olive oil weighing with immediate container less than 44 pounds a higher rate than in other cases. The Senate amendment makes the dividing line 40 pounds; and the House recedes.

On amendment No. 173: See amendment No. 170.

On amendment No. 174: The House bill imposed a duty of 1½ cents a pound on rapeseed oil. The Senate amendment makes this duty 6 cents a gallon; and the House recedes.

On amendment No. 175: See amendment No. 170.

On amendment No. 177: The House bill imposed a duty of 25 per cent American value upon alizarin assistant and other oils, soaps, and greases used in softening, tanning, dyeing, or finishing. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 179: The House bill imposed a duty of 20 per cent American value upon hydrogenated or hardened oils and fats. The Senate amendment makes this duty 5 cents a pound; and the House recedes with an amendment making the duty 4 cents a pound.

On amendment No. 184: The House bill imposed a duty of 20 per cent American value upon lemon and orange oils. The Senate amendment makes the duty 30 per cent foreign value; and the House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 186: The House bill imposed a duty of $2 an ounce upon ecgonine, cocaine, and salts, esters, and other derivatives thereof. The Senate amendment increases this duty to $2.60 an ounce; and the House recedes.

On amendments Nos. 188 and 1341: The House bill placed upon the free list ambergris, castoreum, civet, and musk. The Senate amendments impose a duty upon these articles of 20 per cent foreign value; and the House recedes.

On amendment No. 189: The House bill imposed a duty of 35 per cent American value upon specified perfume material. The Senate amendment makes the duty 45 per cent foreign value; and the House recedes.

On amendment No. 190: The House bill imposed a duty of 40 cents a pound and 40 per cent American value upon all mixtures or combinations containing essential or distilled oils, or natural or synthetic odoriferous or aromatic substances. The Senate amendment makes this duty 40 cents a pound and 50 per cent foreign value; and the House recedes.

On amendment No. 193: The House bill imposed a duty of 40 cents per pound and 60 per cent American value on perfumery and toilet preparations if containing alcohol. The Senate amendment makes this duty 40 cents per pound and 75 per cent foreign value; and the House recedes.

On amendment No. 194: The House bill imposed a duty of 60 per cent American value upon perfumery and toilet preparations not containing alcohol. The Senate amendment makes this rate 75 per cent foreign value; and the House recedes.

On amendment No. 197: The House bill imposed a duty of 15 per cent American value on Paris green and London purple. The Senate amendment makes this duty 2 cents per pound; and the

Senate recedes, but by reason of the action of the conferees on amendment No. 1721 the basis is foreign valuation instead of American valuation.

On amendment No. 199: The House bill imposed a duty of 10 cents per pound on phosphorus. The Senate amendment reduces this duty to 8 cents per pound; and the House recedes.

On amendment No. 201: The House bill imposed a duty of 15 per cent American value on healing or curative plasters and court plaster. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 202: The House bill imposed a duty of 25 per cent American value upon paints, colors, and pigments, commonly known as artists' paints or colors. The Senate amendment imposes a duty of 40 per cent foreign value upon such paints, colors, and pigments not assembled in paint sets, kits, or color outfits, and 70 per cent foreign value if so assembled; and the House recedes with an amendment making clerical changes.

On amendment No. 206: The House bill imposed a duty of 12 cents a pound on blue pigments. The Senate amendment reduces this to 8 cents a pound; and the House recedes.

On amendments Nos. 211, 212, 213, and 214: The House bill imposed a duty of 2⅛ cents a pound on litharge, orange mineral, red lead, and white lead. The Senate amendments increase the duty on orange mineral to 3 cents a pound and decrease the duty on litharge and white lead to 2½ cents a pound and the duty on red lead to 2¾ cents a pound; and the House recedes.

On amendment No. 216: The House bill imposed a duty of one-fourth of 1 cent per pound on crude ochers, siennas, and umbers. The Senate amendment reduces this duty to one-eighth of 1 cent; and the House recedes.

On amendment No. 221: The House bill imposed a duty of 33 cents a pound on vermilion reds containing quicksilver. The Senate amendment reduces this duty to 28 cents a pound; and the House recedes.

On amendments Nos. 223 and 224: The House bill imposed the following rates upon zinc oxides and leaded zinc oxides containing not more than 25 per cent of lead: One and one-half cents a pound if in any form of dry powder and 2 cents a pound if ground or mixed with oil or water. The Senate amendment makes these rates 1¾ cents and 2¼ cents, respectively; and the House recedes.

On amendment No. 225: The House bill imposed a duty of 1½ cents a pound on lithopone and other combinations or mixtures of zinc sulphide and barium sulphate. The Senate amendment increases this duty to 1¾ cents a pound; and the House recedes.

On amendment No. 227: The House bill imposed a duty of 1 cent a pound upon potassium chlorate and perchlorate. The Senate amendment increases this rate to 2 cents a pound; and the House recedes with an amendment making the duty 1½ cents a pound.

On amendment No. 228: The House bill imposed a duty of 10 cents a pound upon potassium bromide. The Senate amendment decreases this duty to 8 cents a pound; and the Senate recedes.

On amendment No. 229: The House bill imposed a duty of 25 per cent American value upon potassium bicarbonate. The Senate amendment makes this duty 1½ cents a pound; and the House recedes.

On amendment No. 230: The House bill imposed a duty of 25 per cent American value upon potassium carbonate. The Senate amendment makes this duty three-fourths cent a pound; and the House recedes.

On amendment No. 231: The House bill imposed a duty of 25 per cent American value upon caustic potash. The Senate amendment makes this duty 1 cent a pound; and the House recedes.

On amendments Nos. 232 and 1522: The House bill imposed a duty of 25 per cent American value upon saltpeter. The Senate amendment makes the duty in the case of refined saltpeter one-half cent a pound and amendment No. 1522 places crude saltpeter on the free list; and the House recedes.

On amendment No. 233: The House bill imposed a duty of 25 per cent American value upon potassium permanganate. The Senate amendment makes this duty 4 cents a pound; and the House recedes.

On amendment No. 234: This amendment strikes out of the House bill the provision imposing for a period of five years after the passage of the act a duty of 15 per cent American value in addition to the specific duties imposed by the bill on potassium salts; and the House recedes with an amendment restoring the language of the House provision and making the duty applicable for three years instead of five.

On amendment No. 237: The House bill imposed a duty of 30 per cent American value on toilet soap. The Senate amendment makes the duty 50 per cent foreign value on perfumed toilet soap, 10 per cent foreign value on unperfumed toilet soap, and 20 per cent foreign value on medicinal soap; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721 the basis is foreign valuation instead of American valuation.

On amendment No. 238: The House bill imposed a duty of 20 per cent American value on soap and soap powder not specially provided for. The Senate amendment makes this duty 5 per cent foreign value; and the House recedes with an amendment making the duty 15 per cent foreign value.

On amendment No. 240: The House bill imposed a duty of five-eights cent a pound on baking soda. The Senate amendment reduces this rate to one-fourth cent a pound; and the House recedes.

On amendment No. 241: The House bill imposed a duty of 10 cents a pound on sodium bromide. The Senate amendment reduces this rate to 8 cents a pound; and the Senate recedes.

On amendment No. 242: The House bill imposed a duty of 25 per cent American value on sodium formate. The Senate amendment makes this duty 2 cents a pound; and the House recedes.

On amendments Nos. 245 and 246: The House bill imposed a duty of 1½ cents a pound on potato starch and 1 cent a pound on all other starches not specially provided for. The Senate amendments increase the duty on potato starch to 2 cents a pound and impose a duty of 2 cents a pound on wheat starch. The Senate recedes from amendment No. 245, imposing a duty of 2 cents a pound on wheat starch, leaving the duty at 1 cent a pound; and the House recedes from its disagreement to amendment No. 246 increasing the duty on potato starch with an amendment making the duty 1¾ cents a pound.

On amendment No. 248: The House bill imposed a duty of 1⅞ cents a pound on dextrine made from potato starch or potato flour. The Senate amendment increases this duty to 2½ cents a pound; and the House recedes with an amendment making the duty 2¼ cents a pound.

On amendment No. 252: The House bill imposes a duty of 25 per cent American value on thorium nitrate and cerium nitrate and other salts of thorium and cerium not specially provided for and gas-mantle scrap consisting in chief value of metallic oxides. The Senate amendment makes this duty 40 per cent foreign value; and the House recedes with an amendment making the duty 35 per cent foreign value.

On amendment No. 254: The House bill imposed a duty of 20 per cent American value on tin bichloride, tin tetrachloride, and other chemical compounds of which tin constitutes the element of chief value. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 256: The House bill imposed a duty of 25 per cent American value on titanium potassium oxalate and all compounds and mixtures containing titanium. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes.

SCHEDULE 2.—EARTHS, EARTHENWARE, AND GLASSWARE.

On amendments Nos. 259 and 1382: The House bill imposed duties on brick, other than magnesite brick, ranging from 10 per cent to 23 per cent American value, and in the case of magnesite brick three-fourths of a cent a pound and 10 per cent American value. Amendment No. 259 strikes out the House provision and imposes a duty of 25 per cent foreign value upon bath brick, chrome brick, and fire brick, not specially provided for, and a duty of three-fourths of a cent a pound and 10 per cent foreign value on magnesite brick. Amendment No. 1382 places all other brick on the free list, but it provides that if any country, dependency, province, or other subdivision of government imposes a duty on such brick imported from the United States, an equal duty shall be imposed on such brick coming into the United States from such country, dependency, province, or other subdivision of government; and the House recedes on both amendments.

On amendment No. 262: The House bill imposed on earthenware tiles and tiling, except pill tiles and quarry tiles valued at not more than 40 cents a square foot, a minimum duty of 35 per cent American value and a maximum duty of 50 per cent American value. The Senate amendment makes the minimum duty 45 per cent foreign value and the maximum duty 60 per cent foreign value; and the House recedes.

On amendment No. 263: The House bill imposes a duty of 38 per cent American value on earthenware tiles and tiling, except pill tiles and quarry tiles valued at more than 40 cents a square foot. The Senate amendment makes this duty 50 per cent foreign value; and the House recedes.

On amendment No. 264: The House bill imposed a duty of 38 per cent American value on all articles composed wholly or in chief value of earthenware tiles or tiling, except pill tiles. The Senate amendment makes this duty 50 per cent foreign value; and the House recedes.

On amendment No. 265: The House bill imposed on quarry tiles a duty of 3 cents a square foot, but not less than 20 per cent American value. The Senate amendment makes the duty 5 cents a square foot but not less than 30 per cent foreign value; and the House recedes with an amendment making the duty 3 cents a square foot but not less than 30 per cent foreign value.

On amendment No. 266: The House bill imposed upon Roman, Portland, and other hydraulic cement a duty of 5 cents per hundred pounds in packages and 4 cents per hundred pounds in bulk and a duty of 17 per cent American value on other cement not specially provided for. This amendment strikes out these duties, and amendment No. 1393 places Roman, Portland, and other hydraulic cement on the free list, and amendment No. 281 places a duty of 20 per cent foreign value on other cement not specially provided for; and the House recedes.

On amendment No. 271: See amendment No. 156.

On amendments Nos. 272 and 1516: The House bill imposed a duty of 25 cents a ton on crude gypsum. The Senate amendment transfers this article to the free list; and the House recedes on amendment 272 and recedes on amendment 1516 with an amendment making a change in paragraph number.

On amendment No. 281: This amendment imposes a duty of 20 per cent foreign value upon cement not specially provided for, which under the House bill was dutiable at 17 per cent American value under paragraph 203; and the House recedes.

On amendment No. 282: The House bill imposed a duty of two-tenths cent a pound on unmanufactured pumice stone valued at $15 or less a ton. The Senate amendment reduces this duty to one-tenth cent a ton; and the House recedes.

On amendment No. 283: The House bill imposed a duty of three-tenths cent a pound on unmanufactured pumice stone valued at more than $15 per ton. The Senate amendment reduces this duty to one-fourth cent a pound; and the House recedes.

On amendment No. 285: The House bill imposed a duty of 26 per cent American value upon manufactures of pumice stone or of which pumice stone is the component material of chief value, not specially provided for. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 287: The House bill imposed a duty of $3 a ton of 2,000 pounds on wrought or manufactured fuller's earth. The Senate amendment makes the duty $3.25 a long ton; and the House recedes.

On amendment No. 288: This amendment imposes a duty of $1.50 a ton on glass sand containing 99 per cent or more of silica, which under the House bill was free of duty; and the Senate recedes.

On amendment No. 289: The House bill imposed upon fluorspar a duty of $5 a ton of 2,000 pounds, but provided that after a year the duty should be reduced to $4 a ton of 2,000 pounds. The Senate amendment makes the duty $5.60 a long ton beginning at the passage of the act; and the House recedes.

On amendment No. 290: The House bill imposed a duty of 4 cents a pound and 17 per cent American value on unmanufactured mica. The Senate amendment makes the duty 4 cents a pound if the value is not above 15 cents a pound and 25 per cent foreign value if the value is above 15 cents a pound. The House bill imposed on mica cut or trimmed and mica splittings a duty of 10 cents a pound and 17 per cent American value. The Senate amendment makes the duty 30 per cent foreign value. The House bill imposed a duty of 10 cents a pound and 17 per cent American value on mica plates, built-up mica, and all manufactures of mica or of which mica is the component material of chief value. The Senate amendment makes this duty 40 per cent foreign value. The House bill imposed a duty of 4 cents a pound and 20 per cent American value on ground mica. The Senate amendment makes this duty 20 per cent foreign value; and the House recedes.

On amendment No. 292: The House bill imposed a duty of one-half cent a pound on talc, soapstone, and French chalk, ground, washed, powered, or pulverized, except toilet preparations. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendments Nos. 293 and 294: The House bill imposed upon manufactures (except toilet preparations) of which talc, soapstone, or French chalk is the component material of chief value, wholly or partly finished and not specially provided for, a duty of 25 per cent American value if not decorated, and 30 per cent American value if decorated. The Senate amendments make these duties 35 per cent foreign value if not decorated and 45 per cent foreign value if decorated; and the House recedes.

On amendment No. 295: This amendment imposes upon common earthenware, common salt-glazed stoneware, and stoneware and earthenware crucibles, if not ornamented or decorated, a duty of 15 per cent foreign value instead of the House bill's provision of 20 per cent American value and imposes upon such articles ornamented or decorated a duty of 20 per cent foreign value instead of the duty under paragraph 214 of the House bill of 28 per cent American value; and the House recedes.

On amendment No. 296: The House bill provided a duty of 20 per cent American value upon Rockingham earthenware as a manufacture of common yellow, brown, or gray earthenware not specially provided for. The Senate amendment specifically mentions Rockingham earthenware and imposes a duty upon it of 25 per cent foreign value; and the House recedes.

On amendments Nos. 297 and 311: The House bill imposed a duty of 10 per cent American value on crude or refined graphite or plumbago not specially provided for. The Senate amendment imposes a duty of 10 per cent foreign value on amorphous graphite, 20 per cent foreign value on crystalline lump, chip, or dust, and 2 cents a pound on crystalline flake, and adds a definition of the term "crystalline flake." The House recedes from amendment No. 297 and recedes on amendment No. 311 with an amendment changing the rate on crystalline flake to 1½ cents a pound.

On amendments Nos. 300 and 303: The House bill imposed upon earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware and stoneware, and upon all articles composed wholly or in chief value of such ware, a duty of 25 per cent American value if not decorated and of 28 per cent American value if decorated. The Senate amendment makes these rates, respectively, 45 per cent foreign value and 50 per cent foreign value; and the House recedes.

On amendments Nos. 307, 309, and 310: The House bill imposed upon china, porcelain, and other vitrified wares, including chemical porcelain ware and chemical stoneware, composed of a vitrified nonabsorbent body, and upon all bisque and Parian wares, and upon all other articles composed wholly or in chief value of such ware, a duty of 35 per cent American value if not decorated and a duty of 40 per cent American value if decorated. The Senate amendments Nos. 307 and 309 make these duties, respectively, 60 per cent foreign value and 70 per cent foreign value, and amendment No. 310 provides that if any such articles contain 25 per cent or more of calcined bone the duty shall be 50 per cent foreign value if not decorated and 55 per cent foreign value if decorated; and the House recedes.

On amendment No. 311: See amendment No. 297.

On amendments Nos. 313 and 314: The House bill imposed upon earthy or mineral substances wholly or partly manufactured and articles, wares, and materials composed wholly or in chief value of such substances, not specially provided for, a duty of 21 per cent American value if not decorated and of 28 per cent American value if decorated. The Senate amendments make these rates, respectively, 35 per cent foreign value and 45 per cent foreign value; and the House recedes with amendments making the duties, respectively, 30 per cent foreign value and 40 per cent foreign value.

On amendment No. 315: The House bill imposed a duty of 15 per cent American value on gas retorts. The Senate amendment makes this duty 20 per cent foreign value; and the House recedes.

On amendment No. 316: The House bill imposed a duty of 35 per cent American value on lava tips for burners. The Senate amendment makes this duty 10 cents per gross and 15 per cent foreign value; and the House recedes.

On amendment No. 319: The House bill imposed a duty of 35 per cent American value on carbons and electrodes for producing electric arc light, electrodes of carbon or graphite for electrolytic purposes, brushes for electrical machines or appliances, and plates or other forms for manufacturing such brushes, and upon all articles composed wholly or in part of graphite wholly or partly manufactured and not specially provided for. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendment No. 320: The House bill imposed upon plain green or colored, molded or pressed, and flint, lime, or lead glass bottles, and other containers, various rates of duty with a minimum duty of 28 per cent American value. The Senate amendment strikes out this minimum duty; and the House recedes.

On amendment No. 323: This amendment makes a clerical change; and the House recedes with an amendment making a further clerical change.

On amendment No. 324: The House bill proposed a rate of 40 per cent American value on bottles and all articles wholly or in chief value of glass or paste, blown or partly blown in the mold or otherwise, decorated or ornamented in any manner, cut or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), sandblasted and silvered, whether filled or unfilled, or whether their contents be dutiable or free. The Senate amendment subdivides all of this ware, composed wholly or in chief value of glass or paste or a combination of glass and paste, into the following classes with the following rates of duty: All scientific glassware 75 per cent foreign value, in respect to which item the House recedes with an amendment making the rate 65 per cent foreign value; all illuminating articles (except electric-light bulbs), 70 per cent foreign value, in respect to which item the House recedes with an amendment making the rate 60 per cent foreign value; all plated or cased glass, composed of two or more layers of clear, opaque, colored, or semitranslucent glass, or combinations of the same, 70 per cent foreign value, in respect to which item the House recedes with an amendment making the rate 60 per cent foreign value; table and kitchen articles and utensils and all articles of every description not specially provided for, blown or partly blown in the mold or otherwise, or decorated or ornamented in any manner, or cut or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), sandblasted or silvered, whether filled or unfilled, and whether their contents be dutiable or free, 65 per cent foreign value, in respect to which item the House recedes with an amendment making the rate 55 per cent foreign value; table and kitchen articles and utensils, when pressed and unpolished, whether or not decorated or ornamented in any manner, or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamental), whether filled or unfilled, or whether their contents be dutiable or free, 50 per cent foreign value, in respect to which item the House recedes. As a part of the conference action a clerical change was also made.

On amendments Nos. 326 to 331: The following table shows the rates imposed by the House bill and by the Senate amendments upon unpolished cylinder, crown, and sheet glass:

Dimensions.	House rate per pound.	Senate rate per pound.
	Cents.	*Cents.*
Above 150 square inches and not exceeding 384 square inches..	1¾	1⅜
Above 384 square inches and not exceeding 720 square inches..	2¼	1⅝
Above 720 square inches and not exceeding 864 square inches..	2¾	1¾
Above 864 square inches and not exceeding 1,200 square inches..	3¼	2
Above 1,200 square inches and not exceeding 2,400 square inches.	3¾	2¼
Above 2,400 square inches	4	2½

The House recedes on all these amendments.

On amendment No. 332: The House bill provided that the rate of duty on unpolished cylinder, crown, and sheet glass should not be less than 35 per cent, American value. The Senate amendment strikes out this minimum duty; and the House recedes.

On amendment No. 333: The House bill imposed a duty of 5 cents per square foot on cylinder, crown, and sheet glass not exceeding 304 square inches. The Senate amendment reduces this duty to 4 cents per square foot; and the House recedes.

On amendments Nos. 334, 335, and 336: The House bill imposed upon unsilvered polished plate glass the following duties: Eleven cents a square foot if not exceeding 384 square inches, 12½ cents a square foot if above that and not exceeding 720 square inches, and 20 cents a square foot if above 720 square inches. The Senate amendments make these rates, respectively, 12½ cents, 15 cents, and 17½ cents; and the House recedes.

On amendments Nos. 337, 338, and 339: The following duties upon unsilvered cast plate glass, if containing a wire netting, are imposed by the House bill: Twelve cents a square foot if not exceeding 384 square inches, 15 cents a square foot if not exceeding 720 square inches, and 25 cents a square foot if exceeding 720 square inches. The Senate amendment makes these duties, respectively, 15 cents, 17½ cents, and 20 cents; and the House recedes.

On amendments Nos. 340, 341, and 342: The House bill imposed upon silvered cast polished plate glass and silvered cylinder and crown glass and upon looking-glass plates the following duties: Exceeding 144 square inches and not exceeding 384 square inches, 11 cents a square foot, and above 384 square inches and not exceeding 720 square inches 13 cents a square foot, and all above that, 22 cents a square foot. The Senate amendments make these rates 13½ cents, 16 cents, and 21 cents, respectively; and the House recedes.

On amendment No. 343: This amendment imposes a minimum duty of 35 per cent, foreign value, upon silvered polished plate glass, cylinder and ground glass, and looking-glass plates exceeding 144 square inches; and the House recedes.

On amendment No. 347: The House bill imposed a duty of 35 per cent, American value, upon optical glass or glass used for lenses or prisms for spectacles or for optical instruments or for optical parts, scientific or commercial. The Senate amendment makes this duty 45 per cent, foreign value; and the House recedes.

On amendment No. 348: This amendment imposes a duty of 45 per cent, foreign value, on azimuth mirrors, sextants, and octants, which, under the House bill, were dutiable at various rates according to the component material of chief value. The House recedes.

On amendment Nos. 349, 515, and 516: The House bill made surveying instruments in chief value of glass dutiable at 35 per cent American value under paragraph 228 and surveying instruments wholly or in chief value of metal dutiable at 40 per cent American value under the provisions of paragraph 360. Senate amendment 349 strikes surveying instruments from paragraph 228. Amendments Nos. 515 and 516 make them dutiable under the metal schedule at 35 per cent foreign value. The House recedes on amendment 349; the Senate recedes on amendments Nos. 515 and 516; the effect of this action being to make surveying instruments wholly or in chief value of metal dutiable at 40 per cent foreign value and such instruments if wholly or in chief value of glass dutiable at 45 per cent foreign value as optical instruments not specially provided for under paragraph 230.

On amendment No. 350: The House bill imposed a duty of 35 per cent American value on photographic and projection lenses, opera and field glasses, telescopes, microscopes, and other optical instruments, and frames and mountings for the same. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendment No. 351: The House bill imposed a duty of 35 per cent American value on incandescent electric light bulbs and lamps. The Senate amendment makes this duty 20 per cent foreign value; and the House recedes.

On amendment No. 353: The House bill imposed a duty of 30 per cent American value on stained or painted glass windows and all mirrors not exceeding 144 square inches. The Senate amendment makes this duty 60 per cent foreign value; and the House recedes with an amendment making the duty 50 per cent foreign value.

On amendment No. 354: The House bill imposed a duty of 30 per cent American value upon all glass or manufactures of glass or paste, or of which glass or paste is the component material of chief value. The Senate amendment makes this duty 60 per cent foreign value; and the House recedes with an amendment making the duty 50 per cent foreign value.

On amendments Nos. 355 and 356: The House bill imposed a duty of 23 per cent American value on smalts, frostings, and all ceramic and glass colors, fluxes, glazes, and enamels, if ground or pulverized, and a duty of 35 per cent American value if in any other form. The Senate amendments make these rates, respectively, 30 per cent foreign value and 40 per cent foreign value; and the House recedes.

On amendment No. 358: The House bill imposed a duty of 35 per cent American value on opal, enamel, or cylinder glass tiles, tiling, and rods. The Senate amendment makes this duty 40 per cent foreign value; and the House recedes.

On amendments Nos. 359 and 360: The House bill imposed upon cubes of marble, breccia, or onyx, not exceeding 2 cubic inches in size, a duty of one-fourth of 1 cent a pound and 17 per cent American value if loose, and a duty of 5 cents a superficial foot and 26 per cent American value if attached to paper or other material. The Senate in each case retains the specific rate and makes the ad valorem rates, respectively, 20 per cent foreign value and 35 per cent foreign value; and the House recedes.

On amendment No. 361: The House bill imposed a duty of 40 per cent American value on articles of which marble, breccia, onyx, alabaster, or jet is the component material of chief value and upon all articles composed wholly or in chief value of agate, rock crystal, or other semiprecious stone, unless cut so as to fit them expressly for use in the construction of jewelry. The Senate amendment makes this duty 60 per cent foreign value; and the House recedes with an amendment making the duty 50 per cent foreign value.

On amendment No. 362: The House bill imposed a duty of 13 per cent American value on burrstones manufactured or bound up into millstones. The Senate amendment makes this duty 15 per cent foreign value; and the House recedes.

On amendment No. 363: The House bill imposed a duty of 40 per cent American value on freestone, granite, sandstone, lava, and other monumental or building stone except marble, breccia, or onyx, if hewn, dressed, or otherwise manufactured. The Senate amendment makes this duty 50 per cent foreign value; and the House recedes.

On amendment No. 364: The House bill imposed a duty of $2 a ton on grindstones. The Senate amendment makes this duty $1.75 per ton; and the House recedes.

On amendment No. 365: The House bill imposed a duty of 17 per cent American value on slate and manufactures thereof. The Senate amendment makes this duty 15 per cent foreign value; and the House recedes.

On amendment No. 366: The House bill imposed a duty of 40 per cent American value on watch crystals. The Senate amendment makes this duty 60 per cent foreign value; and the House recedes.

SCHEDULE 3.—METALS AND MANUFACTURES OF.

On amendment No. 368: The House bill imposed a duty of $1.25 a ton on iron in pigs, iron kentledge, and spiegeleisen. The Senate amendment reduces this duty to 75 cents a ton; and the House recedes.

On amendment No. 369: The House bill imposed a duty of $1.25 a ton on scrap tin plate. The Senate amendment removes this duty, and Senate amendment 1575 puts this artcle on the free list. The House bill imposed a duty of $1.25 a ton on wrought and cast scrap iron and scrap steel, regardless of value. The Senate amendment reduces the duty to 75 cents a ton confined to material valued at not more than 7 cents a pound, the effect of the amendment being to impose a duty on such materials valued at more than 7 cents a pound under paragraph 304, the varying rates of duty depending on the value; and the House recedes.

On amendment No. 370: The House bill defines spiegeleisen as an iron manganese alloy containing less than 45 per cent of manganese. The Senate amendment reduces this percentage to 30; and the House recedes.

On amendment No. 371: The House bill imposed a duty of 75 cents a pound on the metallic molybdenum content of molybdenum ore or concentrates. The Senate amendment reduces this to 35 cents a pound; and the House recedes.

On amendment No. 372: The House bill imposed on ferromanganese containing more than 1 per cent of carbon a duty of 2½ cents a pound on the metallic manganese content. The Senate amendment reduces this to 1⅞ cents a pound; and the House recedes.

On amendment No. 373: The House bill defines ferromanganese to be iron manganese alloys containing 45 per cent or more of manganese. The Senate amendment reduces this percentage to 30; and the House recedes.

On amendments Nos. 374 and 375: The House bill imposed upon various alloys containing manganese a duty of 2½ cents a pound on the manganese content and 28 per cent American value. The Senate amendment makes this duty 1⅞ cents a pound on the manganese content and 15 per cent foreign value; and the House recedes.

On amendments Nos. 376 and 377: The House bill imposed upon molybdenum and molybdenum compounds and alloys a duty of $1.25 a pound on the molybdenum content and 17 per cent American value. The Senate amendments make this duty 50 cents a pound on molybdenum content and 15 per cent foreign value; and the House recedes.

On amendments Nos. 378 and 379: The House bill imposed on tungsten and tungsten compounds and ferrotungsten a duty of 72 cents a pounds on the tungsten content and 15 per cent American value. The Senate amendment makes this duty 60 cents a pound on the tungsten content and 25 per cent foreign value; and the House recedes.

On amendments Nos. 380 and 381: The House bill imposed upon nonferrous alloys of tungsten a duty of 72 cents a pound on the tungsten content and 17 per cent American value. The Senate amendment makes this duty 60 cents a pound on the tungsten content and 25 per cent foreign value; and the House recedes.

On amendments Nos. 382 and 383: The House bill imposed the following duties on ferrosilicon: Containing from 8 per cent to 30 per cent of silicon, 2½ cents a pound on the silicon content; containing from 30 per cent to 60 per cent, 2¾ cents a pound on the silicon content. The Senate amendment makes the duty 2 cents a pound on the silicon content if the content were from 8 per cent to 60 per cent; and the House recedes.

On amendment No. 384: The House bill imposed on ferrosilicon containing from 60 per cent to 80 per cent of silicon a duty of 3½ cents a pound on the silicon content. The Senate amendment reduces this duty to 3 cents a pound; and the House recedes.

On amendment No. 385: The House bill imposed on ferrocerium a duty of 30 per cent American value. The Senate amendment removes this duty, but amendment 389 imposes on this material a duty of $2 a pound and 25 per cent foreign value. The House recedes.

On amendment No. 387: The House bill imposed upon tantalum a duty of 30 per cent American value. The Senate amendment removes this duty, but amendment 389 imposes on this material a duty of 40 per cent foreign value. The House recedes.

On amendment No. 388: The House bill imposed a duty of 30 per cent American value on minor ferro-alloys. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 389: This amendment imposes a duty of $2 a pound on cerium metal, and amendment 1395 removes it from the free list. The amendment also places a duty of $2 a pound and 25 per cent foreign value on ferrocerium and all other cerium alloys, which under the House bill were dutiable at 30 per cent American value. The amendment also imposes a duty of 40 per cent foreign value on all ductile tantalum metal or ductile nonferrous alloys thereof. Under the House bill tantalum was dutiable at 30 per cent American value, and ductile nonferrous alloys were free under paragraph 1559 of the House bill as unwrought metals. The House recedes.

On amendment No. 390: The House bill imposed various specific duties, according to width and thickness, upon muck bars and bar iron, etc., ranging from one-fourth to five-tenths of 1 cent a pound, and in the case of such bars manufactured by the use of charcoal as a fuel the rate was three-tenths of a cent a pound. The Senate amendment strikes out the House provision and makes these articles dutiable at from two-tenths of 1 cent a pound to 1½ cents a pound, according to the value; and the House recedes.

On amendments Nos. 392 to 395: The following table shows the duties imposed by the House bill and by the Senate amendments on crude steel, billets, bars, shafting, etc., if valued above 5 cents a pound.

	House rate.	Senate rate.
	Cents per pound.	*Cents per pound.*
Amendment No. 392:		
Valued above 5 and not above 8 cents per pound..........	1½	1¹⁄₁₆
Amendment No. 393:		
Valued above 8 and not above 12 cents per pound........	2	2½
Amendment No. 394:		
Valued above 12 and not above 16 cents per pound........	2½	3¼
		Per cent of foreign value.
Amendment No. 395:		
Valued above 16 cents and not above 20 cents per pound...	3½	20
Valued above 20 and not above 24 cents per pound........	4	20
Valued above 24 and not above 32 cents per pound........	5	20
Valued above 32 and not above 40 cents per pound........	6	20
Valued above 40 cents per pound..........................	20	20

In using the above table it should be borne in mind that in the House bill the value dividing line as well as the ad valorem rates were based upon American value, while the Senate amendment and the conference agreement are based upon foreign value.

The House recedes.

On amendments Nos. 396 and 397: The House bill imposed on steel in all forms and shapes containing more than six-tenths of 1 per cent of any metallic element used in alloying steel a duty of 15 per cent American value, in addition to the rates of duty provided for in the dutiable list. Senate amendment 397 makes this additional duty 8 per cent foreign value, and amendment 396 definitely makes this duty additional only to the rates of duty provided in paragraph 304 of the bill. The

House recedes on amendment No. 396 with an amendment making the additional duty apply to all articles in the schedule; and recedes on amendment No. 397.

On amendments Nos. 398, 399, 400, and 402: The House bill imposed an additional duty upon any articles containing molybdenum or tungsten in excess of 1½ per cent. Amendments 399 and 400 limit this percentage to six-tenths of 1 per cent, and amendment 402 limits the additional duty in the case of materials provided for in paragraph 304 of the bill. The rate of additional duty imposed by the House on the excess molybdenum content was $1.25 a pound. Amendment 398 reduces this to 65 cents a pound. The House recedes on all of these amendments.

On amendments Nos. 403 to 406: The House bill in fixing the thickness of iron and steel plates as a dividing line in computing the duties provided for one hundred and forty one-thousandths of 1 inch. The Senate amendments reduce this basis to one hundred and nine one-thousandths of 1 inch; and the House recedes.

On amendment No. 407: The House bill imposed a duty of 28 per cent American value on metal sheets with layers of metal or metals imposed thereon. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes.

On amendment No. 408: This amendment imposes a duty of 50 per cent foreign value on thermostatic metal, which under the House bill was dutiable at 28 per cent American value as bimetal sheet. The House recedes.

On amendment No. 410: The House bill imposed a duty of 1⅒ cents a pound on tin plates, terneplates, and taggers tin. The Senate amendment reduces this rate to 1 cent a pound; and the House recedes.

On amendments Nos. 416 and 418: The House bill imposed a duty of seven-twentieths of a cent a pound on all structural shapes of iron or steel, not assembled, manufactured, or advanced beyond hammering, rolling, or casting, and a duty of 25 per cent American value if wholly or partially fabricated. The Senate amendments make these rates, respectively, one-fifth of a cent a pound and 20 per cent foreign value; and the House recedes.

On amendment No. 419: This amendment imposes a duty of 25 per cent foreign value upon sashes, frames, and building forms of iron or steel, which in the House bill were probably duitable at 25 per cent American value under paragraph 312; and the House recedes.

On amendments Nos. 420 and 421: The House bill, in fixing the line of division according to thickness for the purpose of computing duties upon hoop, band, and scroll iron or steel, fixed the dividing line at one hundred and forty one-thousandths of an inch. The Senate amendments reduce this to one hundred and nine one-thousandths of an inch; and the House recedes.

On amendment No. 423: The House bill imposed a duty of 20 per cent American value on bands and strips of iron or steel not specially provided for. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 426: The House bill imposed a duty of 20 per cent American value on all round iron or steel wire valued above 6 cents a pound. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 429: The House bill imposed a duty of 20 per cent American value on all flat wires and strips. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 434: The House bill imposed a duty of 30 per cent American value on telegraph, telephone, and other insulated wires and cables. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 435: The House bill imposed a duty of 30 per cent American value on wire rope and wire strand. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 436: The House bill imposed a duty of 30 per cent American value on spinning and twisting ring travelers. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendments Nos. 437, 438, and 439: The House bill imposed upon woven-wire cloth coarser than 30 mesh a duty of 20 per cent American value; upon 30 to 90 mesh, 30 per cent American value; and finer than 90 mesh, 40 per cent American value. The Senate amendments make these rates, respectively, 25 per cent foreign value, 35 per cent foreign value, and 45 per cent foreign value; and the House recedes.

On amendment No. 441: The House bill imposed a duty of 30 per cent American value on electric storage batteries and parts thereof. The Senate amendment makes this rate 40 per cent foreign value; and the House recedes.

On amendment No. 442: The House bill imposed a duty of 10 cents a pound and 35 per cent American value upon antifriction balls and rollers, metal balls and rollers commonly used in ball or roller bearings, metal ball or roller bearings, and parts thereof. The Senate amendment retains the specific duty, but changes the ad valorem duty to 55 per cent foreign value; and the House recedes with an amendment making the ad valorem duty 45 per cent foreign value.

On amendment No. 443: This amendment makes a duty of one-fourth cent a pound on tie-plates, which under the House bill were dutiable at seven-fortieths of 1 cent a pound as all other railway bars. The House recedes with an amendment making a clerical change.

On amendment No. 445: The House bill imposed a duty of seven-fortieths of 1 cent a pound on steel rails and rail braces. The Senate amendment reduces this rate to one-tenth of 1 cent a pound; and the House recedes.

On amendment No. 446: This amendment imposes a duty of 45 per cent foreign value on jewelers' and other anvils weighing less than 5 pounds each, which under the House bill would have been dutiable at 1⅝ cents per pound; and the House recedes.

On amendment No. 448: The House bill imposed a duty of 10 per cent American value on all cast-iron articles. The Senate amendment makes this duty 20 per cent foreign value; and the House recedes.

On amendment No. 451: The House bill imposed a duty of 20 per cent American value on welded cylindrical furnaces and iron or steel tubes not specially provided for. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 452: The House bill imposed a duty of 25 per cent American value on flexible metal tubing and rigid electrical conduit. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes with an amendment making the duty 30 per cent foreign value.

On amendments Nos. 453, 454, 455, and 456: The House imposed duties on iron and steel chains as follows: Not less than three-fourths inch diameter, 1 cent a pound; three-fourths inch to three-eighths inch, 1¼ cents a pound; three-eighths inch to five-sixteenths inch, 2⅛ cents a pound; less than five-sixteenths inch, 4 cents a pound. The Senate amendments, in the order stated above, make these duties, respectively, seven-eighths of a cent, 1⅛ cents, 1¾ cents, and 3 cents. The House recedes from amendments 453 and 454, and the Senate recedes on amendments 455 and 456.

On amendment No. 457: The House bill imposed a duty of 25 per cent American value on iron and steel chains not specially provided for. The Senate amendment strikes this out as being unnecessary, as all such chains are specifically provided for; and the House recedes.

On amendment No. 458: The House bill imposed a duty of 30 per cent American value on iron and steel sprocket and machine chains and parts thereof. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 459: The House bill imposed a duty of 30 per cent American value on spiral nut locks and lock washers of iron or steel. The Senate amendment makes this duty 40 per cent foreign value; and the House recedes with an amendment making the duty 35 per cent foreign value.

On amendment No. 460: The House bill imposed a duty of 20 per cent American value on iron and steel cut tacks and cut nails not exceeding 2 inches in length. The Senate amendment makes this duty 15 per cent foreign value; and the House recedes.

On amendment No. 461: The House bill imposed a duty of 2 cents a pound on horseshoe nails and other iron and steel nails not specially provided for. The Senate amendment reduces this duty to 1½ cents a pound; and the House recedes.

On amendment No. 462: The House bill imposed a duty of 25 per cent American value on rivets and steel points, machined or used for nonskidding automobile tires. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes.

On amendments Nos. 463, 464, and 465: The House bill imposed a duty of six-tenths of a cent a pound on all horseshoes. The Senate amendments makes the duty one-fifth of a cent a pound on common horseshoes and 1 cent a pound on those with adjustable calks and on solid drop-forged calked shoes; and the House recedes.

On amendment No. 466: The House bill provided in computing a duty on steel wool and steel shavings the weight and value of the package should be included and that the net weight of the contents should be plainly marked upon the package. The Senate amendment strikes out this provision; and the House recedes.

On amendment No. 467: The House bill imposed a duty of 1 cent a pound on iron or steel grit, shot, and sand. The Senate amendment reduces this duty to three-fourths of a cent; and the House recedes.

On amendment No. 468: The House bill imposed a duty of 25 per cent American value on corset clasps and dress steels. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendments Nos. 469 and 470: The House bill imposed a duty of 35 per cent American value on card clothing not attached to carding machines. The Senate amendments make the duty 20 per cent foreign value if manufactured with untempered wire, and 45 per cent foreign value if manufactured with tempered steel wire, plated wire, or other than untempered wire or steel wire or when provided with felt facing, wool facing, or rubber-face cloth; and the House recedes.

On amendment No. 471: The House bill imposed a duty on iron or steel screws based upon the length ranging from 3 cents a gross to 10 cents a gross. The Senate amendment makes the duty 25 per cent on the foreign value, regardless of length; and the House recedes.

On amendment No. 472: The House bill limited the hollow or flat ware provided for in paragraph 339 to hollow or flat ware similar to table, household, kitchen, and hospital utensils when composed of (1) aluminum or (2) iron or steel and enameled or glazed with vitreous glasses. The Senate amendment removes this limitation so that all hollow and flat ware will be dutiable under the paragraph at the rates provided; and the House recedes.

On amendment No. 473: This amendment changes from 28 per cent American value to 15 cents a pound and 60 per cent foreign value the House duty upon table, household, kitchen, and hospital utensils, and hollow or flat ware composed wholly or in chief value of aluminum; and the House recedes with an amendment making the duty 11 cents a pound and 55 per cent foreign value.

On amendment No. 474: This amendment imposes a duty of 50 per cent foreign value upon table, household, kitchen, and hospital utensils and hollow or flat ware composed wholly or in chief value of metal, and not specially provided for, which under paragraph 393 of the House bill were dutiable at 35 per cent American value as unenumerated metal articles; and the House recedes with an amendment making the duty 40 per cent foreign value, and making this duty applicable to such articles only when composed wholly or in chief value of a base metal.

On amendment No. 475: The House bill imposed a duty of 15 per cent American value on saws. The Senate amendment makes this rate 30 per cent foreign value; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 477: The House bill imposed a duty of 15 per cent American value on plates prepared for printing. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 478: The House bill imposed a duty of 20 per cent American value on prepared lithographic plates. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 479: The House bill imposed a duty of 35 per cent American value on umbrella hardware. The Senate amendment makes this duty 50 per cent foreign value; and the House recedes.

On amendment No. 480: The House bill imposed upon springbeard needles and other machine needles not specially provided for a duty of $1.15 a thousand and 25 per cent American value. The Senate amendment does not change the specific duty but makes the ad valorem duty 40 per cent foreign value; and the House recedes.

On amendment No. 481: The House bill imposed on latch needles a duty of $2 per thousand and 35 per cent American value. The Senate amendment does not change the specific duty but makes the ad valorem duty 50 per cent foreign value; and the House recedes.

On amendment No. 482: The House bill imposed a duty of 30 per cent American value on needles not specially provided for and needle books. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendment No. 484: The House bill imposed a duty of 35 per cent American value on fishing tackle, excepting fishing lines, nets, and seines. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendments Nos. 485, 486, and 487: The House bill imposed a duty of 35 per cent American value on saddlery or harness hardware. The Senate amendments impose a duty of 35 per cent foreign value on harness hardware not plated with gold or silver, a duty of 50 per cent foreign value on saddlery or riding bridle hardware not plated with gold or silver, and a duty of 60 per cent foreign value on all saddlery or harness hardware if plated with gold or silver; and the House recedes.

On amendment No. 489: The House bill imposed a duty of 4½ cents a pound and 15 per cent American value on metal hooks and eyes. The Senate amendment does not change the specific duty but makes the ad valorem duty 25 per cent foreign value; and the House recedes.

On amendment No. 490: The House bill imposed a duty of 40 per cent American value on snap fasteners not plated with gold or silver or platinum and not mounted on tape. The Senate amendment makes this duty 55 per cent foreign value; and the House recedes.

On amendments Nos. 491 and 492: The House bill imposed a duty of 45 per cent American value on snap fasterners mounted on tape. Senate amendment No. 492 makes this duty 60 per cent foreign value, and amendment No. 491 specifically mentions sew-on fastners as subject to this duty; and the House recedes.

On amendment No. 494: The House bill imposed on metal buttons, in addition to the specific duties, a duty of 10 per cent American value. The Senate amendment makes this additional duty 20 per cent foreign value; and the House recedes with an amendment making it 15 per cent foreign value.

On amendment No. 495: The House bill imposed on embossed metal buttons a duty of 35 per cent American value. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendment No. 497: The House bill imposed a duty of 28 per cent American value on metal pins not plated with gold or silver. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 498: The House bill imposed the following duties on fountain pens and parts thereof: Valued at not more than $2 per dozen, 72 cents per dozen; valued at more than $2 and not more than $6 per dozen, $1.50 per dozen; and in addition thereto 25 per cent American value. The Senate amendment makes the duty regardless of value 72 cents a dozen and 40 per cent foreign value; and the House recedes.

On amendment No. 499: The House bill imposed upon penknives, pocketknives, pruning knives, and all other knives having folding or other than fixed blades or attachments duties ranging from 40 per cent American value in the case of knives valued at not more than 40 cents a dozen up to 30 cents each and 30 per cent American value if valued at more than $8 a dozen. The Senate amendment changes these duties, the duties ranging from 2 cents each and 60 per cent foreign value if valued at not more than 40 cents a dozen up to 40 cents each and 60 per cent foreign value if valued at more than $6 a dozen; and the House recedes with an amendment imposing rates ranging from 1 cent each and 50 per cent foreign value if valued at not more than 40 cents a dozen up to 35 cents each and 55 per cent foreign value if valued at more than $6 a dozen.

On amendment No. 500: This amendment changes from 40 per cent American value to 60 per cent foreign value the House duty on cuticle knives, corn knives, nail files, tweezers, hand forceps, and parts thereof; and the House recedes.

On amendment No. 501: The House bill provided that if knives having folding or other than fixed blades or attachments, or if cuticle knives, corn knives, nail files, tweezers, and hand forceps are imported assembled but not fully finished, they shall be dutiable at not less than the duty for finished articles, and in no case less than 15 cents each and 35 per cent American value. The Senate amendment changes this minimum duty to 15 cents each and 60 per cent foreign value; and the House recedes with an amendment making the duty 15 cents each and 55 per cent foreign value.

On amendment No. 503: This amendment strikes out the entire paragraph imposing duties on table, butchers', carving, cooks', hunting, kitchen, bread, and similar knives, and substitutes a new classification for such knives. The following table shows the rates imposed under the House bill, the Senate amendment, and as agreed to in conference:

Amendment No.	Article.	Rate of duty.		
		House bill.	Senate amendment.	Conference report.
503	Table, butchers', carving, etc., knives:			
	With handles of mother-of-pearl, etc.	16 cents each and 35 per cent.	20 cents each and 45 per cent.	16 cents each and 45 per cent.
	With handles of hard rubber, etc.	8 cents each and 35 per cent.	10 cents each and 45 per cent.	8 cents each and 45 per cent.
	With handles of other materials—			
	If less than 4 inches long, exclusive of handle.	3 cents each and 35 per cent.	2 cents each and 45 per cent.	2 cents each and 45 per cent.
	If 4 inches or over in length, exclusive of handle.	8 cents each and 35 per cent.	10 cents each and 45 per cent.	8 cents each and 45 per cent.
	Blades less than 6 inches in length.	16 cents each and 35 per cent.	2 cents each and 45 per cent.	2 cents each and 45 per cent.
	Blades 6 or more inches in length.	16 cents each and 35 per cent.	10 cents each and 45 per cent.	8 cents each and 45 per cent.

In using the above table it should be borne in mind that in the House bill the value-dividing line as well as the ad valorem rates were based upon American value, while the Senate amendment and the conference agreement are based upon foreign value.

The House recedes from its disagreement with amendments as indicated above.

On amendment No. 504: The House bill imposed a duty of 35 per cent American value on machine knives and blades. The Senate amendment makes this duty 20 per cent foreign value; and the House recedes.

On amendment No. 505: The House bill imposed a rate of 10 cents each and 30 per cent American value on steel laid scissors and shears and blades for the same. This amendment strikes out the House provision and substitutes a general classification for all scissors and shears and includes within this classification nail, barbers', and animal clippers and pruning and sheep shears. The effect of this amendment is to make steel laid scissors and shears and blades for the same, and the other classes of clippers and shears included in this classification, dutiable at the rates imposed upon scissors and shears; and the House recedes.

On amendments Nos. 506 and 507: The following table shows the rates imposed upon scissors, shears, and clippers by the House bill, the Senate amendments, and as agreed to in conference:

Amendment No.	Article.	Rate of duty.		
		House bill.	Senate amendment.	Conference report.
505	Steel laid scissors and shears and blades thereof valued at:			
506	Not more than 50 cents per dozen.	10 cents each and 30 per cent.	4 cents each and 45 per cent.	3½ cents each and 45 per cent.
507	More than 50 cents and not more than $1.75 per dozen.	.....do.........	20 cents each and 45 per cent.	15 cents each and 45 per cent.
	More than $1.75 per dozen.	.....do.........	.....do.........	20 cents each and 45 per cent.
	All other scissors and shears and blades thereof valued at:			
	Not more than 50 cents per dozen.	3 cents each and 35 per cent.	4 cents each and 45 per cent.	3½ cents each and 45 per cent.
	More than 50 cents and not more than $1.75 per dozen.	15 cents each and 35 per cent.	20 cents each and 45 per cent.	15 cents each and 45 per cent.
	More than $1.75 per dozen.	20 cents each and 35 per cent.	.....do.........	20 cents each and 45 per cent.
	Nail, barbers', and animal clippers valued at:			
	Not more than 50 cents per dozen.	35 per cent....	4 cents each and 45 per cent.	3½ cents each and 45 per cent.
	More than 50 cents per dozen.	.....do........	20 cents each and 45 per cent.	Valued at 50 cents to $1.75 per dozen, 15 cents each and 45 per cent. Valued at over $1.75 per dozen, 20 cents each and 45 per cent.

In using the above table it should be borne in mind that in the House bill the value-dividing line as well as the ad valorem rates were based upon American value, while the Senate amendment and the conference agreement are based upon foreign value.

The House recedes from its disagreement to these amendments with amendments as indicated above.

On amendment No. 508: The following table shows the rates imposed by the House bill, the Senate amendments, and as agreed to in conference:

Amendment No.	Article.	Rate of duty.		
		House bill.	Senate amendment.	Conference report
508	Razors and parts thereof:			
	Razors valued at less than $2 per dozen.	10 cents each and 30 per cent.	....	
	Razors valued at $2 and less than $3 per dozen.	12 cents each and 30 per cent.	....	
	Razors valued at $3 and less than $4 per dozen.	16 cents each and 30 per cent.	....	
	Razors valued at $4 or more per dozen.	20 cents each and 30 per cent.	....	
	Razors valued at less than 75 cents per dozen.	....	20 cents each and 50 per cent.	18 cents each and 45 per cent.
	Razors valued at 75 cents and less than $1.50 per dozen.	....	30 cents each and 50 per cent.	25 cents each and 45 per cent.
	Razors valued at $1.50 and less than $3 dozen.	....	35 cents each and 50 per cent.	30 cents each and 45 per cent.
	Razors valued at $3 and less than $4 dozen.	....	40 cents each and 50 per cent.	35 cents each and 45 per cent.
	Razors valued at $4 or more per dozen.	....	50 cents each and 50 per cent.	45 cents each and 45 per cent.
	Safety razors, and handles and frames:			
	Valued at less than $2 dozen..........	12 cents each and 30 per cent.	10 cents each and 30 per cent.	10 cents each and 30 per cent.
	Valued at $2 and less than $3 dozen.	12 cents each and 30 per cent.		
	Valued at $3 and less than $4 dozen.	16 cents each and 30 per cent.		
	Valued at $4 or more per dozen.	20 cents each and 30 per cent.		

In using the above table it should be borne in mind that in the House bill the value-dividing line as well as the ad valorem rates were based upon American value while the Senate amendment and the conference agreement are based upon foreign value.

The House recedes from its disagreement to this amendment with amendments as indicated above.

On amendment No. 511: The House bill imposed the following duties on surgical and dental instruments: Valued at not more than $5 per dozen, 60 cents per dozen; valued at more than $5 per dozen, 12 cents per dozen for each $1 per dozen of such value; and in addition thereto in all cases 35 per cent American value. The Senate amendment imposes a duty of 45 per cent foreign value on surgical instruments, regardless of value, and 35 per cent foreign value on dental instruments, regardless of value; and the House recedes.

On amendments Nos. 515 and 516: See amendment No. 349.

On amendment No. 520: This amendment provides for the admission free of duty of all instruments specified in paragraph 360 imported for educational purposes; and the Senate recedes.

On amendment No. 521: The House bill imposed upon pliers and nippers the following duties: Four inches and under, 8 cents each; over 4 and not over 6 inches, 10 cents each; over 6 inches, 12 cents each; and in addition thereto on all the foregoing 25 per cent American value. The Senate amendment makes the duty 60 per cent foreign value, regardless of length; and the House recedes.

On amendment No. 524: The House bill imposed a duty of 40 per cent American value on sword blades and swords and side arms. The Senate amendment makes this duty 50 per cent foreign value; and the House recedes.

On amendment No. 525: The House bill imposed a duty of 20 per cent American value on muzzle-loading muskets and rifles and parts thereof. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 527: The House bill provided a duty of 35 per cent American value on breech-loading and repeating shotguns and rifles in addition to the specific duties. The

Senate amendment makes this additional duty 45 per cent foreign value; and the House recedes.

On amendment No. 531: The House bill imposed a duty of 40 per cent American value on barrels and stocks for breech-loading shotguns and rifles in addition to the specific duties. The Senate amendment makes this additional duty 50 per cent foreign value; and the House recedes.

On amendment No. 532: The House bill imposed a duty of 45 per cent American value on parts for breech-loading shotguns and rifles and fittings for the stocks and barrels thereof. The Senate amendment makes this duty 55 per cent foreign value; and the House recedes.

On amendment No. 534: The House bill provided that all breech-loading shotguns and rifles imported without locks or other fittings shall pay a duty of $10 each and 40 per cent American value. The Senate amendment did not change the specific duty but made the ad valorem duty 55 per cent foreign value; and the House recedes.

On amendment No. 535: The House bill imposed a duty of 25 per cent American value upon pistols and revolvers in addition to the specific duties. The Senate amendment makes this additional duty 60 per cent foreign value; and the House recedes with an amendment making the additional duty 55 per cent foreign value.

On amendment No. 537: The House bill imposed a duty of 35 per cent American value on watchcases, parts of watches, and chronometers and parts thereof. The Senate amendment makes this duty 50 per cent foreign value; and the House recedes with an amendment making the duty 45 per cent foreign value.

On amendment No. 538: The House bill imposed upon enameled dials for watches and other instruments 3 cents per dial and 35 per cent American value. The Senate amendment does not change the specific duty but makes the ad valorem duty 50 per cent foreign value; and the House recedes with an amendment making the ad valorem duty 45 per cent foreign value.

On amendment No. 544: This amendment subjects mechanisms for measuring distance or fares to the same duty as clocks and clock movements, avoiding a possible confusion with paragraph 372; and the House recedes.

On amendment No. 546: The House bill imposed a duty of 35 per cent American value on clocks and clock movements and similar devices in addition to the specific duties upon all such articles having jewels in the escapement. The Senate amendment makes this ad valorem duty 50 per cent foreign value but does not change the additional specific duties; and the House recedes with an amendment making the additional ad valorem duty 45 per cent foreign value.

On amendment No. 547: The House imposed a rate of 40 per cent American value on parts and materials imported separately for use in clocks. The Senate amendment makes this duty 55 per cent foreign value; and the House recedes with an amendment making the duty 50 per cent foreign value.

On amendment No. 551: This amendment imposes a duty of 25 per cent foreign value on motor cycles, which under the House bill were dutiable under paragraph 371 at 30 per cent American value; and the House recedes.

On amendment No. 554: The House bill provides that if any country imposes a duty on automobiles or parts thereof when imported from the United States in excesss of the duty imposed upon such articles, there shall be imposed upon such articles when imported from such country a duty equal to that imposed by such country on such articles imported from the United States but not to exceed in any case 50 per cent American value. This amendment strikes out the House provision; and the House recedes from its disagreement to this amendment with an amendment restoring the House provision and making certain clerical changes. The effect of this amendment is to make the maximum rate that can be imposed 50 per cent foreign value.

On amendment No. 556: This amendment is a clerical change made necessary by action of the conferees on amendment 551; and the House recedes.

On amendment No. 557: The House bill provides that if any country imposes a duty on bicycles, motor cycles and parts therefor when imported from the United States in excess of the duty imposed upon such articles, there shall be imposed on such articles when imported from such country a duty equal to that imposed by such country on such articles imported from the United States but not to exceed in any case 50 per cent American value. This amendment strikes out the House provision; and the House recedes from its disagreement to this amendment with an amendment restoring the House provision and making certain clerical changes. The effect of this amendment is to make the maximum rate that can be imposed 50 per cent foreign value.

On amendments Nos. 558, 559, 1338, 1391, and 1392: Amendment No. 558 imposes on sewing machines and parts thereof valued at not more than $75 each a duty of 25 per cent foreign value, valued at more than $75 each 40 per cent foreign value; and amendment 1392 strikes sewing machines off the free list. The House recedes on amendment 1392; and recedes on amendment No. 558 with an amendment making the duties, respectively, 15 per cent foreign value and 30 per cent foreign value. Amendment No. 558 also imposes a duty of 25 per cent foreign value on cash registers, and amendment No. 1391 strikes these articles from the free list. The House recedes on amendment No. 1391 and from the disagreement to the duty imposed by amendment No. 558. Amendment No. 558 together with amendment No. 559 imposes a duty of 15 per cent foreign value on lawn mowers, and amendment No. 1338 strikes these articles off the free list. The Senate recedes from amendment No. 1338; and the House recedes from its disagreement to so much of amendment No. 558 as includes lawn mowers on the dutiable list, and recedes on amendment No. 559 with an amendment making the duty 30 per cent foreign value. Amendments Nos. 558 and 559 also impose a duty of 15 per cent foreign value on printing presses and machine tools and parts thereof, which under the House bill were dutiable under the paragraph to which the amendments are made at 35 per cent American value. The House recedes from its disagreement to amendment No. 559 with an amendment making the duty 30 per cent foreign value.

On amendment No. 560: The House bill imposed a duty of 35 per cent American value on embroidery machines, lace-making machines, and machines for making lace curtains, nets, and nettings. The Senate amendment makes this duty 30 per cent foreign value, and imposes upon knitting, braiding, and insulating machines not specially provided for a duty of 50 per cent foreign value, and upon all other textile machinery or parts thereof not specially provided for a duty of 35 per cent foreign value. The amendment also imposes a duty of 25 per cent foreign value upon cream separators, which under the House bill were probably free of duty as agricultural implements. The amendment also imposes a duty of 30 per cent foreign value upon combined adding and typewriting machines, which under the House bill were dutiable at 35 per cent American value under the paragraph to which the amendment relates. The House recedes with an amendment changing the duty on knitting, braiding, and insulating machines from 50 per cent foreign value to 40 per cent foreign value, making the duty on cream separators apply only to those valued at more than $50 each, and placing on the free list those valued at not more than $50 each.

On amendment No. 561: This amendment changes from 35 per cent American value to 30 per cent foreign value the House duty on machines and parts thereof not specially provided for; and the House recedes.

On amendment No. 562: This amendment, together with amendment No. 563, imposes a duty of 35 per cent foreign value on scythes, sickles, grass hooks, and corn knives, which under the House bill were free of duty as agricultural implements. The House recedes from its disagreement to the amendment making these articles dutiable, and recedes on amendment No. 563 with an amendment making the rate 30 per cent foreign value.

On amendment No. 563: This amendment changes from 25 per cent American value to 35 per cent foreign value the House duty on shovels, spades, scoops, and drainage tools; and the House recedes with an amendment making the duty 30 per cent foreign value.

On amendment No. 565: The House bill imposed on metallic magnesium and metallic magnesium scrap a duty of $1 per pound, and upon magnesium alloys, powder, sheets, ribbons, tubing, wire, and all other articles, wares, or manufactures of magnesium not specially provided for $1 per pound on the metallic magnesium content and 20 per cent American value. The Senate amendment strikes out these duties and substitutes on the crude metallic magnesium, ingots, magnesium alloys and scrap a duty of 10 cents a pound; upon coils, plates, sheets, bars, rods, and other unfinished forms 20 cents a pound on the metallic magnesium content; and upon ribbons, tubing, wire, powder, and all other finished articles 40 cents a pound on the metallic magnesium content and 20 per cent foreign value. The House recedes with an amendment restoring the classification of the House bill, but making the duty on metallic magnesium and metallic magnesium scrap 40 cents a pound, and on magnesium alloys, powder, sheets, ribbons, tubing, wire, and all other manufactures of magnesium not specially provided for 40 cents a pound on the metallic magnesium content and 20 per cent foreign value.

On amendment No. 566: This amendment increases from 1½ cents a pound to 2 cents a pound the House duty on antimony metal; and the House recedes.

On amendments Nos. 567 and 1347: Amendment No. 567 imposes a duty of three-fourths of 1 cent a pound on needle antimony, and amendment No. 1347 strikes this material off the free list; and the House recedes on amendment No. 1347, and recedes on amendment No. 567, with an amendment making the duty one-fourth of 1 cent a pound.

On amendments Nos. 568 and 1360: Amendment No. 568 imposes a duty of 7½ per cent foreign value on bismuth, and amendment No. 1360 strikes it off the free list; and the House recedes.

On amendments Nos. 569 and 1387: Amendment No. 569 imposes a duty of 15 cents a pound on cadmium, and amendment No. 1387 strikes it off the free list; and the House recedes.

On amendment No. 570: This amendment imposes a duty of 6 cents a pound on metallic arsenic, which under the House bill is free of duty as unwrought metal; and the House recedes.

On amendment No. 572: This amendment imposes a duty of 30 per cent foreign value on nickel silver sheets, strips, rods, and wire, which were dutiable at 35 per cent American value under paragraph 393 of the House bill; and the House recedes.

On amendment No. 575: This amendment imposes a duty of 35 per cent foreign value upon aluminum or tin foil less than six one-thousandths of an inch in thickness, which under paragraph 393 of the House bill was dutiable at 35 per cent American value; and the House recedes.

On amendments Nos. 576 and 578: The House bill imposed a duty of 16 cents a pound on bronze powder, powdered tin, brocades, flitters, and metallics. The Senate amendment reduces this duty to 12 cents a pound and makes it also applicable to aluminum powder and powdered foil, which under paragraph 393 of the House bill were dutiable at 35 per cent American value; and the House recedes from its disagreement to amendment No. 576 with an amendment making the duty on bronze powder 14 cents a pound, and recedes from amendment No. 578.

On amendment No. 579: This amendment reduces from 8 cents a hundred leaves to 6 cents a hundred leaves the House duty on bronze, or Dutch metal, or aluminum in leaf; and the House recedes.

On amendment No. 581: This amendment increases from 50 cents a hundred leaves to 60 cents a hundred leaves the House duty on gold leaf; and the House recedes with an amendment making the duty 55 cents a hundred leaves.

On amendment No. 583: The House bill imposed a duty of 10 cents a pound and 30 per cent American value on tinsel wire and lame made wholly or in chief value of gold, silver, or other metal and a duty of 10 cents a pound and 35 per cent American value on bullions and metal threads made wholly or in chief value of tinsel wire or lame. The Senate amendment makes the duty on tinsel wire 5 cents a pound and 10 per cent foreign value, the duty on lame 5 cents a pound and 20 per cent foreign value, and the duty on bullions and metal threads made wholly or in chief value of tinsel wire, lame or lahn, 5 cents a pound and 35 per cent foreign value; and the House recedes with an amendment accepting the Senate ad valorem rates but making the specific rate in each case 6 cents.

On amendments Nos. 584 and 587: The House bill imposed a duty of 45 per cent American value on ribbons made wholly or in chief value of tinsel wire, lame or lahn, and india rubber, bullions, or metal threads. The Senate amendments change this duty to 55 per cent foreign value; and the House recedes.

On amendments Nos. 585 and 586: The House bill imposed a duty of 45 per cent American value on beltings, toys, and other articles made wholly or in chief value of tinsel wire or lahn and india rubber, bullions, or metal threads. The Senate amendments impose a duty of 45 per cent foreign value upon these articles and include in this duty beltings, toys, and other articles made wholly or in chief value of metal threads or of tinsel wire or lahn; and the House recedes.

On amendment No. 587: See amendment No. 584.

On amendment No. 590: This amendment decreased from 35 cents a pound to 25 cents a pound the House duty on quicksilver; and the House recedes.

On amendments Nos. 591 and 1356: Amendment No. 591 imposes a duty of 12½ cents a pound on azides and fulminates, and amendment No. 1356 strikes these articles off the free list; and the House recedes on both amendments.

On amendment No. 592: This amendment imposes a duty of 1¼ cents a pound on dynamite and other high explosives put up in sticks, cartridges, or other forms, suitable for blasting, which under the House bill were free of duty under paragraph 1578; and the House recedes.

On amendment No. 594: This amendment changes from 15 per cent American value to 25 per cent foreign value the House duty on new types; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 596: This amendment decreases from 5 cents a pound to 1 cent a pound the House duty on nickel oxide; and the House recedes.

On amendment No. 598: This amendment reduces from 5 cents a pound to 3 cents a pound the House duty on nickel and nickel alloys; and the House recedes.

On amendment No. 599: This amendment together with amendment No. 600 imposes a duty of 25 per cent foreign value on nickel castings, wire, and tubes, which under the House bill were dutiable at 35 per cent American value under paragraph 393; and the House recedes.

On amendment No. 600: This amendment changes from 30 per cent American value to 25 per cent foreign value the House duty on nickel in certain finished forms; and the House recedes.

On amendment No. 601: This amendment imposes an additional duty of 10 per cent foreign value on cold rolled, cold drawn, or cold worked nickel alloys; and the House recedes.

On amendment No. 602: This amendment strikes out the House duty of 2 cents a pound on tin in bars, blocks, pigs, granulated, and scrap, and amendment No. 1575 puts it on the free list; and the House recedes.

On amendments Nos. 604 and 605: The House bill imposed a duty of 25 per cent American value on metal bottle caps, collapsible tubes, and sprinkler tops if not decorated and a duty of 40 per cent American value if decorated. The Senate amendments make these duties, respectively, 30 per cent foreign value and 45 per cent foreign value; and the House recedes.

On amendment No. 607: The House bill provided that no duty should be imposed on lead in copper mattes until after 2,000 tons of lead had been imported in any one year. The Senate amendment strikes out this provision and provides that such duty shall not be imposed unless the lead is actually recovered; and the House recedes.

On amendments Nos. 608 and 609: The House bill provided that the determination of the lead content of lead ores should be based upon wet assay without deduction. The Senate amendments require only a proper assay; and the House recedes.

On amendment No. 615: The following table shows the rates imposed by the House bill and the Senate amendment on zinc. The House bill also provided for higher rates of duty for a period of two years after the passage of the act, which was not contained in the Senate amendment; and the House recedes on amendment 615.

Article	House rate per pound.	Senate rate per pound.
	Cents.	*Cents.*
Slab zinc and zinc dust	1⅜	1¾
Zinc sheets	1⅝	2
Zinc sheets plated with nickel, etc	1¾	2¼
Old zinc	1	1½

On amendment No. 617: This amendment changes from 30 per cent American value to 60 per cent foreign value the House duty on print rollers and print blocks; and the House recedes.

On amendment No. 618: This amendment imposes a duty of 25 per cent foreign value on polished steel rolls valued at 25 cents a pound or over, which under paragraph 393 of the House bill were dutiable at 35 per cent American value; and the House recedes.

On amendment No. 619: This amendment imposes a duty of 60 per cent foreign value on twist drills and other metal cutting tools containing more than six-tenths of 1 per cent of tungsten or molybdenum, which under paragraph 372 of the House bill were dutiable at 35 per cent American value; and the House recedes.

On amendment No. 621: This amendment changes from 45 per cent American value to 60 per cent foreign value the House duty on nonspecified articles composed wholly or in chief value of platinum, gold, or silver, or plated with these metals, or colored with gold lacquer; and the House recedes.

On amendment No. 622: This amendment changes from 35 per cent American value to 40 per cent foreign value the House duty on nonspecified articles of metal other than platinum, gold, or silver, and not plated with such metals, and not colored with gold lacquer; and the House recedes.

SCHEDULE 4.—WOOD AND MANUFACTURES OF.

On amendments Nos. 624 and 1596: The House bill imposed a duty of one-half cent a cubic foot on timber, hewn, sided, or squared otherwise than by sawing, not less than 8 inches square, and round timber used for spars or in building wharves. Senate amendment 624 strikes out this duty, and amendment No. 1596 places these articles on the free list, as well as pulp woods, which under paragraph 414 of the House bill were dutiable at 25 per cent American value. The House recedes on both these amendments.

On amendment No. 625: The House bill imposed a duty of $1 per thousand feet on logs of fir, spruce, cedar, or western hemlock, with a proviso exempting such logs from duty when imported from any country which during the preceding 12 months has not maintained any embargo or other restriction upon the exportation of such class of logs. The Senate amendment strikes out this paragraph; and the House recedes with an amendment restoring the language of the House bill and changing the number of the paragraph.

On amendments Nos. 628 and 1600: The House bill imposed upon Spanish cedar, lignum-vitæ, mahogany, and other cabinet woods a duty of 10 per cent American value when in the log and 15 per cent American value when in the form of sawed boards or planks and imposed a duty of 20 per cent American value on veneers of wood and wood unmanufactured, not specially provided for. The Senate amendment No. 1600 placed these cabinet woods in the log on the free list, and amendment No. 628 made the duty on the sawed boards and planks of these cabinet woods 15 per cent foreign value and placed a duty of 20 per cent foreign value on veneers of wood and wood unmanufactured, not specially provided for. The Senate recedes on amendment No. 1600, thus imposing a duty of 10 per cent foreign value on these cabinet woods in the log; and the House recedes on amendment No. 628 with an amendment restoring the language of the House bill and changing the paragraph number, but the effect of this action is to restore the House rates based on foreign value instead of American value.

On amendment No. 629: The House bill imposed a duty of 10 per cent American value on paving posts, railroad ties, telephone, trolley, electric light, and telegraph poles. The Senate amendment strikes out this duty, and amendment No. 1601 places these articles on the free list; and the House recedes.

On amendment No. 633: The House bill imposed a duty of 10 per cent American value on pickets, palings, hoops, and staves of wood. The Senate amendment strikes out this duty, and amendment No. 1602 places these articles on the free list; and the House recedes.

On amendments Nos. 634 and 1544: The House bill imposed a duty of 50 cents per thousand on shingles. Amendment No. 634 strikes out this duty and amendment 1544 places shingles on the free list. The House recedes on amendment 634, and recedes on amendment 1544, with an amendment making a change in the paragraph number.

On amendment No. 638: The House bill imposed a duty of 20 per cent American value on boxes, barrels, and other articles containing oranges, lemons, limes, and grapefruit. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 645: The House bill imposed a duty of 20 per cent American value on reeds manufactured from rattan or reeds and cane wrought or manufactured from rattan and cane webbing. The Senate amendment makes this duty 15 per cent foreign value; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 646: The House bill provided that for the purposes of assessing duties handmade reeds or cane should be held comparable in value to machine-cut reeds or cane corresponding in size. The Senate amendment strikes out this provision; and the House recedes.

On amendments Nos. 647 and 648: These amendments impose a duty of 60 per cent foreign value upon furniture made with frames wholly or in part of osier or willow and covered wholly or in part with rattan, reed, grass, osier, or willow, or fiber of any kind, and upon furniture made with frames wholly or in part of wood, rattan, reed, bamboo, or malacca, and covered wholly or in part with osier or willow, these articles being dutiable under the House bill at 40 per cent American value under the basket clause of the paragraph amended; and the House recedes.

On amendment No. 649: The House bill imposed a duty of 50 per cent American value on furniture made with frames wholly or in part of wood, rattan, reed, bamboo, or malacca, and covered wholly or in part with rattan, reed, grass, or fiber of any kind. The Senate amendment makes this duty 60 per cent foreign value; and the House recedes.

On amendment No. 650: The House bill imposed a duty of 2 cents a pound on split bamboo. The Senate amendment reduces this to 1 cent a pound; and the House recedes, making the duty 1½ cents a pound.

On amendment No. 652: The House bill imposed a duty of 25 per cent American value on osier or willow prepared for basket makers' use. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 654: The House bill imposed a duty of 40 per cent American value on articles not specially provided for wholly or in part manufactured of rattan, bamboo, osier, or willow. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendments Nos. 657, 659, 660, and 661: The House bill imposed upon porch and window blinds, baskets, curtains, shades, or screens of bamboo, wood, straw, or compositions of wood, not specially provided for, a duty of 25 per cent American value; and if stained, dyed, painted, printed, polished, grained, or creosoted, a duty of 30 per cent American value. The Senate amendments Nos. 660 and 661 make these duties, respectively, 40 per cent foreign value and 50 per cent foreign value. The House recedes with amendments making the duties, respectively, 35 per cent foreign value and 45 per cent foreign value. The Senate amendment No. 657 adds to these dutiable articles under the paragraph chair seats, which under the House bill were dutiable at various rates according to the material of which made; and the House recedes. Senate amendment No. 659 makes the articles enumerated in the paragraph dutiable if made of papier-mâché or palm leaf. Such articles under the House bill if made of papier-mâché were dutiable at 26 per cent American value under paragraph 1313 of the bill, and if made of palm leaf were dutiable at 20 per cent American value under paragraph 1437 of the House bill. The House recedes on amendment No. 659.

On amendment No. 663: This amendment imposes a duty of 15 cents a gross on spring clothespins, which under the House bill were dutiable according to the material of which made; and the House recedes.

On amendment No. 665: The House bill imposed a duty of 25 per cent American value on wooden house or cabinet furniture and manufactures of wood or of which wood or bark is the component material of chief value, not specially provided for. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes with an amendment making the duty 33⅓ per cent foreign value.

SCHEDULE 5.—SUGAR, MOLASSES, AND MANUFACTURES OF.

On amendments Nos. 667 and 668: The House bill imposed a duty of 1.16 cents per pound on sugar testing by the polariscope not above 75 sugar degrees, and 0.04 of a cent per pound for each additional sugar degree shown by the polariscopic test. The Senate amendments made these rates 1.25 and 0.05 of a cent per pound, respectively. The House recedes from its disagreement to these amendments with an amendment making these rates 1.24 and 0.046 of a cent per pound, respectively. The effect of this action is to impose upon 96° Cuban sugar a duty of 1.765 cents per pound in lieu of the House duty of 1.6 cents per pound and of the rate of 1.84 cents per pound under the Senate amendment. The rate imposed on 96° sugar imported from other countries under the House bill was 2 cents a pound, under the Senate amendment 2.3 cents per pound, and 2.206 cents per pound under the conference agreement.

On amendment No. 669: The House bill provided that any person manufacturing or refining in the United States sugar, testing over 99°, produced from beet or cane grown in the United States, should for each pound so manufactured or refined during any month in any State be permitted to import, at any time before the expiration of nine months after the last day of such month (for the sole purpose of being manufactured or refined by him in such State) 2 pounds of sugar testing not above 96° at three-fourths of the rate of duty to which such sugar would otherwise be subject. The Senate amendment strikes out these provisions; and the House recedes.

On amendment No. 671: This amendment is a clerical change made necessary by the action of the conferees with respect to amendment No. 1488; and the House recedes.

On amendment No. 676: The House bill made the duty applicable to certain named saccharides applicable to other of the higher saccharides required for scientific purposes. The Senate amendment makes the duty applicable to "all other saccharides." The effect of this amendment is to make certain saccharides which were dutiable at 25 per cent American value as chemicals not specially provided for under paragraph 5 of the House bill dutiable at 50 per cent foreign value; and the House recedes.

On amendments Nos. 679 and 680: Amendment No. 679 changes from 30 per cent American value to 40 per cent foreign value the House duty upon sugar candy and confectionery not specially provided for, and upon sugar after being refined, when tinctured, colored, or in any way adulterated. Amendment No. 680 strikes out the provision in the House bill that the value of immediate coverings other than the outer covering shall be included in the dutiable value; and the House recedes on both of these amendments.

SCHEDULE 6.—TOBACCO AND MANUFACTURES OF.

On amendment No. 681: The House bill made dutiable at the same rates as wrapper tobacco, filler tobacco when mixed or packed with more than 50 per cent of wrapper tobacco. The Senate amendment changes this percentage to 35; and the House recedes.

On amendment No. 682: The House bill imposed a duty of $1 per pound on Turkish filler tobacco. The Senate amendment strikes out this duty, making the ordinary rates for filler tobacco apply to Turkish filler tobacco; and the House recedes.

On amendments Nos. 683 and 684: The House bill imposed upon filler tobacco not specially provided for a duty of 45 cents a pound if unstemmed and 60 cents a pound if stemmed. The Senate amendments reduce these duties, respectively, to 35 cents and 50 cents; and the House recedes.

On amendment No. 685: The House bill provided that filler tobacco not specially provided for, commonly used without removing the stem, should be subject to the same duty as if stemmed. The Senate amendment strikes out this provision; and the House recedes.

On amendments Nos. 686 and 687: The House bill imposed a duty of 55 cents a pound on scrap tobacco. The Senate amendments reduce this duty to 35 cents a pound; and the House recedes.

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS.

On amendment No. 688: The House bill imposed a duty of 1 cent a pound on cattle less than 2 years old and 1¼ cents on cattle 2 years old or over. The Senate amendment strikes out this duty and imposes a duty of 1½ cents a pound on cattle weighing less than 1,050 pounds each and of 2 cents a pound on cattle weighing 1,050 pounds each or more; and the House recedes.

On amendment No. 689: This amendment increases from 2 cents a pound to 3½ cents a pound the House duty on fresh beef and veal; and the House recedes with an amendment making the duty 3 cents a pound.

On amendment No. 690: The House bill imposed a duty of 1 cent a pound on sheep and goats. The Senate amendment makes this duty $2 a head; and the House recedes.

On amendment No. 691: The House bill imposed a duty of 1¼ cents a pound on fresh mutton. The Senate amendment increases this to 2½ cents a pound, and includes in the duty fresh goat meat; and the House recedes.

On amendment No. 692: This amendment increases from 2 cents a pound to 5 cents a pound the House duty on fresh lamb; and the House recedes with an amendment making the duty 4 cents a pound.

On amendment No. 694: The House bill imposed a duty of 1¼ cents a pound on bacon, hams, and pork shoulders, prepared or preserved. The Senate amendment increases this duty to 2 cents a pound; and the House recedes.

On amendment No. 695: The House bill imposed a duty of 20 per cent American value on lard compounds and lard substitutes. The Senate amendment makes this duty 5 cents a pound; and the House recedes with an amendment making the duty 4 cents a pound.

On amendments Nos. 696 and 698: The House bill imposed a duty of 20 per cent American value on reindeer meat and a duty of 1½ cents a pound on venison and other game, not specially provided for. The Senate amendments increased the duty on venison and other game to 4 cents a pound and make this rate applicable to reindeer meat instead of the House ad valorem rate; and the House recedes.

On amendments Nos. 699 and 1536: The House bill imposed a duty of 15 per cent American value on sausage casings, weasands, intestines, bladders, tendons, and integuments, not specially provided for. The Senate amendment strikes out this duty, and Senate amendment No. 1536 puts these articles on the free list. The House recedes on amendment No. 699, and recedes on amendment No. 1536 with an amendment making a change in paragraph number.

On amendment No. 700: This amendment changes from 15 per cent American value to 20 per cent foreign value the House duty on fresh, prepared, or preserved meats, not specially provided for; and the House recedes.

On amendment No. 701: This amendment increases from 1 cent a gallon to 2½ cents a gallon the House duty on fresh milk; and the House recedes.

On amendment No. 702: This amendment increases from one-half of 1 cent a gallon to 1 cent a gallon the House duty on sour milk and buttermilk; and the House recedes.

On amendment No. 703: The House bill imposed upon cream the following duties: Having less than 30 per cent of butter fat, 5 cents a gallon; having 30 per cent or more of butter fat, 10 cents a gallon. The Senate amendment makes the duty on all cream 22½ cents a gallon; and the House recedes with an amendment making the duty 20 cents a gallon.

On amendment No. 704: This amendment provides that fresh or sour milk containing more than 7 per cent of butter fat shall be dutiable as cream, and cream containing more than 45 per cent of butter fat shall be dutiable as butter; and the House recedes.

On amendment No. 706: This amendment reduces from 8 cents a pound to 6 cents a pound the House duty on cream powder. The House recedes with an amendment making the duty 7 cents a pound.

On amendment No. 708: This amendment makes butter substitutes other than oleomargarine dutiable at 8 cents a pound, which under the House bill were dutiable according to component material of chief value; and the House recedes.

On amendment No. 709: The House bill imposed a duty of 5 cents a pound on cheese valued at less than 30 cents a pound and 25 per cent American value on cheese valued at 30 cents or more a pound and a duty of 5 cents a pound on cheese substitutes. The Senate amendment strikes out these duties and imposes on cheese and substitutes therefor a duty of 5 cents per pound but not less than 25 per cent foreign value; and the House recedes.

On amendment No. 710: This amendment increases from 2 cents a pound to 3 cents a pound the House duty on live poultry; and the House recedes.

On amendment No. 711: This amendment increases from 4 cents a pound to 6 cents a pound the House duty on dead poultry; and the House recedes.

On amendment No. 712: This amendment changes from 20 per cent American value to 8 cents a pound the House duty on dead birds other than poultry; and the House recedes.

On amendment No. 713: This amendment changes from 22 per cent American value to 35 per cent foreign value the House duty on dead birds prepared or preserved in any manner; and the House recedes.

On amendment No. 714: This amendment increases from 6 cents a dozen to 8 cents a dozen the House duty on poultry eggs in the shell; and the House recedes.

On amendment No. 715: This amendment increases from 4 cents a pound to 6 cents a pound the House duty on whole eggs, egg yolk, and egg albumen, frozen or otherwise prepared or preserved; and the House recedes.

On amendment No. 716: This amendment increases from 15 cents a pound to 18 cents a pound the House duty on dried whole eggs, dried egg yolk, and dried egg albumen; and the House recedes.

On amendments Nos. 717 and 1344: Amendment No. 1344 strikes from the House bill a provision excepting black or silver foxes from the paragraph admitting animals for breeding purposes free of duty; and the Senate recedes. Amendment 717 strikes out the House provision imposing a duty of $350 a head upon black or silver foxes; and the House recedes. The effect of the conference agreement is to make these foxes dutiable, under paragraph 715 of the bill as agreed to in conference, at 15 per cent foreign value, as live animals, not specially provided for.

On amendment No. 720: This amendment increases from 2½ cents a pound to 3 cents a pound the House duty on honey; and the House recedes.

On amendments Nos. 722 and 723: The House bill imposed a duty of 1 cent a pound on fish, fresh, frozen, or packed in ice. The Senate amendments retain this duty except in the case of salmon, halibut, mackerel, or swordfish, which are made dutiable at 2 cents a pound; and the House recedes.

On amendment No. 726: This amendment reduces from 1¾ cents a pound to 1¼ cents a pound the House duty on dried fish; and the House recedes.

On amendments Nos. 727 and 728: These amendments impose a duty of 2½ cents a pound on smoked herring, skinned or boned, regardless of the weight of the package in which imported, whereas under the House bill such herring was dutiable at this rate only when imported in bulk or in immediate containers weighing with their contents more than 30 pounds each, the duty under the House bill being 20 per cent American value when otherwise imported; and the House recedes.

On amendments Nos. 729, 732, 737, and 739: These amendments reduce from 30 pounds to 15 pounds the dividing line used for computing duties on fish imported in containers; and the House recedes.

On amendments Nos. 730, 734, and 740: The House bill in imposing specific duties on certain fish included the weight of the immediate container with the contents. The Senate amendments strike out this provision and compute the duties on the net weight; and the House recedes.

On amendment No. 732: See amendment No. 729.

On amendment No. 733: This amendment reduces from 1½ cents a pound, gross weight, to 1 cent a pound, net weight, the House duty on herring and mackerel, pickled or salted, when in bulk or immediate containers weighing with their contents more than 15 pounds each; and the House recedes.

On amendment No. 734: See amendment No. 730.

On amendment No. 736: This amendment changes from 26 per cent, American value, to 30 per cent, foreign value, the House duty on fish packed in oil; and the House recedes.

On amendment No. 737: See amendment No. 729.

On amendment No. 738: This amendment changes from 20 per cent, American value, to 25 per cent, foreign value, the House duty on fish, pickled, salted, smoked, or otherwise prepared or preserved (except in oil) in immediate containers weighing with their contents not more than 15 pounds each; and the House recedes.

On amendment No. 739: See amendment No. 729.

On amendment No. 740: See amendment No. 730.

On amendment No. 742: This amendment changes from 26 per cent, American value, to 15 per cent, foreign value, the House duty on crab meat packed in ice or frozen or prepared or preserved in any manner; and the House recedes.

On amendment No. 743: This amendment changes from 28 per cent, American value, to 30 per cent, foreign value, the House duty on fish paste and fish sauce; and the House recedes.

On amendment No. 744: This amendment changes from 28 per cent, American value, to 30 per cent, foreign value, the House duty on caviar and other fish roe for food purposes packed in ice or frozen or prepared or preserved in any manner; and the House recedes.

On amendment No. 746: This amendment increases from 15 cents a bushel to 20 cents a bushel the House duty on barley; and the House recedes.

On amendment No. 749: This amendment reduces from 30 cents a hundred pounds to 10 cents a hundred pounds the House duty on buckwheat; and the House recedes.

On amendment No. 751: This amendment increases from 15 cents a bushel to 20 cents a bushel the House duty on corn; and the Senate recedes.

On amendment No. 753: This amendment increases from 1½ cents a pound to 2 cents a pound the House duty on macaroni, noodles, and similar alimentary pastes; and the House recedes.

On amendment No. 755: This amendment increases from 10 cents a bushel to 15 cents a bushel the House duty on oats; and the House recedes.

On amendment No. 756: This amendment increases from 32 cents per 100 pounds to 45 cents per 100 pounds the House duty on unhulled ground oats; and the House recedes.

On amendment No. 757: This amendment increases from 60 cents per 100 pounds to 90 cents per 100 pounds the House duty on oatmeal, rolled oats, oat grits, and similar oat products; and the House recedes with an amendment making the duty 80 cents per 100 pounds.

On amendment No. 761: This amendment increases from 10 cents a bushel to 15 cents a bushel the House duty on rye; and the House recedes.

On amendment No. 762: This amendment increases from 30 cents per 100 pounds to 45 cents per 100 pounds the House duty on rye flour and meal; and the House recedes.

On amendment No. 764: This amendment increases from 25 cents a bushel to 30 cents a bushel the House duty on wheat; and the House recedes.

On amendment No. 765: This amendment increases from 50 cents per 100 pounds to 78 cents per 100 pounds the duty on wheat flour, semolina, crushed or cracked wheat, and similar wheat products not specially provided for; and the House recedes.

On amendments Nos. 768 and 771: The House bill imposed a duty of $5 a ton on malt sprouts and brewers' grains. The Senate amendments, together with amendment No. 769, change this duty to 10 per cent foreign value; and the Senate recedes.

On amendment No. 769: This amendment changes from 15 per cent American value to 10 per cent foreign value the House duty on bran shorts and by-product feeds obtained in milling wheat or other cereals; and the Senate recedes.

On amendment No. 771: See amendment No. 768.

On amendment No. 773: This amendment changes from 6 per cent American value to 15 per cent foreign value the House duty on feeds consisting of a mixture of grains or grain products with oil cake, oil-cake meal, molasses, or other feedstuffs. The House recedes with an amendment making the duty 10 per cent foreign value.

On amendment No. 775: The House bill imposed upon screenings, chaff, or scourings of wheat, flaxseed, or other grains or seeds a duty of 75 cents a ton if unground and $1.50 a ton if ground. The Senate amendment makes the duty 10 per cent foreign value, whether ground or unground; and the House recedes.

On amendment No. 776: The House bill provided that screenings, dirt, and other foreign matter mixed with grains or seeds shall pay the same rate of duty as the grains or seeds. The Senate amendment strikes out this provision; and the House recedes.

On amendment No. 778: This amendment changes from 17 per cent American value to 25 per cent foreign value the House duty on cereal breakfast foods and similar cereal preparations; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 780: This amendment changes from 28 per cent American value to 30 per cent foreign value the House duty on biscuits, wafers, cake, similar baked articles, and puddings; and the House recedes.

On amendment No. 782: This amendment increases from 25 cents a bushel to 30 cents a bushel the House duty on apples; and the Senate recedes.

On amendment No. 783: This amendment imposes a duty of one-half cent a pound on apricots, green, ripe, dried, or in brine, and a duty of 40 per cent foreign value on apricots otherwise prepared or preserved; and the House recedes with an amendment making the duty 35 per cent foreign value upon apricots otherwise prepared or preserved.

On amendments Nos. 784 and 1358: The House bill imposed a duty of 2 cents a bunch on bananas. The Senate amendment strikes out this duty, and amendment No. 1358 places bananas on the free list. The House bill also placed a duty of 4 cents per 100 pounds on dried, desiccated, or evaporated bananas and banana flour. The Senate amendment also strikes out this duty, which has the effect of placing dried and desiccated bananas on the free list as bananas, and making banana flour dutiable under paragraph 749, as agreed to in conference, at 35 per cent foreign value. The House recedes on both these amendments.

On amendment No. 786: This amendment increases from 1 cent a pound to 1¼ cents a pound the House duty on edible berries in their natural condition or in brine; and the House recedes.

On amendment No. 787: This amendment changes from 20 per cent American value to 35 per cent foreign value the House duty on edible berries, prepared or preserved otherwise than by drying, desiccation, or evaporation, and not specially provided for; and the House recedes.

On amendments Nos. 789, 790, and 791: The House bill imposed a duty of 1½ cents a pound on cherries in their natural state or in brine and of 20 per cent American value on maraschino cherries and cherries prepared or preserved. Senate amendment No. 790 increases the first duty to 2 cents a pound and amendment No. 789 makes dutiable at this rate sulphured cherries, which under the House bill were dutiable under the second bracket; and the House recedes. Amendment No. 791 makes the rate in the second bracket 45 per cent foreign value instead of 20 per cent American value; and the House recedes with an amendment making the rate 40 per cent foreign value.

On amendment No. 793: This amendment reduces from 10 cents a gallon to 5 cents a gallon the House duty on cider; and the House recedes.

On amendment No. 796: This amendment increases from 4 cents a pound to 5 cents a pound the House duty upon citrons and citron peel, candied or otherwise prepared or preserved; and the House recedes with an amendment making the duty 4½ cents a pound.

On amendments Nos. 798 and 799: The House bill imposed a duty of 2 cents a pound upon orange and lemon peel, crude, in brine, candied, or otherwise prepared or preserved. The Senate amendments retain the House rate on this article when crude or in brine but increase the duty when candied or otherwise prepared or preserved to 5 cents a pound; and the House recedes.

On amendment No. 802: This amendment changes from 20 per cent American value to 40 per cent foreign value the House duty on prepared or preserved figs; and the House recedes with an amendment making the rate 35 per cent foreign value.

On amendments Nos. 803 and 804: The House bill imposed a duty of 1 cent a pound upon dates. The Senate amendments retain this duty on fresh or dried dates, but imposes a duty of 40 per cent foreign value upon prepared or preserved dates, which were dutiable at 20 per cent American value under paragraph 749 of the House bill; and the House recedes on amendment No. 803 and recedes on amendment No. 804 with an amendment making the duty on prepared or preserved dates 35 per cent foreign value.

On amendment No. 808: This amendment increases from 2 cents a pound to 2½ cents a pound the House duty on raisins; and the Senate recedes.

On amendments Nos. 809 and 810: The House bill imposes a duty of 2½ cents a pound on dried currants. The Senate amendments reduce this duty to 2 cents a pound; and the House recedes.

On amendment No. 813: This amendment increases from 1 cent a pound to 2 cents a pound the House duty upon dried, desiccated, or evaporated peaches and pears; and the House recedes.

On amendment No. 814: This amendment changes from 20 per cent American value to 40 per cent foreign value the House duty upon peaches and pears prepared or preserved otherwise than by drying, desiccation, or evaporation; and the House recedes with an amendment making the duty 35 per cent foreign value.

On amendment No. 815: The House bill imposed a duty of three-fourths cent each on pineapples. The Senate amendment retains this rate upon pineapples imported in bulk but imposes a duty of 22½ cents a crate of 1.96 cubic feet; and the House recedes.

On amendment No. 816: The House bill imposed a duty of 3¾ cents a pound on prepared or preserved pineapples. The Senate amendment imposes a duty of 40 per cent foreign value upon candied, crystallized, or glace pineapples and a duty of 2 cents a pound upon pineapples otherwise prepared or preserved; and the House recedes with an amendment making the duty 35 per cent foreign value in the case of candied, crystallized, or glace pineapples.

On amendment No. 818: This amendment changes from 20 per cent American value to 40 per cent foreign value the House duty on plums and prunes prepared or preserved other than by drying; and the House recedes with an amendment making the duty 35 per cent foreign value.

On amendments Nos. 819, 820, 821, 822, and 852: The House bill imposed a duty of 28 per cent American value on pickled fruits and nuts and sauces of all kinds not specially provided for, comfits, sweetmeats, jellies, jams, marmalades, and fruit butters, and similar products. Senate amendments Nos. 819, 820, and 821 make this duty 40 per cent foreign value and confine it to jellies, jams, marmalades, and fruit butters. Amendments Nos. 822 and 823 impose a duty of 40 per cent foreign value on pickled fruits. Amendment No. 852 imposes a duty of 35 per cent foreign value on nuts, pickled or otherwise prepared or preserved, and a duty of 15 cents a pound on nut and kernel paste not specially provided for. Amendment No. 884 imposes a duty of 35 per cent foreign value on sauces of all kinds not specially provided for. The House recedes on amendments Nos. 819, 820, 822, and 884, and recedes on amendment No. 821 with an amendment making the duty on jellies, jams, marmalades, and fruit butters 35 per cent foreign value instead of 40 per cent foreign value, as proposed by the Senate amendment; and the House recedes on amendment No. 823, making the duty 35 per cent foreign value on pickled fruits instead of 40 per cent foreign value, as proposed by the Senate amendment, and recedes on amendment No. 852 with an amendment making the duty on nut and kernel paste not specially provided for 25 per cent foreign value instead of 15 cents a pound, as proposed by the Senate amendment.

On amendment No. 823: This amendment changes from 20 per cent American value to 40 per cent foreign value the House duty on fruits not specially provided for and mixtures of two or more fruits; and the House recedes with an amendment making this duty 35 per cent foreign value.

On amendments Nos. 826, 827, 828, and 829: The House bill imposed upon tulip, narcissus, hyacinth, and lily bulbs and lily of the valley pips a duty of $4 a thousand and a duty of $10 a thousand on lily of the valley clumps. The Senate amendments retain the duty of $4 a thousand on hyacinth bulbs but reduce the duty upon tulip, lily, and narcissus bulbs and lily of the valley pips to $2 a thousand, and strike out the specific duty on lily of the valley clumps, throwing them into the basket clause of this paragraph at 30 per cent foreign value; and the House recedes.

On amendment No. 831: This amendment changes from 20 per cent American value to 30 per cent foreign value the House duty upon unenumerated bulbs and roots; and the House recedes.

On amendment No. 832: This amendment changes from 25 per cent American value to 40 per cent foreign value the House duty upon cut flowers; and the House recedes.

On amendments Nos. 833 and 834: The House bill imposed a duty of $2 a thousand upon rose stock. The Senate amendments retain this duty in the case of rose stock not more than three years old but impose a duty of 4 cents each upon rose plants budded, grafted, or grown on their own roots; and the House recedes.

On amendment No. 836: The House bill imposed a duty of 20 per cent American value upon cuttings and seedlings of deciduous or evergreen ornamental trees, shrubs, or vines, including greenhouse plants. The Senate amendment changes this duty to 30 per cent foreign value and expands the term "including greenhouse plants" to read "all nursery stock not specially provided for"; and the House recedes, with an amendment making the duty 25 per cent foreign value.

On amendment No. 841: This amendment changes from 20 per cent American value to 30 per cent foreign value the House duty upon grafted or budded fruit trees and cuttings and seedlings of fruit vines or bushes; and the House recedes with an amendment making the duty 25 per cent foreign value.

On amendments Nos. 842 and 843: The House bill imposed a duty of 4 cents a pound on almonds not shelled and 12 cents a pound if shelled. The Senate amendments make these duties 5 cents a pound and 15 cents a pound, respectively; and the House recedes on amendment No. 842 with an amendment making the duty on almonds not shelled 4¾ cents a pound; and the House recedes on amendment No. 843 with an amendment making the duty on almonds if shelled 14 cents a pound.

On amendment No. 844: This amendment makes almond paste dutiable at 15 cents per pound which under the House bill was dutiable as a nonenumerated manufactured article at 20 per cent American value; and the House recedes with an amendment making the duty 14 cents per pound.

On amendments Nos. 845 and 1397: These amendments strike out the House duty upon chestnuts and marrons in their natural state or prepared or preserved and transfer these articles to the free list; and the House recedes.

On amendment No. 846: This amendment strikes out the House duty of one-half cent each upon coconuts, which by amendment No. 1494 were placed upon the free list; and the Senate recedes.

On amendment No. 847: This amendment reduces from 4½ to 2½ cents a pound the House duty upon coconut meat; and the House recedes with an amendment making this duty 3¾ cents a pound.

On amendments Nos. 848 and 849: The House bill imposed a duty of 2½ cents a pound on unshelled walnuts and 7½ cents a pound on shelled walnuts. The Senate amendments make these duties, respectively, 4 cents and 12 cents a pound; and the House recedes.

On amendments Nos. 850 and 851: The House bill imposed a duty of 1 cent a pound on unshelled pecans and 2 cents a pound on shelled pecans. The Senate amendments make these duties, respectively, 3 cents and 6 cents a pound; and the House recedes.

On amendment No. 852: See amendment No. 819.

On amendment No. 853: This amendment increases from 25 cents a bushel to 40 cents a bushel the House rate upon flaxseed; and the House recedes.

On amendment No. 854: This amendment imposes a duty of four-tenths of 1 cent a pound on soya beans and one-third of 1 cent a pound on cotton seed, soya beans being dutiable under paragraph 763 of the House bill at 1¾ cents per pound and cotton seed being dutiable under paragraph 762 at 20 per cent American value; and the House recedes with an amendment making soya beans dutiable at one-half of 1 cent per pound.

On amendment No. 855: This amendment increases from 2 cents a pound to 4 cents a pound the House duty on alfalfa seed; and the House recedes.

On amendment No. 856: This amendment increases from 3 cents a pound to 4 cents a pound the House duty on alsike clover seed, and the House recedes.

On amendment No. 857: This amendment increases from 3 cents a pound to 4 cents a pound the House duty on red clover seed; and the House recedes.

On amendment No. 858: This amendment increases from one-half of 1 cent a pound to 1 cent a pound the House duty on millet seed; and the House recedes.

On amendment No. 859: This amendment provides that no allowance should be made for dirt or other impurities in grass seeds; and the House recedes.

On amendment No. 860: This amendment together with amendment 1541 strikes out the House duty of 1 cent a pound on sugar-beet seed and transfers it to the free list; and the House recedes.

On amendment No. 861: This amendment reduces from 12 cents a pound to 8 cents a pound the House duty on cabbage seed; and the House recedes with an amendment making this duty 10 cents a pound.

On amendment No. 862: This amendment imposes a duty of 1 cent a pound on mushroom spawn, which under the House bill was dutiable under the basket clause of the paragraph amended at 20 per cent American value; and the House recedes.

On amendment No. 863: This amendment reduces from 20 cents a pound to 10 cents a pound the House duty on onion seed; and the House recedes with an amendment making the duty 15 cents a pound.

On amendment No. 865: This amendment increases from 4 cents a pound to 6 cents a pound the House duty on flower seed; and the House recedes.

On amendment No. 866: This amendment changes from 20 per cent American value to 6 cents a pound the House duty on unenumerated garden and field seeds; and the House recedes.

On amendments Nos. 869 and 870: The House bill imposed a duty of 1¾ cents a pound on dried beans and 2 cents a pound on beans in brine, prepared or preserved. The Senate amendments increase these duties to 2 cents a pound and 2¼ cents a pound; and the Senate recedes on both amendments.

On amendment No. 871: This amendment, together with amendment No. 1541, removes the House duty of 1 cent a pound on chickpeas and of one-half of 1 cent a pound on cowpeas and places these articles on the free list. The amendment also reduces from 2 cents a pound to one-half of 1 cent a pound the duty on lentils; and the House recedes.

On amendment No. 873: This amendment changes from 33⅓ per cent American value to 45 per cent foreign value the House duty on mushrooms; and the House recedes.

On amendment No. 874: This amendment increases from 75 cents a hundred pounds to 1 cent a pound the House duty on green or dried peas; and the House recedes.

On amendment No. 875: This amendment increases from 1 cent a pound to 1¼ cents a pound the House duty on split peas; and the House recedes.

On amendment No. 876: This amendment increases from 75 cents a hundred pounds to 1 cent a pound the House duty on onions; and the House recedes.

On amendment No. 877: This amendment increases from 42 cents a hundred pounds to 58 cents a hundred pounds the House duty on white potatoes; and the House recedes with an amendment making this duty 50 cents a hundred pounds.

On amendment No. 878: This amendment reduces from 3½ cents a pound to 2¾ cents a pound the House duty on dried potatoes; and the House recedes.

On amendment No. 879: This amendment increases from 1½ cents a pound to 3 cents a pound the House duty on potato flour; and the House recedes with an amendment making this duty 2½ cents a pound.

On amendment No. 880: This amendment reduces from 1 cent a pound to one-half of 1 cent a pound the House duty on tomatoes in their natural state and made a clerical amendment; and the House recedes with an amendment making a further clerical amendment.

On amendment No. 881: This amendment changes from 28 per cent American value to 45 per cent foreign value the House duty on tomato paste; and the House recedes with an amendment making the duty 40 per cent foreign value.

On amendment No. 882: This amendment changes from 10 per cent American value to 15 per cent foreign value the House duty on canned tomatoes; and the House recedes.

On amendment No. 883: This amendment changes from 20 per cent American value to 30 per cent foreign value the House duty on unenumerated vegetables in their natural state; and the House recedes with an amendment making this duty 25 per cent foreign value.

On amendment No. 884: This amendment imposes a duty of 35 per cent foreign value on unenumerated sauces, which under paragraph 748 of the House bill were dutiable at 28 per cent American value; and the House recedes.

On amendment No. 885: This amendment changes from 25 per cent American value to 35 per cent foreign value the House duty on miscellaneous vegetable preparations; and the House recedes.

On amendments Nos. 886 and 1384: These amendments strike out the House duty of $2 a ton on broom corn and place it on the free list; and the House recedes on both amendments.

On amendment No. 889: This amendment changes from 3½ cents a pound to 25 per cent foreign value the House duty on cacao butter; and the House recedes.

On amendment No. 891: This amendment changes from 15 per cent American value to 20 per cent foreign value the House duty on ginger root, candied or otherwise prepared or preserved; and the House recedes.

On amendment No. 893: This amendment increases from $1 a ton to $1.50 a ton the House duty on straw; and the Senate recedes.

On amendment No. 895: This amendment increases from $1.50 a pound to $2.40 a pound the House duty on hop extract; and the House recedes.

On amendments Nos. 896, 1535, and 1569: Amendment No. 896 imposes a duty of one-half of 1 cent a pound on sago flour and amendment No. 1535 strikes this off the free list. Amendment No. 896 also imposes a duty of one-half of 1 cent a pound on tapioca flour and amendment No. 1569 strikes this off the free list. Amendment No. 896 also imposes a duty of three-fourths of 1 cent a pound on tapioca flake, which in the House bill was on the free list under paragraph 1666. The House recedes on amendment No. 896 with an amendment striking out all these duties and making a change in paragraph number and the Senate recedes on amendments Nos. 1535 and 1569.

On amendments Nos. 897 and 1419: These amendments strike out the House duty of 2 cents a pound on curry and curry powder and transfer these articles to the free list; and the House recedes.

On amendment No. 899: This amendment increases from 5 cents a pound to 8 cents a pound the House duty on mustard, ground or prepared; and the House recedes.

On amendments Nos. 900 and 1577: Amendment No. 900 strikes out the House duty of 10 cents a pound on turmeric and amendment No. 1577 places this material on the free list; and the House recedes on amendment No. 900 and recedes on amendment No. 1577 with an amendment making a change in paragraph number.

On amendment No. 901: This amendment changes from 20 per cent American value to 25 per cent foreign value the House duty on mixed spices, unenumerated spices, and spice seed; and the House recedes.

SCHEDULE 8.—SPIRITS, WINES AND OTHER BEVERAGES.

On amendment No. 902: The House bill provided that liquors as defined in the national prohibition act, when imported in compliance with the act, should be dutiable at the rates provided in the dutiable list. The Senate amendment strikes out this provision and inserts a provision that nothing in the schedule relating to spirits and wines shall be construed as limiting or restricting the provisions of Titles II or III of the prohibition act and providing that the duties in the schedule shall be in addition to internal-revenue taxes; and the House recedes.

On amendments Nos. 903 and 905: These amendments reduce from $5 a proof gallon to $2.60 a proof gallon the House duty on Angostura bitters; and the House recedes.

On amendment No. 906: The House bill imposed a duty of $6 a proof gallon on champagne and sparkling wines. The Senate amendment strikes out the word "proof"; and the House recedes.

On amendment No. 907: The House bill imposed upon grape juices and sirups a duty of 70 cents a gallon if containing less than one-half of 1 per cent of alcohol, and if containing one-half of 1 per cent or more of alcohol, 70 cents a gallon, and in addition thereto $5 a proof gallon on the alcohol content. The Senate amendment makes the duty on these liquids containing or capable of producing less than 1 per cent of alcohol, 70 cents a gallon, and if containing or capable of producing more than 1 per cent of alcohol, 70 cents a gallon, and in addition $5 a proof gallon on the alcohol contained therein or that can be produced therefrom; and the House recedes.

Amendment No. 910: The House bill provided that the duty on brandy, spirits, and wines shall in no case be less than $5 a gallon. The Senate amendment provides that the duty in no case shall be less than $5 a proof gallon; and the House recedes.

SCHEDULE 9.—COTTON AND MANUFACTURES OF.

On amendment No. 914: The House bill placed cotton upon the free list under paragraph 1557. The Senate amendment provides a duty on cotton having a staple of 1⅜ inches or more in length of 7 cents a pound; and the Senate recedes.

On amendments Nos. 916, 917, and 918: The House bill imposed a minimum duty upon cotton yarn not bleached, dyed, colored, combed, or plied, of numbers not exceeding No. 100, of 5 per cent American value and, in addition thereto, for each number one-fifth of 1 per cent American value, and for numbers exceeding No. 100 a minimum duty of 25 per cent American value. The Senate amendment provides that upon such yarns not exceeding No. 80 the minimum duty shall be 5 per cent foreign value and in addition thereto, for each number one-fourth of 1 per cent foreign value, and on such yarns exceeding No. 80 the minimum duty shall be 25 per cent foreign value; and the House recedes.

On amendments Nos. 919 and 926: The House bill provided upon yarns, if combed, in addition to the duties provided in paragraph 902 of the House bill, if exceeding No. 9 and not exceeding No. 40, a duty of 1 cent a pound; exceeding No. 40, 2 cents a pound. The Senate amendments strike out the House provision and include combed cotton yarns within the provisions for cotton yarns which are bleached, dyed, colored, or plied; and the House recedes on both amendments.

On amendments Nos. 920, 921, 922, 923, and 924: The House bill imposed upon cotton yarns bleached, dyed, colored, or plied, of numbers not exceeding No. 100, a minimum duty of 7 per cent American value and, in addition thereto, for each number one-fifth of 1 per cent American value, and for numbers exceeding No. 100 a minimum duty of 27 per cent American value. The Senate amendments provide that in the case of such yarns not exceeding No. 80 the minimum duty shall be 10 per cent foreign value and, in addition thereto, for each number one-fourth of 1 per cent foreign value, and on numbers exceeding No. 80 a minimum duty of 30 per cent foreign value; and the House recedes on all these amendments.

On amendment No. 925: The Senate amendment imposes on cotton yarn printed, dyed, or colored with vat dyes an additional duty of 4 per cent foreign value. The House imposed no additional duty by reason of such vat dyeing; and the House recedes.

On amendment No. 926: See amendment No. 919.

On amendment No. 930: The House bill provided that the duty on cotton sewing thread, crochet, darning, embroidery, and knitting cottons, put up for handwork, in lengths not exceeding 840 yards, shall not be less than 17 nor more than 33⅓ per cent American value. The Senate amendment provides that in the case of all such threads and cottons the duty shall not be less than 20 nor more than 35 per cent foreign value; and the House recedes.

On amendments Nos. 933, 934, 935, 936, and 937: The House bill provided that cotton cloth, not bleached, printed, dyed, colored, or woven-figured, containing yarns the average number of which does not exceed No. 100, shall not pay less duty than 9 per cent American value and, in addition thereto, for each number one-fifth of 1 per cent American value; nor, when exceeding No. 100, less than 29 per cent American value. The Senate amendments make the duty upon such cotton cloth when containing yarns the average number of which does not exceed No. 80 not less than 10 per cent foreign value and, in addition thereto, for each number one-fourth of 1 per cent foreign value, and when exceeding No. 80 not less than 30 per cent foreign value; and the House recedes on all these amendments.

On amendments Nos. 938, 939, and 940: The House bill imposed upon cotton cloth when bleached, containing yarns the average number of which does not exceed No. 100, a minimum duty of 13 per cent American value and, in addition thereto, for each number one-fifth of 1 per cent American value; and when exceeding No. 100 a minimum duty of 33 per cent American value. The Senate amendments provide upon such cloths, when containing yarns the average number of which does not exceed No. 80, a duty of 13 per cent foreign value and, in addition thereto, for each number one-fourth of 1 per cent foreign value, and when exceeding No. 80 a minimum duty of 33 per cent foreign value; and the House recedes on all these amendments.

On amendments Nos. 941, 942, 943, 944, and 945: The House bill imposed upon cotton cloth printed, dyed, colored, or woven-figured, when containing yarns the average number of which does not exceed No. 100, a minimum duty of 13 per cent American value and, in addition thereto, for each number one-fifth of 1 per cent American value, and when exceeding No. 100 a minimum duty of 33 per cent American value. The Senate amendment provides upon such cotton cloth, when containing yarns the average number of which does not exceed No. 80, a minimum duty of 15 per cent foreign value and, in addition thereto, for each number five-sixteenths of 1 per cent foreign value, and when exceeding No. 80 a minimum duty of 40 per cent foreign value; and the House recedes.

On amendment No. 946: The Senate amendment imposes upon cotton cloth when not less than 40 per cent of the cloth is printed, dyed, or colored with vat dyes an additional duty of 4 per cent foreign value. The House bill imposed no additional duty by reason of such vat dyeing; and the House recedes.

On amendments Nos. 949 and 950: The House bill imposed on cotton cloth with extra threads introduced by means of the lappet or swivel an additional rate of 7½ per cent American value to the basic rate and on cotton sateens woven with eight or more harnesses an additional rate of 10 per cent American value to the basic rate as cotton cloth. The Senate amendment strikes out this provision and inserts in lieu thereof additional duties to the basic duties as cotton cloth as follows: On cotton cloths woven with eight or more harnesses or with Jacquard motions or with drop boxes or with lappet or swivel attachments 12 per cent foreign value and limits the duties imposed upon cotton cloth in paragraphs 904 or 907 of the House bill to 45 per cent foreign value. In addition to these duties there is imposed by the Senate amendment on cotton cloths provided for in paragraphs 902, 903, 904, 906, and 907 of the bill as amended by the Senate on all yarns finer than No. 70 and on all yarns finer than No. 70 contained in threads or cloth, if constituting more than 10 per cent in weight of such threads or cloth, 10 cents per pound; and on all laps, sliver, and roving and on all yarns not finer than No. 70, and on all yarns not finer than No. 70 contained in threads and cloth if containing cotton of 1⅜-inch staple or longer, 10 cents per pound. The House recedes with an amendment the effect of which is to make the additional duties imposed upon cotton cloth in paragraph 903 of the bill as agreed to in conference the following: Cotton cloths woven with eight or more harnesses, or with Jacquard, lappet, or swivel attachments, 10 per cent foreign value, and on all cotton cloths other than the foregoing woven with drop boxes 5 per cent foreign value, and limits the duty or duties imposed upon cloth in paragraphs 903, or 903 and 906 of the bill as agreed to in conference, to 45 per cent foreign value, and with a further amendment making a change in paragraph numbers.

On amendment No. 952: This amendment changes the duty imposed by the House upon tracing cloths from 5 cents a square yard and 17 per cent American value to 5 cents a square yard and 20 per cent foreign value; and the House recedes.

On amendment No. 953: The House bill imposed upon cotton window hollands, and oilcloths (except silk oilcloths and oilcloths for floors), and filled or coated cloths not specially provided for, a duty of 3 cents a square yard and 17 per cent American value. The Senate amendment makes this duty on such cloths 3 cents a square yard and 20 per cent foreign value; and the House recedes.

On amendment No. 954: This amendment changes the House duty upon waterproof cloth composed wholly or in chief value of cotton or other vegetable fiber from 5 cents a square yard and 20 per cent American value to 5 cents a square yard and 30 per cent foreign value; and the House recedes.

On amendment No. 955: The House bill imposed on cloth in chief value of cotton, containing silk or artificial silk, a duty of 8 cents a square yard and 17 per cent American value, but not less than 33⅓ per cent American value. The Senate amendment changes these rates to the rates of duty as cotton cloth and in addition thereto 5 per cent foreign value, but not more than 45 per cent foreign value; the House recedes with an amendment making a change in paragraph number.

On amendment No. 957: The House bill imposed a duty of 28 per cent American value on Jacquard woven blankets, and on Jacquard woven napped cloths various specific and ad valorem duties as cotton cloth under paragraph 903. The Senate amendment imposes a duty of 45 per cent foreign value on these articles and fabrics; and the House recedes.

On amendment No. 958: The Senate amendment changes from 30 per cent American value to 45 per cent foreign value the House duty on tapestries and other Jacquard woven upholstery cloths; and the House recedes.

On amendment No. 960: This amendment changes from 33⅓ per cent American value to 50 per cent foreign value the House duty on pile fabrics composed wholly or in chief value of cotton, including plush and velvet ribbons and manufactures of such fabrics; and the House recedes.

On amendment No. 961: This amendment changes from 25 per cent American value to 40 per cent foreign value the House duty on terry-woven fabrics composed wholly or in chief value of cotton and manufactures of such fabrics; and the House recedes.

On amendment No. 963: This amendment changes from 28 per cent American value to 30 per cent foreign value the House duty on table damask composed wholly or in chief value of cotton and manufactures of such fabrics; and the House recedes.

On amendment No. 966: This amendment changes from 30 per cent American value to 40 per cent foreign value the House duty on quilts or bedspreads composed wholly or in chief value of cotton, woven of two or more sets of warp threads or of two or more sets of filling threads; and the House recedes.

On amendment No. 967: This amendment changes from 20 per cent American value to 25 per cent foreign value the House duty on quilts or bedspreads wholly or in chief value of cotton not specially provided for; and the House recedes.

On amendment No. 968: This amendment changes from 20 per cent American value to 25 per cent foreign value the House duty on sheets, pillowcases, blankets, towels, polishing cloths, dust cloths, and mop cloths composed wholly or in chief value of cotton, not Jacquard figured or terry-woven nor made of pile fabrics, and not specially provided for; and the House recedes.

On amendment No. 969: This amendment changes from 23 per cent American value to 30 per cent foreign value the House duty upon table and bureau covers, centerpieces, runners, scarfs, napkins, and doilies, made of plain-woven cotton cloth, not specially provided for; and the House recedes.

On amendment No. 971: This amendment changes from 25 per cent American value to 35 per cent foreign value the House duty on fabrics with fast edges not exceeding 12 inches in width, and articles of such fabrics, and tubings, garters, suspenders, braces, cords, tassels, and cords and tassels; and the House recedes.

On amendment No. 972: This amendment changes from 15 cents a pound and 12½ per cent American value to 15 cents a pound and 20 per cent foreign value the House duty on boot, shoe, or corset lacings made of cotton or other vegetable fiber; and the House recedes.

On amendment No. 973: This amendment changes from 25 cents a pound and 20 per cent American value to 25 cents a pound and 25 per cent foreign value the House duty on loom harness, healds, and collets, made wholly or in chief value of cotton or other vegetable fiber; and the House recedes.

On amendment No. 974: This amendment changes from 50 cents a pound and 20 per cent American value to 50 per cent foreign value the House duty on labels for garments or other articles, of cotton or other vegetable fiber; and the House recedes.

On amendment No. 975: This amendment changes from 20 per cent American value to 30 per cent foreign value the House duty on belting for machinery, composed wholly or in chief value of cotton, or other vegetable fiber, or cotton or other vegetable fiber and india rubber; and the House recedes.

On amendment No. 977: This amendment changes from 35 per cent American value to 60 per cent foreign value the House duty on knit fabric, in the piece, composed wholly or in chief value of cotton or other vegetable fiber, made on a warp-knitting machine; and the House recedes with an amendment making the duty 55 per cent foreign value.

On amendment No. 978: This amendment changes from 23 per cent American value to 35 per cent foreign value the House duty on knit fabric, in the piece, made on other than a warp-knitting machine; and the House recedes.

On amendment No. 979: The House bill imposed a duty on gloves, composed wholly or in chief value of cotton or other vegetable fiber, made of fabric knit on a warp-knitting machine, of 40 per cent American value. The Senate amendment provides a duty upon such gloves, if single fold of such fabric when unshrunk and not sueded and having less than 40 rows of loops per inch in width on the face of the glove, 50 per cent foreign value; when shrunk or sueded or having 40 or more rows or loops per inch in width on the face of the glove and not over 11 inches in length, $2.50 a dozen pairs, and for each additional inch in excess of 11 inches 10 cents a dozen pairs; if of two or more folds of fabric, any fold of which is made on a warp-knitting machine and not over 11 inches in length, $3 a dozen pairs; and for each additional inch in excess of 11 inches, 10 cents a dozen pairs, with a maximum duty of 75 per cent foreign value. This amendment also changes from 33⅓ per cent American value to 50 per cent foreign value the House duty upon such gloves made of fabrics knit on other than a warp-knitting machine, and changes the House duty on gloves made of woven fabrics from 23 per cent American value to 25 per cent foreign value; and the House recedes with an amendment imposing a minimum duty of 40 per cent foreign value on gloves made of fabric knit on a warp-knitting machine, and with a further amendment making clerical changes.

On amendment No. 982: The House bill imposed on hose and half hose, fashioned, seamless, or mock-seamed, finished or unfinished, composed of cotton or other vegetable fiber, made wholly or in part on knitting machines, or knit by hand, various compound rates if valued at not more than $5 a dozen pairs; and if valued at more than $5 a dozen pairs, 35 per cent American value. The Senate amendment strikes out the House rates and imposes a duty of 50 per cent foreign value, providing that if such hose or half hose contains cotton wholly or in chief value of 1⅜-inch staple or longer the duty shall be 10 cents per pound and 50 per cent foreign value. The House recedes with an amendment striking out the special provision for hose and half hose containing cotton of 1⅜-inch staple or longer, and changing the paragraph number.

On amendment No. 983: This amendment changes from 23 per cent American value to 30 per cent foreign value the House duty on hose and half hose made or cut from knitted fabric composed of cotton or other vegetable fiber, and not specially provided for; and the House recedes.

On amendment No. 985: The House bill imposed on underwear and all other wearing apparel composed of cotton or other vegetable fiber, made wholly or in part on knitting machines, or knit by hand, and not specially provided for, valued at not more than $20 a dozen, various compound duties, and upon such underwear and wearing apparel valued at more than $20 a dozen 40 per cent American value. The Senate amendment strikes out the House rates and imposes a duty on all such underwear and wearing apparel of 45 per cent foreign value, but contains a provision that if such underwear and wearing apparel contains cotton wholly or in chief value of 1⅜-inch staple or longer the duty shall be 10 cents per pound and 45 per cent foreign value. The House recedes with an amendment striking out the special provision for underwear and wearing apparel containing cotton of 1⅜-inch staple or longer.

On amendments Nos. 987 and 988: Amendment No. 987 changes the minimum House duty on handkerchiefs and mufflers composed wholly or in chief value of cotton, when containing yarns the average number of which does not exceed No. 40, from 25 per cent American value to 30 per cent foreign value. Amendment No. 988 changes the minimum House duty on handkerchiefs and mufflers composed wholly or in chief value of cotton, when the average number exceeds No. 40, from 30 per cent American value to 40 per cent foreign value; and the House recedes on both amendments.

On amendment No. 990: This amendment changes from 33⅓ per cent American value to 35 per cent foreign value the House duty on clothing and articles of wearing apparel of every description composed wholly or in chief value of cotton, and not specially provided for; and the House recedes.

On amendments Nos. 991 and 992: These amendments change from 25 cents a dozen pieces and 12½ per cent American value to 35 cents a dozen pieces and 10 per cent foreign value the House duty on shirt collars and cuffs of cotton, not specially provided for; and the House recedes on amendment No. 992, and recedes on amendment No. 991 with an amendment the effect of which is to make the duty 30 cents a dozen pieces and 10 per cent foreign value.

On amendment No. 997: This amendment changes from 17 per cent American value to 30 per cent foreign value the additional House duty on lace window curtains, nets, nettings, pillow shams, and bed sets, made on the Nottingham lace-curtain machine and composed of cotton or other vegetable fiber; and the House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 998: This amendment changes the minimum House duty of 40 per cent American value to 60 per cent foreign value on lace window curtains, nets, nettings, pillow shams, and bed sets, made on the Nottingham lace-curtain machine and composed of cotton or other vegetable fiber; and the House recedes.

On amendment No. 1000: This amendment changes from 28 per cent American value to 40 per cent foreign value the House duty on articles made from cotton cloth and manufactures of cotton or of which cotton is the component material of chief value, not specially provided for; and the House recedes.

SCHEDULE 10.—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.

On amendment No. 1001: This amendment imposes a duty of three-fourths of 1 cent a pound upon crin vegetal, or palm-leaf fiber, which under the House bill was dutiable at 20 per cent American value as an unenumerated manufactured article; and the House recedes with an amendment making a clerical change.

On amendment No. 1002: This amendment increases from three-fourths of 1 cent a pound to 2 cents a pound the House duty upon hemp and hemp tow; and the House recedes with an amendment making the duty 1 cent a pound.

On amendment No. 1004: This amendment increases from 1½ cents a pound to 4 cents a pound the House duty upon hackled hemp; and the House recedes with an amendment making the duty 2 cents a pound.

On amendment No. 1005: This amendment changes from 13 per cent American value to 25 per cent foreign value the House duty upon sliver and roving of vegetable fiber; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendments Nos. 1006 and 1007: The House bill imposed upon jute yarns or roving, single, 5-pound and finer, a duty of 9 cents a pound. The Senate amendments make this duty 7 cents a pound but not more than 40 per cent foreign value; and the House recedes.

On amendment No. 1008: The House bill imposed upon single yarns in the gray, made of flax, hemp, or ramie, not finer than 8 lea, a duty of 8 cents a pound. The Senate amendment makes the duty 10 cents a pound and makes it applicable to all these yarns not finer than 12 lea; and the House recedes.

On amendment No. 1012: The House bill imposed upon single yarns made of flax, hemp, or ramie, in addition to the duty thereon in the gray, a duty of 5 cents a pound, when boiled. The Senate amendment reduces this additional duty to 2 cents a pound; and the House recedes.

On amendment No. 1013: The House bill provided that the duty on single yarns made of flax, hemp, or ramie in the case of yarns not finer than 8 lea shall not be less than 20 per cent American value and in the case of such yarns finer than 8 lea not less than 23 per cent American value. The Senate amendment provides that in the case of all such yarns it shall not be less than 30 per cent foreign value nor more than 40 per cent foreign value; and the House recedes with an amendment providing that the duty shall not be less than 25 nor more than 35 per cent foreign value.

On amendment No. 1014: The House bill imposed upon threads, twines, and cords composed of two or more yarns of flax, hemp, or ramie, a duty of 16 cents a pound, if the size of the single yarn is not finer than 8 lea. The Senate amendment makes the duty 18¾ cents a pound and makes it applicable to all yarns not finer than 11 lea; and the House recedes.

On amendment No. 1018: This amendment imposes on threads, twines, and cords composed of two or more yarns of flax, hemp, or ramie in addition to the specific duties a duty of 2 cents a pound when boiled and of 6 cents a pound when bleached, dyed, or otherwise treated. The House recedes with an amendment agreeing to the duty of 2 cents a pound when boiled, but making the duty when bleached, dyed, or otherwise treated 5 cents a pound.

On amendment No. 1020: This amendment changes from 23 per cent American value to 40 per cent foreign value the minimum duty imposed by the House bill on threads, twines, and cords composed of two or more yarns of flax, hemp, or ramie; and the House recedes with an amendment making the duty 30 per cent.

On amendments Nos. 1021 and 1022: Amendment 1021 strikes out the House duty of 2 cents a pound on cordage, wholly or in chief value of hemp. Amendment 1022 reinserts this article with a duty of 3 cents a pound. The House recedes on amendment No. 1021, and recedes on amendment No. 1022 with an amendment making the duty 2½ cents a pound.

On amendment No. 1023: The House bill provided that fishing nets composed wholly or in chief value of flax, hemp, or ramie shall pay the same duty per pound as the highest rate upon any of the thread, twine, or cord of which the mesh is made. The Senate amendment provides that in case of such matters the duty shall be the sum of the rates of the constituent threads, twine, or cord of which the mesh is made; and the Senate recedes.

On amendment No. 1024: The House bill provided a duty of 26 per cent American value on hose for conducting liquids or gases, composed wholly or in chief value of vegetable fiber. The Senate amendment makes this duty 17 cents a pound and 10 per cent foreign value; and the House recedes.

On amendment No. 1025: The House bill imposed a duty of 1 cent a pound and 13 per cent American value on jute fabrics, not specially provided for, bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable. The Senate amendment makes this duty 1 cent a pound and 10 per cent foreign value; and the House recedes.

On amendments Nos. 1026 and 1031: The House bill imposed a duty of 28 per cent American value on woven fabrics of flax, hemp, or ramie not specially provided for. Senate amendment 1026 changes this duty to 55 per cent foreign value in the case of such fabrics (except those used as paddings or interlinings in clothing, exceeding 30 and not exceeding 100 threads to the square inch, weighing not less than 4½ and not more than 12 ounces to the square yard and exceeding 12 inches and not exceeding 24 inches in width. The House bill provided for woven fabrics of flax, hemp, or jute, commonly used as paddings or interlinings in clothing, exceeding 30 and not exceeding 100 threads to the square inch, weighing not less than 4½ and not more than 12 ounces to the square yard, the rate of duty of 33⅓ per cent American value. For such woven fabrics of flax or hemp, containing more than 100 threads and not exceeding 110 threads, the House bill provided a duty of 28 per cent American value; and for such woven fabrics of jute, but exceeding 100 threads to the square inch, the House bill provided a duty of 1 cent a pound. Senate amendment 1026 imposes a duty of 55 per cent foreign value on such woven fabrics of flax or hemp, exceeding 30 and not exceeding 110 threads, and upon such woven fabrics of jute, not exceeding 30 threads to the square inch, a duty of 50 per cent foreign value; and the House recedes.

On amendment No. 1029: This amendment changes from 28 per cent American value to 40 per cent foreign value the House duty on woven fabrics of flax, hemp, or ramie or other vegetable fiber except cotton not specially provided for; and the House recedes.

On amendment No. 1030: This amendment imposes a duty of 35 per cent foreign value on plain-woven fabrics of flax, hemp, ramie, or other vegetable fiber, except cotton, weighing less than 4½ ounces per square yard, these materials being dutiable under paragraph 1009 of the House bill at 28 per cent American value; and the House recedes.

On amendment No. 1031: See amendment No. 1026.

On amendment No. 1033: This amendment changes from 33⅓ per cent American value to 45 per cent foreign value the House duty on pile fabrics of vegetable fiber other than cotton, cut or uncut, whether or not the pile covers the whole surface, and manufactures in any form; and the House recedes.

On amendment No. 1035: This amendment changes from 28 per cent American value to 40 per cent foreign value the House duty on table damask composed wholly or in chief value of vegetable fiber other than cotton and manufactures composed wholly or in chief value of such damask; and the House recedes.

On amendment No. 1036: The House bill imposed a duty of 28 per cent American value on flax towels, sheets, and pillowcases, and paragraph 1019 of the House bill imposed the same duty on hemp towels, sheets, and pillowcases, and paragraph 1012 of the House bill imposed the same rate of duty on flax and hemp napkins. The Senate amendment imposes duties on these articles as follows: Towels and napkins of flax or hemp, not over 120 threads to the square inch, 55 per cent foreign value; over 120 threads to the square inch, 40 per cent foreign value; sheets and pillowcases of flax or hemp, 40 per cent foreign value; and the House recedes with an amendment making clerical changes.

On amendment No. 1042: This amendment changes from 28 per cent American value to 35 per cent foreign value the House duty on fabrics with fast edges not over 12 inches in width, and articles made therefrom, and tubings, garters, suspenders, braces, cords, tassels, and cords and tassels, if composed of vegetable fiber other than cotton, or other than cotton and india rubber; and the House recedes.

On amendment No. 1043: This amendment changes from 23 per cent American value to 30 per cent foreign value the House duty on flax tapes designed for use in manufacturing measuring tapes; and the House recedes.

On amendment No. 1045: This amendment changes from 33⅓ per cent American value to 35 per cent foreign value the House duty on unhemmed handkerchiefs of vegetable fiber other than cotton; and the House recedes.

On amendment No. 1046: This amendment changes from 36 per cent American value to 45 per cent foreign value the House duty on hemmed or hemstitched handkerchiefs of vegetable fiber other than cotton, and makes the same duty applicable to such handkerchiefs unfinished, having drawn threads, which under the House bill were dutiable as handkerchiefs not hemmed; and the House recedes with an amendment making a clerical change.

On amendment No. 1048: This amendment changes from 33⅓ per cent American value to 35 per cent foreign value the House duty on wearing apparel of vegetable fiber other than cotton, not specially provided for; and the House recedes.

On amendment No. 1049: The House bill imposed a duty on flax shirt collars and cuffs of 28 cents a dozen and 17 per cent American value. The Senate amendment changes this duty to 40 cents a dozen and 10 per cent foreign value; and the House recedes.

On amendment No. 1050: The House bill imposed a rate of 1 cent a pound and 17 per cent American value on bags or sacks made from plain woven fabrics. The Senate amendment makes this rate 1 cent a pound and 10 per cent foreign value in case such articles are not bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, and 1 cent a pound and 15 per cent foreign value if so bleached, printed, etc.; and the House recedes.

On amendment No. 1051: This amendment imposes the following duties on bagging for cotton, gunny cloth, and similar fabrics suitable for covering cotton, composed of single yarns made of jute, jute butts, or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, not exceeding 16 threads to the square inch: Weighing not less than 15 ounces nor more than 32 ounces to the square yard, six-tenths of 1 cent per square yard; weighing more than 32 ounces, three-tenths of 1 cent a pound. Under paragraph 1517 of the House bill these fabrics were on the free list; and the House recedes.

On amendment No. 1053: This amendment changes from 28 per cent American value to 35 per cent foreign value the House duty on linoleum; and the House recedes.

On amendment No. 1055: This amendment changes from 28 per cent American value to 40 per cent foreign value the House duty on woven articles and manufactures of vegetable fiber other than cotton or of which such fibers or any of them is the component material of chief value, not specially provided for; and the House recedes.

On amendment No. 1057: This amendment imposes a duty of 35 per cent foreign value on carpets, carpeting, mats, matting, and rugs, made wholly of cotton, flax, hemp, or jute, or a mixture thereof, these articles being dutiable under the House bill at various rates according to the material of which made; and the House recedes.

On amendment No. 1058: This amendment changes from 26 per cent American value to 45 per cent foreign value the House duty on floor coverings, not specially provided for; and the House recedes with an amendment making the duty 40 per cent foreign value.

On amendment No. 1060: This amendment decreases from 9 cents per square yard to 7 cents per square yard the House duty on matting of cocoa fiber or rattan; and the House recedes with an amendment making the duty 8 cents per square yard.

On amendment No. 1061: This amendment reduces from 7 cents per square foot to 5 cents per square foot the House duty on mats made of cocoa fiber or rattan; and the House recedes with an amendment making the duty 6 cents per square foot.

SCHEDULE 11.—WOOL, AND MANUFACTURES OF.

On amendment No. 1062: The House bill imposed a duty of 28 per cent American value but not more than 7 cents per pound and, when on the skin, 24 per cent American value but not more than 6 cents per pound on wools not improved by the admixture of merino or English blood. The Senate amendment changes the rates on such wools if in the grease to 12 cents per pound; if washed, to 18 cents per pound; if scoured, to 24 cents per pound; if on the skin, to 11 cents per pound; and adds a provision that such wools may be imported under bond under regulations fixed by the Secretary of the Treasury; and if within three years from the date of importation or withdrawal from bonded warehouse proof is furnished that the wools have been used in the manufacture of floor coverings the duty shall be remitted, and when such wools imported under bond are used in the manufacture of articles other than floor coverings, the duty imposed on any wools so used in violation of the bond shall be, in addition to the regular duties, 20 cents per pound, which shall not be remitted or refunded because of the exportation of the articles in which such wool was used. The Senate amendment also defines the terms "wools in the grease" and "washed wools." The House recedes with an amendment making a clerical change.

On amendment No. 1063: The House bill imposed a duty on wools, not specially provided for, and hair of the Angora goat, alpaca, and other like animals, if imported in the grease or washed, of 25 cents per pound of clean content; if in the scoured state, of 26 cents per pound; if on the skin, of 24 cents per pound of clean content, and provided that none of such wools shall pay a higher rate of duty than 35 per cent American value. The Senate amendment changes these rates as follows: In the grease or washed, 33 cents per pound of clean content; in the scoured state, 33 cents per pound; on the skin, 32 cents per pound of clean content. The House recedes with an amendment making the rates 31 cents, 31 cents, and 30 cents per pound, respectively.

On amendment No. 1064: The House bill imposed duties as follows: Top, slubbing, roving, and ring waste, 25 cents per pound; on garnetted waste, 20 cents per pound; on noils, carbonized, 20 cents per pound; on noils, not carbonized, 16 cents per pound; thread or yarn waste, and all other wool waste not specially provided for shoddy and wool extract, 14 cents per pound; mungo, woolen rags, and flocks, 6 cents per pound. The Senate amendment changes these rates to 33 cents, 26 cents, 26 cents, 21 cents, 18 cents, 18 cents, and 8 cents per pound, respectively, and specifies that wastes of the hair of the Angora goat, Cashmere goat, alpaca, and other like animals shall be dutiable at the rates provided for similar types of wool waste. The House recedes with an amendment making the rates 31 cents, 24 cents, 24 cents, 19 cents, 16 cents, 16 cents, and 7½ cents per pound, respectively.

On amendment No. 1065: The House bill imposed on wool which has been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, and not specially provided for, including tops and roving, valued at not more than 40 cents per pound, a duty of 16⅔ cents per pound and 10 per cent American value; if valued at more than 40 cents per pound, 27½ cents per pound and 10 per cent American value. The Senate amendment includes "hair of the kinds provided for in this schedule," and changes the rate to 36 cents per pound and 20 per cent foreign value. The House recedes with an amendment making the rate 33 cents per pound and 20 per cent foreign value.

On amendment No. 1066: The House bill imposed on yarn made wholly or part of wool, valued at not more than 55 cents per pound, a duty of 20 cents per pound and 15 per cent American value; valued at more than 55 cents per pound and not more than $1.50 per pound, a duty of 30 cents per pound and 18 per cent American value; valued at more than $1.50 per pound, a duty of 30 cents per pound and 20 per cent American value. The Senate amendment changes the duty on such yarn valued at not more than 30 cents per pound to 26 cents per pound and 30 per cent foreign value; valued at more than 30 cents but not more than $1 per pound to 39 cents per pound and 35 per cent foreign value; valued at more than $1 per pound to 39 cents per pound and 40 per cent foreign value. The House recedes with an amendment making the specific rates 24 cents, 36 cents, and 36 cents, respectively.

On amendment No. 1067: The House bill imposed duties as follows: On woven fabrics weighing not more than 4 ounces per square yard, wholly or in part of wool, if valued at not more than $1.25 per pound, 30 cents per pound and 22 per cent American value; if valued at more than $1.25 per pound, 36 cents per pound and 27½ per cent American value; and if the warp of any such woven fabrics is wholly of cotton or other vegetable fiber, if valued at not more than $1.25 per pound, 25 cents per pound and 22 per cent American value, and if valued at more than $1.25 per pound, 25 cents per pound and 27½ per cent American value. The Senate amendment limits the full compensatory duty, for duty on raw wool, given manufactures of wool to the amount of wool content and changes the duties on such woven fabrics as follows: Valued at not more than 80 cents per pound, 40 cents per pound and 50 per cent foreign value; valued at more than 80 cents per pound, 49 cents per pound upon the wool content thereof and 50 per cent foreign value; and if the warp of any such woven fabrics is wholly of cotton or other vegetable fiber, 39 cents per pound and 50 per cent foreign value. The House recedes with an amendment making the specific rates 37 cents, 45 cents, and 36 cents, respectively.

On amendment No. 1068: The House bill imposed on woven fabrics, weighing more than 4 ounces per square yard, wholly or in part of wool, the following duties: If valued at more than 75 cents per pound, 20 cents per pound and 18 per cent American value; valued at more than 75 cents per pound but not more than $1.25 per pound, 25 cents per pound and 21 per cent American value; valued at more than $1.25 per pound but not more than $2.50 per pound, 30 cents per pound and 24 per cent American value; valued at more than $2.50 per pound, 36 cents per pound and 27½ per cent American value. The Senate amendment changes the rates on such woven fabrics as follows: If valued at not more than 60 cents per pound, 26 cents per pound and 40 per cent foreign value; valued at more than 60 cents per pound but not more than 80 cents per pound, 40 cents per pound and 50 per cent foreign value; valued at more than 80 cents per pound but not more than $1.50 per pound, 49 cents per pound upon the wool content thereof and 50 per cent foreign value; valued at more than $1.50 per pound, 49 cents per pound on the wool content thereof and 50 per cent foreign value, and limits the full compensatory duty for duty on raw wool given manufactures of wool to the amount of wool content. The House recedes with an amendment making the specific rates 24 cents, 37 cents, 45 cents, and 45 cents, respectively.

On amendment No. 1069: The House bill imposed on woven fabrics wholly or in part of wool, cut into garment or suiting lengths, or such as have been dampened, sponged, or shrunk, an additional rate of 2 per cent American value. The Senate amendment strikes out this provision; and the House recedes.

On amendments Nos. 1071 and 1072: The Senate amendments limit the application of the duties provided for pile fabrics to such as are wholly or in chief value of wool; such pile fabrics in chief value of other than wool but in part of wool are dutiable at various rates of duty according to the component material of chief value; and the House recedes.

On amendment No. 1073: This amendment changes from 36 cents per pound and 27½ per cent American value to 45 cents per pound and 50 per cent foreign value the House duty on pile fabrics, wholly or in chief value of wool; and the House recedes with an amendment making the duty 40 cents per pound and 50 per cent foreign value.

On amendment No. 1074: The House bill imposed on blankets, wholly or in part of wool, not exceeding 3 yards in length, plain woven, with not more than one color in warp or filling, and not advanced beyond weaving by any process of finishing, the following duties: Valued at not more than 75 cents per pound, 20 cents per pound and 20 per cent American value; valued at more than 75 cents per pound but not more than $1.50 per pound, 25 cents per pound and 20 per cent American value; valued at more than $1.50 per pound, 30 cents per pound and 20 per cent American value. The Senate amendment extended the provision to include all blankets and similar articles, carriage and automobile robes, and steamer rugs made of blanketing, wholly or in chief value of wool, not exceeding 3 yards in length, and changes the duties as follows: If valued at not more than 50 cents per pound, 20 cents per pound and 30 per cent foreign value; valued at more than 50 cents per pound but not more than $1 per pound, 30 cents per pound and 32½ per cent foreign value; valued at more than $1 per pound but not more than $1.50 per pound, 33 cents per pound and 35 per cent foreign value; valued at more than $1.50 per pound, 40 cents per pound and 40 per cent foreign value. The House recedes with an amendment making the specific rates 18 cents per pound, 27 cents per pound, 30 cents per pound, and 37 cents per pound, respectively.

On amendment No. 1075: The House bill imposed on felts, not woven, wholly or in part of wool, the following duties: If valued at not more than 75 cents per pound, 20 cents per pound and 20 per cent American value; if valued at more than 75 cents per pound and not more than $1.50 per pound, 25 cents per pound and 20 per cent American value; if valued at more than $1.50 per pound, 30 cents per pound and 25 per cent American value. The Senate amendment changes the duties on such felts, if valued at not more than 50 cents per pound, to 20 cents per pound and 30 per cent foreign value; if valued at more than 50 cents per pound but not more than $1.50 per pound, 30 cents per pound and 35 per cent foreign value; if valued at more than $1.50 per pound, 40 cents per pound and 40 per cent foreign value; and the House recedes with an amendment making the specific rates 18 cents per pound, 27 cents per pound, and 37 cents per pound, respectively.

On amendment No. 1076: The House bill imposed on fabrics with fast edges not exceeding 12 inches in width, and articles made therefrom; tubings, garters, suspenders, braces, cords, and cords and tassels, if wholly of wool, 36 cents per pound and 30 per cent American value; if in part of wool, 25 cents per pound and 30 per cent American value. The Senate amendment changes the provision "if in part of wool, whether or not wool constitutes chief value," to "in chief value of wool," and the rate *to 49 cents per* pound upon the wool content thereof and 50 per cent foreign value; the effect of this change is to make dutiable the fabrics and articles specified if not in chief value of wool but in part of wool, according to the component material of chief value at various rates of duty. The House recedes with an amendment making the duty 45 cents per pound upon the wool content thereof and 50 per cent foreign value.

On amendment No. 1077: The House bill imposed on knit fabrics, made of wool or of which wool is the component part, whether or not constituting chief value, duties as follows: Valued at not more than $1.25 per pound, 25 cents per pound and 20 per cent American value; valued at more than $1.25 per pound, 36 cents per pound and 25 per cent American value. The Senate amendment changes these rates upon such knit fabrics if valued at not more than $1 per pound to 33 cents per pound and 40 per cent foreign value; if valued at more than $1 per pound to 49 cents per pound and 50 per cent foreign value. The House bill imposed on hose and half hose, and gloves and mittens, made of wool or of which wool is the component part, whether or not constituting chief value, the following duties: If valued at not more than $3 per dozen pairs, 30 cents per pound and 25 per cent American value; if valued at more than $3 per dozen pairs, 36 cents per pound and 30 per cent American value. The Senate amendment changes the rates on such articles as follows: Valued at not more than $1.75 per dozen pairs to 39 cents per pound and 35 per cent foreign value; valued at more than $1.75 per dozen pairs, 49 cents per pound and 50 per cent foreign value.

The House bill imposed on knit underwear, finished or unfinished, made of wool or of which wool is the component part, whether or not constituting chief value, duties as follows: Valued at not more than $2.50 per pound, 30 cents per pound and 20 per cent American value; valued at more than $2.50 per pound, 36 cents per pound and 25 per cent American value. The Senate amendment changes the rates on such articles as follows: Valued at not more than $1.75 per pound, 39 cents per pound and 30 per cent foreign value; valued at more than $1.75 per pound, 49 cents per pound and 50 per cent foreign value.

The House bill imposed on outerwear, knit or crotcheted, made of wool or of which wool is the component part, whether or not constituting chief value, the following duties: Valued at not more than $2.50 per pound, 30 cents per pound and 28 per cent American value; valued at more than $2.50 per pound, 36 cents per pound and 33⅓ per cent American value. The Senate amendment changes the rates on such articles as follows: Valued at not more than $1 per pound, 39 cents per pound and 40 per cent foreign value; valued at more than $1 per pound and not more than $2 per pound, 44 cents per pound and 45 per cent foreign value; valued at more than $2 per pound, 49 cents per pound and 50 per cent foreign value. The Senate amendment also changes the House provisions "or of which wool is the component part, whether or not constituting chief value" to "or in chief value of wool," the effect of which is to make the articles described if not in chief value of wool but in part of wool subject to various duties according to the component material or chief material. The House recedes with an amendment changing the specific rates in the Senate amendment wherever they appear as follows: 33 cents to 30 cents per pound, 39 cents to 36 cents per pound, 44 cents to 40 cents per pound, and 49 cents to 45 cents per pound.

On amendment No. 1078: The House bill imposed on clothing and articles of wearing apparel, not knit or crocheted, of wool or of which wool is the component part, whether or not constituting chief value, the following duties: Valued at not more than $2.50 per pound, 20 cents per pound and 25 per cent American value; valued at more than $2.50 per pound but not more than $5 per pound, 25 cents per pound and 25 per cent American value; valued at more than $5 per pound, 36 cents per pound and 30 per cent American value. The Senate amendment changes the duty on such articles as follows: Valued at not more than $2 per pound, 26 cents per pound and 40 per cent foreign value; valued at more than $2 per pound but not more than $4 per pound, 33 cents per pound and 45 per cent foreign value; valued at more than $4 per pound, 49 cents per pound and 50 per cent foreign value. The Senate amendment also changes the phrase "made of wool or of which wool is a component part, whether or not constituting chief value" to "composed wholly or in chief value of wool"; the effect of which is to exclude such clothing and articles of wearing apparel in part but not in chief value of wool from the provisions of this paragraph and make clothing and articles of wearing apparel not in chief value of wool, dutiable at various rates according to component material of chief value. The House recedes with an amendment changing the specific rates from 26 cents to 24 cents per pound, 33 cents to 30 cents per pound, 49 cents to 45 cents per pound.

On amendment No. 1080: This amendment changes the duty of 5 cents per square foot and 30 per cent American value to 55 per cent foreign value on Oriental, Axminster, Savonnerie, Aubusson, and other carpets and rugs, not made on a power-driven loom; and carpets and rugs of oriental weave or weaves, produced on a power-driven loom; and chenille Axminster carpets and rugs; and the House recedes.

On amendment No. 1081: The House bill imposed duties as follows: On Axminster carpets and rugs, not specially provided for, 2 cents per square foot and 25 per cent American value; on Wilton carpets and rugs, 3 cents per square foot and 25 per cent American value; on Brussels carpets and rugs, 2 cents per square foot and 25 per cent American value; on velvet and tapestry carpets and rugs, 1¼ cents per square foot and 25 per cent American value. The Senate amendment changes these rates to 40 per cent foreign value; and the House recedes.

On amendment No. 1083: This amendment changes from 1 cent per square foot and 20 per cent American value to 25 per cent foreign value the House duty on ingrain carpets and ingrain rugs or art squares, of whatever material composed; and the House recedes.

On amendment No. 1084: This amendment changes the House provision "in part of wool, whether or not constituting chief value" to "in chief value." The effect of this amendment is to exclude from the provision of this paragraph all floor coverings not specially provided for, not in chief value of wool, and make them dutiable according to the component material of chief value at various rates of duties; and the House recedes.

On amendment No. 1085: This amendment changes from 2 cents per square foot and 25 per cent American value to 30 per cent foreign value the House duty on all other floor coverings not specially provided for, composed wholly or in chief value wool; and the House recedes.

On amendment No. 1087: This amendment changes the duty on screens, hassocks, and all other articles composed wholly or in part of carpets or rugs, and not specially provided for, from 22 per cent American value to 30 per cent foreign value; and the House recedes.

On amendment No. 1088: The House bill imposed on all manufactures not specially provided for, composed of wool or of which wool is a component part, whether or not constituting chief value, a duty of 25 per cent American value. The Senate amendment changes the rate of duty to 55 per cent foreign value, and changes the provision "of which wool is a component part, whether or not constituting chief value" to "in chief value of wool." The effect of this provision is to make all manufactures not specially provided for, in part but not in chief value of wool, dutiable according to the component material of chief value at various rates of duty. The House recedes with an amendment making the duty 50 per cent foreign value.

On amendment No. 1091: The House bill provided that all samples of manufactures of wool not admitted under bond for exportation within six months shall be subject to the same rates of duty and the same valuation as the manufactured articles which they are intended to represent. The Senate amendment strikes out this provision, the effect of which is to make such samples dutiable in accordance with the component material of chief value in the condition in which imported; and the House recedes.

SCHEDULE 12.—SILK AND SILK GOODS.

On amendment No. 1092: The House bill imposed upon silk partially manufactured from raw silk, waste silk, or cocoons, and silk noils exceeding 2 inches in length, not twisted or spun, a duty of 35 cents a pound, with a minimum duty of 25 per cent American value. The Senate amendment makes the duty 35 per cent foreign value and includes at this duty articles partially manufactured of silk and artificial silk in combination, if not twisted or spun, which under the House bill were dutiable under paragraph 1213 at 35 per cent American value; and the House recedes.

On amendment No. 1093: This amendment makes the duty imposed by paragraph 1202 of the House bill upon spun silk or schappe silk yarn applicable to yarn of silk and artificial silk used in combination, which under paragraph 1213 of the House bill was dutiable at 35 per cent American value; and the House recedes.

On amendment No. 1100: The House bill provided a minimum duty of 26 per cent American value upon spun silk and schappe silk yarn and roving. The Senate amendment provides for a minimum duty of 40 per cent foreign value in the case of single yarns or roving and a minimum duty of 45 per cent foreign value in the case of two or more ply yarns; and the House recedes.

On amendment No. 1102: The House bill imposed upon thrown silk not more advanced than singles, tram, or organzine various specific duties ranging from 50 cents to $1.50 a pound, with a minimum ad valorem duty of 12½ per cent American value. The Senate amendment substitutes for these duties a duty of 25 per cent foreign value; and the House recedes.

On amendments Nos. 1103 and 1104: The House bill imposed upon sewing silk, twist, floss, and silk threads or yarns made from raw silk a minimum duty of 20 per cent American value if in the gum and 26 per cent American value if ungummed or further advanced. The Senate amendments make these minimum duties, respectively, 35 per cent foreign value and 40 per cent foreign value; and the House recedes.

On amendment No. 1105: The House bill imposed upon woven fabrics in the piece, wholly or in chief value of silk, depending upon weight, silk content, kind, and condition of manufacture, various specific and ad valorem duties and a minimum ad valorem duty of 31 per cent American value. The Senate amendment strikes out all of these duties and imposes a duty of 55 per cent foreign value; and the House recedes. On this class of fabrics the specific rates under the act of 1909 were equivalent to 55 per cent on the average and in some cases were much higher.

On amendments Nos. 1106 and 1311: The House bill imposed upon plushes composed wholly or in chief value of silk various specific and ad valorem duties depending upon weight and whether or not the filling is of cotton, with a minimum duty of 33⅓ per cent American value, and upon velvet or plush ribbons various specific duties dependent upon measurement and silk color, with a minimum duty of 33⅓ per cent American value. The House bill, in paragraph 1453, also imposed a duty of 10 per cent American value on hatter's plush. The Senate amendments strike out these House duties and substitute therefor a duty of 60 per cent foreign value; and the House recedes on both amendments.

On amendment No. 1109: This amendment changes from 33⅓ per cent American value to 55 per cent foreign value the House duty on fabrics wholly or in chief value of silk, not exceeding 12 inches in width, and articles made therefrom, and tubings, garters, suspenders, cords, tassels, and cords and tassels, if composed of silk or wholly or in chief value of silk and india rubber, and not embroidered; and the House recedes.

On amendment No. 1110: This amendment changes from 35 per cent American value to 55 per cent foreign value the House duty on knit fabrics in the piece composed wholly or in chief value of silk; and the House recedes.

On amendment No. 1111: This amendment changes from 45 per cent American value to 60 per cent foreign value the House duty on knit underwear, hose, half hose, and gloves composed wholly or in chief value of silk; and the House recedes.

On amendment No. 1112: This amendment changes from 40 per cent American value to 60 per cent foreign value the House duty on knit or crocheted outerwear and other goods composed wholly or in chief value of silk; and the House recedes.

On amendments Nos. 1113 and 1114: The House bill imposed on handkerchiefs and woven mufflers composed wholly or in chief value of silk a duty of 33⅓ per cent American value if not hemmed and a duty of 40 per cent American value if hemmed or hemstitched. The Senate amendments change these duties, respectively, to 55 per cent foreign value and 60 per cent foreign value; and the House recedes.

On amendment No. 1115: This amendment strikes out the House duty of 50 cents a dozen and 20 per cent American value on silk shirt collars, the effect of this amendment being to make this article dutiable at 60 per cent foreign value under paragraph 1210 of the bill as agreed to in conference; and the House recedes.

On amendment No. 1116: The House imposed upon men's and boys' shirts wholly or partly of silk a duty of 40 per cent American value, but not less than 10 per cent in addition to the duty on the component materials. The Senate amendment strikes out this paragraph of the House bill, the effect being to subject these articles to a duty of 60 per cent foreign value under paragraph 1210 of the bill as agreed to in conference; and the House recedes.

On amendment No. 1119: This amendment changes from 40 per cent American value to 60 per cent foreign value the House duty on wearing apparel not knit or crocheted, composed wholly or in chief value of silk, and not specially provided for; and the House recedes.

On amendment No. 1120: The House bill provided that articles composed wholly or in chief value of any of the materials or goods dutiable under paragraph 1212 of the House bill should pay not less than the rate of duty on such goods under the dutiable list. The Senate amendment strikes out this provision; and the House recedes.

On amendment No. 1122: This amendment changes from 35 per cent American value to 60 per cent foreign value the House duty on manufactures of silk or of which silk is the component material of chief value, not specially provided for; and the House recedes.

On amendment No. 1125: The House bill imposed the following duties on yarns, threads, filaments, and lame of artificial or imitation silk or of artificial or imitation horsehair, or of the waste of such materials: If singles, 45 cents a pound; if tram, 50 cents a pound; if organzine, 60 cents a pound, and provided a minimum duty of 23 per cent American value. The House bill also provided that in the case of ribbons and other fabrics and articles composed wholly or in chief value of any of the foregoing a duty of 45 cents a pound and 37½ per cent American value. The Senate amendment provides duties upon yarns made from artificial silk waste as follows: If singles, 25 cents a pound; if further advanced by grouping or twisting two or more yarns together, 30 cents a pound; and imposed upon yarns, threads, and filaments or artificial or imitation silk or of artificial or imitation horsehair the following duties: If singles, 45 cents a pound; if further advanced by grouping or twisting two or more yarns together, 50 cents a pound. This amendment imposes upon products of cellulose, not compounded, such as are ordinarily used in braiding or weaving and in imitation of silk, straw, or similar substances, a duty of 55 cents a pound. The Senate amendment also provides a minimum duty on all the foregoing of 45 per cent foreign value. The Senate amendment also provides that in the case of ribbons and other fabrics and articles composed wholly or in chief value of any of the foregoing a duty of 45 cents a pound and 60 per cent foreign value. The Senate amendment also imposes a duty of 10 per cent foreign value on unmanufactured artificial silk waste, dutiable under paragraph 1456 of the House bill at 10 per cent American value, and imposes a duty of 20 cents a pound but not less than 25 per cent foreign value on artificial silk waste partially manufactured and not further advanced than sliver or roving, the rate of duty on which under the House bill was doubtful; and the House recedes.

SCHEDULE 13.—PAPER AND BOOKS.

On amendment No. 1127: The Senate amendment imposes on pulpboard in rolls, for use in the manufacture of wallboard, a duty of 5 per cent foreign value. The House bill made no such provision, but included pulpboard in rolls within the general provision for pulpboard at 10 per cent American value; and the House recedes.

On amendment No. 1128: The Senate amendment provides that if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in paragraph 1302 of the House bill when imported from the United States in excess of the duty therein provided there shall be imposed upon such article, when imported from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency, province, or other subdivision of government on such article imported from the United States. The House bill contained no such provision; and the House recedes.

On amendment No. 1129: This amendment changes from 1½ cents a pound and 15 per cent American value to 20 per cent foreign value the duty on filter masse or filter stock, composed wholly or in part of wood pulp, wood flour, cotton, or other vegetable fiber; and the House recedes.

On amendment No. 1130: This amendment changes from 23 per cent American value to 25 per cent foreign value the House duty on indurated fiber ware, masks composed of paper pulp, or papier-mâché, manufactures of pulp, and manufactures of papier-mâché, not specially provided for; and the House recedes.

On amendment No. 1131: The Senate amendment represents a clerical amendment with the exception of "carbon paper, coated." The House bill imposed a duty of 5 cents per pound on such paper. The Senate amendment changes this duty to 6 cents per pound and 15 per cent foreign value when weighing not over 6 pounds to the ream, or 5 cents per pound and 15 per cent foreign value where the paper weighs over 6 and less than 10 pounds per ream; and the House recedes.

On amendments Nos. 1132, 1134, and 1135: The House bill provided on papers commonly known as tissue paper, stereotype paper, and copying paper, and all papers not specially provided for, weighing not over 8 pounds to the ream, a duty of 6 cents per pound and 15 per cent American value, and weighing over 8 pounds and less than 12½ pounds to the ream a duty of 5 cents per pound and 15 per cent American value. The Senate amendments change the duty on such paper weighing over 6 pounds and not over 8 pounds to the ream to 5 cents per pound and 15 per cent foreign value, and on such paper weighing not less than 10 pounds and less than 12½ pounds to the ream the following rates: Weighing not less than 10 pounds and less than 10.78 pounds per ream (tissue-paper basis of 288,000 square inches), 30 per cent foreign value (as paper n. s. p. f. in par. 1309 of the House bill); weighing not less than 10.78 pounds and less than 12½ pounds per ream, 3 cents per pound and 15 per cent foreign value (under par. 1307 of the House bill); and the House recedes on all these amendments.

On amendment No. 1136: The Senate amendment imposes a duty of 4 cents per pound and 15 per cent foreign value on india and bible paper weighing over 10 pounds and less than 18 pounds to the ream. The House bill provided for such paper at the rate of one-fourth of 1 cent per pound and 10 per cent American value as printing paper not specially provided for; and the House recedes, with an amendment making the Senate duty apply to such paper weighing 10 pounds or more and less than 18 pounds to the ream.

On amendment No. 1137: The Senate amendment changes the House duty on papers with coated surface or surfaces, not specially provided for, from 5 cents per pound to 5 cents per pound and 15 per cent foreign value; and the House recedes.

On amendment No. 1139: This amendment changes from 4½ cents per pound and 17 per cent American value to 4½ cents per pound and 15 per cent foreign value the House duty on papers, including wrapping paper, with the surface or surfaces wholly or partly decorated or covered with a design, fancy effect, pattern, or character, except designs, fancy effects, patterns, or characters produced on a paper machine without attachments, or produced by lithographic process, if embossed, or printed otherwise than lithographically, or wholly or partly covered with metal or its solutions, or with gelatin or flock; and the Senate recedes.

On amendment No. 1140: This amendment changes the House duty on paper wholly or partly covered with metal or its solutions, and weighing less than 15 pounds per ream, from 5 cents per pound and 17 per cent American value to 5 cents per pound and 15 per cent foreign value; and the Senate recedes.

On amendments Nos. 1141 and 1507: The House bill imposed on gummed papers, including decalcomania paper not printed, a duty of 5 cents per pound. Amendment No. 1141 changes the provision "including decalcomania paper not printed" to "including simplex decalcomania paper not printed," and amendment No. 1507 places "duplex decalcomania paper not printed" on the free list. The House recedes on amendment No. 1141, and recedes on amendment No. 1507 with an amendment making a change in paragraph number.

On amendment No. 1142: This amendment changes from 5 cents per pound and 17 per cent American value to 5 cents per pound and 15 per cent foreign value the House duty on cloth-lined or reinforced paper; and the Senate recedes.

On amendment No. 1143: This amendment changes the House duty on papers with paraffin or wax coated surface or surfaces, vegetable parchment paper, grease-proof and imitation parchment papers which have been supercalendered and rendered transparent or partially so, all other grease-proof and imitation parchment paper, not specially provided for, from 3 cents per pound and 13 per cent American value to 3 cents per pound and 15 per cent foreign value; and the House recedes.

On amendment No. 1145: This amendment changes the House duty on wet transfer paper or paper prepared wholly with glycerin or glycerin combined with other materials, containing the imprints taken from lithographic plates, from 30 per cent American value to 65 per cent foreign value. The amendment also includes a clerical change; and the House recedes.

On amendment No. 1146: This amendment changes from 20 cents per pound to 25 cents per pound the House duty on labels and flaps printed in less than eight colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf; and the House recedes.

On amendment No. 1147: This amendment changes from 30 cents to 35 cents per pound the House duty on cigar bands printed in less than eight colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf; and the House recedes.

On amendment No. 1148: This amendment changes from 30 cents to 35 cents per pound the House duty on labels and flaps printed in eight or more colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf; and the House recedes.

On amendment No. 1149: This amendment changes from 40 cents to 50 cents per pound the House duty on cigar bands of the same number of colors and printing as described in amendment No. 1148; and the House recedes.

On amendment No. 1150: This amendment changes from 50 cents to 60 cents per pound the House duty on labels and flaps printed in whole or in part in metal leaf; and the House recedes.

On amendment No. 1151: This amendment changes from 55 cents to 65 cents per pound the House duty on cigar bands printed in whole or in part in metal leaf; and the House recedes.

On amendments Nos. 1152, 1154, 1155, and 1156: These amendments change the House duties on all other articles composed wholly or in chief value of paper lithographically printed in whole or in part (except boxes, views of American scenery or objects, and music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same), not specifically provided for in paragraph 1306 of the House bill, as follows: Not exceeding eight one-thousandths of an inch in thickness, from 20 to 25 cents per pound; exceeding eight and not exceeding twenty one-thousandths of an inch in thickness, and less than 35 square inches cutting size in dimensions, from 8½ to 10 cents per pound; exceeding 35 square inches cutting size in dimensions, from 8 to 9½ cents per pound; exceeding twenty one-thousandths of an inch in thickness, from 6 to 7½ cents per pound; and the House recedes on all these amendments.

On amendment No. 1159: The Senate amendment limits the application of rates under paragraph 1307 of the House bill to such papers therein provided for as weigh 7 pounds or over per ream and changes the House rate of 3 cents a pound and 15 per cent American value on such papers as follows: Weighing not over 3.9 pounds per ream to 6 cents a pound and 15 per cent foreign value; over 3.9 pounds and less than 6½ pounds per ream (par. 1304 of the House bill) to 5 cents a pound and 15 per cent foreign value; weighing not less than 6½ pounds and less than 7 pounds to the ream (par. 1304 of the House bill) to 30 per cent foreign value (papers not specially provided for, under par. 1309 of the House bill); and the House recedes.

On amendment No. 1162: This amendment is clerical, except for the special provision for paper envelopes, not specially provided for, if lithographed. The House bill provided a duty for such paper envelopes of 10 per cent American value in addition to the duty as paper from which made, whereas the Senate amendment increases the additional duty of 10 per cent American value to 30 per cent foreign value; and the House recedes.

On amendment No. 1163: This amendment changes from 23 per cent American value to 35 per cent foreign value the House duty on Jacquard designs on ruled paper, or cut on Jacquard cards, and parts of such designs; and the House recedes.

On amendment No. 1164: This amendment strikes out the House bill provision of 5 cents per pound on paper hangings with paper back, not printed, lithographed, dyed, or colored, thereby including them within the provision for hanging paper at 10 per cent foreign value; and the House recedes.

On amendment No. 1165: This amendment changes from 20 per cent American value to 1½ cents per pound and 20 per cent foreign value the House duty on hanging paper, printed, lithographed, dyed, or colored; and the House recedes.

On amendment No. 1166: This amendment changes the House duty on wrapping paper, not specially provided for, from 23 per cent American value to 30 per cent foreign value; and the House recedes.

On amendment No. 1167: This amendment changes the House duty on blottting paper from 2 cents per pound and 10 per cent American value to 30 per cent foreign value; and the House recedes.

On amendment No. 1168: This amendment changes from 23 per cent American value to 30 per cent foreign value the House duty on paper not specially provided for; and the House recedes.

On amendment No. 1169: The House bill imposed on books of all kinds, bound or unbound, including blank books, slate books and pamphlets, drawings, engravings, photographs, etchings, maps, charts, music in books or sheets, and printed matter, a duty of 20 per cent American value; and on books bound wholly or in part in leather, the chief value of which is in the binding, not specially provided for, a duty of 33⅓ per cent American value. The Senate amendment imposes a duty on unbound books of all kinds, sheets or printed pages of books bound wholly or in part in leather, bound books of all kinds except those bound wholly or in part in leather, including blank books, slate books and pamphlets, engravings, photographs, etchings, maps, charts, music in books or sheets, and printed matter not specially provided for, if of bona fide foreign authorship, a duty of 15 per cent foreign value; and on all others not specially provided for, 25 per cent foreign value; and on book bindings or covers wholly or in part of leather, not specially provided for, 30 per cent foreign value. The House recedes with an amendment making clerical changes.

On amendment No. 1170: This amendment changes the House duty on books of paper or other material for children's use, printed lithographically or otherwise, not exceeding in weight 24 ounces each, with more reading matter than letters, numerals, or descriptive words, from 20 per cent American value to 25 per cent foreign value; and the House recedes.

On amendment No. 1172: This amendment changes from 26 per cent American value to 30 per cent foreign value the House duty on post cards (not including American views) plain, decorated, embossed, or printed except by lithographic process; and the House recedes.

On amendment No. 1173: This amendment changes the House duty on views of any landscape, scene, building, place or locality in the United States, on cardboard or paper, not thinner than eight one-thousandths of an inch (except show cards), occupying 35 square inches or less of surface per view, from 15 cents per pound and 20 per cent American value to 15 cents per pound and 25 per cent foreign value; and the House recedes.

On amendment No. 1174: The House bill imposed a duty on Christmas and other greeting cards of 30 per cent American value. The Senate amendment provides that greeting cards, and all other social and gift cards, with text or greeting, shall be dutiable at 45 per cent foreign value; if such cards are without text or greeting the duty is 30 per cent foreign value; and the House recedes.

On amendment No. 1175: This amendment changes from 23 per cent American value to 30 per cent foreign value the House duty on photograph, autograph, scrap, post-card and postage-stamp albums, and albums for phonograph records; and the House recedes.

On amendment No. 1176: This amendment changes the House duty on playing cards from 60 per cent American value to 10 cents per pack and 20 per cent foreign value; and the House recedes.

On amendment No. 1177: This amendment changes from 23 per cent American value to 30 per cent foreign value the House duty on papers and paper board and pulpboard, including cardboard and leatherboard or compress leather, embossed, cut, die-cut, or stamped into designs or shapes, such as initials, monograms, lace, borders, bands, strips, or other forms, or cut or shaped for boxes or other articles, plain or printed, but not lithographed, and not specially provided for; paper board and pulpboard, including cardboard and leatherboard or compress leather, laminated, glazed, coated, lined, printed, decorated, or ornamented in any manner; press boards and press paper; and the House recedes.

On amendment No. 1178: This amendment changes the House duty imposed on test or container boards of a bursting strength above 60 pounds per square inch from 15 per cent American value to 20 per cent foreign value; and the House recedes.

On amendment No. 1179: This amendment changes from 28 per cent American value to 35 per cent foreign value the House duty on stereotype-matrix mat or board; and the House recedes.

On amendment No. 1181: This amendment changes from 26 per cent American value to 35 per cent foreign value the House duty on wall pockets, composed wholly or in chief value of paper, papier-mâché, or paper board, whether or not die-cut, embossed, or printed lithographically or otherwise; boxes, composed wholly or in chief value of paper, papier-mâché or paper board, and not specially provided for; manufactures of paper, or of which paper is the component material of chief value, not specially provided for; and the House recedes.

SCHEDULE 14.—SUNDRIES.

On amendment No. 1182: The House bill imposed upon specified manufactures of asbestos various specific duties according to the nature of the article and imposed a duty of 20 per cent American value upon unenumerated manufactures of asbestos. The Senate amendment imposes a duty of 30 per cent foreign value upon asbestos yarn and woven fabrics, and a duty of 25 per cent foreign value upon all other manufactures of asbestos; and the House recedes.

On amendments Nos. 1183 and 1184: The House bill imposed a duty of 30 per cent American value upon ice and roller skates. The Senate amendments change this duty to 20 per cent foreign value; and the House recedes.

On amendments Nos. 1185 and 1187: These amendments change from 25 per cent American value to 45 per cent foreign value the House duty upon ivory beads; and the House recedes.

On amendment No. 1186: This amendment changes from 25 per cent American value to 35 per cent foreign value the House duty upon beads and spangles not including ivory beads, and upon imitation pearl beads and beads in imitation of precious or semiprecious stones; and the House recedes.

On amendments Nos. 1188 and 1190: These amendments change from 40 per cent American value to 60 per cent foreign value the House duty upon fabrics and articles not embroidered, etc., composed wholly or in chief value of beads or spangles, and strikes out the House duty upon fabrics or articles of this character ornamented with beads, spangles, or bugles, and amendment No. 1244 makes the latter article dutiable at 75 per cent foreign value; and the House recedes.

On amendment No. 1192: This amendment changes from 40 per cent American value to 60 per cent foreign value the House duty upon imitation pearl beads; and the House recedes.

On amendment No. 1195: This amendment changes from 25 per cent American value to 40 per cent foreign value the House duty upon boots or shoes the uppers of which are composed of wool, hair, fiber, silk, or silk substitutes; and the House recedes with an amendment making this duty 35 per cent foreign value.

On amendments Nos. 1196 and 1197: Amendment No. 1196 changes from 13 per cent American value to 15 per cent foreign value the House duty upon braids of straw, wool, rattan, or hemp, etc., for ornamenting hats, if not bleached, dyed, colored, or stained; and amendment No. 1197 changes from 17 per cent American value to 20 per cent foreign value the House duty upon the materials if bleached, dyed, etc.; and the House recedes.

On amendments Nos. 1198 and 1199: Amendment No. 1198 changes from 25 per cent American value to 35 per cent foreign value the House duty upon hats of straw, willow, rattan, etc., not blocked or trimmed; and amendment No. 1199 changes from 33⅓ per cent American value to 50 per cent foreign value the House duty upon such hats, if blocked or trimmed; and the House recedes.

On amendment No. 1200: This amendment changes from 20 per cent American value to 30 per cent foreign value the House duty on straw hats known as harvest hats, valued at less than $3 a dozen; and the House recedes with an amendment making this duty 25 per cent foreign value.

On amendments Nos. 1201 and 1202: These amendments change from 40 per cent American value to 60 per cent foreign value the House duty on men's hats of straw, willow, rattan, hemp, etc. (other than hats known as harvest hats), whether or not blocked or trimmed, if sewed, and includes in this duty all such hats whether or not for men; and the House recedes.

On amendment No. 1203: This amendment changes from 35 per cent American value to 45 per cent foreign value the House duty on toothbrushes and other toilet brushes; and the House recedes.

On amendment No. 1205: This amendment changes from 30 per cent American value to 45 per cent foreign value the House duty on unenumerated brushes and on hair pencils; and the House recedes.

On amendment No. 1207: This amendment changes from 15 per cent American value to 25 per cent foreign value the additional duty imposed by the House bill on vegetable ivory buttons and blanks, and pearl or shell buttons and blanks; and the House recedes.

On amendment No. 1208: This amendment changes from 38 per cent American value to 45 per cent foreign value the House duty on parts of buttons and button molds and blanks, and collar and cuff buttons and studs of bone, mother-of-pearl, ivory, or agate, and unenumerated buttons; and the House recedes.

On amendment No. 1209: This amendment imposes a duty of 25 per cent foreign value on granulated or ground cork, which under the House bill under the paragraph amended was 25 per cent American value; and the House recedes.

On amendment No. 1210: This amendment changes from 25 per cent American value to 30 per cent foreign value the House duty on cork insulation, cork tile, and manufactures of cork paper, and manufactures of cork bark, and artificial cork; and the House recedes.

On amendment No. 1211: This amendment changes from 40 per cent American value to 50 per cent foreign value the House duty on dice, dominoes, draughts, chessmen, and billiard, pool, and bagatelle balls, and poker chips; and the House recedes.

On amendment No. 1212: This amendment, together with amendment 1213, imposes a duty of 70 per cent foreign value on garland, festooning, and Christmas-tree decorations of tinsel wire, lame, bullions, or metal threads which under paragraph 382 of the House bill were dutiable at 45 per cent American value; and the House recedes.

On amendment No. 1213: This amendment changes from 40 per cent American value to 70 per cent foreign value the House duty on dolls and parts of dolls, doll heads, and toy marbles of whatever material composed, and on unenumerated toys and parts of toys not composed of china, porcelain, parian, bisque, earthen or stone ware; and the House recedes.

On amendment No. 1215: This amendment imposes a duty of 20 per cent foreign value on paper and cloths coated with artificial or natural abrasives, which under the House bill were subject to various rates of duty according to the material with which coated; and the House recedes.

On amendment No. 1216: This amendment strikes out the House duty of 5 per cent American value on crude artificial abrasives, and amendment 1428 places these materials on the free list; and the House recedes.

On amendments Nos. 1217 and 1218: Amendment No. 1217 increases from 6 cents a gross to 12 cents a gross the House duty on matches when packed containing not more than 100 matches in a box, and amendment No. 1218 increases from three-fourths of 1 cent per 1,000 matches to 1 cent per 1,000 matches the House duty on matches otherwise imported. The House recedes on amendment No. 1217 with an amendment making the duty 8 cents a gross, and the Senate recedes on amendment No. 1218.

On amendment No. 1219: This amendment changes from 30 per cent American value to 45 per cent foreign value the House duty on wax matches, wind matches, and all matches in books or folders, or having stained or colored sticks or stems, night lights, fuses, and time-burning chemicals. The House recedes with an amendment making this duty 40 per cent foreign value.

On amendment No. 1220: This amendment changes from 25 per cent American value to 30 per cent foreign value the House duty on percussion caps, cartridges, and empty cartridge shells; and the House recedes.

On amendment No. 1221: This amendment imposes a duty of $1 per 1,000 feet on mining, blasting, or safety fuses composed in chief value of cotton, which under paragraph 920 of the House bill were dutiable at 28 per cent American value as manufactures of cotton; and the House recedes.

On amendment No. 1224: This amendment changes from 45 per cent American value to 60 per cent foreign value the House duty on feathers and downs, dressed, colored, or otherwise manufactured, including manufactures of down, artificial or ornamental feathers for millinery purposes, artificial fruits, vegetables, grains, leaves, and flowers; and the House recedes.

On amendment No. 1225: This amendment changes from 45 per cent American value to 65 per cent forein value the House duty on natural leaves, plants, shrubs, and trees chemically treated, colored, dyed, or painted. The House recedes with an amendment making the duty 60 per cent foreign value.

On amendment No. 1226: This amendment changes from 50 per cent American value to 60 per cent foreign value the basket clause of the paragraph relating to feathers and downs, and millinery ornaments; and the House recedes.

On amendment No. 1228: This amendment changes from 20 per cent American value to 30 per cent foreign value the House duty on furs dressed on the skin, excepting silver or black fox furs. The House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 1229: This amendment changes from 35 per cent American value to 40 per cent foreign value the House duty on manufactures of furs, excepting silver or black fox furs, prepared for use as material; and on unenumerated articles made of fur; and the House recedes.

On amendment No. 1230: This amendment changes from 40 per cent American value to 50 per cent foreign value the House duty on silver or black fox skins, and unenumerated manufactures thereof; and the House recedes.

On amendment No. 1232: This amendment changes from 22 per cent American value to 35 per cent foreign value the House duty on hatters' furs, or furs not on the skin, prepared for hatters' use; and the House recedes.

On amendment No. 1233: This amendment changes from 40 per cent American value to 50 per cent foreign value the House duty on fans except common palm-leaf fans; and the House recedes.

On amendment No. 1234: This amendment changes from 10 per cent American value to 20 per cent foreign value the House duty on gun wads; and the House recedes.

On amendment No. 1236: This amendment imposes a duty of 40 per cent foreign value on unenumerated manufactures, wholly or in chief value of cattle hair or horsehair, which under the House bill were dutiable at 20 per cent American value as unenumerated manufactured articles; and the House recedes.

On amendment No. 1237: This amendment changes from 20 per cent American value to 30 per cent foreign value the additional duty imposed by the House on hats in chief value of fur. The House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 1239: This amendment changes from 55 per cent American value to 80 per cent foreign value the House duty on jewelry valued above 20 cents a dozen pieces; and the House recedes.

On amendment No. 1240: This amendment changes from 55 per cent American value to 80 per cent foreign value the House duty on rope and fancy patterns of chain valued above 30 cents a yard, and articles valued above 20 cents a dozen pieces designed to be worn on apparel or carried on or about the person, if made of metal; and the House recedes.

On amendment No. 1241: This amendment changes from 45 per cent American value to 75 per cent foreign value the House duty on all materials of metal suitable for use in the manufacture of jewelry, of rope, and fancy patterns of chain valued above 30 cents a yard, or of articles valued above 20 cents a dozen designed to be worn on apparel or carried on or about the person; and the House recedes.

On amendment No. 1243: The House bill imposed a duty of 20 per cent American value on chatons, doublets, and synthetic cut stones used in the manufacture of jewelry, and a duty of 45 per cent American value on imitation pearls and imitation precious or semiprecious stones except chatons, doublets, and synthetic cut stones. The Senate amendment strikes out these duties and substitutes a duty of 20 per cent foreign value on imitation precious cut or facetted stones, imitation semiprecious facetted stones, imitation half pearls, and hollow or filled pearls without hole or with hole partly through only, and a duty of 60 per cent foreign value on imitation precious stones not cut or facetted, imitation semiprecious stones not facetted, imitation jet buttons, cut, polished, or facetted, and imitation solid pearls wholly or in part pierced; and the House recedes.

On amendment No. 1244: The House bill imposed a duty of 45 per cent American value upon laces, burnt-out laces, window curtains, and all other articles or fabrics of lace or made wholly or in part, however small, of lace or imitation lace, and on edgings, insertings, nets, nettings, veils, veiling, neck rufflings, ruchings, tuckings, trimmings, flouncings, flutings, quillings, ornaments, ribbons ornamented in the process of weaving, and braids, and all articles composed in any degree of any of the foregoing fabrics or articles, if any of the foregoing are composed wholly or in chief value of yarns, threads, filaments, tinsel wire, lame, bullions, metal threads, spangles, or beads, but excepts from this duty articles and materials specially provided for in paragraphs 919, 1006, 1403, 1404, 1406, and 1424 of the House bill. The Senate amendment makes this duty 90 per cent foreign value, and applicable to embroideries capable of conversion into burnt-out laces (under the House bill dutiable at 37½ per cent American value under the paragraph to which the amendment relates), fabrics and articles composed wholly or in chief value of beads or spangles and not embroidered, tamboured, appliquéd, nor scalloped (which, if in part of lace, were taxable under paragraph 1403 of the House bill), and other unimportant articles, which under the House bill were taxed at various rates of duty. The House bill also imposed a duty of 37½ per cent American value upon embroidery and all other articles or fabrics, embroidered in any manner, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including straight hemstitching, all the foregoing composed wholly or in chief value of yarns, threads, filaments, tinsel wire, lame, bullions, metal threads, spangles, or beads, but exempts from this duty the materials and articles specially provided for in paragraphs 919, 1006, 1403, 1404, 1406, and 1424 of the House bill. The Senate amendment makes this duty 75 per cent foreign value and makes this duty applicable to the materials and articles specially provided for in paragraphs 920, 1006, 1403, 1404, 1406, and 1424 of the bill as agreed to in conference; and the House recedes, with an amendment correcting a reference to a paragraph number.

On amendment No. 1245: This amendment imposes a duty of 20 per cent foreign value on bag, strap, case, and football leather, finished, which under the House bill was on the free list as leather not specially provided for; and the House recedes.

On amendment No. 1246: This amendment imposes a duty of 20 per cent foreign value on seal, sheep, goat, calf, and pig leather dressed and finished other than shoe leather. Under the House bill these materials were on the free list as leather not specially provided for; and the House recedes with an amendment restoring pig leather to the free list.

On amendments Nos. 1249 and 1251: Amendment No. 1249 changes from 25 per cent American value to 30 per cent foreign value the House duty on leather bags, baskets, belts, pocketbooks, and other boxes, and on moccasins, and on manufactures of leather, rawhide, or parchment not specially provided for. Amendment No. 1251 changes from 30 per cent American value to 45 per cent foreign value the House duty on any of the foregoing permanently fitted with traveling luncheon, manicure, or similar sets; and the House recedes.

On amendment No. 1252: This amendment increases from $4 a dozen pairs to $5 a dozen pairs the House duty on men's gloves not over 12 inches in length; and the House recedes.

On amendment No. 1253: This amendment increases from $3 a dozen pairs to $4 a dozen pairs the House duty on women's and children's gloves not over 12 inches in length; and the House recedes.

On amendment No. 1254: The House bill imposed a minimum duty of 37½ per cent American value on leather gloves. The Senate amendment makes the minimum duty 50 per cent foreign value and places a maximum limit of 70 per cent foreign value; and the House recedes.

On amendment No. 1255: This amendment imposes a duty of 25 per cent foreign value on gloves of leather, made from horsehides or pigskins, which under the House bill were dutiable at various rates according to length and whether for men or women and children; and the House recedes.

On amendments Nos. 1256, 1257, and 1613: The House bill imposed a duty of 25 per cent American value upon catgut, whip gut, worm gut, oriental gut, and manufactures thereof. The Senate amendments place surgical catgut and unmanufactured worm gut upon the free list and change the duty on the remainder of the materials and articles dutiable under the paragraph of the House bill to 50 per cent foreign value; and the House recedes with amendments making the duty 40 per cent foreign value and making this duty applicable to surgical catgut.

On amendment No. 1258: This amendment changes from 30 per cent American value to 50 per cent foreign value the House duty on gas mantles and on other unenumerated mantles treated with chemicals or metallic oxides. The House recedes with an amendment making the duty 40 per cent foreign value.

On amendment No. 1259: This amendment imposes a duty of 35 per cent foreign value upon harness valued at more than $70 a set, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing. These articles were free of duty under paragraph 1600 of the House bill; and the House recedes with an amendment making the duty apply to single harness valued at more than $40, and making a clerical change in the House bill.

On amendment No. 1260: Cabinet locks, padlocks, and latches were not specifically mentioned in the House bill and fell under the basket clause as manufactures of metal not specially provided for at 35 per cent American value. The Senate amendment provides a classification for these articles according to construction and width, as set forth in the following table:

Article.	Rate of duty.		
	House bill (American value).	Senate bill.	Conference.
Cabinet locks, not of pin tumbler construction:			
If not over 1½ inches in width.	35 per cent....	70 cents per dozen.	70 cents per dozen.
Over 1½ and not over 2½ inches in width.	.....do.........	$1 per dozen.	$1 per dozen.
Over 2½ inches in width.......	.....do.........	$1.50 per dozen.	$1.50 per dozen.
Padlocks, not of pin tumbler or cylinder construction:			
Not over 1½ inches in width...	.....do.........	35 cents per dozen.	35 cents per dozen.
Over 1½ and not over 2½ inches in width.	....	50 cents per dozen.	50 cents per dozen.
Over 2½ inches in width.......	.....do.........	75 cents per dozen.	75 cents per dozen.
Padlocks, of pin tumbler or cylinder construction:			
Not over 1½ inches in width...	.....do.........	$1 per dozen...	$1 per dozen.
Over 1½ to 2½ inches in width..	.....do.........	$1.50 per dozen.	$1.50 per dozen.
Over 2½ inches in width.......	.....do.........	$2 per dozen...	$2 per dozen.
All other locks or latches of pin tumbler or cylinder construction.	.....do.........	$2 per dozen plus 20 per cent.	$2 per dozen plus 20 per cent.

In using the above table it should be borne in mind that in the House bill the ad valorem rates were based upon American value while the Senate amendment and the conference agreement are based upon foreign value.

The House recedes.

On amendment No. 1262: This amendment changes from 15 per cent American value to 25 per cent foreign value the House duty upon unenumerated manufactures of amber, bladders, or wax; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 1264: This amendment changes from 20 per cent American value to 25 per cent foreign value the House duty upon unenumerated manufactures of bone, grass, horn, india rubber, straw, etc.; and the House recedes.

On amendment No. 1265: This amendment imposes a duty of 10 per cent foreign value upon motor-cycle tires of rubber, which under paragraph 371 of the House bill were dutiable at 30 per cent American value as finished parts of motor cycles; and the House recedes.

On amendment No. 1266: This amendment changes from 35 per cent American value to 50 per cent foreign value the House duty upon combs of horn or of horn and metal; and the House recedes.

On amendment No. 1269: This amendment changes from 30 per cent American value to 35 per cent foreign value the House duty upon unenumerated manufactures of ivory, mother-of-pearl, shell, plaster of Paris, hard rubber, and upon manufactured shells; and the House recedes.

On amendment No. 1273: This amendment strikes out the duty imposed by the House bill of 35 per cent American value on music wire, the effect of the amendment being to make this article dutiable under paragraph 316 of the bill; and the House recedes.

On amendment No. 1275: This amendment changes from 35 per cent American value to 40 per cent foreign value the House duty upon unenumerated musical instruments and parts, pianoforte or player actions and parts, cases for musical instruments, tuning forks, metronomes, etc., and metal strings for musical instruments; and the House recedes.

On amendment No. 1276: This amendment changes from 25 per cent American value to 35 per cent foreign value the additional duty imposed by the House bill upon tuning pins; and the House recedes.

On amendment No. 1277: The House bill imposed a duty of $1.50 each and 35 per cent American value upon violins, violas, violoncellos, and double basses. The Senate amendment strikes out the specific duty and makes the ad valorem duty 45 per cent foreign value; and the House recedes with an amendment making the duty $1 each and 35 per cent foreign value.

On amendment No. 1278: The House bill imposed a duty of 35 per cent American value upon unassembled parts of violins, violas, violoncellos, and double basses. The Senate amendment makes this duty 40 per cent foreign value; and the House recedes.

On amendment No. 1282: This amendment imposes a duty of 45 per cent foreign value upon needles for phonographs, graphophones, etc., which under the House bill were dutiable at 30 per cent American value as parts of phonographs, etc.; and the House recedes.

On amendment No. 1285: This amendment changes from 25 per cent American value to 35 per cent foreign value the House duty on calendar rolls or bowls suitable for use in calendering, embossing, mangling, or pressing operations; and the House recedes.

On amendments Nos. 1287 and 1288: The House bill imposed a duty on rosaries, chaplets, and similar articles of religious devotion made of gold, silver, platinum, precious or imitation precious stones of 15 per cent American value if valued at not more than $1.25 per dozen and 30 per cent American value if valued at more than $1.25 per dozen. The Senate amendment makes the duty, regardless of value, 50 per cent foreign value; and the House recedes.

On amendment No. 1291: This amendment changes from 10 per cent American value to 15 per cent foreign value the House duty on violin rosin; and the House recedes.

On amendment No. 1293: This amendment changes from 15 per cent American value to 25 per cent foreign value the House duty on unenumerated works of art; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 1296: The House bill imposed a duty of 50 cents a gross and 25 per cent American value on pencils not of metal and in addition a duty of 25 cents a gross on caps or protectors of pencils and pencils prepared for caps or protectors, and a duty of 50 cents a gross on pencils stamped with names other than the manufacturers'. The Senate amendment strikes out this duty and substitutes for it a duty on pencils not of metal of 40 cents a gross but not less than 45 per cent foreign value, a duty of 25 cents a gross on pencil point protectors and clips and a duty of 50 cents a gross but not less than 45 per cent foreign value on pencils stamped with names other than the manufacturers'. The House recedes with an amendment making the duty on pencils 45 cents per gross and in addition 25 per cent foreign value, and agreeing to the rate on pencil point protectors and clips and making the rate on pencils stamped with names other than the manufacturers' 50 cents a gross and in addition 25 per cent foreign value.

On amendment No. 1298: The House bill imposed a duty of 6 cents a gross on pencil leads not in wood or other material a duty of 10 cents a gross on leads not exceeding six one-hundredths of an inch in diameter and commonly known as refills, a duty of 60 cents a gross on colored, copy, or indelible leads, and in addition to all these specific rates imposed a duty of 20 per cent American value. The Senate amendment removes the additional ad valorem duty on pencil leads not in wood or other material and imposes a duty of 10 cents a gross on leads commonly known as refills not exceeding six one-hundredths of an inch in diameter and not exceeding 2 inches in length and a proportional duty in addition on longer leads, and imposes a duty of 40 per cent foreign value on colored or crayon leads or copy or indelible leads; and the House recedes.

On amendment No. 1300: This amendment changes from 30 per cent American value to 20 per cent foreign value the House duty on photographic cameras and parts thereof not specially provided for; and the House recedes.

On amendment No. 1301: This amendment changes from 20 per cent American value to 15 per cent foreign value the House duty on photographic dry plates not specially provided for; and the House recedes.

On amendment No. 1302: The House bill imposed a duty of 20 per cent American value on photographic and moving picture films, sensitized but not exposed or developed. The Senate amendment makes this duty four-tenths of 1 cent a linear foot of the standard width of 1⅜ inches and proportional rates on other widths; and the House recedes.

On amendment No. 1303: The House bill imposed a duty of 30 per cent American value on photographic film negatives for moving picture exhibits or for reproducing pictures for such exhibits, if exposed, whether developed or not. The Senate amendment changes this rate to 2 cents a linear foot in the case of such negatives exposed but not developed and 3 cents a linear foot if exposed and developed; and the House recedes.

On amendment No. 1304: This amendment changes from 30 per cent American value to 1 cent a linear foot the House duty on photographic film positives for use in connection with moving-picture exhibits; and the House recedes.

On amendment No. 1305: This amendment changes from 25 per cent American value to 1 cent a linear foot the duty imposed by the House bill on photographic and motion-picture films or film negatives taken from the United States and exposed in a foreign country by an American producer in the course of production of a picture, 60 per cent or more of which is made in the United States; and the House recedes.

On amendment No. 1309: This amendment changes from 45 per cent American value to 60 per cent foreign value the House duty on pipe bowls, pipes, cigar and cigarette holders, and cases for the same, mouthpieces and cases for the same, pouches for chewing or smoking tobacco, cigarette books, cigarette book covers, cigarette paper, except cork paper, and all unenumerated smokers' articles unless made of china, porcelain, parian, bisque, earthen or stone ware; and the House recedes.

On amendments Nos. 1310 and 1484: These amendments impose a duty of 20 per cent foreign value on crude or unmanufactured meerschaum and removes this material from the free list; and the House recedes.

On amendment No. 1311: See amendment No. 1106.

On amendment No. 1314: This amendment makes blanks and pistons of thermostatic containers dutiable at the same rate as the containers, such blanks and pistons being dutiable under the House bill at various rates according to the material of which composed; and the House recedes.

On amendments Nos. 1317, 1318, 1319, and 1320: The following table shows the duties imposed upon thermostatic containers and parts by the House bill, the Senate amendments, and the conference agreement. In each of these amendments the House recedes with an amendment making the changes indicated in the table.

	House.	Senate.	Conference.
Capacity 1 pint or less.	10 cents each......	20 cents each......	15 cents each.
Capacity more than 1 pint.	20 cents each......	40 cents each......	30 cents each.
Additional ad valorem duty.	30 per cent (American value).	50 per cent (foreign value).	45 per cent (foreign value).
Unenumerated parts..	35 per cent (American value).	60 per cent (foreign value).	55 per cent (foreign value).

On amendments Nos. 1324, 1326, 1327, and 1328: The House bill imposed a duty of 35 per cent American value on umbrellas, parasols, and sunshades covered with material other than paper, not embroidered or appliquéd, and walking canes, and a duty of 30 per cent American value on handles and sticks for umbrellas, parasols, sunshades, and contained a proviso that none of these articles should pay a less rate of duty than the rate provided for the component material of chief value. The Senate amendment No. 1328 strikes out the proviso and amendments Nos. 1324, 1326, and 1327 make the duty on walking canes and on handles or sticks for umbrellas, parasols, and sunshades 40 per cent foreign value and the duty on umbrellas, parasols, and sunshades covered with material other than paper or lace, not embroidered or appliquéd, 40 per cent foreign value; and the House recedes.

On amendment No. 1331: This amendment changes from 15 per cent American value to 25 per cent foreign value the duty on white bleached beeswax; and the House recedes.

TITLE II.—FREE LIST.

SCHEDULE 15.

On amendment No. 1340: This amendment provides that no article specified by name in the dutiable list shall be free of duty under the paragraph placing agricultural implements on the free list; and the House recedes.

On amendment No. 1341: See amendment No. 188.

On amendment No. 1344: See amendment No. 717.

On amendment No. 1347: See amendment No. 567.

On amendment No. 1349: See amendment No. 123.

On amendment No. 1353: See amendment No. 14.

On amendment No. 1356: See amendment No. 591.

On amendment No. 1357: This amendment strikes from the free list bagging for cotton, gunny cloth, and similar fabrics, composed of single yarns made of jute, or other material not bleached, dyed, colored, stained, painted, or printed, and not exceeding 16 threads to the square inch, and weighing not less than 15 ounces to the square yard; and amendment 1051 places duties on these fabrics. Amendment No. 1357 also places on the free list waste bagging and waste sugarsack cloth, which fabrics were dutiable at 10 per cent American value under paragraph 1456 of the House bill, unless they were wastes of the fabrics enumerated in paragraph 1517 of the House bill, in which case they were also on the free list under the House bill; and the House recedes.

On amendment No. 1358: See amendment No. 784.

On amendment No. 1359: This amendment places on the free list binding twine manufactured from henequen, which under paragraph 1019 of the House bill was dutiable at 28 per cent American value as a manufacture of vegetable fiber; and the House recedes.

On amendment No. 1360: See amendment No. 568.

On amendment No. 1366: This amendment specifically places animal carbon suitable only for fretilizing purposes upon the free list, so as to prevent its being classed as bone black and made dutiable at 20 per cent ad valorem under paragraph 66 of the House bill; and the House recedes.

On amendment No. 1370: This amendment permits the free entry of books, maps, music, engravings, photographs, etchings, lithographic prints, bound or unbound, and charts more than 20 years old, which were dutiable at 20 per cent American value under paragraph 1310 of the House bill. This amendment also provides that if such articles have been rebound within 20 years the binding shall be dutiable as provided in paragraph 1310; and the House recedes.

On amendment No. 1372: Under the House bill books and pamphlets printed wholly or chiefly in languages other than English were dutiable under paragraph 1310 at 20 per cent American value. The Senate amendment places these books and pamphlets on the free list; and the House recedes.

On amendment No. 1374: The House bill permitting schools and colleges and public libraries and religious, educational, and fine arts, etc., institutions to import free of duty not to exceed two copies, for their own use and not for sale, of any book, map, music, engraving, photograph, etching, lithographic print, or chart. The Senate amendment removes the limitation of two copies; and the House recedes.

On amendments Nos. 1376 and 1377: The House bill provided that books and libraries or persons from foreign countries, if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale, if not exceeding $250 in value, should be admitted free of duty. Amendment No. 1377 strikes out the value limit, and amendment No. 1376 reinstates the provisions of existing law that "usual and reasonable furniture and similar household effects" of such persons, which under the House bill were dutiable according to material of chief value, may be entered free of duty; and the House recedes on both amendments.

On amendment No. 1381: This amendment specifically enumerates on the free list Brazilian or pichurim beans which were not specifically enumerated under paragraph 1562 of the House bill; and the House recedes.

On amendment No. 1382: See amendment No. 259.

On amendment No. 1384: See amendment No. 886.

On amendment No. 1387: See amendment No. 569.

On amendment No. 1389: The House bill provided that if any country imposes a duty upon calcium acetate when imported from the United States an equal duty shall be imposed upon calcium acetate coming into the United States from such country. This amendment struck out the House provision; and the House recedes from its disagreement to this amendment with an amendment restoring the House provision with clerical changes.

On amendment No. 1391: See amendment No. 558.

On amendment No. 1392: See amendment No. 558.

On amendment No. 1393: See amendment No. 266.

On amendment No. 1395: See amendment No. 389.

On amendment No. 1397: See amendment No. 845.

On amendment No. 1400: The House bill provided that if any country imposes a duty upon coal, coke, and other articles used for fuel specified in paragraph 1545 of the House bill when imported from the United States, an equal duty shall be imposed upon such articles coming into the United States from such country. This amendment strikes out the House provision; and the House recedes from its disagreement to this amendment with an amendment restoring the House provision with clerical changes.

On amendment No. 1419: See amendment No. 897.

On amendments Nos. 1421, 1522, and 1553: The House bill placed potassium and sodium cyanide upon the free list. Amendment No. 1522 strikes potassium cyanide out of paragraph 1636 of the House bill and amendment No. 1553 strikes sodium cyanide out of paragraph 1654 of the House bill. Amendment No. 1421 places potassium and sodium cyanide salts, not specially provided for, on the free list in one paragraph; and the House recedes on all of these amendments.

On amendment No. 1425: The House bill left on the free list crude dyeing and tanning materials of vegetable origin treated solely for proper packing or for prevention of decay or deterioration pending manufacture. The Senate amendment permits these articles to come in free if advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process; and the House recedes.

On amendment No. 1428: See amendment No. 1216.

On amendment No. 1433: This amendment places upon the free list fish imported to be used for purposes other than human consumption, which under the provisions of paragraph 718 of the House bill would have been dutiable as fish not specially provided for at 1 cent a pound; and the House recedes.

On amendment No. 1439: This amendment places on the free list gloves made wholly or in chief value of leather made from hides of cattle of the bovine species, which under paragraph 1433 of the House bill were dutiable at various rates dependent on length and on whether intended for wear by men or women and children; and the House recedes with an amendment making a clerical change.

On amendment No. 1442: This amendment places on the free list henequen, which was dutiable under paragraph 1458 of the House bill at 20 per cent American value as a manufactured article not specially provided for; and the House recedes.

On amendment No. 1444: This amendment provides that no article specified by name on the dutiable list shall be free of duty under the paragraph of the bill placing fertilizer on the free list; and the House recedes.

On amendment No. 1446: See amendment No. 41.

On amendment No. 1448: The House bill left gunpowder and all other explosive substances used for mining, blasting, or artillery purposes, not specially provided for, on the free list. Senate amendment No. 592 removes dynamite and other high explosives put up in sticks, cartridges, or other forms, suitable for blasting, from the free list and makes them dutiable at 1¼ cents a pound; and Senate amendment No. 1448 includes sporting powder with gunpowder and all other explosive substances not specially provided for on the free list, but provides that if any country, dependency, province, or other subdivision of government imposes a duty upon such articles when imported from the United States an equal duty shall be imposed upon such articles coming into the United States from such country, dependency, province, or other subdivision of government; and the House recedes.

On amendment No. 1468: See amendment No. 58.

On amendment No. 1482: The House placed mechanically ground wood pulp and chemical wood pulp on the free list but added a proviso that whenever the President ascertains that any country restricts the exportation or imposes any export charge upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp, he should proclaim this fact and thereafter there should be levied upon mechanically ground wood pulp and chemical wood pulp when imported from such country, a duty of 10 per cent American value and in addition thereto an amount equal to the highest export charge imposed by such country upon an equal amount of wood pulp or an amount of wood necessary to manufacture such wood pulp, or an amount of printing paper ordinarily manufactured from such wood pulp. The Senate amendment strikes out this proviso; and the House recedes.

On amendment No. 1484: See amendment No. 1310.

On amendment No. 1488: The House bill made no distinction between molasses for human consumption and molasses not to be used for human consumption but included all molasses and sirups testing not above 48 per cent total sugars in paragraph 503 of the House bill dutiable at 0.25 of 1 cent a gallon and 0.275 of 1 cent additional for each per cent of total sugars and fractions above 48 per cent total sugars. The Senate amendment removed from the House classification molasses testing not above 56 per cent total sugars and not to be used for human consumption and placed them on the free list. The house recedes from its disagreement to amendment No. 1488 with an amendment adopting the Senate language and changing the percentage of total sugars to 52 per cent and making such molasses dutiable under paragraph 502 of the bill as amended at one-sixth of 1 cent per gallon.

On amendment No. 1492: This amendment puts on the free list nets or sections of nets for use in otter trawl fishing, if composed wholly or in chief value of manila or vegetable fiber. These nets, if made of flax, hemp, or ramie, would have been dutiable under paragraph 1006 of the House bill at various rates according to the thread, twine, or cord of which the nets are made, and if made of other vegetable fiber would have been dutiable under paragraph 1019 of the House bill at 28 per cent American value as a manufacture of vegetable fiber. The House recedes with an amendment making a clerical change and a change in paragraph number.

On amendment No. 1494: The House bill placed on the free list coconuts and broken coconut meat or copra, not shredded, desiccated, or prepared in any manner, palm nuts and palm-nut kernels. The Senate amendment struck out the House provision and placed the following oil-bearing seeds and nuts on the free list: Copra, coconuts, hempseed, palm nuts, palm-nut kernels, tung nuts, rapeseed, perilla, and sesame seed, and seeds and nuts not specially provided for when the oils derived therefrom are free of duty; and the House recedes with an amendment making a clerical change in the paragraph number.

On amendment No. 1499: See amendment No. 165.

On amendment No. 1507: See amendment No. 1141.

On amendment No. 1509: This amendment places on the free list pads for horses, which under paragraph 1120 of the House bill were dutiable as a manufacture of wool, not specially provided for, at 25 per cent American value; and the House recedes with an amendment making a change in paragraph number.

On amendment No. 1512: The House bill provided for the free entry of personal effects not merchandise, if not exceeding $300 in value, of citizens of the United States dying in foreign countries. The effect of the House bill provision was to make such articles exceeding $300 in value dutiable at various rates according to their character and material of which composed. The Senate amendment strikes out the limitation of value, thus providing for the free entry of such articles regardless of value; and the House recedes.

On amendment No. 1514: This amendment places on the free list fancy or racing pigeons which under paragraph 711 of the House bill if valued at $5 or less were dutiable at 50 cents each and if valued at more than $5 each were dutiable at 20 per cent American value; and the House recedes with an amendment making clerical changes.

On amendment No. 1516: See amendment No. 272.

On amendment No. 1518: This amendment places on the free list sheets of platinum, unmanufactured, which under paragraph 393 of the House bill were dutiable at 45 per cent American value; and the House recedes.

On amendment No. 1520: The House bill placed on the free list potassium chloride, potassium sulphate, kainite, wood ashes, and all crude potash salts not specially provided for but provided that for a period of five years after the passage of the act the following duties should be collected on the actual potash content of all the foregoing: 2½ cents a pound for the first two years; 2 cents a pound for the third year; 1½ cents a pound for the fourth year; and 1 cent a pound for the fifth year; and thereafter free. The Senate amendment strikes out this provision; and the House recedes with an amendment making the duty 1½ cents a pound for three years after the passage of the act and thereafter putting these materials on the free list.

On amendment No. 1522: See amendments Nos. 232 and 1421.

On amendment No. 1524: The House bill provided for the free entry of professional books, implements, instruments, and tools of trade, occupation, or employment in the actual possession of immigrants if owned and used by them abroad, if not exceeding $250 in value, the effect of which was to make those exceeding $250 in value dutiable at various rates according to their character or material of which composed. The Senate amendment strikes out the limitation in value, thus providing for the free entry of such articles regardless of value; and the House recedes.

On amendment No. 1527: This amendment places on the free list radio vacuum tubes which under the House bill were dutiable according to the component material of chief value; and the Senate recedes.

On amendment No. 1533: The House bill provided that rice, cleaned, for use in the manufacture of canned foods should be admitted free of duty. The Senate amendment limits the free entry of such rice to rice known as Patna rice; and the House recedes.

On amendment No. 1535: See amendment No. 896.

On amendment No. 1536: See amendment No. 699.

On amendment No. 1539: This amendment places smelts on the free list when fresh, frozen, or packed in ice, which under paragraph 718 of the House bill were dutiable at 1 cent per pound; and the House recedes.

On amendment No. 1541: The Senate amendment places the following seeds on the free list: Chickpeas or garbanzos, cowpeas, and sugar beet. Under paragraph 765 of the House bill chickpea seeds and garbanzos seeds were dutiable at 1 cent a pound and cowpeas at one-half cent a pound. Amendment No. 871 strikes out these duties. Under paragraph 762 of the House bill sugar-beet seeds were dutiable at 1 cent a pound. Amendment No. 860 strikes out this duty. The House recedes with an amendment making a change in paragraph number.

On amendment No. 1544: See amendment No. 634.

On amendment No. 1551: The Senate amendment places skins of all kinds, not specially provided for, tanned but not finished, on the free list, which under the provisions of paragraph 1600 of the House bill were on the free list as leather not specially provided for; and the Senate recedes.

On amendment No. 1553: See amendment No. 1421.

On amendment No. 1559: The House bill put standard newsprint paper on the free list but added a proviso that whenever the President finds that any country restricts the exportation of, or imposes any export duty on printing paper, wood pulp, or wood for use in the manufacture of wood pulp, he shall so declare by proclamation and thereafter there shall be levied upon standard newsprint paper when imported from such country a duty of 10 per cent American value, and in addition an amount equal to the highest export charge imposed by such country upon either an equal amount of printing paper or an amount of wood pulp or wood for use in the manufacture of wood pulp necessary to manufacture such printing paper. The Senate amendment strikes out this proviso; and the House recedes.

On amendment No. 1561: This amendment places on the free list altars, pulpits, communion tables, baptismal fonts, shrines, or parts of any of the foregoing, and statuary imported in good faith for presentation (without charge) to, and for the use of, any corporation or association organized and operated exclusively for religious purposes. The House bill had no such provision and such articles were dutiable according to the component material of chief value. The House recedes with an amendment making a change in paragraph number.

On amendment No. 1563: This amendment places trap rock on the free list which under the House bill was dutiable as a nonenumerated unmanufactured article at 10 per cent American value; and the House recedes.

On amendment No. 1569: See amendment No. 896.

On amendment No. 1572: The House bill provided that all intermediate containers of tea in packages of less than 5 pounds each, except mats, should be dutiable at the rate chargeable on such containers if imported empty. The Senate amendment eliminates this exception; and the House recedes.

On amendment No. 1575: This amendment, together with amendment No. 602, places on the free list tin in bars, blocks, or pigs, grain or granulated and scrap tin, which under paragraph 386 of the House bill were dutiable at 2 cents a pound. The amendment, together with amendment 369, also places on the free list scrap tin plate, which under paragraph 301 of the House bill was dutiable at $1.25 a ton. The House recedes with an amendment making a change in paragraph number.

On amendment No. 1577: See amendment No. 900.

On amendment No. 1582: This amendment puts wafers, nonedible, on the free list. Under the House bill they were dutiable at various rates according to the component material of chief value; and the House recedes, with an amendment making a change in paragraph number.

On amendment No. 1587: The House bill provided for the free admission of master records of soft wax or metal matrices obtained therefrom, for use in the manufacture of sound records for export purposes. The Senate amendment provides that these articles shall be admitted free under such regulations as the Secretary of the Treasury may prescribe; and the Senate recedes.

On amendment No. 1589: The House bill provided for free admission of articles of personal adornment of persons arriving in the United States necessary and appropriate for their wear and use. The Senate amendment provides that all jewelry and similar articles of personal adornment valued at $300 or more, brought in by a nonresident, shall, if sold within three years after arrival, be liable to duty at the rate in force at the time of the sale, to be paid by the importer; and the House recedes.

On amendment No. 1590: The House bill provided for the free admission of articles acquired by United States residents returning from abroad for personal and household use or as souvenirs or curios, but not bought on commission or intended for sale up to $250 in value. The Senate amendment limits this to articles not exceeding $100 in value; and the House recedes.

On amendment No. 1596: See amendment No. 624.

On amendment No. 1600: See amendment No. 628.

On amendment No. 1601: This amendment places on the free list paving posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods, which under paragraph 405 of the House bill were dutiable at 10 per cent American value. The House recedes with an amendment making a change in paragraph number.

On amendment No. 1602: This amendment, together with amendment No. 633, places on the free list pickets, palings, hoops, and staves of wood of all kinds, which under paragraph 407 of the House bill were dutiable at 10 per cent American value; and the House recedes with an amendment making a change in paragraph number.

On amendment No. 1603: This amendment places on the free list logs of fir, spruce, cedar, or western hemlock, which under paragraph 402 of the House bill were dutiable at $1 a thousand feet; and the Senate recedes.

On amendment No. 1611: The House bill provided that stained or painted window glass or stained or painted glass windows imported by houses of worship should be imported free of duty. The Senate amendment limits the free importation of such articles to such articles which are works of art and valued at $15 or more per square foot and ordered after the passage of this act; and the House recedes. The effect of this amendment is to make such articles valued at less than $15 per square foot and those valued at $15 or more per square foot but not works of art dutiable at 50 per cent foreign value under paragraph 230 as agreed to in conference.

On amendment No. 1613: See amendment No. 1256.

TITLE III.—SPECIAL PROVISIONS.

On amendment No. 1615: Section 301 of the House bill authorized the President to negotiate reciprocity treaties to become effective upon ratification by the Senate and approval by Congress. This amendment strikes out this provision; and the House recedes. See amendment No. 1667.

On amendment No. 1616: The House bill authorized the President to impose additional duties upon articles imported from a country which imposed upon products of the United States burdens which he deemed "higher and reciprocally unequal and unreasonable." The Senate amendment strikes out this provision and substitutes section 317 therefor; and the House recedes. See amendment No. 1667.

On amendment No. 1617: The House bill authorized the President, within a period of three years after the passage of this act, to negotiate trade agreements with foreign countries and to reduce, not more than 20 per cent and for not more than five years, the duties imposed by this act. Neither ratification nor approval by Congress was required. The Senate amendment strikes out this provision; and the House recedes. See amendment No. 1667.

On amendment No. 1621: The House bill, in the section relating to countervailing duties, did not provide for bounties and grants made by persons, partnerships, associations, cartels, or corporations. The Senate amendment so provides; and the House recedes.

On amendment No. 1623: Section 307 of the House bill provided that all articles of foreign manufacture or production capable of being marked, stamped, branded, or labeled, without injury, should be marked, stamped, branded, or labeled, in legible English words to indicate the country of origin. It also required all packages containing imported merchandise to be marked in the same manner. In case of failure, the article or the package was to be held in customs custody until properly marked. The Senate amendment strikes out these provisions and provides for a similar marking, but if the article is not properly marked, no delivery of the merchandise held in customs custody is to be made to the importer until the entire shipment is properly marked. The Senate amendment further provides that, unless the article is exported, there shall be levied, in addition to the regular duty, a duty of 10 per cent, or, if the article is free of duty, a duty of 10 per cent is imposed; and the House recedes with an amendment striking out the words "to the importer," in order to prevent any delivery until the article is properly marked.

On amendments Nos. 1631 and 1637: These amendments are necessary because of the action of the conferees on amendment No. 1623; and the House recedes with amendments making clerical changes.

On amendment No. 1638: The House bill placed the administration of the quarantine against cattle and hides under the Secretary of the Treasury. The Senate amendment transfers it to the Secretary of Agriculture; and the House recedes with an amendment making a clerical change.

On amendment No. 1641: Section 311 of the House bill specified the articles which could be imported under bond for exportation within six months. The Senate amendment strikes out this provision and incorporates them in section 308, and in addition permits the entry under bond of containers for compressed gases which comply with the laws and regulations for the transportation of such containers in the United States, and authorizes the cancellation of the six months' bond if the articles imported for experimental purposes are destroyed during the experiment; and the House recedes.

On amendment No. 1649: The Senate amendment permits the destruction of waste material resulting from manufacture in bonded warehouse; and the House recedes.

On amendments Nos. 1650, 1651, 1652, and 1653: The House bill provided for the manufacture of cigars in bonded manufacturing warehouses from tobacco imported from any one country. The Senate amendment extended this provision to the manufacture of cigarettes and tobacco and eliminated the requirement that the tobacco be imported from one country; and the Senate recedes on all these amendments.

On amendment No. 1654: Section 315 of the House bill is stricken out and rewritten by the Senate amendment in order to harmonize with paragraph 388 of the House bill. The Senate amendment also provides for the cancellation of the charge against the bond on the exportation of the refined metal produced from the dutiable metal imported, in order to remove the discrimination against the bonded smelter and in favor of the nonbonded smelter, which resulted from the tariff act of 1913; and the House recedes.

On amendment No. 1655: The Senate amendment strikes out and rewrites section 316 of the House bill, relating to drawback, and restores existing law with certain changes. An amount of domestic wheat equal to not less than 30 per cent of the amount of imported wheat must have been used in order to gain the privilege of drawback upon the exportation of flour or by-products. The rule for the distribution of drawback, where more than one product results, from the manipulation of the imported merchandise, is changed, and the drawback is distributed according to the relative value of the product exported; and the House recedes.

On amendment No. 1657: The Senate amendment permits the drawback upon flavoring extracts manufactured in the United States when an internal-revenue tax has been paid upon the domestic alcohol used; and the House recedes.

On amendment No. 1658: The Senate amendment strikes out the provision in the House bill that only domestic tax-paid alcohol may be used in the manufacture of medicinal or toilet preparations in order to gain the benefit of the drawback; and the House recedes.

On amendment No. 1665: The Senate amendment inserts a new section containing provisions for an elastic tariff. It authorizes the President to increase or decrease the duties specified in this act and to shift to the American valuation system under certain conditions.

Subdivision (a) authorizes the President to increase or decrease duties and to change classifications whenever necessary to equalize the ascertained differences in costs of production. No duty, however, may be increased or decreased more than 50 per cent of the duties specified in Title I, and no authority is given to transfer from the dutiable list to the free list, or vice versa; nor may any duty be changed from specific to ad valorem, or vice versa. The action of the conferees specifies that the differences in costs of production are to be ascertained in the United States and in the principal competing foreign country and removes the limit imposed by this amendment providing that section 315 shall remain in effect only until July 1, 1924.

Subdivision (b) authorizes the President to substitute American valuation for foreign valuation whenever necessary to equalize ascertained differences in costs of production of products within paragraphs 27 and 28 of Title I, under conditions and limitations similar to those prescribed in subdivision (a). The action of the conferees extends the provisions of this subdivision to all articles provided for in Title I but prohibits an increase in rates upon an article so transferred.

Subdivision (c) prescribes the factors which the President is to take into consideration in determining differences in costs of production, and also provides that investigations to assist the President in ascertaining such differences are to be made by the United States Tariff Commission. The action of the conferees eliminates the provision of the Senate amendment that the Tariff Commission hearings shall be public and that the President shall make the findings, hearings, and testimony in all proceedings public as soon as practicable after the issuance of a proclamation.

The President is not authorized to increase rates beyond the specified maximum ad valorem rate fixed in any paragraph of this act. The House recedes with an amendment making clerical changes and the changes indicated.

On amendment No. 1666: The Senate amendment inserts a new section making unlawful unfair methods of competition and unfair acts in the importation of merchandise into the United States which threaten the stability or existence of American industry.

Investigations of cases arising under this section are to be made by the United States Tariff Commission and its findings are subject to review, on questions of law, by the United States Court of Customs Appeals. The final findings of the commission are then transmitted to the President and he is authorized, in case such unfair methods or acts are established to his satisfaction, to impose additional duties upon merchandise imported in violation of the act, and in extreme cases he is authorized to prohibit the offending person from importing any merchandise into the United States; and the House recedes with an amendment making clerical changes.

On amendment No. 1667: The Senate amendment inserts a new section giving the President discretionary powers to impose additional duties or prohibition upon imports from any country discriminating against the overseas commerce of the United States.

This section follows the precedent established by a maximum and minimum provision of the Payne-Aldrich Act, which had for its purpose the obtaining of equality of treatment for American overseas commerce. The Senate amendment, however, is more flexible than the provision of the Payne-Aldrich Act and is designed to reach every form of discrimination, direct or indirect, whereby American commerce is placed at a disadvantage as compared with the commerce of any foreign country.

Sections 301 and 303 of the House bill provide for special negotiations whereby exclusive concessions may be given in the American tariff in return for special concessions from foreign countries. Section 302 of the House bill places in the hands of the President power to penalize the commerce of any foreign country which imposes on its imports, including those coming from the United States, duties which he deems to be "higher and reciprocally unequal and unreasonable." Under the Senate amendment, however, the United States offers, under its tariff, equality of treatment to all nations, and at the same time insists that foreign nations grant to our external commerce equality of treatment; and the House recedes with an amendment rewriting subdivisions (e) and (f) and making further clerical changes.

On amendment No. 1668: The Senate amendment inserts a new section enlarging the powers of and imposing well-defined duties upon the United States Tariff Commission; and the House recedes.

On amendment No. 1682: The House bill repealed section 3022 of the Revised Statutes and Title I of the emergency tariff act. The Senate amendment strikes out this repeal at this point in the bill and provides for their repeal in the repealing sections of Title IV; and the House recedes.

On amendment No. 1683: The House bill provided that nothing in this act should be construed as permitting oaths to be demanded or fees to be charged. The Senate amendment strikes out this provision as unnecessary, in view of the several amendments relating specifically to oaths and fees; and the House recedes.

On amendment No. 1684: The Senate amendment prevents an implied repeal of the provisions of subsection 30 of section 28 of the act of August 5, 1909, relating to the powers and duties of the Assistant Attorney General in charge of customs; and the House recedes.

On amendment No. 1685: The Senate amendment inserts a new section imposing a duty of 90 per cent foreign value upon automobiles, automobile bodies, automobile chassis, and parts thereof exported prior to February 11, 1919, from the United States, for the use of the American Expeditionary Forces or for the Governments associated with the United States in the war with Germany, and which have been sold; and the House recedes with an amendment making a clerical change.

On amendment No. 1686: The Senate amendment inserted a section authorizing the establishment of "foreign trade zones"; and the Senate recedes.

TITLE IV.—ADMINISTRATIVE PROVISIONS.

On amendment No. 1690: The Senate amendment enlarges the definition in the House bill of the word "vessel" so that it will include a hydroplane; and the House recedes.

On amendment No. 1692: The House bill defined the word "port" to mean a "port of entry." The Senate amendment strikes out this definition in order to retain the existing distinction between a port and a port of entry; and the House recedes.

On amendment No. 1695: The Senate amendment enlarges the definition in the House bill of "merchandise" to include merchandise the importation of which is prohibited, in order to meet the situation created by recent court decisions holding that the phrase "capable of being imported" means "legally capable of being imported"; and the House recedes.

On amendment No. 1698: The House bill included in the definition of the word "person" the provision that reference to any officer includes the person authorized to perform the duties of the office. The Senate amendment strikes out this provision, for the various sections refer specifically to the officer; and the House recedes.

On amendments Nos. 1701, 1702, and 1703: The Senate amendments change the definition in the House bill of the word "master" to conform with existing law in order to remove possible confusion in the navigation laws; and the House recedes.

On amendment No. 1714: The definition in the House bill of the word "appraiser" included the person directed to act as the appraiser. The Senate amendment strikes out this provision and provides specifically in section 500 for the person who is to act; and the House recedes.

On amendment No. 1715: The House bill defined the phrase "date of exportation." The Senate amendment strikes out this definition in order that the phrase will retain the well-established meaning now given it by the courts; and the House recedes.

On amendment No. 1716: The Senate amendment strikes out the definition in the House bill of "proof spirit" in order to permit the definition in section 3249 of the Revised Statutes to apply; and the House recedes.

On amendment No. 1717: The Senate amendment strikes out the definition in the House bill of "proof gallon" in order to permit the definition in section 3250 of the Revised Statutes to apply; and the House recedes.

On amendment No. 1718: The Senate amendment strikes out the definition in the House bill of "wine gallon" in order that the existing definition and practice may apply; and the House recedes.

On amendment No. 1719: The Senate amendment strikes out the definition in the House bill of the word "ton" because it conflicted with the use of the word in connection with the tonnage of vessels and in order that the existing definition and practice may prevail; and the House recedes.

On amendment No. 1720: The Senate amendment strikes out the definition in the House bill of "United States" and inserts a definition to conform with Titles I and II; and the House recedes.

On amendment No. 1721: The House bill provided for the "American valuation plan" as the basis for assessing ad valorem duties and defined "value" to mean, first, the selling price of the comparable and competitive domestic article; second, in the absence of such value, the selling price of the imported article or a constructive selling price in the United States based on any facts accessible to the appraiser establishing such price. The Senate amendment strikes out this provision in the House bill and substitutes, with minor changes, the foreign valuation system of existing law. The Senate amendment provides that the value of imported merchandise shall be (1) the foreign value or the export value, whichever is higher; (2) in the absence of the foreign value and the export value, then the United States value, which is defined to be the American selling price of the imported article less the charges accruing subsequent to the shipment of the merchandise to the United States, in order to reach a constructive foreign value; and (3) in the absence of the foreign value, the export value, and the United States value, then the cost of production.

The Senate amendment also defines the American selling price of the domestic article to be the wholesale price in the principal markets of the United States of any article manufactured or produced in the United States, and in the event that the President proclaims, under the provisions of subdivision (b) of section 315, that the value shall be determined according to the American selling price, then the value of the imported merchandise shall be determined by ascertaining the American selling price of a similar competitive domestic article; and the House recedes with an amendment making clerical changes.

On amendment No. 1722: Sections 403 and 404 of the House bill carried into law the prior administrative definitions of "purchased" merchandise and of merchandise imported "otherwise than by purchase," which were adopted in order to secure necessary statements upon invoices. The Senate amendment strikes out these two sections and specifically requires in section 481 the statement on invoices of such facts as are necessary for an appraisement and classification of merchandise; and the House recedes.

On amendment No. 1726: The House bill required a statement in the manifest of the names of the owners of the vessel according to the vessel's register. The Senate amendment strikes out this requirement, as the names can be obtained whenever necessary from the register; and the House recedes.

On amendment No. 1728: The House bill contained no provision for a list of the baggage on board the vessel in the absence of the owner. The Senate amendment requires such list; and the House recedes.

On amendment No. 1732: The House bill permitted vessels of regular lines to proceed to their port of destination without reporting at the first port of arrival. The Senate amendment strikes out this provision and requires all vessels to report at the first port of arrival as a safeguard against smuggling and the illicit traffic in liquor; and the House recedes.

On amendments Nos. 1734 and 1735: The House bill placed the report and entry of vessels under the jurisdiction of the Secretary of the Treasury. The Secretary of Commerce now has such jurisdiction, and the Senate amendments restore that jurisdiction to the Secretary of Commerce, and possible confusion in the administration of the navigation laws is eliminated. The amendments necessary to prevent a conflict between the jurisdiction of the two departments have been made throughout Title IV; and the House recedes.

On amendment No. 1737: The House bill provided only for delivery of the original manifest at the time of making entry of the vessel. The Senate amendment requires the delivery of an additional copy; and the House recedes.

On amendment No. 1738: See amendment No. 1734.

On amendment No. 1743: The House bill imposed a stated fine of $500 upon every master who failed to make the report or entry of his vessel. The Senate amendment imposes an elastic fine of not more than $1,000; and the House recedes.

On amendment No. 1751: The Senate amendment corrects a typographical error in the House bill by striking out the penalty of $500 and restoring the penalty of $5,000 imposed under existing law; and the House recedes.

On amendment No. 1757: The House bill made no distinction between merchandise and baggage. The existing law and practice makes such distinction, and the Senate amendment retains this distinction. The necessary amendments are made throughout Title IV; and the House recedes.

On amendment No. 1772: The Senate amendment provides that a vessel arriving in distress is not required to make entry, a provision of existing law omitted in the House bill; and the House recedes.

On amendment No. 1783: See amendment No. 1734.

On amendments Nos. 1793 and 1794: See amendment No. 1757.

On amendment No. 1800: See amendment No. 1757.

On amendment No. 1803: See amendment No. 1757.

On amendment No. 1807: The House bill was a codification of sections 2891, 2892, 2894, and 2896 of the Revised Statutes. The Senate amendment strikes out the provision in the House bill and rewrites the section in order to make it conform, with minor changes, with existing law and practice; and the House recedes.

On amendments Nos. 1808, 1809, and 1810: See amendment No. 1757.

On amendments Nos. 1812 and 1813: See amendment No. 1757.

On amendment No. 1822: See amendment No. 1757.

On amendment Nos. 1826, 1827, and 1828: See amendment No. 1757.

On amendment No. 1839: The House bill imposed a penalty of $100 upon a customs officer who quits his station or neglects or fails to perform his duties. The Senate amendment strikes out this provision; and the House recedes.

On amendment No. 1845: The House bill imposed a penalty of $100 for interfering with a customs officer in the performance of his duty. The Senate amendment increases this penalty to $500; and the House recedes.

On amendment No. 1854: The House bill made possible a distinction between the owner and the consignee of imported merchandise. The Senate amendment makes the consignee the only person responsible in the importation of merchandise, and the necessary changes have been made throughout the title; and the House recedes.

On amendment No. 1856: See amendment No. 1854.

On amendment No. 1861: The House bill subjected vehicles to the provisions of law relating to vessels. The Senate amendment strikes out this provision and specifically provides for vehicles wherever necessary, because vessels are within the jurisdiction of the Department of Commerce and vehicles are within the jurisdiction of the Secretary of the Treasury; and the House recedes.

On amendment No. 1873: See amendment No. 1757.

On amendment No. 1886: The House bill failed to provide for the forfeiture of an article the importation of which is prohibited. The Senate amendment makes this provision; and the House recedes.

On amendment No. 1890: The House bill authorized the through transportation of sealed cars. The Senate amendment rewrites the provision, leaving it to the discretion of the Secretary of the Treasury to stop the cars at the border and to examine the merchandise if he deems it necessary to safeguard against smuggling; and the House recedes.

On amendment No. 1892: The House bill provided that in case the person in charge of the sealed car fails to proceed promptly to the port of destination and deliver the merchandise he shall be subject to a penalty equal to the value of the merchandise if subject to duty, or subject to a penalty of $25 if the merchandise is free of duty. The Senate amendment strikes out this provision and restores existing law, which imposes a penalty in such case of not more than $1,000 fine or imprisonment for not more than five years, or both, regardless of whether or not the merchandise is subject to duty; and the House recedes.

On amendment No. 1895: The Senate amends the provision of section 3114 of the Revised Statutes so that it will be applicable to all vessels documented under the laws of the United States engaged in the foreign or coasting trade. The existing statute applies only to such vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and because of the date on which the section became law it has been construed as not applicable to the coasting trade on the Pacific coast. Section 3115 of the Revised Statutes provides for the remission of the duties imposed under section 3114 where the repairs were necessary to enable the vessel to proceed to her port of destination, and is reenacted without change in order to make certain its application to section 3114 as amended; and the House recedes.

On amendment No. 1896: Section 481 of the House bill required a consular invoice at the time of entry, or, in the absence of such invoice, a pro forma invoice and a bond to produce the certified invoice. The Senate amendment embodies these provisions in subdivision (b) of section 484, where all of the provisions of law relating to entry of merchandise and the papers or documents required at the time of entry are grouped in one section. Section 482 of the House bill required all certified invoices to be made out in triplicate and to be signed by the seller, manufacturer, or owner. The Senate amendment struck out this section and incorporated its provisions in section 482, so that all provisions relating to the requirements of a declaration before the consul may be found in one section. Section 483 of the House bill related to the disposition of the consular invoice. This section is stricken out by the Senate amendment and included in section 482 for the same reason. Section 484 of the House bill specified the statements to be included in the invoice. The Senate amendment strikes out this section, and its provisions, with certain changes, are incorporated in section 481, which contains all of the provisions relating to the contents of the consular invoice. The House bill only required the invoice to state from whom the merchandise was purchased; the Senate amendment requires the invoice to state in addition the person to whom the merchandise is sold. The House bill did not require a statement of the kind of currency; the Senate amendment requires such statement in the invoice. The Senate amendment also authorizes the Secretary of the Treasury to require additional facts if he deems it necessary; and the House recedes.

On amendment No. 1897: Section 485 of the House bill related to the declaration before the consul. It required a repetition in the declaration of many of the statements required in the invoice. The Senate amendment, in section 482, provides concisely for all of the statements not provided for in the invoice, and then requires a declaration that all of the statements in the invoice and entry are true and correct; and the House recedes with an amendment authorizing the shipper to obtain a quadruplicate copy of the consular invoice, if the merchandise is intended for immediate transportation.

On amendment No. 1898: Section 486 of the House bill attempted to codify various sections of existing law relating to certification before the consul. The section failed to include several provisions relating to the duties of the consular officers. Inasmuch as these matters are within the jurisdiction of the Department of State and are now governed by the regulations of that department, the Senate amendment strikes out this section and restores existing law; and the House recedes with an amendment to conform with the action of the conferees on amendment No. 1897.

On amendment No. 1900: Section 488 of the House bill authorized the collector to require a statement as to cost of production and partially defines cost of production, authorized him to accept such statement in lieu of the certified invoice, and authorized him to require a statement in the case of consigned merchandise by a person other than the manufacturer. The Senate amendment strikes out this section and, in section 484, authorizes the collector or the appraiser to require a statement showing the cost of production; cost of production is defined in section 402; the statement can not be accepted in lieu of the certified invoice, for it does not furnish all of the information necessary; and the authority to require the statement in the case of consigned merchandise is placed in section 481; and the House recedes.

On amendment No. 1903: The Senate amendment strikes out section 490 of the House bill and places, in section 484, all of the provisions relating to the entry of merchandise which were in sections 481, 488, 490, 491, and 493 of the House bill. The House bill provided merely for a statement in the form of an invoice where the certified consular invoice was not produced. The Senate amendment requires the production of a shipper's or seller's invoice in such cases. The House bill did not specifically except the cases where a formal entry is not possible. The Senate amendment specifically excepts these cases and, in sections 490, 498, 552, and 553 provides for their entry. The House bill required the production of a bill of lading at the time of making entry. The Senate amendment, in subdivision (c) of section 484, authorizes the collector to accept a shipping receipt or other satisfactory evidence in cases where there is no bill of lading, such as shipments by express or parcels post; it also authorizes the collector to accept a bond in cases where a bill of lading has been issued but is not produced at the time of making entry, and provides that any person injured as a result of the delivery may sue directly on the bond. The House bill required statements at the time of entry as to value and classification of the merchandise; the Senate amendment requires these statements in the invoice and authorizes the Secretary of the Treasury to require at the time of entry such additional facts as he deems necessary; and the House recedes with an amendment requiring the consignee to make a declaration under oath that he is unable to produce a certified invoice, whenever he makes an entry without such invoice.

On amendment No. 1904: The Senate amendment strikes out all of section 491 and the first paragraph of section 492 of the House bill and incorporates their provisions in section 485, where all of the provisions relating to the declaration at the time of entry are enumerated. Section 491 of the House bill provided for a declaration to be signed by the owner, importer, consignee, or agent, but did not provide for the specific statements to be included within the declaration. The Senate amendment enumerates the statements to be made in the declaration and requires a declaration as to the truth of all statements in the invoice and other documents filed at the time of entry. Section 491 of the House bill authorized the Secretary of the Treasury to prescribe regulations for the entry of periodicals, and this provision is placed in subdivision (b) of 485 of the Senate amendment. The House bill also authorized the Secretary of the Treasury and the Secretary of Commerce to require statements for statistical purposes. These provisions are eliminated from the declaration and placed in subdivision (e) of section 484, as they relate to entry.

The first paragraph of section 492 of the House bill provided for an owner's declaration in the event that the entry is made by an agent. The Senate amendment includes this provision in subdivision (c) of section 485. Under the present law the consignee is always liable for additional or increased duties, even though he is not the actual owner of the merchandise. The Senate amendment relieves him of this liability if he declares that he is not the actual owner, if he furnishes the name and address of the owner, and if he produces within 90 days a declaration of the actual owner. The Senate amendment also requires separate forms for the declaration in the case of merchandise imported in pursuance of a purchase or agreement to purchase, and merchandise imported otherwise than in pursuance of the purchase or agreement to purchase; and the House recedes.

On amendment No. 1908: Section 493 of the House bill is stricken out by the Senate amendment and placed in subdivision (f) of section 484, in order that all of the provisions relating to entry may be found in one section; and the House recedes.

On amendment No. 1910: The House bill, in the provision for a bond for the return of merchandise not sent to the public stores, included a provision that an importer or consignee who desired to make entry but who was not in possession of the invoices and other documents should give a bond for their production. This provision is stricken out by the Senate amendment and included within section 490, in order not to confuse the bond for the return of packages with the bond for the production of missing documents; and the House recedes.

On amendment No. 1913: The House bill required the bond given for the production of packages to include a condition for the payment of increased or additional duties. The Senate amendment strikes out this provision, for it was a change in existing law and the present practice does not indicate a necessity for it, for the Government is in possession of a sufficient quantity of the merchandise to insure against any failure to pay the increased or additional duties; and the House recedes.

On amendment No. 1914: The provisions of the House bill are stricken out in conformity with the action of the conferees on amendment No. 1913; and the House recedes.

On amendment No. 1915: See amendment No. 1854.

On amendment No. 1916: The Senate amendment restores a provision omitted in the House bill authorizing the consignee to make corrections in his entry at any time before the invoice or the merchandise has come under the observation of the appraiser for the purposes of appraisement. This is a reenactment with a slight change of Paragraph I, Section III, of the act of 1913. This paragraph, however, has recently been construed as not giving the privilege to make corrections after the documents have been delivered to the appraiser, and the Senate amendment extends the privilege by the addition of the phrase "for the purpose of appraisement," in accordance with the intent of the original paragraph and with a long-standing practice; and the House recedes.

On amendment No. 1917: The House bill repealed Paragraph I of Section III of the act of 1913, imposing upon the collector the duty to cause the merchandise to be appraised, and did not contain a substitute. The Senate amendment restores this necessary provision; and the House recedes.

On amendment No. 1920: The Senate amendment restores the provision of existing law, omitted in the House bill, that the additional duties shall not be construed to be penal; and the House recedes.

On amendment No. 1921: The Senate amendment restores the provision of existing law giving the Secretary of the Treasury authority to remit additional duties in the case of a manifest clerical error; and the House recedes.

On amendment No. 1923: The House bill provided that additional duties shall be remitted upon a finding of the Board of General Appraisers that there was no intention to defraud or to conceal or misrepresent the facts, but failed to prescribe the procedure. The Senate amendment authorizes the Board of General Appraisers to prescribe the procedure; and the House recedes.

On amendment No. 1924: The Senate amendment is a reenactment with a slight change of a provision of existing law creating a presumption of fraud in proceedings other than a criminal prosecution in the event that the appraised value exceeds the declared value by more than 100 per cent; and the House recedes with an amendment making a clerical change.

On amendment No. 1927: The Senate amendment conforms with the action of the conferees on amendment No. 1903; and the House recedes.

On amendment No. 1928: The Senate amendment strikes out the words "in said pending cases"; and the Senate recedes.

On amendment No. 1929: The Senate amendment inserts the authority of the collector to liquidate the entry in accordance with the final appraisement; and the House recedes.

On amendment No. 1930: The House bill provided for a tentative entry and a tentative appraisement of imported merchandise, to give the importer an opportunity to secure the necessary facts in order to make a proper entry under the American valuation system. The provision is unnecessary because of the change in basis of valuation; and the House recedes.

On amendment No. 1933: The House bill provided that in case all of the documents were not produced the collector should place the merchandise in a bonded warehouse. The Senate amendment gives the collector a discretion, and he may take a bond to produce the missing documents and permit entry under the provisions of section 484 without sending the merchandise to a bonded warehouse; and the House recedes.

On amendment No. 1936: See amendment No. 1854.

On amendment No. 1946: The House bill required the collector to destroy all merchandise subject to an internal-revenue tax if he was of the opinion that it would not sell for a sufficient amount to pay such taxes. Section 3308 of the Revised Statutes was recently amended to permit cigarettes and tobacco to be given to hospitals for the use of veterans of the World War.

The Senate amendments retains this provision; and the House recedes.

On amendment No. 1953: See amendment No. 1854.

On amendment No. 1955: Section 502 of the House bill is stricken out by the Senate amendment and incorporated in section 498, which includes all of the provisions applicable to entry under regulations of the Secretary of the Treasury; and the House recedes.

On amendment No. 1956: Section 503 of the House bill provided for a bond in the case of entry under regulations of the Secretary of the Treasury. This section is stricken out, and under the provisions of section 498 the Secretary may require a bond under his rules and regulations if he deems it necessary; and the House recedes.

On amendment No. 1963: The House bill failed to authorize the collector to examine the baggage in order to ascertain whether it contained articles free of duty or prohibited. The Senate amendment vests him with this authority; and the House recedes.

On amendment No. 1975: Section 506 of the House bill provided for entry under the regulations of the Secretary of the Treasury. These provisions are incorporated in section 498, which covers all importations that can not be entered and declared under sections 484 and 485. The Senate amendment also includes merchandise within the provisions of the act of June 8, 1896, which was repealed in the House bill. This act permits the packing in one package of numerous small packages of slight value belonging to different persons; and the House recedes.

On amendment No. 1983: The House bill did not prescribe a minimum number of packages to be sent to the public stores for examination. The Senate amendment prescribes that not less than one package of every invoice and not less than 1 package of every 10 packages shall be designated and sent for examination unless the Secretary of the Treasury prescribes a lesser number. The Senate amendment also authorizes the collector or the appraiser to require additional packages; and the House recedes.

On amendment No. 1988: Section 508 of the House bill prescribed the duty of the appraiser. This section is stricken out by the Senate amendment and is incorporated in section 500, where the duties of the appraiser, the assistant appraiser, and examiner are enumerated in conformity with existing law and practice. The Senate amendment also includes a provision of existing law authorizing the Secretary of the Treasury to designate an official of the customs as acting appraiser at ports where there are no appraisers; and the House recedes.

On amendment No. 1990: The House bill did not prescribe the method of filing an appeal for reappraisement. The Senate amendment provides that the appeal must be filed with or mailed to the Board of General Appraisers; and the House recedes.

On amendment No. 1991: The House bill limited the period within which the collector could appeal to 30 days. The Senate amendment extends this period to 60 days to conform with existing law, as a 30-day period was considered insufficient; and the House recedes.

On amendment No. 1992: The Senate amendment establishes the date of the appraiser's report as the beginning of the 60-day period, in accordance with the decisions of the board; and the House recedes.

On amendment No. 1993: See amendment No. 1854.

On amendment No. 1995: The Senate amendment establishes the date of the personal delivery or the date of mailing of the written notice of appraisement as the date on which the 10-day period commences; and the House recedes.

On amendment No. 1997: The Senate amendment restores the necessary provision of existing law omitted in the House bill that the consignee must comply with all of the provisions of law relating to the entry and appraisement of merchandise before he can file a valid appeal for a reappraisement; and the House recedes.

On amendment No. 2006: The present practice has required the production of original documents. The Senate amendment authorizes the admission in evidence of copies of official documents when certified by an official authorized by the Secretary of the Treasury; and the House recedes.

On amendment No. 2004: The House bill did not permit a review of a decision of a general appraiser except as to the value of merchandise. The Senate amendment is intended to permit such a review, especially of decisions upon jurisdictional questions; and the House recedes.

On amendment No. 2006: The Senate amendment requires a copy of the application by a collector for a review of a decision of a general appraiser to be mailed to the consignee or his agent or attorney; and the House recedes.

On amendment No. 2007: See amendment No. 1854.

On amendment No. 2010: The Senate amendment specifically permits argument before a board of three general appraisers; and the House recedes.

On amendment No. 2017: The Senate amendment authorizes the Secretary of the Treasury to disseminate certain information in conformity with existing practice; and the House recedes.

On amendment No. 2018: The Senate amendment extends the dissemination to information relating to the classification and assessment of duties; and the House recedes.

On amendment No. 2020: The Senate amendment reenacts a provision of existing law and extends it to include a final decision of the Board of General Appraisers. It prevents the Secretary of the Treasury from reversing or modifying any ruling or decision adversely to the United States, except in concurrence with an opinion of the Attorney General recommending the same or a final decision of the Board of General Appraisers; and the House recedes.

On amendment No. 2021: The Senate amendment reenacts without change a provision of existing law not included in the House bill; and the House recedes.

On amendment No. 2024: See amendment No. 1854.

On amendment No. 2030: Section 513 of the House bill permitted the abandonment of perishable merchandise only when the quantity to be abandoned was 10 per cent or more of the invoice quantity, and it required delivery to the collector in every instance. The Senate amendment strikes out this section and rewrites it in section 505, permits the abandonment of 5 per cent or more of the total quantity of perishable merchandise, and makes a delivery unnecessary if it is so far destroyed as to be nondeliverable; and the House recedes.

On amendment No. 2032: The Senate amendment strikes out all of sections 515, 516, 517, 518, and 519 of the House bill and restores existing law because it was deemed impracticable to make a complete codification of the statutes relating to the importation of liquor; and the House recedes.

On amendment No. 2041: The House bill authorizes inspection of importers' books and imposes an additional duty of 15 per cent in case of failure to permit such inspection. The Senate amendment strikes out this provision and inserts the provisions of existing law relating to the inspection of exporters' books and the inspection of importers' books, and authority to prohibit the importation or to withhold delivery of merchandise is given in case of a refusal by the importer; and the House recedes.

On amendment No. 2042: The Senate amendment strikes out section 524 of the House bill relating to legal tender and restores existing law, as it was deemed impracticable to codify all of the statutes and decisions relating to legal tender; and the House recedes.

On amendment No. 2053: Title IV applies to decisions of the collector upon the questions not within the jurisdiction of the Secretary of the Treasury, particularly questions under the navigation laws within the jurisdiction of the Secretary of Commerce. The Senate amendment is intended to eliminate all doubt as to the extension of a remedy by protest of matters not falling within the jurisdiction of the Secretary of the Treasury; and the House recedes.

On amendment No. 2054: Under the existing law there is no remedy in the event that the importer has made a clerical error, for the remedy is confined to the case of a manifest clerical error. The effect of the Senate amendment permits the filing of protest and a reliquidation of the entry for a clerical error discovered within one year after date of the entry, or within 60 days after liquidation when liquidation is made more than 10 months after the date of entry; and the House recedes with an amendment striking out the phrase "in any entry or liquidation," in order to avoid misinterpretation.

On amendment No. 2056: The House bill changed existing law and required the importer to make additional statements in his protest. The Senate amendment strikes out this provision and restores existing law, which has been well defined by decisions; and the House recedes.

On amendment No. 2059: The Senate amendment permits a protest to be amended at any time prior to the first docket call; and the House recedes.

On amendment No. 2066: The House bill provided that whenever an American manufacturer or producer should prove that it was impracticable for him to make an importation of merchandise he could appear in any case in which the question was involved, or he could present his facts to the collector, and he was given the right to appeal for reappraisement or to make a protest. The provisions of the House bill were susceptible of doubtful interpretation. The Senate amendment strikes out this section and provides for a more detailed and practical method of getting the facts before the appraising officers. If the American manufacturer, producer, or wholesaler is not satisfied with the appraiser's action, he may, under subdivision (a) of section 516, file an appeal for reappraisement or file a protest under the provisions of subdivision (b). In both instances the action will be taken upon an actual importation. The Senate amendment also assures a proper notice to the opposing parties and assures the privacy of documents and papers; and the House recedes.

On amendment No. 2072: The Senate amendment authorizes a board of three general appraisers or a general appraiser to obtain analyses of imported merchandise by Government laboratories or bureaus; and the House recedes.

On amendment No. 2077: The provisions of section 533 of the House bill are stricken out by the Senate amendment and rewritten and rearranged in section 520. The only material change is in permitting a correction in the case of a manifest clerical error within 60 days after liquidation, when liquidation is made more than 10 months after the date of entry instead of within one year after the date of entry; and the House recedes.

On amendment No. 2078: The House bill was a revision of the existing statute of limitations. No important changes were made, and in order to retain the benefit of numerous court decisions the Senate amendment reenacts existing law, except for the addition of the phrase "after the expiration of 60 days after the date of liquidation when liquidation is made more than 10 months after date of entry"; and the House recedes.

On amendment No. 2079: The House bill provided for the furnishing of information by executive departments and independent establishments. The present practice is operating satisfactorily, and the Senate amendment strikes out this section in order to prevent the assertion of a statutory right to obtain confidential information; and the House recedes.

On amendment No. 2080: The Senate amendment reenacts without change the provisions of the emergency tariff act relating to the conversion of currency; and the House recedes.

On amendment No. 2081: The Senate amendment changes the names of the present naval officers to "comptrollers of customs" and defines their duties in accordance with existing practice; and the House recedes.

On amendment No. 2082: Under the present law reimbursements for labor and services of customs officials are covered into the Treasury as miscellaneous receipts. The Senate amendment provides that they shall be refunded to the appropriation from which the labor and services were originally paid; and the House recedes.

On amendment No. 2083: The Senate amendment authorizes the Secretary of the Treasury to use, in the District of Columbia, not more than eight customs officials to assist in the enforcement of this act; and the House recedes.

On amendment No. 2084: A recent decision of the circuit court of appeals holds that existing law does not prevent the importation of merchandise bearing the same trade-mark as merchandise of the United States, if the imported merchandise is genuine and if there is no fraud upon the public. The Senate amendment makes such importation unlawful without the consent of the owner of the American trade-mark, in order to protect the American manufacturer or producer; and the House recedes with an amendment requiring that the trade-mark be owned, at the time of the importation, by a citizen of the United States or by a corporation or association created or organized within the United States.

On amendment No. 2085: The House bill provided for the transportation under bond of merchandise from the port of arrival to another port for entry if the port of destination is shown in the papers. The Senate amendment removes this restriction and permits the transportation to any port which the consignee designates; and the House recedes.

On amendment No. 2086: See amendment No. 1886.

On amendment No. 2088: See amendment No. 1886.

On amendment No. 2092: The provisions of the House bill were capable of an interpretation conflicting with the navigation laws of the United States. This possible conflict is eliminated by the Senate amendment; and the House recedes.

On amendment No. 2093: The House bill did not provide for the compensation of the customs officers appointed to supervise the receipt of merchandise into bonded warehouses; the Senate amendment provides that this compensation shall be reimbursed to the Government by the proprietor of the warehouse, in conformity with existing law; and the House recedes.

On amendment No. 2097: The Senate amendment eliminates the provision of the House bill that merchandise in bonded warehouses must be exported in the original packages in which it was imported to be entitled to a drawback, in order to harmonize with the provisions of section 562; and the House recedes.

On amendment No. 2098: The Senate amendment permits the destruction of merchandise entered under bond, in order to make it unnecessary to export worthless merchandise to avoid the payment of duties; and the House recedes.

On amendment No. 2106: In order to prevent the construction under the House bill that wool can not be cleaned in a bonded warehouse, the Senate amendment specifically provides that the scouring and carbonizing of wool shall not be considered a process of manufacture; and the House recedes.

On amendment No. 2107: The House bill authorized the Secretary of the Treasury to abate or refund duties upon proof of actual injury or destruction by fire or other casualty while in bonded warehouse, or while in transportation under bond, or while in the custody of officers of the customs, although not in bond, or while within the limits of any port of entry and before landing. The Senate amendment transfers this authority from the Secretary of the Treasury to the Board of General Appraisers; and the House recedes.

On amendment No. 2111: The Senate amendment is made in conformity with the action of the conferees on amendment No. 2107 and prescribes the procedure; and the House recedes.

On amendment No. 2112: See amendment No. 1854.

On amendment No. 2117: The Senate amendment authorizes officers of the Department of Commerce to board vessels in the enforcement of the navigation laws; and the House recedes.

On amendment No. 2136: The Senate amendment incorporates the provisions of the "Narcotic drugs import and export act," which became a law after the passage of the House bill; and the House recedes.

On amendment No. 2144: The House bill imposed a penalty of $5,000 upon the person in charge of any vehicle for a failure to make a report or entry or for unloading merchandise before a report or entry. The Senate amendment reduces this penalty to $500, for the penalty of $5,000 is considered excessive; and the House recedes.

On amendments Nos. 2152 and 2153: The House bill imposed a penalty equal to the value of the merchandise upon the master of a vessel who allows merchandise to be unladen within four leagues from the coast of the United States and before the vessel has come to the proper place for discharging the merchandise. The Senate amendment makes this penalty twice the value of the merchandise but not less than $1,000; and the House recedes.

On amendments Nos. 2160 and 2161: The Senate amendments make the penalty twice the value of the merchandise but not less than $1,000, in order to conform with the penalty agreed upon in amendment No. 2152; and the House recedes.

On amendment No. 2184: The House bill rewrote the provisions of paragraph G of section 3 of the act of 1913. The Senate amendment strikes out this section and reenacts without change the existing law, in order to retain the benefit of numerous court decisions; and the House recedes.

On amendment No. 2185: The House bill rewrote the provisions of paragraph H of section 3 of the act of 1913. The Senate amendment strikes out this section and reenacts existing law without change, for the reason as stated in the case of amendment No. 2184; and the House recedes.

On amendment No. 2186: The House bill was a codification of two existing statutes relating to smuggling. The Senate bill strikes out this section and reenacts without change the two sections of existing law, for the reason as stated in the case of amendment No. 2184; and the House recedes.

On amendments Nos. 2187, 2188, and 2189: The House bill is a codification of the statutes relating to searches and seizures. The Senate bill strikes out these provisions in order to restore existing law; and the House recedes.

On amendment No. 2213: See amendment No. 1757.

On amendment No. 2218: See amendment No. 1757.

On amendment No. 2221: See amendment No. 1757.

On amendment No. 2224: See amendment No. 1757.

On amendment No. 2228: The House bill was a codification of sections 2941 and 3628 of the Revised Statutes. Section 2941 prevents certain officers of the customs from holding a commercial or mercantile position but it does not impose a criminal penalty. The House bill as a result of the codification imposed a penalty of $1,000 or imprisonment for two years. The Senate amendment strikes out this provision and restores existing law; and the House recedes.

On amendment No. 2231: See amendment No. 1757.

On amendment No. 2258: See amendment No. 1757.

On amendment No. 2267: See amendment No. 1757.

On amendment No. 2273: See amendment No. 1757.

On amendment No. 2279: See amendment No. 1757.

On amendment No. 2284: See amendment No. 1757.

On amendment No. 2290: See amendment No. 1757.

On amendment No. 2291: The House bill provided that the collector should have power to adjourn a sale for a period not exceeding 30 days. The Senate amendment strikes out this provision so that the collector will have power to adjourn a sale for any period; and the House recedes.

On amendment No. 2294: See amendment No. 1757.

On amendment No. 2296: Section 614 of the House bill is a codification of existing law relating to the delivery under bond of vessels, vehicles, and merchandise. The delivery of a vessel is within the jurisdiction of the Department of Commerce and is provided for under the navigation laws. The Senate amendment strikes out this section and allows the existing law to stand; and the House recedes.

On amendment No. 2299: See amendment No. 1757.

On amendment No. 2300: The Senate amendment permits the Secretary of the Treasury to transfer sale to the most advantageous district; and the House recedes.

On amendments Nos. 2308, 2309, and 2310: See amendment No. 1757.

On amendment No. 2316: See amendment No. 1757.

On amendments Nos. 2319, 2320, and 2321: See amendment No. 1757.

On amendment No. 2324: See amendment No. 1757.

On amendments Nos. 2325 and 2326: See amendment No. 1734.

On amendment No. 2328: See amendment No. 1757.

On amendment No. 2330: See amendment No. 1734.

On amendment No. 2339: See amendment No. 1757.

On amendment No. 2345: See amendment No. 1757.

On amendment No. 2348: See amendment No. 1757.

On amendment No. 2350: See amendment No. 1734.

On amendment No. 2352: See amendment No. 1757.

On amendments Nos. 2356, 2357, and 2358: See amendment No. 1757.

On amendment No. 2367: See amendment No. 1757.

On amendment No. 2375: See amendment No. 1757.

On amendment No. 2377: See amendment No. 1734.

On amendment No. 2379: See amendment No. 1757.

On amendment No. 2380: See amendment No. 1734.

On amendment No. 2389: See amendment No. 1757.

On amendments Nos. 2394 and 2395: The House bill limited the compensation to be paid the informer in fraud cases to $5,000. The Senate amendment provides a compensation of 25 per cent of the net amount recovered but not more than $50,000, in order to recover greater amounts in such cases; and the House recedes.

On amendment No. 2396: Under existing law a bail bond was not considered as a recovery of a fine incurred. The Senate amendment so provides, so that the informer will receive his compensation if the accused forfeits his bond; and the House recedes.

On amendment No. 2402: The Senate bill increases the penalty because of the increase in the compensation payable under amendments 2394 and 2395; and the House recedes.

On amendment No. 2404: The Senate amendment restores a provision of existing law giving a civil action to the person who pays a customs officer a portion of the compensation, in order to supplement the criminal prosecution; and the House recedes.

On amendment No. 2410: The Senate amendment confers general authority upon the Secretary of the Treasury to make rules and regulations for carrying out the provisions of this act; and the House recedes.

On amendment No. 2412: The House bill provided that nothing in this act should be construed as repealing any of the provisions of the Judicial Code or of the Criminal Code. The Senate amendment strikes out this section, for some of the provisions of the act do repeal provisions of such codes; and the House recedes.

On amendments Nos. 2415, 2417, 2418, 2419, 2420, 2422, 2423, 2424, 2425, 2426, 2427, 2428, and 2429: Title IV of the House bill contemplated a complete codification of the laws relating to customs administration. Sections 643 and 644 of the House bill repealed the sections of the Revised Statutes and the acts and parts of acts so codified. The Senate amendments abandoned the attempt to prepare a complete code and confined Title IV to a revision, codification, and reprint of the more important customs laws. The Senate amendments strike out the repeal provisions of the House bill and substitute a repeal of the sections of the Revised Statutes and of the acts and parts of acts which are so revised, codified, or reprinted, or which have been superseded, or which are now obsolete; and the House recedes on all of the above amendments except amendment No. 2415, on which it recedes with an amendment inserting certain obsolete sections of the Revised Statutes which had been repealed in the House bill but which the Senate amendment failed to repeal.

On amendment No. 2430: The House bill repealed the act of June 28, 1916, chapter 180, relating to the storing, cleaning, packing, etc., of garbanzos in bonded warehouses, and providing for the compensation of customs officers for services in the supervision of such warehouses. The House bill also repealed Title III of the emergency tariff act of May 27, 1921. The Senate amendment strikes out the repeal of the act of June 28, 1916, and repeals Titles I, III, and V of the emergency tariff act. The House bill in section 320 repealed Title I of the emergency tariff act; and Senate amendment No. 1682 agreed to in conference struck out the repeal of Title I in that section. Title V of the emergency tariff act, known as the dye and chemical control act, was not repealed by the House bill; and the House recedes with an amendment agreeing to the retention of the act of June 28, 1916, and to the repeal of Titles I and III of the emergency tariff act, but with an amendment keeping the dye and chemical control act in effect for one year after the passage of this act and with power in the President to extend its operation for not exceeding one year more in respect to any of the articles specified in paragraphs 27 or 28 of Title I of the bill as agreed to in conference, if he finds in respect to such articles either (1) that the duties specified in such paragraph do not equal the differences in cost of production between domestic and foreign articles, or (2) that an industry in the United States is being or is likely to be materially injured by reason of the importation of any such articles.

On amendment No. 2431: The House bill provided that the provisions of this title are declared to be a revision and codification of the laws modified or repealed and are to be so held and construed. The Senate amendment strikes out this provision because the ordinary rules of statutory construction should apply; and the House recedes.

On amendment No. 2436: The Senate amendment provides that this act may be cited as the "Tariff act of 1922"; and the House recedes.

J. W. FORDNEY,
W. R. GREEN,
NICHOLAS LONGWORTH,
Managers on the part of the House.

Mr. FISH. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from New York rise?

Mr. FISH. To make a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FISH. I make the point of order that the conferees have exceeded their authority in including new matter in the bill which was not in disagreement between the two Houses.

The SPEAKER pro tempore. The gentleman will have to be a little more definite as to just what the matter is.

Mr. FISH. I refer to the so-called dye embargo, page 485 of the bill.

Mr. DYER. What is the number of it?

Mr. FISH. It is very difficult to find out in this bill.

Mr. DYER. Can the gentleman give us the number and the page?

Mr. FISH. It is No. 2430.

The SPEAKER pro tempore. The Chair does not quite gather the gentleman's point of order.

Mr. FISH. It is that the conferees have exceeded their authority in including new matter which was not in disagreement between the two Houses.

The SPEAKER pro tempore. That is on page 485?

Mr. FISH. Yes; amendment No. 2430.

Mr. GARNER. Mr. Speaker, I desire to suggest to the Chair, in addition to the point of order made by the gentleman from New York, that there are other points of order that will be made, and I do not wish to lose any right to make them during this discussion. I merely call the attention of the Chair to that fact.

The SPEAKER pro tempore. The Chair suggests that the gentleman had better reserve the points of order.

Mr. GARNER. I reserve all points of order on the bill.

The SPEAKER pro tempore. The gentleman from Texas reserves all points of order on the bill.

Mr. COOPER of Wisconsin. Mr. Speaker, in addition to the point of order made by the gentleman from New York [Mr. FISH], I make the point of order against the language beginning in the last line of page 484 and down to and including the end of line 8, on page 486. I understood the gentleman from New York limited the point of order to page 485?

Mr. FISH. No; I gave the number of the amendment.

Mr. COOPER of Wisconsin. All right.

Mr. MOORE of Virginia. Mr. Speaker, I think it is desirable to have a quorum here. I should regret in any event there should be necessity for an appeal from the decision of the Chair on a point of order, but that might happen, and it indicates the importance of having a quorum here to listen to the discussion. It is a most important bill, and I think a quorum should be present.

The SPEAKER. The gentleman from Virginia makes the point of order that there is no quorum present. It is clear that there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Nebr.
Anthony
Arentz
Aswell
Barkley
Beedy
Begg
Bell
Blakeney
Brand
Britten
Brooks, Ill.
Brooks, Pa.
Browne, Wis.
Burton
Butler
Byrnes, S. C.
Byrns, Tenn.
Campbell, Pa.
Cantrill
Carter
Chandler, Okla.
Clark, Fla.
Clarke, N. Y.
Classon
Cockran
Codd
Cole, Ohio
Collier
Connally, Tex.
Connell
Copley
Cramton
Crisp
Dempsey
Dickinson
Dominick
Doughton
Dunn
Dupré
Echols
Edmonds
Fields
Fisher
Focht
Frear
Free
French
Fulmer
Funk
Gallivan
Garrett, Tenn.
Gensman
Gilbert
Goldsborough
Gould
Griest
Griffin
Hawes
Henry
Herrick
Hersey
Hooker
Hudspeth
Humphreys
Jacoway
Johnson, Ky.
Kahn
Kelley, Mich.
Kirkpatrick
Kitchin
Kline, Pa.
Knight
Kunz
Langley
Larsen, Ga.
Layton
Leatherwod
Lee, Ga.
Lineberger
Logan
Luce
Luhring
McClintic
McDuffie
McPherson
McSwain
MacGregor
Mann
Mead
Michaelson
Michener
Miller
Montague
Montoya
Mudd
Nelson, J. M.
Newton, Mo.
Nolan
O'Brien
Oldfield
Overstreet
Parker, N. J.
Parker, N. Y.
Patterson, N. J.
Porter
Pou
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Ransley
Reber
Riddick
Robertson
Rogers
Rossdale
Rucker
Ryan
Scott, Mich.
Sears
Shelton
Sisson
Smith, Idaho
Smith, Mich.
Snell
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Tague
Taylor, Tenn.
Temple
Ten Eyck
Tincher
Tinkham
Upshaw
Vare
Vinson
Ward, N. Y.
Wason
Webster
White, Kans.
Williamson
Wise
Wright
Wurzbach

The SPEAKER. On this roll call 278 Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that Members may have five legislative days in which to print their own remarks on the tariff bill.

The SPEAKER. The gentleman from Michigan asks unanimous consent that Members may have five legislative days in which to print their own remarks on the tariff bill. Is there objection?

Mr. CHINDBLOM. Reserving the right to object, why not make it 10 days? We are going to be very busy here for the next five days. I do not know that I want to extend my remarks at all.

Mr. FORDNEY. Very well, Mr. Speaker, I will modify my request and make it 10 days.

The SPEAKER. The gentleman asks unanimous consent that Members may have 10 days in which to print their own remarks. Is there objection?

Mr. STAFFORD. Reserving the right to object, is that 10 calendar days or 10 legislative days?

Mr. FORDNEY. Ten calendar days.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, what does the language "his own remarks" mean? Does that prevent a quotation from testimony?

Mr. FORDNEY. It would prevent a long list of newspaper articles.

Mr. COOPER of Wisconsin. Would it prevent the insertion of a quotation from testimony?

Mr. FORDNEY. No; I think not.

Mr. COOPER of Wisconsin. A quotation from testimony is not the Member's own remarks.

Mr. FORDNEY. He could make it a part of his remarks.

Mr. COOPER of Wisconsin. If you admit that, then you could admit a newspaper article.

Mr. FORDNEY. I think the term "his own remarks" is well understood.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. When the point of no quorum was made a point of order was being discussed. The Chair will ask the gentleman from New York [Mr. FISH] to again state his point of order.

Mr. FISH. Mr. Speaker, the point of order is that the conferees have exceeded their authority by including new matter not in disagreement between the two Houses.

The SPEAKER. Will the gentleman please state the facts on which he relies.

Mr. FISH. Mr. Speaker, this House voted down the dye embargo after a full and fair discussion. The other body also voted down the so-called dye embargo after a thorough debate. There is no disagreement therefore between the two Houses on the question of a dye embargo. In spite of that the conferees have brought back to the House a dye embargo in violation of a record vote of both Houses. The purpose, Mr. Speaker, of the emergency tariff bill, especially section 5 of that bill which was passed in May, 1921, and extended again three months later was to provide protection for the dye industry in this country until a permanent tariff bill had been enacted. As I remember, the wording reads "until otherwise provided for by law." This tariff bill when it goes into effect will be the new law and includes a high rate of protection for the dye industry of America. It is absolutely out of order, being new matter not germane, and in violation of the direct vote of both Houses to include an embargo in the permanent tariff bill. Furthermore, it is against every principle of the protective system.

It seems to me, Mr. Speaker, that the Speaker of the House should go a long way to carry out the expressed vote of the House and protect the rights, interests, and prerogatives of the membership. For a hundred years or more the Speakers of the House of Representatives have protected the membership from encroachment by the conferees. They have restricted invariably the power of the conferees either to write new legislation into a bill or to inject legislation that is not germane. Never in my short experience in the House has there been such a political trick perpetrated on the membership of this body.

The SPEAKER. If the Chair may interrupt the gentleman from New York, the Chair would like to see if he understands exactly the position of the gentleman. As the Chair understands it, the House left the emergency tariff law with the exception of May 27 untouched.

Mr. FISH. Yes; but the act of May 27 was extended.

The SPEAKER. And it says "shall continue in force until otherwise provided by law." The House tariff bill did not affect that at all.

Mr. FISH. There were two acts—the first act of May 27 extended the embargo three months. That was again extended six months and the words added until "otherwise provided by law."

The SPEAKER. Did the tariff bill which was passed by the House at all affect that? It left it unchanged, did it not?

Mr. FISH. That came later.

The SPEAKER. Yes; but when it did come it left it unchanged?

Mr. LONGWORTH. It did not repeal Title V.

Mr. YOUNG. But it did raise the rates of duties on dyestuffs.

Mr. FISH. Mr. Speaker, I think I can explain the situation in this way.

The SPEAKER. The Chair wishes to have the facts.

Mr. FISH. "Unless otherwise provided by law" seems to me to be perfectly obvious; the purpose of the emergency tariff legislation was that the rates contained therein should remain until a permanent tariff bill was enacted into law. This bill provides as a result of the action of the House and the Senate high protective duties on dyestuffs. When this bill is enacted into law it automatically does away with the emergency act without any reference to the emergency act. [Applause.]

Mr. Speaker, as I was saying, this is the worst example of the workings of so-called invisible government that I have witnessed since I have been in the House. [Applause.]

Mr. LONGWORTH. Mr. Speaker, I make the point of order that the gentleman is not discussing his point of order and that he must confine himself to it.

The SPEAKER. The gentleman from New York must confine himself to the point of order.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. FISH. Yes.

Mr. HARDY of Texas. Has the gentleman examined the law passed by the House and Senate to determine whether or not by necessary implication it repeals the emergency tariff which the Speaker has referred to.

Mr. FISH. It is not necessary to take that up because the Senate and the House have both passed on this matter of the embargo.

Mr. HARDY of Texas. Will the gentleman permit a further question? As I understand it, the gentleman's point is that the law on the statute books is to remain in effect by the terms until otherwise provided for.

Mr. FISH. That is the reading of the law.

Mr. HARDY of Texas. And this section does not mention specifically that law, but passes a law on the same subject. Does that by implication repeal the emergency tariff law?

Mr. FISH. When this bill is written into law it will.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. FISH. Yes.

Mr. JOHNSON of South Dakota. The gentleman says that this is the worst illustration of invisible government——

Mr. LONGWORTH. Mr. Speaker, I make a point of order that that question is not in issue.

The SPEAKER. The Chair thinks that is not the question.

Mr. JOHNSON of South Dakota. But I have not asked my question yet.

Mr. LONGWORTH. The gentleman bases his question on the remark of the gentleman from New York which was not in order.

Mr. JOHNSON of South Dakota. How does the gentleman know that my question is based on that?

Mr. LONGWORTH. Because the gentleman said enough for me to make the point of order.

Mr. JOHNSON of South Dakota. The gentleman from Ohio may be an expert and one of the best conferees on dyestuffs, but he can not read my mind.

The SPEAKER. The Chair will state that the gentleman must confine himself to the point of order.

Mr. JOHNSON of South Dakota. I am going to try to confine myself to the point of order. I wanted merely to correct the gentleman from New York, if I may, in saying that this is the worst illustration——

The SPEAKER. The Chair has already ruled that that is not in order.

Mr. JOHNSON of South Dakota. I submit to the Chair that I could not be ruled against before I have stated the question. [Laughter.]

The SPEAKER. The gentleman from New York will proceed.

Mr. FISH. Mr. Speaker, I submit that all the precedents by Speakers of this House have been along the line of restricting the power of conferees to write any new legislation or legislation that is not germane, in that way to protect the prerogatives and the rights of the membership. I look to the Speaker of this House to carry out those precedents, and also to carry out the often repeated statement that he believes that the rules of this House were made to protect the rights of the Members of the House [applause]; that he believes that wherever it is possible he should be liberal in protecting the rights and prerogatives of the membership.

What right, Mr. Speaker, had the conferees to take up this new matter? I submit that there are always two sides to a question. You can always find a peg to put your hat on. There is always some quibble that can be raised to make up a case. But you can not, Mr. Speaker, make up a case like this in utter disregard to the wishes of both Houses, because if you did it would be repugnant to the elected representatives of the American people to let six men write a new tariff bill [applause], or to let six men write a new schedule into a tariff bill after that schedule had been expressly repudiated by both Houses. [Applause.]

Mr. Speaker, there are many precedents I could quote here, one from section 6410 of Hinds', where Speaker Thomas B. Reed ruled as follows:

> It is a well-established principle that no conference committee can introduce a new subject and one that was not in dispute between the two Houses.

All the precedents carry out the proposition which I maintain that the conferees have exceeded their authority by including new matter not in disagreement between the two Houses, and I submit that it is the duty of the Speaker to protect the rights and prerogatives of the House. [Applause.]

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The gentleman from Ohio [Mr. LONGWORTH] is recognized.

Mr. LONGWORTH. Mr. Speaker, there is one statement that the gentleman from New York made that was correct, and that was that this House, and also the Senate, by a very meager vote, defeated what he styles "the dye embargo." But that is not the subject matter under discussion—the dye embargo, as passed upon either by the House or by the Senate. This is an entirely different subject, the proof of which is that on two different occasions the House and the Senate have by a practically unanimous vote extended the operation of this particular proposition.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. If the gentleman will pardon me, I would prefer to continue. On August 24, 1921, by a practically unanimous vote, the Congress extended the provisions of Title V of the emergency tariff law, known as the dye and chemical control act of 1921, for three months; and again, on November 16, 1921, as the gentleman from New York has said, it continued it indefinitely.

Mr. FAIRCHILD. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Continued it in force until otherwise provided by law. I trust the gentleman will permit me to proceed. The bill as it passed the House in nowise affected the operation of this particular proposition, to wit, the dye and chemical control act of 1921.

The SPEAKER. That is the point the Chair wished to be assured on. The Chair wished to be assured on that fact.

Mr. LONGWORTH. I desire to state the facts in this matter, not to engage in any argument as to whether or not the action of the conferees was right in either one. What I maintain is that the conference committee acted absolutely within its rights.

Mr. WOODRUFF. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. If the gentleman will allow me to state my proposition, I will proceed. What was done was this: In the House bill the House repealed specifically Titles I and III of the emergency tariff act.

The SPEAKER. Did it affect dyes?

Mr. LONGWORTH. In no respect whatever. Title V, which is the chemical dye control act, was left untouched by the House. The House made no reference whatever to it. The Senate specifically repealed Title V of the dye and chemical control act. Therefore the conferees had entire jurisdiction with regard to Title V, whether it should accept the Senate amendment repealing it or disagree to the Senate amendment by which it would not be repealed, or perfect the Senate amendment by any germane amendment. I call the attention of the Chair to article 539 of the Manuel, which reads as follows:

> The managers of a conference must confine themselves to the differences committed to them and may not include subjects not within the disagreements, even though germane to a question in issue. But they may perfect amendments committed to them if they do not in so doing go beyond the differences.

Now, I repeat, Mr. Speaker, the differences are absolute between the House and the Senate. The House expresses no opinion on Title V and takes no action with reference to it. The Senate repeals it. Therefore the conferees under the law that I have just stated may perfect this amendment if they do not in so doing go beyond the differences.

Now, what did the House do?

Mr. BURTNESS. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Permit me to finish my argument. The House simply did this: It amended the Senate amendment in this respect: Instead of repealing the law, which we had the right to do, we perfected that amendment. We continued the law in force for one year, with the further provision that the President, in his discretion, might continue that law in force for another year with reference to the articles provided for in pargraphs 27 and 28 of the tariff law. The conferees in no wise exceeded the limits of their powers. They acted specifically within the limits, between taking no action whatever and taking action to repeal the law.

Mr. BURTNESS. Did not the House bill repeal section 5 of the emergency act to the same extent as if it had repealed it specifically?

Mr. LONGWORTH. The only thing that the House bill did was to very slightly raise the existing duties on dyes. It made no provision whatever for the limitation of the importation in any respect.

Mr. BURTNESS. But even if the bill should pass and become a law in the form in which it passed the House, would not section 5 of the emergency tariff act be repealed and be at an end?

Mr. LONGWORTH. Absolutely not.

Mr. EVANS. Will the gentleman yield?

Mr. GARNER. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Will the gentleman permit me to answer his statement?

Mr. LONGWORTH. No. I will permit the gentleman to ask me a question.

Mr. COOPER of Wisconsin. Is not this a complete answer to the suggestion made by the gentleman from Ohio [Mr. LONGWORTH] to the gentleman from Nebraska? The gentleman from Ohio just said that the House bill made no reference to Title V of the emergency act, which is true; but we provided that the act should expire within three months from the time of its enactment.

Mr. LONGWORTH. I beg the gentleman's pardon.

Mr. COOPER of Wisconsin. I do not mean the last enactment, but the original emergency act was for three months.

Mr. LONGWORTH. No; the original emergency act was for six months.

Mr. COOPER of Wisconsin. Whether it was for three months or for six months is entirely immaterial. The important thing is that the time when it would expire was definitely fixed. The House bill, the one passed July 21, 1921, and which is now here in this conference report, of course, need not provide that it should repeal the emergency act, because every Member of the House or of the Senate knew that the bill could not become law before the time first fixed for the expiration of that act in August, 1921. The emergency act was extended for three months, and in November, 1921, it was extended until "otherwise provided by law." These extensions of time were made with the distinct understanding by both Houses—there is no question about this—that the emergency act should cease absolutely upon the enactment of the permanent tariff law. [Applause.] That is as plain as day.

Mr. LONGWORTH. I will answer the gentleman from Wisconsin [Mr. COOPER] by saying that if what he says is true about every other article of the emergency tariff law it is not true of Title V, because Title V of itself was extended until otherwise provided by law.

Mr. WOODRUFF. Will the gentleman yield?

Mr. LONGWORTH. I yield to the gentleman from Michigan.

Mr. WOODRUFF. The gentleman from Ohio has stated that the emergency tariff law was extended on two different occasions by the practically unanimous vote of this House. I would like to ask the gentleman now if that action was not taken by the House upon the distinct understanding that when the permanent tariff law was enacted it would repeal every item in the emergency tariff bill?

Mr. GREEN of Iowa. Why, no.

Mr. WOODRUFF. Was not that the distinct understanding?

Mr. LONGWORTH. Absolutely not. The law speaks for itself. I will read to the gentleman what the law says.

Mr. WOODRUFF. I would like to propound another question. The gentleman evidently believes it was the unanimous agreement in the House that the provisions of the emergency tariff bill should be extended indefinitely. If he believes that, I would like to ask him if he would object to a vote by the House upon this proposition?

Mr. LONGWORTH. Why, that is absolutely impossible. It is impossible to have a separate vote by the House unless you want to defeat the tariff bill.

Mr. WOODRUFF. It is not impossible, and the gentleman knows very well how it can be done.

Mr. GARNER. This argument is, of course, addressed to the Speaker, and I will try to confine myself strictly to the parliamentary phases of the question. If I understand the contention of the gentleman from Ohio, it is that this amendment was in controversy by virtue of the fact that the Senate repealed Title V of the emergency tariff act. Now, it seems to me that in determining whether there was really any controversy between the two Houses on this point, the query comes whether Title V was not repealed by the House itself when it passed the House bill. Let us see. If Title V of the emergency tariff act was repealed by the House bill, then I think the gentleman's point of order is well taken. On page 486, section 644——

The SPEAKER. Which print of the bill?

Mr. GARNER. The last print; page 486, section 644, of this bill we find the following:

> General repeal: All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Now, if the Speaker will turn back to the beginning of this bill and look at the chemical schedule, he will find that Title V of the emergency tariff act is repealed.

The SPEAKER. Will the gentleman cite the Chair to that?

Mr. GARNER. If some one will hand me a copy of the emergency tariff act I will show that the rates in the emergency tariff act contained in Title V are changed by the provisions of this House bill.

Mr. LONGWORTH. Surely.

Mr. GARNER. Now, the point which I wish to make to the Chair is this: If the chemical schedule in the House bill repeals the effect of Title V in the emergency tariff act, then the additional repealing of it in the Senate amendment does not make the repeal any more effectual. It only goes to show there is no controversy between the two Houses on the question of the repeal of the dye embargo and therefore the conferees are transgressing their authority when they go out and agree to an amendment which further extends the life of the dye embargo for another year.

Mr. LONGWORTH. Mr. Speaker, I am afraid this controversy arises largely because gentlemen have not read Title V of the emergency tariff law, which I shall now proceed to read to the Chair, and show that it is in no way affected by the rate or rates of duty, high or low, provided in the final bill.

Mr. GARRETT of Tennessee. Mr. Speaker, before the gentleman reads, will he yield for a question?

Mr. LONGWORTH. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. I want to ask the gentleman, does he rest his contention as to the conferees having authority wholly upon the proposition of the repeal?

Mr. LONGWORTH. In so far as this specific amendment is concerned.

Mr. GARRETT of Tennessee. I mean that.

Mr. LONGWORTH. In so far as the point of order made by the gentleman from New York is concerned. But there are a number of other sections which were taken into consideration as affecting the dye schedule. For instance, there is the proposition giving the right to place an American valuation on coal-tar products. We have now extended that to all products, as a germane amendment.

Now, Mr. Speaker, may I call the attention of the Chair to the provisions of Title V of the emergency tariff act?

> SEC. 501. (a) That on and after the day following the enactment of this act, for the period of three months, no sodium nitrite, no dyes or dyestuffs, including crudes and intermediates, no product or products derived directly or indirectly from coal tar (including crudes, intermediates, finished or partly finished products, and mixtures and compounds of such coal-tar products), and no synthetic organic drugs or synthetic organic chemicals, shall be admitted to entry or delivered from customs custody in the United States or in any of its posessions unless the Secretary determines that such article or a satisfactory substitute therefor is not obtainable in the United States or in any of its possessions in sufficient quantities and on reasonable terms as to quality, price and delivery, and that such article in the quantity to be admitted is required for consumption by an actual consumer in the United States or in any of its possessions within six months after receipt of the merchandise.

Now, Mr. Speaker, it makes absolutely no difference what rates may be imposed by Congress upon these products. They may be high or they may be low. The House provided a duty of 7 cents a pound and 45 per cent ad valorem. The Senate bill increased those duties, but whether they are high or low Title V affects them in no particular, and they affect Title V in no particular. When the Secretary of the Treasury under the powers given him in Title V releases these goods from the customs they pay the rate of duty under the law which may exist at that time. It in no way affects its administration.

The SPEAKER. The Chair suggests that there is no question of parliamentary law raised there and that it is a question of fact, as it seems to the Chair. The Chair will be glad to hear any answer to the statement just made by the gentleman from Ohio [Mr. LONGWORTH].

Mr. GARNER. May I ask the gentleman from Ohio a question?

Mr. LONGWORTH. I yield to the gentleman from Texas.

Mr. GARNER. If the Senate had not specifically repealed Title V, and this bill had become a law, would not the embargo of Title V in the emergency act have been repealed?

Mr. LONGWORTH. Absolutely not.

Mr. GARNER. I contend that it would.

Mr. LONGWORTH. It in no way affects the operation of that.

The SPEAKER. The Chair will be glad to hear argument on that point.

Mr. GARNER. Mr. Speaker, the emergency tariff act was passed as an emergency measure. I think we will all admit that, and the application of it to the dye industry was due to the emergency then existing. The emergency having passed, Congress undertook to frame a general law applying to the subject matter contained in the emergency tariff. That was done in this House bill, and I undertake to suggest to the Speaker that it can be demonstrated, if we could get the experts who advised in the preparation of this bill, that every provision of Title V, every article prevented from coming into this country by the embargo of Title V has been dealt with in this bill. Now, if every article that was prohibited from coming through the customhouse by Title V of the emergency tariff bill has been dealt with in this bill and a duty fixed upon it, it would undoubtedly repeal the provisions of that bill. That seems to me to be an evident truth, because everything that can be conceived of is covered by the basket clause. The basket clause in any schedule covers everything.

The Chair well knows that in any tariff bill it enumerates everything that can then be thought of, and then to be sure that nothing is left out the framers of the bill put in a basket clause which includes everything. Section 5 of the emergency tariff act applies to the chemical dye industry. This bill deals with that schedule, and after it gets through enumerating the various rates it puts in a basket clause which includes everything the mind can conceive of.

The SPEAKER. Article 5 of the emergency tariff act did not fix the duties.

Mr. GARNER. It dealt with the subject matter of chemical dyestuffs, and the subject matter having been dealt with in this bill, and this bill having a general repealing clause, I think any court in the land would hold that it was repealed.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. CAMPBELL of Kansas. Would the gentleman hold that Titles IV and V of the emergency tariff act would have the same effect?

Mr. GARNER. I do not remember what Title IV is.

Mr. CAMPBELL of Kansas. It is the antidumping law.

Mr. GARNER. I do not know about that; I do not think it would, because we can have an antidumping law and still not affect the rate of duties, whereas this is an embargo. Now, an embargo having been established prohibiting the bringing through of certain things through the customhouse, this bill says that these articles can be brought through at a certain rate. It seems to me by implication you say that these things can be brought in—enumerated in Title V—at a certain rate. If the articles enumerated include the things covered in section 5 you have repealed the entire law.

Mr. GREENE of Vermont. Will the gentleman yield for a question?

Mr. GARNER. Yes.

Mr. GREENE of Vermont. Does the gentleman hold that when you have a law that forbids the importation of anything, and subsequently you fix the rate on those things if imported, that you have repealed the embargo?

Mr. GARNER. I think so.

Mr. GREENE of Vermont. Is not the implication that when the embargo is raised the things imported shall bear the rates of duty prescribed?

Mr. GARNER. The bill does not say when the embargo is raised; it says when they come to the customhouse.

Mr. GREENE of Vermont. When imported.

Mr. GARNER. When you bring them to the customhouse you can not bring them in—if the embargo act was not repealed, as you gentlemen contend—and yet you would have the House doing the unusual thing of levying duties on articles which could not be legally imported into the country. I say it would be the duty of the court to construe this law so as to harmonize with any law that is on the statute books, and if it can not be harmonized, then the prior law would be repealed. I suggest to the Chair that if he were the judge on the bench and the question was raised as to whether or not an importer had the right under this bill to bring in any dye product, or if the gentleman from Ohio was on the bench, he would construe this law as repealing Title V of the emergency act, especially as there is a provision repealing all laws in conflict.

Mr. LONGWORTH. Let me say to the gentleman that if I was on the bench I would construe it precisely as I construe it here.

Mr. GREEN of Iowa. If the construction of the gentleman from Texas is correct, the whole provision goes out.

Mr. GREENE of Vermont. The gentleman saying that "bringing something to the customhouse" does not meet the language of the first section of the tariff bill. It describes it in this way, "the articles when imported from any foreign country into the United States"—it does not say brought to the customhouse—shall be admitted, and so forth. It says if they are brought through the customhouse into the United States.

The SPEAKER. The Chair would like to make a suggestion. Suppose it to be true, as argued by the gentleman from Texas, the Senate thought it was necessary that there should be a repeal of the embargo, and therefore the Senate put in the repeal. And the question is whether any amendment which is germane to that repeal is in order.

Mr. GARNER. The question comes right back as to whether or not the question of an embargo was in controversy between the two Houses. I contend it was not. My contention is that both Houses repealed the dye embargo contained in the emergency tariff act, and therefore on this point there was nothing between the two Houses in controversy.

The SPEAKER. The Senate put the amendment on and the House disagreed to it.

Mr. GARNER. If the House in passing the original bill repealed Title V of the emergency tariff act, then this Senate amendment simply repeats what the House has already done, and hence the two Houses are in agreement on that point and there is no controversy for the conferees to settle.

The SPEAKER. The Senate put it in and the House disagreed to it, and why is it not in controversy?

Mr. GARNER. Because the House had already repealed it in the House bill by means of the general repealing section, and the Senate amendment simply makes more clear what the House has already done. I called attention to this for this reason; I think this is a very important matter. I always want to vote according to what I think is the parliamentary law, and if the question is going to be appealed from the ruling of the Chair I think we ought to have it discussed thoroughly, and I wanted the Chair to understand my point.

Mr. EVANS. Will the gentleman yield? I want to ask the gentleman from Ohio if, as contended by the gentleman from Ohio, this bill passed by the House did not repeal the embargo, why he urged an embargo on the House when it was before the House? The gentleman's position is different now from what it was then.

Mr. LONGWORTH. Mr. Speaker, the trouble is that Members are confusing arguments on the merits with the argument on the point of order. I am not discussing the merits, and I want to say in reply to the gentleman from Texas that it makes no difference what duties the House may put on, or what duties the Senate may put on, or what duties may be agreed upon in conference. Title V of the emergency tariff act is not inconsistent with any action of the House or any action that the conferees may take. It simply provides as to the administration of the law.

It gives to the Secretary of the Treasury certain discretion as to withdrawals from the customhouse which do not depend upon the question of duty, but merely the ascertainment of whether these imported dyes are directly competitive. When they are withdrawn from the customhouse they take the duties provided in the bill. It is in no degree inconsistent. This proposition is not the dye proposition referred to. It is entirely different.

Mr. FAIRCHILD. Mr. Speaker, I merely want to answer the question evidently in the Speaker's mind regarding the legislative status. The emergency law has been quoted several times, including the expression that the law shall remain on the statute books "until otherwise provided by law." But that phraseology was not the law at the time that the House passed the tariff bill. The tariff bill was passed by the House on July 21, 1921. The emergency tariff act passed Congress and became a law on May 21, 1921. Now the phraseology of the emergency tariff act as then enacted provided that the embargo therein provided should continue only for a period of three months. The three months would expire on August 21, 1921, so that on July 21, 1921, when the tariff bill passed this House all the House had before it was an embargo limited to continue only for a period of 30 days, an embargo act that would expire by its own terms within 30 days. In that legislative situation an attempt was made here in the House to have the embargo prolonged or made permanent, and the House voted down that proposition. The House when it passed the tariff act could not have included in the tariff act a provision to repeal the prolongation of the embargo because no prolonged embargo existed. It was not until November 21, 1921, four months after the tariff bill passed the House, that this provision "until otherwise provided by law" was placed upon the statute books. There could therefore be no disagreement between the House and the Senate on that question.

Mr. DOWELL. Mr. Speaker, the repealing clause in this bill is as follows: "All laws or parts of laws inconsistent with the provisions of this act are hereby repealed." The gentleman from Ohio has said this does not affect the embargo provision of the emergency tariff. Now in view of the fact that the House had that question squarely before it and voted down the embargo provision and enacted a tariff provision in lieu of the embargo, and in view of this repealing clause there can be no question that if this embargo act had never been touched by the conferees it would be repealed by the repealing clause of this bill, and if that be true the repeal of Title V by the Senate had no effect and made no controversy between the two Houses. It seems to me clear that the conferees exceeded their authority, and the point of order should be sustained.

Mr. WINGO. Mr. Speaker, I just wish to refer briefly to a question raised by the Speaker. I appreciate the statement made by the Speaker. The question is one of fact, all being agreed on the parliamentary law which restricts the conferees to matters in disagreement between the two Houses. But in deciding that question we look to the substance and not the shadow—to real differences of the thing sought to be done, not to mere differences in phraseology.

The Speaker suggested that the Senate had adopted an amendment which repealed Section V, that the House disagreed to that amendment and sent the bill to conference, and thereby brought about a disagreement. I think that is the thought that was in the Speaker's mind. But the real facts were that the House repealed by implication and by a general repealing section while the Senate specifically repealed Section V, but the two actions were in harmony, not in conflict. Therefore the repeal of Section V by that action of both Houses did not divide the two Houses on the embargo, but only the method of immediately removing the embargo.

That disagreement was one of form and not of substance; and in order to catch that point I want to suggest to the Speaker that the Speaker and other gentlemen have overlooked the effect of the statute that we passed that made the emergency tariff law a permanent law until otherwise ordered. The fact that we said "until otherwise ordered" did not make it different from the usual general statute. What was the effect of that extension of the statute or Title V of the emergency tariff? Title V said that "on and after the date following the enactment of this act," for a specific time, "for a period of three months" or a specifically limited period, "no sodium nitrate," and so forth, going over the whole field of dyestuffs, "should be imported." Now, when we extended that and said that the emergency tariff law shall be permanent law—because that is the effect of it—we changed that provision in Title V. Any court would say that the reasonable effect of that extension of the statute was to change the language, "following the date of the enactment of this act and for three months." The effect was that "hereafter no sodium nitrate," and so forth, should be imported.

In other words, Mr. Speaker, the Congress, by extending the emergency tariff law, did something more than extend it. It changed its character from that of an extension of the statute to that of a permanent law. Title V suspended what? The old recognized method of controlling importations of dyes to one of an embargo. Before that the friends of those who believed in the doctrine of protection had contended that you could protect domestic manufactures by rates. But the gentlemen who put on and extended this emergency tariff act said, "The unsettled conditions are such that you can not control them by rates but by an embargo," so you made it permanent law. And any court would have to hold that whenever you said that for an indefinite period of time, until Congress otherwise ordered by a repealing law or an amending law, no substance of the character mentioned should come in, it would be idle to say that there is still in force a statute providing for the rate of duty on their coming in.

What happened? When we took up this bill the emergency act was brushed away. The framers of the bill and the House, by its vote, decided that the emergency had so passed, that we might go back to the old method of protecting American industries, as the friends of protection claim, by levying such rates of duty as would protect American industries. So we have Title I of this bill, paragraph 1, and schedule 1, and so on, covering every conceivable dye substance embraced within Title I. If that is not true I challenge any gentleman to deny it. This is all in specific restoration of the old method of protecting American industries by using specific and ad valorem rates upon each and every dye substance. The gentleman who wanted to continue the embargo raised the question here in the House and said, "No; we will still use the embargo method." But that was voted down. Then what did we do? We took up the schedules, page after page, and covered all these subjects by taking that specific method; that is, by rates clearly, and also by implication, repealing the embargo law.

But the House was not satisfied with that. It put in the final and concluding clause here and said that "All acts or parts of act in conflict with the foregoing are hereby repealed." So we repealed section 5 in two ways. One is by plain, reasonable implication; the other is by the blanket provision, repealing all laws inconsistent therewith, and so forth; and, Mr. Speaker, an absolute embargo is inconsistent with the idea of articles coming in at a specific rate.

When the bill got to the Senate, what did they do? They still clung to the old method, to which the House had returned. They claimed that you can go back to the old method of protecting American industries, so that they took up the sections in Schedule I, item by item. They offered amendments affecting the rates, not the question of embargo. The question of embargo was raised in the Senate, and the vote in the Senate showed, as the House overwhelmingly showed, that the Senate believed we could abandon the embargo method and go back to the rate method; so that when the Senate came to fixing rates it adopted a different method of repealing section 5. It used a different form of legislative expression by specifically stating that section 5 was repealed.

Mr. Speaker, I can not understand how any lawyer could contend that if the Senate had not specifically included in its repeal section 5, but had been content to rest on the implied repeal, there could be any question about the repeal of section 5.

Now, Mr. Speaker, we did formally disagree to the amendment repealing section 5, but it was a disagreement as to the method of repealing and not to the repeal itself, not as to substance but the method of repeal. The minds of both Houses agreed that we repealed section 5, but the Senate said: "The House had not made that specifically clear, and we will make it specifically clear," so that when the conferees came to that they had a disagreement, not to the repeal, but to the method of the repeal; not to the substance of the repeal.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. WINGO. Yes.

Mr. LONGWORTH. If I understand the gentleman correctly, he says that the emergency tariff was an embargo to prevent the admission of goods into this country.

Mr. WINGO. It was an emergency statute.

Mr. LONGWORTH. Is not the gentleman aware that under section 5 a large amount of coal-tar products and dyes are coming into this country and are paying duties under existing law?

Mr. WINGO. That is under an absolute embargo, subject to the terms of the embargo, subject to certain things coming in under that embargo.

Mr. LONGWORTH. Evidently the gentleman has not read it.

Mr. WINGO. Oh, yes; I have read it.

Mr. LONGWORTH. Is not the gentleman now aware that under Title V a large number of dyes are in fact coming into this country and paying the rates?

Mr. WINGO. I want to meet the gentleman's point. I want to meet the point he makes. The gentleman overlooks this fact, that section 5 is amended by the extension of the statute. I do not think he will disagree with me that the effect of the extension here is to extend.

The gentleman has reference to that provision which reads "that unless the Secretary of the Treasury shall determine that such an article or a substantial substitute therefor is not obtainable in the United States"—that is what the gentleman has reference to, I suppose, and these dye articles come in under that provision. Is not that true?

Mr. LONGWORTH. Surely, they do come in under that provision and pay a rate of duty, and the only difference is that when this provision is passed they will pay a different rate of duty.

Mr. WINGO. I imagine the gentleman will find that there was some difficulty as to just what was the effect of that, but he can not deny that that was an absolute embargo with the right in certain instances to suspend it. But even if the gentleman's contention is correct, I still insist that there was an implied repeal by the House and a specific repeal by the Senate, and the only dispute between the two Houses was as to the form of the repeal and not the substance of it.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. WINGO. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. Mr. Speaker, emphasizing the view stated by the gentleman on the question as to whether there was a repeal by implication so far as the House was concerned—and that, I understand, is the question——

The SPEAKER. The Chair does not think that is important, because it seems to the Chair that when the House acted it was going to expire in a month or two, and consequently the House had no occasion to repeal it.

Mr. MOORE of Virginia. Nevertheless, whether the House had occasion to repeal it or not, if the House did repeal it, it was repealed, whether expressly or by implication. Meeting the suggestion that the Speaker made a while ago, the status created by the action of the House was not affected at all by the circumstance that the Senate may have expressly repealed Title V of the emergency tariff act. Now there is just one consideration I can present in a minute or two, with the indulgence of the Speaker, which I think tends to show the fallacy of the argument upon the other side.

This bill passed, I believe, on the 21st of July. It contains numbers of schedules which impose duties upon a great variety of articles, including chemicals. Those chemical products were under an embargo at that time and could not be admitted at all. But the action of the House was to permit their admission subject to certain duties. Suppose that on the 1st of January, 1921, there had been a law enacted forbidding the admission of any and all commodities from foreign countries, placing a general and sweeping embargo upon all commodities, and then in July following we had enacted another statute placing all such articles on the dutiable list or on the free list. If that were the situation, would anybody contend that that subsequent statute did not work a repeal of the embargo statute?

Mr. HARDY of Texas. Mr. Speaker, will the gentleman yield for a question?

Mr. MOORE of Virginia. Yes.

Mr. HARDY of Texas. The illustration given by the gentleman was in my own mind. If, instead of putting a duty on all articles which heretofore had been embargoed, you had put a duty upon a number of those articles and then put a basket clause covering the rest of them, could there be any question about it?

Mr. MOORE of Virginia. Why, you would have a repeal by implication, and there is nothing more familiar to the bar of this country than the repeal by implication. It is the sort of repeal that we are constantly indulging in here, and I respectfully submit to the Speaker that, in my judgment at least, there is no escape from the proposition that there was a repeal by implication when the House passed this bill in July, 1921.

Mr. SANDERS of Indiana. Mr. Speaker, I think it is perfectly clear that Title V is drawn in conference and the report is not subject to a point of order if the Senate repealed that title and the House did not, and it seems to me it is apparent that the House did not repeal Title V. It is claimed that the language is an express repeal. Of course, in a specific express repeal legislative language always designates what is being repealed. The provision of the House bill which reads as follows—

> All laws and parts of laws inconsistent with the provisions of this act are hereby repealed—

is not an express repeal of any specific statute, but is simply a general expression by the legislative body of the implied repeal. Any inconsistent law would have been repealed without this language. Now, there is not an implied repeal unless the provisions are inconsistent, and they must be so inconsistent that the one can not stand if the other stands. If the gentleman's contention were true that the provision of Title V was an absolute embargo, then it could well be said that legislation which fixed rates of duty on that schedule would be inconsistent with an absolute embargo. But Title V is not an absolute embargo. Title V can stand and still the schedule may stand. If the two can possibly stand together then there is no repeal by implication, and it is absurd to say that you can not have a provision of the law which provides for a qualified embargo by which, under certain circumstances, the articles may come in, and at the same time have a law providing for duties on those articles if they do come in. They are not at all inconsistent provisions. So, Mr. Speaker, aside from the point made by the gentleman from New York, which I think is conclusive, that the House could not have had in mind the repeal of the permanent provisions of Title V, because they were not in existence at that time, and hence the action by the Senate on a bill passed subsequent to the action of the House must bring it into conference. Aside from that point, I think it is perfectly clear that the provisions of the House bill did not repeal Title V.

Mr. GREEN of Iowa. In fact, if there was not a provision with reference to rates of duty to accompany Title V, all of those articles would come in absolutely free.

Mr. SANDERS of Indiana. Certainly.

Mr. GREEN of Iowa. Which certainly neither the Senate nor the House ever intended.

Mr. SANDERS of Indiana. Which shows that it was not an absolute embargo.

Mr. STAFFORD. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. STAFFORD. How can the Speaker or any Member of the House ignore the action that the House took in voting down the recommendation of the Committee on Ways and Means against the continuation of an embargo? If the Speaker will permit me——

The SPEAKER. Will the gentleman permit the Chair to state that he has no doubt about the fact. The question is as to the legal point involved.

Mr. SANDERS of Indiana. The language of the act itself determines the fact.

Mr. STAFFORD. If the Chair will permit me——

The SPEAKER. The Chair will hear the gentleman from Wisconsin.

Mr. STAFFORD. In considering this question the Chair must take into consideration the action of the House in passing the emergency tariff act. So far as Title V is concerned, it was an embargo. The House extended it three months from May 22, 1921. Why did it extend it? Because the Ways and Means Committee had not as yet reported the permanent tariff act that was to take its place. Then it extended it another six months. Why did it extend it another six months? Because the Senate had not acted upon the permanent tariff act that was to take its place. Then it extended it indefinitely. Why? Because no one could tell at that time when the Senate was going to take action on the permanent tariff schedules which were to take the place of the embargo feature. Now, the House, without any question at all, asserted itself positively against the embargo policy and in favor of the tariff provision. The Senate did likewise. The House, in ample protection to itself, put in the basket clause eliminating the embargo feature. The mere fact that the Senate particularized by repealing Title V specifically did not place within the power of the conferees the authority over that which the House had positively by its action refused as the policy of the House. It is quibbling to say that the conferees have the right, after the House has taken a definite stand, to revise something which the House had positively rejected. [Applause.]

Mr. MONDELL. Mr. Speaker, I entirely agree with the argument made by the gentleman from Ohio [Mr. LONGWORTH] and the gentleman from Indiana [Mr. SANDERS]. While the argument of the gentleman from Indiana [Mr. SANDERS] was logical and conclusive, I think he went rather further than it was necessary to go. I think his argument proved conclusively that not only was there a difference between the two Houses which it was the duty of the conferees to adjust, but that if you consider the question of implied repeal, there was no implied repeal, and therefore even from that viewpoint the conferees were within their rights. The Speaker does not sit as a judge to determine as to the proper interpretation of the statute in the matter of implied repeal.

The Speaker must pass on the matter as presented to him clearly in the action of the two Houses and of the conferees. Now, what are these facts? The House took no definite action with regard to Title V of the emergency tariff act. The Senate specifically repealed Title V. Therefore it was the duty of the conferees to adjust that difference—clear, definite, and unquestioned. What was to be done? The conferees had full authority to adjust the difference thus presented, and they did it by amending the Senate provision of repeal through a modification of Title V. Clearly they had a right to do that.

Now, Mr. Speaker, going beyond that clear and definite question, which is the only question before the Speaker, if the Chair will allow me just a moment, may I take up the other question which is not directly involved, but has been referred to several times, to wit, the statement that the House had by vote definitely declined to agree to a provision similar to that now presented by the conferees, and that likewise the Senate had taken such action. That is not true, Mr. Speaker. The proposition presented here was quite different from Title V. We have no means of knowing, we could not judge by what was said or what was done when that amendment was before the House, what action the House might have taken if what is now proposed was before the House. And the same is true of the Senate. I do not recall the provision of the Senate proposal touching this matter which was voted down, but I do know that it is quite different from the proposition now presented by the conferees.

Mr. LONGWORTH. And quite different from the House provision?

Mr. MONDELL. Yes; quite different from the House provision. Therefore, assuming for the sake of argument that that action of the two bodies was before the Chair for decision, which it is not—assuming that was true, the conferees would still have been well within their rights, for the House has not passed directly or even indirectly upon the matter now presented by the conferees. It is clearly an attempt on the part of the conferees to bridge the difference between the two Houses, to bring the two Houses together, one having repealed and the other having failed to repeal a certain provision of the statute.

Mr. FISH. Will the gentleman yield?

Mr. MONDELL. If I have the floor.

Mr. FISH. Will the gentleman point out the radical difference between the embargo that was voted down in the House and the Senate?

Mr. MONDELL. There has been a great deal said about an embargo; Title V is not an embargo. A great many people have one time and another been misled by catchwords. Title V is not an embargo. Title V is a provision of law under which importations can only be made under certain conditions, and when articles are imported—and they are imported in large amounts—they pay the rate of duty provided by the law.

Mr. FISH. The gentleman has not answered my question.

Mr. MONDELL. There is a radical difference. The amendment referred to provided for reference to one of the Federal boards of the question of dyestuffs and their cost; it involved much more than is involved in the proposition now before the House.

The SPEAKER. The Chair is ready to rule. The difference in question between the House and the Senate was that the Senate adopted an amendment explicitly repealing the so-called dye embargo law, and there was no such provision in the House bill. The conferees agreed to the Senate amendment with an amendment limiting the repeal, so that the law should continue for one or for possibly two years. Now, on the surface no one would deny that was within the power of the conferees. The Senate having made an absolute repeal, the conferees limited that repeal and allowed the law to continue in effect for one or, with the consent of the President, for two years. So, technically and on the face of it, obviously it was in order.

Against that the argument has been made—and, by the way, the Chair would like to allude to the fact that it was urged on the Chair that he ought to protect the rights of the membership of the House. What protects the rights of Members is the law; the main purpose of parliamentary law is to protect the rights of the minority, and what Members look to the Speaker to do is to interpret the law according to precedent and logic. Of course, in this case or any other the majority does not need protection, because it is within the power of the House to vote this up or vote it down. The conference report is in the hands of the House. The House is not obliged to accept it if it does not approve of it. So obviously the Chair in his ruling does not limit the power of the House.

While recognizing that conferees must not exceed their authority, a Speaker would always wish that fact to appear very clearly before he so decided, and thereby sent the whole bill back to conference again, particularly an enormous bill like this, where the differences between the two Houses are so numerous. The Chair will endeavor in his ruling to be influenced only by the law and not by the results it will bring, and, of course, the same obligation is on every Member.

As the Chair has stated, it is clear that technically the conferees were within their rights. The agreement of the conferees was to delay the repeal for one year, a limit on the Senate amendment, which absolutely repealed; so the amendment was germane; it limited the Senate repeal instead of extending it, and on its face was clearly within the right of the conferees.

Against that the argument is made that the House in another section had accomplished the same result which the Senate did by their clause, when the House repealed all acts inconsistent therewith.

Now, it is not for the Chair to go into the intention of the House except as indicated by its action, although the Chair has a very definite opinion on that subject. The gentleman from New York [Mr. FAIRCHILD] suggested that when the House passed the section for general repeal it could not have referred to the embargo, so called, because at that time the embargo by law would automatically die of itself within a month or two. But, even if that were not true, the argument the gentleman from Indiana [Mr. SANDERS] so forcefully made, it seems to the Chair, is conclusive, that this embargo is only a conditional embargo, that goods can be brought in under it, have been brought in under it, and when brought in paid the duty which the law provides, and therefore, even if the embargo were to continue, the House might have wished to change the duty and probably would. A repeal by implication must be clear; when the House passed its general repealing clause no repeal of this embargo seemed necessary, and changes in the dye duties were not inconsistent necessarily with a continuance of the embargo. So it seems to the Chair that the Chair is sent back to the original proposition, Is this amendment which the conferees have agreed upon germane to the Senate amendment? In that it seems to the Chair there can be no difference of opinion, and therefore the Chair overrules the point of order.

Mr. GARNER. If the gentleman from New York desires to move to appeal, I will yield, but I have another point of order——

Mr. FISH. Mr. Speaker, I respectfully appeal from the decision of the Chair and ask for a roll call.

Mr. MONDELL. Mr. Speaker, I move to lay that motion on the table.

The SPEAKER. The gentleman from New York appeals from the decision of the Chair, and the gentleman from Wyoming moves to lay the appeal upon the table.

Mr. FISH. On that I ask for the yeas and nays.

The SPEAKER. On that the gentleman from New York demands the yeas and nays. Obviously there is a sufficient number, and the yeas and nays are ordered. The question is on laying the appeal upon the table.

The question was taken; and there were—yeas 150, nays 147, not voting 130, as follows:

YEAS—150.

Ackerman
Anderson
Appleby
Atkeson
Bacharach
Benham
Bird
Bixler
Blakeney
Boies
Bond
Bowers
Burdick
Butler
Cable
Campbell, Kans.
Campbell, Pa.
Cannon
Chalmers
Chindblom
Clarke, N. Y.
Clouse
Cole, Iowa
Cole, Ohio
Cooper, Ohio
Crago
Crowther
Curry
Darrow
Denison
Dyer
Echols
Edmonds
Ellis
Faust
Fenn
Fess
Focht
Fordney
Freeman
French
Frothingham
Fuller
Gernerd
Glynn
Goodykoontz
Graham, Ill.
Graham, Pa.
Green, Iowa
Greene, Mass.
Greene, Vt.
Hadley
Hardy, Colo.
Harrison
Hawley
Hays
Hicks
Hill
Himes
Hukriede
Hull
Husted
Ireland
James
Jefferis, Nebr.
Johnson, Wash.
Jones, Pa.
Kearns
Kelly, Pa.
Kendall
Kennedy
Ketcham
Kiess
Kline, Pa.
Knutson
Kraus
Kreider
Larson, Minn.
Lea, Calif.
Leatherwood
Lehlbach
Longworth
McArthur
McFadden
McKenzie
McLaughlin, Mich.
McLaughlin, Nebr.
McLaughlin, Pa.
Madden
Magee
Mapes
Merritt
Mills
Millspaugh
Mondell
Moore, Ill.
Moore, Ohio
Moores, Ind.
Morin
Mott
Mudd
Murphy
Nelson, Me.
Newton, Minn.
Olpp
Osborne
Paige
Parker, N. J.
Patterson, Mo.
Patterson, N. J.
Perkins
Petersen
Purnell
Radcliffe
Ransley
Reed, N. Y.
Reed, W. Va.
Rhodes
Roach
Rodenberg
Rose
Sanders, Ind.
Sanders, N. Y.
Shaw
Shreve
Siegel
Smith, Idaho
Sproul
Steenerson
Stephens
Sweet
Taylor, Tenn.
Thompson
Tilson
Timberlake
Towner
Treadway
Underhill
Vaile
Vestal
Walters
Watson
Wheeler
White, Me.
Williams, Ill.
Wood, Ind.
Woodyard
Wyant
Yates
Zihlman

NAYS—147.

Almon
Andrew, Mass.
Andrews, Nebr.
Ansorge
Aswell
Bankhead
Barbour
Beck
Black
Bland, Ind.
Bland, Va.
Blanton
Bowling
Box
Brennan
Briggs
Buchanan
Bulwinkle
Burke
Burroughs
Burtness
Carew
Chandler, N. Y.
Christopherson
Clague
Collins
Connolly, Pa.
Cooper, Wis.
Coughlin
Cullen
Dale
Dallinger
Davis, Minn.
Davis, Tenn.
Deal
Dowell
Drane
Drewry
Driver
Dunbar
Elliott
Evans
Fairchild
Fairfield
Favrot
Fish
Fitzgerald
Foster
Gahn
Garner
Garrett, Tenn.
Garrett, Tex.
Gorman
Hammer
Hardy, Tex.
Hayden
Hickey
Hoch
Hogan
Huddleston
Hudspeth
Hutchinson
Jacoway
Jeffers, Ala.
Johnson, Miss.
Johnson, S. Dak.
Jones, Tex.
Keller
Kincheloe
Kindred
King
Kissel
Kleczka
Kline, N. Y.
Kopp
Lampert
Lanham
Lankford
Lawrence
Lazaro
Lee, Ga.
Lee, N. Y.
Linthicum
Little
London
Lowrey
Lyon
McClintic
McCormick
Maloney
Mansfield
Martin
Michaelson
Moore, Va.
Morgan
Nelson, A. P.
Newton, Mo.
Norton
O'Connor
Ogden
Oliver
Park, Ga.
Parks, Ark.
Perlman
Pou
Quin
Ramseyer
Rankin
Rayburn
Reece
Ricketts
Riordan
Robsion
Rosenbloom
Rossdale
Rouse
Ryan
Sabath
Sanders, Tex.
Sandlin
Schall
Scott, Tenn.
Sinclair
Snyder
Speaks
Stafford
Steagall
Stedman
Strong, Kans.
Sumners, Tex.
Swank
Swing
Taylor, Ark.
Taylor, Colo.
Thomas
Tillman
Tucker
Tyson
Voigt
Volk
Weaver
Williams, Tex.
Wilson
Wingo
Woodruff
Woods, Va.
Young

NOT VOTING—130.

Anthony
Arentz
Barkley
Beedy
Begg
Bell
Brand
Britten
Brooks, Ill.
Brooks, Pa.
Brown, Tenn.
Browne, Wis.
Burton
Byrnes, S. C.
Byrns, Tenn.
Cantrill
Carter
Chandler, Okla.
Clark, Fla.
Classon
Cockran
Codd
Collier
Colton

Connally, Tex.
Connell
Copley
Cramton
Crisp
Dempsey
Dickinson
Dominick
Doughton
Dunn
Dupré
Fields
Fisher
Frear
Free
Fulmer
Funk
Gallivan
Gensman
Gilbert
Goldsborough
Gould
Griest
Griffin
Haugen
Hawes
Henry
Herrick
Hersey
Hooker
Humphreys
Johnson, Ky.
Kahn
Kelley, Mich.
Kirkpatrick
Kitchin
Knight
Kunz
Langley
Larsen, Ga.
Layton
Lineberger
Logan
Luce
Luhring
McDuffie
McPherson
McSwain
MacGregor
Mann
Mead
Michener
Miller
Montague
Montoya
Nelson, J. M.
Nolan
O'Brien
Oldfield
Overstreet
Parker, N. Y.
Porter
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Reber
Riddick
Robertson
Rogers
Rucker
Scott, Mich.
Sears
Shelton
Sinnott
Sisson
Slemp
Smith, Mich.
Smithwick
Snell
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Tague
Taylor, N. J.
Temple
Ten Eyck
Tincher
Tinkham
Upshaw
Vare
Vinson
Volstead
Ward, N. C.
Ward, N. Y.
Wason
Webster
White, Kans.
Williamson
Winslow
Wise
Wright
Wurzbach

So the motion to lay the appeal upon the table was agreed to.

The clerk announced the following pairs:

Until further notice:

Mr Cramton with Mr. Carter.
Mr. Burton with Mr. Oldfield.
Mr. Webster with Mr. Tague.
Mr. MacGregor with Mr. Byrns of Tennessee.
Mr. Lineberger with Mr. Kitchin.
Mr. Chandler of Oklahoma with Mr. Rainey of Illinois.
Mr. Mitchener with Mr. Dominick.
Mr. Dickinson with Mr. Gallivan.
Mr. Colton with Mr. Bell.
Mr. Mann with Mr. Byrnes of South Carolina.
Mr. Arentz with Mr. Crisp.
Mr. Kahn with Mr. Cantrill.
Mr. Henry with Mr. Fisher.
Mr. Luhring with Mr. Overstreet.
Mr. Porter with Mr. Cockran.
Mr. Riddick with Mr. Montague.
Mr. Connell with Mr. Kunz.
Mr. Strong of Pennsylvania with Mr. Doughton.
Mr. Stiness with Mr. Stevenson.
Mr. Snell with Mr. Collier.
Mr. Langley with Mr. Clark of Florida.
Mr. Tincher with Mr. Goldsborough.
Mr. Brooks of Pennsylvania with Mr. Hooker.
Mr. Codd with Mr. Wise.
Miss Robertson with Mr. Fields.
Mr. Kirkpatrick with Mr. O'Brien.
Mr. Wurzbach with Mr. Smithwick.
Mr. Slemp with Mr. Humphreys.
Mr. Frear with Mr. Upshaw.
Mr. Knight with Mr. Stoll.
Mr. Smith of Michigan with Mr. Ten Eyck.
Mr. Begg with Mr. Connally of Texas.
Mr. Hersey with Mr. Sullivan.
Mr. Nolan with Mr. McDuffie.
Mr. Funk with Mr. Brand.
Mr. Miller with Mr. Wright.
Mr. Griest with Mr. Fulmer.
Mr. Free with Mr. Logan.
Mr. Dunn with Mr. Griffin.
Mr. Brooks of Illinois with Mr. Sisson.
Mr. Taylor of New Jersey with Mr. Rucker.
Mr. Dempsey with Mr. Hawes.
Mr. Vare with Mr. Johnson of Kentucky.
Mr. Beedy with Mr. Mead.
Mr. Tinkham with Mr. McSwain.
Mr. Wason with Mr. Barkley.
Mr. J. M. Nelson with Mr. Dupré.
Mr. Montoya with Mr. Sears.
Mr. Kelley of Michigan with Mr. Vinson.
Mr. Temple with Mr. Rainey of Alabama.
Mr. Classon with Mr. Ward of North Carolina.
Mr. Britten with Mr. Raker.
Mr. Summers of Washington with Mr. Larsen of Georgia.
Mr. White of Kansas with Mr. Gilbert.

The result of the vote was announced as above recorded.

Mr. GARNER. Mr. Speaker, we are all personally fond of the gentleman from Michigan. I think we all have a kind place in our hearts for him. I know that I have. He has his faults and I have mine; we all have them; but with it all JOE FORDNEY is a good, honest man with a big heart and a lovable disposition. [Applause.] But if this tariff bill is the result of his prayers, as he touchingly related in his speech [laughter], I fear the throne of grace has been bankrupted in answering them. [Laughter.] It would certainly take an inexhaustible supply of grace to condone all the evils of this bill.

What is the result of the action of the conferees in reference to the Senate amendments? The Senate receded from amendments 71 times. The House receded from its disagreement to amendments and agreed to the Senate amendments 2,061 times. The House receded from its disagreement to Senate amendments and agreed to the same with an amendment 304 times. The total receding on the part of the House is 2,365, as compared with 71 recessions on the part of the Senate! I want to call attention to the deductions to be drawn from this result. The Senate of the United States gave lengthy and extended consideration to this tariff legislation. For the first time probably in the history of the country the Senate went into the technical details of a tariff bill and undertook to master the various rates and the effect they would have. No such careful and deliberate consideration was given to the bill in the House. In the House, under your special rule, you took from the Members the opportunity to consider the bill in an intelligent way, only permitted a few amendments to be voted upon, and the result was that the Senate had to perfect the measure, and when you came to consider the Senate amendments the House conferees were convinced that their bill was imperfect, so imperfect that they had to yield to the United States Senate conferees on more than 2,300 amendments.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GARNER. In a moment. I want to say to Republicans who have some independent spirit left, will you continue to pass important bills like this tariff bill in the House under rules that prevent the House from considering it intelligently? If I ever have the honor of directing the making of a tariff bill from the standpoint of a Democrat I am going to bring it in here and pass it like it should be passed, with an opportunity for the House to vote upon each and every amendment. [Applause upon the Democratic side.] That is the way that a great representative body like the United States House of Representatives should legislate, not like a man gagged and with both his hands and feet tied.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GARNER. I do.

Mr. GREEN of Iowa. The gentleman is surely aware of the fact that the Senate had this bill last and after they passed it the House disagreed to all the Senate amendments and asked for a conference. Owing to the change in reference in the valuation basis, even where the Senate receded in fact, the rules required the statement that the House receded.

Mr. GARNER. Let me tell you what happened. I want somebody to deny it. This bill was considered in the Senate paragraph by paragraph and section by section. No such opportunity was given to the House to consider it in that way, and that is what I am complaining about. The Constitution of the United States says that all bills to raise revenue shall originate in the House of Representatives. And certainly the legislative body which originates a bill is one which should give it the most careful consideration. This was not done when the bill was before the House, and I vigorously protest against such strait-jacket methods. It is undemocratic, unjust, and unfair.

Now, such a conference report as we now have before us is what happens, gentlemen, whenever you turn over to six conferees, three on the part of the House and three on the part of the Senate, the task of framing and agreeing on a tariff bill from the partisan standpoint. We Democrats on this side of the House asked you, when the bill came back from the Senate, to give us an opportunity to consider some of these amendments, did we not? I stood upon this floor and pleaded with you to vote down the special rule and let us have a chance to consider these amendments, to agree to some of them, to give instructions as to others, and to disagree to still others, but you did not do it. The lash of the party whip was put upon our backs and you put your necks in the halter of six conferees when you knew that one of them would hold sugar in one hand and one dyestuffs in another and trade for the benefit of those questions the country's interests.

The regular rules of the House of Representatives, gentlemen, are good rules. They are rules that have grown up from a hundred years of parliamentary experience in this country. I have defended them; they are good rules. It is the violation of these rules, I will say to the gentleman from Kansas [Mr. CAMPBELL], that puts the House in the position it found itself in to-day when it had to appeal from the decision of the Chair as a means of venting its indignation against the conferees for going out and agreeing to an extension of a dye embargo, when the House itself, by a record vote, had stricken out the embargo provisions when the bill was before the House several months ago.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. GARNER. Yes.

Mr. CAMPBELL of Kansas. The gentleman does not charge me or the Committee on Rules with violating the rules of the House? No rule has ever been——

Mr. GARNER. No. What I am charging the Republican members of the Rules Committee with is bringing in special rules which are arbitrary and restrictive. You do not violate the rules of the House in a technical sense. The rules of the House permit you to bring in a special rule. But in doing so you suspend the regular rules of the House, and I think in many instances in a very unwise manner. These House rules are good rules, but you go out after the steering committee has given you instructions and bring in a rule to suspend the regular rules of the House and put the House in a straitjacket. Let me say, to the gentleman's credit, that I do not think he moves until they tell him to move. [Laughter.]

Mr. CAMPBELL of Kansas. The gentleman is mistaken.

Mr. GARNER. I give the gentleman from Kansas credit for party regularity, to move only when his party requires him.

Mr. CAMPBELL of Kansas. The party in control of the House during the time the Republicans have had control have adopted special rules, just as was done when the Democrats had control of the House, for the consideration of bills of every character.

Mr. GARNER. The gentleman from Kansas makes a plea of confession and avoidance. We Democrats brought in special rules, but not special rules taking from the membership of the House the right to offer amendments to the Underwood tariff bill. [Applause on the Democratic side.] Let the Record show that. You Republicans would not let us consider the Fordney bill, and even went so far as to specifically provide what amendments we could vote upon, but we provided that you could consider in the House the provisions of the Underwood bill with the utmost liberality.

Mr. CAMPBELL of Kansas. The Underwood bill was considered under a caucus rule, whereas the Fordney bill was considered under a rule of the House of Representatives. [Applause on the Republican side.]

Mr. GARNER. We Democrats go into caucus and decide our policy and make the issue and then give the House the utmost liberality to express its wishes. You go into conference and, cowardlike, say: "Let us not give them a chance to make an issue. We will bring in a special rule and cut them off." That is the difference between the way Democrats do things and the way Republicans do them.

Mr. Speaker, I wish we had time to discuss the effects of this bill, some of the results of the agreements made in conference. That is impossible in the limited time we have, so that we can only sketch here and there.

Outside of being the highest tariff bill ever passed by the American Congress, it has some legislative provisions that are the most far-reaching of any ever placed on the statute books of this country. There is a departure of governmental policy involved in this bill that ought to arrest the attention of every patriotic Republican in this House. I undertake to say that, as an original proposition, if you were to put it up to the Republican mind in this country—whether it be the mind of a layman or a politician or a statesman—if you put up to him the proposition, Are you willing to place in the hands of the President of the United States the power to levy taxes, the power to destroy, the power to build up, the power to change from American to the foreign valuation? you would get an emphatic negative answer. We have been complaining, and people throughout the country have been complaining, of bureaucratic government, and yet you create in this bill the most drastic and far-reaching and effective bureau in the history of the Government. And into whose hands are you going to place it? Of course, you gentlemen place it in the hands of the President of the United States; there is where the law says it will go. But as a matter of fact it will really rest in the hands of the Tariff Commission. The President must get information and advice upon which to act, and that means he must act on the advice of the Tariff Commission.

I believe that is correct, is it not? I will ask the gentleman from Ohio, Does not the Tariff Commission first have to act in the premises before the President can take action?

Mr. LONGWORTH. It does. And may I suggest to the gentleman that it will not necessarily raise the tariff, but that the President is given the right to lower the tariff.

Mr. GARNER. Oh, yes, he has the right to lower the tariff and destroy business, as you Republicans would say, because you say that if tariff rates are lowered it will destroy business. I can prove that by the gentleman from Michigan or any other high-tariff man in the country.

Mr. MADDEN. The gentleman from Texas does not object to that, does he? [Laughter.]

Mr. GARNER. I object to placing in the hands of one man the power to increase the taxes of 110,000,000 people. Does the gentleman favor that?

Mr. MADDEN. I am going to vote for this bill. [Laughter.]

Mr. GARNER. The gentleman is evasive. He will not answer my question. He is like every other Republican. He knows when to get under cover. But you have got to have something in this bill so that you can go back home and tell your people that by this bill the tariff is going to be lowered, because the President is going to lower it. Ninety per cent of you Republicans are going back home and tell your constituency, "We have put this clause in here because as quick as Mr. Harding finds out that these rates are too high he is going to lower them." About 10 per cent of you, like my friend from New York [Mr. Crowther], will go back and say, "Boys, just as quick as we get this thing fixed up, Warren is going to raise the rates." That will be catching them "gwine and coming." That is, if it will work. But it will not work. The American people have not had their brains "blown away." They will know how to administer the proper chastisement to a party which will fasten upon them an iniquitous tariff bill like this. The November elections will disclose that.

Mr. CROWTHER. Will the gentleman yield?

Mr. GARNER. Wait a minute. I did not intend to get a rise out of the gentleman. [Laughter.]

Mr. CROWTHER. I should like to see the rates raised instead of lowered when it comes to protecting American industries.

Mr. GARNER. I just said that about 90 per cent of you Republicans are going to say that the President is going to lower the rates, but the other 10 per cent of you will say that he is going to raise them.

Mr. CROWTHER. I am a protectionist, and I want them raised. I do not want them lowered.

Mr. GARNER. I know that, but if you are through now——

Mr. CROWTHER. No; I am not through.

Mr. GARNER. I can not let you have the floor. You have got to get your time from Mr. Fordney. I want to say to the gentleman from New York that I understand his position. If there is a man in this House that can outrival Mr. Fordney in the way of putting the tariff wall too high, it is the gentleman from New York.

Mr. CROWTHER. I am very proud of that, too.

Mr. GARNER. Wait a minute.

Mr. CROWTHER. Nothing can be too high to protect American industry against foreign industry, as far as I am concerned.

Mr. GARNER. Let me suggest that the gentleman get five minutes from the gentleman from Michigan [Mr. Fordney].

Mr. CROWTHER. It will take longer than that to answer the statement of the gentleman from Texas. Anybody who could correct the misstatements which the gentleman has made would be doing pretty well to do it in five minutes.

Mr. GARNER. I expect I would have to talk a good long while before I could convert the gentleman from New York, so I will abandon the attempt and further address myself to this presidential rate-making provision and the Tariff Commission. I do not know the Tariff Commission personnel very well, but I do know some of those gentlemen, and since they have been placed in a very responsible position by this bill I do not think it is out of place to digress for a few moments and discuss a circumstance which has come to my attention. I have received, as every other Member probably has received, a communication touching certain provisions of this bill relating to chinaware, in which one of the members of the Tariff Commission is mentioned.

If this statement made—mark the statement I make now, because I know this gentleman and I think he is an honest man. He is a high protectionist. He has represented many industries in this country in the Capitol in the matter of taxation before he went on the Tariff Commission.

If the statements contained in that communication are true—and I will put the communication in the Record—he is subject to severe censure.

Mr. KINDRED. Who ought to be?

Mr. GARNER. I will put the statement in the Record, and then you can see the statements which are made for yourself.

If they are not true, somebody on the floor of the House, one of the conferees, ought to show that this statement is not true.

Mr. MADDEN. Why does not the gentleman specify?

Mr. GARNER. All right; I will do it. I said I would put the statement in the Record. It is in reference to the pottery industry. The gentleman knows to whom I refer, does he not? I said "if it is true." I do not say it is true. If it is not true, Mr. Green, or Mr. Longworth, or Mr. Fordney ought to tell us about it.

Mr. CROWTHER. Why does not the gentleman find out whether it is true or not before he puts it in?

Mr. GARNER. Mr. Speaker, this is a communication sent to Members of Congress, and it says this:

> A CONCRETE EXAMPLE OF HOW THE M'CUMBER-FORDNEY TARIFF, FRAMED AND FOSTERED BY MILLIONAIRE SENATORS, DISCRIMINATES AGAINST THE COMMON PEOPLE.
>
> Paragraph 212 of the proposed tariff law provides for chinaware (tableware) at a rate of 60 per cent ad valorem on undecorated and 70 per cent ad valorem on decorated. This paragraph includes two classes of ware, viz, ordinary china and "bone" china.
>
> The ordinary china is made of earthy substances, such as clay, feldspar, etc., while the "bone" china contains 25 per cent or more of "calcined bone."
>
> The former is the class of ware used in the homes of people of average or limited means, while the latter is the most expensive china manufactured either in the United States or imported from abroad. A fair idea of the value may be had from the fact that plates made of this "bone" china sell at wholesale in the domestic market at prices ranging from $30 to $500 per dozen plates. These plates are known in the trade as "place plates" and are used at fashionable dinners as table decorations. They are of a rich cream-colored appearance, highly decorated in gold or bright colors, and their character may be identified by such names as "Royal Doulton," etc.
>
> On August 18, 1922, Senator Jones of New Mexico offered an amendment on the floor of the Senate to reduce the rates of 60 and 70 per cent on chinaware, the bulk of which is used in ordinary homes, to 50 and 60 per cent, respectively. This amendment was strenuously opposed by Senator Frelinghuysen, of New Jersey. The Senator from New Jersey in his debate against the proposed reduction sought by Senator Jones of New Mexico stated that there was a difference of 238 per cent between the German export price of chinaware and the German home value and that 70 per cent duty, which is 15 per cent more than the existing rate and 10 per cent higher than the Payne-Aldrich rate, was necessary to partly protect the American manufacturer, on the theory that Germany could lower her existing export prices and undersell the domestic manufacturer. The absurdity of this argument is evident on the face of it.
>
> However, here is the joker in the paragraph in the shape of an amendment offered by Senator Frelinghuysen on August 19, the day the bill was passed by the Senate, at the eleventh hour and fifty-ninth minute—and adopted by the Senate. Note how the rates of duty on the rich man's "Royal Doulton" ware were fixed below those of the ware used in every poor man's home.
>
> Says the millionaire Senator from New Jersey:
>
> "I offer the following amendment: Any of the foregoing articles containing 25 per cent or more of calcined bone, not painted, decorated, etc., 50 per cent ad valorem; painted, decorated, etc., 55 per cent ad valorem."
>
> In explanation of this amendment the Senator from New Jersey stated:
>
> "Mr. President, this amendment can not be objected to. It takes the bone china out of the paragraph and reduces the rate from 60 to 50 per cent on the undecorated and from 70 to 55 per cent on the decorated. It has been agreed to under a resurvey by the Tariff Commission and is a reduction in the present paragraph."
>
> No atttempt was made by the Senator from New Jersey to produce the alleged "resurvey of the Tariff Commission" and no effort was made to explain to the Senate just what "bone china" really was. It is safe to say that not a single person in the Senate Chamber, excepting possibly the Senator from New Jersey, on the floor, and Tariff Commissioner Burgess, who sat in the gallery, knew the portent of this amendment. Consequently on the bald statement of the Senator from New Jersey that the amendment reduced the rates in the paragraph it was adopted by the Senate and the poor man was delivered another tariff "solar plexus" to the tune of an additional $12,000,000 to his annual dinner-ware bill.
>
> The rate of 55 per cent on "bone china" is perfectly fair and justifiable, but the absurd rate of 70 per cent on ordinary china can not be justified by any stretch of the imagination or by any distortion of the facts. The discrimination in the rate of duty between "bone china" and ordinary china is a distinct sop to the English manufacturers and a deliberate and premeditated blow to France.
>
> Thus the question arises as to whether or not the Senator from New Jersey was really sincere in his contention that 70 per cent was necessary to protect against an imaginary reduction in German prices of a possible 238 per cent or was he attempting to pull the Domestic Pottery Association's chestnuts out of the fire to satisfy a long-standing animosity toward the Limoges china manufacturers of France against whom the above-mentioned association carried on a 20-year campaign of active antagonism through their former lobbyist, William Burgess, now a member of the United States Tariff Commission.

The statement which I have just inserted calls attention to the fact that by a provision put on in the Senate the rate on this high-class bone china was reduced to 50 and 55 per cent, while the rates on the common people's china remained at 60 per cent. This was accomplished by the Senate provision putting a proviso in the bill. Turn to your bill if you want to and see just exactly what those jokers are. I can not understand why any fair-minded man would permit them to be put in there. I want somebody to explain it if he can.

Mr. KINDRED. What is the page?

Mr. GARNER. Paragraph 212.

Mr. SNYDER. It is on page 38 of the bill.

Mr. GARNER. All right; look at the bottom of page 38 and see what the original House bill was, china, porcelain, and so forth. The rates were 60 and 70 per cent, the cheaper china 60 per cent ad valorem. God knows that was high enough. Here is the Senate provision that was put in lowering the rate on this high price china. It reads:

> Any of the foregoing articles containing 25 per cent or more of calcined bone, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 50 per cent ad valorem; painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 55 per cent ad valorem.

Now, gentlemen, I say that if the statement I have referred to is correct, and that, as stated on the floor of the Senate, this Senate proviso was put in the bill after a survey by the Tariff Commission, then the man who made that survey is not a proper man to tell the President of the United States whether he ought to lower or raise tariff duties. This Senate proviso lowers the duty on the very highest price china, which only the rich can buy, and leaves the high rates on the chinaware which the man of moderate means must buy. That is what I want to draw to your attention, the danger of placing this extraordinary power in the hands of the President to be exercised, of course, upon the recommendation of the Tariff Commission.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. GREEN of Iowa. As I expect to answer the gentleman when it comes to my turn, I should like to have him state what he means by a "survey." No member of the Tariff Commission ever gave any advice as far as I know.

Mr. GARNER. I am simply referring to the statement made in the Senate by the Senator who offered this amendment to which I am referring. He said he offered it after a survey had been made by the Tariff Commission. I do not know whether the Senator was correct in his statement or not. I am merely quoting what the Senator said. I am going to give you Republican Members a chance to correct some of the wrongs and inequalities of this bill. I am going to move to recommit the bill with some instructions on certain items. Gentlemen, I was surprised when the gentleman from Michigan [Mr. Fordney] held up this bill and said, "Here is the last word." I knew he did not mean it.

This bill does not suit Mr. Fordney. This bill is the result of trading. The gentleman from Michigan is a high protectionist all the way down the line. He may do a little trading on his own hook, but as a consistent high protectionist he stands out above everybody else. I was surprised to-day when I heard how few of you Republicans from New York are going to vote for this bill? How many Republicans from the Empire State, the State with the largest population, a great manufacturing State, a great trading State, how many of you are going to vote for this bill?

Mr. HUSTED. I am going to vote for it.

Mr. GARNER. Yes. But is there any other Member from New York? I see one over there, Mr. Crowther. You can not make protection too high for him. There are 30 Members from New York here on the Republican side. I am going to give you gentlemen an opportunity when I offer my motion to recommit the bill to see how you will line up. I am going to give the Republican Members from Missouri a chance to say whether or not they want to put a duty of $30 a ton on potash. I am going to give some New Jersey Members who have truck farms in their districts a chance to say whether or not they want their farmers to pay an increased price for their fertilizers merely to build up a few special interests. That is a thing that should arouse every thinking man who is really a friend to agriculture.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. GARNER. In a moment I will be glad to yield to the gentleman. Perhaps I may answer his question as I go along.

I say that this potash provision is inexcusable, and the reason it was put on for a period of three years was not that there was really any hope that a potash industry of any considerable proportions can be built up in this country. It was not put on for that reason. It was put in the bill for the benefit of one certain interest in the West, in the State of Utah. They are to have an opportunity to gouge the farmers to the extent of $30 a ton for potash which has already been produced. This is legislation under the name of protection for interests that already have the stuff in their hands at the present time. It is not intended to develop any industry. No potash industry could be built up in this country for $30 a ton. It costs more to bring it from these western States where the alkali lakes are found to the Atlantic seaboard to New York and Norfolk, twice as much in freight rates, as it costs to bring it from Germany and France by water. Then, in addition to that heavy handicap, the producers of potash in these western States have to get it from a brine which is found in these alkali lakes, and the brine has to be evaporated and the potash extracted in that manner. It is much more expensive to produce than from the mines in Germany and France, where they have natural deposits. I have seen no one who claims that potash can be produced in this country from the brine found in these western lakes for a cost within 50 cents per unit of what it can be produced abroad. It is manifest that any duty high enough to enable the producers of potash in the United States to compete with these great natural deposits in Germany and France would impose upon the American farmer a burden which would be inexcusable and outrageous. I am going to give you a chance to correct some of these injustices by a motion to recommit. Now, no gentleman on the Republican side can say, if he does vote against it, that we will not have a tariff bill, because it can go back and in 10 minutes they can carry out the instructions and agree to the Senate amendment if instructed so to do.

Mr. JOHNSON of South Dakota. The gentleman has not yet yielded to me to say whether or not he is going to put anything else in the motion to recommit.

Mr. GARNER. I am not going to put many items in my motion to recommit, because I know some of you would like to get from under the handicap of voting for this bill. I want you Republican gentlemen to go home and tell your people, meet your Democratic opponents between now and November and tell them that you had an opportunity to get a protective tariff bill with potash on the free list and the dye embargo knocked out of it, and you refused to do it. There is not a farmer organization in this country, not a single one, that has not indorsed free potash, urged it on the committee, urged it on the conferees, and yet the Republican conferees have ignored the request.

Now, some of you gentlemen voted this morning to sustain the ruling of the Speaker and follow your leader, Mr. MONDELL. You will say that you were standing by the Republican organization, that you could not vote against the Speaker, that such a thing was never done, that they must remember the Cannon episode, and that such occurrences destroy the party. When I offer the motion to recommit, you are not going to have that excuse. The record is going to be clear. You have got to answer to your constituents when you vote on that proposition whether you are in favor of a duty on potash and an embargo on dyes. When I witnessed the parliamentary controversy this morning I thought about Attorney General Daugherty and the talk of his bringing a suit in the courts of the country to prosecute this awful dye industry and the Chemical Foundation, and yet these conferees come together and say, "Yes; let us continue this dye embargo at least 12 months and even longer, if the President says so by proclamation." Ah, gentlemen, you can not fool the people. In 30 days they are going to have this bill analyzed. They will know more about it then than they do now.

Mr. McARTHUR. Will the gentleman yield?

Mr. GARNER. I will yield to the gentleman from Oregon.

Mr. McARTHUR. Then the gentleman approves of something that the Attorney General has done, does he?

Mr. GARNER. I hope Mr. Daugherty will place every one of those who are guilty of violating our antitrust laws in the penitentiary. I guess we had better wait, however, until we see what results he gets before going into an anticipatory eulogy of what he is going to do.

This conference report is a fair illustration of what will always happen when the House turns over its rights to the Rules Committee or the steering committee rather than to exercise them in its own proper way. The Republican Party, now in full control of both branches of the Government, is forgetting the interests of the country by placing a tariff law upon the statute books like this one which will remain for four years under the best condition possible. It looks to me like you are making a greater effort to keep alive your old shibboleth of high protection than you are to face world conditions as they actually exist.

UNDERWOOD TARIFF LAW VERSUS FORDNEY BILL.

When the Democrats came into power in 1912 they were under definite promise of the Baltimore platform to revise the tariff downward. The Republicans in 1908, at their convention in Chicago, declared for a revision of the tariff, which of course the country interpreted to mean a downward revision, but when a Republican Congress did actually meet after the campaign they framed and passed the Payne-Aldrich tariff law, which was higher than its predecessor, the Dingley bill, and which was so plainly drawn to protect the special interests that the country repudiated the party which had thus broken faith with the people, and in 1910 a Democratic House was elected and so well did it conduct itself under the able leadership of Mr. Clark of Missouri that this victory was followed up in 1912 by a complete triumph all along the line, the Republican Party carrying only two States in the Union—Utah and Vermont.

Soon after President Wilson was inaugurated, March 4, 1913, he called a special session of Congress, and the Democrats immediately set to work to redeem their campaign pledges, and after careful and painstaking effort the Underwood-Simmons tariff law was passed. Every man who has studied this measure and wants to be fair and impartial is bound to admit that it is a faithful and honest fulfillment of a party pledge, and the fact that it was so vehemently assailed at the time of its enactment by the special interests is proof conclusive that it is a bill for the people and not for the tariff barons. The measure was in harmony with our traditional policy of tariff for revenue only and not to build up a prohibitive tariff wall to protect the swollen fortunes of the rich.

If this same policy had been pursued by the Republican Party during its almost 50 years of power we would not now have so many swollen fortunes in this country, and the wealth of the Nation would be more equitably distributed. It is this concentration of wealth which has brought about so many serious and perplexing social and economic problems and which the present administration is doing so little to solve along sane and constructive lines. What we need is more capitalists and not less of them, and by that I mean not men of swollen fortunes but more of those of moderate means who by industry and thrift accumulate a part of their earnings and invest them in homes, farms, factories, railroad stocks, and other industrial enterprises. To my mind one of the most serious problems of the present day is to so arrange our industrial system that the average man will have his full chance to share in the fruits of production, and to do this we must see that the business opportunities of the country are not monopolized by a comparative few corporations and individuals. Nothing has been more productive of monopoly than the Republican policy of a high protective tariff, and there is no better way to check this tendency to monopoly than for the channels of trade to be kept open and free so that a healthy competition will be encouraged and promoted, both in foreign and domestic commerce. And now you Republicans are going to deal a blow to the good work which our Democratic tariff policy has done by passing this Fordney bill.

Mr. Speaker, under leave to extend my remarks, I insert a letter which I received from Mr. William Burgess, member of the Tariff Commission. This letter is in explanation and reply to a statement which I placed in the RECORD in connection with my speech on the conference report on the tariff bill and which statement dealt with the lowering of the rate on "bone china." I feel that I should put this letter in the RECORD in justice to Mr. Burgess. It reads as follows:

UNITED STATES TARIFF COMMISSION,
Washington, September 13, 1922.

MY DEAR MR. GARNER: I was extremely surprised while sitting in the gallery to hear your remarks regarding the anonymous communication relative to "bone china" and a member of the Tariff Commission.

I fully sympathize with you in all you said regarding the unfitness of a person sitting on the Tariff Commission who would be guilty of such practices as you based your remarks upon, but I very greatly regret that you had not seen wise to have communicated with me before using the anonymous communication upon the floor of the House.

I, like many others, received a copy of this communication and I feel very satisfied in my own mind as to the author of the same.

There have been a number of similar attacks made on me through the newspapers and by personal converse on the part of this man with members of the House and Senate committees. He represents the Japanese importing interests and because I have in the past been able to assist the Government in checking irregularities on the part of these and other importing houses I have very naturally aroused their antagonism.

Since assuming my duties on the Tariff Commission I have cut off all official connections with my former associations and have simply answered questions when requested so to do by Senators or Representatives on matters about which I was acquainted.

So far as the particular subject of "bone china" is concerned the facts are simply these: Judge Martin, of New Jersey, a personal and very warm friend of Senator FRELINGHUYSEN, was also a friend of two English importers, namely, Mr. John Miller and W. S. Pitcairne. Judge Martin, at their request, suggested to Senator FRELINGHUYSEN the possibility of reducing the china rates upon "bone china" made almost exclusively in England and being practically noncompetitive with goods produced in this country with the exception of one concern, namely, the Lenox (Inc.), of Trenton, N. J.

Senator FRELINGHUYSEN called me on the phone and asked if I thought that the change proposed would injure any American concern. In reply I told him that there was but one concern making such goods in this country, to my knowledge, but did not know how they would feel about it. I told him who they were, and he in return asked if I could find out from them by phone how they felt about it. This I did in purely a personal way, and then communicated to Senator FRELINGHUYSEN the fact that they had no objections to his offering the amendment which he did.

That is absolutely all I had to do with the matter.

The quotation from Senator FRELINGHUYSEN'S statement on the floor of the Senate, namely, "It had been agreed to under a resurvey by the Tariff Commission and is a reduction in the present paragraph," is correct so far as the record goes, but the Senator made the statement evidently without consideration, as there was no resurvey made by the Tariff Commission nor was the question ever up before the Tariff Commission, and my part in the matter was not that of a commissioner but purely as a personal go-between.

I feel that I have done absolutely nothing worthy of criticism, and also knowing that you would not intentionally say or do anything injurious to anyone, I take pleasure in setting the whole matter before you.

The communication you received is a dirty, misleading, vicious document, and I feel that after reading it again in the light of this statement you will feel as I do about it.

Very sincerely yours,

WM. BURGESS, *Commissioner.*

Hon. JOHN N. GARNER,
House of Representatives, Washington, D. C.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARNER. I am very much obliged to the House. I have taken much more time than I had anticipated, and I thank you for your kindness. [Applause.]

The SPEAKER. The Chair is ready to rule.

Mr. LONGWORTH. Will the Chair rule both on the question of the word "articles" and on the question of the period of time?

The SPEAKER. Yes.

Mr. OLIVER. Will the Chair hear me a moment?

The SPEAKER. The Chair will hear the gentleman.

Mr. OLIVER. Some Member has just called the Speaker's attention to the fact that in the first part of section 315, now under discussion, the term "articles" is used, and the terms "product" and "merchandise" do not appear. Later, in the same section, the term "merchandise" is used, and in subdivision B of the same section the term "product" is used.

The gentleman from Texas [Mr. GARNER] correctly insists, I think, that the terms "merchandise" and "product" are more restrictive than the term "articles." He has correctly defined, from both the technical and common-use standpoint, the meaning of the terms "merchandise," "products," and "articles." Unquestionably, the term "articles" is broader than either "merchandise" or "products," and is sufficiently comprehensive to include anything that may be designated either as products or merchandise. The very fact that the bill, as originally written, after using the comprehensive term "articles," sought in the same section to limit its meaning and application by using first the restrictive word "merchandise" and in a subsequent paragraph the restricted word "products" clearly shows that the conferees have broadened and extended the meaning of this section by striking out both of the restrictive terms "merchandise" and "products" and inserting in lieu thereof the term "articles." The Speaker has called attention to the word "such," appearing before merchandise, as originally written, and which in itself clearly evidences the legislative intention of qualifying and restricting the meaning of the term "merchandise." In other words, section 315 in its original draft provided that only such articles as could be technically defined as merchandise were included in paragraph a of section 315, and only such articles as could be technically defined as products were included in paragraph b of section 315. The conferees, however, have extended the meaning of both paragraphs a and b of section 315 by striking out the restrictive terms or words "merchandise" and "products" and inserting in lieu thereof the broader and more inclusive term "articles."

Assuming that the fundamental premise on which the gentleman from Texas [Mr. GARNER] bases his point of order is correct, then I submit that the conferees have in changing these words broadened and extended the meaning and application of section 315.

Mr. LONGWORTH. Mr. Speaker, there is no significance in the change from the word "products" to "articles" by the conferees. The word "articles" appears throughout the bill practically, and it was only at the suggestion of the Government expert in the Treasury Department, who thought it would be wise to use the same expression throughout the bill, that these amendments were inserted by the conferees.

Now, if the Chair cares to hear a word about the limitation of time, I shall be glad to address the Chair.

The SPEAKER. The Chair is ready to rule, but the Chair will hear the gentleman.

Mr. LONGWORTH. If the Chair is ready to rule, I will not take any further time.

The SPEAKER. The Chair thinks this whole matter resolves itself into a question whether the amendments are germane or not. The Senate has put in matter different from anything in the House bill. There is no difference between the House and Senate. There has been nothing to indicate what would be the position of the House on the subject, or between what limits the two Houses would differ. It seems to the Chair a pure question of germaneness, and that the conferees could put in any amendment that was germane. It seems to the Chair that you can easily see by reading the context that the word "articles" was probably put in, as suggested by the gentleman from Ohio [Mr. LONGWORTH], not to make a change of meaning but for the sake of conformity. The Chair overrules the point of order. The gentleman from Michigan [Mr. FORDNEY] is recognized. [Applause.]

Mr. FORDNEY. Mr. Speaker and gentlemen of the House, at last, after more than 20 months since the Ways and Means Committee started hearings on the tariff bill, we again have the bill in the House. The House committee began hearings on the bill on January 6, 1921, and reported the bill later and passed it in July, 1921. The bill has been in the Senate ever since then until now.

If the gentlemen will examine the report they will find that the Senate made 2,428 amendments to the House bill, but that by changing the number of the first paragraph it necessitated changing practically every number in the bill. Consequently more than two-thirds of the amendments by the Senate are changes of numbers and clerical amendments—changing a comma to a semicolon, striking out a comma, changing "and" to "or," or "or" to "and," and so on.

Under the rules, in conference, when agreeing to such amendments it is customary for the House to yield with an amendment, whether yielding to the House or Senate views, if one is not identical with the other. So from the record it would appear that the Houses yielded in many more cases than did the Senate; which in reality was not the case.

Mr. Speaker and gentlemen: The people of the United States have prospered as have no other people on this earth. Our Federal Government has now been in existence for more than one and a third centuries, and has stood the test. All good, law-abiding citizens will admit that we have the very best laws of any government in the world. We are, I believe, agriculturally and industrially the most productive nation on earth, and it is claimed, correctly, I believe, that our consumptive power is greater than that of all the rest of the world.

When comparing the wages earned with our living expenses we find that our people have a purchasing power equal to six times that of Great Britain, France, Germany, and Italy combined.

At the close of this present administration this Government will have endured for 136 years, 104 years of which period the party in power has been the high or protective tariff party; while for the remaining 32 years of the period mentioned the party in power has been the tariff-for-revenue, or low-tariff, or free-trade party.

Our periods of business depression have generally occurred during the times that the low-tariff party was in power.

In order for any people to be prosperous they must have a market for the sale or exchange of their surplus products. This market may exist at home or abroad, but it must exist somewhere—the home market is always the best and of the highest importance.

If we would prosper we must encourage our domestic industries, whether it be the farm or the factory. A nation without successful manufactures is a low-rate nation.

All of our great Presidents, from Washington down, have been protectionists. Washington and Adams were strong protectionists. Thomas Jefferson, the first Democratic President elected by that party, was a high protectionist, and while President he actually embargoed shipments of foreign articles.

The benefits of protection go first to labor; then to the people in general.

William McKinley said in 1897: "We lead all nations in agriculture; we lead all nations in mining; we lead all nations in manufacturing. These are the trophies which we bring after 29 years of protective tariff." What was true then is doubly so to-day.

All the Presidents from 1789 to 1832 were strong protectionists. Those of our many Presidents who favored a low tariff were Martin Van Buren, James K. Polk, Franklin Pierce, James Buchanan, Grover Cleveland, and Woodrow Wilson. All the others were protectionists.

Because of the great wealth, the developments and achievements of our people we are the envy of the world. Our people receive more in return for effort given than do the people of any other country on earth. The people of other countries now owe us more than $12,000,000,000. The annual interest on this sum at 5 per cent being $600,000,000, while but a century and a third ago we found much difficulty in borrowing from foreign countries the sum of $100,000,000. In that brief period of time we have become the richest nation in the world, largely because of our policy of carefully protecting our many industries against the importation of foreign products made by the cheap labor of other parts of the world.

Have our Democratic friends, through their free-trade or tariff-for-revenue-only policies, contributed their share to this wonderful success?

During the period of time that we existed as a union of colonies, after gaining independence by the war of 1776, free trade prevailed in all the Colonies. This policy proved to be most disastrous. Foreign countries, especially Great Britain, dumped their products upon our markets, and our money went out of this country until we had little or no gold or silver left. Our laborers found themselves out of employment with little or no purchasing power. Debt and ruin stared us in the face.

The first bill passed by Congress provided for the time and manner of administering certain oaths.

The second bill passed by Congress was a protective tariff measure, which was signed by President George Washington on July 4, 1789. The preamble to that measure reads as follows:

> Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures that duties be laid on goods, wares, and merchandise imported, etc.

This bill was introduced by James Madison, a Democrat, a protectionist. In those days Democrats were protectionists, as many of that political faith are to-day. Is this not conclusive evidence that the founders of this Republic were protectionists?

The third measure passed by Congress was an act imposing a tonnage tax, signed by President Washington on July 20, 1789.

The fourth congressional measure established a State Department and was signed by George Washington July 27, 1789.

The fifth act of Congress provided for the collection of duties on merchandise and tonnage; signed July 31, 1789.

Please note that the paramount thought in the minds of President Washington and our Congress was protection to our industries while collecting revenue.

During these years of encouragement to capital and labor we have accumulated 28 per cent of the wealth of the world, and we have 36 per cent of the world's railroads, while at the same time we have but one-eighteenth of the world's population.

A protective tariff bill became a law on May 19, 1828, carrying specific and ad valorem duties ranging from 20 per cent to 50 per cent, and the free traders or low-tariff Democrats and foreigners called it "the abomination bill." Yet, under the protection given by that measure, capital was invested as never before in the building of factories, and, in the North particularly, our people prospered as never before in any previous period of our history during the life of that bill.

To-day the gold equivalent required to pay for an 8-hour day of labor in the United States will pay for 20¼ hours of labor in Great Britain, 150 hours in Japan, 33¼ hours in France, and 100 hours in Germany. Although knowing this to be true, there are gentlemen in this House, on the Democratic side, who would have free trade with this cheap labor. When the money paid out to employ 1 man for 8 hours in the United States will pay for 100 hours, or 10 men for 10 hours, among the greatest skilled labor in the world—Germany—can any man here say that we do not need protection to our labor and our capital? [Applause.]

Free trade here could have but one result, and that is that it would bring our laboring people to the low standard of life and living endured by the low-paid labor of foreign countries.

With foreign moneys depreciated from 50 per cent to 99 per cent below their normal values, and with the discovery of huge frauds upon the United States Treasury by undervaluation of imports, which prevents the Government from collecting the legal amount of customs dues, we find it necessary to change the basis for levying import duties from the foreign valuation to the American wholesale-selling price of the imported goods. In order to correctly apply this new method the bill directs the Tariff Commission to find the difference between the cost of production in the United States and the landed cost of the imported article and to report the same to the President of the United States. The bill further directs the President to issue a proclamation at once raising or lowering the duty named to meet such difference, and the same shall become effective within 15 days from the date of the proclamation.

The ad valorem rates in the Underwood tariff bill are the lowest average of any principal country in the world.

Most men are opposed to the immigration of the orientals, and our laborers do not want them to compete in our labor markets. That being true, how can such men consistently vote for free trade or a low tariff that will without question bring into our markets the competitive products of the orientals, which certainly will displace just so much American labor.

The Ways and Means Committee began hearings on this tariff bill on January 6, 1921, and reported the bill to the House the last week in June and passed it in the House July 21, 1921.

The Senate passed the bill some three weeks ago, and the conferees met on Thursday August 24, and finally agreed Saturday evening, September 9—15 days in conference. The total time consumed on this bill from the time our hearings began is one year eight months and seven days, more than twice the time ever taken by Congress in the passage of a tariff bill prior to this time. This is not the fault of the House, however, for it has lingered in the Senate thirteen and a half of the twenty months above mentioned.

No tariff bill heretofore passed by Congress has required the labor that has been employed in this bill. Many questions are involved in this measure never before considered in a tariff bill by the Congress of the United States.

Depreciated currency of foreign countries has occupied much time of the committee. It has developed that more fraudulent undervaluation is going on in our importations than ever before, dishonest importers are becoming more skilled in this line than in the past, thus depriving the United States Treasury of much revenue due on imports.

The passage of an antidumping bill and the adoption of the provisions of section 315 and other sections of this bill we believe will overcome much of this fraud, though fraud has always been and always will be practiced by many dishonest people in the world, no matter how strict the laws are, and how strictly enforced.

By this bill the administrative sections of the existing law have been codified. Many ancient and presently inoperative laws have been repealed or brought into harmony with later acts upon the same subject. The system presented, in form, is for that reason complete and up to date, affording enforcement officials and the interested public, in a single act, knowledge and access to those laws heretofore scattered through volumes of inaccessible statutes. Through cooperation with the Department of Commerce this work has kept the statutes affecting the operations of the Treasury and that department relating to the customs and shipping in harmony. This codification, made in the light of years of administration of these laws, has endeavored to relieve against all proven hardships, eliminate all shown abuses, and provide many meritorious changes.

All the weaknesses of the foreign valuation system of collecting revenues arising out of defects in the law itself have been cured. The system as here presented, profiting by the experience of years, is made so nearly perfect as any foreign valuation system can be made. Many, if not most, of the weaknesses of the existing system, so far as the code of laws was concerned, were greatly aggravated by the fact that importers alone were, to any practicable extent, permitted to contest rates or classifications of duty. Accordingly, after enactment, assault by thousands of protests were made by importers and the law weakened and broken down as far as possible. No privilege having been previously allowed manufacturers and producers to appear and defend in such cases, or to appear and support constructions and applications of the law favoring them, a gradual weakening of the system had been effected. The system also developed the unfair result that the Government, instead of occupying a neutral attitude save as its interests appeared, has been compelled, whenever done, to champion the cause of the manufacturers and producers.

There may be enumerated many very great and substantial improvements in the administrative features of this bill over the existing law.

Declarations upon invoices by foreign manufacturers as to sales prices, to whom the goods are sold, and all pertinent details of the importing transaction, must under this bill be sworn to, whereas now this is not required.

Declarations by the importer as to these facts and transactions are by this bill required to be sworn to, whereas at present that is not required. It is one of the chief weaknesses, and the one greatly complained of, that under the existing system goods could be imported without any effective oath being taken as to their sales price, their value, or as to any other important or particular fact of the transaction. By this bill such is required.

There is written in this bill also the requirement that the invoices must set out in detail whether or not the goods are at the time of importation sold or agreed to be sold in this country;

and if so, to whom and where; and this, as stated, must be sworn to as true in the declaration accompanying the invoices, thereby requiring the importer to furnish under oath evidence of market values and a complete source of verified evidence to check up the correctness of all the stated facts of the transaction.

The bill introduced the conspicuous innovation of authorizing manufacturers to directly contest valuations and classifications with equal facility heretofore afforded importers only. The manifest fairness of this proposition seems self-evident. It is difficult to conceive how heretofore there has been practically denied one class, the producers, and not allowed another class of interested parties, the importers, to litigate a law affecting the interests of one as much as the other. Aside from upholding the manifest equity of this accorded right, it will make much for the better and fairer construction of the act by rightfully shifting that burden and privilege in many cases from the Government to the producers.

The administrative provisions, therefore, not only, so far as the system permits, provide against frauds but also provides an agency to maintain the bill in its integrity as by Congress intended.

The chief issue of difference between the two Houses of Congress was the different valuation systems. The House bill was predicated upon American valuation and the Senate bill upon foreign valuation. While as between the merits of the two systems the House conferees are unchangeably convinced that the American plan is incomparably the better, they concluded that existing conditions of the world's commerce warranted an agreement to proceed gradually with the substitution of the American for the existing foreign plan of valuation after due preparation by customs officials for its administration and after full and careful ascertainment of the proper duties affecting each class and kind of articles as changed. The substitution of the American for the foreign valuation plan for the levy of our ad valorem duties is an end so eminently desirable that its success should not be jeopardized by an incautious, ill-advised, or unduly hasty action in the accomplishment of that most desirable end.

While there was suggested and much discussed a compromise plan for the American valuation system provided in the House bill, to wit, that of assessing duties upon the American selling price of the imported article, it may well be doubted if that system would so well meet the requirements of protection to American manufacturers as the House plan.

That provided by the House is the pure American plan. If we are to gauge the measure of our duties in order to fully protect American products, no other standard for the valuation of such can possibly serve that purpose save the American selling price of the American product, and that is made the basis of the assessment of such duties under the House bill. The change from the foreign to that system, however, is one that will entail administrative and require observance of economic changes. All our administrative agencies are based upon the former plan and their adaptability to the latter by way of the necessary ascertainment and securing of due and fair samples and prices can best be done gradually after full investigation and preparation. Due regard for the ultimate success of the system so argues. The conference accordingly so provided.

These obvious facts, together with the existing conditions and of abnormally high American and swiftly changing world values generally, even to the extent of as much as 25 per cent in a single month, as has occurred in Germany, lead your conferees to agree to the compromise provisions of the conference report, to wit, the present adoption of rates based upon foreign valuation, with power vested in the President, as provided in section 315 (a) of the bill, to raise and lower the rates provided to meet swift and uncertain changes in foreign values, together with the adoption of the American valuation plan of the House, as provided in 315 (b), to be put into force and effect by the President gradually and advisedly, according as preparation for the administration thereof may be had and the trade conditions affecting the particular class or kind of articles warrant. Furthermore, your conferees are advised that as to many kinds and classes of imported goods importers and domestic producers can and likely will agree upon an American valuation basis and rates, whereupon this provision authorized its adoption as therein provided. Several of such agreements have already been had during the pendency of this bill. By this conference report the pure American valuation principle is recognized and adopted and provision made for its gradual adoption. By this provision American valuation becomes an approved and fixed principle and part of our customs system.

These provisions, together with the further powers vested by this bill of retaliation against discriminatory action upon part of foreign nations, are timely. In the readjustment of the world's trade on every hand is witnessed the investing of officials and tribunals with extraordinary powers calculated to compel trade equality and reciprocation. These are taking the form of preferential duties, limitations on imports, maximum and minimum provisions, antidumping laws, and various other kin forms. The Congress should feel itself derelict in duty if it concluded this legislation without arming our President in so far as possible with equal powers.

By the flexible and American valuation provisions of this bill for the first time in the history of this country has the President been granted a general and sufficient power to speedily meet discriminations against our commerce and swiftly changing trade conditions, natural or as produced by action of foreign nations.

No Congress has ever been called upon to enact a tariff in the presence of such uncertain, rapid, and extensive changes in our commerce. The conditions of to-day are not those of to-morrow. Our manufacturers and producers are on every hand being undersold and driven from our markets, and many of our laborers are walking the streets. Whatever action may be taken to-day may and probably will inevitably be excessive or inadequate to-morrow. It is preposterous to state nothing should be done in this emergency leaving our mills and workmen the victims of unprecedented foreign competition. The party in power has never proven incapable of meeting or shrunk from any national emergency. So that the duty of the hour is to make the best possible bill, one that will surely protect our own and which will authorize quick and effective changes to meet the swift and inevitable future changes of trade. By this bill these things are provided. The Congress has successfully met the most acute economic emergency of the country by protecting our industries and labor against the unprecedented low prices of foreign countries and at the same time provided adequate remedy for any and all the probable swift future changes in the conditions of the world's trade.

FREE PORTS.

The written instrument under which the United States operated from 1783 to 1789 is called the Articles of Confederation. The chief defect in this form of government was that the National Government had no authority to enforce its laws. Coupled with this was also the defect that each State was permitted to frame its own tariff laws, with the result that there were 13 such sets of laws in the United States, and that preference in them was given to the ports of one State over those of another State.

This period in history is designated by John Fiske, one of our greatest historians, as the "critical period of American history." The difficulties confronting the Government at that period are carefully set forth in a volume written by John Fiske entitled "The Critical Period of American History."

Chapter 4 of that volume is headed "Drifting toward anarchy," and in the course of that chapter, on pages 144 to 147, he discusses the evil results from a multiple system of tariff laws and the consequent preference extended to one port over another. We quote from him as follows:

> "Meanwhile, the different States, with their different tariff and tonnage acts, began to make commercial war upon one another. No sooner had the other three New England States virtually closed their ports to British shipping than Connecticut threw hers wide open, an act which she followed up by laying duties upon imports from Massachusetts. Pennsylvania discriminated against Delaware, and New Jersey, pillaged at once by both her greater neighbors, was compared to a cask tapped at both ends. The conduct of New York became especially selfish and blameworthy. That rapid growth which was so soon to carry the city and the State to a position of primacy in the Union had already begun. After the departure of the British the revival of business went on with leaps and bounds. The feeling of local patriotism waxed strong, and in no one was it more completely manifested than in George Clinton, the Revolutionary general whom the people elected governor for nine successive terms. From humble origin, by dint or shrewdness and untiring push, Clinton had come to be for the moment the most powerful man in the State of New York. He had come to look upon the State almost as if it were his own private manor, and his life was devoted to furthering its interests as he understood them. It was his first article of faith that New York must be the greatest State in the Union. But his conceptions of statesmanship were extremely narrow. In his mind, the welfare of New York meant the pulling down and thrusting aside of all her neighbors and rivals. He was the vigorous and steadfast advocate of every illiberal and exclusive measure, and the most uncompromising enemy to a closer union of the States. His great popular strength and the commercial importance of the community in which he held sway made him at this time the most dangerous man in America. The political victories presently to be won by Hamilton, Schuyler, and Livingston, without which our grand and pacific Federal Union could not have been brought into being, were victories won by most desperate fighting against the dogged opposition of Clinton. Under his guidance, the history of New York, during the five years following the peace of 1783, was a shameful story of greedy monopoly and sectional hate. Of all the 13 States none behaved worse except Rhode Island.
>
> "A single instance, which occurred early in 1787, may serve as an illustration. The city of New York with its population of 30,000

souls, had long been supplied with firewood from Connecticut, and with butter and cheese, chickens, and garden vegetables from the thrifty farms of New Jersey. This trade, it was observed, carried thousands of dollars out of the city and into the pockets of detested Yankees and despised Jerseymen. It was ruinous to domestic industry, said the men of New York. It must be stopped by those effective remedies of the Sangrado school of economic doctors, a navigation act and a protective tariff. Acts were accordingly passed, obliging every Yankee sloop which came down through Hell Gate, and every Jersey market boat which was rowed across from Paulus Hook to Cortlandt Street, to pay entrance fees and obtain clearances at the customhouse, just as was done by ships from London or Hamburg; and not a cartload of Connecticut firewood could be delivered at the back door of a country house in Beekman Street until it should have paid a heavy duty. Great and just was the wrath of the farmers and lumbermen. The New Jersey Legislature made up its mind to retaliate. The city of New York had lately bought a small patch of ground on Sandy Hook, and had built a lighthouse there. This lighthouse was the one weak spot in the heel of Achilles where a hostile arrow could strike, and New Jersey gave vent to her indignation by laying a tax of $1,800 a year on it. Connecticut was equally prompt. At a great meeting of business men, held at New London, it was unanimously agreed to suspend all commercial intercourse with New York. Every merchant signed an agreement, under penalty of $250 for the first offense, not to send any goods whatever into the hated State for a period of 12 months. By such retaliatory measures, it was hoped that New York might be compelled to rescind her odious enactment. But such meetings and such resolves bore an ominous likeness to the meetings and resolves which in the years before 1775 had heralded a state of war; and but for the good work done by the Federal convention another five years would scarcely have elapsed before shots would have been fired and seeds of perennial hatred sown on the shores that look toward Manhattan Island.

To overcome the difficulties of the Federal Government caused by the defects in the Articles of Confederation, a convention was called which met in Philadelphia in May, 1787. This convention is known in history as the Constitutional Convention. There had been previous conventions called for the purpose of patching up the Articles of Confederation, especially with reference to laws relating to commerce, but these had failed. In the call for the convention of 1787, the purpose was stated to be to revise the Articles of Confederation. When the delegates met they found that the Articles of Confederation were inherently wrong, and that it was necessary, if the evils were to be remedied, to cast aside the Articles of Confederation entirely and frame a new Constitution. This was so different from the purpose for which the convention was called that some of the delegates, notably, Messrs. Lansing and Yates, of New York, went home, leaving only Alexander Hamilton to represent that State.

It was early conceded in the convention that the National Government should have the power to enforce its own laws and to collect its own revenue. This last power was early agreed upon and set forth in Article I, section 8, of the Constitution, reading as follows:

> The Congress shall have the power to lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defense and general welfare of the United States.

The power thus conferred upon Congress to levy taxes would not, however, in itself correct the evil which resulted in commercial warfare under the Articles of Confederation.

The citations which are made herein to show how this evil was subsequently corrected are taken from the 1845 edition of Elliott's Debates on the Federal Constitution, volume 5, and are confirmed in all particulars by Madison's Journal, in which he records debates of the Constitutional Convention.

On August 25, 1787, Mr. Carroll and Mr. L. Martin, page 478, "expressed their apprehensions, and the probable apprehensions of their constituents, that under the power of regulating trade, the general legislature might favor the ports of particular States by requiring vessels destined to or from other States to enter and clear thereat, as vessels belonging or bound to Baltimore, to enter and clear at Norfolk, and so forth. They moved the following proposition:

> The Legislature of the United States shall not oblige vessels belonging to citizens thereof, or to foreigners, to enter or pay duties or imposts in any other State than in that to which they may be bound, or to clear out in any other than the State in which their cargoes may be laden on board; nor shall any privilege or immunity be granted to any vessel on entering or clearing out, or paying duties or imposts in one State in preference to another.

Mr. Gorham thought such a precaution unnecessary and that the revenue might be defeated if vessels could run up long rivers, through the jurisdiction of different States, without being required to enter, with the opportunity of landing and selling their cargoes by the way.

> Mr. McHenry and General Pinckney made the following propositions:
> "Should it be judged expedient by the Legislature of the United States that one or more ports for collecting duties or imports, other than those ports of entrance and clearance already established by the respective States, should be established, the Legislature of the United States shall signify the same to the executives of the respective States, ascertaining the number of such ports judged necessary, to be laid by said executives before the legislatures of the States at their next session: and the Legislature of the United States shall not have the power of fixing or establishing the particular ports for collecting duties or imposts in any State except the legislature of such State shall neglect to fix and establish the same during their first session to be held after such notification by the Legislature of the United States to the executive of such State.
>
> "All duties, imposts, and excises, prohibitions, or restraints laid or made by the Legislature of the United States shall be uniform and equal throughout the United States."
>
> These several propositions were referred, nem. con., to a committee composed of a member from each State. The committee, appointed by ballot, were Mr. Langdon, Mr. Gorham, Mr. Sherman, Mr. Dayton, Mr. Fitzsimmons, Mr. Read, Mr. Carroll, Mr. Mason, Mr. Williamson, Mr. Butler, Mr. Few.

Mr. Sherman, as chairman of this committee, made the report of the committee, on August 28, and moved to lay the report on the table. The report is as follows:

> That there be inserted after the 4th clause of the 7th section: "Nor shall any regulation of commerce or revenue give preference to the ports of one State over those of another, or oblige vessels bound to or from any State to enter, clear, or pay duties in another; and all tonnage, duties, imports, and excises laid by the legislature shall be uniform throughout the United States."

On August 31 the report of the above-mentioned committee was taken from the table (p. 502), and the question was divided, the convention first agreeing to the following, without opposition:

> Nor shall any regulation of commerce or revenue give preference to the ports of one State over those of another.

On the clause "or oblige vessels bound to or from any State to enter, clear, or pay duties in another," there was some discussion, but this was finally agreed to by a vote of 8 to 2 (p. 503).

On September 14 (p. 543), while the convention was putting on the finishing touches and rearranging the final draft of the Constitution, these matters were again taken up and the words "but all such duties, imposts, and excises shall be uniform throughout the United States," were unanimously annexed to the power of taxation, as provided for in Article I, section 8, of the Constitution, leaving that section in the form in which it now stands in that document.

Up to September 14, Article I, section 9, of the Constitution simply read, "No tax or duty shall be laid on articles exported from any State." On September 14 (p. 545) the convention voted to add to the above section 9 the words:

> No preference shall be given by any regulation of commerce or revenue, to the ports of one State over those of another, nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

It will thus be seen that the Constitutional Convention, being thoroughly acquainted with the evils resulting from preference being given to certain ports of entry over other ports, took the necessary steps to guard against the recurrence of such evils under the Government established by the Constitution.

They provided in the first place, in Article I, section 8, that "all duties, imposts, and excises shall be uniform throughout the United States"; and they provided further, in Article I, section 9, that "No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another."

So much for the history of these two sections of the Constitution. The cases that have been decided under them are listed on pages 34 and 43 of the Constitution, Manual and Digest of the Sixty-sixth Congress, third session.

Gentlemen, I am frank to say to you that each and every member of the Ways and Means Committee from the time when we began on the bill more than 20 months ago has been most faithful indeed, and they have performed their duties as best they were able. Personally I do not believe that I have rendered greater service than other members of the committee. But I am completely worn out; I am so overdone with fatigue, with long hours of constant study and earnest effort to prepare and bring to you the best bill that could be prepared, so that in my humble way day after day and night after night I have prayed to God for greater wisdom that I might prepare a bill to serve the people better than any other bill of a like character that has ever been spread upon our statute books, and to that I have done my utmost as best I could. I thank you. [Applause.]

Mr. GARNER. May I ask the gentleman from Michigan and the gentleman from Ohio whether they expect to conclude this conference report to-night.

Mr. FORDNEY. Yes; we would like to, and take up the bonus bill to-morrow. [Applause.]

Mr. GARNER. I am glad to hear the gentleman say that; there are quite a number of gentlemen on this side who want to know whether we would finish the conference report to-night.

Mr. FORDNEY. That is the intention—to stay here until we finish it.

Mr. GREEN of Iowa. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. Treadway].

Mr. TREADWAY. Mr. Speaker, I do not wish to go into any detail in reference to the conference report, but only to refer to a few particular items. Before I do that I wish to corroborate with all the fervor that is within me what others have said relative to the sincerity and hard work that the chairman of the Committee on Ways and Means has given throughout these 14 months in bringing forth a tariff bill in the interests of the American people and in harmony with the Republican principles. We owe the chairman of the Committee on Ways and Means, whether we agree with him in detail or not, a very hearty vote of thanks for the efforts he has made through all these long and tedious months. No man could have worked harder. Now that he is about to lay down his work as chairman of that committee at the expiration of this Congress, I must say that any future chairman of that great committee has a very difficult task in following his footsteps. [Applause.]

Now, Mr. Speaker, may I say this in reference to the remarks just made by the gentleman from Texas [Mr. GARNER]: He started to tell us this morning that he expected to bring in a motion to recommit only upon the item of potash, but when it developed that there was a difference of opinion among the Republicans he said he was going to bring in a double-barreled gun. I am sorry he is doing that. He advised the Republicans as to what they ought to do, and I desire to inform the gentleman that some Republicans did not follow the ruling of the Speaker this morning solely because he was right—I think he was, for I listened very attentively to the debate—and I honestly and conscientiously think the Speaker ruled right and in accordance with the rules of the House in his interpretation of the law.

But in addition to that we voted with him because the provision as originally put in the emergency tariff bill seemed to us right and proper in the dye situation. And so I say to the gentleman from Texas, if he wants a little advice from a Republican—inasmuch as he is so free always to give it to Republicans—let me advise him to make that a single-barrel gun instead of a double-barreled one, and then he will get more votes from the Republicans. I, for one, would vote for a motion to recommit this bill if confined to potash, but I can not vote with him if he makes it a double-barreled gun. He will get more votes with potash as one barrel than if he makes it a double-barreled gun and includes dyestuffs.

Now, there is another feature that I would like to refer to that has been mentioned by the gentleman from Texas. He has said a great deal about "special interests" and about sacrificing your own conscience, and all that sort of thing, and about party principles, and so on. I was first a Member of this House in the Sixty-third Congress, and I very well remember the able speech that the gentleman from Texas made urging the House to put a duty on Angora goat hides when his party was absolutely for free trade or for tariff for revenue only. It had nothing in the world to do with protection to Angora goats, but it happened that there was a flock of Angora goats down in Texas and he wanted that special industry protected. [Applause on the Republican side.] I think it does not behoove him to talk to us about protecting "special interests" when he has a "special interest" like that in a Republican bill. I congratulate that "special interest" in Texas.

Mr. ROSENBLOOM. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. ROSENBLOOM. Is it not a fact that you insisted on free oil in Massachusetts, and Massachusetts does not produce it.

Mr. TREADWAY. Well, there are many other things we could discuss if we had the time.

Now I wish to make a few criticisms of the report of the conferees, and I do this with the utmost candor and freedom, at the same time realizing the difficulty that they have been in. In the first place, I became convinced that the American valuation method was the proper one to write into law, so far as a tariff bill is concerned, and I am very sorry that our conferees found it necessary to compromise on that detail. I wish that to-day we were voting to sustain the American valuation plan, but I think that the compromise which they are offering is a fair one, and in a sense a very proper one, namely, that a certain latitude and power should be given to the President within a range of 50 per cent to raise or lower the duties, and at the same time if he finds it necessary to use the American valuation to put that method into effect; so that in view of the attitude of the other branch I think the conferees have done as well as could be expected. But I do severely criticize them from the viewpoint of what appears to be a parliamentary development. When this bill was being prepared by the Committee on Ways and Means such rates as were written before the American valuation scheme was agreed upon were written at figures that were reduced about one-third when we afterwards agreed upon the so-called American valuation plan. It develops that wherever there are similar rates the same numerical figures used in the method of laying the duty, whether it was American or foreign valuation, the conferees have not felt that that subject is within the purview of the conference.

I certainly can not agree with that, because it is absolutely illogical. Probably on the parliamentary side that will be answered, but it is illogical. Let me use an illustration. There is a large manufactory of bicycles in my district. When the bill was written originally on the basis of the foreign valuation a rate was fixed, and then later on it was changed on the basis of the American valuation. The Senate in writing the foreign valuation rate fixed that item at 30 per cent foreign valuation. As a matter of fact a similar rate under American valuation is 45 per cent, and now the conferees say that that item is not in dispute. I can not for my part agree with that deduction.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. GREEN of Iowa. I do not see how the conferees could possibly have done otherwise. If we concede that the difference between the figures was to be determined by market prices at home and abroad, the Speaker, in order to determine whether we had or had not exceeded our powers, or whether there was a change in the rate, would have to sit there with the foreign price list in one hand and the domestic price list in the other and compare them. Now, so far as I know, disputed questions of fact have never formed the basis for parliamentary ruling. These prices at home and prices abroad are more or less a subject of dispute. Sometimes the American price is absolutely less than the foreign. Of course, as a rule, and in ninety-nine cases out of a hundred, the American price is greater than the foreign price, but it can not be determined except as a question of fact, and I do not see how the Speaker could consider that.

Mr. TREADWAY. My colleague will not deny that the foreign valuation, as compared with the American valuation, was one-third less. We arbitrarily changed those figures, did we not, in committee sessions?

Mr. GREEN of Iowa. Technically, the gentleman is correct.

Mr. TREADWAY. So that from the viewpoint of the parliamentary situation the gentleman from Iowa is right, and from the standpoint of rates in the tariff bill I am right.

Mr. GREEN of Iowa. We simply found our hands tied by the parliamentary situation.

Mr. TREADWAY. I appreciate that fact, and I have stated practically what the gentleman from Iowa has said. But it is extremely unfortunate for the rates in many instances where this identical figure appears.

The SPEAKER pro tempore (Mr. HICKS). The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. Will the gentleman from Iowa give me five minutes more?

Mr. GREEN of Iowa. Can the gentleman get along with three minutes?

Mr. TREADWAY. Make it five, and I will try to get along.

Mr. GREEN of Iowa. I make it five minutes.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for five minutes more.

Mr. TREADWAY. There is one item in the paper schedule to which I wish to refer, a duty having been put on casein. Now, casein goes into the manufacture of coated paper, and it is very much against the interest of the paper manufacturer that a tariff should be placed on that article. Otherwise, I am glad to say that so far as I can learn the paper schedule is satisfactory to those interested in that large industry, of which so many mills are located in my district.

I want to devote the rest of my time to a reference to the wool schedule. I think there is the point where the greatest blunder has been made in the rewriting of this tariff bill. We put in the emergency tariff act rather high rates on wool, but as a matter of fact those rates have never been effective because the greater part of the wools imported since the emergency tariff went into effect are in bond. Now, what has been done has been to put an arbitrary price of 31 cents per pound on wool of all classes and prices. It does not make a particle of difference whether the wool originally cost 20 cents a pound or $1.50 a pound, the rate is 31 cents a pound just the same. So on cheap wool, which is known as carpet wool, and which is used for cheap clothing, wool which cost 20 cents a pound, you are allowing a rate of 150 per cent, whereas in the case of the higher grade wool, costing $1.25 per pound, you are also putting on 31 cents a pound, which is practically about a 20 per cent rate. In other words, the high-grade wool is coming in at the lower ad valorem rates.

Mr. GREEN of Iowa. If the gentleman will yield, the gentleman means carpet wool when used for clothing?

Mr. TREADWAY. I mean carpet wool used for the purpose of clothing, and great quantities of it are used for clothing purposes. I do not think that was well known at the time this provision was put in. It is well known now, and you are putting a very unfair duty on the lower grades of wool going to make cheap clothing. That, it seems to me, is where we will be very severely criticized.

The other item to which I wish to refer affects New England very materially, namely, the rates which in my view ought to have been placed as compensatory duties for the manufactures of our cotton mills. These rates are not adequate for the protection of the cotton industry of New England. Therefore it is with considerable effort that some of us are prepared to vote for this present bill. I wish it might have been different. At the same time the Republican Party is improving the present law very materially, and I for one am glad to overlook such objections as I have to it, and shall support the conference report. [Applause.]

I yield back the remainder of my time.

Mr. GREEN of Iowa. Mr. Speaker, will the Chair inform me how the time stands?

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GREEN] has under his control 71 minutes and the gentleman from Texas [Mr. GARNER] has under his control 80 minutes remaining. The Chair will recognize the gentleman from Iowa.

Mr. GREEN of Iowa. I yield one minute to the gentleman from New York [Mr. MILLS].

Mr. MILLS. Mr. Speaker, there was published under date of July 31, 1922, for the use of the Committee on Finance, a document entitled "Imported merchandise, retail prices." That report contains a number of statements as to articles purchased in the city of New York, giving the retail prices of those articles and the purported or alleged landed cost. It gives the names of a number of stores in which these articles were purchased, many of them in my district. Their attention has been called to this pamphlet. A number of them have requested me to answer the charges made and to put the answer in the RECORD. I am doing so because I believe that when the names of stores and business houses are mentioned in a document of this character, in which it is made to appear that they are making exorbitant profits, it is but fairness to these men that their side of the question should be presented to the Congress and to the public. I therefore ask unanimous consent that these letters which I hand up be printed in the RECORD.

The SPEAKER pro tempore. The Chair will state that notwithstanding the general consent that was granted to extend remarks, this is probably a little outside of that request and therefore it ought to be put to the House. The gentleman from New York asks unanimous consent to extend his remarks by printing the letters which he has indicated. Is there objection?

There was no objection.

The letters referred to are as follows:

NEW YORK, *September 6, 1922.*

Hon. OGDEN L. MILLS,
House of Representatives, Washington, D. C.

DEAR SIR: Colonel Friedsam has informed us of your letter of August 31 inclosing a copy of the document published by the Finance Committee of the Senate and giving certain information concerning imported merchandise. On page 56 of this document there is given in Exhibit 56 the alleged detail of a necklace purchased from B. Altman & Co. The statements made in this exhibit are with one exception, namely, the selling price, grossly incorrect. The necklace which is used for this exhibit—a photographic reproduction of the article and the sales check in the transaction is given on page 57—was manufactured by the firm of Joseph H. Meyer Bros., 170 Broadway, New York City. It is not an imported necklace but is American made completely. Its cost to B. Altman & Co. was $75. Its selling price was $150. We are preparing affidavits supporting these various facts, and if you wish to have them we shall be glad to send them to you. You will observe by comparing the facts given above with the allegations in the document sent us that in every respect except the selling price the details concerning this necklace have been absolutely misrepresented. May we add also that this same data which is now being supplied to you, as suggested in your letter, was given to an investigator who visited us stating that he represented the Government and that he sought information on this transaction.

We appreciate, indeed, the thoughtfulness and consideration of your letter, and are very glad that this has been called to our attention, for the statements presented in the report are very unjust and damaging, and their circulation should not be permitted.

Very truly yours,

B. ALTMAN & CO.

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NEW YORK, *September 4, 1922.*

Hon. OGDEN L. MILLS,
House of Representatives, Washington, D. C.

DEAR SIR: We beg to acknowledge the receipt of your esteemed letter dated August 31, with inclosure.

In response to this letter we wish to state that the matter you are referring to has been called also to our attention by the National Retail Dry Goods Association of New York.

We have looked most carefully over the instances that are cited against us and found that the transmissions of the appraiser's report to the chairman of the Committee on Finance were absolutely erroneous.

We are taking the liberty to inclose herewith the copy of our answer with the affidavit submitted to the managing director of the National Retail Dry Goods Association, Mr. Lew Hahn, which certainly will give sufficient explanation in this matter.

Thanking you for the courtesy extended to us we beg to remain,

Yours very truly,

STERN BROTHERS.

—

AUGUST 31, 1922.

I, Julius Kugelman, do solemnly and truly swear that I am a vice president of the corporation, Stern Bros., 41 West Forty-second Street, New York.

I further swear that, after going over all our import records most carefully, I can truthfully state that we never imported from France valenciennes laces in cotton, as stated in the pamphlet entitled "Imported Merchandise and Retail Prices," page 26, Exhibit 25, and page 56, Exhibit 55, nor did we ever import from Germany buttons, vegetables, ivory (12-button cards), as stated on page 88, Exhibit 87.

Sworn to before me this — of ———, 1922.

——— ———.

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SEPTEMBER 1, 1922.

Mr. LEW HAHN,
200 Fifth Avenue, New York City.

DEAR SIR: We beg to acknowledge the receipt of your esteemed letter of August 30, with a copy of a Government publication entitled "Imported Merchandise and Retail Prices."

Allow us to state that we looked most carefully over the instances that are cited against us, and found that a mistake must have occurred in the transmission of the appraiser's report, together with the exhibits to the chairman of the Committee on Finance, Hon. P. J. MCCUMBER.

We went over all our records most carefully for a number of years, and do not find that we ever have imported valenciennes laces in cotton from France, as mentioned in the pamphlet, on page 26, Exhibit 25, and on page 56, Exhibit 55, nor did we ever import from Germany buttons, vegetables, ivory (12-button card), as stated on page 88, Exhibit 87.

We are inclosing herewith affidavit properly signed by one officer of our corporation, as requested with your letter.

Yours very truly,

——— ———.

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NEW YORK, *September 6, 1922.*

Hon. ODGEN L. MILLS,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I received yesterday your favor of August 31 asking me whether the statements made as to R. H. Macy & Co. (Inc.), in the document recently published by the Finance Committee of the Senate entitled "Imported Merchandise and Retail Prices," are inaccurate.

I am glad to comply with your request for information that will enable you to controvert the evidence contained in the "document" for, in so far as our house is concerned, of the 12 items that were purchased of us, the information given is incorrect as to every one of the 12. Of the 12 only 3 were imported by us, and in no one instance is our cost correctly stated. In all 12 the cost was considerably higher than given in the document.

The three items that were imported by us are:

Exhibit 3, page 4, metal pie plate.

Exhibit 41, page 60, aluminum sauce pot.

Exhibit 59, page 60, china dinner plate.

Exhibit 3, page 4, metal pie plate, cost landed $0.1889, without inclusion of any expense for landing charges, breakage in transit, or handling up to the time at which it is turned over to the retail selling department, which items might be likened to the expenses of an importing house. This item shows a mark on percentage of 53½ per cent instead of 181 per cent, as given in the "document."

Exhibit 41, page 42, aluminum sauce pot, cost landed $0.6970, instead of $0.40 as calculated in the "document," and shows a percentage of mark on to landed cost of 77.9 per cent, and not 210 per cent as stated in the "document." In this case again, items of expense incurred after the merchandise leaves the ship, as referred to above, are not included in this calculation of cost.

Exhibit 59, page 60, china dinner plate, the landed cost is $0.44, instead of $0.327 as stated in the "document," and the mark on 122.7 per cent instead of 199 per cent as specified in the "document." In this particular instance, however, it is our experience that a 22.9 per cent loss through breakage must be calculated upon, and if this were, as it legitimately should be, included in the cost of the merchandise the true cost would be $0.66, and the mark on 72.7 per cent instead of 199 per cent as specified in the "document." Here, again, items of expense incurred after the merchandise left the ship are not included.

The items are of comparatively small value, and the service element (handling, packing, delivering, etc.) is large, and the overhead of the distributer correspondingly heavy.

Department stores are interested to a very small extent in the sale of imported merchandise. I should say, roughly, that less than 5 per cent of their entire purchases are imported, and their interest lies in the prosperity of the country and in the reduction of the cost of living rather than its increase.

Very sincerely yours, JESSE ISIDOR STRAUS.

—

LORD & TAYLOR,
New York, September 12, 1922.

Hon. OGDEN L. MILLS,
Washington, D. C.

MY DEAR MR. MILLS: Thank you for your letter of August 31 and inclosures, which reached my office as I was leaving on September 6, and received my attention upon my return on the 11th.

As a premise on which we can agree, let us admit that a man enters business recognizing the fact that in a year's transactions he will lose money on some, make a small percentage of profit on others, and on still others make a large percentage of profit. As a further premise on which I think we will agree, let us say that we will judge this firm by the average of their profits at the end of the year, provided their business methods have been fair and equitable.

As instances of this principle, let us recall two or three cases. First, that of our railroads. The individual rates approved by our Interstate Commerce Commission are on the basis of what is necessary in each case to produce an equitable average return to the railroads. For example, silks will bear a much higher rate than will cement. Just because we pay a high rate per hundred pounds on silk, we do not say that the railroad rates are unduly high. At the end of the year we look over their results and see the workings of the law of averages, and reach a decision on that basis. In ocean traffic a vessel may be bound from one country to another with a cargo which will bear a very high freight rate. On the return trip there may be very little offered, and the ship may be obliged to take what can be secured at a very low rate. The owners are satisfied if the round trip nets them a fair profit, and certainly the practice is just to the public.

In life insurance a man may pay one year's premium on a policy, and in the case of his death within the year his estate will secure the face of his policy for a very small cost. However, in the case of a man who pays 40 installments the cost will be very high. In such cases we observe the law of averages, and judge the insurance company not on the basis of the policy on which it collected 40 installments but on its average experience over a period of years.

In all fairness these principles must be considered in the subject under discussion. We believe that during the last five years the importing lace business has been one of the most hazardous ventures in our line. In the case of practically all imported merchandise, including laces, it is necessary to order from six weeks to six months in advance, and in some cases even more. Hence style and color tendencies must be predicted far in advance—a risky and expensive necessity.

The New York importer, wholesale and retail, is the American pioneer in styles. When he brings in his selection, the public determines its choice, and then many of the initial risks in determining what is wanted are eliminated for the manufacturers, and also retailers in other cities. To select intelligently the buyer should see the whole market. This means heavy traveling expenses, and many of these pioneers maintain foreign offices.

With the best intention the buyer is frequently unfortunate in getting merchandise the public does not want. Consequently, to offset this loss the wanted things sell at a large profit, although the average is not excessive.

We have discussed the underlying principles of averages which is used in all successful business of volume that we might better understand the specific cases cited in the pamphlet.

Exhibit 44, metal-thread lace: We imported this article, but, having sold all our stock, purchased a small supply, of which this sale was a part, from an importer. Let us give you the record of our import: Cost, 70 cents and a fraction per yard in France, about $1.30½ per yard cost at the store.

This cost includes the following: Invoice price, duty paid, ocean freight charges, marine insurance, cartage from dock to store, foreign office expenses, buyer's traveling expenses.

The pamphlet estimate includes only invoice price, duty, insurance, and freight, and makes a landed cost of 97½ cents. These additional factors used by us to ascertain costs are all sound and based on experience.

It cost us $1.30½ per yard when imported. We sold all we bought in France to the retail trade at $2.25 per yard. It was a good item. The demand for it justified a purchase of the same merchandise from the importer, even at $2.25 per yard cost to us. This purchase from the importer was retailed by us at $3.50 per yard. Out of this lot the purchase in question was made.

Exhibit 46, burnt-out lace (trade name, imitation Venice): We never imported any of this direct. The only evidence we can give is from the importer to our customer. We did not stock this item, but when a customer called with a sample our buyer at once knew where it could be obtained and undertook to fill the order. The quotation from the importer was $1.25 per yard. The price asked the customer was $1.95, and was satisfactory, so we sent a messenger after the lace.

It may seem in the case of the metal-thread lace that the importer is making an abnormally high profit. We do not intend to reflect on him, for we do not believe that he has done either us or the public an injustice. As an illustration of the law of averages, we purchased from him during the same season the last of a lot of lace which he had at $2.60 per yard and sold it at $3.95 per yard. We had previously imported this lace ourselves at a cost of $5 per yard.

We have kept records of our foreign business, so that we know what the results have been. They are not, however, so kept that our certified public accountants could easily certify to them. They have prepared for us a statement, however, showing the percentage of net profit to sales for the years 1915 to 1921, inclusive. Enclosed is certificate herewith.

During the years 1918, 1919, and 1920 our foreign business lost money. The year 1921 we did slightly better on the foreign business than on the average business of the house, and in 1922 we hope to do slightly better still.

In answering the question in your letter I have no hesitancy in saying that I think the preparation and distribution of the pamphlet is unfair. While the figures, so far as they go, may be accurate, they are certainly incomplete and misleading. It almost looks as if a definite effort had been made to leave the impression that Lord & Taylor was making a gross profit of 259 per cent and 413 per cent, when such is not the case.

If there is anything more I can do to help you in this situation, please feel free to call on me.

Very truly yours,

SAM W. REYBURN, *President*.

NEW YORK, *September 11, 1922*.

Mr. SAMUEL W. REYBURN,
President Lord & Taylor, New York City.

DEAR SIR: We have made annual audits of the accounts of Lord & Taylor, covering the period from January 1, 1915, to December 31, 1921, and we certify that the net profits as shown by our reports rendered from year to year were as follows:

	Per cent.
1915	0.02
1916	3.12
1917	3.07
1918	2.76
1919	5.52
1920	1.59
1921	3.84

The foregoing percentages represent net profits on total net sales of store after deduction of interest and Federal taxes.

Very truly yours,

LYBRAND, ROSS BROS. & MONTGOMERY.

Mr. GREEN of Iowa. Mr. Speaker, everyone desires to get through with this matter this evening, and after some consultation back and forth I will ask the gentleman from Texas [Mr. GARNER] if it will be acceptable to him to reduce the time on each side 20 minutes?

Mr. GARNER. Yes.

Mr. GREEN of Iowa. I ask unanimous consent, Mr. Speaker, that the time on each side be reduced 20 minutes.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GREEN] asks unanimous consent that the time for general debate be reduced 40 minutes, 20 minutes on each side. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, I sympathize greatly with my colleague from Massachusetts [Mr. TREADWAY] in his endeavor to remain regular and justify his vote in spite of his argument against the bill. Half of his speech was a splendid eulogy of our good friend JOE FORDNEY, with which we all agree, and in the other half of his speech he criticized many items in the schedule and tried to justify his position as a Republican both in voting for the bill and opposing it on the floor.

It is because I am a Republican and a protectionist that I am going to vote against it. It is tariff gone mad which will not defend but offend the people of the country. It is unscientific. As for that, there never was a scientific tariff, either Republican or Democratic, and never will be, until we have a permanent tariff commission with powers to master and construct a tariff free from local and political influences. It is not economic, and it can not be, no matter which party is in control, as long as the facts are ignored and economic laws defied. It is a political blunder from a Republican standpoint, and there are protectionists by the thousands who are asking who is responsible. Those of us who have not lost our political perspective should do all we can to save the day, and in order that I may do my part for the best interests of the Republican Party I am going to vote against it. Let us speak the truth about the matter. It might be possible to pass this bill after the election and let the people get used to it by degrees and realize its benefits—those that it has—to offset those it has not, but if it becomes a law before election there are at least 25 Republican seats that will be lost just as sure as we sit here to-day, as it is bound to increase the price of practically everything we eat and wear.

The gentleman from Texas [Mr. GARNER] can not make it any more palatable by his motion to recommit with instructions as to dyes and potash. There are some schedules which can be defended but many others are indefensible. The four which have influenced my position more than any other are sugar, milk, cream, and potatoes; four articles that do not benefit nor affect any one section of the country more than another but every section alike and adversely because these articles form the basis of food supply for almost every family of wage earners. There is no question of the underpaid cow of Canada, or some other foreign cow, or the highly paid wage of our own cow, or the best pasture the cows have here or elsewhere.

These schedules are indefensible, and I do not think anyone on either side of the House will attempt to defend the duties that have been placed upon these four articles—cream, 20 cents a gallon; milk, 2½ cents per gallon; potatoes, 50 cents per hundredweight; buttermilk, 1 cent per gallon, and so forth. This in turn affects the price of butter, cheese, and oleomargarine and other substitutes, as well as the price of condensed milk, all of which I may say in passing carry an altogether too high rate of duty. The city of Boston and its suburbs received from Canada from 65,120 quarts of cream in December to 194,520 quarts in July, and 5,560 quarts of milk in December to 46,000 quarts in July. The New England States do not furnish a sufficient supply of milk for their own use even at the prevailing high price, and it is useless to talk about obtaining a supply from farther distant points than the Canadian border because of the prohibitive freight rates and the perishable nature of the articles.

As for sugar, the greatest part of our sugar is imported, and the per capita consumption has risen to 90 pounds per year, or an average of 450 pounds per year for every family.

This is considered one of the necessities of life, and this tariff raises the rate to such an extent that it will take millions of dollars from the pockets of consumers. The National Treasury will get approximately $75,000,000 in duty and the American people will contribute another $75,000,000 or thereabouts to the Sugar Trust.

Potatoes: Potatoes were free for 9 or 10 years, and the Payne-Aldrich bill only imposed a tariff of 25 cents per bushel. The emergency tariff carries the same rate. This bill carries a rate of 50 cents per 100 pounds, and on an approximately 1,000,000 bushels of potatoes consumed each day represents about $350,000 every day, or a total of $120,000,000 added to the food bill of the American people. The potato crop of the United States runs from three to four hundred million bushels a year, and although many bushels are exported there is considerable importation of potatoes from foreign countries, particularly in the spring of the year.

In addition to these indispensable food items I will merely mention a few others which may need a measure of protection, but many of which need none: Fresh beef and veal, 3 cents a pound; fresh mutton, 2½ cents; fresh lamb, 4 cents; bacon, ham, and pork shoulders, 2 cents; lards, compounds, and substitutes, 2 cents; live poultry, 3 cents a pound; dead poultry, 6 cents a pound; whole eggs, 4 cents a pound; wheat, 30 cents a bushel; wheat flour, 75 cents per 100 pounds; lemons, 2 cents a pound; almonds, unshelled, 4¾ cents a pound; shelled, 14 cents a pound; peanuts, unshelled, 3 cents a pound; shelled, 4 cents a pound; walnuts, unshelled, 4 cents a pound; shelled, 12 cents; peas, green or dried, 1 cent a pound; onions, 1 cent a pound; tomatoes, one-half of 1 cent a pound; turnips, 12 cents per 100 pounds.

I have said nothing about the cotton or woolen schedules, clothing, table and bed linen, underwear, blankets, and so forth, and time will not allow me to go into these items, but I wish to make the observation that generally the rates are higher than they need to be to provide adequate protection to the American manufacturer and working man. I do not claim that the duties on wool have been increased over the present rates, nor do I contend that the duty on wool, nor the duty on any one specific article, will materially raise the price; but I do contend that in passing this bill before election you are going to reap a different harvest from what you expect, and a crop of tares and tears instead of a crop of wheat and seats. It may be, as I said before, unscientific, uneconomic, and unwise to pass this bill perhaps at any time, but it is absolutely suicidal from a party standpoint to pass it just before election. History has shown that measures of this character can not be explained and the benefits established or enjoyed in such a brief period of time, and I firmly believe that the future will justify my position, from a political standpoint, and positively justify my position economically.

Mr. GARNER. I yield 10 minutes to the gentleman from Alabama [Mr. Bowling].

Mr. BOWLING. Mr. Speaker, this present tariff bill, H. R. 7456, is entitled "An act to encourage the industries of the United States and for other purposes." So far as an encouragement of industry is concerned, it would be impossible to select a greater misnomer, for instead of encouraging industry it will depress industry. It is fundamental that trade is the life of a nation and the exchange of goods has for all the centuries been recognized as a mark of prosperity. In presenting this bill to the House of Representatives in August, 1921, the honorable chairman of the Ways and Means Committee, Mr. Fordney, declared that one of its purposes was to restrict imports which, being interpreted, necessarily means that our trade with foreign nations is to be restricted. In proportion as this restriction is perfected our business is restricted, our industries paralyzed, and our prosperity reduced. Hence, instead of declaring that this is a bill to encourage industries, it could with greater propriety be denominated "A bill to restrict industries and to discourage prosperity."

There are many thousands of items in this bill. It never received consideration in the House of Representatives. But seven days were given for its consideration before the House in August, 1921. During that short space of time it was manifest that not one of the many schedules could receive real consideration. The bill was taken to the Senate in August, 1921, but remained in the Committee on Finance until April, 1922, when it was reported to the Senate. There it received its first real consideration. From April 11, 1921, until August 19, 1922, it was debated in that body. Here for the first time it was really discussed, its provisions analyzed, and its effect upon business and the people generally was first set forth.

There is no doubt that of all the monstrous robberies of the people of America by high tariff bills this is the worst. In comparison with it the McKinley bill and the Payne-Aldrich bill, both of unhappy memory, were but as a summer zephyr compared with a hurricane, for while these bills each in turn repudiated by the American people, robbed by retail, this latest demonstration of Republican rapacity robs by wholesale. There is hardly a single avenue of activity but must pay toll to the rapacity of the interests that have dictated this bill, and while it is declared that this bill will produce four hundred millions of revenue for the United States Treasury, there will be in excess of one billion in addition collected from the people of America by reason of increased costs.

Of the more than 10,000 items in the bill, I desire to discuss but one. In the short time that is allotted to me of these four hours of debate, I wish to call to the attention of the people of America but one provision that I consider to be more objectionable and the least defensible of all, and that is the provision which levies a duty of $30 per ton on potash. Potash is an essential ingredient of fertilizer extensively used by all of the farmers of America and absolutely essential in all farming industries. This bill for the first time in American history places a tax on fertilizer. We have had many tariff bills—the Morrill bill, the McKinley bill, the Wilson bill, the Dingley bill, the Payne-Aldrich bill, and the Underwood bill—and in all of these fertilizers were on the free list. It has heretofore been the universal policy of both the Democratic and Republican Parties to give to the farmers of the country free fertilizer.

Permit me to call to your attention the history of the potash industry in the United States. This was first inaugurated during the World War. Before that time potash was produced in Germany and laid down at our eastern seaboard at a price of $75 per ton of pure potash. When the Great War began, in 1914, German commerce was driven from the seas by the allied blockade and it was impossible for potash to be imported to the United States. This created a great dearth in fertilizer, and in an attempt to meet the demand for fertilizer certain companies began the manufacture of potash in Nebraska, Utah, and California. During the war period these companies so organized had a complete monopoly on potash and sold their products at the enormous and exorbitant price of $400 to $800 per ton. A well-known story in Alabama is told of a farmer who before the war period, having bought large quantities of fertilizer at the pre-war price, found hidden away under the general plunder of his farm storage house a half ton of potash which had cost him $150, and which at the war price he carried to his market and exchanged for a Ford car. This illustrates not only the enormous fluctuation of prices and the insatiate demand for fertilizer but also the absolute necessity for potash in our agricultural industry.

It is impossible at the present time to say just how many firms or how much money is engaged in the manufacture of potash, but we know that, however many there are, they are wholly unable to satisfy the domestic demand. We do not know how much capital is invested in this industry. It has been estimated that the capital ranges from $30,000,000 to $50,000,000. This is probably much greater than the real investment, but the present tax of $30 per ton will pay many times over every dollar that has ever been invested in the domestic production.

In 1916, 10,000 short tons of potash were produced in the United States. In 1917 this had risen to 32,000, in 1918 to 54,000, and in 1919 it dropped to 30,000. During the years of 1916, 1917, and 1918, while we were at war, about 96,000 tons of potash were produced in the United States. The producers had a complete monopoly and their product, as has been said, was sold at an average price of around $500 per ton. So during these years the domestic producers of potash received, in round numbers, $46,000,000 on an investment of $25,000,000. In a statement presented to the Ways and Means Committee of the House of Representatives in the year 1921 a representative of the potash producers declared that the basic cost for producing potash in 1920 was $204 per ton. When these same producers sold their product at an average of $500 they made a net profit of $296 per ton on their output of 96,000 tons, or a total value of more than $28,000,000. These figures show that these companies have already received back their entire capital, together with a reasonable profit, and now own their plants without cost to themselves.

The great producing areas of potash are found in Alsace-Lorraine. In this territory there are vast beds of potash, and nothing is required in the way of producing except to dig the raw material from the earth, place it aboard cars and ships, and send it out into the commerce of the world. In the United States, on the other hand, the potash is extracted by expensive processes from brines and kelps, which processes require large plants and great expense in the way of machinery, fuel, and overhead charges. It has been estimated beyond dispute that potash can be transported from Europe to the cities on our Atlantic seaboard at a rate not to exceed $5 per ton. The products of Nebraska and California will cost at least in freight rates around $20 per ton gross weight, and when we consider that only 20 per cent of the dead weight is potash, we observe that the freight rate on pure potash from Nebraska to the Atlantic seaboard is $100 per ton. Now, if we add $204 per ton as a cost of manufacturing to the $100 per ton freight to get it to the market, we see that the consumers, who are the cotton farmers of South Carolina, Georgia, and Alabama, will have to pay a basic price of at least $300 per ton to compete with the product of Alsace-Lorraine. Thus we see that the $30 per ton levied on imported potash is nothing more nor less than a pure gift of the whole American people to a few producers in Nebraska and California. It is absolutely without justification to require the millions of farmers of the United States to pay this tribute to a few individuals who have already drawn 100 per cent value from their investment and are now but a hothouse industry.

The normal consumption of potash in the United States is about 250,000 tons. At the highest estimate domestic producers can furnish only 50,000 tons, leaving 200,000 tons to be imported, and a tax of $30 a ton on these 200,000 tons will bring $6,000,000 in revenue to the Treasury, but this enormous sum of money is paid wholly by the farmers, and they will not only pay this amount but will likewise pay to the domestic producers of potash an amount that can not be estimated but which may be measured only by the greed of the producers of the domestic product. If this tax is not imposed, the farmers will get cheaper potash than ever before, for the potash beds are now owned by France, and France is eager for world trade and is reaching out in every direction to extend her foreign commerce. As compared with the United States, transportation charges in France are astonishingly cheap, and with the revival of business which will necessarily come in the progress of time every farmer in America can reap a benefit from the potash industry of France, which is more anxious than ever before to extend its trade.

It is a fact that is patent to all that at the present time agriculture languishes. Farmers are in despair. They see the productive capacity of their lands decreasing. They realize as never before the necessity for a cheap fertilizer to replenish their exhausted soils. Now, if we place this burden on agriculture it will be without excuse, and it will cause a further deterioration in land values and a reduction in agricultural products. If we are to reduce in any material degree the high cost of living, it will be necessary to increase production, and the simplest way to increase this production is to furnish a high-grade fertilizer to the farmers. The people of the great population and industrial centers, like Chicago, Detroit, New York, Boston, Philadelphia, are dependent on the farmers for food. They need fruits, cabbage, potatoes, tomatoes, corn, and wheat. Potash is an absolute essential to the successful growing of these products, and unless it can be secured at a reasonable price and in substantial quantities both production and quality will necessarily be reduced, and as a consequence the cost of living, already unconscionably high, will mount and mount as never before. The cotton farmers of the South and the cattle and wheat farmers of the West are to-day facing bankruptcy. No man can live to himself; no people and no nation can live to themselves. We are all dependent each upon the other. What we need is a fair distribution at a reasonable price of the necessities of living. Hence I appeal to-day to my colleagues of the House of Representatives to vote for a motion to recommit this bill to the Ways and Means Committee with instructions to place potash upon the free list, believing that in so doing we will be doing the greatest good to the greatest number. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield eight minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, the favorite method of opposition to a tariff bill is not argument; it is abuse, denunciation, vigorous and vociferous condemnation. The present bill is denounced as a robber tariff, framed in the interest of the rich against the poor. It is charged to be full of "jokers" framed by unscrupulous manipulators to impose grievous and excessive burdens upon the backs of the people. Even my good friend, the gentleman from Texas [Mr. GARNER], whom we all admire, commences his attack by violent denunciation of the bill. This led him to make some reckless statements. For instance, the gentleman from Texas said that the rates in the pending bill were higher than were ever before imposed by any tariff law in our history. That was a very extraordinary statement indeed.

To commence in good Democratic days, not so very long ago, the average tariff rates on all imports in 1893 were 23.79; in 1895, 20.44; in 1899, 29.48; in 1907, 23.28; in 1909, 22.99; in 1911, 20.29; in 1913, 17.69; in 1914, 14.88; in 1920, 6.38.

The average rates under the pending bill are 13.36. It will be noticed that this average is less than any other since 1893, except the last year under the Underwood tariff. The rates of the pending bill are lower than those of any other protective tariff measure ever passed in this country. So the denunciation of this bill, because it imposes extraordinary and exceptional high tariff rates, is not in the least justified.

On the other hand, we are asked to continue the lowest tariff that this country ever knew. Since the Government was instituted we have never before had a tariff with so low an average rate as 6.38 per cent. Not only is that true but the present tariff is by far the lowest of any nation in the world at the present time. All other nations since the war have raised their tariffs to protect their home industries. They have confined the purchases of their people wherever possible to their own products. They have raised rates, imposed embargoes, required licenses, and adopted every scheme possible to build again their injured industries.

Great Britain has been for years the model for all our tariff-for-revenue, free-trade advocates in America. It would be well for them to note her action since the war. In 1921 the British Parliament passed what they called "the safeguarding industrial act." By the terms of that act they placed a duty of 33.33 per cent on over 6,000 articles. Compared with that our robber tariff of 13.38 seems moderate, to say the least. Besides, the bill provides for an absolute embargo against dumping and against destructive competition from countries with depreciated currencies—and all countries have depreciated currencies except the United States. Provision is also made by which a license system can be instituted whenever necessary so that importations from any country can be refused unless a license is first obtained. Great Britain has also adopted a home valuation system, as has nearly every other country in Europe.

Belgium has imposed a tariff in some instances as high as 300 per cent on articles which it produces within its own borders. Germany allows no imports to come into its territory unless a license is first obtained upon terms which it fixes. Hungary and Switzerland have also adopted the license system. Poland and Spain have provided absolute embargoes upon all products they have reason to exclude. Most of these countries exclude all luxuries and most of them exclude all articles they themselves produce or manufacture, so as to completely protect their industries. Here in the United States we are proposing a tariff more moderate and liberal than any other protective tariff ever passed, and it is called the work of financial pirates and robber barons! Instead of denunciation, our Democratic friends ought to commend our moderation.

There are some of the rates in the pending bill which, in my judgment, are too high, and some which I think are too low. I would not impose a duty on fertilizer potash. Neither would I longer continue an embargo on dyes. I would place a duty on hides, if I could have my way, and there are other items which I do not approve. But these are only a few of the 10,000 items in the bill. On the whole it is well and wisely drawn and will amply justify itself in protecting and building up our industries. A believer in protection is justified in supporting it, because it is a protective tariff bill. I do not believe anyone is justified in voting against it because he is not pleased with some of its provisions or does not approve the rates on some few items. No general tariff bill could be formed that would meet with the approval of any person on every one of its thousands of items.

AMERICAN VALUATION.

From the first, ad valorem rates have been based upon the selling value of imported goods in the country of origin. When the House committee began its investigation it was realized that never before had it been so difficult as now to determine foreign values. It was found that European countries had discarded the foreign-valuation basis; that depreciated and constantly changing currencies made it practically impossible to determine here what foreign values are; that most of the goods now imported are undervalued and are not paying even the low duties now imposed; and that American producers are placed at a great disadvantage in competition with foreign competitors who are both defrauding the Government and seriously injuring our home producers.

For these and other reasons the House bill provided for levying duties upon the American wholesale selling price prevailing upon like or comparable products at the time actual importation is made. Unfortunately, this provision did not meet with the approval of the Senate. It refused to adopt the American-valuation plan and went back to foreign valuations.

with some modifications. As a result of this disagreement between the House and the Senate a compromise was worked out in conference providing for "flexible" provisions, by which the President was given authority to raise or lower rates within a limit of 50 per cent upon the advice of the Tariff Commission and to declare American valuation in cases where investigation showed that an American industry could not be protected by assessing duties on a foreign valuation.

This provision is a great improvement over the present law and should be given a fair trial. It is generally admitted that in some way provision should be made for changes in items in a tariff without waiting for and requiring a general revision. A general revision always disturbs and injures business. It raises a political issue which should be avoided if possible. Great economic changes within the next few years will occur all over the world. Rates which are now justified may be too high or too low next year. Rates fixed by the present bill if it becomes a law should not be considered as final, but changes should be made from time to time as need arises. This is provided for in the present bill.

Two objections are urged against this provision; one that the provision is unconstitutional for the reason that Congress is granted exclusive power to legislate on this subject and can not delegate it to the President. To this it may be answered that Congress establishes in the provision a standard that the rate shall be the difference in the cost of production at home and abroad, and that in making changes the President will not legislate but will only determine the fact, which can properly be delegated by Congress to the President.

The other objection urged is that it is unwise and unsafe to grant such power to the President. The provisions of the bill require that the President before making any change must have the approval of the Tariff Commission, which must investigate the proposed change and must have public hearings and give opportunity for all interested to appear and be heard. Under these conditions the exercise of arbitrary power is fully guarded against.

If these provisions are sustained in the courts and prove satisfactory in application they will probably be continued. If not, another method should be adopted to bring about the same result. If provision were made that each year, at the beginning of the regular December session, the Tariff Commission should recommend to Congress such changes as it would advise, together with a full statement of the reasons therefor, Congress could act directly on such recommendations. This would answer the constitutional objection. It would provide for the consideration of changes as often as they ought to be made and prevent the continuance of unjustifiable rates for long periods. It would prevent the apprehension and uncertainty of unexpected changes, and it would prevent the economic disturbances and political upheavals which always accompany general revisions.

PROTECTED FARM PRODUCTS.

The tariff act of 1913 placed most of the principal agricultural products on the free list. During the short time it was in operation before the World War, and in still greater degree after the war, the damaging effects of this policy were made manifest. Agricultural imports began to flow in great quantities from foreign lands. To stem this flood of wool, mutton, cattle and hides, wheat and corn, butter and eggs, fruits and vegetables which were being imported, to the destruction of the farmers' market, the Sixty-sixth Congress passed an emergency farm tariff bill, which, however, was vetoed by President Wilson. One of the first laws passed by the Sixty-seventh Congress when Mr. Harding became President was an emergency tariff act, which became a law May 27, 1921. Its provisions, with slight changes, are merged into the bill which we are now considering.

In these laws agriculture is more adequately protected than ever before. The demand for "free raw material," which has seemed so potent in the past, was made to include the farmer's finished products. But the farmer's economic equality has at last been recognized. It has been claimed, and with justification, that in the past while manufactures were carefully looked after and sometimes overprotected, agricultural interests were often overlooked or sacrificed. That can not be said of the present tariff bill. The farmers are as fully protected as are the manufacturers. It is in this regard truly an all-American tariff.

And that is as it should be. America consumes 92 per cent of all it produces. To impair or sacrifice this market would be folly. To give up our home market, which is the best in the world, for the encouragement of foreign trade would be not only a poor but a perilous policy. Prosperity must be made in the United States; it can not be imported. We must have active mills with all men employed at an American wage in order to make and keep a ready and profitable market for the farmer's products. We must also have prosperous farmers with fair and reasonable prices for their products in order to furnish a ready demand for the manufactured products of the country. Upon the general prosperity which will thus be brought about we can go out to win the markets of the world. But without it we shall lose what we have and fail to gain even a subordinate place in foreign trade.

Mr. GREEN of Iowa. Mr. Speaker, I yield to the gentleman from Ohio [Mr. NORTON].

DEPRECIATED CURRENCY AND LOW WAGES ABROAD NECESSITATE A PROTECTIVE TARIFF FOR AMERICA.

Mr. NORTON. Mr. Speaker, for almost a century, in fact since 1832, we find the two great political parties differing on the question of a protective tariff. At that time John C. Calhoun, who prior thereto had been a protectionist, declared for free trade and became an ardent free trader, contending that a protective tariff only benefited the manufacturing interests of New England, where most manufactories were then located. That the South being solely an agricultural country, engaged in the raising of cotton, the large part of which was sold to the mills of England, that the planters of the South should buy their tools and supplies from England, from whom he claimed they could buy cheaper than they could from the Northern States. And strange as it may seem, this same policy advocated by Calhoun in 1832 prevails generally throughout the South to-day. We still find the Representatives in Congress from the Southern States practically a unit with the Democratic Party in advocating free trade and opposing a protective tariff. It is only when the question of long cotton, sugar, rice, or peanuts is under consideration that we find them favoring a protective duty—it is for their products and their products only that they favor a tariff.

It is true that other questions have arisen in the past on which the two great parties differ, but the protective tariff has ever been one of the main ones, and largely upon that question the Southern States now have in the two branches of Congress 97 Democrats, while from those same States there are only 4 Republicans.

From the adoption of the Constitution the most prosperous times this country has enjoyed have always been when we had a protective tariff law in force; that not only raised revenue sufficient to meet the expenses of our Government, but also protected our manufactures and workmen against the competition of the underpaid workmen of Europe and Asia.

Recognizing the fact that a protective tariff encourages and makes possible manufactures, diversifies industries, develops our national resources, gives a fair profit to capital and remunerative employment to labor, and above all makes us independent in time of peace or war, the master minds that laid the foundation of our Government almost immediately declared for a protective tariff.

The first protective tariff bill was passed July 4, 1789, and was the second bill passed by Congress and approved by Washington. It stated that—

> Whereas it is necessary for the support of the Government, for the discharge of the debt of the United States, and the encouragement and protection of manufactures, that duties be laid on goods and wares imported—

And so forth. And from that time until the present the doctrine of protection and that stated by Washington in his Farewell Address—of no complicated alliances with foreign powers—have done more to make the United States first and foremost of all nations than all other policies combined.

History reveals the fact that the panics of 1837, 1857, and 1892 were all the result of Democratic free trade, or so-called tariff for revenue only, and that our most prosperous times have ever been when we had a protective tariff.

The panic of 1892, when the so-called Wilson-Gorman bill was enacted by the Grover Cleveland administration, will long be remembered by all. The cities were divided into districts, in each of which soup and bread were provided for the hungry and shoes and clothing for the needy. The unemployed were encamped on public grounds in our cities and marching with Coxey's army on Washington with banners saying, "It is work we want, not charity."

No longer ago than 1913, under the Underwood tariff bill passed in Wilson's administration, you recall the unemployed took possession of the churches in New York City and demanded bread to prevent starvation, but the war coming on did what the Wilson-Underwood free trade bill failed to do—stopped importations and furnished employment for all at enormous wages.

A duty, or tariff as it is called, equal to the difference in the cost of production of an article here and abroad is absolutely essential if we are to manufacture the article in this country. Capital will invest in the manufacture at the place where it will bring the best returns. It is easy to send money by draft, but labor is fixed, and the house that is being paid for can not be moved.

Never before in this country was there the necessity for a protective tariff there is to-day, for never has there been the difference in the cost of producing an article in this country compared with producing the same article in Europe as there is to-day, owing to the difference in wages paid and the value of the currency with which they are paid, which in several countries is practically worthless, with no purchasing power whatsoever.

In Germany, for instance, the mark has depreciated 99 per cent, and the average wage, measured in our money, is less than one-tenth what is received here for the same kind of employment; and the same condition prevails in other countries of Europe and Asia; hence any article produced there can be sold for one-eighth what it would cost here. We must, therefore, either cease to produce, reduce our wages to a point to meet the foreign competition and our manner of living accordingly, or levy a protective duty equal to the difference of the cost of production there and here, which the foreign-produced article must pay before it can be sold in our market, and the amount thus received by the Government pays that much of the cost of running the Government that otherwise must be paid by our citizens.

Many of our most prosperous industries owe their existence to a protective tariff. Many remember when all white crockery and earthenware were decorated with the lion and the unicorn, and all pearl buttons, steel rails, and many other articles were made abroad and sold here at enormous profits to the foreign manufacturer and importer. It is only since 1890, when the so-called McKinley bill was passed, that tin plate, silk velvets, plush, and so forth, were manufactured in this country. Prior thereto they could hardly be had at any price, and now every 5 and 10 cent store sells American-made crockery and tinware, and the manufacture thereof gives employment to thousands of American citizens.

And thus has it been with practically all our great industries. A protective tariff equal to the difference in the cost of production here and abroad gave us our opportunity to compete in our own market with foreign producers and importers, and our own industries and lower prices are the result. It is when the fires burn brightest in the furnaces that the greatest happiness prevails around the firesides in the homes. Let the furnaces cease to burn and all business is at a standstill; ten men are looking for work where one is employed half time. Little difference does it make to the man out of employment whether or not the articles he desires would be possibly a little cheaper under free trade than it is, if he has nothing with which to buy. Rents and taxes do not stop when the goods that should be made here are being made abroad. Capital can wait, but the laborer must receive his wages or starve.

Why is it that the northern cities as a class have grown so much faster than those of the South, and why is it that Cleveland especially is known as a city of homes, and that so large a percentage of its workmen become home owners?

It is evidently due to its location and surroundings, where the coal from the South meets the iron ore from the North, and the fact that the protective tariff maintained by the Republican Party has enabled its industries to develop and diversify and given employment to its workmen. Its growth each year during the past 40 years, while the Republicans were in power, has been a surprise to all.

When we think of the number employed before a ton of iron ore becomes a finished product we see how dependent one is upon another—the miners of the iron ore and the coal, those engaged in transportation, and the men at the furnace—and what it would mean to the American citizens to have this work done abroad. And how could the department store that is importing its stock make sales if the workman does not receive sufficient wages with which to live as an American ought?

Protection means prosperity, the putting of men to work in the mills and factories and on the farm, the paying of good wages under good working conditions, while free trade is advocating the doing of the work in the country in which the laborer can be hired at less wages.

The true American loves his home and fireside, and his great desire is to see his children educated and live at least as well as he does. Immigrants come to this country to better their condition, and especially that of their children. They soon learn that the homes they see about them belong to those they knew but a few years before in the country from which they came, and they seek to follow their example.

No city in the Union is benefited more by a protective tariff than is Cleveland. There was a time when Pittsburgh was the center of the iron industry, but to-day Cleveland leads not only in iron but many other industries, all more or less dependent upon a protective tariff.

Not only the North but the entire country has prospered, so that when Europe was practically bankrupt we were enabled not only to put one of the largest and best armies in the field that the world has ever seen, but at the same time loan Europe $10,000,000,000 in money at 4½ per cent interest, and now those same countries, recognizing what has made us strong, are following our example. England for the first time has a protective tariff on over 6,000 articles of 33⅓ per cent, with power given in a law passed in 1921–22 to raise it to 66⅔ per cent on any article of foreign manufacture being imported at less than the cost of production in Great Britain, plus a reasonable profit.

If a mistake is made in the rate of duty it is certainly far better that the mistake be in favor of the American laborer. The record of the Republican Party has ever been one of action. It has never failed to assume responsibility and act where the American workman's wages were at stake, and to keep the fires in our mills burning and the men employed. On the other hand, free trade never built a home in America but has enabled importers to pocket the profits that belonged to the American workman.

We must not forget that as a result of the war we now have an indebtedness of about $24,000,000,000, which must be paid with interest. Shall we pay it by a direct tax upon all or let the foreigner, seeking the right to sell his wares here, pay it for the privilege of selling in our market?

It is a well-known fact that unless the manufacturers and workmen prosper the farmer can not prosper, as the city furnishes the market for the farmer and the farmer the living for the workman; they are mutually dependent, and what helps one helps the other.

If the workman in the city is without work, as he must necessarily be if the goods are produced abroad and imported for less than they can be produced in the United States, then the workman has nothing with which to buy, much less with which to purchase a home and educate his children. Every one is benefited by a protective tariff.

There is hardly an industry in Cleveland, or its vicinity, that is not specially benefited by the so-called Fordney-McCumber bill, nor is there a city in the country that has more industries, and I doubt if there is any that has as many.

The people here are not satisfied with mere existing. Had they been they would never have left their old homes and friends. They came to better their conditions and especially that of their children. Every parent desires a home with children about the fireside, and that they become educated and valuable members of society, and this is what a protective tariff assists every one to obtain in America.

Mr. GREEN of Iowa. Will the gentleman from Texas use some of his time?

Mr. GARNER. I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, we Democrats believe that a tariff bill should be framed for the purposes of revenue to meet the expenses of the National Government, and should not embrace duties intended for the benefit of any privileged class. We believe in equal rights to all and special privileges to none, but you Republicans are endeavoring to tax the people for the ultimate purpose not to raise revenue, but to create subsidies, benefits, and advantages to certain privileged classes who have grown fat at the expense of the people.

I can not sit idly by and permit the passage of this tariff measure, which I consider the greatest burden ever levied upon the backs of the consuming public of our land. Its ultimate results will be to relieve those best able to defray the expenses of government and place it upon the shoulders of the toiling masses of the country. I have always contended and voted to place the burdens of the National Government upon the shoulders of those best able to carry it. This bill, however, rests the expense with greater force upon the shoulders of the man and his family who earn their livelihood by the sweat of their brows than upon the shoulders of the man who at the head of great concerns is living in luxurious elegance and amid palatial surroundings throughout the land.

It will again, as did the Payne-Aldrich tariff, place the people at the mercy of all those monopolies and profiteers who have grown fat under special legislation and special privileges. When this House originally passed this tariff bill, the people of the land believed it was more in the nature of a measure to be eventually thrashed out and perfected by the Senate and subsequently by the conference committee. The result, however, has been that we receive a bill just as iniquitous, just as burdensome, and just as unfair to the American consumer, and creating just as great charge upon those absolute necessities of life as did the harum-scarum monstrosity which was so hurriedly passed without discussion, then known as the Fordney tariff bill.

This bill will erect about us a tremendous tariff wall. It will absolutely prevent the great trade relations which we have had with foreign lands, and which has under this administration dropped from $8,080,480,821 in the calendar year of 1920 to $3,770,000,000 for the fiscal year ending June 30, 1922—less than half. The time was when the great mass of our population lived upon the farms, but to-day some 71 per cent of the people live within the cities. We have become a great manufacturing Nation. We manufacture far more than our people can possibly consume, and it was for this reason that President McKinley years ago maintained that we must find an outlet for these excess products of the people, and yet to-day we are building a tariff wall higher than any which this country has ever erected. We want foreign trade, and yet you enact legislation which prevents it. You tell us that we should have a subsidized merchant marine, to which I am opposed, and yet to-day you are placing upon the statute books an act which will positively prevent the success of any merchant marine.

The worst part of it is that you place this upon the shoulders of the people at a time when they are least able to bear it, at a time when business is practically at a standstill, when thousands of our people are out of employment, when men strain their minds and exert their nerves and muscles in an endeavor to secure the wherewithal to meet their just obligations, and to feed and clothe those dependent upon them. This is not merely an expression of my own, but of prominent Republicans as well.

Senator Cummins (Republican), of Iowa, said:

> I think this is the most inopportune time of all times I have ever known to enact a general revision of the tariff law. If I could have had my way I would have allowed the existing tariff law to remain as a general law upon the subject.

Senator Townsend (Republican), of Michigan, said:

> I recognize the fact that this is about the most unfavorable time imaginable to revise the tariff.

Senator McCumber (Republican), of North Dakota, in charge of the bill, said:

> We have often been advised, and the advice is well founded, that of all times in our history this is the very worst time to formulate and put into effect a new tariff measure.

Columns and pages could be quoted from the leading Republican papers of the country in denunciation of this measure, which the New York Herald (Republican) calls "Damned fool protection."

I consider one of the most dangerous provisions of this tariff bill is that which delegates to the President the taxing power. That provision vests in the President the power to raise or lower the tariff rates fixed by Congress.

Our Constitution delegates the powers to be exercised by the executive, legislative, and judicial branches of the Government. This surrender by Congress of its taxing power to the President I believe is not alone unconstitutional, but a very dangerous precedent indeed. It will demoralize business by its uncertainty and defer prosperity.

It is to be regretted that the Republican Party has seen proper to go so far afield from all the provisions of the Constitution and the traditions of more than a hundred years. This is but a measure in the interest of the rich, framed by the millionaires of Congress, and will result in the aggrandizement of those vast corporations and individual enterprises which have under every Republican administration preyed upon the people through tariff taxation.

When we realize that this bill will place upon the people an additional tax of $3,000,000,000 to $4,000,000,000, according to how the special privilege class take advantage of their opportunity, it is discouraging indeed that out of this vast burden and expense to the consumer the Government will not receive more than some 9 per cent, around $350,000,000. It gives to special privileged and profiteering classes an enormous profit while the Government receives comparatively little as revenue. It can not but vastly increase the cost of living, which is certainly high enough as it is without this additional burden.

We Democrats and certain progressive Republicans beat the iniquitous potash tax of $15 per ton, which would have cost the farmer $45,000,000. We likewise beat the dye embargo, which was in the interest of the Chemical Foundation and other combines, and yet under this bill, while the embargo is not direct, the tax is so heavy that it will operate as an embargo against the importation of many foreign products.

The nations of Europe, who owe us $11,000,000,000, are practically bankrupt. If they can not trade with us, certainly they can not pay this debt. It would appear that the passage of this law at such a time is but the payment by the Republicans of the pledge they made to secure election in 1920. It remains to be seen whether the voters will condone the offense or whether they will say to them "You have been weighed in the balance and found wanting." The privileged and favored classes through the election of 1920 were restored to power and control. It remains for the people to say whether they shall continue in that position. I take it the laboring classes already know the position of the administration in reference to them. I hope the balance of the people, if they have not already learned what the present administration stands for, will awake before the general election.

FOOD.

For information and as an exhibit allow me to mention some of the necessaries and the duties thereon:

Sugar, which pays a duty of 1.25 cents a pound (with a provision for its ultimate free entry) will hereafter be taxed 1.76 cents a pound for Cuban and 2.02 cents a pound for all other foreign kinds.

The increase in the tariff on sugar will give the Sugar Trust not less than $200,000,000 additional profits each year.

Beef (fresh), now free, will be taxed 3½ cents a pound hereafter.

This tax will enlarge the profits of the Beef Trust by some $231,000,000—about $11.35 per family—each year. Good "killing" for the Beef Trust.

Lamb (fresh), now free, taxed 5 cents a pound.

Mutton (fresh), now free, taxed 2½ cents a pound.

Pork (fresh), now free, taxed three-fourths cent a pound.

Bacon, hams, and shoulders, now free, taxed 2 cents a pound.

Lard, now free, taxed 2 cents a pound.

Poultry (live), now pays 1 cent a pound, will pay 3 cents a pound.

Eggs, now 3 cents a dozen, to be taxed 8 cents a dozen.

Milk (fresh), now free, will be taxed 2½ cents a gallon. Tax the babies.

Butter, pays 2½ cents a pound under present law. Will be taxed 8 cents.

Wheat flour, now free, is to be taxed $1.56 a barrel. This grab of millions annually goes to the big millers and food speculators.

Oatmeal, now pays 30 cents a hundredweight; new tariff will tax 90 cents—300 per cent higher.

Cereal breakfast foods, now free, are to be taxed 25 per cent ad valorem.

Irish potatoes, now free, to pay 58 cents a hundredweight.

CLOTHING.

Men's woolen suits will cost at least from $4 to $6 more this autumn than they cost last year.

Men's woolen overcoats will cost from $5 to $15 more this autumn.

The Fordney-McCumber bill has given the Wool Trust a fine chance to repay the farmer and worker for the "protection." the latter thought they got.

The Wool Trust has already sent out notices to customers that the prices of fabrics needed for men's and women's warm winter clothing will be advanced about 35 per cent, even before the Republican President has signed the Republican tariff bill. "Get your protection early" is the Wool Trust's slogan.

This in the face of coal shortage.

Jacquard waistings (greatly used by women and children) now pay 5 to 6 cents a yard. Will be taxed 13.78 cents a yard. Increase, 130 per cent.

Colored cotton sateens (used as a substitute for silk linings and women's underclothing) now pay 11 cents a yard. Will pay 28 cents. Increase more than 150 per cent.

Ginghams now pay 20 per cent ad valorem. Will be taxed an average of 49 per cent.

Woolen knit underwear now pays 35 per cent ad valorem. Will be taxed from 39 cents a pound plus 30 per cent ad valorem to 49 cents a pound plus 55 per cent ad valorem. Increase from 20 to 150 per cent.

Cotton corsets: Present duty, 30 per cent; new tax, 64 per cent ad valorem.

Cotton hosiery: Qualities now paying $1.50 a dozen increased under new bill to $2.45 a dozen.

Cotton gloves (for women): Present duty, $2 to $5.50 a dozen pairs. This to be increased from $9 to $45 a dozen pairs.

(The Fordney-McCumber bill raises the duty from $5.40 to $27 per dozen pairs, which in some instances is more on a single pair than the present tariff on a dozen pairs.)

Women's woolen dress goods now pays from 25 to 35 per cent ad valorem. Under new bill will pay from 74½ to 115 per cent ad valorem.

Women's woolen garments of all kinds will pay proportionate increases.

THE SEWING CIRCLE.

Sewing machines, now on free list, are to be taxed for those under $75 at 25 per cent ad valorem, and for those above $75, 40 per cent ad valorem. (Of course, she will not use an imported machine, but she will pay the Sewing Machine Trust at least this much more than she would have to pay now for an American-made machine.)

Needles, now taxed at 20 per cent ad valorem, will have to pay 30 per cent ad valorem—50 per cent more.

Scissors now pay 30 per cent ad valorem; will have to pay 20 cents a pair plus 55 per cent ad valorem—about 60 per cent more.

Hooks and eyes now pay 15 per cent ad valorem; will have to pay 4½ cents a pound plus 25 per cent ad valorem.

Buttons: Present rate, 15 per cent ad valorem. New tax, 20 per cent ad valorem plus specific duty of a twelfth to three-fourths of a cent per line per gross, a big increase.

Thread now pays 15 per cent ad valorem. Will have to pay hereafter one-half cent per 100 yards, an increase of over 100 per cent. (The American Thread Co., one of the lesser trusts favored by the Fordney-McCumber bill, earned profits of $19,200,000 from 1912 to 1919 on a capitalization of $6,000,000. It will be even more prosperous now.)

FURNITURE.

House or cabinet furniture, now taxed at 15 per cent ad valorem, will have to pay 60 per cent ad valorem, 300 per cent more.

HOUSEHOLD WARE.

Aluminum household utensils now pay 35 per cent ad valorem. New duty, 15 cents a pound and 60 per cent ad valorem. (The Aluminum Co. of America, a monopoly, is a concern in which Andrew W. Mellon, Secretary of the Treasury, was serving as a director when he entered President Harding's Cabinet.)

Iron and steel household ware now taxed at 35 per cent ad valorem. New duty is 5 cents a pound and 50 per cent ad valorem. (The Steel Trust gets this big increase.)

Copper and brass household ware: Present duty, 20 per cent ad valorem. New tax, 50 per cent ad valorem. (Nice little profit here.)

Earthenware, common yellow and brown, now pays 15 per cent ad valorem. New tax, 25 per cent ad valorem.

Earthenware, decorated yellow and brown: Present duty, 20 per cent ad valorem. New tax, 40 per cent ad valorem, 100 per cent increase.

China, porcelain, etc.: Present duty, 50 per cent ad valorem. New tax, 60 per cent. (While it taxes plain china in general use, it will be noted decorated china, such as Royal Doulton, and so forth, is not taxed. This is also in the interests of the rich.)

Cocoa-fiber mats: Present duty, 3 cents per square foot. New tax, 7 cents a square foot.

Floor oilcloths: Present duty, 20 per cent ad valorem. New tax, 35 per cent ad valorem.

MEDICINES.

Some of the common medicines which the Fordney-McCumber bill taxed and the extortionate degree of the duties are here given:

Calomel, present duty, 15 per cent; new tax, 45 per cent ad valorem. Increase, 200 per cent.

Epsom salts now pay one-tenth of a cent a pound. New tax, one-half cent a pound. Increase, 500 per cent.

Every mother of a teething or delicate baby uses bismuth. So much the worse for that mother and her baby. Consider:

Bismuth, now pays 10 per cent ad valorem. The new duty is 45 per cent ad valorem.

Medicinal magnesia—a common household remedy—present duty, 3½ cents a pound; new tax, 7 cents a pound.

Castor oil, present duty, 12 cents a gallon; new tax, 3 cents a pound—a heavy increase.

Even our balm of Gilead has been made harder to get just when the Republican tariff and other Republican legislation has made it more necessary than ever.

Balm of Gilead, free under present Democratic tariff law, is now to be taxed 10 per cent ad valorem. Good-by, balm of Gilead.

SOME FREE-LIST ITEMS.

Senator Raynor, of Maryland, used to extol the fact that "divi-divi" was on the free list in the Payne-Aldrich tariff. I heard a story the other night: It was said that the home of a prominent Senator from Kansas had been burned, and he went out to see what damage had been done. He found that the home and all the outbuildings had been destroyed, but he wired back to his wife saying, "Home and all outbuildings have been burned, but, thank God, we have saved the well."

It looks to me as though everything from the cradle to the grave has been heavily taxed in the Fordney-McCumber tariff bill. I can voice the words of the Senator in saying, "Thank God, we have saved divi-divi on the free list."

I also find on the free list manna, asafetida, broken bells, gall nuts, dried blood, insect eggs, cuttlefish bone, dried insects, fish skins, fossils, leeches (I hope the fossils and leeches will not injure our own industry), loadstones (something attractive), skeletons, and spunk—I am glad to see they have allowed "spunk" to come in free, and I verily believe the people of the country will have sufficient "spunk" to dislodge this do-nothing Republican Congress, so mentioned by Secretary Weeks. [Applause.]

The New York World tells us that in October next there will be a great dinner at the Astor Hotel in New York in honor of and as a testimonial to Senator Smoot for having landed these heavy taxes on the American people, and especially $200,000,000 in sugar tax. The tax barons and lords from all over the country will gather to do him honor. It will be a veritable Belshazzar's feast, of which we have read and sung so much, and I predict that there will be a handwriting on the wall directed by the American consumer, and that handwriting will be interpreted in full measure on the 7th of November following. To the Republicans I predict the voters will say, as did the handwriting over against the candlestick upon the plaster of the wall at the feast of Belshazzar "Mene, mene, tekel." [Applause.]

Mr. GREEN of Iowa. I yield three minutes to the gentleman from New York [Mr. Snyder].

Mr. SNYDER. Mr. Speaker, of course it is impossible for me or anyone else to discuss intelligently or unintelligently any part of this great bill, but there is one particular feature to which I desire to call attention, showing some of the glaring absurdities that exist in this bill. I refer to paragraph 717. The Ways and Means Committee after careful investigation put into the tariff bill a $350 tariff duty on silver black foxes. Whether that was right or wrong has nothing to do with my argument. It went to the Senate. The Senate changed the rate from $350 to $200 and reported the bill to the Senate. After the bill had been reported to the Senate the Finance Committee struck it out, and so the bill came back to this House with nothing in it at all, and yet our conferees have agreed to leave unprotected this infant industry which needs protection; and if protection is what we believe it is, for the purpose of fostering in this country an infant industry, our conferees will have difficulty in justifying to me and to the producers of silver black foxes how they can come back to the House without any provision made in the bill for their protection.

Mr. LONGWORTH. Does the gentleman know what is the duty?

Mr. SNYDER. The present duty is 15 per cent ad valorem. If the gentleman has any knowledge of this industry and——

Mr. LONGWORTH. I know some cost $2,500, and 15 per cent is a pretty high duty.

Mr. SNYDER. You can buy them all the way from $50 to $500; the gentleman knows that. You can bring in a $50 fox and disintegrate the flocks, and that is what has been done. I am for the bill just the same, notwithstanding that.

Mr. GARNER. I yield to the gentleman from Georgia [Mr. Lankford] such time as he may desire.

Mr. LANKFORD. Mr. Speaker, when I came to Congress, nearly four years ago, I found that an effort was being made to put a tax or tariff on fertilizer potash, and one of the first speeches made by me on this floor was against this effort to make heavier the farmer's burdens.

Nearly all the Members of Congress from farming sections united against this move and we have been successful in keeping this tariff off of potash to this good hour. Now, are we at last to fail and is the permanent tariff bill—now about to become law—to carry a duty on this essential ingredient of fertilizer? Is this Congress to fail to give the farmers the rural credit system they are entitled to; fail to give them a good marketing system for their products; fail to help them get cheaper nitrates for their fertilizers by fumbling with the Muscle Shoals proposition, and then crown these inexcusable failures by the overt act of placing a duty on fertilizer potash? I certainly hope not.

I have talked to many of the Members of this Congress about this matter, and I know the majority here are opposed to a tariff on potash, and yet we are about to pass a bill containing a provision the majority does not want. Why is this? Is it possible for the smaller number here to control the larger number? This is what is about to happen. Instead of the dog wagging the tail, the tail is about to wag the dog. Why is this about to happen? Simply because the leaders on the majority side are shrewd enough to mix bad proposals, which the leaders want, with propositions which a majority of Congress wants.

Many vicious measures are passed because they are sugar-coated with something which many Members here desire. I do not believe a measure to put a tariff on fertilizer potash could possibly pass this House, standing alone and as one independent proposition. I know it has not passed for nearly four years when offered alone. But now the conferees on this tariff bill have put this iniquitous proposal back in the bill with the hope that Members of the House and Members of the Senate will hold their noses and vote for the conference report as a whole, even though they object to a tariff on potash simply because there are thousands of items in the bill which the majority of Members here want. There is, I think, no reason for me to argue now the great injustice to our farmers of a tariff on potash. I have already argued this fully on at least three occasions heretofore. I am thoroughly convinced that enough men here agree that this proposal is nothing short of outrageous, and are bitterly opposed to this tariff to defeat this item if standing alone. The thing that I am afraid of is that many of the opponents of tariff on potash will, for the moment, forget our farmers in the mad rush to get a tariff on some other article which they desire on the dutiable list. Let us not forget our farmers on this proposition. Let us all put our shoulders to the wheel and get potash put on the free list, and then the tariff bill will pass in less than 10 days. The conferees will not tie up the bill, even for a week, because we strike out the duty on potash. If the conferees hold it up for this reason they will be to blame; not us. They had no business restoring the duty on potash. They knew the majority of us were opposed to it. They are trying to cram it down our throats. Let us not allow such treatment. We will have a chance to vote this duty off of potash. Mr. Garner of Texas, who has charge of this bill for the Democrats, will at the proper time make a motion to recommit this conference report to the conferees with instructions to the conferees to strike out the proposed dye embargo and to put fertilizer potash on the free list. I am heartily in favor of this motion to recommit.

Many are opposed to the dye embargo but care nothing about the potash proposition. Many are opposed to a tariff on potash and care little or nothing about the dye embargo. Many, like myself, oppose both. Let us pull together when the time comes and put over the motion to recommit, and the farmers back home will, with one acclaim, say "Well done," for they will know we have rendered them and theirs a real service. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. Johnson].

The SPEAKER pro tempore. The gentleman from Washington is recognized for five minutes.

Mr. JOHNSON of Washington. Mr. Speaker, we are protectionists out my way, and we will support this bill, although we preferred the bill of the distinguished chairman of the Ways and Means Committee, Mr. Fordney. Most of the leading Democrats out our way are inclined to favor a protective tariff, just as they join us in favoring a heavy restriction of immigration. [Applause.] We favor protection for the products of the field, of the mine, and the factory, and also we favor protection for the man on the job. We see at close range the Canadian game of grabbing our market, and we see the Japanese and Chinese engaged in unloading their cheaply made products on us. We know that Germany, Austria, and other countries do the same.

I regret that the House conferees have been forced to continue shingles on the free list. On the passage of the Underwood Tariff Act in 1913 the shingle industry of western Washington collapsed. About 400 mills in the district I have the honor to represent shut down, and more than that many new ones were set up in British Columbia. During the war the shingle business in the Pacific Northwest revived. War prices and loose money prevailed. The effort to find spruce at $200 or more per 1,000 feet tore great holes in our forests and downed cedar to be immediately used for shingles. Just now the shingle industry again has its back against the wall, competing against every kind of shingle substitute from the paper-tarred roofing to the asbestos and slate roofings, with 10-hour Canadian competition thrown in under the Underwood Act, and to be continued under this bill as a result of a conference for which no member of the House is to blame.

Representatives Hadley, Hawley, and Timberlake, the western members of the Ways and Means Committee, have done everything possible to prevent free trade in shingles. Hadley, especially, was responsible for securing in the House the 50-cent rate, which was little enough. He presented the facts, overcame the opposition, and the House sustained him, proving the rights of our position. I desire publicly to congratulate my colleague, an ever-faithful attendant on the sessions of the House, for having done his full part. I might remind him that my illustrious predecessor, the late Hon. Francis W. Cushman, was promoted to the Ways and Means Committee, and after years of service was obliged to assist in bringing out a previous tariff bill in which his item, lumber, was slaughtered. On that occasion Cushman made his famous speech about the boy and the potatoes, wherein the farmer asked the boy, "What do you get for digging these potatoes," and the boy answered, "Nothing if I do and hell if I don't." I would remind certain Republicans on this floor that because Cushman lost his item he did not sulk in his tent nor did he assault the general tariff bill. The people of Washington never lost faith in Cushman. Cushman did his part. Hadley has done his part and the others of the Washington delegation, including myself, have done our parts.

The 50-cent duty on shingles—the House rate—was lost in the Senate, and lost in conference after a fight because certain Mississippi Valley interests, aided and abetted by American lumber interests who have acquired Canadian timber, think they can get cheaper shingles in the future with Republican free trade added to Democratic free trade. I deny it. I am sorry that influences have operated to eliminate the duty on shingles—one influence being the belief of some that with free trade continued the price of shingles to the American consumer will be decreased, or at least will be held without increase. What folly!

The fact is that to-day, as shown by market reports I hold before you, shingles are selling $1 per thousand higher at the mills in Vancouver, British Columbia, than in Seattle, Tacoma, and Portland. The conference committee has declined to save the American shingle industry from British Columbian competition. It can not by such action save the American consumer one single red cent. Free trade never did. It can, and doubtless it will, effect the removal of American shingle mills to Canada. It can, and doubtless it will, shut down some American mills which can not meet the coolie labor competition of Canadian mills. It may shut down American mills which can not maintain the American eight-hour day in competition with the Canadian ten-hour day. But mark you, Mr. Speaker, the conference committee, by giving up a duty on shingles, will not save the consuming public a cent; will not reduce the price of shingles, and will not prevent an increase of shingle prices according to the law of supply and demand. It will send many thousands of the sons and daughters of sturdy Minnesota and Dakota pioneers to live and make their homes in the Province of British Columbia. I make the prediction, and I fearfully expect its fulfillment, that with the return of American prosperity Canadian shingles will flood the American market, asking and obtaining prices at a level which will be all the market will bear. [Applause].

Mr. GARNER. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. Moore].

The SPEAKER pro tempore. The gentleman from Virginia is recognized for five minutes.

Mr. MOORE of Virginia. Mr. Speaker, awhile ago my valued friend from Iowa [Mr. Towner] criticized individuals for "denouncing," as he said, this bill. It is rather significant that since he took his seat there has been denunciation of the bill by two Members of the majority, based upon the theory that certain rates are unduly low.

Personally I am not inclined to indulge in denunciation. I rather accept the view of some one who has said that the adjective and the adverb are the natural enemies of the noun, and that one had best ordinarily content himself with the use of the noun. What is the outstanding fact as to the denunciation of this measure? The fact is that no legislation offered in this Congress, no legislation offered in the last Congress—and each Congress has been under Republican control—has been the subject of more severe denunciation by those who are supposed to express the responsible opinion of the Republican Party than this bill. It has not been confined to any group or class of Republicans. The bill has been denounced by men who are in very high position, some of them in this Capitol, and some who recently have gone before the people of their States on the tariff along with other issues. For instance, as it passed the Senate it was denounced by the statesman who, perhaps, stands more completely and vigorously for the rights of the people than any other Republican—Senator Borah, of Idaho.

Just the other day another Republican Senator submitted himself to the vote of a primary in a Republican State, and he proclaimed to the people of that State that the bill as it passed the Senate was "the greatest robber tariff ever attempted," and that view was indorsed by a majority for him of something like 170,000, I believe.

And will the gentleman from Iowa [Mr. TOWNER] and his colleagues tell me what was the view as to the pending legislation expressed in that State in the primary contest by the gentleman who not long ago secured the Republican nomination for the United States Senate?

Consult the press of the country. Such representative papers as the New York Tribune, the New York Herald, the Springfield Republican, and a host of the greatest and most trusted Republican journals are so severe in their denunciation that Republicans are actually led to make the mean and unworthy charge that they are purchased by the advertising patronage which is given to them.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield there?

Mr. MOORE of Virginia. Yes.

Mr. GREEN of Iowa. The gentleman is very inapt in his quotations. The Springfield Republican, while Republican in name, is well known to be a Democratic paper.

Mr. MOORE of Virginia. I have known the Springfield Republican since youth. It is not a Democratic paper. It may be inaccurate to call it a Republican newspaper, but it is a leading and most influential independent paper.

Mr. FAIRCHILD. It has always been a free-trade paper.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. GARNER. Mr. Speaker, I yield to the gentleman five minutes more.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for five minutes more.

Mr. MOORE of Virginia. If you will run through the debate in the Senate you may read the long roll of Republican newspapers that are against this measure, and of Republican leaders outside of Congress who are against it. I will venture to say that no party has ever brought forward a tariff bill that has been so sweepingly and severely reprobated by respectable and numerous members and organs of the party that has presented it. That being the case, there can be little doubt as to why it is now being pressed. The exigencies of a political campaign, exigencies of a peculiar character, call for its enactment.

When the bill was here before attention was drawn to the fact that Representatives were given no opportunity to present amendments. That was true. There is no opportunity now, of course, to propose amendments, and no opportunity for deliberate discussion.

I said when the bill was being originally considered, and gentlemen have said since at the other end of the Capitol, that the law under which the Tariff Commission acts should be so amended as at least to give that commission the power to recommend rates to Congress. Gentlemen of the Ways and Means Committee who were then interrogated on that point said that would not do. Yet, forsooth, now we have something most extraordinary instead of the adoption of that reasonable proposal. It is now proposed that Congress shall turn over a large measure of its legislative authority to the Executive, a proposal unheard of up to this time; that Congress, charged with a definite duty and nearly always in session, shall abdicate its functions by vesting in the President the power to do this and that.

To raise and lower rates, to modify the basis of valuation, which can not be done without affecting the industries of the country most materially; which can not be done without determining what burdens shall be borne and how they shall be shifted from time to time. What would the fathers have said of that? How must that be regarded by any thoughtful man who considers the matter altogether aside from partisanship? The gentleman from Chicago [Mr. MADDEN] interrogated the gentleman from Texas [Mr. GARNER] when the latter was speaking upon that point, and wished to know what is extraordinary and subject to criticism in the provisions of the bill to which I am now alluding. What would my friend, Mr. MADDEN, who is chairman of the Appropriations Committee, say if we were to insert a provision in the appropriation bills that are dealt with here authorizing the President to raise or lower to the extent of 50 per cent the appropriations that are authorized by Congress? That would not be more indefensible than what is now proposed. Who has the time to discuss the constitutional question which has been raised? Elsewhere that question has been discussed with great ability; but leaving out of view any constitutional difficulty the proposed delegation of power is to be inconsistent with the fundamental principles of the Government and will weaken and undermine its foundations. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARNER. I yield to the gentleman from Virginia two more minutes.

Mr. MOORE of Virginia. This bill is being hurried through at a time when the country suffers from an excess of legislation in certain directions. Let me say to the distinguished gentleman from Michigan [Mr. FORDNEY] that I do not believe there is going to be any great feeling of elation when this tariff bill as it is now framed is passed, but that, on the contrary, I believe there would be such a feeling if this Sixty-seventh Congress should enter upon a legislative vacation until the 4th of next March. [Applause.] If for the time being the tariff could be forgoten and the bonus and the ship subsidy postponed until a new Congress comes in—whether it be a Republican Congress or a Democratic Congress—if the Sixty-seventh Congress could extinguish itself in that way, there is little doubt that the country would engage in one of the most joyful funereal celebrations that has ever occurred. [Applause and laughter.]

Mr. FORDNEY. It did that in 1920. It is too early to begin again.

Mr. MOORE of Virginia. It will not be done because, unfortunately, there is always just ahead an election, as there is now, and that is the fact upon which our conduct here is too largely pivoted. If we had the courage, as well as the wisdom, to be less concerned about party politics and party lines and about our individual fate, it would be better for the country and it would be more distinctly to our own credit. [Applause.]

Mr. GARNER. I yield five minutes to the gentleman from New York [Mr. LONDON]. [Applause.]

Mr. LONDON. Mr. Speaker and gentlemen, we are all weary of the debate on the tariff, and I am stimulated to speak only because we are about to become the victims of an infamous legislative swindle. I am referring to the dye embargo. Here is the situation: During the consideration of the tariff bill by the House the proposition to continue the embargo on dyestuffs was defeated by a decisive vote.

When an attempt was made in the Senate to amend the House bill by including such an embargo the Senate frustrated the attempt.

When the bill went to conference it contained no provision for an embargo.

The House had repudiated it, the Senate had repudiated it. Through some legerdemain, through some trickery, through some scheming, through some quibbling of those petty legal minds that the average man so despises the conferees bring it in here, the Speaker declares it to be within the rules of the House, and is sustained by a very close vote. I suppose a couple of Republicans whose consciences were sensitive were hiding somewhere in the lobby, and by the close vote of 150 to 147 the Speaker was sustained. You have the spectacle of six members of the conference committee defeating the will both of the House and of the Senate by putting back the embargo feature, and the House is helpless and powerless, bound by its own rules. The parliamentary practice of the House, Mr. Speaker, is a combination of chaos and rigor mortis. Once in a while you seem to be able to do everything. Most of the time you can do nothing at all. You can not move in any direction, and the Republicans are in that sad situation now. They are compelled to vote against the entire conference report if they wish to defeat this embargo business. The only way they can do it is by voting against the whole conference report, and they will not have the courage to do that. A Republican Member is not supposed to have more wisdom than his entire party, and if his entire party is stupid it is his inalienable right and his imperative duty to be likewise. [Laughter.] That seems to be an unquestionable and well recognized principle of American politics, of organization politics, of machine politics, of machine wisdom. Instead of the human brain—the great power given us to think, to study, to understand—we have substituted the collective wisdom, which in most cases means stupidity or somebody's selfish will or a complete lack of thought. This is substituted for individual reason, and the lack of conscience, which is so characteristic of an organization, is substituted for the live conscience of the individual.

Mr. FAIRCHILD. Does my colleague believe in individualism?

Mr. LONDON. I believe in the individual brain and in the individual heart. I do not want to surrender either my brain or my liberty to think and vote according to my thought and my conscience to any organization in the world. An organization is valuable only when it represents the sum of the thoughts of the individual brains; but when you are a mere part of a machine, when you merely take orders, when a little clique of 6 men in the conference committee can defeat the will of 435 Members of the House and of 96 Members of the Senate you have reached a state of servility and of helplessness which makes of you a zero without a circumference. [Laughter.]

Mr. FAIRCHILD. Does not the Socialist Party denounce individualism?

Mr. LONDON. The gentleman is misinformed. I can not go into that. I have just one minute left. Socialism seeks to preserve the highest degree of individuality by giving to every man the opportunity to live as a free man, to earn his livelihood so that he may develop his intellect and grow into a strong man physically, mentally, and spiritually.

Mr. FAIRCHILD. Through action by the state to the destruction of individuals?

Mr. LONDON. No; through action by the people. It is state action that you have here now.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARNER. I yield to the gentleman another minute.

Mr. LONDON. You have taken me away from my subject. I want to tell you that I am in distress because I can not find parliamentary language in which to express what I want to say about this situation. If I were a plainer man, and if this were not a parliamentary body, I would have something to say about a bunch of crooks. [Laughter.]

Mr. GREEN of Iowa. Will the gentleman from Texas inform us how many more speeches he has on his side?

Mr. GARNER. I yield to the gentleman from Louisiana [Mr. LAZARO] such time as he desires.

Mr. LAZARO. Mr. Speaker, I had very definite views on the tariff question when I was elected to Congress 10 years ago, and my experience here with tariff legislation has confirmed those views and convinced me that I am right. Time is proving that the tariff is an economic and not a partisan question.

When we go to the customhouse to collect a tariff it is an advantage to the American producer over his foreign competitor, and this advantage should be distributed equally among the people deriving this benefit. For instance, it is nothing but fair that the farmers of our country receive protection on their agricultural products in proportion to the protection given to the manufacturers on their products. By what rule of fair play and sound reasoning can anyone expect those producing agricultural products to sell their products on a free market and buy what they need on a protected market?

Believing as I do that the tariff is an economic and not a partisan question, I would have our Tariff Commission composed in a nonsectional and nonpartisan way and committed to the principle of reasonable protection. What I mean by reasonable protection is not protection to enrich the few at the expense of the many but just enough to make good the difference between the cost of production in foreign countries where land and labor are cheap and the standard of living is low, and in the United States where land and labor are high and the standard of living is high. I would have this commission constantly at work gathering information and facts and conditions of commerce and industry, and then report to Congress from time to time so that we could adhere to a sound policy and enact just tariff rates.

There is a general awakening throughout the agricultural section of the United States on the importance of revising our tariff laws and establishing better treaty relations with foreign countries affecting commerce and trade. The last war has demonstrated to all the necessity of our country having its own vital industries at home and of not depending on foreign countries in time of emergency. The only way to have our industries going at home in time of emergency is to protect and develop them in time of peace. I am sure the southern Members will remember the enormous loss to the cotton farmers of the South when the war broke out because the United States had no merchant marine to carry our surplus cotton to the markets of the world. Then, too, we must not be fooled by the propaganda being spread throughout the country to-day trying to create the impression that if we permit, for instance, free rice or free sugar to come into this country the consumers would get the benefit of it. What would happen would be that our rice industry and our sugar industry would be absolutely destroyed by Asiatic rice and Cuban sugar, and then the importers would have a monopoly of these products, and having destroyed competition in the United States they would sell these products to the consumer much higher than they are paying now.

Another thought that should be impressed upon our people is that they should expect their Representatives to consider tariff legislation from a national and not a sectional standpoint. In other words, when I ask for reasonable protection for the products of my district and State—say, rice, sugar, cottonseed oil, long staple, and wool—it is nothing but fair that we should be willing to accord to the people engaged in other industries in other sections of our country the same reasonable protection.

While we wish to be fair and just and liberal with the other nations of the world, our duty as legislators is to look after the interests of America first. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, I yield 17 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, it may seem presumptuous on my part to refer to what happened in the conference committee, or reasons that may have induced the conferees to vote as they did, because my distinguished friend from Texas [Mr. GARNER] this morning announced his knowledge of every procedure that took place in the conference and the reasons and motives that actuated the conferees in their every action. I have suspected that some things leaked out from that conference committee room. I do not know, but it would seem from what the gentleman from Texas has said that his ear was not very far from the keyhole. But that is not at all surprising, because I once heard, and it happened in his district between the time when the gentleman from Texas voted for the emergency tariff bill and the time that he voted against it [laughter], that on one cold morning my friend from Texas was discovered with both ears frozen to the ground. [Laughter.]

Mr. Speaker, the gentleman from Texas made one positive and definite assertion with regard to this bill which I first desire to comment upon. He asserted that it is the highest tariff bill ever written. Very briefly I want to run through the various schedules of this bill and show that far from being the highest it is the lowest tariff bill that has ever been reported to Congress within my recollection when the Republican Party was in control. For instance, in Schedule 1, the chemical schedule, outside only of the organic products of chemistry, including coal-tar products, the duties in general, almost without exception, are lower than they were in the Payne and Dingley laws. That is true also, with a few exceptions, in the earthenware schedule. That is abundantly true of the metal schedule. The duties on basic iron and steel and most metallic substances are lower in this bill than they have been before in a Republican tariff bill. In the wood schedule, for the first time in the history of a Republican tariff measure, all lumber of every sort or kind is on the free list.

The one schedule in which the duty is raised is Schedule 5—the sugar schedule. That is higher than it has ever been before. I think the gentleman from Iowa [Mr. TOWNER] referred to the duties now levied by Great Britain. Let me point out the fact that Great Britain, which has been cited by gentlemen on the other side of the aisle as having the ideal tariff system, puts a duty of more than two and a half times as high on sugar as that provided in this bill.

The tobacco schedule is about the same. Tobacco is a luxury, and I do not think any gentleman objects to a high duty on tobacco. The one exception outside of the sugar schedule to the general rule of lower duties in this bill are some products in the agricultural schedule. The duty on agricultural products—cattle, meat, milk and cream, and things of that sort—are higher in this bill than ever before.

The farmer has had a good deal more of a share in the making of this bill than he ever had before in the history of the country. [Applause.] The gentleman from Alabama, with tears streaming down his cheeks, referred to the terrible treatment the farmer has had by putting one item which he uses in the cultivation of his product on the dutiable list—that is, potash. He neglected to inform you that he is opposed to placing any duty whatever on anything that the farmer produces. That is typical of the difference between that side of the House and this side of the House.

Mr. GARNER. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. GARNER. The gentleman will not say that he is responsible for the agricultural schedule.

Mr. LONGWORTH. No. The gentleman does not say that. The gentleman is not commenting upon what certain individuals did or may not have done within the sacred precincts of the conference room. The duty on spirits is about the same as under the Payne law, but that is the most inoperative schedule in this bill. [Laughter.] The duty on cotton is lower throughout the bill, I think I am safe in saying, than it has ever been in any Republican tariff measure. The duty on flax, hemp, and jute products—I think I am safe in saying, and I appeal to my friend from Iowa—is lower than it ever has been on linen goods in any Republican tariff measure.

I come now to the duty on wool, and I say to you, gentlemen, that the duty on wool is very substantially lower than it was in the Payne bill and immensely lower than under the existing law. And yet gentlemen talk about the great increase in the cost of clothing by virtue of the passage of this bill. Take the duty on scoured wool, which is the basis of clothing and everything that every man wears; it is 14 cents a pound less than under the law that exists to-day.

The duty on silks is perhaps a trifle higher in some cases than it was under the Payne law. But is silk a necessity; is silk used by farmers, by the plain people in the country? It seems to me the duty on silk and the products of silk is well justified, and certainly the Government needs the revenue. The duty on paper is very much lower than it ever has been in a Republican tariff measure, and print paper and wood pulp are on the free list. The last schedule, that of sundries, which covers everything that we do not provide for in other schedules, generally speaking, is very much lower than ever before in a Republican tariff bill.

For instance, hides are now on the free list; not only hides but for the first time in the history all the products of hides—leather, harness, and shoes even—are on the free list. Why, the gentleman from Texas justifies absolutely the statement he made in closing, that he knew nothing whatever about this bill. [Laughter on the Republican side.] Now I desire to make comment on one or two outstanding matters, and I only do it because the question was brought up this morning on the merits of the proposition, the merits of which were not properly under discussion of the so-called dye embargo. It was asserted, in the first place, that there was a dye monopoly in this country, and, in the second place, that the present law dealing with manufacturers of synthetic organic chemicals was an embargo. I hold in my hand a statement signed by a very large number—I have not paused to count them—of manufacturers of dyes, coming from almost every State in the country, in which the statement is made that there is absolutely no monopoly in this industry.

That statement is as follows:

The charge that a monopoly exists in the American dye and organic chemical industry is so completely at variance with the actual facts that whenever it has been made in the past it has been fully refuted.

Repetition of this charge at this time can be inspired only by a source seeking to harm the American synthetic organic chemical industry. It has been clearly shown that there is no monopoly in the American industry; that there exists, on the contrary, very keen competition. In view of this we are forced to the conclusion that those who now repeat this charge act without knowledge of the true conditions in this industry.

We, the undersigned independent manufacturers of drugs, dyes, and other organic chemicals, believe that every person cognizant of the truth is fully aware that there is no hint of monopolistic control of this industry. But, in order that there may be no possibility of misunderstanding at this time, we repeat that we are independent American manufacturers, and that there does not exist a monopoly of this industry.

We are anxious that the repetition and republication of this charge now should not again create a confusion of mind which might jeopardize legislation now before Congress in respect to this American industry.

The exhaustive investigation of the American dye and organic chemical industry conducted by a subcommittee of the Judiciary Committee of the Senate (known as Senate Resolution 77) should prove conclusively the complete falsity of the charge that a monopoly controls this industry. The investigation extended over a period of three and a half months, and testimony taken comprises a volume of 1,477 printed octavo pages. The entire industry has placed itself without reservation at the command of the committee. The result of this investigation should once and for all set at rest this unfounded and false charge.

Senator SHORTRIDGE, of California, chairman of the investigating committee, in a speech in the Senate on July 15, said:

"I wish to advise Senators, now, that there was not one witness—not one—who testified that there was or is anything approximating a monopoly in this industry; upon the contrary each and every witness, though differing it may be upon other matters, testified that there was active and, as they termed it, 'cut-throat' competition."

Senator STERLING, the other member of this investigating committee, on the floor of the Senate on August 18, last, stated:

"I have the honor of being a member of the subcommittee of the Judiciary Committee which investigated the dye industry. I was unable to hear all the testimony, very much of it I could not hear because of other pressing duties, but that which I did hear convinced me that there was no combination whatsoever among the various dye industries in this country. Indeed, the witness most relied upon by those who were asserting that there was a combination or monopoly admitted that there was the sharpest competition between the various companies engaged in the production of chemicals and dyes."

In solemn earnestness we repeat that no monopoly has or does control this vitally important American industry, which is made up literally of hundreds of small and large, entirely independent and competing concerns. It is unthinkable that an unsubstantiated charge of this character should furnish the means of defeating the continuity of the industry. We ask solely that we be judged by the facts and receive protection accordingly.

We know of only one monopoly, and that is the German dye and chemical cartel, whose agents and propagandists are using every available effort to create misunderstanding in order to prevent the enactment of legislation which would fully preserve and develop our own American dye and organic chemical industry.

Respectfully submitted.

American Proprietary Association, Chicago, Ill., Frank A. Blair, president.
Angel Dainty Dye Co., Chicago, Ill., E. Ames D. Elliott, president.
Atlantic Tar & Chemical Works (Ltd.), Elizabeth, N. J.
Agawam Chemical Works, Providence, R. I.
Althous Chemical Co., Reading, Pa.
Antoine Chiris Co., New York, N. Y.
Atlantic Dyestuff Co., Boston, Mass.
Abbott Laboratories, Chicago, Ill., A. S. Burdick, president.
American Condensite Co., Bloomfield, N. J., Kirk Brown, president.
Amalgamated Dyestuff & Chemical Co., Newark, N. J.
Andrews Chemical Co., Passaic, N. J.
American Aniline Products (Inc.), New York, N. Y.
American Chemical Products Co., Rochester, N. Y., S. J. Cohen, manager.
Beaver Chemical Co. (Inc.), Boston, Mass., John B. Dunbar, vice president.
Butterworth Judson Corporation, New York, N. Y.
Central Scientific Co., Chicago, Ill., H. C. Arms, vice president.
Commercial Solvents Corporation, Terre Haute, Ind., P. G. Mumford.
Citro Chemical Co., Maywood, N. J.
Coleman & Bell Co., Norwood, Ohio.
Chatfield Manufacturing Co., Cincinnati, Ohio.
Champion Chemical Works, Chicago, Ill., Walter H. Stone, president.
The Chemical Co. of America, New York, N. Y., S. Isermann, president.
Coopers Creek Chemical Co., Conshohocken, Pa.
Samuel Cabot (Inc.), Boston, Mass.
Calco Chemical Co., Boundbrook, N. J.
Cooks Falls Dye Works (Inc.), New York, N. Y., William Hine, treasurer.
Croton Color & Chemical Co., New York, N. Y.
Dehls & Stein, Newark, N. J.
Dow Chemical Co., Midland, Mich., James T. Pardee.
Dyanilin Chemical Co., New Brunswick, N. J.
Dye Products & Chemical Co. (Inc.), New York, N. Y.
Essex Aniline Works (Inc.), Boston, Mass.
Essential Oil Co., Trenton, N. J.
J. S. & W. R. Eakins, Brooklyn, N. Y.
Franco-American Chemical Works, Rutherford, N. J.
Fine Color Co., Paterson, N. J.
General Bakelite Co., New York, N. Y., Phillip Schluessner.
Gary Chemical Co., Gary, Ind., V. U. Young, manager.
The Grasselli Chemical Co., Cleveland, Ohio.
Gaskill Chemical Corporation, Brooklyn, N. Y.
Granton Chemical Co., New York, N. Y.
Hammond Dye & Chemical Co., Hammond, Ind.
Heyden Chemical Co. of America (Inc.), Garfield, N. J., F. H. Chamberlain, chairman of board of directors.
Harmer Laboratories, Lansdowne, Pa.
Hynson Westcott & Dunning, Baltimore, Md.
Holland Aniline Co., Holland, Mich.
Heller & Merz, Newark, N. J., August Merz, president.
Hord Color and Organo Chemical Co., Sandusky, Ohio, Robert M. Cole.
Interstate Chemical Co., Jersey City, N. J.
Imperial Color Works, Glenns Falls, N. Y.
The C. E. Ising Corporation, Flushing, N. Y.
Kemozone Laboratories (Inc.), Buffalo, N. Y., Eugene W. Harrington, general manager.
Kentucky Color and Chemical Co., Louisville, Ky.
E. C. Klipstein & Sons Co., New York, N. Y.
Merrimac Chemical Co., Boston, Mass., S. W. Wilder.
Miner Edgar Co., New York, N. Y.
Monsanto Chemical Works, John F. Queeny, chairman board of directors; F. L. McCartney, general sales manager.
Marietta Refining Co., Marietta, Ohio.
May Chemical Works, Newark, N. J.
Newport Chemical Co., Passaic, N. J., C. N. Turner, president.
Noil Chemical & Color Works (Inc.), New York, N. Y.
The Norvell Chemical Corporation, New York, N. Y.
Peerless Color Co., Plainfield, N. J.
Pharma Chemical Corporation, New York, N. Y.
Paradox Radium Laboratories (Inc.), Chicago, Ill.
Charles Pfizer Co., Chicago, Ill., P. A. Rising, Chicago, manager.
Pennsylvania Coal Products Co., Butler, Pa.
Perth Amboy Chemical Works, New York, N. Y.
Providence Chemical Laboratories, Providence, R. I.
Redmanol Chemical Products Co., Chicago, Ill.
The Rosseer & Hasslacher Chemical Co., New York, N. Y.
Radium Dye & Color Works, Brooklyn, N. Y.
Rhodia Chemical Co., New York, N. Y., Dr. Max Mueller, president.
Synthetical Laboratories of Chicago, Chicago, Ill., Nicholas D. Cheronis.
G. D. Searle & Co., Chicago, Ill.
Special Chemicals Co., Highland Park, Ill.
Seydel Chemical Co., Jersey City, N. J.
The Selden Co., Pittsburgh, Pa.
Southern Dyestuffs Co., New York, N. Y.
Synfleur Scientific Laboratories (Inc.), Monticello, N. Y.
G. Siegle Corporation of America, New York, N. Y.
Textile Chemical Co., Fort Providence, R. I.
T. M. & G. Chemical Co., Newark, N. J.
Tower Manufacturing Co. (Inc.), Newark, N. J., D. H. Jonas, secretary.
Thatcher Process Co., Syracuse, N. Y.
Trico Chemical Co. (Inc.), Buffalo, N. Y.
Ultro Chemical Corporation, New York, N. Y.
United States Color & Chemical Co. (Inc.), Boston, Mass.
Uniformed Color & Chemical Corporation, Perth Amboy, N. J.
Frank D. LeVan Chemical Co. of Chicago, Chicago, Ill.
Peter Van Schaach & Sons, Chicago, Ill.
Van Dyk & Co., Jersey City, N. J.
Verona Chemical Co., New York, N. Y.
Frank Z. Woods Co., Chicago, Ill.
The Wilson Laboratories, Union Stock Yards, Ill.
Western Dry Color Co., Chicago, Ill.
Warner Jenkinson Co., St. Louis, Mo.

R. T. Will Corporation, New York, N. Y.
The White Tar Co. of New Jersey (Inc.), New York, N. Y.
Wilbur White Chemical Co., Oswego, N. Y.
The Warner Chemical Co., New York, N. Y.
Ernst Zobel Co., Brooklyn, N. Y., Adolph Zobel.
Zinsser & Co., Hastings upon Hudson, N. Y.

Now, as to the question of the repeal of title 5 of the chemical schedule, I have here a list furnished by responsible authority which shows that during the last seven months ending July 1, 1922, more than 6,000 different dyes were imported into this country in round numbers. The list is as follows:

Kind and quantity of dyestuffs for the importation of which permits were granted by the dye and chemical section, division of customs, Treasury Department, for the period from August 1 to 31, 1922, inclusive.

Schultz No.	Designation of dye.	Germany.	England.	France.	Switzerland.
	Acetate of magenta	50			
	Acid anthracene brown PG	1,000			
705b	Acid cyanine BF	1,100			
	Acid milling red G				1,000
	Acid pure blue R supra				1,500
	Acid rhodamine BG	500			
	Acid rhodamine R				1,100
	Algol black 100 per cent powder	100			
	Algol blue 100 per cent powder	100			
819	Algol brilliant red 2B	1,000			
	Algol brown G	584			
869a	Algol brown R paste	2,010			
	Algol green 100 per cent powder	100			
	Algol orange 100 per cent powder	100			
	Algol pink 100 per cent powder	100			
819	Algol red FF extra paste	500			
	Algol red (other than R) 100 per cent powder	100			
856	Alizarine astrol B	200			
774	Alizarine plack WX extra paste	500			
804	Alizarine blue S powder	6,000			
858	Alizarine blue SAE	100			
862	Alizarine blue black B	3,300			
862	Alizarine blue black BT	200			
	Alizarine direct violet ER powder	50			
	Alizarine fast gray 2BL	500			
	Alizarine gernole B powder	85			
805	Alizarine green S paste	2,000			
805	Alizarine green S 15 per cent paste		1,000		
	Alizarine indigo 5R	930			
852	Alizarine irisol R powder	29			
798	Alizarine maroon 20 per cent paste	1,502			
780	Alizarine red IWS powder	500			
780	Alizarine red S	1,500			
780	Alizarine red SWB	230			
856a	Alizarine rubinole 3G	200			
856a	Alizarine rubinole R	1,730			
858	Alizarine saphirole SE	50			
858a	Alizarine saphirole WSA	225			
855	Alizarine sky blue B powder	350			
	Algol violet 100 per cent powder	100			
	Algol yellow (other than R) 100 per cent powder	100			
854	Alizarine viridine FF	4,100			
	Alizarine yellow lake G		1,000		
	Alizarine fast green 3G	100			
	Anthosine 3B	1,000			
789	Anthracene blue SWr	200			
800	Anthracene blue WB paste	10,000			
	Anthracene chromate brown EB	525			
759	Anthraflarene GC	250			
861	Anthraquinone blue SE Extra powder	100			
861	Anthraquinone blue SR Extra powder	100			
864	Anthraquinone GXNO	100			
	Anthrazurine G	1,000			
	Auramine G				110
	Benzo Bordeaux 6B	225			
	Benzo chrome brown 5G	120			
456a	Benzo fast blue 4GL	1,390			
	Benzo fast Bordeaux 6BL	1,050			
	Benzo fast brown GL	500			
	Benzo fast brown RL	10			
	Benzo fast heliotrope BL	135			
	Benzo fast heliotrope 4BL	200			
	Benzo fast heliotrope 2BL	25			
	Benzo fast orange 2RL	560			
		49,415	2,000		3,710
332	Benzo fast red 8BL	1,800			
296	Benzo fast yellow 4GL extra	110			
296a	Benzo fast yellow RL	225			
	Benzo red 12B	500			
	Benzo rhoduline red B	210			
	Benzo rhoduline red 3B	137			
	Blue lake	700			
	Brilliant benzo green B	180			
	Brilliant benzo violet B	1,300			
	Brilliant carmine L conc	100			
	Brilliant Congo R	25			
	Brilliant copper blue GW	100			
622	Brilliant delphine blue				3,000
118	Brilliant geranine B	100			
	Brilliant sky blue 8G extra	300			
620	Capri blue GON	25			
613	Chinoline yellow KT extra conc	850			
	Chloramine red 8BS	50			
	Chlorantine fast rubine RL				770
	Chlorantine fast violet 4BL				1,210

Kind and quantity of dyestuffs for the importation of which permits were granted by the dye and chemical section, etc.—Continued.

Schultz No.	Designation of dye.	Germany.	England.	France.	Switzerland.
	Chlorantine fast yellow RL				3,080
	Chromeazurine G				1,100
881	Ciba blue 2B				1,540
881	Ciba blue 2BD				11,000
881	Ciba blue 2BD				11,924
919	Ciba Bordeaux B				1,100
891	Ciba green G paste				1,265
	Ciba gray G paste				1,320
912	Ciba pink B paste				1,100
906	Ciba red G				4,356
909	Ciba red R paste				660
	Ciba scarlet G powder				2,200
901	Ciba violet B				15,400
	Ciba violet R paste				7,084
890	Ciba yellow G paste				3,058
	Cibanone blue G				1,540
793	Cibanone blue 3G paste				12,540
	Cibanone green B				12,100
	Cibanone olive B				880
792	Cibanone orange R				5,434
	Cloth fast brown G				110
	Cloth fast brown 5R				110
	Cloth fast brown 2 R				220
	Cloth fast green B				1,705
	Cloth fast green G				110
	Cloth fast orange R				110
	Cloth fast orange G				110
	Cloth fast red B				110
	Cloth fast red 3B				110
	Cloth fast red GR				110
	Cloth fast red R				110
	Cloth fast violet B				110
	Cloth fast violet R				110
	Cloth fast yellow G				110
	Cloth fast yellow R				110
	Corsoline BT lumps	100			
746	Cross dye green 2G conc		600		
516	Crystal violet extra	225			
860a	Cyananthrol BGAOO	1,920			
859	Cyanthrol RXO	45			
546	Cyanol extra	550			
546	Cyanole FF	880			
	Diamine azo blue R	40			
	Diamond black No. 1	11,050			
	Diamine blue black B	10			
		70,947	2,600		110,726
	Diamine brilliant rubine S	1,100			
	Diamine brilliant scarlet S	900			
448	Diamine bronze G	37			
349	Diamine brown B	200			
	Diamine catechine B	799			
	Diamine catechine G	300			
	Diamine catechine 3G	298			
	Diamine fast blue G	1,550			
	Diamine fast brown 3G	70			
	Diamine fast brown GB	500			
	Diamine fast brown R	200			
	Diamine fast orange EG	720			
	Diamine fast orange ER	825			
	Diamine fast orange F	100			
	Diamine fast red 8BL	1,100			
	Diamine fast violet FFBN	25			
	Diamine heliotrope G	220			
343	Diamine light red 8BL	2,000			
	Diamine orange B	100			
319	Diamine scarlet 3B	10			
404	Diamine yellow N	80			
273	Diaminogene blue NA	1,300			
273	Diaminogene blue NB	700			
	Diaminogene blue NBB	9,200			
274	Diaminogene extra	200			
	Diaminogene sky blue N	300			
	Diaminogene black No. L (pigment for varnish)	500			
	Diazamine blue BR				7,500
	Diazine black G	500			
	Diazo Bordeaux 7B	105			
364	Diazo brilliant black B	950			
	Diazo brilliant green 3G	450			
	Diazo brilliant orange 5G extra	50			
	Diazo brilliant orange GR extra	10			
	Diazo brilliant scarlet B extra	25			
	Diazo brilliant scarlet 2BL extra conc	275			
	Diazo brilliant scarlet 5BL extra conc	25			
	Diazo brilliant scarlet 6B extra	100			
	Diazo brown 3G	410			
	Diazo brown 3RB	250			
	Diazo fast Bordeaux BL	10			
	Diazo fast violet 3RL	50			
	Diazo fast yellow 2G	100			
274a	Diazo indigo blue 40L extra	200			
274a	Diazo indigo blue 3RL	500			
	Diazo light green BL	50			
	Diazo light violet BL	50			
	Diazo rubine B	600			
	Diazo sky blue 3G	100			
348	Diphenyl brown BBNC				5,750
206	Diphenyl catechine G				3,500
	Direct fast violet B	100			
	Direct red G	10			
	Direct red 8B				
	Eclipse brown BK				1,000
	Eclipse brown 3GK				1,500
100	Rosamine B	3,000			

Kind and quantity of dyestuffs for the importation of which permits were granted by the dye and chemical section, etc.—Continued.

Schultz No.	Designation of dye.	Germany.	England.	France.	Switzerland.
590	Rosin B	50			
121	Erika B extra	100			
	Erio chrome azural BX conc				6,600
184	Erio chrome black A				11,000
	Erio chrome black E				2,500
	Erio chrome brown ROS				110
	Erio chrome flavine E conc				2,000
	Erio chrome phosphone RR				2,000
29	Erio chrome red B				2,500
	Erio chrome red G				1,000
531	Eriocyanine AC				3,510
858	Erio fast cyanine SE				1,500
806	Erioglaucine AP				3,910
608	Buchrysine GRNTN	200			
608	Buchrysine RBDX	500			
523	Fast green extra bluish	3,000			
523	Fast green extra bluish 60/100 conc	2,200			
523	Fast green extra bluish conc	220			
523a	Fast light green	500			
	Fastigen B	2,510			
118	Goranine G	425			
	Hansa yellow G	2,000			
873	Helindone brown AN paste	25			
904	Helindone brown G powder	172			
907	Helindone fast scarlet C paste	1,300			
915	Helindone fast scarlet R paste	550			
760	Helindone golden orange IG Dbl paste	5,000			
761	Helindone golden orange IRET paste	6,010			
914	Helindone orange G paste	25			
913	Helindone orange R 10 per cent paste	325			
910	Helindone pink AN paste	3,803			
	Helindone pink B extra	150			
	Helindone pink BN paste	1,620			
	Helindone pink R	200			
	Helindone pink R extra	13,261			
918	Helindone red 3B paste	5,050			
	Helie Bordeaux BL powder	1,284			
	do	784			
	Hydron brown G paste	500			
	Hydron green G paste	100			
	Hydron orange R paste	150			
	Hydron pink FF paste	250			
	Hydron scarlet BB paste	100			
768a	Indanthrene black BB double paste	8,500			
840	Indanthrene blue 3G paste	800			
840	Indanthrene blue 3G double	500			
838	Indanthrene blue RSP triple powder	1,000			
827	Indanthrene Bordeaux B extra paste	747			
867	Indanthrene brown B double paste	500			
827	Indanthrene claret B extra paste	1,000			
760	Indanthrene golden orange G paste	2,282			
760	Indanthrene golden orange G double paste	1,500			
761	Indanthrene golden orange RRT	10,700			
873b	Indanthrene pink B double paste	780			
831	Indanthrene red BN extra paste	2,750			
831	Indanthrene red BN extra paste SF	3,000			
830	Indanthrene red R paste	490			
873d	Indanthrene red violet RRN paste	200			
762	Indanthrene scarlet GS powder	200			
832	Indanthrene violet BN extra paste	755			
767	Indanthrene violet RR extra paste	100			
648	Iris blue	10			
686	Iris violet extra	16			
	Janus black I	10			
124	Janus green B	25			
140	Jasmine high conc				3,000
746	Katigen green 2G	1,000			
543	Kiton pure blue V				1,100
	Lanasol blue B				880
	Lanasol brown 2R				660
		191,440	2,600		172,246
	Lanasol green G				165
	Lanasol orange G				1,242
	Lanasol orange RR pat				220
	Lanasol yellow G pat				33
	Lithol fast orange R powder	200			
	Madder	75			
	Madder lake	2,450	10,000		
681	Malta gray B			1,100	
681	Malta gray J			1,100	
	Matachrome blue black 2BX	1,000			
538	Methyl Lyons blue				3,000
515	Methyl violet EFB	50			
624	Modern violet B				220
	Monochrome brown BX	110			
	Napthanine fast black KSG extra	250			
	Napthanine fast black HSV extra	250			
	Napthanine fast blue JEF	8,000			
	Napthanine light blue 4B	100			
	New ethyl blue BS	105			
665	New methylene blue H	50			
560	Night blue	150			
653	Nile blue A	10			
	Ormine acid brown G	1,050			
	Palatine light yellow RX	500			
	Paper fast Bordeaux B	300			
606	Patent phosphine M				4,800
	Peacock blue lake	6,250			
606	Phosphine SR	1,000			
	Pluto brown 2G	340			
	Polar maroon V conc				1,000
	Polar yellow 2G				1,000
306	Pyramine orange 3G	1,200			
360	Pyramine orange R	215			
	Pyrasol fast brown B				550
	Pyrasol orange G				1,000
709	Pyrogene green 3G				2,200
	Radio black SB pat	100			
	Radio black ST pat	100			
	Radio brown B pat	100			
	Radio brown S pat	100			
	Radio red C pat	100			
	Radio yellow R pat	150			
	Red pigment ground in oil		143		
573	Rhodamine E extra	300			
571	Rhodamine 6DD extra	100			
	Rhodamine 6GDN	1,000			
571	Rhodamine 6GDN extra	2,500			
571	Rhodamine 6CH				121
	Rosanthrene BN				1,870
	Rosanthrene GWL extra conc				660
	Rosanthrene Bordeaux BL				660
	Rosanthrene Bordeaux 2BL				440
	Rosanthrene fast red 7BL				33
	Rosanthrene rose				220
	Rosanthrene orange R				550
	Rosanthrene red 7BL				220
	Rose gerancine			11	
673	Rosinduline 2B bluish	30			
675	Rosinduline GXF	500			
	Solidred	5,000			
539	Soluble blue IN	500			
679	Sulpho rhodamine BG	500			
361	Sulphon azarine D	242			
	Sulphon orange G	100			
	Sulphon yellow 5G	50			
		226,567	12,743	2,211	192,450
618	Thioflavine T	200			
618	Thioflavine TCN	302			
910	Thio indigo rose BN paste	1,000			
910	Thio indigo rose BN extra paste	1,000			
	Thio indigo rose RN extra	500			
907	Thio indigo scarlet 2G	600			
661	Thionine blue GO	400			880
	Thionol brown O		6,000		
	Thionol green DY		2,000		
449	Trisulphon brown B				12,000
	Trisulphon brown B conc				5,000
457	Trisulphon brown GG				2,500
	Ultramarine blue			100	
	Ursol A	200			
923	Ursol D	200			
	Ursol 4R	200			
	Ursol gray ALA	100			
	Vat pink R extra paste	3,700			
220b	Wool black GRF	2,720			
	Wool black N	100			
	Wool fast blue BL	100			
	Wool fast blue GL	260			
	Rubylake	25			
	Total	238,174	13,543	2,311	212,830

Brilliant congo R.
Benzo fast (or light) bordeaux 6 BL.
Benzo light eosine BL.
Benzo bordeaux 6 B.
Benzo bordeaux 6 B 50/100.
Congo rubine.
Benzo fast rubine BL.
Benzo fast red 9 BL.
Geranine G.
Benzo rhoduline red 3 B.
Congo orange R.
Congo orange G (not importable).
Benzo fast orange 2 RL.
Brilliant benzo green B.
Brilliant azurine B.
Brilliant azurine 5 G.
Brilliant azurine 5 G conc.
Brilliant azurine 5 G conc. 30/100.
Benzo chrome blue black B.
Brilliant sky blue 5 G.
Brilliant sky (or pure) blue 8 G extra.
Benzo marine blue B.
Benzo fast blue B.
Benzo fast blue BN.
Benzo fast blue G.
Benzo fast blue R.
Brilliant fast blue B.
Brilliant fast blue B conc. 50/100.
Brilliant fast blue 2 G.
Brilliant fast blue 2 G conc. 60/100.
Brilliant fast blue 3 BX.
Brilliant sky (or pure) blue 2 RM.
Sulphone azurine D.
Chloramine violet R.
Brilliant benzo fast violet B.
Brilliant benzo fast violet 2 R.
Brilliant benzo fast (or light) violet BL.
Brilliant benzo fast violet BL conc. 50/100.
Brilliant benzo fast (or light) violet 2 RL.
Brilliant benzo fast (or light) violet 4 BL.
Benzo fast heliotrope 5 RH.
Benzo heliotrope 5 RH.
Pluto brown GG.
Chloramine brown G.
Benzo fast brown RL.
Benzo fast brown GL.
Benzo fast brown 3 GL.
Pluto black BS extra.
Pluto black CF extra (not importable).
Pluto black G.
Diazo rubine B.
Diazo rubine B conc. 60/100.
Diazo bordeaux 7 B.
Diazo brilliant scarlet G extra.
Diazo brilliant scarlet B extra.
Diazo brilliant scarlet ROR extra conc.
Diazo brilliant scarlet ROD.
Diazo brilliant scarlet 3 B extra.
Diazo brilliant scarlet 6 B extra.
Diazo brilliant scarlet BA extra.
Diazo brilliant scarlet 3 BA extra.
Diazo brilliant scarlet 2 BL extra conc.
Diazo brilliant scarlet 5 BL extra conc.
Diazo brilliant scarlet S 4 B.
Diazo geranine B extra.
Diazo light red 7 BL.
Diazo light red 5 BL.
Diazo fast scarlet BL.
Diazo bordeaux.
Diazo fast bordeaux BL.
Diazo fast bordeaux BL 70/100.
Diazo brilliant orange GR extra.
Diazo brilliant orange 5 G extra.

Diazo olive G.
Diazo brilliant green 3 G.
Diazo light yellow G.
Diazo light yellow 2 G.
Diazo indigo blue BR extra.
Diazo indigo blue BR extra conc. 70/100.
Diazo indigo blue 2 RL.
Diazo indigo blue 2 RL conc. 70/100.
Diazo indigo blue 3 RL.
Diazo indigo blue 3 RL conc. 50/100.
Diazo indigo blue 4 GL extra.
Diazo indigo blue 4 GL extra 70/100.
Diazo sky (or pure) blue 3 G.
Diazo sky (or pure) blue B.
Diazo violet R.
Diazo light violet BL.
Diazo light violet 3 RL.
Diazo brown G.
Diazo brown 3 G.
Diazo brown 3 RB.
Diazo brilliant black B.
Sulphon yellow 5 G.
Sulphon acid green B.
Chinoline yellow KT extra conc.
Chinoline yellow KT extra conc. 28671.
Fast Green extra bluish.
Fast green extra bluish 60/100.
Fast green extra.
Fast light green.
Alkali fast green 3 B.
Alkali fast green 3 G.
Alkali fast green 3 G conc. 33/100.
Wool fast blue GL.
Wool fast blue GL conc. 50/100.
Victoria fast violet B extra.
Wool fast blue BL.
Wool fast blue BL 45/100.
Wool fast blue BL 50/100.
Brown No. 4.
Helio bordeaux BL paste 205.
Helio bordeaux BL powder.
Helio violet AL.
Diamond bordeaux R (not importable).
Diamond green 3 G.
Diamond blue R (not importable).
Chrome cyanine G.
Diamond green SS.
Celestine blue B.
Gallophenine D.
Gallophenine P powder.
Gallophenine P conc. 90/100.
Chromoxane blue RD.
New gallophenine R.
Phenocyanine R paste.
Phenocyanine VS paste.
Gallo violet D powder.
Chromoxane violet B.
Chromoxane violet 5 B.
Rhoduline orange N.
Rhoduline yellow G 6.
Rhoduline heliotrope 3 B.
Rhoduline violet.
Alizarine green V paste.
Alizarine viridine FF paste.
Alizarine viridine FF paste 1—4½.
Alizarine viridine FF powder.
Alizarine cyanine RR powder.
Alizarine cyanine WRB paste 1 : 6½.
Alizarine cyanine WRB powder.
Alizarine cyanine WRB conc. 70/100.
Alizarine cyanine 2 G powder.
Alizarine cyanine NS powder.
Alizarine cyanine NS powder 70%.
Alizarine cyanine WRR paste 1 : 6¾.
Alizarine cyanine WRR powder.
Alizarine cyanine NSG paste (not importable).
Alizarine cyanine NSG powder.
Alizarine cyanine G extra powder.
Alizarine cyanine R powder.
Brilliant alizarine cyanine 3 G powder.
Brilliant alizarine cyanine 3 G paste 1 : 7.
Anthracene blue SWGG extra.
Alizarine saphirol SE conc.
Alizarine saphirol SE powder.
Alizarine saphirol SEA powder (not importable).
Alizarine saphirol WS powder (not importable).
Alizarine saphirol WSA powder (not importable).
Alizarine emeraldole G powder.
Alizarine emeraldole 5 G.
Alizarine astrol B powder.
Alizarine astrol G powder.
Alizarine astrol B conc. 40/100.
Alizarine sky (or pure) blue B powder.
Alizarine sky blue B conc. 70/100.
Alizarine sky (or pure) blue 3 R powder.
Alizarine uranol R powder.
Alizarine uranol 2 B powder.
Alizarine saphirol WS conc. (not importable).
Alizarine irisol R powder (alizarine blue JR).
Alizarine irisol R conc.
Alizarine irisol R conc. 75/100.
Alizarine rubinole R powder.
Alizarine rubinole GW powder.
Alizarine rubinole 3 G powder.
Alizarine rubinole 3 G conc. 40/100.
Alizarine rubinole 5 G powder.
Alizarine geranol B powder.
Alizarine rubinole R conc.
Alizarine rubinole R conc. 50/100.
Alizarine rubinole R conc. 40/100.
Alizarine red W powder.
Alizarine red PS powder.
Coeruline powder. (Not importable.)
Alizarine blue S powder.
Alizarine blue SW powder.
Alizarine indigo 3 R powder.
Algol red B paste 1 : 8.
Algol red 2 B paste 7½.
Algol red B powder.
Algol red 5 G paste 1 : 8.
Algol red 5 G powder.
Algol red FF extra paste 1 : 8.
Algol red FF powder, extra.
Algol red 2 G paste 1 : 8.
Algol red 2 G powder.
Algol Bordeaux 3 B powder.
Algol scarlet G paste 1 : 8.
Algol scarlet G powder.
Algol pink R paste 1 : 8.
Algol pink R powder.
Algol Corinth R powder.
Algol brilliant red 2 B paste 1 : 8.
Algol brilliant red 2 B powder.
Algol orange R paste 1 : 8.
Algol orange R powder.
Algol brilliant orange FR powder.
Algol yellow 3 G powder.
Algol yellow 3 GL paste 1 : 8.
Algol yellow 3 GL powder.
Algol yellow WF powder. (Not importable.)
Algol green B paste.
Algol green B powder.
Leukol dark green B powder (algol).
Algol olive R powder.
Algol blue 3 G paste 1 : 8.
Algol blue 3 G paste 9 per cent.
Algol blue 3 G powder.
Algol blue K powder.
Algol blue 3 R powder.
Algol blue 3 RP paste 1 : 8.
Algol brilliant violet B powder.
Algol brilliant violet 2 B powder.
Algol brilliant violet RP powder.
Leukol (algol) brown B powder.
Algol brown R powder.
Algol brown B paste.
Algol brown G powder.
Algol gray 2 B powder.
Developer B (ethyl betanaphthylamine salts). (Not importable.)
Developer Z.
Alizarine Bordeaux GG paste 1 : 4.
Alizarine viridine FF extra paste.
Brilliant alizarine viridine F paste 1 : 5.
Alizarine blue S paste 1 : 3.
Alizarine blue R paste 1 : 8.
Alizarine indigo B paste 1 : 5. (Not importable.)
Alizarine indigo G paste 1 : 5. (Not importable.)
Alizarine indigo 3 R paste 1 : 5.
Algol blue C paste 1 : 8.
Algol blue C powder.
Algol blue 3 R paste.
Algol Bordeaux 3 B paste 1 : 8.
Algol brown R paste 1 : 8.
Algol brilliant orange FR paste 1 : 8.
Algol brilliant violet BB paste 1 : 8.
Algol brilliant violet R paste.
Algol brilliant violet R powder.
Algol Corinth R paste.
Algol yellow 3 G paste.
Algol olive R paste 1 : 8.
Algol brilliant red 2 F extra paste 1 : 8.
Diamine fast gray BN.
Diamine fast black X.
Diamine gray G.
Oxydiamine black Sooo.
Oxydiamine black UI.
Diamineral blue CVB.
Diamine fast brilliant blue R.
Isamine blue 6 BX.
Isamine blue R 50 per cent.
Isamine blue R.
Diamine Bordeaux S (not importable).
Diamine brilliant Bordeaux R.
Diamine brilliant rubine S.
Diamine brilliant scarlet S.
Diamine fast Bordeaux 6 BS.
Diamine scarlet 3 B (not importable).
Diamine scarlet 3 B 120 per cent (not importable).
Diamine scarlet HS (not importable).
Diamine violet red.
Diamine violet red K extra.
Oxydiamine red S.
Diamine brown B (not importable).
Diamine brown V (not importable).
Diamine bronze G.
Diamine catechine B.
Diamine catechine G.
Diamine catechine 3 G.
Diamine fast brown G.
Diamine fast brown GB.
Diamine fast brown R.
Oxydiamine brown G.
Oxydiamine brown RN.
Diamine fast orange EG.
Diamine fast orange ER.
Diamine yellow N powder.
Diamine yellow N 110 per cent.
Diamine orange B.
Diamine orange F.
Diamine orange G.
Diamine fast violet FFBN.
Diamine heliotrope G.
Diamine heliotrope B.
Diamine heliotrope O.
Diaminogene B.
Oxydiaminogene ED.
Oxydiaminogene OB.
Diamine azo blue R.
Diaminogene blue 2 B.
Diaminogene extra.
Diaminogene blue NA.
Diaminogene sky blue N.
Diamine azo scarlet A.
Diamine azo scarlet BBL extra.
Diamine azo scarlet 4 BL extra.
Diamine azo scarlet 8 B extra.
Diamine cutch.
Diamine azo orange RR.
Brilliant naphthol blue 4 B.
Brilliant naphthol blue CNB.
Brilliant naphthol blue R.
Brilliant milling blue B.
Cyanole extra.
Cyanole FF.
Cyanole extra 90871.
Formyl blue BX (not importable).
Formyl blue BX 75/100 (not importable).
Peri wool blue B.
Peri wool blue G.
Brilliant croceine 9 B (not importable).
Brilliant lanafuchsine BB 240 per cent.
Brilliant lanafuchsine GG.
Brilliant lanafuchsine SL.
Croceine AZ.
Milling yellow O.
Milling yellow OO.
Milling yellow 3 G.
Milling yellow 3 G 200 per cent.
Azo fast violet RR.
Anthracene chromate black D (not importable).
Fast felt blue extra (not importable).
Anthracene chromate brown EB.
Anthracene chromate brown EB extra.
New methylene blue GG.
New methylene blue N.
Irisamine G extra (not importable).
Tannin orange R powder.
Thioflavine T.
Thioflavine TCN.
Thioflavine T 140 per cent.
Tannin heliotrope.
Immedial direct blue B.
Alizarine cyanole B.
Alizarine cyanole SR (not importable).
Alizarine cyanole EF (not importable).
Hydron brown OG powder.
Hydron olive B powder (not importable).
Hydron violet B paste 20 per cent (not importable).
Oxamine yellow 3 G.
Pyramine orange 3 G.
Pyramine orange R.
Oxamine red.
Oxamine red BN.
Oxamine red BNX.
Oxamine red 3 BX.
Oxamine fast pink BNE.
Oxamine fast pink BNEX.
Oxamine brown 3 G.
Oxamine brown GX (not importable).
Oxamine black BRTX (not importable).
Chinoline yellow P extra conc.
Acid rhodamine B.
Acid rhodamine BG.
Acid rhodamine R.
Acid rhodamine 3 R.
Acetyl red BB.
Palatine red A.
Azo carmine B (not importable).
Azo carmine I.
Azo carmine BX (not importable).
Azo carmine BXH (not importable).
Azo carmine BB (not importable).
Anthosine 5 B.
Cyananthrol 3 G.
Special blue G.
Lithol fast yellow RN paste.
Lithol fast orange paste.
Lithol fast orange R paste.
Lithol bordeaux B paste.
Palatine light yellow R.
Euchrysine 2 G.
Euchrysine 2 RX.
Euchrysine 3 R.
Euchrysine 3 RX.
Euchrysine GRNTN.
Euchrysine RT.
Euchrysine 2 RD.
Euchrysine 2 RDX.
Rhodamine G extra.
Rhodamine G.
Rhodamine GF.
Rhodamine 3 G.
Rhodamine 3 G extra.
Rhodamine 3 G extra F.
Rhodamine 7 GN extra.
Rhodamine S extra.
Rhodamine SP 7.
Rhodamine S.
Rhodamine 3 GF.
Rhodamine 6 GDN (not importable).
Rhodamine 6 GDN extra (not importable).
Induline scarlet.
Ethyl violet.
Nile blue B.
Nile blue BX.
Nile blue A.
Night blue.
Alizarine red S powder.
Alizarine red SS powder.
Alizarine red SWB powder.
Alizarine red SWBB powder.
Anthraquinone blue SR extra powder.
Anthraquinone blue SR extra paste.
Anthraquinone violet powder.
Anthraquinone violet B powder.
Anthraquinone green GXNO.
Cyananthrol RBX powder.
Cyananthrol RX.
Cyananthrol RXO.
Cyananthrol R.
Cyananthrol RB.
Brilliant anthrazurol powder.
Brilliant anthrazurol G powder.
Alizarine blue SW powder.
Alizarine blue WX 10 per cent paste.
Alizarine blue WX 20 per cent.
Alizarine blue S powder.
Alizarine maroon paste 10 per cent.
Anthracene blue SWG extra powder.
Anthracene blue SWGG extra powder.
Anthracene blue SWR powder.
Anthracene blue WB paste (not importable).
Anthracene blue WG paste (not importable).
Anthracene blue SWGG powder.
Alizarine green S paste.
Alizarine maroon paste 20 per cent.
Anthraflavone GC paste.
Anthraflavone G paste.
Anthraflavone GC paste sand free.
Anthraflavone RR paste sand free.
Indanthrene yellow GP powder (not importable).
Indanthrene orange RT paste.
Indanthrene orange RT powder.
Indanthrene golden orange G powder.
Indanthrene golden orange G paste.
Indanthrene golden orange G double paste.
Indanthrene golden orange R paste.
Indanthrene golden orange RN extra paste.
Indanthrene golden orange 3 R paste.

Indanthrene golden orange RRT paste.
Indanthrene golden orange G paste sand free.
Indanthrene golden orange G double paste sand free.
Indanthrene golden orange R paste sand free.
Indanthrene golden orange R double sand free.
Indanthrene golden orange RN extra paste sand free.
Indanthrene golden orange 3 R paste sand free.
Indanthrene golden orange RRT paste sand free.
Indanthrene golden orange RRT powder.
Indanthrene red BN extra powder.
Indanthrene red BN paste.
Indanthrene red BN extra paste.
Indanthrene red BN extra paste sand free.
Indanthrene red G paste sand free.
Indanthrene red R paste sand free.
Indanthrene red R double paste.
Indanthrene red R double paste sand free.
Indanthrene blue 3 G paste.
Indanthrene blue 3 G powder.
Indanthrene blue 3 G double paste sand free.
Indanthrene blue 3 GP powder.
Indanthrene blue 3 G paste sand free.
Indanthrene blue RS paper powder (not importable).
Indanthrene blue RS paper triple powder (not importable).
Indanthrene blue RZ paste (not importable).
Indanthrene blue WB powder.
Indanthrene brown H 20 paste.
Indanthrene maroon R paste.
Indanthrene grey H 20 paste.
Indanthrene red R powder.
Indanthrene red R paste.
Indanthrene scarlet G paste.
Indanthrene scarlet G double paste.
Indanthrene scarlet GS powder.
Indanthrene scarlet G paste sand free.
Indanthrene scarlet G double paste sand free.
Indanthrene pink B paste.
Indanthrene pink B double paste.
Indanthrene pink BL powder.
Indanthrene pink BS powder.
Indanthrene pink H–20 paste.
Indanthrene pink H–21.
Indanthrene pink B paste, sand free.
Indanthrene violet BN extra powder.
Indanthrene violet BN extra paste.
Indanthrene violet BN extra paste, sand free.
Indanthrene violet RT paste, sand free (not importable).
Indanthrene violet RT paste (not importable).
Indanthrene reddish violet 2 RN powder.
Indanthrene reddish violet RRN paste.
Indanthrene reddish violet RRNP powder.
Indanthrene reddish violet RRNP paste.
Indanthrene reddish violet RRN paste, sand free.
Indanthrene reddish RRN violet double paste.
Indanthrene reddish violet RRN double paste, sand free.
Brilliant indigo 4 G 20 per cent paste (not importable).
Brilliant indigo B 20 per cent (not importable).
Fuscamine G.
Nitrosamine paste (not importable).
Nitrosamine pink 20 per cent.
Nitrosamine pink BX.
Dianil japonin G.
Dianil light red 8 BW.
Diazanil blue 2 B.
Azo acid black 3 BL extra.
Brilliant lake red R paste.
Cyanine B.
Fast acid eosine G extra (not importable).
Fast acid blue R.
Fast acid phloxine A.
Fast acid violet B (not importable).
Hansa rubine G powder.
Fast mordant blue B.
Acid alizarine black R (not importable).
Janus yellow G.
Janus red B.
Thionine blue GO.
Thionine blue GO powder.
Methylene heliotrope O.
Phosphine extra (not importable).
Rhodamine GK.
Rhodamine 6 GD (not importable).
Rhodamine 6 GD extra.
Rhodamine G.
Rosalane O.
Rosalane B conc.
Alizarine direct violet R.
Alizarine direct violet RC.
Alizarine direct violet E 2 B.
Acid alizarine blue BB.
Acid alizarine grey G.
Alizarine red WS powder.
Alizarine IWS.
Alizarine IWS conc.
Alizarine blue AS.
Alizarine blue SR 15 per cent.
Alizarine blue A 20.
Alizarine blue A powder 100 per cent.
Alizarine blue 942/12.
Alizarine blue 942 G paste.
Alizarine blue 942/24.
Alizarine blue SB powder.
Alizarine blue SB 45.
Alizarine blue SB 45 conc. 50 per cent.
Alizarine blue SBW 45.
Alizarine blue SR 45.
Alizarine blue SBR 45.
Alizarine blue SRN 45 conc. 50 per cent.
Alizarine blue S 45 per cent.
Alizarine claret R paste.
Alizarine claret R powder.
Helindone blue 3 R paste.
Helindone brown AN 10 per cent paste.
Helindone brown CR powder.
Helindone brown CR paste.
Helindone brown G powder.
Helindone brown G paste.
Helindone brown 3 GN paste.
Helindone brown 2 R powder.
Helindone brown 2 R paste.
Helindone fast scarlet C paste.
Helindone fast scarlet R powder.
Helindone grey 2 B paste.
Helindone grey 2 B powder.
Helindone grey BR powder.
Helindone grey BR paste.
Helindone green G powder.
Helindone green G paste.
Helindone orange D powder.
Helindone orange GRN paste.
Helindone orange R 100 per cent.
Helindone fast orange R powder.
Helindone orange R 10 per cent paste.
Helindone scarlet S paste.
Helindone scarlet G powder.
Helindone pink AN 10 per cent.
Helindone pink BN 10 per cent.
Helindone red B powder.
Helindone red B paste.
Helindone red 3 B powder.
Helindone red 3 B paste.
Helindone red B paste 20 per cent.
Helindone red 2 B vat.
Helindone red 2 B powder.
Helindone violet B paste.
Helindone violet B paste 20 per cent.
Helindone violet B powder.
Helindone violet BB paste.
Helindone violet 2 B paste 20 per cent.
Helindone violet BB powder.
Helindone violet BH powder.
Helindone violet R paste.
Helindone violet R powder.
Helindone blue 3 GN.
Helindone blue 3 GN 20 per cent.
Helindone blue 3 GN conc.
Helindone yellow 3 GN paste.
Helindone yellow 3 GN powder.
Helindone yellow 3 N 20 per cent.
Helindone yellow RN 20 per cent.
Indigo MLB/6 B powder (not importable).
Indigo MLB/6 B 20 per cent paste (not importable).
Indigo MLB/6 B 40 per cent paste (not importable).
Beta napthylamine ground (not importable).
Brilliant congo G.
Congo orange G.
Heliotrope 2 B.
Columbia fast black G, extra.
Zambesi red 4 B.
Zambesi rubine B.
Naphtogene blue B.
Naphtogene blue BM.
Naphtogene blue 2 R.
Naphtogene blue 4 R.
Zambesi pure blue 4 B.
Zambesi pure blue 4 R.
Zambesi brown G.
Zambesi brown 2 G.
Zambesi brown 4 R.
Zambesi black BB.
Indocynanine BF or B.
Orthocyanine B.
Acid cyanine BF.
Wool black GRF (not importable).
Wool black GR (not importable).
Meta chrome bordeaux B.
Meta chrome olive B.
Meta chrome olive brown G.
Meta chrome blue black 2 BK.
Meta chrome blue black R.
Meta chrome blue black 2 BX.
Phosphine 3 R (not importable).
Diphene blue B.
Diphene blue R.
Diphene blue R conc.
Congo rubine B.
Naphtamine fast brown BL.
Rosinduline GFX.
Rosinduline 2 G.
Azo cyanine 5 R.
Salicine dark green CS.
Thio indigo orange R paste.
Thio indigo red B powder.
Thio indigo red B paste.
Thio indigo scarlet R powder.
Thio indigo scarlet G paste.
Thio indigo scarlet S Paste.
Thio indigo scarlet 2 G paste.
Thio indigo scarlet 2 G 20 per cent paste.
Thio indigo pink AN paste.
Thio indigo pink BN paste.
Thio indigo violet 2 B powder.
Thio indigo violet B powder.
Thio indigo violet 2 R paste.
Betamine blue 8 B.
Toluylene red.
Toluylene red RT.
Triazol bordeaux B.
Triazol brown soco.
Corioflavine G.
Red violet or violet, Hoffman.
Pyronine G.
Cresyl blue 2 RN.
Capri blue GON.

In other words, under existing law these dyes, which are not produced in this country and are demanded by the consumers of dyes, are coming into the country freely in very large quantities, and they will continue to do so if we pass this bill just as it is.

Now, gentlemen, to my mind it would be an extremely foolish thing for anyone, no matter how dissatisfied he may be with certain items in this bill, which consists of thousands of different items, to oppose the entire bill because of such dissatisfaction. Another body has delayed the passage of this bill for more than a year, and without casting any reflection whatever upon that very distinguished body at the other end of the Capitol, I think it was rather characteristic of the speed with which that body functions, that only yesterday a bill came over providing for the getting rid of snow and ice on the streets of Washington accumulated last winter. [Laughter and applause.]

Send this bill back to conference, bring these eminent statesmen back again into conference, and is anyone sure that there will be any tariff bill this month or next month? Gentlemen, the only way to get along in this country where there is a conflict of interests, of all kinds of conflicting geographical conditions, is to harmonize differences if we are to have tariff legislation based on no matter what principle. We have to give and take, and because any man is dissatisfied because there is something in the bill which he does not want or wants something in the bill which is not in it, shall he take the recourse of recommitting the entire bill? If so, the snows may fly before we ever have any tariff bill at all. I ask you, my colleagues, to think well before you accept the leadership of the gentleman from Texas, whose only desire—and I do not blame him for it, because it is good politics from his point of view—is to create disruption upon this side of the House and prevent, if he can, the passage of a Republican protective tariff measure. [Applause.]

The SPEAKER pro tempore. The gentleman from Michigan [Mr. Fordney] has 21 minutes remaining, and the gentleman from Texas [Mr. Garner] has 18 minutes remaining.

[Cries of "Vote!"]

Mr. GREEN of Iowa. We can not vote at this time. We want a larger number of Republicans to be here.

Mr. GARNER. I want to accommodate the Republican side.

Mr. Speaker, while I had the privilege of the floor earlier in the day I called attention to the fact that Republicans throughout the campaign from now until the November elections, about 90 per cent of them, would be trying to convince the people of this country that this was a low protective tariff measure; that they would be apologizing for the high rates and telling their constituents that the provision allowing the President to lower the rates would be put into execution at the earliest possible moment. The gentleman from Ohio [Mr. Longworth] has confirmed me in that belief in the remarks which he has just made. The gentleman from Ohio, if he had his way, would write these rates lower than they are now in most cases. He believes that the rates in this bill, outside of the chemical schedule, are too high. He will be telling the people in Ohio between now and election that it is his firm belief, and that of his associates who have access to the White House, that the President will be reducing these rates very soon under the unusual powers given him in this bill.

I was very much amused at the appeal of the gentleman from Ohio to the Republicans, to the effect that if they wanted a tariff bill they must not trust the Senate to get it. But I call the gentleman's attention to one fact—that the motion which I shall make to the House, a motion to recommit the bill to the conferees, will be an instruction to agree to Senate amendments. Now I want to ask the gentleman from Ohio how the Senate could refuse to permit the House to agree to their action? They put potash on the free list. I am going to insist that we agree to that amendment and adopt the Senate policy. I think it is the right policy to adopt and that a duty on potash would be an outrage to the agricultural interests of the country.

The Senate also repealed article 5 of the emergency tariff act, known as the dye embargo. I am going to insist that we accept the Senate amendment. If a majority of the House Members vote to recommit this bill and the House conferees go back and carry out the instructions, we will have the bill back in 10 minutes, not in 10 hours, because the country would not tolerate for a single minute the Senate conferees publicly repudiating their own action; they would not tolerate their doing it openly before the country. I repeat, the Senate placed potash on the free list, and they specifically repealed article 5 of the emergency tariff. My motion to recommit will instruct the House conferees to accept the Senate amendments in both cases. Can you imagine the bill would be tied up indefinitely? Nobody with any judgment would think that. I am certain that the gentleman from Ohio [Mr. LONGWORTH] knows better. The gentleman from Ohio has a very poor opinion of the Senate if he thinks they can afford even to stand out against public opinion and repudiate the action of their own body.

Just one remark about the emergency tariff. It has been a soft morsel under the tongue of the gentleman from Ohio, who has seen fit to lash me for the last year on account of the fact that I voted for the emergency tariff bill when first passed, limited to six months' duration. I voted for it then. If I had it to do over again, with the same facts before me, I would vote for it again. I believed then that in many instances we ought to pass emergency measures, as we did pass them, but when it came to putting this law on the statute books as a permanent law I refused.

The emergency tariff act was passed for the benefit of the agricultural people, and the sole benefit derived from it—and I challenge the denial of this statement, and I challenge the gentleman from Iowa [Mr. GREEN], coming from an agricultural country, to contradict it—the sole benefit that the American people got out of this emergency tariff was out of wool. The wool industry was the only industry that profited by that measure from a protective standpoint. They have profited by it up to this hour, but not a single other industry has gained by the emergency tariff. I opposed its being put on the statute books as a permanent policy. So, once for all, let the gentleman from Ohio understand that when he tries to put me in the attitude of voting for an emergency law and putting it permanently on the statute books, I repudiate his suggestion.

I want to say, gentlemen, in conclusion, that I respect the gentleman from Iowa [Mr. GREEN] and the gentleman from Michigan [Mr. FORDNEY] as well as the gentleman from Ohio. I think they have done the best they could with a bad job. But, as I said earlier in the day, they had this condition to deal with, where the demand of one Senator was sufficient to make them yield in order to get a tariff bill. That statement is in accordance with the appeal that the gentleman from Ohio has just addressed to you, that although you want to recommit this bill, although you feel that the provision sheltering the dye monopoly ought to be out of it, and although you feel that there ought not to be a duty on potash, yet he appeals to your party loyalty, and says in his appeal that if you do not vote for it it will be only a little time before the Senate will declare that there will be no tariff bill at all, because the Senate will repudiate its own action. Gentlemen, I appeal to you to do what is right and help us kill this dye-embargo provision and the duty on potash. [Applause on the Democratic side.]

The SPEAKER pro tempore. The gentleman from Iowa has 21 minutes to his credit.

Mr. GREEN of Iowa. Mr. Speaker, we entered upon the construction of this tariff bill under the most unsettled conditions. It was undoubtedly the hardest time that has ever been known in which to frame a tariff bill. But I shall present no excuses for the bill on that ground. I want at this time, in the first place, to congratulate the gentleman from Texas [Mr. GARNER] and the gentleman from Virginia [Mr. MOORE], both of whom indulged in much denunciation and little argument, on the fact that they at least did not use the stock lies that have been published in the newspapers and used upon the platform with reference to this bill. They are too high-minded gentlemen to indulge in anything of that kind. Yet it is a positive relief to us upon the Republican side to hear some talk about this bill from Democratic sources that does not contain some absolute falsity with reference to what the bill contains. Never has there been spread such a propaganda of misrepresentation, mendacity, and falsehood in the press and on the platform as there has been with reference to this bill. On occasions when previous protective tariff bills were before the country I thought that their opponents had exhausted all the epithets that could be used. The expressions "robber tariff" and "robber barons" were common when the McKinley, the Dingley, and the Payne bills were up and the air was filled with denunciations of those bills, but on this occasion those who are opposed to the policy of protection have surpassed themselves in defamation.

In this connection I wish to say a few words with reference to the cry that the tariff is going to increase the cost of living. The best way to determine what is going to occur in the future is from the experience of the past. I challenge gentlemen on the other side to show any Republican tariff bill that in the course of its operation has appreciably raised the general cost of living. I see that no one accepts the challenge. They can not make this showing. Everyone within the sound of my voice and everyone who may read this speech knows that that was not the effect of the Payne bill or the Dingley bill. The records show that during the time these bills were in force there was, instead, a gradual reduction of prices; but, to the honor and credit of the Republican Party, there was a continuous advance in wages. The Republican tariff bills, embodying as they do the protective principle, have always produced that result. They have not increased the general level of prices. They have merely placed the American market under the control of the American manufacturer and the American producer. With the American market in their control and under Republican policies, the effect has been to reduce prices and increase wages.

Mr. Speaker, this propaganda of falsehoods which has been so industriously spread by the importers, who, as I shall show further on, have been making immense profits at the expense of the American people, is simply the old, old story. After the McKinley bill had been enacted, which for the first time put a tariff on tin plate, men were sent all over McKinley's district with articles of tinware, urging the people to buy quickly, as the prices would go up as soon as the bill commenced to operate. The result was to defeat McKinley in the congressional election, but the people soon found how false these statements were with reference to a rise in prices produced by a protective tariff bill, and McKinley was triumphantly elected President at the next election. Now tin articles are sold cheaper here than abroad, and we are exporting tin plate in large quantities. That, Mr. Speaker, was 25 years or more ago, and those starting this campaign of falsehood think the people have forgotten it, so they have started the old "tin-cup campaign" again.

The tariff bill has been before Congress for about 18 months. There never has been so much time and work put upon a tariff bill and none has ever been prepared with such care. The managers on the part of the House, after a conference of about three weeks with those of the Senate, have come to you with a bill for which we have every reason to ask not only the support of the House but the country at large.

It is, of course, a bill which is based upon protective principles and drawn upon protective lines, but it is a bill in which no concealed protection can be found and as to which no claim can be made that in its provisions there is concealed some hidden "joker." It is so written that anyone, upon reading, can determine its rates and the amount of protection which it affords.

In beginning I alluded to the fact that the country had been flooded with propaganda against the bill, much of which was pure falsehood. A stock lie with reference to the bill is that it is the highest tariff bill ever brought before Congress. This statement is absolutely false and it is easy for you to make the figures which show its falsity. For the fiscal year ending June 30, 1922, our total imports for consumption were $2,547,797,024, or about $2,500,000,000 in round figures. The duties collected were, in round figures, $356,000,000. It is estimated that this bill will produce $50,000,000 additional in revenue, or $406,000,000. This, upon the basis of the imports of the last fiscal year, would make the average duty a little less than 16 per cent. Compared with previous protective tariff bills we find that the Dingley bill from 1901 to 1908 averaged 25.45 per cent. The Payne bill from 1909 to 1913 averaged 20.61 per cent. Thus we have demonstrated what the advocates of protection have always contended—that by protecting an industry in this country until it became established we could gradually lower the duties and in many instances put the articles heretofore protected on the free list.

Wild statements have been made as to what this bill would cost the American people. A glance at the figures above will show what the fact is. If the American consumer paid all of this increase of rates, and we Republicans claim that the foreigner will pay the greater part of it—if, as I said, the consumer paid all of this increase of $50,000,000 in duties, it would only cost the American people about 45 cents per capita in a year, an insignificant amount to pay for the protection of our American industries. Under this bill over half of our imports will pay no duty whatever. We present to you a bill that is lower, much lower, than any protective tariff bill ever before brought before Congress.

Mr. GARRETT of Tennessee. Do I understand the principal argument in support of this bill to be made by the gentleman from Ohio and the gentleman from Iowa is that it fixes lower rates than the Payne bill fixed?

Mr. GREEN of Iowa. Not the principal argument. I was merely stating a fact that no tariff expert will deny. We have demonstrated the truth of the Republican doctrine that by giving protection to industry in the first instance we in the long run enable the article to be sold to the consumer at a cheaper rate, maintain the wages of our workers, and enable them to preserve the American scale of living. [Applause.]

Let us now turn to the provisions of the bill and see what it actually contains, instead of taking the statement of some one who does not know what is in it or who willfully perverts its provisions.

In the first place, as I have before stated, we have greatly enlarged the free list of any other protective tariff bill. Those who have had occasion to pay the present high prices demanded for building material will be pleased to learn that logs, boards, clapboards, lath, shingles, in fact lumber of all kinds, are admitted free. Brick and cement are also admitted free, unless the country from which they are exported imposes a duty on the same material when imported from our country. All of these articles were dutiable under the Payne bill and previous protective bills.

Agricultural implements, together with hand cream separators and barbed wire, are put upon the free list, all of which were dutiable under the Payne bill. Carpet wool when used for carpets or floor coverings is also on the free list. Wood pulp and newsprint paper are on the free list where the country from which it is imported does not impose a duty on our wood pulp, and I know of none which does. Both were dutiable under the Payne law. Hides, of which we are obliged to import about one-half of our supply, are on the free list, but the farmer gets in return free leather, free boots and shoes, and free work harness. All of these items were dutiable under the Payne bill. Coal is also on the free list, though soft coal was dutiable under the Payne bill. I shall also call your attention, as I proceed, to other articles that were dutiable under the Payne bill but are now on the free list.

Passing over the chemical and earthenware schedules, I shall begin with schedule 3, metals and manufactures of, in which iron ore has been put on the free list and the duty on pig iron reduced from $2.50 a ton in the Payne bill to 75 cents a ton. In general the duties in this schedule are reduced from those of the Payne bill, although the duties have been increased on manganese, tungsten, and alloys thereof. It was found that the rate of exchange with Germany, which at the time of making the bill was about 300 marks for a dollar and is now even less, operated so much in favor of Germany that high rates were necessary to protect the cutlery industry.

While these rates are very high, and higher than any previous rates, I do not believe that they are high enough to enable the industry to maintain itself against German competition. The testimony before the Senate committee showed on actual importations that pocketknives were being brought in from Germany at a cost of from 5 cents to 20 cents each and sold here at from $1 to $3 each. One specially fine knife with ornamental handles and scissor blades was shown to have been imported at 58 cents and sold at $8.40. With scissors and razors it was the same. The actual production cost in Germany, where the best skilled mechanic gets only about 30 cents a day in our money, is not to exceed 20 per cent of what it would cost to produce these same articles in this country. But they will not cost the consumer any more under this tariff. The testimony showed that there was a margin of anywhere from 400 per cent to 2,000 per cent profit between the landed cost duty paid and the retail price of these articles. The importer will simply have to be contented with more modest demands, say 50 per cent or 100 per cent profit, but the reason of their opposition to the bill is found in the extortionate profits that they are making.

The wood schedule needs no mention beyond the additions therein to the free list which have already been specified.

When we come to the sugar schedule we find as a part of this same propaganda that stories have been circulated about the enormous increase in the tariff on sugar. Let us see what the facts are. We get all of our imported sugar from Cuba, as Cuba has, under the reciprocity treaty, a preferential reduction of 20 per cent from what is called the full-duty rate. It is true that we increased the full-duty rate from 2 cents to 2.20 cents per pound or one-fifth of a cent a pound, but it is unnecessary to consider this, as it is only the rate on Cuban sugar that figures at all in this connection. The present rate established by the emergency tariff a year and a half ago is 1.60 cents a pound on Cuban sugar. We have increased that rate to 1.76 cents a pound—sixteen one-hundredths of a cent a pound. The increase is less than one-sixth of a cent a pound. The consumption of sugar per capita in the United States, for all purposes—candy, bakers' use, and everything—is about 80 pounds per capita. For household or family use it is about 40 pounds per capita. If the American consumer paid the whole of this increase the total additional expense for a family of four persons would be about 25 cents a year. But the American consumer does not pay this duty. It is paid by the foreigner and the sugar refiners, otherwise known as the Sugar Trust. A table of prices on sugar for each month for more than 20 years was placed in the records of the Senate.

It showed that the tariff has practically nothing to do with the price of sugar; that when we reduced the duty on Cuban sugar 20 per cent sugar went up instead of going down; that when the Underwood bill reduced rates on sugar the price of sugar to American consumers was not lowered, and all of us know that when the emergency tariff was put on sugar a year ago last May prices, instead of rising, as gentlemen on the other side said they would, slowly fell for the next nine months. The beet-sugar factories of this country have saved the American consumer millions of dollars, for when the beet sugar comes on the market the price of sugar always falls and grocerymen have generally learned to lay in their stocks of sugar at that time, knowing that when the beet sugar is exhausted the price will rise again. The Cubans insist that they pay all of the duty on sugar, and they are very much disturbed about it. As a matter of fact, they do pay the most of it, but when we reduce the rate the oft-indicted Sugar Trust increases its refining margin to absorb it, and when we increase the rate it is usually obliged to decrease the refining margin on the raw sugar imported from Cuba. Sugar can be produced in Cuba as low as 1½ cents a pound for raw sugar. No American factory can compete with it. No man would claim that the consumer will pay any more for candy or confectionery on account of the increase we have made in the duty, and in the long run the consumer will greatly benefit from it.

Passing over the tobacco schedule, the next is that which includes agricultural products and provisions.

For the first time in our history the farmer has received in this bill his share of protection against imported agricultural products. The emergency tariff enacted by this Congress, and which became a law May 27, 1921, imposed additional duties on agricultural products. I shall refer to its beneficial effects on the whole country further on. For the present I shall only say it saved from financial ruin millions of farmers and stockmen without costing the consumer an additional cent, although, as one of its results, wheat went up for a time 21 cents higher in Minneapolis than in Winnipeg and has remained about 10 cents higher. Neither flour nor bread has ever cost a consumer 10 cents a year more by reason thereof. The rates on agricultural products have been somewhat raised in this bill from those of the emergency tariff. These slight increases will no more affect the price to the consumer than did the greater raise made by the emergency tariff, and if they did I shall show later how immensely beneficial to the whole country was the support given our agricultural interests by the emergency tariff bill, and this bill will have the same result.

Schedule 8, spirits, wines, and other beverages, has become of little importance, and I shall take no time upon it.

The cotton schedule was the source of much criticism in the Payne bill. Some of its provisions in that act were characterized as "jokers," containing concealed protection. There is nothing of the kind in this bill. Notwithstanding the great raise in the wages of employees in the cotton mills over those prevailing at the time of the Payne bill, we have much reduced the rates in this measure below those provided in the Payne bill or any other protective measure. A comparatively high duty is placed upon sueded cotton gloves of not less than 40 per cent nor more than 65 per cent ad valorem, depending upon the length of the glove. These are ladies' dress gloves. The industry is a new one in this country, which sprang up during the war, and for a few years must have a comparatively high duty in order to exist. In this connection I might note that the duties on men's cotton working gloves are lower than those of the Underwood Democratic bill; and if I had time I might cite many other similar instances in the bill.

Of the flax schedule it is sufficient to say that as a whole it is lower than that of the Payne bill, and while complaint is made of the tariff on linen napkins and tablecloths they are not enough higher than the Underwood rates to cause any appreciable rise in prices. Here again the importers have been reaping a great profit, the official import entries of the Treasury showing that napkins had been imported from Germany at 6.9 cents, the cost landed in the United States being 11.7 cents, but that they were sold at retail at 45.8 cents each, the percentage of profit of retail prices over landed costs being 313 per cent.

The wool schedule of the Payne bill was a storm center and some of its provisions were rightfully criticized as giving the manufacturer undue protection and giving the farmer too little. The rates on wool in the Payne bill were nominally 11 cents in the grease, 22 cents washed, and 33 cents scoured. Actually, through a provision with reference to skirted wool, which was commonly called a "joker," the real protection which the American farmer got upon his fine wool was only about 18 cents or 20 cents on the scoured pound. Under this provision wool was imported in the grease "skirted"; that is, the heavy and dirty parts removed, so that it shrunk about 25 per cent less than it would if imported in the natural state. Notwithstanding this provision the protection to the manufacturer was based on the theory that it would take 4 pounds of wool in the grease to make a pound of cloth, and the compensatory basis to the manufacturer was fixed in the Payne bill at 44 cents per pound. The Underwood bill, of course, put all wool on the free list. The emergency bill put a rate of 15 cents a pound on wool in the grease, 30 cents washed, and 45 cents scoured, and eliminated the "joker" which was in the Payne bill. The emergency tariff rates now in force on wool are higher than the rates carried by this bill because there is no possible way of evading the emergency duties by skirting. Anyone that asserts the contrary is deliberately falsifying if he understands the wool situation.

In this bill we have put a duty of 31 cents a pound on the clean content of the wool, the price of wool always being estimated on its clean or scoured content, but for reasons not necessary to explain here, it is always imported in the grease. This rate is higher in effect than the Payne bill, but not higher than was intended by it, as the rate on scoured wool in the Payne bill was 33 cents, a duty which was evaded in the manner I have before explained. It is much lower than the rates of the emergency bill, which, as I have said, have been in force for a year and a half, as all of the experts of the Tariff Commission agree and as, in fact, anyone can see from a mere comparison of the rates. If any further proof or confirmation is needed, it is found in the undisputed fact that there are now lying in bond at the port of Boston nearly 100,000,000 pounds of wool waiting to come in under the lower rates of this bill.

The emergency tariff took wool from the free list and laid upon it a heavier duty than this bill carries. It also added 45 cents per pound to the duty on cloth. Yet the price of clothing has continuously declined ever since the emergency act was passed. One reason is that the cloth in a suit is such a small part of its cost, the main item being labor. The figures presented by the Tariff Commission show that it takes about 3½ yards to make a suit of clothes. Assuming this to be 12-ounce cloth, which is the average weight, there would be a little less than 4 pounds to a suit. If the consumer paid the whole of the tariff extra, and he does not on account of competition, the increase by reason of the tariff on wool carried by this bill would cost him less than $1.20 a suit. The American Woolen Co., which makes the greater amount of the cloth used in this country, anticipating the reduction in rates on wool, has offered its goods at a much less figure than last year. The London trade papers show that the English manufacturers expect to land their goods, tariff paid, also at lower figures. Any advance in the cost of clothing will be sheer profiteering.

But while we have raised the rates upon wool so that a higher duty will, in effect, be paid than under the Payne bill, we have given the manufacturer only the protection to which he is entitled, and consequently the duties on cloth, which are the final test to the consumer, are less in this bill than in the Payne bill—much less on the cheap and ordinary grades of cloth, somewhat less on the most expensive.

The Payne bill was also criticized because a compensatory duty was given if there was any wool whatever in the cloth or blanket manufactured. We have eliminated this and allowed compensation only when the component part of the chief value is wool. The rates on the cheaper cloths are greatly reduced from those in the Payne bill, but on all cloth they are reduced.

The rates on blankets are very much lower than those in the Payne bill, especially the cheaper ones. Carpet wool is put on the free list if not used for clothing. When so used it bears a special rate. There being no duty on carpet wools, which were dutiable under the Payne bill, the rates in this bill on carpets are very much lower than in the Payne bill.

Time will not permit a discussion of the other schedules. In the sundry schedule a higher duty is put upon expensive laces than that in the Payne bill. They are luxuries, and people who buy them can afford to pay the duty to the Government, even if the cost is thereby increased.

A very important provision in the administration provisions needs special consideration. For years it has been urged that the tariff should be taken out of politics and put upon a scientific basis. This is the first time in our legislative history that a tariff bill has a provision by which this theory may be carried out. The President, under the advice and findings of the Tariff Commission, may raise or lower the rates of the bill not to exceed 50 per cent or may put them upon the basis of an American valuation instead of the foreign valuation provided by the bill. This provision has been misunderstood by some, who imagine the President may at his own sweet will raise or lower the rates. He can do nothing of the kind. He can act only in accordance with the findings of fact made by the Tariff Commission between the difference of cost of production at home and abroad. If the rates in this bill are too high or too low, anyone can present his petition to the Tariff Commission and have their action thereon. I consider this one of the best provisions in the bill. The principle of protection has been so generally accepted by the American people that while some Republican Members of the House or Senate may vote against the bill because they do not like some particular rate or provision about an equal number of Democrats will vote for it because they realize the great benefits to the country at large.

It is a Democratic doctrine that the consumer pays the full duty on imported articles. We Republicans have always denied this. Competitive conditions brought about by a protective tariff have always compelled the foreigner to reduce his price and pay a part—and sometimes all—of the tariff. To-day on the Boston market there are certain kinds of coarse wool freely offered for sale at less than 15 cents a pound in the grease, although the tariff alone is 15 cents. I have already cited the instance of the reduction in the cost of tin plate brought about by the tariff which was placed on it. In that, as well as thousands of other articles, when the foreigner wants to enter our market he is obliged to pay the whole of the tariff.

Mr. Speaker, at the time the emergency tariff was enacted a long trail of disaster, resulting from Democratic mismanagement, had thrown 5,000,000 men out of employment according to the statistics of the Labor Department, had made agriculture absolutely prostrate, and brought ruin upon the sheep and cattle growers and failure to the banks that endeavored to carry them. Under the Underwood bill, in the year previous to the enactment of the emergency tariff, there was imported about 260,000,000 pounds of wool, over 150,000,000 pounds of frozen mutton and beef, nearly 60,000,000 bushels of wheat, and so much butter that the price of milk to the farmer was actually forced down below the price of concentrated dairy feed which was given to his cows. An immense amount of eggs and other agricultural products had been brought into the country. The result was that wool became unmarketable, sheep were sold in Chicago for little more than the freight, cattle were sold at ruinous prices, all to no benefit to the consumer. The benefits of this act, which once more gave buying power to the farmers, who constitute 40 per cent of all of the population of the country, have been reflected in every commercial and industrial channel. The steel production in June of this year was 25 per cent over the maximum production of 1912–13, department store sales were 30 per cent higher, ready-made clothing sales 35 per cent more, bank clearings were greatly increased, there were over 100,000 more freight cars in use than were operated the previous year, and, best of all, there is little unemployment except among those who are voluntarily out upon strikes. We now propose to extend the principles of this measure by this complete tariff bill, the necessity of which is apparent.

All persons who have traveled in continental Europe since the war agree that the people are wretchedly poor and that they are willing to sell much of their manufacturing products for almost any price they can get and all of it at prices much lower than ours. Mr. Samuel Untermyer, a very prominent

Democratic lawyer of New York, has come back from a study of conditions in continental Europe a confirmed protectionist. In a public statement he says that the labor of continental Europe is "hopelessly pauperized," that their general cost of production is not more than 20 per cent of ours, and that it is "imperative that we protect our laboring classes against that sort of competition." What reasonable man will not agree with him when he says that "a prosperous people with ever increasing standards of living, such as we are happily attaining, can not exist against such impossible competition."

Mr. Speaker, this bill will maintain the American standard of living for the laborer, will give hope to the farmer, will set in motion the mills that are now idle through pauper competition, will give additional employment to capital and prosperity to the country at large. Such, Mr. Speaker, has always been the history of Republican protective measures.

Mr. FORDNEY. Mr. Speaker, in three minutes I can not make much of a statement about potash, but I want to say to the gentlemen of the House that there is a gentleman by the name of Doctor Huston in the lobby now in the interest of Germany, and he is interviewing Members of the House on potash. The potash industry is a great industry which sprang up here during the war. At Still Lake, Calif., where there is a great branch of this industry which sprang up during the war, there is an almost unlimited supply of salt-water potash. In Colorado or Nebraska there is an almost unlimited supply of potash in water.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FORDNEY. In just a minute. Seventy-five thousand tons can be, and are being, produced annually in the cement factories of this country by the use of dust collectors, as the dust carries a very large percentage of potash. Twenty-five thousand tons are being produced annually by the sugar factories in this country, and 20,000 tons by the smelting furnaces of this country. The money invested in the potash industries of this country is principally in these Western States, and the question with you to-day is: Do you want to save a great industry that helped us during the war, that was developed because of the war, or do you want to turn the industry over to the gentleman who sits in the alcove now, Doctor Huston, who represents the Germans? In Germany they produce a million tons a year and have an estimate of 600 years' supply. Alsace-Lorraine, now controlled by the French, has almost an equal amount. The statement has been made that Germany and France have now entered into an agreement to divide the American territory between Germany and France. [Applause.]

The SPEAKER. The time of the gentleman has expired.

[Cries of "Vote!"]

The SPEAKER. By the agreement previously made the previous question is ordered.

Mr. GARNER. Mr. Speaker, I desire to make a motion to recommit.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

> Mr. GARNER moves to recommit the conference report on the bill H. R. 7456 to the committee of conference with instructions to the House conferees to agree to the Senate amendments putting fertilizer potash on the free list and to strike out the provision containing the dye embargo.

Mr. GARNER. On that I move the previous question.

Mr. MONDELL. Mr. Speaker, on that I move the previous question.

The SPEAKER. The gentleman from Texas demands the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas to recommit the bill to the committee of conference with instruction to the House conferees.

Mr. GARRETT of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 177, nays 130, not voting 120, as follows:

YEAS—177.

Almon
Anderson
Andrew, Mass.
Andrews, Nebr.
Ansorge
Aswell
Bankhead
Barbour
Beck
Benham
Bird
Black
Bland, Ind.
Bland, Va.
Blanton
Boies
Bowers
Bowling
Box
Brennan
Briggs
Buchanan
Bulwinkle
Burke
Burroughs
Burtness
Cable
Carew
Chandler, N. Y.
Christopherson
Clague
Collins
Cooper, Wis.
Cullen
Dale
Dallinger
Davis, Minn.
Davis, Tenn.
Deal
Dowell
Drane
Drewry
Driver
Dunbar
Elliott
Evans
Fairchild
Fairfield
Fish
Frothingham
Gahn
Garner
Garrett, Tenn.
Garrett, Tex.
Gernerd
Goodykoontz
Hammer
Hardy, Colo.
Hardy, Tex.
Harrison
Haugen
Hayden
Hickey
Hoch
Hogan
Huddleston
Hudspeth
Hukriede
Hull
Hutchinson
Jacoway
Jeffers, Ala.
Johnson, Miss.
Johnson, S. Dak.
Jones, Tex.
Keller
Ketcham
Kincheloe
Kindred
King
Kissel
Kleczka
Kline, N. Y.
Knutson
Kopp
Kraus
Lampert
Lanham
Lankford
Larson, Minn.
Lawrence
Lea, Calif.
Lee, N. Y.
Linthicum
Little
London
Lowrey
Lyon
McClintic
McCormick
McLaughlin, Mich.
McSwain
Maloney
Mansfield
Michaelson
Moore, Va.
Moores, Ind.
Morgan
Mott
Murphy
Nelson, A. P.
Newton, Minn.
Newton, Mo.
O'Connor
Ogden
Oliver
Park, Ga.
Parks, Ark.
Perlman
Pou
Purnell
Quin
Ramseyer
Rankin
Rayburn
Reece
Reed, W. Va.
Ricketts
Riordan
Roach
Robsion
Rose
Rosenbloom
Rossdale
Rouse
Ryan
Sabath
Sanders, Tex.
Sandlin
Schall
Scott, Tenn.
Shaw
Sinclair
Sinnott
Smithwick
Snyder
Speaks
Stafford
Steagall
Stedman
Steenerson
Strong, Kans.
Sumners, Tex.
Swank
Sweet
Taylor, Ark.
Taylor, Colo.
Taylor, Tenn.
Thomas
Thompson
Tillman
Towner
Tucker
Tyson
Vestal
Voigt
Volk
Volstead
Ward, N. C.
Weaver
Wheeler
Williams, Tex.
Wilson
Wingo
Woodruff
Woods, Va.
Young

NAYS—130.

Ackerman
Anthony
Appleby
Atkeson
Bacharach
Beedy
Bixler
Bond
Brown, Tenn.
Burdick
Butler
Campbell, Kans.
Campbell, Pa.
Cannon
Chalmers
Chindblom
Clouse
Cole, Iowa
Cole, Ohio
Colton
Connolly, Pa.
Cooper, Ohio
Coughlin
Crago
Crowther
Curry
Darrow
Denison
Dyer
Echols
Edmonds
Ellis
Faust
Favrot
Fenn
Fess
Fitzgerald
Focht
Fordney
Foster
Freeman
French
Fuller
Graham, Ill.
Graham, Pa.
Green, Iowa
Greene, Mass.
Greene, Vt.
Griest
Hadley
Hawley
Hays
Hicks
Hill
Himes
Husted
Ireland
James
Jefferis, Nebr.
Johnson, Wash.
Jones, Pa.
Kearns
Kelly, Pa.
Kendall
Kennedy
Kiess
Kirkpatrick
Kline, Pa.
Kreider
Lazaro
Leatherwood
Lehlbach
Longworth
McArthur
McFadden
McKenzie
McLaughlin, Nebr.
McLaughlin, Pa.
Madden
Magee
Mapes
Martin
Merritt
Mills
Millspaugh
Mondell
Moore, Ill.
Moore, Ohio
Morin
Mudd
Nelson, Me.
Norton
Osborne
Paige
Parker, N. J.
Patterson, Mo.
Patterson, N. J.
Perkins
Petersen
Radcliffe
Ransley
Reed, N. Y.
Rhodes
Rodenberg
Rogers
Sanders, Ind.
Sanders, N. Y.
Shreve
Siegel
Slemp
Smith, Idaho
Sproul
Stephens
Swing
Tilson
Timberlake
Treadway
Underhill
Vaile
Vare
Walters
Watson
White, Me.
Williams, Ill.
Winslow
Wood, Ind.
Woodyard
Wyant
Yates
Zihlman

NOT VOTING—120.

Arentz
Barkley
Begg
Bell
Blakeney
Brand
Britten
Brooks, Ill.
Brooks, Pa.
Browne, Wis.
Burton
Byrnes, S. C.
Byrns, Tenn.
Cantrill
Carter
Chandler, Okla.
Clark, Fla.
Clarke, N. Y.
Classon
Cockran
Codd
Collier
Connally, Tex.
Connell
Copley
Cramton
Crisp
Dempsey
Dickinson
Dominick
Doughton
Dunn
Dupré
Fields
Fisher
Frear
Free
Fulmer
Funk
Gallivan
Gensman
Gilbert
Glynn
Goldsborough
Gorman
Gould
Griffin
Hawes
Henry
Herrick
Hersey
Hooker
Humphreys
Johnson, Ky.
Kahn
Kelley, Mich.
Kitchin
Knight
Kunz
Langley
Larsen, Ga.
Layton
Lee, Ga.
Lineberger
Logan
Luce
Luhring
McDuffie
McPherson
MacGregor
Mann
Mead
Michener
Miller
Montague
Montoya
Nelson, J. M.
Nolan
O'Brien
Oldfield
Olpp
Overstreet
Parker, N. Y.
Porter
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Reber
Riddick
Robertson
Rucker
Scott, Mich.
Sears
Shelton
Sisson
Smith, Mich.
Snell
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Tague
Taylor, N. J.
Temple
Ten Eyck
Tincher
Tinkham
Upshaw
Vinson
Ward, N. Y.
Wason
Webster
White, Kans.
Williamson
Wise
Wright
Wurzbach

So the motion to recommit with instructions was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. Vinson (for) with Mr. Dupré (against).
Mr. Connally of Texas (for) with Mr. Codd (against).
Mr. Oldfield (for) with Mr. Burton (against).
Mr. Carter (for) with Mr. Cramton (against).
Mr. Frear (for) with Mr. Wurzbach (against).
Mr. Byrns of Tennessee (for) with Mr. MacGregor (against).
Mr. Gallivan (for) with Mr. Olpp (against).
Mr. Barkley (for) with Mr. Taylor of New Jersey (against).
Mr. Kitchin (for) with Mr. Brooks of Pennsylvania (against).

Mr. Dominick (for) with Mr. Connell (against).
Mr. Tague (for) with Mr. Copley (against).
Mr. Sullivan (for) with Mr. Free (against).
Mr. Byrnes of South Carolina (for) with Mr. Porter (against).
Mr. Hooker (for) with Mr. Strong of Pennsylvania (against).
Mr. Collier (for) with Mr. Snell (against).
Mr. Griffin (for) with Mr. Reber (against).
Mr. Montague (for) with Mr. Chandler of Oklahoma (against).
Mr. Crisp (for) with Mr. Blakeney (against).

Until further notice:

Mr. Nolan with Mr. McDuffie.
Mr. Funk with Mr. Brand.
Mr. Miller with Mr. Wright.
Mr. Gorman with Mr. Lee of Georgia.
Mr. McPherson with Mr. Gilbert.
Mr. Montoya with Mr. Sears.
Mr. Brooks of Illinois with Mr. Humphreys.
Mr. Arentz with Mr. Mead.
Mr. Britten with Mr. Raker.
Mr. Summers of Washington with Mr. Larsen of Georgia.
Mr. White of Kansas with Mr. Stevenson.
Mr. Dempsey with Mr. Hawes.
Mr. Tinkham with Mr. Sisson.
Mr. Kahn with Mr. Cantrill.
Mr. Henry with Mr. Fisher.
Mr. Langley with Mr. Clark of Florida.
Mr. Layton with Mr. Doughton.
Mr. Webster with Mr. Rainey of Alabama.
Mr. Stiness with Mr. Fields.
Mr. Dunn with Mr. Bell.
Mr. J. M. Nelson with Mr. Overstreet.
Mr. Riddick with Mr. Kunz.
Mr. Dickinson with Mr. Logan.
Mr. Robertson with Mr. Rainey of Illinois.
Mr. Kelley of Michigan with Mr. Ten Eyck.
Mr. Tincher with Mr. Rucker.
Mr. Ward of New York with Mr. Upshaw.
Mr. Lineberger with Mr. Fulmer.
Mr. Knight with Mr. Cockran.
Mr. Glasson with Mr. Stoll.
Mr. Temple with Mr. Humphreys.
Mr. Mann with Mr. Wise.
Mr. Parker of New York with Mr. Goldsborough.
Mr. Michener with Mr. Johnson of Kentucky.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If gentlemen desire to make inquiry in regard to their votes, can not they do it from their seats?

The SPEAKER. They can, and that is the proper place.

Mr. GARNER. I only make that suggestion because I think the House is entitled to know just what is going on.

The SPEAKER. Gentlemen desiring to inquire in regard to their votes will please take their seats.

The result of the vote was announced as above recorded.

EXTENSION OF REMARKS.

Under general leave to print the extension of remarks on the tariff bill are here printed in full as follows:

Mr. BIXLER. Mr. Speaker and Members of the House, I have listened attentively to the arguments advanced by both sides of the House on this tariff bill, and I must say it is my belief that many of them are inspired by selfish motives. I think we should discuss this tariff bill without any local prejudices or interests affecting our interest in the general prosperity of our Nation, and consequently the welfare of each and every individual who makes up a component part of it. A proper solution of the tariff now will enable us to meet the great problems in production and consumption that we know are now facing us.

The Republican Party is committed to a protective tariff, and it was so incorporated in their platform. I was elected on this platform and stand for those principles. Under normal times true prosperity was never with us unless we had this required protection for our industries, and we need it more now than we ever did in the past. We furnished the world with their needs during the war, and now we must compete with all other countries, not only abroad but right here at home.

After all, is not the object of a tariff bill a revenue raiser to help defray the expenses of maintaining this great Government? You hear arguments that nothing should bear a tariff on farm products or anything that pertains to agriculture. If this policy were to be followed by all other interests there would be no revenue from a tariff source.

I believe the American farmer is a protectionist. I believe he wants the American deposit of potash developed, and in that development I do not believe he expects labor to be paid starvation wages while in its devolopment state because he knows full well when the vast deposits are fully developed he will reap the benefits of the little advance he was compelled to pay for a short time. The farmer does not want to be at the mercy of the two countries who now own all the potash, and as these countries are money mad will combine to extort a fancy price from the American consumers of that commodity.

A tariff must be fairly distributed, and what does it matter if a certain commodity seems a trifle inequitable. Can not the producer or the manufacturer reflect the small difference in the product and the consumer will pay it as he always does? I believe this would be a less objectionable way of raising revenue than by personal income tax. Surely no one will seriously object to allowing the foreign countries help pay the burden of taxation upon our poor people by giving them the privilege to do business with 110,000,000 people by paying a small tax for these privileges.

Let us have a protective tariff equal to the difference between wages paid in America and in Europe. This is necessary to protect our American workmen against competition with the cheap labor of Europe. I have noticed somewhere this comparison. An ounce of gold will purchase only 17 hours of labor in the United States, but will buy 50 hours of labor in Great Britain, 96 hours in Japan, 117 hours in France, and 202 hours in Germany. With his day's wages the American can buy 21 pounds of beef, while the Englishman can purchase with his less than 10 pounds, the Frenchman less than 7, the Italian only 4, and the German less than 4. Another comparison of wages is shown by selecting the 12 largest cities in Germany and comparing the German official wage statistics of 1913 with those of December 31, 1921, the United States Tariff Commission finds an astonishing decrease in the weekly wage scale in a number of occupations. The figures, reduced to the American gold basis, are taken from the German official yearbook for 1915 giving wages in Germany for 1913, and from the publication of the General German Trade-Union Federation of March 4, 1922, showing the wages in force in December, 1921. A tabulation made from the commission's findings reads as follows:

Occupation.	Wages per week.	
	1913	1921
Bakers	$6.14	$2.52
Tailors	11.17	2.78
Brewery workers (skilled)	7.73	2.43
Brewery works (unskilled)	5.83	2.39
Painters	14.38	2.58
Stonecutters	17.41	2.56
Stonemasons	17.22	3.00
Bookbinders	6.69	2.59
Printers	7.71	2.74
Carpenters	13.00	2.59
Transportation workers	6.57	2.30

The Republican Party's system and policies of a protective tariff builds up a domestic industry and instead of increasing prices it always has a tendency to decrease them to the consumer. In protecting these industries and fostering new ones we benefit laborers, and this will greatly increase our purchasing power and the result will obviously benefit our farmers and all our people. History has evidenced and has overwhelmingly proven a low tariff or tariff for revenue only has always brought nothing but distress, ruin, and chaos to our industries and our laborers. The farmers were the chief sufferers after the war. We passed the emergency tariff bill stopping imports of all staple farm produce from abroad, thus giving them a chance to recover. We also gave $25,000,000 to the Farm Loan Board to lend to farmers on long-time loans with easy payments. We then voted a billion dollars as a revolving fund to finance foreign sales of farm products, and in this way we have put the farmers on quite as good a footing as they were before the war.

This emergency law is now taken care of in the permanent tariff bill. This tariff bill has been an enormous task, but as it is now finished we can feel that our industrial works and our agricultural activities are again on solid footing, and I have no doubt that the American people will see to it that no more panic-producing free trade will take its place for a generation to come. One of the reasons this country has been prosperous during the last half century is that the wages and living conditions of our working people have been kept far above the European standard by means of a protective tariff. Our theory is that we should have an import duty high enough to equalize the difference in the cost of production here and in the Old World.

In the early days of the Wilson administration the import rates were greatly reduced and the free list very much enlarged. Only that the World War started shortly afterwards we would have seen great disaster following that act. The war stopped importation and we became the great exporting nation of the world. When the war finally closed there were millions of idle men and women in Europe who were willing to work for any kind of wages offered. Wages here were the highest ever known. So when the flood of goods made by these cheap laborers came in direct competition with our highly paid labor the natural result followed. The American mills closed and millions of our people became idle, while those across the water became busy supplying our markets with material that should have been made here.

Without proper protection we would be transferring our prosperity abroad. That is what we Republicans are opposed to. We believe in keeping our prosperity at home and having our own people enjoy it. With this end in view we have this bill under consideration, and if passed will give adequate protection to American industries. The rates have not been made so high that it might have a tendency to foster monopolies, nor unduly increase the price to consumers. As soon as this law gets in full operation we will see business conditions settle down and a long period of prosperity will be the result.

Thousands of items have been considered in this bill. The Ways and Means Committee has met for months, giving each item consideration and taking all the evidence relative to the advisability and effect of a high or low tariff. I have appeared before that committee giving my views, as well as before the Finance Committee of the Senate, and know of the great task they have had in arriving at their conclusions. I believed then and do now that we could have derived considerable revenue from a small tariff on oil and wood pulp, and that the effect of it all would have been greatly to the benefit of the consumer. I was also disappointed about the final action in the Senate relative to ferromanganese, and still hope that something may be done to make a more equitable adjustment on this item.

The bill as a whole, I believe, is the best schedule that any Congress could prepare, and that when it is in operation that it will redound to the credit of this Congress and to the welfare and prosperity of our Nation and people. I will, therefore, support the bill.

Mr. COLE of Iowa. Mr. Speaker, after spending a year and a half on the tariff bill, much of the time wasted, our friends the enemy are trying to add a few more delays. They are enjoying it more than some on this side of the Chamber seem to be enjoying it. Yesterday they gave us dyestuffs. To-day it is sugar. To-morrow it may be wool, or butter, or what not. There are a thousand items in this comprehensive bill on each one of which they may take delight to force a vote—to make some squirm. In the silence of an elevator I overheard one Democrat say to another, "We made them run to cover over dyes; we split them wide open; let's try it with something else; its fun to see them run like scared rabbits."

I am afraid that some on this side have taken too seriously what is a mere trick in politics. On the other side they were not so much interested in cheap dyes as they were in cheap politics. They added "potash fertilizer" to double the scare, according to the gentleman from Texas [Mr. GARNER]. I guess they did double it for some.

Of course, there was a basis for the "revolt" on this side of the Chamber. I did not like what our conferees agreed to in this matter of dyes. I protested to my colleague on the committee [Mr. GREEN], but after I had heard his statement I made up my mind that there was not much at stake. What is called an embargo is not an embargo in fact. Under it we will continue to import dyes, plenty of them. The arrangement was only for one year, after which it may be terminated by the President if it has not worked well in the meantime, and in any event it comes to an end in two years.

I am willing to do something to develop the dye industry in this country. Things still look so warlike in Europe that it may be well for us to have our own dye factories and our own potential means for making war explosives. Under these conditions it might have been well to have continued the status quo in this industry. But in the attempt to get more than they should have it may be that its friends will get for it less than is needed to develop this essential industry. They are like the ambitious man who, in trying to mount his horse, landed on the other side.

For one I was not willing to protest the action of the conferees so far as to help the enemies of this bill in their game of obstruction, although I would at any time be willing to cooperate with them in any sincere effort to lower some duties which I may think are too high.

But we have to make a stand somewhere on this tariff bill, or we shall never get through with it. The final stand must always be short of perfection. From my district viewpoint it would have been easier to make a stand on dyes than on sugar, or than it would be on wool or butter, or whatever item they may bring up to force a separate record vote.

If we are protectionists in truth, then we must be protectionists in a national sense. We can not have protection for our own pet industry and deny equal protection to other industries. We of the Middle West, on the whole, have fared the best in the making of this tariff. The agricultural schedules are the highest in the history of tariff making, while the average for the other schedules are lower than those in any previous protective tariff bill. We have forced the industrial East to accept these agricultural rates, and on the whole they have accepted them willingly enough. It is well for us and also for them, for without the basic prosperity of the farm we can have no prosperity that is either permanent or general.

Denmark can sell butter in New York cheaper than Iowa can sell it in that great American market. Australia has cheaper wools than the most favored sheep belt in this country. The tidewater industries can get their corn from the Argentine for less money than they can get it from the Mississippi Valley fields. We have asked that our farm industries be protected. But if we of the midwest vote to break down the industries of the East, may not the East retaliate?

What shall it advantage us to get the coloring matter in the abbreviated gowns of our lovely flappers for a little less when it may mean that we have to sell all our butter and wool and even corn for much less? If we want to save our records on dyes, may not the eastern men want to save their records on foods? They also have constituencies they must consider.

As for the fertilizer item they added so cleverly to make us midwestern Members tremble, what shall it benefit us to get fertilizers for a little less when with them we will only produce more of things of which I sometimes think we already have too much for decent returns? Corn, for instance—why grow more corn when we have billions of bushels unsold?

But if it is fertilizers that we really want, can we not get enough of them in America? We have unlimited deposits of potash in this country, if we will only make it possible to develop them. We can make unlimited supplies as factory by-products. When we can help ourselves, why continue to be dependent on Alsace? Why not make America fertilize itself as well as feed itself?

I fear we have lost our heads about fertilizers. Real estate promoters in the vicinity of Muscle Shoals, where they have laid out a city as large as New York with Chicago added as a suburb—and they are now selling these boom town lots all over the land—have proposed to give to a millionaire who added $160,000,000 to his cash surplus last year a plant on which the taxpayers have already spent $100,000,000—and all on the indefinite promise that the said millionaire will make 45,000 tons of fixed nitrogen a year, but with the proviso that he must have his cost plus 8 per cent. Let us be thankful at least it is not so much as the historic 10 per cent of the war period of unconscionable profiteering.

I am afraid we are outdoing that certain man of the Scriptures who sold his birthright for a mess of pottage.

I am not alarmed about fertilizers—not in Iowa. We are told that 1 acre of alfalfa will fix $13 worth of nitrogen in a single season, and the alfalfa plant gets the nitrogen from the same reservoir, the air. If we will grow alfalfa, we will get not only the nitrogen but we will have the hay and the seed. If our soil will not grow this clover, soya beans will do the same thing for the land. We do not have to give away for a hundred years to come the water power that belongs to all the people for the sake of a mess of fixed nitrogen when clovers and soya beans will get the same results for us.

But I may be taking these Democratic efforts too seriously. The proponents of these recommittal separate votes are not really concerned over the articles they name. With them one article is as legitimate as another. They are just playing politics, and they will laugh at us on this side if we will sweat in fear and cowardice. They caught us on their dyestuff; I hope they will not catch us on sugar, for after that they will put wool and butter and corn up to us, and if our eastern provincialists should vote with the Democrats on these farm staples, as many of us voted with the Democrats on dyes, we shall lose all that we of the agricultural belts have gained through this tariff.

I am for protection. It is the historic American policy. It has given us 124 years of prosperity—while the opposed policy has given us 32 years of adversity—since this Nation began. I am for protection, not in spots, not to favor ourselves, but I am for it as a truly national policy. We can not use it to build up our particular section, but we must use it, if at all, to build up all alike. If prosperity is not general it is not worth having.

If we are protectionists, let us be such in fact. Let us stand together. Let us not be stampeded and scattered by every trick in the game of politics that the opposition may try to play on this floor.

Mr. BECK. Mr. Speaker, I voted against this bill when it passed the House over a year ago. My reasons for so doing were stated at the time. Its chief purpose, as I saw it, was to perpetuate the ruthless profiteering of war days under what was called the "American valuation" plan. That plan, in name, has been eliminated, though the effect of the excessive rates in this bill will still encourage thousands of manufacturers in their mad scramble for wealth and protect them in piling up huge profits at the expense of the farmers, wage earners, and consumers of manufactured articles.

It is said that the duty on farm products is higher in this bill than in any previous one. I think, perhaps, that is true. But it is not so much a question of what the duty on farm products is as it is a question of the relation of the duty on what the farmer sells to the duty on the articles he buys. If the duty on $100 worth of hogs which the farmer sells amounts to $10, and the duty on $100 worth of manufactured articles which he buys also amounts to $10, then, so far as the farmer and the manufacturer are concerned, there is no unjust discrimination. But if the duty on $100 worth of hogs is $10, and the duty on $100 worth of manufactured articles which he must buy amounts to $30, then there is an unjust discrimination against the farmer.

Let us take a hundred dollars' worth of shovels, spades, scoops, scythes, and the like; the duty under this bill amounts to $33⅓, while the actual duty on $100 worth of hogs at the price they are bringing to-day amounts to less than $5. The duty on a clock valued at $10 is $9. The duty on poultry enough to pay for that clock, at the price poultry is bringing the farmer to-day, is only $3.75.

The duty on $100 worth of bedspreads, quilts, and the like is $40, while the duty on fresh milk enough to pay for those articles at the price farmers are getting for their milk to-day, is only $10.30.

The duty on a $5 razor is $2.70, while the duty on corn enough to pay for it, at the present price, is only 90 cents.

The duty on a shotgun valued at $40 is about $28, while the duty on butter enough to pay for it, at the present price for butter, is only $8.

The duty on a pocketknife valued at $1.25 is about 75 cents, while the duty on wheat enough to pay for it is only 30 cents.

The duty on a $50 silk dress is $30, while the duty on eggs enough to pay for that dress, at the present price farmers get for eggs, is only $16.

What is true of the above articles is true of practically everything the farmer has to buy as compared with what he has to sell. He is protected only one-half to one-fifth what the manufacturer is protected on his wares. Nor is this all. The higher the price of the manufactured article, the higher the protection. To illustrate: The duty on a suit of underwear valued at $1 is about 47 cents. If the value of that suit goes to $2 the duty automatically goes to 94 cents. But the duty on a bushel of corn is 15 cents, and it makes no difference whether that corn is worth 50 cents a bushel or $10 a bushel. In other words, the higher the price of the manufactured article the higher is the protection, while the higher the price of farm products the lower the protection.

On the face of the bill it is thus apparent that the framers of this tariff measure, while claiming to favor the farmer, have actually discriminated against him and accorded vastly greater protection to the manufacturer from whom the farmer must buy. As a matter of fact, the framers of the bill have placed just sufficient duty upon the farmers' products to provide a cloak behind which excessive and extortionate duties might be levied for the enrichment of the real tariff beneficiaries, the trusts and combinations, engaged in exploiting the farmer when he sells his products and when he buys as a consumer.

There is even a more fundamental injustice in this tariff bill as it affects the farmer. The protection afforded the manufacturer counts for something because large imports of manufactured articles can be shipped from abroad into this country. Many of the articles upon which this bill gives protection to the farmer, on the other hand, are not imported to any extent, and the protection given in the bill does not benefit the farmer at all.

This tariff bill is thus nothing more nor less than a gold brick for the farmer. It levies excessive rates on manufactured articles which will greatly increase the prices the farmer must pay, and in exchange it gives the farmer a mess of pottage—and a very meager mess of it, at that—in the form of much lower duties, many of which are of no real benefit because levied on articles which the farmer himself exports and which are not generally imported into this country.

This is the transparent scheme which big business has concocted in an effort to fool the farmer and to grease the ways for a tariff bill which it is estimated will tax the American people $3,000,000,000 a year in increased living costs.

Again, manufacturers usually control their own markets and their own prices. The steel trust controls its markets; the oil trust controls its market; also the woolen trust, the leather trust, the packing trust, the tanning trust, and every other trust. Not only this, but they likewise control the price of the raw material that goes into the manufactured article. They say what they shall receive for the finished product and they say what they will pay the farmer for the raw material. This puts the farmer to a still further disadvantage in his struggle for existence. When his hogs, his cattle, his eggs, his butter, his milk, and his cheese are ready to sell he has to sell them. He can not hold them for another year even for another month. He has to sell them whenever they are ready to sell. Some of these products are consumed in the localities where they are produced, but most of them go to the packers who have facilities for hoarding them all, and they do hoard them. They hoard them to such an extent that they do not have to buy any live stock or dairy products of the farmers to-day, or to-morrow, next week, or next year if they do not want to. They have enough on hand to supply the trade for that length of time. But the farmer has to sell them when ready. Having to sell them when they are ready, and the packer not having to buy unless he wants to, means that the packer fixes the price at whatever he pleases and the farmer must accept it, and this bill absolutely underwrites this situation. It perpetuates the profiteering practiced in war times, and the only limit to prices consumers will have to pay is their ability to pay. That is what happened during the war and it is what will happen under this bill.

But it is said, "The President has power to raise and lower the duties in a way that will compel fair and equable prices." That will be all right when we have a President who is in sympathy with the great mass of people, with the farmers and wage earners, with the consumers; a President who knows their problems, their struggles, their lives. But when we have a President whose sympathies are not with these but with the business interests of the country, knows nothing of the struggles of the great mass of people, one who feels that a prosperous government depends upon the prosperity of big business instead of upon the prosperity of all the people and particularly those who produce the wealth, then the power to fix duty or prices is all wrong. Every time the Food Administration fixed the price of a manufactured article during the war the price was increased above the market price. Every time he fixed the price of an agricultural product, it was fixed below the market price. I do not believe in that kind of price fixing. I believe in giving the farmer the same control over the price of the articles he produces that the manufacturer exercises over what he produces. But this bill gives big business concerns the absolute power to fix prices on what they buy as well as on those they sell.

It is argued that this bill will enable manufacturers to pay good wages to their employees. But the trouble with that argument is, and always has been, that the most highly protected industries have always paid the lowest wages. It will be remembered that the railroads asked permission—and this Congress granted it—to raise their rates 35 per cent to 40 per cent two years ago last March, so they could pay their men a fair wage. But they no sooner got their rates increased than they began to cut wages. So I do not believe there is very much to the argument that this bill will afford good wages. The desire for profits and still greater profits will be just as strong under this bill as any other, and big profits will mean low wages, wages that will be just as low as they can be forced. Besides, what does it profit a wage earner to get high wages and have it all taken from him by the price he must pay for the bare necessities of life? He received high wages during the war and yet those wages only purchased about 85 per cent as much of the necessities of life as the low wages he received before the war.

Again, the Senate placed a duty of 7 cents a pound on coconut oil shipped into this country and used in food products. That duty was calculated to save the dairy interests of the United States from the fate handed to it by the filled cheese industry 40 years ago. And yet when this bill was sent to conference the House conferees succeeded in having that provision of the bill stricken out in order to save the food adulterators of the United States at the expense of the farmers and consumers. These are a few of the things that are handed to the wealth producers and consumers of this country in this bill.

The rates in this bill are indefensible. Foreign countries owe the United States about $11,000,000,000. That debt can not be paid in gold, because those countries have not the gold with which to pay. That debt must be paid chiefly in manufactured products. But the duties in this bill are so high as to practically prohibit the importation of foreign manufactured articles. Everybody knows that. The framers of this bill know it. Those that are backing it know it, and that is just what is desired. The next move will be to bring pressure to bear upon this Congress to cancel that foreign debt. The United States Chamber of Commerce has been advocating just that thing. After this bill becomes a law this institution will come before Congress and point out that these foreign countries can not pay their debts, and will advocate their cancellation. Then their members will proceed to make billions out of the people of this and other countries, and when our United States Treasury needs money we will levy upon the backs of the people, just as we did when we gave the railroads nearly a billion and a half dollars, just as we did when we gave Liberia, with a population of less than 20 civilized people, $5,000,000, just as we will do to make up for the $400,000,000 in taxes we took off the shoulders of the rich, just as we will do so long as we permit the war grafters to reach over into the United States Treasury and take what they want as long as there is a penny in sight.

Nor is this all. Over a year ago the dye embargo contained in this bill as originally presented to this House was defeated by this House. The bill went over to the Senate and the embargo was again defeated. The bill was sent to conference, and the conferees exceeded their authority, put the embargo into the bill again, and it was again defeated. Then the conferees went back into conference and, for all practical purposes, placed an embargo on dye by raising the duty, and they have given the President power to place an absolute embargo on dyes, a power no man should have.

I am a Republican. I believe in Republicanism as laid down by Lincoln. I believe in a tariff that will measure the difference in cost of production at home and abroad; that will measure the difference in wages at home and abroad. I believe in a tariff that will foster and build up infant industries. But the Steel Trust is no longer an infant; the Meat Trust is no longer an infant; neither is the Shoe Trust, the Leather Trust, and many other trusts. Whenever any of these combinations of wealth get so large as to make their brags, as some of them do, that they are "bigger than the Government," then I believe it is about time that the Government, the people, give them to understand they no longer need the protecting arm of Uncle Sam to bolster them up.

Another thing I desire to call attention to. During the last two years farm values have been deflated, forced down, $18,000,000,000. During this last spring, in my district alone, the acreage of farm lands advertised for sale to pay taxes exceeded those of former years by 200,000 acres, and the number of city and village properties so advertised exceeded those of former years by 33 per cent. This does not take into account the mortgage foreclosures and small business failures in agricultural communities reaching into the thousands upon thousands. But during the last year, and while these sales for taxes and business failures continue, those combinations of wealth most highly protected under this bill made in profits off the producers of wealth in this country $8,000,000,000. These, together with other objectionable features in this bill which I will not take the time to enumerate, force me to vote against it.

Mr. GRAHAM of Illinois. The Fordney Tariff Act just enacted is the most favorable tariff law to the agricultural interests of the country ever passed by Congress. This statement is made without reservation and is substantiated by an analysis of the bill and a comparison of its provisions with the provisions of former tariff acts.

In order that this may more readily appear I have prepared a brief comparison of the rates fixed by the various tariff laws since 1909 covering the principal products of the farms of the United States, which follows. In preparing this table I have confined myself for purposes of comparison to articles mentioned in the emergency tariff law of 1921:

	Republican—Payne-Aldrich, 1909.	Democratic—Underwood, 1913.	Republican—Emergency, 1921.	Republican—Fordney, 1922.
Cattle	$2 per head to 27½ per cent	Free	30 per cent	1½ to 2 cents per pound.
Fresh meats	1½ cents per pound	Free	2 cents per pound	¾ cent to 4 cents per pound.
Prepared meats	25 per cent	Free	25 per cent	2 cents per pound to 20 per cent.
Sheep	75 cents to $1.50 per head	Free	$1 to $2 per head	$2 per head.
Potatoes	25 cents per bushel	Free	25 cents per bushel	50 cents per 100 pounds.
Corn	15 cents per bushel	Free	15 cents per bushel	15 cents per bushel.
Wheat flour, etc	25 per cent	Free	20 per cent	78 cents per 100 pounds.
Wheat	25 cents per bushel	Free	35 cents per bushel	30 cents per bushel.
Cotton, having staple of 1⅜ inches or more in length.	Free	Free	7 cents per pound	Free.
Wool:				
Unwashed	11 cents per pound	Free	15 cents per pound	12 cents per pound.
Washed	22 cents per pound	Free	30 cents per pound	18 cents per pound.
Scoured	33 cents per pound	Free	45 cents per pound	24 cents per pound.
Wool, advanced	33 to 44 cents per pound and 50 per cent to 55 per cent.	Free	45 cents per pound in addition to present rates.	33 cents per pound and 20 per cent.
Fresh milk	2 cents per gallon	Free	2 cents per gallon	2½ cents per gallon.
Cream	5 cents per gallon	Free	5 cents per gallon	20 cents per gallon.
Preserved milk	2 cents per pound	Free	2 cents per pound	1 to 1⅜ cents per pound.
Olives	15 to 25 cents per gallon	Free	25 cents per gallon to 3 cents per pound	20 cents per gallon to 4 cents per pound.
Rye	10 cents per bushel	Free	(1)	15 cents per bushel.
Eggs	5 cents per dozen	Free	(1)	8 cents per dozen.
Lemons	1½ cents per pound	18 cents per package to ½ cent per pound.	2 cents per pound	2 cents per pound.
Rice:				
Cleaned	2 cents per pound	1 cent per pound	1 to 2 cents per pound	Do.
Uncleaned	1¼ cents per pound	⅝ cent per pound	1¾ cents per pound	1¼ cents per pound.
Rice flour, etc	¼ cent per pound	½ cent per pound	½ cent per pound	½ cent per pound.
Paddy	¾ cent per pound	⅜ cent per pound	¾ cent per pound	1 cent per pound.
Onions	40 cents per bushel	20 cents per bushel	40 cents per bushel	Do.
Peanuts	½ to 1 cent per pound	⅜ to ¾ cent per pound	3 cents per pound	3 to 4 cents per pound.
Beans	45 cents per bushel	25 cents per bushel	2 cents per pound	½ cent to 2 cents per pound.
Flaxseed	25 cents per bushel	20 cents per bushel	30 cents per bushel	40 cents per bushel.
Sugars	Not above 75°, $\frac{95}{100}$ cent per pound; above 75° up to $1.90 per pound.	Not above 75°, $\frac{71}{100}$ cent per pound; for each additional degree, $\frac{26}{1000}$ cent per pound.	Not above 75°, $1\frac{16}{100}$ cents per pound; for each additional degree, $\frac{4}{100}$ cent per pound.	Not above 75°, $1\frac{24}{100}$ cents per pound; for each additional degree, $\frac{46}{1000}$ cent per pound.
Molasses	Not above 40°, 20 per cent; between 40° and 56°, 3 cents per gallon; 56° and above, 6 cents per gallon.	Not above 40°, 15 per cent; between 40° and 56°, 2¼ cents per gallon; 56° and above, 4½ cents per gallon.	Not above 40°, 24 per cent; between 40° and 56°, 3½ cents per gallon: 56° and above, 7 cents per gallon.	Not above 48°, $\frac{25}{100}$ cent per gallon; for each degree above 48°, $\frac{275}{1000}$ cent per gallon.
Molasses—not for human consumption.	do	do	do	⅛ cent per gallon.
Butter and substitutes	6 cents per pound	2½ cents per pound	6 cents per pound	8 cents per pound.
Cheese and substitutes	6 cents per pound	20 per cent	23 per cent	5 cents per pound and not less than 25 per cent.
Apples	25 cents per bushel	10 cents per bushel	30 cents per bushel	25 cents per bushel.
Cherries	25 cents per bushel	10 cents per bushel	3 cents per pound	2 cents per pound.

[1] Not covered by act.

	Republican—Payne-Aldrich, 1909.	Democratic—Underwood, 1913.	Republican—Emergency, 1921.	Republican—Fordney, 1922.
Oats	15 cents per bushel	6 cents per bushel	(1)	15 cents per bushel.
Barley	30 cents per bushel	15 cents per bushel	(1)	20 cents per bushel.
Oils:				
Peanut	Free	6 cents per gallon	26 cents per gallon	4 cents per pound.
Cottonseed	do	Free	20 cents per gallon	3 cents per pound.
Coconut	Free; refined, 3½ cents per pound	do	do	2 cents per pound.
Soya bean	Free	do	do	2¼ cents per pound.
Olive	40 to 50 cents per gallon	20 to 30 cents per gallon	40 to 50 cents per gallon	6½ to 7½ cents per pound.

[1] Not covered by act.

In the above table the following weights constitute a bushel: Beans, 60 pounds; flaxseed, 56 pounds; potatoes, 60 pounds; corn, 56 pounds; wheat, 60 pounds; barley, 48 pounds; apples, 50 pounds; cherries, 50 pounds; rye, 56 pounds; oats, 32 pounds; and onions, 57 pounds.

A glance at this table calls to our minds several significant facts. The first impression is the absolute failure of the Democratic Underwood Tariff Act, just repealed, to protect anything that the farmer raises, a condition which, after the close of the World War, would have produced the worst disaster to the farmers of the country possible had it not been for the temporary help afforded by the Republican emergency tariff act of 1921. Farm animals on the hoof, potatoes, wheat, unwashed wool, fresh milk, cream, olives, rye, lemons, rice of all kinds, onions, peanuts, beans, flaxseed, sugars, molasses, butter, eggs, cheese, and vegetable oils are given higher protective rates than in the last Republican Payne-Aldrich or any preceeding tariff act, while corn and oats have the same rates as the Payne Act, and barley has a slight reduction.

On the other hand, it is at once noted that there are reductions in the duties on prepared meats, wheat flour, washed and scoured wools, and preserved milk. Or, in other words, while the farmer is given additional protection on his raw materials he is given the benefit of a considerable reduction in the tariff on the manufactured article.

Other schedules in the act further emphasize this. For example:

The average duty on earthenware products is the lowest ever written into a Republican tariff law.

The duties on steel and iron products and metallic substances are the lowest in Republican tariff legislation.

Lumber of all kinds is on the free list.

The duty on linen goods is the lowest in Republican history.

While the duty on the farmer's product, unwashed wool, is higher, the duty on scoured wool, the basis of all wool clothing, and the rates on all sorts of woolen goods, are much less than in any preceding Republican tariff.

All leather, harness, shoes, and all leather goods are on the free list.

The duties on cotton manufactured goods are less than in any preceding Republican tariff act in this generation.

The tariff on blackstrap molasses for stock feed is reduced for the first time in history to a nominal amount.

It will be thus seen that while the farmer gets more protection for his products, if there is any advantage to be had from lessened tariffs in manufactured products which he must buy, he gets it.

The Fordney Tariff Act of 1922 is the best tariff act ever written, so far as the American farmer is concerned.

Mr. HARDY of Texas. Mr. Speaker, I avail myself of the privilege accorded during the debate on the tariff bill conference report to extend my remarks by inserting in the RECORD, now, a speech made by me when that bill was debated in the House in July, 1921. This speech was reserved by me at that time for revision, and was overlooked. I have waited a long time to put it in the RECORD, but during that time very little in the way of legislation has taken place. The party in power have taken over a year to get the bill back into the House. The country has waited patiently for them to do something, but they have done nothing, and so I put my old speech in the RECORD. It fits the times and conditions now no less than it did when uttered.

The speech follows:

Mr. HARDY of Texas. Mr. Chairman, I happened to be in the room when the remarks were being made by the gentleman from Ohio to the effect that Germany was now flooding the United States with her cheap goods; that Germany was not only flooding the United States but practically flooding the world with her goods, cheapened by bounties, cheapened by special favors, by Government support to such an extent that we could not compete with her at all and probably nobody else could compete with her unless through an exorbitantly high tariff. I could not help wondering where debt-ridden Germany, with her immense indemnity to pay, got the money to pay such bounties and grant such favors. But if that argument is true and if we must protect our industries against such a competitor as Germany by rates sufficiently high to protect them, then we must absolutely exclude all the balance of the world from our commerce, since a tariff high enough to exclude Germany must necessarily exclude the products of all other countries. That is perfectly plain. But, gentlemen, I want to try in my brief time—of course, I can not discuss its details; I could not discuss its details, anyhow, because I am not on the committee and have not familiarized myself with the technical points—but I want to try to discuss some of the great issues involved in this bill upon which the welfare of the world to-day depends. It was a world calamity that the Democratic Party was defeated in 1918, thereby blocking the chance of effective and reconstructive legislation. The one sole opportunity in the great world of adopting a league between the great nations to insure peace was lost, and to-day we stand as a shattered and dismembered society of nations without guidance or leadership in any way toward the upbuilding and uplift of humanity. After defeating the ratification of the Versailles treaty in 1918, the Republican Party came in power in the legislative branch of the Government and locked the wheels of reconstruction. There was only one measure passed by this great so-called party of construction and reconstruction during the whole of the Sixty-sixth Congress—the Esch railroad bill. What of it? I am frank to say it is the biggest measure yet passed by the Republican Party. But whether it be for ill or for good, let those who know it and who have watched its operation and who begin to appreciate the fact that it will reach into the Treasury of the United States and draw out before its operation is ended over a billion of dollars of the hard-earned tax money of the American people, let them say.

What else has been done by this constructive party, even up to this good day? They have passed the emergency farmers' agricultural tariff bill, and its best friend can only say it has done no harm. Then they have passed the peace resolution and appropriation measures. These constitute the record of the construction and reconstruction measures of the party in power up to date. When they passed the peace resolution, the way they talked about it you would think that all the world hung in suspense awaiting its final adoption as a great beneficent policy of a great party. But since then, even a paper so friendly toward the administration and the Republican Party as the Washington Star no longer ago than yesterday said that it would not, even if it were dropped in the ocean, make a splash. That is about the truth. But, Mr. Chairman, I wish to discuss this measure, if I may, from the standpoint of the present condition of the world. Our Republican friends do not seem to realize that the condition of the world is new so far as America is concerned, that while the tariff question may have been a local one or a national one for ourselves and our own concerns heretofore, it has become and is now an international one, to be weighed by us on its effect upon other nations as well as our own, and that the whole world is affected by the policies of the different nations with regard to trade between each other. We were told by the chairman of the committee in his opening address that all the nations were guarding themselves against competition with each other by high tariff walls. He stated that England was imposing a rate of tariff higher on the average than we were. I question the accuracy of that statement, if I understood it correctly. He said that France, that Germany, and that Japan had a rate of tariff duties higher than ours. The excuse in this country for high tariff duties is that it is necessary in order to protect our high living standard against the pauper labor of those countries. What is the excuse for imposing a high tariff in Japan? [Applause on the Democratic side.] To protect her against the pauper labor of America? No; but they find some excuse. You will always find the beneficiary of a special favor giving some excuse by which he can hold on to the favor. Let me show you that the

Republican Party by proceeding to adopt this tariff now is not carrying out its own ideas. When the greater men of its party framed its platform they said at Chicago:

> The uncertain and unsettled condition of international balances, the abnormal economic and trade situation of the world, and the impossibility of forecasting accurately even the near future preclude the formulation of a definite program to meet conditions a year hence. * * *

The world condition has not improved. America has done nothing to improve it. Even in that convention they realized the turmoil of the world and the impossibility of imposing a high tariff which would not run amuck. Now, gentlemen, let me ask you to contemplate the impossibility of passing a tariff which will protect this country against all imports or even against a great quantity of imports under the conditions that exist without absolutely prohibiting all imports. I will take the illustration given by the chairman of the committee. He said upon a given quantity of identical goods imported into the port of New York the cost, if made in Canada, would be $1,000; the cost, if made in Germany, would be $800; and the cost, if made in Japan, would be $500. Now, I want to ask, are you going to put a tariff rate up high enough to protect us against that $500 product of Japanese industry? If it protects us and puts us on only an equal footing with Japan and gives us an opportunity to compete with Japan in the markets of the United States, does it not absolutely exclude the German goods that cost $300 more, and does it not exclude the Canadian goods that cost twice as much? If all that the gentleman from Michigan says is true, there is no salvation for the American manufacturer except in closing our ports to foreign trade, and then you leave no market for our surplus agricultural products. Gentlemen, when you get your theory to working, what are you going to do? Are you going to impose a tariff wall high enough to protect the American manufacturer from the very lowest cost basis of any of his competitors, and then whatever market you give in America give it only to the most pauper-stricken part of the world? May we trade just a little with Japan but with no other nation?

That is not all. We have different manufacturers of goods in this country producing the same goods at different cost prices. Here is a factory well operated; here is one efficiently conducted, that has small overhead charges, with costs reduced to a minimum, manufacturing a class of goods at a minimum American cost. Here is another factory making the same goods and struggling hard for its existence, that has 10 per cent higher cost in production than the other factory. What are you going to do?

Are you going to adjust your tariff so as to equalize the difference in the cost of production between the most costly manufacturer in the United States and the most economical manufacturer abroad? If so, then in the illustration given by the chairman of the committee you would have to adjust your tariff wall high enough to protect the highest cost manufacturer in America against the cheapest of Japanese product. That policy would permit our high-cost manufacturer to compete with Japan, but it would greatly enrich the better-managed industries.

They say that the standard by which they will measure the height of their wall of protection is the difference in cost of production in America and abroad, and that that is to be ascertained by finding the difference in wages in America and abroad. The cost of the labor, I presume they would admit, that enters into a given unit of manufacture, and not daily wage of the laborer, is the fact to be found, and yet they are always illustrating by the daily wage of Japan without telling the people that ours is a great land of machinery, that this is a great land of mechanism and of efficiency, and that over there they work by hand. They built the Suez Canal with pauper labor at a few cents per day, while we built a greater canal, with great machinery of modern invention, and did the work many times cheaper per unit of construction than they did the Suez Canal work. Why, I saw a great steamship in Japan take on her coal by hand, carrying it up ladders in baskets. That is not all. Let us face the conditions that exist to-day. A new world is here. America is in a position she never was in before. Prior to August 1, 1914, we were the great debtor Nation, the greatest debtor Nation on the earth. And for 20 years prior to that time every year had given us a balance of trade in products in our favor running from $500,000,000 to $800,000,000 a year. What did we do with it? I will tell you what we did with it. At that time we owed to peoples outside of the United States, in the bonds of cities, in the bonds of our corporations, in the private loans of individuals, to the European holders of great municipal, State, and other obligations about $8,000,000,000, and every year we had to pay the interest on that indebtedness. How did we pay it? By the balance of trade in our favor.

Every year we had thousands of tourists that went over to the Old World and scattered the money of the rich of America like water on the Sahara Desert in European countries. Some two or three hundred million dollars was spent that way, as has been estimated. How did we pay it? By the balance of trade in our favor; by the products of America going abroad over and above the products of the world that came here. In addition to that we had thousands, if not millions, of immigrants fresh from the Old World, who every day were sending back little pittances from their earnings to their home people. Hundreds of millions of dollars went that way. How did we pay it? We paid it by a balance of trade in the favor of America. What else? Why, the peoples of Scotland, the thrifty old Scottish hoarders, gathering the accumulation from their thrift for centuries, sent their money over here and invested it in various corporations and enterprises in the United States, as well as loaning it to the farmers and home builders of the United States. The foreign owners of property and corporation stock in the United States received the rental and profits of their business and property here and sent it abroad or reinvested it here, thereby increasing our obligations. How did we meet all these drafts upon us as a country? Why surely by the balance of trade in our favor. I tried to figure it out. We had to send across the waters in the neighborhood of a billion of dollars every year, and we sent it either in cash through our tourists or through the immigrant remittances, or we sent it in goods that made up the balance of trade in favor of America. Does not this balance of trade in our favor show that for all these years we have produced more than we consumed at home? Will we not continue to do so? I think we will.

WHAT WILL WE DO WITH OUR SURPLUS PRODUCTS?

This question and this answer at first seem to give strength to the protective theory by showing that we produce more than we consume, and therefore the necessity for stimulating exports and at the same time limiting imports. If disposing of our surplus was nothing more than transporting it to waiting markets of the world and selling it there without a competitor, that would be true; we would simply sell our goods, buy a few things which we could not raise or produce here, and collect the balance in cash after crediting our account with the price we paid for the few things bought, and bring that cash home. But our goods meet with competition in those foreign markets, and we find them in lack of cash, of which we already have the lion's share, and they are unwilling to go further in debt to us for goods even if we were anxious to credit them.

How, then, must we meet the situation? Surely not by crippling the trade of our customers. Surely not by destroying the prosperity of our customers. Surely not by simply and only increasing their debt to us without prospect of ultimately receiving from them at least the interest on their debts in something other than increasing—ever increasing—debits. I think it can be shown that all creditor nations have found it necessary in some way sooner or later to import more, in goods of some kind, than they export. I do not believe we can become any permanent exception to that rule. I do not believe it would be healthy for us if we could, because we would so increase the obligations of the world to us that in the end we would simply own all the industries of the world or levy tribute on all the world while excluding the products of the world from our markets. Will the world stand for this? Can it stand for it? Will not international repudiation, based on impossibility of payment, raise its ugly head? Meantime, while impoverishing other countries, by maintaining our favorable balance of trade, if we can, what happens here in America? Our manufacturers, who are organized so they can sell their surplus cheaper abroad than they sell the same products at home, will find it harder and harder and harder to compete abroad with goods produced here, especially after paying the high retaliation duties imposed by other countries, and will find it necessary first to grind labor here to the very limit of endurance, and will find even then that labor can not exist here and pay the high price demanded by capital for its products sold here without being paid a higher wage in money than foreign labor receives. Strikes, lockouts, and strife between labor and capital will add confusion to our industrial life, and capital, or money, which flows freely between nations will begin to go over our border line and build its plants abroad in order to escape the import duties and employ the cheap labor of foreign countries. For half a century capital fought home labor by importing cheap foreign labor, filling to overflowing the manufacturing centers of the country with cheaper foreign laborers. That recourse has been partly blocked by stringent immigration laws forced upon Congress by union labor. What shall now prevent capital going abroad and in the foreign countries employing cheap labor in competition with

American labor, at least in the manufacture of goods to be sold outside of the United States? Already Canada has grown tired of our dumping our surplus manufactures into her trade and has adopted high tariffs and stringent antidumping laws, with what result? American capital is heavily investing in manufacturing plants in Canada, as shown in this article from the New York World:

[Special to the World.]

TORONTO, September 3.—The American industrial invasion of Canada continues unchecked. In addition to the 700 Canadian branches of American industries, already established, most of which have come into being during the last 10 or 12 years, there are said to be at the present moment not less than 200 other American factories seeking Canadian locations.

While these numbers represent only a fraction of the total of Canadian industries, their importance is greater than is indicated by the numbers because in no case is the American factory any little 2 by 4 experimental concern. Often it is the most important plant in its line. It is characteristic of the American manufacturer entering Canada that he is prepared to do business on a big scale from the outset. He finds conditions much the same as at home, and he generally has ample capital. In this he differs radically from many Canadian and British competitors, the former of whom are sometimes handicapped by lack of capital or experience, and the latter by distance from home and by caution.

According to one estimate there is now an American investment in Canadian industry of not less than $200,000,000. Several individual plants represent with equipment investments in excess of $3,000,000 each. Almost invariably they are modern and up to date with labor-saving devices everywhere and efficiency written all over them.

MADE AS CANADIAN AS POSSIBLE.

What the ultimate commercial and even political effect of this invasion is going to be is a matter for speculation. In most cases the Canadian branch professes to be a purely Canadian concern. Often it incorporates the word Canadian in its firm name, generally to advantage, particularly if its competitor is not so wise. Or take the case of the makers of a famous brand of American candies named after a national heroine. When this firm came to Canada they sensed that a reminder of revolutionary days would not be appropriate, and they therefore sought a Canadian heroine, finding a euphonious name of valiant and romantic memory in the records of the War of 1812. That the original brought disaster to American troops in those days did not prevent this American firm of a later century from using her name and features as a trade-mark for the Canadian end of their business which duplicates in methods and extent their American organization.

In some cases some Canadian capital is included in the business, and the employees are largely Canadian, though many of the heads of departments and expert technicians are undoubtedly imported.

But when all this had been said the fact remains that the ownership and control remain essentially American. If there are profits, as there generally are, they go to American shareholders just as absolutely as do the profits on American manufactures that are made at home and imported for sale into Canada. It is a species of absentee landlordism on a large scale.

BRED BY TARIFF AND EXCHANGE.

So far Canadian manufacturers have professed to welcome this movement which is of course a direct result of the Canadian protective tariff, aided materially in recent years by the high adverse exchange rate. According to their view, if Canadians buy goods made in America it has a tendency to make Canada a political adjunct, but if they buy American goods made in Canada it is all right. Nevertheless the situation that is growing up is unique among nations.

American industries come to Canada primarily to serve the Canadian market with "Made in Canada" goods, catering effectively to local tastes and methods. But Canada's 9,000,000 population does not begin to account for the total volume of the movement. Many American factories expect that shortly there will be a preferential arrangement within the British Empire which will give a plant located in Canada a tremendous advantage over one located in the United States.

* * * * * *

The majority of the American branch factories in Canada are located in Ontario where there is abundant and cheap electric power, competent though not low priced labor, and living conditions which in many respects are not surpassed on the continent. The border cities along the Detroit River are studded with American factories, including such well-known names as Ford and Studebaker and allied industries. Toronto has 200 American plants, many of them household names throughout America. Hamilton has the International Harvester Co., Canadian Westinghouse, and many others. London, Woodstock, Guelph, Kitchener, Brantford, and many smaller towns all have their quota.

Quebec Province has fewer industries, but many of them are important. A number of cities are now almost entirely dependent for their prosperity on their American plants. At St. John's, Quebec, for example, the Singer Co. has a plant covering 50 acres, and across the way a collar factory from Troy, N. Y., supplies its Canadian patrons. Drummondville, St. Hyacinthe, Sherbrooke, and of course Montreal, all have large American industries. Quebec Province offers the special advantage of contented and generally abundant labor.

This is the way capital cares for American labor. It does not care what country is hurt or helped, provided only it draws its dividends. American capital not only sends its American dollars but American machinery and American skilled labor abroad. You will find American money, American machinery, and American skilled labor to-day in every country with which we trade; and you will find them in all these countries in greater and greater proportion as time goes on. Canada, Mexico, Central and South America, and the Far East give ample evidence of the truth of what I am saying. The tax bill just passed by the House encourages our capital going abroad by exempting it and the income derived from it from domestic taxation. These foreign investments of American money look to us for protection but pay us no taxes.

What, then, shall we do about it? Shall we carry our industries to foreign lands, exempting them from taxes here, to encourage their going abroad, or shall we keep them here and supply those lands largely with goods made here? Shall we remain the greatest importing and exporting Nation, and therefore the strongest and most prosperous, in the world, or shall we by shortsighted selfishness and subservience to special interests become isolated, an Ishmaelite among the nations? I believe that the utmost liberality in our tariff toward other nations will be for our highest good. Under that policy no tariff would be levied above the rate that would produce the greatest revenue, and that would be the rate at which the foreign producer could compete with profit against a home producer and against whom the home producer must exercise skill and economy to keep from being beaten. Such a policy would make our manufacturer sell his goods to our home consumer at approximately the same price at which he sells the same goods in foreign lands; would not unjustly burden any class of our people for the benefit of another, but would let all live and prosper. Such a policy is the enlightened policy, but under it, horror of horrors, the ordinary American woman might frequently wear calico or stockings made in England or Germany and just as frequently the English or German woman might wear calico or stockings made in the United States. Our cotton mills can compete with foreign mills just as surely as our steel mills can, and for much the same reasons. The steel and iron producers have been the most insistent of tariff advocates for their product, and yet in 1899 Charles M. Schwab wrote these words:

> "I know positively that England can not produce pig iron at actual cost for less than $11.50 per ton, even allowing no profit on raw materials, and can not put pig iron into a rail with their most efficient works for less than $7.50 per ton. This would make rails at net cost to them of $19. We can sell at this price and ship abroad so as to net us $16 at works for foreign business, nearly as good as home business has been. What is true of rails is equally true of other steel products. As a result of this, we are going to control the steel business of the world.
>
> "You know we can make rails for less than $12 per ton, leaving a nice margin on foreign business. Besides this, foreign costs are going to increase year by year, because they have not the raw materials, while ours are going to decrease. The result of all this is that we will be able to sell our surplus abroad, run our works full all the time, and get the best practice and costs in this way."

The trouble with Mr. Schwab and all other tariff beneficiaries is they do not want to live and let live; they want the American people as a whole to bear them on their backs and make for them such fortunes as only avarice asks for.

Now, to prove how surely right Mr. Schwab was in both his estimates and his forecast we need only to look at the balance sheet of the United States Steel Corporation. That tells the story, and tells it all, because the detailed and most admirable annual reports of the Steel Corporation give us the exact number of their employees and the total amount of all the wages and salaries paid to them, thus clearly indicating the total labor cost of their entire product, and they also give us the net earnings of the corporation, from which all interest on invested capital, all interest on bonds, and all dividends on both preferred and common stock must be paid. The following figures are therefore taken directly from these annual reports, and they can be quickly verified by reference to those official documents, namely:

UNITED STATES STEEL CORPORATION.

Comparison between pay rolls and net earnings, calendar years 1902 to 1915, inclusive:

Year.	Employees.	Payrolls.[1]	Total net earnings.[2]
1902	168,127	$120,528,343	$133,308,764
1903	167,709	120,763,896	109,171,152
1904	147,343	99,778,276	73,176,522
1905	180,158	128,052,955	119,787,658
1906	202,457	147,765,540	156,624,275
1907	210,180	160,825,822	160,964,674
1908	165,211	120,510,829	91,847,711
1909	195,500	151,663,394	131,491,414
1910	218,435	174,955,139	141,054,755
1911	196,888	161,419,031	104,305,466
1912	221,025	189,351,602	108,174,673
1913	228,906	207,206,176	137,181,345
1914	179,353	162,379,907	71,663,615
1915	191,126	176,800,864	130,396,012
Total		2,122,001,774	1,669,148,034

[1] Including all salaries and wages.

[2] After deducting interest on bonds and fixed charges of subsidiary companies.

While men like Mr. Schwab always ask for protection to protect labor, you see that while the nearly 200,000 employees of the Steel Trust had to live out of what they received and most of them had nothing left the net profits of the Steel

Trust was nearly equal to the gross amount of the wages received by all these employees during these 14 years, and it must not be forgotten that these laborers were mostly foreigners and worked 12 hours per day seven days in the week. When the war came on, while increasing the wages of their employees as much as they were compelled to, these patriotic, liberty-loving folks—the Steel Corporation—quadrupled its net income out of the war necessities of the world. The Steel Corporation is typical. What it did was done by every other big manufacturing plant in the United States. They say that a part of their prosperity trickles down upon the people and makes us all prosperous. Happy thought!

There seems to be a paradox involved in almost any view that can be taken of our international trade if we admit two facts which seem absolutely true. First, that America produces a great surplus of nearly all commodities of common consumption; and, second, that Europe owes us $10,000,000,000, the interest on which she must somehow pay us. The first statement seems to demand that we export more than we import; the second that we import more than we export. What is the solution? It is very sure that tariff restrictions on the part of European countries and America calculated to exclude each other's products will give no solution, but would aggravate the situation. It is very certain that if we exclude their products they can not take ours, even if they pass no restrictive laws; and it seems to me equally certain that in that case they can not pay us what they owe us in cash and will not try to pay us in any other way. They will of necessity trade among themselves, and if they are wise, by liberal trade laws inter se, make more progress than we, shut within our own borders. They will import our capital, our machinery, our inventions, our business methods, through our own capitalists, but nothing else.

Germany will not import our steel rails or our locomotives, but the United States Steel Corporation will simply organize a branch, or possibly its biggest steel plant, somewhere in Germany. If we want to see our greatest manufacturing plants stand still or shrink and our international trade in manufactures leave us, prohibitory tariff is the means to that end. If we stop trade with Europe, Japan, and China can we retain our trade with South and Central America? Certainly not, if we can not compete with Europe in supplying their needs. What, then, is the solution of our paradox? I may be blind; but I believe we want to keep the greater part of our capital and productive enterprise here in America and make America the distributing center for the products of American capital, skill, and labor. That we would rather see American-made products go all over the world than see American producers go all over the world. We have reached the parting of the ways and must choose between these two plans. If we choose the first we will have here the biggest organized industrial plants in the world, and these will grow and prosper as the whole world grows and prospers. Have I made myself clear? With prohibitory tariff we send our capital and industry abroad. With competitive tariff we send our products abroad and receive foreign products, and acquire foreign property in payment. In that case it may be, I think will surely be, that for many years America will have more and more owing to her; but even twice $10,000,000,000 is not an overwhelming debt for the whole world to owe us provided it is owed by the peoples and not by their governments. If government debts can be converted into industrial obligations, then the situation becomes similar to that which existed here before the war, when every community in America was a debtor to some loan company in Europe. We found it no harder to pay 5 per cent interest to a British or Scottish or German loan company than it was to pay the same or higher interest to an American loan company. Individual borrowers sought only the cheapest money. It may well be that the interest rate here, when we must become the great money and lending center, will be lower than in Europe. It ought to be. I do not believe we must necessarily continue indefinitely increasing the debt of the world to us, but we must do so, if we are wise, for a long, long time. Europe is to be rebuilt. It will take capital.

Somebody is going to trade with China; that is, exchange goods with China. England has traded profitably for centuries with East India. The trade with China, like that with India, is a field for the enterprise and investment of American capital. It ought to contribute to American expansion of trade. It will not if we exclude its products. European and Asiatic Russia is the new world of to-day. It awaits development. Much of Asia will call for the pioneer spirit that opened the wilds of North America. These pioneers will be financed from somewhere. While building up the new world they must borrow, as we have been doing for centuries. Now, we or somebody must lend, and they must pay interest, and pay it in products. We talk of a consortium to finance China. I have not much hope in that, but furnishing capital and skill to develop its resources through investment is different. South America, Central America, Africa, Europe, Asia, all call for our skill and capital in their building and their rebuilding and development. We are clamoring for the open door in all these countries, and yet the tariff bill adopted by the House is a closed-door policy for the United States. The only wise policy for us to-day is one under which we shall invite and not prohibit competition. Our tariffs must permit real competition. They will then become a source of great revenue and not just a means for levying great tribute on the consuming public by the favored few. We must learn to accustom ourselves to seeing the manufactures as well as the raw materials of foreign countries for sale in our markets. A calico dress, a winter suit of clothes, made of European cloth must not be an unheard-of thing in America. Not the rich only but the masses must have the benefit of real competition. Under this policy we might have to discontinue the production of commodities we can not produce in competition because we are not adapted to their production, but in the commodities which from soil, climate, and abundance of raw material we can produce with economy we ought to control the markets of the world, because we would produce them in greater quantities and by the most advanced and improved methods and machinery and would have the advantage of the greatest consuming market at our doors. There are not lacking those who would have had us retain Cuba or who would have us now retain the Philippines and take over Mexico. If we did so, we would have to give them free trade with us. We would adapt ourselves to it, and we would industrially profit by it. The valid objection to incorporating these countries into the United States is racial, not industrial.

We would gladly have Canada become a State or several States in our Union. Yet guided by shortsighted selfishness the people on both sides of the imaginary line that separates them rejected the reciprocity treaty negotiated by President Taft. If an international trade war is to be conducted by international cutthroat laws as an aftermath of the great World War, we have yet to learn its bitterest lessons.

This seems to me to be a time for real statesmen and not for time-serving petty politicians, ready to crook the pregnant hinges of the knee that thrift may follow fawning.

Now, my colleagues, let me repeat, what is the condition in this year of 1921? We do not owe $8,000,000,000 to Europe, but, on the contrary, $15,000,000,000 is owing to us, perhaps, and the interest must be paid to us on that instead of interest being paid by us. What else? We have built a great merchant marine, with perhaps $3,000,000,000 of our money, amounting approximately, or will amount in 1922, to something like 20,000,000 tons dead weight, and we propose to put it on the ocean to transport our commodities. In 1914 it was currently talked here that we were paying $300,000,000 a year in freights to the owners of foreign ships for the goods we sent abroad and the goods we brought back. This was another great item in debit account to the foreigners, which we then paid with the surplus products of our farm and factory.

Now, we propose to do at least our share of that overseas carrying and take off $100,000,000 of what we formerly paid to foreigners by sending our goods abroad and bringing our imports back, if we have any, in our own bottoms. Now figure it up, gentlemen. The difference is to-day that Europe must pay us perhaps a billion dollars a year or more than that. A billion dollars will hardly cover the interest she owes us. How is she going to do it? How can she do it but by selling us her goods? Gentlemen, trade is reciprocal; that is mutual. Trade every year must have a balanced account. You can not trade with any nation on earth unless you close your account somehow, and what Europe buys from us she must pay for in cash, or in goods, or in the execution of her indebtedness obligations in the form of notes, bonds, or something else. Is not that true? If her credit is exhausted, if her obligations are unacceptable, what then?

My countrymen, thinking of all this, does it not look to you that it is just about time to revise your views and let something come in from abroad to help pay these things that must be paid? I know you will say, "We will not stop imports." You say you do not want to exclude everything, but some one representing every individual item of product that is made by any individual citizen of the United States comes before your Committee on Ways and Means and asks for a tariff high enough to exclude all competition, and they get it. I want to know if the world is not entitled to a revision of its scheme of relationship? Is it not entitled to have us pull down the bars to some extent, to have France and Germany pull down the bars to some extent and let the world trade with the world? Oh, the inconsistency! We are here building a wall so high as to keep out everything that might come in for the relief of our people from exorbitant prices. We have been building up for a century monopolistic millionaires, and we propose to build the wall still higher; to exclude competition still more in order to give the better opportunity for people to make their profits, and yet we spend hundreds of millions of dollars on our ports and harbors and on our merchant shipping in order to encourage and increase our foreign trade. Of what use are these facilities if we destroy our foreign trade? How are we going to send anything abroad? I am talking about tariff restrictions now. How are we going to market anything abroad unless we take something back?

Oh, you say, "We will make reciprocal treaties." Gentlemen, you are weaving a web of such tangled threads that no statesmanship on earth can ever administer your laws wisely or effectively. As nearly as I can make you out you contend that you are going to still permit some little things to come in, some things that do not compete with our home products. And that is all. What will be done with our corn? You are going to put a duty on that, and yet you hope to export millions of bushels of it and sell it in competition with the world. May we import wheat? No; you are going to put a duty on that. May we import wool? You are going to put a duty on that. Yes; we will import raw wool, but the tariff on woolens is going to raise prices so high the poor man can not use them. What about steel products? You do not expect to import any. You are putting a duty back on steel products, some of which were formerly free. Yet Mr. Carnegie has testified that the steel works of the United States can undersell any other steel manufacturer. But still you put the duty there. In absurd conflict with all this you are trying to organize a billion-dollar corporation to help finance agricultural exports and other exports.

But, gentlemen, I want to discuss another feature of this matter. What about your duties? How have you laid them, and what is the effect of them? I will say this: That every tariff bill that has ever been passed by the Republican Party—and to some extent the same applies to the Democratic Party—permits the manufacturer to protect himself against protection. How? By your rebates and your compensatory duties. I have not got them before me now. I thought I would read them in order to discuss this question, but I would not have time to read them anyhow, in the brief time I have. I shall discuss them in my extended remarks. In substance the present drawback law provides that whenever a commodity comes into this country and is manufactured by the importer into something and sent abroad, the importer, when he exports the product of it, will go to the Treasury and draw back 99 per cent of all the tax he paid.

That is the law to-day. It allows the manufacturer to import free of duty practically all the raw material he wants.

Now let us see how it works in the case of wheat. You levy a duty, we will say, of 35 cents a bushel on wheat. Who imports wheat into this country? The millman. The millman at Minneapolis will import 100,000 bushels of wheat, we will say, or 1,000,000 bushels of wheat; but the record shows that there is more wheat or more flour exported from the United States than there is wheat imported. The millman exports it. The millman, when he exports the 100,000 bushels of wheat or the 1,000,000 bushels of wheat that he has imported, when he exports it in the form of flour, draws back 99 per cent of the duty he pays on the wheat which he imported.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. BLACK. That probably accounts for the statement made by the gentleman from Michigan [Mr. FORDNEY] in his speech the other day, in which he stated that wheat had declined in price and he was wondering why the price of flour still remains so high.

Mr. HARDY of Texas. Flour is protected.

Mr. BLACK. That fortifies the argument we have always made, that the producer gets no benefit from the duty, but the manufacturer adds it to the price of the flour.

Mr. HARDY of Texas. He can add it to the price of his flour and then draw it back from the Treasury. When he imports 100,000 bushels of wheat he pays the duty, but after he gets his drawback he leaves only 1 per cent of the duty in the Treasury, and that is the amount of protection given to the wheat farmer. The manufacturer is preparing to do even better than that by establishing bonded warehouses in which to keep his imports without paying any tax at all.

Now, that is not all. Take the question of oil that enters into this controversy now. Who will import oil if you put a duty on oil?

My people at home are sending me telegrams urging me to vote for a duty on oil. I am not going to do it. [Applause on the Democratic side.] If there were no other reason, this one reason would be sufficient: The Standard Oil Co. has its ships carrying cargoes of oil to all the markets of the world. I saw them in Shanghai. You will see them in Japan. You will see them in every market of the world—the Standard Oil ships. They can pay the duty on all the oil they want to import into the United States from Mexico, and then draw it back with the other hand when they export millions and billions of barrels that they send abroad; and the little independent who thinks he is protected by the duty will find that the Standard can beat his price down by importing oil from Mexico, if it wants to, knowing that its oil ship would go out to-morrow to some port of the world and that it would get a refund of the tax it pays.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. BANKHEAD. And in the meantime the importer would probably put up the price of domestic gasoline and charge it to the tariff duty?

Mr. HARDY of Texas. I have no doubt of it, because when a tariff is put on crude oil a compensatory tariff will be put on gasoline, and that will enable him to raise the price of gasoline here.

Gentlemen, it is difficult now to find the schedule of a duty on raw material that is not backed up by a compensatory duty to the maker of the finished product, so that the manufacturer can pass it on to the consumer here, and every duty paid by the manufacturer on his raw material is refunded when he sends his manufactured product abroad, by reason of his drawback. Perhaps there is one merit in the drawback. It may give some cargo for our ships coming back home, since the manufacturer can afford to pay any duty when he knows he is going to get it back. When matured and perfected, the Republican tariff system will amount to free trade for the manufacturer and high tariff for nearly everybody else. He will get his raw material at the foreign price free of duty, and sell his finished product at the foreign price plus the duty. It is a system of great beauty for the manufacturer, and he blandly invites the grain grower and the cotton grower to get inside—"Will you come into my parlor? said the spider to the fly."

There are so many mysteries and iniquities in a highly protective tariff under our existing industrial system, and the strong organization of manufacturing capital that I could not discuss a tithe of them if I had two hours instead of half an hour at my disposal, but I shall try to explain some of them in my extended remarks.

Mr. FORDNEY. Will the gentleman yield?

Mr. HARDY of Texas. I yield to the gentleman from Michigan.

Mr. FORDNEY. Does the gentleman know that the drawback applies only when the finished product is sent abroad?

Mr. HARDY of Texas. Certainly, I know that and have been stating just that. I had that same question up with a gentleman the other day and I read him the law, and it showed that when wheat was imported and converted into flour, if the major part of that wheat was put into the product that was exported, he got as drawback the whole tax paid by him.

Mr. FORDNEY. No; the gentleman is in error.

Mr. HARDY of Texas. I put it in my speech at that time.

Mr. FORDNEY. The gentleman is in error.

Mr. HARDY of Texas. I know I am right. I know he gets his drawback.

Mr. FORDNEY. He gets the drawback only on any raw material imported when he converts it into the finished product by American labor and exports the finished product.

Mr. HARDY of Texas. That is exactly what I said.

Mr. FORDNEY. Oh, no.

Mr. HARDY of Texas. Oh, yes, it is.

Mr. FORDNEY. Then I did not understand the gentleman.

Mr. HARDY of Texas. I am sure I am right, but I am going to argue the matter on the basis of his getting the drawback only on the amount that is converted into flour. What per cent is that?

Mr. FORDNEY. Three-fourths of the total product of the wheat, but that is more than three-fourths of its total value, because the flour is worth more than the by-product.

Mr. HARDY of Texas. Well, say 90 per cent, then.

Mr. FORDNEY. Yes.

Mr. HARDY of Texas. Then he gets back 90 per cent of the duty he paid on his wheat?

Mr. FORDNEY. Yes.

Mr. HARDY of Texas. And leaves in the Treasury 10 per cent?

Mr. FORDNEY. Provided the by-product is left in this country. If he exports the by-product, he gets it all back except 1 per cent.

Mr. HARDY of Texas. The gentleman and I agree entirely that if he exports it all he gets 99 per cent, and if he exports only 90 per cent of it, as he does in the case of flour, he only gets 90 per cent of 99 per cent.

Mr. FORDNEY. I did not understand the gentleman's statement. The gentleman and I agree on that.

Mr. HARDY of Texas. We do agree, and when we agree we reach the conclusion that the raw-material man gets no real protection from the tax, while the finished-product man gets a protection in the guise of compensatory duty on the product of his skill and industry if he sells it here and a drawback if he ships it abroad. The millman bears no burden in either case, while the domestic consumer does.

Mr. FORDNEY. Let me see if I understand the gentleman.

Mr. HARDY of Texas. Where a man converts wheat into flour, you give him a compensatory duty, do you not?

Mr. FORDNEY. Not unless he exports it.

Mr. HARDY of Texas. I am talking now about what he does not export. On that he gets a compensatory duty. If he buys wheat here, he beats down the price of the home wheat to equal the price of the wheat that he imports from Winnipeg. Because he is not going to really pay any duty on the wheat that he imports from Winnipeg because he is going to export the flour which is the product of that wheat. He exports more flour than he imports wheat, and that entitles him to his drawback. Last year our imports of wheat were 35,000,000 bushels and the same year our exports of wheat and flour were 218,000,000 bushels. Most of this was flour. There is never any trouble in the world for the millman who imports wheat and pays duty on it to show that he has exported more flour than he imported wheat, and so he gets his drawback, we will say, on 90 per cent of it, and when he exports all the product, then he gets back 99 per cent of the duty he paid, and the duty which he is charged on the wheat he has imported has not done the American farmer any good, because the millman who imports wheat does not have to pay any duty, or only a very small percentage, because he gets it back in the drawback.

Mr. FORDNEY. That applies only to that portion which is exported, and the object of the drawback is to allow him to import raw material and give American labor and capital an opportunity to operate on it and then export it.

Mr. HARDY of Texas. Exactly; and he exports it all. He can easily show that he exports more than he imports. Nevertheless, because of the nominal duty he pays on wheat, he is given the compensatory duty on flour, and that enables him to charge the American consumer a higher price for flour.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY of Texas. Mr. Chairman, I wish I could take a little more time.

Mr. GARNER. I would be glad to yield to the gentleman, but I have 24 hours' requests for speeches in general debate.

Mr. HARDY of Texas. I do not ask any more time. [Applause.]

Mr. GARNER. I make that statement now so that the membership of the House can understand it.

Mr. HARDY of Texas. I will begin my extension by quoting the exact words of the existing drawback law. Those who read may say who was right in the colloquy between the gentleman from Michigan and myself. Here is the law:

> If the principal product (of an imported commodity) is exported, then, on the exportation thereof, there shall be refunded as drawback the whole of the duty paid on the imported material used in the production of both the principal and the by-product less 1 per cent.

This law applies to every bushel of imported wheat when the flour from it is exported. It applies also to the farmers' emergency tariff approved May 27, 1921, and to be extended by this session of Congress until the general tariff bill is passed, whenever that may be. It makes that so-called emergency law a fraud as to the wheat grower but a very vital thing as to the miller, who is given under it a compensatory duty against the imaginary tax which he is supposed to pay but does not pay on the wheat he imports.

Under this emergency tariff bill the miller imports all the wheat he wants, paying the duty on it, and then gets back 99 per cent of the duty when he exports a quantity of flour equal to the flour content of the wheat imported. There will be left then to protect the wheat grower 1 per cent of the 35 cents duty, or 0.0035 cent per bushel. It is amazing how the tariff doctors and the millmen fool the wheat growers and their representatives here into believing that they were being given a protective duty of 35 cents per bushel on imported wheat. If that had been true, however, it would not have benefited them, as I will show later. But if I do not succeed in satisfying the wheat grower that a real duty of 35 cents would not benefit him, he will agree with me that when the tariff by the millers' drawback is reduced to about one-third of a cent per bushel it becomes a joke. By calling attention to this in my brief speech and colloquy with Mr. FORDNEY in the House on April 14, I think I am responsible for somewhat clarifying the vision of the wheat grower. He has demanded and secured a change of the drawback provision in the pending bill. Under this bill "where two or more products result from the manipulation of imported material the drawback shall be distributed to the several products in accordance with their relative values at the time of separation; where, however, no duty is assessable upon the importation of a by-product then upon the exportation of the principal product there shall be refunded the drawback accruing to the whole of the imported material." So that under this bill the miller will not get the full drawback unless he exports both the flour and all the products. This will cause him to export the feed or raise its price to the dairy and cattle men.

If he exports the flour only, since Mr. FORDNEY says that constitutes 90 per cent of the total value of the wheat, he will get a drawback of only 90 per cent of the duty paid, and will, therefore, under this bill, which puts a duty of 25 cents a bushel, leave about 2½ cents a bushel in the Treasury and will certainly get that back from the dairyman since feedstuffs are in very great demand here. I hardly think the wheat grower will be fascinated by that, even though he may be fooled into believing that it is 2½ cents real protection for him, especially when he sees the millman's flour protected by 50 cents per 100 pounds and his feedstuffs protected likewise and knows that under this protection the well-organized and wealthy millers can take the full benefit and do make him and all the rest of us pay more for flour and feedstuffs than is paid anywhere else in the world. It seems strange to me that so little is said in tariff debates about the drawback and compensatory duty provisions of all tariff bills. I am persuaded that most of the producers of raw material have never heard of them until lately. Just lately they have had their eyes slightly opened to the mysteries of the compensatory duty, but the beauties of the drawback are still to be revealed to them.

But, gentlemen, I think I can show the wheat grower that he can not possibly receive any benefit from any duty on wheat so long as we are great exporters of wheat and wheat products. I shall present some tables. Please bear in mind while studying them that there was a duty of 25 cents per bushel on wheat from 1906 to 1913, inclusive, and 10 cents per bushel from 1913 to April, 1917, and after that it was duty free. Bear in mind, also, that an article whose price is raised by the tariff will be higher here than in Liverpool.

From the Tariff Commission's "Tariff Information, Series 20," page 50, I give the following:

TABLE 11.—*Export trade in wheat and wheat flour—United States and Canada, 1902-1920.*

[From United States Commerce and Navigation returns, fiscal years ending June 30; Canada Yearbooks, fiscal years ending Mar. 31.]

Year.	Exports from the United States.				Exports from Canada.			
	Wheat and wheat flour.		Wheat.	Flour.	Wheat and wheat flour.		Wheat.	Flour.
	Total.	Per cent of production.			Total.	Per cent of production.		
	Bushels.		*Bushels.*	*Barrels.*	*Bushels.*		*Bushels.*	*Barrels.*
1902	234,772,515	31.37	154,856,102	17,759,203	31,007,446	33.92	26,117,530	1,086,64
1903	202,905,598	30.28	114,181,420	19,716,484	38,780,692	38.58	32,985,745	1,287,76
1904	120,727,613	18.92	44,230,169	16,999,432	23,923,228	28.06	16,779,028	1,587,60
1905	44,012,910	7.99	4,394,402	8,826,335	20,646,926	27.82	14,700,315	1,321,46
1906	97,609,007	14.09	34,973,291	13,919,048	47,293,465	42.06	40,399,402	1,532,01
1907	146,700,425	19.95	76,569,423	15,584,667	30,394,681	23.06	25,480,127	1,092,12

TABLE 11.—*Export trade in wheat and wheat flour—United States and Canada, 1902–1920*—Continued.

Year.	Exports from the United States.				Exports from Canada.			
	Wheat and wheat flour.		Wheat.	Flour.	Wheat and wheat flour.		Wheat.	Flour.
	Total.	Per cent of production.			Total.	Per cent of production.		
	Bushels.		*Bushels.*	*Barrels.*	*Bushels.*		*Bushels.*	*Barrels.*
1908	163,043,669	25.71	100,371,057	13,927,247	52,495,998	54.68	43,654,668	1,962,740
1909	114,268,468	17.19	66,923,244	10,521,161	56,958,620	49.73	49,137,449	1,738,038
1910	87,364,318	11.85	46,679,876	9,042,987	63,529,476	38.10	49,741,350	3,064,028
1911	69,311,700	10.91	23,729,302	10,129,435	59,522,822	39.68	45,802,115	3,049,046
1912	79,689,404	12.83	30,160,212	11,006,487	81,291,048	37.65	64,466,286	3,738,836
1913	142,879,597	19.57	91,602,974	11,394,805	108,817,203	54.62	93,166,009	3,478,043
1914	145,590,349	19.07	92,393,775	11,821,461	142,171,403	68.82	120,426,579	4,832,183
1915	332,464,976	37.31	259,642,533	16,182,765	94,198,901	59.53	71,913,385	4,952,337
1916	243,117,026	23.70	173,274,015	15,520,669	186,546,432	43.71	157,745,469	6,400,214
1917	203,573,928	31.99	149,831,427	11,942,778	223,059,600	84.88	189,643,846	7,425,723
1918	133,990,150	21.05	34,118,853	21,879,951	195,082,203	83.46	150,392,037	9,931,148
1919	287,438,087	31.20	178,582,673	24,190,092	82,759,471	43.72	41,373,844	9,196,806
1920	219,861,412	23.36	122,430,724	21,651,261	117,861,843	60.02	77,978,037	8,863,068

It appears that during the 19 years shown both the United States and Canada exported great quantities of wheat and flour. The United States have been specially heavy exporters of flour. In the same years both Canada and the United States have imported wheat as shown in Table 16 of the same series, page 57 here given:

TABLE 16.—*Imports of wheat and wheat flour into the United States and Canada, 1902–1920.*

[Figures are from Canada Yearbook and United States Commerce and Navigation. Canada figures are imports for consumption, fiscal years ending Mar. 31; United States figures are general imports (fiscal years ending June 30).]

Year.	Imports into Canada.		Imports into the United States.					
			Wheat.				Wheat flour.	
	Wheat.	Wheat flour.	Total.	From Canada.	From Australia.	From Argentina.	Total.	From Canada.
	Bushels.	*Barrels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Bushels.*	*Barrels.*	*Barrels.*
1902	148,326	47,143	118,612	102,435			420	391
1903	84,931	35,247	1,077,424	1,075,895	19		601	510
1904	37,171	40,849	6,852	4,173	170		46,851	46,560
1905	92,406	42,397	3,102,585	3,099,802	3		40,801	40,728
1906	64,927	41,912	57,995	55,138	416		45,314	45,233
1907	24,755	34,109	375,433	373,153	10		47,702	47,642
1908	90,255	43,365	341,617	338,665	30		39,593	38,661
1909	46,366	38,792	41,082	31,622	831		92,413	92,413
1910	55,270	31,458	164,201	152,383			144,759	144,759
1911	115,396	60,738	509,439	502,829	8		141,582	141,582
1912	121,841	47,217	2,699,130	2,673,050	2	71	158,777	158,777
1913	616,395	59,081	798,028	763,589			107,558	107,558
1914	133,370	55,207	1,978,937	1,891,651			89,911	88,911
1915	1,870,174	54,705	426,469	370,863	29		64,200	62,494
1916	224,399	34,590	5,703,078	5,673,083	105		329,847	329,577
1917	83,264	45,393	24,138,817	23,715,293	59,000	300 258	174,704	174,424
1918	210,798	35,192	28,177,281	24,690,105	3,475,079		675,096	455,175
1919	303,440	5,564	11,121,461	4,737,624	5,371,646	1,006,595	38,040	31,900
1920	92,087	15,801	4,779,764	3,967,949	262,187	501,111	159,056	148,724

Canada is a greater exporter and smaller importer of wheat in proportion to population because she is a greater grower and has smaller milling facilities in proportion to population than the United States. Our millers are very much interested in increasing our imports of wheat in order to give them more wheat to grind, and if we can import wheat and give them this grinding without detriment to the wheat grower or the American people at large, we ought to do it. But this can only be done by putting wheat and flour both on the free list, as they ought to be, rather than putting them both on the dutiable list and thereby enabling the miller to raise the price of his products.

Now, from the same series, No. 20, pages 61 and 65, I give the following table and price chart:

[For chart see page 12544.]

TABLE 20.—*Cash wheat prices*[1] *in Minneapolis, Winnipeg, and Liverpool, 1906–1916. (No. 1 Northern in Minneapolis, Manitoba No. 1 Northern in Winnipeg (for wheat in store at Fort William or Port Arthur), and Manitoba No. 1 Northern, or No. 1 Northern in Liverpool. Figures are averages, by months, of the quotations on or about the first market day of each week.)*

(Before and after the reduction in the American import duty, tariff act of October 3, 1913.)

	January.	February	March.	April.	May.	June.
1907—Liverpool	$0.942	$0.961	$0.957	$1.009	$1.061	$1.054
Winnipeg	.726	.748	.747	.765	.863	.884
Minneapolis	.799	.825	.799	.818	.954	1.003

TABLE 20.—*Cash wheat prices in Minneapolis, etc.*—Continued.

	January.	February	March.	April.	May.	June.
1908—Liverpool	$1.248	$1.249	$1.264	$1.245	$1.261	$1.207
Winnipeg	1.079	1.061	1.099	1.054	1.119	1.046
Minneapolis	1.106	1.053	1.084	1.032	1.081	1.085
1909—Liverpool	1.202	1.248	1.337	1.375	1.396	1.396
Winnipeg	.992	1.055	1.108	1.176	1.245	1.304
Minneapolis	1.091	1.116	1.155	1.229	1.307	1.322
1910—Liverpool	1.231	1.213	1.209	1.208	.995	1.052
Winnipeg	1.034	1.025	1.044	1.023	.977	.931
Minneapolis	1.141	1.136	1.146	1.105	1.111	1.092
1911—Liverpool	1.121	1.126	1.106	1.086	1.092	1.091
Winnipeg	.943	.918	.892	.895	.943	.96
Minneapolis	1.069	1.006	.977	.958	.988	.969
1912—Liverpool	1.237	1.265	1.235			1.211
Winnipeg	.953	.97	.976	1.017	1.038	1.056
Minneapolis	1.067	1.061	1.068	1.079	1.152	1.141
1913—Liverpool	1.133	1.144	1.101	1.145	1.168	1.142
Winnipeg	.821	.835	.851	.886	.929	.962
Minneapolis	.85	.868	.85	.869	.904	.918
1914—Liverpool	1.046	1.072	1.074	1.067	1.099	1.078
Winnipeg	.853	.885	.903	.899	.94	.928
Minneapolis	.876	.923	.927	.912	.938	.913
1915—Liverpool	1.725	1.998	2.00	1.991	2.136	1.837
Winnipeg	1.334	1.533	1.486	1.571	1.569	1.25
Minneapolis	1.353	1.514	1.472	1.541	1.577	1.287
1916—Liverpool	2.021	2.143	2.065	1.935	1.857	1.607
Winnipeg	1.203	1.185	1.096	1.15	1.165	1.102
Minneapolis	1.289	1.283	1.141	1.217	1.215	1.114

	July.	August.	September.	October.	November.	December.
1906—Liverpool			$0.922	$0.942	$0.932	$0.933
Winnipeg			.723	.749	.753	.744
Minneapolis			.742	.759	.80	.794

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[1] Liverpool prices were compiled from weekly quotations in Broomhall's Corn Trade News; Winnipeg prices, 1906–1913, from Northwestern Miller; 1914–1916, from Wholesale Prices, Canada; and Minneapolis prices, from the Northwestern Miller, 1906–1913; 1914–1916 from "Wholesale Prices," U. S. Department of Labor.

TABLE 20.—*Cash wheat prices in Minneapolis, etc.*—Continued.

	July.	August.	September.	October.	November.	December
1907—Liverpool	$1.076	$1.061	$1.106	$1.238	$1.292	$1.282
Winnipeg	.921	.904	1,014	1.101	1,021	1.03
Minneapolis	1.014	.995	1.082	1.083	1.039	1.058
1908—Liverpool	1.201	1.265	1.267	1.219	1.19	1.814
Winnipeg	1.058	1.075	.997	.983	1.019	.991
Minneapolis	1.119	1.154	1.028	1.031	1.067	1.093
1909—Liverpool	....	1.32	1.269	1.115	1.186	1.205
Winnipeg	1.286	1.175	.995	.972	.979	.987
Minneapolis	1.288	1.344	.997	1.033	1.053	1.108
1910—Liverpool	1.141	1.234	1.218	1.089	1.094	1.083
Winnipeg	1.099	1.079	1.019	.965	.919	.901
Minneapolis	1.215	1.149	1.113	1.071	1.035	1.026
1911—Liverpool	1.107	1.154	1.186	1.221	1.145	1.162
Winnipeg	.957	.976	1.008	.997	.991	.961
Minneapolis	.979	1.028	1.038	1.092	1.063	1.021
1912—Liverpool	1.189	1.202	1.247	1.205	1.097	1.103
Winnipeg	1.073	1.06	1.014	.911	.853	.79
Minneapolis	1.091	1.03	.904	.893	.857	.831
1913—Liverpool	1.141	1.13	1.115	.973	.966	1.034
Winnipeg	.971	.953	.919	.817	.824	.837
Minneapolis	.911	.884	.878	.841	.842	.859
1914—Liverpool	1.074	1.269	1.395	1.358	1.366	1.535
Winnipeg	.903	1.059	1.112	1.125	1.185	1.191
Minneapolis	.897	1.068	1.136	1.102	1.159	1.192
1915—Liverpool	1.725	1.781	1.77	1.769	1.792	1.811
Winnipeg	1.352	1.194	.937	.968	1.031	1.119
Minneapolis	1.39	1.373	.981	1.011	1.018	1.131
1916—Liverpool	1.635	2.076	2.171	2.293	2.502	2.652
Winnipeg	1.185	1.487	1.606	1.738	1.959	1.758
Minneapolis	1.17	1.485	1.608	1.757	1.93	1.761

Whatever else the chart and table show, they show that the price of wheat here was not affected by our tariff, and that whether the duty was 10 cents or 25 cents, and it was one or the other during the whole period covered by the table and chart, its price was always lower here than in Liverpool. The commission states that the price comparison was not carried beyond 1916 because of the influence of the war, Government price fixing, and abnormal trade conditions. I quote from page 62: "The outstanding feature of the chart is that not only Winnipeg but Minneapolis also follows in general the Liverpool prices." I will add that the price in the United States is consistently a shade lower than it is in Liverpool and a very slight shade higher than it is in Winnipeg. This seems to me to be natural, because of the better milling and export facilities of the United States. The point I wish to stress and repeat is that notwithstanding our tariff on wheat the United States wheat price has always been below the price at Liverpool, and the difference about represents the cost of transportation and handling shipments from the United States, just as the difference between the cotton price here and in Europe marks the reasonable cost of transportation and handling. Our cotton and our wheat has always been and will always be lower here than in Liverpool or London or Bremen or Hamburg. It seems to me that this price chart and table present a fact which all the theories in the world can not change, and if that be true, what can a tariff do for our wheat growers? But I will tell you what it can do and does do. We have the finest and biggest flour mills in the world, and a duty on wheat is followed by a duty on flour of 50 cents per hundred pounds, and that enables our millman, if he is not tender-hearted, to charge the American consumer a dollar a barrel more for flour than he does the foreigner.

It may be that the wheat grower, like Ephriam, is joined to his idols and is blind to reason and the clear teaching of experience, and so will insist on his illusory protective duty on wheat, and in order to get it joins hosts of greedy interests of all kinds of organized capital, particularly manufacturing capital, in giving them compensatory duties, drawbacks, and prohibitory tariffs generally, since every protectionist must and does unite with every other protectionist to swallow the whole scheme. But I trust our farmers generally, our wage earners, our merchants, and professional men will not be willing to pay a dollar more per barrel than the rest of the world for their flour in order to give this fancied but not real benefit to the wheat grower and to give to the millman an unjust and unreasonable profit. It would not be so bad if the increased price of flour were all that followed in the wake of this duty on wheat, but the wheat grower is a vast voting power in the land; he is perhaps the determining political factor; if he joins the Steel Trust, the copper kings, the lumber barons, the textile manufacturers, and all the cormorant horde that pick the bones of the poor in the name of labor, he will help to fix upon us a system of slavery for the masses and mastery for the favored few.

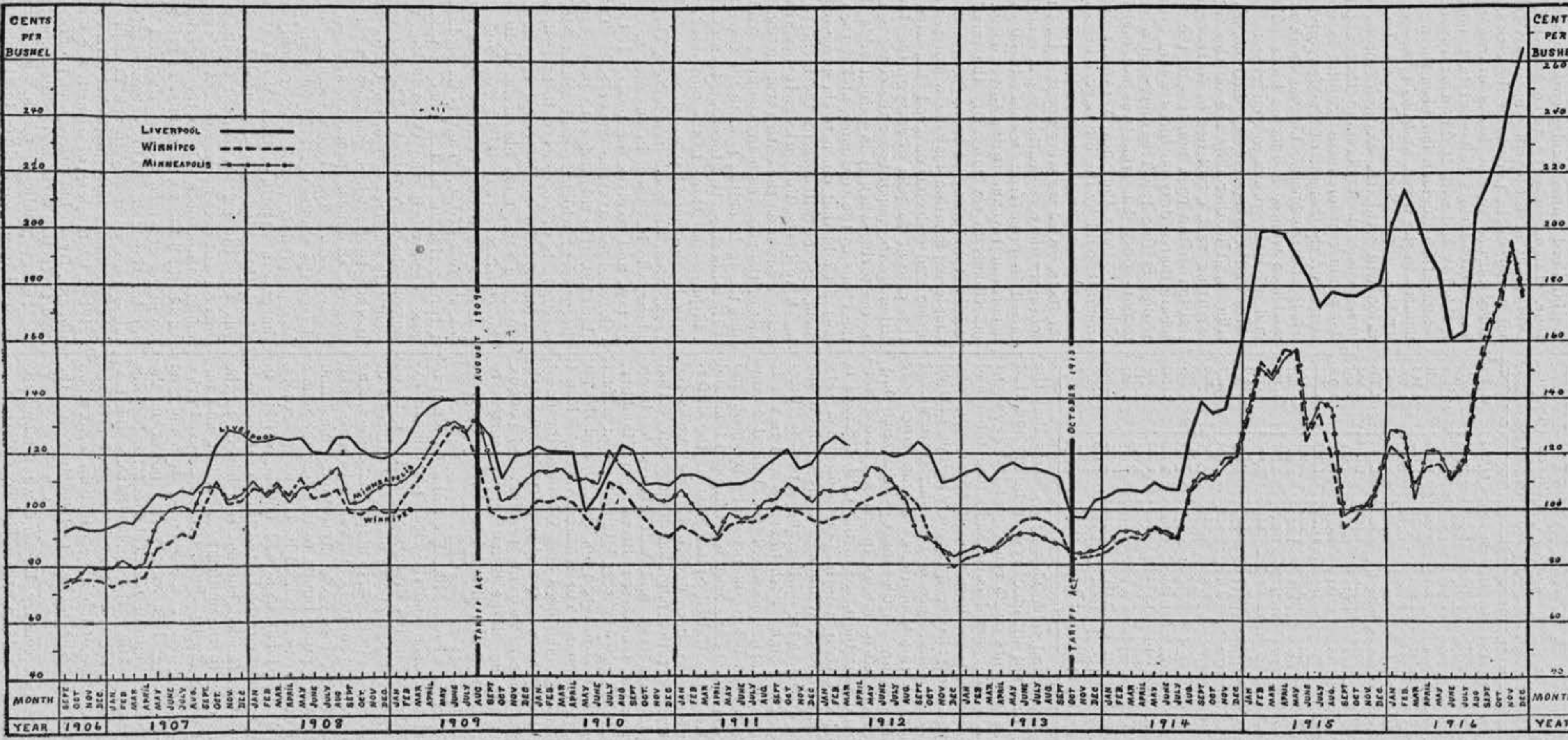
In the middle of the last century England was among the highest protective countries in the world. The Tory Party was in power and controlled by the rich landlords. The miller and the landlord united and secured a heavy tariff on wheat and flour. Enough wheat was not grown to feed the British people. Every cent of the tariff was added to the price of bread. It put money in the pockets of the rich landlord and miller and a heavy burden on the backs of the poor. Some time in the forties bread riots broke out in London and forced the repeal of this tax and with it the overthrow of the protective policy.

Since then England has been the nearest to free trade of any country in the world, and has prospered beyond any other country in Europe. Sooner or later, if nothing else can do it, revolution will break the chains of protection when the great majority comes to understand that a high protective tariff for the product of organized capital is nothing but a tax on the many for the benefit of the few, and that it is a breeder of trusts and monopoly. Let me speak of a Texas product. Our cattlemen wanted a duty on hides. The leather and shoe men said all right, provided you give us both a drawback on exports and a compensatory duty on leather and leather goods. Hides and leather now are on the free list, and we are now exporting vast quantities of leather goods in successful competition in the open markets of the world. It was shown in debate that a duty on hides would bring a good many millions of dollars into the Treasury, and might therefore be called a revenue duty, but what was not told by the advocates of the hide duty was that nearly every dollar of the duty collected would be paid by the big packer or tanner importers, and paid back to them on the exportation of their leather and leather products. Also we were not told that under the proposed compensatory duty on leather goods every pair of shoes would be raised in price from 8 cents to 50 cents with practically no imports or revenue to the Government. In this day it may be superfluous to try to clarify the tariff subject, but I am persuaded that even yet many people do not understand it. A simple explanation may be worth while. The tariff is a tax levied and collected on goods imported into the United States. It is paid at the port of entry to the Government customs officer either by the importer or the consignee. Whatever the amount of the tariff, when it is paid it adds that much to the cost of the goods to the consignee, and if the consignee be a merchant he must add that much to the price of the goods when he sells them, else he will lose by the tariff whatever he lacks of adding it to his selling price. In practice the consignee tries to make a profit on the entire transaction. He properly counts the cost of the goods as being the price paid by him to the foreigner plus the tariff or tax paid to the Government.

He adds these two together, then adds his profit on the whole and passes all three to the purchaser to whom he sells. If he buys in Bremen $100 worth of goods to be delivered at New York, when the goods reach New York he goes to the customs officer who has them in custody, pays whatever tariff is fixed by law, and receives the goods. If the tariff is 50 per cent ad valorem, he pays the officer $50. The goods have then cost him $150. He then adds his profit—say 10 per cent—and fixes the price at which he will sell at $165. The tax, be it great or small, is of no concern to him, since he passes it on to his customer, who is the retail merchant. The retail merchant pays the $165, adds his profit of 10 per cent, and sells it to the consumer—that is, to you and me—for $181.50. When you or I have bought these goods the $50 tax or tariff has cost us just $60.50. That is the ordinary everyday working of a transaction in tariff. That is what the tariff is. Its purpose, declared in the Constitution, was to raise revenue to support the Government. The $50 paid to the customs officer went into the Treasury of the United States, but that tariff has another effect, which has now become its chief purpose. It protects the home producer against the foreign producer of these goods. The home producer of the same goods may charge the wholesaler $150 for them and yet compete with the foreign producer, who receives only a hundred dollars. By charging a little less than $150, say $140, he can sell nearly all of that kind of goods used by the American people. In this way the price is raised to the home consumer and the Government gets no revenue. As a matter of fact, the American manufacturer does sell to the American consumer about nine-tenths of all the goods he buys at prices very much greater than the prices at which the manufacturer could and would sell them but for the tariff. This enhanced price to the American consumer puts no money in the Treasury of the Government, but does put money into the pocket of the manufacturer.

When by the levy of a tariff the manufacturer is enabled to add greatly to his prices and profits, such a tariff is called a high protective tariff and is the same thing as a bounty paid by the general public to the manufacturer. Under rates of tax imposed on many articles in the pending bill all importations

CHART 1.—*Comparative prices of No. 1 northern wheat in Liverpool, Minneapolis, and Winnipeg, 1906–1916.*
(Wholesale prices, cash wheat, before and after reduction in duty, tariff act of October 3, 1913. See Table 20.)



will cease, so that the public will pay a vast bounty to the protected few and the Treasury will receive scarcely a dollar. It is argued that when by the tariff foreign goods are excluded, then domestic competition operates and lowers the price of the domestic product even below the foreign level. That might be, but in fact never is true in this day as to manufactured goods, because great capital works through combination or monopoly successfully to milk the great American public to the last dollar. It supplies home demand at the highest price the trade will bear, and if they have a surplus they sell it abroad frequently at prices below their foreign competitors. They make the home buyer pay enough to carry any lack of profit on their foreign sales. In this way our manufacturers carry their surplus to foreign markets. It is the shame of the protective system that any American can buy American-made goods cheaper abroad than at home. By selling cheaper abroad than at home or by simply closing down his factory and turning off his labor the American manufacturer is able to hold his domestic prices up. The Steel Trust to-day has discharged 70 per cent of its labor but has reduced its prices less than any other producer in America. Of course the tariff beneficiary claims that he wants a high tariff for the benefit of his workingmen in order to give him high wages. He does not tell his employee that under this high tariff he holds the American market closed against all the world, and that when he chooses he can close down his factory and discharge his employees, and that if labor is not cheap enough for him here he can and does take his capital and machinery abroad and make his goods there.

The pending tax measure I believe exempts capital so invested from taxation here. For a long time the manufacturer while shedding tears over his poor employee here was allowed a free hand to import all the foreign labor he desired, and he did it to such an extent that millions of laborers in the manufacturing districts are foreigners who can not speak our language and know nothing of our institutions. Our anti-immigration laws have impeded the tide of foreign labor but the manufacturer is resourceful. No law prevents his carrying his capital abroad wherever he can find the cheapest labor, and I am going to make a prediction now that when Republican restricted legislation has succeeded in isolating our country by practically forbidding all importations of foreign commerce you will find our American capitalists and manufacturers spreading out, not by sending American-made goods all over the world but by sending American capital and engaging in manufacturing all over the world. The mysteries and difficulty of understanding the operation of the protective tariff are so numerous I can not name them. There is one special product of interest to Texas people I want specially to discuss. Why is it that in normal times, our annual production of wool being about half our annual consumption, a duty of 11 cents per pound did not raise the price of raw wool perceptibly? The reason is the woolen manufacturers are organized and financially powerful, while the sheepmen are not. When this duty was on wool the manufacturers bought all the wool in Liverpool needed to supplement the home production. On this they paid the duty. If they paid 22 cents in Liverpool the 11-cent duty added made the foreign wool cost them 33 cents per pound. You can imagine the Texas wool grower in Boston offering his clip for the year at 33 cents per pound, that being the foreign price plus the tariff. You can imagine that, but you never heard of him getting it.

The Boston millman simply said I will give you Liverpool price, 22 cents per pound, and no more, and if you will not take that you will ship it to Liverpool and get the same price for it there. For many years prior to the passage of the Underwood tariff putting wool on the free list there was very little difference in the price of wool at Boston and Liverpool. Sheepmen were told all over the United States that the Underwood bill by removing the tariff would reduce the price of their unwashed wool 11 cents a pound, but it did not do it. It did not reduce the price they got at all. That bill passed October 3, 1913, and here is a table furnished me by the Department of Agriculture in a letter dated July 23, 1921, showing Boston wool prices from 1910 to 1920, inclusive. The Texas prices are given on scoured wool so that to make the comparison for unwashed wool you will have to look at the Ohio, West Virginia, and Pennsylvania quotations. This table shows that wool passed from the dutiable to the free list with almost no change in the Boston prices. That is the fact and the reason for it I have attempted to give. There are those who believe, and not without reason, that with wool on the free list domestic wool would sell for a higher price in Boston than it will with a duty on it for the reason that with free wool our woolen mills would be tempted to enlarge their plants, to operate them more continuously, and thus increase the demand for raw wool. I simply present the table I have referred to and let it speak for itself.

Boston prices of domestic wools in October for the last 11 years.

[In cents per pound.]

	1920	1919	1918	1917	1916	1915	1914	1913	1912	1911	1910
Ohio, Pennsylvania, and West Virginia, unwashed:											
Fine	42	67	67	63	32-33	26-27	23-24	20-21	23-24	20-21	22-23
½ blood	42	80	78	75	39-40	34-35	27-28	23-24	29-30	25-26	28-29
⅜ blood	40	67	78	75	40-42	36-37	26-27	23-24	30-31	24½-25½	28-29
¼ blood	38	64	77	75	40-42	35-36	26-26½	23-24	30-31	24-25	27-28
Fine Delaine	60	83	75	75	36-37	30-31	24-25	22-23	28-29	24-25	26-27
Texas, scoured basis:											
12 months, fine and fine medium	100	180	175	170	80-85	67-68	56-58	50-52	60-62	52-53	....
Spring, fine and fine medium	85	160	160	150	70-75	60-62	....	....	....	....	....
Fall, fine and fine medium	65	150	150	148	57-58	55-57	45-47	42-43	48-50	40-42	....

While I think I have shown that the duty on unwashed wool has not benefited the grower, please remember it serves as a pretext for a vastly increased duty on woolen goods and so added enormously to the price paid for woolen clothing in the country.

There is no patriotism, no altruism, no love of labor in protection. There is only selfishness. In relation to it there are two classes—those who receive benefits and those who bear burdens. You can not give something to one man without taking it from some other man. Unfortunately, men will vote on the question as they think they are selfishly interested. Those who produce a surplus beyond the home demand are against it because the price of their surplus sold abroad fixes the price in the home market also, unless they are organized and strong enough to prevent competition among themselves and if need be to stop production and arbitrarily fix the price at home. In that case they are even stronger protectionists than those whose product is less than the home demand because having a monopoly of the home market they can raise their price here in order to dump their surplus on the foreign market at low prices and yet receive an average that enriches them, all at the expense of the home consumer. All those who by operation of the tariff can raise the price of their products to their fellow countrymen are for protection. Those who can really do this are the mine owners, the timber owners, the manufacturers, a few highly organized fruit growers, and practically no others, yet they have so befuddled and beclouded the minds of the people that perhaps a majority of them actually think that we as a Nation can by taxing ourselves enrich ourselves as a whole. The real beneficiaries of the high tariff are not 10 per cent of the American people. If by the tariff we gave something to every man, we could only do it by taking something from every man. If every man is enabled to take a dollar or a hundred dollars from his neighbor's pocket, no man in the end would be richer or poorer; but if every one-hundredth man is privileged to take a hundred dollars from the remaining ninety-nine, that man would get rich. That is the tariff.

Protectionists point to American prosperity and claim it is the result of protection. I deny it. I ask if protection enriches a nation, why has it not enriched Spain, Italy, Turkey, and Japan, which are among the highest protected and poorest countries of the world? I assert that we are the richest country in the world, because we have the greatest natural resources; we produce more, therefore we have more than any people in the world. We are the most industrious, intelligent, ingenious, and capable people in the world. Our 48 States, with 110,000,000 inhabitants, are the greatest aggregation of industrious, intelligent people that ever had absolute free trade between them, thereby stimulating and advancing all their interests, and up to now, notwithstanding our obstructive and restrictive laws, we have been one of the greatest international traders in the world. Our cotton, our grain, our meat products, our mineral products, and our manufactures have gone all over the world, and somehow up to now we have managed to bring something back in exchange. If a shortsighted policy, prompted by greed, shall lead us now to cut off trade and fair exchange with the world; if other nations shall follow our restrictive policy, as many of them seem inclined to do, the condition of the whole world will be changed. Vessels laden with rich argosies will no longer traverse the seas. Our manufacturing cities will not only cease to grow but begin to decay. Our surplus grain and cotton must rot in the fields. The wharves at our seaport towns will be no longer piled high with goods. The dull calm of stagnation will settle down. Every merchant ship will simply be "a painted ship upon a painted ocean." Carried to its logical end, protection precludes all trade save of the most meager kind between every little and big State. With interchange of commodities ending, little interchange of other kinds will continue. Progress will cease. There will be no interchange of ideas; no rivalries among the peoples; there will be national isolation; there will be peace at last—peace on earth but the peace of death.

Mr. SCOTT of Tennessee. Mr. Speaker, no protective tariff law has ever received the unanimous approval of the advocates of the principle of protection. No tariff law for revenue only has ever had the unqualified indorsement of all the proponents of the policy of tariff for revenue only. Thus it can be seen that tariff legislation is perhaps the most complicated and debatable subject that receives the consideration of the American Congress.

The Fordney-McCumber tariff bill is by no means perfect. Tariff laws are never perfect. Rapidly changing industrial and economic conditions are constantly making tariff revision necessary. It was for this reason that the proposed tariff law contains the provisions empowering the President, upon the recommendation of the Tariff Commission, to raise and lower rates as the interest of the country may demand. It is urged by certain critics that this power is extraordinary in effect, and can be easily misappropriated. In reply to this contention it should be observed that the President can only make such changes in tariff rates which have been recommended by the Tariff Commission, which is composed of a body of tariff experts. Notwithstanding this logical and practical arrangement, criticism of this system may nevertheless be expected. Mr. Speaker, criticism of legislation and legislators might properly be classed under two distinct heads: First, criticism in the interest of public good; second, criticism in the interest of public office. Criticism to promote public welfare is indeed most commendable and should be generously encouraged, but criticism, polluted with misrepresentations and tainted with selfishness, is little short of crime, and deserves the condemnation of a truth-seeking public. Perhaps at no time during all history as since the World War have economical and industrial conditions been so uncertain and disturbing. Radical and constant fluctuation of foreign exchanges and currencies have naturally been reflected in the markets of our country, since these countries are patrons of our industries, both farm and factory. A merchant whose agricultural customers are visited by drought shares in loss of sales in proportion to his agricultural customer's loss in production. The same principle applies as between nations, which have commercial contact, when visited by misfortune, causing economical depressions.

Europe has long since been our customer, or, in other words, our market for our surplus products. The World War left her back bent with billions of indebtedness; her purchasing power materially reduced; and her currency and exchange fluctuations so varying as to alarm even the most optimistic financier, thereby making her markets apprehensive and undependable. While Europe's most capable financiers have been struggling to stabilize their national economic systems and have made gratifying progress, yet it is but plausible to admit that Europe's chaotic financial status, as a result of the World War, has significantly affected the industrial and economical equilibrium of our country as well. Laboring under these abnormal and deplorable speculative conditions, the thoughtful and considerate can appreciate the difficulties encountered in drafting a tariff bill which would conserve the legitimate interests of the agricultural and industrial affairs of this country, and at the same time regard with propriety the commercial equities of foreign countries. Errors doubtless have been made and injustices may result in some instances. These can and will, I hope, be amended immediately upon the discovery of such existence.

Personally, I shall welcome the time when the tariff question may be divorced from politics and the power of imposing and revising tariff duties on imports shall be vested in a tariff commission operated by the practical application of the principle of protection of our national industries. However, permit me to say that I would not yield that power to a commission not in accord with the principle of protection.

Mr. Speaker, at the expiration of the present administration this great Government will have endured 136 years. One hundred and four years of that period the party in power has been the high or protective tariff party; the remaining 32 years has seen the low-tariff or free-trade party in power. Ninety per cent of our periods of depressions have occurred during the low-tariff or free-trade administrations. Thomas Jefferson, a Democrat, a protectionist, embargoed shipments of foreign goods during his administration that the American laborer and manufacturer might be protected. I am sure it will be of interest to the country to know that during the consideration of the Fordney-McCumber tariff bill by the Senate that every Democratic Senator, save Senator OWEN, of Oklahoma, voted for a tariff on some article or product. A close inspection of the record reveals that the article or product which received the respective Senators' approval as dutiable was either produced or manufactured in the State which he had the honor to represent. This reflects back-home activities, and few there be who can successfully resist the appeal for protection. So it may well be said that every Democratic Senator, except one, not only believes in but actually supported the principle of protection.

Those of our Presidents who have favored low tariffs were Martin Van Buren, James K. Polk, Franklin Pierce, Grover Cleveland, and Woodrow Wilson; all of our other 24 Presidents have been protectionists. Many of us recall vividly but unpleasantly the horrible depression that paralyzed every industry, both farm and factory, under Cleveland's low-tariff administration. Let us not forget the first year following the passage of the Underwood tariff law, especially the fall of 1914, when prices of factory and farm products fell below the cost of production. Millions were thrown out of employment, and beggars were to be seen on every street corner; cotton sold for less than 5 cents per pound, despite the buy-a-bale movement which was inaugurated in the hope of checking the downward trend of a depleted market. But for the World War this Nation was headed for the most serious industrial catastrophe in its history.

In the early fall of 1914 the sons of Europe were called from shop and farm to the battle field. Within only a few months Europe turned to America with a cry for food, raiment, and munitions of war. Soon mighty producing Europe ceased to be producers and became the greatest army of nonproducing consumers that ever assembled in the history of mankind. As the blood of the brave soldiers flowed, reddening the soil of their native land, Europe's savings of centuries began to pour by billions into the markets of America for food, raiment, and every conceivable article essential to the operations of war. Yet there are those who dare to boast of the prosperity of America during this awful period of death and carnage. Surely they have not stopped to think of the millions of graves that were made and the rivers of tears that were shed while prices were soaring and billions were pouring into pockets of the speculators of our country.

Mr. Speaker, I am proud of my country and its matchless industrial independence, and I want it to continue to prosper and grow, but I shall never boast of a prosperity that comes to my country fertilized with human blood and baptized in a sea of tears shed by a horror-stricken and war-ridden people. Give me a prosperity, Mr. Speaker, not stained by blood of home-defending heroes, a prosperity of mutual thrift, with an international intercourse which has both a friendly and profitable exchange, with doves of peace hovering about every nation's flag. Such a prosperity, I believe, will come as a result of the passage of this bill. Let us not have a prosperity which makes a few millionaires and millions penniless, as did the World War prosperity. Give us a prosperity for the man who earns his bread by the sweat of his face, be he a tiller of the soil or a keeper of the shop; that is the purpose of this bill, to protect American laborers, American manufacturers, and American farmers.

Mr. Speaker, it is the policy of protection that has made our country the richest and most prosperous Nation in the world. The second bill passed by the First American Congress was a protective tariff law, which was signed by President Washington July 4, 1789. The preamble to that measure was, "Whereas it is necessary for the support of government, for the discharge of the debts of the United States, and the encouragement and protection of manufacturers that duties be laid on goods, wares, and merchandise imported," and so forth. This bill was introduced by James Madison, a Democrat, a protectionist. In those days Democrats were protectionists. Many Democrats to-day are protectionists, even down in sunny Tennessee. Mr. Speaker, one of the compelling reasons which prompts my support of this bill is because it is the most favorable tariff law to the interest of the farmer ever proposed to an American Congress. The Underwood tariff law put practically all farm products on the free list. Under the Fordney tariff law nearly all farm products are protected by substantial duties.

Certain newspapers apparently are very much alarmed over the fact that the farmers' interests have been protected in this bill, and are complaining that the agricultural bloc, about which so much has been said, is responsible for what they term unjustified agricultural protection. I will admit that the fact the farmers' interests of our country have really received favorable legislative consideration might be some ground for surprise, since their interests have been so frequently disregarded; however, I want to say that this Congress has been the farmer's friend. This Congress put the War Finance Corporation in operation, which has loaned more than $300,000,000 to farmers and stock raisers throughout the country in the last 14 months. About ten millions of this amount was loaned to farmers, stock raisers, and cotton growers in Tennessee. This Congress appropriated $25,000,000 for Federal farm loans, increasing the capital of the farm-loan bank to fifty million. This Congress passed a law giving farmers the right to form interstate cooperative marketing associations, thus enabling the farmer to sell more directly to consumer and cut out the middleman's profits. This Congress appropriated $250,000,000 to be spent under the Federal aid plan for construction of public highways throughout the country, and of this amount more than five million goes to Tennessee. This Congress by special act gave the agricultural interests of the country a representative on the Federal Reserve Board, this being a distinct and deserving recognition of the agricultural interests of the country.

This Congress has ever been thoughtful of the farmer's interest. The immediate passage of the emergency tariff bill and other farm legislation which I have mentioned vindicates this contention. Being a Nation fresh from a World War, with an indebtedness of more than $24,000,000,000 and innumerable handicaps, we have now turned our face to the rising sun of peace and prosperity. During the last year we have paid more than one and one-half billion dollars of our national debt. We have reduced the taxes of the people $818,000,000. We have reduced our Government operating expenses $1,000,000,000. We reduced our Army and Navy expenditures $215,000,000. We are the only nation in the world, save Denmark and Great Britain, living within our income, notwithstanding the fact that we are spending approximately $2,000,000 a day on ex-service men for compensation, vocational rehabilitation, and hospitalization for the maimed and lame unfortunate defenders of freedom. Yet it is gratifying to know that Liberty bonds, which were selling for less than 85 per cent of their par value 18 months ago, are to-day selling for more than par. It is estimated that Liberty bond holders have realized more than $3,000,000,000 in the last year. The richest and most prosperous nation on earth, free from the shackles of European entangling alliances both as to our national sovereignty and industrial independence, we lead and point the way to an admiring and startled world.

Mr. WOODS of Virginia. Mr. Speaker, while it is impossible to discuss in any general way the provisions of the present tariff bill containing over 10,000 items, I feel that particular attention should be called to the proposed duty of $30 a ton on potash, which seriously affects adversely the agricultural interests of the country without material compensating benefit. This country consumes approximately 250,000 tons of potash. The highest estimate home producers make is that they can furnish only 50,000 tons, leaving 200,000 tons to be imported; and a tax on this amount will amount to $6,000,000, to be paid entirely by the agricultural interests of the country, already sorely burdened and seriously handicapped in various ways, among them being the deflation process inaugurated during this administration, which seems to have struck the farmer not only the first but the hardest blow.

I would despise myself were I to favor any legislation for the benefit of any particular class which at the same time might work injustice to all other classes. The problem of agriculture is one that affects the consumers well nigh as much as it affects the producer of agricultural products. The difficulties confronting this great basic industry are those from which the thoughtful patriot can not turn his eye. It is a significant fact that for the first time in the country's history a majority of the population is urban. Agriculture is but another form of industry. In fact, it is the basis of industry, because upon it depends the food supply.

The man who engages in it must receive a fair compensation and a return that is just, otherwise he will quit it, and when he quits, all who eat will feel the pinch. The drift from farm to city is seriously portentous. As I recall the figures from memory, in 1880 about 29 per cent of our population was contained in towns and cities of 2,500 population and upward. In 1890 this had increased to about 36 per cent, in 1900 to about 41 per cent, in 1910 to about 46 per cent, and in 1920 to 51.4 per cent. This growing increase in our urban population is sufficient to convince the thoughtful that their underlying disadvantages on the farm or discontent there imperatively calls for remedial legislation. Evidently the advantages offered our young people in the lines of industry and commerce are superior to those prevailing on the farm, and if these conditions with this drift toward the cities continues, this country, though rich in agriculture, must import foodstuff. In fact, that is just what is taking place. The importations to this country of a number of commodities have increased twentyfold in as many years. Note the importations of the following articles in 1900 and in 1920:

Imports.	1900	1920
Cattle	$2,257,684	$45,081,179
Meats	1,214,148	20,581,219
Butter	9,769	10,916,770
Cheese	1,761,613	6,180,972
Seeds	1,795,048	113,032,112
Sugar	100,250,974	688,127,380
Tobacco	13,297,223	78,164,290
Wool	20,260,936	212,848,568

These conditions make an imperative demand upon those administering government to do everything reasonable or possible to relieve it. An opportunity is here presented, by voting for the instruction to strike out the duty on one of the basic elements of the farmer's cost, to afford a small measure of relief which will result in benefit to all classes. I realize that by no process of legislative legerdemain can we or should we attempt to give habits of industry, thrift, economy, and sound judgment to the farmer. These he alone must individually acquire and practice if he would promote his own prosperity and welfare, but a few things the Government can do, should do, and to some extent is doing.

First. By scientific cooperation he can aid the farmer to increase his yield and the profits on his herds. This can be done by voting the necessary appropriations to advise him of the best methods in crop raising and particularly preventing diseases in his live stock.

Second. It can by proper legislation protect him from exploitation in his marketing, by promoting and encouraging a better system of marketing and preventing combinations to depress his markets, and eventually a cooperative system can possibly be worked out in the standardization of farm products so that sales and purchases can be intelligently made, useless transportation avoided, and, with the standardization and warehousing under proper safeguards, credits may be more freely and safely extended on farm commodities.

Third. It is incumbent upon the Government to see that the farmers' transportation facilities are reasonably efficient and at reasonable rates. In this matter the farmer is powerless. While it is peculiarly the function of the Federal Government to regulate commerce, some aid can be also extended in the matter of distributing reliable information in maintaining a proper balance between production and consumption.

Fourth. By Federal encouragement and aid to better roads and the dissemination of information as to the best methods of education the Federal Government can aid in making living conditions in the country more tolerable.

Fifth. The Federal Government can enlarge and extend under proper safeguards the system of farm credits so happily begun during the former Wilson administration.

The agricultural industry is peculiar in that notwithstanding it is but another form of industry, every other successful form of industry has its purchasing, its producing, and its selling departments. Agriculture has but one, the producing. The voice of this great basic industry is seldom heard either in Government or business. While the farmer is the largest contributor to the railroads, to the banks, and to the stability of commerce and manufacture, yet he has little potency in the management of any of these great forms of enterprise. The mere fact that a man is engaged in agriculture does not, of course, of itself qualify him for a position of power in these fields in which he has had little experience, yet some men could be selected who have an "agricultural mind" and who know and can appreciate the vital interests of this great basic industry, and in that way give it representation on some of the great boards of Government as well as upon the financial, commercial, and transportation boards.

It is a significant fact that with the waning of agriculture in the great governments of the past has begun the decay and final fall of these governments. It would be a useless consumption of time to argue the advantages to all classes of our people, consumers as well as producers, of using every available means to promote better living conditions in the country and the content that follows so as to prevent this constant and ominous drift of the country's young people toward the city.

Our population, which means our consumers, increased 14.9 per cent in the last decade, while agricultural production scarcely held its own. If this disparity continues for two or three decades, our exports of foodstuffs will well nigh cease, while our importations of farm products will largely increase. The country will face deprivation of this great factor now relied upon to maintain its favorable trade balances.

The value of the country's agricultural products in 1919 was approximately $13,000,000,000, in 1920 about $9,000,000,000, and in 1921 less than $6,000,000,000.

These and other adverse agricultural conditions that might readily be cited imperatively urge not only our favorable action in relieving the tariff on potash in the present instance, but our serious and sympathetic consideration of this great basic industry; not because of any particular class but because it so vitally affects all classes.

Mr. KREIDER. Mr. Speaker, in voting to-day for the final report of the conferees on the tariff, I do so with the firm conviction that no legislation will be more far-reaching nor more universally beneficial than this new tariff law, which we are about to write upon the statute books.

There are some who have complained at the length of time which it has taken to write this law; let it be remembered that in the very beginning we realized the herculean task confronting us in writing a tariff law, therefore we passed an emergency tariff law to take care of the emergency, that we might have a longer period in which to consider a permanent tariff law and thus write the best law possible.

The difficulties which have confronted the Congress in the preparation of this tariff law have been unparalleled. Conditions at home and abroad have been abnormal, particularly the great depreciation in the currencies of central Europe. For instance, if reduced to terms of American money, wages in Germany are between $2 and $3 per week.

The rates of duty on agricultural products are more nearly adequate than those in any previous general tariff law and are intended to place the products of the farm on the same basis of protection as our manufactures have been in previous protective tariff measures.

The rates of duty on articles of manufacture are generally lower than those in the Payne-Aldrich bill.

This is the first general tariff bill in which the interests of the farmer have been given careful and serious consideration but is strictly in harmony with the policies of the Republican Party, for it makes no difference to us whether it be the product of the farm or the product of the factory, our motto is: "Buy at home, if it can be produced at home."

The time has come when we must determine upon a definite agricultural policy. We must have farming conditions which will insure to the farmer and his family both financial rewards and educational, social, and religious living conditions fairly comparable to those offered by the cities. A sound system of agriculture can not be maintained on any other basis.

DOES A PROTECTIVE TARIFF CRIPPLE AMERICA'S SALE OF GOODS IN WORLD MARKETS?

One of the favorite arguments of free traders, importers, and internationalists, who are more concerned about "abroad" than they are about "America," is that a protective tariff will cripple America's foreign markets and result in diminished exports. All sorts of twisted reasoning is offered in support of this argument.

The best test of its soundness and validity is the experience of the United States under protective tariffs. If a protective tariff curtails our foreign markets, the records of exports during the periods when a protective tariff was in force should and would show the fact.

But the records of foreign trade issued by the Department of Commerce show just the contrary.

The McKinley protective tariff law was enacted in 1890. The following is the official record of our exports during the years the McKinley and other protective tariff laws were in force:

1891	$884,480,810
1892	1,030,278,148
1893	847,665,194
1894	892,140,572

The Dingley protective tariff law was enacted in 1897. The following is the official record of our exports during the 11 years that tariff law was in operation:

1898	$1,231,482,330
1899	1,227,023,302
1900	1,394,483,082
1901	1,487,765,991
1902	1,381,719,401
1903	1,420,141,679
1904	1,460,827,271
1905	1,518,561,666
1906	1,743,864,500
1907	1,880,851,078
1908	1,860,773,346

The Payne-Aldrich protective tariff law was enacted in 1909. The following is the official record of our exports during the operation of that tariff act:

1909	$1,663,011,104
1910	1,754,984,720
1911	2,049,320,199
1912	2,204,322,409
1913	2,465,884,149

These official figures conclusively prove the falsity of the propaganda that a protective tariff means a loss of our foreign markets. They are an absolute refutation of the free trade and importing propaganda that unless we permit foreign producers to grab our markets we can not hope to sell abroad.

In the summer of 1920 the farming and live-stock interests were suddenly flung into a period of low prices and hard times that has not been equaled for a generation in the history of American agriculture.

Two factors largely contributed to this condition: First, an increasingly large quantity of agricultural imports from various countries admitted free under the Underwood Tariff Act. These quantities while not comparable with the tremendous production of the American farm yet were sufficient when dumped on the market to break farm prices just at the time the American producer was marketing his year's crops. Second, the sudden and unwarranted restriction of credit to the American farmer in the summer of 1920 by the Democratic administration.

The American farmer had raised a tremendous crop in 1920. He had raised it at the peak of cost of farm labor, farm implements, and other material which entered into the production of his crop. But before he harvested it the Democratic administration had made it known that his loans would be called; that his notes in the banks would not be renewed; that new credit would be denied him.

Simultaneously with the deflation of farm credits the American farmer had to contend with larger quantities of agricultural imports of all characters than ever before in the history of this country. These imports included grain from Argentina and Canada; potatoes, eggs, and butter from Denmark and Canada; beef from Argentina and Canada; lamb and mutton from Australia, New Zealand, and England; and other agricultural products from various quarters of the globe. All of these agricultural products were being imported free of duty under the Underwood tariff and dumped into our market, which was already demoralized.

For the purpose of stopping this tremendous flood of agricultural imports, the Ways and Means Committee of the Republican House of Representatives, on December 20, 1920, introduced the emergency or farmers' tariff bill. The bill passed the House December 22. It was opposed on the floor of the House by such Democratic leaders as Cordell Hull, then a Representative in Congress from Tennessee, now Democratic national chairman; Oldfield, of Arkansas; Quin, of Mississippi; Young, of Texas; Garrett, of Texas; and Rainey, of Illinois, who was the floor leader of the Democratic opposition.

After the Christmas recess the Senate took up the bill and passed it February 16, 1921. Here, as in the House, the Democratic leaders were lined up almost solid against the enactment of the farmers' tariff.

On March 4, 1921, President Harding was inaugurated. Congress was called into a special session. It convened April 11. Immediately the farmers' tariff, which had been passed by the Republican Congress and vetoed by President Wilson was reintroduced. It speedily passed both the House and Senate, was signed by President Harding, and became a law May 27, 1921. The Democratic leaders in both branches of Congress opposed its enactment, as they did in the previous Congress, and as they are opposing the passage of the present bill. They opposed its enactment upon two grounds—

(1) They alleged the prices of farm products were determined by the markets of the world—as, for example, the price of

American wheat was determined by the market in Liverpool—and a protective tariff would not and could not benefit the American farmer.

(2) It was argued that the effect of such a tariff would mean an increase in the retail cost of food derived from the farm products.

MARKET REPORTS SHOW TARIFF KEPT AMERICAN FARM PRICES ABOVE THOSE OF OTHER COUNTRIES.

The farmers' tariff had been in effect 15 months. During that time, and under its operation, the American farmer marketed his 1921 harvests. The best answer as to how the tariff has affected American farm prices is the record of farm prices in American markets and of markets in other countries. This record shows that prices of farm products, live stock, and meat products have steadily declined the world over during the last year, but that decline in these prices has been far less in the United States than in other markets. The market reports show that immediately upon the enactment of the emergency tariff the decline of prices of farm products in this country was checked, and that under the operation of that tariff prices of farm products in the United States have been materially higher than the world prices of the same products. It further shows that the margin between farm prices in the United States and prices elsewhere has steadily increased in favor of the American farmer since the enactment of the tariff.

Take wheat as the first example. Under the Underwood Act passed in 1913 and still in effect, except where its provisions have been repealed by the emergency tariff, wheat was admitted free into this country. The farmers' tariff levied a duty of 35 cents per bushel on wheat and an ad valorem duty of 20 per cent on wheat flour.

From a report issued June 26, 1922, by the United States Tariff Commission, the following is quoted:

> Under conditions of free trade between the United States and Canada, Winnipeg prices of No. 1 Manitoba wheat normally exceeded the Minnesota prices of No. 1 Northern Spring by 5 or 6 cents per bushel. After the passage of the emergency act Minnesota prices gradually came to exceed Winnipeg prices by 25 to 27 cents per bushel. This difference in favor of the American market has been consistently maintained ever since, due to the protection afforded the American farmer in his own market.

It is significant, however, that this increase in the differential after the passage of the emergency act is not due to an increase in American prices, but rather to a relatively greater decrease in Canadian prices. Minnesota prices gradually declined during the whole year of 1921, but Winnipeg quotations went down more precipitately with the result that the differential was about equal to the duty by the time the Canadian crop reached the market in the fall of 1921.

OFFICIAL MARKET REPORTS FURNISH CONCLUSIVE PROOF OF BENEFIT OF FARMERS' TARIFF.

The following table gives the average price, per bushel, of No. 1 Northern Spring wheat at Minneapolis and Winnipeg for each month since the enactment of the emergency tariff; this table clearly illustrates the above statement, namely, that although wheat prices declined in this country after the emergency tariff went into effect they did not decline as much as they did in Canada, which conclusively proves that the American tariff protected the American farmer.

	Minneapolis.	Winnipeg.
May, 1921	$1.64	$1.67
June	1.69	1.68
July	1.74	1.61
August	1.54	1.62
September	1.53	1.32
October	1.36	1.09
November	1.30	1.01
December	1.31	1.05
January, 1922	1.35	1.08
February	1.55	1.28
March	1.58	1.36
April	1.64	1.39

The effect of the emergency tariff upon the imports of wheat and flour into the United States and its corresponding protection of the American market for the American farmer can readily be noted from the following:

In 1920 we imported during the months of October, November, and December, when wheat came in free under the Underwood bill, as follows:

Bushels of wheat imported in 1920.

October	10,537,120
November	10,430,079
December	12,255,703

When the farmers' emergency tariff bill, levying a duty of 35 cents per bushel on wheat, was in effect we imported, the three corresponding months of 1921, as follows:

Bushels of wheat imported in 1921.

October	1,084,017
November	1,556,498
December	2,312,522

By referring to the table showing the price of wheat in Minneapolis and Winnipeg from May, 1921, to April, 1922, it will be noticed that in—

	Price.	Winnipeg price.	Difference.
October, 1921, Minneapolis prices were	$1.36	$1.09	$0.27
November, 1921, Minneapolis prices were	1.30	1.01	.29
December, 1921, Minneapolis prices were	1.31	1.05	.26

Will anyone deny that under free trade one of two things would have happened—either Minneapolis prices would have been brought below the Winnipeg prices, as they were in May, 1921, when the tariff went into effect, or tremendous quantities of wheat would have been imported, very much to the detriment of the American market?

The emergency tariff has been equally instrumental in maintaining the price of dairy products of the American farmer.

In 1920 the United States imported four times as much butter, under the Underwood tariff, than during any previous year in the history of the country. Denmark was the source of 53 per cent of the butter imports. About 25 per cent came from Canada, 11 per cent from Argentina, and 8 per cent from the Netherlands.

Under the Underwood Act potatoes were admitted to the United States free. During the years 1919 and 1920 the importation of potatoes into this country was greater than any two previous years in the history of American agriculture. Eighty-two per cent of the imports came from Canada, 9 per cent from Denmark.

Potatoes are a seasonal and a perishable product. They must be disposed of within a period of six to eight months after their gathering. Unable to store the crop indefinitely, the farmer is compelled to ship to market soon after harvest. It can readily be seen what effect a cargo of several hundred thousand bushels of potatoes from Denmark would have upon the price of American potatoes if they were dumped upon the American market at the time the American grower had to sell his crop. Furthermore, when the American market is impaired by such dumping its recovery is very slow, requiring weeks and sometimes months before normal prices are again reached.

Speculators took advantage of this under the free trade Underwood Act to import potatoes for the express purpose of breaking the American market at the very time the American potato grower had to dispose of his crop. The result was a break in the American market which meant a loss to the American potato grower of the profit of his entire crop.

Do these facts not prove the fallacy of the contention of our Democratic friends that we do not need a tariff on agricultural products because there are no imports of foreign farm products?

Of course, it may seem, as some of our Democratic friends claim, that any additional price paid the farmers must be added to the price the consumer pays. This would be true, if the consumer bought direct from the producer, but the truth is, that with the exception of the produce and a few other products sold by the farmers themselves on the markets of our cities and towns, the prices of which are not affected by any tariff legislation one way or another, but are governed entirely by the law of supply and demand, practically nothing is sold direct, but through the middlemen, with the result that prices, at the time crops are harvested, are frequently so low that they do not cover the cost of harvesting, much less the cost of raising the crop. The result is that a large portion of the crop is lost, causing a shortage later when abnormal prices are charged.

Let me illustrate. Two years ago lemons were brought into the eastern market from Southern Europe and sold for $2.40 a box—at that time it cost the American grower in California more than $2.40 a box to pick, clean, pack, provide the packing material, boxes, and so forth, and pay commissions for selling and freight to the eastern market. As a result, a large portion of the crop was not harvested. Later in the season, due to the short supply, lemons were selling in this same market at from $4 to $5 per box. My point is, had a tariff been levied so that the grower would have been able to secure, say $3 per box and thereby saved the crop, the consumer would have paid less on the average, and the grower would have had a small profit on his entire crop.

The same is true of cotton. Thousands of acres of cotton were plowed down because the prices obtainable did not cover the cost of picking and baling it. Later, after the middlemen and speculators had gotten the major portion of the crop into their hands, prices doubled and trebled, due in large part to the short supply, and both producer and consumer suffered accordingly.

Had there been a tariff to maintain the price of cotton at a point warranting the picking of the cotton, the prices would never have soared as they did, because of the quantity on hand. The result would have been that the grower of the cotton would have had return on his crop, and the consumer would have paid only a reasonable price, benefiting both producer and consumer.

As a matter of fact, that is just exactly what a protective tariff is for. It is not for the benefit of one class at the expense of the other. Let us remember that the farmer is not only the Nation's greatest producer, but he is also the Nation's greatest consumer. The farming class is the greatest single buyer in America of manufactured products of all kinds.

It is the largest consumer of steel of any class of users of steel in America with the exception of the railroads.

Directly and indirectly it consumes 46 per cent of the wool products of the United States.

It is the greatest single buyer of textile goods, because in addition to clothing and household textiles the farmer uses a great quantity of textiles in his work, such as sacks, bagging, and so forth.

The farming class is the greatest single buyer of leather goods, because in addition to the shoes, gloves, and other articles of leather which are bought and used by all classes of people, the farmer is the buyer of heavy leather goods, such as boots, and an extensive buyer of such articles as harness and other leather articles used in farm operation.

According to statistics issued by the American Automobile Association, the American farmer purchases 30 per cent of all motor vehicles manufactured in the United States. He to-day is the owner and user of more motor vehicles than are owned and used by all the people in all the other nations of the world outside the United States.

Everything which the farmer produces and sells must be hauled to the markets. Everything which the farmer buys must be hauled to him. Therefore the farmer is easily the largest shipper of freight in America.

In view of all this it was necessary, not only for the protection and salvation of the farmer himself but for the protection of the rest of the country and the welfare of all industry and business, that the agricultural classes should be given all the benefits which can be derived from tariff legislation.

It is impossible for me to go into details on the various schedules, except to say that possibly if I had written the bill some of the schedules would be lower than they are in the bill and possibly some of the articles on the free list would be on the dutiable list, but I am quite sure that earnest, sincere, and conscientious consideration was given all of these schedules by the members of the Ways and Means Committee in the House and the members of the Finance Committee in the Senate. These men have had the benefit of hearings on all of these schedules and undoubtedly have reached their conclusions by the evidence presented.

I do not doubt but that some mistakes have been made, but, on the whole, I believe that this bill will meet generally with the approval of the American people and will hasten our return to national prosperity.

I am particularly pleased with that legislative feature of the bill which provides that the President of the United States may, upon the advice of the Tariff Commission, make certain changes in the schedules within certain limitations.

This feature has been bitterly opposed by some of our Democratic friends upon the ground that we are giving too much power into the hands of the President.

In my judgment, no President is going to abuse this power, and it will, when only a few schedules need adjusting, obviate the necessity of rewriting the entire tariff law, which is always accompanied, because of the uncertainty of the new rates, with a certain degree of business depression, which seriously affects the commercial, industrial, and economic interests of the Nation.

In my judgment, this is one of the greatest forward steps and constructive features ever embodied in a revenue measure, and in the course of a few years will result in having upon the statute books the best, most scientific tariff law it is possible to have, as it will permit the correction of any errors which may have crept into the bill in its enactment.

Mr. SWING. Mr. Speaker, California has been well cared for in the tariff bill just passed. Most of our products, especially those of southern California, come into direct competition with the cheaply produced foreign products. Many of our industries, in which millions of dollars are invested and which give employment to many thousand laborers, would soon perish but for the benevolent influence of the policy of protective tariff. Our lemon and lemon products must compete with those of Italy and Sicily. The manufacture of citric acid at Corona and National City has been having a struggle for bare existence against foreign competition. Our walnuts must meet the products of France, Italy, and China, while our almonds those grown in Spain, Italy, and France. Beans grown along the coast from San Diego to Santa Barbara conflict with those from Manchuria and Madagascar. The products of our poultry must be sold against the eggs imported from China. Our dairies must compete with butter from Canada and substitute oils from the Tropics. The fish canneries of southern California must meet a flood of cheaply produced goods from the Scandinavian countries and from France and Italy. Sugar produced in large quantities from beets grown in Orange and San Bernardino Counties must meet competition from sugar grown in Cuba. Olive oil comes in great quantities to our country from Spain, while honey is imported from Central and South America.

True, in this bill we did not receive all that we asked for nor all that we thought we were entitled to; still, from the standpoint of California industries, it is the best tariff that was ever enacted into law. And considering the fact that in the matter of many of our products our State stands alone as a producer while all the other 47 States are interested solely as consumers, what has been won may well indeed be considered a splendid victory for our farmers, and I predict that in the years to come this tariff will prove a substantial contribution to their prosperity.

A comparison of the rates in this bill with those fixed in the Payne-Aldrich tariff, the last preceding Republican tariff, and those of the Underwood tariff, the law in force during the Democratic administration, shows just how great a gain has been made for California industries:

Comparison of new tariff rates affecting California industries.

Products.	Rate in Payne-Aldrich Act.	Rate in Underwood tariff, 1913–1921.	New tariff rates.
Almonds:			
Unshelled	4 cents per pound	3 cents per pound	4¾ cents per pound.
Shelled	6 cents per pound	4 cents per pound	14 cents per pound.
Walnuts:			
Unshelled	3 cents per pound	2 cents per pound	4 cents per pound.
Shelled	5 cents per pound	4 cents per pound	12 cents per pound.
Beans, dried	45 cents per bushel or three-fourths of 1 cent per pound.	$\frac{5}{12}$ of 1 cent per pound.	1¾ cents per pound.
Honey	20 cents per gallon of 11.75 pounds or 1.7 cents per pound.	10 cents per gallon of 11.75 pounds or eighty-five one hundredths of 1 cent per pound.	3 cents per pound.
Olives	25 cents per gallon in containers; 15 cents per gallon in bulk.	15 cents per gallon.	20 cents per gallon green and ripe; 30 cents per gallon pitted or stuffed; 4 cents per pound dried ripe olives.
Olive oil	50 cents per gallon in containers less than 5 gallons; 40 cents per gallon in bulk.	30 cents per gallon in containers less than 5 gallons; 20 cents per gallon in bulk.	7½ cents per pound, equal to 56 cents per gallon; 6½ cents per pound, equal to 49 cents per gallon.
Lemons	1½ cents per pound.	½ cent per pound	2 cents per pound.
Lemon by-products:			
Citric acid	7 cents per pound	5 cents per pound	17 cents per pound.
Citrate of lime	Free	1 cent per pound	7 cents per pound.
Orange and lemon oil.	do	10 per cent ad valorem.	25 per cent ad valorem.
Orange and lemon peel.	2 cents per pound dried or candied.	1 cent per pound dried or candied.	2 cents per pound dried; 5 cents per pound candied.
Poultry:			
Live	3 cents per pound	1 cent per pound	3 cents per pound.
Dead (dressed or undressed).	5 cents per pound	2 cents per pound	6 cents per pound.
Eggs:			
In shell	5 cents per dozen	Free	8 cents per dozen.
Frozen (or otherwise prepared).	No provision	2 cents per pound	6 cents per pound.
Dried	15 cents per pound.	10 cents per pound.	18 cents per pound.
Casein	Free	Free	4 cents per pound.
Butter	6 cents per pound	2½ cents per pound.	8 cents per pound.
Butter substitute	do	do	Do.
Milk:			
Fresh	2 cents per gallon	Free	2½ cents per gallon.
Sour and buttermilk.	No provision	No provision	1 cent per gallon.
Cream	5 cents per gallon	Free	20 cents per gallon.

Comparison of new tariff rates affecting California industries—Contd.

Products.	Rate in Payne-Aldrich Act.	Rate in Underwood tariff, 1913-1921.	New tariff rates.
Sugar (testing below 75°).	Ninety-five one-hundredths of 1 cent per pound.	Seventy-one one-hundredths of 1 cent per pound.	$1\frac{24}{100}$ cents per pound.
For each additional sugar degree.	Thirty-five one-thousandths of 1 cent per pound.	Twenty-six one-thousandths of 1 cent per pound.	Forty-six one-thousandths of 1 cent per pound.
Sugar beets	10 per cent ad valorem.	5 per cent ad valorem.	80 cents per ton.
Fish in oil	Rate by size of container.	25 per cent ad valorem.	30 per cent ad valorem.

Mr. YATES. Mr. Speaker, I have always been glad to speak of and in behalf of the Republican Party for many reasons. Not the least of these reasons is that it is the party of protection. When the Republican Party is in power, there is no financial panic, no famine at the fireside, no bread line, no soup kitchen, no men walking the streets asking other men, in God's name, not for money but for bread; when the Republican Party is in power all the wheels are turning, all the fires are burning, and all the people learning the important lesson that when the Republican Party is in power the American people wear more clothes, the American people own more homes, and the American people actually eat more bread. In all its existence the Republican Party has worked and legislated for the welfare of the men who work with their hands, on the farm and in the field, on the one hand, and on the other hand in the factory and the mine, so that Republican legislation, passed by Republican Congresses and Republican Presidents, has given to the worker here in America more of pay and less of pain and less of peril and more of peace than labor ever saw before at any time, in any clime, beneath the shining sun. The tariff laws that gave America protection against the pauper labor of Europe and Asia were a great part of this Republican effort. The Republican Party has always been the best labor party and the best business party, and this moment it is demonstrating that it is the most patriotic party by showing how loyally it refrained from embarrassing President Woodrow Wilson when he was President in war time, and how bravely, quickly, and economically it is now aiding President Harding in peace time in his brave, quick, and economical fight to get back to normal conditions in spite of embarrassments interposed by Democratic leadership in Congress and the Democratic press. And now, as we pass this tariff bill and thereby complete our fight for right construction, I am sure this powerful, progressive, optimistic, forward-looking, upward-climbing, hopeful, liberty-loving party—party of the settlers' homestead, party of the soldiers' pension, party of enfranchisement and not disfranchisement, party of the free ballot and the fair count—is taking one more step toward the America for which the great Washington warred and the great Lincoln died, that America which is the heir of the ages, the child of the century, the beacon light of liberty, and the last hope of humanity.

Mr. SABATH. Mr. Speaker and gentlemen of the House, there is little doubt in my mind but that what I or any other Democratic Member of this House is going to say on the pending bill will not in the slightest change the action of the majority of this House. The tariff law that is proposed is an out-and-out party measure, and the Republicans are going to vote for it regardless of its iniquities and of the monstrous burdens it is going to throw upon the people of the United States, but I feel it my duty to add my voice to the already accumulating protest that is coming from all over this country against what I am sure is to be one of the most monstrous and impudent pieces of legislation that the Republican majority proposes to enact.

The Nation will soon know, as every Member that is going to vote for the bill does know, that the policy behind it is dictated by the special interests of this country for their enrichment, and the disastrous consequences that are to follow are not merely speculative but certain. You can not escape liability for it and you will have to assume the full responsibility.

About 15 months ago, when the tariff bill was before the House, the gentleman from Michigan [Mr. FORDNEY], chairman of the Ways and Means Committee, stated that the measure presented was the result of three months' hard labor on the part of his committee, and the country ought to know that in the debate that then followed he admitted that it was the work and labor of the Republican members of the committee and that the Democratic members had not even been invited to be present at the sessions. Unable then to enact it into law through months of logrolling, and viewing with alarm how after the election of President Harding conditions began to grow worse from day to day, it was decided to pass a so-called emergency tariff bill. You all remember the assurances that were given out at that time; what benefits the measure would bring to the Nation. You have now seen these benefits, although you raised the tariff on wheat, corn, and other commodities sky-high. The farmers were obliged to sell their wheat at a starvation price, and the poor consumer was compelled to pay the price for your protection of the speculator, the commission merchant, and the middleman.

You may imagine that the propaganda that you have carried on amongst the farmers since then will get them to swallow this poisonous bill of yours, but I assure you that the day of reckoning will come. If their suffering under the Republican administration thus far has not been sufficient to awaken them enough, what you propose to do now will be when they discover that already your proposed palliatives were prepared solely for the purpose of enabling your manipulators and profiteers to further fill their bulky coffers without so much as paying the farmer for his labor. I am only sorry that the tillers of the soil of this great Nation are compelled to learn their tariff lesson at such an awful price to themselves and to the consuming public.

The tariff of 30 cents a bushel on wheat and 15 cents a bushel on corn can be proposed only by those who assume that the whole country is so ignorant that it does not know that its purpose is not protection since we are exporters rather than importers of these commodities, and that its sole purpose is a protection to the gamblers and profiteers in their illicit trade of heavily taxing every pound of bread that is being consumed by the public. Why, Mr. Speaker, you are proposing to levy an indirect tax upon every morsel of food that men use. Rye, barley, oats, potatoes, sugar, and even milk has not escaped you. Every stitch of material that goes into the garment of the working man and the middle class is taxed over 100 per cent, as is the fruit of the loom.

With the exception of your overfed profiteers and those that thrive on special privileges which you propose to increase, with the whole Nation struggling under the most burdensome taxation, and in the face of the combined efforts to reduce the earning capacity of the workingman, you now propose to extort additional billions from this staggering multitude, and you call it "protection." Republican protection, Mr. Speaker, is the protection of the vulture to prey upon the millions of our people who but two years ago trusted you and reposed their confidence in their innocent belief that you would represent their interests.

If I recall correctly, some of your orators promised to reduce the cost of living; and is this how you propose to do it, by taxing every commodity which is the necessity of life? Who, Mr. Speaker, dictated this tariff bill? Is it possible that Members of this Congress should deliberately attempt such a monstrosity in ignorance of its consequences? How you can escape the conclusion that must eventually follow that it was dictated solely by those interests who alone can benefit by it. A child can see that, the farming element of the country can benefit nothing by it; that the small merchant can gain nothing; and that the consumer has everything to lose, for he and he alone will pay the price. And the laboring men will not only have to pay increased cost of everything they wear and everything they must eat in order to live, but this bill will destroy every opportunity for increased labor and dooms the country to even increased unemployment—a thing which already has reached unbearable proportions since the protecting hand of the Democratic administration has been removed. You are going to shut the doors against all commodities that are produced in the struggling countries of Europe. How, then, will you be able to sell to them anything that we produce here? The only hope for relief of the present unemployment situation lies in the increased exportation of the products of our soil and our factories. But Europe is bankrupt. They have no gold with which to pay us for anything they might want to buy. The only purchasing power that they have lies in that which they can produce. With that and that alone can they buy our commodities and if you build a Chinese tariff wall around our country and prevent any of their products to come in here, you immediately cut off every possibility for us to sell anything in any of these countries, and if these foreign markets are shut to us the present tragical unemployment situation will not only not find relief but will be enormously increased.

Mr. Speaker, I am not talking only as a Democrat in the hope of pointing out the iniquities of the Republican majority. I am speaking as an American seeing a danger ahead of us that must be evident to all and is evident even to the right thinking adherents of the Republican Party. Several leading Republican newspapers throughout this country are crying out against it. Your New York Tribune, a Republican newspaper, calls your bill a monstrosity. Your Boston Transcript, Republican, frankly admits that this bill is a disgrace to the party in power and a menace to the Nation, and openly charges that it is a conspiracy between pork-barrel politicians and special interests for the twofold purpose of reelecting the politicians and paying new tribute to the special interests. What stronger terms can a Democrat use?

Mr. Speaker, it is hard to believe that the Republicans have forgotten the alluring promises that they made during their campaign. Even if it were made solely for the purpose of catching votes some obligation ought to be felt in your party to live up in some remote way to those promises; even if you forget your duty to the Nation, your own selfish interests should make you pause and hesitate before you write upon the statute book this monstrous tax upon the people, which even if done for the purpose of raising revenue for the country, and every cent of this tax go into the Government's Treasury, it would still be unjustifiable. How much more so, when the billions that are going to be extorted from the people as a result of it will go directly into the bulging pockets of the profiteers and privileged class.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that September 12 they had presented to the President of the United States for his approval the following bills:

H. R. 11901. An act authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio;

H. R. 11590. An act to amend sections 84 and 40 of the organic act of the Territory of Hawaii;

H. R. 10361. An act authorizing the sale and patent of certain alleged public lands in Louisiana;

H. R. 2866. An act authorizing the Secretary of the Interior to sell and patent to parties named herein certain lands in Louisiana;

H. R. 1948. An act for the relief of Virgil O. McWhorter;

H. R. 1274. An act for the relief of Maude H. Mosher;

H. R. 12493. An act amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes; and

H. R. 9103. An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3123. An act to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended; to the Committee on the Public Lands.

S. 3754. An act for the relief of Louis Leavitt; to the Committee on Claims.

S. 820. An act for the relief of the Hunter-Brown Co.; to the Committee on Claims.

S. 403. An act for the relief of Louise Saint Gez, executrix of Auguste Ferré, deceased, surviving partner of Lapene & Ferré; to the Committee on Claims.

S. 404. An act for the relief of the legal representatives of the estate of Alphonse Desmare, deceased, and others; to the Committee on Claims.

S. 1298. An act to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co.; to the Committee on Claims.

S. 1352. An act for the relief of Benjamin F. Spates; to the Committee on Claims.

S. 1739. An act to amend sections 5 and 6 of the act of Congress making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, approved July 1, 1902, and for other purposes; to the Committee on the District of Columbia.

S. 3716. An act to define a period in which certain claims may be presented for determination to the Commissioner of Internal Revenue for refund of taxes erroneously collected from certain estates of decedents under color of section 29 of the act of Congress approved June 13, 1898, entitled "An act to provide ways and means to meet war expenditures, and for other purposes"; to the Committee on Claims.

S. 3855. An act to ascertain and settle land claims of persons not Indian within Pueblo Indian land, land grants, and reservations in the State of New Mexico; to the Committee on Indian Affairs.

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Thursday, September 14, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

680. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Menominee Harbor and River, Mich. and Wis.; to the Committee on Rivers and Harbors.

681. Communication from the President of the United States, transmitting a deficiency estimate of appropriation for the Department of the Interior for the fiscal year ending June 30, 1922, for the protection of the so-called Oregon & California Railroad lands and the Coos Bay Wagon Road lands, $10,169.57 (H. Doc. No. 386); to the Committee on Appropriations and ordered to be printed.

682. Communication from the President of the United States, transmitting a deficiency estimate of appropriation for the legislative establishment of the United States for the fiscal year ending June 30, 1922, for contingent expenses of the House of Representatives, $28,289.47 (H. Doc. No. 387); to the Committee on Appropriations and ordered to be printed.

683. Communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Agriculture for the fiscal year ending June 30, 1923, for the construction of motor boat, Forest Service, $8,500 (H. Doc. No. 388); to the Committee on Appropriations and ordered to be printed.

684. Communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Interstate Commerce Commission for the fiscal year ending June 30, 1923, $375,417, for additional inspectors (H. Doc. No. 389); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SMITH of Idaho: Committee on Irrigation of Arid Lands. S. J. Res. 215. A joint resolution providing for reinvestigation of the tricounty irrigation project, Nebraska; with amendments (Rept. No. 1211). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN: Committee on Indian Affairs. S. 2563. An act to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.; without amendment (Rept. No. 1213). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAYDEN: Committee on the Public Lands. S. 3641. An act to grant and confirm to the State of Florida title in and to section 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, and for other purposes; without amendment (Rept. No. 1214). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURTNESS: Committee on Indian Affairs. H. R. 11825. A bill authorizing the removal of the restrictions from 40 acres of the allotment of Isaac Jack, a Seneca Indian, and for other purposes; with an amendment (Rept. No. 1212). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHAW: A bill (H. R. 12620) for the improvement of the Illinois River and that section of the Mississippi River between the mouth of the Illinois River and St. Louis, Mo.; for removal of the existing locks and dams in the Illinois River; for the control and regulation of water from Lake Michigan into the Illinois River; and for the control of floods of the Illinois River and its tributaries, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. KIESS: A bill (H. R. 12621) to enlarge and extend the post-office building at Williamsport, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SCHALL: A bill (H. R. 12622) to amend section 15 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Joint resolution (H. J. Res. 376) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. RYAN: Resolution (H. Res. 427) for the proper enforcement of the prohibition enforcement act and to prevent oppression in the larger cities by rural enforcement agents; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DEAL: A bill (H. R. 12623) for the relief of the estate of Sarah Harrison; to the Committee on Claims.

Also, a bill (H. R. 12624) for the relief of Joseph M. Clark & Co.; to the Committee on Claims.

Also, a bill (H. R. 12625) for the relief of Louis A. Hogue; to the Committee on Claims.

Also, a bill (H. R. 12626) for the relief of the Southern Transportation Co.; to the Committee on Claims.

By Mr. DREWRY: A bill (H. R. 12627) for the relief of the Harrison Construction Co.; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 12628) granting a pension to Walter Jameson; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 12629) to remove the charge of desertion from the records of the War Department standing against William J. Dunlap; to the Committee on Military Affairs.

By Mr. HAWES: A bill (H. R. 12630) granting a pension to Mary Koch; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 12631) granting a pension to Jacob Stone; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 12632) granting a pension to John J. Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12633) granting a pension to Carrie S. Pierce; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 12634) granting a pension to Mary Jane Robbins; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 12635) granting a pension to Martha A. Worden; to the Committee on Invalid Pensions.

By Mr. MOORE of Illinois: A bill (H. R. 12636) granting an increase of pension to Katie M. Grein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12637) granting a pension to James Beckwith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12638) to correct the military record of William H. Dotson; to the Committee on Military Affairs.

By Mr. MUDD: A bill (H. R. 12639) to renew and extend certain letters patent; to the Committee on Patents.

By Mr. RANSLEY: A bill (H. R. 12640) granting a pension to Mary A. McFadden; to the Committee on Pensions.

By Mr. SPEAKS: A bill (H. R. 12641) granting an increase of pension to Nancy D. Nixon; to the Committee on Pensions.

By Mr. STRONG of Kansas: A bill (H. R. 12642) granting an increase of pension to Carrie Wolbert; to the Committee on Invalid Pensions.

By Mr. SWING: A bill (H. R. 12643) granting an increase of pension to Samuel W. Van Riper; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12644) granting an increase of pension to Rufus F. Gibbs; to the Committee on Pensions.

By Mr. WYANT: A bill (H. R. 12645) granting a pension to Annie M. Hartzell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12646) for the relief of M. R. Welty; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6302. By the SPEAKER (by request): Petition of Central German Conference at Indianapolis, Ind., favoring the passage of uniform laws on the subject of marriage and divorce; to the Committee on the Judiciary.

6303. Also (by request), petition of Central German Conference at Indianapolis, Ind., favoring the passage of Senate Joint Resolution 131, proposing an amendment to the Constitution of the United States to prohibit polygamy in the United States; to the Committee on the Judiciary.

6304. Also (by request), petition of Central German Conference at Indianapolis, Ind., favoring the passage of House bill 9753, the Sunday observance bill; to the Committee on the District of Columbia.

6305. Also (by request), petition of the Central Swedish Conference of the Methodist Episcopal Church, urging the immediate passage of House Joint Resolution 159; to the Committee on the Judiciary.

6306. By Mr. APPLEBY: Petition of farmers of the third congressional district of New Jersey, protesting against any duty on potash in the new tariff bill; to the Committee on Ways and Means.

6307. Also, petition of the Middlesex County (N. J.) Board of Agriculture protesting against the placing of a duty on potash; to the Committee on Ways and Means.

6308. Also, petition of the Rossler & Hasslacher Chemical Co., of Perth Amboy, N. J., protesting against the placing of cyanide salts on the free list; to the Committee on Ways and Means.

6309. By Mr. KINDRED: Petition of Associated Industries of New York State (Inc.), favoring a low duty on sugar from Cuba; to the Committee on Ways and Means.

6310. Also, petition of American Hard Rubber Co., favoring a duty of 35 per cent instead of a 50 per cent rate on hard rubber; to the Committee on Ways and Means.

6311. Also, petition of Central Trades and Labor Council Greater New York and vicinity, urging impeachment proceedings against Attorney General Daugherty and Federal Judge Wilkerson for malfeasance of office by their act in disregarding Article I of the amended Constitution and section 20 of the Clayton Act of Congress; to the Committee on the Judiciary.

6312. By Mr. KISSELL: Petition of M. L. Bergstresser, West Side Silk Mill, Norwich, Conn., favoring 55 per cent tariff on silk piece goods; to the Committee on Ways and Means.

6313. Also, petition of National Enameling & Stamping Co., New York, N. Y., urging 5 per cent specific and 30 per cent ad valorem on enameled ware; to the Committee on Ways and Means.

6314. Also, petition of Chamber of Commerce of the United States of America, Washington, D. C., regarding the tariff bill; to the Committee on Ways and Means.

6315. Also, petition of Sailmakers' Union of the Port of New York, No. 16719, American Federation of Labor, New York, favoring the passage of the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

6316. Also, petition of Reliance Metal Spinning & Stamping Co. (Inc.), Brooklyn, N. Y., regarding the lower Mississippi Valley floods; to the Committee on Flood Control.

6317. By Mr. OSBORNE: Memorial of 150 veterans of various wars in which the United States has engaged favoring the passage of the bill (H. R. 9198) known as the Chandler bill; to the Committee on Pensions.

6318. By Mr. ROSSDALE: Petition of grand jury of Bronx County, N. Y., urging that the Interstate Commerce Commission should cause to be made first priority bituminous coal destined for domestic use; to the Committee on Interstate and Foreign Commerce.

6319. By Mr. SINCLAIR: Petition of Anton Klemmens and 26 others, of Kenmare, N. Dak., urging the passage of legislation that will insure a better price on wheat; to the Committee on Agriculture.

6320. Also, petition of Mrs. Simon Thompson and 15 others, of Kindred and Leonard, N. Dak., asking for the passage of legislation to insure a set price on wheat; to the Committee on Agriculture.

6321. Also, petition of Mrs. J. W. Sheridan and 5 others, of Mohall, N. Dak., asking for a stabilized price on farm products; to the Committee on Agriculture.

6322. By Mr. SPEAKS: Papers to accompany House bill 12618, granting a pension to Anna O'Neil; to the Committee on Pensions.

6323. By Mr. YOUNG: Petition of North Dakota Farm Bureau, indorsing Senator LADD'S measure to accept Henry Ford's proposition to take over the operation of the Muscle Shoals Dams and nitrate plants; to the Committee on Military Affairs.

SENATE.

THURSDAY, *September 14, 1922.*

Rev. Wallace Radcliffe, D. D., of the city of Washington, offered the following prayer:

O Lord, what is man that Thou art mindful of him or the son of man that Thou visitest him? Thou madest him a little lower than the angels and hast crowned him with glory and honor. Teach us the responsibility of this crown, that our bodies may be made temples of the Holy Ghost and every day to us be made a Sabbath and every service a sacrament.

Bless the United States Senate and all associated with them in their work for the Government. Endow them with Thy special providence and grace for every duty. Care for the young pages. God bless the lads, that this Chamber may be to them a school of training for faithful citizenship and for Christian manhood. Grant Thy spirit to-day to Thy servants in all Thou dost commit to them, that the beginning and the continuance and the end of their service may be indeed as a blessing upon the Republic and to the glory of Thy name. In Jesus Christ. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had recommitted the report of the committee of conference on the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, to the committee of conference, with instructions to the House conferees to agree to the Senate amendments putting fertilizer potash on the free list and to strike out the provision containing the dye embargo.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 70. An act to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes;

H. R. 478. An act for the relief of Aaron Kibler;

H. R. 513. An act for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long;

H. R. 862. An act for the relief of Vivian Hood;

H. R. 1723. An act for the relief of Edward J. Schaefer;

H. R. 1764. An act for the relief of J. A. Leslie;

H. R. 1941. An act to provide for the refund of entrance and clearance fees erroneously collected by the customs authorities from the Peninsular & Occidental Steamship Co.;

H. R. 1949. An act for the relief of Richard J. Easton;

H. R. 2620. An act for the relief of Welch, Fairchild & Co. (Inc.);

H. R. 3508. An act for the relief of Rear Admiral J. S. Carpenter, Supply Corps, United States Navy;

H. R. 3754. An act for the relief of Rear Admiral Livingston Hunt, Supply Corps, United States Navy;

H. R. 4356. An act for the relief of Arthur J. Burdick;

H. R. 5125. An act for the relief of Oliver A. Campbell;

H. R. 5634. An act for the relief of Frank William Brown and Clara Bryan Brown;

H. R. 5668. An act for the relief of Cora T. Dering;

H. R. 5684. An act to authorize the purchase by the city of Medford, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916;

H. R. 6258. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.;

H. R. 6323. An act for the relief of Frank M. Stewart;

H. R. 6512. An act for the relief of and purchase of lands for certain of the Apache Indians of Oklahoma lately confined as prisoners of war at Fort Sill Military Reservation, and for other purposes;

H. R. 6525. An act for the relief of the Cortez Oil Co.;

H. R. 6628. An act for the relief of the owners of the British steamship *Clearpool;*

H. R. 6966. An act to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army;

H. R. 7109. An act to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes;

H. R. 7544. An act authorizing the Postmaster General to temporarily reduce the pay of rural carriers for disciplinary purposes instead of suspending them without pay;

H. R. 7662. An act for the relief of F. R. Messenger;

H. R. 7695. An act for the relief of James E. Connors;

H. R. 7862. An act authorizing the Secretary of the Interior to sell and patent certain lands to William S. N. Calhoun and Zaidee Boatner Calhoun, residents of Catahoula Parish, La.;

H. R. 7923. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 7968. An act granting to the city of St. Andrews, Fla., the right to remove shells, sand, and gravel from certain public lands for road-building purposes;

H. R. 7984. An act for the relief of James Kelly;

H. R. 8256. An act authorizing the issuance of a patent in fee to Perry H. Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 8358. An act for the relief of Israel Butts;

H. R. 8374. An act for the relief of the estate of Frank W. Knight;

H. R. 8669. An act authorizing the issuance of a patent in fee to Jerome Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 8675. An act authorizing the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park;

H. R. 9069. An act for the relief of William H. Slaine;

H. R. 9495. An act for the protection of timber owned by the United States from fire, disease, or the ravages of beetles or other insects;

H. R. 9528. An act providing for the retention by the Government of the property in Nome, Alaska, known as the Detention Hospital Building, and its use by the Bureau of Education, Department of the Interior;

H. R. 10248. An act authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona;

H. R. 10461. An act to add certain lands to the Siskiyou National Forest in Oregon; and

H. R. 10554. An act authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes.

PETITIONS.

The PRESIDENT pro tempore laid before the Senate resolutions adopted at the twenty-ninth annual session of the Central Swedish Conference, Methodist Episcopal Church, at Jamestown, N. Y., favoring a proposed constitutional amendment to prohibit sectarian appropriations, which were referred to the Committee on the Judiciary.

Mr. CAMERON presented a resolution of the Fred A. Humphrey's Post, No. 8, American Legion, of Casa Grande, Ariz., favoring the prompt passage of the so-called soldiers' adjusted compensation bill with the McNary amendment providing for reclamation projects, etc., which was ordered to lie on the table.

Mr. CAPPER presented a resolution adopted by Transylvania Lodge, No. 2299, Odd Fellows, of Parsons, Kans., favoring the prompt passage of the so-called Dyer antilynching bill, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted at a meeting of the Kansas Conference, Methodist Protestant Church, at Rose Hill, Kans., favoring an amendment of the Constitution authorizing Congress to enact uniform marriage and divorce laws, which was referred to the Committee on the Judiciary.

INDIAN SCHOOL, RAPID CITY, S. DAK.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 3936) to rebuild the boys' dormitory at the Indian school, Rapid City, S. Dak., reported it with amendments and submitted a report (No. 919) thereon.

SILVER SERVICE PRESENTED TO CRUISER BROOKLYN.

Mr. HALE. From the Committee on Naval Affairs, I report back favorably without amendment the bill (S. 3990) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Brooklyn Museum the silver service which was presented to the cruiser *Brooklyn* by citizens of Brooklyn, N. Y., and I submit a report (No. 918) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Brooklyn Museum, of Brooklyn, N. Y., for preservation and exhibition in such museum, the silver service which was presented to the cruiser *Brooklyn* by citizens of Brooklyn, N. Y.: *Provided,* That no expense shall be incurred by the United States for the delivery of such silver service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALL OF THE ROLL.

The PRESIDENT pro tempore. The morning business is closed.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Broussard
Bursum
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dillingham
du Pont
Ernst
Fletcher
France
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
King
McCumber
McLean
McNary
Moses
Myers
Nelson
New
Nicholson
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Sheppard
Shields
Simmons
Smoot
Stanfield
Sterling
Sutherland
Trammell
Underwood
Walsh, Mass.
Watson, Ga.
Watson, Ind.
Williams
Willis

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, there is a quorum present.

ADDRESS BY SENATOR BRANDEGEE.

Mr. MOSES. I ask unanimous consent to have printed in the RECORD, in 8-point type, an address delivered by the senior Senator from Connecticut [Mr. BRANDEGEE] at the State Republican convention, which was held yesterday in Hartford in that State.

There being no objection, the address was ordered to be printed in the RECORD, in 8-point type, as follows:

Senator BRANDEGEE spoke in part as follows:

"Ladies and gentlemen of the convention, in 1912 the Republican Party, after remaining in power with few interruptions since the close of the War between the States, divided its forces and its historic foe, the Democratic Party, although in the minority in the country, came into power. One of the earliest acts was the passage of a tariff bill, the disastrous effects of which became apparent almost immediately. Imports into this country from foreign lands steadily and rapidly increased. Our own labor was thrown out of employment, our mills and factories were rapidly closing, and the country was saved from commercial disaster only by the breaking out of the great European war. That war created such a demand for our products and absorbed the products of the belligerents to such an extent that it operated, as far as this country was concerned, as a high protective tariff to American industries and American labor. Our imports at once fell off and our export trade was swelled to unprecedented proportions.

"During the war partisanship at home was reduced to a minimum and the entire strength of the Nation was concentrated in the effort to procure unity of action, and every other consideration was subordinated to winning the war. The Republican Party loyally supported the administration in power in its war measures and contributed its full share of men and money to the cause. Partisanship, however, was resurrected in 1918 by the call of President Wilson for the election of a Congress Democratic in both branches. This ill-advised action of the former President provoked such deep resentment in the hearts of the people that a Republican House of Representatives was elected.

"The gross and reckless extravagance and maladministration of the Democratic Party and the attempt of that party to permanently entangle this country in the complexities of European affairs so aroused the people that in the election of 1920 the people called the Republican Party back to complete control of the Government by a popular plurality of over 7,000,000 votes. This stupendous victory, far excelling in its dimensions any that had preceded it in the entire history of the country, accurately gauged the hot resentment of the people against Democratic mismanagement and incompetency.

"The people chose as the head of the Government that typical American, Warren G. Harding. I refer to him as a typical American because, like the great majority of successful Americans, he was a self-made man. He had worked his way up from poverty and a humble station almost unaided, except by his native qualities of mind and character, from the position of typesetter in a newspaper office to that of a State senator of his native State of Ohio, thence to the position of lieutenant governor of his State, and then to the United States Senate, from which position the people called him to the Presidency of the richest and most powerful Nation on earth. In these various positions President Harding had come into intimate personal contact with the great masses of the people. He is quick in his sympathies, cool in judgment, consistent in conduct, and courageous in action. He knows and understands the great masses of the American people and the motives and feelings which actuate them. He is a just man, he has an open mind, and is as free as it is possible for a human being to be from envy, jealousy, and malice. He earnestly desires the peace and prosperity of the people, and his every thought is directed to how he can contribute to their welfare.

"When he entered the White House on March 4, 1921, just 18 months ago, he was confronted with the wreckage and entanglements of the great World War. No one who has not had to contemplate the elements of this intricate and complicated aftermath can possibly realize the stupendous task which devolved upon the shoulders of the President. Situations existed for which there was no known precedent; problems pressed for solution for which there was no analogy; many of our soldiers were still in foreign lands; our finances were involved; the Nation had accumulated a war debt of some $24,000,000,000, nearly half of which had been loaned to foreign nations who had been our associates in the war; the great war machine had to be disjointed; our Army and our Navy had to be reduced to normal proportions; and a policy had to be framed for the disposition of the vast merchant fleet which we had constructed as a war measure. Deflation from the tremendous inflation and consequent high prices of the war period was a necessity.

"The first act of the President commanded the approval and secured the confidence of the country. He selected a strong and well-balanced group of advisers as his Cabinet, and placed at its head a former Associate Justice of the Supreme Court of the United States, who had also been a candidate of the Republican Party for the Presidency in the previous national election. The President and his Cabinet forthwith plunged into the gigantic task of clearing away the débris of the war and setting the Nation's house in order. We were still in a technical state of war with the former enemy countries and peace must be officially established. Treaties of peace were negotiated and ratified, by the terms of which America secured all her demands without becoming enmeshed in the broils or jealousies of the Old World, and without approving any of the iniquities of the treaty of Versailles. The independence of America has been preserved, and her international influence and prestige were never so high.

OUR FOREIGN RELATIONS.

"The United States of America is at peace with all the world. Every foreign country seeks our good will and friendship, and has them. We are constrained by no entangling alliances in our future course of action, but are free to use our influence and determine our own course in any future emergency as our people may decide. This is the historic American policy, and it is wiser to-day than ever before.

"One of the most signal triumphs of President Harding was the result of the conference of a group of the principal powers of the world recently held in Washington upon the subject of the limitation of armaments. The principal reason why this conference resulted so satisfactorily was because the number of nations which participated in it was small. Another cause which contributed to its success was the fact that too much was not attempted. If all the nations of the world had been called together insurmountable objections on the part of some would surely have arisen. If immediate and complete disarmament had been insisted upon nothing would have been accomplished. The plan pursued by the administration and its distinguished representatives at the conference was along the line of a continuous and graduated reduction of naval armaments during the period of five years. At the end of that period the reduction in naval armaments will have been very material, and the amount of money saved the people of the participating nations, and the relief to their taxpayers, will have been very substantial. Nor has the relative position of America in naval strength upon the sea been sacrificed, but in response to the undoubted wish of the people, and their passionate desire for the preservation of the peace of the world, the initial step has been taken, and the spirit which pervaded the conference greatly encourages the hope that other similar conferences will be held leading to still further reduction of armaments upon both land and sea. For the successful conduct and termination of this conference President

Harding and his administration are entitled to and have received the deep gratitude of the representative men of the world. But as gratifying as the result of this great conference was, it is only one of a long list of accomplishments by the administration for the benefit of the people.

DEMANDS UPON CONGRESS.

"Upon several previous occasions I have had occasion in addressing Republican State conventions to direct attention to the ever-increasing demand for legislation by the Federal Government. During an experience of 20 years in Congress I am increasingly convinced that altogether too much reliance is placed upon the efficacy of acts of Congress as final remedies.

"A great mass of the measures which are pressed upon Congress are entirely beyond the constitutional power of Congress to deal with. Many people demand action at Washington for the cure of evils which could be much better treated by the application of the laws of their own States.

"Wherever possible the people of a State should make their own laws for their own government, where they can be enforced by their own citizens and modified and repealed by them when necessary. Home rule and local self-government are always best for any people. The people of a State are apt to be better acquainted with each other; they understand each other better; they are apt to be more homogeneous in blood and more alike in customs, habits, and aspirations than are the people of States separated from each other by great distances. The States should, therefore, if they desire to retain home rule and local self-government, rely upon their own legislatures and exercise their own powers to the fullest extent. They should realize that they have all the powers that they had before they created the Federal Government, except such powers as they have specifically or by necessary implication delegated to the Federal Government.

"The demand for the passage of new laws by Congress and the methods of expressing that demand have multiplied manyfold in recent years. This is accounted for to a large extent by the increasing tendency of those interested in a common cause, business, or calling to organize and press their claims upon Congress. Organizations seem to have become the order of the day, and conventions of the various organizations are held at short periods, at which committees are appointed to insist upon a certain course of legislative procedure. The ease of communication, the great facility and the low price of communicating intelligence, the practical elimination of time and space within certain limits, caused by the railroad, the telegraph, and the telephone, have encouraged greatly unity of action by blocs for their own interests and their own purposes, many times without reference to the good of the general public. There is hardly a question of any importance which comes before Congress upon which these various organizations and blocs do not divide, and many of them divide with reference to their own personal interests alone.

"The result of this propaganda, perhaps, is quite different from that which its originators intend. It is frequently asserted that all Members of Congress are cowards and care nothing about the merit of measures, but are only concerned with the number of votes which are supposed to be obtained. The idea is sought to be conveyed that when a measure is up for consideration the organization which has the largest number of members and which threatens the most violently will get the votes of Members of Congress because of their fears, but where so many organizations adopt the same tactics in order to procure legislation they are apt to neutralize the efforts of each other. Members of Congress are no braver and no more cowardly than the voters who elect them. I have seen many Members of Congress stand by their convictions of what was right, uninfluenced by the threats of political extermination which were daily hurled at them, and I have seen many of them reelected because they stood by what they thought was right in spite of the pressure to the contrary.

"There is hardly an important subject which comes before Congress upon which one's constituents are not of various minds. A Member of Congress should always be glad to know what his constituents think about questions which he is called upon to help decide. Most Congressmen are anxious to know what their constituents think of the question at issue, and are anxious to get all the information possible bearing upon the subject under consideration; but mere threats to destroy a Representative if he does not vote as his constituent would like to have him, in my judgment, is more apt to damage the cause of the person who makes such threats than it is to help it. No self-respecting Member of Congress will bow meekly to an attempt at intimidation.

ADMINISTRATION ACCOMPLISHMENTS.

"President Harding was elected for a term of four years. Eighteen months of that time have gone by. The Democratic press of the country has been devoting itself assiduously to the attempt to create an impression that little has been done in that time. No greater mistake than this could possibly be made. The President and his Cabinet and all his heads of bureaus have been continuously at work. The Congress has been in almost continual session. It has had to deal with a long list of vital and troublesome questions. Emergencies have arisen one after another in continuous procession. Most of them have been successfully grappled with and settled; others are in process of settlement; a few remain unsettled and with little progress made toward settlement, but they are very few, and time and patience and common sense will surely bring them to a successful issue.

"To those Democratic friends, both persons and press, who think they improve their political prospects by repeating to themselves the phrase 'Congress has done nothing,' I would suggest that they consider the following list of measures passed by this Congress which they elected in November, 1920. The list is far from complete, but I have selected some of the more important measures:

"An act has been passed to restrict immigration into this country to 3 per cent of the nationals of any country who were in the United States at the time of the taking of the census of 1910. The immigration problem was complicated by conditions resulting from the Great War. Millions of people in foreign countries were clamoring for entrance into this country in order to escape the high taxation, the military service, the want, misery, and devastation which existed in their old land abroad. Many of our own workers were out of employment. It was almost impossible to apply existing selective tests to the flood of threatened immigration. These prospective immigrants in certain cases came from countries which were afflicted with contagious diseases and their entrance into this country would have been a great peril to the health of our people. By the wise limitation set by this act immigrants are to be admitted only in such numbers as will be readily absorbed and Americanized.

"A commission was created to fund and fix the time and conditions of payment of the vast sums which we had loaned the countries with which we had been associated during the war. This commission is now engaged in its difficult task in conference with agents appointed by our foreign debtor nations.

"An agricultural credits relief bill was passed authorizing the War Finance Corporation to extend credit to the extent of a billion dollars to aid in carrying and disposing of agricultural products, and to provide credit for agricultural purposes. Under the provisions of this bill the War Finance Corporation has loaned to exporters $9,732,608; to cooperative marketing associations, $96,899,634; to banks and financing institutions, $233,972,230; to live-stock loan companies, $59,693,608; making a grand total of $400,298,081, which relief has proved most helpful to the farmers of the country. No class of our population has suffered more by the readjustment of prices from the high points attained during the war than the farmers of the country. During the war the farmers had been induced to cultivate larger tracts of land and had borrowed heavily in the purchase of agricultural machinery and other necessities at high prices and at high rates of interest. When deflation began the prices of agricultural products dropped precipitately, and in many instances the value of the crops raised was less than their cost of production. The prices of the things which the farmers had to buy did not drop in proportion to the prices of what he had to sell. The result was that the farmer was caught and ground between the upper and the nether millstones. This constituted an acute emergency and the quick relief extended by Congress contributed largely to the solution of the crisis.

"An emergency tariff bill was also passed as a temporary expedient to protect the products of the farmer from the ruinous competition which was resulting from the low cost of labor abroad. This bill will remain in effect only until the new general revision of the tariff shall take effect. The plight in which the agricultural interests of the country had been caught reacted upon the entire industrial system. The purchasing power of the farmer having been impaired and almost destroyed, he was unable to buy the products of our mills and manufactures. Our mills and mnaufactures, which at the same time were attempting to readjust their production from war materials to products required in time of peace, lost their farmer customers. The railroads and other transportation interests of the country were deprived of the business of hauling the products of the manufacturers to the farmers, and in large measure of the products of the farms to the consumers. The credit of the farmers was strained to the utmost and the resources of the financial institutions of the country had to deal with a system of frozen credits contracted at a time of high prices and extended upon the shrunken value of collateral security. Thus the vicious circle was complete and demonstrated conclusively the interdependence throughout the country existing between agricultural production, manufacturing, and transportation. In this period of readjustment after the World War there is no one policy and no series of statutes which can at once bring about normal conditions in a civilization and industrial system as complicated as that of the United States. Patience, sanity, and common sense, as well as forbearance and the spirit of mutual helpfulness, is absolutely necessary to tide over such a situation. Our situation is now showing many marked signs of improvement. There is a better demand for labor. The building trades show a marked increase in activities. Home building, which during the war almost ceased, has been resumed upon a great scale and contracts for new construction have been awarded which amount to billions of dollars in the aggregate. In spite of all the difficulties and trials of the unprecedented conditions through which the country has passed, the United States finds itself in a far better condition than is any other country in the world. The worst is over, and all authorities agree that the signs and indications of a full measure of prosperity are clearly visible.

"An act inaugurating the executive Budget system has been passed. Under the provisions of this act the estimates of money required to run the Government are to be submitted to the President, and by the President to the Congress, and the bills raising revenue are to be based upon the amount recommended by the executive branch of the Government. Heretofore each department has prepared its own estimates and made its own recommendations to Congress, and the appropriation bills for the various departments were prepared by the different committees of Congress without relation to each other and with no system of coordination. This antiquated system resulted in much duplication and expense to the Government. The Budget system will also act as a supervising agency in the interest of unification and coordination. It will tend to centralize the study of our financial requirements and enable one central authority to review the whole system of expenditure and will doubtless result in great economy and consequent reduction in taxation.

"An act consolidating the departments and bureaus engaged in the relief of the disabled veterans of the war was passed, which enabled the veterans to deal with a single agency in securing their relief. This act simplified the entire proceeding of caring for our disabled soldiers and expedited the relief to which they were entitled.

"A new revenue act was passed. Under this act the war revenue acts were completely revised. This act repealed the odious excess-profits tax, the transportation tax, the tax on life insurance premiums, the tax on the parcel post, the tax on the sale of clothing, and many other vexatious and irritating sales taxes. A board for the simplification of taxes was created by this act, and provision was made for the adjustment of uncollected arrears of taxes and for the prevention of retroactive rulings by the department in relation to taxes.

"An act in relation to telephones and cables was adopted.

"An act providing for Federal highways was passed.

"Acts providing for the maintenance of an adequate Army and a sufficient Navy have been passed and all the great appropriation bills for their maintenance have been adopted.

"An act for the reorganization of the Patent Office and for the proper compensation of its officials was passed.

REDUCTION IN EXPENDITURES AND PUBLIC DEBT.

"In striking contrast with the reckless expenditures of the last Democratic administration are the results of the Republican determination to bring the expenditures of the Government down to the lowest possible figure. At the close of the fiscal year on June 30, 1922, the Hon. MARTIN B. MADDEN, chairman of the Committee on Appropriations of the House of Representatives, submitted to the House his analysis of Government expenditures. From this expert statement it appears that 'the expenditures for the fiscal year 1919, which was the fiscal year in which the armistice was signed, covering the ordinary expenses of the Government and excluding public-debt retirements, were $18,514,879,955. The expenditures for the fiscal years 1920, 1921, and 1922 (exclusive of public-debt expenditures chargeable to ordinary receipts), on a comparable basis, are as follows:

Fiscal year 1920	$6,403,343,841
Fiscal year 1921	5,115,927,689
Fiscal year 1922	3,372,607,899

"'These figures show a reduction for 1922 under 1920 of $3,030,735,941. They show a reduction for 1922 under 1921 of $1,743,319,789.'

"During the fiscal year just closed on June 30, 1922, the ordinary receipts for the year amounted to $4,109,104,150. The total expenditures, including public-debt items chargeable against ordinary receipts, were $3,795,302,499.

"The surplus for the year is $313,801,651. The total gross debt of the Government on June 30, 1921, was $23,977,450,552. The total gross debt on June 30, 1922, one year later, was $22,963,381,708. The reduction in the debt during the year amounts to $1,014,068,844.

"On May 31, 1919, the total gross debt of the United States was $25,916,874,096. The total gross debt on June 30, 1922, was $22,963,381,708. The reduction of debt during this period is thus seen to amount to $2,953,492,388.

"The reductions in appropriations and consequent reductions in expenditures during the past few years have made possible a most gratifying reduction in taxes. The amount of the reduction for the calendar year 1921 is approximately $80,000,000, and the relief to taxpayers for the calendar year 1922 is estimated by Mr. MADDEN to be not less than $850,000,000.

"As Mr. MADDEN points out in his analysis of governmental financial conditions, 'a complete comparison of the present postwar with any pre-war year is manifestly unfair unless all of the changed economic and political factors are adapted to each period. Nowhere in the United States or abroad are living costs or other economic conditions what they were prior to the war. They never will be in the near future. It is unreasonable to insist that the Government expenses can be brought down precisely to the figures of a period in the past.

"'The real test has been met for comparative purposes if present appropriations are as low as can be consistently made, considering the changed economic and political situation of the country as compared to this situation in the pre-war year. This has been done most satisfactorily. Any comparison of 1923 with a pre-war year must take into consideration these facts arising from war conditions: The interest on the public debt has increased from $23,000,000 annually to $975,000,000; the sinking fund and other public-debt retirement funds have increased from $60,000,000 to $369,000,000; appropriations for pensions have increased from $158,000,000 to $252,000,000; appropriations for the Veteran's Bureau to provide for compensation, vocational training and medical and hospital relief to veterans of the World War amount to $418,000,000, against nothing before the war; the appropriation of $100,000,000 for the Shipping Board is directly due to the war and the chaotic situation in shipping affairs taken over by the present administration on March 4, 1921; the appropriations for the Postal Service have necessarily increased from $324,000,000 to $565,000,000; the entire Internal Revenue Service prior to the war cost about $4,000,000, as against $60,000,000 for the next year, including prohibition enforcement.

"'The Army, while reduced to a pre-war basis of personnel, requires increased appropriations on account of increased pay, transportation, and costs of food and other supplies as compared with the pre-war period. The Navy appropriations are somewhat larger than the pre-war figures, due to the enlarged size of the fleet and consequent increase in the personnel.

"'The Republican Party has made good in its policy of retrenchment and financial reform. It has established an effective Budget system. It promised a reduction in the cost of Government and a reduction in taxation. Both have been effected. The public debt has also been reduced. While other nations are struggling with overwhelming public debts that in some cases are as great or greater than their national wealth and are crying for relief from the taxes caused by deficits in their budgets, the United States has reduced taxation, achieved a surplus in the fiscal year just closed, and is effecting a gradual reduction in the public debt out of current receipts. Such a record is deserving of and will receive the approbation of the American people.

"'The total number of Government employees in the classified civil service, both in and outside of the District of Columbia, aggregated 691,116 on July 31, 1920, the beginning of the fiscal year for which the Republican Congress made appropriations. That number was reduced to 597,482 on July 31, 1921, and further reduced to 568,390 on December 31, 1921, which is the latest date for which figures are available. The total decrease from July 31, 1920, to December 31, 1921, is 122,726.'

REDUCTION IN ESTIMATES AND APPROPRIATIONS, FISCAL YEARS 1920, 1921, AND 1922.

"'Upon assembling in extra session in May, 1919, the new Republican Congress was confronted with the task of passing before the commencement of the new fiscal year on July 1, 1919, eight of the largest of the supply bills which the Democratic Congress had failed to enact into law before it went out of power. Those bills at the time of their failure were all pending in the Senate. The amounts carried in them at the time of their failure aggregated $3,767,975,974. The total of the same eight bills after their reenactment was $2,828,283,432. The first legislative action of the new Congress resulted in the passage of these bills before the fiscal year began and in the decrease of the appropriations proposed by the Democratic Congress for the fiscal year 1920 by $939,692,541.

"'The estimates for the fiscal years ending June 30, 1921, and 1922, respectively, and deficiency estimates for prior years, were prepared by the Wilson administration and submitted to the Republican Congress. The reduction made by the Congress in those estimates aggregate slightly more than $2,950,000,000.

"'The total reductions which the Republican Congress effected in the amounts proposed to it by the Democratic administration for the fiscal years 1920, 1921, and 1922 reach $3,890,000,000, a sum which exceeds by nearly $150,000,000 the total of the appropriations just made for the fiscal year ending June 30, 1923.

"'In addition to the reductions effected in the estimates of the Democratic administration and the bills of the Democratic Congress, the Republican Congress, in connection with the preparation of the appropriation bills for the fiscal years 1920, 1921, and 1922, also brought about the repeal of appropriations totaling $1,140,000,000.'

"These reductions in appropriations are exceedingly important and should be considered in connection with the reductions in expenditures for these three fiscal years hereinbefore referred to.

"The adoption of the budget system has produced results which are most gratifying. Not only is the estimate for appropriations the coordinated estimate of all the departments considered with relation to each other by the Bureau of the Budget and then approved by the President, thereby insuring a general review of all expenditures by a single commission of experts, but the system is accompanied by a scientific method of auditing and accounting which has hitherto been lacking. Before the adoption of the budget system by the administration of President Harding the great supply bills of the Government were prepared by eight different committees in the House and in the Senate. The amounts appropriated for the various departments and activities of the Government were not all contained in the same bill but were scattered through different bills. It thus became almost impossible to ascertain the expenditures to be charged to each department and to properly check them up. In addition to this difficulty departments and bureaus were continually exceeding the amounts appropriated for their use and relying upon deficiency bills to reimburse the Treasury for the unauthorized expenditures. Under the new system a single committee on appropriations has been created in each branch of Congress which handles all appropriation bills instead of their being scattered in eight separate committees. The appropriations bills have been reorganized and reformed. The new bills carry appropriations for particular departments and other units of governmental activity. All the appropriations for each department are to be found in one bill or part of a bill. The appropriations for the War Department, which were formerly to be found in five different bills, are now segregated in one bill. The new arrangement tends to precision, clarity, and accuracy and has received the commendation of all who have studied the complicated details of governmental appropriations.

"Too much credit for the great work done by the Bureau of the Budget can not be given to its financial director, Gen. Charles G. Dawes, who has just retired, nor to the former Chief of Finance of the War Department, Gen. Herbert M. Lord, who now becomes Director of the Budget.

"As evidence of the marked strides which have been taken in the reduction of appropriations I call attention to a brief table submitted to the Senate by Senator WARREN, of Wyoming, the chairman of the Committee on Appropriations, on July 12, 1922, which appears on page 10209 of the CONGRESSIONAL RECORD. By this table it appears that the grand total of the appropriations for the fiscal year ending June 30, 1918, was $18,901,966,814; that for the fiscal year 1919 was $27,072,094,720; that for the fiscal year 1920 was $7,337,597,282; that for the fiscal year 1921 was $4,780,829,510; that for the fiscal year 1922 was $4,066,316,366; that for the fiscal year which will end on June 30, 1923, was $3,747,035,382. Those who are interested in comparison of appropriations for the fiscal years of 1922 and 1923, and for the comparison of the estimates with appropriations for the fiscal year 1923, and for the comparison of the budget estimates and appropriations, supplemental and deficiency for the fiscal year 1922, and the prior fiscal year, and for the recapitulation of comparisons of budget estimates and appropriations will find complete and authoritative tables analyzing the subject in the CONGRESSIONAL RECORD of July 12, 1922, on pages 10205 to 10208, submitted to the Senate by the chairman of the Senate Committee on Appropriations.

"The Republican Party under the leadership of President Harding was determined to check the waste and extravagance which existed under the Democratic administration during and after the war and has cut the appropriations to the lowest possible amount consistent with the payment of the fixed charges for running the Government, the Army and Navy, and for the payment of the interest on the public debt. It has exercised the utmost economy in appropriations and absolute integrity in expenditure. It is realized everywhere that even with the utmost economy taxes will necessarily remain high for several years to come, but every effort will be made to reduce expenditures and as soon as possible to lighten the burden of taxation.

"I have referred to the fact that there are very definite signs of a great business revival in the near future. There are, however, some clouds still hovering on the industrial horizon.

THE COAL AND RAILROAD STRIKES.

"For several months the miners of coal, both anthracite and bituminous, have been on a strike owing to differences between them and their employers. The direct loss of wages has been stated to be over $400,000,000. The loss involved in the higher price of coal and the indirect loss in many ways is incomparably greater than that and is incapable of exact computation.

"The mills and factories, the locomotives and steamboats, and the individual users of coal have all been caused the greatest inconvenience and damage. The production and distribution of coal lies at the basis of heat, light, and power, of transportation, and the manufacture of commodities.

"After the strike among the coal miners had proceeded for several months, there was superimposed upon it a strike by the railroad shopmen, which at times has threatened to involve the striking of other railway employees, and possibly the calling of a general strike all over the country. The calamity which would be produced by such action staggers the imagination. The entire Nation, men, women, and children, the great mass of them unrelated to the controversy at issue, and entirely innocent of any wrongdoing would, if these strikes were continued into the winter season, be starved and frozen. The families of the striking employees would meet the same fate.

"In the interest of the general public, and for the preservation of society, and, indeed, of civilization itself, some method must be discovered by which differences of opinion between employers and employees can be composed without bringing anarchy and chaos upon the entire country.

"Coal is not only the origin of heat, light, and power, but it furnishes the motive power for our steam-railway transportation. The production and distribution of coal, and the transportation facilities furnished by the railroads must be made continuous. No interruption of either can be tolerated. A solution of this question must, in the interest of humanity and of the perpetuity of our institutions, be discovered. It is perfectly true that a man can not be compelled to work against his will. Every free American has the right to work when he pleases and to quit work when he pleases. This applies to everybody, whether they are members of labor unions or not. The man who is not a member of any labor union has just as much right to work when and where he pleases as a member of a labor union has to quit work when he pleases. Nobody should be allowed to interfere with either in the exercise of this lawful right. Every person has a right to employ other people to guard and protect his property. The outrages perpetrated at Herrin, Ill., where armed mobs of striking miners marched against the property of the operators and attacked those who were there to protect it from violence, and those who had attempted to operate the mines, are a disgrace to the locality where they occurred. Such crimes must be prevented and the criminals who perpetrated them must be punished.

"There is some confusion in the minds of the people as to the powers of the President of the United States in such cases. Under our form of government the authorities of each State have ample power under the law to preserve the peace and to suppress riots and other disorderly assemblages. The President of the United States can not order the Army into a State unless by the request of the governor of the State, except in cases of insurrection and rebellion, or unless it be to prevent a restraint of commerce among the States, or interference with the carrying of the United States mail, which was done in 1894 by President Cleveland during the Chicago strike.

"The States have ample police power to punish crime within their borders, and it is the duty of the State authorities to use all necessary force to maintain order and punish crime. Perhaps no one person is wise enough to state offhand exactly what the terms of the remedy to be applied shall be, but that a remedy must be found is beyond question.

"Coal must be produced without interruption, and the transportation systems of the public must be operated continuously. No differences of opinion beween the owners of these properties and their employees as to hours of labor or rates of wages can be permitted to destroy the business of the country and to bring the innocent people of the country to the brink of famine and death.

"Where a system of coal mines is operated by men who belong to labor unions, who strike en masse when they so vote, or are ordered, and when nonunion men are prevented from taking their places, the public health and safety are imperiled, and the safety of the public must be the supreme law. Where a system of railroads is operated by men who belong to labor unions they no doubt have a right to quit work. When they do so they are no longer in the employ of the railroad company. Having vacated their positions they have no right to prevent others from filling their places.

"Interstate railroads are public-service corporations. They are privately owned but they serve the public, and under the commerce clause of the Constitution of the United States they are regulated by laws passed by Congress. Congress prescribes the rates which they may charge, the kind of equipment they may use, the hours during which their employees shall be allowed to labor, the issuance of their securities, the manner in which their books shall be kept, the inspection of their engines, the routing of their freight, the kinds of bills of lading they shall issue, and many other details of the business.

"Congress has created the Interstate Commerce Commission and given it power to make orders in relation to many of these matters. These railroads operate under public charters granted by the several States, and they are public service corporations. It is insufferable and utterly inconsistent with the conduct of the business of the Nation that the operation of these great arteries of travel and commerce should, at a preconcerted signal, come to a stop simultaneously over the entire Nation or any considerable part thereof. The loss and the indirect damage, the physical and mental suffering, the anxiety and hostility which arise from such a proceeding as a strike, involving hundreds of thousands of men and paralyzing the commerce of the country, constitute too great a price to exact from the innocent public for the settlement of a disagreement as to wages or conditions of labor. Some civilized method must be devised by which laboring men who belong to unions may have their differences with their employers adjusted by a peaceful method, as the differences of other people are adjusted. The country will not permit, and ought not to permit, any labor union or any other combination of men to throttle its activities, to decline to submit their differences to arbitration, or to refuse any judicial and orderly settlement of their disagreement.

"If the contention of any leader of a labor union is that he and his union will not permit any tribunal duly constituted by law to decide the matter in dispute; that the dispute must be decided in their favor in accordance with their demands, irrespective of the rest of the country, and regardless of all damage that innocent people may suffer; that they shall be allowed not only to abandon their positions but shall also be allowed to prevent anybody else from filling the positions so vacated; and that they shall be allowed to starve and freeze the country in order to compel their employers to yield to whatever demands the employees may make—then I say this claim can not be allowed. It is an unjust claim, inconsistent with the practices of civilized society, inhuman, cruel, and utterly inconsiderate of the rights of innocent third parties. Whenever this issue is raised it must be squarely met, for the great unorganized mass of the men, women, and children of this free Republic will never accede to any such arrogant claim in the interest of a particular class of people against all the rest of the people.

"The Republican Party stands for equal rights for all men, but conspiracies in restraint of commerce among the States, whether such conspiracies consist in preventing the operation of railroad locomotives or of preventing them from getting coal upon which their operation depends or whether the conspiracies are entered into by capitalists or laborers, must cease. Law and order and the public peace must at all hazards be preserved.

THE SOLDIERS' BONUS.

"Upon nearly every one of the emergencies which have arisen since the last national election, and in respect to nearly every act of any importance which Congress has passed, there have been differences of opinion. Indeed, on many of these questions people of the same political faith have differed violently. The passage of the soldiers' adjusted compensation bill in both Houses of Congress by great majorities is one of such measures. It was not a partisan measure. It was supported by Democrats as well as by Republicans. It was advocated and opposed with equal vehemence. Epithets have been hurled at each other by those taking opposite sides of the question, and a great deal of feeling has been aroused.

"During the last national campaign I announced publicly that I would favor a soldiers' bonus, so called. As a Senator I voted to put this country into the great World War. I voted to conscript the youth of this country into the military service of the United States. I was myself beyond the age of military service, but I voted to draft the boys of the age fixed in the conscription law into the hell of war. They were all liable, upon the commands of their superior officers, to throw themselves against the cold steel, the poison gas, and the flame throwers of the oncoming German host. I voted to drag them away from their ordinary vocations of life, to compel them to abandon their friends and their families, and to fight in foreign lands in the service of their country and for the success of the allied cause. Those who were not drafted stayed at home. Many of them rendered efficient service by producing the things which were necessary to the support of the Army and of the Navy. Many of them made large profits. Wages and prices soared to abnormal heights. Many people reaped the advantage of great profits in safety while our boys were risking their lives and while their families and friends at home were suffering anguish of mind as to their safety. It was the onrush of these gallant soldier boys of ours against the enemy which saved western Europe from the German invasion, and saved the lives and property of the people of this country who remained at home. Having voted to compel these young heroes to fight our battle, I can not find it in my heart to deny them the small tribute to their valor which is provided by the so-called bonus bill. I know that there are plenty of people who say that the country can not stand the financial burdens imposed by the bonus at this time. I think the country can stand it, and I think those who stayed at home and earned money while they compelled their soldier boys to fight their battles in foreign lands for a dollar a day ought to be willing to pay a small additional sum to help start these boys in life again. I am willing to pay my share, and I think in the end other people will see that they ought to be willing to pay theirs.

"In the contest over this matter, much bitter language has been used. Those who favor the measure have been denounced as looters of the Public Treasury and as buyers of votes for themselves with public money. Those who have opposed the measure have been designated as slackers and profiteers who stayed home and got rich out of the war. Neither of these statements made in the heat of the controversy represents the truth. The great mass of the boys who went to war do not consider that they are looting the Public Treasury when they ask the Nation to give them a few hundred dollars each to partially compensate them for the sacrifices which they made. Those who did not have to go to war were not all profiteers nor slackers, but they were not compelled to expose their lives nor to abandon their business, and they ought to be willing to pay a small fractional percentage as the cost of maintaining a successful war, preserving their own property and their own comfort and peace of mind.

THE PROTECTIVE TARIFF BILL.

The adequate protection of American producers and American laboring men from the cheaper-made products and cheaper-paid labor of other countries has been a cardinal principle of the Republican Party since its formation. It has been an issue in almost every national political campaign since the close of the War between the States.

"As I remarked in the beginning of this address, one of the earliest acts of the last Democratic administration after its accession to power in 1913 was to pass the so-called Underwood-Simmons tariff bill. I have alluded to the devastation which the operation of that statute was producing in this country when the outbreak of the great World War took the place of a protective tariff by checking the importation of foreign-made goods into this country and tremendously stimulating the demand for our products by other nations of the world. Now that the war is over and the other nations are recuperating from its effects, many of them with their instrumentalities of production unimpaired but with the lowest wage scale in many years, the danger to our industries, unless they can be protected from the threatened invasion of cheaply made foreign goods, becomes imminent. To be sure, the Congress has passed an emergency tariff bill which affords protection to certain agricultural products, but it gives no protection whatever to the products of our mills and manufactories.

"The Democratic Underwood-Simmons bill still remains unrepealed upon the statute books. This Congress has devoted itself assiduously, and under conditions of the greatest difficulty, caused largely by the depreciated currencies of European competitors and the consequent violent fluctuation in the rates of foreign exchange, to the framing of a Republican tariff bill which would afford adequate protection to our producers and laborers. This bill has been passed by both Houses of Congress and has been sent to a committee of conference between the two Houses for the purpose of agreeing upon the many amendments made to the bill in the Senate. This bill has participated in the violent difference of opinion which has developed, as I have before stated, concerning every major measure which the Congress has passed. .

"The great importers of foreign goods make their money not by contributing to produce anything in America but by buying things in foreign countries, importing them into America and trying to induce the American people to buy them in preference to goods the joint product of American labor and American capital. These importers and their customers constitute a very powerful group of rich people in this country, and they make enormous profits out of the business of trying to persuade the American people to use foreign goods instead of those produced in their own country. They have conducted a savage campaign by advertisements in the press and by every method which their large experience suggested to prevent the passage of the pending tariff bill and to cut down to the lowest point the amount of protection afforded. They pretend to be the friend of the American people and claim that they desire to reduce the high cost of living. The fallacy of their whole argument lies in this: Whatever the American people import from foreign countries takes the place of an equal amount of goods made in this country. Of course, everybody would like to buy where they can buy cheapest, but they must also have the money to buy with. If a foreign factory is allowed to put an American factory out of business, not only have those who are thus thrown out of employment lost their income but the chances are that they have got to learn another trade or go into some other business. If any factory or line of factories is put out of business in this country it leaves the foreign factories in the same line of business in complete mastery of the situation. With the American factories out of business, their employees dispersed, and their factories demolished it takes years to reassemble the plants and the operatives and to acquire the necessary skill in the manufacture of the product to start the business again. In the meantime the foreign producer, finding himself master of the situation, immediately elevates his price and is in a position to exact whatever he cares to charge.

"If this process is continued through many industries, we should soon find ourselves reduced to the state of a great nation raising raw materials, shipping them to foreign countries to be manufactured, and paying the foreigner the freight both ways across the ocean and a profit for the manufacture of the goods. We should be raising a few great staple products, we should lose our ingenuity, our talent for invention, and the domestic competition which in the end results in cheaper products and better goods but keeps our own capital and labor employed at home.

"The principle of protection can not be successfully applied as a great national policy and limited to particular spots and particular industries. It must be universal wherever it is applicable at all. Neither the manufacturer nor the laborer who works in a cotton mill can expect to have his product protected, insuring good wages and profits to the business, and at the same time have the products of the woolen mill across the street insufficiently protected. No doubt the man in the cotton mill, being amply protected, would like to buy his woolen clothing as cheap as possible, and would buy a suit of clothes made by cheaper foreign labor and foreign capital, but the men in the woolen industry would not agree to this, and everybody of any common sense realizes that the protective policy resulting in the diversification of industry, making the nation self-reliant and self-supporting, must be applied equally to all.

"No Member of Congress who has been through the experience of framing a protective tariff bill is unfamiliar with the kind of letter which he frequently receives from certain manufacturers demanding adequate protection on what he produces, but stating that he must have the material from which he produces his protected product placed upon the free list. Many of these manufacturers do not seem to realize that the material which he uses in his product is the manufactured product of a mill a few miles distant from him, and if he does realize this he is demanding that his product shall be protected but that the product of his neighbor shall be left exposed to the fiercest competition of the cheap labor of foreign lands. There can be no question that in the long run the diversification of industries, the technical knowledge thus diffused among the artisans of the country, the skill thereby generated among the operatives, and the domestic competition in similar lines of business make a better country, a more intelligent people, a more self-reliant nation, and a more self-supporting country than the policy of free trade which, while it allows everybody to buy where he can buy cheapest, exposes every American to the grilling competition of the underpaid labor of the rest of the world.

"The great majority of the American workers realize that the only possible way of maintaining the American wage scale and the American standard of living is to protect the products of their labor against the competition of the underpaid labor of the Old World. Industrial calamity, bread lines, soup houses, commercial disaster, and panics have always followed the attempt of the Democratic Party to impose free trade or tariff for revenue only upon the American people. Every man who works in a factory knows that he can not be paid the American scale of wages, which constitutes on the average more than 80 per cent of the total cost of the product of the factory in which he works, if some other Americans are allowed to buy articles produced by laborers who are paid from one-tenth to one-half the wages which the American laborer gets. The American laborer knows that no business can pay him the American wage, which enables the American worker to maintain his American standard of living, unless his employer also is making money.

"Capital and employers will not continue to conduct their business at a loss. They can not pay the American scale of wages unless they have the American market. They can not compete with the foreign wage scale and the foreign rate of interest upon capital except in a few industries in which we have a great natural advantage. The American market is the best market in the world. We are 110 millions of the richest people in the world, the most lavish buyers, and the greatest consumers, with the highest standard of living of any people in the whole history of the world.

"We hear a great deal nowadays about encouraging our export trade. No doubt this is a very commendable proposal, but it constitutes only a drop in the bucket in the consideration of the question of American prosperity.

"The sales of goods by American producers in the American market constitute 94 per cent of the total sales of goods by Americans. Only from 6 to 8 per cent of the total sales of goods by Americans have ever been shipped abroad. The prime object of every country in the world is to gain access to the American market, the most profitable in the world, the market of the richest country in the world, the country which maintains by reason of the Republican policy of protection the highest standard of living in the world.

"As the great expounder of the doctrine of protection, William McKinley, used to say, 'Cheap goods make cheap wages, and cheap wages make cheap men.' If you throw the American laborer out of his employment, he is without the price to buy even cheap goods. As McKinley was wont to say, 'I know that when goods are made in America by American capital and American labor and are sold in America we have both the goods and the money for which they were sold. When we buy goods made in Europe by European capital and European labor we get the goods and they get the money.'

"The policy of protection means that before a foreigner can send his goods into this great American market and get the price which similar goods brings in this country he must pay into the United States Treasury a license fee for the privilege of bringing them in. This license fee is, if the two classes of goods are to be placed upon a perfect parity, represented by the difference between the cost of production abroad plus the transportation charge to this country and the cost of producing the similar article in this country, allowance being made for the difference in the rate of profit which is made upon the goods.

"In view of the unstable conditions of foreign exchange, the variation in wages, the difficulty of ascertaining the exact cost of production in foreign countries, and the instability of the different elements involved in the problem, the tariff bill now pending in Congress includes a provision authorizing the President, in his discretion, to change the rates of duties within the range of 50 per cent above or 50 per cent below the rates of duties imposed upon the importation of foreign goods into this country whenever he finds it advisable for the purpose of equalizing the difference in the cost of production at home and abroad. By this provision any duties which may prove, owing to the unstable conditions following the war, to be too high as defined in the bill may be reduced by Executive action and duties which prove to be noncompetitive may be raised within the foregoing limitation.

"The Republican Party welcomes the issue raised by the Democratic Party against this protective tariff measure in the coming campaign. It is convinced that the American people are as determined to protect themselves against foreign competition as they ever were, and it feels that the danger of such competition, owing to the low wage scales prevalent in foreign nations and the standard of living which they have been compelled to adopt in order to recoup themselves from the ruinous expenses of the war, render that foreign competition more dangerous than ever.

"It has been stated by some people actuated either by interested or altruistic motives that foreign nations can not pay the debts which they owe us except by exporting their products to this country. I do not know whether foreign nations can pay their debts to us or not. They will probably not be paid for many years in any event; but I do know this, that the American people are not going to lower their wage scale or the American standard of living, tear down their customhouses and throw their ports open to the free admission of foreign goods, and surrender the American market to the foreign competitor and throw the American workmen out of employment and close American industrial plants in order that foreigners who have been engaged in a war which everyone deplores and for which Americans are in no way responsible—I say that I do know America is not going to do these things in order that foreigners might sell their goods here, and the Republican Party welcomes the approaching political campaign upon that issue.

ELECT SENATOR M'LEAN.

"I can not refrain at this time from saying a few words about a very distinguished, a very capable, and yet a very modest friend of ours. I refer to my colleague, Senator George P. McLean. I have referred to him as a very modest man, and so he is. He does not crave publicity nor applause. With a mind stocked with the learning which he has acquired from a family noted for its scholarly attainments and by his own efforts he has gone about the very responsible business which has devolved upon him as a Senator from Connecticut with unfailing fidelity and with unflagging industry. He is equipped with the rarest intellectual attainments. He knows books, he knows men, and he knows his country and its needs. He is quiet and unobtrusive; he is accurate, discriminating, and courageous.

"I think I may say with entire truth that there is no Senator whose judgment is more sought and none whose conclusions are more sound. He has served the people of his State with signal ability for two terms of six years each in the Senate. He has attained high position and influence there. He is a member of several of the most important committees of that body. He is the chairman of the Committee on Banking and Currency, by which committee the great problems pertaining to the Nation's money and its national banking system and its Federal reserve system are settled. He ranks among the first few members of the Senate Finance Committee, which frames tariff and revenue bills. He is one of the three Republican Senators who are the managers on the part of the Senate of the conference between the two Houses on the pending tariff bill. He is also a member of the conference committee on the soldiers' bonus bill. He ranks high on the Senate Committee on Interstate Commerce, which has jurisdiction over all interstate railroad questions and of many other questions in relation to interstate commerce.

"Into the work of all these committees, by which so many of the intricate problems involving our commercial, our industrial, and our financial systems are settled, Senator McLean has thrown himself with the most indefatigable industry and zeal. For months several of these committees have been in session from early morning until dark, day after day and month after month, taking testimony, investigating, deliberating, and arriving at decisions upon the most important questions which have ever been before the Nation. He has not spared himself. He has devoted himself conscientiously and exclusively to the interests of his constituents. His correspondence with his constituents, and, indeed, with prominent men all over the country upon these great subjects, has been enormous, and through it all he has been patient, sympathetic, and untiring in his devotion to duty.

"He is to head our State ticket and be our leader in the approaching campaign, and I know that the people of Connecticut, who have so much at stake, will continue to avail themselves of the services of this conspicuously able and conscientious public servant.

THE SUPREME ISSUE.

"I have briefly outlined a few of the accomplishments of President Harding and the Republican Congress in the year and a half during which the Harding administration has been in power. This work has all been accomplished while conditions in the world were almost chaotic and under a continual bombardment of criticism by the Democratic Party and its public press. We do not object to criticism. We realize that this Government must be conducted by parties and parties must be held together by compact and effective organization. Government by political party means a continuous fight to command the confidence of a majority of the electors. The Democratic Party is bound to attack the record of the Republican Party or else make no contest. The largest part of the criticism which is leveled at the splendid achievements of the Republican Party is mere captious criticism. It is not made in good faith. It is hollow sound and fury. It does not ring true. It is made for political effect only. It is an attempt, kept up by the continuous roar of many voices, to confuse the minds of the American voters. The Republican Party has performed a Herculean task. The structure it took over when it ejected the Democratic Party from power resembled a great industrial plant after a conflagration.

"The governmental machinery was warped and twisted to an extent which made efficient operation an impossibility. It had to be readjusted, renewed, and coordinated. The wreckage has been removed as fast as possible, the machinery is now working smoothly, and the plant is on the point of enormous and profitable production. The Harding administration is in the midst of its career. In order that it may justly be held responsible for producing efficient results, it should be given a fair trial. In order that it may have a fair trial, the intricate machinery must be manned and equipped by its friends and not by its enemies. President Harding is the master mechanic. The Senate and the House of Representatives must be coordinated with his plans. To produce efficiency in government, these two branches of Congress must be in complete harmony with the Executive. The House of Representatives must be Republican in order that the Republican Party may be held responsible for the results of the Harding administration at the end of its term of office. To elect a Democratic House of Representatives would be to swap horses while crossing the raging stream. It would effectually block the operation of the governmental machine and nullify the high purposes which the administration has in mind. No doubt a great many Republicans have differed with the administration and with Congress upon particular measures, but because a Republican may not have had his way upon some particular measure which Congress has enacted, or for which President Harding stands sponsor, is that a sufficient reason for putting the Democratic Party in power, with which party such a Republican could not agree on anything? If a Republican thinks a sufficient duty has not been imposed in the tariff bill on some one article, is that any reason for voting for a Democratic candidate for Representative in Congress who does not believe in any protective duty at all? Because some Republican may think that too high a duty has been imposed on some one commodity, can he justify himself in voting for a Democratic candidate for the House of Representatives who will vote only for a tariff for revenue only? After the record which the last Demcratic administration made, do the business men of the country desire the Democratic Party to take control of the House of Representatives and its committees which originate and frame all taxation and revenue measures? Whenever the Democratic Party controls the House of Representatives, the Representatives from the Southern States control the Democratic Party and dominate the committees of the House. Do the people of Connecticut desire that the southern Democracy shall control the committees of the House of Representatives in the interest of southern Democratic financial and fiscal theories? Do they desire the terms of financial measures so arranged as to collect the great bulk of the taxes from the Northern, Eastern, and Central States, as was done by the last Democratic administration? I know that they do not. The people of the great business State of Connecticut can be relied upon to support the Republican administration, and, now that it has laid firm the foundations of retrenchment, reform, and orderly progress, the electors of this State will give it a vote of confidence by the return to Washington of five Republican Representatives in the House and by the reelection of GEORGE P. McLEAN to the United States Senate."

Mr. McNARY obtained the floor.

Mr. WILLIAMS. Mr. President——

Mr. McNARY. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I thank the Senator from Oregon for his courtesy.

Mr. President, I wish to make a few, perhaps, unnecessary remarks about the only thing that seems to me to be at work night and day in America. It would appear from reading the daily newspapers that Europe is waiting on her oars while she is attempting to borrow money from somebody somewhere; and in America the workingmen are on strike, and capital would have brought about a lockout if the workingmen had not anticipated it. About the only thing that I can find that is really at work all the time and is, therefore, deserving of some degree of commendation on that account is the cotton boll weevil. I wish to make some remarks about the cotton boll weevil and the effect of his industrious activities.

Seriously, Mr. President, I wish to call the attention of the country and of all its industries to the magnitude of this evil. There is too much of a disposition to think that nobody is affected by it except the southern cotton grower, but the whole world is affected by the voracity of this little insect.

Somebody—I have forgotten who—has said that the only thing that man with all his intellect could not face and overcome was the insect world with its germs and its destroyers. This seems to be true about the boll weevil with regard to various American industries which depend upon the production, the transportation, the marketing, the spinning, and the weaving of cotton.

Mr. President, there appears in the Literary Digest of the issue which I obtained this morning, which is dated September 16, an article which is headed "Disastrous Devastations of the Boll Weevil." I wish to bring the facts in that article to the attention of the American people through the medium of this august body. I wish to call the attention of Senators who have been talking a great deal about various things to something that is of importance not only to the man who owns the cotton lands, to the laborers who work them, to the merchant who supplies them, to the bank that loans money to them, to the manufacturer who must spin and weave the cotton, to the laborers in factories whose welfare depends upon the production of cotton, but to the immense mass of consumers whose comfort depends very largely upon comparatively cheap cotton—that is to say, reasonably priced cotton—in the market.

I believe Senators will all bear me out in the statement that I have very seldom made any remarks upon the floor of this House or of the other House concerning anything that was of exclusive importance either to me or to my class or to my section; I have not often done that; but this is a question which goes to the entire country. There is nobody in the United States who is not interested in bringing the entire weight and influence of science and of government to bear to stop the devastations of the cotton boll weevil, if possible.

Mr. President, I am going to read a part of this article, which, as I have stated, is headed "Disastrous Devastations of the Boll Weevil," and comment upon a part of it and try to have it borne in upon the consciousness of the American people through the medium of this body. I quote:

> The worst scourge that ever ravaged the South is, in the opinion of many newspapers, being taken altogether too calmly by the country at large. When it dawns on us that the price of cotton and all cotton goods is directly affected, they do not believe we will take it so calmly. Apparently we are already feeding half our shirts to a voracious little beast known as the boll weevil. Last year it destroyed 79 per cent of the cotton growing in the United States. An Associated Press dispatch from Washington on September 3 stated that the Department of Agriculture report for 1921 gives the damage of the boll weevil at 6,277,000 bales of cotton.

Over six and one-quarter million bales of cotton, worth in ordinary times 10 cents a pound, or $50 a bale, and at present worth something like nearer $120 a bale.

> This is an increase of damage of 37 per cent over 1920, and the end is not yet. Reports coming in for this year tend to show a considerable increase of damage over 1921. Last month alone—

Last month—one month—

> the damage is estimated at 830,000 bales—

Over three-quarters of a million, nearly a million bales of cotton—

> and if the rate of destruction keeps on going up, it may soon amount to a million bales of cotton a month.

A month! New England labor is dependent upon it; Manchester, England, labor is dependent upon it. England can not pay her debts without her cotton industry.

> Since the production of cotton for 1921 was, altogether, some 7,954,000 bales, the boll weevil, with its consumption of over 6,000,000 bales, was even then getting almost as much cotton as we get ourselves. This year, viewing the reported increases of the scourge, it looks to many papers as if we would have to share our cotton crop about half and half with the weevil. Expressed in money, this may easily run to a billion of dollars.

Then the New York Herald adds this, to which I do not entirely agree:

> It is not impossible that unless an effective agent against the boll weevil is found the production of cotton in the United States will be completely blotted out.

I do not believe that; the situation is not as bad as that, Mr. President; but it amounts, perhaps, to something worse than that, because a lingering death is frequently worse than a quick death.

Then this article goes on and gives an account of the habits of the boll weevil. I have marked the portions which I desire quoted in the left-hand side of the page with pencil marks. I will not take up the time of the Senate to read them, but will ask the reporter to put them in, including the table on page 10 in the right-hand column.

The PRESIDENT pro tempore. Without objection, the matter referred to will be printed in the RECORD.

The matter referred to is as follows:

> What sort of an animal is this "billion-dollar bug," as the Baltimore American calls it? "The weevil," says a report of the United States Chamber of Commerce, "is about one-quarter of an inch in length and an eighth of an inch in width, or about the size of a common house fly. Coming originally to us from a tropical climate, it displays most remarkable adaptations to change of environment. It passes the winter in its adult state, constantly surviving zero weather. During the winter it lives entirely without food, seeking such shelter and protection as are afforded by stored cotton seed, barns, haystacks, fence rows, hedges, brush piles, and the like. The period of hibernation depends upon the weather, and the weevil does not emerge from its hiding place until the young cotton begins to show above ground. The insect then immediately attacks the young cotton for food."
>
> From this report and bulletins of the Department of Agriculture we learn that the weevil has no other food than the cotton plant, and seems to have only two passions—eating and reproduction. There are four or more generations each summer, the length of existence being about 60 days. The greater part of the destruction is accomplished by the larvæ, which are slightly larger than the adults, as can be seen in the illustration. They are fat white maggots, which feed on the internal tissues of the cotton buds and bolls. The possible progeny of a single pair of weevils from the beginning to the end of a season may amount to no less than 12,755,100 descendants. When one remembers that a single weevil, boring into a cotton boll, can destroy it, the ravages of the beast can be understood.
>
> These ravages have mounted year by year, as shown in the attached table, which we take from a recent Associated Press dispatch:

Year.	Weevil damage.	All damage.	Crop produced
	Bales.	*Bales.*	*Bales.*
1921	6,277,000	10,712,000	7,954,000
1920	4,595,000	8,955,000	12,987,000
1919	2,780,000	8,825,000	12,421,000
1918	1,325,000	9,136,000	12,041,000
1917	2,095,000	8,954,000	11,302,000
1916	2,994,000	9,505,000	11,450,000
1915	1,983,000	7,346,000	11,192,000
1914	1,381,000	5,937,000	16,135,000
1913	1,579,000	7,937,000	14,156,000
1912	714,000	7,143,000	13,703,000
1911	388,000	6,893,000	15,693,000
1910	1,297,000	8,702,000	11,609,000
1909	1,368,000	9,369,000	10,005,000
13 years	28,776,000	109,414,000	160,648,000
Yearly average	2,214,000	8,416,000	12,358,000

> With the boll weevil's past performance in mind, what are we to expect of this year?

Mr. WILLIAMS. Now, Mr. President, continuing the quotation, this time from the New York Journal of Commerce, to which I need not pay my compliments as a purely trade and industrial paper, it says:

> The almost unparalleled drop of 13.8 per cent in the condition of the cotton crop reported to-day by the Department of Agriculture lowers the estimated yield for 1922 to 10,575,000 bales.
>
> What the midsummer deterioration means in an economic way to the southern planters is manifest, for the reduction in the bales, due to the difference in condition, represents more than $100,000,000 less at the prevailing price of cotton.

Pretty nearly $1 for every man, woman, and child in the United States, whether naturalized or alien.

> Detailed reports are beginning to come in. * * * Farmers who a fortnight ago thought they had a good crop see it deteriorating every day. In northern and later parts of the State—

Alabama is the State being referred to—

> squares are eaten as quickly as they form and the farmers in the earlier sections find weevil pupæ in what appear to be good bolls. To cite an extreme case, on one plantation near the Georgia line in

southern Alabama 15 bolls were picked from one stalk. On cutting them open 12 proved ruined by weevils. * * *

Going through fields that from the road look good one will find an unusual shedding of punctured squares. Crack open the bolls and the weevil pupa is pretty sure to be found there, or sometimes a boll worm.

In some cases calcium arsenate has been used with varying success. Some farmers declare it has not done them any good at all.

Mr. President, in that connection I wish to say that I am one of the farmers who is willing to declare that it has not done a particle of good. It has been tried in my neighborhood by some of the more intelligent of the planters; it has been tried in some places on my own plantation, and if it has done any good the good is infinitesimal. One can ride by the cotton fields and note this. Ordinarily in August the cotton fields are white with blossoms every morning—that would have been the case in a normal year under normal conditions—but when I left you could run your eyes down the rows and find perhaps only 5 white blossoms in a row; in other words, the boll weevil had destroyed the squares and where there ought to have been 500 blossoms there were only from 3 to 5 or perhaps 10. Such has been the destruction wrought.

The Agricultural Department has been sending out so-called experts—scientific people. Mr. President, there is hardly anything in the world quite so fictitious as science; novels are not more so. Those experts have been telling the people to do everything in the world almost; they have been trying to find out some other little bug that could eat up this bug, in which effort they have so far failed. They have been trying to get some poison; but what is to be done when the insect to be poisoned is inside the boll or within the calyx of a square or a blossom? You can not get at him, and there you are.

Mr. President, if this had been peach yellows in New England or Delaware or New Jersey, if this had been some disease of citrus fruits out in California, the whole Government would have subordinated nearly everything else to the destruction of the pest; but the idea has gone abroad that the man who suffers by it is the cotton planter. Why, bless your hearts, I do not suffer alone by a market price of 20 cents for cotton when I am raising one-fifth of what I could have raised at 10 cents; everybody suffers.

The merchant in my neighborhood, the banker who lends money to the merchant, the lawyer who must look to the cotton crop to enable his clients to get money enough with which to pay him, the people of New England, who are spinning and weaving cotton, and other industries all over the United States which are more or less dependent upon the prosperity of the textile industry, whether directly engaged in it or not, all suffer; in fact, nearly everybody suffers. Cotton has been for many years the great export crop of America, and it has restored to us the balance of trade when otherwise it would have been lost. It has maintained it nearly all the time. This is not a mere State question. It is in the very highest sense a national question. It is not a sectional question. It is not a question of one industry; it is a question that concerns all industries in this country.

Then I notice this:

In general, its use—

The use of this chemical—

has not given the satisfaction that it has in Mississippi, particularly the Delta, where its use has meant nearly perfect weevil control.

That statement is absolutely inaccurate. Except that, of course, it is not designedly so, I would say it was false. I know a good deal about the Mississippi Delta, and that statement is not true.

Farmers in this zone were heavy losers last year; as, for example, one planter put out 500 acres and picked 2 bales.

On that 500 acres, in an average year, he ought to pick 300 bales. On that 500 acres, in a good crop year, with a bumper crop, he might have picked 500 bales, but he picked 2 bales.

They are so discouraged this year that they talk of turning to other crops. In fact, one county that normally plants 50,000 acres this year has but 2,500. The county in 1919 produced 17,000 bales of cotton, and last season 298. * * *

All estimates of numbers of bales must be taken with caution, because the weevils are working in the bolls, and therefore are hidden from view. Not until the cotton is picked will the damage be capable of appraisement.

And, by the way, in that connection, Mr. President, appraisement is then too late, because after the cotton is picked and has gone to the gin, and the prices have been fixed upon the market upon a certain expectation, the failure to realize the expectation comes too late to give the laborer who works for the planter and who has been paid by the planter at market prices prior to that, any relief. The planter may save himself, but the laborer can not.

Concerning South Carolina, the article says:

The boll weevils are now at work all over the State. So long as there are squares they confine their attention to them. But all the squares are gone, and they now are working in the bolls of not only the middle, but bottom growth, where the bolls are older.

Mr. President, cotton grows in my section of the country about 5 feet high, let us say. In various sections it will grow about 2 feet high. The land has upon it what is called a bottom crop, a middle crop, and a top crop. We can manage to get the bottom crop, which comes first, in hard bolls before the weevil is sufficiently developed to attack them; and in a real good year for us, and a bad year for the boll weevel, we may develop a majority of the middle crop to a hardness of boll where it is impervious to the attack of the boll weevil; but the top crop has to go, and part of the middle crop or all of it, this year has gone. As the article says, these boll weevils, as long as they can get squares on the cotton to feed upon, do not attack the boll at all. That part of it which has been developed into hardened boll escapes them then; but later on, when they have destroyed all the squares—as is the case with the fields which I described, where there were no blooms, showing that the squares had gone—then they attack the tender bolls, and then the medium hard bolls, and the only thing that escapes is the boll that has been thoroughly developed before they were hatched out.

When bolls are full grown they begin to get specked with red spots. I have found weevils in those red bolls. I picked one ball and found nine punctures in it. That means that nine weevil eggs were incubating in that one boll. I haven't seen so poor a crop in 20 years.

From other States the story is almost the same. "Mississippi," they say, "is credited with a crop of 1,003,000 bales." But—

"The weevils are much worse than ever before. Only a small percentage of farmers are fighting them, and they are consuming the green bolls. No one can tell from the appearance of a field what it is like. Only the picking test will prove it."

I want to call your attention to this, which sums up the entire situation:

There never can be another large crop of cotton produced under what have up to now been considered ordinary conditions. * * * Consumption of cotton is increasing. Last year it was from 25 per cent to 30 per cent more than the present crop will amount to.

Think of that! That pretty nearly spells a cotton famine. That does not mean so much to me as it does to the consumers of the world. I am partly recompensed for the scarcity of supply, the failure of the crop, by the increase in price; but the man who must buy coats and pants and vests and hats and shirts and underclothing made out of cotton entirely, or to a very large extent, can not recompense himself. He must pay the additional price; and that means more for some other parts of the world than it does for America, because when you go to India and when you go to Egypt you find people clothed nearly entirely in cotton. When you go to central Africa and northern Africa the same thing is true. No greater calamity can happen to the world than really expensive cotton clothing, whether calicoes for women, or shirtings for men, or sheetings for beds.

Production of cotton is not keeping pace—

Nor can it keep pace under boll weevil conditions—

and this is a situation the market must recognize.

There is only one way to meet an unpleasant situation. We must find the remedy.

Can we find the remedy? Is science capable of it? Is the Agricultural Department—which, at any rate, makes great pretense of wrestling with every great agricultural problem—capable of it? Is it doing the very best that it can toward that end? All those are questions which I leave unanswered for each man who reads what I have to say to answer in his own way, to the best of his ability.

There is a remedy which was suggested by the Senator from South Carolina [Mr. SMITH] the other day, which is to stop the production of cotton entirely for one year. That would stop the boll weevil. There is not any doubt about that, because scientific information is unanimous at least upon one point, and that is to the effect that this miserable little rascal does not eat anything except cotton, the cotton plant, the squares, the blooms even at times, the tender bolls, and he can not live a whole year without food. He can live all winter. He hides in the hedges, he gets in the trash, he goes into a comatose condition, he does not wake up until the next spring wakes him up, but in the summertime he must eat. But, Mr. President, there are remedies offered for diseases that take account of everything except the chief factor, and the chief factor is human nature. How could you possibly, by agreement or by a law, effect a condition of things whereby for 12 months no cotton should be raised? If every man who made cotton in all the South came up and signed an agreement not to plant one seed for the next year, how many of them do you suppose would keep the agreement? There would be a little smart Aleck in this neighborhood, and another one there, who would say, "Nobody is going to raise cotton except me, and it will be worth a dollar and a half a pound, and even if the boll weevil eats up nine-tenths of it, my other tenth will make me rich." You can not leave human nature out of the consideration of any great problem. There is your human nature—greedy, selfish; not compact keeping, either nationally or internationally, or individually; not universally so.

Then, in the name of God, by what sort of a law could you enforce the nonproduction of cotton? Certainly the Federal Government has no authority to say to the Senator from Alabama that in his State all shall not plant any cotton. Under no delegated authority of any description and under no possible inference from any delegated authority has the Federal Government any such power as that. Could the States do it? Yes; if they all did it and did it in the same year and did it at the same time and by identical provisions, and in addition to that made it a crime punishable by such stupendous penalties as to enforce it; but everybody knows that they are not going to do it. There is not a State in the South whose legislature would dare pass a law of that description, no matter how advantageous it would be.

Then if you can not effect it by agreement and if you can not effect it by law you are back where you were. You must rely upon modern science and upon the investigating power of the Federal Government and its advisory power in teaching the farmer what to do and how to do it.

So far, I am sorry to say, the Agricultural Department has fallen down. If it has done any good at all, the good has been almost infinitesimal. It has done this amount of good: It has taught everybody in my country, where we have had the boll weevil now for six or eight years, and in all the boll-weevil section to plant early-maturing varieties of cotton, to stimulate the soil highly, to work it rapidly, and to make the crop come up as soon as possible, so as to get as many bolls as possible too hard for the boll weevil by the time the boll weevil shall come. Further than that, not a particle of good has been done by any so-called scientist or any suggestion he has made.

Mr. McLEAN. Mr. President, is the Senator from Mississippi certain that the boll weevil, if deprived of cotton as food, would not find some other leaf upon which he would subsist?

Mr. WILLIAMS. Mr. President, scientists are never unanimous. They are like lawyers. As I said a moment ago, science is highly fictitious, and the science of to-day six months from now is set aside by scientists as out of date; but up to date the agreement is unanimous that this particular boll weevil—the Mexican boll weevil, we first called him, because he came up from the cotton country of northern Mexico, where cotton grows wild, by the way—that this particular bug does not eat anything except the cotton plant and its fruit. Whether that is a truth or not, I do not know.

Mr. McLEAN. He prefers cotton?

Mr. WILLIAMS. They do not say he prefers cotton; they say he does not eat anything else.

Mr. McLEAN. Is the Senator sure he would not find wild cotton, for instance, upon which he could live through the summer?

Mr. WILLIAMS. No; I am not sure. These people who pretend to know, and say they do know, are sure; at least, they say they are sure, and I suppose they are right about it. At any rate, the animal came to us from the wild-cotton country of Mexico, and the first time he crossed the Rio Grande he came into the State of Texas, I believe, down about the mouth of the Brazos River, and from that he has spread northward and eastward until last year he was invading the highlands of South Carolina and a good deal of North Carolina. I suppose they are right in thinking that he eats nothing but the fruit of the cotton plant.

When he lives in a country where cotton grows wild, of course even stopping the cultivation of cotton would not put an end to the boll weevil, but if we once get him back across the Rio Grande I dare say we could handle him. But there is no practicalness in the suggestion of stopping the cultivation of cotton for a year, because there is no way of either passing an edict to that effect or of enforcing the edict if it were passed. I have tried to show that the difficulty could not be handled by agreement, and nearly everybody, whether a lawyer or not, knows that it would be impracticable to try to control it by law. You would first have to get the legislators of the several States to consent to pass such laws, which they would not do, and then you would have to get the people to consent to the enforcement of the laws if the legislatures passed the laws, which a great many of them would not do.

They would rise in rebellion in many points of the country rather than to have even the States, much less the Federal Government, tell them what they should plant on their farms. This I want to read because it is eminently true:

> It is not a local matter, the Senator from South Carolina [Mr. SMITH] went on to say. It has become a national menace, and we have to meet it, not with experiments here or rotation of crops there, but with the only method indicated, a cessation of the planting of cotton for one year.

Mr. President, that is all my friend from South Carolina can suggest as the remedy, and I have shown that that remedy is unworkable, impracticable, impossible.

There is another remedy, and that is for the so-called experts, the so-called scientists, to get to work at the problem more intelligently than hitherto, and if those in office now are incapable of it, to put somebody in their places who shall be capable of it. It is idle to tell me that in the twentieth century a little bug that feeds on cotton can defeat the civilization and the science and the intelligence of the world. I furthermore believe that a good result would be accomplished if the Government were to offer a large sum of money to people outside who would invent or discover methods of killing or even of hindering the boll weevil.

I just wanted to make these few remarks. I may be criticized because the raising of cotton is my own fundamental industry and that of my people, but I would not advocate remedial measures if the benefit on the one side or the injury on the other side were confined to me or to them. But, as the Senator from South Carolina said, it is a national menace, and the Senator did not go far enough. It is a world menace. If the poor people of Russia and India and Asia Minor and Africa and China can not be clothed cheaply—and cotton is the only thing with which they can be clothed cheaply—then it means unrest, dissatisfaction, lawlessness, revolt, chaos, in very many parts of the world. It does look curious, does it not, to think that a little bug, which is just about the size of an ordinary house fly, could, if left unhampered, revolutionize the earth and its ways of living and clothing itself? But that bug can do it if you leave him to go unhampered and unhindered.

Mr BORAH. Mr. President, I did not understand the suggestion which the Senator made as to how to deal with this situation, and what is the remedy.

Mr. WILLIAMS. I have said that I saw no remedy for it at all except for the scientists of this age to discover either some bug which would feed upon that bug or some way of putting an end to him by poison or otherwise, and I said that so far that had not been done, and that I thought that if it had been a thing which primarily concerned some other section of the country rather than the South a method would have been found by now.

Mr. KING. Mr. President, a day or two ago, in discussing this subject, the Senator from South Carolina [Mr. SMITH] said that in his opinion, as I understood him, the only way to deal with the subject is to alternate crops.

Mr. WILLIAMS. I spent about 10 or 15 minutes telling why that is impracticable.

Mr. KING. I was called out of the Chamber.

Mr. WILLIAMS. I said you could not do it by agreement, because if people made agreements they would not keep them. Secondly, that you could not do it by the action of the Federal Government, because there was no authority; and that you could not do it by State authority, because the State legislators would fail to do it because of fear of failure of reelection at the hands of those who would object to it. So there you are.

GRAIN FUTURE EXCHANGES.

Mr. McNARY. I ask unanimous consent for the immediate consideration of House bill 11843, known as the grain futures trading act.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

Mr. SMOOT. Let the bill be reported first.

The PRESIDENT pro tempore. Does the Senator want the bill read in full?

Mr. SMOOT. I think it ought to be reported.

The PRESIDENT pro tempore. The Secretary will report the bill.

The bill was read by title, as follows:

> H. R. 11843. An act for the prevention and removal of obstructions and burdens upon interstate commerce in grain, by regulating transactions on grain future exchanges, and for other purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry with amendments.

THE TARIFF—CONFERENCE REPORT.

The PRESIDENT pro tempore. Before proceeding to the consideration of House bill 11843, the Chair lays before the Senate the following notice from the House of Representatives, which the Secretary will read.

The Assistant Secretary read as follows:

> IN THE HOUSE OF REPRESENTATIVES,
> *September 13, 1922.*
>
> The House has passed the following resolution:
>
> "*Resolved*, That the conference report on the bill (H. R. 7456) entitled 'An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes,' be recommitted to the committee of conference, with instructions to the House conferees to agree to the Senate amendments putting fertilizer potash on the free list, and to strike out the provision containing the dye embargo."

Mr. McCUMBER. Mr. President, I understand that this is nothing but a notice given to the Senate of what the House has done, namely, that it has instructed its conferees in a certain way. The Senate conferees have as yet made no report to the Senate. Therefore I presume it is not necessary for the Senate to take any action because the House has not asked for any action on the part of the Senate, but has simply stated what it has done; that it has refused to accept the report of the conferees, and has instructed its conferees in a certain manner. Nevertheless, I would be glad to have the view of the Chair as to whether any action is necessary on the part of the Senate with respect to the notice sent over by the House.

Mr. MOSES. May I ask the Senator from North Dakota if his theory is that, inasmuch as the conference report has not been presented to the Senate, the conference is still alive so far as the Senate is concerned, and that under the action of the House the conferees will simply meet for the purpose of conforming to the instructions of the House, and that then a report will be made to the Senate?

Mr. McCUMBER. It is my understanding that the Senate and the House conferees will meet immediately again to consider the bill.

Mr. HARRISON. Of course, nothing done now by the Senate in recognition of the action of the House would prevent any point of order on anything being made when the conference report comes up after the House shall have acted?

The PRESIDENT pro tempore. The Chair is clearly of the opinion that if the Senate takes no action whatever it will not preclude any point of order which may be made on the report of the conference committee when it does come in.

Mr. HARRISON. I am glad to hear the Chair make that statement, and I do not see how he could reach any other conclusion. But evidently this matter has no business before the Senate.

The PRESIDENT pro tempore. Inasmuch as the action of the House has not changed the conference from a free conference into an instructed one and inasmuch as the report of the conferees on the part of the Senate has not been presented, the Chair is of opinion that the matter is still in conference and that the Senate conferees can meet with the House conferees and continue their deliberations.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. HARRISON. When the conferees make their report, will it go to the House first or come to the Senate first?

The PRESIDENT pro tempore. It is the understanding of the Chair that the House granted the conference, that the papers are therefore with the House, and that the report must be first made and first acted upon in the House.

Mr. HARRISON. I would like to propound another parliamentary inquiry. Would it be permissible, when the report is presented to the Senate, for the Senate to give instructions to the Senate conferees to do certain things?

The PRESIDENT pro tempore. The Chair is not inclined to make a ruling upon that point at this time, and not until it arises.

Mr. KING. Mr. President, one observation made by the Chair I hope was an inadvertence, but if not inadvertent I would like to express my dissent from the view, namely, that the action of the House, as I understood the Chair, does not constitute any limitation upon the conferees or put the conference in a different category from that of a free conference. I submit that the instruction of the House was a limitation and does not leave the conferees absolutely free, as I understood the Chair to state.

The PRESIDENT pro tempore. The Chair is of the contrary opinion. The action of the House instructed the House conferees to agree to the Senate amendments with regard to potash and directed the House conferees to disregard the embargo with regard to dyes. The Chair is of the opinion that that leaves the conference a free conference so far as the Senate is concerned.

Mr. SIMMONS. Mr. President, I was not in the Chamber when the Senator from North Dakota [Mr. McCUMBER] made his statement about this matter, and I do not know what his statement was; but I have been under the impression, and I think it has been the practice, that when conferees make a report to the two Houses, their functions are at an end. The House conferees have made their report to the House.

Mr. MOSES. I wish to ask the Senator from North Carolina, who is one of the conferees, whether any statement has been made on the part of the Senate conferees.

Mr. SIMMONS. No statement has been made, but the report has been signed by a majority of the Senate conferees, although it has not been presented to the Senate.

Mr. MOSES. I have read the statement of the managers on the part of the House. I have seen no statement presented by the managers on the part of the Senate, and no report has been submitted by the Senate conferees. It seems to me, so far as the Senate conferees are concerned, that they are still functioning.

Mr. SIMMONS. Possibly that is true as to the Senate conferees, but as to the House conferees the report has been made and their functions are at an end.

Mr. MOSES. Were not those functions revived by the order to recommit?

Mr. SIMMONS. No; I do not think so. I think the practice has been that when a conference report is recommitted, new conferees are appointed.

Mr. McCUMBER. May I suggest to the Senator from North Carolina that each House must determine that for itself. The Senate has no control over what the House may do with reference to its own conferees. When the House sends the matter back to the same conferees, as it has done in this instance, it is not within the power of the Senate to question the action of the House with reference to its conferees or its rules.

The PRESIDENT pro tempore. There is no question before the Senate.

Mr. SIMMONS. The suggestion of the Senator from North Dakota does not reach the point I have in mind at all. The question I have in mind is, unless new conferees are appointed, whether the action of the conferees will not be limited to the two matters about which they are instructed. What I desire is that the new conference shall be unlimited in the scope of their powers and actions. Anything that interferes with that limits them to the two matters about which they have been instructed. I wish the effect of it to be clearly understood.

The PRESIDENT pro tempore. It is quite obvious that the House did not regard it necessary to appoint new conferees. The House simply recommitted the report of the conferees to the committee on conference. There is no question before the Senate.

Mr. SIMMONS. I understand the Chair to hold that the new conference will be free and full, and not limited to the two matters about which the House has instructed its conferees.

The PRESIDENT pro tempore. The House has not asked the Senate to agree to a further conference. It has simply notified the Senate that it has recommitted to the conferees the tariff bill.

Mr. UNDERWOOD. Mr. President, it seems to me very clear that when the conferees made a full and complete report to the House, that that discharged the conference committee That would be the case undoubtedly if the Senate conferees had had charge of the papers and had brought them to the Senate and had made a full and complete report, because that is the way in which conferees are discharged. It is not done by formal action of the Houses unless for some reason the House discharge them, but by the conclusion of their duties, to wit, the making of a complete report. There may be precedents for this action. I have never known before of a conference report recommitted by one House to the conference committee after a complete and full report but that the result in the end amounted to a rejection of the conference report. That was the action of the House. It rejected the conference report.

If the Senate had rejected the conference report instead of the House, what would have been the parliamentary situation? The action of the conferees would have failed and the Senate would have asked for a new conference and new conferees would have been appointed. It seems to me the action of the House is the same, and that they rejected the conference report. There is no other conclusion to which we can come. They refused to adopt the report. They said they would not adopt it, because they disagreed to two items, and that was a rejection of the report. Of course, the House did not take this action, I assume, because they wanted to retain the papers. If they had rejected the conference report and asked for another conference, the papers would have been sent to the Senate and then the Senate would have had control of the matter. But instead of rejecting the conference report and sending the papers back here, as is usual, they merely made a motion to recommit the bill to the conferees, which amounts to a rejection.

I have no desire to delay the case. I suppose, as the Chair said, there is no action to be taken and there is nothing before the Senate except the notice that was sent over here this morning. If the Senate conferees go back, I assume they go back to a free and open conference. If they do not go back to a free and open conference, then there may be some question raised when the conference report comes back to the Senate again, if it ever does. If there is a free and open conference, I can see no objection to this way of backing into the conference instead of going in the direct method. But if it is intended by this backing into the conference to attempt to foreclose other questions, then I think there will be some very material questions raised about the method, if the bill ever comes back to this body, because there are some changes which have been made outside of the items eliminated by the House which in my judgment it was entirely beyond the jurisdiction of the conferees to act upon.

The PRESIDENT pro tempore. The Senator from Alabama was not in the Chamber when the Chair announced its opinion with respect to the matter. The Chair is of the opinion that so far as the Senate is concerned the character of the conference has not been changed by the action of the House, inasmuch as the House directed its conferees to accept the amendments made by the Senate upon one subject. With regard to the embargo, the Chair is of the opinion that it is a free conference upon the part of both the House and the Senate. But the Chair does not desire to foreshadow what its judgment would be with respect to any point of order that may be hereafter made upon the report of the conference committee.

Mr. UNDERWOOD. I am not objecting in any way to the action of the House in rejecting the embargo or the action of the conferees in reference to the duty on potash, because I am in hearty accord with the action taken by the House in both instances. But there are other matters in the bill, and material matters, which I think indicate that the conferees have exceeded their authority. I do not want anything to be foreclosed. But if there is no action by the Senate and the conferees are allowed to take their own responsibility in going back to conference, there is nothing more to be said.

The PRESIDENT pro tempore. The Chair ventured to give an opinion with regard to action on the part of the Senate in view of the notice given by the House, but desires to remind the Senate that there has been no action proposed by any Senator on the part of the Senate.

Mr. WILLIS. Mr. President, I desire to propound an inquiry to the Senator from Alabama, for whose opinion I have great respect. I understood him to say that it is his view that this bill be a free and open conference. How can that be when the Senate has passed the bill, the House has passed the bill, and the conferees have agreed; then when the conferees reported to the House, the House instructed its conferees to agree to the two matters upon which the Senate has taken action, the embargo and potash provisions. Why does not that close it? I do not see how it could be a free and open conference.

Mr. UNDERWOOD. I did not express myself very clearly. Of course, what I meant was that the conference should be a free and open conference in regard to all other matters except the two in which the House conferees were instructed. I recognize and everybody recognizes that when one of the Houses of Congress by final action instructs its conferees in regard to certain matters the conferees are bound. So far as I am concerned, of course, if the Senate as a body decided to object to going into conference with those instructions it could do so. I have no objection to the Senate conferees going back with that limitation, because my viewpoint is the same as the House on those two items, but what I wanted to have clearly in my mind is that this is an open conference in regard to all other matters.

Mr. WILLIS. What other matters are in conference? There has been an agreement as to everything else.

Mr. UNDERWOOD. Of course there is a report filed and it has gone out. It has ended. The same conferees may write the same report when they go back to conference, but I want it understood that it is an open conference and that it is a new report that is being presented, because I do not want any rights on points of order to be waived. That is what I have in mind.

Mr. MOSES. That may not be done. There is no right to foreclose any points of order in that way.

Mr. UNDERWOOD. Of course there is no action. If we had accepted the action of the House, we might have foreclosed some action.

Mr. McCUMBER. I think, without question, the conferees on the part of the Senate agree that they go back to an open conference, and while the House instructs upon certain matters it does not preclude the reconsideration of every other matter.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. There is no question before the Senate.

Mr. ASHURST. I move that the conferees on the disagreeing votes of the two Houses on the tariff bill, House bill 7456, be instructed to adhere to amendment numbered 914, being paragraph 901, the same being the amendment relating to cotton.

Mr. McCUMBER. Mr. President, I make the point of order——

Mr. ASHURST. I had not finished my sentence——

Mr. McCUMBER. If the Senator has not completed his sentence, I shall wait until he does so.

Mr. ASHURST. I hope the Senator, like certain classes of people, will not object to long sentences, because I may use long sentences.

Mr. McCUMBER. I simply want to make the objection that the papers in this case are not before the Senate at all. They are with the House conferees at the present time, and therefore it is out of order to give the Senate conferees any instructions at this time.

Mr. SMOOT. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. A point of order has been made and the point of order is not debatable. The Chair sustains the point of order.

Mr. ASHURST. I desire to be recognized.

The PRESIDENT pro tempore. Allow the Chair to state the reason why the point of order is sustained. It is because there was laid before the Senate merely the notice from the House with regard to its action on the conference report upon the tariff bill, but there is before the Senate what is known as the grain futures bill.

Mr. ASHURST. I made a motion a moment ago, against which a point of order was interposed, that the Senate conferees be instructed to adhere to the amendment numbered 914 regarding long-staple cotton. That motion was drawn from me by the correct observation of the Senator from North Dakota [Mr. McCUMBER]. The Senator from North Dakota wisely observed, as a member of the conference on the part of the Senate, that when the bill went back to conference each and every item would be before the conferees. The Senator is correct. It was the proper and exact expression that I would expect from a Senator who had his wealth of information. I have examined the precedents, and there are many precedents supporting the ruling of the Chair, although there are some to the reverse.

In fairness, however, to the Chair, I am bound to say that the latest expression is in accordance with the ruling which the Chair has just rendered. I wish, however, to avail myself of the right under the rules to say what I would have done and said had my motion been in order.

It will be remembered that in August the Senate, by a roll call showing a majority of over 2 to 1, placed a duty of 7 cents a pound upon cotton having a length of fiber of $1\frac{3}{8}$ inches, and that later when the bill left the Committee of the Whole and went into the Senate, while there was no roll call there was a viva voce vote and the Senate agreed to that amendment.

I am receiving telegrams from the leading citizens of Arizona and from many citizens of California asking me if it could be possible that the Associated Press had conveyed the correct information when it announced that the Senate conferees had receded on that amendment. I have been asked what has caused a Republican Senate and a Republican House to recede from and abandon this amendment, to which the Republican Party was in faith and in honor pledged to adhere. I have telegraphed in reply that the conferees met in secret session, the doors closed, the members of the press excluded, and that the secret as to what caused the conferees to recede and thus place cotton on the free list is locked within their bosoms.

I would not, of course, expect the Senate conferees to go to the extent of defeating their bill in order to save this item, but I do feel that they should have made a more stubborn resistance to the overtures of the House conferees; in other words, the

Senate conferees were invertebrate on this item; they lacked what in common parlance is called "backbone." I believe they should, when they go into a further full and free conference, take up this amendment and see to it that the House recedes.

It is due to the Senate, it is due to all parliamentary procedure, that the Senate conferees should longer insist upon this amendment. I do not know how long they did insist, but I believe that it is a part and parcel of their duty still further to insist upon the Senate amendment which I have described as No. 914.

If it is not an improper procedure, and if it is not offensive, I will ask the Senators composing the conferees on the part of the Senate if, in their judgment, it is at all possible for them to induce the conferees on the part of the House of Representatives to yield on that amendment? I have made the only motion that it is within the power of a Senator to make, and the Chair has held my motion to be out of order. The only thing I may do now—and I embrace the opportunity—is to ask the Senator from Utah if he can not give us some hope that when the bill again goes to conference the amendment will be adhered to? Can the Senator give me any information?

Mr. SMOOT. Mr. President, of course I can not speak for the House conferees, as the Senator knows, but, unless they have been presented with some reasons other than those offered to them previously why the duty referred to by the Senator from Arizona should be retained, I would not want to hold out any hope to the Senator.

Mr. ASHURST. Mr. President, I hammered on the doors of the conference committee, but no Senator was admitted. I think the conferees should have admitted Senators who desired to make arguments. However, the Senator from Utah himself and a member of the House conferees came to the door and were willing to receive such papers as I deemed proper to present in the way of telegrams and letters, and for that courtesy I am grateful; but I have a right to assume that the House conferees read the debates in the Senate, and nothing more can be said than has been said by my colleague [Mr. CAMERON] and myself.

The Republican orators and Republican press during the 1920 campaign pledged themselves and their party to place a duty on this cotton, and they should keep their word.

Mr. SMOOT. Of course, the Senate conferees could not have their way in every case. If the Senator will notice the conference report he will ascertain that the Senate conferees did have to yield as to a few points, but in the great majority of instances the House conferees yielded to the amendments made by the Senate.

Mr. ASHURST. We have heard speeches from the Senator from Alabama [Mr. HEFLIN] regarding deflation. In the campaign of 1920—and I do not like to inject partisan matters here—the Republicans promised that if they elected a majority of the two Houses of Congress and elected the President a duty would be imposed on long-fiber cotton. The Republicans captured both Houses of Congress and the Presidency, and should keep such promises. These promises stimulated the cotton growers to plant additional acreage in Arizona and in the cotton-producing counties of California. But when the cotton picking and the ginning is about to commence the Republican Party turns to free trade and deflates the cotton grower.

Mr. SMOOT. Mr. President, I want the Senator from Arizona to remember that when this amendment was put upon the bill there were very few Senators upon the Democratic side who voted for it.

Mr. ASHURST. But I voted for it.

Mr. SMOOT. The Senator from Arizona voted for it, with a great many other things carrying a reasonable duty, and some that were exceedingly high, I thought. I do not think any politics can be made out of this thing at all.

Mr. ASHURST. I hope not. I am not trying to.

Mr. SMOOT. The votes that put it on the bill in the Senate were Republican votes, and we believe in protection. In the conference the House conferees felt that for the amount of long-staple cotton raised in the United States they were not justified in putting a duty of 10 cents a pound upon the hundreds of millions of dollars' worth of cotton cloths that would have to pay the duty if this rate of duty was put upon long-staple cotton. The Senator knows that we gave a compensatory duty wherever it was used, beginning with the yarn and ending with the cloth.

The Senate conferees may not have very much backbone, Mr. President, but I want to say to the Senator that this was one of the last things that was given up, and there never was a conference committee of the House and the Senate appointed to consider the great number of amendments contained in any tariff bill but that there had to be yielding on both sides.

I do not know that it is necessary to say anything more than that, Mr. President. The report was made, and that is about all I can say as to the result of the conference.

GRAIN-FUTURE EXCHANGES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11843) for the prevention and removal of obstructions and burdens upon interstate commerce in grain, by regulating transactions on grain-future exchanges, and for other purposes, which had been reported from the Committee on Agriculture and Forestry, with amendments.

Mr. McNARY. Mr. President, I hope we may now proceed with the consideration of House bill 11843.

Mr. MOSES. Mr. President, I was about to make a parliamentary inquiry as to whether the bill was before the Senate?

The PRESIDING OFFICER (Mr. WILLIS in the chair). House bill 11843 has been laid before the Senate and is now before the Senate.

Mr. MOSES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. McNARY. I yield for a question only.

Mr. MOSES. Inasmuch as the bill is regularly before the Senate, I wished to follow the Senator from Arizona and the Senator from Utah in a brief discussion of the tariff bill.

Mr. McNARY. I refuse to yield.

Mr. MOSES. Mr. President, I simply wish to say to the Senator from Oregon that I do not want to interrupt the continuity of consideration of his bill when it is once seriously taken up, but I should like to occupy about five minutes now, so that the consideration of the bill will not be further interrupted as the day goes on.

Mr. McNARY. I should like very much indeed to accommodate my excellent friend from New Hampshire, but I must refuse absolutely to yield to anyone for any purpose. This is a very important measure.

Mr. MOSES. May I ask the Senator if he contemplates holding the floor continuously through the day?

Mr. McNARY. I think the bill will pass within 10 minutes, and I shall subside at that time.

Mr. CURTIS. Mr. President, if the Senator will yield, it is the intention to ask that the unfinished business be laid before the Senate as soon as this measure is acted upon.

Mr. MOSES. Of course, I know that the Senate will await with great emotion what I have to say, but in view of the rigorous manner in which the Senator from Oregon retains the floor I shall have to deprive the Senate of the privilege for some time.

The PRESIDING OFFICER. The Secretary will state the first amendment of the committee.

The first amendment was, in section 3, page 3, line 17, after the word "as," to strike out "'options' or"; in line 22, after the word "prices," to strike out "of" and insert "involved in"; on page 4, line 1, after the word "thereof," to insert "and to facilitate the movements thereof"; in line 4, after the word "products," to insert "and by-products"; in line 6, after the word "possible," to strike out "losses" and insert "loss"; in the same line, after the word "in," to strike out "prices" and insert "price"; in line 7, after the word "transactions," to insert "and prices of grain"; in line 8, after the word "boards," to insert "of trade"; in the same line, after the word "are," to strike out "extremely"; in line 14, after the word "commerce," to strike out "and make such business unsafe and uncertain from time to time," so as to make the section read:

> SEC. 3. Transactions in grain involving the sale thereof for future delivery as commonly conducted on boards of trade and known as "futures" are affected with a national public interest; that such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling grain and the products and by-products thereof in interstate commerce; that the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of grain and the products and by-products thereof and to facilitate the movements thereof in interstate commerce; that such transactions are utilized by shippers, dealers, millers, and others engaged in handling grain and the products and by-products thereof in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; that the transactions and prices of grain on such boards of trade are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling grain and products and by-products thereof in interstate commerce; and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in grain and the products and by-products thereof and render regulation imperative for the protection of such commerce and the national public interest therein.

The amendment was agreed to.

The next amendment was, in section 4, page 5, line 21, after the word "a," to strike out "memorandum" and insert "record"; and, in line 24, after the word "such," to strike out "memorandum" and insert "record," so as to read:

(b) Where such contract is made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a "contract market," as hereinafter provided, and if such contract is evidenced by a record in writing which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery: *Provided*, That each board member shall keep such record for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, which record shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice.

The amendment was agreed to.

The next amendment was, in section 5, page 7, line 20, after the word "dissemination," to strike out "through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication"; in line 23, after the word "false," to strike out the comma and the word "or"; in the same line, after the word "misleading," to strike out the comma; and in the same line, after the word "or," to insert "knowingly," so as to make the paragraph read:

(c) When the governing board thereof provides for the prevention of dissemination by the board or any member thereof, of false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce.

The amendment was agreed to.

The next amendment was, on page 8, after line 3, to strike out:

(e) When the governing board thereof admits to membership in and all privileges on such board of trade, under such terms and conditions as may be imposed lawfully on other members of such board, any duly authorized representative of any lawfully formed and conducted cooperative association of producers having adequate financial responsibility which is engaged in cash grain business in interstate commerce: *Provided*, That no rule of a contract market against rebating commissions shall apply to the distribution of excess earnings among the bona fide members of any such cooperative association.

And to insert:

(e) When the governing board thereof does not exclude from membership in, and all privileges on, such board of trade, any duly authorized representative of any lawfully formed and conducted cooperative association of producers having adequate financial responsibility which is engaged in cash grain business, if such association has complied, and agrees to comply, with such terms and conditions as are or may be imposed lawfully on other members of such board: *Provided*, That no rule of a contract market shall forbid or be construed to forbid the return on a patronage basis by such cooperative association to its bona fide members of moneys collected in excess of the expense of conducting the business of such association.

The amendment was agreed to.

The next amendment was, in section 9, page 15, line 19, after the word "a," to strike out "memorandum" and insert "record"; in line 23, after the word "false," to strike out the comma and insert "or"; in the same line, after the word "misleading," to strike out the comma; and in line 24, before the word "inaccurate," to insert "knowingly," so as to make the section read:

SEC. 9. Any person who shall violate the provisions of section 4 of this act, or who shall fail to evidence any contract mentioned in said section by a record in writing as therein required, or who shall knowingly or carelessly deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DISTRIBUTION AND SALE OF FUEL—CONFERENCE REPORT (S. DOC. NO. 251).

Mr. CUMMINS. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel; and ask that it may be printed, printed in the RECORD, and lie on the table.

Mr. ASHURST. Does the Senator from Iowa ask that the report of the committee of conference may be considered at this time?

Mr. CUMMINS. I simply wish to have the report printed, printed in the RECORD, and lie on the table.

The report was ordered to be printed, to be printed in the RECORD, and to lie on the table, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That by reason of the prolonged interruption in the operation of a substantial part of the coal-mining industry in the United States and of the impairment in the service of certain carriers engaged in commerce between the States and by reason of the disturbance in economic and industrial conditions caused by the World War a national emergency exists which endangers the public health and general welfare of the people of the United States, injures industry and business generally throughout the United States, furnishes an opportunity for the disposition of coal and other fuel at unreasonably high prices, limits the supply of heat, light, and power, threatens to obstruct and hamper the operation of the Government of the United States and of its several departments, the transportation of the mails, the operation and efficiency of the Army and the Navy, and the operation of carriers engaged in commerce among the several States and with foreign countries.

"SEC. 2. That the powers of the Interstate Commerce Commission under the act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, including the transportation act, 1920, and especially under section 402 of said transportation act, 1920, are, during the aforesaid emergency, enlarged to include the authority to issue in transportation of coal or other fuel orders for priorities in car service, embargoes, and other suitable measures in favor of or against any carrier, including vessels suitable for transportation of coal on the inland waters of the United States which for such purpose shall be subject to the interstate commerce act, or region, municipality, community, person, copartnership, or corporation, and to take any other necessary and appropriate steps for the priority in transportation and for the equitable distribution of coal or other fuel so as best to meet the emergency and to promote the general welfare, and to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal or other fuel at prices unjustly or unreasonably high. This act shall not be construed as repealing any of the powers heretofore granted by law to the Interstate Commerce Commission, but shall be construed as conferring supplementary and additional powers to said commission and as an amendment to section 1 of the interstate commerce act, and subject to the limitations and definitions of commerce controlled by said act, and all powers given said Interstate Commerce Commission shall be applicable in the execution of this act.

"SEC. 3. Because of such emergency and to assure an adequate supply and an equitable distribution of coal and other fuel, and to facilitate the movement thereof between the several States and with foreign countries, to supply the Army and Navy, the Government of the United States and its several departments, and carriers engaged in interstate commerce with the same during such emergency, and for other purposes, and for the further purpose of assisting in carrying into effect the orders of the Interstate Commerce Commission made under existing law or under section 2 hereof there is hereby created and established an agency of the United States to be known as Federal fuel distributor, whose appointment shall be made and compensation fixed by the President of the United States. Said distributor shall perform his duties under the direction of the President.

"SEC. 4. It shall be the duty of the Federal fuel distributor to ascertain:

"(a) Whether there exists within the United States or any part thereof a shortage of coal or other fuel and the extent of such shortage;

"(b) The fields of production of coal and other fuel and the principal markets to which such production is or may be transported and distributed and the means and methods of distribution;

"(c) The prices normally and usually charged for such coal and other fuel and whether current prices, considering the costs of production and distribution, are just and reasonable; and

"(d) The nature and location of the consumers, and what persons, copartnerships, corporations, regions, municipalities, or communities should under the acts to regulate commerce administered by the Interstate Commerce Commission, including the transportation act, 1920, in time of shortage of coal and other fuel, or the transportation thereof, receive priority in transportation and distribution, and the degree thereof, and any other facts relating to the production, transportation, and distribution of coal and other fuel; and when so ascertained the Federal fuel distributor shall make appropriate recommendations pertaining thereto to the Interstate Commerce Commission from time to time, either on his own motion or upon request of the commission, to the end that an equitable distribution of coal and other fuel may be secured, so as best to meet the emergency and promote the general welfare. All facts and data within the possession of the Federal fuel distributor shall be at all times accessible and furnished to the Interstate Commerce Commission upon its request. The Interstate Commerce Commission is hereby authorized and directed to receive and consider the recommendation of the Federal fuel distributor, based upon his reports upon the foregoing subjects, and any other information which it may secure in any manner authorized by law.

"SEC. 5. The Federal fuel distributor may make such rules, regulations, and orders as he may deem necessary to carry out the duties imposed upon him by this act, and may cooperate with any department or agency of the Government, any State, Territory, district, or possession, or department, agency, or political subdivision thereof, or any person or persons, and may avail himself of the advice and assistance of any department, commission, or board of the Government, and may appoint or create any agent or agency to facilitate the power and authority herein conferred upon him; and he shall have the power to appoint, remove, and fix the compensation of such assistants and employees, not in conflict with existing laws, and make such expenditures for rent, printing, telegrams, telephones, furniture, stationery, office equipment, travel, and other operating expenses as shall be necessary for the due and effective administration of this act. All facts, data, and records relating to the production, supply, distribution, and transportation of coal and other fuel in the possession of any commission, board, agency, or department of the Government shall at all times be available to the Federal fuel distributor and the Interstate Commerce Commission, and the person having custody of such facts, data, and records shall furnish the same promptly to the Federal fuel distributor or his duly authorized agent or to the commission on request therefor.

"SEC. 6. That whenever the President shall be of the opinion that the national emergency hereby declared has passed he shall by proclamation declare the same, and thereupon, except as to prosecutions for offenses, this act shall no longer be in force or effect, and in no event shall it continue in force and effect for longer than 12 months from the passage thereof.

"SEC. 7. Every person or corporation who shall knowingly make any false representation to the Interstate Commerce Commission or the Federal fuel distributor or to any person acting in their behalf or the behalf of either of them respecting the price at which coal or other fuel has been, is being, or is to be, sold or bought, the inquiry being made for the purposes of this act, or whoever having obtained coal or other fuel through a priority order or direction shall dispose of the same for purposes other than those for which said priority order or direction was issued without the consent of the Interstate Commerce Commission, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000: *Provided*, That any person or any officer or director of any corporation subject to the provisions of this act, or the interstate commerce act and the acts amendatory thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by any such corporation, who shall be convicted as aforesaid, shall, in addition to the fine herein provided for, be liable to imprisonment in the penitentiary for a term not exceeding two years, in the discretion of the court. Every violation of this section may be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation is committed, or through which the transportation is conducted, or in which the car service is performed, or in which such concession or discrimination is granted or given or solicited or accepted or received; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

"SEC. 8. There is hereby authorized to be appropriated the sum of $250,000, available until expended, for the purposes of this act, including payment of personal services in the District of Columbia and elsewhere, and all expenses incident to organizing the work of the President's fuel distribution committee, and not exceeding $50,000 thereof shall be available for reimbursement and payment upon specific approval of the President of expenses incurred since May 15, 1922, in connection with the work of the President's fuel distribution committee organized for the purpose of helping to meet the emergency existing in the matter of fuel."

And the Senate agree to the same.

The title has been amended to conform to the text as agreed upon in conference, as follows:

"To declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities during the present emergency, and to prevent the sale of fuel at unjust and unreasonably high prices."

And the Senate agree to the same.

ALBERT B. CUMMINS,
FRANK B. KELLOGG,
Managers on the part of the Senate.
SAMUEL E. WINSLOW,
WALTER H. NEWTON,
Managers on the part of the House.

LIBERIAN LOAN.

Mr. CURTIS. I ask that the unfinished business be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

Mr. MOSES obtained the floor.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Broussard
Bursum
Cameron
Capper
Colt
Cummins
Curtis
Dillingham
du Pont
Ernst
Fletcher
France
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
King
McCumber
McLean
McNary
Moses
Myers
Nelson
New
Nicholson
Oddie
Owen
Phipps
Ransdell
Rawson
Reed, Pa.
Sheppard
Shortridge
Simmons
Smoot
Stanfield
Sterling
Sutherland
Swanson
Trammell
Underwood
Walsh, Mass.
Watson, Ga.
Watson, Ind.
Willis

The PRESIDING OFFICER. Fifty-three Senators having answered to their names, a quorum is present.

REGISTRATION OF TRADE-MARKS.

Mr. MOSES. Mr. President, the Liberian loan being under discussion, I wish to offer a few observations on paragraph 526 of the tariff bill.

When this proposal was before the Senate I vainly attempted to have a point of order against it sustained, and in the course of the brief discussion which I was permitted to make upon it, owing to the strangulation of debate which then governed the Senate, I was able to do no more than to make a brief statement of my belief that the provision contravened our treaty obligations.

I have since addressed an inquiry to the Department of State on that topic, and I have received from the Acting Secretary of State a letter in reply which seems fully to sustain the contention I then made, and I ask unanimous consent that the Secretary may read that letter.

There being no objection, the letter was read, as follows:

DEPARTMENT OF STATE,
Washington, September 9, 1922.

The Hon. GEORGE H. MOSES,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of August 26, 1922, requesting an expression of opinion on the question whether section 526 of the tariff bill recently passed by the Senate is in conflict with any treaties now in force to which the United States is a signatory.

It is noted that the section to which you refer contains a provision reading as follows:

"That it shall be unlawful to import into the United States any merchandise of foreign manufacture if such merchandise or the label, sign, print, package, wrapper, or receptacle bears a trade-mark registered in the Patent Office by a person domiciled in the United States under the provisions of the act entitled 'An act to authorize the registration of trade-marks * * * and to protect the same,' approved February 20, 1905, as amended."

It is understood that the purpose and effect of the provision quoted would be to secure protection of trade-marks to persons domiciled in the United States who have registered trade-marks in the United States Patent Office. As bearing on the section of the tariff bill under consideration, attention is called to article 2 of the Convention for the Protection of Industrial Property, signed at Washington June 2, 1911, to which the United States and most of the countries of Europe are parties. Article 2 of the convention reads as follows:

"The subjects or citizens of each of the contracting countries shall enjoy in all other countries of the union, with regard to patents of invention, models of utility, industrial designs or models, trade-marks, trade names, the statements of place of origin, suppression of unfair competition, the advantages which the respective laws now grant or may hereafter grant to the citizens of that country. Consequently they shall have the same protection as the latter and the same legal remedies against any infringements of their rights, provided they comply with the formalities and requirements imposed by the national laws of each State upon its own citizens. Any obligation of domicile or of establishment in the country where the protection is claimed shall not be imposed on the members of the union."

It will be observed that under the provisions of article 2 of the convention the nationals of countries whose Governments are parties to the convention are entitled in the United States to the same advantages which the laws of the United States grant to American ciizens, and that article 2 in terms prohibits the establishment of an obligation of domicile on the part of persons entitled to the benefits of the convention.

It is the view of the department that for reasons indicated by the foregoing section 526 of the tariff bill, if enacted into law, would discriminate in favor of persons domiciled in the United States in contravention of article 2 of the Convention for the Protection of Industrial Property and would deprive persons who registered trade-marks in the United States Patent Office and who reside abroad of the protection to which they would be entitled under the terms of the convention.

A copy of the Convention for the Protection of Industrial Property is transmitted herewith.

I have the honor to be, sir,
Your obedient servant,

WILLIAM PHILLIPS.
Acting Secretary of State.

Mr. MOSES. I have here a copy of the convention to which the Acting Secretary of State refers, which shows that the convention is operative among 21 nations; in other words, as I predicted in the Senate when the section was under consideration, it will be necessary to carry on prolonged negotiations if the section remains. I ask unanimous consent that the convention may be printed in the RECORD as a part of my remarks without reading.

The PRESIDING OFFICER. Without objection, leave is granted.

The convention referred to is as follows:

(Treaty series No. 579.)

CONVENTION BETWEEN THE UNITED STATES AND OTHER POWERS FOR THE PROTECTION OF INDUSTRIAL PROPERTY—REVISING THE PARIS CONVENTION OF MARCH 20, 1883, AS MODIFIED BY THE ADDITIONAL ACT SIGNED AT BRUSSELS ON DECEMBER 14, 1900.

Signed at Washington, June 2, 1911. Ratification advised by the Senate February 6, 1912. Ratified by the President June 20, 1912. Ratifications deposited with the Government of the United States April 1, 1913. Proclaimed April 29, 1913.

A PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

Whereas a convention for the protection of industrial property, and revising the Paris convention of March 20, 1883, as modified by the additional act signed at Brussels on December 14, 1900, was concluded and signed by the plenipotentiaries of the United States of America and certain other powers, members of the International Union for the Protection of Industrial Property, at Washington on the 2d day of June, 1911, the original of which convention, being in the French language, is word for word, as follows:

And whereas the said convention has been duly ratified by the United States of America, Germany, Austria-Hungary, the Dominican Republic, Spain, the French Republic, Great Britain, Italy, Japan, the United Mexican States, Norway, the Netherlands, Portugal, Switzerland, and Tunis, and the ratifications were deposited with the Government of the United States on the 1st day of April, 1913;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 29th day of April, in the year of our Lord 1913, and of the independence of the United States of America the one hundred and thirty-seventh.

[SEAL.] WOODROW WILSON.

By the President:
JOHN B. MOORE,
Acting Secretary of State.

[Translation.]

INTERNATIONAL UNION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

CONVENTION OF THE UNION OF PARIS, MARCH 20, 1883, FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

(Revised at Brussels December 14, 1900, and at Washington June 2, 1911.)

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; His Majesty the Emperor of Austria, King of Bohemia, etc., and King Apostolic of Hungary, for Austria and for Hungary; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Territories Beyond the Seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the United States of Mexico; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Provisional Government of the Republic of Portugal; His Majesty the King of Servia; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; the Government of Tunis,

Having judged it expedient to make certain modifications and additions to the international convention of March 20, 1883, concerning the creation of an International Union for the Protection of Industrial Property, revised at Brussels December 14, 1900, have named for their plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia:

M. le Dr. Haniel von Haimhausen, Conseiller de l'Ambassade de S. M. l'Empereur d'Allemagne à Washington;

M. Robolski, Conseiller supérieur de Régence, Conseiller rapporteur au Départment Impérial de l'Intérieur;

M. le Prof. Dr. Albert Osterrieth.

His Majesty the Emperor of Austria, King of Bohemia, etc., and King Apostolic of Hungary:

For Austria and for Hungary:

S. Exc. M. le Baron Ladislas Hengelmueller de Hengervâr, son Conseiller Intime, son Ambassadeur Extraordinaire et Plénipotentiaire à Washington.

For Austria:

S. Exc. M. le Dr. Paul Chevalier Beck de Mannagetta et Lerchenau, S. Conseiller intime, Chef de Section au Ministère I. R. des Travaux publics et Président de l'Office I. R. des Brevets d'invention.

For Hungary:

M. Elemér de Pompéry, Conseiller ministériel à l'Office Royal hongrois des Brevets d'invention.

His Majesty the King of the Belgians:

M. Jules Brunet, Directeur général au Ministère des Affaires étrangres;

M. Georges de Ro, Sénateur suppléant, Délégué de la Belgique aux Conférences pour la protection de la Propriété industrielle de Madrid et de Bruxelles;

M. Albert Capitaine, Avocat à la Court d'appel de Liège.

The President of the United States of Brazil:

M. R. de Lima e Silva, Chargé d'Affaires des États-Unis du Brésil à Washington.

The President of the Republic of Cuba:

S. Exc. M. Rivero, Envoyé extraordinaire et Ministre plénipotentiaire de Cuba à Washington.

His Majesty the King of Denmark:

M. Martin J. C. T. Clan, Consul Général du Danemark à New York.

The President of the Dominican Republic:

S. Exc. M. Emilio C. Joubert, Envoyé extraordinaire et Ministre plénipotentiaire de la République Dominicaine à Washington.

His Majesty the King of Spain:

S. Exc. Don Juan Riaño y Gayangos, S. Envoyé extraordinaire et Ministre plénipotentiaire à Washington;

S. Exc. Don Juan Florez Posada, Directeur de l'École des ingénieurs de Madrid.

The President of the United States of America:

M. Edward Bruce Moore, Commissioner of Patents;

M. Frederick P. Fish, Avocat à la Cour suprême des États-Unis et à la Cour suprême de l'État de New York;

M. Charles H. Duell, ancien Commissaire des brevets, ancien Juge à la Cour d'appel du District de Colombie, Avocat à la Cour suprême des États-Unis et à la Cour suprême de l'État de New York;

M. Robert H. Parkinson, Avocat à la Cour suprême des États-Upis et à la Cour suprême de l'État de l'Illinois;

M. Melville Church, Avocat à la Cour suprême des États-Unis;

The President of the French Republic:

M. Lefèvre-Pontalis, Conseiller de l'Ambassade de la République française à Washington;

M. Georges Breton, Directeur de l'Office national de la Propriété industrielle;

M. Michel Pelletier, Avocat à la Cour d'appel de Paris, Délégué aux Conférences pour la protection de la Propriété industrielle de Rome, de Madrid et de Bruxelles;

M. Georges Maillard, Avocat à la Cour d'appel de Paris.

His Majesty the King of the United Kingdom of Great Britain, Ireland, and the British Territories Beyond the Seas, Emperor of India:

M. Alfred Mitchell Innes, Counseiller de l'Ambassade de S. M. Britannique à Washington;

Sir Alfred Bateman, K. C. M. G., ancien Comptroller General of Commerce, Labor, and Statistics;

M. W. Temple Franks, Comptroller General of Patents, Designs, and Trade-marks.

His Majesty the King of Italy:

Nob. Lazzaro dei Marchesi Negrotto Cambiaso, Conseiller de l'Ambassade de S. M. le Roi d'Italie à Washington;

M. Emilio Venezian, Ingénieur, Inspecteur du Ministère de l'Agriculture, du Commerce et de l'Industrie;

M. le Dr. Giovanni Battista Ceccato, Attaché commercial à l'Ambassade de S. M. le Roi d'Italie à Washington.

His Majesty the Emperor of Japan:

M. K. Matsui, Conseiller de l'Ambassade de S. M. l'Empereur du Japon à Washington;

M. Morio Nakamatsu, Directeur de l'Office des brevets.

The President of the United States of Mexico:

M. José de las Fuentes, Ingénieur, Directeur de l'Office des brevets.

His Majesty the King of Norway.

M. L. Aubert, Secrétaire de la Légation de S. M. le Roi de Norvège à Washington.

Her Majesty the Queen of the Netherlands:

M. le Dr. F. W. J. G. Snyder van Wissenkerke, Directeur de l'Office de la Propriété industrielle, Conseiller au Ministère de la Justice.

The President of the Provisional Government of the Republic of Portugal:

S. Exc. le Vicomte de Alte, Envoyé Extraordinaire et Ministre Plénipotentiaire du Portugal à Washington.

His Majesty the King of Servia: ——— ———.

His Majesty the King of Sweden:

S. Exc. M. le Compte Albert Ehrensvärd, Son Envoyé extraordinaire et Ministre plénipotentiaire à Washington.

The Federal Council of the Swiss Confederation:

S. Exc. M. Paul Ritter, Envoyé extraordinaire et Ministre plénipotentiaire de Suisse à Washington;

M. W. Kraft, Adjoint du Bureau Fédéral de la Propriété Intellectuelle à Berne;

M. Henri Martin, Secrétaire de la Légation de Suisse à Washington.

The President of the French Republic for Tunis:

M. de Peretti de la Rocca, Premier Secrétaire de l'Ambassade de la République française à Washington;

Who, after having been given their full respective powers, made in good and due form, have agreed upon the following articles:

ARTICLE 1.

The contracting countries constitute a state of union for the protection of industrial property.

ARTICLE 2.

The subjects or citizens of each of the contracting countries shall enjoy, in all the other countries of the union, with regard to patents of invention, models of utility, industrial designs or models, trade-marks, trade names, the statements of place of origin, suppression of unfair competition, the advantages which the respective laws now grant or may hereafter grant to the citizens of that country. Consequently, they shall have the same protection as the latter and the same legal remedies against any infringements of their rights, provided they comply with the formalities and requirements imposed by the national laws of each State upon its own citizens. Any obligation of domicile or of establishment in the country where the protection is claimed shall not be imposed on the members of the union.

ARTICLE 3.

The subjects or citizens of countries which do not form part of the union, who are domiciled or own effective and bona fide industrial or commercial establishments in the territory of any of the countries of the union, shall be assimilated to the subjects or citizens of the contracting countries.

ARTICLE 4.

(a) Any person who shall have duly filed an application for a patent, utility model, industrial design or model, or trade-mark, in one of the contracting countries, or the successor or assignee of such person, shall enjoy, for the purpose of filing application in the other countries and subject to the rights of third parties, a right of priority during the periods hereinafter specified.

(b) Consequently the subsequent filing in one of the other countries of the union, prior to the expiration of such periods, shall not be invalidated by acts performed in the interval, especially by another application, by publication of the invention or the working of the same, by the sale of copies of the design or model, nor by the use of the mark.

(c) The periods of priority above referred to shall be 12 months for patents and models of utility and 4 months for industrial designs and models, as also for trade-marks.

(d) Whoever shall wish to avail himself of the priority of an anterior filing shall be required to make a declaration showing the date and the country of this filing. Each country shall determine at what moment, at the latest, this declaration must be executed. This information shall be mentioned in the publications issued by the competent administration, particularly on patents and the specifications relative thereto. The contracting countries shall require of one who makes a declaration of priority the production of a copy of the application (specification, drawings, etc.) previously filed, certified to be a true copy by the administration which shall have received it. This copy shall be dispensed from any legalization. It may be required that it be accompanied by a certificate of the date of filing, issuing from this administration and of a translation. Other formalities shall not be required for the declaration of priority at the time of the filing of the application. Each contracting country shall determine the consequences of the omission of the formalities prescribed by the present article, unless these consequences exceed the loss of the right of priority.

(e) Later other justifications can be demanded.

ARTICLE 4½.

Patents applied for in the different contracting countries by persons admitted to the benefit of the convention in the terms of articles 2 and 3 shall be independent of the patents obtained for the same invention in the other countries, adherent or not to the union.

This provision shall be understood in an absolute manner, particularly in the sense that the patents applied for during the term of priority are independent, as much from the point of view of the causes of nullity and of forfeitures as from the point of view of the normal duration.

It applies to all patents existing at the time of entrance into force.

It shall be likewise, in case of accession of new countries, for patents existing on both sides at the time of accession.

ARTICLE 5.

The importation, by the patentee, into the country where the patent has been granted, of articles manufactured in any of the countries of the union shall not entail forfeiture.

However, the patentee shall be obliged to work his patent according to the laws of the country into which he introduces the patented objects, but with the restriction that the patent shall not be liable to forfeiture because of nonworking in one of the countries of the union until after a term of three years from the date of the filing of the application in that country, and only in case the patentee shall fail to show sufficient cause for his inaction.

ARTICLE 6.

Every trade-mark regularly registered in the country of origin shall be admitted to registration and protected as that in the other countries of the union.

However, there may be refused or invalidated—

1. Marks which are of a nature to infringe rights acquired by third parties in the country where protection is claimed.

2. Marks devoid of all distinctive character, or even composed exclusively of signs or data which may be used in commerce, to designate the kind, quality, quantity, destination, value, place of origin of the products or the time of production, or become common in the current language or the legal and steady customs of commerce of the country where the protection is claimed.

In the estimation of the distinctive character of a mark, all the circumstances existing should be taken into account, particularly the duration of the use of the mark.

3. Marks which are contrary to morals or public order.

The country where the applicant has his principal establishment shall be considered as the country of origin.

If this principal establishment is not located in one of the countries of the union, that to which the applicant belongs shall be considered as country of origin.

ARTICLE 7.

The nature of the product on which the trade-mark is to be applied can not in any case be an obstacle to the filing of the mark.

ARTICLE 7½.

The contracting countries agree to admit for filing and to protect marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if these associations do not possess an industrial or commercial establishment.

Each country shall be judge of the special conditions under which an association may be admitted to have the marks protected.

ARTICLE 8.

Trade names shall be protected in all the countries of the Union without the obligation of filing, whether it be a part or not of a trade-mark.

ARTICLE 9.

Any product bearing illegally a trade-mark or a trade name shall be seized at importation in those of the countries of the union in which this mark or this trade name may have a right to legal protection.

If the laws of a country do not admit of seizure on importation, the seizure shall be replaced by prohibition of importation.

The seizure shall be likewise effected in the country where illegal affixing shall have been made, or in the country into which the product shall have been imported.

The seizure shall be made at the request of the public ministry, or any other competent authority, or by an interested party, individual, or society, in conformity to the interior laws of each country.

The authorities shall not be required to make the seizure in transit.

If the laws of a country admit neither of the seizure on importation nor the prohibition of importation, nor seizure in said country, these measures shall be replaced by the acts and means which the law of such country would assure in like case to its own citizens.

ARTICLE 10.

The provisions of the preceding article shall be applicable to any product bearing falsely, as indication of place of production, the name of a definite locality, when this indication shall be joined to a fictitious or borrowed trade name with an intention to defraud.

The interested party is considered any producer, manufacturer or merchant, engaged in the production, manufacture or commerce of such product, and established either in the locality falsely indicated as place of production or in the region where this locality is situated.

ARTICLE 10½.

All the contracting countries agree to assure to the members of the union an effective protection against unfair competition.

ARTICLE 11.

The contracting countries shall accord, in conformity with their national laws, a temporary protection to patentable inventions, working models, industrial models or designs, as well as to trade-marks, for products exhibited at international expositions, official or officially recognized, organized in the territory of one of them.

ARTICLE 12.

Each of the contracting countries agrees to establish a special service for industrial property and a central office for the communication to the public of patents, working models, industrial models, or designs and trade-marks.

This service shall publish, as often as possible, an official periodical.

ARTICLE 13.

The international office instituted at Berne under the name of "Bureau international pour la protection de la Propriété industrielle" is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its operation.

The international bureau shall centralize information of any nature relative to the protection of industrial property, and form it in a general statistical report which shall be distributed to all administrations. It shall proceed to considerations of common utility interesting to the union and shall edit, with the aid of the documents put at its disposal by the different administrations, a periodical in the French language on questions concerning the object of the union.

Numbers of this periodical, like all the documents published by the international bureau, shall be distributed among the administrations of the countries of the union, in proportion to the number of contributive units mentioned below. Copies and supplementary documents which shall be requested, either by the said administrations, or by societies or individuals, shall be paid for separately.

The international bureau shall hold itself at all times at the disposition of the members of the union, to furnish them special information of which they may have need, on the questions relative to the international service of industrial property. It shall make an annual report of its management which shall be communicated to all members of the union.

The *official* language of the international bureau shall be French.

The expense of the international bureau shall be borne in common by the contracting countries. They may not, in any case, exceed the sum of 60,000 francs per year.

In order to determine the contributive part of each of the countries in this sum total of the expenses, the contracting countries and those which later join the union shall be divided into six classes, each contributing in proportion to a certain number of units, to wit:

	Units.
Class 1	25
Class 2	20
Class 3	15
Class 4	10
Class 5	5
Class 6	3

These coefficients shall be multiplied by the number of countries of each class, and the sum of the products thus obtained will furnish the number of units by which the total expenses are to be divided. The quotient will give the amount of the unit of expense.

Each of the contracting countries shall designate at the time of its accession the class in which it wishes to be ranked.

The Government of the Swiss Confederation shall supervise the expenses of the international bureau, make necessary advances and draw up annual statements of accounts which shall be communicated to all the other administrations.

Article 14.

The present convention shall be submitted to periodical revisions, with a view to introducing improvements in it of a nature to perfect the system of the union.

To this end conferences of the delegates of the contracting countries shall be held successively in one of the said countries.

The administration of the country where the conference is to be held shall prepare, with the concurrence of the international bureau, the works of such conference.

The director of the international bureau will assist at the meetings of the conferences and take part in the discussions without a vote.

Article 15.

It is understood that the contracting countries reserve to themselves, respectively, the right to make separately, between themselves special arrangements for the protection of industrial property, in so far as these arrangements may not interfere with the provisions of the present convention.

Article 16.

The countries which have not taken part in the present convention shall be permitted to adhere to it upon their request.

Notice of adhesion shall be made through diplomatic channels to the Government of the Swiss Confederation, and by the latter to all the others.

It shall entail complete adhesion to all the clauses and admission to all the advantages stipulated by the present convention, and shall take effect one month after the notification made by the Government of the Swiss Confederation to the other unionist countries, unless a later date shall have been indicated by the adhering country.

Article 16½.

The contracting countries have the right to adhere at any time to the present convention for their colonies, possessions, dependencies, and protectorates, or for certain ones of them.

They may, to this end, either make a general declaration by which all their colonies, possessions, dependencies, and protectorates are included in the adherence, or expressly name those included therein, or simply indicate those excluded from it.

This declaration shall be made in writing to the Government of the Swiss Confederation and by the latter made to all the others.

The contracting countries can, under like conditions, renounce the convention for their colonies, possessions, dependencies, and protectorates, or for certain ones of them.

Article 17.

The fulfillment of the reciprocal obligations contained in the present convention is subordinated, in so far as need be, to compliance with the formalities and regulations established by the constitutional laws of those of the contracting countries which are bound to secure the application of the same which they engage to do with the least possible delay.

Article 17½.

The convention shall remain in force an indefinite time, until the expiration of one year from the day when the renunciation shall be made.

This renunciation shall be addressed to the Government of the Swiss Confederation. It shall effect only the country giving such notice, the convention remaining operative as to the other contracting countries.

Article 18.

The present act shall be ratified, and the ratifications filed in Washington, at the latest, April 1, 1913. It shall be put into execution, among the countries which shall have ratified it, one month after the expiration of this period of time.

This act, with its final protocol, shall replace, in the relations of the countries which shall have ratified it, the convention of Paris, March 20, 1883; the final protocol annexed to that act; the protocol of Madrid, April 15, 1891, relating to the dotation of the international bureau, and the additional act of Brussels, December 14, 1900. However, the acts cited shall remain binding on the countries which shall not have ratified the present act.

Article 19.

The present act shall be signed in a single copy, which shall be filed in the archives of the Government of the United States. A certified copy shall be sent by the latter to each of the unionist Governments.

In witness whereof the respective plenipotentiaries have signed the present act.

Done at Washington, in a single copy, the second day of June, 1911.

For Germany:
Haniel von Haimhausen.
H. Robolski.
Albert Osterrieth.

For Austria and for Hungary:
L. Baron de Hengelmuller,
Ambassadeur d'Autriche-Hongrie.

For Austria:
Dr. Paul Chevalier Beck de
Mannagetta et Lerchenau,
Chef de Section et Président de l'Office I. R.
des Brevets d'invention.

For Hungary:
Elemér de Pompéry,
Conseiller ministériel à l'Office Royal
hongrois Brevets d'invention.

For Belgium:
J. Brunet.
Georges de Ro.
Capitaine.

For Brazil:
R. de Lima e Silva.

For Cuba:
Antonio Martin Rivero.

For Denmark:
J. Clan.

For the Dominican Republic:
Emilio C. Joubert.

For Spain:
Juan Riaño y Gayangos.
J. Florez Posada.

For the United States of America:
Edward Bruce Moore.
Melville Church.
Charles H. Duell.
Robt. H. Parkinson.
Frederick P. Fish.

For France:
Pierre Lefèvre-Pontalis.
G. Breton.
Michel Pelletier.
Georges Maillard.

For Great Britain:
A. Mitchell Innes.
A. E. Bateman.
W. Temple Franks.

For Italy:
Lazzaro Negrotto Cambiaso.
Emilio Venezian.
G. B. Ceccato.

For Japan:
K. Matsui.
Morio Nakamatsu.

For the United States of Mexico:
J. de las Fuentes.

For Norway:
Ludwig Aubert.

For the Netherlands:
Snyder van Wissenkerke.

For Portugal:
J. F. H. M. da Franca, Vte. D'Alte.

For Servia:
——— ———.

For Sweden:
Albert Ehrensvärd.

For Switzerland:
P. Ritter.
W. Kraft.
Henri Martin.

For Tunis:
E. de Peretti de la Rocca.

Final Protocol.

At the time of proceeding to the signing of the act concluded on this day, the undersigned plenipotentiaries are agreed upon the following:

Ad Article 1.

The words "Propriete industrielle" (industrial property) shall be taken in their broadest acceptation; they extend to all production in the domain of agricultural industries (wines, grains, fruits, animals, etc.) and extractives (minerals, mineral waters, etc.).

Ad Article 2.

(*a*) Under the name of patents are comprised the different kinds of industrial patents admitted by the laws of the contracting countries, such as patents of importation, patents of improvement, etc., for the processes as well as for the products.

(*b*) It is understood that the provision in Article 2 which dispenses the members of the Union from the obligation of domicile and of establishment has an interpretable character and must, consequently, be applied to all the rights granted by the convention of March 20, 1883, before the entrance into force of the present act.

(*c*) It is understood that the provisions of Article 2 do not infringe the laws of each of the contracting countries in regard to the procedure followed before the courts and the competency of those courts, as well as the election of domicile or the declaration of the selection of an attorney required by the laws on patents, working models, marks, etc.

Ad Article 4.

It is understood that when an industrial model or design shall have been filed in a country by virtue of the right of priority based on the filing of a working model, the term of priority shall be only that which Article 4 has fixed for industrial models and designs.

Ad Article 6.

It is understood that the provision of the first paragraph of Article 6 does not exclude the right to require of the depositor a certificate of regular registration in the country of origin, issued by competent authority.

It is understood that the use of badges, insignia, or public decorations which shall not have been authorized by competent powers, or the use of official signs and stamps of control and of guaranty adopted by a unionist country, may be considered as contrary to public order in the sense of No. 3 of Article 6.

However, marks which contain, with the authorization of competent powers, the reproduction of badges, decorations, or public insignia, shall not be considered as contrary to public order.

It is understood that a mark shall not be considered as contrary to public order for the sole reason that it is not in conformity with some provision of laws on marks, except in the case where such provision itself concerns public order.

The present final protocol, which shall be ratified at the same time as the act concluded on this day, shall be considered as forming an integral part of this act, and shall be of like force, value, and duration.

In witness whereof, the respective plenipotentiaries have signed the present protocol.

Done at Washington, in a single copy, June 2, 1911.

Haniel von Haimhausen.
H. Robolski.
Albert Osterrieth.
L. Baron de Hengelmuller.
Dr. Paul Chevalier Beck de Mannagetta et Lerchenau.
Elemér de Pompéry.
J. Brunet.
Georges de Ro.
Capitaine.
R. de Lima e Silva.
J. Clan.
Juan Riaño y Gayangos.
J. Florez Posada.
Edward Bruce Moore.
Melville Church.
Charles H. Duell.
Frederick P. Fish.
Robt. H. Parkinson.
Emilio C. Joubert.
Pierre Lefèvre-Pontalis.
Michel Pelletier.
G. Breton.
Georges Maillard.
A. Mitchell Innes.
A. E. Bateman.
W. Temple Franks.
Lazzaro Negrotto Cambiaso.
Emilio Venezian.
G. B. Ceccato.
K. Matsui.
Morio Nakamatsu.
J. de las Fuentes.
Snyder van Wissenkerke.
J. F. H. M. da Franca, Vte. D'Alte.
Albert Ehrensvärd.
P. Ritter.
W. Kraft.
Henri Martin.
E. de Peretti de la Rocca.
Ludwig Aubert.
Antonio Martin Rivero.

Mr. MOSES. Mr. President, I have no intention of taking further time of the Senate in a discussion of the question, inasmuch as it seems to be taken for granted that if the conferees are to back into a conference, if I may quote the words of the senior Senator from Alabama [Mr. Underwood], which is full and free, I am merely offering the letter of the Acting Secretary of State and the convention to which it refers, and making some reminiscent references to what I said in the Senate when the subject was under consideration, in the hope that the Senate conferees may take some judicial notice of the conditions as they exist and may bring in a tariff bill which will not tend to make our treaty obligations scraps of paper.

INDIAN SCHOOL, RAPID CITY, S. DAK.

Mr. STERLING. Mr. President, I was not in the Chamber this morning when the senior Senator from Kansas [Mr. Curtis], from the Committee on Indian Affairs, submitted a report on the bill (S. 3936) to rebuild the boys' dormitory at the Indian school, Rapid City, S. Dak. I ask unanimous consent for the present consideration of the bill. I think it will take but a moment and it will provoke no discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments, in line 7, to strike out "$60,000" and insert "$50,000," and, in line 9, to strike out "$60,000" and insert "$50,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to rebuild the boys' dormitory at the Indian school, Rapid City, S. Dak., recently destroyed by fire, and to refurnish said building, at a cost not to exceed $50,000; and there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $50,000 for rebuilding and equipping said dormitory, which sum shall be immediately available.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MASONIC MUTUAL RELIEF ASSOCIATION.

Mr. BALL. Mr. President, I ask unanimous consent for the immediate consideration of the bill (H. R. 11116) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware?

Mr. FRANCE. I object. I wish to see the unfinished business disposed of, and then these other matters may come up. I shall object to the consideration of any other measure until the unfinished business is disposed of.

LIBERIAN LOAN.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States Government for the Government of Liberia.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Idaho [Mr. Borah].

Mr. BORAH. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. Elkins] to the Senator from Nevada [Mr. Pittman], and vote "yea."

Mr. NEW (when his name was called). Transferring my pair with the junior Senator from Tennessee [Mr. McKellar] to the junior Senator from Michigan [Mr. Newberry], I vote "nay."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. Smith] to the senior Senator from Pennsylvania [Mr. Pepper], and vote "yea."

Mr. SUTHERLAND (when his name was called). I transfer my pair with the senior Senator from Arkansas [Mr. Robinson] to the senior Senator from New York [Mr. Wadsworth], and vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. Lodge]. That Senator is absent, so I withhold my vote.

Mr. WATSON of Georgia (when his name was called). I have a general pair with the senior Senator from California [Mr. Johnson]. In his absence, I withhold my vote.

The PRESIDING OFFICER (when Mr. Willis's name was called). I have a pair with my colleague [Mr. Pomerene]. I transfer that pair to the Senator from Vermont [Mr. Page] and vote "nay."

The roll call was concluded.

Mr. PHIPPS. I transfer my pair with the junior Senator from South Carolina [Mr. Dial] to the junior Senator from Maryland [Mr. Weller], and vote "nay."

Mr. ERNST (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. Stanley]. I transfer that pair to the junior Senator from New Hampshire [Mr. Keyes] and allow my vote to stand.

Mr. DILLINGHAM (after having voted in the negative). I have a general pair with the junior Senator from Virginia [Mr. Glass], who is necessarily absent. I transfer that pair to the junior Senator from New York [Mr. Calder] and allow my vote to stand.

Mr. CURTIS. I was requested to announce the following general pairs:

The Senator from New Jersey [Mr. Edge] with the Senator from Oklahoma [Mr. Owen];

The Senator from Maine [Mr. Fernald] with the Senator from New Mexico [Mr. Jones];

The Senator from New Jersey [Mr. Frelinghuysen] with the Senator from Montana [Mr. Walsh];

The senior Senator from Illinois [Mr. McCormick] with the Senator from Wyoming [Mr. Kendrick];

The junior Senator from Illinois [Mr. McKinley] with the junior Senator from Arkansas [Mr. Caraway];

The Senator from Missouri [Mr. Spencer] with the Senator from Georgia [Mr. Harris]; and

The Senator from Wyoming [Mr. Warren] with the Senator from North Carolina [Mr. Overman].

The result was announced—yeas 26, nays 23, as follows:

YEAS—26.

Ashurst
Borah
Bursum
Cameron
Cummins
Fletcher
Gooding
Harrison
Heflin
Jones, Wash.
King
McNary
Myers
Nicholson
Oddie
Ransdell
Sheppard
Shields
Simmons
Smoot
Stanfield
Sterling
Swanson
Walsh, Mass.
Watson, Ind.
Williams

NAYS—23.

Ball
Brandegee
Capper
Colt
Curtis
Dillingham
du Pont
Ernst
France
Hale
Harreld
Kellogg
McCumber
McLean
Moses
Nelson
New
Phipps
Rawson
Reed, Pa.
Sutherland
Trammell
Willis

NOT VOTING—47.

Broussard
Calder
Caraway
Culberson
Dial
Edge
Elkins
Fernald
Frelinghuysen
Gerry
Glass
Harris
Hitchcock
Johnson
Jones, N. Mex.
Kendrick
Keyes
Ladd
La Follette
Lenroot
Lodge
McCormick
McKellar
McKinley
Newberry
Norbeck
Norris
Overman
Owen
Page
Pepper
Pittman
Poindexter
Pomerene
Reed, Mo.
Robinson
Shortridge
Smith
Spencer
Stanley
Townsend
Underwood
Wadsworth
Walsh, Mont.
Warren
Watson, Ga.
Weller

So Mr. BORAH's amendment was agreed to, which was to add to the joint resolution a new section, as follows:

SEC. —. That to expedite the completion of Government reclamation projects heretofore begun and extensions thereof and to take up new projects under the national irrigation law, being the act of June 17, 1902 (32 Stat. p. 388), and acts amendatory thereof or supplementary thereto, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000,000, and the Secretary of the Treasury is authorized, upon request of the Secretary of the Interior, to transfer the same or any part thereof from time to time to the credit of the reclamation fund created under the said act of June 17, 1902.

The said sum of $20,000,000, or so much thereof as shall have been transferred to the reclamation fund, shall be reimbursed to the general funds of the Treasury by transferring annually the sum of $1,000,000 from the reclamation fund to the general funds of the Treasury, beginning July 1, 1940.

Mr. ASHURST. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Arizona will be stated.

The READING CLERK. On page 2 it is proposed to strike out all after the enacting clause down to line 17, inclusive, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized, on behalf of the United States, to establish a credit with the United States for the Government of Liberia, subject to the approval of the President and in conformity with an appropriate arrangement made under his direction for that purpose, in an amount not to exceed the sum of $5,000,000, and to the extent of the credit so established, the Secretary of the Treasury is hereby authorized to purchase from that Government its obligations hereafter issued, bearing such rate or rates of interest, maturing at such date or dates, and containing such terms and conditions as the Secretary may from time to time determine; and a sufficient sum of money is hereby appropriated, out of money not otherwise appropriated, to carry out the purposes of this resolution.

Mr. ASHURST. Mr. President, the effect of the amendment, if adopted, will be to strike out that part of the joint resolution which proposes to advance to the Liberian Government the sum of $5,000,000, and, of course, it will leave as the body and substance of the measure the amendment which has just been adopted by the Senate. Upon my amendment I shall at the proper time ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arizona [Mr. ASHURST], on which the yeas and nays are demanded.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. ERNST (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "nay."

Mr. HARRISON (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "yea."

Mr. NEW (when his name was called). Repeating the announcement made by me on the previous vote as to the transfer of my pair, I vote "nay."

Mr. PHIPPS (when his name was called). Repeating the announcement as to my pair and its transfer, which I made on the previous vote, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

Mr. SUTHERLAND (when his name was called). Making the same announcement as to the transfer of my pair as on the previous vote, I vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], who is absent from the city. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. WATSON of Georgia (when his name was called). I am paired with the Senator from California [Mr. JOHNSON]. I transfer that pair to the Senator from Missouri [Mr. REED] and vote "yea."

The PRESIDING OFFICER (when the name of Mr. WILLIS was called). Making the same announcement with reference to the transfer of his pair as heretofore, the present occupant of the chair votes "nay."

The roll call was concluded.

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The senior Senator from Illinois [Mr. MCCORMICK] with the Senator from Wyoming [Mr. KENDRICK];

The junior Senator from Illinois [Mr. MCKINLEY] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Missouri [Mr. SPENCER] with the Senator from Georgia [Mr. HARRIS]; and

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN].

Mr. DILLINGHAM. Making the same announcement as to my pair and its transfer as before, I vote "nay."

The result was announced—yeas 23, nays 28, as follows:

YEAS—23.

Ashurst
Borah
Broussard
Cameron
Culberson
Fletcher
Gooding
Harreld
Harrison
Heflin
King
McNary
Nicholson
Sheppard
Shields
Simmons
Stanfield
Swanson
Trammell
Underwood
Walsh, Mass.
Watson, Ga.
Williams

NAYS—28.

Ball
Bursum
Capper
Colt
Cummins
Curtis
Dillingham
du Pont
Ernst
France
Hale
Jones, Wash.
Kellogg
McCumber
McLean
Moses
Nelson
New
Oddie
Phipps
Rawson
Reed, Pa.
Shortridge
Smoot
Sterling
Sutherland
Watson, Ind.
Willis

NOT VOTING—45.

Brandegee
Calder
Caraway
Dial
Edge
Elkins
Fernald
Frelinghuysen
Gerry
Glass
Harris
Hitchcock
Johnson
Jones, N. Mex.
Kendrick
Keyes
Ladd
La Follette
Lenroot
Lodge
McCormick
McKellar
McKinley
Myers
Newberry
Norbeck
Norris
Overman
Owen
Page
Pepper
Pittman
Poindexter
Pomerene
Ransdell
Reed, Mo.
Robinson
Smith
Spencer
Stanley
Townsend
Wadsworth
Walsh, Mont.
Warren
Weller

So Mr. ASHURST's amendment was rejected.

Mr. HARRISON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Mississippi will be stated.

The READING CLERK. It is proposed to add, at the end of the joint resolution, the following:

That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000 to enable the Interstate Commerce Commission to appoint such additional number of inspectors of locomotive boilers under the provisions of the act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, as may be necessary to meet the present emergency.

Mr. HARRISON. Mr. President——

Mr. BORAH. Will the Senator from Mississippi yield to me?

Mr. HARRISON. I yield to the Senator from Idaho.

Mr. BORAH. Upon yesterday I received a telegram which I should have then inserted in the RECORD, but, a quorum being lacking, I did not have an opportunity to do so. It is a telegram from J. P. Morgan & Co., Kuhn, Loeb & Co., and the National City Bank of New York. I ask to have it read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

[Telegram.]

NEW YORK, *September 12, 1922.*

Hon. WILLIAM E. BORAH,
Senate Chamber, Washington, D. C.:

A statement has appeared in the newspapers in connection with the Senate debate on the proposed Liberian loan quoting you as follows: "Now, let me take another feature of this loan business. I do not think it very difficult to find out why the loan is being urged. I read on pages 124 and 125 of the Ways and Means Committee hearings that Kuhn, Loeb & Co., J. P. Morgan & Co., and the National City Bank have claims of over $1,000,000 against Liberia and that this loan is to pay these claims among other things," and further, "that these claims which are to be taken care of in this way were claims which had been bought up for 10 to 20 cents on the dollar and that they are now being turned in and taken care of by the Government of the United States and the taxpayers of the United States on the basis of dollar for dollar." These statements in so far as they apply to any of the undersigned are based on a misapprehension of the facts. We have no knowledge of the inception of the proposed new loan, have never urged it, nor have we interest in it. Our sole connection with Liberian finances was that in 1912, at the suggestion of the State Department, we, together with other bankers, negotiated a loan of $1,700,000 for Liberia, the bonds of which were practically all placed abroad by bankers in Europe. The transaction was taken up solely in an effort to be helpful in a situation in which the State Department took an interest. The combined present holdings of the undersigned in the old loan amounts to less than $5,000 bonds for which we paid 90 per cent of par and which we have held since the original issue, namely, for nearly 10 years. We have no other interest in or claim against Liberia.

(Signed) J. P. Morgan & Co.
Kuhn, Loeb & Co.
National City Bank.

Mr. BORAH. Mr. President, in order that the record may be complete, I ask that my answer to that telegram may now be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The reading clerk read as follows:

Washington, D. C., *September 13.*

J. P. Morgan & Co.,
Bankers, New York City, N. Y.

Gentlemen: I have your telegram signed by yourself, Kuhn, Loeb & Co., and the National City Bank under date of September 12.

If you will have the kindness to examine the Congressional Record of September 11, 1922, page 13411, you will find that my statement, in so far as it has any bearing upon yourself and other signers of the telegram, was literally and meticulously correct. I did not state that your claim had been purchased for 10 or 20 cents on the dollar. This was stated in reference to the floating indebtedness and before I had reached the portion of the agreement relating to your claim. My sole reference, practically, to your claim, consisted in reading paragraphs 4 and 5 from the agreement entered into October 28, 1921, between the Secretary of State and the Liberian Commission.

I do not intend at any time, if I know it, to make any statement not based on fact, and I am greatly pleased to find upon reexamination, and in the light of your telegram, that in this instance I have not been mistaken in the facts which I stated. If, after looking over the Congressional Record, you conclude that there are any corrections to be made, I shall be glad to make them.

Very respectfully, William E. Borah.

Mr. BORAH. Mr. President, upon examination of the Record at page 13411 this is all made to appear very clearly. The statement which I made with reference to the purchase of this floating indebtedness was made in connection with paragraph 3 of the agreement which I read, the agreement made between the Secretary of State and the Liberian Commission, which paragraph 3 relates to a loan of $233,000, "or such less amount as shall be sufficient to enable the Government of Liberia to pay its internal funded debt and the interest due thereon." In connection with that, I said:

> I have been informed by a party who has investigated the matter and who is, I think, wholly reliable—I know he is reliable so far as his information goes—that the claims which were taken care of in this way were claims which had been bought up for 10 to 20 cents on the dollar, and that they are now being turned in and taken care of by the Government of the United States and the taxpayers of the United States on the basis of dollar for dollar.

That related to a matter with which Kuhn, Loeb & Co., J. P. Morgan & Co., and the National City Bank, as I understand, had nothing to do and have nothing to do. The only reference I made to J. P. Morgan & Co., Kuhn, Loeb & Co., and the National City Bank was to read from the agreement itself paragraphs 4 and 5 of the agreement made by the Secretary of State and the Liberian Commission. I take it, of course, that the agreement was based upon facts. I made no comment as to what Kuhn, Loeb & Co. paid for their bonds. I did not know. I since have found out, but I did not know at the time and made no comment about that. They inform me themselves in their telegram what they paid for them, and that is the first I knew about it; but I want to reread this into the Record in order that the matter may be here:

> 5. One million six hundred and fifty thousand dollars, or such less amount as may be necessary for the purpose of enabling the Government of Liberia to purchase or redeem all of its bonds now issued and outstanding representing the 5 per cent sinking-fund gold loan, due July 1, 1952, under the agreement for refunding loan dated March 7, 1912, between the Republic of Liberia, of the first part, and J. P. Morgan & Co.; Kuhn, Loeb & Co.; the National City Bank of New York; and First National Bank of New York, acting for themselves and for Robert Fleming & Co., Banque de Paris et des Pays Bas; M. M. Warburg & Co.; and Hope & Co., and for others, of the second part, including such payments of interest, costs of notices and other payments or deposits, as well as payments which may be due from the Government of Liberia under the fiscal agency agreement dated March 7, 1912, between the Republic of Liberia, of the first part, and the National City Bank of New York, of the second part, as shall be necessary to terminate all obligations of the Government of Liberia under all of said bonds or under the agreements for refunding loan or the fiscal agency agreement above mentioned, as shall entitle the Government of Liberia in accordance with the terms of said agreement to the cancellation and destruction of all said bonds held by the fiscal agents in the sinking fund mentioned in said agreements. Advances for this purpose shall be made at such times and in such amounts as shall be determined by the Secretary of State of the United States. It is understood that the Secretary of State of the United States may determine the best method for acquiring part or all of the aforesaid bonds, but in no event shall more than par and accrued interest be paid therefor.

That is the quotation from the agreement itself. Then I proceed to say:

> So it appears, Mr. President, that this money is to be utilized in large measure in the first instance to take care of certain internal debts and certain other floating debt, which I have stated has been purchased, as I am informed, and is held by speculators, and by taking up a bonded indebtedness of $1,650,000 which is due to certain bankers in New York City.

So, Mr. President, I think that upon examination of the Record the signers of the telegram will find that the thing which evidently misled them was in not knowing to what particular kind of indebtedness I referred when I spoke of the question of purchasing for 10 or 20 cents on the dollar. In every respect the statement I made, even according to their telegram, is accurate.

Mr. SHIELDS. Mr. President, with the permission of the Senator from Mississippi, I should like to place in the Record the statement of Mr. Kelley, an officer in the Treasury Department, in relation to this loan, which I think is germane to the matter just discussed by the Senator from Idaho. I ask unanimous consent that it be read into the Record by the Secretary at this time.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. SHIELDS. This statement was the evidence of Mr. Kelley before the Committee on the Judiciary some two years ago, when a bill introduced by the Senator from Missouri [Mr. Reed] was being considered, which prohibited further foreign loans. There are several pages of it, and I have marked where it begins and where it ends.

The PRESIDENT pro tempore. The Secretary will read as requested.

The reading clerk read as follows:

Senator Shields. I want to ask Mr. Kelley where we would find this information. I notice in the Washington Times a statement of what is contained in the answer of the Secretary of the Treasury to the bill filed by Mr. Hearst in one of the courts of the District of Columbia to enjoin him from making further loans. As I said, I have not seen the answer, and I only know what is given in the Times, purporting to be a copy of it. This is the clause I refer to, this paragraph of the answer to the petition in the Times:

"Advances to Liberia will be made only for specific purposes for which commitments have heretofore been incurred."

The only commitment that has been placed in evidence is one allowing money for the expenses of the delegates of Liberia to the Peace Conference, which I understand have been paid. Now, what other commitments are referred to here?

Mr. Kelley. The Treasury did not deal directly with the representatives of Liberia, but dealt through the Department of State.

The expenses for which the Department of State incurred commitments on behalf of this Government will appear, so far as the Treasury is advised about them, in the correspondence which is contained in these containers here.

Senator Shields. Have you read that correspondence?

Mr. Kelley. Yes.

Senator Shields. What are those commitments?

Mr. Kelley. I may say that as between the Treasury Department and the Department of State, we never became entirely clear what the extent of the commitments was. It was a matter of discussion between the two departments. The attitude of the Treasury has always been, as in every other case, to keep its commitments and the amount of money it would have to pay out at the lowest possible point.

Senator Shields. Do you know the nature of them; the objects and purposes for which the money was to be used?

Mr. Kelley. I can not speak offhand without looking at the papers.

They are mainly to help the Liberian Government out financially, on its financial obligations, I think. They were in very bad shape in 1918.

Senator Shields. Yes; I understood they wanted the money for financial purposes; but what particular purposes was the money to be used for?

Mr. Kelley. I think it was mostly to take up their obligations of one kind and another.

Senator Shields. Was it to take up obligations of two millions and some hundred thousands of dollars to J. P. Morgan & Co. and other New York banks?

Mr. Kelley. I do not think their obligations, to which I assume you refer, were as big as that. I think they were a little over $1,000,000, if I recollect.

The Chairman. $1,700,000 or $1,800,000.

Mr. Kelley. I have been so busy that I have not had time to look that up.

Senator Shields. I understand that the fact that was submitted in regard to the Liberian loan was what was submitted in a statement, I think, of a representative of the Liberian Government, perhaps in the application for this loan, that they borrowed from these three banks in New York about two million and some hundred thousand dollars in 1912, which they are unable now to pay, and on which they were unable even to meet the interest, I believe.

Is there a commitment to pay that money to those banks out of this $5,000,000 credit?

Mr. Kelley. The obligations to which the Senator refers are bonds issued under an indenture somewhat as in the case of railroad bonds, or something of that sort, and I do not understand that the bonds are held to any appreciable extent by the parties whom the Senator has just mentioned. My understanding is that substantially all of them are held abroad.

Whether in the present state of the negotiations between this Government and Liberia there is a commitment to cover that I am unable to say. I may say, however, that the Treasury was willing to incur a commitment for that purpose, for reasons which will become clear to the committee when it examines the correspondence.

Senator Brandegee. Do I understand you to say that you allowed the State Department to make these contracts?

Mr. Kelley. In the case of Liberia there was no financial representative over here, and we dealt with that Government through the Department of State. With the other Governments we dealt directly. Liberia was an exceptional case.

Senator Brandegee. But I understood you to say previously that you did not know the amount of the commitments, because the State Department made the commitments in the case of Liberia.

Mr. Kelley. They are in negotiation with Liberia. I understand that a commission from Liberia is on its way here, or has just arrived or is just about to arrive.

Senator Brandegee. There were some commitments made to Liberia, were there not?

Mr. Kelley. Well, Senator, I am unable to say, because I do not know the state of those negotiations. I do not know whether the State Department is now in a position to say, for instance, that negotiations are all off or not.

Senator Brandegee. Do you know whether or not the Treasury Department has made any commitments to Liberia or not?

Mr. Kelley. The Treasury Department has not dealt directly with Liberia.

Senator Brandegee. Therefore I assume you can, answering the question directly, say you have not made any commitment?

Mr. Kelley. We have not made any direct commitments to Liberia.

Senator Brandegee. And you do not know whether the State Department has or not?

Mr. Kelley. No.

Senator Brandegee. All right. Do you mean, Mr. Kelley, that the State Department, after consultation with the Treasury Department, with the consent of the Treasury Department, undertook to handle the dealings between this country and Liberia, and that, therefore, in a sense you constituted the State Department the agent of the Treasury Department? Is that what you mean to express? Or do you mean to say that the Treasury Department, as is entirely in order, has made any commitment by itself or in itself through the State Department?

Mr. Kelley. No; the former is the situation. I do not commit myself as to whether the State Department is the agent of the Treasury or not. Leaving that matter aside, the point was that the Treasury Deparment wrote to the State Department certain letters, and the State Department took certain action, and the Treasury Department and the Department of State have been in discussion ever since as to the effect of what was done as between the two departments.

Now, as to the situation between the State Department and Liberia I am unable to say.

Senator Sterling. There is no question but what commitments were made to Liberia, is there?

The Chairman. As I understand it, not directly by your department?

Mr. Kelley. No; we never dealt directly with Liberia. There is no question but what the Treasury wrote to the State Department stating certain commitments which it was willing to enter into.

Senator Sterling. Here, in the Secretary's report, these commitments are under the head of credits as established. That means commitments, does it not? The establishment of a credit is a commitment?

Mr. Kelley. It depends on the terms of the credit, Senator. A great many of these credits were established for express purposes, or for purposes which should thereafter be agreed on; and beyond the extent of such purposes they are not commitments of the United States.

Senator Sterling. The expression used in the report is "credits established," and the amount stated for Liberia is $5,000,000, on which cash has been advanced to the amount of $26,000, leaving a balance of $4.974,000 for Liberia, according to this statement.

Mr. Kelley. Senator, the purposes for which the Treasury intended that credit to be established were never, in the belief of the Treasury, such as would require the whole amount.

Senator Norris. In paying the money, was that paid to the State Department or to the Government of Liberia, or to the creditors, such as J. P. Morgan & Co., if you paid any money to them?

Mr. Kelley. No, no; it was paid to the general receiver of Liberia.

Senator Norris. Who is he?

Mr. Kelley. Mr. H. F. Worley.

Senator Norris. Who appointed him receiver?

Mr. Kelley. Under the loan agreement I believe he was appointed by the President of Liberia, on the nomination of the President of the United States.

Senator Norris. Yes.

Senator Reed. So far as you know, there was only $26,000 paid to him—actually paid?

Mr. Kelley. Yes; that is all that was paid to him.

Senator Norris. Is all the balance of that money now in the Treasury? Has not anything been paid out on account of Liberia except $26,000?

Mr. Kelley. That is absolutely all.

Senator Norris. That is all.

Mr. Kelley. Yes.

Senator Reed. I think you have it, Senator; but you have not been here all the time. There is a distinction between the commitment——

Senator Norris. And what is paid.

Senator Reed. There is a distinction between the establishment of a credit and the commitment and what is paid.

Senator Norris. I understand that.

Senator Reed. They established a credit of $5,000,000 and paid out $26,000; and the question now is whether they have put themselves in the position of committing this Government to something else.

Senator Norris. Exactly; I understand that.

Senator Shields. In other words, what I was trying to get was what the Secretary of the Treasury meant in his sworn answer to the Hearst bill—I presume it was sworn, as it was intended to resist the allowance of an injunction—by the statement, "Advances to Liberia will be made only for specific purposes, for which commitments have heretofore been incurred." We have the credit established and then commitments under that established credit. What I wanted to know was, to whom were those commitments made?

Senator Norris. All right.

Senator Shields. Or for what purpose they were made.

Senator Norris. First, as to the commitments. I understand a commitment to mean that we are at least morally bound to pay the amount for which the commitment has been made.

Senator Shields. Yes; I understand commitments which are morally binding on the United States are made to the parties, really, to whom the money is to be paid. Suppose that a third party comes in, that is the party to receive the money. Then there is a complication of the case as to the moral obligation which accrues. I understand that probably we would be bound to pay the money where commitments had been made, because the United States had represented to certain parties that were going to get the money that the United States would pay it, and perhaps they had made advancements for munitions.

Senator Norris. When a commitment has been made, in reality it is a promise by the Secretary of the Treasury to pay the money for which the commitment has been made, is it not?

Mr. Kelley. Yes.

Senator Norris. Acting on behalf of the Government of the United States.

Mr. Kelley. Yes, Senator.

Senator Norris. I understand that is what you mean by a commitment.

Mr. Kelley. Yes.

Senator Brandegee. Mr. Kelley has already testified that the State Department and the Treasury Department have not agreed on an understanding of what the situation is, and it will be revealed by an inspection of the documents what the correspondence between the two departments has been, will it not?

Mr. Kelley. Yes.

Senator Norris. Do you mean by that that there have been no commitments made?

Senator Brandegee. It depends on the construction they place on these, as I understand it.

Mr. Kelley. It depends also on the construction to be placed on dealings between the State Department and the Liberian Government.

Senator Norris. The Secretary of the Treasury regards that the Government now, under existing conditions, is under no moral obligation to make good on any of these commitments?

Mr. Kelley. The Secretary of the Treasury emphatically does not believe that the Government is under no obligation.

Senator Norris. Is under any obligation?

Mr. Kelley. No; is under no obligation.

Senator Norris. Oh, yes.

Mr. Kelley. That is, the Secretary of the Treasury believes that the Government is under very definite commitments, obligations, to make certain advances.

Senator Norris. Exactly.

Mr. Kelley. As to the amount of some of those advances he is unable to say, because they are for purposes the entire extent of which can not be told now. For instance, one of them is the expense of repatriating certain Czecho-Slovak troops from Siberia.

Senator Norris. What I wanted to get was——

Mr. Kelley (continuing). As to Liberia, the position is a little different. We are not certain, there, whether a commitment has been incurred or for just what purpose, and do not know exactly what the purpose will cost; but our position is that a commitment may have been incurred for us through the State Department. We are not entirely clear whether it has or not. If it has, we believe that we are bound to pay it.

Senator Norris. Outside, now, of the State Department, for the purposes of this question, eliminating the State Department, does the Secretary of the Treasury believe that we are under obligations—moral obligations—to pay to Liberia any sum, even though it may be indefinite, that has not been paid?

Mr. Kelley. He believes that he may be under some obligation to Liberia.

Senator Norris. That depends on his negotiation with the State Department?

Mr. Kelley. It depends on the negotiation of the State Department with the Liberian Government and the extent to which the State Department and the Liberian Government are able to convince the Secretary of the Treasury that their dealings amounted to a commitment.

Senator Overman. The whole matter is involved in doubt, then.

Mr. Kelley. Yes; those——

Senator Norris. You said awhile ago that the Secretary of the Treasury did not believe that there had been definite commitments made, and you referred to Liberia and other countries.

Mr. Kelley. As to Liberia, he believes there may have been commitments, but is not able to say.

Senator Norris. You are not able to say, then, as to the State Department, whether in the judgment of the Treasury Department there have been any moral obligations incurred in regard to Liberia or not?

Mr. Kelley. No; the Treasury Department would not be able to answer that question at this time.

Senator Sterling. The report shows that Liberia has had established in her favor a credit of $5,000,000. Then further on in the report the Secretary says this:

"Advances to Liberia will be made only for specific purposes, for which commitments have heretofore been incurred."

Do you know of commitments that have been incurred?

Mr. Kelley. No.

Senator Sterling. Specific commitments?

Mr. Kelley. The Treasury would be unable to define any commitments to Liberia at this time. What that was intended to mean was such commitments for its specific purposes as it may appear have been incurred.

(At this point the chairman left the room and Senator Brandegee assumed the chair.)

Senator Brandegee. As to the language of the Secretary to which Senator Shields has alluded. I think that the Secretary may have meant by the use of that language that he is bound to pay commitments—any commitments—which have heretofore been made, if they have been made.

Mr. Kelley. That is the point. That is it, exactly.

Senator Brandegee. He does not know whether there have been any incurred or not.

Mr. Kelley. That is not a statement that there are commitments.

Mr. STERLING. Mr. President, I have listened with interest to the reading from the report of the hearings before the Committee on the Judiciary relative to the commitments to foreign governments in the way of credits. There was a credit established for Liberia of $5,000,000, on which $26,000 was advanced; but, as I understand it, the credit was for specific purposes, and after the advancement of $26,000 the credit was withdrawn.

I do not base my support of this joint resolution on the establishment of any credit with Liberia. I base it on other grounds altogether. I do not believe that any legal or any moral obligation arises out of the credit we once said we would extend to the Republic of Liberia. I think, just as in the case of Russia, where we established a credit of $325,000,000, that credit could be withdrawn, as it was withdrawn in that case after something more than $187,000,000 had been advanced on the credit. I base my support of the joint resolution on other considerations, and those considerations are found largely in the recitals of the preamble to the resolution; they grow out of our relation for almost a century with Liberia. The fact that Liberia was for a long time under American auspices before she became an independent Republic, and that in the formation of a Republic she had the encouragement of this Nation and our people generally, are considerations which are to be thought of at the present time. Let me call attention to the recitals of the preamble, as follows:

> Whereas the Republic of Liberia, having been established through the efforts of American citizens and having been established under the fostering care of this Government, has at various times sought the aid and counsel of this Government, and following the declaration of war made by this Government against Germany made common cause with the Government and the other allied or associated Governments in its declaration of war against Germany on August 4, 1917.
>
> In consequence of the war the economic situation of Liberia has been imperiled and its Government has made urgent representations to the United States for financial aid and has sent its plenipotentiaries to Washington for the purpose of concluding a loan;
>
> This Government being actuated by feelings of traditional friendship for the Republic of Liberia and solicitous for its well-being and continued independence and for the peaceful development and future advancement of the Negro race: Therefore be it resolved, etc.

There is not one word in this preamble in regard to a commitment made to Liberia during the war or after the war had ended to extend a credit to Liberia of $5,000,000, or any other sum whatsoever. The resolution itself, as appears by this preamble, is based on other considerations.

I call attention, in addition to the historical recitals contained in this preamble, to another authority. This is from Secretary Knox when he was Secretary of State. He said:

> The story of Liberia, from its earliest inception to its elevation to independent statehood, demonstrates its American character throughout. Its first foothold on the African coast was through the efforts of American citizens. From 1819 the association of the Government of the United States with the project is distinct. The colony was a necessary factor in the execution of a Federal statute.

That, I think, was the statute forbidding the importation of slaves into this country.

Mr. WATSON of Georgia. May I ask from what the Senator is reading?

Mr. STERLING. I am reading from a report by Mr. Knox, when he was Secretary of State, made in 1910 to the President.

Mr. WATSON of Georgia. If the Senator will allow me further, my investigation leads me to say that this country had nothing in the world to do with the establishment of that Republic. It was England which insisted that Liberia become a republic, and England, France, and other countries acknowledged the independence of Liberia before the United States did.

Mr. STERLING. I want to say, in reply to the Senator from Georgia, that it was through the impulse given the movement by gentlemen from the South, prominent citizens in the South, that attempts were first made to colonize Liberia. The obvious purpose on the part of those gentlemen was to afford a refuge for emancipated slaves, they themselves being in part hostile to the institution of slavery. That was particularly true of citizens in the States of Maryland and Virginia.

Later the American Colonization Society, not being able to protect its interests and its territory in Liberia, for its own welfare and for the good of the cause for which it stood, promoted the idea of an independent nation. They concluded that in that way only could they secure their rights, prevent aggression on the part of Great Britain and France, and control the native population. Let me say to the Senator that it was to the reproach of the United States that she did not as quickly as Great Britain and France acknowledge the independence of Liberia.

Mr. WATSON of Georgia. If the Senator, in the midst of his criticism, will allow me further, I would say that the American Colonization Society acted in cooperation with a British society. It is true that such statesmen as Mr. Clay ceased to cooperate in the enterprise, but the Republic of Liberia was established at the instance of Great Britain, and the only disputes which Liberia has had with Great Britain and France about territorial limits have been settled by arbitration.

Mr. STERLING. Very well. Great Britain, of course, may have used her influence, but did not compel nor secure the formation of an independent government for Liberia. Let me continue the reading.

Mr. SHIELDS. Mr. President, will the Senator state the occasion for the report from which he has read?

Mr. STERLING. It was a report to the President of the United States by Mr. Knox as Secretary of State. It is found in Senate Document 457.

Mr. SHIELDS. I understood that, but what was the occasion?

Mr. STERLING. I do not know what the occasion was. I find the report or the excerpt from it as a footnote to the pamphlet which I hold in my hand, entitled "The United States and Liberia," by Roland P. Falkner, published in July, 1910.

Mr. SHIELDS. Does the Senator know the object of the pamphlet?

Mr. STERLING. The pamphlet is from the Journal of International Law and deals with Liberia. I think it deals wholly with the subject of Liberia.

I continue the reading:

> The colony was a necessary factor in the execution of a Federal statute. The vessels of the United States participated in the initial act of colonization. Negotiations with the inland tribes for the purchase of lands were conducted by officers of the United States. Prior to the Civil War the United States maintained a squadron on the west coast of Africa to suppress the slave trade, and the officers of this squadron lent their aid and assistance to the Liberians in their troubles with the natives. In 1886 Congress authorized the Secretary of the Navy to transfer a gunboat to Liberia, but no vessel was found available for the intended service.

That was about 40 years after they had established their independence.

> Thus the resources of the United States Government have been employed to colonize the liberated Africans, to build homes for them, to furnish them with farming utensils, to pay instructors for them, to purchase or charter ships for their convenience, to detail naval vessels for the transport of its agents and as convoys to the colonists, to build forts for the protection of the settlers, to supply them with arms and munitions of war, to enlist troops to guard them, and to employ the Army and Navy in their defense.

If the United States was not the first, I would say to the Senator from Georgia, to acknowledge the independence of Liberia, it is very evident that she had some part afterwards in controlling the affairs of Liberia and in protecting the Liberians.

Mr. WATSON of Georgia. Mr. President, as he refers to me, if he will take the pains to examine the history of Liberia he will see that the statements in the report from which he is reading are not sustained by standard histories approved by Liberia itself.

Mr. STERLING. I do not know what is the Senator's authority, but I undertake to say that the statements contained in this excerpt from the report of Secretary Knox are true and that the facts of history will verify them.

Mr. WATSON of Georgia. I had the books here yesterday, but sent them back to the library. In a few moments I could get them again. They absolutely controvert what the Senator is saying with so much eloquence and earnestness.

Mr. STERLING. It will be a dispute then not between myself and the Senator from Georgia, but a dispute between his authorities and mine. I read further:

> The initial organization of the Commonwealth was perfected and controlled by the parent societies in the United States, and the eventual creation of the Republic of Liberia was due to the generous counsel and action of the American societies in advising the organization to become an independent state and in relinquishing to the new state the directory powers they had theretofore exercised.

I cite that as an authority to be taken in connection with the statement of the Senator from Georgia to the effect that it was upon the insistence of Great Britain that Liberia became an independent nation.

Now, Mr. President, there are the considerations, the moral considerations, if you please, upon which I base my support of the joint resolution. Let me read a little further from an article entitled "Liberia and negro rule," found in the last number of the Atlantic Monthly, an article written by Mr. Evans Lewin. He has discussed the rule of Great Britain in Sierra Leone, the rule of France in western Africa, and then he comes to speak as follows:

> It may not be considered out of place therefore if I attempt to apply the lessons already learned during a long period of experimental administration in West Africa to the question of Liberia. There the problem is essentially different from what it is in any other portion of the continent, because Liberia is a large and practically undeveloped country in which, in the past, a small educated native community, settled along the coast, largely the descendants of freed slaves and not necessarily of the same races as the remainder of the natives, has been struggling to educate and administer upon European lines the large and unresponsive masses of the interior.
>
> It is a singular fact that African natives, as a whole, feel little respect for those Africans, who, not being of their own particular race, attempt to administer their territories, unless such natives are acting under European direction. With their own hereditary chieftains and headmen it is a different matter. In the case of Liberia, therefore, the task of the educated coastal native has been exceedingly difficult. With inadequate financial resources, and with the inertia, if not the

active hostility or contempt, of the interior natives to overcome, it is no matter for wonder that the development of Liberia has been retarded instead of advanced by that very political freedom which is the most cherished possession of European races.

For this reason therefore American administrators have an almost unique opportunity in Liberia; and if they are able to train the Liberians to govern themselves they will have rendered a real service to the cause of West Africa.

They will, moreover, have provided an object lesson as effective in its way as that offered by the British administrations in Nigeria and the Gold Coast.

In Liberia it is entirely a matter of educating the natives of the interior in agricultural work and convincing them that their economic independence is intimately connected with the development of their own lands and resources. If they are once convinced that there is no danger of their becoming merely the hewers of wood and drawers of water for a dominant caste, be it European or native, and that their lands will be respected and their customs, so far as they do not actively conflict with the higher ethical teachings, will not be interfered with the task of administration will be comparatively easy.

Because of our long-time relationship with and interest in Liberia, because of the present circumstances, financial and industrial, existing in Liberia, I think it a duty, a moral obligation resting on the United States, and not because of any commitments or any establishment of credit, to make this loan under the supervision provided for under the treaty between the Secretary of State and the Liberian Government. The Liberian Government is at the present time somewhat demoralized and disorganized, if I am correctly informed; it is subject to the criticism of Great Britain and of France, and out of the present unsettled conditions in Liberia may easily grow friction or controversy of a serious kind between the Liberian Government and those who hold colonies near or bounding upon Liberia, like Great Britain and France. I think we will render great aid to Liberia and to the cause of West Africa itself by giving financial aid and establishing a financial administration there of the kind proposed in the joint resolution.

Mr. SHIELDS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball
Broussard
Bursum
Cameron
Capper
Colt
Cummins
Curtis
Dillingham
du Pont
Ernst
Fletcher
France
Glass
Gooding
Hale
Harrison
Heflin
Jones, Wash.
Kellogg
King
McNary
Moses
Nelson
New
Oddie
Owen
Phipps
Ransdell
Reed, Pa.
Sheppard
Shields
Stanfield
Sterling
Sutherland
Swanson
Underwood
Watson, Ga.
Willis

The PRESIDENT pro tempore. Thirty-nine Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The Assistant Secretary called the names of the absent Senators, and the following Senators answered to their names when called:

Lenroot
McCumber
Rawson
Smoot
Watson, Ind.

The following Senators entered the Chamber, and answered to their names:

Borah
Harreld
Myers
Simmons
Walsh, Mass.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. There is a quorum present. The question is on the amendment proposed by the Senator from Mississippi [Mr. Harrison].

Mr. HARRISON. Mr. President, in connection with the adoption of the Borah amendment providing an appropriation to carry on irrigation and reclamation work in the West, I merely desire to call the attention of western Senators on the other side of the aisle and of the people of the West to the fact that 22 Republican Senators voted against that appropriation, which meant so much to the great western section of the country, and that only 13 Republican Senators voted for that amendment. I desire to incorporate in the Record the names of those Senators who opposed that measure in which the West is so deeply interested in order that they "may be inscribed on the tablets of memory." They are as follows—I read from the official roll call; the ink is not yet dry:

Ball, of Delaware, one of the leaders here on the other side, voted against it.

Brandegee, who has just returned from Connecticut, where he made a big Republican speech as chairman of the State Republican convention.

Capper, of Kansas. Well, I can only smile at the junior Senator from Kansas as I now look upon his benign countenance.

Colt, of Rhode Island. His regularity to Republican leadership causes that.

Curtis, the leader of leaders on the floor of the Senate, who when he speaks speaks with authority, and who made such an eloquent speech the other day against reclamation in the West. But, my, why did he carry his colleague with it? That is one time his hypnotic influence got in its work.

Dillingham. Well, that was to be expected.

Du Pont, of Delaware fame. Of course, he wanted to stand in one instance with his colleague, the other Senator from Delaware [Mr. Ball].

Ernst, of Kentucky.

France, who is coming before the people in Maryland in November, was against it.

Hale, who has just been honored, away up amid the crags and reefs of Maine, by a very small majority. [Laughter.]

Harreld, of Oklahoma, one of the great progressive States out West, which needs some irrigation and reclamation, as well as fumigation.

Kellogg, of Minnesota, who has been reputed to be a Progressive as well as a reactionary.

Mr. HARRELD. Mr. President, does the Senator mean to say that Oklahoma needs rejuvenation or the Democratic Party in Oklahoma?

Mr. HARRISON. I think the Senator misunderstood me. I did not say "intoxication," I said "fumigation," for his State.

McCumber, one of the great leaders here, who has forsaken the West because the West forsook him.

McLean, one of the leaders, an influential member of the Finance Committee. He is against his Republican colleagues from the West when it comes to reclamation.

Moses—he does not want to lead his brethren or party out of the wilderness. He prefers to lead them into it when he votes this way.

Nelson, from away out West, against reclamation.

New—well, I withhold my comment.

Phipps—one who comes from away out West; Phipps, who is not before the people of Colorado for reelection this year, but who will come before them some day, and who will have to take most of his time before his constituents in explaining the vote that he cast to-day against this appropriation of $20,000,000 for reclamation.

Mr. PHIPPS. Mr. President, will the Senator yield?

Mr. HARRISON. Yes.

Mr. PHIPPS. I hope explaining that vote will be my hardest task.

Mr. HARRISON. The Senator will have to explain even that interruption. His heart is so hardened and his ears so deaf to the interests and cries of the people of Colorado that when I stand here attempting to help him and his people and section he takes issue with me.

Rawson—not so far west as some of the others, but Iowa is classed sometimes as a Republican State, though not this year; sometimes as a progressive State, but not very much in recent years. He voted against it.

Reed of Pennsylvania—so soon after his entrance into the Senate he is beginning to go wrong on such a vital proposition.

Sutherland, whose people may not need irrigation or reclamation, but he will have to explain to them next month, as he goes before them, why he did not join with his Republican colleagues from the West and the united elements on this side of the aisle to do something for the crying needs of the great western country.

Willis, who succeeded the present President of the United States, and from whom the people in the far West expected help and assistance—he stumbles and falls by the wayside and votes against their interests.

Mr. President, that is not all. The Senator from Idaho [Mr. Borah] knew he was right when he said that the Republican leadership was against reclamation for the West. When he brought the indictment, he was correct. What happened in the House to-day? It is fresh in your memory, but it will be history to-morrow; and every Representative from the West of the majority party who graces a seat in the House of Representatives must explain why, when the soldiers' adjusted compensation bill in its report went to the House to-day, they failed to make a motion, as they had a right to do under the rules of the House, instructing the conferees upon the part of the House to recede from the House disagreement and to accept the McNary amendment adopted in the Senate. They could have taken that course, but not a western Republican Representative raised his voice to make that motion in the other body; but they saw the McNary amendment stricken from the conference report, and this great hope of the West disappeared from view. These things must be explained in the coming campaign.

Mr. FRANCE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Maryland?

Mr. HARRISON. If the Senator can offer a good explanation, I yield.

Mr. FRANCE. I will ask my friend the Senator from Mississippi if it is his theory that the votes of the American people can be bought by appropriations? If so, I would remind the Senator that that is a very ancient and entirely exploded theory.

Mr. HARRISON. The Senator from Mississippi has not charged that votes can be purchased by legislation; but the Senator from Mississippi was trying to impress upon the Senator from Maryland and other Senators here that when you have promised to a people, or a part of a people, or a section of this great country legislation that they need, you ought to live up to it, and not repudiate it time after time when you have an opportunity to live up to it. Although your party in its platform enunciated in the strongest language for irrigation and reclamation legislation, when you had an opportunity to accept it and give it to the people and live up in part to your pledges, at least in that one instance, you repudiate it.

May I say to the distinguished Senator from Maryland, for whom I have the highest and kindest regard, that if his idea is that you can slap the people of Maryland in the face and repudiate plank after plank in your national platform and promise after promise that you have made to the people of Maryland in the belief that perhaps that is a way to purchase votes, the Senator will be overwhelmingly defeated when the ides of November roll around.

Mr. FRANCE. Mr. President——

Mr. HARRISON. No; it is not purchasing votes by passing legislation. It is redeeming your pledge; it is making good on your promises; and that is what you ought to do unless you are a gang of deceitful political hypocrites.

Now I yield to the Senator.

Mr. FRANCE. Mr. President, I hope the Senator does not mean to state that I have failed to keep any of my pledges or promises.

Mr. HARRISON. I will say to the Senator that I have not time this afternoon—although I have the inclination, and I think I have the facts to back me up—to show that the Senator's record here does carry out that assertion. I need only mention the fact that I could almost hear the pleasing and eloquent voice of my friend from Maryland as he spoke in Baltimore, as I would go to my home from this Capitol, as he promised the people that he would help to reduce the high cost of living; and yet, when the tariff bill rolled around, with item after item in it that piled additional burdens on the already stooped shoulders of the American consumer, increasing the costs of living as never before attempted, he forgets his promises and votes for the robbery.

Mr. FRANCE. Mr. President, as a matter of fact, I did not make any such promise.

Mr. HARRISON. The Senator did not promise to help reduce the high cost of living?

Mr. FRANCE. No; I never made any such promise.

Mr. HARRISON. Well, the Senator is the exception among all Republican Senators, then.

Mr. FRANCE. I always promise less than I perform, and I would not promise to interfere with the economic laws which have increased the cost of living. It was the Democratic Party, I believe, which promised to reduce the cost of living.

Mr. HARRISON. We have tried to do it here, and we have been forestalled and thwarted at every attempt we made. It has been the Democratic minority in the House and Senate that have tried to relieve the American consumers of the high and unconscionable taxes.

Mr. FRANCE. The Democratic Party were in power for a number of years without reducing the cost of living. My theory is that the only way to reduce the cost of living is to increase production, and during the Democratic administration I was pleading continually for measures which would stimulate production. It was the theory of the Democrats that you can reduce the cost of living by legislation, as was indicated by the passage of the food control bill. I thought that bill was unwise, and I urged, in place of that, legislation to stimulate agricultural production, believing that the cure for the high cost of food was the production of more food.

Mr. HARRISON. The Senator may not have promised his constituents in Maryland to help to reduce the high cost of living, but I hold in my hand the Republican Party platform, and I have in my drawer in front of me pamphlet after pamphlet on the high cost of living issued by the Republican campaign committee. I shall not burden the Senate by a repetition of those utterances and those expressions—yea, promises—but I never thought that even a Republican would now deny that you promised to assist in reducing the high cost of living. I dare say that the Senator from Maryland is the exception in this Chamber, and that he is the only one of all the Republicans who went before the people in the last election who did not say they would use their efforts and their influence to reduce the high cost of living.

Mr. FRANCE. Mr. President, my good friend, the Senator from Mississippi, has now changed his statement entirely. It has been the purpose of the Republican Party to benefit all of the people by legislation which would bring about healthful economic conditions, which, of course, would tend toward the reduction of the cost of living and the increase in the earning power of the people; but to promise barely and baldly a reduction in the cost of living is something which, I think, my party never did. However, we are all pledged now to do all that we can in that direction, and we have already accomplished much in that direction.

Mr. HARRISON. While the Senator is on his feet in this colloquy with me, does he think that the imposition of a 50 to 100 per cent duty on sugar, or approximately that, helps reduce the cost of sugar to the American sugar consumer?

Mr. FRANCE. That is a very difficult question to answer.

Mr. HARRISON. Yes; it is difficult for a Republican to answer.

Mr. FRANCE. But it is true that the imposition of a tariff has in many instances resulted in a lowering of the price of the product. I can cite one instance in this last tariff bill of ours where a certain industry was buying a certain commodity abroad. Finally a combination was formed in Europe which raised the price of that particular product so that the American industry could not purchase it. Then the American industry began to manufacture this article for its own use; and undoubtedly it will be true that when that article is manufactured in this country, and we cease to be entirely dependent upon Europe, we will have a supply of our own, and there may be a reduction in the price as a result of that. There are many articles for which Europe asks us a very high price because we have no way of supplying those articles here, and there are many instances where a reduction in price has come about as the result of the building up of an industry here under a protective tariff.

Mr. HARRISON. May I ask the Senator another question before he takes his seat? I do not care to go into the thousand and one specific articles where your party sought to increase the cost of those articles to the American consumer by the imposition of a tariff; but will not the Senator in all fairness, now—not in a partisan way, but dispassionately, may I say—will not the Senator admit that the tendency of the rates imposed in the tariff bill was to increase the cost of living to the American consumer?

Mr. FRANCE. I would say that I did not intend to get into any prolonged debate——

Mr. HARRISON. It would not take long to answer that question.

Mr. FRANCE. Unfortunately, my voice is in such a condition——

Mr. HARRISON. I will lend the Senator my voice if he will just answer that question.

Mr. FRANCE. I have been spending many days in telling the people of Maryland that I have kept my pledges, and they have been kind enough to admit that at a recent primary election.

Mr. HARRISON. The Senator either made them believe it or he fooled them.

Mr. FRANCE. I have never attempted to fool the people.

Mr. HARRISON. I said that, judging from the results of that election, he either made the people believe that he kept his pledges or he fooled them.

Mr. FRANCE. In my public life I have always avoided the policy of attempting to fool the people. I deal with them in a straightforward way, and then abide by the result.

Mr. HARRISON. The Senator made them believe it then.

Mr. FRANCE. Made them believe what?

Mr. HARRISON. I do not want to get the Senator away from answering my question. He was explaining that the reason he did not answer the question I propounded was that he had been speaking in Maryland, and I am afraid that if he talks too long now he will not have enough voice to answer my question, so I will not interrupt him any longer; I will just wait for the answer.

Mr. FRANCE. It seems to be useless for the Senator from Mississippi and myself to engage in a debate upon the theory of the protective tariff at this time. If the Senator from Mississippi were fair he would recognize the fact that the cost of many articles has been ultimately reduced as a result of building up industries in this country by means of a protective tariff. I could cite many instances of that.

Mr. HARRISON. Before the Senator takes his seat, let me propound a query. I do not want to ask a complicated question, and I did not invite this colloquy, but it is a simple proposition I desire to get an answer to. Does not the Senator think that, on the whole, the high rates imposed in the pending tariff bill would have a tendency to and will bring about an increased cost of living to American consumers?

Mr. FRANCE. That is a very difficult question to answer. There are two factors to be considered in any inquiry into the cost of living. There is the question of the income, and there is the question of the price of the article. We have the real wage and the nominal wage. The real wage is the wage which expresses the purchasing power of the dollar. The nominal wage is the actual amount of money received. It is quite possible that the prices of certain articles might be advanced by a tariff, while at the same time the purchasing power of the dollar might be increased so much out of proportion that the cost of living would actually be reduced. That has happened in a number of instances.

The theory of the protective tariff is that we should maintain the income of the American people and build up industry at home; that, as the result of that process, not only would the income of the American workingman be maintained, but that the prices of the articles which he had to buy would ultimately be reduced as the result of competition at home. Of course, that is the whole theory of the tariff. I discussed this question at some length on a previous occasion. I would say, however, that I am not myself an extremely high-tariff man. I believe in moderate tariff for adequate protection of industry without the erection of a tariff wall. I recognize the fact contended for by the Senator from Mississippi, that if we do not buy, we can not sell, and that international trade is based upon the exchange of commodities. Therefore I would not favor the erection of a tariff wall under ordinary circumstances, but I do favor a moderate protective tariff.

Mr. HARRISON. I understand the Senator's answer is that on some articles the rates imposed tend to increase the cost of living to the American consumer, and that the rates imposed on other articles would not affect it; that there are other causes which would enter into it.

Mr. FRANCE. Of course, such a tariff bill as this, at such a time as this, is more or less of an experiment. It was very difficult to determine what were the proper rates. Some of the rates may be too high, some of them may be too low. In some instances I thought the rates were rather high; in some instances I thought they were too low. The whole question is a most difficult one, and one which we could hardly settle this afternoon.

Mr. HARRISON. I want to congratulate the Senator for the fullness, and the candor, and the frankness of his expression in answer to my question. No one could have been more lucid in his answer. My own mind is just as muddy now as to his position as it was when I first started out.

Mr. FRANCE. Mr. President, of course the Senator from Mississippi does not at all understand the theory of a protective tariff, and I can not hope to clarify the muddiness of his mind on that subject.

Mr. HARRISON. The Senator hypnotizes me with the force of his logic. I wanted to discuss the pending amendment to the bill, and I was wondering whether the Senator from Kansas [Mr. CURTIS] was going to insist on going on this afternoon. If he does, and we are going to get a vote on the proposition, I shall proceed to discuss it; but this is an amendment in which I am very much interested. I feel very strongly that it should be adopted, and if the Senator does not desire to have an executive session at this time——

Mr. CURTIS. I do not want an executive session at this time; it is too early. The Senator had better go ahead.

Mr. HARRISON. Very well

Mr. FRANCE. Mr. President, will not the Senator let us get a vote on his amendment and upon the joint resolution?

Mr. HARRISON. I am afraid that the Senator would vote against it in his present frame of mind, and I am sure that after he has heard me he will vote for it.

Mr. President, the amendment I have offered seeks to appropriate a hundred thousand dollars. That is a small sum, very small, when compared to the $5,000,000 we are asked to give to the colored population of Liberia; but a hundred thousand dollars is the amount we seek to have appropriated to enable the Interstate Commerce Commission to appoint "such additional number of inspectors of locomotive boilers under the provisions of the act," and so forth, as may be necessary to meet the present emergency.

I have offered this amendment because we have waited for weeks and weeks for the House of Representatives to make an appropriation to carry out this work. They should have made it, or this body should have made it, but I realize, as I am sure the country will, that appropriations should originate ordinarily in the House of Representatives.

The President of the United States came to Congress some weeks ago and discussed the strike crisis—on August 18, 1922. Among other things in that speech he said:

> Under these conditions of hindrance and intimidation there has been such a lack of care of motive power that the deterioration of locomotives and the noncompliance with the safety requirements of the law are threatening the breakdown of transportation.

There are now, I believe, 50 of these inspectors throughout the United States to inspect the boilers of locomotives, to see that they are safe and that the lives of passengers and the traveling public generally are not endangered by virtue of any defects in the locomotives. I have here data with reference to certain facts which I am quite sure would convince anyone that there are not a sufficient number of inspectors to properly inspect the locomotives in the country. I pause at this time, merely that the RECORD might record the fact, to state that although the people are very greatly interested in the safety of the general public when they travel from place to place, they are interested in having locomotives up-to-date, well kept, and thoroughly repaired to carry commerce from place to place, and there is a general breakdown all over the country, there are only three Senators on the Republican side now in their seats—the Senator from Pennsylvania [Mr. REED], the Senator from Kansas [Mr. CURTIS], and the Senator from Maryland [Mr. FRANCE]. The other Senators will come in when this amendment is to be voted on, and perhaps vote against it, not knowing what it is, not remaining here to receive any explanation of it, or to give any consideration to it. Yet the lives of the American people are endangered by the failure of the American Congress to provide an adequate number of inspectors to inspect the motive power of the railroads of the country. If to-night, through some defect in the boiler of a locomotive or some weakness elsewhere in the locomotive, a terrible catastrophe should occur and a hundred or more American lives dashed into eternity, then, sirs, you would wake up. We sometimes wait too long, and very often it takes some horrible occurrence, some accident, that if attended to in time might have been prevented, before we realize the situation.

The firemen, the engineers, the railroad and Government employees, as well as the traveling public, are endangering their lives minutely when trains are operated without proper inspection. They look to us for relief in the present situation, and relief we should give.

Mr. FRANCE. Mr. President, I think the amendment of the Senator has much merit, and if he would offer it at the proper time and at the proper place, it would have my support. I do not see its relevancy as an amendment to this joint resolution.

Mr. HARRISON. Mr. President, I am sure the Senator makes that statement in good faith. Just a word on that proposition.

The Senator said he would be for the amendment if it were offered at the proper place. Of course, the proper place is the House of Representatives. The House of Representatives should pass on the proposition first after it shall have been reported out of the Appropriations Committee of the House. The House has not done that. It is under the control of the Senator's party. Weeks and weeks and weeks have passed since the President of the United States came before the two Houses of Congress, and days have passed since the Interstate Commerce Commission filed their report in answer to a resolution passed by the Senate touching upon the conditions of the motive power of the railroads, and nothing is yet done. There will be no other appropriation bill before Congress before it adjourns. We hear it rumored that as soon as the conference report on the soldiers' adjusted compensation bill is out of the way, and as soon as the conference report on the tariff bill is out of the way, this session of Congress will adjourn. What hope is there for anything to come from the House of Representatives in the form of an appropriation to take care of this situation?

Under the rules of the Senate this amendment is in order. If the pending joint resolution passes it will go back to the House, a motion will be made to concur in the Senate amendment, and the Liberian loan bill is finally passed, and goes to the President, it will become a law. This is the only means I know of to get this appropriation into the law. If any other opportunity is to be presented to the Senate, I do not know from what source it will come, or when it will come, and so one with authority has said it will come. If I am told now by one in authority that before Congress adjourns the majority party will make an appropriation to take care of this situation, then I will withdraw my amendment now. But now is the time, and the Senator and other Senators, may I say, can not excuse themselves for not voting for this on the ground that it is improper to tie it up with this Liberian loan proposition.

The question that should confront the Senator and the Senate and the House is whether or not the facts warrant the additional number of inspectors to inspect the locomotives in the country that the lives of the traveling public may not be further endangered. If they are not needed, then, of course, the Senator should vote against it, but do not do it on the technical ground that the proposition has no business in the Liberian loan measure.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from Mississippi yield to the Senator from Iowa?

Mr. HARRISON. I yield.

Mr. CUMMINS. I intend to vote for the amendment proposed by the Senator from Mississippi, although his amendment does not reach the trouble which we have experienced in the last year or two. I have been attempting for a year and a half to have the number of inspectors increased from 50 to 100, to increase their compensation, and to increase the allowance that is made to them for office rent and help in the office. I have been utterly unable to secure consideration by anybody for an amendment of that sort.

The difficulty with the amendment offered by the Senator from Mississippi is—and I might as well point it out——

Mr. HARRISON. I shall be glad if the Senator does so, and I shall accept any suggestion along that line made by the Senator from Iowa.

Mr. CUMMINS. It gives the Interstate Commerce Commission authority to appoint any number of inspectors. I think they ought to have authority to appoint—not during the emergency, but permanently—50 additional inspectors. I do not believe that it is fair to the men who are selected as locomotive inspectors to limit their compensation to $1,800. I think it is unfair to limit their allowance for office rent and office help to $600 a year. Who is to determine when the emergency has passed? We have never given to the Interstate Commerce Commission any authority to declare an emergency with reference to locomotive-boiler or locomotive inspection.

I wish that the amendment of the Senator from Mississippi constituted a permanent addition to the interstate commerce law. The present law is a part of the interstate commerce act. It was enacted in 1911 and was then limited to the inspection of locomotive boilers alone. It was amended two or three years later to embrace the inspection of all parts of a locomotive, and that is the present law.

But, imperfect as the amendment is, I intend to vote for it because I know that nothing in the interstate commerce law has added more to the safety of passengers upon trains and of employees upon trains than the inspection which we required in 1911 and have since enlarged as I have suggested.

I felt that it was due to the Senator from Mississippi that I should state what I have now stated.

Mr. HARRISON. May I say to the Senator from Iowa that I am very glad he has stated what he has and I welcome, and very sincerely welcome, the suggestions which he has made. Of course the Senator understands that the amendment which I have offered is merely to take care of an emergency situation. I think that the 50 inspectors are totally inadequate and that the provision should be made permanent. I agree with the Senator that salaries should be increased from the present status. I am perfectly willing to agree to any substitute that might carry out the Senator's suggestions, because I respect his views more than that of any other Senator on the question of railroad transportation.

Mr. CURTIS. Mr. President——

Mr. HARRISON. Unless the suggestions are made they can not be incorporated. I know the amendment will do this if it becomes the law: It will provide for $100,000 or such portion of that amount as is necessary in the opinion of the Interstate Commerce Commission to provide for additional inspectors, and the amount obtained will be immediately available, and the present emergency, which is pressing, will be taken care of. So I shall press that proposition unless we can agree upon a permanent proposition.

I now yield to the Senator from Kansas.

Mr. CURTIS: In view of the fact that an estimate has been sent to the Congress by the Interstate Commerce Commission through the Budget and is now pending in the House before the Committee on Appropriations, I suggest that it would perhaps be better for the Senator to withdraw his amendment and let the matter come over either in a deficiency bill now or immediately after we meet later. I am told, though I can not promise, that there will probably be a deficiency bill before we adjourn. I would not like to say that positively, because I do not know it.

Mr. HARRISON. If I was sure there was to be a deficiency bill before we adjourn and that this proposition will be taken care of, I would withdraw the amendment. But in view of the fact that the deficiency bill will perhaps be passed, it would do no harm for the Senate to have some provision—I do not care whether it is my amendment or not—that would carry out the idea, because the joint resolution would have to go to conference and be considered there a while, and in the meanwhile the Senate leaders will know whether a deficiency bill is going to be passed. If the deficiency, we can take care of the situation in this way. If the deficiency is passed, we can easily in conference eliminate this amendment from the pending resolution.

Mr. CURTIS. In view of the fact that an attempt is now being made in the House, I do not think it would be right and proper for us to put the amendment on the pending measure, which is foreign to the subject the Senator has in mind. It ought to go on an appropriation bill in the regular way.

Mr. CUMMINS. I agree with the Senator from Kansas that it would be very much better if it went through the regular way. But our appropriation for the enforcement of the act, together with one or two other safety appliance acts, has been formerly $300,000 a year. The Budget, or some one in authority—I have not gotten my mind entirely around the Budget system yet—cut the usual and ordinary appropriation down to $290,000.

Mr. HARRISON. Some farmer up there did that.

Mr. CUMMINS. I protested very earnestly against the reduction of the appropriation, but until this moment I have never been able to get the assent or approval of any Member of the Senate, either Republican or Democrat, and I think that ought to be understood at this time.

Mr. HARRISON. In answer to the proposition or suggestion of the Senator from Kansas to wait for an appropriation bill, he frankly says that he does not know that a deficiency bill will come over. If it does not come over, then what is the situation? This is September. We must wait through the months of October and November and come back in December and then wait for it to pass, perhaps, before the Christmas holidays. That would be two or three months. In the meanwhile the faithful and trusted employees on the railroads as well as the traveling public are endangering their lives.

Here are some figures I want to submit to the Senate in this connection: On July 1, this year, the number of engines requiring heavy repairs was 10,806; on July 15, 15 days later, the number was 11,741. On August 1, 15 days later, the number had increased to 14,006. On August 15 the number had increased to 15,060. According to that proportion there would be approximately 17,000 by this time.

Those were locomotives requiring heavy repairs. The number requiring light repairs on July 1 was 3,090; on July 5, 3,506; on August 1, 3,567; and on August 15, 3,658. The percentage of increase on the total on July 1 was 22.2 per cent; July 15, 24.7 per cent; August 1, 28.5 per cent; August 15, 30.3 per cent. The increase from July 1 to August 15 this year of locomotives requiring heavy repairs was 4,254. The total increase during the same period was 4,802. This clearly shows that as the strike continues the motive power of the railroads is becoming alarmingly defective. And the longer the work by those competent to repair the locomotives is delayed the larger will be the increase in the number of locomotives thrown out of use and the greater the handicap to the traveling and shipping public.

This question is one of such moment that the Congress should be glad to hasten consideration of a measure such as this that might remedy the situation.

Mr. CURTIS. I have just been advised that a deficiency bill is now being considered by the Appropriations Committee of the House and will likely be reported out before Saturday. They are waiting to get a report from the conferees on the coal bills.

Mr. HARRISON. In view of that statement, does not the Senator think the Senate might well let the amendment go on the joint resolution and go to conference and then, if the appropriation is carried in the deficiency bill, be stricken out in conference?

Mr. CURTIS. My judgment is, in view of that statement, that the Senator should withdraw his amendment, and if it is not properly put on the deficiency bill, either let the committee consider it in committee when the deficiency bill is up or let the Senator offer the estimate as it came from the department. There is an official estimate on it.

Mr. HARRISON. Before Congress adjourns, and can we then pass it?

Mr. CURTIS. That is my judgment. I am not saying to the Senator that the House will send a deficiency bill over here——

Mr. HARRISON. That is the trouble.

Mr. CURTIS. I am advised by the clerk of the committee that they think it will pass by Saturday.

Mr. CUMMINS. I think I am more anxious than anybody to see the law enacted in this respect, but I desire to say to the Senator from Mississippi that the figures or statistics which he has given are disputed. He must remember, too—because I want to do justice to everybody—that the work of the inspector is to inspect the engine and if he finds it in bad order to order it out of service. It is not pretended that any such number of engines as the Senator has stated from the paper which he holds in his hand have been ordered out of the service or would be ordered out of service upon inspection by Federal inspectors.

Mr. HARRISON. I said that some were heavy repairs and some light repairs. As I understand from the explanation I received, the heavy repairs mean repairs which will take one man working 20 hours or more to accomplish, and light repairs are those which would take one man less than 20 hours to make.

Mr. CUMMINS. I have not been advised that heavy repairs were classified in just that way.

Mr. HARRISON. I understand in railroad parlance it is that way, that heavy repairs are those which take one man working 20 hours or more to make, meaning, of course, a man who is trained and qualified to do that kind of work.

Mr. CUMMINS. My information is that heavy repairs require more time than the time given by the Senator from Mississippi. However, that is immaterial.

Mr. HARRISON. It might be a great deal longer than 20 hours, but when it does require one man more than 20 hours it is then, as I understand, known as heavy repairs. It might take six months, which would come within the category I have stated.

I desire to say further that the number of locomotives inspected during the month of August, 1921, was 6,065, and in the month of August, 1922, it was 6,105. The number found defective in August, 1921, was 2,868, and the number found defective in August, 1922, was 4,355, an increase of approximately 2,000 in the month of August, 1922, over the month of August, 1921. Why, sirs, in August, 1921, only 316 locomotives were ordered out of the service. In August, 1922, there were 464, an increase during the same period within a year of 148 locomotives.

Mr. CUMMINS. Let me make an inquiry. Is that based upon a report of the inspection by the Federal inspectors or by inspectors of the railroad companies themselves?

Mr. HARRISON. As I understand, not by the railroad companies themselves.

Mr. CUMMINS. The Senator knows that it is the duty of the railroad companies to report, I think, every two weeks or at least every month the number of inspections and the result of the inspections which they make. That ought not to be confused with inspections made by the Federal inspectors. The truth is that during the strike, or during a part of the strike, as I am advised, the railroad companies have almost ceased to inspect their locomotives. I do not mean that literally, but that they either have not had an opportunity or that they have found their locomotives in such bad condition that they did not care to report them.

Mr. HARRISON. That is my information also; but I merely cite this to show that there are approximately the same inspections made at this time as were made a year ago, even though conditions are quite different, and the number of locomotives that need repair and are found defective is almost double what it was during the same period a year ago. For instance, the percentage of locomotives inspected and found defective in August, 1921, was 47 per cent; in August, 1922, the number found defective was 71 per cent; the number of inspections made in August, 1921, was 928, and in August, 1922, it was only 987. So there is no question that, with the conditions that to-day confront the American people and the railroads generally, there should be more inspections; there should be an enforcement of the law; and Congress could do nothing that would really bring more benefit and safety to the general public than to provide an adequate number of inspectors, so that defective engines may be inspected and repaired, if they can be, or thrown out of use if they can not be remodeled and repaired. I shall ask for a vote on the amendment when the time comes.

I now offer and ask to have incorporated in the RECORD, following my remarks, a memorandum bearing upon the subject which I have been discussing.

The PRESIDING OFFICER. Without objection, it is so ordered.

The memorandum referred to is as follows:

The progressive deterioration in the condition of freight-train cars since the close of Federal control is shown by the following figures:

On March 1, 1920, there was a total of 141,906 bad-order freight cars, of which 78,980 required heavy repairs and 62,926 required light repairs.

On July 15, 1922, there were 342,079 bad-order freight cars. Of these, 271,401 required heavy repairs and 70,678 required light repairs.

It will be noted that there was a very small increase in the number of cars out of service for light repairs, practically all of the tremendous increase in the number of bad-order cars being cars which required heavy repairs.

To maintain the freight-train cars of the country in a serviceable condition not less than 75,000 must be given repairs each working day. Of these, about 68,000 should be light repairs and 7,000 heavy repairs.

If we are to assume that the number given heavy repairs has decreased 50 per cent, there are at present more than 450,000 freight-train cars which must be given heavy repairs before they are serviceable.

Cars requiring light repairs can be kept in service, although not perhaps in a safe and suitable condition for service, but there can be no doubt that at the present time there are more than 1,000,000 cars in service which should be repaired, approximately half of which should have heavy repairs.

To maintain locomotives in a condition for service approximately 1,000 locomotives must be given repairs requiring more than 24 hours each working day. Five thousand locomotives must be given classified repairs, which are more extensive, and cost from $3,000 to $20,000 each. Neglecting these repairs will bring about similar results as neglecting freight-train car repairs, i. e., the number requiring repairs will progressively increase. The fact that minor repairs are not made promptly usually results in more extensive repairs being required at an earlier date than usual.

Mr. CURTIS. Mr. President, I think the proposition covered by the amendment submitted by the Senator from Mississippi ought to be taken up and considered in the regular way. The Interstate Commerce Commission, through the President and the Bureau of the Budget, has sent to the other House, where such appropriations ordinarily originate, an estimate of the amount of money which they desire appropriated for additional inspectors. The House Committee on Appropriations is now considering that question. It is expected that a deficiency appropriation bill will pass that body before Saturday next and that it will become a law before Congress adjourns. So far as I am concerned, speaking as one of the members of the Committee on Appropriations and as one of the members of the subcommittee of that committee having immediate jurisdiction of such questions, I desire to say that I intend to vote to give to the Interstate Commerce Commission all the money they need for this purpose, but I do not think it fair to seek to attach an amendment of this kind to the pending measure. I shall vote against it being placed on this measure, and I hope the amendment, if insisted upon, may be defeated.

I merely wish to say a word in response to what the Senator from Mississippi has said about the vote of the Republicans on the reclamation amendment offered by the Senator from Idaho [Mr. BORAH]. It was very kind of the Senator to read the names of Republican Senators who voted against that amendment, but he entirely forgot to tell the Senate that quite a number of Senators upon his side of the Chamber voted to add that amendment to the joint resolution in the hope of defeating the whole measure.

What is the record of the Republican Party upon the question of irrigation? The original proposal putting into effect the irrigation policy was submitted and passed in 1902 by a Congress Republican in House and Senate and it was signed by a Republican President. Since that time the only substantial aid which has been given to the work of reclamation was in 1920, when again a Congress Republican in House and Senate voted a $20,000,000 loan to the irrigation fund, and that measure, too, was signed by a Republican President. The Republican Party originated and carried into effect the policy of reclaiming our arid lands. Senators on the other side of the Chamber stand here and talk about irrigation being the child of the late Senator Newlands. We all knew Senator Newlands and what he stood for in the House and in the Senate, but the reclamation policy as carried into effect was not the Newlands proposition. It originated in the Senate before Senator Newlands was a Member of this bdoy. Senator Newlands did not come to this body until 1903, while the irrigation policy as we now know it originated in the Senate in 1902, and was the Hansbrough proposition and not the Newlands proposition.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Washington?

Mr. CURTIS. I yield.

Mr. JONES of Washington. If the Senator will permit me, I desire also to state as a fact and not for the purpose of detracting from the work of Senator Newlands or anybody else——

Mr. CURTIS. I did not intend to detract from the services of anyone. I know how earnestly Senator Newlands worked for reclamation and all that. He had a wonderful record in that regard.

Mr. JONES of Washington. I knew the Senator from Kansas did not intend to do so, and I make that statement in view of what I am going to state.

I desire to say that the present reclamation law was drafted by a committee of 17, which was composed of one member from each of the public-land States and was introduced in the Senate after that draft had been made by that committee, of which I had the honor to be a member, as representing the State of Washington. The measure was then introduced in the Senate by Senator Newlands and in the House of Representatives by Representative MONDELL.

Mr. CURTIS. I wish to add further that I voted against the amendment offered by the Senator from Idaho to the pending joint resolution because I believed it had no place upon the measure. I think it has been used as a vehicle to help defeat the measure. I hope that the intention will not succeed, because I for one propose, although I do not think the amendment should be attached to it, to vote for the joint resolution even with the amendment added, and to do all that I can to have it become a law.

I hope, however—and this is all I intend to say on the subject—that the amendment offered by the Senator from Mississippi [Mr. HARRISON] will be defeated, because it has no place on the measure now pending. It ought to go into the deficiency bill that will soon come here from the House of Representatives.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. HARRISON].

Mr. HEFLIN. Mr. President, the amendment offered by the Senator from Mississippi [Mr. HARRISON] calls for an appropriation of only $100,000, while the joint resolution now pending before the Senate calls for a loan of $5,000,000, although the hearings disclose that a large part of that money is to go to private individuals, certain financiers in Wall Street. Human life, Mr. President, must be exceedingly cheap in the estimation of some people when they are not willing to vote an appropriation of $100,000 to provide competent inspectors in sufficient numbers to examine into the condition of the engines and rolling stock of the railroads and ascertain whether or not they are safe for the transportation of individuals. Why is it that we can not get such a measure as that through here? How small is the $100,000 proposed to be appropriated by the amendment of the Senator from Mississippi compared to the $5,000,000 which the majority party are undertaking to put through, so that the slick-fingered fellows in Wall Street may get hold of it, as they will do in short order whenever it is provided.

Mr. President, it seems to me the Senator from Idaho [Mr. BORAH] has convinced every one who has listened to him that we are not obligated in any way to advance $5,000,000 to Liberia; but the pressure that is being brought to bear from certain points in the East, through pipe-line connection between Wall Street and the Congress of the country, seems to be bearing fruit on every questionable measure that comes up here. I really can not conceive how any Senator can seriously consider the proposed loan to Liberia, and yet on the part of some there seems to be an enthusiastic and determined effort to put it through.

While it is pending, the Senator from Mississippi offers an amendment proposing to appropriate $100,000 for the benefit of all the men, women, and children of the United States who travel on trains, and yet Senators quibble about whether the pending measure is the proper place for such an amendment; they hum and haw and halt in their support of a proposition like this, and want to postpone it, and put it off. A few years ago the Republican Party earned the very appropriate title of being the postponing party. It loves to postpone action. The Senator from Maryland [Mr. FRANCE] said a while ago that he tried to live up to the promises that he made. If there is anything on this earth, Mr. President, that is good at promising it is a Republican running for office. When you see a citizen, man or woman, approach one of them on the highway and commence asking him if he will be for this or if he will be for that, he bows and smiles all the time he is talking and never loses an opportunity to promise, but when he gets into office he reminds me of Thomas Moore's poem paraphrased:

> Bees on flowers alighting cease their hum,
> And Republicans in office soon grow dumb.

[Laughter.]

Mr. President, the Senator from Maryland, I believe, voted against the amendment offered by the Senator from Idaho proposing to appropriate $20,000,000 for irrigation projects in the West. The Senator voted to give outright to Russia, a country across the sea, $20,000,000. Here the farmers of the West are hard pressed, in distress, and unable to pay their taxes under the Republican administration, and the Senator from Idaho is asking for an appropriation of $20,000,000—to do what? To loan to those distressed people—not to give them, if you please, as was done in the instance of Russia—this fund, as funds have been loaned heretofore, to be repaid as the beneficiaries of similar funds in the past have made repayment, they having paid millions of dollars back to the Government. This great democratic project now is about to be neglected and cast aside.

The Senator from Kansas undertakes to claim the credit for the inauguration of the policy of irrigation for some Republican. Mr. President, the fact that some fellow introduced a bill does not give the credit to the side or to the party to which he belongs, because a bill is frequently introduced because of the pressure that is brought to bear when the gentleman introducing it does not intend to push it or intend that it shall become a law. Democrats, however, go to work in earnest to bring about legislation; they initiate wise movements and fight to get their bills through. They want to put them on the statute books, so that the people may be blessed and benefited by them. Mr. President, whenever you see a Republican politician introducing a bill you may know that great pressure has been brought to bear on him or that he is running for office and election day is near at hand.

When the Senator from Maryland in his colloquy with the Senator from Mississippi was telling us how he voted for certain measures and looked out for the interest of the people of his State, I was just thinking of that monstrous tariff bill for which he voted a few days ago. This champion of the common people from the sister State of Maryland voted for a bill that put a tax on brick, on the dust of the earth worked up in water and molded in the form of a brick, to build houses and chimneys. The Senator from Maryland voted for a bill that contains in it a tax on brick and mortar. And that is not all, Mr. President. That bill contains a tax on cement. Cement? Why, we build bridges with it now. We span the little branches and the creeks and the rivers with bridges made of cement. We build roads leading from farm to market with cement. We build houses with cement. There is scarcely anything quite so much in common use amongst the masses as cement. I fought the tax when it was up in the Senate, and others here fought it and voted against it; but the Senator from Maryland votes for a bill that has in it a tax on cement.

Mr. President, he does not stop there. The Bible speaks about the sands of the sea, and the Senator from Maryland has voted for a bill that taxes the sands of the sea. The quantity of sand is almost as limitless as the air that we breathe and the water that we drink, and yet the Senator from Maryland voted for a tariff bill that has in it a tax on sand; and this sand is used to make glass, drinking glasses, spectacles through which we read—eyeglasses, if you please. It is used to make windowpanes. It lets light into this Chamber, where, God knows, under Republican rule it is very much needed.

Mr. President, the Senator from Maryland voted for a bill that puts a tax on this sand of the sea used to make glass. Every man and woman in Maryland who has to use glass to put in the window or use drinking glasses, or any kind of glass about the home, is going to have to pay a higher price by reason of the vote cast by the Senator from Maryland to tax sand out of which glass is made.

That is not all, Mr. President. When his constituents come into the dining room to sit down to a meal the knife and fork with which they eat are taxed under the bill that has the sanction of the Senator from Maryland. He voted for a bill that taxed the knives and the forks with which the people eat their meals in America. Who ever would have thought that a pious-looking, mild-mannered Senator like the Senator from Maryland would have grown so vicious and cruel-hearted all of a sudden as to vote a tax upon a knife and fork. That is the record of the Senator from Maryland.

That is not all. At certain seasons of the year the sheep that graze in his State, that nip the tender blades of grass and crop the flowery food in the meadows, are brought up and shorn of their wool. They call it sheep-shearing time, and they use these sheep shears in clipping the wool from the sheep, and the Senator from Maryland has voted for a bill that puts a tax on sheep shears.

That is not all. As you drive through the magnificent State of Maryland—splendid, glorious old Maryland—out in the country the housewife is sitting upon the veranda with a little sewing basket on a little table in front of her, with several pairs of scissors and needles and thread; and everything that she uses has a tax on it now, put there by the bill voted for by the Senator from Maryland. When she takes up the little buttonhole scissors, there is a tax upon them; when she takes up the scissors of a still larger size, there is a tax upon them; and when she takes up the largest scissors of all, there is a tax on them. So the needles and the thread and the scissors of the housewife bear taxes now by reason of the bill voted for by the Senator from Maryland.

Mr. President, that is not all. The pipes that carry water to us are taxed. They have got the sand right at the seashore, and the next thing is the water. They have taxed the sand that makes up the shore and holds the water to its course. The closest they could get to taxing water was to tax the pipes that convey it to us. So the Republican Party has put a tax on everything that is of use and benefit to the American people. You would certainly think they would stop there, but they did not do it.

Mr. President, the bill for which the Senator voted puts a tax upon table salt and the salt that goes into your bread—salt at breakfast, salt at lunch, salt for dinner, salt for everything—and the Senator from Maryland, who has just received his nomination, hoarse now, fresh from the conflict, going into the general election which is soon to be, must go out before the people of Maryland and tell them what a glorious thing it is to have the proud privilege of paying a tax on salt! [Laughter.]

Mr. President, but few men can achieve these things in a lifetime—the glorious privilege of having it written opposite your name that "you succeeded in putting a tax upon salt"—salt, that saves fresh meat; salt, that seasons and cures it; salt, so useful to the human race that the Master Himself when he walked the dusty highways of Judea spoke about salt having lost its savor.

But, Mr. President, nobody ever dreamed that salt in the United States would ever lose its place on the free list of the every-day necessities of life. But the Senator from Maryland has voted to take it from the free list and put it on the tax list. The Salt Trust triumphed, and the people must pay the tax.

Mr. President, it must be great for a man who really loves the people to lie down at night and as he rests his head upon his pillow think how he helped to put a tax on brick, that are used to build houses to take care of people and shelter them from the storm; brick to build chimneys with fireplaces to keep them warm in winter; brick a common necessity of life. What an achievement for a Senator to have to his credit when he has helped to lay a tax upon the common necessities of life! How great the pleasure, Mr. President, for a Republican Senator as he drives along a road and sees a little bridge spanning a branch or a creek, or one still bigger spanning a river, as he drives across it in his limousine to think that he has the proud distinction of making cement more costly to the common man by voting to put a tax upon it.

Oh, Mr. President, how great is the record of the Republican Senator and his party! Here they are hanging on to this Liberian loan with grim determination to pass it. It is hard to shake them loose from it. Five million dollars? Why, Senators, that is taking money out of the Treasury. That is taking money out of a Treasury that you say is not able to provide shelter for a soldier who offered his life for his country. That is taking money out of a Treasury that you say is hard pressed and ought not to be burdened; yet you are ready to run your arms in it and take out $5,000,000, and three and a half million dollars or more of it will go right into Wall Street.

Oh, Senators, how long, how long will it be before the American people wake up to the necessity of sending more people here who will guard the Treasury instead of looting it? They call some of them "watchdogs of the Treasury." Mr. President, some of these old dogs have watched so long that they have gotten so they can sleep with one eye open. They can just hold one eye open and shut the other one, and the fellow who is an expert walks up on the blind side, and they never hear him until he is gone. Guarding the Treasury! One hundred thousand dollars, Senators, to bring about an inspection force that will pass upon the ability of trains to carry human beings from place to place in this country. No; you can not get that. One hundred thousand dollars, Senators, to provide competent, honorable men to go and look at these engines, to look at these cars, and say whether or not they are able to make these trips from town to town through the country.

"Why do you want that?" "Why, we want it because it is in the interest of human life. It is making travel safe. It is not permitting people to be reckless and careless about human life, but it is throwing every precaution and safeguard around people who travel." Who is it that is fighting that? What is it that does not want this extra force? It does not cost much. Why, $100,000 is not so very much when you compare it with $5,000,000, as I have said, and that is to be distributed through an agency that will bless and benefit everybody in the country; yet you are trying to get through a $5,000,000 proposition here that will not benefit anybody, but will merely pay off a debt that certain officeholders and certain people down in Liberia have contracted with certain people in New York City. That is the whole sum and substance of it, and Senators are seriously talking about voting for it, and yet we can not get through here an amendment for $100,000 to inspect the railroad trains of the country that transport from place to place human beings made in God's image. Mr. President, that is a terrible situation when you stop to analyze it.

Then the Senator from Idaho [Mr. BORAH] suggests that now is a good time to look after the reclamation projects, and the Senators on the other side will not permit that. "This is not the place," they say. Well, certainly we owe more to these people on the arid lands of the West who, when the tocsin of war sounded, sent forth their boys, pronounced their blessings upon them, bade them good-by, and saw some of them no more. They will never see them again. When these people belonging to the great body politic of America, these men who answered every call to patriotic duty, ask now that they be permitted to borrow $20,000,000 to help them make a livelihood for themselves and their families, Senators on the other side block it and threaten to defeat it. They are not for it. But one-fourth of that amount is all cut and dried, if they can have their way about it, to put upon a silver waiter and pass it on to those who are back of this bill, fighting for it with all the influences they can bring to bear.

Mr. President, if the Senator from Kansas desires to have an executive session, I am willing to yield the floor for that purpose.

Mr. CURTIS. It is the desire to have an executive session, and I understand the Senator from South Dakota wants to ask for the adoption of a conference report. So I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

CANCELLATION OF INTERNATIONAL DEBTS.

Mr. OWEN. Mr. President, on yesterday there was printed in the RECORD a letter addressed to Hon. WILLIAM E. BORAH, signed by Bernard M. Baruch, with regard to the indebtedness due to the United States by the allied nations.

The letter of Mr. Baruch has the effect apparently of opening up an argument on the matter of the relinquishment of part or all of the indebtedness due by the allied governments to the United States. I am opposed to opening up any such debate, and I want to enter my protest against it. The allied nations entered into their obligations with the United States and those obligations were reduced to writing. They are practically the bonds of the allied nations. They are abundantly able to pay what they owe the United States.

Europe is not bankrupt. The governments of Europe have been poorly conducted financially, but the people of Europe still own all the values in Europe. Their fields are as fertile as they ever were. Their vineyards and their orchards are the same. Their water power and their transportation facilities, built up by generation after generation, remain. Their forests and their mines are unchanged, their productive power is greater than ever, and there is no reason why the American people should be taxed or that the wealth of America should be taxed in order to turn over the proceeds to the wealth of Europe the amount taken from the American people by taxation, and thus relieve the wealth of Europe from taxation. I am opposed to opening up that question for debate. It is not debatable.

America set a good example by refusing to take any indemnity from the Teutonic allies. She has as much right, morally and legally, to reimbursement as any nation who suffered loss. America expended over $40,000,000,000 in saving Europe from the destruction of democracy by European military autocracy. She has done enough. The destruction of the ruble, the mark, the kronen by the stupid or sinister use of the printing press does not change the actual wealth or productive power of Europe. International bankers know how to profit out of the propaganda to have the United States cancel the debt due America by Europe, but the American people will never permit it.

BOLSHEVISM.

Mr. President, I am unwilling to add a dollar to the taxes of our people, especially for such a purpose.

It is the tremendous taxation of our people which has caused the recent deep discontent of the country, led to high prices of manufactured commodities, to labor strikes, to general unrest, and the fear of timid people of socialism, communism, and bolshevism. I have no fear of communism or bolshevism in America. They can only flourish where the people are very poor, very unhappy, and very uneducated, as in Russia, but not in our glorious country.

There is no danger of bolshevism or communism in America, for these policies are based on ignorance—lack of education and information. In spite of every criticism of our Government it is more nearly perfect than any government in the world. Our people are the most intelligent in the world. We have the greatest public school and educational system in the world. We have the most splendid and useful public press, the finest and most numerous magazines, the best public forum, and the best means of educating, training, and advising our citizens of any country in the world. We have, beside, 20,000 moving-picture theaters entertaining, amusing, and instructing our people daily. Recently these theater owners, with great magnanimity and patriotism, have opened their doors free on one day each week for the youth of the country to see free films on vocational instruction.

Over 60,000,000 feet of instructional films are being distributed free to the people of the United States by one institution in Washington City (Bureau of Commercial Economics) without cost to the people. They are circulating vocational instruction reels teaching the people and the American youth how to make every manufactured product on earth from steam engines to cambric needles; plumbing, carpentry, brick laying, painting, masonry, textile manufacture, gardening, raising fruit, berries, bees, poultry, cattle, pigs, and horses.

These productive films are in a constant stream reaching every part of America teaching the most unenlightened citizen how to make his living; teaching him lessons of providence, of cooperation, of patriotism, of the rights of property and the wisdom of protecting property rights; teaching him brotherly good will and entertaining him by pictures showing every activity and amusement of mankind. In every human heart there is a love of truth, of liberty, of justice; a natural desire to acquire and protect property rights; and when men can make a decent living by reasonable effort, as all can do in America, those who teach bolshevism, hatred, and disorder, and those who by thoughtless waste and extravagance excite the envy of the very poor, will themselves be taught the better path by these great forces to which I have so inadequately referred. There is no danger of communism or bolshevism in America. The moving pictures alone would make it impossible. We should encourage in every way possible this the greatest agency of human education ever conceived by man. Moving pictures speak a universal language and the impressions through the eye have been proven to be over four times as powerful and enduring as the impression through the ear by the spoken word. Both the States and the Nation should multiply the vocational reels and give them free circulation as a means of multiplying the productive powers of the people. It would be the most valuable investment ever made by a government.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on September 14, 1922, the President approved and signed the following act and joint resolutions:

S. 3618. An act to amend the Judicial Code in reference to appeals and writs of error;

S. J. Res. 23. Joint resolution to authorize the Secretary of War to grant revocable licenses for the quarrying and removal of stone from the Mariveles Military Reservation, Philippine Islands; and

S. J. Res. 156. Joint resolution authorizing the Secretary of War to grant a permit to erect and maintain a hotel upon the Fort Monroe Military Reservation in Virginia.

CLAIMS ARISING FROM OCCUPATION OF VERA CRUZ, MEXICO (S. DOC. NO. 252).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report respecting claims of the nationals of Spain, France, Great Britain, Germany, Austria, Italy, Cuba, and the United States, arising out of the occupation by the American forces of Vera Cruz, Mexico, in 1914, with a request that the findings of the Naval Board in the settlement of these claims, as indicated therein, be adopted, and that the Congress authorize the appropriation of the sum necessary to pay the awards rendered by that board, to cover an indemnity to Valentin Perez, and to compensate the claimants for the value of liquors destroyed under military orders, and also the sum approved by the Secretary of War as an adequate payment in satisfaction of the claims of the Vera Cruz Terminal Co. (Ltd.).

I recommend that, in order to effect a settlement of these claims in accordance with the recommendation of the Acting Secretary of State, the Congress, as an act of grace, and without reference to the legal liability of the United States in the premises, authorize an appropriation in the sum of $45,518.59.

Warren G. Harding.

The White House, *September 14, 1922.*

RETIREMENT OF CIVIL SERVICE EMPLOYEES—CONFERENCE REPORT.

Mr. STERLING. I submit the following conference report and ask unanimous consent for its present consideration.

The report was read and agreed to as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

Thomas Sterling,
Albert S. Cummins,
Jos. E. Ransdell,
Managers on the part of the Senate.
Frederick R. Lehlbach,
Louis W. Fairfield,
Managers on the part of the House.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the amendment of the Senate to each of the following bills:

H. R. 6929. An act for the relief of Horace E. Walker;

H. R. 8073. An act for the relief of the Kineo Trust Co.; and

H. R. 8173. An act for the relief of Mrs. E. H. Jackson.

The message also announced that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House disagreed to the amendment of the Senate to the bill (H. R. 2722) for the relief of W. W. McGrath, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Edmonds, Mr. Glynn, and Mr. Steagall were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the amendment of the Senate to the bill (H. R. 3034) for the relief of Lizzie Askeli, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Edmonds, Mr. Glynn, and Mr. Steagall were appointed managers on the part of the House at the conference.

The message further announced that the House disagreed to the amendment of the Senate to the bill (H. R. 5918) for the relief of the Michigan Boulevard Building Co., requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Edmonds, Mr. Glynn, and Mr. Steagall were appointed managers on the part of the House at the conference.

The message also announced that the House disagreed to the amendments of the Senate to the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels, requesting a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Edmonds, Mr. Glynn, and Mr. Steagall were appointed managers on the part of the House at the conference.

The message further announced that the House disagreed to the amendments of the Senate to the bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case, requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Edmonds, Mr. Glynn, and Mr. Steagall were appointed managers on the part of the House at the conference.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BURSUM. I call up the conference report on House bill 6507, which I submitted yesterday.

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The report was agreed to.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Friday, September 15, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 14, 1922.

SURVEYOR OF CUSTOMS.

Gaston E. Trosclair, of Thibodaux, La., to be surveyor of customs in customs collection district No. 20, with headquarters at New Orleans, La., in place of John Marks, whose term of office will expire September 26, 1922.

UNITED STATES COAST GUARD.

Lieut. Hiram R. Searles to be a lieutenant commander in the Coast Guard of the United States, to rank as such from September 1, 1922, in place of Lieut. Commander Frederick J. Haake, deceased. This officer has passed the examination required by law.

RECEIVER OF PUBLIC MONEYS.

Morris S. Wright, of Montana, to be receiver of public moneys at Bozeman, Mont., vice James P. Bole, term expired.

REGISTER OF THE LAND OFFICE.

Mrs. June Wright Makemson, of New Mexico, to be register of the land office at Fort Sumner, N. Mex., vice William R. McGill, term expired.

PROMOTION IN THE REGULAR ARMY.

VETERINARY CORPS.

Second Lieut. Lester Wallace Ingram to be first lieutenant in the Veterinary Corps, from September 9, 1922.

REAPPOINTMENT IN THE REGULAR ARMY.

CORPS OF ENGINEERS.

Frederick Mears, former officer of the Regular Army, to be lieutenant colonel, from November 14, 1920.

POSTMASTERS.

ALABAMA.

John M. Stapleton to be postmaster at Foley, Ala., in place of L. E. Wolbrink. Incumbent's commission expired September 5, 1922.

Lee M. Otts to be postmaster at Greensboro, Ala., in place of L. M. Otts. Incumbent's commission expired August 29, 1922.

Ed P. Johnson to be postmaster at Samson, Ala., in place of J. T. Farmer. Incumbent's commission expired September 5, 1922.

Fred D. Perkins to be postmaster at Wetumpka, Ala., in place of M. E. Cain, resigned.

ARKANSAS.

Oscar H. McKamey to be postmaster at Imboden, Ark., in place of H. R. Bowers, resigned.

COLORADO.

Robert J. Allen to be postmaster at Akron, Colo., in place of F. W. McIntyre, resigned.

Olie Thorson to be postmaster at Glenwood Springs, Colo., in place of H. W. Smith, deceased.

DELAWARE.

Ebe H. Chandler to be postmaster at Dagsboro, Del., in place of Gertrude West, resigned.

Erlis F. Whitney to be postmaster at Ellendale, Del., in place of M. W. Warren. Office became presidential April 1, 1922.

ILLINOIS.

Mary F. Robbins to be postmaster at Glenwood, Ill., in place of M. F. Robbins. Office became presidential July 1, 1922.

INDIANA.

Frank B. Rowley to be postmaster at Angola, Ind., in place of F. A. Emerson. Incumbent's commission expired September 5, 1922.

James A. Miller to be postmaster at Boonville, Ind., in place of Jacob Eifler. Incumbent's commission expired September 5, 1922.

Absalom W. Mackey to be postmaster at Mount Vernon, Ind., in place of W. O. Wilson. Incumbent's commission expired September 5, 1922.

Fred R. Ewing to be postmaster at Princeton, Ind., in place of J. C. Gorman. Incumbent's commission expired September 5, 1922.

George E. Young to be postmaster at Shelbyville, Ind., in place of A. P. Green. Incumbent's commission expired September 5, 1922.

KANSAS.

Leila C. Elliott to be postmaster at Coffeyville, Kans., in place of E. S. Irvin. Incumbent's commission expired February 4, 1922.

MARYLAND.

Marcus H. Rhodes to be postmaster at Rhodesdale, Md., in place of O. M. Hastings. Office became presidential October 1, 1921.

MINNESOTA.

Neise Monson to be postmaster at Belview, Minn., in place of C. A. Johnson, resigned.

Gustav E. Hensel to be postmaster at Howard Lake, Minn., in place of C. A. Stewart. Incumbent's commission expired January 15, 1921.

MISSISSIPPI.

William F. Elgin to be postmaster at Corinth, Miss., in place of M. A. Candler. Incumbent's commission expires September 26, 1922.

Albert C. Wilson to be postmaster at Monticello, Miss., in place of R. L. Beal. Incumbent's commission expired April 30, 1922.

MISSOURI.

George T. Platz, jr., to be postmaster at Brashear, Mo., in place of H. T. Wilson, resigned.

Lon L. Ashcraft to be postmaster at Carthage, Mo., in place of B. F. Hackney. Incumbent's commission expired September 5, 1922.

Jesse W. Brown to be postmaster at Crane, Mo., in place of B. F. Carney, resigned.

NEW HAMPSHIRE.

William D. Chandler to be postmaster at Concord, N. H., in place of G. E. Farrand. Incumbent's commission expires September 19, 1922.

OHIO.

Frank B. Malaney to be postmaster at Wadsworth, Ohio, in place of W. A. Ault, resigned.

TENNESSEE.

Rufus W. Vickers to be postmaster at Murfreesboro, Tenn., in place of J. R. Jetton, resigned.

Robert H. Thompson to be postmaster at Rockwood, Tenn., in place of Hammond Fowler, deceased.

TEXAS.

Elmer P. Browder to be postmaster at Gordon, Tex., in place of J. L. Browder, deceased.

Charles A. Duck to be postmaster at Greenville, Tex., in place of R. C. Dial, resigned.

VERMONT.

Bernard W. Crafts to be postmaster at Bradford, Vt., in place of A. H. Peters. Incumbent's commission expires September 19, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 14, 1922.

POSTMASTERS.

INDIANA.

Earl D. Robison, Attica.
Maudaline Marshall, Clermont.
William S. Milner, Ligonier.
Lee F. Griffith, Tipton.

KENTUCKY.

James L. Howard, Wallins Creek.

MONTANA.

Frank P. Sherburne, Browning.

OHIO.

Otho P. Wycoff, Buffalo.
Robert L. Nelson, Senecaville.

OREGON.

John S. Hudson, Troutdale.
George L. Edes, Yoncalla.

HOUSE OF REPRESENTATIVES.

THURSDAY, *September 14, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou gracious God, infinite and full of blessing, Thou hast led us and made Thy truth and mercy known in fatherly benediction. Thy hand has been upon us and we give Thee thanks. Teach us that the richest treasures of life are invisible and Thy supreme revelation is to the human heart. Persuade us that each day there remains some sign of duty which is a testimony of Thy wisdom. O spare us from that pride which is the root of every sin and endow us with that humility which is the beginning of every virtue. Rebuke all unrighteous conflict throughout our country, and reproach all selfishness and make all citizens willing offerings of their fellowmen. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11589. An act to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kalawao, on the Island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes;

H. R. 11078. An act for the relief of the Mary Ann Shipping Co.;

H. R. 8143. An act for the relief of the Fitzcharles Dry Goods Co.;

H. R. 10544. An act for the relief of Louis Cayet;

H. R. 10443. An act to repeal sections 2453 and 2454, and to to amend sections 2450, 2451, 2456, Revised Statutes of the United States;

H. R. 2003. An act for the relief of Hubert Reynolds;

H. R. 4145. An act for the relief of Leonidas Sawyer;

H. R. 5791. An act for the relief of Robert Russell;

H. R. 2874. An act to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis.;

H. R. 2763. An act for the relief of Sanford Kirkpatrick;

H. R. 6926. An act for the relief of Abraham Leibovitz;

H. R. 1965. An act for the relief of Mrs. D. Montgomery;

H. R. 8553. An act for the relief of D. V. Bussie;

H. J. Res. 322. Joint resolution favoring the establishment in Palestine of a national home for the Jewish people;

H. R. 10234. An act for the relief of Edward A. Purdy;

H. R. 4368. An act for the relief of the owners of the barge *Havana;* and

H. R. 9472. An act for the relief of the Canadian Pacific Railway Co.

LEAVE OF ABSENCE.

Mr. GOLDSBOROUGH, by unanimous consent (at the request of Mr. WINGO), was granted leave of absence indefinitely, on account of illness.

MUSCLE SHOALS.

Mr. McKENZIE. Mr. Speaker, I ask unanimous consent that I may proceed for half a minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for half a minute. Is there objection?

There was no objection.

Mr. McKENZIE. Mr. Speaker, as acting chairman of the Committee on Military Affairs, there has been placed in my hands a petition, signed by some 220,000 citizens of the Southern States and border States, praying for action on the Muscle Shoals proposition, and asking that Congress take the matter up. I ask unanimous consent that the prayer of the petitioners, which is very short, be inserted in the RECORD—not the names.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Following is the petition referred to:

To the Congress of the United States:

We, the undersigned, respectfully urge the acceptance of the Ford offer for the Muscle Shoals Government plant. Farmers, wage earners, and business men of moderate means are, we feel, united in their support of the Ford offer. Their faith in Mr. Ford is based not only on his business success but on the further fact that he has never combined with other interests to fix or maintain high prices for his products, but has been willing to enter an open field on a real competitive basis.

We respectfully ask that in view of what the operation of the nitrate plant will mean to the farmers of America, and the construction of the dam and plant will mean to thousands of wage earners, that Congress fix an early day for the consideration of the bill now pending in Congress from the Military Affairs Committee, and that final action be hastened thereon.

LIZZIE ASKELI.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 3034, and move that the House disagree to the Senate amendment and ask for a conference thereon.

The SPEAKER. The gentleman from Pennsylvania calls from the Speaker's table the bill H. R. 3034, and moves that the House disagree to the Senate amendment and ask for a conference thereon. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 3034) for the relief of Lizzie Askeli.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, what is the issue involved?

Mr. EDMONDS. The Senate reduced the amount from $5,000 to $2,500.

Mr. STAFFORD. Why not accept the Senate amendment?

Mr. EDMONDS. The House may not want to accept it, and I ask that we have a conference.

The SPEAKER. The Chair appoints the following conferees on the part of the House: Mr. EDMONDS, Mr. GLYNN, and Mr. STEAGALL.

MICHIGAN BOULEVARD BUILDING CO.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5918, and move that the House disagree to the Senate amendment and ask for a conference thereon.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill H. R. 5918, and moves to disagree to the Senate amendment and ask for a conference. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5918) for the relief of the Michigan Boulevard Building Co.

The SPEAKER. Is there objection?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. EDMONDS, Mr. GLYNN, and Mr. STEAGALL.

SETTLEMET OF CERTAIN DEPARTMENT CLAIMS.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent also to take from the Speaker's table the bill H. R. 7912, and move that the House disagree to the Senate amendments and ask for a conference thereon.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table also the bill H. R. 7912, and moves that the House disagree to the Senate amendments and ask for a conference thereon. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case.

Mr. WINGO. Mr. Speaker, reserving the right to object, what is the dispute between the two Houses?

Mr. EDMONDS. The Senate advanced the amount. The amount which the House agreed upon is $1,000. The Senate advanced it to $3,000. This is a bill for the settlement of admiralty cases in the Navy, collision cases. A Senate amendment also made the bill retroactive.

Mr. WINGO. We have a statute on certain classes of claims. Will the gentleman recall what that is?

Mr. EDMONDS. I believe the limit is $500. This raises it.

Mr. WINGO. The Senate made it $3,000?

Mr. EDMONDS. Yes. There may be some good reason for making it $3,000, but we would like to have the Senate's reasons for it.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. Edmonds, Mr. Glynn, and Mr. Steagall.

W. W. M'GRATH.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent also to take from the Speaker's table the bill H. R. 2722, and move that the House disagree to the Senate amendment and ask for a conference thereon.

The SPEAKER. The gentleman makes the same request with respect to this bill. The Clerk will report it.

The Clerk read as follows:

A bill (H. R. 2722) for the relief of W. W. McGrath.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, what is the issue in that case?

Mr. EDMONDS. The Senate reduced the House amount.

Mr. GARRETT of Tennessee. It is just a question of amount?

Mr. EDMONDS. Yes; it is just a question of amount; that is all.

The SPEAKER. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. Edmonds, Mr. Glynn, and Mr. Steagall.

CLAIMS ARISING FROM NAVAL COLLISIONS.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent also to take from the Speaker's table the bill H. R. 5349, and move that the House disagree to the Senate amendment and ask for a conference thereon.

The SPEAKER. The gentleman makes the same request in respect to this bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels.

The SPEAKER. Is there objection?

Mr. EDMONDS. Mr. Speaker, this is the admiralty case. The other was the limitation of claims to $1,000 in the departments. In both cases the Senate made it retroactive.

Mr. WINGO. That is the point I wanted to get at. I was under the impression that we had a statute making a $500 limitation with reference to only one department, and the House bill, as I recall, made it apply to all the executive departments and put the limitation up to $1,000.

Mr. EDMONDS. That was the bill the gentleman was speaking of. I made a mistake as to the identity of the bill.

Mr. WINGO. As I understand, the bill I was speaking about authorized the different executive departments to settle claims up to $1,000?

Mr. EDMONDS. That is right.

Mr. WINGO. That was the House proposition?

Mr. EDMONDS. Yes.

Mr. WINGO. The only change the Senate made was to raise it to $3,000?

Mr. EDMONDS. They also made it retroactive and included the Army, Navy, and Marine Corps.

Mr. WINGO. In other words, their amendment would make a general statute applying to all the departments.

Mr. EDMONDS. Yes.

Mr. WINGO. Whereas we kept them separate.

Mr. EDMONDS. No; we covered all the civil departments, but kept out the military departments. They have included the military departments.

Mr. WINGO. We made a separation between the civil departments and the military departments.

Mr. EDMONDS. That is right.

Mr. WINGO. The Senate not only made it retroactive but joined the civil and the military establishments in one law.

Mr. EDMONDS. Yes.

Mr. WINGO. And that is what is in dispute, and you want that to go to conference?

Mr. EDMONDS. Yes; and in this Navy bill they made the amount $3,000, as I explained before.

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. Edmonds, Mr. Glynn, and Mr. Steagall.

KINEO TRUST CO.

Mr. EDMONDS. Mr. Speaker, I ask to take from the Speaker's table H. R. 8073, for the relief of the Kineo Trust Co., and move that the House agree to the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania calls up a House bill with Senate amendment, which the Clerk will report.

The Clerk read the title of the bill.

Mr. EDMONDS. In this case, Mr. Speaker, there was evidently a mistake in the date. We had the date in the bill March, and the department asked that it be changed to September. Otherwise the bill is the same as it passed the House.

Mr. GARRETT of Tennessee. What is the significance of the date?

Mr. EDMONDS. The bonds for which these people were to be reimbursed on putting up proper security matured in September, not in March.

Mr. STAFFORD. Let us have the Senate amendment read.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 1, line 13, strike out the word "March" and insert "September."

Mr. WINGO. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. WINGO. I do not recall that case. What is it?

Mr. EDMONDS. It was a case where the Kineo Trust Co. lost the bonds. They have the numbers of the bonds. There is no objection on the part of the department as long as they put up a deposit sufficient to secure the Government. It appears that the maturity date of the bonds was September instead of March.

Mr. WINGO. The effect of the bill is to reimburse the company for the loss of the bonds, they indemnifying the Government against the bonds showing up?

Mr. EDMONDS. Yes.

Mr. WINGO. The only change made by the Senate is in the date of the bonds. It does not affect the merits of the controversy?

Mr. EDMONDS. Not at all.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

HORACE E. WALKER.

Mr. EDMONDS. Mr. Speaker, I ask to take from the Speaker's table House bill 6929, for the relief of Horace E. Walker, and to agree to the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks to take from the Speaker's table the House bill, with Senate amendment, to be reported by the Clerk.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

MRS. E. H. JACKSON.

Mr. EDMONDS. Mr. Speaker, I ask to take from the Speaker's table House bill 8173, for the relief of Mrs. E. H. Jackson, and move that the House agree to the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania calls up a House bill, with a Senate amendment, which will be reported by the Clerk.

The Clerk reported the title of the bill.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

ADDITIONAL CLERICAL SERVICE IN ENROLLING ROOM.

Mr. IRELAND. Mr. Speaker, I ask consideration of the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Illinois calls up from the Committee on Accounts a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 426 (Rept. No. 1215).

Resolved, That there be paid out of the contingent fund of the House the sum of $250 for additional clerical service in the enrolling room during the remainder of the present session.

Mr. IRELAND. Mr. Speaker, this is the usual resolution at the end of the session for the employment of additional clerical help in the enrolling room.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

FEMALE ATTENDANTS IN LADIES' RETIRING ROOMS.

Mr. IRELAND. Mr. Speaker, I call up the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Illinois calls up a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 413 (Rept. No. 1216).

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of $100 per month to each of the female attendants in the ladies' retiring rooms of the House of Representatives, in lieu of the salary now being paid such attendants.

Mr. IRELAND. Mr. Speaker, this is a long-overdue resolution that simply equalizes the salaries of the lady employees in the ladies' retiring rooms of the House wing of the Capitol.

Mr. STAFFORD. What salary are they now receiving?

Mr. IRELAND. One is receiving the amount mentioned in the resolution and the others are receiving about $60, I believe.

Mr. GARRETT of Tennessee. Does this cover the House Office Building?

Mr. IRELAND. No; only the Capitol Building.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield for an amendment?

Mr. IRELAND. I would rather not, if the gentleman will indulge me in that; but if the gentleman will introduce a resolution covering the similar employees in the House Office Building, we will take it up in the committee. I think they should be paid the same amount.

Mr. GARRETT of Tennessee. I think the salary of the attendants in the ladies' retiring room in the House Office Building should be increased.

Mr. HICKS. How much is it?

Mr. IRELAND. I think it is about $60 a month. I think we had best take it up in the regular way, but if the gentleman will introduce a resolution we will consider it at once. Certainly there should be equality in the compensation of all the employees employed in the same capacity.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

NORMAN E. IVES.

Mr. IRELAND. Mr. Speaker, I ask for consideration of the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Illinois calls up a privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 416 (Rept. No. 1217).

Resolved, That there be paid out of the contingent fund of the House $1,200 to Norman E. Ives for extra and expert services to the Committee on Invalid Pensions from December 4, 1921, to the end of the second session of the Sixty-seventh Congress as assistant clerk to said committee by detail from the Bureau of Pensions pursuant to law.

Mr. IRELAND. Mr. Speaker, this is the usual resolution for additional compensation to the appointee to the Committee on Invalid Pensions assigned from the Pension Department. This takes care of the employee up to the 1st of December.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. STAFFORD. Is it the purpose that this gentleman should receive additional salary for his services following December 1 until the end of the Congress?

Mr. IRELAND. I can not definitely recall now just what the precedent is, but the same form will be followed each year.

Mr. STAFFORD. As I recall we formerly granted the additional compensation to only one of the men assigned from the Pension Office to the Committee on Invalid Pensions. Later that was extended to the employees of the Bureau of Pensions assigned to the Committee on Pensions. How many are receiving this additional emolument?

Mr. IRELAND. One to each committee. That has been the custom. There was an unauthorized error prior to the present personnel of the Committee on Accounts under which two employees were paid.

Mr. STAFFORD. The rule of the committee is to give this additional emolument to only one employee for each committee?

Mr. IRELAND. Only one for each committee, and that is all there is contemplated now.

Mr. STAFFORD. And $1,200 additional for each year of service.

Mr. IRELAND. It is supposed to be on the basis of $100 a month; yes.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CHANGE OF REFERENCE.

The SPEAKER. The Chair inadvertently referred S. 3275, a pension bill, to the Committee on Pensions instead of to the Committee on Invalid Pensions, where it belongs. If there be no objection the Chair will rerefer the bill to the Committee on Invalid Pensions.

ARTHUR LUCAS.

Mr. IRELAND. Mr. Speaker, I call up the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Illinois calls up a privileged resolution from the Committee on Accounts, which will be reported by the Clerk.

The Clerk read as follows:

House Resolution 424 (Rept. No. 1218).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, $100 to Arthur Lucas for special janitor services rendered during the second session of the Sixty-seventh Congress.

Mr. IRELAND. Mr. Speaker, this resolution covers janitor service rendered to the gentleman from Illinois [Mr. CANNON] in his office for the period of 10 or 12 months.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

SESSION TELEPHONE OPERATORS.

Mr. IRELAND. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Illinois calls up from the Committee on Accounts the following privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 428 (Rept. No. 1219).

Resolved, That the employment of three session telephone operators shall be continued during the months of October and November, 1922, at the compensation now provided by law to be paid out of the contingent fund of the House.

Mr. IRELAND. Mr. Speaker, this is necessary to provide compensation for the operators during the interim when Congress may not be in session.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. IRELAND. I have a letter from the Clerk requesting the passage of this resolution.

HARRY J. HUNT.

Mr. IRELAND. I have another resolution from the Committee on Accounts.

The SPEAKER. The gentleman from Illinois calls up from the Committee on Accounts the following privileged resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 361 (Rept. No. 1220).

Resolved, That there shall be paid out of the contingent fund of the House to Harry J. Hunt, assistant file clerk of the House, the sum of $300 for additional services rendered under the direction of the Clerk of the House during the present fiscal year.

Mr. IRELAND. Mr. Speaker, this is additional compensation for the employee who rendered five months' extra service while another employee of the House was in the hospital. He did double work, and at the request and recommendation of the Clerk of the House this resolution is reported.

Mr. STAFFORD. Will the gentleman yield?

Mr. IRELAND. Certainly.

Mr. STAFFORD. Have we ever indulged heretofore in the practice of paying House employees additional salaries for having done extra work?

Mr. IRELAND. Oh, innumerable times, I think. The situation was that one of the House employees assigned to one of the committees was in the hospital for about five months. This employee mentioned in this resolution did his own work and did the other man's work in addition, working nights and at odd times, mostly at night.

Mr. STAFFORD. The gentleman says "innumerable times." I confess I do not recollect any resolution of that kind when such a practice has been indulged in.

Mr. IRELAND. There have been many where additional compensation was granted to clerks assigned to different committees when they were drawing appropriation bills. I recall one in the Sixty-sixth Congress in the Naval Affairs Committee, and a number of other cases.

Mr. STAFFORD. I do not recall an instance where a Government employee of the House was given additional compensation merely for doing some little extra work to aid some person who was ill. If we adopt that policy we will be beset with innumerable applications for increased compensation.

Mr. BUTLER. If the gentleman will yield, I remember the additional compensation to the clerk for work on the big naval bill in the Sixty-sixth Congress.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE TO EXTEND REMARKS.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement of Comptroller Crissinger relative to financial help given to certain countries in Europe during the last eight years, and the sources from which such help was derived.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The statement is as follows:

ADDRESS OF HON. D. R. CRISSINGER, COMPTROLLER OF THE CURRENCY, BEFORE THE INDIANA BANKERS' ASSOCIATION, INDIANAPOLIS, IND., WEDNESDAY SEPTEMBER 13, 1922.

Mr. President and gentlemen of the convention, when, several weeks ago, I received an invitation to address this convention I hesitated to accept because I did not want to address a middle-western audience on the economic and financial situation until I could give assurance of my conviction that affairs were definitely moving in the right direction. In reaching a determination on such a matter I felt compelled to weigh and consider the facts concerning the industrial and general economic situation in the United States and in the world, particularly Europe.

I think we are all able substantially to agree, nowadays, that the economic and industrial world must be treated as substantially a unity. It will not very long prosper in some parts unless it prospers in all parts. I quite recognize that this has been said a great many times before, and by men much wiser than myself; but I doubt if anybody has said it with more earnestness and sincerity than I do.

From where I sit in Washington I have for many months been watching the tendencies of political, industrial, and financial concerns in those parts of the world which most affect our own country. As an observer from the watchtower, I have had experiences which I know will appeal to you gentlemen.

I have noted by the morning paper that the situation in Ireland was being rapidly composed, and that with this situation adjusted western Europe would be in sight of peace and normal activities. Then, in the evening paper of the same day, I have read that all hope of Irish composition was ended, that chaos had supervened, and that with Ireland in such a situation there was no hope for western Europe.

Again, I have read in my morning paper that the Washington Conference on Limitation of Armament had brought about an understanding between Japan, America, Britain, and France that insured the peace of the Pacific, which peace was assured of rapidly spreading to other seas and continents, so that no longer need we fear hostilities. Then, turning to my evening paper of the same day, I have been informed, "on the highest authority," that the stress in relations between the United States and the Far East made all hope of peace impossible for a generation or two.

Time and again Monday's newspaper has brought assurance that the coalition Government in Great Britain was about to be overthrown and succeeded by a return of party administration, which would bring us back to safety and sanity; and then, on Tuesday, I have read that the coalition Government was certain to continue for another year, and that therefore the world might feel reasonably assured that it was safe and on the upward path.

I have read one day that the policy of Britain was to break from the old entente with France and to cement a definite understanding with Germany, and the next day I have been assured, in most positive terms, that whatever else might happen the entente between Britain and France was as solid as Gibraltar. I have learned one day that the United States must take its full and proper part in settling the affairs of the Old World, and the next day I have been assured that the United States was going to do nothing of the sort, because that would be precisely the wrong thing to do.

All these things and a thousand more of the same sort have come to the attention of every man here, and every one of you has long since concluded, as I have, that it is rather useless to steer a course in conformity to the prognostications of those who deal merely in the terms of politics and diplomatic relations.

So I have long ago laid aside all considerations of such forecasts and attempted to devise a chart of my own by which one might with reasonable confidence steer a course amid the rocks and whirlpools, the currents and the typhoons, of these difficult times, with reasonable hope of bringing his ship into a safe anchorage. And, indulging neither that confidence which the politician in office always entertains, nor that pessimism by which the politician out of office is equally certain to be guided, I have found it worth while to consider certain definite and substantial evidences of what is actually going on in the world.

So to-day I want to talk a little about some things that we know are actually happening; about conditions that unquestionably obtain; about the crises that have been passed without disaster, and the reasons for belief that as other crises arise they likewise will be passed over without ultimate wreck.

It is become a truism that unless the United States "comes to the rescue of Europe," Europe can not survive. Some people who employ this phrase seem to have in mind that we must rush over to Europe with a treasure chest full of gold and credit evidences, and by rubbing the two together produce an Aladdinlike effect of universal prosperity, wealth, and satisfaction. Others have apparently entertained the view that what we needed to do was to send commercial agents abroad to gather in the gold and securities, the profits and fee titles of about all the rest of the world and bring them back for our own strong boxes. I may say frankly that neither of these programs has ever particularly appealed to me. I have always had doubts whether the loan of our gold and credits to a Europe unprepared for proper employment of them would be of advantage either to Europe or to us; and I have had misgivings, on the other side, whether either we or the Old World would profit much by an undue eagerness on our part to reap quick profits from the unfortunate situation of the older hemisphere.

And so, like most of you, gentlemen, I have been slow to make up my mind what was our duty to others or our obligation to ourselves. I have rather suspected that if we did not attempt to decide too many of our problems too suddenly, a good many of them would decide themselves. I remember an observation of Mr. Carnegie many years ago, that most of the letters that were ever written, if they were left unanswered for a fortnight, would not require answers. I don't want too literally to commend that policy for day-by-day business; but I am willing to say that as to these broad questions about which none of us is very certain, Mr. Carnegie demonstrated a good deal of wisdom. There is no use making up your mind, firmly and irrevocably, about things concerning which you have no information. There is no use deciding exactly what you were going to do when you don't know what to decide. There is no use determining the policy you will adopt in a set of circumstances that as a matter of fact are never going to arise. It is a good deal better to take your time, to know the elements you are dealing with, to be assured what you were talking about before you fix a policy and declare it.

I am making these suggestions because they seem pertinent to developments of the last two or three years in this country and this world. I would hesitate even to estimate the number of crises we have confronted in the last 20 months. The only thing I am sure of is that we have come to entertain grave doubts about the gravity of crises and a much better grounded confidence that regardless of crises things were going to move along pretty much as they would have moved if the crises had not supervened. Sometimes I get to suspecting that we have all been shell shocked into a general preference for crises and a feeling that unless "collapse" or "disintegration" is promised to us in the latest bulletin from the front the day is rather tame and uneventful. We need to discuss matters of this kind in terms a little less lurid, a trifle less conclusive, to realize that the world isn't coming to an end within an hour or a day, to recognize that no matter how acute the crises most of us will be left right here, doing business at the same old stand, living on the same old farm, going down to the same old office, living with the same wives and the same children as before the crises arrived.

The truth is that if we could look back on the Great War and its aftermath from the viewpoint of, say, 500 years hence we might discover that the crises was passed 5 years ago, and, on the other hand, we might discover that it did not come to the world until 50 years hence. We greatly need to begin thinking in terms that will leave our "crises" and "collapses" and "wrecks" and "repudiations" and to get back to thinking about tilling fields and operating industries and conducting transportation for the general good of the community.

There has been a good deal of demand that the United States recognize its obligation to the world and begin to perform that obligation. Very well, gentlemen; I propose to tell you something of what the United States has done by way of recognizing its duty and performing its obligation. We have been told that the United States was the great reservoir of liquid credit and available assets from which we must permit drafts to be made if the world is to be placed on its feet. I have myself said these things. I began saying them even before our country declared its participation in the European war. I said them before we had begun to advance moneys and credits to our allies. I kept right on saying them during the period when the gold of the world was flowing ceaselessly to our shores, denuding other communities of their basic money and inviting us to a carnival of gilded inflation, to be followed, as any man must know it would be followed, by a debacle of ruinous deflation.

Back three generations ago the world's pioneers and adventurers and financiers and business men discovered the possibilities of the American Continent. They discovered that here was a tremendous storehouse of God's wealth, under the control of a sparse population of intelligent and progressive people. They recognized our right of political control, but they recognized also our economic needs, our necessities of development, our financial requirements. And so the Old World loaned money to us, with which we built our railroads, opened our mines, made ourselves the greatest producer of foodstuffs, of copper, of coal, of iron, of gold, of cotton, of a hundred great staples out of which our mechanized civilization has been built. The old World came to us with its money and credit and said: "We have the capital; you have the God-given resources; give us an investment for our surplus and capital in your national opportunities and we will make possible the development of those opportunities."

On those terms we got together. The Old World largely financed the development of the New World during the nineteenth century. We developed a wealth, a producing capacity, a variety of resource, that we did not fully recognize. We swung out into the twentieth century still innocent of how much we had accomplished, still imagining that while we had done very well we could not, of course, assume to compete with the older industries, the established finance, the highly organized enterprise of the Old World.

And then came the Great War. It dazed us at first, then it brought us a realization of our fortune. We discovered overnight our giant capacity to produce, to supply the needs of men everywhere, to hold up the arch and pillars of a democratic civilization. That we did; and the discovery that we were able to do it was a greater revelation to us than to our allies. We had never suspected such a capacity, such wealth, such resources of productiveness, such unity of social purpose, such determination to align ourselves on the side of justice. But we found them when the world came to us with its demands, and though there may be here and elsewhere those who would cry down, who would decline to recognize our contribution, the fact remains that our contribution of nature's wealth, of human effort, of spiritual understanding and determination, was second to that of no other people on earth.

Now, let us see what America has done, whether America has been doing all it should in the four years since the armistice. Let us consider calmly and fairly whether we have been doing about the right thing or whether we have overlooked our duty. We loaned some $10,000,000,000 to our allies, which, principal and interest, now amounts to some $12,000,000,000. We incurred a national debt of some $20,000,000,000. We raised an army of more than 4,000,000 and we sent more than 2,000,000 of armed men across the seas. I do not propose to discuss their contribution to military results; I leave that to others more capable. I pfopose to confine myself to the mere economics of this situation, for this situation in the world to-day is decidedy an economic and a social one with which we must cope.

A year ago, two years ago, we were all agreed that the gold standard could not be maintained in the world if all the gold were to come to America. From 1915 on it had been persistently flowing to us from every land and every quarter. At first we had received it with satisfaction and gratification as evidence of our increasing wealth and abounding prosperity. There came a time when we realized that if too much of it came to us, if the gold standard were to be broken down in the world, the gold itself would be of mighty little value to us. We began to be told that we must take credits, securities, bonds, stocks, rather than gold, and before long we realized that this was true. We began first to take the bonds of the allied nations, then to buy the securities that stood for their industries and enterprises, which came seeking from us that same financial support which the Old World had given to us in our nineteenth century epoch of rapid development.

I real the other day that thus far this year the sales of foreign securities in the United States had averaged something like $20,000,000 every week. I don't know how accurate the figures are, for I have no better access to the details than the rest of you have. I do know that day by day, week by week, month by month, we have all seen the financial advertising through which American investors have been offered the securities of almost all the countries under the sun. Only the other day $185,000,000 of bonds of the Republic of Argentina were authorized to be sold in this country. We have taken the securities of the city of Rio de Janeiro and the Republic of Brazil; we have bought the securities of the East Indian Co. of Holland, of the Royal Dutch Oil Corporation, of the cities of France, the Government of China, the Governments, the Provinces, the peoples, the incorporated companies of the whole world. On top of our loans during the period of the war we have acquired other billions upon billions of corporate and private and back credits, until we have become the greatest creditor community that the world ever saw.

Are we doing our share toward the rehabilitation of the world? I undertake to say that when American investors buy $200,000,000 of South American Government securities—of securities which 10 years ago would have been placed in Europe—we are literally and actually releasing that amount of credit and financial resource to serve the immediate needs of Europe. Europe in the last seven years, by way of financing itself, has been selling off its holdings of securities throughout the world. We have been taking them; and to that extent have been lifting from Europe the burden of financing the world, freeing the energies and capital of Europe to look after its own concerns.

I am going to attempt summarizing briefly the American contribution to support the world's financial structure in the last few years. I will begin with 1914, when, according to the best estimates, foreign investors owned from four billion to five billion dollars of American securities. Since the beginning of the war we have, first, bought back by far the greater part of those securities, probably two-thirds of them, Then, following our direct participation in the war, we loaned $10,000,000,000 to our European allies, which, with accrued interest, amounts to roundly $12,000,000,000.

But this is not all. We have extended commercial credits to European buyers in our markets to an amount variously estimated from two billion to five billion dollars. Still further, we have been buying the securities of foreign countries ever since the armistice. A highly reliable authority assures me that these purchases have amounted to:

For the year 1919	$713, 610, 033
For the year 1920	571, 700, 282
For the year 1921	596, 454, 040
For the year 1922 (Jan. 1 to Sept. 5)	751, 386, 725

If the same rate should be continued for the remainder of this year we will have purchased during 1922 about $1,100,000,000 of foreign securities, and for the four years, 1919, 1920, 1921, and 1922, about $2,500,000,000 of foreign securities.

But these foreign securities to which I am referring include only those issued in terms of American dollars, for flotation here. In addition, our people have been large purchasers of securities issued abroad in terms of the money of the country of issue. I am informed that for 1919, 1920, and 1921 we bought over $620,000,000 of such securities. So it appears that for the four years our purchases of foreign securities, whether expressed in dollars or in the units of foreign currency, will far exceed $3,000,000,000.

But this still does not represent by any means our total financial contribution. American optimism was never better demonstrated than when, early in 1919, Americans began to buy German marks, Italian lira, French francs, and other foreign moneys. I have been unable to approximate satisfactorily the amount of speculation in foreign money that has been carried on. A good European authority recently indicated that probably about 15,000,000,000 German marks had been sold outside Germany at prices ranging all the way from about 7 cents down to the near vanishing point which the mark recently reached. If it be true that Germany has sold 15,000,000,000 marks outside of Germany, and that they have sold at an average of 5 cents to the mark, as some authorities have declared, that would mean that Germany has exported $750,000,000 worth of marks, which are now held abroad, and in exchange for which Germany has established credits with which to buy raw materials, foodstuffs and the like. What proportion of that $750,000,000 has been taken in America one can only conjecture. But, judging by observation and general information, I think it fair to assume that at least a half billion dollars of good American gold-standard money has been invested in the moneys of foreign countries. That likewise must be added to the total of what we have been contributing toward the financial rehabilitation of the Old World; in the case of the mark, our investment begins to take on the general aspect of a deed of gift; it could hardly have been more completely a donation if we have turned the money into bales of cotton, pigs of copper, bushels of wheat, and shipped it as a free gift to Germany.

The point I am making is that whether we have received securities on which the interest is reasonably certain to be paid, or other securities on which it has not been and may never be paid, or currency whose value has faded away to nothingness; whether we have received or have failed to receive real value, it is still true that we have exported this vast amount of wealth. Let me recapitulate. As I have calculated it, our contributions to financing the outside world since August, 1914, may be summarized as follows:

American securities repurchased from abroad	$3, 000, 000, 000
American Government loans	10, 000, 000, 000
Interest on Government loans	2, 000, 000, 000
Commercial credits extended abroad	3, 000, 000, 000
Dollar securities bought from foreign countries:	
1919	713, 000, 000
1920	571, 000, 000
1921	596, 000, 000
1922 (eight months)	751, 000, 000
Foreign money securities sold here 1919, 1920, 1921, and 1922	620, 000, 000
Foreign currencies bought by America	500, 000, 000
Total	21, 751, 000, 000

I feel that the present is a not inappropriate time to refer to this truly gigantic participation by our country in sustaining and stabilizing the finances of the world. There are some people in the United States who persist that our country has not done, and is not doing, its full.part, and that the world can not possibly be restored and replaced on the way to prosperity and order without American assistance. My reply to this is, broadly, that in the last eight years our country has made a contribution to these ends so great that if we ourselves fully appreciated it, and if we were given fair credit for it by other peoples, it would win us the bright guerdon of helpfulness, of willing cooperation, and of splendid unselfishness.

What, then, has been the effect of all this upon Europe? We hear much about the demoralization of currencies there. We hear about the failure of European Governments to balance their budgets, to make their taxes pay their current expenses and the service of their debts. What is the truth? So nearly as I am able to determine, the year 1921 marked a very great and striking advance over the year 1920 in the matter of balancing governmental budgets. I find substantial testimony that the world has been progressing quite satisfactorily toward paying its governmental way. I find that the year 1921 marked a decided improvement in the matter of budgets in this regard, and that 1922 is continuing the improvement. I do not intend to annoy you with figures and details, but, in general, I am informed and believe that western Europe has been making marked reduction of governmental expenses toward the point where current taxation would care for them. I think that if you will compare the detailed financial experience of these countries for the years immediately following the World War with the records of their experience in the years immediately following the Napoleonic struggle you will be convinced, as I have been, that the twentieth century world is handling its problems of finance and economics far more satisfactorily than did the nineteenth century world.

Let me go a step further by way of suggesting the progress toward normal conditions. The French Republic is Europe's political center of gravity. France has made persistent, steady, and remarkable progress toward reestablishing a proper relationship of income to outgo in Government finance. We may fairly assure ourselves that France has passed its economic point of crisis. The fiscal year 1923 is not unlikely to see the French budget balanced, and we may hope that 1924 will see a balance well established. The note issues of the Bank of France show a tendency downward which indicates that deflation is moving safely toward reestablishing relations between the French monetary system and the gold standard.

Italian Government finances are making favorable progress, and Italian money is likewise strengthening its position. There is not much to be said about the situation in Britain, because Britain is showing the regular British disposition to maintain its high standards, to continue its leadership in good banking, sound finance, and solid business.

If you will turn to Switzerland, you will find a country whose greatest misfortune in recent times has been that its money has been too good; the exchange rate has been so strongly in its favor as to impose actual difficulties in business transactions. Much the same is true of Holland and the Scandinavian States.

When we go beyond Europe to the outlying countries of the world we find that on the whole they have been able to raise capital to start toward reestablishing their industries, to inaugurate better budgets, to resume production, and to start their monetary systems toward rehabilitation.

While we have talked about the importance of the world resuming production, the world has been resuming. Two years ago there were broad intimations that Latin America confronted a difficult situation, perhaps an economic crisis. That danger is passed or passing. In a broad fashion, I undertake to say that there is no English-speaking country or dominion or colony, no nation or State based on the Latin culture and ideals, that has not vastly improved its status in the two years last past. Japan has passed the peak of economic tribulations which began with the depression of the silk industry. The tendency everywhere is toward reducing the burdens of armaments and the dangers of war, thanks in part to the general good sense that men are displaying and thanks also to the constructive program put forward by the Washington Conference on the Limitation of Armament. The will to war, however we may construe the incidents of the day's news, is a less potent factor in the world than for a generation past. The will to peace is to-day's dominating purpose. The will to work, to produce, to restore, is testified everywhere from the Vistula and the Black Sea to the Atlantic and thence throughout the world.

These conditions, gentlemen, I am suggesting to you in order to draw attention to the fact that the world is on the upgrade. It has less of war, less of preparation for war, less of the wasteful fabrication of instruments for war, than at any time since the calamitous days of August, 1914. Not only has it produced good crops in this year 1922, but it has more nearly stabilized the means of exchanging and utilizing its production to meet the common requirements than ever before since the beginning of the World War.

These facts are attested by experience, the commercial reports, the crop statistics, the financial statements. We do not hear so much of them as I wish we might from certain politicians or from the prophets of disaster or from those pessimistic persons who have fallen into the habit of seeing nothing ahead except disaster and ruin. I am appealing to you, gentlemen, to give thought to these conditions, of which all of you are aware, and to give weight to them. There is every indication that within the coming year our own country will see a great revival of demand for all our industrial and agricultural staples. Everywhere that you find economic rather than political conditions dominating you will find improvement.

These are universally the signs of the times, and they compel us to conclude that this year, 1922, has seen the world set well in the way to sanity, to the desire and ability to take care of itself, to pay its debts, to restore its industries, its production, and its exchanges.

Mr. KING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the British White Paper known as the Balfour note.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by printing the Balfour note. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, is that on the question of the cancellation of war debts?

Mr. KING. It has reference to the war debts generally. It was issued by Lord Balfour and I think it will be highly illuminating to Members of the House.

Mr. WINGO. I am somewhat shocked that my friend should give credence to it by putting it in the RECORD.

Mr. KING. I will say that I am not in favor of it.

Mr. CLARKE of New York. Will it do away with a speech by the gentleman on it if it is put in the RECORD?

Mr. KING. Perhaps it might.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. KING. Mr. Speaker, on August 1, 1922, an important note by the Earl of Balfour, acting minister for foreign affairs of Great Britain, on the subject of interallied indebtedness, was communicated to European allied nations.

Because of the great interest in the subject, I desire to submit the note herewith, as submitted to France, for the information of the Members of the House:

As Your Excellency is aware, the general question of the French debt to this country has not as yet been the subject of any formal communication between the two Governments, nor are his Majesty's Government anxious to raise it at the present moment. Recent events, however, leave them little choice in the matter, and they feel compelled to lay before the French Government their views on certain aspects of the situation created by the present condition of international indebtedness.

Speaking in general terms, the war debts, exclusive of interest, due to Great Britain at the present moment amount in the aggregate to about £3,400,000,000, of which Germany owes £1,450,000,000, Russia £650,000,000, and our allies £1,300,000,000. On the other hand, Great Britain owes the United States about a quarter of this sum—say, £850,000,000 at par of exchange, together with interest accrued since 1919.

No international discussion has yet taken place on the unexampled situation partially disclosed by these fiugres; and, pending a settlement which would go to the root of the problem, his Majesty's Government have silently abstained from making any demands upon their allies, either for the payment of interest or the repayment of capital. But, if action in the matter has hitherto been deemed inopportune, this is not because his Majesty's Government either underrate the evils of the present state of affairs, or because they are reluctant to make large sacrifices to bring it to an end. On the contrary, they are prepared, if such a policy formed part of a satisfactory international settlement, to remit all the debts due to Great Britain by our allies in respect of loans, or by Germany in respect of reparations.

Recent events, however, make such a policy difficult of accomplishment. With the most perfect courtesy and in the exercise of their undoubted rights, the American Government have required this country to pay the interest accrued since 1919 on the Anglo-American debt, to convert it from an unfunded to a funded debt, and to repay it by a sinking fund in 25 years. Such a procedure is clearly in accordance with the original contract. His Majesty's Government make no complaint of it; they recognize their obligations, and are prepared to fulfill them. But evidently they can not do so without profoundly modifying the course which, in different circumstances, they would have wished to pursue. They can not treat the repayment of the Anglo-American loan as if it were an isolated incident in which only the United States of America and Great Britain had any concern. It is but one of a connected series of transactions, in which this country appears sometimes as debtor, sometimes as creditor; and, if our undoubted obligations as a debtor are to be enforced, our not less undoubted rights as a creditor can not be left wholly in abeyance.

PURPOSE OF THE LOANS.

His Majesty's Government do not conceal the fact that they adopt this change of policy with the greatest reluctance. It is true that Great Britain is owed more than it owes, and that if all interallied war debts were paid the British treasury would, on balance, be a large gainer by the transaction. But can the present world situation be looked at only from this narrow financial standpoint? It is true that many of the allied and associated powers are, as between each other, creditors or debtors, or both. But they were and are much more. They were partners in the greatest international effort ever made in the cause of freedom; and they are still partners in dealing with some, at least, of its results. Their debts were incurred, their loans were made, not for the separate advantage of particular States but for a great purpose common to them all; and that purpose has been, in the main, accomplished.

To generous minds it can never be agreeable, although, for reasons of state, it may perhaps be necessary to regard the monetary aspect of this great event as a thing apart, to be torn from its historical setting and treated as no more than an ordinary commercial dealing between traders who borrow and capitalists who lend. There are, moreover, reasons of a different order, to which I have already referred, which increase the distaste with which his Majesty's Government adopts so fundamental an alteration in method of dealing with loans to allies. The economic ills from which the world is suffering are due to many causes, moral and material, which are quite outside the scope of this dispatch. But among them must certainly be reckoned the weight of international indebtedness, with all its unhappy effects upon credit and exchange, upon national production and international trade. The peoples of all countries long for a speedy return to the normal. But how can the normal be reached while conditions so abnormal are permitted to prevail? And how can these conditions be cured by any remedies that seem at present likely to be applied?

ONE-SIDED PROCEDURE IMPOSSIBLE.

For evidently the policy hitherto pursued by this country of refusing to make demands upon its debtors is only tolerable so long as it is generally accepted. It can not be right that one partner in the common enterprise should recover all that she has lent, and that another, while recovering nothing, should be required to pay all that she has borrowed. Such a procedure is contrary to every principle of natural justice and can not be expected to commend itself to the people of this country. They are suffering from an unparalleled burden of taxation, from an immense diminution in national wealth, from serious want of employment, and from the severe curtailment of useful expenditure. These evils are courageously borne. But were they to be increased by an arrangement which, however legitimate, is obviously one sided, the British taxpayer would inevitably ask why he should be singled out to bear a burden which others are bound to share.

To such a question there can be but one answer, and I am convinced that allied opinion will admit its justice. But while His Majesty's Government are thus regretfully constrained to request the French Government to make arrangements for dealing to the best of their ability with Anglo-French loans, they desire to explain that the amount of interest and repayment for which they ask depends not so much on what France and other allies owe to Great Britain as on what Great Britain has to pay America. The policy favored by His Majesty is, as I have already observed, that of surrendering their share of German reparation, and writing off, through one great transaction, the whole body of interallied indebtedness. But, if this be found impossible of accomplishment, we wish it to be understood that we do not in any event desire to make a profit out of any less satisfactory arrangement. In no circumstances do we propose to ask more from our debtors than is necessary to pay to our creditors. And, while we do not ask for more, all will admit that we can hardly be content with less. For it should not be forgotten, though it sometimes is, that our liabilities were incurred for others, not for ourselves. The food, the raw material, the munitions required by the immense naval and military efforts of Great Britain and half the two thousand million sterling advanced to allies were provided not by means of foreign loans, but by internal borrowing and war taxation. Unfortunately, a similar policy was beyond the power of other European nations. Appeal was therefore made to the Government of the United States; and under the arrangement then arrived at the United States insisted, in substance, if not in form, that, though our allies were to spend the money, it was only on our security that they were prepared to lend it. This cooperative effort was of infinite value to the common cause; but it can not be said that the rôle assigned in it to this country was one of special privilege or advantage.

Before concluding I may be permitted to offer one further observation in order to make still clearer the spirit in which His Majesty's Government desire to deal with the thorny problem of international indebtedness.

In an earlier passage of this dispatch I pointed out that this after all is not a question merely between allies. Ex-enemy countries also are involved; for the greatest of all international debtors is Germany. Now, His Majesty's Government do not suggest that, either as a matter of justice or expediency, Germany should be relieved of her obligation to the other allied States. They speak only for Great Britain; and they content themselves with saying once again that so deeply are they convinced of the economic injury inflicted on the world by the existing state of things that this country would be prepared (subject to the just claims of other parts of the Empire) to abandon all further right to German reparation and all claims to repayment by allies, provided that this renunciation formed part of a general plan by which this great problem could be dealt with as a whole and find a satisfactory solution. A general settlement would, in their view, be of more value to mankind than any gains that could accrue even from the most successful enforcement of legal obligations.

CONFERENCE REPORT ON VETERANS' ADJUSTED COMPENSATION.

Mr. FORDNEY. Mr. Speaker, I call up the conference report on the bill H. R. 10874, the veterans' adjusted compensation bill.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10874) to provide adjusted compensation for the veterans of the World War, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 47, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63, 64, 65, 66, and 67, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"(b) Such application shall be made on or before January 1, 1928, and if not made on or before such date shall be held void."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 510. The certificate shall be canceled (a) if the veteran fails to redeem his certificate before its maturity, or (b) if he is in default upon any amount due in respect to a loan secured by the certificate and such default continues to his death."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment; and on page 25, line 8, of the House bill strike out "Title VIII.—Land"; and on page 37 of the House bill make the following changes: Line 7, strike out "IX" and insert "VIII"; line 8, strike out "901" and insert "801"; and on page 38 of the House bill make the following changes: Line 6, strike out "902" and insert "802"; line 11, strike out "903" and insert "803"; line 17, strike out "904" and insert "804"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment; and the Senate agree to the same.

J. W. FORDNEY,
W. R. GREEN,
NICHOLAS LONGWORTH,
Managers on the part of the House.
P. J. MCCUMBER,
GEO. P. MCLEAN,
F. M. SIMMONS,
DAVID I. WALSH,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended the accompanying conference report:

The following amendments are clerical changes, and the House recedes: 15, 19, 33, 34, and 37.

On amendment No. 4: The House bill provided that all applications for the benefits granted the veteran by the act must be made prior to July 1, 1923. The Senate amendment provides that such applications may be made at any time after the passage of the act. The House recedes with an amendment requiring that the applications be made on or before January 1, 1928.

On amendment No. 10: The Senate amendment provides that the findings of the Secretary of War and the Secretary of the Navy as to the number of days of service in the military and naval forces of the veteran shall not be subject to review by the General Accounting Office, and that payments made by the disbursing officers of the War and Navy Departments in accordance with such findings shall be passed to their credit. The House bill contained no provision upon this subject; and the House recedes.

On amendment No. 13: The House bill provided that in case of a veteran serving in both the military and naval forces payments should be made the veteran by the Secretary of War if the last service of the veteran was with the military forces, and by the Secretary of the Navy if the last service was with the naval forces The Senate amendment directs that payments shall be made by the Secretary of War or the Secretary of the Navy, according to the force in which the veteran first served during the compensable period, instead of according to the force in which the veteran last served; and the House recedes.

On amendment No. 14: The House bill provided that the rights conferred by the adjusted-service certificates should take effect and the certificates should be dated as of October 1, 1922. The Senate amendment provides that such rights shall take effect and the certificate be dated as of the 1st day of January or July (whichever first occurs) next succeeding the date of filing the application, but in no case before January 1, 1923; and the House recedes.

The following amendments are the additional changes necessary in the adjusted-service certificate title in order to carry out the action agreed upon by the conferees in respect to amendment No. 14, and the House recedes: 16, 17, 18, 20, 21, 22, 23, 24, 25, 28, 29, 30, 31, 35, 39, and 43.

On amendment No. 27: The House bill provided that in case of the continued default of the veteran as to the payment of any loan made him by a bank and the subsequent payment by the Secretary of the Treasury to the bank of the amount due it, the Secretary should thereupon cancel the note and the certificate and pay to the veteran, if living, the difference between 80 per cent of the loan basis of the certificate and amount paid the bank, and that if the veteran died before such difference was paid, it should be paid to the beneficiary, or, if no beneficiary, to the estate of the veteran. The Senate amendment provides that in such case the certificate shall not be canceled, but shall be held by the Secretary and restored to the veteran if at any time prior to its maturity he repays the amount paid by the United States to the bank, together with interest thereon at 4½ per cent per annum, compounded annually; and the House recedes.

The following amendments are additional changes necessary to carry out the action agreed upon by the conferees in respect to amendment No. 27, and the House recedes: 26, 32, 40, 41, 42, and 44.

On amendment No. 36: The House bill provided that if a loan is made by the Government upon an adjusted service certificate during the three years prior to October 1, 1928, the amount of the loan should not exceed 85 per cent of the sum of the adjusted service credit plus interest thereon from October 1, 1922, to the date of the loan, at the rate of 4½ per cent per annum, compounded annually. If the loan is made at any time thereafter the House bill provided that it should not exceed 70 per cent of the sum of 125 per cent of the adjusted service credit plus interest thereon from October 1, 1922, to the date of the making of the loan, at the rate of 4½ per cent per annum, compounded annually. The Senate amendment provides that if the loan is made at any time during the three years after the date of the certificate it shall not exceed 50 per cent of the adjusted service credit plus interest from the date of the certificate to the making of the loan at the rate of 4½ per cent per annum, compounded annually. If made at any time during the second three-year period after the date of the certificate the loan should not exceed 85 per cent of the sum of the adjusted service credit, plus interest as above; and if the loan is made at any time more than six years after the date of the certificate it should not exceed 70 per cent of the sum of 125 per cent of the adjusted service credit, plus interest as above; and the House recedes.

On amendment No. 38: This amendment carries out the action agreed upon by the conferees in respect to amendment No. 36; and the House recedes.

On amendment No. 45: The Senate amendment provides that the adjusted service certificate shall be canceled if the veteran fails to redeem it before maturity, or if he fails to make any payment due on the loan and such default continues to his death. The House bill provided for the absolute cancellation of the certificate in case of default. (See subdivision (c) section 502 and subdivision (b) section 504.) The House recedes with an amendment making slight clerical changes for the purpose of clarity.

On amendment No. 47: The House bill provided that the amount of the payment for farm and home aid should be 125 per cent of the adjusted service credit. The Senate amendment provides that the amount of such aid shall be graduated from 100 per cent to 140 per cent, depending on the year in which the payment or first installment thereof is made; and the Senate recedes.

On amendment No. 49: The Senate amendment provides that farm or home aid may be used for the purpose of paying off indebtedness existing on a home or farm prior to the date of the application by the veteran for the aid. The House bill had no provision on the subject; and the House recedes.

On amendment No. 61: The amendment makes clerical changes; and the House recedes with an amendment making further clerical changes.

On amendment No. 62: The House bill provided for the creation of a national veterans' settlement board to administer the provisions of the bill with respect to farm and home aid and land reclamation. Reclamation projects are to be established by the board and made available to settlement by veterans and repatriates only, the individual veteran or repatriate to reimburse the Government for the cost of reclaiming the lands by amortization payments covering a period not exceeding 25 years. The moneys from such reimbursements are to be covered into the Treasury as miscellaneous receipts. The amount of the adjusted service credit of the veteran was to be deducted from the price to the veteran of the reclaimed land. The provision constituted one of the five options available to the veteran under the act.

The Senate amendment strikes out the House provision and provides land settlement advantages which are to be exercised, but not as an option in lieu of the other advantages granted by the act, but as an additional privilege. Reclamation projects are to be established under the direction of the Secretary of the Interior in cooperation with municipal drainage and irrigation districts. The district agrees to reimburse the Government for all expenditures made by it and to issue bonds so obligating itself. The bonds are to be deposited with the Federal Farm Loan Board and to be offered at public sale at such time as the value of the reclaimed lands is twice the par value of the bonds. The moneys repaid by the districts, however, are to constitute a revolving fund, and $350,000,000 is authorized to be appropriated for the purpose of this fund. The veteran has a preference right to employment in the construction work on reclamation projects and also a preference for a period of 60 days in making entry on the reclaimed land.

The House recedes with an amendment striking out the new provisions proposed to be inserted by the Senate amendment. The effect of the agreement is that the bill contains neither a veterans' land settlement nor a general reclamation feature.

The following amendments are changes necessary to carry out the action agreed upon by the conferees in respect to amendment No. 62, and the House recedes: 2, 3, 5, 6, 7, 8, 9, 11, 12, 46, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63, 64, 65, 66, and 67.

The following amendment is an amendment necessary to carry out the action agreed upon by the conferees in respect to amendment No. 62, and the Senate recedes: 1.

On amendment No. 68: The House bill provided (see sec. 904) that an amount sufficient to defray the expenditures required by the act was authorized to be appropriated. The Senate amendment retains the House provision, but in addition provides that the interest received by the United States on obligations of foreign governments is first to be used in meeting such expenditures; and the Senate recedes.

J. W. FORDNEY,
W. R. GREEN,
NICHOLAS LONGWORTH,
Managers on the part of the House.

Mr. FORDNEY. Gentlemen of the House, I will be very brief in what I have to say.

Mr. MONDELL. Mr. Speaker, I desire at this time to make a point of order on the conference report.

Mr. STAFFORD. The gentleman is too late.

Mr. GREEN of Iowa. It is too late now; debate has begun. The gentleman from Michigan has been recognized and began his speech.

Mr. STAFFORD. The gentleman from Wyoming was not on his feet.

The SPEAKER. If the gentleman from Wyoming will say that he intended to make the point of order before debate began, the Chair will hear him.

Mr. MONDELL. Mr. Speaker, I expected the point of order would be made by some one else; I was told it would be. I waited for a moment, and the point of order was not made, and as soon as I saw the point of order was not to be made by the other party I made it. The debate had not started when I rose to my feet.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GREEN of Iowa. I hope the gentleman will not insist on his point of order—he surely does not want the bill defeated—and there is no benefit to be derived from making the point of order. I feel quite sure that I am within my rights in insisting that the gentleman from Wyoming is too late with his point of order.

The SPEAKER. It often happens that Members wishing to make points of order and other technical objections are too late, but the Chair has always been in the habit of stating that if the gentleman states that he intended to comply with the rule, the Chair would not attempt to decide the question of fact whether he was or was not late, but would leave it to the Member. If the gentleman from Wyoming states, knowing as he does the rule, that he intended to come within the rule, the Chair will hear him.

Mr. MONDELL. Mr. Speaker, I make the point of order that the conferees have exceeded their authority in striking from the bill what was Title VIII, under the caption, "Land Settlement Reclamation—National Veterans' Settlement Board." It is on pages 29 to 40.

Mr. Speaker, it is with extreme reluctance that I make this point of order. I was a little slow in making the point of order, because I had been assured that another gentleman intended to make it. I was waiting for him, but for some reason he changed his mind. I regret exceedingly to make the point of order on this bill, and I should not do so if I believed or had any notion that the rereference of the bill to the conferees would long delay the legislation. I am sure that it would not. I am constrained to make the point of order because I think the conferees have so far exceeded their authority that if the matter were allowed to go unchallenged it would create a precedent that would plague us in legislation for all time to come.

The House bill contains what is known as "Title VIII, land settlement," "National Veterans' Settlement Board" being the first subhead. It is contained in pages 29 to 40 of the House bill and is a complete land reclamation provision. It provides for the creation of a board of which the Secretary of the Interior was to be the chairman. It authorizes this board to enter upon the work of land reclamation on behalf of veterans. It provides in detail for the manner of the reclamation development, the division of the land, the settlement of veterans upon the land, and the method of payment, the object of it all being to reclaim lands, swamp and arid, under the system provided for in the bill.

The Senate committee struck out this land settlement provision and inserted a brief provision in lieu giving the veterans preference in settlement upon land that might be opened under the public land laws. The Senate by a very considerable majority wrote into the bill an amendment in the form of what has been known as the Smith-McNary reclamation bill, with some changes and modifications to fit the measure.

The Smith-McNary land reclamation bill is like the provision contained in the House bill, a land reclamation measure providing for the reclamation of swamp and arid lands. Like the House bill it made provision as to the executive authority over these developments. Like the House bill it made the Secretary of the Interior the officer charged with initial responsibility. Like the House bill it provided for projects of land development. Like the House bill it provided for dividing the projects into farms. Like the House bill it provided for the settlement upon those farms of war veterans.

Mr. MILLS. Will the gentleman yield for a question?

Mr. MONDELL. In just a minute. Like the House measure it provided for the full repayment of expenditures made by the Federal Government and provided for the passing of those farm lands into the hands of the soldiers of the World War. The two projects are identical in their general scope, in their ultimate purpose.

The procedure differs somewhat, but the plans proposed in both cases provide for the selection of projects to be developed by irrigation or drainage or otherwise, the divisions of those lands into farms, the settlement of those farms by the veterans of the late war, and for the repayment to the Federal Government for the expenditure upon the lands. Both provided that all of this should be done out of appropriations based on estimates made as they will be for the other expenditures under the bill. Now, Mr. Speaker, if conferees may strike from a measure like this one of its most important provisions and leave no vestige of it, no sign of its being, nothing but a vacuum where both Houses have legislated on the same subject, then there is nothing conferees may not do. They may strike from every bill going from the House to the Senate or from the Senate to the House which is amended in the other body by way of substitute everything between the enacting clause and the signature of the presiding officer of the body in which the bill originates. Did the gentleman from New York desire to ask me a question?

Mr. MILLS. No; not at the moment, I do not care to do so.

Mr. MONDELL. Now, Mr. Speaker, it will be argued that while the subject matter is the same, while the purpose and object is the same, while the result would be the same, the procedure differs. Well, that is true. That is always true when two minds or two bodies approach the same subject matter from different viewpoints. It is inevitable that it should be so. But these two measures are singularly identical in their purpose and intent, and would be practically identical in their accomplishment. Both Houses agreed to the plan and purpose of the reclamation of land for the benefit of the soldier under the administration of a department of the Government on projects selected by the Government, built by the Government, administered by the Government, divided into farms and settled by the veterans.

We shall seldom find measures drawn by different individuals more nearly alike than these two plans are in essential particulars effecting the object sought and the purpose accomplished. If conferees may strike Title VIII out of the bill they could have stricken Title I from the bill, Title II, Title III, Title IV, Title V, Title VI, and all the way along the line if there had been any material difference of opinion between the two Houses on the subject. Gentlemen will argue that the Senate substituted entirely new matter for the House provision. Well, that is frequently done. The Senate and the House both frequently substitute entirely new matter for the provisions of a bill. And if that changed the situation, if that created a condition under which it might be argued that the way to reach an agreement between the two Houses was to annul and wipe out all they had done, then it would be entirely proper to strike from a bill where the Senate substituted entirely new matter for the contents of the House bill everything between the enacting clause and the signature of the Speaker and say that thus we arrived at an agreement between the two Houses. Now, Mr. Speaker, let me repeat that it is with very great reluctance that I raise the question of order in regard to this bill. I want to see it pass, and it will pass. Its return to the conferees need not delay its passage 24 hours, and would not delay its passage 24 hours. If the act of the conferees had not been of a character so far-reaching, so dangerous to the future of this House, I certainly should not have raised the question, much as I am interested in this particular feature of the bill that has been eliminated. I repeat if conferees may do what they have done in this case, then there is practically no limit to the authority of the conferees to strike provisions from a bill where the subject matter inserted by one House differs in phraseology from the subject matter inserted in the other.

Mr. TILSON. Mr. Speaker, the House passed Title VIII, setting up a National Veterans' Settlement Board and a plan for the reclamation and settlement of lands. The bill went to the Senate and the Senate struck out the entire subject matter of Title VIII, even the title, except the word "land," and substituted therefor an entirely different proposition. If it should be attempted to maintain, as the gentleman from Wyoming has done, that these two proposed plans are in effect the same, it would follow that the Speaker will have to go through the bill line by line and decide whether the two different propositions are in fact and in detail the same in effect.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield right there?

Mr. TILSON. Yes.

Mr. GREEN of Iowa. The two propositions, Mr. Speaker, are entirely different. The project of the House was a national project for soldiers only, adopted by the National Government. The Senate project is essentially a State project, which provides, as the House title did not, for the creation of districts by the States, which form the basis of the operation of the whole provision. The House provision was confined entirely to the veterans of the late war. The Senate provision is open to anyone. I could go on enumerating in every paragraph essential and vital differences, so that the two constitute a complete and absolute difference in the essential features.

Mr. TILSON. The gentleman's statement is entirely correct, and it is my contention that with such a state of facts it is absurd from the parliamentary standpoint that a presiding officer should be required to go through the two propositions in detail and determine whether there was sufficient similarity between the two to cause them to be of the same effect.

The parliamentary rule under which this question arises is embodied in paragraph 2 of Senate Rule XXVII. I shall read only the part applicable in this case:

> The conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.

The last clause is that under which this point of order is raised. As shown by the gentleman from Iowa [Mr. GREEN] and as appears from the report itself, the conferees have not stricken out anything that was agreed to by both Houses.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. TILSON. I do.

Mr. GARNER. If the gentleman refers to amendment No. 62, I do not think he will make that statement. If he will refer to the House bill and the Senate provision he will notice that amendment No. 61 undertakes to clear up amendment 62. Amendment 61 strikes out provisions that have been agreed to by both Houses. If the gentleman will examine the House bill and the Senate bill as it went to the conference he will find that under amendment 62 they struck out provisions agreed to by both Houses, in order to clear up amendment No. 62.

Mr. TILSON. Mr. Speaker, the gentleman from Texas will not contend that there is any specific plan or proposition that has been agreed to by both Houses. Does the gentleman so contend?

Mr. GARNER. The gentleman from Connecticut will not say that Title VIII, respecting lands, is not in conference?

Mr. TILSON. In my opening statement I said that all of Title VIII as passed by the House was stricken out except the word "land."

Mr. GARNER. I merely call the Speaker's attention to the fact that if you are going to take the position that all that was agreed to by the two Houses shall remain in the bill, then amendment 61 is subject to a point of order.

The SPEAKER. The Chair does not care to hear gentlemen's views concerning the title or word "land."

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. SANDERS of Indiana. I would like to say to the gentleman from Connecticut that the rule from which he quoted is a Senate rule rather than a House rule, and it does not necessarily have to come within the terms of that rule, but is covered by general parliamentary law. I think the House rules contain no specific rule on the subject, but of course the general parliamentary rule would cover it. The gentleman's argument would not have to bring it within that Senate rule.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. TILSON. I yield.

Mr. GREEN of Iowa. Mr. Speaker, it seems to me there is absolutely nothing in the contention of the gentleman from Texas [Mr. GARNER]. If that were true as to the word "land" found in the provisions of either bill, then we could not get rid of it. The word "land" absolutely means nothing.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. BANKHEAD. According to the gentleman's contention, what is wrong in Title VIII? Do you want us to pass a bill here with the Title VIII entitled "Land" standing alone?

Mr. GREEN. Oh, no; we do not.

Mr. BANKHEAD. Why not?

Mr. MONDELL. In other words, land reclamation, Mr. Speaker.

Mr. TILSON. I am not so sure as to that. The word "reclamation" appears in italics and the word "land" in roman capitals, so that the word "reclamation" appears to have been substituted for "settlement" in the Senate. I do not believe that the gentleman from Wyoming will contend that the words "Title VIII, Land," standing alone, constitute a definite proposition.

The rule cited by me, although a Senate rule, is a general parliamentary proposition. It is found in Jefferson's Manual on page 231, and while it is a general parliamentary rule it is the rule of this House where not otherwise provided.

Mr. Speaker, when the conferees representing the two Houses disagree, one proposing one plan and the other another entirely different plan, as in this case, then the difference between them in a parliamentary sense is as wide as the poles. The whole world lies between them, and they can write in anything that is germane to the subject matter under consideration. If this be true—and it is true—then the conferees in this bill could have stricken out both propositions and written in an innocuous proposition that would mean nothing. As a parliamentary proposition this can not be denied. They could have inserted a plan that would begin to operate in the year 3,000, and the gentleman will not contend that they did not have the right to do so under the parliamentary situation. If it be so, that they could have written in anything they pleased that would have entirely neutralized the effect of what both Houses did, then it must be so that they could strike out both entirely. How else could they reach an agreement? The House has made one proposition, the Senate has made an entirely different proposition, because no independent substantive proposition can be claimed to have been agreed upon by both Houses. If neither House is willing to accept in toto the work of the other and a third proposition can not be agreed upon, how can they reach an agreement except by discarding the propositions of both Houses?

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. DENISON. Frequently bills are passed by the House and go to the Senate, and the Senate strikes out all after the enacting clause and inserts a new bill or a new provision entirely. Now, I should like to ask if it is the gentleman's idea that it is within the power of the conferees under the rule to disagree to both bills and report back simply the enacting clause?

Mr. TILSON. This is not a parallel case at all. It is sufficient to maintain that if a certain proposition is in a bill as it passes the House and an entirely different one is substituted for it in the Senate, then the conferees can agree that neither proposition shall prevail, and that the bill shall be reported back without either.

Mr. DENISON. Of course they can report back a disagreement on the bill, but what I want to know is whether under the rule they can simply report back the enacting clause and in that way kill the bill?

Mr. GREEN of Iowa. That is not this case.

Mr. DENISON. If they can do that with reference to one title they can do it with reference to all the titles in a bill.

Mr. TILSON. The supposed case and the one under consideration raise different questions entirely. They are not similar cases at all. Here there is a substantial bill left. Only a single feature of the bill is eliminated by the action of the conferees. I submit that both propositions may be dropped by the conferees, because the scope of their conference is unlimited. It must be admitted that they can effectually destroy the work of the two Houses by reporting back an innocuous proposition. Surely it is permissible for them to do directly what they may properly accomplish by indirection, to strike out the matter inserted by both Houses without substituting anything for it.

Mr. ROSE. The gentleman from Alabama [Mr. BANKHEAD] has submitted the question whether or not the conferees have requested the House to pass Title VIII with nothing in it but the word "land." I rise to call the attention of the gentleman to amendment numbered 61, which takes care for the elimination of the words "Title VIII—Land." To my mind, amendment numbered 61 in the conference report completely answers that question.

Mr. TILSON. I believe that the Speaker has indicated that he does not care to hear argument on the matter referred to by the gentleman from Pennsylvania, therefore I shall not allude to it.

Mr. MILLS. Mr. Speaker, it seems to me the essense of this proposition is whether the Senate provision and the House provision are similar in character. As a matter of fact, the only thing which these two sections have in common is that they deal with land. The House proposition was a land-settlement plan exclusively for the benefit of the veterans, intended solely for the benefit of the veterans. I refer the Speaker to section C on page 35. The Senate plan has but to be read to make it perfectly clear that it is in substance a reclamation measure and that the benefit to the veterans is only incidental, so incidental that in a vast project in which hundreds of millions of dollars are involved the sole reference to the veteran is to give him an exclusive option but for the brief period of 60 days. One is a land-settlement plan for the veteran. The other is a reclamation scheme in which the veteran plays little or no part whatsoever.

Now, Mr. Speaker, it must be obvious that had the House plan gone to the Senate and been eliminated by the Senate the House conferees could have agreed to its rejection. It must be obvious that had the bill gone to the Senate without any such provision and the Senate had included the reclamation project the conferees could have agreed to eliminate it, and no such point of order could have been raised. But it is now contended that because the Senate had a project and the House had a project, even though each standing alone could have been eliminated, that because the two of them exist they can not be eliminated. It seems to me that as a matter of logic and common sense the proposition is so unsound that it must be rejected and that the point of order should not be sustained. [Applause.]

Mr. SINNOTT. Mr. Speaker, it is very plain from the reading of the two provisions, the Mondell provision in the House bill and the Smith-McNary amendment adopted in the Senate, that the major purpose of the House provision and also of the Senate provision was a soldier land-settlement plan. Under both plans private landowners will secure some incidental benefit, but the major benefit is accorded to the soldiers under both the House and the Senate provision. The House bill provides for the use of private lands, and necessarily so, because it is impossible to secure a sufficient area of land for a project without there being some privately owned lands in the project. Both the Senate provision and the House provision recognize that fact and permit the private landowner to retain in the contemplated project not to exceed 160 acres, and 160 acres only. In so far it is a general reclamation scheme, but both bills contain that same provision. The House bill provides in section b on page 31—

> In case any project includes privately owned lands, no construction work shall be commenced upon the project until the owners of all such lands in the project have each conveyed or agreed to convey to the United States the title to all land owned by him in excess of a farm unit as established for the project under the provisions of section 806.

Now, that meets the assertion of the gentleman from Iowa [Mr. GREEN] that the House bill is exclusively a soldier provision. It is not exclusively a soldier provision, because the private landowner may reap some benefit from it; he may retain a farm unit. That which I have read is from the House bill. Now, we have a kindred and analogous provision in the Senate amendment, section 803, on page 42—

> That before construction of a project is commenced the size of the farms therein shall be established and agreements shall be made effectively, subjecting not less than 80 per cent of the excess lands within the project to disposal by authority of the Secretary to settlers at prices and terms fixed in advance of such agreements—

And so forth.

Now, under the Senate provision 80 per cent of the excess lands are to be surrendered for the settlers. Who are the settlers? The settlers under another provision of the Senate bill are the soldiers, who are given a preference right first to settle upon this land. There is the soldier feature of the Senate bill. But the private landowner may retain in the Senate bill, just as he retains in the House bill, his 160 acres. So the bills are very similar. As far as the private landowner is concerned, the private landowner is considered in both bills.

But, Mr. Speaker, the main thing, it seems to me, for the Speaker to take into consideration is the fact that both the House and the Senate embrace the same proposition, namely, a land-reclamation scheme in which the soldier receives the major part of the benefit. The details were different in the Senate than in the House bill. It seems to me that the conferees should not be permitted wholly to ignore the views of the House and the views of the Senate, that the ex-service men are entitled to the benefit of a land-settlement provision; in presenting this conference report with both the House and Senate provisions eliminated, it seems to me that they have entirely ignored the central idea, at least the essence, of that which the Senate and the House had agreed upon—the land provision for soldiers. It was the duty of the conferees to adjust the differences between the two provisions, and they exceeded their authority when both provisions were eliminated.

Mr. HILL. Will the gentleman yield for a question?

Mr. SINNOTT. Yes.

Mr. HILL. Does not the action on the part of the conference committee save $350,000,000 to the Federal Government?

The SPEAKER. That is immaterial to the point of order.

Mr. SINNOTT. That is not material to the discussion of the point of order.

Mr. GREEN of Iowa. Mr. Speaker——

The SPEAKER. The Chair has a pretty decided opinion, but he will hear the gentleman briefly.

Mr. GREEN of Iowa. If the Chair is ready to rule, I will not take the floor.

Mr. MONDELL. Mr. Speaker, may I have another word? I am much interested in this land-settlement and land-reclamation provision of the bill. I think that, take it all in all, it is the very best provision in the bill, and in the course of time would prove to be so—helpful to the soldier and useful to the country. But notwithstanding that interest, I am so anxious to have this conference report adopted that I should not have raised the question were it not for the fact that I think a precedent may be established which is dangerous and likely to be harmful in the future. Conferees have quite authority enough under the rules of the House as they have been interpreted heretofore. It is possible for a conference committee making a report on a bill containing many provisions to modify profoundly, and not altogether to the liking of either body, many of the provisions of a bill and yet get by, because under the rules, except for the motion to recommit, the conference report must be voted up or down. No matter what this conference report might contain, if there remained in the measure the features that have been most approved practically every Member of the House favorable to the legislation would feel constrained to vote for the conference report, however much he might regret some of the provisions. The House has been compelled constantly to guard against the encroachments of conferees on the rights of the House.

I call the Chair's attention to this very significant fact, that there can not be found in the reported precedents a single case—at least I have found none—where the conferees have stricken from a bill important subject matter that had been passed upon by both Houses. Some gentlemen have suggested that that is proof that it has been done without protest. On the contrary, it is proof positive and conclusive that no conferees have ever assumed the authority or jurisdiction justifying any such action. It has never been done, and therefore there have been no arguments on the subject.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SANDERS of Indiana. Suppose in an important bill like this, covering many provisions, you have one affirmative matter like the matter stricken out here, and suppose the conferees for the House were unwilling to agree upon the amendment offered by the Senate and the conferees of the Senate were unwilling to agree to the proposition by the House. They could not agree on an affirmative proposition, and if the gentleman's contention was right they would absolutely have to report a disagreement on the whole bill because they were unable to agree on an affirmative proposition to take the place of the two, although it might be a matter of minor importance in considering the whole bill.

Mr. MONDELL. As the action of the conferees would be contrary to the rules of the House in striking out provisions contained in a bill, of course they must come back for instructions when they can not agree on a compromise. There is no question about that, but the fact is that these were not entirely dissimilar propositions. It would have been the easiest thing in the world for the conferees to have reached an agreement either to adopt one or the other, or to have adopted certain features of each.

The important difference between the two lies in the fact that in one case the Secretary provides for the reclamation of the land directly without the interposition of any other agency and in the other case it was provided that there should be a municipal organization. It would have been the easiest thing in the world to have modified either measure in that regard or to have provided that projects might be either under district organization or without such organization. As a matter of fact, the House bill specifically authorized the plan of district organization that the Senate measure adopted exclusively.

Mr. GREEN of Iowa. The gentleman is in error.

Mr. MONDELL. The gentleman is not in error. Unlike the gentleman from Iowa, the gentleman from Wyoming knows the two measures.

Mr. GREEN of Iowa. I ought to know something about it. I drafted the original provision and I ought to know about it. I was on the subcommittee that prepared it.

Mr. MONDELL. The gentleman had something to do with the modification of the House provision. The gentleman did not draw the House bill; I introduced the House provision originally as a separate bill in the House, and it was reported by the Committee on Public Lands after very careful consideration. The legislative committee of the American Legion presented it to the Ways and Means Committee in the Sixty-sixth Congress as the first feature of their fourfold plan. It came as a recommendation from that organization in substance as it had been reported from the Committee on Public Lands. Later it was somewhat modified by the committee, but in all of its essential features it remained the same measure that was reported by the Committee on Public Lands.

The gentleman from Iowa says there was no provision in the House bill with regard to the organization of districts. I want to answer that because gentlemen are basing their entire case on a misunderstanding of the facts. I would not want to suggest that the gentlemen have any disposition to knowingly misstate the facts, but when gentlemen say these are two entirely dissimilar propositions that could not be compromised or adjusted, they display their lack of information with regard to the legislation.

The measures are similar not only in intent, purpose, and subject matter, but they are largely similar in the provisions they contain.

Here is the House bill with regard to the matter of organization, page 31, line 19:

> The board may, in its discretion, contract with any irrigation or drainage district or other public corporation organized under the laws of the State in which the project is located to establish, develop, improve, and otherwise cooperate (in accordance with the provisions of this title) in the execution of and the administration of the affairs of any project comprising only the lands of such district or corporation.

The gentleman from New York [Mr. Mills] made a very interesting argument, and it would have been pertinent to the discussion if it had been based upon the facts of the case; but unfortunately it was not. He suggested a measure presented in one House having to do with a certain matter in a certain way, and a provision introduced in the other House occupying the same space in the bill but dealing with a different subject. And then he suggested that there would be no way to bring the minds of the two Houses together. That is true; but that is not the condition of affairs in this case. Here are two provisions identical in subject matter, purpose, and intent, and differing only in the details of plan and execution.

Now, Mr. Speaker, the gentleman from Iowa suggests that the Speaker is not called upon to examine carefully the provisions of a bill to see whether the conferees have exceeded their authority. I agree to that. But the Speaker is charged with the responsibility of examining provisions of the bill when the act of the conferees is challenged and when his attention is called to what they have done. Here is a complete subject matter passed upon by both Houses favorably, considered at both ends of the Capitol, and eliminated completely from the bill, and it is claimed that the conferees have the authority to do that. Mr. Speaker, let me say in conclusion that if they have, then it is most unfortunate for the House. If that be the rule, the House must be constantly on its guard to see to it that the minds of the two Houses not only run in parallel lines as to the plan and purpose, but that their intent is expressed in similar language, or conferees assuming an authority which they do not possess may eliminate the entire matter from a bill. Mr. Speaker, no harm will come to this measure by rereferring it to the conferees, for in that case it will be returned at once; but infinite harm may come to this House if it shall be adjudged and determined that the conferees may do what was done in this case.

Mr. GREEN of Iowa. Mr. Speaker, I would like to have a half minute. When the gentleman from Wyoming indulges in the kind of language he has used with reference to those opposing his position, it is quite evident that he is short of argument or he would not use it.

This provision, Title VIII, is only one of a number of provisions as to how the essential features of this bill may be carried out. The purpose of the bill was to compensate the soldiers, and the main purpose of the bill will be preserved and carried out, whatever is done with this provision. Of the two provisions under discussion the one by the House was national in its character, carried on by the National Government for the soldiers alone, while the one by the Senate was to be carried on mostly by the States for the benefit of anyone who applied.

Snce there has been some intimation that the conferees disregarded the will of the House, permit me to state that the conferees took these provisions out by reason of the objections of the President to them as a part of this bill. This bill must receive the signature of the President before it goes on the statute books, and the conferees did not want matter in which they felt satisfied would prevent it ever becoming a law.

Mr. ANDERSON. Mr. Speaker, the proposition here presented is rather a novel one, and novel because of the form in which the Senate amendment appears rather than because it is novel in itself. Suppose, for example, the Senate had adopted one amendment striking out the House provision and had adopted a second amendment inserting a new provision on the same subject. It would be clearly within the power of the conferees to agree to both Senate amendments, which would have had exactly the same effect as the action of the conferees now has—that is, the effect of eliminating both provisions. But it is contended that because technically the Senate amendment is one amendment, an amendment striking out and inserting, therefore the subject is not before the conferees to the extent that they may eliminate both provisions. It seems to me that the mere technical fact that the Senate has made one amendment instead of two amendments dealing with either the same subject or different subjects makes no difference whatever so far as the power of the conferees is concerned. Now, it has been frequently held that where the Senate strikes out a provision and inserts another the whole subject is before the conferees, and they may go to the extent of writing entirely new language on the subject. If the conferees have the authority to write an entirely new bill, can it be said they can not eliminate a provision which the House has inserted and a provision which the Senate has inserted, when neither the House nor the Senate has agreed to the provisions of the other? Is not the test of a case of this kind an answer to the question of whether the conferees have stricken from the bill language which both the House and the Senate have agreed to?

Mr. SINNOTT. But is not the vice of the gentleman's argument that when they write a new bill the conferees endeavor to reconcile the differences between the two Houses, whereas here they totally ignore the views of both Houses and kick both out?

Mr. ANDERSON. I do not think that follows at all.

The SPEAKER. The gentleman from Minnesota singularly enough has brought out exactly what has been in the mind of the Chair while listening to this debate. The House inserted a reclamation bill. The Senate struck it out and inserted as an amendment the bill which is familiar to all the Members of the House, the Smith-McNary bill. The House provision was much more for the veterans than the Senate bill, but that is immaterial. There was a very wide distinction between the two bills, so that the Chair would be inclined to think that if the Senate bill had been offered as an amendment to the House bill, and a point of order was raised, it would probably have been ruled out. But, as the gentleman from Minnesota just stated, if the two amendments had not been coupled by the Senate in one motion to strike out and insert no question at all could have been raised. The House could have given up its provision, and the Senate could have given up its provision, and nobody would have questioned the right of the conferees to report with all the land legislation out. So the question comes back to the mere technical point: Because there was one motion in the Senate to strike out and insert, is that to limit the power which the conferees otherwise would have? The differences between the two bills were so infinite that the conferees could have brought back almost any legislation they pleased on the subject. Is the only thing they can not do to omit all legislation? The gentleman from Wyoming [Mr. MONDELL] argues, and strongly, that the conferees are limited to the differences between the two Houses, and can not exceed them. Of course that question of the differences ordinarily comes on an appropriation bill, where one House has, for instance, $1,000 and the other $2,000. The conferees can not go below $1,000 or above $2,000. But here are two bills or amendments on a great subject entirely different. Almost every conceivable bill could have been reported as a compromise between the two bills. And shall the conferees be forbidden by a mere technicality to strike out both, which is, it seems to the Chair, a much more natural compromise and much less far-reaching than what it is admitted they have the power to do? The two Houses came to an impasse; the conferees can not come to any compromise between the two bills; they will not take either, and therefore they agree that they will strike out both. It seems to the Chair that the conferees have not exceeded their authority, and the Chair overrules the point of order. [Applause.]

Mr. FORDNEY. Mr. Speaker and gentleman of the House, I shall be very brief. Within the hour that I have under the rules I have agreed to divide the time and yield one-half to the gentleman from Texas [Mr. GARNER]. I wish to say to the gentlemen of the House that there were three important questions settled in conference relating to matters in this bonus bill.

Mr. GARRETT of Tennessee. Mr. Speaker, without its coming out of the gentleman's time, will the gentleman please restate the matter of the distribution of time?

Mr. FORDNEY. Of the one hour which I have under the rule I have agreed to yield one-half to the gentleman from Texas [Mr. GARNER], which is agreeable to him, and during his absence he requested me to yield time to the gentleman from New York [Mr. CAREW]. At the end of the hour I shall move the previous question on the vote on the conference report.

The three important changes are these: First, the House bill provided that the application for bonus must be made before the 1st of July, 1923, but the provisions of the bill should go into effect on the 1st of October, 1922. The Senate changed the effective date to January 1, 1923, and struck out the limitation of time in which the soldier could make application. The conferees agreed upon five years' limitation, from January 1, 1923, to January 1, 1928.

The Senate added to the bill a provision that the interest on the obligations of foreign governments indebted to our Government could be used in paying the claims of the soldier boys. That provision has been stricken from the bill. Whatever use may be made of that money when it is received, it was our opinion that no such provision should remain in the bill, for it might greatly embarrass the commission whose duty it is to settle those foreign claims. That provision has been stricken from the bill.

The other provision was the land-settlement proposition, which has been so fully discussed this morning.

These are the three chief changes in the bill from the form in which it passed the House. I believe that every Member of the House is so fully informed and so fully decided in his own opinion as to how he is going to vote on the conference report that it is not necessary for me to take up any more time in presenting the matter to the House. I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

The SPEAKER. The gentleman from Pennsylvania is recognized for five minutes.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I agree with the concluding remarks made by the chairman of the Committee on Ways and Means [Mr. FORDNEY] that everyone, I presume, has fully made up his mind on this bill as to how he will vote. I find no reason for changing my vote from what it was when the bill was before the House. No provision has been made for the payment of this bounty, this bonus, or this compensation, whatever it may be called, and until there is a proper source from which the funds can be drawn provided for this measure I shall record my vote against it.

I want to call the attention of the House, however, if gentlemen will pardon me, to another matter. It is the question of the importance of our parliamentary procedure. Yesterday we had a decision by the Chair upon a very interesting question. An appeal was taken from the decision of the Chair and that appeal was voted on, and the picture was presented of 147 Members voting to sustain the appeal and 150 against it. I wish briefly to restate and then give what I conceive to be a timely suggestion to my colleagues upon this subject.

An emergency tariff act had been passed in which article 5 of the emergency tariff act operated as an embargo on certain dyestuffs. This embargo had a limited life and would at the time when the tariff bill passed the House have expired in a few months. The tariff bill passed the House in July. In November an act was passed, in the passage of which the House necessarily joined, providing that the embargo should continue for an indefinite period. The words in the act "until repealed by law" have no legal significance, for every general law remains a law naturally until changed by law. This language neither added to nor detracted from the effect of the November law indefinitely extending the embargo covered in Title V of the emergency act.

The Senate inserted in the present tariff bill a clause repealing the embargo. The House disagreed with the Senate amendments and ordered the bill to conference. Now, unless the bill as it left the House contained an implied or expressed repeal of the embargo, then this new matter would be properly matter in which the House had not concurred and which the conference committee could consider. This they did, and in lieu of a total immediate repeal of the embargo, provided for a continuance for a year, thus qualifying the repeal and the Senate amendment.

Is this action subject to a point of order on the ground that this subject was new matter and not germane to the bill?

The House bill contained no reference to the embargo. The question then arises, Would the House bill, if it became a law, have repealed by implication the embargo law? Clearly no! The tariff bill could not have been said to be inconsistent with the embargo law. To repeal by implication there must be such conflicting provisions as would make it impossible for both to stand.

The tariff bill does not provide that goods enumerated in it may be admitted into the country; it only legislates on rates. It merely provides: "That on and after a certain date (the passage of the act) there shall be levied and collected upon all articles when imported from any foreign country, and so forth, the rate of duties prescribed." The House bill only fixed rates of duty upon goods "when imported." The embargo forbidding the importation of certain articles could exist, because it does not conflict with the provisions of the House bill.

It was argued that fixing rates of duty upon articles embargoed by law meant that they should come in on payment of the duty, hence the bill was in conflict with the embargo, and therefore repealed the embargo and made the House bill really in accord with the Senate amendment. This does not and can not be reasonably claimed. The tariff measure only provided "when imported" duties would be as fixed in the schedules. During the continuance of the embargo the goods covered by it could not be imported. No conflict whatever. But if and when the embargo should be repealed then the House measure fixes the rates which such goods or articles should pay; otherwise, when the embargo should be repealed, the goods would come in free. No conflict exists which would warrant the conclusion of a repeal by implication.

Does the general clause providing that all acts in conflict with the bill in question, when it would become a law, "are hereby repealed" affect the question? No; not at all. The two laws would not be in conflict, for one only provided rates to be charged on goods "when imported," and the other excluded certain goods. Both laws could stand. This expressed provision is no stronger, however, than the doctrines of repeal by implication wherever there is an irreconcilable conflict between an old and a new law.

The point of order did not involve in any way the question of approval or disapproval of an embargo. It did not turn for decision on that. It does not turn on whether or not the conference committee acted wisely in meeting the Senate's repeal clause by a clause limiting the effect of the repeal—it turns only and solely on the point: Was the subject within the matters in disagreement between the House and Senate? The Senate introduced a repeal clause. The House bill did not refer, in words, to the embargo law, and neither by implication nor expressed language did it repeal the embargo. Hence there was a matter which was the subject of a disagreement between the House and the Senate upon which technically and clearly within the rules of the House the conferees could lawfully act.

The Speaker was clearly right in overruling the point of order. An appeal from his decision was taken, and, although it was sustained, the vote was 147 for the appeal and 150 against—a very narrow margin. A few more votes would have reversed the decision of the Chair and placed a reflection upon the Speaker because of his decision, and that in face of the fact that he was clearly right. Decisions on parliamentary law and usage ought always to be separated from the subject in controversy and decided solely on the point involved.

It is to the honor of a long line of Speakers that they have decided such questions fairly and without partisanship. It is seldom that an appeal to the House is taken. But whenever it is, then, the duty of the House is to decide the question involved solely and only on its merits, allowing no other consideration to influence the vote. In view of past action of the House on the embargo question many Members felt aggrieved that the committee from the House should have gone contrary to the wishes of the House and others felt that the conferees of the House had exceeded their authority, and possessing these feelings they sought to express them by voting to sustain the appeal. Such action was unfair and unjust to the Speaker, illogical and improper. I know that such votes were cast, and this has led me to offer an appeal to the Members to keep our parliamentary proceedings free from such injurious alloy. Let us bury our personal and party feelings toward any measure, when we consider overruling a decision of the Chair, lest we do grave injustice to its occupant and sully our own record for impartial justice.

The House very nearly blundered into an act that would have overridden a lawful decision and made a record of unfairness in disposing of a simple point of order. [Applause.]

The SPEAKER pro tempore (Mr. SANDERS of Indiana). The time of the gentleman from Pennsylvania has expired.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, will the gentleman give me three minutes more?

Mr. FORDNEY. Mr. Speaker, I regret I have no more time to yield. Otherwise I would like to yield to the gentleman from Pennsylvania [Mr. GRAHAM], but I can not.

Mr. GRAHAM of Pennsylvania. Then I shall avail myself of the leave granted.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that all gentlemen may have a certain number of days, say, 10 days, in which to print their remarks on this bill. It is an important matter, and many may not be able to discuss it at all, but they would like to print their remarks on the bill.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that all gentlemen may have 10 calendar days in which to print their remarks on this bill. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. FREAR. Mr. Speaker, on the day the so-called "soldiers' bonus bill" was vetoed by President Harding a remarkable statement appeared in the press from one of the ablest and shrewdest men of the press gallery declaring that Republican Party leaders in the House are counting on from 20 to 30 Republican majority in the next House and are conceding a possible loss of 139 to 149 Republicans from the present membership. If Henning's syndicated press statement is near verified, the political cyclone will largely be due to the blundering attitude of those who to-day are the President's closest advisers, who have foisted a vulnerable tariff bill upon the country and have urged an equally indefensible veto to the soldiers' bonus bill.

The House Republican membership will suffer for mistakes made higher up, for the President has been badly advised. No one familiar with the arguments and publicity methods of Secretary Mellon in relation to the bonus bill will believe President Harding wrote the major part of the amazing veto message which denies to nearly 4,000,000 ex-service men just recognition for their sacrifice. No one possessed of ordinary political acumen will believe the extraordinary tariff bill is satisfactory to the Executive.

Whether the estimate of Democratic Members is accurate that $3,000,000,000 increased annual burden of living will be loaded onto the American people in order to realize $100,000,000 increased annual tariff receipts will not be determined by any exact measure, but the added tariff price burden will probably equal any proposed burdensome general sales tax, demanded as the price of a bonus bill, and both combined would have sunk the ship politically.

For many months the Literary Slyjest has been carrying on an unscrupulous campaign against the so-called soldiers' bonus bill. Unscrupulous because the legislative proposal was misstated, the campaign was timed to influence the American Congress with an apparent expression of public sentiment, and because all the leading opponents of the bonus whose stronghold is New York were behind the Slyjest's effort to discredit the measure.

The United States Chamber of Commerce, that gives flamboyant pronunciamentos on legislation with little knowledge and less consideration of measures, in like manner became violent against the so-called bonus bill. But the most compelling threat against the bill, a threat that has been foremost in all demands for a sales tax or in demanded reduction of income taxes, a threat that reaches the political life and success of political organizations, constantly uttered by the press, was that political contributions by big business would not be forthcoming for the Republican campaign if the bonus bill became law. Secretary Mellon's affiliations and excessive activity will be remembered in this connection.

All considerations of just recognition and grateful remembrance for ex-soldiers were thrust aside by the interests that profited most by the war.

Read in the light of action by other Governments the President's veto message reads hollow and insincere. The President is not given to such utterances, so it must be that others, led by Secretary of the Treasury Mellon, are responsible for the veto. The veto suggested that the bill threatened national bankruptcy. When Canada, with her heavy tax burdens, gave a higher bonus to Canadian soldiers than the bill just vetoed, Canada was not fearful of national bankruptcy. When England, Italy, and Belgium gave substantial remembrances to their soldiers, they were doubly, yes twice doubly, in debt compared with our own Government. When France, bleeding France, with a debt equal to over 50 per cent of her national wealth, gave a bonus to her soldiers, she did not quibble and twist facts like some of those contained in the veto message.

Our own Government, with national estimated wealth of $250,000,000,000, owes $23,000,000,000, or less than 10 per cent of its wealth. Of this amount 80 per cent of $11,000,000,000 foreign indebtedness Secretary Mellon estimates will be paid to our Government, leaving a net debt of about $15,000,000,000, or less than 7 per cent of our national wealth, compared with over 50 per cent in France, and yet France did not quibble or seek to evade its just obligation to her ex-soldiers. The House of Representatives by a vote of 258 to 54, or nearly 5 to 1, voted to carry the bill over the President's veto. This vote was in face of the threat that money would not be forthcoming for the next political campaign. The 258 Members of Congress weighed carefully the Nation's finances, and are possibly as able to reach right conclusions of the financial burden and justice of their action as either Mr. Mellon or any other of the presidential advisers. The close vote in the Senate, with a majority of the Republican membership repudiating the President's action, is accompanied by press notices that on receipt of news of the veto Standard Oil jumped three points on the market and Steel two points, leaving a liberal margin for contributions, if cause and effect are considered.

In view of the lugubrious tone of the veto prophesying a financial calamity if the bonus bill had passed it is well to remember that if the World War had lasted six months longer our added national debt would have been about $9,000,000,000 more, or at the rate of one and a half billion dollars per month, and expense for 30 days of war will about cover the bonus bill for 4,000,000 ex-service men. We would have given $9,000,000,000 willingly to have been assured October 12, 1918, that the war would end in 30 days. When in hard straits we were placing our faith in the American doughboys, and they never failed. After they did their full share and saved for us many months more of war, with many billions more expenditure and $8,000,000,000 collectible foreign debts, we now talk about a national financial calamity in the bonus bill, well knowing hypocrisy is the stock in trade of those who declare it. Every allied country gave a bonus to its soldiers and no calamity ensued. Mr. Mellon's frequent predictions and threats were not hysterical, but were made to frighten Congress and the President. He only succeeded in part.

The influence of Secretary Mellon has been constantly pressed against the soldiers' bonus bill. Rated at $300,000,000 in wealth by Henry K. Klein, it is certain that Mr. Mellon fails to appreciate the plight of 500,000 ex-service men whom American Legion officers informed the committee were out of jobs. Neither would the advice of Assistant Secretaries of the Treasury, reflecting the viewpoint of J. P. Morgan or of other international bankers, be sympathetic with any bill to help ex-soldiers. Mr. Mellon and his assistants were constantly on the job denouncing the bonus bill by letters and press statements on every occasion. Their opposition seems to have been successful.

The statement in the veto that the bill comprehended a "service for cash" seems a gratuitous slap to the ex-soldiers and to Congress that felt the bill represented just claims.

No more misleading or unwarranted statement has ever been made in a veto message than that "the bill if enacted into law would place a burden on the American people of between $4,000,000,000 and $5,000,000,000." That sound precisely like the claims by Mellon made before the committee. The report of the Army and Navy witnesses gave a gross cash base of $1,868,750,000, which, "if compounded for 20 years," would reach $4,506,890,000. Mellon gave as a present claim against the Treasury a 20-year compounding of the estimated claim; so does the veto message. In like manner he could estimate the $11,000,000,000 foreign debt now owed this Government at $30,000,000,000 by compounding interest, or more than enough in 20 years, based on Mellon's own estimate of 80 per cent collectible, to pay off the existing national debt of $23,000,000,000.

It is a familiar illustration of methods used to frighten by deceptive estimates that present only half truths. Such statements have no proper place in the veto message. They did not deter any European or Canadian legislative body from paying a bonus to ex-soldiers. They did not prevent an overwhelming vote in House and Senate from recording its convictions. All the power exercised by the administration saved the day only by a margin of four votes in the Senate from overriding the veto.

Secretary Mellon first proposed that we levy special taxes to cover the bonus bill. After the committee had accepted his proposals, the President refused to approve such taxes and threatened a veto if they were added; when the committee then proposed that certificates be issued to meet temporary bonus charges, estimated next year at about $77,000,000 under the bill, the proposal was also summarily rejected. When the committee proposed that the annual interest on the British debt of $4,500,000,000 be used for the payment of the bonus, in no way to affect the principal of the debt, again the proposal was threatened with a veto, and finally the committee received a letter from the President giving a general sales tax as the only alternative for the bill's passage. In other words, all of the people of the country were to be taxed on what they ate, drank, wore, and purchased to meet any soldiers' bonus. The soldiers themselves were to be taxed to pay their own gratuity. The 4,000,000 unemployed, including 500,000 idle soldiers, were to be sales taxed on all they ate, wore, and bought whether they had jobs or not.

The farmers of the country and labor of the country were to be sales taxed the same as Mr. Mellon on the actual food, clothes, and other necessities of life, notwithstanding Mellon is rated at $300,000,000, with an income of $6,000,000 at the modest estimate of 2 per cent, or $20,000 income per day. The farmer and mechanic would in the aggregate contribute probably 80 per cent of the total tax thus to be raised, but do not individually average one five-thousandth part of the Mellon income. The sales tax was unjust, unfair, and was overwhelmingly rejected by both branches of Congress. Many times this session big business has sought to enact a sales tax and has been repudiated by Congress, but the effort to saddle the tax on the soldiers' bonus bill, to give with one hand and take away from them with the other, was a last expiring effort to place this pernicious tax on the people. And that was the only alternative presented to Congress.

This Congress has repealed the excess profits tax, a just tax on large corporate profits collecting $450,000,000 in 1921. Why was not that tax suggested by Mr. Mellon or the Executive to Congress? The reduction in surtax by the present Congress with repeal of luxury taxes would have made a respectable amount if reenacted into law and have paid a large part of the annual $250,000,000 needed to finance the bill, but these proposals were unceremoniously rejected even to pay a soldiers' bonus bill.

With many other proposed methods of financing the soldiers' bonus bill, including the $11,000,000,000 in foreign loan collections that would bring five times the total bonus cost if 80 per cent is collected, every proposal was rejected. The soldiers saved these loans by winning the war. Why are they not justly entitled to a small part of what they saved?

Congress took these soldiers from their jobs without any voice on their part. It sent them to war with $30 a month, or slightly more, on the average. Fifteen dollars of the $30 was deducted for allotments. From $5 to $7 of the balance went for insurance, and then we tried to impress upon these soldiers the needs of the country so that they would give most of the remaining $10 they had left toward Liberty bonds. During that same time we doubled the wages of those who remained in safe home avocations and also incidentally doubled the number of millionaires of the country.

The "service for cash" of the millions who remained home meets no criticism from the Executive, but a reward for sacrifice now is unjustly termed a "service for cash."

I wrote Secretary Mellon March 13, 1922, in effect that if he would glance out of the Treasury windows a half block away down toward the free employment agency on Pennsylvania Avenue he could see white and black ex-service men elbowing each other in this prosperous, wealthy country looking for jobs, however humble. He did not answer this statement and ignored the assertion of Legion officers that 500,000 ex-soldiers were then out of employment.

What sacrifices have Mr. Mellon and others of the President's advisers made who now oppose the bonus bill compared with the average enlisted ex-service man? What about the comparative "service for cash"?

With the condition of the Treasury reported by Secretary Mellon in the veto message, wherein he states that a large part of the debt must be refunded, is it not surprising that in view of his manifect anxiety he has not suggested a reenactment of the excess-profits taxes for corporations or a resumption of the income taxes which he asked to have repealed or of increased inheritance taxes equal to those paid in Great Britain or a reenactment of the luxury taxes or many other methods of aiding the Treasury? Is it not significant that the only method proposed by the administration is the indefensible sales tax, and is it not also significant in the financial statement contained in the veto message that not one word appears regarding the $11,000,000,000 of foreign debts, of which Mr. Mellon declared 80 per cent collectible? The interest on the British loan of $4,500,000,000, reaching over $200,000,000 annually, would cover the bonus charge throughout the 20 years, according to estimates submitted.

Again, is it not surprising that in all the bills passed by Congress to pay railway dividends out of the Federal Treasury and in settlement of war contracts, express or implied, that no taxing feature accompanied any of these bills? Is it not remarkable that although thousands of appropriations have been made in the past by Congress the first instance that a bill should carry its own tax burden was asked by Mr. Mellon on the soldiers' bonus? Will the ship subsidy bonus contain its own method of financing? Time will tell. Is it not significant that practically every big New York business interest that favors a cancellation of foreign debts is opposed to the soldiers' bonus, and is it not equally significant that nearly every proponent of a sales tax, including Kahn, Kuhn, Loeb & Co., Bache, Rothschild, oppose a soldiers' bonus bill?

I regret the President has harkened to these protestants. I wish we could have given our soldiers recognition, even as England, Canada, Australia, France, Italy, and Belgium have given relief to their soldiers, but, whatever the future may bring, we stand convicted as a nation before the world of being the most wealthy Government of all and the most niggardly in recognizing claims of men who had no voice in fixing their own status during the war.

When this bill next comes before Congress, and it will again come, whether its postponement means early campaign contributions or not, the people will approve its passage. They do not approve the effort of vast business interests to saddle a sales tax upon them. They do not approve the efforts of large business interests to cancel our foreign debts, reaching $11,000,000,000, in order to give priority to $5,000,000,000 of private foreign obligations held in this country. They do not approve of a tariff bill that is expected to mulct the American public worse than the Payne-Aldrich bill. They do not approve making the soldiers' bonus bill a political football, whose defeat is stated by the press to be a price for political contributions.

They do believe that this country that preaches patriotism and Americanism in the stock exchanges, chambers of commerce, and other money centers should practice what it preaches and give, even as Canada, Australia, England, France, and Belgium have given, to their ex-soldiers. They believe that the spirit of greed, profiteering, and selfishness that grew up in this country during the war is more dangerous to the prosperity and well-being of the country than all the preaching of un-American Bolshevists.

In that belief the Congress has concurred by a vote of 258 to 54 in the House and 44 to 28 in the Senate. The bonus bill is temporarily blocked, but the American public will never long permit the richest country in the world to fail in its duty to its ex-service men.

Mr. YATES. Mr. Speaker, what a glorious roll call is that of America! Only an American can call that glorious roll. From Bunker Hill to Malvern Hill and from Malvern Hill to San Juan Hill there has been such American valor as to keep the kings and emperors and the sultans and the czars and mikados off of us for 140 years. And to Bunker Hill and San Juan Hill there are now other names to add. We have Dead Mans Hill and Hill 204 and the Heights of Verdun and the Meuse-Argonne and the St. Mihiel salient and Grand Pre and Chateau Thierry and Belleau Wood. Three thousand feet from north to south and fifteen hundred feet from end to end and two or three times as high in the middle as this Hall stands Belleau Wood. I had 30 unforgettable days in France and on the ocean with the American Army and the American Navy, and I saw Belleau Wood. I went all over it, from end to end and side to side, and when I got through I was exhausted—and I bore no burden and I fought no foe. But I did encounter the tangled vines and the fallen trees and the German pill boxes and the concrete defenses. Imagine a rock as big as that piano on this platform and another rock about the same size 20 feet away, and a solid wall of concrete connecting the two of them. Imagine such obstructions over here and over there, and over here and over there, all the way up to the top of the wood and down on the other side. And one day a boy came and with his comrades stood at the south end of that wood. And on the day that he came, there crouched behind the fallen trees and the concrete defenses the scientific soldier of the scientific nation of the scientific age of this world—the German soldier—some soldier! And while 6,600 of his comrades laid down their lives there this boy went over the tangled vines and the fallen trees and over the German pill boxes and the concrete defenses and whipped the finest army in the world under the Stars and Stripes! And who was this boy? Why, just bone of your bone, flesh of your flesh, just boy—boy who did not know war—boy who did not want war—just the boy who used to come to you for bread and butter and sugar at 4 o'clock in the afternoon. He did it.

And this is just as good a place as any to say that I was recently taken to task, on a street corner of the city of Chicago, by three fat profiteers, for voting for the soldiers' bonus. They asked me for my reasons, and when I said, "There are a hundred reasons; for example, the pledge," they replied, arrogantly and insolently, "What pledge?" And I said, "Why, do not you know? The pledge that I made under the old trees in the old yard of the old courthouse the day the boys went away—the same pledge made in every courthouse yard and in every camp and in every park in the United States, namely, that we were behind the boys, a hundred and ten million of us; that we would build a bridge of sympathy and support, all the way from Yankee Land to No Man's Land and back again, and that when the boy got back he could have what was left."

And, fellow citizens, you know that was the pledge; you know it, you and you and you. What I want to know is, can a nation live that will repudiate such a pledge, and ought such a nation to live?

About the only objection that I have heard is that the bonus is so small it would be an insult to the soldier boy. Well, when Great Britain needed four thousand millions of dollars she got them from us and stood for the insult. When France wanted three and a half billions of dollars she got them from us and swallowed the insult. Even the dear, good, kind King of Belgium made a fine speech to Congress one day and went home the next day with a $150,000,000 draft in his pocket—just about what the soldiers' bonus would cost us the first year if we insulted the boy with that kind of a thing. And I am in favor of insulting the American boy with a billion if necessary, and I know where to get the money. We will get it from the two nations, Great Britain and France, who this very hour are building ships on the sea and ships under the sea and ships in the air and maintaining this very night vast armies and vast navies with our money. And to the honor and glory of old England be it said that Lloyd-George recently announced a plan to issue bonds to the extent of £944,000,000 sterling to pay to America the four thousand million dollars which Great Britain owes to America, and a commission of Frenchmen has just announced that the credit of France is good and that she will yet pay all.

Mr. FORDNEY. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. Mondell].

The SPEAKER pro tempore. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, this bill as the conferees have presented it to us is not, in my opinion, all that it should be. There are a number of provisions in it which might be improved. The bill, in my opinion, was a much better measure when it went to the Senate from the House than it is as it emerges from the conference. And yet we must accept these compromises, even these rather violent jolts in some cases, with good grace, and secure the best results we can in view of the existing differences of opinion.

I think it is very unfortunate that the land-settlement provision went out of the bill. It was the one constructive provision which the bill contained. It was the one provision that in the running of the years would have given the veterans a safe and secure anchor to the land and would have aided greatly in the development of the country. That provision is out of the bill because the Senate did not see fit to accept the sound reclamation provision of the House bill and inserted a provision so different that the change afforded the conferees an opportunity to eliminate all reclamation and land-settlement features.

I can not agree with those who believe that the House failed in its duty in that it did not make provision in the bill for the payment of the obligations under it. We legislate frequently in a way to lay heavy obligations on the Federal Treasury without accompanying such legislation with any provision for the raising of revenue. In fact, it is very unusual in our legislation to make special provision for meeting the obligations which the legislation entails. It would be a departure from our ordinary procedure to do that. Furthermore, so far as the obligations under this bill in the immediate future are concerned, they can be met out of the current revenues of the Government without, I trust, creating a deficit.

They will be no greater for the next year or two than the obligations under other legislation that has been placed upon the statute books in the recent past. And as we expect when necessary to make provision to meet other obligations, so we shall in due time make provision to meet the obligations which this bill will lay upon the country and upon the Treasury.

In my opinion, we are rather belated in legislating for the ex-service men as we are proposing to do it in this bill. We are not wholly fulfilling our obligation to them. We are not fully meeting their expectation, but we are doing the best that it is possible to do under the circumstances and in view of the wide differences of opinion that exist touching the matter. I believe the bill if it becomes a law, as I hope it will, will go very far indeed toward expressing to the men who took up arms in defense of their country the continued appreciation of their countrymen. [Applause.]

Mr. FORDNEY. Will the gentleman from New York use some of his time?

Mr. CAREW. I yield 5 minutes to the gentleman from Arizona [Mr. Hayden].

Mr. HAYDEN. Mr. Speaker, I am not in such a cheerful frame of mind as the gentleman from Wyoming [Mr. Mondell] apparently is with respect to the elimination of the reclamation and soldier settlement provisions from this bill. My feelings are outraged at the wrong that has been done. I am convinced that if the conferees had sincerely desired to reach an agreement upon Title VIII containing the land-settlement provisions they could have done so without difficulty. The only reason that there was no such agreement is because a majority of the members of this conference committee are not in favor of the reclamation of waste lands. The two Houses have expressed their approval of the enactment of legislation providing for the creation of farms and homes for returned soldiers. It would have been perfectly easy for the friends of a national reclamation policy to reconcile the differences between the House and the Senate, but this most beneficent legislation fell into the hands of its enemies, and in cold blood they killed it. The plain and absolute truth is that the conferees made no honest effort to reach an agreement.

That both the Senate and the House are in favor of the reclamation of waste lands to provide homes for veterans of the late war is clearly demonstrated by an examination of this bill. Both bodies have provided the means whereby that entirely worthy object can be accomplished, the only differences being in mere details. Certainly it would not be difficult for the conferees to determine whether the work of reclaiming arid and swamp lands is to be carried on by a board of five members, of which one is to be the Secretary of the Interior, or whether the Secretary alone should have complete supervision of the undertaking. The Senate amendment provides that the Federal Government shall deal only with legally organized irrigation and drainage districts, while the House bill provides that contracts may be made with such districts. Conferees earnestly seeking to obtain results would not have taken long to reconcile the differences between the two Houses on this question.

Neither the House bill nor the Senate amendment carried any specific amount of money for the construction of reclamation projects. The Senate amendment limited the total sum to be appropriated for this purpose to $350,000,000, while there was no limitation fixed by the House. In each case the amounts actually expended would be fixed by appropriations hereafter made by Congress based on estimates submitted through the Budget. The House and the Senate also agreed that the Government should be reimbursed for the cost of reclaiming lands except that the House bill allowed credit to veterans to the extent of their adjusted-service pay, while the Senate amendment provided that the Government should be fully reimbursed for all expenditures made. Will anyone dare to say that a conference committee honestly in favor of the reclamation of waste lands could not have compromised these slight differences with the result that legislation could have been enacted as a part of this bill which would have carried out the plain intent and purpose of both the Senate and the House?

Gentlemen say to-day that because the Senate amendment merely provided that soldiers should have a preference right of entry, therefore, it was not a soldiers' settlement bill, and yet at the opening of every reclamation project since the close of the war there have been 10 soldiers asking for farms where one was to be found. If a 60 days' preference right had been given it is absolutely certain that none but ex-soldiers would have obtained the farms. Experience has demonstrated that fact beyond question. And can anyone doubt that this, a disagreement on the subject of solider preference, could not have been easily reconciled by the conferees if their hearts were in their work?

The undoubted truth is that in violation of the trust imposed in them they followed their private inclinations rather than the will of the two Houses, and that is not my concept of the duty of conferees. When the House, after due deliberation, after mature consideration, adopts a soldier settlement plan, and when the Senate amends the bill in terms designed to accomplish that same policy and then the bill goes to conference, certainly in good faith, in fairness to the two Houses, in justice to the majority in each body who voted in favor of this legislation, the committee of conference should have at least made an effort at compromise and agreement.

Let it not be forgotten that land settlement was one part of the fivefold plan recommended and requested by the American Legion, the organization of veterans, which is primarily responsible for the passage of this bill. The American Legion at its national conventions has repeatedly indorsed the idea of providing homes for ex-service men by reclaiming arid and swamp lands, and has as strongly insisted upon this as any other of the five options whereby those who served the Nation in the late war were to have their compensation adjusted. The conferees on this bill, however, have totally and contemptuously ignored this request.

Mr. GREEN of Iowa. Will the gentleman yield for a question?

Mr. HAYDEN. Yes.

Mr. GREEN of Iowa. Speaking for myself and myself alone, I adopted the course which I thought would be most likely to bring to the veterans the compensation which has so long been denied them. [Applause.]

Mr. HAYDEN. The veterans have always asked for five forms of compensation and advocated each one of them with equal earnestness. The best form of compensation, the greatest benefit that can be conferred by this Government on any American who patriotically served his country in time of war is to provide him with a farm with a home upon the land. In my judgment the land settlement and reclamation feature was the only constructive part of this bill. The other provisions mean nothing except that taxes must be levied or revenue raised in some way to pay cash now or in the future to the returned soldiers, sailors, and marines. Under the land settlement or reclamation provisions Congress could have made possible the reclamation of waste lands, which would continually increase value. It would have been an enduring and most profitable investment. Homes and farms would be created and a permanent market made for the products of American factories. If the conferees had only tried, if they had only taken advantage of their opportunity, if they had only done their plain duty, they could have placed in this bill a reclamation provision which would have added enough wealth to this Nation to have many times more than equaled the total cost of the soldiers' bonus.

I repeat, Mr. Speaker, that a majority of the conferees on this bill did not carry out the will of the House and the Senate. They did not follow their instructions. They did not act in good faith. They did not make an honest effort to do what both bodies desired, and that was to report back legislation which would have provided homes and farms for veterans by the reclamation of waste lands. [Applause.]

Mr. CAREW. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I ask unanimous consent to extend my remarks and to proceed out of order.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks and to proceed out of order. Is there objection?

There was no objection.

Mr. WINGO. Mr. Speaker, I have frequent inquiries as to what the facts are of record with reference to the progressive rate of interest law and the policy of deflation of which that law was a part and who is responsible therefor. In the short time allotted me it will be impossible, of course, to read all of these records, but I shall in my extension of remarks make citations to the CONGRESSIONAL RECORD, so there can be no question as to the facts, even though there may be different conclusions based thereon.

In the fall of 1919, after the Republicans had gained control of both branches of Congress, the leaders of that party in both the House of Representatives and the United States Senate raised the cry that the Democratic administration had inflated the currency and that something should be done toward deflation. The Republicans in the House put forth one of their ablest men, the gentleman from Massachusetts [Mr. LUCE], a member of the Banking and Currency Commitee, and all will recall the speech he made at that time, in which he charged that the Democratic administration had inflated the currency, that it had put the country on a "greenback" basis, specifically charging that two billions of the Federal reserve notes in circulation were nothing more than fiat money. I interrupted the gentleman at the time and challenged the gentleman to show wherein we had been guilty of inflation by the issuance of fiat money. In response to my challenge, he cited the number of Federal reserve notes outstanding and the amount of gold reserve against them. He also stated at that time specifically that there was nothing that could be done by legislation unless it be to raise the discount rate further, and it was evident from his remarks that the Republican Party had decided upon a deflation policy and intended to force a raise in the discount rate and bring political pressure to bear on the Federal Reserve Board to put in effect a drastic policy of deflation. By reference to the RECORD it will be seen that the Republican Members of the House repeatedly applauded the gentleman from Massachusetts, and at that time not one single Republican Member of Congress joined me and the gentleman from South Carolina [Mr. STEVENSON], also a member of the committee, in our protest. Some Republicans, who were so vociferous in their applause then, are now, after they see the evil effect of the deflation policy, denouncing what they applauded then. The report of Mr. LUCE's speech can be found at page 2200 of the CONGRESSIONAL RECORD of the second session of the Sixty-sixth Congress, dated January 29, 1920.

The speech of the gentleman from Massachusetts was the first public notice of the deflation policy that the Republican Congress was urging the Federal Reserve Board to put into effect. Prior to that time Governor Harding, of the Federal Reserve Board, had appeared before the Banking and Currency Committee of the House, at which time the same Republican gentlemen insisted that the currency be deflated, and Governor Harding intimated the plan was to deflate along certain lines. I and one other Democratic member of the committee sounded a note of warning and specifically directed attention to the fact that the only inflation that existed of which there was any danger grew out of the speculative frenzy that was then being indulged in in New York City, financed indirectly, we feared, by the Federal reserve bank of that city. In the Senate Mr. OWEN, a Democrat, protested, while, upon the other hand, in that body, Senator MCCORMICK, of Illinois, in behalf of the Republican Party, continued the pressure and introduced hi famous deflation resolution calling on the Federal Reser

Board to advise the Senate what steps were being taken and were to be taken to deflate the currency. By reference to the Record of February 16, May 15, May 17, and May 18, 1920, the facts of record in the Senate can be read.

The bill authorizing the Federal Reserve Board to establish progressive rates of discount passed both Houses practically unanimously for reasons which I shall give, and if I make any mistake I challenge my good friend from Pennsylvania [Mr. McFadden], the Republican chairman of the Banking and Currency Committee, to rise in his seat and correct me.

The reasons were that Governor Harding had come before our committee and represented that it was necessary to give the board this authority in order to check the speculation and inflation of credits in New York City. We were led to believe that the sole object of the proposed progressive rate of discount law was to check the New York Federal Reserve Bank, and when those of us from the agricultural States suggested the ruin that might ensue to the farmers of the South and West if high rates were charged in that section, Governor Harding assured us that his object was to check speculative credits in New York and conserve legitimate credits for the moving of the coming crop. By reference to the Congressional Record of March 31, 1920, it will be seen that the Republican chairman of the committee discussed the bill at length in presenting it to the House and called attention to the fact that there was a good deal of speculation in the big cities. He specifically said that a good deal of the excessive borrowings were doubtless used for financing speculation or for new ventures that were of doubtful economic value.

By reading the debate that day it will be seen that gentlemen from New York and Chicago protested against what they alleged this policy was aimed at then, and the gentleman from South Carolina [Mr. Stevenson], in answer to their protest, called attention to the fact that there was at that time borrowed from the Federal Reserve Bank of New York $3,454,000,000 of the total of $6,241,000,000 borrowed of all the Federal reserve banks in the United States. In other words, the entire debate discloses that the House understood the progressive rate of discount was necessary and was to be used only to check the wild speculation in New York which threatened to absorb available credits that would be much needed for agricultural and legitimate activities. That reason, and that alone, put the bill through the House of Representatives.

It is interesting to know that in the debate on that date Mr. McKeown, a Democrat from Oklahoma, specifically raised the question of application of the policy and was assured that the making of this progressive interest rule to apply to banks in the stock-speculation districts, where they speculate in stocks, would not be used to impair the borrowing capacity of the agricultural communities. Mr. Luce, of Massachusetts, the Republican leader in the deflation policy, in that debate stated that the greatest orgy of gambling that the world had ever known was in progress and that the Federal reserve system had been resorted to for speculation by stock gamblers. Mr. Platt, the Republican chairman in charge of the bill, on page 5067 of the Congressional Record of March 31, 1920, drew the applause of the House when he stated:

> We are trying to prevent the big banks from hogging all the credit and not letting the little banks have any.

I repeat that it was under these representations that Congress enacted the progressive rate of interest law which was the basis of the policy of deflation put into effect by the Republican Congress through Governor Harding. The present rate of interest instead of being applied for the purpose of stopping the speculation in New York City, was used to deflate the farmers in the wheat and cotton belt.

Read these records and it will be apparent to all that the policy of deflation was brought out by political pressure of a Republican Congress, and some of the same Republicans who now seek to leave the impression that Democrats were responsible were the ones who at that time applauded their leader when they charged the Democrats with inflation. In other words, these Republican politicians have shifted their positions and are now denouncing what they applauded then.

Mr. FORDNEY. Mr. Speaker, I yield one minute to the gentleman from Maryland [Mr. Hill].

Mr. HILL. Mr. Speaker and gentlemen, I desire to congratulate the conference committee on eliminating from the adjusted compensation or so-called soldiers' bonus bill which we will pass to-day the general land-reclamation feature.

The elimination of this feature will save to the taxpayers of the United States anywhere from $350,000,000 to $1,000,000,000. The elimination of the land-reclamation scheme will also take from the soldiers who fought in the late war the opprobrium of having it said that about a billion dollars of ultimate expenditure was caused by their reception of the bonus when it really belongs to land reclamation. I have nothing against a land-reclamation scheme, but it should be considered and passed on its merits and not made a part of the soldiers' bonus. In congratulating the committee on the final passage of the bill, which will take place to-day, I desire especially to congratulate them on eliminating this land-scheme method of disposing of funds under the bonus. [Applause.]

On Monday, February 28, 1922, on the floor of this House I specifically opposed the land-reclamation scheme as a part of the bonus bill on the ground that it would increase our burden of bureaucratic government and add in permanence enormous sums to our tax burdens. If we need land reclamation, let us adopt it as a separate measure.

The report of the House members of the conference committee states:

> The House recedes with an amendment striking out the new provisions proposed to be inserted by the Senate amendment. The effect of the agreement is that the bill contains neither a veterans' land settlement nor a general reclamation feature.

I desire especially to congratulate the gentlemen who signed this report, Messrs. Fordney, Green, and Longworth, on this improvement in the bonus bill.

One of the things I was especially sent to Congress for was to help pass a good bonus bill. To-day's action, I feel confident, will be our finishing touch on the measure, and I hope I shall soon be able to report to my constituents that it is a law. [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. Rossdale].

Mr. CAREW. I yield five minutes to the gentleman from New York also.

The SPEAKER pro tempore (Mr. Sanders of Indiana). The gentleman from New York is recognized for 10 minutes.

Mr. ROSSDALE. Mr. Speaker, I desire to speak out of order in relation to the resolution I am introducing to-day asking for an investigation of the United States Veterans' Hospital No. 81, situated in my congressional district. I live just a few minutes' walk from where the hospital is located and am quite familiar with the affairs of this institution. For several months the people of my locality have been hearing reports reflecting upon the management of this soldiers' hospital, including stories of brutalities that have been practiced on patients there. Recently the conditions became so intolerable that something had to be done to protect those patients.

As you gentlemen have been reading in the newspapers, I made a personal investigation of the conditions there, including the stories of assaults being committed upon patients. There was a case of a soldier veteran of the Spanish War, the Boxer rebellion, and of the World War, Nicholas Samson, who was almost murderously assaulted by two attendants; his ribs crushed, his wrist broken, and his eyes blackened, which brought the matter to a climax. When I met the head of the institution and asked him how it happened, he said he did not know and admitted that it was 12 hours before he was even aware that the assault had been committed. Four days later he suspended the attendants upon instructions from the district manager of the Veterans' Bureau, who had received a complaint from the commander of the American Legion. It was evident that if there had been no public complaint made it would have been merely a ward incident. I doubt very much whether anything would have been done to the two attendants that committed the assault if the thing had not gotten into the newspapers. When I quizzed Colonel Chronquest, who is in charge of the hospital, as to how this thing happened, he put forward the theory that it was possible to strike a man in a certain part of his face and have both eyes simultaneously blackened, although he later admitted that he felt certain the attendants had beaten up the patient and were at fault.

Mr. KINDRED. Will the gentleman yield?

Mr. ROSSDALE. Yes; I yield to the gentleman from New York.

Mr. KINDRED. Did the medical superintendent of hospital 81 referred to make any report whatever of the assault on the insane patient by which his ribs were broken and these injuries committed?

Mr. ROSSDALE. He did practically nothing, and explained his lack of action with the lame excuse that he was investigating the affair; but the facts are that he made no complaint at all until the public stepped in and the attendants were ordered arrested. The ward nurse upheld the attendants, and it later developed at the inquiry that in that chamber of horrors known as G ward, which is a building more than a block away from the main building where are confined half a hundred insane patients, many of them raving lunatics, there is no doctor on duty at night. In the entire establishment there are only eight doctors, although there are many more employees in the hospital than there are patients.

In the extensive offices of the hospital one sees numerous clerks and stenographers busily employed in caring for the endless petty details made necessary by the extreme institutionalism prevalent there. The following illustration will give an insight how far the thing is carried. Patients admittedly sane must deposit whatever money they have at the hospital office upon admission, and thereafter if they want to spend even a nickel they must go through the stupid rigmarole of drawing a voucher and a check is then given them for 5 cents.

I inquired of the doughty colonel in charge if he did not think more than 8 doctors were required to take care of 340 patients, including an additional 200 outdoor patients who are supposed to call periodically for treatment, and he replied that 8 doctors were enough. It is clearly apparent that the hospital is long on clerks but short on doctors. In every hospital I had ever visited doctors were generally much in evidence; in this hospital the important feature seems to be the office, with its large clerical and attendant staff.

Of the eight doctors in the institution seven are assigned to day duty and one at night; the single night doctor also acts as an executive during the night. Often it is that a patient's condition grows worse during the night and medical attention becomes urgently necessary. God help the poor unfortunates in that hospital who require a doctor's care and attention, for no doctor is likely to minister to them until after the breakfast call shall have been sounded.

The hospital is located upon a 36-acre tract with several buildings a considerable distance apart from each other. In an emergency case no medical help could be had. Statements made by patients to me indicate that it is better for patients not to complain to Colonel Chronquest of lack of medical attention lest they care to hazard the risk of being discharged as cured, thereby losing both hospitalization and compensation.

The sad case of the terrible beating of Nicholas Samson is not the only cruelty story, for there are reports of a number of other patients who have been beaten by attendants. A patient named George Fowler came to my office, stating that he had escaped from the hospital at night and walked the streets all night long awaiting the opportunity to inform me of a brutal beating he had seen an attendant give a weak and very sick patient named Golding, who weighs only 80 pounds. Golding had been ordered to bed and refused to go, whereby the attendant beat and shook him and then threw him upon the bed and tied the unfortunate man to the bed.

It is a natural sequence that attendants and orderlies will become hard boiled if the officials in charge of the hospital shut their eyes to instances of brutality and rough treatment of patients. It is no secret that orderlies were encouraged to carry wet towels to strike troublesome patients with—wet towels hurt, but leave no marks upon the bodies of patients.

That it was the policy to "treat them rough, if you think it necessary," is seen by the affidavit of a former attendant named James A. Dunn, and of a former patient named Samuel Ury, in which it is related by them that the assistant head of the institution had instructed these attendants that if a man got unruly they should use force if necessary; that if one man was not enough to use ten.

COPY OF AFFIDAVIT OF JAMES A. DUNN.

STATE OF NEW YORK,
County of Kings, ss:

I, James A. Dunn, duly sworn, depose and state that I reside at 87 South Tenth Street, Brooklyn, New York City and State of New York. That I was employed as an attendant assigned in charge of patients' clothing room at the United States Veterans' Hospital No. 81, Sedgwick Avenue and Kingsbridge Road, Bronx, from May 26 to August 14, 1922, inclusive.

That on or about June 25 I was notified to attend a meeting of attendants in reception room of ward C 30. While at this meeting Doctor Brewster, in a talk to the attendants, told them that if any patients became nasty, ugly, or violent, they were to use force, and if one man was not enough to call in as many as he needed, even ten men if necessary, and to go the limit, and he would stand back of them if any trouble should ever arise as a result.

JAMES A. DUNN.

Sworn to before me on this 7th day of September, 1922.

LOUIS A. JAEGER.
Notary Public (2132), *Queens County, N. Y.*

(Certificate filed Kings County.)

COPY OF AFFIDAVIT OF SAMUEL URY.

STATE OF NEW YORK,
County of New York, ss:

I, Samuel Ury, duly sworn, depose and state that I reside at 323 Beekman Avenue, Borough of the Bronx, City and State of New York. That I was an inmate of United States Hospital No. 81, Sedgwick and Kingsbridge Road, from June 1, 1922, to July 18, 1922, inclusive. I am now a patient at United States Naval Hospital, Brooklyn, N. Y., for chronic gastritis.

While I was a patient at the hospital, on or about three days previous to Doctor Chronquest assuming command of the hospital, while Doctor Brewster was clinical director and practically in actual command of the hospital, he called a meeting of the attendants in the reception room of ward C 30. At that time several patients were sitting around the reception room. Doctor Brewster politely requested inmates to leave the reception room for 10 or 15 minutes. I, with several other inmates, one Thomas Scott, one Frank Lyons, and John Martin, immediately went into the next room, which is divided from the reception room by rolling doors. While there I distinctly heard Doctor Brewster tell his audience, consisting of attendants, that in the future should any patients give any trouble whatsoever they can use violence if they think it necessary, and that he, Doctor Brewster, would back them up to the fullest extent. This was also overheard by my comrades as stated above. We discussed this matter among ourselves and decided that should we comment publicly it would result in having us punished by transfer to ward G, dreaded by all inmates.

SAMUEL URY.

Sworn to before me this 7th day of September, 1922.

LOUIS G. HART,
Notary Public, Kings County.

(Certificate filed in New York County, No. 420.)

It is not a pleasant subject to discuss on the floor of this House, and I question whether such a condition of affairs can be permitted to continue much longer. The institution is run in a near-military style, even with censorship of the mails. A patient can not leave the grounds without a signed written parole. He may be just as sane as you or I, but it does not make any difference; if he is a patient and wants liberty of the ward to get the air on the grounds, a parole card, duly signed and attested, is absolutely necessary.

It is difficult to adequately describe this nuisance hospital. An article published in the New York Times on September 12 gives a description of the experiences of a former patient there, named Roscoe Conkling Hatch, who writes to the Times as follows, alleging certain "deplorable conditions," especially in the receiving or observation ward, through which all patients must pass:

> The equipment by electricity, etc., seems admirable. Some of the nurses are gentlewomen and some of the doctors are all that could be desired, but I shall warn all men against "81."

In his letter Mr. Hatch pays tribute to the great kindness he received from doctors, nurses, and orderlies in ward B40. As to conditions elsewhere in the institution he says:

> Upon entrance to the hospital all clothing and effects are removed and the patient given a bath robe. He is then locked within this ward, and all who enter or leave, doctors or nurses or patients, are admitted and leave with a key. The period before seeing a doctor varies; I waited four days myself. No move is made to ascertain whether the patient admitted has contagious disease, trouble with heart or lungs. Undoubtedly, the "observation" period is wise, but there should be some physical examination for the protection of other patients.
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> The method of observation is rather subtle, but I noticed one or two obvious instances of it: An orderly came into the smoking room where we congregated, deliberately lifted three or four books and as deliberately let them fall with a bang, perhaps to see which patients jumped! The locked door, the supercilious attitude of the nurses, and impertinence of some doctors, whose questions range anywhere from whether "if 2 and 2 make 5, what would you do if a cat fell in a river?" to asking you "if your relations with your family are congenial and moral," indicate the attitude to be: This man is insane and degenerate; I will prove it.
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> It is my opinion that some of these young students would not be concerned if they proved their cases insane. If I was asked once I had a total of 10 questions from at least three doctors reiterating: "Do you think you are going insane?" or "How can you be sure you are not now or will not later be insane?" Though I treated the questions lightly I reasoned if I were near the brink of losing my mind each reiteration might conceivably raise the doubt in my mind which would probably push me across the border, whereas different encouraging treatment would produce the desirable (from my standpoint) condition.
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> The food in this ward was much below that I received after I left it. I could not eat anything but potatoes and bread and butter and milk, when I could get it. I am bound to state that after I left there it was better, but it was there that I was served once with an egg which had passed beyond a welcome from polite society, and also fish which made me ill—like the slums of some city, famous through Kipling, it "smelled to heaven."
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> SAYS MAIL IS CENSORED.
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> Another thing was annoying; while in the "observation" ward a patient's mail is censored. I presumed this was like censorship in France to guard against "giving comfort to the enemy"; in other words, to prevent demented or crabbed patients giving unwarranted criticism of the hospital management or equipment to the public. With each letter went forth from Mr. Chronquest, who is in charge, but whom I have never seen, a very pleasant letter telling the recipient that the hospital authorities were interested in this particular patient especially, and in all service men, and went on to say that constructive suggestions for his benefit would be welcomed. Very good in intention, though I believe it is only superficial. It is mortifying to discover that this same stereotyped letter accompanies even business letters to people to whom you certainly would not turn in personal matters, say, to whom you sent money for a bill due. As the doctor there reads all the letters, a little discrimination would not seem amiss.
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> For a hospital for nervous diseases this is as noisy as it could be made. All doors slam or are slammed, and the vacuum cleaner and floor polisher are nerve racking in the extreme. During the conference which I had with a doctor, he was so much disturbed, though in a different room, that he went out and harshly reprimanded an orderly. The orderly was in no wise to blame, merely carrying out his orders.

If this was hard on a doctor in good health, who presumably had good food and was not subjected to any of the indignities of patients, what is it to men who go for "rest and treatment"? While in this ward I could not sleep, but only once was I given a sleeping medicine, and, too, the terrible cries of patients in "G" building, where the violent and insane are incarcerated, robbed me of any desire for sleep. When I told the doctor he said, "Oh, you'll get used to it; it's like a nurse learning to let a baby cry."

HEARS CRIES OF PAIN.

I was also told the patients had been on a drunk. Rather, to my mind, it was the orderlies; perhaps patients under lock and key could get liquor; I do not know. In exact words, what I heard was this, uttered in the most terrifying screaming: "Stop! Stop! That's my arm! You're killing me! Cut it out! Cut it out!" And then moaning which again rose to screaming. This came after a period of absolute silence. I was not awakened and I certainly did not sleep later. Of course, any complaint I made was treated as though I were a child or else demented.

The whole method seems backward. Is it the aim of the authority in the hospital to win back men to mental health or to rob them of what they have? Placed in the worst ward, if they pass the test of its discipline they may be removed to a better. But during this period much is wrong; attitude of personnel, imprisonment, lack of medical attention of doctors or nurses, censorship of mail, ridiculous tests of observation, the questions of examining physicians, which many patients, with contempt in their mind, answer absurdly, thus perhaps prejudicing their case and certainly not tending to confidence; the apparent conviction on the part of some of those internes and doctors that the patient is mentally unsound; the poor food, the noise; and, finally, it is my conviction that the men who (there may be some disease cases not due to service) through services to their country under hazardous circumstances have paid for their heroism with loss of mind are undoubtedly ill treated at times. All these facts lead me to feel that the method and administration are at fault. The present head, Mr. Chronquest, has so cut down the personnel that the hospital is not properly manned. I believe there is one nurse to about every 60 patients, and two orderlies can scarcely be sufficient.

While making a personal investigation of the hospital I insisted upon being shown through the dreaded ward G. I found a case of one poor fellow who had too insistently demanded his mail and was therefore sentenced there for eight days and had been three weeks in ward G, which is the building to which I previously referred to as the chamber of horrors, and that is actually what it amounts to. Why are sane men confined there? Of course, it is indefensible, but Colonel Chronquest replies that he thinks they may be on the border line and therefore, in his opinion, eligible. As I passed the ward in company with Doctor Bunker, the physician in charge that day, I heard a patient say, "Doctor, Doctor, won't you please let me out of here. I did not do anything but ask for my mail." I said to the doctor, "What is the trouble with that man? Is that man insane?" He said, "Oh, no; he is sane." I said, "What is his trouble?" He said, "Mild neurasthenia." I said, "Doctor, do you think you are going to cure men of nervous trouble by putting them in a ward with a lot of raving lunatics?" He expressed his medical opinion that it would not harm the patients. I asked the head of the institution, Doctor Chronquest, if he thought that the sentencing of patients—slightly nervous cases, men with mild nervous diseases—to a madhouse would contribute to the cure, and he took refuge behind the statement that everybody in the institution was potentially insane. It is my opinion that he himself is insane; that he is suffering from institutional insanity, which, I am told by medical men, is a form of insanity sometimes acquired by persons who are long around the insane and have charge of them.

They become imbued with the idea that the institution is above everything, and have a mania for institutionalizing everything and everybody about them. I found upon examination into affairs there that veteran patients are denied all creature comforts which various auxiliary organizations, such as the various welfare workers, including Knights of Columbus and the War Mothers, furnish to patients. The organizations that distribute creature comforts to hospital patients are not permitted to carry on their work at this institution, but if they desire they may send things to the management once a month, and the management will distribute them as they see fit. There were veteran auxiliary organizations that distributed sweaters, socks, handkerchiefs, toothbrushes, and all the little things that lighten and brighten hospital life, but they were ordered away by this hospital autocrat. The theater owners in New York permit sick veterans to enter the theaters free of charge. The hospital management shut down on this also. Because one soldier took another in violation of the rules to a play without consent of the officer of the day, who was in charge, the hospital board of discipline, consisting of four hospital bureaucrats, gave him a hearing, and although sane he was nevertheless sentenced to the chamber of horrors, in that ward where the severe and the acute insane persons are confined. This discipline for petty infraction of the hospital rules is explained and defended by Colonel Chronquest as being diagnostic as well as disciplinary. I could go on for hours and recite to you the indignities and the tortures suffered by the patients in that place, but time does not permit.

I wired Colonel Forbes, Director of the Veterans' Bureau, demanding an investigation, and upon request of his representative filed the following statement of conditions existing at United States Veterans' Hospital No. 81:

COMPLAINTS.

1. That an assault upon a physically weak and helpless inmate of ward 6, suffering from paresis, by name of Nicholas Samson, was made by two attendants, which resulted in crushed ribs, a broken wrist, and both eyes severely blackened. That these two attendants were not suspended from duty by the authorities in charge the moment they learned of this almost murderous assault.

That these two attendants were permitted to continue in employ as attendants for three days after the assault and were suspended only after a public complaint had been made by the commander of the American Legion to Major Lent, in charge of the Veterans' Bureau, District No. 2, and that only thereafter were they suspended and ordered to be arrested.

2. That patients with slight nervous disorders, neurasthenia, and mild nervous cases, including such as are termed "border-line cases" and not definitely insane, are frequently disciplined by confinement in ward G, which is a building wherein are housed violent and actually insane men. That these patients are confined thus for periods by a disciplinary board as a means of discipline (punishment) for petty infractions of hospital rules, such as deportment, etc. That the mental anguish and horror of patients sentenced to such confinement among dangerous lunatics endangers them and, instead of effecting cures, is likely to retard their recovery and possibly bring about actual acute insanity.

3. That patients are discharged from the hospital when not cured and refused information of their discharge status by the hospital management, notice of discharge given being merely a verbal statement by a ward nurse. That patients are thus turned loose and left helpless and can only learn their discharge status either by lengthy correspondence or repeated calls at the Veterans' Bureau in Manhattan.

4. That patients of the hospital requesting medical treatment often find it difficult to receive it or to receive ordinary medicines. That patients requiring special food for physical ailments, such as stomach trouble, have difficulty in receiving it and are compelled to subsist upon the regular food, even though they are unable to partake of it due to their stomach trouble, etc. That little or no attention is paid to complaints of patients and that patients have been beaten and roughly treated by attendants.

5. That there is lacking entertainment or recreational features such as are requisite to brighten hospital life and which should be a part of the treatment for patients suffering with nervous disorders. That auxiliary veteran agencies have been discouraged from supplying the patients with the little necessities which they require that attends to their comforts and lightens life in the hospital.

6. That the hospital is largely conducted by bureaucratic methods resulting in severe and rigorous near military management.

I suggest that this investigation be designed as preventive rather than punitive, with the aim in view of improving the conditions, correcting and remedying them, in order that the ex-soldier wards of the Nation may have hospitalization such as the Congress of the United States intended and for which they enacted legislation and appropriated almost unlimited funds.

I also suggest that the investigation committee publicly assure employees of the hospital that no retroactive measures will be taken resulting in later demotion or dismissal because of testimony given by them, and that patients be assured that testimony given by them will not result in later discharge from the hospital because of same, with its accompanying loss of compensation.

He appointed a committee to investigate these complaints I had filed and then used all the power of the immense machinery of the Veterans' Bureau to prevent the investigation from being anything else than a mantle to clothe the facts and hide the shameful administration of that hospital.

The story of a former patient whose affidavit is herewith printed appeared in the newspapers and, presto, the bureau wired him to call. The following is a copy of the telegram sent him and which he promptly ignored and turned over to me:

[Copy of telegram.]

FEDERAL BOARD FOR VOCATIONAL EDUCATION,
DIVISION OF REHABILITATION,
September 8, 1922.

SAMUEL URY,
323 Beekman Avenue, Bronx, New York:

You are requested to call by phone, at once, Doctor Robinson, at United States Veterans' Bureau.

LENT.

(Confirmation.)

How many others they actually intimidated I do not know. I tried to go on with it nevertheless, but found it impossible to continue to participate in such an investigation and withdrew. I am convinced that no bureau-conducted investigation will end the unhappy combination of institutional bureaucracy and near-military régime that prevails there.

My brief experience with the committee, arranged for by Colonel Forbes, to investigate these conditions convinced me that the Veterans' Bureau officials would not, if they could avoid it, conduct an investigation of the hospital that would disclose anything reflecting upon their own management, and therefore embarrassing to their own bureau.

Without prejudice to the inquiry now in progress there, it is plainly evident to me that the situation requires an investigation of a broader and wider scope than the one arranged for by Colonel Forbes. That it is necessary to have access to hospital records, that medical opinion be secured not in the employ of the bureau, including investigators to sift out details and facts, and that the committee have power of subpœna, and so forth.

A congressional investigation will throw light upon the conditions prevailing in that and in other veterans' hospitals throughout the country where charges of cruelty and mistreatment are being made, and action by Congress will inevitably result in remedying them.

I believe it is incumbent upon Members of Congress to investigate that hospital and all Veterans' Bureau hospitals where serious complaints have been lodged against their management, for only an adequate investigation such as Congress can provide will end these abuses.

The SPEAKER. The time of the gentleman has expired.

Mr. ROSSDALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. ROSSDALE. Mr. Speaker, I desire to extend my remarks in the RECORD in connection with my speech upon House Resolution 431, providing for a congressional investigation of conditions prevailing at United States Veterans' Hospital No. 81, situated in my congressional district. It was not possible in the time allotted to me for that speech to give to the Members of this House a statement adequately describing the harsh bureaucratic institutionalism prevailing at this hospital which Congress intended should be a place of cure and care for veterans of the World War afflicted with or suffering from war neurosis.

As I then stated to the House mistreatment, and beatings of soldier patients and the exposure of the extreme institutionalism prevalent there aroused public indignation. In response to the demands of the American Legion and of an indignant public in my city I demanded of Director Forbes, of the Veterans' Bureau, a prompt investigation of the administration of the affairs of the hospital. He promised—through his representatives in New York—to appoint an investigation committee of three, to consist of two of his subordinates and one outsider, all named by himself. I was given verbal assurances that this investigation would be open, impartial, and thorough.

> Congressman, give us a chance to look into and sift things, and if there is anything wrong we will show it up and remedy it—

Said Director Forbes's representative to me, and I therefore consented to participate in the investigation.

The investigation had not proceeded very far when it became clearly apparent that this bureau-conducted investigation of itself not only had no intention of letting out anything that reflected upon their management of this hospital but that it was using all of its tremendous influence and power to cover up every embarrassing incident and circumstance.

They staged farcical, open hearings for a few days, all the while calling only unimportant or wherever possible favorable witnesses. They ignored and failed to send for unfriendly witnesses or those whose stories reflecting upon the management appeared in the press. Very skillfully they persuaded or secretly intimidated former patients and employees from coming forward to tell their stories of abuses.

The following is an illustration of the setting by which they staged open hearings for a few days before the committee went into executive or secret session. The entire place was cleaned up and orders given to "doll up" and give the institution a holiday appearance. A sight-seeing automobile car which some one had given as a present to the hospital when it was first opened up and which was left to rust on the grounds under the blue sky without a shed and which had never given a ride to a single veteran was now cleaned and tuned up and kept circling around the grounds to convey an impression of tender solicitude for the soldier patients. The humor of it appealed to the patients; even the acutely insane in the dreaded G building looking out through the barred windows of that chamber of horrors laughed and joked about it.

All patients suspected of having or intending to make complaints were either locked up in the ward for violents—G building—where they were inaccessible or else given temporary paroles, sending them away for the period of the investigation. Employees in whom confidence was lacking were given short leaves of absence and also gotten out of the way. Telephone and mail censorship of the patients was tightened up enough to make any of the late kaiser's army officers green with envy had they been able to have known of it during the war.

To the spectators the few open hearings seemingly were pleasant affairs. Excellent noon-day lunches were provided for everybody present. Fresh cut flowers in glass vases graced tables covered with spotless linen, and friendly hospitality was in the very air. Col. A. P. Chronquest pleasantly announced that the luncheon was the regular mess of officials, employees, and patients. A later inquiry by me elicited the following reply from a group of patients:

> Cut flowers—why, we have never seen a napkin or even cut soup greens since we are here.

However, it was intended to create and convey an impression to the spectators, although any discerning persons could see through it and readily grasp its purpose. Excepting myself, who seemed a discordant note in this tuneful affair, there was only a piano accompaniment lacking and the investigating committee singing some old refrain like Sweet Adeline to have made the hearings mere pleasant social functions.

The few open hearings at the hospital were followed by an announcement of executive sessions at the Veterans' Bureau offices miles away from the hospital. How many secret sessions the committee held is not told. I have been unable to ascertain whether the committee has finally concluded the farce and was now pondering over the testimony or whether they have reported their findings to Director Forbes.

It looked as if the thing was being quietly pigeonholed and left to die, and so I sent Director Forbes the following telegram:

SEPTEMBER 26, 1922.

Col. C. R. FORBES,
Director Veterans' Bureau,
Washington, D. C.

I received no reply to my written request to you to give me a copy of the minutes of the investigation you are conducting of your management of Veterans' Hospital No. 81 and insist upon being furnished such copy of minutes. A spirit of fairness ought to prompt you to provide same on request. You promised the people of New York that this investigation would be open and public. Why did you later make it secret? Will you inform me whether this investigation has been concluded; and, if so, of its findings?

ALBERT B. ROSSDALE, M. C.

The following is his telegram in reply:

WASHINGTON, D. C., *September 26, 1922.*

Congressman ALBERT B. ROSSDALE.

I have not yet received official report of investigation Bronx Hospital. Will consider your request when report is received.

FORBES.

The next day I received by mail the following letter, dated a day previous to the telegram, stating that the director has not yet received the report of the investigation, which the letter seemingly contradicts:

UNITED STATES VETERANS' BUREAU,
WASHINGTON, *September 25, 1922.*

Hon. ALBERT B. ROSSDALE,
House of Representatives, Washington, D. C.

DEAR MR. ROSSDALE: Your letter of September 20, in which you requested a copy of the minutes of the investigation of the United States Veterans' Hospital No. 81, the Bronx, N. Y., has been received.

In reply you are informed that the full notes of this report have not as yet been placed in such form that I may make a thorough review of them at the present writing.

Very truly yours,

C. R. FORBES, *Director.*

One thing is clear and beyond doubt that the public have not been informed of the findings of this remarkable investigation.

The following is an affidavit of a former patient of the hospital who insisted upon testifying and tells of the brutal beating of an insane patient by attendants while the patient was lying upon a bed upon the floor tightly incased in a strait-jacket.

STATE OF NEW YORK, *County of New York, ss:*

Jeremiah W. Woods, being duly sworn, deposes and says as follows: I reside at No. 571 West One hundred and thirtieth Street in the city of New York.

On or about the 11th day of August, 1922, I was up in my ward, No. E–50, as a patient in the United States Veterans' Hospital No. 81, situated in the Bronx. While I was in my ward John B. Martin, a patient, called on me; we then went out for a walk. * * * And then we went down to the New York Velodrome; on that particular night there was a bicycle race there. The rules of the hospital required any patient out after 9 to have a special pass, and we therefore returned by jumping into an automobile to get this pass from the officer of the day. We were talking in the back of the car and the chauffeur had gone past the main entrance, when I saw there a man with his coat and shirt off having hold of another man. * * * I ran down to the main entrance, discovered that it was Martin, and that he had hold of a man by the name of Doctor Diefendorfer. Martin was struggling with the doctor and using vile language; I grabbed hold of him and said: "Jack, what is the matter?" and threw him down on the grass. I had seen Martin before in these fits of insanity and knew he took them. The doctor ran away and as he was going said, "Thanks, Woods." I took Martin then, he being on United States hospital grounds, and tried to talk with him. * * * And then put him behind a bush in a hedge at the corner of Kingsbridge Road and Sedgwick Avenue on a private residence. * * * And then we sat down in the grass; Martin was lying in the grass hollering and screaming; in my estimation the man was out of his mind. As I have said previously, I had seen him in these fits before and knew that he took them. He laid there for about half an hour and I continued to sit with him. * * * All of a sudden one of the guards came over. I do not know his name, save that he is an official guard stationed around the hospital, and asked me what was the matter. Martin jumped up, struck at him, breaking his straw hat; I chased the guard away, saying to get out of the way, I'd take care of Martin. In about 15 or 20 minutes more I saw several policemen come in and take hold of Martin. I said: "This man is a patient in the hospital; he has gone a little off, so don't beat him; if you do, I'll report it." I walked over with one and got to the entrance of the gate, and down came the Red Cross athletic director, Mr. Peck. "Peck," I said, "see that they don't beat Martin." "All right, Jerry; I will."

I knew Peck since I was in Camp Upton. We walked up the drive into the main corridor of the main building. Then several orderlies came and took Martin and carried him over to the G building. I waited awhile and then said: "Well, I guess I'll go up to bed." One of the doctors said, "Wait a minute, Woods," and I waited. And the first thing I knew the orderlies picked me up and carried me over to the G building. I asked them what they were taking me over there for, among a lot of insane men, particularly when I was trying to care for a man who was out of his mind. I struggled a little, but my struggle was no good. They had put Martin in the G building, and I saw a policeman there. I thought that the policemen were going to beat him and myself in this building, so I immediately fell on the floor in a pretense of fainting and laid there with my ears and eyes open and saw everything that went on. The orderlies went in; about two minutes later they returned, picked me up, and put me in bed and strapped me down with sheets. Martin was 10 feet away from me, and we were the only two in that room. They were then still undressing Martin, and then they put him in a strait-jacket. The nurse, Miss Valentine, and the doctor officer of the day left the room while we were being undressed. Martin was struggling against being put into the strait-jacket, and as soon as the nurse and doctor were out of the room the orderlies said, "Give it to him." Then four or five attendants undertook to beat Martin and choked him. Martin was screaming and using vile language and hollering even while the nurse was in the room. I was lying alongside of him and said, "Martin, for God's sake keep quiet or they'll kill you." One man deliberately went over and put his hands on Martin's neck and said, "Now, you — — I will make you keep quiet," and he choked Martin and stuffed a towel down his throat. I said, "If I could get up out of here I'd show you what I'd do to you for doing that to Martin." They replied, "Keep quiet, or we'll fix you." I answered, "I dare you to do it." Meanwhile, Martin still continued to holler. I was tied down in bed; it was then, I guess, about half past 10 or 11. There was no orderly in the room, and I got on to the way they tied me in the bed; not being in a strait-jacket, I finally loosened myself, and thinking I would be doing a humane act, I went over and tried to unloosen Martin from his strait-jacket. He was hollering so much that it attracted the attention of an orderly outside the room, who came up and called other orderlies. Four of them responded; I struck at two or three, and they ordered me into a strait-jacket. When they returned I said, "If ever I get out of this I will take one of you, one at a time; but don't you dare try anything." They went over to Martin and said, "It is coming to him; we have had him in this building before." I told Martin to keep quiet, and the reason he did not, I think, was that he did not understand me, being out of his mind. Two or three hours later they loosened the strait-jacket and put Martin in a private room, so that there was no way of my seeing him, and there being no knob on the inside of the door there was no way of his getting out. He still continued to scream and holler. I spoke to the night orderly and Miss Valentine next morning, and Miss Valentine said, "Jerry, I was willing to walk out of this building because of the doings last night. I don't care; I have my resignation in already, and I am going in about three days. I was so disgusted with what happened last night." I asked her why she put me into a strait-jacket, and she said, "'Doctor ordered it, and the result is it had to be done."

JEREMIAH WOODS.

Sworn to before me this 30th day of September, 1922.

[SEAL.] JAMES THOMAS MURRAY, Jr.,
Notary Public, New York County, No. 505.

The Veterans' Bureau secured an exonerating affidavit from the nurse who had previously criticized the beating of this helpless insane patient. She confided to Jeremiah Woods that she was leaving to enter upon more pleasant and better-paying work, having in prospect an appointment as visiting nurse by the Veterans' Bureau. It would be illuminating to learn what part the prospective appointment as visiting nurse played in the exonerating affidavit.

Whether the investigation is actually over and what its findings are matters little, for I am convinced of its worthlessness. However, the people of my locality and of all New York want to know just what this remarkable investigation brought forth, and it is up to Director Forbes to make it known without further delay.

Mr. FORDNEY. Mr. Speaker, I move the previous question on the conference report to its passage.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FORDNEY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

EXTENSION OF REMARKS.

Mr. WEAVER. Mr. Speaker, it is not my purpose to discuss at any length the conference report on the bill for adjusted compensation to the soldiers, nor the provisions of the bill itself.

This bill has now been pending for a very long time and it is time for final action.

I have supported this legislation in all its phases since it was first presented in Congress. Two years ago I voted for the bill in the House. It was allowed to die in the Senate, and but for the exigencies of the approaching election doubtless it would again find a similar death. The propaganda against this legislation has been very widespread and very misleading. I wonder some time if the people in so short a period have forgotten the great sacrifices made by our soldiers. I believe that our people are still patriotic and that the soldier still holds a place in their hearts. But propagandists have led them to believe that this is a raid by them upon the Treasury that will mean destruction of the national credit. We are not surprised at this when it comes from so high a source as the Secretary of the Treasury, and, indeed, from the President himself, who addressed the Senate upon this bill on the 12th day of July, 1921, and asked that it be not considered. Even now we are told that it faces his veto.

Various amounts have been quoted as the burden that this legislation would place upon the American people. They have been told that it would cost the Nation from four to seven billions of dollars, and the inference has been left by those opposed to the bill that this money would have to be paid immediately and upon such terms as would greatly cripple the country financially.

If experts, who have carefully estimated the amount of money that would be required to meet the provisions of this bill, are at all correct, these statements have been most misleading. The bill is based upon the idea of giving to each soldier who served in France $1.25 additional for each day of service up to the amount of $625, exclusive of his first 60 days of service, and $1 a day to each soldier who did not have foreign service. These payments are spread over a period of 20 years. The amount of money that would be actually involved in meeting the obligations of the bill have been estimated as follows: The first year the payment would be about $77,000,000; the second year it would be $92,000,000; the third year $73,000,000; the fourth year, at which time certain loans upon the certificates to be issued would mature, $370,000,000. From then the amount would decrease as follows: The fifth year would be $148,000,000; the next year $137,000,000; then $92,000,000, $36,000,000, $25,000,000, $21,000,000, $18,000,000, and so on, until 1942, when the payment required would be $144,000,000. From these expert estimates it will thus be shown we would pay on account of this legislation the first year only about the amount we have appropriated each year for Federal aid to good roads and generally over the period of 20 years much less. The Nation is steadily growing in wealth and it has been impossible for me to see that these payments, spread over so long a period, would be at all burdensome, and certainly they do not approach the extent of the burden which those who are opposed to this legislation have claimed in the propaganda sent out.

We have performed a great duty in taking care of the sick and disabled, and there is now ample appropriation provided by Congress for any sick or disabled soldier who can trace his disability to a service origin. We are spending now on their behalf over a million dollars for each day of the year. We are willing to spend more than that, much more, if necessary, to take care of them in vocational training, in hospitalization, and in the payment of compensation and insurance benefits.

When the war was ended many contracts for war supplies were annulled, and these contractors came to the Government and they were reimbursed out of the Treasury for all of their losses, amounting to millions of dollars, and nothing was said about bankrupting the Treasury. It was paid by the Secretary of the Treasury without criticism.

Every mine operator who had placed new equipment or had opened a mine with the hope of supplying Government needs asked for similar legislation and it was granted, and they were paid out of the Treasury in the neighborhood of $800,000,000 and no one objected.

When the railroads were returned by the Government to their owners they were allowed to fund for a period of 10 years the moneys they owed the Government for equipment and trackage, over a billion dollars, while the Government paid them from the Treasury full rental for their properties and including a six months' guaranty after the roads went into private hands. All of these things have been done without protest or without the declaration that they were destructive of the national credit and to me it is somewhat surprising that the opposition to pay our soldiers an adjusted compensation, which would give them the insignificant sum of $2 per day for their services, should have found lodgment in the minds and hearts of patriotic America. We paid a bonus of $20 per month to all civil employees, and are still paying this bonus. Many were exempted from military service because of their particular efficiency in industry and stayed at home at abnormal wages. Over 100,000,000 of population placed upon a selected 4,000,000 the defense of their country and the preservation of the world's civilization, and there should be grateful recognition of what our soldiers accomplished so fully and so quickly.

I regret, however, that the conferees did not retain in this bill the amendment offered by Senator SIMMONS, of North Carolina, and adopted by the Senate, pledging the interest on our loans to foreign Governments to the payment of this indebtedness. It seemed to me a very fitting thing that at least the interest from these great loans should be dedicated to so sacred a service. To my mind this would have been far more just and equitable than to follow the plan urged by President Harding to place a sales tax upon the people for the purpose of meeting this obligation. Why the sales tax when you talk about adjusted compensation for the soldiers? These men faced every form of death by disease and in battle. Many of them were drafted into the service by their Government, and no soldiers on earth ever rendered better service than they. The railroads were paid vast sums of money without a sales tax. The war contractors were paid around $2,000,000,000, because of the cancellation of their contracts, without the imposition of a sales tax to meet it. Many other obligations of the Government, growing out of the war, were paid to men who never saw a day of service, without the demand for a sales tax to make them odious in the minds of the people. Only the soldier, for whom this bill provides the meager sum of $2 per day, for a limited period of time, and not to exceed a total payment of $625 in each case, under the plan of the President and Secretary Mellon, is to be subjected to having his compensation raised by a tax upon the consumption of the country. It seems to me that the proportion of things has been lost by those in authority in the Nation.

But, Mr. Speaker, the matter which I wish to call now to the attention of the House has more particularly to do with another phase of the Government's attitude toward the soldier. The Republican Party claims, and will continue to claim, that the ex-service man is the object of its special care. I might point out at this time the fact that all of the initial legislation providing for compensation for our soldiers, allotments to their families while they were in the service, and insurance upon their lives while at war, was passed by a Democratic Congress, under the leadership of Woodrow Wilson.

I thought that when the soldiers returned from war, regardless of politics, they would be recognized above others in civil-service employment. The Congress itself, in order that this might be done in 1919, under the first deficiency appropriation bill, enacted:

> That hereafter in making appointments to clerical or other positions in the executive branch of the Government, in the District of Columbia or elsewhere, preference shall be given to honorably discharged soldiers, sailors, and marines, and widows of such, and to the wives of injured soldiers, sailors, or marines who themselves are not qualified, but whose wives are qualified to hold such positions.

This was intended to give to each soldier who successfully passed an examination in the civil service, and whose character was good, preferment in the appointment. I do not know how it has been elsewhere, but in the district which I have the honor to represent—the tenth district of North Carolina—no soldier has been able to pass successfully the watchful eye of the Republican politicians, either in post-office appointments or in rural-carrier appointments, unless such applicant has borne the proper Republican stripe.

On the 30th of March, 1917, President Wilson, by Executive order, provided that the appointment of all postmasters above fourth class should be made upon an examination to be conducted by the Civil Service Commission, and that the highest applicant, if morally and physically fitted, should receive the appointment. This was carried out by the Wilson administration. At least two appointments that I can recall now under the Wilson administration in the district I represent went to Republicans purely because they were given preference under the act of July 11, 1919. These were at Pisgah Forest and Bostic. Under the Wilson administration it was ruled by the First Assistant Postmaster General that this preference act applied to these positions. An examination of the records of the Post Office Department under the preceding administration will disclose that many thousands of appointments were made of Republicans who were successful in securing first place on the list of eligibles.

When President Harding came into office he changed the former Executive order so as to permit the Postmaster General to appoint either of the three certified eligibles. Under this, every maneuver has been resorted to to prevent the appointment of a Democrat, regardless of his position on the eligible list, regardless of his military service, and regardless of his fitness for the position. If the man recommended by some Republican referee has not become certified, new examinations have been asked by the Postmaster General and other devices resorted to. I do not cavil at the Republicans for the appointment of party men, but if there is to be a merit system it should be honestly and justly administered. In North Carolina the appointing power has been handed to a Republican politician, and an ex-service Democrat, however valiant a soldier he may have been, has received no favorable consideration. On his recommendation the plain and explicit act of Congress above quoted has been annulled.

In extenuation of their conduct in these matters, however, the Republican administration has claimed that post-office appointments were not strictly civil-service appointments. This possibly may be correct as a technical interpretation. But it does seem hard, unjust, unfair, and partisan that the ex-service man should receive this discrimination against him. One would naturally think that he, at least, would escape the hands of the ward-heeling politician.

But certainly I thought that when the administration came to purely civil-service appointments the law giving preference to soldiers would be effective. Congress clearly and explicitly provided in the act that in making these appointments in the executive branch of the Government "preference shall be given to honorably discharged soldiers" and their widows. There is no discretion in this language. This act has been set aside by the Post Office Department. The Civil Service Commission has declared its helplessness.

Let me illustrate. A vacancy occurred in the position of rural carrier at Hayesville, Clay County, N. C. This was strictly a civil-service appointment. At the head of the list of eligibles certified to the Fourth Assistant Postmaster General was the name of George B. Thompson. He enlisted in the Army on the 5th day of June, 1917. From July 15 to September 7, 1918, he served in the Mount Kemel sector, and was in some of the most trying engagements of the war. From September 22 of that year to November 11 he served in the Hindenburg sector. He was one of those who helped to break the Hindenburg line, which gave to the Germans one of their first impressions of the valor of the American soldier. He knew what it was to face the shock of German troops. Every danger of war he met most valiantly and fearlessly. He was fighting for the protection of his country and the civilization of the world. He asked no questions. He was at the front when the armistice was signed.

He returned to the country he loved and whose battles he had fought, and was honorably discharged from the Army on April 4, 1919. He had a right to believe that his country would honor his service and that when he had received his discharge and laid aside his uniform if there were preferment in any civil-service employment he would be generously remembered. He stood first on the list of eligibles certified by the Civil Service Commission to the Post Office Department. Service men were seeking positions throughout the country. They had had no opportunity to profit from the war. Theirs had been the trenches. Their ears were accustomed to the bursting of shells and the cracking of machine guns. This boy had been at the front. He had hazarded all. Was he even given the protection and preferment which a plain act of Congress had provided? Not at all. He lacked one thing. He had not voted the Republican ticket. In comparison with this his service was naught.

The act of Congress of July 11, 1919, was futile. What mattered it to the Hon. John Motley Morehead, of North Carolina, that he had been a brave and valiant soldier? What mattered it to the Postmaster General that this boy had helped to turn back the bloody German advance? Had the people not given the Harding administration 7,000,000 majority in the last election and was not this a mandate? So it was claimed. Would it not be disastrous to the Harding administration to have a Democratic ex-service man deliver the letters of his neighbors in a far-off rural district? Of course it would. Would the Postmaster General allow a little act of Congress to stand in his way when the Hon. John Motley had spoken? Most certainly not.

This splendid young soldier thought he was entitled to appointment under the act of Congress and under his position as first on the list of eligibles. I presented this matter to the Fourth Assistant Postmaster General, and, on March 21, 1922, he disposed of it as follows:

> In order that you may have a correct understanding of the case, I beg to state that it has been ruled by the Civil Service Commission that the act of July 11, 1919, entitles an eligible who has rendered military

service to preference in certification but not necessarily in appointment, and that the appointment of such an eligible was discretionary with, and not mandatory upon, the appointing officer, who may, if he decides that the person eligible lacks qualifications necessary, in the position to be filled, select one of the other eligibles. While, therefore, it is the policy of the department, which is very generally adhered to, that, other things being equal, a preference eligible shall be selected when certified, an exception may be made when it appears that the interests of the service will be better subserved by so doing, and in making such an exception this department is entirely within its privileges under the law and the civil-service rules. In this instance the conclusion was reached after very careful consideration that the appointment of Mr. Garland White would be more favorable to the interests of the service than that of Mr. Thompson and action was taken accordingly.

The fact that Mr. Thompson was not selected for this position does not, of course, imply any reflection upon his character or eligibility for future appointment, and should his name again be certified in connection with a vacancy in Clay County the question of his appointment would receive very careful consideration.

I also presented the situation to the Civil Service Commission and no relief was to be found there. I quote from their letter to me of March 18, 1922:

You are informed that on February 11 the names of the following persons, in the order indicated, were certified to the Post Office Department to fill a vacancy in the position of rural carrier at Hayesville, N. C.:

George B. Thompson	74.00
Frank E. Evans	77.70
Garland E. White	77.60

Mr. Thompson was the only person entitled to military preference and his name headed the certificate. On March 8 the department reported its selection of Mr. Garland E. White, eligible No. 3, effective March 20, 1922.

The appointment of a preference eligible is not mandatory. Passing the required examination entitles such person to be certified above all others, regardless of the comparative rating obtained, and places his qualifications before the appointing officer.

The commission's duty and jurisdiction end when the person entitled to the benefits of the statute has received the preference in certification allowed by the rules. The rules provide for the certification of the highest three names on the register of eligibles appropriate for the position to be filled, and the appointing officer is entitled to select any one of the three. The rules forbid discrimination on account of political or religious reasons, and the commission may investigate a selection where it is charged, with offer of proof, that this provision of the rules has been violated, but with this exception the commission has no jurisdiction to interfere in the matter of selection from among the three names certified. The appointment of a preference eligible is therefore discretionary with the appointing officer. The statute is addressed to his conscience and judgment, and no vested or exclusive right to a particular office or position was intended to be given. If the appointing officer decides that the preference eligible lacks the capacity necessary in the position to be filled and that he will select any of the other eligibles whose names have been certified his decision is not reviewable by the commission. All that the commission can do in such a case is to return the name of the eligible to the register for further certification.

The letter of the Postmaster General states that the act of July 11, 1919, entitles an ex-service man to certification, but not necessarily to appointment. The act does not so state. The language is that he shall be appointed. Of course, if charges were preferred and maintained this would not be expected.

The Civil Service Commission states that they can only investigate discrimination on account of politics and religion. I now invite them to the records in this case. They will find the political discriminaton and that against a soldier of their country and regardless of the act of Congress.

Well, probably our soldiers do not deserve so much at last. Were they not simply performing a duty? Undoubtedly. But what a duty it was. When they were marching away it was one thing. When they have returned it is another. I wish all had been as considerate of the Treasury as the soldier. The war itself contributed to the making of more than 25,000 new millionaires in the United States. Vast sums of profits were made to every industry and to every class. It now seems, however, in the minds of some, at least, that the soldier who might benefit by this bill to the extent of an additional $1 per day for his service is the prime grafter upon the Treasury. The average service of the soldier in the war was about 10 months. Two months of this is excluded because of the $60 bonus already paid for that period. To receive a certificate, payable at the end of 20 years, of the maximum of $625, a soldier would be required to have had a long period of service.

For it's "Tommy this" and "Tommy that" and "Tommy wait outside";
But it's "special train for Tommy" when the trooper's on the tide.

With the Post Office Department it is "Tommy, how'd you vote?" Will Hays may have humanized that department, but unless Tommy voted the Republican ticket he is not a welcome applicant for any civil-service appointment in it or any executive department of the Government.

Mr. NORTON. Mr. Speaker, from the beginning of history we learn that it has been the custom of all countries to express their gratitude to the victors in war and confer upon them gifts of money or land, or both, and our own country is no exception to the rule. After every war those that took part received some compensation. When the Civil War ended the great West and Middle West was sparsely settled and only waiting the plow to become the garden of our country. Cities then being small, most of the soldiers that composed our Army were from villages and the farm, and after being mustered out went west, received the 160 acres allowed them by the Government, proved up, and became its best citizens.

The soldiers in the last war, being Federal troops and not State troops, the obligation to care for them upon their return rested upon the Federal Government and not upon the States, and the Government should have recognized this fact, as did the platforms of both political parties, and fulfilled its obligation long ago, as all other nations have done; but failing to do so, many States, unwilling that provision should not be made for many in need, passed laws and paid bonuses to those enlisting from the States. In every instance when the people had an opportunity by a referendum to pass upon the question they approved a bonus by a large majority. In Ohio, for instance, the vote was 949,109 for to 324,447 against, a majority of 624,662.

With these facts before us, how can anyone say that it is not the desire of a vast majority of our people that the Federal Government should make the slight provision provided in this bill for the Federal troops that served so valiantly, and cease to give any consideration to this propaganda emanating from those that most benefited by the war—the moneyed interests of the country?

It is said we soon forget the hardships in our strife after the mighty dollar, but it does not seem possible that we can so soon forget the promises we made those boys when they left their families and those they loved so well to endure what was then said to be the greatest hardship that ever fell to the lot of man. Recall for a moment life in the trenches, with mud to the knees, and vermin on every hand. Then again 40 days and more in continuous battle, day and night, in the Argonne Forest, and men wounded and dying on every hand, and then say that $30 per month is sufficient reward for such service when the men at home who took their places were receiving many times that amount and living on the fat of the land. Consider that while a man may not show the effect of such hardships and battles, no one that passed through them is as well or as healthy as he was before. But you say that they did not all suffer the privations. That is true, but they were all willing and did their part as directed.

A nation can not afford to neglect those that answered their country's call in time of need, for while everything may be smooth and quiet to-day no one can tell how soon they may be again called to "shoulder arms" to protect our flag on land and sea. America has had the most loyal and patriotic people in the world. Our schools and colleges have ever instilled in the hearts of the children, and in young men and women, love for the flag and their duty to follow and protect it whenever the occasion required.

Upon the declaration of war our National Guard mobilized at once; every man was ready to go, although many of them had just returned from the border. From all vocations and stations in life men volunteered for service. Our schools and colleges immediately began the organization of companies, and in some instances regiments. They did not wait for the conscription, but volunteered for service at home or abroad as occasion required. Is not such service worthy of every encouragement? It is true that the pittance provided in this bill is not compensation, but it will at least tend to show some appreciation of the sacrifice all those that took part made for their country.

When the war ended and the boys returned to their homes, if return they did, and sought the positions they had left, which it was said would be held open for them, in many instances they found their places filled, themselves out of employment, the cost of living so advanced that the small savings they had in the bank when they left was soon exhausted, if it had not already been used by those they left behind to pay rent and living expenses while they were away fighting for their country.

The insurance and homestead provisions are the important ones in this bill, both of which encourage thrift on the part of the one receiving them and tend to make better citizens by providing for the family as well as the soldier. They not only pay more but are far better, and I believe that 8 out of 10 will select one of these options rather than the cash payment provided for in the bill. The men that composed our Army are among our best citizens and will request that which they believe best for themselves and their families, and only those in great need will ask the cash payment.

We called upon the manhood of the Nation. They came from city and village, from factory and farm. They fought amidst dangers and darkness; they knew no such word as fear or retreat; it was death or victory. They returned amidst the plaudits of thousands and the promise of just rewards. Great Britain, France, Canada, and Belgium each has given more in proportion to their wealth than has the United States, the richest country in the world. Let us pass this bill, reward patriotism, and teach the children to love that flag for which so many soldiers gave their blood and their lives.

PENSIONS AND INCREASE OF PENSIONS TO SOLDIERS AND SAILORS OF THE CIVIL WAR—CONFERENCE REPORT.

Mr. FULLER. Mr. Speaker, I call up the conference report on the bill (H. R. 6507) and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 7, 8, 13, 15, 16, 17, 18, 19, 20, 21, 25, 26, 28, 29, 31, 32, 34, 35, 37, 38, 39, 40, 42, 44, 45, 47, 48, 50, 56, 58, 61, 62, 63, 64, 65, 66, 68, 74, 76, 77, 79, 80, 83, 84, 85, 86, and 87.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 9, 10, 12, 22, 23, 24, 27, 30, 33, 36, 41, 43, 46, 49, 51, 53, 54, 55, 57, 59, 60, 67, 69, 70, 71, 72, 73, 75, 78, 81, 82, and 88.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "The name of Helen M. Dannat, widow of George H. Dannat, late of Company C, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "The name of Mary J. Hayes, widow of George W. Hayes, late of Company D, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "The name of Mary A. Bordwell, widow of Joseph Bordwell, late of Company I, Sixty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "The name of Sarah A. Bradley, widow of William A. Bradley, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by the Senate amendment insert the following: "The name of Mary Kerr, widow of Samuel C. Kerr, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with the following changes:

Strike out lines 22 to 25, inclusive, page 216, and lines 1 to 3, inclusive, page 217, of the Senate engrossed amendments; page 220, strike out lines 9 to 12, inclusive; page 240, strike out "month" and insert "month."; page 240, strike out line 10; page 240, after line 10, insert:

"The name of Edmond D. Judkins, late of Company E, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month.

"The name of Mary D. Phillippi, widow of Robert M. Phillippi, late of Company E, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Georgia M. Sabin, widow of George F. Sabin, late of Company F, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and Company B, Nineteenth Regiment Veteran Reserve Corps, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Charles Lynch, alias Thomas Sheridan, late of Company A, Ninth Regiment Connecticut Volunteer Infantry, and Company M, Fourth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

"The name of Margaret J. Wadsworth, widow of Daniel P. Wadsworth, late of Company H, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

"The name of Mary J. Wright, widow of Franklin Wright, alias Franklin Reifine, late of Company H, Twelfth Regiment Pennsylvania Volunteer Cavalry, and Company D, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Eliza J. Farmer, widow of Eli Farmer, late of Company A, Third Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Anna M. Quinlan, helpless and dependent daughter of John T. Quinlan, late of Company B, One hundred and fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of James Gilroy, late of Company H, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Martha Ousley, widow of James Ousley, late of Company K, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Sarah Gaddis, widow of Robert F. Gaddis, late of Second Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Arthur O'Hara, late of Company G, One hundred and forty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month.

"The name of Paschal C. Hibbs, late of Company F, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Reuben Clymer, late of Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and Companies C and K, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

"The name of George W. Horn, late of Companies A and E, Fifth Regiment New Jersey Volunteer Infantry, and Company B, Second Regiment United States Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

"The name of Florence F. Watson, widow of Willis H. Watson, late of Company G, Eightieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Martha J. Holden, widow of Richard Holden, late of Company G, Thirtieth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Lucy Lavin, widow of Patrick Lavin, late of Company C, Seventh Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of Aaron V. S. Rouse, late of Company B, One hundred and second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Mary A. Gibbons, former widow of Lysander Pelton, late second-class fireman, United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Catharine Celley, widow of James M. Celley, late unassigned, Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $35 per month.

"The name of Louisa Sinclair, widow of Benjamin F. Sinclair, late of Company K, Forty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Maggie B. Sullivan, widow of George W. Sullivan, late of Company E, Fourteenth Regiment West Virginia

Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Jonathan D. Hale, late of Company D, Twelfth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Annie Casey, widow of James Casey, late landsman, United States Navy, and pay her a pension at the rate of $30 per month.

"The name of Lucetta Brown, widow of William H. Brown, late of Company C, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and Thirteenth Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Earl Brown, helpless and dependent son of said Lucetta and William H. Brown, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lucetta Brown, the name of said Earl Brown shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Lucetta Brown.

"The name of George Stanley, late of Company D, Fifth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Nellie Thompson, widow of George Thompson, late of Company B, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Hester Tracy, widow of Daniel P. Tracy, late of Company D, First Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Margaret Staton, widow of Reuben Staton, late of Company C, Tenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ernest M. Staton, helpless and dependent son of said Margaret and Reuben Staton, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret Staton, the name of said Ernest M. Staton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Margaret Staton.

"The name of Oscar F. Heath, late of Company C, Seventh Regiment, and Company I, Ninth Regiment, Kansas Volunteer Cavalry, and Company A, Twenty-first Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of James Gloster, late musician, Sixteenth United States Volunteer Infantry, and of the Twenty-seventh Independent Battery, New York Volunteer Light Artillery, and Company K, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and pay him a pension at the rate of $50 per month.

"The name of Nora E. Billstein, widow of Marcus Billstein, late of Company A, Fifteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Josephine Jump, widow of Joseph Jump, alias George Millington, late of Company G, Seventy-seventh Regiment New York Volunteer Infantry, and Company D, Twelfth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Mary Sanders, widow of Christian Sanders, late of Companies C and A, Thirty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Margaret Poore, widow of Joel L. Poore, late of Battery C, First Regiment Kentucky Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Calvin Logan, late of Company F, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Harriet Dietrich, helpless and dependent daughter of Jeremiah Dietrich, late of Company C, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Elizabeth A. Lunsford, widow of John H. Lunsford, alias John Harrison, late of Company B, Fifty-second Regiment Ohio Infantry, and Company K, Sixty-ninth Regiment, and Company F, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Isaac Johnson, late of Company F, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Hattie Pringle, former widow of Morris H. Allen, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Margaret A. Plank, widow of George W. Plank, late of Company C, Webster County (Mo.) Volunteer Home Guards, and pay her a pension at the rate of $30 per month.

"The name of Caroline Chambers, former widow of LaFayette Stahlman, late of Company B, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Annie J. Gove, widow of Edward A. Gove, late of Company H, Sixth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary Mahoney, widow of Patrick Mahoney, late of Company G, Cole County (Mo.) Home Guards, and pay her a pension at the rate of $30 per month.

"The name of Mathilde Richter, widow of August Richter, late of Company G, Twenty-fourth Regiment Illinois Volunteer Infantry, and ordinary seaman, United States Navy, and pay her a pension at the rate of $30 per month.

"The name of Lizzie Cragg, widow of Edmund Cragg, late of Company D, One hundred and nineteenth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Henry A. Rowley, helpless and dependent son of Robert Rowley, late of Company C, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Mary E. Howard, widow of Joseph H. Howard, late of Company B, Seventy-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of John A. Robinson, helpless and dependent son of Henry Robinson, late of Company C, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month.

"The name of Emsey O. Young, widow of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving; and the name of William M. Young, helpless and dependent son of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $12 per month in lieu of that now being paid to his mother for his benefit.

"The name of Emerette McKernan, widow of James C. McKernan, late of Company F, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Lydia A. Campbell, widow of Edward Campbell, late of Company A, Tenth Regiment New Jersey Infantry, and Company H, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Annie M. Gage, widow of William B. Gage, late of Company C, Third Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $30 per month.

"The name of Emma Koontz, widow of Phillip Koontz, late of Company D, Fortieth Regiment Illinois Volunteer Infantry, and Company M, Fifth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Leela Koontz, helpless and dependent daughter of said Emma and Phillip Koontz, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emma Koontz, the name of said Leela Koontz shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $20 per month from and after the date of death of said Emma Koontz.

"The name of Mary J. Brewer, former widow of Noah Brewer, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Alameda J. McBride, former widow of Lorenzo D. Hold, late of Company D, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Rebecca Uzell, known as Rebecca Meyer, former widow of Charles W. Meyer, late of Company H, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Jabez Lumbert, late of Company H, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Elizabeth Waldon, former widow of Christian Cieving, late of Company H, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Nancy E. Minor, widow of William W. Minor, alias William Wallace, late of Company E, Ninth Regiment, and Company G, One hundred and forty-ninth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Dorcas W. Ash, former widow of Michael B. Hogle, late of Company C, Fifty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Hannah Orr, former widow of John C. White, late of Company H, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry; Company A, Eighteenth Regiment Pennsylvania Volunteer Cavalry; and Company B, Third Regiment Pennsylvania Volunteer Provisional Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Slatha Beard, former widow of George W. Henderson, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Martha J. Curtis, widow of David H. Curtis, late of Company B, Thirtieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Elvira F. Jarrett, former widow of David Witty, late of Company E, Ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Rosetta Davis, widow of Joseph A. Davis, late of Company B, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Charles H. Frizzell, late of Company I, Fifth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Louisa C. Coleman, widow of Garrett F. Coleman, late of Company B, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Napoleon B. Corns, late of Company K and unassigned, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Amelia D. Comstock, widow of Levi H. Comstock, late unassigned, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $30 per month.

"The name of John A. Beach, late of Company K, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month without recoupment for former alleged erroneous payments of pension.

"The name of Lucinda Viles, former widow of John H. Trent, late of Company B, First Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Frances E. Dunwoody, helpless and dependent daughter of Lorenzo D. Dunwoody, late of Company B, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month.

"The name of Olive A. Ham, widow of Moses C. Ham, late of Company B, First Regiment Maine Volunteer State Guards, and pay her a pension at the rate of $30 per month.

"The name of Maggie S. Vaughn, former widow of Lorenzo Schweninger, late of Company E, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month.

"The name of Mary J. Titus, widow of Francis J. M. Titus, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month.

"The name of Lura Hines, former widow of James Wingler, late of Company H, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Alonzo S. Newell, late of Company B, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month.

"The name of Sarah C. Peterson, former widow of Riley C. Hodge, late of Company B, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

"The name of Lurinda J. Neighbour, former widow of Levi B. Smith, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, through duly appointed guardian or conservator.

"The name of Mary J. Green, former widow of Jonathan W. Green, late of Company B, Fourth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving."

And the Senate agree to the same.

CHAS. E. FULLER,
OSCAR E. BLAND,
EWIN L. DAVIS,
Managers on the part of the House.
H. O. BURSUM,
P. J. MCCUMBER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House on H. R. 6507 state, by way of explanation, that the Senate in passing said bill undertook to consolidate in the one bill eight omnibus pension bills heretofore passed by the House and two Senate omnibus pension bills, omitting certain bills of the House upon which the Senate committee had reported unfavorably. The committee of conference went carefully over the bills not included in the consolidated bill and succeeded in restoring a large number of such House bills, the principal ones omitted being in cases where the proposed beneficiaries had died since the bills passed the House. Also the Senate bills included in the consolidated bill as it passed the Senate were carefully examined by the conference committee, and several of such bills not complying with the rules of the House committee were eliminated by the conferees. The report includes the great majority of the bills as they passed the House.

CHAS. E. FULLER,
OSCAR E. BLAND,
EWIN L. DAVIS,
Managers on the part of the House.

Mr. FULLER. Mr. Speaker, I move the adoption of the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FULLER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

CONFERENCE REPORT—PENSIONS AND INCREASE OF PENSIONS TO SOLDIERS AND SAILORS OF WARS OTHER THAN THE CIVIL WAR.

Mr. KNUTSON. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 5214) and ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 10, 11, 12, 15, 17, 18, 20, 22, 25, 26, 27, 28, 29, 32, 33, 35, 38, 39, 41, 42, 43, 44, 45, 46, 48, 51, 52, 55, 56, 57, 58, 60, 61, 64, 66, 67, 69, 71, 74, 77, 78, 79, 80, 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 7, 8, 9, 13, 14, 16, 19, 21, 23, 24, 30, 31, 34, 36, 37, 47, 49, 50, 53, 54, 59, 62, 63, 65, 68, 70, 72, 73, 75, 76, 81, 82.

Amendment numbered 2: That the Senate recede from its amendment numbered 2, and in lieu of the matter proposed to be stricken out insert the following: "The name of Annie N. Sullivan, widow of Calvin Sullivan, late of Captain Yoakum's Tennessee Volunteers, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving"; and the House agree to the same.

Amendment numbered 40: That the Senate recede from its amendment numbered 40, and in lieu of the matter proposed to be stricken out insert the following: "The name of Jacob Amberg, late of Troop D, Fifth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving"; and the House agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with the following amendments: On page 8, line 11, of the Senate engrossed amendment, strike out "$12" and insert "$18." At the end of the Senate engrossed amendment insert the following:

"The name of Nathaniel Holt, late of Company H, Seventeenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Claude H. Dean, late of Company I, Forty-ninth Regiment Iowa Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

"The name of Lucinda J. Henry, widow of William Henry, late of Company E, First Regiment Ohio Volunteers, war with Mexico, and pay her a pension at the rate of $30 per month.

"The name of Julia E. Sherrill, widow of Landon Sherrill, late of Company K, Fifth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of William Mendenhall, late of Company E, Thirty-fifth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $17 per month.

"The name of John Ferriter, late of Battery H, Second Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

"The name of George E. P. Mitchell, late of Company K, First United States Volunteer Engineers, war with Spain, and pay him a pension at the rate of $30 per month.

"The name of Hulda Flatt, former widow of David S. Beach, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

"The name of Walter A. Fleming, late of Company I, Fifty-first Regiment Iowa Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Daniel W. Eveland, late of Company D, Fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Maria Tighe, widow of Michael F. Tighe, late Signal Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Elias J. Quick, late of Capt. Clinton M. Tyler's Rangers, Colorado Militia, Indian wars, and pay him a pension at the rate of $20 per month.

"The name of William Stall, late of Troop F, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

"The name of Thomas Purcell, late of the United States Navy, war with Spain, and pay him a pension at the rate of $17 per month.

"The name of Lewis Speie, late of Troop A, Ninth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Claude S. Kellogg, late of Company G, Sixteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

"The name of Fred O. Hamilton, late of Company M, Fourth Regiment Missouri Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Eugene Augustus Gosling, alias James Gaslin, late of Company L, Sixth Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of John W. Cornell, late of Company F, Thirty-eighth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

"The name of Samuel M. Griffith, late of Company A, Sixth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

"The name of George A. Thompson, late of Troop F, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of Wade Bledsoe, late of Company K, Twenty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of William D. Wilson, late of Company A, Fourth Regiment Illinois Infantry, war with Spain, and pay him a pension at the rate of $17 per month.

"The name of Christine Siehl, dependent mother of Fred Siehl, late of Company K, Third Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

"The name of Mary C. Whalen, dependent mother of Joseph J. Whalen, late of Company B, First Regiment South Dakota Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

"The name of Nellie Masters, dependent mother of John D. McGinty, late of Company E, First Regiment California Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

"The name of James W. Bess, late of Companies H and I, Sixth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $80 per month in lieu of that he is now receiving.

"The name of William R. Neal, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

"The name of Emilie Draves, widow of Michael Draves, late of the United States ships *Constellation*, *Monongahela*, *Franklin*, *Kearsarge*, *Wabash*, and *Abarenda*, United States Navy, war with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of said Michael Draves until they reach the age of 16 years.

"The name of Anna B. Mount, dependent mother of Edward W. Mount, late of Company L, First Regiment West Virginia Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

"The name of Nancy Adams, dependent mother of Joseph W. Adams, late of Company A, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of George M. Perry, late of the United States Marine Corps, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Poppy Trammell, dependent mother of James Trammell, late of Company A, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of William Hays, late of Company B, Twenty-third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

"The name of Arthur E. Prager, late of Company I, Ninth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

"The name of William T. North, dependent father of James M. North, late of Company D, Thirty-fifth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

"The name of Ellen Hoctor, dependent mother of John Hoctor, late of Company I, First Regiment Maine Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

"The name of Roselia Meehan, dependent mother of Augusta Meehan, late of Company L, Sixth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

"The name of Charles W. Adams, late of Company E, Third Regiment Virginia Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

"The name of Ulysses Drinnon, late of the Twenty-second Battery, United States Field Artillery, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

"The name of Walter Barbo, late of Company I, One hundred and sixtieth Regiment Indiana Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

"The name of William Elliott, late of Company K, Fifteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Lawrence L. Dunning, late of Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Nathan L. Smith, dependent father of Walter B. Smith, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

"The name of William S. Davis, who served in Troop H, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Martha Jane Wilson, dependent mother of Lebby E. Wilson, late of the Eighteenth Company, United States Coast Artillery, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Harriet R. Palmer, dependent mother of Wilbur N. Gillette, late of Company I, Eighteenth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

"The name of Van Letsinger, late of Company D, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

"The name of Thomas Reece, late of Captain Rogers's company, Texas Rangers, Indian wars, and pay him a pension at the rate of $20 per month.

"The name of Calvin S. Hines, late of Capt. George W. Stevens's company, Texas Rangers, Indian wars, and pay him a pension at the rate of $20 per month.

"The name of Eliza W. Davis, widow of Gilbert F. Davis, late of Battery E, Fourth Regiment United States Artillery, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Julia B. Reynolds, widow of Robert W. Reynolds, late first lieutenant of the Third Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Ulric S. McPheeters, late of Companies C and I, Second Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Katherine C. Eiffert, widow of George E. Eiffert, alias George Edwards, late of Company B, Thirty-second Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $12 per month.

"The name of William R. Spooner, late of Company F, First Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

"The name of James Noe, dependent father of James W. Noe, late of the One hundred and thirty-seventh Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

"The name of Edward F. Stewart, late of Company K, Thirty-first Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Lemuel A. Mitchell, late of Company G, One hundred and sixty-first Regiment Indiana Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Ray England, late of Company H, Second Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

"The name of Gustav Buelow, late of Company E, Fourteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Napoleon W. Alexander, late of Colonel Dalrymple's company, Texas Rangers, Indian wars, and pay him a pension at the rate of $20 per month.

"The name of Emma C. Wiese, widow of Frank J. Wiese, late of Company C, Tenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Mary A. Scanlan, dependent mother of William J. Scanlan, late of Battery A, Fifth Regiment United States Field Artillery, Regular Establishment, border defense, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Katherine Timlin, dependent mother of John J. Timlin, late of the band, Second Regiment North Carolina Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

"The name of Patrick J. Blake, late of the Tenth Company, United States Volunteer Signal Corps, war with Spain, and pay him a pension at the rate of $12 per month.

"The name of Mortimer S. Martin, late of Capt. D. B. Randall's company and Capt. James Cearley's company, Idaho Volunteers, Nez Perce Indian war, and pay him a pension at the rate of $20 per month.

"The name of William S. Ritman, late of Capt. D. B. Randall's Company B, Second Regiment Idaho Volunteers, Indian wars, and pay him a pension at the rate of $20 per month.

"The name of James M. Burns, late of Company L, First Regiment United States Volunteer Engineers, war with Spain, and pay him a pension at the rate of $12 per month.

"The name of Samuel J. Herrin, late of unassigned company, Montana Volunteers, Indian war, and pay him a pension at the rate of $20 per month.

"The name of Ernest F. Grimm, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $30 per month.

"The name of Jane Myers, dependent mother of Joseph S. Myers, late fireman, first class, United States torpedo boat *Tingey*, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Capt. L. L. Tackitt, late of First Company Parker County Minute Men, Texas State troops participating in the Indian wars of 1866, and pay him a pension at the rate of $20 per month.

"The name of Sarah Christensen, mother of Alfred Christensen, late of Company C, Sixth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Samuel Inklebarger, late of Company K, Sixth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

"The name of Anna Claude Howard, widow of Thomas Benton Howard, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month.

"The name of Richard H. Humphries, late of Company E, Fourth Regiment Virginia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

And the Senate agree to the same.

HAROLD KNUTSON,
J. M. ROBSION,
Managers on the part of the House.
P. J. MCCUMBER,
H. O. BURSUM,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House on H. R. 5214, by way of explanation, wish to say that the Senate in passing said bill undertook to consolidate in the one bill seven omnibus pension bills heretofore passed by the House and two Senate omnibus bills, omitting certain bills of the House upon which the Senate committee had reported unfavorably. The committee of conference went carefully over the bills not included in the consolidated bill and succeeded in restoring a large number of such House bills, the principal ones omitted being in cases where the proposed beneficiaries had been members of the Regular Army and Navy Establishments, and whose disabilities did not show service origin.

Also the Senate bills included in the consolidated bill as it passed the Senate were carefully examined by the conference committee, and all such bills being adopted without amendments.

The report includes the great majority of the bills as they passed the House.

HAROLD KNUTSON,
J. M. ROBSION,
Managers on the part of the House.

Mr. KNUTSON. Mr. Speaker, I move the adoption of the conference report.

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. KNUTSON. Certainly.

Mr. MOORE of Virginia. It was impossible for me to hear the conference report. Will the gentleman explain in a minute or two the important features of the conference report? I do not desire detailed information, but will the gentleman tell us whether the bill deals with individual cases or to any extent changes existing pension laws?

Mr. KNUTSON. I will say to the gentleman from Virginia, Mr. Speaker, that this is strictly an omnibus bill, and contains no legislation whatever. The conferees worked over these bills for 17 hours without taking a recess—17 hours—and I will say to the House that as to the bills that were stricken out in conference 90 per cent of them applied to widows who automatically received their increase on September 1 under the bill H. R. 4, which became a law on that date.

Mr. BLACK. Mr. Speaker, if the gentleman is through, I wanted to ask him this question—probably it is unnecessary, but just to assure myself: In this amendment that the House has added at the end of the Senate amendment are any bills included that did not pass the House in the omnibus bills that have heretofore passed?

Mr. KNUTSON. Yes, sir; there were several, and we accepted them. I will state to the gentleman that we went into the merits of the bills and accepted them.

Mr. BLACK. Does not the gentleman think that that would be somewhat exceeding the conferees' authority?

Mr. KNUTSON. No.

Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. Winslow] for a moment.

FEDERAL FUEL DISTRIBUTOR.

Mr. WINSLOW, from the Committee on Interstate and Foreign Commerce, submitted for printing, under the rule, the conference report and accompanying statement on the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

Mr. WINSLOW. I desire to announce, Mr. Speaker, that it is my purpose to call up this report to-morrow.

The SPEAKER. The gentleman from Massachusetts gives notice that he will call up the conference report on the bill to-morrow.

Mr. MOORE of Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts state in a few words what is the result of the conference report on this bill. Otherwise we shall not know what it contains until it appears in the Record to-morrow morning.

The SPEAKER. The gentleman from Virginia calls upon the gentleman from Massachusetts for a statement.

Mr. WINSLOW. Well, Mr. Speaker, would it be in order to do that?

The SPEAKER. It would be in order.

Mr. WINSLOW. It would be desirable to have the statement accompanying the report read. It will furnish the information that the gentleman desires.

Mr. STAFFORD. Mr. Speaker, it is out of the usual order entirely, when the chairman of a conference committee presents his report for printing in the Record, to call upon him to make a statement. The report will be printed in the morning, and everybody to-morrow will know exactly what is in the report.

Mr. MOORE of Virginia. I am perfectly aware of that; but we shall not know what is in the report until we get the Record to-morrow morning, and I think a brief statement now would enable the Members of the House to have this information. If the gentleman from Wisconsin does not wish that to be done I shall not press it.

Mr. STAFFORD. The gentleman from Massachusetts wants the report read.

Mr. WINSLOW. No; the statement accompanying the report.

Mr. MOORE of Virginia. Mr. Speaker, I will withdraw my request. I thought my friend from Massachusetts would be able to tell us very briefly just what is in it.

Mr. WINSLOW. I should be obliged to refer to my notes for what is in the statement.

PENSIONS.

The SPEAKER. The question is on agreeing to the conference report on the bill (H. R. 5214) relating to pensions and increase of pensions.

Mr. KNUTSON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report on the pension bill.

The conference report was agreed to.

On motion of Mr. Knutson, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

TARIFF BILL—CONFERENCE REPORT.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the conferees on the tariff bill may have until midnight in which to file their report.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the conferees on the tariff bill may have until midnight to-night in which to file their report. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand the gentleman from Wyoming has conferred with the gentleman from Texas [Mr. Garner] in regard to the matter?

Mr. MONDELL. I have.

Mr. GARRETT of Tennessee. And that the arrangement is agreeable to him?

Mr. MONDELL. Yes.

The SPEAKER. Is there objection?

There was no objection.

Following are the conference report and accompanying statement on the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, submitted for printing under the rule:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 25, 35, 43, 44, 46, 87, 90, 91, 92, 116, 119, 129, 136, 137, 145, 147, 160, 162, 166, 197, 228, 237, 241, 245, 288, 449, 450, 455, 456, 515, 516, 520, 751, 768, 769, 771, 782, 808, 846, 869, 870, 893, 913, 914, 915, 927, 931, 947, 948, 1023, 1139, 1140, 1142, 1218, 1338, 1344, 1416, 1527, 1535, 1551, 1569, 1587, 1600, 1603, 1650, 1651, 1652, 1653. 1686. and 1928.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 84, 85, 86, 88, 93, 96, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 117, 118, 120, 121, 122, 123, 124, 125, 126, 127, 128, 131, 132, 133, 134, 135, 138, 139, 140, 141, 142, 143, 144, 146, 148, 149, 150, 152, 153, 154, 155, 156, 157, 158, 159, 161, 163, 164, 165, 167 168, 169, 170, 172, 173, 174, 176, 177, 178, 180, 181, 182, 183, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 198, 199, 200, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 229, 230, 231, 232, 233, 234, 235, 236, 239, 240, 242, 243, 244, 247, 249, 250, 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988, 990, 992, 994, 995, 996, 998, 1000, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1019, 1021, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1059, 1069, 1070, 1071, 1072, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1137, 1138, 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 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1383, 1384, 1385, 1386, 1387, 1388, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1499, 1501, 1502, 1506, 1512, 1518, 1520, 1522, 1524, 1530, 1533, 1538, 1539, 1540, 1553, 1559, 1563, 1572, 1584, 1585, 1589, 1590, 1596, 1597, 1598, 1599, 1605, 1607, 1611, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1632, 1633, 1634, 1635, 1636, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1654, 1655, 1656, 1657, 1658, 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2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 3032, 3033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2402, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, and 2436, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "17"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment and on page 2 of the House bill, line 20, strike out "formic acid" and the comma; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "propyl, and"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "12"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "barium hydroxide, 1½ cents per pound" and a semicolon; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "three-tenths"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "PAR. 19. Casein or lactarene, 2½ cents per pound"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40 per cent ad valorem based upon the American selling price (as defined in subdivision (f) of section 402, Title IV) of any similar competitive article manufactured or produced in the United States, and 7 cents per pound: *Provided*, That for a period of two years beginning on the day following the passage of this act the ad valorem rate of duty shall be 55 per cent instead of 40 per cent. If there is no similar competitive article manufactured or produced in the United States then the ad valorem rate shall be based upon the United States value, as defined in subdivision (d) of section 402, Title IV. For the purposes of this paragraph any coal-tar products provided for in this act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner: *Provided*, That no duty imposed under this paragraph shall be increased under the provisions of section 315"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45 per cent ad valorem based upon the American selling price (as defined in subdivision (f) of section 402, Title IV) of any similar competitive article manufactured or produced in the United States, and 7 cents per pound: *Provided*, That for a period of two years beginning on the day following the passage of this act the ad valorem rate of duty shall be 60 per cent instead of 45 per cent. If there is no similar competitive article manufactured or produced in the United States then the ad valorem rate shall be based upon the United States value, as defined in subdivision (d) of section 402, Title IV. For the purposes of this paragraph any coal-tar products provided for in this act shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to those accomplished by the domestic product when used in substantially the same manner: *Provided*, That no duty imposed under this paragraph shall be increased under the provisions of section 315"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "unless the immediate container"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: On page 9 of the Senate engrossed amendments, line 21, strike out "package, case, or container, or the" and insert "immediate container or the"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: On page 10 of the Senate engrossed amendments, line 20, strike out all after "1549" down to and including line 6 on page 11; and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 42. Edible gelatin, valued at less than 40 cents per pound, 20 per cent ad valorem and 3½ cents per pound; valued at 40 cents or more per pound, 20 per cent ad valorem and 7 cents per pound; gelatin, glue, glue size and fish glue, not specially provided for, valued at less than 40 cents per pound, 20 per cent ad valorem and 1½ cents per pound; valued at 40 cents or more per pound, 20 per cent ad valorem and 7 cents per pound; casein glue, agar agar, isinglass and other fish sounds, cleaned, split, or otherwise prepared, and manufactures, wholly or in chief value of gelatin, glue or glue size, 25 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "not specially provided for, five-eighths"; and the Senate agree to the same.

Amendment numbered 171: That the House recede from its disagreement to the amendment of the Senate numbered 171, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "3.3"; and the Senate agree to the same.

Amendment numbered 175: That the House recede from its disagreement to the amendment of the Senate numbered 175, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 55. Coconut oil, 2 cents per pound; cottonseed oil, 3 cents per pound; peanut oil, 4 cents per pound; and soya-bean oil, 2½ cents per pound."

And the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "4 cents per pound" and a semicolon; and the Senate agree to the same.

Amendment numbered 184: That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 202: That the House recede from its disagreement to the amendment of the Senate numbered 202, and agree to the same with an amendment as follows: On page 20 of the Senate engrossed amendments, line 7, strike out "pans" and, after "cakes," insert "jars, pans" and a comma, and on page 20 of the Senate engrossed amendments, line 8, strike out "boxes, kits" and, after "sets," insert "kits" and a comma; and the Senate agree to the same.

Amendment numbered 227: That the House recede from its disagreement to the amendment of the Senate numbered 227, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1½ cents"; and the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "15"; and the Senate agree to the same.

Amendment numbered 246: That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1¾"; and the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "2¼"; and the Senate agree to the same.

Amendment numbered 252: That the House recede from its disagreement to the amendment of the Senate numbered 252, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 265: That the House recede from its disagreement to the amendment of the Senate numbered 265, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "brown, and measuring seven-eighths of an inch or over in thickness, 3 cents per square foot, but not less than 30"; and the Senate agree to the same.

Amendment numbered 271: That the House recede from its disagreement to the amendment of the Senate numbered 271, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert: "PAR. 204. Crude magnesite, five-sixteenths of 1 cent per pound; caustic calcined magnesite, five-eighths of 1 cent per pound; dead burned and grain magnesite, not suitable for manufacture into oxychloride cements, twenty-three fortieths of 1 cent per pound"; and the Senate agree to the same.

Amendment numbered 311: That the House recede from its disagreement to the amendment of the Senate numbered 311, and agree to the same with an amendment as follows: On page 29 of the Senate engrossed amendments, line 14, strike out "2" and insert "1½"; and the Senate agree to the same.

Amendment numbered 313: That the House recede from its disagreement to the amendment of the Senate numbered 313, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30"; and the Senate agree to the same.

Amendment numbered 314: That the House recede from its disagreement to the amendment of the Senate numbered 314, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40"; and the Senate agree to the same.

Amendment numbered 323: That the House recede from its disagreement to the amendment of the Senate numbered 323, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "operations, and shall not include bottles for table service and thermostatic bottles"; and the Senate agree to the same.

Amendment numbered 324: That the House recede from its disagreement to the amendment of the Senate numbered 324, and agree to the same with an amendment as follows: On page

31 of the Senate engrossed amendments, line 7, strike out "and" and insert "or," and on page 31 of the Senate engrossed amendments, line 9, strike out "75" and insert "65," and on page 31 of the Senate engrossed amendments, line 14, strike out "70" and insert "60," and on page 31 of the Senate engrossed amendments, line 18, strike out "70" and insert "60," and on page 32 of the Senate engrossed amendments, line 3, strike out "65" and insert "55"; and the Senate agree to the same.

Amendment numbered 353: That the House recede from its disagreement to the amendment of the Senate numbered 353, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "cases, 50 per centum ad valorem"; and the Senate agree to the same.

Amendment numbered 354: That the House recede from its disagreement to the amendment of the Senate numbered 354, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "50"; and the Senate agree to the same.

Amendment numbered 361: That the House recede from its disagreement to the amendment of the Senate numbered 361, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "50"; and the Senate agree to the same.

Amendment numbered 396: That the House recede from its disagreement to the amendment of the Senate numbered 396, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "this schedule"; and the Senate agree to the same.

Amendment numbered 442: That the House recede from its disagreement to the amendment of the Senate numbered 442, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45"; and the Senate agree to the same.

Amendment numbered 443: That the House recede from its disagreement to the amendment of the Senate numbered 443, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "and tie plates" and a comma; and the Senate agree to the same.

Amendment numbered 451: That the House recede from its disagreement to the amendment of the Senate numbered 451, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 452: That the House recede from its disagreement to the amendment of the Senate numbered 452, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30"; and the Senate agree to the same.

Amendment numbered 459: That the House recede from its disagreement to the amendment of the Senate numbered 459, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 473: That the House recede from its disagreement to the amendment of the Senate numbered 473, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "11 cents per pound and 55"; and the Senate agree to the same.

Amendment numbered 474: That the House recede from its disagreement to the amendment of the Senate numbered 474, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "composed wholly or in chief value of copper, brass, steel, or other base metal, not specially provided for, 40 per cent ad valorem" and a semicolon; and the Senate agree to the same.

Amendment numbered 475: That the House recede from its disagreement to the amendment of the Senate numbered 475, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 478: That the House recede from its disagreement to the amendment of the Senate numbered 478, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 494: That the House recede from its disagreement to the amendment of the Senate numbered 494, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "15"; and the Senate agree to the same.

Amendment numbered 499: That the House recede from its disagreement to the amendment of the Senate numbered 499, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "valued at not more than 40 cents per dozen, 1 cent each and 50 per cent ad valorem; valued at more than 40 and not more than 50 cents per dozen, 5 cents each and 50 per cent ad valorem; valued at more than 50 cents and not more than $1.25 per dozen, 11 cents each and 55 per cent ad valorem; valued at more than $1.25 and not more than $3 per dozen, 18 cents each and 55 per cent ad valorem; valued at more than $3 and not more than $6 per dozen, 25 cents each and 50 per cent ad valorem; valued at more than $6 per dozen, 35 cents each and 55 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 501: That the House recede from its disagreement to the amendment of the Senate numbered 501, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "55"; and the Senate agree to the same.

Amendment numbered 503: That the House recede from its disagreement to the amendment of the Senate numbered 503, and agree to the same with an amendment as follows: On page 47 of the Senate engrossed amendments, line 15, strike out "20" and insert "16," and on page 47 of the Senate engrossed amendments, line 16, strike out "10" and insert "8," and on page 47 of the Senate engrossed amendments, line 19, strike out "10" and insert "8," and on page 48 of the Senate engrossed amendments, line 1, strike out "10" and insert "8"; and the Senate agree to the same.

Amendment numbered 506: That the House recede from its disagreement to the amendment of the Senate numbered 506, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "3½ cents each and 45"; and the Senate agree to the same.

Amendment numbered 507: That the House recede from its disagreement to the amendment of the Senate numbered 507, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "and not more than $1.75 per dozen, 15 cents each and 45 per centum ad valorem; valued at more than $1.75 per dozen, 20 cents each and 45 per centum ad valorem: *Provided*, That all articles specified in this paragraph, when imported, shall have die sunk conspicuously and indelibly, the name of the maker or purchaser and beneath the same the name of the country of origin, to be placed on the outside of the blade, between the screw or rivet and the handle of scissors and shears (except pruning and sheep shears), and on the blade or handle of pruning and sheep shears and clippers"; and the Senate agree to the same.

Amendment numbered 508: That the House recede from its disagreement to the amendment of the Senate numbered 508, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "Safety razors, and safety-razor handles and frames, 10 cents each and 30 per cent ad valorem; razors and parts thereof, finished or unfinished, valued at less than 75 cents per dozen, 18 cents each; valued at 75 cents and less than $1.50 per dozen, 25 cents each; valued at $1.50 and less than $3 per dozen, 30 cents each; valued at $3 and less than $4 per dozen, 35 cents each; valued at $4 or more per dozen, 45 cents each; and in addition thereto, on all the foregoing, 45 per cent ad valorem: *Provided*" and a comma; and the Senate agree to the same.

Amendment numbered 535: That the House recede from its disagreement to the amendment of the Senate numbered 535, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "55"; and the Senate agree to the same.

Amendment numbered 537: That the House recede from its disagreement to the amendment of the Senate numbered 537, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45"; and the Senate agree to the same.

Amendment numbered 538: That the House recede from its disagreement to the amendment of the Senate numbered 538, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45"; and the Senate agree to the same.

Amendment numbered 546: That the House recede from its disagreement to the amendment of the Senate numbered 546, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45"; and the Senate agree to the same.

Amendment numbered 547: That the House recede from its disagreement to the amendment of the Senate numbered 547, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "50"; and the Senate agree to the same.

Amendment numbered 554: That the House recede from its disagreement to the amendment of the Senate numbered 554,

and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert a colon and the following: "*Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, in excess of the duty herein provided, there shall be imposed upon such article, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency, province, or other subdivision of government on such article imported from the United States, but in no case shall such duty exceed 50 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 557: That the House recede from its disagreement to the amendment of the Senate numbered 557, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert a colon and the following: "*Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, in excess of the duty herein provided, there shall be imposed upon such article, when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency, province, or other subdivision of government on such article imported from the United States, but in no case shall such duty exceed 50 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 558: That the House recede from its disagreement to the amendment of the Senate numbered 558, and agree to the same with an amendment as follows: On page 53 of the Senate engrossed amendments, line 20, strike out "25" and insert "15," and on page 54 of the Senate engrossed amendments, line 1, strike out "40" and insert "30"; and the Senate agree to the same.

Amendment numbered 559: That the House recede from its disagreement to the amendment of the Senate numbered 559, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30 per cent ad valorem" and a semicolon; and the Senate agree to the same.

Amendment numbered 560: That the House recede from its disagreement to the amendment of the Senate numbered 560, and agree to the same with an amendment as follows: On page 54 of the Senate engrossed amendments, line 11, strike out "50" and insert "40," and on page 54 of the Senate engrossed amendments, line 13, after "separators," insert "valued at more than $50 each" and a comma, and on page 174 of the House bill, line 12, after "carts," insert "cream separators valued at not more than $50 each" and a comma; and the Senate agree to the same.

Amendment numbered 563: That the House recede from its disagreement to the amendment of the Senate numbered 563, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30"; and the Senate agree to the same.

Amendment numbered 565: That the House recede from its disagreement to the amendment of the Senate numbered 565, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 375. Metallic magnesium and metallic magnesium scrap, 40 cents per pound; magnesium alloys, powder, sheets, ribbons, tubing, wire, and all other articles, wares, or manufactures of magnesium, not specially provided for, 40 cents per pound on the metallic magnesium content and 20 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 567: That the House recede from its disagreement to the amendment of the Senate numbered 567, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "pound; needle or liquated antimony, one-fourth of 1 cent per pound"; and the Senate agree to the same.

Amendment numbered 576: That the House recede from its disagreement to the amendment of the Senate numbered 576, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "14 cents per pound; aluminum powder, powdered foil" and a comma; and the Senate agree to the same.

Amendment numbered 581: That the House recede from its disagreement to the amendment of the Senate numbered 581, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "55"; and the Senate agree to the same.

Amendment numbered 583: That the House recede from its disagreement to the amendment of the Senate numbered 583, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "385. Tinsel wire, made wholly or in chief value of gold, silver, or other metal, 6 cents per pound and 10 per cent ad valorem; lame or lahn, made wholly or in chief value of gold, silver, or other metal, 6 cents per pound and 20 per cent ad valorem; bullions and metal threads made wholly or in chief value of tinsel wire, lame or lahn, 6 cents per pound and 35 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 594: That the House recede from its disagreement to the amendment of the Senate numbered 594, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 625: That the House recede from its disagreement to the amendment of the Senate numbered 625, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, and on page 77 of the House bill, line 18, strike out "402" and insert "401"; and the Senate agree to the same.

Amendment numbered 626: That the House recede from its disagreement to the amendment of the Senate numbered 626, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "402"; and the Senate agree to the same.

Amendment numbered 628: That the House recede from its disagreement to the amendment of the Senate numbered 628, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment and restore the language proposed to be stricken out by said amendment, and on page 78 of the House bill, line 10, strike out "404" and insert "403"; and the Senate agree to the same.

Amendment numbered 630: That the House recede from its disagreement to the amendment of the Senate numbered 630, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "404"; and the Senate agree to the same.

Amendment numbered 635: That the House recede from its disagreement to the amendment of the Senate numbered 635, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "405"; and the Senate agree to the same.

Amendment numbered 636: That the House recede from its disagreement to the amendment of the Senate numbered 636, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "406"; and the Senate agree to the same.

Amendment numbered 643: That the House recede from its disagreement to the amendment of the Senate numbered 643, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "407"; and the Senate agree to the same.

Amendment numbered 645: That the House recede from its disagreement to the amendment of the Senate numbered 645, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert a comma and "20"; and the Senate agree to the same.

Amendment numbered 650: That the House recede from its disagreement to the amendment of the Senate numbered 650, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1¼ cents"; and the Senate agree to the same.

Amendment numbered 655: That the House recede from its disagreement to the amendment of the Senate numbered 655, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "408"; and the Senate agree to the same.

Amendment numbered 656: That the House recede from its disagreement to the amendment of the Senate numbered 656, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "409"; and the Senate agree to the same.

Amendment numbered 660: That the House recede from its disagreement to the amendment of the Senate numbered 660, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 661: That the House recede from its disagreement to the amendment of the Senate numbered 661, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45"; and the Senate agree to the same.

Amendment numbered 662: That the House recede from its disagreement to the amendment of the Senate numbered 662, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "410"; and the Senate agree to the same.

Amendment numbered 665: That the House recede from its disagreement to the amendment of the Senate numbered 665, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert a comma and "33⅓"; and the Senate agree to the same.

Amendment numbered 667: That the House recede from its disagreement to the amendment of the Senate numbered 667, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1 24/100"; and the Senate agree to the same.

Amendment numbered 668: That the House recede from its disagreement to the amendment of the Senate numbered 668, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "forty-six one-thousandths"; and on page 81 of the House bill, line 9, strike out "one-hundredths"; and the Senate agree to the same.

Amendment numbered 689: That the House recede from its disagreement to the amendment of the Senate numbered 689, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "3"; and the Senate agree to the same.

Amendment numbered 692: That the House recede from its disagreement to the amendment of the Senate numbered 692, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "4"; and the Senate agree to the same.

Amendment numbered 695: That the House recede from its disagreement to the amendment of the Senate numbered 695, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "4 cents per pound"; and the Senate agree to the same.

Amendment numbered 703: That the House recede from its disagreement to the amendment of the Senate numbered 703, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 706: That the House recede from its disagreement to the amendment of the Senate numbered 706, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "7"; and the Senate agree to the same.

Amendment numbered 757: That the House recede from its disagreement to the amendment of the Senate numbered 757, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "80"; and the Senate agree to the same.

Amendment numbered 773: That the House recede from its disagreement to the amendment of the Senate numbered 773, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "10"; and the Senate agree to the same.

Amendment numbered 778: That the House recede from its disagreement to the amendment of the Senate numbered 778, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 783: That the House recede from its disagreement to the amendment of the Senate numbered 783, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 735. Apricots, green, ripe, dried, or in brine, one-half of 1 cent per pound; otherwise prepared or preserved, 35 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 791: That the House recede from its disagreement to the amendment of the Senate numbered 791, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40"; and the Senate agree to the same.

Amendment numbered 796: That the House recede from its disagreement to the amendment of the Senate numbered 796, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "4¼"; and the Senate agree to the same.

Amendment numbered 802: That the House recede from its disagreement to the amendment of the Senate numbered 802, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 804: That the House recede from its disagreement to the amendment of the Senate numbered 804, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 741. Dates, fresh or dried, 1 cent per pound; prepared or preserved in any manner, 35 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 814: That the House recede from its disagreement to the amendment of the Senate numbered 814, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 816: That the House recede from its disagreement to the amendment of the Senate numbered 816, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "candied, crystallized, or glacé, 35 per cent ad valorem; otherwise prepared or preserved, and not specially provided for, 2"; and the Senate agree to the same.

Amendment numbered 818: That the House recede from its disagreement to the amendment of the Senate numbered 818, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 821: That the House recede from its disagreement to the amendment of the Senate numbered 821, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 823: That the House recede from its disagreement to the amendment of the Senate numbered 823, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "prepared or preserved, 35"; and the Senate agree to the same.

Amendment numbered 836: That the House recede from its disagreement to the amendment of the Senate numbered 836, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "and all nursery or greenhouse stock, not specially provided for, 25"; and the Senate agree to the same.

Amendment numbered 841: That the House recede from its disagreement to the amendment of the Senate numbered 841, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 842: That the House recede from its disagreement to the amendment of the Senate numbered 842, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "4¾"; and the Senate agree to the same.

Amendment numbered 843: That the House recede from its disagreement to the amendment of the Senate numbered 843, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "14"; and the Senate agree to the same.

Amendment numbered 844: That the House recede from its disagreement to the amendment of the Senate numbered 844, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert a semicolon and "almond paste, 14 cents per pound"; and the Senate agree to the same.

Amendment numbered 847: That the House recede from its disagreement to the amendment of the Senate numbered 847, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "3½"; and the Senate agree to the same.

Amendment numbered 852: That the House recede from its disagreement to the amendment of the Senate numbered 852, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "pound; pickled, or otherwise prepared or preserved, and not specially provided for, 35 per cent ad valorem; nut and kernel paste not specially provided for, 25 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 854: That the House recede from its disagreement to the amendment of the Senate numbered 854, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "pound; soya beans, one-half of 1 cent per pound; cotton seed, one-third of 1 cent per pound"; and the Senate agree to the same.

Amendment numbered 861: That the House recede from its disagreement to the amendment of the Senate numbered 861, and agree to the same with an amendment as follows: In lieu

of the matter proposed to be inserted by said amendment insert "10"; and the Senate agree to the same.

Amendment numbered 863: That the House recede from its disagreement to the amendment of the Senate numbered 863, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "15"; and the Senate agree to the same.

Amendment numbered 877: That the House recede from its disagreement to the amendment of the Senate numbered 877, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "50"; and the Senate agree to the same.

Amendment numbered 879: That the House recede from its disagreement to the amendment of the Senate numbered 879 and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "2½"; and the Senate agree to the same.

Amendment numbered 880: That the House recede from its disagreement to the amendment of the Senate numbered 880, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "one-half of"; and the Senate agree to the same.

Amendment numbered 881: That the House recede from its disagreement to the amendment of the Senate numbered 881, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40"; and the Senate agree to the same.

Amendment numbered 883: That the House recede from its disagreement to the amendment of the Senate numbered 883, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 896: That the House recede from its disagreement to the amendment of the Senate numbered 896, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment and on page 98 of the House bill, line 14, strike out "780" and insert "779," and on page 99 of the House bill, line 21, strike out "781" and insert "780"; and the Senate agree to the same.

Amendment numbered 950: That the House recede from its disagreement to the amendment of the Senate numbered 950, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 906. In addition to the duty or duties imposed upon cotton cloth in paragraph 903, there shall be paid the following duties, namely: On all cotton cloths woven with eight or more harnesses, or with Jacquard, lappet, or swivel attachments, 10 per cent ad valorem; on all cotton cloths, other than the foregoing, woven with drop boxes, 5 per cent ad valorem. In no case shall the duty or duties imposed upon cotton cloth in paragraphs 903, or 903 and 906 exceed 45 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 951: That the House recede from its disagreement to the amendment of the Senate numbered 951, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "907"; and the Senate agree to the same.

Amendment numbered 955: That the House recede from its disagreement to the amendment of the Senate numbered 955, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 908. Cloth in chief value of cotton, containing silk or artificial silk, shall be classified for duty as cotton cloth under paragraphs 903, 904, and 906, and in addition thereto there shall be paid on all such cloth 5 per cent ad valorem: *Provided*, That none of the foregoing shall pay a rate of duty of more than 45 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 956: That the House recede from its disagreement to the amendment of the Senate numbered 956, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "909"; and the Senate agree to the same.

Amendment numbered 959: That the House recede from its disagreement to the amendment of the Senate numbered 959, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "910"; and the Senate agree to the same.

Amendment numbered 962: That the House recede from its disagreement to the amendment of the Senate numbered 962, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "911"; and the Senate agree to the same.

Amendment numbered 964: That the House recede from its disagreement to the amendment of the Senate numbered 964, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "912"; and the Senate agree to the same.

Amendment numbered 970: That the House recede from its disagreement to the amendment of the Senate numbered 970, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "913"; and the Senate agree to the same.

Amendment numbered 976: That the House recede from its disagreement to the amendment of the Senate numbered 976, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "914"; and the Senate agree to the same.

Amendment numbered 977: That the House recede from its disagreement to the amendment of the Senate numbered 977, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "55"; and the Senate agree to the same.

Amendment numbered 979: That the House recede from its disagreement to the amendment of the Senate numbered 979, and agree to the same with an amendment as follows: On page 90 of the Senate engrossed amendments, line 2, strike out "917" and insert "915"; and on page 90 of the Senate engrossed amendments, line 13, strike out "pairs;" and insert "pairs" and a comma, and on page 90 of the Senate engrossed amendments, line 15, after the word "pairs" insert a comma and "but in no case shall any of the foregoing duties be less than 40 nor more than 75 per cent ad valorem"; and on page 90 of the Senate engrossed amendments, line 17, strike out all after the word "valorem" down to and including the word "valorem" in line 19; and the Senate agree to the same.

Amendment numbered 980: That the House recede from its disagreement to the amendment of the Senate numbered 980, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "916"; and the Senate agree to the same.

Amendment numbered 982: That the House recede from its disagreement to the amendment of the Senate numbered 982, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "50 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 984: That the House recede from its disagreement to the amendment of the Senate numbered 984, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "917"; and the Senate agree to the same.

Amendment numbered 985: That the House recede from its disagreement to the amendment of the Senate numbered 985, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45 per cent ad valorem" and a period; and the Senate agree to the same.

Amendment numbered 986: That the House recede from its disagreement to the amendment of the Senate numbered 986, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "918"; and the Senate agree to the same.

Amendment numbered 989: That the House recede from its disagreement to the amendment of the Senate numbered 989, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "919"; and the Senate agree to the same.

Amendment numbered 991: That the House recede from its disagreement to the amendment of the Senate numbered 991, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30"; and the Senate agree to the same.

Amendment numbered 993: That the House recede from its disagreement to the amendment of the Senate numbered 993, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "920"; and the Senate agree to the same.

Amendment numbered 997: That the House recede from its disagreement to the amendment of the Senate numbered 997, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 999: That the House recede from its disagreement to the amendment of the Senate numbered 999, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "921"; and the Senate agree to the same.

Amendment numbered 1001: That the House recede from its disagreement to the amendment of the Senate numbered 1001, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "crin vegetal, or palm-leaf fiber, twisted or not twisted" and a comma; and the Senate agree to the same.

Amendment numbered 1002: That the House recede from its disagreement to the amendment of the Senate numbered 1002, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1 cent"; and the Senate agree to the same.

Amendment numbered 1004: That the House recede from its disagreement to the amendment of the Senate numbered 1004, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "2"; and the Senate agree to the same.

Amendment numbered 1005: That the House recede from its disagreement to the amendment of the Senate numbered 1005, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 1013: That the House recede from its disagreement to the amendment of the Senate numbered 1013, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "shall not be less than 25 nor more than 35 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 1018: That the House recede from its disagreement to the amendment of the Senate numbered 1018, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert a semicolon and "and in addition thereto, on any of the foregoing threads, twines, and cords when boiled, 2 cents per pound; when bleached, dyed, or otherwise treated, 5 cents per pound"; and the Senate agree to the same.

Amendment numbered 1020: That the House recede from its disagreement to the amendment of the Senate numbered 1020, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30"; and the Senate agree to the same.

Amendment numbered 1022: That the House recede from its disagreement to the amendment of the Senate numbered 1022, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "pound; wholly or in chief value of hemp, 2½ cents per pound"; and the Senate agree to the same.

Amendment numbered 1036: That the House recede from its disagreement to the amendment of the Senate numbered 1036, and agree to the same with an amendment as follows: On page 96 of the Senate engrossed amendments, line 13, strike out "or hemp," and insert "hemp, or ramie" and a comma, and on page 96 of the Senate engrossed amendments, line 14, strike out "either" and insert "any," and on page 96 of the Senate engrossed amendments, line 20, strike out "or hemp," and insert "hemp, or ramie" and a comma, and on page 96 of the Senate engrossed amendments, line 21, strike out "either" and insert "any"; and the Senate agree to the same.

Amendment numbered 1046: That the House recede from its disagreement to the amendment of the Senate numbered 1046, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "or unfinished having drawn threads, 45"; and the Senate agree to the same.

Amendment numbered 1058: That the House recede from its disagreement to the amendment of the Senate numbered 1058, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40"; and the Senate agree to the same.

Amendment numbered 1060: That the House recede from its disagreement to the amendment of the Senate numbered 1060, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "8"; and the Senate agree to the same.

Amendment numbered 1061: That the House recede from its disagreement to the amendment of the Senate numbered 1061, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "6"; and the Senate agree to the same.

Amendment numbered 1062: That the House recede from its disagreement to the amendment of the Senate numbered 1062, and agree to the same with an amendment as follows: On page 99 of the Senate engrossed amendments, line 20, after "remitted," insert "or refunded"; and the Senate agree to the same.

Amendment numbered 1063: That the House recede from its disagreement to the amendment of the Senate numbered 1063, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1102. Wools, not specially provided for, and hair of the Angora goat, Cashmere goat, alpaca, and other like animals, imported in the grease or washed, 31 cents per pound of clean content; imported in the scoured state, 31 cents per pound; imported on the skin, 30 cents per pound of clean content."

And the Senate agree to the same.

Amendment numbered 1064: That the House recede from its disagreement to the amendment of the Senate numbered 1064, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1105. Top waste, slubbing waste, roving waste, and ring waste, 31 cents per pound; garnetted waste, 24 cents per pound; noils, carbonized, 24 cents per pound; noils, not carbonized, 19 cents per pound; thread or yarn waste, and all other wool wastes not specially provided for, 16 cents per pound; shoddy, and wool extract, 16 cents per pound; mungo, woolen rags, and flocks, 7½ cents per pound. Wastes of the hair of the Angora goat, Cashmere goat, alpaca, and other like animals shall be dutiable at the rates provided for similar types of wool wastes."

And the Senate agree to the same.

Amendment numbered 1065: That the House recede from its disagreement to the amendment of the Senate numbered 1065, and agree to the same with an amendment as follows: On page 101 of the Senate engrossed amendments, line 11, strike out "36" and insert "33"; and the Senate agree to the same.

Amendment numbered 1066: That the House recede from its disagreement to the amendment of the Senate numbered 1066, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1107. Yarn, made wholly or in chief value of wool, valued at not more than 30 cents per pound, 24 cents per pound and 30 per cent ad valorem; valued at more than 30 cents but not more than $1 per pound, 36 cents per pound and 35 per cent ad valorem; valued at more than $1 per pound, 36 cents per pound and 40 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1067: That the House recede from its disagreement to the amendment of the Senate numbered 1067, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1108. Woven fabrics, weighing not more than 4 ounces per square yard, wholly or in chief value of wool, valued at not more than 80 cents per pound, 37 cents per pound and 50 per cent ad valorem; valued at more than 80 cents per pound, 45 cents per pound upon the wool content thereof and 50 per cent ad valorem: *Provided*, That if the warp of any of the foregoing is wholly of cotton or other vegetable fiber, the duty shall be 36 cents per pound and 50 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1068: That the House recede from its disagreement to the amendment of the Senate numbered 1068, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1109. Woven fabrics, weighing more than 4 ounces per square yard, wholly or in chief value of wool, valued at not more than 60 cents per pound, 24 cents per pound and 40 per cent ad valorem; valued at more than 60 cents but not more than 80 cents per pound, 37 cents per pound and 50 per cent ad valorem; valued at more than 80 cents but not more than $1.50 per pound, 45 cents per pound upon the wool content thereof and 50 per cent ad valorem; valued at more than $1.50 per pound, 45 cents per pound upon the wool content thereof and 50 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1073: That the House recede from its disagreement to the amendment of the Senate numbered 1073, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40 cents per pound and 50"; and the Senate agree to the same.

Amendment numbered 1074: That the House recede from its disagreement to the amendment of the Senate numbered 1074, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1111. Blankets and similar articles, including carriage and automobile robes and steamer rugs, made of blanketing, wholly or in chief value of wool, not exceeding 3 yards in length, valued at not more than 50 cents per pound, 18 cents per pound and 30 per cent ad valorem; valued at more than 50 cents but not more than $1 per pound, 27 cents per pound and 32½ per cent ad valorem; valued at more than $1 but not more than $1.50 per pound, 30 cents per pound and 35 per cent ad valorem; valued at more than $1.50 per pound, 37 cents per pound and 40 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1075: That the House recede from its disagreement to the amendment of the Senate numbered 1075, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1112. Felts, not woven, wholly or in chief value of wool, valued at not more than 50 cents per pound, 18 cents per pound and 30 per cent ad valorem; valued at more than 50 cents but not more than $1.50 per pound, 27 cents per pound and 35 per cent ad valorem; valued at more than $1.50 per pound, 37 cents per pound and 40 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1076: That the House recede from its disagreement to the amendment of the Senate numbered 1076, and agree to the same with an amendment as follows: On page 104 of the Senate engrossed amendments, line 8, strike out "49" and insert "45"; and the Senate agree to the same.

Amendment numbered 1077: That the House recede from its disagreement to the amendment of the Senate numbered 1077, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1114. Knit fabrics in the piece, wholly or in chief value of wool, valued at not more than $1 per pound, 30 cents per pound and 40 per cent ad valorem; valued at more than $1 per pound, 45 cents per pound and 50 per cent ad valorem.

"Hose and half hose, and gloves and mittens, wholly or in chief value of wool, valued at not more than $1.75 per dozen pairs, 36 cents per pound and 35 per cent ad valorem; valued at more than $1.75 per dozen pairs, 45 cents per pound and 50 per cent ad valorem.

"Knit underwear, finished or unfinished, wholly or in chief value of wool, valued at not more than $1.75 per pound, 36 cents per pound and 30 per cent ad valorem; valued at more than $1.75 per pound, 45 cents per pound and 50 per cent ad valorem.

"Outerwear and other articles, knit or crocheted, finished or unfinished, wholly or in chief value of wool, and not specially provided for, valued at not more than $1 per pound, 36 cents per pound and 40 per cent ad valorem; valued at more than $1 and not more than $2 per pound, 40 cents per pound and 45 per cent ad valorem; valued at more than $2 per pound, 45 cents per pound and 50 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1078: That the House recede from its disagreement to the amendment of the Senate numbered 1078, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1115. Clothing and articles of wearing apparel of every description, not knit or crocheted, manufactured wholly or in part, composed wholly or in chief value of wool, valued at not more than $2 per pound, 24 cents per pound and 40 per cent ad valorem; valued at more than $2 but not more than $4 per pound, 30 cents per pound and 45 per cent ad valorem; valued at more than $4 per pound, 45 cents per pound and 50 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1088: That the House recede from its disagreement to the amendment of the Senate numbered 1088, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1119. All manufactures not specially provided for, wholly or in chief value of wool, 50 per cent ad valorem."

And the Senate agree to the same.

Amendment numbered 1136: That the House recede from its disagreement to the amendment of the Senate numbered 1136, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "india and bible paper weighing 10 pounds or more and less than 18 pounds to the ream, 4 cents per pound and 15 per cent ad valorem" and a semicolon; and the Senate agree to the same.

Amendment numbered 1169: That the House recede from its disagreement to the amendment of the Senate numbered 1169, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert: "Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, sheets or printed pages of books bound wholly or in part in leather, pamphlets, music in books or sheets, and printed matter, all the foregoing not specially provided for, if of bona fide foreign authorship, 15 per cent ad valorem; all other, not specially provided for, 25 per cent ad valorem; blank books, slate books, drawings, engravings, photographs, etchings, maps, and charts, 25 per cent ad valorem; book bindings or covers wholly or in part of leather, not specially provided for, 30 per cent ad valorem"; and the Senate agree to the same.

Amendment numbered 1195: That the House recede from its disagreement to the amendment of the Senate numbered 1195, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "35"; and the Senate agree to the same.

Amendment numbered 1200: That the House recede from its disagreement to the amendment of the Senate numbered 1200, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 1217: That the House recede from its disagreement to the amendment of the Senate numbered 1217, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "8"; and the Senate agree to the same.

Amendment numbered 1219: That the House recede from its disagreement to the amendment of the Senate numbered 1219, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40"; and the Senate agree to the same.

Amendment numbered 1225: That the House recede from its disagreement to the amendment of the Senate numbered 1225, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "60"; and the Senate agree to the same.

Amendment numbered 1228: That the House recede from its disagreement to the amendment of the Senate numbered 1228, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 1237: That the House recede from its disagreement to the amendment of the Senate numbered 1237, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "25"; and the Senate agree to the same.

Amendment numbered 1244: That the House recede from its disagreement to the amendment of the Senate numbered 1244, and agree to the same with an amendment as follows: On page 123 of the Senate engrossed amendments, line 6, strike out "922" and insert "920"; and the Senate agree to the same.

Amendment numbered 1246: That the House recede from its disagreement to the amendment of the Senate numbered 1246, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "and seal, sheep, goat and calf leather, dressed and finished, other than shoe leather" and a comma; and the Senate agree to the same.

Amendment numbered 1257: That the House recede from its disagreement to the amendment of the Senate numbered 1257, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "and manufactures of worm gut, 40"; and the Senate agree to the same.

Amendment numbered 1258: That the House recede from its disagreement to the amendment of the Senate numbered 1258, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "40"; and the Senate agree to the same.

Amendment numbered 1259: That the House recede from its disagreement to the amendment of the Senate numbered 1259, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Par. 1436. Harness valued at more than $70 per set, single harness valued at more than $40, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing, 35 per cent ad valorem."

And on page 188 of the House bill, line 18, after the word "unfinished" insert a comma and "and not specially provided for"; and the Senate agree to the same.

Amendment numbered 1262: That the House recede from its disagreement to the amendment of the Senate numbered 1262,

and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 1277: That the House recede from its disagreement to the amendment of the Senate numbered 1277, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "$1 each and 35"; and the Senate agree to the same.

Amendment numbered 1293: That the House recede from its disagreement to the amendment of the Senate numbered 1293, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "20"; and the Senate agree to the same.

Amendment numbered 1296: That the House recede from its disagreement to the amendment of the Senate numbered 1296, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45 cents per gross and 25 per cent ad valorem; pencil point protectors, and clips, whether separate or attached to pencils, 25 cents per gross; pencils stamped with names other than the manufacturers' or the manufacturers' trade name or trademark, 50 cents per gross and 25 per cent ad valorem," and a semicolon; and the Senate agree to the same.

Amendment numbered 1317: That the House recede from its disagreement to the amendment of the Senate numbered 1317, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "15": and the Senate agree to the same.

Amendment numbered 1318: That the House recede from its disagreement to the amendment of the Senate numbered 1318, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "30"; and the Senate agree to the same.

Amendment numbered 1319: That the House recede from its disagreement to the amendment of the Senate numbered 1319, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "45"; and the Senate agree to the same.

Amendment numbered 1320: That the House recede from its disagreement to the amendment of the Senate numbered 1320, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "55"; and the Senate agree to the same.

Amendment numbered 1389: That the House recede from its disagreement to the amendment of the Senate numbered 1389, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert a colon and the following: "*Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on calcium acetate, when imported from the United States, an equal duty shall be imposed upon such article coming into the United States from such country, dependency, province, or other subdivision of government"; and the Senate agree to the same.

Amendment numbered 1400: That the House recede from its disagreement to the amendment of the Senate numbered 1400, and agree to the same with an amendment as follows: In lieu of the matter proposed to be stricken out by said amendment insert a colon and the following: "*Provided*, That if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in this paragraph, when imported from the United States, an equal duty shall be imposed upon such article coming into the United States from such country, dependency, province, or other subdivision of government"; and the Senate agree to the same.

Amendment numbered 1439: That the House recede from its disagreement to the amendment of the Senate numbered 1439, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"Par. 1580. Gloves made wholly or in chief value of leather made from hides of cattle of the bovine species."

And the Senate agree to the same.

Amendment numbered 1488: That the House recede from its disagreement to the amendment of the Senate numbered 1488, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment and on page 82 of the House bill, line 8, after "proportion" insert a semicolon and "molasses testing not above 52 per cent total sugars not imported to be commercially used for the extraction of sugar, or for human consumption, one-sixth of 1 cent per gallon"; and the Senate agree to the same.

Amendment numbered 1489: That the House recede from its disagreement to the amendment of the Senate numbered 1489, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1621"; and the Senate agree to the same.

Amendment numbered 1490: That the House recede from its disagreement to the amendment of the Senate numbered 1490, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1622"; and the Senate agree to the same.

Amendment numbered 1491: That the House recede from its disagreement to the amendment of the Senate numbered 1491, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1623"; and the Senate agree to the same.

Amendment numbered 1492: That the House recede from its disagreement to the amendment of the Senate numbered 1492, and agree to the same with an amendment as follows: On page 145 of the Senate engrossed amendments, line 5, strike out "1625" and insert "1624"; and on page 115 of the House bill, line 11, after "ramie," insert "and not specially provided for" and a comma; and the Senate agree to the same.

Amendment numbered 1493: That the House recede from its disagreement to the amendment of the Senate numbered 1493, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1625"; and the Senate agree to the same.

Amendment numbered 1494: That the House recede from its disagreement to the amendment of the Senate numbered 1494, and agree to the same with an amendment as follows: On page 145 of the Senate engrossed amendments, line 10, strike out "1627" and insert "1626"; and the Senate agree to the same.

Amendment numbered 1495: That the House recede from its disagreement to the amendment of the Senate numbered 1495, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1627"; and the Senate agree to the same.

Amendment numbered 1496: That the House recede from its disagreement to the amendment of the Senate numbered 1496, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1628"; and the Senate agree to the same.

Amendment numbered 1497: That the House recede from its disagreement to the amendment of the Senate numbered 1497, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1629"; and the Senate agree to the same.

Amendment numbered 1498: That the House recede from its disagreement to the amendment of the Senate numbered 1498, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1630"; and the Senate agree to the same.

Amendment numbered 1500: That the House recede from its disagreement to the amendment of the Senate numbered 1500, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1631"; and the Senate agree to the same.

Amendment numbered 1503: That the House recede from its disagreement to the amendment of the Senate numbered 1503, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1632"; and the Senate agree to the same.

Amendment numbered 1504: That the House recede from its disagreement to the amendment of the Senate numbered 1504, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1633"; and the Senate agree to the same.

Amendment numbered 1505: That the House recede from its disagreement to the amendment of the Senate numbered 1505, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1634"; and the Senate agree to the same.

Amendment numbered 1507: That the House recede from its disagreement to the amendment of the Senate numbered 1507, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1635. Duplex decalcomania paper not printed."

And the Senate agree to the same.

Amendment numbered 1508: That the House recede from its disagreement to the amendment of the Senate numbered 1508, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1636"; and the Senate agree to the same.

Amendment numbered 1509: That the House recede from its disagreement to the amendment of the Senate numbered 1509, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1637. Pads for horses."

And the Senate agree to the same.

Amendment numbered 1510: That the House recede from its disagreement to the amendment of the Senate numbered 1510, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1638"; and the Senate agree to the same.

Amendment numbered 1511: That the House recede from its disagreement to the amendment of the Senate numbered 1511, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1639"; and the Senate agree to the same.

Amendment numbered 1513: That the House recede from its disagreement to the amendment of the Senate numbered 1513, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1640"; and the Senate agree to the same.

Amendment numbered 1514: That the House recede from its disagreement to the amendment of the Senate numbered 1514, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1641. Pigeons, fancy or racing."

And the Senate agree to the same.

Amendment numbered 1515: That the House recede from its disagreement to the amendment of the Senate numbered 1515, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1642"; and the Senate agree to the same.

Amendment numbered 1516: That the House recede from its disagreement to the amendment of the Senate numbered 1516, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert

"Par. 1643. Plaster rock or gypsum, crude."

And the Senate agree to the same.

Amendment numbered 1517: That the House recede from its disagreement to the amendment of the Senate numbered 1517, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1644"; and the Senate agree to the same.

Amendment numbered 1519: That the House recede from its disagreement to the amendment of the Senate numbered 1519, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1645"; and the Senate agree to the same.

Amendment numbered 1521: That the House recede from its disagreement to the amendment of the Senate numbered 1521, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1646"; and the Senate agree to the same.

Amendment numbered 1523: That the House recede from its disagreement to the amendment of the Senate numbered 1523, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1647"; and the Senate agree to the same.

Amendment numbered 1525: That the House recede from its disagreement to the amendment of the Senate numbered 1525, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1648"; and the Senate agree to the same.

Amendment numbered 1526: That the House recede from its disagreement to the amendment of the Senate numbered 1526, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1649"; and the Senate agree to the same.

Amendment numbered 1528: That the House recede from its disagreement to the amendment of the Senate numbered 1528, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1650"; and the Senate agree to the same.

Amendment numbered 1529: That the House recede from its disagreement to the amendment of the Senate numbered 1529, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1651"; and the Senate agree to the same.

Amendment numbered 1531: That the House recede from its disagreement to the amendment of the Senate numbered 1531, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1652"; and the Senate agree to the same.

Amendment numbered 1532: That the House recede from its disagreement to the amendment of the Senate numbered 1532, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1653"; and the Senate agree to the same.

Amendment numbered 1534: That the House recede from its disagreement to the amendment of the Senate numbered 1534, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1654"; and the Senate agree to the same.

Amendment numbered 1536: That the House recede from its disagreement to the amendment of the Senate numbered 1536, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1655. Sausage casings, weasands, intestines, bladders, tendons, and integuments, not specially provided for."

And the Senate agree to the same.

Amendment numbered 1537: That the House recede from its disagreement to the amendment of the Senate numbered 1537, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1656"; and the Senate agree to the same.

Amendment numbered 1541: That the House recede from its disagreement to the amendment of the Senate numbered 1541, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1657. Seeds: Chickpeas or garbanzos, cowpeas, and sugar beet."

And the Senate agree to the same.

Amendment numbered 1542: That the House recede from its disagreement to the amendment of the Senate numbered 1542, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1658"; and the Senate agree to the same.

Amendment numbered 1543: That the House recede from its disagreement to the amendment of the Senate numbered 1543, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1659"; and the Senate agree to the same.

Amendment numbered 1544: That the House recede from its disagreement to the amendment of the Senate numbered 1544, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1660. Shingles."

And the Senate agree to the same.

Amendment numbered 1545: That the House recede from its disagreement to the amendment of the Senate numbered 1545, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1661"; and the Senate agree to the same.

Amendment numbered 1546: That the House recede from its disagreement to the amendment of the Senate numbered 1546, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1662"; and the Senate agree to the same.

Amendment numbered 1547: That the House recede from its disagreement to the amendment of the Senate numbered 1547, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1663"; and the Senate agree to the same.

Amendment numbered 1548: That the House recede from its disagreement to the amendment of the Senate numbered 1548, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1664"; and the Senate agree to the same.

Amendment numbered 1549: That the House recede from its disagreement to the amendment of the Senate numbered 1549, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1665"; and the Senate agree to the same.

Amendment numbered 1550: That the House recede from its disagreement to the amendment of the Senate numbered 1550, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1666"; and the Senate agree to the same.

Amendment numbered 1552: That the House recede from its disagreement to the amendment of the Senate numbered 1552, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1667"; and the Senate agree to the same.

Amendment numbered 1554: That the House recede from its disagreement to the amendment of the Senate numbered 1554, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1668"; and the Senate agree to the same.

Amendment numbered 1555: That the House recede from its disagreement to the amendment of the Senate numbered 1555, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1669"; and the Senate agree to the same.

Amendment numbered 1556: That the House recede from its disagreement to the amendment of the Senate numbered 1556,

and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1670"; and the Senate agree to the same.

Amendment numbered 1557: That the House recede from its disagreement to the amendment of the Senate numbered 1557, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1671"; and the Senate agree to the same.

Amendment numbered 1558: That the House recede from its disagreement to the amendment of the Senate numbered 1558, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1672"; and the Senate agree to the same.

Amendment numbered 1560: That the House recede from its disagreement to the amendment of the Senate numbered 1560, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1673"; and the Senate agree to the same.

Amendment numbered 1561: That the House recede from its disagreement to the amendment of the Senate numbered 1561, and agree to the same with an amendment as follows: On page 150 of the Senate engrossed amendments, line 13, strike out "1677" and insert in lieu thereof "1674"; and the Senate agree to the same.

Amendment numbered 1562: That the House recede from its disagreement to the amendment of the Senate numbered 1562, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1675"; and the Senate agree to the same.

Amendment numbered 1564: That the House recede from its disagreement to the amendment of the Senate numbered 1564, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1676"; and the Senate agree to the same.

Amendment numbered 1565: That the House recede from its disagreement to the amendment of the Senate numbered 1565, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1677"; and the Senate agree to the same.

Amendment numbered 1566: That the House recede from its disagreement to the amendment of the Senate numbered 1566, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1678"; and the Senate agree to the same.

Amendment numbered 1567: That the House recede from its disagreement to the amendment of the Senate numbered 1567, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1679"; and the Senate agree to the same.

Amendment numbered 1568: That the House recede from its disagreement to the amendment of the Senate numbered 1568, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1680"; and the Senate agree to the same.

Amendment numbered 1570: That the House recede from its disagreement to the amendment of the Senate numbered 1570, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1681"; and the Senate agree to the same.

Amendment numbered 1571: That the House recede from its disagreement to the amendment of the Senate numbered 1571, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1682"; and the Senate agree to the same.

Amendment numbered 1573: That the House recede from its disagreement to the amendment of the Senate numbered 1573, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1683"; and the Senate agree to the same.

Amendment numbered 1574: That the House recede from its disagreement to the amendment of the Senate numbered 1574, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1684"; and the Senate agree to the same.

Amendment numbered 1575: That the House recede from its disagreement to the amendment of the Senate numbered 1575, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1685. Tin in bars, blocks or pigs, and grain or granulated and scrap tin, including scrap tin plate."

And the Senate agree to the same.

Amendment numbered 1576: That the House recede from its disagreement to the amendment of the Senate numbered 1576, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1686"; and the Senate agree to the same.

Amendment numbered 1577: That the House recede from its disagreement to the amendment of the Senate numbered 1577, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1687. Turmeric."

And the Senate agree to the same.

Amendment numbered 1578: That the House recede from its disagreement to the amendment of the Senate numbered 1578, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1688"; and the Senate agree to the same.

Amendment numbered 1579: That the House recede from its disagreement to the amendment of the Senate numbered 1579, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1689"; and the Senate agree to the same.

Amendment numbered 1580: That the House recede from its disagreement to the amendment of the Senate numbered 1580, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1690"; and the Senate agree to the same.

Amendment numbered 1581: That the House recede from its disagreement to the amendment of the Senate numbered 1581, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1691"; and the Senate agree to the same.

Amendment numbered 1582: That the House recede from its disagreement to the amendment of the Senate numbered 1582, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1692. Wafers, not edible."

And the Senate agree to the same.

Amendment numbered 1583: That the House recede from its disagreement to the amendment of the Senate numbered 1583, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1693"; and the Senate agree to the same.

Amendment numbered 1586: That the House recede from its disagreement to the amendment of the Senate numbered 1586, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1694"; and the Senate agree to the same.

Amendment numbered 1588: That the House recede from its disagreement to the amendment of the Senate numbered 1588, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1695"; and the Senate agree to the same.

Amendment numbered 1591: That the House recede from its disagreement to the amendment of the Senate numbered 1591, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1696"; and the Senate agree to the same.

Amendment numbered 1592: That the House recede from its disagreement to the amendment of the Senate numbered 1592, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1697"; and the Senate agree to the same.

Amendment numbered 1593: That the House recede from its disagreement to the amendment of the Senate numbered 1593, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1698"; and the Senate agree to the same.

Amendment numbered 1594: That the House recede from its disagreement to the amendment of the Senate numbered 1594, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1699"; and the Senate agree to the same.

Amendment numbered 1595: That the House recede from its disagreement to the amendment of the Senate numbered 1595, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1700"; and the Senate agree to the same.

Amendment numbered 1601: That the House recede from its disagreement to the amendment of the Senate numbered 1601, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert:

"PAR. 1701. Paving posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods."

And the Senate agree to the same.

Amendment numbered 1602: That the House recede from its disagreement to the amendment of the Senate numbered 1602, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1702. Pickets, palings, hoops, and staves of wood of all kinds."

And the Senate agree to the same.

Amendment numbered 1604: That the House recede from its disagreement to the amendment of the Senate numbered 1604, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1703"; and the Senate agree to the same.

Amendment numbered 1606: That the House recede from its disagreement to the amendment of the Senate numbered 1606, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1704"; and the Senate agree to the same.

Amendment numbered 1608: That the House recede from its disagreement to the amendment of the Senate numbered 1608, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1705"; and the Senate agree to the same.

Amendment numbered 1609: That the House recede from its disagreement to the amendment of the Senate numbered 1609, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1706"; and the Senate agree to the same.

Amendment numbered 1610: That the House recede from its disagreement to the amendment of the Senate numbered 1610, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1707"; and the Senate agree to the same.

Amendment numbered 1612: That the House recede from its disagreement to the amendment of the Senate numbered 1612, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1708"; and the Senate agree to the same.

Amendment numbered 1613: That the House recede from its disagreement to the amendment of the Senate numbered 1613, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"PAR. 1709. Worm gut, unmanufactured."

And the Senate agree to the same.

Amendment numbered 1614: That the House recede from its disagreement to the amendment of the Senate numbered 1614, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "1710"; and the Senate agree to the same.

Amendment numbered 1623: That the House recede from its disagreement to the amendment of the Senate numbered 1623, and agree to the same with an amendment as follows: On page 156 of the Senate engrossed amendments, line 16, strike out the words "to the importer"; and on page 157 of the Senate engrossed amendments, line 11, strike out the words "to the importer"; and the Senate agree to the same.

Amendment numbered 1631: That the House recede from its disagreement to the amendment of the Senate numbered 1631, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "subdivision (a) or (b) of this section"; and the Senate agree to the same.

Amendment numbered 1637: That the House recede from its disagreement to the amendment of the Senate numbered 1637, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "in such subdivisions"; and the Senate agree to the same.

Amendment numbered 1638: That the House recede from its disagreement to the amendment of the Senate numbered 1638, and agree to the same with an amendment as follows: On page 159 of the Senate engrossed amendments, line 14, strike out the word "subsection" and insert "subdivision"; and the Senate agree to the same.

Amendment numbered 1665: That the House recede from its disagreement to the amendment of the Senate numbered 1665, and agree to the same with an amendment as follows: On page 166 of the Senate engrossed amendments, line 18, after "production" insert "in the United States and the principal competing country";

And on page 167 of the Senate engrossed amendments make the following changes: Line 1, strike out "Sixty" and insert "Thirty"; line 4, strike out "merchandise" and insert "articles"; lines 15 and 16, strike out "products provided for in paragraphs 27 or 28 of" and insert "articles provided for in"; line 16, after "the" insert "growth or"; line 17, strike out "products" and insert "articles"; line 18, strike out "product of" and insert "growth or product of competing"; line 21, after "differences" insert "in costs of production in the United States and the principal competing country"; line 23, strike out "products" and insert "articles";

And on page 168 of the Senate engrossed amendments make the following changes: Line 3, strike out "product" and insert "article"; line 6, strike out "product" and insert "article"; line 7, strike out "products" and insert "articles"; line 14, strike out "or increased"; line 16, strike out "product" and insert "articles, nor shall any such rate be increased"; line 19, strike out "product" and insert "articles"; line 23, strike out "product" and insert "article"; line 24, strike out "products" and insert "articles";

And on page 169 of the Senate engrossed amendments make the following changes: Line 1, strike out "product" and insert "article"; line 2, strike out "product" and insert "article"; line 11, strike out "merchandise" and insert "articles"; line 13, strike out "merchandise" and insert "articles";

And on page 170 of the Senate engrossed amendments make the following changes: Lines 1 and 2, strike out "Said hearings shall be public. Subject to the foregoing, the" and insert "The"; strike out all of lines 4, 5, 6, 7, and 8; line 19, strike out "merchandise" and insert "articles"; line 21, strike out "merchandise" and insert "articles";

And on page 171 of the Senate engrossed amendments make the following changes: Line 9, strike out "products" and insert "articles"; line 10, strike out "products" and insert "articles"; strike out all of lines 14, 15, and 16.

And the Senate agree to the same.

Amendment numbered 1666: That the House recede from its disagreement to the amendment of the Senate numbered 1666, and agree to the same with an amendment as follows: On page 171 of the Senate engrossed amendments make the following changes: Line 19, strike out "merchandise" and insert "articles"; line 20, strike out "its" and insert "their";

And on page 172 of the Senate engrossed amendments make the following changes: Line 5, strike out "findings" and insert "decisions"; lines 8 and 9, strike out "the initiative of such department or independent establishment" and insert "its initiative"; line 19, strike out "decision" and insert "findings"; line 22, strike out "merchandise" and insert "articles"; line 23, strike out "and decision"; strike out lines 24 and 25 and lines 1, 2, and 3 on page 173 of the Senate engrossed amendments and in lieu thereof insert "conclusive, except that a rehearing may be granted by the commission, and except that, within such time after said findings are made and in such manner as appeals may be taken from decisions of the United States Board of General Appraisers, an appeal may be taken from said findings upon a";

And on page 173 of the Senate engrossed amendments make the following changes: Lines 5 and 6, strike out "merchandise" and insert "articles"; line 14, strike out "the"; line 15, strike out "unless" and insert "except that"; line 16, strike out "shall" and insert "may";

And on page 174 of the Senate engrossed amendments make the following changes: Line 3, strike out "merchandise" and insert "articles"; line 5, strike out "merchandise" and insert "articles"; line 8, strike out "merchandise" and insert "articles"; line 14, strike out "findings" and insert "decision"; line 15, strike out all beginning with the comma down to and including "conclusive" in line 17; line 19, strike out "merchandise" and insert "article."

And the Senate agree to the same.

Amendment numbered 1667: That the House recede from its disagreement to the amendment of the Senate numbered 1667, and agree to the same with an amendment as follows: On page 175 of the Senate engrossed amendments strike out lines 7 to 15, inclusive, and insert the following:

"SEC. 317. (a) That the President when he finds that the public interest will be served thereby shall by proclamation specify and declare new or additional duties as hereinafter provided upon articles wholly or in part the growth or product of any foreign country whenever he shall find as a fact that such country"—;

And on page 175 of the Senate engrossed amendments make the following changes: Line 18, before the word "product" insert "article wholly or in part the growth or"; line 20, strike out "products of any" and insert "articles of every"; line 21, after the word "Discriminates" insert "in fact";

And on page 176 of the Senate engrossed amendments make the following changes: Line 4, strike out "(c)" and insert "(b)"; line 8, strike out "subsection (b) hereof" and insert "subdivision (a) of this section"; line 12, strike out "products" and insert "articles"; line 15, strike out "(d)" and insert "(c)"; strike out lines 22 to 25, inclusive, and lines 1 to 25, inclusive, on page 177 of the Senate engrossed amendments and in lieu thereof insert the following:

"(d) Whenever the President shall find as a fact that any foreign country places any burdens upon the commerce of the United States by any of the unequal impositions or discriminations aforesaid, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty as he shall determine will offset such burdens, not to exceed 50 per cent ad valorem or its equivalent, and on and after 30 days after the date of such proclamation there shall be levied, collected, and paid upon the articles enumerated in such proclamation when imported into the United States from such foreign country such new or additional rate or rates of duty; or, in case of articles declared subject to exclusion from importation into the United States under the provisions of subdivision (b) of this section, such articles shall be excluded from importation.

"(e) Whenever the President shall find as a fact that any foreign country imposes any unequal imposition or discrimination as aforesaid upon the commerce of the United States, or that any benefits accrue or are likely to accrue to any industry in any foreign country by reason of any such imposition or discrimination imposed by any foreign country other than the foreign country in which such industry is located, and whenever the President shall determine that any new or additional rate or rates of duty or any prohibition hereinbefore provided for do not effectively remove such imposition or discrimination and that any benefits from any such imposition or discrimination accrue or are likely to accrue to any industry in any foreign country, he shall, when he finds that the public interest will be served thereby, by proclamation specify and declare such new or additional rate or rates of duty upon the articles wholly or in part the growth or product of any such industry as he shall determine will offset such benefits, not to exceed 50 per cent ad valorem or its equivalent, upon importation from any foreign country into the United States of such articles and on and after 30 days after the date of any such proclamation such new or additional rate or rates of duty so specified and declared in such proclamation shall be levied, collected, and paid upon such articles."

And on page 178 of the Senate engrossed amendments make the following changes: Line 1, strike out "(g) All articles of merchandise" and insert "(f) All articles"; lines 9 and 10, strike out "the products" and insert "articles wholly or in part the growth or product"; line 11, strike out "products" and insert "articles"; line 13, strike out "(h)" and insert "(g)"; line 16, strike out "subsections (b), (c), and (f)" and insert "subdivisions (a), (b), and (e)"; line 21, strike out "(i)" and insert "(h)"; line 25, strike out "Act" and insert "section";

And on page 179 of the Senate engrossed amendments, line 1, strike out "(j)" and insert "(i)."

And the Senate agree to the same.

Amendment numbered 1685: That the House recede from its disagreement to the amendment of the Senate numbered 1685, and agree to the same with an amendment as follows: On page 184 of the Senate engrossed amendments, line 5, strike out "reimported" and insert "imported"; and the Senate agree to the same.

Amendment numbered 1721: That the House recede from its disagreement to the amendment of the Senate numbered 1721, and agree to the same with an amendment as follows: On page 197 of the Senate engrossed amendments, strike out line 16 and in lieu thereof insert "(2) If neither the foreign value nor the export value can be"; and on page 200 of the Senate engrossed amendments, line 20, strike out "section" and insert "subdivision"; and on page 201 of the Senate engrossed amendments, line 2, after "price" insert a comma; and on page 201 of the Senate engrossed amendments, line 6, after "delivery" insert a comma; and on page 201 of the Senate engrossed amendments, line 9, strike out "and" and insert a comma and "or"; and the Senate agree to the same.

Amendment numbered 1897: That the House recede from its disagreement to the amendment of the Senate numbered 1897, and agree to the same with an amendment as follows: On page 222 of the Senate engrossed amendments, line 12, after "triplicate" insert "or in quadruplicate, if desired by the shipper, for merchandise intended for immediate transportation, under the provisions of section 552 of this act" and a comma; and the Senate agree to the same.

Amendment numbered 1898: That the House recede from its disagreement to the amendment of the Senate numbered 1898, and agree to the same with an amendment as follows: On page 222 of the Senate engrossed amendments, line 22, after "duplicate" insert "and, if made, the quadruplicate"; and the Senate agree to the same.

Amendment numbered 1903: That the House recede from its disagreement to the amendment of the Senate numbered 1903, and agree to the same with an amendment as follows: On page 224 of the Senate engrossed amendments, line 1, before the word "declaration" insert "verified"; and the Senate agree to the same.

Amendment numbered 1924: That the House recede from its disagreement to the amendment of the Senate numbered 1924, and agree to the same with an amendment as follows: On page 230 of the Senate engrossed amendments, line 14, after "seize," insert "the whole case or package containing"; and the Senate agree to the same.

Amendment numbered 2054: That the House recede from its disagreement to the amendment of the Senate numbered 2054, and agree to the same with an amendment as follows: On page 247 of the Senate engrossed amendments, line 13, strike out the words "in any entry or liquidation"; and the Senate agree to the same.

Amendment numbered 2084: That the House recede from its disagreement to the amendment of the Senate numbered 2084, and agree to the same with an amendment as follows: On page 258 of the Senate engrossed amendments, line 24, after the word "trade-mark," insert "owned by a citizen of, or by a corporation or association created or organized within, the United States, and"; and the Senate agree to the same.

Amendment numbered 2415: That the House recede from its disagreement to the amendment of the Senate numbered 2415, and agree to the same with an amendment as follows: On page 293 of the Senate engrossed amendments, line 12, after "909," insert "2520, 2521, 2524, 2537, 2540, 2554, 2561" and a comma; and on page 294 of the Senate engrossed amendments, line 2, after "2894," insert "2895" and a comma; and on page 294 of the Senate engrossed amendments, line 3, after "2915," insert "2916" and a comma; and on page 294 of the Senate engrossed amendments, line 8, after "2978," insert "2979" and a comma; and on page 294 of the Senate engrossed amendments, line 17, after "3090," insert "3095" and a comma; and the Senate agree to the same.

J. W. FORDNEY,
W. R. GREEN,
NICHOLAS LONGWORTH,
Managers on the part of the House.
P. J. MCCUMBER,
REED SMOOT,
GEO. P. MCLEAN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The following amendments make clerical changes, and the Senate recedes: 90, 91, 92, 162, 449, 450, 913, 1338, and 1416

The following amendments make clerical changes, and the House recedes: 9, 27, 29, 32, 36, 38, 40, 48, 65, 68, 70, 71, 78, 79, 88, 93, 96, 99, 101, 112, 113, 114, 142, 152, 154, 167, 181, 182, 219, 260, 261, 268, 269, 270, 273, 274, 275, 276, 277, 278, 279, 280, 284, 286, 291, 299, 301, 302, 305, 306, 308, 312, 317, 318, 321, 322, 325, 344, 345, 346, 352, 357, 367, 386, 391, 401, 409, 411, 412, 413, 414, 415, 417, 422, 424, 425, 427, 428, 430, 431, 432, 433, 440, 444, 447, 476, 483, 488, 493, 496, 502, 509, 510, 512, 513, 514, 517, 518, 519, 522, 523, 526, 528, 529, 530, 533, 536, 539, 540, 541, 542, 543, 545, 548, 549, 550, 552, 553, 555, 564, 574, 577, 588, 597, 611, 613, 614, 627, 631, 632, 637, 639, 640, 641, 642, 644, 651, 653, 658, 664, 666, 673, 675, 678, 693, 697, 705, 707, 725, 747, 759, 767, 770, 772, 795, 797, 801, 805, 806, 807, 811, 812, 817, 824, 825, 830, 835, 837, 838, 839, 840, 864, 867, 868, 872, 898, 904, 908, 909, 911, 912, 928, 929, 932, 965, 981, 994, 995, 996, 1003, 1009, 1010, 1011, 1015, 1016, 1017, 1019, 1028, 1038, 1039, 1040, 1041, 1082, 1090, 1094, 1095, 1096, 1097, 1098, 1099, 1101, 1107, 1108, 1118, 1124, 1126, 1133, 1138, 1144, 1153, 1157, 1158, 1160, 1161, 1171, 1180, 1189, 1191, 1193, 1194, 1204, 1206, 1214, 1222, 1223, 1227, 1231, 1235, 1238, 1242, 1247, 1248, 1250, 1268, 1274, 1280, 1281, 1284, 1306, 1308, 1313, 1315, 1316, 1321, 1322, 1325, 1334, 1335, 1336, 1337, 1339, 1343, 1355, 1362, 1369, 1379, 1402, 1411, 1438, 1447, 1474, 1501, 1502, 1506, 1530, 1538, 1540, 1584, 1585, 1597, 1598, 1599, 1605, 1607, 1622, 1625, 1626, 1627, 1628, 1629, 1630, 1632, 1633, 1634, 1635, 1636, 1645, 1646, 1647, 1648, 1656, 1659, 1660, 1661, 1662, 1663, 1671, 1672, 1673, 1674, 1676, 1677, 1678, 1679, 1680, 1681, 1687, 1688, 1689, 1691, 1694, 1697, 1700, 1705, 1707, 1709, 1710, 1711, 1713, 1723, 1724, 1725, 1727, 1729, 1730, 1731, 1733, 1736, 1739, 1740, 1741, 1742, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1752, 1753, 1754, 1755, 1756, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1795, 1796, 1797, 1798, 1799, 1801, 1804, 1805, 1806, 1811, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1823, 1824, 1825, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1840, 1841, 1842, 1843, 1844, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1855, 1857, 1858, 1859, 1860, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1874, 1876, 1877, 1878, 1879, 1880, 1881, 1883, 1884, 1887, 1888, 1894, 1902, 1906, 1907, 1911, 1912, 1919, 1922, 1925, 1926, 1932, 1934, 1935, 1937, 1938, 1939, 1940, 1941, 1943, 1944, 1948, 1949, 1950, 1951, 1958, 1959, 1960, 1961, 1962, 1964, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1977, 1978, 1979, 1980, 1981, 1982, 1984, 1985, 1986, 1987, 1994, 1996, 1998, 1999, 2000, 2001, 2002, 2005, 2008, 2009, 2011, 2012, 2013, 2015, 2019, 2025, 2026, 2027, 2028, 2029, 2035, 2036, 2037, 2038, 2040, 2044, 2046, 2047, 2049, 2050, 2051, 2052, 2055, 2057, 2058, 2061, 2062, 2063, 2064, 2065, 2070, 2071, 2073, 2074, 2075, 2087, 2089, 2090, 2091, 2094, 2095, 2096, 2099, 2100, 2102, 2103, 2104, 2105, 2108, 2109, 2110, 2113, 2114, 2115, 2116, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2154, 2155, 2156, 2157, 2158, 2159, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2191, 2192, 2194, 2196, 2197, 2198, 2199, 2201, 2202, 2203, 2204, 2205, 2207, 2208, 2209, 2210, 2211, 2212, 2214, 2215, 2216, 2217, 2219, 2220, 2222, 2223, 2225, 2226, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2252, 2253, 2254, 2255, 2256, 2257, 2259, 2261, 2263, 2264, 2266, 2269, 2270, 2271, 2272, 2274, 2275, 2277, 2278, 2280, 2281, 2283, 2285, 2286, 2288, 2289, 2293, 2295, 2298, 2301, 2302, 2303, 2305, 2306, 2307, 2311, 2312, 2313, 2314 2315, 2317, 2318, 2323, 2327, 2329, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2340, 2341, 2342, 2344, 2346, 2347, 2349, 2351, 2355, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2368, 2369, 2371, 2372, 2374, 2376, 2378, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2390, 2391, 2392, 2393, 2398, 2399, 2400, 2401, 2403, 2406, 2407, 2409, 2411, 2414, 2421, and 2435.

The following amendments make changes in paragraph numbers, and the Senate recedes: 915, 927, 931, 947, and 948.

The following amendments make changes in paragraph numbers, and in references to paragraph numbers, and the House recedes: 42, 47, 49, 51, 52, 53, 55, 59, 62, 64, 67, 69, 72, 75, 77, 81, 82, 84, 85, 86, 98, 103, 104, 109, 110, 111, 115, 117, 118, 122, 125, 126, 131, 133, 134, 135, 138, 144, 146, 148, 158, 161, 168, 176, 178, 180, 183, 185, 187, 191, 192, 195, 196, 198, 200, 203, 204, 205, 207, 208, 209, 210, 215, 217, 218, 220, 222, 226, 235, 236, 239, 243, 244, 247, 249, 250, 251, 253, 255, 257, 258, 267, 298, 304, 571, 573, 580, 582, 589, 593, 595, 603, 606, 610, 612, 616, 620, 623, 670, 672, 674, 677, 718, 719, 721, 724, 731, 735, 741, 745, 748, 750, 752, 754, 758, 760, 763, 766 774, 777, 779, 781, 785, 788, 792, 794, 800, 887, 888, 890, 892, 894, 1027, 1032, 1034, 1037, 1044, 1047, 1052, 1054, 1056, 1059, 1070, 1079, 1086, 1089, 1117, 1121, 1123, 1261, 1263, 1267, 1270, 1271, 1272, 1279, 1283, 1286, 1289, 1290, 1292, 1294, 1295, 1297, 1299, 1307, 1312, 1323, 1329, 1330, 1332, 1333, 1342, 1345, 1346, 1348, 1350, 1351, 1352, 1354, 1361, 1363, 1364, 1365, 1367, 1368, 1371, 1373, 1375, 1378, 1380, 1383, 1385, 1386, 1388, 1390, 1394, 1396, 1398, 1399, 1401, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1412, 1413, 1414, 1415, 1417, 1418, 1420, 1422, 1423, 1424, 1426, 1427, 1429, 1430, 1431, 1432, 1434, 1435, 1436, 1437, 1440, 1441, 1443, 1445, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1469, 1470, 1471, 1472, 1473, 1475, 1476, 1577, 1478, 1479, 1480, 1481, 1483, 1485, 1486, 1487, 1618, 1619, 1620, 1624, 1639, 1640, 1642, 1643, 1644, 1664 1669, 1670, 1675, 1693, 1696, 1699, 1704, 1706, 1708, 1712, 1802, 1862 1875, 1882, 1885, 1889, 1891, 1893, 1899, 1901, 1905, 1909, 1918, 1931, 1942, 1945, 1947, 1952, 1954, 1957, 1965, 1976, 1989 2014, 2016, 2022, 2023, 2031, 2033, 2034, 2039, 2043, 2045, 2048, 2060, 2067, 2068, 2069, 2076, 2101, 2190, 2193, 2195, 2200, 2206, 2227, 2229, 2237, 2250, 2260, 2262, 2265, 2268, 2276, 2282, 2287, 2292, 2297, 2304, 2322, 2343, 2353, 2354, 2359, 2370, 2373, 2386, 2397, 2405, 2408, 2413, 2416, 2432, 2433, and 2434.

The following amendments make changes in paragraph numbers, and the House recedes with amendments making further changes in paragraph numbers: 626, 630, 635, 636, 643, 655, 656, 662, 951, 956, 959, 962, 964, 970, 976, 980, 984, 986, 989, 993, 999, 1489, 1490, 1491, 1493, 1495, 1496, 1497, 1498, 1500, 1503, 1504, 1505, 1508, 1510, 1511, 1513, 1515, 1517, 1519, 1521, 1523, 1525, 1526, 1528, 1529, 1531, 1532, 1534, 1537, 1542, 1543, 1545, 1546, 1547, 1548, 1549, 1550, 1552, 1554, 1555, 1556, 1557, 1558, 1560, 1562, 1564, 1565, 1566, 1567, 1568, 1570, 1571, 1573, 1574, 1576, 1578, 1579, 1580, 1581, 1583, 1586, 1588, 1591, 1592, 1593, 1594, 1595, 1604, 1606, 1608, 1609, 1610, 1612, and 1614.

TITLE I.—DUTIABLE LIST.

SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS.

On amendments Nos. 1 and 2: The House bill did not specify the basis for determining the per cent of acetic acid content of acetic acid for the application of the duties imposed upon the same. The Senate amendment specifies that the basis shall be by weight; and the House recedes.

On amendment No. 3: The House bill imposed a duty of 8 cents a pound upon acetic anhydride. . The Senate amendment lowers this duty to 5 cents a pound; and the House recedes.

On amendment No. 4: The House bill imposed a duty of 2 cents a pound upon boric acid. The Senate amendment reduces this duty to 1½ cents a pound; and the House recedes.

On amendment No. 5: The House bill imposed a duty of 12 cents a pound upon citric acid. The Senate amendment increases this duty to 18 cents a pound; and the House recedes with an amendment making the duty 17 cents a pound.

On amendments Nos. 6, 7, and 8: The House bill imposed the following duties upon lactic acid: Containing by weight of lactic acid less than 30 per cent, 1½ cents a pound; 30 per cent or more and less than 55 per cent, 3 cents a pound; and 55 per cent or more, 5 cents a pound. The Senate amendments increase these duties, respectively, to 2 cents, 4 cents, and 9 cents a pound; and the House recedes.

On amendments Nos. 10, 11, and 12: The House bill based the duty upon tannic acid containing 50 per cent or more of tannic acid by weight upon the tannic-acid content. The Senate amendment changes the basis to existence or nonexistence of medicinal use; and the House recedes.

On amendment No. 13: The House bill imposed a duty of 25 per cent American value upon arsenic acid. The Senate amendment makes the duty 3 cents a pound; and the House recedes.

On amendments Nos. 14 and 1353: The House bill imposed a duty of 25 per cent American value upon arsenious acid or white arsenic. The Senate amendments Nos. 14 and 1353 place this article upon the free list; and the House recedes.

On amendment No. 15: The House bill imposed a duty of 25 per cent American value upon formic acid. The Senate amendment makes this duty 4 cents a pound; and the House recedes with an amendment striking out the reference to formic acid, having the effect of making it dutiable at 25 per cent foreign value under the basket clause of this paragraph.

On amendment No. 16: The House bill imposed a duty of 25 per cent American value upon gallic acid. The Senate amendment makes the duty 8 cents a pound; and the House recedes.

On amendment No. 17: The House bill imposed a duty of 25 per cent American value on oleic acid or red oil. The Senate amendment makes this duty 1½ cents a pound; and the House recedes.

On amendment No. 18: The House bill imposed a duty of 25 per cent American value on oxalic acid. The Senate amendment makes this duty 4 cents a pound; and the House recedes.

On amendment No. 19: The House bill imposed a duty of 25 per cent American value on phosphoric acid. The Senate amendment makes this duty 2 cents a pound; and the House recedes.

On amendment No. 20: The House bill imposed a duty of 25 per cent American value on pyrogallic acid. The Senate amendment makes this duty 12 cents a pound; and the House recedes.

On amendment No. 21: The House bill imposed a duty of 25 per cent American value upon stearic acid. The Senate amendment makes this duty 1½ cents a pound; and the House recedes.

On amendments Nos. 22 and 23: The House bill imposed a duty of 6 cents a pound upon amyl, butyl, isopropyl alcohol, and fusel oil. Amendment No. 22 reduces this duty to 3 cents a pound in the case of amyl and butyl alcohol, and makes this duty applicable to all propyl alcohol (which alcohol other than isopropyl was dutiable under paragraph 5 of the House bill at 25 per cent American value). Amendment No. 23 reduces the duty upon fusel oil to 2 cents a pound. The Senate recedes on amendment No. 23, restoring the duty upon fusel oil to 6 cents a pound; and the House recedes on amendment No. 22 with an amendment making the duty upon amyl, butyl, and propyl alcohol 6 cents a pound.

On amendment No. 24: This amendment reduces from 15 cents a gallon to 10 cents a gallon the House duty upon methyl or wood alcohol; and the House recedes with an amendment making the duty 12 cents a gallon.

On amendments Nos. 25 and 26: The House bill imposed a duty of 15 cents a proof gallon upon ethyl alcohol for nonbeverage purposes. Senate amendment No. 25 reduces the rate to

10 cents; and the Senate recedes. Amendment No. 26 changes the basis from proof gallon to gallon; and the House recedes.

On amendment No. 28: The House bill imposed a duty of 1 cent a pound upon potassium aluminum sulphate and ammonium aluminum sulphate. The Senate amendment lowers the duty to three-fourths cent a pound; and the House recedes.

On amendment No. 30: This amendment imposed a duty of 1½ cents a pound upon ammonium bicarbonate, which under the House bill was dutiable under the basket clause of the chemical schedule at 25 per cent American value; and the House recedes.

On amendment No. 31: The House bill imposed a duty of 25 per cent American value upon ammonium nitrate. The Senate amendment makes the duty 1 cent a pound; and the House recedes.

On amendment No. 33: The House bill imposed a duty of 25 per cent American value on ammonium perchlorate and ammonium phosphate. The Senate amendment makes this duty 1½ cents a pound; and the House recedes.

On amendment No. 34: The House bill imposed a duty of three-fifths of 1 cent per pound on ammonium sulphate. The Senate amendment makes this duty one-fourth of 1 cent per pound; and the House recedes.

On amendment No. 35: The House bill imposed a duty of 2 cents per pound on oxide of antimony. The Senate amendment makes this duty 1½ cents per pound and 25 per cent foreign value; and the Senate recedes.

On amendment No. 37: The House bill imposed a duty of 5 cents per pound on tartar emetic. The Senate amendment makes the duty 6 cents per pound; and the House recedes.

On amendment No. 39: The House bill imposed a duty of 25 per cent American value on sulphides of antimony and other antimony compounds not specially provided for. The Senate amendment makes the duty 25 per cent foreign value and 1 cent per pound; and the House recedes.

On amendments Nos. 41 and 1446: These amendments take amber and amberoid from the free list and impose upon them a duty of $1 per pound; and take arabic from the free list and impose upon it a duty of one-half cent per pound; and the House recedes.

On amendment No. 43: The House bill imposed a duty of 1 cent per pound on precipitated barium carbonate. The Senate amendment increases this duty to 1¼ cents per pound; and the Senate recedes.

On amendment No. 44: The House bill imposed a duty of 1¼ cents per pound on barium chloride. The Senate amendment increases this duty to 1¾ cents per pound; and the Senate recedes.

On amendment No. 45: This amendment imposed a duty of 1¾ cents per pound on barium hydroxide, which under the House bill was dutiable under the basket clause of the chemical schedule at 25 per cent American value; and the House recedes with an amendment making the duty 1¼ cents per pound.

On amendment No. 46: The House bill imposed a duty of 2 cents per pound on barium nitrate. The Senate amendment increases this duty to 2½ cents per pound; and the Senate recedes.

On amendment No. 50: The House bill imposed a duty of three-fifths of 1 cent per pound on bleaching powder. The Senate amendment reduces the duty to one-fifth of 1 cent per pound; and the House recedes with an amendment making the duty three-tenths of 1 cent per pound.

On amendment No. 54: The House bill imposed a duty of 30 per cent American value on calomel, corrosive sublimate, and other mercurial preparations. The Senate amendment makes the duty 45 per cent foreign value; and the House recedes.

On amendment No. 56: The House bill imposed a duty of 8 cents per pound on chloroform. The Senate amendment reduces this duty to 6 cents per pound; and the House recedes.

On amendment No. 57: The House bill imposed a duty of 25 per cent American value on tetrachloroethane and trichloroethylene. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendments Nos. 58 and 1468: These amendments take casein off the free list and impose upon it a duty of 4 cents per pound. The House recedes with an amendment to amendment No. 58 making the duty 2½ cents per pound and making a clerical change, and recedes on amendment No. 1468.

On amendment No. 60: The House bill imposed a duty of 15 per cent American value on chalk or Paris white. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 61: The House bill imposed a duty of 25 per cent American value on putty. The Senate amendment makes the duty three-fourths of 1 cent per pound; and the House recedes.

On amendment No. 63: The House bill imposed a duty of 15 per cent American value on chemical compounds, mixtures, and salts composed in chief value of gold, platinum, rhodium, or silver. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 66: The House bill imposed a duty of 25 per cent American value on chemical compounds and salts of bismuth. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 73: The House bill imposed a duty of 15 cents per pound on crude chicle. The Senate amendment reduces this rate to 10 cents per pound; and the House recedes.

On amendment No. 74: The House bill imposed a duty of 20 cents per pound on chicle refined or advanced in value. The Senate amendment reduces this duty to 15 cents per pound; and the House recedes.

On amendment No. 76: The House bill imposed a duty of 25 per cent American value on chloral hydrate, terpin hydrate, etc. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 80: This amendment imposes a duty of 75 per cent American value and 10½ cents per pound on certain coal-tar products which, on being subjected to distillation, yield in the portion distilling below 215° C. a quantity of tar acids equal to or more than 75 per cent of the original distillate. These products were free of duty under paragraph 1546 of the House bill; and the House recedes.

On amendment No. 83: The House bill provided a duty of 30 per cent American value and 7 cents per pound on coal-tar intermediates. The Senate amendment imposes a duty of 75 per cent American selling price, as defined in section 402 of the bill as amended, and 10½ cents per pound. The Senate amendment also provides that if there be no similar competitive article manufactured or produced in the United States the ad valorem rate shall be based upon the foreign value or export value as defined in section 402 of the bill as amended; it further declares that for the purpose of this act any domestic coal-tar products shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to the domestic product when used in substantially the same manner, and provides that the President can not increase the duty under the provisions of section 315 of the bill as amended. The House recedes with an amendment making the rate 7 cents a pound and 40 per cent American value, unless there is no similar competitive domestic article, in which case the ad valorem rate is based on the United States value (as defined in section 402) of the imported article. The conference agreement also provides that for the first two years after the passage of the act the specific duty of 7 cents a pound shall be imposed but the ad valorem rate shall be 55 per cent instead of 40 per cent.

On amendment No. 87: This amendment makes all synthetic organic medicinals and chemicals, not specifically provided for, dutiable at 90 per cent American selling price and 10½ cents per pound which under the House bill were dutiable at 25 per cent American value under paragraph 5 when not specially provided for; and the Senate recedes.

On amendment No. 89: The House bill provided a duty of 35 per cent American value and 7 cents per pound upon coal-tar dyes and other finished coal-tar products. The Senate amendment imposes a duty of 90 per cent American selling price as defined in section 402 of the bill as amended and 10½ cents per pound. The amendment also provides that if there be no similar competitive article manufactured or produced in the United States the ad valorem rate shall be based upon the foreign value or export value as defined in section 402 of the bill as amended. The House recedes with an amendment making the rate 7 cents a pound and 45 per cent American value, unless there is no similar competitive domestic article, in which case the ad valorem rate is based on the United States value (as defined in section 402) of the imported article. The conference agreement also provides that for the first two years after the passage of the act the specific duty of 7 cents a pound shall be imposed, but the ad valorem rate shall be 60 per cent instead of 45 per cent. The conference agreement also provides that any domestic coal-tar product shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to the domestic product when used in substantially the same manner, and also that the President can not increase duties under this paragraph under the provisions of section 315 of the bill as amended, these last two provisions being contained in Senate amendment No. 97, and the conferees by their action on that amendment having stricken out the language at that place.

On amendments Nos. 94 and 95: These amendments make clerical changes; and the House recedes with amendments making further clerical changes.

On amendment No. 97: The House bill provided that the Secretary of the Treasury should adopt a standard of strength for each dye or other article which should conform to the commercial strength in ordinary use in the United States prior to July 1, 1914. The Senate bill amplifies this provision and provides that in the case of dyes or other articles introduced in commercial use since July 1, 1914, shall conform to the commercial strength in ordinary use and provides further that if a dye or other article was or is ordinarily used in more than one commercial strength, then the lowest commercial strength shall be adopted as the standard of strength for such dye or other article. The Senate amendment also provides that any domestic coal-tar product shall be considered similar to or competitive with any imported coal-tar product which accomplishes results substantially equal to the domestic product when used in substantially the same manner, and further provides that the President can not increase, under section 315 of the bill as amended, duties imposed under this paragraph. The House recedes with an amendment eliminating the last two provisions, the conferees by their action on amendment number 89 having inserted them at another place in the same paragraph.

On amendment No. 100: The House bill imposed a duty of 25 per cent American value on cobalt sulphate and linoleate. The Senate amendment makes this duty 10 cents per pound; and the House recedes.

On amendment No. 102: The House bill imposed a duty of 25 per cent American value on cobalt compounds not specially provided for. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes.

On amendments Nos. 105 and 108: The House bill imposed duties upon compounds of cellulose known as vulcanized or hard fiber ranging from 40 cents per pound to 65 cents per pound and 25 per cent American value according to the degree of manufacture. The Senate amendments make the duty 35 per cent foreign value; and the House recedes.

On amendment No. 106: The House bill imposed a duty of 65 cents a pound and 25 per cent American value upon compounds of pyroxylin, of other cellulose esters, or of cellulose when made into finished or partly finished articles. The Senate amendment strikes out the specific duty and makes the duty 60 per cent foreign value; and the House recedes.

On amendment No. 107: The House bill made all articles composed wholly or in chief value of compounds of pyroxylin, of other cellulose esters, or of cellulose, dutiable at 65 cents a pound and 25 per cent American value whether or not more specifically provided for elsewhere. The Senate amendment exempts photographic and moving-picture films from this requirement; and the House recedes.

On amendment No. 108: See amendment No. 105.

On amendment No. 116: The House bill imposed a duty of 25 per cent American value upon belladonna, digitalis, henbane, and stramonium. The Senate amendment makes the duty 3 cents a pound; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721, the basis is foreign valuation instead of American valuation.

On amendment No. 119: The House bill imposed a duty of 25 per cent American value upon diethyl sulphate and dimethyl sulphate. The Senate amendment makes this duty 15 cents a pound; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721, the basis is foreign valuation instead of American valuation.

On amendment No. 120: The House bill imposed a duty of 4 cents a pound upon ethyl acetate. The Senate amendment reduces the duty to 3 cents a pound; and the House recedes.

On amendment No. 121: The House bill imposed a duty of 6 cents a pound upon ethyl ether. The Senate amendment reduces this duty to 4 cents a pound; and the House recedes.

On amendments Nos. 123 and 1349: The House bill placed saffron and safflower upon the free list. The Senate amendment No. 1349 strikes these articles off the free list, and amend-No. 123 imposes upon them a duty of 15 per cent foreign value. Amendment No. 123 also makes a clerical change; the House recedes on both amendments.

On amendment No. 124: The House bill imposed a duty of 11 per cent American value on natural dyeing and tanning extracts. The Senate amendment makes this duty 15 per cent foreign value; and the House recedes.

On amendment No. 127: The House bill imposed a duty of 25 per cent American value on formaldehyde solution. The Senate amendment makes this duty 2 cents a pound; and the House recedes.

On amendment No. 128: The House bill imposed a duty of 25 per cent American value on solid formaldehyde. The Senate amendment makes this duty 8 cents a pound; and the House recedes.

On amendment No. 129: The House bill imposed a duty of 25 per cent American value on hexamethylenetetramine. The Senate amendment makes this duty 10 cents a pound; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721, the basis is foreign valuation instead of American valuation.

On amendment No. 130: The following table shows the duties upon gelatin and glue as proposed by the House bill, the Senate amendment, and as agreed to in conference:

Article.	House bill.	Senate amendment.	Conference agreement.
Edible gelatin:			
Valued at less than 40 cents per pound.	1½ cents per pound plus 20 per cent.	7 cents per pound plus 20 per cent.	3½ cents per pound plus 20 per cent.
Valued at 40 cents or more per pound.	.....do.............	15 cents per pound plus 20 per cent.	7 cents per pound plus 20 per cent.
Gelatin, n. s. p. f., glue, and glue size:			
Valued at less than 40 cents per pound.	.....do.............	1½ cents per pound plus 25 per cent.	1½ cents per pound plus 20 per cent.
Valued at 40 cents or more per pound.	.....do.............	15 cents per pound plus 20 per cent.	7 cents per pound plus 20 per cent.
Casein glue, agar agar, etc., and manufactures of gelatin, glue, or glue size.	25 per cent........	25 per cent........	25 per cent.

In using the above table it should be borne in mind that in the House bill the value dividing line as well as the ad valorem rates were based upon American value while the Senate amendment and the conference agreement are based upon foreign value.

The House recedes with an amendment making changes in duties as indicated above, and making a clerical change.

On amendment No. 132: The House bill imposed a duty of 3 cents a pound upon refined glycerin. The Senate amendment reduces the duty to 2 cents a pound; and the House recedes.

On amendment No. 136: The House bill imposed a duty of 10 cents a pound on bromine. The Senate amendment reduces this duty to 5 cents a pound; and the Senate recedes.

On amendment No. 137: The House bill imposed a duty of 10 cents a pound upon all bromine compounds not specially provided for. The Senate amendment reduces the duty to 8 cents a pound; and the Senate recedes.

On amendment No. 139: The House bill imposed a duty of 3¼ cents a pound upon white acetate of lead. The Senate amendment reduces this duty to 2½ cents a pound; and the House recedes.

On amendment No. 140: The House bill imposed a duty of 2¼ cents a pound upon brown, gray, or yellow acetate of lead. The Senate amendment reduces this duty to 2 cents a pound; and the House recedes.

On amendment No. 141: The House bill imposed a duty of 2½ cents a pound upon lead nitrate. The Senate amendment increases this duty to 3 cents a pound; and the House recedes.

On amendment No. 143: The House bill imposed a duty of 30 per cent American value on lead arsenate and resinate. The Senate amendment makes this duty 3 cents a pound; and the House recedes.

On amendment No. 145: The House bill imposed a duty of 25 per cent American value on extracts of licorice. The Senate amendment makes this duty 2 cents a pound; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721 the basis is foreign valuation instead of American valuation.

On amendment No. 147: The House bill imposed a duty of 7 cents a pound upon citrate of lime. The Senate amendment reduces this rate to 6 cents a pound; and the Senate recedes.

On amendment No. 149: The House bill imposed a duty of 2½ cents a pound upon precipitated carbonate of magnesium. The Senate amendment reduces this rate to 1½ cents a pound; and the House recedes.

On amendment No. 150: The House bill imposed a duty of three-fourths cent a pound upon anhydrous chloride of magnesium. The Senate amendment increases this duty to 1 cent a pound; and the House recedes.

On amendment No. 151: The House bill imposed a duty of three-fourths cent a pound upon chloride of magnesium. The Senate amendment makes this rate one-half cent a pound except in the case of anhydrous chloride of magnesium; and the House recedes with an amendment making the duty five-eighths of 1 cent a pound.

On amendment No. 153: The House bill imposed a duty of 7 cents a pound upon medicinal oxide of magnesium. The Senate amendment reduces this duty to 3½ cents a pound; and the House recedes.

On amendment No. 155: The House bill imposed a duty of three-fourths cent a pound upon oxide of magnesium not suitable for medicinal use. The Senate amendment increases this duty to 3½ cents a pound; and the House recedes.

On amendments Nos. 156 and 271: Amendment 156 strikes out of the House bill the duty of three-fourths of 1 cent a pound on calcined magnesite (including dead-burned and grain), and the duty of one-half of 1 cent a pound on crude or ground magnesite, and amendment 271 imposes a duty of five-sixteenths of 1 cent a pound on crude magnesite, five-eighths of 1 cent a pound on caustic calcined magnesite, and four-tenths of 1 cent a pound on dead-burned and grain magnesite not suitable for manufacture into oxychloride cements; and the House recedes on amendment 156, and recedes on amendment 271 with an amendment making the rates five-sixteenths of 1 cent a pound on crude magnesite, five-eighths of 1 cent a pound on caustic calcined magnesite, and twenty-three fortieths of 1 cent a pound on dead-burned and grain magnesite not suitable for manufacture into oxychloride cements.

On amendment No. 157: This amendment imposes a duty of 25 per cent foreign value upon manganese compounds and salts which under the House bill were dutiable at 25 per cent American value under the basket clause of the chemical schedule; and the House recedes.

On amendment No. 159: The House bill imposed a duty of 25 per cent American value upon menthol. The Senate amendment makes this duty 50 cents a pound; and the House recedes.

On amendment No. 160: This amendment imposes a duty of 25 per cent foreign value upon all natural and synthetic camphor when the President is satisfied that United States manufacturers are producing 2,000,000 pounds of synthetic camphor a year; and the Senate recedes.

On amendment No. 163: The House bill imposed a duty of 8 cents a gallon upon sod, herring, and menhaden oil. This amendment reduces the duty to 5 cents a gallon; and the House recedes.

On amendment No. 164: The House bill imposed a duty of 10 cents a gallon upon whale and seal oil. This amendment reduces the duty, except in the case of sperm oil, to 6 cents a gallon; and the House recedes.

On amendments Nos. 165 and 1499: The House bill imposed a duty of 12½ cents a gallon upon cod and cod-liver oil. The Senate amendments put these articles on the free list; and the House recedes on both amendments.

On amendment No. 166: The House bill imposed a duty of 20 per cent American value upon all fish oils not specially provided for. The Senate amendment makes this duty 5 cents a gallon; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721 the basis is foreign valuation instead of American valuation.

On amendment No. 169: The House bill imposed a duty of 4½ cents a pound on castor oil. The Senate amendment reduces this duty to 3 cents a pound; and the House recedes.

On amendments Nos. 170, 173, and 175: The House bill imposed a duty of 2 cents a pound on cottonseed oil, coconut oil, and soya-bean oil, and a duty of 2½ cents a pound on peanut oil. The Senate amendment makes these duties 4 cents a pound on coconut oil and peanut oil and 3 cents a pound on cottonseed oil and soya-bean oil. The House recedes on amendments Nos. 170 and 173 and recedes on amendment No. 175 with an amendment making the duties 2 cents a pound on coconut oil, 3 cents a pound on cottonseed oil, 2½ cents a pound on soya-bean oil, and 4 cents a pound on peanut oil.

On amendment No. 171: The House bill imposed a duty of 2½ cents a pound on linseed oil. The Senate amendment increases this duty to 3½ cents a pound; and the House recedes with an amendment making the duty of 3³⁄₁₀ cents a pound.

On amendment No. 172: The House bill imposed upon olive oil weighing with immediate container less than 44 pounds a higher rate than in other cases. The Senate amendment makes the dividing line 40 pounds; and the House recedes.

On amendment No. 173: See amendment No. 170.

On amendment No. 174: The House bill imposed a duty of 1½ cents a pound on rapeseed oil. The Senate amendment makes this duty 6 cents a gallon; and the House recedes.

On amendment No. 175: See amendment No. 170.

On amendment No. 177: The House bill imposed a duty of 25 per cent American value upon alizarin assistant and other oils, soaps, and greases used in softening, tanning, dyeing, or finishing. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 179: The House bill imposed a duty of 20 per cent American value upon hydrogenated or hardened oils and fats. The Senate amendment makes this duty 5 cents a pound; and the House recedes with an amendment making the duty 4 cents a pound.

On amendment No. 184: The House bill imposed a duty of 20 per cent American value upon lemon and orange oils. The Senate amendment makes the duty 30 per cent foreign value; and the House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 186: The House bill imposed a duty of $2 an ounce upon ecgonine, cocaine, and salts, esters, and other derivatives thereof. The Senate amendment increases this duty to $2.60 an ounce; and the House recedes.

On amendments Nos. 188 and 1341: The House bill placed upon the free list ambergris, castoreum, civet, and musk. The Senate amendments impose a duty upon these articles of 20 per cent foreign value; and the House recedes.

On amendment No. 189: The House bill imposed a duty of 35 per cent American value upon specified perfume material. The Senate amendment makes the duty 45 per cent foreign value; and the House recedes.

On amendment No. 190: The House bill imposed a duty of 40 cents a pound and 40 per cent American value upon all mixtures or combinations containing essential or distilled oils, or natural or synthetic odoriferous or aromatic substances. The Senate amendment makes this duty 40 cents a pound and 50 per cent foreign value; and the House recedes.

On amendment No. 193: The House bill imposed a duty of 40 cents per pound and 60 per cent American value on perfumery and toilet preparations if containing alcohol. The Senate amendment makes this duty 40 cents per pound and 75 per cent foreign value; and the House recedes.

On amendment No. 194: The House bill imposed a duty of 60 per cent American value upon perfumery and toilet preparations not containing alcohol. The Senate amendment makes this rate 75 per cent foreign value; and the House recedes.

On amendment No. 197: The House bill imposed a duty of 15 per cent American value on Paris green and London purple. The Senate amendment makes this duty 2 cents per pound; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721 the basis is foreign valuation instead of American valuation.

On amendment No. 199: The House bill imposed a duty of 10 cents per pound on phosphorus. The Senate amendment reduces this duty to 8 cents per pound; and the House recedes.

On amendment No. 201: The House bill imposed a duty of 15 per cent American value on healing or curative plasters and court plaster. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 202: The House bill imposed a duty of 25 per cent American value upon paints, colors, and pigments, commonly known as artists' paints or colors. The Senate amendment imposes a duty of 40 per cent foreign value upon such paints, colors, and pigments not assembled in paint sets, kits, or color outfits, and 70 per cent foreign value if so assembled; and the House recedes with an amendment making clerical changes.

On amendment No. 206: The House bill imposed a duty of 12 cents a pound on blue pigments. The Senate amendment reduces this to 8 cents a pound; and the House recedes.

On amendments Nos. 211, 212, 213, and 214: The House bill imposed a duty of 2⅞ cents a pound on litharge, orange mineral, red lead, and white lead. The Senate amendments increase the duty on orange mineral to 3 cents a pound and decrease the duty on litharge and white lead to 2½ cents a pound and the duty on red lead to 2¾ cents a pound; and the House recedes.

On amendment No. 216: The House bill imposed a duty of one-fourth of 1 cent per pound on crude ochers, siennas, and umbers. The Senate amendment reduces this duty to one-eighth of 1 cent; and the House recedes.

On amendment No. 221: The House bill imposed a duty of 33 cents a pound on vermilion reds containing quicksilver. The Senate amendment reduces this duty to 28 cents a pound; and the House recedes.

On amendments Nos. 223 and 224: The House bill imposed the following rates upon zinc oxides and leaded zinc oxides containing not more than 25 per cent of lead: One and one-half cents a pound if in any form of dry powder and 2 cents a pound if ground or mixed with oil or water. The Senate amendment makes these rates 1¾ cents and 2¼ cents, respectively; and the House recedes.

On amendment No. 225: The House bill imposed a duty of 1½ cents a pound on lithopone and other combinations or mixtures of zinc sulphide and barium sulphate. The Senate amendment increases this duty to 1¾ cents a pound; and the House recedes.

On amendment No. 227: The House bill imposed a duty of 1 cent a pound upon potassium chlorate and perchlorate. The Senate amendment increases this rate to 2 cents a pound; and the House recedes with an amendment making the duty 1½ cents a pound.

On amendment No. 228: The House bill imposed a duty of 10 cents a pound upon potassium bromide. The Senate amendment decreases this duty to 8 cents a pound; and the Senate recedes.

On amendment No. 229: The House bill imposed a duty of 25 per cent American value upon potassium bicarbonate. The Senate amendment makes this duty 1½ cents a pound; and the House recedes.

On amendment No. 230: The House bill imposed a duty of 25 per cent American value upon potassium carbonate. The Senate amendment makes this duty three-fourths cent a pound; and the House recedes.

On amendment No. 231: The House bill imposed a duty of 25 per cent American value upon caustic potash. The Senate amendment makes this duty 1 cent a pound; and the House recedes.

On amendments Nos. 232 and 1522: The House bill imposed a duty of 25 per cent American value upon saltpeter. The Senate amendment makes the duty in the case of refined saltpeter one-half cent a pound and amendment No. 1522 places crude saltpeter on the free list; and the House recedes.

On amendment No. 233: The House bill imposed a duty of 25 per cent American value upon potassium permanganate. The Senate amendment makes this duty 4 cents a pound; and the House recedes.

On amendment No. 234: This amendment strikes out of the House bill the provision imposing for a period of five years after the passage of the act a duty of 15 per cent American value in addition to the specific duties imposed by the bill on potassium salts; and the House recedes.

On amendment No. 237: The House bill imposed a duty of 30 per cent American value on toilet soap. The Senate amendment makes the duty 50 per cent foreign value on perfumed toilet soap, 10 per cent foreign value on unperfumed toilet soap, and 20 per cent foreign value on medicinal soap; and the Senate recedes, but by reason of the action of the conferees on amendment No. 1721 the basis is foreign valuation instead of American valuation.

On amendment No. 238: The House bill imposed a duty of 20 per cent American value on soap and soap powder not specially provided for. The Senate amendment makes this duty 5 per cent foreign value; and the House recedes with an amendment making the duty 15 per cent foreign value.

On amendment No. 240: The House bill imposed a duty of five-eights cent a pound on baking soda. The Senate amendment reduces this rate to one-fourth cent a pound; and the House recedes.

On amendment No. 241: The House bill imposed a duty of 10 cents a pound on sodium bromide. The Senate amendment reduces this rate to 8 cents a pound; and the Senate recedes.

On amendment No. 242: The House bill imposed a duty of 25 per cent American value on sodium formate. The Senate amendment makes this duty 2 cents a pound; and the House recedes.

On amendments Nos. 245 and 246: The House bill imposed a duty of 1½ cents a pound on potato starch and 1 cent a pound on all other starches not specially provided for. The Senate amendments increase the duty on potato starch to 2 cents a pound and impose a duty of 2 cents a pound on wheat starch. The Senate recedes from amendment No. 245, imposing a duty of 2 cents a pound on wheat starch, leaving the duty at 1 cent a pound; and the House recedes from its disagreement to amendment No. 246 increasing the duty on potato starch with an amendment making the duty 1¾ cents a pound.

On amendment No. 248: The House bill imposed a duty of 1⅜ cents a pound on dextrine made from potato starch or potato flour. The Senate amendment increases this duty to 2½ cents a pound; and the House recedes with an amendment making the duty 2¼ cents a pound.

On amendment No. 252: The House bill imposes a duty of 25 per cent American value on thorium nitrate and cerium nitrate and other salts of thorium and cerium not specially provided for and gas-mantle scrap consisting in chief value of metallic oxides. The Senate amendment makes this duty 40 per cent foreign value; and the House recedes with an amendment making the duty 35 per cent foreign value.

On amendment No. 254: The House bill imposed a duty of 20 per cent American value on tin bichloride, tin tetrachloride, and other chemical compounds of which tin constitutes the element of chief value. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 256: The House bill imposed a duty of 25 per cent American value on titanium potassium oxalate and all compounds and mixtures containing titanium. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes.

SCHEDULE 2.—EARTHS, EARTHENWARE, AND GLASSWARE.

On amendments Nos. 259 and 1382: The House bill imposed duties on brick, other than magnesite brick, ranging from 10 per cent to 23 per cent American value, and in the case of magnesite brick three-fourths of a cent a pound and 10 per cent American value. Amendment No. 259 strikes out the House provision and imposes a duty of 25 per cent foreign value upon bath brick, chrome brick, and fire brick, not specially provided for, and a duty of three-fourths of a cent a pound and 10 per cent foreign value on magnesite brick. Amendment No. 1382 places all other brick on the free list, but it provides that if any country, dependency, province, or other subdivision of government imposes a duty on such brick imported from the United States, an equal duty shall be imposed on such brick coming into the United States from such country, dependency, province, or other subdivision of government; and the House recedes on both amendments.

On amendment No. 262: The House bill imposed on earthenware tiles and tiling, except pill tiles and quarry tiles valued at not more than 40 cents a square foot, a minimum duty of 35 per cent American value and a maximum duty of 50 per cent American value. The Senate amendment makes the minimum duty 45 per cent foreign value and the maximum duty 60 per cent foreign value; and the House recedes.

On amendment No. 263: The House bill imposes a duty of 38 per cent American value on earthenware tiles and tiling, except pill tiles and quarry tiles valued at more than 40 cents a square foot. The Senate amendment makes this duty 50 per cent foreign value; and the House recedes.

On amendment No. 264: The House bill imposed a duty of 38 per cent American value on all articles composed wholly or in chief value of earthenware tiles or tiling, except pill tiles. The Senate amendment makes this duty 50 per cent foreign value; and the House recedes.

On amendment No. 265: The House bill imposed on quarry tiles a duty of 3 cents a square foot, but not less than 20 per cent American value. The Senate amendment makes the duty 5 cents a square foot but not less than 30 per cent foreign value; and the House recedes with an amendment making the duty 3 cents a square foot but not less than 30 per cent foreign value.

On amendment No. 266: The House bill imposed upon Roman, Portland, and other hydraulic cement a duty of 5 cents per hundred pounds in packages and 4 cents per hundred pounds in bulk and a duty of 17 per cent American value on other cement not specially provided for. This amendment strikes out these duties, and amendment No. 1393 places Roman, Portland, and other hydraulic cement on the free list, and amendment No. 281 places a duty of 20 per cent foreign value on other cement not specially provided for; and the House recedes.

On amendment No. 271: See amendment No. 156.

On amendments Nos. 272 and 1516: The House bill imposed a duty of 25 cents a ton on crude gypsum. The Senate amendment transfers this article to the free list; and the House recedes on amendment 272 and recedes on amendment 1516 with an amendment making a change in paragraph number.

On amendment No. 281: This amendment imposes a duty of 20 per cent foreign value upon cement not specially provided for, which under the House bill was dutiable at 17 per cent American value under paragraph 203; and the House recedes.

On amendment No. 282: The House bill imposed a duty of two-tenths cent a pound on unmanufactured pumice stone valued at $15 or less a ton. The Senate amendment reduces this duty to one-tenth cent a ton; and the House recedes.

On amendment No. 283: The House bill imposed a duty of three-tenths cent a pound on unmanufactured pumice stone valued at more than $15 per ton. The Senate amendment reduces this duty to one-fourth cent a pound; and the House recedes.

On amendment No. 285: The House bill imposed a duty of 26 per cent American value upon manufactures of pumice stone or of which pumice stone is the component material of chief value, not specially provided for. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 287: The House bill imposed a duty of $3 a ton of 2,000 pounds on wrought or manufactured fuller's earth. The Senate amendment makes the duty $3.25 a long ton: and the House recedes.

On amendment No. 288: This amendment imposes a duty of $1.50 a ton on glass sand containing 99 per cent or more of silica, which under the House bill was free of duty; and the Senate recedes.

On amendment No. 289: The House bill imposed upon fluorspar a duty of $5 a ton of 2,000 pounds, but provided that after a year the duty should be reduced to $4 a ton of 2,000 pounds. The Senate amendment makes the duty $5.60 a long ton beginning at the passage of the act; and the House recedes.

On amendment No. 290: The House bill imposed a duty of 4 cents a pound and 17 per cent American value on unmanufactured mica. The Senate amendment makes the duty 4 cents a pound if the value is not above 15 cents a pound and 25 per cent foreign value if the value is above 15 cents a pound. The House bill imposed on mica cut or trimmed and mica splittings a duty of 10 cents a pound and 17 per cent American value. The Senate amendment makes the duty 30 per cent foreign value. The House bill imposed a duty of 10 cents a pound and 17 per cent American value on mica plates, built-up mica, and all manufactures of mica or of which mica is the component material of chief value. The Senate amendment makes this duty 40 per cent foreign value. The House bill imposed a duty of 4 cents a pound and 20 per cent American value on ground mica. The Senate amendment makes this duty 20 per cent foreign value; and the House recedes.

On amendment No. 292: The House bill imposed a duty of one-half cent a pound on talc, soapstone, and French chalk, ground, washed, powered, or pulverized, except toilet preparations. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendments Nos. 293 and 294: The House bill imposed upon manufactures (except toilet preparations) of which talc, soapstone, or French chalk is the component material of chief value, wholly or partly finished and not specially provided for, a duty of 25 per cent American value if not decorated, and 30 per cent American value if decorated. The Senate amendments make these duties 35 per cent foreign value if not decorated and 45 per cent foreign value if decorated; and the House recedes.

On amendment No. 295: This amendment imposes upon common earthenware, common salt-glazed stoneware, and stoneware and earthenware crucibles, if not ornamented or decorated, a duty of 15 per cent foreign value instead of the House bill's provision of 20 per cent American value and imposes upon such articles ornamented or decorated a duty of 20 per cent foreign value instead of the duty under paragraph 214 of the House bill of 28 per cent American value; and the House recedes.

On amendment No. 296: The House bill provided a duty of 20 per cent American value upon Rockingham earthenware as a manufacture of common yellow, brown, or gray earthenware not specially provided for. The Senate amendment specifically mentions Rockingham earthenware and imposes a duty upon it of 25 per cent foreign value; and the House recedes.

On amendments Nos. 297 and 311: The House bill imposed a duty of 10 per cent American value on crude or refined graphite or plumbago not specially provided for. The Senate amendment imposes a duty of 10 per cent foreign value on amorphous graphite, 20 per cent foreign value on crystalline lump, chip, or dust, and 2 cents a pound on crystalline flake, and adds a definition of the term "crystalline flake." The House recedes from amendment No. 297 and recedes on amendment No. 311 with an amendment changing the rate on crystalline flake to 1½ cents a pound.

On amendments Nos. 300 and 303: The House bill imposed upon earthenware and crockery ware composed of a nonvitrified absorbent body, including white granite and semiporcelain earthenware, and cream-colored ware and stoneware, and upon all articles composed wholly or in chief value of such ware, a duty of 25 per cent American value if not decorated and of 28 per cent American value if decorated. The Senate amendment makes these rates, respectively, 45 per cent foreign value and 50 per cent foreign value; and the House recedes.

On amendments Nos. 307, 309, and 310: The House bill imposed upon china, porcelain, and other vitrified wares, including chemical porcelain ware and chemical stoneware, composed of a vitrified nonabsorbent body, and upon all bisque and Parian wares, and upon all other articles composed wholly or in chief value of such ware, a duty of 35 per cent American value if not decorated and a duty of 40 per cent American value if decorated. The Senate amendments Nos. 307 and 309 make these duties, respectively, 60 per cent foreign value and 70 per cent foreign value, and amendment No. 310 provides that if any such articles contain 25 per cent or more of calcined bone the duty shall be 50 per cent foreign value if not decorated and 55 per cent foreign value if decorated; and the House recedes.

On amendment No. 311: See amendment No. 297.

On amendments Nos. 313 and 314: The House bill imposed upon earthy or mineral substances wholly or partly manufactured and articles, wares, and materials composed wholly or in chief value of such substances, not specially provided for, a duty of 21 per cent American value if not decorated and of 28 per cent American value if decorated. The Senate amendments make these rates, respectively, 35 per cent foreign value and 45 per cent foreign value; and the House recedes with amendments making the duties, respectively, 30 per cent foreign value and 40 per cent foreign value.

On amendment No. 315: The House bill imposed a duty of 15 per cent American value on gas retorts. The Senate amendment makes this duty 20 per cent foreign value; and the House recedes.

On amendment No. 316: The House bill imposed a duty of 35 per cent American value on lava tips for burners. The Senate amendment makes this duty 10 cents per gross and 15 per cent foreign value; and the House recedes.

On amendment No. 319: The House bill imposed a duty of 35 per cent American value on carbons and electrodes for producing electric arc light, electrodes of carbon or graphite for electrolytic purposes, brushes for electrical machines or appliances, and plates or other forms for manufacturing such brushes, and upon all articles composed wholly or in part of graphite wholly or partly manufactured and not specially provided for. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendment No. 320: The House bill imposed upon plain green or colored, molded or pressed, and flint, lime, or lead glass bottles, and other containers, various rates of duty with a minimum duty of 28 per cent American value. The Senate amendment strikes out this minimum duty; and the House recedes.

On amendment No. 323: This amendment makes a clerical change; and the House recedes with an amendment making a further clerical change.

On amendment No. 324: The House bill proposed a rate of 40 per cent American value on bottles and all articles wholly or in chief value of glass or paste, blown or partly blown in the mold or otherwise, decorated or ornamented in any manner, cut or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), sandblasted and silvered, whether filled or unfilled, or whether their contents be dutiable or free. The Senate amendment subdivides all of this ware, composed wholly or in chief value of glass or paste or a combination of glass and paste, into the following classes with the following rates of duty: All scientific glassware 75 per cent foreign value, in respect to which item the House recedes with an amendment making the rate 65 per cent foreign value; all illuminating articles (except electric-light bulbs), 70 per cent foreign value, in respect to which item the House recedes with an amendment making the rate 60 per cent foreign value; all plated or cased glass, composed of two or more layers of clear, opaque, colored, or semitranslucent glass, or combinations of the same, 70 per cent foreign value, in respect to which item the House recedes with an amendment making the rate 60 per cent foreign value; table and kitchen articles and utensils and all articles of every description not specially provided for, blown or partly blown in the mold or otherwise, or decorated or ornamented in any manner, or cut or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), sandblasted or silvered, whether filled or unfilled, and whether their contents be dutiable or free, 65 per cent foreign value, in respect to which item the House recedes with an amendment making the rate 55 per cent foreign value; table and kitchen articles and utensils, when pressed and unpolished, whether or not decorated or ornamented in any manner, or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamental), whether filled or unfilled, or whether their contents be dutiable or free, 50 per cent foreign value, in respect to which item the House recedes. As a part of the conference action a clerical change was also made.

On amendments Nos. 326 to 331: The following table shows the rates imposed by the House bill and by the Senate amendments upon unpolished cylinder, crown, and sheet glass:

Dimensions.	House rate per pound.	Senate rate per pound.
	Cents.	*Cents.*
Above 150 square inches and not exceeding 384 square inches..	1¾	1⅜
Above 384 square inches and not exceeding 720 square inches..	2¼	1⅝
Above 720 square inches and not exceeding 864 square inches..	2¾	1¾
Above 864 square inches and not exceeding 1,200 square inches..	3¼	2
Above 1,200 square inches and not exceeding 2,400 square inches.	3¾	2¼
Above 2,400 square inches	4	2½

The House recedes on all these amendments.

On amendment No. 332: The House bill provided that the rate of duty on unpolished cylinder, crown, and sheet glass should not be less than 35 per cent American value. The Senate amendment strikes out this minimum duty; and the House recedes.

On amendment No. 333: The House bill imposed a duty of 5 cents per square foot on cylinder, crown, and sheet glass not exceeding 304 square inches. The Senate amendment reduces this duty to 4 cents per square foot; and the House recedes.

On amendments Nos. 334, 335, and 336: The House bill imposed upon unsilvered polished plate glass the following duties: Eleven cents a square foot if not exceeding 384 square inches, 12½ cents a square foot if above that and not exceeding 720 square inches, and 20 cents a square foot if above 720 square inches. The Senate amendments make these rates, respectively, 12½ cents, 15 cents, and 17½ cents; and the House recedes.

On amendments Nos. 337, 338, and 339: The following duties upon unsilvered cast plate glass, if containing a wire netting, are imposed by the House bill: Twelve cents a square foot if not exceeding 384 square inches, 15 cents a square foot if not exceeding 720 square inches, and 25 cents a square foot if exceeding 720 square inches. The Senate amendment makes these duties, respectively, 15 cents, 17½ cents, and 20 cents; and the House recedes.

On amendments Nos. 340, 341, and 342: The House bill imposed upon silvered cast polished plate glass and silvered cylinder and crown glass and upon looking-glass plates the following duties: Exceeding 144 square inches and not exceeding 384 square inches, 11 cents a square foot, and above 384 square inches and not exceeding 720 square inches 13 cents a square foot, and all above that, 22 cents a square foot. The Senate amendments make these rates 13½ cents, 16 cents, and 21 cents, respectively; and the House recedes.

On amendment No. 343: This amendment imposes a minimum duty of 35 per cent, foreign value, upon silvered polished plate glass, cylinder and ground glass, and looking-glass plates exceeding 144 square inches; and the House recedes.

On amendment No. 347: The House bill imposed a duty of 35 per cent American value upon optical glass or glass used for lenses or prisms for spectacles or for optical instruments or for optical parts, scientific or commercial. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendment No. 348: This amendment imposes a duty of 45 per cent foreign value on azimuth mirrors, sextants, and octants, which, under the House bill, were dutiable at various rates according to the component material of chief value. The House recedes.

On amendment Nos. 349, 515, and 516: The House bill made surveying instruments in chief value of glass dutiable at 35 per cent American value under paragraph 228 and surveying instruments wholly or in chief value of metal dutiable at 40 per cent American value under the provisions of paragraph 360. Senate amendment 349 strikes surveying instruments from paragraph 228. Amendments Nos. 515 and 516 make them dutiable under the metal schedule at 35 per cent foreign value. The House recedes on amendment 349; the Senate recedes on amendments Nos. 515 and 516; the effect of this action being to make surveying instruments wholly or in chief value of metal dutiable at 40 per cent foreign value and such instruments if wholly or in chief value of glass dutiable at 45 per cent foreign value as optical instruments not specially provided for under paragraph 230.

On amendment No. 350: The House bill imposed a duty of 35 per cent American value on photographic and projection lenses, opera and field glasses, telescopes, microscopes, and other optical instruments, and frames and mountings for the same. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendment No. 351: The House bill imposed a duty of 35 per cent American value on incandescent electric light bulbs and lamps. The Senate amendment makes this duty 20 per cent foreign value; and the House recedes.

On amendment No. 353: The House bill imposed a duty of 30 per cent American value on stained or painted glass windows and all mirrors not exceeding 144 square inches. The Senate amendment makes this duty 60 per cent foreign value; and the House recedes with an amendment making the duty 50 per cent foreign value.

On amendment No. 354: The House bill imposed a duty of 30 per cent American value upon all glass or manufactures of glass or paste, or of which glass or paste is the component material of chief value. The Senate amendment makes this duty 60 per cent foreign value; and the House recedes with an amendment making the duty 50 per cent foreign value.

On amendments Nos. 355 and 356: The House bill imposed a duty of 23 per cent American value on smalts, frostings, and all ceramic and glass colors, fluxes, glazes, and enamels, if ground or pulverized, and a duty of 35 per cent American value if in any other form. The Senate amendments make these rates, respectively, 30 per cent foreign value and 40 per cent foreign value; and the House recedes.

On amendment No. 358: The House bill imposed a duty of 35 per cent American value on opal, enamel, or cylinder glass tiles, tiling, and rods. The Senate amendment makes this duty 40 per cent foreign value; and the House recedes.

On amendments Nos. 359 and 360: The House bill imposed upon cubes of marble, breccia, or onyx, not exceeding 2 cubic inches in size, a duty of one-fourth of 1 cent a pound and 17 per cent American value if loose, and a duty of 5 cents a superficial foot and 26 per cent American value if attached to paper or other material. The Senate in each case retains the specific rate and makes the ad valorem rates, respectively, 20 per cent foreign value and 35 per cent foreign value; and the House recedes.

On amendment No. 361: The House bill imposed a duty of 40 per cent American value on articles of which marble, breccia, onyx, alabaster, or jet is the component material of chief value and upon all articles composed wholly or in chief value of agate, rock crystal, or other semiprecious stone, unless cut so as to fit them expressly for use in the construction of jewelry. The Senate amendment makes this duty 60 per cent foreign value; and the House recedes with an amendment making the duty 50 per cent foreign value.

On amendment No. 362: The House bill imposed a duty of 13 per cent American value on burrstones manufactured or bound up into millstones. The Senate amendment makes this duty 15 per cent foreign value; and the House recedes.

On amendment No. 363: The House bill imposed a duty of 40 per cent American value on freestone, granite, sandstone, lava, and other monumental or building stone except marble, breccia, or onyx, if hewn, dressed, or otherwise manufactured. The Senate amendment makes this duty 50 per cent foreign value; and the House recedes.

On amendment No. 364: The House bill imposed a duty of $2 a ton on grindstones. The Senate amendment makes this duty $1.75 per ton; and the House recedes.

On amendment No. 365: The House bill imposed a duty of 17 per cent American value on slate and manufactures thereof. The Senate amendment makes this duty 15 per cent foreign value; and the House recedes.

On amendment No. 366: The House bill imposed a duty of 40 per cent American value on watch crystals. The Senate amendment makes this duty 60 per cent foreign value; and the House recedes.

SCHEDULE 3.—METALS AND MANUFACTURES OF.

On amendment No. 368: The House bill imposed a duty of $1.25 a ton on iron in pigs, iron kentledge, and spiegeleisen. The Senate amendment reduces this duty to 75 cents a ton; and the House recedes.

On amendment No. 369: The House bill imposed a duty of $1.25 a ton on scrap tin plate. The Senate amendment removes this duty, and Senate amendment 1575 puts this artcle on the free list. The House bill imposed a duty of $1.25 a ton on wrought and cast scrap iron and scrap steel, regardless of value. The Senate amendment reduces the duty to 75 cents a ton confined to material valued at not more than 7 cents a pound, the effect of the amendment being to impose a duty on such materials valued at more than 7 cents a pound under paragraph 304, the varying rates of duty depending on the value; and the House recedes.

On amendment No. 370: The House bill defines spiegeleisen as an iron manganese alloy containing less than 45 per cent of manganese. The Senate amendment reduces this percentage to 30; and the House recedes.

On amendment No. 371: The House bill imposed a duty of 75 cents a pound on the metallic molybdenum content of molybdenum ore or concentrates. The Senate amendment reduces this to 35 cents a pound; and the House recedes.

On amendment No. 372: The House bill imposed on ferromanganese *con*taining more than 1 per cent of carbon a duty of 2½ cents a pound on the metallic manganese content. The Senate amendment reduces this to 1⅞ cents a pound; and the House recedes.

On amendment No. 373: The House bill defines ferromanganese to be iron manganese alloys containing 45 per cent or more of manganese. The Senate amendment reduces this percentage to 30; and the House recedes.

On amendments Nos. 374 and 375: The House bill imposed upon various alloys containing manganese a duty of 2½ cents a pound on the manganese content and 28 per cent American value. The Senate amendment makes this duty 1⅞ cents a pound on the manganese content and 15 per cent foreign value; and the House recedes.

On amendments Nos. 376 and 377: The House bill imposed upon molybdenum and molybdenum compounds and alloys a duty of $1.25 a pound on the molybdenum content and 17 per cent American value. The Senate amendments make this duty 50 cents a pound on molybdenum content and 15 per cent foreign value; and the House recedes.

On amendments Nos. 378 and 379: The House bill imposed on tungsten and tungsten compounds and ferrotungsten a duty of 72 cents a pound on the tungsten content and 15 per cent American value. The Senate amendment makes this duty 60 cents a pound on the tungsten content and 25 per cent foreign value; and the House recedes.

On amendments Nos. 380 and 381: The House bill imposed upon nonferrous alloys of tungsten a duty of 72 cents a pound on the tungsten content and 17 per cent American value. The Senate amendment makes this duty 60 cents a pound on the tungsten content and 25 per cent foreign value; and the House recedes.

On amendments Nos. 382 and 383: The House bill imposed the following duties on ferrosilicon: Containing from 8 per cent to 30 per cent of silicon, 2½ cents a pound on the silicon content; containing from 30 per cent to 60 per cent, 2¾ cents a pound on the silicon content. The Senate amendment makes the duty 2 cents a pound on the silicon content if the content were from 8 per cent to 60 per cent; and the House recedes.

On amendment No. 384: The House bill imposed on ferrosilicon containing from 60 per cent to 80 per cent of silicon a duty of 3½ cents a pound on the silicon content. The Senate amendment reduces this duty to 3 cents a pound; and the House recedes.

On amendment No. 385: The House bill imposed on ferrocerium a duty of 30 per cent American value. The Senate amendment removes this duty, but amendment 389 imposes on this material a duty of $2 a pound and 25 per cent foreign value. The House recedes.

On amendment No. 387: The House bill imposed upon tantalum a duty of 30 per cent American value. The Senate amendment removes this duty, but amendment 389 imposes on this material a duty of 40 per cent foreign value. The House recedes.

On amendment No. 388: The House bill imposed a duty of 30 per cent American value on minor ferro-alloys. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 389: This amendment imposes a duty of $2 a pound on cerium metal, and amendment 1395 removes it from the free list. The amendment also places a duty of $2 a pound and 25 per cent foreign value on ferrocerium and all other cerium alloys, which under the House bill were dutiable at 30 per cent American value. The amendment also imposes a duty of 40 per cent foreign value on all ductile tantalum metal or ductile nonferrous alloys thereof. Under the House bill tantalum was dutiable at 30 per cent American value, and ductile nonferrous alloys were free under paragraph 1559 of the House bill as unwrought metals. The House recedes.

On amendment No. 390: The House bill imposed various specific duties, according to width and thickness, upon muck bars and bar iron, etc., ranging from one-fourth to five-tenths of 1 cent a pound, and in the case of such bars manufactured by the use of charcoal as a fuel the rate was three-tenths of a cent a pound. The Senate amendment strikes out the House provision and makes these articles dutiable at from two-tenths of 1 cent a pound to 1½ cents a pound, according to the value; and the House recedes.

On amendments Nos. 392 to 395: The following table shows the duties imposed by the House bill and by the Senate amendments on crude steel, billets, bars, shafting, etc., if valued above 5 cents a pound.

	House rate.	Senate rate.
	Cents per pound.	*Cents per pound.*
Amendment No. 392:		
Valued above 5 and not above 8 cents per pound	1½	$1\frac{7}{10}$
Amendment No. 393:		
Valued above 8 and not above 12 cents per pound	:	2½
Amendment No. 394:		
Valued above 12 and not above 16 cents per pound	2½	3½
		Per cent of foreign value.
Amendment No. 395:		
Valued above 16 cents and not above 20 cents per pound	3½	20
Valued above 20 and not above 24 cents per pound	4	20
Valued above 24 and not above 32 cents per pound	5	20
Valued above 32 and not above 40 cents per pound	6	20
Valued above 40 cents per pound	20	20

In using the above table it should be borne in mind that in the House bill the value dividing line as well as the ad valorem rates were based upon American value, while the Senate amendment and the conference agreement are based upon foreign value.

The House recedes.

On amendments Nos. 396 and 397: The House bill imposed on steel in all forms and shapes containing more than six-tenths of 1 per cent of any metallic element used in alloying steel a duty of 15 per cent American value, in addition to the rates of duty provided for in the dutiable list. Senate amendment 397 makes this additional duty 8 per cent foreign value, and amendment 396 definitely makes this duty additional only to the rates of duty provided in paragraph 304 of the bill. The House recedes on amendment No. 396 with an amendment making the additional duty apply to all articles in the schedule; and recedes on amendment No. 397.

On amendments Nos. 398, 399, 400, and 402: The House bill imposed an additional duty upon any articles containing molybdenum or tungsten in excess of 1½ per cent. Amendments 399 and 400 limit this percentage to six-tenths of 1 per cent, and amendment 402 limits the additional duty in the case of materials provided for in paragraph 304 of the bill. The rate of additional duty imposed by the House on the excess molybdenum content was $1.25 a pound. Amendment 398 reduces this to 65 cents a pound. The House recedes on all of these amendments.

On amendments Nos. 403 to 406: The House bill in fixing the thickness of iron and steel plates as a dividing line in computing the duties provided for one hundred and forty one-thousandths of 1 inch. The Senate amendments reduce this basis to one hundred and nine one-thousandths of 1 inch; and the House recedes.

On amendment No. 407: The House bill imposed a duty of 28 per cent American value on metal sheets with layers of metal or metals imposed thereon. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes.

On amendment No. 408: This amendment imposes a duty of 50 per cent foreign value on thermostatic metal, which under the House bill was dutiable at 28 per cent American value as bimetal sheet. The House recedes.

On amendment No. 410: The House bill imposed a duty of $1\frac{3}{10}$ cents a pound on tin plates, terneplates, and taggers tin. The Senate amendment reduces this rate to 1 cent a pound; and the House recedes.

On amendments Nos. 416 and 418: The House bill imposed a duty of seven-twentieths of a cent a pound on all structural shapes of iron or steel, not assembled, manufactured, or advanced beyond hammering, rolling, or casting, and a duty of 25 per cent American value if wholly or partially fabricated. The Senate amendments make these rates, respectively, one-fifth of a cent a pound and 20 per cent foreign value; and the House recedes.

On amendment No. 419: This amendment imposes a duty of 25 per cent foreign value upon sashes, frames, and building forms of iron or steel, which in the House bill were probably dutiable at 25 per cent American value under paragraph 312; and the House recedes.

On amendments Nos. 420 and 421: The House bill, in fixing the line of division according to thickness for the purpose of computing duties upon hoop, band, and scroll iron or steel, fixed the dividing line at one hundred and forty one-thousandths of an inch. The Senate amendments reduce this to one hundred and nine one-thousandths of an inch; and the House recedes.

On amendment No. 423: The House bill imposed a duty of 20 per cent American value on bands and strips of iron or steel not specially provided for. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 426: The House bill imposed a duty of 20 per cent American value on all round iron or steel wire valued above 6 cents a pound. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 429: The House bill imposed a duty of 20 per cent American value on all flat wires and strips. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 434: The House bill imposed a duty of 30 per cent American value on telegraph, telephone, and other insulated wires and cables. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 435: The House bill imposed a duty of 30 per cent American value on wire rope and wire strand. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 436: The House bill imposed a duty of 30 per cent American value on spinning and twisting ring travelers. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendments Nos. 437, 438, and 439: The House bill imposed upon woven-wire cloth coarser than 30 mesh a duty of 20 per cent American value; upon 30 to 90 mesh, 30 per cent American value; and finer than 90 mesh, 40 per cent American value. The Senate amendments make these rates, respectively, 25 per cent foreign value, 35 per cent foreign value, and 45 per cent foreign value; and the House recedes.

On amendment No. 441: The House bill imposed a duty of 30 per cent American value on electric storage batteries and parts thereof. The Senate amendment makes this rate 40 per cent foreign value; and the House recedes.

On amendment No. 442: The House bill imposed a duty of 10 cents a pound and 35 per cent American value upon antifriction balls and rollers, metal balls and rollers commonly used in ball or roller bearings, metal ball or roller bearings, and parts thereof. The Senate amendment retains the specific duty, but changes the ad valorem duty to 55 per cent foreign value; and the House recedes with an amendment making the ad valorem duty 45 per cent foreign value.

On amendment No. 443: This amendment makes a duty of one-fourth cent a pound on tie-plates, which under the House bill were dutiable at seven-fortieths of 1 cent a pound as all other railway bars. The House recedes with an amendment making a clerical change.

On amendment No. 445: The House bill imposed a duty of seven-fortieths of 1 cent a pound on steel rails and rail braces. The Senate amendment reduces this rate to one-tenth of 1 cent a pound; and the House recedes.

On amendment No. 446: This amendment imposes a duty of 45 per cent foreign value on jewelers' and other anvils weighing less than 5 pounds each, which under the House bill would have been dutiable at 1⅝ cents per pound; and the House recedes.

On amendment No. 448: The House bill imposed a duty of 10 per cent American value on all cast-iron articles. The Senate amendment makes this duty 20 per cent foreign value; and the House recedes.

On amendment No. 451: The House bill imposed a duty of 20 per cent American value on welded cylindrical furnaces and iron or steel tubes not specially provided for. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 452: The House bill imposed a duty of 25 per cent American value on flexible metal tubing and rigid electrical conduit. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes with an amendment making the duty 30 per cent foreign value.

On amendments Nos. 453, 454, 455, and 456: The House imposed duties on iron and steel chains as follows: Not less than three-fourths inch diameter, 1 cent a pound; three-fourths inch to three-eighths inch, 1¼ cents a pound; three-eighths inch to five-sixteenths inch, 2⅛ cents a pound; less than five-sixteenths inch, 4 cents a pound. The Senate amendments, in the order stated above, make these duties, respectively, seven-eighths of a cent, 1⅛ cents, 1¾ cents, and 3 cents. The House recedes from amendments 453 and 454, and the Senate recedes on amendments 455 and 456.

On amendment No. 457: The House bill imposed a duty of 25 per cent American value on iron and steel chains not specially provided for. The Senate amendment strikes this out as being unnecessary, as all such chains are specifically provided for; and the House recedes.

On amendment No. 458: The House bill imposed a duty of 30 per cent American value on iron and steel sprocket and machine chains and parts thereof. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 459: The House bill imposed a duty of 30 per cent American value on spiral nut locks and lock washers of iron or steel. The Senate amendment makes this duty 40 per cent foreign value; and the House recedes with an amendment making the duty 35 per cent foreign value.

On amendment No. 460: The House bill imposed a duty of 20 per cent American value on iron and steel cut tacks and cut nails not exceeding 2 inches in length. The Senate amendment makes this duty 15 per cent foreign value; and the House recedes.

On amendment No. 461: The House bill imposed a duty of 2 cents a pound on horseshoe nails and other iron and steel nails not specially provided for. The Senate amendment reduces this duty to 1½ cents a pound; and the House recedes.

On amendment No. 462: The House bill imposed a duty of 25 per cent American value on rivets and steel points, machined or used for nonskidding automobile tires. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes.

On amendments Nos. 463, 464, and 465: The House bill imposed a duty of six-tenths of a cent a pound on all horseshoes. The Senate amendments make the duty one-fifth of a cent a pound on common horseshoes and 1 cent a pound on those with adjustable calks and on solid drop-forged calked shoes; and the House recedes.

On amendment No. 466: The House bill provided in computing a duty on steel wool and steel shavings the weight and value of the package should be included and that the net weight of the contents should be plainly marked upon the package. The Senate amendment strikes out this provision; and the House recedes.

On amendment No. 467: The House bill imposed a duty of 1 cent a pound on iron or steel grit, shot, and sand. The Senate amendment reduces this duty to three-fourths of a cent; and the House recedes.

On amendment No. 468: The House bill imposed a duty of 25 per cent American value on corset clasps and dress steels. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendments Nos. 469 and 470: The House bill imposed a duty of 35 per cent American value on card clothing not attached to carding machines. The Senate amendments make the duty 20 per cent foreign value if manufactured with untempered wire, and 45 per cent foreign value if manufactured with tempered steel wire, plated wire, or other than untempered wire or steel wire or when provided with felt facing, wool facing, or rubber-face cloth; and the House recedes.

On amendment No. 471: The House bill imposed a duty on iron or steel screws based upon the length ranging from 3 cents a gross to 10 cents a gross. The Senate amendment makes the duty 25 per cent on the foreign value, regardless of length; and the House recedes.

On amendment No. 472: The House bill limited the hollow or flat ware provided for in paragraph 339 to hollow or flat ware similar to table, household, kitchen, and hospital utensils when composed of (1) aluminum or (2) iron or steel and enameled or glazed with vitreous glasses. The Senate amendment removes this limitation so that all hollow and flat ware will be dutiable under the paragraph at the rates provided; and the House recedes.

On amendment No. 473: This amendment changes from 28 per cent American value to 15 cents a pound and 60 per cent foreign value the House duty upon table, household, kitchen, and hospital utensils, and hollow or flat ware composed wholly or in chief value of aluminum; and the House recedes with an amendment making the duty 11 cents a pound and 55 per cent foreign value.

On amendment No. 474: This amendment imposes a duty of 50 per cent foreign value upon table, household, kitchen, and hospital utensils and hollow or flat ware composed wholly or in chief value of metal, and not specially provided for, which under paragraph 393 of the House bill were dutiable at 35 per cent American value as unenumerated metal articles; and the House recedes with an amendment making the duty 40 per cent foreign value, and making this duty applicable to such articles only when composed wholly or in chief value of a base metal.

On amendment No. 475: The House bill imposed a duty of 15 per cent American value on saws. The Senate amendment makes this rate 30 per cent foreign value; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 477: The House bill imposed a duty of 15 per cent American value on plates prepared for printing. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 478: The House bill imposed a duty of 20 per cent American value on prepared lithographic plates. The Senate amendment makes this duty 30 per cent foreign value; and the House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 479: The House bill imposed a duty of 35 per cent American value on umbrella hardware. The Senate amendment makes this duty 50 per cent foreign value; and the House recedes.

On amendment No. 480: The House bill imposed upon spring-beard needles and other machine needles not specially provided for a duty of $1.15 a thousand and 25 per cent American value. The Senate amendment does not change the specific duty but makes the ad valorem duty 40 per cent foreign value; and the House recedes.

On amendment No. 481: The House bill imposed on latch needles a duty of $2 per thousand and 35 per cent American value. The Senate amendment does not change the specific duty but makes the ad valorem duty 50 per cent foreign value; and the House recedes.

On amendment No. 482: The House bill imposed a duty of 30 per cent American value on needles not specially provided for and needle books. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendment No. 484: The House bill imposed a duty of 35 per cent American value on fishing tackle, excepting fishing lines, nets, and seines. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendments Nos. 485, 486, and 487: The House bill imposed a duty of 35 per cent American value on saddlery or harness hardware. The Senate amendments impose a duty of 35 per cent foreign value on harness hardware not plated with gold or silver, a duty of 50 per cent foreign value on saddlery or riding bridle hardware not plated with gold or silver, and a duty of 60 per cent foreign value on all saddlery or harness hardware if plated with gold or silver; and the House recedes.

On amendment No. 489: The House bill imposed a duty of 4½ cents a pound and 15 per cent American value on metal hooks and eyes. The Senate amendment does not change the specific duty but makes the ad valorem duty 25 per cent foreign value; and the House recedes.

On amendment No. 490: The House bill imposed a duty of 40 per cent American value on snap fasteners not plated with gold or silver or platinum and not mounted on tape. The Senate amendment makes this duty 55 per cent foreign value; and the House recedes.

On amendments Nos. 491 and 492: The House bill imposed a duty of 45 per cent American value on snap fasteners mounted on tape. Senate amendment No. 492 makes this duty 60 per cent foreign value, and amendment No. 491 specifically mentions sew-on fasteners as subject to this duty; and the House recedes.

On amendment No. 494: The House bill imposed on metal buttons, in addition to the specific duties, a duty of 10 per cent American value. The Senate amendment makes this additional duty 20 per cent foreign value; and the House recedes with an amendment making it 15 per cent foreign value.

On amendment No. 495: The House bill imposed on embossed metal buttons a duty of 35 per cent American value. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendment No. 497: The House bill imposed a duty of 28 per cent American value on metal pins not plated with gold or silver. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 498: The House bill imposed the following duties on fountain pens and parts thereof: Valued at not more than $2 per dozen, 72 cents per dozen; valued at more than $2 and not more than $6 per dozen, $1.50 per dozen; and in addition thereto 25 per cent American value. The Senate amendment makes the duty regardless of value 72 cents a dozen and 40 per cent foreign value; and the House recedes.

On amendment No. 499: The House bill imposed upon penknives, pocketknives, pruning knives, and all other knives having folding or other than fixed blades or attachments duties ranging from 40 per cent American value in the case of knives valued at not more than 40 cents a dozen up to 30 cents each and 30 per cent American value if valued at more than $8 a dozen. The Senate amendment changes these duties, the duties ranging from 2 cents each and 60 per cent foreign value if valued at not more than 40 cents a dozen up to 40 cents each and 60 per cent foreign value if valued at more than $6 a dozen; and the House recedes with an amendment imposing rates ranging from 1 cent each and 50 per cent foreign value if valued at not more than 40 cents a dozen up to 35 cents each and 55 per cent foreign value if valued at more than $6 a dozen.

On amendment No. 500: This amendment changes from 40 per cent American value to 60 per cent foreign value the House duty on cuticle knives, corn knives, nail files, tweezers, hand forceps, and parts thereof; and the House recedes.

On amendment No. 501: The House bill provided that if knives having folding or other than fixed blades or attachments, or if cuticle knives, corn knives, nail files, tweezers, and hand forceps are imported assembled but not fully finished, they shall be dutiable at not less than the duty for finished articles, and in no case less than 15 cents each and 35 per cent American value. The Senate amendment changes this minimum duty to 15 cents each and 60 per cent foreign value; and the House recedes with an amendment making the duty 15 cents each and 55 per cent foreign value.

On amendment No. 503: This amendment strikes out the entire paragraph imposing duties on table, butchers', carving, cooks', hunting, kitchen, bread, and similar knives, and substitutes a new classification for such knives. The following table shows the rates imposed under the House bill, the Senate amendment, and as agreed to in conference:

Amendment No.	Article.	Rate of duty.		
		House bill.	Senate amendment.	Conference report.
503	Table, butchers', carving, etc., knives:			
	With handles of mother-of-pearl, etc.	16 cents each and 35 per cent.	20 cents each and 45 per cent.	16 cents each and 45 per cent.
	With handles of hard rubber, etc.	8 cents each and 35 per cent.	10 cents each and 45 per cent.	8 cents each and 45 per cent.
	With handles of other materials—			
	If less than 4 inches long, exclusive of handle.	3 cents each and 35 per cent.	2 cents each and 45 per cent.	1 cents each and 45 per cent.
	If 4 inches or over in length, exclusive of handle.	8 cents each and 35 per cent.	10 cents each and 45 per cent.	8 cents each and 45 per cent.
	Blades less than 6 inches in length.	16 cents each and 35 per cent.	2 cents each and 45 per cent.	2 cents each and 45 per cent.
	Blades 6 or more inches in length.	.....do........	10 cents each and 45 per cent.	8 cents each and 45 per cent.

In using the above table it should be borne in mind that in he House bill the value-dividing line as well as the ad valorem rates were based upon American value, while the Senate amendment and the conference agreement are based upon foreign value.

The House recedes from its disagreement with amendments as indicated above.

On amendment No. 504: The House bill imposed a duty of 35 per cent American value on machine knives and blades. The Senate amendment makes this duty 20 per cent foreign value; and the House recedes.

On amendment No. 505: The House bill imposed a rate of 10 cents each and 30 per cent American value on steel laid scissors and shears and blades for the same. This amendment strikes out the House provision and substitutes a general classification for all scissors and shears and includes within this classification nail, barbers', and animal clippers and pruning and sheep shears. The effect of this amendment is to make steel laid scissors and shears and blades for the same, and the other classes of clippers and shears included in this classification, dutiable at the rates imposed upon scissors and shears; and the House recedes.

On amendments Nos. 506 and 507: The following table shows the rates imposed upon scissors, shears, and clippers by the House bill, the Senate amendments, and as agreed to in conference:

Amendment No.	Article.	Rate of duty.		
		House bill.	Senate amendment.	Conference report.
505	Steel laid scissors and shears and blades thereof valued at:			
506	Not more than 50 cents per dozen.	10 cents each and 30 per cent.	4 cents each and 45 per cent.	3½ cents each and 45 per cent.
507	More than 50 cents and not more than $1.75 per dozen.	.....do.........	20 cents each and 45 per cent.	15 cents each and 45 per cent.
	More than $1.75 per dozen.	.....do.........	.....do.........	20 cents each and 45 per cent.
	All other scissors and shears and blades thereof valued at:			
	Not more than 50 cents per dozen.	3 cents each and 35 per cent.	4 cents each and 45 per cent.	3½ cents each and 45 per cent.
	More than 50 cents and not more than $1.75 per dozen.	15 cents each and 35 per cent.	20 cents each and 45 per cent.	15 cents each and 45 per cent.
	More than $1.75 per dozen.	20 cents each and 35 per cent.	.....do.........	20 cents each and 45 per cent.
	Nail, barbers', and animal clippers valued at:			
	Not more than 50 cents per dozen.	35 per cent....	4 cents each and 45 per cent.	3½ cents each and 45 per cent.
	More than 50 cents per dozen.	.....do	20 cents each and 45 per cent.	Valued at 50 cents to $1.75 per dozen, 15 cents each and 45 per cent. Valued at over $1.75 per dozen, 20 cents each and 45 per cent.

In using the above table it should be borne in mind that in the House bill the value-dividing line as well as the ad valorem rates were based upon American value, while the Senate amendment and the conference agreement are based upon foreign value.

The House recedes from its disagreement to these amendments with amendments as indicated above.

On amendment No. 508: The following table shows the rates imposed by the House bill, the Senate amendments, and as agreed to in conference:

Amendment No.	Article.	Rate of duty.		
		House bill.	Senate amendment.	Conference report
508	Razors and parts thereof:			
	Razors valued at less than $2 per dozen.	10 cents each and 30 per cent.	....	
	Razors valued at $2 and less than $3 per dozen.	12 cents each and 30 per cent.	....	
	Razors valued at $3 and less than $4 per dozen.	16 cents each and 30 per cent.	....	
	Razors valued at $4 or more per dozen.	20 cents each and 30 per cent.	....	
	Razors valued at less than 75 cents per dozen.	....	20 cents each and 50 per cent.	18 cents each and 45 per cent.
	Razors valued at 75 cents and less than $1.50 per dozen.	....	30 cents each and 50 per cent.	25 cents each and 45 per cent.
	Razors valued at $1.50 and less than $3 per dozen.	....	35 cents each and 50 per cent.	30 cents each and 45 per cent.
	Razors valued at $3 and less than$ 4 per dozen.	....	40 cents each and 50 per cent.	35 cents each and 45 per cent.
	Razors valued at $4 or more per dozen.	....	50 cents each and 50 per cent.	45 cents each and 45 per cent.
	Safety razors, and handles and frames:			
	Valued at less than $2 per dozen.......	12 cents each and 30 per cent.		
	Valued at $2 and less than $3 per dozen.	.....do	10 cents each and 30 per cent.	10 cents each and 30 per cent.
	Valued at $3 and less than $4 per dozen.	16 cents each and 30 per cent.		
	Valued at $4 or more per dozen	20 cents each and 30 per cent.		

In using the above table it should be borne in mind that in the House bill the value-dividing line as well as the ad valorem rates were based upon American value while the Senate amendment and the conference agreement are based upon foreign value.

The House recedes from its disagreement to this amendment with amendments as indicated above.

On amendment No. 511: The House bill imposed the following duties on surgical and dental instruments: Valued at not more than $5 per dozen, 60 cents per dozen; valued at more than $5 per dozen, 12 cents per dozen for each $1 per dozen of such value; and in addition thereto in all cases 35 per cent American value. The Senate amendment imposes a duty of 45 per cent foreign value on surgical instruments, regardless of value, and 35 per cent foreign value on dental instruments, regardless of value; and the House recedes.

On amendments Nos. 515 and 516: See amendment No. 349.

On amendment No. 520: This amendment provides for the admission free of duty of all instruments specified in paragraph 360 imported for educational purposes; and the Senate recedes.

On amendment No. 521: The House bill imposed upon pliers and nippers the following duties: Four inches and under, 8 cents each; over 4 and not over 6 inches, 10 cents each; over 6 inches, 12 cents each; and in addition thereto on all the foregoing 25 per cent American value. The Senate amendment makes the duty 60 per cent foreign value, regardless of length; and the House recedes.

On amendment No. 524: The House bill imposed a duty of 40 per cent American value on sword blades and swords and side arms. The Senate amendment makes this duty 50 per cent foreign value; and the House recedes.

On amendment No. 525: The House bill imposed a duty of 20 per cent American value on muzzle-loading muskets and rifles and parts thereof. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 527: The House bill provided a duty of 35 per cent American value on breech-loading and repeating shotguns and rifles in addition to the specific duties. The Senate amendment makes this additional duty 45 per cent foreign value; and the House recedes.

On amendment No. 531: The House bill imposed a duty of 40 per cent American value on barrels and stocks for breech-loading shotguns and rifles in addition to the specific duties. The Senate amendment makes this additional duty 50 per cent foreign value; and the House recedes.

On amendment No. 532: The House bill imposed a duty of 45 per cent American value on parts for breech-loading shotguns and rifles and fittings for the stocks and barrels thereof. The Senate amendment makes this duty 55 per cent foreign value; and the House recedes.

On amendment No. 534: The House bill provided that all breech-loading shotguns and rifles imported without locks or other fittings shall pay a duty of $10 each and 40 per cent American value. The Senate amendment did not change the specific duty but made the ad valorem duty 55 per cent foreign value; and the House recedes.

On amendment No. 535: The House bill imposed a duty of 25 per cent American value upon pistols and revolvers in addition to the specific duties. The Senate amendment makes this additional duty 60 per cent foreign value; and the House recedes with an amendment making the additional duty 55 per cent foreign value.

On amendment No. 537: The House bill imposed a duty of 35 per cent American value on watchcases, parts of watches, and chronometers and parts thereof. The Senate amendment makes this duty 50 per cent foreign value; and the House recedes with an amendment making the duty 45 per cent foreign value.

On amendment No. 538: The House bill imposed upon enameled dials for watches and other instruments 3 cents per dial and 35 per cent American value. The Senate amendment does not change the specific duty but makes the ad valorem duty 50 per cent foreign value; and the House recedes with an amendment making the ad valorem duty 45 per cent foreign value.

On amendment No. 544: This amendment subjects mechanisms for measuring distance or fares to the same duty as clocks and clock movements, avoiding a possible confusion with paragraph 372; and the House recedes.

On amendment No. 546: The House bill imposed a duty of 35 per cent American value on clocks and clock movements and similar devices in addition to the specific duties upon all such articles having jewels in the escapement. The Senate amendment makes this ad valorem duty 50 per cent foreign value but does not change the additional specific duties; and the

House recedes with an amendment making the additional ad valorem duty 45 per cent foreign value.

On amendment No. 547: The House imposed a rate of 40 per cent American value on parts and materials imported separately for use in clocks. The Senate amendment makes this duty 55 per cent foreign value; and the House recedes with an amendment making the duty 50 per cent foreign value.

On amendment No. 551: This amendment imposes a duty of 25 per cent foreign value on motor cycles, which under the House bill were dutiable under paragraph 371 at 30 per cent American value; and the House recedes.

On amendment No. 554: The House bill provides that if any country imposes a duty on automobiles or parts thereof when imported from the United States in excess of the duty imposed upon such articles, there shall be imposed upon such articles when imported from such country a duty equal to that imposed by such country on such articles imported from the United States but not to exceed in any case 50 per cent American value. This amendment strikes out the House provision; and the House recedes from its disagreement to this amendment with an amendment restoring the House provision and making certain clerical changes. The effect of this amendment is to make the maximum rate that can be imposed 50 per cent foreign value.

On amendment No. 556: This amendment is a clerical change made necessary by action of the conferees on amendment 551; and the House recedes.

On amendment No. 557: The House bill provides that if any country imposes a duty on bicycles, motor cycles and parts therefor when imported from the United States in excess of the duty imposed upon such articles, there shall be imposed on such articles when imported from such country a duty equal to that imposed by such country on such articles imported from the United States but not to exceed in any case 50 per cent American value. This amendment strikes out the House provision; and the House recedes from its disagreement to this amendment with an amendment restoring the House provision and making certain clerical changes. The effect of this amendment is to make the maximum rate that can be imposed 50 per cent foreign value.

On amendments Nos. 558, 559, 1338, 1391, and 1392: Amendment No. 558 imposes on sewing machines and parts thereof valued at not more than $75 each a duty of 25 per cent foreign value, valued at more than $75 each 40 per cent foreign value; and amendment 1392 strikes sewing machines off the free list. The House recedes on amendment 1392; and recedes on amendment No. 558 with an amendment making the duties, respectively, 15 per cent foreign value and 30 per cent foreign value. Amendment No. 558 also imposes a duty of 25 per cent foreign value on cash registers, and amendment No. 1391 strikes these articles from the free list. The House recedes on amendment No. 1391 and from the disagreement to the duty imposed by amendment No. 558. Amendment No. 558 together with amendment No. 559 imposes a duty of 15 per cent foreign value on lawn mowers, and amendment No. 1338 strikes these articles off the free list. The Senate recedes from amendment No. 1338; and the House recedes from its disagreement to so much of amendment No. 558 as includes lawn mowers on the dutiable list, and recedes on amendment No. 559 with an amendment making the duty 30 per cent foreign value. Amendments Nos. 558 and 559 also impose a duty of 15 per cent foreign value on printing presses and machine tools and parts thereof, which under the House bill were dutiable under the paragraph to which the amendments are made at 35 per cent American value. The House recedes from its disagreement to amendment No. 559 with an amendment making the duty 30 per cent foreign value.

On amendment No. 560: The House bill imposed a duty of 35 per cent American value on embroidery machines, lace-making machines, and machines for making lace curtains, nets, and nettings. The Senate amendment makes this duty 30 per cent foreign value, and imposes upon knitting, braiding, and insulating machines not specially provided for a duty of 50 per cent foreign value, and upon all other textile machinery or parts thereof not specially provided for a duty of 35 per cent foreign value. The amendment also imposes a duty of 25 per cent foreign value upon cream separators, which under the House bill were probably free of duty as agricultural implements. The amendment also imposes a duty of 30 per cent foreign value upon combined adding and typewriting machines, which under the House bill were dutiable at 35 per cent American value under the paragraph to which the amendment relates. The House recedes with an amendment changing the duty on knitting, braiding, and insulating machines from 50 per cent foreign value to 40 per cent foreign value, making the duty on cream separators apply only to those valued at more than $50 each, and placing on the free list those valued at not more than $50 each.

On amendment No. 561: This amendment changes from 35 per cent American value to 30 per cent foreign value the House duty on machines and parts thereof not specially provided for; and the House recedes.

On amendment No. 562: This amendment, together with amendment No. 563, imposes a duty of 35 per cent foreign value on scythes, sickles, grass hooks, and corn knives, which under the House bill were free of duty as agricultural implements. The House recedes from its disagreement to the amendment making these articles dutiable, and recedes on amendment No. 563 with an amendment making the rate 30 per cent foreign value.

On amendment No. 563: This amendment changes from 25 per cent American value to 35 per cent foreign value the House duty on shovels, spades, scoops, and drainage tools; and the House recedes with an amendment making the duty 30 per cent foreign value.

On amendment No. 565: The House bill imposed on metallic magnesium and metallic magnesium scrap a duty of $1 per pound, and upon magnesium alloys, powder, sheets, ribbons, tubing, wire, and all other articles, wares, or manufactures of magnesium not specially provided for $1 per pound on the metallic magnesium content and 20 per cent American value. The Senate amendment strikes out these duties and substitutes on the crude metallic magnesium, ingots, magnesium alloys and scrap a duty of 10 cents a pound; upon coils, plates, sheets, bars, rods, and other unfinished forms 20 cents a pound on the metallic magnesium content; and upon ribbons, tubing, wire, powder, and all other finished articles 40 cents a pound on the metallic magnesium content and 20 per cent foreign value. The House recedes with an amendment restoring the classification of the House bill, but making the duty on metallic magnesium and metallic magnesium scrap 40 cents a pound, and on magnesium alloys, powder, sheets, ribbons, tubing, wire, and all other manufactures of magnesium not specially provided for 40 cents a pound on the metallic magnesium content and 20 per cent foreign value.

On amendment No. 566: This amendment increases from 1½ cents a pound to 2 cents a pound the House duty on antimony metal; and the House recedes.

On amendments Nos. 567 and 1347: Amendment No. 567 imposes a duty of three-fourths of 1 cent a pound on needle antimony, and amendment No. 1347 strikes this material off the free list; and the House recedes on amendment No. 1347, and recedes on amendment No. 567, with an amendment making the duty one-fourth of 1 cent a pound.

On amendments Nos. 568 and 1360: Amendment No. 568 imposes a duty of 7½ per cent foreign value on bismuth, and amendment No. 1360 strikes it off the free list; and the House recedes.

On amendments Nos. 569 and 1387: Amendment No. 569 imposes a duty of 15 cents a pound on cadmium, and amendment No. 1387 strikes it off the free list; and the House recedes.

On amendment No. 570: This amendment imposes a duty of 6 cents a pound on metallic arsenic, which under the House bill is free of duty as unwrought metal; and the House recedes.

On amendment No. 572: This amendment imposes a duty of 30 per cent foreign value on nickel silver sheets, strips, rods, and wire, which were dutiable at 35 per cent American value under paragraph 393 of the House bill; and the House recedes.

On amendment No. 575: This amendment imposes a duty of 35 per cent foreign value upon aluminum or tin foil less than six one-thousandths of an inch in thickness, which under paragraph 393 of the House bill was dutiable at 35 per cent American value; and the House recedes.

On amendments Nos. 576 and 578: The House bill imposed a duty of 16 cents a pound on bronze powder, powdered tin, brocades, flitters, and metallics. The Senate amendment reduces this duty to 12 cents a pound and makes it also applicable to aluminum powder and powdered foil, which under paragraph 393 of the House bill were dutiable at 35 per cent American value; and the House recedes from its disagreement to amendment No. 576 with an amendment making the duty on bronze powder 14 cents a pound, and recedes from amendment No. 578.

On amendment No. 579: This amendment reduces from 8 cents a hundred leaves to 6 cents a hundred leaves the House duty on bronze, or Dutch metal, or aluminum in leaf; and the House recedes.

On amendment No. 581: This amendment increases from 50 cents a hundred leaves to 60 cents a hundred leaves the House duty on gold leaf; and the House recedes with an amendment making the duty 55 cents a hundred leaves.

On amendment No. 583: The House bill imposed a duty of 10 cents a pound and 30 per cent American value on tinsel wire and lame made wholly or in chief value of gold, silver, or other metal and a duty of 10 cents a pound and 35 per cent American value on bullions and metal threads made wholly or in chief value of tinsel wire or lame. The Senate amendment makes the duty on tinsel wire 5 cents a pound and 10 per cent foreign value, the duty on lame 5 cents a pound and 20 per cent foreign value, and the duty on bullions and metal threads made wholly or in chief value of tinsel wire, lame or lahn, 5 cents a pound and 35 per cent foreign value; and the House recedes with an amendment accepting the Senate ad valorem rates but making the specific rate in each case 6 cents.

On amendments Nos. 584 and 587: The House bill imposed a duty of 45 per cent American value on ribbons made wholly or in chief value of tinsel wire, lame or lahn, and india rubber, bullions, or metal threads. The Senate amendments change this duty to 55 per cent foreign value; and the House recedes.

On amendments Nos. 585 and 586: The House bill imposed a duty of 45 per cent American value on beltings, toys, and other articles made wholly or in chief value of tinsel wire or lahn and india rubber, bullions, or metal threads. The Senate amendments impose a duty of 45 per cent foreign value upon these articles and include in this duty beltings, toys, and other articles made wholly or in chief value of metal threads or of tinsel wire or lahn; and the House recedes.

On amendment No. 587: See amendment No. 584.

On amendment No. 590: This amendment decreased from 35 cents a pound to 25 cents a pound the House duty on quicksilver; and the House recedes.

On amendments Nos. 591 and 1356: Amendment No. 591 imposes a duty of 12½ cents a pound on azides and fulminates, and amendment No. 1356 strikes these articles off the free list; and the House recedes on both amendments.

On amendment No. 592: This amendment imposes a duty of 1¼ cents a pound on dynamite and other high explosives put up in sticks, cartridges, or other forms, suitable for blasting, which under the House bill were free of duty under paragraph 1578; and the House recedes.

On amendment No. 594: This amendment changes from 15 per cent American value to 25 per cent foreign value the House duty on new types; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 596: This amendment decreases from 5 cents a pound to 1 cent a pound the House duty on nickel oxide; and the House recedes.

On amendment No. 598: This amendment reduces from 5 cents a pound to 3 cents a pound the House duty on nickel and nickel alloys; and the House recedes.

On amendment No. 599: This amendment together with amendment No. 600 imposes a duty of 25 per cent foreign value on nickel castings, wire, and tubes, which under the House bill were dutiable at 35 per cent American value under paragraph 393; and the House recedes.

On amendment No. 600: This amendment changes from 30 per cent American value to 25 per cent foreign value the House duty on nickel in certain finished forms; and the House recedes.

On amendment No. 601: This amendment imposes an additional duty of 10 per cent foreign value on cold rolled, cold drawn, or cold worked nickel alloys; and the House recedes.

On amendment No. 602: This amendment strikes out the House duty of 2 cents a pound on tin in bars, blocks, pigs, granulated, and scrap, and amendment No. 1575 puts it on the free list; and the House recedes.

On amendments Nos. 604 and 605: The House bill imposed a duty of 25 per cent American value on metal bottle caps, collapsible tubes, and sprinkler tops if not decorated and a duty of 40 per cent American value if decorated. The Senate amendments make these duties, respectively, 30 per cent foreign value and 45 per cent foreign value; and the House recedes.

On amendment No. 607: The House bill provided that no duty should be imposed on lead in copper mattes until after 2,000 tons of lead had been imported in any one year. The Senate amendment strikes out this provision and provides that such duty shall not be imposed unless the lead is actually recovered; and the House recedes.

On amendments Nos. 608 and 609: The House bill provided that the determination of the lead content of lead ores should be based upon wet assay without deduction. The Senate amendments require only a proper assay; and the House recedes.

On amendment No. 615: The following table shows the rates imposed by the House bill and the Senate amendment on zinc. The House bill also provided for higher rates of duty for a period of two years after the passage of the act, which was not contained in the Senate amendment; and the House recedes on amendment 615.

Article	House rate per pound.	Senate rate per pound.
	Cents.	*Cents.*
Slab zinc and zinc dust	1⅜	1¾
Zinc sheets	1⅝	2
Zinc sheets plated with nickel, etc	1¾	2¼
Old zinc	1	1½

On amendment No. 617: This amendment changes from 30 per cent American value to 60 per cent foreign value the House duty on print rollers and print blocks; and the House recedes.

On amendment No. 618: This amendment imposes a duty of 25 per cent foreign value on polished steel rolls valued at 25 cents a pound or over, which under paragraph 393 of the House bill were dutiable at 35 per cent American value; and the House recedes.

On amendment No. 619: This amendment imposes a duty of 60 per cent foreign value on twist drills and other metal cutting tools containing more than six-tenths of 1 per cent of tungsten or molybdenum, which under paragraph 372 of the House bill were dutiable at 35 per cent American value; and the House recedes.

On amendment No. 621: This amendment changes from 45 per cent American value to 60 per cent foreign value the House duty on nonspecified articles composed wholly or in chief value of platinum, gold, or silver, or plated with these metals, or colored with gold lacquer; and the House recedes.

On amendment No. 622: This amendment changes from 35 per cent American value to 40 per cent foreign value the House duty on nonspecified articles of metal other than platinum, gold, or silver, and not plated with such metals, and not colored with gold lacquer; and the House recedes.

SCHEDULE 4.—WOOD AND MANUFACTURES OF.

On amendments Nos. 624 and 1596: The House bill imposed a duty of one-half cent a cubic foot on timber, hewn, sided, or squared otherwise than by sawing, not less than 8 inches square, and round timber used for spars or in building wharves. Senate amendment 624 strikes out this duty, and amendment No. 1596 places these articles on the free list, as well as pulp woods, which under paragraph 414 of the House bill were dutiable at 25 per cent American value. The House recedes on both these amendments.

On amendment No. 625: The House bill imposed a duty of $1 per thousand feet on logs of fir, spruce, cedar, or western hemlock, with a proviso exempting such logs from duty when imported from any country which during the preceding 12 months has not maintained any embargo or other restriction upon the exportation of such class of logs. The Senate amendment strikes out this paragraph; and the House recedes with an amendment restoring the language of the House bill and changing the number of the paragraph.

On amendments Nos. 628 and 1600: The House bill imposed upon Spanish cedar, lignum-vitæ, mahogany, and other cabinet woods a duty of 10 per cent American value when in the log and 15 per cent American value when in the form of sawed boards or planks and imposed a duty of 20 per cent American value on veneers of wood and wood unmanufactured, not specially provided for. The Senate amendment No. 1600 placed these cabinet woods in the log on the free list, and amendment No. 628 made the duty on the sawed boards and planks of these cabinet woods 15 per cent foreign value and placed a duty of 20 per cent foreign value on veneers of wood and wood unmanufactured, not specially provided for. The Senate recedes on amendment No. 1600, thus imposing a duty of 10 per cent foreign value on these cabinet woods in the log; and the House recedes on amendment No. 628 with an amendment restoring the language of the House bill and changing the paragraph number, but the effect of this action is to restore the House rates based on foreign value instead of American value.

On amendment No. 629: The House bill imposed a duty of 10 per cent American value on paving posts, railroad ties, telephone, trolley, electric light, and telegraph poles. The Senate amendment strikes out this duty, and amendment No. 1601 places these articles on the free list; and the House recedes.

On amendment No. 633: The House bill imposed a duty of 10 per cent American value on pickets, palings, hoops, and staves of wood. The Senate amendment strikes out this duty, and amendment No. 1602 places these articles on the free list; and the House recedes.

On amendments Nos. 634 and 1544: The House bill imposed a duty of 50 cents per thousand on shingles. Amendment No. 634 strikes out this duty and amendment 1544 places shingles on the free list. The House recedes on amendment 634, and recedes on amendment 1544, with an amendment making a change in the paragraph number.

On amendment No. 638: The House bill imposed a duty of 20 per cent American value on boxes, barrels, and other articles containing oranges, lemons, limes, and grapefruit. The Senate amendment makes this duty 25 per cent foreign value; and the House recedes.

On amendment No. 645: The House bill imposed a duty of 20 per cent American value on reeds manufactured from rattan or reeds and cane wrought or manufactured from rattan and cane webbing. The Senate amendment makes this duty 15 per cent foreign value; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 646: The House bill provided that for the purposes of assessing duties handmade reeds or cane should be held comparable in value to machine-cut reeds or cane corresponding in size. The Senate amendment strikes out this provision; and the House recedes.

On amendments Nos. 647 and 648: These amendments impose a duty of 60 per cent foreign value upon furniture made with frames wholly or in part of osier or willow and covered wholly or in part with rattan, reed, grass, osier, or willow, or fiber of any kind, and upon furniture made with frames wholly or in part of wood, rattan, reed, bamboo, or malacca, and covered wholly or in part with osier or willow, these articles being dutiable under the House bill at 40 per cent American value under the basket clause of the paragraph amended; and the House recedes.

On amendment No. 649: The House bill imposed a duty of 50 per cent American value on furniture made with frames wholly or in part of wood, rattan, reed, bamboo, or malacca, and covered wholly or in part with rattan, reed, grass, or fiber of any kind. The Senate amendment makes this duty 60 per cent foreign value; and the House recedes.

On amendment No. 650: The House bill imposed a duty of 2 cents a pound on split bamboo. The Senate amendment reduces this to 1 cent a pound; and the House recedes, making the duty 1¼ cents a pound.

On amendment No. 652: The House bill imposed a duty of 25 per cent American value on osier or willow prepared for basket makers' use. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes.

On amendment No. 654: The House bill imposed a duty of 40 per cent American value on articles not specially provided for wholly or in part manufactured of rattan, bamboo, osier, or willow. The Senate amendment makes this duty 45 per cent foreign value; and the House recedes.

On amendments Nos. 657, 659, 660, and 661: The House bill imposed upon porch and window blinds, baskets, curtains, shades, or screens of bamboo, wood, straw, or compositions of wood, not specially provided for, a duty of 25 per cent American value; and if stained, dyed, painted, printed, polished, grained, or creosoted, a duty of 30 per cent American value. The Senate amendments Nos. 660 and 661 make these duties, respectively, 40 per cent foreign value and 50 per cent foreign value. The House recedes with amendments making the duties, respectively, 35 per cent foreign value and 45 per cent foreign value. The Senate amendment No. 657 adds to these dutiable articles under the paragraph chair seats, which under the House bill were dutiable at various rates according to the material of which made; and the House recedes. Senate amendment No. 659 makes the articles enumerated in the paragraph dutiable if made of papier-mâché or palm leaf. Such articles under the House bill if made of papier-mâché were dutiable at 26 per cent American value under paragraph 1313 of the bill, and if made of palm leaf were dutiable at 20 per cent American value under paragraph 1437 of the House bill. The House recedes on amendment No. 659.

On amendment No. 663: This amendment imposes a duty of 15 cents a gross on spring clothespins, which under the House bill were dutiable according to the material of which made; and the House recedes.

On amendment No. 665: The House bill imposed a duty of 25 per cent American value on wooden house or cabinet furniture and manufactures of wood or of which wood or bark is the component material of chief value, not specially provided for. The Senate amendment makes this duty 35 per cent foreign value; and the House recedes with an amendment making the duty 33⅓ per cent foreign value.

SCHEDULE 5.—SUGAR, MOLASSES, AND MANUFACTURES OF.

On amendments Nos. 667 and 668: The House bill imposed a duty of 1.16 cents per pound on sugar testing by the polariscope not above 75 sugar degrees, and 0.04 of a cent per pound for each additional sugar degree shown by the polariscopic test. The Senate amendments made these rates 1.25 and 0.05 of a cent per pound, respectively. The House recedes from its disagreement to these amendments with an amendment making these rates 1.24 and 0.046 of a cent per pound, respectively. The effect of this action is to impose upon 96° Cuban sugar a duty of 1.765 cents per pound in lieu of the House duty of 1.6 cents per pound and of the rate of 1.84 cents per pound under the Senate amendment. The rate imposed on 96° sugar imported from other countries under the House bill was 2 cents a pound, under the Senate amendment 2.3 cents per pound, and 2.206 cents per pound under the conference agreement.

On amendment No. 669: The House bill provided that any person manufacturing or refining in the United States sugar, testing over 99°, produced from beet or cane grown in the United States, should for each pound so manufactured or refined during any month in any State be permitted to import, at any time before the expiration of nine months after the last day of such month (for the sole purpose of being manufactured or refined by him in such State) 2 pounds of sugar testing not above 96° at three-fourths of the rate of duty to which such sugar would otherwise be subject. The Senate amendment strikes out these provisions; and the House recedes.

On amendment No. 671: This amendment is a clerical change made necessary by the action of the conferees with respect to amendment No. 1488; and the House recedes.

On amendment No. 676: The House bill made the duty applicable to certain named saccharides applicable to other of the higher saccharides required for scientific purposes. The Senate amendment makes the duty applicable to "all other saccharides." The effect of this amendment is to make certain saccharides which were dutiable at 25 per cent American value as chemicals not specially provided for under paragraph 5 of the House bill dutiable at 50 per cent foreign value; and the House recedes.

On amendments Nos. 679 and 680: Amendment No. 679 changes from 30 per cent American value to 40 per cent foreign value the House duty upon sugar candy and confectionery not specially provided for, and upon sugar after being refined, when tinctured, colored, or in any way adulterated. Amendment No. 680 strikes out the provision in the House bill that the value of immediate coverings other than the outer covering shall be included in the dutiable value; and the House recedes on both of these amendments.

SCHEDULE 6.—TOBACCO AND MANUFACTURES OF.

On amendment No. 681: The House bill made dutiable at the same rates as wrapper tobacco, filler tobacco when mixed or packed with more than 50 per cent of wrapper tobacco. The Senate amendment changes this percentage to 35; and the House recedes.

On amendment No. 682: The House bill imposed a duty of $1 per pound on Turkish filler tobacco. The Senate amendment strikes out this duty, making the ordinary rates for filler tobacco apply to Turkish filler tobacco; and the House recedes.

On amendments Nos. 683 and 684: The House bill imposed upon filler tobacco not specially provided for a duty of 45 cents a pound if unstemmed and 60 cents a pound if stemmed. The Senate amendments reduce these duties, respectively, to 35 cents and 50 cents; and the House recedes.

On amendment No. 685: The House bill provided that filler tobacco not specially provided for, commonly used without removing the stem, should be subject to the same duty as if stemmed. The Senate amendment strikes out this provision; and the House recedes.

On amendments Nos. 686 and 687: The House bill imposed a duty of 55 cents a pound on scrap tobacco. The Senate amendments reduce this duty to 35 cents a pound; and the House recedes.

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS.

On amendment No. 688: The House bill imposed a duty of 1 cent a pound on cattle less than 2 years old and 1¼ cents on cattle 2 years old or over. The Senate amendment strikes out this duty and imposes a duty of 1½ cents a pound on cattle weighing less than 1,050 pounds each and of 2 cents a pound on cattle weighing 1,050 pounds each or more; and the House recedes.

On amendment No. 689: This amendment increases from 2 cents a pound to 3½ cents a pound the House duty on fresh beef and veal; and the House recedes with an amendment making the duty 3 cents a pound.

On amendment No. 690: The House bill imposed a duty of 1 cent a pound on sheep and goats. The Senate amendment makes this duty $2 a head; and the House recedes.

On amendment No. 691: The House bill imposed a duty of 1¼ cents a pound on fresh mutton. The Senate amendment increases this to 2½ cents a pound, and includes in the duty fresh goat meat; and the House recedes.

On amendment No. 692: This amendment increases from 2 cents a pound to 5 cents a pound the House duty on fresh lamb; and the House recedes with an amendment making the duty 4 cents a pound.

On amendment No. 694: The House bill imposed a duty of 1¼ cents a pound on bacon, hams, and pork shoulders, prepared or preserved. The Senate amendment increases this duty to 2 cents a pound; and the House recedes.

On amendment No. 695: The House bill imposed a duty of 20 per cent American value on lard compounds and lard substitutes. The Senate amendment makes this duty 5 cents a pound; and the House recedes with an amendment making the duty 4 cents a pound.

On amendments Nos. 696 and 698: The House bill imposed a duty of 20 per cent American value on reindeer meat and a duty of 1½ cents a pound on venison and other game, not specially provided for. The Senate amendments increased the duty on venison and other game to 4 cents a pound and make this rate applicable to reindeer meat instead of the House ad valorem rate; and the House recedes.

On amendments Nos. 699 and 1536: The House bill imposed a duty of 15 per cent American value on sausage casings, weasands, intestines, bladders, tendons, and integuments, not specially provided for. The Senate amendment strikes out this duty, and Senate amendment No. 1536 puts these articles on the free list. The House recedes on amendment No. 699, and recedes on amendment No. 1536 with an amendment making a change in paragraph number.

On amendment No. 700: This amendment changes from 15 per cent American value to 20 per cent foreign value the House duty on fresh, prepared, or preserved meats, not specially provided for; and the House recedes.

On amendment No. 701: This amendment increases from 1 cent a gallon to 2½ cents a gallon the House duty on fresh milk; and the House recedes.

On amendment No. 702: This amendment increases from one-half of 1 cent a gallon to 1 cent a gallon the House duty on sour milk and buttermilk; and the House recedes.

On amendment No. 703: The House bill imposed upon cream the following duties: Having less than 30 per cent of butter fat, 5 cents a gallon; having 30 per cent or more of butter fat, 10 cents a gallon. The Senate amendment makes the duty on all cream 22½ cents a gallon; and the House recedes with an amendment making the duty 20 cents a gallon.

On amendment No. 704: This amendment provides that fresh or sour milk containing more than 7 per cent of butter fat shall be dutiable as cream, and cream containing more than 45 per cent of butter fat shall be dutiable as butter; and the House recedes.

On amendment No. 706: This amendment reduces from 8 cents a pound to 6 cents a pound the House duty on cream powder. The House recedes with an amendment making the duty 7 cents a pound.

On amendment No. 708: This amendment makes butter substitutes other than oleomargarine dutiable at 8 cents a pound, which under the House bill were dutiable according to component material of chief value; and the House recedes.

On amendment No. 709: The House bill imposed a duty of 5 cents a pound on cheese valued at less than 30 cents a pound and 25 per cent American value on cheese valued at 30 cents or more a pound and a duty of 5 cents a pound on cheese substitutes. The Senate amendment strikes out these duties and imposes on cheese and substitutes therefor a duty of 5 cents per pound but not less than 25 per cent foreign value; and the House recedes.

On amendment No. 710: This amendment increases from 2 cents a pound to 3 cents a pound the House duty on live poultry; and the House recedes.

On amendment No. 711: This amendment increases from 4 cents a pound to 6 cents a pound the House duty on dead poultry; and the House recedes.

On amendment No. 712: This amendment changes from 20 per cent American value to 8 cents a pound the House duty on dead birds other than poultry; and the House recedes.

On amendment No. 713: This amendment changes from 22 per cent American value to 35 per cent foreign value the House duty on dead birds prepared or preserved in any manner; and the House recedes.

On amendment No. 714: This amendment increases from 6 cents a dozen to 8 cents a dozen the House duty on poultry eggs in the shell; and the House recedes.

On amendment No. 715: This amendment increases from 4 cents a pound to 6 cents a pound the House duty on whole eggs, egg yolk, and egg albumen, frozen or otherwise prepared or preserved; and the House recedes.

On amendment No. 716: This amendment increases from 15 cents a pound to 18 cents a pound the House duty on dried whole eggs, dried egg yolk, and dried egg albumen; and the House recedes.

On amendments Nos. 717 and 1344: Amendment No. 1344 strikes from the House bill a provision excepting black or silver foxes from the paragraph admitting animals for breeding purposes free of duty; and the Senate recedes. Amendment 717 strikes out the House provision imposing a duty of $350 a head upon black or silver foxes; and the House recedes. The effect of the conference agreement is to make these foxes dutiable, under paragraph 715 of the bill as agreed to in conference, at 15 per cent foreign value, as live animals, not specially provided for.

On amendment No. 720: This amendment increases from 2¼ cents a pound to 3 cents a pound the House duty on honey; and the House recedes.

On amendments Nos. 722 and 723: The House bill imposed a duty of 1 cent a pound on fish, fresh, frozen, or packed in ice. The Senate amendments retain this duty except in the case of salmon, halibut, mackerel, or swordfish, which are made dutiable at 2 cents a pound; and the House recedes.

On amendment No. 726: This amendment reduces from 1¾ cents a pound to 1¼ cents a pound the House duty on dried fish; and the House recedes.

On amendments Nos. 727 and 728: These amendments impose a duty of 2½ cents a pound on smoked herring, skinned or boned, regardless of the weight of the package in which imported, whereas under the House bill such herring was dutiable at this rate only when imported in bulk or in immediate containers weighing with their contents more than 30 pounds each, the duty under the House bill being 20 per cent American value when otherwise imported; and the House recedes.

On amendments Nos. 729, 732, 737, and 739: These amendments reduce from 30 pounds to 15 pounds the dividing line used for computing duties on fish imported in containers; and the House recedes.

On amendments Nos. 730, 734, and 740: The House bill in imposing specific duties on certain fish included the weight of the immediate container with the contents. The Senate amendments strike out this provision and compute the duties on the net weight; and the House recedes.

On amendment No. 732: See amendment No. 729.

On amendment No. 733: This amendment reduces from 1½ cents a pound, gross weight, to 1 cent a pound, net weight, the House duty on herring and mackerel, pickled or salted, when in bulk or immediate containers weighing with their contents more than 15 pounds each; and the House recedes.

On amendment No. 734: See amendment No. 730.

On amendment No. 736: This amendment changes from 26 per cent, American value, to 30 per cent, foreign value, the House duty on fish packed in oil; and the House recedes.

On amendment No. 737: See amendment No. 729.

On amendment No. 738: This amendment changes from 20 per cent, American value, to 25 per cent, foreign value, the House duty on fish, pickled, salted, smoked, or otherwise prepared or preserved (except in oil) in immediate containers weighing with their contents not more than 15 pounds each; and the House recedes.

On amendment No. 739: See amendment No. 729.

On amendment No. 740: See amendment No. 730.

On amendment No. 742: This amendment changes from 26 per cent, American value, to 15 per cent, foreign value, the House duty on crab meat packed in ice or frozen or prepared or preserved in any manner; and the House recedes.

On amendment No. 743: This amendment changes from 28 per cent, American value, to 30 per cent, foreign value, the House duty on fish paste and fish sauce; and the House recedes.

On amendment No. 744: This amendment changes from 28 per cent, American value, to 30 per cent, foreign value, the House duty on caviar and other fish roe for food purposes packed in ice or frozen or prepared or preserved in any manner; and the House recedes.

On amendment No. 746: This amendment increases from 15 cents a bushel to 20 cents a bushel the House duty on barley; and the House recedes.

On amendment No. 749: This amendment reduces from 30 cents a hundred pounds to 10 cents a hundred pounds the House duty on buckwheat; and the House recedes.

On amendment No. 751: This amendment increases from 15 cents a bushel to 20 cents a bushel the House duty on corn; and the Senate recedes.

On amendment No. 753: This amendment increases from 1½ cents a pound to 2 cents a pound the House duty on macaroni, noodles, and similar alimentary pastes; and the House recedes.

On amendment No. 755: This amendment increases from 10 cents a bushel to 15 cents a bushel the House duty on oats; and the House recedes.

On amendment No. 756: This amendment increases from 32 cents per 100 pounds to 45 cents per 100 pounds the House duty on unhulled ground oats; and the House recedes.

On amendment No. 757: This amendment increases from 60 cents per 100 pounds to 90 cents per 100 pounds the House duty on oatmeal, rolled oats, oat grits, and similar oat products; and the House recedes with an amendment making the duty 80 cents per 100 pounds.

On amendment No. 761: This amendment increases from 10 cents a bushel to 15 cents a bushel the House duty on rye; and the House recedes.

On amendment No. 762: This amendment increases from 30 cents per 100 pounds to 45 cents per 100 pounds the House duty on rye flour and meal; and the House recedes.

On amendment No. 764: This amendment increases from 25 cents a bushel to 30 cents a bushel the House duty on wheat; and the House recedes.

On amendment No. 765: This amendment increases from 50 cents per 100 pounds to 78 cents per 100 pounds the duty on wheat flour, semolina, crushed or cracked wheat, and similar wheat products not specially provided for; and the House recedes.

On amendments Nos. 768 and 771: The House bill imposed a duty of $5 a ton on malt sprouts and brewers' grains. The Senate amendments, together with amendment No. 769, change this duty to 10 per cent foreign value; and the Senate recedes.

On amendment No. 769: This amendment changes from 15 per cent American value to 10 per cent foreign value the House duty on bran shorts and by-product feeds obtained in milling wheat or other cereals; and the Senate recedes.

On amendment No. 771: See amendment No. 768.

On amendment No. 773: This amendment changes from 6 per cent American value to 15 per cent foreign value the House duty on feeds consisting of a mixture of grains or grain products with oil cake, oil-cake meal, molasses, or other feedstuffs. The House recedes with an amendment making the duty 10 per cent foreign value.

On amendment No. 775: The House bill imposed upon screenings, chaff, or scourings of wheat, flaxseed, or other grains or seeds a duty of 75 cents a ton if unground and $1.50 a ton if ground. The Senate amendment makes the duty 10 per cent foreign value, whether ground or unground; and the House recedes.

On amendment No. 776: The House bill provided that screenings, dirt, and other foreign matter mixed with grains or seeds shall pay the same rate of duty as the grains or seeds. The Senate amendment strikes out this provision; and the House recedes.

On amendment No. 778: This amendment changes from 17 per cent American value to 25 per cent foreign value the House duty on cereal breakfast foods and similar cereal preparations; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 780: This amendment changes from 28 per cent American value to 30 per cent foreign value the House duty on biscuits, wafers, cake, similar baked articles, and puddings; and the House recedes.

On amendment No. 782: This amendment increases from 25 cents a bushel to 30 cents a bushel the House duty on apples; and the Senate recedes.

On amendment No. 783: This amendment imposes a duty of one-half cent a pound on apricots, green, ripe, dried, or in brine, and a duty of 40 per cent foreign value on apricots otherwise prepared or preserved; and the House recedes with an amendment making the duty 35 per cent foreign value upon apricots otherwise prepared or preserved.

On amendments Nos. 784 and 1358: The House bill imposed a duty of 2 cents a bunch on bananas. The Senate amendment strikes out this duty, and amendment No. 1358 places bananas on the free list. The House bill also placed a duty of 4 cents per 100 pounds on dried, desiccated, or evaporated bananas and banana flour. The Senate amendment also strikes out this duty, which has the effect of placing dried and desiccated bananas on the free list as bananas, and making banana flour dutiable under paragraph 749, as agreed to in conference, at 35 per cent foreign value. The House recedes on both these amendments.

On amendment No. 786: This amendment increases from 1 cent a pound to 1¼ cents a pound the House duty on edible berries in their natural condition or in brine; and the House recedes.

On amendment No. 787: This amendment changes from 20 per cent American value to 35 per cent foreign value the House duty on edible berries, prepared or preserved otherwise than by drying, desiccation, or evaporation, and not specially provided for; and the House recedes.

On amendments Nos. 789, 790, and 791: The House bill imposed a duty of 1½ cents a pound on cherries in their natural state or in brine and of 20 per cent American value on maraschino cherries and cherries prepared or preserved. Senate amendment No. 790 increases the first duty to 2 cents a pound and amendment No. 789 makes dutiable at this rate sulphured cherries, which under the House bill were dutiable under the second bracket; and the House recedes. Amendment No. 791 makes the rate in the second bracket 45 per cent foreign value instead of 20 per cent American value; and the House recedes with an amendment making the rate 40 per cent foreign value.

On amendment No. 793: This amendment reduces from 10 cents a gallon to 5 cents a gallon the House duty on cider; and the House recedes.

On amendment No. 796: This amendment increases from 4 cents a pound to 5 cents a pound the House duty upon citrons and citron peel, candied or otherwise prepared or preserved; and the House recedes with an amendment making the duty 4½ cents a pound.

On amendments Nos. 798 and 799: The House bill imposed a duty of 2 cents a pound upon orange and lemon peel, crude, in brine, candied, or otherwise prepared or preserved. The Senate amendments retain the House rate on this article when crude or in brine but increase the duty when candied or otherwise prepared or preserved to 5 cents a pound; and the House recedes.

On amendment No. 802: This amendment changes from 20 per cent American value to 40 per cent foreign value the House duty on prepared or preserved figs; and the House recedes with an amendment making the rate 35 per cent foreign value.

On amendments Nos. 803 and 804: The House bill imposed a duty of 1 cent a pound upon dates. The Senate amendments retain this duty on fresh or dried dates, but imposes a duty of 40 per cent foreign value upon prepared or preserved dates, which were dutiable at 20 per cent American value under paragraph 749 of the House bill; and the House recedes on amendment No. 803 and recedes on amendment No. 804 with an amendment making the duty on prepared or preserved dates 35 per cent foreign value.

On amendment No. 808: This amendment increases from 2 cents a pound to 2½ cents a pound the House duty on raisins; and the Senate recedes.

On amendments Nos. 809 and 810: The House bill imposes a duty of 2½ cents a pound on dried currants. The Senate amendments reduce this duty to 2 cents a pound; and the House recedes.

On amendment No. 813: This amendment increases from 1 cent a pound to 2 cents a pound the House duty upon dried, desiccated, or evaporated peaches and pears; and the House recedes.

On amendment No. 814: This amendment changes from 20 per cent American value to 40 per cent foreign value the House duty upon peaches and pears prepared or preserved otherwise than by drying, desiccation, or evaporation; and the House recedes with an amendment making the duty 35 per cent foreign value.

On amendment No. 815: The House bill imposed a duty of three-fourths cent each on pineapples. The Senate amendment retains this rate upon pineapples imported in bulk but imposes a duty of 22½ cents a crate of 1.96 cubic feet; and the House recedes.

On amendment No. 816: The House bill imposed a duty of 3¾ cents a pound on prepared or preserved pineapples. The Senate amendment imposes a duty of 40 per cent foreign value upon candied, crystallized, or glace pineapples and a duty of 2 cents a pound upon pineapples otherwise prepared or preserved; and the House recedes with an amendment making the duty 35 per cent foreign value in the case of candied, crystallized, or glace pineapples.

On amendment No. 818: This amendment changes from 20 per cent American value to 40 per cent foreign value the House duty on plums and prunes prepared or preserved other than by drying; and the House recedes with an amendment making the duty 35 per cent foreign value.

On amendments Nos. 819, 820, 821, 822, and 852: The House bill imposed a duty of 28 per cent American value on pickled fruits and nuts and sauces of all kinds not specially provided for, comfits, sweetmeats, jellies, jams, marmalades, and fruit butters, and similar products. Senate amendments Nos. 819, 820, and 821 make this duty 40 per cent foreign value and confine it to jellies, jams, marmalades, and fruit butters. Amendments Nos. 822 and 823 impose a duty of 40 per cent foreign value on pickled fruits. Amendment No. 852 imposes a duty of 35 per cent foreign value on nuts, pickled or otherwise prepared or preserved, and a duty of 15 cents a pound on nut and kernel paste not specially provided for. Amendment No. 884 imposes a duty of 35 per cent foreign value on sauces of all kinds not specially provided for. The House recedes on amendments Nos. 819, 820, 822, and 884, and recedes on amendment No. 821 with an amendment making the duty on jellies, jams, marmalades, and fruit butters 35 per cent foreign value instead of 40 per cent foreign value, as proposed by the Senate amendment; and the House recedes on amendment No. 823, making the duty 35 per cent foreign value on pickled fruits instead of 40 per cent foreign value, as proposed by the Senate amendment, and recedes on amendment No. 852 with an amendment making the duty on nut and kernel paste not specially provided for 25 per cent foreign value instead of 15 cents a pound, as proposed by the Senate amendment.

On amendment No. 823: This amendment changes from 20 per cent American value to 40 per cent foreign value the House duty on fruits not specially provided for and mixtures of two or more fruits; and the House recedes with an amendment making this duty 35 per cent foreign value.

On amendments Nos. 826, 827, 828, and 829: The House bill imposed upon tulip, narcissus, hyacinth, and lily bulbs and lily of the valley pips a duty of $4 a thousand and a duty of $10 a thousand on lily of the valley clumps. The Senate amendments retain the duty of $4 a thousand on hyacinth bulbs but reduce the duty upon tulip, lily, and narcissus bulbs and lily of the valley pips to $2 a thousand, and strike out the specific duty on lily of the valley clumps, throwing them into the basket clause of this paragraph at 30 per cent foreign value; and the House recedes.

On amendment No. 831: This amendment changes from 20 per cent American value to 30 per cent foreign value the House duty upon unenumerated bulbs and roots; and the House recedes.

On amendment No. 832: This amendment changes from 25 per cent American value to 40 per cent foreign value the House duty upon cut flowers; and the House recedes.

On amendments Nos. 833 and 834: The House bill imposed a duty of $2 a thousand upon rose stock. The Senate amendments retain this duty in the case of rose stock not more than three years old but impose a duty of 4 cents each upon rose plants budded, grafted, or grown on their own roots; and the House recedes.

On amendment No. 836: The House bill imposed a duty of 20 per cent American value upon cuttings and seedlings of deciduous or evergreen ornamental trees, shrubs, or vines, including greenhouse plants. The Senate amendment changes this duty to 30 per cent foreign value and expands the term "including greenhouse plants" to read "all nursery stock not specially provided for"; and the House recedes, with an amendment making the duty 25 per cent foreign value.

On amendment No. 841: This amendment changes from 20 per cent American value to 30 per cent foreign value the House duty upon grafted or budded fruit trees and cuttings and seedlings of fruit vines or bushes; and the House recedes with an amendment making the duty 25 per cent foreign value.

On amendments Nos. 842 and 843: The House bill imposed a duty of 4 cents a pound on almonds not shelled and 12 cents a pound if shelled. The Senate amendments make these duties 5 cents a pound and 15 cents a pound, respectively; and the House recedes on amendment No. 842 with an amendment making the duty on almonds not shelled 4¾ cents a pound; and the House recedes on amendment No. 843 with an amendment making the duty on almonds if shelled 14 cents a pound.

On amendment No. 844: This amendment makes almond paste dutiable at 15 cents per pound which under the House bill was dutiable as a nonenumerated manufactured article at 20 per cent American value; and the House recedes with an amendment making the duty 14 cents per pound.

On amendments Nos. 845 and 1397: These amendments strike out the House duty upon chestnuts and marrons in their natural state or prepared or preserved and transfer these articles to the free list; and the House recedes.

On amendment No. 846: This amendment strikes out the House duty of one-half cent each upon coconuts, which by amendment No. 1494 were placed upon the free list; and the Senate recedes.

On amendment No. 847: This amendment reduces from 4½ to 2½ cents a pound the House duty upon coconut meat; and the House recedes with an amendment making this duty 3¾ cents a pound.

On amendments Nos. 848 and 849: The House bill imposed a duty of 2½ cents a pound on unshelled walnuts and 7½ cents a pound on shelled walnuts. The Senate amendments make these duties, respectively, 4 cents and 12 cents a pound; and the House recedes.

On amendments Nos. 850 and 851: The House bill imposed a duty of 1 cent a pound on unshelled pecans and 2 cents a pound on shelled pecans. The Senate amendments make these duties, respectively, 3 cents and 6 cents a pound; and the House recedes.

On amendment No. 852: See amendment No. 819.

On amendment No. 853: This amendment increases from 25 cents a bushel to 40 cents a bushel the House rate upon flaxseed; and the House recedes.

On amendment No. 854: This amendment imposes a duty of four-tenths of 1 cent a pound on soya beans and one-third of 1 cent a pound on cotton seed, soya beans being dutiable under paragraph 763 of the House bill at 1¾ cents per pound and cotton seed being dutiable under paragraph 762 at 20 per cent American value; and the House recedes with an amendment making soya beans dutiable at one-half of 1 cent per pound.

On amendment No. 855: This amendment increases from 2 cents a pound to 4 cents a pound the House duty on alfalfa seed; and the House recedes.

On amendment No. 856: This amendment increases from 3 cents a pound to 4 cents a pound the House duty on alsike clover seed, and the House recedes.

On amendment No. 857: This amendment increases from 3 cents a pound to 4 cents a pound the House duty on red clover seed; and the House recedes.

On amendment No. 858: This amendment increases from one-half of 1 cent a pound to 1 cent a pound the House duty on millet seed; and the House recedes.

On amendment No. 859: This amendment provides that no allowance should be made for dirt or other impurities in grass seeds; and the House recedes.

On amendment No. 860: This amendment together with amendment 1541 strikes out the House duty of 1 cent a pound on sugar-beet seed and transfers it to the free list; and the House recedes.

On amendment No. 861: This amendment reduces from 12 cents a pound to 8 cents a pound the House duty on cabbage seed; and the House recedes with an amendment making this duty 10 cents a pound.

On amendment No. 862: This amendment imposes a duty of 1 cent a pound on mushroom spawn, which under the House bill was dutiable under the basket clause of the paragraph amended at 20 per cent American value; and the House recedes.

On amendment No. 863: This amendment reduces from 20 cents a pound to 10 cents a pound the House duty on onion seed; and the House recedes with an amendment making the duty 15 cents a pound.

On amendment No. 865: This amendment increases from 4 cents a pound to 6 cents a pound the House duty on flower seed; and the House recedes.

On amendment No. 866: This amendment changes from 20 per cent American value to 6 cents a pound the House duty on unenumerated garden and field seeds; and the House recedes.

On amendments Nos. 869 and 870: The House bill imposed a duty of 1¾ cents a pound on dried beans and 2 cents a pound on beans in brine, prepared or preserved. The Senate amendments increase these duties to 2 cents a pound and 2¼ cents a pound; and the Senate recedes on both amendments.

On amendment No. 871: This amendment, together with amendment No. 1541, removes the House duty of 1 cent a pound on chickpeas and of one-half of 1 cent a pound on cowpeas and places these articles on the free list. The amendment also reduces from 2 cents a pound to one-half of 1 cent a pound the duty on lentils; and the House recedes.

On amendment No. 873: This amendment changes from 33⅓ per cent American value to 45 per cent foreign value the House duty on mushrooms; and the House recedes.

On amendment No. 874: This amendment increases from 75 cents a hundred pounds to 1 cent a pound the House duty on green or dried peas; and the House recedes.

On amendment No. 875: This amendment increases from 1 cent a pound to 1¼ cents a pound the House duty on split peas; and the House recedes.

On amendment No. 876: This amendment increases from 75 cents a hundred pounds to 1 cent a pound the House duty on onions; and the House recedes.

On amendment No. 877: This amendment increases from 42 cents a hundred pounds to 58 cents a hundred pounds the House duty on white potatoes; and the House recedes with an amendment making this duty 50 cents a hundred pounds.

On amendment No. 878: This amendment reduces from 3½ cents a pound to 2¾ cents a pound the House duty on dried potatoes; and the House recedes.

On amendment No. 879: This amendment increases from 1½ cents a pound to 3 cents a pound the House duty on potato flour; and the House recedes with an amendment making this duty 2½ cents a pound.

On amendment No. 880: This amendment reduces from 1 cent a pound to one-half of 1 cent a pound the House duty on tomatoes in their natural state and made a clerical amendment; and the House recedes with an amendment making a further clerical amendment.

On amendment No. 881: This amendment changes from 28 per cent American value to 45 per cent foreign value the House duty on tomato paste; and the House recedes with an amendment making the duty 40 per cent foreign value.

On amendment No. 882: This amendment changes from 10 per cent American value to 15 per cent foreign value the House duty on canned tomatoes; and the House recedes.

On amendment No. 883: This amendment changes from 20 per cent American value to 30 per cent foreign value the House duty on unenumerated vegetables in their natural state; and the House recedes with an amendment making this duty 25 per cent foreign value.

On amendment No. 884: This amendment imposes a duty of 35 per cent foreign value on unenumerated sauces, which under paragraph 748 of the House bill were dutiable at 28 per cent American value; and the House recedes.

On amendment No. 885: This amendment changes from 25 per cent American value to 35 per cent foreign value the House duty on miscellaneous vegetable preparations; and the House recedes.

On amendments Nos. 886 and 1384: These amendments strike out the House duty of $2 a ton on broom corn and place it on the free list; and the House recedes on both amendments.

On amendment No. 889: This amendment changes from 3½ cents a pound to 25 per cent foreign value the House duty on cacao butter; and the House recedes.

On amendment No. 891: This amendment changes from 15 per cent American value to 20 per cent foreign value the House duty on ginger root, candied or otherwise prepared or preserved; and the House recedes.

On amendment No. 893: This amendment increases from $1 a ton to $1.50 a ton the House duty on straw; and the Senate recedes.

On amendment No. 895: This amendment increases from $1.50 a pound to $2.40 a pound the House duty on hop extract; and the House recedes.

On amendments Nos. 896, 1535, and 1569: Amendment No. 896 imposes a duty of one-half of 1 cent a pound on sago flour and amendment No. 1535 strikes this off the free list. Amendment No. 896 also imposes a duty of one-half of 1 cent a pound on tapioca flour and amendment No. 1569 strikes this off the free list. Amendment No. 896 also imposes a duty of three-fourths of 1 cent a pound on tapioca flake, which in the House bill was on the free list under paragraph 1666. The House recedes on amendment No. 896 with an amendment striking out all these duties and making a change in paragraph number and the Senate recedes on amendments Nos. 1535 and 1569.

On amendments Nos. 897 and 1419: These amendments strike out the House duty of 2 cents a pound on curry and curry powder and transfer these articles to the free list; and the House recedes.

On amendment No. 899: This amendment increases from 5 cents a pound to 8 cents a pound the House duty on mustard, ground or prepared; and the House recedes.

On amendments Nos. 900 and 1577: Amendment No. 900 strikes out the House duty of 10 cents a pound on turmeric and amendment No. 1577 places this material on the free list; and the House recedes on amendment No. 900 and recedes on amendment No. 1577 with an amendment making a change in paragraph number.

On amendment No. 901: This amendment changes from 20 per cent American value to 25 per cent foreign value the House duty on mixed spices, unenumerated spices, and spice seed; and the House recedes.

SCHEDULE 8.—SPIRITS, WINES AND OTHER BEVERAGES.

On amendment No. 902: The House bill provided that liquors as defined in the national prohibition act, when imported in compliance with the act, should be dutiable at the rates provided in the dutiable list. The Senate amendment strikes out this provision and inserts a provision that nothing in the schedule relating to spirits and wines shall be construed as limiting or restricting the provisions of Titles II or III of the prohibition act and providing that the duties in the schedule shall be in addition to internal-revenue taxes; and the House recedes.

On amendments Nos. 903 and 905: These amendments reduce from $5 a proof gallon to $2.60 a proof gallon the House duty on Angostura bitters; and the House recedes.

On amendment No. 906: The House bill imposed a duty of $6 a proof gallon on champagne and sparkling wines. The Senate amendment strikes out the word "proof"; and the House recedes.

On amendment No. 907: The House bill imposed upon grape juices and sirups a duty of 70 cents a gallon if containing less than one-half of 1 per cent of alcohol, and if containing one-half of 1 per cent or more of alcohol, 70 cents a gallon, and in addition thereto $5 a proof gallon on the alcohol content. The Senate amendment makes the duty on these liquids containing or capable of producing less than 1 per cent of alcohol, 70 cents a gallon, and if containing or capable of producing more than 1 per cent of alcohol, 70 cents a gallon, and in addition $5 a proof gallon on the alcohol contained therein or that can be produced therefrom; and the House recedes.

Amendment No. 910: The House bill provided that the duty on brandy, spirits, and wines shall in no case be less than $5 a gallon. The Senate amendment provides that the duty in no case shall be less than $5 a proof gallon; and the House recedes.

SCHEDULE 9.—COTTON AND MANUFACTURES OF.

On amendment No. 914: The House bill placed cotton upon the free list under paragraph 1557. The Senate amendment provides a duty on cotton having a staple of 1⅜ inches or more in length of 7 cents a pound; and the Senate recedes.

On amendments Nos. 916, 917, and 918: The House bill imposed a minimum duty upon cotton yarn not bleached, dyed, colored, combed, or plied, of numbers not exceeding No. 100, of 5 per cent American value and, in addition thereto, for each number one-fifth of 1 per cent American value, and for numbers exceeding No. 100 a minimum duty of 25 per cent American value. The Senate amendment provides that upon such yarns not exceeding No. 80 the minimum duty shall be 5 per cent foreign value and in addition thereto, for each number one-fourth of 1 per cent foreign value, and on such yarns exceeding No. 80 the minimum duty shall be 25 per cent foreign value; and the House recedes.

On amendments Nos. 919 and 926: The House bill provided upon yarns, if combed, in addition to the duties provided in paragraph 902 of the House bill, if exceeding No. 9 and not exceeding No. 40, a duty of 1 cent a pound; exceeding No. 40, 2 cents a pound. The Senate amendments strike out the House provision and include combed cotton yarns within the provisions for cotton yarns which are bleached, dyed, colored, or plied; and the House recedes on both amendments.

On amendments Nos. 920, 921, 922, 923, and 924: The House bill imposed upon cotton yarns bleached, dyed, colored, or plied, of numbers not exceeding No. 100, a minimum duty of 7 per cent American value and, in addition thereto, for each number one-fifth of 1 per cent American value, and for numbers exceeding No. 100 a minimum duty of 27 per cent American value. The Senate amendments provide that in the case of such yarns not exceeding No. 80 the minimum duty shall be 10 per cent foreign value and, in addition thereto, for each number one-fourth of 1 per cent foreign value, and on numbers exceeding No. 80 a minimum duty of 30 per cent foreign value; and the House recedes on all these amendments.

On amendment No. 925: The Senate amendment imposes on cotton yarn printed, dyed, or colored with vat dyes an additional duty of 4 per cent foreign value. The House imposed no additional duty by reason of such vat dyeing; and the House recedes.

On amendment No. 926: See amendment No. 919.

On amendment No. 930: The House bill provided that the duty on cotton sewing thread, crochet, darning, embroidery, and knitting cottons, put up for handwork, in lengths not exceeding 840 yards, shall not be less than 17 nor more than 33⅓ per cent American value. The Senate amendment provides that in the case of all such threads and cottons the duty shall not be less than 20 nor more than 35 per cent foreign value; and the House recedes.

On amendments Nos. 933, 934, 935, 936, and 937: The House bill provided that cotton cloth, not bleached, printed, dyed, colored, or woven-figured, containing yarns the average number of which does not exceed No. 100, shall not pay less duty than 9 per cent American value and, in addition thereto, for each number one-fifth of 1 per cent American value; nor, when exceeding No. 100, less than 29 per cent American value. The Senate amendments make the duty upon such cotton cloth when containing yarns the average number of which does not exceed No. 80 not less than 10 per cent foreign value and, in addition thereto, for each number one-fourth of 1 per cent foreign value, and when exceeding No. 80 not less than 30 per cent foreign value; and the House recedes on all these amendments.

On amendments Nos. 938, 939, and 940: The House bill imposed upon cotton cloth when bleached, containing yarns the average number of which does not exceed No. 100, a minimum duty of 13 per cent American value and, in addition thereto, for each number one-fifth of 1 per cent American value; and when exceeding No. 100 a minimum duty of 33 per cent American value. The Senate amendments provide upon such cloths, when containing yarns the average number of which does not exceed No. 80, a duty of 13 per cent foreign value and, in addition thereto, for each number one-fourth of 1 per cent foreign value, and when exceeding No. 80 a minimum duty of 33 per cent foreign value; and the House recedes on all these amendments.

On amendments Nos. 941, 942, 943, 944, and 945: The House bill imposed upon cotton cloth printed, dyed, colored, or woven-figured, when containing yarns the average number of which does not exceed No. 100, a minimum duty of 13 per cent American value and, in addition thereto, for each number one-fifth of 1 per cent American value, and when exceeding No. 100 a minimum duty of 33 per cent American value. The Senate amendment provides upon such cotton cloth, when containing yarns the average number of which does not exceed No. 80, a minimum duty of 15 per cent foreign value and, in addition thereto, for each number five-sixteenths of 1 per cent foreign value, and when exceeding No. 80 a minimum duty of 40 per cent foreign value; and the House recedes.

On amendment No. 946: The Senate amendment imposes upon cotton cloth when not less than 40 per cent of the cloth is printed, dyed, or colored with vat dyes an additional duty of 4 per cent foreign value. The House bill imposed no additional duty by reason of such vat dyeing; and the House recedes.

On amendments Nos. 949 and 950: The House bill imposed on cotton cloth with extra threads introduced by means of the lappet or swivel an additional rate of 7½ per cent American value to the basic rate and on cotton sateens woven with eight or more harnesses an additional rate of 10 per cent American value to the basic rate as cotton cloth. The Senate amendment strikes out this provision and inserts in lieu thereof additional duties to the basic duties as cotton cloth as follows: On cotton cloths woven with eight or more harnesses or with Jacquard motions or with drop boxes or with lappet or swivel attachments 12 per cent foreign value and limits the duties imposed upon cotton cloth in paragraphs 904 or 907 of the House bill to 45 per cent foreign value. In addition to these duties there is imposed by the Senate amendment on cotton cloths provided for in paragraphs 902, 903, 904, 906, and 907 of the bill as amended by the Senate on all yarns finer than No. 70 and on all yarns finer than No. 70 contained in threads or cloth, if constituting more than 10 per cent in weight of such threads or cloth, 10 cents per pound; and on all laps, sliver, and roving and on all yarns not finer than No. 70, and on all yarns not finer than No. 70 contained in threads and cloth if containing cotton of 1⅛-inch staple or longer, 10 cents per pound. The House recedes with an amendment the effect of which is to make the additional duties imposed upon cotton cloth in paragraph 903 of the bill as agreed to in conference the following: Cotton cloths woven with eight or more harnesses, or with Jacquard, lappet, or swivel attachments, 10 per cent foreign value, and on all cotton cloths other than the foregoing woven with drop boxes 5 per cent foreign value, and limits the duty or duties imposed upon cloth in paragraphs 903, or 903 and 906 of the bill as agreed to in conference, to 45 per cent foreign value, and with a further amendment making a change in paragraph numbers.

On amendment No. 952: This amendment changes the duty imposed by the House upon tracing cloths from 5 cents a square yard and 17 per cent American value to 5 cents a square yard and 20 per cent foreign value; and the House recedes.

On amendment No. 953: The House bill imposed upon cotton window hollands, and oilcloths (except silk oilcloths and oilcloths for floors), and filled or coated cloths not specially provided for, a duty of 3 cents a square yard and 17 per cent American value. The Senate amendment makes this duty on such cloths 3 cents a square yard and 20 per cent foreign value; and the House recedes.

On amendment No. 954: This amendment changes the House duty upon waterproof cloth composed wholly or in chief value of cotton or other vegetable fiber from 5 cents a square yard and 20 per cent American value to 5 cents a square yard and 30 per cent foreign value; and the House recedes.

On amendment No. 955: The House bill imposed on cloth in chief value of cotton, containing silk or artificial silk, a duty of 8 cents a square yard and 17 per cent American value, but not less than 33⅓ per cent American value. The Senate amendment changes these rates to the rates of duty as cotton cloth and in addition thereto 5 per cent foreign value, but not more than 45 per cent foreign value; the House recedes with an amendment making a change in paragraph number.

On amendment No. 957: The House bill imposed a duty of 28 per cent American value on Jacquard woven blankets, and on Jacquard woven napped cloths various specific and ad valorem duties as cotton cloth under paragraph 903. The Senate amendment imposes a duty of 45 per cent foreign value on these articles and fabrics; and the House recedes.

On amendment No. 958: The Senate amendment changes from 30 per cent American value to 45 per cent foreign value the House duty on tapestries and other Jacquard woven upholstery cloths; and the House recedes.

On amendment No. 960: This amendment changes from 33⅓ per cent American value to 50 per cent foreign value the House duty on pile fabrics composed wholly or in chief value of cotton, including plush and velvet ribbons and manufactures of such fabrics; and the House recedes.

On amendment No. 961: This amendment changes from 25 per cent American value to 40 per cent foreign value the House duty on terry-woven fabrics composed wholly or in chief value of cotton and manufactures of such fabrics; and the House recedes.

On amendment No. 963: This amendment changes from 28 per cent American value to 30 per cent foreign value the House duty on table damask composed wholly or in chief value of cotton and manufactures of such fabrics; and the House recedes.

On amendment No. 966: This amendment changes from 30 per cent American value to 40 per cent foreign value the House duty on quilts or bedspreads composed wholly or in chief value of cotton, woven of two or more sets of warp threads or of two or more sets of filling threads; and the House recedes.

On amendment No. 967: This amendment changes from 20 per cent American value to 25 per cent foreign value the House duty on quilts or bedspreads wholly or in chief value of cotton not specially provided for; and the House recedes.

On amendment No. 968: This amendment changes from 20 per cent American value to 25 per cent foreign value the House duty on sheets, pillowcases, blankets, towels, polishing cloths, dust cloths, and mop cloths composed wholly or in chief value of cotton, not Jacquard figured or terry-woven nor made of pile fabrics, and not specially provided for; and the House recedes.

On amendment No. 969: This amendment changes from 23 per cent American value to 30 per cent foreign value the House duty upon table and bureau covers, centerpieces, runners, scarfs, napkins, and doilies, made of plain-woven cotton cloth, not specially provided for; and the House recedes.

On amendment No. 971: This amendment changes from 25 per cent American value to 35 per cent foreign value the House duty on fabrics with fast edges not exceeding 12 inches in width, and articles of such fabrics, and tubings, garters, suspenders, braces, cords, tassels, and cords and tassels; and the House recedes.

On amendment No. 972: This amendment changes from 15 cents a pound and 12½ per cent American value to 15 cents a pound and 20 per cent foreign value the House duty on boot, shoe, or corset lacings made of cotton or other vegetable fiber; and the House recedes.

On amendment No. 973: This amendment changes from 25 cents a pound and 20 per cent American value to 25 cents a pound and 25 per cent foreign value the House duty on loom harness, healds, and collets, made wholly or in chief value of cotton or other vegetable fiber; and the House recedes.

On amendment No. 974: This amendment changes from 50 cents a pound and 20 per cent American value to 50 per cent foreign value the House duty on labels for garments or other articles, of cotton or other vegetable fiber; and the House recedes.

On amendment No. 975: This amendment changes from 20 per cent American value to 30 per cent foreign value the House duty on belting for machinery, composed wholly or in chief value of cotton, or other vegetable fiber, or cotton or other vegetable fiber and india rubber; and the House recedes.

On amendment No. 977: This amendment changes from 35 per cent American value to 60 per cent foreign value the House duty on knit fabric, in the piece, composed wholly or in chief value of cotton or other vegetable fiber, made on a warp-knitting machine; and the House recedes with an amendment making the duty 55 per cent foreign value.

On amendment No. 978: This amendment changes from 23 per cent American value to 35 per cent foreign value the House duty on knit fabric, in the piece, made on other than a warp-knitting machine; and the House recedes.

On amendment No. 979: The House bill imposed a duty on gloves, composed wholly or in chief value of cotton or other vegetable fiber, made of fabric knit on a warp-knitting machine, of 40 per cent American value. The Senate amendment provides a duty upon such gloves, if single fold of such fabric when unshrunk and not suèded and having less than 40 rows of loops per inch in width on the face of the glove, 50 per cent foreign value; when shrunk or suèded or having 40 or more rows or loops per inch in width on the face of the glove and not over 11 inches in length, $2.50 a dozen pairs, and for each additional inch in excess of 11 inches 10 cents a dozen pairs; if of two or more folds of fabric, any fold of which is made on a warp-knitting machine and not over 11 inches in length, $3 a dozen pairs; and for each additional inch in excess of 11 inches, 10 cents a dozen pairs, with a maximum duty of 75 per cent foreign value. This amendment also changes from 33⅓ per cent American value to 50 per cent foreign value the House duty upon such gloves made of fabrics knit on other than a warp-knitting machine, and changes the House duty on gloves made of woven fabrics from 23 per cent American value to 25 per cent foreign value; and the House recedes with an amendment imposing a minimum duty of 40 per cent foreign value on gloves made of fabric knit on a warp-knitting machine, and with a further amendment making clerical changes.

On amendment No. 982: The House bill imposed on hose and half hose, fashioned, seamless, or mock-seamed, finished or unfinished, composed of cotton or other vegetable fiber, made wholly or in part on knitting machines, or knit by hand, various compound rates if valued at not more than $5 a dozen pairs; and if valued at more than $5 a dozen pairs, 35 per cent American value. The Senate amendment strikes out the House rates and imposes a duty of 50 per cent foreign value, providing that if such hose or half hose contains cotton wholly or in chief value of 1⅜-inch staple or longer the duty shall be 10 cents per pound and 50 per cent foreign value. The House recedes with an amendment striking out the special provision for hose and half hose containing cotton of 1⅜-inch staple or longer, and changing the paragraph number.

On amendment No. 983: This amendment changes from 23 per cent American value to 30 per cent foreign value the House duty on hose and half hose made or cut from knitted fabric composed of cotton or other vegetable fiber, and not specially provided for; and the House recedes.

On amendment No. 985: The House bill imposed on underwear and all other wearing apparel composed of cotton or other vegetable fiber, made wholly or in part on knitting machines, or knit by hand, and not specially provided for, valued at not more than $20 a dozen, various compound duties, and upon such underwear and wearing apparel valued at more than $20 a dozen 40 per cent American value. The Senate amendment strikes out the House rates and imposes a duty on all such underwear and wearing apparel of 45 per cent foreign value, but contains a provision that if such underwear and wearing apparel contains cotton wholly or in chief value of 1⅜-inch staple or longer the duty shall be 10 cents per pound and 45 per cent foreign value. The House recedes with an amendment striking out the special provision for underwear and wearing apparel containing cotton of 1⅜-inch staple or longer.

On amendments Nos. 987 and 988: Amendment No. 987 changes the minimum House duty on handkerchiefs and mufflers composed wholly or in chief value of cotton, when containing yarns the average number of which does not exceed No. 40, from 25 per cent American value to 30 per cent foreign value. Amendment No. 988 changes the minimum House duty on handkerchiefs and mufflers composed wholly or in chief value of cotton, when the average number exceeds No. 40, from 30 per cent American value to 40 per cent foreign value; and the House recedes on both amendments.

On amendment No. 990: This amendment changes from 33⅓ per cent American value to 35 per cent foreign value the House duty on clothing and articles of wearing apparel of every description composed wholly or in chief value of cotton, and not specially provided for; and the House recedes.

On amendments Nos. 991 and 992: These amendments change from 25 cents a dozen pieces and 12½ per cent American value to 35 cents a dozen pieces and 10 per cent foreign value the House duty on shirt collars and cuffs of cotton, not specially provided for; and the House recedes on amendment No. 992, and recedes on amendment No. 991 with an amendment the effect of which is to make the duty 30 cents a dozen pieces and 10 per cent foreign value.

On amendment No. 997: This amendment changes from 17 per cent American value to 30 per cent foreign value the additional House duty on lace window curtains, nets, nettings, pillow shams, and bed sets, made on the Nottingham lace-curtain machine and composed of cotton or other vegetable fiber; and the House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 998: This amendment changes the minimum House duty of 40 per cent American value to 60 per cent foreign value on lace window curtains, nets, nettings, pillow shams, and bed sets, made on the Nottingham lace-curtain machine and composed of cotton or other vegetable fiber; and the House recedes.

On amendment No. 1000: This amendment changes from 28 per cent American value to 40 per cent foreign value the House duty on articles made from cotton cloth and manufactures of cotton or of which cotton is the component material of chief value, not specially provided for; and the House recedes.

SCHEDULE 10.—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.

On amendment No. 1001: This amendment imposes a duty of three-fourths of 1 cent a pound upon crin vegetal, or palm-leaf fiber, which under the House bill was dutiable at 20 per cent American value as an unenumerated manufactured article; and the House recedes with an amendment making a clerical change.

On amendment No. 1002: This amendment increases from three-fourths of 1 cent a pound to 2 cents a pound the House duty upon hemp and hemp tow; and the House recedes with an amendment making the duty 1 cent a pound.

On amendment No. 1004: This amendment increases from 1½ cents a pound to 4 cents a pound the House duty upon hackled hemp; and the House recedes with an amendment making the duty 2 cents a pound.

On amendment No. 1005: This amendment changes from 13 per cent American value to 25 per cent foreign value the House duty upon sliver and roving of vegetable fiber; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendments Nos. 1006 and 1007: The House bill imposed upon jute yarns or roving, single, 5-pound and finer, a duty of 9 cents a pound. The Senate amendments make this duty 7 cents a pound but not more than 40 per cent foreign value; and the House recedes.

On amendment No. 1008: The House bill imposed upon single yarns in the gray, made of flax, hemp, or ramie not finer than 8 lea a duty of 8 cents a pound. The Senate amendment makes the duty 10 cents a pound and makes it applicable to all these yarns not finer than 12 lea; and the House recedes.

On amendment No. 1012: The House bill imposed upon single yarns made of flax, hemp, or ramie in addition to the duty thereon in the gray a duty of 5 cents a pound when boiled. The Senate amendment reduces this additional duty to 2 cents a pound; and the House recedes.

On amendment No. 1013: The House bill provided that the duty on single yarns made of flax, hemp, or ramie in the case of yarns not finer than 8 lea shall not be less than 20 per cent American value and in the case of such yarns finer than 8 lea not less than 23 per cent American value. The Senate amendment provides that in the case of all such yarns it shall not be less than 30 per cent foreign value nor more than 40 per cent foreign value; and the House recedes with an amendment providing that the duty shall not be less than 25 nor more than 35 per cent foreign value.

On amendment No. 1014: The House bill imposed upon threads, twines, and cords composed of two or more yarns of flax, hemp, or ramie a duty of 16 cents a pound if the size of the single yarn is not finer than 8 lea. The Senate amendment makes the duty 18¼ cents a pound and makes it applicable to all yarns not finer than 11 lea; and the House recedes.

On amendment No. 1018: This amendment imposes on threads, twines, and cords composed of two or more yarns of flax, hemp, or ramie in addition to the specific duties a duty of 2 cents a pound when boiled and of 6 cents a pound when bleached, dyed, or otherwise treated. The House recedes with an amendment agreeing to the duty of 2 cents a pound when boiled, but making the duty when bleached, dyed, or otherwise treated 5 cents a pound.

On amendment No. 1020: This amendment changes from 23 per cent American value to 40 per cent foreign value the minimum duty imposed by the House bill on threads, twines, and cords composed of two or more yarns of flax, hemp, or ramie; and the House recedes with an amendment making the duty 30 per cent.

On amendments Nos. 1021 and 1022: Amendment 1021 strikes out the House duty of 2 cents a pound on cordage, wholly or in chief value of hemp. Amendment 1022 reinserts this article with a duty of 3 cents a pound. The House recedes on amendment No. 1021, and recedes on amendment No. 1022 with an amendment making the duty 2½ cents a pound.

On amendment No. 1023: The House bill provided that fishing nets composed wholly or in chief value of flax, hemp, or ramie shall pay the same duty per pound as the highest rate upon any of the thread, twine, or cord of which the mesh is made. The Senate amendment provides that in case of such matters the duty shall be the sum of the rates of the constituent threads, twine, or cord of which the mesh is made; and the Senate recedes.

On amendment No. 1024: The House bill provided a duty of 26 per cent American value on hose for conducting liquids or gases, composed wholly or in chief value of vegetable fiber. The Senate amendment makes this duty 17 cents a pound and 10 per cent foreign value; and the House recedes.

On amendment No. 1025: The House bill imposed a duty of 1 cent a pound and 13 per cent American value on jute fabrics, not specially provided for, bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable. The Senate amendment makes this duty 1 cent a pound and 10 per cent foreign value; and the House recedes.

On amendments Nos. 1026 and 1031: The House bill imposed a duty of 28 per cent American value on woven fabrics of flax, hemp, or ramie not specially provided for. Senate amendment 1026 changes this duty to 55 per cent foreign value in the case of such fabrics (except those used as paddings or interlinings in clothing, exceeding 30 and not exceeding 100 threads to the square inch, weighing not less than 4½ and not more than 12 ounces to the square yard and exceeding 12 inches and not exceeding 24 inches in width). The House bill provided for woven fabrics of flax, hemp, or jute, commonly used as paddings or interlinings in clothing, exceeding 30 and not exceeding 100 threads to the square inch, weighing not less than 4½ and not more than 12 ounces to the square yard, the rate of duty of 33⅓ per cent American value. For such woven fabrics of flax or hemp, containing more than 100 threads and not exceeding 110 threads, the House bill provided a duty of 28 per cent American value; and for such woven fabrics of jute, but exceeding 100 threads to the square inch, the House bill provided a duty of 1 cent a pound. Senate amendment 1026 imposes a duty of 55 per cent foreign value on such woven fabrics of flax or hemp, exceeding 30 and not exceeding 110 threads, and upon such woven fabrics of jute, not exceeding 30 threads to the square inch, a duty of 50 per cent foreign value; and the House recedes.

On amendment No. 1029: This amendment changes from 28 per cent American value to 40 per cent foreign value the House duty on woven fabrics of flax, hemp, or ramie or other vegetable fiber except cotton not specially provided for; and the House recedes.

On amendment No. 1030: This amendment imposes a duty of 35 per cent foreign value on plain-woven fabrics of flax, hemp, ramie, or other vegetable fiber, except cotton, weighing less than 4½ ounces per square yard, these materials being dutiable under paragraph 1009 of the House bill at 28 per cent American value; and the House recedes.

On amendment No. 1031: See amendment No. 1026.

On amendment No. 1033: This amendment changes from 33⅓ per cent American value to 45 per cent foreign value the House duty on pile fabrics of vegetable fiber other than cotton, cut or uncut, whether or not the pile covers the whole surface, and manufactures in any form; and the House recedes.

On amendment No. 1035: This amendment changes from 28 per cent American value to 40 per cent foreign value the House duty on table damask composed wholly or in chief value of vegetable fiber other than cotton and manufactures composed wholly or in chief value of such damask; and the House recedes.

On amendment No. 1036: The House bill imposed a duty of 28 per cent American value on flax towels, sheets, and pillowcases, and paragraph 1019 of the House bill imposed the same duty on hemp towels, sheets, and pillowcases, and paragraph 1012 of the House bill imposed the same rate of duty on flax and hemp napkins. The Senate amendment imposes duties on these articles as follows: Towels and napkins of flax or hemp, not over 120 threads to the square inch, 55 per cent foreign value; over 120 threads to the square inch, 40 per cent foreign value; sheets and pillowcases of flax or hemp, 40 per cent foreign value; and the House recedes with an amendment making clerical changes.

On amendment No. 1042: This amendment changes from 28 per cent American value to 35 per cent foreign value the House duty on fabrics with fast edges not over 12 inches in width, and articles made therefrom, and tubings, garters, suspenders, braces, cords, tassels, and cords and tassels, if composed of vegetable fiber other than cotton, or other than cotton and india rubber; and the House recedes.

On amendment No. 1043: This amendment changes from 23 per cent American value to 30 per cent foreign value the House duty on flax tapes designed for use in manufacturing measuring tapes; and the House recedes.

On amendment No. 1045: This amendment changes from 33⅓ per cent American value to 35 per cent foreign value the House duty on unhemmed handkerchiefs of vegetable fiber other than cotton; and the House recedes.

On amendment No. 1046: This amendment changes from 36 per cent American value to 45 per cent foreign value the House duty on hemmed or hemstitched handkerchiefs of vegetable fiber other than cotton, and makes the same duty applicable to such handkerchiefs unfinished, having drawn threads, which under the House bill were dutiable as handkerchiefs not hemmed; and the House recedes with an amendment making a clerical change.

On amendment No. 1048: This amendment changes from 33⅓ per cent American value to 35 per cent foreign value the House duty on wearing apparel of vegetable fiber other than cotton, not specially provided for; and the House recedes.

On amendment No. 1049: The House bill imposed a duty on flax shirt collars and cuffs of 28 cents a dozen and 17 per cent American value. The Senate amendment changes this duty to 40 cents a dozen and 10 per cent foreign value; and the House recedes.

On amendment No. 1050: The House bill imposed a rate of 1 cent a pound and 17 per cent American value on bags or sacks made from plain woven fabrics. The Senate amendment makes this rate 1 cent a pound and 10 per cent foreign value in case such articles are not bleached, printed, stenciled, painted, dyed, colored, or rendered noninflammable, and 1 cent a pound and 15 per cent foreign value if so bleached, printed, etc.; and the House recedes.

On amendment No. 1051: This amendment imposes the following duties on bagging for cotton, gunny cloth, and similar fabrics suitable for covering cotton, composed of single yarns made of jute, jute butts, or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, not exceeding 16 threads to the square inch: Weighing not less than 15 ounces nor more than 32 ounces to the square yard, six-tenths of 1 cent per square yard; weighing more than 32 ounces, three-tenths of 1 cent a pound. Under paragraph 1517 of the House bill these fabrics were on the free list; and the House recedes.

On amendment No. 1053: This amendment changes from 28 per cent American value to 35 per cent foreign value the House duty on linoleum; and the House recedes.

On amendment No. 1055: This amendment changes from 28 per cent American value to 40 per cent foreign value the House duty on woven articles and manufactures of vegetable fiber other than cotton or of which such fibers or any of them is the component material of chief value, not specially provided for; and the House recedes.

On amendment No. 1057: This amendment imposes a duty of 35 per cent foreign value on carpets, carpeting, mats, matting, and rugs, made wholly of cotton, flax, hemp, or jute, or a mixture thereof, these articles being dutiable under the House bill at various rates according to the material of which made; and the House recedes.

On amendment No. 1058: This amendment changes from 26 per cent American value to 45 per cent foreign value the House duty on floor coverings, not specially provided for; and the House recedes with an amendment making the duty 40 per cent foreign value.

On amendment No. 1060: This amendment decreases from 9 cents per square yard to 7 cents per square yard the House duty on matting of cocoa fiber or rattan; and the House recedes with an amendment making the duty 8 cents per square yard.

On amendment No. 1061: This amendment reduces from 7 cents per square foot to 5 cents per square foot the House duty on mats made of cocoa fiber or rattan; and the House recedes with an amendment making the duty 6 cents per square foot.

SCHEDULE 11.—WOOL, AND MANUFACTURES OF.

On amendment No. 1062: The House bill imposed a duty of 82 per cent American value but not more than 7 cents per pound and when on the skin 24 per cent American value but not more than 6 cents per pound on wools not improved by the admixture of merino or English blood. The Senate amendment changes the rates on such wools if in the grease to 12 cents per pound; if washed, to 18 cents per pound; if scoured, to 24 cents per pound; if on the skin, to 11 cents per pound; and adds a provision that such wools may be imported under bond under regulations fixed by the Secretary of the Treasury; and if within three years from the date of importation or withdrawal from bonded warehouse proof is furnished that the wools have been used in the manufacture of floor coverings the duty shall be remitted, and when such wools imported under bond are used in the manufacture of articles other than floor coverings, the duty imposed on any wools so used in violation of the bond shall be, in addition to the regular duties, 20 cents per pound, which shall not be remitted or refunded because of the exportation of the articles in which such wool was used. The Senate amendment also defines the terms "wools in the grease" and "washed wools." The House recedes with an amendment making a clerical change.

On amendment No. 1063: The House bill imposed a duty on wools, not specially provided for, and hair of the Angora goat, alpaca, and other like animals, if imported in the grease or washed, of 25 cents per pound of clean content; if in the scoured state, of 26 cents per pound; if on the skin, of 24 cents per pound of clean content, and provided that none of such wools shall pay a higher rate of duty than 35 per cent American value. The Senate amendment changes these rates as follows: In the grease or washed, 33 cents per pound of clean content; in the scoured state, 33 cents per pound; on the skin, 32 cents per pound of clean content. The House recedes with an amendment making the rates 31 cents, 31 cents, and 30 cents per pound, respectively.

On amendment No. 1064: The House bill imposed duties as follows: Top, slubbing, roving, and ring waste, 25 cents per pound; on garnetted waste, 20 cents per pound; on noils, carbonized, 20 cents per pound; on noils, not carbonized, 16 cents per pound; thread or yarn waste, and all other wool waste not specially provided for shoddy and wool extract, 14 cents per pound; *mungo*, woolen rags, and flocks, 6 cents per pound. The Senate amendment changes these rates to 33 cents, 26 cents, 26 cents, 21 cents, 18 cents, 18 cents, and 8 cents per pound, respectively, and specifies that wastes of the hair of the Angora goat, Cashmere goat, alpaca, and other like animals shall be dutiable at the rates provided for similar types of wool waste. The House recedes with an amendment making the rates 31 cents, 24 cents, 24 cents, 19 cents, 16 cents, 16 cents, and 7½ cents per pound, respectively.

On amendment No. 1065: The House bill imposed on wool which has been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, and not specially provided for, including tops and roving, valued at not more than 40 cents per pound, a duty of 16⅔ cents per pound and 10 per cent American value; if valued at more than 40 cents per pound, 27½ cents per pound and 10 per cent American value. The Senate amendment includes "hair of the kinds provided for in this schedule," and changes the rate to 36 cents per pound and 20 per cent foreign value. The House recedes with an amendment making the rate 33 cents per pound and 20 per cent foreign value.

On amendment No. 1066: The House bill imposed on yarn made wholly or part of wool, valued at not more than 55 cents per pound, a duty of 20 cents per pound and 15 per cent American value; valued at more than 55 cents per pound and not more than $1.50 per pound, a duty of 30 cents per pound and 18 per cent American value; valued at more than $1.50 per pound, a duty of 30 cents per pound and 20 per cent American value. The Senate amendment changes the duty on such yarn valued at not more than 30 cents per pound to 26 cents per pound and 30 per cent foreign value; valued at more than 30 cents but not more than $1 per pound to 39 cents per pound and 35 per cent foreign value; valued at more than $1 per pound to 39 cents per pound and 40 per cent foreign value. The House recedes with an amendment making the specific rates 24 cents, 36 cents, and 36 cents, respectively.

On amendment No. 1067: The House bill imposed duties as follows: On woven fabrics weighing not more than 4 ounces per square yard, wholly or in part of wool, if valued at not more than $1.25 per pound, 30 cents per pound and 22 per cent American value; if valued at more than $1.25 per pound, 36 cents per pound and 27½ per cent American value; and if the warp of any such woven fabrics is wholly of cotton or other vegetable fiber, if valued at not more than $1.25 per pound, 25 cents per pound and 22 per cent American value, and if valued at more than $1.25 per pound, 25 cents per pound and 27½ per cent American value. The Senate amendment limits the full compensatory duty, for duty on raw wool, given manufactures of wool to the amount of wool content and changes the duties on such woven fabrics as follows: Valued at not more than 80 cents per pound, 40 cents per pound and 50 per cent foreign value; valued at more than 80 cents per pound, 49 cents per pound upon the wool content thereof and 50 per cent foreign value; and if the warp of any such woven fabrics is wholly of cotton or other vegetable fiber, 39 cents per pound and 50 per cent foreign value. The House recedes with an amendment making the specific rates 37 cents, 45 cents, and 36 cents, respectively.

On amendment No. 1068: The House bill imposed on woven fabrics, weighing more than 4 ounces per square yard, wholly or in part of wool, the following duties: If valued at more than 75 cents per pound, 20 cents per pound and 18 per cent American value; valued at more than 75 cents per pound but not more than $1.25 per pound, 25 cents per pound and 21 per cent American value; valued at more than $1.25 per pound but not more than $2.50 per pound, 30 cents per pound and 24 per cent American value; valued at more than $2.50 per pound, 36 cents per pound and 27½ per cent American value. The Senate amendment changes the rates on such woven fabrics as follows: If valued at not more than 60 cents per pound, 26 cents per pound and 40 per cent foreign value; valued at more than 60 cents per pound but not more than 80 cents per pound, 40 cents per pound and 50 per cent foreign value; valued at more than 80 cents per pound but not more than $1.50 per pound, 49 cents per pound upon the wool content thereof and 50 per cent foreign value; valued at more than $1.50 per pound, 49 cents per pound on the wool content thereof and 50 per cent foreign value, and limits the full compensatory duty for duty on raw wool given manufactures of wool to the amount of wool content. The House recedes with an amendment making the specific rates 24 cents, 37 cents, 45 cents, and 45 cents, respectively.

On amendment No. 1069: The House bill imposed on woven fabrics, wholly or in part of wool, cut into garment or suiting lengths, or such as have been dampened, sponged, or shrunk, an additional rate of 2 per cent American value. The Senate amendment strikes out this provision; and the House recedes.

On amendments Nos. 1071 and 1072: The Senate amendments limit the application of the duties provided for pile fabrics to such as are wholly or in chief value of wool; such pile fabrics in chief value of other than wool but in part of wool are dutiable at various rates of duty according to the component material of chief value; and the House recedes.

On amendment No. 1073: This amendment changes from 36 cents per pound and 27½ per cent American value to 45 cents per pound and 50 per cent foreign value the House duty on pile fabrics, wholly or in chief value of wool; and the House recedes with an amendment making the duty 40 cents per pound and 50 per cent foreign value.

On amendment No. 1074: The House bill imposed on blankets, wholly or in part of wool, not exceeding 3 yards in length, plain woven, with not more than one color in warp or filling, and not advanced beyond weaving by any process of finishing, the following duties: Valued at not more than 75 cents per pound, 20 cents per pound and 20 per cent American value; valued at more than 75 cents per pound but not more than $1.50 per pound, 25 cents per pound and 20 per cent American value; valued at more than $1.50 per pound, 30 cents per pound and 20 per cent American value. The Senate amendment extended the provision to include all blankets and similar articles, carriage and automobile robes, and steamer rugs made of blanketing, wholly or in chief value of wool, not exceeding 3 yards in length, and changes the duties as follows: If valued at not more than 50 cents per pound, 20 cents per pound and 30 per cent foreign value; valued at more than 50 cents per pound but not more than $1 per pound, 30 cents per pound and 32½ per cent foreign value; valued at more than $1 per pound but not more than $1.50 per pound, 33 cents per pound and 35 per cent foreign value; valued at more than $1.50 per pound, 40 cents per pound and 40 per cent foreign value. The House recedes with an amendment making the specific rates 18 cents per pound, 27 cents per pound, 30 cents per pound, and 37 cents per pound, respectively.

On amendment No. 1075: The House bill imposed on felts, not woven, wholly or in part of wool, the following duties: If valued at not more than 75 cents per pound, 20 cents per pound and 20 per cent American value; if valued at more than 75 cents per pound and not more than $1.50 per pound, 25 cents per pound and 20 per cent American value; if valued at more than $1.50 per pound, 30 cents per pound and 25 per cent American value. The Senate amendment changes the duties on such felts, if valued at not more than 50 cents per pound, to 20 cents per pound and 30 per cent foreign value; if valued at more than 50 cents per pound but not more than $1.50 per pound, 30 cents per pound and 35 per cent foreign value; if valued at more than $1.50 per pound, 40 cents per pound and 40 per cent foreign value; and the House recedes with an amendment making the specific rates 18 cents per pound, 27 cents per pound, and 37 cents per pound, respectively.

On amendment No. 1076: The House bill imposed on fabrics with fast edges not exceeding 12 inches in width, and articles made therefrom; tubings, garters, suspenders, braces, cords, and cords and tassels, if wholly of wool, 36 cents per pound and 30 per cent American value; if in part of wool, 25 cents per pound and 30 per cent American value. The Senate amendment changes the provision "if in part of wool, whether or not wool constitutes chief value," to "in chief value of wool," and the rate to 49 cents per pound upon the wool content thereof and 50 per cent foreign value; the effect of this change is to make dutiable the fabrics and articles specified if not in chief value of wool but in part of wool, according to the component material of chief value at various rates of duty. The House recedes with an amendment making the duty 45 cents per pound upon the wool content thereof and 50 per cent foreign value.

On amendment No. 1077: The House bill imposed on knit fabrics, made of wool or of which wool is the component part, whether or not constituting chief value, duties as follows: Valued at not more than $1.25 per pound, 25 cents per pound and 20 per cent American value; valued at more than $1.25 per pound, 36 cents per pound and 25 per cent American value. The Senate amendment changes these rates upon such knit fabrics if valued at not more than $1 per pound to 33 cents per pound and 40 per cent foreign value; if valued at more than $1 per pound to 49 cents per pound and 50 per cent foreign value. The House bill imposed on hose and half hose, and gloves and mittens, made of wool or of which wool is the component part, whether or not constituting chief value, the following duties: If valued at not more than $3 per dozen pairs, 30 cents per pound and 25 per cent American value; if valued at more than $3 per dozen pairs, 36 cents per pound and 30 per cent American value. The Senate amendment changes the rates on such articles as follows: Valued at not more than $1.75 per dozen pairs to 39 cents per pound and 35 per cent foreign value; valued at more than $1.75 per dozen pairs, 49 cents per pound and 50 per cent foreign value.

The House bill imposed on knit underwear, finished or unfinished, made of wool or of which wool is the component part, whether or not constituting chief value, duties as follows: Valued at not more than $2.50 per pound, 30 cents per pound and 20 per cent American value; valued at more than $2.50 per pound, 36 cents per pound and 25 per cent American value. The Senate amendment changes the rates on such articles as follows: Valued at not more than $1.75 per pound, 39 cents per pound and 30 per cent foreign value; valued at more than $1.75 per pound, 49 cents per pound and 50 per cent foreign value.

The House bill imposed on outerwear, knit or crocheted, made of wool or of which wool is the component part, whether or not constituting chief value, the following duties: Valued at not more than $2.50 per pound, 30 cents per pound and 28 per cent American value; valued at more than $2.50 per pound, 36 cents per pound and 33⅓ per cent American value. The Senate amendment changes the rates on such articles as follows: Valued at not more than $1 per pound, 39 cents per pound and 40 per cent foreign value; valued at more than $1 per pound and not more than $2 per pound, 44 cents per pound and 45 per cent foreign value; valued at more than $2 per pound, 49 cents per pound and 50 per cent foreign value. The Senate amendment also changes the House provisions "or of which wool is the component part, whether or not constituting chief value" to "or in chief value of wool," the effect of which is to make the articles described if not in chief value of wool but in part of wool subject to various duties according to the component material or chief material. The House recedes with an amendment changing the specific rates in the Senate amendment wherever they appear as follows: 33 cents to 30 cents per pound, 39 cents to 36 cents per pound, 44 cents to 40 cents per pound, and 49 cents to 45 cents per pound.

On amendment No. 1078: The House bill imposed on clothing and articles of wearing apparel, not knit or crocheted, of wool or of which wool is the component part, whether or not constituting chief value, the following duties: Valued at not more than $2.50 per pound, 20 cents per pound and 25 per cent American value; valued at more than $2.50 per pound but not more than $5 per pound, 25 cents per pound and 25 per cent American value; valued at more than $5 per pound, 36 cents per pound and 30 per cent American value. The Senate amendment changes the duty on such articles as follows: Valued at not more than $2 per pound, 26 cents per pound and 40 per cent foreign value; valued at more than $2 per pound but not more than $4 per pound, 33 cents per pound and 45 per cent foreign value; valued at more than $4 per pound, 49 cents per pound and 50 per cent foreign value. The Senate amendment also changes the phrase "made of wool or of which wool is a component part, whether or not constituting chief value" to "composed wholly or in chief value of wool"; the effect of which is to exclude such clothing and articles of wearing apparel in part but not in chief value of wool from the provisions of this paragraph and make clothing and articles of wearing apparel not in chief value of wool, dutiable at various rates according to component material of chief value. The House recedes with an amendment changing the specific rates from 26 cents to 24 cents per pound, 33 cents to 30 cents per pound, 49 cents to 45 cents per pound.

On amendment No. 1080: This amendment changes the duty of 5 cents per square foot and 30 per cent American value to 55 per cent foreign value on Oriental, Axminster, Savonnerie, Aubusson, and other carpets and rugs, not made on a power-driven loom; and carpets and rugs of oriental weave or weaves, produced on a power-driven loom; and chenille Axminster carpets and rugs; and the House recedes.

On amendment No. 1081: The House bill imposed duties as follows: On Axminster carpets and rugs, not specially provided for, 2 cents per square foot and 25 per cent American value; on Wilton carpets and rugs, 3 cents per square foot and 25 per cent American value; on Brussels carpets and rugs, 2 cents per square foot and 25 per cent American value; on velvet and tapestry carpets and rugs, 1½ cents per square foot and 25 per cent American value. The Senate amendment changes these rates to 40 per cent foreign value; and the House recedes.

On amendment No. 1083: This amendment changes from 1 cent per square foot and 20 per cent American value to 25 per cent foreign value the House duty on ingrain carpets and ingrain rugs or art squares, of whatever material composed; and the House recedes.

On amendment No. 1084: This amendment changes the House provision "in part of wool, whether or not constituting chief value" to "in chief value." The effect of this amendment is to exclude from the provision of this paragraph all floor coverings not specially provided for, not in chief value of wool, and make them dutiable according to the component material of chief value at various rates of duties; and the House recedes.

On amendment No. 1085: This amendment changes from 2 cents per square foot and 25 per cent American value to 30 per cent foreign value the House duty on all other floor coverings not specially provided for, composed wholly or in chief value wool; and the House recedes.

On amendment No. 1087: This amendment changes the duty on screens, hassocks, and all other articles composed wholly or in part of carpets or rugs, and not specially provided for, from 22 per cent American value to 30 per cent foreign value; and the House recedes.

On amendment No. 1088: The House bill imposed on all manufactures not specially provided for, composed of wool or of which wool is a component part, whether or not constituting chief value, a duty of 25 per cent American value. The Senate amendment changes the rate of duty to 55 per cent foreign value, and changes the provision "of which wool is a component part, whether or not constituting chief value" to "in chief value of wool." The effect of this provision is to make all manufactures not specially provided for, in part but not in chief value of wool, dutiable according to the component material of chief value at various rates of duty. The House recedes with an amendment making the duty 50 per cent foreign value.

On amendment No. 1091: The House bill provided that all samples of manufactures of wool not admitted under bond for exportation within six months shall be subject to the same rates of duty and the same valuation as the manufactured articles which they are intended to represent. The Senate amendment strikes out this provision, the effect of which is to make such samples dutiable in accordance with the component material of chief value in the condition in which imported; and the House recedes.

SCHEDULE 12.—SILK AND SILK GOODS.

On amendment No. 1092: The House bill imposed upon silk partially manufactured from raw silk, waste silk, or cocoons, and silk noils exceeding 2 inches in length, not twisted or spun, a duty of 35 cents a pound, with a minimum duty of 25 per cent American value. The Senate amendment makes the duty 35 per cent foreign value and includes at this duty articles partially manufactured of silk and artificial silk in combination, if not twisted or spun, which under the House bill were dutiable under paragraph 1213 at 35 per cent American value; and the House recedes.

On amendment No. 1093: This amendment makes the duty imposed by paragraph 1202 of the House bill upon spun silk or schappe silk yarn applicable to yarn of silk and artificial silk used in combination, which under paragraph 1213 of the House bill was dutiable at 35 per cent American value; and the House recedes.

On amendment No. 1100: The House bill provided a minimum duty of 26 per cent American value upon spun silk and schappe silk yarn and roving. The Senate amendment provides for a minimum duty of 40 per cent foreign value in the case of single yarns or roving and a minimum duty of 45 per cent foreign value in the case of two or more ply yarns; and the House recedes.

On amendment No. 1102: The House bill imposed upon thrown silk not more advanced than singles, tram, or organzine various specific duties ranging from 50 cents to $1.50 a pound, with a minimum ad valorem duty of 12½ per cent American value. The Senate amendment substitutes for these duties a duty of 25 per cent foreign value; and the House recedes.

On amendments Nos. 1103 and 1104: The House bill imposed upon sewing silk, twist, floss, and silk threads or yarns made from raw silk a minimum duty of 20 per cent American value if in the gum and 26 per cent American value if ungummed or further advanced. The Senate amendments make these minimum duties, respectively, 35 per cent foreign value and 40 per cent foreign value; and the House recedes.

On amendment No. 1105: The House bill imposed upon woven fabrics in the piece, wholly or in chief value of silk, depending upon weight, silk content, kind, and condition of manufacture, various specific and ad valorem duties and a minimum ad valorem duty of 31 per cent American value. The Senate amendment strikes out all of these duties and imposes a duty of 55 per cent foreign value; and the House recedes. On this class of fabrics the specific rates under the act of 1909 were equivalent to 55 per cent on the average and in some cases were much higher.

On amendments Nos. 1106 and 1311: The House bill imposed upon plushes composed wholly or in chief value of silk various specific and ad valorem duties depending upon weight and whether or not the filling is of cotton, with a minimum duty of 33½ per cent American value, and upon velvet or plush ribbons various specific duties dependent upon measurement and silk color, with a minimum duty of 33⅓ per cent American value. The House bill, in paragraph 1453, also imposed a duty of 10 per cent American value on hatter's plush. The Senate amendments strike out these House duties and substitute therefor a duty of 60 per cent foreign value; and the House recedes on both amendments.

On amendment No. 1109: This amendment changes from 33⅓ per cent American value to 55 per cent foreign value the House duty on fabrics wholly or in chief value of silk, not exceeding 12 inches in width, and articles made therefrom, and tubings, garters, suspenders, cords, tassels, and cords and tassels, if composed of silk or wholly or in chief value of silk and india rubber, and not embroidered; and the House recedes.

On amendment No. 1110: This amendment changes from 35 per cent American value to 55 per cent foreign value the House duty on knit fabrics in the piece composed wholly or in chief value of silk; and the House recedes.

On amendment No. 1111: This amendment changes from 45 per cent American value to 60 per cent foreign value the House duty on knit underwear, hose, half hose, and gloves composed wholly or in chief value of silk; and the House recedes.

On amendment No. 1112: This amendment changes from 40 per cent American value to 60 per cent foreign value the House duty on knit or crocheted outerwear and other goods composed wholly or in chief value of silk; and the House recedes.

On amendments Nos. 1113 and 1114: The House bill imposed on handkerchiefs and woven mufflers composed wholly or in chief value of silk a duty of 33⅓ per cent American value if not hemmed and a duty of 40 per cent American value if hemmed or hemstitched. The Senate amendments change these duties, respectively, to 55 per cent foreign value and 60 per cent foreign value; and the House recedes.

On amendment No. 1115: This amendment strikes out the House duty of 50 cents a dozen and 20 per cent American value on silk shirt collars, the effect of this amendment being to make this article dutiable at 60 per cent foreign value under paragraph 1210 of the bill as agreed to in conference; and the House recedes.

On amendment No. 1116: The House imposed upon men's and boys' shirts wholly or partly of silk a duty of 40 per cent American value, but not less than 10 per cent in addition to the duty on the component materials. The Senate amendment strikes out this paragraph of the House bill, the effect being to subject these articles to a duty of 60 per cent foreign value under paragraph 1210 of the bill as agreed to in conference; and the House recedes.

On amendment No. 1119: This amendment changes from 40 per cent American value to 60 per cent foreign value the House duty on wearing apparel not knit or crocheted, composed wholly or in chief value of silk, and not specially provided for; and the House recedes.

On amendment No. 1120: The House bill provided that articles composed wholly or in chief value of any of the materials or goods dutiable under paragraph 1212 of the House bill should pay not less than the rate of duty on such goods under the dutiable list. The Senate amendment strikes out this provision; and the House recedes.

On amendment No. 1122: This amendment changes from 35 per cent American value to 60 per cent foreign value the House duty on manufactures of silk or of which silk is the component material of chief value, not specially provided for; and the House recedes.

On amendment No. 1125: The House bill imposed the following duties on yarns, threads, filaments, and lame of artificial or imitation silk or of artificial or imitation horsehair, or of the waste of such materials: If singles, 45 cents a pound; if tram, 50 cents a pound; if organzine, 60 cents a pound, and provided a minimum duty of 23 per cent American value. The House bill also provided that in the case of ribbons and other fabrics and articles composed wholly or in chief value of any of the foregoing a duty of 45 cents a pound and 57½ per cent American value. The Senate amendment provides duties upon yarns made from artificial silk waste as follows: If singles, 25 cents a pound; if further advanced by grouping or twisting two or more yarns together, 30 cents a pound; and imposed upon yarns, threads, and filaments or artificial or imitation silk or of artificial or imitation horsehair the following duties: If singles, 45 cents a pound; if further advanced by grouping or twisting two or more yarns together, 50 cents a pound. This amendment imposes upon products of cellulose, not compounded, such as are ordinarily used in braiding or weaving and in imitation of silk, straw, or similar substances, a duty of 55 cents a pound. The Senate amendment also provides a minimum duty on all the foregoing of 45 per cent foreign value. The Senate amendment also provides that in the case of ribbons and other fabrics and articles composed wholly or in chief value of any of the foregoing a duty of 45 cents a pound and 60 per cent foreign value. The Senate amendment also imposes a duty of 10 per cent foreign value on unmanufactured artificial silk waste, dutiable under paragraph 1456 of the House bill at 10 per cent American value, and imposes a duty of 20 cents a pound but not less than 25 per cent foreign value on artificial silk waste partially manufactured and not further advanced than sliver or roving, the rate of duty on which under the House bill was doubtful; and the House recedes.

SCHEDULE 13.—PAPER AND BOOKS.

On amendment No. 1127: The Senate amendment imposes on pulpboard in rolls, for use in the manufacture of wallboard, a duty of 5 per cent foreign value. The House bill made no such provision, but included pulpboard in rolls within the general provision for pulpboard at 10 per cent American value; and the House recedes.

On amendment No. 1128: The Senate amendment provides that if any country, dependency, province, or other subdivision of government imposes a duty on any article specified in paragraph 1302 of the House bill when imported from the United States in excess of the duty therein provided there shall be imposed upon such article, when imported from such country, dependency, province, or other subdivision of government, a duty equal to that imposed by such country, dependency, province, or other subdivision of government on such article imported from the United States. The House bill contained no such provision; and the House recedes.

On amendment No. 1129: This amendment changes from 1½ cents a pound and 15 per cent American value to 20 per cent foreign value the duty on filter masse or filter stock, composed wholly or in part of wood pulp, wood flour, cotton, or other vegetable fiber; and the House recedes.

On amendment No. 1130: This amendment changes from 23 per cent American value to 25 per cent foreign value the House duty on indurated fiber ware, masks composed of paper, pulp or papier-mâché, manufactures of pulp, and manufactures of papier-mâché, not specially provided for; and the House recedes.

On amendment No. 1131: The Senate amendment represents a clerical amendment with the exception of "carbon paper, coated." The House bill imposed a duty of 5 cents per pound on such paper. The Senate amendment changes this duty to 6 cents per pound and 15 per cent foreign value when weighing not over 6 pounds to the ream, or 5 cents per pound and 15 per cent foreign value where the paper weighs over 6 and less than 10 pounds per ream; and the House recedes.

On amendments Nos. 1132, 1134, and 1135: The House bill provided on papers commonly known as tissue paper, stereotype paper, and copying paper, and all papers not specially provided for, weighing not over 8 pounds to the ream, a duty of 6 cents per pound and 15 per cent American value, and weighing over 8 pounds and less than 12½ pounds to the ream a duty of 5 cents per pound and 15 per cent American value. The Senate amendments change the duty on such paper weighing over 6 pounds and not over 8 pounds to the ream to 5 cents per pound and 15 per cent foreign value, and on such paper weighing not less than 10 pounds and less than 12½ pounds to the ream the following rates: Weighing not less than 10 pounds and less than 10.78 pounds per ream (tissue-paper basis of 288,000 square inches), 30 per cent foreign value (as paper n. s. p. f. in par. 1309 of the House bill); weighing not less than 10.78 pounds and less than 12½ pounds per ream, 3 cents per pound and 15 per cent foreign value (under par. 1307 of the House bill); and the House recedes on all these amendments.

On amendment No. 1136: The Senate amendment imposes a duty of 4 cents per pound and 15 per cent foreign value on India and bible paper weighing over 10 pounds and less than 18 pounds to the ream. The House bill provided for such paper at the rate of one-fourth of 1 cent per pound and 10 per cent American value as printing paper not specially provided for; and the House recedes, with an amendment making the Senate duty apply to such paper weighing 10 pounds or more and less than 18 pounds to the ream.

On amendment No. 1137: The Senate amendment changes the House duty on papers with coated surface or surfaces, not specially provided for, from 5 cents per pound to 5 cents per pound and 15 per cent foreign value; and the House recedes.

On amendment No. 1139: This amendment changes from 4½ cents per pound and 17 per cent American value to 4½ cents per pound and 15 per cent foreign value the House duty on papers, including wrapping paper, with the surface or surfaces wholly or partly decorated or covered with a design, fancy effect, pattern, or character, except designs, fancy effects, patterns, or characters produced on a paper machine without attachments, or produced by lithographic process, if embossed, or printed otherwise than lithographically, or wholly or partly covered with metal or its solutions, or with gelatin or flock; and the Senate recedes.

On amendment No. 1140: This amendment changes the House duty on paper wholly or partly covered with metal or its solutions, and weighing less than 15 pounds per ream, from 5 cents per pound and 17 per cent American value to 5 cents per pound and 15 per cent foreign value; and the Senate recedes.

On amendments Nos. 1141 and 1507: The House bill imposed on gummed papers, including decalcomania paper not printed, a duty of 5 cents per pound. Amendment No. 1141 changes the provision "including decalcomania paper not printed" to "including simplex decalcomania paper not printed," and amendment No. 1507 places "duplex decalcomania paper not printed" on the free list. The House recedes on amendment No. 1141, and recedes on amendment No. 1507 with an amendment making a change in paragraph number.

On amendment No. 1142: This amendment changes from 5 cents per pound and 17 per cent American value to 5 cents per pound and 15 per cent foreign value the House duty on cloth-lined or reinforced paper; and the Senate recedes.

On amendment No. 1143: This amendment changes the House duty on papers with paraffin or wax coated surface or surfaces, vegetable parchment paper, grease-proof and imitation parchment papers which have been supercalendered and rendered transparent or partially so, all other grease-proof and imitation parchment paper, not specially provided for, from 3 cents per pound and 13 per cent American value to 3 cents per pound and 15 per cent foreign value; and the House recedes.

On amendment No. 1145: This amendment changes the House duty on wet transfer paper or paper prepared wholly with glycerin or glycerin combined with other materials, containing the imprints taken from lithographic plates, from 30 per cent American value to 65 per cent foreign value. The amendment also includes a clerical change; and the House recedes.

On amendment No. 1146: This amendment changes from 20 cents per pound to 25 cents per pound the House duty on labels and flaps printed in less than eight colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf; and the House recedes.

On amendment No. 1147: This amendment changes from 30 cents to 35 cents per pound the House duty on cigar bands printed in less than eight colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf; and the House recedes.

On amendment No. 1148: This amendment changes from 30 cents to 35 cents per pound the House duty on labels and flaps printed in eight or more colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf; and the House recedes.

On amendment No. 1149: This amendment changes from 40 cents to 50 cents per pound the House duty on cigar bands of the same number of colors and printing as described in amendment No. 1148; and the House recedes.

On amendment No. 1150: This amendment changes from 50 cents to 60 cents per pound the House duty on labels and flaps printed in whole or in part in metal leaf; and the House recedes.

On amendment No. 1151: This amendment changes from 55 cents to 65 cents per pound the House duty on cigar bands printed in whole or in part in metal leaf; and the House recedes.

On amendments Nos. 1152, 1154, 1155, and 1156: These amendments change the House duties on all other articles composed wholly or in chief value of paper lithographically printed in whole or in part (except boxes, views of American scenery or objects, and music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same), not specifically provided for in paragraph 1306 of the House bill, as follows: Not exceeding eight one-thousandths of an inch in thickness, from 20 to 25 cents per pound; exceeding eight and not exceeding twenty one-thousandths of an inch in thickness, and less than 35 square inches cutting size in dimensions, from 8½ to 10 cents per pound; exceeding 35 square inches cutting size in dimensions, from 8 to 9½ cents per pound; exceeding twenty one-thousandths of an inch in thickness, from 6 to 7½ cents per pound; and the House recedes on all these amendments.

On amendment No. 1159: The Senate amendment limits the application of rates under paragraph 1307 of the House bill to such papers therein provided for as weigh 7 pounds or over per ream and changes the House rate of 3 cents a pound and 15 per cent American value on such papers as follows: Weighing not over 3.9 pounds per ream to 6 cents a pound and 15 per cent foreign value; over 3.9 pounds and less than 6½ pounds per ream (par. 1304 of the House bill) to 5 cents a pound and 15 per cent foreign value; weighing not less than 6½ pounds and less than 7 pounds to the ream (par. 1304 of the House bill) to 30 per cent foreign value (papers not specially provided for, under par. 1309 of the House bill); and the House recedes.

On amendment No. 1162: This amendment is clerical, except for the special provision for paper envelopes, not specially provided for, if lithographed. The House bill provided a duty for such paper envelopes of 10 per cent American value in addition to the duty as paper from which made, whereas the Senate amendment increases the additional duty of 10 per cent American value to 30 per cent foreign value; and the House recedes.

On amendment No. 1163: This amendment changes from 23 per cent American value to 35 per cent foreign value the House duty on Jacquard designs on ruled paper, or cut on Jacquard cards, and parts of such designs; and the House recedes.

On amendment No. 1164: This amendment strikes out the House bill provision of 5 cents per pound on paper hangings with paper back, not printed, lithographed, dyed, or colored, thereby including them within the provision for hanging paper at 10 per cent foreign value; and the House recedes.

On amendment No. 1165: This amendment changes from 20 per cent American value to 1½ cents per pound and 20 per cent foreign value the House duty on hanging paper, printed, lithographed, dyed, or colored; and the House recedes.

On amendment No. 1166: This amendment changes the House duty on wrapping paper, not specially provided for, from 23 per cent American value to 30 per cent foreign value; and the House recedes.

On amendment No. 1167: This amendment changes the House duty on blottting paper from 2 cents per pound and 10 per cent American value to 30 per cent foreign value; and the House recedes.

On amendment No. 1168: This amendment changes from 23 per cent American value to 30 per cent foreign value the House duty on paper not specially provided for; and the House recedes.

On amendment No. 1169: The House bill imposed on books of all kinds, bound or unbound, including blank books, slate books and pamphlets, drawings, engravings, photographs, etchings, maps, charts, music in books or sheets, and printed matter, a duty of 20 per cent American value; and on books bound wholly or in part in leather, the chief value of which is in the binding, not specially provided for, a duty of 33⅓ per cent American value. The Senate amendment imposes a duty on unbound books of all kinds, sheets or printed pages of books bound wholly or in part in leather, bound books of all kinds except those bound wholly or in part in leather, including blank books, slate books and pamphlets, engravings, photographs, etchings, maps, charts, music in books or sheets, and printed matter not specially provided for, if of bona fide foreign authorship, a duty of 15 per cent foreign value; and on all others not specially provided for, 25 per cent foreign value; and on book bindings or covers wholly or in part of leather, not specially provided for, 30 per cent foreign value. The House recedes with an amendment making clerical changes.

On amendment No. 1170: This amendment changes the House duty on books of paper or other material for children's use, printed lithographically or otherwise, not exceeding in weight 24 ounces each, with more reading matter than letters, numerals, or descriptive words, from 20 per cent American value to 25 per cent foreign value; and the House recedes.

On amendment No. 1172: This amendment changes from 26 per cent American value to 30 per cent foreign value the House duty on post cards (not including American views) plain, decorated, embossed, or printed except by lithographic process; and the House recedes.

On amendment No. 1173: This amendment changes the House duty on views of any landscape, scene, building, place or locality in the United States, on cardboard or paper, not thinner than eight one-thousandths of an inch (except show cards), occupying 35 square inches or less of surface per view, from 15 cents per pound and 20 per cent American value to 15 cents per pound and 25 per cent foreign value; and the House recedes.

On amendment No. 1174: The House bill imposed a duty on Christmas and other greeting cards of 30 per cent American value. The Senate amendment provides that greeting cards, and all other social and gift cards, with text or greeting, shall be dutiable at 45 per cent foreign value; if such cards are without text or greeting the duty is 30 per cent foreign value; and the House recedes.

On amendment No. 1175: This amendment changes from 23 per cent American value to 30 per cent foreign value the House duty on photograph, autograph, scrap, post-card and postage-stamp albums, and albums for phonograph records; and the House recedes.

On amendment No. 1176: This amendment changes the House duty on playing cards from 60 per cent American value to 10 cents per pack and 20 per cent foreign value; and the House recedes.

On amendment No. 1177: This amendment changes from 23 per cent American value to 30 per cent foreign value the House duty on papers and paper board and pulpboard, including cardboard and leatherboard or compress leather, embossed, cut, die-cut, or stamped into designs or shapes, such as initials, monograms, lace, borders, bands, strips, or other forms, or cut or shaped for boxes or other articles, plain or printed, but not lithographed, and not specially provided for; paper board and pulpboard, including cardboard and leatherboard or compress leather, laminated, glazed, coated, lined, printed, decorated, or ornamented in any manner; press boards and press paper; and the House recedes.

On amendment No. 1178: This amendment changes the House duty imposed on test or container boards of a bursting strength above 60 pounds per square inch from 15 per cent American value to 20 per cent foreign value; and the House recedes.

On amendment No. 1179: This amendment changes from 28 per cent American value to 35 per cent foreign value the House duty on stereotype-matrix mat or board; and the House recedes.

On amendment No. 1181: This amendment changes from 26 per cent American value to 35 per cent foreign value the House duty on wall pockets, composed wholly or in chief value of paper, papier-mâché, or paper board, whether or not die-cut, embossed, or printed lithographically or otherwise; boxes, composed wholly or in chief value of paper, papier-mâché or paper board, and not specially provided for; manufactures of paper, or of which paper is the component material of chief value, not specially provided for; and the House recedes.

SCHEDULE 14.—SUNDRIES.

On amendment No. 1182: The House bill imposed upon specified manufactures of asbestos various specific duties according to the nature of the article and imposed a duty of 20 per cent American value upon unenumerated manufactures of asbestos. The Senate amendment imposes a duty of 30 per cent foreign value upon asbestos yarn and woven fabrics, and a duty of 25 per cent foreign value upon all other manufactures of asbestos; and the House recedes.

On amendments Nos. 1183 and 1184: The House bill imposed a duty of 30 per cent American value upon ice and roller skates. The Senate amendments change this duty to 20 per cent foreign value; and the House recedes.

On amendments Nos. 1185 and 1187: These amendments change from 25 per cent American value to 45 per cent foreign value the House duty upon ivory beads; and the House recedes.

On amendment No. 1186: This amendment changes from 25 per cent American value to 35 per cent foreign value the House duty upon beads and spangles not including ivory beads, and upon imitation pearl beads and beads in imitation of precious or semiprecious stones; and the House recedes.

On amendments Nos. 1188 and 1190: These amendments change from 40 per cent American value to 60 per cent foreign value the House duty upon fabrics and articles not embroidered, etc., composed wholly or in chief value of beads or spangles, and strikes out the House duty upon fabrics or articles of this character ornamented with beads, spangles, or bugles, and amendment No. 1244 makes the latter article dutiable at 75 per cent foreign value; and the House recedes.

On amendment No. 1192: This amendment changes from 40 per cent American value to 60 per cent foreign value the House duty upon imitation pearl beads; and the House recedes.

On amendment No. 1195: This amendment changes from 25 per cent American value to 40 per cent foreign value the House duty upon boots or shoes the uppers of which are composed of wool, hair, fiber, silk, or silk substitutes; and the House recedes with an amendment making this duty 35 per cent foreign value.

On amendments Nos. 1196 and 1197: Amendment No. 1196 changes from 13 per cent American value to 15 per cent foreign value the House duty upon braids of straw, wool, rattan, or hemp, etc., for ornamenting hats, if not bleached, dyed, colored, or stained; and amendment No. 1197 changes from 17 per cent American value to 20 per cent foreign value the House duty upon the materials if bleached, dyed, etc.; and the House recedes.

On amendments Nos. 1198 and 1199: Amendment No. 1198 changes from 25 per cent American value to 35 per cent foreign value the House duty upon hats of straw, willow, rattan, etc., not blocked or trimmed; and amendment No. 1199 changes from 33⅓ per cent American value to 50 per cent foreign value the House duty upon such hats, if blocked or trimmed; and the House recedes.

On amendment No. 1200: This amendment changes from 20 per cent American value to 30 per cent foreign value the House duty on straw hats known as harvest hats, valued at less than $3 a dozen; and the House recedes with an amendment making this duty 25 per cent foreign value.

On amendments Nos. 1201 and 1202: These amendments change from 40 per cent American value to 60 per cent foreign value the House duty on men's hats of straw, willow, rattan, hemp, etc. (other than hats known as harvest hats), whether or not blocked or trimmed, if sewed, and includes in this duty all such hats whether or not for men; and the House recedes.

On amendment No. 1203: This amendment changes from 35 per cent American value to 45 per cent foreign value the House duty on toothbrushes and other toilet brushes; and the House recedes.

On amendment No. 1205: This amendment changes from 30 per cent American value to 45 per cent foreign value the House duty on unenumerated brushes and on hair pencils; and the House recedes.

On amendment No. 1207: This amendment changes from 15 per cent American value to 25 per cent foreign value the additional duty imposed by the House bill on vegetable ivory buttons and blanks, and pearl or shell buttons and blanks; and the House recedes.

On amendment No. 1208: This amendment changes from 38 per cent American value to 45 per cent foreign value the House duty on parts of buttons and button molds and blanks, and collar and cuff buttons and studs of bone, mother-of-pearl, ivory, or agate, and unenumerated buttons; and the House recedes.

On amendment No. 1209: This amendment imposes a duty of 25 per cent foreign value on granulated or ground cork, which under the House bill under the paragraph amended was 25 per cent American value; and the House recedes.

On amendment No. 1210: This amendment changes from 25 per cent American value to 30 per cent foreign value the House duty on cork insulation, cork tile, and manufactures of cork paper, and manufactures of cork bark, and artificial cork; and the House recedes.

On amendment No. 1211: This amendment changes from 40 per cent American value to 50 per cent foreign value the House duty on dice, dominoes, draughts, chessmen, and billiard, pool, and bagatelle balls, and poker chips; and the House recedes.

On amendment No. 1212: This amendment, together with amendment 1213, imposes a duty of 70 per cent foreign value on garland, festooning, and Christmas-tree decorations of tinsel wire, lame, bullions, or metal threads which under paragraph 382 of the House bill were dutiable at 45 per cent American value; and the House recedes.

On amendment No. 1213: This amendment changes from 40 per cent American value to 70 per cent foreign value the House duty on dolls and parts of dolls, doll heads, and toy marbles of whatever material composed, and on unenumerated toys and parts of toys not composed of china, porcelain, parian, bisque, earthen or stone ware; and the House recedes.

On amendment No. 1215: This amendment imposes a duty of 20 per cent foreign value on paper and cloths coated with artificial or natural abrasives, which under the House bill were subject to various rates of duty according to the material with which coated; and the House recedes.

On amendment No. 1216: This amendment strikes out the House duty of 5 per cent American value on crude artificial abrasives, and amendment 1428 places these materials on the free list; and the House recedes.

On amendments Nos. 1217 and 1218: Amendment No. 1217 increases from 6 cents a gross to 12 cents a gross the House duty on matches when packed containing not more than 100 matches in a box, and amendment No. 1218 increases from three-fourths of 1 cent per 1,000 matches to 1 cent per 1,000 matches the House duty on matches otherwise imported. The House recedes on amendment No. 1217 with an amendment making the duty 8 cents a gross, and the Senate recedes on amendment No. 1218.

On amendment No. 1219: This amendment changes from 30 per cent American value to 45 per cent foreign value the House duty on wax matches, wind matches, and all matches in books or folders, or having stained or colored sticks or stems, night lights, fuses, and time-burning chemicals. The House recedes with an amendment making this duty 40 per cent foreign value.

On amendment No. 1220: This amendment changes from 25 per cent American value to 30 per cent foreign value the House duty on percussion caps, cartridges, and empty cartridge shells; and the House recedes.

On amendment No. 1221: This amendment imposes a duty of $1 per 1,000 feet on mining, blasting, or safety fuses composed in chief value of cotton, which under paragraph 920 of the House bill were dutiable at 28 per cent American value as manufactures of cotton; and the House recedes.

On amendment No. 1224: This amendment changes from 45 per cent American value to 60 per cent foreign value the House duty on feathers and downs, dressed, colored, or otherwise manufactured, including manufactures of down, artificial or ornamental feathers for millinery purposes, artificial fruits, vegetables, grains, leaves, and flowers; and the House recedes.

On amendment No. 1225: This amendment changes from 45 per cent American value to 65 per cent foreign value the House duty on natural leaves, plants, shrubs, and trees chemically treated, colored, dyed, or painted. The House recedes with an amendment making the duty 60 per cent foreign value.

On amendment No. 1226: This amendment changes from 50 per cent American value to 60 per cent foreign value the basket clause of the paragraph relating to feathers and downs, and millinery ornaments; and the House recedes.

On amendment No. 1228: This amendment changes from 20 per cent American value to 30 per cent foreign value the House duty on furs dressed on the skin, excepting silver or black fox furs. The House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 1229: This amendment changes from 35 per cent American value to 40 per cent foreign value the House duty on manufactures of furs, excepting silver or black fox furs, prepared for use as material; and on unenumerated articles made of fur; and the House recedes.

On amendment No. 1230: This amendment changes from 40 per cent American value to 50 per cent foreign value the House duty on silver or black fox skins, and unenumerated manufactures thereof; and the House recedes.

On amendment No. 1232: This amendment changes from 22 per cent American value to 35 per cent foreign value the House duty on hatters' furs, or furs not on the skin, prepared for hatters' use; and the House recedes.

On amendment No. 1233: This amendment changes from 40 per cent American value to 50 per cent foreign value the House duty on fans except common palm-leaf fans; and the House recedes.

On amendment No. 1234: This amendment changes from 10 per cent American value to 20 per cent foreign value the House duty on gun wads; and the House recedes.

On amendment No. 1236: This amendment imposes a duty of 40 per cent foreign value on unenumerated manufactures, wholly or in chief value of cattle hair or horsehair, which under the House bill were dutiable at 20 per cent American value as unenumerated manufactured articles; and the House recedes.

On amendment No. 1237: This amendment changes from 20 per cent American value to 30 per cent foreign value the additional duty imposed by the House on hats in chief value of fur. The House recedes with an amendment making the duty 25 per cent foreign value.

On amendment No. 1239: This amendment changes from 55 per cent American value to 80 per cent foreign value the House duty on jewelry valued above 20 cents a dozen pieces; and the House recedes.

On amendment No. 1240: This amendment changes from 55 per cent American value to 80 per cent foreign value the House duty on rope and fancy patterns of chain valued above 30 cents a yard, and articles valued above 20 cents a dozen pieces designed to be worn on apparel or carried on or about the person, if made of metal; and the House recedes.

On amendment No. 1241: This amendment changes from 45 per cent American value to 75 per cent foreign value the House duty on all materials of metal suitable for use in the manufacture of jewelry, of rope, and fancy patterns of chain valued above 30 cents a yard, or of articles valued above 20 cents a dozen designed to be worn on apparel or carried on or about the person; and the House recedes.

On amendment No. 1243: The House bill imposed a duty of 20 per cent American value on chatons, doublets, and synthetic cut stones used in the manufacture of jewelry, and a duty of 45 per cent American value on imitation pearls and imitation precious or semiprecious stones except chatons, doublets, and synthetic cut stones. The Senate amendment strikes out these duties and substitutes a duty of 20 per cent foreign value on imitation precious cut or facetted stones, imitation semiprecious facetted stones, imitation half pearls, and hollow or filled pearls without hole or with hole partly through only, and a duty of 60 per cent foreign value on imitation precious stones not cut or facetted, imitation semiprecious stones not facetted, imitation jet buttons, cut, polished, or facetted, and imitation solid pearls wholly or in part pierced; and the House recedes.

On amendment No. 1244: The House bill imposed a duty of 45 per cent American value upon laces, burnt-out laces, window curtains, and all other articles or fabrics of lace or made wholly or in part, however small, of lace or imitation lace, and on edgings, insertings, nets, nettings, veils, veiling, neck rufflings, ruchings, tuckings, trimmings, flouncings, flutings, quillings, ornaments, ribbons ornamented in the process of weaving, and braids, and all articles composed in any degree of any of the foregoing fabrics or articles, if any of the foregoing are composed wholly or in chief value of yarns, threads, filaments, tinsel wire, lame, bullions, metal threads, spangles, or beads, but excepts from this duty articles and materials specially provided for in paragraphs 919, 1006, 1403, 1404, 1406, and 1424 of the House bill. The Senate amendment makes this duty 90 per cent foreign value, and applicable to embroideries capable of conversion into burnt-out laces (under the House bill dutiable at 37½ per cent American value under the paragraph to which the amendment relates), fabrics and articles composed wholly or in chief value of beads or spangles and not embroidered, tamboured, appliquéd, nor scalloped (which, if in part of lace, were taxable under paragraph 1403 of the House bill), and other unimportant articles, which under the House bill were taxed at various rates of duty. The House bill also imposed a duty of 37½ per cent American value upon embroidery and all other articles or fabrics, embroidered in any manner, or from which threads have been omitted, drawn, punched, or cut, and with threads introduced after weaving to finish or ornament the openwork, not including straight hemstitching, all the foregoing composed wholly or in chief value of yarns, threads, filaments, tinsel wire, lame, bullions, metal threads, spangles, or beads, but exempts from this duty the materials and articles specially provided for in paragraphs 919, 1006, 1403, 1404, 1406, and 1424 of the House bill. The Senate amendment makes this duty 75 per cent foreign value and makes this duty applicable to the materials and articles specially provided for in paragraphs 920, 1006, 1403, 1404, 1406, and 1424 of the bill as agreed to in conference; and the House recedes, with an amendment correcting a reference to a paragraph number.

On amendment No. 1245: This amendment imposes a duty of 20 per cent foreign value on bag, strap, case, and football leather, finished, which under the House bill was on the free list as leather not specially provided for; and the House recedes.

On amendment No. 1246: This amendment imposes a duty of 20 per cent foreign value on seal, sheep, goat, calf, and pig leather dressed and finished other than shoe leather. Under the House bill these materials were on the free list as leather not specially provided for; and the House recedes with an amendment restoring pig leather to the free list.

On amendments Nos. 1249 and 1251: Amendment No. 1249 changes from 25 per cent American value to 30 per cent foreign value the House duty on leather bags, baskets, belts, pocketbooks, and other boxes, and on moccasins, and on manufactures of leather, rawhide, or parchment not specially provided for. Amendment No. 1251 changes from 30 per cent American value to 45 per cent foreign value the House duty on any of the foregoing permanently fitted with traveling luncheon, manicure, or similar sets; and the House recedes.

On amendment No. 1252: This amendment increases from $4 a dozen pairs to $5 a dozen pairs the House duty on men's gloves not over 12 inches in length; and the House recedes.

On amendment No. 1253: This amendment increases from $3 a dozen pairs to $4 a dozen pairs the House duty on women's and children's gloves not over 12 inches in length; and the House recedes.

On amendment No. 1254: The House bill imposed a minimum duty of 37½ per cent American value on leather gloves. The Senate amendment makes the minimum duty 50 per cent foreign value and places a maximum limit of 70 per cent foreign value; and the House recedes.

On amendment No. 1255: This amendment imposes a duty of 25 per cent foreign value on gloves of leather, made from horsehides or pigskins, which under the House bill were dutiable at various rates according to length and whether for men or women and children; and the House recedes.

On amendments Nos. 1256, 1257, and 1613: The House bill imposed a duty of 25 per cent American value upon catgut, whip gut, worm gut, oriental gut, and manufactures thereof. The Senate amendments place surgical catgut and unmanufactured worm gut upon the free list and change the duty on the remainder of the materials and articles dutiable under the paragraph of the House bill to 50 per cent foreign value; and the House recedes with amendments making the duty 40 per cent foreign value and making this duty applicable to surgical catgut.

On amendment No. 1258: This amendment changes from 30 per cent American value to 50 per cent foreign value the House duty on gas mantles and on other unenumerated mantles treated with chemicals or metallic oxides. The House recedes with an amendment making the duty 40 per cent foreign value.

On amendment No. 1259: This amendment imposes a duty of 35 per cent foreign value upon harness valued at more than $70 a set, saddles valued at more than $40 each, saddlery, and parts (except metal parts) for any of the foregoing. These articles were free of duty under paragraph 1600 of the House bill; and the House recedes with an amendment making the duty apply to single harness valued at more than $40, and making a clerical change in the House bill.

On amendment No. 1260: Cabinet locks, padlocks, and latches were not specifically mentioned in the House bill and fell under the basket clause as manufactures of metal not specially provided for at 35 per cent American value. The Senate amendment provides a classification for these articles according to construction and width, as set forth in the following table:

Article.	Rate of duty.		
	House bill (American value).	Senate bill.	Conference.
Cabinet locks, not of pin tumbler construction:			
If not over 1½ inches in width.	35 per cent....	70 cents per dozen.	70 cents per dozen.
Over 1½ and not over 2½ inches in width.	.....do.........	$1 per dozen ..	$1 per dozen.
Over 2½ inches in width.......	.....do.........	$1.50 per dozen.	$1.50 per dozen.
Padlocks, not of pin tumbler or cylinder construction:			
Not over 1½ inches in width...	.....do.........	35 cents per dozen.	35 cents per dozen.
Over 1½ and not over 2½ inches in width.	.....do	50 cents per dozen.	50 cents per dozen.
Over 2½ inches in width.......	.....do.........	75 cents per dozen.	75 cents per dozen.
Padlocks, of pin tumbler or cylinder construction:			
Not over 1½ inches in width...	.....do.........	$1 per dozen...	$1 per dozen.
Over 1½ to 2½ inches in width..	.....do.........	$1.50 per dozen.	$1.50 per dozen.
Over 2½ inches in width.......	.....do.........	$2 per dozen...	$2 per dozen.
All other locks or latches of pin tumbler or cylinder construction.	.....do.........	$2 per dozen plus 20 per cent.	$2 per dozen plus 20 per cent.

In using the above table it should be borne in mind that in the House bill the ad valorem rates were based upon American value while the Senate amendment and the conference agreement are based upon foreign value.

The House recedes.

On amendment No. 1262: This amendment changes from 15 per cent American value to 25 per cent foreign value the House duty upon unenumerated manufactures of amber, bladders, or wax; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 1264: This amendment changes from 20 per cent American value to 25 per cent foreign value the House duty upon unenumerated manufactures of bone, grass, horn, india rubber, straw, etc.; and the House recedes.

On amendment No. 1265: This amendment imposes a duty of 10 per cent foreign value upon motor-cycle tires of rubber, which under paragraph 371 of the House bill were dutiable at 30 per cent American value as finished parts of motor cycles; and the House recedes.

On amendment No. 1266: This amendment changes from 35 per cent American value to 50 per cent foreign value the House duty upon combs of horn or of horn and metal; and the House recedes.

On amendment No. 1269: This amendment changes from 30 per cent American value to 35 per cent foreign value the House duty upon unenumerated manufactures of ivory, mother-of-pearl, shell, plaster of Paris, hard rubber, and upon manufactured shells; and the House recedes.

On amendment No. 1273: This amendment strikes out the duty imposed by the House bill of 35 per cent American value on music wire, the effect of the amendment being to make this article dutiable under paragraph 316 of the bill; and the House recedes.

On amendment No. 1275: This amendment changes from 35 per cent American value to 40 per cent foreign value the House duty upon unenumerated musical instruments and parts, pianoforte or player actions and parts, cases for musical instruments, tuning forks, metronomes, etc., and metal strings for musical instruments; and the House recedes.

On amendment No. 1276: This amendment changes from 25 per cent American value to 35 per cent foreign value the additional duty imposed by the House bill upon tuning pins; and the House recedes.

On amendment No. 1277: The House bill imposed a duty of $1.50 each and 35 per cent American value upon violins, violas, violoncellos, and double basses. The Senate amendment strikes out the specific duty and makes the ad valorem duty 45 per cent foreign value; and the House recedes with an amendment making the duty $1 each and 35 per cent foreign value.

On amendment No. 1278: The House bill imposed a duty of 35 per cent American value upon unassembled parts of violins, violas, violoncellos, and double basses. The Senate amendment makes this duty 40 per cent foreign value; and the House recedes.

On amendment No. 1282: This amendment imposes a duty of 45 per cent foreign value upon needles for phonographs, graphophones, etc., which under the House bill were dutiable at 30 per cent American value as parts of phonographs, etc.; and the House recedes.

On amendment No. 1285: This amendment changes from 25 per cent American value to 35 per cent foreign value the House duty on calender rolls or bowls suitable for use in calendering, embossing, mangling, or pressing operations; and the House recedes.

On amendments Nos. 1287 and 1288: The House bill imposed a duty on rosaries, chaplets, and similar articles of religious devotion made of gold, silver, platinum, precious or imitation precious stones of 15 per cent American value if valued at not more than $1.25 per dozen and 30 per cent American value if valued at more than $1.25 per dozen. The Senate amendment makes the duty, regardless of value, 50 per cent foreign value; and the House recedes.

On amendment No. 1291: This amendment changes from 10 per cent American value to 15 per cent foreign value the House duty on violin rosin; and the House recedes.

On amendment No. 1293: This amendment changes from 15 per cent American value to 25 per cent foreign value the House duty on unenumerated works of art; and the House recedes with an amendment making the duty 20 per cent foreign value.

On amendment No. 1296: The House bill imposed a duty of 50 cents a gross and 25 per cent American value on pencils not of metal and in addition a duty of 25 cents a gross on caps or protectors of pencils and pencils prepared for caps or protectors, and a duty of 50 cents a gross on pencils stamped with names other than the manufacturers'. The Senate amendment strikes out this duty and substitutes for it a duty on pencils not of metal of 40 cents a gross but not less than 45 per cent foreign value, a duty of 25 cents a gross on pencil-point protectors and clips, and a duty of 50 cents a gross but not less than 45 per cent foreign value on pencils stamped with names other than the manufacturers'. The House recedes with an amendment making the duty on pencils 45 cents per gross and in addition 25 per cent foreign value, and agreeing to the rate on pencil-point protectors and clips, and making the rate on pencils stamped with names other than the manufacturers' 50 cents a gross and in addition 25 per cent foreign value.

On amendment No. 1298: The House bill imposed a duty of 6 cents a gross on pencil leads not in wood or other material a duty of 10 cents a gross on leads not exceeding six one-hundredths of an inch in diameter and commonly known as refills, a duty of 60 cents a gross on colored, copy, or indelible leads, and in addition to all these specific rates imposed a duty of 20 per cent American value. The Senate amendment removes the additional ad valorem duty on pencil leads not in wood or other material and imposes a duty of 10 cents a gross on leads commonly known as refills not exceeding six one-hundredths of an inch in diameter and not exceeding 2 inches in length and a proportional duty in addition on longer leads, and imposes a duty of 40 per cent foreign value on colored or crayon leads or copy or indelible leads; and the House recedes.

On amendment No. 1300: This amendment changes from 30 per cent American value to 20 per cent foreign value the House duty on photographic cameras and parts thereof not specially provided for; and the House recedes.

On amendment No. 1301: This amendment changes from 20 per cent American value to 15 per cent foreign value the House duty on photographic dry plates not specially provided for; and the House recedes.

On amendment No. 1302: The House bill imposed a duty of 20 per cent American value on photographic and moving picture films, sensitized but not exposed or developed. The Senate amendment makes this duty four-tenths of 1 cent a linear foot of the standard width of 1⅜ inches and proportional rates on other widths; and the House recedes.

On amendment No. 1303: The House bill imposed a duty of 30 per cent American value on photographic film negatives for moving picture exhibits or for reproducing pictures for such exhibits, if exposed, whether developed or not. The Senate amendment changes this rate to 2 cents a linear foot in the case of such negatives exposed but not developed and 3 cents a linear foot if exposed and developed; and the House recedes.

On amendment No. 1304: This amendment changes from 30 per cent American value to 1 cent a linear foot the House duty on photographic film positives for use in connection with moving-picture exhibits; and the House recedes.

On amendment No. 1305: This amendment changes from 25 per cent American value to 1 cent a linear foot the duty imposed by the House bill on photographic and motion-picture films or film negatives taken from the United States and exposed in a foreign country by an American producer in the course of production of a picture, 60 per cent or more of which is made in the United States; and the House recedes.

On amendment No. 1309: This amendment changes from 45 per cent American value to 60 per cent foreign value the House duty on pipe bowls, pipes, cigar and cigarette holders, and cases for the same, mouthpieces and cases for the same, pouches for chewing or smoking tobacco, cigarette books, cigarette book covers, cigarette paper, except cork paper, and all unenumerated smokers' articles unless made of china, porcelain, parian, bisque, earthen or stone ware; and the House recedes.

On amendments Nos. 1310 and 1484: These amendments impose a duty of 20 per cent foreign value on crude or unmanufactured meerschaum and removes this material from the free list; and the House recedes.

On amendment No. 1311: See amendment No. 1106.

On amendment No. 1314: This amendment makes blanks and pistons of thermostatic containers dutiable at the same rate as the containers, such blanks and pistons being dutiable under the House bill at various rates according to the material of which composed; and the House recedes.

On amendments Nos. 1317, 1318, 1319, and 1320: The following table shows the duties imposed upon thermostatic containers and parts by the House bill, the Senate amendments, and the conference agreement. In each of these amendments the House recedes with an amendment making the changes indicated in the table.

	House bill.	Senate amendments.	Conference agreement.
Capacity 1 pint or less.	10 cents each......	20 cents each......	15 cents each.
Capacity more than 1 pint.	20 cents each......	40 cents each......	30 cents each.
Additional ad valorem duty.	30 per cent (American value).	50 per cent (foreign value).	45 per cent (foreign value).
Unenumerated parts..	35 per cent (American value).	60 per cent (foreign value).	55 per cent (foreign value).

On amendments Nos. 1324, 1326, 1327, and 1328: The House bill imposed a duty of 35 per cent American value on umbrellas, parasols, and sunshades covered with material other than paper, not embroidered or appliquéd, and walking canes, and a duty of 30 per cent American value on handles and sticks for umbrellas, parasols, sunshades, and contained a proviso that none of these articles should pay a less rate of duty than the rate provided for the component material of chief value. The Senate amendment No. 1328 strikes out the proviso and amendments Nos. 1324, 1326, and 1327 make the duty on walking canes and on handles or sticks for umbrellas, parasols, and sunshades 40 per cent foreign value and the duty on umbrellas, parasols, and sunshades covered with material other than paper or lace, not embroidered or appliquéd, 40 per cent foreign value; and the House recedes.

On amendment No. 1331: This amendment changes from 15 per cent American value to 25 per cent foreign value the duty on white bleached beeswax; and the House recedes.

TITLE II.—FREE LIST.

SCHEDULE 15.

On amendment No. 1340: This amendment provides that no article specified by name in the dutiable list shall be free of duty under the paragraph placing agricultural implements on the free list; and the House recedes.

On amendment No. 1341: See amendment No. 188.

On amendment No. 1344: See amendment No. 717.

On amendment No. 1347: See amendment No. 567.

On amendment No. 1349: See amendment No. 123.

On amendment No. 1353: See amendment No. 14.

On amendment No. 1356: See amendment No. 591.

On amendment No. 1357: This amendment strikes from the free list bagging for cotton, gunny cloth, and similar fabrics, composed of single yarns made of jute, or other material not bleached, dyed, colored, stained, painted, or printed, and not exceeding 16 threads to the square inch, and weighing not less than 15 ounces to the square yard; and amendment 1051 places duties on these fabrics. Amendment No. 1357 also places on the free list waste bagging and waste sugarsack cloth, which fabrics were dutiable at 10 per cent American value under paragraph 1456 of the House bill, unless they were wastes of the fabrics enumerated in paragraph 1517 of the House bill, in which case they were also on the free list under the House bill; and the House recedes.

On amendment No. 1358: See amendment No. 784.

On amendment No. 1359: This amendment places on the free list binding twine manufactured from henequen, which under paragraph 1019 of the House bill was dutiable at 28 per cent American value as a manufacture of vegetable fiber; and the House recedes.

On amendment No. 1360: See amendment No. 568.

On amendment No. 1366: This amendment specifically places animal carbon suitable only for fertilizing purposes upon the free list, so as to prevent its being classed as bone black and made dutiable at 20 per cent ad valorem under paragraph 66 of the House bill; and the House recedes.

On amendment No. 1370: This amendment permits the free entry of books, maps, music, engravings, photographs, etchings, lithographic prints, bound or unbound, and charts more than 20 years old, which were dutiable at 20 per cent American value under paragraph 1310 of the House bill. This amendment also provides that if such articles have been rebound within 20 years the binding shall be dutiable as provided in paragraph 1310; and the House recedes.

On amendment No. 1372: Under the House bill books and pamphlets printed wholly or chiefly in languages other than English were dutiable under paragraph 1310 at 20 per cent American value. The Senate amendment places these books and pamphlets on the free list; and the House recedes.

On amendment No. 1374: The House bill permitted schools and colleges and public libraries and religious, educational, and fine arts, etc., institutions to import free of duty not to exceed two copies, for their own use and not for sale, of any book, map, music, engraving, photograph, etching, lithographic print, or chart. The Senate amendment removes the limitation of two copies; and the House recedes.

On amendments Nos. 1376 and 1377: The House bill provided that books and libraries of persons from foreign countries, if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale, if not exceeding $250 in value, should be admitted free of duty. Amendment No. 1377 strikes out the value limit, and amendment No. 1376 reinstates the provisions of existing law that "usual and reasonable furniture and similar household effects" of such persons, which under the House bill were dutiable according to material of chief value, may be entered free of duty; and the House recedes on both amendments.

On amendment No. 1381: This amendment specifically enumerates on the free list Brazilian or pichurim beans which were not specifically enumerated under paragraph 1562 of the House bill; and the House recedes.

On amendment No. 1382: See amendment No. 259.

On amendment No. 1384: See amendment No. 886.

On amendment No. 1387: See amendment No. 569.

On amendment No. 1389: The House bill provided that if any country imposes a duty upon calcium acetate when imported from the United States an equal duty shall be imposed upon calcium acetate coming into the United States from such country. This amendment struck out the House provision; and the House recedes from its disagreement to this amendment with an amendment restoring the House provision with clerical changes.

On amendment No. 1391: See amendment No. 558.

On amendment No. 1392: See amendment No. 558.

On amendment No. 1393: See amendment No. 266.

On amendment No. 1395: See amendment No. 389.

On amendment No. 1397: See amendment No. 845.

On amendment No. 1400: The House bill provided that if any country imposes a duty upon coal, coke, and other articles used for fuel specified in paragraph 1545 of the House bill when imported from the United States, an equal duty shall be imposed upon such articles coming into the United States from such country. This amendment strikes out the House provision; and the House recedes from its disagreement to this amendment with an amendment restoring the House provision with clerical changes.

On amendment No. 1419: See amendment No. 897.

On amendments Nos. 1421, 1522, and 1553: The House bill placed potassium and sodium cyanide upon the free list. Amendment No. 1522 strikes potassium cyanide out of paragraph 1636 of the House bill and amendment No. 1553 strikes sodium cyanide out of paragraph 1654 of the House bill. Amendment No. 1421 places potassium and sodium cyanide salts, not specially provided for, on the free list in one paragraph; and the House recedes on all of these amendments.

On amendment No. 1425: The House bill left on the free list crude dyeing and tanning materials of vegetable origin treated solely for proper packing or for prevention of decay or deterioration pending manufacture. The Senate amendment permits these articles to come in free if advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process; and the House recedes.

On amendment No. 1428: See amendment No. 1216.

On amendment No. 1433: This amendment places upon the free list fish imported to be used for purposes other than human consumption, which under the provisions of paragraph 718 of the House bill would have been dutiable as fish not specially provided for at 1 cent a pound; and the House recedes.

On amendment No. 1439: This amendment places on the free list gloves made wholly or in chief value of leather made from hides of cattle of the bovine species, which under paragraph 1433 of the House bill were dutiable at various rates dependent on length and on whether intended for wear by men or women and children; and the House recedes with an amendment making a clerical change.

On amendment No. 1442: This amendment places on the free list henequen, which was dutiable under paragraph 1458 of the House bill at 20 per cent American value as a manufactured article not specially provided for; and the House recedes.

On amendment No. 1444: This amendment provides that no article specified by name on the dutiable list shall be free of duty under the paragraph of the bill placing fertilizer on the free list; and the House recedes.

On amendment No. 1446: See amendment No. 41.

On amendment No. 1448: The House bill left gunpowder and all other explosive substances used for mining, blasting, or artillery purposes, not specially provided for, on the free list. Senate amendment No. 592 removes dynamite and other high explosives put up in sticks, cartridges, or other forms, suitable for blasting, from the free list and makes them dutiable at 1¼ cents a pound; and Senate amendment No. 1448 includes sporting powder with gunpowder and all other explosive substances not specially provided for on the free list, but provides that if any country, dependency, province, or other subdivision of government imposes a duty upon such articles when imported from the United States an equal duty shall be imposed upon such articles coming into the United States from such country, dependency, province, or other subdivision of government; and the House recedes.

On amendment No. 1468: See amendment No. 58.

On amendment No. 1482: The House placed mechanically ground wood pulp and chemical wood pulp on the free list but added a proviso that whenever the President ascertains that any country restricts the exportation or imposes any export charge upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp, he should proclaim this fact and thereafter there should be levied upon mechanically ground wood pulp and chemical wood pulp when imported from such country, a duty of 10 per cent American value and in addition thereto an amount equal to the highest export charge imposed by such country upon an equal amount of wood pulp or an amount of wood necessary to manufacture such wood pulp, or an amount of printing paper ordinarily manufactured from such wood pulp. The Senate amendment strikes out this proviso; and the House recedes.

On amendment No. 1484: See amendment No. 1310.

On amendment No. 1488: The House bill made no distinction between molasses for human consumption and molasses not to be used for human consumption but included all molasses and sirups testing not above 48 per cent total sugars in paragraph 503 of the House bill dutiable at 0.25 of 1 cent a gallon and 0.275 of 1 cent additional for each per cent of total sugars and fractions above 48 per cent total sugars. The Senate amendment removed from the House classification molasses testing not above 56 per cent total sugars and not to be used for human consumption and placed them on the free list. The house recedes from its disagreement to amendment No. 1488 with an amendment adopting the Senate language and changing the percentage of total sugars to 52 per cent and making such molasses dutiable under paragraph 502 of the bill as amended at one-sixth of 1 cent per gallon.

On amendment No. 1492: This amendment puts on the free list nets or sections of nets for use in otter trawl fishing, if composed wholly or in chief value of manila or vegetable fiber. These nets, if made of flax, hemp, or ramie, would have been dutiable under paragraph 1006 of the House bill at various rates according to the thread, twine, or cord of which the nets are made, and if made of other vegetable fiber would have been dutiable under paragraph 1019 of the House bill at 28 per cent American value as a manufacture of vegetable fiber. The House recedes with an amendment making a clerical change and a change in paragraph number.

On amendment No. 1494: The House bill placed on the free list coconuts and broken coconut meat or copra, not shredded, desiccated, or prepared in any manner, palm nuts and palm-nut kernels. The Senate amendment struck out the House provision and placed the following oil-bearing seeds and nuts on the free list: Copra, coconuts, hempseed, palm nuts, palm-nut kernels, tung nuts, rapeseed, perilla, and sesame seed, and seeds and nuts not specially provided for when the oils derived therefrom are free of duty; and the House recedes with an amendment making a clerical change in the paragraph number.

On amendment No. 1499: See amendment No. 165.

On amendment No. 1507: See amendment No. 1141.

On amendment No. 1509: This amendment places on the free list pads for horses, which under paragraph 1120 of the House bill were dutiable as a manufacture of wool, not specially provided for, at 25 per cent American value; and the House recedes with an amendment making a change in paragraph number.

On amendment No. 1512: The House bill provided for the free entry of personal effects not merchandise, if not exceeding $300 in value, of citizens of the United States dying in foreign countries. The effect of the House bill provision was to make such articles exceeding $300 in value dutiable at various rates according to their character and material of which composed. The Senate amendment strikes out the limitation of value, thus providing for the free entry of such articles regardless of value; and the House recedes.

On amendment No. 1514: This amendment places on the free list fancy or racing pigeons which under paragraph 711 of the House bill if valued at $5 or less were dutiable at 50 cents each and if valued at more than $5 each were dutiable at 20 per cent American value; and the House recedes with an amendment making clerical changes.

On amendment No. 1516: See amendment No. 272.

On amendment No. 1518: This amendment places on the free list sheets of platinum, unmanufactured, which under paragraph 393 of the House bill were dutiable at 45 per cent American value; and the House recedes.

On amendment No. 1520: The House bill placed on the free list potassium chloride, potassium sulphate, kainite, wood ashes, and all crude potash salts not specially provided for but provided that for a period of five years after the passage of the act the following duties should be collected on the actual potash content of all the foregoing: 2½ cents a pound for the first two years; 2 cents a pound for the third year; 1½ cents a pound for the fourth year; and 1 cent a pound for the fifth year; and thereafter free. The Senate amendment strikes out this provision; and the House recedes.

On amendment No. 1522: See amendments Nos. 232 and 1421.

On amendment No. 1524: The House bill provided for the free entry of professional books, implements, instruments, and tools of trade, occupation, or employment in the actual possession of immigrants if owned and used by them abroad, if not exceeding $250 in value, the effect of which was to make those exceeding $250 in value dutiable at various rates according to their character or material of which composed. The Senate amendment strikes out the limitation in value, thus providing for the free entry of such articles regardless of value; and the House recedes.

On amendment No. 1527: This amendment places on the free list radio vacuum tubes which under the House bill were dutiable according to the component material of chief value; and the Senate recedes.

On amendment No. 1533: The House bill provided that rice, cleaned, for use in the manufacture of canned foods should be admitted free of duty. The Senate amendment limits the free entry of such rice to rice known as Patna rice; and the House recedes.

On amendment No. 1535: See amendment No. 896.

On amendment No. 1536: See amendment No. 699.

On amendment No. 1539: This amendment places smelts on the free list when fresh, frozen, or packed in ice, which under paragraph 718 of the House bill were dutiable at 1 cent per pound: and the House recedes.

On amendment No. 1541: The Senate amendment places the following seeds on the free list: Chickpeas or garbanzos, cowpeas, and sugar beet. Under paragraph 765 of the House bill chickpea seeds and garbanzos seeds were dutiable at 1 cent a pound and cowpeas at one-half cent a pound. Amendment No. 871 strikes out these duties. Under paragraph 762 of the House bill sugar-beet seeds were dutiable at 1 cent a pound. Amendment No. 860 strikes out this duty. The House recedes with an amendment making a change in paragraph number.

On amendment No. 1544: See amendment No. 634.

On amendment No. 1551: The Senate amendment places skins of all kinds, not specially provided for, tanned but not finished, on the free list, which under the provisions of paragraph 1600 of the House bill were on the free list as leather not specially provided for; and the Senate recedes.

On amendment No. 1553: See amendment No. 1421.

On amendment No. 1559: The House bill put standard newsprint paper on the free list but added a proviso that whenever the President finds that any country restricts the exportation of, or imposes any export duty on printing paper, wood pulp, or wood for use in the manufacture of wood pulp, he shall so declare by proclamation and thereafter there shall be levied upon standard newsprint paper when imported from such country a duty of 10 per cent American value, and in addition an amount equal to the highest export charge imposed by such country upon either an equal amount of printing paper or an amount of wood pulp or wood for use in the manufacture of wood pulp necessary to manufacture such printing paper. The Senate amendment strikes out this proviso; and the House recedes.

On amendment No. 1561: This amendment places on the free list altars, pulpits, communion tables, baptismal fonts, shrines, or parts of any of the foregoing, and statuary imported in good faith for presentation (without charge) to, and for the use of, any corporation or association organized and operated exclusively for religious purposes. The House bill had no such provision and such articles were dutiable according to the component material of chief value. The House recedes with an amendment making a change in paragraph number.

On amendment No. 1563: This amendment places trap rock on the free list which under the House bill was dutiable as a nonenumerated unmanufactured article at 10 per cent American value; and the House recedes.

On amendment No. 1569: See amendment No. 896.

On amendment No. 1572: The House bill provided that all intermediate containers of tea in packages of less than 5 pounds each, except mats, should be dutiable at the rate chargeable on such containers if imported empty. The Senate amendment eliminates this exception; and the House recedes.

On amendment No. 1575: This amendment, together with amendment No. 602, places on the free list tin in bars, blocks, or pigs, grain or granulated and scrap tin, which under paragraph 386 of the House bill were dutiable at 2 cents a pound. The amendment, together with amendment 369, also places on the free list scrap tin plate, which under paragraph 301 of the House bill was dutiable at $1.25 a ton. The House recedes with an amendment making a change in paragraph number.

On amendment No. 1577: See amendment No. 900.

On amendment No. 1582: This amendment puts wafers, nonedible, on the free list. Under the House bill they were dutiable at various rates according to the component material of chief value; and the House recedes, with an amendment making a change in paragraph number.

On amendment No. 1587: The House bill provided for the free admission of master records of soft wax or metal matrices obtained therefrom, for use in the manufacture of sound records for export purposes. The Senate amendment provides that these articles shall be admitted free under such regulations as the Secretary of the Treasury may prescribe; and the Senate recedes.

On amendment No. 1589: The House bill provided for free admission of articles of personal adornment of persons arriving in the United States necessary and appropriate for their wear and use. The Senate amendment provides that all jewelry and similar articles of personal adornment valued at $300 or more, brought in by a nonresident, shall, if sold within three years after arrival, be liable to duty at the rate in force at the time of the sale, to be paid by the importer; and the House recedes.

On amendment No. 1590: The House bill provided for the free admission of articles acquired by United States residents returning from abroad for personal and household use or as souvenirs or curios, but not bought on commission or intended for sale up to $250 in value. The Senate amendment limits this to articles not exceeding $100 in value; and the House recedes.

On amendment No. 1596: See amendment No. 624.

On amendment No. 1600: See amendment No. 628.

On amendment No. 1601: This amendment places on the free list paving posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods, which under paragraph 405 of the House bill were dutiable at 10 per cent American value. The House recedes with an amendment making a change in paragraph number.

On amendment No. 1602: This amendment, together with amendment No. 633, places on the free list pickets, palings, hoops, and staves of wood of all kinds, which under paragraph 407 of the House bill were dutiable at 10 per cent American value; and the House recedes with an amendment making a change in paragraph number.

On amendment No. 1603: This amendment places on the free list logs of fir, spruce, cedar, or western hemlock, which under paragraph 402 of the House bill were dutiable at $1 a thousand feet; and the Senate recedes.

On amendment No. 1611: The House bill provided that stained or painted window glass or stained or painted glass windows imported by houses of worship should be imported free of duty. The Senate amendment limits the free importation of such articles to such articles which are works of art and valued at $15 or more per square foot and ordered after the passage of this act; and the House recedes. The effect of this amendment is to make such articles valued at less than $15 per square foot and those valued at $15 or more per square foot but not works of art dutiable at 50 per cent foreign value under paragraph 230 as agreed to in conference.

On amendment No. 1613: See amendment No. 1256.

TITLE III.—SPECIAL PROVISIONS.

On amendment No. 1615: Section 301 of the House bill authorized the President to negotiate reciprocity treaties to become effective upon ratification by the Senate and approval by Congress. This amendment strikes out this provision; and the House recedes. See amendment No. 1667.

On amendment No. 1616: The House bill authorized the President to impose additional duties upon articles imported from a country which imposed upon products of the United States burdens which he deemed "higher and reciprocally unequal and unreasonable." The Senate amendment strikes out this provision and substitutes section 317 therefor; and the House recedes. See amendment No. 1667.

On amendment No. 1617: The House bill authorized the President, within a period of three years after the passage of this act, to negotiate trade agreements with foreign countries and to reduce, not more than 20 per cent and for not more than five years, the duties imposed by this act. Neither ratification nor approval by Congress was required. The Senate amendment strikes out this provision; and the House recedes. See amendment No. 1667.

On amendment No. 1621: The House bill, in the section relating to countervailing duties, did not provide for bounties and grants made by persons, partnerships, associations, cartels, or corporations. The Senate amendment so provides; and the House recedes.

On amendment No. 1623: Section 307 of the House bill provided that all articles of foreign manufacture or production capable of being marked, stamped, branded, or labeled, without injury, should be marked, stamped, branded, or labeled, in legible English words to indicate the country of origin. It also required all packages containing imported merchandise to be marked in the same manner. In case of failure, the article or the package was to be held in customs custody until properly marked. The Senate amendment strikes out these provisions and provides for a similar marking, but if the article is not properly marked, no delivery of the merchandise held in customs custody is to be made to the importer until the entire shipment is properly marked. The Senate amendment further provides that, unless the article is exported, there shall be levied, in addition to the regular duty, a duty of 10 per cent, or, if the article is free of duty, a duty of 10 per cent is imposed; and the House recedes with an amendment striking out the words "to the importer," in order to prevent any delivery until the article is properly marked.

On amendments Nos. 1631 and 1637: These amendments are necessary because of the action of the conferees on amendment No. 1623; and the House recedes with amendments making clerical changes.

On amendment No. 1638: The House bill placed the administration of the quarantine against cattle and hides under the Secretary of the Treasury. The Senate amendment transfers it to the Secretary of Agriculture; and the House recedes with an amendment making a clerical change.

On amendment No. 1641: Section 311 of the House bill specified the articles which could be imported under bond for exportation within six months. The Senate amendment strikes out this provision and incorporates them in section 308, and in addition permits the entry under bond of containers for compressed gases which comply with the laws and regulations for the transportation of such containers in the United States, and authorizes the cancellation of the six months' bond if the articles imported for experimental purposes are destroyed during the experiment; and the House recedes.

On amendment No. 1649: The Senate amendment permits the destruction of waste material resulting from manufacture in bonded warehouse; and the House recedes.

On amendments Nos. 1650, 1651, 1652, and 1653: The House bill provided for the manufacture of cigars in bonded manufacturing warehouses from tobacco imported from any one country. The Senate amendment extended this provision to the manufacture of cigarettes and tobacco and eliminated the requirement that the tobacco be imported from one country; and the Senate recedes on all these amendments.

On amendment No. 1654: Section 315 of the House bill is stricken out and rewritten by the Senate amendment in order to harmonize with paragraph 388 of the House bill. The Senate amendment also provides for the cancellation of the charge against the bond on the exportation of the refined metal produced from the dutiable metal imported, in order to remove the discrimination against the bonded smelter and in favor of the nonbonded smelter, which resulted from the tariff act of 1913; and the House recedes.

On amendment No. 1655: The Senate amendment strikes out and rewrites section 316 of the House bill, relating to drawback, and restores existing law with certain changes. An amount of domestic wheat equal to not less than 30 per cent of the amount of imported wheat must have been used in order to gain the privilege of drawback upon the exportation of flour or by-products. The rule for the distribution of drawback, where more than one product results, from the manipulation of the imported merchandise, is changed, and the drawback is distributed according to the relative value of the product exported; and the House recedes.

On amendment No. 1657: The Senate amendment permits the drawback upon flavoring extracts manufactured in the United States when an internal-revenue tax has been paid upon the domestic alcohol used; and the House recedes.

On amendment No. 1658: The Senate amendment strikes out the provision in the House bill that only domestic tax-paid alcohol may be used in the manufacture of medicinal or toilet preparations in order to gain the benefit of the drawback; and the House recedes.

On amendment No. 1665: The Senate amendment inserts a new section containing provisions for an elastic tariff. It authorizes the President to increase or decrease the duties specified in this act and to shift to the American valuation system under certain conditions.

Subdivision (a) authorizes the President to increase or decrease duties and to change classifications whenever necessary to equalize the ascertained differences in costs of production. No duty, however, may be increased or decreased more than 50 per cent of the duties specified in Title I, and no authority is given to transfer from the dutiable list to the free list, or vice versa; nor may any duty be changed from specific to ad valorem, or vice versa. The action of the conferees specifies that the differences in costs of production are to be ascertained in the United States and in the principal competing foreign country and removes the limit imposed by this amendment providing that section 315 shall remain in effect only until July 1, 1924.

Subdivision (b) authorizes the President to substitute American valuation for foreign valuation whenever necessary to equalize ascertained differences in costs of production of products within paragraphs 27 and 28 of Title I, under conditions and limitations similar to those prescribed in subdivision (a). The action of the conferees extends the provisions of this subdivision to all articles provided for in Title I but prohibits an increase in rates upon an article so transferred.

Subdivision (c) prescribes the factors which the President is to take into consideration in determining differences in costs of production, and also provides that investigations to assist the President in ascertaining such differences are to be made by the United States Tariff Commission. The action of the conferees eliminates the provision of the Senate amendment that the Tariff Commission hearings shall be public and that the President shall make the findings, hearings, and testimony in all proceedings public as soon as practicable after the issuance of a proclamation.

The President is not authorized to increase rates beyond the specified maximum ad valorem rate fixed in any paragraph of this act. The House recedes with an amendment making clerical changes and the changes indicated.

On amendment No. 1666: The Senate amendment inserts a new section making unlawful unfair methods of competition and unfair acts in the importation of merchandise into the United States which threaten the stability or existence of American industry.

Investigations of cases arising under this section are to be made by the United States Tariff Commission and its findings are subject to review, on questions of law, by the United States Court of Customs Appeals. The final findings of the commission are then transmitted to the President and he is authorized, in case such unfair methods or acts are established to his satisfaction, to impose additional duties upon merchandise imported in violation of the act, and in extreme cases he is authorized to prohibit the offending person from importing any merchandise into the United States; and the House recedes with an amendment making clerical changes.

On amendment No. 1667: The Senate amendment inserts a new section giving the President discretionary powers to impose additional duties or prohibition upon imports from any country discriminating against the overseas commerce of the United States.

This section follows the precedent established by a maximum and minimum provision of the Payne-Aldrich Act, which had for its purpose the obtaining of equality of treatment for American overseas commerce. The Senate amendment, however, is more flexible than the provision of the Payne-Aldrich Act and is designed to reach every form of discrimination, direct or indirect, whereby American commerce is placed at a disadvantage as compared with the commerce of any foreign country.

Sections 301 and 303 of the House bill provide for special negotiations whereby exclusive concessions may be given in the American tariff in return for special concessions from foreign countries. Section 302 of the House bill places in the hands of the President power to penalize the commerce of any foreign country which imposes on its imports, including those coming from the United States, duties which he deems to be "higher and reciprocally unequal and unreasonable." Under the Senate amendment, however, the United States offers, under its tariff, equality of treatment to all nations, and at the same time insists that foreign nations grant to our external commerce equality of treatment; and the House recedes with an amendment rewriting subdivisions (e) and (f) and making further clerical changes.

On amendment No. 1668: The Senate amendment inserts a new section enlarging the powers of and imposing well-defined duties upon the United States Tariff Commission; and the House recedes.

On amendment No. 1682: The House bill repealed section 3022 of the Revised Statutes and Title I of the emergency tariff act. The Senate amendment strikes out this repeal at this point in the bill and provides for their repeal in the repealing sections of Title IV; and the House recedes.

On amendment No. 1683: The House bill provided that nothing in this act should be construed as permitting oaths to be demanded or fees to be charged. The Senate amendment strikes out this provision as unnecessary, in view of the several amendments relating specifically to oaths and fees; and the House recedes.

On amendment No. 1684: The Senate amendment prevents an implied repeal of the provisions of subsection 30 of section 28 of the act of August 5, 1909, relating to the powers and duties of the Assistant Attorney General in charge of customs; and the House recedes.

On amendment No. 1685: The Senate amendment inserts a new section imposing a duty of 90 per cent foreign value upon automobiles, automobile bodies, automobile chassis, and parts thereof exported prior to February 11, 1919, from the United States, for the use of the American Expeditionary Forces or for the Governments associated with the United States in the war with Germany, and which have been sold; and the House recedes with an amendment making a clerical change.

On amendment No. 1686: The Senate amendment inserted a section authorizing the establishment of "foreign trade zones"; and the Senate recedes.

TITLE IV.—ADMINISTRATIVE PROVISIONS.

On amendment No. 1690: The Senate amendment enlarges the definition in the House bill of the word "vessel" so that it will include a hydroplane; and the House recedes.

On amendment No. 1692: The House bill defined the word "port" to mean a "port of entry." The Senate amendment strikes out this definition in order to retain the existing distinction between a port and a port of entry; and the House recedes.

On amendment No. 1695: The Senate amendment enlarges the definition in the House bill of "merchandise" to include merchandise the importation of which is prohibited, in order to meet the situation created by recent court decisions holding that the phrase "capable of being imported" means "legally capable of being imported"; and the House recedes.

On amendment No. 1698: The House bill included in the definition of the word "person" the provision that reference to any officer includes the person authorized to perform the duties of the office. The Senate amendment strikes out this provision, for the various sections refer specifically to the officer; and the House recedes.

On amendments Nos. 1701, 1702, and 1703: The Senate amendments change the definition in the House bill of the word "master" to conform with existing law in order to remove possible confusion in the navigation laws; and the House recedes.

On amendment No. 1714: The definition in the House bill of the word "appraiser" included the person directed to act as the appraiser. The Senate amendment strikes out this provision and provides specifically in section 500 for the person who is to act; and the House recedes.

On amendment No. 1715: The House bill defined the phrase "date of exportation." The Senate amendment strikes out this definition in order that the phrase will retain the well-established meaning now given it by the courts; and the House recedes.

On amendment No. 1716: The Senate amendment strikes out the definition in the House bill of "proof spirit" in order to permit the definition in section 3249 of the Revised Statutes to apply; and the House recedes.

On amendment No. 1717: The Senate amendment strikes out the definition in the House bill of "proof gallon" in order to permit the definition in section 3250 of the Revised Statutes to apply; and the House recedes.

On amendment No. 1718: The Senate amendment strikes out the definition in the House bill of "wine gallon" in order that the existing definition and practice may apply; and the House recedes.

On amendment No. 1719: The Senate amendment strikes out the definition in the House bill of the word "ton" because it conflicted with the use of the word in connection with the tonnage of vessels and in order that the existing definition and practice may prevail; and the House recedes.

On amendment No. 1720: The Senate amendment strikes out the definition in the House bill of "United States" and inserts a definition to conform with Titles I and II; and the House recedes.

On amendment No. 1721: The House bill provided for the "American valuation plan" as the basis for assessing ad valorem duties and defined "value" to mean, first, the selling price of the comparable and competitive domestic article; second, in the absence of such value, the selling price of the imported article or a constructive selling price in the United States based on any facts accessible to the appraiser establishing such price. The Senate amendment strikes out this provision in the House bill and substitutes, with minor changes, the foreign valuation system of existing law. The Senate amendment provides that the value of imported merchandise shall be (1) the foreign value or the export value, whichever is higher; (2) in the absence of the foreign value and the export value, then the United States value, which is defined to be the American selling price of the imported article less the charges accruing subsequent to the shipment of the merchandise to the United States, in order to reach a constructive foreign value; and (3) in the absence of the foreign value, the export value, and the United States value, then the cost of production.

The Senate amendment also defines the American selling price of the domestic article to be the wholesale price in the principal markets of the United States of any article manufactured or produced in the United States, and in the event that the President proclaims, under the provisions of subdivision (b) of section 315, that the value shall be determined according to the American selling price, then the value of the imported merchandise shall be determined by ascertaining the American selling price of a similar competitive domestic article; and the House recedes with an amendment making clerical changes.

On amendment No. 1722: Sections 403 and 404 of the House bill carried into law the prior administrative definitions of "purchased" merchandise and of merchandise imported "otherwise than by purchase," which were adopted in order to secure necessary statements upon invoices. The Senate amendment strikes out these two sections and specifically requires in section 481 the statement on invoices of such facts as are necessary for an appraisement and classification of merchandise; and the House recedes.

On amendment No. 1726: The House bill required a statement in the manifest of the names of the owners of the vessel according to the vessel's register. The Senate amendment strikes out this requirement, as the names can be obtained whenever necessary from the register; and the House recedes.

On amendment No. 1728: The House bill contained no provision for a list of the baggage on board the vessel in the absence of the owner. The Senate amendment requires such list; and the House recedes.

On amendment No. 1732: The House bill permitted vessels of regular lines to proceed to their port of destination without reporting at the first port of arrival. The Senate amendment strikes out this provision and requires all vessels to report at the first port of arrival as a safeguard against smuggling and the illicit traffic in liquor; and the House recedes.

On amendments Nos. 1734 and 1735: The House bill placed the report and entry of vessels under the jurisdiction of the Secretary of the Treasury. The Secretary of Commerce now has such jurisdiction, and the Senate amendments restore that jurisdiction to the Secretary of Commerce, and possible confusion in the administration of the navigation laws is eliminated. The amendments necessary to prevent a conflict between the jurisdiction of the two departments have been made throughout Title IV; and the House recedes.

On amendment No. 1737: The House bill provided only for delivery of the original manifest at the time of making entry of the vessel. The Senate amendment requires the delivery of an additional copy; and the House recedes.

On amendment No. 1738: See amendment No. 1734.

On amendment No. 1743: The House bill imposed a stated fine of $500 upon every master who failed to make the report or entry of his vessel. The Senate amendment imposes an elastic fine of not more than $1,000; and the House recedes.

On amendment No. 1751: The Senate amendment corrects a typographical error in the House bill by striking out the penalty of $500 and restoring the penalty of $5,000 imposed under existing law; and the House recedes.

On amendment No. 1757: The House bill made no distinction between merchandise and baggage. The existing law and practice makes such distinction, and the Senate amendment retains this distinction. The necessary amendments are made throughout Title IV; and the House recedes.

On amendment No. 1772: The Senate amendment provides that a vessel arriving in distress is not required to make entry, a provision of existing law omitted in the House bill; and the House recedes.

On amendment No. 1783: See amendment No. 1734.

On amendments Nos. 1793 and 1794: See amendment No. 1757.

On amendment No. 1800: See amendment No. 1757.

On amendment No. 1803: See amendment No. 1757.

On amendment No. 1807: The House bill was a codification of sections 2891, 2892, 2894, and 2896 of the Revised Statutes. The Senate amendment strikes out the provision in the House bill and rewrites the section in order to make it conform, with minor changes, with existing law and practice; and the House recedes.

On amendments Nos. 1808, 1809, and 1810: See amendment No. 1757.

On amendments Nos. 1812 and 1813: See amendment No. 1757.

On amendment No. 1822: See amendment No. 1757.

On amendment Nos. 1826, 1827, and 1828: See amendment No. 1757.

On amendment No. 1839: The House bill imposed a penalty of $100 upon a customs officer who quits his station or neglects or fails to perform his duties. The Senate amendment strikes out this provision; and the House recedes.

On amendment No. 1845: The House bill imposed a penalty of $100 for interfering with a customs officer in the performance of his duty. The Senate amendment increases this penalty to $500; and the House recedes.

On amendment No. 1854: The House bill made possible a distinction between the owner and the consignee of imported merchandise. The Senate amendment makes the consignee the only person responsible in the importation of merchandise, and the necessary changes have been made throughout the title; and the House recedes.

On amendment No. 1856: See amendment No. 1854.

On amendment No. 1861: The House bill subjected vehicles to the provisions of law relating to vessels. The Senate amendment strikes out this provision and specifically provides for vehicles wherever necessary, because vessels are within the jurisdiction of the Department of Commerce and vehicles are within the jurisdiction of the Secretary of the Treasury; and the House recedes.

On amendment No. 1873: See amendment No. 1757.

On amendment No. 1886: The House bill failed to provide for the forfeiture of an article the importation of which is prohibited. The Senate amendment makes this provision; and the House recedes.

On amendment No. 1890: The House bill authorized the through transportation of sealed cars. The Senate amendment rewrites the provision, leaving it to the discretion of the Secretary of the Treasury to stop the cars at the border and to examine the merchandise if he deems it necessary to safeguard against smuggling; and the House recedes.

On amendment No. 1892: The House bill provided that in case the person in charge of the sealed car fails to proceed promptly to the port of destination and deliver the merchandise he shall be subject to a penalty equal to the value of the merchandise if subject to duty, or subject to a penalty of $25 if the merchandise is free of duty. The Senate amendment strikes out this provision and restores existing law, which imposes a penalty in such case of not more than $1,000 fine or imprisonment for not more than five years, or both, regardless of whether or not the merchandise is subject to duty; and the House recedes.

On amendment No. 1895: The Senate amends the provision of section 3114 of the Revised Statutes so that it will be applicable to all vessels documented under the laws of the United States engaged in the foreign or coasting trade. The existing statute applies only to such vessels engaged in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and because of the date on which the section became law it has been construed as not applicable to the coasting trade on the Pacific coast. Section 3115 of the Revised Statutes provides for the remission of the duties imposed under section 3114 where the repairs were necessary to enable the vessel to proceed to her port of destination, and is reenacted without change in order to make certain its application to section 3114 as amended; and the House recedes.

On amendment No. 1896: Section 481 of the House bill required a consular invoice at the time of entry, or, in the absence of such invoice, a pro forma invoice and a bond to produce the certified invoice. The Senate amendment embodies these provisions in subdivision (b) of section 484, where all of the provisions of law relating to entry of merchandise and the papers or documents required at the time of entry are grouped in one section. Section 482 of the House bill required all certified invoices to be made out in triplicate and to be signed by the seller, manufacturer, or owner. The Senate amendment struck out this section and incorporated its provisions in section 482, so that all provisions relating to the requirements of a declaration before the consul may be found in one section. Section 483 of the House bill related to the disposition of the consular invoice. This section is stricken out by the Senate amendment and included in section 482 for the same reason. Section 484 of the House bill specified the statements to be included in the invoice. The Senate amendment strikes out this section, and its provisions, with certain changes, are incorporated in section 481, which contains all of the provisions relating to the contents of the consular invoice. The House bill only required the invoice to state from whom the merchandise was purchased; the Senate amendment requires the invoice to state in addition the person to whom the merchandise is sold. The House bill did not require a statement of the kind of currency; the Senate amendment requires such statement in the invoice. The Senate amendment also authorizes the Secretary of the Treasury to require additional facts if he deems it necessary; and the House recedes.

On amendment No. 1897: Section 485 of the House bill related to the declaration before the consul. It required a repetition in the declaration of many of the statements required in the invoice. The Senate amendment, in section 482, provides concisely for all of the statements not provided for in the invoice, and then requires a declaration that all of the statements in the invoice and entry are true and correct; and the House recedes with an amendment authorizing the shipper to obtain a quadruplicate copy of the consular invoice, if the merchandise is intended for immediate transportation.

On amendment No. 1898: Section 486 of the House bill attempted to codify various sections of existing law relating to certification before the consul. The section failed to include several provisions relating to the duties of the consular officers. Inasmuch as these matters are within the jurisdiction of the Department of State and are now governed by the regulations of that department, the Senate amendment strikes out this section and restores existing law; and the House recedes with an amendment to conform with the action of the conferees on amendment No. 1897.

On amendment No. 1900: Section 488 of the House bill authorized the collector to require a statement as to cost of production and partially defines cost of production, authorized him to accept such statement in lieu of the certified invoice, and authorized him to require a statement in the case of consigned merchandise by a person other than the manufacturer. The Senate amendment strikes out this section and, in section 484, authorizes the collector or the appraiser to require a statement showing the cost of production; cost of production is defined in section 402; the statement can not be accepted in lieu of the certified invoice, for it does not furnish all of the information necessary; and the authority to require the statement in the case of consigned merchandise is placed in section 481; and the House recedes.

On amendment No. 1903: The Senate amendment strikes out section 490 of the House bill and places, in section 484, all of the provisions relating to the entry of merchandise which were in sections 481, 488, 490, 491, and 493 of the House bill. The House bill provided merely for a statement in the form of an invoice where the certified consular invoice was not produced. The Senate amendment requires the production of a shipper's or seller's invoice in such cases. The House bill did not specifically except the cases where a formal entry is not possible. The Senate amendment specifically excepts these cases and, in sections 490, 498, 552, and 553 provides for their entry. The House bill required the production of a bill of lading at the time of making entry. The Senate amendment, in subdivision (c) of section 484, authorizes the collector to accept a shipping receipt or other satisfactory evidence in cases where there is no bill of lading, such as shipments by express or parcels post; it also authorizes the collector to accept a bond in cases where a bill of lading has been issued but is not produced at the time of making entry, and provides that any person injured as a result of the delivery may sue directly on the bond. The House bill required statements at the time of entry as to value and classification of the merchandise; the Senate amendment requires these statements in the invoice and authorizes the Secretary of the Treasury to require at the time of entry such additional facts as he deems necessary; and the House recedes with an amendment requiring the consignee to make a declaration under oath that he is unable to produce a certified invoice, whenever he makes an entry without such invoice.

On amendment No. 1904: The Senate amendment strikes out all of section 491 and the first paragraph of section 492 of the House bill and incorporates their provisions in section 485, where all of the provisions relating to the declaration at the time of entry are enumerated. Section 491 of the House bill provided for a declaration to be signed by the owner, importer, consignee, or agent, but did not provide for the specific statements to be included within the declaration. The Senate amendment enumerates the statements to be made in the declaration and requires a declaration as to the truth of all statements in the invoice and other documents filed at the time of entry. Section 491 of the House bill authorized the Secretary of the Treasury to prescribe regulations for the entry of periodicals, and this provision is placed in subdivision (b) of 485 of the Senate amendment. The House bill also authorized the Secretary of the Treasury and the Secretary of Commerce to require statements for statistical purposes. These provisions are eliminated from the declaration and placed in subdivision (e) of section 484, as they relate to entry.

The first paragraph of section 492 of the House bill provided for an owner's declaration in the event that the entry is made by an agent. The Senate amendment includes this provision in subdivision (c) of section 485. Under the present law the consignee is always liable for additional or increased duties, even though he is not the actual owner of the merchandise. The Senate amendment relieves him of this liability if he declares that he is not the actual owner, if he furnishes the name and address of the owner, and if he produces within 90 days a declaration of the actual owner. The Senate amendment also requires separate forms for the declaration in the case of merchandise imported in pursuance of a purchase or agreement to purchase, and merchandise imported otherwise than in pursuance of the purchase or agreement to purchase; and the House recedes.

On amendment No. 1908: Section 493 of the House bill is stricken out by the Senate amendment and placed in subdivision (f) of section 484, in order that all of the provisions relating to entry may be found in one section; and the House recedes.

On amendment No. 1910: The House bill, in the provision for a bond for the return of merchandise not sent to the public stores, included a provision that an importer or consignee who desired to make entry but who was not in possession of the invoices and other documents should give a bond for their production. This provision is stricken out by the Senate amendment and included within section 490, in order not to confuse the bond for the return of packages with the bond for the production of missing documents; and the House recedes.

On amendment No. 1913: The House bill required the bond given for the production of packages to include a condition for the payment of increased or additional duties. The Senate amendment strikes out this provision, for it was a change in existing law and the present practice does not indicate a necessity for it, for the Government is in possession of a sufficient quantity of the merchandise to insure against any failure to pay the increased or additional duties; and the House recedes.

On amendment No. 1914: The provisions of the House bill are stricken out in conformity with the action of the conferees on amendment No. 1913; and the House recedes.

On amendment No. 1915: See amendment No. 1854.

On amendment No. 1916: The Senate amendment restores a provision omitted in the House bill authorizing the consignee to make corrections in his entry at any time before the invoice or the merchandise has come under the observation of the appraiser for the purposes of appraisement. This is a reenactment with a slight change of Paragraph I, Section III, of the act of 1913. This paragraph, however, has recently been construed as not giving the privilege to make corrections after the documents have been delivered to the appraiser, and the Senate amendment extends the privilege by the addition of the phrase "for the purpose of appraisement," in accordance with the intent of the original paragraph and with a long-standing practice; and the House recedes.

On amendment No. 1917: The House bill repealed Paragraph I of Section III of the act of 1913, imposing upon the collector the duty to cause the merchandise to be appraised, and did not contain a substitute. The Senate amendment restores this necessary provision; and the House recedes.

On amendment No. 1920: The Senate amendment restores the provision of existing law, omitted in the House bill, that the additional duties shall not be construed to be penal; and the House recedes.

On amendment No. 1921: The Senate amendment restores the provision of existing law giving the Secretary of the Treasury authority to remit additional duties in the case of a manifest clerical error; and the House recedes.

On amendment No. 1923: The House bill provided that additional duties shall be remitted upon a finding of the Board of General Appraisers that there was no intention to defraud or to conceal or misrepresent the facts, but failed to prescribe the procedure. The Senate amendment authorizes the Board of General Appraisers to prescribe the procedure; and the House recedes.

On amendment No. 1924: The Senate amendment is a reenactment with a slight change of a provision of existing law creating a presumption of fraud in proceedings other than a criminal prosecution in the event that the appraised value exceeds the declared value by more than 100 per cent; and the House recedes with an amendment making a clerical change.

On amendment No. 1927: The Senate amendment conforms with the action of the conferees on amendment No. 1903; and the House recedes.

On amendment No. 1928: The Senate amendment strikes out the words "in said pending cases"; and the Senate recedes.

On amendment No. 1929: The Senate amendment inserts the authority of the collector to liquidate the entry in accordance with the final appraisement; and the House recedes.

On amendment No. 1930: The House bill provided for a tentative entry and a tentative appraisement of imported merchandise, to give the importer an opportunity to secure the necessary facts in order to make a proper entry under the American valuation system. The provision is unnecessary because of the change in basis of valuation; and the House recedes.

On amendment No. 1933: The House bill provided that in case all of the documents were not produced the collector should place the merchandise in a bonded warehouse. The Senate amendment gives the collector a discretion, and he may take a bond to produce the missing documents and permit entry under the provisions of section 484 without sending the merchandise to a bonded warehouse; and the House recedes.

On amendment No. 1936: See amendment No. 1854.

On amendment No. 1946: The House bill required the collector to destroy all merchandise subject to an internal-revenue tax if he was of the opinion that it would not sell for a sufficient amount to pay such taxes. Section 3368 of the Revised Statutes was recently amended to permit cigarettes and tobacco to be given to hospitals for the use of veterans of the World War. The Senate amendments retain this provision; and the House recedes.

On amendment No. 1953: See amendment No. 1854.

On amendment No. 1955: Section 502 of the House bill is stricken out by the Senate amendment and incorporated in section 498, which includes all of the provisions applicable to entry under regulations of the Secretary of the Treasury; and the House recedes.

On amendment No. 1956: Section 503 of the House bill provided for a bond in the case of entry under regulations of the Secretary of the Treasury. This section is stricken out, and under the provisions of section 498 the Secretary may require a bond under his rules and regulations if he deems it necessary; and the House recedes.

On amendment No. 1963: The House bill failed to authorize the collector to examine the baggage in order to ascertain whether it contained articles free of duty or prohibited. The Senate amendment vests him with this authority; and the House recedes.

On amendment No. 1975: Section 506 of the House bill provided for entry under the regulations of the Secretary of the Treasury. These provisions are incorporated in section 498, which covers all importations that can not be entered and declared under sections 484 and 485. The Senate amendment also includes merchandise within the provisions of the act of June 8, 1896, which was repealed in the House bill. This act permits the packing in one package of numerous small packages of slight value belonging to different persons; and the House recedes.

On amendment No. 1983: The House bill did not prescribe a minimum number of packages to be sent to the public stores for examination. The Senate amendment prescribes that not less than one package of every invoice and not less than 1 package of every 10 packages shall be designated and sent for examination unless the Secretary of the Treasury prescribes a lesser number. The Senate amendment also authorizes the collector or the appraiser to require additional packages; and the House recedes.

On amendment No. 1988: Section 508 of the House bill prescribed the duty of the appraiser. This section is stricken out by the Senate amendment and is incorporated in section 500, where the duties of the appraiser, the assistant appraiser, and examiner are enumerated in conformity with existing law and practice. The Senate amendment also includes a provision of existing law authorizing the Secretary of the Treasury to designate an official of the customs as acting appraiser at ports where there are no appraisers; and the House recedes.

On amendment No. 1990: The House bill did not prescribe the method of filing an appeal for reappraisement. The Senate amendment provides that the appeal must be filed with or mailed to the Board of General Appraisers; and the House recedes.

On amendment No. 1991: The House bill limited the period within which the collector could appeal to 30 days. The Senate amendment extends this period to 60 days to conform with existing law, as a 30-day period was considered insufficient; and the House recedes.

On amendment No. 1992: The Senate amendment establishes the date of the appraiser's report as the beginning of the 60-day period, in accordance with the decisions of the board; and the House recedes.

On amendment No. 1993: See amendment No. 1854.

On amendment No. 1995: The Senate amendment establishes the date of the personal delivery or the date of mailing of the written notice of appraisement as the date on which the 10-day period commences; and the House recedes.

On amendment No. 1997: The Senate amendment restores the necessary provision of existing law omitted in the House bill that the consignee must comply with all of the provisions of law relating to the entry and appraisement of merchandise before he can file a valid appeal for a reappraisement; and the House recedes.

On amendment No. 2006: The present practice has required the production of original documents. The Senate amendment authorizes the admission in evidence of copies of official documents when certified by an official authorized by the Secretary of the Treasury; and the House recedes.

On amendment No. 2004: The House bill did not permit a review of a decision of a general appraiser except as to the value of merchandise. The Senate amendment is intended to permit such a review, especially of decisions upon jurisdictional questions; and the House recedes.

On amendment No. 2006: The Senate amendment requires a copy of the application by a collector for a review of a decision of a general appraiser to be mailed to the consignee or his agent or attorney; and the House recedes.

On amendment No. 2007: See amendment No. 1854.

On amendment No. 2010: The Senate amendment specifically permits argument before a board of three general appraisers; and the House recedes.

On amendment No. 2017: The Senate amendment authorizes the Secretary of the Treasury to disseminate certain information in conformity with existing practice; and the House recedes.

On amendment No. 2018: The Senate amendment extends the dissemination to information relating to the classification and assessment of duties; and the House recedes.

On amendment No. 2020: The Senate amendment reenacts a provision of existing law and extends it to include a final decision of the Board of General Appraisers. It prevents the Secretary of the Treasury from reversing or modifying any ruling or decision adversely to the United States, except in concurrence with an opinion of the Attorney General recommending the same or a final decision of the Board of General Appraisers; and the House recedes.

On amendment No. 2021: The Senate amendment reenacts without change a provision of existing law not included in the House bill; and the House recedes.

On amendment No. 2024: See amendment No. 1854.

On amendment No. 2030: Section 513 of the House bill permitted the abandonment of perishable merchandise only when the quantity to be abandoned was 10 per cent or more of the invoice quantity, and it required delivery to the collector in every instance. The Senate amendment strikes out this section and rewrites it in section 505, permits the abandonment of 5 per cent or more of the total quantity of perishable merchandise, and makes a delivery unnecessary if it is so far destroyed as to be nondeliverable; and the House recedes.

On amendment No. 2032: The Senate amendment strikes out all of sections 515, 516, 517, 518, and 519 of the House bill and restores existing law because it was deemed impracticable to make a complete codification of the statutes relating to the importation of liquor; and the House recedes.

On amendment No. 2041: The House bill authorizes inspection of importers' books and imposes an additional duty of 15 per cent in case of failure to permit such inspection. The Senate amendment strikes out this provision and inserts the provisions of existing law relating to the inspection of exporters' books and the inspection of importers' books, and authority to prohibit the importation or to withhold delivery of merchandise is given in case of a refusal by the importer; and the House recedes.

On amendment No. 2042: The Senate amendment strikes out section 524 of the House bill relating to legal tender and restores existing law, as it was deemed impracticable to codify all of the statutes and decisions relating to legal tender; and the House recedes.

On amendment No. 2053: Title IV applies to decisions of the collector upon the questions not within the jurisdiction of the Secretary of the Treasury, particularly questions under the navigation laws within the jurisdiction of the Secretary of Commerce. The Senate amendment is intended to eliminate all doubt as to the extension of a remedy by protest of matters not falling within the jurisdiction of the Secretary of the Treasury; and the House recedes.

On amendment No. 2054: Under the existing law there is no remedy in the event that the importer has made a clerical error, for the remedy is confined to the case of a manifest clerical error. The effect of the Senate amendment permits the filing of protest and a reliquidation of the entry for a clerical error discovered within one year after date of the entry, or within 60 days after liquidation when liquidation is made more than 10 months after the date of entry; and the House recedes with an amendment striking out the phrase "in any entry or liquidation," in order to avoid misinterpretation.

On amendment No. 2056: The House bill changed existing law and required the importer to make additional statements in his protest. The Senate amendment strikes out this provision and restores existing law, which has been well defined by decisions; and the House recedes.

On amendment No. 2059: The Senate amendment permits a protest to be amended at any time prior to the first docket call; and the House recedes.

On amendment No. 2066: The House bill provided that whenever an American manufacturer or producer should prove that it was impracticable for him to make an importation of merchandise he could appear in any case in which the question was involved, or he could present his facts to the collector, and he was given the right to appeal for reappraisement or to make a protest. The provisions of the House bill were susceptible of doubtful interpretation. The Senate amendment strikes out this section and provides for a more detailed and practical method of getting the facts before the appraising officers. If the American manufacturer, producer, or wholesaler is not satisfied with the appraiser's action, he may, under subdivision (a) of section 516, file an appeal for reappraisement or file a protest under the provisions of subdivision (b). In both instances the action will be taken upon an actual importation. The Senate amendment also assures a proper notice to the opposing parties and assures the privacy of documents and papers; and the House recedes.

On amendment No. 2072: The Senate amendment authorizes a board of three general appraisers or a general appraiser to obtain analyses of imported merchandise by Government laboratories or bureaus; and the House recedes.

On amendment No. 2077: The provisions of section 533 of the House bill are stricken out by the Senate amendment and rewritten and rearranged in section 520. The only material change is in permitting a correction in the case of a manifest clerical error within 60 days after liquidation, when liquidation is made more than 10 months after the date of entry instead of within one year after the date of entry; and the House recedes.

On amendment No. 2078: The House bill was a revision of the existing statute of limitations. No important changes were made, and in order to retain the benefit of numerous court decisions the Senate amendment reenacts existing law, except for the addition of the phrase "after the expiration of 60 days after the date of liquidation when liquidation is made more than 10 months after date of entry"; and the House recedes.

On amendment No. 2079: The House bill provided for the furnishing of information by executive departments and independent establishments. The present practice is operating satisfactorily, and the Senate amendment strikes out this section in order to prevent the assertion of a statutory right to obtain confidential information; and the House recedes.

On amendment No. 2080: The Senate amendment reenacts without change the provisions of the emergency tariff act relating to the conversion of currency; and the House recedes.

On amendment No. 2081: The Senate amendment changes the names of the present naval officers to "comptrollers of customs" and defines their duties in accordance with existing practice; and the House recedes.

On amendment No. 2082: Under the present law reimbursements for labor and services of customs officials are covered into the Treasury as miscellaneous receipts. The Senate amendment provides that they shall be refunded to the appropriation from which the labor and services were originally paid; and the House recedes.

On amendment No. 2083: The Senate amendment authorizes the Secretary of the Treasury to use, in the District of Columbia, not more than eight customs officials to assist in the enforcement of this act; and the House recedes.

On amendment No. 2084: A recent decision of the circuit court of appeals holds that existing law does not prevent the importation of merchandise bearing the same trade-mark as merchandise of the United States, if the imported merchandise is genuine and if there is no fraud upon the public. The Senate amendment makes such importation unlawful without the consent of the owner of the American trade-mark, in order to protect the American manufacturer or producer; and the House recedes with an amendment requiring that the trade-mark be owned, at the time of the importation, by a citizen of the United States or by a corporation or association created or organized within the United States.

On amendment No. 2085: The House bill provided for the transportation under bond of merchandise from the port of arrival to another port for entry if the port of destination is shown in the papers. The Senate amendment removes this restriction and permits the transportation to any port which the consignee designates; and the House recedes.

On amendment No. 2086: See amendment No. 1886.

On amendment No. 2088: See amendment No. 1886.

On amendment No. 2092: The provisions of the House bill were capable of an interpretation conflicting with the navigation laws of the United States. This possible conflict is eliminated by the Senate amendment; and the House recedes.

On amendment No. 2093: The House bill did not provide for the compensation of the customs officers appointed to supervise the receipt of merchandise into bonded warehouses; the Senate amendment provides that this compensation shall be reimbursed to the Government by the proprietor of the warehouse, in conformity with existing law; and the House recedes.

On amendment No. 2097: The Senate amendment eliminates the provision of the House bill that merchandise in bonded warehouses must be exported in the original packages in which it was imported to be entitled to a drawback, in order to harmonize with the provisions of section 562; and the House recedes.

On amendment No. 2098: The Senate amendment permits the destruction of merchandise entered under bond, in order to make it unnecessary to export worthless merchandise to avoid the payment of duties; and the House recedes.

On amendment No. 2106: In order to prevent the construction under the House bill that wool can not be cleaned in a bonded warehouse, the Senate amendment specifically provides that the scouring and carbonizing of wool shall not be considered a process of manufacture; and the House recedes.

On amendment No. 2107: The House bill authorized the Secretary of the Treasury to abate or refund duties upon proof of actual injury or destruction by fire or other casualty while in bonded warehouse, or while in transportation under bond, or while in the custody of officers of the customs, although not in bond, or while within the limits of any port of entry and before landing. The Senate amendment transfers this authority from the Secretary of the Treasury to the Board of General Appraisers; and the House recedes.

On amendment No. 2111: The Senate amendment is made in conformity with the action of the conferees on amendment No. 2107 and prescribes the procedure; and the House recedes.

On amendment No. 2112: See amendment No. 1854.

On amendment No. 2117: The Senate amendment authorizes officers of the Department of Commerce to board vessels in the enforcement of the navigation laws; and the House recedes.

On amendment No. 2136: The Senate amendment incorporates the provisions of the "Narcotic drugs import and export act," which became a law after the passage of the House bill; and the House recedes.

On amendment No. 2144: The House bill imposed a penalty of $5,000 upon the person in charge of any vehicle for a failure to make a report or entry or for unloading merchandise before a report or entry. The Senate amendment reduces this penalty to $500, for the penalty of $5,000 is considered excessive; and the House recedes.

On amendments Nos. 2152 and 2153: The House bill imposed a penalty equal to the value of the merchandise upon the master of a vessel who allows merchandise to be unladen within four leagues from the coast of the United States and before the vessel has come to the proper place for discharging the merchandise. The Senate amendment makes this penalty twice the value of the merchandise but not less than $1,000; and the House recedes.

On amendments Nos. 2160 and 2161: The Senate amendments make the penalty twice the value of the merchandise but not less than $1,000, in order to conform with the penalty agreed upon in amendment No. 2152; and the House recedes.

On amendment No. 2184: The House bill rewrote the provisions of paragraph G of section 3 of the act of 1913. The Senate amendment strikes out this section and reenacts without change the existing law, in order to retain the benefit of numerous court decisions; and the House recedes.

On amendment No. 2185: The House bill rewrote the provisions of paragraph H of section 3 of the act of 1913. The Senate amendment strikes out this section and reenacts existing law without change, for the reason as stated in the case of amendment No. 2184; and the House recedes.

On amendment No. 2186: The House bill was a codification of two existing statutes relating to smuggling. The Senate bill strikes out this section and reenacts without change the two sections of existing law, for the reason as stated in the case of amendment No. 2184; and the House recedes.

On amendments Nos. 2187, 2188, and 2189: The House bill is a codification of the statutes relating to searches and seizures. The Senate bill strikes out these provisions in order to restore existing law; and the House recedes.

On amendment No. 2213: See amendment No. 1757.

On amendment No. 2218: See amendment No. 1757.

On amendment No. 2221: See amendment No. 1757.

On amendment No. 2224: See amendment No. 1757.

On amendment No. 2228: The House bill was a codification of sections 2941 and 3628 of the Revised Statutes. Section 2941 prevents certain officers of the customs from holding a commercial or mercantile position but it does not impose a criminal penalty. The House bill as a result of the codification imposed a penalty of $1,000 or imprisonment for two years. The Senate amendment strikes out this provision and restores existing law; and the House recedes.

On amendment No. 2251: See amendment No. 1757.

On amendment No. 2258: See amendment No. 1757.

On amendment No. 2267: See amendment No. 1757.

On amendment No. 2273: See amendment No. 1757.

On amendment No. 2279: See amendment No. 1757.

On amendment No. 2284: See amendment No. 1757.

On amendment No. 2290: See amendment No. 1757.

On amendment No. 2291: The House bill provided that the collector should have power to adjourn a sale for a period not exceeding 30 days. The Senate amendment strikes out this provision so that the collector will have power to adjourn a sale for any period; and the House recedes.

On amendment No. 2294: See amendment No. 1757.

On amendment No. 2296: Section 614 of the House bill is a codification of existing law relating to the delivery under bond of vessels, vehicles, and merchandise. The delivery of a vessel is within the jurisdiction of the Department of Commerce and is provided for under the navigation laws. The Senate amendment strikes out this section and allows the existing law to stand; and the House recedes.

On amendment No. 2299: See amendment No. 1757.

On amendment No. 2300: The Senate amendment permits the Secretary of the Treasury to transfer sale to the most advantageous district; and the House recedes.

On amendments Nos. 2308, 2309, and 2310: See amendment No. 1757.

On amendment No. 2316: See amendment No. 1757.

On amendments Nos. 2319, 2320, and 2321: See amendment No. 1757.

On amendment No. 2324: See amendment No. 1757.

On amendments Nos. 2325 and 2326: See amendment No. 1734.

On amendment No. 2328: See amendment No. 1757.

On amendment No. 2330: See amendment No. 1734.

On amendment No. 2339: See amendment No. 1757.

On amendment No. 2345: See amendment No. 1757.

On amendment No. 2348: See amendment No. 1757.

On amendment No. 2350: See amendment No. 1734.

On amendment No. 2352: See amendment No. 1757.

On amendments Nos. 2356, 2357, and 2358: See amendment No. 1757.

On amendment No. 2367: See amendment No. 1757.

On amendment No. 2375: See amendment No. 1757.

On amendment No. 2377: See amendment No. 1734.

On amendment No. 2379: See amendment No. 1757.

On amendment No. 2380: See amendment No. 1734.

On amendment No. 2389: See amendment No. 1757.

On amendments Nos. 2394 and 2395: The House bill limited the compensation to be paid the informer in fraud cases to $5,000. The Senate amendment provides a compensation of 25 per cent of the net amount recovered but not more than $50,000, in order to recover greater amounts in such cases; and the House recedes.

On amendment No. 2396: Under existing law a bail bond was not considered as a recovery of a fine incurred. The Senate amendment so provides, so that the informer will receive his compensation if the accused forfeits his bond; and the House recedes.

On amendment No. 2402: The Senate bill increases the penalty because of the increase in the compensation payable under amendments 2394 and 2395; and the House recedes.

On amendment No. 2404: The Senate amendment restores a provision of existing law giving a civil action to the person who pays a customs officer a portion of the compensation, in order to supplement the criminal prosecution; and the House recedes.

On amendment No. 2410: The Senate amendment confers general authority upon the Secretary of the Treasury to make rules and regulations for carrying out the provisions of this act; and the House recedes.

On amendment No. 2412: The House bill provided that nothing in this act should be construed as repealing any of the provisions of the Judicial Code or of the Criminal Code. The Senate amendment strikes out this section, for some of the provisions of the act do repeal provisions of such codes; and the House recedes.

On amendments Nos. 2415, 2417, 2418, 2419, 2420, 2422, 2423, 2424, 2425, 2426, 2427, 2428, and 2429: Title IV of the House bill contemplated a complete codification of the laws relating to customs administration. Sections 643 and 644 of the House bill repealed the sections of the Revised Statutes and the acts and parts of acts so codified. The Senate amendments abandoned the attempt to prepare a complete code and confined Title IV to a revision, codification, and reprint of the more important customs laws. The Senate amendments strike out the repeal provisions of the House bill and substitute a repeal of the sections of the Revised Statutes and of the acts and parts of acts which are so revised, codified, or reprinted, or which have been superseded, or which are now obsolete; and the House recedes on all of the above amendments except amendment No. 2415, on which it recedes with an amendment inserting certain obsolete sections of the Revised Statutes which had been repealed in the House bill but which the Senate amendment failed to repeal.

On amendment No. 2430: The House bill repealed the act of June 28, 1916, chapter 180, relating to the storing, cleaning, packing, etc., of garbanzos in bonded warehouses, and providing for the compensation of customs officers for services in the supervision of such warehouses. The House bill also repealed Title III of the emergency tariff act of May 27, 1921. The Senate amendment strikes out the repeal of the act of June 28, 1916, and repeals Titles I, III, and V of the emergency tariff act. The House bill in section 320 repealed Title I of the emergency tariff act; and Senate amendment No. 1682 agreed to in conference struck out the repeal of Title I in that section. Title V of the emergency tariff act, known as the dye and chemical control act, was not repealed by the House bill. The House recedes.

On amendment No. 2431: The House bill provided that the provisions of this title are declared to be a revision and codification of the laws modified or repealed and are to be so held and construed. The Senate amendment strikes out this provision because the ordinary rules of statutory construction should apply; and the House recedes.

On amendment No. 2436: The Senate amendment provides that this act may be cited as the "Tariff act of 1922"; and the House recedes.

J. W. FORDNEY,
W. R. GREEN,
NICHOLAS LONGWORTH,
Managers on the part of the House.

LEAVE OF ABSENCE.

Mr. CLARKE of New York, by unanimous consent, was granted leave of absence for two weeks, on account of doctor's orders.

EXTENSION OF REMARKS.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the conservation bill.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 31 minutes p. m.) the House adjourned until to-morrow, Friday, September 15, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

685. Under clause 2 of Rule XXIV, a letter from the chairman of the Commission of Fine Arts transmitting a copy of the report of the Commission of Fine Arts on the location of the proposed Arlington Memorial Bridge was taken from the Speaker's table and referred to the Committee on the Library.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. S. 3754. An act for the relief of Louis Leavitt; without amendment (Rept. No. 1221). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

The bill (H. R. 12549) granting an increase of pension to Nathan P. Jackson; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

The bill (S. 3275) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars, and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOODYKOONTZ: A bill (H. R. 12647) to repeal so much of Title III of the transportation act of 1920 as creates the Railroad Labor Board and to abolish said board; to the Committee on Interstate and Foreign Commerce.

By Mr. KLINE of New York: A bill (H. R. 12648) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Brooklyn Museum the silver service which was presented to the cruiser *Brooklyn* by citizens of Brooklyn, N. Y.; to the Committee on Naval Affairs.

By Mr. McFADDEN: A bill (H. R. 12649) to prohibit offering for sale as Federal farm loan bonds any securities not issued under the terms of the farm loan act, to limit the use of the word "Federal" or "reserve" or a combination of such words, to prohibit false advertising, and for other purposes; to the Committee on Banking and Currency.

By Mr. COOPER of Ohio: A bill (H. R. 12650) to abolish the Railroad Labor Board; to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Resolution (H. Res. 429) calling for an investigation of the manner of accepting bids for the transportation of liquor by the prohibition director in New York City; to the Committee on Rules.

By Mr. GARRETT of Tennessee: Resolution (H. Res. 430) providing for compensation for the female attendant in the ladies' retiring rooms, House Office Building; to the Committee on Accounts.

By Mr. ROSSDALE: Resolution (H. Res. 431) providing for the appointment of a select committee of five Members of the House to investigate the conditions prevailing at Veterans' Hospital No. 81, in the Borough of the Bronx, New York City; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 12651) granting a pension to Louise Landers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12652) granting a pension to James W. Shaw; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 12653) granting an increase of pension to Rachel Hagan; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 12654) granting an increase of pension to Ada L. Kinsey; to the Committee on Invalid Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 12655) granting a pension to Jennie G. Bourne; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 12656) for the relief of the Pike Construction Co.; to the Committee on Claims.

By Mr. LINEBERGER: A bill (H. R. 12657) granting an increase of pension to George W. Powell; to the Committee on Invalid Pensions.

By Mr. ROBSION: A bill (H. R. 12658) granting an increase of pension to William G. Jones; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6324. By Mr. BARBOUR: Petition of Farmers' Educational and Cooperative Union of America, Santa Clara County (Calif.) division, relative to quarantine against the Mediterranean fruit fly and other destructive pests; to the Committee on Agriculture.

6325. By Mr. BIRD: Petition of Kansas Conference, Methodist Protestant Church, Rose Hill, Kans., favoring the passage of House bill 9753, Senate Joint Resolution 31, and House Joint Resolution 131; to the Committee on the Judiciary.

6326. By Mr. BULWINKLE: Petition of R. I. Keate and H. W. Klaser, representing the Carolina Religious Liberty Association, protesting against the passage of House bills 9753 and 4388 and Senate bill 1948; to the Committee on the District of Columbia.

6327. By Mr. KISSEL: Petition of the John Layton Co. (Inc.), New York City, N. Y., regarding duty on eggs; to the Committee on Ways and Means.

6328. Also, petition of American Publishers' Conference, Washington, D. C., relative to the present postage rates; to the Committee on the Post Office and Post Roads.

6329. Also, petition of G. O. Rogers, Esq., general manager New York Tribune, New York City, N. Y., relative to the present tariff bill; to the Committee on Ways and Means.

6330. Also, petition of Women's City Club of New York, New York City, N. Y., favoring the passage of House bill 7452; to the Committee on the Public Lands.

6331. Also, petition of Chicago and Cook County Bankers Association, Chicago, Ill., relative to the establishing branch banks; to the Committee on Banking and Currency.

6332. By Mr. LINEBERGER: Memorial of Lions Club and Electric Club, of Los Angeles, Calif., abhorring the deliberate murder of workers in Williamson County, Ill., near Herrin, on June 22, 1922; and urge that every available means be used to bring the perpetrators to a swift and deserved justice; to the Committee on the Judiciary.

6333. Also, memorial of city council of Sacramento, Calif., indorsing the Bacharach bill (H. R. 10212) re jurisdiction of United States district and circuit courts in tying hands of State public utility commissions; to the Committee on the Judiciary.

6334. Also, memorial of potato growers of Southern California protesting against the daily violation of the spirit and intent of the alien land act; to the Committee on Immigration and Naturalization.

6335. Also, petition of Mr. Marco H. Hellman, of Los Angeles, Calif., opposing Spencer bill (S. 2921); to the Committee on the Judiciary.

6336. By Mr. SPEAKS: Papers to accompany House bill 12641 granting a pension to Nancy D. Nixon; to the Committee on Pensions.

SENATE.

FRIDAY, *September 15, 1922.*

Rev. Wallace Radcliffe, D. D., of the city of Washington, offered the following prayer:

Almighty God, in the noise and confusion and fear of the world Thou art our refuge and our strength, an ever present help in time of trouble. Though the mountains be carried into the midst of the sea, though the waters thereof roar and be troubled, help us to rest in the Lord and to wait patiently for Him. We bring to Thee our thanksgiving this morning for mercies seen and unseen. Forgive our sins. Strengthen us unto good word and work. Endow the Members of the United States Senate this day with health and vigor for that Thou hast appointed unto them. May Thy will be written upon their will, that their decisions may be for the integrity of law, for the promotion of industries, for the brotherhood of our citizenship, and for the peace of the Nation and of the world. For Thy name's sake. Amen.

The Assistant Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. UNDERWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Broussard
Bursum
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dillingham
du Pont
Ernst
France
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
King
McCumber
McLean
McNary
Moses
Nelson
New
Nicholson
Norbeck
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Sheppard
Shields
Simmons
Smoot
Stanfield
Sterling
Sutherland
Trammell
Underwood
Walsh, Mass.
Watson, Ga.
Willis

The PRESIDENT pro tempore. Fifty Senators having answered to their names, there is a quorum present.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On September 14, 1922:

S. 3659. An act to create the White House police force, and for other purposes.

On September 15, 1922:

S. 2199. An act to provide for the marking of anchorage grounds in waters of the United States; and

S. 2460. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. p. 437), to certain lands in Utah.

SCHEDULES OF CLAIMS (S. DOC. NO 254).

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, schedules of claims arising in sundry departments of the Government, in total amount $935,226.67, allowed by the General Accounting Office, as covered by certificates of settlement, and estimating new appropriations therefor where appropriations have lapsed and where proper and necessary, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

VALIDATION OF CERTAIN PUBLIC-LAND ENTRIES.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10419) validating certain applications for and entries of public lands, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist on its amendments, agree to the conference requested by the House, and that the Chair appoint conferees.

The motion was agreed to; and the President pro tempore appointed Mr. Smoot, Mr. Lenroot, and Mr. Myers conferees on the part of the Senate.

LANDS IN ESCAMBIA COUNTY, FLA.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 7967) granting certain lands to Escambia County, Fla., for a public park, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist on its amendment, agree to the conference requested by the House, and that the Chair appoint conferees.

The motion was agreed to; and the President pro tempore appointed Mr. Smoot, Mr. Lenroot, and Mr. Myers conferees on the part of the Senate.

LANDS AT CANON CITY, COLO.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMOOT. I move that the Senate insist on its amendment, agree to the conference requested by the House, and that the Chair appoint conferees.

The motion was agreed to; and the President pro tempore appointed Mr. Smoot, Mr. Lenroot, and Mr. Myers conferees on the part of the Senate.

CONDITIONS IN CONNELLSVILLE COKE REGION, PENNSYLVANIA.

Mr. WATSON of Georgia. Mr. President, in the nature of a memorial, I beg to have read the telegram which I send to the desk, which came to me this morning.

The PRESIDENT pro tempore. The Secretary will read the telegram presented by the Senator from Georgia.

The Assistant Secretary read as follows:

[Western Union Telegram.]

Brownsville, Pa. *September 14, 1922.*

Hon. Thomas Watson,
United States Senate, Washington, D. C.:

The coal operators of the Connellsville coke region are waging open war on men, women, and children of this field, where miners are on strike and operators refuse to meet the miners to work a settlement. Five thousand families have been evicted. They are evicting 100 every day. It will be only a matter of time until Fayette County, Pa., will be a county of homeless men, women, and children. We hope something can be done to stop this outrage, which is a disgrace to free America.

John O'Leary,
International Board Member of United Mine Workers of America.
Wm. Feeny,
United Mine Workers of America, West Brownsville, Pa.

Mr. BORAH. Mr. President, I received a telegram similar to that just read. I see that the junior Senator from Pennsylvania [Mr. Reed] is here. May I ask him if this is not a part of the anthracite controversy?

Mr. REED of Pennsylvania. No; the Connellsville region is in southwestern Pennsylvania where coking coal is produced.

Mr. BORAH. May I ask the Senator if he has had any information in regard to the matter covered by the telegram?

Mr. REED of Pennsylvania. Yes; it is a matter of common knowledge in western Pennsylvania. The operators there have expressed a willingness to pay the same wages, I understand, that are paid in other bituminous districts. The controversy is entirely over the recognition of the union, the men who still remain out on strike insisting upon recognition of the union in a field never before unionized. That is the sole reason for the dispute at the present time. There is no controversy about wages.

Mr. BORAH. I have reference now to the manner in which women and children are being treated there.

Mr. REED of Pennsylvania. My information has been that most of the companies there made no effort whatever to evict their former working people from company houses; that they have been allowed to continue in possession, and no effort has been made to collect the rent in most cases, while in other cases the rent has been reduced during the period of the strike. Of course I do not mean to contradict any statement of fact as to particular mines. There may have been cases of eviction, but I am certain that there is no general policy of eviction such as is indicated in the telegram.

Mr. WATSON of Georgia. Mr. President, some years ago when the absentee landlords of Ireland were living in England and on the continent in luxury, which they could afford on account of the high rent wrung from Irish tenants who were evicted from the hovels in which they lived, there was a thrill of horror and indignation throughout this country and all other civilized countries. We are now told by the Senator from Pennsylvania [Mr. Reed] that men, women, and children are being thrown out upon the approach of winter because the mine operators refuse to recognize the union.

Why should any mine operator, corporation, or individual refuse to recognize what is the fact, namely, the union, whether it be of the Brotherhood of Locomotive Engineers, the union of typesetters, or the union of coal diggers? We have the bankers' union; we have the manufacturers' union; we have the union of all those who are engaged in employing and exploiting labor. Why should thousands of people be thrown into the streets and into the fields at the approach of winter because some arrogant union of operators refuses to recognize a union of the men who work to make them rich?

The PRESIDENT pro tempore. The telegram will be referred to the Committee on Education and Labor.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BALL:

A bill (S. 3998) for the relief of John R. Nicholson, jr.; to the Committee on Naval Affairs.

By Mr. WILLIS:

A bill (S. 3999) granting a pension to Jennie T. Allen (with an accompanying paper); to the Committee on Pensions.

ADDRESS BY SENATOR ROBINSON.

Mr. HARRISON. I ask unanimous consent to have inserted in the Record in 8-point type a speech which was delivered on yesterday by the senior Senator from Arkansas [Mr. Robinson] to the Women's Indiana Democratic Clubs at Indianapolis, Ind.

The PRESIDENT pro tempore. Is there objection?

Mr. MOSES. May I ask what is the source of the speech, Mr. President?

Mr. HARRISON. It is a speech which was delivered on yesterday by the senior Senator from Arkansas [Mr. Robinson] at Indianapolis. It is a very good Democratic speech, I may say.

Mr. MOSES. I thoroughly understand the character of the speech. I merely desire to ascertain its source.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Mississippi for the printing in the Record of the speech referred to by him?

Mr. SMOOT. Mr. President, on yesterday a speech which had been made by the Senator from Connecticut [Mr. Brandegee] was inserted in the Record. That was a political speech. The speech now desired to be printed in the Record by the Senator from Mississippi [Mr. Harrison] is also a political speech. When the latter speech shall have been printed in the Record there will then have been printed one speech on each side, and therefore I am not going to object to the speech of the Senator from Arkansas being printed in the Record; but in future I desire to say as to political speeches I am going to object to their being printed in the Record.

Mr. HARRISON. Is the Senator going to object to the printing in the Record of both Republican and Democratic speeches?

Mr. SMOOT. I am going to object to the printing in the Record of both Republican and Democratic speeches.

Mr. HARRISON. The Senator ought to object to the printing in the RECORD of Republican speeches, at any rate.

Mr. SMOOT. I intend to do so. I shall object to the printing in the RECORD of both Republican and Democratic political speeches.

The PRESIDENT pro tempore. In the absence of objection, the speech of the senior Senator from Arkansas [Mr. ROBINSON], at the request of the Senator from Mississippi [Mr. HARRISON], will be printed in the RECORD in 8-point type.

Senator ROBINSON'S speech is as follows:

ADDRESS DELIVERED TO WOMEN'S INDIANA DEMOCRATIC CLUBS, INDIANAPOLIS, SEPTEMBER 14, 1922.

Senator ROBINSON said:

"In political discussions personal attacks are rarely justified and never illuminative of public issues. Intimate friendship with both Senators WATSON and NEW prompts me to declare that what is said in this address with reference to their records is intended as legitimate criticism arising out of political and not personal differences.

"It is to be hoped that no Democrat during the course of the campaign now in progress will assail them or other Republican leaders with that bitterness and venom which characterized the public speeches of Mr. Beveridge in 1912 and in 1914, when he denounced the senior Senator from Indiana as a porch climber and a political gorilla.

CAUSES OF REPUBLICAN VICTORY IN 1920.

"Two years ago Democratic candidates encountered defeat, largely because of the restraints imposed on industry and commerce by the Government during the war and continued after the necessity for them apparently had passed.

"Too much interference with business, high taxes unnecessarily imposed to meet war costs, and failure promptly to relieve from war restraints on business produced a state of fretfulness and resentment in the public mind, forcefully epitomized in the expression, 'Let us have a change.'

"On this platform radicals who had been threatened with imprisonment, business men who had suffered losses through Government interference, and all who were anxious that business conditions revert to pre-war standards united politically, with the result that the Republican Party enjoyed the fruits of a victory which it had neither earned by its record nor justified by its pledges.

"The habit of looking to Washington for relief from unsatisfactory conditions long has been assiduously cultivated in political discussions by the representatives of the Republican Party, who, after the elections in 1920, were confronted with demands for additional national legislation imposing further restraints on business, notwithstanding Republican victory in 1920 was brought about on the theory that Government interference with private affairs promptly would be abated through Democratic defeat.

"President Harding and his advisers seem to have forgotten the influences which brought them success, and appear to have yielded to ill-considered demands for the further extension of Federal powers and the multiplication of national agencies.

"The effective conduct of the war made necessary the imposition of high taxes on excess profits and large incomes. The Democratic policy in this regard was fully justified by conditions which it had neither contributed to create nor possessed the power to avoid.

"During the war the subordination of private shipments to the transportation of troops and war supplies caused business men and citizens generally great inconvenience, annoyance, and loss. All this they were willing to bear for patriotic reasons. The restraints imposed by the espionage act and similar laws were justified as emergency war measures indispensable to the Nation's triumph in the war.

"The food control act and related measures of doubtful constitutionality proved intolerable when permitted to remain in force after the return of peace.

"The slogan, 'Less government in business, and more business in government,' summarized the state of the public mind and rallied to the Harding standard thousands of citizens who were anxious to throw off the legal restraints imposed by war measures and to avail themselves of full freedom in the conduct of their businesses.

UNIVERSAL DISAPPOINTMENT IN PRESENT REPUBLICAN ADMINISTRATION.

"It is not surprising, considering the confused and heterogeneous forces through which it obtained power, that the present administration has disappointed the hopes of business men and forfeited the public confidence.

"To prove the universality of this disappointment and disgust I shall not quote as witnesses Democrats, whose declarations may be prejudiced by political considerations. On the contrary, let me call to the stand Republicans of national renown whose credibility can not be questioned, especially when they testify 'against interest.'

CONGRESSMAN WILL WOOD A WITNESS AGAINST HIS PARTY.

"November 17, 1921, the present chairman of the Republican congressional campaign committee, Hon. WILLIAM R. WOOD, a Representative from the State of Indiana, accurately expressed the public contempt for the failure of the Republican Party to meet its obligations in the following language:

> "I know the very serious condition that is prevailing throughout the land. I am only speaking the truth when I say that the people of this country, employed in every vocation and in every character of business, are giving this Congress hell. They are doing it because we have done nothing to stimulate business. They are doing it because we have done nothing to give employment to the unemployed. They are doing it because we have done nothing to benefit the farmer and stimulate the price of the farmer's product.

"What a terrific arraignment, and by what a reliable authority!

"It would be ungenerous to question the truthfulness of this witness against the Republican Party here in his home State where his reputation is well known and his credibility unimpeachable. Do you know the Hon. WILLIAM R. WOOD? He nominated President Harding in the convention at Chicago. He is the chairman of the Republican congressional campaign committee.

SECRETARY OF WAR WEEKS.

"The next witness is John W. Weeks, Secretary of War, formerly Member of the House of Representatives and United States Senator from Massachusetts. Secretary Weeks, expressing his disappointment at the failure of the present Congress to meet its responsibilities, declared in substance in a public address that the National Legislature has descended to the low level of contemptible mediocrity.

THE EVIDENCE OF OTHER GREAT REPUBLICAN LEADERS.

"Other great Republican leaders, including BORAH, JOHNSON, LA FOLLETTE, and LENROOT, repeatedly have expressed emphatic protest against and profound dissatisfaction with the prevailing legislative and executive policies of the Republican Party.

"Indeed, the administration's champions in the Senate seem to have been reduced to a deaf professional apologist, the Senator from Indiana [Mr. WATSON], and a blind advocate, the Senator from Illinois [Mr. MCCORMICK].

"So apt and ready is the first in efforts to uphold the discredited standard of his party that, no matter how foolish the mistake or indefensible the purpose, if stamped 'Republican,' the Senator from Indiana is always prompt to excuse the one and to espouse the other.

"The Senator from Illinois [Mr. MCCORMICK] is a mathematical genius, whose resourcefulness is disclosed by the production of figures from unknown and undiscoverable sources to support an imaginary fictitious Republican saving of $7,000,000,000 in 1920–1923, inclusive, notwithstanding due respect for history would compel the witness to credit Democrats in part at least with such portion of the alleged economies as occurred before March 4, 1921, when President Harding was inaugurated.

"The Senator from Illinois is the chairman of the senatorial Republican campaign committee. He habitually supplies lack of information with vividness of imagination. It was he who said in an interview published in the Washington Times, June 24, 1922:

> "Persons might vote for a woman for superintendent of public schools, or for the town council, or other little jobs like that, but when it comes to the Senate of the United States they will simply not do it. * * *

"This declaration is medieval in its narrowness. The women of America, in respect to voting and holding office, are admittedly equal in legal right to the men of the Nation. They will be slow to support the candidates of a party whose campaign manager publicly humiliates and discredits them.

"Bear in mind that the proof here presented to show the widespread public disappointment in the proceedings of the present administration comes exclusively from Republican witnesses. Occasion will be taken in another part of this address to describe the attitude of the Republican press respecting the principal measure enacted during the Harding administration, the Fordney-McCumber tariff law.

LEGISLATIVE RECORDS COMPARED.

"It is impossible completely to compare in a single address the legislative records of the Democratic Party during the Wilson administration and the Republican Party during the Harding administration. The Democrats gave to the Nation a series of measures of recognized vital importance to the commerce and industry of the Nation. These laws are definitive of that progressive spirit which marked the principles and policies of the last two Democratic administrations, and of the great Democratic leader, Woodrow Wilson. Reactionary influences may diminish the effectiveness of these measures; misrepresentation and propaganda conceived and conducted for selfish purposes may, for a time, decrease their popularity. No power can bring about the repeal of the policies established in the Federal reserve banking act, the farm loan, trade commission, Federal road aid, and revenue measures, outstanding achievements of Democratic control. Any one of these laws readily might be made the sole subject matter of a complete address. In these remarks references to many of them must, therefore, be brief and general.

FEDERAL RESERVE ACT—DECEMBER 23, 1913.

"The feebleness and inefficiency of our national currency and banking system prior to the passage of the Federal reserve act is universally admitted. The great Democratic measure which based our national currency on assets rather than on liabilities and made it responsive to the conservative demands of business has become a model for government finance. Money panics no longer threaten. Under proper administration the Federal reserve banking act will continue as a bulwark against dishonest manipulation of the national finance machinery by speculators.

"The Federal reserve act is the most important and beneficial statute enacted by Congress during the last 50 years. It must not be perverted for the depression of agriculture or other industries through arbitrary deflation or denial of credits.

FARM LOAN ACT—JULY 17, 1916.

"Scarcely less important than the reserve bank law is the farm loan act, which is designed to mobilize agricultural credits and reduce interest rates on loans to farmers. The measure represents the foundation stone in a superstructure yet to be completed. The present administration, while recognizing the necessity for additional measures, particularly provision for short-time credits on agricultural assets, has proven incompetent to frame and enact the necessary legislation. The administration has pursued a policy that has impaired the usefulness of this law in relieving borrowers from the exactions and extortions of private loan companies by unduly restricting loans by the Federal farm land banks.

FEDERAL TRADE COMMISSION ACT—SEPTEMBER 8, 1916.

"The wholesome character of the Federal Trade Commission act may be tested by the bitterness with which it has been assailed. The Trade Commission was created to prevent unfair competition in industry. The gigantic trusts and combinations which extort excessive profits from American consumers have, in every instance, opposed the effective execution of the Trade Commission law. For a time there were open threats on the part of Republicans to abolish the commission, but these threats have been silenced, and the policy of repeal apparently has been abandoned because of the numerous cases in which the commission has demonstrated its usefulness in the public interest.

FEDERAL ROAD POLICY.

"Realizing the relationship of highways to modern business prosperity, the Democratic Party established a policy of Federal aid in the construction of highways which has promoted universal interest in road building, and which will finally result in a complete system of national highways.

VOCATIONAL EDUCATION ACT—FEBRUARY 23, 1917.

"In the long list of legislative achievements in which Democrats justly may take pride is the vocational training act. Its influence in raising the standard of American citizenship and increasing the efficiency of American workmen, its benefits to soldiers, sailors, and ex-service men are generally recognized.

"For lack of time let me merely mention, without discussion, other important measures enacted during President Wilson's administrations. These include agricultural extension, immigration, war risk insurance, soldiers' compensation, service men's civil rights acts, the armed neutrality act, the draft law, Liberty loan measures, and many others—some of them being passed without political division and with practical unanimity.

FISCAL MEASURES AND POLICIES CONTRASTED.

"The revenue policies of the Democratic Party, particularly during the war period, were necessary and justified. They imposed high taxes, especially in the form of excess profits and surtaxes on incomes. These tributes, though in large measure exacted from business rendered highly profitable because of the war, were not popular among those directly affected by them.

"It was easy for Republicans to arouse resentment against the Democratic Party in the campaign of 1920 on account of taxes alleged to be excessive, but when on March 4, 1921, the Republican Party became charged with the responsibility of promptly relieving the public of the tax burdens, the task appeared impossible of accomplishment and was abandoned in so far as it involved general public relief. The repeal of excess-profits taxes, the reduction of surtaxes on large incomes, and the proposal to enact a sales tax quickly brought disappointment and aroused anxiety. The Republican policy of relieving war profiteers and others enjoying excessive profits from a burden of approximately $450,000,000 and of shifting it to the consumers of the Nation in the form of a sales tax became so unpopular that the latter was abandoned. Already from a position of exalted popular favor the party had descended to a plane where it was compelled to encounter attacks on account of general business depression, falling prices in agricultural products, continued high costs of living, no relief from tax burdens, on the contrary threatened increases, and general incompetence in the administration of public affairs.

THE BUDGET A DEMOCRATIC MEASURE.

"The principal subject matter of boastfulness on the part of Republican leaders is the establishment and operations of the Budget.

"It will be remembered that President Wilson recommended to Congress a budget plan under which revenues would be coordinated with expenditures so that deficits might be avoided in the future.

"Spitefulness prompted the Republican Congress to inject into the measure a provision clearly unconstitutional. It deliberately infringed upon the constitutional authority of the President to make appointments, and for this reason President Wilson rightfully vetoed the bill, notwithstanding he had urged upon the Congress the enactment of budget legislation.

"While the budget system was thus proposed by a Democratice President, for the reason stated it was not enacted into law until the Harding administration. Whatever beneficial results may be derived from the adoption of the Budget, it can not be claimed as distinctively a Republican Party measure, for it was first proposed by a Democratic President, and its defeat was accomplished through the malicious adoption of a provision designed to embarrass the President by deliberately seeking to abridge his constitutional authority.

"While the Budget has been instrumental in providing a restraint on appropriations, because it furnishes a method of partially coordinating Government expenditures with income, it has not resulted in the adoption of that radical and wholesome economy in the national expenses which conditions justify and which public opinion requires. A comparison of the running expenses of the Government, eliminating all war costs and expenditures, for the years 1915 and 1923 shows an increase of $536,000,000 under President Harding's administration over President Wilson's administration. This comparison takes into account only appropriations for the executive departments and does not include appropriations for the Emergency Fleet Corporation, $100,000,000; Veterans' Bureau, $418,000,000; United States Housing Corporation, $1,000,000; Alien Property Custodian, $370,000,000; Internal Revenue and Public Debt Service, $43,000,000; bonus to employees, $38,000,000; public debt funds, $1,260,000,000; Federal reserve bank franchise tax and debt retirements, $30,000,000.

"The expenses for the ordinary Government operations, eliminating all war costs, for the year 1923 will exceed $1,329,423,000, as against $793,064,000 for 1915, a difference of $536,000,000 in favor of Democratic economy contrasted with Republican extravagance.

"The tariff legislation sponsored by the present administration illustrates the abysmal folly into which the Republican Party has fallen.

THE EMERGENCY TARIFF ACT.

"In order to fallow the ground for the Fordney-McCumber tariff law, indefensible from every standpoint, the emergency tariff act levying high duties on importations of agricultural products was enacted as a temporary emergency expedient. Under this law, and in spite of it, the value of agricultural products as a rule has constantly declined, until one of the big problems confronting the United States is the continuance of production under conditions which will stabilize the fundamental industry of agriculture. With notable exceptions high tariff rates have always proved inoperative to maintain the prices of farm products, particularly as to those exported in excess of imports.

"The emergency tariff act, passed for the alleged benefit of farmers, was made by the leaders in Congress the justification for enormous increases in the tariff rates imposed on manufactured products.

THE FORDNEY-M'CUMBER TARIFF LAW.

"Wise tariff legislation was impossible under the conditions which existed while this law was being framed and considered by the Congress. Its passage in spite of disturbed and fluctuating conditions in domestic and foreign commerce is explained only on the ground that a campaign pledge to raise the tariff made to tariff profiteers and buccaneers in 1920 must be redeemed before the elections now near at hand in which the Republican Party may be repudiated and driven from power.

"The Democratic law in force, based in the main on scientific and competitive principles, was not designed to be an embargo. What the buccaneers sought was the erection of a tariff wall which would prevent substantial importations and enable them to plunder at will the consumers of commodities indispensable to health and comfort.

"From the beginning secrecy has surrounded the Fordney-McCumber tariff law. The vicious custom of denying minority members of the Ways and Means Committee in the House and of the Finance Committee in the Senate participation in the framing of the measure was extended to the conference. Secrecy was preserved as to proceedings by which the most far-reaching changes in the measure were accomplished, in spite of the decisions of the House and Senate after prolonged debate.

THE SUGAR SCHEDULE.

"Under this Republican tariff law, enacted under conditions which made prohibitive rates and embargoes especially objectionable, even to those who favor the principle of tariff protection, the American people are required to pay a tax of $2.20 per 100 pounds on sugar imported, save that which may come in from Cuba, upon which the rate is $1.75 per 100 pounds. This is much higher than the rate fixed in the emergency tariff act. In that measure the corresponding figures are $2 and $1.60 per 100, respectively. This tribute levied from the consumers of an indispensable commodity, of which America produces only a small part of the amount consumed, is a striking illustration of the injustice and oppression of Republican tariff policies.

THE WOOL SCHEDULE.

"The conference agreement on the new tariff bill imposes a duty of 31 cents per pound on raw wool, which is, of course, reflected in compensatory duties and greatly increased rates on the manufactured products. The tax on woolen dress goods and cloth carries both a specific and an ad valorem duty ranging from 50 to 75 per cent ad valorem equivalent. The tax on woolen blankets, hosiery, sweaters, and gloves ranges from 50 to 100 per cent. It is estimated that the increased cost to American consumers of woolen goods under the Fordney-McCumber tariff bill over the Simmons-Underwood Act will approximate $200,000,000.

MANUFACTURES OF COTTON.

"The cotton schedule is equally indefensible. The ad valorem rate on sewing thread is from 20 to 35 per cent; on cotton cloth from 30 to 45 per cent; on quilts or bedspreads, 40 per cent; gloves, 25 per cent to 75 per cent; hose and half hose from 30 to 50 per cent; knit underwear, 45 per cent.

MERCILESS INCREASE OF TARIFF—TAX TO HOUSEHOLDERS.

"The bill contemplates a merciless increase of taxes on cutlery, household and kitchen utensils, machinery, and tools.

"The rate on table and kitchen articles of glass is 55 per cent; on vitrified ware from 60 to 70 per cent; on white granite and semiporcelain earthenware and stoneware from 45 to 50 per cent.

"The bill takes hemp, flax, and jute from the free list and imposes high rates of duty upon all articles manufactured from them, including twine and cotton bagging.

HEAVY DUTY ON POTASH.

"Not satisfied with taxing everything which the American farmer consumes in his home, this bill in the interest of the Fertilizer Trust levies a duty of 1½ cents per pound on potash, which will increase the cost of fertilizer to the American farmer approximately $15 per ton. Farm organizations, business men's associations, and other influential bodies protested this tax as oppressive and outrageous; but the Fertilizer Trust possessed sufficient influence to force the tax on potash back into the bill after the Senate by an overwhelming vote had stricken it out.

"The Fordney-McCumber tariff bill is deservedly the most unpopular tariff law ever passed.

"The metropolitan press, including the most prominent Republican newspapers, have almost universally condemned it as violative of the principles of legitimate tariff protection and destructive of foreign commerce and domestic industry. Scarcely a publication of national reputation has attempted to defend this legislative monstrosity, which unnecessarily increases the cost of living, and at the same time paralyzes our foreign commerce.

ATTEMPT TO GIVE THE PRESIDENT POWER TO FIX DUTIES.

"An especially vicious feature of the Fordney-McCumber tariff bill is the provision which seeks to empower the President to change the duties prescribed in the law and to fix new and increased or reduced rates to be collected.

EXECUTIVE-MADE RATES UNCONSTITUTIONAL.

"The Federal Constitution vests in the Congress the sole power to fix tariff duties. It is a fundamental principle of constitutional government that the taxing power shall be guarded against encroachment by the executive, and that this great power shall be exercised by the legislative department. Under this new Republican tariff law, soon to take effect, a capricious or misinformed Executive, through raising or lowering tariff rates on imports 50 per cent, could injure the Nation's commerce and vex and disturb domestic business at a cost to the public which can not be estimated or approximated. By a simple proclamation, changing rates imposed from the foreign valuation to the American valuation, the President could increase 25 per cent the duties imposed by Congress. It is no answer to say Presidents will exercise this power cautiously and in the public interest. The Constitution forbids the levying of taxes by the Executive, and no strained construction of its provisions can overcome the traditional policy among English-speaking peoples of confining control of the purse strings, both as to revenues and appropriations, to the legislative authority.

THE POSTPONEMENT OF SHIP-SUBSIDY LEGISLATION.

"Shortly after his inauguration, President Harding championed a ship-subsidy bill, which he said would establish and maintain the supremacy of American shipping. This bill in its practical effects would surrender to private control ships and other property which cost $3,000,000,000 for the trivial sum of $200,000,000.

"It would levy tribute from the American people as a whole in order to subsidize and promote private investments. The partisan press, supporting President Harding, announced that he had assumed leadership in national political affairs with a boldness and determination which challenged admiration and invited the heartiest cooperation. Republican Congressmen and Senators from the Middle West and West, whose constituents are opposed to the President's ship subsidy bill, hurled defiance at their leader, and drove him to the humiliation of consenting that the ship-subsidy legislation shall be postponed until after the November elections.

VACILLATING ATTITUDE OF ADMINISTRATION ON ADJUSTED COMPENSATION.

"In its 1920 platform and in the campaign following the Republican Party committed itself to adjusted-compensation legislation. A bill was brought forward to equalize in part the striking contrast in the liberal compensation paid civilian laborers during the war, and the trivial financial reward given our soldiers and sailors who sacrificed their business interests and prospects and risked their lives in the Nation's service. With characteristic indecision the administration vacillated on this measure from support to opposition.

"The President threatened to veto it unless the law carried means for meeting the financial obligations which it created. This rule has not been applied to any other measure of national and general importance, either in peace or during war. In order to minimize the President's objections to the bill, and thus reduce the probability that it will be vetoed, its friends modified the measure so as to impose the least possible burden on the immediate future. The President and his advisors are willing to subsidize American shipping, at the approximate cost of $750,000,000 during the next 10 years. In amazing contrast they have thrown every possible obstacle in the way of adjusted compensation for the soldiers and sailors who saved civilization.

CORRUPT OR EXCESSIVE EXPENDITURES IN CAMPAIGNS.

"The decision by a bare majority in the Newberry case confirming his title to a seat in the Senate obtained by the expenditure of a quarter of a million dollars contributed by the family and intimate friends of the candidate illustrates the indifference of the present administration to the protection of the sanctity and integrity of the ballot.

"State officers and others were hired, newspapers were subsidized, accounts were falsified, and expenditures suppressed in a campaign which prominent Republicans and newspapers denounced as corrupt and nauseating. The national administration exerted every possible influence in behalf of Mr. NEWBERRY, with the result that his title was confirmed, to the amazement of everyone who advocates decency in politics and to the disgust of many prominent Republicans, both in the Senate and in private life, who are unwilling to countenance corruption to promote partisan ends.

ABSURD EFFORT OF REPUBLICAN CONGRESS TO HOLD COLORED VOTE IN LINE.

"The proceedings in Congress relative to the Liberian loan and the Federal antilynching bill suggest an absurdly manifest effort to hold in line the colored vote in the elections near at hand.

"On the eve of adjournment the Liberian loan bill, authorizing this Government to loan $5,000,000 to the Republic of Liberia, is brought forward for consideration in the Senate. Its advocates justify the measure on an alleged moral obligation growing out of the declaration of war against Germany by Liberia. The fight on the bill is being led by that gallant free-lance Republican, the Senator from Idaho [Mr. BORAH]. He has the support of a few of his party colleagues. The effort to pass the bill is nothing less than a political move designed to increase the prospects of securing for Republican candidates the vote of colored citizens in sympathy with Liberia. The Senator from Idaho and others have demonstrated conclusively that the Congress originally authorized the loan solely for war purposes, and that the Republic of Liberia declined to comply with the conditions prescribed for securing repayment; that for this reason the credit was withdrawn and the loan never made. For the purpose of paying certain claims due France and Great Britain and others held by American capitalists and speculators—some of the claims having been bought for comparatively trivial sums—and for the further purpose of rehabilitating Liberia, it is proposed to take $5,000,000 in taxes from the American people. An army of officers at high salaries is to be created to administer the loan. Many Republican Senators and Representatives who denounced the adjusted compensation bill as an alleged 'raid on the Treasury' and as 'commercializing patriotism' are cordially supporting the Liberian loan bill.

FEDERAL ANTILYNCHING BILL.

'Another false pretense by which the Republicans in Congress seek to conciliate colored citizens and secure their favor in the approaching election is the Dyer antilynching bill. It proceeds on the theory that the illegal and criminal action of a mob, in violence of local law and local authority, constitutes a denial of the equal protection of the laws secured to every American citizen by the thirteenth amendment to the Federal Constitution.

"It provides for the imposition of penalties on counties where lynchings occur or through which persons lynched may be transported, however innocent the population of these counties as a whole or local authorities may be of complicity in the lynching. Lynchings are unlawful under the constitutions and statutes of all the States, and they should be punished without compromise, with promptness and severity, just as unlawful homicides in other cases of rioting should be punished. Congress has no power to enact criminal laws or enforce police regulations for the States. Lawyers generally regard the Dyer bill as not within the powers of Congress to enact and few have attempted to argue its validity. The bill was never intended to pass. It is brought forward in the Senate when Congress is about to adjourn for the purpose of making colored voters believe there is a hearty sincere purpose to enact its provisions into law, when the real object is to secure their gratitude and consequently their support in the elections.

RAILWAY AND COAL STRIKES.

"Wage controversies in both the anthracite and the bituminous coal fields culminated in strikes April 1, 1922, which completely closed down the anthracite industry and reduced production in the bituminous fields.

"The country was thus brought face to face with a threatened coal famine. The President attempted without success to settle both strikes. His efforts were not exerted until the coal strikes had been in progress for several months. Intervention in the earlier stages of the contest and tactful negotiations alone could have effected satisfactory settlement. The public are unfortunate in being compelled to bear the discomfort and inconvenience and loss resulting from these industrial disturbances.

THE SHOPMEN'S STRIKE AND THE DAUGHERTY INJUNCTION.

"The railway shopmen's strike, which from the beginning threatened to interrupt prompt and efficient transportation by railroads, began July 1 and continued for more than two months with no effort on the part of the administration to bring about a settlement. The President at last volunteered to act as a mediator, and proposed a plan for settlement which the laborers accepted but which the executives refused. The plan contemplated immediate resumption of labor by the shopmen with their seniority unimpaired; that in the future both employees and railroad managers shall obey the decisions of the Labor Board, and rehearing by that tribunal of the decision reducing wages which in part had caused the strike. The railroads having rejected this plan because they wanted the precedent established and maintained that seniority shall be forfeited by employees who strike, the President reversed the proposal and suggested that the shopmen go back to work at once and submit both controversies to the Labor Board. This they promptly refused, and thereupon Attorney General Daugherty instituted an injunction proceeding in the Federal court at Chicago of the most comprehensive and sweeping character ever known. The shopmen and their sympathizers were enjoined from every peaceful act that may be performed in connection with a strike—from meeting and discussing acceptance or abandonment of railway employment, from publishing interviews in newspapers and otherwise, from arguing the justice of their cause, from even expressing to others their confidence in the merit of the shopmen's opposition to the Labor Board's decision reducing wages. This injunction was issued after the railway managers and executives claimed all necessity for Government interference had passed. It clearly exceeds the constitutional power of the court which issued it, and is a restraint upon the freedom of speech, freedom of the press, and the right peaceably to assemble guaranteed by the Federal Constitution. Strikers have no more right to commit crime than other citizens, and if they violate the laws they should be punished for their criminal acts. It is not criminal, however, for laborers concertedly to oppose wage reductions or to advocate wage increases. The cause of law and order will not be promoted, discontent will not be allayed, justice will not be administered through the issuance of injunctions and restraining orders in excess of lawful authority.

"The refusal of the court to modify the injunction, and the continuance of it unchanged for even a short period in spite of the general opinion among lawyers that the process enjoins lawful as well as unlawful acts, is destructive of the reputation of the courts for integrity and impartiality indispensable to the administration of American justice.

DISCREDITABLE FOREIGN POLICY.

"As in domestic affairs, hesitation, confusion, and vacillation characterize the prevailing foreign policy, if the administration can be said to have one. The elections of 1920 are construed as committing the United States against membership in the League of Nations. That construction is generally submitted to or acquiesced in by Democrats, although many citizens, both Republicans and Democrats—and no issue is made in this campaign—still think that the United States should join the league, and in that way assist in promoting and preserving international peace and good will.

"In repudiating the League of Nations, President Harding in his campaign addresses repeatedly pledged the formation of an association of nations to promote world peace.

THE WASHINGTON CONFERENCE ON THE WHOLE A FAILURE.

"The Washington conference, originally proposed solely to promote international disarmament, expanded its activities to many subjects of world importance. On the whole it proved a failure as an agency for stabilizing disturbed conditions and securing recognition of justice as the basis of international transactions.

"While the conference effected a reduction in capital-ship construction, it accomplished little in the cause of general disarmament. The general results of the proceedings were detrimental to the dignity, influence, and interests of the United States.

"Already reaction in the public mind has occurred, and the conviction is becoming quite general that the Washington conference was a distinct triumph for British and Japanese diplomats.

"First, it committed us to an alliance with the great military powers, France, Great Britain, and Japan, to the exclusion of other friendly nations.

"Second, through the treaties promulgated at the conference the Pacific possessions of this Government were left at the mercy of Japan.

"Third, the supremacy in the Orient of the Japanese Empire is recognized and permanently established as one of the results of the conference.

"Fourth, Japan may, without restraint, extend her possessions in the Orient and maintain supremacy in Siberia, Manchuria, Mongolia, Shantung, and Korea.

"Fifth, while the conference in practical effect committed us to acquiescence in Japanese aggressions, it also tended to isolate the United States from other nations, which were excluded from the four-power alliance, and, strangely but certainly, more firmly to group with the Japanese Empire France and Great Britain, whose interests and obligations committed them to Japanese policies before the Washington conference had convened.

"The spirit of the Anglo-Japanese alliance animates the four-power treaty. In conferences under the treaty the United States likely will find her representatives in a minority, standing alone against the representatives of the other three powers.

"The British Government, by its recent note to other allied governments, sought to complete the isolation of the United States from European nations. This note was prepared by the Earl of Balfour, the chief British diplomat and dominating factor at the Washington conference.

"With contemptible arrogance, the note places full responsibility upon the United States for the refusal of Great Britain to forgive debts due her by other allied nations on the theory that our Government has proved a hard creditor whose exactions have deprived the British of any opportunity for the display of generosity in dealing with her allies.

FOREIGN LOANS OF THE UNITED STATES.

"With characteristic selfishness and shrewdness, the British Government has conducted propaganda throughout the world to create sentiment in favor of the cancellation by this Government of foreign loans made during the war. Many American financiers have advocated cancellation because that method of sacrificing the public interest will promote their advantage by enabling them to collect private obligations from allied governments and their nationals.

"No reason based on sound policy can be offered why those nations financially able to pay should receive gifts from the people of this Government, and the administration has no right to tax American citizens for such purposes.

PARTISAN DEBT COMMISSION.

"To adjust and refund these foreign loans, Congress authorized the creation of a foreign debt commission, and the President appointed five Republicans as members. Not a single Democrat was named. Months have elapsed and no progress has been made. It is doubtful if anything is ever accomplished by the commission. Great Britain complainingly agrees to pay the interest on her loan, but she has capitalized the unpopularity of the United States among our foreign allies until we are condemned for selfishness and avarice and as totally lacking in sympathy and helpfulness.

"Democrats wrote into the bonus bill a provision which would have set at rest the agitation for cancellation and made certain the collection of foreign loans from all governments able to pay. We provided that the costs of the bonus should be paid from the interest on these loans.

"Only one vote in the Senate was cast in opposition, but the provision was quickly eliminated in conference. Many Senators and Representatives who voted against the adjusted compensation bill are in favor of canceling debts due the United States from foreign Governments.

"Discredited by foolish mistakes, indecision, and submission to the autocratic demands of selfish influences—isolated, duped, and overreached by shrewd and designing foreign diplomats—the administration has forfeited all claim to favor from the electors."

ADDRESS BY SENATOR RANSDELL.

Mr. DU PONT. Mr. President, I ask unanimous consent that there may be printed in the RECORD, in 8-point type, an address delivered by the Senator from Louisiana [Mr. RANSDELL] before the Eighth National Exposition of Chemical Industries in New York City September 12, 1922.

Mr. SMOOT. That was not a political speech, was it?

Mr. DU PONT. No.

Mr. SMOOT. Then I have no objection to it being printed in the RECORD.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Delaware?

There being no objection, the speech referred to was ordered to be printed in the RECORD, in 8-point type, as follows:

THE AGE OF CHEMISTRY AS VIEWED BY A SOUTHERNER.

Address of JOSEPH E. RANSDELL, United States Senator from Louisiana, before the Eighth National Exposition of Chemical Industries at New York City September 12, 1922.

We live in an age of chemistry, and this great science is growing more important every day. Chemistry made marvelous advance during the last century, especially the latter half, and placed all the arts and sciences under heavy tribute, none more so than medicine, war, the mineral world, and soil fertilization. A start, but in reality only a beginning, has been made in the study and application of chemistry to the myriad questions that confront the human race in its pursuit of life's problems. Many of the unknown things of nature have given up their secrets in the laboratories of chemists, but only the surface of the hidden world has been scratched, and an innumerable number of secrets are yet to be unveiled. Everything around us is filled with secrets—the earth with its emboweled wealth of minerals and its plant and animal life of every kind, including human beings; the sea with its waters, fishes, plants, and nameless treasures; the air that surrounds the globe—in fact, all nature as we haltingly comprehend it, and the magician's wand that is to lift the veil and make us see clearly things not dreamed of now or viewed darkly without understanding is to be waved by great chemists—most of whom I trust will be citizens of the United States. My chemist friends, a great future lies before you. In a special manner you are charged with the task of discovering nature's secrets and disclosing to a uniting world the great benefits which are in store for her children.

MUST DEVELOP CHEMISTRY IN AMERICA.

Chemical industry in the United States should be developed along the broadest and most comprehensive lines for several reasons which I will enumerate briefly.

A. Chemistry is essential to the successful prosecution of practically all the arts and sciences. Innumerable chemical products enter into the manufacture of textiles, iron, and steel, the entire list of minerals, fertilizer to increase soil productivity, many of the products of wood, all drugs and medicines, household arts, including that most essential of all—cooking—the ceremic arts, and glass. In fact, there is no art or industry of modern civilization which does not require the constant aid of chemistry to its successful application. Therefore we can not afford to be dependent upon the chemists of any other country and should develop every branch of the art in America.

B. The wonderful advance in chemical inventions and discoveries during the past century warrant us in believing that innumerable things are still hidden which will respond to intelligent, persistent effort on the part of chemists. Many of the diseases of man have been greatly ameliorated by chemical inventions and discoveries of recent years, such as asparin, novocaine, salvarsan, etc. Why can we not expect the discovery of remedies that will give relief, and possibly effect cures of such diseases as leprosy, cancer, pneumonia, tuberculosis, and others which afflict mankind so terribly? Our American chemists are quite as intelligent as the Germans; and if we encourage and help them during the next 50 years as effectively as Germany did her chemists during the last 50, we can expect equally good or better results, not only for the relief of human suffering but along commercial lines, and those of national defense.

C. It is unfortunate that nations of the world can not remain at peace and ignore all preparations for war, but so long as this greatly desired end seems still in the distant future it behooves wise men to prepare for possible conflict. Most thinkers agree that the next war will be decided by the chemical preparedness and foresight of the contestants, and that it will be a chemical war. Indeed, during the last two years of the recent World War chemistry played a most important part, and there is every reason to believe its part in the next war will be infinitely more important. There is the closest alliance between commercial and war chemistry. Chemical industries of commerce can be quickly and cheaply converted into producers of war chemicals. Many of the commodities of one are available for the other. America must be prepared thoroughly for strife if it should ever come again, and in order to be so, she must develop her chemical industries along commercial, everyday lines so that our people will become a Nation of chemists familiar with the science in every way and practicing it in their daily lives.

CHEMISTRY IN THE TARIFF.

When the chemical schedule of the pending tariff bill was under consideration I worked actively for a high protective duty on all chemical products, as I believed same to be essential to the proper development and maintenance of the industry in our country. In the course of my remarks in the Senate August 17 last I said: "The Germans, through their investigation of coal-tar products, have developed some marvelous remedies as an incident to the dye industry. They discovered and placed on the market salvarsan, which cures one of the most loathsome and terrible diseases that ever afflicted the human race. They discovered novocaine, one of the greatest deadeners of pain known to science, wonderful in that it is a nonhabit-forming drug, a most beneficial thing. Many other very helpful drugs have been developed by the efforts of the German chemists in connection with coal tar. I can not believe that the wise men of Germany have even scratched the surface of the possibilities of the coal-tar industry. Coal was made by the great chemist of nature, how many years ago none of us know, and in its manufacture everything that grows out of the ground, I imagine, was used—the most exquisite flowers, the sweetest balsams, the most healing plants and herbs of every kind and sort, and vast forests of giant trees. Coal furnishes more commodities for the use, health, and comfort of mankind than anything I know of. The wonderful violet and rose perfumes which our ladies use are manufactured from coal. Saccharine, which is five hundred times as sweet as sugar, is manufactured from coal. All the beautiful dyes we admire so much are manufactured from coal. I could tell about many wonderful things, but have not time nor opportunity to do so."

These statements seem so pertinent I trust you will pardon me for quoting them.

AMERICA SHOULD PRODUCE ALL ITS CHEMICALS.

In urging highly developed chemical industries along all practical lines I must not be understood as advising them to produce more than a fair supply for the 120,000,000 people of the continental United States and the 12,000,000 additional who live under our flag outside the continent—an aggregate of 132,000,000, to which may be added the 2,890,000 of Cuba, as we enjoy preferential trade with that country, a total of 134,890,000. These are enough people to support vast chemical plants, doing an immense business. These industries should be satisfied with producing enough for home folks and those who form a constituent part of the Nation, and not make the fatal mistake of tremendous overproduction, which caused Germany to fight the world eight years ago and wrought her destruction. There is no better market on earth for any and every thing of real value than the United States, and if our chemical manufacturers can secure and retain that market by the high quality of their products, with the aid of the tariff, they should be satisfied.

OUR CHEMISTS MUST NOT TRY TO MONOPOLIZE WORLD TRADE.

It should be no part of our program to run the rest of the nations out of business or off the world's markets. The great duty which confronts us is one of giving proper consideration to the vast undeveloped resources we have within our borders and to rid ourselves of dependence upon other nations for chemical products the raw materials and facilities for the manufacture of which we possess in unparalleled proportions and which lie dormant for the want of a little encouragement to home talent and industry. My position is simply this: We have under our flag this vast supply of raw material, and we have also 134,890,000 people who constitute a ready market for the finished products; therefore it is only logical that we should manufacture under our flag the things which we use. We should have neither the time nor the disposition to speculate on world monopoly, for we are not even supplied at home with many of the essential products, and as time goes on we expect to let the natural laws of supply and demand take care of any surplus we may have. Beyond question there will be markets abroad for many of our commodities, just as we purchase from other lands quantities of foreign products, such as nitrates, sugar, coffee, tea, raw silk, rubber, textiles, sisal, wood pulp, etc. I strongly favor reciprocal trade with other countries. We can not afford to live and move and have our being in the United States alone, but must participate actively in world commerce. My suggestion is merely intended as a caution against too much expansion in manufactures, with the consequent attempt to capture the foreign markets. We must carry out in theory and practice the idea that people of other nations are entitled to a square deal in all our relations with them and not attempt to force on them surplus articles which greed has induced us to produce.

CHEMICAL POSSIBILITIES OF THE SOUTH.

Having stated these general principles, I now wish to refer in detail to some chemical possibilities of the South, particularly of my own State, Louisiana. In the course of a brief address I can merely mention a few of the most important, but enough, I trust, to show some of the real wonders of Dixie land, which I fear are not fully appreciated.

For three generations the South has led the world in the production of turpentine and rosin. From the beginning of the naval stores industry southern pineries have contributed practically 100 per cent of the turpentine and rosin used in the United States. In addition those forests have supplied for export an amount greater than the naval stores exports of all other nations combined. The long leaf and slash pines of the South, which are the sources of approximately $40,000,000 worth of turpentine and rosin annually, also rank as first-grade structural timbers, and their wood is convertible into a great variety of by-products, including industrial alcohol, pulp and paper, pine oils, etc. The life of this wood is more than doubled when treated with the common chemical, creosote. The length of the fibers of southern pines makes them capable of producing an unusually strong and tough pulp, from which high-quality kraft, or wrapping paper, is made.

The Forest Service made quite extensive tests some years ago on the suitability of long-leaf pine for paper pulp. There are now in the South several commercial plants making kraft paper. The possibility of using southern pine and red gum for the production of high-grade book and magazine paper has been demonstrated in recent trials at the Forest Products Laboratory of the Forest Service, Madison, Wis.

Book paper requires for its manufacture two kinds of woods, a long-fibered wood such as spruce, to impart strength, and some short-fibered wood to give the formation and finish and other printing qualities. The southern pines are long-fibered woods, but their pitch content and difficulty of bleaching have heretofore been obstacles in the way of their use for white paper. It has been shown that these obstacles can be overcome in a large measure by proper cooking conditions and improved bleaching methods. Red gum is typical of the many southern hardwoods that might be used with the pines in the manufacture of the better grades of printing paper.

The utilization of the southern pines and red gum for book paper would spread the burden of the pulp-wood supply over considerable territory which is favored with a large annual growth of timber. Although the bulk of the standing timber in the United States is in the far West, the principal part of the annual growth is now in the South. Pines and hardwoods are distributed through the Southern States in proportions well suited for the manufacture of book paper, and the forests are near the centers of paper consumption as well as the supplies of coal, oil, sulphur, and other necessary raw materials.

SOUTHERN SAWMILL WASTE WOULD MAKE ALL OUR PAPER.

The present waste from the sawmills of the South offers an enormous source of raw material for the manufacture of paper. The possibilities of this waste are difficult to realize. It is a potential source of alcohol, both wood alcohol and ethyl or grain alcohol, of turpentine and rosin, and of kraft and book paper. Under present methods of manufacturing lumber, at least half of the wood in the log goes to waste in the form of saw kerf, slabs, trimmings, edgings, etc. Since the lumber production of the South is something over 10,000,000,000 feet annually, this means that at least 10,000,000,000 feet of sawmill waste is possible raw material for the manufacture of paper pulp or for other purposes. This 10,000,000,000 feet of sawmill waste wood is a greater amount than is now used for the manufacture of all the paper used in the United States. In addition, there is a waste of limbs and tree tops quite as large as the sawmill waste. It is commonly estimated that a thousand feet board measure is equal to 2 cords of wood. On this basis a sawmill waste of 10,000,000,000 feet would be equivalent to 20,000,000 cords of wood, and that from limbs and tops of trees to another 20,000,000 cords, while our total consumption in the United States for the year 1920, including all imports from Canada and other countries, was only 6,100,000 cords of wood. It is thus evident that the sawmill wastage of 20,000,000 cords much more than equals the total paper consumption in the United States, including all newsprint, without considering the waste left in the woods.

To show how important it is to utilize at least a part of this waste, the paper and pulp trade of the United States paid out in 1920 for pulp wood, wood pulp, and paper imported the sum of $191,077,976. Of course, much of the material can not be used at present because it is scattered and costly to collect. However, the immense field for saving and the possibilities of the pulp and paper industry in the South are evident, and they furnish many and most promising problems for chemists. Not only trained foresters but trained chemical engineers must deal with forestry in all its branches, including the myriads of pine stumps filled with rosin and turpentine now going to decay on 50,000,000 acres of cut-over lands, as it advances to a more stable permanent position in this country. Louisiana is practicing reforestation in a rather large way, and so intelligently that for several years the Yale School of Forestry has sent its students to study in the new forests of that State. If close technical attention is not given to the industry we will soon reach a point where the forests of the South will be almost altogether unproductive.

GREAT VARIETY OF POTENTIAL CHEMICALS IN THE SOUTH.

Phosphate and sulphuric acid, two of the principal ingredients which go into the manufacture of fertilizer, a product so essential for the growing of crops, are obtained in the South in the greatest abundance, and we export a large quantity of phosphates. The largest sulphuric acid plant in the world is located at Ducktown, Tenn. Although the South now produces more than half of the fertilizer made in the United States, with a bright future for rapid growth of the industry, improved methods for the mining of phosphate rock and the necessary elimination of waste are needed to reduce the cost of this product, which is of such great importance to agriculture. The much-needed potash, of which we import vast quantities, is a by-product of the blast furnace and the manufacture of cement, and should by all means be developed to the greatest extent in our country. In addition to these, I need only mention the South's practical monopoly of bauxite for the manufacture of aluminum, its tremendous stores of petroleum, gas, silica, salt, sulphur, iron, coal, limestone, barytes, quartz, zinc, manganese, lead, nickel, lignite, and so forth, some of which are being partially utilized and others are awaiting development. The South possesses over 70 per cent of the coking coal of the country, and at least one-half its iron ore. Cotton is another resource over which the South has an absolute monopoly, producing from ten to twelve million bales per year. This gives an inexhaustible supply of cellulose and its numerous products. Incidentally, there is also obtained from cotton about 3,000,000 tons of seed annually, worth from $40 to $50 per ton in the raw state. This seed is worked in several hundred oil mills under chemical direction and furnishes many articles used in daily life, as cottonseed oil, hogless lard, hard fats, soap, glycerin, margarin, cattle feed, fertilizer, and others.

VAST SUPPLY OF HYDRAULIC POWER.

Whenever capital and initiative are directed toward placing the many available products of the South on the market they will find at their command as motive power the 5,000,000 potential horsepower of southern streams, and the vast supplies of oil, coal, and gas which are in close proximity to most of the raw materials, together with competent labor, and on the whole, an agreeable people to work among.

At Muscle Shoals, on the Tennessee River, is a giant plant erected as a war measure at a cost of more than a hundred millions to extract nitrogen from the air for use in combustibles. The potential horsepower of the river in this vicinity, which is now being harnessed by the Government, is the greatest in the Union and a national asset of immense value if properly used. This power should be utilized primarily to manufacture nitrogen and its compounds for fertilizing the Nation's soils and cheapening farm products. Such use would make us independent of Chile for nitrate and give military insurance of the highest value. Every good American should try to see that this great asset is not wasted but is made to serve in the best possible way.

LOUISIANA'S WONDERFUL ADVANTAGES FOR CHEMICAL INDUSTRIES.

Permit me now to call your particular attention to the extremely generous provision which nature has made to my State. In Louisiana we have nine great basic raw materials of chemical industries in close proximity—salt, sulphur, limestone, clay, petroleum, gas, lignite, cotton, and wool. Sulphur and salt are found in the greatest abundance, almost chemically pure, within 75 miles of each other, connected by navigable waters, and gas is plentiful in the same section. The importance of these minerals needs no explanation at my hands before this convention, as the products which come from them are familiar to all of you. Suffice it to mention a few, such as sodium carbonate, bleaching powder, sulphuric acid, sodium hydroxide, chlorine, hydrochloric acid, washing soda, baking soda, and carbon bisulphide. In the northern section is the world's largest gas field, which furnishes fuel so cheap that it costs less than coal would at $1 per ton. Limestone of the finest quality in exhaustless quantities is found in the center of the State. Therefore, with this cheap fuel and the clay which is also found in this section, there is no reason why cement factories should not find this a most advantageous location, as the rapid building of roads in Louisiana offers a most excellent market for cement. Potentially, our gas fields are the Niagara Falls of Louisiana. In addition to gas, Louisiana ranks fourth in the Union as a producer of petroleum. One of the greatest chemical industries in America is the Standard Oil Refinery at Baton Rouge, La., 200 miles up the Mississippi. Great ships convey crude oil from Mexico to this refinery, which has a big fleet of vessels distributing its products throughout the world. This plant refines 50,000 barrels of crude oil daily and will increase the capacity to 60,000 barrels in the near future. Lignite is very plentiful but has not been carefully studied, hence I can say nothing definite about it. New Orleans is the second cotton port in America, and our supply of cellulose is limitless. The forests of the South, and especially of Louisiana, have been discussed in detail. It would seem on the face of things that great chemical industries would naturally spring up at the source of so much raw material and cheap power. The development of this territory is only in its infancy. In many of the wide-awake cities and towns of the State factory sites are being offered free of charge to any company that will come in and establish its industry.

COMMANDING POSITION GEOGRAPHICALLY.

In addition to the natural resources of Louisiana, she is situated in a most advantageous geographical position because of the Mississippi River and her proximity to the Tropics, South America, and the Panama Canal. Products—mineral, vegetable, and animal—from the west coast of the United States, South America, Central America, and the West Indies find their natural gateway into the Union through the great portal of the Mississippi. Deep-draft ocean vessels can carry their cargoes 250 miles from the Gulf to cities and factories on either bank of the mighty river and return with commerce for any part of the world. The Mississippi and the splendid rivers which connect with it furnish excellent and economical highways of transportation for the raw materials and finished products of chemical industries on their banks, and efficient railroads supplement them with their lines extending in every direction throughout the State and Nation.

Southern labor is comparatively cheap, plentiful, and above all is not Bolshevik in character. The workingman requires fewer clothes and less housing than in the North, and his food is to some extent grown at home. These, together with the cheap lumber and building materials, reflect very appreciably in the final cost of production to the manufacturer.

The South will welcome the scientist or chemical engineer in his efforts along any one or more of the numerous lines of his great profession, and he will make a mistake if he does not thoroughly investigate the wonderful industrial resources which nature has provided in that favored region.

The land of Dixie offers innumerable opportunities to men of brains and energy, and no part thereof has superior advantages to Louisiana. I unhesitatingly invite any chemist or chemical engineer who is seeking to better his condition, or any capitalist looking for good investment, to examine carefully the Louisiana field before locating elsewhere. A hospitable welcome will greet him and fine prospects in many lines.

AMERICA HOLDS TORCH TO MANKIND.

In conclusion, why should not American chemists lead the world and set the pace for mankind by the practical, effective use in chemical industries of many discoveries known but not used, and by numerous other beneficial inventions in this most important and practical of all the sciences? America has certainly led the nations for a century and a half in promoting the doctrines of human freedom and the rights of all men to life, liberty, and the pursuit of happiness without let or hindrance from any source. God grant these glorious teachings may never be forgotten, but ever be practiced by all our citizens.

An artist in France gave the United States a wonderful Statue of Liberty, enlightening the world, and the torch of Bartholdi shines over our deliberations at this moment. It is symbolic of America's great mission to humanity—the making of a better world. We can make the world better by making America better, and our first duty is to America. Leaders in chemistry, as in business and finance, should heed the slogan, "Develop America first," but develop it along liberal common-sense lines with due regard to the rights of other nations and full recognition of the principle that all men are brothers.

Let all of us, and especially you, my chemist friends, strive with our whole might to maintain the noble principles on which our Republic was founded, and which have guided it thus far on the troubled sea of national life.

MASONIC MUTUAL RELIEF ASSOCIATION OF THE DISTRICT.

Mr. BALL. I ask unanimous consent for the immediate consideration of the bill (H. R. 11116) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent for the present consideration of the bill the title of which has been stated by him.

Mr. UNDERWOOD. Let the bill be read, Mr. President.

The PRESIDENT pro tempore. The Secretary will read the bill for information.

The bill was read as follows:

Be it enacted, etc., That section 1 of an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, be amended by striking out the words "The Masonic Mutual Life Association of the District of Columbia" and substituting therefor the words "Acacia Mutual Life Association" as the name of the association, so that as amended it shall read "Acacia Mutual Life Association."

That sections 2, 3, 4, and 5 of such act be amended to read as follows:

SEC. 2. That membership in this association shall be limited to master masons, and that the business and objects of the association shall be to provide and maintain a fund for the benefit of the member, his family, widow, orphans, heirs, assignees, legatees, distributees, dependents, or other beneficiaries, and for this purpose it shall and may be lawful for the association to make all and every insurance appertaining to or connected with life or disability risks of whatever kind or nature and to grant, purchase, or dispose of annuities, and to furnish any aid or service to promote the health or safety of its members or their beneficiaries: *Provided, however,* That the association shall forever be conducted for the mutual benefit of its members and their beneficiaries, and not for profit, and that in the exercise of the powers hereinbefore enumerated it shall be subject to the supervision imposed by the laws of the District of Columbia relating to mutual life insurance companies.

SEC. 3. That the number of directors of said association shall be fixed by the by-laws and shall be at least 21, a number of whom, less than a majority, shall be elected by the members at the annual meeting of the association from among themselves for a term of three years; that in all cases of a tie vote the choice shall be determined by lot, and in all other cases a plurality vote shall decide. The annual meeting of the association shall be held at such time and place as provided in the by-laws. The directors shall elect from their number at their first meeting succeeding the annual meeting of the members a president of the association and a vice president, and shall elect from the members of the association a secretary and a treasurer, and from time to time such additional officers as the by-laws may provide. The president, the vice president, the secretary, and the treasurer shall each give bond with surety to the association in such sum as the board of directors may require for the faithful performance of his duties. At all meetings of the board of directors 12 of the board shall form a quorum. In case of any vacancy in the board of directors by death, resignation, or otherwise, such vacancy shall be filled by the remaining directors from among the members of the association to serve for the remainder of the unexpired term.

SEC. 4. That the directors shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper for the disposition and management of the business, funds, property, and effects of the association not contrary to this charter or to the laws of the United States, and they shall have power to alter or amend the same as the interests of the association, in their opinion, may require.

SEC. 5. That nothing herein contained shall be construed to affect or impair in any manner whatsoever any vested right or interest existing in or under any contract of the association.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION AND WIDENING OF NINTH STREET, DISTRICT OF COLUMBIA.

Mr. GOODING. I ask unanimous consent for the present consideration of the bill (S. 2377) to authorize the extension and widening of Ninth Street from Longfellow Street NW. to Underwood Street, and Underwood Street from Ninth Street to Georgia Avenue NW.

Mr. CURTIS. Let the bill be read for information.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent for the immediate consideration of a bill which will be read by the Secretary.

The bill was read, as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension and widening of Ninth Street NW. from Longfellow Street to Underwood Street, and Underwood Street from Ninth Street to Georgia Avenue, in accordance with the plan of the permanent system of the highways for the District of Columbia.

SEC. 2. That an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages is hereby authorized, payable out of the revenues of the District of Columbia; the amounts collected as benefits to be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LIBERIAN LOAN.

The PRESIDENT pro tempore. Morning business is closed. The calendar under Rule VIII is in order.

Mr. CURTIS. I ask unanimous consent that the unfinished business be laid before the Senate. I will state that I understand two conference reports will be over here from the other House in a few moments, and when they come I shall ask that they be laid before the Senate for consideration.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the unfinished business may now be laid before the Senate. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the junior Senator from Mississippi [Mr. HARRISON] to the joint resolution.

Mr. HARRISON. Mr. President, the junior Senator from Utah [Mr. KING] desires to speak on the amendment. I have sent for him, but he has not yet arrived. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Broussard
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dillingham
du Pont
Ernst
France
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Kellogg
Lenroot
McCumber
McNary
Moses
New
Nicholson
Norbeck
Oddie
Phipps
Reed, Pa.
Sheppard
Shields
Simmons
Smoot
Stanfield
Sutherland
Trammell
Underwood
Walsh, Mass.
Watson, Ga.
Willis

The PRESIDENT pro tempore. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absent Senators.

The reading clerk called the names of the absent Senators, and the following Senators answered to their names when called:

King
McLean
Rawson
Shortridge
Sterling

The following Senators entered the Chamber and answered to their names:

Fletcher
Jones, Wash.
Nelson
Ransdell
Swanson

The PRESIDENT pro tempore. Fifty-three Senators having answered to their names, there is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

S. 3086. An act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia;

S. 3917. An act to amend section 876 of the Revised Statutes;

S. 3918. An act to amend section 51 of chapter 4 of the Judicial Code;

H. R. 243. An act providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak.;

H. R. 1965. An act for the relief of Mrs. D. Montgomery;

H. R. 2003. An act for the relief of Hubert Reynolds;

H. R. 2763. An act for the relief of Sanford Kirkpatrick;

H. R. 2874. An act to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis.;

H. R. 4145. An act for the relief of Leonidas Sawyer;

H. R. 4368. An act for the relief of the owners of the barge *Havana;*

H. R. 4504. An act for the relief of Annie M. Lepley;

H. R. 4810. An act to authorize the creation of corporations for the purpose of engaging in business within China;

H. R. 5385. An act for the relief of Henry T. Hill;

H. R. 5791. An act for the relief of Robert Russell;

H. R. 5965. An act for the relief of the owner of the vessel *Maria Artau;*

H. R. 6507. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 6863. An act granting to certain claimants the preference right to purchase unappropriated public lands in the State of Arkansas;

H. R. 6926. An act for the relief of Abraham Leibovitz;

H. R. 8010. An act to authorize the leasing for mining purposes of unallotted lands on the Fort Peck and Blackfeet Indian Reservations in the State of Montana;

H. R. 8119. An act for the relief of certain persons, their heirs or assigns, who heretofore relinquished lands inside national forests to the United States;

H. R. 8143. An act for the relief of Fitzcharles Dry Goods Co.;

H. R. 8553. An act for the relief of D. V. Bussie;

H. R. 8763. An act validating and confirming a certain indemnity school-land selection of the State of Florida;

H. R. 9270. An act to confer upon the Territorial courts of Porto Rico concurrent jurisdiction with the United States courts of that district of all offenses under the national prohibition act and all acts amendatory thereof and supplemental thereto;

H. R. 9472. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 9499. An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands;

H. R. 9866. An act authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision;

H. R. 10193. An act extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes;

H. R. 10234. An act for the relief of Edward A. Purdy;

H. R. 10443. An act to repeal sections 2453 and 2454, and to amend sections 2450, 2451, 2456, Revised Statutes of the United States;

H. R. 10544. An act for the relief of Louis Cayet;

H. R. 10672. An act to amend the act of July 24, 1919, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920";

H. R. 11078. An act for the relief of the Mary Ann Shipping Co.;

H. R. 11589. An act to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kalawao, on the island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes;

H. R. 11872. An act to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the operation and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provisions as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes;

H. R. 12022. An act relative to the naturalization and citizenship of married women;

S. J. Res. 169. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Willem van Doorn, a subject of the Netherlands; and

H. J. Res. 322. Joint resolution favoring the establishment in Palestine of a national home for the Jewish people.

COMPENSATION OF WORLD WAR VETERANS—CONFERENCE REPORT.

Mr. McCUMBER. Mr. President, I ask the Chair to lay before the Senate the message from the House on the soldiers' compensation bill.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives.

The Assistant Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
September 14, 1922.

Resolved, That the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10874) entitled "An act to provide adjusted compensation for veterans of the World War, and for other purposes."

Mr. CURTIS. Mr. President, if the Senator desires to take up the conference report, I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Liberian joint resolution is temporarily laid aside.

Mr. McCUMBER. On behalf of the conferees I present the conference report which I send to the desk.

The PRESIDENT pro tempore. The Senator from North Dakota presents the conference report on the soldiers' adjusted compensation bill, which will be read.

The reading clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 47, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 63, 64, 65, 66, and 67, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"(b) Such application shall be made on or before January 1, 1928, and if not made on or before such date shall be held void."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 510. The certificate shall be canceled (a) if the veteran fails to redeem his certificate before its maturity, or (b) if he is in default upon any amount due in respect to a loan secured by the certificate and such default continues to his death."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment; and on page 25, line 8, of the House bill strike out "Title VIII.—Land"; and on page 37 of the House bill make the following changes: Line 7, strike out "IX" and insert "VIII"; line 8, strike out "901" and insert "801"; and on page 38 of the House bill make the following changes: Line 6, strike out "902" and insert "802"; line 11, strike out "903" and insert "803"; line 17, strike out "904" and insert "804"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment; and the Senate agree to the same.

P. J. McCUMBER,
GEO. P. McLEAN,
F. M. SIMMONS,
DAVID I. WALSH,
Managers on the part of the Senate.
J. W. FORDNEY,
W. R. GREEN,
NICHOLAS LONGWORTH,
Managers on the part of the House.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the conference report.

Mr. ASHURST. Mr. President, is that motion debatable?

Mr. UNDERWOOD. It is not debatable in the morning hour.

Mr. ASHURST. It is not a debatable motion, as I understand.

Mr. McCUMBER. It is not debatable.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. HARRISON. If a point of order is to be made against this conference report, should it be made now or can it be made later?

The PRESIDENT pro tempore. The Chair is of the opinion that a point of order can be made against the report at any time before the consideration in fact begins. It can not be made after the consideration in fact begins.

Mr. HARRISON. Then, Mr. President, I want to reserve a point of order——

Mr. BORAH. Mr. President, is this simply a motion to take up the report?

Mr. McCUMBER. My motion is a motion simply to proceed to the consideration of the report.

Mr. UNDERWOOD. As I understand the parliamentary situation, Mr. President, the Senator from North Dakota has moved to take up the report for consideration. I do not see how a point of order can lie until the report is before the Senate for consideration. As soon as it comes before the Senate for consideration, it seems to me it is subject to a point of order.

The PRESIDENT pro tempore. That is precisely what the Chair has ruled.

Mr. UNDERWOOD. There may have been some misunderstanding as to the ruling of the Chair.

The PRESIDENT pro tempore. The Chair may have expressed himself awkwardly, but he intends to hold that the point of order can be made after the conference report is before the Senate for consideration, but that it can not be made after the Senate has actually entered upon its consideration.

Mr. ASHURST. Oh, Mr. President——

Mr. HARRISON. I want to make the point of order now, then, so that we will not have any question about whether or not it is made in time. In making the point of order, I may say that I am as strong an advocate of this adjusted compensation bill as anyone.

I make the point of order against this conference report in that the House and the Senate conferees eliminated the provision touching reclamation and irrigation when the House had adopted an irrigation proposition and the Senate had adopted an irrigation proposition, and that the conferees have exceeded their authority in eliminating the whole proposition with respect to reclamation, irrigation, and land settlement.

Mr. McCUMBER. Mr. President, my understanding is that we have not yet voted upon the question of whether or not the Senate shall proceed to the consideration of the conference report. Until the Senate proceeds to the consideration of the conference report it would seem to me that no point of order could be raised concerning the report, because the report is not before the Senate for consideration until the Senate agrees to its consideration.

Mr. HARRISON. The report has been presented to the Senate, though.

Mr. McCUMBER. It has been presented.

Mr. HARRISON. And there is a motion pending now to proceed to its consideration. I do not want to lose the right to make the point of order. That is why I have made it at this time.

Mr. McCUMBER. I do not think the Senator would lose that right.

The PRESIDENT pro tempore. The Chair has stated that in his opinion a point of order can be made after the motion of the Senator from North Dakota prevails, if it does prevail, but that it must be made immediately after the Senate enters upon the consideration of the report.

Mr. HARRISON. I withhold the point of order for the present.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Dakota.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report, which will be read.

The Assistant Secretary read the report.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report; and the Chair recognizes the Senator from Mississippi, if he desires to make a point of order.

Mr. ASHURST. Mr. President, the Senator from Mississippi has yielded to me. I ask recognition.

The PRESIDENT pro tempore. The Chair desires to say, however, that if the point of order is to be made it must be made at this time.

Mr. ASHURST. I rise for that purpose.

The PRESIDENT pro tempore. The Senator from Arizona.

Mr. ASHURST. Mr. President, the conference report on the bill proposing adjusted compensation for ex-service men having just been laid before the Senate, I hereby make, under Rule XXVII of the Rules of the Senate, and especially under paragraph 2 of said Rule XXVII, which paragraph is commonly called the Curtis rule, the following point of order, to wit: That the said conferees have omitted and have stricken from the bill and from this report matter agreed to by both Houses in this, Mr. President, to wit:

As the bill passed the House of Representatives there was in it and made a part thereof, known as Title VIII, a provision for land settlement and reclamation. The Senate struck out that provision, and in lieu thereof substituted the so-called McNary reclamation bill, so that when the bill went to conference both of the Houses had agreed to matter respecting and providing for and legislating upon land settlement and reclamation.

I will ask the Secretary and the Public Printer to have the matter I herewith submit printed in parallel columns, so that it may readily be ascertained what was the matter agreed to by both Houses.

RECLAMATION AND SETTLEMENT OF LANDS BY IRRIGATION, DRAINAGE, AND OTHER METHODS OF DEVELOPMENT AND IMPROVEMENT.

As it passed the Senate the bill provided for reclamation of lands by drainage, irrigation, and dikage. Both of the Houses agreed to matter relating to reclamation, irrigation, drainage, and dikage.

ROAD BUILDING.

As it passed the House there was a provision in the bill for road building. As it passed the Senate there was no provision on that subject.

IMPROVEMENT OF RECLAIMED LANDS.

As the bill passed the House it provided: Reclaimed land may be improved by the Government. As the bill passed the Senate it provided: Reclaimed land to be improved by the owners.

Matter upon which both of the Houses agreed.

RECLAMATION PROJECTS, EACH STATE.

As it passed the House the bill provided for one or more projects in each State, where feasible.

As it passed the Senate the bill provided for projects subject to the approval of the Secretary of the Interior.

LOANS TO SOLDIERS.

No loans were provided for in the bill as it passed the Senate. No loans were provided for in the bill as it passed the House upon these lands.

OFFICERS TO ADMINISTER RECLAMATION.

As the bill passed the House, board of five members and Secretary of the Interior, and four to be appointed by the President, to administer the act.

As it passed Senate the Secretary of the Interior was to administer the reclamation act.

POWERS OF BOARD.

As it passed the House a board to establish veterans' settlement projects. The board may contract with irrigation districts, drainage, or other corporations under State law to establish, develop, and improve a project.

As it passed the Senate the bill provided that through the Secretary of the Interior the Government should deal with reclamation districts under the State laws. Both Houses agreed to matter thereupon.

Mr. SIMMONS. The Senator means each and both Houses acted upon the same matter, and slightly disagreed?

Mr. ASHURST. I will state just where there was no agreement between the two Houses, but thus far I have not reached a matter where there has been any substantial disagreement, and in many of the cases I have mentioned they agreed in precisely.

Mr. SIMMONS. The disagreement was slight.

Mr. ASHURST. In some cases there was no disagreement.

POWERS OF BOARD.

As it passed the House there were certain powers conferred upon the board, to wit:

The board may act through any existing agency of the Federal Government in the performance of work for any project.

There was no provision in the Senate bill on that subject.

LANDS FOR SOLDIERS.

The House provision was:

All land within a project subject to sale to be allotted to veterans and repatriates.

The Senate provision was:

Veterans have preference rights to homesteads under the public land laws, and preference rights to purchase excess lands.

Each House agreed to matter granting to veterans the preference right to acquire land.

Both Houses agreed upon that matter.

The next subject on which there was an agreement was—

PRICE OF LAND TO SOLDIERS.

The House provision was:

Cost of constructing project, including purchase price of lands acquired, exclusive of administrative general office, general supervision, apportioned among units, including public lands in proportion to selling value thereof.

The Senate provision was:

Total cost of construction, operation, maintenance project, including overhead, covered by bond issue. Price and terms of sale of excess lands fixed by contract.

GOVERNMENT'S SECURITY.

The House provision was:

Each allottee of a unit shall pay the price thereof as fixed by the board, less the amount of his adjusted compensation.

The Senate provision on that matter was:

All land within district subject to payment of district bonds.

DEALING WITH THE INDIVIDUAL SOLDIER.

Under the veterans' settlement project each allottee stands in personal relation with the Government.

In the bill as it passed the Senate the provision was:

As each contract is with a reclamation district, there is no personal relation between the soldier and the Government or any other land purchaser.

ACCOUNTING.

Matter upon which both Houses agreed. The House provision was:

Soldier dealing directly with the Government and privileged to amortize his land payments over 25 years.

The Senate provision was:

Money to pay bonds raised at small expense through existing taxing channels.

NOTICE AS TO AVAILABILITY AND THE OPENING OF THE PROJECTS.

Matter upon which both of the Houses agreed. The House provision was:

Description of projects, statement construction charges and other conditions to be mailed to any veteran whose name has been certified to the board.

The Senate provision was:

The Secretary of the Interior to give the notices.

SOLDIERS WHO MAY ACQUIRE LAND.

Matter upon which both Houses agreed. Under the House bill the provision was:

Veterans of the World War and repatriates.

The Senate provision was:

Veterans of the military or naval forces of the United States in war with Germany, Spain, or Philippine Islands.

Mr. President, I could rest this point upon that alone. Both Houses agreed to *matter*—and note the emphasis I place upon the word "matter," because that is the word in the rule. Both Houses agreed to matter granting veterans the right to lands.

RESIDENCE.

More matter upon which both Houses agreed.

Under the House bill the provision was: The board shall make regulations as to residence upon and use or cultivation of units.

The Senate provision was the same as provided by the homestead law.

SOLDIERS RESTRICTED IN SALE OR ENCUMBRANCE OF LAND.

Additional matter upon which both Houses agreed.

Under the House bill the provision was: Prior to deed no transfer, assignment, mortgage, or lease of interest of purchaser valid unless approved by board.

The Senate provided that this should be governed by the homestead law.

EMPLOYMENT OF SOLDIERS.

More matter upon which both Houses agreed.

Under the House bill the provision was: Veterans, where practical, be employed on projects.

The Senate provision was the same.

EMPLOYMENT OF SOLDIERS.

More matter upon which both Houses agreed. The House provision was:

Veterans where practical shall be employed on projects.

The same language is in the bill as it passed the Senate. Both Houses agreed on this, and under the salutary Curtis rule the conferees may not eliminate matter agreed to by both Houses.

FARM UNITS.

More matter agreed to by both Houses. Under the provision the provision was:

The board establishes farm units of acreage sufficient for cultivation by and the support of a family.

SENATE PROVISION.

Area of land sufficient in size to support a family, area not to exceed 160 acres.

DISPOSAL OF EXCESS LANDS.

The House provision was:

All privately owned land within a project in excess of farm unit must be conveyed to Government.

In regard to excess lands, the action taken by the Senate was:

Eighty per cent of all privately owned land within a project in excess of farm unit must be disposed of by Secretary of the Interior to settlers at prices and terms fixed in advance.

LAND FOR PUBLIC PURPOSES.

Now I reach some matter upon which both Houses did not agreee.

The House inserted the following upon this topic:

Board may set aside land within projects for public purposes.

There was no provision by the Senate.

TOWN SITES.

The House provision was:

Board may establish town sites, develop and sell town lots to soldiers.

There was no provision by the Senate in that regard.

ACQUIRING LAND.

More matter upon which both Houses agreed. The House provided:

Board may by gift, purchase, deed in trust, or otherwise, acquire lands for projects.

The Senate provision on that subject was:

The United States may acquire land for construction but not for agricultural purposes. The Secretary of the Interior is authorized to accept by gift, deed in trust, or otherwise, this land.

LIMITATION ON FEDERAL APPROPRIATION.

No limitation by the House. Senate created a revolving fund of $350,000,000, to be repaid. Both Houses did not agree upon that, so I would not ground the point of order upon that particular subject.

And finally, as to interest, both Houses agreed even as to what the rate of interest should be. The House provision was:

> All deferred payments on land under amortization plan to bear interest at the rate of 5 per cent per annum.

The Senate provision was:

> District bonds to bear interest at a rate not exceeding 5 per cent per annum.

Mr. President, I really need not have tired you by reading this long list of paragraphs containing matter wherein the Senate and the House agreed. I could have read only the last paragraph providing for the interest to make out my case, but I deemed it my duty to give to the Presiding Officer the analysis which had been prepared for me upon this subject.

I respectfully submit in support of the point of order the following: We frequently see legislation go to conference. When it returns the report of the conferees may not satisfy all of us. The House Members desire their amendments retained and the Senators desire their amendments retained.

I invoke that which is a salutary, indeed, necessary, rule for legislation. I invoke that wise rule introduced by the Senator from Kansas [Mr. CURTIS], which leaves to the people's representatives the right to make law. We have already observed conferees inserting matter not agreed to by either House and rejecting matter agreed to by both Houses. Both Houses agreed to a land-settlement plan for ex-service men. Both Houses in many instances agreed to language and to matter as to what the details should be.

I thank the Chair for his patience.

The PRESIDENT pro tempore. Without objection, the matter referred to will be printed in the RECORD, in parallel columns, as requested.

The matter referred to is as follows:

Comparative statement showing substantive provisions of House and Senate reclamation and land settlement legislation.

FORDNEY BONUS BILL (H. R. 10874).	MCNARY AMENDMENT TO H. R. 10874.
RECLAMATION.	
Reclamation and settlement of lands by irrigation, drainage, or other manner or method of development and improvement. (Sec. 802.)	Reclamation of lands by irrigation, drainage, and dikage. (Sec. 801.)

FORDNEY BONUS BILL—Continued.	MCNARY AMENDMENT—Continued.
ROAD BUILDING.	
Road building. (Sec. 802.)	(No road building.)
IMPROVEMENT OF RECLAIMED LANDS.	
Reclaimed land may be improved by Government. (Sec. 802.)	(Reclaimed land to be improved by owners.)
RECLAMATION PROJECTS EACH STATE.	
One or more projects each State where feasible. (Sec. 802.)	Projects subject to approval of Secretary. (Sec. 802.)
LOANS TO SOLDIERS.	
(No. loans.)	(No. loans.)
OFFICERS.	
Board of five members, Secretary of the Interior, and four to be appointed by President to administer act. (Sec. 801 (a).)	Secretary of Interior to administer act. (Sec. 802.)
POWERS OF BOARD.	
Board to establish veterans' settlement projects. (Sec. 802.) Board may contract with irrigation or drainage district, or other public corporation under State law, to establish, develop, and improve a project. (Sec. 803 (d).) Board may act through any existing agency of Federal Government in the performance of work for any project. (Sec. 804 (a).) Board may contract with State or any agency thereof for work in connection with a project. (Sec. 804 (b).) Board may establish branch office in State to administer projects within State. (Sec. 804 (b).)	Through Secretary Government deals only with reclamation districts under State laws. (Sec. 802.)
LANDS FOR SOLDIERS.	
All lands within a project subject to sale to be allotted to veterans and repatriates. (Sec. 807 (c).)	Veterans have preference right homesteading public lands and preference right of purchase excess lands. (Sec. 806 and 808.)
PRICE OF LAND TO SOLDIERS.	
Cost of constructing project including purchase price of lands acquired (excluding administrative, general office, general supervision) apportioned among units (units including public lands) in proportion to selling value thereof. (Sec. 808 (a) and sec. 803 (a) and (c).)	Total cost construction, operation, maintenance project including overhead covered by bond issue. (Secs. 802 and 805.) Price and terms of sale of excess lands fixed by contract. (Sec. 803.)
GOVERNMENT'S SECURITIES.	
Each allottee of a unit shall pay the price thereof as fixed by the board less the amount of his adjusted compensation.	All land within district subject to payment district bonds. (Sec. 801 (c).)
NOTE.—Under the foregoing provision if units should for any cause prove less valuable than the charges against them, a loss would be occasioned the Government.	Under the foregoing the district as a whole would have to fail before the Government could suffer a loss. (See State ex rel. Clancy *v.* Columbia Irrigation District of Stevens County, advance sheets Washington Decision, Vol. 21, No. 1, p. 4.)
DEALING WITH THE INDIVIDUAL SOLDIER.	
Under veterans' settlement projects each allottee stands in personal relation with the Government. (Secs. 802, 807 (c), and 808.)	As each contract is with a reclamation district, there is no personal relation between the Government and the soldier, or any other land purchaser. (Sec. 802.)
ACCOUNTING.	
Soldier dealing directly with Government and privileged to amortize his land payments over 25 years (secs. 802 and 808) necesitates elaborate and expensive accounting system to be borne by the Government.	Money to pay bonds raised at small expense through existing taxing channels.
NOTICE PROJECT AVAILABLE FOR SETTLEMENT.	
Description of project, statement construction charges, and other conditions to be mailed to any veteran whose name has been certified to board. (Sec. 807 (b).) [NOTE.—If only a small per cent of the veterans of the World War should desire land and individual notice of the opening of each project, many of which would only have a small number of units, would have to be mailed to each of such applicants, the detail and expense would be all out of proportion to the object to be obtained.]	Secretary to open project. (Sec. 808.)
SOLDIERS WHO MAY ACQUIRE LAND.	
Veterans of the World War and repatriates. (Secs. 2 (a) and 807.)	Veterans of the military or naval forces of the United States in war with Germany, Spain, or Philippines. (Sec. 801 (f).)
RESIDENCE.	
The board shall make regulations as to residence upon and use or cultivation of units. (Sec. 808 (c).)	As provided by homestead law.
SOLDIERS RESTRICTED IN SALE OR ENCUMBRANCE OF LAND.	
Prior to deed no transfer, assignment, mortgage, or lease of interest of purchaser valid unless approved by board. (Sec. 811.)	Governed by homestead law. (Sec. 806.)
EMPLOYMENT OF SOLDIERS.	
Veterans where practical be employed on projects. (Sec. 805.)	Veterans where practical be employed on projects. (Sec. 808.)
FARM UNIT.	
Board establish farm units of acreage sufficient for cultivation by and the support of a family. Farm workers' units small acreage, sufficient for part-time cultivation by farm worker's family. (Sec. 806 (a).)	Area of land sufficient in size to support family, not exceeding 160 acres. (Sec, 801 (d).)
DISPOSAL EXCESS LANDS.	
All privately owned land within a project in excess of farm unit must be conveyed to Government. (Sec. 803 (b).)	Eighty per cent of all privately owned land within a project in excess of farm unit must be disposed of by Secretary to settlers at prices and terms fixed in advance. (Sec. 803.)
LAND FOR PUBLIC PURPOSES.	
Board may set aside land within project for public purposes. (Sec. 806 (b).)	No provision.
TOWN SITES.	
Board may establish town sites, develop and sell lots to soldiers. (Sec. 806 (c).)	No provision.
ACQUIRING LAND.	
Board may by gift, purchase, deed in trust, or otherwise, acquire lands for project. (Sec. 803 (a).)	United States may acquire land for construction but not for agricultural purposes. Secretary authorized to accept by gift, deed in trust, or otherwise, land. (Sec. 807.)
LIMITATION ON FEDERAL APPROPRIATIONS.	
No sum designated.	$350,000,000. (Sec. 809.)
REPAYMENT OF APPROPRIATIONS.	
All moneys received by board as payment on lands to be covered into the Treasury as miscellaneous receipts. States may be reimbursed. (Sec. 815.)	No provision.
DISTRICT BONDS AND SALE THEREOF.	
No provision.	Total cost of project, maintenance, and operation to be covered by 40-year 5 per cent district bonds to be deposited with the Federal Farm Loan Board to be sold by the board when the property within the district answerable for the payment of the bonds has twice the value of the outstanding bonds, proceeds to be covered into the reclamation fund to be used in the construction of other projects. (Secs. 805 and 809.)
INTEREST.	
All deferred payments on land under amortization plan to bear interest at 5 per cent per annum. (Sec. 808 (c).)	District bonds to bear interest at a rate not exceeding 5 per cent per annum. (Sec. 805.)

Mr. McCUMBER. Mr. President, I do not know that the Chair needs any extraneous argument to decide the point of order, but the Chair has so patiently listened to the argument of the Senator from Arizona [Mr. ASHURST] that it seems to me I may well take a moment or two in reply thereto.

I first want to correct the statement of the Senator from Arizona in which he alluded to the tariff bill and in which he assumed that there was not left in the tariff bill, as it came from the House, the embargo. As a matter of fact, what is called the embargo or the licensing system upon dyes is a part of the tariff laws of the United States, and the House was careful, while it repealed other sections of the emergency tariff act, to preserve that section relating to dyes and chemicals. So that law was specially preserved. The Senate repealed the whole matter relating to dyes and embargoes, in other words, repealed the law of June 27, 1921, and inserted in lieu thereof the so-called Bursum amendment. Therefore, everything that was between the embargo and the Bursum amendment was in controversy. It was sent back by the House not on a point of order but because the House desired to change its mind and instruct its conferees to do what it had voted prior thereto was not to be done—namely, to now dispose of the embargo.

Every question of order must be decided upon the particular facts in the case and as those facts are somewhat lengthy I shall not attempt to present them except to say that the House actually provided for a land-settlement scheme as one of the things of which the soldier might avail himself. That was to be done through Government expense, and in every respect the soldier was connected up directly with it. The Senate reported in favor of striking out that land-settlement plan entirely, which was germane and which was proper. The Senate then inserted not a land-settlement scheme but a reclamation project and did not connect the soldier up with it in any way. It did not provide that a single dollar which would otherwise go to the soldier could go to him if he adopted the reclamation scheme which was presented by the Senate. The only reference to the soldier in the reclamation scheme adopted by the Senate was a reassertion of the law which now exists, namely, that the soldier should have a preference right upon any public lands or upon any scheme of irrigation that might be established in the future. One of them was a project to be conducted by the Government. The other was a reclamation scheme in no way connected with the soldier whatever, and it was a scheme which was so entirely different from that of the House that no one claimed that the two could be combined or that we could work out any kind of a scheme embodying any part of the two unless we wrote in new matter that was not passed upon by either House.

So we have this presentation of the case. The House presented a land settlement scheme for the benefit of the soldier. The Senate introduced an independent reclamation scheme connected up with certain districts, bonds to be issued at some future time when the land should double in value, and it made no provision whatever that a dollar of the compensatory dollars which go to the soldier could be used in the reclamation project. It simply gave the soldier the preference right, and which right would be the same right as any other individual would have except it would be preferential. But that to me makes but little if any difference in the aspect of the question as it is presented to the Chair.

The conferees had a right to stand by the Senate action in striking out the House provision. The House conferees had a right to recede. No one doubts that. On the other hand the House had a perfect right to disagree with the Senate amendment and, having the right to disagree, the conferees of the Senate had a right to insist upon their disagreement. That is exactly what they did. In other words, the Senate had a right to insist upon its amendment striking out the provision of the House bill. The conferees had the right to disagree to the Senate amendment and come to an agreement.

Now, let me make this perfectly clear. I repeat that the Chair is not to decide that there is something in conference between the two Houses on a certain subject on which they agreed because there is a sentence in one bill and a like sentence in another bill, or in one amendment and in another amendment. We must take the amendment and ask, Could they have built up anything out of the House provision and the Senate amendment without violating every rule of conference by inserting strictly new matter and in fact writing a bill to which neither House had ever agreed? And that is what would have been the case.

Let us suppose now that there is an agreement upon every provision except that which is covered by Title VIII, and the House writes in Title VIII a provision to allow each soldier to select in lieu of any of the other four options 100 barrels of apples. The Senate strikes that out, and, following a wise course, says, "We are likely to have a cold winter and no coal and so we will provide that each soldier may, if he sees fit, exhaust his money in the purchase of 50 cords of wood." The apples and the cords of wood can not be mixed and a new proposition be brought in containing both of them. Very well. The conferees may agree to retain the provision as to 50 cords of wood or to the other provision as to 100 barrels of apples; but the two are totally unrelated.

The Senate would have a right to insist that it would not accept the provision with regard to the 100 barrels of apples, and the House would have an equal right to insist that it would not agree to the provision giving an option of 50 cords of wood. I do not think the conferees are compelled, because something additional has been added, to agree to something between the two or to agree to a combination of the two.

Mr. President, there are good parliamentarians in the other House. The Speaker of the House, I think, is recognized as peculiarly qualified in the matter of discussing all parliamentary questions. Exactly the same question was presented in the House on yesterday. It was argued on both sides. I merely desire to quote a brief statement by Representative ANDERSON, of Minnesota, and then the ruling of the Chair.

The PRESIDENT pro tempore. The Chair will state to the Senator from North Dakota that the Chair has very carefully read the entire debate which occurred in the House of Representatives upon the subject, and also the ruling of the Speaker of the House.

Mr. McCUMBER. Then, Mr. President, I certainly do not desire to take up any time in reading it to the Chair. I merely desired to substantiate what I have said here, that the holding of the Chair in the body at the other end of the Capitol was that each House could disagree with the proposition of the other on these practically unrelated subjects, and were not compelled to bring in a new provision. In fact, the Chair also held that they could not have combined the two provisions in any way without violating the clear rule against the bringing in of new matter by the conferees.

Mr. HARRISON. Mr. President, I signified my intention before the Senate proceeded to consider the pending conference report of making a point of order against the report for the reasons that have been assigned by the senior Senator from Arizona [Mr. ASHURST], who has made the point of order. I wish to say briefly—for I am not going to take up the time of the Senate—that I have voted at least a dozen times for proposed adjusted-compensation legislation in one form or another. I am as heartily in favor of an adjusted compensation bill as is any Senator here. I think we have procrastinated and have delayed the matter too long, and I am sorry that it is now in the condition in which it is. I am sincerely of the opinion that it would hasten and help in having the bill enacted into law if there were carried in it the provision touching reclamation. I have no doubt personally that the conferees have exceeded their authority in striking out both the House and the Senate provisions on that subject.

I can not see any force in the argument of the Senator from North Dakota [Mr. MCCUMBER] when he talks about a cord of wood and a barrel of apples. The two propositions are not analogous. The fact confronts us that the House adopted a provision touching land reclamation, land settlement, and land irrigation, giving a preference to soldiers of the late war; the Senate also adopted a plan touching reclamation, irrigation, and land settlement, giving preference to soldiers of the late war. The details of the two plans were quite different, it is true, but both sought a common end.

Mr. ASHURST. Will the Senator yield to me at that point?

Mr. HARRISON. Yes.

Mr. ASHURST. It is true, as the Senator has stated, that in some places the details of the two plans were different; but I ask the Senator to remember, as I know he does remember, that in many instances the language was identical.

Mr. HARRISON. Yes.

Mr. ASHURST. And that even the rates of interest fixed were identical.

Mr. HARRISON. Yes.

Mr. ASHURST. And in many places which I have read the language was identical.

Mr. HARRISON. And both had the same object; both sought to benefit the same individuals, namely, the soldiers of the late war, through some plan of irrigation, reclamation, and land settlement. Simply because there were some details in the so-called McNary bill which were different from the provisions of the House bill, it seems to me it would be going quite too far to say that the conferees were not to adjust their differences and include in their report a provision dealing with the subject matter with which they had been instructed by both the House and the Senate to deal, instead of eliminating the whole subject from the conference report.

When the House adopted their provision they believed that there would be obtained for the soldiers some preference in the matter of land settlement, reclamation, and irrigation; when the Senate adopted their provision they believed that the soldiers of the war would receive some preference touching reclamation, irrigation, and land settlement; but the conferees take a different position. They say, "Notwithstanding the action of both branches of the Congress, we will wipe out the entire provision; there will be no legislation touching reclamation; there will be no preference to the soldier with respect to irrigation projects." So I submit they have exceeded their authority; they have violated that portion of Rule XXVII which, merely to refresh the recollection of the Chair, I am going to read:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.

I submit that when the House and the Senate have dealt with a subject matter having a common purpose, to give preference to the soldiers, even though the details are different, the conferees have no right to eliminate the proposition from the conference report.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. The Chair will be glad to hear the Senator from North Carolina, but after that there will be no further debate.

Mr. SIMMONS. Mr. President, I do not know that I desire to discuss the point of order, but I should like to make a parliamentary inquiry before I proceed to speak at all. Will it be in order in the Senate, as it is in the House, to move to recommit the conference report with instructions to the conferees?

The PRESIDENT pro tempore. The Chair is of the opinion that such a motion as that suggested by the Senator from North Carolina will not be in order; that the conference report being before the Senate for consideration the only question will be on agreeing to the report.

Mr. SIMMONS. Then, no motion to recommit with instructions will be in order?

The PRESIDENT pro tempore. The Chair is of that view.

Mr. SIMMONS. Mr. President, that being so, a question of order has been raised as to the action of the conferees with reference to the land-settlement provision for the benefit of the soldiers. The Senate struck out the House provision relating to that subject. The Senator from Oregon [Mr. McNARY] offered a substitute provision looking to the same general end, which, after much discussion and due deliberation, the Senate adopted. I wish to ask the Senator from Oregon whether he desires to insist upon all of his rights with reference to the action of the conferees or whether he is ready to abandon his amendment?

Mr. McNARY. I think the inquiry is quite pertinent. I may say to the Senator from North Carolina that I am sorely disappointed at the action of the conferees, and had entertained the thought that perhaps they had exceeded their jurisdiction, but I think it would be fruitless longer to contend for favorable action by the Congress on the land-settlement provision. I do not want to be placed in the position of holding up the soldiers' adjusted compensation on account of a reclamation measure which I think the Congress will pass as an independent bill and which has its status as such fixed on the calendar.

The House yesterday gave no hope that they would insist upon a land-settlement provision, and, as the measure has come to the Senate to-day, I do not entertain the hope that favorable action in the Senate in reference to the land-settlement provision will change the attitude of the House. The result of any such effort, I fear, would be to postpone the enactment of a bill into law which I think will receive a majority of the votes of this body. For that reason I am quite content, though rather unhappy about it, to let the matter go in its present form. That is the reason why I did not make the point of order or ask the Senate to insist upon the conferees holding fast to the reclamation amendment.

Mr. SIMMONS. Mr. President, I asked the question because I apprehended the Chair would probably overrule the point of order, and in that event I wanted to know whether we had any rights in this matter which could be asserted with a reasonable prospect of success. I asked the question whether in case the point of order is overruled it would be permissible to move to recommit with instructions. The Chair advises me that he is inclined to the opinion that such a motion would not be in order.

If I were assured that the Senator who introduced this amendment and the Senators on the other side of the Chamber who voted for it would stand with us on this side of the Chamber in support of a motion to overrule the Chair if he should decide that we do not have a right to move to recommit with instructions, I would be willing to go on with this fight to the end, because that is the only way in which we can get results. I can not understand why it is proper in the legislative procedure of one branch of the Congress to move to recommit with instructions, while it is not permissible in the Senate branch of the Congress, where we have fewer rules and where we act upon reason and upon precedent to make the same motion; but if the Chair so rules there is no hope unless we can marshal the necessary number of votes to overrule that decision. That will depend absolutely upon the attitude of the original proponent of this amendment. The original proponent of this amendment is the Senator from Oregon [Mr. McNARY], an earnest advocate of the bonus, an earnest friend of the soldier, and a member of the farm bloc of the other side of the Chamber.

Mr. McCUMBER. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. SIMMONS. Mr. President, I probably am out of order in discussing this question of order; but I propounded a parliamentary inquiry, and the Chair did me the courtesy of expressing a tentative opinion about the matter, and it is the tentative opinion of the Chair that I am discussing, and not the point of order.

Mr. McCUMBER. That is the point of order I make—that the Senator's remarks are not even directed toward the point of order.

The PRESIDENT pro tempore. The Chair is of the opinion that as debate upon a point of order is only at the pleasure of the Chair, and, for information with respect to the point of order, a discussion of any other subject is not in order.

Mr. SIMMONS. Mr. President, I ask permission to say that I was only discussing this matter with a view of ascertaining whether or not it is worth while to carry on this fight. I was saying that it is of no use to carry it on if we are going to be abandoned in the fight by the proponents of the bill on the other side of the Chamber, and I wished to ascertain whether they are going to abandon us or stand with us. I am willing to fight to the end for giving the soldiers this great benefit—a benefit which I stated in a speech which I made here, in my judgment, amounts to more and will amount to more to the soldier than the cash bonus will amount to. I would rather have it, as an individual, than to have the cash bonus, and therefore I am ready to fight for it if the friends of this proposition will stand up and contend for its inclusion in the bill; but if they are going to abandon it I should like to know it, so that I may determine what course I shall pursue. That is my reason for discussing it.

The PRESIDENT pro tempore. The Senator from Arizona [Mr. ASHURST] presents the following point of order, namely, that the conferees had no jurisdiction or authority to agree to the elimination of both the House provision and the Senate provision with respect to the subject that has been discussed.

The point is founded upon the first sentence of paragraph 2 of Rule XXVII, which is as follows:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses.

The Chair recognizes that there may be difference of opinion upon the question presented by the point of order. The Chair has very carefully read and considered the respective provisions upon this general subject in the House bill and in the Senate bill, and is entirely familiar with every part of the provisions made by the House and the amendment adopted by the Senate. The Chair has also examined, with all the care that was possible in the time at his command, the precedents that bear upon the matter. He has found no precedent that can be considered as at all pertinent to the question raised by the Senator from Arizona.

The question involves an application of the rule concerning which there can be no doubt whatever to a particular state of facts. We all agree that the conferees can not eliminate from the bill matter which has been agreed upon by both Houses. No one disputes that proposition. It is not only contained in the rule to which the Chair has referred, but it is the general parliamentary law. It is the precise rule invoked by the Speaker of the House in passing upon a similar point of order against the conference report on this bill.

It would serve no useful purpose for the Chair to analyze these two propositions. It is only necessary for the Chair to state his conclusions.

In the opinion of the Chair nothing has been agreed upon by the two Houses so far as this question is concerned. The plan proposed by the House and the plan proposed by the Senate are so essentially, fundamentally different, that it can not be said that the fact that there may be here and there a phrase or a sentence common to the two bills enables one to reach the conclusion that there has been any agreement whatever. In the judgment of the Chair there has been no agreement of any kind on the part of the two Houses respecting this subject. The conclusion to which the Chair has come is fortified by the ruling of the Speaker of the House of Representatives upon exactly the same question, and governed by precisely the same parliamentary law—in the case of the House, general parliamentary law; in the case of the Senate, it is a definite expression of the law found in the rules.

The Chair overrules the point of order, and the question is upon agreeing to the conference report.

Mr. HARRISON. Mr. President, I move that the Senate disagree to the conference report, and ask for a further conference with the House to insist upon the McNary amendment to the bill.

Mr. McCUMBER. I raise the point of order that the motion is not in order, there being no conference committee, the conferees appointed by the House having ceased to function when the House acted upon the conference report.

The PRESIDENT pro tempore. The Chair sustains the point of order.

Mr. HARRISON. Mr. President——

The PRESIDENT pro tempore. The opinion of the Chair is perfectly well settled upon that question, and the only way in which the ruling can be changed is by an appeal.

Mr. HARRISON. Mr. President, a parliamentary inquiry. I merely want to state to the Chair that the motion I have made is the only motion now before the Senate, and I have a right to a vote on my motion. No other motion has been made.

The PRESIDENT pro tempore. The question before the Senate is upon agreeing to the conference report.

Mr. HARRISON. That motion has not been made, may I say, with due deference to the Chair.

The PRESIDENT pro tempore. It automatically becomes the question before the Senate.

Mr. HARRISON. The order was that we proceed to the consideration of the conference report. No motion has been made to agree to the conference report. On the contrary, I have made a motion, and it is the only motion pending before the Senate. I respectfully appeal from the decision of the Chair, and upon that I ask for the yeas and nays.

Mr. McCUMBER. In the meantime, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Broussard
Bursum
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dillingham
du Pont
Ernst
Fletcher
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
King
Lenroot
McCumber
McLean
McNary
Nelson
New
Nicholson
Norbeck
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Sheppard
Shields
Shortridge
Simmons
Smoot
Stanfield
Sterling
Swanson
Trammell
Underwood
Walsh, Mass.
Watson, Ga.
Williams
Willis

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum is present.

The question is upon the appeal from the ruling of the Chair on the motion made by the Senator from Mississippi, which the Secretary will state.

The ASSISTANT SECRETARY. That the conference report be recommitted to the committee of conference with instructions to include what is known as the McNary amendment.

Mr. SIMMONS. I desire to know if it is in order to discuss the appeal from the ruling of the Chair.

The PRESIDENT pro tempore. The Chair is of the opinion that it is a debatable question.

Mr. SIMMONS. There are two things involved in this appeal from the ruling of the Chair. The first is whether this body is to be bound by this ruling not only to-day but, as a precedent, in the future, and that, to my mind, raises a very important question, a question which goes to the very powers and rights of the Senate with reference to conference reports.

The second question raised is whether the friends of this amendment of the Senator from Oregon are going meekly to submit to its slaughter by a few Senators and Representatives on the conference committee, and by its premature abandonment by the Senate conferees.

I would be very glad if we could have order in the Chamber, Mr. President. I am discussing a very important matter. I am talking about a matter of grave importance to the dignity and the power of the Senate, to express its disapproval of conference action. A larger number of Senators ought to be here to participate in the discussion of a matter of such dignity and importance.

It is now proposed to establish, as a permanent rule governing the action of this body, the proposition that when the Senate has acted and the House has acted, and the conferees have acted in review of the separate action of the Houses, and the conference report is presented to the Senate, a report comprising their determination with reference to what shall stay in the bill as placed there by the Senate, and what shall go out of the bill, a Senator has no right to vote upon that question except to cast an affirmative or negative vote upon the question of whether he agrees to the conference report or not; that the Senate must accept the whole report or reject the whole report; that it has no right to return the matter to the conferees for any purpose whatsoever, either to carry out an instruction or to correct an error.

Mr. LENROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Wisconsin?

Mr. SIMMONS. I yield.

Mr. LENROOT. I would like to ask the Senator how the report could be returned to the conferees when there is no conference committee longer in existence?

Mr. SIMMONS. We could appoint new conferees. That is very simple——

Mr. LENROOT. That is a different proposition.

Mr. SIMMONS. I do not know what the House did yesterday. I assume it appointed new conferees.

Mr. LENROOT. No; it agreed to the report, and the conferees were automatically discharged.

Mr. SIMMONS. I am speaking of the action of the House on the day before yesterday, when the House recommitted the tariff bill with instructions.

Mr. LENROOT. The conference report was agreed to.

Mr. SMOOT. The matter before the Senate now is the conference report on the bonus bill.

Mr. SIMMONS. I referred to the tariff bill. I was asking the Senator what the House did with reference to the conference report on the tariff bill. Did it not recommit it with instructions?

Mr. LENROOT. Yes; but the conferees had not been discharged in that case, so that the conference committee was in existence. But when either House agrees to a conference report, that automatically discharges the conferees, and there is no longer any conference committee.

Mr. SIMMONS. That should not deprive us of the right to have this matter referred back for further action. I have not considered that question, but if it becomes necessary to appoint new conferees and ask the House for further conference, we can do that. What I am insisting upon is that we shall not, by the ruling of the Chair, as we would if we submit to that ruling, lose all rights to have the conference report corrected, or to have the conference committee carry out the will of the Senate, and that we shall not be limited to the small privilege of taking the whole or taking none.

Mr. LENROOT. No rights can be lost, because the Senate will have the opportunity, if it sees fit, to reject the conference report. If the conference report is rejected, another conference can then be asked.

Mr. SMOOT. That is all there is to it.

Mr. SIMMONS. That might possibly be true; but why do by indirection what we ought to have the right to do directly? Why vote upon the question of adopting this as a whole, or rejecting it as a whole, when we ought to have the right to send it back and have it corrected before we are put to the test of voting for it or against it?

The House has a rule in these matters, and that rule is that a motion to recommit with instructions is in order. The President of the Senate has ruled that such a motion in this body is not in order. Upon what authority the Chair bases that ruling I do not know, and I do not know why one rule prevails in one legislative body of the Congress and not in the other, especially why it should obtain in a body where they have very strict parliamentary rules, and should not obtain in a body where we try to act upon the reason of things, and not have our hands tied by technical, fixed, rigid, and unyielding rules.

Mr. LENROOT. Mr. President, the Senator says he knows of no precedent. If he desires one, I have one by Vice President Marshall, of his own party, directly in point.

Mr. SIMMONS. I say to the Senator that even if that be true it makes no difference. If the Vice President ever made such a ruling, we should reverse it. I want to appeal to Senators in this Chamber for that liberty of action on the part of Senators, in harmony with the great traditions of this body, which would enable them to get at the vitals of a matter and enable them to express their will, if they desire so to express it, upon legislation, up to the time when that legislation becomes effective by passing out of the hands of the Congress.

I am enamored of the liberal rules of the Senate. They permit us generally to do things. They do not tie our hands. But here it is proposed to establish a precedent, or to continue a precedent, if you prefer so to state it, which ties our hands and does not permit us to make a motion which any parliamentary body in the world except the United States Senate would entertain and act upon.

I want to see overruled these precedents, which, in my judgment, are based upon no good foundation, upon no consideration of good public policy, upon no consideration which takes into consideration the rights and the dignity of this highest legislative body in the world, but upon some quibbling and some technicality. I want to see such a precedent, if it exists, overridden, and we have now an opportunity to override it.

The PRESIDING OFFICER (Mr. STERLING in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

Mr. CURTIS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from North Carolina will proceed.

Mr. SIMMONS. Mr. President, I know that we could vote down the proposition to concur and then the matter would have to go back to conference. I know that, but why should I be required to cast that vote upon the proposition instead of first having a vote upon the question of sending it back in order that an error, a wrong, or an injustice, or a disregard of the expressed will of the Senate, upon which the Senate desires to insist, should be corrected, with instructions to our conferees not to go there and, after a little perfunctory consideration of the objections of the House, meekly submit and surrender to the action of the House with reference to a vital matter? I know how these things very frequently are done in conference. I know that if the Senate conferees understood that if they ruthlessly trampled upon the will of the Senate and yielded the action of the Senate without a proper effort to maintain and sustain it that the matter could be sent back and would be sent back to them with instructions as is done in the House, Senate conferees would not so perfunctorily consider and readily yield up the will of the Senate.

I know the effects of that rule upon the Members of the House. Every Member of the House knows the effect of the rule. The House conferees go into conference with the full knowledge that their insistence upon House action must be satisfactory to the House, that if they yield in an important matter when, in the judgment of the House, they ought not to have yielded, and when the House further desires to express or to emphasize its protest, that it will have an opportunity to do it. I know that has exercised a tremendously restraining influence upon the House conferees in yielding upon House action, and so has enabled them repeatedly to overcome the Senate in a contest over a vital matter in a bill. Everybody knows that. If the House shall have a rule of the sort, with a determination to enforce it as it has shown in recent years, and we are denied it, I say to the Senate to-day that the conferees from this body go into every conference at a disadvantage with the conferees on the part of the House, and I want to remove that disadvantage.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Wisconsin?

Mr. SIMMONS. I yield to the Senator from Wisconsin.

Mr. LENROOT. Is it not true that the House has exactly the same practice, that a motion to recommit a conference report in the House is not in order where the Senate has acted first upon the report?

Mr. SIMMONS. I do not try to charge my mind with a detailed knowledge of the House rules. They are so complex and numerous that one who has not spent a considerable length of time in service in that body would hardly be familiar with them, but I know that the House has the right to recommit. How far that extends I do not undertake to explain in detail.

Mr. HARRISON. Mr. President——

Mr. SIMMONS. I yield to the Senator from Mississippi, who, having served many years in the House before he came to this body, is more familiar than I myself am with the House rules and practices.

Mr. HARRISON. I did not understand the Senator from Wisconsin to say that a motion to recommit a bill to conference is ever privileged in the House.

Mr. LENROOT. Oh, certainly. The Senator has used that, as I have done, many times. Where the Senate has acted first and the conferees have been discharged, there can be no recommittal in such a case. But if the House acts first, then the Senate may recommit any conference report where it gets the papers in the case.

Mr. HARRISON. But where a motion to recommit might be precluded, they can always instruct the conferees.

Mr. LENROOT. Certainly; after they get the bill. There is a way of doing it.

Mr. SIMMONS. May I suggest to the Senator from Mississippi, who has made a motion, that he move for the appointment of new conferees.

Mr. HARRISON. The motion I made, and the one as to which the point of order was sustained, was that the Senate disagree to the conference report, insist upon a further conference, and that the Senate conferees be instructed to insist upon the McNary amendment. That was the motion I made and that was the question presented here.

Mr. LENROOT. That is not exactly what the Senator from North Carolina has been arguing at all.

Mr. SIMMONS. That is the substance of what I have been arguing. I have not been stating the motion. It does not make any difference about that. I want to get it through in the right way. Whose method is adopted I do not care, but I think the Senator from Mississippi has suggested the right way. It meets all the objections which have been made by the Senator from Wisconsin in his interruptions during my remarks, and which were to the effect that the conferees have been discharged, and therefore we are helpless in the matter. I have stated heretofore that if that position be correct and we were helpless because the conferees have been discharged, we could appoint new conferees. That is exactly what the motion of the Senator from Mississippi provides for. I had not quite understood it. The motion of the Senator from Mississippi provides that we reject the report and ask for a further conference with the House, which would involve the appointment of new conferees on the part of the Senate, and the House would, of course, be asked to appoint new conferees.

Mr. LENROOT. Will not the Senator agree that a motion to instruct conferees is never in order until the conferees are appointed?

Mr. SIMMONS. I do not know why it should not be. If I have been properly informed the House very frequently, upon a motion to appoint conferees, instructs them about certain specific things.

Now, I want to ask the Senator from Mississippi if this is correct. Of course, I expected that we would be met on this matter with all sorts of technical obstructions. The point has been made by the Senator from Wisconsin that it is not competent to instruct conferees until after the conferees have been appointed. I have stated, and I think I am correct about it, that the House frequently at the time of the appointment of conferees has exercised the right of instructing them as to certain specific matters with which they were to deal in conference. That is my impression.

Mr. HARRISON. There is no question about that. I think the Senator from Wisconsin knows of instance after instance where the Senate at the time insisted upon certain things, and they have come back two or three times.

Mr. LENROOT. Oh, yes; it can be done, but not by the Senator's motion. I have before me, if the Senator will allow me, a case which came up in 1914 upon a point made by the Senator's colleague [Mr. OVERMAN] that conferees could not be instructed until after they were appointed, and Vice President Marshall sustained the point of order.

Mr. SIMMONS. I have heretofore discussed that. The Senator from Wisconsin made that point once before. He said the former Vice President, who was a Democrat, had so ruled, and the President pro tempore of the Senate had so ruled today. I said that I was now appealing to the Senate to overrule the President pro tempore of the Senate, and I have no hesitation in saying that the fact that the former Vice President ruled the same way does not mean that he may not have ruled incorrectly, and that he, like the President pro tempore, ought to be overruled. The Senate ought to be freed from the fetters of such a ruling and allowed to exercise what I regard as one of its inherent and fundamental rights, the right of seeing that its agents intrusted, as these conferees are, with such broad and sweeping powers, exercise those powers properly and do not sacrifice unnecessarily the position of the Senate with reference to an essential matter.

Mr. President, we do not always come to time when questions of this sort should be put to the test. I suppose that when Vice President Marshall rendered that decision it may have been about an immaterial question or it may have been about a matter of some importance, but that no particular notice was taken of it at the time, or that it did not involve a matter of great consequence. But now the ruling has been made again, and it now involves, in my judgment, a matter of very great consequence to the country, whether 4,000,000 men, who jeopardized their health and their lives, who forsook their occupations and gave their time to the Government, shall be properly compensated by the Government, whether they shall enjoy this magnificent offering contained in the amendment of the Senator from Oregon [Mr. McNARY] or whether they shall be denied it. I know of no better time to bring the matter to the test, and I know of no question that would come before the Senate which more deserves discussion and consideration than this question.

I think our experiences with conferences show that the conferees ought to understand that when they put an obnoxious thing in a bill the Senate is not to be compelled to swallow it, or to defeat the other matters of great importance in the bill, as in many instances has been done. We ought to have some opportunity, before we are forced to cast that vote, to determine whether we shall agree to obnoxious and repugnant and wrongful things in order to get the virtuous things which are contained in the legislation, or whether we shall have an opportunity before we cast that vote of approval or dissent to say to our conferees, "You have not properly functioned, you have not given proper consideration to the action and the will of the Senate, and you must take it back and further insist," or, if it may be, "refuse to yield."

I say, Mr. President, that so long as the House conferees are under the coercion and threat of a rule that retains power in the body which appointed them to supervise and direct their action and to check it up, while the Senate has no such power, they go into conference with a great advantage over the Senate conferees. By reason thereof the House action receives just that much more consideration from the conference committee than does the Senate action.

Looking at this matter from any point, Mr. President, if one will properly analyze it, it assumes important proportions, and ought not to be dismissed upon the statement that a previous occupant of the chair has decided just as the present occupant of the chair has decided, and that, therefore, it has become a precedent with which we dare not interfere and which for all time must be recognized, denying us freedom of action and tying our hands in reference to the very important matter of controlling our conferees and compelling from them reasonable insistence upon our action, of whatever character it may be.

Mr. President, I have said more upon this phase of the question than I had intended to say, but there is another aspect of the matter, and that is the question of whether we are going to yield in reference to this amendment. I know, as every Senator here knows, that on many of these questions of appeal from the decision of the Presiding Officer the vote does not at all reflect the judgment of the Senate upon the question of issue—that is, whether the ruling of the Chair be right or wrong—but that the vote is largely governed by the attitude of the Senate with reference to the legislation which may be involved. That is wrong, but that has been the unbroken practice in the Senate. There is not a Senator here who will deny it. Everybody knows that Senators on the other side of the Chamber persistently do it. Mr. President, the Senator from Oregon [Mr. McNARY] showed great zeal in favor of this amendment; he lauded its character and referred to is beneficent results to thousands and tens of thousands and even to hundreds of thousands of the citizens of the far West living in arid States; he pictured this proposed legislation as a recognition of the services of those brave boys who fought and won the battles of the country. I should like to ask the Senator from Oregon, because two Senate conferees, who were the only two present, saw fit to desert his proposition, to repudiate and ignore the action of the Senate, to forget the interests of the soldier, to trample his amendment underfoot, and because the Chair, with no better reason for his ruling than that some former occupant of the chair at some time in the past had made such a ruling, and with no Senator here able to give a good, sound, and substantial reason, why the hands of the Senate should be thus tied while the hands of the other House in this particular are free and loose, if he is ready, because of those little impediments in the way, to sustain this ruling? The ruling, in my opinion, is based upon no good and sound principle of public policy or of reason; indeed, it is contrary to the most vital principles of public policy and to the rights of this great legislative body. Under such circumstances, is the Senator from Oregon ready to surrender instead of standing up here like a man who is in earnest about what he is doing, who wants to see his efforts clothed with success, who has at heart the beneficiaries of this proposed legislation and is willing to stand by them to the last ditch?

I ask the Senator from Oregon why he should not be willing to stand up here with us in our fight to overrule the Chair and to send this matter back to conference, in order that it may be further considered, in the hope of more favorable action?

Mr. President, I have said, and I repeat, that the reclamation projects proposed in the amendment of the Senator from Oregon, to my mind, are not only of great importance and value to the ex-service men, but in many instances the option proposed in the amendment will be worth more to the ex-service men than the cash bonus would be if he got the cash all at one time and will be worth infinitely more to him than the bonus provided for, of which he can only get one half, and that by hawking it about the streets, and then be in danger of losing the other half by forfeiture if he can not pay the interest upon the half which he borrows.

Furthermore, it is not only of great importance to the soldier but to the country at large. The proposition has real merit in it. I have been in favor of reclamation legislation from the beginning; it has worked wonders in the arid States; it has made worthless dry desert lands blossom as the rose; it has added enormously to the national wealth. The Government has been liberal to the reclamation projects of the West, and those who come from that section are asking that it be more liberal. I am joining in that request. I have voted for irrigation projects for years and years, although at the same time the South—the section from which I come—has been refused a dollar to be used in taking the water off of the overflowed lands of that section, numbering in acres about three times as much as the acreage which it is said is available for irrigation in the West.

Our appeal has never been responded to; we have always been met with the constitutional objection that it was constitutional to do this with reference to the arid lands because the Government owned them, or a part of them, but that it was unconstitutional to do it with reference to the swamp lands of Southern States because the Government did not own an interest in them and therefore the purpose was not one which the Constitution recognized as legitimate. I have yielded to that argument; but now, Mr. President, the Senator from Oregon has brought before us a proposition which so couples the drainage of swamp lands with a public purpose and a public use as to make it constitutional, and, therefore, through this amendment action may be taken by the Congress to do for the South for the first time what it has been doing for many, many years for the arid States of the West. When, however, the reciprocal opportunity is offered of dealing with the South in the same way that Southern Representatives have dealt with the irrigation projects of the West, I think I have the right to stand here and ask Senators from the arid regions of the West to stand firm for this amendment.

I would not intimate, Mr. President, that this amendment has become obnoxious in some quarters because it confers these governmental advantages upon other sections of the country than the West, and especially to the South, from which they have been so long withheld, and that its proponents are ready to let it die and, if need be, to join in the slaughter. I would not suggest that, or intimate it, for it would be so unworthy, Mr. President, that it would be unbecoming of me as a Senator to intimate that such was the case; but the people of my section of the country will feel, if those who want irrigation money for the West desert us when this opportunity is offered to share it with us, that there must be sectionalism in it.

I do not know how the Senators who voted to put this amendment in the bill are going to stand upon this motion to overrule the Chair, to send this amendment back with the hope that it will receive more than a perfunctory consideration by the conferees, to send it back to the conferees with the statement on the part of the Senate that it is in earnest about this matter and proposes to insist upon it. I do not know whether they are going to vote that way or not. I feel this way, though: If they are as deeply interested in the cause of irrigation as I am in the cause of reclamation, and if they are as deeply interested in giving the soldiers the benefit of this piece of legislation as I am, I feel that they will vote with us to overrule the ruling of the Chair. I shall not be satisfied by their saying that "I have considered the matter very thoroughly, and I have concluded that the Chair was right," because I know that the other side of the Chamber, where legislation is concerned, on these appeals from the Chair, do not, as a rule, consider the question of whether the ruling is right or wrong. They vote upon the question of whether it will promote or retard or defeat the legislation that they favor.

Mr. LENROOT. Mr. President, I am very much surprised at the attitude taken by the Senator from North Carolina, attacking the Senator from Oregon [Mr. McNARY], the author of this amendment, because he is not, in the face of this conference report, continuing his fight for the amendment.

Mr. President, the Senate conferees have made recommendations to the Senate embodied in this conference report, and among those recommendations we find that they propose to strike out the McNary amendment and also the land-settlement provision of the House bill. After the Senator's speech, however, would anyone upon the floor or in the gallery ever imagine that the Senator from North Carolina [Mr. SIMMONS] signed the conference report making that recommendation?

Mr. SIMMONS. Mr. President——

Mr. LENROOT. I have it in my hand, with the Senator's own signature——

Mr. SIMMONS. Oh, yes.

Mr. LENROOT. Where the recommendation is "that the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows: Omit the matter to be proposed"——

Mr. SIMMONS. Mr. President——

Mr. LENROOT. I do not yield now. "Omit the matter to be proposed by said amendment, and the Senate agree to the same," and a like recommendation striking out the provision for land settlement by the House, and here is the Senator's original signature to that recommendation:

F. M. SIMMONS.

Now I yield.

Mr. SIMMONS. Mr. President, there is no question about my signing the conference report; but I fought for this amendment and I fought for my amendment, and when they were turned down I said that notwithstanding my amendment had been eliminated and the amendment of the Senator from Oregon had been eliminated I was so much in favor of this bonus legislation that I would sign the report. That is all there is in it.

Mr. LENROOT. Yes; and the Senator stood upon the floor here for an hour attacking the Senator from Oregon because he followed the recommendation of the Senator from North Carolina.

Mr. SIMMONS. The Senator can make out of that just what he chooses. There is nothing in it, and the Senator knows it. The Senator knows that when I sign a conference report it does not mean that I approve the action of the conferees in refusing to include certain matters in it.

Mr. LENROOT. No; but the Senator had his opportunity, if he wanted the Senator from Oregon to follow him, to lead in refusing to sign the conference report making this recommendation. He did not do it. He did sign it, and he is in no position——

Mr. SIMMONS. Yes; and I signed it with the statement made to the conferees—and the Senator from North Dakota will bear me out—that notwithstanding they had cut out these amendments, I was so much in favor of the legislation that I felt that I did not wish to do anything that would retard it.

Mr. LENROOT. Now let us see where the Senator's position takes him upon that point, leaving the other for a moment. The Senator has argued here for half an hour, at least, in favor not of the motion made by the Senator from Mississippi, as it finally turns out, but in favor of a motion to recommit this report to the conferees, sending it back, as he says, to the conference. If that were done, where would it be sent to? It would be sent to its long, long sleep, from which there could never be a waking unless that action was reconsidered by the Senate itself; and yet the Senator, so eager for this adjusted compensation for the soldier, has argued that we ought to send the bill back to a conference that no longer exists, and the bill would have to remain in a pigeonhole for all time to come, because there would be no one to send it to.

Mr. SIMMONS. Mr. President, will the Senator yield?

Mr. LENROOT. Yes; I yield.

Mr. SIMMONS. When the House, a few days ago, sent back the conference report on the tariff bill with instructions to their conferees to agree to certain things that the Senate had put in the bill, did that put the tariff bill to sleep?

Mr. LENROOT. No; of course not.

Mr. SIMMONS. Did they not immediately agree to it?

Mr. LENROOT. Yes.

Mr. SIMMONS. Does the Senator know whether or not the House will immediately agree to this? If it did not immediately agree to it, nobody would expect the Senate conferees to take action that would kill the bill.

Mr. LENROOT. Mr. President, I am astounded that so able a parliamentarian as the Senator from North Carolina is not familiar with the unbroken rule, never deviated from in either House, that when one House had acted upon a conference report that automatically discharges the conferees, and there is no longer any conference. In the case of the tariff bill, the House acted first. If it had been possible for the Senate to have acted first and then sent the tariff bill to the House, that motion, if it had been made in the House and entertained—which it would not have been—would have done for the tariff bill exactly what the Senator now proposes to do to this soldiers' bill, put it to sleep forever.

Mr. SIMMONS. Mr. President, if this new conference is asked and conferees are appointed, does not the Senator know that the same conferees that were appointed upon the original bill would be appointed?

Mr. LENROOT. No; the Senator is talking about something else, now. The Senator will not deny that he argued upon this floor and held that the Chair was wrong, that Vice President Marshall was wrong, that everybody was wrong, and that it was in order, notwithstanding the fact that the House conferees had been discharged, to send this bill back to conference. Where would it go? Who would receive it? It would lie upon the desk until the final adjournment of Congress, and it would kill the bill for adjusted compensation, which the Senator says now he was so eager to get that he signed the conference report, although he was not in favor of the recommendation with reference to reclamation.

Mr. President, I do not know of any parliamentary principle that is more simple or more easily understood than that when conferees are appointed by both Houses, the House which first receives the conference report can recommit the bill, because both sets of conferees are in existence, and have never been discharged. That is what happened to the tariff bill. It would have been in order in the House to have moved to recommit this bill to conference, because no conferees had been discharged; but the moment either House agrees to a conference report, that ends the conference. The conferees are discharged, and there is only one way in which the bill can be gotten before a conference again, and that is to reject the report and secure a new conference and have new conferees appointed by both Houses. The Senator can not find any precedent in either House of Congress during all the history of the Republic that is in contravention of that principle; and yet he stood here, as I said, for an hour, arguing a perfectly simple, plain proposition, the only effect of which, if he could be successful, would be to put this adjusted compensation bill to its final death, where it never could get to the President of the United States.

Mr. President, upon the other proposition it is equally clear. There is an unbroken line of precedents. The Chair was right, although he referred to no precedent, that the first point of order made by the Senator from Arizona was properly overruled. The Chair said that he did not have a precedent, and I take it for granted that it was because the Chair had overlooked a comparatively recent precedent in 1919, a ruling by Vice President Marshall after the Curtis rule had been adopted. I shall read only the headline:

> May leave out matter in the House bill which passed the Senate in substantially the same form.

I may say that this was a very much closer question than the one that the Chair had to decide; and there can not be the slightest question upon principle that the Chair was right in the ruling that he then made, and that the Chair was right in the ruling that he has now made, and from which the Senator from Mississippi has appealed. The precedents are unbroken. The Senator from Mississippi must recollect it in the House, for the rule prevails there, as it does in the Senate, that conferees can not be instructed until after they have been appointed.

This matter can be reached. The Senate is not helpless. The Senate, if it chooses, can reject this conference report. That is the first thing in order. If it does reject it, the Senator from Mississippi may then make his motion to insist upon the Senate amendment and ask for a conference, and when the conferees are appointed he may ask to instruct them. The procedure is very, very simple; but I rather anticipate that what our friends upon the other side of the aisle are seeking is to make a little political capital out of what is known as the McNary amendment, but they will not have the courage to vote directly to reject this conference report. Let us see how much courage they have, and by that courage we will measure how important they deem the McNary amendment. By that vote we will see whether some Senators upon the other side of the aisle were more anxious to do something for the soldiers than they were to get appropriations for their own States out of a reclamation fund.

Mr. HARRISON. Mr. President, if there is one Senator here who can muddy up the waters and make black appear white, it is the distinguished Senator from Wisconsin [Mr. LENROOT]. He has tried to confuse the issue, so that he can hold his forces in line; but I can not believe that with the intelligence that certain Republican Senators from the West possess, they can be hoodwinked or fooled as to the issue upon which they are now called upon to vote.

The Senator says that what we should do is first to vote down this report. That is what we would ordinarily have done, but there is nothing unusual about the present situation. What is it? The Senator from North Dakota just slept upon his position. He usually does not go to sleep. He has been working so hard here, though, that he just forgot that he should make a motion to agree to the conference report. He did not make that motion, and consequently the next motion that would be in order would be to disagree to the conference report and ask for a new conference with the House, and insist that the Senate conferees insist upon the McNary amendment.

I took that course. That was the only motion before the Senate. The Senator from Wisconsin, with his great knowledge of parliamentary law, with his astuteness as a parliamentarian, would have made a similar motion if he had been trying to do what I was trying to do. But he is trying to save the President of his party from vetoing the McNary reclamation amendment, and that is the whole situation.

Mr. LENROOT. Will the Senator yield?

Mr. HARRISON. I want to do something for the West, and I want to put it up to the President to see whether or not he will veto the reclamation amendment, which he and his whole party have promised, by utterances and by platform pledges, to incorporate into the law. Now I yield to the Senator.

Mr. LENROOT. Does not the Senator admit that if any part of a motion is out of order, it makes the entire motion out of order?

Mr. HARRISON. I knew the Senator would try to further present technical objections by which he might save his own hide and take care of his position, as well as the political hide of his colleagues and party.

Mr. LENROOT. I put a simple question to the Senator.

Mr. HARRISON. I made the correct motion. The Chair overruled my motion, holding that it was not in order, and I have appealed from the ruling.

Mr. LENROOT. The Senator can not find a single precedent, in either the House or the Senate, to sustain him in his position that his motion is in order, but he can find a multitude of them that his motion is not in order.

Mr. HARRISON. The Senator has not shown any.

Mr. LENROOT. I have them here.

Mr. HARRISON. Those were on motions to recommit.

Mr. LENROOT. They were not on a motion to recommit.

Mr. HARRISON. It does not apply to this proposition at all. The last decision the Senator read was one handed down by Mr. Marshall, where the House and the Senate had incorporated a certain provision, but because there was some difference, and the conferees had stricken the provision out, he held it was in order.

Mr. LENROOT. If the Senator wants the precedent, I will give it to him.

Mr. HARRISON. Let the Senator give it.

Mr. LENROOT. I read from Gilfry's Precedents:

> A motion to instruct may not be made until conferees are appointed.

This is dated January 27, 1914, and the ruling is by Vice President Marshall.

> The House asked a conference on H. R. 32, "To provide for the appointment of an additional district judge in and for the eastern district of Pennsylvania," and Mr. Norris moved to instruct the conferees.

The question arose on the other side of the aisle. I read further:

> Mr. OVERMAN. I rise to a question of order. A motion to instruct the conferees is not in order until after the conferees have been appointed.
>
> The VICE PRESIDENT (Mr. MARSHALL). It will be the ruling of the Chair that the conferees must first be appointed, if there is to be a motion made to instruct the conferees.

Mr. HARRISON. There never had been at that time any conferees appointed.

Mr. LENROOT. No.

Mr. HARRISON. In this case there have been conferees appointed.

Mr. LENROOT. But the conference committee is not in existence any longer.

Mr. HARRISON. The House and the Senate appointed conferees, they met, and they knocked out the reclamation proposition for the West. The Senator's precedent recites that no conferees had ever been appointed. The cases are quite different. The conference report has been agreed to by the House, and that is the reason why I did not move to recommit the report to the conference, because I knew that the conferees upon the part of the House have been dismissed.

Mr. LENROOT. So there are no conferees.

Mr. HARRISON. There are no House conferees.

Mr. LENROOT. Nor Senate conferees.

Mr. HARRISON. The Senate has not yet adopted the report of the conferees. That is why I moved that the Senate disagree to the conference report, ask for a further conference with the House, and that the Senate conferees insist upon the McNary amendment. The motion I have made is the only kind of a motion that could have been made in an orderly way. If the Senate wants to sustain the Chair and hold that we have not a right to send the report back to the House, that the House may pass upon it, then, well and good; but you will never be able to hoodwink and deceive and fool the people of the West by any such technical objections as the Senator from Wisconsin has raised, because they are reasonable, intelligent people and they know how long and patiently they have waited and how very much they need this reclamation legislation.

They realize how often you have promised it to them, and you are trying to withhold it from them by the employment of shrewd parliamentary tactics; but you can not do it. They know that a motion to recommit is in order in the House. They know we are proceeding in an orderly way here; and if the friends of reclamation from the West are really for the McNary proposition and really want the House to consider it and want the conferees to agree to it, then they should vote to overrule the decision of the Chair. If they want to give countenance and encouragement to shrewd parliamentarians in the use of highly technical objections in order to kill it, then well and good. But you must make answer to them for your action.

I know I would be wrong in my contention if the chairman of the Committee on Finance, the Senator from North Dakota [Mr. McCUMBER], had moved to agree to the conference report. That motion would have had preference. But he did not make the motion. It was not before the Senate, and the only motion that was before the Senate was the one I made, namely, to disagree to the conference report, ask for a new conference, and instruct the Senate conferees to insist in conference on the McNary reclamation proposition.

Do not be deceived as to the issue. We are going to take the vote now. If you vote to sustain the Chair, reclamation for the West will be gone. I take no stock in the suggestion made by the Senator from Wisconsin that a vote to overrule the Chair would kill the adjusted compensation bill. Those of us who are for reclamation are for the adjusted compensation bill. We want it to go to the President, and Senators on the other side know that the word has been passed down the line that the President intends to veto the adjusted compensation bill.

Some of you have gone around and counted noses to see whether or not you could pass it over his veto. You do not believe that you can pass it over his veto. The vote will be close. But if we put in the reclamation proposition, the thing he has promised, which you have promised, which the West is interested in, which your platform enunciates, he will think a longer time before he vetoes the adjusted compensation bill. One may carry the other through.

I am for this legislation therefore for two reasons: First, because I am for the reclamation proposition on its face, believing that it will be beneficial to the arid regions of the West. I am for it for the other reason that it will help the adjusted compensation bill to get out of the clutches of the President of the United States and become a law.

Men from the West, if you really have been honest with your constituents, if you are sincerely for this legislation, now is the best time you will ever have to give it to them, because Congress will adjourn in a few days and not meet until December. The next session will be a short session. Appropriation bills will be crowded in, and the McNary measure will be forgotten. Now is the only time to get it through. How are you going to vote, Senators from Oregon? Are you going to vote to sustain the Chair and see the McNary reclamation bill killed? How are you going to vote, Senators from Oklahoma and Colorado and Idaho and Utah and all the other Western States, whose hearts are wrapped up in this proposition? By your votes you will answer.

On my appeal I ask for the yeas and nays.

Mr. UNDERWOOD. Mr. President, I want to say a word on this parliamentary situation. I do not believe the ruling of the Chair is correct, provided the Senate conferees were right yesterday in going back to a conference with the House on the tariff bill notwithstanding the fact that the House had rejected the conference report. We must take one horn of the dilemma or the other.

Of course, the statement of the Senator from Wisconsin that you can not instruct conferees until the conferees are appointed is well sustained by parliamentary law. But if conferees have been appointed and not discharged, to illustrate, if conferees make a partial report, which does not discharge them, it is not necessary then to wait until the appointment of new conferees, but you can appoint the existing conferees.

Of course, in accepting the conference report the House discharged their own conferees, and whether that action discharges the Senate conferees or not is the issue before the Senate. In other words, whether the action of the House of Representatives discharged the Senate conferees is the question to be decided.

I am not inclined to think it did. I think each House must act, and holds jurisdiction over its own conferees. Of course, if the action of the House in accepting the conference report discharged our conferees, then the Senator would be right. But day before yesterday the House disagreed to the conference report on the tariff bill. Of course, it disagreed to it in an unusual way, but nevertheless it disagreed to it.

Mr. LENROOT. Will the Senator yield?

Mr. UNDERWOOD. I understand the proposition. The Senator need not explain it to me. They instructed their conferees to change the report, which was a rejection of the report as it came to the House.

Mr. LENROOT. It was a recommittal of the report with instructions.

Mr. UNDERWOOD. But not by the Senate.

Mr. LENROOT. By the House.

Mr. UNDERWOOD. That is just what I am coming to. Of course, if that action on the part of the House affected the Senate conferees, then the Senate conferees had no right to go back to the conference.

Mr. LENROOT. But the House conferees were not discharged under that action.

Mr. UNDERWOOD. It practically discharged them, because it rejected the report. When the conferees make a final report in either House, and it is accepted, the conferees are discharged under parliamentary law.

Mr. LENROOT. Exactly.

Mr. UNDERWOOD. But it is not until the report comes to each particular body that the conferees of that body are discharged. When the House conferees made their final report to the House they were discharged, and the House appointed new conferees, but the Senate did not. The Senate did not discharge its conferees. I presume the Senate is going to say that it did not discharge its conferees, because if they do not say it, they will have to send the tariff bill back to conference by appointing new conferees to act on it, or reappointing the same conferees. There is no question about that.

I contend that the action of the House has not discharged the conferees. If that is so, then this parliamentary situation is plain. Of course, after a bill goes to conference, the undisputed principle of parliamentary law is that a motion which tends to bring the two Houses together has precedence, and undoubtedly if the Senator from North Dakota had made a motion that the Senate agree to the conference report, that would have precedence, and would have taken the place of all other motions which might have been made; but he did not make it.

The Chair has ruled that that motion was made automatically, and I do not agree with the Chair about that. In parliamentary law there are no automatic motions unless the rules provide for them. There is an automatic motion in the House of Representatives in ascertaining a quorum. When it is found by the Speaker in the House that a quorum is not present he orders a roll call, and immediately orders the Sergeant at Arms to bring in the absentees. It is an automatic motion, because the rules of the House provide for its being an automatic motion. But unless the rules provide for an automatic motion, no motion comes before a parliamentary body that is not made by a man in the Senate, by a Senator standing on his feet addressing the Chair. There was no motion made in this case to agree to the conference report. Therefore the motion to disagree, which was made by the Senator from Mississippi, was in order, and coupled with that motion to disagree it was perfectly in order to move to ask for a new conference. That is how the motion has often been made—a motion to disagree and to ask for a further conference.

Mr. LENROOT. If the motion asked for a new conference, would it not necessarily imply that the prior conferees had been discharged?

Mr. UNDERWOOD. It is entirely within the action of the Senate to discharge its conferees or not. The Senate conferees have not been discharged up to this time. If the Senate desires to recognize its conferees, it may do so, unless it is going to be held that, no action having been taken, the conferees on the tariff bill improperly went back and signed the new conference report. The question is one or the other. The Senate can take either horn of the dilemma; but if it is said the conferees were automatically discharged, then we say the others were discharged.

Mr. LENROOT. No; because in that case the House had not acted upon the conference report, upon either agreeing or disagreeing, but it recommitted it to the same conferees.

Mr. UNDERWOOD. Then the report is out of order, because if there was nothing involved except the instructions of the House and it was not upon a free conference, they have made changes which they had no right to make.

Mr. LENROOT. It was a recommittal to the same conference.

Mr. UNDERWOOD. But they made changes in other parts of the bill. They did not limit their changes in the last conference report to the matters of instruction of the House. They raised the rates on all the dye products in the bill, which had nothing to do with the instructions of the House.

Mr. LENROOT. But the conferees had never been discharged in that case. In the present case the House conferees had been discharged.

Mr. UNDERWOOD. That does not discharge the Senate conferees. The Senate does not have to discharge the Senate conferees if it does not want to do so. By motion it may continue its conferees.

Mr. LENROOT. If it does, how will they ever get a conference without a new conference being asked by the House?

Mr. UNDERWOOD. The motion of the Senator from Mississippi [Mr. HARRISON] asks for a further conference. That is how we get it. If we propose, instead of saying that the Chair shall appoint the conferees, that the existing conferees shall continue to be the conferees on the part of the Senate, it is a perfectly legitimate and parliamentary motion.

Mr. LENROOT. That operates as a new appointment.

Mr. UNDERWOOD. When we instruct the existing conferees as to what they shall do, it is a continuance of the conferees who now exist. That is all there is to it. Under those circumstances I think the Chair was wrong in overruling the point of order because the conferees exist and are subject to instructions. We have a right to continue them. There is no doubt in the world that the motion to disagree and ask for a further conference was in order as long as there was no motion pending to agree to the conference report. So I think, as a preliminary question, that the motion of the Senator from Mississippi was entirely in order.

Now, I want to say that there was just one feature of the bill which was before the Senate to which I agreed. The conferees have struck it out. The Senator from Wisconsin said that to adopt the proposition would send the bonus bill to its death. That is a good parliamentary argument in debate, but everybody knows it would not do that. Everybody knows that I am not in favor of the features of the conference report, but I know and everybody else knows that the House is not going to reject a bonus bill because there are some provisions in it relating to the irrigation of arid lands. They have already told us so. I do not know what the conferees said in conference; I do not know what occurred in the chamber of the conference committee; but I know that when the bonus bill came before the Senate from the House it carried provisions to authorize the giving of homesteads out of arid lands to the soldiers. That was the action of the House and not of the House conferees. It was the action of a majority of the House of Representatives, and no one can deny that. The Senate struck out that proposition coming from the House and, I thought properly, adopted the McNary amendment by a very substantial majority. I think the Senate amendment was much better than the House provision. So the Senate was in favor of a homestead provision.

I suppose that but a small percentage of the ex-soldiers want to homestead land or want to get a farm, but if the McNary provision, or a provision along that line giving them a preference right to take up these valuable lands, were to be included in the bill, it would be of far more value to those who wanted to accept the terms of the bill than the cash bonus or the postponed payment proposition which is proposed to be given to them now, because it would give a man an opportunity to secure a valuable home without in the end taking it out of the Treasury of the United States. The bill provided that when any of the lands went into an irrigation project those interested were limited in the amount they should receive and the balance of the land should go to settlers with the soldier having the preference.

The settler would only pay the swamp or arid value of the land with the cost of the improvements. Everybody knows that the value after the improvement was made would be and has been where proper irrigation has been applied many times in excess of the arid value plus the cost of improvement. That is what is proposed to be given to the soldiers. Then it was required that they should pay the arid value plus the cost of the improvements ultimately, and all that was done for them so far as a charge on the Government was concerned, all that was done so far as the people of the United States were concerned, was to lend the credit of the Government to those men for a few years with the resulting development to pay back the money into the Treasury.

That was not in conflict with the supposed objection of the President of the United States to the bill, that Congress was passing a bonus bill without providing the money to pay the bonus, because they were providing in the McNary amendment the terms as to when and how and where the money should be paid back. Congress was providing homes for the ex-soldiers if they were willing to accept the opportunity and work at it. I am opposed to the bonus bill so far as making a gift is concerned, but I am in favor of the McNary amendment because it is not a gift and a charge on the people of the United States, but it gives to men a real opportunity to work out their own destiny, and yet that portion of the bill which is now in it is to be rejected on a technical proposition and it is desired to close the door by sustaining the ruling of the Chair and saying that the Senate shall not insist upon this amendment. We are not going to kill the bonus bill by insisting upon the amendment. The only way the bonus bill will fail to become a law is for the President to veto it, and then there should be more than one-third of the Senators who would vote to sustain his veto. Senators know that as well as I do. If we reject the conference report and order the conferees to go back and insist on the McNary amendments and carry it back to the House of Representatives, we would get substantial legislation on the proposition.

I intend to vote to give that opportunity. I intend to vote to allow these men to have that opportunity. Of course there is no use in saying that I am going to accept the challenge of the Senator from Wisconsin by my vote because everybody knows that I am not going to vote to pay a cash bonus that is in the nature of a service pension. This is a proposition that does not weaken the bill. If I have to vote to sustain the President's veto, as I expect to do, I would rather vote for it with the McNary proposition out of the bill. It would be easier for me to vote for it to sustain his position with the McNary proposition out of the bill.

But the bill may be passed and here is a real opportunity to do good, to accomplish a real result for the men who want the opportunity. I do not think the Senate, because it wants to go home—and that is all that is involved—ought to act unwisely. Everybody knows that if the motion is adopted and the bill goes back to conference, it is only a question of a day or two of delay one way or the other. Suppose the House stands adamant, which I do not think it will, and refuses to yield. All we have to do is to come back, and yield two or three days from now. All that is involved is two or three days' time, and nothing else. It would not defeat the bill. It would not defeat anything. We could come back here two or three days from now, if they would not agree to the Senate action, and the Senate could then reverse itself. But we have never put the proposition up to the House. It has been up to the House conferees.

Of course I realize the difficulty of Senators who are in favor of a bonus bill voting against a conference report that may be adopted because some features in the bill, of which they were in favor, had been eliminated. The motion of the Senator from Mississippi does not raise that question. If it is in order, the vote would send the bill back to conference instructing the conferees to insist on the McNary amendment. Of course if the motion was just to concur, a Senator's vote might be misunderstood, but if he votes for the motion of the Senator from Mississippi and it fails, then of course the Senator from North Dakota would move to concur. If Senators are in favor of concurring, they still have the opportunty to vote to concur and show their position in reference to the bonus bill, but they would not negative that position by insisting that the conferees spend a day or two more in an effort to put back in the bill the only feature in it, so far as I am concerned, that was of value.

Mr. McCUMBER. Mr. President, the Senator from Mississippi [Mr. HARRISON] and the Senator from Alabama [Mr. UNDERWOOD] have both stated that if the Senator from North Dakota had, in addition to moving to proceed to the consideration of the conference report, also moved that the Senate adopt the report of the committee of conference, then the Chair would be absolutely correct in his ruling. Now, let us analyze that contention for a moment and see if it will hold water.

Suppose the Senator from North Dakota had moved to take up a bill, the motion had prevailed, and the bill was not amended, would it have been necessary that the Senator from North Dakota should also have moved "that the bill be now passed"? Automatically, when a bill reaches that stage, the Chair puts the question, "Shall the bill now pass?" There is no question about that.

Let us take this case. The Senator from North Dakota first asked to present the report; he followed that by a motion to proceed to the consideration of the report, and that motion was carried. Under such circumstances is it necessary, then, that the Senator from North Dakota should move that the Senate adopt the report? What question is before the Senate when the Senator from North Dakota moves that the Senate consider the report and the Senate decides by its vote that it will consider it? There is just one question, Will the Senate accept or reject the report? Of course, there may be the subsidiary question, just as the Chair ruled, of the point of order being raised that the Senate conferees had exceeded their authority; but there is nothing on earth for the Senate to do except to vote up or vote down the report; to accept the report or to reject the report. It was no more necessary that the Senator from North Dakota should have coupled with his motion to proceed to the consideration of the report the motion that it should be adopted than it would be necessary if he had moved to proceed to the consideration of a bill that he also supplement his motion with a motion that the bill be passed.

Let us see what the record was? The Chair stated that the only question before the Senate was the question whether or not the conference report should be accepted. Automatically that was the only question. The record was presented in this form:

> The PRESIDENT pro tempore. The question is on the motion of the Senator from North Dakota.

That was the motion to proceed to the consideration of the report.

> The motion was agreed to.
>
> The PRESIDENT pro tempore. The Chair lays before the Senate the conference report, which will be read.
>
> The Assistant Secretary read the report.
>
> The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

So, clearly, the conference report was laid before the Senate by the Chair, who then stated:

> The question now is upon agreeing to the conference report.

The Chair followed that with this statement:

> And the Chair recognizes the Senator from Mississippi, if he desires to make a point of order.

That is the situation.

Mr. HEFLIN. Mr. President——

Mr. McCUMBER. I yield to the Senator from Alabama.

Mr. HEFLIN. When the Chair said, "The question is upon agreeing to the conference report," it was then the duty of the Senator from North Dakota to say, "I move its adoption." When the Senator from North Dakota failed to do that the matter was open for discussion, and the Senator from Mississippi proceeded to discuss it.

Mr. McCUMBER. Mr. President, suppose I failed to do so, and the Chair stated, "The question now is upon agreeing to the conference report," and that question was decided in the affirmative; does the Senator from Alabama contend that the conference report would not have been adopted?

Mr. HEFLIN. But, in the absence of the motion of the Senator from North Dakota, the Senator from Mississippi moved to disagree; and I submit that it was in order for him to do so.

Mr. McCUMBER. No, Mr. President; the first thing was a point of order. The Senator from Mississippi did not move to disagree. He first discussed the point of order which had been made by the Senator from Arizona [Mr. ASHURST].

Mr. HEFLIN. That is true, but he also made the motion to disagree.

Mr. McCUMBER. Mr. President, it is admitted that I did not move that the Senate agree to the report, because when the report was laid before the Senate the Chair stated that the question was upon agreeing to the report of the committee of conference. If there was anything wrong in that ruling of the Chair and his statement at that time, then the point of order should have been made. No point of order was made that the Chair could not submit the matter to the Senate; and the point of order, if made, undoubtedly would have been overruled in accordance with the ruling of the Chair. So it is not in the least necessary that the Senator who presents a conference report shall also move that it be adopted; for, if his motion to consider be agreed to, the only question is the adoption or rejection of the report. That was the only question in this case, just as in the case of a bill the final question is, Shall the bill pass?

Mr. President, in the argument on the question sustaining the Chair, much has been said as to the President's vetoing the bill, and so forth. I have felt right along and have stated over and over again that the only objections heretofore made by the President were based upon the cost and the lack of provision for a tax to meet the cost. I have also stated, and I reiterate, that it is dangerous to add to the bill a provision which for the first two or three years will make its cost from three to five times greater than the soldiers' compensation itself will call for. I may be in error; other Senators may be in error; but that is my view of the situation, that the chances in favor of the bill being signed depend upon how small the appropriation which may be required.

A tax bill, which must originate in the House, can not be put through that body. Therefore we had to deal with a situation as it came to the Senate, and, in the absence of any tax provisions, we had to make the cost just as little as we could for the first few years in order to meet, as we thought, the objections of the President of the United States. If we add to that cost I am fearful that it will insure a veto, while if we do not I am still hopeful that there will be no veto.

Mr. HARRISON. Mr. President, may I ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. HARRISON. The Senator speaks with authority and says he is hopeful that if nothing is added to the bill it will be signed. Can the Senator give us any assurance the President will not veto this bill if the reclamation amendment should be stricken out?

Mr. McCUMBER. I have already answered that question, and in this way: The only answer is that the bill as now drawn, in my opinion at least, meets the only objection which was offered by the President and the Secretary of the Treasury when the bill, in 1921, was recommitted to the committee, namely, that it carried such an obligation that the Government would not be able to float its short-time obligations to take up those which were about to fall due. Now, with only from $78,000,000 to $100,000,000 called for in a year, and with the changed conditions, there is not the slightest doubt in the world but the country can do that thing. That is why I hope the President will sign the bill.

Mr. HARRISON. I do not want the Senator to reveal any private conference which he may have had with the President or others who are in authority, and he would not do so, I am sure, but can the Senator state to the Senate on what he bases his hope that the President will sign the bill? I am sure he has talked with the President about it.

Mr. McCUMBER. As I have just stated, because it meets the objection which was made by the President when, upon the recommendation of the Secretary of the Treasury in 1921, the bill was recommitted to the committee. That is why I think he will sign it.

Mr. HARRISON. The Senator has heard reports, no doubt, as I have heard reports, from men for whom I have respect and whose word I value highly and who I know would not speak anything but what is the truth, to the effect that the President is going to veto this bill. The Senator has heard similar reports?

Mr. McCUMBER. Yes; and I have heard others say as positively that the President will not veto it in its present form.

Mr. HARRISON. So that the whole thing is up in the air.

Mr. McCUMBER. It is up in the air, but I hope to God the President will sign it.

Mr. HARRISON. I join in that hope.

Mr. McCUMBER. And I think he ought to sign it.

Mr. President, I think really I have stated all there is to this question. If we want to vote for the McNary matter or any other matter as an independent proposition, you can give the soldier any right you see fit under it, and I think probably we would all vote for a reclamation scheme that would not involve too heavy expenditures at the present time; but you can not get the two Houses to agree upon the same reclamation proposition, and it is wasting time to attempt to do so. I think the Senator from Oregon recognizes that, because he was before the committee, and a Member of the House was before the committee, and I think each of them recognized that it was impossible to put either of them through.

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. McCUMBER. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I understood the Senator to say in conference, and practically to repeat in substance the same sentiment to-day, that in his opinion the President would veto this bill if the reclamation amendment were attached to it.

Mr. McCUMBER. No; I have not stated that just in that way. I have stated that I believed that it would greatly endanger it, because of the fact that it would require such an additional amount of appropriation to carry it into effect above what the bill carries without the reclamation project.

Mr. WALSH of Massachusetts. I thought the Senator's expression was a little stronger than that. I thought he said that he had reason to believe, from intimations that came to him, that if the reclamation project was contained in the bill it was sure of a veto.

Mr. McCUMBER. I am fearful that that is exactly what would happen, and I am very hopeful that it would not happen if we should not attach the reclamation project, with its higher costs.

Mr. WALSH of Massachusetts. The Senator will recall that my attitude on this matter in conference was affected by the statements made by the Senator from North Dakota to that effect.

Mr. McCUMBER. I want to say just one more word about the matter if the bill should come back here with a veto. The Senator from Mississippi [Mr. HARRISON] has suggested, or the Senator from Alabama [Mr. UNDERWOOD], that if the bill should be vetoed by the President there would not be a sufficient number to overcome the veto. The vote in the Senate, Mr. President, was more than 2 to 1. I think the vote in the House was more than 2 to 1; and if those Senators who at heart want to help out the soldier will remain here upon their jobs until we get any final vote that is necessary, there are enough votes in the two Houses to make this bill the law.

Mr. HARRISON. I agree with the Senator, and I hope they will stay here.

Mr. McCUMBER. I hope to God they will stay.

Mr. HARRISON. May I say to the Senator, before he takes his seat, that he has said that while he does not know that the President will sign the adjusted compensation bill in its present form, according to this report, he hopes so; but he further states that to place in it this reclamation amendment, the McNary bill, would endanger its passage, and he believes that the President then might veto it.

Mr. McCUMBER. The Senator is correct.

Mr. HARRISON. Upon what does the Senator base the statement that he would be likely to veto it if the McNary bill is incorporated in it and presented to him? He has time after time indorsed the McNary bill. He has promised the West to give them a reclamation proposition. This proposition is in the Republican platform, and the steering committee has considered it, and, as I understand, has placed it upon its program. If the steering committee has been for it, and said it should be passed, why should he now veto it? Would it not hasten the passage of the other proposition, because he might want to live up to at least one pledge that he had made?

Mr. McCUMBER. It seems to me that the President of the United States would be guided by this thought: He wanted a tax to take care of the soldiers' compensation bill. He wanted that tax because the original bill required a very heavy outlay of money in the first few years, when we had to float our obligations to take up short-time obligations. If we add a cost that will multiply the soldiers' compensation cost three times over, would not the President be more likely to veto it? What difference does it make whether there is $100,000,000 for the soldiers' compensation bill that is to be paid out of the general fund without additional taxes, or $500,000,000 or $350,000,000 that will go into some other line that will be paid out of the general fund of the Treasury without a tax? I can only reason as to what to me would seem to be a reasonable attitude to be taken by the President.

Mr. HARRISON. The Senator has no doubt, has he, that if we should pass the McNary reclamation bill as a separate measure and put it up to the President in the form in which it passed the Senate as an amendment, he would sign it?

Mr. McCUMBER. I do not know anything about that. I do not want to pass judgment on that, as I have not the slightest judgment about it.

Mr. HARRISON. If he should in that event sign it as a separate bill, is it not perfectly natural that he should sign it even as an amendment incorporated in this bill, because in no instance would the charge be heavier upon the Government? It would be the same whether it was incorporated in one bill or in two separate bills.

Mr. McCUMBER. I confess that I can not see why he would require a tax to take care of $100,000,000 and would not require any tax to take care of $350,000,000. I can not understand that reasoning; but that is for the President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal Fuel Distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

COMPENSATION OF WORLD WAR VETERANS.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10874) to provide adjusted compensation for the veterans of the World War, and for other purposes.

The PRESIDENT pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HEFLIN. Mr. President, we have not had cited a single precedent to warrant sustaining the decision of the Chair. The precedent cited by the Senator from Wisconsin [Mr. Lenroot] does not touch this case. That decision was about a case where the conferees on the part of the Senate had never been appointed. When a matter is going to conference, as I understand it, and somebody moves to instruct conferees, that can not be done until the conferees have been appointed. In this instance, however, conferees have been appointed; the conferees have been in conference with the conferees on the part of the House; the conferees come back to the Senate and make a report to the Senate, and while their report is up for consideration a Senator moves to disagree with what the conferees recommend, and the Senator from North Dakota makes the point of order that he can not do that, and the Chair sustains the point of order.

I challenge the opposition to cite one precedent that sustains such a ruling. Here we are, Mr. President, about to make a precedent against the soldiers of the country and all the farmers of the West. I submit that it is wrong; it is an outrage to make such a precedent in a case like this.

What is the proposition when a conference report is made to this body? What is the history of these proceedings? Here is what occurs: The chairman of the conference committee comes in. He rises and says, "Mr. President, I beg leave to submit the conference report on bill numbered so-and-so, and I move its adoption." That is what happens. I submit that neither the Senator from North Dakota nor any other Senator on the other side can claim that a motion to adopt this report was pending, because no such motion had ever been made.

The Senator from Mississippi, in the absence of a motion of that kind, moves to disagree. Does the Chair mean to hold that the Senate can not do what it pleases with this report until the final vote comes upon the question of agreeing to it?

The Senator from North Dakota said:

> I move that the Senate proceed to the consideration of the conference report.

Mr. President, what was that for? That was for Senators to say what they wanted to say about it while it was up for consideration before a vote came upon the motion to adopt the report of the conferees. Now we are treated to the very strange and interesting situation that a Senator can not move to reject what the conferees have done before those conferees have been discharged and before their work has been accepted; that the Senate is powerless because one man may rule that the Senate can do nothing but act upon the question as to whether or not it will accept outright whatever the conferees have agreed upon.

Mr. President, I submit that the Senate has a right to object to any particular part of the conference report and point out wherein it objects, and instruct the conferees to go back, or appoint new conferees, and have them contend for the proposition of putting in what the Senate insists shall be put in. I submit that it is a strange departure here from parliamentary procedure that is as old as the Government to contend that the Senate can not reject part of a conference report and instruct the conferees to insist upon something that the Senate has already agreed upon by solemn vote; and yet that is the effect of the ruling of the Chair.

Mr. President, I want to say again that the Senators on the other side, some of them astute parliamentarians, have failed to cite one precedent that fits this case. There is not one on record. I challenge them to produce one; and I submit that it is unfair, it is wrong, it is outrageous to make a precedent when we do it to the cost and to the injury of thousands and hundreds of thousands of people in the West and great Northwest and at the expense and to the injury of the soldiers of the country.

I want to say to Senators on the other side, before they vote on this question, that they have the opportunity here, by voting to disagree with the ruling of the Chair, to get some legislation on reclamation, and that is all they will have at this session, because this joint resolution that undertakes to take $5,000,000 out of the Treasury to turn over to Liberia for the purpose of paying debts to Wall Street is not going to pass. You might just as well put that down. It may go through this body, but it is not going to go through the other body.

It has a reclamation project in it. I am the friend of the reclamation interests, but I am not going to vote to take $5,000,000 out of the Treasury to pay private debts in Wall Street when we can not get any cash money to pay these soldiers who are in distress in this country. I do not care what else you put on the bill; I am not going to vote to take that $5,000,000 out of the Treasury and pay it over to these Wall Street interests. So if any Senators on the other side are hugging to their hearts the thought that they will get that $20,000,000 they are reckoning without their host, because that joint resolution is not going to become a law. We will not have any adjournment here for a long, long time if that thing is pressed and an effort is made to have it become a law. We might just as well consider the facts as they are.

Mr. President, I do not care to say any more upon this subject. There is another proposition in this bill, and that is to collect the interest due to the American people on ten billions of money loaned to the allied countries. That interest amounts now in all to $2,000,000,000, and the Senator from North Carolina [Mr. Simmons], with the solid Democratic vote of this body behind him, and with the aid of a few Republican votes, succeeded in having an amendment put on the bill providing that that interest should be collected, or enough of it to make these payments to the soldiers, without taxing the American people one 5-cent piece, without taking a nickel out of the Treasury, without selling bonds in the country, or issuing Federal reserve notes, as I have said before.

What have you done? You have stricken that provision out of the bill. I stated here a few days ago that it was the secret understanding amongst Republican leaders that you intend to cancel that debt; to cancel it when our people are involved as they have never been involved before; to cancel it when they are selling farms in the South and the West for taxes; to cancel it when men fairly well to do before you came into power have now to borrow money with which to pay their taxes.

That is what we are treated to, and here you are, with the Democratic Party leading to make the allied countries pay their interest in sufficient amount to take care of this payment, every payment, all of it, to the soldiers of the country without involving anything else. What did you do? You went into that conference committee and struck it out. Then when it went into the House not a Republican raised his voice in protest against striking out that provision, which would have brought to the Government a billion and a half dollars in cash to meet these payments, wipe clean the slate, and settle this debt with the soldiers.

Mr. President, where is the evidence of the intention on the part of the Republican Party now in power to collect this foreign debt? The Bible tells us that a tree is known by its fruit. Where is the fruit here that indicates that the Republicans intend to collect that interest? What did you do? The Republican House does not open its mouth in protest against striking out this provision to collect a billion and a half dollars with which to pay adjusted compensation to the soldiers.

The leaders in the Senate, where we did manage to have adopted an amendment providing for the collection of the debt, acquiesce, sit with folded arms and sealed lips, while your program is ready to slide through and excuse this payment of interest and put the burden upon the American people.

Why did not some Republican Member of the House raise his voice against denying us the opportunity to collect the interest on this foreign debt and using it to pay this adjusted compensation to our soldiers?

Why did they sit silent while the conference report was being discussed briefly and then vote to deny us the right to collect one and a half billion dollars of interest due us by foreign countries with which to pay our soldiers?

I want to ask, what secret understanding have you with foreign governments that causes you to do that? What wheel within a wheel in this Government makes the Government impotent before the powers of Europe to collect just obligations to 100,000,000 Americans? Who is it that has thus betrayed the interests of our Government to these foreign powers, burdened as we are to-day with taxes? God pity the American people if such conditions are to continue.

Mr. President, I do not know how serious Senators consider this proposition. They are going to have to consider it on the hustings this fall, and they are going to have to consider it at the polls. I want every man and woman who reads the CONGRESSIONAL RECORD to-morrow or the next day, who reads the issue of this day, to ask these men upon the hustings, "Why was it you voted to tax the American people to pay adjusted compensation rather than collect money from foreign countries who owe us, as suggested by the Democrats, and pay it without taxing our people?" That is a question I want people to ask them, and that is a question that will be asked them, and ought to be asked.

Mr. President, how much better that would have been than this bill we have. I am going to vote for adjusted compensation. God knows I have fought for it all the time as well as I could fight. I have demanded action in favor of these boys ever since the curtain went down and the war ended in November, 1918. But here is a proposition to which you have strings tied. You have it fixed now so that the bankers who advance money on this scrip have a chance to make big interest out of these boys. Senators, they have done enough for us without our tying strings to the little we pay to them now. They have done enough for our Government without permitting people to speculate on them.

Oh, what a sad situation is presented. You have stricken out the provision the able Senator from North Carolina submitted, and which we put in by a solid Democratic vote. You have stricken it out, and you have substituted this other thing. If we could have had our way, the soldier would not have to go to the bank with his scrip. The payments would have been made promptly, dollar for dollar, because we provided a way that would not cost the American people anything, provided it out of a fund which I believe in my heart you have a secret understanding with foreign Governments to give away to them. I believe you intend to beat the American people out of that $12,000,000,000. I do not know what you are going to get in return. I do not know what influences are going to work in the coming election in your behalf.

It presents a very sad situation. If Lincoln could be here now, he would repeat with emphasis, "The crisis that I see approaching unnerves me, and I tremble for the safety of my country."

Can a political party in power so handle a foreign indebtedness of $12,000,000,000, half the indebtedness of the United States? They named five commissioners, partisans, every one of them a Republican. There is not a Democrat on the commission appointed to handle this foreign debt and to tell the countries beyond the seas what shall be done and what shall not be done with it, and the American people shall not know about it. It is not a bipartisan arrangement, composed of Republicans and Democrats, as it ought to be, as I said before, when the Republicans are in power, three Republicans and two Democrats. Yet the Republican Party in power passed this measure through the Senate and through the House without the usual provision that the commission should be bipartisan, which, of course, left the President free to appoint only Republicans to handle an indebtedness of $12,000,000,000, which it was well understood he would do. The President ought to have appointed two Democrats on so important a commission.

Great God, Mr. President and Senators, what will the country think of that when it finally knows it? Of course, some of the people in the country do not know it yet.

The subsidized press will not tell the truth to the country. I have said before, and I repeat now, that when I speak of the subsidized press I have no reference to these brave and honorable boys who represent the other and honest part of the press. I am speaking only of the hired press, the bought press, the corrupt press, which ought to be stopped from using the press gallery of the people's Capitol.

The time is coming when something is going to be done along that line. The time is coming when certain newspapers will be barred from that gallery. Mark what I say, the American people will not permit a few men to go out and buy up newspapers and have hired men sitting in the press gallery to play favorites, to play up those who are against the people, and try to ruin those who are for the people. They are not going to submit to it, and ought not to submit to it.

I know a Republican candidate for the Senate, recently defeated by a Senator in this body, a Republican, too, a clever gentleman, and the man who ran against him was a millionaire many times over. Do you know what he did? The first thing he did was to buy nine newspapers and have them all just shelling the woods, and they were praising that fellow who was not worth a snap of your finger. He was one of those purse-proud plutocrats who has made a lot of money, and that is all he has. He wanted to get a seat in the Senate where he supposed they were for sale.

Mr. President, he bought up nine newspapers, and the other fellow did not have any at all, but he went home and went through the State, and he spoke face to face with the people, and he beat that other man when he told them of the unfair game that was being practiced against him by men who had millions and could buy up these instrumentalities that take the news to the country.

All of our lives we have pleaded for a free press and free speech. Where have you any free press, when you have a press part of which is bought and hog tied by these interests? I know, regarding myself, of a newspaper man who is still in the Capitol. He told me a few years ago in the House that he said something complimentary of me to a newspaper man down South, and that newspaper man told him that they did not want anything favorable said about me.

Mr. President, I know their game, and I am going to fight it out with them. I have a duty to perform, and if I did not have the courage to perform it I ought not to be in this body. I am fighting the battles of my people, fighting for the good of my country. There are things that I could do which would yield me more money than I make as a Senator, but I have been honored by the people of my State as one of the Senators of the bravest and best people in all the world. They are entitled to the best service that I am capable of rendering, and I am going to give it to them. Whenever I find evil forces working against them here I am going to cry out against it. I am not going to consider whether it will hurt me or not. I will do my duty and then submit my cause to them, confident of their approval.

While I am on this subject I am going to make this statement. For two years I have discussed here the crime of deflation and said enough about it to fill a volume of 1,000 pages. That question was so serious to us in the South that Colonel Armstrong, of Fort Worth, Tex., wrote a book upon it, quoting a part of one of my speeches, and he called that book "The Crime of '20." He pictures in that book the ruin wrought in Texas and other Southern States and in the West. That subject had to do with the robbery of 60,000,000 people. I regret to say that but one fair report of what I have said upon that subject has gone out of this Capitol. Would you have believed that the press agencies at the Capital of the Nation here, hard by the spot where rests the remains of George Washington and where Thomas Jefferson, Jackson, and Lincoln moved in the days long gone, could have been induced to suppress the many grave and serious charges that I have made and proven regarding drastic deflations? Newspapers in the country have commented upon their failure to give these facts to the public. A general plan to suppress news in which the whole people are vitally interested is a serious thing, Senators. Mr. President, such a situation is enough to cause Senators to have some serious thoughts about conditions here. I know that the boys in the press gallery here have nothing against me personally. I have no ill will toward them. I believe if they had not been told not to send out the news regarding my speeches on deflation they would have given the news to the country. I know that certain interests are trying to suppress what I say. They do not want the country to know the truth about deflation, and they have managed to keep a good deal of it out of the press.

Every man who has read my speech and the speech of the Senator from Virginia [Mr. GLASS] indorses my position. I have had many letters to that effect. That shows that if the American people had both sides of the question they would agree with me. They are going to have both sides of it, mark that.

I had a letter the other day from a civic organization in one of the largest cities of the country which said: "We understand you are not getting a fair deal in the matter of newspaper reports." I said, "That is true." "We understand that you made some statements in the Senate about the influences keeping your statements out of the columns of the press." I said, "That is true," and I sent them a copy of my speech. They condemned the action of the papers and issued a bulletin upon the subject. Other concerns are taking it up and writing me and asking me just what influences I think are working at the Capital to keep the people from knowing the truth.

Senators, keeping the people from knowing the truth about issues here is a crime against the American people. Think of it! Here are things going on that affect them vitally and the news can not get to them. Why, Mr. President, I showed here the other day a thing astonishing to every Senator who heard it and I have not seen a line of it in any newspaper. I have had the papers looked over and the story is not there. I showed here in my speech that the New York Federal Reserve Bank alone paid more salaries to its officials than the Government paid to the President and his Cabinet, the Vice President and the Senate, the Speaker of the House and the 435 Members of that body, the Interstate Commerce Commission, the Federal Trade Commission, the War Finance Corporation, the General of the Army and the Admiral of the Navy, and not a paper carried a line of it. That would not only be interesting but eye-opening news to the people of the country.

If this money was not sidetracked and squandered in that way, 90 per cent of it, after running expenses and dividends were paid, would go into the Federal Treasury and help to relieve the people of some of their tax burdens.

Why is such a news item suppressed? Who is it that dares to suppress such news right here in the Nation's Capitol? Is the Republican Party hand in glove with this bunch that undertakes to suppress the truth and keep the people in the dark while they are being bound to the chariot wheels of the mighty money lords of Wall Street? It is fortunate that we have a CONGRESSIONAL RECORD that the plutocrats of Wall Street and elsewhere can not blue-pencil. Those who get the CONGRESSIONAL RECORD have an opportunity to read what we are doing and saying here.

Regardless of their efforts to mistreat and injure me, I have a duty to perform, and so have you, Senators. If I should sit here and smile at these interests and say nothing except what they wanted me to say, do you know what they would do? Why, they would say nice things about me. But since I chose to stand for what I thought was fair and right and just, and pointed out some of their crooked conduct, they have passed the word that "he must be attacked and what he says suppressed." So the Wall Street papers have been attacking me. One of them said the other day that Senator GLASS's speech should silence me. One clever newspaper boy from the gallery came down the other afternoon, when I had finished, and said, "Well, you have knocked them out. You have proven by the figures that they did deflate. They said they had not, and you have shown that they did." That boy gave me the fairest report I have had since I have been making this fight for two years.

In that speech I challenged the chairman of the Committee on Banking and Currency of this body, the Senator from Connecticut [Mr. McLEAN], a very wealthy man, a man who indorses deflation, a man who opposed the Federal reserve banking system when the law was enacted, but a man who now defends deflation and is satisfied with the operation of the system under the control of Wall Street, from whose clutches we tore the banking power under Woodrow Wilson in 1913.

I challenged him to answer those figures of mine, and I challenged the Senator from Virginia [Mr. GLASS] to answer them. I set out in figures that can not be disproved that they deflated $2,500,000,000 during the dreadful months of deflation. I submit to the Senate and to the country that every newspaper that has a representative in the press gallery of this body owes it to me and to the people whose fight I have made to come out squarely and say "Senator HEFLIN has proven his charge. Nobody can answer his figures." Is not that fair, Senators, and just to the sixty-odd million people whose fight I have made? I charged here two years ago that the currency was contracted and credits deflated to the extent of several hundred million dollars, and the Senator from Virginia [Mr. GLASS] not only denied my charge, but stated that increased currency and credit aid was given during that period of about a billion dollars.

I have shown that statement to be absolutely incorrect, and that instead of supplying increased aid the Federal reserve banks withdrew during that time in currency and credits about $1,000,000,000, and that for the whole period of deflation they contracted and deflated to the extent of $2,500,000,000. Am I not entitled to have the people of the country know that I have proven my charge? I have dared to tell how Wall Street interests made hundreds of millions of dollars through deflation. If I were afraid that some newspaper would slander me and lie about me, as some New York papers do and have, I would not be worthy to represent the people of my State in this body.

Mr. President, the effort is made here constantly to get hold of a new man when he comes into this body and give him soothing sirup and silence powders and rock him and lull him to sleep and take all the fight out of him, convert him from an aggressive, able, gallant fighter, if he is such, into one of these namby-pamby, arm-folding, do-nothing, whispering kind. I have a mighty good example for mere man to follow. Christ in the city of Jerusalem found that the money changers and dove sellers, who used to do business on the street down near the market place, had become so bold and arrogant that they moved off the street right into the temple. The Master walked in and found them bartering their wares in the Temple of God. What did He do? Did He say, "Gentlemen, I rather suspect or, indeed, I think that you are doing wrong and I would like for you to get out"? No; He became indignant and angry, and with cords in His hands He lashed them out of the temple.

Now, what is our duty? What is the duty of a Senator in this body sworn to support and defend the institutions of his country against all enemies? What does that mean—all enemies, both foreign and domestic? What is meant by that? It meant exactly what it said. Who are the enemies of the country? I know when this Wall Street crowd came down to the Capitol——

[At this point a message from the House of Representatives announced that the House had agreed to the report of the committee of conference on House bill 7456, the tariff bill.]

Mr. HEFLIN. That is more food for thought. Mr. President, who are these enemies of the country? I saw a band of marching marauders storm the Capitol and compel the Republican Congress to take off of the tax books $90,000,000 of money that would have helped to bear the burdens of the Government in its time of stress and strain. I saw the profiteers come here taking down $450,000,000 more. How much that would have helped in this time of sore trial with regard to money? I saw those remnants left of war contracts, many of them questionable, a band of fellows who marched upon the Capitol and took down $700,000,000 more. I said they who took advantage of our country in the time of its peril and held it up and robbed it are the enemies of the country. They came here into the temple of liberty and laid their plans to rob the people and bestow favors upon the mighty rich and unload their burdens upon the backs of the struggling poor and then proceeded to suppress the news so that the people would be kept in the dark.

Then, Mr. President, the Democrats suggested, when they found the Republicans were trying to cancel a debt that foreign countries owe us and are amply able to pay—most of them—when the Democrats found that a Republican administration had named a commission of five Republicans to handle the debt, they knew what it meant. We protested against it at the time; I denounced the scheme when the Republicans had it up in this body; but the President named those Republicans; a Republican Senate confirmed them; and they are now in charge of the collection of that indebtedness.

Are we to get an idea of what the Republicans intend to do by what has transpired subsequently? Let us see. A Republican President named a Republican commission, and a Republican Senate confirmed them by a vote in the Senate. The Democrats came here and asked the Republicans to let us collect the interest of $2,000,000,000 on that foreign debt to the United States of $10,000,000,000, in order to pay the soldier his compensation as the payments were due. What did the Republicans do? In the conference committee, where the Republicans were in the majority, they struck that provision out, and no Republican in the other House, so far as I can find from the RECORD, lifted his voice in protest against it. What would that indicate to a discerning mind, to a man who had an inquiring mind, and who said, "I wish to see what the Republican attitude is on the subject of the collection of this foreign debt"?

If he should find that the Democrats had been insisting all along that the debt be collected; if he should find a commission being appointed to handle its collection; that the Democrats, who had been elected by part of the people of the country, were insisting that Democrats be on the commission, while the Republicans in power had turned down that view and put only Republicans upon it, he would say it would look as though something were wrong.

After that was done, and the Democrats by a solid vote in the Senate forced upon the adjusted compensation bill a provision to collect the interest on that debt in order to pay the soldiers the cash—the cold, hard cash—the conferees on the bill went behind closed doors in a conference committee and the Republicans by sheer, brute force struck it out. What would one think they intended to do? If he had any sense, he would think they did not intend to collect the debt, and that is what it means, of course.

When the bill contains a provision to collect the debt and the Republican majority vote out that provision, that means they do not intend to collect it. The Republicans having voted it out, where do they leave the foreign indebtedness? Just where it was before—not a nickel of it collected; with no machinery in existence for collecting it; and, instead of collecting a billion and a half dollars in order to take care of the payments to the soldiers, the Republican majority have stricken it out and propose to unload that debt upon the backs of the American people, with strings tied to it, so that the bankers can make money out of the distress of the soldier. God pity the Republican Party!

What do they think would happen if we should get the truth to the country? Suppose we had a fair deal in the press, as we shall have not many months hence? We shall then have a couple of news agencies here which I think will give all the news. One of them may be called the All American News Agency. Such an agency ought to be able to get all the news out to the country. Let every Senator here keep tab on it and let the subscribers of those newspapers which do not carry the news know how they are being treated. Did Senators ever consider that side of the question? There is not a newspaper in the country which can live an hour if those who subscribe to it and read it stop doing so. Talk about a strike! If the reading public of some of these corrupt sheets would quit and strike on them, they would bring them to their senses. To what is a man entitled who subscribes to a newspaper? Suppose he lives in my State and I am up here making a fight in his interest and I am pointing out the crooks who have robbed and plundered him and trying to prevent the recurrence of such a thing in the future? He is entitled to know what I have said. That is a matter of news. What ought the subscribers to the newspaper that will not print that do to it? They ought to quit subscribing to it—cancel their subscriptions.

How do the newspapers make money? Those that advertise are trying to reach the people who read newspapers. So, after all, it is the man who reads the paper who makes the machinery go. But for him, as my able and brilliant friend from Georgia [Mr. Watson] knows, none of the newspapers could live an hour. He is the one the advertising man is after when he comes in and pays to one of the newspaper editors thousands and thousands of dollars a year for space for advertising. He is doing that in order to put his goods before the people who read the paper. If the subscribers quit taking the newspaper, it dies. I have known a few of them to die in my time.

Certain fair-play leagues say they will help make the fight for a fair deal in the matter of giving the news to the public.

Mr. President, there are enough honest, patriotic men and women in America to make the fight to free this Government, to unloose its helpful instrumentalities again, so that the average man and woman may have once more a fair chance in the struggle for existence. The day is not far distant when we shall have a free press again. The subsidized press, as my friend from Georgia [Mr. Watson] stated a day or two ago regarding the "life termers," was never intended to control this country. A people worth saving will not permit a corrupt subsidized press to take the place of an honest free press. I plant myself upon that doctrine, and I am willing to stand or fall with it. I welcome any sort of a battle that may come out of it. All I ask is a fair deal.

As Senators come to this body and wear their lives out fighting for right and justice, I sometimes wonder how some of the newspaper men feel when they lie down at night and ask themselves the question at the court of their conscience, "Am I treating this man right? He is fighting for a just cause, and he ought to have my friendly aid instead of an unfriendly stab in the back." That is the thought that ought to come home to some of them.

I am the friend of the fair and honest newspapers; I think they are great agencies for good. I bid Godspeed to them; but, Mr. President, I have been attacked by inspired newspapers so far from this Capitol that a wayfaring man would know that they had been "touched" by the interests that I have condemned.

What is my fight? My fight has been against the crime of deflation. What did it do? It destroyed property values by the billions in the United States. I am for human rights and I am for property rights; but I want to say to some Senators here who do not seem to realize it that to the little farmer out upon the hillside or down by the creek bank or the river's edge, his one-horse farm, his 40 acres of land, his 10 bales of cotton, his little crib of corn, the little meat in his smokehouse, sirup in his barrel, and a few of the other necessities of life mean as much to him as do the speculator's millions tossed on the gambling table each day in Wall Street, New York. Mr. President, when deflation comes like some mighty besom of destruction and swoops down upon that farmer and takes his substance from his crib, from his smokehouse, his cotton from the warehouse, and then lastly takes his home, his farm, and leaves him with debt still hanging over him, the man responsible for that criminal catastrophe is a thief; he is an enemy of my country and I propose to pursue him and hold him up to public scorn until the country condemns him and repudiates him.

I make the statement here again that I do not believe that the President will disappoint the American people in this matter and reappoint Governor Harding. But if he should reappoint him any Senator in this body, I do not care who he is, who votes to confirm him ought to be defeated, and in my judgment will be defeated when the people know the damaging facts in Governor Harding's bad record.

When the show-down comes and the question is asked, Who is on the Lord's side, where pillaging and plundering the American people for the benefit of Wall Street is the issue, how are you going to vote? I wonder, Mr. President, on a roll call, how many there would be in this body who would vote for Wall Street over the protests of the great grain-growing West. I wonder who in this body would vote for him over the protests of the honest men and women of the South, who have suffered so much through drastic deflation? But some Wall Street financiers seem to think they can buy his reappointment. Who will pay most to have renamed this man who has juggled with the greatest financial system ever created in the Government of man. Certain financiers said, "I will not contribute to your campaign fund until you put this man back on the board." Back where? Where he inaugurated the system, or led it after Republicans had inaugurated it, of sending money into Wall Street, making millionaires over night, to the injury and the ruin of the business of millions of people in the South, West, and Middle West.

Mr. President, what do you suppose Hickory Jackson would have done if in his day a daily paper had heralded forth the statement from a big money lord that he would not contribute to the campaign fund unless the President would change his mind, and let him have the man who led the marauding horde and robbed 60,000,000 people for the benefit of a few thousand in the East? What do you suppose Old Hickory would have done? What he would have said about that fellow, and what he would have given the country to understand about the situation, would have been very heartening indeed. I can imagine now that I can see Old Hickory when a man went into the White House and told him: "Read that, Mr. President. Here is a fellow who says he will not give anything to the campaign fund until you reappoint a man who has been worth millions to him and others by deflation." I have in mind just what Old Hickory would have said, but I am not going to say it.

Mr. President, that is a disgusting situation with which to confront 4,000,000 soldiers who offered to die for their country.

I want to drop this thought before I finish:

This banking system was not devised for the benefit of the bankers. It was intended to be helpful to all. It was devised for the purpose of blessing and benefiting the whole American people. I remember what President Wilson said in a letter to my colleague [Mr. Underwood] when that bill became the law. He rejoiced, in his letter to my colleague, that we had broken the power of Wall Street and had freed this great banking system from the clutches of that control; and now what has happened to it? It has gone back. They have control of it, and the very fellows who opposed its enactment are now well pleased with it and the head of it, who had a change of heart and came over to be their subservient tool, until this man writes down and says that he can not give any more money unless they will rename the present head of the system and let it rock along as it rocked before.

Mr. President, some of these things ought to be said. They ought to go in this Record, so that the people who read each day 40,000 copies of this Record, going into the various sections, can find out what is going on here. Little by little and bit by bit they can spread the news, until it will affect first a precinct, then a county, then a State, and then the United States. A good cause can not be suppressed. If those who fight for it are faithful, it will surely win in the end.

Mr. President, I have felt impelled to make these statements by what has transpired to-day. The reclamation project is kicked into the air; the collection of the interest on the foreign debt is thrown aside and an arrangement through which bankers can make money out of the soldier is held up in its stead.

Mr. President, it is a sad situation to contemplate. I never thought this thing would be practiced against the soldier. I never thought an attempt would be made to establish a precedent on a situation that affected him as vitally as this. I want to move to instruct the conferees to go back and stay until the snow flies, or settle this question that these boys are going to have some of this cash due this Government that they saved, due from the governments that they saved. No country over there, nor our own country here, would be in existence to-day but for the valor and heroism of these men, and yet they are pushed off, back, back, back, the last to be served, and when they are served money is denied them, reclamation lands in the West are denied them, and scrip is put up in their stead; and on top of that we are told that the President will veto the whole measure, and after all the soldier must take his hat under his arm, and with bowed head and folded hands and slow and solemn tread walk back into utter forgetfulness, so far as these men are concerned. I want to say to him that such a judgment is not the judgment of the American people. It is the conjured-up trickery of those in power and does not reflect the minds of the men and women of America.

Mr. President, these men saved my country. They brought back that flag flying in the air of victory. They bore it with manly tread down Pennsylvania Avenue while thousands applauded and cheered them; and after the march was over, and after the flag was furled, and after the night had fallen, these men passed off this stage of display, and they were driven back and the curtain pulled down over them, and they had to wait until every profiteering interest in the country was served, and now they are confronted with a situation that is displeasing indeed.

Mr. WATSON of Georgia. Mr. President——

Mr. HEFLIN. I am glad to yield to my friend from Georgia.

Mr. WATSON of Georgia. If the Senate and the House concurring should pass a real soldiers' bonus bill at this very late day, when so many of the soldiers who escaped German gas and bombs and bullets are dead, I hope that as a part of the epitaphs marking the graves of these men who died with broken hearts and broken expectations will be a copy of the President's veto message.

Mr. HEFLIN. Oh, Mr. President, I pray that this measure will not be vetoed. This thing that we have is far better than nothing. I have spoken many a time here to try to get cash payments made by the collection of this money from foreign countries. We had it provided for. The House should have stood out and contended for it. The leadership of the Republican Party in that body ought to have stood there and fought until the snow flies to hold that provision in the bill; but it was stricken out. One morning at the breakfast table I picked up the Washington Post and read the headlines, "Collection of interest on foreign debt is stricken out by conferees." Mr. President, it made me sad, because I saw in it a scheme to deny to these boys the cash that those payments would have given them. I saw in it the hidden, subterranean scheme to cancel this foreign debt; and when the conferees reported, and I saw that this was not merely newspaper report, but was an actual accomplishment, I said: "I will make the motion to instruct the conferees to insist upon the provision which requires the collection of the interest on the money due us by foreign countries and use it in paying adjusted compensation to our soldiers. I now suggest, Mr. President, that the conferees be instructed to go back to the conference committee room and ask, on the part of the House, the appointment of another committee to replace this one that they have disbanded so soon in the interest of foreign cancellation, take this matter under consideration, fight this thing out, collect this money, and pay these boys. We had provided a way to pay every dollar of adjusted compensation to our soldiers without taxing the American people one cent and you have stricken it out.

I said before, and I am going to repeat, that two of these countries, France and England alone, have paid Wall Street private interests $1,700,000,000 in the last few months. Why can they not pay us a billion and a half? We saved their lives. What hold has this great money power, that the Republican Party is impotent to break away and refuse to follow the bidding of these men of Wall Street?

Why, Senators, I would go to them and say: "You took $90,000,000 of big income tax, you took $450,000,000 of profiteering tax, you took $700,000,000 for war contracts that were questionable, many of them, and here you are not satisfied yet! You reaped fortunes through deflation in the South; you fed and fattened upon the ruin wrought by deflation in the West; but you are not satisfied yet, and now you come and demand of us, sworn to represent the people of this country, to dismiss this movement to collect interest on the foreign debt to provide a shelter for the soldier, clothing for his back, and food for his mouth. We will not do it. We are going to stand by this program." That is what you ought to tell them.

Mr. President, those who served their country faithfully live on. The timeserver dies in a day. The soldier offered his all. By his side his comrade fell and baptized with his blood the soil of France. The surviving soldier, neglected, mistreated, will live on in the hearts of some of us, the men and women of the country who represent the great, throbbing heart of humanity in this western world.

Mr. President, Ben Hill, of Georgia—so well and ably represented in the present Senate by the Senator from that State and his colleague—uttered these immortal words:

> Who saves his country saves all things, and all things saved do bless him;
> But he who lets his country die lets all things die; and all things, dying, curse him.

The PRESIDING OFFICER (Mr. Willis in the chair). The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HARRISON. On that I ask for the yeas and nays.

Mr. HEFLIN. I suggest the absence of a quorum.

Mr. HARRISON. Will the Senator withhold his suggestion until we can have the yeas and nays ordered?

Mr. HEFLIN. Very well.

Mr. McCUMBER. The suggestion of the absence of a quorum has been made. There is but one thing to do and that is to call the roll.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Broussard
Bursum
Cameron
Capper
Colt
Cummins
Curtis
Dillingham
du Pont
Ernst
Fletcher
France
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
King
Lenroot
McCormick
McCumber
McLean
McNary
Moses
Myers
New
Nicholson
Norbeck
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Sheppard
Shields
Shortridge
Simmons
Smoot
Stanfield
Stanley
Sterling
Sutherland
Swanson
Trammell
Underwood
Walsh, Mass.
Watson, Ga.
Williams
Willis

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. There is a quorum present.

Mr. JONES of Washington. Mr. President, I desire to make a parliamentary inquiry. I was not present when the Chair made his ruling; I was in a conference committee meeting. I understand a motion was made to recommit the bonus bill to the conferees, with instructions with reference to certain amendments, and when the Chair held that that was not in order an appeal was taken from that ruling, and that that is the question before the Senate. Is that correct?

The PRESIDENT pro tempore. That is substantially correct. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. Elkins] to the senior Senator from Nebraska [Mr. Hitchcock] and vote "nay."

Mr. MOSES (when Mr. Keyes's name was called). I wish to announce the absence of my colleague [Mr. Keyes] on account of illness in his family. If present, he would vote "yea" on this question.

Mr. NEW (when his name was called). I transfer my pair with the junior Senator from Tennessee [Mr. McKellar] to the junior Senator from Michigan [Mr. Newberry] and vote "yea."

Mr. SIMMONS (when Mr. Overman's name was called). I wish to announce that my colleague [Mr. Overman] is absent on account of illness. He is paired with the senior Senator from Wyoming [Mr. Warren].

Mr. PHIPPS (when his name was called). I transfer my pair with the junior Senator from South Carolina [Mr. Dial] to the senior Senator from New York [Mr. Wadsworth] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. Smith] to the Senator from New Hampshire [Mr. Keyes], and vote "yea."

Mr. SUTHERLAND (when his name was called). I transfer my general pair with the senior Senator from Arkansas

[Mr. Robinson] to the senior Senator from Michigan [Mr. Townsend], and vote "yea."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. Lodge] to the junior Senator from Rhode Island [Mr. Gerry], and vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the Senator from California [Mr. Johnson]. In his absence I withhold my vote.

Mr. WILLIS (when his name was called). I am paired with my colleague, the senior Senator from Ohio [Mr. Pomerene]. I transfer that pair to the junior Senator from Washington [Mr. Poindexter], and vote "yea."

The roll call was concluded.

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from New York [Mr. Calder] with the Senator from Georgia [Mr. Harris];

The Senator from New Jersey [Mr. Edge] with the Senator from Oklahoma [Mr. Owen];

The Senator from Maine [Mr. Fernald] with the Senator from New Mexico [Mr. Jones];

The Senator from New Jersey [Mr. Frelinghuysen] with the Senator from Montana [Mr. Walsh];

The Senator from Illinois [Mr. McKinley] with the Senator from Arkansas [Mr. Caraway]; and

The Senator from Wyoming [Mr. Warren] with the Senator from North Carolina [Mr. Overman].

Mr. McCORMICK. I have a standing pair with the junior Senator from Wyoming [Mr. Kendrick], which I transfer to the junior Senator from Missouri [Mr. Spencer], and vote "yea."

Mr. WILLIAMS. I transfer my pair with the Senator from Indiana [Mr. Watson] to the Senator from Nevada [Mr. Pittman] and vote "nay."

The roll call resulted—yeas 33, nays 21, as follows:

YEAS—33.

Ball
Brandegee
Bursum
Capper
Colt
Curtis
Dillingham
du Pont
Ernst
France
Gooding
Hale
Harreld
Kellogg
Lenroot
McCormick
McCumber
McLean
Moses
New
Nicholson
Norbeck
Oddie
Phipps
Rawson
Reed, Pa.
Sheppard
Shortridge
Smoot
Sterling
Sutherland
Walsh, Mass.
Willis

NAYS—21.

Ashurst
Borah
Broussard
Cameron
Fletcher
Glass
Harrison
Heflin
Jones, Wash.
King
McNary
Myers
Ransdell
Shields
Simmons
Stanfield
Stanley
Swanson
Trammell
Underwood
Williams

NOT VOTING—42.

Calder
Caraway
Culberson
Cummins
Dial
Edge
Elkins
Fernald
Frelinghuysen
Gerry
Harris
Hitchcock
Johnson
Jones, N. Mex.
Kendrick
Keyes
Ladd
La Follette
Lodge
McKellar
McKinley
Nelson
Newberry
Norris
Overman
Owen
Page
Pepper
Pittman
Poindexter
Pomerene
Reed, Mo.
Robinson
Smith
Spencer
Townsend
Wadsworth
Walsh, Mont.
Warren
Watson, Ga.
Watson, Ind.
Weller

The PRESIDENT pro tempore. Upon the appeal from the ruling of the Chair the yeas are 33 and the nays are 21. The ruling of the Chair is sustained. The question now is upon agreeing to the conference report.

Mr. HEFLIN. Mr. President, in view of the action of the Senate in sustaining the decision of the Chair, it would be a useless consumption of time to submit the motion I had intended to make, and therefore I shall not press it.

Mr. HARRISON. Let us have the yeas and nays on agreeing to the conference report.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. Elkins]. I understand that if present he would vote as I intend to vote, I vote "yea."

Mr. MOSES (when Mr. Keyes's name was called). I wish to repeat the announcement as to the absence of my colleague [Mr. Keyes], who is necessarily detained by reason of illness in his family. If present he would vote "nay."

Mr. SIMMONS (when Mr. Overman's name was called). I desire to announce again the necessary absence of my colleague [Mr. Overman] because of illness. If my colleague were present he would vote "yea." He is paired with the Senator from Wyoming [Mr. Warren].

Mr. PHIPPS (when his name was called). On this question I understand that I am at liberty to vote, and I vote "nay."

Mr. JONES of Washington (when Mr. Poindexter's name was called). My colleague [Mr. Poindexter] is necessarily absent. If he were present, and at liberty to vote, he would vote "yea" on the adoption of the report.

Mr. SWANSON (when his name was called). The Senator from Nevada [Mr. Pittman] is detained from the Senate on account of sickness. I agreed to pair with him on this vote. In his absence I withhold my vote. If the Senator from Nevada were present he would vote "yea" and if I were permitted to vote I would vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the Senator from Massachusetts [Mr. Lodge] to the Senator from South Carolina [Mr. Dial] and vote "nay."

Mr. WATSON of Georgia (when his name was called). I again announce my pair with the senior Senator from California [Mr. Johnson], who, if present, would vote "yea." I am therefore at liberty to vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my general pair with the Senator from Indiana [Mr. Watson] to the Senator from Oklahoma [Mr. Owen] and vote "nay."

Mr. WILLIS (when his name was called). I am paired with my colleague the senior Senator from Ohio [Mr. Pomerene]. However, I am advised that on this question he would vote as I intend to vote, and I therefore feel at liberty to vote. I vote "yea."

The roll call was concluded.

Mr. NEW (after having voted in the negative). I neglected to announce the transfer of my pair with the junior Senator from Tennessee [Mr. McKellar] to the junior Senator from Michigan [Mr. Newberry].

Mr. CURTIS. I was requested to announce the necessary absence of the Senator from Wisconsin [Mr. La Follette] and that if present he would vote "yea."

Mr. SUTHERLAND. I have a general pair with the senior Senator from Arkansas [Mr. Robinson]. I am advised that if he were present he would vote as I shall vote upon this question. I therefore feel at liberty to vote. I vote "yea."

Mr. UNDERWOOD. I wish to announce that the senior Senator from Ohio [Mr. Pomerene] is necessarily absent. He has a general pair with his colleague [Mr. Willis]. If present, the senior Senator from Ohio would vote "yea."

Mr. WALSH of Massachusetts. I wish to announce that the junior Senator from Rhode Island [Mr. Gerry] if present and not paired would vote "yea."

Mr. SHEPPARD. The senior Senator from Texas [Mr. Culberson] is unavoidably absent. If present, he would vote "yea."

Mr. NORBECK (after having voted in the affirmative). I have a pair with the senior Senator from Pennsylvania [Mr. Pepper]. In his absence I withdraw my vote. If the senior Senator from Pennsylvania were present, he would vote "nay," and if at liberty to vote I would vote "yea."

Mr. STERLING (after having voted in the negative). I transfer my pair with the Senator from South Carolina [Mr. Smith] to the junior Senator from New Hampshire [Mr. Keyes] and allow my vote to stand.

Mr. CURTIS. I wish to announce that the senior Senator from Massachusetts [Mr. Lodge] is unavoidably detained. If present, he would vote "yea." His pair has been announced.

Mr. KING. I have a pair on this question with the senior Senator from Ohio [Mr. Pomerene]. In his absence I withhold my vote.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from North Carolina [Mr. Overman], who would vote "yea," is paired with the Senator from Wyoming [Mr. Warren], who would vote "nay."

The Senator from Georgia [Mr. Harris], who would vote "yea," is paired with the Senator from New York [Mr. Calder], who would vote "nay."

The Senator from Montana [Mr. Walsh], who would vote "yea," is paired with the Senator from New Jersey [Mr. Frelinghuysen], who would vote "nay."

The Senator from New Mexico [Mr. Jones], who would vote "yea," is paired with the Senator from Maine [Mr. Fernald], who would vote "nay."

The Senator from Washington [Mr. Poindexter], who would vote "yea," is paired with the Senator from New York [Mr. Wadsworth], who would vote "nay."

The Senator from Missouri [Mr. Spencer], who would vote "yea," is paired with the Senator from New Jersey [Mr. Edge], who would vote "nay."

I also wish to announce that the following Senators who, if present, would vote "yea" are necessarily absent: The Senator from North Dakota [Mr. LADD], the Senator from Illinois [Mr. MCKINLEY], the Senator from West Virginia [Mr. ELKINS], the Senator from Michigan [Mr. TOWNSEND], and the Senator from Nebraska [Mr. NORRIS].

Mr. WALSH of Massachusetts. I wish to announce that the following Senators are necessarily absent, and that if present would vote "yea": The Senator from Arkansas [Mr. CARAWAY], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Wyoming [Mr. KENDRICK], and the Senator from Missouri [Mr. REED].

The result was announced—yeas 36, nays 17, as follows:

YEAS—36.

Ashurst
Brandegee
Broussard
Bursum
Cameron
Capper
Colt
Cummins
Curtis
Fletcher
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
Lenroot
McCormick
McCumber
McLean
McNary
Nicholson
Oddie
Ransdell
Rawson
Sheppard
Shortridge
Simmons
Stanfield
Stanley
Sutherland
Trammell
Walsh, Mass.
Watson, Ga.
Willis

NAYS—17.

Ball
Borah
Dillingham
du Pont
Ernst
France
Glass
Moses
Myers
New
Phipps
Reed, Pa.
Shields
Smoot
Sterling
Underwood
Williams

NOT VOTING—43.

Calder
Caraway
Culberson
Dial
Edge
Elkins
Fernald
Frelinghuysen
Gerry
Harris
Hitchcock
Johnson
Jones, N. Mex.
Kendrick
Keyes
King
Ladd
La Follette
Lodge
McKeller
McKinley
Nelson
Newberry
Norbeck
Norris
Overman
Owen
Page
Pepper
Pittman
Poindexter
Pomerene
Reed, Mo.
Robinson
Smith
Spencer
Swanson
Townsend
Wadsworth
Walsh, Mont.
Warren
Watson, Ind.
Weller

So the conference report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

THE TARIFF—CONFERENCE REPORT.

Mr. McCUMBER. I ask the Chair to lay before the Senate the action of the House agreeing to the conference report on House bill 7456.

The PRESIDENT pro tempore. It will be stated by the Secretary.

The reading clerk read as follows:

IN THE HOUSE, *September 15.*

The House agrees to the conference report on House bill 7456—the tariff bill.

Mr. McCUMBER. In behalf of the Senate conferees I present the report.

The PRESIDENT pro tempore. It will be read.

The READING CLERK. The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

[For report see House proceedings of Thursday, September 14, pp. 12615–12666.]

Mr. McCUMBER. I ask that the report be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCUMBER. I shall not call up the report until tomorrow.

PENSIONS AND INCREASE OF PENSIONS—CONFERENCE REPORT.

Mr. BURSUM submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 10, 11, 12, 15, 17, 18, 20, 22, 25, 26, 27, 28, 29, 32, 33, 35, 38, 39, 41, 42, 43, 44, 45, 46, 48, 51, 52, 55, 56, 57, 58, 60, 61, 64, 66, 67, 69, 71, 74, 77, 78, 79, 80, 83.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 6, 7, 8, 9, 13, 14, 16, 19, 21, 23, 24, 30, 31, 34, 36, 37, 47, 49, 50, 53, 54, 59, 62, 63, 65, 68, 70, 72, 73, 75, 76, 81, 82, and agree to the same.

Amendment numbered 2: That the Senate recede from its amendment numbered 2, and in lieu of the matter proposed to be stricken out insert the following: "The name of Annie N. Sullivan, widow of Calvin Sullivan, late of Captain Yoakum's Tennessee Volunteers, Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving"; and the House agree to the same.

Amendment numbered 40: That the Senate recede from its amendment numbered 40, and in lieu of the matter proposed to be stricken out insert the following: "The name of Jacob Amberg, late of Troop D, Fifth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving"; and the House agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with the following amendments: On page 8, line 11, of the Senate engrossed amendment, strike out "$12" and insert "$18." At the end of the Senate engrossed amendment insert the following:

"The name of Nathaniel Holt, late of Company H, Seventeenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Claude H. Dean, late of Company I, Forty-ninth Regiment Iowa Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

"The name of Lucinda J. Henry, widow of William Henry, late of Company E, First Regiment Ohio Volunteers, war with Mexico, and pay her a pension at the rate of $30 per month.

"The name of Julia E. Sherrill, widow of Landon Sherrill, late of Company K, Fifth Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of William Mendenhall, late of Company E, Thirty-fifth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $17 per month.

"The name of John Ferriter, late of Battery H, Second Regiment United States Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

"The name of George E. P. Mitchell, late of Company K, First United States Volunteer Engineers, war with Spain, and pay him a pension at the rate of $30 per month.

"The name of Hulda Flatt, former widow of David S. Beach, late of the United States Navy, Regular Establishment, and pay her a pension at the rate of $12 per month.

"The name of Walter A. Fleming, late of Company I, Fifty-first Regiment Iowa Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Daniel W. Eveland, late of Company D, Fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Maria Tighe, widow of Michael F. Tighe, late Signal Corps, United States Army, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Elias J. Quick, late of Capt. Clinton M. Tyler's Rangers, Colorado Militia, Indian wars, and pay him a pension at the rate of $20 per month.

"The name of William Stall, late of Troop F, First Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

"The name of Thomas Purcell, late of the United States Navy, war with Spain, and pay him a pension at the rate of $17 per month.

"The name of Lewis Speie, late of Troop A, Ninth Regiment United States Cavalry, Indian wars, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of Claude S. Kellogg, late of Company G, Sixteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

"The name of Fred O. Hamilton, late of Company M, Fourth Regiment Missouri Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Eugene Augustus Gosling, alias James Gaslin, late of Company L, Sixth Regiment United States Artillery, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of John W. Cornell, late of Company F, Thirty-eighth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

"The name of Samuel M. Griffith, late of Company A, Sixth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

"The name of George A. Thompson, late of Troop F, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

"The name of Wade Bledsoe, late of Company K, Twenty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

"The name of William D. Wilson, late of Company A, Fourth Regiment Illinois Infantry, war with Spain, and pay him a pension at the rate of $17 per month.

"The name of Christine Siehl, dependent mother of Fred Siehl, late of Company K, Third Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

"The name of Mary C. Whalen, dependent mother of Joseph J. Whalen, late of Company B, First Regiment South Dakota Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

"The name of Nellie Masters, dependent mother of John D. McGinty, late of Company E, First Regiment California Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

"The name of James W. Bess, late of Companies H and I, Sixth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $80 per month in lieu of that he is now receiving.

"The name of William R. Neal, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

"The name of Emilie Draves, widow of Michael Draves, late of the United States ships *Constellation*, *Monongahela*, *Franklin*, *Kearsarge*, *Wabash*, and *Abarenda*, United States Navy, war with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of said Michael Draves until they reach the age of 16 years.

"The name of Anna B. Mount, dependent mother of Edward W. Mount, late of Company L, First Regiment West Virginia Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

"The name of Nancy Adams, dependent mother of Joseph W. Adams, late of Company A, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of George M. Perry, late of the United States Marine Corps, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Poppy Trammell, dependent mother of James Trammell, late of Company A, Twenty-seventh Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of William Hays, late of Company B, Twenty-third Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

"The name of Arthur E. Prager, late of Company I, Ninth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

"The name of William T. North, dependent father of James M. North, late of Company D, Thirty-fifth Regiment United States Volunteer Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

"The name of Ellen Hoctor, dependent mother of John Hoctor, late of Company I, First Regiment Maine Infantry, war with Spain, and pay her a pension at the rate of $20 per month.

"The name of Roselia Meehan, dependent mother of Augusta Meehan, late of Company L, Sixth Regiment United States Volunteer Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

"The name of Charles W. Adams, late of Company E, Third Regiment Virginia Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

"The name of Ulysses Drinnon, late of the Twenty-second Battery, United States Field Artillery, war with Spain, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

"The name of Walter Barbo, late of Company I, One hundred and sixtieth Regiment Indiana Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

"The name of William Elliott, late of Company K, Fifteenth Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Lawrence L. Dunning, late of Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Nathan L. Smith, dependent father of Walter B. Smith, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

"The name of William S. Davis, who served in Troop H, Seventh Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Martha Jane Wilson, dependent mother of Lebby E. Wilson, late of the Eighteenth Company, United States Coast Artillery, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Harriet R. Palmer, dependent mother of Wilbur N. Gillette, late of Company I, Eighteenth Regiment United States Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

"The name of Van Letsinger, late of Company D, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

"The name of Thomas Reece, late of Captain Rogers's company, Texas Rangers, Indian wars, and pay him a pension at the rate of $20 per month.

"The name of Calvin S. Hines, late of Capt. George W. Stevens's company, Texas Rangers, Indian wars, and pay him a pension at the rate of $20 per month.

"The name of Eliza W. Davis, widow of Gilbert F. Davis, late of Battery E, Fourth Regiment United States Artillery, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Julia B. Reynolds, widow of Robert W. Reynolds, late first lieutenant of the Third Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

"The name of Ulric S. McPheeters, late of Companies C and I, Second Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Katherine C. Eiffert, widow of George E. Eiffert, alias George Edwards, late of Company B, Thirty-second Regiment United States Infantry, Indian wars, and pay her a pension at the rate of $12 per month.

"The name of William R. Spooner, late of Company F, First Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $12 per month.

"The name of James Noe, dependent father of James W. Noe, late of the One hundred and thirty-seventh Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

"The name of Edward F. Stewart, late of Company K, Thirty-first Regiment United States Infantry, Indian wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Lemuel A. Mitchell, late of Company G, One hundred and sixty-first Regiment Indiana Infantry, war with Spain, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

"The name of Ray England, late of Company H, Second Regiment Ohio Infantry, war with Spain, and pay him a pension at the rate of $30 per month.

"The name of Gustav Buelow, late of Company E, Fourteenth Regiment United States Infantry, war with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

"The name of Napoleon W. Alexander, late of Colonel Dalrymple's company, Texas Rangers, Indian wars, and pay him a pension at the rate of $20 per month.

"The name of Emma C. Wiese, widow of Frank J. Wiese, late of Company C, Tenth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Mary A. Scanlan, dependent mother of William J. Scanlan, late of Battery A, Fifth Regiment United

States Field Artillery, Regular Establishment, border defense, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Katherine Timlin, dependent mother of John J. Timlin, late of the band, Second Regiment North Carolina Infantry, war with Spain, and pay her a pension at the rate of $12 per month.

"The name of Patrick J. Blake, late of the Tenth Company, United States Volunteer Signal Corps, war with Spain, and pay him a pension at the rate of $12 per month.

"The name of Mortimer S. Martin, late of Capt. D. B. Randall's company and Capt. James Cearley's company, Idaho Volunteers, Nez Perce Indian war, and pay him a pension at the rate of $20 per month.

"The name of William S. Ritman, late of Capt. D. B. Randall's Company B, Second Regiment Idaho Volunteers, Indian wars, and pay him a pension at the rate of $20 per month.

"The name of James M. Burns, late of Company L, First Regiment United States Volunteer Engineers, war with Spain, and pay him a pension at the rate of $12 per month.

"The name of Samuel J. Herrin, late of unassigned company, Montana Volunteers, Indian war, and pay him a pension at the rate of $20 per month.

"The name of Ernest F. Grimm, late of the United States Marine Corps, Regular Establishment, and pay him a pension at the rate of $30 per month.

"The name of Jane Myers, dependent mother of Joseph S. Myers, late fireman, first class, United States torpedo boat *Tingey*, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Capt. L. L. Tackitt, late of First Company Parker County Minute Men, Texas State Troops participating in the Indian wars of 1866, and pay him a pension at the rate of $20 per month.

"The name of Sarah Christensen, mother of Alfred Christensen, late of Company C, Sixth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

"The name of Samuel Inklebarger, late of Company K, Sixth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.'

"The name of Anna Claude Howard, widow of Thomas Benton Howard, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month.

"The name of Richard H. Humphries, late of Company E, Fourth Regiment Virginia Volunteer Infantry, war with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving."

And the Senate agree to the same.

P. J. McCumber,
H. O. Bursum,
Managers on the part of the Senate.
Harold Knutson,
J. M. Robsion,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

The report was agreed to.

W. W. M'GRATH.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 2722) for the relief of W. W. McGrath, and requesting a conference with the Senate on the disagreeing votes of the two houses thereon.

Mr. CAPPER. I move that the Senate insist on its amendment, agree to the conference requested by the House, and that the Chair appoint conferees.

The motion was agreed to, and the President pro tempore appointed Mr. Capper, Mr. Gooding, and Mr. Trammell conferees on the part of the Senate.

LIZZIE ASKELL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 3034) for the relief of Lizzie Askell, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CAPPER. I move that the Senate insist on its amendment, agree to the conference requested by the House, and that the Chair appoint conferees.

The motion was agreed to, and the President pro tempore appointed Mr. Capper, Mr. Gooding, and Mr. Trammell conferees on the part of the Senate.

CLAIMS ARISING FROM COLLISIONS WITH NAVAL VESSELS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CAPPER. I move that the Senate insist on its amendments, agree to the conference requested by the House, and that the Chair appoint conferees.

The motion was agreed to, and the President pro tempore appointed Mr. Capper, Mr. Gooding, and Mr. Trammell conferees on the part of the Senate.

MICHIGAN BOULEVARD BUILDING CO.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 5918) for the relief of the Michigan Boulevard Building Co., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CAPPER. I move that the Senate insist on its amendment, agree to the conference requested by the House, and that the Chair appoint conferees.

The motion was agreed to, and the President pro tempore appointed Mr. Capper, Mr. Gooding, and Mr. Trammell conferees on the part of the Senate.

CLAIMS AGAINST THE GOVERNMENT.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CAPPER. I move that the Senate insist on its amendments, agree to the conference requested by the House, and that the Chair appoint conferees.

The motion was agreed to, and the President pro tempore appointed Mr. Capper, Mr. Gooding, and Mr. Trammell conferees on the part of the Senate.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Saturday, September 16, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 15, 1922.

Promotions in the Regular Army.

MEDICAL ADMINISTRATIVE CORPS.

To be first lieutenants.

Second Lieut. John Charles Schwieger, Medical Administrative Corps, from September 10, 1922.

Second Lieut. William Edmund Whelan, Medical Administrative Corps, from September 12, 1922.

Second Lieut. Leslie Haward Stein, Medical Administrative Corps, from September 12, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 15, 1922.

Promotions in the Army.

Joseph Magoffin Glasgow to be first lieutenant, Cavalry.

Victor Parks, jr., to be captain, Air Service.

Merritte Weber Ireland to be Surgeon General with the rank of major general.

Postmasters.

NEW HAMPSHIRE.

William D. Chandler, Concord.

NEW YORK.

Henry Gibson, Cornwall.

WEST VIRGINIA.

Roland U. Myers, Rivesville.

WISCONSIN.

Winford Suits, Medford.

HOUSE OF REPRESENTATIVES.

FRIDAY, *September 15, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father who art in heaven, we thank Thee that nothing shall be able to separate us from the love of God. We bless Thee that Thou art patient to listen and willing to hear. We praise Thee for the mercies that enrich human life. Thy resources are infinite—bread enough for the hungry, wisdom for the erring, strength for the faltering, comfort for the sorrowing, and eternal life for the dying. O fill our hearts with Thy truth and our minds with Thy light. Guard our country, defend its laws, bless all institutions for the diffusion of knowledge, for the maintenance of rectitude and justice. O may its light shine as an example for all peoples, and may the whole earth be our vineyard, and to do good our religion. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3990. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Brooklyn Museum the silver service which was presented to the cruiser *Brooklyn* by citizens of Brooklyn, N. Y.; and

S. 3936. An act to rebuild the boys' dormitory at the Indian school, Rapid City, S. Dak.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 11843. An act for the prevention and removal of obstructions and burdens upon interstate commerce in grain, by regulating transactions on grain-future exchanges, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6507) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

SENATE BILLS REFERRED.

Under Clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below.

S. 3936. An act to rebuild the boys' dormitory at the Indian school, Rapid City, S. Dak.; to the Committee on Appropriations.

S. 3990. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Brooklyn Museum the silver service which was presented to the cruiser *Brooklyn* by citizens of Brooklyn, N. Y.; to the Committee on Naval Affairs.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On September 14, 1922:

H. R. 1274. An act for the relief of Maude H. Mosher;

H. R. 9103. An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes;

H. R. 12493. An act amending the act of June 30, 1922, making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes; and

H. R. 1948. An act for the relief of Virgil O. McWhorter.

On September 15, 1922:

H. R. 2866. An act authorizing the Secretary of the Interior to sell and patent to parties named herein certain lands in Louisiana;

H. R. 10361. An act authorizing the sale and patent of certain alleged public lands in Louisiana; and

H. R. 11590. An act to amend sections 34 and 40 of the organic act of the Territory of Hawaii.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 243. An act providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak.;

H. R. 4504. An act for the relief of Annie M. Lepley;

H. R. 4810. An act to authorize the creation of corporations for the purpose of engaging in business within China;

H. R. 6507. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. H. 5385. An act for the relief of Henry T. Hill;

H. R. 5965. An act for the relief of the owner of the vessel *Maria Artau;*

H. R. 6863. An act granting to certain claimants the preference right to purchase unappropriated public lands in the State of Arkansas;

H. R. 8010. An act to authorize the leasing for mining purposes of unallotted lands on the Fort Peck and Blackfeet Indian Reservations in the State of Montana;

H. R. 8119. An act for the relief of certain persons, their heirs or assigns, who heretofore relinquished lands inside national forests to the United States;

H. R. 8763. An act validating and confirming a certain indemnity school-land selection of the State of Florida;

H. R. 9270. An act to confer upon the Territorial courts of Porto Rico concurrent jurisdiction with the United States courts, of that district of all offenses under the national prohibition act and all acts amendatory thereof and supplemental thereto;

H. R. 9499. An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands;

H. R. 9866. An act authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision;

H. R. 10193. An act extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes;

H. R. 10672. An act to amend the act of July 24, 1919, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920"; and

H. R. 12022. An act relative to the naturalization and citizenship of married women.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 3918. An act to amend section 51 of chapter 4 of the Judicial Code;

S. 3086. An act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia;

S. 3917. An act to amend section 876 of the Revised Statutes;

H. R. 11872. An act to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the operation and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provisions as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes; and

S. J. Res. 169. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Willem van Doorn, a subject of the Netherlands.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 11116. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended.

The message also announced that the Senate had insisted upon its amendments to bills of the following titles disagreed to by the House of Representatives, had agreed to the conference asked by the House thereon, and had appointed Mr. Smoot, Mr. Lenroot, and Mr. Myers as the conferees on the part of the Senate:

H. R. 7053. An act to grant certain lands to the city of Canon City, Colo., for a public park;

H. R. 7967. An act granting certain lands to Escambia County, Fla., for a public park; and

H. R. 10419. An act validating certain applications for and entries of public lands.

THE CIVIL SERVICE.

Mr. LEHLBACH presented the following conference report and statement for printing in the Record under the rule:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 11212, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

Frederick R. Lehlbach,
Louis W. Fairfield,
Managers on the part of the House.
Thomas Sterling,
Albert B. Cummins,
Jos. E. Ransdell,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

It reduces the minimum age at which employees of the Government may come within the provisions of the bill from 60 to 55 years.

It incorporates as section 5 a provision for the payment of compensation for work actually performed to employees who were unlawfully retained in active service after reaching retirement age. This provision has already passed the House as section 3 of H. R. 3164.

Frederick R. Lehlbach,
Louis W. Fairfield,
Managers on the part of the House.

FEDERAL FUEL DISTRIBUTOR—CONFERENCE REPORT.

Mr. WINSLOW. Mr. Speaker, I call up the conference report on H. R. 12472, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on H. R. 12472 and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. SANDERS of Indiana. Mr. Speaker, I reserve all points of order on the conference report.

The SPEAKER. The gentleman from Indiana reserves all points of order on the conference report. The Clerk will report the statement.

The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That by reason of the prolonged interruption in the operation of a substantial part of the coal-mining industry in the United States and of the impairment in the service of certain carriers engaged in commerce between the States and by reason of the disturbance in economic and industrial conditions caused by the World War a national emergency exists which endangers the public health and general welfare of the people of the United States, injures industry and business generally throughout the United States, furnishes an opportunity for the disposition of coal and other fuel at unreasonably high prices, limits the supply of heat, light, and power, threatens to obstruct and hamper the operation of the Government of the United States and of its several departments, the transportation of the mails, the operation and efficiency of the Army and the Navy, and the operation of carriers engaged in commerce among the several States and with foreign countries."

"Sec. 2. That the powers of the Interstate Commerce Commission under the act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, including the transportation act, 1920, and especially under section 402 of said transportation act, 1920, are, during the aforesaid emergency, enlarged to include the authority to issue in transportation of coal or other fuel orders for priorities in car service, embargoes, and other suitable measures in favor of or against any carrier, including vessels suitable for transportation of coal on the inland waters of the United States which for such purpose shall be subject to the interstate commerce act, or region, municipality, community, or person, copartnership, or corporation, and to take any other necessary and appropriate steps for the priority in transportation and for the equitable distribution of coal or other fuel so as best to meet the emergency and to promote the general welfare, and to prevent upon the part of any person, partnership, association, or corporation the purchase or sale of coal or other fuel at prices unjustly or unreasonably high. This act shall not be construed as repealing any of the powers heretofore granted by law to the Interstate Commerce Commission but shall be construed as conferring supplementary and additional powers to said commission and as an amendment to section 1 of the interstate commerce act, and subject to the limitations and definitions of commerce controlled by said act, and all powers given said Interstate Commerce Commission shall be applicable in the execution of this act.

"Sec. 3. Because of such emergency and to assure an adequate supply and an equitable distribution of coal and other fuel, and to facilitate the movement thereof between the several States and with foreign countries, to supply the Army and Navy, the Government of the United States and its several departments, and carriers engaged in interstate commerce with the same during such emergency, and for other purposes, and for the further purpose of assisting in carrying into effect the orders of the Interstate Commerce Commission made under existing law or under section 2 hereof there is hereby created and established an agency of the United States to be known as Federal fuel distributor, whose appointment shall be made and compensation fixed by the President of the United States. Said distributor shall perform his duties under the direction of the President.

"Sec. 4. It shall be the duty of the Federal fuel distributor to ascertain—

"(a) Whether there exists within the United States or any part thereof a shortage of coal or other fuel and the extent of such shortage;

"(b) The fields of production of coal and other fuel and the principal markets to which such production is or may be transported and distributed and the means and methods of distribution;

"(c) The prices normally and usually charged for such coal and other fuel and whether current prices, considering the costs of production and distribution, are just and reasonable; and

"(d) The nature and location of the consumers; what persons, copartnerships, corporations, regions, municipalities, or communities should, under the acts to regulate commerce administered by the Interstate Commerce Commission, including the transportation act, 1920, in time of shortage of coal and other fuel, or the transportation thereof, receive priority in transportation and distribution, and the degree thereof, and any other facts relating to the production, transportation, and distribution of coal and other fuel; and when so ascertained the Federal fuel distributor shall make appropriate recommendations pertaining thereto to the Interstate Commerce Commission from time to time either on his own motion or upon request of the commission, to the end that an equitable distribution of coal and other fuel may be secured so as best to meet the emergency and promote the general welfare. All facts and data within the possession of the Federal fuel distributor shall be at all times accessible and furnished to the Interstate Commerce Commission upon its request. The Interstate Commerce Commission is hereby authorized and directed to receive and consider the recommendation of the Federal fuel distributor, based upon his reports upon the foregoing subject, and any other information which it may secure in any manner authorized by law.

"SEC. 5. The Federal fuel distributor may make such rules, regulations, and orders as he may deem necessary to carry out the duties imposed upon him by this act and may cooperate with any department or agency of the Government, any State, Territory, district or possession, or department, agency, or political subdivision thereof, or any person or persons, and may avail himself of the advice and assistance of any department, commission, or board of the Government, and may appoint or create any agent or agency to facilitate the power and authority herein conferred upon him; and he shall have the power to appoint, remove, and fix the compensation of such assistants and employees, not in conflict with existing laws, and make such expenditures for rent, printing, telegrams, telephones, furniture, stationery, office equipment, travel, and other operating expenses as shall be necessary for the due and effective administration of this act. All facts, data, and records relating to the production, supply, distribution, and transportation of coal and other fuel in the possession of any commission, board, agency, or department of the Government shall at all times be available to the Federal fuel distributor and the Interstate Commerce Commission, and the person having custody of such facts, data, and records shall furnish the same promptly to the Federal fuel distributor or his duly authorized agent or to the commission on request therefor.

"SEC. 6. That whenever the President shall be of the opinion that the national emergency hereby declared has passed, he shall by proclamation declare the same, and thereupon, except as to prosecutions for offenses, this act shall no longer be in force or effect, and in no event shall it continue in force and effect for longer than 12 months from the passage thereof.

"SEC. 7. Every person or corporation who shall knowingly make any false representation to the Interstate Commerce Commission or the Federal fuel distributor or to any person acting in their behalf or the behalf of either of them, respecting the price at which coal or other fuel has been, is being, or is to be sold or bought, the inquiry being made for the purposes of this act, or whoever having obtained coal or other fuel through a priority order or direction shall dispose of the same for purposes other than those for which said priority order or direction was issued without the consent of the Interstate Commerce Commission, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000: *Provided*, That any person or any officer or director of any corporation subject to the provisions of this act, or the interstate commerce act and the acts amendatory thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by any such corporation, who shall be convicted as aforesaid, shall, in addition to the fine herein provided for, be liable to imprisonment in the penitentiary for a term not exceeding two years, in the discretion of the court. Every violation of this section may be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation is committed, or through which the transportation is conducted, or in which the car service is performed, or in which such concession or discrimination is granted or given or solicited or accepted or received; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

"SEC. 8. There is hereby authorized to be appropriated the sum of $250,000, available until expended, for the purposes of this act, including payment of personal services in the District of Columbia and elsewhere, and all expenses incident to organizing the work of the President's fuel distribution committee, and not exceeding $50,000 thereof shall be available for reimbursement and payment upon specific approval of the President of expenses incurred since May 15, 1922, in connection with the work of the President's fuel distribution committee organized for the purpose of helping to meet the emergency existing in the matter of fuel."

And the Senate agree to the same.

The title has been amended to conform to the text as agreed upon in conference as follows:

"To declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities during the present emergency, and to prevent the sale of fuel at unjust and unreasonably high prices."

And the Senate agree to the same.

SAMUEL E. WINSLOW,
WALTER H. NEWTON,
Managers on the part of the House.

ALBERT B. CUMMINS,
FRANK B. KELLOGG,
Managers on the part of the Senate.

STATEMENT.

As contrasted with the Senate amendment to H. R. 12472, the changes of any considerable importance in the conferees' amendment are about as follows:

The word "extortion" has been eliminated from the bill and the words "unjustly or unreasonably high" were substituted.

As provided in the conferees' amendment, section 4 includes the following new matter:

"Vessels suitable for transportation of coal on the inland waters of the United States which for such purposes shall be subject to the interstate commerce act."

Section 6 increases the length of the period through which the emergency declared to exist under this act can continue from 6 months to 12 months from the date of passage.

Section 7 eliminates the following language from the original House bill:

"Every person or corporation who shall knowingly offer, grant, or give, or solicit, accept, or receive any concession or discrimination in respect of car service as the same is defined in paragraph (10) of section 1 of the interstate commerce act, in violation of any order, direction, or rule of the Interstate Commerce Commission in respect thereto, or who shall by any willful misrepresentation or by any fraudulent device or means whatsoever, procure or cause to be issued any order or direction for priority hereunder," and substitutes the following:

"Every person or corporation who shall knowingly make any false representation to the Interstate Commerce Commission or the Federal fuel distributor or to any person acting in their behalf or the behalf of either of them, respecting the price at which coal or other fuel has been, is being, or is to be sold or bought, the inquiry being made for the purposes of this act."

In other respects restores the penalties, etc., set forth in the original House bill.

Section 8 restores the provision for the use of $50,000 to be made available for reimbursement and payment, upon specific approval of the President, of expenses incurred since May 15, 1922, in connection with the work of the President's fuel distribution committee.

SAMUEL E. WINSLOW,
WALTER H. NEWTON,
Managers on the part of the House.

Mr. WINSLOW. Mr. Speaker——

The SPEAKER. The Chair thinks if the gentleman from Indiana has any point of order to present he ought to make it now.

Mr. SANDERS of Indiana. Mr. Speaker, under the reservation of the point of order I should like to have the chairman of the committee [Mr. WINSLOW] inform me with reference to the meaning of the new matter which the statement says is in section 4.

Mr. WINSLOW. That is an error which I intended to correct. It is in section 2.

Mr. SANDERS of Indiana. I could not find it in section 4.

Mr. WINSLOW. That is quite right, but it is a typographical error.

Mr. SANDERS of Indiana. I should like to ask the gentleman what is the reason for that provision?

Mr. WINSLOW. The reason is merely to comprehend within the terms of the act any facilities of transportation which may have to do with handling coal and which may increase or retard the efficiency of coal distribution. The provision was included in the Senate amendment, but not in the original House bill.

Mr. SANDERS of Indiana. The language is as follows:

> Including vessels suitable for transportation of coal on the inland waters of the United States which for such purposes shall be subject to the interstate commerce act.

What is meant by that?

Mr. WINSLOW. This means that whatever vessels may be coal carriers and available for that purpose and come within the provisions of the interstate commerce act are included in this act.

Mr. SANDERS of Indiana. I should like to inquire from the chairman of the committee whether the effect of that added new language is to say to a shipper of coal who transports by water, "Unless you fix the price of coal in accordance with the ideas of the fuel administration we shall prevent the use of the vessel for that purpose"?

Mr. WINSLOW. I think the real purpose of it is to afford the same protection and the same privileges and the same control by the Interstate Commerce Commission of vessels on the water transporting coal as to cars on the rails.

Mr. SANDERS of Indiana. Mr. Speaker, I make the point of order that the conferees exceeded their authority in adding to section 2 the following new matter. The Chair will find in the statement of the managers on the part of the House, at about the seventh line, the part to which I am referring, and that part reads as follows:

> Vessels suitable for transportation of coal on the inland waters of the United States which for such purposes shall be subject to the interstate commerce act.

Mr. WINSLOW. Will the gentleman yield for a moment?

Mr. SANDERS of Indiana. Yes.

Mr. WINSLOW. Is the gentleman aware of the fact that that provision is in the amendment of the Senate? It is merely language taken out of the Senate amendment.

Mr. SANDERS of Indiana. I am taking the statement of the conferees. The statement itself says:

> Section 4 includes the following matter: "Vessels suitable for transportation of coal on the inland waters of the United States which for such purposes shall be subject to the interstate commerce act."

Mr. WINSLOW. The statement that it is new matter is an error. What was meant was that it was in contrast with the House bill, which did not have that matter in it, and the Senate bill did.

Mr. NEWTON of Minnesota. Will the gentleman from Indiana yield?

Mr. SANDERS of Indiana. I will.

The SPEAKER. The Chair would like to have the gentleman from Indiana point out the words in the conference report to which he makes his point of order.

Mr. SANDERS of Indiana. They are in section 2. The report inadvertently calls it section 4. The gentleman from Massachusetts now states that the statement in the report that it is new matter is not correct. Of course, if the Senate bill contains that matter, it is not subject to the point of order, and I shall be glad to have that read. I just assumed that the statement that it was new matter was correct.

Mr. WINSLOW. If the gentleman will yield, it will be my pleasure to read from the Senate bill, section 2, lines 11 and 12:

> Including vessels suitable for transportation of coal on the inland waters of the United States which for such purposes shall be subject to the interstate commerce act.

Mr. SANDERS of Indiana. Mr. Speaker, in view of the statement of the chairman of the committee that the statement of the conferees was inaccurate and that this language is in the Senate bill, of course the point of order will not lie and I withdraw it.

The SPEAKER. The gentleman from Indiana withdraws the point of order. The gentleman from Massachusetts is recognized.

Mr. WINSLOW. Mr. Speaker, will the Chair kindly inform me as to any arrangement for time?

The SPEAKER. So far as the Chair knows there is no arrangement. The gentleman from Massachusetts is entitled to one hour.

Mr. WINSLOW. The purpose, then, will be to yield one-half hour to the ranking minority member of the committee, who is present, the gentleman from Texas [Mr. RAYBURN].

The SPEAKER. Does the gentleman wish to make any arrangement about the time?

Mr. WINSLOW. One hour, one half to be controlled by the gentleman from Texas [Mr. RAYBURN], a member of the committee.

The SPEAKER. Of course, the gentleman from Massachusetts has the right at the end of one hour to move the previous question, or the gentleman can ask unanimous consent that after one hour of general debate the previous question shall be considered as ordered.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent that that be done.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that debate on the conference report be limited to one hour, one-half to be controlled by himself and one-half by the gentleman from Texas [Mr. RAYBURN], and that at the end of that time the previous question be considered as ordered. Is there objection?

There was no objection.

Mr. WINSLOW. Mr. Speaker, the statement of the managers on the part of the House can be found following the printed conference report. It is simple, straightforward, and apparently somewhat inaccurate, but the inaccuracies are typographical and not vital. They are probably mistakes of those who undertook to read the writing which was submitted to the printer.

The comparison which the committee undertook to make was between the Senate bill and the bill as reported by the conferees. We did not undertake to handle the whole Senate bill item by item, but merely to point out what seemed to be differences which would attract anybody's attention, with the understanding, of course, that the House conferees will be very glad indeed to answer any inquiries which may be made.

The word "extortion" appeared in the House bill and did not appear in the Senate bill. After talking it over we came to the conclusion unanimously that perhaps the purposes of the bill would be just as well served by cutting out the word "extortion" and introducing in lieu thereof the words "unjustly or unreasonably high." At all events those words pleased everybody, and the word "extortion" did not appeal particularly to anybody. So the agreement was made as indicated.

We have already discussed the suggestion in section 2 (inadvertently stated in the statement to be section 4) in respect of putting vessels on the waters which might carry coal under the provisions of this act, and for the same purposes as those respecting cars on the rails.

We changed the length of time during which this emergency might be considered as existing from 6 months in the Senate bill to 12 months in the conference report. That was merely the result of the discussion, and it was thought it would be a safer time and not too long.

The change in section 7 in the conferees' bill consists in the elimination of certain language which seemed to be objected to strenuously on the part of the Senate conferees.

The argument can be boiled down as being to the effect that they thought the purposes of the bill were not such as to make it wise to bring down possible punishment on classes that might come under the act if the original language were insisted upon as in the House bill. Hence the elimination of those lines as indicated and the substituting of a few others which serve merely as an introduction to the matter of the conferees' report which follows, and probably do not affect the meat of the bill at all.

In the Senate bill there was the omission of an item of $50,000 which in the House bill was provided for the purpose of remunerating those departments of the Government which on account of the stress of the emergency had advanced money in anticipation of some legislative action, for the purpose of controlling the coal troubles that we were having from the date beginning on the 15th of May. There was no discussion at all over this point. The conferees were unanimous as to the wisdom of the provision.

Mr. Speaker, with these suggestions it appears to me that there is nothing more to be said. All the previous points of the bill were pretty thoroughly discussed several days ago, and it does not differ essentially from the original bill.

Mr. WINGO. Will the gentleman yield for a question there?

Mr. WINSLOW. With pleasure.

Mr. WINGO. I notice on the first page of your conference report you say "in lieu of the matter proposed by the Senate amendment insert the following." Is that intended to be the text of the law that you are proposing to have the House adopt?

Mr. WINSLOW. That is the preamble in a sense.

Mr. WINGO. You say that that is the preamble. In the report occurs this sentence, which was not in the House bill, as I recall. I read the matter I have reference to:

> And by reason of the disturbances in economic and industrial conditions caused by the World War.

Mr. WINSLOW. Yes.

Mr. WINGO. I notice in the printed report of the text of the amendment you include that language, but I also notice in the bill, page 8, where that language should go in, line 21, it does not appear. Which is correct, the conference report or the text of the bill?

Mr. WINSLOW. I do not catch the gentleman's point.

Mr. WINGO. I notice that the printed copy of the bill and the conferees' amendment written in the report do not agree. Which is correct?

Mr. WINSLOW. What is the document the gentleman refers to?

Mr. WINGO. I refer to the conference report, and I have H. R. 12472.

Mr. WINSLOW. That is what we are correcting; that is the Senate bill.

Mr. WINGO. Then the correct text—what we are to accept—is printed in italics?

Mr. WINSLOW. Yes; that part referred to is taken from the House bill.

Mr. BANKHEAD. Will the gentleman yield?

Mr. WINSLOW. Certainly.

Mr. BANKHEAD. In section 2 of the conference report is an amendment clothing the Interstate Commerce Commission with additional power. In section 3 of the bill you provide that the Interstate Commerce Commission is hereby directed to receive and consider recommendations of the fuel distributor based on his report. Is the Interstate Commerce Commission under this bill authorized to make an independent investigation, if it sees fit to do so, in addition to the report made by the fuel distributor?

Mr. WINSLOW. It would be my construction that the Interstate Commerce Commission has authority to go ahead on its own findings. If they can make a finding I should think it would automatically appear that they could go ahead and ascertain the facts.

Mr. BANKHEAD. The purpose of providing for a fuel distributor is that he shall make an investigation and the burden rest on him?

Mr. WINSLOW. Not necessarily. The Interstate Commerce Commission could make an investigation, and the fuel distributor could make an investigation and report to the commission for its benefit. The commission could use such report or could depend upon their own investigation.

Mr. BANKHEAD. The gentleman's interpretation is that the commission would not be bound by the findings of the fuel distributor, but could make an independent investigation.

Mr. WINSLOW. That is my construction. I think that is the alignment in all the bills. There was at one stage of the work in preparing the bill a proposition that we should put the whole business into the hands of the Interstate Commerce Commission, but the commission threw up its hands, so to speak, and said, "We can not handle it; we have neither the facilities nor the available directing personnel to direct it. You will get better work and more effective results if you appoint a distributor who can make the investigation and report to us."

Mr. BANKHEAD. One question more, and then I will not bother the gentleman further.

Mr. WINSLOW. It is no bother.

Mr. BANKHEAD. Is it not a fact that under the strict construction of section 2 the bill clothes the Interstate Commerce Commission with the absolute plenary power to fix the price of coal in the United States?

Mr. WINSLOW. I do not think so.

Mr. BANKHEAD. Why not?

Mr. WINSLOW. Well, to illustrate, they might say that any coal which was sold by the operator for over $10 a ton would not receive cars for transportation. That does not mean that a man could not sell it for $5, $7, or $8 a ton. It simply says that anything above $10 would not warrant the assignment of cars for transportation. The operator might sell it for 50 cents or any price below $10 a ton.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. BLAND of Indiana. The proposed bill gives as much power to fix the price of coal as the original bill which the gentleman had in the House.

Mr. WINSLOW. I think so.

Mr. BLAND of Indiana. I have an instance where coal was taken from a gas company that owned their own line and produced it for $2 a ton. They have had to go out into the market and buy coal for $5 or $6 a ton. Does this bill give the Interstate Commerce Commission the power to do that?

Mr. WINSLOW. The statement is interesting, but of course we have not time to check it up.

Mr. BLAND of Indiana. If the gentleman doubts it, I will check it up for him.

Mr. WINSLOW. No; I am merely making myself secure preliminary to making answer. I do not know what the circumstances are, but I think if there is any abuse in that line the Interstate Commerce Commission would have a right to correct it.

Mr. LONDON. Will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. LONDON. The gentleman, chairman of the committee, has explained the difference between the Senate amendment and the final bill as proposed. In what respect does the Senate amendment differ from the House bill?

Mr. WINSLOW. It does not differ much. That is an easy question to ask, but it will take some time to answer. If the gentleman will read the Senate bill and then refer to the changes he will get it. I would be glad to answer the gentleman if I had time.

Mr. LONDON. Can the gentleman state what is the essential difference?

Mr. WINSLOW. That the gentleman will find in the statement.

Mr. LONDON. That gives the difference between the Senate bill and the bill as finally agreed upon, but the report fails to give the difference between the House bill and the Senate bill.

Mr. WINSLOW. That is true.

Mr. LONDON. What is the difference between the original Senate bill and the original House bill?

Mr. WINSLOW. I think if you turn to the statement you will find virtually the information you seek; there may be some omissions, but in effect everything that relates vitally to the bill is in the statement. I am not trying to run away from the gentleman's question, but I have not time to make the comparison.

Mr. LONDON. Is it merely a difference of language?

Mr. WINSLOW. Not entirely; no.

Mr. LONDON. It is different in substance?

Mr. WINSLOW. In some respects.

Mr. LONDON. In all respects?

Mr. WINSLOW. The gentleman will find all of that in the statement.

Mr. WYANT. Under this bill may the Government, through its agency thus created, divert coal to an insolvent concern and, at the same time, the Government assume no responsibility for its payment?

Mr. WINSLOW. Does the gentleman ask it from a legal point of view or from a practical point of view?

Mr. WYANT. I am asking for information.

Mr. WINSLOW. If the gentleman asks as to the legality I do not know, but practically I think the situation he describes is subject to control of the Interstate Commerce Commission.

Mr. WYANT. Does not your bill provide for such a contingency?

Mr. WINSLOW. It may.

Mr. WYANT. Has it not been the experience among large and even small operators that they have not been able to collect for coal distributed during the war?

Mr. WINSLOW. It may have been.

Mr. MERRITT. Will the gentleman yield?

Mr. WINSLOW. I will.

Mr. MERRITT. Mr. Speaker, I was not here when the bill first went through the committee. As I understand, section 7 is intended to remedy the possibility of the middleman getting coal and profiteering on it?

Mr. WINSLOW. Yes.

Mr. MERRITT. They are the men subject to these penalties?

Mr. WINSLOW. That is the idea in part.

Mr. CHALMERS. Mr. Speaker, will the gentleman yield?

Mr. WINSLOW. I will yield to the gentleman from Ohio.

Mr. CHALMERS. I want to inform the chairman that the Willys-Overland Co., of my home city, one of the largest industrial concerns in the State, has a contract with the Blue Diamond Mines Co., of eastern Kentucky, for the delivery to this automobile factory of 5,000 tons of coal per month at $1.85 per ton at the mine. The Blue Diamond Mines Co. has defaulted in this contract, claiming that on account of lack of railroad transportation facilities they are not able to carry out their agreement. And yet, Mr. Chairman, with the consent or at least with the knowledge of the coal distributor, this company is shipping coal to Toledo, right past the Willys-Overland factory, to be loaded on lake boats for delivery to consumers in Michigan, Wisconsin, and Minnesota. I am informed that the Blue Diamond Mines Co. is selling the coal they are shipping through Toledo to northern points for $4.50 to $5 per ton at the mines. I want to ask the distinguished chairman if the bill his committee is recommending that we approve will remedy this situation?

Mr. WINSLOW. I will say to the gentleman from Ohio that the purpose of the bill is to correct all evils.

Mr. CHALMERS. I am glad to receive that assurance. This is a very important matter to the people of my district. The Willys-Overland Co. is now employing over 11,000 men. The livelihood of about one-fifth of my constituents was jeopardized by this default.

Mr. SNYDER. Will the gentleman explain if the bill fixes it so they will get after such men?

Mr. WINSLOW. We hope so.

Mr. SNYDER. Does the gentleman think this is broad enough to cover it? I do not think so.

Mr. MERRITT. Is it not true with reference to the inquiry of the gentleman from New York that the State of New York must cooperate?

Mr. WINSLOW. They must do so to obtain the best results.

Mr. BLAND of Indiana. As I understand this bill provides the emergency shall be over in six months.

Mr. WINSLOW. It provides it may run a year, except as to offenses against the act, and then must terminate, but it may be terminated before under proclamation of the President, except as to these offenses.

Mr. BLAND of Indiana. It differs from the House bill, which gave the President the right to declare an emergency at any time.

Mr. WINSLOW. Mr. Speaker, I would like to reserve five minutes for myself at the end of the hour. If anybody would like to speak I shall be delighted to yield.

Mr. FESS. Mr. Speaker, I notice that section 1 declares that an emergency exists, and I understand that the emergency continues until the proclamation of the President that it is ended.

Mr. WINSLOW. The emergency ends at the expiration of a year, unless otherwise proclaimed by the President. It continues until the President's proclamation to the contrary for one year after it becomes an act.

Mr. FESS. The act terminates within one year?

Mr. WINSLOW. Yes; but it may be terminated at any time by the proclamation of the President. Mr. Speaker, I reserve the balance of my time.

Mr. RAYBURN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. Huddleston].

The SPEAKER. The gentleman from Alabama is recognized for five minutes.

THE CAPE COD CANAL.

Mr. HUDDLESTON. Mr. Speaker, I have received a telegram which I ask that the Clerk may read in my time.

The SPEAKER. The gentleman asks that a telegram be read in his time. Without objection, the Clerk will read.

The Clerk read as follows:

Hon. George Huddleston,
House Committee on Interstate and Foreign Commerce,
Washington, D. C.:

I note that the Senate has passed the Cape Cod Canal bill. We consider it of utmost importance that House should accept Senate bill and act immediately so that it may become law before adjournment of Congress. On account of strikers New England fuel and manufacturing condition critical and every available means of transportation needed. Government ownership and free use of the canal necessary for all New England interests before coming winter. Please do everything possible to push it through without delay. Such action would also help at reelections in November.

Edward E. Blodgett,
Chairman Maritime Association, Boston Chamber of Commerce.

Mr. HUDDLESTON. Mr. Speaker, in these critical times we must not be unmindful of the November elections. [Laughter.] The frosty mornings of November are rapidly approaching. We must arrange to get coal for the people, and also we must arrange that our New England brethren be permitted to "bring home the bacon" on the Cape Cod Canal.

It is strange what asinine things prominent and sensible business men will say in carrying on a propaganda for selfish and local interests. That observation is peculiarly apt as applied to the telegram which has just been read. The Cape Cod Canal has been open for years. It is now in operation. It is as much in operation in private ownership as it would be if the Government owned it.

Not a pound more of coal can be carried over the canal if the Government should submit to the demands of August Belmont and his financial associates, who now own the canal, and buy it for free Government operation. Not a pound more of coal can be carried under Government ownership over that canal during the present emergency than if it is left to Mr. Belmont and his private interests to continue to operate it.

We are urged to pass the Cape Cod Canal purchase bill on the ground of the coal emergency. We are further urged to pass it upon the ground that it will be of political benefit to certain gentlemen. Who they may be I do not know. I am sure it will not be of much benefit in the coming election to anybody in my section. To the contrary, I am quite sure that if the folks down there understood fully the lack of merit of the proposition they would take occasion to make their Representative feel the effect of their displeasure if he should vote for it.

Mr. WINSLOW. Mr. Speaker, will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. WINSLOW. Is that the reason why you are against it?

Mr. HUDDLESTON. Oh, no; but I might well consider the views of my constituents upon the public welfare, though they have no selfish interest in the matter. It does, however, affect the selfish interests of the gentleman's constituents. It means a saving to them of from 5 to 10 cents per ton on the freight charge on coal. They are interested in placing upon the taxpayers of the country that part of the burden which rightfully belongs to themselves. The gentleman's chamber of commerce is demanding that the bill be passed. They are demanding that the gentleman "bring home the bacon." Oh, the gentleman from Massachusetts is a very dignified man, and I respect him very much, and I assure him that it will not enhance his dignity to go back home lugging a side of pork on his shoulder. [Laughter.] I submit also that it will take more than that to swing a Massachusetts constituency in the next election. [Applause.]

Mr. RAYBURN. Mr. Speaker, I yield to the gentleman from Indiana [Mr. Bland] five minutes.

The SPEAKER. The gentleman from Indiana is recognized for five minutes.

Mr. BLAND of Indiana. Mr. Speaker, with one exception, as the chairman of the committee [Mr. Winslow] explained a moment ago, this bill is equally as obnoxious to me as the one that passed the House. The principle of price fixing is just as firmly set in this measure as it was in the other. But since the other measure passed I have talked to a number of old-line Members of this House who have always believed in constitutional government and the opportunity of each individual to work out his own salvation, and they apologize for voting with the gentleman from New York [Mr. London] for a bill that seeks by legislation to fix the price of a commodity. You may equivocate all you want to. This bill firmly fixes that principle on this Congress, and we are going to have to swallow it again. I am not. I am going to vote against it.

The other principle involved is that of taking a man's property away from him and selling it to somebody else who is not financially responsible. There is no question but that the Interstate Commerce Commission has the right to take coal from one consignee and give it to another, regardless of his financial responsibility, and no one can deny that that is true.

I have an instance now in mind, and if the gentleman from Massachusetts wants proof of it I will be glad to prove it to him—a gas concern, supplying a great number of people, owns its own coal mines and operates them in order that it may have coal all the time. They produced 30 cars of coal one day this week at a cost of about $2 per ton, and the Interstate Commerce Commission has taken them away from them and shipped them up to Detroit, and this gas concern is required to go out and bid at the mouth of the mine for free coal and pay $5 or $6 a ton.

Are you going to set such a precedent here? You say, "It is already the law." Yes; the Interstate Commerce Commission is doing it, regardless of this law, but you are here giving them more power by this bill. Do you think you have the right, either morally, equitably, or legally, to go to a mine owner who owns a gas plant and take his product away from him and shut down his business and require him to go out into the market and pay three times the cost of producing coal from his own mine?

You gentlemen who are here defending the rights of industry and property, will you swallow this kind of stuff this late in the session, and acquiesce in it, and say you believe in a practice of that kind? I again warn you, if you do, that there is no end of that kind of legislation. I have again warned you that you are taking the step to-day that will embarrass you in the future. [Applause.]

Mr. RAYBURN. I yield five minutes to the gentleman from Illinois [Mr. Denison].

Mr. DENISON. Mr. Speaker and gentlemen, the bill has been improved in one respect. The word "extortion" that was used in the House bill has been eliminated. It was eliminated by the Senate and the conferees have agreed to its elimination. In the House bill the word had no meaning whatever, and in order to give the section an intelligent meaning they have stricken out that word and inserted the words "unreasonable and unjust." Now, what will be the effect of that provision of the bill? We are now giving a Government agency for the first time in the history of our Government the right in time of peace to determine what shall be a reasonable price to be charged for coal, or to fix the price above which will be unreasonable and unjust, and then say to the producer or anyone else that he can not sell his coal except at that price. We are giving this agency the power to put an embargo upon a coal producer if he offers to sell or does sell his coal at a price above the price fixed by this agency.

The producer of coal will thereby be deprived of a property right, and he has no appeal to any court or to any other tribunal. Now, that is taking his property without due process of law, and with no provision for giving him just compensation. If Congress can do that, I am one of those who want to find it out just as soon as possible. If we can do that, then the Congress of the United States is absolutely omnipotent and there are no limitations on its power.

Mr. KINCHELOE. Will the gentleman yield?

Mr. DENISON. I yield to the gentleman from Kentucky.

Mr. KINCHELOE. I want to ask the gentleman two questions as a lawyer.

Mr. DENISON. I hope the gentleman will make them brief as I have only a short time.

Mr. KINCHELOE. Say I am a coal broker in Chicago. I come to the gentleman's mines in Kentucky and buy this coal. I ship it to my yards in Chicago, within the bounds of another State. It is no longer in interstate commerce. Can I not charge the consumers in Chicago any amount under this bill, if there is no law in the State of Illinois to prevent it?

Mr. BLAND of Indiana. Sure you can.

Mr. DENISON. I think you could.

Mr. KINCHELOE. I live in a State where every pound of coal consumed in Kentucky comes from the Kentucky mines. Without any State law in Kentucky can not the coal operators of Kentucky charge the Kentucky consumers any price they want to, and this law will not reach them?

Mr. DENISON. I will state frankly that I have not examined the bill carefully enough to give an intelligent opinion upon that.

Mr. KINCHELOE. That coal does not go into interstate commerce.

Mr. DENISON. The Senate limited the operations of this bill to interstate transactions in coal, and thereby, I think, gave it a semblance of constitutionality, if it had any at all; but the conferees have changed that and now make it apply to all sales of coal without regard to its being an interstate or intrastate transaction. In other words, gentlemen, this bill, in my judgment, gives the Federal fuel agency carte blanche authority to put an embargo upon any person in any part of the United States who sells or buys coal above the price fixed by the fuel distributor.

Mr. KINCHELOE. Do you think they would have the power under the Constitution to levy an embargo within the State?

Mr. DENISON. I do not think they have that power under the Constitution, but I am telling you what this bill does. That is my interpretation of the bill as it has been reported by the conferees.

Mr. Speaker, the Constitution provides that no person shall be deprived of his property without due process of law, nor shall private property be taken without just compensation. The commerce clause of the Constitution was inserted therein by the Constitutional Convention because the States had been placing embargoes on shipments of products from one State to another. The power to regulate between the States does not include the power to forbid shipment of the product from one State to another because the Government is not satisfied with the price charged for the product. Forbidding the right of transportation to a product is taking from the owner of that product a property right. This bill would deprive producers of coal of their property rights without any semblance of due process of law and without just compensation. As much as I want to see all kinds of profiteering in coal stopped if possible, as much as I would like to protect the people of this country from being imposed upon by anyone in the sale of coal, I am unwilling to stultify myself and disregard my own conscience and my duties under my oath by voting for a bill which I think is clearly invalid and unconstitutional.

The mines are all working. The railroad strike has been settled practically, and in a very short time there will be a surplus of coal on the market. If the provisions of this bill are carried out, the great mining industry will be interfered with by Government officials here in Washington who know nothing about the business and who can not possibly, from their offices here in Washington, determine what would be reasonable prices for coal in the different parts of the United States, because they could not in the limited time allowed ascertain the cost of production and the various elements which enter into the question of fair prices and fair profits. Even if the bill were valid it would be unworkable and will tend to depress the production of coal, and, in my judgment, will increase the price to the great majority of consumers because the maximum price fixed will become the minimum price charged.

Of course this bill has already been approved once and it will be approved here again to-day. But if by any chance it should be held to be within our constitutional limitations, I predict that the exercise of this power by Congress will come back to plague us in the future when other similar legislation is demanded under some serious provocation or emergency.

Mr. BLAND of Indiana. The chairman of the committee in the Senate who was the author of the Senate bill takes the position that the transportation of coal in a State is so related to interstate commerce that if you pass a law regulating interstate commerce you also include all commerce in coal within the State. Then this bill reaches intrastate commerce in that way, does it not?

Mr. DENISON. I think the language of the conference report would include intrastate transactions as well as interstate transactions. The Senate bill limited its provisions to interstate transactions and thereby improved the House bill, but the conferees have rejected that and have provided not for limiting it to interstate transactions, but, presumably under the general welfare clause, have extended it by giving to the Federal agency carte blanche authority to fix a reasonable price and enforce it by embargo or preference. I do not believe that can properly be done.

The SPEAKER. The time of the gentleman has expired.

Mr. WINSLOW. I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, during the discussion some gentleman asked the question, as I understood it—there was some confusion in the House and perhaps I did not hear the question clearly—if this bill lodged any authority anywhere to compel the sale of coal to certain parties and to parties who might not be able to pay for the coal? The answer to that, it seems to me, is very easy. There is nothing in the bill that gives anyone authority to compel the sale of coal to anybody. The only authority in the bill is to deny the use of cars, a purely negative function.

Mr. DENISON. Will the gentleman yield for a question?

Mr. MONDELL. I yield to the gentleman from Illinois.

Mr. DENISON. Does not the bill give the commission the right to divert coal from one region to another? And when you divert coal you do not simply divert it from nobody. You have to divert it from some particular person.

Mr. MONDELL. The cars may be furnished with the understanding that the coal is to go into a certain region, but cars can not be diverted on the theory that coal is to be sold to certain parties.

Mr. DENISON. But if coal is diverted it must be diverted to certain parties. You can not divert it to a State without diverting it to somebody within the State. I think the gentleman has misunderstood the bill.

Mr. MONDELL. If the bill contained any such authority as the gentleman seems to suggest, I certainly should not vote for it.

Mr. DENISON. I hope the gentleman will look into it a little carefully, then, because I think it does that.

Mr. MONDELL. The bill does nothing of the sort. The authority granted is authority to refuse to grant cars for certain shipments. The purpose is to prevent profiteering in coal and to accomplish that purpose cars may be withheld or furnished as may best serve the end sought.

Mr. BLAND of Indiana. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Indiana.

Mr. BLAND of Indiana. At least as much power is granted in this bill as the Interstate Commerce Commission now has, is there not?

Mr. MONDELL. Yes.

Mr. BLAND of Indiana. Just now they are taking 30 cars from an intrastate shipment and delivering them to parties in Detroit, Mich., and I do not know whether they are solvent or not, and nobody else knows whether they are solvent. If they can do that under existing law, the commission can do that under this law, can they not?

Mr. MONDELL. The gentleman must not confuse what some one may have done with what some one may have authority to do. Some one may be assuming authority to do the things the gentleman complains of, but it does not follow that there is authority to do that sort of thing or that we are conferring any such authority in the bill.

The SPEAKER. The time of the gentleman has expired.

Mr. RAYBURN. I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, I assume that every Member of the House would be glad to vote for any reasonable, proper measure within our power to protect the American people against the profiteer and to insure an even, fair distribution of fuel this winter. But this bill does not do that. If you will read the bill—and I say that for the benefit of the gentleman from Wyoming—and if you will use ordinary intelligence, you are forced to the conclusion that this bill, even as submitted by the conferees, will not dig a single ton of coal, nor will it shackle a single profiteer. I am surprised, Mr. Speaker, at the statement of the Republican leader [Mr. MONDELL]. He stood up here and solemnly assured gentlemen who had some misgivings on that side. Ninety per cent of the men on this floor, 90 per cent of those who are going to vote for this bill, are going to do it with reluctance, coerced into it by the cry that it will check profiteering, but it does not do what it is said it will do. The gentleman from Wyoming [Mr. MONDELL] said this bill did nothing more than grant authority to give priorities in the distribution of cars. Was not that the gentleman's statement?

Mr. MONDELL. The gentleman can make his own statement, and I will make mine. He misquoted me at the start, and he can continue to do that.

Mr. WINGO. No; I never misquoted the gentleman. Did the gentleman not state that all this law would do would be to authorize priority for controlling the distribution of cars?

Mr. MONDELL. The gentleman heard what I said.

Mr. WINGO. All right. The House heard it. If that statement is not true, a man of the gentleman's great experience and ability ought not to be afraid to answer yes or no. I do not want to misrepresent the gentleman. Is not that a reasonable inference to be drawn from his statement? And was not that statement thrown out to give some assurance to levelheaded business men in this House who view this thing with alarm? Why, gentlemen, if this bill did nothing more than what the gentleman from Wyoming claims it will do, it would be a waste of paper, because what he said is to be done is already the law. Read the transportation act. Read the statutes that are already on the statute books.

The Interstate Commerce Commission can to-day, and is to-day, controlling the distribution of cars, granting priorities on conditions, and they have been going so far as to stipulate in those conditions in more than one instance what I am about to state. I have seen the telegrams in the hands of men on the Republican side this morning telling of cases where men had their own coal, public utility companies, that had their own coal taken from their own mines and ordered to ship so many cars to a specific person in another State, notwithstanding they needed it for their own plant, a public utility. That is what they are trying to do. They have not the authority under the priority of distribution law to do that. They know they are proceeding at this hour on a bluff. They are already acting on this law. They want this law to ratify their actions. Camouflage it as you may, they want you to ratify and confirm and authorize them to continue that practice which is alarming men in Indiana and other States at this hour. This bill goes further than your present law. Under your present law the Interstate Commerce Commission can refuse cars to any consignee when, in their judgment, the public welfare may require that they distribute them and allot them elsewhere. But, I repeat, they are going further under this law. Under this law you not only can fix the price but you can absolutely select the customers. My God, what are we coming to? You ought to apologize not only to the gentleman from New York [Mr. LONDON] for following his socialistic precepts and principles, but you ought to apologize to Lenin and Trotski and recognize their government at this hour, because this is the method used by Lenin and Trotski to control basic industries in Russia. [Applause.]

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. RAYBURN. I yield to the gentleman three minutes more.

Mr. WINGO. Did not the chairman of the committee, in response to an inquiry by the gentleman from Alabama [Mr. BANKHEAD], state that if a man charged $10 for coal they might refuse to give him cars to transport the coal. They might refuse to permit him to sell the coal for $10 when he could sell it for $5 or 50 cents?

Mr. WINSLOW. Will the gentleman yield?

Mr. WINGO. I will.

Mr. WINSLOW. If I made that statement it was because I did not control my language. I would like to explain it.

Mr. WINGO. If the gentleman will give me time.

Mr. WINSLOW. I will give the gentleman two minutes, which is all I have left to give away.

Mr. WINGO. I will yield to the gentleman.

Mr. WINSLOW. The proposition is this: I said the Interstate Commerce Commission might say to the operator, "If you undertake and do make sales for over $10 a ton you will not get cars," but I said it did not preclude the operator from selling his coal for $1, $2, or $5 below $10 a ton.

Mr. WINGO. That is the statement that I made. That is what I understood. I might be unfortunate in expressing myself. In other words, they might fix it at $5 or $15. Why, gentlemen, our experience in the war showed us that when you fix a maximum it becomes the minimum. Now, gentlemen, read section 7. I will quit my seat in the House before I will ever permit any man to become a criminal because he refuses to follow the directions made at the unrestrained sweet will of a bureau or the Interstate Commerce Commission or an executive officer in the sale of his property. It says:

> shall dispose of the same for purposes other than those for which said priority or direction was issued without the consent of the Interstate Commerce Commission shall be deemed guilty of a misdemeanor.

Gentlemen, I had hoped that in the last campaign, when you gentlemen carried the country on the cry that you wanted to get us back to constitutional government and away from wartime laws, I hoped in your zeal you would get away from the war-time laws. I want to get away from them. This bill will cause confusion. It gives war powers in time of peace; it will increase the price of coal; it will retard the production of coal and confuse the distribution of coal; and it will be a blow at our system of government and a confession that constitutional government is a failure under a Republican administration. [Applause.]

Mr. RAYBURN. Mr. Speaker, I yield three minutes to the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Speaker, it may not be entirely apropos to the subject under discussion to invite your attention to the fact that a great convention will be held in New Orleans from October 16 to October 20. But the suggestion of that great event is the result of a train of thought set in motion by the statements made during the consideration of this bill as an original legislation proposition, and the observations of Members as to the sufferings that the people of the North, East, and West will have to undergo during the rapidly approaching winter on account of a shortage of coal and other fuel. I trust that these grave apprehensions will be dissipated, and that the same power that has tempered the winds to the shorn lamb will in accordance with His inscrutable wisdom operate the law of the seasons so as to mitigate the severity of the cold and wintry visitation.

The more fortunate will generously see that the poor and lowly are not without a fair share of the fuel so necessary, not for the comfort and well-being of our toilers and wage earners in town and country, though we should not be unmindful of such a result, but to prevent the illness and the wretchedness and misery that follow freezing nights and melancholy days. This may in a large measure be accomplished by those who have been favored by fortune making a journey not abroad but to a section of our country warmer, more hospitable, and more understanding than the peoples on the other side of either ocean can possibly be. Why not let the well to do and the opulent who desire to travel go down to the famous old city, the city of song and story—New Orleans, the city of warmth and sunshine—for even a short period? It would not only be a delightful vacation spent among our own country men and women and in a city that has a charm and atmosphere all its own, but would enable the poor of the visitor's home town to receive more fuel as a result of the traveler's temporary absence.

See America is almost a trite expression, but I hope it will never lose its edge or patriotic appeal. See America first should be the duty of the legislator, the publicist, the man of affairs who can not express the spirit of the country until he knows his country—North, South, East, and West. In fact, it is the duty of every American to know his native land as well as fortune and opportunity will permit, for to know it is to love it.

Many truths are to be found in the lines:

> He that would bring home the wealth of the Indies must carry the wealth of the Indies with him.

So it is in traveling. A man must carry knowledge with him if he would bring home knowledge.

The profit of a visit by travelers to historic Orleans would be as great to the visitors as to the residents. The interchange of ideas would enrich both. But the value of a visit, trip, or what you will to New Orleans from the 15th to the 25th of October, when Congress will be in recess or adjournment, would be greatly enhanced this year, for the great convention of the American Legion will be held in the southern metropolis from the 16th to the 20th of October. It is thought that 200,000 of our brave boys from every congressional district in the United States will be there to renew the comradeships made across the Atlantic Ocean, in many instances, in the days of the trench and the gas mask of no man's land, where "Flanders Fields" and "I have a rendezvous with death" and "Open wide the gates" thrilled the soul of America and lifted us to heights of patriotic emotionalism in all probability seldom equaled and never surpassed in the history of the world.

The mothers and fathers and sisters and brothers of these brave boys will be there, and many, many mothers and fathers and sisters and brothers of boys who never will be seen on earth again—praises and more for the living and tears for the dead—even though the dead are now with those choice spirits who in all ages gave their lives as a holocaust to their country's needs. For them—

> The muffled drum's sad roll has beat
>   The soldier's last tattoo.
> No more on life's parade shall meet
>   That brave and fallen few;
> On Fame's eternal camping ground
>   Their silent tents are spread,
> And glory guards with solemn round
>   The bivouac of the dead.

As a momentary thought: Let us take care of the living. Succeeding generations will build monuments in every village and hamlet and town and city, commemorating the glory of those who shall not be forgotten—

> Where Fame her record keeps
>   Or Honor points the hallowed spot
> Where Valor proudly sleeps.

Let us take care of the living who need our care, affectionately, generously.

Let us take care of those who were wounded in body and in mind; let us assist in every way those who were willing to give up the young fame they burned to win—the romance that makes life worth the living—yes, willing to give up life itself when the bugle blast was the signal to "fall in."

Let it be the duty of those who will come after us to play a great part in the grand drama that may not have its sequel for two or three generations. Let it be the duty of these succeeding generations to build monuments which will cause the beholder to recall the lines—

> Yon marble minstrel's voiceless stone
>   In deathless song shall tell
> When many a vanquished age hath flown
>   The story how ye fell;
> Nor wreck, nor change, nor winter's blight
> Shall dim one ray of glory's light
>   That gilds your deathless tomb.

Now, back to the main thought.

During the convention the panorama of American life will be unrolled and spread before the eyes of the visitor in an unforgetable way. There boys and girls, men and women, from every part of the United States will be in the picture, for it will be the greatest moving picture ever seen.

There will be enthusiastic greetings and joyous shouts of recognition. Songs, stories, wonderful tales and accounts of adventures. Many excursions will be made to the rich sugar plantations contiguous to New Orleans, and which will be in the very blast of operations; trips to the land of the beautiful Teche, the home of Evangeline, and the bearded oaks immortalized by Longfellow; trips to the far-famed princely and gorgeously beautiful rice fields of southwestern Louisiana; drives down to the Plains of Chalmette, a few miles below New Orleans; and the great Poydras Crevasse, an object lesson to the beholder of the terrors and dangers that lie in the Father of Waters when he is at flood height to the dwellers behind the levees.

To those who think they can tear themselves away from the *enchantment*, the mystery, the indescribable charm of New Orleans, there is the logical point from which to make a trip down to the Panama Canal, the banana fields and plantations of Central America, and back within a few days.

But few will be able to leave New Orleans until they find it absolutely necessary to return home. The Mississippi River front of the city will claim and hold the attention of all visitors, for right in front of the city will be as much of "America's fleet" as will be available. The port facilities, pronounced by the United States engineers, through the chief of that service, to be among the finest in the world, are worthy of the attention and study of men who like to think of and are interested in how our commerce is carried over the Seven Watery Plains to every port in the world by our "riders to the sea."

There in New Orleans you will catch and find an application of the beautiful classical stories of Minerva springing armed cap-a-pie from the brain of Jove, and Venus arising in birth from the foam of the ocean wave, for in less than 25 years New Orleans has become a city that can proudly take its place side by side with the imperial modern cities of the world, and yet it has not lost the memories nor the charming atmosphere of the past.

Twenty-five years ago New Orleans was a Latin city with an American quarter. To-day it is an American city with a Latin quarter. The Latin quarter is just as French in architecture and in the deportment of a great many of its people as Paris, though these same people yield to none in their intense Americanism; while in many respects we can easily see that which reminds us of Madrid and carries the mind back to the days of Spanish rule and control. Drained, sewered, lighted, paved, and with its splendid public buildings, including noble-looking schoolhouses, beautiful squares, and public parks, it is apparently a century away from the city that was known a quarter of a century ago largely to Central and South Americans.

But let me conclude, though one can speak of New Orleans for months and not exhaust the subject nor grow weary or wearisome. Let me conclude by urging you and those from your districts who may have the wanderlust to make the visit during the fourth annual convention of the American Legion, which will be held on the 16th, 17th, 18th, 19th, and 20th of October. Meet the boys of the Legion and those of the ancillary American organization La Société des 40 Hommes et 8 Chevaux, as it will keep you closer to the heroes of the World War, who for their country and God "did noble things."

Mr. YOUNG. Will the gentleman yield?

Mr. O'CONNOR. I will.

Mr. YOUNG. Is it the idea of the gentleman to get the Republicans down to New Orleans just at the campaign time? [Laughter.]

Mr. O'CONNOR. Oh, no. I have a fellow feeling for the Republicans of the North, and I have no desire to do them an injury. I did not think many of them felt that there was any necessity for paying great attention to their campaigns, and I know their constituents would see in such a visit indisputable evidence of judgment, patriotism, and congressional ability. [Laughter.]

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. BLAND of Indiana) there were—ayes 112, noes 43.

Mr. BLAND of Indiana. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The gentleman from Indiana objects to the vote on the ground that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will bring in the absent Members. All those in favor of agreeing to the conference report will answer "yea" and those opposed will answer "nay" and the Clerk will call the roll.

The question was taken, and there were—yeas 228, nays 70, not voting 129, as follows:

YEAS—228.

Ackerman
Anderson
Andrew, Mass.
Andrews, Nebr.
Ansorge
Anthony
Appleby
Atkeson
Bacharach
Barbour
Beck
Begg
Benham
Bird
Bixler
Blakeney
Bland, Va.
Boies
Bond
Brennan
Brooks, Pa.
Brown, Tenn.
Burdick
Burroughs
Burtness
Butler
Cable
Cannon
Carew
Chalmers
Chandler, N. Y.
Chindblom
Clague
Clouse
Cole, Iowa
Cole Ohio
Collins
Colton
Connolly, Pa.
Cooper, Ohio
Cooper, Wis.
Coughlin
Crowther
Cullen
Curry
Dale
Dallinger
Darrow
Davis, Minn.
Dempsey
Dowell
Dyer
Elliott
Evans
Fairchild
Fairfield
Faust
Favrot
Fenn
Fess
Fitzgerald
Focht
Fordney
Foster
Free
Freeman
French
Frothingham
Fuller
Gahn
Gallivan
Gernerd
Glynn
Gorman
Graham, Ill.
Green, Iowa
Greene, Mass.
Greene, Vt.
Griest
Hadley
Hammer
Hardy, Colo.
Hardy, Tex.
Hawley
Hays
Hickey
Hill
Himes
Hoch
Hogan
Huddleston
Hukriede
Hull
James
Jefferis, Nebr.
Johnson, S. Dak.
Johnson, Wash.
Kearns
Keller
Kennedy
Ketcham
Kindred
King
Kissel
Kleczka
Kline, N. Y.
Kline, Pa.
Knutson
Kopp
Kreider
Lampert
Larson, Minn.
Lawrence
Lazaro
Lea, Calif.
Leatherwood
Lee, N. Y.
Lehlbach
Linthicum
Little
Logan
London
Longworth
Lowrey
Lyon
McArthur
McCormick
McFadden
McKenzie
McLaughlin, Mich.
McLaughlin, Pa.
McSwain
Madden
Magee
Maloney
Mapes
Martin
Mead
Merritt
Michaelson
Michener
Mills
Millspaugh
Mondell
Moore, Ill.
Moore, Ohio
Moore, Va.
Moores, Ind.
Morgan
Mott
Mudd
Murphy
Nelson, Me.
Nelson, A. P.
Newton, Minn.
Newton, Mo.
Norton
O'Brien
O'Connor
Ogden
Olpp
Osborne
Paige
Parker, N. J.
Patterson, Mo.
Patterson, N. J.
Perkins
Perlman
Petersen
Purnell
Radcliffe
Ramseyer
Ransley
Reece
Reed, N. Y.
Rhodes

Ricketts
Riordan
Roach
Rodenberg
Rogers
Rose
Rossdale
Ryan
Sabath
Sanders, N. Y.
Schall
Scott, Tenn.
Shaw
Shreve
Sinclair
Sinnott
Smith, Idaho
Snell
Snyder
Speaks
Stafford
Steenerson
Stephens
Strong, Kans.
Swank
Sweet
Swing
Tague
Taylor, Colo.
Taylor, Tenn.
Thomas
Thompson
Tilson
Timberlake
Tincher
Towner
Treadway
Vare
Vestal
Volk
Volstead
Walters
Ward, N. C.
Weaver
Wheeler
White, Me.
Williams, Ill.
Winslow
Woodruff
Yates
Young
Zihlman

NAYS—70.

Almon
Aswell
Bankhead
Black
Bland, Ind
Blanton
Bowers
Bowling
Box
Briggs
Buchanan
Bulwinkle
Collier
Crago
Davis, Tenn.
Deal
Denison
Drane
Drewry
Driver
Echols
Ellis
Garner
Garrett, Tenn.
Garrett, Tex.
Goodykoontz
Hudspeth
Jacoway
Jeffers, Ala.
Johnson, Miss.
Jones, Pa.
Jones, Tex.
Kendall
Kincheloe
Kirkpatrick
Kraus
Langley
Lanham
McClintic
Oliver
Park, Ga.
Parks, Ark.
Pou
Quin
Rankin
Rayburn
Reed, W. Va.
Robsion
Rosenbloom
Rouse
Sanders, Ind.
Sanders, Tex.
Sandlin
Sears
Smithwick
Steagall
Stedman
Sumners, Tex.
Taylor, Ark.
Tillman
Tucker
Tyson
Underhill
Vaile
Williams, Tex.
Wilson
Wingo
Woods, Va.
Woodyard
Wyant

NOT VOTING—129.

Arentz
Barkley
Beedy
Bell
Brand
Britten
Brooks, Ill.
Browne, Wis.
Burke
Burton
Byrnes, S. C.
Byrns, Tenn.
Campbell, Kans.
Campbell, Pa.
Cantrill
Carter
Chandler, Okla.
Christopherson
Clark, Fla.
Clarke, N. Y.
Classon
Cockran
Codd
Connally, Tex.
Connell
Copley
Cramton
Crisp
Dickinson
Dominick
Doughton
Dunbar
Dunn
Dupré
Edmonds
Fields
Fish
Fisher
Frear
Fulmer
Funk
Gensman
Gilbert
Goldsborough
Gould
Graham, Pa.
Griffin
Harrison
Haugen
Hawes
Hayden
Henry
Herrick
Hersey
Hicks
Hooker
Humphreys
Husted
Hutchinson
Ireland
Johnson, Ky.
Kahn
Kelley, Mich.
Kelly, Pa.
Kiess
Kitchin
Knight
Kunz
Lanford
Larsen, Ga.
Layton
Lee, Ga.
Lineberger
Luce
Luhring
McDuffie
McLaughlin, Nebr.
McPherson
MacGregor
Mann
Mansfield
Miller
Montague
Montoya
Morin
Nelson, J. M.
Nolan
Oldfield
Overstreet
Parker, N. Y.
Porter
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Reber
Riddick
Robertson
Rucker
Scott, Mich.
Shelton
Siegel
Sisson
Slemp
Smith, Mich.
Sproul
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Taylor, N. J.
Temple
Ten Eyck
Tinkham
Upshaw
Vinson
Voigt
Ward, N. Y.
Wason
Watson
Webster
White, Kans.
Williamson
Wise
Wood, Ind.
Wright
Wurzbach

So the conference report was agreed to.

The Clerk announced the following pairs:

General pairs:

Mr. Porter with Mr. Cockran.
Miss Robertson with Mr. Fields.
Mr. Mann with Mr. Byrnes of South Carolina.
Mr. Burton with Mr. Oldfield.
Mr. Cramton with Mr. Carter.
Mr. MacGregor with Mr. Byrns of Tennessee.
Mr. Lineberger with Mr. Kitchin.
Mr. Chandler of Oklahoma with Mr. Rainey of Illinois.
Mr. Arentz with Mr. Cantrill.
Mr. Kahn with Mr. Crisp.
Mr. Luhring with Mr. Overstreet.
Mr. Riddick with Mr. Montague.
Mr. Connell with Mr. Kunz.
Mr. Strong of Pennsylvania with Mr. Doughton.
Mr. Langley with Mr. Clark of Florida.
Mr. Brooks of Illinois with Mr. Hooker.
Mr. Codd with Mr. Wise.
Mr. Slemp with Mr. Humphreys.
Mr. Hersey with Mr. Sullivan.
Mr. Nolan with Mr. McDuffie.
Mr. Funk with Mr. Brand.
Mr. Miller with Mr. Wright.
Mr. Dunn with Mr. Griffin.
Mr. Taylor of New Jersey with Mr. Rucker.
Mr. Tinkham with Mr. Lee of Georgia.
Mr. Wason with Mr. Barkley.
Mr. Temple with Mr. Rainey of Alabama.
Mr. Summers of Washington with Mr. Larsen of Georgia.
Mr. White of Kansas with Mr. Gilbert.
Mr. Wurzbach with Mr. Frear.
Mr. Hutchinson with Mr. Connally of Texas.
Mr. Ward of New York with Mr. Dupré.
Mr. Henry with Mr. Fulmer.
Mr. Knight with Mr. Bell.
Mr. Layton with Mr. Harrison.
Mr. Campbell of Kansas with Mr. Hawes.
Mr. Dickinson with Mr. Sisson.
Mr. Britten with Mr. Stevenson.
Mr. Burke with Mr. Campbell of Pennsylvania.
Mr. Webster with Mr. Mansfield.
Mr. J. M. Nelson with Mr. Dominick.
Mr. Montoya with Mr. Fisher.
Mr. Siegel with Mr. Stoll.
Mr. Kelley of Michigan with Mr. Ten Eyck.
Mr. Clarke of New York with Mr. Upshaw.
Mr. Parker of New York with Mr. Vinson.
Mr. Wood of Indiana with Mr. Raker.
Mr. Fish with Mr. Johnson of Kentucky.
Mr. Dunbar with Mr. Hayden.
Mr. Luce with Mr. Lankford.
Mr. Graham of Pennsylvania with Mr. Goldsborough.

Mr. LANGLEY. Mr. Speaker, I have a general pair with the gentleman from Florida [Mr. CLARK], but this bill is so important to the people whom I represent that it is all right with him for me to vote "no," and I desire my vote of "no" to stand.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

TARIFF BILL OF 1922.

Mr. FORDNEY. Mr. Speaker, I call up the conference report on the bill H. R. 7456.

The SPEAKER. The gentleman from Michigan calls up a conference report on the bill the title of which the Clerk will report.

The Clerk read as follows:

H. R. 7456. An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. GARNER. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman can make a point of order at any time until after the report is read.

Mr. GARNER. I desire to give notice that I reserve all points of order.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that the reading of the report be dispensed with. The report has already been read, except the new matter which came from the action of the committee yesterday with reference to potash and dyestuffs, and everybody knows what that is, and therefore I ask unanimous consent that the reading of the report be dispensed with.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the reading of the report be dispensed with. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, I do not object to the suspension of the reading of the report as a whole, but would it not be a good idea to read the new matter?

Mr. FORDNEY. There is nothing except the matter that was in the motion to recommit. There is no change made except on potash and the dye embargo.

Mr. GARRETT of Tennessee. What about the question of the valuation basis?

Mr. FORDNEY. That is on dyes, and that was in both the House and Senate provisions before the motion to recommit.

Mr. GARNER. What the gentleman from Michigan, if I understand him, intends to convey is that the conferees on the part of the House carried out the House's instructions and then undertook to rewrite the rates.

Mr. FORDNEY. I will say to the gentleman that the House bill placed 30 per cent ad valorem on intermediates and 7 cents a pound based on American valuation, and 35 per cent ad valorem and 7 cents per pound on the finished product. The Senate based its rates on American selling price, putting 10½ cents on the intermediates and 75 per cent ad valorem, and on dyestuffs at 10½ cents per pound and 90 per cent ad valorem. Now the conferees yesterday agreed to reduce the rate fixed by the Senate to 7 cents per pound and 50 per cent ad valorem on the intermediates, and 7 cents per pound and 60 per cent ad valorem on the finished product for two years, and after that time the ad valorem will be 40 per cent on the intermediates and 45 per cent on the finished product and 7 cents a pound.

Mr. GARRETT of Tennessee. American valuation?

Mr. FORDNEY. On American valuation, which was provided for in both the House and the Senate provisions.

Mr. GARNER. A change in rates on dyes; that is all.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to raise the point of order against the conference report on the ground that the conferees exceeded their authority.

The SPEAKER. The question before the House is to dispense with the reading of the report. Is there objection? [After a pause.] The Chair hears none.

Mr. GARNER. I reserve all points of order.

Mr. COOPER of Wisconsin. Mr. Speaker, I make the point of order that in changing the rates in the chemical schedule and in making other changes in and additions to amendments 83 and 89, the conferees exceeded their authority.

The Chair will remember that the resolution to recommit, adopted by the House, was in the following language:

> Mr. GARNER moves to recommit the conference report on the bill H. R. 7456 to the committee of conference with instructions to the House conferees to agree to the Senate amendments putting fertilizer potash on the free list and to strike out the provision containing the dye embargo.

Those were specific instructions. The conferees on the part of the House are simply representatives of the House, and when given instructions which limit their authority they should not be permitted to violate those instructions nor go beyond the authority expressly conferred. When first appointed as House conferees it was that they might meet conferees appointed by the Senate and with them have a full and free conference. Their first appointment was without instructions. The whole bill was committed to the conference committee for consideration and report. When, on Tuesday last, three days ago, the conferees filed the first conference report, their authority as conferees wholly ceased. They could as such do nothing more. On the filing of that first report they were as conferees functus officio.

Yesterday, when the motion to recommit with instructions was adopted, it was in effect and in fact the second appointment of House conferees but not, this time, to attend a full and free conference on the whole bill but to follow the instructions contained in the resolution by which they again became conferees.

Now, in the very brief time at my disposal, since the printing to-day of this second conference report I have not found an authority exactly in point. I do, however, find paragraph 4404 of Hinds:

> Where a matter is recommitted with instructions the committee must confine itself within the instructions.

The committee, in that instance, was, it is true, a special, not a conference committee. But reasoning by analogy, the House conferees on this second conference committee being special representatives of the House for a special purpose mentioned in the instructions and not to attend a full and free conference were bound to confine themselves within the instructions.

I now read paragraph 5526 of volume 5 of Hinds':

> When a bill is recommitted with instructions relating only to a certain portion, the committee must not review other portions.

The SPEAKER. What volume is that?

Mr. COOPER of Wisconsin. That is volume 5, paragraph 5526 of Hinds, a statement by Hinds himself:

> When a bill is recommitted with instructions relating only to a certain portion, the committee can not review other portions.

That does not, as I said before, refer expressly to a conference committee.

The SPEAKER. Will the gentleman please cite it once more?

Mr. COOPER of Wisconsin. I have it here marked "5526." It is certainly in volume 5. I just observed that it does not make direct reference to a conference committee.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. LONGWORTH. Does not the question come down entirely to the fact that this is a conference committee? The gentleman does not contend that the House can bind the Senate conferees?

Mr. COOPER of Wisconsin. No; certainly not. I have not made the statement that the House can bind the Senate conferees. But I do contend that the House can bind its own conferees, and that when it appoints them, not to attend a "full and free" conference but instructs them to agree to two specified items, they are not authorized to disagree to 500 others.

If the House conferees appointed on this second conference, under specific instructions to agree to the Senate amendments putting potash for fertilizers on the free list and to strike out the dye embargo, had found that the Senate conferees refused to stand by the former action of the Senate, then the House conferees could have come back here and so reported; but they should not be permitted to violate the instructions given to them by the House in the motion to recommit, which limited their authority by specifically mentioning the items to which they were to agree.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. GREEN of Iowa. The gentleman is in error in one respect. The House conferees were not instructed to agree to the conference report with those two exceptions. They were simply instructed to take out the dye embargo and the potash item and present a bill here without the dye embargo and without the potash item and put potash on the free list.

Mr. COOPER of Wisconsin. Mr. Speaker, in order that there be no misunderstanding as to the premises of the argument, perhaps it would be well to read the motion to recommit. The gentleman from Iowa has remarked that the House did not instruct the conferees to agree, and so forth. Here is the language:

> Mr. GARNER moves to recommit the conference report on the bill H. R. 7456 to the committee of conference with instructions to the House conferees to agree to the Senate amendments putting fertilizer potash on the free list and to strike out the provision containing the dye embargo.

Mr. FORDNEY. Mr. Speaker, if the gentleman will permit me, that has been done.

Mr. COOPER of Wisconsin. But, Mr. Speaker, any fair interpretation of the motion to recommit with instructions, and of the purpose of the House in adopting it, would require the application of the principle of the rule of statutory construction that the mention of one thing is the exclusion of another. The specific mention of two items excluded the thousands of other items.

Here was the House instructing its conferees to agree to the amendments of the Senate in those two particulars. But that should not be held to authorize them not only to agree to those two items, but also to amend, add to, or disagree to any of the multitude of other provisions. Of what use is it when, with specific instructions to agree to two things, conferees may change or disagree to a thousand?

Mr. LONGWORTH. Does the gentleman contend that the bill, having been recommitted to the conferees, it would not be in order for them to take up the entire wool schedule?

Mr. COOPER of Wisconsin. With due deference to the gentleman, I answer no. The conferees on the part of the House on the second conference were limited in their authority to consider items by the terms of the motion under which they themselves were appointed. If the Senate should refuse to appoint conferees, very well. That might kill the bill, but would not be the fault of the House.

We were simply instructing our conferees to agree to what the Senate had already agreed, and if for any reason they would not permit us to agree the responsibility would be upon the Senate, not upon the House; or if the Senate should refuse to appoint conferees to a second conference, that would in no wise be the fault of the House, which would have been acting entirely within its rights.

Is it reasonable to say that there is no difference between the authority of conferees appointed to attend a full and free conference on an entire bill, and the authority of the conferees who yesterday were appointed under specific instructions mentioning only two items in the bill? I am asking now a question that ought to be answered once for all, so far as this House is concerned, because if a proposition once defeated in the House and once defeated in the Senate can be brought up repeatedly in this manner by conferees the House ought to know it, and can not know it too quickly.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. CHINDBLOM. Does the gentleman believe that the action of the House in recommitting the bill with instructions was in any sense an approval by the House of the conference report?

Mr. COOPER of Wisconsin. I am contending that for the purposes of the second conference the House conferees were bound by the instructions contained in the motion to recommit. The first conference report had been filed, but the House did not wish to consent to all of its provisions. For example, the House was opposed to the embargo on dyes and to the tariff on potash, and it recommitted the bill with instructions to its conferees to agree to the Senate provision striking them out.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. In one moment.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. COOPER of Wisconsin. What the House really did by the motion to recommit with those instructions was, in effect, equivalent to a motion to recede from its disagreement on those two items and to concur.

Mr. GREEN of Iowa. Does the gentleman think that the gentleman from Texas [Mr. GARNER] intended to instruct the conferees to agree to all the rest of this bill except those two items? If so, the gentleman from Texas [Mr. GARNER] has entirely changed his politics, or else he is an awfully poor parliamentarian, and I do not think either one of those things is the fact. What the gentleman last stated would have been the form if the House had intended to do what the gentleman from Wisconsin [Mr. COOPER] states, namely, a motion to recede and concur in all the rest of it. But there is nothing about concurring in the rest of the bill.

Mr. COOPER of Wisconsin. Mr. Speaker, the debate began under a rule which provided that at the expiration of the debate the previous question should be considered as ordered. Under the rule a motion to recommit was in order. An opponent of the bill made the motion to recommit and it was carried, instructing the conferees on the part of the House to agree to two provisions of the bill as passed by the Senate. Now, if this were one of the regular committees of the House there would be no question but that it would be bound to consider only the items mentioned in the motion to recommit. But the gentleman from Ohio [Mr. LONGWORTH] suggested that the question here depends wholly on the fact that this was a conference committee. But, as I have said, the House conferees were not appointed to attend a full and free conference. They were instructed to agree to two things. And in this case, Mr. Speaker, I can see no reason for a rule different from that which obtains when a motion is made to recommit a bill to a regular committee of the House with instructions. "When," says Hinds, "a bill is recommitted with instructions relating only to a certain portion the committee must not review other portions."

As to obeying instructions, why should there be for House conferees a rule different from the rule for House committees? Why should we not in this case apply the rule laid down by Mr. Speaker Reed, one of the greatest of parliamentarians, when on a bill being recommitted to the Committee on Appropriations he said that the committee would be confined to the matter mentioned in the instructions?

Mr. LONGWORTH. Mr. Speaker——

The SPEAKER. The Chair is ready to rule. The Chair thinks that the argument of the gentleman from Wisconsin is based on a failure to distinguish the difference between the reference of a bill to a committee with instructions and the reference to the conferees with instructions. The case which the gentleman cited was the reference of a bill to a committee with instructions to report the bill back, and it is well established, as the gentleman states, that in that case the committee is bound and limited by the orders of the House, and immediately it reports the bill back without any meeting of the committee at all. It is really a technical performance. But if the House will consider for a moment, there is a great difference between sending a bill back to a committee of the House, which is under the control of the House, and sending a conference report back to conferees who are not subject to the will of the House, because the Senate conferees have equal power and are quite independent.

This case does not rest simply on the Chair's opinion, but there is a decision by a Speaker whose opinion carries as much authority, probably, as that of anybody who has even been in the chair, Speaker Carlisle. In a decision cited in Hinds' Precedents, volume 5, section 6395, he went oven further than it is necessary for the Chair to go now. He went so far as to say that if the House conferees disobeyed the instructions of the House, still the report is not on that account subject to a point of order. Of course, the House is not bound to agree to it and probably would not agree with its conferees if they so acted, but, as Speaker Carlisle said, the conferees are partly from the House and partly from the Senate. They are there to come to an agreement, and the House conferees, of course, are subject, and feel themselves subject to the orders of the House, but if they disobey it and come back, it is not subject to a point of order, but it is subject to review by the House. In the present instance, of course, it is not necessary to go as far as that, because the conferees have strictly obeyed the orders of the House and have made the changes which the House commanded and have made other changes as to which they had no directions. When the House referred the bill back to the conferees, the whole bill went again to conference. Speaker Clark in the case of a bill which the Members who were then here will well remember, the great Army bill at the beginning of the war, answered a parliamentary inquiry on this very point, that when the bill went back to the conferees with instructions the whole bill was then before the conferees. The Chair overrules the point of order.

Mr. GARNER. Mr. Speaker, I make the point of order to the new language inserted by the conferees which was not in either the House bill or the Senate bill, on page 303, lines 14 to 25; page 304, lines 1 to 12; page 305, lines 3 to 24, inclusive; and page 306, lines 1 to 14, inclusive.

Mr. Speaker, I base this point of order on the ground that under the ruling of the Chair and under the ruling of all the Speakers as I interpret them, the conferees can not insert in a conference report matter that is not in controversy between the two Houses. I believe that is a well-established rule, of both the House and of the Senate. Amendment No. 1665, which was placed in the bill in the Senate, undertook to apply the elastic-rate provision in the hands of the President to the chemical schedule, but did not apply it to any other schedule in the bill. The House had American valuation and the Senate had foreign valuation. Now the conferees come along and undertake to extend the President's power to change the rates to 50 per cent higher or 50 per cent lower, as the case may be, and to change the valuation. I think they had the power, probably, to give the President the authority to change the valuation, but they have gone much further than that, as the Speaker will see by reading the language to which I have directed his attention.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GARNER. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Just so that it may be understood by the House, the gentleman is now referring to matter that was in the first conference report?

Mr. GARNER. Yes.

Mr. GREEN of Iowa. I do not think that would make any difference. But I want the House to understand that.

Mr. GARNER. I know no one will claim this is not a new conference report.

Mr. LONGWORTH. Mr. Speaker, I do not think it is necessary to take up much time in the discusssion of the point of order. The point the gentleman now makes is precisely the same point that was made the other day, and on which the Speaker ruled.

The SPEAKER. The Chair has not yet been able to see the exact amendment to which the gentleman refers.

Mr. GARNER. The gentleman from Ohio, in speaking of the other point of order, is referrring to the amendment which changed the words "products" and "merchandise" to "articles." The Speaker in ruling on that point said they had the right to change the word from "merchandise" or "products" to "articles."

The SPEAKER. The Chair has not yet found the clause on which the gentleman from Texas now makes his point of order.

Mr. GARNER. It is found on page 303, beginning with line 14, and page 304 down to line 12, and page 305, beginning with line 3 down to line 24, inclusive, and page 306, beginning with line 1 down to line 14, inclusive.

Mr. LONGWORTH. Mr. Speaker, I repeat that the question is the same as that involved in the two points of order that the gentleman from Texas made the other day, to wit, that the conferees had no authority to write in a different provision than that contained in the Senate amendment. Now, the fact is that on this particular proposition, which relates to the power of the President to impose punitive rates of duty where it is discovered that other countries are discriminating unjustly or using unfair practices against our commerce, the House said nothing whatever on the subject. The Senate wrote the entire provision by way of amendment. It is unquestionably within the power of the conferees to amend the Senate amendment by any germane amendment. That is all that is involved in this case. It is what was involved in the case the other day. I think it would be without justification to take up any more of the time of the Speaker or of the House in discussing this matter.

The SPEAKER. The Chair overrules the point of order on the ground that any germane amendment is permissible.

Mr. GARRETT of Tennessee. Mr. Speaker, I have not been able to get hold of volume 5 of Hinds' Precedents, but in the manual I find a positive statement that the conferees can not exceed differences between the two Houses even though what they propose be germane.

The SPEAKER. But here there is no difference between the two Houses. The House has nothing at all on the question.

Mr. GARRETT of Tennessee. I do not know whether I understand the fact; but if I understood the gentleman from Texas [Mr. GARNER] correctly, he stated that the elasticity provision of the bill, as inserted by the Senate, applied only to the chemical schedule, and that the conferees have made it apply to all the schedules.

The SPEAKER. The House had nothing on the subject. It is an entirely new provision put in by the Senate. The Chair thinks any provision which is germane is permissible. The Chair overrules the point of order.

Mr. FORDNEY. Mr. Speaker——

Mr. GARNER. Mr. Speaker, will not the gentleman from Michigan ask unanimous consent, with reference to time for debate on the report, that we have a certain time for debate?

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that the general debate shall proceed for two hours, one hour on a side, one-half to be controlled by the gentleman from Texas and one-half by myself.

Many Members. One hour.

The SPEAKER. The gentleman from Michigan asks unanimous consent that there be two hours of general debate, one-half to be controlled by himself and one-half by the gentleman from Texas [Mr. Garner]. Is there objection?

Mr. FAIRCHILD. I object.

Mr. VARE. I object.

Mr. KING. I object.

Mr. FORDNEY. Mr. Speaker, then I ask that general debate continue for one hour, one-half to be controlled by myself and one-half by the gentleman from Texas [Mr. Garner].

The SPEAKER. The gentleman from Michigan asks unanimous consent that debate on the conference report be limited to one hour, one-half to be controlled by himself and one-half by the gentleman from Texas [Mr. Garner]. Is there objection?

There was no objection.

Mr. FORDNEY. Mr. Speaker and gentlemen of the House, I will be very brief. The conferees met last evening, as per instructions of the House, transferred potash from the protective to the free list, and struck out the embargo on dyestuffs. Permit me to say that the rates of duty on dyestuffs provided in the House bill were based on the American valuation; 7 cents per pound and 30 per cent ad valorem on intermediates, and 7 cents per pound and 35 per cent ad valorem on the finished product. The Senate increased these rates and provided that they should be based on the American selling price, which was practically the House provision. They placed 10½ cents per pound and 75 per cent ad valorem on the intermediates and 10½ cents per pound and 90 per cent ad valorem on the finished product. The conferees agreed to reduce these rates and report 7 cents per pound and 50 per cent ad valorem on the intermediates and 10½ cents per pound and 60 per cent ad valorem on the finished product.

Now the conferees have agreed to 7 cents per pound and 55 per cent ad valorem on the intermediates for two years, and 10½ cents per pound and 60 per cent ad valorem on the finished product for two years, after which two years these ad valorem rates are to be reduced to 40 per cent on the intermediates and 45 per cent on the finished product.

We found in the printed bill an error as to coconuts, which had been placed on the dutiable list in the House bill and on the free list in the Senate bill. The House provision was restored, agreed to in conference, and by some mistake coconuts have been placed on both the dutiable and free lists. Rather than break into another rate, except those included in the motion to recommmit, we have decided to bring in a joint resolution after the passage of this tariff bill placing coconuts on the protected list, where the conferees agreed to place it in the first conference report.

Mr. GARNER. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GARNER. And in the conference I had with the gentleman this morning in which I agreed to that he agreed to give me an hour. I call attention to the fact that his colleagues do not keep good faith.

Mr. FORDNEY. I am not responsible for that any more than I was for their action day before yesterday. [Laughter.]

Mr. GARNER. I know the gentleman is not, and the gentleman was willing to give me an hour, which I thought I was entitled to.

Mr. FORDNEY. Yes, I agreed to it and I am sorry the gentleman did not get it; and I am glad, too. [Laughter.]

Mr. CHINDBLOM. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. CHINDBLOM. The provision that was stricken out by order of the House relating to the chemical schedule was a part of the action of the conferees on the Bursum amendment.

Mr. FORDNEY. It was eliminated in the first conference.

Mr. CHINDBLOM. Instead of the Bursum amendment the conferees did a number of things; they changed the rates of duty and inserted the continuation of the dye control act.

Mr. GREEN of Iowa. Will the gentleman yield to me for a suggestion?

Mr. FORDNEY. Yes.

Mr. GREEN of Iowa. The Bursum amendment was eliminated in consideration of the dye embargo being continued for one year.

Mr. FORDNEY. Senator Bursum sent word yesterday that if the language in his amendment was left in it would ruin his reputation, and we sent word back that if it were it would ruin the reputation of the House bill, and therefore we struck it out and saved the reputation of both. [Laughter.]

Mr. CHINDBLOM. Let me ask the gentleman, has anything been done to give anything like an adequate protection to organic and synthetic medicinal chemicals?

Mr. FORDNEY. Yes; they are provided for in the bill; adequately provided for.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. PARKER of New Jersey. Why could not we yield and take the Bursum amendment and give sufficient protection?

Mr. FORDNEY. For the reason that the majority of the conferees would not agree to it.

Mr. PARKER of New Jersey. Would not agree to the Senate amendment?

Mr. FORDNEY. No. As to many of the provisions in the bill the Senate conferees absolutely declined to stand by their own provisions.

Mr. GARRETT of Tennessee. Will the gentleman yield? There was some confusion when the gentleman was stating something about somebody's reputation being saved. Would the gentleman mind repeating that?

Mr. FORDNEY. I have nothing more to say now.

Mr. GARNER. Has the gentleman more than one speech on that side?

Mr. FORDNEY. Half a dozen have asked for time.

Mr. GARNER. We have but one more speech on this side.

Mr. FORDNEY. I will ask the gentleman to go ahead and use his time.

Mr. GARNER. That would be hardly fair if the gentleman has more than one speech on his side.

Mr. FORDNEY. There will be but one more speech on this side unless the gentleman makes some statement on the floor.

Mr. GARNER. I ask the gentleman to use his time, as there will be only one speech on this side.

The SPEAKER. The rule or custom is that gentlemen on each side may alternate, but the gentleman from Michigan has the right to the last speech. Does the gentleman from Texas say that there is to be only one speech on his side?

Mr. GARNER. That is all.

Mr. FORDNEY. Mr. Speaker, I yield 15 minutes to the gentleman from Ohio [Mr. Longworth].

Mr. LONGWORTH. Mr. Speaker, it was Mark Twain, speaking through his lovable character, "Puddenhead Wilson," who said that it is differences of opinion that make horse races. It is differences of opinion, too, that make politics. And it is only through compromises of differences of opinion that tariff laws are possible. Furthermore, it is differences of opinion that very often make for enduring and lasting friendships, such as the friendship which I am glad to say exists between myself and the gentleman from Texas and has for more than 20 years. For his signal ability, for his sturdy patriotism, for his unswerving devotion to duty as he sees it, I have unbounded admiration. Our opinions differ on the tariff, but, as a matter of fact, these differences of opinion are not so great as they seem to be on the surface. My friend from Texas is at heart a protectionist; he believes in the system of protection, but he confines it to things that are produced in his district or in his State, whereas my theory of protection is nation-wide. Not an ounce of potash is produced in my district or in my State; not an ounce of dyestuff is produced in my district and, so far as I know, in my State, and yet I am in favor of protecting both these industries, because I am firmly convinced that without adequate protection they will die. But it is not of the gentleman from Texas as a statesman or a tariff expert that I desire to speak. I speak of him as a fisherman; the greatest fisherman since Isaak Walton.

The gentleman from Texas has gone on a number of fishing excursions during this session of Congress and he has invariably returned with a fine mess, but it remained for him on day before yesterday to break all records. Attended by the gentleman from Minnesota [Mr. Knutson], acting as basket bearer and bait advisor [laughter and applause], he cast his line across this aisle and was rewarded by a catch of more than 100 to add to his already magnificent collection, a record unprecedented in these waters. [Laughter.] But I want to warn the gentleman from Texas, as I understand he is going on another fishing excursion to-day and that he intends to bait his hook with sugar, that conditions are not propitious, as I think, and that his prestige as a fisherman will be very greatly diminished.

I do not deny that I was very greatly, even bitterly, disappointed at the result of the vote day before yesterday on the motion of the gentleman from Texas. I am perfectly convinced that the restoration of potash to the free list means the destruction of the industry in this country, and I believe this to be unfortunate from the farmer's standpoint. I can conceive of no greater benefit to agriculture than to have here a potash industry capable of supplying the entire needs of the country. I am informed that the raw material is here in quantities sufficient to supply this country for a thousand years, and our only trouble is that we have not yet been able to produce it commercially.

I am not sure that the duty provided would have made a self-sustaining potash industry in this country, but I for one was willing to give it a chance. It has always been my theory, as a proper policy of protection, that we ought to produce in this country everything, where it is climatically possible, to meet the needs of the American people for basic necessities [applause], both in time of peace and in time of war. We are too prone to forget, I am afraid, that the time may come when, relying on other countries to furnish us with prime necessities, we may be at their mercy and that we may have to pay for those necessities thousands and tens of thousands of per cent higher than if we had those industries in this country. I was even more bitterly disappointed at the action of this House in striking out the so-called dye embargo. That was not an embargo. For all the dyes necessary for consumers which were not produced here or which were not sold at satisfactory price or on reasonable terms as to delivery could be imported in any quantity. As I pointed out day before yesterday, even under this system, called an embargo by some, over 3,000 different dyes have been imported into this country during the last six months. They have been coming in ever since we have had the regulative system. They would have continued to come in if the system had been made permanent. But, of course, I bowed to the decision of the House. I fear, gentlemen, that you do not all realize the vast importance of this coal-tar chemical industry.

My advocacy—my sincere advocacy—of this industry has been for the medicinal possibilities of it and the absolute necessity of it, if we are to be prepared for war or for any serious danger to this country. I do not believe any system of protective duties, no matter how high, can adequately protect this industry. I do not think any duty, no matter how high, can prevail against the cut-throat methods that Germany has employed and doubtless will continue to employ in the disposition of their chemical products in this and other foreign markets.

In the university of which my friend from Connecticut [Mr. TILSON] is a graduate they have spent millions of dollars in equipping laboratories for investigation in the field of organic chemistry, practically a new field in this country. We ought to do everything possible to encourage young men to make investigations in coal-tar chemistry a life work, as they did in Germany. But in order to do that we must have some sort of an industry that can operate profitably to pay them and give them opportunity to make these researches, and that is the dye industry.

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. PARKER of New Jersey. Is it not true that the House bill, by means of an embargo, gave a sufficient protection to this industry, and that the Senate bill, by higher rates, gave what seemed to be sufficient protection, and that the lower rates without the embargo, given by the conference report, do not give sufficient protection?

Mr. LONGWORTH. I repeat that I greatly fear that the rates adopted in the conference report will not give that protection. I do not think that the Bursum rates would have given adequate protection to a great many things that need protection. On the other hand, the reason why I supported a limited embargo is that I have not been in favor of imposing large duties upon the production of dyes that are not produced in this country, and which are necessary for the textile industry.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. CHINDBLOM. The gentleman has spoken with reference to coal-tar products. Does not the same situation exist as to noncoal-tar manufactures, synthetic organic chemicals, and is it not a fact that the industries that have grown up engaged in the production of these chemicals, these synthetic organic chemicals, will be forced entirely out of business?

Mr. LONGWORTH. I do not place synthetic organic chemicals as such on quite the same basis as the coal-tar products, because I do not think they have the bedrock national preparedness features of the coal-tar products.

Mr. CHINDBLOM. They are of great value as defense industries, are they not?

Mr. LONGWORTH. Yes; as industries they have great value, but I doubt if we are justified in going so far with them as with coal-tar products. These 20-syllable words in this bill, which are known as "intermediates," have a really romantic side.

The skilled chemist can take one of these intermediates and determine what he will make out of it. He may make a dye or he may make a perfume or he may make a medicine; a medicine absolutely necessary to the health of the people. On the other hand, in time of stress, he may make an explosive or a poison gas out of it. We must keep alive this industry in some way or else we shall be in the same situation that we were in in the last war, where it cost millions of dollars to equip plants to make absolutely necessary explosives and gases.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. BANKHEAD. As to the question asked by the gentleman from Illinois [Mr. CHINDBLOM], I see in this morning's Post two full-page advertisements, one of them signed by the Sythentic Organic Chemical Manufacturers' Association of the United States, Charles H. Herty as president, where he says the conference report absolutely means the destruction in this country of the organic chemical industry. Does the gentleman from Ohio believe in the assertions that are made in this full-page advertisement?

Mr. LONGWORTH. Doctor Herty is one of the great chemists of this country. I would not for a moment set up my opinion against his. I hope he is not right with reference to the result of what we have done in this conference.

I will not deny that I may have been shaken somewhat day before yesterday from that equable temper with which I always try to accept defeat, and that I may have thought seriously, now that the entire tariff had been reopened, of reporting back to the House changes in certain other schedules with which I was not entirely satisfied, a thing which it was entirely in the power of any conferee to do. But after cool thought and with the realization that such a procedure might cause a delay of weeks, if not months, in the completion of this bill, I went into the conference with the one idea of reaching an agreement, at the sacrifice, if necessary, of no matter how much of my firm conviction.

We reached an agreement. The passage of this bill is now assured within a very few days. It will be the paramount issue in the next election so far as this House is concerned. Let us merge our differences. Let us conceal our individual disappointment that this or that is not just to our liking. Let us rally to the defense of this bill not apologetically, but strenuously and enthusiastically. This is a protective bill, the country stands for protection, and if we stand together we shall win. [Applause.]

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. FORDNEY. Mr. Speaker, I wish to yield a little time to my good friend from Iowa [Mr. TOWNER].

Mr. LONGWORTH. I have the right to extend, have I?

The SPEAKER. Yes.

Mr. FORDNEY. Mr. Speaker, I yield four minutes to the gentleman from Iowa.

The SPEAKER. The gentleman from Iowa is recognized for four minutes.

Mr. GREEN of Iowa. Mr. Speaker, through the peculiar division of the time I have only a few minutes. I hope, however, that I have something to say that will help the House in the brief time allowed me.

In the first place, I want to explain fully, so that all will understand the situation, the agreement which the conferees made in respect to dyes. The morning papers carried the statement that the conferees had greatly increased the rates which were given in the previous conference report. The only way that any man could claim that we had increased the rates would be by saying that a certain rate that we carried in the present conference report is higher than the embargo. We had an absolute embargo in the original conference report on all dyes that were produced in this country and could be obtained here on reasonable terms.

Now, the duties, when we went back and had to harmonize them, were between our original rates in the House bill on the American valuation and the Senate rates on the American valuation. On that, without going into detail, I will say that the Senate yielded about two-thirds, and that we gave up just about one-third in order to reach an agreement.

The claim was made, as has been stated in this advertisement that has just been alluded to here, that the rates that we now have in the bill are so low that they will absolutely ruin the industry. I do not think they will. I think the industry generally can get along under those rates, but I think it is a low rate for some of the manufacturers who have recently started in the dye business. It certainly is as low as we ought to go, and there can be no valid objection to the rates made in the report on coal-tar products. Now, I want to say just a word with reference to the sugar rates that will come up on the motion to recommit.

In this conference report we have increased the duties over the present duties prevailing under the present emergency tariff act by only sixteen one-hundredths of a cent, or less than one-sixth of a cent per pound, on Cuban sugar, which is the only kind we import. The rate on Cuban sugar is now 1.60 cents per pound. We have increased that rate to 1.76 cents per pound. It is true that the rate on full-duty sugars is now 2 cents and that we have increased that rate in the bill to 2.20 cents per pound, but we get no full-duty sugar, and we never will. The reciprocity treaty with Cuba, giving Cuba a rate 25 per cent below that given other countries, completely excludes them. To a married man having a family consisting of himself and wife and two children the whole additional duty of one-sixth of a cent per pound would amount to just about 20 cents a year for family use if he paid the whole of the duty. That is all the increase we have put on. Now, if any gentleman can figure out how that is going to injure anyone, he can do better than I can. I am confining myself now to the bare facts, because that is all that I can do in the time I have. I want to call your attention, however, to the fact that every time thus far that the sugar duty has been lowered the price to the consumer of sugar has been increased. The reason is that when we put our sugar factories and cane growers out of business, we put ourselves in the power of the Sugar Refining Trust and the foreign cane grower by lessening the competition against them. The consumer does not pay this duty nor any other except where there is no competition from domestic producers.

It is a fact, as shown by detailed tables presented to the Finance Committee of the Senate, that when the Cuban reciprocity treaty went into effect, lowering the duty on sugar 20 per cent, the price went up instead of falling. When we increased the duty on sugar by the emergency tariff a year ago last May the price of sugar instead of increasing, as gentlemen on the other side said it would as soon as that provision was enacted, went down and down and down for the next nine months. In the last three months it has increased somewhat. The fact is that the tariff has practically nothing to do with the price of sugar. It has something to do with the refiner's margin between raw and refined sugar, for every time we reduce the duty the oft-indicted Sugar Trust considers the reduction as a gift to it and increases its margin. When we increase the duty it decreases its margin and floods the country with propaganda against the sugar duty. The duty really falls upon the refiners and the Cubans. The Cubans say they pay all of it and are protesting against the duty. They are correct in that they pay the most of it; but we have the right to put on any duty we see fit, and we need the money.

Mr. MADDEN. Is it not a fact that the longer you have beet sugar on the market the longer the price remains low?

Mr. GREEN of Iowa. Always. The price of sugar goes down as soon as beet sugar comes on the market, and as long as it stays on the market the lower price prevails, and when the beet sugar is all gone, then the price of the cane sugar goes up. The beet-sugar factories have saved the consumers of sugar millions of dollars by their competition.

Mr. MADDEN. And the higher the duty the more beet sugar there will be grown in this country.

Mr. GREEN of Iowa. Certainly, but if we put the duty too high we would give the beet-sugar growers the advantage which we do not want to do. We only want to give them duty enough to enable them to compete with the Cubans and keep the price down. Raw sugar can be produced in Cuba for 1½ cents per pound.

Now, there is some talk about the profit of those operating beet-sugar factories. I have two beet-sugar factories in my State, both of which have lost immense sums—more than a million dollars apiece—in trying to run under prevailing tariffs. One is closed entirely. They are not in my district, and I do not mention this because these factories are located in my State, because no man can truthfully say that I have assisted in making up a single rate in this bill on the ground that the interests of my State were involved, and no man who has served with me either in the Committee on Ways and Means or in the conference committee will say that I have ever asked any rate simply on the ground that my State was interested therein. I have asked this sugar duty simply and solely on the ground that it is in the interest of the whole country and that it will in the long run reduce the price of sugar. [Applause.]

Mr. GARNER. Mr. Speaker, how much time remains?

The SPEAKER. The gentleman has 26 minutes.

Mr. GARNER. Mr. Speaker and gentlemen of the House, I think it is to be regretted that there will not be more time to discuss this conference report. I think that is demonstrated by the remarks of the gentleman who has just taken his seat [Mr. GREEN of Iowa]. He himself regrets that his side of the House saw fit to prevent at least two hours' general debate on this conference report. I understand why some gentlemen do not want to discuss this matter. I opine that their disposition would be to close up the mouths of the people throughout the country, if they could, for the next 60 or 70 days, and to close up the columns of the newspapers of the country so that they could not discuss this wicked piece of legislation. I can understand how they run politics in some States and in some cities, not allowing discussion but operating by the steam roller and boss rule. But I submit to you that in the House of Representatives you ought to have at least some debate on these problems. This is a forum where there should be full freedom of discussion.

I think the gentleman from Ohio [Mr. LONGWORTH] can be felicitated by the entire House upon his ability as a member of the conference committee. Every man who has served with Mr. LONGWORTH will testify to the fact that he has as much bulldog tenacity and keen intellect as a conferee or as a member of the committee as any man he ever served with, and the result of this conference shows conclusively that he dominated the conference committee, especially that he dominated it when it came to the chemical schedule.

Let this much be said about Mr. LONGWORTH as we pass. I have had lots of controversies with Mr. LONGWORTH. I never saw him turn his back to an adversary, and so far as I know and now remember I never asked him for a legislative favor in his life. He is a fair fighter. [Applause.] He and I differ. I do not know that we have ever agreed upon anything. [Laughter.] But, gentlemen, here is the trouble about it. The country is going to suffer by virtue of his ability. The country is going to suffer by virtue of his dominating that committee of conference. That is what I complain about, and that is what the country is going to complain about in the next 60 days when we come to present this matter, that his ability has placed on this country an embargo with reference to synthetic dyes, and possibly a rate so high that it will amount to an embargo on coal-tar products.

Mr. LONDON. Will the gentleman yield for a moment?

Mr. GARNER. I would rather go on, but I will yield.

Mr. LONDON. In other words, the country needs protection against him. [Laughter.]

Mr. GARNER. It would be well for the country——

Mr. LONGWORTH. It needs it more against Mr. LONDON. [Laughter.]

Mr. GARNER. It might be well for the country if we could convert a few NICK LONGWORTHS on the Republican side. The gentleman from Ohio [Mr. LONGWORTH] remarks that I have been on many fishing excursions during this and former Congresses, and that I have been more or less successful. I want to tell you now that in this fishing expedition to-day, while I am not going to get as many from the Republican ranks as I did on Wednesday, the sovereign voters of their States are going to get the scalps of more of them in November by virtue of this vote than by the vote that was had day before yesterday. [Applause and laughter.]

Mr. FORDNEY. Mr. Speaker, will the gentleman yield?

Mr. GARNER. In just a moment. My fishing excursion today is not with much hope for victory now, but for victory in November, because the people of the country are going to express their opinion of this legislation then. They will be very emphatic in the opinion which they will voice at the ballot box.

Mr. FORDNEY. The gentleman ought to express his happiness in November and not now. [Laughter.]

Mr. GARNER. Mr. Speaker, when you gentlemen vote against this motion to recommit, dealing with the sugar duty which the gentleman from Ohio [Mr. LONGWORTH] says I am going to offer, I want some Democratic opponent of each of you gentlemen to get up and tell the audience in his district that the ranking minority Democratic member on the Ways and Means Committee made a motion to recommit the tariff bill and gave you an opportunity to get sugar cheaper than you are getting it now. I want to show you Republicans that you yourselves have said by three distinct votes in this House that $2 per hundred pounds was enough duty on sugar. You voted that rate three times. Are you ging to repudiate your own action which you confirmed by three solemn votes in this House? Who is going to say that $2 is not enough on sugar when you placed yourselves on record that way three times by your votes? Why do you go up to $2.20 on sugar when you said $2 was enough? How are you going to answer that? The gentleman from Ohio [Mr. LONGWORTH] puts me in mind of a certain American game. You remember he stood on the floor here last Wednesday and warned you that if you recommitted this bill it probably meant no tariff legislation prior to the election. He put me in mind of the great American game, when a man sets in his full stack and somebody calls him and it turns out, as it has turned out now, that the urbane gentleman from Ohio had only a bobtail. [Laughter.]

Mr. SNELL. What is the game?

Mr. GARNER. The illustration to-day shows conclusively that the gentleman from Ohio is familiar with the game and that he played you Republicans for suckers, but you called his bluff and he did not have anything in his hand. [Laughter.] The conferees are back here with the bill to-day. If the House will recommit this bill and put sugar at $2, as is the rate in the emergency tariff to-day and as it was carried in the bill when it passed the House, we will have this tariff bill on the statute books within a week with the rate at $2 instead of $2.20.

Mr. MCARTHUR. It will be on the statute books anyway.

Mr. GARNER. That may be.

I want to call your attention to the fact that this identical question has been voted on in another body. Who supported it in the other body? Has the rate which I am going to propose any authority from the Republican standpoint? You Republicans are talking among yourselves about your reluctance to vote against the organization. Let us see whether this motion I am going to make has any support among the Republican leaders in this Nation. Who represents the Republican Party in another body? Who is the leader of the other body? Examine the RECORD and you will find that he voted in another body for the rates which will be contained in the motion that I am going to make. Who represents the great imperial State of New York in another body? You will find on examining the RECORD that the representative from that imperial State voted for the motion that I am going to make. Do you want to cross with your Senators? Do you want to have to defend one vote and your Senators another? I merely call that to the attention of you Republicans for your own welfare.

Mr. LONGWORTH rose.

Mr. GARNER. Just a moment. I was told this morning by a very good Democratic friend, and I think probably there was something in what he said, that so far as the action day before yesterday was concerned it saved the seats of several individual Members in the House on the Republican side. But to-day, as I said in the beginning, I know you are going to vote down this motion, but when you do it I am hoping that this sugar teat will come to you in November when it will have a bitter end to it. [Laughter.]

Mr. LONGWORTH. Is it a part of the gentleman's argument that the price of sugar was lower under the Underwood tariff?

Mr. GARNER. Oh, I have never talked anything about the price of sugar. [Laughter.] If the gentleman from Ohio wishes to argue that the higher you put the duty the lower the price of sugar will be, if he can convince the American people of that, then I will know that they are all crazy, and there would be no use in trying to appeal to them at all. But, of course, the American people are not crazy, and the gentleman from Ohio, with all of his persuasive eloquence, can never make them believe that the higher you put the rate the cheaper the sugar. But I was about to call the attention of you gentlemen here who are going to stay with the organization to-day, because you feel you can not afford to tear away from the reservation too often, that when you go to New Jersey in the coming campaign and a Member of another body who will ask for the support of the electors of that great State has voted for a $2 duty on sugar, voted to accept the House rate, what are you New Jersey Members going to say who are now taking the position that the duty on sugar ought to be $2.20 instead of $2?

And when you go to Maine—you have had an election in Maine [applause on the Republican side], 36,000 reduction from your former plurality. [Applause on the Democratic side.] You might as well talk about Mississippi or Texas going Republican as to talk about Maine going Democratic. But when your vote is reduced 36,000 below your former plurality there must be something wrong. I do not know whether it is in Maine or Washington. I expect it is both.

Mr. LONGWORTH. The trouble is with the gentleman's figures.

Mr. GARNER. Now, go to Wisconsin. The Republican Party has a leadership there, or at least they claim they have. There is leadership from Massachusetts in the Senate and supposed to be leadership in Wisconsin. Wisconsin said we ought to have $2 sugar, and threatened to vote against the bill if it was not cut down in conference. You did cut it down a little in conference, but not enough. You have got to go back to West Virginia for election, and you are going out to fight your Senator because he voted for the lower rate on sugar.

Gentlemen, I do not know what the American people will do. If the American people can understand this bill, if the American people can understand what its passage is costing them between now and the November election, I have not the slightest doubt but what they will repudiate the party that put such a vicious measure on the statute book. [Applause on the Democratic side].

Mr. MADDEN. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. MADDEN. Why is the gentleman so solicitous for the success of the Republican Party?

Mr. GARNER. I stated a while ago that I did not expect to accomplish much to-day except to beat a few Republicans in November by this motion to recommit. After they who voted with us last Wednesday have been lashed as they have for the last 48 hours, it is hard to expect them to get up and take the bit in their mouth and run up against the collar once more.

But, gentlemen, you are going on record whether you want $2 sugar or $2.20 sugar.

I want to put it up square what you are going to vote for. After I have done that, it is up to you whether you do it or not. As I said to the gentleman from Illinois, I do not expect that the motion to recommit will carry, but I expect that many of you Republicans in voting against it will know in your conscience you do not believe in $2.20 sugar. You know you do not believe in it, but you vote for it because you want to be regular, and you are afraid to go home and be charged with not being Republican but as having voted with the Democrats. The country will not accept that kind of an excuse. The record will bind you to $2.20 sugar, and in 1924 when the burden of $2.20 sugar will be felt in this country I hope it will end with a righteous vote of the people and a complete return of Democrats to power. [Applause.]

Mr. FORDNEY. Mr. Speaker, my good friend from Texas day before yesterday started out to lead a crowd. To-day he will end that race about as the horse did that an Irishman bet on at the races. The Irishman asked for a tip, and somebody said, "Bet your money on Dandy." When the horses started off Dandy got a splendid lead, but when they came down the stretch the Irishman waved his hat and said, "Look at Dandy! Look at Dandy! Driving everything before him." [Laughter.]

Gentlemen on this side of the House, when you find Democrats opposing a tariff measure make up your minds that it is all right. [Laughter and applause.] The gentleman from Texas helped to prepare the Underwood tariff bill that put one cent and a quarter on full-duty-paying sugar and 1 cent on Cuban sugar. Why is he now so solicitous for 2 cents on full-duty-paying sugar? Has he discovered the error of a few years ago?

Let me say to you that we produce in the United States from cane sugar 28 per cent of the consumption of four and one-quarter million tons. About 25 per cent of the consumption is imported from our insular possessions. The remainder, or nearly one-half of the consumption, is imported from duty-paying countries, 98 or 99 per cent coming from Cuba. In this bill the duty is not $2.20 a hundred on Cuban sugar but $1.76 a hundred. [Applause.]

It has been demonstrated by charts which we had before the committee that every time the duty has been increased by Congress the sugar exporter took that increase to himself and the consumer did not get a penny. Every time we have reduced the duty on sugar the sugar-refining companies have taken the benefit to themselves and the consumer got not a single cent. That is the record for years gone by, and, as the gentleman from Iowa has said, every time the domestic crop comes on the market down goes the price to the consumer, and the very minute that the domestic crop is off up goes the price of sugar by the refining companies.

Oh, when the Cubans offered their crop to us just after the war for 7 cents a pound if this Government would agree to take their entire output, and the President declined to enter into that contract, we, the people of the United States, within six months from that date paid $588,000,000 more than 7 cents a pound. President Woodrow Wilson, though appealed to, refused to make that contract, and the people of this country were fleeced in the first six months after the cancellation of the old contract out of nearly $600,000,000. That is what was done in the United States, and the gentleman from Texas [Mr. GARNER] knows now that within six months after the adoption of the Underwood bill 42 per cent of the factories in Louisiana closed their doors and went out of business and have not yet returned to the production of sugar. You know that you did that! [Applause and cries of "Vote!"]

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. FORDNEY. Mr. Speaker, I move the previous question on the conference report.

The SPEAKER. The gentleman from Michigan moves the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mr. GARNER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

> Mr. GARNER moves that the bill (H. R. 7456) be recommitted to the committee of conference with instructions to the House conferees to recede from their disagreement with Senate amendment No. 667, and agree to the same with an amendment as follows:
>
> "In lieu of the matter proposed to be inserted by said amendment insert 'seventy-one one-hundredths'; and on page 81, line 8, of the House bill strike out 'cents' and insert 'of one cent'; and with the further instruction to the House conferees to recede from their disagreement with Senate amendment No. 668, and agree to the same with an amendment as follows:
>
> "In lieu of the matter proposed to be inserted by said amendment insert 'twenty-six one-thousandths.'"

Mr. FORDNEY. Mr. Speaker, I move the previous question.

Mr. TAYLOR of Colorado. Mr. Speaker, I make a point of order on the motion to recommit.

The SPEAKER. The gentleman from Michigan moves the previous question, and the gentleman from Colorado rises to a point of order. The Chair will hear the gentleman from Colorado on his point of order.

Mr. TAYLOR of Colorado. Mr. Speaker, I make a point of order against the motion to recommit on the ground that it seeks to instruct the conferees to agree to a rate of duty on sugar which is lower than the rate provided in the bill as it passed the House, and also lower than the rate that was established by the Senate. In other words, it fixes a rate that could not be in conference, and the conferees would have no jurisdiction to agree to such a rate, and this House has no parliamentary authority to instruct the conferees to agree upon such a rate.

The SPEAKER. The Chair sustains the point of order.

Mr. GARNER. Mr. Speaker, I make another motion to recommit.

The SPEAKER. The gentleman from Texas offers another motion to recommit, which the Clerk will report.

The Clerk read as follows:

> Mr. GARNER moves that the bill (H. R. 7456) be recommitted to the committee on conference with instructions to the House conferees to further insist upon their disagreement with Senate amendments numbered 667 and 668, and that said conferees be instructed to insist upon the following:
>
> "PAR. 501. Sugars, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75 sugar degrees, and all mixtures containing sugar and water, testing by the polariscope above 50 sugar degrees and not above 75 sugar degrees, 1.16 cents per pound, and for each additional sugar degree shown by the polariscope test, four one-hundredths of 1 cent per pound additional, and fractions of a degree in proportion."

Mr. TOWNER. Mr. Speaker, I make a point of order against the motion to recommit, that the motion to recommit is beyond the power of the House.

Mr. DYER. Mr. Speaker, I move the previous question.

The SPEAKER. The Chair will hear the gentleman from Iowa.

Mr. TOWNER. Mr. Speaker, the fourth subdivision of Rule XVI of the House provides as follows:

> After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order.

In this case on this bill, when the bill was before the House for consideration on final passage, the previous question on the bill to final passage was ordered. At that time a motion to recommit was submitted and voted down. Now we have again, on yesterday, a motion to again recommit to the conference committee. That was a second motion to recommit. The proposition now before us is again to recommit to the conference committee, which is a third motion to recommit.

The proposition involved now is merely this: The previous question has been ordered. The rule provides that when the previous question has been ordered one motion only to recommit shall be in order. There is no provision anywhere in any rule that makes an exception to that requirement. There is no provision anywhere that says that on the motion to recommit you may have just as many motions as you desire after the previous question has been ordered. The previous question has not only been ordered on the bill, but it has been ordered on these motions to recommit.

Perhaps it will be suggested that this is not on the final passage of the bill, as the language would indicate. Let us see whether or not that is true. The rules provide—and the practice is well settled—that the bill is passed when the motion to adopt the conference report is adopted, so that we are now really determining the question as to whether or not the bill shall be passed, because if we sustain the report of the conference committee without sending it again to conference the bill is passed. There has already been made a motion to recommit the bill, so that now to entertain, to entertain ad libitum, to consecutively entertain successive motions to recommit this conference report on the bill when the object and purpose of our rules is to bring the bill to final passage as soon as possible, is, as it seems to me, a contradiction of a direct rule of the House.

I am aware of the fact that there are some decisions in previous rulings made by occupants of the chair that might seem to indicate that perhaps it might be interpreted as meaning that more than one motion to recommit could be made in cases like the present one.

Mr. Speaker, it seems to me that we should not, under any circumstances, strain a point to make exceptions to the rule. It seems to me it should be the duty of the Speaker to restrain it within at least reasonable limits, and I submit that to allow successive motions to recommit on the final passage of a bill after the previous question has been ordered is contrary to the intention and purpose of the rule which says clearly and plainly that there shall be only one motion to recommit upon a bill when it is being submitted to the House for final determination.

Mr. Speaker, I desire to urge as a second reason why this motion should not be entertained at this time, that it is a well-settled rule of the House that when it has taken action upon a definite proposition such as is involved in this motion to recommit, there shall not be entertained a motion to recommit to reconsider and review the action that the House has already taken.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. GARRETT of Tennessee. That which is involved in the motion to recommit is exactly what the House has adopted. The House has never at any time in any way adopted anything else. How then can the gentleman say that it has been acted upon otherwise?

Mr. TOWNER. I do not quite understand the gentleman.

Mr. GARRETT of Tennessee. That which is in the motion to recommit is what the House adopted when the House acted upon it before.

Mr. TOWNER. That may be true, but does the gentleman think that the rule was made to apply only in one way? Can we successively have put before the House the same question, whether it is again determined in the same way or not? Certainly not. If that should be true, then the House could successively take up every proposition upon which there has been any change in a conference report. That does not change the proposition whether it is in the same form, in the same language, with the identical proposition that was voted on before in the House. The proposition is, Mr. Speaker, that if the House has acted upon that proposition it shall not be again called upon to act upon the same proposition. We may change the action of the Committee of the Whole House, but we can not by a motion to recommit change the action of the House when the House itself has acted upon the proposition.

Mr. GARRETT of Tennessee. But if we do not recommit we are changing the action of the House.

Mr. TOWNER. Oh, that is only so in words. The proposition involved is a clear one, that we should not be called upon in a motion to recommit to pass upon a proposition which the House has already passed upon, when such proposition has been distinctly before the House. At least, Mr. Speaker, I feel it my duty to call the attention of the Speaker to this proposition: It might be that with the 10,000 items contained in this bill these items could be called up successively. That would do away with the rules of the House, which are expressly formed to prevent such procedure. It would prevent the expeditious dispatch of business. There never has been a tariff bill passed under such circumstances as that, and certainly the rule ought not to be extended by the Speaker when such results may follow if there is any possible way to avoid it. [Applause.]

The SPEAKER. The Chair is ready to rule. If this were a novel question the Chair would be disposed to give more consideration to the points raised by the gentleman from Iowa [Mr. TOWNER], but the right to a motion to recommit after the previous question has been ordered is of many years' standing. This very question, whether when the House had recommitted a bill and it came back another motion to recommit could be offered, arose under Speaker Carlisle, who, in answer to the claim that there having been one motion to recommit which succeeded there could not be another, said:

> This is not the same proposition at all. At the time the House recommitted the bill to the Committee on Appropriations, with instructions to report it back after striking out a certain clause, there was in the bill a provision to pay certain employees of the Government a month's extra compensation. The bill being then on its passage, it was recommitted to the Committee on Appropriations under these instructions. It now comes back under a rule of the House, and is on its third reading and open for further amendment. The bill does not now contain that clause. It is an entirely different report from the Committee on Appropriations from that upon which the House was acting an hour or so ago. * * * Under the rule there can be but one motion to recommit the bill when the question is on its passage, and no other motion can be made. But this is a different bill, a different report from the committee, and the motion is in order.

It seems to the Chair the principle then enunciated covers this case. This is a different report from the one on which the motion to recommit was made yesterday, for the conferees have changed it. If the Chair should rule in accordance with the suggestion of the gentleman from Iowa [Mr. TOWNER], it would never be possible to have the motion to recommit on any conference report if when the bill was on its passage there had been one motion to recommit, because under that logic, there having been one motion to recommit, there could never be another. The House is well aware of the constant practice to the contrary. The case which the Chair referred to once before to-day, of the Army bill at the beginning of the war, is in point. If the Chair remembers correctly it went back to the conference committee several times under new motions to recommit. The Chair is constrained by the continuous practice of the House and by the precedents to overrule the point of order.

Mr. LONGWORTH. Mr. Speaker, I move the previous question on the motion to recommit.

Mr. NEWTON of Minnesota. Mr. Speaker, I offer an amendment to the motion to recommit, to include wool.

Mr. LONGWORTH. I move the previous question.

The SPEAKER. The gentleman from Ohio is entitled to move the previous question.

Mr. NEWTON of Minnesota. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NEWTON of Minnesota. Will it be possible to offer an amendment to the motion to recommit so as to include wool along with the sugar schedule?

The SPEAKER. It will if the House votes down the motion for the previous question. The question is on the motion of the gentleman from Ohio [Mr. LONGWORTH] for the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. GARNER] to recommit with instructions.

Mr. GARNER. Mr. Speaker, let us have the yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 191, answered "present" 2, not voting 124, as follows:

YEAS—110.

Almon
Andrew, Mass.
Ansorge
Bankhead
Beck
Black
Bland, Va.
Blanton
Bond
Bowling
Box
Briggs
Buchanan
Bulwinkle
Burdick
Carew
Chandler, N. Y.
Clouse
Collier
Collins
Cooper, Wis.
Cullen
Davis, Tenn.
Deal
Dowell
Drane
Drewry
Driver
Echols
Fitzgerald
Gahn
Gallivan
Garner
Garrett, Tenn.
Garrett, Tex.
Hammer
Hardy, Tex.
Hayden
Hogan
Huddleston
Jacoway
Jeffers, Ala.
Johnson, Miss.
Johnson, S. Dak.
Jones, Tex.
Keller
Kennedy
Kincheloe
Kindred
Kissel
Kline, N. Y.
Lampert
Lanham
Lankford
Larsen, Ga.
Lee, N. Y.
Linthicum
London
Lowrey
Lyon
McClintic
McSwain
Magee
Mansfield
Mead
Mills
Moore, Va.
Newton, Minn.
O'Brien
Oliver
Park, Ga.
Parks, Ark
Perlman
Pou
Quin
Rankin
Rayburn
Riordan
Robsion
Rogers
Rosenbloom
Rossdale
Rouse
Ryan
Sabath
Sanders, N. Y.
Sanders, Tex.
Sandlin
Sears
Sinclair
Smithwick
Stafford
Steagall
Stedman
Sumners, Tex.
Swank
Tague
Taylor, Ark.
Thomas
Tillman
Tucker
Tyson
Underhill
Voigt
Walters
Ward, N. C.
Weaver
Williams, Tex.
Wingo
Woods, Va.

NAYS—191.

Ackerman
Anderson
Andrews, Nebr.
Anthony
Appleby
Aswell
Atkeson
Bacharach
Barbour
Beedy
Begg
Benham
Bird
Bixler
Blakeney
Bland, Ind.
Boies
Bowers
Brennan
Brooks, Pa.
Brown, Tenn.
Burroughs
Burtness
Butler
Cable
Cannon
Chalmers
Chindblom
Christopherson
Clague
Cole, Iowa
Cole, Ohio
Colton
Connolly, Pa.
Cooper, Ohio
Coughlin
Crago
Crowther
Curry
Dale
Darrow
Davis, Minn.
Dempsey
Denison
Dunbar
Dyer
Edmonds
Elliott
Ellis
Evans
Fairchild
Fairfield
Faust
Favrot
Fenn
Fess
Focht
Fordney
Foster
Free
Freeman
French
Frothingham
Fuller
Gernerd
Glynn
Goodykoontz
Graham, Ill.
Green, Iowa
Greene, Mass.
Greene, Vt.
Griest
Hadley
Hardy, Colo.
Haugen
Hawley
Hays
Hickey
Hill
Himes
Hoch
Hudspeth
Hukriede
Hull
James
Jefferis, Nebr.
Johnson, Wash.
Jones, Pa.
Kearns
Kendall
Ketcham
King
Kirkpatrick
Kline, Pa.
Knutson
Kopp
Kraus
Kreider
Larson, Minn.
Lawrence
Lazaro
Lea, Calif.
Leatherwood
Lehlbach
Little
Longworth
McArthur
McCormick
McFadden
McKenzie
McLaughlin, Mich
McLaughlin, Nebr
McLaughlin, Pa.
Madden
Maloney
Mapes
Martin
Merritt
Michaelson
Michener
Millspaugh
Mondell
Moore, Ill.
Moore, Ohio
Moores, Ind.
Morgan
Morin
Mott
Mudd
Murphy
Nelson, Me.
Nelson, A. P.
Newton, Mo.
Norton
O'Connor
Ogden
Olpp
Osborne
Paige
Parker, N. J.
Patterson, Mo.
Patterson, N. J.
Perkins
Petersen
Purnell
Radcliffe
Ramseyer
Ransley
Reece
Reed, N. Y.
Reed, W. Va.
Rhodes
Ricketts
Roach
Rodenberg
Rose
Sanders, Ind.
Schall
Scott, Tenn.
Shaw
Shreve
Sinnott
Smith, Idaho
Snell
Snyder
Speaks
Stephens
Strong, Kans.
Sweet
Swing
Taylor, Colo.
Taylor, Tenn.
Thompson
Tilson
Timberlake
Tincher
Towner
Treadway
Vaile
Vare
Vestal
Volstead
Wheeler
White, Me.
Williams, Ill.
Wilson
Winslow
Woodruff
Woodyard
Wyant
Young

ANSWERED "PRESENT"—2.

Dallinger
Langley

NOT VOTING—124.

Arentz
Barkley
Bell
Brand
Britten
Brooks, Ill.
Browne, Wis.
Burke
Burton
Byrnes, S. C.
Byrns, Tenn.
Campbell, Kans.
Campbell, Pa.
Cantrill
Carter
Chandler, Okla.
Clark, Fla.
Clarke, N. Y.
Classon
Cockran
Codd
Connally, Tex.
Connell
Copley
Cramton
Crisp
Dickinson
Dominick
Doughton
Dunn
Dupré
Fields
Fish
Fisher
Frear
Fulmer
Funk
Gensman
Gilbert
Goldsborough
Gorman
Gould
Graham, Pa.
Griffin
Harrison
Hawes
Henry
Herrick
Hersey
Hicks
Hooker
Humphreys
Husted
Hutchinson
Ireland
Johnson, Ky.
Kahn
Kelley, Mich.
Kelly, Pa.
Kiess
Kitchin
Kleczka
Knight
Kunz
Layton
Lee, Ga.
Lineberger
Logan
Luce
Luhring
McDuffie
McPherson
MacGregor
Mann
Miller
Montague
Montoya
Nelson, J. M.
Nolan
Oldfield
Overstreet
Parker, N. Y.
Porter
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Reber
Riddick
Robertson
Rucker
Scott, Mich.
Shelton
Siegel
Sisson
Slemp
Smith, Mich.
Sproul
Steenerson
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Taylor, N. J.
Temple
Ten Eyck
Tinkham
Upshaw
Vinson
Volk
Ward, N. Y.
Wason
Watson
Webster
White, Kans.
Williamson
Wise
Wood, Ind.
Wright
Wurzbach
Yates
Zihlman

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. Connell (against) with Mr. Kunz (for).

Mr. Langley (against) with Mr. Clark of Florida (for).

Mr. Graham of Pennsylvania (against) with Mr. Goldsborough (for).

Mr. Slemp (against) with Mr. Humphreys (for).

Mr. Yates (against) with Mr. Stevenson (for).

Mr. Mann (against) with Mr. Byrnes of South Carolina (for).

Mr. Codd (against) with Mr. Fulmer (for).

Mr. Classon (against) with Mr. Gilbert (for).

Mr. Fish (against) with Mr. Griffin (for).

Mr. Watson (against) with Mr. Frear (for).

Mr. White of Kansas (against) with Mr. Connally of Texas (for).

Mr. Dunn (against) with Mr. Brand (for).

Mr. Clarke of New York (against) with Mr. Campbell of Pennsylvania (for).

Mr. Dickinson (against) with Mr. Raker (for).

Mr. Copley (against) with Mr. Sullivan (for).

Mr. Britten (against) with Mr. Logan (for).

Mr. Brooks of Illinois (against) with Mr. Rucker (for).

Mr. Campbell of Kansas (against) with Mr. Sisson (for).

Mr. Scott of Michigan (against) with Mr. Vinson (for).

Mr. Montoya (against) with Mr. Stoll (for).

Mr. Nolan (against) with Mr. Ten Eyck (for).

Mr. Reber (against) with Mr. Lee of Georgia (for).

Mr. Parker of New York (against) with Mr. Wise (for).

Mr. Smith of Michigan (against) with Mr. Hawes (for).

Mr. Layton (against) with Mr. Johnson of Kentucky (for).

Mr. Kelley of Michigan (against) with Mr. Wright (for).

Mr. MacGregor (against) with Mr. Upshaw (for).

Mr. Wason (against) with Mr. Barkley (for).

Mr. Dupré (against) with Mr. Dallinger (for).

Mr. Sproul (against) with Mr. Byrns of Tennessee (for).

Mr. Taylor of New Jersey (against) with Mr. Harrison (for).

Mr. Burke (against) with Mr. Hooker (for).

Miss Robertson (against) with Mr. Fields (for).

Mr. Kahn (against) with Mr. Cantrill (for).

Mr. Hutchinson (against) with Mr. Rainey of Alabama (for).

Mr. Porter (against) with Mr. Cockran (for).

Mr. Burton (against) with Mr. Oldfield (for).

Mr. Cramton (against) with Mr. Carter (for).

Mr. Lineberger (against) with Mr. Kitchin (for).

Mr. Chandler of Oklahoma (against) with Mr. Rainey of Illinois (for).

Mr. Dunbar (against) with Mr. Dominick (for).

Mr. Arentz (against) with Mr. Crisp (for).

Mr. Henry (against) with Mr. Fisher (for).

Mr. Luhring (against) with Mr. Overstreet (for).

Mr. Riddick (against) with Mr. Montague (for).

Mr. Kiess (against) with Mr. Browne of Wisconsin (for).

Mr. LANGLEY. Mr. Speaker, I answered "present" because I have a general pair with the gentleman from Florida [Mr. CLARK]. I have tried in vain to ascertain by wire what his vote would be on this motion if he were present. I should have voted "aye" but for my pair, in view of certain things which have been happening lately in the House of Representatives——

Mr. WINGO. Mr. Speaker, I demand the regular order. We would like to hear what is being done. I make the point of order that gentlemen must take their seats. We would like to hear what is going on.

The SPEAKER. The gentlemen in front of the Speaker will please take their seats.

The result of the vote was announced as above recorded.

The SPEAKER. The question is now on agreeing to the conference report.

Mr. FORDNEY. On that, Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 91, answered "present" 1, not voting 125, as follows:

YEAS—210.

Ackerman
Anderson
Andrew, Mass.
Andrews, Nebr.
Anthony
Appleby
Atkeson
Bacharach
Barbour
Beedy
Begg
Benham
Bird
Bixler
Blakeney
Bland, Ind.
Boies
Bond
Bowers
Brennan
Brooks, Pa.
Brown, Tenn.
Burdick
Burroughs
Burtness
Butler
Cable
Cannon
Chalmers
Chandler, N. Y.
Chindblom
Christopherson
Clague
Clouse
Cole, Iowa
Cole, Ohio
Colton
Connolly, Pa.
Cooper, Ohio
Coughlin
Crago
Crowther
Curry
Dale
Dallinger
Darrow
Davis, Minn.
Dempsey
Dowell
Dunbar
Dyer
Echols
Edmonds
Elliott
Ellis
Evans
Fairchild
Fairfield
Faust
Favrot
Fenn
Fess
Fitzgerald
Focht
Fordney
Foster
Free
Freeman
French
Frothingham
Fuller
Gernerd
Glynn
Goodykoontz
Graham, Ill.
Greene, Iowa
Greene, Mass.
Greene, Vt.
Griest
Hadley
Hardy, Colo.
Haugen
Hawley
Hays
Hickey
Hill
Himes
Hoch
Hudspeth
Hukriede
Hull
James
Jefferis, Nebr.
Johnson, S. Dak.
Johnson, Wash.
Jones, Pa.
Kearns
Kendall
Kennedy
Ketcham
King
Kirkpatrick
Kissel
Kline, N. Y.
Kline, Pa.
Knutson
Kopp
Kraus
Kreider
Larson, Minn.
Lawrence
Lazaro
Lea, Calif.
Leatherwood
Lehlbach
Little
Longworth
McArthur
McCormick
McFadden
McKenzie
McLaughlin, Mich.
McLaughlin, Nebr.
McLaughlin, Pa.
Madden
Magee
Maloney
Mapes
Martin
Merritt
Michaelson
Michener
Mills
Millspaugh
Mondell
Moore, Ill.
Moore, Ohio
Morgan
Morin
Mott
Mudd
Murphy
Nelson, Me.
Nelson, A. P.
Newton, Minn.
Newton, Mo.
Norton
Ogden
Olpp
Osborne
Paige
Parker, N. J.
Patterson, Mo.
Patterson, N. J.
Perkins
Perlman
Petersen
Purnell
Radcliffe
Ramseyer
Ransley
Reece
Reed, N. Y.
Reed, W. Va.
Rhodes
Ricketts
Roach
Robsion
Rodenberg
Rogers
Rose
Rosenbloom
Ryan
Sanders, Ind.
Sanders, N. Y.
Schall
Scott, Tenn.
Shaw
Shreve
Sinnott
Smith, Idaho
Snell
Snyder
Speaks
Steenerson
Stephens
Strong, Kans.
Sweet
Swing
Taylor, Tenn.
Thompson
Tilson
Timberlake
Tincher
Towner
Treadway
Vaile
Vare
Vestal
Volstead
Walters
Wheeler
White, Me.
Williams, Ill.
Winslow
Wood, Ind.
Woodruff
Woodyard
Wyant
Young

NAYS—91.

Almon
Ansorge
Aswell
Bankhead
Beck
Black
Bland, Va.
Blanton
Bowling
Box
Briggs
Buchanan
Bulwinkle
Carew
Collier
Collins
Cooper, Wis.
Cullen
Davis, Tenn.
Deal
Drane
Drewry
Driver
Gahn
Gallivan
Garner
Garrett, Tenn.
Garrett, Tex.
Hammer
Hardy, Tex.
Hayden
Hogan
Huddleston
Jacoway
Jeffers, Ala.
Johnson, Miss.
Jones, Tex.
Keller
Kincheloe
Kindred
Kleczka
Lampert
Lanham
Lankford
Lee, N. Y.
Linthicum
London
Lowrey
Lyon
McClintic
McSwain
Mansfield
Mead
Moore, Va.
O'Brien
Oliver
Park, Ga.
Parks, Ark.
Pou
Quinn
Rankin
Rayburn
Riordan
Rossdale
Rouse
Sabath
Sanders, Tex.
Sandlin
Sears
Sinclair
Smithwick
Stafford
Steagall
Stedman
Sumners, Tex.
Swank
Tague
Taylor, Ark.
Taylor, Colo.
Thomas
Tillman
Tucker
Tyson
Underhill
Voigt
Ward, N. C.
Weaver
Williams, Tex.
Wilson
Wingo
Woods, Va.

ANSWERED "PRESENT"—1.

Langley

NOT VOTING—125.

Arentz
Barkley
Bell
Brand
Britten
Brooks, Ill.
Browne, Wis.
Burke
Burton
Byrnes, S. C.
Byrns, Tenn.
Campbell, Kans.
Campbell, Pa.
Cantrill
Carter
Chandler, Okla.
Clark, Fla.
Clarke, N. Y.
Classon
Cockran
Codd
Connally, Tex.
Connell
Copley
Cramton
Crisp
Denison
Dickinson
Dominick
Doughton
Dunn
Dupré
Fields
Fish
Fisher
Frear
Fulmer
Funk
Gensman
Gilbert
Goldsborough
Gorman
Gould
Graham, Pa.
Griffin
Harrison
Hawes
Henry
Herrick
Hersey
Hicks
Hooker
Humphreys
Husted
Hutchinson
Ireland
Johnson, Ky.
Kahn
Kelley, Mich.
Kelly, Pa
Kiess
Kitchin
Knight
Kunz
Larsen, Ga.
Layton
Lee, Ga.
Lineberger
Logan
Luce
Luhring
McDuffie
McPherson
MacGregor
Mann
Miller
Montague
Montoya
Moores, Ind.
Nelson, J. M.
Nolan
O'Connor
Oldfield
Overstreet
Parker, N. Y.
Porter
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Reber
Riddick
Robertson
Rucker
Scott, Mich.
Shelton
Siegel
Sisson
Slemp
Smith, Mich.
Sproul
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Taylor, N. J.
Temple
Ten Eyck
Tinkham
Upshaw
Vinson
Volk
Ward, N. Y.
Wason
Watson
Webster
White, Kans.
Williamson
Wise
Wright
Wurzbach
Yates
Zihlman

So the conference report was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. Wason (for) with Mr. Barkley (against).

Mr. Dupré (for) with Mr. Dallinger (against).

Mr. Sproul (for) with Mr. Byrns of Tennessee (against).

Mr. Taylor of New Jersey (for) with Mr. Harrison (against).

Mr. Burke (for) with Mr. Hooker (against).

Miss Robertson (for) with Mr. Fields (against).

Mr. Kahn (for) with Mr. Cantrill (against).

Mr. Hutchinson (for) with Mr. Rainey of Alabama (against).

Mr. Porter (for) with Mr. Cockran (against).

Mr. Graham of Pennsylvania (for) with Mr. Goldsborough (against).

Mr. Fish (for) with Mr. Connally of Texas (against).

Mr. Riddick (for) with Mr. Montague (against).

Mr. Kiess (for) with Mr. Knight (against).

Mr. Lineberger (for) with Mr. J. M. Nelson (against).

Mr. Campbell of Pennsylvania (for) with Mr. Wise (against).

Mr. Strong of Pennsylvania (for) with Mr. Doughton (against).

Mr. Watson (for) with Mr. Browne of Wisconsin (against).

Mr. Siegel (for) with Mr. Frear (against).
Mr. Burton (for) with Mr. Oldfield (against).
Mr. Cramton (for) with Mr. Carter (against).
Mr. Chandler of Oklahoma (for) with Mr. Rainey of Illinois (against).
Mr. Dickinson (for) with Mr. Dominick (against).
Mr. Mann (for) with Mr. Byrnes of South Carolina (against).
Mr. Arentz (for) with Mr. Crisp (against).
Mr. Gorman (for) with Mr. Lee of Georgia (against).
Mr. Henry (for) with Mr. Fisher (against).
Mr. Luhring (for) with Mr. Overstreet (against).
Mr. Connell (for) with Mr. Kunz (against).
Mr. Classon (for) with Mr. ——— (against).
Mr. Miller (for) with Mr. Wright (against).
Mr. Funk (for) with Mr. Brand (against).
Mr. Dunn (for) with Mr. Griffin (against).
Mr. Hersey (for) with Mr. Sullivan (against).
Mr. Nolan (for) with Mr. McDuffie (against).
Mr. Volk (for) with Mr. Sisson (against).
Mr. Wurzbach (for) with Mr. Bell (against).
Mr. Langley (for) with Mr. Clark of Florida (against).
Mr. Yates (for) with Mr. Fulmer (against).
Mr. Slemp (for) with Mr. Humphreys (against).
Mr. Scott of Michigan (for) with Mr. Ten Eyck (against).
Mr. Campbell of Kansas (for) with Mr. Gilbert (against).
Mr. Copley (for) with Mr. Stevenson (against).
Mr. Ireland (for) with Mr. Hawes (against).
Mr. Reber (for) with Mr. Upshaw (against).
Mr. Brooks of Illinois (for) with Mr. Vinson (against).
Mr. Codd (for) with Mr. Stoll (against).
Mr. Britten (for) with Mr. Rucker (against).
Mr. Layton (for) with Mr. Logan (against).
Mr. MacGregor (for) with Mr. Kitchin (against).
Mr. Kelley of Michigan (for) with Mr. Raker (against).
Mr. Kelly of Pennsylvania (for) with Mr. Lee of Georgia (against).
Mr. Stiness (for) with Mr. Johnson of Kentucky (against).

Mr. MOORES of Indiana. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name was called?

Mr. MOORES of Indiana. I was not. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORES of Indiana. Would I be permitted to declare that if I had been present I would have voted aye?

The SPEAKER. The Chair thinks the gentleman has already made that statement.

The result of the vote was announced as above recorded.

On motion of Mr. Fordney, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

COCONUTS.

Mr. GREEN of Iowa. Mr. Speaker, I send to the desk a concurrent resolution, and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Iowa presents a concurrent resolution, and asks unanimous consent for its immediate consideration.

The Clerk read as follows:

Concurrent Resolution 67.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 7456) entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," the Clerk of the House of Representatives is hereby authorized to strike out "coconuts," appearing in paragraph 1626 of the bill, as agreed to in conference.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, I understand that coconuts were inadvertently placed on the tax list and on the free list.

Mr. GREEN of Iowa. I will say to the gentleman that that is the case. In the conference action coconuts were put on the dutiable list, but by a typographical error—and it seems little less than miraculous that in all the changes that were made there were not more typographical errors—it was put on both lists.

Mr. GARRETT of Tennessee. And this resolution is to put it on the dutiable list?

Mr. GREEN of Iowa. Yes.

Mr. GARRETT of Tennessee. Would it not be agreeable to the gentleman to put it on the free list instead of the dutiable list? I will not object if the gentleman will do that. [Laughter.]

Mr. GREEN of Iowa. I think the gentleman will not object anyway.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

COMPARISON OF TAXES FOR WAR AND EDUCATION.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a letter from Capt. L. M. Overstreet on the comparison of taxes for war and education.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the Record in the method indicated. Is there objection?

There was no objection.

The letter is as follows:

COMPARES TAXES FOR WAR AND EDUCATION.

Washington, D. C., *August 22, 1922.*

My Dear Mr. McLaughlin: There seems to be a general belief that hundreds of dollars of the taxpayers' money are spent for war, and only a few dollars for education. The Congressional Record recently quoted a speaker as saying that "Out of every thousand dollars paid by the people in taxes, the sum of $930 went for obligations arising either from past wars or for preparation for possible future wars * * * and $10 for education, research, and development of the race." The speaker was evidently considering only taxes to meet congressional appropriations.

In order to explode this erroneous belief, I have investigated the question of taxation in our own county of York, Nebraska, with the following results:

Taxes paid in York County, Nebr., 1921.

State taxes	$172, 420. 62
County taxes	114, 947. 10
Township taxes	55, 988. 44
School taxes—all county schools	348, 136. 61
Total—State, county, and township taxes	691, 492. 77
Taxes for city of York	65, 311. 56
Taxes for eight villages	16, 237. 73

York County has a population of 17,146. Of this number 5,388 people live in the city of York, 2,879 in the eight villages, and the remaining 8,879 on the farms. In order to meet the State, county, township, city, and village budgets the taxpayers of York County paid the following amounts, per capita, in 1921:

People on the farms	$40. 32
People in the villages	45. 96
People in city of York	52. 44

According to the Treasury Department report, "Statistics of income" for 1920, the people of Nebraska paid the following amount, per capita, to meet the congressional budget for the support of the National Government:

Personal Federal income tax	$6. 45

These figures show that when the people of Nebraska pay their taxes they contribute but $6.45 per capita for the support of the entire National Government, which includes the cost of all wars past, present, and future, as well as the costs of the civil administration. Of the county taxes, over $20 per capita were allotted to the county schools. Of the State taxes, $1 per capita went to the State university, which institution costs the State annually over a million and a half dollars. The taxpayers of this county in Nebraska certainly contributed over three times as much for education as they did for war.

In considering the taxpayers' burden, we should always include the four great, but distinct, budgets which the people have to meet. They are the National, State, county (including township), and city budgets. The Department of Commerce, in a publication, "Wealth, debt, and taxation, 1913" (Vol. II, p. 12), gives the following statistics to show the total cost of government and the amounts allotted to education in 1913 (amounts are given to nearest million dollars):

Budget.	Government.	Education.
National	953	17
State	383	133
County	385	58
City	1, 247	233
Total	2, 968	441

The State, county, and city budgets in 1913 were twice as great as the National Budget, and they provided over twenty-five times as much for education. Complete statistics similar to the above are issued every 10 years. The Department of Commerce, however, shows in Financial Statistics of States, 1919, that from 1913 to 1919 the State budgets have increased from $383,000,000 to over $640,000,000. The amount allotted to education has been more than doubled from 1913 to 1920. The New York City budget has grown from $99,000,000 in 1901 to $174,000,000 in 1911 and to $346,000,000 in 1921. The National Budget expanded rapidly during the recent World War, but the State, county, and city budgets have evidently kept pace with it. There seems to be a demand from the Atlantic to the Pacific to slash the military expenditures beyond all reason in order to reduce the National Budget, while little effort is made to reduce the other three ever-growing budgets.

It is the sole duty of Congress to "provide for the common defense." It is not the duty of Congress to make appropriations to defray the cost of general education in the several States. Congress does, however, appropriate money for the education of naval officers, Army officers, Indians, and for the support of approximately half the schools in Alaska and in the District of Columbia. It is really surprising that as much as $10 out of every $1,000 appropriated by Congress is devoted to education.

The States, counties, and cities make liberal appropriations to support the schools of the several States. From certain budget reports it appears that New York City allots to schools over $55,000,000 from an annual city budget of $345,000,000, Chicago nearly $27,000,000 from a city budget of $133,000,000, and San Francisco over $6,000,000 from a city and county budget of $24,000,000.

The Bureau of Education, Department of the Interior, reports that in 1920 the States appropriated over $1,036,000,000 for public schools, nearly $50,000,000 for the 93 State colleges and universities, and about $20,000,000 for State normals and teachers' colleges, or a total of over $1,100,000,000. Although the taxpayers expend over $50,000,000 annually on State colleges and universities, the students expend many additional millions on fees. Such colleges as Harvard, Yale, Princeton, University of Pennsylvania, Chicago, Northwestern, Stanford, and many denominational colleges are supported by private funds. In fact, more actual money is expended on private colleges than on the public State colleges.

The people of the United States—including Alaska and Hawaii—paid "personal Federal income taxes" in 1920 amounting to $1,075,000,000 to meet the congressional budget. The remaining funds to meet this budget came from corporation Federal income taxes, other internal revenues, customs receipts, sale of public lands, and from miscellaneous items. It should be remembered that all money spent by the National Government during the recent World War, such as the millions of dollars spent by the Railroad Administration, and the millions spent to build a merchant fleet, are charged against past wars. This method of accounting is not entirely fair.

Referring to direct taxes, the kind the taxpayers notice the most when they face the tax collectors, it is clear that in 1920 they paid $1,075,000,000 in direct taxes to support the National Government—including all war as well as civil expenditures—and over $1,100,000,000 to support their State public schools and colleges. The National Budget for this year amounts to $3,182,000,000, of which approximately one-third will be raised by direct personal income tax and two-thirds by indirect corporation taxes, customs receipts, etc.

The people may be groaning under a heavy burden of taxes, but the heaviest taxes for the farmer are those levied by the counties, and for the city man those levied by the cities.

Sincerely yours,

L. M. Overstreet,
Captain, United States Navy.

Hon. Melvin McLaughlin, M. C.,
House of Representatives, Washington, D. C.

REGULATING TRANSACTIONS ON GRAIN FUTURE EXCHANGES.

Mr. HAUGEN. Mr. Speaker, I call up from the Speaker's desk the bill H. R. 11843, an act for the prevention and removal of obstructions and burdens upon interstate commerce in grain, by regulating transactions on grain future exchanges, and for other purposes, and move that the House concur in the Senate amendments.

The Senate amendments were read.

Mr. HAUGEN. Mr. Speaker, I made the motion after conferring with the members of the Agricultural Committee. While the amendments are not entirely satisfactory in every respect, rather than send them to conference and take the chance of their passage, we thought it would be better to accept the amendments and take what we could get. I yield five minutes to the gentleman from Minnesota [Mr. Newton].

Mr. WINGO. Before the gentleman yields, will the gentleman tell us what the effect of the Senate amendments are?

Mr. HAUGEN. The gentleman from Minnesota will explain that.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. NEWTON of Minnesota. For some years there has been more or less agitation calling for the abolishment of the grain exchange. Many a legislator has cried out, "Destroy them," only to modify his opinion after full hearing and consideration. The grain exchange is not perfect. It can undoubtedly be improved by wise and carefully thought-out legislation. This fact remains, however: It is the farmer's market. It is the present system for marketing grain, and, apparently, the best than can be devised. With whatever faults it may have, it must be remembered it is the only present method of marketing.

Wise statesmanship should before destroying this first set up another and better plan. The effect of this bill is to destroy this present system without substituting another. To-day the farmer needs markets more than ever. Instead of improving the system you destroy it. Why? Is it because through lack of knowledge and understanding you first sought to destroy while now you feel you must pass some legislation, wise or unwise, because of your previous commitment? Why this haste? The grain futures act was declared unconstitutional last May. In two weeks time thereafter this bill was being hurried through the House. Every effort almost to perfect it was opposed by the committee. The elections were coming and speed was imperative. Yesterday the bill was considered in the Senate. About 15 to 20 minutes only were devoted to it. The proceedings cover only one page of the Congressional Record. It comes over here with amendments, and they are to be considered to-day. Again I say, why the haste?

Mr. Speaker, this Congress has already passed one unconstitutional bill covering future trading. Haste, in my judgment, will only result in repeating the performance.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. SANDERS of Indiana. Does not that fact convince the gentleman that Congress ought to pay more attention than it does to whether the acts that it passes are valid, constitutional acts?

Mr. NEWTON of Minnesota. There can be no question about it. Yet with our experience with the previous bill and the decision by our Supreme Court in Hill against Wallace, we pay practically no attention to the objections as to its constitutionality.

The Secretary of Agriculture claims not to want further unconstitutional legislation. I quote from his letter of August 17 to the subcommittee of the Senate:

> There is no point to Congress again enacting a future trading act which may be declared unconstitutional.

Yet the Secretary himself insists that certain very objectionable sections from a constitutional standpoint remain in the bill. I refer especially to sections 3 and 5 (e). These sections under the rules laid down by the Supreme Court in its decision in the futures trading case would seem to be as vulnerable as the Secretary has himself described in that letter. The decision indicates what are some of the regulations contained in the act, such as the prevention of false or misleading reports, prevention of manipulation of prices, or the cornering of grain, and enforce the admission to membership in the exchange of the representatives of cooperative associations of producers or the abrogation of rules against rebates as applied to such representatives. This bill in its essence and on its face is a complete regulation of exchanges. Such regulations are held to be within the police powers of the States. House *v.* Mayes (219 U. S. 270) and Broadnax *v.* Missouri (219 U. S. 285) are cited in that opinion with approval. The court then refers to its recent decision in the child-labor case, Bailey against Drexel Furniture Co. I quote from this case as follows:

> Grant the validity of this law, and all that Congress would need to do hereafter in seeking to take over to its control any one of the great number of subjects of public interest, jurisdiction of which the States have never parted with, and which are reserved to them by the tenth amendment, would be to enact a detailed measure of complete regulation of the subject and enforce it by a so-called tax upon departures from it. To give such magic to the word "tax" would be to break down all constitutional limitation of the powers of Congress and completely wipe out the sovereignty of the States.

Referring to this case and this extract from the opinion, the court then says:

> This has complete application to the act before us and requires us to hold that the provisions of this act we have been discussing can not be sustained as an exercise of the taxing power of Congress conferred by section 8, Article I.

If the words "interstate commerce" are inserted in place of the word "tax" so as to paraphrase the paragraph, an attempt to bring these regulations belonging to the States, under the commerce clause, would seem equally as obnoxious as the attempt to use the taxing clause.

One of the noticeable features in the discussion of this measure by its proponents is their unwillingness or inability to discuss the basic features of this bill as to whether or not Congress has any right to enact it. They have claimed loudly that they based it upon the facts and principles laid down in the decision of Hill against Wallace. Even a cursory reading of that decision will show that this is untrue. The decision itself states the well-known principle that "sales for future delivery on the boards of trade are not in and of themselves interstate commerce." They can not come within the regulatory power of Congress as such unless they are regarded by Congress, from the evidence before it, as directly interfering with interstate commerce so as to be an obstruction or a burden thereon. It was upon this principle that in Stafford against Wallace we held it to be within the power of Congress to regulate business in the stockyards of the country, and include therein the regulation of commission men and of traders there, although they had to do only with sales completed and ended within the yards, because Congress had concluded that through exorbitant charges, dishonest practices, and collusion they were likely, unless regulated, to impose a direct burden on the interstate commerce passing through.

Not a syllable of these charges against the stockyards' interests and those dealing in them has been made against the grain interests and those dealing on the exchanges. The sole reason, as stated in this bill, as a basis for the jurisdiction of Congress and of the commerce clause is that there is a burden and interference with commerce caused by fluctuations of prices upon boards of trade by reason of manipulation and cornering which frequently occur on these boards of trade. The testimony has clearly shown that these statements are incorrect and that very few substantial fluctuations in prices have been caused by such manipulation and control on the boards of trade.

The facts are so well known that the courts could well take judicial notice of them, and these facts appear in the hearings and can be substantiated overwhelmingly by the most competent witnesses in the country, that the fluctuations in prices which occur on boards of trade are mainly caused by natural reasons occurring in any part of the world and which by reason of the speedy means of communication and the close intimacy with the boards of trade in this country with conditions in various parts of the world bring these facts to public notice, and upon such information fluctuations are based and always must be. The Secretary himself in his letter clearly admitted that the substitute amendment of Senator NELSON in the Senate would deprive Congress of jurisdiction of this bill because if the facts set forth there be true there would be no cause for regulation of commerce, because these fluctuations being natural could not be regulated as a burden upon commerce. It seems rather queer to one seeking the truth in this important matter to be informed by the Secretary that the department has abundant evidence to show that at times fluctuations have been due to manipulation. Why did not the department place these facts in evidence before the committees? If the department desires to have recitals made a part of this legislation so as to show such ultimate facts as it has set forth in section 3, why does it not trust the committees and Congress to know what are the facts upon which these recitals are based? The representatives of the exchanges have been summoned to state the facts there from their standpoint, and they have done so extensively, plainly, and truthfully.

The department has not so exhibited its facts to the committees or Congress as a basis for these recitals, and yet it asks that the court shall trust its statement unsupported by evidence as against the statements of the representatives of the exchanges who have exhibited their statements plainly and honestly as a basis for their testimony. The Secretary, in this letter of August 17, 1922, boasts that the recent decision of the Supreme Court shows that it attaches a great deal of importance to conclusions of Congress when the constitutionality of an act is in doubt, and this section is drafted on the theory that Congress, following the suggestion of the court, should make a straight declaration to show that the matter is within its jurisdiction. The court necessarily assumed that Congress had investigated the situation and the facts and declared the result of its investigation. The testimony before the committee and the letter of the Secretary himself show that Congress has not fully investigated these facts and that these recitals in section 3 are the result of the declaration which the Secretary states is based on statements on file in his department which have not been made public in Congress at all. This sort of legislation and this sort of procedure by Congress will take away the influence which it should have with the courts in showing what the facts actually are. It is a protest which should be made by every Representative who seeks to guard the influence of the legislative department of the Government. Under the Constitution the courts are the final judges of the facts and will give Congress due credit when it shall adduce what are the facts in the proper way. The history of this legislation has shown that this course has not been followed and that these recitals in section 3 and elsewhere are not worthy of the consideration by the courts of which the Secretary in his letter desires and assumes as a basis for the jurisdiction of his department.

I now call attention to the amendment on page 8 to section 5 (e). This is the provision requiring exchanges or boards of trade to admit the representative of any cooperative association of producers. I can see no objection to this up to line 23, where the proviso commences. In fact, I believe most of the exchanges now admit these cooperative representatives to membership on same terms as others. This is true in Minneapolis. The proviso reads as follows:

> *Provided*, That no rule of a contract market shall forbid or be construed to forbid the return on a patronage basis by such cooperative association to its bona fide members of moneys collected in excess of the expense of conducting the business of such association.

What is the significance of this proviso? Simply this: Members on the exchange, under regulation of the exchange and under authority of the laws of the State in which the exchange or board of trade is located, charge a certain commission for the service done. Under like authority and regulation and for obvious reasons they are forbidden to rebate any part of this commission. Sound public policy is behind the rule, and in Minnesota the laws of the State also forbid it. This rule and the law is therefore, in Minnesota, applicable to all who trade, whether representing the ordinary commission men or cooperative associations.

If the proviso is adopted the cooperative association will be able to rebate, not in dividends at the end of the year, based on investment, but on a patronage basis either immediately following the transaction at the end of the year or season or at any other period. Either way constitutes a square rebate now forbidden by the laws of the State and the rules of the exchanges. This law and these rules are designed to compel honest dealings by the membership with each other and their customers.

The main purpose of these cooperatives is to sell the produce of their own members. Many of them, however, do a commission business as well; that is, they buy and sell grain not produced by their own members. If this proviso is adopted, the cooperatives will be permitted to rebate not only on their own grain but on deals made involving the grain of nonmembers. In this manner the whole rule would break down. In addition, it is clear to all that such a law permitting rebates to one and not to others on the same kind of transactions and among competitors would be most unjust and grossly discriminatory. The practice of rebating being pernicious in itself has in the past been so injurious and destructive to the exchanges that they have provided against it by rule, and rigidly enforced it. Their position is sound and they have continued to fight all rebating.

There is, therefore, very good reasons for adopting these stringent rules, because if there is any business where a man ought to have reliability it is in the grain business, where he is handling other people's property and other people's money. And so there are no rebates permitted on the part of the broker or the seller. That is ground for expulsion, but here we are making these changes. I also want to call further attention to the constitutional features of section 5 (e).

The SPEAKER. The time of the gentleman has expired.

Mr. HAUGEN. I yield the gentleman two minutes more.

Mr. NEWTON of Minnesota. Some of the transactions on the grain exchange involve interstate commerce. The question of mėmbership has nothing to do with interstate commerce. There can be no question involving a direct burden upon interstate commerce because some individual can not under the rules rebate his commission. Congress, therefore, can have no jurisdiction under the commerce clause. The police power, involving regulatory power over these exchanges, was under the tenth amendment reserved to the States. This subdivision is a clear encroachment upon the police power of the States, and if this remains in the bill it will not surprise me if this bill is also held to be in violation of our fundamental law. This should lead us to pause, rather than haste.

Mr. BURTNESS. Has not the gentleman's own State a statute regulating this very matter?

Mr. NEWTON of Minnesota. My State and the gentleman's State has a perfect right under the Constitution to regulate exchanges in the manner they see fit, and I contend not only as a matter of policy but as a matter of constitutionality that the Federal Government has no right to go in and so regulate.

Mr. BURTNESS. Do I understand the gentleman to go further and criticize the statutory provision of his own State in reference to these exchanges?

Mr. NEWTON of Minnesota. I am not thoroughly familiar with the details of this legislation in my State. It is my impression that these representatives are admitted only on the same terms as to rebating as others. If, however, it contains language like this proviso I should say that it was unfair and unjust.

Mr. BURTNESS. Has not the gentleman overlooked the wording in the bill that the returns shall be on a patronage basis?

Mr. NEWTON of Minnesota. No. This would include not only on what they produce and sell but what they may buy from others and sell.

Mr. Speaker, if the farmer is to realize on his grain, he must have a market where people buy, and people will not buy where they can not sell. The effect of all this legislation so far is to curtail buying of grain and to bring down upon the farmer the inevitable effects of such a policy.

The SPEAKER. The time of the gentleman has again expired.

Mr. HAUGEN. I yield five minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Speaker, I shall not take much time to discuss this bill now. It has been discussed here several times, but in addition to what the gentleman from Minnesota [Mr. NEWTON] has just said concerning the admission of members of the cooperative associations to boards of trade, I want to say that so far as the Board of Trade of Chicago is concerned this is a State corporation operating under a special charter granted before the adoption of the present State constitution in 1870. Now it is attempted by this legislation by the Federal Government to dictate to a corporation thus organized within a State with a State charter as to who shall be admitted to its membership.

Secondly, I again want to call attention to a very vicious feature of this legislation which we are getting into the habit of attaching to legislation of this kind. This bill makes assertions of facts which are not substantiated either by the hearings that were had upon the bill or by the conditions which actually exist. The bill recites that "the transactions on the boards of trade are susceptible to speculation, manipulation, and control," and that "sudden and unreasonable fluctuations in price very frequently occur as the result of such speculation, manipulation, or control." In other words, it is said solemnly in this legislation, and recited as a matter of fact, that fluctuations upon the market caused by the ordinary laws of supply and demand, by market and financial situations, by weather conditions, by drought and rain, by conditions of the soil—by all of these economic laws and natural conditions—are caused by manipulations and maneuverings of the boards of trade.

Of course, it is not true. We know it is not true. But we are putting these statements into the law, to give a color of consitutionality to the act, and try to make the Supreme Court believe that they are conditions of fact upon which this legislation is based.

It is too late in the day now to argue this bill with the membership of the House, but I have no doubt that when the case is finally presented to the Supreme Court that court will agree not only with the contention of my friend from Minnesota [Mr. NEWTON] with reference to the provision compelling admissions to membership on the boards of trade and exchanges, but also as to the proposition that we do not establish conditions of fact merely by reciting them in a bill as a basis for legislation.

Mr. CURRY. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. I yield for a question.

Mr. CURRY. Does the gentleman believe that this bill is constitutional or unconstitutional?

Mr. CHINDBLOM. Well, I do not often argue constitutional questions here, but I suggest to the gentleman from California that in view of what the Supreme Court has said in a prior case, I have little doubt that at least some portions of the bill, such as those already indicated, will be decided by the Supreme Court to be unconstitutional, and particularly those provisions to which the gentleman from Minnesota [Mr. NEWTON] referred. I think that then the cooperative associations will not be so keen for this legislation.

What they want is to get into the boards of trade and exchanges, and there get the benefit of their splendid organization and record for reliability and integrity and of their experience, gained during all the years in which they have built up their business, and then rebate to their members the profits which they earn and which the members of the board of trade themselves are not permitted to rebate under their rules and organization.

Mr. CURRY. I do not know how the court would rule upon this bill, but I do know this, that there is a great deal of talk in the House about the constitutionality of bills, and about the number of bills passed by Congress that are held to be unconstitutional by the courts, when as a matter of fact from the adoption of the Constitution down to the present moment there have been only 39 acts of Congress that have been held to be unconstitutional by the court. Now the Supreme Court is very careful——

Mr. CHINDBLOM. The gentleman is not asking a question. He is making a statement. I yielded to him only for a question.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHINDBLOM. It has been strenuously argued in the debate on this bill that recent decisions of the Supreme Court attach a great deal of importance to the conclusions of Congress when the constitutionality of an act is in doubt, and that a straight declaration as to an ultimate fact will serve to show that the matter is within the jurisdiction of Congress. The exact language of the Supreme Court in its last decision on this subject, in Block *v.* Hirsh (256 U. S. 135), is as follows:

> No doubt it is true that a legislative declaration of facts that are material only as the ground for enacting a rule of law, for instance, that a certain use is a public one, may not be held conclusive by the courts. * * * But a declaration by a legislature concerning public conditions that by necessity and duty it must know is entitled at least to great respect. In this instance Congress stated a publicly notorious and almost world-wide fact.

This case involved the Ball Rent Act, and the "notorious fact" was the emergency growing out of the war.

Under the doctrine of the Supreme Court in that case any statements in this bill would be only prima facie and entitled merely to the respect which they might deserve. Proof to the contrary may be shown and taken into consideration by the court, and if such proof shall overcome the presumption of any statement by Congress proper consideration would doubtless be given to such proof by the court. The testimony before the committees in Congress has clearly shown that very rarely have fluctuations been due to manipulation, but, on the contrary, the great majority of these fluctuations of prices are caused by conditions over which the members of the various boards of trade have no control whatever.

These conditions may be world-wide, or arise at any moment in any part of the world and exert more or less influence over conditions in any board of trade in this or any other country.

The bill is further based on the ultimate fact which Congress assumes to lay down in section 3, that such fluctuations in prices upon the exchanges are an obstruction to and a burden upon interstate commerce in grain and the products and by-products thereof. Of what avail is this recital when it is shown that the fluctuations on which the charge must be made were caused by world-wide conditions or conditions in such far-away countries as India, Argentina, and Australia, which are entirely without the control of the members of any board of trade in the United States? Will those conditions be the basis for the so-called burden and obstruction upon interstate commerce over which Congress should take jurisdiction? And should the members of the various boards of trade be punished for having part in any of the transactions connected with such fluctuations?

Again, in this same section 3 there is a provision that transactions in grain involving the sale thereof for future delivery as commonly conducted on boards of trade, known as "futures," are affected with a national public interest. This assumes and implies that these transactions are legitimate, are for the public benefit, and therefore should be protected by the law, and should be so regulated that they may be of some benefit to the people without possibility of injury to them. And, again, in this same section appears the phrase that the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries for the information of the producer and consumer of grain, and to facilitate the movement thereof in interstate commerce, and are utilized by shippers, dealers, millers, and so forth. In other words, these transactions by the exchanges are recorded as worthy, legitimate, and beneficial to the public and the trade to such an extent that they should be protected and regulated for the benefit of the people, but in the latter part of this same section the fluctuations which are inherent in such business, over which neither the exchanges nor the members nor those dealing with such exchanges have any control, are said to be burdens upon commerce and are made the basis not only for the regulation of the business itself but also for the punishment, as for crimes and misdemeanors, of those operating on the boards. Nor are ordinary rules in criminal jurisprudence ample for the terrible offense of violating this act. One who carelessly delivers for transmission false or misleading reports on conditions that tend to affect the price of grain may be fined $10,000 or imprisoned one year, or both, if the court should so direct.

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. TINCHER].

The SPEAKER. The gentleman from Kansas is recognized for 10 minutes.

Mr. TINCHER. Mr. Speaker and gentlemen of the House, the question has been raised as to the constitutionality of this bill. When the bill was passed before, it attempted to regulate the grain exchanges by taxing them; that is, by fixing a tax upon certain transactions, providing they had not complied with certain requirements. Now its enemies want some foundation for believing that the Congress could do that. We all know that the oleomargarine law is more or less of a regulation by taxation. However, we are not technical; we propose to comply. The court has said how we can do this if it is necessary, and we are law-abiding and follow our courts. At the same time that the Committee on Agriculture brought in and this House passed this bill we passed the packers' control act, and with equal assurance that we had precedents for the constitutionality of that act under the commerce clause of the Constitution. The Supreme Court upheld the packers' control act, which the same gentlemen who are fighting this bill condemned and were sure would be declared unconstitutional. But the court, in knocking out the section of the grain futures act which was really material, called attention to the fact that if grain was in interstate commerce we could reach the situation in this bill; and this bill is strictly following the dictation, you might say, of the Supreme Court, if you want to regulate this industry.

Now, we come to the question, is there any occasion for regulation? I say that this bill has had more consideration from the constitutional standpoint than pretty nearly any other measure that I know of, and not only have we considered the precedents, but we have had the legislation and have gone to the court itself for a precedent, and have followed the decision of the Supreme Court and the facts in writing this bill.

Mr. CHINDBLOM. Mr. Speaker, will the gentlman yield?

Mr. TINCHER. Yes.

Mr. CHINDBLOM. Does not the opinion of the Supreme Court in the case which tested the last law say that it is questionable whether or not the provisions compelling members of cooperative associations to be admitted into the boards of trade may properly be in the legislation?

Mr. TINCHER. No; I do not think that is in the opinion, and I am fairly familiar with the opinion.

Mr. CHINDBLOM. I think the gentleman will find it is so.

Mr. TINCHER. Now I want to call attention to the facts as to whether there is any necessity for this legislation. A great many people in this country are producing wheat. Is there any occasion for the grain exchanges? The authors of this bill do not advocate the prevention of speculation in grain. Nobody has attempted to do that. But the grain gamblers of Chicago, not the exchanges, decline to recognize the difference between a man who gambles or speculates in grain and the man who manipulates the price of grain. The man who manipulates the price of grain is not a gambler; he is not sport enough to go in and take his chance of making money either by buying or selling grain, but he has the machinery there by which, by manipulation, he can fix the price, and he fixes it to the detriment of every producer of bread and every consumer of bread in America.

Let me call your attention to just what happened. On the 15th day of May of this year this law was held unconstitutional. This country produces on an average 850,000,000 bushels of wheat per annum. From the 15th day of May until the 31st day of May, without any law to curb them, the grain manipulators of Chicago—not in the whole United States but in the city of Chicago—sold on the Chicago market nearly 8,000,000,000 bushels of wheat in the form of May options. What for? To depress the price of cash grain. Did they do it? Yes. In that 15 days' time they depressed the price of cash grain 36 cents a bushel and stole from every American farmer that had a bushel of wheat 36 cents; and I defy any man on this floor defending those dealers to call attention to one case where they ever gave the benefit of 1 cent of that in the form of breadstuffs and bread to any man, woman, or child. I may be a little intense on this subject. We had hearings for six months. We had the dealers and grafters before us. We listened to their story. I heard them admit manipulating the grain market in America for the English grain buyers. I heard them admit that they could at any time manipulate the grain market and fix the price of the farmer's grain, not 100 men but a dozen men in Chicago.

This matter has been before the Congress in some form for 30 years. The Senate amendments do not change the substance of the bill. The Senate amendments at any rate do not strengthen the bill, but it is the only chance that we have for legislation that can possibly affect this year's grain crop. Yesterday, through the magnificent manipulation of our Chicago friends, they had the price of wheat cheaper than it has ever been since the war.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. TINCHER. I wish I could give all my time to the Minneapolis and Chicago grain exchanges, but, my goodness, I have been raising wheat for those institutions for 20 years, and I do not want to give up all of my wheat and all of my little 10 minutes' time. [Applause.] I tell you, my friends, the American people are tired of this kind of thing, and you can not blame them. I am very glad that this bill is in such shape that we can accept the Senate amendments and have a signed bill. You did not hear any complaining except from these dealers and grafters from the 24th day of December until the 15th day of May. The bill was in operation then. They were under regulation, and they were not stealing the grain crop. But the law went out at a bad time for this year's crop. If there is anything wrong with the law now, let us pass it and get it to the Supreme Court in time to comply with any other requirements they have before the next crop. Surely no one except the manipulators want to have this practice continued. Why should every farmer and every bread user pay them toll?

Mr. NEWTON of Minnesota. Do I understand the gentleman as not desiring to yield? In view of the fact that so many of my constituents pay such fine prices to his constituents for grain I would think he would like to yield. Does not the gentleman know that potatoes are bringing far less to-day than they were bringing one year ago? Yet is there a potato exchange dealing in futures upon potatoes?

Mr. TINCHER. I do not know how to trace the potato market, but I do know how they fix the price of wheat, and the hearings on this bill will demonstrate it to any man who will read them, and he will know that the price of wheat is fixed by manipulators from the gentleman's section of the country; and when he says they pay us fine prices for wheat, he means fine in the sense that they are so small you can hardly notice them. That is the only kind of price they ever pay for wheat. If the gentleman will compare the price they pay for wheat with the price at which they sell flour, he can account for their being millionaires while our people are still struggling along trying to make an honest living.

Mr. NEWTON of Minnesota. The gentleman has not answered my question.

Mr. TINCHER. I thought I did.

Mr. NEWTON of Minnesota. The gentleman knows that there are no exchanges handling potatoes.

Mr. TINCHER. I know they claim there are potato manipulators.

Mr. NEWTON of Minnesota. With a futures market?

Mr. TINCHER. I expect those fellows up at St. Paul and Chicago that have been stealing wheat for so many years have got on to it so that they can steal from the men who raise potatoes, and perhaps some day it will be necessary to pass a law to stop them from stealing the potato crop from the man who raises the potatoes. The man who buys potatoes to eat surely does not get them too cheap.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. TINCHER. I yield to the gentleman from Illinois.

Mr. CHINDBLOM. So far as I am concerned, if it will help the gentleman back home to say these things about our constituents, I have no objection.

Mr. TINCHER. You can not help me back home. The only rivalry in my district now is between me and my opponent as to which one can say it the loudest, and who can be the most effective here. Everybody has known it for 20 years. Everybody in my section of the country has known that the price of the products produced in my section has been fixed by a few of your constituents for a long time. [Applause and laughter.]

Under leave to extend, I simply want to say the amendments were agreed to and the bill finally passed within a very few moments by more than a 3 to 1 majority.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Maryland [Mr. HILL].

Mr. HILL. Mr. Speaker and gentlemen, I desire to invite your attention to page 15 of the bill. I think this section contains elements of such importance that I shall take your time for a moment to read the whole of section 9:

> SEC. 9. Any person who shall violate the provisions of section 4 of this act, or who shall fail to evidence any contract mentioned in said section by a memorandum in writing as therein required, or who shall knowingly or carelessly deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication, false, misleading, or inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution.

I called the attention of the House to certain portions of this penal section when the bill was up before, and I desire now to call your attention to the fact that you are making subject to a $10,000 penalty and to a year's imprisonment any person who shall "carelessly" deliver misleading information by telegraph or post office. Note especially that the word "carelessly" has never appeared before in a penal statute of the United States.

If you mail a newspaper that has in it unintentionally misleading information and do not carefully examine the market reports to see that they are correct, you commit a $10,000 misdemeanor. There are too many unenforceable laws already in existence without adding this additional one.

I want to urge you before voting finally upon this bill to have consideration for the fact that you are creating further loose legislation in reference to the penal laws of the United States.

You can not find in the criminal code of the United States any offense which is committed "carelessly," and you will be putting on the statute books not only a bill which I consider unconstitutional but a bill which for the first time imposes a $10,000 fine and a year's imprisonment for somebody doing something "carelessly" without any criminal intent or without that degree of negligence which amounts to criminal intent in the law. Therefore I say this bill is utterly vicious.

When the bill passed the House I discussed its assumption of broad powers over business and stated that in my opinion it trespassed so far on State's rights as to be unconstitutional. This is a matter for State and not Federal legislation. I shall vote against the conference report. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Indiana [Mr. PURNELL].

Mr. PURNELL. Mr. Speaker, I do not want to delay the passage of this bill further. I might detract from the splendid speech delivered by my colleague from Kansas [Mr. TINCHER]. I simply want to express the hope that this bill will soon become a law. I regard it as another one of the great achievements of this Congress, in behalf of the agricultural interests of this country.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. PURNELL. Mr. Speaker and gentlemen of the House, I sincerely hope the motion of the gentleman from Iowa [Mr. HAUGEN] will prevail and that the Senate amendments will be speedily agreed to. By so doing we shall add another constructive measure to the long list of accomplishments wrought by this Congress on behalf of the American farmer.

This is no new subject. For 30 years the American Congress has been grappling with the question of saving the producers and consumers of the country from the manipulations of the light-fingered gentry who "toil not neither do they spin," but who buy and sell a thousand times the farmers' grain without ever having a single bushel delivered or to deliver. Some of the gentlemen who are opposing this measure would leave the impression that we are trying to destroy the great marketing systems of the country. Nothing could be further from the truth. We are only seeking to eliminate those harmful, speculative, gambling, and manipulative transactions which have always resulted in decreased prices to the farmer and increased prices to the consumer. In my judgment, this bill will accomplish that purpose. My only regret is that the former bill which we passed was found by the Supreme Court to have an unconstitutional section. Our farmers have sadly needed some such relief during this period of agricultural depression. The law which we passed many months ago was on the 15th of May of this year declared to be unconstitutional because we had attempted to regulate the exchanges by the exercise of the taxing power; that is, by imposing a tax upon certain transactions. The law was in operation from August 24, 1921, to May 15, 1922. During that period there was a greatly increased stabilization of the market. Immediately following the action of the Supreme Court there followed a great depression in the grain market. On the Chicago market alone nearly 8,000,000,000 bushels of wheat were sold in the form of May options, resulting in a depression of more than 30 cents per bushel for cash grain within a period of 15 days. This is very significant in view of the fact that we only produce about 850,000,000 bushels of wheat per annum in the whole country. It is such practices as this which we seek to curb by this bill.

I regard this as a constructive measure of most far-reaching importance. It must be borne in mind that we have safeguarded the hedge and other practices which it is admitted are necessary to provide a liquid market. The six months' hearings before our Committee on Agriculture not only disclosed the necessity for the preservation of the hedge but also thoroughly demonstrated the dire need for the elimination of the injurious and harmful practices which we have sought to eliminate by this legislation. I am proud to have been a member of the Committee on Agriculture which considered this subject and drafted this bill.

Mr. Speaker, I also want to take this opportunity to say a further word about the work we have been trying to do for agriculture. Secretary of Agriculture Wallace summed it all up in his annual report to the President when he said of the work of the Republican Congress affecting agriculture, "Never in the same length of time did Congress ever give more serious attention to farm needs. All of this legislation is of a constructive character, and will be more helpful than is now realized." From many quarters has come criticism of this Congress because we have seemed to single out the farmers as the special object of our consideration. I have no apology to offer for any of my activities in this direction. Agriculture is our great basic industry, and as such should take the high place to which it is entitled. The American farmer should be given the recognition his importance justifies. Farmers have always been the great stabilizing force in Government. Droughts and crop failures may come; prices may fall and leave him nothing for his endless days of toil; pests and disease may ravish his crops and stock; others who live by their wits may profit by his labor and gloat over his loss, but he never strikes nor seeks by word or deed to foment a revolution. He is always true, as dependable and fixed as the North Star. If some of these radicals who are trying to tie up the country to-day because they want to work four hours and get paid for eight would, for just one year, put in as many hours of honest toil as does the American farmer, this country would be well on the road to recovery from its recent debauch.

Mr. Speaker, why should we not give serious consideration to the farmer? He buys 40 per cent of all the manufactured products of the country. He is the greatest single-class purchaser of textile goods. He is the greatest buyer of leather goods in America. The American farmer is second only to the railroads as a consumer of steel and iron products, being the ultimate consumer of 30 per cent of the steel and iron products of the country. The American farmer consumes 60 per cent of the lumber products of the country. He consumes exclusively the output of over 600 factories making farm implements. He is the largest consumer of motor vehicles—he buys 30 per cent of the annual output of motor vehicles and motor accessories. The American farmer owns 3,000,000 motor vehicles, which is more than are owned by all the rest of the world outside of the United States. In addition to being the Nation's greatest producer, the American farmer is the Nation's greatest consumer. Everything which the farmer produces and sells must be hauled to the markets. Everything which the farmer buys must be hauled to him. Therefore the farmer is the largest shipper of freight in the United States.

The Republican administration found agriculture on the very brink of bankruptcy, due to the unexpected, unwarranted, and uneconomic deflation of agricultural credits during the latter part of the last administration. The short-sighted policy of the Federal Reserve Board, with respect to agriculture in restricting credits at the wrong time, is very largely responsible for the present condition of the American farmer. He had raised a large crop in 1920 at a time when farm labor, farm implements, and other material entering into the production of his crop were at the highest point. Before he could harvest he was given to understand that his loans would be called; that his notes in the banks would not be renewed; that new credit could not be extended. In addition to this was the threat of large imports because of the Underwood tariff law which gave no protection to agriculture.

It was in this weakened condition in which the Republican Party found our farmers when it came into power. The President, the Secretary of Agriculture, and the Congress set about at once to solve the problem and bring about permanent relief. The Republican Congress which adjourned March 4, 1921, had passed a farmers' tariff bill, but President Wilson vetoed it. The bill was very promptly reintroduced in the special session called by President Harding April 11, 1921, and became a law May 27, 1921. The principal reason for calling the special session was to pass the emergency tariff law for the protection of our agricultural interests. The stabilizing effect was apparent within 30 days. One shudders to think what condition our farmers would have been in had it not been for the emergency tariff. And yet we have some near statesmen here and elsewhere who still cling to the old doctrine that we should have no tariff on agricultural products. It might prove temporarily helpful to the consumers, but God help the farmer. His buying power cut off by reason of his inability to compete with foreign production, the factories and mills in this country would of necessity close or greatly curtail their operations, and thus send to the bread line millions of American workers. The farmer is seeking no special favors. He is only asking to have agriculture put upon a firm basis in order that he may earn a reasonable return for his labor and investment. He wants some of this lost motion removed that now exists in the handling of his products. There are too many "handlers" between the producer and consumer, too many living off of both who have nothing invested but a desk, rent, and a telephone, too many who demand toll before the great flow of foodstuffs can proceed from the farm to the table.

What else have we done for the farmer? We revived the War Finance Corporation and so amended it as to permit the extension of credits for not to exceed three years to any person, firm, or corporation in the United States dealing in or marketing farm products. This act alone saved thousands of our farmers from ruin.

We passed a law increasing the interest rate of farm-loan bank bonds to 5½ per cent so as to make the bonds more attractive. The increase was made, however, without advancing the rate to the farm borrower.

We passed a law diverting $25,000,000 from the Federal Treasury for additional working capital for the farm-loan banks. We amended the Federal reserve act so as to make provision for placing a "dirt" farmer on the Federal Reserve Board. Had agriculture had a representative on the board in 1920 it is unlikely that the price of farm products would have suffered the collapse that followed the deflation policy of the board. It is the first time agriculture has been given recognition on such a board.

We passed the cooperative marketing bill, which authorizes those engaged in the production of agricultural products and live stock to act together in associations in collectively preparing for the market and in handling and marketing in interstate and foreign commerce all agricultural products and live stock. Recognizing that our present system of distribution is weak as well as expensive, we have, through this bill, paved the way for a comprehensive cooperative marketing program.

We had the courage to tackle and settle the long drawn-out controversy relative to the packers. We passed a sane packer bill, one calculated to prevent abuses long complained of by producers, but which avoids the radical and destructive remedies which were proposed. The act prevents any unfair practices or the giving of any preference to any person or locality. It also prohibits the doing of anything which would tend to control prices or create a monopoly. The magnitude of the task of administering this act is indicated by the fact that under its provisions the Department of Agriculture has supervision over 69 yards, which during the year 1921 handled over 82,000,000 head of live stock. The Secretary of Agriculture states that the department has had the fullest cooperation from the large packing interests and from the owners of the large stockyards. The opposition to the act has come largely from commission merchants, small traders, and marketing agencies. The good influence of this bill is reflected in the present price of live stock.

We passed a bill making $74,000,000 available for road construction work in the several States, with special provision for farm-to-market highways.

One of the most serious problems affecting agriculture is that of freight rates. The farmer is practically the only producer who pays the freight on what he sells as well as upon what he buys. President Harding in his first message to Congress, which he convened in special session, emphasized the fact that American agriculture was being endangered "through the high cost of transportation from the farm to the market." Facts were speedily presented to the Interstate Commerce Commission which resulted in a long series of rate reductions that directly benefited the farming classes. This important problem, is still commanding the serious consideration of administrative and legislative leaders in sympathy with the agricultural interests in the hope that further beneficial reduction in freight rates may soon follow.

The Congress has provided liberally for the various activities of the Department of Agriculture and has shown a more sympathetic interest than any Congress since the beginning of the Government.

The country is to be congratulated upon the splendid service being rendered the whole country by Secretary Wallace. He has brought to the department the wisdom of years of experience with farm and live-stock interests. Vast economies have been effected in every department while efficiency has been restored and increased. The business side of farming has been recognized by the Executive as well as the legislative branch of the Government. These accomplishments of a Republican Congress and a Republican administration have served to give agriculture a "new birth" which can not fail to result in great good to all the people. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. Steenerson].

Mr. STEENERSON. Mr. Speaker, while I have my doubts about some of the sections of this bill, as I have explained before, on the whole I am in favor of its passage because I think that the evil sought to be remedied is a very grievous one. That is all I want to say about the bill.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Missouri [Mr. Ellis].

Mr. ELLIS. Mr. Speaker, I am sure I need not say that I am opposed to this bill. When it was rushed through this House some weeks ago I opposed its passage with all the energy and force at my command. My efforts and the efforts of those who cooperated with me were futile then; it is futile to interpose objection now.

By the time the gentleman from Kansas [Mr. Tincher] has presented his version of the case, in his usual calm and dispassionate way [laughter]—has drawn his word picture of grafters, robbers, and malefactors operating the Chicago Exchange—by that time "conscience has fled to brutish beasts, and men have lost their reason."

Notwithstanding, the bill is vicious—vicious in principle, vicious in substance and in detail. It constitutes an undeserved assault upon private business; works a wholly unwarranted, indiscriminate, bureaucratic interference with legitimate private enterprises that are conducted honestly, by upright business men, upon sound business principles. It is, moreover, a shameful violation of a party pledge, a contemptuous disregard of an administration program. It will not help in the least degree farmers who farm farms, who are the producers of grain. It will restrict their market and work positive injury to them. The hearings establish that beyond doubt and beyond peradventure. The amendments of the bill by the Senate, in which we are asked to concur, will, however, besides increasing its power to do mischief in other ways, render it more helpful to those who would farm farmers. I trust it will be held unconstitutional; unconstitutional not only as to those parts referred to by the gentlemen who have preceded me but unconstitutional wholly and altogether.

Mr. HAUGEN. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Iowa moves the previous question on the motion to agree to the Senate amendments.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the Senate amendment.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. HILL. A division, Mr. Speaker.

The House divided, and there were—ayes 94, noes 34.

Mr. HILL. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

Mr. GARRETT of Tennessee. Will the gentleman withhold that for a moment?

Mr. HILL. Yes.

Mr. GARRETT of Tennessee. Several gentlemen have left the Hall of the House supposing that there would be no other roll call this afternoon. I do not know what other business there is to be transacted. If the gentleman insists upon his point of no quorum I shall have to make a motion to adjourn. I do not know whether it will carry or not. A number of gentlemen have left under the impression that there would be no other roll call.

Mr. HILL. I renew my point of no quorum, Mr. Speaker.

Mr. GARRETT of Tennessee. I move that the House do now adjourn.

Mr. STAFFORD. Will the gentleman withhold that for the purpose of allowing a conference report to be presented?

Mr. HILL. I withhold the point.

Mr. GARRETT of Tennessee. I withhold my motion.

Subsequently,

Mr. HILL. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman from Maryland withdraws the point of no quorum. The ayes have it, and the Senate amendments are agreed to.

On motion of Mr. Haugen, a motion to reconsider the vote by which the Senate amendments were agreed to was laid on the table.

CONFERENCE REPORT—RIVERS AND HARBORS.

Mr. DEMPSEY. Mr. Speaker, I desire to present a conference report on the river and harbor bill. I was going to ask immediate consideration, but if that is impossible I will present it for printing under the rule.

The SPEAKER. The gentleman presents a conference report for printing under the rule.

THE VERA CRUZ CLAIMS.

The SPEAKER laid before the House the following message from the President, which, with the accompanying documents, was referred to the Committee on Foreign Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report respecting claims of the nationals of Spain, France, Great Britain, Germany, Austria, Italy, Cuba, and the United States, arising out of the occupation by the American forces of Vera Cruz, Mexico, in 1914, with a request that the findings of the Naval Board in the settlement of these claims, as indicated therein, be adopted, and that the Congress authorize the appropriation of the sum necessary to pay the awards rendered by that board, to cover an indemnity to Valentin Perez, and to compensate the claimants for the value of liquors destroyed under military orders, and also the sum approved by the Secretary of War as an adequate payment in satisfaction of the claims of the Vera Cruz Terminal Co. (Ltd.).

I recommend that, in order to effect a settlement of these claims in accordance with the recommendation of the Acting Secretary of State, the Congress, as an act of grace, and without reference to the legal liability of the United States in the premises, authorize an appropriation in the sum of $45,518.59.

WARREN G. HARDING.

THE WHITE HOUSE, *September 14, 1922.*

LEAVE TO EXTEND REMARKS.

Mr. TUCKER. Mr. Speaker, I desire to extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. GRAHAM of Illinois). The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. TUCKER. Mr. Speaker, I regret that I was unable to vote for the recent fact-finding commission bill, passed by the House a few days ago, and I especially regret that I can not vote for the pending bill. The fact-finding bill and this bill are fitting companions. Called hastily to this House to meet a great emergency in the scarcity of coal which threatened the country, with pictures of suffering women and children, idle mills, closed shops, and the instrumentalties of commerce at a standstill, we were asked to vote for the fact-finding commission bill as the first remedy for this situation.

To avoid freezing we need coal. That bill does not contain a paragraph under which the suffering people of the country can get a pound of coal, but it provides for nine commissioners who are to make a "sweeping" investigation of all questions concerning the production of coal, wages, and so forth, and make their first report on the 1st of January, 1923, by which time the large majority of the suffering people of the country will be frozen to death, if conditions are unchanged. Under that bill the citizen of Staunton, Va., in January next, who sends to Miller's coal yard for coal, or the citizen of Lexington, Va., who sends to Davidson Bros. for coal, or to any other coal dealer in the country, will have the comforting response: "We regret that we can not supply you with coal, for we have none; but we can send you 5, 10, 15, or perhaps 20 volumes of reports of the fact-finding commission that will tell you why the strike occurred and why you can not get coal." What a mockery!

An examination of this bill shows in its last analysis no relief to the people; as it came into the House it carried an appropriation of $500,000, to be drawn from the tax-ridden people of this country, for the purpose of giving nine men, to be appointed by the President, the opportunity of writing reports on coal conditions and strikes, telling why they had occurred, and why we can get no coal. The people asked for bread and they are given a stone.

The present bill is a fit companion for that. They are twin brothers in the do-less policy of the Republican administration. This bill contains also provisions for fact finding largely duplicated in the former bill. It provides for the appointment of a fuel administrator, who is to ascertain the available supply of coal in the country, whether there is a shortage in any part of the country, the fields of production and where such production may be transported, "the prices normally and usually charged for such coal and other fuel and whether current prices, considering the costs of production and distribution, are just and reasonable," while the Interstate Commerce Commission, to whom the Federal fuel administrator must report these facts, is authorized "to issue such order or orders for priorities in car service, embargoes, and other suitable measures in favor of or against any carrier, person, corporation, etc." This bill also carries an appropriation of $250,000, and in it an emergency is declared to exist.

It is interesting also to find that in four sections of it the expression "to promote the general welfare" is found. "Insatiate Archer! Would not one suffice?"

My first reason for opposing these bills, that are supposed to be for the purpose of relieving the people against the coal strike and its consequent results, is that when the first bill was passed in the House the bituminous coal strike had ended, and it was quite apparent that the anthracite strike was on the speedy road to settlement, and while we are considering this bill the anthracite strike is said to be awaiting only some technical formalities before mining will be resumed in that field.

So why pass bills carrying $750,000 to relieve the people from strikes which are already ended? Are taxes so low and money so plentiful as to be wasted in these measures for no practical benefit to the people? Why lock the stable doors after the horses are gone?

But the real objection to this bill is that it gets you nowhere, and gets you no coal, and creates no powers to execute its provisions which we do not already fully possess. Why a fuel administrator with a great salary, with all the machinery which he will call into being, when the Interstate Commerce Commission has that machinery already organized and every power necessary to execute the provisions of this bill? My able colleague, Mr. MOORE of Virginia, has so aptly shown this that I quote from his speech just made on this bill:

> This measure creates a fuel distributor and provides that he shall find the facts in reference to the production of coal, the normal price of coal; the current price of coal, and the localities where and the persons by whom coal is needed. I believe the Interstate Commerce Commission—I am talking about the matter of power and not the matter of penalties—under the present law, with such unlimited discretion, can now do all that it will be able to do after we have passed this bill. * * * I venture to state that, in my humble judgment, there is not the slighest excuse for building up this new agency when we can do everything that is sought to be done, and I think more effectively, by trusting and relying upon an agency we already have.

If we have an agency already in existence to do the work, why spend $250,000 to create a new one which can not do as quickly and as efficiently what the present constituted agency can do? It simply means more offices that are not needed except to build up the waning fortunes of a derelict party that has been faithless in their obligations to the people.

But the outstanding objection to the bill is the claim by Congress of the power to fix the price of coal. The fuel administrator, as we have seen, is directed to ascertain whether the price of coal at the mines is "just and reasonable," and the Interstate Commerce Commission has the power to grant priorities in shipments and to declare embargoes, the object being, as declared, to prevent extortion. This means that the fuel administrator can declare what the price of coal shall be at the mines in order to enable it to be carried in interstate commerce. This is a power the Federal Government has never claimed and does not possess. If the Government of the United States can fix the price of coal, it can fix the price of wheat, and can tell the farmer to go on and sow and reap, because the land is his, but when he comes to sell the product of his farm he must be content to surrender his right to sell at any price "except as determined by a wheat distributer of the United States Government." Exactly the same principle applies as to tobacco, cattle, sheep, hogs—indeed everything.

Gentlemen seem to think we are still in a state of war, when the Government can fix prices. Thanks to American valor we are at peace with the whole world, and we want and demand peace legislation and not the extravagances of war legislation.

The argument is this: Congress has the exclusive power to regulate interstate commerce. Practically all coal moves in interstate commerce. Therefore Congress can exclude from interstate commerce all coal which is not sold at a price deemed "just and reasonable" by the coal distributor, and as coal can not be sold if transportation is denied it, and the fuel distributor can fix the price as the condition upon which it can be moved, then by this bill Congress seeks to fix the price of coal. But Congress has no power under the Constitution to fix the price of coal or of any article, except under the stress of war, and I am not aware that it has ever attempted it before in times of peace.

Under what provision of the Constitution can this extraordinary power be claimed? No one has suggested such a power in Congress in this discussion. Under the antitrust act Congress has power to prevent combinations from monopolizing trade and by the organization of trusts to suppress competition and enhance the price of an article to the public, but it has never before entered the field of fixing the price of an article.

This bill simply follows a custom, which in recent years has steadily grown in the country, of coming to Congress for relief whether Congress has the power or not. If the fixing of the price of coal is demanded and is necessary to prevent extortion, this can be done, but it can be done only by the States. I am not enamored of the principle upon which this has been recognized as a power in the States, but I merely state it as a fact that at common law the States have a right to fix the price of certain articles, and in England and in America it has been exercised in a few particulars. I need not discuss the development of this principle through our constitutional decisions. Suffice it to say that the courts have held that where an article is affected with a public use or a public interest, there the State has the power to control it and fix the price. The well-known case of Munn *v.* Illinois stands out preeminently as settling this doctrine. The State of Illinois in this case passed a law to regulate the prices to be charged for wheat-elevator services in that State. The law was contested as being unconstitutional. The Supreme Court held it to be a valid exercise of power by the State.

The doctrine of the principal case was reexamined and affirmed in Budd *v.* New York (1892, 143 U. S. 517), and was given an even wider application in Brass *v.* North Dakota (1894, 153 U. S. 391). As to what businesses besides those mentioned in the principal case are affected with a public interest see Boone County *v.* Patterson (1878, 98 U. S. 403) (log driving); Spring Valley Water Works *v.* Schottler (1884, 110 U. S. 347) (waterworks); Express cases (1886, 117 U. S. 1) (express companies); Sands *v.* Manistee River Improvement Co. (1887, 123 U. S. 288) (river improvements); Gibbs *v.* Consolidated Gas Co. (1889, 130 U. S. 396) (gaslight companies); Covington, etc., Turnpike Road Co. *v.* Sanford (1896, 174 U. S. 739) (irrigation); Western Union Telegraph Co. *v.* Call Publishing Co. (1901, 181 U. S. 92) (telegraph companies); Cotting *v.* Kansas City Stockyards Co. (1901, 183 U. S. 79) (stockyards); Chesapeake & Potomac Telephone Co. *v.* Manning (1902, 186 U. S. 238) (telephone companies); Capital City Light & Fuel Co. *v.* Tallahassee (1902, 186 U. S. 401) (electric light companies); Board of Trade *v.* Christie Grain & Stock Co. (1905, 198 U. S. 236) (ticket-service companies); German Alliance Insurance Co. *v.* Lewis (1914, 233 U. S. 389) (fire insurance); The Pipe Line cases (1914, 234 U. S. 548) (pipe lines); Searles *v.* Mann Co. (1891, 45 Fed. 330) (sleeping-car companies); United States *v.* Ormsbee (1896, 74 Fed. 207) (canal companies); Milwaukee Electric Ry. *v.* Milwaukee (1898, 87 Fed. 577) (street railways); Baillie *v.* Larson (1905, 138 Fed. 177) (mining tunnels); Walker *v.* Shasta Power Co. (1908, 160 Fed. 856 (electric power transmission lines); Dalles Lumbering Co. *v.* Urquhart (1888, 18 Oreg., 67) (lumber flumes); State *v.* Edwards (1893, 88 Me. 102) (sawmills); State *v.* Jacksonville Terminal Co. (1899, 41 Fla. 363) (railway terminal companies); Inter-Ocean Publishing Co. *v.* Associated Press (1900, 184 Ill. 438) (news-collecting agency); People *v.* Hartford Life Insurance Co. (1911, 252 Ill. 398) (life insurance companies).

The whole law governing business affected with a public interest is fully and admirably treated in Wyman, Public Service Corporations. See also an able article by C. K. Burdick on "The Origin of the Peculiar Duties of Public Service Corporations," in Columbia Law Review, xi, 515, 616, 743.

We are not concerned with the question of whether these cases have extended the doctrine too far or not, though frankly I am compelled to say that it seems to me the courts have approached the danger line, if they have not already passed it. But these cases show beyond question that the doctrine which Congress is asserting in this bill to fix the price of coal is one which the Supreme Court has recognized as belonging to the States, and very properly so. The States can do anything not denied to them by the Constitution of the United States. The Congress can do nothing except what is granted to it; and therefore, if to prevent extortion to the people the price of coal must be regulated, why come to Congress to secure what is denied to Congress to grant, and why not go to the States, in whom the power to grant relief is recognized by the Supreme Court? Besides the question of power residing in the States to do this, a great practical advantage is seen in it. The cost of coal in its production varies in each State. Had Congress the power to fix the price of coal the price would have to be uniform. A "just and reasonable" price in one State might be an unjust and unreasonable price in another. This obligation, therefore, rests with the States, and the responsibility upon the coal-bearing States of relieving the people of the country of threatened extortion resides nowhere else. But to this view it is answered that the States will not act; that they would hesitate to do this thing; that they lack initiative; that they are weak and vacillating and fear to take such a step. Much of this may be admitted. The tremendous trend in the last 25 years from the States to Washington to cure all evils has caused an anemic condition in the States; they hesitate to do what is their peculiar work on the plea that it can be done so much more effectively and expeditiously in Washington. We have forgotten that it is not a question of preference but of power, and the Constitution fixes the limits of State and National power. Let it be recognized once for all that the powers possessed by the States are to be restored to them in their ancient vigor, and that they are not to be emasculated by withdrawing those powers from them and taking them to Washington.

The laboring man from whom a gill of blood is extracted every day for a week is weakened and his energy depleted by such a process. Stop the process and let the life-giving fluid remain and the weakened body will be restored to its former strength. For years this process has been going on. The life blood of the States has been taken from them and transfused into the national power at Washington until they have been weakened in their morale, while their powers have slipped from them. Let these powers be restored and the ancient vigor of the States will be restored and the National Government strengthened in the diminution of its bureaucratic tendencies.

But more than that! What is really the object and scheme of this bill? Its friends can not deny, indeed some of them have admitted it in this discussion, that its object is to fix the price of coal at the mines and elsewhere, which Congress has no power to do, by the use of the commerce power. It is an attempt to do an unconstitutional thing which belongs only to the States by the use of a constitutional means—the commerce power. It is another attempt to do by indirection what can not be done directly, and it is in direct opposition to the child-labor decisions recently handed down by Justice Day and Chief Justice Taft. In this discussion gentlemen have, with great alacrity, been quoting some recent decisions of the Supreme Court, which I will notice hereafter, but the absence of the child-labor decisions, which control this case, has been singularly conspicuous. The first child-labor decision was under a law which attempted to exclude from interstate commerce any package of goods made in a factory in which a child under 14 years of age had worked. The practical unlimited power of Congress over commerce was recognized in that decision. The right to control such labor was equally recognized as a State function that Congress had no power to regulate. The real object of the law, the court found, was not to regulate commerce, but to regulate child labor; to use a constitutional agency to accomplish an unconstitutional object, and with an emphasis and power worthy of the best days of that high tribunal they declared that a constitutional agency could not be used by indirection to accomplish an unconstitutional object. Justice Day in that case uses this striking language:

> The far-reaching result of upholding the act can not be more plainly indicated than by pointing out that if Congress can thus regulate matters intrusted to local authority by prohibition of the movement of commodities in interstate commerce all freedom of commerce will be at an end and the power of the States over local matters may be eliminated, and thus our system of government be practically destroyed.

Chief Justice Taft in Bailey *v.* Drexel Furniture Co., commenting on the Dagenhart case, uses this emphatic language:

> Yet Congress threatened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State in order to coerce them into compliance with Congress's regulation of State concerns, the court said this was not in fact regulation of interstate commerce, but rather that of State concerns and was invalid.

The analogy here is complete. The right to fix the price of coal is a State concern (Munn *v.* Illinois, 94 U. S. 113, and cases cited above) and properly so, for the cost of production of coal varies in each State; and Congress by this bill, in attempting to usurp that power of the State to regulate the price of coal, does so by invoking the commerce power. It uses a constitutional agency—the commerce power—to accomplish an unconstitutional object. The discussion of this bill discloses the production of no case that claims the power in Congress to fix the price of coal; but the discussion does disclose a confusion of thought in attempting to apply the principle of certain cases extending the power of Congress as to rate fixing in the instrumentalities of commerce, to the right to fix the price of an article before it becomes an article of commerce.

Mr. GRAHAM of Illinois relies upon a quotation from Chief Justice Taft's opinion in the stockyard case, wherein he said:

> Another evil which it was sought to provide against by this act was exorbitant charges. * * * If they be exorbitant or unreasonable, they are an undue burden on the commerce which the stockyards are intended to facilitate as an instrumentality of commerce.

The court regards the stockyards as a link in the transportation of commerce, and as the power to regulate rates of carriers is recognized the power necessarily attached to the stockyards one of the links in that transportation. In all of the cases referred to in the discussion, none touch the right of Congress to interfere with the article before it becomes an article of commerce or after commerce has ended.

The case of Block *v.* Hirsh (256 U. S. 155) in no wise affects this question. That was a municipal law enacted by Congress for the District of Columbia, which it had a right to do, just as the State of New York had the right to enact such a law. It is founded on the doctrine set forth in Munn against

Illinois, that during the war, when the city of Washington was crowded with employees of the Government, who were unable to get quarters, that all rooms, houses, and shelter were affected with a public use. The war created the emergency, and the emergency affected apartments, rooms, and houses with a public use; but there was no emergency in that case that gave to Congress the power to pass that law which it would not have had without it. If an emergency can create a power when none existed and Congress can, in the caption of a bill, "declare a national emergency to exist," of course the power of Congress is supreme and unlimited.

The only other case cited in this discussion bearing upon the doctrine that an emergency may create power where none exists, is the Legal Tender case (110 U. S. 450), cited by Mr. GRAHAM, of Illinois. It will be seen by an examination of that case that the court rested its decision on the power to borrow money, to issue circulating notes, to coin money, and applying to these powers the coefficient clause, giving the power to Congress "to make all laws which shall be necessary and proper to carry into execution the foregoing powers"; and after a full discussion of the grounds upon which the court rested its decision, Justice Gray, delivering the opinion of the court, adds:

> Such being our conclusion *in matter of law,* the question whether, at any particular time, in war or in peace, the "exigency" is such, by reason of unusual and pressing demands on the resources of the Government, or the inadequacy of the supply of gold and silver coin to furnish the currency needed for the Government and for the people, that it is, as a matter of fact, wise and expedient to resort to this means, is a political question, to be determined by Congress when the question of exigency arises, and not a judicial question to be afterwards passed upon by the courts.

No question of a new congressional power due to an exigency arises here, but merely the assertion of the plain and simple principle that when Congress deems it proper to legislate under acknowledged powers their discretion can not be questioned. There is not a trace of attempted assertion of unauthorized powers because of an exigency in this case.

On the other hand, the doctrine of supposed exigency has been stoutly denied. Chief Justice White in delivering the opinion of the court in Wilson *v.* New (243 U. S. 348), says:

> Nor is it an answer to this view to suggest that the situation was one of emergency, and that emergency can not be made the source of power. (Ex parte Milligan, 4 Wall. 2.) The proposition begs the question, since although an emergency may not call into life a power which has never lived, nevertheless emergency may afford a reason for the exertion of a living power already enjoyed.

In the same case Justice Day in a dissenting opinion, page 370, said:

> If I am right in the conclusion that this legislation amounted to a deprivation of property without due process of law, no emergency and no consequence, whatever their character, could justify the violation of constitutional rights. The argument of justification by emergency was made and answered in this court in Ex parte Milligan (4 Wall. 2), decided more than 50 years ago.

Justice Pitney in the same case in a dissenting opinion, page 376, uses this language:

> The suggestion that it (the law) was passed to prevent a threatened strike, and in this sense to remove an obstruction from the path of commerce, while true in fact is immaterial in law. It amounts to no more than saying that it was enacted to take care of an emergency. But an emergency can neither create a power nor excuse a defiance of the limitations upon the powers of the Government. (Ex parte Milligan, 4 Wall. 121.)

The doctrine of emergency, to which reference has been made in the Wilson against New case, is from the opinion of Justice Davis in Ex parte Milligan (4 Wall. 120), where discussing the principles of the Constitution and the men who made it, said:

> Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril unless established by irrepealable law. The history of the world had taught them what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the Government within the Constitution has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.

For these reasons I feel compelled to vote against this bill, as I did against the fact finding commission bill.

Mr. VAILE. Mr. Speaker, I desire to extend my remarks in the RECORD on the work of the Sixty-seventh Congress.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD on the work of the Sixty-seventh Congress. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. VAILE. Mr. Speaker, it is customary for all parties and all candidates to proclaim most emphatically before election that they stand for economy. They are generally honest in their intentions and sincere in the expectation that they can accomplish such a result.

A Republican's opponent, however, can hardly expect that a Democratic minority, even if he is a member of it, can dictate the financial policy of the Government. His claim must therefore be that by the election of a Democratic majority—of course including himself—the desired economies will be effected.

ECONOMY RECORDS COMPARED.

It is fair to test such a Democratic promise by the past performance of the Democratic Party, and it is fair to compare that performance with the past performance of the Republican Party, which is now in power and which on the basis of its record asks and expects the indorsement of the American people. In governmental economy, as in other governmental matters, it is results that count, and the party which promises is entitled to have, and must submit to have, its promises judged by its own performance.

The practically uniform testimony of the actual figures is that the Democratic Party has always been the party of extravagant and wasteful government, that the Republican Party has always been the party of economical, prudent, and efficient government, and that the services of the Republican Party have invariably been necessary to pull the country out of the morass of debt and financial depression in which it has been left by Democrats.

PROGRESS OF THE NATIONAL DEBT.

The fiscal year ending July 1, 1898, a year and four months after the close of President Cleveland's second term, was the last year until the Wilson administration for which the appropriations were made by a Democratic Congress.

The total national debt on July 1, 1898, was $1,027,085,492, or $14.08 per capita of population. This sum was gradually and almost steadily reduced in the 16 following years of Republican fiscal management, the per capita debt showing a decline in 1902, four years later, to $12.24, in 1906 to $11.25, in 1912 (the year of President Wilson's first election) to $10.77, and in 1914 (the last year for which appropriations had been made by a Republican Congress, then out of office for 15 months) to $10.41.

The effect of the change of control to the Democrats was immediately shown by a jump of the national debt in the very next year to $10.87 per capita, and on July 1, 1917, the last year preceding the war, the per capita debt of the United States was $18.44, more than it had ever been since the period immediately following the Civil War, and nearly twice as much, both in gross and in proportion to the population, as it had been in the last preceding year of Republican financing, the total amount of the national debt on July 1, 1917, being $1,908,635,223, while in 1914 it had been only $1,027,257,009.

I direct particular attention to the 1917 figure of almost two billions, because 1917 was the last year not affected by the World War, the appropriations for that year having all been made and the expenditures for that year having been practically all incurred prior to April 6, the date of our declaration of war. It is fair, therefore, to compare our situation on July 1, 1917, with our situation at the close of previous fiscal years. In July, 1917, this country had been for almost three years the purchasing market for practically the whole world. On account of the troubles of European countries the United States was practically the only source of supplies of manufactured articles and furnished a very large part of the foodstuffs and raw materials consumed by the belligerents. The fact that at such a time, when American financing should have been easy, it was necessary for the Democratic administration to virtually double the national debt is one among the many proofs of miserable management, but it was temporarily obscured in the public eye by America's entrance into the war. With reasonably competent fiscal management there would have been no excuse for such an enormous increase of our public debt at such a time.

RESPONSIBILITY OF WAR DEBTS.

It is frequently asserted that the Democratic Party can not be blamed for the expenses of the war, which increased our obligations from less than two billions in 1917 to almost twenty-six billions in 1919. Let me ask, who else but the party then in power can be blamed for the expenditure of $1,051,000,000 for airplanes without getting a single American combat plane on the fighting front? Who else can be blamed for the building of 40 miles of concrete road at a Southern cantonment at a cost of $150,000 a mile? Who else was responsible for spending $3,900,000,000 for 2,300 ships (30 of them cost us twenty-seven millions), only 500 of which are good enough to be operated in time of peace? We were glad indeed to get a chance to sell 205 of those ships for less than half of what one of them had cost. Who but the party then in control was responsible for the war contracts on the cost-plus basis, by which the contractor was paid to increase his costs, so that thereby his compensation would be increased? Two hundred and seventy-six cases of prosecutions for war frauds have already been started by the Attorney General. Those 276 cases involve graft of $192,000,000, and they are just the beginnings of the uncovering.

Yes, friend Democrat, let each party be judged on its own record.

REDUCTION OF WAR DEBTS.

I cite the above facts as having a legitimate bearing on Democratic protestations of economy. But the problem which was left for us was not how the debts were incurred. The answer to that problem is well known, though Democratic candidates and speakers persistently ignore it.

Our problem was what to do with the debt.

The Democratic policy has habitually been to cancel a debt by borrowing more money. The Republican principle has been that the only way to cancel a debt is to pay it, and that is the job to which we applied ourselves. It will be a mighty long job. The present generation will be in their graves for many years before it is completed. But we have made a splendid start. Let the figures speak:

National debt, June, 1919	$25,916,874,096	
National debt, June, 1920	24,062,500,285	
Decrease, first Republican year		$1,854,373,811
National debt, June, 1921	23,977,450,552	
Decrease, second Republican year		85,049,733
National debt, June, 1922	22,963,381,708	
Decrease, third Republican year		1,014,068,844
Total decrease of national debt in three years of Republican management		2,953,492,388

This enormous reduction of nearly $3,000,000,000 of the national debt in three years, an average annual reduction in a sum equal to our entire national debt prior to 1917, means that your two Republican Congresses have reduced the national debt at the rate of more than $2,500,000 a day during the entire time that the Republicans have had control of the country's finances. (Counting the three years from July 1, 1919, to July 1, 1922, the rate is $2,697,253 per day.)

INTEREST THAT INTERESTS.

The annual interest charge on the national debt was approximately $23,000,000 before 1917. It rose to more than $1,000,000,000 in 1919. This means that whereas in 1916 this interest was only 81 cents per year for each person in our population, in 1919 it had become more than eleven times that, or $9.86 for every man, woman, and child in the United States—just for interest alone, mind you.

The figures above cited on Republican economy show that we have reduced the principal of the national debt by an amount more than equal to the interest upon it for every day we have been in office. There never was another Congress which equaled such a record, and there was never a Democratic Congress which came within 40,000 miles of it.

DEMOCRATIC VERSUS REPUBLICAN APPROPRIATIONS.

But still, our Democratic candidate will say, "Oh, well, if we Democrats had been in we would have economized just as much."

The proof, please, dear friend. Let us waive the fact that in this $9.86 of interest charges which you left upon every one of us when you went out of office at least $6.50 was occasioned not by the war but by your extravagance. Leave that performance as of a class by itself, which it certainly is. Did you economize in peace time when you had a chance to do so, unharrassed by the perils of war?

You did not. I point to the virtual doubling of the national debt during the last year you were in power before the war.

Did you even try to economize after the war, when you still had a Democratic President and Democratic heads of all the executive departments?

You did not. Let the figures speak again. You did not have time, somehow, in the spring of 1919 to pass eight of the supply bills for the necessary appropriations for the year ending June 30, 1920. You left that job for us to do. Your pending bills called for appropriations of $3,767,975,974. We passed the bills, but cut them almost a billion dollars; that is, to $2,828,283,432. That billion-dollar saving was made in the first three months of a Republican Congress after you had fiddled for a year in the effort to saddle the larger amount upon the country. It would have been a much greater cut if we had had a chance at all of the 1920 appropriation bills. As we did not have that chance, the total for 1920 was $6,500,000,000.

You still had the Democratic President and the Democratic departments. This is what these "economists" asked for, and this is what we allowed them in the next two years:

	Estimates (amounts asked for by Democratic departments).	Appropriations (amounts allowed by Republican Congress).
1921	$6,255,000,000	$4,780,829,510
1922	5,541,000,000	4,066,316,366

The saving through reduction of estimates by these two Republican Congresses was almost $3,000,000,000.

But this was not all that we did to Democratic frenzied finance. In the appropriation bills of 1920, 1921, and 1922 we repealed former regular appropriations aggregating $1,140,000,000, a total saving by cutting Democratic estimates and appropriations, aggregating considerably in excess of $4,000,000,000 in three years. Without these cuts, this difference would be reflected to-day in taxation and in the national debt.

REDUCTION AND WISE EXPENDITURES COMBINED.

Now, in our reduction of appropriations, did we give the people a less efficient Government? Did we starve necessary governmental activities? Come, figures, speak again.

We have appropriated nearly ten millions additional for the Veterans' Bureau, and with it $30,600,000 for new hospital construction. We made the Veterans' Bureau vastly more efficient by combining under one administration all the relief activities of the Government for soldiers of the World War. It is not perfect yet, perhaps, but we are willing to leave to the judgment of any candid veteran the question of its relative efficiency now and under the Democratic management which we inherited in 1919. Does any veteran want to go back to that management with its carloads of unopened mail and its hopeless confusion in the performance of its obvious duty to our sick and disabled soldiers?

We found 691,116 Federal employees. By December 31, 1921, we had cut off 122,726 of this number, and we are still on the job, paring where it can be done without in the least injuring the efficiency of any Government department.

We started off the splendid new policy of protection of maternity and infancy with an appropriation of one and a quarter millions.

We appropriated fifty millions for Federal aid in the construction of a national system of highways, a sum vastly in excess of the amount applied to this purpose by any preceding administration.

We have enabled the War Finance Corporation to make actual loans to farmers and live-stock growers in an aggregate of more than $309,000,000, and we have made available the sum of $50,000,000 to the Farm Loan Board, this being exactly twice the fund formerly at its disposal.

REPUBLICAN TAX REDUCTION.

Did these new and increased appropriations mean increased taxation? Obviously not, since both our national debt and our total expenditures have been decreased under Republican administration. As a matter of fact, these two Republican Congresses have greatly reduced taxation, repealing many of the most burdensome and obnoxious provisions of the Democratic revenue law; for example, the tax on excess profits, which had the effect of practically barring capital from productive industry, and the so-called "nuisance taxes," such as those on soft drinks, clothing, sporting goods, and so forth. Among other taxes we have abolished those on freight, express, and parcel-post charges, amounting to about $365,000,000 per year; on railway and Pullman fares, amounting to $91,000,000 a year; and on life, accident, health, fire, and other insurance, amounting to $20,000,000 more.

We have increased the exemptions from the income tax for people of moderate means. The head of a family with an income of $5,000 a year or less gets an additional exemption of $500, and the exemption for dependents is increased from $200 to $400 for each child or other dependent. More than 90 per cent of the people making income-tax returns have an income not exceeding $5,000, and there is a saving in taxation to this great body of people of approximately $100,000,000 annually.

FOREIGN DEBT.

This Nation loaned to foreign countries about $11,000,000,000 during the war. Much of this was loaned without any satisfactory evidence of the debt or any definite agreement concerning its repayment. The debt commission created by the present Congress is engaged in the stupendous task of refunding these loans. They will be put in business shape. Your Republican Congress has no intention whatsoever of canceling these debts.

LIMITATION OF ARMAMENTS.

Personally, I have never been able to convince myself that war can be avoided even by complete disarmament. Men and nations who want to fight will always find the means of doing so. The real cure for war must, in my judgment, be worked out by gradually inculcating in the minds of the people of the world a spirit of mutual good will and tolerance and a sense of their moral, intellectual, and economic dependence upon each other.

Nevertheless, enormous armaments are a terrible burden upon peaceful industry. The International Conference on the Limitation of Armament effected an agreement between the United States, England, and Japan, and one which we hope will be ultimately joined by France, which enabled us to greatly reduce the burden of naval expenditure and still be on an equality of preparedness in this respect with the other great powers.

More important still, the frank and friendly interchange of views at this epoch-making event constituted a long, long step forward into the era of international good will, which is the only real safeguard against war.

THE BUDGET SYSTEM.

One of the principal means by which the present Congress was able to accomplish the economies which I have detailed was by the adoption of the Budget system, which was one of its first acts.

This reform had been promised in the political platforms of both parties ever since the campaign in which Mr. Wilson was first elected. The Democrats, however, with eight years in which to do the job, accomplished nothing toward it. The first Republican Congress thereafter, the Sixty-sixth, passed a budget bill, which was vetoed by the Democratic President. The next succeeding Congress, the present Sixty-seventh, immediately passed the bill again, and this time it was signed by a Republican President and is now functioning splendidly as the law of the land. Under the workings of this system, aided by a Congress which is fully determined on economy in the use of the people's money, it costs a billion dollars less to run the Government than it did two years ago.

RESTRICTION OF IMMIGRATION.

It would be impossible, within the limits of a paper of readable length, to detail all the achievements of the present Republican Congress. I desire, however, to mention one nonfiscal achievement which is of great importance, in which I take considerable pride, as I had the privilege through one of my committee assignments of being largely instrumental in its accomplishment.

Prior to the war we were getting about a million immigrants a year. In 1908 immigration reached its high-water mark of some thirteen hundred thousand, or more than a hundred thousand a month. While some of these were desirable people a great many were highly undesirable, and as a general rule, subject, of course, to some notable exceptions, they represented a class of people far inferior to those whom we formerly got from Europe. The country was confronted with the growth in its body politic of alien communities which were swelling like cancerous growths. In the West, and particularly in Colorado, we have had little of this trouble, but in some parts of the East the race is almost completely changed from what it was half a century ago.

We would undoubtedly have received more than 2,000,000 immigrants a year with the reopening of transportation after the war if it had not been for the action of the present and preceding Congresses. The Sixty-sixth Congress passed an act which, admittedly not perfect as a permanent plan, cut down the maximum permissible number of aliens to 355,000 per year. In its actual working this law cut arrivals to less than 300,000. The present Congress has continued this law, with some improvements, for two years from last June.

SEPARATE CITIZENSHIP OF MARRIED WOMEN.

Closely related to the immigration problem, and handled by the same congressional committee, was the matter of woman's citizenship. On the one hand, as a result of the law making a married woman's nationality the same as her husband's, many foreign women who are totally unqualified to exercise the elective franchise became citizens immediately upon the naturalization of their husbands. On the other hand, American women lost their nationality by marriage to aliens, even though they continued to reside in the United States. The present Congress has corrected these injustices by an act giving to woman's citizenship the same dignity and responsibility as that which attaches to the citizenship of the man.

AN INDIVIDUAL RECORD.

Mr. Benjamin C. Hilliard, my Democratic opponent in the present campaign, inserted in the CONGRESSIONAL RECORD during his last term in Congress a long article vigorously attacking me. That matter was inserted in the RECORD under the unanimous-consent leave of the House, just as this matter is so inserted. It was, however, circulated throughout Denver as a "Speech of Hon. B. C. Hilliard," and parts of it were published as newspaper advertisements under a label indicating that they were extracts from "a speech by Hon. B. C. Hilliard in the House of Representatives."

The article you are now reading makes no pretense of having been delivered upon the floor. I have made it my uniform practice to designate as "speeches" only such remarks of mine as were so delivered. This is a letter to my folks at home, and of course it is printed at my own expense.

Individuals, like parties, must be judged by what they have done and how they have acted. When a Congressman seeks reelection, either to succeed himself or after a period of absence, he invites an audit of his stewardship. My opponent has a right—indeed, in a sense, it is his duty—to critically examine my record and point out what he may consider its flaws. I court such examination. I am proud of my part in the work of two Congresses which have taken hold of the broken-down business of the country and started it on the long road back to prosperity and solvency. I am proud of the achievements of the party which has reduced general living expenses at the same time that it has provided for the farmer an increased price and a better market for his product, the party which has reduced taxes while increasing the efficiency of Government, which has reduced unemployment to a negligible minimum, which has restored Liberty bonds to par, and which has reduced the national debt at the rate of two and a half million dollars a day.

By the same token, my opponent must be judged by the record which he made while a member of the Sixty-fourth and Sixty-fifth Congresses. I present that record herewith. I do so, admittedly, as an advocate in my own behalf. I admit also that I write not without feeling, because the one big subject that was dealt with during my predecessor's term of office is one which stirred me to the very soul. Nevertheless, I shall endeavor to present the record fairly, and I know I shall present it without malice, gladly conceding the sincerity and the high personal and professional character of my opponent.

I submit, however, that more is required of a Congressman than that he be sincere. That quality indeed he must have, but he must also be right, at least part of the time. According to my standards, Mr. Hilliard was wrong all of the time on this one big issue.

SIXTY-FOURTH CONGRESS—THE M'LEMORE RESOLUTION.

Two years before the United States entered the World War all America was roused to fever heat by the insolent pretense of the Imperial German Government that American citizens did not have the right to travel where they pleased upon their lawful business. On May 7, 1915, the *Lusitania*, carrying many American passengers, including a number of women and children, had been torpedoed. The Kaiser's apologists excused this crime by the assertion that the vessel, a passenger ship, carried several guns for such protection as they might afford against the unseen man-made sharks of the sea. Other similar sinkings of defenseless vessels followed.

Representative McLemore, accepting this excuse as valid, outraged the dignity of the American people by offering the following pusillanimous resolution:

> *Resolved*, That the House of Representatives of the Sixty-fourth Congress of the United States do, and it hereby solemnly does, request the President to warn all American citizens, within the borders of the United States or its possessions or elsewhere, to refrain from traveling on any or all ships of any or all of the powers now or in future at war, which ship or ships shall mount guns, whether such ship shall be frankly avowed a part of the naval forces of the power whose flag it flies or shall be called a merchant ship, and whether such gun or other armament be called "offensive" or "defensive," and in case American citizens do travel on such armed belligerent ships. that they do so at their own risk.

A motion was made to table, that is, to kill, the foregoing resolution. The question first arose on a motion for the previous question, that is to say on a motion to shut off debate and to vote immediately on the proposition to table the McLemore resolution.

Mr. Hilliard was absent and was recorded as being against the motion for the previous question and as being paired with Mr. TAYLOR of Colorado, who was recorded as being for the motion. (Mr. TAYLOR was present but not voting on account of this pair.)

The question again arose on the adoption of a special rule to consider the motion to table the McLemore resolution. On this Mr. Hilliard was paired with Mr. Taylor as before.

The motion to table the McLemore resolution was then put to vote, with the result that it was tabled by a decisive majority, Mr. Hilliard being paired, as before, against the motion, that is to say "in favor" of the McLemore resolution itself.

In other words, he was recorded three times as being in favor of the McLemore resolution. (For record of votes, see Congressional Record, 64th Cong., March 7, 1916, pp. 3699, 3720.)

ARMING OF MERCHANT SHIPS.

Mr. Hilliard voted in favor of this resolution, Mr. Keating of the third Colorado district voted against it. This is the only instance of a difference between the votes of these two Members on the war measures, and the only instance of either of them being even partially in favor of any of the measures, except appropriations, deemed necessary by President Wilson and by the overwhelming sentiment of the country, in order to win the war. (Congressional Record, 64th Cong., 2d sess., March 1, 1917, p. 4692.)

Both of these Members, however, voted to handicap the nations which became our allies a month later, by supporting the following amendment, proposed in a motion to "recommit" this resolution, viz:

> *Provided*, That no ship of American registry, armed in the manner aforesaid, shall carry cargo consisting in whole or in part of arms or ammunition consigned to a belligerent country or to a citizen thereof.

REVENUE FOR EXPENSES INCURRED BY MEXICAN SITUATION.

It may be noted that even as to revenue measures the record of Messrs. Keating and Hilliard was not entirely clear, for on December 16, 1915, they had both voted against a resolution the passage of which was particularly desired by the President, namely, the measure to extend to December 31, 1916, the provisions of the revenue act of 1914 (stamp tax) to raise revenue needed on account of the Mexican war situation and to meet deficiency of revenue occasioned by the lack of imports from Europe during the war.

SIXTY-FIFTH CONGRESS—WAR WITH GERMANY.

The vote on this resolution was—ayes 373, nays 50. Mr. Hilliard and Mr. Keating were two of the 50. (Congressional Record, 65th Cong., April 5, 1917, p. 412.)

ESPIONAGE ACT.

This bill, regarded by President Wilson as one of the most essential measures for the protection of the United States during the war, was entitled:

> A bill to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage and better to enforce the criminal laws of the United States, and for other purposes.

Mr. Hilliard and Mr. Keating both voted against this bill. (Congressional Record, 65th Cong., May 4, 1917, p. 1841.)

Moreover, they both voted to weaken it by supporting, on motion to recommit, the following amendment, namely, to strike this language from the bill:

> When the United States is at war, the publishing of any information with respect to the movements of troops, numbers or disposition of any of the armed forces of the United States in naval or military operations, or with respect to any of the works intended for the fortification or defense of any place, which information is useful to the enemy, is hereby prohibited. (Congressional Record, 65th Cong., May 31, 1917, p. 3144.)

Such a vote naturally raises the inquiry whether these gentlemen wanted the publication of information which would be "useful to the enemy."

The President's view of the importance of leaving the foregoing language in the law is shown by the following letter from him to the chairman of the committee in charge of the bill. The letter was read during the debate, but it evidently had no effect on the two Colorado Congressmen who, throughout the war, opposed practically all the efforts of the administration to win it:

THE PRESIDENT'S LETTER.

> May 22, 1917.
>
> My Dear Mr. Webb: I have been very much surprised to find several of the public prints stating that the administration had abandoned the position which it so distinctly took and still holds, that authority to exercise censorship over the press to the extent that censorship is embodied in the recent action of the House of Representatives is absolutely necessary to the public welfare and safety. It of course has not been abandoned, because the reasons still exist why such authority is necessary for the protection of the Nation.
>
> I have every confidence that the great majority of the newspapers of the country will observe a patriotic reticence about anything whose publication could be of injury, but in every country there are some persons in a position to do mischief in this field who can not be relied upon, and whose interests or desires will tend to action on their part highly dangerous to the nation in the midst of war. I want to say again that it seems to me imperative that powers of this sort should be granted.

CONSCRIPTION.

Both Mr. Hilliard and Mr. Keating voted against the Kahn amendments to the Army bill, these amendments constituting the selective service act (draft act).

Mr. Hilliard in opposing the draft made a speech in which he said:

> When I cast my vote against declaring war I was never so in accord with the common man and so in harmony with God. (Congressional Record, 65th Cong., pt. 2, Apr. 28, 1917, p. 1544.)

It will be remembered that the Kaiser also claimed to be "in harmony with God."

In an "extension of remarks" or written speech, Mr. Hilliard, discussing the same subject, used the following language:

> I was not in favor of sending American soldiers across the seas to wage battle, unless on the inspiration born of their own ideals they freely offered to go.

SENDING TROOPS ABROAD.

Carrying out the policy expressed in the last-quoted speech, Mr. Hilliard, on June 28, 1917, introduced a very remarkable resolution (H. Con. Res. No. 15, 65th Cong., 1st sess.) in which, after a lengthy preamble, it was provided:

> *Resolved, etc.*, That to the extent hereinafter indicated the Congress has elected, and hereby elects, to exercise its constitutional power to make rules for the government and regulation of the military or land forces of the Nation, and promulgates, declares, and publishes the following rules, to be immediately effective:
>
> Rule 1. That the land forces or Army of the Republic, in whatever manner raised or recruited, shall be employed only to execute the laws of the Union, suppress insurrections, and repel invasions, and other use is declared to be unconstitutional. Under no circumstances shall it be legal to order soldiers to engage in battle in foreign countries.
>
> Rule 2. That in the proper exercise of their rights as American freemen, and as proclaimed in Rule 1, soldiers may legally and honorably refuse to go upon any ship or vessel bound or ordered to a foreign shore.
>
> Rule 3. The Secretary of War shall give immediate public notice of these rules and cause same to be posted conspicuously wherever soldiers are quartered.

For nearly three years prior to the introduction of the foregoing resolution Belgium had been a broken and ruined country, her churches, universities, and industries destroyed, her people groaning under the tribute exacted by a ruthless conqueror, and many of her young men and women carried away to involuntary servitude. In northern France orchards had been cut down and the very soil had been destroyed. With such an example before his eyes it would seem incredible if it had not actually happened that an American Congressman would court such a fate for his own country by solemnly contending that the war should be brought onto its own soil before a blow should be struck in its defense. Even if, notwithstanding such Congressmen, the enemy should be repulsed, how many American cities would be destroyed, how many American noncombatants killed and maimed, before such a costly victory could be obtained?

Benjamin C. Hilliard has been consistently opposed to the national defense. In the congressional campaign of 1916, in his last circular preceding election, he said, "Ben C. Hilliard is a friend of organized labor. His opponent is an officer in the State militia."

Mr. Hilliard's opponent in that campaign was the same as in the present one, the writer of this paper. When that language was written I was absent on the Mexican border with the Colorado National Guard. The statement contains the highly erroneous assumption that a regular part of the State government was hostile to a part of the people of the State. But the statement involves an even more serious reflection on the man who was capable of making it. What will the people of Colorado think of a man who could advance as an argument against his opponent the fact that such opponent was then in the military service of the United States by order of its President?

Mr. TINCHER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

SPRINGFIELD (MASS.) ARMORY MILITARY RESERVATION.

Mr. GILLETT. Mr. Speaker, to-day is Friday, Private Calendar day. I wish to ask unanimous consent of the House to take up, out of its order, a private bill which is not a claim but is to the advantage of the Government instead of being an expense. It is just like a bridge bill in my opinion in its importance, and I think is of a class that does not belong on the Private Calendar, but I did not like, in my own case and for my advantage, to break what I think is a mistaken precedent by putting the bill where it could go on the Unanimous Consent Calendar. It is a bill that simply transfers to the city certain streets in Springfield which the Government originally took as part of the arsenal property there. They have always been used as public streets, and the United States has had to pay the expense of keeping them in repair. The city of Springfield and the War Department have agreed that they shall be conveyed to the city for public streets, and the city is waiting for this bill to pass before it can improve them. The bill has unanimously passed the Senate and been unanimously reported by the Committee on Military Affairs of the House. I ask unanimous consent that it be now considered.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to take up out of order a bill which the Clerk will report.

The Clerk read the bill (S. 3307) authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and empowered to convey by quitclaim deed to the city of Springfield, Mass., for public street purposes, and for no other purpose, all the right, title, and interest of the United States of America in and to all or any part of certain strips or parcels of land within the Springfield Armory Military Reservation, Mass., now used as streets and known as Byers Street, Pearl Street, Federal Street, Lincoln Street, and Mill Street, the areas to be so conveyed being particularly described as follows:

BYERS STREET.

Parcel numbered one: Beginning at a point in the north line of Frost Street, located 3 feet westerly from a stone bound that marks the present limit of that part of Byers Street that is public; thence north 49° 30′ 30″ west, 851.89 feet to the southerly line of Pearl Street; thence north 42° 13′ 20″ east, about 54 feet to the easterly curb of Byers Street; thence on a curve of 65 feet radius about 32 feet; thence on a curve of 20.14 feet radius, 5.95 feet; thence south 49° 30′ 30″ east, 818.42 feet to that part of Byers Street now public; thence westerly across Byers Street 36 feet to the point of beginning.

Parcel numbered 2: Also a second parcel located adjacent to the parcel above described and described as follows: Beginning at a point in the southerly line of Pearl Street, located north 42° 13′ 20″ east, 241.39 feet from Spring Street; thence north 42° 13′ 20″ east, 9.25 feet; thence south 49° 30′ 30″ east, 558.23 feet; thence south 40° 29′ 30″ west, 9.25 feet; thence north 49° 30′ 30″ west, 558.51 feet to the point of beginning.

It is intended by the description of the two above parcels to describe all the land located between the easterly curb line and the private property on the westerly side of that portion of Byers Street now owned by the United States of America. Said property being shown on blue print "Springfield, Mass. Department of streets and engineering, Byers Street, bk. 276, pp. 45, 46, Dec., 1921."

PEARL STREET.

Beginning at a point in the northerly line of Pearl Street, located 243.82 feet easterly from Spring Street; said point being at the easterly end of that part of Pearl Street now public; thence north 41° 11′ east, 814.93 feet; thence north 59° 25″ east, 1,293.46 feet to Federal Street; thence by Federal Street 48.78 feet to the southerly curb line of Pearl Street; thence on the southerly curb line of Pearl Street by a curve of 50 feet radius, 32.6 feet; thence south 59° 25″ west, 1,235.46 feet; thence on a curve of 127.54 feet radius, 39.69 feet; thence south 41° 11′ west, 706.84 feet; thence on a curve of 20 feet radius, 13.24 feet; thence on a curve of 65 feet radius, about 11 feet; thence south 42° 13′ 20″ west, about 63 feet to the part of Pearl Street now public; thence across Pearl Street, 48.5 feet to the point of beginning; intending to describe all of the land between the southerly curb line and the private property on the northerly side of Pearl Street between that part of Pearl Street now public and Federal Street. Said property being shown on blue print "Springfield, Mass. Department of streets and engineering, Pearl Street, bk. 276, pp. 45 and 46, Dec., 1921."

FEDERAL STREET.

Beginning at a point in the easterly line of Federal Street, located 570.96 feet southerly from Worthington Street, said point being at the southerly end of that part of Federal Street which is public; thence south 29 degrees 5 minutes 15 seconds east, 215.33 feet to the westerly line of Armory Street extended; thence north 9 degrees 53 minutes east, 16.54 feet; thence south 29 degrees 5 minutes 15 seconds east, 154.67 feet to the line of the southerly curb of Lincoln Street extended; thence westerly by the line of the southerly curb of Lincoln Street extended, 15 feet; thence north 71 degrees 34 minutes 45 seconds west, 58.38 feet to the westerly curb line of Federal Street; thence north 29 degrees 5 minutes 15 seconds west, by the westerly curb line of Federal Street; 345.76 feet to that part of Federal Street now public; thence across Federal Street by the line of the southerly end of that part of Federal Street now public, 54.82 feet to the point of beginning; intending to describe all of the land located between the westerly curb line and the private property on the easterly side of Federal Street from the present end of that part of Federal Street that is public near Pearl Street to lines near the trolley track at Lincoln Street. Said property being shown on blue print "Springfield, Mass. Department of streets and engineering, Federal Street, Pearl to Lincoln Street, bk. 276, pp. 47, 48, Dec., 1921."

LINCOLN STREET.

Beginning at the intersection of the easterly line of Federal Street and the northerly line of Lincoln Street; thence north 64 degrees 50 minutes 45 seconds east, 864.58 feet to the intersection of the northerly line of Lincoln Street with the easterly line of Magazine Street; thence 34.38 feet across Lincoln Street on the easterly line of Magazine Street to the southerly curb line of Lincoln Street extended; thence south 64 degrees 50 minutes 45 seconds west, 867.29 feet by the line of the southerly curb of Lincoln Street to the easterly line of Federal Street; thence northerly by the easterly line of Federal Street 34.08 feet to the point of beginning; intending to describe all of the land between the southerly curb line and the private property on the northerly side of Lincoln Street between Federal Street and the easterly line of Magazine Street. Said property being shown on blue print "Springfield, Mass. Department of streets and engineering, Lincoln Street, bk. 276, pp. 48–50, Dec., 1921."

MILL STREET.

Beginning at the intersection of the easterly line of Dickinson Street and the southerly line of Mill Street; thence 34.31 feet to the fence on the northerly side of Mill Street; then by said fence about 575 feet to Hancock Street; thence across Hancock Street about 51 feet to the intersection of the easterly line of Hancock Street and the northerly line of Mill Street; thence on a curve of 295.24 feet; 109.17 feet; thence on a curve of 442.24 feet radius, 77.2 feet to the intersection of the westerly line of Chester Street and the northerly line of Mill Street; thence north 85 degrees 47 minutes 20 seconds east, 53.34 feet to the intersection of the easterly line of Chester Street and the northerly line of Mill Street; thence north 85 degrees 47 minutes 20 seconds east, 48 feet; thence on a curve of 144.24 feet radius, 75.88 feet; thence on a curve of 848 feet radius, 334.02 feet; thence on a curve of 1,068.89 feet radius; 377.75 feet; thence north 12 degrees 49 minutes 55 seconds east, 161.12 feet to the southerly line of Central Street; thence north 76 degrees 35 minutes 5 seconds west by the southerly line of Central Street, 46.14 feet; thence north 20 degrees 40 minutes 5 seconds east, 234.7 feet; thence north 48 degrees 51 minutes 35 seconds east, 56.49 feet; thence south 27 degrees 35 minutes 20 seconds east, 59.17 feet to the line of the southerly curb of Mill Street; thence on a curve of 49.86 feet radius, 43.14 feet; thence south 12 degrees 49 minutes 55 seconds west, 145.42 feet to the easterly line of the proposed Central Street extension; thence still south 12 degrees 49 minutes 55 seconds west, 50.73 feet to the westerly line of the proposed Central Street extension; thence still south 12 degrees 49 minutes 55 seconds west, 160.71 feet; thence on a curve of 1,108.89 feet radius, 391.89 feet; thence on a curve of 888 feet radius, 349.77 feet; thence on a curve of 184.24 feet radius, 96.92 feet; thence south 85 degrees 47 minutes 20 seconds west, 382.32 feet; thence south 42 degrees 13 minutes 50 seconds west, 491.92 feet to the point of beginning at Dickinson Street; intending to describe all of the land in Mill Street from Dickinson Street to a point north of the northerly side of Mill River and from that point all of the land located between the private property on the northerly side and the edge of the sidewalk on the southerly side of Mill Street. Said property being shown on blue print "Department of Streets and Engineering, Springfield, Mass. Plan showing proposed layout of Mill Street from Orange Street to water shops; also proposed extension of Central Street from Mill Street to Allen Street. October, 1921."

Provided, That the conveyance herein authorized shall be upon condition that the city of Springfield, Mass., shall improve and maintain each and all of said streets as public streets: *Provided further,* That there shall be reserved in the conveyance herein authorized the right to construct and maintain over, under, and across said streets, water, gas, and sewer mains, electric light and telephone wires and cables, and any other utility which the operation and use by the Government of said armory may require: *And provided further,* That the said city of Springfield shall not sell or convey the said described premises, nor devote the same to any other purpose than street purposes; and in the event said premises shall be used for any other purpose or shall not be cared for and maintained as are other public streets of said city, the right, title, and interest hereby authorized to be conveyed shall revert to the United States.

SEC. 2. That the Secretary of War be, and he hereby is, further authorized, in his discretion and under such conditions, rules, and regulations as he may prescribe, to permit the extension of Central Street by said city of Springfield to connect with Allen and Oakland Streets at the junction of the latter streets in said city, and to permit the said city to construct, operate, and maintain a bridge and approaches thereto across the Mill River Canal at the point where such extension of Central Street crosses said canal.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GILLETT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ZAH BARMON.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7425) for the relief of Zah Barmon and agree to the Senate amendment.

The Senate amendment was read.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

LEAVE TO EXTEND REMARKS.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Federal expenditures.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. ANDREWS of Nebraska. Mr. Speaker, two years ago the people authorized and directed the Republican Party to reconstruct our national and international affairs. That was a gigantic task, requiring years of earnest thought and patient toil.

We have endured not only four years of international war but also nearly eight years of Woodrow Wilson. Consequently the Nation and the world were filled with grief and ruin. Firm foundations of business had been destroyed. Well-established lines of commerce on land and sea had been swept away. International exchange and credit had become extremely critical. Nations were struggling on the verge of bankruptcy. Millions of men and women had been forced away from the productive pursuits of peace into the destructive pursuits of war. Life and treasure had been lavishly sacrificed upon the altars of the gods of war. The millions who lived to return to their homes to tell the story found disorganization and ruin on every hand.

The temple of prosperity was destroyed almost in a night's time, but years of earnest thought and patient toil will be required to replace it.

The Wilson administration squandered over $7,000,000,000 of public funds after we entered the war in 1917. If we had that money now, we could, according to the Republican standard fixed by the appropriations for 1923—its first opportunity—pay the total expenses of the Federal Government for nearly two years without levying a single dollar of Federal taxes. Aside from the fixed charges created by war we could pay the ordinary expenses for four years without levying a single dollar of Federal taxes for that purpose. Let my Democratic opponent, Mr. Shallenberger, explain this profligate waste of public money during the war.

This gigantic task of reconstruction involves the cleaning up of the miserable mess bequeathed by him and his party to the country. But they frequently ask, Why have the Republicans not cleaned out all the dirt before this time? They then turn to the public and say, "Put us in again." Do they desire to shovel in some more dirt before the Republicans have time to clean up thoroughly? It has been impossible for even the Republicans to clean up in 18 months all the dirt that was made by the Wilson administration during 8 years.

In this work of reconstruction, we first turned our attention necessarily to the National Treasury, the financial heart of the Nation. We found it struggling under tremendous expenses which could be met only by heavy taxes upon the people.

Note that the total disbursements, including the Postal Service, were for the year—

1916	$1,030,000,000
1917	2,386,000,000
1918	14,095,000,000
1919	19,302,000,000
1920	6,554,000,000
1921	4,915,000,000

The total appropriations for the fiscal year 1923 aggregate $3,747,000,000. Of this amount, $2,014,000,000 will be required to cover permanent expenditures created by war, such as interest on the public debt, pensions, hospitalization, vocational education, and so forth.

Thus the ordinary expenditures for 1923 will be $1,733,000,000. The annual pre-war expenditures for 1916 amounted to $1,030,000,000, showing that those for 1923 will exceed those for 1916 by $703,000,000; this amount includes the increased cost of the Army, the Navy, and all other branches of the Government and all delinquent war claims. Thus it is evident that we could pay the ordinary expenses of the Government four years, according to the Republican standard for 1923, if we had the $7,000,000,000 and more that was worse than squandered by the Wilson administration after we entered the war.

TAX REDUCTION.

The Republicans have not only reduced expenditures as thus indicated but they have also reduced taxation $800,000,000 a year by the internal revenue act of November 23, 1921.

RAILROADS.

The railroad question also demanded immediate attention. We found the roads under the control of the Government and their net rates guaranteed out of the National Treasury according to laws passed in 1916 and 1918. The Federal control act of March 21, 1918, which my opponent, Mr. Shallenberger, helped to enact, guaranteed a net return of 11.27 per cent to all roads and a net return of 22 per cent to the Burlington. According to the terms of that act that guaranty was to extend 21 months beyond the date of the issuance of a proclamation of peace with the Central Powers. That proclamation was issued July 2, 1921. Thus the McAdoo-Shallenberger guaranty carried in the Federal control act would have been extended to April 2, 1923.

In the work of reconstruction, however, I voted to repeal that act so that Federal control ceased on March 1, 1920, and the McAdoo-Shallenberger guaranteed rates ceased on September 1, 1920, instead of April 2, 1923.

All guarantees mentioned in the transportation act of 1920, sometimes called the Esch-Cummins Act, are reproductions of like provisions of the Federal control act, and were thus allowed to continue for a period of six months to avoid a financial collapse and general strikes throughout the country.

The McAdoo-Shallenberger guaranties have cost the National Treasury over $2,000,000,000 already, and if the law had run its course to April 2, 1923, they would have created additional liabilities approximating $1,937,500,000.

Mr. Shallenberger voted to establish those guaranties, but I voted to repeal them. Their repeal released our National Treasury from a financial burden aggregating nearly $1,000,000,000 annually.

Our opponents advocate a League of Nations which would increase our expenditures millions of dollars annually and at the same time, impair the sovereignty and independence of our Nation. On the other hand, we have favored and secured a conference for the limitation of armaments, resulting in a policy which enables us to reduce our Army and Navy expenditures at least $200,000,000 a year.

Having secured a 10-year holiday with respect to naval construction, we will be able within that period of time to realize a total reduction of national expenditures of $2,000,000,000. These facts disclose actual accomplishments in the line of practical retrenchment.

Mr. CHANDLER of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on light wines and beer.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the Record on light wines and beer. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. CHANDLER of New York. Mr. Speaker, I am in favor of light wines and beers.

If reelected to Congress on November 7—and I am very confident that I shall be—I shall advocate a modification of the Volstead Act that will permit light wines and beers within the limitations prescribed by the Supreme Court of the United States defining the extent of the jurisdiction of Congress to regulate the alcoholic content of beverages.

I voted against prohibition in the Sixty-fifth Congress. I voted against reporting out the eighteenth amendment because I did not believe it either right or expedient to take the police power from the States, where it had rested for more than 100 years, and place it with the Nation. I resisted with all my might the attempt to bring about a constitutional innovation of this kind.

I voted against the eighteenth amendment and prohibition because I did not feel that it was right that outlying, sparsely settled States should determine the drinking habits of the people of my State. Under the present method of amending the Federal Constitution each State has one vote through its legislature in the matter of ratifying an amendment that has been proposed by Congress. This method is archaic and undemocratic and tends to subvert rather than to promote the will of the people in the matter of amending the national fundamental law. Chief Justice Marshall, in the last decision he ever rendered involving a constitutional question, severely criticized this method of amendment, and many able and distinguished American jurists have confirmed his opinion and justified his criticism.

Mr. Speaker, it is very easy to group as many as 20 States of this Union whose aggregate population is less than that of the population of New York. These 20 States have 20 votes as against New York's 1 vote in the matter of amending the Federal Constitution. Is it democratic, is it just that an actual minority may exercise a controlling influence over an actual majority in the ratio of 20 to 1? I think not.

I have a resolution pending before the Judiciary Committee providing for a different and more democratic method of amending the Constitution. This resolution has received the approval of many great American judges and lawyers as well as of professors of political economy in several great American universities. It provides simply for a reference by Congress of the question of a proposed amendment to the people of the United States at a biennial election. State constitutions are amended by reference to the people of the State. Why not amend the Federal Constitution by reference to the people of the United States? The principle is exactly the same. If it is just in one case, it is just in the other.

Again, I voted against prohibition because the overwhelming sentiment of the people of my district was against it, and I felt that it was nothing but right and proper that I should pay respectful attention to the wishes of the people who had sent me to Congress.

I voted as I did, among other reasons, because my prophetic vision foresaw the bootlegging operations of this day and the contempt for law and order that would result from the adoption of this amendment. I also foresaw the Volstead Act, against which my better judgment rebelled from the very beginning.

I believe that the saloon is gone forever, and I shall shed no tears because of this fact, but I am convinced that light wines and beers may be had without any violation of law, and that these slightly exhilarating beverages would greatly lessen and cool what Shakespeare is pleased to call "life's fitful fever."

It is a well-known fact, Mr. Speaker, that an abundance of liquor may be had almost anywhere in the United States, either in town or country, under bootlegging operations, by the wealthy who can afford to pay the price, but our laborers and workmen, who create the wealth of the country in the sweat of the brow and who return to their homes at nightfall tired and exhausted with the toil of the day, are denied even a single glass of refreshing beer because the law forbids the brewing of a drink that is reasonable in price and not an insult to the taste.

This inevitable discrimination in the operation and effect of the Volstead Act has a direct tendency to embitter the minds of the masses of the people, to fill their hearts with rebellion against the law, and to drive them to lawlessness and anarchy as a refuge.

Mr. Speaker, we are living in an age of extreme lawlessness. Very few people seem to respect the law or obey it. For decades past we have had lynchings and burnings of human beings at the stake. Mob violence has been for many years our national disgrace and shame.

Until very recent years the mob did its murderous work and then dispersed. But now comes the Ku-Klux Klan in permanent organization form with ritual, mask, and gown and does its infamous and destructive work in mob action under cover of night.

More covert, insidious, and widespread, though less frightful and bloody in outward form than the actions of the mob or the Ku-Klux Klan, is the crime of bootlegging that is fast branding us as a nation of criminals and hypocrites. The law-abiding, liberty-loving people of our country are beginning to view the situation with terror and awful foreboding. Antiprohibition may be bad and prohibition worse, but disregard and contempt for law are worse than either. A dead law upon the statute books is a stench in the nostrils of all good citizens.

I am not prepared to say, Mr. Speaker, that the enormous increase in crime of the last two years has been due to prohibition, but it is passing strange that the increase began with the passage of the Volstead Act and has now reached alarming proportions with an ever-increasing volume of criminal activity.

I believe that the question of the relationship between prohibition violation and other forms of crime presents an interesting problem of philosophy or psychology. There is a legal maxim in Latin phrase that runs as follows: Falsus in uno falsus in omnibus. The interpretation of this phrase in its relation to the question of veracity or perjury in matters of testimony in cases at law, is that a witness who is believed to be a liar in one case may be judged to be a liar in all cases.

A slightly different application of this Latin maxim to questions of morals and of crime will justify the conclusion that a man who consents to commit crime in one case finds it easy to advance a step further and commit crime in other cases. In other words, when moral character is once broken in its firm resolves, it is easy to shatter it by successive inducements of a criminal nature.

An application of these elemental principles and tests to the frightful volume of crime that curses our country to-day will show an immediate connection between bootlegging and other forms of criminal activity. The explanation is simply this: The people believed, if it be true that an actual majority of the people willed it, that the adoption of the eighteenth amendment meant the abolishment of intoxicating liquors; that is, the doing away with the saloon and its evil effects. They did not believe that it meant the abolition of nonintoxicating beverages like light wines and beers. And when the unreasonable fanatical Volstead Act, with its false and unscientific proportion of one-half of 1 per cent, was presented to them they felt that they had been deceived and began at once to defy and violate the law. They felt that their personal liberties as American citizens had been invaded, and they refused and still continue to refuse to submit. And having begun a course of lawbreaking in the matter of prohibition violation they found it easy on principles just mentioned to commit crimes along other lines. I firmly believe that this accounts in a large measure for the appalling state of criminal activity in the United States to-day.

Of course, these remarks and observations do not apply to the average citizen, who does not violate the Volstead Act or any other law. They do not even apply to the violator of the Volstead Act, whose character and mind are strong enough to enable him to distinguish between an act that he believes to be foolish and other laws that he feels that he is morally bound to obey. They apply merely to that class of citizens who feel that their liberties have been taken away from them and that are not strong enough to curb criminal propensity.

But, you may ask, Mr. Speaker and my colleagues, whether it is really a fact that crime is on the increase. It is hardly necessary to discuss the matter with you. All of you read the daily papers and can judge for yourselves. I could fill the CONGRESSIONAL RECORD every day several times over with sensational reports of the violation of the Volstead Act in every State of the Union. I am going to cite at this point and insert in the RECORD a few illustrations taken from different sections of the country and in very recent months.

The following is from a clipping of a recent edition of the New York Herald:

"EVERYBODY'S DOING IT" IS BOOTLEGGER'S PLEA.

"I didn't know it was against the law to sell alcohol; everybody's doing it," pleaded Rocco Cotrono yesterday morning before County Judge William F. Bleakley in Mount Vernon after admitting the sale of 30 gallons of grain alcohol and possession of a loaded revolver.

Asked if the vanishing of the saloon had not given him a slight inkling about prohibition, Cotrono, who lives in Mamaroneck, said:

"I knew there was no more saloons, but I saw a whole lot of drunks every day."

Cotrono "learned" of prohibition when he was fined $300, which he could not pay.

And this from a recent issue of the New York Times:

REPORT JOHNSTOWN ON "ONE GRAND DRUNK"—POLICE FIGURES SHOW THE ARRESTS FOR INTOXICATION ARE DOUBLE THOSE OF PREPROHIBITION DAYS.

(Special to the New York Times.)

JOHNSTOWN, PA.—Figures compiled by the local police department tend to prove that Johnstown is on one grand drunk, as is claimed by Mayor Joseph Cauffiel and others. These figures show that drunkenness is more prevalent in the city now than in the days before prohibition. August, 1918, had 36 arrests for drunkenness and associated charges, while August of this year had double that figure.

Police officials say that 90 per cent of those arrested now are of the crazy variety, not the peaceful old soaks of former years. This they blame on the poison sold over the bars. Anonymous letters swamp Mayor Cauffiel's office calling upon him to investigate and close the "blind tigers," but the mayor says he is through closing the saloons. "Let the Federal agents do it," he says. "They know that poison wood alcohol and ether is being sold over the bars in Johnstown. Let them stop it."

Another issue of the New York Times of a recent date had an article concerning bootlegging operations down at Knoxville, Tenn. The article was as follows:

PREACHER ON DRY CRUSADE—KNOXVILLE PASTOR CHASES BOOTLEGGERS BETWEEN SERMONS.

The closing of every bootlegging place in a city that for many years has been fed by uninterrupted streams of "mountain dew" from one of the biggest moonshining regions of the country is the task undertaken by Rev. C. W. Gant, of Knoxville, Tenn. His efforts are backed by a .38 caliber automatic, a deputy sheriff's commission, and the Knoxville Law Enforcement League. * * *

Knoxville is in the heart of the Tennessee Mountains. On the east are the blue ranges of the Great Smokies, with innumerable ridges, affording protection to the distilling industry, right up to the city's door. On the west are the foothills of the Cumberland Plateau. Truly it is an ideal spot for moonshiners, and they have filled most convenient hollows with copper outfits. The city is the market for all of this, and an underground distribution system, with wholesalers and retailers, has grown up. Liquor recently could be bought on almost any corner at a top price of $2 a pint. The police force seemingly was inadequate, and this gave birth to the Knoxville Law Enforcement League, an organization including about all the preachers in town. Hence the selection of Doctor Gant, at that time pastor of the Methodist Episcopal Church in the little town of Windsor, Ill.

* * * Evidence had been compiled in 31 cases and steps had been taken to institute action in a Federal court. But here Doctor Gant struck a snag. The district attorney was so busy that he did not have time to look into the cases. Only 60 days is allowed by law for the institution of such proceedings, and the time slipped by with the prosecutor still engrossed in other things. Doctor Gant's own work and the work of his detectives had gone for nothing, and he must accumulate new evidence.

In this report from Knoxville, Tenn., published in the New York Times of September 3, we see both Federal and State machinery helpless to destroy or to curb bootlegging. The humiliating spectacle is presented of a minister of the Gospel being compelled to leave his pulpit to chase bootleggers while Government agents look complacently on.

I have already referred, Mr. Speaker, to the constant increase in crime since the Volstead Act went into effect, and I wish now to give two illustrative tables from different sections of the country to show this. The first is a brief compilation of crime statistics taken from the Daily Commercial News, of San Francisco, of date July 19, 1922, and is as follows:

Arrests in San Francisco.

Year ending June 30—	For drunkenness.	For other crimes.	Total.
1920	1,822	24,851	26,673
1921	3,847	26,259	30,106
1922	7,262	32,619	39,881

This table is most impressive, for it shows that the increase in crime in San Francisco since the Volstead Act went into effect has been enormously in advance of and out of all proportion to the increase in population.

I have given extracts from newspapers showing crime conditions in my own State of New York, in the State of Pennsylvania, in the State of Tennessee, in the State of California, and I come now to furnish statistics showing crime conditions in the District of Columbia, the seat of the National Government, in the very shadow of the Dome of the Capitol where we report out eighteenth amendments and pass Volstead Acts. And this is by far the most impressive of all, for the District of Columbia is a kind of Federal province which has been created and is now governed by Federal law. It seems that if a Federal statute could be enforced anywhere, it should be at the seat of government and under the very noses of Congressmen and Senators.

But what is the true situation at the Nation's Capital? How successful have Federal agents been in enforcing the Volstead Act? Let recent official figures speak and then let us ponder and reflect. As late as this month the Washington Evening Star printed the following article:

> Severe Penalties to Back Dry Law—Enforcement Officers Assert Mild Sentences and Fines are Ineffective—Police Chief's Report—Explains Difference in Arrests Made Under Sheppard Act and the Volstead Law.
>
> More drastic punishment may be provided for persons who persist in violating the laws intended to make the eighteenth amendment effective. Dry advocates feel that the increased number of violations detected in this city the past fiscal year probably is applicable to many other sections. Some of them feel that conditions elsewhere probably are much worse than they are in this city, realizing that closer police cooperation between the city police and the Federal prohibition forces exists here than in most other cities.
>
> Imposition of fines and infliction of mild prison sentences, it is pointed out, has not accomplished what members of the dry forces anticipated would be accomplished, and some of them express themselves as favoring a penitentiary term for offenders. It is said that a bill carrying such a provision may be framed in the near future and presented to Congress, as well as one for speedy trials of dry-law offenders.
>
> POLICE CHIEF'S REPORT.
>
> In his annual report to the District Commissioners, Maj. Daniel Sullivan, superintendent of police, explained that liquor arrests are made under two heads. Under one head, he explained, arrests for intoxication, drinking in public, and driving while under the influence of liquor are made under the provisions of the Sheppard law, while offenses under the Volstead Act include manufacture, possession, transportation, and sale of intoxicants.
>
> SHEPPARD LAW VIOLATIONS.
>
> The report contains a comparative statement of arrests for violations of the two laws during the fiscal years 1921 and 1922, as follows:

Arrests under the Sheppard law.

	1921	1922
Drinking in public places (sec. 11)	99	149
Intoxication	5,415	6,375
Operating of vehicle while drunk	160	205

> Under the Volstead Act arrests were made as follows:

Arrests under Volstead law.

	1921	1922
Furnishing liquor	0	2
Manufacturing	79	83
Illegal possession of liquor	320	921
Selling liquor	371	767
Transporting liquor	654	648
Carrying on person for the purpose of sale	5	2
Possession of property designed for the manufacture of liquor	6	20

> Seizures as a result of enforcement of antiliquor laws during the past fiscal year included 68,464 quarts of various kinds of liquor, 11,352 bottles of beer and extracts, 45 automobiles, 4 wagons, 4 bicycles, and 1 boat.

I am almost ashamed to submit these facts to you, my colleagues, to be printed in our RECORD. It is to be hoped that our connection with this lamentable result was only political and not personal, was a blunder of statesmanship and not a contribution of bad citizenship.

The suggestion "that conditions elsewhere probably are much worse than they are in this city" affords little consolation, for they are certainly bad enough here, and are a sad commentary upon the efforts of Congressmen and Senators to pass people into heaven by legislative enactment.

The appalling results of three years of prohibition enforcement have been to increase rather than to diminish drunkenness, to augment rather than to lower the general crime rate, to lose many millions of revenue annually to the Government, to burden the people with additional taxes in the appropriation of many millions of dollars in the attempt to enforce an unenforceable law, and to create a spirit of lawlessness and contempt for organized government that constitute at once the shame and the degradation of the Republic.

What is the remedy, you ask? Restore to the people their personal liberties within the law. Give them light wines and beers that the eighteenth amendment does not prohibit. Modify the Volstead Act in conformity with reason and common sense, and let the laws of physics and chemistry and the experience of the human race, rather than the whims of fanaticism, be the standard of alcoholic content in the manufacture of beverages.

It is urged that the plea for light wines and beers is but the opening of an argument for the restoration of the saloon and bad liquor. Only designing men will make this contention, and only the ignorant and unsophisticated will be influenced by it. The eighteenth amendment prohibits "the manufacture, sale, or transportation of intoxicating liquors," and the Supreme Court of the United States stands guardian over the rights of the people in the matter of its enforcement. Until the eighteenth amendment is revoked there can be no manufacture, sale, or transportation of intoxicating liquors, and Congress is powerless to pass any laws violating this amendment as long as the Supreme Court functions and does its duty.

We could pass a law, of course, permitting intoxicating beverages, but the Supreme Court would set it aside. It does not require a lawyer to know this. Every intelligent citizen knows it, and this cry about the bringing back of the saloon by Congress is a false and foolish cry, and is intended by the designing to deceive the ignorant and unthinking.

The Supreme Court has declared that it is within the jurisdiction of Congress to determine the alcoholic content of beverages, but this same court has warned Congress that it must not in the exercise of its jurisdiction pass any law that permits the manufacture, sale, or transportation of a liquor that intoxicates. In other words, the Congress may name any alcoholic content that stops short of intoxication, and my solution of the vexed problem of prohibition is to permit light wines and beers that contain a greater alcoholic content than one-half of 1 per cent, but not so great as to cause intoxication and bring down upon us the censure of the Supreme Court and the nullification of our law.

Mr. Speaker, I repeat that I favor light wines and beers, and shall advocate such a modification of the Volstead Act that will permit the manufacture, sale, transportation, and use of these nonintoxicating beverages which do not violate the law and that the tastes, habits, and necessities of the people require and demand.

RIVERS AND HARBORS.

Mr. DEMPSEY. Mr. Speaker, it is going to be difficult to get the river and harbor bill passed before adjournment. In view of that fact I ask unanimous consent for the immediate consideration of the conference report.

Mr. MADDEN. I am very sorry, but I shall have to object to that. It is getting late and there is probably no quorum present.

ADJOURNMENT.

Mr. EDMONDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned until to-morrow, Saturday, September 16, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

686. Under clause 2 of Rule XXIV, a communication from the President of the United States transmitting a deficiency estimate for the Treasury Department for the fiscal year ending June 30, 1922, for refunding taxes illegally collected, including the payment of claims accruing prior to July 1, 1920, $42,430,000 (H. Doc. No. 390), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER: Committee on Invalid Pensions. S. 3540. An act fixing the fees of the examining surgeons in the Bureau of Pensions; without amendment (Rept. No. 1224). Referred to the Committee of the Whole House on the state of the Union.

Mr. KEARNS: Committee on Military Affairs. H. R. 9408. A bill to authorize the payment of the cost of transportation from the appropriation from which the supplies are purchased; without amendment (Rept. No. 1225). Referred to the Committee of the Whole House on the state of the Union.

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. S. 2716. An act to give effect to certain provisions of conventions with foreign governments for facilitating the work of traveling salesmen; with an amendment (Rept. No. 1228). Referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. S. 3733. An act granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River, in the State of Ohio; without amendment (Rept. No. 1229). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 12473. A bill granting the consent of Congress to the Wynco Block Coal Co., a corporation, to construct a bridge across the Tug Fork of Big Sandy River in Mingo County, W. Va.; without amendment (Rept. No. 1230). Referred to the House Calendar.

Mr. JONES of Pennsylvania: Committee on Interstate and Foreign Commerce. H. R. 12170. A bill to revive and reenact the act entitled "An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa.," approved August 11, 1916; without amendment (Rept. No. 1231). Referred to the House Calendar.

Mr. SANDERS of Indiana: Committee on Interstate and Foreign Commerce. S. 3793. An act to authorize the Gary Tube Co. to construct a bridge across the Grand Calumet River in the State of Indiana; without amendment (Rept. No. 1232). Referred to the House Calendar.

Mr. GRAHAM of Illinois: Committee on Interstate and Foreign Commerce. S. 3834. An act to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Grand Calumet River, in the State of Indiana; without amendment (Rept. No. 1233). Referred to the House Calendar.

Mr. HAWES: Committee on Interstate and Foreign Commerce. S. 3938. An act granting the consent of Congress to the county courts of Lafayette and Ray Counties, in the State of Missouri, to construct a bridge across the Missouri River; without amendment (Rept. No. 1234). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 11561. A bill authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River; with amendments (Rept. No. 1227). Referred to the Committee of the Whole House.

Mr. KRAUS: Committee on Naval Affairs. H. R. 11792. A bill for the relief of James J. Meehan; without amendment (Rept. No. 1235). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 12659) to provide for the creating of a national depositors guaranty fund in each Federal reserve district, to be used for the protection of depositors in national banks and authorizing the Comptroller of the Currency to have supervision over the same; to the Committee on Banking and Currency.

By Mr. WOODYARD: A bill (H. R. 12660) to enlarge, extend, and remodel the post-office building at Huntington, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. HAMMER: A bill (H. R. 12661) to unify and improve the street-car service in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. MORIN: A bill (H. R. 12662) to provide for maintaining the Corps of Cadets at the United States Military Academy at its maximum authorized strength, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 12663) to establish a department of economics, government, and history at the United States Military Academy at West Point, N. Y., and to amend chapter 174 of the act of Congress of April 19, 1910, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1911, and for other purposes"; to the Committee on Military Affairs.

By Mr. BULWINKLE: Joint resolution (H. J. Res. 377) providing for the appointment of a committee of the Senate and House of Representatives to investigate the administration of the acts of Congress in behalf of the invalid and disabled veterans; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNE of Wisconsin: A bill (H. R. 12664) granting an increase of pension to Eliza J. Terry; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 12665) granting an increase of pension to Elizabeth T. Cousens; to the Committee on Invalid Pensions.

By Mr. COLE of Ohio: A bill (H. R. 12666) for the relief of Charles O. Rider; to the Committee on Military Affairs.

By Mr. EDMONDS: A bill (H. R. 12667) for the relief of the Rising Sun Brewing Co.; to the Committee on Claims.

By Mr. ELLIS: A bill (H. R. 12668) granting a pension to Rosabelle Wade; to the Committee on Invalid Pensions.

By Mr. HOGAN: A bill (H. R. 12669) for the relief of Carl A. Anderson; to the Committee on Claims.

Also, a bill (H. R. 12670) for the relief of certain civilian tug masters; to the Committee on Claims.

Also, a bill (H. R. 12671) for the relief of Thomas Farley; to the Committee on Claims.

By Mr. KIESS: A bill (H. R. 12672) granting a pension to Mary C. Wertley; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 12673) to restore to the pension roll the name of Isabel Sandlin; to the Committee on Invalid Pensions.

By Mr. LINEBERGER: A bill (H. R. 12674) granting a pension to Edmond L. Klamroth; to the Committee on Pensions.

By Mr. MUDD: A bill (H. R. 12675) for the relief of Joseph Y. Dreisonstok; to the Committee on Naval Affairs.

Also, a bill (H. R. 12676) for the relief of Samuel Grob; to the Committee on Claims.

By Mr. PATTERSON of Missouri: A bill (H. R. 12677) donating a captured German cannon or field gun and carriage to the city of Cole Camp, State of Missouri, for decorative and patriotic purposes; to the Committee on Military Affairs.

By Mr. SHAW: A bill (H. R. 12678) granting an increase of pension to Eleanore C. Akers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12679) granting an increase of pension to Mary Jane Brown; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12680) granting a pension to Rosina Chase; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 12681) granting a pension to Patrick O'Donald; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 12682) granting a pension to Lulu S. Miller; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6337. By Mr. DEAL: Petition of Estelle Callender, of Norfolk, Va., relative to the food tableware; to the Committee on Ways and Means.

6338. By Mr. KISSEL: Petition of the Schwarzenbach Huber Co., West Hoboken, N. J., relative to the 55 per cent rate on silk piece goods; to the Committee on Ways and Means.

6339. Also, petition of E. Hoel, Esq., Front Royal, Va., relative to the 55 per cent rate on silk piece goods; to the Committee on Ways and Means.

6340. Also, petition of American Paper & Pulp Association, New York City, N. Y., relative to the tariff on casein and the paper industry; to the Committee on Ways and Means.

6341. Also, petition of National Bakers Egg Co. (Inc.), New York City, N. Y., relative to the tariff on egg products; to the Committee on Ways and Means.

6342. Also, petition of E. W. Bliss Buildings, New York City, N. Y., relative to the present coal industry; to the Committee on Interstate and Foreign Commerce.

6343. By Mr. VARE: Petition of the State Legislative Board of the Brotherhood of Railroad Trainmen asking the restoration of the Newlands Act; to the Committee on Labor.

SENATE.

SATURDAY, *September 16, 1922.*

Rev. Wallace Radcliffe, D. D., of the city of Washington, offered the following prayer:

Almighty God, we lift our eyes unto the hills from whence cometh our help. Our help cometh from the Lord, which made heaven and earth. In the noise of war and rumors of war our hearts this morning go out in sympathy and prayer for the multitude of the distressed, the impoverished, the bleeding, and the dying. Rebuke the mad ambition and cruel selfishness of men and nations. Give us peace in our time, O God, and cause war to cease unto the ends of the earth.

Accept our thanksgiving for the repose and protection of the night, for the sweetness and beauty of the morning. May we return to our work in the comfort of Thy protection and in the enrichment of Thy grace. The Lord bless us and keep us. The Lord make His face to shine upon us and be gracious unto us. The Lord lift up His countenance upon us and give us peace. In the name of the Father and of the Son and of the Holy Ghost. Amen.

The Assistant Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst
Ball
Brandegee
Broussard
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dillingham
Ernst
Fletcher
France
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
King
McCormick
McCumber
McNary
Moses
Nelson
New
Nicholson
Norbeck
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Sheppard
Shields
Shortridge
Simmons
Smoot
Stanfield
Sterling
Sutherland
Trammell
Underwood
Wadsworth
Walsh, Mass.
Watson, Ga.
Watson, Ind.
Williams
Willis

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Fifty-two Senators having answered to their names, there is a quorum present.

JUDGMENTS BY THE COURT OF CLAIMS (S. DOC. NO. 256).

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a list of judgments rendered by the Court of Claims and requiring an appropriation for their payment—under the Treasury Department, $1,410.23; under the War Department, $619.41; under the Navy Department, $119,226.71; under the Post Office Department, $16,584.82; and under the United States Shipping Board, $146,193.54; in total amount, $284,034.71; which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM AGAINST THE CHOCTAW NATION (S. DOC. NO. 257).

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting, for such action as may be deemed proper, a judgment of the Court of Claims entered on June 12, 1922, in the case of Wirt K. Winton, administrator of Charles T. Winton, deceased, et al. *v.* Jack Amos et al., in favor of Robert L. Owen and associates for $175,000, under the provisions of the act of April 26, 1906 (34 Stat., pp. 137 and 140), together with a letter from the Assistant Attorney General, dated June 23, 1922, explaining the status of the tribal funds of the Choctaw Nation, from which funds such judgment is payable, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

CLAIM AGAINST THE WAR DEPARTMENT (S. DOC. NO. 255).

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a judgment (under the War Department, $9,786.96) rendered against the Government by the United States District Court for the District of Maryland, under the provisions of the act of March 3, 1887 (24 Stat. 505), as amended by section 297 of the act of March 3, 1911 (36 Stat. 1168), and requiring an appropriation for its payment, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS IN ADMIRALTY CASES (S. DOC. NO. 258).

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, records of judgments rendered against the Government by the United States District Court for the District of New Jersey, sitting in admiralty, under the provisions of an act entitled "An act for the relief of Wilhelm Alexanderson," approved March 3, 1921 (41 Stat., pt. 2, p. 1553), and requiring an appropriation for its payment (under the Navy Department, $2,787.65); and by the United States District Court for the Eastern District of Virginia, sitting in admiralty, under the provisions of an act entitled "An act for the relief of New England Coal & Coke Co.," approved April 26, 1916 (39 Stat., pt. 2, p. 1261), requiring an appropriation for its payment (under the Navy Department, $7,402.45), etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DEFICIENCY ESTIMATES, INTERIOR DEPARTMENT (S. DOC. NO. 259).

The PRESIDING OFFICER laid before the Senate a communication from the President of the United States, transmitting estimates of appropriations required by the Indian Service, Department of the Interior, fiscal year 1923, for rebuilding the boys' dormitory at the Rapid City Indian School, South Dakota, and the school building at the Tomah Indian School, Wisconsin, both of which were recently destroyed by fire, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPRESSION OF MOB VIOLENCE.

Mr. FRANCE. Mr. President, I move that the Senate proceed to the consideration of Order of Business 822, the bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

The PRESIDING OFFICER. The Chair thinks the motion is not in order at this time. The first order of business is the presentation of petitions and memorials.

PERSONAL EXPLANATION—COMPENSATION OF WORLD WAR VETERANS.

Mr. WATSON of Georgia. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The Senator from Georgia rises to a question of personal privilege, and will proceed.

Mr. WATSON of Georgia. In this morning's issue of the Washington Post, under the general headline of the soldiers' bonus, appear the words, "WATSON (Georgia) switches to support of measure he rapped." In the body of the article is a subhead line, "WATSON of Georgia changes view." These sentences follow the subhead line:

> The supporters of the bonus bill have gained one vote on the showing of this roll call, Senator WATSON, of Georgia, who made a speech against the bill and opposed it when it was before the Senate, switching his position and now voting for it. He made no explanation excepting that there were some features of the bill he did not like, but decided to vote for it anyway. His change of position had been discounted in the calculations of the required strength to sustain the anticipated veto.

Mr. President, I think I am strictly within the bounds of accuracy when I say that no Senator on this floor has made more speeches for a soldiers' bonus than have been made by the junior Senator from Georgia. Again and again I have addressed the Senate on the subject. In fact, I had a set debate with the senior Senator from Idaho [Mr. BORAH] on the subject as to whether George Washington himself was not a pioneer bonus advocate. On the very day in July, 1921, when the bonus bill was withdrawn I was one of those who protested. On yesterday when I voted, although the RECORD, I regret to say, fails to show it, I stated briefly that I hoped I would have permission to say that while the bill was not all that I wanted for the soldier, I would vote for it nevertheless. Those words should have been in the RECORD. They are not there.

Mr. President, when I voted against the soldiers' bonus bill there had already been voted out a sales tax plan proposed by the Senator from Utah [Mr. SMOOT], he himself being one of the very few who supported the plan. There still was left in the bill the McNary reclamation project amendment which, according to estimates made by those who are supposed to be capable of making estimates, would have taken from the Treasury over $300,000,000 of public money and which would have afforded the soldiers farms in the West or in the South some time within the next 5 or 10 years. I voted against the bill because it had that clause in it.

I also criticized freely the fact that the soldiers were not given a bonus in direct cash by a reissuance of more than two thousand million dollars which the Federal Reserve Board had illegally and criminally and ruinously retired from circulation and destroyed. I advocated that plan and would have voted for it. I would also have voted for the plan of the Senator from North Carolina [Mr. SIMMONS] to pay the ex-service men out of the interest which, if foreign nations do not voluntarily pay, I for one am in favor of compelling them to pay if it has to be done with guns.

The bill as it pended before the Senate on yesterday was the original McCumber bill which gives the soldier a certificate of indebtedness which he can use as collateral in the borrowing of money at 4½ per cent. I myself paid 12 per cent for all the money that I ever borrowed in getting my start in life as a poor boy. Therefore I thought that half a loaf was better than no bread. I was assured by leaders on both sides, in whose judgment and integrity I had the utmost confidence, that it was the only kind of bill that could pass this Congress. I, therefore, voted for it.

I do not charge the Washington Post with willful misrepresentation. I hope it did not intend willfully to misrepresent my position, but I also hope that having made this plain and simple statement it will do me the justice to correct what it said.

Rising to a question of privilege, Mr. HEFLIN addressed the Senate as follows:

PERSONAL EXPLANATION.

Mr. HEFLIN. Mr. President, the Washington Post of this morning contains an article by Mr. Albert W. Fox touching upon the proceedings of the Senate of yesterday. The concluding part of that article reads:

> * * * Much of the afternoon was consumed by Senator HEFLIN, who repeated with variations the speech he has been making almost daily for weeks in pursuance of his single-handed campaign against the deflation, Wall Street, conspiracies of the press to deny him adequate publicity, etc.
>
> The Senator from Alabama for the last few days has been calling attention to the fact that the newspaper men in the press gallery leave their seats and "scurry away" as soon as he starts to speak.

Mr. President, I have never said that the newspaper men of the press gallery "scurry away" when I speak on deflation. I have said that certain newspaper men do that, and they do. They represent the part of the press that does not want the public to know the charges, the facts and figures regarding the millions made by certain Wall Street speculators and financiers under the deflation conducted by Governor Harding. They know what is wanted and expected of them. It may be that the owners of the papers they represent have told them to keep everything about deflation out of their papers.

It is good, however, to have a confession from some of these boys to the effect that I have been calling attention to a fact.

Speaking of the departure of certain newspaper men when deflation is mentioned this article says:

> He believes the influence of Wall Street accounts for this and also accounts for the fact that his speeches are not given publicity.

There is another confession that it is a fact that the things which I have said and proven in this Chamber have not been given publicity but suppressed and kept from reaching the people through certain newspapers. I read:

> So far as can be ascertained there is no disposition to minimize the importance of the Senator's speeches, but the news value of them in this case has admittedly been dulled by the fact that the Senator from Alabama has said virtually the same thing over and over again for months.

Mr. President, if the Senator from Alabama has repeated these things for months he never has once gotten them into the newspapers in question. I have charged and proven that the deflation conducted by Governor Harding was drastic, destructive, and that it robbed millions of people for the enrichment of a favored few. I have shown that usurious interest rates were charged to the people of the South and West and nowhere else, but these papers never carried a line of it to the country. Is not the wholesale robbery of the people of a nation an interesting news item? Is not hurtful discrimination against sixty-odd millions of people in favor of Wall Street and Chicago interesting news? Is not any discussion of a policy of contraction and deflation which took out of the business of the Nation in a few months' time $2,005,000,000, leaving in its wake business ruin and financial disaster, interesting news? Here is a brilliant writer who confesses that they have not given publicity to my speeches on deflation.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Alabama yield to the Senator from Kansas?

Mr. HEFLIN. I yield.

Mr. CURTIS. I rise to a question of order. I wish to know if the Senator from Alabama is speaking upon a question of personal privilege.

The PRESIDING OFFICER. The Chair did not understand the Senator to be addressing himself to a question of personal privilege.

Mr. CURTIS. I make the point of order that debate is out of order unless the Senator from Alabama is addressing himself to a question of personal privilege.

The PRESIDING OFFICER. The Chair is compelled to sustain the point of order. This debate is proceeding by unanimous consent.

Mr. HEFLIN. I suggest the absence of a quorum.

Mr. CURTIS. There has been no business transacted since a quorum was developed.

The PRESIDING OFFICER. Under a former ruling the point of order is well taken, and the Chair sustains it. The presentation of petitions and memorials is now in order.

QUESTION OF PERSONAL PRIVILEGE.

Mr. HEFLIN. Mr. President, I rise to a question of personal privilege. The Senator from Kansas had just as well withdraw his point of order, because he is not going to proceed with any business at all until I am through. I propose that the country shall be informed, at least through the CONGRESSIONAL RECORD, as to what is going on here, and I propose to be heard upon this newspaper attack and misrepresentation of my position.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Kansas?

Mr. HEFLIN. I decline to yield at this time.

The PRESIDING OFFICER. The Senator from Alabama declines to yield.

Mr. HEFLIN. I am very fond of my good friend from Kansas [Mr. CURTIS]. He has worked hard and he is nearly worn out. He is one of the few Republican Senators who stay here constantly. He needs a vacation, as some others of us do. I know how anxious the Senator is to go along with some other matters, but I wish him to possess his soul in patience while I operate a little while this morning. [Laughter.]

I again read from the article in the Washington Post for the purpose of making another comment:

> So far as can be ascertained, there is no disposition to minimize the importance of the Senator's speeches, but the news value of them in this case has admittedly been dulled by the fact that the Senator from Alabama has said virtually the same thing over and over again for months.

Well, Mr. President, you have doubtless heard the story about the old negro who said his wife was the most extravagant woman in the world; that it was "money at breakfast, money at lunch, money at dinner, money all the time." He was asked, "Rastus, what in the name of the Lord does she do with it all?" He replied, "I dunno, sir; I ain't never giv her none yet."

Here this brilliant writer of the press gallery says that this news is being dulled. He says that it is deflation to-day, deflation to-morrow, and deflation next day. Well, Mr. President, certain newspapers, like old Rastus, have not given any of it any publicity yet. That is what I am complaining about. The public, as a matter of right, is entitled to have this news, but it is not getting it. The question arises, Shall such newspapers enjoy the privileges of the press gallery of the Senate and deliberately prevent important news from reaching the public?

There is consolation in the fact that the charges that I have made and the convincing and undisputed proof that I have submitted have gone into the CONGRESSIONAL RECORD. I am getting letters from every State in the Union. Wherever the CONGRESSIONAL RECORD goes my condemnation of destructive deflation and my demand for honesty and efficiency in the management of the Federal reserve banking system are meeting with hearty approval. This doctrine is spreading through the precincts, it will spread through the counties, and ultimately through the Nation, because this Nation that God preserved to strike the decisive blow in the greatest war of all the world has been preserved for a high and noble purpose, and we intend to see to it by the help of God that the money lords of America and the subsidized press shall not control or destroy it.

The article in the Washington Post also said:

> In other words, the campaign he is waging has remained a one-man campaign featured only by reiteration of the charges upon which it is founded.

Is it a one-man campaign? With the exception of about three, every Democrat here agrees with me; and I assert that every Republican Senator from the West will vote, if his name is sent in, against the confirmation of W. P. G. Harding. If there is anyone of them who will not vote against him let him stand up now and say so. Nobody responds. Does that look like I am alone in condemning Governor Harding and the robber deflation policy conducted by him?

It is true that I have, in conjunction with John Skelton Williams, former Comptroller of the Currency, brought to the attention of the Senate and the country the irrefutable facts regarding deflation and the interests that made hundreds of millions out of it, and I have had Senators to come to me from both sides of the Chamber from time to time and tell me that I was right and that they would vote against the confirmation of Governor Harding. Yet in the closing hours of Congress this writer undertakes to create the impression that there is no opposition here to this man W. P. G. Harding. Let his name be sent in and I will disclose a matter that will shake the confidence of every Senator in this body in his integrity.

Then Mr. Fox, brilliant, clever, genial newspaper writer, says:

> Thus, when the familiar phrases are recognized the members of the press gallery withdraw until the speech is concluded, and this seemingly has given Senator HEFLIN the impression there is some conspiracy in Wall Street to deny him the publicity to which Senators are entitled.

Mr. President, I understand just as well why the reporters for certain subsidized sheets leave the press gallery when I go to speak on deflation as I would if W. P. G. Harding and those in Wall Street made doubly rich by him should leave. Mr. President, I appreciate this young man's frankness in confessing that there is an understanding among some of them to withdraw when I begin to speak on Governor Harding and deflation. I said once before that when I commenced to speak on the crime of deflation certain ones of them would get up and leave so that if I ever asked "Why did you not print the story of HEFLIN's charge and the proof that he submitted?" they would be able to say, "Why, I was not in the press gallery at that time and I did not hear it." Oh, Mr. President, there is going to be a reckoning day in this business; it has started now, and it is going through. It is a strange and serious situation, Senators, when a man who stands and fights for what he knows is right, when the facts sustain him in every step that he takes, and when the record which is made up and written so that it can not be changed supports his position, to have smart newspaper men sitting back drawing big salaries misrepresenting him and suppressing what he says. Mr. President, they did that to "Old Hickory" Jackson. The forbears of this same Wall Street gang had him cartooned as a donkey sitting in a fence corner among the broom sedge, but that did not deter or intimidate him in the least. They had tried to get him to condone their crooked conduct, and, failing in that, they tried to discredit and destroy him. But he triumphed, and his unflinching courage and unfaltering allegiance to the principles of right and justice endeared him to all of his patriotic countrymen.

In the battle between the haughty money lords of his day and the demands of legitimate business amongst the masses Old Hickory was on the side of the people. He defied the corrupt money power of his day and compelled the banks to supply the money needed to carry on the business of the people.

This newspaper man, Mr. Fox, said that Senator HEFLIN said the things in that speech he had said many times before. Let us see whether I did or not. Here is what I said, Senators, in this speech to which he refers:

I said that the Federal Reserve Bank of New York, one of the 12 reserve banks, paid more money in yearly salaries to its officials than the Government paid to the President and his Cabinet, the Vice President and all the Senators, to the Speaker of the House and all the Members of the House, to the Federal Trade Commission, to the Interstate Commerce Commission, to the War Finance Corporation, to all the circuit judges of the United States, to the General of the Army and the Admiral of the Navy. I had never said that before. I had never made that charge or submitted the figures before, and I submit that that is a very interesting piece of news to the taxpayers of the United States. It astounded the Senators who heard me and everyone in the galleries and it will astound everybody who has the opportunity of reading it. Think of it, Senators! One banking institution, with the sanction of Governor Harding, took money 90 per cent of which should have gone in a franchise tax to the Government and permitted it to be devoted to the payment of the salaries of 2,500 or 3,000 officials, clerks, and agents, who did less business this year than a big national bank right by it with 200 officials. That is the sort of record this man has; yet they are asking you to call upon the President to reappoint him, and they have a secret canvass going on in the Senate now asking Senators, whispering around, if they will vote for him if his name is sent in. That is what is going on, Senators. Certainly the phrases touching the scandalous amount paid in salaries at the New York Federal Reserve Bank are not familiar to the press gallery.

Mr. President, if the name of W. P. G. Harding is sent in for confirmation, I am confident that he will be rejected, but if he should by any hook or crook be confirmed, I promise now to speak week after week, as long as my term lasts, bringing to the attention of the Senate and the country his part in the terrible crime of 1920. I am going to fight this thing to the end. The "crime of '73" pales into insignificance when compared to the "crime of '20." Such a crime must never occur again, and in order to prevent its recurrence it must be condemned by the American people. The people of my State are with me; 9 out of every 10 are with me in this fight. If Governor Harding and his friends who announce their purpose to oppose me doubt this, they will have the opportunity two years hence to test it out on the hustings and at the polls in Alabama.

A press dispatch from Washington to an Alabama paper some weeks ago said that it was understood that Governor Harding and his friends would see that I had opposition, and it named the man that they would support. None of these things can move me from the righteous stand that I have taken. Let them "pick" their candidate now, and the honest, intelligent, courageous people of Alabama will "pluck" him later on. The people of my State are not for sale. They believe in sustaining the public official who does his duty fearlessly and faithfully. They also believe in exposing and punishing the man who uses his position to serve sinister interests, who shows himself to be unworthy of their confidence, who betrays a public trust.

Mr. President, I said in the speech mentioned in the Washington Post article another thing that I have not said before—that Governor Harding has permitted the officials of 4 banking institutions—4 out of the 12—to set aside $49,000,000 and a little more—nearly $50,000,000—for the erection of 4 bank buildings, and that is nearly five times as much as the average annual expenditure for the past 20 years on all "appropriations made by Congress for all public buildings, post offices, Federal courthouses, and customhouses in all 48 States of the Union." Can any newspaper justify its conduct in failing to give that important news to the public?

Do you know why they do not give it to the public, why they do not want anything to reach the people that would in any way hurt Wall Street's deflation pet, W. P. G. Harding? Those interests are moving heaven and earth to have him reappointed, and suppressing news is a part of their game. Some of these boys have no doubt had their instructions, but, Mr. President, when they undertake to keep from the American people facts that I am giving here in the interest of the whole people they are showing themselves unworthy of the privileges of the Senate's press gallery. I am fighting for a just and righteous cause, and the people whose Government this is are entitled to know what is being said here on their side of this question, and I ought to have the support of every newspaper in the country; but, of course, I know that some of these newspapers are bought out and owned bodily by certain corrupt interests, and those interests I am fighting and those interests are fighting me. That is the truth about it. I welcome their battle, but I want it known who they are when they assail me.

Senators, do you know what would have happened if that $49,000,000 had not been gleefully seized upon and set aside for bank palaces and God knows what else? Why 90 per cent of it, forty-odd million dollars of it, would have gone into the Public Treasury to help pay the public debt and bear the burdens of Government; but they got it. Do you wonder that W. P. G. Harding, who permitted them, aye, told them how to get it, is now able to have them indorse him for reappointment? In the past he was good to them, and with him as governor of the board there is bound to be more pickings. Senators, everyone who hears me believes that there is graft by the millions in this enormous building fund. There is no escape from such a conclusion. Crooked doings, scandal, graft, and yet they have the gall to ask the President to reappoint this man. Four bank buildings, we are told, are to cost $31,000,000 more than the Capitol here in Washington; the Senate and House Office Buildings, made of marble; and the State, War, and Navy Building, all combined. Mr. President, instead of sending to the Senate the name of the man who approved that grafting and scandalous deal he and some others ought to be sent to prison.

I showed, in the speech mentioned by the Washington Post this morning, how the New York Federal Reserve Bank was throwing money away in useless salaries, money that otherwise would go into the Federal Treasury. The creation of easy berths at the expense of the taxpayers of the country, the carrying of over 2,000 unnecessary so-called officials on the pay roll at tremendous salaries, and all this approved by Governor Harding. It could not be done without his approval. Let me repeat, lest some forget, that a national bank in the same city is doing more business than the Federal Reserve Bank of New York and it has only 200 officials. Senators, am I not right in pleading for an honest accounting of money in which the Government is interested? Am I not right in bringing to the attention of the Senate and the country this inexcusable and indefensible performance of Governor Harding and the bank officials of New York? In the face of such staggering facts, is it any wonder that they try to suppress me and even to frighten me with suggestions of opposition? Why do they not answer my arguments? Why do they not disprove my charges? Simply because they know they are true.

Mr. President, there is another point that I made that I want to suggest for the benefit of the brilliant writer who wrote these lines in the Post and said that it was the same old story. I set out in this speech that Governor Harding wrote a letter to the member banks and told them how to evade the franchise tax, how to beat the Government out of millions, and that under his tutelage and the plan that he suggested they did beat the Government out of $180,000,000 that should have and would have gone into the Public Treasury. That is the literal truth, but I never had said that before, but this brilliant newspaper writer says that Senator HEFLIN is repeating the same things. Those are things in which the entire population are interested. Why did not these particular papers carry that to their readers?

Mr. President, that raises the question, "Why do certain of these big bank officials want this man—Governor Harding—reappointed?" Do you not suppose they feel under obligations to him? He was the first man who wrote to them and told them how to beat the Government out of franchise taxes. How did he do it? He said, "Put some money under the head of charge-offs, put some under depreciation, some under value for construction of buildings"; so they adopted eagerly the suggestion of this smooth artist, W. P. G. Harding, and the Government is getting no money at all now from that source. The franchise tax is defeated, going into a fund that is being gobbled up somehow by these officials, and some of these officials are standing on tiptoe asking the President to reappoint this man.

Mr. President, Governor Strong, of New York, was drawing a salary of $30,000, and Governor Harding permitted him to have an increase in salary of $20,000, making it $50,000. Do you not suppose he would bow and smile right pleasantly to Governor Harding? He has put these men under obligations to him, all of them, and now he is drawing on them. What was he doing? Making himself so strong that he could not be turned out or overthrown. That is exactly what he was driving at.

Mr. President, I have here an editorial from the Public Ledger, of Philadelphia. I will print the most of it in the RECORD. It is against the reappointment of Governor Harding. I ask that it be printed in 8-point type.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The editorial is as follows:

[From the Public Ledger of Wednesday, September 13, 1922.]

FEDERAL RESERVE HEAD—ARGUMENTS FOR AND AGAINST REAPPOINTMENT OF PRESENT GOVERNOR JUSTIFY PRESIDENT'S DELAY.

(By Edward G. Lowry. Copyright, 1922, by Public Ledger Co.)

"Some of President Harding's critics have not been quite fair to him because of his failure to reappoint W. P. G. Harding governor of the Federal Reserve Board. They have assumed in their criticisms that the President has the choice of naming the Alabama man again or selecting an unworthy political appointee or a 'dirt farmer.' That, of course, is absurd. There are a hundred men in the country every whit as able as W. P. G. Harding who are available for the governorship of the Federal Reserve Board.

"The pressure for Governor Harding's reappointment comes from banking interests on this seaboard, and particularly from New York. It comes from men and from interests who do not know or do not care about the sentiments entertained by the producing sections of the West and Middle West for their candidate. In the largest sense of the word Governor Harding made himself politically unavailable for reappointment before his term of office expired. It is by no means certain that the President will not yet yield to the strong pressure that has been brought upon him to send Governor Harding's name to the Senate; but if he does he will affront not only a large section of the country but a large element of his own party in Congress. Indeed, the President knows that it is doubtful whether Governor Harding could secure the necessary number of votes in the Senate to confirm his nomination.

"The Federal Reserve Board stands at this juncture in need of the wisest and most prudent direction if it is not to lose the authority and prestige which it should enjoy. The board should be to the financial administration of the Federal Government what the Supreme Court is to the administration of justice. Its decisions and its policies should be above criticism and above reproach. Its fairness and freedom from outside influence should be unquestioned. That is what its proponents and friends had in mind when the board was created.

"That is the reputation it enjoyed until its deflation policy in the depression of 1920–21 set the agricultural and producing sections of the country by the ears. Whatever may be said of the wisdom and necessity of deflation following the great expansion caused by the war, the West will tell you with one voice that the method of enforcement of the board's policy was drastic and harsh; that it was not in the interest of the farmers, the live-stock men, the interior merchants, and small country bankers, but of the large groups of financial interests in the East here. That is what a large section of this country believes. It is resentful, and that resentment is voiced and made manifest in Congress. W. P. G. Harding was governor of the board when the deflation was put in effect, and therefore the burden of the resentment is directed against him. He had become a burden to be carried by the administration, and no administration carries burdens that it can drop. That is the cynical way of politics.

"To succeed Mr. Harding the President would like to name an eastern financier or banker with no Wall Street associations or connections, but under the law he is forbidden to appoint more than one member of the board from any Federal reserve district. New York and Boston both have members of the board at the present time. The President's mind at this moment turns strongly to D. R. Crissinger, Comptroller of the Currency. Mr. Crissinger is a Marion, Ohio, man and a lifelong friend of Mr. Harding. Before the President came to Washington he and Crissinger sat together on several boards of directors. From the beginning of this administration Mr. Crissinger has been one of the closest of the "unofficial advisers" of the President. He has been consulted more than is commonly known. He is a lawyer, a banker, and a successful farmer. He is the type of mind that appeals most strongly to the President."

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Mr. HEFLIN. I want to comment on one or two statements in this editorial. Here is one of them:

"The board should be to the financial administration of the Federal Government what the Supreme Court is to the administration of justice."

Mr. President, I have charged on this floor that the Senator from North Carolina [Mr. OVERMAN] went up to this chief judge, Governor Harding, and asked him to assemble his court to hear him—a United States Senator from a sovereign State—to hear him and his constituents present their petition and ask for relief from the deadly drive of deflation; and the judge said he had heard enough, and turned his back upon the man who was pleading to be heard, and this paper says that this board ought to be like a court that would hear and decide. The Senator from North Carolina had to say to him, "You will assemble that board. I will have a hearing." The board did assemble reluctantly. That is the attitude of this man who, this paper says, must be as a judge on the bench to hear and determine causes.

"Its fairness and freedom from outside influence should be unquestioned. That is what its proponents and friends had in mind when the board was created.

"That is the reputation it enjoyed until its deflation policy in the depression of 1920 and 1921"—

Mr. President, I have said that on this floor—that it operated well until 1920, and that that is when the mischief began. I want you to get this:

"To succeed Mr. Harding the President would like to name an eastern financier or banker with no Wall Street associations or connections, but under the law he is forbidden to appoint more than one member of the board from any Federal reserve district. New York and Boston both have members of the board at the present time. The President's mind at this moment turns strongly to D. R. Crissinger, Comptroller of the Currency."

I am now going to give the boys who remain in the press gallery another piece of news that I have not repeated over and over, and I know how the reading public to-morrow will glance down the columns of the papers of the boys who have flown and see not a line about my speech. That piece of news is that during the deflation drive a banking and trust company in New York City was about to break when its president was speculating wildly and borrowing money from other banks, and the Comptroller of the Currency suggested that an investigation be made, but Governor Harding declined to make it. It was refused by this "judge on the Federal reserve supreme court bench"; and this editorial from the Public Ledger says that it should not be moved by outside influences. The governor of the board declined to make the investigation asked for by John Skelton Williams when he pointed out what was going on. How did he act toward the South and West?

A man testified before our committee that he was feeding hogs and sheep for the market, and when deflation came and he could not get money to buy feedstuffs, he killed his sheep, cut them up, and fed the meat to the hogs, and the hogs got some kind of a disease from eating too much of the meat and died. Those were results of some of the "impartial" judgments of the Governor of the Federal Reserve Board. He would not even disturb by an investigation a big bank in New York that was speculating wildly and about to break, but he turned his guns on a little man who could not fight back, a farmer, and at one fell stroke destroyed his business outright. He is but one in hundreds of thousands of instances. Here is another article written by another clever and distinguished newspaper man, Mark Sullivan. He makes some prognostications about this appointment. He says:

"But an impressive group of persons interested takes the view that President Harding must yet reappoint Governor Harding and that if President Harding does so Governor Harding, whatever his personal inclination might be, must hold himself open to accept a reappointment if and when it is tendered to him."

Mr. President, some of these statements are exceedingly amusing. Hold himself open to accept! He would trip over mountain tops and leap from crag to crag and peak to peak in order to get the appointment. Hold himself open to accept the appointment! Why, he has intrigued and trafficked in every way imaginable to get reappointed. He is pulling every wire now that he laid so well while he was governor of the board. All through the time that he maladministered this system he was working to have himself reappointed. When he was permitting scores and scores of useless employees to be placed on the pay rolls of the Federal reserve banks and permitting the bank officials to greatly increase their own salaries and taught them how to keep in their own hands money that belonged to the Government in franchise taxes he was trying to make certain his reappointment.

Mark Sullivan says that he should hold himself open—be ready to accept. Mr. President, they need not have any doubt about that. When Cleveland was President "Bob" Taylor had served out his term as Governor of Tennessee and was just retiring from that office, and somebody suggested to Cleveland that he ought to make him Commissioner of Indian Affairs. So Cleveland wired him, "Will you accept appointment as Commissioner of Indian Affairs?" "Bob" wired back: "Old Rastus came over to see my uncle, and when he got ready to go home my uncle said, 'Rastus, would you take a ham to Aunt Mandy?' Rastus threw his mouth wide open and, showing every tooth in his head, exclaimed with enthusiasm, 'Lawd God, Marse Henry, just try me!'" [Laughter.]

He is not only holding himself in readiness to accept if appointed, but he is doing everything in his power to get reappointed, and Wall Street has become impatient and is now practically demanding that the President reappoint him.

This article further says that those advocating Governor Harding's reappointment insist that the important thing to establish is the freedom of this office from considerations of politics, from considerations of personal relations to the President of the United States, from all other considerations whatever except the principle that the office shall not be subject to change on political or personal grounds; that the office shall have continuity; and that anybody who has filled it reasonably well shall be kept in office.

Mr. President, this is the most important office in this Government outside of the office of President. It is the most dangerous office in the Government when once dragged into politics. It has been dragged into politics by W. P. G. Harding. Nobody ever built up such a system of politics about him as this man has. You can not have a chamber of commerce meeting, or a meeting of a Kiwanis Club, a Rotary Club, a business club, a civic club, any sort of a club, but that he has somebody on the ground to whisper around and ask them to indorse him for reappointment.

I made a mistake here a day or two ago when I said that the 12 Federal reserve banks had increased the salaries and current expenses for 1922 over 1918 by fifteen-odd million dollars. Current expenses are not included. They have increased their salaries since 1918 to the fiscal year ending 1922 $15,000,000. That has already happened.

Why is it, do you suppose, I can not get that to the country except through the CONGRESSIONAL RECORD and through stories that some of the boys may send to home papers which some of us do not see? I have editorials sent to me pointing out news I gave here that never appeared in any newspaper. They have them headed this way, "Things of importance to the American people said on the floor of the Senate but which were never sent out by the news service at Washington."

Should I not be commended for making a fight for a free press and an honest press for the American people? A few days ago a short notice was sent out about my speech, and I want to show you how it read. Get the main point in it. This appeared in a paper in my State. It might have been a typographical error; I suppose it was. Anyhow, it was against my position, and here is the way it reads. I will read from a note I am writing to the Birmingham News:

"MY DEAR MR. EDITOR: In a press dispatch sent from Washington and appearing in the Birmingham News of September 7 there is an error regarding a statement made by me in the Senate. The article quotes me as saying that 'Governor Harding permitted the officials of the 12 Federal reserve banks to increase their own salaries $15,000 between the end of 1918 and 1920.'"

The statement should read:

"Governor Harding permitted the officials of the 12 Federal reserve banks to increase their own salaries $15,000,000 between 1918 and the end of the fiscal year 1922."

There is a good deal of difference between $15,000 and $15,000,000. That may have been a typographical error, but, anyhow, those who read it would say, "That is not much of an increase for all the officers of all 12 banks for four years." But it is $15,000,000, and when you consider that those banks did less business in 1922 than in 1918, where is the reason for appropriating to private individuals for personal uses this additional $15,000,000? Thirteen million dollars should have gone into the Federal Treasury. If they had not spent it, where would it have gone? Thirteen million dollars of it would have gone into the Public Treasury. That is not only an interesting news item, but it is a very interesting financial item to the taxpayers of the country.

Here is another article I want to comment on before I finish. This is from the Globe and Commercial Advertiser of New York. They seem to like to work on me up there. I have pointed out so much of their devilment that they take a delight in criticizing me. Of course, they hate me just as they hate every man who has ever lived who has stood for the right and could not be either bought or bulldozed into doing the crooked things they wanted done. They want either to control you or to destroy you. This article is in error or I am in error and the people who tell me are in error. It says:

"W. P. G. Harding is continuing to serve pending the appointment of his successor."

That is not correct. He is out, and has been out since the 9th of August. Of course, he is hanging around here, I understand, and pulling every wire he can to get himself reappointed. But here is the significant statement in the article:

"Almost without exception the business and banking interests of the country, led by Secretary Mellon, have urged the reappointment of Governor Harding."

Mr. President, a paper published in Secretary Mellon's own State, the Public Ledger, a Republican paper, says that the men who want this man Harding reappointed are from the East, the Atlantic seaboard, but it goes on to set out that the other part of the country is against his reappointment. But this paper says that Secretary Mellon is demanding that he be reappointed. Secretary Mellon is an immensely wealthy man himself. I do not complain at any man who has made his wealth honestly, but what right has a very wealthy man, himself at the head of the Treasury Department, to name the man who shall sit at the head of the banking system of the country?

Yet this paper virtually said that Secretary Mellon is leading the fight to have this man reappointed.

"President Harding is confronted with the necessity of yielding to their demand for Governor Harding's removal or fixing up a compromise which will nullify the farm interests by giving them a member of their own selection in consideration of his reappointment."

This has reference to the farming interests. Let me serve notice here and now on anyone who represents the farming interests here or misrepresents them, if one of them undertakes to put himself in a combination with this crowd of Wall Street gamblers and robbers to have W. P. G. Harding reappointed I am going to denounce him on this floor. I am going to show that he is not a friend of the farmer, but an enemy of the farmer, and one who has betrayed that interest. The farmers of the South and West would no more indorse Governor Harding than a sane father and mother would indorse the man who had assaulted and slain their children.

Mr. President, I am discussing the suggested arrangement that this shrewd crowd up in Wall Street are trying to put over on the farmers of the country. I have been in Congress for 18 years and the people of my State know that I am the friend of the farmer. I was on the Committee on Agriculture in the House and I am on the Committee on Agriculture and Forestry in the Senate, and I have their interests enough at heart to dare assail any official self-constituted or sent here to the Capitol who betrays the trust and goes over to the Wall Street interests. If I hear of it I am going to read some documents of protest that I have against them right here in this Chamber. I have nothing to hide. Somebody must always be willing to stand up here and say when these officials are representing the farmers faithfully and when they are not representing them faithfully. I just wanted to say that about this article. That is about all I want to say on it.

Now, I have here an article from the New York Evening Post, a very short one. I want to read it to you Senators. It is undertaking to prod the President, it is scolding at the President, this bold and brazen boodle bunch of Wall Street, at a time when his good wife is lingering betwixt life and death. Listen to what this paper says in its scolding editorial:

"A delay that is a scandal."

Here they are demanding that he hurry up and come away from the bedside of his desperately ill wife and do what they tell him to do to, reappoint W. P. G. Harding. I read:

"The delay in the appointment of the governor of the Federal Reserve Board has reached the proportions of a scandal.

"No one seems to know or be able to find out why the name of Governor Harding is not sent to the Senate."

Senators, did you ever see anything that would excel that bold and brazen thrust at the Chief Executive of 100,000,000 people? The President is practically told that it will be a scandal if he does not go on and name the man that Wall Street has indorsed. There it is in a nutshell. Will the President yield to such pressure? I do not believe he will. I read:

"The opposition to his reappointment is distinctly to his credit, being based upon his refusal to allow the board to be made the football of special interests."

That must have choked even that poor thick-hided editorial writer to say that.

"Keep it from being made the football of special interests." What else was it but the football of special interests during the drive of deflation? Let me remind you of what occurred and you will agree with me. They applied the progressive interest rate to the State of my friend the Senator from Iowa [Mr. CUMMINS], who sits just to my right. They applied it to my State. They never applied it at all in Wall Street. Now, what is that but serving the special interests? Wall Street speculators got all the money they wanted for 6 per cent, but your people, Senators from the West, and mine paid 20 and 30 and 40 and 60 per cent and more, and then a paper like that dares to have the brazen audacity to scold and try to drive the President, sitting at the bedside of his sick wife, to come out and hand in the appointment of the man that the special interests of Wall Street had O. K'd. I read:

"Secretary Mellon has placed the country under fresh obligation by unflinchingly advocating Governor Harding's reappointment."

What about the people of the great West? Are not they a part of the Union? What about the people of the South? The South and the West produce the stuff that feeds and clothes the Nation; and we are outlawed, held up, pillaged, and plundered by this man, and the Wall Street interests flourish and make their millions and billions and then have the gall to scold at the President and demand that he name at once the man who guided deflation to the suffering, the misery, and business ruin of millions of American people. I read:

"Has President Harding decided to avoid the fight that Senator HEFLIN promises to make against Governor Harding's confirmation by waiting until Congress adjourns and then giving Governor Harding a recess appointment? This would merely postpone the contest. It is virtually admitted that if President Harding makes the renomination it will be confirmed. This emphasizes his duty. He has waited long enough to allow the fullest consideration to everything that can be said in opposition to the reappointment. He should now give that opposition its proper and final answer by sending Governor Harding's name to the Senate."

Senators, here is an attempt to coerce and hurry the President into doing the bidding of Wall Street. They are growing more and more impatient and displaying more and more a desire to impress the public that they intend to have their orders obeyed. "We who represent the money changers, we whose god is gold, demand at your hands the reappointment of Governor Harding." I make the prediction again to-day that his name will not come, and that if it does come his confirmation will be defeated.

Now, one other thing before I close. Here is the Manufacturers' Record, of Baltimore, the greatest business magazine on the continent. The editor of this paper, Richard H. Edmonds, is one of the ablest, best Americans who lives beneath the flag. He has a strong editorial against the reappointment of Governor Harding in the issue of September 7, 1922, page 78.

Why, Senators, the thoughtful men and women of the country are talking about this thing everywhere. They are talking about this at the crossroads. They are talking about it in banking circles. Bankers, many of them, are afraid to come out and speak their honest convictions because the governor of this board would intimidate them and mistreat them and punish them.

We have this man out now by the expiration of his term and the interests that made big fortunes by deflation are demanding that the President put him back with all of his crooked record trailing at his heels. Let me read you part of the editorial from the Manufacturers' Record:

"Playing politics, indeed!

"The inspired press continues to be filled with editorials"—

That is comforting to a man like me, who is fighting a battle for the right and for the good of his country, to have a man like Edmonds say that.

Here is what he says:

"The inspired press continues to be filled with editorials, evidently of identical origin, demanding that President Harding, at this late date, restore to office and power the former governor of the Federal Reserve Board, W. P. G. Harding. It is claimed that Governor Harding is the victim of politics. Rather has he all along been the beneficiary of politics, else he would have been removed months ago. It is public opinion that has made his longer tenure of office impossible, a public opinion that is in no sense partisan, for wherever men gather and talk, even in the financial districts, be they Democrats or Republicans, there is voiced the thought that W. P. G. Harding can exercise the vast abilities with which his friends endow him better in private than in public life.

"In a typical editorial demanding the reappointment of former Governor Harding the Wall Street Journal does its favorite but scant service. Bankers, says the Journal, have urged the reappointment because they have recognized ability, 'because they, too, at a late date recognized the wisdom of Governor Harding's action when he urged the restriction of credit.' Urged the restriction of credit! Why, is not the former governor on record, in testimony before congressional commissions, in the press, and in public addresses, as having militantly declared that never, never was there any restriction of credit—that he expanded credit during the panic, as his charts showed, and that the accusation against him was false and untrue?"

Mr. President, I said here that in Wall Street they pat him on the back and congratulate him for deflating, and in the South and West and here they deny that he deflated.

Continuing, Mr. Edmonds says: "The bankers would have him rewarded for doing the thing which he emphatically declares he did not do. No man can be on both ends of a seesaw at once."

That is a statement of the Manufacturers' Record. Now comes the gist, the main point, of this strong editorial.

"We hear reports that powerful financial interests are declining to contribute to the campaign funds of the Republican Party unless first assured of the reappointment of W. P. G. Harding. That would be playing politics with a vengeance, it is needless to point out, and any appointment made under such duress and coercion would cause a political revolution in this country."

Mr. President, that is all I desire to read, and I wish to print this and the other references which I have made in 8-point type.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

Mr. HEFLIN. I wish to say a word or two further before I close. This editorial presents one of the greatest issues that will ever come before the American people, which is, Is the governorship of the Federal Reserve Board for sale? Can men have it by contributing to the funds of any party, either Democratic or Republican? Shall they buy the office which has and exercises control over the money supply of the country?

Mr. President, a great daily in New York City has already had an article on that subject, and here is the Manufacturers' Record, which goes into the business establishments of thousands and hundreds of thousands of people, and the editor of that paper makes the statement that if this thing should be done it would create a revolution politically in the country, and it ought to do so.

Mr. President, the people of the South and West are entitled to be heard. They will be heard. If they can not be heard here in defeating the reappointment or then the confirmation of this man, if his name should come in, they will have another chance to be heard at the polls. I will tell you what would happen, Mr. President, should this reappointment be made. There is not anything in President Harding's administration that would so injuriously affect him in the minds of the masses as to permit the Wall Street crowd to compel him to reappoint Governor Harding at the head of the Federal Reserve Board.

The issue is joined and I wish to draw a picture of the two forces to the conflict. The South and West and Northwest with their teeming millions as I saw them in 1919 and the spring of 1920 enjoyed prosperity. The average man had an automobile; his family wore good clothes. Those people were buying farms; they were building houses; they were buying little homes in the towns and cities. Prosperity was not confined as now to a few money kings who tower like peaks above a plain, but it was felt by the common man. It was seen everywhere amongst the masses, spreading peace and plenty over a smiling land. I heard the edict go out of Wall Street, "Deflate! deflate!" I saw the message sent back by Governor Harding, "We will use every power at our command to carry out the edict." Then I saw him sweeping through the South and through the West. I saw upon the faces of the once prosperous people the look of despondency, distress, and discontent as the tide of prosperity ebbed and flowed, passing away, leaving the people in the gloom of despair, with clouds of debt hanging over them.

Here, then, Mr. President, an invading army could not have done more harm and wrought more ruin to our property than did this drastic, destructive deflation conducted by Governor Harding. It impoverished our people; it mercilessly reduced the salaries of the ministers of God; it closed the schoolhouse door. Boys and girls belonging to families moderately well to do received telegrams at college to come home, while distress and discontent seized the people, happy and prosperous just a little while ago.

Hear the western man: "Mr. President, we had fine cattle feeding upon the plains that reminded one of the days to which the Bible refers when cattle were 'grazing on a thousand hills'; prosperity was there; sheep were feeding upon the plains as far as eye could see; men and women had automobiles in which to ride; the people were happy and contented."

And I saw the clouds of deflation gathering in the East, and then I heard the muttering thunders of currency contraction and credit curtailment, and then I saw the storm of deflation break in all its fury. It destroyed the sheep, hog, and cattle industry in the West, and the grain markets of the country perished; and when the storm was over I saw devastation and ruin where peace and prosperity had been. There was disappointment, discontent, and debts—these and nothing more.

Whence comes the demand for Governor Harding's reappointment? Only from those who profited by deflation; only from those who fattened upon the substance of your people and mine, Mr. President. They are the ones who demand that this man be reappointed. Is this place for sale? Can they bulldoze the President, or can they influence the reappointment of this man by contributing or refusing to contribute to the campaign fund of the Republican Party?

If he is reappointed what will southern and western Senators do when the question of confirmation confronts them? Wall Street boldly and brazenly stands up and says to the President, "You have got to reappoint him; we hold the purse strings; the election is near at hand; and we will refuse to give money to your campaign funds unless you name W. P. G. Harding, the man we want, as governor of the Federal Reserve Board.

Mr. President, what will the President do? Will he reappoint him? Will the pressure be so great that he will reappoint him? If he shall reappoint him, what will western Senators do? What will some of the eastern Senators do? What will some of the northern Senators do? What will southern Senators do? It is my understanding that every one of them but three will vote against his confirmation, and those from the South who vote for his confirmation will be seen in this body no more when their terms of office expire.

The President is being boldly and brazenly importuned to reappoint Governor Harding by men who made millions and hundreds of millions out of the business distress and financial losses of three-fourths of the population of the United States. He is being urged to reappoint Governor Harding by the very men who planned and demanded deflation. These men no doubt promised Governor Harding that they would see to it that he would be reappointed. Governor Harding took orders and led the forces of deflation in the perpetration of a national crime. The deflation, conducted by him, not only robbed millions of patriotic Americans of millions and hundreds of millions of dollars, but it drove to self-destruction—to suicide—more than 4,000 citizens who broke under the terrible stress and strain that bore down upon them under the Wall Street deflation drive conducted by Governor Harding. The deflation conducted by him paralyzed American industry and drove from prosperous employment 7,000,000 of laboring men. It struck down agriculture and stripped the farmers of the earnings and accumulations of a lifetime. The demon of deflation demanded a fearful toll at every farm and factory, town and city in the South and West. It will take our people 10 years to recover from the treacherous, painful, and murderous blow dealt by Wall Street deflation under the direction of Governor Harding. Will the President approve and indorse what he has done, and reward him with reappointment, or will he respect the deep feelings and heartfelt wishes of millions of patriotic Americans who protest against the reappointment of the man whose name is associated with the most cruel, the most despicable and criminal deflation holdup ever perpetrated against the American people?

ADDRESS BY SENATOR CALDER.

During the delivery of Mr. HEFLIN'S speech,

Mr. SHORTRIDGE. Mr. President, will the Senator from Alabama yield to me for a moment?

Mr. HEFLIN. I yield.

Mr. SHORTRIDGE. I renew the request I formerly made that the address delivered by the junior Senator from New York [Mr. CALDER] in Brooklyn some 10 days ago be printed in the RECORD, and in order that it may be more readable I ask that it be printed in 8-point type.

Mr. BORAH. I did not hear the request of the Senator from California.

Mr. SHORTRIDGE. I renew the request which I made a few days ago that an address delivered by the Senator from New York [Mr. CALDER] at the Nazarene Congregational Church in Brooklyn be printed in the RECORD in 8-point type.

Mr. BORAH. Is it a political speech?

Mr. SHORTRIDGE. It is not a political speech nor a partisan speech but a very thoughtful speech upon current matters.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none and it is so ordered.

The address is as follows:

"I have come here to-night in a twofold capacity—as a citizen of Brooklyn and as a Member of the United States Senate.

"As a citizen of this great borough of churches and homes I am glad of this opportunity of bringing you a message from Washington which will cheer every colored man and woman in the United States and hearten millions of other American citizens who believe that the negro, wherever he lives, whether in Brooklyn or the South, is entitled to justice and fair play at all times, no matter what the provocation may be.

"There is no influence so wholesome in American life to-day, in politics, or government, as the healthful influence of the church and the home. Brooklyn to-day holds a high place in the minds of the great masses of people in this country because it is a home city and because it is a religious city and you members of the colored race through your churches and homes have contributed your full share to the good reputation which our city has throughout the United States.

"This is the reason why I am always proud to identify myself as a Brooklyn man, whether I am speaking to colored men and women or to the Members of the Senate.

"We who are officers of the Government and you who are citizens have much in common. The Government can not function without your confidence and loyalty and you can not work or live without the orderly processes of law and the protection and safeguards which the Government gives every citizen. The Government and its citizens are absolutely dependent one upon the other, and if the Government has responsibilities toward you you also have responsibilities toward the Government.

"As a democracy our country to-day is governed not alone by laws but by public opinion. Laws which do not meet the views of the majority of the citizens of any community lose much of their value. By reason of the many complications to-day, legislation is almost impossible unless and until the full force of public opinion demands action. It is not because Congress is afraid or unable to act that needed legislation is not passed with greater speed. It is because every issue is really decided first by the people before it takes shape in the Halls of Congress; and then throughout the period of discussion there the great issues of the day are threshed out thoroughly by the people. You are a factor in legislation just as your influence is noted and needed to enforce laws. Public opinion knows no color line.

"Now, I have come here to-night to bring you a message, but before I delivered that message I wanted to emphasize the position and the responsibilities which you hold in American life to-day.

"There are in New York State to-day, according to the latest census figures, 198,483 negroes, an increase of 64,000 since the last census. Of this number a large majority live in the cities, most of them in Greater New York. Less than 14,000 live on farms, but among those negro farmers there are members of your race who own nearly 20,000 acres of land, valued at $1,558,000.

"I cite this specific example of the negro on the farms of our own State just to show you what the colored people have done in a field of activity where their work is not generally recognized in the North. These men and women are not only farm workers but farm owners with more than a million and a half dollars of their own savings invested in their business.

"You know as you see your own churches and homes, your own doctors, lawyers, teachers, and business men that every year adds to the progress and prosperity of your race; but I sometimes wonder whether the other citizens of the United States realize what progress the colored people have made since the Civil War. I wonder how many of you know what advancement has been made.

"The other day I was interested in seeing reports from the Negro Yearbook, published by your own people in Alabama. I saw there definite evidence of your advancement in all fields of activity. In 1866, for example, negroes in the United States owned only 12,000 homes. To-day more than 600,000 own their own homes. Fifty-three years ago you operated less than 2,000 farms. To-day the number of farms operated exclusively by colored people exceeds 1,000,000. In 1866 negroes conducted only 2,100 business establishments.

"To-day more than 50,000 negroes own and manage their own businesses in every part of the country.

"After the close of the Civil War negro children went to school wherever they could be admitted and where economic conditions made it possible for them to attend school, but the number was small compared to the attendance to-day, which exceeds 1,800,000. In 1866 there were some 600 negro school-teachers. To-day there are close to 40,000, and there is being spent annually for negro education a sum in excess of $15,000,000.

Do you realize also as we meet here to-night in one of your churches that there are to-day more than 43,000 negro churches in this country, having nearly 5,000,000 members, and that you have invested as a race more than $85,000,000 in church property?

"Is there anything more convincing than these figures to prove the progress which you have made in less than 55 years? Is there anything which is a more eloquent tribute to the advancement of the colored people? You have progressed on the farm, in the factory, in the home, in public office, in the schools and universities, and in 1917, when the supreme test came, the negro regiment which fought in France went into the thick of battle and came out with honors high and colors flying. Were not your regimental colors one of the few to be decorated on the field of battle for unsurpassed bravery and discipline?

"When I think of the progress which you have made, and when I recall the services which you rendered in the World War, I am shocked and ashamed of a condition which exists in some parts of the country to-day. It is shocking to know that during the past 33 years there have been more than 3,400 lynchings, that many cases of lawlessness, that many and more cases where the negro has not had fair play and justice because he was a black man.

"I regret that something has not been done long ago to remove this cancer, but, as I said at the beginning of my remarks, legislation follows the demands of public opinion, and public opinion to-day is at last aroused to the necessity for action by the Federal Government to operate on this cancer and remove it from our body politic.

"This we are going to do through the Dyer antilynching bill, which is now on the calendar of the United States Senate for consideration before Congress adjourns. I hope it will be a law before we adjourn.

"I have been using all my influence in Washington to have that bill considered by the Senate, and the message I want to bring you to-night is that you have nearly won your fight. It is only a question of time until the Dyer bill is passed, if not before adjournment, then immediately afterwards, when the new Congress convenes. I say this in all earnestness because I know the sentiment in Washington, and I know how public opinion in this country has been aroused to the necessity of such a bill as the Dyer measure now on the Senate Calendar.

"Sometimes it takes a long time to arouse the American people, but when a campaign is conducted as cleanly and efficiently as has been your campaign of education for the Dyer bill not only is the country aroused to its duty but Congress is in a position where it can crystallize public sentiment into law.

"Through your own magazines and newspapers, through The Crisis, and the National Association for the Advancement of the Colored People you have shown the American people and the Government once more that your interests are the interests of Americans and that your loyalty and devotion to the country are as great as that of any other people.

"You have made and you are making great progress, culturally, economically, and religiously, but do not make the mistake of becoming impatient. Build your foundations solidly as you have in the past. Follow the advice of your able leaders and you can look the future confidently in the face convinced that if not to-day, to-morrow will bring you the full measure of justice and fair play which is due you in every State in the Union.

"And, if I may leave one more message, it would be that you continue to make your Brooklyn standards so high that they can continue to be the standards of the colored race throughout the country."

Mr. SHORTRIDGE. Mr. President, some days ago I took the liberty——

Mr. HEFLIN. I can not yield to the Senator to make a speech.

Mr. SHORTRIDGE. Oh, no; I am not going to make a speech.

Mr. CUMMINS. Mr. President, I call for the regular order. The Senator from Alabama is speaking to a question of personal privilege.

Mr. HEFLIN. I yielded briefly to the Senator from California, but I can not yield for a speech.

Mr. SHORTRIDGE. I am not going to make a speech.

Mr. CUMMINS. The Senator from California will have his opportunity later.

Mr. SHORTRIDGE. But I do not want to sit here all day to ask this privilege. If the Senator from Alabama will yield to me a second——

Mr. HEFLIN. It is not my fault. The Senator from Iowa has objected.

The PRESIDING OFFICER. The Senator from Iowa calls for the regular order.

Mr. SHORTRIDGE. I myself may hereafter invoke the rules.

After the conclusion of Mr. HEFLIN's speech,

The PRESIDING OFFICER. Petitions and memorials are in order. If there be none, reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 1463. An act for the relief of William Malone (Rept. No. 920); and

H. R. 1862. An act for the relief of Leroy Fisher (Rept. No. 921).

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 8996) to amend paragraph 440, section 5211, act of June 3, 1864, reported it with amendments.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on September 15, 1922, they presented to the President of the United States the following enrolled bills and joint resolution:

S. 3086. An act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia;

S. 3917. An act to amend section 876 of the Revised Statutes;

S. 3918. An act to amend section 51 of chapter 4 of the Judicial Code; and

S. J. Res. 169. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis, Mr. Willem van Doorn, a subject of the Netherlands.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SIMMONS:

A bill (S. 4000) to enlarge and extend the post-office building at Goldsboro, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. CAMERON:

A bill (S. 4001) to impose a duty on long-staple cotton; to the Committee on Finance.

By Mr. KING:

A bill (S. 4002) to amend the Federal Reserve Act, approved December 23, 1913, as amended; to the Committee on Banking and Currency.

By Mr. WADSWORTH:

A joint resolution (S. J. Res. 244) to donate to the American Legion certain war trophies captured by or surrendered to the armed forces of the United States in the World War; to the Committee on Military Affairs.

A joint resolution (S. J. Res. 245) to extend for three months the provisions of the dye and chemical control act, 1921; to the Committee on Finance.

ENCAMPMENT OF UNITED CONFEDERATE VETERANS.

Mr. HARRISON. I introduce a joint resolution and ask that it be read, and then I shall ask unanimous consent for its immediate consideration.

The joint resolution (S. J. Res. 243) to authorize the loan by the Secretary of War to the commander in chief of the United Confederate Veterans of cots and blankets for the use of members of the United Confederate Veterans during sessions of the national encampment of the United Confederate Veterans at Jackson, Miss., from October 17 to October 19, 1922, was read the first time by its title and the second time at length as follows:

Resolved, etc., That the Secretary of War is authorized to lend not to exceed 200 cots and blankets to the commander in chief of the United Confederate Veterans at their national encampment to be held in Jackson, Miss., from October 17 to October 19, 1922, upon receiving from such commander in chief a bond satisfactory to the Secretary of War to indemnify the United States of America from loss or injury to such cots and blankets, or any of them, such indemnity bond to be drawn by and approved by the Secretary of War.

Mr. HARRISON. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. WADSWORTH. Mr. President, do I understand that this is for a national encampment?

Mr. HARRISON. It is really an encampment of the State Confederate veterans at Jackson, Miss.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. WADSWORTH. Mr. President, may I make just an observation concerning this matter?

The Committee on Military Affairs has adopted for the last two years a rule for its own guidance, to the effect that it will not make favorable reports upon resolutions or bills for the loan of cots and blankets and tents to organizations other than the G. A. R. in their national encampments, the Confederate Veterans in their national encampments, the Spanish War Veterans in their national encampments, and the World War Veterans in their national encampments, thus eliminating State encampments and organizational reunions, which have been coming to Congress in great floods asking for the loan of this Government property. My understanding of this joint resolution is that this is for a State encampment. If that is the fact, I am compelled to object, in loyalty to the policy laid down by the Military Affairs Committee.

Mr. HARRISON. This is a State encampment, and the cots and the blankets are there. There will be very little expense to the War Department, but they stated that they could not loan them except by the enactment of a joint resolution.

Mr. WADSWORTH. That is true; but the committee have declined innumerable requests of this kind, and to be consistent and fair to everybody we have always held to our attitude, and have promised many, many Senators that if a different attitude was taken with respect to any one of them it would be taken with respect to all of them.

Mr. HARRISON. I ask, then, that the joint resolution be referred to the Committee on Military Affairs.

The PRESIDING OFFICER. Objection is made, and the joint resolution will be referred to the Committee on Military Affairs.

The morning business is closed.

BRIDGES IN ALABAMA AND MISSISSIPPI.

Mr. UNDERWOOD submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 239) authorizing the Secretary of War to investigate the feasibility of constructing bridges across West and East Pascagoula Rivers, the Bay of Biloxi, and Bay St. Louis, in the State of Mississippi, for purposes of the national defense, which was referred to the Committee on Military Affairs and ordered to be printed.

DISTRIBUTION AND SALE OF FUEL.

Mr. CUMMINS. I ask unanimous consent that the Senate proceed to the consideration of the conference report upon House bill 12472, ordinarily known as the antiprofiteering coal bill.

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Broussard
Bursum
Cameron
Capper
Colt
Cummins
Curtis
Dillingham
du Pont
Ernst
Fletcher
France
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
King
La Follette
McCumber
McLean
McNary
Moses
Nelson
New
Norbeck
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Sheppard
Shields
Shortridge
Simmons
Smoot
Stanfield
Sterling
Sutherland
Underwood
Wadsworth
Walsh, Mass.
Watson, Ga.
Watson, Ind.
Willis

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. A quorum is present. Is there objection to the request of the Senator from Iowa?

There being no objection, the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

[For report see Senate proceedings of Thursday, September 14, pp. 12568 and 12569.]

Mr. MOSES. Mr. President, as bearing on the general subject involved in the conference report just placed before the Senate, I ask unanimous consent to have printed in the Record certain correspondence between the junior Senator from California [Mr. Shortridge] and the Secretary of Labor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

United States Senate,
Committee on the Judiciary,
September 8, 1922.

Hon. James J. Davis,
Secretary of Labor, Washington, D. C.

My Dear Mr. Secretary: I do not need to say to you that the controversy in the coal industry which has just been settled has had a serious effect upon all the industrial and commercial activities of the United States.

It is my understanding that, while the particular issues of the recent strike have been settled for the time being, there is no assurance that a recurrence or a suspension may not result again. I would like to analyze the situation as thoroughly as possible, and in order that I may have authentic information I would like your views of the general condition of the coal industry at the present time, also your opinion of what might be necessary to accomplish a betterment of conditions within the industry; that is to say, I should like specific information as to: (1) Sources of coal supply; (2) transportation and distribution; (3) selling prices; (4) classification of consumption—proportion of coal consumed by railroads, industries, households, etc.; (5) cost of living of miners; (6) stabilization of industry.

I would be glad if you will give me this information at your early convenience.

Sincerely yours,

Samuel M. Shortridge.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, September 12, 1922.

Hon. SAMUEL M. SHORTRIDGE,
United States Senate.

MY DEAR SENATOR SHORTRIDGE: You are certainly getting down to the root of the whole trouble. The analysis of the factors in the coal industry, such as you have set out in your letter of September 8, is just what is needed to point out the solution of the problem. Our commissioners of conciliation who have been working on the problem have reported to me many, many things which affect the industry, and these facts, if they could be brought together and collated, would make a foundation for a permanent solution of the problem and the stabilization of the anthracite and bituminous industries.

Unfortunately the Department of Labor has had no authority nor the funds to make the sweeping investigation necessary to disclose all the pertinent facts. The general condition of the coal industry of the country, which has just emerged from a 155-day strike in the anthracite and a few days less in the bituminous, indicates very forcibly the need of a special study of the underlying conditions that have contributed to the causes which periodically precipitate these strikes, to the general disturbance of the business activities of the country.

A recommendation of the President that Congress create a special coal commission with full power to investigate and report as a fact-finding body on the ills of the coal industry is most timely and should be very helpful in the framing of constructive legislation, as well as aid to a more intelligent understanding of what should be the basis for relations in the coal industry.

My experience during the past 10 months, in which we have been keeping in close touch with the developments in the strikes, has led me to some very definite conclusions as to what should be the scope of an investigation to be made by a coal commission. I particularly outline below what I think should be the scope of such investigation.

1. Ownership:

a. Estate mineral holdings leased to operating coal companies.

b. Corporation mineral holdings held in undeveloped reserve.

c. Holdings of operating companies in fee, mineral or leased.

d. Original valuations of said holdings when first acquired for mining purposes.

e. Present valuations.

f. Royalties paid by lessee operations with detailed comparison of changes in royalties during the last 10 years.

The purpose of such a survey is to locate present ownership of our coal lands with special reference to the future control of same, as well as the amount of royalties which becomes a tax on the coal-consuming public.

2. Sources of coal supply:

a. List and map location of present bituminous operating fields in every State with the annual production each year since 1910; also anthracite fields.

b. Special characteristics of the coals of the different fields as well as their special commercial use.

c. Competition between different coal fields in seeking and finding a market.

3. Average cost of production f. o. b. cars at mines in each producing field, this cost to be shown in detail:

a. Labor.

b. Management (local); management (executive).

c. Supplies.

d. Repairs.

e. Fixed charges—taxes, insurance, interest on bonds, etc.; sinking fund.

f. Royalty.

g. Depreciation.

Extent and cost of improvements and new developments and how shown in the cost or balance sheets of mining companies.

Change of methods of cost accounting during the last five years, showing in a comparative way the items and amounts used during the previous five years which will indicate clearly the relative variation and share of each item as affecting the gross cost for each of the last 10 years.

4. Sales:

Wholesale—Mine-selling expenses:

a. Coal company agencies.

b. Commission or brokerage paid to agents.

c. Producing company partnership or control of wholesale selling agencies.

d. Duplication or multiplying of commissions through rehandling.

e. Proportion of sales under contract.

f. Proportion held for spot market.

g. Relative shares of producer and brokers in ultimate "spot sales."

Retail:

a. Number of dealers in each State.

b. Amount and grade of coal handled.

c. Detailed cost of operating each yard, including delivery, sales, expenses, etc., based on each ton sold.

d. Average sale prices charged each month of each year for last five years.

e. Average mine price paid f. o. b. mines each month, plus freight, plus cost of operations as per "c."

f. Margin of final profit for each month.

g. Storage capacity and when yard is fully stocked.

Freight rates—Transportation and distribution:

a. From each producing field to the leading markets of the country with the special purpose to show extent of competition between the different coal fields by comparison of competitive rates and mileage in transit.

b. Ratio of consumption for each producing State and where surplus finds market.

Stabilization:

a. Ratio of production in tons produced in each State sold on all-year contracts.

b. Ratio of production sold in the summer months for storage. How stored; by whom or how carried.

c. Ratio of production held for "spot" or free market during each month of the year.

d. What is actual capacity of mines in each State if mines could work regularly five and one-half days per week.

Present annual capacity of mines largely overestimated when based on relative production of one-third, one-half, or even two-thirds working time. The miner is a "piece worker," and speeds up production when given only an opportunity of part time at a pace which he could not maintain on a full-time basis. This is shown in the increased per capita tonnage production in the years of shorter work time when compared with the years of fuller work time. Thus three or four days' actual work may really mean four or five days' normal work if work were regular. This explodes a large per cent of the supposed loss through "intermittency," especially in mines working less than 200 days in the year. Yet the intermittency and its causes and possible cure should be thoroughly investigated, because the irregularity and the uncertainties of each day's opportunity to work largely unfits the miner for any other avocation and contributes all the "force of necessity" to unite for the maintenance of a wage scale so recently renewed after a four and one-half to five months' strike.

Consumption.

	Per cent.
Railroads	30
Steel industries, manufacturing plants, and public utilities	47½
Household	15
Export and bunker	5
Miscellaneous	2½

Railroads, public utilities, and large manufacturers should provide storage facilities which will enable them to take the bulk of their supplies during the months when the mines most need the business and idle railroad cars are most available, as they are the consumers of three-fourths of bituminous production.

Various storage methods should be scientifically investigated, and I would especially commend the "water storage," so long practiced by the European navies, whereby all the losses of "dry storage" are avoided and the coal retains all its heat units and commercial value indefinitely.

The railroads are the greatest sinners in massing of orders to supply their own needs when the needs of their consuming patrons are at the peak. Of course, this may be due largely to inability to finance such storage, but there is no doubt that the railroads can contribute materially to greater stabilization of the industry if they could supply their own needs when their cars are rusting during their summer idleness.

COST OF LIVING.

I can appreciate that there is room for more specific and local information on the cost of living in each coal-mining center in each State than has been possible in the past.

The Bureau of Labor Statistics of the Department of Labor in the past has largely confined its studies to the big representative cities, but they do not furnish a fair basis to find out the cost of living in the mining communities of the different States.

Therefore there should be a special quarterly report issued regularly by this bureau that will show the relation of cost of living in said mining districts to the "earnings" made in the same district based upon the average work time for the same period. Such a tabulated comparison will be helpful to arrive at a fairer understanding of the true relation of the prevailing wage to the cost of living or vice versa.

Only by getting all the facts—and the public as well as the operators and miners are entitled to know them—can the Government hope to reach a safe and sane policy toward the coal industry. Legislation may be neessary, but measures should not be passed until a good working basis has been established. Finding all the facts and then making recommendations for intelligent legislation is properly the work of a special commission created for that purpose.

Cordially yours,

JAMES J. DAVIS.

Mr. CUMMINS. Mr. President, this is the conference report upon what is known as the antiprofiteering coal bill. It has been thoroughly discussed in the Senate, and I think every Senator understands fully what it is hoped will be accomplished. There is no substantial difference between the bill as it now comes before the Senate and the Senate bill, with this possible exception:

The Senate committee, in its report, provided that the law should expire at the end of one year after its passage. Through an amendment, however, it was provided that the expiration should take place at the end of six months. The House bill provided that the law should expire on the 1st of January, 1924, but that during the meantime, the present emergency having passed, the President might declare a new emergency. That disappears from the bill. There are many minor changes; but, so far as I know, the legal effect of the bill as it is now presented is the same as it was when it passed the Senate.

If any Senator desires to ask any question in regard to the conference report, I shall be very glad to answer it, but I do not want to take up the time of the Senate in discussing it.

Mr. FLETCHER. Mr. President, the report now limits the act to one year?

Mr. CUMMINS. One year from the passage of the bill.

Mr. UNDERWOOD. Mr. President, I should have been very glad, if I could, to support the conference report, because I realize that the purpose of the bill is to try to meet an emergency in a portion of the country; but, as I said when the bill originally came before the Senate, the real powers that are conferred in the bill are already in the law. They were enacted when the transportation act of 1920 became a law. The Interstate Commerce Commission has the power to levy an embargo or to make preferences in the handling of cars to reach this situation.

When this bill was first introduced the coal situation in the country was a very serious one. The bituminous-coal strike had not been settled, the anthracite-coal strike was still in force, and there was no indication that any settlement would be reached of the railroad strike. The bill was introduced prior to the time that the Attorney General filed a bill for injunction against the strikers on the railroad lines. I say this merely to point out to the Senate that the situation has changed very much since the introduction of this bill. Although there may be some necessity for its passage, the necessity is neither as urgent nor as manifest as it was when the bill was introduced, which changes the situation very greatly and raises the question as to whether the Senate now should take the responsibility of exercising these very far-reaching powers to interfere with the business of the people of the United States when the grave emergency that existed a month or six weeks ago does not exist to-day.

I do not mean to say that it has been entirely relieved, but in the main it has been relieved. The coal is moving where transportation can be had. The bituminous coal strike has been settled for some weeks. The mines are now in full operation. The anthracite coal strike has been settled for some days, and very shortly the mines will be in full operation.

We find from the papers that a settlement has been reached in the railroad strike on most of the railroads where transportation was being interfered with, and where the settlement has not been reached it is stated in the papers that there are sufficient men in the shops to handle the motive power of the roads, and the trains are moving.

It is true, of course, that during the period of the war a bill somewhat similar to this one was passed by the Congress. A fuel administrator was appointed, who gave priorities in the right to purchase coal and the right of shipment, and handled the distribution of coal in a way to meet the war emergency. I am not criticizing the administration of Mr. Garfield's bureau in controlling the coal supply of the country during the war. It may be an open question as to whether it was necessary or not, but during the period of the war it was impossible to determine in advance what had to be done. At that time we not only had to furnish coal to our own people and our industries but we had to furnish coal to some of our allies, and they burned American coal in order to carry on the war.

The war power of the Government was then exercised. The war power of the Government does not exist to-day. An entirely different condition of affairs exists throughout the country. Yet, notwithstanding the emergency which confronted us during the war, the many difficulties we had to face, I do not think any man can say that the administration of the bureau in charge of the distribution of coal and the fixing of its prices was a success. It may have operated successfully along certain lines. On others it did not. But I think it can be said without contradiction that it annoyed pretty nearly every man, woman, and child in the United States, and very seriously hampered a great deal of the business of the United States.

As I said a while ago, I do not say this in criticism of Mr. Garfield and those who cooperated with him in the coal bureau, because I really believe they honestly and sincerely tried to do the best they could to meet the situation. But they failed because they were human, and no human can look into all the various business developments and business necessities of the United States, or attempt to control things which go into the home life of its people, and not make a vast number of mistakes. It is impossible for them to do so, because their vision, from a business standpoint, is confined to what they hear and what they read, just as our vision is confined by the walls of this room, and we do not see what is going on upon the outside. No bureau established here in Washington can have the vision to look into the life of the American people and make its orders so that it will not destroy their business and inconvenience their lives. That, I think, is a statement which can stand without contradiction.

I can illustrate, as I have done before. I called the committee's attention to a simple illustration, one which is very pertinent, to show how such mistakes can be made. During the war the fuel administration here in Washington issued an order that fuel should not be used to promote building, except the construction of such Government buildings as were necessary to carry on the war. They would not permit fuel to be furnished for sawmills where the lumber was going to be used for building purposes, or to sand pits where the sand was going to be used for building purposes.

There was a small company in my home city which was engaged in the business of digging sand, but not for building purposes. It was digging sand for the furnaces in that great district. The usual method of making pig iron is to cast it in sand molds, and it is necessary to consume quite a quantity of sand in order to make pig iron. Of course, pig iron was a necessity of war.

The bureau had not been operating very long before I received a telegram one day from this company stating that their priority rights to coal, of which they needed only about a car a month, had been cut off by the fuel administrator, and that they could not go on digging sand with their steam shovels to supply these great furnaces, and in the midst of war the iron production of a great district was about to be shut down because there was no fuel to provide the sand in which the iron had to be cast.

I went to the fuel administrator and explained the facts. Mr. Garfield's agent, the man who represented him, was very nice about it, said that he had made a mistake, that he assumed the sand was being dug for building purposes, sent a telegram, and ordered that this little sand pit should have the coal to dig the sand to supply the great iron furnaces to make the war materials. I thought that was the end of it.

Within a few weeks or a couple of months they put another man in that office, and as soon as he took office he went through the files to see how he could economize in fuel for the benefit of the Government, and saw that this carload of fuel a month was being used by a sand pit, and he blue-penciled it and stopped it. I got another telegram, went down and explained the same facts to the new man, and he very courteously and promptly corrected the mistake, and sent a telegram putting the sand-pit people back on the priority list.

To make a long story short, during the course of that fuel administration the same thing occurred in that particular case four times, because they made four changes of men in that particular division, and each man could not see beyond the walls of his room, and when he saw that the fuel was being used to dig sand, he assumed it was being used to dig sand with which to build houses, which was against the policy of the Government, and therefore issued his order to stop the supply of coal to dig sand, which coal was going to furnaces to make the iron that was necessary to use to prosecute the war.

I do not say that by way of criticism of these gentlemen. They sit in Washington and do not know and can not know conditions out in the country, and they have not the time to go and inquire into each case, and do not do it. The result is that they make thousands and thousands of mistakes, which are not only annoying but sometimes very greatly distress the people of the United States, because they take the responsibility and authority to direct from here, by general orders, instead of letting the matter be worked out through the natural channels at home.

Thomas Jefferson very truly said in the early days of the Republic that if this country had not been divided into separate States before the adoption of the Constitution it would have had to be divided into separate States afterwards, or the fabric of the Government would have been destroyed, because the territory was too great and the interests too diversified for any one government sitting in Washington to control and regulate affairs satisfactorily to the American people.

Therefore, whenever you attempt to pass any sumptuary legislation affecting the business and the lives of the American people you make a serious blunder, unless the emergency is so great that the very lives of the people and the Nation itself are at stake. If they were, I would join you. If they were, I would be willing to let people suffer, because we must save the Nation, must save the State, we must save the situation. I would be willing to let the blunders of a bureau chief in Washington be suffered by the people of the United States if the emergency were here which required it. But the emergency is not here; it is past. The coal strike is over. The railroad strike is about settled. This bill does nothing to further the settlement of the coal strike.

Mr. WATSON of Indiana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Indiana?

Mr. UNDERWOOD. I yield.

Mr. WATSON of Indiana. At the time this bill was formulated and was under discussion in our committee, as the Senator well remembers, there was a very great deal of what we ordinarily call profiteering in coal in the United States, and that continued for some time. We all know that exorbitant prices were charged, perhaps by mine owners, certainly by agencies, retail dealers, and so on. I am wondering if the Senator has investigated to learn to what extent that still continues, or to what extent it has been abated or abandoned.

Mr. UNDERWOOD. I do not know the facts, but I am informed—and I got my information from the Senator from Minnesota [Mr. KELLOGG]—that as far as profiteering is concerned, it is worse now than it was before. I do not know myself; but I will accept that statement as correct.

Mr. CUMMINS. The statement just made by the Senator from Alabama is quite correct. Profiteering is more general now than it has been at any time since the coal strike started, and the only additional power this bill gives to the Interstate Commerce Commission is to stop profiteering. If there ever was an emergency in regard to that subject, it exists now.

Mr. WATSON of Indiana rose.

Mr. UNDERWOOD. I am going to assume that to be true. I do not know, myself, but I take the Senator's word, and the word of the Senator from Minnesota. I am going to assume that is true. Of course, I do not indorse profiteering; but I ask whether that justifies the passage of this bill. Before I start to make a statement on that, however, I yield to my friend from Indiana.

Mr. WATSON of Indiana. The Senator seems to agree with me in the statement——

Mr. UNDERWOOD. I accept the statements made by Senators. I do not know myself.

Mr. WATSON of Indiana. That the profiteering is going on now to as great an extent as it did formerly and perhaps more so.

The PRESIDING OFFICER. The Senator will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business which will be stated.

The READING CLERK. A joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

Mr. CURTIS. I ask unanimous consent to temporarily lay aside the unfinished business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The consideration of the conference report will be proceeded with.

Mr. McLEAN. Mr. President, will the Senator from Indiana yield to me?

Mr. WATSON of Indiana. If I may, with permission of the Senator from Alabama, who has the floor.

Mr. UNDERWOOD. Certainly.

Mr. McLEAN. I ask permission to report back favorably from the Committee on Banking and Currency House bill 8096.

The PRESIDING OFFICER. Under the rule of the Senate, the Senator from Alabama can not yield for that purpose.

Mr. UNDERWOOD. I do not want to lose the floor.

Mr. HEFLIN. What is the report which the chairman of the Committee on Banking and Currency is making?

The PRESIDING OFFICER. The Senator can not make the report while the Senator from Alabama has the floor.

Mr. HEFLIN. I would rather have a chance to look into it myself.

Mr. McLEAN. Very well.

[The report was subsequently submitted by Mr. McLEAN and appears under its appropriate heading.]

Mr. WATSON of Indiana. Mr. President——

Mr. UNDERWOOD. I yield to the Senator from Indiana.

Mr. WATSON of Indiana (continuing). If that be true in regard to profiteering, I am wondering whether or not it is such profiteering as can be reached by the passage of the pending measure. That is to say, is it profiteering on the part of the coal operator so that priorities may be denied him or embargo may be set up against him; and if not, is it profiteering by the agencies or the dealers that can be reached by the passage of the bill? I should like to have the Senator's opinion upon that, and also the opinion of the chairman of the committee later on.

Mr. UNDERWOOD. I intend to discuss that because the chairman of the committee has said that is all that is left in the bill; that there is nothing else in it. There was something else in it when it was introduced.

Mr. CUMMINS. No; from my standpoint, there was nothing else in it when it was introduced. All that the Senator from Alabama has been discussing is in the law now, and if there is any complaint against it, it is not against the pending bill, but against the present law.

Mr. UNDERWOOD. I agree with the Senator about that. I think it is all in the law now. The only power in the bill against profiteering is in the law now. Although I have no doubt that during the summer months there was some profiteering in coal and some very unjustifiable profiteering, I think it could be reached without a bill and was reached without such a bill. I am proud to say that, so far as the coal operators of my own State are concerned, there was no strike there. When the Government suggested they would like to agree on reasonable prices at which coal should be shipped, they came to Washington and entered into an agreement with the President's agent, Mr. Hoover, to sell their coal at something like $2.50 a ton, which was agreed by all to be a reasonable price per ton under the circumstances. They took his figure, they agreed to it, and they lived up to it just as long as the agreement lasted. I think the agreement went out of effect on the 1st day of September. They did not require any law. They came voluntarily and agreed to furnish all the coal they could mine where the cars were furnished to ship the coal. So there was not need of compulsion there.

I think there were cases which occurred during the summer where others asked exorbitant prices of the people who wanted to buy coal. I believe that condition confronts the country today. Senators in charge of the bill say the condition is worse now than it was in the summer, because, of course, the agreement between Mr. Hoover and the operators has expired and has not been renewed by Mr. Hoover. I know of no objection on the part of the operators to renewing it. I suppose Mr. Hoover has not renewed it because he is waiting for this legislation, and instead of renewing it he wants to act under the legislation.

Mr. KELLOGG. Mr. Hoover has not any power to issue any orders.

Mr. UNDERWOOD. I know, but I think Mr. Hoover is supposed to be the man who will determine matters.

Mr. KELLOGG. I do not think so at all.

Mr. UNDERWOOD. Is he not going to be appointed fuel commissioner?

Mr. KELLOGG. No; I do not believe he is to be appointed fuel commissioner. He can not be so appointed. He is a Cabinet official, and there is no intention of appointing him, so far as I know.

Mr. UNDERWOOD. I may be mistaken. I had heard his name discussed with reference to the matter and I thought he was the man. But whether it is Hoover or Smith does not make any difference.

Mr. KELLOGG. The Interstate Commerce Commission has the only power that can issue an order.

Mr. UNDERWOOD. I understand the bill. I am sure the Senator knows that I do.

Mr. KELLOGG. Yes; I think the Senator does.

Mr. UNDERWOOD. I understand the power in the bill. Instead of providing in the bill that the President should appoint a fuel commissioner and giving him $250,000 to get the facts and report to the Interstate Commerce Commission his findings and recommendations, I really think that the bill would have been better if you had given the $250,000 to the Interstate Commerce Commission and told them to function under their powers. It would have been a better bill, in my opinion; but of course you did not do that. You have named in the bill a fuel commissioner and you are going to give him $250,000 to organize his force, to ascertain facts, and when he gets through, as the Senator from Minnesota said, he has no power directly, but he is going to report the facts to the Interstate Commerce Commission, and then the Interstate Commerce Commission is authorized to lay an embargo against any man who charges more for his coal than the fuel commissioner thinks it ought to sell for, and to deliver cars to those people who are mining coal and selling it within the terms that the fuel commissioner thinks it ought to sell for. You are going to give the fuel commissioner a right to go through the country and to go into the business houses and homes of people who want coal, and say that Jones can have coal because, of course, he is operating a public utility, but Smith can not have coal because he is operating knitting mills. Smith's employees may be thousands in number and may have to walk the streets without bread because they are without wages, because your fuel commissioner tells Smith to shut down his factory because he can not have any coal.

That is the power you are trying to put in this man's hands. Why? Because you say that there are some profiteers in the country who are trying to charge too much for coal. If I could punish the profiteer without to a far greater extent punishing the American people, I would join with you in punishing him. I have no sympathy with him whatever.

I say the foolish thing in the bill is that you do not accomplish anything by the power you give. The American people, whether it be the housewife who buys coal for her kitchen stove, or whether it is the operator of a great mill who is buying coal for the operation of his plant, are not going to pay any more for the coal than they are required to pay. They are going to pay more for the coal if they have to do so.

You do not in the bill tell the man that he can not mine his coal above a certain price. You do not say anything about that. He can mine it and hold it for his price as much as he wants to. You merely say in the bill that the Interstate Commerce Commission shall withhold cars for the shipment of that coal if it is not sold within the price at which the fuel commissioner thinks it should be sold. What is the result? If there is enough coal offered in the American market at a reasonable price to supply the reasonable demand, the profiteers will have to come down or not sell their coal.

Mr. WATSON of Indiana. But, if the Senator will allow me, suppose there is not enough coal?

Mr. UNDERWOOD. I am coming to that. That is the other end of my question. If there is enough everybody will recognize that the profiteer will have to lower his price or not sell his coal. But, as the Senator from Indiana said, suppose there is not enough coal on the American market at a reasonable price to supply the American people with the coal to warm their homes and run their factories, does anyone think they are going to stand for the fuel commission saying that a man can not ship his coal because the commissioner fixed the price at $5 a ton and the coal man wants $6 for it? No; the fuel commissioner, representing the great Government of the United States, will have to turn tail and back his cars up against the door of the profiteer if there is a shortage in the supply being delivered by the reasonable and honest people of the United States. That is all there is to it.

There is no way to punish the profiteer in the bill for asking profits, but what is promised in the bill is to penalize the man who buys the coal. The purchaser of the coal is sent to jail if he represents to the agent of the fuel commissioner that he needs more coal than he actually does. If a man with a house to heat and keep warm this winter says that he needs 10 tons of coal, and upon investigation it is learned that he only needs 5 tons to keep warm during the winter, and he has thus made a false statement to the fuel commissioner, the terms of the bill would make a criminal of him and provide for his being sent to jail by the United States courts. I think that is going pretty far. I do not think it would be any very great crime for a man whose family was cold to exaggerate a little bit about how much coal he needed to run his house during the winter, if he could get it and had the money to pay for it. He is not going to exaggerate a great deal, because he will not want to pay for it at present prices. If he exaggerates at all the fuel commissioner can send him to jail.

No provision is made for a jail sentence for the coal profiteer who is going to charge four or five prices. The only way he will be punished is by the Interstate Commerce Commission, which will not back cars up to his door. But the consumer, the man who needs the coal, the man who is being frozen because he can not get it, if perchance he should lie a little about how much coal he needs, is to be sent to jail. There is no such emergency, in my judgment, existing in the United States to-day in regard to the price of coal that requires any such strenuous action at this time.

More than that, when the bill passed in the Senate it was made to relate to interstate transportation, business transactions between the States. When it came back from conference we find that the conferees laid down on the Senate bill and made it relate all along the line, according to my construction.

Of course, I understand that the chairman of the committee has stated that this measure is now so drafted that section 1 of the transportation act of 1920 as construed will make the measure relate only to interstate commerce. We had that very plainly written in the pages of the bill; but now it has been left open to the interpretation of a fuel administrator. I have never known one of these bureau chiefs, no matter how honest and how sincere he may have been, who has not assumed all the authority he could get. So far as authority is concerned, whenever you let him, like the camel, get his nose under the tent he goes in and takes the tent. As the bill passed the Senate and went to conference little transactions within the States would not have been subject to the pains and penalties of the proposed law, but the conference committee now present a report which, if adopted, will, under a construction which may be placed upon it, make such intrastate transactions subject to the pains and penalties provided in the proposed legislation. I do not think that that would be absolutely the right construction; the chairman of the committee may be right in his construction, but that is a question for the lawyers and the courts. We shall not ascertain that until the courts get through construing the act; whereas there was no doubt about the proposition as contained in the Senate bill.

I am not going to take up the time of the Senate in discussing the conference report; we have other matters of vast importance to consider; but I am going to vote against the report. I wish to say, and I wish it understood, that the people in the great Northwest had my utmost sympathy in their desire to get fuel in order to protect them against the cold this winter. If the emergency had continued to exist as it did a month ago I would have gone a long way in voting for legislation which would have given them relief; but I believe the emergency has now ended. The only question now involved is as to whether they will have to pay a dollar or two dollars more for a ton of coal than they ought to pay. That is not a great emergency. I do not believe in profiteering; I have no sympathy with the profiteer; but the vast number of coal operators in this country will sell their product for reasonable prices, and as it is not proposed to put the profiteer in jail but it is proposed to provide, figuratively speaking, for putting the consumer in jail in order to meet this emergency, I do not see the necessity for adopting this conference report at this time in its present shape. Therefore, when the question is presented on the roll call in the Senate, I shall register my vote against the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. UNDERWOOD. On the adoption of the conference report I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. REED of Pennsylvania. Mr. President, I have already spoken on the bill on which the conference report now pending has been made when the bill was previously before the Senate, but there are some Senators now present who were not here when the bill was formerly considered. In less than two minutes, I think, I can say to them what I believe it is necessary they should know before voting on the conference report.

It should be understood that the bill proposes to vest in an appointive official the power to punish what is called "profiteering" by denying to the so-called profiteer any car service; that it is proposed to punish him for charging more than what this appointive official may consider a just and reasonable price; that it is proposed to find him guilty of that offense without any notice to him; that it is proposed to find him guilty of the offense even if he made his sale before this proposed act was ever introduced into either House of Congress. In other words, this proposed legislation will be retroactive, and the chairman of the committee responsible for the measure has resisted any amendment which would prevent it being retroactive. He has stated that a man who sold coal at an unreasonably high price in the past ought now, if you please, to be punished by withholding from him car service in the future.

Not only is this proposed legislation retroactive, not only is the judgment of guilt or innocence left to an appointive official, but the conviction is to take place without notice to the so-called profiteer; without any opportunity to him to present his proofs or his argument, and without any opportunity to him to appeal from the decision which shall be made ex parte in his absence.

The Constitution of the United States is not needed by a majority of the people; the majority never needs constitutional protection; nor is it ever needed by a popular minority; but the Bill of Rights, if I understand its history, was embodied in the Constitution in order to protect an unpopular minority from arbitrary, hasty, and ill-considered action by majorities. This is just such a case as the Bill of Rights was put into the Constitution to prevent.

Here is an effort, because for the moment what we call profiteering is unpopular, to tear up the Bill of Rights of the Constitution; an effort to pass an ex post facto law; an effort to take from the owner of coal a part of the market value of his commodity without pretending to make compensation to him for what is taken. It is all attempted to be justified by the assertion of an emergency which, as the Senator from Alabama [Mr. UNDERWOOD] has so well pointed out, has now ceased to exist. This is the sort of legislation which, if adopted, will not only be ineffective but will come back to plague us. Every time something goes up in price and some people wish to get it cheap they will come rushing again to Congress to fix the price.

Therefore, Mr. President, I shall vote against the adoption of the conference report.

Mr. KELLOGG. Mr. President, with all due regard to the Senator from Pennsylvania, I submit that this bill is not retroactive at all. It simply provides that the commission may in the distribution of cars and in decreeing priority of cars deny cars to those who are charging an unreasonably high price for coal. It creates a commission to inquire into that price. There is no punishment provided for any act theretofore committed; there is no power in the commission to deny cars on account of anything that has occurred in the past. The bill in no respect is retroactive.

Second, the Senator from Alabama says that the bill applies to intrastate commerce. If there is any one thing that the committee was careful about it was to place in section 2, covering car distribution, every limitation that to-day is in the interstate commerce act and has been there since it was enacted in 1887. I refer to the following provision in section 2:

> This act shall not be construed as repealing any of the powers heretofore granted by law to the Interstate Commerce Commission, but shall be construed as conferring supplementary and additional powers to said commission and as an amendment to section 1 of the interstate commerce act, and subject to the limitations and definitions of commerce controlled by said act.

Section 1, page 1, of the interstate commerce act defines that commerce which is subject to the control of the Interstate Commerce Commission as commerce between the States and with foreign nations, and excludes in express terms "the transportation of passengers or property or * * * the receiving, delivering, storage, or handling of property wholly within one State and not shipped to or from a foreign country from or to any" place in the United States. Nothing is plainer than that the pending measure has been confined to interstate commerce, as was the original interstate commerce act and as every act since that time has been so confined.

Now, Mr. President, just a word as to the emergency. I do not think the emergency has passed. It is true that bituminous coal is now being produced in considerable quantities, and had it been so produced during the entire summer there would have been sufficient to supply the needs of the country, but in the next three months, before transportation to the Northwest on the Great Lakes closes, it is not possible to produce and transport a sufficient quantity of coal to supply the needs of the entire Northwest, including Wisconsin, Minnesota, North Dakota, and South Dakota, which must obtain the major portion of their coal by transportation over the Great Lakes. So, in that section, at any rate, there is bound to be a shortage. Even if they were in normal condition, the railroads could not transport coal enough to supply the public utilities of those sections of the country which must get their coal within the next three months.

It is true that profiteering in coal by operators can just as well take place when there is a shortage of transportation as when there is merely a shortage in the production of coal. It is true that Mr. Hoover made an arrangement with about 70 per cent of the mine operators in the nonunion districts to conform to a certain schedule, which ran from $2.50 to $3.50 as a maximum, but that agreement has never been renewed by the operators; the operators are not willing to renew it, and practically all the bituminous mines in this country are now charging, as I showed the other day, from $5 to as high as $9 a ton at the mine. The coal which is now being transported to Milwaukee, Sheboygan, Duluth, Superior, and Ashland is going up there at a rate that will result in a cost to the consumer there from $10 to $15 a ton instead of the normal price.

Is it not reasonable, when the mines can produce all the coal that can be transported, that some priority in the distribution of cars should be given to the mines which are willing to take a good but a reasonable and fair price? Nobody wishes them to take a losing price; but are the people of this country to pay for all of the losses, with additional profits thrown in, which the mine operators claim they have sustained during the last few months? I say the emergency is as great to-day as ever; in fact, it is greater so far as the price of coal is concerned. Do everything that can be done, yet the Northwest is bound to suffer not only by reason of unreasonable prices but because of a shortage of coal, as many other parts of the country are likewise going to suffer.

Mr. President, the so-called fuel administration is nothing more than a board of inquiry to furnish the Interstate Commerce Commission with facts and to make recommendations. The Interstate Commerce Commission has not the force, it has not the time, it has not the facilities for doing that, and the Government has been carrying on similar activities for some time. This bill is merely designed to enlarge the powers of the Interstate Commerce Commission temporarily to meet a great emergency which is now facing the American people.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The question is on agreeing to the conference report.

Mr. UNDERWOOD. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SUTHERLAND. Mr. President, I only want to say very briefly that I am just as much opposed to this bill in its present form as I was when it was originally before the Senate.

As to the matter of the bill being retroactive—which it clearly is, as it appears to me—if it was not designed to be retroactive I do not see why it was that the proponents of this measure carefully excluded from the bill amendments which were designed to protect even existing contracts that were made prior to the passage of the bill.

An amendment was finally put upon the bill in the Senate which protected contracts that had been in force prior to July 25, and at a price of $2 per ton. So far as I can see, in the conference report, even that amendment has been eliminated by the conferees. It seems to be perfectly clear that the bill is intended to be retroactive in its effect; that it is not even intended that contracts in actual existence shall be protected, if their abrogation can be arbitrarily effected and without tests in the courts. I firmly believe that when those contracts are tested in the courts they will be sustained; but so far as it can be done by the arbitrary act of a bureau official here in Washington, those contracts will be abrogated and the coal diverted, the entire matter resting upon the personal opinion of an underemployee of a bureau here in Washington as to whether or not the coal has been sold at a fair and reasonable price.

Mr. President, my office has been deluged in the past few days with complaints from coal producers who have been busily engaged in trying to produce enough coal to keep the industries of this country running, and who have been selling their coal at an entirely reasonable price. Great disturbance has already arisen because of the arbitrary action of the bureau here in routing cars and in issuing service orders which have greatly disturbed the ordinary flow of coal to its destination, and so far from solving the trouble which it was feared would come upon us it has made confusion worse confounded. Instead of shippers going to the railroad nearest to them, upon which they ship their coal, and securing a decision as to cars and routes, and other matters pertaining to the shipment, they now have to come from all over the United States to one man located up here in the Interstate Commerce Building, who seems to have been designated by the Interstate Commerce Commission as the repository for the consideration of all such matters. No doubt he is a very estimable man; no doubt he has great judgment or he would not have been selected for this important post; but one man here, an underofficer or employee of the Interstate Commerce Commission, is attempting to do what dozens of men highly skilled in the matter of transportation and all its problems have been doing heretofore with reference to these matters.

As to prices, Mr. President, the Senator from Minnesota [Mr. KELLOGG], who has just seated himself, makes statements regarding prices which, in my judgment, the facts, if carefully studied, will not bear out. By far the larger percentage of coal, as has been previously stated by me and as the facts will show, is sold upon yearly contracts made prior to the 1st of April. During the past spring, when many of those contracts were renewed, the price of coal was very low, and a great many are now running at very low prices. Practically all of these public-service corporations that are now complaining and are now engaged in this buyers' strike for their own benefit in order to get coal at a price below the market price had ample opportunity to renew their contracts and obtain their year's supply of coal at prices far below what have been fixed upon two different occasions in cooperation voluntarily by Mr. Hoover and others working upon the matter, the first time at $3.50 a ton and the second time, I believe, at $4.50 a ton.

Mr. KELLLOGG. Mr. President, can the Senator name a single mine that is selling coal in West Virginia to-day at $3.50 a ton? Not a car of coal has gone to the Lakes in the last week at a basis of $3.50 a ton.

Mr. SUTHERLAND. There is a great deal of coal being sold in West Virginia that is not going to the Lakes, and of course the price was voluntarily arranged by Mr. Hoover at $3.50 a ton some time ago, and later at $4.50 a ton, in cooperation with the owners of the mines.

Mr. KELLOGG. The Senator is again mistaken. Mr. Hoover did not do it. Some of the States fixed the price at $4.50 a ton, but Mr. Hoover did not.

Mr. SUTHERLAND. My understanding is that Mr. Hoover agreed to the price.

Mr. KELLOGG. The Senator is mistaken.

Mr. SUTHERLAND. Certainly the operators who were concerned with it have agreed to the price and have been adhering to the price; but as to these enormous prices which the Senator has cited, if any such prices have been asked it has been done by a very few mines only. The Senator himself stated a few days ago that probably 70 per cent of all the coal operators engaged in producing coal had produced coal and sold it on the market at the price agreed upon of $3.50 a ton, and perhaps only 30 per cent of the producers of coal had in any way exceeded that price; and that only means 30 per cent numerically of the coal operators, as stated by the Department of Commerce. As to the total tonnage of coal, a very much larger percentage than 70 per cent will be found to have gone to the market at the price agreed upon. Those who have exceeded that price have in almost every case been the operators of small mines, in the larger percentage of cases the wagon mines, which come into operation only when a high-price period is upon us.

They can operate and produce and market their coal only when there is a high price, which justifies the unusual expense to which they have to go in order to get the coal to market. They load their coal upon a truck or a wagon perhaps several miles away from the railroad tracks; they haul that coal in the truck or wagon to a loading place upon the railroad tracks, and there sometimes dump it upon the ground and reload it there into cars, or load it directly into cars from their trucks or wagons. Sometimes they have a bin into which they can dump these wagons or trucks, and from that load into cars; but it is a very expensive operation. That high price, however, does the very thing that high prices always do. It stimulates production, increases the supply of coal, and tends to relieve the very situation about which we are now complaining.

Mr. President, I think this situation will cure itself in a very short time so far as the soft-coal industry is concerned. I am not at all well posted upon the anthracite industry, and am not attempting in any way to speak with reference to it; but as to the soft-coal industry the mines of the country are now largely engaged in producing coal, and I believe that the entire difficulty would be more readily solved if the transportation companies and the shippers were authorized to proceed to get this coal to the market in their usual manner, according to methods that have been adopted after many years of trial and experiment. I do not believe that there is any one officer, or several officers in this Government, under the Interstate Commerce Commission or elsewhere, who has the judgment necessary to give the orders which will tend to clarify this situation. On the contrary, I believe that he will be continually interfering with the ordinary process of getting this coal to the market after it has been mined, and producing more confusion and intensifying the situation, rather than clarifying it.

I think it is a great mistake to pass this bill. I think it is establishing a precedent which will be very dangerous in the future. I believe that it is in contravention of the Constitution, and that it will come before us many times to plague us when similar measures are attempted to be adopted in the future for the purpose of fixing prices by governmental action.

The PRESIDING OFFICER. The question is on agreeing to the conference report, on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). On this vote I have a pair with the junior Senator from West Virginia [Mr. Elkins]. Being unable to obtain a transfer, I withhold my vote.

Mr. NEW (when his name was called). Transferring my pair with the junior Senator from Tennessee [Mr. McKellar] to the junior Senator from New York [Mr. Calder], I vote "yea."

Mr. PHIPPS (when his name was called). Transferring my pair with the junior Senator from South Carolina [Mr. Dial] to the junior Senator from Maryland [Mr. Weller], I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. Robinson]. I understand that if he were present he would vote as I expect to vote upon this measure, so I feel at liberty to vote. I vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. Lodge] to the senior Senator from Arkansas [Mr. Robinson] and vote "nay."

Mr. WATSON of Georgia (when his name was called). I have a general pair with the senior Senator from California [Mr. Johnson], which I transfer to the senior Senator from Texas [Mr. Culberson] and vote "nay."

Mr. WILLIS (when his name was called). I am paired with my colleague, the senior Senator from Ohio [Mr. Pomerene]. I transfer that pair to the senior Senator from Michigan [Mr. Townsend] and vote "yea."

The roll call having been concluded,

Mr. HALE. I have a pair with the senior Senator from Tennessee [Mr. Shields], which I transfer to the junior Senator from New Hampshire [Mr. Keyes] and vote "yea."

Mr. CURTIS. I desire to announce the following general pairs:

The Senator from New Jersey [Mr. Edge] with the Senator from Oklahoma [Mr. Owen];

The Senator from Maine [Mr. Fernald] with the Senator from New Mexico [Mr. Jones];

The Senator from New Jersey [Mr. Frelinghuysen] with the Senator from Montana [Mr. Walsh];

The Senator from Illinois [Mr. McKinley] with the Senator from Arkansas [Mr. Caraway];

The Senator from Missouri [Mr. Spencer] with the Senator from Georgia [Mr. Harris]; and

The Senator from Wyoming [Mr. Warren] with the Senator from North Carolina [Mr. Overman].

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. Smith] to the Senator from Washington [Mr. Poindexter] and vote "yea."

Mr. COLT. I transfer my pair with the junior Senator from Florida [Mr. Trammell] to the junior Senator from Michigan [Mr. Newberry] and vote "yea."

Mr. KING. Upon this vote I am paired with the junior Senator from Vermont [Mr. Page], and in his absence I withhold my vote.

The result was announced—yeas 37, nays 12, as follows:

YEAS—37.

Ashurst
Ball
Brandegee
Bursum
Cameron
Capper
Colt
Cummins
Curtis
Dillingham
du Pont
Fletcher
France
Gooding
Hale
Jones, Wash.
Kellogg
La Follette
Lenroot
McCumber
McLean
McNary
Moses
Nelson
New
Norbeck
Oddie
Phipps
Rawson
Sheppard
Simmons
Smoot
Stanfield
Sterling
Walsh, Mass.
Watson, Ind.
Willis

NAYS—12.

Broussard
Ernst
Heflin
Myers
Ransdell
Reed, Pa.
Stanley
Sutherland
Underwood
Wadsworth
Watson, Ga.
Williams

NOT VOTING—47.

Borah
Calder
Caraway
Culberson
Dial
Edge
Elkins
Fernald
Frelinghuysen
Gerry
Glass
Harreld
Harris
Harrison
Hitchcock
Johnson
Jones, N. Mex.
Kendrick
Keyes
King
Ladd
Lodge
McCormick
McKellar
McKinley
Newberry
Nicholson
Norris
Overman
Owen
Page
Pepper
Pittman
Poindexter
Pomerene
Reed, Mo.
Robinson
Shields
Shortridge
Smith
Spencer
Swanson
Townsend
Trammell
Walsh, Mont.
Warren
Weller

So the conference report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 3307) authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7425) for the relief of Zah Barmon.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 10874) to provide adjusted compensation for veterans of the World War, and for other purposes, and it was thereupon signed by the President pro tempore.

The message also announced that the Speaker of the House had signed the following enrolled bills:

H. R. 5214. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 6929. An act for the relief of Horace E. Walker;

H. R. 7425. An act for the relief of Zah Barmon;

H. R. 8073. An act for the relief of the Kineo Trust Co.;

H. R. 8173. An act for the relief of Mrs. E. H. Jackson;

H. R. 11116. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended; and

H. R. 11843. An act for the prevention and removal of obstructions and burdens upon interstate commerce in grain by regulating transactions on grain-future exchanges, and for other purposes.

MEMORIAL TO JOSEPH J. DARLINGTON.

Mr. BRANDEGEE. From the Committee on the Library I report back favorably without amendment the joint resolution (S. J. Res. 240) authorizing the erection, on public grounds, of a memorial to the late Joseph J. Darlington, and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and is hereby, authorized and directed to select a suitable site and to grant permission for the erection on public grounds of the United States in the city of Washington, District of Columbia, other than those of the Capitol, the Library of Congress, the White House, and the Mall, of a memorial to the late Joseph J. Darlington, a leader of the Washington bar, as a gift to the people of the city of Washington: *Provided*, That the site chosen and the design of the memorial shall be approved by the Joint Library Committee of Congress, with the advice of the Commission of Fine Arts; that it shall be erected under the supervision of the Chief of Engineers, and that the United States shall be put to no expense in or by the erection of the said memorial.

Mr. BRANDEGEE. I send to the desk several letters which explain the joint resolution. The Fine Arts Commission has approved the memorial, which is to take the form of a public drinking fountain. It is to be designed by one of the most noted sculptors in the United States. I ask that the letters and the editorial which I have sent to the desk be printed in the RECORD in explanation of the entire project.

There being no objection, the letters and editorial were ordered to be printed in the RECORD, as follows:

WAR DEPARTMENT, CORPS OF ENGINEERS,
OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, August 30, 1922.

Hon. FRANK B. BRANDEGEE,
Chairman Joint Committee on the Library,
United States Senate, Washington, D. C.

MY DEAR SENATOR BRANDEGEE: Mr. Milton E. Ailes, president of the Riggs National Bank, has, on behalf of the friends and associates of the late Joseph J. Darlington, a leader of the Washington bar, brought to the attention of this office their desire to erect on public grounds in the District of Columbia, preferably Judiciary Park, a memorial to Mr. Darlington as a gift to the people of Washington, the United States to be put to no expense in or by the erection of the memorial.

In accordance with this, a resolution has been prepared here authorizing the erection of the memorial, and a copy is inclosed herewith, with recommendation that if it meets with your approval it be introduced.

Colonel Sherrill, who has been absent from Washington on a vacation, will return to duty in a few days, and will then be available for furnishing any information you may desire to have on the subject.

In the absence of Lieut. Col. C. O. Sherrill:

Very truly yours,

D. L. WEART,
Major, Corps of Engineers, Executive Assistant.

THE RIGGS NATIONAL BANK OF WASHINGTON, D. C.,
Washington, D. C., August 31, 1922.

Hon. FRANK B. BRANDEGEE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR BRANDEGEE: Referring to my talk with you at the Senate this morning regarding the Darlington memorial, I take pleasure in sending you herewith a copy of a letter which I addressed to Lieut. Col. C. O. Sherrill, August 12, and the clipping from the Journal and Carolina Spartan, of August 12, 1920, referred to therein.

I have asked Colonel Sherrill to address you directly with additional information. Meanwhile, I may say that the artist is Mr. C. P. Jennewein, of 560 West Twenty-sixth Street, New York City, who was selected by the Fine Arts Commission. I have also called Colonel Sherrill's attention to the fact that the Hahnemann Memorial and the Major Butt Memorial are instances of the appropriation of public grounds to purposes where it is desired to commemorate the virtue of private citizens. Thanking you for your courtesy, I remain,

Very sincerely yours,

M. E. AILES.

Also "Longfellow's" Memorial on Connecticut Avenue.—M. E. A.

THE RIGGS NATIONAL BANK OF WASHINGTON, D. C.,
Washington, D. C., August 12, 1922.

Lieut. Col. CLARENCE O. SHERRILL,
In Charge of Public Buildings and Grounds, Washington, D. C.

MY DEAR COLONEL SHERRILL: Referring to my conversation with you a few days since just on the eve of your departure for vacation, I write to say that when Mr. Frank J. Hogan, attorney at law, went abroad recently he turned over to me the matter of getting permission to place the Darlington Memorial in Judiciary Square.

I am deeply interested in this subject. The late Joseph J. Darlington was my close friend. He was an inspiration to me in many ways, and I spent a great deal of time with him in his sick room during his last illness when for months he faced death, not only unflinchingly but with anticipations of great reunions when it should occur.

I inclose a copy of an editorial from a South Carolina paper, quoting the minutes which we spread upon our records of the Riggs Bank after Mr. Darlington's death, and from which you will learn of our great respect and veneration for him.

Joseph J. Darlington was for more than 40 years the accepted leader of the Washington bar. He was born in South Carolina in 1849, and died in Washington in 1920.

Lawyers, civic leaders, men engaged in charitable and religious work, representative business men, and officers of the city's leading financial institutions intend to erect a memorial to Mr. Darlington.

The Fine Arts Commission selected the artist and approved the design of the memorial, which is a very artistic fountain surmounted by a group consisting of a maiden and a fawn.

The entire project will be without any expense whatever to the District or to the Federal Government, being financed throughout by private funds.

It is considered most appropriate to place this fountain in Judiciary Square. There is an excellent place for it in the center of the angle made by the Court of Appeals Building and the District Supreme Court Building. Mr. Darlington's law office was directly opposite this place on Fifth Street. For more than one-third of a century his work daily took him through that corner of Judiciary Square.

Governmental permission to erect this memorial fountain, selected and approved, as above stated, by the Fine Arts Commission, is desired. May we rely on your good offices to secure as promptly as possible such permission? We will be happy to respond to your call for cooperation from important citizens here should you need us.

With cordial regards, very sincerely yours,

M. E. AILES.

(Copy for Senator BRANDEGEE.)

[Editorial from the Journal and Carolina Spartan, August 12, 1920.]

WORTH LIVING TO HAVE MERITED THIS.

In the month of June there died in Washington one of the most eminent men of that great community—Joseph J. Darlington, a native of Due West, Abbeville district, S. C., and for the greater part of his life a resident of the National Capital. A lawyer of marvelous gifts, a scholar of high distinction, a superb figure among the moral forces of the city, a builder who ever builded on a sure foundation, the very soul of hospitality, his passing away was deplored by all who had been associated with him in professional or business activities, and by bar and bench and church and State appropriate tributes have been paid to his memory. One of the most expressive of these, because it is so happily worded, and so transparently truthful withal, is contained in the following minute which was offered by the Hon. Milton E. Ailes and entered on the books of the Riggs National Bank, of Washington, at the meeting of the board of directors on Tuesday, the first that had been held since the death of Mr. Darlington:

Joseph J. Darlington, one of our general counsel, died June 24, 1920.

"He was at the Washington bar 46 years. When he died, he was its dean and leader. In his long career at the bar he was the trusted adviser of many persons and institutions. The list is long and important. Through them he has left a deep impress on the times and place in which he lived.

"The Riggs National Bank, among other leading institutions here, was honored by relationship with Mr. Darlington. To him it owes a debt of gratitude which we can best repay by emulation of his simple virtues. No man ever served another or an institution with higher sentiments of service; for he was not moved, so far as our affairs were concerned, by any ordinary sense of fealty as between counsel and client. He himself proclaimed that he regarded his services to our bank as a response to a call of public duty.

"Reverently and affectionately we write these things in our minutes so that our successors in other years may know of our grateful recognition of a great service and our admiration for his attainments and lofty character.

"In the smaller affairs of the bank no less than its larger problems he gave us freely from his stores of wisdom, much as if he possessed no power to distinguish between great and little things. He was a prompt, sympathetic, careful, safe adviser; a great lawyer, a rare man.

"We all knew him well, and some of us, with the larger opportunity for contact, were admitted to the intimacies of his soul, and can bear witness to the spirit which gave him the heart to do the right in life, and again to carry on his daily tasks with simple, cheerful, understanding purpose in the face of known approaching death.

"In his life and work he set the highest examples. In his last months he was an inspiration to his intimates. No one closely associated with him during that time can ever forget what this means. For death to him was life again, reunions with the beloved, and a retreat where he would patiently, confidently, and fondly await our coming.

"It was a wonderful privilege to accompany him through these days, part way on the journey. Happy in his great expectation, deeply interested to the last in old friends and affiliations, in perfect peace of mind, with all the old-time sense of humor, without complaint or fear along the way, he reached the crossing, and when he went on alone we who remained on this side could not but feel, as Howells did at the passing of a good and great man, that although his fine spirit was still with us it yet seemed that eternity was the richer and time the poorer in his going from us."

This tribute was written by Mr. Ailes, who knew intimately Mr. Darlington, one of the general counsel of the Riggs Bank, of which Mr. Ailes is vice president, and who has rightly appraised him for the strength of his character, the force of his example, the wideness of his sympathies, the beauty of his life, and we print the story here that the thousands of men and women in South Carolina who knew him may more fully realize the greatness of the man and the glory of living as he did for the good of others.

WAR DEPARTMENT, CORPS OF ENGINEERS,
OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, D. C., September 5, 1922.

Hon. FRANK B. BRANDEGEE,
Chairman Joint Committee on the Library,
United States Senate, Washington, D. C.

MY DEAR SENATOR BRANDEGEE: Referring to our letter of August 20th to you, with respect to the memorial to the late Mr. Joseph J. Darlington, which his assiciates desire to erect in Judiciary Park as a gift to the people of this city, Mr. Ailes has informed me that he has had a talk with you on the subject and that you would like to have a plat of the proposed site. I am, therefore, sending you herewith a blue print of Judiciary Park, which shows the plot of ground at the southwest corner of the park at Fifth and D Streets. It is understood that the site suggested by Mr. Ailes is in the center of the large plot of ground immediately south of the Court of Appeals Building and west of the Court House Building. It is suggested, however, that in introducing the resolution, Judiciary Park be not mentioned, but the wording be that contained in the form sent you with our letter referred to, which authorizes the selection of a site on public grounds of the United States other than the Library of Congress, the White House, and the Mall. This is in accordance with the usual custom.

Mr. Ailes states that the name of the artist who is to make the statue is Mr. C. P. Jennewein, of 560 West Twenty-sixth Street, New York City.

With respect to your desire to have a list of precedents where public grounds have been used for memorials to private citizens, I would suggest the Butt-Millet Memorial Fountain in the White Lot, authorized by the act of Congress, approved August 24, 1912; the statue to

Gen. Albert Pike, at Indiana Avenue, Third and D Streets NW., authorized by the act of Congress, approved April 9, 1898, and a monument of Edmund Burke, which is to be placed at Massachusetts Avenue and Eleventh Street, under authority contained in Public Resolution of Congress No. 52, approved April 5, 1922.

Very truly yours,

C. O. SHERRILL,
Lieutenant Colonel, Corps of Engineers.

THE RIGGS NATIONAL BANK OF WASHINGTON, D. C.,
Washington, D. C., September 8, 1922.

Hon. FRANK B. BRANDEGEE,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR BRANDEGEE: Referring to my call on you at the Capitol a few days since regarding the resolution which you introduced in connection with the Darlington Memorial. I take pleasure in sending you a letter I have just received from Mr. Julius Garfinkle, one of the active spirits in the matter of the Darlington Memorial, which will give you a rather complete account of the artist, Mr. Jennewein, who was selected for this important work.

If there is any further information you desire, please let me know.

Hoping that the matter may receive prompt and favorable action, I remain

Very sincerely yours,
MILTON E. AILES.

WASHINGTON, D. C., *September 8, 1922.*

Mr. M. E. AILES,
Riggs National Bank, Washington, D. C.

DEAR MR. AILES: So that you will have a record of Mr. Jennewein's qualifications and reputation as a sculptor, I am writing you as per our conversation of Wednesday.

Mr. Jennewein was brought to my attention by Mr. Kendall, member of the firm of McKim, Meade & White, also a member of the Fine Arts Commission, through Mr. Charles J. Moore, chairman of the Fine Arts Commission. Mr. Kendall and Mr. Moore said regarding Mr. Jennewein that in their opinion if not to-day ranking as one of the greatest sculptors of this country it is only a matter of a short while before he will be given that place. The work that has been given him recently of the greatest importance is the Caruso placque placed in the Metropolitan Art Gallery and one for the Metropolitan Opera House. He is doing the most important work for the permanent building of the Philadelphia exposition. Just now he is doing the remarkable Barre statue at Barre, Vt.; also many other important pieces of work, and it is fortunate that we secured him at practically the outset of his career, and I can conservatively say that if we had to give him the order to-day it would be more than double the amount agreed upon.

I might add further that Mr. Jennewein's qualifications were of such high order that he was awarded a four years' scholarship to the American Art Academy at Rome.

I had not only Mr. Moore pass on the model selected, but each member of the commission very enthusiastically gave him approval. I think this was the only course to pursue, as they are the supreme court of the art world, and the people who criticize the work can be referred to the Fine Arts Commission, and we can say that it was selected with their enthusiastic approval.

I trust this information will be of service to you.

With my best wishes, your friend,

JULIUS GARFINKLE.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE TARIFF—CONFERENCE REPORT.

Mr. McCUMBER. Mr. President, I move that the Senate proceed to the consideration of the conference report on House bill 7456, the tariff bill.

Mr. HARRISON. Mr. President, does that automatically displace the unfinished business, the Liberian loan joint resolution? Would it not be better to ask that that be laid aside?

Mr. CURTIS. The unfinished business was laid aside temporarily at 2 o'clock, and I understand that taking up the conference report will not displace it.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota.

The motion was agreed to, and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. McCUMBER. To avoid having a question of order again raised which might consume time unnecessarily I now move that the Senate agree to the conference report.

Mr. SIMMONS. I understood the Chair to rule yesterday that the matter I am now going to present should be brought up before we begin the consideration of the conference report. May I inquire of the Senator from North Dakota whether it is his purpose to continue the consideration of the report to the usual hour of adjournment this afternoon?

Mr. McCUMBER. That is the purpose of those in charge of the conference report.

Mr. SIMMONS. I wish to make a point of order against the report. I think the conferees have exceeded their authority in the matter of the authorization to the President to proclaim the so-called American valuation.

The Senate, after much discussion and, I think, due deliberation, placed a limitation upon the power of the President to proclaim American valuation, and confined his power to exercise that authority to dyestuffs and other things specified in paragraphs 27 and 28 of the bill. There was no power conferred upon the President in this regard, or in any respect with reference to the American valuation, in the bill as it passed the House. The bill as it passed the House placed the rates prescribed in the bill upon the basis of American valuation, but in no way conferred upon the President the right to proclaim American valuation, either as to the particular items mentioned in paragraphs 27 and 28 or as to any of the items in the bill. There is a vast difference between the Congress applying the American valuation to all or any of the items in the bill and authorizing the President to proclaim American valuation.

The paragraph which I am discussing confines itself entirely and absolutely to the exercise of the power of imposing American valuation by the President. There is nothing in the bill as passed by the House which gives the President any powers at all in this respect.

When the bill went to the conferees it went there with a provision that the President, in the case of dyestuffs and certain derivatives and such other articles as are specified in paragraphs 27 and 28, in the exercise of the functions of his office, upon the advice of the Tariff Commission, might proclaim American valuation, but as to those specified items only. The conference committee have enlarged that power conferred upon the President so as to extend his right to proclaim American valuation, if the results of investigation shall justify it in his opinion, to every one of the 4,000 items in the bill.

I think that is a clear usurpation of power. I do not use the expression offensively. I only use it as indicating an undue arrogation of power to themselves on the part of the conferees. It was legislation by the conferees, pure and simple; legislation, it may be, of the most vital consequence to the taxpayers of the United States—undertaking to confer upon the President, so as to embrace all the industries of the country, a power which the Senate had limited to one particular and specified industry, and it therefore becomes a matter of very serious import to the taxpayers of the country. If it were exercised to the full extent of the potentialities of the situation, of course, it would change the entire basis of valuation fixed in the bill.

In view of the fact that the present occupant of the chair [Mr. CUMMINS] is a great lawyer and a great parliamentarian, I do not think it is necessary in the presentation of the point of order to do more than state the facts, so as to make clear the basis of my position, and then state in a very general way, as I have done, the reasons upon which I rest my conclusion.

Mr. McCUMBER. Mr. President, there is one essential feature of the case of which the Senator from North Carolina has failed to take note. It must be remembered that as the bill came over from the House it provided for the American valuation on every matter on which duties were to be levied ad valorem. So it will be seen that we have introduced no new matter, but have simply allowed the House to accept our foreign valuation in its entirety with the exception that in those cases in which the power is given to increase or decrease, if the duty shall not equalize the difference in the cost of production at home and abroad, then the American valuation basis may be retained. So that before the committee of conference there were on the one side the conferees insisting that the American valuation should be the basis throughout, and on the other side was the contention of the Senate conferees that the American valuation should be applied only to those articles covered by paragraphs 27 and 28.

Now, we had a perfect right to agree upon any condition between those two extremes. The House yielded to the general foreign valuation scheme, but insisted that if they abandoned everything relating to the ordinary process of valuation they should retain, not only in subdivision (b) but in subdivision (a) of the new matter which we inserted, the right to go to the American valuation plan. The Senate conferees conceded that, provided that there should be inserted a provision that if we returned to the American valuation for any purpose, we could not raise the rate. So it was specially provided that we might return to the American valuation, which was the House scheme, on condition that if the rates fixed in the bill did not give sufficient protection the President could not raise the rate, but could simply, by adopting the American valuation, thereby secure a higher rate of duty.

For all practical purposes I think it amounted to really nothing, because we are limited in our raising or lowering of duties to the sum which shall measure the difference in the cost of production at home and abroad, and I do not believe there is a single thing except coal-tar products in which the rates fixed would not be sufficient to measure the difference without even returning to the American valuation.

But I even go further, Mr. President. I say that the conference committee had a right to cut out any part of the Senate amendment. The Senate amendment was new matter entirely except as to the American valuation, and all the House conferees needed to do was to say, "We will agree to subdivision (b) if you will strike out the words 'paragraphs 27 or 28 of.'" That would have allowed the American valuation for which they were contending on all products to be applied in the particular cases wherein the duty fixed by the committee would not measure the difference in the cost of production at home and abroad upon any article, whether it was a coal-tar product or otherwise. But they stated, "We will limit the power of the President, if he goes to the American valuation basis on any article, to the declaration that he shall not raise the rate of duty at all for any purpose but only require such rates as would measure the difference in the cost of production at home and abroad."

It was nothing more nor less than an easy way to allow the House conferees to step down from their American valuation scheme. I do not think it will amount to anything, or will ever be used, but, notwithstanding, the conferees had the undoubted power, inasmuch as the House had provided for the American valuation basis throughout and the Senate had declared for foreign valuation throughout, with the exception of two paragraphs, to yield to the House in order that American valuation in certain instances and under certain restrictions might be provided.

Mr. UNDERWOOD obtained the floor.

The PRESIDENT pro tempore. Before the Senator from Alabama proceeds, the Chair would like clearly to understand whether the point of order which has been made by the Senator from North Carolina [Mr. SIMMONS] is in complete possession of the Chair. The Official Reporter has given to the Chair the following as being a statement of the point of order made by the Senator from North Carolina:

> Mr. SIMMONS. I wish to make a point of order against the report. I think the conferees have exceeded their authority in the matter of the authorization of the President to proclaim the American valuation.

The Chair asks the Senator from North Carolina whether that states his point of order as he intended to state it?

Mr. SIMMONS. That states my point of order, Mr. President, as I intended to state it. I hope I have stated it correctly. If I have not, I desire to say that I make the point of order that the conferees exceeded their authority in striking out the limitation placed in the Senate bill upon the power of the President to proclaim American valuation and inserting a provision that proposes to authorize him to proclaim American valuation in all instances whenever, after investigation, in his judgment it is expedient and wise to do so.

Mr. UNDERWOOD. Mr. President, as I understand, the Senator from North Carolina also in making the point of order particularized by referring to the action of the conferees in striking out, on page 292, line 25, the words "paragraphs 27 or 28 of." The Senator called that matter to the attention of the Chair in his argument.

Mr. SIMMONS. Yes; that was the basis of the point of order, that those words had been stricken out.

I stated, Mr. President, that the reference to those two paragraphs in the bill limited the power of the President to proclaim American valuation to dyestuffs, and that was stricken out, and later the committee conferred upon the President full and plenary powers to declare American valuation in all cases in which he thought it was proper.

Mr. UNDERWOOD. If the President pro tempore will refer to the last print of the bill, he will see that the brackets indicate that the language embraced within them has been stricken out, namely, the words "paragraphs 27 or 28 of."

Mr. President, I rise to say a few words in support of the position taken by the Senator from North Carolina in connection with the point of order raised by him, which, aside from the fact that, if sustained, it would send the bill back to conference, involves a very far-reaching question.

I listened to what the Senator from North Dakota [Mr. McCUMBER] said against the point of order. If his viewpoint is correct, and the point in issue is the American valuation and not the power of the President as stated by the Senator from North Carolina [Mr. SIMMONS], of course, the Senator from North Dakota would be right; but he was not speaking to the point of order. The point of order was not that the American valuation did not extend to the whole bill so far as the action of Congress was concerned, but the point of order made by the Senator from North Carolina goes to the proposition that as the bill passed the Senate there were certain, what I should call legislative but which, I have no doubt, the Senator from North Dakota would call executive, powers conferred upon the President, which powers were limited so that he could not increase or decrease the rates proposed in the bill more than 50 per cent, and, in addition to that, in reference to two paragraphs, he was authorized to adopt the American valuation instead of the foreign valuation.

If I recollect aright, the bill as it went to the conference, so far as the powers of the President were concerned, was limited in regard to the American valuation to two paragraphs, paragraph 27 and paragraph 28, which relate to dyes and dyestuffs and to them alone. Am I right about that—that when the bill was passed by the Senate the American valuation plan applied only to dyestuffs?

Mr. SMOOT. That is correct.

Mr. SIMMONS. It applied merely to dyes and dyestuffs.

Mr. UNDERWOOD. That was my understanding.

Mr. McCUMBER. Is the Senator referring to the House bill or the Senate bill?

Mr. UNDERWOOD. I am referring to the Senate bill.

Mr. McCUMBER. In the Senate bill the provision in regard to American valuation was limited to dyes; in other words, to paragraphs 27 and 28.

Mr. UNDERWOOD. I ask the Chair to bear in mind that as the bill passed the Senate the tax on all items in Title I was based on foreign valuation, which has been the basis for many years past, but there were two exceptions, namely, paragraphs 27 and 28, which related to dyes, and under the terms of the bill as it went to conference the American valuation basis was provided in the case of dyes.

Mr. SIMMONS. No; the Senator is mistaken. As the bill passed the Senate, and went to conference, all the items in the two paragraphs to which the Senator refers, embracing dyestuffs, were to be based on foreign valuation, but the President was given the power to proclaim American valuation as to dyestuffs.

Mr. SMOOT. The Senator is wrong as to that.

Mr. UNDERWOOD. If the Senator from North Carolina will pardon me, I think I was correct in my statement.

Mr. SIMMONS. I will ask the Senator to repeat his statement.

Mr. UNDERWOOD. What I stated to the Chair, and what I should like to be assured about before I start my argument is—in reading the bill last night I came to that conclusion, and if I am wrong about it I hope the Senator from North Dakota will correct me—that as the bill went to conference, in so far as the Senate is concerned in Title I, which is the taxing feature of the bill, the duties on all articles in Title I were based on the foreign valuation, except two—paragraphs 27 and 28—relating to dyes which, as the bill went to conference, carried the American valuation.

Mr. SIMMONS. The Senator is right about that.

Mr. SMOOT. The Senator from Alabama is correct.

Mr. UNDERWOOD. So there is no dispute on that; we are all agreed as to that.

Mr. President, when this bill went to conference paragraphs 27 and 28, relating to dyes, provided for the American valuation, but the duties on all of the remaining items in the bill were based on foreign valuation. Of course, we all know that the House bill was based altogether upon the American valuation as to all items. So if the issue involved here were only one as to which valuation should apply to the articles in this bill, undoubtedly the Senator from North Dakota would be right, and the question as to valuation would be entirely within the powers of the conference. That, however, is not the question; that is not the issue. The House bill gave no power whatever to the President of the United States to adjust tariff rates, either on dyes or anything else; but when the Senate came to act it threw out the American valuation and, except as to the two paragraphs referred to, adopted the foreign valuation. Then, in addition to that, the Senate inserted several paragraphs in the bill which were not in the House bill at all, giving the President power to increase rates of duty under certain circumstances after certain investigations by the Tariff Commission. Of course, all that was at issue in the Senate amendments and was properly before the conference, so far as the power of the President of the United States was concerned, and the power given him in the Senate bill in reference to increasing or changing rates. Of course, ex cathedra, we know that rates based on American valuation would be higher than those based on foreign valuation; but it is not material whether they would or not, although necessarily a change in the basis of valuation would change the rates, whether it raised or lowered them; but when this bill went to conference the basis on which the President could act in making a change of rates related entirely to the foreign valuation except in regard to two paragraphs, and the items in those two paragraphs carried the American valuation as they went to the House, because they were the particular two items on which American valuation had been adopted.

I take it, Mr. President, that if nothing had been said about foreign valuation in paragraphs 27 and 28, and if all the power given to the President in this bill in its entirety was to increase or decrease the rate 50 per cent on the American valuation, and the conferees had turned around and changed the basis of the valuation on which the Executive was to operate, there could be no dispute about its being beyond their power, because the Senate had not conferred or considered such a power. It happens, however, that in the bill when it went to conference there were two paragraphs that had the American valuation, and in conferring on the President the additional power to increase rates or to decrease them, the bill said that he should act on the American valuation in all cases except in paragraphs 27 and 28; and of course if paragraphs 27 and 28, under the terms of the bill, carried the foreign valuation, the President was given the authority in paragraphs 27 and 28 to operate on the foreign valuation in his 50 per cent increase or decrease.

With that staring them in the face, the conferees on this bill, by a clerical amendment which seems very simple on its face but is very far-reaching in effect, merely strike out five words, the words "paragraphs 27 or 28 of." Now let us read just what is said here:

> That in order to regulate the foreign commerce of the United States and to put into force and effect the policy of the Congress by this act intended, whenever the President, upon investigation of the differences in costs of production—

It formerly read "of products," but they have changed that to—

> of articles provided for in paragraphs 27 and 28 of Title I of this act, wholly or in part the growth or product of the United States—

And so forth.

That clearly limited the President's power in increasing or decreasing rates under a foreign valuation to paragraphs 27 and 28, but as a result of striking out those five words the paragraph now reads—

> upon investigation of the differences in costs of production of articles provided for in Title I of this act.

Title I of the act comprises the entire taxing features of the tariff bill.

Mr. President, the Senator says that this does not mean much; that it will not be operative. Whether it meant much or little would not affect the standing of the point of order. If it meant very little, it would be just as good a point of order; but I do not agree with the Senator about its not meaning much. The difference between a foreign and an American valuation meant so much that the Senator in charge of this bill, through months of debate, continually explained that when he nearly doubled or actually doubled rates of duty in Title I of this bill over the House rates, the reason why he did it was because the lower rate in the House bill was based on the American valuation, and when he changed it back to the foreign valuation he had to increase the rate to make up for the difference. The Chair knows that it is not material whether it meant 5 per cent or 100 per cent, but as a fact before the American people it means the opportunity for enormous increase of the taxes on the American people that are put into this bill by the conferees, and not by the action of either body of Congress.

Mr. McCUMBER. Mr. President, may I ask the Senator a question?

Mr. UNDERWOOD. Certainly; I yield.

Mr. McCUMBER. Does the Senator contend that the conferees would not have the power to strike out paragraph 27, for instance, and say that this authority should apply simply to paragraph 28?

Mr. UNDERWOOD. I think paragraphs 27 and 28 were both in conference on this particular question, and I think the conferees might have exercised their judgment in reference to the two paragraphs; but if they had gone beyond either paragraph, not merely by adding all the items in the bill but by adding one paragraph to it, they would have violated their authority.

Mr. McCUMBER. Does the Senator think they could not have added paragraph 29, then, in the place of paragraph 27?

Mr. UNDERWOOD. Paragraph 29, so far as the President's power to fix rates was concerned, was not in conference.

Mr. McCUMBER. I just wanted to get the Senator's position.

Mr. UNDERWOOD. That is it exactly.

Mr. McCUMBER. The Senator, then, contends that they could not strike out "27" and insert "29"?

Mr. UNDERWOOD. Certainly. Of course, the Senator has discussed this question from an entirely different standpoint from that from which I say the point of order lies and from which the Senator from North Carolina [Mr. SIMMONS] presented his case. The Senator from North Dakota is looking at the question from the standpoint of whether or not the valuation was in issue. The question that is in issue as to what they did was the authority of the President of the United States and as to how far that authority extended.

Mr. McCUMBER. No, Mr. President; I was discussing the matter just now from the standpoint that, it being entirely new matter, the conferees had the right either to extend or to limit it.

Mr. UNDERWOOD. I will reach that point. I think the Senator is entirely wrong, and I think I can show him authority on that point without any trouble.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that the provision as reported, giving the power to the President to transfer articles from a foreign valuation to an American valuation, gives him the power only to decrease the rate but not to increase it. Originally the power was given to decrease or to increase, but as reported to the Senate now it does not give him the power to increase any rate where the article is transferred from a foreign to an American valuation.

Mr. UNDERWOOD. That is not material. I do not agree with the Senator entirely about that, however.

Mr. SIMMONS. Except as the mere transfer may do that.

Mr. SMOOT. Yes.

Mr. UNDERWOOD. I think the mere transfer, as the Senator from North Carolina says, will very largely increase it; but that is not material in discussing the point of order.

Mr. SIMMONS. Not at all.

Mr. UNDERWOOD. Because if the power was given to decrease it is just as effective on the point of order as the power to increase.

Mr. SMOOT. Yes; but what I wanted to call the Senator's attention to was this: He said that giving that power to the President increased the rate sometimes two or three times.

Mr. UNDERWOOD. Here is what I understand from this provision: As the conference report now stands the President of the United States—of course, after investigation—if he reaches certain conclusions will have the right to take any article in Title I of this bill and transfer it from the foreign valuation to the American valuation.

There is no dispute about that question. We are agreed. Now, suppose the tax on an article, say, silks, is 50 per cent, or 60 per cent now on the foreign valuation. We know that when it comes here under the foreign valuation you have to take the cost, you have to take the selling price in the American market, and in many cases the mere transfer of that article from the foreign valuation to the American valuation would double the rate of duty, and some of these articles bear rates of two or three hundred per cent; but suppose it is an article like silk that bears a duty of 60 or 70 per cent. You would add 60 or 70 per cent tax on the American people by the mere act of the Executive authority. As I say, the amount of it is not the question on the point of order, but it shows clearly the great importance of the proposition that has been brought back here. If the Senate had had an opportunity to vote on this item alone I do not believe it would have ever agreed that the President should have the power to transfer every article in this bill from the foreign valuation to the American valuation. If there was a protest that went up in this country against one thing in this tariff bill from the Atlantic Ocean to the Pacific Ocean, that was almost universal so far as business men were concerned, except those who were directly interested in the bill, it was a protest against the provisions of the House bill providing for an American valuation; so much so that in response to that sentiment the Senate committee rejected the American valuation, and brought the bill in here with a provision that the tax should be levied on the basis of the foreign valuation of goods.

The PRESIDENT pro tempore. Will the Senator from Alabama allow the Chair to ask him a question?

Mr. UNDERWOOD. I shall be delighted.

The PRESIDENT pro tempore. The Chair does not know whether it is appropriate or not, but he desires fully to understand the point of order as made. Is it the contention under the point of order that the conference bill would permit the levying upon a given article of a higher duty than had been provided in either the Senate bill or the House bill?

Mr. UNDERWOOD. I think undoubtedly that would be the effect of it in the case of many articles—undoubtedly.

The PRESIDENT pro tempore. Is that the foundation of the point of order?

Mr. UNDERWOOD. No. The foundation of the point of order is the authority granted to the President. The result of the authority granted to the President, if exercised by him, would be to enable the President by Executive order to raise the rates higher than they were fixed in either bill and higher than they were fixed in either bill in addition to the executive authority to increase 50 per cent. That would be the result of it.

The PRESIDENT pro tempore. The House bill provided for the American valuation upon all articles.

Mr. UNDERWOOD. But with low rates—the American valuation, with low rates of duty on most articles. The Senate bill provided for the foreign valuation, with higher rates, but this bill provides for an American valuation with the high ad valorem rates fixed in the Senate bill.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, it provides for American valuation with the duties prescribed by the Congress for foreign valuation.

Mr. UNDERWOOD. To be sure. There was considerable discussion in the aisle at the time I was trying to make myself clear.

Mr. McCUMBER. Mr. President, if the Senator will allow me, if I understood the Senator correctly, he said that this gave to the President the power to raise a rate to a point higher than that provided in the Senate bill. The bill as it passed the Senate provided that he might raise the rate under both subdivisions (a) and (b) up to the difference between the foreign cost of production and the home cost of production. The same bill provides in both instances that he can not raise the rate, no matter what system he adopts, above the difference between the cost of production at home and abroad.

Mr. UNDERWOOD. As I have said a good many times, when you deal with the question of the difference in the cost of production, that means anything; it is a mere figure of speech. It is mere language placed in the bill to give the President of the United States power to operate on this question. I have had experience for many years in this kind of work, and the Senator knows, as well as I do, that witnesses themselves, men who may be prejudiced by their business interests but are perfectly honest, will differ more than a hundred per cent in stating the difference in the cost of production at home and abroad. There is no limit on that, and there is none in the bill, except mere language. The result is that if the President of the United States desires to do so—and there is no limitation on his conclusion and no provision for a review of his conclusion—as the bill now stands he can transfer any article from the foreign valuation to the American valuation and more than double the effectiveness of the tax on the American people by Executive order.

I am sure that neither House of Congress contemplated any such result when it sent the bill to conference. It is entirely beyond the scope of what they expected. The rates of the highest tariff taxes ever levied on the American people are increased by the action of the conferees in striking five words out of the bill.

But whether it decreases the rates or whether it increases the rates is not the question; it is merely illustrative of the situation. The real point is that when this bill went to conference, so far as the Executive power was concerned it was limited to foreign valuation except in two paragraphs of the bill, and limited to American valuation as to those two paragraphs. The Senator in charge of the bill gave away his case in his own argument when he said that he only put that in, that he did not intend to do much with it, but it helped soften down the differences between the two Houses and settle the contention of the House of Representatives on their claim for American valuation on the imported articles coming into this country. In other words, he gave to the President of the United States what Congress itself would not exercise. Power which the Congress itself would not exercise he gives away in conference to the President of the United States in changing every paragraph in the bill except two. It seems to me that is clearly beyond the power of the conferees.

Of course, I need not refer the President of the Senate to those decisions which have been often made in both branches of Congress, that where an appropriation is made, say, for a hundred thousand dollars, and it is disagreed to in the other House, the power of the conferees is limited within the hundred thousand dollars, and they can not exceed that amount and make the appropriation a million. Although they could cut it to seventy-five thousand or to fifty thousand, they can not exceed the advance limit of the amount given.

I think the same proposition would apply with reference to the items in the tariff bill. Where a specific power is limited to two items—in this case to adopt the American valuation—within the scope of those two items they could act; but they had no power to go beyond the scope of that, any more than they would have the power to increase the amount of an appropriation beyond the amount named by the two Houses.

The President of the Senate is very familiar with the rule, but for the RECORD I want to read the rule. Section 2 of Rule XXVII reads as follows:

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report, and if the point of order is sustained the report shall be recommitted to the committee of conference.

That amendment to the rules was adopted March 8, 1918, because the Senate, as the President knows, had been very lax in these matters. There have been precedents in the past where matters have been allowed to be inserted by conferees in conference reports entirely changing the language and the effect of the legislation, but the error of that procedure had gone so far that the Senate itself revolted against it, and in March, 1918, a more drastic rule was brought in to govern the Senate conferees than the rule which had theretofore existed in the House of Representatives.

If the Chair will pardon me, I want to read a decision from the House of Representatives where in conference very much the same thing was done with regard to a bill as has been done here, except in a different way. It was on March 7, 1904. I read as follows from Gilfry's Precedents, page 333:

> In the House of Representatives, Mr. Bingham, of Pennsylvania, called up the conference report on the legislative appropriation bill. Mr. MANN, of Illinois, made the point of order that the managers of the conference had exceeded their authority by inserting new matter in their report.
>
> On the following day the Speaker [Mr. JOSEPH G. CANNON] ruled upon the point of order, as follows: "On yesterday, upon the conference report on the legislative, executive, and judicial appropriation bill, the gentleman from Illinois [Mr. MANN] made the point of order that the conferees had exceeded their jurisdiction, in substance as follows: That Senate amendment numbered 235 inserted these words 'or any other'; and again to the amendment numbered 236 the Senate inserted these words 'by this or any other act.' The House provision, which the Senate amended, is as follows: 'No part of any money appropriated by this act shall be available for paying expenses of horses and carriages or drivers therefor for the personal use of any officer provided for herein other than the President of the United States, the heads of executive departments, and the Secretary to the President.' The conference report takes the matter in difference to which the Chair has referred, accepts the Senate amendments, and inserts 'or official,' so as to make it read 'for the personal or official use of any officer provided for by this or any other act other than the President of the United States,' etc. It is objected that the insertion of the words 'or official' is aliunde to the matter that was in difference between the two Houses, and prevents, if enacted, the use of appropriations in this or any other appropriation bill for paying the expenses of horses and carriages, or drivers therefor, for the personal or official use of any officer, etc. It is evident from the reading of the amendments that the insertion of the words 'or official' inserts that within the conference report that was not proposed by the House or by the Senate. It is true that if the whole paragraph in the bill as it passed the House had been stricken out and a substitute therefor proposed by the Senate, or if the Senate had stricken out the paragraph without proposing a substitute, and the House had disagreed to the amendments of the Senate, then the conferees might have had jurisdiction touching the whole matter and might have agreed upon any provision that would have been germane. But that is not this case. This provision in the conference report inserts legislation that never was before the House or before the Senate, and it was quite competent for the conferees, if they could do this, to have stricken out the whole paragraph and inserted anything that was germane. They could have stricken out these words, 'other than the President of the United States, the heads of executive departments, and the Secretary to the President,' and while there were but two words inserted, the provision, if enacted into law, would be far-reaching and would run along the line of the whole public service. As to the wisdom of such a provision, the Chair is not called upon to intimate any opinion. It is for the House and the Senate to determine upon the wisdom of it, and, as the House and the Senate never have considered that proposition, the Chair is of opinion that the conferees exceeded their power, and therefore sustains the point of order."

In that case they merely changed the words in conference to extend the power of the appropriation to certain other officials besides those named and in dispute. In this case the conferees merely struck out five words, and by doing so made the language apply entirely to article 1, instead of two paragraphs in the bill. In other words, by striking out five words they inserted every other paragraph in article 1.

Mr. President, no man can contend that any such question as that was submitted by the Senate of the United States to the conference or by the House to the conference. No man for a minute imagines, when this great power was given to the President of the United States to function in reference to rates in a tariff bill, that he should have the unlimited right, under article 1, to adopt either the American or the foreign valuation as he saw proper. It is an enormous matter. It goes to the whole substance of the tariff bill. It doubles the taxing power of the bill, if the President chooses to exercise the power.

To say that any such question was submitted to the conferees seems to me beyond reason. It was not within the scope of the viewpoint of the two Houses. It was shown absolutely that the Senate did not intend that any such application should be made by the Senate rejecting American valuation on these articles. It rejected it in response to public sentiment. Yet the conferees, after they went to the conference, without the matter being in dispute except in reference to two paragraphs in the bill, by a mere elimination of those words made the language so as to apply the American valuation to every item in the bill, if the President chooses to exercise the power.

I am not contending that he will or will not, or when he will or when he will not, but he can do it if he wants to and there is no limitation on his power except his own discretion, because the idea of his having to find out the difference in the cost of production at home and abroad is so broad a discretion that anything can operate within the power of that discretion.

The PRESIDENT pro tempore. May the Chair ask the Senator another question before he concludes his argument? The Chair very much desires to get the principle of the matter which the Senator is presenting.

The Senator insists that it was not within the jurisdiction of the conference committee to enlarge the authority of the President. I take it that is the fundamental proposition?

Mr. UNDERWOOD. Undoubtedly; to enlarge the power of the President in this way. That is it exactly. I am not arguing the question of valuation. That was a legislative power which was in dispute as to the policy of Congress, as to whether the fundamental principle in the bill would have been affected, but this is an additional power which they have granted to the President.

The PRESIDENT pro tempore. The Chair understands that the Senator from Alabama takes this position: The House gave the President no power, the Senate gave the President certain powers, and the conferees could not enlarge the powers which the Senate had given to the President.

Mr. UNDERWOOD. Undoubtedly. In other words, the Chair is exactly right as to the position I take in the matter. To illustrate, the Senate bill gave the President certain powers to increase tariff duties on foreign valuation in the bill. Of course, the power of the President is the issue and not the tax. Does the Chair think that because it had given the President power to increase duties the conferees could have gone on and written provisions into the bill that would give the President power to levy internal taxes on all articles coming into the customhouses, to have applied a similar tax in his discretion to the internal tax levied on tobacco, for instance, and broaden his powers to that extent?

I think clearly that was not within the scope of the power granted to them. We sent to conference here a bill granting power to the President to change the rates of duty on a certain basis. The conferees changed the entire basis of power on which he is to operate, leaving the old basis and adding a new one besides.

Now, just eliminate paragraphs 27 and 28 and take up some particular item in the bill—optical glass, for instance, on page 227. As the bill went to conference the tax fixed by the House was 35 per cent American valuation. As it passed the Senate it was 45 per cent foreign valuation. In that case I know the difference in valuation would amount to more than 100 per cent. The bill gives to the President the right, as to optical glasses, to apply 45 per cent on the American valuation. That is the result of the amendment.

Does the Chair think that was in conference, that the Chair and myself and other Senators sent that authority to the conference to be determined by them? Instead of 45 per cent on optical glasses, that would make probably a tax of 90 per cent on the American valuation if we levied the 45 per cent on the American valuation plan. So the effect of it is to increase the rates in the bill by a mere order of the President away beyond anything contemplated by either House of Congress.

Mr. LENROOT. Mr. President, will the Senator yield for a question?

Mr. UNDERWOOD. Certainly.

Mr. LENROOT. Does the Senator think it would have been competent for the conferees to have accepted American valuation with the rates fixed by the Senate upon optical glasses?

Mr. UNDERWOOD. Yes; I do.

Mr. LENROOT. And if they did, what would have been the difference between the effect of doing it in that way and in the way adopted by the conference?

Mr. UNDERWOOD. The difference in effect is this: Of course, the valuation in the two bills was in issue so far as valuation was concerned. I do not dispute the fact that if the conferees had had the nerve—and I say "nerve" with all the emphasis I can command—to apply the Senate rates of duty to the American valuation and brought the bill back in that form to the Senate the Senator from Wisconsin would not have voted for the bill.

Mr. LENROOT. That would not have been a question upon the merits.

Mr. UNDERWOOD. I realize that. The Senator would not have voted for the bill, and they would not have dared to bring it back in that way. But they did bring in an amendment which they would not have dared to bring in any other way, because the country, if they had known it, would have rejected it. By striking out five words they seek to give the power to the President to do this thing.

The Senator may not have been here when I started my argument. I am not contending at all on the question of valuation that the committee did not have the right to do what it thought best.

Mr. LENROOT. I thought the Senator was contending that the action of the conferees would result in exceeding the tax that the conferees were authorized to fix.

Mr. UNDERWOOD. I was not contending; I was merely illustrating. It was not the point of order to which I was addressing myself, but I was trying to impress on the Chair what a dangerous effect the amendment would have so far as the American people are concerned if the conferees are allowed to keep it in the bill. It is not that it has anything to do with the point of order except as to the very grave importance of the matter that is at issue before the Chair now. Of course, I realize that the only issue of importance is as to whether the conferees had a right to extend the power of the President in the way they have done.

I thank the Chair for hearing me.

Mr. LENROOT. Mr. President, it seems very clear that the question hinges on determining what is the matter in disagreement. The Senator from North Carolina [Mr. Simmons] and the Senator from Alabama [Mr. Underwood] insist that it is the power of the President, and that the conferees have enlarged that power beyond their jurisdiction. The chairman of the committee [Mr. McCumber] insists that the subject matter in disagreement is that of valuation. It seems very clear to me that that was the subject matter which was in disagreement between the two Houses, and the object of the conference, so far as this question was concerned, was to bring both Houses together upon the question whether rates of duty should be based upon foreign valuation or upon American valuation.

The two Houses could be brought together in only one of four ways upon that subject. The conferees might have agreed upon foreign valuation throughout. They might have agreed upon American valuation throughout. They might have agreed upon certain paragraphs having the American valuation applied to them and the balance of the bill having foreign valuation applied to it. They might have agreed that the American valuation under certain circumstances and conditions should be applied and the foreign valuation should be applied in all other cases. There is no other way for the two Houses to be brought together with reference to the subject matter in disagreement, and the conferees have chosen one of those four ways.

I insist that if there had not been a word in the bill as passed by the Senate with reference to the power of the President regarding American valuation, it was clearly within the province of the conferees to insert a provision in it delegating to the President, under certain conditions and in certain cases, the power to apply the American valuation which the House insisted upon with reference to the entire bill. That does bring the two Houses together.

We do not need to argue the provision of the bill with relation to the power of the President as to valuation. The House was insisting upon American valuation throughout. The Senate delegated power with reference to two paragraphs in the bill, and as to those two paragraphs took the position that there might be American valuation applied, but as to none other. The House necessarily disagreed to that provision, because they insisted that the whole bill should have the American valuation applied to it.

Of course, to make the point of order good it seems to me we would have to have this condition: If the House had foreign valuation and the Senate had foreign valuation and then had put in the provision for American valuation as to those two paragraphs, it might well then be argued that the only question of the power of the President as to American valuation was as to those two paragraphs. But the House necessarily had to disagree to that provision of the Senate bill in order to be consistent with their position in insisting upon

American valuation throughout the bill. So we have the two extremes. The Senate is really insisting upon foreign valuation; the House upon American valuation; and the conferees have gotten together by agreeing upon the foreign valuation, except that in certain instances and under certain conditions the Senate conferees have yielded to the House and have provided that under such circumstances the American valuation may be applied by the President.

May I observe that in any case where the President does apply American valuation it leaves it exactly as if the conferees had accepted the House plan as to American valuation as to every paragraph to which the American valuation is applied.

I want now to call attention to a precedent of the House of Representatives. The Senator from Alabama [Mr. UNDERWOOD] quoted one, and I desire to read another:

> On February 25, 1901, Mr. GILBERT N. HAUGEN, of Iowa, presented the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 2799) to carry into effect the stipulations of article 7 of the treaty between the United States and Spain, concluded on the 10th day of December, 1898.
>
> The conferees recommended that the House recede from its amendment, which was in the nature of a substitute, striking out all after the enacting clause and inserting a new text; and they further recommended that the House agree to the Senate text with certain specified amendments.
>
> Mr. OSCAR W. UNDERWOOD, of Alabama, made a point of order that the conferees had exceeded their authority and incorporated in their report matters not in difference between the two Houses. The House text had substituted reference to the Court of Claims instead of to the commission proposed by the Senate text. The conferees not only recommended the adoption of the Senate text, but had enlarged the provisions of it, making the number of commissioners five instead of three, although, he asserted, there was no issue between the two Houses on this point, and also materially changing the Senate text in those portions relating to the right of appeal.
>
> After debate, the Speaker held:
>
> The current of authorities in regard to the action of the conferees is that they must be held strictly to the consideration of such matters as are in issue between the two Houses. That is the general governing principle, and a most valuable one, and a necessary one. In this case, however, the Chair sees no difficulty. As stated by the gentleman from Pennsylvania [Mr. Mahon], the Senate presents a proposition for a commission; the House turns that down, so to speak, and adopts an amendment, by way of substitute, providing that these Spanish claims shall be referred for determination to the Court of Claims. In other words, the Senate contends for a commission, the House for the Court of Claims. The method of treating these Spanish claims is thus put in issue.

Then the Speaker goes on and holds that that being the matter in issue, the conferees had a very wide discretion. So here the matter in issue, and the only matter that is affected by the point of order raised by the Senator from North Carolina, is the question of valuation as to whether American valuation shall be applied or foreign valuation shall be applied. The conferees have brought the two Houses together by agreeing that foreign valuation shall be applied except that in certain cases and under certain conditions the House provision as to American valuation shall be accepted.

Mr. President, it seems very clear to me that upon principle the point of order should be overruled.

Mr. SIMMONS. Mr. President——

Mr. UNDERWOOD. Will the Senator from North Carolina allow me to say just one word?

Mr. SIMMONS. Certainly.

Mr. UNDERWOOD. Of course, there is no contention on my part that if the issue is merely one relating to the question of valuation the point of order would lie; but both the Senator from North Carolina and myself contend that it is a question of power. However, I desire to refer to the precedent which the Senator from Wisconsin [Mr. LENROOT] has quoted. In that instance the issue involved was the settlement of certain Spanish War claims, and the Senate had adopted the commission plan while the House of Representatives wished to refer the claims to the Court of Claims, and both of those questions were in issue. I can cite a precedent, if the Chair desires to go back to Speaker Henderson, for whose decisions I have much respect, based on a decision which was rendered at about the same time. A claims bill was pending, and certain claims were in dispute between the two Houses. In that case the conferees inserted three new claims which were not in the bill at all. I remember making a point of order at the time against the action of the conferees. The Chair sustained the point of order, and the report was sent back to conference, with instructions to strike out the new claims which had been inserted in the bill. The conferees contended that the bill being a claims bill it was within the scope of their power to put in any claim. The same proposition is now involved in this case in a tax bill. The conferees because a tax was involved seemed to think they had authority in conference to increase the power of the President so as to enable him to put into operation any tax scheme they saw fit.

Mr. SIMMONS and Mr. ODDIE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. ODDIE. As the question has been raised by the Senator from Alabama——

Mr. SIMMONS. I thought I was recognized, and I yielded to the Senator from Alabama for a moment.

The PRESIDENT pro tempore. The Chair did not so understand. The Chair recognized the Senator from Nevada.

Mr. SIMMONS. I thought I was recognized. I ask the Senator from Alabama if he did not ask me to yield to him?

Mr. UNDERWOOD. Yes; I asked the Senator to yield.

Mr. SIMMONS. I would not make the point now, but for the fact that the Senator from Nevada is probably going to talk about some other matter. However, I will yield to the Senator from Nevada.

Mr. ODDIE. As the Senator from Alabama has brought up the question of whether American valuation or foreign valuation is the more popular in this country, I ask permission to have printed in the RECORD a list of organizations, with the number of their members, which have indorsed American valuation. I think my request is very apropos at this time.

The PRESIDENT pro tempore. The Chair is of the opinion that debate, being at the pleasure of the Chair, must be devoted to the point at issue, and the popular opinion with regard to American valuation is not material to the present proposition.

Mr. SMOOT. I desire to ask the Senator from Nevada if the list which he desires to have printed in the RECORD has not already been so printed?

Mr. ODDIE. No; but a very small part of the list has been printed. The matter is short and will take but very little space if it be printed in small type, which is all I ask for.

Mr. SIMMONS. I have no objection to it being printed in the RECORD.

Mr. WATSON of Indiana. Mr. President, has anybody made a point of order against or raised any objection to the request of the Senator from Nevada?

The PRESIDENT pro tempore. The Chair made objection to it. The debate is proceeding on a point of order, and must be confined to the point of order, because debate in this instance is not a matter of right. The Senator from North Carolina will proceed.

Mr. SIMMONS. Mr. President, it is not my purpose to prolong this discussion. I do desire, however, to make myself a little bit clearer to the Chair than I seem to have done in my first presentation of the question. It is probable that I did not speak as loudly as I should, and, on account of the conversation in the Chamber, the Chair probably did not hear all I said. I am saying this because, from some observations which have fallen from the Chair since I made my statement, I apprehend that probably he did not catch in its fullness the point which I originally presented.

Mr. President, I have made no question, and I do not make any question, as to the right of the conferees to have made any change which they saw fit with respect to American and foreign valuation, so far as such change related to the positive provisions written by the Senate into the bill.

The House bill was based in toto upon the American valuation. It included every item in Title I, which covers the entire dutiable list. The Senate rewrote the bill from beginning to end, so far as concerns the basis of valuation upon which the rates prescribed were to operate and be calculated. There was a complete disagreement between the two Houses upon that question; and undoubtedly the conferees might have provided for the American valuation throughout Schedule 1, which relates to chemicals, and they might have applied the foreign valuation to every item in Schedule 2, which relates to metals, and so they might have gone on through the bill, applying foreign valuation to the items in one schedule and in the next schedule applying American valuation. No question is made about that. That relates to congressional action, to the action of the two Houses with respect to the method of valuation to be employed. The power which fixed the valuation in that case was the legislative power, the Congress, and, under the rules, the conferees might make any changes within the two methods of valuation that they saw fit in order to bring the two bodies together.

When, however, we come to the power which is conferred upon the President in connection with the so-called flexible tariff provision, we find that the bill as originally written and presented to the Senate by the Finance Committee contained three or four sections, each of which conferred upon the Executive extraordinary powers with reference to rates and with reference to the valuation upon which those rates should be based, powers never before granted by Congress to the Executive, powers that seemed to confer upon him quasi legislative functions. Those powers in the bill are distinct from the rates fixed by this body and the other House acting in conjunction. With respect to those powers over rates and valuation the House and the Senate have nothing to do; they are in excess of the powers exercised by the two Houses; upon the President is conferred power to do things which neither branch of the Congress has undertaken to do. Among the powers conferred upon the President by the Senate bill was the power, under certain circumstances, to increase rates within the limits of 50 per cent, but the additional rates which the President was authorized to impose must be based upon the plan of valuation prescribed in the bill, namely, upon the basis of foreign valuation. The House bill contained no such provision as that.

The next power conferred upon the President in the original bill related to valuation. The bill as originally reported to the Senate by the Finance Committee conferring these extraordinary powers on the President, in connection with the making of this so-called flexible tariff, provided that he might proclaim American valuation as to any item in Title I, provided he should find certain conditions and facts to exist.

That was the character of the power conferred upon the President as it came to the Senate from the Finance Committee; but the Senate, after due consideration and discussion, decided against this broad and sweeping power with reference to American valuation, and by amendment to the Senate Finance Committee's proposed amendment—namely, by the so-called Bursum amendment—limited the powers of the President with respect to American valuation to two paragraphs in Title I, those relating to dyestuffs. Now, the bill goes back to the conference committee for action. The powers of the President have been expressly confined to those two paragraphs. The Senate has expressed its will about it. The conferees strike out this amendment, put in by the Senate, and they extend the President's power so as to embrace within its scope every item in the whole title. If that is not an exercise of legislative power I do not know what it is.

I have put this case purely upon the question of power. To my mind there is a vast distinction between the powers over rates which this bill gives to the President and the powers over rates which are inherent in the Congress. The powers over rates that are inherent in the Congress are left here in such a way that the conferees had a perfect right to change the methods of valuation in any respect that they saw fit to bring the two Houses together; but the powers that are delegated to the President seem to me to be powers that must be considered from an entirely different standpoint.

If you are going to confuse those two things, then of course there is force in the argument made by the Senator from North Dakota and the argument made by the Senator from Wisconsin; but if those two things are distinct and separate—and I think they are vastly different—then I take it that there was no authority in the conferees to make this broad and sweeping change.

But the President pro tempore has suggested the question of the effect upon rates of this change by the committee. Mr. President, the effect of it is sweeping. It is difficult to estimate it. It is uncertain, but nevertheless it is clear that by reason of this action the rates have been increased to rates much higher than those imposed by either branch of the Congress. The House rates, being based upon American valuation, were low in percentage of rates, relatively speaking. The Senate rates, based upon foreign valuation, were higher, relatively speaking. In fact, all through the discussions that we had here on the question of whether or not the Senate rate was higher than that imposed by the House, the representatives of the Finance Committee declared that the rate was nominally higher because the rate of the House was based upon one valuation while the rates of the Senate were based upon another valuation, and they claimed that while the rates upon the foreign valuation all through the bill were nominally much higher, as a matter of fact they were not any higher. The fact remains, however, that the rates are higher, considered as rates, and the foreign-valuation rates obtain in every item in this bill. They are all higher than the House rates.

What does this section do with reference to those rates? Here it is. I am reading now from paragraph (b) of section 315:

> In such cases—

That is, where the President proclaims American valuation—

> In such cases and upon the proclamation by the President becoming effective the ad valorem duty or duties based in whole or in part upon the value of the imported article in the country of exportation shall thereafter be based upon the American selling price.

In every case, Mr. President, the duty—what duty? The duty imposed in this act. Upon what basis of valuation is that duty imposed? It is imposed upon the basis of the foreign valuation. It is made higher than it otherwise would be on the American valuation, because it is on the foreign valuation. The President is authorized by the proclamation of the American valuation to increase further that rate, based on the foreign valuation, by the extent that the value of the article in the foreign market is less than the value of the article in the American market. The rate that is to apply, upon which his proclamation is to operate, is a rate based upon the foreign valuation, the price of the product landed at an American port. The duty is fixed on that basis. That is the high rate. When the President adds to that rate the difference between the foreign valuation and the American valuation he necessarily raises the rate higher than it was and is in the bill either upon the rates fixed by the House or upon the rates fixed by the Senate.

I think that this is a very important matter. I am not caviling about it. I believe that it is a clear usurpation of power by the conferees. I believe that we ought to keep the conferees within their proper sphere. The importance of this question can not be too much emphasized.

I am ready, so far as I am concerned, for the ruling of the Chair.

The PRESIDENT pro tempore. The Chair desires to examine this question. He is not ready to rule upon it, and hopes that inasmuch as the hour of adjournment is near at hand the Senate will either adjourn or take a recess at this time.

Mr. HARRISON. Mr. President, since the Chair is going to take this matter under advisement—which is a very wise decision—may I suggest that if the Chair will turn to the CONGRESSIONAL RECORD of this morning, containing yesterday's proceedings in the House, at page 13738, he will find the best reasons that could possibly be assigned for the action of the House. They were proclaimed by the chairman of the Ways and Means Committee of the House, Mr. FORDNEY, when he said:

> Senator BURSUM sent word yesterday that if the language in his amendment was left in it would ruin his reputation, and we sent word back that if it were it would ruin the reputation of the House bill, and therefore we struck it out and saved the reputation of both.

COMMITTEE SERVICE.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent that the order which I send to the Secretary's desk, assigning places on committees to the junior Senator from Pennsylvania [Mr. REED], may be adopted by the Senate.

The PRESIDENT pro tempore. The order for the adoption of which the Senator from Connecticut asks unanimous consent will be read.

The Assistant Secretary read as follows:

> *Ordered*, That the junior Senator from Pennsylvania, Mr. REED, be assigned to membership on the following committees, to wit: Immigration, Interoceanic Canals, Manufactures, Naval Affairs, and Territories and Insular Possessions.

Mr. BRANDEGEE. I will state that those are the same committees of which the late Senator from Pennsylvania, Mr. Crow, was a member, and it was thought by the committee on committees to be only fair that his successor should take the same places. They are the only vacancies.

The PRESIDENT pro tempore. Is there objection to the assignment of the Senator from Pennsylvania to the committees named in the order which has just been read? The Chair hears none, and it is so ordered.

RECESS.

Mr. McCUMBER. I ask unanimous consent that when the Senate closes its session to-day it recess until Monday at 12 o'clock.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCUMBER. I now move that the Senate take a recess, the recess being until Monday at 12 o'clock.

The motion was agreed to, and (at 4 o'clock and 43 minutes p. m.) the Senate, under the order entered, took a recess until Monday, September 18, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *September 16, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, we do not come to Thee under the bondage of fear, for Thou dost not delight in destruction. In Thy sight human life is not a vanishing dream, for in Thee we live and move and have our being. The Lord be exalted, for He is so high and holy that the archangels veil their faces before Him. O be Thou with us that we may be champions of the truth and right, heroes for liberty and in everything the loyal sons of our heavenly Father. O care for our own United States, and in every crisis may our Republic come to its great task with high honor, erect, mighty, and valiant. Make of all who dwell on its breast defenders of our flag and loyal to all those institutions which bless our Christian land. O bring peace to the earth and may it stop shrieking the hymn of hate. Let hope revive beneath the forbidding skies and let faith discern the coming of the truce of God. With the dawn of to-morrow, still the care and the anxiety of the world's busy week. In Thy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent—

Mr. FAIRFIELD was granted leave of absence, for five days, to attend a funeral.

Mr. WASON was granted leave of absence, for one week, on account of illness.

The SPEAKER. The Chair feels he ought to state he was notified of Mr. WASON's illness some days ago, but forgot to put in the request for leave.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5214) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had insisted upon its amendments disagreed to by the House of Representatives to bills of the following titles, had agreed to the conference asked by the House, and had appointed Mr. CAPPER, Mr. GOODING, and Mr. TRAMMELL as the conferees on the part of the Senate:

H. R. 2722. An act for the relief of W. W. McGrath;

H. R. 3034. An act for the relief of Lizzie Askeli;

H. R. 5349. An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels;

H. R. 5918. An act for the relief of the Michigan Boulevard Building Co.; and

H. R. 7912. An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10874) to provide adjusted compensation for the veterans of the World War, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2377. An act to authorize the extension and widening of Ninth Street from Longfellow Street NW. to Underwood Street and Underwood Street from Ninth Street to Georgia Avenue NW.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2377. An act to authorize the extension and widening of Ninth Street from Longfellow Street NW. to Underwood Street, and Underwood Street from Ninth Street to Georgia Avenue NW.; to the Committee on the District of Columbia.

RIVER AND HARBOR AUTHORIZATION BILL.

Mr. DEMPSEY. Mr. Speaker, I call up the conference report on the river and harbor bill for consideration under the rule.

The SPEAKER. The gentleman from New York calls up a conference report on the bill, which the Clerk will report by title.

The Clerk read as follows:

An act (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8 and 67.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 9, 12, 13, 14, 18, 19, 20, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 54, 55, 56, 59, 61, 62, 63, 64, 65, 68, 69, 70, 71, 72, and 74; and agree to the same.

The committee of conference reached no agreement on Senate amendments Nos. 3, 11, and 23.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "Corpus Christi" and insert in lieu thereof the following: "Channel from Aransas Pass to Corpus Christi"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "Nogo" and insert in lieu thereof the word "Noyo"; and strike out the period at the end of the paragraph, insert in lieu thereof a comma, and add the following words: "and subject to the conditions set forth in said document"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Tennessee River and tributaries, North Carolina, Tennessee, Alabama, and Kentucky: Survey, at a cost not to exceed $200,000"; and the Senate agree to the same.

The committe of conference reached no agreement on Senate amendment No. 11.

Amendments numbered 15 and 16: That the House recede from its disagreement to the amendments of the Senate numbered 15 and 16, and agree to the same with amendments as follows: In the language proposed by the Senate amendments strike out the words "landing place" and insert in lieu thereof the word "harbor," so as to make the matter affected by the amendment to read: "any one harbor in any one fiscal year"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with its insertion on page 6 as the last paragraph in section 1; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In the matter proposed by the Senate amendment strike out the word "heretofore," at the beginning of line 3; also strike out the comma after the word "contracts" in line 6 of the amendment, insert in lieu thereof a period, and strike out the balance of the matter proposed, so as to make the section read:

"SEC. 10. That any work of improvement herein adopted, and any public work on canals, rivers, and harbors adopted by Congress may be prosecuted by direct appropriations, by continuing contracts, or by both direct appropriations and continuing contracts."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In the matter proposed in the Senate amendment strike out the proviso at the end of the first paragraph and insert in lieu thereof the following: "*Provided*, That this provision shall not apply to those rafting logs except upon a direct request upon the owner to furnish specific information," and in the second line of the second paragraph strike out the word "act" and insert in lieu thereof the word "section ; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with its insertion on page 18, after line 17; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with its insertion on page 17, after line 12, to follow amendment No. 58; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with its insertion on page 17, after line 9; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with its insertion on page 17, after line 12; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with its insertion on page 17, after line 12; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Cheboygan River, Mich., in the city of Cheboygan, with a view to securing a depth of 16 feet between the State Street Bridge and Elm Street"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with its insertion on page 13, after line 18; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 14. That the jurisdiction of the Mississippi River Commission is hereby extended, for the purposes of levee protection and bank protection, to the tributaries and outlets of the Mississippi River between Cairo, Ill., and the Head of the Passes, in so far as these tributaries and outlets are affected by the flood waters of the Mississippi River."

And the Senate agree to the same.

The committee of conference recommends that the paragraph relating to Plymouth Harbor, Mass., on page 3, line 3, 4, 5, and 6, be transferred to page 1, after line 7.

S. WALLACE DEMPSEY,
RICHARD P. FREEMAN,
AMOS H. RADCLIFFE,
JOHN J. KINDRED,
J. J. MANSFIELD,
Managers on the part of the House.

W. L. JONES,
KNUTE NELSON,
WM. M. CALDER,
DUNCAN U. FLETCHER,
JOS. E. RANSDELL,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, submit the following written statement explaining the effect of the action agreed upon:

The river and harbor bill as it passed the House authorized new work, the total estimated cost of which was $40,652,309. The amount added by amendment in the Senate was $15,449,100, as follows:

Westchester Creek, N. Y	$475, 000
Absecon Inlet, N. J	240, 000
Acquisition of the Lake Drummond Canal, Va. and N. C	500, 000
Channel from Aransas Pass to Corpus Christi, Tex	1, 394, 800
Noyo River, Calif	16, 000
Umpqua River, bar, and harbor, Oreg	276, 500
Siuslaw River, Oreg	35, 000
Lake Washington Ship Canal, Wash	446, 000
Wrangell Harbor, Alaska	50, 000
Tennessee River and tributaries (survey)	515, 800
Acquisition of the Cape Cod Canal, Mass	11, 500, 000
Total	15, 449, 100

As a result of the conference the following reductions were made from the authorizations added by the Senate:

Siuslaw River, Oreg	$35, 000
Survey of Tennessee River and tributaries	315, 800
Total	350, 800

The following statement shows the action taken by the conference on each of the Senate amendments (page numbers refer to print of bill with Senate amendments numbered):

On amendment No. 1, page 2: Item adopts new projects for Westchester Creek, N. Y., estimated to cost $475,000. House conferees recede.

On amendment No. 2, page 2: Item adopts new project for Absecon Inlet, N. J., at estimated cost of $240,000. House conferees recede.

On amendment No. 3, page 3: Item provided for the acquisition by the Government of the Lake Drummond Canal, Va. and N. C., at a cost not to exceed $500,000. No agreement was reached by the conference committee

On amendment No. 4, page 5: Item adopts new project for dredging channel from Aransas Pass, Tex., to Corpus Christi, at estimated cost of $1,394,800. House conferees recede with an amendment changing the title of the project from "Corpus Christi, Texas," to "Channel from Aransas Pass to Corpus Christi, Texas."

On amendment No. 5, page 6: Item adopts new project for Noyo River, Calif., estimated to cost $16,000. House conferees recede with amendments correcting a typographical error, and making the prosecution of the work subject to the condition that local interests contribute one-third the cost thereof.

On amendment No. 6, pages 6 and 7: Item amends provision of the House bill adopting a new project for Oakland Harbor, Calif., by providing that no work shall be done above the Webster and Harrison Street Bridges until those bridges have been removed or so altered, in accordance with plans approved by the Secretary of War and the Chief of Engineers, as to provide suitable facilities for navigation. House conferees recede.

On amendment No. 7, page 7: Item adopts new project for Umpqua River, bar, and entrance, Oregon, estimated to cost $276,500. House conferees recede.

On amendment No. 8, page 7: Item adopts new project for Siuslaw River, Oreg., Acme to the entrance, estimated to cost $35,000. Senate recedes.

On amendment No. 9, page 8: Item adopts new project for widening the channel of approach to the Lake Washington Ship Canal and constructing a mooring pier for vessels. Estimated cost, $446,000. House conferees recede.

On amendment No. 10, page 8: Item provides for a survey of the Tennessee and its tributaries for the purpose of gaining full knowledge of navigation and water-power possibilities of these rivers. The estimated cost of the survey is $515,800. House conferees recede with an amendment limiting the cost of the survey to $200,000.

On amendment No. 11, page 9: Item modifies the existing project for East River, N. Y., by limiting the depth to be secured from the navy yard to Long Island Sound to 35 feet, instead of 40 feet, as authorized. No agreement was reached on this item.

On amendments Nos. 12, 13, 14, 15, and 16, on pages 9 and 10: These items amend the House provision authorizing the expenditure of appropriations or allotments for the Mississippi River from the mouth of the Missouri River to Minneapolis for dredging of channels to landing places, as follows: Amendment No. 12 provides that appropriations or allotments "heretofore or hereafter made" shall be available for this purpose; amendment No. 13 includes landing places in former channels among the harbors to which such channels may be dredged; and amendments Nos. 14, 15, and 16 limit the amount that may be expended on any one of such channels to $50,000 in any one fiscal year, while the House language limited the amount that could be expended on all such channels to $100,000 in any one fiscal year. House conferees recede with an amendment substituting the word "harbor" for the words "landing places" in the matter covered by Senate amendments Nos. 15 and 16.

On amendment No. 17, page 10: Item adopts new project for the construction of a breakwater at Wrangell Harbor, Alaska, estimated to cost $50,000. House conferees recede with an amendment transferring the item to the end of section 1 of the bill.

On amendment No. 18, page 12: Item provides for the abandonment of the operation, care, and maintenance of lock and dam in the Galena River, Ill. House conferees recede.

On amendment No. 19, page 12: Item strikes out the words "and directed" in House provision authorizing and directing the Secretary of War to construct six sea-going hopper dredges. At the present time it appears that not more than four of these dredges will be required immediately and it may be some time before the two additional dredges will be required. House conferees recede.

On amendment No. 20, page 14: Item provides that hereafter no project shall be considered by any committee of Congress with a view to its adoption, except with a view to a survey, if five years have elapsed since a report upon a survey of such project has been submitted to Congress pursuant to law. House conferees recede.

On amendment No. 21, pages 14 and 15: Item provides that any work of improvement herein adopted, and any public work on canals, rivers, and harbors heretofore adopted by Congress may be prosecuted by direct appropriations, by continuing contracts, or by both direct appropriations and continuing contracts, as may be provided in any act making appropriations to carry on such works. House conferees recede with an amendment striking out the word "heretofore" in line 3 of the amendment, and by striking out the words "as may be provided in any act making appropriations to carry on such works."

On amendment No. 22, page 15: Item vests the Secretary of War with authority to require all vessels operating upon the navigable waters of the United States to furnish such statements relative to vessels, passengers, freight, and tonnage as may be needed in connection with the investigation of proposed river and harbor improvements and in carrying on the work assigned to the War Department by the transportation act of 1920. House recedes with three slight verbal changes in the matter proposed.

On amendment No. 23, pages 15 and 16: Item provides for the acquisition of the Cape Cod Canal, Mass., at a cost of about $12,000,000. House conferees disagreed to this amendment.

On amendment No. 24, page 16: Changes the number of a section.

On amendment No. 25, page 18: Survey of portion of Gowanus Creek channel, Brooklyn, N. Y. House conferees recede.

On amendment No. 26, page 18: Survey of Buffalo Harbor and Creek, N. Y. House conferees recede.

On amendment No. 27, page 18: Item amends House provision for a survey of the Hudson River channel along the water front of Weehawken and Edgewater by directing that the survey be extended in a straight line in front of the dock of Edgewater about three-quarters of a mile farther north. House conferees recede.

On amendment No. 28, page 18: Survey of Oyster Creek, N. J. House conferees recede.

On amendment No. 29, page 18: Survey of Shrewsbury River, N. J. House conferees recede.

On amendment No. 30, page 18: Survey of Manasquan Inlet, N. J. House conferees recede.

On amendment No. 31, page 19: Survey of a section of the Passaic River, N. J. House conferees recede.

On amendment No. 32, page 19: Survey of Herring Bay and Rockhole Creek, Md. House conferees recede.

On amendment No. 33, page 19: Item strikes out the word "Black" and inserts in lieu thereof the word "Back." House conferees recede.

On amendment No. 34, page 19: Item changes language in House provision for a survey of Norfolk Harbor, Va., with a view to providing an anchorage basin so as to give more latitude in the selection of the location. House conferees recede.

On amendment No. 35, page 20: House provision covered by this amendment was transferred to page 22, under amendment No. 52. House conferees recede.

On amendment No. 36, page 20, strikes out the word "Manassa" and inserts in lieu thereof the word "Nevassa." House conferees recede.

On amendment No. 37, page 20, strikes out the word "Gut" and insert in lieu thereof the word "Cut." House conferees recede.

On amendment No. 38, page 20: House provision covered by this item was transferred to page 21, under amendment No. 40.

On amendment No. 39, page 20: Survey of section of Waccamaw River, N. C. and S. C. House conferees recede.

On amendment No. 40, page 21: Item replaces provision for survey of Savannah River, Ga., stricken from the bill by amendment No. 38. House conferees recede.

On amendment No. 41, page 21: Survey of section of St. Johns River, Fla. House conferees recede.

On amendment No. 42, page 21: Survey of Caloosahatchee River, Fla. House conferees recede.

On amendment No. 43, page 21: Survey of St. Lucie Inlet, Fla. House conferees recede.

On amendment No. 44, page 21: Survey of Bayou Chico, Fla. House conferees recede.

On amendment No. 45, page 21: Survey of Blackwater Bay and River, Fla. House conferees recede.

On amendment No. 46, page 21: Survey of section of Suwanee River, Fla. House conferees recede.

On amendment No. 47 corrects a clerical error. House conferees recede.

On amendment No. 48, page 21: Survey of Mississippi River at St. Paul, Minn. House conferees recede.

On amendment No. 49, page 22: Item strikes out the word "Falaya" and inserts in lieu thereof the word "Falia." House conferees recede.

On amendment No. 50, page 22: Survey of Lake Fausse Point, La. House conferees recede.

On amendment No. 51, page 22: Survey of Bayou Bonfouca, La. House conferees recede.

On amendment No. 52, page 22: Item covers House provision transferred from page 20, amendment 35.

On amendment No. 53, page 22: Survey of Sabine-Neches Canal, Tex. House conferees recede.

On amendment No. 54, page 23: Survey of Arkansas River, in the vicinity of Star Lake, Okla. House conferees recede.

On amendment No. 55, page 23: Item amends House provision for survey of Missouri River from Kansas City to Sioux City, by extending the survey to Pierre, S. Dak. House conferees recede.

On amendment No. 56, page 23: Survey of Canoe Creek, Ky., at its mouth. House conferees recede.

On amendment No. 57, page 23: Survey of Mississippi River at Nauvoo, Ill. House conferees recede.

On amendment No. 58, page 23: Survey of Mississippi River at Dallas City, Ill. House conferees recede.

On amendment No. 59, page 23: Survey of Petoskey Harbor, Mich. House conferees recede.

On amendment No. 60, page 23: Survey of a section of Cheboygan River, Mich. House conferees recede.

On amendment No. 61, page 24: Survey of Illinois River, Ill. House conferees recede.

On amendments No. 62 and 63, page 24: Transfer of the House provision for survey of Wilson Harbor, N. Y. House conferees recede.

On amendments Nos. 64 and 65, page 25: Amends House provision for survey of Niagara River and Tonawanda Creek, N. Y., by making separate items for these two streams. House conferees recede.

On amendment No. 66, page 25: Survey of Bloomfield Creek, N. Y. House conferees recede with amendment transferring the item to page 17 of the bill.

On amendment No. 67, page 25: Survey of Oakland Harbor, Calif. Senate recedes.

On amendment No. 68, page 26: Survey of section of the Columbia River, Oreg. and Wash. House conferees recede.

On amendment No. 69, page 26: Survey of Cowlitz and Puyallup Rivers, Wash. House conferees recede.

On amendment No. 70, page 26: Survey of English Bay, Alaska. House conferees recede.

On amendment No. 71, page 27: Survey of Hilo Harbor, Hawaii. House conferees recede.

On amendment No. 72, page 27: Survey of Kahului Harbor, Hawaii. House conferees recede.

On amendment No. 73, page 27: Item extends the jurisdiction of the Mississippi River Commission to the tributaries and outlets of the Mississippi River between Cairo and the Head of the Passes insofar as they are affected by the flood waters of the Mississippi River. House conferees recede with amendment making verbal changes.

On amendment No. 74, page 27: Item adopts new section giving the Secretary of War authority, in his discretion, to annul a contract entered into May 22, 1916, between the United States and the Great Lakes Dredge & Dock Co. for the removal of Coenties Reef, East River, N. Y., and relieve the said company from further obligation thereunder as between the company and the United States. House conferees recede.

S. WALLACE DEMPSEY,
RICHARD P. FREEMAN,
AMOS H. RADCLIFFE,
Managers on the part of the House.

Mr. MADDEN. Mr. Speaker, I reserve a point of order on the conference report.

The SPEAKER. The gentleman will state his point of order.

Mr. MADDEN. I reserve all points of order.

The SPEAKER. Now is the proper time to determine points of order before entering upon consideration of the conference report.

Mr. MADDEN. I raise the point of order against amendment 73 and state that the conferees have exceeded their jurisdiction. The point of order is in reference to amendment 73 on the ground that the conferees have exceeded their jurisdiction in agreeing to the Senate amendment with an amendment by taking it up for consideration in any way in the conference.

The SPEAKER. Will the gentleman state his reason for the point of order as to how the conferees have exceeded their jurisdiction?

Mr. MADDEN. In the first place, this is a matter under the jurisdiction of the Flood Control Committee. It is not within the jurisdiction of the River and Harbor Committee at all.

Mr. STAFFORD. Will the gentleman from Illinois permit?

Mr. MADDEN. Yes; I will be glad to yield.

Mr. STAFFORD. This amendment is virtually in violation of paragraph 2 of Rule XX, which provides in the last clause that no amendment of the Senate providing for an appropriation upon any bill other than a general appropriation bill shall be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall first be given by the House.

Mr. Speaker, the Chair will take cognizance of the fact, I take it, that under existing law the Mississippi River Commission has available at its disposal many millions of dollars for the improvement and protection of the banks of that river. That money to-day is available running into millions—some $6,000,000. It is a continuing appropriation. Now, what is sought by this provision? It seeks to make available the appropriation which is under the control of the Mississippi River Commission to all tributaries and outlets of the Mississippi River, and by this legislative enactment it virtually carries an appropriation to make available to its tributaries appropriations now available exclusively for the Mississippi River.

The SPEAKER. It extends the purpose of the appropriation but it does not appropriate a new appropriation.

Mr. STAFFORD. It extends the purpose of the appropriation just the same as if it carried the appropriation, and in effect provides that funds for the Mississippi River improvement shall be utilized and available for tributaries of the Mississippi River. It is in effect an appropriation——

The SPEAKER. But it does not appropriate new money.

Mr. STAFFORD. No; but it makes available the existing money. It is a new authorization for the money indirectly made available and it extends the scope, as the gentleman from Illinois suggests, for something which is not now authorized by existing law.

If the appropriation to-day is authorized for this character of work, as soon as this becomes a law it is not necessary to go to the Appropriations Committee for an appropriation of money for this new purpose.

The SPEAKER. Exactly. It does not cost the Government any more.

Mr. STAFFORD. Following that logic, it does not cost the Government any more. Of course that involves the idea that if we appropriate $5,000,000 for a specific work in one locality and then later, by an authorization, extend that all over the country and spread its use, that there will be no further demands made upon the Government, upon the Committee on Appropriations, for more money for the original authorization.

The SPEAKER. Very likely that result might follow, but after all does that make an appropriation?

Mr. STAFFORD. The Chair must take cognizance of the fact that as soon as this is authorized the money now available for Mississippi River Commission work will be available for this purpose.

The SPEAKER. How does it provide an appropriation? That is the trouble.

Mr. STAFFORD. I did not hear the Speaker's question.

The SPEAKER. How does it provide for funds? At first blush the Chair does not see that this makes an appropriation.

Mr. MADDEN. If the Chair will permit, during the session of Congress, for the year 1923 appropriations exceeding $6,000,000 were made and placed at the disposal of the Mississippi River Commission for uses within the territory embraced within the jurisdiction of the Mississippi River Commission. This legislative provision seeks to extend the jurisdiction of the commission to a very much larger area. It takes in territory that was not embraced in the original act, and to the extent that it does that it makes the money available for things that it was not available for before, and hence restricts the uses to which the money can be put on the Mississippi River proper within the jurisdiction existing in the Mississippi River Commission, therefore making the existing appropriation inadequate for the purpose for which that appropriation was made and, consequently, making an appropriation out of that appropriation for something that does not exist at the time. And so, while it does not specify that an appropriation is being made, it is in fact making available the appropriation already made for purposes not in existence at the time the appropriation was made and reduces the purposes for which the money appropriated can be used within the territory now under the jurisdiction of the Mississippi River Commission.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. Is this the time to make the point of order? Would not the time to make a point of order have been when the original bill was up? Was not that the time to make the point of order? The conference report is now pending. The gentleman is making his point of order on the theory that the conferees have exceeded their authority.

Mr. MADDEN. I still think they have.

Mr. STAFFORD. The gentleman will read in the rule—

> Nor any amendment of the Senate providing an appropriation upon any bill other than a general appropriation bill shall be agreed to by the managers on the part of the House unless specific authority to agree to such amendment shall be first given by the House by a separate vote on every such amendment.

We are challenging the right of the conferees to agree to this amendment. Now is the time to bring it to the attention of the Chair. It is the same as if the conferees had agreed that so much money available for the use of the Mississippi River should be used for the improvement of Chesapeake Bay, or Baltimore Harbor, or the like. It is providing for something that is not authorized by existing law.

Mr. BLANTON. Mr. Speaker——

The SPEAKER. The Chair will first hear the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Speaker, subdivision 2, paragraph 2, of Rule XX, to which the gentleman from Wisconsin referred, is in this language:

> No amendment of the Senate to a general appropriation bill * * *.

Now, this is a restriction upon the action of the House. It should be narrowly construed, strictly construed.

The SPEAKER. How is it restricted?

Mr. DEMPSEY. I say the clause to which the gentleman from Wisconsin refers is a clause referring to a general appropriation bill.

The SPEAKER. Yes.

Mr. DEMPSEY. It is a limitation upon the action of the House, and so it should be construed strictly; and the question then is whether this bill, which is now before the House, is not only an appropriation bill, but a general appropriation bill. There can not be any claim that it is such. This is simply an authorization bill. It is not an appropriation bill of any nature whatever.

The SPEAKER. The Chair thinks the gentleman is referring to the wrong rule, and that if the gentleman will refer to the last part of clause 2 of Rule XX——

Mr. DEMPSEY. I am referring to that clause 2.

The SPEAKER. The latter part of it?

Mr. DEMPSEY. Yes. I read:

> Nor any amendment of the Senate providing an appropriation upon any bill other than a general appropriation bill.

This does not provide for an appropriation.

The SPEAKER. That is just the question.

Mr. DEMPSEY. No appropriation is made, and no appropriation is suggested. It simply extends the jurisdiction of the commission authorized by Congress, and if the Speaker should find that it is an appropriation, he would have to read into the provision an entirely different result from that conveyed by the language, because you can not find any language, taking it backwards and forwards, or any suggestion whatever, of an appropriation. It simply extends the jurisdiction of the commission, and whether they shall have an appropriation or not is a question to be decided by Congress for the future as to this territory which is added to their jurisdiction.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. STAFFORD. Will the gentleman deny that as soon as this law goes into effect, this provision included, the money now available at the disposal of the Mississippi River Commission will be available for improvements for the tributaries of the Mississippi River, over which they have not jurisdiction now and can not spend money on to-day?

Mr. DEMPSEY. I say, in answer to the gentleman's question, first, that that depends entirely upon the language of the act creating the Mississippi River Commission and upon the language of the act appropriating money to be expended by that commission; and you can not assume that it is one way or the other. The gentleman seems to argue that we should assume that something is so. We can not assume that at all. It depends upon the precise language of the act, and the gentleman does not cite any language in the act that says that the money appropriated shall be used not alone on the territory over which the commission has jurisdiction at this time, but shall be used for territory over which they may be given jurisdiction.

Mr. STAFFORD. I say that unless the language is most unusual and extraordinary, the gentleman is absolutely and clearly wrong in his assumption.

Mr. DEMPSEY. Mr. Speaker——

Mr. STAFFORD. Wait a moment. I have not finished.

The SPEAKER. The Chair would like to have that question of fact settled, because that would have a very decided bearing on the matter.

Mr. DEMPSEY. The gentlemen who make this point of order are the ones who are raising this question, and they can not succeed except by their presenting to the Chair the necessary facts, and they have not as yet presented any facts, and I say that clearly the inference is exactly the contrary to what the gentleman from Wisconsin argues.

Now, let us take the second proposition and let us suppose, for instance, that the gentleman is right in his contention that the effect of this provision would be to make the present appropriation available for the added territory. I think he is clearly wrong; but suppose, for the sake of argument, that he is right that these funds which are in the hands of the commission subject to expenditure by them will be made available for the added territory. Let us see what the language of the rule is on that question.

> Nor any amendment of the Senate providing for an appropriation.

That is the language that we have to construe.

> Nor any amendment of the Senate providing for an appropriation.

This clearly does not provide for an appropriation. The appropriation to which the gentleman refers has already been made. This does not appropriate one additional cent. It does not provide for an additional liability on the part of the Government. It does not extend the liability at all. It does not make any new appropriation, and this language is directed solely against the providing of an appropriation. It is not directed against the extending of the scope or manner of use of the appropriation.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. GARRETT of Texas. I want to ask the gentleman if the rule that he refers to is not a restriction upon appropriation and not upon authorization.

Mr. DEMPSEY. It is a restriction upon appropriation. It is not a restriction upon the use of an appropriation. That is the distinction, and all that this provision refers to at the most is what the gentleman so blindly claims without producing any proof at all—all that it refers to is the use of an appropriation and not an appropriation at all, and the obvious purpose of the rule is to limit the liability of the Government and not to limit the Congress in its use of the funds which it has appropriated.

Mr. DENISON. Mr. Speaker, I simply want to express this thought: The rule to which the gentleman from Wisconsin refers is limited to the making of an appropriation and not to the distribution of an appropriation already made. Now, if his contention is correct, then if Congress should hereafter want to change the jurisdiction of the Mississippi River Commission by law, or to extend it by law, that sort of a bill would have to come from the Committee on Appropriations instead of from the Committee on Rivers and Harbors, because it would be, as they contend, an appropriation. Why, the fallacy in that argument is very clear. If that argument were logical, then a bill to provide for additional clerks in the War Department would be an appropriation bill according to the argument of the gentleman from Wisconsin, because the money heretofore appropriated would have to be used to pay those additional clerks. The fallacy of that sort of argument is very clear.

Mr. STAFFORD. Now, Mr. Speaker, if the Chair would like to hear the authorization——

The SPEAKER. The Chair will be very glad to hear the gentleman.

Mr. STAFFORD. For the last half hour I have been trying to get the librarian of the House to furnish this act, but I have had to resort to the clerk of the Committee on Appropriations to get it. I call the attention of the Speaker to Barnes's Federal Code, section 9502—

> Control of floods in Mississippi River: For controlling the floods of the Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohio River the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $45,000,000: *Provided*, That not more than $10,000,000 shall be expended therefor during any one fiscal year.

I wish to say to the Speaker that there is money available at the present time running into the millions of dollars which the Mississippi River Commission may utilize for that purpose.

Now I wish to refer to the section which states the authority of the Mississippi River Commission, section 9497:

> Mississippi River Commission: * * * it shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the Postal Service.

The SPEAKER. The only point that the Chair cares to hear about is as to whether that law provides that the funds could be used for purposes referred to in the amendment of the Senate.

Mr. STAFFORD. I take it, Mr. Speaker, that with the authority being granted to the Mississippi River Commission to extend its jurisdiction over the tributaries, the same powers as are set forth in this act will be extended to those tributaries, and that the money thus available for that work must necessarily be considered as being available for the tributaries.

The SPEAKER. That is the point the Chair wishes to be clear about.

Mr. DEMPSEY. If the Speaker please——

Mr. STAFFORD. The act says they may have at their control so much money for expenditure.

The SPEAKER. Will the gentleman read that section again?

Mr. STAFFORD. It is section 9502:

> For controlling the floods of the Mississippi River and continuing its improvement from the Head of the Passes to the mouth of the Ohio River the Secretary of War is hereby empowered, authorized, and directed to carry on continuously, by hired labor or otherwise, the plans of the Mississippi River Commission heretofore or hereafter adopted, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $45,000,000: *Provided*, That not more than $10,000,000 shall be expended therefor during any one fiscal year.

The effect of this enactment is to read into the authorization of the Mississippi River Commission authority not only to expend the money on the Mississippi River proper but on all its tributaries and canals, and as soon as that law is adopted there is read right into it this authorization, the right of the Mississippi River Commission to expend the money on these byways and tributaries, and it is virtually diverting the money that is available, for an added scope, for which the Mississippi River Commission has no authority to-day to expend it.

Mr. DENISON. Mr. Speaker, will the gentleman from Wisconsin yield for a question?

Mr. STAFFORD. Yes.

Mr. DENISON. If the position of the gentleman is correct, then every amendment in this bill is an appropriation and subject to the same objection, because in this bill we are authorizing a number of surveys by the Mississippi River Commission of other rivers that will have to be done with money already appropriated to the commission, and if the gentleman's argument is correct every one of these amendments is an appropriation, and he has picked out simply one and paid no attention to the others.

Mr. STAFFORD. This is the first time I have ever heard that the Mississippi River Commission has authority over the surveys of the Board of Engineers of the War Department.

Mr. DEMPSEY. Mr. Speaker, the gentleman from Wisconsin has not had time to read the act. If he had read it, he would not have made his point of order at all, because the act is perfectly plain, if the Speaker please, and it is absolutely clear that what he says could be done can not be done. He simply has omitted the section which deals with that subject. I refer him to subsection (c) of section 9502.

> Any funds which may hereafter be appropriated under authority of this act for improving the Mississippi River between the Head of the Passes and the mouth of the Ohio River, and which may be allotted to levees, may be expended upon any part of said river between the Head of the Passes and Rock Island, Ill.

Now, that is all they have jurisdiction over to-day, and to that their expenditure of money is expressly limited by the act which creates the commission.

Mr. STAFFORD. But this extends it to these other things.

Mr. DEMPSEY. Oh, no; it does not extend it to these other things.

The SPEAKER. Will the gentleman let the Chair see that act?

Mr. DEMPSEY. Certainly.

Mr. STAFFORD. They have this money which they can expend.

Mr. DEMPSEY. They will have to come to the Committee on Appropriations to get any additional money.

Mr. BLANTON. Mr. Speaker, may I make a suggestion to the Chair? May I call the attention of the Chair to the fact that it has been held that the proper criterion in determining this question is whether or not without the amendment the money could be expended for the purposes provided for in the amendment. Clearly it could not. Without this amendment this money could not be expended on the tributaries. It takes this amendment to constitute the authorization. That being the case, it is clearly an appropriation and comes within the rule.

Mr. WILSON. Mr. Speaker, if I may make a suggestion along the line of the first question asked by the Speaker, the flood control act provides for appropriations for controlling the flood waters of the Mississippi River. This particular amendment does not go outside of the purposes of that act. If you will read it you will find that it extends the jurisdiction of the Mississippi River to those tributaries and outlets in so far as they are affected by the flood waters of the Mississippi River. So, in answer to the first question asked by the Speaker, it does not divert the appropriations that may be made in the future under the flood control act from their original purposes.

Mr. MADDEN. Will the gentleman yield to me for a question?

Mr. WILSON. Yes.

Mr. MADDEN. Does the gentleman admit that this language amends the act and extends the jurisdiction and scope of the Mississippi River Commission?

Mr. WILSON. It extends the scope of the commission to the tributaries of the Mississippi River in so far as they are affected by its flood waters, but it does not change the purposes or the scope of the purposes for which the appropriations are authorized under the flood control act.

Mr. MADDEN. If this amends the act and gives the commission broader jurisdiction, of course, it extends that jurisdiction to the point of expending the money which is now available under the authority which they have.

Mr. WILSON. It does not amend the flood control act.

Mr. MADDEN. It certainly does.

Mr. WILSON. The jurisdiction of the Mississippi River Commission was given in the act creating the commission.

Mr. MADDEN. This amends the flood control act without any question.

The SPEAKER. The Chair is ready to rule. There is considerable doubt in the mind of the Chair, in the absence of exact information, as to just what the effect of this amendment would be, whether it would really extend to some new purposes the use of the funds already appropriated or not; but even if it would, it seems to the Chair that that does not bring it within the prohibition of the rule that no amendment of the Senate providing for an appropriation upon any bill other than a general appropriation bill shall be agreed to by the House managers without express authority. It does not seem to the Chair that this is an appropriation. If it does allow the use of part of the money already appropriated for a different purpose, yet it does not follow that thereby any extra appropriation is required or any extra expenditure on the part of the Government. If the Committee on Rivers and Harbors can not report such an authorization, it is difficult for the Chair to see how it could be made. The Appropriation Committee would not have the authority to do it. It seems to the Chair that it is strictly within the jurisdiction of this committee, and the Chair overrules the point of order.

Mr. GARRETT of Tennessee. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER. The gentleman from Tennessee makes the point that no quorum is present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The clerk called the roll, and the following Members failed to answer to their names:

Andrew, Mass.
Ansorge
Arentz
Bankhead
Barkley
Beedy
Bell
Bixler
Blakeney
Bowers
Brand
Brennan
Brooks, Ill.
Browne, Wis.
Buchanan
Burke
Burton
Byrnes, S. C.
Byrns, Tenn.
Campbell, Kans.
Campbell, Pa.
Cantrill
Carter
Chandler, Okla.
Clark, Fla.
Clarke, N. Y.
Classon
Clouse
Cockran
Codd
Connally, Tex.
Connell
Copley
Crago
Cramton
Crisp
Dickinson
Dominick
Doughton
Drane
Dunn
Dupré
Edmonds
Fields
Fish
Fisher
Frear
Fulmer
Funk
Gallivan
Gensman
Gernerd
Gilbert
Goldsborough
Goodykoontz
Gorman
Gould
Graham, Pa.
Griest
Griffin
Harrison
Hawes
Henry
Herrick
Hersey
Hickey
Hicks
Hooker
Hudspeth
Hull
Humphreys
Husted
Hutchinson
Ireland
Jacoway
Jefferis, Nebr.
Johnson, Ky.
Jones, Pa.
Kahn.
Kearns
Kelley, Mich.
Kelly, Pa.
Kirkpatrick
Kitchin
Kleczka
Knight
Kreider
Kunz
Lankford
Larsen, Ga.
Layton
Leatherwood
Lee, Ga.
Lee, N. Y.
Lineberger
Logan
London
Luce
Luhring
Lyon
McClintic
McCormick
McDuffie
McFadden
McLaughlin, Nebr.
McLaughlin, Pa.
McPherson
McSwain
MacGregor
Mann
Mapes
Michaelson
Miller
Mills
Montague
Montoya
Moore, Ill.
Morin
Mott
Mudd
Nelson, J. M.
Nolan
O'Brien
Oldfield
Olpp
Overstreet
Paige
Parker, N. Y.
Patterson, N. J.
Perkins
Perlman
Petersen
Porter
Pou
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Ransley
Reber
Reed, N. Y.
Riddick
Robertson
Rodenberg
Rossdale
Rucker
Ryan
Sanders, N. Y.
Schall
Scott, Mich.
Shelton
Siegel
Sisson
Slemp
Smith, Mich.
Snyder
Sproul
Stedman
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Taylor, N. J.
Temple
Ten Eyck
Tinkham
Upshaw
Vare
Vestal
Vinson
Volk
Ward, N. Y.
Wason
Watson
Webster
White, Kans.
Williamson
Wise
Wood, Ind.
Wright
Wurzbach
Zihlman

The SPEAKER. Two hundred and forty-three Members have answered to their names. A quorum is present.

Mr. MONDELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. DEMPSEY. Mr. Speaker and gentlemen of the House, the Senate bill added several amendments which I will discuss in detail. The first amendment was that of Westchester Creek, and what was proposed to be done was to make it a 12-foot creek. In explanation of that let me say that the canals of the country—and this is, in fact, a canal—are standardized at 12 feet. The Erie Canal and the Intercoastal Canal and all canals to be useful are standardized to draw 12 feet. The reason that it was not in the House bill was the fact that the report did not reach us until after it passed the House.

Mr. SNELL. Is the gentleman speaking of the Cape Cod Canal?

Mr. DEMPSEY. No; I am speaking of the Westchester Creek, just outside of New York. It is a part of the New York City waterways. I am taking up the Senate amendments in their order as they are given in the report.

The next amendment is the one with reference to Absecon Inlet. You all know about Absecon Inlet. I do not suppose there is a Member here who has not been at Atlantic City, the greatest pleasure resort on the Atlantic coast. I would not dare say in the country, because gentlemen from the Pacific coast might differ with me. The people of Atlantic City have deepened the inlet to 16 feet with a width of 100 feet, but they want to standardize it so that it can be used by seagoing vessels. In view of the fact that Atlantic City itself, large as it is and growing as rapidly as it is, in view of the fact that it has done so much itself for the improvement of the waterway, the House conferees readily acquiesced in the proposal that the improvement should be made. The amount asked for is very small in comparison to the size of the place and its importance—$240,000.

Mr. STAFFORD. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. STAFFORD. Glancing over the report on this project, dated August 15 of this year—and I had hardly time to go over it carefully—I notice that there was an alternative proposal to erect a dike there at an estimated cost of $900,000; but the Board of Engineers of the Army recommend merely dredging, at an annual maintenance charge of $50,000. Can the gentleman inform the committee why it was sought to have the dike instead of the continual drainage proposition to keep the inlet free of sand?

Mr. DEMPSEY. I suppose these two alternatives confronted the engineers. One was a large capital expenditure, which they wanted to avoid in these times of economy, and the second a small initial expenditure with the hope that their fears as to the maintenance charge would prove not to be well grounded; that it might be smaller and that they might, after the work was done, discover some way of lessening the maintenance charge.

Mr. STAFFORD. The report only provides for a channel 20 feet in depth; that would not provide for ocean-going steamers of the average size.

Mr. DEMPSEY. No; but it will take craft of 5,000 tons burden, and it will take all the coastwise traffic, and really this is coastwise traffic and not through traffic which will go to Atlantic City. There will be another kind of traffic, and that is a large amount of excursion-passenger traffic.

The next item is the acquisition of the Lake Drummond Canal in Virginia and North Carolina. That is the item known as the Dismal Swamp Canal. I am not going to discuss that at this point for this reason: The House conferees have disagreed, or the majority of them have—the gentleman from

Texas [Mr. MANSFIELD] and the gentleman from New York [Mr. KINDRED] have agreed to it.

Mr. SNELL. That is not recommended in the conference report.

Mr. DEMPSEY. It is not recommended, but will come up separately as a matter of disagreement. So I will not discuss it until we come to the matters in disagreement.

The next item is the channel from Aransas Pass to Corpus Christi, Tex. This is really one of the great projects of the country. It will serve one of the richest sections in one of the most rapidly developing parts of the whole United States. It will be a port for all of the Southwest and Texas. They have no port to-day because Port Aransas was destroyed in a storm. Then not alone is this a port that does a very large and rapidly increasing business, but it is a port also where those who are interested in it—the people of the locality—have shown a most remarkable degree of public spirit. The total cost is to be $5,000,000, and the local authorities are going to contribute all but $1,400,000 of that cost. As a matter of fact, the Pacific coast has shown continued instances of public spirit, but this is the largest contribution by a locality that I have known. The project is in every way worthy, and I should be glad, and I am sure all will feel that way, to have an opportunity to afford them in that very rapidly growing and rich country, which has no port for great vessels, to have a harbor commensurate with their needs.

Mr. DENISON. Will the gentleman state what the project consists of?

Mr. DEMPSEY. I will, in just a moment. I will pass to another matter and come back to this. The next item is the Noyo River, Calif. This is a very small matter. That is a fishing place where the catch of fish has gone from a very few tons to several thousand tons in quite a short period. The entrance bar is very shallow, so that it is dangerous to the fishermen, particularly in times of storm. In view of the very great increase of commerce, and in view of the danger to life and property, this matter was regarded by us as highly desirable.

Mr. KINDRED. May I interrupt the gentleman?

Mr. DEMPSEY. Certainly.

Mr. KINDRED. The appropriation there is very small.

Mr. DEMPSEY. It is $16,000. Now, to go back for a moment to Aransas Pass. Here is what the Chief of Engineers says in reference to Aransas Pass and Corpus Christi:

> After due consideration of the above-mentioned report, I concur in the views of the district engineer and the Board of Engineers for Rivers and Harbors, and therefore recommend that Corpus Christi be selected as a site for a safe and adequate harbor on the southwest coast of Texas, and that it be improved under the plan above described at an estimated cost of $5,051,900 for new works and $20,000 annually for maintenance, the United States to provide the channel for deep water at Aransas Pass to the shore line at Corpus Christi at a cost of $1,394,800 for new work and $195,000 a year for maintenance the first two years and $150,000 per year thereafter, work on this improvement not to be commenced until the Secretary of War is assured that local interests are in position to carry out their part of the work substantially in accordance with the plans described by the district engineer, the details of which would be subject to the approval of the Chief of Engineers.

Then it goes on in some detail as to width and depth of the channel, and so forth.

Mr. BLACK. Will the gentleman yield for a question?

Mr. DEMPSEY. I will.

Mr. BLACK. With reference to this proposed channel from Aransas Pass to Corpus Christi, are the people of that vicinity putting up any of the cost of building the channel?

Mr. DEMPSEY. They contribute out of a total cost of $5,000,000 all but $1,400,000.

Mr. BLACK. What I wanted to get at was the conference report, as I understand it, contains a proposition in reference to the purchase of the Cape Cod Canal.

Mr. DEMPSEY. That is another matter.

Mr. BLACK. I know, but I am getting at this inquiry: Why should not the people of those communities contribute toward the purchase of this canal in a like manner as the people of this vicinity are contributing to the digging of this new canal?

Mr. DEMPSEY. I would suggest the gentleman go to Massachusetts with his eloquence and his force and his fire and inspire those Massachusetts people with the sentiment which he is urging.

Mr. BLACK. That is a responsibility for the committee, it seems to me, rather than the responsibility of Members of the House.

Mr. DEMPSEY. If the gentleman pleases, we have not required the people of Corpus Christi to make this contribution.

Mr. BLACK. I have no quarrel with that policy, but I think it should be extended.

Mr. UNDERHILL. It is quite a different proposition between this one and the Cape Cod Canal. The Cape Cod Canal is not more to the advantage of Massachusetts than to Maine, New York, Virginia, and other States.

Mr. DEMPSEY. I can not yield further, as we are going to take up these items separately, and we will give the gentleman reasonable time for discussion.

Now, the next matter is the Umpqua River, Bar, and entrance, Oreg. The Umpqua River is a river that flows down through a territory that has a very large amount of timber. Part of that timber belongs to the United States. It is the very best timber in the world, but it can not be shipped now unless we give them this harbor. Unfortunately, they are separated from neighboring harbors by a steep chain of mountains running right down to the shore, so although a harbor may be only a few miles distant in fact it is the same as if it were a thousand miles away.

Mr. WARD of North Carolina. I appreciate the situation.

Mr. DEMPSEY. So there is necessity for giving harbors in Oregon closer than ordinarily would be warranted. This will give the country at large a supply of timber which they need and must have, because of the fact that it can be no longer dependent upon the South. The cutting of timber in the South reached its height about four years ago, and since then it has been steadily declining. The people of the South are growing enormously in population, and will have greater requirements for timber in the future, and if the rest of the country is to have lumber it must come from the West, and the way to transport it is by channels such as we are providing in this project.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. In one moment. The Umpqua River has a tonnage of 240,000 tons, and the amount proposed to be appropriated is $76,500. While we spend that amount on the harbor, the increase in the value of its timber adjacent to this harbor will pay the United States ten times over the amount which they are going to spend on this improvement.

Mr. STAFFORD. Has this harbor an ocean entrance?

Mr. DEMPSEY. Yes.

Mr. STAFFORD. What distance is it from the Columbia River?

Mr. DEMPSEY. It is a long distance from the Columbia River.

Mr. STAFFORD. Very few harbors on the Pacific coast, especially in Oregon, have entrance directly on the ocean.

Mr. DEMPSEY. This has a direct entrance.

Mr. STAFFORD. I was wondering whether there are more than one or two ports in Oregon that have an ocean entrance.

Mr. DEMPSEY. I think Coos Bay has, but it is separated by mountain chains from this harbor.

Mr. STAFFORD. There is no question but that this harbor can be maintained?

Mr. DEMPSEY. Yes; unquestionably. This is not a sandy harbor. This, as I understand, is a rock harbor, and I think a part of this expense, if I recollect aright, is for the construction of a jetty.

Mr. HAWLEY. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. HAWLEY. Let me say that this Umpqua item is entirely to assist in the construction of a north jetty.

Mr. DEMPSEY. Yes. It is the very thing to which the gentleman refers.

The next thing is the Siuslaw River item, Oregon. From this amendment the Senate receded, so I will not discuss it.

The next item is the Lake Washington Ship Canal, in Washington. That is a place with an enormous tonnage, and the project is for the deepening and widening of the stream to afford adequate facilities for the transportation, which is very large, and the stream is in continuous and profitable use. That is one of the great streams in the country, and there can not be any question but that these improvements are needed and will add to the facilities of transportation.

Mr. STAFFORD. This is Lake Washington?

Mr. DEMPSEY. Yes; this is Lake Washington.

Mr. STAFFORD. As I recall, it provides for the building of some mooring space. Has the Government established the policy of building mooring space for vessels in a port like Lake Washington?

Mr. DEMPSEY. In a big harbor it seems to me it is necessary to make that commerce safe. For instance, take the case of the gentleman's own city of Milwaukee. We are at present spending under this bill a large sum, running into the millions, for the building of an outer breakwater. The purpose of it is to afford mooring to ships that go in there to load and unload.

Mr. STAFFORD. The gentleman is not personally acquainted with the project at Milwaukee. The purpose is to provide an outer harbor in the lake, not to provide mooring space for vessels.

Mr. DEMPSEY. Well, every foot of a harbor is mooring space. You can not create a harbor, and make it a safe and good harbor, without providing mooring space. The gentleman from Wisconsin is discussing theories and fanciful things, and not facts.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. STAFFORD. I am discussing facts. Of course, the gentleman desires to get away from the real question by yielding to another.

Mr. DEMPSEY. It is simply iteration and reiteration. You do not add anything by saying the same thing over a number of times.

Mr. NEWTON of Missouri. Puget Sound is salt water. Lake Washington is fresh water, is it not? It will be a great saving by utilizing and opening up the harbor of Lake Washington by permitting the hulls of vessels to be cleaned of barnacles.

Mr. DEMPSEY. Yes. The gentleman is correct in his statement of the facts.

Now, for Wrangell Harbor the appropriation is very small. It is a place with a very large fishing industry. It is an important point. It is dangerous as it is, and with the improvement that is made here the lives and property of the people who use it are made safe.

Mr. FAIRCHILD. What number is that?

Mr. DEMPSEY. It is next to the end.

Mr. MADDEN. I think it is throwing that much money away. That is the way it seems to me.

Mr. DEMPSEY. The gentleman has not seen it. If he will take an airplane and go up and come back, I am sure he will agree with me.

The next is the Tennessee River and its tributaries. The proposal of the Senate regarding the Tennessee and its tributaries was that we should make an extended survey, very broad in its terms; a survey broader than what we would ordinarily adopt; a survey of economic, commercial, and industrial conditions, as related to commercial and water-power propositions.

We did not think we should make a survey of this river, important as it is, different from the other rivers of the country. Then the second proposition was to expend $500,000, and the division engineer, differing from the district engineer, said that the scope should be limited primarily to navigation and incidentally power, and that it would cost a very much less sum. So that the conferees agreed to limit the scope of the survey and to limit also the amount to $200,000; to limit the scope to navigation and incidentally power, and to limit the amount to $200,000; so that there was a saving there of $300,000, or three-fifths of the entire amount proposed. At the same time I am satisfied—we all became satisfied of it from the talks with the engineers—of the importance of a survey of this great river, with its wonderful tributaries, embracing wonderful possibilities, not alone as to navigation but as to power development; which means, as I am able to testify from personal observation, more to a community than any other asset that it can possess, be it gold, or coal, or anything else. There is nothing which makes a region so rich and makes it develop so fast and so rapidly as water power. This will give you all the facts as to water power in that very wonderful region.

The last item is the acquisition of the Cape Cod Canal. There was a disagreement, and that will be treated separately, and so I shall not discuss it now.

In conclusion, I want to say to the House that every one of these amendments which were accepted by us are, as I honestly believe after a careful and painstaking investigation, amendments which tend to improve harbors and rivers where there is large commerce, where the improvement is fully justified, and where the amounts authorized will make splendid returns upon the investments.

I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker and gentlemen of the House, I want to call your attention to a matter in the bill that is of considerable importance to some of us Members on the upper Mississippi River.

Senate amendment 73 extends the jurisdiction of the Mississippi River Commission to the tributaries and outlets of the Mississippi River between Cairo and the Head of the Passes, in so far as they are affected by the flood waters of the Mississippi River. Concerning this amendment I understand that the gentleman from Iowa [Mr. KOPP] will offer a motion to recommit, which I understand will not be opposed by the committee, to rectify a matter which was overlooked by the conferees. Originally the jurisdiction of the Mississippi River Commission extended from the mouth of the Ohio to the Passes of the Mississippi River. Afterwards by an amendatory act the moneys made subject to use by the Mississippi River Commission were permitted to be expended up to Rock Island, Ill., which was the northern limit of the Mississippi River flood control, and since that time all moneys which have been used for that purpose have been used from Rock Island south.

Senate amendment No. 73 as originally offered, if you will notice, stated this:

> The jurisdiction of the Mississippi River Commission is hereby extended from Cairo, Ill.—

Which is across from the mouth of the Ohio River north—

> to the Head of the Passes and to the tributaries and outlets of the Mississippi River in so far as they are affected by the flood waters of the Mississippi River.

Unfortunately, when the conferees were considering the matter, thinking that the latter part of this language referred only to the tributary streams south of Cairo and between there and the Gulf, they fixed the conference report so that it reads as you will find it on page 3:

> SEC. 14. That the jurisdiction of the Mississippi River Commission is hereby extended, for the purposes of levee protection and bank protection, to the tributaries and outlets of the Mississippi River between Cairo, Ill., and the Head of the Passes, in so far as these tributaries and outlets are affected by the flood waters of the Mississippi River.

Thus shutting out inadvertently all tributary streams north of Cairo, among which are, as you know, the Missouri River, the Illinois River, and the Iowa River, all rivers of considerable size, which flow into the Mississippi River, and especially along the Illinois River, where the flood waters of the Mississippi cause considerable damage to many extensive drainage districts along that stream. Now, it was not intended by the River and Harbor Committee to do that. It was not intended by the conferees to do it, and the gentleman from Iowa [Mr. KOPP] will offer a motion to recommit, to substitute in this conference agreement the words "Rock Island" for the word "Cairo," which will simply extend this to the place where it is now extended by law, as the northern terminus of the jurisdiction of the Mississippi River Commission. I sincerely hope that it may have the approval of the House and that this error may be corrected at this time. It will cause no delay in the final enactment of the bill. I understand that the conferees will have no trouble about it, because since I have been in the room here my colleague the gentleman from Louisiana [Mr. WILSON] has been in conference with some of the Senate conferees, and they tell him that this was an inadvertence and that it was not done with any intention of shutting out that part of the river.

Mr. STAFFORD. Mr. Speaker, will the chairman of the committee yield for an inquiry or two?

Mr. DEMPSEY. I will.

Mr. STAFFORD. The conference report carries some legislative provisions which I think the chairman of the committee inadvertently passed over. I wish to inquire with reference to the provisions in amendment 22, section 11, page 15, which provides—

> That owners, agents, masters, and clerks of vessels and other craft plying upon the navigable waters of the United States, and all individuals and corporations engaged in transporting their own goods upon the navigable waters of the United States, shall furnish such statements relative to vessels, passengers, freight, and tonnage as may be required by the Secretary of War: *Provided*, That this shall not apply to the rafting of logs except upon a direct request upon the owner to furnish specific information.

Mr. DEMPSEY. I am very familiar with that amendment. All surveys containing recommendations for improvements are partly based upon statistics as to the tonnage and other facts embraced in the provisions to which the gentleman refers. The gentleman will recollect that we had some slight discussion and debate in this House upon the question whether certain surveys should be authorized or not. The question of the cost of those surveys was the vital thing involved in that debate. The engineers tell us that with this provision they will eliminate in large measure the cost of these surveys, and in addition to that they will be able to get more reliable, more certain, more accurate data than they have been able to obtain without the direction and assistance of such a provision as this; and taking, for instance, the question of maintenance, the question of improvement, the question of changes, or the initiation of projects, and every change of river and harbor legislation, concerning all these things the statistics covered by this amendment are absolutely vital, and it seemed to us that it should be within the power of the Government to obtain this information in a reliable, safe, accurate way without expense.

Mr. STAFFORD. The last amendment to which the conferees agreed, amendment 74, provides for the annulling of a contract. Will the chairman of the committee explain the scope of the contract proposed to be annulled?

Mr. DEMPSEY. Yes; that contract was one between the Great Lakes Dredging Co., the city of New York, and the United States. It provided for the dredging to a depth of 40 feet over Coenties Reef. The Government was to pay for the cost of the dredging to a depth of 35 feet and the city of New York was to pay for the 5 feet additional. The work was to be done to a depth of 40 feet because it was thought it might be needed, and the city of New York paid for the last 5 feet because they wanted to protect a tunnel which was to be excavated under this reef. The contractors took this contract in 1916, when prices were very low, and they made a considerable if not a large loss in the work.

Now, here is what has been accomplished. So far as the Government is concerned, as I understand it, the work is not only completed but more than completed. A depth of 35 feet has been obtained for the entire area and 40 feet has been obtained for a part of the area, and for that part for which the depth of 40 feet has not been obtained the blasting has all been done, but the rock, or part of it, has not been removed. So far as the Government is concerned, then, the matter is at an end. It has no interest whatever in it now. So far as the city of New York is concerned, my understanding is that the city of New York is not interested and does not care to have this work done any further. The chairman of the Senate conferees and myself, as chairman of the House conferees, agreed that a joint telegram should be sent to the city of New York asking if they had any objection to the cancellation of this contract, and up to the time that the conferees reported no answer had been received. There has been, as I understand it, some communication with them, but no objection, so far as I know, had been made to it at all.

Mr. STAFFORD. What is the amount of the penalty involved from which we relieve the contractors by annulling the contract?

Mr. DEMPSEY. I think the contractor would earn something like $20,000 from the city of New York for performing the remainder of the work, but it would cost him a good deal more than $20,000. Now, the Government engineers say affirmatively and positively that not only is it a fair and proper thing that this contract should be canceled, but they go further and affirmatively urge and recommend that it be done, and the other party, the city of New York, has said nothing with reference to it.

Mr. SNELL. Will the gentleman yield for a question?

Mr. DEMPSEY. Certainly.

Mr. SNELL. What is the change in the situation? Why do they not need the 40 feet now the same as they did originally?

Mr. DEMPSEY. My understanding is that it was something connected with the building of this tunnel which made them anticipate that they would need 40 feet, but that they have since found that they do not need it.

Mr. SNELL. And they never will need 40 feet there?

Mr. DEMPSEY. That is my understanding. I am not positive about it, I will say to the gentleman from New York.

Mr. SNELL. I think we ought to have some definite understanding about this. If they are ever coming back to ask for 40 feet, we had better have it now rather than let them come back at some future time.

Mr. KINDRED. Mr. Speaker, if the gentleman will allow me——

Mr. DEMPSEY. Wait a moment. I will yield to the gentleman from New York in a moment. I will try to get the additional data before we take the final vote.

Mr. SNELL. This is a very important matter, and I remember that when it was up before the House we were told that they actually needed 40 feet. I am very much surprised to find now that they do not need it.

Mr. DEMPSEY. We are talking about 40 feet for a part of New York Harbor. We are not talking about 40 feet generally.

Mr. SNELL. You are talking about 40 feet at the place where this contract was let.

Mr. DEMPSEY. We are talking about Coenties Reef, which is a very small part of the harbor.

Mr. SNELL. I understand that. I think the information should be before the House why somebody has changed his mind. It is a very important matter.

Mr. FAIRCHILD. Has anybody changed his mind?

Mr. DEMPSEY. I will ascertain the facts before we take the final vote here.

Mr. FAIRCHILD. Who took the initiative in asking that this contract be annulled?

Mr. DEMPSEY. I have no doubt that the contractors took the initiative, but all that we had to do, as far as the House conferees were concerned, was this: The Senate committee sent for the War Department engineers, and I was present with Senator JONES at the time they reported, and they came up and recommended positively that this be done, and said it was fair and just. If there had not been a third party, the city of New York, the War Department would have had authority under the general act permitting the cancellation of such contracts, and would have canceled it, because it is unjust and unfair to insist upon the performance of this contract, and it would be in the spirit of this general legislation to allow the cancellation; but owing to the fact that the city of New York is a party it did not come within the scope of the general legislation, and so they were unable to cancel it themselves.

Mr. SNELL. Have you had anything direct from the city of New York?

Mr. DEMPSEY. I have not. I stated that expressly.

Mr. KINDRED. May I interrupt the gentleman to say that while the city of New York and the United States Government were jointly parties to this contract, the city of New York has now no interest whatever in this proposal which comes from the Senate. The city of New York has had entirely completed the part of the contract in which it was interested, and I think I have permission to quote Mr. Murray Hulbert, a former Member of this House, who is now the president of the Board of Aldermen of the City of New York, as being of the opinion that the city of New York certainly has no interest in this matter.

Mr. SNELL. Why did they agree to pay the additional amount if they had no interest in it?

Mr. KINDRED. The city of New York, so far as its requirements were concerned, has met these requirements and is satisfied.

Mr. SNELL. Why did they want it?

Mr. KINDRED. There was some change in the specification and requirements as to the depth as originally provided in the contract. The city found afterwards, after some development, that they did not need the greater depth.

Mr. BOND. Is it not true that they have the 40-foot depth for the most of it?

Mr. KINDRED. Yes.

Mr. SNELL. It seems to me that we ought to have direct information before we kill this contract.

Mr. KINDRED. May I suggest to the gentleman from New York that the engineers made a report on this question. I am not taking the side of the engineers or espousing their report or what they concluded, but I will refer the gentleman to that report.

Mr. SNELL. It seems to me that on a matter of this importance we ought to have more direct information.

Mr. DEMPSEY. I will say to the gentleman from New York that when I learned of the fact that this amendment was to be introduced I suggested to the Senate Committee on Commerce that they notify the city of New York and give them an opportunity to appear and be heard. It was not the fault of the House conferees.

Mr. SNELL. How long ago was that?

Mr. DEMPSEY. That was weeks ago. I wrote them a letter; there is no question about that. I wrote to one of the Senators from New York, a member of this committee, and told him that inasmuch as the city of New York was involved this procedure should be followed.

Mr. SNELL. Does not the gentleman think that we ought to have more direct communication with the people that signed the contract?

Mr. DEMPSEY. I not only think so but I have made every effort to do it. I joined in a telegram to the city of New York notifying them that the amendment would stay in unless they objected, and if they did object it would go out.

Mr. SNELL. If the city of New York is a party to the contract, how can it be canceled?

Mr. BOND. The contract provides that the Secretary of War may cancel it in his discretion.

Mr. DEMPSEY. Senator JONES and I sent a communication to the city of New York saying that if the city of New York appears and prefers not to have it canceled it would not be canceled. There is no intention as far as the chairman of the House conferees or the House committee is concerned not to give New York full opportunity to be heard. I did everything that it was possible to do, and it really was not for me to do anything because this amendment was put on in the Senate.

Mr. STAFFORD. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. STAFFORD. What harm would there have been in deferring the matter?

Mr. DEMPSEY. The only harm would be that it would not be in the bill.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. FAIRCHILD. Not only the municipal authorities demanded this but commercial and maritime organizations. Have they been heard on this subject?

Mr. DEMPSEY. The engineers say that so far as this particular place is concerned—and it is a very small area—there is no commercial demand for it. The Government did not undertake to dredge to this depth at all, it was the city of New York, at their expense, and all the Government provided for and all the Government ever deemed necessary has been finished and completed, and not only that but a part of the other work has been completed.

Mr. STAFFORD. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. STAFFORD. Will the gentleman permit me to ask a question, and if he has not the information he can say so. I am curious to know whether the conference committee or the gentleman's committee made any inquiry as to the expense that will be entailed on the General Government in extending the jurisdiction of the Mississippi River Commission from Cairo to the Head of Passes to its tributaries in so far as they are affected by the flood waters of the Mississippi River.

Mr. DEMPSEY. It would seem as though that would be impossible to estimate. We did inquire as to a much more important question. We found that all this great work on the Mississippi River is rendered in a large degree valueless, and all of the expenditures in a considerable degree go for naught, because the commission has no control over the tributaries.

The water comes down with a great rush and destroys in a great part not alone the valuable territory adjacent to the stream, but injures the great works which the Government has built there. All that can be remedied, as was shown, by a comparatively small expense if the tributaries are taken in as well as the Mississippi itself. In other words, it is much easier to stop a leak at the place where it starts than to wait until it joins with other leaks and gets added volume and added descent and then try to stop the full force of the combined flood.

Mr. STAFFORD. As I understand, the localities on the tributaries as well as on the Mississippi River contribute to the expense of the construction and upkeep of dikes. Is it the purpose of the National Government to take over that work?

Mr. DEMPSEY. The purpose is to protect exactly what was originally intended, to protect the Mississippi River and to protect it the way I described by starting at the right point where the expenditure will be small instead of waiting and trying to stop it after it gains a large volume and great velocity. Mr. Speaker, I ask for a vote on the conference report.

Mr. SNELL. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. SNELL. I understand we are going to vote on the full report now?

Mr. DEMPSEY. Yes; we have not considered the separate amendments, but we will have a separate vote on those amendments.

Mr. OLIVER. As I understand, it is the purpose to have a discussion on the three amendments in disagreement?

Mr. DEMPSEY. Yes; that is the purpose.

Mr. KOPP. Mr. Speaker, I make the following motion to recommit.

The SPEAKER pro tempore (Mr. CHINDBLOM). The gentleman from Iowa presents a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. KOPP moves to recommit the bill H. R. 10766 to the conferees with instructions to agree to Senate amendment No. 73 with an amendment, so that when amended the section will read:

"SEC. 14. That the jurisdiction of the Mississippi River Commission is hereby extended, for the purposes of levee protection and bank protection, to the tributaries and outlets of the Mississippi River between Rock Island, Ill., and the Head of Passes, in so far as these tributaries and outlets are affected by the flood waters of the Mississippi River."

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and the Speaker pro tempore announced the noes appeared to have it.

Mr. KOPP. Division, Mr. Speaker.

The House divided; and there were—ayes 35, noes 33.

Mr. DEMPSEY. Mr. Speaker, I make the point of order that there is no quorum present. Mr. Speaker, I ask for tellers, if the Speaker pleases.

The SPEAKER pro tempore. Twenty-five gentlemen have risen, not a sufficient number, and tellers are refused.

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent for a recount on the question of the demand for tellers. I withdraw the point of no quorum and ask for a recount on my demand for tellers.

Mr. KOPP. Mr. Speaker, that is too late.

Mr. SEARS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. Tellers have already been refused.

Mr. DEMPSEY. I appeal from the count of the Chair——

Mr. MOORE of Virginia. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from New York withdraw the point of order of no quorum?

Mr. DEMPSEY. No; I do not.

The SPEAKER pro tempore. One hundred and one Members are present, not a quorum.

Mr. DEMPSEY. Mr. Speaker, I move a call of the House.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. I wish to inquire whether there will be an automatic call and vote on the proposition on the demand for tellers or whether it will be on the original proposition?

The SPEAKER pro tempore. The Chair thinks it will be an automatic vote on the motion to recommit.

Mr. KNUTSON. Then it is not necessary to move a call of the House.

Mr. MOORE of Virginia. Regular order.

Mr. DEMPSEY. I withdraw my demand——

The SPEAKER pro tempore. The Doorkeeper will close the doors, and the Clerk will call the roll.

The question was taken, and there were—yeas 89, nays 156, answered "present" 1, not voting 181, as follows:

YEAS—89.

Almon
Anderson
Andrews, Nebr.
Barbour
Beck
Benham
Bland, Ind.
Boies
Bowling
Cannon
Chindblom
Christopherson
Clague
Cole, Iowa
Collier
Collins
Cooper, Wis.
Davis, Minn.
Davis, Tenn.
Denison
Dowell
Driver
Dyer
Evans
Fairfield
Faust
Fuller
Graham, Ill.
Hammer
Hayden
Hays
Hoch
Huddleston
Hukriede
Jeffers, Ala.
Johnson, Miss.
Johnson, S. Dak.
Kearns
Keller
Kendall
Kincheloe
King
Kopp
Kraus
Lampert
Lawrence
McKenzie
Madden
Magee
Mapes
Millspaugh
Moore, Ohio
Moore, Va.
Moores, Ind.
Morgan
Nelson, A. P.
Newton, Minn.
Newton, Mo.
Norton
Ogden
Oliver
Parks, Ark.
Patterson, Mo.
Purnell
Quin
Ramseyer
Rhodes
Roach
Robsion
Rouse
Sabath
Sanders, Ind.
Scott, Tenn.
Shaw
Shreve
Sinclair
Steenerson
Strong, Kans.
Sweet
Taylor, Ark.
Taylor, Colo.
Tillman
Towner
Tyson
Voigt
Wheeler
Wilson
Wingo
Woods, Va.

NAYS—156.

Ackerman
Appleby
Aswell
Atkeson
Bacharach
Begg
Bird
Black
Bland, Va.
Blanton
Bond
Box
Briggs
Brooks, Pa.
Brown, Tenn.
Bulwinkle
Burdick
Burroughs
Burtness
Butler
Cable
Campbell, Kans.
Carew
Chalmers
Chandler, N. Y.
Cole, Ohio
Connolly, Pa.
Cooper, Ohio
Coughlin
Crowther
Cullen
Curry
Dale
Dallinger
Darrow
Deal
Dempsey
Drane
Drewry
Dunbar
Elliott
Ellis
Fairchild
Favrot
Fenn
Fess
Fitzgerald
Fordney
Foster
Free
Freeman
French
Frothingham
Gahn
Garner
Garrett, Tenn.
Garrett, Tex.
Glynn
Green, Iowa
Greene, Mass.
Greene, Vt.
Hadley
Hardy, Colo.
Hardy, Tex.
Haugen
Hawley
Hickey
Hill
Himes
Hogan
Hudspeth
Hull
James
Johnson, Wash.
Jones, Tex.
Kennedy
Ketcham
Kindred
Kissel
Kleczka
Kline, N. Y.
Kline, Pa.
Knutson
Lanham
Lankford
Larson, Minn.
Lazaro
Lea, Calif.
Lehlbach
Linthicum
Little
London
Longworth
Lowrey
McArthur
McClintic
McCormick
McFadden
McLaughlin, Mich.
McSwain
Maloney
Mansfield
Martin
Mead
Merritt
Michener
Mott
Mudd
Murphy
Nelson, Me.
O'Connor
Osborne
Park, Ga.
Parker, N. J.
Radcliffe
Rankin
Rayburn
Reece
Reed, W. Va.
Ricketts
Riordan
Rogers
Rose
Rosenbloom
Sanders, Tex.
Sandlin
Schall
Sears
Sinnott
Smith, Idaho
Smithwick
Snell
Speaks
Stafford
Stephens
Sumners, Tex.
Swank
Swing
Tague
Taylor, Tenn.
Thomas
Thompson
Tilson
Timberlake
Tincher
Treadway
Underhill
Vaile
Volstead
Walters
Ward, N. C.
Weaver
White, Me.
Winslow
Woodruff
Wyant

ANSWERED "PRESENT"—1.

Langley

NOT VOTING—181.

Andrew, Mass.
Ansorge
Anthony
Arentz
Bankhead
Barkley
Beedy
Bell
Bixler
Blakeney
Bowers
Brand
Brennan
Britten
Brooks, Ill.
Browne, Wis.
Buchanan
Burke
Burton
Byrnes, S. C.
Byrns, Tenn.
Campbell, Pa.
Cantrill
Carter
Chandler, Okla.
Clark, Fla.
Clarke, N. Y.
Classon

Clouse
Cockran
Codd
Colton
Connally, Tex.
Connell
Copley
Crago
Cramton
Crisp
Dickinson
Dominick
Doughton
Dunn
Dupré
Echols
Edmonds
Fields
Fish
Fisher
Focht
Frear
Fulmer
Funk
Gallivan
Gensman
Gernerd
Gilbert
Goldsborough
Goodykoontz
Gorman
Gould
Graham, Pa.
Griest
Griffin
Harrison
Hawes
Henry
Herrick
Hersey
Hicks
Hooker
Humphreys
Husted
Hutchinson
Ireland
Jacoway
Jefferis, Nebr.
Johnson, Ky.
Jones, Pa.
Kahn
Kelley, Mich.
Kelly, Pa.
Kiess
Kirkpatrick
Kitchin
Knight
Kreider
Kunz
Larsen, Ga.
Layton
Leatherwood
Lee, Ga.
Lee, N. Y.
Lineberger
Logan
Luce
Luhring
Lyon
McDuffie
McLaughlin, Nebr.
McLaughlin, Pa.
McPherson
MacGregor
Mann
Michaelson
Miller
Mills
Mondell
Montague
Montoya
Moore, Ill.
Morin
Nelson, J. M.
Nolan
O'Brien
Oldfield
Olpp
Overstreet
Paige
Parker, N. Y.
Patterson, N. J.
Perkins
Perlman
Peterson
Porter
Pou
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Ransley
Reber
Reed, N. Y.
Riddick
Robertson
Rodenberg
Rossdale
Rucker
Ryan
Sanders, N. Y.
Scott, Mich.
Shelton
Siegel
Sisson
Slemp
Smith, Mich.
Snyder
Sproul
Steagall
Stedman
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Taylor, N. J.
Temple
Ten Eyck
Tinkham
Tucker
Upshaw
Vare
Vestal
Vinson
Volk
Ward, N. Y.
Wason
Watson
Webster
White, Kans.
Williams, Ill.
Williams, Tex.
Williamson
Wise
Wood, Ind.
Woodyard
Wright
Wurzbach
Yates
Young
Zihlman

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. Young (for) with Mr. Steagall (against).

General pairs until further notice:

Mr. Kahn with Mr. Cantrill.
Mr. Burton with Mr. Oldfield.
Mr. Mann with Mr. Byrnes of South Carolina.
Miss Robertson with Mr. Fields.
Mr. Burke with Mr. Hooker.
Mr. Porter with Mr. Cockran.
Mr. Hutchinson with Mr. Rainey of Alabama.
Mr. Graham of Pennsylvania with Mr. Goldsborough.
Mr. Codd with Mr. Stoll.
Mr. Riddick with Mr. Montague.
Mr. Lineberger with Mr. Ten Eyck.
Mr. Chandler of Oklahoma with Mr. Dominick.
Mr. Classon with Mr. Carter.
Mr. Kelley of Michigan with Mr. Raker.
Mr. Strong of Pennsylvania with Mr. Doughton.
Mr. Olpp with Mr. Campbell of Pennsylvania.
Mr. Taylor of New Jersey with Mr. Wise.
Mr. Slemp with Mr. Humphreys.
Mr. Volk with Mr. Sisson.
Mr. Henry with Mr. Sullivan.
Mr. Wurzbach with Mr. Bell.
Mr. Yates with Mr. Fulmer.
Mr. Langley with Mr. Clark of Florida.
Mr. Reber with Mr. Upshaw.
Mr. Luhring with Mr. Overstreet.
Mr. Dunn with Mr. Griffin.
Mr. Copley with Mr. Stevenson.
Mr. Ireland with Mr. Hawes.
Mr. Brooks of Illinois with Mr. Vinson.
Mr. Layton with Mr. Logan.
Mr. MacGregor with Mr. Kitchin.
Mr. Kelly of Pennsylvania with Mr. Lee of Georgia.
Mr. Lee of New York with Mr. Tucker.
Mr. Miller with Mr. Wright.
Mr. Britten with Mr. Rucker.
Mr. Stiness with Mr. Johnson of Kentucky.
Mr. Gorman with Mr. Pou.
Mr. Gernerd with Mr. Williams of Texas.
Mr. Paige with Mr. Harrison.
Mr. Patterson of New Jersey with Mr. Jacoway.
Mr. Reed of New York with Mr. O'Brien.
Mr. Perkins with Mr. Larson of Minnesota.
Mr. Cramton with Mr. Bankhead.
Mr. Knight with Mr. Connally of Texas.
Mr. Blakeney with Mr. Gallivan.
Mr. Arentz with Mr. Brand.
Mr. Clarke of New York with Mr. Dupré.
Mr. Montoya with Mr. Fisher.
Mr. Parker of New York with Mr. Barkley.
Mr. Watson with Mr. Gilbert.
Mr. Wood of Indiana with Mr. Buchanan.
Mr. Rossdale with Mr. Rainey of Illinois.
Mr. Siegel with Mr. Lyon.
Mr. Sproul with Mr. Kunz.
Mr. Snyder with Mr. McDuffie.
Mr. Fish with Mr. Stedman.

The result of the vote was announced as above recorded.

Mr. DEMPSEY. Mr. Speaker, I move the previous question on my motion to adopt the conference report.

The previous question was ordered.

The question was taken, and the conference report was agreed to.

On motion of Mr. DEMPSEY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

> Amendment No. 3: Page 3, after line 4, insert: "Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.: The Secretary of War is hereby authorized to purchase, as a part of said waterway, the existing Lake Drummond Canal, together with all property rights and franchises appertaining thereto, at a price of not to exceed $500,000, in accordance with the report submitted in House Committee Document No. 5, Sixty-seventh Congress, second session."

Mr. DEMPSEY. Mr. Speaker, the House conferees move to further insist on their disagreement to this Senate amendment. I understand the gentleman from Texas [Mr. MANSFIELD] wants some time.

Mr. MANSFIELD. How much time can the gentleman give us on this amendment?

Mr. DEMPSEY. There will be an hour's time, divided equally between those in favor of the project and those opposed to it.

Mr. MANSFIELD. Could we not have that time extended later a little, say an hour and a half?

Mr. DEMPSEY. We want to get it over to the Senate or else we will defeat the whole bill. We have two hours' debate——

Mr. MANSFIELD. But only one other amendment will take any time.

Mr. DEMPSEY. The Cape Cod proposition will take some time.

Mr. MOORE of Virginia. Will the gentleman yield for a question? As I understand, a similar limitation will apply to the Cape Cod amendment. The gentleman proposes to confine the debate to one hour on each amendment?

Mr. DEMPSEY. Exactly.

The SPEAKER. The question is on the motion of the gentleman from New York.

Mr. DEMPSEY. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

The SPEAKER. The gentleman from Wisconsin is recognized for 10 minutes.

Mr. STAFFORD. Mr. Speaker, some years ago the House adopted the intercoastal scheme of canalization from Norfolk down to Beaufort Harbor. The engineers at that time considered four different proposals. One was the Albemarle & Chesapeake Canal, which is this route here on the map [indicating], which they subsequently adopted.

They also considered the Dismal Swamp Canal, which is the proposal now before the House for consideration. They also considered two other proposed routes by way of the Cooper River.

The testimony is rather voluminous as to the reasons why they selected the Albemarle & Chesapeake Canal. It is sufficient to say that they were good reasons. One of the strong reasons is that it is the shorter route. It is a waterway upon which the Government has expended millions of dollars.

At the time the Government selected the Albemarle & Chesapeake Canal for the through route the Dismal Swamp Canal, otherwise known as the Lake Drummond Canal, was then in existence. It extended virtually from here at Elizabeth City [indicating] and to the spot marked Fort Smith, Norfolk, a distance of about 22 miles.

At that time both canals were toll canals. It is now claimed that because the Government made the Albemarle & Chesapeake Canal a free canal, therefore the Government should take over this Dismal Swamp Canal.

There are many other questions involved and many reasons why we should not adopt the policy of taking over a waterway—which I consider is not a waterway but merely a drainage canal—simply because the Government has improved and taken over a parallel canal. In confirmation of the position that this is largely a drainage canal I wish to read to the House the findings of the Board of Engineers when these original projects were under consideration. At that time the owners of the Dismal Swamp Canal asked a very large sum of money—a million and odd dollars—if the Government would adopt that route for the intercoastal waterway. But the Board of Engineers made this adverse report, deciding in favor of the Albemarle & Chesapeake Canal as the proposed route for the intercoastal system. I read from the report on page 101 respecting the advantages and disadvantages of the several routes. This is what the board says in regard to the Dismal Swamp Canal:

> The Dismal Swamp Canal route will be beyond question the most costly to construct, more costly than either of the Cooper Creek routes, even if all the property of the canal company were ceded to the United States free of charge. The existing canal is not located along the shortest line between its termini, nor on the lowest profile. The material already excavated has been deposited on the immediate banks and about one-half of it must be moved again on whichever side the enlargement be made. The cost of moving this material is included in the estimate. Its present cross section is small compared with that which would be necessary in the enlarged canal. Extensive areas along this canal have been reclaimed, and the cost of the right of way may be somewhat greater than the estimate. Former boards, for reasons stated at length in their reports, have rejected this route and apparently have considered it the least practicable of the four.
>
> Many of the residents and landowners on and near the line of the Dismal Swamp Canal have called attention to the fact that in addition to providing a waterway convenient of access to them this canal acts as a drain, keeping down the level of the ground water on large tracts of reclaimed land in the Dismal Swamp; they fear that if the Government adopts some other route the Dismal Swamp Canal will be abandoned and they will suffer great damage.
>
> From facts which the board has been able to gather it is thought no such damage can occur. The elevation of the land all along the Dismal Swamp Canal is quite uniform and there are few variations in its general character. Near the northern end of the canal large tracts of land are now being drained by ditches whose bottoms are at about sea level. Such ditches have been most efficacious and have greatly improved the lands through which they have been cut. In fact, it has been stated to the board that if the locks of the Dismal Swamp Canal were removed and if in its then condition it served no other purpose than a drainage ditch the increased value of the lands which could be drained into it would more than compensate for the loss of the canal as a waterway.

I call attention to this, that it is nothing more than a drainage ditch, and not a canal. Further, from page 110 I read:

> As shown above the cost of a 12-foot canal via the Dismal Swamp Canal route is $2,868,220 greater than via the Albemarle & Chesapeake Canal route. At 3 per cent this sum represents an annual charge of $86,046.60. It becomes a question whether the local benefit conferred by carrying the waterway directly past Elizabeth City is worth this cost.
>
> Elizabeth City is connected by rail with points north and south. Furthermore, a canal via the Albemarle and Chesapeake route does not cut it off entirely from water communication; it simply makes the water route from Elizabeth City to northern points somewhat longer and less direct. The actual distance from Elizabeth City to Norfolk via the Albemarle & Chesapeake Canal route is about 36 miles longer than by the Dismal Swamp Canal route, but owing to the greater speed that can be maintained on the former route the appreciable difference in distance by the two routes may be taken safely at about 30 miles.

That was the finding of the original Board of Engineers when they were determining which route they would select for the intercoastal stream, showing that it is a drainage proposition to drain these lowlands through the Dismal Swamp and not a traffic transportation proposition.

Further, from page 110 and page 111 I read:

> At the public hearing in Norfolk on the 6th of September, 1910, it was claimed that the selection of any route which did not pass directly by Elizabeth City would deprive that community of the benefit derived from the existing competition between the waterway and the railroad. The facts stated above seem to have been overlooked. A free waterway via the Albemarle & Chesapeake Canal route should certainly be a more active and efficient competitor with the railroad than the existing toll-charging Dismal Swamp Canal route.
>
> In other words, a free waterway via the Albemarle & Chesapeake Canal route will improve conditions now existing at Elizabeth City, and this town will be much better off than at present, so far as its own water-borne commerce is concerned, meaning thereby commerce originating at or destined for this community. This can hardly be questioned.
>
> The simple fact seems to be that if the Albemarle & Chesapeake Canal route be adopted, Elizabeth City will not be a port of call for through commerce, and to confer such an additional benefit upon this city would cost the United States, even if the cheapest route passing Elizabeth City were adopted, something over $1,059,000 more than it will cost to construct the waterway via the Albemarle & Chesapeake Canal route, and, furthermore, the opening of the free waterway would be delayed at least three years.
>
> So far as the other small communities lying along the Dismal Swamp Canal are concerned, the abandonment of this canal as a waterway would no doubt impose a hardship upon them, but the amount of commerce involved is quite small, too small to warrant the serious consideration of the purchase and improvement of this route.

It is true that the Chief of Engineers has recently recommended the purchase of this canal for $500,000. It is stated that it has a possibility of traffic from 100,000 tons to 300,000 tons a year. The statement I wish to point out to you, which is borne out by the statement of the original board, is that most of the traffic generates at Elizabeth City. This principal city is on the Pasquotank River, and by the establishment of the Albemarle & Chesapeake Canal the commerce originating there would go down the river and up to Baltimore. It is a proposition that I can not see how we should take over, when it has no practical value as a navigation proposition.

The mere argument that because the Government saw the necessity of having an entire intercoastal scheme and adopted another canal route and deprived the original canal of some transportation is no reason, in my opinion, why the Government should take it over and compensate the original owners; no more than if the Government should launch into the policy of constructing railroads or any other kind of highways and build a straight, modern, parallel line, which would impair the traffic earnings of established lines. That is a loss that properly belongs to capital, and ought not to be borne by the Government simply because it established a competing line. So, gentlemen, this Dismal Swamp Canal is nothing more than a drainage ditch. The value of these lands tributary to it will remain the same, because the land will be drained by this Dismal Swamp Canal. To take over something that has very little transportation value is a proposition that would land us in a scheme of expenditure in which the Government would never stop if we were going to take over any kind of rival projects just because the National Government adopts a different project that impairs its value.

Mr. Speaker, I reserve the balance of my time.

Mr. DEMPSEY. Mr. Speaker, I yield 20 minutes to the gentleman from North Carolina [Mr. Ward].

The SPEAKER. The gentleman from North Carolina is recognized for 20 minutes.

Mr. WARD of North Carolina. Mr. Speaker and gentlemen of the House, the gentleman from Wisconsin [Mr. Stafford] is not informed about this proposition. I beg your attention for just a few moments while I shall speak from official records and make no statement of my own independently of them, but will be able to point to the official records to sustain every proposition I make. I am not speaking here for the bondholders of this canal, but for 28,000 people who live along the line of this canal and who have developed this country.

When the scheme to lay out the inland waterway from Norfolk to Beaufort was before the Board of Engineers on Rivers and Harbors some 10 or 12 years ago, they adopted the canal represented on this map, running eastwardly out of Elizabeth River, which flows south from Norfolk, and along the red line which I indicate by this pointer, running east of the mainland down the center of shallow and shoaly sounds out across the mouth of Albemarle and Pamlico Sounds to Beaufort Inlet, where the ships go out to the ocean. At that time the Dismal Swamp Canal had been there for 130 years, having been put there at the instance of General Washington for the purpose of carrying white cedar in the form of staves and shingles out of the great swamp through which it flows, and to offer means of transportation for the development of a part of his favorite country. At that time every acre of this territory was a howling wilderness, and would have continued to be so until to-day had it not been for the construction of this canal. It was constructed as a small but sufficient waterway for transportation, and in answer to the statement of the gentleman from Wisconsin that it is only a drainage ditch, I assert the fact well established by the history of North Carolina and Virginia that it has been used for transportation continuously for 135 years.

Mr. MOORE of Virginia. Will the gentleman allow an interruption?

Mr. WARD of North Carolina. Certainly.

Mr. MOORE of Virginia. It has a standard depth of 12 feet.

Mr. WARD of North Carolina. Its depth to-day is 12 feet; its width at the top is 90 feet and at the bottom 50 feet; and it is in shipshape condition. Before the Government adopted this other route of the Albemarle & Chesapeake Canal, it was carrying more than 75 per cent of the through traffic, and it will do it again if it can be put upon all fours in opportunity with the other canal.

The Chesapeake & Albemarle Canal, which I am now following with my pointer, was adopted by the Board of Engineers because it could be purchased for a smaller amount of money, and when it was opened to transportation it naturally took all of the freight originating south of Pasquotank River, to which I am pointing, because it was toll free, leaving to the Dismal Swamp Canal only such freight as originated along its banks.

By reason of this competition, created by the Government of the United States, the Dismal Swamp Canal has fallen financially and must discontinue operations, and we ask that the Government take it over and operate it. Your Board of Engineers sat at Norfolk a whole day in May, 1921, and they went through this canal, and they left its banks and rode out through the country, and after waiting nearly a year they made this report which I hold in my hand, in which they say to you that to allow this Dismal Swamp Canal to fall and go out of service would be to work an injury upon the people beyond estimation and which they could not even approximate.

But although they could not approximate this loss, I can now approximate it by calculations based on their report. There are 135,000 acres of land lying along this canal that have no other means for transportation than the Dismal Swamp Canal, 30,000 of which are in active cultivation. If it was a drainage proposition only, as stated by Mr. STAFFORD, we would be better off without the canal with the locks than with them, because without the locks the water would fall. It has absolutely no semblance of a drainage proposition. It is a transportation proposition exclusively, and your Board of Engineers say that it was hauling 300,000 tons of freight annually. I use their language; that is what they said in their last report. There are 135,000 acres of land along this canal between where my pointer now is and the other end, the canal being 22 miles long. These 135,000 acres are worth $125 an acre. Of that 135,000 acres, there are 30,000 in active cultivation, and I hold up and show to you now the official document giving the names of the men who own the land, with their several holdings.

Here is their acreage, taken from the tax list [holding up the paper referred to]. One hundred and two farmers have in growing corn and other grain and foodstuffs to-day, 30,000 acres along the banks of this canal. That 30,000 acres is worth $125 an acre, and you know it, because it is not denied that it is swamp land reclaimed from the Dismal Swamp; land which is producing, as your records show, from 70 to 80 bushels of corn to the acre, and it has recently been discovered to be as fine celery land as there is in the world. It is worth $125 an acre, beyond question. There is absolutely no way for its owners to ship anything by the other canal, and I state to you as a solemn fact that this Albemarle & Chesapeake Canal would be as accessible to these people if it were on the moon as it is where it is now, for the reason that it lies in the middle of a shallow sound and its coast line is represented by dense "pocosin," or swamp. They have no railroad and no improved county roads.

Now, gentlemen, please remember this point. They are not asking you to give them a canal. They had one before the Government took it from them. They are asking you not to destroy the one they already have and the homes and the land that they have built up and developed, because this canal was given to them by the father of their country. To let this canal fall leaves them without transportation and impairs their valuations, as is stated in the hearings and not denied, not less than 50 per cent.

Mr. HUDSPETH. Will the gentleman yield?

Mr. WARD of North Carolina. Yes; I will be glad to.

Mr. HUDSPETH. I want the gentleman to point out the Government canal on this map.

Mr. WARD of North Carolina. It is along this line indicated by my pointer [pointing on the map]. To defeat this proposition imposes a loss on these 28,000 people of $1,875,000 by depreciated values arrived at in this way: There are 30,000 acres of cleared farm land at $125 an acre, which amounts to $3,750,000; and at 50 per cent depreciation, the loss is $1,875,000. So, if your officers have told you the truth and if you believe these findings, you strike down some of the best farm land that the sun shines on, perhaps $1,875,000 in value, and you can see that it is reasonable. It is land which with every recurring season is contributing to the feeding of the teeming millions of the world. Is it extravagant? You know whether it is or not.

Now, one other statement. When they thought that this canal was as permanent as the pyramids, they established three drainage districts here. Here are the outlines of one of them [pointing]. That drainage district has 10,000 acres of cleared land in it. Its bonds have been bought and paid for to the extent of $233,000. I ask you how much you will give for the bonds if this only opportunity of transportation is taken from that land and it is left there and they have to wheelbarrow their crops to the market?

In addition to the $1,875,000 of direct loss to the land, to say nothing of the loss in the value of the personal property, there is this loss to the bondholders on their bonds. Then I point to the picture of the little village of South Mills that has been built up there with a graded school that cost them $60,000. I show you here the outlines of the best white cedar swamp in the world, where the Government got every foot of its white cedar during the late war, and ask you if you do not know that by destroying that canal as the Government has done you are impairing the value of that swamp at least to the extent of the sum I have indicated?

Mr. STEPHENS. Will the gentleman yield?

Mr. WARD of North Carolina. I yield to the gentleman from Ohio.

Mr. STEPHENS. I just want to ask if the canal will be abandoned if the Government does not purchase it?

Mr. WARD of North Carolina. Your Board of Engineers say yes.

Mr. STEPHENS. Will not the people still use the canal?

Mr. WARD of North Carolina. No, sir. The use of the canal is dependent upon maintenance of the locks and the upkeep of the canal. You must remember that these people are relatively small land owners. They have farms, 102 of them separately. You can not organize farmers who own 30 or 40 acres of land into an easily operated and effective corporation of the kind that you have in your minds and of the kind that spring from the business centers of the world.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WARD of North Carolina. Yes.

Mr. JOHNSON of Washington. As I understand it, the gentleman is asking to have us who believe in this proposition vote for the Senate amendment?

Mr. WARD of North Carolina. Yes, sir. The conferees have not agreed to the Senate amendment, and we ask you to vote to instruct the conferees to agree to the Senate amendment.

Mr. HUDSPETH. It was put on in the Senate?

Mr. WARD of North Carolina. Yes; but the conferees have not agreed to it.

Mr. JOHNSON of Washington. The vote here is to accept the Senate amendment.

Mr. WARD of North Carolina. Yes.

Mr. REED of West Virginia. What proportion of the canal is in Virginia and what proportion is in North Carolina?

Mr. WARD of North Carolina. Virginia has about two-thirds of the mileage, but North Carolina has the very much greater interest, because it is more important to these landowners to get to Norfolk and to the northern markets than it is to the northern markets that they come to them.

They say this is a "pork-barrel" proposition. Let me answer that it no more resembles a pork-barrel proposition than the Volstead law resembles a whisky-barrel proposition. [Laughter.] So different this is from a pork-barrel proposition, that when the Board of Engineers were investigating this thing, in my presence they said to the owners, "What will you take for your property?" The owners said, "Come and look at our books and examine them, every book that we have got is yours to examine freely, and you will find that we have invested in this property $1,700,000. Make us such an offer as you think is consistent with justice." The Board of Engineers reported that the Government should pay $500,000, which is about 27 per cent of the investment.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. WARD of North Carolina. Yes.

Mr. COOPER of Wisconsin. I understood the gentleman to say that the Government owns something at the north end of that canal.

Mr. WARD of North Carolina. It owns the approaches at the north end and at the south end.

Mr. COOPER of Wisconsin. What is the distance between what the Government owns at the south end and what the Government owns at the north end?

Mr. WARD of North Carolina. There are 22 miles of canal between the two Government approaches.

Mr. COOPER of Wisconsin. So that the Government owns a part?

Mr. WARD of North Carolina. It does.

Mr. COOPER of Wisconsin. At each end?

Mr. WARD of North Carolina. Yes; and has always kept it up.

Mr. ROSE. Will the gentleman kindly point out the termini of this canal?

Mr. WARD of North Carolina. Yes. [Pointing on map.] The Government owns only the approaches, one of which empties into the Pasquotank River, the other in Elizabeth River. There it comes out to the sound [pointing on map].

Now, gentlemen, where is the fudging and the fraud that they say is in this thing? Can anyone say this is a drainage proposition only, as contended by the gentleman from Wisconsin? Nobody can believe that after the Board of Engineers examined this thing, as I have stated to you. If that were true, they would have come back and said to you, "This thing is a ditch only." Can you believe for a moment that you have such a Board of Engineers as to try to pass off such a fraud as that would be? Can the gentleman from Wisconsin know better than these officers whose duties it was to investigate and report to you? Is not his contention absurd?

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. WARD of North Carolina. I will.

Mr. CAMPBELL of Kansas. I am curious to know where the destruction comes in.

Mr. WARD of North Carolina. In answer to the gentleman I will say in the words of the Board of Engineers that it is because the toll-free canal takes up all of the through traffic originating beyond the termini of this canal.

Mr. CAMPBELL of Kansas. But the Government would leave it as nature provided it.

Mr. WARD of North Carolina. No; it can not leave it as nature provided it. Gen. George Washington and his coworkers gave them this canal, and your refusal to adopt this project takes it away from them, because your toll-free canal takes away all the traffic, except that originating within these narrow limits immediately on the banks of the present canal.

Mr. CAMPBELL of Kansas. Takes it away in what way?

Mr. WARD of North Carolina. By reason of being toll free it naturally takes it from points below and above, because such freight passing through the Government canal is toll free.

Mr. MANSFIELD. Will the gentleman from North Carolina yield for me to answer the question of the gentleman from Kansas?

Mr. WARD of North Carolina. I yield.

Mr. MANSFIELD. Let me make this suggestion in further answer to the gentleman from Kansas: The United States Government was a stockholder in the original company that owned the Dismal Swamp Canal. This company sold the canal to a new company which was organized and which improved it to the extent of about $1,750,000. The Government then constructed a free canal, 20 miles distant, which diverted the through traffic from the Dismal Swamp Canal, where tolls were charged, and reduced the revenues of that canal from an average of $97,000 to $18,000 per annum, which was below the cost of maintenance.

Mr. KINCHELOE. Will the gentleman yield?

Mr. WARD of North Carolina. Yes.

Mr. KINCHELOE. This canal that is sought to be taken over by the Government—if the Government takes it over, will operate it as a free-toll canal, the same as the other?

Mr. WARD of North Carolina. Yes.

Mr. BARBOUR. Will the gentleman yield?

Mr. WARD of North Carolina. Yes.

Mr. BARBOUR. If the Government operates this Dismal Swamp Canal, it will operate it as a free canal?

Mr. WARD of North Carolina. Certainly so.

Mr. BARBOUR. Will it be of any value to the Government for transportation?

Mr. WARD of North Carolina. Immensely so, as will be shown by the report of the engineers. And by the way, the gentleman from Wisconsin [Mr. STAFFORD] said that the other line was shorter, when the facts are absolutely opposite. It strikes the line here [pointing] and every boat that starts anywhere south of Beaufort Inlet or from the north, according to the point at which it strikes the canal, will be not less than 8 miles or as much as 20 miles shortened on its route.

Mr. BARBOUR. Why did they take the Albemarle & Chesapeake Canal?

Mr. WARD of North Carolina. Well, it was $250,000 cheaper in the first place. The Albemarle & Chesapeake Canal was dying by inches every day, and they took what they could get. When the owners of the Dismal Swamp Canal were asked to fix a price on their property they said give us whatever you please, we can demand nothing, and so they here offer them 28 per cent of their investment. In 1827 the Government bought 49 per cent of the stock in this canal and owned it to 1869, and the United States Government made a profit of $320,000 on it. In 1861, after the war broke out, the Federal Army captured it, and a military officer said that it saved for this Government $30,000 a day. In 1869 the Government consented that it be mortgaged, and it was mortgaged and afterwards sold under the mortgage, and the Comptroller of the Currency bought it in for the Government and the present holders hold under his deed.

Now, the proposition is this and only this: This Dismal Swamp Canal was here in fine condition, serving this large area, representing what is now 28,000 population, with 135,000 acres of holdings, 30,000 acres in active cultivation. The Government saw fit to take over the Albemarle & Chesapeake Canal and to make it toll free in furtherance of the great scheme of constructing an inland waterway from New England to the South. When this was done shipping was diverted from this Dismal Swamp Canal to the extent that its income would not sustain it. It must go under, according to the report of your engineers. The people living in the territory through which it runs say if it goes under our only opportunity of transportation is taken from us by an act of the Government. This is found to be a fact. Is it right that it should be done? Can the Government in justice to these people afford to do it? It seems to me that every possible voice of the human conscience answers "No." I ask you to do unto them as you would they should do unto you. [Applause.]

Mr. DEMPSEY. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. DEAL].

Mr. DEAL. Mr. Speaker, when H. R. 10766 was passed by the House and sent to the Senate, the Senate made a number of amendments thereto, among which was one recommended by the Board of Army Engineers for the purchase of the Dismal Swamp Canal, valued by the board at $500,000. Sent to conference, the conferees have disagreed. It has been stated that this is an attempt to unload a worthless property upon the Government. I say that it is an attempt to make restitution for an act of injustice done to certain citizens who have spent their time, labor, and money in the development of the Dismal Swamp Canal, in drainage projects, in creating farms and homes, villages, and cities adjacent to the canal.

The Dismal Swamp Canal was conceived by President Washington, who held large interests contiguous thereto. Being by profession a civil engineer, he quickly perceived the advantages that would accrue to a large area extending from Beaufort Inlet, on the southern coast of North Carolina, to the head waters of the Chesapeake Bay, in the State of Maryland. This canal was developed and opened for traffic at the beginning of the last century, in 1800 to 1805. It is 22 miles in length, one half of which lies in the State of Virginia and the other in the State of North Carolina, and has continued to serve the public through varying fortunes to the present day.

During the sixties another canal was built, known as the Albemarle & Chesapeake Canal, likewise connecting the waters of the Chesapeake Bay with those of Albemarle and Pamlico Sounds on the south. This canal being of greater depth and width, could accommodate the gradually increasing size of vessels, and in consequence practically absorbed the through traffic. The owners of the Dismal Swamp Canal, realizing a loss of trade, found it necessary either to abandon the canal altogether or spend large sums of money for betterments; decided upon the latter plan, and in 1899, after the expenditure of more than a million and a quarter dollars, the canal was reopened for traffic. It was broadened to 80 feet water surface, with a 50-foot base, and a mean depth of 10 feet of water. There are two locks upon the canal; one at either end. The facilities thus afforded being superior to those of the Albemarle & Chesapeake Canal, the traffic was regained by the Dismal Swamp Canal and a profitable business was gradually being developed, while the farms and villages and cities dependent upon this transportation began to grow in size and importance.

In 1912 Congress directed a survey and report to be made of a route for a Government canal between Norfolk and Albemarle Sound as a part of a projected intercoastal waterway from Massachusetts to the Gulf, resulting in a recommendation by United States Army engineers that the Albemarle & Chesapeake Canal be selected as the route for this intercoastal waterway. While making this recommendation, the Army engineers frankly admitted that the opening of a free waterway would destroy the business of the Dismal Swamp Canal. Nevertheless, the Albemarle & Chesapeake Canal was purchased by the Government, improved, deepened, and opened to the public for use free of tolls. As predicted by the Army engineers, the business of the Dismal Swamp Canal was diverted, with the result that the investment is confronted with an absolute loss. The Dismal Swamp Canal proved a paying investment until the Government diverted its traffic through the free canal. It would seem, therefore, that the Government should, in justice to the owners of the Dismal Swamp Canal, take over these properties, which the Army engineers have recommended that it should do, at a valuation of $500,000, $750,000 less than the amount invested by its owners, thus relieving them of 40 per cent of the loss which would otherwise result; that is to say, that the Government would bear 40 per cent of the loss, while the owners, through no fault of their own, after having in good faith invested their money for the development of traffic and of the contiguous territory, would sustain 60 per cent of the loss.

Not only would a great loss accrue to the owners of the canal but as such it has proven valuable as a drainage project to a large area of very fertile lands immediately within the Dismal Swamp Canal area. Something like 560 square miles have thus been drained, approximately one-half of which have been opened for cultivation, and has proven the most fertile and valuable lands in eastern Virginia and North Carolina.

About 25,000 people have settled within this section and are served by this waterway for transportation to Norfolk, Va., the nearest trading city, as well as Baltimore and New York, in which cities the forest products from an additional area find a ready market. Beyond the canal, on the Pasquotank River and eastward through the Albemarle Sound, a large number of people have been served by transportation passing through the Dismal Swamp Canal. For many years I was a shipper through each of these canals, the Dismal Swamp and the Albemarle & Chesapeake. Both served a useful purpose. During the winter seasons, when the north and northeasterly winds prevailed, the waters of Albemarle and Pamlico Sounds were forced southward to such an extent as to lower the depth of water in the southern approach to the Albemarle & Chesapeake Canal. We have frequently had barges detained for many days awaiting a change of the wind and an inflow of water sufficient for these barges to pass through Currituck Sound to the Albemarle & Chesapeake Canal. When, however, the Dismal Swamp Canal was opened, to avoid these delays we diverted our traffic to the Dismal Swamp Canal, thus avoiding detention and enabling our barges to be more heavily loaded.

It has been suggested that the Dismal Swamp Canal is dependent upon Lake Drummond for water to float its traffic, and that the lake will not supply the necessary water. Permit me to say that, though I have lived in the immediate vicinity of this canal for 32 years and was a shipper thereon for many years, it has never come to my knowledge that there was any shortage of water in the canal resulting from an inadequate supply by Lake Drummond. On the contrary, Lake Drummond was seriously considered as a source of water supply for the city of Norfolk, in addition to its supply to the canal. The principal reason that it was not selected was due to the fact that its waters are pregnant with juniper acids, which are injurious and render them unfit for boiler use, and hence the cities of Norfolk and Portsmouth sought other sources of supply.

Mr. DEMPSEY. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. Madden].

Mr. MADDEN. Mr. Speaker, when anybody anywhere in the United States has any sort of property which they can not operate successfully a good place to come and dispose of it is the United States Treasury. Here is a proposal submitted to the Congress of the United States to pay $500,000 for a property that is not worth 5 cents. It is not earning a dollar; it is not carrying any commerce; it will not carry any commerce, and there is not any reason in the world why the Government of the United States should be called upon to pay a dollar for the property. This canal is purely local. It does not serve anybody except in one or two townships. If there is any commerce carried by water in this section of the country it can be carried on the Albemarle Canal. The Dismal Swamp Canal is obsolete. There is not any sense or any justice in the proposal. If we expend $500,000 under the ordinary rate of interest that would be $30,000 a year on the investment, and then whatever it would cost to operate it would be added to that. So it is not $500,000 that is involved, but whatever may be expended in the future every year from now until the end of time. And for what? Not for any good purpose, not for the accommodation of commerce, not for the development of business, not for a necessity that exists anywhere, but merely to pay to somebody who has an obsolete piece of property which is not worth a dollar $500,000 out of the Treasury of the United States. I think I do not need to take much more of the time of the House to convince the Members here that this proposal has no merit. It is an iniquitous proposition.

Mr. EVANS. Will the gentleman yield?

Mr. MADDEN. I do.

Mr. EVANS. Can the gentleman inform us whether or not this will be an additional burden always to maintain and keep it open so as to be operated for drainage purposes?

Mr. MADDEN. As I said, $500,000 under the commercial rate of interest would be $30,000 a year. Then whatever it would cost to maintain and operate it besides would be probably $50,000 or $100,000 a year more. The probable cost of every ton of commerce carried on this canal would be $50.

The SPEAKER. The time of the gentleman has expired.

Mr. DEMPSEY. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. Moore].

Mr. MOORE of Virginia. Mr. Speaker——

Mr. WYANT. Will the gentleman yield for a brief question?

Mr. MOORE of Virginia. I have only five minutes; I will yield later if I have the time. Mr. Speaker, I am not a resident of the portion of Virginia traversed by this Lake Drummond Canal and have no interest from that standpoint in the consideration of this matter, but in the very few minutes which are assigned me I would like to state that the uncontested facts are materially different from what the gentleman from Chicago [Mr. Madden] has stated. The difficulty with the gentleman is that he has not read the hearings before the committee nor the report of the Chief of Engineers.

This Lake Drummond Canal is a very old canal. Prior to 1912, when the Government acquired the Albemarle Canal, it was absolutely dependable for transportation. It was so dependable that people had gradually settled on the land which is now under cultivation and which is shown on the map as having a considerable population. The population increased as the necessity for products outside became more urgent, and thus prior to 1912 large areas had been occupied by people who had come in not from the South alone but from the North and West. Besides putting land in cultivation, they had organized drainage systems with a view to making use of additional land. They had built up villages; they had established their churches and their schools; they had become an active, vigorous community of from 25,000 to 50,000 people, relying upon this waterway for their future food.

What the House is going to do if it declines this proposition is to crush that community. In that connection, according to the undisputed evidence, it will cut off from the eastern markets a very substantial and widening food supply. Among the products raised on that rich soil in large quantities is the soya bean. It is the best soya-bean producing land in this country. The beans produced there are shipped to the West and other portions of the country for seed. If the Government refuses to take the canal over, all such operations will cease.

The canal has been and is a live enterprise relied upon by those who live and labor near it as their only means of transportation. It could not have been destroyed, it can not be destroyed now by any other agency except the Government of the United States itself. It could not be destroyed by any competing canal company charging tolls. It could be destroyed by State action or arbitrary private action. It is now to be eliminated by the Government, unless the Government takes it over.

Mr. EVANS. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. I can not yield to my friend; I have such a short time.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. May I have one minute more?

Mr. DEMPSEY. I yield to the gentleman one minute more.

Mr. MOORE of Virginia. What is the opinion of the Board of Engineers, speaking as late as February 22? That board, speaking through General Beach, recommends the purchase of this canal for $500,000. The hearings, which include the statement of our respected friend, former Representative Small, of North Carolina, all show that it is to the interest of the public, not only of the community directly involved but to the interest of consumers in the eastern markets for the Senate proposition to be adopted. Those who speak for the Government, its engineers, tell us that it is likewise to the interest of the Government that it should purchase and operate the canal. It seems to me that the rejection of the proposition would be indefensible and amount to great and cruel injustice.

Mr. DEMPSEY. Mr. Speaker, the gentleman from Wisconsin [Mr. Stafford] has three minutes remaining.

The SPEAKER. The gentleman from Wisconsin is recognized.

Mr. WYANT. Mr. Speaker, will the gentleman yield for a question?

Mr. STAFFORD. I yield.

Mr. WYANT. What were the gross earnings of this canal during the last year?

Mr. STAFFORD. I can not give that offhand. I admit that they have been diminishing since these people all around this district made the demand upon Congress that we establish an intercoastal route at an expense of millions of dollars. Of course the returns of the old Dismal Swamp Canal, which has only a depth of 9 feet and not 12 feet, as the principal proponents say, and which has no tonnage to speak of, has been diminishing.

What is the proposal? Originally these same people who are asking that this canal be purchased by the Government advocated the establishment of an intercoastal waterway, of which the gentleman from North Carolina [Mr. Small] was the proponent, at a cost of several million dollars for a through route here. The people of Elizabeth City now have the advantage of that through route, going up to Baltimore, only 30 miles difference.

Mr. STEPHENS. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. STEPHENS. What is the date of that?

Mr. STAFFORD. Nineteen hundred and sixteen. We are expending on it $500,000 to-day to finish the completion of it, and now they are trying to dump on the United States a local proposition, purely local in character, entirely of local concern, and of no national value. Why should not these rich farm owners maintain it and purchase the stock, which is of no value to-day, rather than dump it on Uncle Sam?

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GRAHAM of Illinois. What did the Government do to this project that has tended to destroy it?

Mr. STAFFORD. Nothing at all. It yielded to the appeals of those people for a through waterway of 12 feet. This canal has not enough water to supply a 12-foot waterway.

Mr. DEMPSEY. Mr. Speaker, I will use the balance of my time.

Mr. Speaker and gentlemen, quite unintentionally, I am sure, there have been numerous misstatements made as to this canal. Let us see what is the situation. From Norfolk to Albemarle Sound there are two canals, and, of course, the primary question that confronts Congress, the only question in which it is interested, the only question which it cares to consider, is whether the canal in question here is necessary to the commerce of the country through which it flows.

Let us see what their transportation facilities are, first by land, and then by water. In this narrow peninsula there are two lines of railroad. Any farmer—and it is a farming community—is within 15 miles of a railroad.

Mr. WARD of North Carolina. Accessible to this land?

Mr. DEMPSEY. Yes; accessible to all this territory; every foot of it.

Mr. MOORE of Virginia. The evidence shows to the contrary.

Mr. DEMPSEY. Well, the Dismal Swamp is used for agricultural purposes, and it is the Dismal Swamp that we are talking about, and these railroads run right through the Dismal Swamp.

Now, there are as good transportation facilities in that county as there are in my own county—by rail—and I represent as good an agricultural county, as rich an agricultural county as there is in the United States.

Mr. KINDRED. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. In a moment.

Next let us come to water transportation. Through this narrow peninsula run two canals. Neither one of them was a canal of standard depth. Neither one of them was adapted to or would handle the traffic of that region. We have standardized, as I have stated in another place, canals in this country at a depth of 12 feet, and both of these canals were less than 12 feet, so that in the effort to provide transportation facilities, in the effort to accommodate these people, to give them that which they needed, to give them better transportation facilities, this Government expended a large sum of money. How much do you suppose we have expended? We have expended practically $4,500,000 upon this Albemarle canal, an enormous sum, considering the shortness of the route and the traffic which is handled.

So, gentlemen, let us make no mistake. Do not let us consider any false premises. Gentlemen start out as though this Government was injuring some one. Why, this Government in its paternal care, in its solicitude for its citizens, has expended $4,500,000 upon a waterway—with what results? Why, when we took it it was carrying 229,000 tons of freight annually. What is it doing to-day? The freight has been cut in two. It is carrying just half that.

And there we come to the second line of the argument. Why, the gentlemen from the vicinity say that by taking over this canal we have ruined the other canal. How have we ruined it? Why, they intimate to you that we are carrying all the traffic. Why, they had 229,000 tons when we took the Albemarle Canal over, and we are carrying scarcely more than 100,000 tons today. We have not ruined anybody except the Government of the United States. [Laughter.] We could not by any possibility have hurt anybody except the Government of the United States. Now, let us see what the history of their canal is. In 1913, when the Government took over the Albemarle Canal, the traffic on the Dismal Swamp Canal was 327,000 tons. That, too, has dwindled to 132,000 tons. In other words, instead of developing commerce, instead of this being a community which has an added commerce, which is growing and prospering and increasing, both canals have carried very much less freight, because apparently either the railroads carry it all or they have not the freight. So we have not robbed them in any way. The situation on the Dismal Swamp Canal has not changed an iota more than our situation on the Albemarle.

Mr. REED of West Virginia. Will my colleague yield?

Mr. DEMPSEY. In just a moment. The Government has made an investment of $4,500,000, and we are carrying 118,000 tons of freight. Why, we could almost better afford to pay for the freight than to have an investment of that kind in this canal. That is an actual fact. We could very nearly as well buy the freight annually as to own this canal which we already own.

Now, let us come to the next proposition. A question was asked of the gentleman from North Carolina [Mr. WARD] whether this was not a standard 12-foot canal, and he said "Yes." Now, he did not intend to mislead you, but he did not know the facts. Here is the situation: These two canals at the north end and the south end are common, and the Government, where they are one canal, maintains them at both ends, and where the Government maintains them they have a depth of 12 feet. But for the 22 miles between there is a depth of 9 feet. I will read from the report of the engineers to prove that, so that we will be sure that I am not misquoting. I am quoting from the authority upon this subject, so that we may be sure that I am stating it just as it is and not otherwise.

Mr. WARD of North Carolina. I concede that the gentleman is right about that. I correct what I said about the depth being 12 feet; but the depth is equal to the demands of all the transportation upon it.

Mr. DEMPSEY. Now, let us come to the next point. If you buy this canal, you have a 9-foot canal. You have made a lamentable failure of this 12-foot canal. What are you going to do with this 9-foot canal? It is conceded and everybody admits that you will not have any through traffic. You can not have through traffic on a 9-foot canal, because people do not build boats for a depth of 9 feet. All the barges are built for a depth of 12 feet. So that eliminates at once any question of through traffic. Now, can this canal be made 12 feet deep so that you can have through traffic? The answer is no. Why not? Because both ends of this canal are above the water at the two ends.

The canal begins and ends in a lock, and the lock sends you up several feet, so there is no source of water supply at either end. How do you get the water supply? You get it from Lake Drummond. And what is Lake Drummond? Lake Drummond is a little lake west of this canal, which has an inadequate supply of water, so that at times it has not had the water to fill this canal. Not only that, Lake Drummond is in the Dismal Swamp region. It undoubtedly gets the greater part of what water it has from drainage from the Dismal Swamp. These gentlemen tell you that that is a rich farming district and that rapidly the district is being drained and farmed, and the drainage is being carried away. What will become of Lake Drummond then?

Mr. WARD of North Carolina. Will the gentleman yield on that point?

Mr. DEMPSEY. I yield to the gentleman from North Carolina.

Mr. WARD of North Carolina. I hold in my hand a map from the Geological Survey Office brought here for the purpose of showing the House that Lake Drummond is inexhaustible.

Mr. DEMPSEY. It is inexhaustible to the extent that it is a lake which does not go dry, but it is admitted and the testimony is uncontradicted that at times the water has been insufficient for this canal. You can not get any more water, and if it will not supply a 9-foot canal, it certainly can not supply a 12-foot canal. And more than that, I am very much afraid that if we buy this canal, as the Dismal Swamp region is drained we will be in the position of owning a canal the only objection to which is that it has not any water or any water supply. [Applause and laughter.]

Mr. MANSFIELD. Will the gentleman yield?

Mr. DEMPSEY. I asked the engineers who came before the committee, "Suppose Lake Drummond is insufficient? What are you going to do?" Their reply was, "You can pump the water up into the canal." Do you want to buy a canal into which you have to pump the water?

Mr. WARD of North Carolina. Will the gentleman state that that was never done?

Mr. DEMPSEY. I think they did say it had been done.

Mr. WARD of North Carolina. I am in possession of information on that subject, and I state positively to the House that there is nothing in that proposition; that it never has been done.

Mr. DEMPSEY. I simply state that it is my best recollection that within a day or two before the conferees the engineers stated that that would be the only way to supply the water for that canal; that it would have to be pumped into the canal.

Mr. CAMPBELL of Kansas. Is it not a fact that the engineers stated that water could be supplied to the canal by pumping?

Mr. WARD of North Carolina. General Jervey has sent me a telegram stating that if it should need any additional water it could be connected with Elizabeth River at its top without difficulty and at an inconsiderable expense. I have General Jervey's telegram in my possession.

Mr. DEMPSEY. The engineers said it would not be very expensive to pump water, but I do not believe there is anybody in this House who is going to buy a canal into which we would have to pump water.

Mr. KINDRED. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. KINDRED. I want to ask the gentleman from New York if it is not a fact that water has to be pumped into many of our canals at times in order to keep them in operation?

Mr. DEMPSEY. I do not know any of them. I hope I will never hear of such a canal. I never heard of it. Why, all along the Erie Canal, across the State of New York, at every considerable place, again and again we have to discharge the surplus water. We do not pump water into that canal. The gentleman who interrogates me comes from New York and he ought to know what the fact is about that.

Mr. KINDRED. The gentleman knows that the engineers also stated that it was a common practice to pump water into some of the largest canals.

Mr. WARD of North Carolina. But it has never been pumped into this canal.

Mr. DEMPSEY. I never heard the engineers state that, and if it was so it would not add to the attractiveness of the canal to have to pump water into it.

Mr. KINDRED. May I ask the gentleman one more question?

Mr. DEMPSEY. Gentlemen, let us make no mistake. The Government has done nothing except acts of kindness to the territory embraced by this canal. We made a very bad investment in order to help them out. That investment is a very highly losing venture.

Mr. MADDEN. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. MADDEN. The gentleman will recall that the chairman of the Committee on Rivers and Harbors, the gentleman from North Carolina [Mr. SMALL], in a preceding Congress foisted this Albemarle Canal onto the Government. We did not have influence enough to prevent the purchase of it. But do not let us make another mistake by adopting the suggestion of the other gentleman from North Carolina now.

Mr. SNELL. Will the gentleman yield for a question?

Mr. DEMPSEY. Yes.

Mr. SNELL. How much is the annual cost of the upkeep of this canal, if we should finally buy it?

Mr. DEMPSEY. I understand it would be about $30,000 a year.

Mr. SNELL. Thirty thousand dollars a year to keep it up?

Mr. DEMPSEY. Yes; and then there would be $30,000 interest on the capital invested. But do not let us lose sight of the fact for a moment that there is no possibility of through traffic, that it must be simply local traffic, and that this traffic has dwindled until to-day it is infinitesimal.

Mr. Speaker, I move the previous question upon my motion to instruct the conferees to insist upon their disagreement.

The SPEAKER. The gentleman from New York moves to instruct the conferees to insist on their disagreement to the Senate amendment, and on that he demands the previous question.

The previous question was ordered.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. If the negative should prevail, would that, under the precedents, be equivalent to an instruction to the conferees to agree to the Senate amendment?

The SPEAKER. The Chair thinks not.

Mr. GARRETT of Tennessee. Then, Mr. Speaker, another parliamentary inquiry. Would not a motion to instruct the conferees to concur in the Senate amendment take precedence?

Mr. STAFFORD. The proper parliamentary motion is that the House concur in the Senate amendment.

Mr. DEMPSEY. Well, Mr. Speaker, I have moved the previous question on my motion. I moved the previous question before the other motion was made.

Mr. GARNER. Under the rule they have the right to make the motion to concur.

Mr. GARRETT of Tennessee. Mr. Speaker, I think that motion would take precedence.

The SPEAKER. The Chair thinks the motion to concur would take precedence.

Mr. GARRETT of Tennessee. I move——

Mr. DEMPSEY. I have already moved the previous question upon my motion. They had the right to make that motion up to the time that the previous question was ordered, but the previous question has been ordered. They are too late.

Mr. GARRETT of Tennessee. I understand the motion for the previous question is pending. I do not think we have voted on the previous question.

The SPEAKER. The Chair is informed that the previous question was ordered. The question is on the motion of the gentleman from New York [Mr. DEMPSEY].

The question being taken; on a division (demanded by Mr. WARD of North Carolina) there were—ayes 87, noes 29.

Mr. WARD of North Carolina demanded the yeas and nays and then withdrew the demand.

So the motion of Mr. DEMPSEY was agreed to.

The SPEAKER. The Clerk will read the next amendment in disagreement.

The Clerk read as follows:

Senate amendment 11: East River, N. Y., in accordance with the report submitted in Rivers and Harbors Committee Document No. 3, Sixty-seventh Congress, second session.

Mr. DEMPSEY. Mr. Speaker, I ask unanimous consent that the time be extended 10 minutes. The gentleman from Kansas [Mr. CAMPBELL] wants 10 minutes for another matter, and I think we may need the hour.

The SPEAKER. The gentleman from New York asks unanimous consent that the time be extended to 1 hour and 10 minutes.

Mr. MOORE of Virginia. Reserving the right to object, what is the request of the gentleman?

Mr. DEMPSEY. To extend the time 10 minutes.

Mr. MOORE of Virginia. Has the gentleman made a motion with reference to the Senate amendment?

Mr. DEMPSEY. I move that the House conferees be instructed to insist on its disagreement to Senate amendment No. 11.

Mr. OLIVER. Mr. Speaker, I want to offer a substitute motion for that of the gentleman from New York.

The SPEAKER. The Chair will suggest to the gentleman from New York that he does not think the motion to instruct a proper motion at present. This is not in conference; we have finished the conference report and are now considering Senate amendments. The question is whether the House will disagree to the Senate amendment and have a further conference.

Mr. MADDEN. Mr. Speaker, I want to offer a preferential motion.

Mr. OLIVER. Do I understand that the Speaker holds that the motion of the gentleman from New York is not in order at this time?

The SPEAKER. The Chair suggested that it was not a proper motion.

Mr. DEMPSEY. The suggestion of the Chair is that the motion should be that the House further insist upon its disagreement, and I make that motion.

The SPEAKER. The gentleman from New York moves that the House further insists upon its disagreement.

Mr. MADDEN. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. OLIVER. But, Mr. Speaker, I think I have the floor.

The SPEAKER. The Chair thinks he recognized the gentleman from Alabama.

Mr. OLIVER. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. That is a preferential motion.

Mr. OLIVER. It is understood that we have a discussion on that motion.

The SPEAKER. The gentleman from New York asks unanimous consent that the time be extended 10 minutes. Is there objection?

There was no objection.

Mr. DEMPSEY. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, in recent issues of trade and financial papers reference has been made to an alleged negotiation of the Royal Dutch Shell Oil Co., a British corporation, to secure very large holdings of oil property in the

United States. I send to the Clerk's desk and ask to have read in my time two of such extracts from the newspapers.

The Clerk read as follows:

COSDEN & CO. MAY BE TAKEN OVER BY ROYAL DUTCH SHELL—MERGER TALK BASED ON VISIT OF ROYAL DUTCH FOREIGN REPRESENTATIVES HERE, DEPARTURE FOR EUROPE OF COSDEN OFFICIALS, AND LONDON BUYING OF STOCK.

Possibility of Cosden & Co. being merged into Royal Dutch Shell group is being discussed in oil-trade circles. Return of several representatives of the foreign oil combine to Europe, after visiting oil properties here, scheduled departure of some Cosden executives for Europe next week, as well as London buying of Cosden stock recently, lend color to the talk.

Ownership of Cosden would undoubtedly work in nicely with Royal Dutch plans in this country, as Cosden has one of the largest and most modern refining plants in the world. It is particularly desirable because of the large amount of gasoline. Its refinery can produce upward of 20,000 barrels of gasoline daily at capacity.

* * * * * * *

In addition, Cosden has a substantial crude-oil production of its own—about 12,000 barrels daily, net—connected by its own pipe lines with its 40,000-barrel refinery.

* * * * * * *

WHAT'S BEHIND ACTIVE STOCKS?—95—COSDEN & CO.

Cosden & Co. was incorporated on July 9, 1917, as an oil producing, refining, and distributing unit. The company acquired by the issuance of its bonds and preferred and common stocks the securities of the older concern of Cosden & Co. and of the Cosden Oil & Gas Co. Recently the present company has been connected with rumors involving a merger with the Royal Dutch Shell group. As of December 31 last, refineries, pipe lines, miscellaneous equipment, oil lands, leases, gasoline plants, and tank cars were carried at a valuation of $66,673,557. This compared with an outstanding capitalization consisting of $6,998,000 7 per cent cumulative preferred stock and 1,003,910 no par shares of common. Bonded debt includes $5,628,000 15-year convertible sinking-fund series A and B bonds and subsidiary issues aggregating $1,500,000. Current assets at the end of 1921 stood at $9,924,683, against current liabilities of $4,687,949. Profit and loss surplus amounted to $24,302,950, which included $10,386,120 as the unrealized portion of surplus from appreciation in the value of oil reserves.

Mr. CAMPBELL of Kansas. Mr. Speaker, in addition to securing the holdings of the Cosden Co.—oil holdings—negotiations, I understand, are under way to secure the largest refinery in the State of Illinois by the Royal Dutch Shell Oil Co. I take this opportunity to call public attention to the matter, because it has been the policy of the Government of the United States in recent years to avoid the merger of American companies of large holdings in oil, either of producing or of refining companies. This policy of the United States should be adhered to quite as strictly with respect to the Royal Dutch Shell Oil Co. absorbing oil companies in the United States. This is so far as our domestic policy is concerned. In this connection it is not out of place to say that it has been the policy of the British Government—and the Royal Dutch Shell Co. is a British oil company—to look with disfavor on American oil companies extending their activities in oil fields controlled by or under the influence of the British Government. I have taken occasion to call the attention of the State Department and other departments of the Government to the alleged negotiations that are said to be going on by the Royal Dutch Shell Co. to secure these large American holdings in oil. Our own interests are better conserved, I think, by retaining in so far as it is possible to do so the control of large oil companies within the United States. I believe I am right in saying the British Government did not hesitate when American oil companies sought to extend their activities in oil fields over which the British Government exercised an influence to show that it did not look with favor on the activities of American companies or American citizens seeking to develop the oil resources in countries under their influence.

It seems to me we should be as jealous of our oil products and our oil interests as is the British Government of those interests in lands it controls. I simply call the attention of the House and the country to this matter, because I think every department of this Government should be on notice as to the negotiations I have referred to.

Mr. LAZARO. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. LAZARO. Did the gentleman receive a reply from the State Department and would he mind telling us what it was?

Mr. CAMPBELL of Kansas. The State Department is looking into the matter.

The Government of the United States I take it will protect, so far as it is consistent with our friendly relations with other countries, the interests of this Government in this important matter. [Applause.]

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. Sanders of Indiana). The gentleman will state it.

Mr. LONGWORTH. I think there is some confusion as to who has the floor. The gentleman from New York yielded to the gentleman from Kansas 10 minutes. The gentleman from Alabama [Mr. Oliver] offered a preferential motion. The reason I ask is to ascertain whether we are now proceeding under the hour's limit or if both gentlemen are entitled to an hour?

Mr. DEMPSEY. My understanding is that the universal practice is that the chairman is entitled to the time on his motion.

Mr. LONGWORTH. But the gentleman from Alabama made a motion to concur. I only desire to clear up the parliamentary situation.

Mr. DEMPSEY. I think it is the universal custom for the chairman to control the time.

Mr. WINGO. If there is any doubt about it I would like to have the floor for a while to talk about Muscle Shoals.

The SPEAKER pro tempore. The present occupant of the chair has the impression that the unanimous-consent request obtains.

Mr. STAFFORD. Mr. Speaker, it is the uniform practice that the chairman of the committee having charge of the bill has control of the time. It is true another Member may offer a preferential motion, but that does not deprive the chairman of the committee of the control of the floor and he can move at any time the previous question.

Mr. LONGWORTH. Of course, I did not desire to deprive the gentleman from New York in any way, but I wanted to know if we are under debate for one hour or for two?

The SPEAKER pro tempore. The House is under debate for 1 hour and 10 minutes under the unanimous-consent request made by the gentleman from New York.

Mr. DEMPSEY. I yield five minutes to the gentleman from Illinois [Mr. Madden].

Mr. MADDEN. Mr. Speaker and gentlemen, referring to amendment No. 11, providing for reducing the depth of the project on the East River, N. Y., from 40 feet to 35 feet——

Mr. DEMPSEY. Mr. Speaker, if the gentleman will yield, I desire to say, not to be taken out of the time of the gentleman from Illinois, to the House that I want to be absolutely fair and yield half the time to those opposed and to those who are in favor of this amendment. As yet no gentleman has made any application, and I will follow very soon after the gentleman from Illinois, and then ask for a vote.

Mr. SNELL. Does the gentleman expect to complete this bill to-night? How much time is he going to take on the Cape Cod Canal? Why not cut it short?

Mr. OLIVER. May I have the attention of the gentleman from New York? I think he is entirely fair.

Mr. KINDRED. Will the gentleman yield for a moment? Do I understand the gentleman intends to close debate on this?

Mr. DEMPSEY. No gentleman has applied for time.

Mr. KINDRED. I have applied for time.

Mr. MADDEN. Mr. Speaker, I have just said the project for the improvement of the East River provides for a depth of 40 feet and the amendment of the Senate provides for a reduction of that 40 feet to 35 feet, and the opinion of the War Department, and the Navy Department also, is to the effect that 35 feet is all the depth that will ever be needed. The original project is estimated to cost $71,500,000. The reduction of the depth from 40 feet to 35 feet will reduce that cost to $38,000,000, or a saving of $33,500,000. This project runs through Hell Gate and around to the navy yard, and the only purpose of the project as originally contemplated was to enable battleships to go around through the East River to the navy yard and up to Long Island Sound.

As a matter of safety the project was considered a very important one, but everybody, even when the project was originally adopted, believed that the 40-foot depth was more than was necessary, and now the expert testimony and advice of both the Navy Department and the War Department, through the Engineers and the Chief of Engineers, is to the effect that 35 feet is the maximum depth required. There is no reason why the motion of the gentleman from Alabama [Mr. Oliver] should not be adopted. The preferential motion made is to adopt the Senate amendment and by its adoption we will save to the Treasury of the United States $33,500,000 and we will not in any way embarrass the proposed improvement. The battleships for which this improvement was said to be intended will have ample water depth at 35 feet to accommodate them at mean low tide, and while the gentleman from New York [Mr. Dempsey], as chairman of the Committee on Rivers and Harbors, I believe, is in favor of carrying out the project of the original depth, there is no reason now why his advice should have any weight, because it accomplishes nothing if his advice is accepted except to make this outlay of $33,500,000 on the Treasury of the United States and thereby add $33,500,000 to the burden of taxation on the people of the United States without doing one dollar's worth of good toward the navigation of the East River. Many of us believed when this project was originally presented that it was impractical——

Mr. DEMPSEY. Does the gentleman remember how many there were?

Mr. MADDEN. Many believed it to be impractical and still believe it.

Mr. DEMPSEY. Only a few.

Mr. MADDEN. And still believe it is impractical, and even if it were practical that it is an unnecessary expenditure of money.

Now, if expert advice is of any value—and a good many of you gentlemen here have followed it on more than one occasion—I am not always sure that expert advice is valuable, because I have had to differ from it on many occasions—but in this one case the expert advice agrees with my judgment, and I am glad to follow it. It not only agrees with my own judgment but with my own practical experience, based on a thorough investigation of the project now before us.

Mr. SNELL. Mr. Speaker, will the gentleman from Illinois yield?

Mr. MADDEN. Certainly.

Mr. SNELL. A good many of us do not understand what this amendment does. I would like to know definitely.

Mr. MADDEN. The amendment provides for changing the depth of the project in the East River from 40 feet to 35 feet at mean low tide, and it means, further, that a saving to the Treasury of the United States of $33,500,000 will be made without injuring in any way the possibilities of navigation.

Mr. PARKS of Arkansas. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore (Mr. Sanders of Indiana). The gentleman from Arkansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-six Members are present—there is not a quorum.

Mr. DEMPSEY. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from New York moves a call of the House.

A call of the House was ordered.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrew, Mass.
Ansorge
Anthony
Arentz
Bacharach
Bankhead
Barkley
Beedy
Bell
Bixler
Blakeney
Boies
Bowers
Brand
Brennan
Briggs
Britten
Brooks, Ill.
Brown, Tenn.
Browne, Wis.
Buchanan
Burke
Burton
Byrnes, S. C.
Byrns, Tenn.
Campbell, Pa.
Cantrill
Carew
Carter
Chandler, Okla.
Clague
Clark, Fla.
Clarke, N. Y.
Classon
Clouse
Cockran
Codd
Cole, Iowa
Colton
Connally, Tex.
Connell
Connolly, Pa.
Copley
Crago
Cramton
Crisp
Davis, Minn.
Dickinson
Dominick
Doughton
Drane
Dunn
Dupré
Edmonds
Favrot
Fields
Fish
Fisher
Frear
Fulmer
Funk
Gallivan
Gensman
Gernerd
Gilbert
Goldsborough
Gould
Graham, Pa.
Griest
Griffin
Harrison
Haugen
Hawes
Henry
Herrick
Hersey
Hicks
Hooker
Humphreys
Husted
Hutchinson
Ireland
Jacoway
James
Jefferis, Nebr.
Johnson, Ky.
Johnson, Miss.
Jones, Pa.
Kahn
Kelley, Mich.
Kelly, Pa.
King
Kirkpatrick
Kitchin
Kleczka
Knight
Knutson
Kreider
Kunz
Larsen, Ga.
Larson, Minn.
Layton
Leatherwood
Lee, Ga.
Lee, N. Y.
Lineberger
Logan
Luce
Luhring
Lyon
McClintic
McDuffie
McLaughlin, Nebr.
McLaughlin, Pa.
McPherson
MacGregor
Maloney
Mann
Michaelson
Miller
Mills
Montague
Montoya
Moore, Ill.
Morin
Nelson, J. M.
Newton, Minn.
Nolan
O'Brien
Oldfield
Olpp
Overstreet
Paige
Parker, N. J.
Parker, N. Y.
Patterson, N. J.
Perkins
Perlman
Petersen
Porter
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Ransley
Reber
Reed, N. Y.
Reed, W. Va.
Riddick
Riordan
Robertson
Robsion
Rossdale
Rucker
Ryan
Sanders, N. Y.
Scott, Mich.
Shelton
Siegel
Sisson
Slemp
Smith, Mich.
Snyder
Sproul
Stedman
Stevenson
Stiness
Stoll
Sullivan
Summers, Wash.
Taylor, Ark.
Taylor, N. J.
Taylor, Tenn.
Temple
Ten Eyck
Tinkham
Tucker
Upshaw
Vare
Vinson
Volk
Ward, N. Y.
Wason
Watson
Webster
White, Kans.
Williams, Ill.
Williams, Tex.
Williamson
Wise
Wood, Ind.
Wright
Wurzbach

The SPEAKER pro tempore. Two hundred and thirty-four Members are present.

Mr. DEMPSEY. Mr. Speaker, I move to suspend further proceedings under the call.

The SPEAKER pro tempore. The gentleman from New York moves to suspend further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

The doors were opened.

Mr. DEMPSEY. Mr. Speaker, I am willing to allow five minutes to the gentleman on the other side.

Mr. OLIVER. I hope the gentleman will allow me 10 minutes. It is almost impossible to discuss this item in five minutes. When I made the motion to concur I had hoped that reasonable time would be allowed for discussion. I question whether I can present the matter in less than 10 minutes. My remarks will be confined to this particular amendment, and I hope to lay before the House information that may prove helpful in deciding the matter at issue.

Mr. DEMPSEY. The feeling over here is that it is very late, and that we ought to divide the time so far as we have used it.

I have yielded five minutes to the gentleman from Illinois [Mr. Madden]. I think we should yield 10 minutes in order to close the debate.

Mr. OLIVER. I think the gentleman will agree with me that it would be rather unusual not to allow more time for the discussion of an amendment of this importance, and I hope that 10 minutes will be yielded.

I have no special interest in the fact that I am the author of the motion to concur, but I believe that the Senate side of the question should be presented, so that the House may be fully informed when the vote is taken. I again ask that the gentleman allow 10 minutes in which to present this question to the House.

Mr. DEMPSEY. In view of what has transpired, and in view of the fact that I went over there simply to try to agree with the gentleman as to time——

Mr. OLIVER. Mr. Speaker, I do not think this the proper time or place for a discussion of personal matters, but if it is desired, I will be glad to make a public statement to the House about it.

Mr. DEMPSEY. I spoke to the gentleman only in the most kindly spirit.

Mr. OLIVER. I appreciate the gentleman's statement now, and had he approached me before in that same spirit and manner nothing would or could have occurred to cause the slightest misunderstanding.

Mr. DEMPSEY. When I went over to consult the gentleman I did so with no purpose other than to try to be as helpful as I could be.

Several Members. Regular order!

Mr. DEMPSEY. Mr. Speaker, I yield to the gentleman from Alabama [Mr. Oliver] five minutes.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for five minutes.

Mr. OLIVER. Mr. Speaker, I have great respect for the Committee on Rivers and Harbors, and usually find myself in agreement with the reports of this committee. In this instance, however, I feel the House conferees are in error in urging that the House further insist on its disagreement to the Senate amendment No. 11. My belief is it would be a wiser course for the House to adopt the pending motion to concur in the Senate amendment. The gentleman from Illinois [Mr. Madden] has correctly stated that concurrence in the Senate amendment will involve a saving of not less than $33,000,000. Some have estimated that the saving may exceed that amount, but every estimate fixes the minimum saving at not less than $33,000,000.

It may be interesting to review for a moment just the reasons why Congress authorized the original project of a 40-foot channel, and which the Senate now seeks to modify. Having been on the Naval Affairs Committee at the time this matter was considered, I am fairly well informed as to the facts. The Secretary of the Navy was alone responsible for the authorization of the 40-foot channel, and the gentleman from New York [Mr. Dempsey], the present chairman of the House committee, based his argument at that time for a 40-foot channel absolutely on the recommendation made by the Secretary of the Navy. There was little opposition to the adoption of the project, as recommended by the Secretary, because we were then at war, and the Secretary felt there might be urgent need for the deeper channel below the navy yard, although no study of the situation had been made by either Army or Navy engineers at that time. All of us appreciate that no matter how cool we may have appeared to be during the war, we did not always act wisely nor provide in an economical way even for necessary things. After the war was over, at the request of Congress, the officials of the Navy and War Departments gave further study to the 40-foot channel in East River, as originally authorized in 1918, and we now find the officers, as well as the official heads of these services, in complete agreement that the original 40-foot project is unnecessary and urging its modification, as provided for in Senate amendment No. 11.

To refresh the recollection of Members of the House as to what the original project provided, let me say that it authorized a 40-foot channel from Upper New York Bay by the navy yard to a point known as Throgs Neck. Now, the Senate amendment seeks to modify this original authorization in this, that the 40-foot channel shall extend only from Upper New York Bay to the navy yard, and from the navy yard to Throgs Neck the channel shall be 35 feet.

The Army engineers were requested by a resolution from the Rivers and Harbors Committee to study and report on this channel, and the present recommendation of the Army engineers is the result of a most careful study of the matter, both from a commercial and military standpoint. The action of the Senate in modifying the original project is based altogether on this late report of the engineers. The report is dated December 20, 1921, and known as Document No. 3.

The House will find it to be a thorough and illuminating report, and I feel sure that no Member who has had time to read the report can do otherwise than agree that the Senate has acted wisely in following the recommendations of the Army engineers, and thus saving to the Government not less than $33,000,000. The Army engineers in their report state that the Secretary of the Navy was consulted about the proposed modification, and that the Navy Department concurs in their findings and recommendations. I quote some excerpts from the engineers' report, as follows:

> For commercial purposes a depth of 35 feet would appear to meet all reasonable demands, and as this depth will satisfy naval requirements, the advisability of reducing the project depth of 40 feet to 35 feet is thus suggested in the interest of economy.
>
> * * * * * * *
>
> Estimates submitted show that the 40-foot project throughout would cost $33,500,000 more than the proposed project 40 feet deep to the navy yard and 35 feet thence to Throgs Neck. Consideration of economy would therefore suggest the proposed modification, if the improvement would then fairly meet the purposes for which it is required. These are twofold—commercial and naval. The former will be adequately served by the improvement contemplated in so far as it is possible at this time to foresee future needs, and the Secretary of the Navy has stated that such a project will fulfill all naval requirements.

The report further sets out a letter from the Hon. Gordon Woodberry, as Acting Secretary of the Navy, bearing date of October 22, 1920, in which he fully concurs in the findings and recommendations of the Army engineers. The Secretary of War, Hon. John W. Weeks, on July 12, 1922, wrote a letter to Senator WESLEY L. JONES, chairman of the Senate Committee on Commerce, strongly urging the modification of the original project, so as to provide a channel of 40 feet in depth extending from Upper New York Bay to the navy yard and 35 feet in depth from the navy yard to Throgs Neck. I will ask for permission to print this letter as a part of my remarks.

Now, certainly all must agree that the House and Senate in matters of this kind have always followed the recommendations of Army engineers and naval officers, and since the recommendations of the Army engineers and naval officers have been supplemented by strong letters from the Acting Secretary of the Navy and from the present Secretary of War, there can now be no justification for a refusal on the part of Congress to modify the original project as thus recommended, and which the Senate has done.

My information is that the New York Senators have acquiesced in the Senate amendment modifying the original project. I am further informed that the Committee on Commerce in the Senate, to which this matter was referred, before taking action gave notice to the Governor of New York and the mayor of the city of New York, inviting them to appear and show cause, if any, why the recommendations of the Army engineers should not be adopted.

The SPEAKER pro tempore (Mr. DENISON). The time of the gentleman has expired.

Mr. OLIVER. I would like five minutes more.

Mr. DEMPSEY. I yield to the gentleman five minutes more.

Mr. OLIVER. After this notice was sent, no one appeared before the Senate committee to take issue with the report of the Army engineers.

Mr. KINDRED. I beg the gentleman's pardon. There is documentary proof to the contrary.

Mr. OLIVER. I will be very glad to have the gentleman state it.

Mr. KINDRED. We will present that later. The gentleman has unintentionally fallen into an error with regard to that.

Mr. OLIVER. I will say to the gentleman from New York that I have only stated what my information was on that subject. May I ask whether the governor or mayor made any objection to the Senate committee?

Mr. KINDRED. Mr. DEMPSEY, chairman of the House Committee on Rivers and Harbors, telegraphed to Governor Miller and to Mayor Hylan, of the city of New York, and to the Port Authority of New York and New Jersey and received telegrams from Mayor Hylan and from the chairman of the Port Authority of New York and New Jersey opposing the changes made by the Senate.

Mr. OLIVER. May I ask whether they submitted the report of any capable engineer in support of their protest?

Mr. KINDRED. This was in reply to the telegram.

Mr. OLIVER. I assume that the telegrams expressed only the individual views of the gentlemen who sent them, and certainly nothing was submitted that could be considered as an answer to the full and well-considered report of the Army engineers, on which the action of the Senate was based.

Mr. KINDRED. Let me say that the telegrams received from the chairman of the Port Authority of New York and New Jersey is very significant, because it is entirely nonpolitical and nonpartisan.

Mr. OLIVER. Certainly nothing could be more nonpolitical and nonpartisan than the advice of Army engineers and naval officers, supplemented, as in this case, by a letter from the Acting Secretary of the Navy under the preceding administration, and by a letter from the Secretary of War at the present time. The Navy Department under Secretary Daniels, the War Department under Secretary Weeks, and the Army engineers were and still are in full agreement that the action of the Senate in modifying the original proposal is wise, and will result in saving to the Federal Treasury not less than $33,000,000.

From this report and the official correspondence it will be seen that there is now no commercial or military reason for providing a channel greater in depth than 35 feet from the navy yard to Throgs Neck, and it seems to me that no Member of this House could justify his action in the face of this overwhelming proof should he now vote for a continuation of the original project, which will involve not only an additional but useless expenditure of more than $33,000,000. The gentleman from Illinois [Mr. MADDEN] has well said that we must not vote this $33,000,000 burden on the people of the country simply because the gentleman who is now chairman of the Rivers and Harbors Committee of the House desires it or may personally believe it necessary.

In 1918 when the gentleman from New York spoke for the 40-foot project his argument was based entirely on what the Secretary of the Navy recommended, and the action of the House was taken solely because of the advice of the Secretary of the Navy. Now, since this advice has been withdrawn, and Army and Navy officials, as well as officers in these services, state that it is not necessary to provide a 40-foot channel from the navy yard to Throgs Neck, but that the original project should be modified in this respect, certainly all facts or arguments justifying the original action of the House have disappeared.

In view of these facts there seems to me but one course now for the House to follow, and that is to adopt the pending motion to concur in the Senate amendment. I hope that the House will take this action. [Applause.]

Under leave granted to extend my remarks, I wish to set out the letter written by Secretary Weeks on July 12, 1922, to the chairman of the Committee on Commerce in the Senate, which letter is as follows:

> WAR DEPARTMENT,
> *Washington, July 12, 1922.*
>
> Hon. WESLEY L. JONES,
> *Chairman Committee on Commerce, United States Senate.*
>
> MY DEAR SENATOR: Supplementing my letter of May 31, 1922, in reply to your letter of May 24 asking certain questions in regard to the merits of the pending river and harbor bill (H. R. 10766) now before your committee, I desire to invite attention to the report submitted in Rivers and Harbors Committee Document No. 3, Sixty-seventh Congress, second session, recommending a modification of the project for the improvement of East River.
>
> The project heretofore adopted for this improvement provides, among other things, for a channel 40 feet in depth extending through East

River from Upper New York Bay to Throgs Neck. The part of this project which provides for a through channel 40 feet in depth was adopted by the river and harbor act of July 18, 1918, partly as a war measure with a view to providing a second deep channel into New York Harbor which could be utilized by the Navy in time of necessity. The estimated cost of the project at that time was $36,900,000, exclusive of amounts expended upon previous projects. Since 1918 additional surveys and investigations have been made, and experience in the conduct of the work indicates that due to the difficulties of the work and rise of prices the work will now cost approximately twice as much as was previously estimated. Consideration is given in the document above referred to (Rivers and Harbors Committee Document No. 3, 67th Cong., 2d sess.) to the reduction in the project depth from 40 feet to 35 feet in the through channel east of the navy yard. Based on present prices, the cost of completing the through channel 40 feet in depth is estimated to be $71,500,000, while the cost of completing a channel 40 feet in depth up to the navy yard and 35 feet in depth east of the navy yard is $38.000,000, a difference of $33,500,000.

On account of the swift currents, rocky bottom, narrow and tortuous channel, and congested traffic conditions it is highly improbable that any vessel drawing as much as 35 feet would attempt to use the channel. Moreover, the channel is crossed by a number of bridges having a clearance of 135 feet above high water, which is insufficient for most, if not all, vessels drawing more than 35 feet to pass under without lowering their masts and funnels. The commercial statistics for the calendar year 1920 show that the deepest draft vessel entering New York Harbor drew between 35 and 36 feet, and that the deepest draft vessel leaving the harbor drew between 38 and 39 feet, and that out of 5,338 vessels entering and leaving the harbor only 8 drew 35 feet or more. At high tide, even with the 35-foot project depth, there would be over 40 feet of water through this channel, which would be sufficient for any vessel entering or leaving New York Harbor in the calendar year 1920, if other conditions were such as to make it possible for such vessel to pass through this channel.

The adoption of the 40-foot channel was favored by the Navy Department at the time it was adopted in 1918, but as shown by a letter published on page 5 of the Rivers and Harbors Committee Document No. 3, Sixty-seventh Congress, second session, the Navy Department is now satisfied with a channel 40 feet in depth leading up to the navy yard and a 35-foot channel from there on through East River.

The conditions, therefore, which tended to favor the adoption of the 40-foot channel in 1918 have materially changed, and in view of the great saving which will be effected by the modification of this project so as to provide for 35 feet east of the navy yard and the sufficiency of such project for all present or prospective commerce, I recommend that this project be modified accordingly. An item reading substantially as follows, inserted in section 2 of the pending bill, will accomplish this result:

"East River, New York, in accordance with the report submitted in Rivers and Harbors Committee Document No. 3, Sixty-seventh Congress, second session."

Very sincerely,

JOHN W. WEEKS,
Secretary of War.

Mr. DEMPSEY. I yield two minutes to the gentleman from New York [Mr. KINDRED].

Mr. KINDRED. Mr. Speaker and gentlemen, as one of the minority members of the conferees I desire to state in the briefest possible way that in my opinion, coming as I do from the banks of the East River, the waterway in question, that the amendment of the Senate proposing to change the depth already authorized of 40 feet to 35 feet is both contrary to the great idea of national defense and to the proper protection of the great port of New York, and also contrary to the idea of real economy.

In the first place, if I may, I want to point out to you that this change to a 35-foot channel instead of a 40-foot channel, as already authorized, applies to the East River from Brooklyn Navy Yard to Throgs Neck. That part of the harbor of New York is just as important, commercially and from the standpoint of naval defense, as any other part of the harbor of New York.

When the matter is considered from any angle I am sure that the present patriotic Congress will follow the example of the Sixty-fifth Congress which, backed by the recommendation of the then Secretary of War and the Secretary of the Navy, adopted this proposition, and that the present Congress will not be so foolish, from the standpoint of a little economy, as to throw down the proposition of proper national naval defense for the city of New York.

Mr. DEMPSEY. Mr. Speaker, I yield myself five minutes.

The SPEAKER pro tempore. The gentleman from New York [Mr. DEMPSEY] is recognized for five minutes. [Applause.]

Mr. DEMPSEY. Mr. Speaker, this proposition for a 40-foot channel through Hell Gate first came to this body in 1917. We passed what we supposed was a direct mandate to the engineers to get 40 feet and to get it immediately. The engineers construed that as being a mandate to get 35 feet at once and 5 feet more at some uncertain time in the future.

Now, let me say that there has been no difference in the attitude of the engineers at any time upon this question. Finding that they construed the act contrary to the intent of Congress, as I believed, I had the honor individually to introduce an amendment in 1918 to provide for 40 feet. We had a vote on the 16th day of April, 1918, and it was carried 140 to 14 by this House, and that is the last time the House has had an opportunity to express itself upon the question.

Now, at that time the Secretary of the Navy—and his finding was concurred in by the Secretary of War—recommended that this be done not alone for the Navy, not alone for war purposes, but that it be done for economic and commercial purposes.

Now, let us see what is the history of the country with regard to 40-foot harbors. Charleston Harbor has an authorized depth of 40 feet. Norfolk has 40 feet. San Francisco for years has had a 40-foot channel entrance, and in this very bill which we have before us for discussion at this moment San Francisco is provided with a second 40-foot channel. The Columbia River has an entrance depth of 46 feet. Boston has an authorized depth of 40 feet. Now, this being the situation, it being recognized that 40 feet is the necessary commercial as well as war depth, why should the city of New York, the metropolis of this great Nation, lose its depth of 40 feet and be cut down to 35 feet?

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. I do.

Mr. STAFFORD. I notice in the report of the Army engineers a statement with which I wish to inquire whether the gentleman takes issue, that only 5 per cent of all the ships entering New York Harbor exceed 35 feet in draft? And further in that report reference is made to the fact that by reason of the current it will never be utilized by the large ships drawing more than 35 feet, but that they will seek the way through the Ambrose Channel.

Mr. DEMPSEY. Oh well, the fact is that when you want to make a point, if you are expert you can find a reason. The fact is, these engineers who tell you that story in this particular report have indorsed, recommended, and urged the adoption of 40 feet at every one of the harbors I have enumerated, and many of them are very small harbors indeed. On the other hand, this is not alone the metropolis of the country, but the engineers said that if a battle is to be fought in this country the wealth of this country is centered north of Long Island, and they believe that this is the strategic point for the fighting of a battle, and if they give us 40 feet it will double the effectiveness of our fleet for the purpose of defense, because Montauk Point and Ambrose Channel are 252 miles apart.

Mr. Speaker, I move the previous question on the motion of the gentleman from Alabama.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Alabama that the House concur in the Senate amendment.

The question was taken, and on a division (demanded by Mr. STAFFORD), there were 71 ayes and 63 noes.

Mr. DEMPSEY. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from New York asks for tellers. Those in favor of tellers will rise. [After counting.] Thirty-three Members have arisen; not a sufficient number, and tellers are refused. The House votes to concur in the Senate amendment. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

SEC. 12. That the contract dated July 29, 1921, executed by the Boston, Cape Cod & New York Canal Co., and transmitted to Congress by the Secretary of War and printed in House Document No. 139, Sixty-seventh Congress, second session, is hereby ratified on condition that such company files with the Secretary of War its consent in writing that paragraph 8 of such contract be amended to read as follows:

"8. The payment of the amount herein agreed to be paid, or any part of same, to the said canal company is to be upon the express condition that the Boston, Cape Cod & New York Canal Co. waives, in writing, any and all claims of any nature whatsoever that it may have against the President, the Director General of Railroads, or the United States, and upon such release the Director General of Railroads shall release the company from any claim or demand against the company growing out of Federal control."

Mr. DEMPSEY. Mr. Speaker, I move that the House recede from its disagreement and concur in the Senate amendment, with an amendment as follows——

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. DEMPSEY moves that the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In the matter proposed by the Senate amendment strike out the word "paragraph" in line 7, first paragraph, and insert in lieu thereof the following: "paragraphs 5 and," and after the first paragraph insert the following paragraph:

"5. The company offers to sell the canal to the United States for $9,000,000, as follows: $3,000,000 in cash, payable when Congress ratifies this agreement and upon delivery of deeds of conveyance as provided therein, and the assumption of the United States of the payment of the bonds mentioned in paragraph 2, including interest coupons maturing on and after January 1, 1922"; and the Senate agree to the same.

Mr. BLANTON. Mr. Speaker, I ask for a division of the question.

Mr. DEMPSEY. Does the Speaker rule that the gentleman from Texas is entitled to a division?

The SPEAKER. Certainly.

Mr. DEMPSEY. Mr. Speaker, this question arises in this way: The Cape Cod Canal is a canal which saves a long distance between New England and points south of New York on the south Atlantic seaboard. It not only saves a long distance, something like 67 miles, but the point around the end of Cape Cod is exceedingly dangerous. I think more lives and more property are sacrificed in that perilous journey than at any other point on the Atlantic coast. It has long been recognized therefore than an inland waterway should be provided, and it is a part of the intercoastal waterway which is being provided the whole length of the Atlantic coast.

I think all who have studied the question admit that the Cape Cod Canal should be Government owned and Government operated. Why? Because, in the first place, there can not be any debate or dispute about the question that we must have this inner, safer, and shorter route. Why must the Government own and operate it? Because the depth of the canal to-day is only 25 feet, and that is not sufficient depth, and the canal in other ways is not adapted to the needs of modern commerce. So to make it useful and serve the purposes for which it was designed it is absolutely essential that the additional depth and width should be obtained and that it should be made a sea-level canal. The canal has not proved a profitable venture in private hands, and we can not hope, much less expect, that the canal will be made what it should be made, a sea-level canal with the requisite depth as the result of private enterprise. So the only way to obtain what is absolutely necessary to obtain is through the Government taking over and owning this canal.

So when the conferees met there was no division of opinion as to the advisability of acquiring this canal. The question which arose, and the sharp question, the question which was debated and the question which was in dispute, was what should be paid for this canal. You are aware that the Senate amendment provided for $11,500,000.

The House Committee on Interstate and Foreign Commerce had reported in favor of a like amount. In determining the amount there were a variety of considerations to be taken into account. First the natural question was—the Government wants to be fair, the Government wants to be reasonable, the Government does not want to acquire the canal at half price, less than an equitable fair price, and so, as bearing upon that question of what is equitable, and what is fair, and what is just, and what is reasonable, the first inquiry was—What has this canal cost the present owners?

Mr. BLACK. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. BLACK. Is it not a fact that the Secretary of War under an act previously passed by Congress made a very thorough investigation of this project and made an offer of $8,250,000 for it?

Mr. DEMPSEY. Which was refused and a subsequent Secretary of War and Secretary of the Navy and Secretary of Commerce entered into an existing contract at $11,500,000. We are not talking about the dead past, we are talking about the present. The contract which exists to-day is for $11,500,000.

Mr. MADDEN. They had no authority to make a contract that would bind the Government.

Mr. DEMPSEY. I think that is fairly debatable, if the gentleman will permit me to say so. I think they considered that they had been authorized by Congress to make the contract, and that all that remains is for Congress to carry out what they understand Congress directed them to do.

Now, that is my understanding of the state of the legislation.

Mr. MADDEN. Has the gentleman read what the law provides?

Mr. DEMPSEY. I would be glad to have the gentleman tell the House later what his view is. I may be wrong, but that is my understanding. That is my viewpoint and my understanding. Three Secretaries have inquired into this matter——

Mr. JOHNSON of South Dakota. Will the gentleman yield for one question?

Mr. DEMPSEY. I will.

Mr. JOHNSON of South Dakota. I understand that this amendment appropriates $9,000,000 in the gentleman's proposition?

Mr. DEMPSEY. Yes.

Mr. JOHNSON of South Dakota. Am I correct in my understanding that the Committee on Interstate and Foreign Commerce of the House reported not long ago for an appropriation of $12,000,000——

Mr. DEMPSEY. Eleven million five hundred thousand dollars.

Mr. JOHNSON of South Dakota. How did it happen that they are willing now to take $9,000,000, $2,500,000 less than the Committee on Interstate and Foreign Commerce were willing to give them?

Mr. WINSLOW. If the gentleman will permit me to answer that inquiry, which I would have put to the chairman later on, I would have asked him, How does he know that they are willing to take $9,000,000?

Mr. JOHNSON of South Dakota. Is there any evidence——

Mr. DEMPSEY. We have no knowledge of what their attitude may be on that subject. We have to guess, and our inference upon the facts and discussion is that we hope that they will take the $9,000,000. We believe that is what they ought to have, and they ought not to have any more. I do not mean to go into the question of the carefulness of the examination made by the Committee on Interstate and Foreign Commerce of which my distinguished friend from Massachusetts is chairman. We believe they were actuated by the highest motives and made a very painstaking and careful investigation and made a finding on the result of their investigation, but——

Mr. JOHNSON of South Dakota. One committee or the other must be $3,000,000 out of the way.

Mr. DEMPSEY. That is on the value of the canal.

Mr. SNELL. Will the gentleman yield for one question? Does the gentleman approve of bringing in a matter of this kind with such a large appropriation on a conference report and have it go through the House without any consideration whatever?

Mr. DEMPSEY. I will say in answer to the gentleman from New York there are very few questions which have had the careful and painstaking consideration and repeated examination that this question has had. The gentleman can find, if he will take the time to do it, volumes of testimony, volumes of opinions of expert after expert on this subject.

Mr. SNELL. Have there been any hearings held by the gentleman's committee?

Mr. DEMPSEY. We have not held hearings.

Mr. SNELL. Is there any information before the House itself?

Mr. DEMPSEY. Why, yes; there must be information before the House.

Mr. SNELL. Where is it?

Mr. DEMPSEY. It is in the hearings before the Committee on Interstate and Foreign Commerce.

Mr. SNELL. Why should the committee bring this matter before the House and ask us to take snap judgment in a matter like this?

Mr. DEMPSEY. If the gentleman pleases, we did not do this. The question was of modifying it or leaving it out.

Mr. SNELL. The gentleman had the choice of rejecting it.

Mr. DEMPSEY. It is the regular way for the Senate to propose an amendment, and in proposing this they were fully within their rights. Nothing unusual has been done.

Mr. SNELL. I am not saying that, but I am asking information as to what is the best thing for the House to do.

Mr. DEMPSEY. The Senate has added an amendment to the House bill and——

Mr. SNELL. There is no discussion about that.

Mr. DEMPSEY. It is just the ordinary, usual procedure, and we come here after reaching a compromise which we believe is upon a reasonable and fair basis as to something about which we are fully advised and which we earnestly believe should be done.

Mr. BUTLER. Will the gentleman answer me two questions?

Mr. DEMPSEY. I will.

Mr. BUTLER. What is the length of this canal?

Mr. DEMPSEY. It is 8 miles long.

Mr. BUTLER. And has the gentleman any figures to give us as to what it will cost to develop it for commerce?

Mr. DEMPSEY. About $9,000,000 after what we are expending now.

Mr. BUTLER. That will be $18,000,000?

Mr. DEMPSEY. That is the outside figure; there have been several estimates, but I am dealing with what the highest estimate is.

Mr. BUTLER. I am much obliged.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. DEMPSEY. I will.

Mr. GRAHAM of Illinois. Is not the gentleman in error about that? If it is to be made a lock canal, as the engineers say it must be, it will cost $16,000,000. I am quoting the testimony that it will cost approximately $16,000,000 more if it is made a lock canal, and they say it must be made a lock canal or it will not be successful.

Mr. DEMPSEY. My understanding is that the figure I have given is the outside figure. I have examined the question.

Now, while I am waiting to have that looked up further and find the data on that question, I want to address myself to this question of price. The Secretary of War, as has been said, a long time ago offered $8,950,000. That sum was increased to the sum provided in the report of the Committee on Interstate and Foreign Commerce to $11,500,000, and that is the sum proposed by the Senate now.

Now you ask, "How did you reach the $9,000,000 sum?" We reached it in this way: The Government employed Price, Waterhouse & Co. to determine what the cost of this canal to its owners was, and they reported that it was something between $8,000,000 and $9,000,000. Now, we acquire under this bill not alone the property upon which Price, Waterhouse & Co. reported but also some land and some additional things which go with the canal, which would make the value in excess of $9,000,000.

Mr. BLACK. Mr. Speaker, will the gentleman yield for just one question there?

Mr. DEMPSEY. Yes.

Mr. BLACK. Does the gentleman think that the value of anything is necessarily determined by what it cost to build it? Is not that proposition a constantly losing proposition?

Mr. DEMPSEY. The gentleman asked a question. I want to answer it. The Government of the United States is getting very much the best of the bargain on the basis the gentleman refers to. The reconstruction value of this canal is at least twice what we are going to pay for it. If we started out to build a canal to-day—and we would have to dig one unless we acquired this—it would cost $18,000,000 instead of $9,000,000.

We are not paying them the replacement value, but the cost value in very cheap days, when it did not cost half as much as it does to-day. We would be willing to pay them more, in fairness and justice, except for one thing. This canal has not been a profitable canal. It will not be a profitable canal in its present state. It will not be a profitable canal unless it is improved. And so we say to these gentlemen, "You are selling us something which is of great value to us, to be sure; you are selling something which we would have to construct if we could not acquire it; but if you can get back, under the circumstances, just what it has cost you, that is a fair and reasonable price."

Mr. TINCHER. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. In a moment. In conclusion, Mr. Speaker, I want to say——

Mr. TINCHER. Then are you going to yield?

Mr. DEMPSEY. Yes; before I stop.

I want to emphasize the fact that I do not believe any man who values human life, any man who believes in saving and preventing the wanton and unnecessary destruction of property, will for one moment entertain any belief except that this canal is a necessity. Everybody who has examined the question, everyone who is familiar with the loss of life, knows that this coming winter, unless this canal is taken over and operated, many lives will be lost and much property will be destroyed. Every man who believes in the intercoastal waterway must of necessity believe in this, the most important link in it. Every man who believes in shortening the routes of commerce and in saving transportation costs—and transportation costs constitute an important factor in the cost of living to-day——

Mr. FAIRCHILD. Mr. Speaker, will the gentleman yield?

Mr. DEMPSEY. Every man who believes in shortening the distance between New York and New England believes in the acquisition of the Cape Cod Canal.

Mr. FAIRCHILD. How much will that be shortened?

Mr. DEMPSEY. Sixty-seven miles.

Mr. FAIRCHILD. Eight miles through the canal will shorten the distance between New York and New England to the extent of 67 miles?

Mr. DEMPSEY. Yes. Cape Cod runs out into the ocean almost in a narrow, straight line for a distance, I should say, of 125 or 150 miles. Now, in order to get from Boston to New York, for instance, unless you have this Cape Cod Canal, you have to go to the extreme end of this long, narrow point. If you have the Cape Cod Canal, you have a canal 8 miles long right through the inner part of the cape, so that a distance of 67 miles is saved by not going out to sea and coming back again.

Mr. FAIRCHILD. I am very familiar with the geography of it, and I hope every Member of the House will fully understand the geography and the importance of bringing together the two sections of the country.

Mr. DEMPSEY. Now, I yield to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Did the gentleman's committee bring before it any Government officials and ask them to testify respecting this matter?

Mr. DEMPSEY. We had the statements of Government officials before us, submitted to the Committee on Interstate and Foreign Commerce.

Mr. TINCHER. I know that the Committee on Interstate and Foreign Commerce presented a bill to the House, and worked for 11 days on it, and had hearings on the subject. I think that could be a basis for us to act upon; but I want to know what information the conferees obtained in a small matter such as one requiring the authorization of the expenditure of $9,000,000. I want to know what they know about it. There is a proper way to legislate in the House of Representatives.

Mr. FAIRCHILD. Suppose they can not get it for $9,000,000. What harm is done? Is there any harm for the administrative officers of the Government to get it for $9,000,000?

Mr. TINCHER. Did the conferees have any transaction with the owners of the canal, or any communication with the owners of the canal?

Mr. DEMPSEY. I will say to the gentleman that one of the conferees did go through everything he could find on the subject, and he read about it not only in the daytime but at night, and he read the hearings carefully, and found that they had been very elaborate; and he honestly believes, if the gentleman from Kansas will permit to say so, that he acts with all the evidence fully in mind, and——

Mr. TINCHER. Is that the way to treat the Committee on Interstate and Foreign Commerce after they have had 11 days' hearings on a measure? Is it a fair way to legislate for one member of the committee to read hearings and then bring in a matter of this importance?

Mr. DEMPSEY. The gentleman may be assured that the House conferees did not seek this bill. They did not go out of their way to invite the Senate to send this to us. We are not to be blamed or criticized in any way, so far as I can see. The Senate placed this amendment on the bill, and we had, necessarily, if the gentleman from Kansas will permit me to say, to consider it; and in considering it we did what is ordinarily done by a committee. It is the ordinary way of legislating. We are sorry if we have offended the gentleman from Kansas, but we do not know how we could have avoided it.

Mr. TINCHER. I am not a member of the Committee on Interstate and Foreign Commerce at all, and therefore I am not offended on that score; but I do not believe in that kind of parliamentary practice.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. If the House votes down the motion to recede, will it then be in order to make the preferential motion to further insist?

The SPEAKER. If the House refuses to recede and concur, then it can further insist.

Mr. MADDEN. If the House refuses to recede?

Mr. BUTLER. If the House refuses to recede and concur, that is equivalent to further insisting.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield to me to make a parliamentary inquiry?

Mr. MADDEN. Yes.

Mr. STAFFORD. I wish to inquire whether a negative vote on the motion to recede and concur is not equivalent to a motion to further insist on the disagreement of the House?

The SPEAKER. The Chair thinks it is.

Mr. MADDEN. Mr. Speaker and gentlemen, this Cape Cod Canal has a long history. Sometime about 20 years ago Mr. Belmont and some of his associates undertook to build the canal. They built it for commercial purposes. They found they were not successful in the enterprise after they had built the canal. When the war came on they came over here and stated to the Interstate Commerce Committee of the House that they had begun this enterprise for commercial purposes; that they had not succeeded; that it was a public institution, and they thought the Government ought to take it over. Then authority was granted to condemn under some war act, and condemnation proceedings were begun. Testimony was taken. Expert witnesses were placed on the stand in behalf of the canal owners. No witnesses whatever were placed on the stand for the Government. A tentative judgment was rendered for about $16,000,000. That judgment was certified down for payment. The Attorney General of the United States refused to recommend payment. Later on the matter was sent back, and the owners of the canal were willing to scale it down to $12,500,000. Then came further hearings before the Committee on Interstate and Foreign Commerce, with a recommendation of $11,500,000, and now comes the conference report with the recommendation that we offer $9,000,000.

Mr. BUTLER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BUTLER. Does not the gentleman suppose that we can do better yet? The price seems to be coming down. [Laughter.]

Mr. MADDEN. I believe we ought not to pay a dollar; that we ought not to buy the canal at any price. [Applause.] In the first place, if you buy the canal you simply buy an opportunity to invest a lot more of the people's money. You can not operate the canal in its present condition. It will cost millions of dollars before the canal can be made navigable for ships of any consequence. There are 3,000 acres of land that go with the canal. Why it is there we do not know. We do not need the land, but everybody knows that if we buy this canal at any price we shall simply be starting out on a new project to make a new levy on the backs of the taxpayers of America.

The owners of this canal would not offer it to the Government of the United States if they were making money by its operation. This is another Dismal Swamp Canal, a larger project, to be sure, to cost more money, with more demands on the Government Treasury through this expenditure than there would be if we bought the Dismal Swamp Canal. You remember that you refused to do that this afternoon. Why not refuse to do this? Now is the time, and the way to get at this thing, gentlemen, is to vote down the motion to recede. If you vote down the motion to recede, then that is equivalent to a rejection and a further insistence upon the disagreement of the House to the Senate amendment. If this question is going to be considered, let us consider it on its merits when we have the time to do it. Let us consider it some day when the House is in session with no expectation of immediate adjournment. Do not let us pass a bill like this, appropriating from the Treasury of the United States an immediate expenditure of $9,000,000, with the prospect of expending $50,000,000 more. To-day there is a bill pending on this subject which has been reported from the Committee on Interstate and Foreign Commerce. That bill can be considered on its merits. There will be plenty of time to discuss it. But I do not believe any bill, this or any other in connection with this Cape Cod Canal, has any merit. We ought not to buy the canal. We ought not to impose further burdens on the backs of the American taxpayers at a time when everybody is pleading for Government economy. We have had to reject many meritorious needed improvements, many worthy activities of the Government, because we have not the money with which to meet the obligations. Now, why incur an obligation that is unnecessary to incur? This is not a necessity. It is not an immediate, urgent need, if it is a need at all. So why not wait and give the people a chance to think it over? Let them understand that this thing is pending. Let them make up their minds and you will hear from the people of America in opposition to the purchase of this canal and to the investment of the money of the American people in every other similar project. [Applause.]

Mr. DEMPSEY. Mr. Speaker, I wish to yield 10 minutes to the gentleman from Massachusetts [Mr. WINSLOW], but before doing so I wish to say that the gentleman from Illinois said the people would have time, if they would wait, to consider this matter.

I hold in my hand hearings begun in 1919. This is 1922. So there have been three years of hearings. I also call the attention of gentlemen who may overlook it to the fact that a jury awarded $16,000,000 for this canal.

Mr. MADDEN. That was without any testimony on the part of the Government.

Mr. DEMPSEY. Oh, no; they had an abundance of testimony. We do not try cases before juries without testimony. I now yield to the gentleman from Massachusetts.

Mr. WINSLOW. Mr. Speaker and gentlemen of the House, my position in respect to this bill is rather unusual. I am a resident of Massachusetts, where the canal exists and is operated day and night all the year around, winter and summer. I am chairman of the Committee on Interstate and Foreign Commerce, which has given 11 days to hearings and listened to the best type of witnesses that the country can afford, and has given three or four days to consideration of the bill in executive session, and has reported out a bill providing for the payment of a different sum of money than that recommended by the conferees.

This Cape Cod Canal business is an old proposition that dates back 100 years or more. I do not propose, however, to argue the merits of the Cape Cod Canal. It is not to the point with me for the moment. Two former Secretaries of War, the present Secretary of War, the present Secretaries of the Navy and of Commerce, in their official capacities, acting under authority granted by Congress, have made a trade with the Cape Cod Canal Co. for $11,500,000. The committee of three members of the Cabinet, to whom I have referred, came before our committee, and every one indorsed the project and every one approved the amount. We had engineers of the Army and a great number of witnesses, the most credible that we could find who knew anything about the subject. They all indorsed the project, and those who pretended to know anything about the cost and the value agreed in respect thereof. So we of the Interstate and Foreign Commerce find ourselves aggressively on the defensive in this matter. I hate ever to be on the defensive in anything, but I have to be this time. But I am not crowded against the wall. Do not think that.

The Committee on Interstate and Foreign Commerce has prepared a bill. We have printed elaborate hearings. We have heard many fine witnesses. Some of you may agree with us as to the merits of this project and some may not. That does not matter. We had arranged to have our bill considered by this House in a full and orderly manner, and we had withheld it for a good many weeks back when we might have forced it on the calendar if we had chosen to do so, because we wanted to give ample time for the discussion of the problem, which is rather involved and which ought to be described fully and clearly at the proper time. Now comes the committee representing this House in conference on this river and harbor bill. The three Cabinet Secretaries have agreed to $11,500,000. The House Committee on Interstate and Foreign Commerce have agreed to the same amount. The Senate committee of the United States have agreed to the same amount. The Senate has agreed to the same amount. Automatically, up to the time of the conference, those who represented the Senate must have agreed to the amount, because of the fact that they brought the bill into the Senate and then the Senate passed it, so that we now thin it down to the views of the members of the conference committee of this House who, with a superior burst of knowledge, covering as much as six or seven hours, or it may be less, of investigation of the whole subject of this great river and harbor bill, including the Cape Cod Canal, come before you and say they are so supreme in their judgment that you must set aside the opinions of all these other bodies and agencies which have determined that another amount is the proper amount. Now, in behalf of my committee—I say "my committee" because I love it and am a member of it, but I do not own it, because every man on that committee is a free agent—in behalf of my committee on Interstate and Foreign Commerce I say I do not like to have what is virtually a mushroom committee, as affecting this Cape Cod matter, come up here overnight and push us out of the way. We want you to consider the Cape Cod Canal as a matter worthy of consideration. Our friend from Illinois [Mr. MADDEN], although he does not like the project, says that it is entitled to full and proper consideration.

When we are now to pass on the merits and arguing as to whether we ought to undertake to buy this canal for $9,000,000 instead of $11,500,000, I must question the wisdom of the selection of $9,000,000 as a right price to pay for this property, when the Secretaries have decided, subject to the approval of the Congress, that the higher figure is a proper figure. In the early part of the afternoon the gentleman from New York [Mr. DEMPSEY] very frankly and very properly, I am sure, said they had had no conversation whatever with the people who owned the canal, as to price or anything else.

The conferees did not ask the owners whether they would sell for $9,000,000, $11,000,000, or $7,000,000; they jumped and guessed $9,000,000. Why did they not guess $8,000,000 or $5,000,000, or any other old thing?

Mr. DEMPSEY. I will tell the gentleman why——

Mr. WINSLOW. The gentleman [Mr. DEMPSEY] is a clever lawyer; he is skillful and wise. I admit it. He knows that any man can make figures mean anything if they are not explained or questioned. He has not told the whole story. He can say that two and two make four, and that is true, but it may be four horses or four apples. He has not told it all; he can not tell it all in an hour, if he ever could tell it. [Laughter.] I maintain that the House ought to take up the project itself and the proposed legislation for what it is worth and without whining or complaining. I do think the Interstate and Foreign Commerce Committee's efforts as represented by the hearings are worthy the consideration of Congress as contrasted with the snapshot judgment of five men who possibly never knew there was a Cape Cod Canal until the beginning of this week. [Laughter and applause.]

Mr. DEMPSEY. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. I will say to the gentleman that I can not avail myself of the five minutes. I understood the gentleman was to yield me——

Mr. DEMPSEY. Gentlemen on this side are very loath that I should yield any more time.

Mr. HUDDLESTON. Then the gentleman can keep it. I will be kind to the gentleman.

Mr. DEMPSEY. I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. I do not care to discuss the matter now.

Mr. DEMPSEY. Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. STAFFORD. Mr. Speaker, I renew the parliamentary inquiry as to whether a negative vote on the motion to recede is tantamount to a rejection?

The SPEAKER. It is tantamount to a further disagreement to the Senate amendment. The question is on the motion to recede.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 1, noes 109.

Mr. DEMPSEY. Mr. Speaker, I ask for a further conference on the disagreeing votes of the two Houses.

The SPEAKER. The gentleman from New York asks for a further conference on the disagreeing votes of the two Houses. Is there objection?

There was no objection.

The SPEAKER appointed as conferees Mr. DEMPSEY, Mr. FREEMAN, Mr. RADCLIFFE, Mr. MANSFIELD, and Mr. KINDRED.

VALIDATING CERTAIN APPLICATIONS FOR ENTRY ON PUBLIC LANDS.

Mr. SINNOTT. Mr. Speaker, I present a conference report under the rule on the bill (H. R. 10419) validating certain applications for entry of public lands.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10419) validating certain applications for and entries of public lands, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and agree to the same.

N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.
REED SMOOT,
I. L. LENROOT,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10419) validating certain applications for and entries of public lands, submit the following written statement explaining the effect of the action agreed on:

The amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, and 12 authorize the issuance of patents in eight additional cases, all of which have the approval of E. C. Finney, Acting Secretary of the Interior, as shown by his letters set forth in Senate Report No. 833 on said bill (H. R. 10419).

The amendments numbered 8, 9, 10, and 11 change words from the singular to the plural.

N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.

EXTENSION OF REMARKS.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. KINDRED. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the waterways of the United States and the State of New York in particular.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a bill I have introduced abolishing the Railway Labor Board and settlement of railway disputes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ABOLITION OF RAILROAD LABOR BOARD AND TO PROVIDE MEANS FOR THE SETTLEMENT OF RAILROAD LABOR DISPUTES.

Mr. COOPER of Ohio. Mr. Speaker, I have introduced a bill (H. R. 12650) to amend the transportation act of 1920 by repealing Title III, establishing the Railroad Labor Board, and reestablishing in the place of the board the plan of mediation, conciliation, and voluntary arbitration provided by the so-called Newlands Act for the settlement of disputes between railroad companies and their employees.

I did not favor the establishment of the Railroad Labor Board, in the first place, when the transportation act was under consideration by the Committee on Interstate and Foreign Commerce and the House of Representatives. I am convinced that the policy of a Government tribunal attempting to fix wages of employees of any business or industry under private operation is entirely wrong in principle, and the Railroad Labor Board has failed to accomplish the purpose for which it was created; that is, to settle railroad labor disputes. Its decisions have been ignored by both the railroad management and the employees' organizations, and I believe the activities and the very existence of the board have served to widen the gap between the railroad companies and their workers. The board has simply offered an opportunity for the expression of the views and the spreading of propaganda by the champions of both sides of the labor question, thus adding fuel to the flames, increasing the bitterness, and resulting finally in the recent strike with its great losses and inconvenience to the public.

LABOR BOARD IGNORED IN SETTLEMENT.

The settlement which has been finally reached between many of the railroad companies and the shopmen was the result of private negotiations and is a voluntary agreement in which the Railroad Labor Board took no part and was entirely ignored.

For some time past the transportation brotherhoods and many of the important railroad systems have been establishing regional boards of adjustment for the settlement of railroad labor questions, and I believe that these boards, together with the efforts of mediators and conciliators who would be available under the provisions of a law similar to the Newlands Act, offer the best possible means of dealing with the railroad labor problem under existing conditions.

RAILROAD MEN WANT BOARD ABOLISHED.

The legislative representatives of the railroad engineers, firemen, conductors, and trainmen have recently united in formally urging upon Congress the desirability of repealing that part of the transportation act which created the Railroad Labor Board and reestablishing the provisions of the Newlands Act in its stead. They declare the Newlands Act to have been the most effective method that has ever been devised in this or any other country for the adjustment of railroad labor disputes. I was much impressed by the recent testimony of Mr. Edgar Wallace, legislative representative of the American Federation of Labor, before our committee during the recent consideration of the bills to prevent coal profiteering. Mr. Wallace called attention to the fact that the only industries in which there have been labor disputes seriously threatening the public welfare since the war, namely, the railroads and the coal mines, were the industries which the Government controlled during the war and in which the Government attempted to fix prices and wages. He said that the Government's activities, instead of preventing disturbance, had caused disturbance, and that the workers, in looking to the Government for their wages, will hold the Government responsible for any disagreeable circumstances that arise in their life because of the wages they fail to get.

GOVERNMENT GETS BLAME.

> The blame is put on the Government, and I doubt if the Government itself can stand under these circumstances—

He said—

> I repeat that the fact is that when the owners of the industry and their men were let go untrammeled, each recognizing the other's rights, they had no such disturbances, and the sooner we get back to that condition the sooner we will have eliminated the periodical disturbances.

I agree with Mr. Wallace. I do not think that the reestablishment of the Newlands Act will be an absolute guaranty against strikes, but I do not know of any better plan by which the Government can do its best to prevent strikes and labor disputes on the railroads. In the last analysis the success of any Government intervention in disputes of this kind will depend upon the confidence which the parties to the dispute have in the Government's disinterestedness and fairness, and in the justice of the Government's attitude. Compulsory arbitration does not seem to me to be advisable or practical. It has been the history of labor disputes that one side or the other always feels that compulsory arbitration, so called, works an injustice, and unless arbitration is agreed to in full confidence and good faith, its decision will not settle the question at issue, and perhaps only make things worse. It is impossible to make men work by law without imposing some kind of involuntary servitude which would be contrary to the fundamental principles upon which this country was founded. In order to get effective, productive work out of men they must be convinced that they are receiving fair treatment and just wages.

GOVERNMENT SHOULD BE NEUTRAL.

It seems to me that if the Government had not already been involved in the recent railroad labor disputes on account of the decisions of the Railroad Labor Board, the efforts of the President in trying to arrange for a settlement by arbitration or some other means would have been much more successful. Under a law such as the Newlands Act the Government takes the position of a neutral authority representing the entire public, which should always be the position of the Government.

It is with great gratification that I note that the railroad companies and their workers are getting together now and reaching agreements by which they may cooperate to serve the public. I believe that recent developments mark the return to the old days when the railroad managers and the representatives of the men who run the trains and keep them in condition met face to face and thrashed out all differences as to wages and working conditions. I would like to call attention to a statement by W. H. Finley, president of the Chicago & North Western Railroad, who said:

SETTLEMENTS BEING MADE.

> Our shopmen have asked us to meet their leaders, and we will proceed to make an individual settlement with our men. I think it is a good thing that the roads are now making individual settlements. It puts these matters back where they belong, between the persons most interested, the roads and the men who work for them.

I believe that these agreements would have been reached long ago if it had not been for the existence of the Railroad Labor Board, because both sides to the railroad labor disputes would then have realized that there was no place to which they could "pass the buck" and would accordingly have assumed the responsibility themselves.

The Pennsylvania and New York Central systems are now rapidly making agreements with their employees, and others will follow their example. It seems to me that the Railroad Labor Board has not only been a trouble maker in the past, but in the future will be a useless expense to the Government and the taxpayers.

> We are trying to get our wage problems and working conditions out of the hands of politicians—

Says W. G. Lee, president of the Brotherhood of Railroad Trainmen.

Congress should help the railroad executives and workers to get together and stay together in the interests of the public service by promptly abolishing the Railroad Labor Board.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 8073. An act for the relief of Kineo Trust Co.;

H. R. 10874. An act to provide adjusted compensation for veterans of the World War, and for other purposes;

H. R. 6929. An act for the relief of Horace E. Walker;

H. R. 11843. An act for the prevention and removal of obstructions and burdens upon interstate commerce in grain by regulating transactions on grain future exchanges, and for other purposes;

H. R. 8173. An act for the relief of Mrs. E. H. Jackson;

H. R. 5214. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 7425. An act for the relief of Zah Barmon; and

H. R. 11116. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that September 15 they had presented to the President of the United States for his approval the following bills:

H. R. 5634. An act for the relief of Frank William Brown and Clara Bryan Brown;

H. R. 5684. An act to authorize the purchase by the city of Medford, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916;

H. R. 6628. An act for the relief of the owners of the British steamship *Clearpool;*

H. R. 6512. An act for the relief of and purchase of lands for certain of the Apache Indians of Oklahoma lately confined as prisoners of war at Fort Sill Military Reservation, and for other purposes;

H. R. 7968. An act granting to the city of St. Andrews, Fla., the right to remove shells, sand, and gravel from certain public lands for road-building purposes;

H. R. 6323. An act for the relief of Frank M. Stewart;

H. R. 7923. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 7984. An act for the relief of James Kelly;

H. R. 478. An act for the relief of Aaron Kibler;

H. R. 5668. An act for the relief of Cora T. Dering;

H. R. 2620. An act for the relief of Welch, Fairchild & Co. (Inc.);

H. R. 7544. An act authorizing the Postmaster General to temporarily reduce the pay of rural carriers for disciplinary purposes instead of suspending them without pay;

H. R. 6525. An act for the relief of the Cortez Oil Co.;

H. R. 7695. An act for the relief of James E. Connors;

H. R. 6966. An act to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army;

H. R. 7662. An act for the relief of F. R. Messenger;

H. R. 9069. An act for the relief of William H. Slaine;

H. R. 9528. An act providing for the retention by the Government of the property in Nome, Alaska, known as the Detention Hospital Building, and its use by the Bureau of Education, Department of the Interior;

H. R. 1941. An act to provide for the refund of entrance and clearance fees erroneously collected by the customs authorities from the Peninsular & Occidental Steamship Co.;

H. R. 6258. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.;

H. R. 7109. An act to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes;

H. R. 5125. An act for the relief of Oliver A. Campbell;

H. R. 1949. An act for the relief of Richard J. Easton;

H. R. 4356. An act for the relief of Arthur J. Burdick;

H. R. 8358. An act for the relief of Israel Butts;

H. R. 8256. An act authorizing the issuance of a patent in fee to Perry H. Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 7862. An act authorizing the Secretary of the Interior to sell and patent certain lands to William S. N. Calhoun and Zaidee Boatner Calhoun, residents of Catahoula Parish, La.;

H. R. 9495. An act for the protection of timber owned by the United States from fire, disease, or the ravages of beetles or other insects;

H. R. 8669. An act authorizing the issuance of a patent in fee to Jerome Kennerly for land allotted to him on the Blackfoot Reservation, Mont.;

H. R. 8675. An act to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park;

H. R. 10461. An act to add certain lands to the Siskiyou National Forest in Oregon;

H. R. 513. An act for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long;

H. R. 10554. An act authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes;

H. R. 862. An act for the relief of Vivian Hood;

H. R. 8374. An act for the relief of the estate of Frank W. Knight;

H. R. 3754. An act for the relief of Rear Admiral Livingston Hunt, Supply Corps, United States Navy;

H. R. 3508. An act for the relief of Rear Admiral J. S. Carpenter, Supply Corps, United States Navy;

H. R. 1764. An act for the relief of J. A. Leslie;

H. R. 1723. An act for the relief of Edward J. Schaefer;

H. R. 70. An act to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes;

H. R. 11078. An act for the relief of the Mary Ann Shipping Co.;

H. R. 8143. An act for the relief of Fitzcharles Dry Goods Co.;

H. R. 10544. An act for the relief of Louis Cayet;

H. R. 10443. An act to repeal sections 2453 and 2454, and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States;

H. R. 2003. An act for the relief of Hubert Reynolds;

H. R. 4145. An act for the relief of Leonidas Sawyer;

H. R. 5791. An act for the relief of Robert Russell;

H. R. 2874. An act to authorize the establishment of a Coast Guard station on the coast of Green Bay at or in the vicinity of Strawberry Passage, in Door County, Wis.;

H. R. 2763. An act for the relief of Sanford Kirkpatrick;

H. R. 6926. An act for the relief of Abraham Leibovitz;

H. R. 9472. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 8553. An act for the relief of D. V. Bussie;

H. R. 1965. An act for the relief of Mrs. D. Montgomery;

H. R. 4368. An act for the relief of the owners of the barge *Havana;*

H. R. 10234. An act for the relief of Edward A. Purdy;

H. R. 11589. An act to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kalawao, on the island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes;

H. J. Res. 322. Joint resolution favoring the establishment in Palestine of a national home for the Jewish people;

H. R. 10248. An act authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona;

H. R. 11872. An act to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone; and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the operation and navigation of the Panama Canal and approaches thereto, including all water under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees. money orders, and interest on deposits, approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes;

H. R. 12022. An act relative to the naturalization and citizenship of married women;

H. R. 9499. An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands;

H. R. 8119. An act for the relief of certain persons, their heirs or assigns, who heretofore relinquished lands inside national forests to the United States;

H. R. 5965. An act for the relief of the owner of the vessel *Maria Artau;*

H. R. 8763. An act validating and confirming a certain indemnity school-land selection of the State of Florida;

H. R. 6863. An act granting to certain claimants the preference right to purchase unappropriated public lands in the State of Arkansas;

H. R. 9866. An act authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision;

H. R. 5385. An act for the relief of Henry T. Hill;

H. R. 4504. An act for the relief of Annie M. Lepley;

H. R. 9270. An act to confer upon the Territorial courts of Porto Rico concurrent jurisdiction with the United States courts of that district of all offenses under the national prohibition act and all acts amendatory thereof and supplemental thereto;

H. R. 10672. An act to amend the act of July 24, 1919, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1920";

H. R. 243. An act providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak.;

H. R. 8010. An act to authorize the leasing for mining purposes of unallotted lands on the Fort Peck and Blackfeet Indian Reservations in the State of Montana;

H. R. 4810. An act to authorize the creation of corporations for the purpose of engaging in business within China;

H. R. 10193. An act extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments, and for other purposes; and

H. R. 6507. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

LEAVE OF ABSENCE.

Mr. SUTHERLAND, by unanimous consent, was given leave of absence for one month on account of urgent business.

REPORTS OF THE GOVERNORS OF PORTO RICO AND THE PHILIPPINE ISLANDS.

The SPEAKER. The reports of the governors of Porto Rico and the Philippines, transmitted some time ago, are ordered printed.

EXTENSION OF REMARKS.

Mr. BOX. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. GOLDSBOROUGH] may have permission to extend his remarks in the RECORD on the stabilizing of the circulating medium.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech of the gentleman from Ohio [Mr. FESS] at the Ohio Republican State convention.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. SNELL. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD I include an address of Representative FESS, chairman of the Republican State Convention, Columbus, Ohio, August 22, 1922.

The address is as follows:

ADDRESS OF SIMEON D. FESS, CHAIRMAN OF THE REPUBLICAN STATE CONVENTION, COLUMBUS, OHIO, AUGUST 22, 1922.

Mr. Chairman, ladies, and gentlemen of the convention, I accept the honor you tender me as temporary chairman to preside over the deliberations of this convention, in which, in pursuance of the law, we are met to draft a platform of principles upon which the campaign is to be conducted. This platform of principles will be viewed from two angles, Federal and State. I choose to address myself to the national problems and leave it to others more familiar than I to speak of the State problems.

Less than 18 months ago a Republican President took up the administration of the affairs of the Government, supported by a strong Republican majority in both Senate and House. The country was extremely fortunate in the type of leader it exalted to the head of affairs. The President at once sought the counsel of the leading minds of America and surrounded himself with a Cabinet that does not suffer in comparison with any Cabinet of our history.

The problems inherited from the world's greatest convulsion were such as never greeted a President before. The readjustments of dislocations and interruptions—industrially, financially, socially, and governmentally—presented problems never before offered for solution. The complications at the outset were so great that they were bewildering. These were both foreign and domestic.

The war, which literally involved the entire world, notwithstanding the decisive part we played in it, ended with somewhat strained relations with almost every country, including those with whom we had been associated, growing out of an agreement in Europe that the United States was to be a part of a supergovernment under a proposed League of Nations, which this country refused to ratify, but which it decisively rejected.

The Wilson administration refused to end the war except upon condition of our entering the European league, even after his repudiation in the elections of 1918. Actual war had ended in November, 1918, with the armistice. Peace was restored between the Central Powers and our associates upon the ratification of the treaty, including the League of Nations provision. Trade and diplomatic relations were consequently at once resumed between the European countries, but not between the Central Powers and the United States.

A Republican House and Senate undertook to end this intolerable situation of the existence of technical war, with all its complications of broken-off diplomatic and trade relations while our former associates had resumed such relations, and passed a resolution ending technical war as actual war had been ended. This resolution met defeat by a presidential veto, and thus was presented the necessity of peace as the first problem to the new administration.

Our relations had been strained with Great Britain over Mesopotamia, with Panama and Costa Rica, with Colombia, with Mexico, Russia, and Japan. One by one these disputes were taken up. Our differences with Great Britain were in due time composed with honor and satisfaction to both parties. The same result was reached with Colombia, Panama, and Costa Rica.

The way was opened and the terms clearly defined upon which adjustment with Mexico can be reached. That country has been informed that no recognition of the Obregon government can be made until the rights of American citizens are respected, as outlined in the communication. The same thing can be said of our relations with Russia. No international agreements will be entered into with any country that will not respect the sanctity of private contract.

The one outstanding dispute which would not compose was with Japan, involving ominous Pacific problems, including the Yap Island episode, in which Japan relied upon the Versailles treaty for her contention. It was this situation which led the President to induce Japan to agree to include in the agenda of the arms conference oriental and Pacific questions.

Ladies and gentlemen of the convention, the arms conference is now history. Its record is made up and is open to the world. It had before it two sets of great problems—first, relief of burdens from an increasing armament due to a foolish rivalry in navy and army; and secondly, oriental problems, including those of China and the islands of the Pacific. You know the skillful as well as wise diplomacy necessary to secure consent even to discuss the latter problems, some of which had been claimed by treaty obligations.

I ask you to look at the record of that conference. It was in session three months. It represented the great powers of earth. It took up the question of limitation of armament on the sea. At the very first meeting, in the presence of the executive, judicial, and legislative branches of this Government, the proposals 1, 2, 3 were submitted, without argument or generalization, but by a concrete program, submitted for adoption or rejection. In due time all these were accepted by all the nations, and rivalry on the sea is at an end. It then took up the Pacific problems in all their ramifications, resulting in complete agreement, conceding to our Nation her contention on the Yap Island, and a cancellation of the Anglo-Japanese alliance, which had been a source of deep concern for 20 years.

The influence of the President led Japan to agree to go into conversations with China to discuss the Shantung provision of the treaty which could not have been brought up in the open conference, since it was protected by treaty obligations. But through the urgency of the American Government these two countries entered upon the discussion, and finally ended in a treaty signed by both nations returning Shantung to China, thus correcting the greatest wrong committed by the Versailles treaty.

Ladies and gentlemen of the convention, there in the Capital of the Republic sat for three months representatives of the powers of the world. One by one these questions were proposed, discussed, and voted on with our Government calling the roll of the world. We note every proposal submitted and voted upon in the plenary conferences had been submitted by some one of the American delegation. Every proposal voted upon was adopted. But the most significant of all facts is that not a single proposal received a single adverse vote from any nation. Here, by unanimous agreement, armament on the sea is limited, rivalry on the sea is ended, use of poisonous gas is abolished, the submarine is limited under international law. The magna charta of China is guaranteed. The "open door," for which we have ever contended, agreed upon; our rights in the Pacific admitted; treaty provision for adjustment of Pacific problems arbitrated; Shantung restored to China; Anglo-Japanese alliance canceled; all in all an achievement pronounced by European opinion, no less than Lloyd-George and Paul Hymans, a recent president of the League of Nations, as the greatest work for world peace in the history of the world. It was all done without show or noise. It is with pardonable pride that out of this caldron of almost universal warfare, with every relation more or less strained by both actual war and the unhappy confusion to follow after the war, this Nation has emerged with its sovereignty untouched, its independence intact, its rights all conserved, its disputes generally composed, its rivalries allayed, its friendships with all nations strengthened, its moral leadership universally conceded, the wrongs of China corrected, and the way opened for composure in the Orient. I challenge the record to produce a greater achievement in the history of diplomacy. Ohio Republicans in convention assembled will not overlook the fact that this record has been achieved under the leadership supplied by our beloved State in the person of our own Warren G. Harding. Washington inaugurated constitutional government; Jefferson, through the purchase of Louisiana, took the first step in national expansion: and Lincoln preserved the Union. To these three great events we now add a fourth in this recent step toward world peace.

May I also call to your attention the fact of the universal agreement that one of the greatest accomplishments of that international body was the abolition of the use of poisonous gases. This convention will not overlook the fact that this great result so far-reaching in its humanitarian call was due to the leadership of a man who now sits upon this platform, the next Governor of Ohio, Carmi A. Thompson.

Brilliant as has been the handling of our diplomacy so sorely disturbed by the war, the administration has been equally successful if not so brilliant in its conduct of home affairs. The President called Congress into special session one month after he was inaugurated. The peace resolution to end the war so as to resume diplomatic and trade relations was taken up, passed, and signed by the President. Thus the intolerable situation which had persisted for over two years was ended without the loss of any American rights involved by the war. On the other hand, provision was made for adjusting disputes with Germany through a commission to be made up of a member chosen by the United States, another by Germany, a third by a neutral country to be agreed upon. Only 10 days ago Germany displayed her belief in America's fairness by suggesting that instead of the third being chosen from a neutral he be left to the choice of the United States. Our own distinguished Justice Day of the Supreme Court will be the one chosen.

The ordinary work of every session of Congress is to pass the supply bills, making available the necessary funds to run the Government. These must all be enacted before the beginning of the fiscal year July 1. At its best this is a stupendous work, but the war which built up a war establishment that cost the enormous sum of $27,000,000,000 in 1918 and $19,000,000,000 in 1919, and which was reduced to $4,066,000,000 last year, has made this part of the work of Congress tremendously burdensome. Next year we have the charge reduced to $3,977,000,000. This sum, which is three times larger than the cost of the Government before the war, represents the minimum for some time to come.

This war placed fixed charges upon the Treasury of two and a quarter billion dollars which were unknown before the war. We have near a billion on interest on the public debt, near $400,000,000 for sinking fund to care for the public debt, almost $500,000,000 for care of disabled soldiers, and additional charges for shipping, and still other charges that will total two and one-quarter billion. That leaves only one and a half billion to care for the demands of the Government, which is close to the normal cost.

Ladies and gentlemen of the convention, this Congress, charged by the enemy as a "do nothing" body, took up one supply bill after another, considered each in the closest detail, and had the fourteenth or last one before the President by the end of the fiscal year, an achievement not made by the Democrats any year of the 10 years they controlled the House. While these supply bills totaled nearly $4,000,000,000, they showed a saving over the last year of Democratic control of $15,000,000,000, which fact indicates the difficulty over appropriations in ordinary times.

The President found a debt, which in 1916 was less than $1,000,000,000, increased to $25,000,000,000 with an annual interest charge larger than the total cost of running the Government before the war, He found an annual expenditure four times what is was in 1916, due to a persistent war machine not yet dismantled. He found an overpadded pay roll which had leaped in the Capital from 37,000 in 1917 to 119,000 in 1919. He had witnessed an orgy of waste and extravagance that bewildered the citizen accustomed to economic administration. He saw duplication of effort and wild speculation in legislation.

This Congress at once responded to the wishes of the President in respect to his program of economy. It was outlined and steps taken to put it in operation.

(1) Dismantle the war machine.
(2) Establish at once a national budget system.
(3) Cut every appropriation to the bone.
(4) Guard against all duplication and consequent waste.
(5) Defer all legislation not emergent that carries heavy outlays on the Treasury.

In accordance with this program the work of dismantling began. We reduced the Army from the recommendation of Baker of 576,000 men to 150,000 men. We reduced the Navy from 193,000 men to 86,000 men. On the two arms of defense we saved the people over $1,000,000,000 annual expense. These establishments to-day cost us for the Army, $256,411,169 and for the Navy, $294,336,577, making a total of $550,747,746. The pay roll in Washington has been reduced from 119,000 to 73,000. It is estimated that over 122,726 persons were dropped from the pay roll throughout the country. These vast reductions were made possible by the inauguration of a business budget plan.

During the Sixty-sixth Congress a Republican Congress sent to President Wilson a complete Budget bill for his approval. This was promptly killed by his veto, since it could not be passed over his veto, lacking the two-thirds vote required to do it. Immediately after the inauguration of Harding the bill was reintroduced and passed. It was signed by the President and took effect at the beginning of the fiscal year. For the first time in our history the greatest business on earth—the Government of the United States—is conducted as a well-regulated business concern. Here are 14 separate appropriation bills instead of coming from as many different committees each rivaling the other to see how much money could be gotten out of the Treasury. Under the new plan they all come from one committee, which views all the claims in the entirety, compelling the outgo to be somewhat determined both by the needs and, secondly, the income available. For the first time in our history we see the President call together the bureau heads for cooperation in the work of elimination of duplication and waste. We see about the consultation table these heads, with the Budget Director and perhaps the chairmen of the Appropriations Committees of House and Senate, all acting under the law which makes the Executive responsible for the estimates and a penalty attached to any Government officer who creates without authority a deficit. An independent audit is created to insure decision free from influence from whatever source. Here in the application of the business budget principle is the explanation of the remarkable success in a national balanced Budget. This law will take its place in the history of constructive legislation as one of the most far-reaching acts in this generation.

Strict adherence to the program of economy as outlined has enabled the administration to make the enormous savings. As an example of irresponsible demands before this system was adopted, the estimates made in 1920 and 1921 by the Wilson administration were cut by a Republican Congress by the amount of $2,950,000,000. These savings gave the basis for tax revision for which the President asked at an early date. The war-time taxation system was partially abolished and otherwise revised. We repealed the excess-profits tax, the most unscientific system. This was done against the Democratic opposition in both House and Senate. We also reduced the high surtax in the House from 65 to 32 per cent, which was placed at 50 per cent in the Senate. We also repealed the transportation tax in the interest of cheaper transportation. We also repealed the nuisance taxes. In the tax measure we saved the people $835,000,000 annually on their tax bill, a saving greater than the total cost of the Government in 1912. This measure was resisted in House and Senate by Democratic opposition.

Ladies and gentlemen of the convention, I believe you will agree with me that the financing of this administration is one of the most signal accomplishments of our national existence.

Our national public debt on May 3, 1919, was $25,916,874,096. This debt on June 30, 1922, was $22,963,381,708. The reduction amounts to $2,953,492,388. Under Republican administration we do not only live within our income but this country has actually reduced its debt nearly $3,000,000,000. Only two countries in Europe, Britain and Denmark, have been able to balance their budgets.

President Harding found a floating debt of $3,000,000,000, that is, an unfunded obligation to the banks due every six months, a hand to mouth policy which tied up at least $7,000,000,000 of commercial credit, which ought to be released and made available for productive industry. The Harding administration immediately changed the policy and financed the obligations in a series of 1 to 3 years maturity. At first these ruled 5¾ per cent. Today they are readily taken at 4½ per cent, and annual savings of $37,000,000 of interest. This policy also relieves the money market, so that credit facilities are much improved and Government securities in great demand. Liberties which were 15 per cent discount are today all above par. Interest rates are lower, rediscount rates reduced from 7 to 4 per cent. Investments are stabalized, and all business on a sounder footing, in spite of the disturbances in transportation and the coal industry.

This administration found agriculture prostrated through the rapid liquidation from the peak of war prices. The overstimulus of an unlimited foreign demand had advanced prices far above normal, and when the war suddenly ended the demand ceased, and our supply could not be sold even at prices far below the cost of production; financial obligations could not be met and for a time it appeared that bankruptcy faced the first industry of the land. Some immediate relief was imperative. The administration took up the question of farm rehabilitation, assembled the best minds on agricultural science for conferences in Washington. Congress created the agricultural inquiry commission to gather data upon which relief legislation might be enacted. Note the accomplishment. The War Finance Corporation was revived temporarily to assist financing the farmer. The agricultural export aid bill authorized this corporation to loan one-half billion dollars to European merchantmen upon safe security on condition that it was to be expended in the purchase of American agricultural products. This revived an export market. The emergency tariff bill was enacted protecting agriculture from foreign competition.

Two separate measures were enacted to amend the farm loan act to further provide credit facilities by (1) enhancing the sale of farm loan bonds to insure a necessary loan fund, and (2) increase of $25,000,000 to be added to the amount already permitted for loan purposes. The cooperative marketing bill which permits the principle of collective bargaining in agricultural distribution was enacted into law.

The Federal reserve act was amended to permit agricultural interests the same representation on the board as the industrial and financial already provided in the law.

One hundred and forty million dollars were authorized as Federal aid to road building. In addition to these measures there were enacted two protective measures strongly urged by the agricultural interests—the packer regulation law and the grain futures law.

Here is a program of legislation pronounced by no less an authority than William Jennings Bryan as the most important agricultural relief legislation yet enacted into law. Republicans do not hesitate to quote the "Commoner" on a statement of fact. I commend this statement to the Democratic propagandist who parrotlike repeats the nonsense that this Congress has done nothing.

The cessation of the great convulsion, with its train of industrial complications, was bound to disclose the dangerous results of general business inflation which would most seriously avert the industrial problem and especially augment the suffering of the workers of the country through an enormous unemployment which had reached the 5,000,000 figure by the time Harding was inaugurated. The hopeless condition in Europe, debt ridden for generations to come, economically deranged through a demoralized fiscal system, with such complete breakdown as to lead to an exodus to get from under the load, pointed to an inevitable flood of immigration that would not only vastly increase the unemployment here but would further complicate the administrative problems of the Government. Congress at once enacted legislation further limiting immigration to 3 per cent of the nationals now in the United States. Subsequent events demonstrate the importance of this legislation.

The President called Congress into special session to proceed upon the revision of the tariff law, so as to reduce the unemployment by encouraging American enterprise in the investment in productive industry of American capital at a reasonable profit in the employment of American labor on such scale of wages as to insure an American standard of living. The administration wisely pursued the policy of profitable enterprise here at home in order to insure steady employment as the best possible governmental policy toward American labor.

This administration as rapidly as conditions would permit emerged from the former policy of Government operation so as to open the way for private enterprise upon the basis of efficiency, so as to increase the product and decrease the cost, which is in the interest not only of both capital and labor but especially of the public. The tariff measure is now completed, awaiting final action, which will not be long delayed. This act will be in the interest of American labor, since there is no American labor if American enterprise is displaced by foreign competition, which the tariff legislation seeks to relieve. I warn you now on the character of campaign by our opponents against this legislation already opened. They are making ridiculous charges of increased cost of living due to this legislation. You will recall the campaign against McKinley and his defeat after the passage of the McKinley bill in 1890, when the Democratic organization sent out their tin peddlers to show the effect of the law. Yet that law started the tin industry, which in time produced not only our own needs but made us the greatest exporting nation of the product. Keep this in mind when you hear these threadbare free-trade mouthings of our Democratic orators.

Among the problems inherited from the war the care for the disabled soldier, numbering among the hundreds of thousands, costing annually nearly one-half billion dollars, was very urgent. President Harding found a disorganized administration of this service, with little coordination of the War Risk Bureau, Public Health Service, and Vocational Education Board, each of which had to do with the disabled man. The delay and indecision due to this lack of unity became a source of almost universal complaint. This administration took up the problem, created the Veterans' Bureau, centralized all this service under one head, with remarkable success in expediting these cases demanding Government attention.

The doubling of the American electorate by the admission of women to the privilege of franchise emphasized the importance of certain remedial legislation. The Women's Bureau was accordingly created by this administration to study the problems and look after women in industry. The maternity bill was drafted and enacted into law in fulfillment of promises made in the platforms of both the great political parties. It is the first act of the humanitarian program the women of America have requested to be placed on the statute books.

Two items of legislation demanded by the moral forces of the country were the antinarcotic act and the antibeer act, both of which were written into law by general unanimity.

During the war we loaned Europe nearly $10,000,000,000, which with unpaid interest amounts to more than $11,000,000,000. Much agitation has been heard for the cancellation of these loans. This administration, recognizing the justice of these obligations, gave no heed to this agitation, especially in the light of our demanding no territory nor indemnity while our associates gathered in from all quarters these spoils of war, created a Foreign Debt Commission with authority to put the debt in the form of bonds that it may be financed, and thus end the idle talk about cancellation of the debt. This commission is now at work in Europe.

Fellow Republicans of the convention, you have heard from Democratic orators and have read in Democratic organs that this Congress has done nothing. That propaganda was decided upon in the city of Washington soon after Congress met in special session in 1921. It was decided that criticism of President Harding would be unwise and unnecessary in 1921 and 1922, since he is not running for an office. War conditions, it was agreed, would persist, and that would permit an issue. We can safely ascribe the situation to inaction of Congress. That policy was decided upon at an early day. Ever since that time this propaganda has been worked overtime. We in Washington learned at the time of the decision and have naturally been watching the progress such propaganda is making. At first some headway was made until a catalogue of accomplishments of the Harding administration was published. Then the tactics changed and attacks began to be made upon the President over the shoulders of his Cabinet. At first it was Weeks, then Mellon, then Hughes, than Hoover, and now it is Daugherty. People will not overlook the fact that these attacks are centered not so much against the Cabinet but the head of the Nation responsible for the Cabinet. But the real issue they will attempt to make will be the existence of war dislocations and consequent dissatisfaction which will be laid by the Democratic orators to Congress for alleged inactivity.

Fellow Republicans of the convention, the inevitable waste of war is readily conceded by all our citizens. The hopeless inefficiency, the extravagance and mismanagement of the Wilson administration are known to all and admitted by most of our people, even tacitly by the Democrats in their charge that we have not corrected the evils. For this record and the effort to surrender this Nation to a league of supergovernment, the Democratic Party was repudiated in a fashion never known in the history of American politics. Republicans in control by an overwhelming vote to take steps to correct these conditions were inclined to overlook this wastefulness of the Wilson administration, mark it off as so much loss to war, so far as possible forget it, or at least refrain from disturbing their opponents by further recital of the unfortunate details of mismanagement.

This we would do in this campaign were the Democratic Party leaders decent enough to admit the fact and to accept the situation. But when Democratic desperation in seeking an issue extends to the charge that these conditions, hopeless as they are, and created by their own inefficient management, and which can not possibly be cured overnight, when they charge that these conditions are due to the Republican administration, it becomes necessary for us to refresh the minds of the people on the facts, even if we must again refer to the nauseating condition of the miserable mess they left us. If that mess has not been cleaned up within the time we have been in control it is simply because the task is beyond human ability to do it. Our opponents will make no headway in their senseless charge that Congress has done nothing when made in the face of the facts as they exist. No well-informed man with the sense of self-respect, and desirous of the good opinion of his fellow men, will seriously make such a statement. If the facts were not of record, such statements might serve as campaign material; but the record is an open book, the facts can be read by all who want the truth, and will be gotten to the people in due time, when the author of such senseless utterances will be made to look like 30 cents, especially when confronted by the voter who is appealed to for support on such flimsy statements.

Fellow Republicans, I mentioned some of the outstanding events of this reconstruction Congress. Those repeated are but a few of the many measures which make up the stupendous volume of legislation enacted this session. By the end of the last fiscal year—June 30, 1922—this Congress had already placed upon the statute books 398 separate laws, or 1⅓ laws for every legislative day during the entire session. If we add to this list the bills which had passed the House but not yet acted upon by the Senate it would make 2⅓ bills for each day during the session. No congress in our history has enacted either the volume of legislation or the number of valuable constructive bills when measured by the importance to the country.

A mere recital of what the situation was when Harding took office in comparison, or, rather, in contrast, with what it now is, is sufficient. The administration found the Nation at war, to-day it is at peace. It found its relations with both our former enemy countries and our associates, as well as some neutral countries, seriously disturbed. To-day, outside of Mexico and Russia, our differences are composed and our diplomatic and trade relations resumed. It found the world hopeless under the cumulative burdens of war. Since Harding took the helm the Nation has set the example for limitation of arms on land and has led the world into an agreement to end rivalry on the sea.

It found the Pacific regions and the Orient restless under rival suspicions, but before the end of the first year the Harding administration had composed these differences and had set up the machinery for international adjustments in the future. It found a public debt of $25,000,000,000. To-day we see it reduced by the enormous figure of $2,953,000,000. It found a seriously disturbed fiscal situation due to heedless extravagance. To-day we see inaugurated a business budget system, and as a result in the first year a saving which will amount to at least $2,000,000 per day every day since the inauguration of Harding. It found a floating debt of $3,000,000,000 tying up at least $7,000,000,000 of commercial credit, ranging at high rate of interest, on a hand-to-mouth policy. Within a short time the Harding administration had financed the debt at a saving of at least $37,000,000 interest and released the enormous assets for commercial purposes. It found money in hiding, emerging only when tempted at high rates of interest. To-day through a wise Treasury administration in which the policy of the business man rather than the speculator is adopted, money is easier, rates are lower, investments increased, and all kinds of legitimate business revived. It found Government securities ranging as low as 15 per cent discount. To-day under this administration all Libertys are either at or above par. Harding found agriculture prostrated through rapid liquidation. Through a specific concrete program of rehabilitation agriculture is again normal or as nearly so as conditions through which we came will permit. He found all industry paralyzed with 5,000,000 men out of employment. To-day industry is rapidly approaching normal and unemployment steadily disappearing. Outside of the unhappy disturbance in the coal and transportation industries, industrial conditions are most promising. Symptoms of agreement in the coal industry are noticed and the adjustment of transportation disputes will come soon as the public welfare demands it. When these adjustments are reached, we will very soon enter upon a period of prosperity which, in my judgment, will eclipse anything in our experience in times of peace. Industrial unrest is passing and the last hope of Democratic success is fading. Republican administration of the finances, its policy of encouragement of enterprise, its readjustment of foreign disputes, all are conducive to this end.

Above and beyond all other good fortune which has come from Republican influence and control as now directed, current events in Europe compel our people's gratitude for their escape from that seething caldron of rival jealousies. We are not in this vortex, thanks to a Republican Senate which refused to surrender and permitted the American people to render its verdict, and we announce again to the world that we will not enter it. Harding found a nation still in a state of war two years after war had ceased, because his predecessor chose to make entrance into the European league a condition of peace. To-day we are at peace with the world, notwithstanding the continuance of war in many quarters over which that league has jurisdiction. Never before has the Nation occupied such a position of independence and strategy to exert a wholesome influence for peace, and that position has been secured without endangering our own independence or our sovereignty.

Ladies and gentlemen of the convention, this record of achievement has materialized because Republican legislation is constructive and not destructive. It is for the public weal rather than for class interest. It looks to the encouragement of business rather than the intimidation of either employer or employee. Republican policy aspires to the maintenance of the open door to opportunity to work at the best possible wage, rather than to be placed in open and unhindered competition with a lower-wage-scale country. These facts, known to the administration, will be made known to the people at large. In the light of this record we challenge our opponents to show a better. Upon this record we will go to the people for their verdict.

No American citizen who loves his country need offer an apology for the position America holds under our leader. No administration ever faced such problems, and no former President ever had such foreign complications. No Congress ever came into power with a greater program to be carried out. No Congress ever enacted such a volume of legislation. No administration ever put on the statute books as great a percentage of the pledges made in the campaign. Republicans invite the sharpest scrutiny of this administration. We are standing upon a great record. The achievements are many and simply wonderful. Never before did the Nation occupy such sublime position of leadership in the world. Arthur Balfour rightly spoke, upon leaving America, when he said, "Up to this time we called ourselves equal but no longer; America now leads the world." To the brilliant foreign policy which gives us this position we invite our opponents and challenge them to reject it. To the wonderful accomplishments at home, which I need not further recite in detail, we challenge any leader of any party to undo any act we have thus far placed upon the statute books.

Fellow Republicans, I have confined what I had to say to the national situation, leaving to others to speak on the State record. I wish to felicitate you, the representatives of the Republicans of a great State, upon the prospect this year under the leadership both at Washington and Columbus.

I speak from some experience, and wish now to state for your encouragement that Republicans will control by a very substantial majority both the House and Senate in the Sixty-eighth Congress. While our majority in the House will most likely be reduced, in the Senate it will be increased. Recent surveys lead me to the belief that we will add Republican Senators from the States of Wyoming, Montana, Utah, Nebraska, Missouri, Ohio, and Rhode Island. Whatever may happen in other States, the people of Ohio will not allow any semblance of repudiation of the national administration under the leadership of a great son of Ohio. The people of this State will also continue the Republican Party in power in the State by decisive majorities.

It will be history only repeating itself. The Republican Party was born to prevent the extension of slavery throughout free territory. It was at once called into power to preserve the Union from disruption through secession. In that struggle it struck the shackles from the limbs of an entire race. This mission fulfilled, it took up the work of reconstruction of the Nation, and continued in power for a half century with but two interruptions. In 1912, through an unfortunate rift in our ranks, our opponents came into power and at once inaugurated the "new freedom" which opened the Pandora box, with all its possible consequences. At the end of four years of this régime the "he kept us out of war" persuaded the people to continue the régime four more years. Eight years of this leadership was far too much. As the Republican Party was called to abolish slavery, preserve the Union, and reconstruct the Nation's fortunes in an early day, and later to build up the American system of industry, and preserve the sound-money principle as against the policy of 16 to 1, and still later to arouse the national conscience on the importance of obedience to law and order, so in 1920, by the most overwhelming vote ever cast in the history of elections, the American people again turned to the Republican Party to remove the wreckage of war, rebuild the broken fortunes of the people, restore constitutional government, and renew allegiance to the pledge of American independence and national sovereignty. This mammoth task is not yet entirely completed. No citizen who knows the situation will be willing to contemplate the impossible suggestion that the people just emerging from this fatality would entertain for a single moment the proposal to return the management to the party responsible for the conditions now burdening them. As in all other instances in the past 70 years, when such crises are pending Republican leadership is kept in control. Fellow Republicans, I again thank you and extend my congratulation upon the promise of great success all down the line, as indicated by the Republican interest displayed in the recent primary election and now demonstrated by this convention, remarkable for its militant enthusiasm and unanimity.

CHANGE OF REFERENCE.

The SPEAKER. The Chair by mistake referred the bill (S. 3611) authorizing and directing the Secretary of War to abrogate a contract lease of water power on the Muskingum River to the Committee on Military Affairs. Without objection it will be referred to the Committee on Interstate and Foreign Commerce.

There was no objection.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p. m.) the House adjourned until Monday, September 18, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

687. A letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Pawcatuck River, R. I. and Conn.; to the Committee on Rivers and Harbors.

688. A letter from the Secretary of War, transmitting reports from the Chief Signal Officer of the Army, the Superintendent of the United States Military Academy, and the War Department Supply Division, of typewriters and adding machines that have been exchanged during the fiscal year ended June 30, 1922, as part payment for new labor-saving devices; to the Committee on Appropriations.

689. A letter from the Acting Director of the United States Veterans' Bureau, transmitting a statement as of June 1, 1922, giving in detail the total number of positions at a rate of $2,000 or more per annum; to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. H. Report No. 1237. A report on proceeds from sale of useless papers in Departments of Agriculture, Commerce, Labor, Navy, State, and War, and the Smithsonian Institution. Ordered to be printed.

Mr. FOCHT: Committee on the District of Columbia. S. 2040. An act to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia; with amendments (Rept. No. 1238). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE of New York: Committee on Naval Affairs. H. R. 12648. A bill authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Brooklyn Museum the silver service which was presented to the cruiser *Brooklyn* by citizens of Brooklyn, N. Y.; without amendment (Rept. No. 1239). Referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FAIRCHILD (by request): A bill (H. R. 12683) to form national unions and creating, as part of the Department of Labor, a commission for enrollment of workers, unions, and employers of labor, defining the powers and duties of said commission, prescribing its officers, clerks, and agents, their salaries and compensation, and providing penalties for the violation of this act; to the Committee on Labor.

By Mr. FOCHT: A bill (H. R. 12684) to provide home care for dependent children; to the Committee on the District of Columbia.

By Mr. JOHNSON of Mississippi: A bill (H. R. 12685) to provide for the recovery of damages for mental anguish in the absence of bodily injury against telegraph companies for negligence in receiving, transmitting, and delivering messages; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: Joint resolution (H. J. Res. 378) to create a commission to consider the proposal of a central building for art and industry in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. TILSON: Joint resolution (H. J. Res. 379) to extend for three months the provisions of the dye and chemical control act, 1921; to the Committee on Ways and Means.

By Mr. GREEN of Iowa: Concurrent resolution (H. Con. Res. 68) changing the enrollment of House bill 7456; to the Committee on Ways and Means.

By Mr. BRITTEN: A resolution (H. Res. 432) regarding world's peace and industry; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAIRCHILD: A bill (H. R. 12686) for the relief of Irene Brand; to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 12687) granting a pension to Della E. Hudson; to the Committee on Invalid Pensions.

By Mr. HOGAN: A bill (H. R. 12688) for the relief of Annie O'Neill; to the Committee on Claims.

By Mr. KRAUS: A bill (H. R. 12689) granting a pension to Eva Gray Copeland; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 12690) granting a pension to Alice M. Older; to the Committee on Invalid Pensions.

By Mr. MALONEY: A bill (H. R. 12691) granting a pension to Sabina Kearins; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 12692) granting a pension to William K. Wythe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12693) granting an increase of pension to Arthur N. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12694) granting an increase of pension to Walter S. Thomas; to the Committee on Pensions.

Also, a bill (H. R. 12695) granting an increase of pension to Eliza J. Ross; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 12696) granting a pension to Oscar Sheffield; to the Committee on Pensions.

Also, a bill (H. R. 12697) granting an increase of pension to Joseph A. Lillard; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 12698) granting a pension to Mabel Ortz; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause I of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6344. By Mr. CULLEN: Petition of the City Parliament of Community Councils of the City of New York, opposing enactment of the tariff bill reported by the conference committee; to the Committee on Ways and Means.

6345. Also, petition of the City Parliament of Community Councils of the City of New York, relative to the national fuel administrator; to the Committee on Interstate and Foreign Commerce.

6346. By Mr. GRIFFIN: Petition of grand jury of Bronx County, New York City, respecting the distribution of coal in New York City; to the Committee on Interstate and Foreign Commerce.

6347. By Mr. KINDRED: Petition of sundry citizens of New Jersey, protesting against the passage of House bill 4388; to the Committee on the District of Columbia.

6348. Also, petition of the City Parliament of Community Councils of the City of New York, relative to the national fuel act; to the Committee on Interstate and Foreign Commerce.

6349. Also, petition of the City Parliament of Community Councils of the City of New York, opposing the enactment into law of the tariff bill as adopted by the conference committee; to the Committee on Ways and Means.

6350. By Mr. KISSEL: Petition of General Asbestos & Rubber Co., New York City, N. Y., with reference to tariff legislation; to the Committee on Ways and Means.

6351. Also, petition of Blairsville Throwing Mills, Blairsville, Pa., favoring a tariff of 55 per cent on silk piece goods; to the Committee on Ways and Means.

6352. Also, petition of Middletown Throwing Co. (Inc.), Middletown, New York City, N. Y., favoring a tariff of 55 per cent on silk piece goods; to the Committee on Ways and Means.

6353. Also, petition of Alabama Textile Co. (Inc.), Albany, Ala., favoring a tariff of 55 per cent on silk piece goods; to the Committee on Ways and Means.

6354. Also, petition of the Schwarzenbach Huber Co., Altoona, Pa., favoring a tariff of 55 per cent on silk piece goods; to the Committee on Ways and Means.

6355. Also, petition of Italian Chamber of Commerce in New York, New York City, N. Y., regarding the tariff bill; to the Committee on Ways and Means.

6356. By Mr. SINCLAIR: Petition of G. H. Moen and 6 others, of Finley; Alfred H. Lentz and 8 others, of Rolla; Robert Hansen and 4 others, of Coteau; D. Pals and 3 others, of La Moure; J. C. Leum and 3 others, of Mayville, all in North Dakota, urging legislation for a stabilized price on wheat and other farm products; to the Committee on Agriculture.

6357. Also, petition of Mrs. Henry Edelbrock and 61 others, of Price, Mandan, and Harmon, N. Dak., urging that a minimum price be set on wheat and other farm products; to the Committee on Agriculture.

6358. Also, petition of Mrs. Anna Lengle and 26 others, of Sanborn and Marion, N. Dak., favoring a minimum price on wheat; to the Committee on Agriculture.

6359. Also, petition of Anna M. Christianson and 8 others urging a minimum price on wheat; to the Committee on Agriculture.

6360. Also, petition of Knut Christenson and 5 others, of Benedict, N. Dak., urging that the Government set a minimum price on wheat; to the Committee on Agriculture.

6361. Also, petition of W. L. Brokofsky and 6 others, of Turtle Lake, N. Dak., asking for a set price on wheat; to the Committee on Agriculture.

6362. Also, petition of Walter Bjorhus and 27 others, of Harvey, N. Dak., urging the passage of legislation for a minimum price on wheat; to the Committee on Agriculture.

6363. Also, petition of Mrs. Peter Oberg and 11 others, of Midway and Amidon, N. Dak., urging stabilized prices for farm products; to the Committee on Agriculture.

6364. Also, petition of Mrs. T. L. Meadows, of Watrous, N. Dak., asking that a minimum price be set on wheat; to the Committee on Agriculture.

6365. Also, petition of T. Gilje and 7 others, of Rolette, N. Dak., urging a minimum price on wheat; to the Committee on Agriculture.

SENATE.

Monday, *September 18, 1922.*

(Legislative day of Saturday, September 16, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Broussard
Bursum
Calder
Cameron
Capper
Culberson
Cummins
Curtis
Dial
Dillingham
du Pont
Ernst
Fletcher
France
Gerry
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Hitchcock
Jones, Wash.
Kellogg
King
La Follette
Lenroot
McCumber
McKellar
McLean
McNary
Moses
Myers
Nelson
New
Newberry
Nicholson
Norbeck
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Robinson
Sheppard
Shields
Shortridge
Simmons
Smoot
Stanfield
Stanley
Sterling
Sutherland
Swanson
Townsend
Trammell
Underwood
Wadsworth
Walsh, Mass.
Warren
Watson, Ind.
Williams

The PRESIDENT pro tempore. Sixty-six Senators having answered to their names, there is a quorum present.

ENROLLED BILLS SIGNED.

The PRESIDENT pro tempore announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H. R. 5214. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 6929. An act for the relief of Horace E. Walker;

H. R. 7425. An act for the relief of Zah Barmon;

H. R. 8073. An act for the relief of the Kineo Trust Co.;

H. R. 8173. An act for the relief of Mrs. E. H. Jackson;

H. R. 11116. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended; and

H. R. 11843. An act for the prevention and removal of obstructions and burdens upon interstate commerce in grain by regulating transactions on grain-future exchanges, and for other purposes.

ADDRESS BY COL. C. R. FORBES (S. DOC. NO. 260).

Mr. HARRELD. Mr. President, this morning Col. C. R. Forbes, Director of the Veterans' Bureau, delivered an address to a conference of district managers, a copy of which I hold in my hand, being a résumé of the work of the Veterans' Bureau. It is so comprehensive and suggestive of what has been done and ought to be done that I ask unanimous consent that it be printed in the Record in 8-point type; and I believe also it ought to be made a public document. I ask unanimous consent that that be done.

The PRESIDENT pro tempore. The Senator from Oklahoma asks that a certain paper which he holds in his hand may be printed in the Record in 8-point type, and that it also be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

ADDRESS OF COL. C. R. FORBES, AT DISTRICT MANAGERS' CONFERENCE, SEPTEMBER 18, 1922.

Gentlemen, I welcome you to the second annual conference of district managers and officers having charge of the medical and rehabilitation work of the United States Veterans' Bureau.

I have observed your work very closely since our last conference. I have been mindful of my promises to you, and I have remembered your promises to me. I can not say that in every instance you have fulfilled your part or our agreement, and it may be that all I hoped to do has not been possible. I do not, however, attribute to you any neglect of duty nor charge you with any negligence toward the program, and I do sense your confidence that anything I may not have been able to accomplish did not materialize for a good and sufficient reason. Such failures as have occurred, I believe, should have been expected in the normal process of development.

Decentralization has taken place since our last conference. You have had at least six months to put into effect those policies which have been promulgated and transmitted to you in part at the last conference and in part subsequently by letter or by formal orders, regulations, or bulletins.

It has, no doubt, occurred to you on numerous occasions and has been brought also to your attention by many who are interested in this big problem that with decentralization the importance of our task in the field has increased proportionately. Many have been the obstacles arising in the practical applications of central office working instructions to field conditions, and numerous have been the criticisms fired at you from all sides for what was apparently a failure to get your organization into effective working shape and produce results immediately. Most of the problems you have approached in a satisfactory way. Some of the criticisms have been met by an enlightening explanation and some still remain to be answered. These conditions, however, are a part of the job, and while they necessarily entail concern and worry, your director assures you of his willingness that you share this official grief in proportion to your increased responsibilities. Your reward will be that comfort which comes from a job well done; your budget precludes the sordid one you may have in mind. When I reflect on the worries that attend the administration of this work, I often recall the inspiration that came to me when I read the following little squib by a homely corn-fed philosopher, whose name has gone but whose words remain:

"Any work of importance carries with it a certain amount of worry. The man who has lived his life with a single purpose of avoiding all worry has lived a shirker's existence; it is because we are men and are doing worth-while things that we feel concern, and the man who has nothing to worry about is of little importance in this scheme of things—and usually realizes it."

And so one measure of relief which you can afford yourself will be to follow strictly the principles laid down by the central office and to see to it that you do not modify the program, alter a procedure, or deviate from instructions without appropriate authority from the director.

A rigid adherence to this policy will at least obviate certain additional worries sure to come if central office instructions are not observed—and there will be no reward for this worry.

You must keep before you at all times the fact that the director will be held responsible by the President for the successful operation of the manifold functions of the bureau and for the proper administration of all institutions having to do with the care, treatment, or training of the disabled ex-service man.

It is your duty to inform the director wherein your opinion may differ with the principles of any rules or regulations promulgated. I believe you appreciate that your director seeks such suggestions and criticisms and also that he is grateful for the advancement of any ideas which give promise of being potential incentives to sounder principles or better methods. The bureau has been markedly helped by suggestions offered from the field and developed into rules of action for general observation through the organization.

There are some things about which I know no more than I do concerning the Jewish alphabet, but I am conscious of a firm conviction of one thing—that the degree to which the Veterans' Bureau can operate profitably and successfully will be in direct proportion to the extent that a harmonious and helpful exchange of ideas is developed and maintained among those employees having charge of the various activities. There can not be one set of rules for one district and another set for another district. Uniformity of action in all coordinate field agencies is vital to the ultimate success of this organization. This principle is axiomatic.

Sound organization and economical systems of operation are elemental principles observed by all successful industries. In the large businesses of the country the home office sends to the field agencies, through strikingly uniform means, rules and regulations for the guidance of field activities. Such instructions invariably emanate from the home office only after careful study and mature consideration, and field agencies are held strictly accountable for a rigid adherence to such instructions. Were this not true the field offices would soon develop individual practices which could never be tolerated in an organization whose scope of activity is nation-wide. It would naturally follow that any leniency shown by one field office would become known in another section of the country, and the patrons of the organization not receiving the favored consideration would become dissatisfied at the discrimination. And so it is with our work—absolutely uniform treatment of beneficiaries of this bureau must be practiced from Maine to California and from Florida to Washington.

And I do not propose that my active and intense interest in this work shall cease until the entire organization has become a successful and smoothly operated machine and this great institution of the Government is so functioning that irregularities and mistakes shall have reached the proverbial irreducible minimum.

Now for a word about the great rank and file who are handling the infinitude of detail involved in creating and maintaining the millions of records of the United States Veterans' Bureau. I try to think of all of us as constituting a big family which has the interest of the ex-service man at heart and the interest of each other member of the family before him at all times. We can not be successful if we disregard the interest of those with whom we are daily in association. We can not be calloused to the needs of those for whose service the family was created. We can not be an organization of big business if the principles which actuate our motives are not founded on sincerity, truth, energy, and personal forcefulness, or if we are either openly or covertly disloyal, or if we have disloyalty within our ranks, or if we harbor hatred or malice. I am sorry to say, gentlemen, that our district and subdistrict offices are not entirely free from evidences of these weaknesses.

It is right that every man should seek advancement, and it is, indeed, a credit to a man if his ambition and desires lead him to look beyond his present responsibility. But let me warn you against attempting the gratification of such ambition or desires if their accomplishment must be at the expense of a deserving fellow workman. It is, indeed, uncharitable and unmanly to further one's own personal ends by taking or permitting others to take unfair advantages.

Within this bureau there are many opportunities for the recognition of loyal and competent service, and district managers and chiefs of sections should see to it that promotions are made for efficiency and that increases are recommended purely on the basis of loyalty, devotion to duty, and productive accomplishment. If you will study the problem from a business point of view entirely you will never treat superficially the earnest eagerness of the employees within whom the great evolutionary force may be working and you will in so far as it is humanly possible take into account the loyal interest as evidenced.

Have no hesitancy in seeking advice and suggestions of your coworkers. Do not become imbued with the fancy that your personal qualities, your personal thoughts, or your personal convictions alone are an adequate basis for the determination of a solution to an important problem. Remember that sound judgment and genius, too, if you please, are not confined entirely to those who have the advantage of position and, further, that some of the most remarkable advancements the world has seen have come from the ranks of the industries of the North, of the South, of the East, and of the West. It matters not whether a man or a woman comes from lowlands or from the highlands, whether from rich or poor antecedents, from the halls of the great universities, from the stuffed classroom of the night school, or from the little red schoolhouse on the hill, each may have potentialities of inestimable value—and each individual should be given his opportunity.

In reporting to this office district managers must not charge an error to a subordinate; they alone are responsible to me for the proper management and strict discipline of their offices and of the fulfillment to disabled men of the Government's obligation, as prescribed by legislation, as I in turn am to the President.

I feel strongly on these matters which I have just mentioned, for I have seen in several of the districts instances of merit unrecognized and of the retention in positions of trust of men of questionable ability—both, I am sorry to say, to the detriment of the work. It is paramount duty that we owe to our fellow creatures, and more especially to those with whom we labor side by side, to recognize loyal and effective industry, and it is almost of equal importance that we weed out the incompetents and the otherwise unfit. Political and selfish purposes are not to be served at the expense of deserving employees of this bureau.

For some time I have been turning over in my mind two questions of probable value in promoting the operation of the district offices. I desire that you consider each one carefully and offer your thought as to their practicability, and in the event of your concurrence with the general suggestions, that you outline in each instance both the scope and the limits which should be applied.

First, it has been suggested that while such conferences as the one in which we are now engaged are productive of excellent results, and while the exhaustive inquiry of the traveling committee likewise has much to do with bettering methods, yet neither of these gives the district manager that personal, intimate conception of what is being done in other districts that I think might prove to be another factor of intensive instruction that would be helpful to those in charge of field work.

I am therefore considering the proposition of arranging some type of rotating supervision between district managers, or of periodical visits by district managers to other offices, by which they will have an opportunity to exhaustively study the actual working detail and methods of other field offices and to indulge in an exchange of ideas with each other in the field. I have withheld presenting this to you before for the reason that previously I have not felt that the district offices were provided to a sufficiently desirable extent with chiefs of administration qualified in all respects to carry the load of responsibility during such absences of the district managers, but I believe now that this objection has been removed and that the question is at least feasible of consideration.

The other matter is the question of amplifying the responsibility placed upon the chief of administration by the present organization field chart. In cases which have been brought to my attention I find that chiefs of divisions often resent observations made by others of but coordinate responsibility, and with some propriety question the authority of the chief of administration to exercise any interest in their particular field. I would like the candid thought of the district managers as to the desirability of fixing on the chief of administration in addition to his prescribed duties those of executive officer. It is important that this weakness be overcome at once and thus remove a source of all too common discord. In many districts I know that your concurrence in this suggestion will but put the stamp of general approval on what has been already informally delegated by a number of district managers.

CLAIMS.

Since our last conference I have visited almost all the district offices, many of the subdistrict offices, most of the hospitals, and a large number of the schools and training centers. I find that there is an extremely zealous disposition on the part of those in authority to render the service expected of them and to honestly administer the ex-service men the best treatment that can be afforded within the limitations imposed by law.

I am delighted to commend you on this. I have told you from time to time that the ex-service men must have the benefit of the doubt, that you can not always settle a case by pure "affidavitism." Wherever it is found that a claimant is physically unable to appear before an examining board, the bureau must go to him. Put yourself in the man's place, were you unable to travel any distance to a district or subdistrict office. If you were incapacitated to the extent that to travel would aggravate your disability, and this aggravation did occur, would you consider yourself responsible for the aggravated condition, or would you feel, quite properly, that the burden of proof was against the Government? And would you not charge the Government with neglect and responsibility in the event of an aggravation or death? Keep in mind that many thousands of men have been ordered for examination. And consider also the Government's responsibility in cases that may not have resulted from military service but on which we have ordered men up for examination. With these things in mind, exercise the most careful judgment in ordering men for examination as opposed to sending the examining officer to the man.

I am opposed to the correspondence method of adjudicating claims. "Insufficient evidence" and "no service connection" mean little to thousands of men. "Additional affidavits" is just about as nebulous to thousands of others. Many most worthy cases have been neglected and delayed or have died a premature death because of the long tortuous channel of correspondence resulting from stereotyped phrases not understood by the average claimant. This is particularly unfortunate where beneficiaries are involved whose education handicaps them in understanding carelessly written letters and in preparing such written evidence as is called for.

There is such a thing as becoming "hard-boiled." There is such a thing as being influenced unduly by a previous rating, but it is essential to fair treatment that each and every case be regarded in a fresh light, no matter how often reviewed. A peculiarly trying and exacting duty devolves upon your board of appeals and your board of review, and the members of these bodies must constantly be inspired to the most earnest and sympathetic consideration of cases brought to their attention.

INSURANCE.

There is another phase of the bureau's duties to ex-service and service men and women that I must bring to your attention, and that is the duty of the Veterans' Bureau to see that every ex-service man and woman is fully advised as to his or her insurance rights and privileges under the war risk insurance act as amended, so that the real good intended by the passage of the war risk insurance act and amendments can be accomplished.

I purposely do not mention those now in the service for the reason that the rights and privileges of the act are being ably explained by the War Department, Navy Department, and Marine Corps, but when we realize that upward of 4,500,000 individuals applied for yearly renewable term insurance and that there are approximately only 600,000 now continuing their insurance, it seems reasonably certain that after making allowance for claims awarded that a large proportion of the remaining 3,500,000 who have allowed their insurance to lapse either do not know their rights and privileges or if they do they are not aware of its real advantages; therefore, gentlemen, in order to pay the debt the Veterans' Bureau owes to the ex-service men and women it is important that we take steps to advise these individuals to the fullest extent permissible under the law of their rights and privileges and to explain the advantages to be obtained by reinstating and continuing their insurance.

This is one of the bureau's problems. Therefore it is my problem and equally your problem, and the bureau is open to suggestions as to better methods for distributing literature and the complete dissemination of information so that the most isolated case will receive proper attention.

FINANCE.

You will all be interested to know that action has been taken to accomplish prompter payments of bills submitted by the field offices to Washington and steps are being taken looking toward the ultimate decentralization of compensation disability award payments. Decentralization of payment of training allowance pay has been authorized, but some delay will be experienced, due to the fact that the manufacture of special equipment can not be made before September 15. It is probable, however, that the training allowance payments after October will be made through the district offices. With these facilities at your command it is expected that further complaints about delayed payments will be practically eliminated.

LEGAL.

Though legal advisers have been designated in the various districts, the officers of the various districts should appreciate the fact that the general counsel is legal adviser for the whole bureau and not merely for the central office. Consequently, legal problems on which there is any doubt in the minds of administrative officers of the various districts may be and should be submitted to the general counsel for opinion.

The general counsel and his associates give careful consideration to problems submitted to them, and their decisions are rendered in the belief that they are correct. Nevertheless, both the general counsel and his associates are men of open minds, and if it is honestly believed by the district managers that the opinions expressed by the general counsel are in any respect erroneous, the general counsel is perfectly willing to give the matter reconsideration. Requests for reconsideration should not be made in a controversial spirit, but wholly for the purpose of getting at the correct solution of the problem.

PERSONNEL.

For the benefit of members of this conference who were not present on the previous occasion or who due to some oversight may not have had the fact emphasized to them, I want to reiterate forcibly that in the selection of personnel and their treatment during the period of employment, chiefs of divisions must always bear in mind that ex-service men and women invariably have the preference, other conditions being equal. Bear in mind, however, that this general rule should never operate to retain in the employ of the bureau an ex-service person who has manifested an incompetency that can not be overcome or has otherwise evidenced his unfitness. It is, however, intended to favor those men and women who, by their military service, have earned the right to this consideration. Political pressure is a matter which should not be permitted to affect the handling of personnel questions. Oftentimes Senators and Members of Congress plead the cause of undeserving employees without a real knowledge of all the circumstances, but when informed as to the true facts promptly withdraw their recommendations. You will also find that in many instances when you explain to the Members of Congress that the salary appropriations, as reflected to you in the Budget, do not admit the taking of the action which they request, their insistence will change to commendation.

MEDICAL.

One might estimate the task of the Veterans' Bureau as service to an ex-soldier who could qualify at one time or another for all the benefits provided by law multiplied by the number of applicants.

All benefits being based on physical disability means, as I have so often emphasized, that almost every act of the bureau is based on a medical opinion; our mistakes and our successes depend primarily on the quality of our medical service, and 95 per cent of the work of the bureau and its huge expenditures are undertaken on the advice of our doctors.

There are about 11,700 medical and dental men engaged in our work, 2,200 of them giving full time, 900 in hospitals, and 10,700 in district work, of which 8,260 are dental and designated examiners and attending specialists on fee basis. Each man has devoted from 6 to 30 years to his profession, and 97 per cent of them saw service in the World War. These men understand and are understood by the disabled ex-service men far better than any other class of men who come in contact with them.

The mistakes of the past were largely due to failure to appreciate the fundamental medical importance of our problems and also to a tendency to overrule or even ignore the doctor's honest opinions by assumption of an authority which the law never contemplated. Some of these acts were errors of the heart and may be forgiven, but enormous abuses in this respect not only of the letter but of the spirit of the law occurred in the beginning and occur now to some extent, for which there is no excuse and which perhaps cause irreparable harm to the character of thousands of young men by helping to destroy their self-reliance and their natural ambition to succeed through their own efforts.

In facing the future let us resolutely determine not to commit the errors of the past and to go forward in our improved programs guided by the light of our experience and the aid of all concerned in relief for our disabled veterans.

WHAT IS THE REAL BUSINESS OF A VETERANS' HOSPITAL?

It is to produce a certain output in health for each man, plus a decision, whenever possible, on his employment objective and his need for training before he leaves the hospital.

This means a radical change in the organization of our hospitals, including programs for educating specialists for the medical and other personnel, all of which have been approved; standardization of all elements that make up our concept of a hospital, namely, human energy, brains, and harmony of action, toward which the American College of Surgeons has offered without cost all the facilities of that great organization. This will make possible the success of my plan for the dehospitalization of certain patients.

As I have already mentioned, I have been deeply impressed with the fact that the great majority of our chronic hospital cases are ambulant, that many of them would be happier and more content at home, and that by strengthening the vocational facilities of the hospitals, in order that each man can have his need for training promptly determined, and then by as many changes in trade and other tests as necessary have his employment objective settled, all while in the hospital and under careful medical supervision, his problem can be solved. This will permit of a final decision in each case as to the best place outside of the hospital, perhaps the home, in which to continue treatment and training until rehabilitated, and without loss of compensation. This should be a great saving in time to the man and money to the Government. It may be found that some hospitals can be actually converted into special training schools.

RATING IN THE FIELD.

Another matter that has come to my attention in connection with rehabilitation is that the subdistrict office is usually also the best place in which to determine in one operation a man's employment objective and need of training. One good, sensible and even average doctor in each suboffice, and many already have such, working in harmony with the training section, as they all now do in the field, can secure a far better picture of a man's needs with the records and the man himself before them and near his own home town than the district office can ever hope to do. This suboffice opinion can be made legal simply by approval of the district manager. Another short cut to efficiency in this part of the work might be, after all the legal questions have been cleared, to route such cases direct from the claims section to the suboffices. This statement to the suboffice should also include an opinion as to percentage of compensability, if not a training case, whether hospitalization or outtreatment is needed, and whether the assistance of outside agencies is required.

Such procedure should prevent the too frequent conflicts aroused in a man's mind by he being told one thing by one doctor and another thing by another and obviate much of the just criticism of our work in this respect. This, it seems to me, leads us to the real, the actual, decentralization in its truest sense.

DEHOSPITALIZATION.

I have in mind, gentlemen, a matter which I have discussed with the President and to which I have given long hours of study and that is the dehospitalization of men who have proceeded to their homes and are receiving out-patient treatment, and during their period of disability be not reduced in compensation. Between 65 and 70 per cent of our cases are ambulant. About 40 per cent of these ambulant cases could be discharged from hospitals and returned to their homes, provided, however, that the environment of their homes will be conducive to a recovery.

Too much institutionalism, to my mind, is harmful. The man loses courage, his morale is destroyed, and he entertains an unwholesome fear of going out into the world and attempting the great struggle. The man's courage must be strengthened, his mind occupied by helpful inspiration, and he must be stimulated to a determination to recover and return to active work. Hospitalization when unnecessary is an insidious and dangerous treatment, often robbing a man of that most valuable of human traits, self-reliance. It will deteriorate ideals and deaden ambition. A man should mingle with normal fellow beings and absorb from them strength and courage and an outlook on life which well and happy men possess. As soon as possible get the disabled out in the sunshine, near to nature or industry, as the individual disability may suggest as being most helpful, but in all events take them away from those surroundings which will inevitably sap real manhood. Industrial history has never been made by men who are content to accept anything approaching the domiciliary treatment to which many of our ex-service men are, I fear, rapidly becoming subjected.

REHABILITATION.

I have been much interested in our rehabilitation work, and I have been following closely the number of men who have gone from our schools to be welded again into the fabric of the industrial personnel of our Nation. I have watched their progress and I have sought the best advice obtainable on an employment program.

You are to-day operating an employment unit within your district, the purpose of which is to provide employment for all rehabilitated ex-service men and women. That this division of our work will be a success goes without comment. The great industrial centers of the country have responded most generously and are absorbing into their activities many men who have been trained under Government supervision.

No one knows better than you gentlemen the high proportion of ex-service men of foreign birth who speak our language feebly and are utterly innocent of any knowledge of English. It is my earnest desire that all ex-service people so handicapped be carefully instructed to correct this fundamental weakness, and I look to see the time fast approaching when men rehabilitated by the United States Government will be not only skillful workmen in their respective trades or persons of real accomplishment in those vocations for which they have prepared but will be creditable monuments to the instruction in English which is being given.

I conceive it to be an obligation of the Government that while in employment we should maintain an observation of the rehabilitated man's progress, not only to stimulate him in his chosen field of work but to advise him in all matters which have to do with his health. Their passing from training back into industry must not mean that the Government has discharged its entire responsibility. It must be remembered that a man received training because of a disability and a vocational handicap incurred in the line of his military duty; and until a rehabilitated man has safely embarked upon his new endeavor with surroundings that are apparently conducive to his happiness and welfare—and not until then—has the Government discharged its debt.

CORRESPONDENCE.

One of the features of the work of the bureau which can and must be improved is correspondence. I do not like to cite to you elementary principles of a subject with which your forces should be thoroughly informed, but such numerous and repeated instances of gross failure to treat letters with care and thought are brought to me that I am constrained to discuss somewhat the treatment of mail. I recall one instance of a correspondence clerk who said in his letter to a prominent man, "of course, to a man of your intelligence." I have on numerous occasions been severely criticized by the Members of the United States Senate and House of Representatives because of letters from bureau officials utterly ignoring specific questions asked and replying to a serious communication with a stereotyped phraseology or even with a form letter. Such gross mistreatment of mail may not have resulted from any vicious intention, but it was certainly an evidence of the grossest indifference or culpable ignorance.

I want you to take back to your people some thoughts that must be observed with a fidelity to both the letter and the spirit of instruction. Every person dictating a letter must always remember, first, that there is nothing personal in his work, that he is representing the United States Government, and the tone of his letter should be quiet and factive, never conveying the impression of impatience or contain the slightest possible ground for inference of discourtesy. The receipt of a caustic or quarrelsome letter under no circumstances justifies a reply in like tenor. There is much truth in the old saying that "A man who reads his letter when his feelings have grown cool would like to have a kicker come and kick him, as a rule." Do not give reasons or explanations unless they are requested. To do so gives rise to a purposeless correspondence in addition to reflecting on the intelligence of the addressee. Do not hesitate to say no if that is the answer, and, having said no, do not attempt to suggest an alternative aimed to circumvent your own no.

It is highly important that correspondence be kept moving. It is almost equally important that all letters and textual matter be prepared in a workmanlike manner. An irregular, ununiform, botched appearance generally indicates an indifferent consideration of the subject being handled, and gives rise, with justification, to a question as to the accuracy of statements contained. It is my belief that some thought by this conference might well be spent on making suggestions that will obviate these weaknesses mentioned and be conducive of improvement in the quality of letters emanating from the various offices of the bureau.

BUDGET REPORTS.

I want to emphasize the importance of keeping within the budget allotment for the administrative expenses of each district. This can be done only by budgeting the district as a whole, the district office, and every suboffice and school within the district. Allotments must be made quarterly with a current check of expenditures against allotments. After an allotment is received there should be set aside a surplus which will amount to a reserve to meet emergencies. The district manager who operates under a budget and can not allocate his funds in such a manner that they are elastic enough to cover any reasonable emergency without calling upon the central office for a fresh allotment is not on top of his job and fails to appreciate the advantages of a budget. I want a personal report from each of you as to savings which you will make on your allotment. I will look forward to these reports, because I am a firm believer that efficiency and economy go hand in hand.

Of scarcely less importance is the matter of consolidated monthly progress reports. The purpose of a progress report, especially in an organization like the Veterans' Bureau with offices scattered over the country, is to enable each executive from bottom to top to tell his superior what he accomplished, and if there be arrearages what steps are taken to wipe them out. If the district manager does his full duty in requiring reports from his subdistrict managers and subordinates, he knows exactly the size and distribution of the training, hospital, dispensary, compensation, and insurance load which he must administer within his district. The parts of his program which are showing progress are known as well as who deserves the credit. Also he knows where the district's program is falling down and where to center his energies. The mild and indifferent manner in which certain executives of this bureau in the past countenanced wrong conditions can be stopped by intelligent use of progress reports and going after every wrong condition as soon as it is brought to light. More results and less excuses are demanded from every district manager, and he in turn must demand no less from each subdistrict manager and executive.

There has been serious complaint about the work involved in submitting reports of progress to the central office. While suggestions as to the improvement of that form of report are always welcome and nonessentials must be cut out, the essential facts must be reported. No effort has ever been made to ask for all the important facts regarding the operation of a district, but good administration demands that the director know and follow the trend, progress, and success of the fundamental duties for which he is made responsible by act of Congress.

The fact that this bureau will disburse more money this year and next year than any other department of the Government means that it receives more careful scrutiny by the appropriating committees of Congress and on the floor of both Houses than any other department.

The administration is demanding efficiency and economy in Government. One-fifth of the total outlay of the Government, exclusive of that of the public debt, will be made through this bureau next year. Responsibility, therefore, for one-fifth of the cost of Government, its efficiency or inefficiency in the administration of funds, rests in the hands of you who are attending this conference. I charge you now with knowing and measuring the services rendered from day to day and month to month, and seeing to it that each dollar counts.

As I stated above, I can keep in personal touch with essential facts only. Much information which the district managers must have, vital to the bureau's success, can not reach the director's office. The periodic survey of the district and subdistricts to make sure that there is full use of educational facilities afforded by schools and factories in the community and those which the bureau provides, full utilization of Government hospitals in the district which have empty beds available and maintained at a high overhead cost, contracts with the best private hospitals, prompt and satisfactory employment of rehabilitated trainees, complete cooperation with the civic, social, and veterans' organizations of each community, all interested in the welfare of ex-service men, illustrate my point.

It is safe to say that in a project so large as ours the success or failure of each district depends upon the ability of its executive to keep before himself the fundamental facts as a basis for decision and action.

CONCLUSION.

In conclusion, I want this conference to mean much to you all and I want each of you to write me personally, setting forth your impression of the conference, and particularly as to the discussions which have been the most interesting to you. I want you to have ever in mind that you are representing your Government in the greatest undertaking of its kind which history has known. Be careful in your deliberations, be strong in your well-considered and well-founded convictions, be honest with your fellow man, and, above all, do not turn a disabled man or woman from your door until his story has been heard and sympathetically and intelligently treated.

Do not discharge your duties in a perfunctory manner nor cease your day's labor without the inner conviction that you have started some man or men on the road to contentment, success, or happiness, and do not ease up on your endeavors to bring back the great opportunity to those whose wounds and ills resulted from the service given that our Nation might live on forever.

VALIDATION OF CERTAIN PUBLIC-LAND ENTRIES.

Mr. SMOOT submitted the following report, which was considered by unanimous consent and agreed to:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10419) validating certain applications for and entries of public lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and agree to the same.

REED SMOOT,
I. L. LENROOT,
H. L. MYERS,
Managers on the part of the Senate.
N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; also that the House receded from its disagreement to the amendment of the Senate numbered 11 to the said bill and concurred therein; that the House insisted upon its disagreement to the amendment of the Senate numbered 3, further disagreed to the amendment of the Senate numbered 23, and requested a further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DEMPSEY, Mr. FREEMAN, Mr. RADCLIFFE, Mr. MANSFIELD, and Mr. KINDRED were appointed managers on the part of the House at the further conference.

THE TARIFF—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The PRESIDENT pro tempore. The Chair is prepared to rule upon the point of order.

The point of order made by the Senator from North Carolina [Mr. SIMMONS] is as follows:

> I wish to make a point of order against the report. I think the conferees have exceeded their authority in the matter of authorization to the President to proclaim the so-called American valuation.

The RECORD shows that the House bill adopted what is known as the American valuation as the basis for its ad valorem duties, and gave no authority to the President to change the duties prescribed in the bill. The Senate bill adopted what is known as the foreign valuation as the basis of ad valorem duties and conferred upon the President the power to increase or decrease them 50 per cent if found necessary in order to equalize the difference in the cost of production in this country and in foreign countries.

Under the Senate bill, paragraph (a), section 315, and with respect to ad valorem duties, the effect of establishing a foreign valuation necessarily required the President to use that plan in reaching his conclusions. But paragraph (b) of section 315 enlarged his power and permitted him to use the American valuation upon two paragraphs (27 and 28, of Title I, of the tariff bill) if he found that such valuation was necessary in order to make the duties measure the difference in the cost of production at home and abroad.

The conference bill, in so far as the basis of valuation to be employed by the President is concerned, tremendously increases his power. It authorizes the President to use in his modification of duties the American valuation upon the entire dutiable list.

It must be obvious that if the only matter of difference between the two Houses had been the authority conferred upon the President in section 315 to modify duties, the conferees would have had no jurisdiction to agree upon a bill which gives the President the authority to use American valuation in dealing with the entire dutiable list. If, therefore, the conferees acted within their jurisdiction, there must be found some other difference between the two Houses, the settlement of which gave them the right to make the radical change in the authority of the President which their report discloses.

As already stated, the House bill adopted American valuation and the Senate bill foreign valuation as the basis for ad valorem duties. It is in this difference, if at all, that the jurisdiction of the conferees to make the change respecting the powers of the President must be found. Disregarding for the moment the sections giving authority to increase or diminish duties under certain conditions, it will not be questioned that the conferees could lawfully have agreed that the American valuation should apply to certain of the paragraphs in the dutiable list and the foreign valuation to other paragraphs. Nor can it be doubted that the Senate conferees would have been within their jurisdiction had they receded from the Senate amendment to the Senate bill with regard to valuations, and accepted the House plan of valuation. Furthermore this could have been done even though the Senate percentages of duties had been retained throughout.

It is commonly believed that if this course had been pursued the duties actually to be paid would, in many instances, be much higher than would be paid under either the Senate or the House bill, and this may be true even though paragraph (b) of section 315 of the conference bill forbids an increase in the rate; but in ruling upon a point of order the Chair can not take judicial notice of that fact, if it be a fact. For aught the Chair knows from the record upon which its ruling must be founded, if the proposed enactment becomes a law the foreign valuation of any given article may be as high or higher than the American valuation of the same article. As a Senator I may entertain a certain belief upon that matter and vote accordingly, but as the Presiding Officer of the Senate, acting in a judicial capacity, I am without knowledge upon the subject.

With these preliminary observations, which seem to the Chair indisputable, we approach the vital inquiry which may be thus concretely stated: In order to reach a settlement of the differences respecting the plan of valuation, could the House conferees rightly say to the Senate conferees, "We will recede from the American valuation plan, accept the foreign valuation plan, and accept the authority of the President to modify duties, provided you will agree to extend the authority of the President so that he may employ our plan upon the whole dutiable list whenever he finds it necessary in order to equalize the difference in the cost of production in this country and in foreign countries"; and could the Senate conferees, acting within their lawful powers, accept the proposal?

The Chair appreciates the consequences which follow an affirmative answer to this question, but these consequences inhere in the nature and extent of the difference between the two Houses relating to the plan of valuation. If the Senate conferees could accept American valuation as a whole—and this is not denied—it seems clear that they could accept a qualified and limited use of that plan by the President. Moreover, if the Senate conferees had accepted American valuation throughout and made no change whatever in section 315, the Chair is of the opinion that the President would have had precisely the same power that he will have under the conference bill.

It is quite impossible to separate valuation from presidential authority in this measure, and the Chair firmly believes that the change which the conferees have wrought in the bill, so far as the question we are discussing is concerned, was within their jurisdiction and that it must be dealt with by the Senate in its acton upon the question of agreeing or disagreeing to their report.

The point of order is overruled.

The question is upon agreeing to the report of the conferees.

Mr. SIMMONS. Mr. President, I desire to lodge an appeal from the ruling of the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina appeals from the ruling of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. UNDERDOOD and Mr. WATSON of Indiana called for the yeas and nays and they were ordered.

The reading clerk proceeded to call the roll.

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. ELKINS] to the senior Senator from Nevada [Mr. PITTMAN], and vote "nay."

Mr. SIMMONS (when Mr. OVERMAN's name was called). My colleague [Mr. OVERMAN] is absent on account of illness. He is paired with the senior Senator from Wyoming [Mr. WARREN]. I make this announcement for the day.

Mr. STERLING (when his name was called). Transferring my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Hampshire [Mr. KEYES], I vote "yea."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the Senator from Missouri [Mr. REED], and vote "nay."

Mr. WARREN (when his name was called). I transfer my general pair with the junior Senator from North Carolina [Mr. OVERMAN] to the senior Senator from Pennsylvania [Mr. PEPPER], and vote "yea."

The roll call was concluded.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH] is detained from the Senate on official business.

Mr. UNDERWOOD. I wish to announce that the Senator from Ohio [Mr. POMERENE], the Senator from Arkansas [Mr. CARAWAY], and the Senator from Georgia [Mr. HARRIS] are necessarily absent. If present they would each vote "nay."

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from California [Mr. JOHNSON] with the Senator from Georgia [Mr. WATSON];

The Senator from Illinois [Mr. MCKINLEY] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Missouri [Mr. SPENCER] with the Senator from Georgia [Mr. HARRIS]; and

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 43, nays 21, as follows:

YEAS—43.

Ball
Borah
Brandegee
Broussard
Bursum
Calder
Cameron
Capper
Curtis
Dillingham
du Pont
Ernst
France
Gooding
Hale
Harreld
Hitchcock
Jones, Wash.
Kellogg
Lenroot
McCumber
McLean
McNary
Moses
Nelson
New
Newberry
Nicholson
Norbeck
Oddie
Phipps
Ransdell
Rawson
Reed, Pa.
Shortridge
Smoot
Stanfield
Sterling
Sutherland
Townsend
Wadsworth
Warren
Watson, Ind.

NAYS—21.

Ashurst
Culberson
Dial
Fletcher
Gerry
Glass
Harrison
Heflin
King
La Follette
McKellar
Myers
Sheppard
Shields
Simmons
Stanley
Swanson
Trammell
Underwood
Walsh, Mass.
Williams

NOT VOTING—32.

Caraway
Colt
Cummins
Edge
Elkins
Fernald
Frelinghuysen
Harris
Johnson
Jones, N. Mex.
Kendrick
Keyes
Ladd
Lodge
McCormick
McKinley
Norris
Overman
Owen
Page
Pepper
Pittman
Poindexter
Pomerene
Reed, Mo.
Robinson
Smith
Spencer
Walsh, Mont.
Watson, Ga.
Weller
Willis

So the decision of the Chair was sustained as the judgment of the Senate.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. UNDERWOOD. Mr. President, I assume that the Senator who presented the conference report will wish to speak. I desire to say a few words before the debate closes.

Mr. McCUMBER. Mr. President, I have assumed that all points of order should be settled before we proceed to the consideration of the report itself. I should like to ask at this time whether any other points of order are to be made. If they are to be made, I wish that would be done before I proceed to lay before the Senate the changes that were made in conference.

Mr. SIMMONS. Mr. President, I do not contemplate making any other point of order, and I do not know of any Senator on this side of the Chamber who does.

Mr. McCUMBER. Then, Mr. President, I think it is due the Senate that it should know just what changes were made by the conferees and have those changes explained.

The ad valorem rates in the House bill were based upon American valuation. The Senate bill based its rates upon foreign valuation. The Senate bill made a considerable reduction in rates compared with the rates of the House bill, with the exception of duties on agricultural products, in which there was an increase in rates.

As the bill came to the conferees, the first matter to determine was what was in conference. Inasmuch as the duty collectible on an American valuation would seldom be the same as the duty collectible on the foreign valuation, it is evident that every ad valorem rate was in conference, and the only question in conference was the spread between the two. It was agreed by the conferees that where the American valuation basis upon a given article would bring in a given duty and the Senate rate on the foreign valuation of the same article would bring in the same duty, there was nothing in conference and that the duty would be the same whether the Senate rate on foreign valuation was accepted or whether the House rate upon the American valuation was accepted; and, inasmuch as the House finally agreed to the foreign basis of valuation in all such cases, it necessitated the House receding from its rate upon the American valuation basis and accepting the Senate rate upon the foreign valuation.

It was also conceded that where there was a spread in duty collectible between the rate fixed by the House on an American valuation and the rate fixed by the Senate on the foreign valuation, the conferees could agree upon a rate that would produce either the higher or the lower duty or any intermediate duty. It may be said that in most instances the conferees adopted that rate which would produce a lower duty than that provided in the Senate amendments. So that, upon the whole, the bill comes out of conference with duties lower than those provided in the bill as it left the Senate.

The 7 cents per pound duty which passed the Senate on long-staple cotton had to be surrendered before any agreement could be reached; and as 10 cents per pound had been allowed as a compensatory duty for the quantity of long-staple cotton entering into manufactures of cotton, the surrender of the duty on long-staple cotton necessitated the elimination of the 10 cents per pound duty on all such manufactures.

The bill as it passed the Senate provided for 33 cents per pound on the scoured contents of wool. After a prolonged discussion by the conferees, and in order to secure an agreement, it was necessary to reduce this rate to 31 cents per pound, and this necessitated the lowering of the compensatory duties on woolen manufactures to correspond with this reduction upon the raw material.

The House bill as it came to the Senate left the dye-licensing provisions of the emergency tariff act unchanged. The Senate amendments repealed the dye-licensing provisions of the emergency tariff act, and substituted therefor what is known as the Bursum amendment. The House members, it may be said, were intensely adverse to the Bursum amendment, and the only way that we could reach an agreement was to abandon the Bursum amendment and allow Title V of the emergency tariff act, which related to the licensing of the importation of dyes, synthetic organic drugs, and synthetic organic chemicals, to remain in force one year, with the privilege of extension another year in the case of articles specified in paragraphs 27 or 28 of the bill if the President deemed it necessary to protect American industries.

One of the strange things in legislation occurred at this point. It will be remembered that the House bill, in repealing the emergency tariff bill, was careful to retain that portion of the emergency tariff bill which placed an embargo upon dyes and chemicals, and which was indefinite as to the time of its life. Then when the matter came back and the conferees had agreed that that might remain in force, but limited the time to one year with the privilege of extension for another year, the House, which had agreed to its indefinite limitation, changed front completely and instructed its conferees to strike out that provision entirely, which was done.

Subdivision (b) of section 315, the elastic tariff provision of the bill, was by Senate amendment restricted to dyes and chemicals and other similar coal-tar products provided for in paragraphs 27 and 28 of the bill. Section 315 gave the President authority to increase or decrease the rates of duty fixed in the bill 50 per cent, and if this 50 per cent was not sufficient to measure the difference between the cost of production at home and abroad of any coal-tar product provided for in paragraphs 27 and 28, the President could adopt the American valuation basis and increase or decrease the rate 50 per cent, but in no instance could he give a rate of duty under either subdivision (a) or subdivision (b) that would more than equal the difference between the cost of production at home or abroad. The House Members were rather insistent upon the American valuation plan as the basis for the imposition of all ad valorem rates of duty. Some concession had to be made to meet the divergent views of the two Houses. It was therefore provided that the right to apply the American valuation basis by the President might be extended to all articles provided for in Title I of the act, which is the dutiable list. It is fair, however, to say that this extension of the right to apply the American valuation will probably be never called into effect upon any articles except in the case of coal-tar dyes and chemicals and synthetic drugs and chemicals. The change of the terms of the bill as reported to the Senate by the Senate amendment which provided that the President can only increase a rate of duty in an amount sufficient to measure the difference between the cost of production at home and abroad limits the necessity of using the American valuation system, unless in possibly a few cases of toys and in the case of the coal-tar products. There is a bare possibility, I say, that it may be used in the case of some toys, but I can conceive of no case in which it could be called into effect other than in the matter of coal-tar dyes and chemicals and synthetic drugs and chemicals; and it must be remembered right here that the President can not even go to the American valuation rate in any case under subdivision (a) if the rate fixed by the bill would give a rate of duty that would more than equalize the difference in the cost of production at home and abroad, because as the bill passed the Senate the power of the President is limited either under subdivision (a) or subdivision (b) to a duty which will equalize the difference between the cost of production at home and abroad. It must also be remembered that whenever the President goes to the American valuation he is prohibited from increasing the rates 50 per cent. He can not increase them any more than the increase that would follow the change from the foreign valuation to the American valuation.

I believe, Mr. President, that the bill as reported by the conferees does in fact, in almost every case, provide a duty sufficiently high to measure the difference in the cost of production at home and abroad. Therefore the power given the President will not be called into effect except, as I have stated, upon some dyes, and possibly upon some toys, unless it be the power and the duty to lower duties which are given in the bill so that they will not more than equalize the difference between the cost of production at home and abroad.

Having disposed of the woolen and cotton rates, the conferees took up the subject of sugar. As the bill came from the House it provided for a duty equivalent to 1.60 cents per pound on 96 degree Cuban sugar. The Senate amendment fixed the duty at 1.84 cents per pound upon Cuban sugar 96 per cent pure. There was in controversy, therefore, only the difference between 1.60 cents and 1.84 cents per pound, or twenty-hour hundredths of a cent per pound. The conferees could not go below 1.60 cents nor above 1.84 cents. They finally agreed to a duty of 1.76 cents on 96 degree Cuban sugar, which was a considerable reduction below the Senate amendment.

The last items requiring much consideration by the conferees were those relating to shingles and molasses, and especially blackstrap molasses. At one time it seemed as though we must refer those minor subjects back to the House and the Senate. After considerable discussion, and yielding on both sides, it was agreed that blackstrap molasses of less than 52 per cent sugar should carry a duty of one-sixth of 1 cent per gallon and that shingles should remain on the free list. It must be remembered, however, that this one-sixth of 1 cent per gallon will carry with it a reduction on such molasses imported from Cuba, because there is a differential of 20 per cent in favor of Cuban imports, and I believe that all the imports of blackstrap are from Cuba.

Another subject of very serious discussion was the item of potash. The bill as it passed the House imposed duties upon potash for five years, as follows:

Two and one-half cents per pound for the first two years after the passage of the act; 2 cents per pound for the third year; 1½ cents per pound for the fourth year; and 1 cent per pound for the fifth year.

The Senate placed potash upon the free list. The difference between the two Houses could only be settled by a compromise, either placing potash on the free list or fixing a duty somewhere between the free list and the House rates, and the compromise was the imposition of a duty of 1½ cents per pound for a period of three years after the passage of the act, and thereafter potash was to be free of duty.

But here again we find one of those strange matters sometimes met in legislation. The House had provided in the bill as it passed the House for a very much higher duty than the conferees agreed upon, and when the matter came back to the House by an overwhelming vote they instructed their conferees to put the whole thing upon the free list. As that was what had been done by the Senate in the first instance, of course we had very little difference of opinion and readily agreed to place the article upon the free list.

It is the opinion of the actuary of the Treasury that the tariff bill as agreed to in conference will yield about $400,000,000 in revenue during the first 12 months it is in operation.

I asked our experts to go over the bill carefully and to prepare a statement showing the principal reductions and increases in the bill as agreed to in conference. Of the whole number I think there are some 28 items in which the Senate conferees agreed to increases in compromise with the House and over 100 instances in which the rates were lowered below the rates fixed in the Senate.

I ask that the Secretary read the changes for me, as I am feeling somewhat fatigued, and that they be printed in the RECORD in 8-point type. When the reading is completed I will ask to have inserted in the RECORD a statement showing for specified articles the specific rates and the equivalent ad valorem rates under the Dingley law, under the Payne-Aldrich law, under the Underwood-Simmons law, and under the proposed law, so that at a glance we will have a comparison of all of those laws, not only on the specific basis but on the ad valorem basis.

The PRESIDENT pro tempore. The Secretary will read.

The Assistant Secretary read as follows:

PRINCIPAL DECREASES IN RATES MADE BY THE CONFEREES FROM THE RATES PROVIDED IN THE BILL AS IT PASSED THE SENATE.

SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS.

1. Citric acid reduced from 18 to 17 cents per pound.

2. Barium hydroxide reduced from 1¾ to 1¼ cents per pound.

3. Casein reduced from 4 to 2½ cents per pound.

4. Chalk or whiting or Paris white, dry, ground, bolted, or precipitated, reduced from 30 to 25 per cent.

5. Coal-tar intermediates reduced from 10½ cents per pound and 75 per cent American value to 7 cents per pound and 55 per cent American value for two years and thereafter 7 cents per pound and 40 per cent American value.

6. Finished coal-tar products reduced from 10½ cents per pound and 90 per cent American value to 7 cents per pound and 60 per cent American value for two years, and thereafter 7 cents per pound and 40 per cent American value.

7. Edible gelatin, valued at less than 40 cents per pound, reduced from 7 cents per pound and 20 per cent to 3½ cents per pound and 20 per cent; if valued at 40 cents or more per pound, reduced from 15 cents per pound and 20 per cent to 7 cents per pound and 20 per cent.

8. Gelatin, glue, glue size, and fish glue not specially provided for, valued at less than 40 cents per pound, reduced from 1½ cents per pound and 25 per cent to 1½ cents per pound and 20 per cent; if valued at 40 cents or more per pound, reduced from 15 cents per pound and 20 per cent to 7 cents per pound and 20 per cent.

9. Linseed oil reduced from 3½ to 3$\frac{3}{10}$ cents per pound.

10. Coconut oil reduced from 4 to 2 cents per pound.

11. Soya-bean oil reduced from 3 to 2½ cents per pound.

12. Hydrogenated oils and fats reduced from 5 to 4 cents per pound.

13. Lemon and orange oil reduced from 30 to 25 per cent.

14. Plasters of all kinds and court plaster reduced from 25 to 20 per cent.

15. Potassium chlorate and perchlorate reduced from 2 to 1½ cents per pound.

16. Perfumed toilet soap reduced from 50 to 30 per cent.

17. Medicinal soap reduced from 20 to 15 per cent.

18. Potato starch reduced from 2 to 1¾ cents per pound.

19. Dextrine, made from potato starch or potato flour, reduced from 2½ to 2¼ cents per pound.

20. Thorium salts reduced from 40 to 35 per cent.

SCHEDULE 2.—EARTHENWARE AND GLASSWARE.

21. Crystalline flake graphite reduced from 2 to 1½ cents per pound.

22. Earthy or mineral substances not specially provided for, if not decorated, reduced from 35 to 30 per cent; if decorated, from 45 to 40 per cent.

23. Surgical and scientific glassware reduced from 75 to 65 per cent.

24. Illuminating glassware reduced from 75 to 60 per cent.

25. Plated or cased glassware reduced from 70 to 60 per cent.

26. Table glassware, blown, cut, or decorated, reduced from 65 to 55 per cent.

27. Glassware not specially provided for, blown or cut, reduced from 65 to 55 per cent.

28. Manufactures of glass not specially provided for reduced from 60 to 50 per cent.

29. Stained or painted glass windows, not specially provided for, reduced from 60 to 50 per cent.

30. Manufactures of marble, breccia, onyx, alabaster, and jet, not specially provided for, reduced from 60 to 50 per cent.

SCHEDULE 3.—METALS AND MANUFACTURES OF.

31. Ball bearings reduced from 10 cents per pound and 55 per cent to 10 cents per pound and 45 per cent.

32. Iron or steel tubes, not specially provided for, reduced from 30 to 25 per cent.

33. Flexible metal tubing or hose and iron or steel tubes or pipes suitable for use as conduits for electrical conductors reduced from 35 to 30 per cent.

34. Spiral nut locks and lock washers of iron or steel reduced from 40 to 35 per cent.

35. Aluminum table, household, kitchen, and hospital utensils reduced from 15 cents per pound and 60 per cent to 11 cents per pound and 55 per cent.

36. Table, household, kitchen, and hospital utensils composed wholly or in chief value of copper, brass, steel, or other base metal, not specially provided for, reduced from 50 to 40 per cent.

37. Saws reduced from 30 to 20 per cent.

38. Lithographic plates of stone or other material, engraved, drawn, or prepared, reduced from 30 to 25 per cent.

39. Metal trouser buttons (except steel) and nickel bar buttons reduced from one-twelfth of 1 cent per line per gross and 20 per cent to one-twelfth of 1 cent per line per gross and 15 per cent.

40. Steel trouser buttons reduced from one-fourth of 1 cent per line per gross and 20 per cent to one-fourth of 1 cent per line per gross and 15 per cent.

41. Metal buttons, not specially provided for, reduced from three-fourths of 1 cent per line per gross and 20 per cent to three-fourths of 1 cent per line per gross and 15 per cent.

42. Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, manicure knives, and all other knives having folding or other than fixed blades or attachments, were reduced as follows: If valued at not more than 40 cents per dozen, from 2 cents each and 60 per cent to 1 cent each and 50 per cent; if valued at more than 40 and not more than 50 cents per dozen, from 5 cents each and 60 per cent to 5 cents each and 50 per cent; if valued at more than 50 cents and not more than $1.25 per dozen, from 12 cents each and 60 per cent to 11 cents and 55 per cent; if valued at more than $1.25 and not more than $3 per dozen, from 20 cents each and 60 per cent to 18 cents each and 55 per cent; if valued at more than $3 and not more than $6 per dozen, from 30 cents each and 60 per cent to 25 cents each and 50 per cent; if valued at more than $6 per dozen, from 40 cents each and 60 per cent to 35 cents each and 55 per cent.

43. Table, butchers', carving, cooks', hunting, and similar knives with handles of mother-of-pearl, shell, ivory, deer, or other animal horn, silver, or other metal than aluminum, nickel silver, iron, or steel, reduced from 20 cents each and 45 per cent to 16 cents each and 45 per cent; with handles of hard rubber, solid bone, celluloid, or any pyroxylin or similar material, reduced from 10 cents each and 45 per cent to 8 cents each and 45 per cent; with handles of any other material, if 4 inches in length or over exclusive of handle, reduced from 10 cents each and 45 per cent to 8 cents each and 45 per cent; any of the foregoing knives without handles, with blades 6 inches or more in length, reduced from 10 cents each and 45 per cent to 8 cents each and 45 per cent.

44. Scissors and shears reduced from 4 cents each and 45 per cent to 3½ cents each and 45 per cent.

45. The following table shows the rates imposed upon scissors, shears, and clippers by the bill as it passed the Senate and as agreed to in conference:

Article.	Senate amendment.	Conference report.
Steel laid scissors and shears and blades thereof valued at—		
Not more than 50 cents per dozen.	4 cents each and 45 per cent.	3½ cents each and 45 per cent.
More than 50 cents and not more than $1.75 per dozen.	20 cents each and 45 per cent.	15 cents each and 45 per cent.
More than $1.75 per dozen..	.....do.........	20 cents each and 45 per cent.
All other scissors and shears and blades thereof valued at—		
Not more than 50 cents per dozen.	4 cents each and 45 per cent.	3½ cents each and 45 per cent.
More than 50 cents and not more than $1.75 per dozen.	20 cents each and 45 per cent.	15 cents each and 45 per cent.
More than $1.75 per dozen..	.....do.........	20 cents each and 45 per cent.
Nail, barbers', and animal clippers valued at—		
Not more than 50 cents per dozen.	4 cents each and 45 per cent.	3½ cents each and 45 per cent.
More than 50 cents per dozen.	20 cents each and 45 per cent.	
50 cents to $1.75 per dozen..	....	15 cents each and 45 per cent.
Over $1.75 per dozen......	....	20 cents each and 45 per cent.

46. The following table shows the rates imposed on razors and parts thereof by the bill as it passed the Senate and as agreed to in conference:

Article.	Senate amendment.	Conference report.
Razors and parts thereof:		
Razors valued at less than 75 cents per dozen.	20 cents each and 50 per cent.	18 cents each and 45 per cent.
Razors valued at 75 cents and less than $1.50 per dozen.	30 cents each and 50 per cent.	25 cents each and 45 per cent.
Razors valued at $1.50 and less than $3 per dozen.	35 cents each and 50 per cent.	30 cents each and 45 per cent.
Razors valued at $3 and less than $4 per dozen.	40 cents each and 50 per cent.	35 cents each and 45 per cent.
Razors valued at $4 or more per dozen.	50 cents each and 50 per cent.	45 cents each and 45 per cent.
Safety razors, and handles and frames.	10 cents each and 30 per cent.	10 cents each and 30 per cent.

47. Watchcases and parts of watches reduced from 50 to 45 per cent.

47a. Enamel dials for watches or other instruments reduced from 3 cents per dial and 50 per cent to 3 cents per dial and 45 per cent.

48. Clocks and clock movements reduced from 50 to 45 per cent.

49. Sewing machines and parts thereof valued at not more than $75 each reduced from 25 to 15 per cent; valued at more than $75 each reduced from 40 to 30 per cent.

50. Cream separators valued at not more than $50 each were transferred to the free list. They were dutiable under the bill as it passed the Senate at 25 per cent.

51. Shovels, spades, scoops, scythes, sickles, grass hooks, corn knives, and drainage tools, and parts thereof, reduced from 35 to 30 per cent.

52. Needle or liquidated antimony reduced from three-fourths to one-fourth of 1 cent per pound.

53. Gold leaf reduced from 60 to 55 cents per 100 leaves.

54. New types reduced from 25 to 20 per cent.

SCHEDULE 4.—WOOD AND MANUFACTURES OF.

55. Porch and window blinds, baskets, chair seats, curtain shades, or screens made wholly or in chief value of bamboo, wood, straw, papier-mâché, palm leaf, or compositions of wood, not specially provided for, reduced from 40 to 35 per cent; if stained, dyed, painted, polished, grained, or creosoted, reduced from 50 to 45 per cent.

56. Manufactures of wood, not specially provided for, reduced from 35 to 33⅓ per cent.

SCHEDULE 5.—SUGAR, MOLASSES, AND MANUFACTURES OF.

57. The rate upon 96° Cuban sugar is reduced from 1.84 cents per pound to 1.765 cents per pound. The rate imposed upon 96° sugar imported from other countries is reduced from 2.3 cents per pound to 2.206 cents per pound.

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS.

58. Fresh beef and veal reduced from 3½ cents to 3 cents per pound.

59. Fresh lamb reduced from 5 to 4 cents per pound.

60. Lard compounds and lard substitutes reduced from 5 to 4 cents per pound.

61. Cream reduced from 22½ cents to 20 cents per gallon.

62. Oatmeal reduced from 90 to 80 cents per 100 pounds.

63. Mixed feeds reduced from 15 to 10 per cent.

64. Cereal breakfast foods reduced from 25 to 20 per cent.

65. Apricots, prepared or preserved, reduced from 40 to 35 per cent.

66. Maraschino cherries and cherries prepared or preserved reduced from 45 to 40 per cent.

67. Citrons and citron peel, candied or otherwise prepared or preserved, reduced from 5 to 4½ cents per pound.

68. Figs, prepared or preserved, reduced from 40 to 35 per cent.

69. Dates, prepared or preserved, reduced from 40 to 35 per cent.

70. Peaches and pears, prepared or preserved, reduced from 40 to 35 per cent.

71. Pineapples, candied, crystallized, or glacé, reduced from 40 to 35 per cent.

72. Plums, prunes, and prunelles, prepared or preserved, reduced from 40 to 35 per cent.

73. Jellies, jams, marmalades, and fruit butters, reduced from 40 to 35 per cent.

74. Fruits in their natural state or in brine, pickled, dried, desiccated, evaporated, or otherwise prepared or preserved, not specially provided for, and mixtures of two or more fruits, prepared or preserved, reduced from 40 to 35 per cent.

75. Nursery or greenhouse stock, not specially provided for, reduced from 30 to 25 per cent.

76. Grafted or budded fruit trees, cuttings and seedlings of grapes, currants, gooseberries, or other fruit vines, plants, or bushes, reduced from 30 to 25 per cent.

77. Almonds, not shelled, reduced from 5 to 4¾ cents per pound.

78. Almonds, shelled, reduced from 15 to 14 cents per pound.

79. Almond paste reduced from 15 to 14 cents per pound.

80. Potatoes reduced from 58 to 50 cents per 100 pounds.

81. Potato flour reduced from 3 to 2½ cents per pound.

82. Tomato paste reduced from 45 to 40 per cent.

83. Vegetables, not specially provided for, reduced from 30 to 25 per cent.

84. Sago flour, tapioca flour, and tapioca flake or pearl were transferred to the free list by the conference agreement. The bill as it passed the Senate imposed a duty of one-half of 1 cent per pound on sago flour and tapioca flour and three-fourths of 1 cent per pound on tapioca flake or pearl.

SCHEDULE 10.—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.

85. Hemp and hemp tow reduced from 2 to 1 cent per pound.

86. Hackled hemp reduced from 4 to 2 cents per pound.

87. Sliver and roving of flax, hemp, ramie, or other vegetable fiber, not specially provided for, reduced from 25 to 20 per cent.

88. The bill as it passed the Senate imposed a minimum duty of 30 per cent and a maximum duty of 40 per cent upon single yarns, in the gray, made of flax, hemp, or ramie, or a mixture of any of them. The conference agreement reduced the minimum duty to 25 per cent and the maximum duty to 35 per cent.

89. The bill as it passed the Senate imposed an additional duty upon threads, twines, and cords composed of two or more yarns of flax, hemp, or ramie, or a mixture of any of them, when bleached, dyed, or otherwise treated, of 6 cents a pound. The conference agreement reduced this additional duty to 5 cents a pound.

90. The bill as it passed the Senate imposed a minimum duty upon threads, twines, and cords composed of two or more yarns of flax, hemp, or ramie, or a mixture of any of them, of 40 per cent. The conference agreement reduced this minimum duty to 30 per cent.

91. Cordage, wholly or in chief value of hemp, reduced from 3 to 2½ cents per pound.

92. Floor coverings, not specially provided for, reduced from 45 to 40 per cent.

SCHEDULE 14.—SUNDRIES.

93. Boots, shoes, or other footwear, the uppers of which are composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, or silk, or substitutes for any of the foregoing, whether or not the soles are composed of leather, wood, or other material, reduced from 40 to 35 per cent.

94. Straw hats known as harvest hats, valued at less than $3 per dozen, reduced from 30 to 25 per cent.

95. Matches, imported otherwise than in boxes containing more than 100 matches, each, reduced from 1 cent to three-fourths of 1 cent per thousand matches.

96. Wax matches, window matches, etc., reduced from 45 to 40 per cent.

97. Matches, per gross of 144 boxes, containing not more than 100 matches per box, reduced from 12 to 8 cents per gross.

98. Natural leaves, plants, shrubs, herbs, trees, and parts thereof, chemically treated, colored, dyed, or painted, not specially provided for, reduced from 65 to 60 per cent.

99. Furs dressed on the skin, excepting silver or black fox furs, not advanced further than dyeing, reduced from 30 to 25 per cent.

100. Catgut, whip gut, oriental gut, and manufactures thereof, not specially provided for, reduced from 50 to 40 per cent.

101. Gas, kerosene, or alcohol mantles, not specially provided for, reduced from 50 to 40 per cent.

102. Manufactures of amber, bladders, or wax, not specially provided for, reduced from 25 to 20 per cent.

103. Works of art, statuary, sculptures, etchings, and engravings, not specially provided for, reduced from 25 to 20 per cent.

PRINCIPAL INCREASES IN RATES MADE BY THE CONFEREES OVER THE RATES PROVIDED IN THE BILL AS IT PASSED THE SENATE.

SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS.

1. Amyl, butyl, and propyl alcohol increased from 3 to 6 cents per pound.

2. Fusel oil increased from 2 to 6 cents per pound.

3. Methyl or wood alcohol increased from 10 to 12 cents per gallon.

4. Bleaching powder increased from one-fifth to three-tenths of 1 cent per pound.

5. Magnesium chloride not specially provided for increased from one-half to five-eighths of 1 cent per pound.

6. Soap not specially provided for increased from 5 to 15 per cent.

7. Unperfumed toilet soap increased from 10 to 30 per cent.

SCHEDULE 2.—EARTHENWARE AND GLASSWARE.

8. Dead burned and grain magnesite increased from four-tenths to twenty-three-fortieths of 1 cent per pound.

SCHEDULE 3.—METALS AND MANUFACTURES OF.

9. Printing presses, lawn mowers, and machine tools and parts of machine tools increased from 15 to 30 per cent.

10. Metallic magnesium and metallic magnesium scrap increased from 10 to 40 cents per pound.

11. Bronze powder increased from 12 to 14 cents per pound.

12. Tinsel wire increased from 5 cents per pound and 10 per cent to 6 cents per pound and 10 per cent.

13. Lame or lahn made wholly or in chief value of gold, silver, or other metal increased from 5 cents per pound and 20 per cent to 6 cents per pound and 20 per cent.

14. Bullions and metal threads made wholly or in chief value of tinsel wire, lame or lahn increased from 5 cents per pound and 35 per cent to 6 cents per pound and 35 per cent.

SCHEDULE 4.—WOOD AND MANUFACTURES OF.

15. The bill as it passed the Senate placed logs of fir, spruce, cedar, or western hemlock upon the free list. The conference agreement restores these classes of logs to the dutiable list at the House rate of $1 a thousand feet, board measure. However, it is provided that such logs shall be free of duty if imported from any country which has, at no time during the 12 months immediately preceding their importation into the United States, maintained any restriction upon the exportation of such logs from such country.

16. The bill as it passed the Senate placed cedar, commercially known as Spanish cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, Japanese white oak, and Japanese maple, in the log, upon the free list. The conference agreement restores this class of logs to the dutiable list at 10 per cent.

17. Split bamboo increased from 1 cent to 1¼ cents per pound.

SCHEDULE 5.—SUGAR, MOLASSES, AND MANUFACTURES OF.

18. Blackstrap molasses was placed upon the free list. The conference agreement restores blackstrap to the dutiable list at one-sixth of 1 cent per gallon, but limits the class of molasses that shall be dutiable at this rate to molasses testing not above 52 per cent total sugars.

SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS.

19. Cream powder increased from 6 to 7 cents per pound.

20. The bill as it passed the Senate placed coconuts upon the free list. The conference agreement imposed a duty of one-half of 1 cent each upon coconuts.

21. Coconut meat, shredded and desiccated, or similarly prepared, increased from 2½ to 3½ cents per pound.

22. Soya beans increased from four-tenths of 1 cent per pound to one-half of 1 cent per pound.

23. Cabbage seed increased from 8 to 10 cents per pound.

24. Onion seed increased from 10 to 15 cents per pound.

SCHEDULE 10.—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.

25. Matting made of cocoa fiber or rattan increased from 7 to 8 cents a square yard.

26. Mats made of cocoa fiber or rattan increased from 5 to 6 cents per square foot.

27. The bill as it passed the Senate placed surgical catgut upon the free list. Conference agreement imposed a duty of 40 per cent upon surgical catgut.

28. Violins, violas, violoncellos, and double basses increased from 45 per cent to $1 each and 35 per cent.

Mr. McCUMBER. As I stated, I requested the actuary of the Treasury Department, together with other experts of the committee, to carefully go over the rates fixed by the conferees and now in the bill and to make a comparison of the rates in the Dingley, Payne-Aldrich, and Underwood-Simmons laws and the pending tariff bill. I can say, generally, that on agricultural products there is an increase over any of the laws, but not on all agricultural products by any means. It may be that after looking more carefully into it we will find more of them that are under the previous laws than over. That is also true of wool, upon which the farmer receives a higher rate of duty than ever before. But the ad valorem duties on the manufactured products, I think it will be found, are less than they are in any one of the previous protective tariff laws. Of course they are all greater, as a rule, than the present Underwood-Simmons law. I ask that this comparison may also be printed in the RECORD in 8-point type that it may be easily read.

The PRESIDING OFFICER (Mr. STERLING in the chair). Without objection, it is so ordered.

The table is as follows:

Comparison of the rates in the Dingley, Payne, Underwood, and pending tariff acts upon certain articles.

	Dingley (1908).		Payne (1911).		Underwood (1914).		Pending (1921).	
	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.
		P. ct.		*P. ct.*		*P. ct.*		*P. ct.*
Cattle	$2 each $3.75 each 27½ per cent	21.21 27.99 27.50	$2 each $3.75 each 27½ per cent	22.63 27.51 27.50	Free		1½ cents per pound. 2 cents per pound.	71.00 85.00
Sheep:								
Lambs	75 cents each	16.86	75 cents each	16.46	do		$2 each	37.55
Sheep	$1.50 each	32.98	$1.50 each	11.84				
Beef and veal	2 cents per pound.	15.11	1½ cents per pound.	25.88	Free		3 cents per pound.	28.77
Lamb	do	19.44	do	8.93	do		4 cents per pound.	23.28
Wheat	25 cents per bushel.	26.86	25 cents per bushel,	24.35	10 cents per bushel. Free	11.44	30 cents per bushel.	25.24
Corn	15 cents per bushel.	19.62	15 cents per bushel.	20.73	do		15 cents per bushel.	11.96
Potatoes	25 cents per bushel.	35.86	25 cents per bushel.	22.23	do		50 cents per 100 pounds.	27.41
Butter	6 cents per pound.	25.50	6 cents per pound.	23.75	2½ cents per pound.	11.26	8 cents per pound.	22.43
Cheese	do	34.97	do	34.39	20 per cent	20.00	5 cents per pound; not less than 25 per cent.	25.00
Milk:								
Fresh	2 cents per gallon.	12.37	2 cents per gallon.	14.72	Free		2½ cents per gallon.	14.65
Preserved or canned	2 cents per pound.	19.69	2 cents per pound.	27.35	do		1 cent per pound. 1½ cents per pound.	5.91 8.89
Sugar (96° Cuban)	1.348 cents per pound.	57.83	1.348 cents per pound.	53.27	1.0048 cents per pound.	50.94	1.7648 cents per pound.	59.24
Wool; not on the skin:								
In grease—								
Class I	11 cents per pound.	46.15	11 cents per pound.	47.24	Free		31 cents per pound of clean content.	112.27
Class II	12 cents per pound.	45.43	12 cents per pound.	49.20	do		do	117.93
Scoured, Class II	36 cents per pound.	107.03	36 cents per pound.	120.00	do		do	91.28
Pig iron	$4 per ton	23.09	$2.50 per ton	15.66	do		75 cents per ton.	2.76
Muck bars	Not specified		$\frac{3}{10}$ cent per pound.	16.69	5 per cent	5.00	1 cent per pound.[1]	20.84
Steel rails	$7.84 per ton	25.96	$3.92 per ton	15.29	Free		$\frac{1}{10}$ cent per pound.	5.82
Steel ingots:								
Value not over 1 cent per pound.	$\frac{3}{10}$ cents per pound.	31.49	$\frac{7}{40}$ cent to $\frac{3}{10}$ cent per pound.	27.70	do		$\frac{2}{10}$ cent per pound.	20.00
Above $1\frac{3}{10}$ and not above $2\frac{2}{10}$ cents per pound.	$\frac{7}{10}$ cent per pound.	35.29	$\frac{6}{10}$ cent per pound.	28.44	do		$\frac{5}{10}$ cent per pound.	25.00
Above 4 and not above 7 cents per pound.	$1\frac{3}{10}$ cents per pound.	21.87	$1\frac{2}{10}$ cents per pound.	20.25	do		1 cent per pound. $1\frac{1}{10}$ cents per pound.	25.00 28.00
Above 13 and not above 16 cents per pound.	$2\frac{8}{10}$ cents per pound.	19.52	$2\frac{7}{10}$ cents per pound.	18.62	do		3½ cents per pound.	23.00
Above 16 cents per pound	$4\frac{7}{10}$ cents per pound.	13.82	$4\frac{6}{10}$ cents, 6 cents, or 7 cents per pound or 20 per cent.	19.50	do		20 per cent	20.00

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[1] Valued above 3½ cents and not above 5 cents per pound.

Comparison of the rates in the Dingley, Payne, Underwood, and pending tariff acts upon certain articles—Continued.

	Dingley (1908).		Payne (1911).		Underwood (1914).		Pending (1921).	
	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.
		P. ct.		*P. ct.*		*P. ct.*		*P. ct.*
Tin plates	1½ cents per pound.	49.19	1 2/10 cents per pound.	42.33	15 per cent	15.00	1 cent per pound.	7.38
Antifriction balls and bearings	45 per cent	45.00	45 per cent	45.00	35 per cent	35.00	10 cents per pound and 45 per cent.	55.00
Card clothing, tempered round steel wire.	do	63.10	do	58.86	do	35.00	45 per cent	45.00
Plated or not round, etc	do	63.10	55 cents per square foot.	63.01	do	35.00	do	45.00
Cutlery:								
Pen or pocket knives, etc., valued per dozen—								
Not above 40 cents	40 per cent	40.00	40 per cent	40.00	35 per cent	35.00	1 cent each and 50 per cent.	80.00
Above 40 cents and not above 50 cents.	1 cent each and 40 per cent.	64.82	1 cent each and 40 per cent.	64.94	do	35.00	5 cents each and 50 per cent.	175.00
Above 50 cents and not above $1.25.	5 cents each and 40 per cent.	92.82	5 cents each and 40 per cent.	95.43	35–55 per cent	35.00 55.00	11 cents each and 55 per cent.	155.83
Above $1.25 and not above $3.	10 cents each and 40 per cent.	89.72	10 cents each and 40 per cent.	88.21	55 per cent	55.00	18 cents each and 55 per cent.	141.40
Above $3	20 cents each and 40 per cent.	84.51	20 cents each and 40 per cent.	84.04	do	55.00	25 cents each and 50 per cent. 35 cents each and 55 per cent.	110.00 107.50
Scissors and shears, valued per dozen—								
Not more than 50 cents	15 cents per dozen and 15 per cent.	51.03	15 cents per dozen and 15 per cent.	51.11	30 per cent	30.00	3½ cents each and 45 per cent.	129.00
More than 50 cents and not more than $1.75.	50 cents per dozen and 15 per cent.	58.09	50 cents per dozen and 15 per cent.	57.09	do	30.00	15 cents each and 45 per cent.	152.80
More than $1.75	75 cents per dozen and 25 per cent.	46.57	75 cents per dozen and 25 per cent.	46.72	do	30.00	20 cents each and 45 per cent.	141.00
Files and rasps:								
2½ inches long and under	30 cents per dozen.	74.46	25 cents per dozen.	65.99	25 per cent	25.00	25 cents per dozen.	50.95
From 2½ to 4½ inches long	50 cents per dozen.	83.17	47½ cents per dozen.	78.29	do	25.00	47½ cents per dozen.	60.45
From 4½ to 7 inches long	75 cents per dozen.	77.46	62½ cents per dozen.	66.51	do	25.00	62½ cents per dozen.	51.35
7 inches and over in length	$1 per dozen	56.24	77½ cents per dozen.	50.18	do	25.00	77½ cents per dozen.	38.74
Grit, shot, and sand (abrasives of iron or steel).			1 cent per pound.	75.01	30 per cent	30.00	¾ cent per pound	30.29
Wheels or parts for railways	1½ cents per pound.	63.25	1¼ cents per pound.	50.63	20 per cent	20.00	1 cent per pound	45.26
Lead, pigs, and bars	2⅛ cents per pound.	53.62	2⅛ cents per pound.	69.07	25 per cent	25.00	2⅜ cents per pound.	74.63
Zinc in blocks, pigs, or slabs	1½ cents per pound.	26.35	1⅜ cents per pound.	26.42	15 per cent	15.00	1¾ cents per pound.	41.24
Iron or steel manufactures, n. s. p. f.	45 per cent	45.00	45 per cent	45.00	20 per cent	20.00	40 per cent	40.00
Lumber, boards, etc., sawed only	$2 per M feet	10.41	$1.25 per M feet	6.78	Free		Free	
Finished on 4 sides	$4 per M feet	10.83	$2.75 per M feet.	14.16	Free		Free	
Clapboards	$1.50 per M feet.	7.68	$1.25 per M feet.	4.33	do		do	
Laths	25 cents per M feet.	9.76	20 cents per M feet.	8.00	do		do	
Shingles	30 cents per M feet.	8.52	50 cents per M feet.	24.68	do		do	
Furniture, cabinet or house	35 per cent	35.00	35 per cent	35.00	15 per cent	15.00	33⅓ per cent	33.33
Willow furniture	40 per cent	40.00	45 per cent	45.00	25 per cent	25.00	60 per cent	60.00
Molasses, containing less than 52 per cent of total sugars, not for human consumption.	20 per cent 3 cents per gallon.	20.00 18.80	20 per cent 3 cents per gallon.	20.00 20.78	15 per cent 2¼ cents per gallon.	15.00 15.34	⅛ cent per gallon.	6.03
Tobacco:								
Wrapper, unstemmed	$1.85 per pound	165.63	$1.85 per pound	175.14	$1.85 per pound	137.37	$2.10 per pound.	114.80
Filler, unstemmed	35 cents per pound.	75.22	35 cents per pound.	78.28	35 cents per pound.	92.06	35 cents per pound.	41.78

Comparison of the rates in the Dingley, Payne, Underwood, and pending tariff acts upon certain articles—Continued.

	Dingley (1908).		Payne (1911).		Underwood (1914).		Pending (1921).	
	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.
Fish:								
Herring—		*P. ct.*		*P. ct.*		*P. ct.*		*P. ct.*
Fresh	¼ cent per pound.	16.29	¼ cent per pound.	14.16	Free		1 cent per pound.	52.58
Dried or smoked	¾ cent per pound.	26.61	½ cent per pound.	17.57	do		1¼ cents per pound. 2½ cents per pound.	36.70 73.41
Pickled or salted	½ cent per pound.	14.90	do	14.16	do		1 cent per pound.	17.15
Halibut, fresh	1 cent per pound.	26.94	1 cent per pound.	26.58	do		2 cents per pound.	35.28
Salmon, fresh	do	9.50	do	10.53	do		do	20.63
Macaroni, vermicelli, etc	1½ cents per pound.	36.25	1½ cents per pound.	35.40	1 cent per pound.	22.23	do	19.04
Oatmeal and rolled oats	1 cent per pound.	17.24	1 cent per pound.	17.42	30 cents per 100 pounds.	5.68	80 cents per 100 pounds.	13.36
Rice:								
Paddy	¾ cent per pound.	18.46	¾ cent per pound.	24.71	⅜ cent per pound.	14.87	1 cent per pound.	15.21
Uncleaned	1¼ cents per pound.	43.92	1¼ cents per pound.	48.36	⅝ cent per pound.	18.06	1¼ cents per pound.	24.98
Cleaned	2 cents per pound.	62.69	2 cents per pound.	61.67	1 cent per pound.	29.34	2 cents per pound.	41.80
Flour	¼ cent per pound.	13.89	¼ cent per pound.	16.54	¼ cent per pound.	11.16	½ cent per pound.	6.52
Apples:								
Green or ripe	25 cents per bushel.	24.60	25 cents per bushel.	26.36	10 cents per bushel.	9.05	25 cents per bushel.	12.91
Dried or evaporated	2 cents per pound.	31.81	2 cents per pound.	33.37	1 cent per pound.	23.00	2 cents per pound.	29.24
Raisins	2½ cents per pound.	40.09	2½ cents per pound.	27.96	2 cents per pound.	26.43	do	14.45
Currants, Zante or other	2 cents per pound.	49.99	2 cents per pound.	45.16	1½ cents per pound.	38.42	do	24.77
Lemons	1 cent per pound.	40.66	1½ cents per pound.	78.28	18 cents per package.	14.32	do	88.18
Oranges	do	70.43	1 cent per pound.	65.70	do	62.99	1 cent per pound.	38.08
Olives, in brine	25 cents per gallon.	41.40	25 cents per gallon.	31.81	15 cents per gallon.	32.42	20 cents per gallon.	39.43
Nuts:								
Almonds—								
Shelled	6 cents per pound.	30.94	6 cents per pound.	27.23	4 cents per pound.	13.35	14 cents per pound.	45.05
Not shelled	4 cents per pound.	49.39	4 cents per pound.	48.13	3 cents per pound.	27.20	4¾ cents per pound.	37.65
Walnuts—								
Shelled	5 cents per pound.	30.06	5 cents per pound.	22.00	4 cents per pound.	17.56	12 cents per pound.	31.68
Not shelled	3 cents per pound.	41.99	3 cents per pound.	37.75	2 cents per pound.	13.15	4 cents per pound.	29.76
Peanuts—								
Shelled	1 cent per pound.	20.10	1 cent per pound.	21.13	¾ cent per pound.	16.93	do	98.03
Not shelled	½ cent per pound.	12.72	½ cent per pound.	13.31	⅜ cent per pound.	9.93	3 cents per pound.	73.20
Coconuts—								
In shell	Free		Free		Free		½ cent each	17.51
Desiccated, etc	2 cents per pound.	29.16	2 cents per pound.	27.11	2 cents per pound.	25.06	3½ cents per pound.	36.19
Clover seed, red	Free		Free		Free		4 cents per pound.	28.03
Alfalfa	do		do		do		do	29.55
Grass seed, n. s. p. f	do		do		do		2 cents per pound.	22.92
Beans, dried	45 cents per bushel.	33.21	45 cents per bushel.	33.21	25 cents per bushel.	14.19	1¾ cents per pound.	42.91

Comparison of the rates in the Dingley, Payne, Underwood, and pending tariff acts upon certain articles—Continued.

	Dingley (1908).		Payne (1911).		Underwood (1914).		Pending (1921).	
	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.
		P. ct.		*P. ct.*		*P. ct.*		*P. ct.*
Potatoes	25 cents per bushel.	35.86	25 cents per bushel.	22.23	Free	....	50 cents per 100 pounds.	30.36
Cotton:								
Sewing, crochet, and darning thread, on spools, etc.	6 cents per dozen 100 yards.	44.33	6 cents per dozen 100 yards.	34.09	15 per cent	15.00	½ cent per 100 yards.	10.37
Cloth, not dyed, bleached, etc., not exceeding No. 40 thread.	1 cent per square yard.	10.89	1 cent per square yard.	28.70	10 to 20 per cent.	11.55	$\frac{40}{100}$ cent per number per pound.	21.14
Tracing cloth	Not segregated.	....	5 cents per square yard plus 20 per cent.	50.74	30 per cent	30.00	5 cents per square yard plus 20 per cent.	31.49
Waterproof cloth	10 cents per squard yard plus 20 per cent.	42.45	10 cents per square yard plus 20 per cent.	51.27	25 per cent	25.00	5 cents per square yard plus 30 per cent.	39.42
Table damask	40 per cent	40.00	40 per cent	40.00	.....do	25.00	30 per cent	30.00
Pile fabrics, not bleached, etc.	9 cents per square yard plus 25 per cent.	63.05	9 cents per square yard plus.	63.43	40 per cent	40.00	50 per cent	50.00
Narrow wares, n. s. p. f.	45 per cent	45.00	45 per cent	45.00	25 per cent	25.00	35 per cent	35.00
Labels for garments	50 cents per pound plus 30 per cent.	49.42	50 cents per pound plus 30 per cent.	43.95	.....do	25.00	50 cent per	50.00
Boot, shoe, and corset lacings	25 cents per pound plus 5 per cent.	47.39	25 cents per pound plus 5 per cent.	52.58	.....do	25.00	15 cents per pound plus 20 per cent.	27.36
Spindle banding, lamp, stove, or candle wicking.	10 cents per pound plus 15 per cent.	46.31	10 cents per pound plus 15 per cent.	47.28	.....do	25.00	10 cents per pound plus 12½ per cent.	31.97
Knit goods:								
Hosiery, valued at not more than $1 per dozen pairs.	50 cents per dozen plus 15 per cent.	66.72	70 cents per dozen plus 15 per cent.	91.23	30 to 40 per cent	30.00 40.00	50 per cent	50.00
Valued over $1 and not more than $1.50 per dozen pairs.	60 cents per dozen plus 15 per cent.	58.66	85 cents per dozen plus 15 per cent.	76.37	50 per cent	50.00	.....do	50.00
Valued over $1.50 and not over $2 per dozen pairs.	70 cents per dozen plus 15 per cent.	57.89	90 cents per dozen plus 15 per cent.	63.59	.....do	50.00	.....do	50.00
Valued over $2 and not over $3 per dozen pairs.	$1.20 per dozen plus 15 per cent.	60.75	$1.20 per dozen plus 15 per cent.	61.85	.....do	50.00	.....do	50.00
Valued over $3 and not over $5 per dozen pairs.	$2 per dozen plus 15 per cent.	66.56	$2 per dozen plus 15 per cent.	67.41	.....do	50.00	.....do	50.00
Valued over $5 per dozen pairs.	55 per cent	55.00	55 per cent	55.00	.....do	50.00	.....do	50.00
Fiber:								
Flax, hacked	$67.20 per ton	13.01	$67.20 per ton	11.28	Free	....	2 cents per pound.	4.28
Hemp, hacked	$20 per ton	16.06	$22.50 per ton	12.99	.....do	....	.....do	5.84
Fabrics wholly of jute, n. s. p. f., not dyed, bleached, etc.	$\frac{5}{8}$ cent per pound plus 15 per cent. 2 cents per pound plus 15 per cent. 45 per cent	23.57 21.75 45.00	$\frac{9}{16}$ cent per pound plus 15 per cent. 2 cents per pound plus 15 per cent. 45 per cent	26.26 23.94 45.00	Free	....	1 cent per pound.	11.48
Handkerchiefs:								
Not hemmed	50 per cent	50.00	50 per cent	50.00	35 per cent	35.00	35 per cent	35.00
Hemmed or hemstitched	55 per cent	55.00	55 per cent	55.00	40 per cent	40.00	45 per cent	45.00
Hose, hydraulic	20 cents per pound.	38.72	15 cents per pound.	34.81	7 cents per pound.	13.18	17 cents per pound plus 10 per cent.	20.81

Comparison of the rates in the Dingley, Payne, Underwood, and pending tariff acts upon certain articles—Continued.

	Dingley (1908).		Payne (1911).		Underwood (1914).		Pending (1921).	
	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.
		P. ct.		*P. ct.*		*P. ct.*		*P. ct.*
Carpets, carpeting, mats, etc., of vegetable fiber, not cotton.	5 cents per square yard plus 35 per cent.	73.97	4 cents per square yard plus 30 per cent.	61.09	30 per cent	30.00	40 per cent	40.00
	10 cents per square yard plus 35 per cent.	63.77	8 cents per square yard plus 30 per cent.	58.20	do	30.00	do	40.00
Linoleum, etc., 9 feet or less in width.	8 cents per square yard plus 15 per cent.	48.36	6 cents per square yard plus 15 per cent.	46.83	8 cents per square yard plus 15 per cent.	45.75	35 per cent	35.00
Wool, wastes, top, slubby, ring	30 cents per pound.	87.00			Free		31 cents per pound.	49.10
Yarns:								
Valued at not more than 30 cents per pound.	27½ cents per pound plus 40 per cent.	149.06	27½ cents per pound plus 35 per cent.	149.19	18 per cent	18.00	24 cents per pound plus 30 per cent.	110.00
Valued at more than 30 cents per pound.	38½ cents per pound plus 40 per cent.	89.47	38½ cents per pound plus 40 per cent.	16.61	do	18.00	36 cents per pound plus 35 per cent. 36 cents per pound plus 40 per cent.	75.00 69.43
Blankets:								
Valued at not more than 50 cents per pound.	22 cents per pound plus 30 per cent. 36 cents per pound plus 35 per cent.	95.95 103.92	22 cents per pound plus 30 per cent. 36 cents per pound plus 35 per cent.	95.68 105.00	25 per cent	25.00	18 cents per pound plus 30 per cent.	66.00
Valued at more than 50 cents per pound.	33 cents per pound plus 40 per cent.	66.99	33 cents per pound plus 40 per cent.	67.64	do	25.00	27 cents per pound plus 32½ per cent. 30 cents per pound plus 35 per cent. 37 cents per pound plus 40 per cent.	59.50 55.00 62.84
Felts, not woven	44 cents per pound plus 60 per cent.	94.92	44 cents per pound plus 60 per cent.	95.53	35 per cent	35.00	18 cents per pound plus 30 per cent. 27 cents per pound plus 35 per cent. 37 cents per pound plus 40 per cent.	66.00 54.27 60.95
Pile fabrics:								
Valued at 40 to 70 cents per pound.	44 cents per pound plus 50 per cent.	123.37	44 cents per pound plus 50 per cent.	122.30	40 per cent	40.00		
Valued at more than 70 cents per pound.	44 cents per pound plus 55 per cent.	92.02	44 cents per pound plus 55 per cent.	99.95			40 cents per pound plus 50 per cent.	62.60
Narrow wares	50 cents per pound plus 60 per cent	82.98	50 cents per pound plus 60 per cent.	84.76	35 per cent	35.00	45 cents per pound plus 50 per cent (all wool).	73.00
Ready-made clothing not knit	44 cents per pound plus 60 per cent.	77.44	44 cents per pound plus 60 per cent.	74.89	do	35.00	24 cents per pound plus 40 per cent. 30 cents per pound plus 45 per cent. 45 cents per pound plus 55 per cent.	52.00 53.57 65.60

Comparison of the rates in the Dingley, Payne, Underwood, and pending tariff acts upon certain articles—Continued.

	Dingley (1908).		Payne (1911).		Underwood (1914).		Pending (1921).	
	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.
		P. ct.		*P. ct.*		*P. ct.*		*P. ct.*
Hose and half hose	44 cents per pound plus 60 per cent.	92.01	44 cents per pound plus 60 per cent.	92.64	20 per cent. 30 per cent. 40 per cent.	20.00 30.00 40.00	36 cents per pound plus 35 per cent. 45 cents per pound plus 50 per cent.	58.72 66.67
Carpets:								
Axminster, oriental, Aubusson, etc.	90 cents per square yard plus 40 per cent.	60.56	90 cents per square yard plus 40 per cent.	61.64	50 per cent.	50.00	55 per cent.	55.00
Brussels, etc	44 cents per square yard plus 40 per cent.	72.85	44 cents per square yard plus 40 per cent.	72.02	25 per cent.	25.00	40 per cent.	40.00
Ingrain carpets, rugs, and art squares.	22 cents per square yard plus 40 per cent.	66.68	22 cents per square yard plus 40 per cent.	65.01	20 per cent.	20.00	25 per cent.	25.00
Manufactures of wool, n. s. p. f.	33 cents per pound plus 50 per cent. 44 cents per pound plus 50 per cent. 44 cents per pound plus 55 per cent.	148.65 123.39 78.99	33 cents per pound plus 50 per cent. 44 cents per pound plus 50 per cent. 44 cents per pound plus 55 per cent.	157.87 137.51 84.66	35 per cent.	35.00	50 per cent.	50.00
Silk, thrown, not further advanced than singles, tram, or organzine.	30 per cent.	30.00	50 cents per pound. 75 cents per pound. $1 per pound.	37.60 17.34 31.37	15 per cent.	15.00	25 per cent.	25.00
Sewing silk	do	30.00	do	21.82	do	15.00	$1 per pound. $1.50 per pound.	35.00 40.00
Fabrics, woven in the piece, weighing not more than one-third pound per square yard.	$4.50 per pound.	58.75	$4 per pound.	62.56	45 per cent.	45.00	55 per cent.	55.00
Ribbons: Beltings, bindings, tubings, garters, suspenders, cords, tassels, etc.	50 per cent.	50.00	50 per cent.	50.00	do	45.00	do	55.00
Handkerchiefs, not trimmed	do	50.00	do	50.00	40 per cent.	40.00	do	55.00
Knit goods	60 per cent.	60.00	60 per cent.	60.00	50 per cent.	50.00	60 per cent.	60.00
Wearing apparel, n. s. p. f.	do	60.00	do	60.00	do	50.00	do	60.00
Printing paper:								
Value not above 2 cents per pound.	$\frac{3}{10}$ cent per pound.	16.17	$\frac{3}{16}$ cent per pound.	12.92	Free		Newsprint free.	
Above 2 cents per pound and not above 2½ cents.	$\frac{4}{10}$ cent per pound.	17.38	$\frac{3}{16}$ cent per pound.	12.21				
Above 2½ cents per pound and not above 3 cents.	$\frac{5}{10}$ cent per pound.	19.06	$\frac{5}{10}$ cent per pound.	15.73	12 per cent.	12.00	Other print ¼ cent per pound plus 10 per cent.	11.70
Above 3 cents per pound and not above 4 cents.	$\frac{6}{10}$ cent per pound.	16.71						
Above 4 cents per pound and not above 5 cents.	$\frac{8}{10}$ cent per pound.	17.56	$\frac{8}{10}$ cent per pound.	17.74				
Above 5 cents per pound	15 per cent.	15.00	15 per cent.	15.00				
Sheathing paper	10 per cent.	10.00	10 per cent.	10.00	5 per cent.	5.00	10 per cent.	10.00
All paper, n. s. p. f.	25 per cent.	25.00	30 per cent.	30.00	25 per cent.	25.00	30 per cent.	30.00
Paper—tissue, copying, stereotype.	5 cents per pound plus 15 per cent.	44.30	5 cents per pound plus 15 per cent.	44.52	30 per cent.	30.00	6 cents per pound plus 15 per cent. 5 cents per pound plus 15 per cent.	28.42
Crepe paper	do	47.07	do	49.58	do	30.00	6 cents per pound plus 15 per cent.	42.14

Comparison of the rates in the Dingley, Payne, Underwood, and pending tariff acts upon certain articles—Continued.

	Dingley (1908).		Payne (1922).		Underwood (1914).		Pending (1921).	
	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.	Rate.	Equivalent ad valorem rate of duty.
Photographic paper:		*P. ct.*		*P. ct.*		*P. ct.*		*P. ct.*
For sensitizing	3 cents per pound plus 10 per cent.	19.53	3 cents per pound plus 10 per cent.	28.65	15 per cent	15.00	3 cents per pound plus 15 per cent.	33.70
Sensitized	30 per cent	30.00	30 per cent	30.00	25 per cent	25.00	3 cents per pound plus 20 per cent.	32.60
Hanging paper	25 per cent	25.00	25 per cent	25.00	do	25.00	10 per cent 1½ cents per pound plus 20 per cent.	10.00 25.00
Books:								
Blank and slate	25 per cent	25.00	25 per cent	25.00	15 per cent	15.00	25 per cent	25.00
Books, n. s. p. f	do	25.00	do	25.00	do	15.00	do	25.00
Asbestos manufactures:								
Yarns	do	25.00	do	25.00	20 per cent	20.00	30 per cent	30.00
Woven fabrics	do	25.00	40 per cent	40.00	do	20.00	do	30.00
Other manufactures	do	25.00	25 per cent	25.00	10 per cent	10.00	25 per cent	25.00
Brooms	40 per cent	40.00	40 per cent	40.00	15 per cent	15.00	15 per cent	15.00
Bristles, sorted, etc	7½ cents per pound.	9.02	7½ cents per pound.	8.88	7 cents per pound.	7.59	7 cents per pound.	4.25
Toys, dolls, etc	35 per cent	35.00	35 per cent	35.00	35 per cent	35.00	70 per cent	70.00
Matches, in boxes, not over 100 each.	8 cents per gross	31.66	6 cents per gross	25.05	3 cents per gross	14.77	8 cents per gross	13.33
Laces	60 per cent	60.00	60 per cent 70 per cent	60.00 70.00	60 per cent	60.00	90 per cent	90.00
Embroideries	do	60.00	60 per cent	60.00	do	60.00	75 per cent	75.00
Leather:								
Chamois skins	20 per cent	20.00	20 per cent	20.00	15 per cent	15.00	20 per cent	20.00
Pianoforte leather	35 per cent	35.00	do	20.00	10 per cent	10.00	do	20.00
Musical instruments and parts n. s. p. f.	45 per cent	45.00	45 per cent	45.00	35 per cent	35.00	35 per cent	35.00
Phonographs, etc	20 per cent	20.00	do	45.00	25 per cent	25.00	30 per cent	30.00
Sponges	do	20.00	20 per cent	20.00	20 per cent	20.00	15 per cent	15.00
Pencils, lead, of paper or wood	45 cents per gross plus 25 per cent.	40.06	45 cents per gross plus 25 per cent.	39.14	36 cents per gross.	30.28	45 cents per gross plus 25 per cent.	73.12
Pencils, slate, not in wood	35 per cent	35.00	35 per cent	35.00	25 per cent	25.00	25 per cent	25.00
Pipes, pipe bowls, etc., n. s. p. f	60 per cent	60.00	60 per cent	60.00	50 per cent	50.00	60 per cent	60.00
Unenumerated articles:								
Raw or unmanufactured	10 per cent	10.00	10 per cent	10.00	10 per cent	10.00	10 per cent	10.00
Manufactured	20 per cent	20.00	20 per cent	20.00	15 per cent	15.00	20 per cent	20.00

Mr. SIMMONS. Mr. President, I shall discuss to some extent the conference report, and then I desire to make some general observations with respect to the tariff bill itself.

It was generally known when the bill was in the making that the organized and special interests whose influence dominated and controlled the formulation of its policy naturally expected some rebuffs and upsets both in the House and Senate, but that they confidently relied upon the committee of conference on the disagreeing votes of the two Houses to correct such errors, so regarded from their standpoint, by nullifying, overruling, and setting aside any action regarded by them as prejudicial to their interests and plans. It was and is known that the rules governing conference reports of both Houses, especially of the Senate, powerfully lend themselves to such a consummation, particularly in the case of tariff bills dealing with hundreds and even thousands of different items.

The record of the conference report on the bill is a startling verification of the confidence of the special interests whose plans had in part been thwarted by the two Houses, and impressively uncovers and discloses the dangers to the integrity of popular legislation which lurk in the conference system as now interpreted and applied. The arbitrary and usurpatory course of the conferees, their disregard, not to say contempt, of the known will of the two Houses, and their apparent subserviency to the will of the special interests, can best be illustrated by their action with respect to three or four outstanding matters of vital importance in the bill. With respect to two of those outstanding matters, namely, potash and the dyestuffs embargo, the House has already acted, and in that action administered to the conferees a severe and cutting rebuke. I refer to those two matters now only as instances showing the disposition of the conferees toward the House on the one hand and the special interests on the other hand.

Mr. President, the action of the conferees with reference to potash shocked the country and led to such a revolt on the part of the agricultural interests as has rarely been seen in connection with legislation. It precipitated a sharp conflict between the agricultural interests of the country and a few producers of potash in the far western States. The manufacture of potash is an industry that did not exist in the United States before the war. It was brought into existence by the fact that the war summarily and completely cut off our only source of supply of an absolutely essential element in the production of certain crops. There was in the country a certain amount of reserve potash which helped out the situation for a time during the war. The amount the new industries were able to produce under the stimulus of the war, with an absolute monopoly, was probably less than one-tenth of the normal demand of the country. It was produced at heavy cost. It was manufactured. The foreign supply upon which the country had always relied was inexhaustible.

It was in a foreign country, but there it did not have to be manufactured. It lay upon the surface of the ground just as sand lies upon the surface of the land, and could be produced at practically no cost except the cost of transportation.

When the war closed these domestic hothouse industries which had sprung up to supply the necessary demands that had been cut off practically suspended operations.

It was and it is absolutely impossible for them to manufacture the product in competition with a product that does not have to be manufactured but which has already been made in unlimited and exhaustless quantities by the hand of God. Not only that, but such raw materials as enter into the manufacture of potash as have been found in the United States were found in the far western States, far distant from the place of its use, and the enormous rail transportation cost to the point of consumption was so great as to add to its cost to the consumer an additional burden, an additional cost, a cost itself almost equal to the entire cost of the foreign product delivered in this country.

With these two factors—factors that could not be removed—against the competition of potash manufactured in this country in favor of potash placed in the soil upon the surface of the earth by the hand of Providence, it was clear that there could be no competition unless the Government of the United States should see fit to impose upon potash, in addition to a transportation cost equal to the entire foreign cost of the article, a protective duty of enormous and unreasonable proportions.

The industry here is now moribund; it is one of those unprofitable industries of which no principle of economy can justify the maintenance, especially when it has to be maintained by more than doubling the cost of the product to the consumer. Notwithstanding these facts, the domestic manufacturers of this product were persistent. If they could get the high rate of duty demanded, which was about $50 a ton, they could at least sell the supply of the product they had on hand, and possibly with that advantage over the foreign producer they might continue, to some extent, in competition. They were unusually insistent. The largest operators, I imagine, were located in the State of Utah.

Mr. SMOOT. The largest amount is produced in California.

Mr. SIMMONS. I said I imagined they were located in Utah. If my imagination is wrong about that, the Senator from Utah may correct me in his own time. They were located, anyway, in two or three Western States. There was a most strenuous effort on the part of certain Senators in this body, representing the States where the potash is manufactured, to retain a high duty upon that product, notwithstanding the burden such a duty would place upon the farmers of the United States and the resulting increase in the cost of living. That question was brought to test in the Senate. Despite the activities of the interests that were demanding the proposed high duty, the Senate by an overwhelming majority voted to put potash upon the free list. So the matter went to the committee of conference.

I do not undertake to say what influences in the conference stubbornly resisted the action of the Senate, but I do undertake to say that members of the conference representing the Senate argued and argued successfully against the action of the body which they themselves were appointed and commissioned to represent; and, whether it be true or not, the impression prevails that the conferees were led to restore the duty on potash in contempt of the action of the Senate by the insistence of some of the Senate conferees, and upon the statement largely, which also had been heard to a greater or less extent in the Senate at the time it took the adverse action, that there was a German and French combination to control the price of this product when sold in the American market—a conspiracy among the producers of the product in those two countries against the United States. That suggestion was exploited in the newspapers. The interests that come here to get subsidies from the Government always provide for newspaper publicity, but the Congress of the United States has rarely acted upon the unconfirmed statements which are published in the newspapers as a part of a propaganda.

Mr. President, here is an instance of the truth of what I stated in my opening observation, where the interests, having been thwarted in their plans by the action of the Senate, confidently looked to the conferees to overrule that action and to grant them what they demanded. Here is an instance where the special interest and its lobby were so much stronger than the influence of the American farmers, as demonstrated and certified by the action of the Senate, and subsequently, when this matter was carried back to the House, as demonstrated and certified by the action of the House, that the interest of the farmers of this country, backed by the verdict of the Senate, was disregarded and the wishes of the special interests concerned were heeded.

After the conference had acted restoring the duty it was announced that this action was taken upon certain assurances given to the conferees—by whom I do not know; whether by a Senate conferee in disregard of the action of this body or by a House conferee I do not undertake to say—to the effect that there was a German and a French combination in this industry, because of which the Senate conferees had decided to yield and allow a duty to be placed upon this product.

I have before me, Mr. President, a cablegram received from the German potash syndicate, dated September 14, 1922, sent in reply to a question asked by Mr. Houston. Here is the cablegram of the syndicate:

> Syndicate herewith energetically denies the report circulated in European and American press regarding understanding between syndicate and Alsace for world market or eastern market or intention to increase potash prices in United States.

Before the war it was well known that Germany, which then included Alsace, practically controlled the production of potash, and it was charged that it was a monopoly in that country; but, notwithstanding that, the prices of potash were moderate in pre-war times, and, so far as I ever heard, there was no complaint on the part of the farmers with respect to it.

Mr. President, I wish, in connection with my remarks, to incorporate in the Record, without reading, a statement furnished me by Mr. Houston with reference to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement referred to is as follows:

(Re amendment No. 1520.)

Tariff bill placing a duty of 1½ cents per pound, or $30 per ton of actual potash, or $15 per ton on muriate of potash, the kind most used in agriculture.

A. In so far as this amendment was based on any alleged or proposed combination between German and French potash producers, the amendment is the result of mere rumors having no basis in fact.

Notwithstanding the repeated references to this in dispatches of the Washington correspondents of some of the New York newspapers, no combination or working agreement exists between these producers. The bitter competition between them ought to be sufficient proof of this. They have been cutting prices on each other ever since 1919, and the present low price is the result.

For over 50 years, during which the Germans had a complete monopoly of potash production, they kept prices down because the industry is so overdeveloped that only through large sales can interest be earned on the invested capital. Large sales are only possible when prices are low. This policy can not be changed now.

B. The present price of muriate of potash is $32.95 per ton at seaports of east coast of United States. The $15 duty would bring this to $47.95 per ton.

American potash works stopped producing when the price of muriate of potash fell to $100 per ton. They evidently can not produce for $47.95 per ton. The proposed duty would not result in reopening these works.

C. What would be the result of the duty? It would lay a burden of more than $18,000,000 on agriculture. It would help the sale of stock of the speculative potash promotions. The stocks of two of these speculative companies are now actively traded in on the New York curb market. Neither of them has produced any potash.

Many of the potash promotions in Nebraska, Utah, and California have tried to sell their properties to the European producers without success. Having failed in this, their only hope is to unload them on the American public. Any tariff on potash would help them do this.

Mr. SIMMONS. Here, Mr. President, was a provision which the conferees, overruling the action of the Senate—and, so far as reports show, the movement to overrule the action of the Senate came largely from the Senate conferees—placed in the bill which would have meant millions if the House had not repudiated it in a manner that ought to be a warning to future conferees, although if the House had not repudiated it the Senate, as soon as the papers came to it, would have been equally as swift in repudiation of it. It was a proposition to impose upon the farmers of the United States a new burden of many million dollars a year, which burden would have been concentrated in a few States of the Union, for there are only a comparatively small number of States where potash is an essential ingredient in the cultivation and production of crops.

I would not have referred to this matter so much at length but for the fact that it illustrates better than probably anything else in this bill except the dye embargo the dominance of the special interests in the making of this bill, and illustrates better than any other item in this bill the fact that the special interests rely upon conference committees to give them what the two Houses or what one or the other of the Houses may not be willing to give them. It is in the conference reports that this organized syndicated group of special interests get in their most effective work, and it is the subservience of conference committees that often leads to results of such dangerous import.

Why, Mr. President, do these designing interests rely more upon the conference committee's action than they do upon the action of either House? First, the body is smaller. Second, they know perfectly well, and the conferees know, that however obnoxious their action with reference to a specific matter may be, where the bill relates, as a tariff bill does, not only to that particular thing but to hundreds and thousands of other things of more or less importance, whatever their action may be with respect to the particular item that action must be accepted by the two Houses, or their whole action upon all the items must be rejected, for a conference report is not subject to amendment on the floor. It is the reliance, I say, of the special interest upon these facts and it is the significance of these facts, leading to these abuses of power, to this disregard of the expressed will of the two Houses, to this trampling under foot of the action of one or the other of the Houses by the conferees—and frequently by the conferees of the very House that acted—that have become a thing of such great danger in our system of legislation and that ought in some way or other to be remedied.

Mr. President, I do not wish to indulge in any lengthy discussion of the embargo. There the same thing happened in conference in an even more obnoxious form than happened in the case of potash, and probably more than in the case of potash it accentuates the point I have made, namely, that of the advantage given to the special interests, and of the impunity with which the public interests may be disregarded with respect to the specific thing involved.

There was an attempt to continue the dyestuffs embargo. It was written in the House bill as it came from the Committee on Ways and Means. It was strenuously advocated and championed by the Ways and Means Committee upon the floor of the House. One member of the Ways and Means Committee of the House has become recognized throughout the country as the special champion of the principle of embargo as applied to dyestuffs. His activities have been so pronounced and so conspicuous that he stands out and overshadows all the other champions of that measure in the House, just as I think the Senator from Utah [Mr. SMOOT] probably overshadows all other champions of a duty upon potash. This House Member's efforts in behalf of this embargo provision of the House bill were strenuous. The debate was full, as debates go in the House, spirited, able, and as a result the House struck the embargo provision out of the bill.

When the bill came over to the Senate the embargo provision was restored in the Committee on Finance, notwithstanding the action of the House. The influence of the dyestuffs lobby was strong enough to dominate and control the action both of the committee of the House and of the committee of the Senate. They forced this embargo provision back into the bill in the Senate committee after the House had stricken it out in a very impressive way, almost a sensational way, and the bill came upon the floor of the Senate, where another battle was waged against it, a hot and spirited battle. Never before in all the history of legislation since I have been here has there been such a powerful lobby around this Capitol as came here in support of that dye-embargo proposition. They swarmed the corridors, they forced themselves into the private offices of Senators, they hung around the doors of the Senate Chamber, they could not be shaken off, they yielded to no rebuff.

It was an organized lobby, not composed of ordinary professional lobbyists alone, but composed of the highest and most skilled experts in the business—composed of lawyers of great ability, composed of specialists—and their efforts were incessant day and night; but their efforts were not confined to influencing the action of committees and Senators in behalf of this proposition. They sought to build back fires against Members of the body. Flying squadrons were organized, composed of men of the highest talent and skill, not only in the industry but in persuasion—strong public speakers—and these squadrons went from State to State, wherever a commercial or industrial body that had any connection whatever with the subject was in session, and there they sought to secure favorable action and recommendation by all the means that such men employ in order to influence the legislation of the Congress. They prevailed with the Finance Committee; but when the bill came here to the floor, after thorough discussion and deliberation, the Senate followed the course of the House and overruled its committee and struck out the embargo provision by repealing the embargo provision of existing law; and so the bill went to conference, the last resort of the special interest, the tribunal in which it is at so much greater advantage than in the open session of either House, the tribunal upon which it always confidently relies to correct what it regards as the errors of the two Houses and to bring out legislation in accordance with its own plans and wishes.

The conference committee restored these embargo provisions with a time limit. Was not this a clear case of yielding the will of the two Houses, as expressed in as emphatic, impressive, and forceful manner as legislative will possibly can be expressed, and overruling that will of both Houses in order to do what a favored special interest demands shall be done? Such an outrage is, of course, shocking and without excuse. The House acted, however, and promptly disapproved the action of the conferees with reference to dyestuffs and potash and directed its conferees to eliminate them.

Of course, the conferees then corrected both of these things, but only because they were forced to do so. I am now referring to these instances because in the situation upon which I have commented, which is illustrated by these two incidents, there lies serious danger to the integrity of legislation and to the ultimate writing into law of the will of the people with reference to vital matters.

I call it to the attention of the Senate further, Mr. President, because the country believes that these two things, potash and dyestuffs, were linked together in the conference committee and that they formed the basis of a sort of trade in that committee, one side holding potash in its hand and the other side holding dyestuffs in its hand, and that as a result of a compounding of interests these two things, which had been repudiated by the two Houses, were resurrected and brought to life again, and would be living to-day but for the summary action of the House of Representatives in rebuking the conferees for thus trampling upon its will and disregarding its expressed wish with reference to these two matters.

In the same connection and because I think it is a verification of the statements I have been making as to the conference committee's action with regard to potash and the embargo, I wish to call attention briefly to the action of this committee with reference to the power delegated to the President in the so-called flexible or elastic tariff provisions in the bill, giving the President power to increase the ad valorem rates of the bill 50 per cent and to proclaim American valuation. If there is any subject upon which the sentiment of the American people has been thoroughly sounded out, and upon which that sentiment has been given unqualified and unequivocal expression, and nearly always in condemnation, it is the question of American valuation. It was the thing that was closest to the hearts of nearly all the seekers after excessive increases in tariff rates.

I do not know what happened in the later executive or secret sessions of the Finance Committee, but in the open hearings practically everything else for a long time was laid aside, and the committee devoted itself to hearing the seekers after protection who were demanding that their rates be based upon the American valuation and that the rates be fixed on the wholesale selling price of the article in the home market. Nothing, they said, would do but that. They said frequently that a thousand per cent increase would not help them; that they must have the American valuation.

Here again these powerful interests, as always, exerted such influence as they possessed upon the press, and that influence is very great and far-reaching and almost all-permeating. Of course, they could not control the press, but every effort was made to marshal the press of the country in favor of the scheme, and many newspapers were misled and deceived. I do not ascribe motives; I do not impeach actions. The dyestuff propaganda related to one industry. It was promoted by one corporate or syndicated interest. The propaganda in favor of the American valuation basis was organized and carried forward by practically every industry in this country that was a suppliant in Washington for higher and higher and still higher tariff protection. That scheme was held up to view as the panacea of all the troubles which had followed in the aftermath of war. It was the one thing, they said, that would enable them to adjust their prices to the disturbed and unsettled conditions of currency and of trade in the balance of the world.

The House adopted this so-called American valuation scheme, led by the distinguished chairman of the Ways and Means Committee, who started in the fight at the beginning and was with the fight to the finish.

The Senate Finance Committee acted upon this important matter, overruling the House and restoring foreign valuation after there had been a reaction of public sentiment; after the country, upon analysis and consideration, had come to the conclusion not only that "American valuation" was unsound, but that it was one of the most dangerous propositions ever presented to the American people; that it was piling a duty upon a duty, and that the recipient of the duty could increase the duty at any time he pleased by simply increasing the price of the domestic product, and that it meant practically a surrender of the markets of 110,000,000 people to the exploitation of a few thousand producers of these protected articles, with no limit except the sky upon the duty they might ultimately obtain and upon the prices which they might as a consequence exact for their products.

American sentiment was so thoroughly crystallized that when the Senate committee came to act upon the subject it incontinently brushed the scheme aside, notwithstanding the threats which came from the other body of the Congress that if that were done there would be no tariff legislation. The

Finance Committee repudiated it, spurned it as a poisonous and economically murderous and dangerous thing, and left it out of the bill. Public sentiment had compelled them to leave it out.

There was a provision placed in the bill at the last hour, however, permitting the President to apply the foreign valuation principle to the products covered in two short paragraphs of the bill, paragraph 27 and paragraph 28, relating to dyestuffs. The Senate was so obsessed with the danger of the American valuation principle that it deliberately denied the President the right to proclaim it, even to meet an emergency situation, except as to dyestuffs. All of us know that there has been and is in the public mind an idea, I think probably well founded, that there ought to be some differentiation in the treatment of dyestuffs and the treatment of other things. By its action the Senate deliberately said, "The power is so dangerous that we strike it out of the bill. The power is so dangerous that when we give the President extraordinary powers with reference to these rates, we will not give him this power except as to one group of products, and we deny it to him upon all the other dutiable articles in the bill."

The special interests had counted heavily upon the exercise of the President's power to enable them to get what they wanted, and the one thing they wanted above all things else was the "American valuation," either in the making of the original rate or in the revising of the rate by Executive fiat. They went before the committee and said, "Strike out these words, only five of them. Strike out the words which limit the power of the President to declare the American valuation to dyestuffs; it can be accomplished by eliminating just five words, 'paragraph 27 and paragraph 28.' Strike them out and it probably will not receive much attention, as little attention is paid to many of the changes made in the conference, and you will at once give us what we have been longing for, what we have been fighting for, what we demand, by giving the President power to proclaim American valuation on any item in the whole dutiable list. It makes no difference to us," they said, "whether that American valuation principle is applied in the making of the rate originally by the two Houses or applied by the President after the rate is made. It is the same thing to us. It is a little bit better in view of the fact that the rates in the bill are made upon the foreign valuation, which is higher than the rates based upon the American valuation would have been so far as figures go. We will get the American valuation in this way, not based upon the rates that ought to obtain and which we had accepted on the American valuation in the House, but we will get that valuation system proclaimed and the higher rates based on foreign valuation applied to it. Thus we will get more than we ask, more than we have ever asked, more than was provided in the provision which the House and the Senate have both indignantly turned down."

Is it not amazing, under these conditions, that the conferees struck out the words and thus gave the President this broad-sweeping power to proclaim, whenever he will, American valuation based on rates fixed on foreign valuation? It is almost inconceivable. How was it accomplished, Mr. President? There sat in the committee the chief champion of this far-reaching and dangerous provision, ceaseless in his efforts, untiring, deterred by no rebuff. He sat there, watchful as he has been through the whole course of the legislation, with his eye fixed upon this one thing. There sat on the Senate committee another with his eye fixed upon another particular thing where the same general situation was presented, where the special interests had been routed in the two bodies, where the voice of the people had been heard and heeded. These men sat there with the voices of the special interests ringing in their ears and with the shouts of denunciation and disapproval of the great body of the American people not heard at all—they could not reach these sacred precincts—and the result was that both of them got what they wanted. This is a part of the potash and dyestuffs proposition broadened immensely, as much wider than the dyestuffs question as the largest ocean is wider than the Potomac River. It embraces them all. Was there ever a more striking disregard by the conferees of the will of the people and the Congress? Was there ever a more abject surrender to the special interests?

This presents a situation which at this stage of the parliamentary course it is hard to adequately reach and deal with. I sought to reach it by a point of order. I believe it is obnoxious to the rules of the Senate. If it is not, no other tariff legislation ought ever to pass the threshold of this body until the rules are reformed. I was overruled. I make no complaint of the Chair. I make no complaint of the action of the Senate. Of course, Senators voted upon it from a political standpoint, as they generally do, forgetting altogether the merits of the question. I know that there was a great deal of unrest and uneasiness and panic in the Republican ranks on Saturday evening when it was stated that the Chair was not ready to announce his opinion, but would render a decision this morning.

I shall say nothing about the political exigencies of the situation. I think if we had more time and it were more certain that a quorum would remain in the two Houses, we might have considered the point of order with a little more deliberation and probably might have solved it better than we have solved it. But let that go, Mr. President. That is the third instance that I wanted to call to the attention of the country, illustrating the all-compelling power of the special interests in the making of the bill, in conference as well as in the House and Senate. I warn you solemnly against the danger that is involved in the concentration of that power in a conference committee, and the bulwark which our rules set up against the overthrow of the action of the conferees when the matter comes back to the Senate.

But there is another point, Mr. President, just as striking. What was the ground upon which the so-called flexible provisions of the tariff bill were incorporated by the Senate Finance Committee? They were extraordinary provisions. No such provisions were ever before written into any tariff bill. No one ever dreamed of curtailing the legislative power and extending the Executive power with reference to taxation to the extent provided in these sections of the bill.

The champions of these powers, which give the President of the United States practically a control of the tariff rates which the people are required to pay and in truth give him the power of life and death over the business interests of the United States, presented a provision which in itself takes away from the Congress of the United States, the legislative body, the full and complete power over the purse strings of the Nation given it by the Constitution, a provision which carves out part of the legislative power of the Government and under cover transfers it to the executive department, and to a bureau of the Government, all of whose members are appointed by the President. In that way, disguise it as may be, we change and impair the original plan upon which our institutions were based and under which we have lived for nearly a century and a half and prospered as no other peoples have ever prospered, the fundamental system upon which the Government was founded, the division and partition of its powers by separating them into legislative, judicial, and executive, with provisions thought to be adequate and which have been adequate up to this time to prevent unreasonable invasion by one department of the Government of another. These so-called flexible provisions strike a deadly blow at the very root of the great balancing principle that underlies and permeates the institutions of this great representative Government, which has become the wonder of the world, and our system of government and its institutions the symbol of liberty and of right and of justice and of equality, the beacon light to every other country and every other civilization that exists in the world. At the basis of it, I say, lies this principle of the separation of the powers of the Government. Keeping that separation unimpaired through the years up to this time, nothing has aroused so much the indignation of the patriot and the statesman who loves his country as a threatened invasion of the rights of one of those departments by another.

But most sacred of all the powers conferred upon the legislative body, and the one which should be most carefully safeguarded now and forever if we are to remain free and our institutions are to be preserved, is the control of the purse strings by the people through their legislative body, not only of the Federal Government but of the States, the control absolutely of the power of taxation, to the end that the burdens laid upon the people may have their assent and approval and to the end that they may know always when that burden is going to be increased and when it is going to be reduced.

That was the power with which the flexible tariff provision of the bill sought to deal. It sought to carve out a part of the powers of the people with reference to taxation and to permit the President, with the aid and help of his departmental bureaus, to add upon the necessaries of life 50 per cent to the duty, 50 per cent to the taxes which the Representatives of the people in Congress had already imposed. It undertook to authorize him to change the basis upon which all the duties in the bill were levied and to substitute another basis that even a Republican Senator from the floor of this Chamber—and I refer to the great and able Senator from Wisconsin [Mr. LENROOT]—in speaking about a particular item declared that the mere imposition of American valuation upon that item would add 100 per cent to the duty.

How did the proponents of this bill justify the extraordinary powers which they proposed to lodge in the President, and which when undertaken to be usurped by any king in the olden times resulted in his head being cut off or his throne being taken from him? Our forefathers came largely from Great Britain, where the same principle of legislative government obtains as obtains here. Since the time when one of their kings came to grief because he sought to impose taxes which did not have the sanction of the representatives of the people they have been a free State, practically, with a free and representative popular Government, although they have had a King for centuries. During all those long years, Mr. President, the English people, although they are not bound down, as we are, by a rigid written constitution, have not thought it expedient as a matter of public policy to diminish or in any way to curtail the complete and plenary power of the representatives of the people in the imposition of the taxes which the people have to pay. If this flexible tariff provision is not for the purpose of impairing the constitutional legislative power, then it is not for any purpose.

In law what one may not do directly he may not do indirectly. If there be in the Constitution of the United States an edict against the partition or separation from the representatives of the people of the power of taxation—and there is; nobody ever doubted it—that power may not be filched from the hands of the people by any legerdemain of language or any species of evasion or of subterfuge or by any scheme of indirection whatsoever, however adroit and however well adapted it may be to the accomplishment of an illegal, unconstitutional, and a dangerous end.

Mr. President, I have described the character of this proposed grant of power. Of course, when its advocates came to Congress and asked for it they recognized the gravity of their request; they recognized the danger of the grant of this power. So they framed the best excuse, the best device, the best-laid scheme that the ingenuity of smart, shrewd, cunning, and able minds, bent upon the accomplishment of a dangerous purpose and carrying for them millions piled on millions and billions piled on billions of dollars of profit, could possibly devise. What was that excuse? It was that there was a great emergency following the chaos and desolation of war; that that emergency drew into its vortex all nations and produced a disturbed, unsettled, and chaotic condition in all the world; that we had a situation here of which the imagination of man had never conceived; that it was so fraught with danger and difficulties and complications that it could only be relieved by devising a makeshift, temporary power, and, despite its conflict with the Constitution and the practices of our Government, *lodging that* power in the President.

We were told that this grant of power was to be short lived; that these conditions would pass away, as all conditions of adversity and panic and chaos which for the moment have obtained in the world in the past have vanished; that the recuperative and reconstructive powers of the human race were so great that they would soon master and overcome all of these difficulties; and that it was only for a temporary purpose that this power was asked; and yet, Mr. President, its proponents did not when they wrote the bill fix in the bill any limitation of time upon the power; but when it came here in the Senate, recognizing the fact that it was defended only as an emergency power, recognizing the great dangers that were wrapped up, concealed, and hidden in it, as well as those that were apparent upon its face, the Senate, in the exercise of its functions and having the hope that this invasion of the constitutional rights of the people should be as short lived as possible, prescribed that all these powers which were to be so plenteously flung into the hands of the President, to the benefit of the special interests, to serve them and burden the people with further taxes, should end on July 1, 1924. We intended that this reptile should not crawl the earth any longer than could be helped. That provision went in on the floor of the Senate. It was absolutely consistent with the plea of the advocates of the measure and with the reasons which they advanced. As I remember, there was not any very great objection to it. Yet that did not please the special interests; that was not what they wanted. That is what the people wanted. We expressed the will of the people when we acted. I know that is what the people wanted; every Senator here knows that is what the people wanted; but that was not what the special interests wanted. It would have been of very little value, possibly, to them if its period of life embraced only a few short months. They wanted it to live as long as this tariff bill lived, and if the conference report shall be adopted as it is now brought in these powers given for emergency purposes, these dangerous powers, these unconstitutional powers, these reactionary, these revolutionary powers, these powers abridging the rights of the people and of the Congress with reference to the most fundamental and vital principle of government, namely, the control of the purse strings, will live as long as this bill shall live.

Again, Mr. President, upon the floor of the Senate two amendments were made to the elastic provisions of this act. I think they were offered on the floor of the Senate by Senator Reed of Missouri. The commission is required to give public notice of its hearings and reasonable opportunity to the parties interested to be present and offer evidence. One of these amendments offered by Senator Reed and adopted by the Senate provided that "said hearings shall be public." The conference struck out this provision requiring that the hearings should be public. The other amendment required the commission to prepare its findings under this section, and required the President to make such findings, hearings, and testimony public as soon as practicable after the issuance of the proclamation under the provisions of the act. This was stricken out by the conferees, thus eliminating the requirement that after action by the President the findings, hearings, and testimony upon which it was based should likewise be made public. In a matter of this vital importance to the people of the country, involving, it may be, an increase in the tax rate of 50 per cent, or changing the basis of the tax from foreign to American valuation, thereby increasing the rate as much as 100 per cent or maybe more in some cases, the people are certainly entitled to the facts upon which these increases in their taxes are to be justified. The Senate so voted, but the conferees thought otherwise. The people will be curious to know why this provision was stricken out; why this desire for withholding the facts from the people; why this denial of publicity was thought advisable by the conference committee. Secrecy in connection with matters of legislation is always repulsive; secrecy in matters of imposing taxes upon the people is shocking. It is out of harmony with the spirit of our institutions. It is repugnant to every sense of fairness and justice. This action of the conferees is deserving of the severest rebuke and alone would justify the rejection of the conference report.

But, Mr. President, the powers granted to the President, as restored by the conference committee in disregard and in contempt of the action of the Senate and of the rights of the people, embrace evils that go still further. The advocates of speedy tariff legislation said—and the business interests of the country responded to what they said—that what business in this country needed was quick and definite action upon the tariff; that the people should know definitely and finally at once what duties they are going to have to pay. Many of the great advocates of protection said that more important than the rates is to have them fixed and definite and the period of transition between the present law and the anticipated enactment made as short and speedy as possible in order that there may be certainty and no longer doubt.

Is there any sane man who does not know that, with the so-called "flexible-tariff" provision in this bill, there can never be any certainty as to any rates written in the bill; that that uncertainty to the extent of 50 per cent up or down must exist as long as the bill shall last? Any industry or any branch of any industry in this country can bring the question of a rate to the attention of the President, and upon the findings provided in the bill the rate may be changed. In this provision of the bill the Republican majority have written a "flexible" tariff; a tariff that will oscillate and vacillate from day to day, the pendulum swinging up one day and back and down the next day.

The powers given the President in the elastic tariff provisions will not only introduce the element of uncertainty of the tariff in a most aggravated form but the powers conferred upon the President will be capable of making or breaking a particular industry, and a political machine will be created under which any business affected, directly or indirectly, by the tariff would not desire to be out of favor with the administration.

Thus it would create and perpetuate business unrest and uncertainty instead of certainty, and the tariff would become a twofold greater football of politics; and the power of the Executive over business, if exercised to the fullest extent and possibility, would bring about a political influence fraught with intolerable consequences and the utmost danger to the people and the integrity of politics.

The uncertainty in business, so far as the tariff affects business—and it affects it most vitally especially when the duties are so high as they are in this bill—is not to be removed by the enactment of the tariff, as was hoped and urged, but it is to be accentuated and continued during the whole life of the bill.

This bill constitutes, in the hands of the executive branch of the Government, the most powerful political influence that ever was created and organized or existed in any government upon the face of this earth. I am not going to discuss the characters of Presidents. All of our Presidents are supposed to be good men. We have one President to-day; we do not know who will be President to-morrow.

Death comes on speedy wings, and comes when not expected. We do know, however, that with this power to increase a rate lodged in the executive branch, if perchance we have a man in the White House who is willing to take political advantage of that fact, it arms him with a power of control over the industries of the country such as no man ought to possess. Yet this power, lodged in the President's hands originally upon the plea of emergency, to last, according to the Senate's action, at most for only a few months, has, by the action of conferees, in utter disregard of the will of the Senate, been extended to the life of the bill.

In this connection I wish to call the attention of the Senate very briefly to a matter that was called to the attention of the conferees in the discussions in the House upon the motion to recommit the conference report. It presents a very remarkable situation. The Senate had made an amendment to the bill with reference to chinaware, placing a duty of 60 per cent on undecorated chinaware and 70 per cent on decorated chinaware. I wish to read a letter written by Mr. David Walker to the Tariff Commission on that subject. The Senator from New Jersey [Mr. FRELINGHUYSEN] had offered an amendment to that paragraph in the bill. This letter is dated September 5, 1922. Mr. Walker says:

SEPTEMBER 5, 1922.

TARIFF COMMISSION,
Old Land Office Building, Washington, D. C.

GENTLEMEN: On August 19 Senator FRELINGHUYSEN, of New Jersey, secured the passage of an amendment to paragraph 212 of the proposed tariff bill, which reads as follows (CONGRESSIONAL RECORD, Aug. 19, p. 11615):

"In paragraph 213, on page 37, line 8, it is proposed to strike out the period and insert in lieu thereof a semicolon and the following:

"Any of the foregoing articles containing 25 per cent or more of calcined bone, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 50 per cent ad valorem; painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 55 per cent ad valorem."

The Senator from New Jersey, in support of his statement, stated:

"Mr. President, this amendment can not be objected to. It takes the bone china out of the paragraph, and reduces the rate from 60 per cent to 50 per cent on the undecorated, and from 70 per cent to 55 per cent on the decorated. It has been agreed to under a resurvey by the Tariff Commission, and is a reduction in the present paragraph."

Bone china is imported into the United States from England, and constitutes the most expensive and luxurious china made in the whole field of pottery products, domestic or foreign, and is now to be assessed at 55 per cent while the chinaware for the ordinary home remains in the paragraph at 70 per cent.

Inasmuch as the Senator from New Jersey based his amendment on a resurvey of the Tariff Commission, I would be most deeply indebted for a copy of the resurvey which brought about such a peculiar result, and would thank the commission for a copy to be mailed to me at the above hotel. Thanking you for your courtesy in this regard, I beg to remain,

Most sincerely yours, DAVID WALKER.

I have here the statement of the Senator from New Jersey, which I wish to put in the RECORD as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Mr. FRELINGHUYSEN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The READING CLERK. In paragraph 213, on page 37, line 8, it is proposed to strike out the period and insert in lieu thereof a semicolon and the following:

"Any of the foregoing articles containing 25 per cent or more of calcined bone, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 50 per cent ad valorem; painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 55 per cent ad valorem."

Mr. FRELINGHUYSEN. Mr. President, this amendment can not be objected to. It takes the bone china out of the paragraph and reduced the rate from 60 to 50 per cent on the undecorated and from 70 to 55 per cent on the decorated. It has been agreed to under a resurvey by the Tariff Commission and is a reduction in the present paragraph.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

The amendment was agreed to.

Mr. SIMMONS. To Mr. David Walker's letter the Tariff Commission replied by letter, as follows:

UNITED STATES TARIFF COMMISSION,
Washington, September 7, 1922.

Mr. DAVID WALKER,
Care Washington Hotel, Washington, D. C.

DEAR SIR: Receipt is acknowledged of your letter of September 5, 1922.

The statement quoted by you from the CONGRESSIONAL RECORD of August 19, 1922, was based on erroneous assumptions so far as the Tariff Commission is concerned. The commission has made no resurvey of the subject under discussion, and, if the quoted remarks were intended to imply that the commission had agreed to or recommended any rates, that suggestion also was erroneous.

Very truly yours,

W. S. CULBERTSON, *Acting Chairman.*

This correspondence and an examination of the records show that as the result of that amendment the duty on undecorated bone china and on fancy decorated bone china purchased by the very rich and the wealthy was reduced to 50 and 55 per cent, and the ordinary chinaware, used by the masses of this country in their humble homes, was left on the dutiable list at 60 per cent if undecorated and at 70 per cent if decorated. That was called to the attention of the conferees, and they made no change. This let this discrimination remain.

With reference to the part taken in this matter by the Senator from New Jersey [Mr. FRELINGHUYSEN] I make no criticism; but I wish to put in the RECORD a telegram sent by Mr. David Walker to the Senator from New Jersey with a view of getting information with respect to this matter that he might lay before the conference when it reconvened after the bill was recommitted. This telegram is dated September 13, 1922:

SEPTEMBER 13, 1922.

Hon. JOSEPH S. FRELINGHUYSEN,
Raritan, N. J.:

Made application to the Tariff Commission for copy of resurvey referred to by you as supporting your amendment on bone chinaware (see CONGRESSIONAL RECORD, Aug. 19). Tariff Commission reply reads as follows:

"Receipt is acknowledged of your letter of September 5. The statement quoted by you from the CONGRESSIONAL RECORD of August 19 was based on erroneous assumption so far as the Tariff Commission is concerned. The commission has made no resurvey of the subject under discussion, and if the quoted remarks were intended to imply that the commission had agreed to or recommended any rates that suggestion also was erroneous.

(Signed) "W. S. CULBERTSON."

Please wire immediately, my expense, source of your information as to resurvey, addressing Washington Hotel, Washington, D. C.

DAVID WALKER.

At the time Mr. Walker left here on last Saturday morning he told me he had received no answer to that telegram.

Mr. President, it looks as though I ought not to inject a matter of this sort, and I would not if it did not follow right in the line of the argument that I have been making here, that the conference committee utterly ignored the rights of the people and was subservient to the special interests in the changes in these items to which I have referred. Every Senator here will remember that shortly before we voted upon the tariff bill the Senator from New Jersey [Mr. FRELINGHUYSEN] rose in his place and offered the amendment to which I have referred and stated to the Senate that it was a reduction, and so it was a reduction of the duty on the highest-priced chinaware, some of which costs $500 or $600 a set and $40 and $50 per plate, I am told, and even higher than that. It was a reduction. It was asked by certain interests.

In the hurry and confusion nobody investigated. Nobody discussed the matter at that time. We were adopting amendments or rejecting amendments in quick and rapid order, and this was adopted. And what does it do? In a paragraph in which there is a rate of 70 per cent duty upon high-priced china—fine, decorated, painted, polished, calcined bone china, such as the rich use in their palaces and their homes—and 60 per cent and 70 per cent upon the china which the common people buy, by this amendment the duty upon the highest priced bone china, which is bought only by the very wealthiest class, was reduced to 50 and 55 per cent and the duty upon the common, ordinary china, in daily use in the homes of the people of this country, was allowed to remain at 60 per cent on the undecorated and 70 per cent on the decorated. The conferees had power over this question; it was called to their attention in the most emphatic way by the able and forceful speech and presentation of Mr. GARNER, of Texas, the ranking Democrat on the Ways and Means Committee. I heard his speech. He had substantially the same data I have here to-day. He called it to the attention of the House, and the members of the Committee on Ways and Means were present when he did so. Yet they went out and, serving some industry, I suppose, which had importuned the Senator from New Jersey [Mr. FRELINGHUYSEN] and got him to do this horrible thing—unwittingly, I take it—with full knowledge of that, with it ringing in their ears when they went back to conference, they let this rank injustice to the masses of the people of this country and this inexcusable special favor to the very rich people remain unchanged in the bill.

Mr. President, I am a little weary, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Ball
Brandegee
Broussard
Bursum
Calder
Cameron
Capper
Colt
Cummins
Curtis
Dial
Dillingham
Fletcher
Gerry
Glass
Hale
Harrison
Heflin
Hitchcock
Jones, Wash.
Kellogg
King
La Follette
Lenroot
McCumber
McKellar
McLean
McNary
Moses
Nelson
New
Newberry
Nicholson
Norbeck
Oddie
Ransdell
Rawson
Reed, Pa.
Robinson
Sheppard
Shields
Shortridge
Simmons
Smoot
Stanfield
Sterling
Sutherland
Swanson
Townsend
Trammell
Underwood
Wadsworth
Warren
Watson, Ind.
Williams

The PRESIDENT pro tempore. Fifty-six Senators having answered to their names, there is a quorum present.

Mr. CAMERON. Mr. President, it now becomes my duty to discuss some questions of the greatest importance to my State and of no less importance to the whole country, and as I desire to preserve the continuity of my remarks, I request that Senators refrain from interrupting me.

On November 2, 1920, the people of Arizona commissioned me to represent them in this body. I came here with a full knowledge of the responsibility and set about in my own way to fulfill the pledges made to the people of Arizona during that campaign. I have given my best in work and energy, and I believe the record will credit me, at least, with consistency. I have been a party to the legislative grind in this Chamber since April 11, 1921, and no man can doubt my regularity in upholding the policies of the Republican Party, the President of the United States, and the designated leaders of our Government. On this record, Mr. President, I reflect with pride. But that is not all; I stand here to-day making the last appeal to the congressional leaders of the Republican Party to awake and give Arizona what she is entitled to in this legislation, for which I have worked diligently and sincerely.

I made my campaign for the United States Senate principally on a platform of three planks: Protection of American industry without discrimination, through the agency of an equitable tariff; reclamation; and the traditions, platform, and pledges of the Republican Party.

Through cooperation with others and by hard work during the past 18 months I succeeded in getting the Finance Committee to keep the faith, to recognize the needs of Arizona industries in the way of tariff protection, and among other things the committee recommended a duty of 7 cents per pound on long-staple cotton. I sought to raise that rate in the Senate to 15 cents but was defeated. The committee rate of 7 cents was adopted by a vote of 41 to 11, an overwhelming majority. Arizona was content to accept this, as it would at least save its greatest agricultural industry from complete paralysis. Hides were given an equitable duty in the committee bill, and other smaller commodities were protected. We pinned our hopes on the good faith thus far shown, but to-day, Mr. President, as I stand here, I recount the events of this legislation as our items went to the slaughter pen.

Long-staple cotton while in conference was relegated to the scrap heap, and not a single recognition was given Arizona except in items like wool, which were jammed down and kept there by sheer force of concentrated effort on the part of the western Senators. Such trading and ingenious tactics have heretofore never been witnessed, and to those who feel the blow like the people of Arizona and other sections, nothing but revolting disgust enters their thoughts. I wonder, Mr. President, if the leaders do not realize that we of Arizona can read and understand such deception. I wonder if the leaders have ever considered in this trading of theirs that real, red-blooded Americans live on the deserts, the plains, and the swamps. I wonder if they ever have stopped to realize that these red-blooded Americans will not stand for such greed, where one section of the country is paralyzed, just as we are under this bill, simply to swell the money coffers of other sections and selfish individuals.

Mr. President, I serve notice that I shall never subscribe to such tactics so long as I am a Member of this body. I am not alone in this position, and I hope that other Senators will likewise publicly denounce such an imposition upon us as their consciences now demand.

I have been patient, but patience ceases to be a virtue when the very existence of thousands of my constituents is being thrown to the winds in such a manner wholly uncalled for.

Mr. President, I know I am making some pretty bold statements, but while I am at it I might just as well develop my side of the story so that there will be no misunderstanding. In this connection it is needless to go into details about the cost of producing long-staple cotton. That has been previously discussed in this Chamber by my able colleague [Mr. ASHURST] and myself, and the result was we convinced this body almost 4 to 1 that our case had merit. Senators believed our facts and figures when we said that a great infant industry, covering hundreds of thousands of acres, had sprung up in Arizona under the good will and encouragement of our Government which promised further assistance and protection, and we were given relief. We presented the evolution of the desert lands into cotton fields, the product of which furnished an all-important element in winning the war. We recounted the hardships, difficulties, and sacrifices made by the farmers of the deserts in turning their money, their minds, their all into equipment for producing this important product; we recounted the moral obligations on the part of the Government to protect them. The Senate sustained us in this and gave them a bare relief, and when this news was flashed to these hardy men and women they gleamed with new courage and hope.

No one could have suffered by such a protection; yet, Mr. President, what followed? The story is easy to tell. The great tire manufacturers and spinners, all the interests using the raw material, who were already rolling in war profits, not content with the tariff protection provided for their finished products, organized in the old-fashioned way, turned loose their money, spread misleading, unfair, and pernicious propaganda, sent representatives to Washington, among them an ex-Member of this body, who buttonholed the managers of this proposition into a recession of this tariff rate and thereby with the wink of an eye, and for no good reason, smashed this great industry and wiped out the chances of the people for an honest living in producing a needed commodity. Thousands upon thousands of people in my State are ruined, a people who have no superiors, a people who have spent their lives grappling with the hardships of the deserts and who finally won only to lose.

No, Mr. President, the teachings of Lincoln, the doctrines of the old and real Republican Party, the good conscience of the American people will not stand for such treatment.

To substantiate the assertion that organized action and pernicious propaganda and underhand methods were used in bringing about this result, I desire to read from telegrams I have just received from my State, and it is to these people I am held responsible, and to none other do I owe any allegiance, no matter of what faith, creed, or party. I read:

PHOENIX, ARIZ., *September 6, 1922.*

Hon. RALPH CAMERON,
Washington, D. C.:

I am sending to-night to the New York Tribune and the Cotton Oil News, Dallas, Tex., the following wire: "I was quoted in your paper of August 13, under article, 'Profits for all, hopeless ideal, in cotton growing, by William Wittam,' as reporting the cost of producing the 1920 Pima cotton in the Salt River Valley as $30.57 per acre. This was positive misquoting, for that cost data represented only a small portion of the cost of production, as it did not include cost of rent of land, irrigating, water, picking, hauling, ginning, seed, implements. Please give this same publicity as first article."

S. P. CLARK,
Extension Agronomist, University of Arizona.

PHOENIX, ARIZ., *September 6, 1922.*

Hon. RALPH CAMERON,
United States Senate, Washington, D. C.:

Articles in New York Tribune and Cotton Trade Journal quote Clark, of Arizona University, on cost producing 1920 Pima cotton crop. Articles absolute misquotation; figures used only represent labor costs for part of season, and do not include rent, interest, irrigating water, seed, management, picking, ginning, depreciation, repairs. Letter from Clark, copy of which follows, gives total itemized costs and is our authority for above statement. Articles malicious propaganda which have been used by parties selfishly interested in combating tariff to discredit uncontroverted figures advanced by Arizona Representatives.

PHOENIX CHAMBER OF COMMERCE.

PHOENIX, ARIZ., *September 6, 1922.*

Senator RALPH H. CAMERON,
Washington, D. C.:

Please make every effort counteract misleading propaganda being employed by tire manufacturers to eliminate 7-cent duty long-staple cotton. Article by William Whittman, New York Tribune, August 13, misquoting S. P. Clark, agronomist, University of Arizona, being used to break down figures presented by you. Article mentioned omits four-fifths of items entering into cost of production. Please see Senators MCCUMBER and SMOOT and Representatives FORDNEY and GREEN personally and impress on them the fact elimination of this duty spells ruin for long-staple cotton industry in Southwest. Ninety thousand acres alone in Salt River Valley this year; growers need more protection than 7-cent duty will afford, but if this crust is denied them they will be flung back into far deeper financial depression than that from which they are now slowly recovering. This industry undertaken at instigation Department of Agriculture, and people taking Government at its word have invested their all in many cases. Hopeful your prompt and vigorous action will save this industry.

THOMAS E. CAMPBELL, *Governor.*

Mr. President, I ask unanimous consent to have inserted in the RECORD a letter which gives the facts given in this interview by Professor Clark.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter is as follows:

AUGUST 28, 1922.

Mr. W. S. STEVENS,
Monroe and Second Avenue, Phoenix, Ariz.

DEAR SIR: Since reading the article published in the Cotton Oil News recently, containing certain data which I had sent the writer showing the cost of production of long-staple cotton in the Salt River Valley, I feel that a statement from me will help correct certain statements in the aforementioned article, which give the impression that the data sent covered the entire cost of production.

The data sent was as follows:

Cost of producing long-staple cotton in the Salt River Valley.

(Borders 11–14–48–52, crop 1920, 9 acres.)

Man hours disking and plowing 70.2, at $0.40	$28.08
Horse hours disking and plowing 2.04, at $0.20	40.80
Man hours, including disking and floating, 30.2, at $0.40	12.00
Horse hours, including disking and floating, 72, at $0.20	14.40
Tractor hours, including disking and floating, 5, at $2	10.00
Man hours cultivating, 78, at $0.40	31.20
Horse hours cultivating, 144, at $0.20	28.80
Man hours hoeing and thinning, 164.2, at $0.40	65.68
Man hours irrigating, 110.2, at $0.40	44.08
Total cost of 9 acres	275.12

Cost of 1 acre, $30.57.

(Borders E–2–11, crop 1919, 10 acres.)

Man hours disking and plowing, 73, at $0.40	$29.20
Horse hours disking and plowing, 152, at $0.20	30.40
Tractor hours disking and plowing, 20, at $2	40.00
Man hours, including disking and floating, 65, at $0.40	26.00
Horse hours, including disking and floating, 130, at $0.20	26.00
Man hours cultivating, 85.2, at $0.40	34.08
Horse hours cultivating, 158, at $0.20	31.60
Man hours hoeing and thinning, 105, at $0.40	42.00
Man hours irrigating, 106.2, at $0.40	42.48
Total cost of 10 acres	301.76
Cost of labor fertilizing above 10 acres	31.40
Total	333.16

Cost of 1 acre, $37.63.

You will see that these figures include only the labor cost of man and teams. Since this data was secured on the Mesa Experiment Station no charges were included for the following:

	Per acre.
Interest on land, depreciation on buildings, etc., taxes (covered by rent)	$60.00
Irrigation water, construction charges, etc	7.00
Cost of seed, 1920	2.40
Ginning, 1920	13.00
Picking, at 4 cents	40.00
Hauling to gin, depreciation on machinery, etc	6.00

These figures should be included in any statements relative to the total cost of producing long-staple cotton, and you may use them as you see fit in writing the editor of the Cotton Oil News.

Yours very truly,

S. P. CLARK, *Extension Agronomist.*

Mr. CAMERON. Mr. President, by these documents we ascertain that highly paid newspaper writers have been sent to get the data by direct interviews, such as with Professor Clark, of the University of Arizona, so that they might garble and twist it to suit their master's voice in this campaign of misinformation which has been given wide publicity from coast to coast. It is time we get both feet on the solid earth, take a deliberate aim, and kick such un-American methods once and for all into oblivion.

Now, Mr. President, I believe the records of this body will show beyond any question of a doubt that I have been consistent in dealing with the various items affecting different industries in this great country. I have voted for some exorbitant rates with the feeling that it was better to give too much protection than not enough. I am a protectionist, and for 40 years have I spread the doctrine in a rock-ribbed Democratic State. I have remained steady in voting on this bill, realizing the need for a strong tariff in order to stabilize and encourage our industries. No section or industry has suffered as the result of my vote, yet when my State asks for a mere pittance in this bill, a rate that hurts no section, company, or person, we are abruptly refused any consideration whatsoever.

I ask you, Senators, is this discrimination the spirit of the old Republican Party? I ask you, Is this American? I ask you if you are going to sustain the managers of the bill in "trading cotton for potash" at the expense of my State and its worthy people, in order to insure treble profits to two small sections of the country? No; I shall never believe you will until I hear you record your votes.

Now, Mr. President, I desire to make some further comparisons with reference to the "consistency" of these leaders. For the past few days I have been listening to the debate on the Liberian loan, which came on the heels of the conference report on the tariff bill. I have listened carefully to all sides and I want to be fair, but now I wonder how in the world these managers can claim to be consistent. That bill was foisted upon this body, seeking authority to loan Liberia, a Republic having less than 50,000 civilized inhabitants, $5,000,000 based upon what they termed a moral obligation. The able senior Senator from Idaho [Mr. BORAH], true to his long years of public service, rose in his place and questioned the consistency of, as well as the reasons for, the passage of the bill in the face of the reclamation needs of the West, and the hundreds of other American institutions suffering from the aftermath of a great war. The two propositions side by side present a contradictory picture. It is proposed, on the one hand, to give $5,000,000 outright to a foreign, uncivilized country—for that is what it will amount to—while, on the other hand, the same leaders deal a deathblow on long-staple cotton to more people in Arizona than are in the foreign country. What can be more startling, I ask you? Is it possible that we have gone mad? Mr. President, I am for America first, last, and all the time, and I do not believe this body will tolerate such a crime.

Just a step further, if you please. I am informed by the Agricultural Department that climatic and soil conditions in Liberia are ideal for raising long-staple cotton; that in fact this product is raised in all border States of that country. So, Mr. President, knowing, as we do, that the remainder of this $5,000,000, after these New York bankers are paid, will go to build up agriculture in Liberia, is it not a sorry day when we sit here and sanction the giving of millions of American dollars, paid by the cotton raisers in Arizona and elsewhere, to Liberia to develop a foreign competitive industry that will drive the toilers of our country, engaged in the same industry, deeper and deeper into ruin?

Yet, in the face of these facts, they talk about moral obligations to Liberia. Hear me, Senators, can they, can you, can anyone doubt the moral obligation to protect the men and women of Arizona who were promised outright every assistance in the future by this Government? This damnable argument is so inconsistent that it reeks with deception.

Only a few days ago thirty-five millions were appropriated for improvements on rivers and harbors. I sanctioned it, but no one would have suffered had it not been done. Not long ago $25,000,000 was paid on the basis of an obligation, moral or otherwise, to Colombia.

The political air is seething with propaganda that we should subsidize our American merchant marine to the extent of hundreds of millions. Why? To carry to Boston cotton raised in Egypt and to remove the débris and remains of what was once a populous center of the West, left depleted through the effects of the tariff bill? Fine ideas are these "pipe dreams" concocted by those who, it would seem, never think. If we are going to have ships, all right; if we are going to do these other things, all right; but never will I subscribe to another proposition of such nature unless Arizona gets her just deserts and gets them now.

Is it not an announced and fixed policy to help industries in distress? Did we not extend the dye embargo for several months in order to help that industry find itself after the crash of the war? Then why not protect the long-staple cotton as we have protected other industries in the tariff bill?

Mr. President, at least the long-staple cotton people should be given time to save themselves from disaster before the props are completely knocked from under them. The least human thing this Government could do would be to give them an equitable tariff or embargo for a specified period during which time they would have opportunity to divert their property, their life's savings, and their very existence into the next best industry. For the past year they have had a 7-cent rate on long-staple cotton, and in the face of the greatest financial crash known to them and with the moral obligation of this Government to protect them they have clung steadily to their work and gone deeper and deeper into producing this article. Now, with one stroke, for no sane reason whatsoever, all this relief is wiped away and they will be at the mercy of their debtors, with no earthly means or provision to begin life anew.

So, Mr. President, knowing and fully appreciating the awful calamity which in this event awaits my constituents, thousands of them, I call to your attention the statement made on this floor the other day by the senior Senator from Kansas [Mr. CURTIS], wherein he said that the people of my State and the West had been derelict, without excuse in some instances, in the payment to the Government of their debts. In the presence of their attempted crucifixion here to-day I ask you to reflect what a burning statement that was when read by these people heretofore encouraged and assisted by this Government in creating a great industry out of the waste lands of Arizona, California, and other Western States. If I am correct in my inference, Mr. President, I denounce that statement as wholly uncalled for and say that it was an insult to my State. I ask, Mr. President, how can these people pay unless the Government pays its moral obligation to them, upon the strength of which they have built their life's work? I do not forget, Mr. President, the pledges in our great party platform for reclamation; nor do I forget the deathblow recently given these promises by the same leaders who are managing legislation in this Chamber. Our people are not forgetful of such pledges, and they will not forget in this case.

Surely all conceive how important the preservation of reclamation industries is to reclaiming these waste lands.

Mr. CURTIS. Will the Senator yield to me?

Mr. CAMERON. I will yield at the conclusion of my remarks. I do not forget that other industries, such as sugar, are given a high degree of protection. Discriminating protection is worse than none at all, and I denounce this attempt to "rob Peter to pay Paul." Here is an instance where the House of Representatives voted to give us a duty of 7 cents on long-staple cotton under the emergency tariff bill and the Senate under this bill by an overwhelming vote gave us the same rate; but, mind you, Mr. President, the conferees vetoed the overwhelming vote of the Senate and placed this commodity on the free list. When a few, as in this instance, can legislate out of existence an industry involving millions of dollars and the welfare of thousands of people merely because their individual constituents would be robbed of excessive profits it is high time to call a halt. Such methods are augmenting the undercurrent of another revolt in our party, the signs of which are everywhere, and yet we sit here and permit a few to bring about the result of which I complain. It is time to end such blind selfishness.

Mr. President, I have been a lifelong Republican of the old school. I have gone up and gone down with its fortunes, and so far no man can say I "welched" in defeat, although I have had many more defeats than victories while bearing the old party colors. I was sent to the House of Representatives by my party to bring about statehood for Arizona, and I admit the honor of its accomplishment during my service there. I was defeated in the following election by a narrow margin for a seat in this Chamber. I was a Republican of the old stripe in the days of 1912, when such Republicans were hard to find in my State. No one can say I did not stand the test, and it is a happy remembrance to recount the return to the fold of those who honestly parted from our ranks, so that in 1920 a united front was again in evidence and confidence in our party policies was completely restored by the greatest majority in party history. As one of those who stood firm through victory and defeat, I warn the leaders in this Chamber of the aftermath of such leadership and discriminating legislation as indicated in this bill.

The Republican Party was split in 1912 as the result of discriminating tariff legislation. Arizona is not alone in being discriminated against under this bill. A similar cry comes from many other needy sections and industries. So, Mr. President, as one Senator I say that unless the interests of my State are given their just deserts there is but one way for me to answer the roll call on this tariff bill. I was elected by friends and adherents of both the great political parties; the organization of my own party in my State did not look with favor on my attempted return to Congress; and therefore I owe no allegiance to any organization, no matter of what party faith or creed, and if I fail to vote the sentiments of my constituents and friends who sent me here to represent them on questions affecting our existence as a State I am not worthy of their confidence, your confidence, or the confidence of the great and real Republican Party.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. SIMMONS obtained the floor.

Mr. ASHURST. Will the Senator yield to me for a moment, Mr. President?

Mr. SIMMONS. Yes.

Mr. ASHURST. I have here a telegram in reference to the same subject discussed by my colleague [Mr. CAMERON], which I ask that the Secretary may read.

The PRESIDENT pro tempore. Without objection, the Secretary will read the telegram.

The Assistant Secretary read as follows:

PHOENIX, ARIZ., *September 15, 1922.*

Senator HENRY F. ASHURST,
United States Senate, Washington, D. C.:

As a final argument when the matter comes up before the Senate again please point out that under the protection of a 7-cent tariff the farmers here have 80,000 acres of cotton ready to pick, and under any condition they should be allowed protection until this cotton and the hold-over cotton from 1920 and 1921 has been marketed. If there is a reason against a permanent tariff on long-staple cotton there is no reason why it should not be retained until the present crops are disposed of. This is admitted even by the cotton buyers here and in the East.

HARRY WELCH,
Secretary Phoenix Chamber of Commerce.

Mr. ASHURST. Mr. President, in 1920 the Republican Party, through its orators, specifically and directly promised an import duty on long-staple cotton if intrusted with power. The Republican leaders in the Senate in 1921 and early in 1922 renewed and repeated these promises and encouraged the planting of additional acreage of such cotton in Arizona, but these pledges and promises are to-day broken and disregarded and the cotton industry in Arizona and California is prostrate; in its back is a dagger—a free-trade dagger—thrust there by Republican hands. Esau traded away his birthright for a dish of pottage, but Esau got his pottage. The Senate conferees traded off long-staple cotton for a mess of potash, but did not get their potash.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. SIMMONS] has been recognized.

Mr. McCUMBER. I ask the Senator from North Carolina to yield to me for one moment.

Mr. SIMMONS. I yield.

Mr. McCUMBER. I desire to say, first, to the junior Senator from Arizona on this side of the Chamber [Mr. CAMERON] that I agree entirely with him that in the long run it would have been for the best interest of the American people to have given appropriate protection to long-staple cotton. I also agree that it would have been for the benefit of the American farmer in the long run to give adequate protection to potash; but, Mr. President, if we were to have a tariff bill it was necessary that there should be a concurrence of the House of Representatives and the Senate. It was impossible to reach an agreement unless we followed the instruction of the House which followed the action of the Senate in putting potash upon the free list, and also unless we surrendered on the question of long-staple cotton to the conferees of the other House.

I hope the time will come when the American people will act more together in the matter of the protection policy and will develop every possible American industry even though it may call for some little sacrifice for a year or two. Had we followed that rule we would have had protection upon our long-staple cotton until we could have developed the industry in the United States; we would have had protection upon potash until we could have developed the potash industry of this country, and we should not be at the mercy of foreigners in both instances as we are to-day. However, we can not always get what we want in framing a bill. There are the two Houses to be considered; there are political questions as well as industrial questions to be considered, and it was impossible to put either of these commodities at this time upon the protected list.

Mr. CAMERON. Mr. President, will the Senator from North Carolina yield to me for just a moment?

Mr. SIMMONS. I yield to the Senator.

Mr. CAMERON. I desire to ask the Senator from North Dakota if he would favor a bounty on long-staple cotton in order to give the producers of that commodity some relief?

Mr. McCUMBER. I favored a bounty for the potash industry, as the Senate committee provided, but it was voted out of the bill. I am in favor of anything, whether by way of a bounty or otherwise, which will assist in protecting an American industry and in the end enable it to be developed to such a stage that its operation will be beneficial to the country. I can not answer the Senator's statement directly; I can only answer it by the statement which I have made, that I am in favor of protection for an industry until that industry has become established, and if we can not protect it in one way I would be perfectly willing to protect it in the other way.

Mr. CAMERON. Is there any suggestion the Senator from North Dakota, as chairman of the Committee on Finance, could make whereby assistance might be afforded to the people who are engaged in this industry, who have devoted their labor, their money, and time to it, and have undergone hardships in the effort to make it a success? I think that is a fair question, for if there is any method which can be devised to aid them I should like to see it adopted, and this is the last chance which will be afforded.

Mr. McCUMBER. Of course, there is no chance upon this bill, because the only question now involved in the consideration of the conference report is, Will the Senate accept the bill as it now stands? All that can be done now is to accept or reject the conference report. However, a bill may be introduced in the House at a moment's notice or a bill may be introduced in the Senate. Such a measure could be taken up at any future time, and I should be pleased to join with the Senator along the line he has indicated.

Mr. CAMERON. I thank the Senator.

Mr. SIMMONS resumed and concluded his speech, which is as follows:

Mr. SIMMONS. Mr. President, I have finished the substance of my argument with reference to the conference report, and I merely wish to add in that connection a brief statement with reference to the general range of duties in the conference report as compared with those contained in the Senate bill.

While I do not mean to challenge the accuracy of the statement presented by the Senator from North Dakota this morning, I have had a statement prepared for me by what I regard as a competent Government expert, the one furnished me by the department and who has been with me ever since we began the consideration of the tariff bill. He advises me that a careful examination of the conference report as compared with the rates in the Senate and House bills, respectively, shows that there were 938 amendments affecting rates; that of those 938 amendments affecting the duties on various articles, in 727 cases the rates are unchanged from those provided by the Senate; that is to say, the House accepted the Senate rates upon that number, which, expressed in percentages, represents 78 per cent of all the rates in the dutiable list to which amendments were made. The expert to whom I have referred estimates that in 150 cases, representing 16 per cent of the total number of changes made, there have been reductions, and in 61 instances, or 6 per cent, the rates have been increased.

I have here a table showing the House and the Senate rates and the rates as reported by the conference committee in juxtaposition, embracing the 938 rates referred to. An examination of them will show, I think, that the calculation is probably correct; that nearly to the extent of 80 per cent the higher Senate rates were retained unchanged. I think it will show with reference to the reductions—and that is the reason I desire to refer to the table—that where reductions have been made, except in a very few instances, they have been very slight, although, of course, in some instances they have been substantial; and that where increases have been made, while they have also been slight in some cases in many instances they have been considerable.

But speaking at large, it is correct to say that the House substantially accepted the Senate rates, which are the higher rates, and I think it is equally correct to say that the reductions are generally made with reference to matters of comparatively small importance; that there are very few reductions that amount to anything made with reference to items of any very great public interest or importance.

Leaving the conference report, as I indicated in the beginning of my remarks to-day, I want to make some general observations with reference to this bill before it finally passes out of the hands of the Senate.

First, I want to advert to the subject of wool—raw wool—about which there has been so much controversy.

Mr. President, there is in the case of wool, as in the case of cotton and tobacco and many other things, quite a variety of grades. The wool entering into the cloth cost from 12 cents to $1.25 per pound, according to grade.

Imposing a rigid tax of 31 cents per pound upon these wools, coarse and fine, is a clear discrimination against the coarser wools in favor of the finer wools. The only just and reasonable tax against articles of this kind is an ad valorem tax. To tax wool worth 12 cents 31 cents per pound and tax wool worth $1.25 31 cents per pound is a rank injustice and indefensible. It imposes ten times as much tax on the low grades, which, of course, are used in making the clothing of the poorer classes, as is imposed upon the fine grades, used in making the cloth of the rich or well-to-do classes. That is to say, it is a tax of 25 per cent ad valorem upon the fine wools and a tax of 150 per cent on the low-grade wools. That is what the present duty is and that is what the Republican method of taxing raw wools has always amounted to. It is repugnant to common sense. It is revolting to every principle of right and fair dealing and furnishes unanswerable confirmation to the charge that Republican tariffs are written in favor of the classes and to the prejudice of the masses. Its effects and actual operation are shocking and confirm all I have heretofore said in the appeal I have from time to time made in the discussion of this bill in favor of an ad valorem duty, if any was to be imposed, upon raw wools. If a specific duty is to be imposed, it ought to depend upon the quality and intrinsic value of the different grades and not to apply indiscriminately to all wools, irrespective of grade or quality, as is applied in this bill.

I think it is of very great importance that the people of the United States should not be misled with reference to the rate now imposed upon raw wool, as compared with the rates in the present law, the Payne-Aldrich Act, and the emergency act. The comparison with reference to the emergency act is not of any very special importance—from a partisan standpoint of no importance—because, of course, the Republican Party is equally responsible for these high rates, whether they are higher or lower than the emergency rates, because it enacted both rates; but it looks to me as if there has been a somewhat deliberate purpose to mislead the people and to falsify the facts with reference to the rates proposed in the present bill, as compared with former legislation upon this subject.

Mr. President, I ask permission, without reading the whole of it, to incorporate here as a part of my remarks an answer made by the Carded Woolen Manufacturers' Association to these false and misleading statements, this answer being dated Boston, Mass., September 8, 1922. I will print only a part of this document. The whole document does not deal with this subject.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

REPLY BY CARDED WOOLEN MANUFACTURERS' ASSOCIATION.

The statement issued by the American Farm Bureau Federation, Chicago, deserves attention not only because of its misleading character but because it comes from an organization that is credited with having brought into existence the so-called farmers' tariff bloc, which has recently driven a wool schedule with a 33-cent scoured content duty on wool through the Senate.

CRUSHING BURDEN ON CONSUMER.

In an attempt to explain away the fact that a scoured content duty of 33 cents per pound will increase the cost of a suit of clothes from $4 to $5 the farm bureau ignores the 33-cent scoured content duty completely and presents a calculation of 9.8 pounds of heavy shrinking western wool at the 1921 price (20 cents a pound), a total of $1.96, as the amount the wool grower received for the wool to make cloth for an all-wool suit of clothes. That, however, has nothing to do with the question of what the 33-cent duty will cost the consumer if put into a tariff act.

The claim, which the farm bureau can not refute, is that a duty of 33 cents per scoured pound added to the cost of wool will increase the retail price of a suit of clothes from $4 to $5, and the retail price of an overcoat about $7 after the unavoidable pyramiding of the first cost by reason of the costs of distribution, including profits, by the wool dealer, spinner, weaver, manufacturing clothier, and retailer. These increases are inevitable in the transaction of business. To ignore the 33-cent scoured content duty and talk about the 1921 cost of western grease wool, as the farm bureau does, is transparent evasion, and to ignore the costs of distribution, which are necessarily based on the value of merchandise, is to ignore facts in order to bolster up the farm bureau's case.

HIGHER PRICES AND POORER QUALITY.

It is important that every consumer of wool goods should keep in mind the fact that this increase in the cost of clothing will be brought about in two ways, one being to add the increase to the retail price for a garment with the quality unchanged, and the other way being to lower the quality of the cloth by using mixtures of shoddy, cotton, and poor wool and selling the garment for the same amount or even at a reduced price.

The farm bureau presents the same fallacious reasoning when referring to the total annual cost of the 33-cent duty to the consumer. We placed the annual cost at $310,000,000, based on a consumption of 306,000,000 pounds of scoured wool, and on allowances of 10 per cent, 15 per cent, 17½ per cent, 22½ per cent, and 33⅓ per cent to the wool dealer, spinner, weaver, manufacturing clothier, and retailer, respectively, for costs of distribution, including profits.

In answer to this showing all that the Farm Bureau gives is the figures for the value of wool produced in 1921 and 1922. Such figures would be wholly irrelevant even if they covered both domestic and imported wool, but to cap the climax the Farm Bureau omits imported wool entirely, although it comprises practically two-thirds of the wool consumed in the United States. Such is the argument from that temporarily omnipotent farmers' bloc before the Finance Committee, the Senate, and the House of Representatives bow the knee. The Farm Bureau is like Senator LODGE in 1908, when he said to a man who was urging some method of securing information for the revision of the tariff: "Information? We don't want information. What we want is votes."

RUSHING IN WHERE FORDNEY FEARS TO TREAD.

The next paragraph in the Farm Bureau's bulletin is an attempt to refute the statement that the 33-cent duty is 83 per cent higher than the Payne-Aldrich tariff. Here we find the Farm Bureau rushing in where even Chairman FORDNEY now fears to tread a second time. The Farm Bureau, as in the preceding paragraphs, starts in by ignoring the point at issue, the comparative height of the 33-cent Fordney-McCumber scoured content duty and the Payne-Aldrich grease weight duty on wool, and begins to talk about the old 4-to-1 ratio for the compensatory duty on goods in the Payne-Aldrich Schedule K. No line of reasoning could be more ridiculous or irrelevant. The question is, How does the 33-cent scoured content duty compare with the Payne-Aldrich wool duty? As the Farm Bureau evidently will not answer, we will give the answer to that question here.

EIGHTY-THREE PER CENT ABOVE THE PAYNE-ALDRICH BILL.

The Senate bill imposes a duty of 33 cents per pound on the scoured content of wool regardless of its quality, condition, or value. The Payne-Aldrich Schedule K placed a duty of 11 cents per pound on class 1 wool if unwashed, 22 cents per pound if washed, and 33 cents per pound if scoured; on class 2 wool the Payne-Aldrich duty was 12 cents per pound whether washed or unwashed. During the four years of the Payne-Aldrich bill's troubled life, 1910, 1911, 1912, and 1913, wool of class 1 and class 2 was imported and entered for consumption as follows:

	Grease.	Scoured.
Weight....pounds..	355,786,357	9,293
Value....	$81,917,590	$2,285
Duty paid....	$39,624,864	$3,075
Duty per pound....cents..	11.13	33
Duty, equivalent ad valorem....per cent..	48.4	134.6
Duty per schedule pound....cents..	18	33

These official statistics of wool imported under the ill-starred Payne-Aldrich bill show that the 11 and 12 cent rates on grease wool were the effective rates, the imports of scoured wool subject to the 33-cent rate being negligible, the proportion being 38,285 pounds of grease wool to 1 pound of scoured wool. The reason for this disproportion is found in the ad valorem equivalents of the specific duties, 48 per cent on the grease wool and 134 per cent on the scoured wool.

Under the Payne-Aldrich bill no grease wool shrinking in scouring much more than 50 per cent was imported, the bulk of the imports shrinking much less, the average shrinkage being not far from 38 per cent, making the scoured content equivalent of the effective Payne-Aldrich duty on wool 18 cents per pound. Consequently, the 33-cent scoured content wool duty of the Fordney-McCumber bill is 83 per cent higher than the effective duty on wool under the Payne-Aldrich bill.

That is the unvarnished truth. The statement on this point by the Farm Bureau is but a mass of irrelevant words about the 4 to 1 Payne-Aldrich compensatory duties on goods, and is calculated only to conceal the truth.

THE DIFFERENCE IN COST PRETENSE.

The Farm Bureau states that "the present tariff is being prepared on the basis of the difference in cost of foreign and domestic articles." We deny it. The difference in cost as a basis of the Fordney-McCumber wool tariff is but a pretense of the Farm Bureau which represents the special interests that the so-called farmers' bloc serves.

The investigation of foreign and American costs of producing wool by the United States Tariff Commission is worthless so far as disclosing the difference of cost is concerned. As for the investigation of foreign costs of woolgrowing its worthlessness is shown by the following extracts from the commission's report: "Detailed costs of running sheep in Argentina are not available" (p. 389); "no detailed costs of running sheep in Argentina were made by the Tariff Commission" (p. 405); "the cost of wool per pound can not be determined accurately from these figures (nor from any other data for that matter) where sheep are also regularly marketed" (p. 408); "the figures are estimates only, but * * * are trustworthy as far as they go" (p. 406); "there may be some question as to whether the interest (now omitted) should be included, * * *; many incidental expenses are also omitted"

The fact is the Tariff Commission's figures are mere estimates, collected, not by the Tariff Commission's agents but by American consuls from Tom, Dick, and Harry in South Africa, Australia, and Argentina, with no possibility of verification, and then rearranged when they reached Washington. The Tariff Commission makes no attempt to conceal this fact, and will not stand back of the figures.

The cost figures for the United States are little better, as will be seen by referring to page 197 of the commission's report where it is stated that the investigation covered only 385,000 in 1921, out of a total of about 25,000.000 for the range States, an average of about 1 sheep out of every 65.

Furthermore, the figures in this mass of estimates and guesswork, gathered from distant regions by people calculating costs each in his own way, are based on the grease weight of wools varying widely in quality and shrinkage. Such are the figures with which the Farm Bureau now seeks to justify the 33-cent duty on the scoured content of wool, a duty that varies from 25 per cent ad valorem on the high-priced wool for clothing for the rich, to 250 per cent on the lower grades, with an average between 100 per cent and 200 per cent ad valorem. And these outrageous duties are to be placed on the raw material for clothing the American people. What the Farm Bureau is after is expressively high prices for wool regardless of what market conditions may be and regardless of the welfare of the American consumers.

WOOL SCHEDULE BASED ON A BARGAIN.

No attempt worthy of the name has been made to determine either the American or the foreign cost of wool or wool goods. The Fordney-McCumber wool schedule, like the Payne-Aldrich Schedule K, has been based, not on cost differences but on a bargain between a group of western Senators and Congressmen, known as the farmers' tariff bloc, and another group from the East and Middle West who are representing the interests of the worsted spinners. The arrangement, compact, gentlemen's agreement, or whatever it may be called, is that the farm bloc will support the duties on wool goods in return for the worsted bloc's support of the unlimited 33-cent scoured content duty on wool, and vice versa, that the worsted bloc will support the wool duty in return for the farm bloc's support of the duties on goods.

VOTING AT THE RING OF THE BELL.

In plain view of the entire country, without consulting the consumers, who must bear the burden, without making any attempt to determine either the foreign or American cost of production, these two blocs or groups of legislators during recent weeks have carried out the sordid bargain at the behest of the special interests that are planning to profit under it. The members of these two allied blocs have been deaf, dumb, and blind to the truth that has been placed before them. They have legislated with closed minds, as Chairman McCUMBER admitted in the following words on July 26, when reminded that only one Republican was in his seat during the discussion of the wool schedule (CONGRESSIONAL RECORD, p. 11630):

"The Senators who will vote on this matter have their minds made up, enough of them. They will come in at the ring of the bell."

Instead of discussing the proposed Fordney-McCumber wool schedule and its certain and probable effects if made a law, the Farm Bureau talks about wholesale prices of clothing before the war and during the recent period of deflation.

The Farm Bureau's reference to the Underwood duty of 35 per cent on clothing is not only irrelevant, like nearly all of its statements, but it is also an attempt to conceal the bargain between the farm bloc and the worsted bloc. Why does the Farm Bureau avoid the Fordney-McCumber duties rising as high as 200 per cent on wool, 231 per cent on tops, 143 per cent on yarn, 130 per cent on dress goods, and 170 per cent on heavy wool cloths, and confine its statement to the Underwood rate of 35 per cent ad valorem on clothing? It is because these excessively high rates on tops, yarn, and cloth are due mainly to the compensatory duties made necessary by the excessively high scoured content duty of 33 cents per pound on wool, which the farm bloc has forced through the Senate, and also because it is part of the arrangement between the farm bloc and the worsted bloc that each bloc will keep its mouth shut about the excessive rates demanded by the other bloc and for which both blocs will vote at the ring of the bell.

CARDED WOOLEN MANUFACTURERS ASSOCIATION,
EDWARD MOIR, *President*.

BOSTON, MASS., *September 8, 1922*.

Mr. SIMMONS. It will be observed from reading this statement, which I wish to have inserted in full at this point in my remarks, that this association of woolen manufacturers, speaking through its president, Mr. Edward Moir, discusses the rates of the present bill on raw wool as compared with those in the Payne-Aldrich bill. Speaking about a statement made by the Farm Bureau Bulletin, it says:

> The next paragraph in the Farm Bureau's bulletin is an attempt to refute the statement that the 33-cent duty is 83 per cent higher than the Payne-Aldrich tariff.

The conference report has reduced this rate from 33 to 31 cents. This statement was made before that reduction, and has reference to a 33-cent rate, which, it declares, is 83 per cent higher than the Payne-Aldrich tariff.

The document continues:

> Here we find the Farm Bureau rushing in where even Chairman FORDNEY now fears to tread a second time. The Farm Bureau, as in the preceding paragraphs, starts in by ignoring the point at issue, the comparative height of the 33-cent Fordney-McCumber scoured-content duty and the Payne-Aldrich law grease-weight duty on wool, and begins to talk about the old 4-to-1 ratio for the compensatory duty on goods in the Payne-Aldrich Schedule K. No line of reasoning could be more ridiculous or irrelevant. This question is, How does the 33-cent scoured-content duty compare with the Payne-Aldrich wool duty? As the Farm Bureau evidently will not answer, we will give the answer to that question here.
>
> 83 PER CENT ABOVE THE PAYNE-ALDRICH BILL.
>
> The Senate bill imposes a duty of 33 cents per pound on the scoured content of wool regardless of its quality, condition, or value. The Payne-Aldrich Schedule K placed a duty of 11 cents per pound on class 1 wool if unwashed.

That is, if in the grease—

> 22 cents per pound if washed; and 33 cents per pound if scoured; on class 2 wool the Payne-Aldrich duty was 12 cents per pound whether washed or unwashed. During the four years of the Payne-Aldrich bill's troubled life, 1910, 1911, 1912, and 1913, wool of class 1 and class 2 was imported and entered for consumption as follows:

Mr. President, I should like to emphasize this statement. Here are the entire imports of wool during the life of the Payne-Aldrich law:

> Weight, in grease, 355,786,357 pounds.

The wool bearing the 11-cent rate in the Payne-Aldrich law—

> Scoured only, 9,293 pounds.
> Value (of wool imported in the grease during that time), $81,973,590.

That is in the grease, dutiable at 11 cents a pound.

> Scoured (dutiable at 33 cents a pound, value of imports during that time only), $2,285.
> Duty paid (on the wool in the grease), $39,624,864. Scoured, $3,075.
> Duty per pound (on the wool imported in the grease), 11.13 cents; scoured, 33 cents.
> Duty, equivalent ad valorem, grease, 48.4 per cent; scoured, 134.6 per cent.
> Duty per scoured pound, 18 cents.

Mr. President, the duty upon the scoured basis equaled the pending taxes on raw wool. It will be seen that practically all of the wool imported under the Payne-Aldrich bill was in the grease condition; and paying duty on the same basis—the scoured content—that this bill provides, the duty upon that wool would have been 18 cents, and practically all that ever came in under the Payne-Aldrich Act came in under that duty of 18 cents on the scoured content.

> These official statistics of wool imported under the ill-starred Payne-Aldrich bill show that the 11 and 12 cent rates on grease wool were the effective rates—

The others were not effective rates, because wool of that character did not come in; and, Mr. President, when it was possible under the provisions of a law to introduce wool in the grease for 11 cents a pound, regardless of the scoured content, any manufacturer, it seems to me, would have been worse than an idiot if he had, as a matter of fact, imported wool or bought wool imported not in the grease. He would have been voluntarily paying a higher duty when he could get a lower one; and the imports show, of course, that it was not brought here except in the grease, except in such negligible quantities that it is not worthy of mention.

The wool came here just as the exporters knew the market of this country would take it, and in no other form.

I again quote:

> These official statistics of wool imported under the ill-starred Payne-Aldrich bill show that the 11 and 12 cent rates on grease wool were the effective rates, the imports of scoured wool subject to the 33-cent rate being negligible, the proportion being 38,285 pounds of grease wool to 1 pound of scoured wool.

Just think about that.

> The reason for this disproportion is found in the ad valorem equivalents of the specific duties, 48 per cent on the grease wool and 134 per cent on the scoured wool. Under the Payne-Aldrich bill no grease wool shrinking in scouring much more than 50 per cent was imported, the bulk of the imports shrinking much less, the average shrinkage being not far from 38 per cent, making the scoured content equivalent of the effective Payne-Aldrich duty on wool 18 cents per pound. Consequently, the 33 cents scoured content wool duty of the Fordney-McCumber bill is 83 per cent higher than the effective duty on the wool under the Payne-Aldrich law.

I do not think that requires any particular confirmation, but I have some additional evidence here which will hardly be disputed. I have here a statement which I want to put into the Record, a statement prepared for me by a man I regard as our greatest expert in this country with reference to tariff rates. That is the esteem and estimate in which he is held by all the departments of the Government and by all committees dealing with the subjects of tariff and revenue. His statement is with reference to the emergency tariff, and I shall place it in the appendix of my remarks.

I showed this expert the estimates made by the Carded Wool Manufacturers, showing the exact amount of wool imported in the grease and the scoured content, and showing that the duty in the grease was 18 cents under the Payne-Aldrich law on the scoured content, and that practically all the wool that came in under the Payne-Aldrich law was in the grease state and took the benefit of that 18 cents on the scoured content. I asked him if that was reasonably correct, and he said it was.

I asked him, then, to get me the identical facts upon the same basis with reference to the emergency tariff, because I wanted to know whether the rates in this bill were less than those in the emergency tariff law, as they had been declared to be.

Here is a statement as to class 1 during the life of the emergency tariff law. I asked that he get me a statement of all the imports of wool under the emergency tariff, just as this association got a statement of all the wool imports under the Payne-Aldrich law; and I told him to let me see what kind and grades of wool came in and what duty it took. He did this, and his statement shows as follows:

Class 1 covered unwashed wool; that is, in the grease. Under the emergency tariff, up to this time, the imports were 382,494 pounds, valued at $59,567; duty, $57,374. Equivalent ad valorem, 96.32 per cent.

Of the washed, which took the 22 per cent rate, only 26,000 pounds came in during the life of the emergency tariff law.

The tax in the Fordney-McCumber bill is imposed on the scoured content, which they attempted to compare with the emergency rate of 45 per cent. Scoured wool under the emergency act took a rate of 45 per cent, and during the life of the emergency tariff the imports amounted to only 271 pounds, valued at $130. Sorted, unwashed, 2,000 pounds.

The imports of class 2, unwashed, or in the grease, were 77,830 pounds. Of washed, which takes the second rate of 22 cents, there were only 379 pounds imported; sorted and unwashed, 550 pounds.

Of the unwashed, under the emergency tariff act, there came in 764,772 pounds; of washed, only 4,742 pounds.

The total amount which came in under the emergency tariff law was 1,259,203 pounds.

All of this except 36,157 pounds was unwashed or in the grease, and paid 15 cents a pound on the scoured content. It was unskirted, and it was not caught by the penalty which you put in the bill of double duty where the wool is brought in skirted.

Let us get the averages. Out of a total of more than a million and a quarter pounds, only 36,000 took a rate higher than 15 cents.

The average duty on wool imported was 24.1 cents per pound. Duty, 15 in grease; washed, 30; scoured, 45. The average duty paid, based on the scoured basis, during the whole life of the emergency tariff law, which is what I want to get at, and which is the basis of duties fixed in this bill, amounted to about 22½ cents a pound on the scoured content.

I will give the name of this expert in private to anybody who desires it. I do not wish to give it publicly because it might be embarrassing.

I present another statement made by the Carded Woolen Manufacturers' Association, of Boston, which I ask to have incorporated in my remarks.

There being no objection, the statement was ordered to be printed in the Record, as follows:

WOOL TARIFF MISTAKES OF MR. LONGWORTH—A STATEMENT BY THE CARDED WOOLEN MANUFACTURERS' ASSOCIATION OF BOSTON, MASS.

BOSTON, MASS., *September 7, 1922.*

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

DEAR SIR: We find in the discussion of the wool tariff in the House of Representatives on September 1 statements by yourself and Mr. GREEN of Iowa, both members of the tariff conference committee, which give such an erroneous idea of what the emergency and proposed Fordney-McCumber rates actually are that we are writing this letter to clear up the misunderstanding, and trust you will insert it in the CONGRESSIONAL RECORD for that purpose. The statements to which we refer are as follows:

"Mr. LONGWORTH. The highest rates provided in the Senate bill are very much lower than in the existing law. I read from the existing law the rates of duty imposed on wool, commonly known as clothing wool. They are: 'Unwashed, 15 cents per pound; washed, 30 cents per pound; scoured, 45 cents per pound.' The highest rate on scoured wool in the Senate bill is 33 cents a pound. In other words, the duties in the existing law are 12 cents a pound higher than the highest rates in the Senate bill. Therefore, if the tariff would have any effect on the price of woolens, as this man says it will, its effect will be to greatly decrease the price of clothing. [Applause.]

"Mr. GREEN. The gentleman is aware, but evidently has overlooked it for a moment, that there is over 100,000,000 pounds of wool in bond in Boston now waiting to come in when the lower rates are put into effect. They would not be held in bond that way if there was going to be a rise."

THE "SKIRTING" CLAUSE JOKER.

In telling the House what the emergency rates are, you told only part of the story, omitting to refer to the following skirting clause joker in the emergency act:

"On wool and hair provided for in this paragraph, which is sorted or increased in value by the rejection of any part of the original fleece, the duty shall be twice the duty to which it would otherwise be subject, but not more than 45 cents per pound." [This means 45 cents per pound in the greasy condition.]

As it has long been the general custom to "skirt" foreign wool, the immediate effect of the skirting clause in the emergency act was to double the duty on nearly all greasy wool available for export to the United States.

The effect of "skirting" wool is to increase the value per pound approximately 5 per cent. That is to say, unskirted grease wool valued at 30 cents per pound would be worth about 31½ cents per pound after the "skirts" were removed. Under the emergency act the 30-cent unskirted wool would pay a duty of 15 cents, or 50 per cent ad valorem, while the 31½-cent skirted wool would pay a duty of 30 cents, or 95 per cent ad valorem.

This penalty placed on skirted wool and the great reduction in the duty on unskirted wool under the emergency act have had their natural effect of diverting imports to wool in the unskirted condition. This change would have been more rapid if the emergency law had not rested under the constant threat of repeal by the passage of a so-called permanent tariff, but unskirted wool is now being imported at the 15-cent emergency rate and if the emergency tariff should become in fact, as well as nominally, a "permanent" law, foreign wool would be imported exclusively in an unskirted condition.

Now, the double duty of the emergency act on skirted wool is to all intents and purposes an embargo, as is shown by the 100,000,000 pounds of grease wool now held in bond, most of which is skirted and subject to a duty of 30 cents per pound. As the bulk of this 100,000,000 pounds of wool will shrink in scouring about 50 per cent, it follows that the embargo rate on the scoured content of such wool is 60 cents per pound. If it were unskirted wool the emergency tariff would be 30 cents per pound of scoured content.

WHAT THE EMERGENCY DUTY ACTUALLY IS.

But this is not the whole story of the emergency duty on wool. A very large part of the world's wool clip shrinks in scouring much less than 50 per cent. Unskirted wool shrinking as little as 20 to 30 per cent is now being imported under the 15-cent emergency rate. On the unskirted wool shrinking 20 per cent this 15-cent emergency rate is equal to a duty of (15÷.80) 17½ cents per pound of scoured content. On the wool shrinking 30 per cent it is equal to (15÷.7) 21½ cents per pound of scoured content.

Such are the rates under which business would be carried on under the emergency act if that act were actually instead of nominally "permanent."

CONFUSING "SCOURED WOOL" AND "SCOURED CONTENT."

Another mistake which you and Mr. GREEN made on September 1 was in representing the emergency wool duty as being 45 cents per pound of scoured content, and comparing this rate with the 33-cent scoured-content duty of the Fordney-McCumber Senate bill. The fact is that the 45-cent rate in the emergency act applies only to wool imported in the scoured condition. As an indication of what the emergency wool duty actually amounts to, the 45-cent rate is as misleading as was the 33-cent rate on scoured wool in the old Schedule K from 1867 to 1913. The woolgrowers supported that indefensible schedule because they thought that under it the duty on the scoured content of grease wool was represented by the 33-cent rate on wool imported in the scoured condition. The eyes of the woolgrowers were opened to the truth during the agitation over Schedule K from 1909 to 1913, and then they turned to a duty on the scoured content, which they have recently forced into the Senate bill, making it 33 cents per pound. How badly the woolgrowers were fooled for over 40 years, from 1867 to 1912, is shown by the fact that out of 355,795,650 pounds of wool entered for consumption during the four years from 1909 to 1913, under the Payne-Aldrich law, only 9,293 pounds was in the scoured condition subject to the 33-cent rate, the remainder being grease wool on which the 11-cent rate was equivalent to an average duty of 18 cents per pound of scoured content; that is, only 1 pound of scoured wool to every 38,285 pounds of wool in the grease.

Why this disproportion? Because the 33-cent rate was a practical embargo with the ad valorem equivalent running as high as 300 per cent on the wool that was shut out, and amounting to 135 per cent on the 9,000 pounds that reached this country, probably by some mistake; while the grease-weight duty, under which substantially all the imported wool was brought in, was equivalent to 18 cents per pound of scoured content, or 48 per cent ad valorem, because of the light shrinkage averaging about 38 per cent.

The mistake the woolgrowers made from 1867 to 1913 regarding the 33-cent duty on wool when imported in the scoured condition under Schedule K, you and Mr. GREEN made on September 1, when you accepted the 45-cent duty on wool imported in the scoured condition as representing the emergency duty on wool. The fact is that the emergency tariff act of 1921 involves all the crookedness of the old Schedule K wool duty in addition to the outrageous double duty of the skirting-clause joker, with an increase of 36 per cent in the rate from 11 cents to 15 cents.

As the 11-cent grease wool duty of Schedule K was equivalent to (11÷.62) 18 cents per pound of scoured content on the wool actually imported, so the 15-cent grease-wool duty of the 1921 emergency tariff would, in the course of two or three years, become equivalent to (15÷.62) 25 cents per pound of scoured content if the law remained in effect long enough for the growers of wool in South America and Australia to deliver their wool in unskirted condition.

COMPARISON OF THREE WOOL TARIFFS.

The above statement of the facts about the Payne-Aldrich, 1921 emergency, and Fordney-McCumber wool duties, shows plainly how misleading is your statement that the enactment of the 33-cent scoured content wool duty of the Senate bill would mean a reduction as compared with the emergency act now in effect. Put in its simplest form for purposes of comparison, the truth about the scoured-content equivalents of these three wool tariffs is as follows:

Payne-Aldrich, 18 cents per pound.
Emergency act, 25 cents per pound.
Fordney-McCumber, 33 cents per pound.

Considered as a permanent tariff, the emergency wool duty is 36 per cent higher than the indefensible Payne-Aldrich wool duty.

The proposed Fordney-McCumber duty of 33 cents per pound of scoured content is 83 per cent higher than the indefensible Payne-Aldrich wool duty.

Any statement to the contrary is not in accordance with the facts.

STOCK PLEA OF REPUBLICAN ORATORS.

Nevertheless, the unfounded claim that the Fordney-McCumber wool duty represents a reduction from the emergency tariff has for months been spread broadcast from the Senate Chamber and the stump by the most distinguished members of the dominant party, and having been taken up by their lieutenants, is rapidly becoming a stock plea of Republican orators.

It is a serious offense against good government when an excessive and unjust tax is placed on the people. That offense is aggravated when the legislators not only impose the tax but represent to the people who must pay the tax that it is less than it actually is. And that is the unfounded impression that Senators LODGE, SMOOT, and MCCUMBER, and now you and Mr. GREEN of Iowa, have conveyed to the public and to your associates in Congress.

The ease with which uninformed people accept this claim as to the wool duty was illustrated during the discussion in the House on September 1, when Mr. MAGEE asked you, "Would the gentleman state the House rate?" You replied by repeating the statement, which we have shown to be unfounded, that the Senate rates on wool represent a reduction from the rates of the emergency act. And Mr. MAGEE apparently was satisfied with your reply. If Mr. MAGEE, who has been a Member of the House during the nearly two years that the Fordney-McCumber bill has been under consideration, can at this late date be deceived by the claim, how easy it must be to mislead the voters throughout the country, the great majority of whom have had no opportunity to become familiar with the technicalities of the wool schedule.

WANTED IN CONGRESS—THE WHOLE TRUTH.

Because of the great importance of the wool tariff to the 110,000,000 people in this country, we ask you and Mr. GREEN to insert in the CONGRESSIONAL RECORD a correction of the mistakes made in your discussion in the House of Representatives on September 1. This you can do either by inserting this letter in the CONGRESSIONAL RECORD or by making in your own words a comprehensive statement of the facts about the Payne-Aldrich, the emergency, and the proposed Fordney-McCumber duties on wool.

And in such a statement it would be most fitting for you to include the great truths that—

(1) Any specific duty on materials, like wool, varying widely in value per pound, is necessarily unjust and discriminatory. By excluding medium and low priced wools, specific duties compel American wool manufacturers to lower the quality of wool goods by substituting shoddy, cotton, and poor wool for the good wool that they can not obtain.

(2) The only duty on such materials that is free from injustice is one based on value, the rate being a uniform percentage of the value, the amount of the duty collected increasing or decreasing as the value increases or decreases.

(3) The underlying cause of the turmoil over the wool schedule since 1867 is that the Republican Party has persisted, as it is still persisting, in placing specific duties on wool and wool goods instead of adopting ad valorem duties which affords the only basis for a fair tariff on wool and its products.

(4) The specific tariff on wool, as proposed in the House and Senate drafts, is not only open to all the inherent defects of specific duties in general, but has the added defect that its administration is impracticable. If made a law, it will be subject to unavoidable and serious errors and open the door to fraud on the Government.

Only by making the whole truth known about both specific and ad valorem duties on wool will it be possible for the legislators to reform the wool schedule, which has been the breeding place of discrimination and special privilege under the law during 44 of the 55 years since 1867.

Respectfully,

CARDED WOOLEN MANUFACTURERS' ASSOCIATION.
EDWARD MOIR, *President.*

Mr. SIMMONS. This seems to be addressed to Mr. NICHOLAS LONGWORTH, correcting some very remarkably erroneous and misleading statements made by that gentleman on the floor of the House of Representatives. I shall read but a small portion of this statement. They state:

> As the 11-cent grease-wool duty of Schedule K was equivalent to 18 cents per pound of scoured content on the wool actually imported, so the 15-cent grease-wool duty of the 1921 emergency tariff would in the course of two or three years become equivalent to 25 cents per pound of scoured content if the law remained in effect long enough for the growers of wool in South America and Australia to deliver their wool in unskirted condition.
>
> ### COMPARISON OF THREE WOOL TARIFFS.
>
> The above statement of facts about the Payne-Aldrich, 1921 emergency, and Fordney-McCumber wool duties shows plainly how misleading is your statement—

That is Mr. LONGWORTH's statement—

> that the enactment of the 33-cent scoured-content wool duty of the Senate bill would mean a reduction as compared with the emergency act now in effect. Put in its simplest form for purposes of comparison the truth about the scoured-content equivalents of these three wool tariffs is as follows:
>
> Payne-Aldrich, 18 cents per pound.
> Emergency act, 25 cents per pound.
> Fordney-McCumber, 33 cents per pound.
>
> Considered as a permanent tariff, the emergency wool duty is 36 per cent higher than the indefensible Payne-Aldrich wool duty.
>
> The proposed Fordney-McCumber duty of 33 cents per pound of scoured content is 83 per cent higher than the indefensible Payne-Aldrich wool duty.
>
> Any statement to the contrary is not in accordance with the facts.

I wish to read further from this only as to one thing, and that is the story about the hundred million pounds of wool in the grease now held in bond. The truth about that, as I have learned from inquiry and as I will show from this statement, is that most of that hundred million pounds of wool is skirted wool. It was the kind of wool that was not bought by the manufacturers during the life of the emergency act, because that act proposed a penalty of double duty when the wool was skirted, although the act of skirting it only added 5 per cent in value per pound. Therefore they brought it in unskirted. But it was supposed that we were just about to pass a tariff bill. Assurances were given and were confided in and acted upon that we were to have a speedy enactment of the tariff measure, and they began to bring in the wool in the skirted condition. When it got here it was discovered that instead of 15 cents per pound, in the grease, it would have to pay 30 cents a pound under the penalty clause of the emergency act. If its scoured content was only 50 per cent, as is usually the case, it would have to pay double that, or 60 cents a pound. Of course, no manufacturer would buy under those circumstances. It was simply put in bond because it would have to pay those penalties, and, paying the penalties, the duty would be 60 cents a pound upon the scoured content, which was prohibitive.

Now let us see what they say about that:

> In telling the House what the emergency rates are you told only part of the story, omitting to refer to the following skirting-clause joker in the emergency act:
>
> "On wool and hair, provided for in this paragraph, which is sorted or increased in value by the rejection of any part of the original fleece, the duty shall be twice the duty to which it would otherwise be subject, but not more than 45 cents per pound." (This means 45 cents per pound in the greasy condition.)
>
> As it has long been the general custom to "skirt" foreign wool, the immediate effect of the skirting clause in the emergency act was to double the duty on nearly all greasy wool available for export to the United States.
>
> The effect of "skirting" wool is to increase the value per pound approximately 5 per cent. That is to say, unskirted grease wool valued at 30 cents per pound would be worth about 31¼ cents per pound after the "skirts" were removed. Under the emergency act the 30-cent unskirted wool would pay a duty of 15 cents, or 50 per cent ad valorem, while the 31¼-cent skirted wool would pay a duty of 30 cents, or 95 per cent ad valorem.
>
> This penalty placed on skirted wool and the great reduction in the duty on unskirted wool under the emergency act have had their natural effect of diverting imports to wool in the unskirted condition. This change would have been more rapid if the emergency law had not rested under the constant threat of repeal by the passage of a so-called permanent tariff, but unskirted wool is now being imported at the 15-cent emergency rate, and if the emergency tariff should become in fact, well as nominally, a "permanent" law, foreign wool would be imported exclusively in an unskirted wool.
>
> Now, the double duty of the emergency act on skirted wool is to all intents and purposes an embargo, as is shown by the 100,000,000 pounds of grease wool now held in bond, most of which is skirted and subject to a duty of 30 cents per pound. As the bulk of this 100,000,000 pounds of wool will shrink in scouring about 50 per cent, it follows that the embargo rate on the scoured content of such wool is 60 cents per pound.

I have here a letter which I propose to read into the RECORD from a very responsible house, Lesher, Whitman & Co. (Inc.), as follows:

> LESHER, WHITMAN & CO. (INC.),
> *New York, September 14, 1922.*
>
> Senator F. M. SIMMONS,
> *Washington, D. C.*
>
> MY DEAR SENATOR: We have been in business for over 70 years and are very large distributors of linings for men's clothing, and have developed a cloth called granite double end, of which we inclose a small sample of one style and quality, which has a steady sale of

> several thousands of pieces every month, and the sales are on the constant increase. because we have for more than 12 years guaranteed this lining to outwear the garment, and it has also many other good qualities which are just as important. It is sold over the whole United States.
>
> These coat linings go into medium grades of clothing and are made from coarse cross-bred wool known here as 5s quality South American, and the same grade in England is known as 36/40s. This wool shrinks about 30 per cent. It is all imported. It does not come into direct competition with domestic wool and a duty would not help the wool-growing industry, but would add to the cost of clothing to a large percentage of people of ordinary earning power. This could be rectified by placing a limit on these coarse wools whereby the duty should not exceed 50 per cent ad valorem.
>
> The price of this wool in the grease is now about 14 cents a pound, and I beg to give you herewith a few figures showing what this wool would cost with a duty of 31 cents per scoured pound.
>
> Cost of wool:
>
> $$70\text{ per cent}\left\{\begin{array}{r}.1400\\140\\\hline\end{array}\right\}20\text{ cents, 31 cents duty scoured, 1 pound, 51 cents.}$$
>
> Percentage of duty, 155 per cent.
>
> Payne-Aldrich duty on this class of wool, 11 cents.
>
> Payne-Aldrich duty:
>
> $$70\text{ per cent}\left\{\begin{array}{r}.1100\\70\\\hline 400\end{array}\right\}16\text{ cents, 20 cents}=36\text{ cents.}$$
>
> 51—36=15 cents, or nearly 94 per cent higher than the Payne-Aldrich duty on this class of wool.

I shall not read the balance of the letter. I do not know anything about it except what the writer states.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. SIMMONS. Certainly.

Mr. SMOOT. I hope the Senator will answer the letter and ask the writer why he did not complain when he was drawing 44 cents a pound on his cloth as expense of duty under the Payne-Aldrich law. We did not hear them squealing then, when they were getting 250 per cent more upon their cloth than they were paying upon their wool. I answered the same letter and asked that question.

Mr. SIMMONS. I suspect the Senator from Utah has heard so many of them squealing that he does not remember them all. The American people are also going to "squeal" in a manner that the country will have to heed.

Mr. President, in connection with this wool matter I want to read into the RECORD a little ditty, as we might call it, which was read to the Senate, I think, by probably the most popular man who has ever lived in my State, Zebulon B. Vance, who was a greatly beloved and able Senator in this body and who was a great wit as well as a great statesman and a poet. I think he was probably the author of the little poem which I am going to read. It is on wool and it is with reference to the 56 per cent duty which was provided in the bill then under consideration and which, I think, was the McKinley bill:

Our Mary had a little lamb—
  Her heart was most intent
To make its wool, beyond its worth,
  Bring 56 per cent.

A pauper girl across the sea
  Had one small lamb, also,
Whose wool for less than half that sum
  She'd willingly let go.

Another girl who had no sheep,
  No stockings, wool nor flax,
But money enough just for to buy
  A pair without the tax—

Went to the pauper girl to get
  Some wool to shield her feet
And make her stockings not of flax
  But out of wool complete.

When Mary saw the girl's design
  She straight began to swear
She'd make her buy both wool and tax
  Or let one leg go bare.

And so she cried, "Protect, reform!
  Let pauper wool in free!
If it will keep her legs both warm,
  What will encourage me?"

So it was done; and people said
  Where'er that poor girl went
One leg was warm with wool and one
  With 56 per cent.

Now praise to Mary and her lamb,
  Who did the scheme invent,
To clothe one-half a girl in wool
  And one-half in per cent.

All honor, too, to Mary's friend
  And all protective acts
That clothe the rich in real wool
  And wrap the poor in tax.

Mr. President, I wish for a moment to refer to the question of ad valorem averages. I find there is great confusion with reference to ad valorem averages. There is a disposition to confuse ad valorem averages with rates. There is a vast difference between the rates in a bill and the ad valorem average of those rates when applied to the importation of foreign goods; and that is the basis upon which the average ad valorem is calculated.

A duty may be very high, Mr. President, but, as in the case of the duty on corn, it may be utterly ineffective because there are no importations, and, therefore, not play any part in the computation of the average ad valorem. A duty may be so high that it is absolutely prohibitive; and because it is prohibitive that duty, howsoever high it may be, will play no part in estimating the average ad valorem, although it may play, and will play, in most cases, a very important part in determining how much the people have got to pay for the particular product.

Ad valorem averages are estimated, as applied to a law in actual operation, by taking the total volume of imports coming into the United States during a given period, a year, say—that is one of the factors in the problem—and then taking as the other and only other factor the total amount of duties collected on those imports; and from the total amount of imports and the total amount of duties actually collected the calculations are made which determine the average ad valorem rates. So Senators will see if there are no imports coming in under a given rate, or but negligible imports are coming in under a rate, it does not make any difference how high the rate is, it cuts but little figure.

The Senator from North Dakota [Mr. McCUMBER] claimed the other day that the average ad valorem in the pending tariff bill was a little bit below the average ad valorem of the Payne-Aldrich rates. I do not know how that is; I have never calculated it; I am not able to calculate it; and, furthermore, I have never found anybody here at the Capitol who could calculate it or who claimed that he was competent to calculate it. Heretofore when such bills have been presented estimates of the average ad valorem have been furnished. Of course, the estimates must be based upon the probable imports and the probable duties collected under the rates provided. That is very difficult where there are so many prohibitive duties and partially prohibitive duties and where so many duties are ad valorem in part and specific in part; and especially in the present very disturbed world conditions it is difficult to calculate or estimate what the imports are likely to be.

I have never met any man in Washington who could make a calculation of that kind which was worth anything to my mind, except Joseph McCoy, the Government actuary. He is the most wonderful expert we have ever had in connection with tariff bills. As to the Underwood bill and the emergency tariff bill his estimates were almost absolutely correct, and yet he does not claim to be able to make any calculations which are satisfactory to himself in reference to this bill. So while heretofore when tariff bills have been brought in the majority report when filed has given—certainly that has been the custom ever since I have been here—an estimate of the average ad valorem under the rates proposed, which estimate has been made by the expert assisting the committee, and in almost every case of which I have any knowledge by Mr. McCoy; that was not done in the case of the pending tariff bill.

I appealed to the Senator from North Dakota to have such an estimate made. He said he was trying to have it made in order to give the Senate the benefit of it, but it never has been made. I have myself appealed to Mr. McCoy to make such an estimate, but I have never been able to get it, because he said he was not able to make it. However, the Senator from North Dakota, the chairman of the Committee on Finance, just prior to the time when the tariff debate was to be closed and we were to vote on the bill without any further debate, made a speech in which he said that the estimated average ad valorem under this bill was a little bit lower than that of the Payne-Aldrich law.

I asked an expert—I am not going to give his name because I do not wish to embarrass him, but every Senator will know to whom I allude—if the statement to which I refer as having been made by the Senator from North Dakota were true, and he said it probably was. "Why," I asked, "is it true?" He said, "It is true because so many of the rates in this bill, as compared with the rates in any other tariff bill, are prohibitive—that they do not enter into the calculation."

If anyone will compare the rates in the pending bill with the rates in the Payne-Aldrich law, he will see that the rates in the bill now under consideration are incomparably higher. If the average ad valorem shall be less, it will only be because the rates are so high that there will be no importation and, therefore, no duty collected and, therefore, those rates will not enter into the problem in estimating the average ad valorem.

The rates in the Senate bill are not only higher but are at least 50 per cent higher than the Payne-Aldrich rates, when you consider the difference in prices to-day as compared with pre-war prices. They are higher than either the Dingley rates or the McKinley rates, and superadded to these rates is the power given the President to further increase them and, by substituting American for foreign valuation, increase them in many instances 100 per cent higher.

Mr. HITCHCOCK. Mr. President, would it interrupt the Senator if I should ask him a question there?

Mr. SIMMONS. No.

Mr. HITCHCOCK. I notice that within the last few days members of the committee have estimated that the pending bill will yield a revenue of $400,000,000. When the bill was brought into the Senate the estimate made in several speeches upon the floor was $350,000,000.

Mr. SIMMONS. They have cut that estimate down; and I wish to say to the Senator that the estimated increase of revenue over that derived from the duties in the present law is accounted for almost entirely by the increased duty on sugar and the increased duty on wool. The amount of revenue which will be produced by the duty of 31 cents on wool, in view of the fact that we import nearly 60 per cent of our consumption of wool, and from the increased duty on sugar, of which we import from 50 to 60 per cent of all consumed in the United States, will account for any increase in revenue to be derived under the pending bill.

Mr. President, of course, it will be seen, when one considers the facts, that no tariff law shows the same average ad valorem in any one year of its life. In the case of the Payne-Aldrich law, the average ad valorem was different during every year of its operation. The present Underwood law went into operation in the fall of 1913, when prices were beginning to go up, and yet not much above the pre-war level. The average ad valorem under the Underwood law in 1914 was 37.60 per cent; in 1918, with the rates absolutely unchanged, the average ad valorem was 24.11 per cent; for six months of 1919, it was 21.27 per cent; while in 1921 the average ad valorem was 29.45 per cent. The average ad valorem, of course, depends upon the volume of importations, and the duty collected on such importations, and it depends also very largely, as may be readily seen, upon the price of the goods.

If the price of the goods is high then the average ad valorem is low, whereas if the price of the goods is relatively low then the average ad valorem is higher. The average price of dutiable goods to-day is something like 50 per cent higher than during the life of the Payne-Aldrich law. If the rates of the Payne-Aldrich law were to be applied to the prices of the present time there would be a lower average ad valorem to the extent of 50 per cent; so that if the estimated average ad valorem rate under the pending bill is 40 per cent, and the average rate under the Payne-Aldrich law was 40 per cent, then, because of the difference in prices, the rates in the pending bill are 50 per cent higher than the rates in the Payne-Aldrich law if they were applied to prices which obtained during the life of that law.

Mr. President, I wanted to get those two matters straight. I think it is very important to let the people have a clear understanding of what "average ad valorem" means.

I have here in my hand one of the most valuable documents which I have seen upon the tariff. It has been prepared by Mr. A. S. Hough, of Jacksonville, Fla. I understand from the senior Senator from Florida [Mr. FLETCHER] that Mr. Hough is an editor of great ability, a student of economic questions, a man of splendid mathematical attainments, and a most diligent, tireless, and painstaking student of economic questions. His pamphlet is most instructive and illuminating. I wish, Mr. President, to insert in the RECORD, without reading, some tables which he has furnished, showing the production, the exports, the imports, the duty, the revenue, and the protection provided under the pending bill upon chemicals and oils in Schedule 1, and then, taking the schedules as they come, selecting the more important articles and going through practically all of the schedules.

It does not embrace all of them, Mr. President, but he shows that the total protection accorded to the manufacturers or producers under this bill will amount to about $6,341,699,209. What that will amount to when it reaches the ultimate consumer I do not know, but it will be appalling. I ask that the tables which he gives, beginning after page 5 and covering all the various schedules down to and including the table I have marked on page 12, be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

	Produced.	Exported.	Retained.	Imported.	Duty.	Revenue.	Protection.
I. CHEMICALS, OILS AND PAINTS.							
Blacking	$25,284,072	$2,722,323	$22,561,740	None.	25	None.	$4,512,348
Coal-tar products	135,482,161	None.	135,482,161	$172,211	100	$172,211	67,741,080
Druggists' preparations and patent medicines	326,755,741	18,985,793	307,769,948	2,299,685	25	574,921	61,553,990
Paints	256,714,379	15,921,034	240,793,345	1,236,881	30	371,064	55,567,695
Perfumery and cosmetics	59,613,301	7,324,422	52,288,879	4,972,541	60	2,993,525	19,608,330
Soap	316,740,115	21,300,926	295,439,189	415,952	25	103,988	59,087,838
Total	1,120,589,769	66,254,507	1,054,335,262	9,097,270	....	4,215,709	268,071,281
2. EARTHS, EARTHENWARE AND GLASSWARE.							
Fire-clay products	208,422,920	4,546,632	203,876,288	1,350,436	50	675,218	67,958,763
Cement	175,264,910	None.	175,264,910	None.	30	None.	40,445,748
Glass	261,884,080	24,796,661	237,087,419	1,650,805	50	825,402	79,029,103
Pottery	74,919,186	1,671,912	73,247,274	7,150,013	60	4,290,008	27,467,728
Total	720,491,096	31,015,205	689,475,891	10,151,254	....	5,790,628	214,901,345
3. METALS AND MANUFACTURES OF.							
Airplanes, seaplanes, etc	14,372,643	215,300	14,157,343	None.	30	None.	3,267,162
Automobiles	2,387,903,287	109,125,964	2,278,777,323	123,085	25	30,755	455,755,465
Steam railroad cars [1]	538,222,831	59,080,364	479,142,467	None.	30	None.	110,571,341
Electric railroad cars [1]	18,441,976	1,668,672	16,773,304	None.	30	None.	3,870,762
Cash registers and calculating machines	93,539,025	7,943,805	85,585,220	None.	25	None.	17,117,044
Cutlery and edged tools	66,629,570	10,137,027	56,492,543	499,423	150	748,865	33,895,526
Engines, steam, gas, and water	464,774,735	89,268,604	425,506,131	None.	20	None.	70,917,689
Files	17,616,563	5,181,792	12,434,771	None.	50	None.	4,144,924
Firearms	30,181,370	14,346,298	15,835,072	None.	25	None.	3,167,014
Hardware	154,524,888	11,680,885	142,844,003	None.	50	None.	47,614,668
Locomotives [1]	156,269,730	31,111,706	125,158,024	None.	20	None.	20,859,587
Cast-iron pipe	50,235,101	4,508,044	45,727,057	None.	25	None.	9,145,411
Doors and shutters	10,877,001	None.	10,877,001	None.	20	None.	1,812,833
Forgings [2]	173,752,104	1,881,814	171,870,290	None.	20	None.	28,645,048
Machine tools	212,400,158	14,382,767	198,017,391	139,619	33⅓	46,540	49,504,348
Horseshoes [2]	3,367,001	539,452	2,827,549	None.	33⅓	None.	706,887
Motor cycles and bicycles	53,105,895	9,922,351	43,183,644	None.	45	None.	13,401,821
Pens, fountain and stylographic	15,996,808	978,756	15,018,052	None.	75	None.	6,442,022
Pumps	85,401,940	3,827,038	81,524,902	None.	25	None.	16,304,980
Saws	31,460,557	4,851,791	26,608,766	None.	30	None.	6,140,484
Sewing machines and attachments	43,694,919	12,774,124	30,920,795	225,541	33⅓	75,180	7,730,199
Stoves	211,509,992	2,609,715	198,900,277	None.	50	None.	66,300,092
Structural iron work	294,862,419	28,956,816	266,005,603	134,014	33⅓	44,671	66,501,401
Textile machinery and parts	122,089,264	14,986,369	107,102,895	1,135,656	50	567,828	35,700,965
Tinware (not elsewhere specified)	233,964,000	4,507,715	229,456,285	None.	20	None.	38,242,714
Tools (not elsewhere specified)	144,201,668	22,529,917	121,671,751	None.	33⅓	None.	30,417,938
Total	5,619,495,545	417,027,086	5,202,468,459	2,257,278	....	1,513,840	1,148,178,325

[1] Not made in company's shops.

[2] Not made in steel works or rolling mills.

	Produced.	Exported.	Retained.	Imported.	Duty.	Revenue.	Protection.
4. WOOD, AND MANUFACTURES OF.							
Baskets, rattan and willow ware	$11,821,167	None.	$11,821,167	$807,830	50	$403,915	$3,940,389
Cigar boxes	13,110,213	None.	13,110,213	None.	20	None.	2,185,035
Other wooden boxes	177,818,454	None.	177,818,454	None.	25	None.	35,563,691
Furniture	571,356,333	$4,935,429	566,420,904	496,966	35	173,938	146,849,867
Lumber products [1]	500,438,258	10,000,000	490,438,258	2,000,000	25	500,000	98,087,652
Wood, turned and carved	34,847,139	521,254	34,325,985	None.	25	None.	6,865,197
Wooden goods (not elsewhere specified)	21,793,261	None.	21,793,261	None.	25	None.	4,358,652
Total	1,331,184,825	15,456,683	1,315,728,142	3,304,796	....	1,077,853	297,850,483
5. SUGAR, MOLASSES, AND MANUFACTURES OF.							
Sugar, refined [2]	730,986,706	126,347,952	604,638,754	385,110,939	33⅓	128,370,313	151,159,688
Confectionery and ice cream	637,209,168	None.	637,209,168	195,464	40	78,186	182,059,731
Total	1,368,195,874	126,347,952	1,241,847,922	385,306,403	....	128,448,499	333,219,419
6. TOBACCO, AND MANUFACTURES OF.							
Tobacco, chewing, smoking, and snuff	239,270,718	7,716,800	231,553,918	136,123	80	108,898	102,912,852
Cigars and cigarettes	773,662,495	39,158,955	734,503,540	4,374,810	80	3,499,848	326,446,018
Total	1,012,933,213	46,875,755	966,057,458	4,510,933	....	3,608,746	429,358,870
7. AGRICULTURAL PRODUCTS AND PROVISIONS.							
Butter	583,163,011	17,504,446	565,658,565	4,860,182	20	972,036	94,276,427
Canned fish	77,284,412	37,189,938	40,094,474	5,203,041	25	1,300,760	8,018,895
Canned fruits and vegetables	402,242,972	45,993,970	356,249,002	1,290,510	35	451,679	92,360,852
Chocolate and cocoa products	139,258,296	21,380,801	117,877,495	342,420	20	64,484	19,646,582
Condensed milk	339,506,744	121,893,337	217,613,407	None.	25	None.	43,522,687
Flour and grist mill products [3]	844,597,817	336,316,783	508,281,034	6,705,049	25	1,676,262	101,656,207
Food preparations (not elsewhere specified)	631,598,150	8,819,138	622,779,012	101,859	25	25,465	124,555,802
Oleomargarine	79,815,580	6,596,760	73,218,820	None.	30	None.	16,901,266
Slaughtering and meat packing	4,344,605,785	1,014,165,889	3,330,439,896	22,692,748	20	4,538,550	555,073,316
Cheese	143,455,701	5,349,577	138,106,127	4,073,357	25	1,018,339	27,621,225
Bread and bakery products	1,151,896,318	2,506,447	1,149,389,871	205,995	15	30,899	149,920,418
Total	8,737,424,789	1,617,717,086	7,119,707,703	45,475,161	....	10,078,474	1,233,553,677
9. COTTON, AND MANUFACTURES OF.							
Cotton goods	1,538,756,671	154,997,828	1,383,758,843	19,170,180	33⅓	6,390,060	345,939,711
Collars and cuffs	47,564,949	771,219	46,793,730	None.	40	None.	13,369,637
Corsets	75,541,959	2,880,858	72,661,101	None.	45	None.	22,550,060
Cotton lace	29,396,853	4,367,762	25,029,091	13,813,167	60	8,287,900	9,385,909
Gloves	28,220,113	None.	28,220,113	None.	50	None.	9,406,704
Knit goods	285,255,689	36,993,854	248,261,835	812,206	70	568,544	102,225,461
Shirts	205,327,133	1,508,995	203,818,138	None.	45	None.	63,253,905
Clothing	790,509,587	13,746,942	776,762,645	1,638,534	45	737,340	241,064,269
Total	3,000,572,954	215,267,458	2,785,305,496	35,434,087	....	15,983,844	807,195,656
10. FLAX, HEMP, JUTE, AND MANUFACTURES OF.							
Bags, not paper	214,059,474	5,565,972	208,493,502	4,885,950	25	1,221,488	41,698,700
Belting and hose	19,176,277	None.	19,176,277	None.	33⅓	None.	4,794,069
Cordage and twine	133,366,476	21,343,474	112,023,002	None.	14	None.	13,757,211
Jute goods	34,442,698	None.	34,442,698	361,710	50	180,855	11,480,899
Nets and seines	5,114,414	None.	5,114,414	None.	50	None.	1,704,805
Mats and matting	4,860,855	None.	4,860,855	None.	60	None.	1,822,820
Linen goods	6,998,046	None.	6,998,046	8,750,071	50	4,375,036	2,332,682
Total	418,018,240	26,909,446	391,108,794	13,997,731	....	5,777,379	77,591,186
11. WOOL, AND MANUFACTURES OF.							
Carpets and rugs	123,253,828	None.	123,253,828	3,334,598	45	1,500,569	38,251,188
Clothing	1,185,764,380	14,665,069	1,171,099,311	2,228,135	60	1,336,881	439,162,241
Knit goods	285,255,689	None.	285,255,689	None.	90	None.	135,121,116
Woolen goods	353,976,444	19,779,723	334,196,721	6,805,515	80	5,444,412	148,531,876
Total	1,948,250,341	34,444,792	1,913,805,549	12,368,248	....	8,281,862	761,066,421
12. SILK AND SILK GOODS.							
Silk goods	339,389,620	27,063,932	312,325,688	41,055,562	60	24,633,337	127,271,107
Silk clothing	395,254,793	7,435,929	387,818,864	4,266,212	60	2,559,727	145,432,074
Knit goods	142,627,844	None.	142,627,844	None.	60	None.	53,485,441
Total	877,272,257	34,499,861	842,772,396	45,321,774	....	27,193,064	326,188,622
14. SUNDRIES.							
Asbestos products	23,977,557	3,531,978	20,445,579	257,381	25	64,345	4,089,116
Sporting and athletic goods	23,839,991	2,903,305	20,936,686	None.	45	None.	6,497,592
Brooms	30,205,267	292,729	29,912,538	None.	15	None.	3,901,635
Brushes	39,005,607	1,470,555	37,535,052	2,756,910	55	1,516,300	13,318,889
Buttons	41,840,459	3,296,687	38,543,772	1,547,069	50	773,535	12,847,924
Cork	16,282,239	1,081,537	15,200,702	1,389,848	25	347,642	3,040,140
Billiard tables	15,733,047	311,522	15,421,525	None.	50	None.	5,244,349
Abrasives	40,253,004	5,841,298	34,411,706	235,426	25	58,856	6,882,341
Explosives	92,474,813	28,399,707	64,075,106	6,673,407	33⅓	2,224,469	16,018,776
Matches	18,495,876	626,780	17,869,096	1,249,506	33⅓	416,502	4,467,274
Fur goods	173,137,739	7,474,873	165,662,866	3,456,593	40	1,382,637	47,332,247
Hair work	6,963,033	695,962	6,267,071	2,242,139	20	448,428	1,044,512
Fur hats	82,745,308	1,699,532	81,045,776	484,689	60	290,813	30,392,176
Jewelry	203,939,230	1,428,910	202,510,320	726,574	80	581,259	90,004,587

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[1] Lumber and its products that are only slightly advanced in manufacturing are on the free list. As approximately dividing the lumber products that are on the free list from such as are dutiable, the industry classed as "Lumber and timber products," with an output of $1,387,471,413, is not counted in the table, while "Lumber, planing-mill products, not including planing mills connected with sawmills," is included because supposed to be enough advanced in manufacture to be dutiable. The value of product of this industry is $500,438,258, as stated in the table.

[2] On this list "Sugar, refined," does not include beet sugar, but the imports include sugar of all kinds, whether refined or not and whether cane, beet, or maple.

[3] The total of "Flour and grist mill products" is $2,052,434,385, but as the material of which "Bread and bakery products" and "Food preparations not elsewhere specified" were made amounted to $1,207,836,568, this was subtracted, leaving $844,597,817 of flour and grist mill products consumed without being further advanced.

	Produced.	Exported.	Retained.	Imported.	Duty.	Revenue.	Protection.
14. SUNDRIES—Continued.							
Boots and shoes	$1,155,041,436	$74,836,547	$1,080,204,889	$225,939	8	$18,075	$80,015,252
Gloves	46,940,511	623,963	46,316,818	6,008,326	65	3,905,412	18,491,716
Saddles and harness	83,713,010	1,142,852	82,570,158	350,582	35	122,704	21,407,078
Leather goods (not elsewhere specified)	52,952,772	7,254,895	45,698,377	769,846	25	192,462	9,139,675
Musical instruments	121,061,318	6,709,236	114,352,082	1,300,374	40	520,150	32,672,023
Pencils	24,134,159	3,565,347	20,568,812	1,638,711	50	819,355	6,856,271
Pipes	11,553,777	None.	11,553,777	6,316,058	50	3,158,029	3,851,259
Umbrellas and canes	25,308,826	681,137	24,627,689	33,709	50	16,855	8,209,230
Toys and games	45,656,803	None.	45,656,803	2,952,319	70	2,066,233	18,799,862
Total	2,375,255,782	153,868,582	2,221,387,200	40,615,406	....	18,923,881	444,523,924

THE SENATE TARIFF BILL.

VI.—STRAIGHTENING OUT ODDS AND ENDS.

From the tables that have preceded it is seen that on finished products alone and with two schedules omitted the people of the United States will pay annually through the tariff as reported by the Finance Committee of the Senate $6,572,582,986, of which only $230,883,777 will go into the Treasury for the use of the people who pay the taxes, while the balance—$6,341,699,209—will go into the possession of favored individuals or corporations. The duty that will be collected on the few raw materials that are not on the free list and on the products that are partly manufactured will carry the revenue up to the neighborhood of half a billion dollars without increasing the protection. Schedule by schedule the showing is as follows for finished products:

	Revenue.	Protection.
1	$4,205,707	$268,071,281
2	5,790,628	214,901,345
3	1,513,840	1,148,178,325
4	1,077,853	297,850,483
5	128,448,499	333,219,419
6	3,608,746	429,358,870
7	10,078,474	1,233,553,677
9	15,983,844	807,195,656
10	5,777,379	77,591,186
11	8,281,862	761,066,421
12	27,193,064	326,188,622
14	18,923,881	444,523,924
Total	230,883,777	6,341,699,209

Mr. SIMMONS. Mr. President, I have here also some data showing the heavy burden that is going to be put upon many of our industries by reason of placing high duties for the first time upon many of the essential ingredients that are used in the production of the product which that industry is engaged in producing. I especially wish to emphasize the effect of the multitude of little duties that we have put upon the small things that enter into the cost of the production of steel and iron—duties that are placed upon these little necessary raw materials that can not be produced in this country at all unless they are given excessive duties, and then it is problematical whether they can be produced in anything like the quantities that are necessary reasonably to supply the American industry; little industries that sprang up during the war, and are now unprofitable and moribund, and can be galvanized into life only by an excessively high tariff, which is going to be added to the cost of the production of steel—magnesite, manganese, and many other little ingredients and alloys that have to be used. It is going to lay a heavy burden upon the steel industry; it is going to increase greatly the cost of production, and is going to interfere with our very valuable foreign trade in these products. Of course, the ultimate consumers—the American people—will have to pay heavily on this score.

We are now producing steel cheaper than any other country in the world. We are producing it enormously in excess of our own demands. We are selling it throughout the world. It is a very serious question whether the added cost is not going greatly to handicap and embarrass this industry in competing with other countries in the markets of the world. The same thing is true with some other industries which I have indicated in this document.

I ask permission to print this without reading.

The PRESIDENT pro tempore. Without objection, leave is granted.

The matter referred to is as follows:

IRON AND STEEL INDUSTRY.

As an example of the effort of this tariff act to put new life in small and unprofitable industries not in existence in the United States prior to the war, but stillborn during that period, and now, of course, moribund, and the effect of such effort upon our largest and most necessary industries, we may thus cite our iron and steel industry. This industry now is the strongest iron and steel industry in the world. We produce much more than we can consume, and produce as cheaply as any other nation. If we increase our costs of production to such an extent as to place our industry at a disadvantage with like industries abroad we immediately lose our foreign markets, our surplus is turned back upon our own markets, prices fall, business is disorganized, and labor is out of employment. Any attempt to impose compensatory duties upon our imports of finished products in this instance is not only futile but lacks common sense.

What this act has done is to begin increasing the cost of our production of iron, steel, and also of other metals, by imposing for the first time in our history a duty upon magnesite, that absolutely indispensible refractory material needed in our hearths and furnaces, necessary in the production of these metals. Then another duty is imposed upon fluorspar and other fluxes necessary in smelting the ore of these metals. Then a duty is placed upon manganese—that material without which it is now impossible to make steel. Then a duty is placed upon tungsten and chromium, silicon, molybdenum, titanium, zirconium, vanadium, cerium tantalum, and, in fact, upon all ferro-alloys absolutely necessary to produce certain varieties of steel, or steel for certain purposes, like high-speed steel, etc. Then the duty on plumbago is much increased—that material absolutely necessary in the form of crucibles—and other duties have been increased or newly imposed tending to increase the cost of production of these metals. Why was this done? Take magnesite as an example. Before the war our steel manufacturers searched the United States for deposits of this refractory material, but were unable to find deposits that warranted development, either because of quality or remoteness from their industry. They then went to Europe, and in order to reduce their cost of production to a minimum bought certain deposits of magnesite in Austria. During the World War a large deposit of magnesite was developed in Washington. After its value was demonstrated one wealthy man secured control and operated this deposit. After pocketing profits from this investment—much more than equaling his investment—he shut down the plant and it has not been running for over a year. He asked for this one-man industry, not only the difference in cost of production here and abroad, but in addition this difference, together with a large profit, and together with the exhorbitant freight rate from his mine to the Atlantic market—and not the cheapest freight rate but the highest possible all-rail freight rate.

Again, take manganese. The same may be said of this metal. Prior to the war our industries were unable to find satisfactory deposits in the United States, and so purchased large deposits in Brazil. Although our Geological Survey and Tariff Commission have assured both committees of Congress that there is no sufficient available supply of this material in the United States this bill carries a high duty on our imports of manganese and of ferromanganese. And so on.

The steel and iron industry, which I have used for illustration, might stand any one of these increases in cost of production, but their cumulative effect is hard to overestimate.

The same thing is true of the shoe industry. Nearly everything except leather that enters into the production is taxed. The price of shoes, however cheap the processes of manufacture, will have to remain relatively high.

Mr. SIMMONS. Mr. President, there is much more that I want to say, but I shall soon finish. I ask first, though, that I be permitted to print as an appendix to my speech the statement that I read, giving a comparison of the House rates, the Senate rates, and the conference rates where there have been increases and decreases. I think that ought to go into the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMMONS. Mr. President, I also have here a statement showing the difference in the actual rates fixed on many items in this bill as compared with the actual rates fixed in the Payne-Aldrich law. I ask permission to publish that statement without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HITCHCOCK. Mr. President, will the Senator let me ask him a question there?

Mr. SIMMONS. Yes.

Mr. HITCHCOCK. Does either one of the tables which the Senator proposes to insert following his speech make a comparison between the rates as recommended by the conference report and existing law?

Mr. SIMMONS. No; I do not think I have those figures. I can have them added if the Senator wants them.

Mr. HITCHCOCK. It seems to me we ought to have those figures for comparison.

Mr. SIMMONS. I will see if I can not have them added before the speech is published.

Mr. HITCHCOCK. I hope the Senator can.

Mr. SIMMONS. Mr. President, I desire to refer briefly to a speech which we had here some time ago when we were indulging in general debate, about the time when we were having vaudeville performances in the Senate on the part of the chairman of the Finance Committee and one of his chief lieutenants, the Senator from Indiana [Mr. WATSON]. In the speech of the Senator from Indiana that I now have in mind, as illustrative, I am afraid of the attitude of a great many Senators on the other side of the Chamber, the Senator from Indiana—whom everybody recognizes as the first lieutenant of the chairman of the committee and also as the special personal representative in this Chamber of the President of the United States, and as altogether a bright, shining, particular star in the Republican firmament, and entitled to speak authoritatively for the Republican Party upon such a question as the tariff—in this speech the Senator from Indiana announced this general proposition: "If you will take care of the producer, the consumer will take care of himself."

It is upon that monstrous theory that this tariff bill is written. It takes care of the producer and leaves the consumer to take care of himself. The consumer can, indeed, take care of himself if we will put him upon equal conditions, in an equally strong position. If you will compete, if your industries and your producers will compete the one with the other as the consumer has to compete with all the rest of those who labor and work, then the consumer can take care of himself. But, Mr. President, in the industrial condition that we have in this country to-day, where many of the leading articles and necessaries of life produced by factories are in combination under agreements as to price fixing and as to extent of production, it is difficult for the consumer to take care of himself.

He can not take care of himself. He is helpless against those combinations with reference to the prices that he must pay for the necessaries of life. Now you are enacting here a law which, by reason of its prohibitive rates, by reason of its embargo rates, by reason of the fact that it does not permit foreign competition against domestic trusts that have monopolized the American market and therefore removes from these combinations all restraint upon their avarice, places the consumers of this country absolutely in their power in such a way that they are absolutely helpless. Under your legislation, Mr. President, the inability of the consumer of this country to take care of himself will be more complete than it is to-day and every man of common sense knows how little the consumers of this country have to do with prices, and how little they are able to protect themselves against exploitation and robbery and profiteering.

I say that there are wrapped up in this bill hundreds and thousands of new trusts and combinations in restraint of trade. I do not know how many there are now. I do not know how many existed before the war. I know they were multiplied very much by the war, probably several times, but I say to you now that the rates in this tariff bill, the prohibitive rates, rates made prohibitive expressly for the purpose of suppressing foreign competition will make more trusts and combinations and conspiracies against trade than the war made; and before this bill is two years old, yes, before it is one year old the consumers of the United States will be paying, year by year, a greater tax indirectly in the increase in the price of necessaries and the cost of living than was collected out of the people of this country during the peak year of the war, when we had to maintain an Army of 4,000,000 men upon foreign soil, when we had to finance not only ourselves but our allies in the struggle, when the total amount we had to raise by taxation was $8,000,000,000 in one year.

I say now, Mr. President, that under this bill, when it gets into full operation, with the trusts it creates and fosters and will create and bring into being, with the profiteering that is going to follow, with the increases in prices which are inevitable and unescapable, the American consumers will be paying an annual tax, only a fraction of which will go into the coffers of the Government, which will more than equal the entire tax which it was necessary to exact from the people when the war was in full progress, when prices were higher than ever before, when the demands of the Government were greater than they probably will ever be again. It will start out with probably from three and one-half to four billion dollars. It will end with double that amount.

The Senator from Idaho [Mr. GOODING], the head of the agricultural tariff bloc on the other side of the Chamber, the bloc which has forced into the bill this 31 cents a pound on wool, is entitled to speak for the Republican Party. The great Senator from Indiana [Mr. WATSON], as I said, the spokesman of the President, and a shining light in the Republican Party, said of the Senator from Idaho that he was a protectionist after his own heart, just after the Senator from Idaho had declared upon the floor of the Senate what was tantamount to a declaration in favor of a prohibitive tariff upon everything that was produced or could be produced in America. That is about what the bill is with reference to many of the things which are now produced in America.

The Senator from Idaho may not speak for the whole Republican Party, and I am sure he does not, although he has the approval of the Senator from Indiana, but he does speak the sentiments of that class of American citizens who are coming here and asking unconscionable duties and taxes on the people in order that they may be protected against foreign competition, to the end that there may be no restraint upon their avarice in the fixing of prices which the American people are to pay.

That is the theory of this tariff, and those are the people who have written this tariff bill. They have not only left their shoe tracks, but they have left their indelible imprint, and the public now know that these rates were made at their instance, and that wherever an attempt has been made to change one of them with respect to a vital and important matter, it has had to run the gantlet of a desperate fight with the protected interest affected, a fight from one House to the other, and then a fight from both Houses before the committee on conference. These tariff-seeking buccaneers have had their way, and the rates in the bill are based on the theories of WATSON and the theories of GOODING. Their theories are the heart of the bill. They control it. They live in every vein and artery of it.

This bill embodies and carries as its foundation stone the principle of increasing duties, even though those which already exist are prohibitive, or practically so. The principle is to increase the duties wherever and whenever a producer or an industry has reached in its level of prices the top of the present tariff wall, and wants to raise the prices still higher skyward, but dares not do it for fear that the foreigner will get over the wall and limit their high prices. These domestic profiteers have come and asked for the increases, and they have gotten them, and gotten them with the distinct knowledge that they asked for them in order that they might be enabled not only to maintain their present exorbitant prices in many instances but that they might with impunity and immunity against foreign competition still higher and further raise those prices and be protected by the additional story that this bill lays and adds to the present tariff structure.

Oh, yes; the theories of WATSON and the theories of GOODING are in the bill. It is a bill in the interest of profiteering. It is a bill in the interest of the trusts and the monopolies. It is a bill which especially favors the convicted trust. It is a bill which will make thousands of additional millionaires in this country. It is a bill which will add enormously to the trusts and the combinations which already prey and fatten upon the people. It is a bill which will hold down the laborer and the consumer in this country with a grip of iron, and make them, more than they are to-day, the galley slaves of the protected industries of the United States, laboring, toiling, producing, and seeing the fruits and the usufruct of their toil and their life's blood garnered by a few men who have made fortunes upon fortunes, and added millions upon millions, their wealth rises and towers like Pelion on Ossa piled, representing the fruits of the toil of millions of men who have been ignored in the farming of this bill.

It ought to have been the people's bill, Mr. President, but the profiteers and monopolies have controlled the writing of its schedules. It means burdens, it means sweat, it means blood to the American consumer. It means wealth, it means fortune, to the already rich and powerful.

No man can estimate the amount of additional toil which the duties imposed in this bill, as it will be written into law, is going to entail upon the masses. When I think about it in all of its enormity, when I think about this license of profiteering and the helplessness of the consumer, the additional weapon you are placing in the hands of his oppressors, my blood almost runs cold in my veins.

I wish I could get to the people just to what extent this bill is going to increase the cost of living in this country. No man can tell now, because the near approach of the election, and the exigencies of the Republican Party, the party bestowing these special favors, have by solemn and secret admonition put the fear of the Lord God and the wrath of the people into the hearts of these beneficiaries temporarily, and they probably will not start out in their reckless career of advancing prices and profiteering upon the people until after the election. They will heed the warning made in the opening speech of the Senator from North Dakota, the chairman of the Committee on Finance [Mr. MCCUMBER], when he presented the tariff bill, and will be content until after the election with small profits and small incomes from their business. But after that, if this bill becomes a law, the lid will be off, and the sky alone probably will be the limit in most instances, and we shall see an orgy of profiteering and oppression in the United States such as never before has been witnessed, because no other tariff bill has ever been passed which opens the doors as wide, and so completely removes the bars and impediments to the men it favors, to do their will in the matter of prices and profits, whatever may be the consequences to the people of the country, as does this vicious bill which the Republican majority here will presently enact in behalf of their pets, the favored interests.

Mr. SIMMONS subsequently said:

Mr. President, I ask permission to print in the RECORD as an appendix to my speech the various documents to which I have alluded and from some of which I have read.

The PRESIDENT pro tempore. Without objection, such order will be made.

APPENDIX.

A CONCRETE EXAMPLE OF HOW THE FORDNEY-MCCUMBER TARIFF FAVORS MILLIONAIRES AND DISCRIMINATES AGAINST THE MASSES.

Paragraph 212 of the proposed tariff law provides for chinaware (table ware) at a rate of 60 per cent ad valorem on undecorated and 70 per cent ad valorem on decorated. This paragraph includes two classes of ware, viz. ordinary china and "bone" china.

The ordinary china is made of earthy substances, such as clay, feldspar, etc., while the "bone" china contains 25 per cent or more of "calcined bone."

The former is the class of ware used in the homes of people of average or limited means, while the latter is the most expensive china manufactured either in the United States or imported from abroad. A fair idea of the value may be had from the fact that plates made of this "bone" china sell at wholesale in the domestic market at prices ranging from $30 to $500 per dozen plates. These plates are known in the trade as "place plates" and are used at fashionable dinners as table decorations. They are of a rich cream-colored appearance, highly decorated in gold or bright colors, and their character may be identified by such names as "Royal Doulton," etc.

On August 18, 1922, Senator JONES of New Mexico offered an amendment on the floor of the Senate to reduce the rates of 60 and 70 per cent on chinaware, the bulk of which is used in ordinary homes, to 50 and 60 per cent, respectively. This amendment was strenuously opposed by Senator FRELINGHUYSEN, of New Jersey. The Senator from New Jersey, in his debate against the proposed reduction sought by Senator JONES of New Mexico, stated that there was a difference of 238 per cent between the German export price of chinaware and the German home value, and that 70 per cent duty, which is 15 per cent more than the existing rate and 10 per cent higher than the Payne-Aldrich rate, was necessary to partly protect the American manufacturer on the theory that Germany could lower her existing export prices and undersell the domestic manufacturer. The absurdity of this argument is evident on the face of it.

However, here is the joker in the paragraph in the shape of an amendment offered by Senator FRELINGHUYSEN on August 19, the day the bill was passed by the Senate, at the eleventh hour and fifty-ninth minute, and adopted by the Senate. Note how the rates of duty on the rich man's "Royal Doulton" ware were fixed below those of the ware used in every poor man's home.

Says the millionaire Senator from New Jersey:

"I offer the following amendment: Any of the foregoing articles containing 25 per cent or more of calcined bone, not painted, decorated, etc., 50 per cent ad valorem; painted, decorated, etc., 55 per cent ad valorem."

In explanation of this amendment the Senator from New Jersey stated:

"Mr. President, this amendment can not be objected to. It takes the bone china out of the paragraph and reduces the rate from 60 to 50 per cent on the undecorated and from 70 to 55 per cent on the decorated. It has been agreed to under a resurvey by the Tariff Commission and is a reduction in the present paragraph."

No attempt was made by the Senator from New Jersey to produce the alleged "resurvey of the Tariff Commission," and no effort was made to explain to the Senate just what "bone china" really was. It is safe to say that not a single person in the Senate Chamber, excepting possibly the Senator from New Jersey on the floor and Tariff Commissioner Burgess, who sat in the gallery, knew the portent of this amendment. Consequently on the bald statement of the Senator from New Jersey that the amendment reduced the rates in the paragraph it was adopted by the Senate, and the poor man was delivered another tariff "solar plexus" to the tune of an additional $12,000,000 to his annual dinner-ware bill.

The rate of 55 per cent on "bone china" is perfectly fair and justifiable, but the absurd rate of 70 per cent on ordinary china can not be justified by any stretch of the imagination or by any distortion of the facts. The discrimination in the rate of duty between "bone china" and ordinary china is a distinct sop to the English manufacturers and a deliberate and premeditated blow to France.

Thus the question arises as to whether or not the Senator from New Jersey was really sincere in his contention that 70 per cent was necessary to protect against an imaginary reduction in German prices of a possible 238 per cent, or was he attempting to pull the Domestic Pottery Association's chestnuts out of the fire to satisfy a long-standing animosity toward the Limoge china manufacturers of France, against whom the above-mentioned association carried on a 20-year campaign of active antagonism through their former lobbyist, William Burgess, now a member of the United States Tariff Commission.

In 1920, 247,252 short tons of potash (K_2O) were consumed in fertilizers in the United States. If the duty on potash of 1½ cents per pound, or $30 per short ton, were inserted in the tariff act, the cost of fertilizer to the American farmers, using the 1920 figures, would be increased $7,418,000. This additional cost would be borne by the farmers of the leading fertilizer-consuming States, as follows:

Georgia	$1,182,000
South Carolina	1,131,000
North Carolina	765,000
Alabama	596,000
New York	474,000
Virginia	437,000
Florida	400,000
Pennsylvania	344,000
New Jersey	245,000
Maryland	240,000
Ohio	240,000
Maine	221,000
Indiana	205,000

This division of cost by States is based upon the average normal pre-war ratio of potash consumption by States to the total domestic consumption.

Average ad valorem rates of duty.

	Dutiable.	Free and dutiable.
Payne-Aldrich, June 30:	*Per cent.*	*Per cent.*
1910	41.52	21.11
1911	41.22	20.29
1912	40.12	18.58
1913	40.05	17.69
Underwood-Simmons, June 30:		
1914	37.60	14.88
1915	33.43	12.49
1916	30.67	9.62
1917	27.18	8.31
1918	24.11	6.30
Dec. 31:		
1918 (six months)	24.39	5.09
1919	21.27	6.20
1921	29.45	11.44

◆

United States imports of wool under the emergency tariff for the calendar year 1921.

[Emergency tariff in effect May 28, 1921.]

	Pounds.	Value.	Duty.	Equivalent ad valorem.
CLASS I.				
				Per cent.
Unwashed	382,494	$59,567	$57,374	96.32
Washed	26,035	2,698	7,811	289.50
Scoured	271	130	122	93.82
Sorted, unwashed	2,110	346	633	182.95
CLASS II.				
Unwashed	77,830	22,832	11,675	51.14
Washed	379	42	114	270.71
Sorted, unwashed	570	113	171	151.30
Hair of goat, etc.:				
Unwashed	764,772	211,610	114,716	54.21
Washed	4,742	6,855	1,423	20.75
Total	1,259,203	304,193	194,039	63.78

Average duty on wool imported, 24.1 cents per pound. Duty, 15 cents per pound in grease; 30 cents per pound washed or sorted unwashed; 45 cents per pound scoured. Average duty paid on scoured basis, about 22½ cents per pound.

Comparison of the House, Senate, and conference rates in Fordney-McCumber tariff bill.

	Paragraph.	Page.	Line.	Amendment No.	House rate.	Senate rate.	Conference rate.	Reduction.	Increase.	Underwood-Simmons Act.
SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS.										
Citric acid	1	2	11	5	12 cents per pound.	18 cents per pound.	17 cents per pound.	×	....	5 cents per pound.
Formic acid	1	2	25	15	25 per cent	4 cents per pound.	*25 per cent*	×	....	1½ cents per pound.
Propyl (alcohol)	4	3	16, 17	22	6 cents per pound.	3 cents per pound.	6 cents per pound.	....	×	No corresponding provision.
Fusel oil (alcohol)	4	3	17	23	.....do	2 cents per pound.	.....do	....	×	¼ cent per pound.
Methyl or wood (alcohol)	4	3	18	24	15 cents per gallon.	10 cents per gallon.	12 cents per gallon.	....	×	Free.
Ethyl for nonbeverage purposes, etc. (alcohol).	4	3	19	25	15 cents per proof gallon.	.....do	15 cents per gallon.	....	×	$2.60 per proof gallon.
Antimony, oxide	8	4	21	35	2 cents per pound.	1½ cents per pound and 25 per cent.	2 cents per pound.	×	....	25 per cent.
Barium carbonate, precipitated	12	5	19	43	1 cent per pound	1¼ cents per pound.	1 cent per pound	×	....	15 per cent.
Barium chloride	12	5	20	44	1¼ cents per pound.	1¾ cents per pound.	1¼ cents per pound.	×	....	¼ cent per pound.
Barium hydroxide	12	5	21	45	25 per cent	.....do	.....do	×	....	No corresponding provision.
Barium nitrate	12	5	22	46	2 cents per pound	2½ cents per pound.	2 cents per pound	×	....	

Comparison of the House, Senate, and conference rates in Fordney-McCumber tariff bill—Continued.

	Paragraph.	Page.	Line.	Amendment	House rate.	Senate rate.	Conference rate.	Reduction.	Increase.	Underwood-Simmons Act.
SCHEDULE 1.—CHEMICALS, OILS, AND PAINTS—Continued.										
Bleaching powder or chlorinated lime.	14	6	4	50	⅖ cent per pound.	⅕ cent per pound.	3/10 cent per pound.		×	1/10 cent per pound.
Lactarene	19	6	21	58	Free.	4 cents per pound.	2½ cents per pound.	×		Free.
Chalk, etc., dry, ground, etc	20	6	24	60	15 per cent	30 per cent	25 per cent	×		1/10 cent per pound.
Coal-tar products, etc	27	10, 11	22–12	83	30 per cent and 7 cents per pound.	75 per cent American valuation and 10½ cents per pound.	55 per cent and 7 cents per pound.	×		2½ cents per pound, 5, 10, 15, 25 per cent and free.
Synthetic, etc	28	12	15, 16	87	25 per cent	90 per cent American valuation and 10½ cents per pound.	25 per cent	×		2½, 5, 65 cents per pound; 15, 20, 25, 30, 40 per cent and free.
Do	28	13	3–11	89	35 per cent and 7 cents per pound.	do	60 per cent and 7 cents per pound.	×		
Provided, etc	28	13	12	90	7 cents per pound.	10½ cents per pound	7 cents per pound.	×		No corresponding provision.
Do	28	13	19	91	do	do	do	×		
Do	28	13	23	92	do	do	do	×		
Belladonna, digitalis, etc	36	18	19	116	25 per cent	3 cents per pound.	25 per cent			10 per cent.
Diethyl sulphate, etc	38	18	24	119	do	15 cents per pound.	do		×	No corresponding provision.
Hexamethylenetetramine	41	19	23	129	do	10 cents per pound.	do			
Edible gelatine:										
Valued at less than 40 cents per pound.	42	20	5	130	20 per cent and 1½ cents per pound.	20 per cent and 7 cents per pound.	20 per cent and 3½ cents per pound.	×		Valued at less than 10 cents per pound, 1 cent per pound; valued at 10 cents and not above 25 cents per pound, 15 per cent.
Valued at 40 cents or more per pound.	42	20	7	130	do	20 per cent and 15 cents per pound.	20 per cent and 7 cents per pound.	×		Valued above 25 cents per pound, 25 per cent.
Gelatine, glue, etc.:										
Valued at less than 40 cents per pound.	42	20	9	130	do	25 per cent and 1½ cents per pound.	20 per cent and 1½ cents per pound.	×		Valued at less than 10 cents per pound, 1 cent per pound; valued at 10 cents and not above 25 cents per pound, 15 per cent.
Valued at 40 cents or more per pound.	42	20	11	130	do	20 per cent and 15 cents per pound.	20 per cent and 7 cents per pound.	×		Valued above 25 cents per pound, 25 per cent.
Bromine	46	20	22	136	10 cents per pound.	5 cents per pound.	10 cents per pound.		×	Free.
All bromine compounds n. s. p. f.	46	20	24	137	do	8 cents per pound.	do		×	15 per cent.
Licorice, etc	48	21	6	145	25 per cent	2 cents per pound.	25 per cent		×	1 cent per pound.
Lime, citrate of	49	21	8	147	7 cents per pound.	6 cents per pound.	7 cents per pound.		×	Do.
Chloride n. s. p. f	50	21	13	151	¾ cent per pound.	½ cent per pound.	⅝ cent per pound.		×	15 per cent.
Camphor, natural and synthetic, provided, etc.	52	22	1-8	160	1 cent per pound natural; 6 cents per pound refined.	25 per cent	1 cent per pound natural; 6 cents per pound refined and synthetic.	×		1 cent natural; 5 cents refined and synthetic.
All fish oils n. s. p. f.	53	22	14	166	20 per cent	5 cents per gallon.	20 per cent		×	3 cents per gallon.
Linseed or flaxseed oil, raw, etc.	54	22	25	171	2½ cents per pound.	3½ cents per pound.	3 3/10 cents per pound	×		10 cents per gallon of 7½ pounds.
Coconut oil	55	23	8	175	2 cents per pound.	4 cents per pound.	2 cents per pound.	×		Free; refined deodorized, 3½ cents per pound.
Soya-bean oil	55	23	10	175	do	3 cents per pound.	2½ cents per pound.	×		Free.
Hydrogenated or hardened oils and fats.	57	23	18	179	20 per cent	5 cents per pound.	4 cents per pound.	×		No corresponding provision.
Oils, etc., lemon and orange	59	24	6	184	do	30 per cent	25 per cent	×		10 per cent.
Paris green and London purple	64	26	12	197	15 per cent	2 cents per pound.	15 per cent		×	Free.
Plasters, etc	66	26	17	201	do	25 per cent	20 per cent	×		15 per cent.
Chlorate and perchlorate	80	29	6	227	1 cent per pound.	2 cents per pound.	1½ cents per pound.	×		½ cent per pound.
Potassium:										
Bromide	80	29	9	228	10 cents per pound.	8 cents per pound.	10 cents per pound.		×	15 per cent.
Provided	80	29	18 to 22	234	15 per cent in addition.		15 per cent in addition.		×	No corresponding provision.
Perfumed toilet soap	82	30	3	237	30 per cent	50 per cent	30 per cent	×		30 per cent.
Unperfumed toilet soap	82	30	3	237	do	10 per cent	do		×	10 per cent.
Medicinal soap	82	30	2 and 5	237	do	20 per cent	do		×	20 per cent.
All other soap and soap powder, n. s. p. f.	82	30	5	238	20 per cent	5 per cent	15 per cent		×	5 per cent.
Sodium, bromide	83	30	9	241	10 cents per pound.	8 cents per pound.	10 cents per pound.		×	15 per cent.
Starch:										
Potato	85	31	5	246	1½ cents per pound.	2 cents per pound.	1⅝ cents per pound.	×		1 cent per pound.
Wheat	85	31	5	245	1 cent per pound.	do	1 cent per pound.	×		½ cent per pound.
Dextrine, made from potato starch or potato flour.	86	31	8	248	1⅞ cents per pound.	2½ cents per pound.	2¼ cents per pound.	×		1¼ cents per pound.
Thorium nitrate, etc	89	31	20	252	25 per cent	40 per cent	35 per cent	×		25 per cent.
SCHEDULE 2.—EARTHS, EARTHENWARE, GLASSWARE.										
Quarry tiles, red or brown, ⅞ inch or over in thickness.	202	33	18	265	3 cents per square foot nor less than 20 per cent.	5 cents per square foot.	3 cents per square foot.	×		20 per cent.
Magnesite, dead-burned	204	34	12	271	4/10 cent per pound.	4/10 cent per pound.	23/40 cent per pound.		×	Free.
Glass sand, 99 per cent silica	207	35	20	288	Free	$1.50 per ton	Free	×		Do.
Graphite, crystalline flake	213	39	4	311	10 per cent	2 cents per pound.	1½ cents per pound.	×		Do.
Earthy substance:										
Not decorated	214	39	18	313	21 per cent	35 per cent	30 per cent	×		20 per cent.
Decorated	214	39	18	314	28 per cent	45 per cent	40 per cent	×		25 per cent.
Glassware:										
Chemical	218	42	10	324	40 per cent	75 per cent	65 per cent	×		45 per cent.
Illuminating	218	42	15	324	do	70 per cent	60 per cent	×		Do.
Plated or cased	218	42	19	324	do	do	do	×		Do.
Blown	218	43	4	324	do	65 per cent	55 per cent	×		Do.
Glass, manufactures of	230	48	5	354	30 per cent	60 per cent	50 per cent	×		30 per cent.
Mirrors, glass, under 144 square inches.	230	48	2	353	do	do	do	×		Do.
Marble, etc., manufactures of	233	49	11	361	40 per cent	do	do	×		45 per cent.

Comparison of the House, Senate, and conference rates in Fordney-McCumber tariff bill—Continued.

	Paragraph.	Page.	Line.	Amendment	House rate.	Senate rate.	Conference rate.	Reduction.	Increase.	Underwood-Simmons Act.
SCHEDULE 3.—METALS AND MANUFACTURES OF.										
Antifriction balls and rollers, etc.	321	63	19	442	10 cents per pound and 35 per cent.	10 cents per pound and 55 per cent.	10 cents per pound and 45 per cent.	×		35 per cent.
Iron or steel tubes, n. s. p. f.; all other, finished or unfinished.	328	66	4	451	20 per cent.	30 per cent.	25 per cent.	×		20 per cent.
Rigid iron or steel pipes, etc.	328	66	9	452	25 per cent.	35 per cent.	30 per cent.	×		Do.
Chains	329	66	17	455	2⅕ cents per pound.	1¾ cents per pound.	2⅕ cents per pound.		×	Do.
Do.	329	66	18	456	4 cents per pound.	3 cents per pound.	4 cents per pound.		×	Do.
Spiral nut locks and lock washers of iron or steel.	330	67	7	459	30 per cent.	40 per cent.	35 per cent.	×		30 per cent.
Table, etc., utensils:										
Aluminum	339	69	18	473	28 per cent.	15 cents per pound and 60 per cent.	11 cents per pound and 55 per cent.	×		25 per cent.
Copper, brass, steel, or other base metal, n. s. p. f.	339	69	21	474	35 per cent.	50 per cent.	40 per cent.	×		20 per cent.
Saws	340	70	4	475	15 per cent.	30 per cent.	20 per cent.	×		12 per cent.
Lithographic plates, etc.	341	70	14	478	20 per cent.	do.	25 per cent.	×		25 per cent.
Metal trouser buttons (except steel) and nickel bar buttons.	349	72	23	494	$\frac{1}{12}$ cent per line and 10 per cent.	$\frac{1}{12}$ cent per line and 20 per cent.	$\frac{1}{12}$ cent per line and 15 per cent.	×		15 per cent.
Steel trouser buttons	349	72	23	494	do.	¼ cent per line and 20 per cent.	¼ cent per line and 15 per cent.	×		Do.
Buttons of metal, n. s. p. f.	349	72	23	494	do.	¾ cent per line and 20 per cent.	¾ cent per line and 15 per cent.	×		Do.
Penknives, etc.:										
Valued at not more than 40 cents per dozen.	354	74	18	499	40 per cent.	2 cents each and 60 per cent.	1 cent each and 50 per cent.	×		Valued at not more than $1 per dozen, 35 per cent; valued at over $1 per dozen, 55 per cent.
Valued at 40 cents and not more than 50 cents per dozen.	354	74	20	499	1 cent each and 30 per cent.	5 cents each and 60 per cent.	5 cents each and 50 per cent.	×		
Valued at 50 cents and not more than $1.25 per dozen.	354	74	22	499	5 cents each and 30 per cent.	12 cents each and 60 per cent.	11 cents each and 50 per cent.	×		
Valued at $1.25 and not more than $3 per dozen.	354	74	24	499	10 cents each and 30 per cent.	20 cents each and 60 per cent.	18 cents each and 55 per cent.	×		
Valued at $3 and not more than $6 per dozen.	354	74	26	499	20 cents each and 30 per cent.	30 cents each and 60 per cent.	25 cents each and 55 per cent.	×		
Valued at more than $6 per dozen.	354	75	2	499	30 cents each and 30 per cent.	40 cents each and 60 per cent.	35 cents each and 55 per cent.	×		
Penknives, etc., assembled, but not fully finished.	354	75	14	501	15 cents each and 35 per cent.	15 cents each and 60 per cent.	15 cents each and 55 per cent.	×		Valued at not more than $1 per dozen, 35 per cent; valued at more than $1 per dozen, 55 per cent.
Table, etc., knives	355	76	24	503	10 cents each and 35 per cent.	20 cents each and 45 per cent.	16 cents each and 45 per cent.	×		Without handles, 25 per cent; with handles, 30 per cent.
Do.	355	76	25	503	8 cents each and 35 per cent.	10 cents each and 45 per cent.	8 cents each and 45 per cent.	×		
Do.	355	77	3	503	8 cents each and 35 per cent.	10 cents each and 45 per cent.	8 cents each and 45 per cent.	×		
Do.	355	77	8	503	16 cents each and 35 per cent.	10 cents each and 45 per cent.	8 cents each and 45 per cent.	×		
Scissors and shears:										
Valued at not more than 50 cents per dozen.	357	78	2	506	3 cents each and 35 per cent.	4 cents each and 45 per cent.	3½ cents each and 45 per cent.	×		30 per cent.
Valued at more than 50 cents and not more than $1.75 per dozen.	357	78	12	507	15 cents each and 35 per cent.	20 cents each and 45 per cent.	15 cents each and 45 per cent.	×		Do.
Valued at more than $1.75 per dozen.	357	78	14	507	20 cents each and 35 per cent.	20 cents each and 45 per cent.	20 cents each and 45 per cent.			Do.
Razors:										
Valued at less than 75 cents per dozen.	358	79	9, 14	508	10 cents each and 30 per cent.	20 cents each and 50 per cent.	18 cents each and 45 per cent.	×		Valued at not more than $1 per dozen, 35 per cent; valued at more than $1 per dozen, 55 per cent.
Valued at 75 cents and less than $1.50 per dozen.	358	79	10, 14	508		30 cents each and 50 per cent.	25 cents each and 45 per cent.	×		
Valued at $1.50 and less than $3 per dozen.	358	79	11, 14	508	12 cents each and 30 per cent.	35 cents each and 50 per cent.	30 cents each and 45 per cent.	×		
Valued at $3 and less than $4 per dozen.	358	79	12, 14	508	16 cents each and 30 per cent.	40 cents each and 50 per cent.	35 cents each and 45 per cent.	×		
Valued at $4 or more per dozen.	358	79	13, 14	508	20 cents each and 30 per cent.	50 cents each and 50 per cent.	45 cents each and 45 per cent.	×		
Surveying instruments and parts thereof.	360	80	23	516	40 per cent.	35 per cent.	40 per cent.		×	25 per cent.
Pistols:										
Valued at not more than $4 each.	366	82, 83	24, 2	535	$1.25 each and 25 per cent.	$1.25 each and 60 per cent.	$1.25 each and 55 per cent.	×		35 per cent.
Valued at $4 and not more than $8 each.	366	82, 83	25, 2	535	$2.50 each and 25 per cent.	$2.50 each and 60 per cent.	$2.50 each and 55 per cent.	×		Do.
Valued at more than $8 each.	366	82, 83	25, 2	535	$3.50 each and 25 per cent.	$3.50 each and 60 per cent.	$3.50 each and 55 per cent.	×		Do.
Watchcases and parts of watches, etc.	367	83	16	537	35 per cent	50 per cent.	45 per cent.	×		10 per cent.
Enameled dials for watches, etc.	367	83	19	538	3 cents each and 35 per cent.	3 cents each and 50 per cent.	3 cents each and 45 per cent.	×		30 per cent.
Clocks and clock movements	368	85	2	546	35 per cent.	50 per cent.	45 per cent.	×		10 per cent.
Parts of clocks, etc.	368	85	14	547	40 per cent.	55 per cent.	50 per cent.	×		Do.
Sewing machines, and parts thereof, n. s. p. f.:										
Valued at not more than $75 each.	372	88	11	558	Free.	25 per cent.	15 per cent.	×		Free.
Valued at more than $75 each.	372	88	12	558	do.	40 per cent.	30 per cent.	×		Do.
Printing presses, n. s. p. f., lawn mowers, and machine tools, and parts of machine tools.	372	88	16	559	35 per cent.	15 per cent.	do.		×	15 per cent; lawn mowers free.
Knitting, etc., machinery	372	88	23	560	do.	50 per cent.	40 per cent.	×		25 per cent.
Shovels, spades, etc.	373	89	15	563	25 per cent.	35 per cent.	30 per cent.	×		20 per cent.
Metallic magnesium and scrap	375	90	12	565	$1 per pound.	10 cents per pound.	40 cents per pound.		×	25 per cent.
Magnesium:										
Alloys	375	90	12	565	$1 per pound and 20 per cent.	do.	40 cents per pound on metallic magnesium content and 20 per cent.		×	Do.
Sheets	375	90	13	565	do.	20 cents per pound on contents.	do.		×	Do.
Needle or liquated antimony	376	90	20	567	Free.	¾ cent per pound.	¼ cent per pound.	×		Free.

Comparison of the House, Senate, and conference rates in Fordney-McCumber tariff bill—Continued.

	Para-graph.	Page.	Line.	Amend-ment	House rate.	Senate rate.	Conference rate.	Reduc-tion.	In-crease.	Underwood-Simmons Act.
SCHEDULE 3.—METALS AND MANUFACTURES OF—Contd.										
Bronze powder	382	91	16	576	16 cents per pound.	12 cents per pound.	14 cents per pound.	....	×	25 per cent.
Gold leaf	383	92	1	581	50 cents per pound.	60 cents per 100 leaves.	55 cents per 100 leaves.	×	....	35 per cent.
Tinsel wire, etc	385	92	15	583	10 cents per pound and 30 per cent.	5 cents per pound and 10 per cent.	6 cents per pound and 10 per cent.	....	×	6 per cent.
Lame or lahn, etc	385	92	17	583	10 cents per pound and 35 per cent.	5 cents per pound and 20 per cent.	6 cents per pound and 20 per cent.	....	× ×	25 per cent.
Bullions and metal threads, etc	385	92	19	583	do	5 cents per pound and 35 per cent.	6 cents per pound and 35 per cent.	....	×	Do.
New types	389	93	13	594	15 per cent	25 per cent	20 per cent	×	....	15 per cent.
Radio vacuum tubes	399	98	1 to 5	622	35 per cent	Free	40 per cent	(1)	×	20 per cent.
SCHEDULE 4.—WOOD AND MANUFACTURES OF.										
Woods, cedar, etc., in the log, etc	404	99-100	23, 1	628	10 per cent	Free	10 per cent	....	×	Free.
Reeds, etc	407	102	5	645	20 per cent	15 per cent	20 per cent	....	×	10 per cent.
Split bamboo	407	102	13	650	2 cents per pound	1 cent per pound	1½ cents per pound.	....	×	Do.
Porch and window blinds, etc	409	103	1	660	25 per cent	40 per cent	35 per cent	×	....	20 per cent.
Papier-mâché, stained, etc	409	103	3	661	30 per cent	50 per cent	45 per cent	×	....	25 per cent.
House or cabinet furniture, etc	410	103	9	665	25 per cent	35 per cent	33⅓ per cent	×	....	15 per cent.
SCHEDULE 5.—SUGAR, MOLASSES, AND MANUFACTURES OF.										
Sugar	501	103	18	667	$1\frac{16}{100}$ cents per pound.	$1\frac{25}{100}$ cents per pound.	$1\frac{24}{100}$ cents per pound.	×	....	$\frac{71}{100}$ cent per pound.
Do	501	103	20	668	$\frac{4}{100}$ cent per pound	$\frac{5}{100}$ cent per pound	$\frac{46}{1000}$ cent per pound	×	....	$\frac{26}{1000}$ cent per pound.
Molasses not above 52 per cent, etc.	502	104	19, 23	671	¼ cent per gallon	Free	⅙ cent per gallon	....	×	15 per cent not above 40°; 2¼ cents per gallon above 40°.
SCHEDULE 7.—AGRICULTURAL PRODUCTS AND PROVISIONS.										
Fresh beef and veal	701	107	18	689	2 cents per pound.	3½ cents per pound.	3 cents per pound.	×	....	Free.
Fresh lamb	702	107	23	692	do	5 cents per pound.	4 cents per pound.	×	....	Do.
Lard compounds and substitutes.	703	108	4	695	20 per cent	do	do	×	....	Do.
Cream	707	109	16	703	5 cents per gallon and 10 cents per gallon.	22½ cents per gallon	20 cents per gallon.	×	....	Do.
Cream powder	708	109	24	706	8 cents per pound.	6 cents per pound.	7 cents per pound.	....	×	Free.
Corn or maize, including cracked corn.	724	113	5	751	15 cents per bushel of 56 pounds.	20 cents per bushel of 56 pounds.	15 cents per bushel of 56 pounds.	×	....	Do.
Oatmeal, rolled oats, etc	726	113	14	757	60 cents per 100 pounds.	90 cents per 100 pounds.	80 cents per 100 pounds.	×	....	30 cents per 100 pounds.
Bran, shorts, etc	730	114	5	769	15 per cent	10 per cent	15 per cent	....	....	Free.
Malt sprouts and brewers' grains.	730	114	5, 10	768, 771	$5 per ton	do	$5 per ton	....	....	15 per cent.
Mixed feeds, etc	730	114	13	773	6 per cent	15 per cent	10 per cent	×	....	Do.
Cereal breakfast foods, etc	732	115	4	778	17 per cent	25 per cent	20 per cent	×	....	Do.
Apples, green or ripe	734	115	11	782	25 cents per bushel of 50 pounds.	30 cents per bushel of 50 pounds.	25 cents per bushel of 50 pounds.	×	....	10 cents per bushel of 50 pounds.
Apricots, prepared or preserved	735	115	17	783	20 per cent	40 per cent	35 per cent	×	....	20 per cent.
Maraschino cherries, etc	737	116	4	791	do	45 per cent	40 per cent	×	....	Do.
Citrons and citron peel, candied, etc.	739	116	11	796	4 cents per pound.	5 cents per pound.	4½ cents per pound.	×	....	2 cents per pound.
Figs, prepared or preserved	740	116	17	802	20 per cent	40 per cent	35 per cent	×	....	20 per cent.
Dates, prepared or preserved	741	116	20	804	do	do	do	×	....	Do.
Raisins	742	116	25	808	2 cents per pound.	2½ cents per pound.	2 cents per pound.	×	....	2 cents per pound.
Peaches and pears, prepared and preserved, and n. s. p. f.	745	117	14	814	20 per cent	40 per cent	35 per cent	×	....	20 per cent.
Pineapples, candied, crystallized, or glace.	746	117	19	816	3¾ cents per pound.	do	do	×	....	Do.
Plums, prunes, and prunelles, prepared or preserved, and n. s. p. f.	747	117	24	818	20 per cent	do	do	×	....	Do.
All jellies, jams, etc	748	118	4	820, 821	28 per cent	do	do	×	....	Do.
Fruits, in brine, pickled, etc	749	118	10	822, 823	20 per cent	do	do	×	....	Do.
Cuttings, etc	752	119	16	835, 836	do	30 per cent	25 per cent	×	....	15 per cent.
Grafted or budded fruit trees, etc	753	119	22	840, 841	do	do	do	×	....	Do.
Almonds:										
Not shelled	754	119	23	842	4 cents per pound.	5 cents per pound.	4¾ cents per pound.	×	....	3 cents per pound.
Shelled	754	119	24	843	12 cents per pound.	15 cents per pound.	14 cents per pound.	×	....	4 cents per pound.
Almond paste	754	119	25	844	20 per cent	do	do	×	....	15 per cent.
Coconuts	756	120	9	846	½ cent each	Free	½ cent each	....	×	Free.
Coconut meat, etc	756	120	11	847	4½ cents per pound.	2½ cents per pound.	3½ cents per pound.	....	×	2 cents per pound.
Nut and kernel paste, n. s. p. f	759	120	22	852	28 per cent	15 cents per pound.	25 per cent	....	....	15 per cent.
Soya beans	760	121	6	854	1¾ cents per pound.	$\frac{4}{10}$ cent per pound	½ cent per pound	....	×	Free.
Cabbage seeds	762	121	21	861	12 cents per pound.	8 cents per pound	10 cents per pound.	....	×	6 cents per pound.
Onion seeds	762	122	1	863	20 cents per pound.	10 cents per pound.	15 cents per pound.	....	×	5 cents per pound.
Beans, n. s. p. f.:										
Dried	763	122	13	869	1¾ cents per pound.	2 cents per pound	1¾ cents per pound.	×	....	25 cents per bushel of 60 pounds.
In brine, etc	763	122	14	870	2 cents per pound	2½ cents per pound.	2 cents per pound	×	....	1 cent per pound.
White or Irish potatoes	769	123	7	877	42 cents per 100 pounds.	58 cents per 100 pounds.	50 cents per 100 pounds.	×	....	Free.
Potato flour	769	123	10	879	1½ cents per pound.	3 cents per pound.	2½ cents per pound.	×	....	Do.
Tomato paste	770	123	13	881	28 per cent	45 per cent	40 per cent	×	....	25 per cent.
Vegetables, n. s. p. f	772	123	18	883	20 per cent	30 per cent	25 per cent	×	....	15 per cent.
Straw	777	124	21	893	$1 per ton	$1.50 per ton	$1 per ton	×	....	50 cents per ton.
Sago flour and tapioca flour	779	125	1	896	Free	½ cent per pound	Free	×	....	Free.
Tapioca flake or pearl	779	125	2	896	do	¾ cent per pound	do	×	....	Do.
SCHEDULE 9.—COTTON MANUFACTURES.										
Cotton having a staple of 1⅜ inches or more in length.	901	130	19	914	Free	7 cents per pound.	Free	×	....	Free.
Cotton cloth:										
Jacquards	906	135	24	950	7½ and 10 per cent.	12 per cent	10 per cent	×	....	No corresponding provision.
With drop boxes	906	136	1	950	do	do	5 per cent	×	....	Do.
Long-staple cotton proviso	908	136	6-15	....	....	10 cents per pound.	No duty	×	....	Do.

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[1] See par. 1651.

Comparison of the House, Senate, and conference rates in Fordney-McCumber tariff bill—Continued.

	Paragraph.	Page.	Line.	Amendment	House rate.	Senate rate.	Conference rate.	Reduction.	Increase.	Underwood-Simmons Act.
SCHEDULE 9.—COTTON MANUFACTURES—Continued.										
Knit fabric, in the piece	914	139	15	977	35 per cent.	60 per cent.	55 per cent.	×	....	30 per cent.
Gloves	915	140	12-13	979	40 per cent.	75 per cent.	Not less than 40 per cent, nor more than 75 per cent.	....	....	35 per cent.
Hose, long-staple cotton proviso	916	141	7-10	982	....	10 cents per pound and 50 per cent.	50 per cent.	×	....	No corresponding provision.
Underwear, long-staple cotton proviso.	917	142	6-9	985	....	10 cents per pound and 45 per cent.	45 per cent.	×	....	Do.
Shirt collars and cuffs, n. s. p. f.	919	142	24	991	25 cents per dozen pieces.	35 cents per dozen pieces.	30 cents per dozen pieces.	×	....	30 per cent.
Lace window curtains, nets, etc.	920	143	9	997	1½ cents per yard and 17 per cent.	1½ cents per square yard and 30 per cent.	1½ cents per square yard and 25 per cent.	×	....	35 per cent.
Do.	920	143	11	997	¾ cent per yard and 17 per cent.	¾ cent per square yard and 30 per cent.	¾ cent per square yard and 25 per cent.	×	....	40 and 45 per cent.
SCHEDULE 10.—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.										
Hemp and hemp tow	1001	144	3	1002	¾ cent per pound.	2 cents per pound.	1 cent per pound.	×	....	Free.
Hackled hemp	1001	144	4	1004	1½ cents per pound.	4 cents per pound.	2 cents per pound.	×	....	Do.
Sliver and roving, etc.	1002	144	7	1005	13 per cent.	25 per cent.	20 per cent.	×	....	15 per cent.
Single yarns, etc.	1004	145	9	1013	20 and 23 per cent.	Not less than 30 and not more than 40 per cent.	Not less than 25 and not more than 35 per cent.	×	....	No corresponding provision.
Twines and cords, bleached, dyed, etc.	1004	145	20	1018	....	6 cents per pound.	5 cents per pound.	×	....	Do.
Do.	1004	145	23	1020	Not less than 23 per cent.	Not less than 40 per cent.	Not less than 30 per cent.	×	....	Do.
Cordage, hemp	1005	146	5	1022	2 cents per pound.	3 cents per pound.	2½ cents per pound.	×	....	1 cent per pound.
All other floor coverings, n. s. p. f.	1022	151	21	1058	26 per cent.	45 per cent.	40 per cent.	×	....	20 per cent.
Matting made of cocoa fiber or rattan.	1023	151	23	1060	9 cents per square yard.	7 cents per square yard.	8 cents per square yard.	....	×	5 cents per square yard.
Mats made of cocoa fiber or rattan.	1023	151	24	1061	7 cents per square foot.	5 cents per square foot.	6 cents per square foot.	....	×	3 cents per square foot.
SCHEDULE 11.—WOOL AND MANUFACTURES OF.										
Wools, n. s. p. f., and hair of the Angora goat, etc.	1102	153	15	1063	25 cents per pound.	33 cents per pound.	31 cents per pound of clean content.	×	....	15 per cent.
Wool, etc.:										
Imported in the scoured state.	1102	153	16	1063	26 cents per pound.	33 cents per pound.	31 cents per pound.	×	....	Do.
On the skin	1102	153	17	1063	24 cents per pound.	32 cents per pound.	30 cents per pound of clean content.	×	....	Do.
Top waste, etc.	1105	154	11	1064	25 cents per pound.	33 cents per pound.	31 cents per pound.	×	....	Free.
Garnetted waste	1105	154	12	1064	20 cents per pound.	26 cents per pound.	24 cents per pound.	×	....	Do.
Noils:										
Carbonized	1105	154	12	1064	do.	do.	do.	×	....	Do.
Not carbonized	1105	154	13	1064	16 cents per pound.	21 cents per pound.	19 cents per pound.	×	....	Do.
Thread or yarn waste, etc.	1105	154	15	1064	14 cents per pound.	18 cents per pound.	16 cents per pound.	×	....	Do.
Shoddy and wool extract	1105	154	15	1064	do.	do.	do.	×	....	Do.
Mungo, woolen rags, and flocks	1105	154	16	1064	6 cents per pound.	8 cents per pound.	7½ cents per pound.	×	....	Do.
Wool, etc., but not further advanced than roving.	1106	155	7	1065	16½ cents, 27½ cents per pound, and 10 per cent.	36 cents per pound and 20 per cent.	33 cents per pound and 20 per cent.	×	....	8 per cent and 20 per cent.
Yarn:										
Valued at not more than 30 cents per pound.	1107	155	18	1066	20 cents per pound and 15 per cent.	26 cents per pound and 30 per cent.	24 cents per pound and 30 per cent.	×	....	Valued at not more than 55 cents per pound, 18 and 25 per cent.
Valued at more than 30 cents but not more than $1.	1107	155	20	1066	30 cents per pound and 18 per cent.	39 cents per pound and 35 per cent.	36 cents per pound and 35 per cent.	×	....	Valued at 55 cents but not more than $1.50 per pound, 18 and 25 per cent.
Valued at more than $1.	1107	155	22	1066	30 cents per pound and 20 per cent.	39 cents per pound and 40 per cent.	36 cents per pound and 40 per cent.	× ×	....	Valued at more than $1.50 per pound, 18 and 25 per cent.
Woven fabrics:										
Weighing not more than 4 ounces per square yard—										
Valued at not more than 80 cents per pound.	1108	156	13	1067	30 cents per pound and 22 per cent.	40 cents per pound and 50 per cent.	37 cents per pound and 50 per cent.	×	....	Valued at not more than $1.25 per pound, 25, 30, 35, and 40 per cent.
Valued at more than 80 cents per pound.	1108	156	15	1067	36 cents per pound and 27½ per cent.	49 cents per pound upon the wool content thereof and 50 per cent.	45 cents per pound upon the wool content thereof and 50 per cent.	×	....	Valued at more than $1.25 per pound, 25, 30, 35, and 40 per cent.
Provided, etc.	1108	156	18	1067	25 cents per pound and 22½ and 27½ per cent.	39 cents per pound and 50 per cent.	36 cents per pound and 50 per cent.	×	....	25, 30, 35, and 40 per cent.
Weighing more than 4 ounces per square yard—										
Valued at not more than 60 cents per pound.	1109	157	8	1068	20 cents per pound and 18 per cent.	26 cents per pound and 40 per cent.	24 cents per pound and 40 per cent.	....	....	Valued at not more than 75 cents per pound, 25, 30, and 35 per cent.
Valued at more than 60 cents but not more than 80 cents per pound.	1109	157	10	1068	25 cents per pound and 21 per cent.	40 cents per pound and 50 per cent.	37 cents per pound and 50 per cent.	....	....	Valued at 75 cents and not more than $1.25 per pound, 25, 30, and 35 per cent.
Valued at more than 80 cents but not more than $1.50 per pound.	1109	157	12	1068	30 cents per pound and 24 per cent.	49 cents per pound upon the wool content thereof and 50 per cent.	45 cents per pound upon the wool content thereof and 50 per cent.	....	....	Valued at $1.25 and not more than $2.50 per pound, 25, 30, and 35 per cent.
Valued at more than $1.50 per pound.	1109	157	15	1068	36 cents per pound and 27½ per cent.	do.	do.	....	....	Valued at more than $2.50, 25, 30, and 35 per cent.

Comparison of the House, Senate, and conference rates in Fordney-McCumber tariff bill—Continued.

	Paragraph.	Page.	Line.	Amendment	House rate.	Senate rate.	Conference rate.	Reduction.	Increase.	Underwood-Simmons Act.
SCHEDULE 11.—WOOL AND MANUFACTURES OF—Continued.										
Pile fabrics, etc	1110	158	3	1073	36 cents per pound and 27½ per cent.	45 cents per pound and 50 per cent.	40 cents per pound and 50 per cent.			40, 45, and 60 per cent.
Blankets, etc.:										
Valued at not more than 50 cents per pound.	1111	158	18	1074	20 cents per pound and 20 per cent.	20 cents per pound and 30 per cent.	18 cents per pound and 30 per cent.			Valued at not more than 75 cents per pound, 25 per cent.
Valued at more than 50 cents but not more than $1 per pound	1111	158	20	1074	25 cents per pound and 20 per cent.	30 cents per pound and 32½ per cent.	27 cents per pound and 32½ per cent.			Valued at 75 cents per pound and not more than $1.50 per pound, 25 per cent.
Valued at more than $1 but not more than $1.50 per pound.	1111	158	22	1074	do	33 cents per pound and 35 per cent.	30 cents per pound and 35 per cent.			25 per cent.
Valued at more than $1.50	1111	158	23	1074	30 cents per pound and 20 per cent	40 cents per pound and 40 per cent.	37 cents per pound and 40 per cent.			Do.
Felts, not woven, etc.:										
Valued at not more than 50 cents per pound.	1112	159	10	1075	20 cents per pound and 20 per cent.	20 cents per pound and 30 per cent.	18 cents per pound and 30 per cent.		×	Valued at not more than 75 cents per pound, 35 per cent.
Valued at more than 50 cents but not more than $1.50 per pound.	1112	159	12	1075	25 cents per pound and 20 per cent.	30 cents per pound and 35 per cent.	27 cents per pound and 35 per cent.		×	Valued at 75 cents per pound and not more than $1.50 per pound, 35 per cent.
Valued at more than $1.50 per pound.	1112	159	14	1075	30 cents per pound and 25 per cent.	40 cents per pound and 40 per cent.	37 cents per pound and 40 per cent.		×	35 per cent.
Tubings, garters, etc	1113	160	1	1076	36 cents per pound and 30 per cent.	49 cents per pound upon the wool content thereof and 50 per cent.	45 cents per pound upon the wool content thereof and 50 per cent.		×	Do.
Knit fabric in the piece:										
Valued at not more than $1 per pound.	1114	161	6	1077	25 cents per pound and 20 per cent.	33 cents per pound and 40 per cent.	30 cents per pound and 40 per cent.		×	Valued at not more than $1.25 per dozen, 35 per cent.
Valued at more than $1 per pound.	1114	161	8	1077	36 cents per pound and 25 per cent.	49 cents per pound and 50 per cent.	45 cents per pound and 50 per cent.		×	Valued at more than $1.25 per dozen, 35 per cent.
Hose, etc.:										
Valued at not more than $1.75 per dozen.	1114	161	12	1077	30 cents per pound and 25 per cent; valued at more than $3 per dozen, 36 cents per pound and 30 per cent.	39 cents per pound and 35 per cent.	36 cents per pound and 35 per cent.		×	20, 30, and 40 per cent.
Valued at more than $1.75 per dozen.	1114	161	13	1077		49 cents per pound and 50 per cent.	45 cents per pound and 50 per cent.		×	
Knit underwear, etc.:										
Valued at not more than $1.75 per pound.	1114	161	17	1077	30 cents per pound and 20 per cent; valued at more than $2.50, 36 cents per pound and 25 per cent.	39 cents per pound and 30 per cent.	36 cents per pound and 30 per cent.			35 per cent.
Valued at more than $1.75 per pound.	1114	161	18	1077		49 cents per pound and 50 per cent.	45 cents per pound and 50 per cent.			
Outerwear, etc.:										
Valued at not more than $1 per pound.	1114	161	23	1077	30 cents per pound and 28 per cent; valued at more than $2.50, 36 cents per pound and 33⅓ per cent.	39 cents per pound and 40 per cent.	36 cents per pound and 40 per cent.			
Valued at more than $1 and not more than $2.	1114	161	25	1077		44 cents per pound and 45 per cent.	40 cents per pound and 45 per cent.			
Valued at more than $2 per pound.	1114	162	1	1077		49 cents per pound and 50 per cent.	45 cents per pound and 50 per cent.			
Clothing, etc.:										
Valued at not more than $2 per pound.	1115	162	16	1078	20 cents per pound and 25 per cent, valued at not more than $2.50 per dozen.	26 cents per pound and 40 per cent.	24 cents per pound and 40 per cent.			35 per cent.
Valued at more than $2 but not more than $4 per pound.	1115	162	18	1078	25 cents per pound and 25 per cent; valued at more than $5 per dozen, 36 cents per pound and 30 per cent.	33 cents per pound and 45 per cent.	30 cents per pound and 45 per cent.			
Valued at more than $4 per pound.	1115	162	20	1078		49 cents per pound and 50 per cent.	45 cents per pound and 50 per cent.			
Wool, all manufactures of, n. s. p. f.	1119	164	14	1088	25 per cent	55 per cent	50 per cent			35 per cent and 40 per cent.
SCHEDULE 13.—PAPERS AND BOOKS.										
Wrapping paper, etc., if embossed, etc.	1305	181	21	1139	4½ cents per pound and 17 per cent.	4½ cents per pound and 15 per cent.	4½ cents per pound and 17 per cent.		×	25 per cent.
Paper, etc., provided, etc	1305	182	2	1140	5 cents per pound and 17 per cent.	5 cents per pound and 15 per cent.	5 cents per pound and 17 per cent.		×	No corresponding provision.
Cloth-lined or reinforced paper	1305	182	6	1142	do	do	do		×	35 per cent.
SCHEDULE 14.—SUNDRIES.										
Boots and shoes, etc	140	193	22	1195	25 per cent	40 per cent	35 per cent	×		No corresponding provision.
Straw hats known as harvest hats, valued at less than $3 per dozen.	1406	194	10	1200	20 per cent	30 per cent	25 per cent	×		25 per cent unblocked or trimmed, 40 per cent blocked or trimmed.
Matches, etc., containing not more than 100 matches per box.	1417	198	6	1217	6 cents per gross	12 cents per gross	8 cents per gross	×		3 cents per gross.
Wax matches, etc	1417	198	14	1219	30 per cent	45 per cent	40 per cent	×		25 per cent.
Natural leaves, etc., colored, etc	1419	199	21	1225	45 per cent	65 per cent	60 per cent	×		No corresponding provision.
Furs, dressed on the skin, excepting silver or black fox furs, etc.	1420	202	18	1228	20 per cent	30 per cent	25 per cent	×		30 per cent.

Comparison of the House, Senate, and conference rates in Fordney-McCumber tariff bill—Continued.

	Paragraph.	Page.	Line.	Amendment	House rate.	Senate rate.	Conference rate.	Reduction.	Increase.	Underwood-Simmons Act.
SCHEDULE 14.—SUNDRIES—Con.										
Hats, caps, bonnets, etc., in addition thereto.	1427	204	23	1237	20 per cent	30 per cent	25 per cent	×	....	45 per cent.
Pig leather	1431	209	22	1246	Free	20 per cent	Free	×	....	Free.
Catgut, etc	1434	211	9	1257	25 per cent	50 per cent	40 per cent	×	....	20 per cent.
Surgical catgut	1434	211	9	1257	.....do	Free	.....do	....	×	Do.
Gas, etc., mantles, etc	1435	211	13	1258	30 per cent	50 per cent	.....do	×	....	25 per cent.
Manufactures of amber, etc	1438	212	14	1262	15 per cent	25 per cent	20 per cent	×	....	10 per cent.
Violins, etc	1443	214	5	1277	$1.50 each and 35 per cent.	45 per cent	$1 each and 35 per cent.	....	×	35 per cent.
Works of art, etc	1449	215	16	1293	15 per cent	25 per cent	20 per cent	×	....	15 per cent.
Pencils, etc	1451	216	2	1296	50 cents per gross and 25 per cent.	40 cents per gross but not less than 45 per cent.	45 cents per gross and 25 per cent.	....	×	36 cents per gross but not less than 25 per cent.
Pencils stamped with names, etc	1451	216	7	1296	$1 per gross and 25 per cent.	50 cents per gross but not less than 45 per cent.	50 cents per gross and 25 per cent.	....	×	No corresponding provision.
All thermostatic bottles, etc.:										
Capacity of 1 pint or less	1455	219	10	1317, 1319	10 cents each and 30 per cent.	20 cents each and 50 per cent.	15 cents each and 45 per cent.	×	....	45 per cent.
Capacity of more than 1 pint	1455	219	11	1318, 1319	20 cents each and 30 per cent.	40 cents each and 50 per cent.	30 cents each and 45 per cent.	×	....	Do.
Parts of	1455	219	14	1320	35 per cent	60 per cent	55 per cent	×	....	Do.
SCHEDULE 15.—FREE LIST.										
Cream separators, valued at not more than $50 each.	1504	223	7	1338	Free	25 per cent	Free	×	....	Free.
Radio vacuum tubes	1651	249	3	1527	35 per cent	Free	40 per cent	....	×	20 per cent.
Woods: Cedar, etc., in the log, etc.	1704	258	7-10	1600	10 per cent	.....do	10 per cent	....	×	Free.
Surgical catgut	1709	262	11	1613	25 per cent	.....do	40 per cent	....	×	20 per cent.

Some of the representative articles on which the rates were increased by the conference bill over the rates in the Payne-Aldrich tariff law.

Article.	Paragraph.	Underwood-Simmons law.	Payne-Aldrich law.	Conference bill.
Schedule 1:				
Oxalic acid	1	1½ cents per pound	2 cents per pound	4 cents per pound.
Acetic anhydride acid	1	2½ cents per pound	2½ cents per pound	5 cents per pound.
Citric acid	1	5 cents per pound	7 cents per pound	17 cents per pound.
Arsenic acid	1	Free	Free	3 cents per pound.
Ammonium chloride (sal ammoniac)	7	¾ cent per pound	½ cent per pound	1½ cents per pound.
Rochelle salts	9	2½ cents per pound	3 cents per pound	5 cents per pound.
Calomel and other mercurial preparations	17	15 per cent	35 per cent	45 per cent.
Lime, citrate of	49	1 cent per pound	Free	7 cents per pound.
Magnesia, sulphate of, or Epsom salts	50	$\frac{1}{10}$ cent per pound	⅛ cent per pound	½ cent per pound.
Perfumery, etc.—				
Containing alcohol	62	40 cents per pound and 50 per cent.	60 cents per pound and 50 per cent.	40 cents per pound and 75 per cent.
Not containing alcohol	62	60 per cent	60 per cent	75 per cent.
Paints, etc., artists', not assembled	67	20 per cent	30 per cent	40 per cent.
Schedule 2:				
Chinaware (except bone), not decorated	212	50 per cent	55 per cent	60 per cent.
Chinaware, decorated	212	55 per cent	60 per cent	70 per cent.
Carbon electrodes, brushes, etc	216	25 per cent	30 per cent	45 per cent.
Chemical glassware	218	Free	Free	65 per cent.
Optical glass	227	.....do	.....do	45 per cent.
Mirrors	230	30 per cent	45 per cent	50 per cent.
Glass manufactures, n. s. p. f	230	.....do	.....do	Do.
Watch crystals	238	.....do	40 per cent	60 per cent.
Schedule 3:				
Table, kitchen, etc., utensils—				
Iron or steel, enameled or glazed, etc	339	25 per cent	.....do	5 cents per pound and 30 per cent.
Aluminum	339	.....do	45 per cent	11 cents per pound and 55 per cent.
Needles, knitting or sewing machine	343	20 per cent	$1 per thousand and 25 per cent.	$1.15 per thousand and 40 per cent.
Needles, latch	343	.....do	$1.15 per thousand and 35 per cent.	$2 per thousand and 50 per cent.
Buckles, trouser	346	15 per cent	5 cents to 15 cents per 100 and 15 per cent.	5 cents to 15 cents per 100 and 20 per cent.
Hooks and eyes, metallic	347	.....do	4½ cents per pound and 15 per cent.	4½ cents per pound and 25 per cent.
Snap fasteners and clasps	348	.....do	50 per cent	Loose, 55 per cent; mounted, 60 per cent.
Fountain pens, etc	353	25 per cent	30 per cent	72 cents per dozen and 40 per cent.
Penknives, etc.—				
Valued not more than 40 cents per dozen	354	35 per cent	40 per cent	1 cent each and 50 per cent.
Valued more than $6 per dozen	354	55 per cent	20 cents each and 40 per cent.	35 cents each and 55 per cent.
Table cutlery	355	25 and 30 per cent	4 cents to 14 cents each and 15 per cent; minimum 40 per cent.	2 cents to 16 cents each and 45 per cent.
Razors	358	35 and 55 per cent	6 cents to 15 cents each and 35 per cent.	Safety, 10 cents each and 30 per cent; other, 18 cents to 45 cents each and 45 per cent.
Watch cases and parts of watches	367	30 per cent	40 per cent	45 per cent.
Clocks, parts of	368	.....do	.....do	50 per cent.
Quicksilver	386	10 per cent	7 cents per pound	25 cents per pound.
Schedule 4:				
Cabinet woods, sawed	403	.....do	15 per cent	20 per cent.
Chair cane or reeds	407	.....do	10 per cent	Do.
Furniture, grass, willow, etc	407	25 per cent	45 per cent	60 per cent.
Porch and window blinds, etc., stained, etc	409	.....do	40 per cent	45 per cent.
Schedule 5:				
Cane sugar, 96 degrees—				
Regular rate	501	1.256 cents per pound	1.685 cents per pound	2.206 cents per pound.
Cuban rate	501	1.0048 cents per pound	1.348 cents per pound	1.7648 cents per pound.
Schedule 7:				
Sheep, other than breeding	702	Free	75 cents and $1.50 per head	$2 per head.
Milk, fresh	707	.....do	2 cents per gallon	2½ cents per gallon.

Some of the representative articles on which the rates were increased by the conference bill over the rates in the Payne-Aldrich tariff law—Continued.

Article.	Paragraph.	Underwood-Simmons law.	Payne-Aldrich law.	Conference bill.
Schedule 7—Continued.				
Cream	707	Free	5 cents per gallon	20 cents per gallon.
Butter and substitutes for	709	2½ cents per pound	6 cents per pound	8 cents per pound.
Poultry, dead	712	2 cents per pound	5 cents per pound	6 cents per pound.
Birds, dressed	712	30 per cent	Free	8 cents per pound.
Eggs of poultry	713	Free	5 cents per dozen	8 cents per dozen.
Eggs, dried	713	10 cents per pound	15 cents per pound	18 cents per pound.
Egg albumen—				
Dried	713	3 cents per pound	3 cents per pound	Do.
Otherwise prepared	713	1 cent per pound	do	6 cents per pound.
Fish, fresh, etc.—				
Salmon, halibut, and mackerel	717	Free	1 cent per pound	2 cents per pound.
Herring	717	do	¼ cent per pound	1 cent per pound.
Other	717	do	¾ cent per pound	Do.
Herring, smoked	718	do	½ cent per pound	2½ cents per pound.
Fresh-water fish, fresh, etc.	718	do	¼ cent per pound	1 cent per pound.
Crab meat	721	do	Free	15 per cent.
Macaroni, etc	725	1 cent per pound	1½ cents per pound	2 cents per pound.
Rice, paddy or rough	727	¾ cent per pound	¾ cent per pound	1 cent per pound.
Rice, broken and rice meal, etc	727	¼ cent per pound	¼ cent per pound	½ cent per pound.
Rye	728	Free	10 cents per bushel	15 cents per bushel.
Wheat	729	do	25 cents per bushel	30 cents per bushel.
Orange and lemon peel, not preserved	739	do	Free	2 cents per pound.
Orange and lemon peel, preserved, etc	739	1 cent per pound	2 cents per pound	5 cents per pound.
Lemons	743	18 to 70 cents per package and ½ cent per pound in bulk.	1½ cents per pound	2 cents per pound.
Almonds, not shelled	754	3 cents per pound	4 cents per pound	4¾ cents per pound.
Almonds, shelled	754	4 cents per pound	6 cents per pound	14 cents per pound.
Coconuts, in shell	756	Free	Free	½ cent per pound.
Coconut meat or copra, desiccated, etc	756	2 cents per pound	2 cents per pound	3½ cents per pound.
Peanuts, not shelled	757	⅜ cent per pound	½ cent per pound	3 cents per pound.
Peanuts, shelled	757	¾ cent per pound	1 cent per pound	4 cents per pound.
Walnuts, not shelled	758	2 cents per pound	3 cents per pound	Do.
Walnuts, shelled	758	4 cents per pound	5 cents per pound	12 cents per pound.
Flaxseed	760	20 cents per bushel	25 cents per bushel	40 cents per bushel.
Cotton seed	760	Free	Free	⅓ cent per pound.
Onions	768	20 cents per bushel (57 pounds).	40 cents per bushel (57 pounds).	1 cent per pound.
Garlic	768	1 cent per pound	1 cent per pound	2 cents per pound.
Hops	778	16 cents per pound	16 cents per pound	24 cents per pound.
Cinnamon, unground	779	1 cent per pound	Free	2 cents per pound.
Ginger root, unground	779	do	do	Do.
Nutmegs	779	do	do	Do.
Black or white pepper	779	do	do	Do.
Schedule 9:				
Cotton gloves, warp-knit fabric	915	35 per cent	50 per cent	Maximum 75 per cent.
Lace window curtains, Nottingham	920	Maximum 45 per cent	Minimum 50 per cent	Minimum 60 per cent.
Schedule 10:				
Cordage and cables of hemp	1005	1 cent per pound	2 cents per pound	2½ cents per pound.
Hose for conducting liquids	1007	7 cents per pound	15 cents per pound	17 cents per pound and 10 per cent.
Towels and napkins, flax, etc	1014	35 per cent	45 per cent	40 per cent and 55 per cent.
Matting, cocoa fiber or rattan	1023	5 cents per square yard	6 cents per square yard	8 cents per square yard.
Mats, cocoa fiber or rattan	1023	3 cents per square foot	4 cents per square foot	6 cents per square foot.
Schedule 12:				
Silk handkerchiefs, not hemmed	1209	40 per cent	50 per cent	55 per cent.
Manufactures of silk, n. s. p. f.	1211	45 per cent	do	60 per cent.
Schedule 13:				
Lithographic prints—				
Printed in less than 8 colors—				
Labels and flaps	1306	15 cents per pound	20 cents per pound	25 cents per pound.
Cigar bands	1305	20 cents per pound	30 cents per pound	35 cents per pound.
Printed in 8 or more colors—				
Labels and flaps	1306	do	do	Do.
Cigar bands	1306	25 cents per pound	40 cents per pound	50 cents per pound.
Printed in metal leaf—				
Labels and flaps	1306	35 cents per pound	5) cents per pound	60 cents per pound.
Cigar bands	1306	40 cents per pound	55 cents per pound	65 cents per pound.
Not specifically provided for—				
Not exceeding $\frac{8}{1000}$ inch in thickness	1306	15 cents per pound	20 cents per pound	25 cents per pound.
Exceeding $\frac{8}{1000}$ and not exceeding $\frac{20}{1000}$ inch in thickness—				
Not exceeding 35 square inches	1306	5 cents per pound	8½ cents per pound	10 cents per pound and ½ or 1 cent additional.
Exceeding 35 square inches	1306	7 cents per pound	8 cents per pound	9½ cents per pound and ½ or 1 cent additional.
Exceeding $\frac{20}{1000}$ inch in thickness	1305	5 cents per pound	6 cents per pound	7½ cents per pound.
Schedule 14:				
Asbestos yarn and woven fabrics	1401	10 per cent	25 per cent	30 per cent.
Beads, imitation pearl	1403	35 per cent	35 per cent	60 per cent.
Beads, imitation precious stones, etc	1403	do	do	45 per cent.
Brushes of all kinds	1407	do	40 per cent	Do.
Buttons, vegetable ivory	1410	35 and 45 per cent	¾ cent per line and 15 per cent.	1¼ cents per line and 25 per cent.
Buttons, pearl or shell	1410	25 and 45 per cent	1½ cents per line and 15 per cent.	1¾ cents per line and 25 per cent.
Dolls, etc., and all other toys	1414	35 per cent	35 per cent	70 per cent.
Matches, friction, in boxes	1417	3 cents per gross	6 cents per gross	8 cents per gross.
Wax and fancy matches	1417	25 per cent	35 per cent	40 per cent.
Furs, dressed on the skin	1420	30 per cent	20 per cent	25 per cent.
Silver or black fox skins, dressed or undressed	1420	30 per cent or free	20 per cent or free	50 per cent.
Hatter's fur	1421	15 per cent	20 per cent	35 per cent.
Hats, etc., of fur	1427	45 per cent	Specific rates and 20 per cent.	Specific rates and 25 per cent.
Jewelry, valued above 20 cents per dozen pieces	1428	60 per cent	60 per cent	80 per cent.
Stampings and other materials for jewelry	1428	50 per cent	do	75 per cent.
Laces, all kinds	1430	60 per cent	60 and 70 per cent	90 per cent.
Embroideries, all kinds	1430	do	do	75 per cent.
Leather gloves, not over 12 inches in length—				
Men's	1433	$1 and $2.50 per dozen pairs	$3 and $4 per dozen pairs	$5 per dozen pairs; minimum, 50 per cent; maximum, 70 per cent.
Women's and children's	1433	$1 and $2 per dozen pairs	$1.25, $2.50, and $3 per dozen pairs.	$4 per dozen pairs; minimum, 50 per cent; maximum, 70 per cent.
Manufactures of catgut, etc	1434	20 per cent	25 per cent	40 per cent.
Works of art	1449	15 per cent	15 per cent	20 per cent.

Mr. UNDERWOOD. Mr. President, I ask the Senator in charge of the conference report if he will object to letting the report go over until to-morrow for further consideration. We have now reached the usual hour of adjournment.

Mr. McCUMBER. I have no objection, but I wanted to ask the Senator from North Carolina [Mr. Simmons] if he has any objection to this unanimous-consent agreement I have prepared to fix an hour for a vote.

Mr. SIMMONS. What hour?

Mr. McCUMBER. Not later than 4 o'clock.

Mr. SIMMONS. I have no objection to such an arrangement.

Mr. McCUMBER. Then I present the following unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair is of the opinion that before the request can be submitted to the Senate there must be a call of the Senate.

Mr. McCUMBER. I asked the Chair to see whether there will be any objection, because there is no necessity of calling for a quorum if some one now present is going to object. I would like to have that presented first.

Mr. ROBINSON. Mr. President, my recollection of the rule is that the requirement that a quorum shall be called before a unanimous-consent agreement is entered into is limited to the passage of a bill or a joint resolution. It has no relation whatever to votes upon agreeing to conference reports upon bills or other ancillary motions or proceedings. The rule, of course, will be strictly construed, but my recollection of the language of the rule is that it is limited to the final disposition of bills and joint resolutions. I do not think an agreement to vote on a conference report would require the roll to be called to ascertain the presence of a quorum.

The PRESIDENT pro tempore. The rule reads—

> No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution—

And so forth.

Mr. ROBINSON. Clearly this is not an agreement for a final vote on a bill or joint resolution. It is one of the many votes which may be taken, and it is not comprehended within the rule. I myself felt some doubt about the propriety of entering into the agreement, but after conferring with the Senator from Alabama [Mr. Underwood] I shall not make any objection to the unanimous-consent agreement proposed.

Mr. McCUMBER. I am willing to take the decision of the Chair.

The PRESIDENT pro tempore. The Chair is of the opinion that a vote upon a conference report is within the spirit of the rule, in that it is the final passage of a bill.

Mr. ROBINSON. Will the Chair hear me upon the proposition? I am so thoroughly convinced that a vote upon agreeing to a conference report is not comprehended by the language of the rule, and that such a precedent would be detrimental to the prompt dispatch of business in the Senate, that I take the liberty, with the Chair's permission, of calling his attention to the language of the rule:

> No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate—

And so forth. Now, the passage of a bill or joint resolution in parliamentary language is after the third reading of the bill or joint resolution and has no relation whatever to conference reports. The rule has never been construed to require the presence of a quorum to enter into an agreement to vote on a conference report. Giving the language of the rule its ordinary meaning, it limits the requirement to the passage of a bill or the passage of a joint resolution. This is not the passage of a bill or a joint resolution within the meaning of the rule. The passage of a bill is had after the engrossment and third reading of the bill. The question is, Shall the bill pass? It is upon that proposition that the rule requires the presence of a quorum before unanimous consent is entered into and not upon a conference report. That is all I care to say upon the question.

Mr. STERLING. Mr. President, I do not recall the conference report involved nor am I quite able to state whether it was submitted to the Chair; but I know that in the case of a conference report I discussed the matter, either with a Senator or with the Chair, and it was submitted to the Chair, with the result that no quorum was called to fix a day when we should vote upon the conference report. The Senator with whom I talked at that time, or the Chair, held that the rule is limited to just what it says—bills and joint resolutions—and does not include conference reports.

The PRESIDENT pro tempore. The Chair has no knowledge of any precedent. So far as the Chair knows there never has been a request to fix a time to vote upon a conference report, which is the final vote respecting a bill.

Mr. CURTIS. Mr. President, I have been unable to find the precedent, but it is my recollection that this matter was up during the previous Congress. Vice President Marshall ruled that the calling of a quorum was not necessary except upon entering into a unanimous-consent agreement upon the passage of a bill or joint resolution. I have been unable to find the decision, but I am confident such a decision was made. I think the Chair is clearly wrong and that the Senator from Arkansas is right in holding that the rule applies only to the passage of a bill or joint resolution, which means its passage after the third reading of the measure.

Mr. UNDERWOOD. After hearing the rule read, I must say that I concur in that opinion. Of course, the purpose of the rule was to give information to Senators when a joint resolution or bill was going to be voted on so they could take care of their amendments. A conference report is the final action, and there is no chance to do anything but vote. Conference reports were evidently left out of the rule advisedly. I am inclined to think that we do not need a quorum.

Mr. ROBINSON. In further support of the position which I took a moment ago that a conference report does not come within the rule requiring that the roll shall be called to secure the presence of a quorum before a unanimous-consent agreement fixing the time to vote shall be entered into, I point to a precedent which seems to support the position which I took. I read from page 455 of Gilfry's Precedents:

> FEBRUARY 24, 1916.
>
> Mr. Simmons asked unanimous consent to vote on the question of receding from its amendments in disagreement to H. R. 11471, to amend the act to reduce tariff duties approved October 3, 1917, not later than 5 p. m. on Saturday, April 22, 1916.

It will be observed that the effect of the arrangement suggested by the Senator from North Carolina at that time was identical with the effect of agreeing to the pending conference report. His proposal was that the Senate recede from its amendments, thus leaving the two Houses in accord. The pending proposal is to agree to the conference report, bringing the two Houses into accord. The Vice President on that occasion said:

> The Chair does not believe that this unanimous-consent agreement comes fairly within the rule requiring a call of the Senate for a quorum. It is not for the purpose of taking a final vote on the passage of a bill or joint resolution. Is there objection to the unanimous-consent agreement? The Chair hears none, and it is adopted.

There the Chair held expressly that the only instance in which the presence of a quorum is required in order to enter into an agreement is in the case of fixing the time to vote on the passage of a bill or joint resolution. The question of agreeing to a conference report is no more voting on the passage of a bill or joint resolution than is receding from Senate amendments, and in that way putting the two Houses into accord.

Mr. JONES of Washington. Mr. President, I desire to suggest that the vote on the adoption of the motion to agree to the conference report is a little different, I think, from the final vote on the passage of a bill. On the final passage of a bill, if the vote is "nay," that ends the bill and there is nothing further to do, while if the conference report should be rejected the whole matter would still be before the Senate for further consideration and action.

The PRESIDENT pro tempore. If the conference report is agreed to, then no further action can be had. The Chair does not desire to be unduly solicitous about the matter, and thought it fair to present the question; but if it is the sense of the Senate, as it plainly is from the observations we have heard, the Chair will not insist upon it, believing, however, that we are violating the spirit of the rule.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Mississippi will state it.

Mr. HARRISON. If a Senator desires to file a motion to recommit the report, would the adoption of the unanimous-consent agreement estop or preclude him from making the motion? In other words, would the fact that the unanimous-consent agreement is entered into in any way affect the right of a Member of the Senate to enter a motion to recommit the conference report?

The PRESIDENT pro tempore. The Chair is of the opinion that it would.

Mr. HARRISON. I understand the Chair may have some doubt as to whether a motion to recommit would lie, but there may be a motion to recommit made and the Chair might change his opinion about it. Would the unanimous-consent agreement affect a Senator's right to make that motion?

The PRESIDENT pro tempore. Does the Senator mean before or after the vote is had?

Mr. HARRISON. Before 4 o'clock to-morrow afternoon.

The PRESIDENT pro tempore. That is a somewhat difficult question for the Chair to answer, because the Chair is of the opinion that the motion would not be in order in any event until after the vote upon agreeing to the conference report is had. Therefore the Chair can not answer the question.

Mr. ASHURST. Let the proposed unanimous consent be read again.

The PRESIDENT pro tempore. In view of the expressions of Senators with regard to the meaning of the rule the Chair will submit the request, which will be read for the information of Senators.

The reading clerk read as follows:

> It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Tuesday, September 19, 1922, the Senate will vote, without further debate, upon the question of agreeing to the conference report upon the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. HARRISON. May I couple that with an amendment and ask unanimous consent that no exception be made except that one motion to recommit the report may be in order?

Mr. LENROOT. It would not be in order at any time.

Mr. HARRISON. If we enter into the unanimous-consent agreement and say that that one motion shall be in order, then it would be in order. That is what I am asking unanimous consent to do.

The PRESIDENT pro tempore. Is there objection?

Mr. ASHURST. Was the request made by the Senator from Mississipi agreed to? He asked that the Senate grant unanimous consent that one motion to recommit may be made.

The PRESIDENT pro tempore. That provision is not in the proposed agreement.

Mr. ASHURST. Then I move to amend to that effect.

Mr. SMOOT. I do not think the Senator really wants to do that, because we can not amend the rules of the Senate in that way.

Mr. ASHURST. We can do anything by unanimous consent.

Mr. SMOOT. We can not set aside the rules in that way.

Mr. ASHURST. I do not wish to object, but I think that inasmuch as we are by unanimous consent setting aside the rule for one side, or for certain views, we ought at least to be as liberal toward others who desire to move to recommit the conference report.

Mr. SMOOT. A vote against the conference report will settle that.

Mr. SIMMONS. The Senator could make the motion at any time before 4 o'clock to-morrow; but it probably would be overruled as quickly as the Senator made it.

Mr. ASHURST. It would not be in order to move to recommit. I am seeking to suspend the rule by unanimous consent. What I am trying to do is to avoid the rule. I sympathize with the Senator from Mississippi in his contention that at some time we ought to be entitled to make a motion to recommit, but we may not do that under the rules.

Mr. MOSES. May I ask a question, Mr. President?

Mr. ASHURST. Certainly.

Mr. MOSES. I ask the Senator from Arizona to whom does he propose to recommit the bill? The House conferees are functus officio.

Mr. ASHURST. In view of the fact that the Senator from North Dakota [Mr. McCUMBER] said this afternoon that at the first eligible opportunity which was presented to him he would see to it that some duty was placed upon long-staple cotton, and the bill must be recommitted before such action could be had——

Mr. McCUMBER. Mr. President, the Senator from Arizona is mistaken. I said that could not be done under the pending bill.

Mr. ASHURST. Am I to believe another promise when the promise heretofore made and repeated over and over again is broken into bits and lies in fragments on the Senate floor? Does the Senator think I will believe another promise?

Mr. McCUMBER. I have promised nothing.

Mr. ASHURST. The Senator promised my colleague [Mr. CAMERON] in open session that at the first eligible opportunity a duty would be put on long-staple cotton.

Mr. McCUMBER. Did I promise that the Senate and the House would put a duty on long-staple cotton?

Mr. ASHURST. The Senator promised that he would use every influence in his power to do it.

Mr. McCUMBER. I could not make that kind of a promise. I said that I favored the protection of long-staple cotton; that I would favor it in the form of a protective duty or I would favor it in the form of a bounty, if necessary, but I did not intimate that any further action in that direction could be taken on this bill.

Mr. ASHURST. The Senator favors a duty on long-staple cotton everywhere except in the conference committee where his favoritism and effort would count and be of value.

The PRESIDENT pro tempore. The Chair desires to observe that the request for unanimous consent which has been made by the Senator from North Dakota [Mr. McCUMBER] is not debatable.

Mr. ASHURST. Mr. President, we have heretofore debated such requests.

The PRESIDENT pro tempore. Undoubtedly; but the Chair must confine the debate, if it is permitted, to the subject in hand.

Mr. ASHURST. Mr. President, the Chair is uniformly so fair and so correct in the manner in which he enforces the rules that I will come to his assistance. The Chair knows and believes, and has so expressed himself, that a quorum is necessary under such procedure; and if I am to be denied the right to say a few words about this item—cotton—to which protection was promised and which instead is now treated to a dose of free trade, if I can not have about two or three minutes to discuss that matter, I shall suggest that we ought to have a quorum.

The PRESIDENT pro tempore. The Senator from Arizona may debate the matter at any length he desires, but not upon a request for unanimous consent to fix a time to vote.

Mr. ASHURST. Mr. President——

Mr. ROBINSON. I desire to suggest to the Chair that no Senator has raised the point of order on the Senator from Arizona, and I ask unanimous consent that he may proceed.

Mr. ASHURST. I yield the floor.

The PRESIDENT pro tempore. Is there objection to the request for unanimous consent?

Mr. HARRISON. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HARRISON. I am a little confused as to just how we shall proceed. Suppose in the consideration of the conference report it should be discovered that in one part of the bill there was carried a duty on a certain article and in another part of the bill that article should be placed on the free list, could a motion then be made to recommit the bill? How would a mistake of that kind be corrected if it should be discovered?

Mr. ASHURST. Will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Arizona?

Mr. HARRISON. I yield.

Mr. ASHURST. I am anxious that this bill should be recommitted, but after a careful examination of the precedents I am convinced that a motion to recommit the conference report is not eligible or proper unless there is a disagreement on some particular item. Had I thought that the motion to recommit was proper under the rules I should have made it; indeed, I did make it, as the Chair will remember, but I am now sure such a motion is not in order under the rule unless, as I stated, there be an item upon which there is a disagreement.

Mr. HARRISON. Mr. President——

Mr. ASHURST. If the Senator will pardon me a moment further, we are confined to the simple question of agreeing to the conference report. That is the reason why I sought to assist the Senator in securing unanimous consent that a motion to recommit might be made, because it requires a suspension of the rules to do that. I repeat, I am as anxious to get a recommittal of the bill as any Senator can be, but a motion to recommit is not in order.

Mr. HARRISON. There was no objection to the request to amend the unanimous-consent agreement, as I understand.

Mr. MOSES. Which one?

The PRESIDENT pro tempore. The Chair thinks the Senator from Mississippi understands the view of the Chair upon that subject, but the Chair will not rule upon it until the question arises. Is there objection to the request for unanimous consent?

Mr. MOSES. Mr. President, is the Senator from Mississippi pressing his amendment?

The PRESIDENT pro tempore. There is no amendment pending. A request for unanimous consent can not be amended in the ordinary parliamentary sense. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

Mr. McCUMBER. I ask unanimous consent that when the Senate closes its session on this calendar day it recess until to-morrow at 12 o'clock meridian.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and it is so ordered.

FEDERAL AID IN DOMESTIC DISTURBANCES.

Mr. BRANDEGEE. Mr. President, I have before me Senate Document No. 209 of the second session of the Fifty-seventh Congress. It is a very important document, but is out of print. I hold in my hand the only copy which is left in the Document Room. It is entitled "Federal aid in domestic disturbances, 1787 to 1903," and was prepared by the direction of Maj. Gen. Henry C. Corbin, Adjutant General United States Army, in 1903. It is an exhaustive and authoritative compilation of every instance in which the United States has by the use of Federal troops endeavored to secure the enforcement of the laws, and, indeed, the first page of the document bears the headline "Employment of troops in the enforcement of the laws."

Mr. President, the information contained in the document is the result of enormous labor. The subject has been and is now to a certain extent before the country, and is liable to be before the country during the coming campaign. The custodian of public documents has informed me that there was such a demand from thousands of people for this document when it was first printed that the small number printed was immediately exhausted, and I think it is of sufficient importance to warrant a reprint. I therefore ask unanimous consent that the document may be reprinted.

Mr. ROBINSON. Mr. President, may I ask the Senator from Connecticut when it was printed?

Mr. BRANDEGEE. Yes, sir. On the face of the document itself it is stated "March 2, 1903, ordered to be printed."

Mr. ROBINSON. It is quite an old document, and it may be that other precedents not embraced within the document itself should be added. Has the Senator given thought to bringing it down to date, so as to make it complete?

Mr. BRANDEGEE. No; I have not. I assume, inasmuch as these precedents relating to the use of Federal troops have been created under the Constitution and the statutes of the United States, that, while new instances of the use of troops for such purposes may have occurred since 1903, they are only very few in number. I would, of course, have no objection to the addition in the shape of addenda or an appendix to the document of any further information in the possession of The Adjutant General's Office or of the War Department; but that would require a new document number, as I am informed, and more or less revision of the index, and so forth, the document being now thoroughly indexed. If the Senator wants to make an additional request that information in the possession of the department may be added to the document, I shall have no objection to that, but the Senator from Utah [Mr. SMOOT] advises me sub rosa that that can not be done.

Mr. ROBINSON. The Senator from Utah more than once has given sub rosa advice that I can not accept.

Mr. MOSES. Mr. President, if I may interrupt, it is apparent from the size of the document that it comes within the statutory limitation which requires that a document the printing of which would cost as much as the printing of this document evidently would cost must, by the statute, be referred to the Committee on Printing.

Mr. BRANDEGEE. I have no objection to the reference of the request to the Committee on Printing, I will say to the Senator.

Mr. MOSES. I can promise the Senator from Connecticut that the committee will not delay in the matter of its report.

Mr. ROBINSON. Mr. President——

Mr. BRANDEGEE. I will, then, with the permission of the Senator from Arkansas, if he will indulge me just a moment in order to complete my statement, withdraw the request for unanimous consent, and ask that my request be referred to the Committee on Printing.

The PRESIDENT pro tempore. In the absence of objection, it is so ordered.

POSITIONS IN THE UNITED STATES VETERANS' BUREAU.

The PRESIDENT pro tempore laid before the Senate a communication from the Acting Director of the United States Veterans' Bureau, transmitting, pursuant to law, a statement as of June 1, 1922, giving in detail the total number of positions at a rate of $2,000 or more per annum, the rate of salary attached to each position, the number of positions at each rate in the central office, and in each district office or suboffice, and a brief statement of the duties of each position; also a statement giving the corresponding information as of September 1, 1922, for the central office, and as of August 1, 1922, for the district and subdistrict offices, etc., which, with the accompanying papers, was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 4003) for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Firemen's Fund Insurance Co., St. Paul Fire & Marine Insurance Co., and the United States Lloyds; and

A bill (S. 4004) for the relief of the Commercial Union Assurance Co. (Ltd.), Federal Insurance Co., American & Foreign Marine Insurance Co., Queen Insurance Co. of America, Firemen's Fund Insurance Co., United States Lloyds, and the St. Paul Fire & Marine Insurance Co.; to the Committee on Finance.

By Mr. CAMERON:

A bill (S. 4005) to grant a bounty on the production of long-staple cotton; to the Committee on Finance.

By Mr. STANFIELD:

A bill (S. 4006) for the relief of the Ralph Ackley Land Co. (Inc.) and others; to the Committee on Claims.

PAY OF SENATE PAGES.

Mr. ASHURST submitted the following resolution (S. Res. 352), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

> *Resolved*, That during the period between the end of the second session of the Sixty-seventh Congress and the beginning of the third session of said Congress the pages of the Senate provided for by law, resolution, or otherwise, be paid the regular compensation at the rates they have been receiving.

RELIEF OF ENLISTED MEN OF THE ARMY.

Mr. WADSWORTH. Mr. President, I desire to call the attention of the Senate to the fact that the Senate has passed a bill which is an exact duplicate of a House bill which is now upon the calendar, being Calendar No. 684. The two bills—one introduced in the House and the other introduced in the Senate—cross each other. I ask unanimous consent that the conference report on the tariff bill may be temporarily laid aside in order that the Senate may consider House bill 8475, a duplicate of which, I repeat, has been passed by the Senate.

Mr. MOSES. I ask that the bill may be reported for information.

Mr. CURTIS. Mr. President, let me say to the Senator from New York that the unfinished business is the Liberian loan, which will have to be laid aside temporarily.

Mr. WADSWORTH. That was my error. I make the request in that form, Mr. President, that the Liberian loan bill may be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection to laying aside temporarily the Liberian loan bill? The Chair hears none, and the unfinished business is temporarily laid aside.

Is there objection to the request of the Senator from New York?

Mr. LENROOT. Let the bill referred to by the Senator from New York be reported.

Mr. SMOOT. Mr. President, I want to know something about what the bill is before I give consent to its consideration.

Mr. WADSWORTH. If the Senator from New York is given an opportunity, he will explain the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. There is objection unless the bill may be reported, so that I may know what it is.

Mr. LENROOT. Reserving the right to object, I should like to have the bill reported, so that, at least, we may know what it is.

The PRESIDENT pro tempore. The Senator has the right to have the bill reported, and the Chair was about to direct the Secretary to report it for information.

Mr. WADSWORTH. Mr. President, Senators need not be unduly impatient or suspicious. The Senator from New York will endeavor to explain the bill. He has done so once before to the Senate, and it was passed unanimously.

The PRESIDENT pro tempore. The Secretary will read the bill for information.

The reading clerk read the bill (H. R. 8475) to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith, as follows:

> *Be it enacted, etc.*, That all payments heretofore made in good faith to enlisted men while in active service by reason of anything contained in that portion of the proviso of section 4b of the act entitled "An act

for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, reading: "That nothing in this section shall operate to reduce the pay which any enlisted man is now receiving during his current enlistment and while he holds his present grade," be, and the same hereby are, validated for all purposes, irrespective of whether such payments conform to decisions of the Comptroller of the Treasury or the General Accounting Office; and such payments shall be passed by the proper accounting officers of the United States to the credit of the disbursing officers making the same. Any sums of money which may have been deducted from the pay of any enlisted man on account of any such payment validated by this act shall be refunded.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill just read?

Mr. SMOOT. Mr. President, I should like to have the Senator from New York make a brief statement about the bill before I object or give consent. I have not had time to read the bill and I have not heard the Senator from New York explain it.

Mr. WADSWORTH. Mr. President, in the act of June 4, 1920, the noncommissioned grades in the Regular Army were rearranged, and instead of having something like 40 or 50 grades among noncommissioned officers the number was reduced to 7 for purposes of simplification. When the act took effect, of course, it was necessary to regroup and regrade thousands of enlisted men who held rank under the titles of the old grades. In anticipation of that the act carried a certain provision to the effect that the pay of those men should not be reduced below that which they were receiving in the grade which they occupied on the date of the passage of the act.

The Congress passed the act in that form in good faith and the War Department accepted it in good faith as a measure of protection for the men in the matter of reduction of pay. However, some auditing officer—the comptroller or the Auditor for the War Department, I forget which—made a ruling thereafter which was contrary to the real intention of the Congress when it passed the act of 1920, with the result that it was declared to have been improper to have paid these men subsequent to July 1, 1920, the rates of pay which the Congress had expected they would receive, and with the further result that the disbursing officers who had paid them one, two, or three dollars more than the new rates of pay provided, basing their action upon the old rates of pay, have been endeavoring to collect from these soldiers for many months past these picayune little amounts. Many of the men have left the service months ago, and have gone home, and can not be found. This bill is to validate those payments and to relieve the War Department of the attempt to collect 50 cents here and a dollar and a half there. It has passed both Houses.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DONATION OF WAR TROPHIES.

Mr. WADSWORTH. Mr. President, out of order, I ask unanimous consent to report back favorably from the Committee on Military Affairs without amendment Senate Joint Resolution 244, to donate to the American Legion certain war trophies captured by or surrendered to the armed forces of the United States in the World War.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. WADSWORTH. I ask unanimous consent for the immediate consideration of the joint resolution; and, with the permission of the Senate, I will make a short explanation of it, which probably will be just as brief as reading the joint resolution.

The officials of the American Legion have been exceedingly anxious for many months to expedite the distribution of the German war trophies. The bill passed by the Senate has been hung up in the House of Representatives for many, many months. This is not an attempt to amend that bill in prospect, but it is an attempt to authorize the Secretary of War to donate to the American Legion itself certain specimens of weapons and armament or munitions, a single specimen of each type to be donated, to be placed by the American Legion in a museum which they have organized and established in connection with their national headquarters at Indianapolis. That is all there is to it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Secretary of War be, and is hereby, authorized to donate to the national museum of the American Legion at Indianapolis, Ind., such of the war devices and trophies captured or surrendered to the armed forces of the United States from the armed forces of Germany and allied nations as may be requested by the official in charge of that institution: *Provided,* That not to exceed one of each caliber of cannon and carriage or one each of the more general types of machine guns, minenwerfers, mortars, bomb throwers, flame throwers, and gas projectors may be included in this donation.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, was read the third time, and passed.

FORT HALE, CONN.

Mr. WADSWORTH. From the Committee on Military Affairs, out of order, I ask unanimous consent to report back favorably, without amendment, House bill 11347, authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as Fort Hale.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of this bill. It is very simple.

By way of explanation, let me say that this little tract of land at the city of New Haven was the original site of a fort built during the American Revolution. Again, in 1812 the Government built a fort there, of course, long since obsolete. Back in 1890 the Congress passed an act extending to the city of New Haven the right to use this land for park purposes. It has been used as such for a long time, since 1890. This bill is to authorize the Secretary of War to deed this land to the State of Connecticut, to be used solely for park purposes, and to be known as Nathan Hale Park. The Government has not used this land in generations. Including the low-tide area or swamp-land area, it amounts to about 30 acres. It is of absolutely no use to the Government.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings in New Haven, Conn., known as Fort Hale: *Provided,* That the State of Connecticut shall agree to preserve the said land forever as a public park, to be known as Nathan Hale Park: *Provided further,* That in the event the said lands are not used for the purposes specified in this act the same shall revert to the Government of the United States: *And provided further,* That the land shall be subject to the right of the United States to at any and all times and in any manner assume control of, hold, use, and occupy without license, consent, or leave from said State any or all of said lands for any and all military, naval, or other governmental purposes, free from any conveyances, charges, encumbrances, or liens made, created, permitted, or sanctioned thereon by said State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS TO STATE MILITIA.

Mr. BURSUM. Mr. President, I ask unanimous consent to take up House bill 211, a pension bill which was objected to a few days ago by the Senator from Wyoming [Mr. WARREN], and passed over at his request. To-day the Senator from Wyoming informs me that he is satisfied with the bill and is in favor of it.

Mr. ROBINSON. Mr. President, may I ask the Senator the nature of the pension bill?

Mr. BURSUM. The bill is to include certain militia who participated in the Civil War. It is practically an extension of the law of 1874. It was introduced in the House by Mr. LANGLEY and passed through the House.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I ask that it go over until to-morrow. I want to see what report the Senator has made. Has he made a report on it?

Mr. BURSUM. Oh, yes. The bill has been on the calendar for a long while and was brought up a few days ago. The Senator from Wyoming at that time asked that it go over, and on that account I did not press it. The Senator from Wyoming has since gone over the bill and is now satisfied with it. The Senator is here and can speak for himself.

Mr. WARREN. Mr. President, this bill applies only to a small number of persons. It simply extends the provisions of an old law so as to include them. I see no reason why it should not be considered and passed.

Mr. SMOOT. I have not read the bill, nor have I had an opportunity——

Mr. ROBINSON. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. Objection is made.

ADDITIONAL CLERK, COMMITTEE ON MILITARY AFFAIRS.

Mr. CALDER. Mr. President, at the beginning of this session of Congress an additional clerk was authorized for the Committee on Military Affairs. The chairman of that committee desires to have that clerk continued and has introduced a resolution for that purpose, and it has been referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I report back favorably the resolution and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of a resolution which will be read by the Secretary.

The Assistant Secretary read Senate Resolution 340, submitted by Mr. WADSWORTH on August 18, 1922, as follows:

> *Resolved,* That Senate Resolution 184, agreed to December 13, 1921, authorizing and directing the Senate Committee on Military Affairs to employ an additional clerk, at the rate of $1,600 per annum, to be paid out of the miscellaneous items of the contingent fund of the Senate, during the second session of the Sixty-seventh Congress, be, and the same is hereby, extended and continued in full force and effect until the end of the Sixty-seventh Congress.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. CURTIS. Mr. President, in view of the fact that the appropriation bill has been taken away from the Military Affairs Committee, and it has now gone to the Committee on Appropriations, is this extra clerk needed?

Mr. CALDER. The Military Affairs Committee believe he is needed. They say the clerk is constantly engaged. I trust the Senator will not object.

Mr. CURTIS. I do not object.

The PRESIDENT pro tempore. The Chair hears no objection.

The resolution was considered and agreed to.

THE AMERICAN VALUATION PLAN.

Mr. ODDIE. Mr. President, I ask unanimous consent to have printed in the RECORD a partial list of organizations, with the number of their members, who have indorsed American valuation. This is the list I referred to on the floor of the Senate on August 24, on pages 11740, 11741, and 11742 of the CONGRESSIONAL RECORD.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nevada? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Organizations indorsing American valuation.

	Members.
Aberdeen Commercial Club, Aberdeen, S. Dak	466
Actors' Equity Association, New York City, N. Y	18, 000
Akron Merchants' Association, Akron, Ohio	110
Alder Commercial Club, Alder, Wash	------
Alexandria Chamber of Commerce, Alexandria, La	300
Allentown Chamber of Commerce, Allentown, Pa	650
Allied Lace & Embroidery Manufacturers, West New York, N. J	900
Allied Printing Trade Council of Philadelphia, Philadelphia, Pa	15, 000
Alpaugh Board of Trade, Alpaugh, Calif	------
Amalgamated Association of Street Electric Railway Employees, Division 459, Bridgeport, Conn	475
Amalgamated Clothing Workers of America, Local No. 208, Vineland, N. J	515
Amalgamated Lace Operatives of America, Levers Section, New York City	2, 100
Amalgamated Lithographers of America, New York City	5, 846
Amalgamated Lithographers of America, Local No. 17, San Francisco, Calif	------
Amalgamated Meat Cutters and Butcher Workmen of North America, Local Union No. 207, Danbury, Conn	75
Amalgamated Sheet Metal Workers' International Alliance, Local No. 114, Bridgeport, Conn	100
Amalgamated Sheet Metal Workers, Local No. 221, International Alliance, Vallejo, Calif	------
Amalgamated Sheet Metal Workers' Local Union No. 225, New Haven, Conn	100
Amalgamated Society of Carpenters and Joiners, No. 1909, San Diego, Calif	------
Ambridge Board of Trade, 808 Maplewood Avenue, Ambridge, Pa	------
American Cotton Manufacturers' Association	1, 025
American Association of Flint and Lime Glass Manufacturers (Inc.), Pittsburgh, Pa., employing	10, 000
American Association of Woolen and Worsted Manufacturers, New York City	204
American Brass and Copper Statistical Exchange, New York City	15
American Brush Manufacturers' Association, 505 Arch Street, Philadelphia, Pa	78
American Clay Producers' Association, Macon, Ga	------
American Doll and Stuffed Toy Manufacturers' Association	------
American Drop Forging Association, Cleveland, Ohio	------
American Dyes Institute, 130 West Forty-second Street, New York City	38
American Electric Railway Association, New York City, N. Y	20
American Electric Railway Association, Indianapolis, Ind	------
American Envelope Manufacturers' Association, New York City, N. Y	------
American Federation of Labor, Philadelphia, Pa., John A. Phillips, vice president	150, 000
American Federation of Labor, Washington, D. C., Edward F. McGrady, legislative agent	------
American Feed Manufacturing Association, Chicago, Ill	25, 000
American Flint Glass Workers' Union, Local Union, Morocco, Ind	1, 000
American Flint Glass Workers' Union, Toledo, Ohio, workers	60, 000
American Flint Glass Workers' Union of America, Local No. 44, Vineland, N. J., workers	340
American Flint Glass Workers, Local Union No. 118, Huntington, W. Va	400
American Flint Glass Workers, Local Union No. 132, Vineland N. J., workers	280
American Fruit and Vegetable Shippers' Association, Chicago, Ill	325
American Fur Dealers' Association, New York City, N. Y	150
American Gear Manufacturers' Association, Philadelphia, Pa	127
American Hardware Jobbers' Directory, Pittsburgh, Pa	------
American Hardware Manufacturers' Association, New York City, N. Y	512
American Honey Producers' League, San Antonio, Tex. (number of producers)	800, 000
American Industrial Lenders' Association, Harrisburg, Pa	300
American Institution of Consulting Engineers, New York City, N. Y	------
American Lace Manufacturers' Association, Providence, R. I	15
American Legion, Winnek Post, No. 396, Geneva, N. Y	------
American Mining Congress, The, Washington, D. C	4, 000
American Paper & Pulp Association, New York City	375
American Protective League, New York City, N. Y	------
American Protective Tariff League, New York City, N. Y	------
American Schiffli Lace & Embroidery Manufacturers' Association, West New York, N. J	------
American Tack Manufacturers' Association, New York City	15
American Vitrified China Manufacturers' Association, Wheeling, W. Va	13
American Wire Weavers' Protective Association, Holyoke, Mass., workers	10, 000
American Zinc Institute, New York City	155
Amsterdam Board of Trade, Amsterdam, N. Y	------
Ansonia Chamber of Commerce, Ansonia, Conn	140
Arizona Bureau of Mines, Tucson, Ariz	------
Arkwright Club of Boston, Boston, Mass	------
Asbestos Manufacturers' Association, Ambler, Pa., employing	50, 000 to 75, 000
Ashtabula Chamber of Commerce, Ashtabula, Ohio	650
Associated Advertising Clubs of the World, New York City	15, 000
Associated Flower and Fancy Feather Manufacturers of America, New York City, employing	10, 000
Associated Glove Manufacturers, Gloversville, N. Y	100
Associated Industries of Maine, Portland, Me	400
Associated Industries of Massachusetts, Boston, Mass	200
Associated Industries of Montana, Butte, Mont	100
Associated Industries of Seattle, Seattle, Wash	400
Associated Manufacturers of Electric Supplies, St. Louis, Mo., employing	45, 000
Associated Manufacturers of Electric Supplies, New York City	200
Associated Tile Manufacturers, Beaver Falls, Pa., 13 members employing	3, 919
Associated Wooden Ware Manufacturers, Chicago, Ill	5, 000
Association of American Manufacturers of Imitation Pearls and Specialties in Fusible Enamels, Providence, R. I	------
Association of Cotton Textile Merchants	------
Association of Lock-Washer Manufacturers, New York City	------
Association of Manufacturers of Confectionery and Chocolates of the State of New York, New York City	------
Astoria Chamber of Commerce, Astoria, Oreg	300
Atchison Chamber of Commerce, Atchison, Kans	300
Athol Board of Trade, Athol, Mass	220
Attleboro Chamber of Commerce, Attleboro, Mass	350
Auburn Chamber of Commerce, Auburn, N. Y	1, 204
Ault Agricultural and Commercial Club, Ault, Colo	------
Aurora Chamber of Commerce, Aurora, Ill	------
Bakery and Confectionery Workers, Philadelphia, Pa	600
Baltimore Chamber of Commerce, Baltimore, Md	307
Bangor Chamber of Commerce, Bangor, Me	477
Barbers' Union, Local No. 312, Stockton, Calif	------
Barium Producers and Manufacturers of the United States, New York, N. Y	------
Battle Creek Chamber of Commerce, Battle Creek, Mich	475
Battle Creek Manufacturers' Association, Battle Creek, Mich	20
Bay City Board of Commerce, Bay City, Mich	1, 100
Bay Point Chamber of Commerce, Bay Point, Calif	------
Beaver Falls Chamber of Commerce, Beaver Falls, Pa	350
Bedford Stone Club, Bedford, Ind	27
Beer Drivers' Union No. 132, Philadelphia, Pa	300
Bellingham Chamber of Commerce, Bellingham, Wash	420
Belmont Trades Assembly, Belmont, Ohio	------
Belvidere Commercial Club, Belvidere, Ill	115
Bennett Valley Grange, Santa Rosa, Calif	------
Bethlehem Chamber of Commerce, Bethlehem, Pa	1, 600
Bisbee Chamber of Commerce, Bisbee, Ariz	------
Blaine Chamber of Commerce, Blaine, Wash	------
Blairsville Chamber of Commerce, Blairsville, Pa	180
Board of Trade of the Village of Warwick, Warwick, N. Y	------
Bookbinders' Union No. 2, Harrisburg, Pa	500
Boosters' Club of Danbury, Danbury, Conn	------
Bothell Commercial Club, Bothell, Wash	------
Braid Manufacturers' Association of United States, New York City, N. Y., employing	35, 000
Bradford Board of Commerce, Bradford, Pa	350

	Members.
Brewery Firemen, Oilers & Helpers' Union, Philadelphia, Pa	250
Bridgeport Chamber of Commerce, Bridgeport, Conn	1, 400
Bristol Chamber of Commerce, Bristol, Conn	304
Brooklyn Chamber of Commerce, Brooklyn, N. Y	2, 004
San Jose Builders' Material Packers & Shippers' Union, San Jose, Calif	------
Building Service Employees International No. 9, San Francisco, Calif	------
Bullock Manufacturing Association, Springfield, Mass	------
Bureau of Envelope Manufacturers of America, New York City, N. Y	30
Burley Commercial Club, Burley, Idaho	150
Butchers' Union, Local No. 115, San Francisco, Calif	------
California Bean Growers' Association, San Francisco, Calif	6, 000
California Club, San Francisco, Calif	------
California Metal Trades' Association, San Francisco, Calif	50
California Milk Producers' Association, Los Angeles, Calif	------
California Olive Association, Los Angeles, Calif., employing	8, 000
California State Manufacturing Association, Oakland, Calif	1, 000
California White & Sugar Pine Manufacturers' Association, San Francisco, Calif	30
Camden Chamber of Commerce, Camden, N. J	992
Carpenters and Joiners' United Brotherhood Union No. 35, San Rafael, Calif	------
Carpenters and Joiners' of America, Local Union No. 115, Bridgeport, Conn	------
Carpenters and Joiners of America, Union No. 586, Sacramento, Calif	------
Carpenters and Joiners, Local No. 620, Vineland, N. J	210
Carpenters' Local Union No. 36, Oakland, Calif	------
Carpenters' Union, San Pedro, Calif	------
Carpenters' Union No. 771, Watsonville, Calif	------
Carroll County Trade Board, Carrollton, Ga	------
Casper Chamber of Commerce, Casper, Wyo	100
Castona Grange, No. 322, French Camp, Calif	------
Central Labor Union, Millville, N. J	------
Central Labor Union of Vineland, Vineland, N. J	------
Chamber of Commerce of Pittsburgh, Pittsburgh, Pa	5, 610
Chester Chamber of Commerce, Chester, S. C	252
Cheyenne Chamber of Commerce, Cheyenne, Wyo	------
Cigar Makers' International Union of America, Local Union No. 39, New Haven, Conn	475
Cigar Makers' International Union of America, Local Union 282, Bridgeport, Conn	55
Cigar Makers' Union No. 332, San Diego, Calif	------
Cincinnati Chamber of Commerce, Cincinnati, Ohio	2, 582
Citizens of Walden, Walden, N. Y	------
Citizens of Warwick, Warwick, N. Y	------
Civic and Commercial Association, Sault Ste. Marie, Mich	102
Clarksburg Chamber of Commerce, Clarksburg, W. Va	650
Clatskanie Chamber of Commerce, Clatskanie, Oreg	------
Coalinga Chamber of Commerce, Coalinga, Calif	60
Cohoes Board of Trade, Cohoes, N. Y	500
Colorado Confections Association, Denver, Colo	------
Colorado Electric Light & Railway Association, Denver, Colo	------
Colorado Honey Producers' Association, Denver, Colo	------
Colorado Industrial Council, Denver, Colo	6
Colorado Manufacturers & Merchants' Association, Denver, Colo	------
Colorado Metal Mining Association, Denver, Colo	------
Colorado Wool Growers' Association, Denver, Colo	------
Colton Chamber of Commerce, Colton, Calif	------
Columbus Chamber of Commerce, Columbus, Ohio	2, 000
Community Club, Cleveland, Minn	------
Compressed Gas Manufacturing Association, New York City	126
Conneaut Chamber of Commerce, Conneaut, Ohio	154
Connecticut Chamber of Commerce, Bridgeport, Conn	1, 240
Connecticut Chamber of Commerce, Hartford, Conn	1, 200
Connecticut Federation of Labor, New Haven, Conn	------
Connecticut Hardware Association, Woodbury, Conn., employ	40, 000
Conshohocken Chamber of Commerce, Conshohocken, Pa	------
Consolidated Commercial Association, Erie Colo	------
Consolidated tariff committee of cotton manufacturers, Boston, Mass., representing cotton textile industry, employing	430, 000
Conway Commercial Club, Conway, Wash	------
Cooks and Waiters, Local No. 550, Bakersfield, Calif	------
Coopers' International Union of North America, Local No. 65, San Francisco, Calif	------
Cooperative Club of Kansas City (The), Kansas City, Mo	200
Coppersmiths' Union, Local No. 82, A. S. M. W. I. A., Philadelphia, Pa	------
Corset Cutters' Union, Local No. 34, Bridgeport, Conn	75
Cotton Yarn Merchants' Association, Philadelphia, Pa	------
Crestone Commercial Club, Crestone, Colo	------
Cycle Trades of America, New York City, N. Y	4
Decorative Glass Workers' Protective Association, New York City, N. Y	125, 000
Delano Chamber of Commerce, Delano, Calif	------
Dental Manufacturers' Club of United States, Toledo, Ohio	32
Denver Building Trades Council, Denver, Colo	------
Derby Business Men's Association, Derby, Conn	75
Derby Commercial Club, Derby, Colo	55
Detroit Board of Commerce, Detroit, Mich	6, 000
Dixon Chamber of Commerce, Dixon, Ill	150
Dorchester Board of Trade, Boston, Mass	------
Douglas Chamber of Commerce and Mines, Douglas, Ariz	145
Drill and Reamer Society (The), New York City, N. Y	------
East Liverpool Chamber of Commerce, East Liverpool, Ohio	200
Easton Board of Trade, Easton, Pa	700
Electrical Manufacturers' Club, Hartford, Conn	------
Electrical Manufacturers' Council, Hartford, Conn	------
Electrical Workers, Local No. 473, Vineland, N. J	190
Electrical Workers' Union No. 283, Oakland, Calif	------
Electric Power Club, St. Louis, Mo	------
Elk County Manufacturers' Association, Ridgway, Pa	37
El Reno Chamber of Commerce, El Reno, Okla	100
Empire State Gas and Electric Association, New York City	130
Employers' Association of Fort Wayne, Fort Wayne, Ind	200
Employers' Association of North Jersey, Newark, N. J	214
Epsom Salt Group of United States, Cincinnati, Ohio, employing	1, 000
Erie Board of Commerce, Erie, Pa	725
Essex Trades Council, Newark, N. J	------
Fabric Glove Industry, Waterford, N. Y., employing	10, 000
Fairmont Chamber of Commerce, Fairmont, W. Va	165
Fargo Commercial Club, Fargo, N. Dak	300
Federated Industries of Washington, Seattle, Wash	------
Ferndale Chamber of Commerce, Ferndale, Calif	100
Fire Insurance Club, Cleveland, Ohio	------
Flint Glass Workers' Union, Huntington, W. Va	1, 200
Flour and Cereal Workers' Union No. 204, Los Angeles, Calif	------
Forestville Grange, No. 367, Forestville, Calif	------
Fort Wayne Chamber of Commerce, Fort Wayne, Ind	1, 500
Fox River Valley Manufacturers' Association, Aurora, Ill	50
Franklin Chamber of Commerce, Franklin, Ind	200
Furniture Traffic Association, Chicago, Ill	5, 000
Gadsden County Chamber of Commerce, Quincy, Fla	------
Gary Commercial Club, Gary, Ind	745
Gaston Commercial Club, Gaston, Oreg	------
Geneva Chamber of Commerce, Geneva, N. Y	600
Glass Bottle Blowers' Association, San Francisco, Calif	------
Glassine & Greaseproof Manufacturers' Association, The, New York City	6
Glendale Chamber of Commerce, Glendale, Calif	------
Glenwood Springs Chamber of Commerce, Glenwood Springs, Colo	------
Globe Chamber of Commerce, Globe, Ariz	1, 000
Gloversville Chamber of Commerce, Gloversville, N. Y	652
Glove Workers' International Local No. 39, San Francisco, Calif	------
Goshen Chamber of Commerce, Goshen, Ind	------
Association of Commerce, Grand Rapids, Mich	1, 600
Granite Manufacturers' Association, Barre, Vt	145
Grass Valley Miners' Union, No. 90, I. U. of M. M. & S. W., Grass Valley, Calif	------
Great Falls Commercial Club, Great Falls, Mont	850
Greeley Chamber of Commerce, Greeley, Colo	------
Greenfield Chamber of Commerce, Greenfield, Mass	------
Greensboro Chamber of Commerce, Greensboro, N. C	475
Greenville Chamber of Commerce, Greenville, S. C	450
Greenwood Associates, Gardner, Mass	------
Harrisburg Typographical Union, Harrisburg, Pa	------
Hartford Chamber of Commerce, Hartford, Conn	1, 150
Hartford City Chamber of Commerce, Hartford City, Ind	400
Hatters' Fur Cutters' Association of the United States of America, The, New York City, employs	5, 000
Haverhill Chamber of Commerce, Haverhill, Mass	875
Hayward Chamber of Commerce, Hayward, Calif	210
Highgrove Improvement Association, Highgrove, Calif	------
Hoboken Chamber of Commerce, Hoboken, N. J	900
Hod Carriers' Local No. 181, Eureka, Calif	------
Holly Commercial Club, The, Holly, Colo	------
Holtville Commercial Club, Holtville, Calif	120
Holyoke Chamber of Commerce, Holyoke, Mass	350
Home Market Club, Boston, Mass	750
Hood River Commercial Club, Hood River, Oreg	185
Horn & Celluloid Manufacturers' Association, Leominster, Mass	20
Hornell Chamber of Commerce, Hornell, N. Y	------
Hornell Rotary Club, Hornell, N. Y	------
Hotel & Restaurant Employees' International Alliance, Philadelphia, Pa	900
Humboldt County Chamber of Commerce, Winnemucca, Nev	------
Huntington Business Men's Association, Huntington, W. Va	200
Huntington Chamber of Commerce, Huntington, W. Va	750
Huntington Commercial Association, Huntington, Ind	400
Idaho Bankers' Association, Lewiston, Idaho	------
Idaho Wool Growers' Association, Spencer, Idaho, employing	10, 000
Ignacio Commercial Club, Ignacio, Colo	------
Illinois Bankers' Association, Chicago, Ill	1, 820
Illinois Manufacturers' Association, Chicago, Ill	2, 000
Illinois Valley Manufacturers' Club, La Salle, Ill	126
Independence (Calif.) Commercial Club, Independence, Calif	------
Indiana Limestone Quarrymen's Association, Bedford, Ind	16
Indiana Manufacturers' Association, Indianapolis, Ind	900
Industrial Association of the Lower Naugatuck Valley, Derby, Conn	75
Industrial Division, Cincinnati, Ohio, employing 80, 000 to	100, 000
Institute of Cold Rolled Strip Steel Manufacturers, Pittsburgh, Pa	------
International Acetylene Association, New York City	175
International Alliance of Theatrical Stage Employees, San Francisco, Calif	------
International Association of Oil Field, Gas Well & Refinery Workers of America, Orcutt, Calif	------
International Boiler Makers, Local 61, Kansas City, Mo	250
International Brotherhood Bookbinders, Washington D. C. (workers)	33, 000
International Brotherhood of Electrical Workers, Local No. 98, Philadelphia, Pa. (workers)	800
International Brotherhood of Electrical Workers, Local No. 684, I. B. E. W., Modesta, Calif	------
International Hod Carriers, Building and Common Laborers' Union of America, Local No. 97, Redwood City, Calif	------
International Lady Garment Workers, Local No. 119, Vineland, N. J	320
International Molders' Union, San Francisco, Calif	------
International Molders' Union of North America, Local No. 110, Bridgeport, Conn	125
International Stamp Manufacturers' Association, Pittsburgh, Pa	200
International Union Leather Workers, Kansas City, Kans. (workers)	10, 000
International Union Steam and Operating Engineers, Chicago, Ill. (workers)	35, 000
International Union of Steam and Operating Engineers, Local Union 566, New Haven, Conn	175
International Union of United Brewery and Soft Drink Workers of America, Local Union No. 42, Peekskill, N. Y	------
International Union of United Brewery and Soft Drink Workers of America, Local 183, Philadelphia, Pa	900
International Union of United Brewery, Flour, Cereal and Soft Drink Workers, Local No. 204, Los Angeles, Calif	------

	Members.
International Union of United Brewery, Flour, Cereal and Soft Drink Workers of America, Local Union No. 218	600
Iowa Manufacturers' Association, Des Moines, Iowa	1, 500
Iron Workers, No. 155, Fresno, Calif	------
Irvington Chamber of Commerce, Irvington, Calif	------
Jackson Chamber of Commerce, Jackson, Mich	700
Jeannette Chamber of Commerce, Jeannette, Pa	------
Jersey City Chamber of Commerce, Jersey City, N. J	------
Johnson City Chamber of Commerce, Johnson City, Tenn	192
Joplin Chamber of Commerce, Joplin, Mo	1, 000
Journeymen Barbers' International Union of America, Local 104, Philadelphia, Pa	500
Journeymen Barbers' International Union of America, Local No. 215, New Haven, Conn	175
Kearney Chamber of Commerce, Kearney, Nebr	------
Keene Chamber of Commerce, Keene, N. H	------
Kennewick Commercial Club, Kennewick, Wash	------
Keokuk Chamber of Commerce, Keokuk, Iowa	------
Kings County Chamber of Commerce, Hanford, Calif	250
Knitting Manufacturers' Association of Cleveland, Cleveland, Ohio (8 members), employing	4, 000
Knitted Outerwear Manufacturers' Association, Milwaukee, Wis., employing	10, 000
Knitted Outerwear Manufacturers' Association, Cleveland, Ohio	------
Knitted Outerwear Manufacturers' Association, Philadelphia, Pa	------
Knoxville Board of Commerce, Knoxville, Tenn	1, 200
Labor Lyceum Association, Philadelphia, Pa	8, 000
Laborers and Helpers' Local No. 470, Vineland, N. J	330
Lakeport Chamber of Commerce, Lakeport, Calif	------
Las Vegas and San Miguel County Chamber of Commerce, Las Vegas, N. Mex	------
Latch Needle Manufacturers' Association of United States, Torrington, Conn., employing	1, 500
Laton Chamber of Commerce, Laton, Calif	------
Latrobe Chamber of Commerce, Latrobe, Pa	------
La Veta Commercial Club, La Veta, Colo	------
Leaded Glass Manufacturers' Association of Western Pennsylvania, Pittsburgh, Pa	------
Leominster Chamber of Commerce, Leominster, Mass	192
Lewistown Chamber of Commerce, Lewistown, Mont	816
Lime Manufacturers Pacific Coast, Seattle, Wash	------
Little Falls Chamber of Commerce, Little Falls, N. Y	300
Lockeford Chamber of Commerce, Lockeford, Calif	37
Logan Chamber of Commerce, Logan, Utah	------
Long Beach Chamber of Commerce, Long Beach, Calif	800
Lorain Chamber of Commerce, Lorain, Ohio	------
Los Angeles Harbor Chamber of Commerce, Wilmington, Calif	------
Ludlow Manufacturing Associates, Boston, Mass	------
Lumber Dealers' Association of Connecticut, New Haven, Conn	135
Lumbermen's Association, Chicago, Ill	270
Lynn Chamber of Commerce, Lynn, Mass	600
Manchester Chamber of Commerce, South Manchester, Conn	371
Manistee Board of Commerce, Manistee, Mich	370
Mansfield Chamber of Commerce, Mansfield, Ohio	300
Manufacturers' Club, Philadelphia, Pa	3, 500
Manufacturers Association of Beaver County, Beaver Falls, Pa	350
Manufacturers Association of the City of Bridgeport, Bridgeport, Conn	100
Manufacturers' Association, Chattanooga, Tenn	130
Manufacturers' Association, Erie, Pa	------
Manufacturers' Association of Connecticut (Inc.), The, Hartford, Conn	620
Manufacturers' Association of Montgomery County, Norristown, Pa	100
Manufacturers' Association of New Jersey	1, 900
Manufacturers' Association of San Antonio, San Antonio, Tex	90
Manufacturers' Association, Stamford, Conn	40
Manufacturers & Merchants' Association of Oregon, Portland, Oreg	------
Manufacturers of the City of Richmond, Richmond, Ind	------
Manufacturers' Association of Syracuse, N. Y., representing 59 members, employing	36, 000
Manufacturers & Employers' Association of Taunton, Taunton, Mass	46
Manufacturers' Association of Washington, Seattle, Wash	------
Manufacturing Chemists' Association of United States, Cleveland, Ohio	51
Manufacturing Chemists' Association, Washington, D. C	------
Mason Bricklayers & Plasterers, Vineland, N. J	180
Material Teamsters' Local No. 577, Oakland, Calif	------
Mendocino Chamber of Commerce, Mendocino, Calif	------
Menominee Chamber of Commerce, Menominee, Mich	------
Mercer County Central Labor Union, Trenton, N. J	------
Merchants' Exchange of Oakland, Oakland, Calif	300
Merchants' Exchange, St. Louis, Mo	885
Metal Finishers' Equipment Association, New York City, N. Y	------
Metal Polishers' Local No. 67, Los Angeles, Calif	------
Metallic Industries (Inc.), St. Louis, Mo	------
Metropolitan Paper Box Manufacturers' Association, New York City, N. Y	50
Metuchen Chamber of Commerce, Metuchen, N. J	60
Mexico Chamber of Commerce, Mexico, Mo	107
Michigan Manufacturers' Association, Detroit, Mich	1, 000
Middletown Chamber of Commerce, Middletown, N. Y	300
Middletown Chamber of Commerce, Middletown, Ohio	560
Mid-West Rubber Manufacturers' Association, Chicago, Ill	------
Millen & Jenkins County Chamber of Commerce, Millen, Ga	------
Milliken Commercial Club, Milliken, Colo	------
Milling Cutter Society, The, New York City, N. Y	------
Milwaukee Chamber of Commerce, Milwaukee, Wis	529
Mina Commercial Club, Mina, Nev	------
Minnesota Cooperative Dairies Association, Owatonna, Minn., representing farmers	1, 300
Missoula Chamber of Commerce, Missoula, Mont	700
Mitchell Chamber of Commerce, Mitchell, S. Dak	325
Monterey Chamber of Commerce, Monterey, Calif	200
Morgantown Chamber of Commerce, Morgantown, W. Va	------
Morristown Chamber of Commerce, Morristown, Tenn	------
Moundsville Chamber of Commerce, Moundsville, W. Va	------
Mountain State Lumber Dealers' Association, Denver, Colo	------
Mt. Clemens Business Men's Association, Mt. Clemens, Mich	220
Muncie Chamber of Commerce, Muncie, Ind	------
Musical Supply Association of America, New York City, N. Y	------
Musicians' Union, Local No. 333, A. F. of M., Eureka, Calif	------
Musicians of America, Vineland, N. J	310
Muskegon Chamber of Commerce, Muskegon, Mich	760
Muskegon Employers Association, Muskegon, Mich	------
Napa State Hospital Employees' Union, No. 15631, Imola, Calif	------
National Association of Auto. Insurance Co.'s, Chicago, Ill.	------
National Association of Brass Manufacturers, Chicago, Ill	50
National Association of Chair Manufacturers, Chicago, Ill	72
National Association of Convention Bureaus, Springfield, Mass.	------
National Association of Corrugated and Fibre Box Manufacturers, Chicago, Ill	61
National Association of Cotton Manufacturers, Boston, Mass. (Mills)	1, 000
National Association of Electric Contractors and Dealers, New York City, N. Y	1, 638
National Association of Employing Lithographers, Rochester, N. Y	135
National Association of Glue and Gelatin Manufacturers, New York City, N. Y	23
National Association of Hosiery and Underwear Manufacturers, Philadelphia, Pa	850
National Association of Hosiery and Underwear Manufacturers, Reading, Pa	------
National Association of Knit Goods Selling Agents (Inc.), New York City, N. Y	------
National Association of Manufacturers, New York City, N. Y., members	4, 500
National Association of Marble Dealers, Cleveland, Ohio	90
National Association of Men's Straw Hat Manufacturers, New York City, N. Y	17
National Association of Printing Ink Makers, New York City, N. Y	40
National Association of Sheet Metal Contractors of United States, Philadelphia, Pa	1, 500
National Association of Sheet and Tin Plate Manufacturers, Pittsburgh, Pa	30
National Association of Talking Machine Jobbers, Cleveland, Ohio	84
National Association of Tanning Extract Manufacturers, Lynchburg, Va	------
National Association of Wool Fibre Manufacturers, South Acton, Mass	28
National Association of Worsted and Woolen Spinners, New York City, N. Y	68
National Automobile Dealers Association, St. Louis, Mo	------
National Bottle Manufacturers Association, Bellaire, Ohio	75
National Bottle Manufacturers Association, Elmira, N. Y	------
National Bottle Manufacturers Association of United States and Canada, New York City, N. Y., employing	30, 000
National Clay Producers Association, Chicago, Ill	35, 000
National Cloak, Suit, and Skirt Manufacturers Association, Cleveland, Ohio	23
National Com. of Granite Industries, Boston, Mass., employing	20, 000
National Conference of State Manufacturers Association, The, Chicago, Ill	------
National Council of American Cotton Manufacturers	------
National Council Lighting Fixture Manufacturers, Cleveland, Ohio	120
National Council of Lighting Fixture Manufacturers, Milwaukee, Wis	------
National Conference of State Manufacturers Association, Chicago, Ill	------
National Drug Label and Box Manufacturers Association, Cincinnati, Ohio	------
National Electric Light Association, New York City, N. Y	10, 000
National Federation of Post Office Clerks, San Mateo, Calif	------
National Founders' Association, Chicago, Ill	30, 000
National Glass Distributors Association, Chicago, Ill	------
National Industrial Council, New York City, N. Y	39
National Knitted Outerwear Association, Brooklyn, N. Y	------
National Lime Association, Washington, D. C	------
National Ornamental Glass Manufacturers Association of United States and Canada, New York City, N. Y., representing 72 manufacturers employing	1, 110
National Ornamental Glass Manufacturers Association, St. Louis, Mo	------
National Paint, Oil, and Varnish Association (Inc.), New York City, N. Y	------
National Paper Box Manufacturers Association, Philadelphia, Pa	------
National Paper Trade Association of United States, New York City, N. Y	355
National Pickle Packers Association, Chicago, Ill	110
National Pipe and Supply Association, Pittsburgh, Pa	258
National Preservers and Fruit Products Association, Washington, D. C	50
National Print Cutters' Association of America, Jersey City, N. J	------
National Print Cutters' Association, Philadelphia, Pa., workers	20, 000
National Refrigerator Manufacturers Association, Grand Rapids, Mich	19
National Retail Coal Merchants Association, Philadelphia, Pa.	150
National Window Glass Workers, Cleveland, Ohio	------
National Wool Growers Association, Salt Lake City, Utah	20, 000
New Bedford Board of Commerce, New Bedford, Mass	1, 200
New Bedford Cotton Manufacturers Association, New Bedford, Mass	28
New Britain Chamber of Commerce, New Britain, Conn	350
New England Coal Dealers' Association, Boston, Mass	800
New England Manufacturing Jewelers and Silversmiths' Association, Providence, R. I	189
New Haven Printing Pressmen and Assistants' Union, No. 74, New Haven, Conn	75
New Jersey State Chamber of Commerce, Newark, N. J	------
New Jersey State Federation of Labor, Trenton, N. J	85, 000
New London Chamber of Commerce, New London, Conn	500
New Mexico Wool Growers' Association	1, 645
Newspaper Writers' Union, No. 11, The, Philadelphia, Pa	------
New York Lumber Trade Association, New York City, N. Y	163

	Members.
New York State Railways, New York City, N. Y	------
New York Wholesale Grocers' Association, New York City, N. Y	127
Nogales Chamber of Commerce, Nogales, Ariz	143
N. E. Republican League, Reading, Pa	------
North St. Louis Business Men's Association, North St. Louis, Mo	------
Norwich Chamber of Commerce, Norwich, Conn	------
Nunn Commercial Club, Nunn, Colo	------
Oakland Chamber of Commerce, Oakland, Calif	1,900
Ohio Manufacturers' Association, Columbus, Ohio	600
Oil Workers' Union, Local No. 13, Fellows, Calif	------
Oil Workers' Union, Maricopa, Calif	------
Ontario Commercial Club, Ontario, Oreg	85
Oak Flooring Manufacturers' Association, Chicago, Ill	25
Ocean Pearl Button Manufacturers' Association, New York City, N. Y	10
Ohio Sheep and Wool Growers' Association, Gambier, Ohio	------
Oklahoma City Chamber of Commerce, Oklahoma City, Okla	1,500
Oneida Chamber of Commerce, Oneida, N. Y	293
Operative Plasterers and Cement Finishers' International Association, Local No. 194, Pasadena, Calif	------
Oswego Chamber of Commerce, Oswego, N. Y	100
Ottawa Chamber of Commerce, Ottawa, Ill	200
Pacific Grove Chamber of Commerce, Pacific Grove, Calif	49
Painters' Local, Maryville, Calif	------
Painters' Union, Long Beach, Calif	------
Painters and Decorators' Brotherhood and Paper Hangers of America, No. 750, Watsonville, Calif	------
Painters, Decorators, and Paperhangers of America, Union No. 190, Bridgeport, Conn	300
Painters and Decorators, Local Union No. 409, New Haven, Conn	250
Painters, paper hangers, and decorators, New York City, N. Y., workers	130,000
Parkersburg Board of Commerce, Parkersburg, W. Va	550
Passaic Chamber of Commerce, Passaic, N. J	------
Pattern Makers' Association, New Haven, Conn	60
Pawtucket Chamber of Commerce, Pawtucket, R. I	350
Philadelphia Commercial Museum, Philadelphia, Pa	------
Pennsylvania and Atlantic Seaboard Hardware Association, Pittsburgh, Pa	1,000
Pennsylvania Lumbermen's Association, Philadelphia, Pa	200
Pennsylvania Manufacturers' Association, Philadelphia, Pa	4,000
Pennsylvania State Chamber of Commerce, Harrisburg, Pa	1,743
Peoria Chamber of Commerce, Peoria, Ariz	------
Perry Chamber of Commerce, Perry, N. Y	175
Petaluma Chamber of Commerce, Petaluma, Calif	261
Philadelphia Board of Trade, Philadelphia, Pa	1,700
Philadelphia Chamber of Commerce, Philadelphia, Pa	6,847
Philadelphia Press Assistants' Union, No. 11, Philadelphia, Pa	1,000
Philadelphia Printing Pressmen's Union, No. 4, Philadelphia, Pa.	------
Philadelphia Textile Manufacturers' Association, Philadelphia, Pa.	------
Philadelphia Typographical Union, No. 2, Philadelphia, Pa	75,000
Phoenix Chamber of Commerce, Phoenix, Ariz	1,092
Photo Engravers' Union, No. 7, The, Philadelphia, Pa	500
Pittsfield Chamber of Commerce, Pittsfield, Mass	451
Plumbers and Steamfitters, No. 346, Fresno, Calif	------
Plymouth Chamber of Commerce, Plymouth, Mass	250
Pomona Chamber of Commerce, Pomona, Calif	300
Portland Cement Association, Chicago, Ill	84
Portland Chamber of Commerce, Portland, Oreg	2,500
Portland Chamber of Commerce, Portland, Me	1,250
Portsmouth Chamber of Commerce, Portsmouth, Ohio	------
Poughkeepsie Chamber of Commerce, Poughkeepsie, N. Y	862
Poultry Producers of Central California, San Francisco, Calif	2,000
Power Piping Society, Pittsburgh, Pa	------
Prague Community Circle, Prague, Okla	------
Printing Press Feeders and Assistants' Union, No. 11 (The), Philadelphia, Pa	------
Pyroxylin Plastics Manufacturers' Association, New York City, N. Y	4
Pueblo Commerce Club, Pueblo, Colo	550
Quaker City Fraternal Aid Society, Philadelphia, Pa	200
Quarry Workers International Union of North America, Branch 43, Rocklin, Calif	------
Reading Chamber of Commerce, Reading, Pa	425
Reading Clearing House Association, Reading, Pa	------
Redondo Beach Chamber of Commerce, Redondo Beach, Calif	100
Reed and Rattan Workers' Union, No. 15053, Pasadena, Calif	------
Refractories Manufacturers Association (The), Pittsburgh, Pa	95
Retail Furniture Association of California, San Francisco, Calif	------
Retail Lumber Dealers' Association of Pennsylvania, Pittsburgh, Pa	------
Richmond Chamber of Commerce, Richmond, Va	1,015
Rico Commercial Club, Rico, Colo	------
Rochester Chamber of Commerce, Rochester, N. Y	3,021
Rockford Chamber of Commerce, Rockford, Ill	500
Rock Hill Chamber of Commerce, Rock Hill, S. C	350
Rome Chamber of Commerce, Rome, Ga	170
Rome Chamber of Commerce, Rome, N. Y	521
Sacramento Chamber of Commerce, Sacramento, Calif	1,600
Sacramento Grange, No. 12, Sacramento, Calif	------
Sacramento County Pomona Grange, No. 2, Sacramento, Calif	------
Saginaw Board of Commerce, Saginaw, Mich	1,325
Saginaw Manufacturers' Association, Saginaw, Mich	------
St. Charles Chamber of Commerce, St. Charles, Mo	150
St. Joseph Chamber of Commerce, St. Joseph, Mich	415
Salem Chamber of Commerce, Salem, Mass	700
Santa Ana Chamber of Commerce, Santa Ana, Calif	750
San Dimas Chamber of Commerce, San Dimas, Calif	130
San Fernando Chamber of Commerce, San Fernando, Calif	110
San Jose Grange, No. 10, San Jose, Calif	------
Sanitary Potters' Association, Trenton, N. J	34
Sault Ste. Marie Civic and Commercial Association, Sault Ste. Marie, Mich	102
Schenectady Board of Trade, Schenectady, N. Y	515
Sedro Woolley Commercial Club, Sedro Woolley, Wash	60
Sharon Chamber of Commerce, Sharon, Pa	429
Shear and Scissor Industry, Newark, N. J., employing	4,400
Sheet Metal Works' Local, No. 114, Bridgeport, Conn	------
Sheet Metal Workers, Santa Barbara, Calif	------
Simla Commercial Club, Simla, Colo	------
Sioux Falls Chamber of Commerce, Sioux Falls, S. Dak	------
Shipowners' Association of the Pacific Coast, San Francisco, Calif	56
Silk Dyers' Mutual Protective Association of America, Paterson, N. J	20
Sisson Chamber of Commerce, Sisson, Calif	------
Skamokawa Farmers' Creamery Association, Skamokawa, Wash	------
Solano County Farm Bureau, Dixon, Calif	------
South Amboy Chamber of Commerce, South Amboy, N. J	------
South Pasadena Chamber of Commerce, South Pasadena, Calif	162
Southern Ohio Coal Exchange, Columbus, Ohio	77
Southern Pine Association, New Orleans, La	235
South Western Interstate Coal Operators' Association, Kansas City, Mo	180
Southwestern Peanut Shellers' Association, De Leon, Tex., employing	1,500
Springfield Chamber of Commerce, Springfield, Mass	1,500
Stage Employees' Local No. 673, Vineland, N. J	80
Stanislaus County Board of Trade, Modesto, Calif	14
State Dairy Association, Sioux Falls, S. Dak	------
State Manufacturing Association, Denver, Colo	------
State Manufacturers' Association, Seattle, Wash	------
Steel and Copper Plate Engravers, Orange, N. J., workers	12,000
Steubenville Chamber of Commerce, Steubenville, Ohio	------
Stratton Commercial Club, Stratton, Colo	28
Streator Chamber of Commerce, Streator, Ill	------
Sugar City Chamber of Commerce, Sugar City, Colo	------
Sunnyvale Chamber of Commerce, Sunnyvale, Calif	------
Sweaters and Knitted Textile Manufacturers' Association, New York City, N. Y	150
Swink Commercial Club, Swink, Colo	------
Synthetic Organic Chemical Manufacturers' Association of the United States, New York City, N. Y	77
Syracuse Chamber of Commerce, Syracuse, N. Y	1,500
Talc and Soapstone Producers' Association, Baltimore, Md., employing	2,500
Talc and Soapstone Producers' Association, Boston, Mass	------
Tap and Die Institute (The), New York City, N. Y	------
Tariff committee of National Association Window Glass Manufacturers, Clarksburg, W. Va	------
Tennessee Manufacturers' Association, Nashville, Tenn	500
Terre Haute Chamber of Commerce, Terre Haute, Ind	1,000
Texarkana Chamber of Commerce, Texarkana, Tex	858
Textile and Hardware Exchange, New York City, N. Y	------
The Dalles Chamber of Commerce, The Dalles, Oreg	180
Thermal Chamber of Commerce, Thermal, Calif	------
Tile Manufacturers' Credit Association, Beaver Falls, Pa	16
Tin Plate Manufacturers' Association, McKeesport, Pa	------
Tool Steel Society, New York City, N. Y	------
Torrance Chamber of Commerce, Torrance, Calif	------
Toy Manufacturers of the United States of America, New York City, N. Y	112
Tracy Chamber of Commerce, Tracy, Calif	------
Trades and Labor Federation of New Brunswick (The), New Brunswick, N. J., workers	11,000
Troy Chamber of Commerce, Troy, N. Y	800
Truckee Chamber of Commerce, Truckee, Calif	------
Tubular Plumbing Goods and Tank Fitting Exchange, New York City, N. Y	------
Tucson Chamber of Commerce, Tucson, Ariz	250
Twin City Commercial Club, Canyon City and John Day, Oreg	------
Ukiah Chamber of Commerce, Ukiah, Calif	150
Umbrella Manufacturers' Association of America, New York City, N. Y., employing	3,500
Vegetable Ivory Button Industry, Rochester, N. Y., employing	7,000
United Brotherhood of Carpenters and Joiners, Coalinga, Calif	------
United Garment Workers of America, Philadelphia, Pa	550
United Hatters of North America, New York City, N. Y., employing	15,000
United Hatters of North America, Local No. 1, Bethel, Conn	------
United Hatters of North America, Local No. 2, Bethel, Conn.	------
United Hatters of North America, Local No. 11, Danbury, Conn	1,000
United Hatters of North America, Local No. 16, South Norwalk, Conn	------
United Hatters of North America, Local No. 18, Philadelphia, Pa	300
United Hatters of North America, Local No. 24, Conn	------
United Hatters of North America, Local No. 27, Peekskill, N. Y.	250
United Hatters of North America, Local No. 30, Peekskill, N. Y.	100
United Hatters of North America, Local No. 33, South Norwalk, Conn	------
United Hatters of North America, Local No. 40, Bethel, Conn.	------
United Shoe Workers of America, The, Local No. 116, Philadelphia, Pa.	1,200
United Shoe Workers of America, The, Local No. 121, Philadelphia, Pa.	1,000
United Shoe Workers of America, The, Local No. 133, Philadelphia, Pa.	850
Underwriters, The, Rochester, N. Y.	------
United Shoe Workers, Local No. 119, Vineland, N. J.	260
United Shoe Workers, Local No. 129, Vineland, N. J.	220
United States Lace and Embroidery Manufacturers' Association, West New York, N. J	------
United States Potters Association, Salineville, Ohio	------
United States Potters' Association, The, East Liverpool, Ohio	84
United States Sugar Manufacturers' Association, Colorado Springs, Colo	34
United States Trade-Mark Association, New York City, N. Y.	400
United Textile Workers of America, New York City, N. Y., workers	100,000
United Typothetæ of America, New York City, N. Y. (plants)	5,000
Utah Associated Industries, Salt Lake City, Utah	200
Utah Manufacturers' Association, Salt Lake City, Utah	186
Valdosta Chamber of Commerce, Valdosta, Ga	160
Van Nuys Chamber of Commerce, Van Nuys, Calif	------
Ventura Chamber of Commerce, Ventura, Calif	100
Ventura County Chamber of Commerce, Oxnard, Calif	100

	Members.
Vegetable Ivory Button Industry, Rochester, N. Y., employing	7,000
Vegetable Parchment Manufacturers' Association, New York City, N. Y., employing	777
Vineland Chamber of Commerce, Vineland, N. J	108
Walden Chamber of Commerce, Walden, N. Y	100
Waldport Community Club, Waldport, Oreg	------
Wall Paper Manufacturers' Association of the United States, New York City, N. Y	32
Walsenburg Chamber of Commerce, Walsenburg, Colo	------
Warren Commercial Club, Warren, Idaho	------
Wasco County Chamber of Commerce, The Dalles, Oreg	------
Washington Board of Trade, Washington, D. C	1,850
Washington Chamber of Commerce, Washington, D. C	1,000
Waterbury Chamber of Commerce, Waterbury, Conn	1,100
Waukesha Association of Commerce, Waukesha, Wis	320
Waxed Paper Manufacturers' Association, New York City, N.Y.	19
Wenatchee Commercial Club	450
Western Canners' Association, Chillicothe, Ohio	250
West Bend Commercial Club, West Bend, Wis	100
Weston Chamber of Commerce, Weston, W. Va	------
West Virginia Manufacturers' Association, Fairmount, W. Va.	300
Wheeling Chamber of Commerce, Wheeling, W. Va	984
White Lake Cooperative Creamery Association, White Lake, S. Dak	------
Whittier Chamber of Commerce, Whittier, Calif	253
Wholesale Saddlery Association, Chicago, Ill	134
Wiley Commercial Club, Wiley, Colo	------
Willamette Valley Flax and Hemp Growers' Cooperative Association, Salem, Oreg., farmers	100
Willow Industry Protective Tariff Association, Liverpool, N. Y.	------
Wilmington Chamber of Commerce, Wilmington, Del	600
Winsted Chamber of Commerce, Winsted, Conn	100
Wisconsin Manufacturers' Association, Madison, Wis	------
Women's Bindery Workers Local Union No. 86, The, Philadelphia, Pa.	------
Women's Republican Association, New York State (Inc.), New York City, N. Y	------
Woodcarvers of San Francisco, San Francisco, Calif	------
Writing Paper Manufacturers' Association, New York City, N. Y	43
Wyoming Bankers' Association, Basin, Wyo	------
Youngstown Chamber of Commerce, Youngstown, Ohio	1,550
Yerington Commercial Club, Yerington, Nev	------
Yreka Chamber of Commerce, Yreka, Calif	65
Zanesville Chamber of Commerce, Zanesville, Ohio	650

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Tuesday, September 19, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 18 (legislative day of September 16), 1922.

UNITED STATES ATTORNEY.

Amos W. W. Woodcock, of Maryland, to be United States attorney, district of Maryland, vice Robert R. Carman, resigned, effective October 1, 1922.

PROMOTIONS IN THE REGULAR ARMY.

CHAPLAINS.

To be chaplains with the rank of captain.

Chaplain Clarence Roy Rice, from August 23, 1922.

Chaplain William Joseph Ryan, from August 24, 1922.

Chaplain Aloysius Charles Dineen, from September 11, 1922.

Chaplain Dudley Regis Tierney, from September 11, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 18 (legislative day of September 16), 1922.

UNITED STATES MARSHAL.

Andrew J. Russell to be United States marshal, western district of Arkansas.

PROMOTIONS IN THE NAVY.

MARINE CORPS.

Ellis B. Miller to be lieutenant colonel.

Gerald A. Johnson to be major.

Leonard E. Rea to be captain.

To be first lieutenants.

Alexander Galt.
Robert S. Pendleton.
Raymond T. Presnell.
Carl W. Meigs.

UNITED STATES COAST GUARD.

Hiram R. Searles to be lieutenant commander.

POSTMASTERS.

COLORADO.

Robert J. Allen, Akron.
Olie Thorson, Glenwood Springs.

INDIANA.

Frank B. Rowley, Angola.
James A. Miller, Boonville.
Absalom W. Mackey Mount Vernon.
Fred R. Ewing, Princeton.
George E. Young, Shelbyville.

KANSAS.

Leila C. Elliott, Coffeyville.

MARYLAND.

Marcus H. Rhodes, Rhodesdale.

OKLAHOMA.

Grace S. Prentiss, Fairfax.

VERMONT.

Bernard W. Crafts, Bradford.

HOUSE OF REPRESENTATIVES.

MONDAY, *September 18, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord, our God, the gates of the day have been unlocked by Thy infinite fingers, and we therefore approach Thy altar saying: Holy, holy, holy, the Lord God omnipotent reigneth. Thy goodness and mercy passeth all human understanding and our wonder dies away. As we live and walk on Thy earth O teach us the true value and the true happiness of life. Heavenly Father, bless and direct all the Members and officers of the House of Representatives. May all possess the golden key of splendid character and go the way of honorable career, which are faith in God and fidelity to eternal truth and justice. Spur us to our daily toil from love of work. Endow us with a vigorous faith in the value of what we are doing. Everywhere lead all citizens to reverence Thee, love our country, and obey its laws. In the name of Jesus. Amen.

The Journal of the proceedings of Saturday was read and approved.

EXTENSION OF REMARKS.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the tariff.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. HAWLEY. Mr. Speaker and gentlemen of the House of Representatives, for more than half a century the Republican Party has maintained and the actual experience of the country has proved that a protective tariff is indispensable to our economic development. Our industries when protected are able, by greatly increasing their output as the result of business experience, efficient management, and labor, to reduce the costs of production and consequently the cost of articles to the consumer. The instances in which this has been accomplished are too numerous to mention. The best known are the products of iron and steel, farm machinery, and tin plate. We have seen under our policy the establishment of great new industries here, which have developed our resources and vastly increased the total wealth. We have maintained American standards, and because of our prosperity our people have more of the comforts of life in each succeeding decade. We have obtained for labor a constantly advancing wage scale. We have increased the public wealth from a half billion of dollars for every million of people in 1861 to more than two billions for every million of people in 1913. This wealth has been generally distributed throughout the country, and all have participated in the benefits resulting from it.

Our Democratic opponents have, whenever a new protective tariff bill has been enacted, frantically warned the people that they must pay more for what they buy. But, to their discomfiture, general prices to consumers did not rise but declined, and prosperity spread over the land. More money was earned; better conditions of life prevailed. An examination of the statistics which are available in great abundance amply proves this to be the fact.

We said that as a result of protective tariff rates of duty could continually be reduced. Let facts be submitted to a candid world.

1. The rates of duty on dutiable imports during the last eight years of the operation of the Dingley Act of 1897 averaged over 25 per cent.

2. The rates of duty while the Payne Act of 1909 was in force, from 1909 to 1913, averaged over 21 per cent on dutiable articles.

3. The rates of duty under the new law of 1922 on dutiable articles, basing the calculation on the imports of 1921 and 1922, will average less than 17 per cent and probably less than 16 per cent.

The fact that the general average of duties under the new law is lower than under the preceding protective tariffs is the highest possible tribute to the sagacity, efficiency, enterprise, and integrity of American industry.

The tariff of 1922 in every schedule more scientifically adjusts the differential between articles manufactured from the same raw material and places in the same category, whether dutiable or free, competitive articles of similar manufacture. Some transfers from the free list to the dutiable list are due to the fact that when the tariff of 1909 was enacted such articles were not manufactured in this country, or their manufacture was of small importance, as in the case of cotton yarns. Many industries are becoming able to compete under reduced rates; many new industries have arisen, some of which, as the war showed, may be indispensable to the national existence; many new products have come upon the market; and new competitors have entered the field. The increases in rates come on the new developments in established industries, new industries, and new products, the result of economic and industrial progress.

The number of new industries that came into existence during the war to furnish us with articles needed by the people and the country, and which we could not obtain from abroad, shows that there is still a large field for the expansion of our industrial life. A large proportion of the increases in rates are to take care of such new industries.

On September 27, 1922, the Treasury estimated that the receipts for the first 12 months under the new tariff would be $400,000,000.

The tariff of 1922 is an all United States tariff, intended to stimulate a revival of business of every kind and to promote a general prosperity in all parts of the country, including those sections whose representatives usually vote against a protective tariff. It is not intended to favor one line of industry against other lines, nor one locality against others, nor to cause injury to any industry.

It is intended that the rates of duty provided in the new tariff law will be adequate to give efficient protection to our industries, but conditions may change so that the rates of duty are inadequate, and in order to provide for a method by which any industry placed at a disadvantage by a foreign competitor may be given prompt relief, the act makes provision for a flexibility in the tariff under which the President is authorized to proclaim new rates. The provisions of the flexible tariff are explained in the latter portion of these remarks.

Without question, the greatest beneficiaries of a protective tariff are our workingmen and workingwomen, both as to the rates of wages paid, the number of days per year of employment, and the total amount of wages they receive. In the investigations preceding the framing of the present tariff law extensive inquiries were made as to the proportion of the amounts received by labor from the sales of manufactured articles. It appears that after subtracting the cost of raw materials labor receives up to 85 per cent of the gross amount received from the sale of manufactured articles, the proportion depending upon the degree of manufacture and being largest for highly manufactured commodities. Any reduction in our yearly output will inevitably reduce not only wages and days of employment but also the total amount received by labor, which is most quickly injured in its present advantages when conditions adverse to our industries arise. Labor receives in this country rates and amounts of wages greatly exceeding those paid in any other country, and in the case of some labor in some of the chief competing countries receives from five to fifteen times as much. This is a country of men and women, and the Republican Party believes in such policies as will be of greatest material benefit to them, and has the courage and ability to enact such policies into law.

In 1861 the wealth of the Unted States was at the rate of a half billion dollars for every million of population. In 1913 the rate was over $2,000,000,000 for every million of population. During this half century the rate of progress was not uniform in every decade. The periods of greatest advancement correspond with those in which a protective tariff gave opportunity to American industry and labor; and the periods of smallest advancement or of decline are those in which the protective policy was in whole or in part abandoned. The increase of wealth was more generally distributed throughout the country and benefited all the people more than in any other nation in the world.

The periods of greatest advancement corresponded with the periods in which the people had entrusted the Republican Party with power.

During the war the orderly course of industry was diverted from the peace basis and the normal conditions of the markets were interrupted. Industry and labor are confronted with quantities of imports from abroad, which can be offered at prices our producers could not meet without ruin and made by labor receiving wages upon which our working people could not subsist. Some reorganizations of industry have been effected, but the great advancement movement the country needed and which would have normally followed the war has awaited the enactment of a tariff.

The tariff of 1922 is intended to inaugurate again an advancement of prosperity among our people. The purpose of the bill is to give our industries fair opportunity in our own markets, to stabilize industry, and to enable labor to receive wages sufficient for them to live according to the standards which have become established here.

Ability to buy determines the standard of living. When good wages are paid and employment is continuous, when industry is prosperous and the return steady our people would be more comfortable even if the average prices of goods should be higher than they would be if lower wages and less hours and smaller return from business prevailed. A real condition of prosperity is shown when a citizen, living normally according to his standard of life, has a surplus at the end of the year. It is an indisputable fact that when the flag of protection floats over our country good wages, steady employment, a fair return to business and industrial development prevail.

The country has not yet returned to the normal condition of pre-war times nor yet established a new normal. It is generally understood that the new normal will see higher prices than would otherwise prevail had the war not disturbed conditions not only in this country but throughout the world.

The tables presented below cover quite fully the items in the cotton and wool schedules in which are included a large proportion of the total production and of the total amount received therefor. I think they prove the correctness of the Republican theory of a protective tariff, which maintains that such a tariff leads to the development and establishment of industries in this country, the payment of wages higher than anywhere else in the world, and by reason of the effectivness of our capital and labor to greatly increase the output, with a consequent reduction in the price of manufactures, making it possible to reduce duties. But the reduction of duties is not the primary intention in framing a tariff. The purpose is to make ourselves economically independent, stabilize production and prices, extend our industries and insure a reasonable return on capital invested in useful production, pay good wages, secure revenue, maintain our standards of living, maintain our markets, develop our resources, increase our wealth and the general prosperity. The fact that when a new tariff bill is being framed, in which every duty is based upon its own facts, it is possible to reduce rates without injury to industry and to continue to pay high wages is evidence that a protective tariff, being sound economically, works out practically.

For the purposes of this comparison I have used the arrangement made by the United States Tariff Commission, which places opposite the paragraph of the new law the corresponding paragraphs of the act of 1909. I have carefully prepared the rates in each schedule, and give below some tables which will indicate a study carefully made to entitle the statements to your credence.

It must be remembered in such a comparison that the number of items raised or lowered affords no basis for a just conclusion. The amount of imports in such items vary from small amounts to tremendous quantities. Consideration should be given to the quantity and value of the imports, the keenness of the competition, the importance of the industry to the country, the capital invested in this country, and the number of persons employed in order to determine the relative importance of rates of duty. It might be possible by adding together all the rates of duty in one bill and all the rates of duty in another bill to appear to show that the average rate was higher in one than in the other, but if these rates were multiplied into the values of the commodities imported the opposite condition would be shown. So in preparing this statement consideration is given to the real importance of the rates. The importance of a rate of duty depends upon the conditions previously stated. The illustrations will deal chiefly with products of general consumption where the amount expended for them is very considerable. In a general way it may be stated that the chief increases have been on articles of luxury, on the products of new and essential industries, including dyes, on new developments in old industries, and on agricultural products.

Every rate depends upon its own facts. A rate was determined by taking into account for the longest period of years for which figures were available the quantities and values of imports and of domestic production, comparative prices, the history of the industry, the public interest, the rates of wages at home and abroad, manufacturing costs at home and abroad—in short, all that multiplicity of detail which determines the cost of production at home and abroad.

The purpose of the remarks is to show graphically and specifically the general facts about the new tariff law, the tariff of 1922, and some of the more important results to be obtained from it. It enters into the discussion of the general principles of a protective tariff only so far as necessary to make plain what it is here intended to present. It is intended to give a working knowledge of the new law in some of its most important details. It is manifestly impossible in a speech of moderate length to discuss the thousands of items included in the law, the most of which are of relatively small importance by themselves, but in the aggregate are necessary to the general prosperity.

SCHEDULE 11.

WOOL.

Rates of duty on clean content of wool:
  Under tariff of 1922, 31 cents per pound.
  Under tariff of 1909, for cloth weighing over 4 ounces per square yard—
    When valued at not over $4 per pound, 33 cents per pound.
    When valued at over $4 per pound, 44 cents per pound.

The farmer and stock grower will receive a more effective protection under the new law than under the tariff of 1909. The duties on articles manufactured from wool, especially on those used by the people generally and of the greatest importance, are materially lower than in the Payne Act. This is due to the fact that under the act of 1909 wool duties were collected upon all imports containing any wool, but under the new law wool duties will be collected only when wool is the component part of chief value, or only upon the wool contained in any articles made of wool and other fibers. There are also other causes contributing to make reductions possible.

In the tables below are given the rates of duty first under the new law, the act of 1922, and then under the Payne law, the act of 1909. Then follows a tabulation showing the amounts collected under each law, according to the value of the articles. Enough items are given to prove whether the duties under the act of 1922 are higher or lower than those of the act of 1909. It will be noted that they are materially lower, with few exceptions, as are the duties generally under both the wool and cotton schedules.

It must be remembered that the values upon which the duties are reckoned in the tables are the import values and not those at which consumers buy the articles in this country. The latter are very much higher. This matter will be gone into more fully later in these remarks.

WOOLEN YARNS.

Rates of duty under the tariff of 1922:
  Valued not over 30 cents per pound, 24 cents per pound and 30 per cent ad valorem.
  Valued over 31 cents to $1 per pound, 36 cents per pound and 35 per cent ad valorem.
  Valued over $1 per pound, 36 cents per pound and 40 per cent ad valorem.
Rates of duty under tariff of 1909:
  Valued not over 30 cents per pound, 27½ cents per pound and 35 per cent ad valorem.
  Valued over 30 cents per pound, 38½ cents per pound and 40 per cent ad valorem.

	Some comparisons showing duties under—			Some comparisons showing duties under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
On yarns valued at—			On yarns valued at—		
20 cents per pound	$0.312	$0.345	80 cents per pound	$0.64	$0.705
30 cents per pound	.33	.38	$1 per pound	.71	.785
36 cents per pound	.486	.529	$1.60 per pound	1.00	1.025
60 cents per pound	.57	.625	$2 per pound	1.16	1.185

WOVEN FABRICS, CLOTHS, ETC., OF WOOL WEIGHING MORE THAN 4 OUNCES PER SQUARE YARD.

(Cloth is dutiable by the pound and not by the square yard.)

Rates of duty under the tariff of 1922:
  Valued not over 60 cents per pound, 24 cents per pound and 40 per cent ad valorem.
  Valued from 61 cents to 80 cents per pound, 37 cents per pound and 50 per cent ad valorem.
  Valued from 81 cents to $1.50 per pound, 45 cents per pound and 50 per cent ad valorem.
  Valued over $1.50 per pound, 45 cents per pound and 50 per cent ad valorem.
Rates of duty under tariff of 1909:
  Valued not over 40 cents per pound, 33 cents per pound and 50 per cent ad valorem.
  Valued from 41 cents to 70 cents per pound, 44 cents per pound and 50 per cent ad valorem.
  Valued over 70 cents per pound, 44 cents per pound and 55 per cent ad valorem.

	Some comparisons of duties under—			Some comparisons of duties under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
On goods valued at—			On goods valued at—		
30 cents per pound	$0.36	$0.48	72 cents per pound	$0.73	$0.836
40 cents per pound	.40	.53	84 cents per pound	.87	.902
50 cents per pound	.44	.69	$1 per pound	.95	.99
60 cents per pound	.48	.74	$1.60 per pound	1.25	1.32
66 cents per pound	.77	.70	$3 per pound	1.95	2.09
			$4 per pound	2.45	2.64
			$6 per pound	3.45	3.74

All the tables I present give, first, the rates of duty under the act of 1922, and, second, those under that of 1909, so that anyone can prove the accuracy of the computations. Then follows a number of computations. A very brief examination will give ocular demonstration to the fact that the duties have been lowered. The table above, on woolen fabrics, shows reductions varying from 25 per cent to 35 per cent on the goods of lowest value. The rates on the higher valued goods are not reduced so much. These woven fabrics are made into apparel in general use.

KNIT FABRICS OF WOOL IN THE PIECE.

Rates of duties under the tariff of 1922:
  Valued at not over $1 per pound, 30 cents per pound and 40 per cent ad valorem.
  Valued at over $1 per pound, 50 cents per pound and 50 per cent ad valorem.
Rates of duty under the tariff of 1909:
  Valued at not over 40 cents per pound, 33 cents per pound and 50 per cent ad valorem.
  Valued from 41 cents to 70 cents per pound, 44 cents per pound and 50 per cent ad valorem.
  Valued over 70 cents per pound, 44 cents per pound and 55 per cent ad valorem.

	Some comparisons of duties under—			Some comparisons of duties under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
Valued at—			Valued at—		
20 cents per pound	$0.38	$0.43	80 cents per pound	$0.62	$0.88
30 cents per pound	.42	.48	$1 per pound	.70	.95
40 cents per pound	.46	.53	$1.50 per pound	1.20	1.265
60 cents per pound	.54	.74	$2 per pound	1.45	1.54

Duties on the above are lower under the tariff of 1922 than under that of 1909.

WOOLEN HOSE, HALF HOSE, AND MITTENS.

The tariff of 1922 bases the duties upon both the value per pound and the value of the articles per dozen pairs. The tariff of 1909 bases the duties upon the value per pound only. It is therefore impracticable to present a table showing a comparison of the duties collected under each act. But the duties on these articles have been reduced in a manner similar to the reductions on knit fabrics above.

WOOLEN CLOTHING AND ARTICLES OF WEARING APPAREL OF EVERY DESCRIPTION.

Rates of duty under the tariff of 1922:
  Valued at not over $2 per pound, 24 cents per pound and 40 per cent ad valorem.
  Valued from $2.01 to $4 per pound, 30 cents per pound and 45 per cent ad valorem.

Rates of duty under the tariff of 1922—Continued.
Valued over $4 per pound, 45 cents per pound and 50 per cent ad valorem.
Rates of duty under tariff of 1909 on all values, 44 cents per pound and 60 per cent ad valorem.

	Some comparisons of duties under—			Some comparisons of duties under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
When valued at—			When valued at—		
$1 per pound...	$0.64	$1.04	$4 per pound...	$2.10	$2.84
$2 per pound...	1,04	1.64	$5 per pound...	2.95	3.44
$3 per pound...	1.65	2.24	$6 per pound...	3.45	4.04

The statement is being circulated that some dealers in men's clothing have stated their intention to charge from $4 to $7 more for a suit of clothes after the new tariff becomes effective than present prices, because of the duty of 31 cents per clean pound of wool. Any excuse will serve the profiteer or furnish specious argument to a political false witness. Since May 27, 1921, the tariff on a pound of clean content of wool has been 45 cents, because on that date the emergency tariff superseded the Underwood tariff.

Practically all the cloth now in suits, or available for making suits, now on sale or to be sold for some months to come, was manufactured after the emergency tariff rate of 45 cents per pound of clean wool content became effective. That rate is 14 cents higher per pound than the rate in the new tariff bill of 31 cents per pound of clean content. It can not be honestly maintained that a reduction of 14 cents per pound on wool, which will not be manufactured into cloth and placed on the market for some months to come, justifies an increase in prices of goods now on the market. Such goods were manufactured some time ago, the cost of production determined, and the goods sold to dealers, but with small exceptions the fabrics were woven and the goods manufactured out of them since the emergency tariff was the law of the land. Goods made from wool paying the new rate of duty will not be on the market for some months to come. The fortuitous coincidence that a new tariff is passed is only an excuse and not a reason for advancing prices on goods bought at prices fixed long before the present law was enacted.

It may be of interest to know that the Tariff Commission states that the ordinary suit of clothes contains about 3½ yards of cloth. The clean content of wool used weighs about 4 pounds, the duty on which, at 31 cents per pound, if it were conceivable that it is added to the price, is $1.24.

WOOLEN KNIT UNDERWEAR.

Rates of duty under the tariff of 1922:
Valued not over $1.75 per pound, 36 cents per pound and 30 per cent ad valorem.
Valued over $1.75 per pound, 45 cents per pound and 50 per cent ad valorem.
Rates of duty under the tariff of 1909:
Valued not over 40 cents per pound, 33 cents per pound and 50 per cent ad valorem.
Valued from 41 to 70 cents per pound, 44 cents per pound and 50 per cent ad valorem.
Valued over 70 cents per pound, 44 cents per pound and 55 per cent ad valorem.

	Some comparisons of duties under—			Some comparisons of duties under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
On articles valued at—			On articles valued at—		
40 cents per pound.......	$0.48	$0.53	$1 per pound...	$0.66	$0.99
60 cents per pound.......	.54	.74	$1.50 per pound	.81	1.265
80 cents per pound.......	.60	.88	$2 per pound...	1.45	1.54
			$3 per pound...	1.95	2.09
			$4 per pound...	2.45	2.65

The duties on these goods valued from 40 cents per pound to $1.50 per pound have been reduced in amounts varying from 27 per cent to 35 per cent below the tariff of 1909. The reductions on the higher priced goods are less.

WOOLEN RUGS AND CARPETS.

Rates of duty under tariff of 1922:
Axminster, 40 per cent ad valorem.
Wilton, 40 per cent ad valorem.
Brussels, 40 per cent ad valorem.
Velvet and tapestry, 40 per cent ad valorem.
Ingrain, 25 per cent ad valorem.

Rates of duty under tariff of 1909:
Axminster, 60 cents per square yard and 40 per cent ad valorem.
Wilton, 60 cents per square yard and 40 per cent ad valorem.
Brussels, 44 cents per square yard and 40 per cent ad valorem.
Velvet and tapestry, 40 cents per square yard and 40 per cent ad valorem.
Ingrain, 18–22 cents per square yard and 40 per cent ad valorem.

The duties in the present act are lower; on Axminster and Wilton carpets, by 60 cents per square yard; on Brussels carpets, by 44 cents per square yard; on velvet and tapestry carpets, by 40 cents per square yard; and on ingrain carpets, by 18 cents or 22 cents per square yard and 15 per cent ad valorem, lower than under the act of 1909. These reductions are due in part to the fact that the carpet wools were dutiable under the Payne Act, but under the act of 1922 are admitted free when used in making carpets. They are duitable if used in making clothing. Very little carpet wool is grown in this country.

WOOLEN BLANKETS.

Rates of duty under tariff of 1922:
Valued not over 50 cents per pound, 18 cents per pound and 30 per cent ad valorem.
Valued from 50 cents to $1 per pound, 27 cents per pound and 32½ per cent ad valorem.
Valued from $1 to $1.50 per pound, 30 cents per pound and 35 per cent ad valorem.
Valued over $1.50 per pound, 37 cents per pound and 40 per cent ad valorem.
Rates of duty under tariff of 1909:
Valued not over 40 cents per pound, 22 cents per pound and 30 per cent ad valorem.
Valued from 41 to 50 cents per pound, 33 cents per pound and 35 per cent ad valorem.
Valued over 50 cents per pound, 33 cents per pound and 40 per cent ad valorem.

	Some comparisons of duties under—			Some comparisons of duties under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
Blankets valued at—			Blankets valued at—		
40 cents per pound.......	$0.30	$0.34	80 cents per pound.......	$0.55	$0.65
50 cents per pound.......	.33	.50½	$1 per pound...	.65	.73
60 cents per pound.......	.46½	.59	$1.50 per pound	.75	.93
			$2 per pound...	1.17	1.11
			$3 per pound...	1.57	1.53

The duties on the lower valued blankets are reduced in amounts varying from 11 per cent to 27 per cent in the new act below those of the act of 1909. Duties on the higher priced articles are reduced to a less degree.

SCHEDULE 9.—COTTON.

COTTON YARNS.

Rates of duty in tariff of 1922:
On yarns Nos. 1–40, ⅕ cent per pound.
On yarns Nos. 41–120, 8 cents per pound and ¼ cent per pound on numbers in excess of No. 40.
On yarns No. 121 and above, 28 cents per pound.
Rates of duty in tariff of 1909:
On yarns Nos. 1–15, 2½ cents per pound.
On yarns Nos. 16–30, 2½ cents per pound and ⅙ cent on numbers in excess of No. 15.

	Comparisons showing duties per pound under—			Comparisons showing duties per pound under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
On yarns No.—	*Cents.*	*Cents.*	On yarns No.—	*Cents.*	*Cents.*
10.............	2	2½	80.............	18	15½
20.............	4	3⅓	100.............	23	19½
30.............	6	5	120.............	28	23½
40.............	8	7½	140.............	33	27½
50.............	10½	9½	160.............	38	31½
60.............	13	11½			

COTTON YARNS.

Rates of duty in tariff of 1922:
On yarns Nos. 1–40, one-fourth cent per pound.
On yarns Nos. 41–120, 10 cents per pound and three-tenths cent for numbers in excess of No. 40.
On yarns No. 121 and over, 34 cents per pound.
Rates of duty in tariff of 1909:
On yarns Nos. 1–24, 6 cents per pound.
On yarns Nos. 25–80, one-fourth cent per number per pound.
On yarns Nos. 80–200, three-tenths cent per number per pound.
On yarns No. 201 and over, 60 cents per pound and one-tenth cent per number above No. 200.

COTTON YARNS—continued.

	Comparisons showing duties under—			Comparisons showing duties under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
On yarns No.—	*Cents.*	*Cents.*	On yarns No.—	*Cents.*	*Cents.*
20	5	3⅓	140	34	42
40	10	10	160	34	48
60	16	15	180	34	54
80	22	20	200	34	60
100	28	30	220	34	62
120	34	36			

The duties on cotton yarns have been increased. The industry of spinning cotton yarns has practically developed since 1909. At that time only the coarser yarns were made. Many new kinds of yarns are made requiring expensive processes and an increased labor cost.

COTTON CLOTH.

The basis for levying duties is entirely different in the tariff of 1922 from the tariff of 1909 to conform to the practice and descriptions used in the industry. The rates of duty, however, have been lowered, and the per cent of reduction is about the same as in other goods made from cotton found in the following tables:

COTTON UNDERWEAR.

Rates of duty in tariff of 1922, 45 per cent ad valorem.
Rates of duty in tariff of 1909:
- Valued not over $1.50 per dozen, 60 cents and 15 per cent ad valorem.
- Valued from $1.51 to $3 per dozen, $1.10 and 15 per cent ad valorem.
- Valued from $3.01 to $5 per dozen, $1.50 and 25 per cent ad valorem.
- Valued from $5.01 to $7 per dozen, $1.75 and 35 per cent ad valorem.
- Valued from $7.01 to $15 per dozen, $2.25 and 35 per cent ad valorem.
- Valued over $15 per dozen, 50 per cent ad valorem.

	Some comparisons showing duties under—			Some comparisons showing duties under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
Articles valued at—			Articles valued at—		
80 cents per dozen	$0.36	$0.72	$5 per dozen	$2.25	$2.75
$1.20 per dozen	.54	.78	$6 per dozen	2.70	3.85
$1.60 per dozen	.72	1.34	$8 per dozen	3.60	5.05
$2 per dozen	.90	1.40	$10 per dozen	4.50	5.75
$3.25 per dozen	1.46	2.25	$14 per dozen	6.30	7.15
$4 per dozen	1.80	2.50	$16 per dozen	7.20	8.00

The duties on cotton cloths of low or medium values have been greatly reduced. These reductions for the left-hand column, taking the items in order, are 50 per cent, 30 per cent, 46 per cent, 36 per cent, 35 per cent, and 28 per cent below those of the act of 1909.

WHY THE PER CENTS ARE NOT ALWAYS THE SAME.

When in any paragraph it is found necessary to make several brackets, an example of which is found above in the rates of duty under the tariff of 1909, where six brackets or classifications are made and where the duty is a combined specific rate and ad valorem rate, there will be uniform advance in each bracket. But when you pass from one bracket to the next higher the advance will be sharp. For instance, take underwear valued at not over $1.50 per dozen. The duty on underwear valued at $1.40 per dozen, a price which is near the dividing line, was 58 per cent, while on goods valued at $1.75 per dozen, just over the dividing line, the duty was 77 per cent. Such differences affect values in this way near the dividing lines.

COTTON HOSE, HALF HOSE, ETC.

Rates of duty under tariff of 1922: 50 per cent ad valorem.
Rates of duty under tariff of 1909:
- Valued not more than $1 per dozen pairs, 70 cents per dozen pairs.
- Valued from $1.01 to $1.50 per dozen pairs, 85 cents per dozen pairs.
- Valued from $1.51 to $2 per dozen pairs, 90 cents per dozen pairs.
- Valued from $2.01 to $3 per dozen pairs, $1.20 per dozen pairs.
- Valued from $3.01 to $5 per dozen pairs, $2 per dozen pairs.
  - And in addition to all the above, 15 per cent ad valorem.
- Valued at more than $5 per dozen pairs, 55 per cent ad valorem.

COTTON HOSE, HALF HOSE, ETC.—continued.

	Some comparisons showing duties per dozen pairs under—			Some comparisons showing duties per dozen pairs under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
Valued at—			Valued at—		
80 cents	$0.40	$0.82	$3.40	$1.70	$2.51
$1.20	.60	1.03	$4	2.00	2.68
$1.60	.80	1.14	$6	3.00	3.30
$2	1.00	1.20	$8	4.00	4.40
$2.80	1.40	1.62			

The articles dutiable under this paragraph are materially reduced, especially upon the lower grades.

COTTON GLOVES.

	Comparisons showing rates of duty per dozen pairs on one kind of gloves under—			Comparisons showing rates of duty per dozen pairs on one kind of gloves under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
Gloves valued at—			Gloves valued at—		
$2	$1.00	$1.30	$5	$2.50	$2.50
$3	1.50	1.70	$6	3.00	2.90
$4	2.00	2.10			

Such gloves, if valued at more than $6 per pair, will come in at the same rate under both laws.

There are other kinds of gloves which will also come in at rates considerably lower than the 1909 rates. Some new kinds of gloves, which have come into use since 1909 and are much more highly manufactured and finished, will bear somewhat higher rates. On the whole, the duties are lower in the tariff of 1922 than in that of 1909, especially on articles used by people of ordinary circumstances.

COTTON CLOTHING AND ARTICLES OF WEARING APPAREL OF EVERY DESCRIPTION NOT SPECIALLY PROVIDED FOR.

Rate under act of 1922, 35 per cent ad valorem.
Rate under act of 1909, 50 per cent ad valorem.

	Comparisons showing duties under—			Comparisons showing duties under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
Articles valued at—			Articles valued at—		
40 cents	$0.14	$0.20	$1.60	$0.56	$0.80
60 cents	.21	.30	$2	.70	1.00
80 cents	.28	.40	$3	1.05	1.50
$1	.35	.50	$5	1.75	2.50

Since the rate on these articles of general and common use was 50 per cent under the act of 1909 and 35 per cent under the act of 1922, it is evident that a reduction of 15 per cent has been made.

All articles not specially provided for are included in a "basket clause," in which the rate is 40 per cent ad valorem in the tariff of 1922 and 45 per cent in the tariff of 1909.

COTTON PLUSHES, VELVETS, CORDUROYS, AND ALL PILE FABRICS.

Rates of duty under tariff of 1922, 33⅓ per cent ad valorem.
Rates of duty under tariff of 1909:
- Per square yard, unbleached, 9 cents and 25 per cent ad valorem.
- Per square yard, bleached, 12 cents and 25 per cent ad valorem.

	Some comparisons showing duties under—			Some comparisons showing duties under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
On goods valued at—			On goods valued at—		
36 cents per square yard—			60 cents per square yard—		
Unbleached	$0.12	$0.18	Unbleached	$0.20	$0.24
Bleached	....	.21	Bleached	....	.27
48 cents per square yard—			96 cents per square yard—		
Unbleached	.16	.21	Unbleached	.32	.33
Bleached	....	.24	Bleached	....	.36

COTTON PLUSHES, VELVETS, CORDUROYS, AND ALL PILE FABRICS—continued.

	Some comparisons showing duties under—			Some comparisons showing duties under—	
	Act of 1922.	Act of 1909.		Act of 1922.	Act of 1909.
On goods valued at—			On goods valued at—		
$1.20 per square yard—			$2.40 per square yard—		
Unbleached	$0.40	$0.39	Unbleached	$0.80	$0.69
Bleached		.42	Bleached		.72
$1.80 per square yard—					
Unbleached	.60	.54			
Bleached		.57			

The rates of duty except upon the higher values are reduced.

	Rates of duty on manufactures of cotton under—	
	Act of 1922.	Act of 1909.
Table damask	30 per cent ad valorem.	40 per cent ad valorem.
Quilts and bedspreads	25 per cent ad valorem.	45 per cent ad valorem.
Quilts and bedspreads, advanced in manufacture.	40 per cent ad valorem.	Do.
Sheets, pillowcases, towels, blankets	25 per cent ad valorem.	Do.
Knit fabrics:		
Not made on warp machine	35 per cent ad valorem.	Do.
When made on warp machine	55 per cent ad valorem.	Do.
Shirts, collars, cuffs, n. s. p. f., per dozen	30 cents and 10 per cent ad valorem.	45 cents and 15 per cent ad valorem.

The reductions in duty on the above articles are evident. The exception is that of fabrics made on a warp machine.

Increases required to give a necessary and effective rate of protection are just as essential and justifiable as reductions in rates. I believe in just, right duties; neither too high nor too low to equalize the costs of production at home and abroad. A rate of duty is not defensible simply because it is low.

It is not possible to prepare graphic illustrations and tables presenting all the thousands of articles affected by the tariff of 1922, since it would require a volume of some size. The tables above submitted indicate the diligence with which the cotton and wool schedules have been examined and compared. I have given like attention to the other schedules. I believe my conclusions are as carefully formed on them as on the cotton and wool schedules, although they are briefly discussed.

The best defense of a protective tariff is its results and of a political party is the soundness of its policies.

The reductions are especially upon the articles of the most common use, comprising a very high proportion of the total quantity of articles produced and consumed in this country, and also an exceedingly high percentage of the total value. I am not interested primarily in a lowering of rates of duty unless such reduction indicates that our country has attained so strong an economic and industrial status and its competitive ability has so developed that without detriment to industry or labor diminished rates give effective protection.

SCHEDULE I—CHEMICALS.

In this schedule the rates of duty on articles dutiable in the tariff of 1909 and preceding protective tariffs are lower than in the tariff of 1922. The increases come on articles which are new developments in older industries or which are new or comparatively new to this country, such as the products of synthetic chemistry, dyes, and the alloy metals. The manufacture of coal-tar products is affected with a public interest; that is, in time of war they are absolutely necessary.

SCHEDULE II—EARTHENWARE.

On many articles of common use the rates are lower than under the tariff of 1909, such as on earthenware crockery, white granite, and semiporcelain ware. Roman, Portland, and other hydraulic cements have been transferred to the free list. Some highly manufactured articles involving high labor cost have increased duties.

Special attention is called to the fact that the duties on building materials have been generally reduced in the tariff of 1922.

SCHEDULE III—METALS.

Rates on articles which have been dutiable in preceding protective tariffs are in general materially reduced and affect by far the greater proportion of the products in quantity and value provided for in this schedule. Notable decreases are made on iron and steel used in railway construction and operation, on structural and building steel, on wire used by the farmers, and on many household utensils. The increases are on articles the total value of which is very greatly less than these just described, which are developments of industry in this country, including the manufactures used in electrical work, and on a small number of articles where the competition with the Orient and Germany is very disadvantageous to the American industries under adverse labor and exchange conditions.

Here are some illustrative comparisons between duties in the tariff for 1922 and the tariff for 1909:

	1922	1909
On iron in pigs, per ton	$0.75	$2.50.
On muck bars, bar iron, square iron, etc., reduced over 16 per cent.		
On round iron or steel wire	25 per cent	35 per cent.
On galvanized wire, including fencing wire, per pound.	½ cent	$0.01.
On all iron and steel for railroad construction, reduced from 20 per cent to 45 per cent.		
On steam engines and steam locomotives	15 per cent	35 per cent.
On shovels, spades, scoops, etc	30 per cent	45 per cent.

Barbed wire is on the free list.

The increases in this schedule are on highly manufactured articles, where the labor cost is a very large proportion of the cost of production, where the industry is new to this country, or where there is especially unfair competition from countries where the labor cost is very low.

As a result of the tariff, the prices of iron and steel products have steadily declined. The quantity produced and the number and variety of uses have greatly increased. These products are of universal consumption. No one questions that the development of this industry is of the greatest importance to us in times of peace, but in the recent war it was vital not only to us but to the allied cause. When the development of this industry was first fostered by a protective tariff it was stated that the result would be a continual reduction in price and that as the industry became established the duties would be lowered. The rates in the metal schedule are the lowest generally ever proposed, and on some products are only nominal.

Tin plate is another illustration of the beneficial effect of a protective tariff. We have secured not only an important industry but the prices have been greatly reduced to consumers of this product of common use in every household.

Such illustrations could be extended indefinitely. The Republican policy has not only made us economically independent but by effectively establishing industries great and small our people are being supplied with the fundamental necessities at diminishing prices, and hundreds of thousands of well-paid workmen receive employment here. The wages are paid to our own people instead of being paid to workmen abroad.

BUILDING MATERIALS.

It has been stated that there are not sufficient houses in the country to accommodate the people and that this is felt principally in the larger cities. It is important in this connection to call attention to the fact that the duties on practically all building materials have either been reduced or eliminated. Some articles of greatest value and importance in the building industries on which the duties have either been reduced or removed are lumber, shingles, structural steel, and cement.

SCHEDULE IV—WOOD.

Lumber for building and construction work and shingles are placed on the free list. Duties on casks, barrels, hogsheads, and packing boxes are reduced from 17 per cent up to 50 per cent. On furniture, made from cane, rattan, bamboo, and so forth, the duties in some instances are increased to meet oriental competition.

SCHEDULE V—SUGAR.

A protective tariff maintained the industry of producing sugar from cane, and established the beet-sugar industry in this country, that we might be in part at least self-supporting in this essential commodity and by means of domestic competition control the prices charged for imported sugar. When the domestic crop of cane and beet sugar is on the market the price of sugar is materially lower to the consumer. When the domestic crop is sold the price of imported sugar is increased. Sugar is a shining illustration of what will happen to the price of an essential commodity in this country when there is no domestic competition. We produce now about 28 per cent of the total sugar consumed in the United States. About 25 per cent of our consumption of sugar comes from our dependencies, Hawaii and the Philippines. The other half comes chiefly from Cuba, and sugar from Cuba under treaty comes in at 20 per cent less than the rate provided in the tariff of 1922. The protection to this industry has already greatly increased home production, with the resulting benefit of a reduced price during part of the year. We expect that this industry will be largely developed so that the favorable influence of the domestic crop will extend through a greater portion of the year, not to mention the profitable employment of capital and labor in this country.

The importations of cane sugar from Cuba were:

	Pounds.	Value.	Value per pound.
			Cents.
1919	6,686,141,983	$373,705,611	5.4
1920	5,762,152,794	668,902,103	11.8
1921	5,180,145,009	194,156,615	3.7
January to July, 1922	6,637,343,003	145,195,716	2.2

The prices per pound indicate the price at which the producer can afford to offer this commodity grown by the most poorly paid labor. The cost of refining a pound of sugar is now 65 cents per 100 pounds; it used to be 40 cents per 100 pounds. The freight on sugar from Cuba is 12 cents per 100 pounds. The freight from Cuba added to the import value per pound of Cuban sugar makes a sum of 2.307 cents per pound, and adding further the costs incident to landing would make the landed cost of Cuban sugar not over 2.39 cents per pound. This indicates the competition the American industry must meet. The duty on sugar is increased by about one-sixth of a cent per pound, and the American consumer will not pay it because of the conditions under which sugar imported from Cuba is manufactured and sold.

The Cubans complain that they are compelled to absorb the duty on the sugar imported from Cuba. This sugar supplies about half of our total consumption and comes into this country under monopolistic control. This monopoly fixes the price of sugar at rates satisfactory to itself, except during the period the domestic crop of cane and beet sugar is on the market. The best remedy for monopoly is domestic competition. We propose to furnish this by fostering the American industry.

SCHEDULE VI—TOBACCO.

The duties on wrapper and filler tobaccos have been slightly increased. The duties on manufactures of tobacco are practically unchanged. Tobacco being a luxury, comparatively high rates of duty are placed upon it, although the rates of duty may appear to be lower than those on some other schedules. This is accounted for by the fact that manufactures of tobacco are taxed also under the internal revenue law.

SCHEDULE VII—AGRICULTURE.

Two things can be said about this schedule.

1. The duties on the products as they come from the farm have been generally increased, and since animals used for meats are usually imported in the form of carcasses the duties on meats from cattle and sheep have been increased. However, the duties on meats from hogs are reduced.

2. The duties on foodstuffs made from agricultural products are generally lower, especially upon the articles of most general consumption and of greatest value; that is, so far as the prices of food products manufactured from agricultural products are concerned, the consumer finds lower rates in the tariff of 1922 than in the tariff of 1909.

COMPARISON OF DUTIES ON FARM PRODUCTS AS THEY COME FROM THE FARM OR IN THE FORM IN WHICH THEY COMPETE WITH PRODUCTS OF THE FARM.

The duties on agricultural products as they come from the farm and meats whether they are in the form of live animals or carcasses of animals have been somewhat increased, but when meats have been manufactured by preparing or preserving in any manner the duties have been generally reduced. See tables below. In these tables the products of greatest use and most value have been given which fairly represent the matter. When the sign "%" is used below it indicates an ad valorem rate.

	Act of 1922.	Act of 1909
Fresh beef and veal per pound	$0.03	$0.01½
Sheep per head	2.00	1.50
Fresh mutton per pound	.02½	.01½
Fresh lamb do	.04	.01½
Fresh pork do	.00¾	.01½
Milk per gallon	.02½	.02
Cream do	20	.05
Butter per pound	.08	.06
Cheese do	[1].05	.06
Eggs per dozen	.08	.05
Barley per bushel	.20	.30
Buckwheat per 100 pounds	.10	.31
Corn per bushel	.15	.15
Oats do	.15	.15
Rye do	.15	.10
Wheat do	.30	.25
Apples do	.25	.25
Beans per pound	.01¾	.00¾
Potatoes, Irish per 100 pounds	.50	.42

[1] And 25 per cent.

Comparison of rates of duty on articles manufactured from farm products.

	Act of 1922.	Act of 1909.
Bacon, hams and shoulders, cured, per pound.	$0.02	$0.04.
Lard per pound	$0.01	$0.01½.
Meats, fresh, prepared or preserved, n. s. p. f.	20 per cent	25 per cent.
Barley, pearl or flour per pound	$0.02	$0.02.
Buckwheat flour or grits	$0.00½	25 per cent.
Macaroni, etc. per pound	$0.02	$0.01½.
Oatmeal, rolled oats, etc. per 100 pounds	$0.80	$1.00
Rye flour and meal do	$0.45	$0.50.
Wheat flour, semolina, etc do	$0.78	25 per cent.
Apples, dried, etc. per pound	$0.02	$0.02.
Jellies, jams, marmalades, etc	35 per cent	$0.01 per pound and 35 per cent.
Beans, prepared or preserved per pound	$0.02	$0.02½
Split peas do	$0.01¼	$0.00¾.
Peas, prepared or preserved do	$0.02	$0.02½.
Tomatoes, prepared or preserved	15 per cent	40 per cent.
Vegetables, prepared or preserved	35 per cent	Do.
Chocolate and cocoa, prepared in any manner per pound	$0.02 or 17 per cent.	Varies from 2½ cents per pound to 5 cents per pound and 10 per cent.

The duties on nuts and garden and field seeds have been generally increased for the protection of these industries, and the further reason in the case of seeds to stimulating the growing of seeds acclimated to various localities, to which work the Department of Agriculture has devoted considerable attention and money with valuable results, that they may grow true to type and have increased productivity. It is desired also to protect our users from importation of inferior seeds adulterated with weed seeds.

A country as large as ours with so great a variety of resources can readily become self-sustaining in all essential industries and products. The recent war has shown the danger of depending upon materials from abroad when the life or integrity of a nation is attacked. I think it will be agreed that food, clothing, and housing are the primary essentials. That portion of our people engaged in agriculture has been given a greater degree of protection in this act than in any former act, and the industry of farming has been placed upon an equality so far as the protection is concerned with other industries. There has been wide alarm in the country over the fact that young men and young women are leaving the farms because the returns from farm operations were much less than from other lines of industry, and that the hours and conditions were less pleasant. Also, the number of meat animals in the United States is not increased in numbers in the same proportion as the population increases. Hogs, sheep, and cattle are essential to the industry of farming. It would be useless to raise hundreds of millions of bushels of corn if there were not animals sufficient to transform the corn into meats and fats.

The farming sections of the country are in serious need of relief. Their prosperity is essential to our prosperity and national existence. We can never, without danger to our continuance as a nation, fail to produce the raw materials to feed and clothe our people. Also, the agricultural population, being over 30 per cent of our people, forms the largest and most important single market for manufactured goods of practically all kinds.

The seriousness of the situation varies in different localities. The number of owned farms in 1890 was 887,000, valued at

$3,055,000,000, upon which mortgages to the amount of $1,068,000,000 were placed. In 1920 the number of owned farms was 1,461,000, valued at $31,708,000,000 and mortgaged for $11,001,000,000. Practically all prices which the farmer himself received for his products were nearly at the pre-war level. Vast imports of meats, wool, and other commodities destroyed his market for these products.

There is all the difference in the world between the amount the farmer himself puts into his pocket for his products and what the consumer pays for them. The emergency tariff saved the western half of the United States from agricultural ruin. The tariff of 1922 intends to give the same opportunity in the home market to the farmer as is given to other producers, and to promote the prosperity of that industry upon which the wellbeing of the Nation so largely depends.

SCHEDULE VIII—SPIRITS, WINES, AND OTHER BEVERAGES.

This schedule has become unimportant from the revenue-producing standpoint. Duties on beverages containing alcohol are practically doubled, but the law permits entry of small amounts only. Duties on other beverages not materially changed.

SCHEDULE X—FLAX, HEMP, AND JUTE.

The principal changes are due to a more scientific arrangement of the schedule and to give proper importance to manufacturing and conversion costs. The rearrangement has effected reductions on some articles of common use and a general reduction below that of the act of 1909.

	1922	1909
On handkerchiefs, not hemmed	35 per cent ad valorem.	60 per cent ad valorem.
On handkerchiefs, hemmed	45 per cent ad valorem.	55 per cent ad valorem.
On clothing and articles of wearing apparel of every description.	35 per cent ad valorem.	50 per cent ad valorem.
On shirts and cuffs, a reduction of	10 per cent ad valorem.	

SCHEDULE XII—SILK AND SILK GOODS.

Silk goods, although coming into more general use, are still to be classed as luxuries. The oriental competition is vigorous and Japan has practical control of the raw material. The cost of labor in the Orient is only a small fraction of the wages paid in the silk industry in this country. The language of the schedule has been largely rewritten, considerable portions omitted, and ad valorem duties have been imposed in place of specific duties. For this reason it is not possible at this time to present tables showing comparisons between duties paid under the tariff of 1909 and that of 1922.

The duties on woven fabrics have in part been increased. The duties as a whole are higher than those of 1909.

SCHEDULE XIII—PAPERS AND BOOKS.

There were a few increases and more reductions. Newsprint paper, wood pulp for such paper, and so forth, are on the free list. Highly manufactured articles are given the highest rates.

SCHEDULE XIV—SUNDRIES.

This is the garret in which are placed the left overs. A number of increases and reductions have been made, but in general the material changes are reductions. The increases of importance are on highly manufactured articles.

The following table is compiled from data prepared in the office of the appraiser of merchandise at the port of New York, where 75 per cent of our imports are received. The data was compiled from actual invoices during this year. In order to ascertain the prices charged at the principal markets in which the imported articles were sold of the articles listed in the table actual purchases were made and the purchased articles submitted to the appraiser and identified. The table, therefore, is based upon the most expert official opinion. The investigation was conducted under the direction of the Secretary of the Treasury and the Committee on Finance of the United States Senate.

The table lists only a part of the articles included in the investigation, giving those of general use. The difference between landed prices and the retail prices in this country of imported articles not listed have the same wide range as of the articles given.

Attention is specially directed to the following outstanding conclusions derived from any study of the tables:

1. The low cost of foreign production with which our industries have to compete.

2. The corresponding low cost of labor abroad with which our working people must compete.

3. That the prices charged to customers when the imported articles are retailed are not based upon the landed prices (which include the total cost to the importer except in very unusual instances) but are several times higher and are the highest price the traffic will bear and effect sales.

4. The duties proposed in the tariff of 1922 will not stop importations. There are no embargoes in the new tariff. But it does propose to give the American producer and the American laborer a fair opportunity in our markets.

5. If in the column headed "Duties under laws prior to the tariff of 1922," the duties provided in the new tariff were substituted, the landed price would then be so far below the retail price that the articles could still be sold without increasing the prices. That is, that the duties will not increase the prices.

It therefore remains that the prices charged in this country for imported goods depends upon what the foreign merchants who maintain selling agencies here and the importers can get for them, charging the highest prices they can obtain and effect sales. Since they can not increase such a price and effect sales, they must themselves absorb the duty.

The rates of duty are generally higher in the tariff of 1922 than in the tariff of 1913, known as the Underwood free trade or tariff for revenue law. This means that the foreigner or his agent in this country and the importer, who are now selling goods here for what the traffic will bear, at enormous profits, will pay under the new tariff law more money into the Treasury of the United States.

The wide margin of difference between the landed price and the retail price of imported articles gives an opportunity to manipulate the prices at which they are sold here.

	Country where manufactured.	Value in that country.	Cost of sending to United States.	Duties under laws prior to tariff 1922.	Landed cost in United States.	Retail price in United States.	Where bought in United States.
Ladies' kid gloves, 16-button, 24 inches long, per pair	Germany	$0.795	$0.035	$0.375	$1.205	$6.95	Chicago.
Pie plate (metal)	do	.077	.007	.019	.103	.29	New York.
Table knives, per knife	do	.0275	.00275	.00825	.0385	.30	Do.
Glass lamp dome, in case	Czechoslovakia.	.283	.048	.127	.458	1.74	Do.
Glass lamp chimney (duplex)	Germany	.0333	.0158	.015	.0641	.23	Do.
Mustard; pint in tin	Italy	.23	.004	.046	.28	.75	Do.
Electric flatiron	Germany	.59	.059	.118	.767	5.50	Do.
Ladies' kid gloves under 14 inches in length	do	.389	.021	.166	.576	2.00	Brooklyn.
Ladies' lambskin gloves	do	.275	.041	.087	.503	2.00	New York.
Silk nightgown, lace trimmed	Belgium	13.34	.35	8.00	21.69	60.00	Do.
Silk bloomers and chemise	do	17.51	.45	10.50	28.46	90.00	Do.
China salad or berry set	Japan	.96	.15	.53	1.64	4.75	Do.
Cuckoo clock	Germany	.94	.047	.28	1.27	22.00	Do.
Chenille veiling, silk	France	.1041	.0181	.061	.18½	.50	Do.
Linen towels, hemstitched, per dozen	Ireland	14.82	.52	5.19	20.53	65.00	Do.
Marcel iron	Germany	.0963	.0096	.0192	.125	1.39	Do.
Jointed doll	do	.37	.60	.13	1.10	4.50	Do.
Valenciennes cotton lace	France	.011	.0011	.0076	.02	.05	Do.
Amber beads	Germany	.62	.016	.124	.76	12.50	Do.
Padlock	do	.027	.0043	.0054	.0367	.25	Do.
Lunch kit	do	.34	.03	.07	.44	1.50	Do.
Cabbage seed	Denmark	.0195	.0009	.0006	.021	.35	Do.
Men's straw hats	England	.918	.177	.367	1.462	4.00	Do.
Do	Italy	.692	.11	.276	1.078	4.00	
Ladies' embroidered cotton waist	Austria	.20	.0775	.1225	.40	1.35	Do.

	Country where manufactured.	Value in that country.	Cost of sending to United States.	Duties under laws prior to tariff, 1922.	Landed cost in United States.	Retail price in United States.	Where bought in United States.
Electric hair dryer	Germany	$2.75	$0.275	$0.55	$3.575	$17.50	New York
Flash-light bulb	do	.02	.0025	.006	.029	.10	Do.
Aluminum sauce pot (Berlin)	do	.297	.029	.074	.40	1.24	Do.
Burnt-out cotton lace (yard)	do	.1067	.017	.065	.187	.70	Do.
Do	do	.22	.02	.14	.38	1.95	Do.
Table clock, metal	do	.33	.013	.099	.442	1.98	Do.
400-day clock	do	1.70	.06	.51	2.27	30.00	Do.
Shears (cast)	do	.154	.015	.046	.216	2.65	Do.
China tea set (17 pieces)	Japan	1.73	.44	.95	3.12	8.95	Do.
China dinner set (100 pieces)	France	21.50	2.00	11.80	35.30	134.00	Do.
Pearl necklace	do	12.25	.98	4.28	18.28	150.00	Do.
Razor hone	Yugoslavia	.187	.021	Free.	.208	1.00	Do.
Reading glass	France	.6625	.133	.165	.96	3.50	Do.
Razor	Germany	.21	.021	.115	.345	5.00	Do.
Hair clipper	do	.13	.02	.026	.176	.85	Do.
Vacuum bottle (pint)	do	.104	.01	.046	.16	.75	Do.
Men's plated watch	Switzerland	.60	Free.	.18	.78	3.00	Brooklyn.
Swiss 7-jewel watch	do	1.00	.0175	.30	1.3175	9.45	New York.
Men's nickel watch	Germany	.176	....	.053	.229	1.00	Do.
Pocketknife	do	.193	.019	.106	.318	3.00	Do.
Pocketknife, metal handle, in case	do	.577	.058	.317	.95	8.40	Do.
Vegetable ivory buttons (per dozen)	do	.006	.006	.0027	.0093	.25	Do.
Men's clocked cotton hose	do	.121	.0125	.065	.20	.65	Do.
Cotton table cover	Japan	.765	.11⅔	.23	1.11	3.50	Do.
Linen towels, hemstitched (per dozen)	Ireland	3.52	.12	1.23	4.87	24.00	Do.
Silk veiling	France	.20	.01	.12	.33	.85	Do.
Linen napkins, machine embroidered (per dozen)	Germany	.83	⅓	.495	1.33	5.50	Do.
Breton cotton footing	England	.013	.002	.008	.023	.06	Do.
Toothbrush	Japan	.112	.0043	.0392	.155	.50	Do.
Cotton lace edging, upholstery	Germany	.016	.002	.005	.023	.10	Do.

The statement that the duties on imported articles are added to the price is based upon the assumption that the prices of imported goods in this country are made up by adding together the following items:

1. Cost of production in the foreign country.
2. Reasonable profit to the foreign producer.
3. Packing, insurance, freight to America, and so forth.
4. Import duty.
5. Reasonable profit to the seller of imported goods.
6. Costs of distribution here.

But since goods imported from abroad are sold here at the highest price that can be obtained and effect sales, the following is the real method followed:

1. Cost of production abroad.
2. Profit to foreign producer.
3. All the profit the traffic will bear and sell the goods.

That is, the price is fixed without respect to the duty, and an increase in the rate of duty only takes a larger part from the excessive profits for the Treasury of the United States. When the foreign manufacturer maintains his own selling agency here an increase of duty means that the people of the United States take for public purposes part of the great profits that would otherwise be sent abroad.

The foreign producer is interested in selling his goods to Americans to his own advantage, and since his costs are much lower than ours he can when he desires sell his goods here at prices lower than the American costs of production and place in jeopardy our industries and standards of living.

There are industries in this country such as steel, tin plate, and so forth, that have developed improved methods of manufacture, increased output, lower cost per unit, and other reductions that American intelligence and efficiency have devised, which sell the articles produced in competition with all the world, and whatever duties on some of their products there may be found in the tariff of 1922 are not to protect them against legitimate competition, but to offset the products subsidized abroad, or sold under "yellow-dog" methods under which the foreign producer, in order to sell goods here at prices much under his costs of production, to beat down our industries, is reimbursed from a "slush" fund.

The protective policy presents a straightforward plan. It proposes that every useful industry shall be well established in this country, so that by efficiency and increased output all legitimate competition from abroad may be met, American wages be paid labor, our standards of living be maintained, our industries return a reasonable profit, our wealth be increased, and that we be a self-sustaining Nation, and at the same time that prices of commodities be gradually reduced. And the history of the past half century proves the soundness of the policy.

There is this further danger of allowing the foreign producers to control our market, in that it will enable them to fix prices in this country and they are not interested in low prices except for the purpose of injuring American industry, but rather will charge what the traffic will bear for things that are essential to our welfare. We must pay their price to the extent they control the market. The possibility of disaster that is inherent in depending upon an outside country for things essential to the nation was illustrated in the recent war, when it became imperative at great expense and under great urgency to establish plants for the manufacture of articles needed by our people and essential to the national integrity.

If time and space permitted, additional tables could be presented showing that the prices paid consumers depend upon trade conditions, cost of production, quantity produced and offered for sale, the extent to which consumers desire to obtain any given article, and the other usual factors. The price of an article upon which a duty has been newly imposed or increased in order to establish an industry here may be temporarily increased, but when the industry is established and it has found its markets its efficiency in quantity production enables it to reduce the per unit cost and so reduce prices. Then there follows a reduction in duty of which the metal, wool, cotton, and other schedules furnish illustrations.

If low prices are the result of efficiency in production by well-managed businesses on quantity production where adequate wages are paid to labor, it denotes an excellent industrial condition, realizes the purpose of a protective tariff, and is of permanent benefit to all. But where low prices are due to the importations from abroad of articles made by poorly paid labor living under unhealthful conditions, or due to goods sold here at unfair prices, the result is serious damage to our industries, unemployment of labor with probable reduction in wages, and a loss common to all. Our civilization is founded upon efficient production, remunerative return to capital, and well-paid labor.

The United States is the greatest market in the world. It has been built up by the joint endeavors of all. It is a mutual market, and its value depends upon giving to all an equal opportunity. A good market is one which is prepared to take at all times the commodities as they are offered at prices remunerative to the producers and where prices are fairly stable from year to year. In such a market the consumer is effectively protected. The greatest proportion of yearly products of the United States are consumed and will be consumed in this country. We therefore have a permanent interest in our own market, because if we are all to continue to be prosperous we must buy and sell in it. By this method a people are made self-contained and self-supporting. It is an unwise policy to permit foreign products to be sold in this country at an advantage over American products. In fact, it is a matter of history that our periods of industrial distress have been when we have given the foreign producers comparatively free use of our markets. Foreign products will come into the United States, and we are not intending to exclude them. Congress has definitely refused to sanction any embargo; but we do propose that foreign commodities shall not come into this country on terms and conditions disadvantageous to our own people.

The best service we can render to our country, to our people, and to the world at large generally is to make and to keep our own country prosperous by maintaining ourselves in a position to be large producers with a profitable and a good home market in which the world also may have a place to dispose of its goods, wares, and commodities; but a people not prosperous furnish a poor market. If we do not have the wherewithal to buy, it would be of no advantage to the foreign producer to give him even free access to our markets.

GENERAL RÉSUMÉ OF WAGES.

The lack of uniformity in the manner in which wage statistics are quoted in the various countries and industries renders it difficult to make direct and precise comparisons.

General résumé of wages in 10 selected industries.

Industry and occupation.	United States.	Germany.	Japan.	England.	France.	Belgium.	Italy.
Chemicals:							
Process men	$31.03	$6.34	$4.90	$18.71		$4.46	$5.40
Common labor	18.15	5.52	4.50	13.32		3.31	4.68
Pottery and chinaware:							
Potters and kiln placers	30.94	6.60	6.00	15.59			
Glass:							
Skilled workers	26.81 to 69.83	6.24	9.60 to 13.68	21.45 to 27.30		15.00	
Iron and steel:							
Mill labor	43.12	5.34	9.90	17.40	$16.80	15.63	
Woodworking:							
Cabinetmaking	27.21	5.76	9.90	19.68	9.36	9.12	
Agriculture:							
Farm labor[1]	46.89	6.25	[2]29.70	32.76	28.56		9.73
Foods and provisions:							
Bread baking	26.32			15.14	8.52		8.10
Candy making	19.87	5.28	6.30	13.65	6.48	7.49	
Brewing	34.14	4.90	5.40	14.43	9.39		
Textiles:							
Cotton weaving	20.86	4.35	4.56	12.39	9.12	10.29	5.14
Cotton spinning			4.80	11.24		9.77	5.62
Woolen weaving	38.98	4.35	6.00	17.70		9.63	
Woolen spinning	39.33	4.74		15.58	12.00	9.54	
Silk manufactures:							
Silk and silk goods	20.51		2.10 to 10.50	7.06 to 17.80	2.82 to 5.04		2.34 to 5.15
Clothing (men's):							
Tailoring and cutting	26.38	6.24	8.13	16.32	8.90		

[1] Per month with board.

[2] Per year with board for 1917, latest figures available.

The general résumé, calculated upon the rates available in this compilation, as shown above, represents typical wages in the various industries and illustrates the amount in dollars required as payment of a week's labor in the United States compared with foreign countries.

Attention is called to the fact that the figures for the United States represent actual earnings, while, with a few exceptions, specified rates only are shown for other countries.

The figures above are generally taken from official sources, for the most part from Government publications. The conversion of foreign currency was made at the rate prevailing at the time the wage was paid. Since the compilation of this table the German mark has further declined in value. Even if wages in some countries have been advanced since the above table was compiled, no reported advance shows any considerable increase. It is believed that the comparisons above are fairly typical of the differences in the rates of wages prevailing in the several countries.

The table below gives the quantity and value of a number of the most important imports into the United States, especially from the competitive standpoint, for the calendar years 1919, 1920, 1921, and the first seven months of 1922. The total imports were for—

1919	$3,909,364,932
1920	5,278,481,490
1921	2,509,025,403
The first seven months of 1922 were	1,671,535,975
And at that rate for the entire year would be	2,723,000,000

The imports for 1920 exceeded those for 1919 by more than $1,300,000,000; those for 1921 by over $2,700,000,000 and the probable total for 1922 by over $2,400,000,000.

Prices prevailing in 1920 were higher than in 1919, 1921, or 1922. The Underwood free trade or tariff for revenue act was in force.

Neither excessive imports nor free trade duties kept the prices down. Imported goods sold for the highest prices obtainable at extraordinary profits. The Treasury lost goodly sums of money that would have been paid into it from imports under a protective tariff, without affecting the prices to the consumer.

The development of large industries in this country which compete among themselves in our market is the only method for establishing effective competition in domestic prices, and this a protective tariff does.

Table showing imports of a number of competitive articles for the calendar years 1919, 1920, 1921, and for January to July, 1922.

	1919		1920		1921		January-July, 1922.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Cattle ... number	642,395	$53,296,078	379,114	$27,418,604	194,637	$6,111,673	54,362	$1,005,400
Sheep ... do	224,774	2,473,386	172,905	1,730,272	84,739	372,010	23,462	155,418
Beef and veal ... pounds	38,461,758	6,408,081	50,182,105	8,057,270	32,377,922	3,944,728	14,103,026	1,428,910
Mutton and lamb ... do	8,209,182	1,547,338	101,168,319	12,645,379	24,394,988	3,991,621	7,341,080	1,084,727
Corn ... bushels	11,212,717	10,966,911	7,784,482	9,296,991	164,097	199,054	93,274	95,186
Oats ... do	609,128	469,638	6,728,200	6,549,111	3,565,266	1,539,178		
Wheat ... do	7,910,701	14,905,722	35,808,656	75,359,220	23,286,024	35,913,210	12,386,559	14,703,824
Breadstuffs		50,894,777		125,345,323		53,683,562		21,836,359
Buttons, pearl or shell ... gross	4,072,412	1,228,743	5,107,020	1,981,235	1,431,808	389,813	1,059,211	313,365
Acids, all ... pounds	32,916,972	3,326,713	31,293,396	4,686,114	16,410,760	1,664,951	6,506,090	1,140,619
Egg albumen ... do	7,978,239	6,061,114	9,111,462	4,592,738	4,638,529	1,159,772	4,990,955	1,397,454
Eggs, fresh ... dozen	1,247,355	394,629	1,708,701	617,909	3,062,601	922,859	681,410	137,670
Eggs, dried, frozen, etc ... pounds	24,890,621	8,469,987	29,022,377	7,233,614	17,896,857	3,166,228	6,910,406	1,241,783
Wheat flour ... barrels	16,623	171,302	800,088	8,669,300	965,954	7,725,401	469,325	2,732,118
Coal-tar products		6,581,891		12,985,277		11,220,688		6,104,665
Chloride of lime ... pounds	417,412	8,936	2,474,617	86,873	12,438,484	229,113	7,760,694	107,142
Licorice root ... do	49,891,673	3,864,619	56,226,008	3,454,839	53,549,813	2,516,449	41,476,140	1,724,120
Citrate of lime ... do	3,791,694	1,581,657	12,490,196	3,027,823	988,969	151,811	15,093,786	2,108,832
Clocks and parts of		141,754		691,678		1,056,660		579,740
Watches	1,288,106	3,542,033	1,640,875	3,938,980	844,585	1,864,951	355,174	608,310
Watch movements	2,324,428	6,520,129	2,189,677	8,147,876	1,115,458	4,461,051	569,248	2,573,193
Watchcases and parts		2,584,563		3,601,377		2,842,603		1,426,271
Chocolate and cocoa	967,203	342,420	1,319,246	503,258	1,750,639	441,135	958,594	236,112
Cotton thread and yarn ... pounds	3,861,968	7,031,356	10,629,645	25,418,196	3,140,102	3,752,332	2,656,807	3,042,671
Cotton spool thread, etc ... do	44,938,565	1,932,538	83,331,972	3,545,891	45,966,524	1,980,146	34,586,052	1,908,020
Cotton cloths ... square yards	49,753,451	17,664,903	140,788,365	51,753,747	106,330,598	29,426,249	91,829,106	25,846,113
Handkerchiefs ... dozen	1,744,400	1,505,277	4,022,424	3,667,799	3,167,132	2,675,050	1,418,239	1,185,364
Embroideries ... yards	7,586,004	637,753	24,889,980	2,501,302	29,885,458	1,493,342	18,700,393	787,145
Laces and lace articles ... do	302,373,802	8,628,106	220,657,981	13,024,397	335,115,582	9,567,366	151,894,505	4,438,978
All laces		13,909,116		24,300,149		16,703,583		8,289,330
Cotton plush, velvet, etc ... square yards	433,335	593,147	1,038,664	1,115,295	307,582	256,295	104,911	99,586
Cotton tapestries, etc	1,244,506	426,550	9,280,503	3,355,811	2,846,356	1,781,969	1,367,086	74,029
Cotton gloves ... dozen pairs	181,239	305,854	386,414	1,345,637	1,114,080	3,271,300	981,506	2,491,917
Cotton stockings ... do	65,955	135,574	228,285	908,829	756,028	1,358,434	974,918	1,354,123
Cotton, all manufactures		52,649,218		137,431,814		75,428,323		52,994,829
Earthen, stone, and china ware of all kinds		7,150,013		11,628,334		12,523,436		6,314,056
Linen handkerchiefs ... dozen	909,388	1,626,839	1,660,574	3,470,879	1,455,085	2,880,043	872,282	1,625,577
Linen laces, embroideries		1,817,865		3,417,078		4,363,734		2,671,927
Fish, cured or preserved:								
Cod, haddock, hake		7,157,746		4,229,432		3,480,070		1,137,545
Herring		5,060,958		3,783,178		3,369,031		1,063,921
Mackerel		2,389,769		1,868,540		1,209,803		214,314
Fish in oil, except shellfish		2,467,420		3,851,216		3,294,895		2,026,124
Fish, fresh:								
Halibut		2,335,086		2,604,813		3,172,923		1,828,959
Salmon		826,067		664,216		1,119,719		773,273
Crab meat		1,066,248		2,166,068		1,112,344		882,643
Lobsters		2,032,872		3,347,525		2,191,473		1,935,395

Table showing imports of a number of competitive articles for the calendar years 1919, 1920, 1921, and for January to July, 1922—Continued.

	1919		1920		1921		January-July, 1922.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Total imports of all fish		$35,760,712		$35,151,155		$29,041,707		$15,194,849
Lemons		2,437,802		2,904,529		1,229,671		1,764,951
Olives ... gallons	3,753,962	2,338,881	4,777,975	4,925,174		2,272,685		2,638,476
Almonds:								
Not shelled ... pounds	7,482,538	1,305,167	6,703,181	1,062,984	4,402,271	528,275	1,311,421	128,232
Shelled ... do	28,007,908	10,582,179	18,150,678	6,733,026	20,873,872	6,340,581	14,158,283	4,159,738
Coconut, shredded, etc ... do	29,637,673	4,140,689	32,920,614	5,166,896	35,391,584	2,927,213	161,333,441	5,862,018
Filberts:								
Not shelled ... do	16,747,304	3,396,301	14,095,930	1,863,104	14,729,108	1,279,025	2,986,709	240,547
Shelled ... do	3,778,986	1,193,637	5,034,009	1,326,244	3,854,169	645,223	3,217,788	453,813
Peanuts:								
Not shelled ... do	5,667,354	393,534	8,703,119	772,212	4,523,841	202,840	2,969,536	127,341
Shelled ... do	24,179,687	1,933,904	110,810,310	10,570,880	35,640,121	1,521,924	7,334,842	350,451
Walnuts:								
Not shelled ... do	21,235,078	3,985,327	16,072,807	2,465,927	33,414,118	4,472,055	15,228,174	1,529,732
Shelled ... do	10,260,899	5,317,276	15,818,025	6,031,911	13,330,000	4,972,159	12,648,768	5,217,941
Hats, not blocked, etc	14,069,963	3,269,891	18,683,336	5,277,960	14,146,167	1,968,100	11,418,239	1,409,146
Hats, blocked or trimmed	1,402,360	707,163	2,459,757	1,750,328	821,471	906,952	905,960	797,556
Hay ... tons	202,648	3,081,537	208,621	4,482,015	38,748	787,842	1,653	29,223
Pig iron	101,665	6,565,106	185,944	12,801,834	44,516	2,014,926	105,437	4,541,131
Steel ingots, blooms, etc ... pounds	18,435,630	440,470	20,829,749	562,545	12,717,907	162,255	12,651,826	229,259
Pen and pocket knives ... dozen	125,177	175,166	354,791	664,185	632,164	792,772	615,562	587,950
Scissors and shears ... do	72,834	170,673	230,111	578,499	591,785	978,965	430,539	451,905
Sewing machines		225,541		347,387		398,578		310,165
Leather gloves ... dozen pairs	392,215	6,008,326	890,562	14,187,173	912,856	13,090,412	386,925	4,797,046
Matches		1,295,452		912,136		1,291,610		1,276,827
Butter ... pounds	9,519,368	4,860,182	37,454,172	18,646,459	18,558,388	7,392,247	2,570,519	813,323
Cheese ... do	11,332,204	4,073,357	15,993,725	5,657,035	26,866,404	8,677,216	19,439,188	6,075,622
Milk and cream ... gallons	3,684,817	1,850,203	4,117,817	2,702,270	4,613,009	2,990,574	2,232,929	1,581,931
Milk, condensed, preserved, etc		2,080,070		3,331,812		1,420,343		122,746
Manganese, oxide and ore ... tons	333,344	11,229,184	606,937	12,230,922	401,354	3,365,732		
Flaxseed ... bushels	14,036,184	44,360,095	24,641,190	74,622,584	12,326,244	20,439,201	16,215,512	8,975,639
Red clover ... pounds	7,025,591	2,410,056	12,692,711	4,627,485	16,527,965	2,357,551	6,923,588	1,231,209
All other clover	18,016,407	4,991,908	12,794,371	2,908,401	22,614,245	2,746,877	8,857,777	1,097,512
Shells, mother-of-pearl ... pounds	5,772,977	1,669,904	7,629,951	2,460,677	3,465,009	974,988	2,950,834	788,807
Silk woven fabrics ... do	2,863,125	29,264,585	3,237,804	35,514,422	4,256,773	24,330,602	1,628,368	10,375,531
Silk handkerchiefs ... dozen	1,711,912	1,651,159	1,418,862	1,974,565	676,593	969,058	190,734	406,159
Silk plushes, velvets, etc ... yards	199,332	1,115,822	361,829	2,669,919	248,521	1,736,197	261,227	1,799,059
Silk ribbons ... do	1,198,128	182,052	11,277,505	1,064,158	7,237,176	512,708	3,599,783	187,229
Wearing apparel		4,266,212		6,235,104		4,889,794		3,041,593
Molasses		4,159,079		5,057,397		1,883,910		958,811
Beet sugar		108		6,402,128		999		
Cane sugar		383,842,086		962,150,234		217,296,696		149,985,590
Maple sugar and sirup		1,109,666		1,974,977		207,422		295,489
Beans ... bushels	4,972,456	17,526,911	2,094,646	7,509,879	274,058	647,592	667,025	1,471,822
Onions ... do	740,686	1,017,577	1,819,158	2,363,797	1,976,083	2,248,049	879,901	1,474,267
Peas ... do	2,140,609	7,489,290	1,802,982	7,643,185	512,994	1,175,377	668,299	1,471,638
Potatoes ... do	5,543,686	5,907,064	6,061,745	12,526,620	2,017,562	1,751,687	1,570,298	1,267,093
Mushrooms and truffles ... pounds	2,093,087	1,356,051	3,219,998	1,564,548	4,953,548	1,634,727	3,867,860	1,202,999
Wool carpets and rugs, woven whole ... square yards	384,807	2,993,328	1,104,564	9,643,276	850,570	5,586,594	802,284	4,665,931
All other carpets ... do	78,001	341,270	561,086	2,043,079	559,557	2,152,780	276,573	1,067,297
Worsted cloth ... do	869,840	1,101,024	1,800,295	2,205,147	1,971,304	2,030,396	1,251,489	1,311,333
Woolen cloth ... square yards	4,348,424	4,454,023	12,683,704	12,437,540	12,921,454	9,312,956	9,255,973	6,406,287
Dress goods, women's and children's ... do	1,367,100	884,886	7,304,808	4,709,568	4,832,490	2,315,219	1,853,860	849,720
Wearing apparel		2,228,135		9,317,872		6,304,614		5,023,523
Yarn ... pounds	468,650	989,134	3,670,374	7,818,889	5,843,634	6,952,638	2,050,838	2,513,794
Wool:								
Clothing ... do	334,099,538	171,288,562	212,392,240	109,001,343	207,866,615	45,772,325	23,218,311	5,280,809
Combing ... do	7,734,081	4,583,522	6,642,783	3,834,482	10,837,821	2,202,081	81,853,267	21,739,948
Total of all merchandise:								
Free		2,698,703,452		3,117,010,862		1,562,191,155		998,213,062
Dutiable		1,205,661,480		2,161,470,808		946,834,248		673,322,913
Grand total		3,904,364,932		5,278,481,490		2,509,025,403		1,671,535,975

FLEXIBLE TARIFF.

POWER OF THE PRESIDENT TO ALTER RATES OF DUTY.

(Section 315, Title III.)

(a) When the President, after careful investigation, finds that the rates of duty in the tariff of 1922 do not in fact equalize the costs of production of any article or articles between the United States and the principal competing foreign countries, he shall determine the rates that will so equalize such differences, and 30 days after the proclamation is made the rates of duty proposed by him shall be in effect on the articles named in the proclamation in lieu of the rates of duty specified in the tariff of 1922. These rates of duty are to be based upon foreign valuation. He can not increase or decrease any rate of duty more than 50 per cent of the amount thereof as provided in the tariff of 1922.

(b) When the increase or decrease of 50 per cent in the rates of duty based upon foreign valuation do not equalize the differences in the costs of production between the United States and the principal competing foreign countries, then the President shall, after due investigation, ascertain the American selling price of the competing article or articles and by proclamation may announce new rates of duty that will equalize the costs of production between the United States and the principal competing foreign countries on the article or articles involved in the inquiry. Such rates of duty when based upon the American selling price of the imported articles shall not decrease the rates of duty in the tariff of 1922 by more than 50 per cent of such rates, and shall in no case increase them. These rates, based upon the American selling price, are to be effective 15 days from the date of the proclamation.

(c) Differences in the costs of production at home and abroad shall be ascertained by giving due weight to differences in conditions of production, wages, costs of materials, hours of labor, and other items involved in production; differences in the wholesale selling prices in this country of similar domestic and foreign articles; subsidies or other assistance foreign governments give their producers; and any other advantages or disadvantages in competition.

The President can make no proclamation of changes of rates under the flexible tariff provisions until after the United States Tariff Commission has investigated the differences in costs of production at home and abroad. The investigation by the Tariff Commission is required to be very thorough. The President must determine in fact that the differences in costs of production really exist or that unfair practices exist before he can take action. The Tariff Commission shall hold public hearings at which parties interested may be present and heard and is authorized to make proper rules and regulations for the holding of such hearings.

If, subsequent to any proclamation or change in rates, the President finds that the differences in the costs of production at home and abroad have changed or ceased to exist, he may modify or terminate the rates formerly proclaimed by him.

The President can not transfer a dutiable article to the free list or an article on the free list to the dutiable list, or substitute an ad valorem rate for a specific rate or a specific rate for an ad valorem rate. Nor can he increase a rate beyond the maximum ad valorem rate as provided in the tariff of 1922 when such act declares that the combined specific and ad valorem rates of duty shall not exceed a specified maximum ad valorem. For instance, if the act says that the rate on any article shall be 20 cents per pound and 40 per cent ad valorem but that in no case shall the total duty collected be more than 50 per cent ad valorem, the President can not announce new rates that would increase the total duty beyond the maximum of 50 per cent ad valorem.

Section 316 authorizes the President to investigate unfair methods of competition and unfair acts of importation and to declare the same to be unlawful. The Tariff Commission is authorized to report upon such methods and acts, and its findings are to be conclusive if supported by evidence; the offending parties may be given a rehearing by the commission; appeal may be taken to the United States Court of Customs Appeals, and its decision shall be final, except that the subject may be reviewed by the United States Supreme Court. In such cases the President shall increase the duties upon the article or articles in question by not less than 10 per cent ad valorem or more than 50 per cent ad valorem; or the articles may be excluded from entry into the United States. The President's decision is conclusive, but he can modify it thereafter as the facts may warrant.

RETALIATORY PROVISIONS.

Section 317 provides that when any foreign country discriminates against articles wholly or in part the product or products of this country, by imposing, directly or indirectly, any unreasonable charge, fee, duty, exaction, regulation, or limitation, or other method of discrimination and the commerce in them, and the President finds in fact that the said foreign country has done and continues so to do, and that the American public interest will be served thereby, he shall by proclamation declare such new and additional rates of duty as will offset the burdens placed upon our commerce, not exceeding 50 per cent ad valorem, on the commodities from the offending country or countries named in his proclamation; or he may by proclamation exclude the articles named. The provisions of a proclamation become effective 30 days after its date. It is the duty of the Tariff Commission to continually make investigation concerning the welfare of our commerce abroad and to bring to the attention of the President any discrimination.

SECTION 318.

In order to give prompt effect to the flexible tariff and retaliatory provisions of the act, the Tariff Commission is directed to obtain and compile and have ready for prompt use the conversion costs; costs of production; import costs; growers', manufacturers', or producers' selling prices at home and in the manufacturing, producing, and growing centers of foreign countries which export to the United States competitive articles. This will afford the President, the Congress, and the country the information necessary for immediate and effective action.

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the river and harbor bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas. [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. MANSFIELD. Mr. Speaker, the gentleman from New York [Mr. DEMPSEY], chairman of the Committee on Rivers and Harbors and senior conferee on the part of the House, has fully discussed the points of difference between the House and Senate, which have engaged the attention of the conferees the past few days. As senior minority conferee on the part of the House I shall therefore not attempt a detailed discussion of the Senate amendments.

The bill is by far the best that has been reported for several years, and the authorization will be sufficient to reasonably take care of all approved projects. Congress has been brought to a realization of the fact that failure to provide water transportation, where practicable, is but playing into the hands of the railroads and giving to them a monopoly of the means of transportation.

Largely due to curtailed appropriations for waterway improvement in recent years, railway rates have been very much increased, thus adding to the high cost of all commodities to the consumer, while at the same time the producer has in many instances suffered an additional loss because the market price of his surplus products was not sufficient to pay the transportation charges.

The intracoastal canal of Louisiana and Texas is better provided for in this bill than has heretofore been possible under the limited lump-sum appropriations; but disappointment is felt because this important waterway has not long since been increased to a depth of 9 feet. It extends from the Mississippi River to Corpus Christi, and pierces the heart of the great lumber, rice, sugar, cotton, oil, and sulphur districts of the Southwest.

In the two States along this canal and in the States of Arkansas and Oklahoma adjoining is produced one-half of the cotton crop of the United States, 80 per cent of the rice crop, and 90 per cent of the cane-sugar crop, to say nothing of other farm products and the great lumber and live-stock interests.

Those States are also producing approximately 40 per cent of the oil and more than 99 per cent of the sulphur production of the United States. The great sulphur mines at Sulphur, La., and at Freeport and Gulf, Tex., are located right on the banks of this canal, and are annually turning out their thousands of tons of this important mineral from which the explosives were made that enabled us to win the World War.

A 9-foot depth in this important waterway, to connect with the Mississippi and its tributaries, would place the people of the Southwest in direct water communication with approximately one-half the United States, where our important surplus farm and mineral products would find a ready market, and from which we might receive in return our necessary supplies of coal, cement, structural steel, and other commodities that we stand in need of.

Mr. Speaker, there is another matter that has remained too long neglected, and to which Congress must eventually give its attention. I refer to the improvement of rivers with a view to controlling the flood waters as well as for navigation. We have been quite liberal in making provision for the reclamation of the arid lands of the great Northwest, a course to which I have given my aid on all possible occasions.

On the other hand, we have done practically nothing for the protection of the millions of acres of our choicest river valley lands, which are unsurpassed for fertility, and which are being almost annually devastated by destructive overflows. Those lands could by a system of protection on a cooperative plan of the Federal Government with the respective States and local communities be rendered more productive than the famed Valley of the Nile. How much longer will we delay this important duty? Procrastination is said to be the thief of time.

It is the duty of Congress to cooperate in this great work on all streams where navigation is involved, and at least to the extent that aid will be afforded to the commerce of the country. It is false economy to further delay this important work. The destruction and havoc that have been wrought by the uncontrolled floods since our entry into the World War, the greater portion of which could have been averted, would doubtless be greater than our cost of the war and far in excess of the cost of providing the necessary protection.

The people of Texas and other States now realize more fully than ever before the importance of flood control. They will welcome the lead of the Federal Government on a comprehensive plan, as contemplated in the flood control act of 1917, which, unfortunately, it seems, has been permitted to "die aborning." It is to be hoped that an omnibus flood control bill will be reported at the December session. If we do not propose to avail ourselves of the benefits of this law, then let us rise to the importance of our duty—repeal the act and abolish the expense of maintaining a useless committee of Congress.

Mr. Speaker, as evidence that the people of Texas are willing to lend their aid to all necessary waterway improvements, I will simply refer to the splendid spirit shown by the people of Corpus Christi as embraced in Senate amendment No. 10 in this bill. The estimated cost of a deep-water port at that place, with necessary harbor facilities, breakwaters, revetments, and so forth, is considerably more than $5,000,000; and by the adoption of this amendment only $1,394,800 of this is to be paid by the United States, the balance, amounting to nearly $4,000,000, to be paid locally.

To raise this vast sum of money, the Legislature of Texas, under an amendment to the constitution, has authorized a bond issue of $2,000,000, based upon the State taxes to be derived from six counties for a period of 25 years. This has been augmented with another million-dollar bond issue by the local navigation district, and the city of Corpus Christi has contributed $30,000. The balance necessary to complete the work, amounting to many thousands of dollars, is to be paid by the citizens of that progressive city, and their proposition is to place this money in the hands of the engineers before Uncle Sam will be called upon to put up one red cent. This same spirit of cooperation has heretofore been exhibited by the people of Freeport, Houston, Galveston, Beaumont, and other places.

It is true that the people of south and west Texas will be vitally interested in securing the deep-water port at Corpus Christi, as it is shown that the farmers within 150 miles of that place will save in freight rates on cotton alone about $500,000 annually. But it must be borne in mind that the United States is also an interested party.

Additional to the general obligation of the Government to afford this aid to a vast commerce, it will be seen by reference to the map that Corpus Christi occupies a strategic position. It is our nearest port to the Mexican border, with which it is connected by rail at every strategic point. It is also the nearest port to the military headquarters of the Southwest, located at San Antonio, with which it is connected by several lines of railroad. In the event of trouble beyond the border, rendering our intervention necessary, the Corpus Christi port will be of inestimable value to the United States Government and to the people of the United States. [Applause.]

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. To-day the call of the Unanimous Consent Calendar is in order. The Clerk will call the first bill.

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWAS.

The first business in order on the Unanimous Consent Calendar was the bill (H. R. 6428) for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas, in the State of Wisconsin, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, I am seeking additional information in regard to this bill, as it pertains to my State, and I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

AMENDING SECTION 100 OF THE JUDICIAL CODE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10817) to amend section 100 of the Judicial Code of the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 100 of the Judicial Code is hereby amended to read as follows:

"SEC. 100. The State of Ohio is divided into two judicial districts to be known as the northern and southern districts of Ohio. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Ashland, Ashtabula, Cuyahoga, Carroll, Columbiana, Crawford, Geauga, Holmes, Lake, Lorain, Medina, Mahoning, Portage, Richland, Summit, Stark, Tuscarawas, Trumbull, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Auglaize, Allen, Defiance, Erie, Fulton, Henry, Hancock, Hardin, Huron, Lucas, Mercer, Marion, Ottawa, Paulding, Putnam, Seneca, Sandusky, Van Wert, Williams, Wood, and Wyandot, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Cleveland on the first Tuesdays in February, April, and October, and at Youngstown on the first Tuesday after the first Monday in March. Terms of the district court for the western division shall be held at Toledo on the last Tuesday in April and October, and at Lima on the first Tuesdays after the first Mondays in March and November.

"Grand and petit jurors summoned for service at a term of court to be held at Cleveland may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term then being held or authorized to be held at Youngstown. Grand and petit jurors summoned for service at a term of court to be held at Toledo may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term then being held or authorized to be held at Lima.

"Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Cleveland or at Youngstown, as the court may direct. Crimes and offenses committed in the western division shall be cognizable at the terms held at Toledo or at Lima, as the court may direct.

"Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Youngstown. Any suit brought in the western division may, in the discretion of the court, be tried at the term held at Lima.

"The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shelby, and Warren, which shall constitute the western division; also the territory embraced on the date last mentioned in the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington, which shall constitute the eastern division of said district.

"Terms of the district court for the western division shall be held at Cincinnati on the first Tuesdays in February, April, and October; and for the eastern division at Columbus on the first Tuesdays in June and December, and at Steubenville on the first Tuesdays of March and September. Grand and petit jurors summoned for service at a term of court being held at Columbus may, if in the opinion of the court the public convenience so requires, be directed to serve also at the term being held or authorized to be held at Steubenville. Crimes and offenses committed in the eastern division shall be cognizable at the terms held at Columbus, or at Steubenville, as the court may direct. Any suit brought in the eastern division may, in the discretion of the court, be tried at the term held at Steubenville: *Provided*, That suitable rooms and accommodations for holding court at Steubenville shall be furnished free of expense to the Government until the completion of the Federal building: *And provided further*, That terms of the district court for the southern district shall be held at Dayton on the first Mondays in May and November. Prosecutions for crimes and offenses committed in any part of said district shall also be cognizable at the terms held at Dayton. All suits which may be brought within the southern district, or either division thereof, may be instituted, tried, and determined at the terms held at Dayton."

The committee amendments were read as follows:

Page 2, line 14, strike out the word "March" and insert the word "May." Strike out the word "November" and insert the word "September," and insert "*Provided*, That suitable accommodations for holding court at Lima be furnished free of expense to the United States."

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I wish to inquire of the author of the bill whether this has been submitted to the Department of Justice?

Mr. CABLE. Mr. Speaker, I believe the committee sent a letter to the Department of Justice, and I am not able to ascertain whether any answer has been received or not.

Mr. STAFFORD. I have read the bill very carefully, and I know something about the location of Lima and its distance from Toledo, which is the nearest place for holding court. I notice in the amendment that it is provided for holding court at Lima on the first Tuesday after the first Monday of May and September. At present the law provides for holding a session of court at Cleveland in April and also at Toledo on the last Tuesday in April. And now you propose holding court the first Tuesday after the first Monday of May at Lima. It seems to me the interim of time is too short and I suggest an amendment that June be substituted instead of May.

Mr. CABLE. I think the suggestion is a good one. The bill was drawn for March instead of May and the committee substituted May. I believe the amendment should be amended by striking out "May" and inserting "June" in lieu thereof.

Mr. STAFFORD. Mr. Speaker, I withdraw the pro forma amendment and offer a substantive amendment to strike out, in line 14, page 2, the word "May" and insert the word "June."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 14, strike out the word "May" and insert in lieu thereof the word "June."

The question was taken and the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. CABLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed joint resolution (S. J. Res. 240) authorizing the erection on public grounds of a memorial to the late Joseph J. Darlington, in which the concurrence of the House of Representatives was requested.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 240. Joint resolution authorizing the erection on public grounds of a memorial to the late Joseph J. Darlington; to the Committee on the Library.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that September 16 they had presented to the President of the United States, for his approval, the following bill:

H. R. 10874. An act to provide adjusted compensation for veterans of the World War, and for other purposes.

ENROLLED BILL SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12472. An act to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a fuel distributor, providing for the declaration of car-service priorities during the present emergency, and to prevent the sale of fuel at unjust and unreasonably high prices.

INCORPORATING THE AMERICAN MATHEMATICAL SOCIETY.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9218) to incorporate the American Mathematical Society.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, I think this bill is too important in character to be considered on the Unanimous Consent Calendar, and therefore I object. The Committee on the Judiciary will have a call of the calendar very shortly, when this bill can be taken up.

Mr. CURRY. Does the gentleman object to this bill being passed on the calendar? Will the gentleman permit the bill to remain on the calendar?

The SPEAKER. The gentleman from California asks unanimous consent that the bill be passed without prejudice. Is there objection?

Mr. STAFFORD. I do not think the bill should remain on the Unanimous Consent Calendar, and I object.

The SPEAKER. The gentleman from Wisconsin objects.

CAREY SEGREGATION NO. 11.

The next business in order on the Unanimous Consent Calendar was the bill (S. 3195) to authorize the Secretary of the Interior to accept completion of Carey segregation No. 11 and to issue patent therefor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. TINCHER. Mr. Speaker, I object.

Mr. VAILE. I will ask unanimous consent that the bill be passed without prejudice.

Mr. TINCHER. I have no objection.

NORTH RIVER BRIDGE CO.

The next business on the Calendar for Unanimous Consent was the bill (S. 2799) to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, this is more than an ordinary bridge bill. This revives a bill that has been up for a number of years, a bill of many provisions, and I do not think it should be considered in this fashion on the Unanimous Consent Calendar. I therefore object.

The SPEAKER. The gentleman from Wisconsin objects. The Clerk will report the next bill.

WATERWORKS PLANTS OF KANSAS CITY, KANS., AND KANSAS CITY, MO.

The next business on the Calendar for Unanimous Consent was the resolution (S. J. Res. 216) providing for the consent of the Congress of the United States of America to a compact and agreement between the State of Kansas and the State of Missouri respecting the erection, maintenance, and operation of the waterworks plants of the cities of Kansas City, Kans., and Kansas City, Mo., the taxation thereof, and exercise of eminent domain in connection therewith by each State.

The title of the resolution was read.

The SPEAKER. Is there objection?

There was objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Whereas by a concurrent resolution adopted by the General Assembly of the State of Missouri and approved by the governor of said State on April 15, 1921, and a similar resolution adopted by the Legislature of the State of Kansas and approved by the governor of said State on March 18, 1921, it was resolved and provided that, whereas the city of Kansas City, in Wyandotte County, Kans., and the city of Kansas City, in Jackson County, Mo., are contiguous and adjoining and each owns and operates waterworks plants, the intake portions of which are on the banks of the Missouri River in Kansas City, Kans., and contiguous to each; and for the protection of each city, in the event of a breakdown of its plant, a conflagration, epidemic, or other exigency, it is vitally important that its water plant have connection with and access to the facilities of the other; and it is and has been in the past of material benefit to each city that both contribute to a common fund in protecting the banks of the Missouri River in the vicinity of said plants and farther upstream from breaking over and destroying the plants or changing its course so as to leave the intake so far from the stream as to render it impossible to obtain an adequate flow of water therefrom; and the water plants of both cities are connected at various points so that they can in the future, as they have in the past, supply each other with water, thereby preserving the health and protecting the proporty of each; and the plant of Kansas City, Mo., is now, and will of necessity continue to be for a long period in the future, the only source of water supply to the city of Rosedale, in Wyandotte County, Kans., and the maintenance of this supply is of vital importance to the health and property protection of the citizens of said municipality; and the contour of the territory of each city is such that to reach and serve certain districts it is necessary that portions of the service mains and plants occupy and run through the territory of the other State; and Kansas City, Mo., is about to invest many millions of dollars in the betterment of its plant in the immediate future and the city of Kansas City, Kans., will invest in the future large sums in extending its plant, said extensions of each municipality necessitating large investments in the territory of the adjacent State, and to raise the funds for the purpose of making these investments it is vital to each city that each plant be free from assessment and taxation in the other State; and that therefore, by reason of the advantages accruing to the municipalities of each State and to the inhabitants thereof, as hereinbefore recited, and other advantages not therein enumerated, the States of Kansas and Missouri thereby entered into the following compact and agreement:

(1) Neither the State of Kansas, nor any county, township, or municipality located within said State, or any official thereof, shall ever assess, levy, or collect any taxes, assessments, or imposts of any kind or character whatsoever on the portion of the waterworks plant of the municipality of Kansas City, Mo., now or hereafter located within the territory of the State of Kansas.

(2) Neither the State of Missouri, nor any county, township, or municipality located within said State, or any official thereof, shall ever assess, levy, or collect any taxes, assessments, or imposts of any kind or character whatsoever on the portion of the waterworks plant of the municipality of Kansas City, Kans., now or hereafter located within the territory of the State of Missouri.

It is further provided by said resolutions, compact, and agreement that the right of eminent domain, for the purpose of acquiring property rights and easements for a waterworks plant, including mains, water pipe lines, or extensions, or any part thereof, in either State, was thereby given and granted to each State and to Kansas City, Kans., and Kansas City, Mo., to be exercised by Kansas City, Kans., in the State of Missouri, and by Kansas City, Mo., in the State of Kansas, for said purposes; and that to the faithful observance of the said compact and agreement each State, by the adoption of said resolutions, pledged its good faith: Therefore be it

Resolved, etc., That the consent of Congress is hereby accorded to said compact and agreement between the State of Kansas and the State of Missouri.

With a committee amendment as follows:

After line 5, page 4, insert: "Sec. 2. That the right to alter, amend, or repeal this resolution is hereby expressly reserved."

Mr. ELLIS. Mr. Speaker, I move to amend by striking out section 2.

The SPEAKER. The gentleman from Missouri moves to amend by striking out section 2. The Chair is informed that that is a committee amendment. There would be no need of striking it out. The question would come on agreeing to the committee amendment. The gentleman would desire the House to vote against agreeing to the committee amendment?

Mr. ELLIS. Yes.

The SPEAKER. Does the gentleman wish to be heard on the question?

Mr. ELLIS. Yes.

Mr. Speaker, and gentlemen of the House, I rise to express the earnest desire that the amendment proposed by the Judiciary Committee be not agreed to. I can give my reasons in a few words. It is most desirable, to express it rather mildly, that the resolution become law at this session. If this amendment carry, and send the resolution back to the Senate, the legislation will fail for this session. That must be avoided, for an emergency exists in the matter of improvement of the systems of waterworks in the two cities.

There is no national concern or interest involved—no reason why the assent of the Congress should not be complete.

Mr. GARRETT of Tennessee. I suggest that the gentleman extend his remarks. There is no opposition.

Mr. ELLIS. Well, if there is no opposition, I will ask leave to extend.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was rejected.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Ellis, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

BOARD OF ACCOUNTANCY, DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2531) to create a board of accountancy for the District of Columbia, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, the District Committee has sought to make Unanimous-Consent Calendar business District business by putting on the Calendar for Unanimous Consent most, if not all, the bills reported from the Committee on the District of Columbia. In fact, they have placed on the Unanimous Consent Calendar for consideration a bill reported as recently as Saturday.

This is an important bill, a bill that very likely should be passed; but I do not believe it should be passed on the Unanimous Consent Calendar. Therefore, I object.

The SPEAKER. Objection is made.

Mr. ZIHLMAN. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. STAFFORD. I will withhold it.

Mr. ZIHLMAN. I will say that this bill calls for no expense. It does what is being largely advocated throughout the country.

Mr. STAFFORD. I have read the report and I have read the bill carefully, but I can not see why, under the Unanimous Consent Calendar, we should give District business special consideration. The gentleman's committee has had days, and many days, for consideration of District measures.

Mr. GARRETT of Tennessee. Two days each month.

Mr. ZIHLMAN. I will state to the gentleman that both times the District business has been passed over and other matters have been taken up. We have not had two days every month.

Mr. STAFFORD. I have no objection to its being passed over.

Mr. ZIHLMAN. I ask unanimous consent, Mr. Speaker, that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the bill retain its place on the calendar and be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

DEVELOPMENT OF UNDERGROUND WATERS IN NEVADA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2983) to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I think some explanation should be made of this bill before the objection stage is passed.

Mr. HAYDEN. I will state to the gentleman that I placed the bill on the Unanimous Consent Calendar at the request of the senior Senator from Nevada. Congress originally passed this law with a view to encouraging people under permits to drill for water at depth in the State of Nevada. As the gentleman knows, the State of Nevada is extremely arid.

Mr. STAFFORD. It is dry in another way than other States are dry? [Laughter.]

Mr. HAYDEN. Yes; exceedingly so.

Some effort has been made to carry out the provisions of the law under permits, but drilling to find water at depth is very expensive, and it was thought proper to pass this legislation authorizing the Secretary of the Interior, if he found that the permittees had been conducting their operations in good faith, to give them more time in which to carry on this development.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. HAYDEN. I yield.

Mr. STAFFORD. The original law provided that the work of drilling and operation should begin in six months?

Mr. HAYDEN. Yes.

Mr. STAFFORD. This bill seems to extend the time for the beginning, recommencement, or completion of the operation two years, does it not?

Mr. HAYDEN. That is true, but it is all within the discretion of the Secretary of the Interior.

Mr. STAFFORD. But you do not want, after drilling has been commenced, to hang its completion in the air for two years?

Mr. HAYDEN. Deep-well drilling is a very expensive operation, and they greatly need water in Nevada.

Mr. KING. Will the gentleman raise his voice so that we can hear?

Mr. HAYDEN. Gladly, in view of the confusion in the Chamber.

Mr. STAFFORD. Will the gentleman inform the House whether any real work of development has been undertaken under the original act of 1919?

Mr. HAYDEN. I am informed that considerable sums of money have been expended for deep drilling without yet finding water.

Mr. STAFFORD. Mr. Speaker, I withdraw any objection I may have had to the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior may, if he shall find that any permittee has been unable, with the exercise of diligence, to begin or continue operations for the development of underground waters within the time prescribed by sections 4 and 5 of the act of Congress approved October 22, 1919 (41 Stats. 295), extend the time for the beginning, recommencement, or completion of the said operations described in said sections for such time, not exceeding two years, and upon such conditions as he shall prescribe.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed, was laid on the table.

MARINE HOSPITAL RESERVATION, CLEVELAND, OHIO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11040) to amend an act entitled "An act authorizing the sale of the marine hospital reservation in Cleveland, Ohio," approved July 26, 1916.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of bill?

Mr. STAFFORD. Mr. Speaker, I am inclined under my present attitude of mind to object to this bill. I shall be glad to hear any explanation of it.

Mr. NORTON. Mr. Speaker, this bill was passed in 1916, authorizing the sale of this hospital, but it provided that only $400,000 of the amount could be used for the building of a new hospital.

When the present hospital was built the land cost $12,000. It is estimated that the hospital and ground will sell to-day for $1,000,000, although the hospital ground cost only $12,000 at the time the land was bought. It is situated close to the railroad station into which two railroads run. Their tracks cross the hospital grounds. The smoke pours in at the windows. The institution has become almost worthless for hospital purposes, although it is crowded with patients. This bill simply provides that all the money received from the sale of the old hospital may be used in the building of a new hospital. It provides that there shall not be one dollar of additional appropriation. We simply desire that the money received from the sale of the old property be used in the construction of a new hospital.

This bill was suggested by the Surgeon General, by the government in charge, and by the Government itself. They are very anxious to build the hospital, because the one they now have is not fit for use on account of the smoke and noise, although it is overcrowded. It is at their suggestion that this bill is brought in here with the simple purpose of using the money received from the sale of the property in the construction of a new hospital under the direction of the Secretary of the Treasury, who is to select the site. I can not imagine any plan that will be better. I want to say that it is indorsed by the marine interests, indorsed by the chamber of commerce, and everybody on the Great Lakes is in favor of the proposition.

Mr. KINDRED. Mr. Speaker, will the gentleman yield for a question?

Mr. NORTON. Certainly.

Mr. KINDRED. Does the Public Health Service favor this?

Mr. NORTON. Doctor Cumming has written a very long opinion favoring it and asking that it be done, and the Secretary and others whose letters I have here all favor it. The request comes from that department.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. NORTON. Yes.

Mr. CHINDBLOM. As a member of the committee, I want to supplement the statement by saying that in 1916 it was believed that $400,000 would be a sufficient sum for the erection of a new marine hospital in the place of the old one. It is now found that it will cost approximately the entire sum which will be realized from the sale of the property.

Mr. STAFFORD. Mr. Speaker, under reservation of the right to object, I wish to say that ever since the enabling act was passed in 1916 the Public Health Service has had authority to sell this land and build a hospital to cost $400,000 and turn the remainder of the money received from the sale of this property back into the Treasury. I do not know for what reason they have failed to do that.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. NORTON. I can inform the gentleman, if he will yield.

Mr. STAFFORD. Let me complete what I have to say. Now, at this late day, they propose, not because of higher costs but because the Public Health Service wants it, to erect a hospital away beyond the needs of the marine interests on the Lakes. It is proposed to erect a hospital of very large proportions, and to use it partly for all manner of purposes connected with public-health activities. We all know that with the hospitals now being erected for the benefit of the service men, the peak will soon be passed, and there will be hospitals at Chicago and all along the Lakes that can be utilized for marine-hospital purposes. I do not think that at this time we should launch upon the policy of erecting a hospital which will cost hundreds of thousands of dollars more than the original authorization. If Cleveland wants a hospital to cost $400,000, she can go ahead and build it. She has that opportunity under the existing law. She has had the opportunity for six years to build it. It is now proposed to build a hospital that will be an adornment to some suburban park of the city of Cleveland but which is not really needed by the marine interests.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CHINDBLOM. I do not think the gentleman will seriously complain if he will stop to reflect a moment, because these people did not build the hospital in 1917, 1918, 1919, or 1920, while we were at war and when building was not only prohibited by the cost but prohibited by conidtions under which it was impossible to get building material. It is only within the last year at the most that they could have erected this hospital. Building conditions in large cities—in Chicago, for instance—have been such that such a hospital could not have been erected until recently. Now the proposition is to sell this property and acquire a new site. That new site will cost at least $250,000. The balance of the money from the sale of this old property will probably be about $750,000, and for that amount one could not build a very large hospital in any large city—not an enormous hospital, at any rate. I think it is very reasonable to take $750,000 for the erection of a marine hospital in a city like Cleveland. The gentleman from Ohio [Mr. Cooper] has called my attention to the fact that this project is recommended by other branches of the service, as, for instance, the Coast Guard Service. The Committee on Public Buildings and Grounds considered this matter very thoroughly, and are fully convinced that it is a very meritorious proposition.

Mr. KINDRED. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. KINDRED. The gentleman from Wisconsin has stated that the needs of the veterans for hospitals will soon be at an end.

Mr. STAFFORD. With the completion of the hospitals now authorized, the peak will soon be reached, and it is the general expectation of all medical authorities that we will have beds in ample number for other purposes.

Mr. KINDRED. The peak will not be reached, as the gentleman will realize on reflection, for 10 or 15 years. In the meantime additional hospital facilities are required.

Mr. STAFFORD. While I respect the gentleman's opinion on all medical matters very highly, he does not agree at all with the expert opinion of the Medical Corps of the Army as to when the peak will be reached as to hospitalization of the veterans. I respect the gentleman's opinion as a medical man very highly, but on this question I must yield to the opinions of the Army medical officers.

Mr. NORTON. I will state to the gentleman that Doctor Cummings, the Surgeon General, informs me that the sole reason why the Government did not go ahead before in the construction of this hospital was that they found $400,000 was not sufficient for the construction of a proper hospital at that place. For that reason they have asked that the entire proceeds of the sale of the old hospital property be used.

Mr. STAFFORD. There is no limitation of cost proposed in this bill. Suppose this property sells for $2,000,000. The Public Health Service, the most extravagant branch of the Government service, would use all the money received. It has never been known to fail to use all of the money that it could.

Mr. NORTON. I wish the property would bring what the gentleman suggests, but it will not. I want to say that the hospital can not be properly used where it is to-day. The smoke pours in at the windows so that they can hardly use it. Eight of the New York Central and Pennsylvania Railroad tracks cross this property, and it is not a fit location for a hospital.

Mr. STAFFORD. Unless there is some limit of cost we should not launch on this extravagant policy, and I object.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. NORTON. I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10419) validating certain applications for and entries of public lands.

CONFERENCE REPORT—COAL.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent that the conferees on H. R. 12377, which is the coal bill, be allowed until 12 o'clock to-night, if necessary, to file a conference report and statement in order that it may be printed in the Record and be called up to-morrow.

The SPEAKER. The gentleman asks unanimous consent that the conferees have permission to print their report and statement at any time up until 12 o'clock to-night. Is there objection?

Mr. GARNER. Mr. Speaker, I presume that is agreeable to the gentleman from Texas [Mr. Rayburn], the minority member.

Mr. WINSLOW. I believe it is.

The SPEAKER. Is there objection?

There was no objection.

DEFICIENCY APPROPRIATIONS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may report a deficiency bill at any time up until 12 o'clock to-night.

Mr. GARRETT of Tennessee. That is not a conference report?

Mr. MONDELL. No.

Mr. GARRETT of Tennessee. The reporting of a bill?

Mr. MONDELL. Yes.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the Committee on Appropriations may report a deficiency appropriation bill at any time before midnight tonight. Is there objection?

Mr. GARRETT of Tennessee. I do not object.

There was no objection.

FEDERAL RESERVE BANKS OF ST. LOUIS AND SALT LAKE CITY.

The next business on the Calendar for Unanimous Consent was Senate Joint Resolution 208, authorizing the Federal Reserve Banks of St. Louis and Salt Lake City to enter into contracts for the erection of buildings for its head office and branches.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. LONGWORTH. Reserving the right to object, I would like to hear an explanation of this bill.

Mr. DALE. Mr. Speaker, this joint resolution comes before the House under very peculiar circumstances. All of the Federal reserve head offices with the exception of this one, that is 11 out of the 12, had constructed their buildings or had let the contracts for the construction of buildings when Congress last June passed an act under which the erection of these buildings must receive the consent of Congress if the amount to be used in their construction exceeds $250,000. That was done with the particular purpose of governing the construction of the member banks, and undoubtedly would never have received consideration as far as the head offices of the Federal reserve districts are concerned.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. DALE. Yes.

Mr. STAFFORD. Will the gentleman inform the House what is the total capital and surplus of the Federal Reserve Bank of St. Louis for which authorization of 25 per cent is made to build its head office building?

Mr. DALE. The total capital and surplus of the St. Louis head office bank is somewhat in excess of $14,000,000 and the

House committee cut this amount to 25 per cent. Authorization is given to use over $3,000,000 if they desire, but Mr. Martin, the president of the bank, appeared before the committee and went over their plans in detail, and they would not very much exceed $3,000,000.

Mr. STAFFORD. Has the gentleman any information as to what is the cost of the office building of the Federal reserve bank at Chicago?

Mr. DALE. Yes; the cost of the office building in Chicago, although I have not the exact figures, exceeded $10,000,000.

Mr. STAFFORD. That building was used for other purposes besides the Federal reserve bank.

Mr. DALE. I think the gentleman is not correct in that.

Mr. STAFFORD. It is an 11 or 12 story building, and this building is proposed to be but 5 stories.

Mr. LONGWORTH. My understanding is that all the buildings are for the use of the bank and not office buildings at all. The building in New York as I understand costs more than $25,000,000, and it is not used as an office building, but simply for the office of this bank. It seems to me it was a great waste of money.

Mr. STAFFORD. The building in Chicago is not rented——

Mr. LONGWORTH. I am speaking of the building in New York.

Mr. STAFFORD. The building in Chicago is about 12 stories in height, and I judged from the immensity of the building that it was to be used for other purposes.

Mr. LONGWORTH. I think the New York building is not, and it seems to me that three and a half million dollars is a large sum for a building that is not to be used as an office building. I would like to ask the gentleman if this building is to be used solely for the use of the Federal bank.

Mr. DALE. If you compare three and a half million dollars asked for by St. Louis with the amount expended by the other districts, you will find that this is very reasonable. Five of the other smaller districts exceeded $2,000,000.

Mr. LONGWORTH. I am protesting against the gross extravagance of the Federal banks using a building costing $25,000,000 in New York; I think that is the grossest extravagance. I want to prevent it in the future if I can. I ask the gentleman if this is solely for the use of the Federal banks?

Mr. DYER. It is expected that they will use all of the space.

Mr. LONGWORTH. How many employees have they?

Mr. DYER. I do not know how many there are. They are renting buildings all over the city and the leases are expiring. The city has passed an ordinance vacating others in order that the building may be erected; the leases expire within a limited time. This is the only reserve bank that has not its own building; the others have constructed theirs.

Mr. STAFFORD. I was rather influenced in favor of this bill from the fact that the bank had purchased land—I suppose in the banking center of the city—at a cost of one million and three hundred and odd thousand dollars. They purchased the land before Congress placed any limit on the erection of buildings. They have purchased the land and had the plans prepared, but withheld going ahead because of the high cost of labor and material. I did not think that in view of that fact and the fact that Chicago spent a larger sum on a building—which I could not criticize, as far as its construction is concerned, judged from the outside—and in view of the fact that five other banks have exceeded two millions in expense—one in New York and one in Chicago——

Mr. DALE. No; five have exceeded $2,000,000, three have exceeded $5,000,000, one has exceeded $7,000,000, one has exceeded $10,000,000, and one has exceeded $23,000,000.

Mr. STAFFORD. Very well, all have exceeded the $2,000,000.

Mr. LONGWORTH. What was the cost of the Cleveland building?

Mr. DALE. The Cleveland building cost exceeded $7,000,000.

Mr. WINGO. Will the gentleman yield?

Mr. DALE. I will.

Mr. WINGO. All the other buildings have cost three to five times as much as they propose to spend on this building.

Mr. GRAHAM of Illinois. Mr. Speaker, reserving the right to object——

Mr. LANGLEY. Reserving the right to object——

Mr. PARKS of Arkansas. Mr. Speaker, I call for the regular order.

The SPEAKER. Is there objection?

Mr. GRAHAM of Illinois. Reserving the right to object——

The SPEAKER. The gentleman from Arkansas calls for the regular order.

Mr. GRAHAM of Illinois. Unless I can get an opportunity to say something, I shall have to object.

Mr. LANGLEY. If I can not make a statement I shall object.

The SPEAKER. The Chair has no option in the matter. The gentleman from Arkansas asks for the regular order.

Mr. LANGLEY. I object.

CLOSING PINEY BRANCH ROAD, DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill S. 1066 to authorize the Commissioners of the District of Columbia to close Piney Branch Road between Seventeenth and Taylor Streets and Sixteenth and Allison Streets NW., rendered useless or unnecessary by reason of the opening and extension of streets called for in the permanent highway plan of the District of Columbia.

The SPEAKER. Is there objection?

Mr. EVANS. I object.

ACQUISITION OF LANDS FOR MILITARY PURPOSES.

The next business on the Calendar for Unanimous Consent was the bill S. 2885 to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes.

The SPEAKER. Is there objection to the considertion of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in order to provide for the payment of awards in condemnation proceedings heretofore instituted for the acquisition of title to lands needed for military purposes, and in order to save the investments of the Government in improvements erected upon lands occupied under leases for military purposes, and to avoid the payment of excessive rentals and restoration charges, and in order to complete certain other projects already begun, the following sums are hereby authorized to be appropriated for the acquisition of title to the lands hereinafter mentioned out of any moneys in the Treasury not otherwise appropriated, namely:

Morgan general ordnance depot, South Amboy, N. J.: For purchase of land occupied as a railroad right of way in connection with the ordnance depot, $300.

Pig Point ordnance reserve depot, Virginia: To complete acquisition of real estate, $3,000.

Middletown air intermediate depot, Middletown, Pa.: To complete the acquisition of real estate, $165,000.

Edgewood Arsenal, Edgewood, Md.: For the acquisition of a right of way for high-tension electric transmission line and telegraph and telephone line connection with the Edgewood Arsenal, now occupied under leases, $24,200.

Fitzsimons General Hospital, Denver, Colo.: For the purchase of land occupied as a railroad right of way connecting the hospital with the Union Pacific Railroad, $1,500.

Richmond air intermediate depot, Richmond, Va.: To complete the acquisition of title to land, in addition to the amount heretofore appropriated for that purpose, $275.

Walter Reed General Hospital, Washington, D. C.: For the acquisition of an addition thereto and for the site of medical museum and library, in addition to the sums heretofore appropriated for that purpose, $39,328.56.

Inland warehouses, Philadelphia, Pa.: For the acquisition of 60.70 acres of land now occupied under lease and to acquire 5.23 acres of land necessary in connection therewith, $575,000.

SEC. 2. That the Secretary of War is hereby authorized to enter into necessary contracts of purchase and make payments for such lands and to cause condemnation proceedings to be instituted where such action is deemed necessary or advisable, and out of the sum herein appropriated to pay final judgments in such condemnation cases, and to pay all necessary costs and expenses, including cost of abstracts, surveys, and recording fees incident to and necessary in carrying out the purposes of this act.

With the following committee amendments:

Page 2, line 18, strike out all down to and including line 21.

Page 3, line 2, strike out the figures "$39,328.56" and insert in lieu thereof the figures "$44,109.22."

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. MCKENZIE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DISPOSITION OF ARMS AND AMMUNITION SEIZED ALONG THE MEXICAN BORDER.

The next business on the Calendar for Unanimous Consent was the bill (S. 2621) authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 15, 1917, along the Mexican border.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he hereby is, authorized, through the Secretary of War, to sell, upon such terms as the Secretary of War shall deem expedient, such arms and ammunition now in the hands of the War Department and its bureaus as were seized under the provisions of or in pursuance of the act approved June 15, 1917 (40 Stat., pp. 223 to 225), and commonly called the "espionage act": *Provided*, That no such arms and ammunition shall be sold or offered for sale unless the owner thereof is unknown or that such arms and ammunition have remained unclaimed by the owner for a period of one year prior to such offer for sale. The proceeds of such sale, less the expense thereof, if any, shall be paid into the Treasury of the United States.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. McKenzie, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COLLECTION OF MONTHLY INSTALLMENTS OF INDEBTEDNESS BY GENERAL PRISONERS.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 3111) to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That if at the time of restoration to duty as an enlisted man, from the status of a general prisoner, such enlisted man is indebted to the United States or its instrumentalities, or to any Government agency, the amount of such indebtedness will be collected in monthly installments of not exceeding an amount equal to two-thirds of his monthly pay: *Provided*, That if such indebtedness of the enlisted man so charged against him at the time of his restoration be not fully liquidated before the date of expiration of his current enlistment or on such date thereafter to which he may be required to serve under the provisions of the one hundred and seventh article of war and his service subsequent to his restoration has been honest and faithful, then at the time of such enlisted man's discharge from his current enlistment the Secretary of War, if he deem such action to be in the interest of justice and for the best interest of the military service, under such regulations as he shall prescribe, may remit and cancel the portion of such indebtedness then remaining unpaid.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. McKenzie, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING SECTION 126, NATIONAL DEFENSE ACT.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 11173) to amend section 126 of the national defense act, approved June 3, 1916, as amended.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. JONES of Texas. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill a question. On page 2 of the bill the final proviso contains a stipulation that enlisted men under the age of 18 discharged on the application either of their parents or legal guardian shall be furnished transportation to their homes. Now, in connection with that does not the gentleman think that where the parents of a minor or the boy under 18 years old apply for his discharge he shall be given an honorable discharge? Now they always refuse to give an honorable discharge, even if the parents apply for the discharge. I am asking for information.

Mr. McKENZIE. I will say to the gentleman from Texas that this is a matter that has been discussed a number of times here in the House, and as I recollect there was an amendment enacted some time ago that required them to be given an honorable discharge. It is not a dishonorable discharge. Of course, the question arises if the young man goes into the Army through fraudulent representation whether or not he is entitled to an honorable discharge if his parents ask to take him out. Personally I would feel that there was no obligation on the part of the Government to give such a discharge to a young man 18 years of age who would go to a recruiting station and represent himself to be over 18 years of age and the Government legally accepts him and takes him in.

Mr. JONES of Texas. Assuming those specific facts, the gentleman's position is undoubtedly correct; but I know a number of instances where the recruiting officer has been as much and in many instances more to blame than the minor and does not seem to have taken as much pains as he should have under the circumstances in ascertaining the age of the applicant. It seems passing strange that a 16 or 17 year old boy can so easily deceive the big, grown-up, experienced recruiting officer. It is terrible the way these poor, innocent boys deceive them. Yet that is the logic of the Army system now in vogue.

Mr. GREENE of Vermont. I think the gentleman will find they do not get a dishonorable discharge. There are three forms of discharge.

Mr. JONES of Texas. I understand. The ordinary or blue discharge——

Mr. GREENE of Vermont. Is the gentleman quite sure?

Mr. JONES of Texas. I know a young man living in my home town who has been given an ordinary discharge who had gone through the war and had a military service of 28 months and——

Mr. GREENE of Vermont. There is what is known in the service as a discharge without honor, but that does not carry with it the penalties that are visited upon the holder of a dishonorable discharge.

Mr. JONES of Texas. In this case the man served 28 months, 14 months on the scene of active hostilities, with nothing against his record. He was given a blue or ordinary discharge. He was given the ordinary discharge or the intermediate discharge, whatever the proper term may be, but he is not given credit for his service in attempting to secure the patent for his land.

Mr. GREENE of Vermont. There are certain forfeits going to a man holding a discharge without honor, because it is only the man discharged with honor who retains his military record.

The dishonorable discharge is nothing more than the waiving of his honorable record or the right to claim it. It carries penalties with it, forfeitures, and one thing and another of that kind. It is a sort of punitive discharge, not merely a release without honor.

Mr. JONES of Texas. There is one other question I would like to ask in connection with this. I see provision is made for the payment of mileage to the homes of these boys who enlisted at less than 18 years of age. Has any provision been made, or is it in contemplation to make provision, for those boys who served in the war who have already been discharged?

Mr. McKENZIE. I do not think so. The real purpose of the amendment to this section, I will say to the gentleman from Texas, grows out of the fact that a soldier will sometimes enlist in the Army at a certain place and when it comes to getting his discharge he will say his home is in San Francisco when he probably enlisted at Norfolk. The real purpose of this is to provide that the Government shall give him transportation to the point nearest to the place where he enlisted.

Mr. JONES of Texas. I am not opposed to the general purposes of the bill, but I merely took occasion to ask these questions.

The SPEAKER. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 126 of the national defense act, approved June 3, 1916, as contained in section 3 of an act entitled "An act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment, and to wear the same under certain conditions," approved February 28, 1919, be, and hereby is, amended to read as follows:

"SEC. 126. Hereafter an enlisted man discharged from the Army, Navy, or Marine Corps, except by way of punishment for an offense, shall receive 5 cents per mile for the distance from the place of his discharge to the place of his acceptance for enlistment, enrollment, or muster into the service: *Provided*, That for sea travel involved in travel between place of discharge and place of acceptance for enrollment, enlistment, or muster into the service only transportaion in kind and subsistence en route shall be allowed: *Provided further*, That enlisted men under the age of 18 discharged on the application of either of their parents or legal guardian shall be furnished with transportaion in kind from the place of discharge to the railroad station at or nearest to the place of acceptance for enlistment, or to their home if the distance thereto is no greater than from the place of discharge to the place of acceptance for enlistment, but if the difference be greater they may be furnished transportation in kind for a distance equal to that from the place of discharge to the place of acceptance for enlistment."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. McKenzie, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DISTINGUISHED SERVICE CROSS MEDAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2192) authorizing the award of the distinguished service cross or distinguished service medal provided for in the act of July 9, 1918, to Army officers brevetted for gallantry during the war with Spain, Philippine insurrection, or China relief expedition.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. STAFFORD. I ask unanimous consent that the bill be passed over without prejudice.

Mr. JOHNSON of South Dakota. Mr. Speaker, will the gentleman reserve his objection?

Mr. STAFFORD. I will.

Mr. JOHNSON of South Dakota. It affects only a few men who had oversea service in the Spanish-American War and the Philippine insurrection. I hope the gentleman will make no objection to it. It affects a very few men who will not have justice done to them if this bill is not gotten through.

Mr. McKENZIE. Mr. Speaker, I desire to say to my friend from Wisconsin [Mr. STAFFORD] that the only purpose of this bill is to give the veteran officers and men of the Spanish-American War and the Philippine insurrection the privileges that have been given the veterans of other wars.

Mr. JOHNSON of South Dakota. It simply puts them on an equality with the veterans of the late war.

Mr. GREENE of Vermont. This medal is to go to men already officially on record cited for gallantry and bravery twenty-odd years ago, who yet were given nothing beyond that mere citation. In this late war an outward and visible sign of distinction has been given to the veterans of that war; an outward and visible sign of that inward and spiritual grace.

Mr. STAFFORD. The act authorizing the award of the distinguished service cross or distinguished medal of honor was to confer that honor on officers and enlisted men by reason of distinguished service.

Mr. GREENE of Vermont. It depended upon the character of the citation. We had no decoration other than the congressional medal of honor, which was given for distinguished service beyond the call of duty.

Mr. JOHNSON of South Dakota. Was there not also a certificate of merit?

Mr. GREENE of Vermont. Yes. There was a certificate of merit, which gave increase of pay to the enlisted men. The officers got nothing. These men are living side by side with other men receiving the same citation. It was thought well to give to the soldiers of the late war and their comrades of the Spanish-American War, having similar service and similar citation, the same medal. As it is now, the veterans of the Spanish-American War and the Philippine insurrection and the China expedition have nothing except their citation.

Mr. MONDELL. Mr. Speaker, I think there is some question as to whether, after having adopted a medal under the conditions which existed at the time we adopted it, we should now make provision that those who had served and rendered distinguished service and had been cited for gallantry many years prior to the creation of that medal should be granted this particular badge, which was proposed and provided for many years after the act. If we may go back to the Spanish-American War and the Philippine insurrection with the medals and the badges which have been provided long after those wars, why should we not go back to the Civil War? Why should we not go back to the earliest service represented by an officer or man now living?

I question the good taste of doing what is proposed in this bill. These men received the honor and the recognition provided for under the regulations of the time when they served and at the time their gallant acts were performed. Later we provided other methods of recognition. It does not strike me as being logical or reasonable or in good taste to take up cases that had occurred decades before these medals were provided for and say that those men also shall now be recognized, as though this medal was provided for at the time of their service.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. GREENE of Vermont. I want to suggest to the gentleman that his argument would be all right if it were not for the fact that we had already applied this World War distinction to Spanish War and Philippine insurrection men. This is only another group of men from those embraced within the narrow terms of the original act.

Mr. MONDELL. It all proves, I think, that the suggestions I made have a sound basis. Shall we go on awarding medals for service performed long since, medals thought of, proposed, and provided for many, many years after the service was rendered for which they are now to be decorated?

Mr. GREENE of Vermont. The gentleman realizes, because he keeps well informed as to all of these things——

Mr. MONDELL. I do not think it is reasonable or in good taste.

Mr. GREENE of Vermont. Of course, I plead guilty to all those indictments when I stand here to support a thing of that kind. Nevertheless my reason has not been affected by it particularly; and I want to suggest to the gentleman that the very list of officers of the Spanish War and the Philippine insurrection who are to be honored by these badges was a list sent in to Congress following the hostilities in which they made their gallant record, and they were then recommended for the only reward they could get under the existing law, which was a brevet military rank promotion.

Mr. MONDELL. And they received it. In other words, they received all the recognition then provided for.

Mr. GREENE of Vermont. But brevet military rank has since been abolished, and this medal is to take its place, and the men who have earned the medal since get it, while these men do not. It may be unreasonable to suggest that comrades standing side by side in gallant service should get equal recognition for the same bravery. That may be unreasonable in the minds of some gentlemen, but they must look at it from another standard than we do who favor this legislation.

Mr. MONDELL. If we extend this medal to the veterans of the Spanish War, is there any reason why we should not extend it to the veterans of the Civil War and the Mexican War?

Mr. GREENE of Vermont. The gentleman will recall that by the terms of this bill these are officers who are serving in the Army to-day.

Mr. JOHNSON of South Dakota. And officers in whose cases the recommendation has already been made.

Mr. MONDELL. If this reward is to be given, I am not sure that it should not be given equally to the men who have retired from active service as well as to the men who are still in the active service. I appreciate these services, but I question this method of recognition.

Mr. GREENE of Vermont. If that is true, then we should apply everything to the retired men. If we subsequently increase the pay of anybody now in the active service, I suppose the gentleman argues that we should make that retroactive. The question of unreasonableness may run to a tie here before we get through with it.

The SPEAKER. Is there objection?

Mr. STAFFORD. I ask that the matter go over without prejudice.

The SPEAKER. The gentleman asks that the bill go over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

LIMITATION ON MILITARY SERVICE IN FOREIGN POSSESSIONS OF THE UNITED STATES.

The next business on the Calendar for Unanimous Consent was the bill (S. 2363) to abolish the limitation on military service without the continental limits of the United States imposed by the act of Congress approved March 4, 1915.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JONES of Texas. I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

DISTRICT OF COLUMBIA INSURANCE FUND.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10034) creating the District of Columbia insurance fund for the benefit of employees injured and the dependents of employees killed in employments, providing for the administration of such fund by the United States Employees' Compensation Commission, and making an appropriation therefor.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SPROUL. Mr. Speaker, this is a very important bill. It has already had one day's consideration in the House on District of Columbia day. It is now the unfinished business on that day. I do not believe the bill should pass at the present time. Therefore I shall have to object.

Mr. FOCHT. I will ask the gentleman whether he will permit the bill to go over without prejudice?

Mr. SPROUL. No; I object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois objects. The Clerk will report the next bill.

SALE OF MILK, ETC., IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7746) to regulate within the District of Columbia the sale of milk, cream, and certain milk products, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MILLSPAUGH. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

SALARIES OF TEACHERS, ETC., IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10390) to amend the act entitled "An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, this is too important a bill to be considered on the Unanimous Consent Calendar, and I object.

Mr. FOCHT. Mr. Speaker, may I have the floor for five minutes?

The SPEAKER. The gentleman does not have that right except by the courtesy of the gentleman from Wisconsin [Mr. STAFFORD], who objects.

Mr. FOCHT. I do not want to take up the time of the House.

Mr. STAFFORD. I will not object to this bill being passed without prejudice, as the gentleman wishes.

The SPEAKER. Is there objection to the bill being passed without prejudice?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

ADDITIONAL TERMINAL FACILITIES IN SQUARES 710 AND 712.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6650) providing additional terminal facilities in square east of 710 and square 712 in the District of Columbia for freight traffic.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FOCHT. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

Mr. STAFFORD. Why not consider it now?

Mr. FOCHT. The gentleman does not seem to think there is time enough to consider these bills.

Mr. STAFFORD. We have plenty of time for this bill. I am sure there is no objection to it.

Mr. FOCHT. It does seem to me very strange that this new leadership should be so arrogant, with all the bills considered before the Committee on the District of Columbia, that the gentleman is willing to have all his bills passed, and that he must object to the others. We just had called up one of the most important bills on behalf of the District of Columbia that we have had this session—the bill with respect to the salaries of teachers—and I do not see why the gentleman should object to the consideration of that.

Mr. SANDERS of Indiana. Mr. Speaker, what is before the House now?

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FOCHT. I withdraw objection, Mr. Speaker.

The SPEAKER. The gentleman withdraws his objection. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted etc., That any railroad company now or hereafter having tracks in the District of Columbia, or operating over the line of any other railroad in the District of Columbia, shall have the right to have freight transported by it delivered upon the tracks of any other railroad in the square east of square 710 and in square 712 in the District of Columbia upon the payment to the railroad whose tracks are used for such purpose of a reasonable switching charge, which shall include the return of the empty car for every car so switched to said tracks; and if the parties be unable to agree upon such charges, then the same shall be prescribed by the Interstate Commerce Commission upon the petition of any party in interest.

SEC. 2. That all railroads described in section 1 of this act be, and they are hereby, required to accept shipments of freight for delivery in and upon said square east of 710 and in and upon square 712.

SEC. 3. That all laws and parts of laws that are in conflict with this act are hereby repealed to the extent of such conflict.

SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. FOCHT, a motion to reconsider the vote by which the bill was passed was laid on the table.

PREVENTION OF VENEREAL DISEASES IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11021) for the prevention of venereal diseases in the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, I am quite certain that if we should launch upon the consideration of this important bill, with which I am in sympathy, it would take an hour or two and perhaps all afternoon. It is too important a bill to consider on this calendar, and, therefore, I object.

Mr. FOCHT. I ask unanimous consent that this bill go over without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill go over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

EXTENSION AND WIDENING OF NINTH STREET.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 7454) to authorize the extension and widening of Ninth Street from Longfellow Street NW. to Underwood Street, and Underwood Street from Ninth Street to Georgia Avenue NW.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill.

There was no objection.

The bill was read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension and widening of Ninth Street NW. from Longfellow Street to Underwood Street, and Underwood Street from Ninth Street to Georgia Avenue, in accordance with the plan of the permanent system of highways for the District of Columbia.

SEC. 2. That an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages is hereby authorized, payable out of the revenues of the District of Columbia; the amounts collected as benefits to be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. If my memory serves me aright, within the last few days a Senate bill of similar import to this came over to the House. I do not know whether the chairman of the Committee on the District of Columbia has that bill in his possession or not.

Mr. FOCHT. No; I have not.

Mr. STAFFORD. The chairman of the committee advises me that he has not the bill.

Mr. FOCHT. It is identical, however, with this bill.

Mr. STAFFORD. I ask unanimous consent that the bill be passed over until the Senate bill can be obtained so as to make a motion to substitute the Senate bill for the House bill.

The SPEAKER. The gentleman asks unanimous consent that the bill be temporarily postponed. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

EXTENSION OF PARK SYSTEM IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10275) authorizing the extension of the park system in the District of Columbia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STAFFORD. I object.

Mr. FOCHT. I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this bill retain its place on the calendar. Is there objection?

Mr. STAFFORD. I object.

PAYMENT OF CLAIMS FOR MATERIAL AND LABOR FURNISHED FOR THE DISTRICT OF COLUMBIA BUILDINGS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5027) to amend an act approved February 28, 1899, entitled "An act relative to the payment of claims for material and labor furnished for the District of Columbia buildings."

The SPEAKER. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings," approved February 28, 1899, is hereby amended so as to read as follows:

"That hereafter any person or persons entering into a formal contract with the District of Columbia for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the United States or the District of Columbia on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States or the District of Columbia. If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the United States or the District of Columbia, the remainder shall be distributed pro rata among said intervenors. If no suit should be brought by the United States or the District of Columbia within six months from the completion and final settlement of said contract, then the person or persons supplying the contractor with labor and materials shall, upon application therefor, and furnishing affidavit to the department under the direction of which said work has been prosecuted that labor or materials for the prosecution of such work has been supplied by him or them, and payment for which has not been made, be furnished with a certified copy of said contract and bond, upon which he or they shall have a right of action, and shall be, and are hereby, authorized to bring suit in the name of the United States or the District of Columbia, for his or their use and benefit, against said contractor and his sureties, and to prosecute the same to final judgment and execution: *Provided*, That where suit is instituted by any of such creditors on the bond of the contractor it shall not be commenced until after the complete performance of said contract and final settlement thereof, and shall be commenced within one year after the performance and final settlement of said contract, and not later: *And provided further*, That where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made a party thereto within one year from the completion of the work under said contract, and not later. If the recovery on the bond should be inadequate to pay the amounts found due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of recovery. The surety on said bond may pay into court, for distribution among said claimants and creditors, the full amount of the sureties' liability, to wit, the penalty named in the bond, less any amount which said surety may have had to pay to the United States or the District of Columbia by reason of the execution of said bond, and upon so doing the surety will be relieved from further liability: *Provided further*, That in all suits instituted under the provisions of this act such personal notice of the pendency of such suits, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto notice of publication in some newspaper of general circulation, published in the District of Columbia, for at least three successive weeks, the last publication to be at least three months before the time limited therefor."

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. FOCHT. Yes.

Mr. MOORE of Virginia. Is this bill approved by the authorities of the District of Columbia? I ask it because it seems to be a very important bill and not altogether uncomplicated.

Mr. FOCHT. I think it is the opinion of all that it ought to pass. It is simply enlarging and extending the rights of the man who furnishes the material and of the mechanics. In Pennsylvania we have a law which protected the mechanics and whoever supplied the material for six months and to the amount of $500. We enlarged that to a year, and that is the purpose of this bill.

Mr. MOORE of Virginia. It varies very much in different localities, but I wanted to know whether there had been any objection raised to the bill or any controversy about it.

Mr. FOCHT. Not at all. They want better protection for the men that work who furnished the material.

The bill was ordered to be read a third time, was read the third time, and passed.

EXTENSION AND WIDENING OF NINTH STREET.

Mr. MILLSPAUGH. Mr. Speaker, I ask unanimous consent to discharge the Committee on the District of Columbia from further consideration of the bill S. 2377, and consider it in lieu of the bill H. R. 7454.

The SPEAKER. The gentleman from Missouri asks unanimous consent to discharge the Committee on the District of Columbia from further consideration of the bill S. 2377 in place of the House bill which has been reported. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

A bill (S. 2377) to authorize the extension and widening of Ninth Street from Longfellow Street NW. to Underwood Street, and Underwood Street from Ninth Street to Georgia Avenue NW.

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia be, and they are hereby, authorized, and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessaray for the extension and widening of Ninth Street NW. from Longfellow Street to Underwood Street, and Underwood Street from Ninth Street to Georgia Avenue, in accordance with the plan of the permanent system of the highways for the District of Columbia.

SEC. 2. That an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of the amounts awarded as damages is hereby authorized, payable out of the revenues of the District of Columbia; the amounts collected as benefits to be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The House bill was laid on the table.

On motion of Mr. MILLSPAUGH, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PARKWAY TO CONNECT OLD CIVIL WAR FORTS IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8792) to make the necessary survey and to prepare a plan of a proposed parkway to connect the old Civil War forts in the District of Columbia.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

INVESTIGATION OF TRI-COUNTY IRRIGATION PROJECT, NEBRASKA.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 215, providing for reinvestigation of the tri-county irrigation project, Nebraska.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to make a reinvestigation of the tri-county project in Nebraska, comprising the counties of Gosper, Phelps, and Kearney, in said State, and to extend said investigation into Adams County, Nebr., with a view of ascertaining whether it is practicable to convey for irrigation purposes flood waters from the Platte River onto the lands of said counties

For the purpose of making said investigation and survey there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000.

The Clerk read the following committee amendments:

In line 4, strike out the words "a reinvestigation" and insert in lieu thereof the words "an additional investigation."

In line 9, after the word "onto," strike out the word "the."

In line 9, after the word "lands," strike out the word "of" and insert in lieu thereof the word "in."

Strike out all of lines 1, 2, and 3, on page 2.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment to the first committee amendment.

The Clerk read as follows:

Amendment to the committee amendment proposed by Mr. STAFFORD: Page 1, line 4, after the word "advance," insert the word "of."

Mr. HAYDEN. That was a clerical error.

The amendment was agreed to.

The committee amendments were agreed to.

Mr. SANDERS of Indiana. Mr. Speaker, in view of the amendment in line 5, should it not be amended so as to read "additional investigation"?

Mr. STAFFORD. Perhaps additional investigation might be something different from reinvestigation, but it is rather a fine distinction.

Mr. SANDERS of Indiana. I notice the committee has stricken out the investigation and written additional investigation.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read the third time, and was read the third time.

Mr. SANDERS of Indiana. I ask that the title be amended to conform to the text.

The SPEAKER. The gentleman from Indiana asks that the title be amended to conform to the text. Is there objection?

There was no objection.

The SPEAKER. There are no further bills on the Unanimous Consent Calendar which were put on in time.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that we may proceed with the consideration of the bills remaining on the Unanimous Consent Calendar.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the remaining bills on the calendar, although not having been there three days, may be considered. Is there objection?

Mr. LONDON. Reserving the right to object, that means subject to the usual objection in each case?

Mr. MONDELL. Yes.

The SPEAKER. The Chair hears no objection.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter from the Director of the Irrigation Service to the chairman of the Committee on Arid Lands in relation to the bill which we have just passed.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., September 15, 1922.

Hon. ADDISON T. SMITH,
House of Representatives, Washington, D. C.

MY DEAR MR. SMITH: In response to your telephone inquiry in regard to House Joint Resolution 354 and the letters of the Secretary of the Interior of June 28 reporting thereon, the following memorandum gives the principal facts relating to our previous investigation of the tri-county project in Nebraska.

From the fourteenth annual report of the Reclamation Service, page 170:

"Claim has been made by the people living along the Platte River in Nebraska that sufficient water was available in that stream during the winter and spring months for the irrigation by direct diversion into canals of a considerable area of land in Gosper, Phelps, and Kearney Counties, Nebr. The Secretary accordingly approved orders for a preliminary survey and investigation to determine the feasibility and approximate cost of the necessary irrigation works, and on February 28, 1914, the comptroller approved an expenditure of $10,000, or such part thereof as may be necessary, for a preliminary investigation. Mr. Charles T. Pease, engineer, was assigned to this work, and was in the field with a survey party during June, July, and August, 1914, making a reconnaissance to ascertain the probable amount of water available, the area of land to which it could be applied, and the approximate cost of construction of a flood-water canal for this purpose. A report was submitted on October 16, 1914, signed by R. F. Walter, supervising engineer, United States Reclamation Service; C. T. Pease, engineer, United States Reclamation Service; G. E. Condra, director, Nebraska Water Supply Survey, who concurred in the conclusions of the report as affecting the tri-county project; and Donald D. Price, State engineer of Nebraska. The conclusions of this report are as follows:

"1. That there is during ordinary years flood water in the Platte River between March 1 and June 30 in excess of the present consumption, amounting to approximately 340,000 acre-feet, and that there is, as a rule, no flood water in the river above present consumption after July 1.

"2. That the outstanding appropriations amount to more than the river discharge, but that only 1,000 second-feet of water are now being used below North Platte.

"3. That in order to secure a reliable water supply it will be necessary for the State of Nebraska to cancel all appropriations from the Platte River east of North Platte in excess of the 1,000 second-feet now used.

"4. That no steps should be taken toward the construction of this project until all excess appropriations have been canceled.

"5. That after all excess appropriations have been canceled about 140,000 acre-feet of water can, under the plans submitted, be delivered to the land embraced in this project between March 1 and June 30 and none after July 1.

"6. That the cost of constructing this project, as outlined in the report, will be between $30 and $35 per acre for 140,000 acres of irrigable land.

"7. That there are no public lands in this project, all being in private ownership."

While, as noted above, the sum of $10,000 was allotted for this work, the actual expenditure was less than $3,400. It is also to be noted that the cost estimate under conclusion 6 above is based upon 1914 prices.

The complete report of October 16, 1914, referred to in the above, is on file in this office and may be consulted at any time.

Yours very truly,

MORRIS BIEN, *Acting Director.*

RELIEF OF CONTRACTORS FOR POST OFFICES AND OTHER BUILDINGS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 7658) to amend the act approved August 25, 1919, entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes."

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LONGWORTH). Is there objection to the present consideration of this bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire who is the individual who had the mental incompetency or was so otherwise afflicted mentally that he was not able to file his claim within the prescribed time allowed under the act of August 25, 1919?

Mr. NORTON. Mr. Dall, who appeared before us, and, in the opinion of the committee, we thought a bill ought to be drawn to cover this case. It is a case in which a man named Dall prior to the war had a contract to construct a work at Baltimore. He also had a switch. They took the switch away from him, and the price of labor going up he was required to pay more than he expected under his contract. He went ahead notwithstanding and completed the contract. But the loss was so great that his mind was affected by reason of it and he went to a sanatorium.

Mr. STAFFORD. In view of that statement of fact I withdraw the reservation of the right to object.

Mr. SPROUL. It is the man who had the contract for the building of the Central High School?

Mr. NORTON. This is the only claim that he makes.

Mr. SPROUL. He had a claim against the District for some ten or fifteen thousand dollars.

Mr. NORTON. But he did not make any claim before the committee for that.

Mr. SPROUL. That is not covered in this?

Mr. NORTON. No.

Mr. MOORE of Virginia. If the gentleman will permit, as the bill is drawn it would even cover a case where the claimant's lawyer or agent was mentally disabled.

Mr. CHINDBLOM. The fact is that this is a close corporation where the man himself owned the stock. It was a one-man corporation.

Mr. BANKHEAD. Do I understand the gentleman to say that this man owned the stock?

Mr. CHINDBLOM. This was a one-man corporation owning the stock, and he managed the corporation and nobody else had anything to do with it. The language of the bill was framed in this way in order to cover this case. I will say the gentleman from Cleveland [Mr. BURTON] talked to me about this case.

Mr. BANKHEAD. Would it not be rather difficult to establish the mental disability of a corporation? Does not the gentleman think there should be an amendment?

Mr. CHINDBLOM. No; I think an amendment would defeat the purpose of the bill.

Mr. MOORE of Virginia. In view of the explanation, that did not appear in the report, I believe the gentleman is correct in saying that the purpose of the bill would be defeated should it be amended, and I have no desire to obstruct the passage of the bill.

Mr. CHINDBLOM. I may state there is only one claim of this sort.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. EVANS. Do I understand that there was a claim for a school building?

Mr. SPROUL. No; he did not make a claim for the Central High School. I was on the subcommittee that investigated that.

Mr. STAFFORD. Under the original act the construction of that building would not have been within the purview of the Treasury Department, to which this bill is limited.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act approved August 25, 1919, entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," be, and the same hereby is, amended so as to authorize the Secretary of the Treasury to consider and act upon any claim embraced within the provisions of the aforesaid act, approved August 25, 1919, where the failure to file said claim within the period of three months fixed in said act was due to mental disability on the part of the person in charge of such contract and claim, provided such claim be filed within 60 days from the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. NORTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FACILITATION OF WORK OF TRAVELING SALESMEN ABROAD.

The next business on the Calendar for Unanimous Consent was the bill (S. 2716) to give effect to certain provisions of conventions with foreign governments for facilitating the work of traveling salesmen.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 2716) to give effect to certain provisions of conventions with foreign governments for facilitating the work of traveling salesmen.

Whereas the United States has entered into conventions with the Governments of Uruguay, Guatemala, Salvador, Panama, and Venezuela which were signed on August 27, 1918; December 3, 1918; January 28, 1919; February 8, 1919; and July 3, 1919, respectively, for facilitating the work of traveling salesmen; and

Whereas Articles I and II of each of said conventions read as follows:

"ARTICLE I. Manufactures, merchants, and traders domiciled within the jurisdiction of one of the high contracting parties may operate as commercial travelers either personally or by means of agents or employees within the jurisdiction of the other high contracting party on obtaining from the latter, upon payment of a single fee, a license which shall be valid throughout its entire territorial jurisdiction.

"In case either of the high contracting parties shall be engaged in war, it reserves to itself the right to prevent from operating within its jurisdiction under the provisions of this treaty, or otherwise, enemy nationals or other aliens whose presence it may consider prejudicial to public order and national safety.

"ART. II. In order to secure the license above mentioned the applicant must obtain from the country of domicile of the manufacturers, merchants, and traders represented a certificate attesting his character as commercial traveler. This certificate, which shall be issued by the authority to be designated in each country for the purpose, shall be viséed by the consul of the country in which the applicant proposes to operate, and the authorities of the latter shall, upon the presentation of such certificate, issue to the applicant the national license as provided in Article I": Now, therefore,

Be it enacted, etc., That the Secretary of Commerce, or any person in the Department of Commerce designated by him, is hereby authorized to issue the licenses and certificates of identification which are provided for by the said Articles I and II, respectively, of the said conventions, or which may be provided for by similar articles in any convention or treaty that may hereafter be concluded by the United States with a foreign government, and is further authorized to collect a reasonable fee for each license and certificate of identification issued. The amount of such fee shall be fixed by regulations made by the Secretary of Commerce and shall be paid into the Treasury of the United States quarterly.

With a committee amendment as follows:

On page 1, on the third line of the second whereas, strike out the word "Manufactures" and insert the word "Manufacturers."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

Mr. CHINDBLOM. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Illinois moves to strike out the last word.

Mr. CHINDBLOM. Is there anyone in charge of this legislation?

Mr. GRAHAM of Illinois rose.

Mr. CHINDBLOM. Does not the representative of the committee think that the whereases should be stricken out and this bill enacted like ordinary legislation?

Mr. GRAHAM of Illinois. Well, I believe that in this particular instance I would rather include some portions of the treaties which throw some light on the act itself.

Now, the ordinary method, I am sure, is to strike out the whereases and not have these preambles. But sometimes they are retained. For instance, you will notice in article 2, quoted on page 2, the treaty itself states how the certificate shall be viséed, and how, upon presentation of that viséed certificate to the country to which the commercial traveler is going, a license shall be issued. That itself is not stated in the body of the act, and inasmuch as it is taken in connection with the act itself, it occurred to the committee that it might be very advantageous to quote it. It shows plainly to the administrative officers how it is to be done.

Mr. CHINDBLOM. That article, as well as the article which succeeds it, is part of the conventions entered into with the Governments of Uruguay, Guatemala, Salvador, Panama, and Venezuela. Therefore the treaties are already a part of the law of the land.

Mr. GRAHAM of Illinois. I know they are a part of the law of the land, and the point the gentleman makes is not objectionable under ordinary circumstances; but it was thought advisable by the committee in this case to keep it in there for the purpose of clarifying the act itself and avoiding the repetition of other matters in that act.

Mr. SANDERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. SANDERS of Indiana. In this particular case, if the preamble is stricken out, the act itself would have to be amended, because instead of citing the necessary facts, the bill has the following language in line 6, "which are provided for by the said Articles I and II, respectively, of the said conventions." It would not do merely to strike that out.

Mr. CHINDBLOM. I understand that. I would propose to follow it up with other suggestions. It is just as well to recite the conventions in the bill itself as in the preamble.

Mr. STAFFORD. If the gentleman will permit, that would not meet the issue, because the gentleman knows that this bill in its scope is intended not only to cover existing conventions but other conventions that will be executed in the future.

Mr. CHINDBLOM. But by referring to these articles, and by reference to the conventions, you can certainly indicate the kind of future conventions that are to be executed.

Mr. STAFFORD. The gentleman wishes to revamp the whole bill.

Mr. CHINDBLOM. I will not press the point, but it is an inartistic way, in my judgment, of presenting a bill.

Mr. GRAHAM of Illinois. I understand that. But under the circumstances, and seeing the emergency that confronts us in the matter, I think it should go through as it is.

Mr. MOORE of Virginia. Mr. Speaker, if the gentleman will permit me, I think it is a good practice to print the bill in that way, because you are giving notice to whoever has occasion to examine into the facts.

Mr. CHINDBLOM. Does the gentleman take the position that the whereases are a part of the bill?

Mr. MOORE of Virginia. No. I do not think it is necessary to determine whether they are a part of the bill or not, but they are valuable for giving information.

Mr. GRAHAM of Illinois. Yes. I think it would be valuable in a lot of legislation, instead of making the citation to a treaty or act, to embody in the act itself what particular thing it was that was referred to.

The SPEAKER pro tempore. Without objection, the pro forma amendment is withdrawn.

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM of Illinois, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

DAM ACROSS MAHONING RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 3733) granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River, in the State of Ohio.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Warren, Ohio, and its successors and assigns, to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam across the Mahoning River, in the city of Warren, in the county of Trumbull, in the State of Ohio: *Provided,* That the work shall not be commenced until the plans therefor have been filed with and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further,* That this act shall not be construed to authorize the use of such dam to develop water power or generate electricity.

SEC. 2. That this act shall be null and void unless the actual construction of the dam hereby authorized is commenced within one year and completed within three years from the date hereof: *Provided,* That the consent hereby given shall terminate and be at an end from and after 30 days' notice from the Federal Power Commission, or other authorized agency of the United States, to said company or its successors, that desirable water-power development will be interfered with by the existence of said dam; and any grantee or licensee of the United States proposing to develop a power project at or near said dam shall have authority to remove, submerge, or utilize said dam under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of said dam if the water level to be maintained in said power project is higher than the level of the crest of said dam.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COOPER of Ohio, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER, W. VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12473) granting the consent of Congress to the Wynco Block Coal Co., a corporation, to construct a bridge across the Tug Fork of Big Sandy River, in Mingo County, W. Va.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Wynco Block Coal Co., a corporation, its successors and assigns, to construct, maintain, and operate a suspension or foot bridge, and approaches thereto, across the Tug Fork of Big Sandy River, at a point suitable to the interests of navigation, and at or near Naugatuck, in the county of Mingo, State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. Cooper of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE WEST BRANCH OF SUSQUEHANNA RIVER, LYCOMING COUNTY, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12170) to revive and reenact the act entitled "An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa.," approved August 11, 1916.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the act approved August 11, 1916, authorizing the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge hereby authorized be commenced within one year and completed within three years from the date of approval hereof.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was accordingly read the third time, and passed.

On motion of Mr. Graham of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS GRAND CALUMET RIVER, IND.

The next business on the Calendar for Unanimous Consent was the bill (S. 3793) to authorize the Gary Tube Co. to construct a bridge across the Grand Calumet River in the State of Indiana.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That the Gary Tube Co., a corporation organized under the laws of the State of Indiana, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Grand Calumet River, at a point suitable to the interests of navigation, in the northeast quarter of section 3, township 36 north, range 8 west of the second principal meridian, in Lake County, in the State of Indiana, said bridge to be built across the Grand Calumet River in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

On motion of Mr. Sanders of Indiana, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS GRAND CALUMET RIVER, IND.

The next business on the Calendar for Unanimous Consent was the bill (S. 3834) to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Grand Calumet River in the State of Indiana.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Chicago, Lake Shore & Eastern Railway Co., a corporation organized under the laws of the States of Indiana and Illinois, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Grand Calumet River at a point suitable to the interests of navigation in the southwest quarter of section 36, township 37 north, range 8 west of the second principal meridian, in Lake County, in the State of Indiana; said bridge to be built across the Grand Calumet River in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is expressly reserved.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

On motion of Mr. Graham of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, RAY COUNTY, MO.

The next business on the Calendar for Unanimous Consent was the bill (S. 3938) granting the consent of Congress to the county courts of Lafayette and Ray Counties, State of Missouri, to construct a bridge across the Missouri River.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county courts of Lafayette and Ray Counties, in the State of Missouri, to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near the city of Lexington, in the county of Lafayette and State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. Graham of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11971) providing for publicity of contributions made for the purpose of influencing general and special elections at which Representatives in Congress and Members of the United States Senate are elected.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. CURRY. Mr. Speaker, I object.

The SPEAKER. Objection is made. The Clerk will report the next bill.

CERTAIN LANDS IN FLORIDA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3641) to grant and confirm to the State of Florida title in and to sections 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That all the unsurveyed sections 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, under the provisions of the act of September 28, 1850 (9 Stat. L., p. 519), embracing the so-called Everglades, not mineral in character and not occupied on May 27, 1922, by bona fide settlers under the homestead law, be, and the same are hereby, reserved, granted, and confirmed to the State of Florida for the benefit of public schools as though the official surveys had been extended over such lands.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. Sears, a motion to reconsider the vote by which the bill was passed was laid on the table.

BLACKSTRAP MOLASSES.

Mr. GREEN of Iowa. Mr. Speaker, I send to the desk a concurrent resolution and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of a concurrent resolution, which the Clerk will report.

The Clerk read House Concurrent Resolution 68, as follows:

House Concurrent Resolution 68.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 7456) entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," the Clerk is hereby authorized and directed to insert in paragraph 502 of the bill as amended, after the word "gallon" in the last line, the following: "; testing above 52 and not above 56 per cent total sugars not imported to be commercially used for the extraction of sugar, or for human consumption, one-sixth of 1 cent additional for each per cent of total sugars and fractions of a per cent in proportion."

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to address the House for two minutes in explanation of this concurrent resolution.

The SPEAKER. The gentleman from Iowa asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, this resolution was unanimously reported this morning from the Ways and Means Committee. There is no objection whatever to it that I know of on either side of the House. The purpose is to correct an error that inadvertently crept into the tariff bill with reference to the degree of total sugars in blackstrap, which was admitted at a low rate of duty. Owing to the fact that both the House and the Senate changed the test of molasses from the polariscope test to a test of total sugars, when we came to fix the degree of admission of blackstrap we overlooked the fact that those two tests gave quite different results as applied to molasses, with the result that the degree at which blackstrap might be admitted was inadvertently placed altogether too low, and if the provisions of the bill were carried out it would have the effect to place such a duty on quite a proportion of blackstrap as would probably prevent its importation, something that the conferees did not at all intend. The Senate placed it on the free list. The conferees agreed to a low duty on blackstrap, and the purpose of this resolution is to carry out the purpose of the conferees.

Mr. STAFFORD. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. STAFFORD. During the consideration of the tariff bill in the House there was a fight made either to lower the duty on blackstrap or else to put it on the free list. Did the Senate rates increase the duty or the rates agreed to in conference over those passed by the House bill?

Mr. GREEN of Iowa. On the contrary, the duties agreed upon by the conferees were lower than those in the House bill unless we leave the bill in its present erroneous form, which we did not intend.

Mr. ELLIS. The Senate put it on the free list.

Mr. GREEN of Iowa. That is true, and the conferees agreed upon a low duty, but the paragraph as drawn did not carry out the intention of the conferees.

Mr. GARNER. Mr. Speaker, as I understand this is partly a request for unanimous consent for consideration of the concurrent resolution?

The SPEAKER. Yes.

Mr. GARNER. I hope there will be no objection to that. I would like to have a few minutes when the gentleman gets unanimous consent.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, just one word further. The gentleman from Louisiana [Mr. MARTIN] wanted me to state that while he would prefer that the rates in the bill would stand as they are, still he thought it was not fair to the conferees that the rates should remain that way, because this was an inadvertence, that it would not be keeping good faith with the conferees if he objected, and that he would not object to the resolution. Accordingly he told me to state to the House that under the circumstances he would make no objection to the correction of the error.

Mr. GARNER. Will the gentleman yield to me five minutes?

Mr. GREEN of Iowa. I yield five minutes to the gentleman.

Mr. GARNER. Mr. Speaker, I just want to say to the House that, of course, the gentleman from Louisiana [Mr. MARTIN] naturally agrees to this, although he would like to have the provisions of the bill remain as they are at present, because it would absolutely prohibit the importation of the larger portion of blackstrap molasses that comes in from Cuba.

I simply want to say that this is just the beginning, or rather the second effort of the committee to correct a bad job that has been in process of accumulation for the last 20 months. The gentleman from Iowa [Mr. GREEN], a member of the Ways and Means Committee, was very much opposed to any duty at all, as a matter of fact, on this particular article, but in the House he yielded and had to admit a certain degree of protection for this blackstrap molasses that is used by the people of his State. The bill went over to the Senate and the Senate put blackstrap on the free list. It came back to conference and the gentleman from Iowa [Mr. GREEN] and the other conferees undertook to make it less than it was in the House, and compromised on a provision between the Senate and the House rate which had made it absolutely prohibitive. This is not the only strap that is going to be used on that committee and on the Republican Party during the next month or two, or the next two or three years, but there will be other straps that will be applied to them. They will be political straps mostly. The only thing I regret about it, Mr. Speaker, is that we can not change the work of the conferees in some of their commissions rather than omissions. I wish that we could change some of the things that were put into the bill deliberately by the conferees in place of some of the things that were put in by mistake. Nobody wants to keep the gentleman from Iowa [Mr. GREEN] from correcting the bill as originally intended. So nobody objected to change of coconuts from the dutiable to the free list. No one will object to this. I do want to call the attention of the House to the fact that you gentlemen will be here for the next two or four years. [Applause on the Republican side.] You had better applaud now because all of you are not going to be here for the next year. Quite a number will go out. You have already made the calculations that you will not have 25 majority, and you had better enjoy it while you can. [Laughter.] But those of you who do remain will find that the Committee on Ways and Means will be coming before you with a number of popgun bills undertaking to correct mistakes, as they will term them, that have crept in under the administration of the law. Many of them under the pretense of mistakes will be the correction of things the people have discovered as omissions. [Applause.]

Mr. GREEN of Iowa. Mr. Speaker, the tariff bill has over a thousand paragraphs and 10,000 items with 2,000 amendments. We have been very fortunate and have done very well to have found only two corrections.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MOORE of Virginia. Does the gentleman expect the Ways and Means Committee to bring in any independent legislation before the adjournment with reference to the dye embargo?

Mr. GREEN of Iowa. Nothing further of this kind.

Mr. MOORE of Virginia. Nothing further of this kind, but is it contemplated that a resolution will be brought in extending the dye embargo?

Mr. GREEN of Iowa. I am unable to answer the question. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to return to Calendar No. 398, H. R. 11971.

The SPEAKER. The gentleman asks unanimous consent to return to Calendar No. 398, and that it be again submitted to the House. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the present consideration of the bill H. R. 11971?

Mr. BEGG. The gentleman from California objected to it a moment ago, but he has left the room.

Mr. CABLE. The gentleman from California stated that he withdrew his objection. Reserving the right to object, how much time will be allowed for debate?

The SPEAKER. That all depends on the House. The gentleman will be recognized for one hour. Is there objection to the present consideration of the bill?

Mr. SANDERS of Indiana. Reserving the right to object, this is a privileged bill, and I think there ought to be some explanation by the gentleman in charge before we give consent for its consideration.

Mr. ANDREWS of Nebraska. I will make a statement when we come to consider it.

Mr. SANDERS of Indiana. But I would like the statement before consent is given to consider it.

Mr. ANDREWS of Nebraska. Mr. Speaker, the House bill (H. R. 11971) recasts the law as it formerly existed with respect to elections, omitting the question of primaries, which the decision of the Supreme Court laid aside. No new question was introduced in the House bill, and there is nothing new in the Senate bill. The Senate amended its bill, and it came over and was referred to our committee, but we were unable to secure a quorum of the committee to pass upon it. It is now the purpose, after conference with the members of the committee on both sides, to strike out the terms of the House bill and substitute the Senate bill therefor. That bill has already passed in the Senate, and if we take what they have sent over and send it back in that form we may secure a revival of the law relating to elections so that it will be effective this year.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. SANDERS of Indiana. If the bill is passed as passed by the Senate, does it become effective and retroactive, or what is the effect?

Mr. ANDREWS of Nebraska. It would apply from the date of its approval.

Mr. SANDERS of Indiana. Suppose A and B are in a race for the Senate. A has already spent $18,000, and B has been here in the Senate and goes back home; is B limited under the terms of this bill to the amount set out in the bill and will A be allowed to go ahead and spend the same amount?

Mr. ANDREWS of Nebraska. The gentleman is a lawyer, and he will readily see the application to each individual. My answer would be that the law would apply to both, that they could not exceed $10,000 as provided in the bill.

Mr. SANDERS of Indiana. And the man who had already spent $18,000 could spend $10,000 more, and the man who had spent nothing could spend only $10,000.

Mr. ANDREWS of Nebraska. It is the presumption that nobody will violate the strict spirit or principle of the law that we have had heretofore. I know that is a violent presumption, but at the same time it is a reasonable presumption.

Mr. SANDERS of Indiana. Mr. Speaker, I object.

Mr. ANDREWS of Nebraska. Mr. Speaker, I regret that the gentleman from Indiana deems it necessary to object to the present consideration of this bill. Under leave to extend my remarks, however, I invite attention to the existing situation.

The legislation proposed by this bill has become necessary on account of the decision of the Supreme Court of the United States in the Newberry case on May 2, 1921. The Federal corrupt practices act, as embodied in section 8, act of Congress, approved June 25, 1910, as amended by the act of August 19, 1911, was held by that decision to be unconstitutional in relation to primary and convention nominations of the United States Senators and Representatives in Congress.

Thus the most important part of the Federal corrupt practices act was nullified. So far as corrupt practices are concerned, the primaries are much more important than the elections, because in a majority of cases the nominations of Senators and Representatives in Congress are equivalent to an election. In view of this fact, the real contests that may call for the expenditure of larger sums of money will appear in the primaries rather than the elections. Thus it is clear that the United States Supreme Court set aside the most important part of the Federal corrupt practices act.

In order that this objection may be removed by the application of proper safeguards for the primaries, your committee intends to report a constitutional amendment, which, if passed and properly ratified, gives to Congress the authority to deal with primaries as well as elections.

Your committee believes, however, that some new legislation should be enacted as speedily as possible in relation to the election of United States Senators and Representatives in Congress. The pending bill is submitted for that purpose. It does not embody anything that is particularly new or untried. If the bill should be carefully compared with the acts of June 25, 1910, and August 19, 1911, a striking similarity will be observed between this bill and the phraseology of those acts. Instead of trying to cure the difficulty by amending the remnants of those acts, an entirely new bill has been drawn along the lines of those acts that are constitutional with respect to elections.

It is important to note the bearing of the decision of the court upon the corrupt practices acts mentioned above. The following letter of the Attorney General is quoted in explanation of this point:

DEPARTMENT OF JUSTICE,
Washington, November 15, 1921.

Hon. ROBERT LUCE,
Chairman House Elections Committee No. 2, Washington, D. C.

MY DEAR MR. LUCE: In yours of the 31st ultimo you request my opinion as to whether the decision in the case of United States *v.* Newberry et al. "should be construed as invalidating the whole of the corrupt practices act or only so much thereof as relates to primaries."

I have not been able to give the question sufficient consideration to fully answer your inquiry, but the following suggestions may be of some assistance to you:

It is my opinion that the Newberry decision should be construed as invalidating all of the provisions of the act referred to relating to nominations for the office of Senator or Representative in Congress, whether by primaries, nominating conventions, or by indorsement at general or special elections. I am also of the opinion that as to statements of receipts and disbursements to be filed by candidates for the office of Representative in Congress under section 8 of the act, the only provision now in force and effect is the one which requires such statements to be filed in connection with election of such candidates.

As United States Senators are not now elected by legislatures of the States as contemplated in the act, it is my opinion that this fact in connection with the holding in the Newberry decision makes it unnecessary for a candidate for United States Senator to file any statement whatever in connection with his nomination or election.

If the foregoing does not fully meet the requirements of the situation with which your committee is confronted, please advise me and I will be glad to give the matter further consideration.

Sincerely yours,

H. M. DAUGHERTY, *Attorney General.*

The hearings on H. R. 8926, H. R. 9720, and H. R. 9809 proposing limitations of campaign expenses and providing for publicity have been taken into account in drafting a report upon the pending bill—H. R. 11971.

It is believed that the sentiment of the country calls for prompt legislation on this subject to the full limit of the authority of Congress.

This bill and the constitutional amendment suggested above will furnish a complete and effective program for the protection of public interests at the polls at both primaries and general elections.

COMPULSORY SCHOOL ATTENDANCE IN THE DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia.

The SPEAKER. Is there objection?

Mr. HILL. I object.

Mr. FOCHT. Will the gentleman withhold his objection?

Mr. HILL. This bill has only been reported one day. It deals with compulsory education and child labor in the District of Columbia. These are very important subjects. There are very many Members interested in them who are not present. There has been no new compulsory education law in the District for 15 years. It is impossible to give it the consideration it deserves during the brief time allowed to-day under unanimous consent, and I object.

Mr. BANKHEAD. Mr. Speaker, if the gentleman is going to object, what is the use of consuming time?

Mr. HILL. The chairman of the committee wants to make a statement.

Mr. FOCHT. I was thinking that if the gentleman knew of the importance and necessity of having this law passed at this time that he would withdraw the objection. The bill has passed the Senate and has been considered by a subcommittee of the Committee on the District of Columbia. Doctor Ballou is extremely solicitous about it. We all know of the woeful conditions of the schools of Washington. At any rate they are back of the schools of many States, and I had hoped that the gentleman would withdraw his objection.

Mr. HILL. The committee having charge of such legislation has allowed 15 years to elapse without making a report, and I do not think it ought to be considered by unanimous consent.

Mr. FOCHT. But I have been chairman only for one year.

Mr. HILL. I am not making any reflection on the chairman of the committee nor on the bill, but it should be given the fullest possible consideration, in the best interest of popular education.

Mr. FOCHT. I will say to the gentleman that during the previous years I had been diligently at work in Pennsylvania in procuring free school books and everything that would facilitate and advance the cause of education. I ask that it be passed over without prejudice.

COMPLETION OF BRIDGE NEAR LEUPP, ARIZ.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 2563) to provide for the completion of a bridge across the Little Colorado River near Leupp, Ariz.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. STAFFORD. Mr. Speaker, I make the point of order now that this is a private and not a public bill. This bill provides for the payment of a claim of some contractors building a bridge near some Indian reservation, and it is clearly a private bill and not a public bill.

The SPEAKER. Does the gentleman object?

Mr. STAFFORD. No; I am not objecting, but I am simply saying that this is a Private Calendar bill, and it is not fair to single out one bridge claim bill to the exclusion of others. I am in favor of it, but I do not think it is right to allow it to be singled out in this manner.

The SPEAKER. The Chair was under the impression it was a public bridge bill. The Chair will look and see. What does the gentleman from Arizona say?

Mr. HAYDEN. I have not given the matter thought, but I am sure that other bills of a similar character have been passed on the Calendar for Unanimous Consent.

The SPEAKER. Is it a claim?

Mr. HAYDEN. It would be in the nature of a claim in that the amount provided for in the original bridge contract has been increased.

The SPEAKER. It looks to the Chair as if it was not a public bill and had no right to be on the Union Calendar.

Mr. HAYDEN. I am not prepared to argue the matter, because the Speaker's judgment in that respect is undoubtedly better than mine.

The SPEAKER. The Chair thinks it ought to be on the Private Calendar.

NORTH RIVER BRIDGE CO.

Mr. GRAHAM of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill S. 2799.

The SPEAKER. The gentleman from Illinois moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

An act (S. 2799) to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890.

Be it enacted, etc., That section 2 of the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890, be, and the same is hereby, so amended as to extend the time for the completion of the said bridge until 15 years from the date of the approval hereof; and said time is hereby extended for said period: *Provided*, That this act shall not be construed as authorizing the building of said bridge in accordance with the plans heretofore approved by the Secretary of War, under which construction of said bridge was heretofore commenced, but drawings showing the new location and plans of said structure shall again be submitted to the Secretary of War for his consideration and approval before construction shall be again commenced: *And provided further*, That actual work hereunder and in accordance with such plans so approved shall be commenced within five years after such approval by the Secretary of War.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. I demand a second.

Mr. GRAHAM of Illinois. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois is entitled to 20 minutes, and the gentleman from Wisconsin to 20 minutes.

Mr. GRAHAM of Illinois. Mr. Speaker, and gentlemen of the House, this is a bridge bill. Later I shall ask the gentleman from New Jersey [Mr. ACKERMAN] to make a more extended statement about it than I can now make.

The chairman of the committee [Mr. WINSLOW] asked me, inasmuch as he was busy with his coal conference, to make a statement about this matter. These are the facts, as I understand them: This bill calls for the extension of time for the completion of the proposed bridge across North River in New York City for 15 years.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield for a brief question there?

Mr. GRAHAM of Illinois. Yes.

Mr. BANKHEAD. Is there any opposition to the bill?

Mr. GRAHAM of Illinois. I do not know whether there is or not. I have not heard of any.

Mr. BANKHEAD. Is there a unanimous report from the committee?

Mr. GRAHAM of Illinois. Yes. It has a unanimous report from the committee. There is no objection on the part of the committee. I know of none on the floor of the House. But inasmuch as the gentleman from Wisconsin [Mr. STAFFORD] has asked for a second, I assume that he has some objection to it. I do not want to take very much time now. I want to give the gentleman from New Jersey [Mr. ACKERMAN] a chance to explain it fully.

In the year 1890 the act was passed authorizing this bridge. At that time, as I remember the testimony, it was to cross at about Twenty-third Street, New York City, over to the New Jersey side. They began condemnation proceedings under the original act, and those proceedings were in court until 1894. It was hotly litigated as to the rights of this company to condemn the land for its necessary approaches. After 1894 various financial crises came over the country, as the Members of the House will remember, so that it was practically impossible at that time for the company to finance its operations. The matter continued along until 1900, when an act of Congress was passed to extend the time to 1912. In 1912 another act was introduced into the House, which passed the House but failed to pass in the Senate on account of the jam in legislation at that time. So that at this time there is an interval of some few years in which there has been no extension of this act. This bill proposes to extend the time for the completion of this bridge for 15 years from the time of the passage and approval of this act.

Now, gentlemen, let me give you a brief idea of how extensive this work is. It will cost $150,000,000. The location has been moved up the river quite a distance, until now I think it is proposed to cross at about Fifty-seventh Street. The project has the indorsement of the Hudson River Association. If we do this, it will lead to an avenue of traffic across the North River in one of the most congested centers of population in the United States.

It is worthy of particular consideration in view of the fact that it is not an ordinary bridge bill, gentlemen of the House, but a bill respecting a bridge in this great center of population; and on that account our committee had extensive hearings concerning it, and spent quite a lot of time in hearing the testimony about this thing, because we thought it was such an important project that we ought to know the entire facts about it. We had the best testimony we could get on the subject, and we became convinced that the extension ought to be made. It will take that long to build this bridge.

As I say, the project has the indorsement of the Hudson River Association. A list of people who are interested in this association, which has nothing to do with the building of the bridge, contains 200 of the most prominent names in the business world of the city of New York as favoring this project. The other bridges that have been built in New York, such as the Brooklyn Bridge and the Hell Gate Bridge, have taken a long period of time for their construction. I have no doubt that the 15 years provided for in this act are a very meager period of time for the construction of this project.

This bridge will have a span of over 3,000 feet across the North River—the greatest bridge span in this country. I think there is no doubt about that. It is twice the length of the Brooklyn Bridge span.

Mr. EVANS. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. EVANS. Did your hearings disclose the fact that there was opposition on the part of those living near or contiguous to the approaches?

Mr. GRAHAM of Illinois. When the act was passed in 1890 the people whose land was to be taken for the approaches—and you will remember the original act gave to this company the right to condemn and take land for the necessary approaches—some of those people objected, and said it was an unconstitutional act; that it gave to this company rights which the Constitution did not warrant. They contested, and the case went to the Supreme Court, and it was decided that the act was an act of constitutional power and that the bridge company had the right of eminent domain. At this time, frankly, I do not know of any opposition on the part of anybody to this project. It seems to have the united consensus of opinion of the people of that locality.

I will say to the gentlemen of the House that, for one, I was myself a little bit shy about this proposition at the beginning, and I think a majority of the committee were. I see several of them here, who can speak for themselves. We were a little bit shy about it on account of the magnitude and the immensity of the project; but we think now it is all right, and ought to be permitted to go through. We think we ought to pass an enabling act at this time, so that they can get started on the project.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. STAFFORD. Do the hearings show whether the municipality of New York or any representative of the municipality are in favor of the building of this railroad bridge?

Mr. GRAHAM of Illinois. My memory is that we did not have any of the representatives of the city of New York before our committee. I had a general understanding—I will not state that this is based upon any authentic information, but I have an understanding—that the authorities of the city of New

York were conversant with the situation and had no objection. I do not state that is true, but that was the understanding in the committee.

Mr. DENISON. I will state to the gentleman that, as a matter of course, this has the approval of the War Department.

Mr. GRAHAM of Illinois. Yes.

Mr. LAYTON. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes; I will yield.

Mr. LAYTON. This will be the first bridge across the Hudson River, connecting the mainland with the island of Manhattan?

Mr. GRAHAM of Illinois. Yes; that is true. The traffic over this bridge will be simply terrific.

Mr. KINDRED. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. KINDRED. The gentleman knows that extensive plans have been adopted, under the authority of the port authorities of New York and New Jersey, to get freight trains carried across the water barriers?

Mr. GRAHAM of Illinois. By tunnels?

Mr. KINDRED. Yes; tunnels and marginal railways, and so forth; a very extensive development. Does this in any way interfere with those plans?

Mr. GRAHAM of Illinois. Not in the slightest; and all the safeguards that ordinarily surround legislation of this kind are, we think, contained within this legislative act. If the bridge is built it will be of incalculable advantage to the people of the city of New York.

Mr. KINDRED. There is no question about that. May I ask the gentleman if after due notice to the responsible officials of the city of New York they entered no protest against this improvement?

Mr. GRAHAM of Illinois. As I have said before, I can not speak as the chairman of the committee could speak if he were here, but my understanding and the understanding of the committee was that the officials of the city of New York were advised about these hearings.

Mr. ACKERMAN. At the hearing, was it not suggested that they wanted to have this charter granted if possible before certain other arrangements were made by the city of New York, in regard to underground railways, so that this might be in harmony with the general scheme of getting traffic across the river?

Mr. GRAHAM of Illinois. Yes.

Mr. KINDRED. The Port Authority of New York and New Jersey was notified.

Mr. GRAHAM of Illinois. Mr. Speaker, I desire to yield five minutes to the gentleman from New Jersey [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker and gentlemen, I do not know that I can add anything further to the information that has been given by the gentlemen representing the Interstate and Foreign Commerce Committee.

This matter has been under consideration for some time. Everyone who could be brought to the hearing was supposed to be there. Rather elaborate hearings were held, which were printed, and we have heard nothing against the granting of this permission. Mr. Lindenthal is an eminent engineer. He is the designer of this bridge, and he was for many years the consulting engineer of the city of New York. In fact, he had a great deal to do with all the East River bridges. He designed and supervised many of them. As the gentleman who preceded me [Mr. GRAHAM of Illinois] said, the site originally selected was at Twenty-third Street, but traffic in New York has moved up the river and this site has been changed to Fifty-seventh Street. That on the Jersey side gives a certain level from which they will have to build only a small tower, whereas if they were lower down much higher towers would be necessary in order to suspend the cables.

Some one asked the question, "Did anyone object to the noise being made by the drilling machines originally?" My answer to that is yes; but that was carried through the courts and the right of the company to construct this bridge was sustained. I believe there will be less objection to the construction of the bridge at this site than upon the original site.

Mr. REED of West Virginia. Will my colleague yield for a short question?

Mr. ACKERMAN. Yes.

Mr. REED of West Virginia. Is it contemplated that any of the larger trunk-line railways entering New York will use this bridge?

Mr. ACKERMAN. It is expected that all of them will.

Mr. REED of West Virginia. Some of them have tunnels.

Mr. ACKERMAN. The railroads that have tunnels at the present time are most zealous in advocating this bridge, because they see that traffic is growing so rapidly that the tunnels will not take care of it.

Mr. REED of West Virginia. Has the Baltimore & Ohio Railroad Co. a tunnel under the river at present?

Mr. ACKERMAN. No. The Pennsylvania Railroad has a tunnel.

Mr. REED of West Virginia. Will the Baltimore & Ohio use this bridge?

Mr. ACKERMAN. Very likely.

Mr. DENISON. Will the gentleman from New Jersey state briefly the plan of this bridge, what it is to be used for?

Mr. ACKERMAN. It is to be used for traffic of all kinds—pedestrian, vehicular, and railway traffic, both passenger and freight. It is to have not less than 6 railway tracks, with provision for 10. This bridge was very completely described in an article in the Scientific American recently, and this article and the drawings were presented to the committee at the time of the hearing.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. ACKERMAN. Certainly.

Mr. BANKHEAD. Is this a dormant proposition, or is the matter tangible, with the necessary capital in hand to go forward?

Mr. ACKERMAN. They claim they can get the capital whenever they can get the right to go ahead with the proposition, but the proposition is dormant at the present time.

Mr. BANKHEAD. Did the right to build this bridge expire by limitation or by nonuse?

Mr. ACKERMAN. By nonuse, and they did not revive it until the present time because on account of the war they did not think it a fortuitous time to attempt to raise the capital.

Mr. BANKHEAD. Can the gentleman give the House any assurance that, if the authority is given this company, they are going to organize and get the money to put this through, or is this simply a bill for the purpose of continuing an easement that they may have there?

Mr. ACKERMAN. I believe from the names of those who are connected with the proposition at the present time and from the testimony that has been placed before the committee in the hearings that this is a bona fide proposition.

Mr. FESS. Will the gentleman yield?

Mr. ACKERMAN. Certainly.

Mr. FESS. All rights of navigation are reserved, and there is no interference with navigation is there?

Mr. ACKERMAN. Absolutely none. It is all subject to the approval of the Secretary of War.

Mr. FESS. It will cost the Government nothing?

Mr. ACKERMAN. No, sir.

Mr. FESS. Then what is the objection to granting the authority to building this bridge when commerce demands it?

Mr. ACKERMAN. I do not know.

Mr. FESS. It will make a thoroughfare where one is very greatly needed?

Mr. ACKERMAN. Yes.

Mr. PERKINS. Will the gentleman yield?

Mr. ACKERMAN. Yes.

Mr. PERKINS. Is it not a fact that vehicular traffic across the Hudson River is so congested that frequently people have to wait all night to get a ferryboat?

Mr. ACKERMAN. I have heard of their having to wait several hours.

Mr. DARROW. Will the gentleman yield for a question?

Mr. ACKERMAN. I yield to the gentleman from Pennsylvania.

Mr. DARROW. If this bridge is constructed, is it not a fact that it will be higher above the water by 15 feet than the Brooklyn Bridge or any of the other bridges?

Mr. ACKERMAN. I believe it is so stated.

Mr. DARROW. And there will be no piers to interfere with navigation?

Mr. ACKERMAN. There will be no piers. It is a single span across the river.

Mr. DARROW. And a double-deck bridge, so that it will accommodate not only railroad traffic but vehicular traffic and trolley cars and pedestrians?

Mr. ACKERMAN. Traffic of every description.

Mr. STAFFORD. Mr. Speaker, this bill was placed on the Calendar for Unanimous Consent for the first time two weeks ago. It was then passed over without prejudice.

This bill amends an act passed by Congress in 1890 authorizing certain gentlemen named therein to build a bridge, primarily a railroad bridge, having at least six railroad tracks, with a capacity for four additional tracks. That act of 1890 was amended by the act of February 8, 1901, extending the time for the completion of it to January 1, 1912. In the 32 years which have elapsed since the passage of the original act nothing whatsoever has been done toward the building of this bridge. I thought the bill was of such importance that the people of New York at least should be apprised of the purpose of this measure in trying to revive a dead creature, because this project has been dead from its very inception.

The original purpose of the bill was for a railroad bridge, not a vehicular bridge. I did not think that on the Unanimous Consent Calendar we should revive a project of this magnitude, that might be held over the heads of rival bridge and tunnel companies and force them either to abandon existing projects or to come to terms with this one.

The modern method of transportation between Jersey and Manhattan Island is by tunnel. When the Pennsylvania Railroad built their tunnel, at great expense, they realized that that was the best method to provide railroad communication from the Jersey terminal over to Manhattan proper, and, so far as I know, no objection has been made to that character of construction. Recently, within the past year, a corporation has been formed to provide tunnels for vehicular traffic under the Hudson River, and I believe the capital has been raised and the work started.

Mr. KINDRED. The State of New York and the State of New Jersey equally bear that expense.

Mr. STAFFORD. As the gentleman from New York states, the State of New York and the State of New Jersey equally bear the expense of it as a public project. Now, with no one knowing who the people are who are trying to revive a statute which is so broad in its scope, occupying more than three pages of the Statutes at Large, and extending this privilege for 15 years, are we to pass this bill by unanimous consent? There are some bridge bills that the House passes without objection, but for bridges across the Mississippi River and across the Hudson River we hesitate until some showing is made that there is the necessary capital to put the enterprise through. Now, has that showing been made in this case? Is this anything more than a paper corporation to be used, perhaps, to raise funds, and for what purpose? Is it a railroad bridge? It must be a railroad bridge. The act provides that there must be at least six railroad tracks, with accommodations for four more.

I am not acquainted with what railroad wants it, but before we grant the right to construct a railroad bridge we should know the attitude of the municipal authorities of New York, as to whether they wish to have the railroads come into Manhattan Island overhead or not, or whether it is their desire to have them come in through tunnels. If it is for a vehicular bridge we should hesitate to grant that power, because the States of New York and New Jersey have launched into a proposition for a vehicular tunnel, and by this proposal you are going to divert vehicular traffic from a public project, which, perhaps, the States are counting on to maintain the operation of. Let the proponents of this measure come before us with something substantial and show that there are men of substance back of it and that it is not merely a paper scheme. It is worthy of our taking some time to find out who is back of it and what it is really for.

Mr. DENISON. If it is a mere paper scheme, then there is no danger of any harm from it.

Mr. STAFFORD. I do not say it is a mere paper scheme, except for the fact that for 32 years it has been on the statute books and during all that time it has been dead. It has been nothing but paper since then, and now you are trying to revive it for 15 years more.

Mr. ACKERMAN. I stated in my remarks that on account of the legal difficulties in connection with the blasting operations the matter had been in court for a number of years. That is why they have not gone ahead, and then the time expired.

Mr. STAFFORD. The gentleman gives as an alibi for nothing having been done that there were some difficulties of litigation that prevented the construction of the bridge. The report shows that the litigation was decided in favor of the incorporators of this bridge in 1894—28 years ago. What is the alibi with reference to their not having done anything since that time? I yield to any gentleman to state.

Mr. SNELL. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SNELL. Can the gentleman name one individual in New York or New Jersey who is against this bridge? Have you ever heard one?

Mr. STAFFORD. The gentleman was asked for the sponsors of this and whether the municipal bodies were in favor of it, and he could not answer.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GRAHAM of Illinois. I want to say that the consulting engineer of the city of New York testified favorably. That was my understanding, and I have refreshed my memory, and I find that the consulting engineer of the city of New York testified in favor of this bridge.

Mr. SNELL. And in the hearings before the Interstate Commerce Commission nobody opposed it.

Mr. KINDRED. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. KINDRED. I understand there is under development a comprehensive scheme to connect New York and New Jersey under the authority of the governments of New York and New Jersey, and they propose a comprehensive scheme that will mean the expenditure of $5,000,000 or more; they also propose to build a marginal railway and a tunnel. I would say at the present time that there is inadequate communication between New York and New Jersey leading to the south and west. I think it is a very pertinent question that has been suggested by the gentleman from Wisconsin [Mr. STAFFORD] as to whether the city authorities that are responsible for the policy and the development of the city of New York have been properly notified and have been given any opportunity to express their views on this important question. I think it is very pertinent, and there will be no particular harm done in delaying the measure in this international question until we have a full expression from the authorities in New York City.

Mr. KING. Will the gentleman yield to the gentleman from New Jersey [Mr. APPLEBY] to make a statement?

Mr. STAFFORD. I will yield two minutes to the gentleman from New Jersey.

Mr. APPLEBY. Mr. Speaker and gentlemen, I had the pleasure of attending the hearings before the Interstate Commerce Commission on this important project. The engineers from the city of New York told of the change of travel, and being well acquainted in New York I know that the travel has moved up to Fifty-seventh Street, being nearly on the line of King County Bridge connecting New York at Fifty-ninth Street with Long Island.

Mr. KINDRED. Will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. KINDRED. May I call the attention of the gentleman to the fact that Mr. Tuttle is the chief engineer of the city of New York and not Mr. Post who testified in the hearings?

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. GRAHAM of Illinois. I yield to the gentleman three minutes more. May I say a word?

Mr. APPLEBY. I yield.

Mr. GRAHAM of Illinois. The gentleman from New York evidently has not read the hearings. We are not talking of Mr. Post, the consulting engineer of the city of New York, who testified in the hearings.

Mr. APPLEBY. Francis L. Stewart was the consulting engineer.

Mr. KINDRED. I am not opposing this, but I want to get the full information in regard to it.

Mr. APPLEBY. I want to answer the question of the gentleman from Wisconsin as to whether this is a mere matter on paper or a substantial lot of stockholders by referring him to the list of incorporators. Among them are Mr. Edward Dean Adams, director of the American Cotton Oil Co. of New Jersey; Mr. William O. Allison, director of the Empire Trust Co.; Mr. John Anderson, director of the Metropolitan Life Insurance Co.; Mr. Breed, director of the Irving National Bank; Mr. Dryden, president of the Prudential Insurance Co.; and many of them are persons with whom I have a personal acquaintance. There are at least 100 prominent men, headed by Mr. George A. Post, president of the Hudson River & Bridge Association. These directors mean business. They have to have a franchise before they can sell the stock. The proposition is to build a bridge in connection with the tunnels which are not sufficient to carry the travel between New York and New Jersey. The Pennsylvania tunnel only carries passenger traffic. This proposed bridge will carry railroad as well as automobile traffic. The span of the proposed bridge will be 3,240 feet, which span is twice the length of the span of the Brooklyn Bridge.

Mr. GRAHAM of Illinois. May I suggest that Governor Edwards, of New Jersey, wrote a letter approving of this legislation?

Mr. APPLEBY. Yes; that is correct. Manhattan Island, as you all know, contains New York City, the greatest city in the world. New York and New Jersey are separated by the Hudson River, and the facilities of communication are not adequate to take care of the enormous travel across the Hudson River.

Mr. LAYTON. Will the gentleman yield?

Mr. APPLEBY. Yes.

Mr. LAYTON. In consultation with several Members of the House this question as it has been presented to the House seems to comprehend but one difficulty, and that is whether or not the authorities of that great city of New York are behind this proposition. Everybody is in favor of the bridge, provided it does not run counter to the tube proposition, which I understand is the official plan for increase in transportation across the Hudson River.

Mr. APPLEBY. The letter from President Rea of the Pennsylvania Railroad states that he is in favor of this bridge, that the facilities in and out of New York are entirely inadequate to handle the travel.

Mr. LAYTON. There is no question about that.

Mr. GRAHAM of Illinois. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and two-thirds having voted in favor thereof the rules were suspended and the bill was passed.

ERECTION OF AN OFFICE BUILDING BY FEDERAL RESERVE BANK OF ST. LOUIS.

Mr. DALE. Mr. Speaker, I understand that the objection to Senate Joint Resolution 208 is withdrawn, and I ask unanimous consent for the present consideration of Senate Joint Resolution 208.

The SPEAKER. The gentleman from Vermont again asks unanimous consent for the consideration of the joint resolution, which the Clerk will report by title.

The Clerk read as follows:

S. J. Res. 208. Joint resolution authorizing the Federal Reserve Banks of St. Louis and Salt Lake City to enter into contracts for the erection of buildings for its head office and branches.

The SPEAKER. Is there objection?

Mr. LANGLEY. Mr. Speaker, reserving the right to object, I would ask the House to indulge me for a moment to explain why I objected before.

Mr. STAFFORD. Mr. Speaker, I think the practice is questionable where a particular bill has been objected to and later on the objection is withdrawn to bring it up by unanimous consent. I think it should be brought up under suspension of the rules.

Mr. LANGLEY. I will withdraw my objection.

Mr. DALE. Mr. Speaker, I move to suspend the rules and pass S. J. Res. 208 as amended.

The SPEAKER. The gentleman from Vermont moves to suspend the rules and pass the Senate joint resolution, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 208) authorizing the Federal Reserve Bank of St. Louis to enter into contracts for the erection of a building for its head office and branches.

Whereas the act of Congress approved June 3, 1922, provided that no Federal reserve bank should have authority thereafter to enter into any contract or contracts for the erection of any building of any kind or character or to authorize the erection of any building in excess of $250,000 without the consent of Congress having previously been given therefor in express terms, which, however, did not apply to buildings under construction on June 3, 1922; and

Whereas many of the Federal reserve banks were not affected by this provision, since they had already completed or commenced construction of buildings for their head offices and branches; and

Whereas the Federal Reserve Bank of St. Louis had not on June 3, 1922, actually commenced the construction of a building for its head office but had acquired the ground for such building at St. Louis, Mo., and therefore the act of June 3, 1922, operates inequitably on the Federal Reserve Bank of St. Louis: Now, therefore, be it

Resolved, etc., That the Federal Reserve Bank of St. Louis is hereby authorized to enter into contracts for the erection of a building for its head office on lots heretofore acquired for that purpose: *Provided,* That the total investment in such building shall not exceed an amount equal to 25 per cent of its paid-in capital stock and surplus.

The SPEAKER. Is a second demanded?

Mr. LANGLEY. Mr. Speaker, I demand a second.

Mr. DALE. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Vermont is entitled to 20 minutes and the gentleman from Kentucky to 20 minutes.

Mr. LANGLEY. Mr. Speaker, as I indicated a moment ago, my only desire was to let the House understand why I objected to the consideration of this bill. The Chair will doubtless recall that some 10 or 12 days ago I raised the question as to which committee had jurisdiction of this bill—the Committee on Banking and Currency, to which it was referred, or the committee of which I have the honor to be chairman, the Committee on Public Buildings and Grounds. I did not make a motion to have the bill transferred, because at the time I merely wanted to get some information from the Speaker as to the reasons for his reference, so as to advise some of the membership of the Committee on Public Buildings and Grounds of the reasons of the Speaker for making the reference which he did. I am not yet, I am frank to say, entirely satisfied that the reference was correctly made. I have no personal feeling about it whatever. I have never since I have been a Member of this House made a point of no quorum but once—and I have been here 16 years—and I regretted that. I have never but once or twice objected to a consideration of a private bill, and each time I did it I trampled on the toes of some of my best friends, just as I did in objecting to-day.

Mr. DYER. And probably ruined your chances.

Mr. LANGLEY. Maybe so. I feel, if the House will indulge me for a few moments, that there are one or two other matters in connection with the jurisdiction of the Committee on Public Buildings and Grounds that I should refer to. I happen to know that there are a number of contracts in contemplation with private parties for the construction of office buildings for the accommodation of Government functions, and especially the Post Office Department.

Mr. HILL. The gentleman from Kentucky, I take it, is referring to the city of Baltimore.

Mr. LANGLEY. I do not recall the magnitude of the Baltimore proposition, but I will say to my friend from Maryland that I think he ought to take "pot luck" with the balance of us and wait for an omnibus public buildings bill, and I, as chairman of that committee, can assure him that his city will be fully taken care of in the bill. As he knows, several of us members of the committee have visited Baltimore and inspected the Federal building there and know the distressing conditions that exist, and I for one promise him now that I will endeavor to see that Baltimore receives liberal consideration in our bill.

Mr. HILL. I think the gentleman from Kentucky is quite correct, and I am willing for Baltimore to take its chances with the balance of the country in the forthcoming omnibus bill, because I know that it is the purpose of his committee to do equal and exact justice to the various sections of the country.

Mr. LANGLEY. I have been confident for quite a long while that we ought to have a general and quite a liberal omnibus public buildings bill. [Applause.] For example, the Post Office Department, under a provision in one of the annual supply bills enacted some years ago, is proceeding to make contracts with private parties to construct colossal buildings in large cities, which action I know it was not the intent of Congress to have taken under the provision referred to. I expect at an early date to obtain and insert a list of these with the amounts involved. In one instance it is proposed in this way to have constructed by private parties a colossal building costing, I think, about $10,000,000, and it is proposed to insert in that contract a provision that the Government shall pay the owners of the building 10 per cent a month on their investment, which, if my mathematics are correct, would reimburse these private constructors in 10 years for their entire investment, at the end of which period the building would revert to these private owners and the Government left without a building, and, of course, in a worse plight than it is now.

Mr. Speaker, if this scheme is permitted to go on it will result in the sacrifice of millions and millions of Government money. I am not criticizing my personal friend, Doctor Work, whom I very much admire and who is making a great Postmaster General. I do not know whether he has personal supervision of this business or not. I do not think he has. But, gentlemen of the House, whoever is doing it is not only perverting, in my judgment, the will of Congress but is deliberately seeking to side-step the jurisdiction of this committee, and I for one do not propose to stand for it. [Applause.] Moreover, it would result in the Senators and Representatives from these cities being ignored, which is not right. They know what their constituents want and need and that is what the people send them here to look after. All of this effort to evade the enactment of an omnibus public buildings bill in the manner in which I have indicated only emphasizes the view I have held, as you gentlemen know, for several years, that what the Government ought to do is to enact a liberal omnibus public buildings bill [applause], so that as soon as possible the Government may transact its business, as it should do, in Government-owned buildings. What I am saying now with regard to other sections is applicable also to the District of Columbia.

I happen to be a member of the Public Buildings Commission having jurisdiction of the disposition of space in Federal buildings in Washington and the rental of buildings for the housing of Government functions, and I have for a long while contended that we ought to get the Government business out of the hands of these real estate speculators, whether in Washington or elsewhere, and house Government functions as far as practicable in Government-owned buildings. In the end it will save us millions upon millions of dollars. Instead of being a pork-barrel bill, as some are pleased to term it, it will in reality be an economical measure that will save the Government in the end from a good deal of graft and unnecessary expense. [Applause.] The remedy for it all is to enact an omnibus public buildings bill. [Applause.] I think it should have been enacted long ago, but we have waited now for nearly 10 years since such a bill was enacted, and conditions have changed most radically in various sections of the country. Mr. Speaker, I am not authorized by my committee to make this statement, but so far as I am personally concerned I desire to make the announcement that it is the purpose of the chairman of the Committee on Public Buildings and Grounds to do his utmost to bring into this House for its consideration at the short session next winter a liberal public buildings bill [applause], and it will not be a bill for the big cities entirely, but will take care of the various worthy propositions throughout the country. The bulk of the money has always and of necessity been spent in the large cities, but I believe in taking care of the smaller places as well as the larger ones. In other words, I think that what is sauce for the city goose ought to be sauce also for the rural gander. [Laughter and applause.]

Mr. Speaker, I wish to withdraw my objection to the pending bill.

Mr. DYER. Will the gentleman yield?

Mr. LANGLEY. I will.

Mr. DYER. The gentleman is satisfied from a careful investigation of this bill and report that this building ought to be erected?

Mr. LANGLEY. Well, no; I will not say that. I have not investigated it very much, because I have not had the chance. It was referred to the wrong committee, I think; but I will say frankly to the gentleman and to the House that I have usually found the things advocated by the gentleman from St. Louis to be meritorious. [Laughter and applause.] I do not know much about this particular bill. I am not going to vote for it, however, but the gentleman will evidently have plenty of votes without mine. I am not opposing it. The main point with me is this question of jurisdiction.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. LANGLEY. Certainly.

Mr. KING. I am very much interested in the contention of the gentleman that this bill should have gone to the Committee on Public Buildings and Grounds. I would like to know the theory of the gentleman on which the gentleman contends that that should have been the case.

Mr. LANGLEY. I do not think we ought to take up the time of the House on that.

Mr. KING. Does the gentleman think this money out of which these buildings are constructed belongs to the United States Government or to the banks?

Mr. LANGLEY. Well, the people look upon it as Government money, if it belongs to a national bank, which is a Government institution. If we are going to spend money for a building in one place, Federal reserve bank or what not, I think we ought to do it all over the country. I am not in favor of giving that money to two or three cities in the country to the exclusion of others.

Mr. REED of West Virginia. The more bank buildings they build, the more they contract the currency.

Mr. LANGLEY. I am not a financial highbrow, but a plain, ordinary countryman. I do not know whether the building of some bank building would result in the contraction of the currency or not; but I do know that the more money that is expended in the construction of these public buildings the more employment there is for labor and the more benefit the money now in the banks and in the Treasury will be to the people who need employment. I have been contending for quite a while that the sooner these public works are started the more demand there will be for labor that is now unemployed, and that would also help the situation. It is my hope that the committee when it reports the omnibus bill will include in it a provision for an addition to the force of supervising architects or some other provision that will expedite the construction of these public buildings so that we will not have to wait four or five years for the drawing of the plans and four or five years more for the construction of the buildings. Let us cut out a lot of red tape, standardize these buildings, and put them up at least within the lifetime of the men who participate in securing the appropriations.

Mr. Speaker, I reserve the balance of my time.

Mr. DYER. Mr. Speaker, I move the previous question.

Mr. LANGLEY. I hope the gentleman will not do that. I want, according to promise, to yield two minutes, first, to the gentleman from Illinois [Mr. GRAHAM].

The SPEAKER. The gentleman from Illinois is recognized for two minutes.

Mr. GRAHAM of Illinois. Mr. Speaker, when this bill was up the last time on the Unanimous Consent Calendar I introduced a motion to delay its consideration until I could find out something about it. I can not find myself in harmony with this idea of spending large amounts of money to build extravagant buildings for the Federal reserve banks of the country. I do not believe it is a good scheme, and I believe it ought not to have been countenanced in the first instance. To undertake to spend $26,000,000 in New York City, and now four millions and a half in the city of St. Louis, or in any other city, is certainly an outrageous use of the people's money. I would not object to consideration of this bill on the Unanimous Consent Calendar, because I would not want to put my judgment against the judgment of the committee; but the Federal reserve banks were not created to go into a stupendous office-building program. They were not made for a bank system; they were made to be a stabilizing institution. Their management have a mistaken idea that they are the banking system of the country and that they have a right to erect extravagant buildings. It is the people's money that they are spending. It does not belong to them and for that reason I can not vote for this bill or any similar bill. I simply wanted two minutes in which to say so. [Applause.]

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. DYER. I will say to the gentleman, speaking of this case—of course, I am not speaking with respect to other places—but so far as St. Louis is concerned, this bill is for the purpose of taking care of the Federal reserve bank entirely, and not for the purpose of erecting an office building of itself.

Mr. GRAHAM of Illinois. Frankly, I do not believe it should require $4,500,000 to do it.

Mr. DYER. It will not cost $4,500,000. It will be nearer $3,000,000.

Mr. GRAHAM of Illinois. Well, I do not believe it ought to cost even that amount. I think in these times somebody ought to be saving a little money instead of spending it. But that will get us nowhere. I think the House will pass the bill anyway.

Mr. BUTLER. How is the money procured?

Mr. GRAHAM of Illinois. From the little banks, and indirectly from the people—from you and me. That is where it comes from.

Mr. TINCHER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. TINCHER. Where would the money go, what would the profits of the Federal reserve banks go to, if they did not use them in building?

Mr. GRAHAM of Illinois. It would go to the member banks, the stockholders.

Mr. TINCHER. Does not the law require that they must retire Government bonds with it?

Mr. GRAHAM of Illinois. Yes. It is just as much the people's money as any other Government money.

Mr. BLACK. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. BLACK. As to these bank buildings, while, of course, I believe there has been some extravagance, they are buildings that are constructed out of the capital stock and the assets?

Mr. GRAHAM of Illinois. Yes.

Mr. BLACK. All over 6 per cent goes to the Government for the franchise?

Mr. GRAHAM of Illinois. Yes.

Mr. DYER. At this time at St. Louis they are paying out a great deal of money for rent, and they would save money if they had a building in which to transact the Government's business.

Mr. DALE. Mr. Speaker, there has been a desire manifested on the part of many Members to learn where this money comes from with which the buildings are constructed. Under the Federal reserve act, after 6 per cent is paid on the stock held by the member banks, then the net earnings of the Federal reserve banks go to a surplus, until the surplus reaches 100 per cent of the paid-in capital stock, and when it reaches 100 per cent of that, 90 per cent of all the net earnings of these banks go to the Government as a franchise tax.

Now, the fact is that every one of these 11 Federal reserve banks, head banks, with one exception—all the others now have their 100 per cent—and they will all this year have their 100 per cent, and they paid in as franchise tax to the Government last year over $60,000,000. The Federal reserve bank at

St. Louis itself paid in a million and a half dollars in franchise tax last year, and this year St. Louis will pay in enough more as franchise tax to build this building.

Now, the delay in the construction of this building is not any economy to the Government. It is not any saving to the Government. It simply delays the time when the Government will get this 90 per cent from the St. Louis bank in larger amounts, because the lack of this building puts the St. Louis bank to the expense of paying these rents, at present having no building of their own, but being scattered around in different places throughout the city, and having to pay for extra help to care for their deposits and capital. In fact the risk is something that no reputable institution should take.

Mr. REED of West Virginia. Will the gentleman yield for a question?

Mr. DALE. Yes.

Mr. REED of West Virginia. Will the investment in this case be carried as a part of the capital assets of the bank? Does it come out of the earnings, or what?

Mr. DYER. Out of capital and surplus.

Mr. DALE. It comes out of the capital and surplus after the paid-in capital stock has a surplus of 100 per cent back of it. Then they carry this bank building, and they can not charge off for depreciation except to the extent of 2 per cent, so that the fact that they have this building does not give them any advantage in the way of taking from the surplus amounts which they would naturally give to the Government under the 90 per cent.

Mr. REED of West Virginia. It does not curtail the amount of money available for the other banks of the country or for commercial purposes?

Mr. DALE. No.

Mr. BURTNESS. Will the gentleman yield?

Mr. DALE. Yes.

Mr. BURTNESS. I notice the limit of cost of the building proposed by this bill is 25 per cent of the paid-in capital and surplus. Can the gentleman tell me what is the limit of cost of construction for buildings owned by national banks?

Mr. DALE. Member banks?

Mr. BURTNESS. No; any ordinary bank organized under the general law.

Mr. DALE. Under the present Federal reserve system they are all member banks, and there is no limit excepting under the legislation passed by Congress last June.

Mr. BURTNESS. That is what I am getting at.

Mr. DALE. The limit was placed at $250,000 unless consent was gained from Congress to increase that limit.

Mr. BURTNESS. If I understand the gentleman correctly, then, there is no limit to the cost of a building that may be erected by an ordinary bank, by legislation?

Mr. DALE. By legislation of Congress?

Mr. BURTNESS. Yes.

Mr. DALE. Oh, no; there is no limit if Congress wants to give them the permission.

Mr. TINCHER. Will the gentleman yield?

Mr. DALE. Yes.

Mr. TINCHER. The gentleman does not mean that there is not a limit on the cost of a national bank building. They can invest only a certain percentage of their capital and surplus.

Mr. DALE. There used to be a limit under the old national banking act.

Mr. TINCHER. That still applies to the national banks, and the State banks are limited by State laws.

Mr. DALE. Yes.

Mr. BURTNESS. Is not that limit 15 per cent of the capital and surplus?

Mr. DALE. I can not tell the gentleman about that. Probably the gentleman is correct.

Mr. BURTNESS. At any rate that is the very usual limit that is created by legislation applicable to State banks, and, to my mind, it seems unreasonable for a Federal reserve bank such as this to be allowed to spend so large a part of its capital and surplus by putting it into the construction of a bank building, so much more than is allowed any other banking institution.

Mr. DALE. These head offices have in their keeping the whole Federal reserve district, and they have a tremendous amount of currency, bonds, notes, and other collateral to take care of.

Mr. BURTNESS. Does not the gentleman believe that if the limit was placed at 15 per cent of the total paid-in capital and surplus they could construct a building that would be ample for the purposes of such an institution?

Mr. DALE. I think that might have been so if we had started out in that way, but the others are all built. This is the only one that is not.

Mr. BURTNESS. Of course, it is good business policy for the system to have its own building, but when you put 25 per cent of the entire capital and surplus into this building, I think that is going the limit, and going beyond what is a reasonable business policy.

Mr. DALE. I yield two minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I think the gentleman from Illinois was entirely right in his criticism of the expenditure of large amounts of money in the erection of these buildings. I sympathize with him entirely in his statement concerning the New York building, where, I understand, over $25,000,000 was invested in the bank building. But I understood from some questions this morning that all of the cities entitled to these banks have spent a considerable amount of money in the erection of buildings, and that this is the last one left, and that while perhaps this amount is large, it is not as large as several cities of no larger population than St. Louis have invested in this way. Under the circumstances I think it would be only fair to grant this leave to this particular bank.

Mr. BLACK. Will the gentleman yield for a brief statement?

Mr. LONGWORTH. Yes.

Mr. BLACK. In reference to the New York building, it has been stated by several gentlemen in this debate that the expenditure on that building was $25,000,000 or $26,000,000. The figures, as I now recall them, are only about $19,000,000, and with the permission of the House I will insert the correct amount. I think the amount was extravagant and much more than ought to have been expended, but I am sure that in the discussion of an item of this kind we are all anxious to have the correct figures. With the permission of the House I will insert at this point the figures relating to the building of the Federal Reserve Bank Building in the city of New York, and also the annex building. These figures are taken from the last annual report of the Federal Reserve Board, pages 52 and 53. They are:

NEW YORK.

June, 1918: Purchased property for banking-house site at corner of Liberty, Nassau, and Maiden Lane.

February, June, 1919: Purchased adjoining properties running through from Liberty Street to Maiden Lane. Total cost of property purchased in 1918 and 1919, which covers 45,950 square feet, was $4,797,881.72.

Total cost to December 31, 1921, of new building in course of construction, $1,703,074; estimated cost upon completion, including cost of land, $19,976,368. Building will not be completed for about two years, and there is no basis at present on which to estimate the cost of furniture and fixtures.

April, July, 1920: Purchased, for annex-building site, properties at corner of Gold Street and Maiden Lane and at 10 Gold Street and at 89 Maiden Lane at a total cost of $681,531.17; total cost, including land, $2,136,447; cost of furniture and fixtures, $66,730.78. The annex building is commercial in type and was constructed with a view to its sale if not needed upon completion of the main building.

Mr. DALE. The gentleman is correct about that, and I should like to state in that connection that the New York bank paid in franchise tax alone to the Government last year an amount almost equal to every dollar that was paid for this building. Now, I am not arguing in defense of these big buildings, but I think the discussion in this House and in one other place over the New York building has got to be a kind of bugaboo, and it is like going after Bolshevism when you can not go after anything else—to hit the New York bank building.

Mr. TINCHER. Will the gentleman yield for a question?

Mr. DALE. Yes.

Mr. TINCHER. Does the gentleman think we ought to permit ourselves to compliment the Federal reserve system for the money that they made within the last year or two?

Mr. DALE. That they put into these buildings?

Mr. TINCHER. No; that they made; that they took away from the American people and from other banks and from borrowers in the manner that they did.

Mr. DALE. The gentleman is getting off onto another matter.

Mr. TINCHER. I know, but I do not want to be a party to letting go unchallenged any compliment to the Federal reserve system for the money they made out of the people immediately following the World War.

Mr. DALE. I will make the prophesy that in, say, 10 years from now every one of these buildings now considered so beyond the necessity of the present time will either be found to be inadequate or not in excess of what these banks will need.

Mr. TINCHER. I make this suggestion, that within 10 years from now everyone connected with the Federal reserve system will be trying to forget that they ever indulged in such practices as they have in the last two or three years in the way of charging other banks interest for the purpose of producing deflation in the agricultural sections of this country.

Mr. DALE. I would not like to have the gentleman think that I contradicted that statement.

Mr. GRAHAM of Illinois. Mr. Speaker, I suppose that in my statement awhile ago, when I mentioned $26,000,000 as the cost of this New York bank building, perhaps I did not do what I usually do, and that is verify the figures before I stated them; but I have heard that amount stated on the floor here many times in debate. I never heard it contradicted before, and I assumed that that was the correct figure—$25,000,000 or $26,000,000. The gentleman from Texas [Mr. BLACK] now says that it is $19,000,000. I am willing to take his word for it.

Mr. DALE. Mr. Speaker, I yield three minutes or the balance of my time to the gentleman from Missouri [Mr. NEWTON].

Mr. NEWTON of Missouri. Mr. Speaker and gentlemen of the House, I am surprised at the opposition to this bill. All of the 12 Federal reserve districts except St. Louis have their buildings. Down in St. Louis they have offices scattered through various buildings and the department has reported that they have no assurance that they can renew the leases on reasonable terms, and it expires in less than 16 months. Unless they can make some other provision they are up against it. These other cities have built expensive buildings and now the city of St. Louis is being penalized because the Federal Reserve Board in that district tried to economize and save the Government money by delaying the building until the cost of construction came down. After all the other buildings had been contracted for, many of them at an exorbitant price, this Congress on June 3 last passed a bill with a provision that no building should cost more than $250,000.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. NEWTON of Missouri. Yes.

Mr. MOORE of Virginia. Has the gentleman the figures showing what the other buildings have cost? This is the only remaining city where they have not a building.

Mr. NEWTON of Missouri. Yes; the building in New York cost more than $23,000,000; the building at Kansas City cost $5,000,000; the building at San Francisco cost $5,000,000; the building at Cleveland cost $7,000,000; the building at Boston cost $5,000,000; and the building at Chicago cost $10,000,000. The Federal Reserve Board at St. Louis has bought a lot as cheaply as you could get it in that business section, and it cost $1,300,000. To construct a $250,000 building on that lot would be ridiculous. Furthermore, it would be penalizing St. Louis for the good business economy of the board and would be a gross injustice to St. Louis when compared with what has been done in other cities.

Mr. MOORE of Virginia. Has the gentleman the figures of the cost at Atlanta?

Mr. NEWTON of Missouri. I think $2,000,000. Now, they have to have this building or run the risk either of paying exorbitant rents or being evicted. They now have the second floor and part of the sixth floor of one building. They have five floors in another building. They have a vault four blocks away. This bill will enable them to put their offices and vault all in one building, will aid in the economy and efficiency of the operation of the business, and will save the Government the enormous rents they are now paying.

The SPEAKER. The time has expired. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. PARKS of Arkansas) there were 84 ayes and 9 noes.

Mr. PARKS of Arkansas. Mr. Speaker, I object to the vote on the ground that no quorum is present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

The question was taken, and there were—yeas 174, nays 50, answered "present" 3, not voting 200, as follows:

YEAS—174.

Ackerman
Almon
Anderson
Ansorge
Appleby
Atkeson
Barbour
Begg
Black
Bland, Va.
Boies
Bond
Bowers
Briggs
Brooks, Pa.
Burdick
Butler
Campbell, Kans.
Cannon
Chalmers
Chandler, N. Y.
Chindblom
Christopherson
Cole, Iowa
Cole, Ohio
Connolly, Pa.
Cooper, Ohio
Cooper, Wis.
Coughlin
Crowther
Cullen
Curry
Dale
Dallinger
Darrow
Davis, Minn.
Davis, Tenn.
Denison
Dupré
Dyer
Elliott
Ellis
Faust
Fenn
Fess
Fitzgerald
Focht
Fordney
Foster
Free
Freeman
French
Frothingham
Fuller
Funk
Garrett, Tenn.
Gernerd
Glynn
Gorman
Green, Iowa
Greene, Mass.
Greene, Vt.
Griest
Hadley
Hardy, Colo.
Harrison
Haugen
Hawley
Hayden
Hays
Hickey
Hill
Hogan
Hudspeth
Hukriede
Hull
Jacoway
Jeffers, Ala.
Kearns
Kendall
Ketcham
Kincheloe
Kindred
King
Kissel
Kline, N. Y.
Kline, Pa.
Kreider
Larson, Minn.
Lawrence
Layton
Lazaro
London
Longworth
Lowrey
McArthur
McCormick
McKenzie
McLaughlin, Nebr.
Madden
Magee
Mansfield
Mapes
Mead
Merritt
Michener
Millspaugh
Mondell
Moore, Ohio
Moore, Va.
Moores, Ind.
Morgan
Mott
Murphy
Nelson, Me.
Nelson, A. P.
Newton, Mo.
Norton
O'Connor
Ogden
Oldfield
Olpp
Osborne
Parker, N. J.
Patterson, N. J.
Perkins
Purnell
Ramseyer
Ransley
Rayburn
Reece
Reed, W. Va.
Rhodes
Robsion
Rogers
Rose
Rouse
Sabath
Sanders, Ind.
Schall
Scott, Tenn.
Sears
Shaw
Shreve
Siegel
Sinnott
Smith, Idaho
Smithwick
Speaks
Stafford
Stephens
Strong, Kans.
Swing
Taylor, Ark.
Taylor, Colo.
Thompson
Tillman
Tilson
Timberlake
Towner
Treadway
Underhill
Vaile
Vestal
Volstead
Walters
Wheeler
Wingo
Winslow
Woods, Va.
Woodyard
Yates
Young
Zihlman

NAYS—50.

Andrews, Nebr.
Aswell
Beck
Bird
Blanton
Bowling
Box
Bulwinkle
Burtness
Byrnes, S. C.
Cable
Clague
Collier
Collins
Deal
Dowell
Drane
Drewry
Driver
Evans
Garrett, Tex.
Graham, Ill.
Hammer
Hardy, Tex.
Hoch
Huddleston
Johnson, Miss.
Kopp
Lampert
Lanham
Lankford
Little
Lyon
McClintic
McSwain
Park, Ga.
Parks, Ark.
Quin
Rankin
Ricketts
Sanders, Tex.
Sandlin
Sinclair
Swank
Thomas
Tincher
Tyson
Voigt
Ward, N. C.
Weaver

ANSWERED "PRESENT"—3.

Clark, Fla.
Langley
Pou

NOT VOTING—200.

Andrew, Mass.
Anthony
Arentz
Bacharach
Bankhead
Barkley
Beedy
Bell
Benham
Bixler
Blakeney
Bland, Ind.
Brand
Brennan
Britten
Brooks, Ill.
Brown, Tenn.
Browne, Wis.
Buchanan
Burke
Burroughs
Burton
Byrns, Tenn.
Campbell, Pa.
Cantrill
Carew
Carter
Chandler, Okla.
Clarke, N. Y.
Classon
Clouse
Cockran
Codd
Colton
Connally, Tex.
Connell
Copley
Crago
Cramton
Crisp
Dempsey
Dickinson
Dominick
Doughton
Dunbar
Dunn
Echols
Edmonds
Fairchild
Fairfield
Favrot
Fields
Fish
Fisher
Frear
Fulmer
Gahn
Gallivan
Garner
Gensman
Gilbert
Goldsborough
Goodykoontz
Gould
Graham, Pa.
Griffin
Hawes
Henry
Herrick
Hersey
Hicks
Himes
Hooker
Humphreys
Husted
Hutchinson
Ireland
James
Jefferis, Nebr.
Johnson, Ky.
Johnson, S. Dak.
Johnson, Wash.
Jones, Pa.
Jones, Tex.
Kahn
Keller
Kelley, Mich.
Kelly, Pa.
Kennedy
Kiess
Kirkpatrick
Kitchin
Kleczka
Knight
Knutson
Kraus
Kunz
Larsen, Ga.
Lea, Calif.
Leatherwood
Lee, Ga.
Lee, N. Y.
Lehlbach
Lineberger
Linthicum
Logan
Luce
Luhring
McDuffie
McFadden
McLaughlin, Mich.
McLaughlin, Pa.
McPherson
MacGregor
Maloney
Mann
Martin
Michaelson
Miller
Mills
Montague
Montoya
Moore, Ill.
Morin
Mudd
Nelson, J. M.
Newton, Minn.
Nolan
O'Brien
Oliver
Overstreet
Paige
Parker, N. Y.
Patterson, Mo.
Perlman
Petersen
Porter
Pringey
Radcliffe
Rainey, Ala.
Rainey, Ill.
Raker
Reber
Reed, N. Y.
Riddick
Riordan
Roach
Robertson
Rodenberg
Rosenbloom
Rossdale
Rucker
Ryan
Sanders, N. Y.
Scott, Mich.
Shelton
Sisson
Slemp
Smith, Mich.
Snell
Snyder
Sproul
Steagall
Stedman
Steenerson
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Sumners, Tex.
Sweet
Tague
Taylor, N. J.
Taylor, Tenn.
Temple
Ten Eyck
Tinkham
Tucker
Upshaw
Vare
Vinson
Volk
Ward, N. Y.
Wason
Watson
Webster
White, Kans.
White, Me.
Williams, Ill.
Williams, Tex.
Williamson
Wilson
Wise
Wood, Ind.
Woodruff
Wright
Wurzbach
Wyant

So (two-thirds having voted in favor thereof) the rules were suspended, and the Senate joint resolution was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. Anthony with Mr. Byrns of Tennessee.
Mr. Bixler with Mr. Connally of Texas.
Mr. Bacharach with Mr. Doughton.
Mr. Clarke of New York with Mr. Fulmer.
Mr. Benham with Mr. Carter.
Mr. Classon with Mr. Gilbert.
Mr. Burroughs with Mr. Fields.
Mr. Arentz with Mr. Bell.
Mr. Codd with Mr. Barkley.

Mr. Connell with Mr. Griffin.
Mr. Brennan with Mr. Cantrill.
Mr. Burton with Mr. Dominick.
Mr. Gensman with Mr. O'Brien.
Mr. Frear with Mr. McDuffie.
Mr. Edmonds with Mr. Lee of Georgia.
Mr. Dunbar with Mr. Kunz.
Mr. Fish with Mr. Montague.
Mr. Dickinson with Mr. Johnson of Kentucky.
Mr. Browne of Wisconsin with Mr. Favrot.
Mr. Brooks of Illinois with Mr. Crisp.
Mr. Beedy with Mr. Garrett of Texas
Mr. Clouse with Mr. Brand.
Mr. Fairfield with Mr. Linthicum.
Mr. Echols with Mr. Jones of Texas.
Mr. Dempsey with Mr. Humphreys.
Mr. Goodykoontz with Mr. Oliver.
Mr. Graham of Pennsylvania with Mr. Rainey of Alabama.
Mr. Henry with Mr. Raker.
Mr. Gahn with Mr. Martin.
Mr. Cramton with Mr. Overstreet.
Mr. Hicks with Mr. Riordan.
Mr. Husted with Mr. Stedman.
Mr. Ireland with Mr. Stevenson.
Mr. Kelley of Michigan with Mr. Williams of Texas.
Mr. Kennedy with Mr. Wilson.
Mr. James with Mr. Steagal.
Mr. Himes with Mr. Rucker.
Mr. Roach with Mr. Stoll.
Mr. Radcliffe with Mr. Tucker.
Mr. Snyder with Mr. Wise.
Mr. Ryan with Mr. Vinson.
Mr. Slemp with Mr. Wright.
Mr. Rodenberg with Mr. Tague.
Mr. Scott of Michigan with Mr. Ten Eyck.
Mr. Miller with Mr. Upshaw.
Mr. Maloney with Mr. Sumners of Texas.
Mr. Lee of New York with Mr. Sisson.
Mr. Taylor of New Jersey with Mr. Sullivan.
Mr. Hutchinson with Mr. Rainey of Illinois.
Mr. Kirkpatrick with Mr. Lea of California.
Mr. Petersen with Mr. Hooker.
Mr. Knutson with Mr. Logan.
Mr. Kahn with Mr. Kitchin.
Mr. Crago with Mr. Goldsborough.
Mr. Britten with Mr. Carew.
Mr. J. M. Nelson with Mr. Fisher.
Mr. Paige with Mr. Garner.
Mr. Nolan with Mr. Gallivan.
Mr. McPherson with Mr. Cockran.
Mr. Porter with Mr. Bankhead.
Mr. Sanders of New York with Mr. Buchanan.
Mr. Reed of New York with Mr. Campbell of Pennsylvania.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. DARROW. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a brief history of the North River Bridge.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

HISTORY OF NORTH RIVER BRIDGE CO.

Mr. DARROW. Mr. Speaker, the act incorporating the North River Bridge Co. was approved July 11, 1890. The company was fully organized September 19, 1890.

Plans for the bridge were approved by the Secretary of War on December 29, 1891.

The date for the commencement of construction was extended by the Secretary of War on June 2, 1893, for one year, and because of delay growing out of condemnation proceedings for property on the New Jersey side another extension was granted for one year on May 15, 1894.

In the meantime litigation arose with contending landowners which was carried to the Supreme Court of the United States, and decided in favor of the company by the Supreme Court of the United States on May 14, 1894. (Case No. 1040, October term, 1893, and reported as Luxton *v.* North River Bridge Co., 153 U. S. 525.)

Construction work was commenced on the New Jersey anchorage for the suspension bridge, but was interrupted by an injunction obtained by the property owners of the neighborhood in the New Jersey courts, complaining about the disturbing noises from boring machines and blasting. After hearings the injunction was dissolved by the court. In the meantime the severe money panic in 1893 had caused all but two railroads in New Jersey to go into receivers' hands and traffic agreements from these railroads for the use of the bridge could therefore not be obtained, such traffic agreements being necessary for financing the undertaking. Before the railroads recovered from insolvency almost 10 years had elapsed since the bridge had been authorized.

Again an attempt was made to continue work and to come to an agreement with the railroads, without which the undertaking could not be financed. The time of completion was extended by act of Congress approved February 8, 1901, to January 1, 1912. It was, however, found impossible to get the railroads into an agreement with the bridge company because, in the meantime, the Pennsylvania Railroad, having the largest traffic, had decided to build tunnels under the North River for its own traffic, independently of the other railroads, instead of using the bridge. This fact and the next financial panic, which occurred in October, 1907, made the financing of the undertaking again impossible. As soon as the business and financial conditions of the country had improved another attempt was made to build the bridge, and to that end application was made in Congress in 1912 for an extension of time for completion, also for authority to relocate the bridge, because in the meantime the commercial trade centers of New York had moved farther north and expensive wharves and pier facilities had been erected on the location already approved by the Secretary of War. Compensation for these costly improvements would have been prohibitively high, and a location farther north below Fifty-ninth Street was therefore taken under consideration and found very suitable from an engineering point of view.

The bill for authorizing the structure was introduced in the Senate on February 29, 1912. It passed in the Senate, but was not reached on the House Calendar before adjournment of Congress.

When the next move for the building of the bridge was being planned the war in Europe broke out, and foreseeing that it would produce financial disturbances also in the United States no attempt was made to obtain congressional action. In the meantime the demand for a bridge has become more urgent than ever. The traffic had increased to such an extent that new plans had to be studied for a bridge much larger and four times heavier than the one already approved by the Secretary of War in 1891.

The bad financial conditions of the country are now rapidly improving, so that the capital for the building of the bridge can now be obtained. In preparation for it the new plans have been prepared and thoroughly studied. The great need and urgency of this great work are well known to the whole country. The project is in a true sense a national undertaking, supported by public-spirited men.

The period desired for extending time of completion is 15 years. This margin of time is needed not only to give assurance to the capital to be invested in this undertaking that it will not be in jeopardy by any interruption from economic or political vicissitudes, but as the bridge will be of unprecedented size it requires special plant at the steelworks and shops which must first be built for its fabrication. It will require over 450,000 tons of steel. This is more than double the amount of steel in all the five big East River bridges combined. There will be 16 deep foundations of 80 feet diameter from 120 to 160 feet below water to rock, which alone require several years for sinking. Most of the large bridges of the world required 10 to 17 years for construction, although their size is many times smaller than the Hudson River Bridge will be. Many new problems of construction must be met. Untoward circumstances likely to happen on any unprecedented work may cause delays. Unpreventable litigation may consume time. Making allowance for all these, an extension of 15 years is deemed necessary as a safe and reasonable margin for completing the work.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the bridge bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. ACKERMAN. Mr. Speaker, in connection with the many questions asked to-day during the debate on the subject of the North River Bridge bill, I am of the opinion that in the years to come it will be of value to have had incorporated in the CONGRESSIONAL RECORD a full and complete statement giving the reasons for the establishment thereof of the structure and the great usefulness to the public upon its completion, as well as the timeliness and importance of its consideration. Therefore I have liberally drawn upon the facts so generously furnished me, in order that a complete picture of this gigantic project, which will be one of the world's wonders, may be easily visualized by anyone who might desire full information on this subject, which can not fail to be of widespread interest. The story runs as follows:

The act incorporating the North River Bridge Co. was approved July 11, 1890. The company was fully organized September 19, 1890.

Plans for the bridge were approved by the Secretary of War on December 29, 1891.

The date for the commencement of construction was extended by the Secretary of War on June 2, 1893, for one year, and because of delay growing out of condemnation proceedings for property on the New Jersey side another extension was granted for one year on May 15, 1894.

In the meantime litigation arose with contending landowners, which was carried to the Supreme Court of the United States and decided in favor of the company by the Supreme Court of the United States on May 14, 1894. (Case No. 1040, October term, 1893, and reported as Luxton *v.* North River Bridge Co., 153 U. S. 525.)

Construction work was commenced on the New Jersey anchorage for the suspension bridge, but was interrupted by an injunction obtained by the property owners of the neighborhood in the New Jersey courts, complaining about the disturbing noises from boring machines and blasting. After hearings the injunction was dissolved by the court. In the meantime the severe money panic in 1893 had caused all but a few railroads in New Jersey to go into receivers' hands, and traffic agreements from these railroads for the use of the bridge could therefore not be obtained, such traffic agreements being necessary for financing the undertaking. Before the railroads recovered from insolvency almost 10 years had elapsed since the bridge had been authorized. Again an attempt was made to continue the work and to come to an agreement with the railroads, without which the undertaking could not be financed. The time of completion was extended by act of Congress approved February 8, 1901, to January 1, 1912. It was, however, found impossible to get the railroads into an agreement with the bridge company because in the meantime the Pennsylvania Railroad, having the largest traffic, had decided to build tunnels under the North River for its own traffic, independently of the other railroads, instead of using the bridge. This fact and the next financial panic, which occurred in October, 1907, made the financing of the undertaking again impossible. As soon as the business and financial conditions of the country had improved another attempt was made to build the bridge, and to that end an application was made in Congress in 1912 for an extension of time for completion, also for authority to relocate the bridge, because in the meantime the commercial trade centers of New York had moved farther north and expensive wharves and pier facilities had been erected on the location already approved by the Secretary of War. Compensation for these costly improvements would have been prohibitively high, and a location farther north, below Fifty-ninth Street, was therefore taken under consideration and found very suitable from an engineering point of view.

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The new plans have been prepared and thoroughly studied. The great need and urgency of this great work are well known to the whole country. The project is in a true sense a national undertaking, supported by public-spirited men.

The period desired for extending time of completion is 15 years. This margin of time is needed not only to give assurance to the capital to be invested in this undertaking that it will not be in jeopardy by any interruption from economic or other vicissitudes, but as the bridge will be of unprecedented size it requires a special plant at the steelworks and shops which must first be built for its fabrication. It will require over 450,000 tons of steel. This is more than double the amount of steel in all the five big East River bridges combined. There will be 16 deep foundations of 80 feet diameter from 120 to 200 feet below water to rock, which alone require several years for sinking. Most of the large bridges of the world required 10 to 17 years for construction, although their size was but a fraction of what the Hudson River Bridge will be. Many new problems of construction must be met. Untoward circumstances likely to happen on any unprecedented work may cause delays. Making allowance for all these, an extension of 15 years is deemed necessary as a safe and reasonable margin for completing the work.

REASONS FOR CHANGING LOCATION.

When the bridge was first planned, 30 years ago, the intention was to build it from Hoboken to Twenty-third Street, New York. That location was approved by the Secretary of War December 31, 1891. It was the most advantageous and central location at that time. But it is so no longer. The present location is intended from the heights of Weehawken to the vicinity of Fifty-seventh Street, Manhattan, because the center of cross-river traffic has in the meantime shifted north.

At this point the banks are high and rocky, providing solid anchorages without undue expense and making it possible to build the bridge with short approaches and easy grades. The width of the river channel is about the same as on the former location.

Considered geographically, this spot is almost in the center of the so-called metropolitan district and near the middle of Manhattan Island. It is also in a direct line with the Queensborough Bridge over the East River, thus forming a continuous highway from New Jersey across Manhattan to Long Island.

The reasons why the bridge could not be built sooner are given in the history of this undertaking, which was presented in committee. They were beyond the control of the company. This colossal work could not have been undertaken under the adverse circumstances encountered. The two States of New York and New Jersey have attempted, through commissions, to provide for a bridge for highway traffic only, and have given it up as too costly.

DESIGN.

A bridge across the Hudson must be built with a single span of over 3,000 feet over the river channel. There are two reasons for this, either one sufficient. First, the rocky bottom of the river bed, which is a preglacial canyon, is from 300 to 400 feet below water level. Above this rocky base is a deep mass of blue loam mixed with gravel and mud quite thin and fluid at the top. A pier in the middle of the river would have to rest upon the rock below this mass of mud, and the cost of laying the foundation at such unprecedented great depth and under such conditions would be prohibitive. A single span of 3,000 feet is in this particular case cheaper than a bridge with a pier in the river, which by itself would cost many million dollars.

The other reason why a single span is necessary is that the War Department, which has jurisdiction over all navigable waterways, will not allow any structure that would obstruct navigation between the established pierhead lines. The height from water level at the center of the span will be 150 feet, which is 15 feet higher than under the Brooklyn Bridge or the recently authorized Delaware River bridge at Philadelphia; it is high enough to allow clear passage to all vessels ordinarily passing up and down the river. Ships with exceptionally high masts are few and usually provided with collapsible tops. If the North or Hudson River could be bridged with no more difficulties than the East River, then it would have been bridged long ago with several bridges, just as the East River is. But the first bridge over the North River is yet to be built, and with its connections and terminals will be the most stupendous engineering work yet undertaken, surpassing in that respect and also in final cost the Panama Canal.

THE TOWERS.

The towers will consist of steel skeletons inclosed by masonry for protection against corrosion and for better appearance. The steel skeletons will be 685 feet high, and at their tops carry the weight of the suspended structure.

Although steel towers are stronger and safer than stone masonry, they are not so satisfactory from an æsthetic viewpoint. The shell of masonry surrounding the steel towers will cost less than the capitalized cost of painting the metal, and will protect it against corrosion from the weather and against harmful temperature effects.

Each tower at the base will have an area of 200 by 400 feet, and will rest upon 8 caissons, each 80 feet in diameter, sunk to deep rock bottom by open dredging.

CABLES AND FLOORWAY.

There will be four cables. Two on each side and above each other forming braced and rigid reversed arches. Each cable will be in a shell of light bronze 12 feet in exterior diameter.

The floorway of the bridge is suspended from the cables and consists of two decks. The upper deck carries the promenades, four surface tracks, and the very wide roadway, two and one-half times the width of Fifth Avenue, New York City, between curbstones. It will form a solid fireproof and water-tight roof over the lower deck, which carries 12 railroad tracks, each track strong enough for the heaviest locomotives and trains, besides having place for conduits, telegraph, and telephone lines.

The cross girders which carry the two decks consist of huge single-plate girders suspended every 60 feet from the cables. These plate girders have large openings to allow the trains on the lower deck to pass through.

The greatest weight that the towers and cables will have to support is the dead weight of 400,000 tons of the suspended spans. Compared with this the live loads will be inconsiderable.

CAPACITY OF BRIDGE.

It is necessary to provide for a transportation capacity and trackage about equal to that of all four highway bridges over the East River combined. These four bridges have now 16 lines for vehicle traffic and 22 lines of rail traffic. If passed through tunnels, that traffic alone would require 30 tunnels under the river in addition to the 16 rapid transit and railroad tunnels in existence under the East River.

The bridge will ordinarily never be called upon to carry at any one time more than one-fourth of the density and maximum loads for which it is designed; nevertheless it must be strong enough for an emergency, and the plans fully so provide.

The passenger traffic available over the North River Bridge in 1900 was estimated at 40,000,000 per year; for the year 1940 the estimate is 200,000,000, not including 100,000,000 passengers who are using the existing six tunnels under the North River.

The vehicle traffic in 1900 was comparatively small, but with the modern automobile and motor truck this traffic is estimated at 25,000,000 vehicles over the bridge in 1940.

The trackage over the bridge is so arranged that at hours of maximum traffic all 12 tracks can be given over, if necessary, entirely to passenger traffic, while freight transportation can be accommodated over half the tracks during hours of light passenger traffic.

Similarly, traffic on the wide roadway of the proposed bridge can be so regulated that passenger traffic and freight-truck traffic can each be accommodated to the fullest possible extent.

The grades over the bridge will not exceed those over the East River bridges, and they are less steep than they would be through tunnels under the river at this location.

THE ECONOMY OF COMBINING DIFFERENT CLASSES OF TRANSPORTATION.

A bridge over the Hudson at New York City designed only for highway traffic or only for railroad traffic would be economically wasteful, because the right of way is very costly, and a double-deck bridge can accommodate both highway and railroad traffic for both passengers and freight, with a great saving in cost of construction.

To attain greatest efficiency and usefulness, both must be provided for on the same structure in this case. Right of way must be purchased, whether for tunnels or bridges. A series of separate crossings, each accommodating only one kind of traffic, is therefore very much more costly than a large bridge structure of equivalent value. This is the crux of the problem. But a bridge must be built as a whole; it can not be built, like tunnels, gradually, one track at a time. If the necessity for multiple tracks and for multiple lines of highway exist, as it certainly does here exist, then it can be shown that the bridge costs only half as much as an equivalent number of tunnels. It can also be maintained more cheaply, since no ventilation and lighting are necessary in daytime.

QUALITY OF MATERIALS AND MAINTENANCE.

The Hudson River Bridge will contain thirty times as much steel as the great Brooklyn Bridge and it will require ten times the tonnage of steel of the great cantilever Forth Bridge in Scotland, which is the largest steel bridge in the world. The amount of masonry will be in like proportion. In such a colossal structure, of course, only the highest quality of materials must be used.

The steel in the towers will be of a grade 50 per cent stronger than the steel used in standard structural work. The special high-grade steel of the eyebar chains will be 100 per cent stronger than standard steel. This greater strength is obtained by a special heat treatment, increasing not only strength but also durability.

Just as true economy requires the use of the best materials in construction, so it requires lowest cost of maintenance after the bridge is completed. Corrosion is the greatest enemy of steel in our climate. Nature is constantly at work changing steel to its primary condition of iron ore. Therefore weather-proof bronze sheathing will protect the cables. The great shells of masonry will likewise protect the steel towers. This will save large sums for upkeep. For the painting of the famous Firth of Forth Bridge, already mentioned as the largest steel bridge in existence, there is required, for instance, a perpetual force of 30 painters year in and year out. After reaching one end of the bridge in three to four years, they return to the other end for the next coat, and so on forever, to save the structure from corrosion. In the Hudson River Bridge that force of men would have to be 10 times larger. The expense of maintenance would be enormous. But with the steel protected there will remain about 8 per cent exposed to the weather. That will reduce the expense of painting and maintenance to a minimum.

TIME OF COMPLETION.

The present design provides for a structure four times stronger and heavier than the Hudson bridge approved by the Secretary of War in 1891.

The time of completion was at that time estimated at 10 years. It is evident that for the new structure, which will require at least four times the amount of steel and masonry, the legal time limit for completion should be at least 15 years to guard against forfeiture and confiscation.

It will be instructive to point out in this connection the time consumed in the construction of several of the world's largest bridges.

The oldest large iron bridge is the Britannia Bridge in England. It was building nine years, from 1841 to 1850.

The Brooklyn Bridge required 14 years, from 1869 to 1883.

The Eads Arch Bridge, at St. Louis, in its day the largest railroad and wagon bridge, required seven years, 1867 to 1874.

The Firth of Forth Bridge, which is still the largest steel bridge in existence, required 12 years, 1878 to 1890.

The Quebec Bridge in Canada, the longest span in North America, required 17 years, 1900 to 1917.

The Hell Gate Arch Bridge, the largest arch bridge in the world, designed for the heaviest railroad loads for future use, and which was under the same engineering management as the North River Bridge, required only four years—1913 to 1917—for construction, but the legal and technical preparations for it extended from 1894 to 1913, altogether 23 years. It was the thorough preparation which permitted the swift execution in four years.

The Hudson River Bridge will contain 450,000 tons of steel, which is twice as much as in all five East River bridges combined, and far exceeds the tonnage of steel in all the existing bridges over the Missouri, Ohio, and Mississippi Rivers combined. To be on the safe side for all vicissitudes of execution the time limit for completion should therefore reasonably not be less than 15 years, which is still less time than was required for the great Quebec cantilever bridge, built by the Canadian Government.

The Hudson River Bridge will contain more than ten times the tonnage and masonry of the Quebec Bridge. Special fabrication shops were necessary for that bridge and will be necessary for the much greater Hudson bridge. The possible delays from severe winter weather, when the men can not work in mid-air, the many vicissitudes possible from delays in fabrication and erection, of the unparalleled tonnage, are such as to make 15 years the shortest safe limit for construction.

The extraordinary nature of this structure is such that every encouragement should be offered to the North River Bridge Co. for its construction, the more so as the United States Government is not asked to furnish any money or credit for it.

BENEFITS OF THE BRIDGE.

Automobiles and motor trucks will be able to cross from New York to New Jersey in a few minutes instead of being delayed, as at present, for hours.

A saving in the cost of delivery and a certainty of supply of food, fuel, and other necessaries to the metropolis.

Development of home building and its accompaniments in New Jersey and northward along the west bank of the Hudson and a compensatory benefit to the great city.

Reduction of shipping costs to and from the port of New York and consequent benefit to the Nation's commerce.

Through railroad connections north, south, east, and west, consequent speed and comfort of travel, and elimination of unnecessary charges.

Orderly expansion of population, industry, and commerce, and reduction of traffic congestion in Manhattan and on both banks of the Hudson.

An important element of safety and efficiency in the event of war.

As the structure will reach into two States, the company will necessarily cooperate with the local authorities on both sides of the river in the carrying out of its plans.

Mr. CABLE. Mr. Speaker, I ask unanimous consent to extend my remarks on the 3 per cent immigration law.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

THE 3 PER CENT RESTRICTIVE IMMIGRATION LAW A SUCCESS.

Mr. CABLE. Mr. Speaker, a law of Congress should be judged by its benefits. If no good results ensue it should be promptly repealed. What, then, of the 3 per cent restrictive immigration law of May 19, 1921? It has been in actual operation for the entire fiscal year ending June 30, 1922.

That a supplemental immigration law was needed at the beginning of the special session of Congress only those opposed to restrictive immigration will deny. For a few years prior to the war the average net increase of aliens admitted into the United States was approximately 850,000 each year. Then came the World War. It acted as a barrier, cutting down the net immigration to as low as 19,000 in the year 1918. Since the war immigration has increased by leaps and bounds. For the fiscal year prior to the time when the 3 per cent law went into operation the net gain was 552,000. Evidence was introduced before our committee that the ports of southern Europe were congested with those seeking to come to this country; that unless a restrictive immigration law was passed there would be a virtual migration of foreign born to this country numbering from one to two million. The large number of ships created for war purposes were without goods to transport; they would be idle unless the owners could enter into the lucrative business of immigration transportation. But what was the condition in America? During the war the construction of homes and schools was stopped almost entirely. Congress was confronted with the proposition that there were no homes wherein these people could live, no schools whereby their children could be educated, and the American workingman should not be compelled to compete for his work with those seeking to come here. It was not a fair proposition either to the American people or to the foreign born. Prompt and proper solution of the problem was the passage of the 3 per cent restrictive immigration law.

This law in brief simply provides that new immigrants equal in number to 3 per cent of those foreign-born nationals who resided in the United States as determined by our 1910 census could be admitted during the fiscal year, and that not more than 20 per cent were admissible during any one month.

Not included in this count, however, were government officials of foreign countries and their families, aliens visiting the United States as tourists, or temporarily for business or pleasure, aliens who have resided continuously for at least one year immediately preceding the time of their entrance into the United States in other countries of North, Central, or South America, or adjacent islands, and aliens under the age of 18 years who are children of citizens of the United States.

That this law is a success is proclaimed by the good and beneficial results it has accomplished. Not only has the number of immigrants been reduced to a minimum, but the quality of those who came and remained here is of the highest standard obtainable from other countries. The workman is protected from foreign competition.

Because of the law we have been able to learn many characteristic facts concerning the nationals of other countries. For example, the people of southern Europe are more anxious to come to the United States than those of northern Europe. This is shown by the records. The people of Greece, Hungary, Italy, Poland, Rumania, and such countries exhaust their entire quota and every person who, under the law, was permitted to come did come to America. On the other hand, the countries of northern Europe were not inclined to permit their nationals to leave for our shores and but a portion of the percentage allotted to such nationals was exhausted. For example, the people of France used but 75.9 per cent; Germany, 28 per cent; Norway, 48.7 per cent; Sweden, 43.8 per cent; and the United Kingdom, 55.2 per cent.

Another interesting fact was disclosed in the operation of this law. While the nationals of the southern countries of Europe exhausted their full quota in coming to the United States, yet, instead of being a net gain, it was a loss in the number of immigrants from those countries for the entire fiscal year, because more nationals emigrated from the United States than entered here from those southern countries. On the other hand, when the English, French, Germans, Irish, Scandinavians, Scotch, Slovaks, and Welsh come to the United States they have the purpose of remaining here, making this their permanent home and the United States the new country of their allegiance, because but few of these nationals return to their old countries.

The most peculiar result of the operation of the law is that our net gain consists entirely of women and girls. The number of male aliens who departed from this country during the fiscal year just passed exceeded those admitted by almost 12,000, while the number of females who were admitted to this country during the fiscal year ending June 30, 1922, exceeded those who departed by more than 98,000, so that the net gain in the number of aliens for the fiscal year last past, from both quota and nonquota countries, is 87,121—all females.

In addition, the immigration laws have been better administered. The percentage of those usually debarred has been less than 2 per cent each year of those who seek admission, while under the administration of the 3 per cent law the percentage of debarred has almost doubled. Another fine result of the law is the fact that under restrictive immigration naturalization of foreign born is on the increase. We have approximately 14,000,000 foreign born in this country and less than half are naturalized. As is well known, when a man is naturalized his wife, and also his children who are under 21 years of age and residing in this country, automatically become American citizens. This process takes at least five years for the man. About 12 years ago naturalization was granted to a number equal approximately to 10 per cent of the new immigrants who came to this country. During the last fiscal year this situation has been reversed, and, while the net gain of foreign born is about 87,000, the naturalization amounts, in round numbers, to approximately 262,000. I am one of those who believe that a foreign born who comes to this country to make a living should think enough of the United States to renounce allegiance to his foreign ruler and become a citizen of the United States. Sometimes those seeking to be naturalized fail, but generally through no fault of the Government. Of the 29,000 who were denied naturalization in the last fiscal year, 10,000 were refused because they had claimed exemption from military service of the United States on the ground that they were aliens.

This law has been operating so successfully that it has been extended for two additional years with some amendments. For example, a penalty is imposed upon steamship companies who bring aliens here in excess of the quota; also, instead of one year, aliens must reside continuously for five years immediately preceding the time they seek admission to the United States from Canada, Newfoundland, Cuba, Mexico, and countries of Central and South America or adjacent islands.

The duty of Congress is first to legislate for American people. The 3 per cent restrictive immigration law is a fitting example. Its results are a success of which the American people may be proud.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. Williams of Texas, indefinitely, on account of sickness in family.

To Mr. Kraus on account of death in family.

To Mr. White of Maine, indefinitely, on account of death of a member of his family.

AMENDMENTS TO NATIONAL DEFENSE ACT.

Mr. HULL. Mr. Speaker, I move to suspend the rules and pass the bill, a copy of which I send to the Speaker's desk.

The SPEAKER. The gentleman from Iowa moves to suspend the rules and pass the bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 3890) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920.

Be it enacted, etc., That the second paragraph of section 5 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, hereinafter referred to as the national defense act of June 4, 1920, be, and the same is hereby, amended to read as follows:

"After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps, except the Chief of Staff, shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list: *Provided,* That the name of any National Guard or reserve officer who has demonstrated by actual service with the War Department General Staff during a period of not less than six months, as hereinafter provided for, that he is qualified for General Staff duty, may, upon the recommendation of a board consisting of the general officers of the War Department General Staff, assistants to the Chief of Staff, be added to said eligible list at any time. The Secretary of War shall publish annually the list of officers eligible for General Staff duty, and such eligibility shall be noted in the annual Army Register. If at any time the number of officers available and eligible for detail to the General Staff is not sufficient to fill all vacancies therein, majors or captains may be detailed as acting General Staff officers under such regulations as the President may prescribe: *Provided,* That in order to insure intelligent cooperation between the General Staff and the several noncombatant branches, officers of such branches may be detailed as additional members of the General Staff Corps under such special regulations as to eligibility and redetail as may be prescribed by the President, but not more than two officers from each such branch shall be detailed as members of the War Department General Staff."

SEC. 2. That section 37 of said act, as contained in section 32 of the national defense act of June 4, 1920, be, and is hereby, amended to read as follows:

"SEC. 37. Officers' Reserve Corps: For the purpose of providing a reserve of officers available for military service when needed there shall be organized an Officers' Reserve Corps consisting of general officers of sections corresponding to the various branches of the Regular Army, and of such additional sections as the President may direct. The grades in each section and the number in each grade shall be as the President may prescribe. Reserve officers shall be appointed and commissioned by the President alone, except general officers, who shall be appointed by and with the advice and consent of the Senate. Appointment in every case shall be for a period of five years, but an appointment in force at the outbreak of war or made in time of war shall continue in force until six months after its termination. Any reserve officer may be discharged at any time in the discretion of the President. A reserve officer appointed during the existence of a state of war shall be entitled to discharge within six months after its termination if he makes application therefor. In time of peace a reserve officer must at the time of his appointment be a citizen of the United States or of the Philippine Islands, between the ages of 21 and 60 years. Any person who has been an officer of the Army at any time between April 6, 1917, and June 30, 1919, or an officer of the Regular Army at any time may be appointed as a reserve officer in the highest grade which he held in the Army or any lower grade. Any person commissioned in the National Guard and recognized as a National Guard officer by the Secretary of War may upon his own application be appointed as a reserve officer in the grade held by him in the National Guard. No other person shall in time of peace be originally appointed as a reserve officer of Infantry, Cavalry, Field Artillery, Coast Artillery, or Air Service in a grade above that of second lieutenant. In time of peace appointments in the Infantry, Cavalry, Field Artillery, Coast Artillery, and Air Service shall be limited to former officers of the Army, officers of the National Guard recognized as such by the Secretary of War, graduates of the Reserve Officers' Training Corps, as provided in section 47b hereof, warrant officers and enlisted men of the Regular Army, National Guard, and Enlisted Reserve Corps, and persons who served in the Army at some time between April 6, 1917, and November 11, 1918. Promotions and transfers shall be made under such rules as may be prescribed by the President, and shall be based so far as practicable upon recommendations made in the established chain of command. So far as practicable reserve officers shall be assigned to units in the locality of their places of residence. Nothing in this act shall operate to deprive a reserve officer of the reserve commission he now holds. Any reserve officer may hold a commission in the National Guard without thereby vacating his reserve commission."

SEC. 3. That the second paragraph of section 67 of said act be, and is hereby, amended to read as follows:

"The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided,* That the sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services; for expenses of enlisted men of the Regular Army on duty with the National Guard, including an allowance for quarters and subsistence provided in section 11 of the pay readjustment act of June 10, 1922, medicine, and medical attendance; and such expense shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries, and suitable target ranges; for the hiring of horses and draft animals for use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law."

SEC. 4. That section 81 of said act, as contained in section 44 of the national defense act of June 4, 1920, be, and is hereby, amended to read as follows:

"SEC. 81. Militia Bureau of the War Department: The Militia Division of the War Department shall hereafter be known as the Militia Bureau of the War Department. After January 1, 1921, the Chief of the Militia Bureau shall be appointed by the President by and with the advice and consent of the Senate, by selection from lists of present and former National Guard officers, recommended by the governors of the several States and Territories as suitable for such appointment, who hold commissions in the Officers' Reserve Corps, and have had 10 or more years' commissioned service in the National Guard, at least five of which have been in the line, and who have attained at least the grade of major. He shall hold office for four years, unless sooner removed for cause, and shall have the rank, pay, and allowances of a major general of the Regular Army during his tenure of office, but shall not be entitled to retirement or retired pay. While serving as chief his reserve commission shall continue in force and shall not be terminated except for cause assigned. Until the chief is appointed, as provided in this section, the President may assign an officer of the Regular Army, not below the grade of colonel, to perform the duties of chief. For duty in the Militia Bureau and for the instruction of the National Guard the President shall assign such number of officers and enlisted men of the Regular Army as he may deem necessary. He may also assign for duty in the Militia Bureau three officers who hold or have held commissions in the National Guard and who at the time of assignment are reserve officers, and any such officer while so assigned shall receive out of the whole fund appropriated for the support of the National Guard the pay and allowances provided in the pay readjustment act of June 10, 1922, for officers of the National Guard when authorized by law to receive Federal pay. The President may also assign, with their consent, and within the limits of the appropriations previously made for this specific purpose, not exceeding 500 officers of the National Guard, who hold reserve commissions, to duty with the Regular Army in addition to those attending service schools, and while so assigned they shall receive the pay and allowances authorized in the preceding sentence, to be paid out of the whole fund appropriated for the support of the militia."

SEC. 5. That section 99 of said act be, and is hereby, amended to read as follows:

"SEC. 99. National Guard officers and men at service schools, etc.: Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and any such officer shall receive out of any National Guard allotment of funds available for the purpose, the pay and allowances provided in the pay readjustment act of June 10, 1922, for officers of the National Guard when authorized by law to receive Federal pay and the travel allowances provided in section 12 thereof, and any such enlisted man shall receive therefrom, except as otherwise provided in section 14 of the pay readjustment act of June 10, 1922, the same pay and allowances, including allowances for quarters, subsistence, and travel to which an enlisted man of the Regular Army of like grade would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority, while in actual attendance at such school, college, or practical course of instruction, and for the necessary period of travel from and to his home station."

SEC. 6. That section 110 of said act, as amended by section 48 of the national defense act of June 4, 1920, be, and is hereby, amended to read as follows:

"SEC. 110. Pay for National Guard enlisted men: Each enlisted man belonging to an organization of the National Guard, other than enlisted men of the sixth and seventh grades, shall receive compensation at the rate of one-thirtieth of the initial monthly pay of his grade in the Regular Army for each drill ordered for his organization where he is officially present and in which he participates for not less than one and one-half hours, not exceeding eight in any one calendar month and not exceeding 60 drills in one year: *Provided,* That no enlisted man shall receive any pay under the provisions of this section for any month in which he shall have attended less than 60 per cent of the drills or other exercises prescribed for his organization: *Provided further,* That the proviso contained in section 92 of this act shall not operate to prevent the payment of enlisted men actually present at any duly ordered drill or other exercise: *And provided further,* That periods of any actual military duty equivalent to the drills herein prescribed (except those periods of service for which members of the National Guard may become lawfully entitled to the same pay as officers and enlisted men of the corresponding grades in the Regular Army) may be accepted as service in lieu of such drills when so provided by the Secretary of War.

"All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the finance department of the Army, and all disbursements under the foregoing provisions of this section shall be made as soon as practicable after the 31st of March, the 30th day of June, the 30th day of September, and the 31st day of December of each year upon pay rolls prepared and authenticated in the manner to be prescribed by the Secretary of War: *Provided,* That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

"Except as otherwise specifically provided herein no money appropriated under the provisions of this or the last preceding section shall be paid to any person not on the active list, nor to any person over 64 years of age, nor to any person who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe, nor to any State, Territory, or District, or officer or enlisted man in the National Guard thereof unless and until such State, Territory, or District provides by law that staff officers, including officers of the finance, inspection, quartermaster, and medical departments hereafter appointed shall have had previous military experience and shall hold their positions until they have reached the age of 64 years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and that vacancies among said officers shall be filled by appointment from the officers of the militia of such State, Territory, or District."

The SPEAKER. Is a second demanded?

Mr. GARRETT of Tennessee. Mr. Speaker, I demand a second.

Mr. HULL. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

FIRST DEFICIENCY APPROPRIATION BILL, 1923.

Mr. MADDEN. Mr. Speaker, I present a privileged report from the Committee on Appropriations.

The SPEAKER. The gentleman from Illinois presents a report on the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes (Rept. No. 1243).

The SPEAKER. Referred to the Committee of the Whole House on the state of the Union and ordered printed.

AMENDMENTS TO NATIONAL DEFENSE ACT.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve all points of order on the bill. Mr. Speaker, this measure which the gentleman from Iowa calls up seems to be, from the reading of it, a pretty important measure. It is a long measure, and it seems to me we ought to have a quorum here while the discussion is going on.

Mr. McKENZIE. Mr. Speaker, may I say to the gentleman that it sounds like a long bill, because certain sections of the national defense act are printed out in full, while, as a matter of fact, the legislation involved covers only a few lines in different sections in the nature of amendments.

Mr. GARRETT of Tennessee. Mr. Speaker, the measure has never been reported from the House committee. I understand that the matter has been considered by the House committee, but the bill has not been reported. Can the gentleman tell us why it has not been reported if the committee is favorable to it?

Mr. HULL. The Committee on Military Affairs failed to have a quorum, and therefore they could not report it out.

I might say to the gentleman from Tennessee that the bill relates entirely to the National Guard. It has nothing to do with the Regular Army. Every amendment here has been indorsed by the National Guard officers, and has also been indorsed by the several adjutants general of the several States that make up the National Guard.

Mr. HILL. Will the gentleman yield there for a question?

Mr. HULL. Certainly.

Mr. HILL. All the adjutants general of the several States have indorsed this bill, have they not?

Mr. HULL. They have.

Mr. HILL. They are anxious to have it passed promptly?

Mr. HULL. All the National Guard, so far as I have ever heard, are anxious to have this bill passed.

Mr. MOORE of Virginia. Mr. Speaker, may I ask the gentleman one question?

Mr. HULL. Certainly.

Mr. MOORE of Virginia. Is this bill similar to the bill that was considered by the Committee on Military Affairs?

Mr. HULL. It has been considered by the House Committee on Military Affairs.

Mr. MOORE of Virginia. Covered in Report No. 675?

Mr. McKENZIE. If the gentleman will yield to me——

Mr. HULL. Certainly.

Mr. McKENZIE. I would say to the gentleman from Virginia that the bill he has in mind was introduced and referred to our committee, and referred by our committee to the Militia Bureau in the War Department, and reported out prior to the passage of the service pay bill. When the service pay bill was enacted into law it took care of a number of provisions that had been in the bill that the gentleman has in mind. Then we thought the better thing to do would be to reintroduce the bill in the Senate, taking cognizance of the action of Congress in taking care of what had been taken care of in the pay bill, and that brought this bill into existence in the Senate.

Mr. MOORE of Virginia. Then it is fair to say that the matters covered in this bill have all been considered by the House committee?

Mr. McKENZIE. Absolutely.

Mr. HULL. Certainly. The most important amendment, in my opinion, is the amendment which permits a National Guard officer to be put on the General Staff of the Army. There is also a provision in here permitting National Guard officers to become members of the Officers' Reserve Corps at once.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. HULL. Certainly.

Mr. GREENE of Vermont. After all, the bill is more in the nature of a little bit of carpenter work and refitting, after the passage and two years of the operation of the national defense act?

Mr. HULL. Yes.

Mr. GREENE of Vermont. When it was found that the National Guard did not articulate with ease in all respects with the other establishment?

Mr. HULL. Yes.

Mr. GREENE of Vermont. So, at the suggestion of the National Guard itself, this legislation is proposed so that the National Guard may have additional opportunities beyond those they have under the national defense act and so that they will have broader scope for ambition than they have under the general provisions of the national defense act. Three or four little spots like that are ironed out, so that the National Guard and the Regular organization may function quite smoothly.

Mr. HULL. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. HULL. Yes.

Mr. GARRETT of Tennessee. Then I assume that this bill was not drawn by the General Staff, if it enlarges the privileges of the National Guard.

Mr. HULL. This bill was drawn by several adjutants general at a meeting they had here in Washington. They drew it themselves and asked for its passage.

Mr. LONDON. Mr. Speaker, will the gentleman yield?

Mr. HULL. Yes.

Mr. LONDON. What other changes does it make in the present law?

Mr. HULL. In the first place, it is provided that a National Guard officer shall be put on the General Staff, which I think is a fine thing to do. Next, it amends the national defense act and the Army reorganization act so that a National Guard officer can become a member of the Officers' Reserve Corps at once, without going in. They have had the experience, and they go back a member. Slight changes have been made in the pay of the National Guard, so that they will get their pay more promptly. There has been complaint about that.

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. HULL. Yes.

Mr. HUDSPETH. Is there any increase in the pay?

Mr. HULL. No; there is no increase in the pay.

Mr. Speaker, I yield five minutes to the gentleman from Illinois.

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, I think perhaps I can make this bill plain in five minutes. At least I shall try to do so.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman permit a suggestion?

Mr. McKENZIE. Yes.

Mr. CHINDBLOM. The gentleman from Iowa [Mr. HULL] refers only to the National Guard officers. There are also provisions here with reference to reserve officers.

Mr. McKENZIE. Yes.

Mr. CHINDBLOM. Will the gentleman give attention to that?

Mr. McKENZIE. I will if I have the time. Let me first explain the bill generally. The first amendment refers to section 5 of the national defense act. That section of the national defense act provides for the making of the official continuous eligible list of officers to be placed upon the General Staff. Now, in making that up, when we wrote the national defense act, we provided that the officers of the Regular Army and those who had graduated from certain colleges, staff colleges, could be put on the eligible list. The amendment effecting that is as follows, on page 2:

> *Provided*, That the name of any National Guard or reserve officer who has demonstrated by actual service with the War Department General Staff during a period of not less than six months, as hereinafter provided for, that he is qualified for General Staff duty, may, upon the recommendation of a board consisting of the general officers of the War Department General Staff, assistants to the Chief of Staff, be added to said eligible list at any time.

That means simply this: That any National Guard officer who passes the examination may have his name put on the eligible list, to be hereafter appointed on the General Staff.

Mr. LONDON. Under the conditions of the General Staff?

Mr. McKENZIE. Yes; or if he is an officer holding a commission in the reserve. That is the only amendment to that section. It is the only change. I think it is a good change. I am sure there will be no criticism of it.

The next amendment is to section 37 of the national defense act, for the creation of the Officers' Reserve Corps. On page 4 there is an amendment commencing on line 13. In the National Guard act it read:

> Any person serving in the National Guard.

That is changed to "Any person commissioned in the National Guard." And the language is transposed somewhat so as to make it more clearly understood.

Then again, at the bottom of the page, insert the following words on line 22:

> Officers of the National Guard, recognized as such by the Secretary of War—

And so forth, clarifying that.

On page 5, in lines 9 to 12, in order that there may be no question about a man's reserve commission, the following was added:

> Nothing in this act shall operate to deprive a reserve officer of the reserve commission he now holds. Any reserve officer may hold a

commission in the National Guard without thereby vacating his reserve commission.

There has been some question whether an officer holding a commission in the National Guard could at the same time hold a Federal commission in the Officers' Reserve Corps. This simply clarifies that point.

The next amendment is in section 3 of the national defense act. On page 6, in line 11, we simply put in the language:

In section 11 of the pay readjustment act of June 10, 1922.

That is, they are paid under the provisions of the service pay bill that we passed a short time ago.

Mr. SPEAKS. Mr. Speaker, will the gentleman yield right there?

Mr. McKENZIE. Yes.

Mr. SPEAKS. Will the gentleman tell us what appropriation is referred to in line 15 on page 5?

Mr. McKENZIE. That is the appropriation that is provided for in the national defense act.

Mr. SPEAKS. For the National Guard?

Mr. McKENZIE. For the National Guard.

Mr. SPEAKS. In other words, then, all the various things that are enumerated here are to be charged to the appropriation for the National Guard?

Mr. McKENZIE. That is the law now.

Mr. SPEAKS. That is different from the present law, is it not?

Mr. McKENZIE. No; that is the law now. That is the way the section reads. I have a copy of it on the desk there which the gentleman can read.

The SPEAKER. The gentleman has used five minutes.

Mr. HULL. I yield to the gentleman 10 minutes more.

Mr. BOX. Will the gentleman yield for a question?

Mr. McKENZIE. I will be glad if gentlemen will let me finish stating these amendments. Then I will be glad to yield for any question. The language beginning with the word "for," in line 16 on page 6—

For the hire of clerks in the offices of United States property and disbursing officers, as approved by the Secretary of War.

That language is stricken out, because we felt that it was unnecessary to go to that expense.

Now, the next amendment comes on page 8, in section 81 of the national defense act, by inserting, on page 8, in line 6, after the word "necessary," the following language:

He may also assign for duty in the Militia Bureau three officers who hold or have held commissions in the National Guard, and who at the time of assignment are reserve officers, and any such officer while so assigned shall receive out of the whole fund appropriated for the support of the National Guard the pay and allowances provided in the pay readjustment act of June 10, 1922, for officers of the National Guard when authorized by law to receive Federal pay.

That provision simply means that while under the national defense act the Chief of the Militia Bureau is now a National Guard officer selected from officers recommended by the governors of the various States, who have had at least 10 years' service, and General Rickards, of the State of Pennsylvania, is now at the head of the Militia Bureau, this provides that he may have three assistants taken from officers of the National Guard who hold reserve commissions.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. McKENZIE. Certainly.

Mr. MOORE of Virginia. Will the gentleman go back to section 3 and say exactly what he meant by the statement that the words were stricken out? We do not understand that here.

Mr. McKENZIE. On page 6?

Mr. MOORE of Virginia. Yes.

Mr. McKENZIE. On page 6, after the word "Columbia," in line 16, this language was in the original bill:

For the hire of clerks in the offices of United States property and disbursing offices, as approved by the Secretary of War.

That would entail an unnecessary expense.

Mr. MOORE of Virginia. Those words still remain here in the copy of the bill which I have.

Mr. McKENZIE. No; they are stricken out in the bill that you are to vote upon, because we did not want to incur that expense.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. McKENZIE. Certainly.

Mr. GRAHAM of Illinois. Why do you limit it to three officers?

Mr. McKENZIE. I do not know. That is probably an arbitrary number, but it is the number asked for by the Militia Bureau. The Chief of the Militia Bureau, when he appeared before the committee, said that was what they wanted, and we gave them what they asked for.

Mr. QUIN. Mr. Speaker, will the gentleman yield?

Mr. McKENZIE. Certainly.

Mr. QUIN. Why could not this bill go before the Military Committee and be considered?

Mr. McKENZIE. It has been before the Military Committee, practically the same bill.

Mr. QUIN. This bill shows on its face it was not.

Mr. McKENZIE. I explained a moment ago to the gentleman from Virginia [Mr. MOORE] that the bill which we considered in our committee was considered prior to the passage of the pay bill, the passage of which eliminated from the bill that we considered a number of sections which were unnecessary to be enacted into law. Therefore we had it reintroduced in the Senate with those provisions eliminated.

Now, on page 9, the next amendment comes in section 99 of the national defense act, and is as follows:

SEC. 99. National Guard officers and men at service schools, etc.: Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers or enlisted men of the National Guard to attend and pursue a regular course of study at any military service school of the United States, except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and any such officer shall receive out of any National Guard allotment of funds available for the purpose the pay and allowances provided in the pay readjustment act of June 10, 1922, for officers of the National Guard when authorized by law to receive Federal pay and the travel allowances provided in section 12 thereof, and any such enlisted man shall receive therefrom, except as otherwise provided in section 14 of the pay readjustment act of June 10, 1922, the same pay and allowances, including allowances for quarters, subsistence, and travel to which an enlisted man of the Regular Army of like grade would be entitled for attending such school—

And so forth.

That simply puts the National Guard officers on the same footing as the officers in the reserve and in the Regular Army.

The next amendment comes to section 110. You will find it on page 11. It simply changes the pay from the Quartermaster Department to the Finance Department, which is now the department which does the paying. On page 12 in line 4 you will find the same insertions of the finance, inspection, and so forth, including the Finance Department.

Now, gentlemen, that is all there is to this bill. It is simply the amendments mentioned put into the sections named. Now, I will yield first to the gentleman from Texas [Mr. BOX], who desires to interrogate me.

Mr. BOX. Can the gentleman tell me why this legislation was not presented while the House had plenty of time to consider it, and why it is now brought up in this hasty manner under suspension of the rules?

Mr. McKENZIE. I will say to the gentleman from Texas that we have been doing our very best to get these matters up before Congress, and I want to say further to him that in my judgment there is not anything complex about this. There is not anything difficult to understand. It is a simple proposition and one that does not require very much discussion.

Now I yield to the gentleman from Alabama [Mr. JEFFERS].

Mr. JEFFERS of Alabama. The gentleman referred a moment ago to the amendment about pay and travel allowance for officers of the National Guard. The provision for such pay and travel allowances for enlisted men also is a new proposition; is it not?

Mr. McKENZIE. No; that is provided in the service pay bill. This simply makes it comply with that law; that is all.

Mr. QUIN. My recollection is that the bill that the Military Committee of the House had before it was a bill that the National Guard indorsed. Do they indorse this bill?

Mr. McKENZIE. Oh, absolutely.

Mr. QUIN. There is no question about this bill being indorsed by them?

Mr. McKENZIE. Oh, no; not at all.

Mr. QUIN. Nothing has been put in here to undo what we tried to do?

Mr. McKENZIE. No. I want to say to my friend from Mississippi that we did a good many things for the National Guard in the service pay bill for which they were very thankful, and they simply asked us to do for them in this bill the things that we did not do in the service pay bill—things that they wish to have done.

Mr. DENISON. Will the gentleman yield?

Mr. McKENZIE. I yield to my colleague.

Mr. DENISON. What is the attitude of the War Department toward this bill? Do they approve of it?

Mr. McKENZIE. They do. They have no objection to it. I have not found anyone who objected to it.

Mr. BUTLER. This does no more than to simply explain our former act. It does not involve promotions in any way.

Mr. McKENZIE. It does extend the law and gives the National Guard officers some things they have not heretofore enjoyed, but the committee felt that they were doing them no more than justice.

Mr. BUTLER. It is a further relief of the guard and the reserve officers.

Mr. McKENZIE. Yes; to the National Guard.

Mr. CANNON. Will the gentleman yield?

Mr. McKENZIE. yes.

Mr. CANNON. Are they paid from the Treasury of the United States?

Mr. McKENZIE. The National Guard officers? The gentleman will remember that we provided in the national defense act that when they are in the Federal service in training the Federal Government appropriates a certain amount of money to help pay the National Guard.

Mr. CANNON. An officer of the National Guard might be on the staff.

Mr. McKENZIE. Then he would be paid by the Federal Government.

Mr. CANNON. At a certain age a Regular Army officer is retired. Does this apply to the officers of the National Guard?

Mr. McKENZIE. It does not bring in any retirement; he is not a Regular Army officer on the staff; he is there simply for detail.

Mr. CANNON. We have got a militia and the Regular Army.

Mr. McKENZIE. Not much of a Regular Army; we have a little left.

Mr. CANNON. I thought we had a good deal of it.

Mr. VAILE. Not enough of it.

Mr. CANNON. The State contributes to the National Guard, and does the National Treasury contribute?

Mr. McKENZIE. A part of the appropriation every year for the National Guard.

Mr. CANNON. This is enlarging that?

Mr. McKENZIE. I would not say that it enlarges it. An officer detailed is drawing his full pay while serving, and we felt that what little expense there was is well expended.

Mr. HULL. It can not increase the appropriation because it is out of the appropriation that you make every year. It is made annually.

Mr. GREENE of Vermont. It is not proposed in the interest of the Regular Army, and their being on the staff is not for the benefit of the Regular Army but for the benefit of the National Guard—to give them training to better supervise the affairs of their branch of the Army.

Mr. McSWAIN. It is for the benefit of the Regular Army in an educational way. [Laughter.]

The SPEAKER. Does the gentleman from Tennessee wish to use his time?

Mr. GARRETT of Tennessee. I think not, Mr. Speaker.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

UNITED STATES MILITARY RESERVATION, FORT DE RUSSY, HONOLULU, HAWAII.

Mr. ROGERS. Mr. Speaker, I move to suspend the rules and pass the bill S. 3424.

The Clerk read the bill, as follows:

An act (S. 3424) to provide for the reclamation of the United States Military Reservation, Fort De Russy, Honolulu, Hawaii.

Be it enacted, etc., That such portion of the United States Military Reservation, Fort De Russy, Honolulu, Hawaii, as is low, marshy, or insanitary shall be filled in and raised to the grade of other marshlands now in process of reclamation by the Territory of Hawaii in the immediate vicinity of said reservation, and for this purpose there is hereby authorized to be expended under the direction or supervision of the Secretary of War a sum not to exceed $100,000.

The SPEAKER. Is a second demanded?

Mr. GARRETT of Tennessee. I demand a second.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. This is a Senate bill. Has it been considered by any committee?

Mr. ROGERS. The Committee on Military Affairs has taken favorable action on the bill, and it was referred to a subcommittee to draw the report.

The chairman of the subcommittee was called away from the city for a considerable period, I think on account of illness, and the bill has not actually been placed on the calendar. The gentleman from Illinois [Mr. McKenzie], acting chairman of the committee, is prepared to corroborate this statement, and I explained the situation to the Speaker before I asked to be recognized under suspension of the rules.

Mr. STAFFORD. Will the gentleman make an explanation of the bill?

Mr. ROGERS. I shall be glad to. Everyone who goes to the Hawaiian Islands goes to the city of Honolulu first, and secondly everyone goes to Waikiki. About halfway between the city and Waikiki is the Government reservation known as Fort De Russy, one of the principal military reservations of the Hawaiian Islands. The area which the Government owns within that reservation is about 76 acres. Fifty-six acres are either on high land or on reclaimed land. The other 20 acres are marshlands. Hawaiian marshlands—that is, territory owned by the Hawaiian government or by private owners—adjoin the marshlands of Fort De Russy.

The Hawaiian government has found that the marshlands are exceedingly insanitary and dangerous to the public health. Epidemics have started there in the past, and it is feared that worse epidemics may arise in the future. The Hawaiian government has appropriated about $1,000,000 to reclaim its marshlands. But, of course, it has no jurisdiction whatever over the 20 acres of marshlands within the Federal reservation. So they have come to the United States Government and to Congress and asked this Congress to appropriate $100,000 for the completion of this reclamation project, so as to eliminate the marshlands of Fort De Russy.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. ROGERS. In just a moment I shall be glad to. It is obvious to Members of the House that the Hawaiian government can not get very far in the reclamation of its own marshlands unless the Government of the United States is at the same time doing its part, because the two areas of marshland are a part of one indivisible whole. It is estimated that if the Federal Government does the work at the same time that the Territory is doing it the cost will be only about one-third as much. It is stated in the hearings that the marshlands now owned by the United States Government, which comprise 20 acres, are now worth something like $500 an acre. If this project is completed, they will be worth, if put on the market, from $20,000 to $40,000 per acre, or $400,000 to $800,000 for the entire 20 acres. This matter has been favorably reported upon by the department commander of the Territory of Hawaii and is recommended to Congress by the Secretary of War. It has already passed the Senate by a unanimous vote.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. MOORE of Virginia. The proposition is to appropriate $100,000 for the purchase of the land?

Mr. ROGERS. Not for the purchase but for the reclamation of 20 acres already owned by the United States.

Mr. MOORE of Virginia. The Senate bill authorizes the expenditure of this money without any reference to the Appropriations Committee of the House?

Mr. ROGERS. No; this is simply an authorization; it is not an appropriation.

Mr. MOORE of Virginia. I read the language of the bill:

> There is hereby authorized to be expended under the direction or supervision of the Secretary of War a sum not to exceed $100,000.

Mr. ROGERS. My understanding of the language is that it is simply an authorization of appropriation.

Mr. MOORE of Virginia. It is not, though. The Senate was within its rights, of course, in passing the bill in this form. The bill comes in here for final action, and if the bill is passed in this language the expenditure can be made by the Secretary of War without referring it to the Committee on Appropriations.

Mr. VAILE. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. VAILE. The word "reclamation" seems to have aroused a good deal of hostility from time to time among some Members from the gentleman's part of the country when they are referring to lands in the United States. There is no objection to the use of the term applied to these 20 acres in Hawaii?

Mr. ROGERS. This looks like a sensible project from the standpoint of public health and of public finance.

Mr. STAFFORD. But not in the same plane as the reclamation projects involving hundreds of millions of dollars.

Mr. STEPHENS. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. STEPHENS. If this 20 acres cost $100,000, that will be $5,000 an acre. Would it be worth $5,000 an acre if it be reclaimed?

Mr. ROGERS. The undisputed testimony before the Military Affairs Committee was that it would be worth $20,000 to $40,000 an acre. This area is in a very popular part of the island of Oahu. If the gentleman is familiar with the geography there, he will recall that one passes this tract on the way from Honolulu to Waikiki, and that the residential and the real estate development extends out along the sea coast in the neighborhood of the fort.

Mr. STEPHENS. How will these 20 acres be reclaimed?

Mr. ROGERS. Primarily by a drainage canal which will bring the 20 acres above the sea level about 5 feet.

Mr. STEPHENS. In other words, it will have to be drained?

Mr. ROGERS. Yes. The drainage canal will be the principal element of drainage. There may be some filling also.

Mr. STEPHENS. Will the Government then dispose of the 20 acres?

Mr. ROGERS. The Government will be able to dispose of it, if it desires, to very considerable advantage. It has been suggested, however, that there might be an additional use made of the reclaimed land for barracks and for various other uses of a military character.

Mr. MADDEN. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. MADDEN. It is a pretty large amount of money to be expended in reclaiming 20 acres of land.

Mr. ROGERS. The Hawaiian government itself think it worth while to appropriate a million dollars.

Mr. MADDEN. How much land has it?

Mr. ROGERS. About four times the Federal acreage.

Mr. MADDEN. How much did the gentleman say it was worth?

Mr. ROGERS. The undisputed testimony before the Committee on Military Affairs is that it will be worth from $20,000 to $40,000 an acre. It is not worth much of anything now because of its being swamp land. As I have said, the area is extremely malodorous and insanitary and has been responsible for epidemics in the past and may be responsible for an epidemic in the future.

Mr. MADDEN. Does not the gentleman think the bill should be modified in some way so as to investigate how the money is to be expended if authorized?

Mr. ROGERS. It is under the direction of the Secretary of War. I do not know quite what restrictions Congress may impose beyond those imposed in this way. This is a Senate bill passed unanimously by the Senate.

Mr. MADDEN. The Senate passes almost anything.

Mr. ROGERS. I ask to have read at the Clerk's desk the Senate report, which is extremely full, and which includes a letter from the Secretary of War, in which he goes over this project very thoroughly, indeed.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. TILSON. If the bill is passed in this form, does the gentleman understand that the Secretary of War would be authorized to proceed to expend $100,000 without an appropriation reported from the Committee on Appropriations; and if so, from what fund would he take the $100,000?

Mr. ROGERS. My understanding has been that this simply authorizes an appropriation. But as the gentleman from Virginia [Mr. Moore] suggests, possibly it is an actual appropriation.

Mr. TILSON. Just a moment, if the gentleman will permit me. It may be simply a question of punctuation. If there was a comma used after the word "authorized" in the phrase, "There is hereby authorized," then it would mean that it was simply authorized, and was to be expended under the direction of the Secretary of War. The query to my mind is from what fund it is to be taken if it does more than authorize an appropriation. From what fund is it authorized to be expended?

Mr. ROGERS. I suppose it goes without saying that it would be expended from any money in the Treasury not otherwise appropriated.

Mr. TILSON. But there would be no fund under the control of the War Department that might be used for this purpose. Certainly the contingent fund, available for unforeseen expenses, would not be so large as this, and there would be no fund from which it could be expended. It seems to me that it would amount to a mere authorization.

Mr. MOORE of Virginia. If the gentleman is correct, then the bill is valueless. If the gentleman is not correct, then——

Mr. ROGERS. Mr. Speaker, in order to simplify this discussion and follow out what I understood to be the preference of the Committee on Military Affairs of the House, as disclosed at the hearings, I ask unanimous consent to strike out the word "expended" in lines 8 and 9 and substitute therefor the word "appropriated."

Mr. MADDEN. I object to that.

Mr. GARRETT of Tennessee. Then it would read "Appropriated under the direction and supervision of the War Department."

Mr. ROGERS. It should be "authorized to be appropriated."

The SPEAKER. The gentleman from Massachusetts offers an amendment. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Rogers: In lines 8 and 9 strike out the word "expended" and substitute in lieu thereof the word "appropriated."

Mr. GARRETT of Tennessee. Mr. Speaker, I call the attention now to the fact that if that is agreed to, the bill will then read "Authorized to be appropriated under the direction and supervision of the Secretary of War." [Laughter.]

The SPEAKER. The Chair is of the opinion that as now worded it is simply an authorization and not an appropriation.

Mr. MONDELL. Mr. Speaker, I move to amend——

Mr. BUTLER. You can not amend anything here under the present condition.

Mr. MONDELL. I ask unanimous consent, rather, to amend by inserting after the word "be," in line 8, the words "appropriated, to be," so that it will then read, "Hereby authorized to be appropriated, to be expended," and so forth.

The SPEAKER. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Mondell: Amend, on page 1, line 8, by inserting after the word "be," in line 8, the words "appropriated, to be."

Mr. MONDELL. With a comma after the word "appropriated."

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object I would like to be recognized in my own right for a few minutes.

Mr. STAFFORD. Before the gentleman gets recognition, may I inquire briefly of the gentleman from Massachusetts [Mr. Rogers] whether this reclaimed land will be of any value to the Government for military purposes, or merely of value for residential purposes? I understood that Fort De Russy is not one of the important forts on the island of Hawaii.

Mr. MONDELL. It is not as important as Schofield Barracks, but it is distinctly one of the most important forts of the islands, because it is one of the starting forts to Honolulu Harbor. The plan of the War Department, as I understand it, is to take full advantage of this 20 acres when reclaimed, and the Secretary of War refers to that in his report to the Senate Committee on Military Affairs.

Mr. PARKER of New Jersey. May I interrupt?

Mr. MONDELL. Yes.

Mr. PARKER of New Jersey. For residences for officers?

Mr. MONDELL. Yes.

Mr. STAFFORD. The gentleman says it is for residences for officers. It is a very desirable place on the beach there for officers?

Mr. PARKER of New Jersey. Yes. It is unhealthy there now because of this swamp.

Mr. GREENE of Vermont. Is not one of the particular interests of this thing the fact that if the United States does not cut out its own nuisance it does not do much good to the Territory of Hawaii to spend its own money on it?

Mr. ROGERS. That is exactly the idea of the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, I have followed the gentleman from Massachusetts [Mr. Rogers] as closely as I could. Peculiarly enough, this bill, although it is in the jurisdiction of the Committee on Military Affairs, is called up by the chairman of the Committee on Foreign Affairs. I have not heard any gentleman who is a member of the Committee on Military Affairs, which I understood in some sort of way had given some consideration to the bill, attempt to throw any light upon it at this time. It is true the gentleman from Vermont [Mr. Greene] asked a question about it, intended to elicit information, but I do not think any information was forthcoming.

Mr. GREENE of Vermont. I do not think the gentleman listened to what response came to that question.

Mr. GARRETT of Tennessee. I will ask the gentleman from Vermont this question: Is this reclamation needed for military purposes?

Mr. GREENE of Vermont. It is not at present needed for military purposes. The question I asked of the gentleman from Massachusetts was to that point. The principal reason is that if the United States does not clean up its own nuisance there, which is a menace to health and which is in contravention of the laws of health and sanitation—if it does not abate that nuisance, then there will be no reason for the people of Hawaii to clean up their own quarters. It is likely to start an epidemic.

Mr. GARRETT of Tennessee. I do not understand why the Government of the United States should have a lot of swamp land over there at a military reservation.

Mr. MONDELL. Mr. Speaker, will the gentleman yield there?

Mr. GARRETT of Tennessee. I yield.

Mr. MONDELL. I understand the situation to be this: There is a swamp area of considerable extent, 20 acres of which is the property of the Government. The people of Hawaii feel that it is essential to the health of the community that that area be drained and filled, and they are about to undertake the work, and the Government has a property near by. The Government, as a landowner and a sovereign, can not be brought in as a private owner could be; it is asked to contribute its share to this work.

Mr. GARRETT of Tennessee. If we do not need it as a military reservation, let us give it to somebody over there and let them expend $100,000 on it.

Mr. MONDELL. That is a portion of the reservation. I suppose we do own it.

Mr. TILSON. Does the gentleman from Tennessee mean that he wishes to give away property which the evidence here indicates, if $100,000 is expended upon it, will be worth $800,000? Does the gentleman mean to say that he would give it away? If so, it is perfectly clear that it could be given away easily.

Mr. GARRETT of Tennessee. There is not anyone willing to assert here that it is necessary for the military reservation. That is the only purpose on earth that the Government had for it.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. HILL. I recollect that when the matter was before the Committee on Military Affairs I asked the representative of the War Department if it was needed for military purposes, and he said it was needed for military purposes.

Mr. GARRETT of Tennessee. Mr. Speaker, how long have we owned this property?

Mr. HILL. Apparently this property has belonged to the Government ever since we have had a reservation in Hawaii. They are putting in a sewerage system in Hawaii, and part of it is right in the city. But I call your attention to page 4 of the report, which says:

> The land is low and partly covered with water. It is incapable of effective drainage unless it is to be filled, and it is so foul smelling and disease breeding that the health authorities have especially protested against its not being filled.

It was testified before the Military Affairs Committee that if the Government did not come into this sewerage scheme at this time—for that is what it virtually is—it would cost the Government a great deal more later on when the Hawaiian Territory dredge was taken away.

Mr. GARRETT of Tennessee. How did we acquire this property?

Mr. HILL. I do not know. I did ask if it was necessary for military purposes, and they said that it was part of the reservation and was necessary, and I understood it had been there ever since we have had a reservation there.

Mr. GARRETT of Tennessee. We have not needed it heretofore very much for a military reservation. We went through the greatest war in the history of the world without needing it for that purpose.

Mr. MURPHY. Will the gentleman yield?

Mr. HILL. I yield.

Mr. MURPHY. I am sure the gentleman was facetious when he said the Government was about to give this away. Otherwise, I would very gladly say that I would be delighted to take it and to spend the money on it personally to make the improvement, if you can get the property for me. I am saying that because I know the property. I am not personally interested *in it in any way whatever*; but it ought to be done in the interest of the people over there. I do know that they were willing to spend the money that the gentleman from Massachusetts [Mr. Rogers] says they are willing to spend and I do know the location of this particular piece of swamp land. It is part of a swamp that the people of Hawaii are trying to do away with, and personally knowing the location of the land, I will say that if the gentleman will get the necessary bill through the House I will take the land and spend the money to drain it.

Mr. CANNON. Where is this with reference to the city of Honolulu?

Mr. HILL. It is between Honolulu and Waikiki Beach.

Mr. CANNON. There is a military reservation 4 or 5 miles south of Honolulu.

Mr. HILL. Yes; the reservation begins on top of the mountain and runs down into the swamp land.

Mr. CANNON. Is this a part of the reservation?

Mr. HILL. Yes.

Mr. CANNON. The military reservation is south of Honolulu.

Mr. HILL. There are two or three military reservations, but this is between Waikiki Beach and Honolulu.

Mr. GARRETT of Tennessee. I yield to the gentleman from Texas [Mr. Lanham].

Mr. LANHAM. I want to ask the gentleman for a little information. How many acres of this swamp land are there in Hawaii to be drained, not owned by the Government, upon which $5,000 an acre is to be expended?

Mr. ROGERS. May I answer that question?

Mr. HILL. Yes.

Mr. ROGERS. My understanding is that there are approximately 100 acres in this swamp, and that this is the only swamp near Honolulu. As I said in my opening remarks, this particular swamp is directly on the boulevard leading from Honolulu to Waikiki. Of the 100 acres there are 20 acres belonging to the Government and 80 acres Territorially or privately owned.

Mr. LANHAM. How much is to be expended on the 80 acres?

Mr. ROGERS. A million dollars has already been set aside.

Mr. GARRETT of Tennessee. I yield the remainder of my time to the gentleman from Illinois [Mr. Madden].

Mr. MADDEN. Mr. Speaker, $5,000 an acre for the reclamation of swamp land is a good deal of money. We have a good many acres of swamp land in the United States, but I do not presume anybody would say that we ought to spend $5,000 an acre for its reclamation. We do not know whether it is going to cost $100,000 or $1,000,000 to reclaim this 20 acres of land owned by the Government of the United States, and we do not know what is going to be done with it after it is reclaimed. Why should we sit here to-day and vote $100,000 to do something we do not know anything about? It seems to me the time has come for us to exercise some judgment about the way we make expenditures, and not take for granted everything that is said by interested parties here, there, and everywhere as to whether we ought to spend the money or not.

Mr. TILSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. TILSON. Under this bill before a penny of money is expended it will have to run the gantlet of the gentleman's Committee on Appropriations, and I am sure before it gets out of that committee with the recommendation of an appropriation the gentleman will know whether it is worth it or not. [Applause.]

Mr. MADDEN. That does not improve the situation a bit. In the first place, you ought not to tempt the gentlemen on the Appropriations Committee with the expenditure of the money. [Laughter.]

Mr. ROGERS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ROGERS. How otherwise can the project come before the House except in this way? The legislative committee has considered this question.

Mr. MADDEN. True.

Mr. ROGERS. It then goes to the Committee on Appropriations, which is headed by the able gentleman from Illinois. If it had not previously received an authorization from the legislative committee, the gentleman from Illinois [Mr. Madden] would have no right to consider it in his committee.

Mr. MADDEN. And we would not consider it.

Mr. ROGERS. Why does the gentleman preach against the ability and efficiency of his own committee?

Mr. MADDEN. I do not want to be given authority to consider a proposition of this kind. The place to kill it is here and the time to kill it is now. [Applause.] In the first place, we do not know whether it is worth $100,000 or not.

Mr. GREENE of Vermont. Very likely the king was in the counting house counting out his money and did not hear what was said awhile ago. It is not for a real estate speculation that we are cleaning this up. It is an epidemic-breeding place.

Mr. MADDEN. I understand it is alongside a beautiful drive, and that by the side of this drive they are going to build palatial homes.

Mr. GREENE of Vermont. We hope so.

Mr. MADDEN. And we are providing an expenditure of $100,000 to make a beauty spot for those who want to live in that beautiful climate out there in Hawaii.

Mr. BUTLER. Will the gentleman yield to me?

Mr. MADDEN. Yes.

Mr. BUTLER. This does not bind the Government to pay $100,000.

Mr. MADDEN. No; but it may bind the Government.

Mr. BUTLER. When the gentleman's committee is asked for the appropriation he may discover that this improvement can be made for $25,000.

Mr. MADDEN. Yes; and it may be discovered that it will cost $1,000,000.

Mr. BUTLER. Knowing the gentleman as I do, I am sure he will not recommend the expenditure of a cent that is not warranted.

Mr. LANHAM. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LANHAM. The gentleman from Massachusetts stated that $1,000,000 had been set aside to drain the 80 acres. Now the Government owns 20 acres. Unless the American Government is going to get it done at a cheaper rate, will it not cost $200,000, according to that estimate?

Mr. MADDEN. I can only give you the result of my experience. Every time we set a limit of cost we undertake to keep within it, but we have rarely succeeded. Sometimes we are very moderate in our desires and so we fix a low limit of cost, on the theory that it is easier to get it through with a low limit than with a high limit, but after we have once started the job we discover that we have spent the limit of cost and have established what is known as a work in progress.

Mr. WARD of North Carolina. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. WARD of North Carolina. I want to ask a question. As I understand this proposition, it is going to call for the building of canals?

Mr. MADDEN. Yes. They ask to build canals, and nobody knows how much money it will cost. I do not pretend to be very well informed about it, but so far as my information goes this whole thing is being done for the purpose of making a beautiful spot on which to build palatial residences along a beautiful drive.

Mr. ROGERS. The gentleman does not know what he is talking about when he says that or he did not listen to what I attempted to present to the House. I have in my report here a statement from the board of health authorities of Hawaii, who state that this action is necessary to remove a plague spot. Now, the gentleman wants to be fair. There is nothing about residences in this matter, except what the gentleman has brought in himself.

Mr. MADDEN. Oh, yes; I have been advised as to that by other people who have traveled over this territory as well as the gentleman from Massachusetts. They tell me that that is what it is for, and I believe them.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. COOPER of Wisconsin. I ask the gentleman if his attention has been called to the use of the word "or" in line 4? It says "as is low, marshy"—not "and," but "or insanitary shall be filled in and raised to the grade of other marsh land," and so forth. Now, then, the land need not be low; it need not be marshy, but the military authorities, or some one, can say it is insanitary and grade any land whether marshy or not.

Mr. MADDEN. A very good place and a very good time to save $100,000 is right here. Let us defeat the bill. Mr. Speaker, I yield back the balance of my time.

Mr. PARKER of New York. Did the gentleman from Illinois make the same objection to the appropriation of $2,000,000 for the bank building in St. Louis?

Mr. MADDEN. That was simply to authorize the Federal Reserve Bank of St. Louis to erect a building for its own use and to pay for the building with its own money.

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that no quorum is present.

ADJOURNMENT.

Mr. GREENE of Vermont. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned until to-morrow, Tuesday, September 19, 1922, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GREEN of Iowa: Committee on Ways and Means. H. Con. Res. 68. A concurrent resolution changing the enrollment of H. R. 7456; without amendment (Rept. No. 1241). Referred to the House Calendar.

Mr. FORDNEY: Committee on Ways and Means. S. 3295. An act to consolidate the work of collecting, compiling, and publishing statistics of the foreign commerce of the United States in the Department of Commerce; with amendments (Rept. No. 1242). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TEN EYCK: A bill (H. R. 12699) to amend an act entitled "An act to establish a veterans' bureau and to improve the facilities and service of such bureau, and further to amend and modify the war risk insurance act," approved August 9, 1921; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: A bill (H. R. 12700) to further regulate certain public service corporations operating within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. VOLSTEAD: A bill (H. R. 12701) for the distribution of certain surplus military supplies to the distressed and starving people of Russia; to the Committee on Military Affairs.

By Mr. FITZGERALD: A bill (H. R. 12702) to provide for the enlargement of the Federal building at Hamilton, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. RANKIN: A bill (H. R. 12703) for the erection of a public building at Starkville, Oktibbeha County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. MADDEN: A bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. FAIRCHILD: A bill (H. R. 12705) increasing the limit of cost for the acquisition of a public building site at Yonkers, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. LAZARO: A bill (H. R. 12706) to provide a site and erect a public building at De Ridder, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12707) to provide a site and erect a public building at Oakdale, La.; to the Committee on Public Buildings and Grounds.

By Mr. SWING: A bill (H. R. 12708) to grant a bounty on the production of long-staple cotton; to the Committee on Agriculture.

By Mr. ANSORGE: Joint resolution (H. J. Res. 380) proposing an amendment to the Constitution of the United States; to the Committee on Ways and Means.

By Mr. RHODES: A resolution (H. Res. 433) providing for the appointment of a committee to investigate district No. 9, Veterans Bureau, at St. Louis, Mo.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 12709) granting an increase of pension to Emily Stewart; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 12710) granting a pension to Adelia Chill; to the Committee on Invalid pensions.

By Mr. MEAD: A bill (H. R. 12711) granting an increase of pension to Martha A. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12712) granting a pension to Francis M. Collins; to the Committee on Pensions.

By Mr. PATTERSON of New Jersey: A bill (H. R. 12713) granting a pension to Japhet Mossbrooks; to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 12714) granting an increase of pension to Virginia J. Sawrey; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 12715) for the relief of I. L. Snow Co.; to the Committee on Claims.

By Mr. YATES: A bill (H. R. 12716) granting an increase of Pension to Anna E. Williams; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6366. By Mr. FULLER: Petition of the clerks of circuit courts and recorders of Illinois for amendment of naturalization law, so that depositions may be taken in the State where the petitioner resides, and that certificate of arrival be not required; to the Committee on Immigration and Naturalization.

6367. By Mr. KISSEL: Petition of Synthetic Organic Chemical Manufacturers Association of the United States, relative to the synthetic organic chemical industry; to the Committee on Ways and Means.

6368. By Mr. SINCLAIR: Petition of W. H. Welch and three others, of Lostwood, N. Dak., asking for a stabilized price on wheat; to the Committee on Agriculture.

6369. Also, petition of Nellie Van Wagenen and four others, of Temple, N. Dak., urging that a minimum price be set on wheat; to the Committee on Agriculture.

SENATE.

TUESDAY, *September 19, 1922.*

(Legislative day of Saturday, September 16, 1922.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Broussard
Bursum
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dial
Dillingham
du Pont
Edge
Ernst
Fletcher
France
Frelinghuysen
Gerry
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Hitchcock
Jones, Wash.
Kellogg
King
McCormick
McCumber
McKellar
McLean
McNary
Moses
Nelson
New
Newberry
Nicholson
Norbeck
Oddie
Pepper
Phipps
Ransdell
Reed, Pa.
Robinson
Sheppard
Simmons
Smith
Smoot
Stanfield
Sterling
Sutherland
Swanson
Townsend
Trammell
Underwood
Wadsworth
Walsh, Mass.
Warren
Watson, Ind.
Williams

Mr. CURTIS. I wish to announce that the junior Senator from Ohio [Mr. WILLIS] is detained because of serious illness in his family.

The PRESIDENT pro tempore. Sixty-four Senators having answered to their names, there is a quorum present. The question is upon agreeing to the conference report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment Senate bills and a joint resolution of the following titles:

S. 2377. An act to authorize the extension and widening of Ninth Street from Longfellow Street NW. to Underwood Street, and Underwood Street from Ninth Street to Georgia Avenue NW.;

S. 2621. An act authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 15, 1917, along the Mexican border;

S. 2716. An act to give effect to certain provisions of conventions with foreign Governments for facilitating the work of traveling salesmen;

S. 2799. An act to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890;

S. 2983. An act to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes;

S. 3111. An act to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes;

S. 3641. An act to grant and confirm to the State of Florida title in and to section 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, and for other purposes;

S. 3733. An act granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River in the State of Ohio;

S. 3793. An act to authorize the Gary Tube Co. to construct a bridge across the Grand Calumet River in the State of Indiana;

S. 3834. An act to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Grand Calumet River in the State of Indiana;

S. 3938. An act granting the consent of Congress to the county courts of Lafayette and Ray Counties, in the State of Missouri, to construct a bridge across the Missouri River; and

S. J. Res. 216. Joint resolution providing for the consent of the Congress of the United States of America to a compact and agreement between the State of Kansas and the State of Missouri respecting the erection, maintenance, and operation of the waterworks plants of the cities of Kansas City, Kans., and Kansas City, Mo., the taxation thereof, and exercise of eminent domain in connection therewith by each State.

The message also announced that the House had passed Senate bills and joint resolutions of the following titles, severally with amendments, in which the concurrence of the Senate was requested:

S. 2885. An act to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes;

S. 3890. An act to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916;

S. J. Res. 208. Joint resolution authorizing the Federal reserve banks of St. Louis and Salt Lake City to enter into contracts for the erection of buildings for its head office and branches; and

S. J. Res. 215. Joint resolution providing for the reinvestigation of the tricounty irrigation project, Nebraska.

The message further announced that the House had passed bills of the following titles, in which the concurrence of the Senate was requested:

H. R. 5027. An act to amend an act approved February 28, 1899, entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings":

H. R. 6650. An act providing additional terminal facilities in square east of 710 and square 712 in the District of Columbia for freight traffic;

H. R. 7658. An act to amend the act approved August 25, 1919, entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes";

H. R. 10817. An act to amend section 100 of the Judicial Code of the United States;

H. R. 11173. An act to amend section 126 of the national defense act, approved June 3, 1916, as amended;

H. R. 12170. An act to revive and reenact the act entitled "An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa.," approved August 11, 1916; and

H. R. 12473. An act granting the consent of Congress to the Wynco Block Coal Co., a corporation, to construct a bridge across the Tug Fork of Big Sandy River, in Mingo County, W. Va.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 12472) to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities during the present emergency, and to prevent the sale of fuel at unjust and unreasonably high prices, and it was thereupon signed by the President pro tempore.

ST. LOUIS AND SALT LAKE CITY RESERVE BANK BUILDINGS.

Mr. McLEAN. I ask the Chair to lay before the Senate the amendments of the House of Representatives to Senate Joint Resolution 208.

The President pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 208) authorizing the Federal Reserve Banks of St. Louis and Salt Lake City to enter into contracts for the erection of buildings for its head office and branches, which were on page 1, lines 1, 2, and 3 of the preamble, to strike out "abridged the right of Federal reserve banks to enter into contracts by providing" and to insert "provided"; on page 1, line 15 of the preamble, to strike out "any" and to insert "a"; on page 2, line 16 of the preamble, to strike out "or branches"; on page 2, line 17 of the preamble, to strike out "buildings" and insert "building"; on page 2, lines 17 and 18 of the preamble, to strike out " and Little Rock, Ark."; on page 2, line 3, to strike out "Banks" and to insert "Bank ; on page 2, lines 3 and 4, to strike out "and Salt Lake City are" and to insert "is"; on page 2, line 5, to strike out "the erection of buildings and to authorize"; on page 2, lines 5 and 6, to strike out "buildings" and to insert "a building"; on page 2, line 6, to strike out "and branches"; on page 2, line 8, to strike out "buildings" and insert "building"; and on page 2, line 8, to strike out "30" and to insert "25." Also to amend the title so as to read: "Joint resolution authorizing the Federal Reserve Bank of St. Louis to enter into contracts for the erection of a building for its head office."

Mr. McLEAN. I move that the Senate disagree to the amendments of the House of Representatives, ask for a conference with the House on the amendments in disagreement between the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. McLean, Mr. Calder, and Mr. Hitchcock conferees on the part of the Senate.

TRICOUNTY IRRIGATION PROJECT, NEBRASKA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 215) providing for reinvestigation of the tricounty irrigation project, Nebraska.

Mr. McNARY. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. McNary, Mr. Jones of Washington, and Mr. Sheppard conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred as indicated below:

A bill (H. R. 5027) to amend an act approved February 28, 1899, entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings"; and

A bill (H. R. 6650) providing additional terminal facilities in square east of 710 and square 712 in the District of Columbia for freight traffic; to the Committee on the District of Columbia.

A bill (H. R. 7658) to amend the act approved August 25, 1919, entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes"; to the Committee on Public Buildings and Grounds.

A bill (H. R. 10817) to amend section 100 of the Judicial Code of the United States; to the Committee on the Judiciary.

A bill (H. R. 12170) to revive and reenact the act entitled "An act to authorize the commissioners of Lycoming County, Pa., and their successors in office, to construct a bridge across the West Branch of the Susquehanna River from the foot of Arch Street, in the city of Williamsport, Lycoming County, Pa., to the borough of Duboistown, Lycoming County, Pa.," approved August 11, 1916; and

A bill (H. R. 12473) granting the consent of Congress to the Wynco Block Coal Co., a corporation, to construct a bridge across the Tug Fork of Big Sandy River, in Mingo County, W. Va.; to the Committee on Commerce.

REPORTS OF THE COMMITTEE ON CLAIMS.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 540) for the relief of Bradley Sykes, reported it without amendment, and submitted a report (No. 922) thereon.

Mr. NEW, from the Committee on Claims, to which was referred the bill (S. 3791) for the relief of William R. Bradley, former acting collector of internal revenue for South Carolina, reported it without amendment, and submitted a report (No. 924) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SIMMONS:

A bill (S. 4007) to enlarge and extend the post office building at New Bern, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. FRELINGHUYSEN:

A bill (S. 4008) granting an increase of pension to Elizabeth M. Ackley; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 4009) amending an act entitled "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 30, 1922; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 4010) to increase the pensions of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States; to the Committee on Pensions.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On September 16, 1922:

S. 3086. An act providing for the removal of snow and ice from paved sidewalks of the District of Columbia.

On September 18, 1922:

S. J. Res. 169. Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis Mr. Willem van Doorn, a subject of the Netherlands.

On September 19, 1922:

S. 3917. An act to amend section 876 of the Revised Statutes; and

S. 3918. An act to amend section 51 of chapter 4 of the Judicial Code.

THE TARIFF—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

Mr. UNDERWOOD. Mr. President, at 4 o'clock this afternoon will come the final vote upon one of the great tax bills that must serve the Government or destroy the business of the country, depending upon the effect of the bill in its relation to our foreign commerce. I do not intend to enter upon an extended discussion of the rates in the bill, but before we reach the vote this afternoon I think it is well to make a brief statement for the benefit of the Record, if not for the Senate, as I assume that practically every vote in the Senate has been accounted for at this time.

To analyze this piece of legislation we must first recognize that the duties levied at the customhouse are taxes on the American people. There was a time in the history of legislation of this kind when it was contended that a tariff duty was not a tax, but that theory has been abandoned long ago except by those who desire to close their eyes to all economic equations. How far the tax levied in the bill will affect the American people is a very difficult problem to determine until the bill becomes a law and a period of months has elapsed and goods are imported under it so that we may have the actual test of taxation to know by experience where the tax will fall and fall the heaviest on the consuming public.

There is this to be said, however, with reference to the taxes levied by the bill: Some tax rates are effective at the customhouse and some are not.

To illustrate: There is no tax levied on short-staple cotton in this bill; but if there were it would mean nothing either in the way of producing revenue or in the way of burdening the American people, because no short-staple cotton is imported into the United States and none would be imported whether there was a tax levied on it or not. So a tax levied on short-staple cotton would be ineffective in every respect.

Practically speaking, that same statement may be made in reference to corn. Corn is a great American product. We produce billions of bushels of corn in America and possibly import a few thousand bushels along the border. So whether a tax is placed on corn or whether it is not does not affect the price, and if a tax is imposed it does not put a burden on anyone except a few people along the border in some particular locality where corn may cross from Canada or Mexico into the United States.

There are, however, other commodities where every cent of tax that is levied in a customs duty reflects itself at once into the pockets of the American people. That may be said of sugar. Examples may be pointed out here or there where the selling price of sugar, with the tax added, for a few days or for a few months or for a few weeks, has fallen below the cost of production. Instances may also be cited showing that for a few months or a few weeks the price of sugar has risen above the foreign selling price, the profit and the tax added; but, taking it through a period of years as we go along, the tax on sugar always increases the price of sugar to the consumer to the extent of the tax. The increased taxes provided for in this bill on sugar will increase the cost of living to our people many millions of dollars. The same may be said of a tax on raw wool. That tax reflects itself absolutely into the pockets of the ultimate consumer of the wool.

So in viewing this bad bill, which imposes taxes on many articles that can not be affected by the tax, like corn, because production in this country is so enormous and the imports so negligible, if, indeed, there are any imports, that the tax can not affect the price. We must bear in mind, on the other hand, there are many articles in the bill, such as sugar and wool, where the tax is directly reflected into the pockets of the American people. We may eliminate entirely from this discussion that class of articles covered by the bill on which a tax has been imposed, possibly for political effect, to mislead some producers who pay great tribute to the favorites of this legislation.

So far as I am concerned, I have always believed that articles on which the tax levied at the customhouse does not affect either the revenue of the Government or the profits of the producer should be put on the free list and kept there as far as possible, because there is no justification in fooling the American people by pretending to levy a dummy tax that is not effective in any way. However, Mr. President, as to the class of articles in this bill, the tax on which is reflected out of the pockets of the American people, there arises a question of very serious moment in contemplating the vote that will be had on the passage of the measure this afternoon.

Mr. President, I do not intend to take up the time of the Senate very long in discussing this question, but I wish the RECORD to show what my viewpoint is in regard to the taxes which are levied in the bill and their effect on the people who pay them. Not a day passes that we do not hear the cry coming from some source against the high cost of living to the American people. We have a great railroad strike in the country and there is a contention on the part of the laboring men of the country against the reduction of wages. What is the first argument they advance as to why their wages should not be reduced? It is that the cost of living to them has not been reduced and that pre-war conditions as to the purchase of food and the purchase of clothing and in the rents which they have to pay have not been restored. We do not pick up a daily newspaper, be it Republican or Democratic, that we do not find a suggestion coming from some source as to the reduction of the cost of living to the people of the United States.

It was only yesterday that we passed a bill providing for the control of the shipment of coal in this country, and those who favored the passage of the bill stated the emergency requiring the enactment of the bill into law was that there were profiteers in the United States who were unduly advancing the price of coal. In order to attempt to keep down the cost of living to the American people, we have authorized the Interstate Commerce Commission to adopt drastic measures in the handling of cars, and have appointed a fuel administrator, at great expense to the Government, to fix reasonable prices governing the cost of fuel to the people during the coming winter. That was the action on yesterday, and yet to-day it is proposed to enact a law which will increase the burden which will rest on the American people a thousandfold more than would possibly be any increased cost of coal to those same people by reason of the action of fuel profiteers.

Is it more important, Mr. President, that a man should have cheap coal than that he should have cheap food? Is it more important to the American people that the price they pay for their coal should be reasonable than it is that the price they pay for their woolen clothes should be reasonable? A man may exist without fuel, but he can not exist without food; a man may exist without fuel, but he can not exist without woolen clothes to turn the storms and winds of the winter from his body. However, we find the anomalous condition of the Senate of one day taking drastic action to reduce the cost of fuel to the American people and the next day passing a bill which Senators proclaim will put up the prices of a great many of the absolute necessities of life which the American people must have. Why? It is not a question merely of raising revenue; that is not the reason why these high taxes are levied. If it were only a question of revenue, a tax might be imposed on tea and coffee which would all be reflected into the Treasury of the Government and none of it go into the pockets of special interests; but no, that is not what is desired by the party in power; that is not the purpose of this bill. They put tea and coffee, articles which are not produced in this country, on the free list, and impose taxes on articles which are produced in this country for the avowed purpose of raising prices.

Of course, they say it is done in the interest of the American manufacturer; that in the interest of the American workingman we are going to protect the American market against foreign competition; but when that is said, the very argument admits that we are going to make the price of the articles on which the tax is being imposed at the customhouse higher than the price would be if the tax were not imposed, and therefore the consumer must pay more for them.

Mr. President, I have never advocated free trade. I think the customhouse is a convenient place to levy a portion of the taxes which must be assessed by this Government on the people. So long as reasonable competition is allowed at the customhouse an inordinate increase in prices by reason of the tax is prevented; but whenever the tax is made so high that reasonable competition is cut off at the customhouse, then the control of the American market is placed absolutely in the hands of the American producer, to charge what he pleases to the American people for the products which he is going to sell to them. This bill piles the taxes so high on many articles that are daily needed in the homes of our people that it amounts to an embargo and destroys all competition from abroad as well as all revenue to the Government.

Mr. President, I do not think for a moment that it is contended by the proponents of this legislation that the taxes they are levying in this bill are not going to be reflected in increased prices; of course, as I stated in the beginning, not increased prices on all of the articles, because there are many articles in this bill, like corn, where the production in America is so enormously greater than any importations that come in that the tax or any tax so levied at the customhouse would not affect prices; but there are certain great staple articles in this bill that go into the daily life of the American people, such as wool and sugar, for example, where the increase will be reflected in the taxes that are put in this bill, and the American people will have to bear that burden of taxation.

If the taxation that is levied in this bill related only to money collected for the Government, there might be justification for the bill, because we are told that there will shortly be an enormous deficit in the Federal Treasury, amounting to something like $650,000,000—a deficit that will amount to nearly as much as the total indebtedness of the United States Government before me went into the Great War—but that is not the case with this bill. As I pointed out when the wool schedule was before the Senate for consideration some months ago, the tax then levied of 33 cents a pound on raw wool would collect out of the pockets of the American people $200,000,000, and only $20,000,000 of it would go into the Treasury of the United States, the balance going to some special interests that had their prices raised by reason of the levying of this tax.

There is not much difference between the figures as they existed then and as they exist now. It is true that the tax as proposed at that time was 33 cents a pound on scoured wool. As it is proposed now after the bill comes from conference, it is 31 cents a pound on scoured wool; so that, practically speaking, as a result of levying a tax on scoured wool—not manufactured wool, not clothes, but the so-called raw material from which clothes are made—you will increase the burden of living to the American people who must wear woolen clothes in the winter something like $200,000,000, and only $20,000,000 of that will go into the Treasury of the United States. The remainder will go into the pockets of special interests.

That is not the case under the law to-day. There is no tax on raw wool. The tax on manufactured woolen goods is much lower than in this bill.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. UNDERWOOD. I do.

Mr. McCUMBER. The Senator is mistaken in that. The emergency law is the law to-day.

Mr. UNDERWOOD. The Senator is right, and I am glad he corrected me. I should have said that there was no tax on raw wool in the tariff act that this bill is intended to replace, the Democratic act of October 13, 1913; but last summer an emergency tariff act relating to a few articles was passed by the gentlemen who are responsible for this bill. It was only intended, they said at the time, to meet an emergency of the hour; but that emergency, so far as the tax is concerned, is to be extended into the future, as long as this bill shall live on the statute books; and as long as this bill shall live on the statute books this increased burden, nearly $200,000,000, must rest on the American people and be taken out of their pockets as a tribute to special interests.

I might say the same thing about sugar. I could go into the details of a thousand articles in this bill, each one of which is largely increased in taxation, not for the benefit of the Federal Government but for the benefit of favorite producers who demand that they shall have a right to take out of the pockets of the American people tribute for their industries.

Mr. GOODING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I do.

Mr. GOODING. I should like to call the Senator's attention to his remark about special interests. I do not think that statement ought to be passed over so lightly. I think the Senator ought to go into details and tell the American people who these special interests are that take $200,000,000 out of their pockets because there is a duty on wool.

The facts are that the entire wool clip of this country brings only about $65,000,000. What I object to is that the woolgrower of this country is charged up with this tax of $200,000,000 when for his entire wool clip, protection and all, he receives only about sixty-five or seventy million dollars.

Mr. UNDERWOOD. Mr. President, the Senator from Idaho has made this statement a good many times, but, of course, he understands what I mean just as well as anybody in the Senate.

Mr. GOODING. I understand it, but the people do not understand it from the way the Senator puts it.

Mr. UNDERWOOD. The people do understand it, and they will understand it before this bill has been the law many months. I did not state that all of this $200,00,000 went into the pockets of the men who grow the sheep. I said that it went into the pockets of the special interests who desired protection under this bill. Part of those special interests are the men who raise the sheep; and, as the Senator said, I think correctly, they are supposed to get the benefit of about $60,000,000 of the $200,000,000.

Mr. GOODING. Mr. President, let us make that clear. That is for the entire clip. That is not the duty.

Mr. UNDERWOOD. I understand. That is for the increased cost.

Mr. GOODING. No.

Mr. UNDERWOOD. The Senator will please allow me to make this speech.

Mr. GOODING. I do not accept it that way.

Mr. UNDERWOOD. I do not ask the Senator to accept it.

Mr. GOODING. My statement is that that is all the woolgrower gets for his entire clip of wool.

Mr. UNDERWOOD. I understand that is what the Senator says, but the Senator is not making this speech. I am making the speech. The Senator does not think it will increase the price of wool to the extent of $60,000,000, but I do. I think it will increase it, and that certain large growers of wool in this country will get the benefit of it, and the small growers of wool will get the increased price, although they will have to pay enormously more than they get out of the tax on wool, because they will have to pay a tax on clothes when they buy them from the manufacturer that will more than equal the profits on their wool.

Mr. GOODING. Mr. President——

Mr. UNDERWOOD. I hope the Senator will not attempt to make his speech in my time.

Mr. GOODING. No; I merely want to call the Senator's attention to the fact that the small grower under the Underwood-Simmons bill paid an advalorem duty of 35 per cent on the clothes that he wore, and when you take into consideration the conversion cost he paid a tax of 70 per cent on the suit of clothes that he wore; and it is just as much of a tax if you put it on the clothes after the wool is manufactured as it is if you put it on the raw wool.

Mr. UNDERWOOD. If the Senator will kindly keep his seat now and allow me to go on, I do not want to be impolite to him, and I will answer him on this question, but I do not care to take up the time of the Senate. We vote at 4 o'clock, and I want to give an opportunity for some other Senators to discuss this conference report.

Of course when the Senator said that the tax on clothes under what he calls the Underwood-Simmons bill—the existing law—by any rule or method amounts to 70 per cent, he is dealing in a figure of speech. His imagination has drifted far beyond anything that can be worked out under the law. When a piece of cloth is taxed 35 per cent ad valorem, when it comes into the customhouse there is no possible way of making that tax extend beyond 35 per cent ad valorem.

Mr. GOODING. Mr. President——

Mr. UNDERWOOD. The Senator can take his own time to discuss his theory.

Mr. GOODING. I should like to explain that to the Senator, if he will permit me to do it.

Mr. UNDERWOOD. I am sure that I know as much about it as the Senator does, as I have spent many years on this question. I am perfectly willing for him to have his theory.

Mr. GOODING. I think possibly an exchange of thoughts might be good for both of us.

Mr. UNDERWOOD. I know what the Senator's theory is. I only say that he will never convince me that a tax is more than 35 per cent ad valorem when the law says it shall be 35 per cent ad valorem. Of course in the law of 1913 there was a tax of 35 per cent ad valorem. In this bill, in addition to the cumulative tax on raw wool and the compensatory duty that is put on cloth because raw wool is taxed, there is a tax of 50 to 55 per cent on the woolen cloth.

You have not only increased the tax on raw wool so that it will amount to more than a dollar a pound by the time it comes out of the hands of the manufacturer, but you have also increased the tax on the finished product from 35 per cent to 50 or 55 per cent, an increase of from 15 to 20 per cent alone on the finished product. To that extent you have reduced competition.

The present tax has not ruined any manufacturer of woolen goods. The law of 1913 has been on the statute books for nearly nine years, nine years of exceeding prosperity among the manufacturers in the business. It has not driven the flocks of sheep from the plains and the fields. The sheep grower, the woolen manufacturer, the wheat grower, the cotton grower, the pig-iron maker, everybody who is engaged in business of any kind suffered immediately after the war on account of the decreased prices due to after-war conditions, and it did not make any difference whether the article was taxed or untaxed, whether it had a tariff on it or did not, whether the tariff was high or low. The hard times which came in 1920 affected everybody. The sheep raiser was no more seriously affected than the cotton grower, and the tariff had nothing whatever to do with the condition.

But outside of that condition the producer and the manufacturer in the United States had enjoyed reasonable prosperity and success in their business. Yet, with that condition confronting the American people, the party in power comes before the country now and proposes to put a tax on the American people for the benefit of special interests which in many cases more than doubles the existing rate of taxation, and most of it goes into the pockets of the favored class and not into the Treasury of the United States.

More than that, as it stands now, without any interference by executive authority to increase rates, the bill carries rates higher than any tariff duties that have ever been levied on the American people in the history of this country. They are higher than those in the Dingley law, higher than those in the Payne-Aldrich law, which the American people repudiated because of the high taxation, and they are unnecessary.

I know that some of the great manufacturers of the country became greatly alarmed right after the war, fearing that we were going to be flooded with German products and German production, and that the prices of American goods were going to be greatly reduced on account of German competition. No more competition came in from Germany, in the aggregate, than from other countries with which we have commercial relations.

More than that, there are certain particular items which are largely imported from Germany, but the great bulk of American trade abroad is not with Germany, and never has been. It is conceded that in England, France, and other nations with whom we have commercial relations that the cost of production has gone up since the beginning of the war instead of going down, and they are less formidable rivals of ours in our home markets to-day than they were when the existing law was written. Yet, notwithstanding these facts, it is proposed to have this law put on the statute books to enormously increase the burden of taxation.

It is not necessary for me to go into the many details of the 4,000 items which make up the bill and point out the increased tax that is being levied. That has not only been admitted but it has been advocated by the proponents of the measure. They say they increase the tax on almost every item. They say the rates are increased in order to foster the American manufacturer by enabling him to raise his prices, which the American people must pay.

Mr. President, in addition to all this, for the first time in the history of the country the Congress has surrendered, or attempted to surrender, the power granted to it in the Constitution of the United States to control the leving of taxes on the American people. I say the first time; of course, I know that under the McKinley law some reciprocity treaties were authorized, but in those treaties definite rates of duty were fixed, and the President was authorized to put them into effect upon the happening of certain events. So, practically speaking, for the first time in the history of this Government Congress has attempted to surrender into the hands of the Executive its control over the levying of taxation on the American people.

I do not believe that when this bill comes to the test in the courts on those features it will be held to be constitutional. But that is a question for the lawyers and the courts to decide hereafter. So far as the bill is concerned to-day, we must take it at its face value. We must take it on the basis of what its proponents claim, and they have framed a bill under which the

President of the United States can enormously increase taxation above the rates now named in the bill.

It may be said that to the extent of 50 per cent he may reduce, as well as raise, the taxes fixed in the bill. I see no reason to expect the President of the United States to enter upon a reduction of taxes when, in order that the bill may become law, it must receive his signature and approval. More than that, he stands for the theory of his party, that we must build a wall about the country keeping out importations, in order that prices may be advanced for the benefit of the American producer.

But that is not the worst. There are clauses in this bill which allow the President, without check or hindrance, either to increase or decrease the taxes levied 50 per cent of the rates found in the bill, after a finding by the Tariff Commission as to facts in relation to industry. The proponents of the measure, in secret party conference, by striking out five words from the bill, put it into the power of the Executive to double many of the taxes in the bill. They have given the Executive the right to change the basis of valuation on which the rates in this bill are founded, from the foreign valuation, which is the basis on which the tax is levied, to the American valuation, which in most cases is much higher.

Nobody denies that that will enormously increase the rates. In many instances it will increase the rates more than 100 per cent, will double the rates which were written into the bill when it went to conference. If you are not putting the provision in the bill with the idea that it will be used, if you are not going to apply it against the American people, why should it be in the bill? Why should the party in power insist on keeping a provision in the bill which was not in the bill when it passed the Senate and not in the bill when it passed the House, but which is put in now to enormously increase rates of taxation which were already higher than rates ever before levied on the American people at the customhouse? Yet such a provision is found in the bill. More than that, the provision is such that the American people have no opportunity whatever to protect themselves against an abuse of the law.

I am not making any reflection on the present President of the United States. I am not charging him with getting ready to abuse this law. As a matter of fact, we know that although this power is given to the President of the United States, practically speaking, he will not exercise it himself, but some subordinate will exercise the power for him. Why do I say that? Everybody knows that the burdens of the office of President of the United States have grown so great that the man who occupies that office can not attend to the details himself. He must shift the details to somebody else.

I have no doubt that in his effort to shift the details of this problem to somebody else, the President will endeavor to do it honestly, as I do not believe any man who occupies that high office could do otherwise. I do not say that the man on whom the burden of increasing this taxation may fall, when the President shifts that burden from his own shoulders, is going to act dishonestly.

But I know when you take the questions of competition in foreign trade and the nice issues of value before some appointee of the President and he has sitting at the table with him the special interests, who know all the details of their case upon which he is to decide, they always have the advantage. Mark you, under the terms of the bill, the American people are going to have the doors closed on them. When the bill passed the Senate of the United States it provided for investigation by the Tariff Commission before the President acted, and it provided that the investigation should be in the open light of day, that it should be open and aboveboard. If it had continued to be open and aboveboard the American people would have had an opportunity at least to know that somebody was beginning to move the guns on them and that they might look for the rapid fire guns of taxation to be beating upon their homes before long if they did not enter a timely protest. But when the bill went to conference, in the secret caucus of the majority party, those provisions of the bill which required investigation in the open by the Tariff Commission were stricken out. We are told now that they are to investigate, but they can do so behind closed doors. They can do so in private consultation with the special interests which are to be benefited if the rates are increased, or if the basis of valuation is changed from foreign valuation to American valuation.

Mr. GOODING. Mr. President——

The PRESIDING OFFICER (Mr. EDGE in the chair). Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I yield.

Mr. GOODING. The Senator understands, of course, that the Tariff Commission is a nonpartisan board, half of its members Democrats and the other half Republicans. The experts employed there belong to both political parties. It seems to me there should be no question in the mind of the Senator or anybody else, so far as that is concerned, who cares to know what is being done in reference to matters that are up for hearing before the Tariff Commission. There will be an opportunity for them to be heard. Then I would like to know what was so very secret about the framing of the tariff bill? It was not done behind closed doors. The public knew everything that was going on all the time.

Mr. UNDERWOOD. If the Senator will kindly allow me to go on with my speech, I shall appreciate it. I do not want to take much time. Of course, what the Senator says is a fact, that it is supposed that the Tariff Commission will be a nonpartisan body. It is supposed that there shall be so many Democrats and so many Republicans on the Board, and theoretically I think that is true. But it is not a question of whether a man sitting on the board is a Democrat or whether he is a Republican. It is a question of whether he is a protectionist and stands for the special interests, or whether he is not and stands for the interest of the American people. I have nothing to say in criticism of the present board. The board will probably be changed in the next few months or in a year or so. But I have noticed that when we have a board charged with duties that mean millions piled upon millions in the pockets of the special interests the American people are not at the offices of the appointing power and they do not know in which way a man's mind is bent, and possibly honestly bent, but the special interests which are looking for something for themselves always know and they want a friendly man at court. When the American people are asleep at home the special interests will be advancing men for membership on the board who are going to take care of their special interests.

They may offer them under the name of Democrat or under the name of Republican, and there may be nothing known as to what their tendencies may be in regard to taxation until after they have been appointed and this great power put in their hands. So that what the Senator from Idaho said is, of course, technically correct, but it is mere words. It means nothing. The material thing is that the American people can not be in Washington to see that they have representatives on the board who will try to keep down taxation. The special interests, which are going to benefit by taxation, will be here trying to get appointed on the board individuals who represent their side of the question. That is what I mean. I do not care whether they are called Democrats or Republicans.

Mr. GOODING. Mr. President——

Mr. UNDERWOOD. There are mostly honest men in both parties, and there are some very big rascals in both parties.

Mr. GOODING. I agree with the Senator in that, but I wish to call his attention to the fact that so far as our Tariff Board is concerned it occupies a position a little different from almost any other governmental agency that I know of, not that I am going to criticize any other agencies, so far as that is concerned, but protection and free trade are the rock upon which the two political parties have divided. I want to say to the Senator that he has on the Tariff Board to-day men who champion the cause of the Democratic Party and are protecting its interests, and I do not think he need be alarmed about the special interests getting anything about which the public will not be thoroughly advised, and especially the leader on the other side of the Chamber.

Mr. UNDERWOOD. Mr. President, what I have said I do not want to be understood for a moment as reflecting upon any man who is on the Tariff Board, because I do not mean that at all. More than that, I do not mean to say that the special interests will accomplish their desire by the dishonesty of those men. But men are often misled. The men sitting on the Tariff Board may stand for low tariff duties in most instances, and yet when there is one particular thing—take dyes, for instance—where there is an immense pressure brought to bear, they may be influenced in a thousand different ways, not by money, not by fear, but in a thousand different ways to change their conclusion with reference to the amount of the tax or as to whether it should be levied on the foreign or the domestic basis, that may pile millions on millions into the pockets of the special interests and take them out of the pockets of the American people.

I say that the only safeguard against that is the safeguard which the people of England hundreds of years ago put into their unwritten constitution, that the power of taxation should rest only in the hands of the chosen representatives of the people, men who must be and will be held responsible. If either the Senator from Idaho or myself makes a mistake in levying a burden of taxation on the people of America, and our constituency believe we have made a mistake, they can recall us; they can tell us at the end of our term that they will put somebody in our places. But when we pick out an unknown man, unknown to the mass of the people, no matter how able or how distinguished he may be, and by Executive appointment put in his hands this great power of taxation, the people of the United States no longer have any control over the matter. They can not recall him. They can not in any way reflect their will in his judgment. They are hopeless as long as a law such as this, delegating this great power to a bureaucracy in Washington, remains on the statute books.

I do not think it will last long as a law. If it should last long, if the terms of the bill were to stay on the statute books for two decades, I would predict the rottenest filth and corruption that could grow out of such a bureaucracy, that would be a stench in the nostrils of all good people. But I do not think it will last. I think before that day comes the American people will take the size of what this Congress has done, will realize that the Congress has laid down a great responsibility that was given to them, which the Constitution of the United States has placed in their hands, that they have surrendered a great trust, and the American people will rebuke any party and any set of men who have been guilty of abandoning a trust like this given to their safe-keeping. In the end, perhaps not this year, perhaps two years from now or six years from now, the time will come when the American people will spew out the action of this Congress granting the power which they themselves should exercise, and exercise in the open air of this Chamber and of the House of Representatives, to a board organized to operate in secret conference, and then pass it on to the President of the United States, where it is lost in the private offices of the Executive, without opportunity for the public to know what is going to take place or when it is going to take place, and that the only information the American people will have in regard to whether or not their taxes have been enormously increased or their business destroyed by levying enormous taxes on the basic products from which they must pursue their industry, and the only way they will find it out will be when additional taxation is fired into their faces by proclamation from the White House.

Now, Mr. President, I have only one more word to say in conclusion in reference to the bill, and that is that it seems to overlook entirely the fact that over $10,000,000,000 is owed by foreign nations to this Government. It seems to overlook entirely the fact that an amount equal to $10,000,000,000 is owed by foreign citizens to American citizens. It seems to overlook entirely that we have the gold of the world and that the other countries of the world have no gold with which to pay their debts to us; that foreign nations to a large extent are no longer the carriers of our trade and they have nothing to barter in carrying charges against our goods, and that there is only one way in which the people who owe us, either the Government itself or our citizens, can pay their indebtedness back to us and that is by selling goods to the American people.

I think it is folly and is idle to pretend that we increase the opportunities of trade by inordinately increasing the taxes levied at the customhouse on all the goods that come in from foreign countries. The result will be, Mr. President, if we intend to build a tariff wall around this country and exclude the commerce of other countries, that we shall be unable to collect the debts that are due us. If we build such a wall around the country and inordinately limit the amount of goods which come in, we shall also greatly restrict the power of foreign countries to pay for our goods which are exported. One-half of the cotton which is produced in the South is sold in foreign countries. How is the producer of cotton of the South to secure payment for his crop which he sells abroad if there is no gold with which to pay him, if there are no American securities to return, as there are none, and at the same time by reason of a tax the door is closed to foreign commodities of all kinds coming into the United States?

To a lesser degree, but to a very important degree, the same thing may be said of wheat. It may also be said of many of the agricultural products. It may be said of the iron and steel business, of the cotton manufacturing business, and of a vast deal of the great business of this country. If we continue to close our door by taxation so that nobody can trade with us, in the end it can mean but one thing, that we shall have to reduce production to the point to meet only the consumption of the American people.

When we shall reduce production abnormally in that way, it will mean inordinately low prices for production, idle factories, men without employment; and in the end nothing but disaster can follow such a policy.

Mr. President, we have become the one great creditor Nation of the world. That was not true 10 years ago. We had been a debtor Nation. We can hardly say we were a creditor Nation at the beginning of the Great War. Certainly we were not the great creditor Nation of the world; but to-day we stand alone as the one great creditor Nation of the world. If we will faithfully and fairly read the pages of history, they will tell us the tale. This is not the first time that such a condition of affairs has existed in the world. From the days of the Phœnicians to the present hour there never has been a time when a great nation became the creditor nation of the world that it did not have either to relax the barriers at its customhouses, at its ports of entry, or to surrender its export trade, or to do as China did—build a wall about itself and live within itself, live on its own vitals until by reason of the fact that its ships no longer sailed the seas and it no longer rubbed shoulders with the world it became a decadent nation and its glory and its eminence passed away. That is what the proponents of this bill are deliberately trying to do by the enactment of the pending measure.

I do not say that the results which I have predicted will occur in a day or in an hour—no; it may take a decade for such a policy really to prove itself—but if we continue the policy of exclusion of trade at the customhouse, the hour of this Republic's greatness will have passed and the end of its business success will have been written. However, Mr. President, I predict that long before that hour has come the American people will wake up to the enormities of this proposed legislation; that they will wake up to the false policy which is written in the pages of the pending bill, will repudiate the theory which it represents, will deny the facts which have been cited in its support, and will restore to the statute books a sane and a reasonable customs tariff taxation measure.

Mr. McNARY. Mr. President, I ask unanimous consent to have printed in the RECORD, in eight-point type, some very interesting matter appearing in the Southern Tariff Advocate. It embraces useful information which I think should be preserved.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the order will be entered.

The matter referred to is as follows:

[Southern Tariff Advocate—A nonpartisan forum for discussion of the tariff and other questions affecting productive industry.]

Texas State Bankers' Association Demands Protective Tariff for Southern Products.

The same tariff treatment for southern raw material that is being extended manufactured articles in the tariff measure now pending before Congress was advocated by the Texas Bankers' Association at their annual convention at Fort Worth, May 17, 18, and 19, in the following resolution, which was unanimously passed by that body:

"Whereas the value of all securities of Texas banks, the price of every farm product, and the prosperity of the entire South is affected by the tariff measure now pending before Congress: Therefore be it

"*Resolved*, That so long as the articles of manufacture are protected from foreign competition we insist on a protective tariff on vegetable oils, peanuts, live stock, meats, hides, wool, grain, poultry, and dairy products, and all agricultural, pastoral, and mineral products that will equalize the difference in cost of production between this and foreign countries and urge our Senators and Congressmen to support the schedules demanded by the various organizations authorized to represent southern industries, as submitted through the Southern Tariff Association to the Senate tariff bloc and approved by them."

Gooding and Underwood on the Tariff—Leaders of Opposite Schools of Thought Clearly Define Their Views.

No tariff discussion in the Senate since the days of Calhoun and Webster has been fraught with quite such national consequences as the debate between Minority Leader UNDERWOOD and Senator GOODING, chairman of the Senate tariff bloc. Fortunately for the South and the Nation, the position of the two parties was clearly set forth in this remarkable colloquy by the respective proponents of free trade and protection. For convenience of readers of the Advocate in analyzing the fundamental principles involved in the present tariff measure, we run the statements of the two leaders in parallel columns:

GOODING.

The position of the Democratic Party is so well defined by the senior Senator from Alabama, the minority leader of the party in the Senate, that there can be no question as to the position of the two great political parties on the question of free trade and protection. He says he belongs to that school of thought which believes that protection is unconstitutional. He goes further and says he believes protection is morally wrong. The Democratic Party has gone on record on several occasions in its belief that protection is unconstitutional, but this is the first time that a great leader of the Democratic Party has gone on record in saying it was morally wrong to protect American industry and American labor.

I believe there is an honest difference in the cost of production in this country on the farm, in the factory, and in the mine from that of foreign countries. And I believe that honest difference must be made up by a protective tariff that will give to the American people their own markets. If Senator UNDERWOOD is right in his contention that it is morally wrong to protect American industry and American labor, then it is morally right to admit free of duty the cheap products of the coolie labor in India and the fellaheen of Egypt, who are in full dress with a breechclout around their loins. In my judgment, to admit these cheap products of Asiatic labor free of duty would be a crime.

If the farmers of this country are willing to live enslaved like the peasants of France and other foreign countries, where they are satisfied with little in life, then we do not need protection, but if we are to maintain our American standard on the farm, in the mills, and in the mines, then our industries must be protected.

Through protection we have built up a standard of living and a standard of wages that is the best in all the world. I believe that standard can be maintained only through a protective tariff, which gives to the American producer the difference between the cost of production on the farm, in the mills, and in the mines here and abroad.

UNDERWOOD.

My view of using the power of government is entirely different from that of the Senator from Idaho. I believe that the great powers of government are intended to be used for the benefit of all the people and not for the promotion of special interests, and I care not whether these special interests come from the fields of agriculture or arise from the smokestacks of a factory; to me they are special interests and obnoxious to the principles I believe in. * * *

I belong to that school of thought which believes that the legislative body of the Congress of the United States has no constitutional rights—I may go further and say no moral right—to use the taxing power of government for the purpose of building up fortunes or tearing them down. I am just as much opposed to levying a tax, under the guise of protecting American industry that the great masses of the American people must contribute out of their pocket, money to build up a special industry and make a few rich, as I am of extending the power of taxation so far as it confiscates the property of the individual and accomplishes by the power and force of taxation what the communism of Russia accomplishes by a red flag.

The Senator from Idaho does not believe in that principle. He announces that the power of taxation in the Federal Government can and should be legitimately used for the purpose of building up agriculture * * *.

When I stood on the bridge and commanded the tariff ship in the House, I did not hesitate to put the products in which I was personally interested on the free list, because I believed they belonged there. I am applying no rule to anyone else that I do not apply to myself.

AMERICAN FARM BUREAU STANDS FOR PROTECTION.

The American Farm Bureau stands for protection on agricultural products based on difference in cost of foreign and domestic production, stands for the same degree of protection as that accorded manufacturers of our products. We indorse the agricultural tariff bloc and 33-cent clean content duty on wool. Both rate and method of applying most carefully considered by board group of woolgrowers and we indorse their recommendations. (American Farm Bureau, by C. J. Fawcett.)

MINORITY LEADER KITCHIN OUTLINES POSITION OF DEMOCRATIC PARTY ON TARIFF.

EXCERPT FROM WRITTEN STATEMENT FILED BY CLAUDE KITCHIN, MINORITY LEADER, ON APRIL 14, 1921, PAGE 269, CONGRESSIONAL RECORD, EMERGENCY TARIFF BILL.

Mr. KITCHIN, on the part of the minority, submitted the following views of the minority:

"The policies and principles advocated by the Democratic Party and inspiring the continued maintenance of its organization for nearly 100 years forbid our approval of the pending bill and impel us to vigorously protest against its passage.

"Approval of this bill by the Democrats in Congress would be a complete surrender of such principles and abandonment of such policies and a confession that for over a half century the Democratic Party has been wrong and the Republican Party right on the tariff. Further, it will be admission that there is no need for the continued organization of the Democratic Party. Such approval would be an urgent invitation to the farmers of the country, especially of the West and South, to go bodily into the Republican Party—the party of tariff robbery—as the only means of their future salvation.

"If there is a Democrat in Congress or elsewhere who is fooling himself into the belief that by our embracing the doctrine of protection, or his vote for protection, though it be on his home industry, he is going to keep within the folds of the Democratic Party or bring into its ranks the men who favor such protection, then he should at once undeceive himself. A sensible protectionist will go to the party that has taught and practiced protection for 50 years and not to the party that has always opposed it."

NATIONAL FARM ORGANIZATIONS OUTLINE POSITION OF THE NATION'S WEALTH PRODUCERS ON THE TARIFF.

WASHINGTON, D. C., *August 30, 1922.*

Hon. F. R. GOODING,
Chairman Senate Tariff Bloc, Washington, D. C.

DEAR SENATOR: We want to extend the thanks of the producers of this Nation to the tariff bloc for their support of the farm schedules in the permanent tariff measure. We indorse the McCumber-Fordney bill, as it more nearly gives the farmers of the Nation a square deal than any tariff legislation enacted during the present generation, and the first tariff measure ever written based upon the principle that the farmer is entitled to the same treatment in tariff legislation as the manufacturer. We urge Congress to immediately pass the tariff measure and give the producers of the Nation relief.

We resent the intimation frequently expresed upon the floor of the Senate that any person who owns a farm or other property is disqualified from representing his State in the Senate. We consider practical and successful producers better qualified to represent their State in Congress than men who have no knowledge, experience, or intelligent sympathy with the economic problems of the Nation.

Respectfully submitted.

National Grange, by T. C. Atkeson; American National Live Stock Association, by Fred H. Bixby; National Dairy Union, by A. M. Loomis; National Wool Growers' Association, by Frank Hagenbarth; American Rice Growers' Association, by E. A. Eignus; Dairymen's League Cooperative Association, by C. F. Creswell; American Cane Growers' Association, by John M. Rogers; Ohio Dairy Organization; Ohio Farm Federation; Ohio State Grange, by E. D. Waid; American Fish Oil Association, by R. O. Harris, jr., and C. H. Chilton; Peanut Growers' Exchange, by F. H. Birdson; American Honey Producers' League, by Colin P. Campbell; the Rice Millers' Association, by F. B. Wise; Colorado Honey Producers' Association, by Frank Rauchfuss; Big Lake (Tex.) Wool and Mohair Association; Texas and Southwestern Cattle Raisers' Association, by E. B. Spiller; Southern Tariff Association, by John H. Kirby; American Poultry Association, by James E. Rice; National Swine Growers' Association, by W. J. Carmichael; United Peanut Association, by M. M. Osborne; Sheep and Goat Raisers' Association of Texas, by James T. Elliott; American Association Creamery Butter Manufacturers, by George L. McKay; Iowa Dairy Association; Holstein-Friesian Association of America, by W. B. Barney; United Peanut Association; National Peanut Shellers' Association, by P. D. Bain; National Peanut Cleaners and Shellers' Association, by S. M. Lawrence; Texas Peanut Growers' Association, by N. T. Haskins; Arizona Prima Cotton Growers' Association, by Dwight B. Heard; New Mexico Wool Growers' Association, by Praeger Miller; Arkansas Rice Growers' Association, by B. E. Chaney; National Mohair Growers' Association, by R. E. Taylor; International Baby Chick Association, by G. R. Scitzer.

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SOUTHERN TARIFF LEADER INDORSES MCCUMBER-FORDNEY TARIFF MEASURE.

JOHN H. KIRBY, PRESIDENT OF THE SOUTHERN TARIFF ASSOCIATION, PROPOSES TO HOLD VICTORY CONGRESS OF THE ASSOCIATION AND CELEBRATE PASSAGE OF THE MEASURE.

"It is the most equitable tariff measure ever placed upon the statute books of this Nation, and the first tariff law in nearly a century that gives the South a square deal with other sections of the country. It has broken the legislative shackles riveted upon the farmers of the South by virtue of tariff legislation compelling them to sell in a free market and buy in a protected one. The measure will add a quarter of a billion dollars per annum to the value of farm products of the South above the price of competitive products in foreign markets. While some of our industries have suffered disappointment, our major products have been well cared for.

"It was around vegetable oils that the Southern Tariff Association centered its fight, as this product is upon every farm in the South. We rejoice that out of eight leading cottonseed and peanut producing States only one Senator voted to place these oils upon the free list—Senator UNDERWOOD, of Alabama. These States are Alabama, Georgia, Texas, Mississippi, Florida, North Carolina, Virginia, and Louisiana.

"It is the first tariff act ever written applying the principle that the farmer is entitled to the same treatment in tariff legislation as the manufacturer, and that principle has come to stay in American politics. The farmers of the South and of the Nation owe the western tariff bloc a vote of thanks for their work in behalf of the producers, and Senator GOODING, chairman of the bloc, has earned the gratitude of the men who toil upon the farms of this country by his unswerving devotion to their interests.

"It was around that principle that the Southern Tariff Association was organized and the producers, bankers, commercial organizations, and newspapers marshaled their forces. Over 70 producing industries, 6,000 banks, 250 commercial organizations, and 500 newspapers in the South joined in the fight, and petitions representing over a million signatures were filed with the Senate. There has been a complete and permanent change in tariff sentiment in the South.

"We are going to hold a victory congress as soon as the bill becomes a law, and at that time the South will celebrate what I consider the most important legislative event in our economic history."

—

SOUTHERN COMMISSIONERS OF AGRICULTURE FAVOR DUTY ON FARM PRODUCTS.

That southern sentiment is firmly and surely forming in favor of a tariff is further assured by the recent indorsement of the bankers' resolution on tariff recently filed with the Senate Finance Committee by the Southern Tariff Association. The resolution has been indorsed by the following commissioners of agriculture: B. Harris, of South Carolina; G. W. Koiner, of Virginia; T. A. Woods, of Maryland; W. A. Graham, of North Carolina; Harry D. Wilson, of Louisiana; and T. F. Peck, of Tennessee.

The commissioners of agriculture of Georgia, Florida, Texas, and Kentucky have gone on record in favor of a tariff.

Paradoxical as it may seem, the Members of Congress from the South are the last to realize that the South has had a turnover on tariff sentiment, and it was brought about by stern necessity and enlightened discussion of the subject. The sentiment is too well grounded to be dismissed by an appeal to prejudice or to be overpowered by assumed wisdom on the part of Members of Congress.

The producers of the South know they want a tariff, and they will soon learn that to get it they must send men to Congress who will carry out the will of the people.

It is poor business policy for the South to depend upon the tender mercy of protection Senators from other sections of the country to save their industries from destructive foreign competition.

If the South wants a tariff on its products, we must send men to Congress who will vote for it.

Mr. SMOOT. Mr. President, I am a firm believer in the principle of protection. My study of the history of my country has taught me that whenever that principle has not been put in operation in our tariff laws the growth of our country and of our industrial institutions has been greatly restricted. So far as I am concerned, I should very much prefer to foster and promote domestic business representing 92 per cent of our total trade and at the same time take our chances of securing our share of foreign trade, amounting to but 8 per cent, than I would to support any measure which would place our industries in jeopardy and perhaps bring disaster to all of the business institutions of the United States.

I recognize the fact, Mr. President, that at the present time and under existing world conditions it has been a difficult problem to write a perfect tariff measure; in fact, I might say that that would be impossible under any circumstances or conditions; but it is not impossible to write a protective bill that will give to the American laboring man, to American industries, and to American trade a fair chance with all the other nations of the world. That is all that we expect to accomplish, and that is what we anticipate will be the result of the enactment of the pending bill—no more, no less.

All the criticisms which have been hurled against the measure from the other side of the Chamber have the same ring, namely, that we are building a protective wall so high that it will not allow foreign goods to enter our country. I wish frankly to state now that the result of the enactment of the proposed law will not have that effect. I admit that it will curtail the importations of many goods into this country, but in that curtailment the ultimate consumer is not going to suffer, for if there has been any one thing demonstrated during the discussion of this bill it has been that all the goods which are imported into this country are sold at just as high a price as possibly can be charged, as high as American consumers will bear.

Statements have been made, Mr. President, that the rates which are carried in the pending bill are higher than were the rates in the Payne-Aldrich law. There are some rates in the bill that are higher than are rates on similar articles in the Payne-Aldrich law, but they are only upon articles as to which there is to-day no question that the imposition of such rates is necessary in order to save the industries of the United States.

I say now that the average equivalent ad valorem rates of the pending bill are lower than the average equivalent ad valorem rates in the Payne-Aldrich law, notwithstanding the increased rates which have been placed upon all farm products and the items embraced in the chemical schedule.

I do not ask the American people to take my word for that statement, but I asked men who are interested in the importation of foreign goods, I asked the tariff experts from one end of the country to the other to take the two measures and compare them and ascertain what the average equivalent ad valorem duties of the pending bill are as compared to those prevailing under the Payne-Aldrich law during the years 1910, 1911, 1912, and 1913.

Our Democratic friends have repeated time and time again that the making of this bill was dictated by the special interests, meaning, of course, dictated by the producers of goods in this country. I deny the statement, and I say now that the greatest propaganda that has ever been instituted in this country and carried on against or for the passage of a bill has been carried on by the special interests that are opposed to a protective tariff, and if they had their way we would have free trade in everything. They would like to see every yard of goods, every article consumed by the American public, made in some foreign country and imported into this country, so that they could make the outrageous profits that they have been making of late. As between special interests controlled by American citizens and special interests controlled by foreigners, I say, let us have the special interests controlled by Americans; but I deny that this bill was written at the instigation or the direction of the special interests, be they American or be they foreign.

The Senator from North Carolina [Mr. SIMMONS] yesterday, in his lengthy speech, took to task the conferees on this bill for not carrying out the action of the House and the action of the Senate. He said that the conferees had assumed powers that they had no right to assume, and in his remarks he referred to a number of items to show it. He referred to the potash and embargo conspiracy, as he termed it, and said that the conferees had failed to carry out the wishes of the Senate and the House.

What are the facts? The House placed a duty upon potash, beginning with 2½ cents per pound and running for a term of five years, and after the five-year period potash was to be on the free list. The second year, as I remember, the duty was to be 2 cents, the third year it was to be 1½ cents, and the two succeeding years 1 cent a pound. That was the decision of the House. The Senate struck out that provision and placed potash upon the free list. It went to conference. The conferees were to agree between a rate that I have named, as passed in the House, and potash upon the free list.

I want to say to the Senate that the conferees of the House took the position—and, I think, a wise one—that if there was any article in this whole bill that should be protected on the principle of protecting an American industry it was potash. A compromise was reached between the two Houses, imposing a duty of 1½ cents a pound on potash for the term of three years. When the conference report went back to the House, the House, having heard from the farmers of the country, I suppose, decided to reverse their action when the bill passed and instructed the conferees to return and insist that potash be placed upon the free list. The conferees met again and did place potash upon the free list; and I think it will not be many years until those who are opposed to the protection of potash asked for by the conference will learn that a mistake was made in not maintaining the industry in the United States.

The Senator from North Carolina [Mr. SIMMONS] yesterday referred to a claim that was made that an agreement or trust with regard to potash was consummated between France and Germany, and from his remarks I gathered that he was not afraid of a German or a French trust. They are all good trusts. He claimed they will look after the American people. They will sell the potash, of course, just as cheaply as it is possible for them to sell it. It is only American trusts that are bad. German trusts and French trusts are to receive his benediction, and they are to look after the American farmer, who is to buy his potash in the future from them.

Let us see what the facts in the case are.

The cablegrams which I am about to read do not come from any interest in America. They come from Paris and from Frankfort on the Main, and I shall take the time to read them.

On August 26, 1922, the American people were informed by cable as follows:

> PARIS, *August 25.*
>
> The American farmer probably will have to pay more for his potash this autumn if the conferences between the French and German potash syndicates at The Hague are successful.
>
> The potash groups, who practically control the world supply, are anxious to cooperate to make their own prices and divide the territory. The first attempt of the potash interests to cooperate led to a meeting at The Hague in May, but failed because the Germans then hoped to undersell the French because of the collapse of the mark. The French then threatened to meet any German price.
>
> It is reported that Herr Forthmann, representing the German syndicate, and Louis Mercier, representing the Alsatian mines, are reaching an agreement, and the leading French industrial papers are greatly alarmed, fearing higher prices to French consumers. Real ownership of the Alsatian mines just released from sequestration is disputed, and those interested are threatening to carry the matter before parliament in October.

That was published on August 26. On September 8 of 1922, this month, while the conferees had this bill under consideration, the following cablegram was received from Frankfort on the Main:

> FRANKFORT ON THE MAIN, *September 7.*
>
> Definite announcement was made here to-day that certain German and French potash interests intend to combine. Negotiations are almost concluded for a merger of their mining properties.
>
> That Germany and France would form a combination in the potash industry with the object of dividing the American market was anticipated in Washington more than a week ago.
>
> At that time it was pointed out that representatives of the French industry, impatient to enter the field after failing to get contracts here about two years ago, openly threatened to make some agreement with German manufacturers in order to break into the American market. The threat was repeated several times by the Frenchmen, it is understood.
>
> The effect of the agreement about to be consummated, it is believed, will tighten the grip Germany now has on the American market. Should prices increase to a very great extent, however, it is possible that American manufacturers may be inspired to resume production.

Mr. President, that can not be. The plants that are lying idle to-day, with tens of millions of dollars invested in them, invested at the appeal of our Government during the war, will be nothing but rusted junk in a very short time. No; the American farmer need not expect that. With this bill a law, the potash industry in the United States is destroyed, and we all know it, and the results will speak for themselves in a very short time.

I am not going to take the time of the Senate to read the rest of this cablegram; but the very next day, September 9, a cablegram came announcing the combination of all of the potash producers of France and Germany; and, Mr. President, watch and see in a few years what the farmer will pay for his potash.

I can not understand why some Senators have been so alarmed over the chemical industry. It must live, no matter what rates are imposed, regardless of whether an embargo is imposed or not. Potash is an item that is just as vital in time of war as any other chemical produced in all the world. The potash industry was established during the war, as the Senator from North Carolina stated yesterday. All of the chemicals manufactured during the war, all of the industries created because of the war, must be protected with rates which amount to virtual embargoes, but the potash producer must say when this bill becomes a law, "All that I put into the industry at the earnest appeal of my Government is lost." Some of the plants were not half completed.

As far as producing potash in the United States is concerned, we have unlimited quantities to furnish the farmers for thousands of years. But it has been decreed that that industry should be destroyed, and so let it be.

We have heard repeated in this Chamber time and time again that the duties which have been placed in the wool schedule will increase the price of clothing to the American people, and some have gone so far as to say that they will increase the cost of a suit of clothes from $7 to $25. We find advertisements in some of the leading papers of the United States asking the people to come and purchase their clothing now, because when this bill becomes a law the rates of duty upon the clothing will be so high that their clothing will be advanced in price.

Mr. President, there is not a word of truth in that. The rates of duty in the wool schedule, as agreed to in this conference report, are lower than the rates under existing law. I do not care who says they are not; I say that they are, and I can prove it to any man who will give me the time to do so. Such advertisements in the papers, announcing the statement I have already made, are put in for a purpose; they are not put in because of the rates of duty, but those dealers have a lot of old-style clothes on hand they want to get rid of.

On yesterday the Senator from North Carolina tried to make the Senate believe that because there were no importations of scoured wool into the United States to speak of, and that the equivalent ad valorem on scoured wool was higher than the equivalent ad valorem on the wool in the grease, we, basing our rates on the scoured content, were increasing the rates of duty upon wool a hundred and some odd per cent. I forgive the Senator from North Carolina. He did not know what he was talking about. No wool man ever would have made such a statement. When this bill goes into operation there will be no more scoured wool imported into the United States than there was when the duty was imposed on the wool in the grease. No manufacturer prefers to buy scoured wool. He buys his wool in the grease. Every manufacturer of woolen goods must of necessity assort his wool according to the class of goods he is making.

After the wool is assorted into grades, according to the manufacturer's wishes, it may be purchased in the scoured condition, but it will never be, and what few thousand pounds were imported, referred to by the Senator from North Carolina yesterday, the equivalent ad valorem being higher than the equivalent ad valorem on the grease basis, were nothing more nor less than some samples of wool which were brought in in the scoured condition. There were only a few thousand dollars' worth, and when this bill goes into effect there will be but a few thousand dollars' worth imported in the scoured condition.

We were led to believe that as soon as this law took effect all of the wool coming into this country would come in scoured, and that because a few thousand pounds came in as samples, with a high ad valorem duty, therefore all the wool coming in under this bill would carry that exceedingly high ad valorem. It is a mighty dangerous thing for a man to get up on a platform or in any public place and talk about a thing he does not know anything about.

I say to the American people not 1 cent of protection is afforded in this bill that is not open and aboveboard. There is not a cent of concealed protection in it. It was the concealed protection which made Schedule K of the Payne-Aldrich law so obnoxious to the American people.

Yesterday the Senator from North Carolina referred to a letter from a woolen manufacturer, a man making coat linings from coarse wool, who admitted in that letter that under the Payne-Aldrich rates his wool cost him 16 cents a pound scoured. You did not see that manufacturer complaining because he had a compensatory duty of 44 cents for that 16 cents. No; he was perfectly satisfied. But we say to him, "No concealed protection shall be given to you under this bill. You shall pay 31 cents a pound on the basis of the scoured wool, and then we give you a compensatory duty of 31 cents per pound, plus the loss there is in manufacturing the scoured wool into the finished product."

He enjoyed the privilege in years past of not only having the 55 cents protection on his wool, but he has had the extra protection between the 16 cents and the 44 cents per pound on the wool that went into his goods. That day has passed. That will never occur again or be enjoyed by this same manufacturer.

That is one of the changes made all the way through this bill. If cloth is made of cotton and wool, the manufacturer gets protection based only on the amount of wool in the goods. Under the Payne-Aldrich law if there were 99 per cent cotton and 1 per cent wool, he got protection on the basis of 100 per cent wool.

Some time ago I referred to the fact that in 1910, and during the discussion of the Payne-Aldrich bill in 1909, there was carried in all the press of the United States a statement that upon the rich man's wool blanket the rate of duty was 40 per cent and on a poor man's blanket it was 485 per cent. The statement was true, but how did that happen? What law was written that would justify such a statement?

I looked up the matter of the dozen blankets which had been imported, and found that they were cotton blankets, with a selvedge of wool, and because the selvedge was of wool the whole blanket paid the wool duty. The possibility of that sort of thing has been eliminated from this bill, not only as to silk and cotton and wool but as to every other mixture in the textile schedules. So when an American business man, an American importer, an American consumer, reads the bill he knows what the protection is, and that the protection purported to be given is all the protection he will get, and that there is no more to be added from any other source.

Another statement the Senator from North Carolina made yesterday, although I think it was a quotation from the same letter to which I have referred, was that the skirting of wool added only 5 per cent to the value of the wool. As time is flying, I do not want to take the time to go into the details of it, but that is perfectly absurd. It is through the skirting that instead of having 33 cents on the scoured wool they only paid 18 cents.

The 33 cents was based upon the wool shrinking 66⅔ per cent, and skirting means that they take all of the head and neck wool, all the tag locks off, and all the wool from the legs; they ship only the body of the fleece here, with all the dirt shaken out of it which it is possible to do, and the wool in that condition would shrink in many classes of wool 25 per cent less than in its natural condition when sheared from the sheep.

Mr. President, I try to be consistent in everything I do in this life. If I am a protectionist, I am a protectionist. I am not only a protectionist for any one item but I am a protectionist for everything that needs protection from one end of this land to the other. I have gone through the RECORD very carefully, and I find some very strange votes have been cast upon the pending bill. I can hardly understand why a Senator would vote for, say, a dozen different items because his State is specially interested in them, placing rates upon them even higher than the committee reported to the Senate, and then turn around and vote against the bill. What good does it do his people? What good does it do the industries in his State? It is a negative vote pure and simple, and I do not believe that the people of any State are going to be deceived by any such action. For the RECORD I want briefly to state what some of the votes were, so we can see just what Senators have done.

The Senator from Arizona [Mr. ASHURST] voted for increased duties on citrate of lime, amorphous graphite, burned magnesite, cattle, fresh beef and veal, honey, unshelled almonds, shelled almonds, unshelled walnuts, shelled walnuts, soya beans, vegetable oils, nonedible oils, long-staple cotton, wool, hides of cattle, and crude asbestos. The Senator from Arizona voted against reducing duties on citrus fruits, olive oil, manganese ore, shelled almonds, rice, peanuts not shelled, wool, and amorphous graphite.

The junior Senator from Arkansas [Mr. CARAWAY] voted for increased duties on amorphous graphite. He voted against decreasing duties on manganese ore and on rice.

The senior Senator from Texas [Mr. CULBERSON] voted against placing tomatoes on the free list in certain months of the year.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. I yield.

Mr. HARRISON. May I ask the Senator to read the votes of a few Republicans and not take all of his time reading the votes of Democrats?

Mr. SMOOT. I take for granted, of course, that Republicans voted as they believe, for protection.

Mr. HARRISON. They have not done it in the consideration of the pending bill.

Mr. SMOOT. I am not discussing how the Republicans voted. I am calling attention to the votes of Democrats upon certain items produced in their States and then voted against them.

Mr. HARRISON. The Republicans are excusable, because they always vote differently from what they promise.

Mr. SMOOT. That the Senator may say if he desires. I am not going to refer to three of our Democratic friends, because they have been consistent in voting for protective rates and then voted for the bill.

The Senator from South Carolina [Mr. DIAL] voted against placing tomatoes on the free list during certain months of the year.

The Senator from Florida [Mr. FLETCHER] voted for an increased duty of 5 per cent ad valorem on chemical wood pulp and a duty on hides of cattle and citrus fruits. He voted against decreasing duties on sugar, putting tomatoes on the free list during certain months of the year, and amorphous graphite.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I yield.

Mr. FLETCHER. I suggest to the Senator that according to the arguments as they were made here and as I understand the situation all those votes were for purely revenue duties. The duty on wood pulp would be a revenue duty and the duty on tomatoes would be a revenue duty.

Mr. SMOOT. That was a protective duty.

Mr. FLETCHER. I differ with the Senator in that regard because the duty as finally fixed on tomatoes of one-half cent a pound amounts to 16 per cent ad valorem. He can not call that a protective duty, I think. Twenty millions pounds of tomatoes were brought into the country from Cuba and the Bahamas last season, and a duty of 1 cent a pound, I think, was a reasonable duty.

Mr. SMOOT. I agree with the Senator as to the reasonableness of the rate, but——

Mr. FLETCHER. My support of it was based upon the proposition that it would have yielded at least $200,000 revenue.

Mr. SMOOT. Oh, Mr. President, I have heard during the discussion of this bill rates on certain items manufactured in the United States carrying 4.9 per cent denounced as outrageous.

Mr. FLETCHER. That would depend on the item.

Mr. SMOOT. I know it would.

Mr. FLETCHER. I am saying that a 16 per cent ad valorem duty on tomatoes is no protective duty.

Mr. SMOOT. I think it would be a protection and they ought to have it. I am not complaining about the rate.

Mr. FLETCHER. I think they ought to have more. I think it was a revenue duty wholly.

Mr. SMOOT. The Senator from Georgia [Mr. HARRIS] voted for increased duties on vegetable oils for nonedible use and long-staple cotton. He voted against decreasing duties on peanuts not shelled.

The Senator from Alabama [Mr. HEFLIN] voted for increased duties on amorphous graphite, crystalline graphite, soya beans, vegetable oils for nonedible use, and long-staple cotton. He voted against decreasing duties on manganese ore, peanuts not shelled, tomatoes on the free list during certain months, and amorphous graphite.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Alabama?

Mr. SMOOT. I yield.

Mr. HEFLIN. The Senator mentioned the fact that I voted to impose a duty on graphite.

Mr. SMOOT. That was not the only item the Senator mentioned.

Mr. HEFLIN. I stated at the time that the graphite mines in the United States were closed, literally closed and put out of business by the importation of foreign graphite produced by the cheap labor of Europe, and by imposing the duty we would derive some revenue for the Government. That was true of other items for which I voted. I said at the time that if the Government could derive revenue from those sources we would get some good from it and if incidentally the people who were struggling under a Republican administration were enabled to live that was all well and good.

Mr. SMOOT. But the Senator did not follow out that principle, Mr. President, when the article happened to be produced in some other State than his own. He did not follow out that principle with reference to potash. He voted against a duty on potash, and yet it is a fact that all the potash plants are now closed and the members of the Fertilizer Trust have signed contracts for their supply of potash for the present season with German and French producers—75 per cent with German producers and 25 per cent with French producers.

Mr. HEFLIN. Because every farmer in the country is interested in cheap potash and every consumer of farm products is interested in cheap potash. I was voting for the mass and against the class.

Mr. SMOOT. It all depends on who is the man whose ox is gored. It happened to be that amorphous graphite was produced in the State of the Senator from Alabama.

Mr. HEFLIN. Not all of it.

Mr. SMOOT. Oh, no; but a great part of it.

Mr. HEFLIN. It is produced in other States.

Mr. SMOOT. I do not blame the Senator for voting for it. All I would like to have the Senator do is to be consistent.

Mr. HEFLIN. The Senator is consistent. I am not a free trader. I voted for the Underwood law, which brought in $300,000,000 of revenue, and under which we are obtaining that much revenue now. I believe in a tariff for revenue from those sources, but I do not believe in holding up the American consumer and taking money out of his pocket and making a few people rich. That is the difference between myself and the Senator from Utah.

Mr. SMOOT. The Senator can speak for himself, but not for the Senator from Utah. The Senator from Alabama was perfectly willing to vote for a duty upon graphite to put money in the pockets of the wealthy who control the graphite in his State. He was perfectly willing to do that.

Mr. HEFLIN. But those people are out of business.

Mr. SMOOT. So are the potash people out of business.

Mr. HEFLIN. They are out of business by reason of your deflation policy.

Mr. SMOOT. Nonsense; we have heard that cry from the Senator many, many times.

The Senator from New Mexico [Mr. Jones] voted for increased duties on amorphous graphite, crystalline graphite, crude magnesite, dead-burned magnesite, caustic magnesite, cattle, fresh beef and veal, fresh lamb, bacon and hams, prepared, honey, vegetable oil for nonedible use, wool, sugar, hides of cattle, crude asbestos, coal-tar products, citrus fruits, and long-staple cotton. The Senator from New Mexico voted against decreasing duties on manganese ore, rice, milled rice, wool, sugar, amorphous graphite, magnesite, and against putting tomatoes on the free list for certain months of the year.

The Senator from Montana [Mr. Myers] voted for increased duties on coal-tar products and voted against decreasing duties on manganese ore and magnesite.

The Senator from Nevada [Mr. Pittman] voted for increased duties on amorphous graphite, crude magnesite, cattle, fresh beef and veal, and fresh lamb. The Senator from Nevada voted against decreasing the duty on graphite.

The Senator from Arkansas [Mr. Robinson] voted for increased duties on rice, milled rice, and tomatoes during certain months.

The Senator from Texas [Mr. Sheppard] voted for increased duties on amorphous graphite, crystalline graphite, cattle, fresh beef and veal, fresh lamb, bacon, hams, and so forth, prepared, lard compounds and substitutes, soya beans, vegetable oils for nonedible use, long-staple cotton, wool, hides of cattle, coal-tar products, and citrus fruits.

The Senator from Texas voted against decreasing duties on manganese ore, rice, milled rice, peanuts not shelled, linseed or flaxseed oil, wool, tomatoes, and amorphous graphite.

The Senator from Virginia [Mr. Swanson] voted for increased duties on peanuts not shelled.

The junior Senator from Florida [Mr. Trammell] voted for increased duties on citrus fruits and long-staple cotton. He voted against decreasing duties on peanuts not shelled, sugar, tomatoes, and amorphous graphite.

The Senator from Montana [Mr. Walsh] voted against decreasing duties on manganese ore, wool, and amorphous graphite, and putting tomatoes on the free list during certain months of the year.

There are some Democratic Senators who voted consistently for protective duties, but the list is so long that I am not going to read it. Not only that, but they were consistent in their position because they voted for the bill upon its final passage.

Mr. FLETCHER. May I suggest to the Senator that it is quite reasonable that a Senator on this side of the Chamber, who does not believe in the doctrine of protection as advocated by the Senator from Utah, might vote for a duty on an article produced in his own State on the theory that there ought not to be any discrimination in a bill like this? If we are going to have protection all over the country and for the products of other States, would not a Senator be justified in voting for tariff duties on products of his own State, so there would not be discrimination against the products of his State, and still be consistent in voting against the bill as a whole because he was opposed to the whole proposition?

Mr. SMOOT. If I were a Democrat, I would be consistent and I should only vote for Democratic rates or free entry of goods. The Underwood bill, which was a Democratic measure, did not carry such rates as Democratic Senators voted for on the pending measure. I do not believe those Senators who may vote for certain rates because the articles affected are produced in their States and then turn around and vote against the bill will ever make any political headway by such actions.

Mr. President, the total number of Democrats in the Senate is 36; 38.8 per cent of the entire number of Democratic Senators voted for amendments which would increase the rates of duty, and 47.2 per cent of the entire number of Democratic Senators voted against amendments which would lower rates of duty. On the vote on the final passage of the bill, 11.1 per cent of all the Democratic Senators whose votes were recorded voted for the bill.

Mr. HARRISON. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. Yes; certainly.

Mr. HARRISON. Has the Senator from Utah figured out, on a percentage basis, the number of Republicans who voted to reduce duties below the rates which were originally fixed by the Finance Committee and which were changed when the bill reached the floor of the Senate?

Mr. SMOOT. The percentage would be so small that there would be no need of computing it.

Mr. HARRISON. Can the Senator tell us now how many amendments reducing the rates from those originally fixed by the committee have been adopted and were voted for by Republican Members of the Senate?

Mr. SMOOT. No; I could not do that.

Mr. HARRISON. The number has been quite large.

Mr. SMOOT. No; it has not been very large.

Mr. HARRISON. Has it not been something over a thousand, would not the Senator say?

Mr. SMOOT. Oh, no.

Mr. HARRISON. Not quite so many as that?

Mr. SMOOT. Not quite so many as that, and not quite a dozen.

However, Mr. President, the Senator from Mississippi is begging the question. I know that there will be a few Republicans who will vote against the passage of the bill, but those Republicans are rather consistent, because they have voted against every rate that they had a chance to vote for, and we on this side of the Chamber never expected they would vote for the bill.

Mr. President, I do not believe that it is necessary for me now to go into the details of each schedule of the pending bill and show the ad valorem equivalent of the various rates. The Senator from North Dakota [Mr. McCumber] on yesterday in his speech placed in the Record a comparison between the Dingley, the Payne-Aldrich, and the Underwood laws and the pending bill.

So far as I am concerned, and so far as the Republican Party is concerned, we have no hesitation in going before the people with this measure. The only difficulty we may have to encounter when it becomes necessary for us to present it to the American people is that it will not have been in operation long enough to demonstrate to them that when it shall have been fairly tested it will bring prosperity from one end of this land to the other. If this bill had become a law six or eight months ago I have no doubt that now every wheel of every factory in all parts of the country would be humming and that the laboring man in this country would be receiving wages not only twice as high or three times as high or four times as high but in many cases ten times as high as those received by other laboring men in the world.

I never wish to see the day when our country will be on any other footing than that on which every Republican administration has placed it when a protective tariff measure has been in operation.

Mr. President, I wish to say frankly that there are some rates in the bill that, perhaps, should be lowered, but they are very few indeed, and in those cases I do not know that they will make very much difference as to the price which the ultimate consumer will pay for the articles concerned.

Complaint has been made to-day of the extraordinary powers which are granted in the bill to the President of the United States. I think the provision conferring that power is one of the best provisions in the bill. I agree with the Senator from North Carolina in the statement which he made on yesterday, in consonance with statements that I have made on the floor several times, that the President of the United States following the investigation made by the Tariff Commission is not likely to increase the rates which are fixed in the bill. The Senator from Alabama [Mr. UNDERWOOD] expressed the opinion that all the rates in the bill were excessive, and therefore no power should be granted to the President to increase them. I think, perhaps, there may be two or three articles covered by the bill upon which, after a thorough investigation has been made, the President perhaps would of necessity, upon the recommendation of the Tariff Commission, increase the rates, but where there is one article the rate on which will be increased, let me say to the Senate now, there will be many on which there will be a decrease of rates if the President shall exercise the power which is granted to him under the bill. This must of necessity be on account of the unsettled condition of trade and finances in all of Europe.

The administrative features of the bill, Mr. President, have been greatly strengthened. The amendments made to them are such as the administration of past tariff laws has demonstrated to be absolutely necessary. I do not think there have been any complaints made against the changes.

For the bill as a whole, Mr. President, I bespeak now the hearty approval by the American people, and I predict that it will bring prosperity to all the people of the United States from one end of the land to the other.

Mr. SIMMONS. Mr. President, I regret that I was absent and did not hear the speech of the Senator from Utah [Mr. SMOOT], as I should like to have done; but I do not rise to address myself to the pending bill. I desire to ask unanimous consent to have printed in the RECORD a paper which has been prepared by the National Retail Dry Goods Association in reply to charges contained in a document issued by the Senate Finance Committee and circulated very largely throughout the United States, with reference to excessive prices which have been charged for imported merchandise by certain retailers.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the order will be made.

Mr. SIMMONS. I desire that the letter which is addressed to me by the National Retail Dry Goods Association transmitting the document may also be printed in the RECORD?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

NEW YORK, *September 18, 1922.*

Hon. FURNIFOLD M. SIMMONS,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR SIMMONS: It is with an appreciation of the desire of a vast majority of the Members of Congress for basic facts upon which to predicate decisions and avoid prejudiced viewpoint that this statement is brought to your attention.

This statement is prepared for the purpose of presenting for your consideration sworn statements of fact in direct contradiction of statements contained in a document given extensive national circulation under the title of "Imported Merchandise and Retail Values," 100,000 copies of which were printed upon the order of the Senate Finance Committee, and purporting to show an extreme spread between the alleged costs in countries of presumed origin and retail prices in dry goods and department stores located principally in New York.

This document contains photographic reproductions of certain articles purchased at retail and conveys to the uninformed an impression of extremely large profits which on the basis of facts herein presented do not actually occur. The document prepared by the Senate Finance Committee presumes that the articles purchased at retail are identical with certain items passing through customs upon which values are fixed by appraisal and submits only the alleged cost in country of presumed origin, cost of transportation, and the landed cost on the American wharf, conveying to the uninformed reader the belief that the spread between landed cost and retail price is one of arbitrary profits, entirely neglecting to include importers' margins, including cost of operation, as well as ignoring wages, rent, insurance, and other elements of operating cost necessary to the conduct of business institutions.

All of the articles referred to herein were purchased by the retailer or wholesaler who had purchased from the importer with but two exceptions.

As you will discover in reading the affidavits contained in this statement one of the articles which purports to be of foreign origin is in fact an article of domestic production, and you will note that the investigator was advised of this fact at the time of making the purchase.

The Government must of necessity recognize the fact as presented in the census of 1921, that more than 50 per cent of the total population is supported by wages and earnings secured for services rendered in the distribution of essential commodities. The effect of an unwarranted attack upon so large a proportion of the population of the United States as is contained in the document circulated by the Senate Finance Committee would be to reduce income, lower the standard of living, and at the same time, as has been set forth previously by this association, increase the cost of living.

With confidence that this statement and the facts which it contains will receive your earnest consideration, we are,

Yours very truly,

NATIONAL RETAIL DRY GOODS ASSOCIATION.
HAROLD R. YOUNG, *Washington Secretary.*

FACTS PRESENTED BY THE NATIONAL RETAIL DRY GOODS ASSOCIATION IN REPLY TO CERTAIN CHARGES CONTAINED IN "IMPORTED MERCHANDISE AND RETAIL PRICES," ISSUED BY THE SENATE FINANCE COMMITTEE.

After examination of Senate committee print, Imported Merchandise and Retail Prices, printed for the use of the Committee on Finance, United States Senate, July 31, 1922, in which is exhibited merchandise from a number of our member and other stores, the executive committee of the National Retail Dry Goods Association has authorized me, in the interest of simple truth and justice, to convey to you the following:

PREAMBLE.

We have noted the several statements made on the floor of the Senate to the effect that the spread between the landed United States cost of articles of imported merchandise and the retail selling price is unwarrantedly great, and the attempted inference that the retail department stores of the United States are interested in foreign merchandise because of the inordinate profits that could be obtained upon it.

Authoritative answer has been made previously (1) that the volume of imported merchandise handled by our member stores does not equal 5 per cent of their total net volume of annual sales of approximately $2,000,000,000; (2) that the earnest belief of the department stores of this country that the tariff law should not be prohibitive lies in the competition which it gives to the domestic manufacturer to hold down prices and the consequent lower retail prices to the consumer; (3) that this country is now the greatest creditor Nation in the world and needs the export market for domestic prosperity, as President Harding expressed it, "We can not expect to sell where we are not willing to buy."

We note on page 2 of the Senate committee print, Imported Merchandise and Retail Prices, the following: "In submitting this report on the tariff exhibit to the Senate the Finance Committee calls attention to the following facts established by the joint investigation of the Treasury Department and the committee. No. 3. The vast amount and percentage of spread between the foreign valuation and American retail selling price and the total landed cost and price to the consumer"; and figures are given on different articles purporting to show that the retail spread between the "total landed cost and the price to the consumer" varies between 153 per cent and 2,588 per cent.

We desire to point out (1) that the exhibit is neither comprehensive nor representative of imported merchandise brought to our country, the import articles of chief importance being conspicuous by their absence; the articles shown being mostly "specialties" in small demand, comprising as they do a cuckoo clock, imitation pearl necklace, barbers' clipper, razor, curling iron, paper thermos bottle, English straw hat, cane, carving set, pocket knife, decorated plate, flapjack turner, briar pipe, smoothing iron, harmonica, bird cage, violin, dental mirror, barometer, microscope, violin case, egg cutter, accordion, violin bridges, cornet, jumping dog, shuco monkey, dog muzzle, coronation cord, and roulette wheel, etc.

That the exhibit is neither comprehensive nor representative is shown most clearly by a summary of the numbers of articles in the exhibit brought from each country, with figures (supplied by the Department of Commerce) of our imports from and exports to each country for the fiscal year ending June 30, 1922, as given below. Such analysis shows that 87, or almost 80 per cent of the 122 articles shown are from Germany, Austria, and other Central European countries, whose tremendously depreciated currencies have brought unprecedented conditions. You will note that the countries with which we do the largest import trade are practically not represented in your exhibit.

	Articles in exhibit.	Imports from.	Exports to.
Great Britain	10	$270,353,653	$343,897,314
Japan	4	307,514,995	248,716,339
France	10	139,588,185	230,939,597
China	1	109,410,796	100,853,052
Germany	74	95,592,004	350,442,433
Italy	3	61,346,780	138,174,639
Holland	1	45,226,179	170,880,503
Switzerland	2	41,556,266	5,016,246
Belgium	4	42,792,800	103,449,034
Norway	1	11,739,624	29,789,272
Austria	2	2,603,807	1,317,628
Czechoslovakia	7	12,501,554	824,789
Yugoslavia	1	155,920	1,831,187
Denmark	2	3,988,645	36,453,208
Total	122	1,144,371,208	2,262,585,251

We point out to you that there must be some significance in the fact that comparatively so few articles are included in your exhibit from countries whose currencies are on a fairly stable international gold basis and whose shipments to this country are of so much greater value than those countries whose currencies have undergone steady and drastic depreciation and whose shipments to this country are of so much less value, particularly as inquiry among our member stores shows that the facts about representative import merchandise, carrying the usual mark up, were furnished to your investigators and not used or referred to in your exhibit.

We desire to point out to you the particular importance of the export figures quoted above to the manufacturing interests of the United States in view of the estimate of the United States Department of Commerce that the productive capacity of the United States is 25 per cent in excess of its capacity for consumption. As expressed by Governor Harding, of the Federal Reserve Board, on September 23, 1921, "We must continue to buy from various countries those things which they can produce better or more cheaply than we can and exchange commodities with them. If we determine to do business with and for ourselves alone it seems inevitable that we must reduce our production to meet normal American requirements."

Such a policy of restriction of our international trade would inevitably lead to unemployment and other attendant conditions inimical to United States labor, whose conditions of living we are all interested in maintaining and improving. In addition to this the necessary curtailment of production would lead to higher wholesale prices on finished products, on which prices retail prices are based. As a plain statement of fact the retailer is, of all the interests of our commercial life, particularly interested in the maintenance of general and continuous prosperity, for on this prosperity of the retailer is chiefly based. High retail prices make for restriction of retail distribution, reasonable retail prices for its increase. The policy of the majority of department stores of the country has always been, and published figures prove this fact, to secure a large distribution at moderate profit rather than smaller distribution at large profit.

The importance to our manufacturing and producing interests and in our whole country of maintaining and extending our export trade and of maintaining also our import trade to help to finance our export trade seems so clearly established as to render denial idle.

We desire to point out (2) that although the exhibit itself is neither comprehensive nor representative of import merchandise, it is at fault to a yet greater degree in that the figures quoted on a number of exhibts are totally inaccurate. We attach herewith sustaining affidavits from R. H. Macy & Co. (Inc.), B. Altman & Co. (Inc.), Bloomingdale Bros., Stern Bros., Gimbel Bros., James McCutcheon & Co., Saks & Co., F. A. O. Schwarz, Rothschild & Co., of Chicago, etc., which deny specifically under oath the figures contained in your exhibit as relating to items attributed to them. The facts attested are so at variance with the exhibit as to invalidate your entire exhibit. (See supporting affidavits.)

Inasmuch as Imported Merchandise and Retail Prices does not specify in any case how the figures were computed, it is impossible for us to state what is the cause of the errors in the figures of your exhibit, but we desire to point out two possible and probable causes of those errors:

(1) The rate of exchange at which the foreign price was converted into the American dollar—a very vital point in the figuring of an invoice or of a landed cost and consequently of the percentage of spread between the foreign value and the American retail selling price. For instance, if an article were purchased in Germany for 100 marks at a time when the mark was selling at 1 cent and landed in New York at the time when the mark was selling at one-tenth of 1 cent and the importer had purchased marks at the date of purchase, and your investigator had figured the invoice at the lowered mark price at the date of delivery, the cause of some errors in your exhibit is easily explained. The sworn figures in certain of our supporting evidence lead us to believe that this error was made in some cases.

(2) "The spread between the total landed cost and the price to the consumer" is not the excessive one shown if the goods have been purchased in this country by the retailer from a separate importer. In such cases—and there are several in our sworn evidence given below—the resulting per cent of spread is conclusively contradicted and invalidated. It would be nearly as unfair to charge with profiteering the retail distributor of bread by quoting the percentage of spread between the cost of the flour and the retail price of the loaf as to eliminate the separate importer's expenses and profit, as has been done in some of the items of your exhibit.

As a matter of fact and record the absurdity of the charge of profiteering by department stores has been thoroughly established by the investigations of several Government and independent agencies.

First. By the United States Department of Justice, which completed in 1920, under the Lever Act, a searching investigation of retail stores handling *both* domestic and import merchandise, with the result that out of the thousands of stores investigated practically no cases of profiteering were found.

Second. By the bureau of business research of the graduate school of business administration of Harvard University, from whose report we quote: "Profit and loss statements for the year 1920 were obtained from 305 stores located in 39 States, with aggregate net sales of $535,193,000, varying per store from $71,000 to $29,000,000. The average net profit was shown to be 1.8 per cent of sales."

Bulletin No. 33, issued under date of August, 1922, by the graduate school of business administration, Harvard University, contains on page 31 the following table relative to net profit and loss by representative department stores:

TABLE II.—*Net profit or loss in 1921 in five Federal reserve districts*

NET PROFIT OR LOSS.		Per cent.
Boston	profit	2. 0
New York	do	1. 7
Cleveland	do	0. 5
Chicago	loss	0. 2
San Francisco	profit	2. 4

Third. By the Joint Congressional Commission of Agricultural Inquiry, appointed to investigate the prices of food, clothing, etc., for the purpose of finding out whether profiteering was going on or whether the spread between the cost of producing and what consumers had to pay was due to other causes.

Hon. SYDNEY ANDERSON, the very able chairman of that commission, completed and published its report last July, in which we find these words: "Retail dry-goods profits are found to have averaged 5.4 per cent for the nine-year period from 1913 to 1921. From this profit must be deducted such items as shortage in inventory value of merchandise, Federal taxes and stock moving reductions in response to price decline or movement of stock accumulation." Such deductions would certainly bring the true net-profit figures to less than 4 per cent, which is in sharp and conclusive contradiction to the general and prejudiced intimation of excessive profit conveyed by the figures of your exhibit.

Your attention is directed to part 4 of the Report of the Joint Commission of Agricultural Inquiry, page 174, Table D6, showing net profit for 1913, 7.2 cents; 1916, 7.3 cents; 1917, 6.1 cents; 1918, 5.9 cents; 1919, 4.9 cents; and 1920, 6.4 cents. The report contained the following comment: "The largest profit was obtained in 1916, when the average was 7.3 cents for each dollar of sales. The profit on retail dry goods averaged 5.4 cents per dollar of sales over the period 1918–1921."

We are authoritatively informed that, in addition to a large issue already circulated, the Senate Finance Committee purposes to print an additional 100,000 copies of "Imported Merchandise and Retail Prices," in response to orders received from parties who would directly benefit through an increase in tariff rates. We very earnestly suggest the impropriety and unfairness of spreading such incomplete, inaccurate, and misleading information.

In conclusion, we desire to say that, whatever the cause, the figures given in your exhibit are so inaccurate and misleading—as shown by our supporting affidavits—and some of the conclusions drawn are so unwarranted and misleading that we respectfully request that a reprint be made of Senate committee print "Imported Merchandise and Retail Prices" and that this entire statement be included therein.

By order of the executive committee.

NATIONAL RETAIL DRY GOODS ASSOCIATION,
LEW HAHN, *Managing Director.*

EXHIBIT A.

STATE OF NEW YORK, *County of New York, ss:*

Frank Karel, being duly sworn, deposes and says:

"He is a citizen of the United States of America and a resident of the borough of Brooklyn, city and State of New York; he is employed by Bloomingdale Bros.' (Inc.) Department Store, located at Fifty-ninth to Sixtieth Streets and Lexington to Third Avenues, borough of Manhattan, city and State of New York, in the capacity of buyer and manager of the following departments: Jewelry, silverware, leather goods, cutlery, and clocks, and has been in its employ for some time prior to May 26, 1922. As buyer and manager of the foregoing departments deponent has traveled to Europe to purchase, and has purchased goods there for Bloomingdale Bros. (Inc.).

"Deponent has seen Exhibit No. 70, on page 70, and also figure No. 34, on page 71, of the pamphlet entitled, 'Imported merchandise and retail prices. Letters from the Secretary of the Treasury, transmitting,

"'Pursuant to request of the Senate Committee on Finance, a report by the Treasury Department on foreign and landed valuation of imported merchandise and the retail selling price in the United States of the same commodities.'

"'Printed July 31, 1922.'

"Deponent avers that he purchased the articles exhibited in figure No. 84 from the following concerns on the dates mentioned and at the prices mentioned:

"Alexander Industries Co., 440 Fourth Avenue, New York City, January 17, 1922, 200 at 60 cents each (net 10 days)	$120. 00
"Alexander Industries Co., 440 Fourth Avenue, New York City, January 27, 1922, 400 at 60 cents each (net 30 days)	240. 00
"Alexander Industries Co., 440 Fourth Avenue, New York City, January 30, 1922, 1,000 at 60 cents each (net 30 days)	600. 00
"Alexander Industries Co., 440 Fourth Avenue, New York City, May 11, 1922, 1,000 at 55 cents each (net 10 days)	550. 00
"Geo. W. Hirsch, 1050 Lafayette Avenue, Brooklyn, N. Y., July 7, 1922, 200 at 60 cents each (1 per cent 10 days)	120. 00

"Deponent further avers that between January, 1922, and April 16, 1922, that very few of said clippers were sold; that his intention was to hold these clippers for a sale which was scheduled for the period between April 16, 1922, and April 30, 1922; that the few clippers that were sold between January, 1922, and April 16, 1922, were sold at 85 cents each.

"Deponent further avers that between April 16, 1922, and April 30, 1922, about 1,500 of these clippers were sold at retail for 72 cents each; that attached hereto is a clipping from the daily paper which appeared on April 20, 1922, advertising the sale of these clippers at 72 cents each; that since April 30, 1922, the said clippers were sold at 85 cents each.

"Deponent further avers that he did not import any of these clippers directly from Germany or from any other country; that none of the clippers sold in said department as shown in Exhibit No. 34 were imported by him or for him.

"Deponent avers that he has no connection with Alexander Industries Co., nor with Geo. W. Hirsch, nor does Alexander Industries Co. have an agency or commissionaire arrangement with Bloomingdale Bros. (Inc.), nor has G. W. Hirsch any agency or commissionaire arrangement with Bloomingdale Bros. (Inc.).

"FRANK KAREL."

Sworn to before me this 6th day of September, 1922.

[SEAL.]
JACOB BEARMAN,
Notary Public, Kings County Clerk's No. 579,
Kings Registers No. 3278.

(Certificate filed in New York County.)

EXHIBIT B.

STATE OF ILLINOIS, *County of Cook, ss:*

Charles E. Davis, being first duly sworn, on oath deposes and says that he is the president of Rothschild & Co., an Illinois corporation which conducts a department store business in its building on State Street between Jackson Boulevard and Van Buren Street, and that he has been president of said company for more than 20 years last past.

Affiant further states that his attention has been called to the report of the Secretary of the Treasury of the United States, dated June 9, 1922, relative to the investigation of imported merchandise and the retail selling price of same in the United States, and that said report contains a statement that ladies' kid gloves, 16-button, 24 inches, were purchased June 12, 1922, from said Rothschild & Co. in Chicago, Ill., at retail price of $6.95 per pair, and that said gloves were made in Germany, and that the landed cost of said gloves in the United States was $1.20½ per pair.

Affiant further states that he has made a careful investigation of the facts and that he finds that said Rothschild & Co. has not imported any German kid gloves since the year 1914; that its purchases of 16-button kid gloves from importers and jobbers in the United States for the past two years have consisted of French, Belgian, and German kid gloves which have ranged in price to Rothschild & Co. from $42.50 to $65 per dozen, and that so far as he has been able to determine, the pair of gloves purchased by the Senate Finance Committee on June 12, 1922, referred to in the said report of the Secretary of the Treasury, was out of a lot of kid gloves purchased by Rothschild & Co. in the United States at $65 per dozen.

CHARLES E. DAVIS.

Subscribed and sworn to before me this 13th day of September, 1922.

[SEAL.]
D. D. DAVIS, *Notary Public.*

EXHIBIT C.

Julius G. Kugelman, of lawful age, being duly sworn deposes and says that he is vice president of Stern Bros., a corporation engaged in the retail dry goods business in the city of New York.

That his attention has been directed to the Senate committee print of a document entitled "Imported merchandise and retail prices" printed for the use of the Committee of Finance of the United States Senate July 31, 1922, and particularly to Exhibit No. 55 on page 56, as follows:

Country of origin, France.
Value in France (per yard), 1.6 cents.
Charges (transportation, insurance, freight, etc.), one-tenth cent.
Duty (rate, 60 per cent and 7 cents per pound), 1 cent.
Landed cost in United States, 2.7 cents.
Retail price in United States, 8 cents.
Percentage of retail price to landed cost, 196 per cent.

ARTICLE PURCHASED FROM STERN BROS., NEW YORK CITY (1922).

Affiant states the facts to be in reference to this Valenciennes cotton lace, that this lace was purchased by Stern Bros. from Goldenberg Bros., importers, of 109–111 Fifth Avenue, New York City, at a cost to said Stern Bros. of 61 cents per dozen yards, and sold same for 8 cents per yard, instead of the cost to said Stern Bros. of 2.7 cents per yard, the cost was $5\frac{1}{12}$ cents per yard and sold for 8 cents per yard.

Affiant further states that the firm of Stern Bros. has not imported directly, nor has it had imported for its account by any other firm, any Valenciennes cotton lace.

Affiant further states that his attention has been directed to Exhibit 25, page 26, as follows:

Country of origin, France.
Value in France (per yard), 1.1 cents.
Charges (transportation, insurance, freight, etc.), eleven one-hundredths of a cent.
Duty (rate, 60 per cent and 7 cents per pound), seventy-six one-hundredths of a cent.
Landed cost in United States, 1.97 cents.
Retail price in United States, 5 cents.
Percentage of retail price to landed cost, 153 per cent.

The facts relative to this are that said lace was purchased from Goldenberg Bros., 109–111 Fifth Avenue, at 3¼ cents per yard instead of 1.97 cents per yard.

Affiant further states that this cotton lace was not imported by his firm nor for the account of his firm.

Affiant's attention has further been directed to Exhibit 87 on page 88, as follows:

BUTTONS, VEGETABLE IVORY (12-BUTTON CARD).

Country of origin, Germany.
Value in Germany (per card of 12 buttons), six-tenths cent.
Charges (transportation, insurance, freight, etc.), six one-hundredths of a cent.
Duty (rate, 45 per cent), 0.27 cent.
Landed cost in United States, 0.93 cent.
Retail price in United States, 25 cents.
Percentage of retail price to landed cost, 2,588 per cent.

The facts relative to said exhibit 87 are that Stern Bros. purchased these buttons from B. Blumenthal & Co., 354 Fourth Avenue, at a cost to the said Stern Bros. of 12½ cents per dozen instead of 0.93 cent as alleged in said exhibit.

Affiant further states these buttons were not imported directly by Stern Bros. nor by anyone for the account of Stern Bros.

JULIUS G. KUGELMAN,
Vice President Stern Bros.

Subscribed and sworn to before me this 14th day of September, 1922.

WINFIELD S. DAVIS,
Notary Public, Queens County, No. 2971.

EXHIBIT D.

I, Joseph I. Saks, do solemnly and truly swear that I am assistant treasurer of Saks & Co. and that the straw hats illustrated in the pamphlet entitled "Imported Merchandise and Retail Prices," page 34, were not imported by Saks & Co. but were purchased from R. Cinelli & Sons, 565 Broadway, New York City.

I further state that the average cost of the hats purchased from Cinelli & Sons and retailing at $4 was $1.93 (and not $1.07, as shown in the exhibit), this being the average cost price to us exclusive of buying expenses or overhead of any kind.

JOSEPH I. SAKS.

Sworn to before me this 12th day of September, 1922.
[SEAL.] GEORGE A. CROSBY, *Notary Public.*

EXHIBIT E.

I, Julius Kugelman, do solemnly and truly swear that I am a vice president of the corporation Stern Bros., 41 West Forty-second Street, New York.

I further swear that, after going over all our import records most carefully, I can truthfully state that we never imported from France Valenciennes laces in cotton as stated in pamphlet entitled "Imported Merchandise and Retail Prices," page 26, Exhibit 25, and page 56, Exhibit 55, nor did we ever import from Germany buttons, vegetable ivory (12-button cards), as stated on page 88, Exhibit 87.

JULIUS KUGELMAN.

Sworn to before me this 1st day of September, 1922.

JOSEPH A. MACPEAK, *Notary Public*
(Bronx County, No. 64, Register's No. 167).

EXHIBIT F.

STATE OF NEW YORK, *County of New York, ss:*

Henry F. Schwarz, being duly sworn, deposes and says as follows:

That he is a native-born citizen of the United States and president and general manager of F. A. O. Schwarz, a corporation carrying on a business of importing and retailing toys, situated at 303–305 Fifth Avenue, New York City.

That his attention has been called to a pamphlet issued by the Government Printing Office, entitled "Imported Merchandise and Retail Prices," in which pamphlet there are various exhibits showing purchases from retail merchants of various articles and prices paid for the same, and Exhibit No. 24, jointed doll; Exhibit No. 99, rubber ball; Exhibit No. 108, Union Stone building blocks, all referring to purchases made at F. A. O. Schwarz and containing figures claimed to be the landed cost in the United States.

That he herewith states that these costs are absolutely wrong.

Exhibit No. 24, referring to jointed doll, represents a doll, No. 400/51, which was imported from Germany, arriving here in June, 1921. The cost of this doll was 855 marks per dozen, and was paid for in marks which were purchased from the Guaranty Trust Co. of New York at $1.70¾. The cost of the doll in Germany, in consequence, was $1.21, the duty 35 per cent (42 cents), and all other charges about 60 cents, making the cost of the doll $2.23 instead of $1.10, as mentioned in the exhibit. The retail price, $4.50, is the percentage of advance which is usual in the toy business, as this is a seasonable business only. There was only one importation of these dolls by F. A. O. Schwarz.

Exhibit No. 99, referring to rubber ball: In this case this rubber ball was purchased in the United States, no rubber balls having been imported by us direct during the last seven years. They were purchased from Julius Schmidt, of New York, as per his invoice of February 24, 1922; and the ball in question, 4½ inches, cost $52.27 per gross. In case lots there is a discount of 25 per cent. The cost of this ball, therefore, is 27 cents, and not 15¾ cents, as shown in the exhibit; and the reason the margin of percentage is larger than the ordinary percentage is the fact that many of these rubber balls collapse and become soft, and there is, therefore, a large percentage of loss connected with them.

Exhibit No. 108, representing Union Stone building blocks: In this case these articles were also purchased in the United States, as the manufacturer in Germany will only sell to his agent, and these can not be imported direct. The block No. 6 was purchased from Block House (Inc.), of New York, May 8, 1922, and cost $24 per dozen, less 5 per cent in case lots. The actual cost is therefore $1.90 instead of 35 cents, as claimed in the exhibit. The price of $4 at retail was established because the exact duplicate of this block is manufactured by a domestic manufacturer, who has established this retail price. The American manufacturers manufacture these blocks under the name of the Anchor Stone building block, having purchased this copyright or patent from the Alien Property Custodian.

The figures showing unusual percentage of profit in these three exhibits are therefore entirely wrong.

HENRY F. SCHWARZ.

Sworn to before me this 13th day of September, 1922.
[SEAL.] GEO. P. SCHNEIDER,
Notary Public, Westchester County.

EXHIBIT G.

STATE OF NEW YORK, *County of New York, ss:*

James M. Speers, being duly sworn, deposes and says that he is of lawful age, president of James McCutcheon & Co., at Thirty-fourth Street and Fifth Avenue, in the city of New York; that his attention has been directed to the Senate committee print of a document entitled "Imported Merchandise at Retail Prices," on page 20 of which appears a statement as follows:

EXHIBIT 20.—*Linen towels, hemstitched.*

Country of origin, Ireland.

Value in Ireland (per dozen)	$14.82
Charges (transportation, insurance, freight, etc.)	.52
Duty (rate, 35 per cent)	5.187
Landed cost in the United States	20.527
Retail price in the United States	65.00

Percentage of retail price to landed cost, 216 per cent.

Article purchased from James McCutcheon, Fifth Avenue and Thirty-fourth Street, New York City, May 16, 1922.

The facts relative to the goods referred to in the aforesaid exhibit are that the towels were invoiced to us on January 27, 1921, at $53.50 per dozen, from which we secured a rebate on this price which reduced the cost to James McCutcheon & Co. to $48.15 per dozen, and this is the towel which was at the time of the purchase being made by the investigator retailing at $65 per dozen. The towel referred to herein is the identical towel which is shown and referred to in Exhibit 20 of the document in question.

On page 98, Exhibit 98, of the same document there appears also the following:

EXHIBIT 98.—*Linen towels, hemstitched.*

Country of origin, Ireland.

Value in Ireland (per dozen)	$3.52
Charges (transportation, insurance, freight, etc.)	.12
Duty (rate, 35 per cent)	1.23
Landed cost in the United States	4.87
Retail price in the United States	24.00

Percentage of retail price to landed cost, 393 per cent.

Article purchased from James McCutcheon, Fifth Avenue and Thirty-fourth Street, New York City, May 12, 1922.

It is more difficult to determine accurately just what this towel is, but to the best of our knowledge and belief it is a towel for which James McCutcheon & Co. paid $21 per dozen and was originally sold at $30 per dozen. It was later reduced to $24 per dozen, at which price it was selling at the time of the purchase made by the investigator for the Government.

Affiant further states that neither the towel shown in Exhibit 20 nor in Exhibit 98 was imported either directly by nor for the account of James McCutcheon & Co.

JAMES M. SPEERS.

Subscribed and sworn to before me this 12th day of September, 1922.
[SEAL.] MYRTUS R SPICER,
Notary Public, Kings County, No. 418.

EXHIBIT H.

STATE OF NEW YORK, *County of New York, ss:*

Margaret M. Staiber, being duly sworn, deposes and says that she is employed as a saleswoman in the jewelry department of B. Altman & Co., Fifth Avenue and Thirty-fourth Street, New York.

Deponent further says that she recalls a cash sale effected by her on May 31, 1922, to a gentleman customer of B. Altman & Co., of a pearl necklace for the sum of $150, which said necklace was sold as an American-made article and was so represented.

MARGARET M. STAIBER.

Sworn to before me this 13th day of September, 1922.
[SEAL.] HENRY J. RUSSELL,
Notary Public, Kings County, No. 11.

EXHIBIT I.

STATE OF NEW YORK, *County of New York, ss:*

Harry L. Herman, being duly sworn, deposes and says that he is comptroller of B. Altman & Co., Fifth Avenue, Madison Avenue, Thirty-fourth and Thirty-fifth Streets, New York.

Deponent further says that during the early part of June, 1922, a representative of the United States Government called at the store of B. Altman & Co. and interviewed Alfred P. Boehm, vice president; William Shipp, jewelry buyer; and this deponent, for the purpose of making inquiry concerning a pearl necklace which the said Government representative claimed to have purchased from B. Altman & Co. on May 31, 1922, for the sum of $150. The representative referred to stated his belief that the above-mentioned necklace was imported, but he was informed that the necklace was strictly of American manufacture, and that it had been made in Brooklyn, N. Y., and purchased by B. Altman & Co. in New York City.

HARRY L. HERMAN.

Sworn to before me this 13th day of September, 1922.

[SEAL.]

HENRY J. RUSSELL,
Notary Public, Kings County, No. 11.

EXHIBIT J.

STATE OF NEW YORK, *County of New York, ss:*

Alfred P. Boehm, being duly sworn, deposes and says that he is vice president of B. Altman & Co., Fifth Avenue and Thirty-fourth Street, New York; that some time in the early part of June, 1922, he was present at an interview at the establishment of B. Altman & Co., whereat were present Harry L. Herman, comptroller, and William Shipp, jewelry buyer, both of B. Altman & Co., and a representative of the United States Government, who had come to inquire about a pearl necklace which he claimed to have bought from B. Altman & Co. on May 31, 1922, for $150.

Deponent further says that the Government representative referred to gave it as his opinion that the necklace in question was an imported article, but he was informed that it was strictly of American manufacture; that it had been fabricated in Brooklyn, N. Y., and was purchased by B. Altman & Co. in New York City.

ALFRED P. BOEHM.

Sworn to before me this 13th day of September, 1922.

[SEAL.]

HENRY J. RUSSELL,
Notary Public, Kings County, No. 11.

EXHIBIT K.

STATE OF NEW YORK, *County of New York, ss:*

Max O. Meyer, being duly sworn, deposes and says that he is the president of Joseph H. Meyer Bros., which company manufactures artificial pearls and necklaces, and has its office and principal place of business at 170 Broadway, New York.

Deponent further says that on September 15, 1921, his firm received an order from B. Altman & Co., including, among other items, one pearl necklace, quality XXX, size 16/40, length 24 inches, which item was billed to the said B. Altman & Co., with other merchandise, on September 20, 1921, the price charged to said B. Altman & Co. for the said pearl necklace being $75, as enumerated on deponent's firm's invoice bearing No. 88171.

Deponent further says that the pearl necklace aforesaid was manufactured by Joseph H. Meyer Bros., in their factory in the borough of Brooklyn, New York, N. Y., and that none of the pearls in the necklace described herein or any part thereof was imported.

Deponent further says that he has read the affidavit of William Shipp, buyer of B. Altman & Co., relating to the purchase and sale of the above-mentioned necklace, and the statements therein contained this deponent verily believes to be true and correct.

MAX O. MEYER.

Sworn to before me this 6th day of September, 1922.

[SEAL.]

WM. M. BERGHOLD,
Notary Public, New York County, No. 134.

EXHIBIT L.

STATE OF NEW YORK, *County of New York, ss:*

William Shipp, being duly sworn, deposes and says that he resides at No. 71 North Maple Avenue, East Orange, N. J., and is employed as buyer of the jewelry and silverware departments of B. Altman & Co., Fifth Avenue, Madison Avenue, Thirty-fourth and Thirty-fifth Streets, New York, and has been so employed for the past four and one-half years.

Deponent further says that he has been shown a copy of a pamphlet issued by the Government Printing Office, bearing imprint "Senate committee print—Imported Merchandise and Retail Prices," on page 56 of which appears a statement (Exhibit 56) regarding a pearl necklace purchased from B. Altman & Co. on May 31, 1922, and on page 57 of which publication appears a reproduction of a sales check covering the sale mentioned, together with a photograph of the pearl necklace involved (Fig. 27).

Deponent further says that he has made a thorough and careful examination of the records of B. Altman & Co., covering the original purchase by them of the pearl necklace hereinbefore referred to, and finds that the said purchase was effected by B. Altman & Co. from Joseph H. Meyer Bros., of 170 Broadway, New York, the purchase price therefor being $75; that the necklace in question positively of domestic manufacture; that the said necklace was ordered by B. Altman & Co. from the said Joseph H. Meyer Bros. on September 15, 1921, and delivered to the said B. Altman & Co. on October 1, 1921, and is enumerated, with other items, on the invoice of said Joseph H. Meyer Bros., bearing No. 88171 and dated September 30, 1921.

WILLIAM SHIPP.

Sworn to before me this 5th day of September, 1922.

[SEAL.]

WM. M. BERGHOLD,
Notary Public, New York County, No. 134.

EXHIBIT M.

STATE OF NEW YORK, *City of New York, ss:*

Lee Adam Gimbel, being duly sworn, deposes and says that he is the vice president of Gimbel Bros. (Inc.), whose office and principal place of business is at Broadway, Thirty-second to Thirty-third Streets, borough of Manhattan and city of New York.

That he has read the publication known as Imported Merchandise and Retail Prices, which purports to demonstrate the percentage of the retail price to the landed cost of certain articles upon prices stated as being paid and charged by Gimbel Bros. (Inc.) in its business.

Deponent has examined each and every item with respect to which this publication purports to quote Gimbel Bros. (Inc.) or to attribute to it the prices therein stated, said examination having been made with extreme accuracy.

Deponent avers that each and every one of the items and prices so attributed to Gimbel Bros. (Inc.) contains a manifestly glaring error, with the effect of attributing to Gimbel Bros. (Inc.) a margin of profit grossly exaggerated and not at all in accordance with the facts. Great injury has been done to deponent's concern by reason of the widespread publicity given to the Senate Finance's report, in that the statements therein contained are not borne out by the facts, particularly as to the exaggerated profits therein reported.

Deponent attaches to this affidavit a statement of the business done and the profits earned by Gimbel Bros. during the past three years, which said statement has been examined and certified to by chartered accountants. From this statement it will clearly be seen that the margin of profit upon such a large volume of business is very small.

Deponent further states that the percentage of foreign imports by Gimbel Bros. are very small, the same being less than 2 per cent of the total amount of purchases made.

Deponent also attaches to this affidavit a schedule on which appears the statement made in the Senate Finance's publication and the actual facts as ascertained from Gimbel Bros.' books, records, bills, and invoices. Every allegation in this schedule as to the costs, charges, selling prices, etc., is absolutely accurate, and will be substantiated by further affidavits and by the production of the original invoices and documents.

Deponent further states that in many instances the Senate Finance's report refers to merchandise not imported directly by Gimbel Bros., but purchased in local markets, and in such instances the attached schedule shows the actual price paid and the actual profit made.

LEE ADAM GIMBEL.

Sworn to before me this 14th day of September, 1922.

SHERWOOD E. COLLINS,
Notary Public, Queens County, No. 100.

SALES AND PROFITS.

The net sales of the consolidated companies for the three years ending January 31, 1922, and their net profits before deducting income and profits taxes paid but after giving effect to taxes at 1922 rates, as certified by Messrs. Touche, Niven & Co., New York, N. Y., public accountants, have been as follows:

Year ended—	Net sales.	Net profits before deducting income and profits taxes paid but after giving effect to taxes at 1922 rates.
Jan. 31, 1920	$58,346,214.61	$5,286,429.29
Jan. 31, 1921	66,070,496.72	2,838,987.50
Jan. 31, 1922	66,773,565.64	3,511,299.01

SENATE FINANCE REPORT.	GIMBEL BROS.' REPORT.
EXHIBIT NO. 4.—TABLE KNIFE.	
Country of origin: Germany. Value in Germany (each), 2¾ cents. Charges (freight, etc.), 0.275 cent. Duty (rate, 30 per cent), 0.825 cent. Landed cost in United States, 3.85 cents. Retail price in United States, 30 cents. Percentage of retail price to landed cost, 679 per cent.	Country or origin: Germany. Value in Germany, unknown to Gimbel Bros. Charges (freight, etc.), unknown to Gimbel Bros. Duty (rate, 30 per cent). Landed cost in United States, unknown to Gimbel Bros. Retail price in United States, 30 cents. Percentage of retail price to wholesale cost, 50 per cent. Goods were purchased from Samuel Bernstein, 106 Fifth Avenue, New York, at $0.20 each.
EXHIBIT NO. 26.—AMBER BEADS.	
Country of origin: Germany. Value in Germany, 62 cents. Charges (freight, etc.), 1.6 cents. Duty (rate, 20 per cent), 12.4 cents. Retail price in United States, $12.50. Landed cost in United States, 76 cents. Percentage of retail price to landed cost, 1,544 per cent.	Country of origin: Germany. Value in Germany, 425 marks ($5.80). Charges (freight, etc.), 29 cents. Duty (rate, 20 per cent), $1.16. Retail price in United States, $12.50. Landed cost in United States, $7.25. Percentage of retail price to landed cost, 72 per cent.
EXHIBIT NO. 37.—CORONATION CORD, COTTON.	
Country of origin: Germany. Value in Germany, 7.1 cents. Charges (freight, etc.), 0.9 cent. Duty (rate, 25 per cent), 1.7 cents. Landed cost in United States, 9.6 cents. Retail price in United States, 30 cents. Percentage of retail price to landed cost, 220 per cent.	Country of origin: Germany. Value in Germany, unknown to Gimbel Bros. Charges (freight, etc.), unknown to Gimbel Bros. Goods were purchased from Dieckerhoff, Raffloer & Co. (Inc.), 27–33 West Twenty-third Street, New York City. Duty (rate, 25 per cent). Landed cost in United States, unknown to Gimbel Bros. Wholesale price in United States paid by Gimbel Bros., $2.65 per gross yards, packed 24 pieces, 6 yards per piece. Retail price in United States sold by Gimbel Bros., 25 cents per 6-yard piece, approximately. Percentage of retail price to wholesale cost, 120 per cent.

EXHIBIT NO. 53.—CHINA TEA SET, 17 PIECES.

SENATE FINANCE REPORT—Contd.	GIMBEL BROS.' REPORT—Contd.
Country of origin: Japan.	Country of origin: Japan.
Value in Japan, $1.73.	Value in Japan unknown to Gimbel Bros.
Charges (freight, etc.) 44 cents.	Charges (freight, etc.) unknown to Gimbel Bros.
Duty (rate, 55 per cent) 95 cents.	Duty (rate, 55 per cent).
Landed cost in United States, $3.12.	Goods were purchased from L. D. Bloch & Co., 37–41 East Eighteenth Street, New York, N. Y., landed cost in United States unknown to Gimbel Bros. Wholesale price in United States, $4.56 per set.
Retail price in United States, $8.95.	Retail price in United States, $8.95 per set.
Percentage of retail price to landed cost, 187 per cent.	Percentage of retail price to wholesale cost, 96 per cent.

EXHIBIT NO. 93.—TABLE COVER.

SENATE FINANCE REPORT—Contd.	GIMBEL BROS.' REPORT—Contd.
Country of origin: Japan.	Country of origin: Japan.
Value in Japan, 76.41 cents.	Value in Japan, unknown to Gimbel Bros.
Charges (freight, etc.) 11.67 cents.	Charges (freight, etc.) unknown to Gimbel Bros.
Duty (rate, 30 per cent) 22.92 cents.	Duty (rate, 30 per cent).
Landed cost in United States, $1.11.	Landed cost in United States, unknown to Gimbel Bros.
Retail price in United States, $3.50.	Wholesale price in United States paid by Gimbel Bros., $1.76 each. Retail price charged by Gimbel Bros., $3.50 each (sells now for $2.75).
Percentage of retail price to landed cost, 215 per cent.	Percentage of retail price to wholesale cost, 64 per cent.

EXHIBIT NO. 94.—POLISHING CLOTH, COTTON.

SENATE FINANCE REPORT—Contd.	GIMBEL BROS.' REPORT—Contd.
Country of origin: Germany.	Country of origin: Germany.
Value in Germany. 4.8 cents.	Value in Germany, unknown to Gimbel Bros.
Charges (freight, etc.) ⅝ cent.	Charges (freight, etc.) unknown to Gimbel Bros.
Duty (rate, 25 per cent) 1.2 cents.	Duty (rate, 25 per cent).
Landed cost in United States, 6⅝ cents.	Landed cost in United States, unknown to Gimbel Bros.
Retail price in United States, 30 cents.	Retail price in United States, 30 cents.
Percentage of retail price to landed cost, 344 per cent.	Percentage of retail price to wholesale cost, 202 per cent.
	Goods were purchased from John Ritzenthler, 73 Franklin Street, New York, N. Y., for $1.60 dozen.

EXHIBIT NO. 100.—SCHUCO MONKEY (TOY).

SENATE FINANCE REPORT—Contd.	GIMBEL BROS.' REPORT—Contd.
Country of origin: Germany.	Country of origin: Germany.
Value in Germany, 19 cents.	Value in Germany unknown to Gimbel Bros.
Charges (freight, etc.), 5 cents.	Charges (freight, etc.) unknown to Gimbel Bros.
Duty (rate, 35 per cent), 6.6 cents.	Landed cost in United States unknown to Gimbel Bros. Goods purchased from Aywon Toy & Novelty Co., 494 Broadway, New York City. Wholesale price in United States, paid by Gimbel Bros., $1 each.
Retail price in United States, $2.	Retail price in United States, charged by Gimbel Bros., $2.
Percentage of retail price to landed cost, 553 per cent.	Percentage of retail price to wholesale cost, 100 per cent.

EXHIBIT NO. 101.—SILK VEILING.

SENATE FINANCE REPORT—Contd.	GIMBEL BROS.' REPORT—Contd.
Country of origin: France.	Country of origin: France.
Value in France (per yard), 20 cents.	Value in France unknown to Gimbel Bros.
Charges (freight, etc.), 1 cent.	Charges (freight, etc.) unknown to Gimbel Bros.
Duty (rate, 60 per cent), 12 cents.	Duty (rate, 60 per cent).
Landed cost in United States, 33 cents.	Landed cost in United States unknown to Gimbel Bros.
Retail price in United States, 85 cents.	Wholesale price in United States, paid by Gimbel Bros., 51 cents per yard net. Goods purchased from Weil Bros., 295 Fifth Avenue, New York City. Retail price in United States, charged by Gimbel Bros., 85 cents per yard.
Percentage of retail price to landed cost, 157 per cent.	Percentage of retail price to wholesale cost, 67 per cent.

EXHIBIT NO. 110.—LITTLE BASKET WORKER (TOY).

SENATE FINANCE REPORT—Contd.	GIMBEL BROS.' REPORT—Contd.
Country of origin: Germany.	Country of origin: Germany.
Value in Germany, 3.3 cents.	Value in Germany, 80.70 marks, or $1.18 per dozen—9⅚ cents each.
Charges (freight, etc.), 2.9 cents.	Charges (freight, etc.), 24 cents.
Duty (rate, 35 per cent), 1.1 cents.	Duty (rate, 35 per cent), 41 cents.
Landed cost in United States, 7.3 cents.	Landed cost in United States, $1.83 per dozen, or 15¼ cents.
Retail price in United States, 50 cents.	Retail price in United States, charged by Gimbel Bros., 50 cents.
Percentage of retail price to landed cost, 585 per cent.	Percentage of retail price to landed cost, 228 per cent.

Considerable losses are taken each year in broken and damaged sets in this item, which reduced the profit very materially.

EXHIBIT NO. 117.—COTTON LACE-EDGE DOILY 12 INCHES ROUND.

SENATE FINANCE REPORT—Contd.	GIMBEL BROS.' REPORT—Contd.
Country of origin: Germany.	Country of origin: Germany.
Value in Germany, 26.4 cents.	Value in Germany unknown to Gimbel Bros.
Charges (freight, etc.), 2½ cents.	Charges (freight, etc.) unknown to Gimbel Bros.
Duty (rate, 60 per cent and 7 cents per pound), 16.9 cents.	Landed cost in United States unknown to Gimbel Bros. Goods were purchased from Perlman, Schal & Stern, New York, N. Y. Wholesale price in United States, paid by Gimbel Bros.. $1 each.
Retail price in United States, $1.75.	Retail price in United States, charged by Gimbel Bros., $1.75 each.
Percentage of retail price to landed cost, 282 per cent.	Percentage of retail price to wholesale cost, 75 per cent.

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EXHIBIT N.

(Exhibit 3, page 4.)

STATE OF NEW YORK, *County of New York, ss:*

Mr. John J. Donaghy, being duly sworn, deposes and says that he is the auditor of R. H. Macy & Co. (Inc.), and he has examined the original invoices covering articles mentioned in the report of the Secretary of the Treasury dated June 9, 1922, relative to the investigation of the imported merchandise and the retail selling price of same in the United States. as having been purchased from R. H. Macy & Co. (Inc.) on May 25, 1922. Said merchandise is shown on page 4 under Exhibit 3. Said deponent hereby swears that to the best of his knowledge and belief the cost of the importation of this merchandise was as shown on the attached statement, as reflected on the books of R. H. Macy & Co. (Inc.). Said cost does not include any of the overhead expenses of R. H. Macy & Co. (Inc.) New York office.

JOHN J. DONAGHY.

Sworn to before me this 13th day of September, 1922.

[SEAL.] J. H. OLSEN,
Notary Public, New York County, No. 100.

(Exhibit 3, page 4.)

METAL PIE PLATES.

AS SHOWN BY TREASURY DEPARTMENT REPORT.	AS SHOWN BY BOOKS OF R. H. MACY & CO. (INC.).
Country of origin: Germany.	Imported from Germany. Manufacturer, R. Fessler. Date of invoice, May 20, 1921.
Value in Germany, $0.07 7/10.	Invoice cost, $0.13 54/100.
Charges (transportation, insurance, freight), $0.00 7/10.	Charges, freight, 3½ per cent, $0.00 47/100. Insur., 6 per cent, $0.00 81/100. Berlin office, 5 per cent, $0.00 68/100.
Duty rate (25 per cent), $0.01 9/10.	Duty, 25 per cent, $0.03 39/100.
Landed cost in United States, $0.10 3/10.	Landed cost, $0.18 89/100 (instead of $0.10 3/10 as shown on the exhibit).
Retail price in United States, $0.29.	Retail price, $0.29.
Percentage of retail price to landed cost, 181 per cent.	Percentage mark on or so-called gross profit to landed cost, 53.5 per cent. (These figures represent the percentage of profit to landed cost, not retail price as stated in the Treasury Department report.)

NOTE.—Above invoice cost in marks is as follows:

Marks, 8.40 at $0.0152	$0.12 77/100
Add 6 per cent	77/100
Total	.13 54/100

Above cost does not include expenses of New York office.

JOHN J. DONAGHY.

Sworn to before me this 13th day of September, 1922.

J. H. OLSEN,
Notary Public, Queens County, No. 853.

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(Page 6, Exhibit 5.)

STATE OF NEW YORK, *County of New York, ss:*

F. Kirschbaum, being duly sworn, deposes and says that he is the buyer of Department 67 of R. H. Macy & Co. (Inc.); "that on the report of the Secretary of the Treasury, dated June 9, 1922, relative to the investigation of imported merchandise and the retail selling price of the same in the United States," it is stated on page 6, under Exhibit 5, that certain merchandise was purchased from R. H. Macy & Co. (Inc.) on May 26, 1922.

Said deponent hereby swears that, to the best of his knowledge and belief, said merchandise was not imported by him through R. H. Macy & Co. (Inc.); he further states that this merchandise was purchased from H. G. McFaddin & Co., as per attached invoice.

He further states that the percentage of markon, or so-called gross profit, is arrived at as follows:

Cost, $0.9166 instead of $0.45 8/10, as shown in the exhibit.
Selling price, $1.7400.
Markon, $0.8234.
Per cent of markon to cost is $0.8234/$0.9166=89.8 per cent.

Of this selling price, however, it was necessary to take a $0.0949 reduction because of breakage and other causes incidental to the selling of glassware.

The true cost is arrived at as follows, resulting in a reduced or true markon:

Original cost, $0.9166.
Reduction, minus $0.0949 of selling price, $0.17.
True cost, $1.0866 instead of 0.45\frac{5}{10}$, as shown in the exhibit.
Selling price, $1.7400.
True markon, $0.6534.
Per cent of true markon to the cost is $0.6534/$0.9166=71.3 per cent.

F. KIRSCHBAUM.

Sworn to before me this 13th day of September, 1922.
[SEAL.]
J. H. OLSEN,
Notary Public, Queens County (No. 853).

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(Page 6, Exhibit 6.)

STATE OF NEW YORK, *County of New York, ss:*

F. Kirschbaum, being duly sworn, deposes and says that he is the buyer of Department 67 of R. H. Macy & Co. (Inc.); "that on the report of the Secretary of the Treasury, dated June 9, 1922, relative to the investigation of imported merchandise and the retail selling price of the same in the United States," it is stated on page 6, under Exhibit 6, that certain merchandise was purchased from R. H. Macy & Co. (Inc.) on May 26, 1922; said deponent hereby swears that, to the best of his knowledge and belief, said merchandise was not imported by him through R. H. Macy & Co. (Inc.); he further states that this merchandise was purchased from W. R. Noe & Sons, as per attached invoice.

He further states that the percentage of markon, or so-called gross profit, is arrived at as follows:

Cost, $0.1042 instead of $6.41, as shown on the exhibit.
Selling price. $0.2300.
Markon, $0.1258.
Per cent of markon to cost is $0.1258/$0.1042=120.7 per cent.

Of this selling price, however, it was necessary to take a $0.0949 reduction because of breakage and other causes incidental to the selling of glassware.

The true cost is arrived at as follows, resulting in a reduced or true markon:

Original cost, $0.1042.
Reduction, minus $0.0949 of selling price, $0.02.
True cost, $6.1242 instead of $6.41, as shown on the exhibit.
Selling price, $0.2300.
True markon, $0.1058.
Per cent of true markon to the cost is $0.1058/$0.1042=101.5 per cent.

In the absence of Mr. Kirschbaum, Mrs. C. Ertz, his assistant, deposes and says that the above information is correct.

C. ERTZ.

Sworn to before me this 13th day of September, 1922.
J. H. OLSEN,
Notary Public, Queens County (No. 853).

—

He further states that in this particular class of chimneys, due to the foreign method of packing, the paper wrapping method rather than the American carton method, the breakage is approximately 40 per cent, resulting in an increased markon. The recorded reduction percentage for the entire department, however, is taken, or $0.949.

F. KIRSHBAUM.

Sworn to before me this 13th day of September, 1922.
[SEAL.]
J. H. OLSEN,
Notary Public, Queens County, No. 853.

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(Page 16, Exhibit 15.)

STATE OF NEW YORK, *County of New York, ss:*

In the absence of Mr. Browning, Buyer Carrie Wendel, being duly sworn, deposes and says that she is the assistant buyer of department 15, of R. H. Macy & Co. (Inc.). "That on the report of the Secretary of the Treasury, dated June 9, 1922, relative to the investigation of imported merchandise and the retail selling price of the same in the United States," it is stated on page 16, under Exhibit 15, that certain merchandise was purchased from R. H. Macy & Co. (Inc.) on May 22, 1922.

Said deponent hereby swears that to the best of her knowledge and belief there has never been a salad or berry set in department 15 at the retail price of $4.75. She further states that the nearest approach to this kind of merchandise is a salad or berry set purchased from Morimura Bros. (Inc.), as per attached invoice, and that this merchandise was in the department to the best of her belief around the time of the above purchase.

She further states that the percentage of markon, or so-called gross *profit, is arrived at as follows:*

Cost, $2.50 instead of $1.64, as shown in exhibit.
Selling price, $4.89.
Markon, $2.39.
Per cent of markon to cost is $0.515/$0.875=58.9 per cent.

Of this selling price, however, it was necessary, to take a $0.229 reduction because of breakage and other causes incidental to the selling of china.

CARRIE WENDEL.

Sworn to before me this 13th day of September, 1922.
J. H. OLSEN,
Notary Public, Queens County, No. 853.

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(Page 22, Exhibit 22.)

STATE OF NEW YORK, *County of New York, ss:*

Hattie Bodenheimer, being duly sworn, deposes and says that she is the buyer of department 3 of R. H. Macy & Co. (Inc.). "That on the report of the Secretary of Treasury dated June 9, 1922, relative to the investigation of imported merchandise and the retail selling price of the same in the United States," it is stated on page 22, under Exhibit 22, that certain merchandise was purchased from R. H. Macy & Co. (Inc.) on May 22, 1922. Said deponent hereby swears that to the best of her knowledge and belief said merchandise was not imported by her through R. H. Macy & Co. (Inc.). She further states that this merchandise was purchased from Graf Bros. (Inc.), as per attached invoice. She further states that, as shown on the invoice, the percentage of markon, or so-called gross profit to purchase cost, is 58.9 per cent, as follows:

Cost, $0.875 instead of 12.51 cents, as shown in the exhibit.
Selling price, $1.390.
Markon, $0.515.
$0.515/$0.875 = 59.9 per cent.

HATTIE BODENHEIMER.

Sworn to before me this 13th day of September, 1922.
[SEAL.]
J. H. OLSEN,
Notary Public, Queens County.

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(Page 42, Exhibit 42.)

STATE OF NEW YORK, *County of New York, ss:*

Mr. John J. Donaghy, being duly sworn, deposes and says that he is the auditor of R. H. Macy & Co. (Inc.), and he has examined the original invoices covering articles mentioned in the report of the Secretary of the Treasury, dated June 9, 1922, relative to the investigation of imported merchandise and the retail selling price of same in the United States, as having been purchased from R. H. Macy & Co. (Inc.) on May 25, 1922. Said merchandise is shown on page 42 under Exhibit 42. Said deponent hereby swears that to the best of his knowledge and belief the cost of the importation of this merchandise was as shown on the attached statement, as reflected on the books of R. H. Macy & Co. (Inc.). Said cost does not include any of the overhead expenses of R. H. Macy & Co. (Inc.), New York office.

JOHN J. DONAGHY.

Sworn to before me this 13th day of September, 1922.
[SEAL.]
J. H. OLSEN,
Notary Public, Queens County.

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(Exhibit 42, page 42.)

Sauce pot, aluminum.

AS SHOWN BY TREASURY DEPARTMENT REPORT.	AS SHOWN BY BOOKS OF R. H. MACY & CO. (INC.).
Country of origin: Germany.	Imported from Germany. Manufacturer, R. Fessler. Date of invoice, May 20, 1921.
Value in Germany, 29.7 cents.	Invoice cost, 49.95 cents. (Invoice cost in marks is as follows: Marks, 31 at 1.52 cents equal 47.12 cents; add 6 per cent equal 2.83 cents; total, 49.95 cents.)
Charges (transportation, insurance, and freight), 2.9 cents.	Charges: Freight, 3½ per cent, 1.75 cents; insurance, 6 per cent, 3 cents. Berlin office, 5 per cent, 2.50 cents.
Duty rate, 25 per cent, 7.4 cents.	Duty, 25 per cent, 12.50 cents.
Landed cost in United States, 40 cents.	Landed cost, 69.70 cents. (Instead of 40 cents as shown on the exhibit.)
Retail price in United States, $1.24.	Retail price, $1.24.
Percentage of retail price to landed cost, 210 per cent. (These figures represent the percentage of profit to landed cost, not retail price as stated in the Treasury Department report.)	Percentage markon or so-called gross profit to landed cost, 77.9 per cent. (These figures represent the percentage of profit to landed cost, not retail price as stated in the Treasury Department report.)

Above cost does not include expenses of New York office.

JOHN J. DONAGHY.

Sworn to before me this 13th day of September, 1922.
[SEAL.]
J. H. OLSEN,
Notary Public, Queens County.

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(Page 54, Exhibit 54.)

STATE OF NEW YORK, *County of New York, ss:*

In the absence of Mr. Browning, buyer, Carrie Wendel, being duty sworn, deposes and says that she is the assistant buyer of department 15, of R. H. Macy & Co. (Inc.). "That on the report of the Secretary of Treasury dated June 9, 1922, relative to the investigation of imported merchandise and the retail selling price of the same in the United States, it is stated on page 54, under Exhibit 54, that certain merchandise was purchased from R. H. Macy & Co. (Inc.) on June, 1922.

Said deponent hereby swears that to the best of her knowledge and belief said merchandise was not imported by her through R. H. Macy & Co. (Inc.). She further states that this merchandise was purchased from Theodore Haviland & Co., as per attached invoice.

She further states that the percentage of markon, or so-called gross profit, is arrived at as follows:

Cost. $59.70 (instead of $35.30, as shown on the exhibit); selling price, $134; markon, $74.30. Percentage of markon to cost is $74.30/$59.70=124.5 per cent.

Of this selling price, however, it was necessary to take a $0.229 reduction because of breakage and other causes incidental to the selling of china.

The true cost is arrived at as follows, resulting in a reduced or true markon:

Original cost, $59.70; reduction, $0.229 on selling price, $30.69; true cost, $90.39 (instead of $35.30, as shown on exhibit); selling price, $134; true markon, $43.61. Percentage of true markon to the cost is: $43.61/59.70=73 per cent.

CARRIE WENDEL.

Sworn to before me this 13th day of September, 1922.
[SEAL.]
J. H. OLSEN,
Notary Public, Queens County.

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(Page 60, Exhibit 59.)

STATE OF NEW YORK, *County of New York, ss.*

In the absence of Mr. Browning, Buyer Carrie Wendel, being duly sworn, deposes and says that she is the assistant buyer of department 15, of R. H. Macy & Co. (Inc.). "That on the report of the Secretary of Treasury, dated June 9, 1922, relative to the investigation of imported merchandise and the retail selling price of the same in the United States," it is stated, on page 60, under Exhibit 59, that certain merchandise was purchased from R. H. Macy & Co. (Inc.) on May 25, 1922.

Said deponent hereby swears that to the best of her knowledge and belief said merchandise was imported through L. Straus & Sons, as per attached invoice, at the order of R. H. Macy & Co. (Inc.).

She further states that the percentage of markon, or so-called gross profit, is arrived at as follows:

Cost, $0.44 (instead of $0.327 as shown on exhibit); selling price, $0.98; markon, $0.54. Percentage of markon to cost is: $0.54/$0.44=122.7 per cent.

Of this selling price, however, it was necessary to take a $0.229 reduction because of breakage and other causes incidental to the selling of china.

CARRIE WENDEL.

Sworn to before me this 13th day of September, 1922.
[SEAL.] J. H. OLSEN,
Notary Public, Queens County.

—

The true cost is arrived at as follows, resulting in a reduced or true markon:

Original cost, $0.44.
Reduction, $0.229 of selling price, $0.22.
True cost, $0.66, instead of $0.32⅒ as shown on exhibit.
Selling price, $0.98.
True markon, $0.32.
Percentage of true markon to the cost is $0.32/$0.44=72.7 per cent.

CARRIE WENDEL.

Sworn to before me this 13th day of September, 1922.
[SEAL.] J. H. OLSEN,
Notary Public, Queens County.

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(Page 74, Exhibit 74.)

STATE OF NEW YORK, *County of New York, ss:*

S. Saresky, being duly sworn, deposes and says that he is the assistant buyer of department 11 of R. H. Macy & Co. (Inc.). "That on the report of the Secretary of the Treasury dated June 9, 1922, relative to the investigation of imported merchandise and the retail selling price of the same in the United States," it is stated on page 74, under Exhibit 74, that certain merchandise was purchased from R. H. Macy & Co. (Inc.) on May 25, 1922. Said deponent hereby swears that to the best of his knowledge and belief said merchandise was not imported by him through R. H. Macy & Co. (Inc.). He further states that this merchandise was purchased from Samuel E. Bernstein (Inc.) as per attached invoice.

He further states that as shown on the invoice, the percentage of markon, or so-called gross profit, to purchase cost is 151.6 per cent, as follows:

Cost, $0.0159, instead of 59/100 cents as shown on exhibit.
Selling price, $0.40, instead of $0.0241.
Markon, $0.0241, instead of $0.0159=151.6 per cent.

SAMUEL SARESKY.

Sworn to before me this 13th day of September, 1922.
[SEAL.] J. H. OLSEN,
Notary Public, Queens County.

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(Page 88, Exhibit 88.)

STATE OF NEW YORK, *County of New York, ss:*

Ida Macdonald, being duly sworn, deposes and says that she is the assistant buyer of department 69 of R. H. Macy & Co. (Inc.); "that on the report of the Secretary of Treasury dated June 9, 1922, relative to the investigation of imported merchandise and the retail selling price of the same in the United States" it is stated on page 88, under Exhibit 88, that certain merchandise was purchased from R. H. Macy & Co. (Inc.) on June 1, 1922. Said deponent hereby swears that to the best of her knowledge and belief said merchandise was not imported by her through R. H. Macy & Co. (Inc.). She further states that this merchandise was purchased from A. L. Reed Co., as per attached invoice. She further states that, as shown on the invoice, the percentage of markon, or so-called gross profit, to purchase cost is 50.8 per cent, as follows:

Cost, $5 instead of $2.018, as shown on the exhibit.
Selling price, $7.54.
Markon, $2.54.
$2.54/$5=50.8%.

IDA MACDONALD.

Sworn to before me this 13th day of September, 1922.
[SEAL.] J. H. OLSEN,
Notary Public, Queens County.

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(Page 96, Exhibit 96.)

STATE OF NEW YORK, *County of New York, ss:*

S. Saresky, being duly sworn, deposes and says that he is the assistant buyer of department 11 of R. H. Macy & Co. (Inc.); "that on the report of the Secretary of Treasury dated June 9, 1922, relative to the investigation of imported merchandise and the retail selling price of the same in the United States" it is stated, on page 96, under Exhibit 96, that certain merchandise was purchased from R. H. Macy & Co. (Inc.) on June 1, 1922. Said deponent hereby swears that to the best of his knowledge and belief said merchandise was not imported by him through R. H. Macy & Co. (Inc.). He further states that this merchandise was purchased from John Ritzenthaler, as per attached invoice.

He further states that, as shown on the invoice, the percentage of markon, or so-called gross profit to purchase cost, is 64.2 per cent, as follows:

Cost, $0.1583 instead of $0.0666, as shown on the exhibit.
Selling price, $0.2600.
Markon, $0.1017.
$0.1017/$0.1583=64.2%.

SAMUEL SARESKY.

Sworn to before me this 13th day of September, 1922.
[SEAL.] J. H. OLSEN,
Notary Public, Queens County.

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(Page 112, Exhibit 111.)

STATE OF NEW YORK, *County of New York, ss:*

Anna E. Simons, being duly sworn, deposes and says that she is the buyer of department 2 of R. H. Macy & Co. (Inc.); "that on the report of the Secretary of Treasury dated June 9, 1922, relative to the investigation of imported merchandise and the retail selling price of the same in the United States" it is stated, on page 112, under Exhibit 111, that certain merchandise was purchased from R. H. Macy & Co. (Inc.) on May 26, 1922. Said deponent hereby swears that to the best of her knowledge and belief said merchandise was not imported by her through R. H. Macy & Co. (Inc.). She further states that this merchandise was purchased from Goldenberg Bros. & Co., as per attached invoice.

She further states that, as shown on the invoice, the percentage of markon, or so-called gross profit to purchase cost, is 71.4 per cent, as follows:

Cost, $0.035 instead of $0.023, as shown on the exhibit.
Cost, $0.035.
Selling price, $0.06.
Markon, $0.025.
$0.025/$0.035=71.4%.

ANNA E. SIMONS.

Sworn to before me this 13th day of September, 1922.
[SEAL.] J. H. OLSEN,
Notary Public, Queens County.

Mr. BURSUM obtained the floor.

Mr. McCUMBER. Will the Senator from New Mexico yield to me?

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. BURSUM. I yield.

Mr. McCUMBER. I desire at this time to say that, while I made no objection to the matter referred to by the Senator from North Carolina [Mr. SIMMONS] being printed, I have read it over and I know its inaccuracy. While I shall not take up the time in going over it until after this bill shall have passed, I shall hope, either before the close of this session or at the beginning of the third session of this Congress, fully to answer the statement.

Mr. SIMMONS. I did not hear what the Senator from North Dakota [Mr. McCUMBER] stated, because at the time I was talking to the Senator from Utah [Mr. SMOOT], but I now learn that the Senator from North Dakota stated that the matter which I obtained permission to insert in the RECORD is inaccurate. Mr. President, I do not know whether or not it is inaccurate. All I know is that it is sent to me by the National Retail Dry Goods Association.

Mr. McCUMBER. I understand that.

Mr. SIMMONS. I observed, in casually running over the document this morning, that it is accompanied by various and sundry sworn statements by retailers and others.

I do not mean by placing a document of that sort in the RECORD that I become responsible for the accuracy of the statements which are contained therein, but they are made by reputable American citizens and I feel that I have a right to rely upon the statements which are made by them.

Mr. HARRISON. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARRISON. The Senator from Utah [Mr. SMOOT] has just made a very lengthy speech, and now the Senator from New Mexico [Mr. BURSUM] has been recognized. In the division of the small amount of time between now and 4 o'clock, during which this very important question must be discussed, will there be a Republican and then a Democrat alternately recognized, or will all the time be allotted to the other side of the Chamber?

The PRESIDING OFFICER. The present occupant of the Chair will decide that question as Senators address the Chair. The Senator from New Mexico now has the floor.

Mr. BURSUM. Mr. President, I can relieve the anxiety of the distinguished Senator from Mississippi as to the danger of his side of the Chamber not being accorded time to be heard before the hour fixed for voting. The Senator from New Mexico will take up only a very few moments.

This bill ought to be a good bill. It has been considered now for 18 months. If the Congress has failed to digest all there is to digest in a tariff bill in 18 months, then the framing of a good and wise tariff bill would be out of the question.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr BURSUM. I yield.

Mr. McKELLAR. No interest that the Senator knows of has been left out in giving out special favors, has it?

Mr. BURSUM. I will say to the Senator from Tennessee that a great deal of testimony and a great deal of inquiry and a great deal of investigation and a great deal of work has been devoted to this bill. In most respects it is a very thorough and comprehensive bill.

Mr. McKELLAR. In other words, as I understand the Senator, all the special interests have been properly cared for by the bill?

Mr. BURSUM. I would not say that. The bill has accorded general recognition to the several elements of industry all over this country perhaps to a greater extent than any other bill heretofore passed by any Congress in history. There has been no time in the history of tariff making when the agricultural industries of the country have been accorded the recognition that this bill accords them. On the whole, I think it is a very fair bill. The principles involved are Republican in character, it is expected and presumed, and we prophesy that it will permit American industry to survive and to derive a living profit, and protect it against the ruinous competition of foreign countries.

The bill in its entirety and in every particular, perhaps, would not satisfy every Member on the Republican side, much less on the Democratic side, or those who believe that the industry of this country should be exposed to the ruinous competition of a pauperized Europe and other portions of the world. If we are to have prosperity in this country, we must take care first of our own people. This talk about taking care of a small percentage of foreign trade while our own people are starving is not logical, and it would not result in any prosperity to our own citizens. I say that our first duty is to take care of our own people. If we have a surplus, then we may give it away, or we may bargain it away, or do away with it in any manner that may seem proper or that we may be obliged to do under the circumstances; but let us not demoralize the American market. Let us protect that market and let us protect the producer, who in the last analysis is the wage earner and the laboring man of this country.

Mr. McKELLAR. Mr. President——

Mr. BURSUM. I yield.

Mr. McKELLAR. The consuming public is a considerable portion of the American people, is it not? And has that been provided for in this tariff bill?

Mr. BURSUM. Who are the consuming public?

Mr. McKELLAR. The people of the United States.

Mr. BURSUM. The consuming public is every man, woman, and child in this Nation; and outside of the middleman, outside of the man who lives off his wits, the commission merchant, the man who makes his profits out of the labors and production of others, we are all producers; we are all wage earners or laboring men; and we are all consumers, of course. The essential factor in prosperity and happiness is a well-balanced condition; that is to say, the purchasing power of the several elements of every kind and character of industry must have a reasonable relationship to the purchasing power of every other kind of production and industry.

Upon the whole, I have faith in this bill. I have faith that it will work out to the satisfaction of the American people. It is true that no tariff bill immediately upon its passage has ever been very popular. This may be ascribed more to the dissatisfaction of those who are interested in the importation of merchandise and commodities from foreign lands, and who thus derive their profits, than to the dissatisfaction of those who are actually engaged in production. Propaganda is a very powerful agency; there is no doubt about that; but never has a tariff bill based upon protective principles been repealed but that very shortly thereafter the American people demanded its reenactment.

Mr. HARRISON. Mr. President——

Mr. BURSUM. I yield to the Senator from Mississippi.

Mr. HARRISON. The Senator proposed an amendment when this bill was up for consideration in the Senate. That was stricken out in conference, as I understand. I refer to what was known as the Bursum amendment on dyestuffs.

Mr. BURSUM. Yes.

Mr. HARRISON. May I ask the Senator if he agrees with the distinguished chairman of the Ways and Means Committee, the gentleman from Michigan, Mr. FORDNEY, in what he said on the floor of the House on September 15 in discussing this proposition? I read from the CONGRESSIONAL RECORD:

> Mr. FORDNEY. Senator BURSUM sent word yesterday that if the language in his amendment was left in it would ruin his reputation, and we sent word back that if it were it would ruin the reputation of the House bill, and therefore we struck it out and saved the reputation of both.

Mr. BURSUM. Mr. President, I will say to the distinguished Senator from Mississippi that I have not been losing any sleep about the possibility of ruining my reputation. In fact, I would not be so sure that I ever had any, so that I am not at all worried about that, and I am not responsible for the grape-vine stories that Uncle JOE gets off in the House. He is a humorous old fellow, and I take no offense at it; but in that connection, with reference to that item, as long as it has been brought up, let me say that while the amendment submitted was not a perfect provision, it was, in my judgment, such a provision as would preserve the industry. I do not agree that the provision brought out by the conferees is such an amendment as will effect that result; but we can not expect to have each and every item just as we would have it. I feel, however, as though comment upon certain methods which have been indulged in by the conferees would be proper at this time, not in a spirit of animosity, not with a view of promoting strife or antagonism, but rather in a spirit of correction of what I conceive to be an evil which has been practiced by the conferees on several occasions. I ask that the Senator from Utah [Mr. SMOOT] will kindly listen to this, as I may say something which may be of interest to him.

I take it that it is the duty of a conferee, so far as he legitimately and reasonably can, to see that the desires expressed by the Senate or by the House, whichever he happens to represent, shall prevail. I look upon a conferee as an agent of the body for which he has been selected to act. He is an agent of that body. The House has delegated to him the authority, and it is great authority, it is great power, to confer with reference to legislation upon which the two Houses are divided and have different views. I take it that a conferee is in duty bound to uphold the expressed views of his House. That has not always been the case. It was not the case, as I have been reliably informed, with reference to the amendment which the Senator from Mississippi mentioned, known as the Bursum amendment, with reference to the dye schedule.

The Senate adopted a certain amendment. That amendment, together with the bill, was placed in conference. Conferees were appointed by both Houses. The Senate side of this controversy was intrusted to three agents on the Republican side and two selected from the Democratic side. One of these agents, the Senator from Utah [Mr. SMOOT], I am reliably informed, immediately began to proselyte against the amendment adopted by the Senate. Now, the distinguished Senator from Utah may have more knowledge than the whole Senate. Possibly he has. He may be better versed in these matters; his judgment may be better; but I submit that it is the duty of a conferee to carry out the expressed desire of the body which he represents, and that if he fails to stand for it and at least to make a reasonable effort to carry it out, he is violating the faith and the trust in him reposed. I say that that practice is bad. It will demoralize any legislative body. Every revolution or rebellion that has ever been brought about in any country has had as its chief grievance a usurpation of power, a neglect of the desires of the majority, a government without the consent of the governed.

That rule applies with just as much force to the Senate of the United States as it applies to any country which may have suffered similar grievances.

At this time, in comparison with that conduct, I would like to call attention to the conduct of another committee of Congress, where the present occupant of the chair [Mr. CUMMINS] was one of the conferees upon the bill known as the judges bill, a bill providing for the creation of some 24 additional judgeships. At the time that bill was passed by the Senate I offered an amendment providing for the appointment of an extra judge from New Mexico. The Senator from Iowa was chairman of the subcommittee of the Judiciary Committee having the bill in charge. He opposed that amendment on the floor, which he had a perfect right to do, of course, as the Senator from Utah had a perfect right to oppose any amendment to the tariff bill on the floor of the Senate. That is the prerogative of every Member of the Senate.

The amendment I offered to the judges bill prevailed. The bill was thrown into conference. Did the Senator from Iowa say that because he was opposed to that amendment he would not stand for the expressed will of the Senate? He did not. He sustained the Senate, and he made a reasonable effort to have agreed upon the provision which the Senate had expressed a desire to have included in the conference report. That sort of policy is a policy that is conducive to good will, and conducive to a square deal. We must have a square deal in the Senate. We will not tolerate legislation by conferees.

In this case I believe that a much greater injury would come to the country were an attempt made to send this bill back to conference than if we adopted the report, because the chances are that if we sent it back we would not have a tariff bill, and I submit that on the whole, in the majority of rates, this bill is a good bill. I do not desire to take away any credit which properly belongs to the distinguished Senator from Utah. He has done great and valuable work. I do criticize him in these specific instances, and I criticize that practice, and I say that if it is persisted in it will mean ultimately the abolition of the seniority rule, which I have no desire at this time to attack.

The flagrant abuse of power intrusted by the Senate to a conferee by such conferee can not be tolerated. It is a class of tyranny which the American spirit resents. A fair deal, a square deal, a substantial acquiescence with the recorded expressed desire of the Senate on the part of conferees representing this body is a fair demand that should not in the future go unheeded.

Mr. HEFLIN. Mr. President, the Senator from New Mexico tells us that we will not stand for legislation by conferees. I agree with him about that, but I want to bring to his attention a very interesting incident. When the Senator from Maine [Mr. HALE] was in his primary race for the Republican nomination for the Senate there was much ado around the Finance Committee of the Senate and in it about the tariff on potash, increasing the price $30 a ton, the Senator from Maine was a mighty power in the fight to keep potash from being taxed. We were together on that proposition. When the race of the clever Senator from Maine was at high tide up in Maine the news was flashed over the wire, "Senator HALE saves potash. Potash remains on the free list because of Senator HALE's opposition to a tax on potash."

The conferees were finally appointed upon the bill. The House conferees and the Senate conferees met, and behind closed doors proceeded to deliberate, and on the afternoon of the very day that the Senator from Maine was reelected, the Republican conferees put potash back on the tax list.

I do not know exactly what sort of a double-back-action or sleight-of-hand performance you would call that. While the Senator from Maine was battling with his Republican opposition in the primary he was put on the front pages of the newspapers as having saved the farmers from an increase in the price of potash, but when the Senator from Maine was reelected, when the polls were closed, when the curtain was pulled down, and there was no opportunity for any farmer up in Maine to do any picket duty about polls the news reached me that the conferees had put potash on the tax list, and being of an inquiring mind myself, I wondered why that was done.

Mr. HALE. Mr. President, I would like to ask the Senator from Alabama if he thinks that potash would not still have a pretty good chance of being left on the free list?

Mr. HEFLIN. I do; and I believe that my friend from Maine is going to vote with me to keep it on the free list.

Mr. HALE. I certainly am.

Mr. HEFLIN. I am not charging that the Senator from Maine had anything to do with putting it on the tax list, but I was just wondering why it happened.

Mr. HALE. I have been wondering myself. I will say that as soon as I read, the day before my election, that there was a possibility of a duty being put on potash I left my State; I did not stay there for the election, but came down to Washington to see what I could do to help keep potash on the free list.

Mr. HEFLIN. I am glad to hear that. Mr. President, if there is anything in the world that sounds good and is really heartening it is to hear a Republican truthfully testifying about something that he has done in the interest of the people. Some of these days I want us to call up mourners here, and see how many we can draw out on certain issues which I have back in my head.

Mr. President, the Senator from New Mexico said that every time we have a tariff for revenue, as soon as the people can, they demand the repeal of it. The Underwood tariff law was enacted in 1913; it has been on the statute books for a long time. I assert that when the country became adjusted to its provisions the American people flourished as they never flourished before. The tariff issue had practically been removed from the field of politics under the Underwood tariff law, and an era of prosperity, the like of which this country has never known, came under it; and not until the Republicans carried the country in 1918 and got control of the instrumentalities of Congress, and carried it again in 1920, did there rise a demand for a high protective tariff law. Where did it come from? It did not come from the people. It came from the men who have always made millions out of high protective tariff rates, and those men were not satisfied with the high rates imposed in former tariff measures.

The offspring of the men who made tremendous fortunes out of the Dingley tariff law were not satisfied with the rates of that law, and when the Payne-Aldrich tariff law was passed they demanded still higher rates than were found in the Dingley law, and they got them, and the country repudiated the Payne-Aldrich law, and the Underwood law grew out of the legislation which followed.

The tariff barons came again, and they were not satisfied with the rates they got, even under the Payne-Aldrich law, which were the highest rates ever enacted in the history of the Government. They demanded in this bill the highest rates ever written in any government in all the world, and you have given them to them; but who is going to profit by it? Nobody but the tariff barons and the trust magnates of America. Not a soul will profit by it but them. I will tell you what the American consumers are going to do. They are going to pay, because of the improper use of the taxing power by the Republican Party in Congress, increased prices for everything manufactured in America. They are going to pay, by reason of this tariff law, $3,000,000,000 a year into the pockets of individual tariff barons, not to the Government. You are robbing and impoverishing the many for the enrichment of a favored few.

Mr. President, the Senator from New Mexico tells us that the people demand a repeal of these tariff for revenue measures. The people do not do anything of the kind. The people are deceived, usually, by Republican leaders about other issues, and when the Republicans get in they commence to arrange for another robbery. We heard very little about the tariff in 1920. In fact, you did not talk about it much. You were making a fight against the League of Nations and against entanglement and various other things for the purpose of concealing your real intention and purpose. But when you got in the greedy tariff barons said: "Now is our time; go to it." And they have written the tax rates that they wanted into this solemn and oppressive enactment of Congress. We tried to beat them down, but they triumphed, and here they are, the highest rates ever written in any tariff law in all the long stretch of time behind us.

That is an awful indictment to make against a party, that such inexcusable tariff rates as these would be imposed upon a people burdened and suffering as our people are to-day. I was just talking to a Senator to-day from an agricultural section, who was telling me that the governor and the officials of the State had made arrangements by which the farmers of certain counties in that State were to have an extension of time for paying their taxes.

Think of that, Senators. That is done to keep from having to sell their farms for taxes. Just think of such a condition as that.

This bill will levy a tax upon nearly everything the farmers eat and wear, the rods and bars and bolts and nails they use, the houses in which they live, the windowpanes which let in the light, the knives and forks with which they eat, the glasses out of which they drink, their milk and their water, their cooking utensils, their household furniture, their wearing apparel from the cradle to the grave. That is what you have taxed in this bill. Then try to deceive the people with your talk that the masses of America are demanding the passage of such a measure.

Mr. President, I want to read from the testimony of the distinguished Senator from New Hampshire [Mr. MOSES]. The Searchlight, a paper published here in Washington, quotes him as follows:

> I have called attention to the fact that this bill contains a duty upon water. All Senators will remember that we have placed a duty upon sand. In the particular matter which I am now discussing, the Chemical Foundation will levy a tax upon the air. Thus, Mr. President, we shall find all the elements of the universe—the air, the water, and the solid earth—placed under tribute.

Could there be a more terrific indictment against this bill than the Senator from New Hampshire [Mr. MOSES], a Republican, has made, denouncing the bill and saying that it taxes the air we breathe, the water we drink, and the sands of the sea out of which we make glass? Yes; glass as clear and transparent as the pillaging purposes of this bill. As I said the other day, spectacles, drinking glasses, and every other kind of useful thing made of glass is taxed in the white sand out of which it is made.

So, Mr. President, every magnate in the country who holds his hand upon a combination of these interests will rejoice when he hears that the bill is passed. It means that every man and woman who buys over the country must go into their pockets and put up an additional amount to pay tribute money to the tariff barons and trust magnates of America. The bill is a license to go out and hold up the public and filch money from their pockets. Let Republican Senators rejoice. The tariff baron masters will rejoice, but the overburdened masses of America will not rejoice. They will protest and those protests will grow and multiply and finally sweep the country with an irresistible cyclone of enlightened public opinion that will be reflected and registered at the voting places of the country, and conditions will change in this country.

I know that what I am saying now will not prevent you from carrying out your instructions from those who are to make many millions out of the passage of this measure. I have done what I could to prevent its passage. I have fought it for months in this body. This body has passed it, the House has passed it, and the conference report is now here. You have the votes to put it through and when it goes into operation and the people of the country feel its oppressive effect, they will then cry out against it. Some of us have spoken for them here as best we could, but we have not had enough Members in the body who felt as I do, who would vote as we have voted to protect their interests.

I want to say this to the Senator from New Mexico [Mr. BURSUM] before I close. He said that the people always demand that the tariff-for-revenue laws be repealed and high protective tariff laws put in their stead. He means certain people and that is easy to understand. Why do they want low tariff rates repealed? Why, because when tariff rates are low they do not get to take from the people as much as they do when the tariff rates are high. Then they have a perfect feast—a big financial feast for every tariff baron who feeds and fattens at the expense of the public, and that is what you have provided for in this bill. These big leeches on the body politic simply come in when Republicans get control and demand the right to tax everybody on nearly every human desire and on every necessity of life. No Government has the right to do that to me and the people whom I represent in this body. You have no right to take from the earnings of the common mass of men and women and say, "I will take a little from you and a little from you and a little from you to put into the pockets of this man who contributes money to my campaign fund." Senators it is wrong. The American people should resent it; they will resent it.

I want to remind the Senator, in conclusion, of just this concrete illustration and example: When the Dingley law was passed and before it went into effect Carnegie bought out certain steel interests and paid $10,000,000 for them. When the Dingley law had been in operation three years Carnegie sold his interests for $360,000,000. He made on the deal, by reason of a high protective tariff, $350,000,000 besides the millions that he had taken in as tribute money from every sewing woman in the country, from every woman who bought knitting needles, from every surgeon who used a blade of steel in the operating room, from every industry in the country, from the farmer with his agricultural implements. Every interest that used steel and iron paid tribute money to Carnegie, and in three years' time under the Dingley high protective tariff law, a law whose high rate pales into insignificance compared to the pending bill, one man accumulated $350,000,000 by the sale of the property when he had made millions and millions out of the consumers during that three years' time. That is the unfailing fruit of the high protective tariff system. By their fruits ye shall know them.

Mr. President, is it right to give to a man because he is able to contribute big sums of money to a political party seeking to get control of the instrumentalities of my Government authority to tax the mass of the people in order to pay him back not merely the amount given for the privilege of taxing the people but thousands of times over? What sort of system is that in a Government of free intelligent upstanding, courageous, patriotic people? Let Senators get ready to defend the bill. If they can defend these rates then I am very much mistaken in my ideas about what the American people want, what the American people will stand for, and what the American people will do when the truth is brought home to them.

Mr. President, I have here an editorial from the New York World which I desire to have printed in part in the RECORD in 8-point type. I shall not take the time to read it, if I may have permission to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD in 8-point type, as follows:

[From the New York World, Monday, September 11, 1922.]

WHAT THEY VOTED FOR.

"Three weeks ago to-day we warned the Republican Tribune that its hope that the conference committee might 'counteract to some extent the evil already done to Republican prospects,' in tariff planning, 'by making no report at this session' of Congress was illusory. Equally vain was the dream that if the job did get past Congress it might be vetoed by a President out of McKinley's State and school. Things do not happen that way in politics. Causes grind out results with the grim logic of inexorable fate. Chickens do come home to roost.

"Quite as promptly as was expected, the conference committee has ironed out the differences between Senate and House; it has presented a Fordney-McCumber tariff bill which no doubt closely prefigures its final form. As was also anticipated, it retains the worst features of that monstrous measure. It burdens the housewife's sugar 2½ cents a pound. It perpetuates the heavy tax upon clothing by which Schedule 11 earns the bad repute of Schedule K in former years. It kills the farmer's market abroad by forbidding imports that might pay for his produce. * * * The dye schedule frankly prohibits imports. Why should not greed run true to form?

"From the point of view of the superlobbyists who have written this bill and who count upon the Republican majority which they own to jam it through, nothing would be gained by postponing tariff action until after election. Pass a tariff of abominations now, and at the very least three years must elapse before it can be repealed. In that clear space of power to tax and privilege to profit, what golden gains may not monopoly exact from the helpless people! Why shorten the period? Benefit to the Republican Party by that course—a secondary consideration with the superlobbyists—would in any case be slight. It is already tarred with the tariff. Few voters would be deceived now by the camouflage of delay until after election; months of golden opportunity would be lost.

"And there will be crude justice in the reply which privilege will make to those who protest: 'We have your mandate to do this. You are getting what you voted for.'

"Millions of voters may have thought that they were merely voting against the Wilson administration—misrepresented and maligned for precisely the selfish use now made of their revolt—and not for anything in particular. Millions may have thought, upon the authority of Secretaries Hughes and Hoover and 29 other Republican leaders, that they were voting for the League of Nations; or, upon Mr. Harding's assurances, that they were insuring a return of pre-war conditions—what we now know in bitter jest as Republican normalcy.

"They were mistaken. They were voting for Newberryism to organize the Senate against the league. * * * For ship subsidies, if Mr. Harding has his way. They were voting for a tariff which the Republican New York Herald estimates will cost the American public $3,000,000,000 a year or more—'an increase in the cost of living of about $30 a year for every man, woman, and child in the country.' They may say what they think of that tariff. They may vote next November as they talk about it. But the chance is slight, the hope of rainbow texture, that chartered privilege will fail to clean up while it has the chance."

Mr. HARRISON. Mr. President, it is just a short while until we are to vote on this very important conference report. Before we do that, I want to call a document to the attention of the Senate, because there are certain Senators who perhaps have not seen this remarkable "piece of literature" printed by the Senators who have talked much about economy but who have practiced extravagance at the Government's expense. I do not know even whether the President pro tempore, now occupying the chair, has seen this remarkable Senate document. It was printed at the instance of the Senate Finance Committee, the committee that now pilots this report and one of the members of which is the distinguished economist who always stands for economy by word of mouth but not by practice, the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. Mr. President, I want to say to the Senator from Mississippi that I knew nothing about it being printed until I saw it here just a few days ago.

Mr. HARRISON. I am glad to hear that the Senator knew nothing about it, because I like to think if his eagle eye had ever hit upon this proposition that it would not have gotten through the committee. It is outrageous to think such propaganda as this is to be practiced by the Finance Committee of the Senate and by the Republican campaign committee from now until election. That is all it was published for. It is a campaign document, and a very poor one at that. If the Senator from Utah had been getting up one, he would have greatly improved upon it.

I do not know what it cost. I am going to try to ascertain some time, even if it takes a resolution of the Senate to ascertain the cost of it, but it would no doubt run up into the thousands and thousands of dollars, unless the Senator from Utah exerts his influence and stops the publication of it in such large numbers as it is intended by his colleagues to have published.

Mr. SMOOT. I want to say to the Senator that when I first was asked how many copies had been printed for the committee I was told there had been 1,000 copies printed, and that is all that are to be paid for by the Government. I understand, however, that there is an organization which is very much in favor of the American valuation plan that had them printed in large quantities and circulated throughout the United States. But it was not the Finance Committee that did it. I do not know of any other committee having them for distribution unless it was, I think, the National Retailers' Association, but I am not positive about that.

Mr. HARRISON. I do not believe the Republican campaign committee would do it, because it would not do them any good, and I have too much respect for the intelligence of its chairman to believe he would be led astray by such deception.

Mr. SMOOT. I want to say another thing. I was asked the other day if the committee would print additional copies over the 1,000 and whether they could do so under the law. I said, "No; they can not do so under the law, and even if they could do so under the law, I would not want the Finance Committee to print any more of them."

Mr. HARRISON. If there were a thousand copies of this document printed for a thousand dollars, it would be the cheapest job the Government ever did.

Mr. SMOOT. It does not cost anything like that, I will say to the Senator.

Mr. HARRISON. It is on the finest kind of paper, a most wonderful work, highly technical, beautiful photogravures. For instance, the effort is made to show that certain importers have made enormous profits, and yet they do not attempt to show that while they have been in control of the Government for two years the Republicans have done anything toward putting a stop to that profiteering, although they were charged with doing it. Let me give just a few illustrations? I shall not give them all. I am reading from the document. One illustration is "mustard fruit." Just think of putting a big picture of "mustard fruit" in a publication of this sort? Then "flatirons." I suppose they thought the people ought to see a good picture of a flatiron, because they are going to use the "flatiron" on a good many of you Republicans this November. We go further, and as a campaign document, as a Senate document in the most extravagant way, without limitation on expenditure of the public moneys, they print here a most beautiful "silk nightgown," and they put that next to a "silk chemise." Certainly the Senator from Utah did not get up this particular part of the Senate document. [Laughter.]

Now, another thing: They have a picture of a "marble statue" here with a "bronze chair," a greatly exaggerated but beautiful picture, upon page 17 of the document. Then they take a "musical alarm clock," and then a "cuckoo clock" that was used as an exhibit here by the distinguished Senator from Indiana [Mr. WATSON].

Then they have here a beautiful picture of a "jointed doll." I do not know what a "jointed doll" is, but they have a picture of it here anyway. Then follow "celery seed" and "walking canes." Some of you Republicans will need "walking canes" after the next election. The journey through private life will be a long one for you. Then come "carrot seed" and "cabbage seed." It undoubtedly cost as much to prepare this picture of a package of "cabbage seed" as it would to distribute "cabbage seed" to all the cabbage consumers throughout the country.

Then come "flashlight bulbs." You are so bent on giving to special interests the privilege of robbing the American people that you think all a fellow needs now to burglarize more is a "flashlight bulb," and so they print here in this document a picture of a "flashlight bulb."

"Saucepot, aluminum," "egg cutter," "shears." Your minds have been so much on wool in the effort to take care of a few shepherds of the West and the woolen manufacturers of the East that you knew it would be very inappropriate to have such an expensive document printed without placing shears in it. And I might say some of you were so busy under the Democratic administration clipping with your shears coupons on your investments that you thought a photo of shears most appropriate. Well, the American people are going to "shear" some of you in November, not with shears such as you exhibit here but with their votes—separating you from the public trough and your political orgy. Of course, those Senators who do not come up for reelection in November smile, because they may escape the catastrophe, but those on the other side of the Chamber who do come up for reelection are voting for the conference report "with fear and trepidation."

"Microscopes." Those were put in also. Well, it would take a microscope to see anything you Senators on the other side or your administration have done during the several years you have been in control of this body or the Government. I suppose that is why the shrewd, smart politicians, the leaders of the Republican Party, who are always bent upon deceiving the American people, put that in. Those Senators desired to let them have a microscope so that they could use it in order to find out some little thing they have done during these four years. One may get all the expensive microscopes he wishes, whether they come from Germany or are manufactured in this country, and he will not find one single thing which is beneficial to the American people that this administration or you have done. Yet you contemplate adjourning this session of Congress day after to-morrow. Senators on the other side of the Chamber do not say anything in answer to these suggestions because they know they are true.

"Toilet soap." Well, the Republicans will need it when the Democrats get through with them. "Bird cages," "cod-liver oil." Why do you pick out "bird cages" and "cod-liver oil"? Who is the distinguished Senator on the Finance Committee who was designated to get up the various pictures to illustrate these different articles?

"Hair clippers," "magnifying glasses," "dog muzzles," "Apollinaris water," "gentlemen's belts."

Mr. President, on page 96, under the head of Exhibit 95, there is "Key of Heaven," and right under it is printed "Scrub cloth." Explain to the American people why you try to deceive them by placing upon the same page of this remarkable document a photogravure of a bible called "Key of Heaven" and in the same photogravure on the same page put "Scrub cloth," made out of cotton.

Then, here [exhibiting] on page 100 are placed a "rubber ball" and a "monkey" at the same time, also a "jumping dog."

"Roulette wheel." Well, you Republicans have been gambling in the committee room with the rights of the American people, bartering and trading with rates in this bill, so it is natural that you should think the people want to see a picture of a "roulette wheel."

"Hot-water bottle." Senators on the other side will need hot-water bottles.

So it is, Mr. President. I shall not read them all, but that is the way the American people's money is being frittered away by the Republican Party; yet the Senator from Utah [Mr. SMOOT] says, while there have been a great many more than a thousand copies of this document printed it has not been done at the direction of the Finance Committee of the Senate. Some organization is doing it; somebody got permission to have it printed at the Government Printing Office. There will be more and more, thousands on thousands more, printed and distributed throughout the country from now until November next; and it will be so covered up that the American people will never know that they have paid a part of the expense.

Ah, Mr. President, there is much for the distinguished Senators on the other side of the Chamber to answer for when they adjourn on Thursday and go back to their respective States. What are you going to tell the people you have done? You are too ashamed of the pending legislation to admit that you vote for it. I am not speaking of the Senator from Indiana [Mr. WATSON]; he would admit it, and smile when he did so. He would make some people believe that he thought it was a good bill. The Senator from Utah [Mr. SMOOT] would also do so; yet, since the bill was originally brought upon the floor of the Senate under the direction of the Senator from Utah and the Senator from Indiana, there have been hundreds of amendments offered to the bill at the instance of the committee reducing the rates from those originally framed by the committee. You did it because we forced you to do it. You knew that your work was so crude that even your enthusiastic followers would not stand for such rates. However, you only helped the legislation in the slightest, and the legislation now is so very obnoxious, so very bad, that Senators on the other side can give no excuse, offer no justification for supporting it even as a protective-tariff bill. It is a legislative monstrosity. If my good friend, the Senator from New Hampshire [Mr. MOSES], could suggest the language he would say it is "bowlegged, knockkneed, and bedridden." That is the way he spoke of the emergency tariff bill, and that bill was not nearly so bad as is the pending tariff report, upon which we are now called to vote.

This legislation was conceived in a spirit of robbery, and I measure my words when I employ the word "robbery." If one man conspires with another to rob a house and gets the loot and the other takes it way from him, the loser has no place in the court; he can not recover it; he is particeps criminis; but in this instance the framers of this measure went behind closed doors and there secretly traded and bartered with each other, conspiring to allow a certain rate on one article or to a certain Senator provided that they might be allowed to impose the rate they desired on some other article. Protection! It is wrong in principle. I have little sympathy for those who have been disappointed in not obtaining some of the rates for which they fought, and who now fail to show much enthusiasm for this report, because they did not obtain the rates they desired. Of course, from a Republican standpoint, they have not been treated squarely, for if it is desired to write a protective bill it ought to protect all articles without respect to section or class. That, however, has not been done in all instances. Has not the Senator from Arizona [Mr. CAMERON] been loyal and true to the Republican Party? Has not he voted with the majority time after time for the high rates in the pending bill? Was he not promised on the floor that if the bill went to conference one of the first items that would be taken care of was the rate on long-staple cotton? Yet he is slapped in the face, and a conference report is brought in which denies to Arizona the thing for which the Senators from that State have fought. From a Republican viewpoint he has a right to feel aggrieved.

Mr. President, this whole report is full of repudiated promises, broken pledges, and shattered hopes. Everything the Republican majority has promised to the people has been denied them in the bill. As the distinguished Senator from Alabama [Mr. UNDERWOOD] pointed out this morning, Republican orators harped in the last campaign that they would reduce the high cost of living, and yet every line of this bill seeks to add a burden onto the American consumer. Oh, if the Senators on the other side could go home to their people and talk to them—whether in their little humble huts away out in the woods or on the ranches or down in the mines or on the public highways or in the workshops or counting places—they would hear them say, "Taxes are heavy." They are carrying the load as best they can, and yet it is sought in this instance to add greater taxes, greater burdens upon them. I do not blame Republican Senators for not wanting to adjourn Congress and go home. I am wondering what they are going to do when they face their constituents, when they shake the hand and call by name the man who works on the railroad or in the workshop and tell him that the Republican administration has conspired to reduce wages but at the same time has by legislation added to the cost of living by the means of tariff rates.

Of course, the Senator from Utah would say that in some instances the rates are not high enough. I can state the rate which he has in mind, and, even if it were double the rate as now provided in the bill, it would not be high enough for him. He dreams of sugar, he tastes sugar, he sees sugar morning, evening, and night. What has been done with reference to the duty on sugar? The Senator from Utah gave up something in conference, yes, but how much? I think the rate was reduced from the Senate rate of 1.82 cents to 1.76 cents, if I am not mistaken. That is right, is it not?

Mr. SMOOT. It was reduced from 1.84 cents to 1.76 cents.

Mr. HARRISON. From 1.84 cents to 1.76 cents—a big reduction, was it not? Ah, but he has grabbed off, if the conference report shall be sustained, an increased duty of over three-quarters of a cent a pound from the Underwood rate on every pound of sugar consumed in this country. Let Republican Senators explain to the American sugar consumer when they go before him in November and seek reelection why they voted for a conference report which adds, as compared to the Democratic law, nearly a hundred million dollars in increased taxes on sugar alone. It will increase the price of each pound of sugar that is used over three-quarters of a cent. Of course, the Senator from Utah should feel good. He can go back to the sugar-beet people of the West, not the consumers, not the laborer in the mines who needs help, not the toiler upon the railroads, but he can go back to the big, fat war babies, like the Utah-Idaho Sugar Co. and other great sugar interests there, and say to them, "After a hard fight we were able to increase the tariff on sugar three-fourths of a cent a pound." Upon wool, upon clothing, upon everything that goes on the breakfast tables or on the backs of the American people, a higher tax is levied; and it is done at the instigation of the Republican Party, which now dominates this body and the House and the White House. So do not tell the American people in the coming campaign that you have done anything to reduce the high cost of living. If you have left anything undone, I do not know what it is. Tell me one article that you have left untaxed in this bill. Tell me one thought that you ever gave to the American consumer in the writing of this law. It stands here as a monument of infamy; and you must respond to them for your action in bartering with each other and trading on the floor of the Senate and in the committee rooms that some interests might be taken care of and others at the same time protected.

I know, when I make the statement that there was "bartering among Senators" in order to impose rates on this article and that, that that is a serious charge, but I invite a challenge to the statement. God bless you, give me an investigation and I will name names! I will furnish a bill of particulars. I will cause a blush of shame to the countenance of the American people, if not some of you, for your actions—not theirs. All this is going on at this time, increasing the cost upon the American consumer; and what is happening in the House of Representatives at this minute? Those boys who volunteered at the call of their country or were drafted to go to the front are receiving the news that the promises that have been made to them for years, from President Harding down to practically every Republican leader in this body and the other, have been ignored, and their bill that passed both bodies has been vetoed.

Is that living up to your campaign promises? How can you expect the American soldier who gave up his job and gave his time and his all for the service of his country to sit quietly by and see passed through one branch of the Congress a bill imposing greater taxes and burdens upon him, and at the same time see himself slapped by the President of the United States, ignoring the will of the people and the free expression of both branches of the American Congress, in vetoing the adjusted compensation bill? How are you going to explain it?

I have never yet seen such a spectatcle as I have beheld in the last few days touching some of the leaders of the Republican Party in voting for the adjusted compensation bill, but busying themselves like bees in corraling enough votes to sustain the President when he vetoes the measure.

Ah, Mr. President, I do not blame the Senators on the other side of the aisle for wanting to hold Congress in session and not go home. There are many sins of commission, as well as omission, for which you must answer to them. While you see that spectacle in the House of Representatives, and the Senate giving to the profiteers and the special interests of the country the weapons whereby they can rob the toiling masses in order to enrich their own pockets; when they need no protection you shower it upon them, thinking perhaps the next day they will throw into the campaign treasury of the Republican Party a larger contribution; while the bill is being considered, one of the leaders over there—and he is a leader, powerful in influence, adroit in his manipulations, suave in his manner, sweet in his disposition, but he is a Republican above everything else—the Senator from Indiana [Mr. WATSON] is writing letters to the big, rich fellows of the country who are interested in special legislation, asking for contributions to the Republican Party.

If the American people could see this picture upon the screen, or could hear and believe and know what has been done, they would rise in indignation and condemnation of you. You who do me the honor to listen to me know that I am speaking truths. Why, the head of the National Cash Register Co., whom you seek to give a duty on cash registers, meets here with the chairman of the Republican campaign committee and contributes $25,000 the day following the adoption of the amendment that gave him greater protection when he did not need it. I am surprised at his modesty. If he had really wanted to compensate you for your work he ought to have added to the $25,000 many more, and many of you would have been willing to accept it.

But, Mr. President, that is not all. What is the next bill on the calendar that must come up for consideration just before we adjourn? What is it? Although you refuse by your President's veto to carry out the promise to the American soldier and sailor and marine to give him an adjusted compensation, you are trying to force through here, under the whip and spur of party dictation, a bill that will appropriate $5,000,000 to the colored population of Liberia. Yes; you have more interest in pressing into law the Liberian loan of $5,000,000, thus pressing more burdens upon the backs of the American consumer and workingman to go to the colored population of Liberia, than you have in the soldiers who fought and helped to win the World War. Answer to them when you go home why you are for the one and against the other.

One more thought.

You from the far West who the other day voted against the MCNARY reclamation bill, giving relief to the people of the West that they have so long sought and for which they have almost prayed, and you who said that you voted against it in some instances because you were afraid it might endanger the passage of the adjusted compensation bill were told by those on this side that if you would vote for it it would help the adjusted compensation bill to become a law. We were sincere in that position. I believe now that if you had given us a sufficient number of votes from the other side of the aisle, which you withheld and refused to do, and we had placed the MCNARY reclamation amendment on the bill, and it had gone to the President, he could not have vetoed the measure; and we, to-day, instead of seeing a veto coming from the White House against the adjusted compensation bill would perhaps have seen his signature to it, and the West would have been taken care of, and the promises to the American soldier redeemed.

Explain that, you men from the West, when you go back to your constituents in November. Or, perhaps, Mr. President, you would rather say to them: "We were against the adjusted compensation bill for the soldier, and we were for the conference report imposing additional costs of living upon the American consumer, and we were for appropriating $5,000,000 to the colored population of Liberia."

You can tell them, too, that you were for another measure, and that you are going to pass it just as soon as Congress reconvenes in December. You can say to them that while you were against giving the soldier any compensation, you were for loaning to the shipping interests of the country $125,000,000 and $75,000,000 for 10 years to come, some $750,000,000 in all, as a subsidy, so that they can get the ships of the country; and you can say to them at the same time that Mr. Lasker—who took three men under the Democratic administration who received $6,500 a year and promptly under the spell of Republican "economy" raised their salary to $35,000 a year—says that he wants the bill passed giving him full power to sell the ships now comprising the merchant marine of this country to anybody he may choose, and without public notice or restriction or limitation. He can play all the favorites he wants, and the United States Steel Corporation, or the Standard Oil Co., or this Shipping Trust that increased transportation rates immediately preceding the war, can again take advantage of the situation, purchase the ships for practically nothing, and increase without restraint transportation rates on the American farmer and manufacturer. Take that record back to your people in November. It will be their first opportunity to repudiate you, and repudiation you will receive. I commiserate but do not sympathize with you.

Mr. President, I have said all that I desire to say.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst
Ball
Borah
Brandegee
Broussard
Bursum
Cameron
Capper
Colt
Cummins
Curtis
Dial
Dillingham
du Pont
Edge
Ernst
Fletcher
France
Frelinghuysen
Gerry
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Hitchcock
Jones, Wash.
Kellogg
King
La Follette
Lenroot
McCormick
McCumber
McKellar
McLean
McNary
Moses
Myers
Nelson
New
Newberry
Nicholson
Norbeck
Oddie
Pepper
Phipps
Ransdell
Rawson
Reed, Mo.
Reed, Pa.
Robinson
Sheppard
Shields
Shortridge
Simmons
Smith
Smoot
Stanfield
Stanley
Sterling
Sutherland
Swanson
Townsend
Trammell
Underwood
Wadsworth
Walsh, Mass.
Warren
Watson, Ind.
Williams

The PRESIDENT pro tempore. Seventy-one Senators having answered to their names, a quorum is present. The question is upon agreeing to the conference report.

Mr. SIMMONS. On that, I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. ROBINSON (when Mr. Caraway's name was called). My colleague, the junior Senator from Arkansas [Mr. Caraway] is necessarily absent. He is paired with the Senator from Illinois [Mr. McKinley]. If my colleague were present he would vote "nay."

Mr. SHEPPARD (when Mr. Culberson's name was called). My colleague, the senior Senator from Texas [Mr. Culberson] is unavoidably absent. If present, he would vote "nay."

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. Owen]. I transfer that pair to the junior Senator from New York [Mr. Calder], who if present would vote "yea," and I vote "yea."

Mr. HARRISON (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. Elkins] to the senior Senator from Texas [Mr. Culberson] and vote "nay."

Mr. MOSES (when Mr. Keyes's name was called). My colleague [Mr. Keyes] is absent by reason of illness in his family. I am authorized to state that if present he would vote "yea" on this question.

Mr. McCORMICK (when his name was called). If my colleague [Mr. McKinley] were present, he would vote "yea." I desire to announce that I have a standing pair with the junior Senator from Wyoming [Mr. Kendrick], who if present would vote as I do. I vote "yea."

Mr. SIMMONS (when Mr. Overman's name was called). My colleague [Mr. Overman] is unavoidably absent on account of illness. He is paired with the senior Senator from Wyoming [Mr. Warren]. If he were present and at liberty to vote, he would vote "nay."

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. Lodge] to the senior Senator from Nevada [Mr. Pittman] and vote "nay." If present and not paired, the senior Senator from Nevada would vote "nay."

Mr. WARREN (when his name was called). I transfer my general pair with the junior Senator from North Carolina [Mr. Overman] to the junior Senator from New Hampshire [Mr. Keyes] and vote "yea."

The roll call was concluded.

Mr. BORAH. I desire to announce that the junior Senator from Nebraska [Mr. Norris] is necessarily absent. If present, he would vote "nay" on the adoption of this conference report.

Mr. GERRY. I desire to announce the following pairs:

The Senator from New Mexico [Mr. Jones] with the Senator from Maine [Mr. Fernald];

The Senator from Oklahoma [Mr. Owen] with the Senator from New Jersey [Mr. Edge];

The senior Senator from Ohio [Mr. Pomerene] with the junior Senator from Ohio [Mr. Willis]; and

The Senator from Montana [Mr. Walsh] with the Senator from New Jersey [Mr. Frelinghuysen].

I also desire to announce that if present the Senator from New Mexico [Mr. Jones], the Senator from Oklahoma [Mr. [Owen], the Senator from Ohio [Mr. Pomerene], and the Senator from Montana [Mr. Walsh] would vote "nay" on this question.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from California [Mr. Johnson] with the Senator from Georgia [Mr. Watson];

The Senator from Missouri [Mr. Spencer] with the Senator from Georgia [Mr. Harris]; and

The junior Senator from Ohio [Mr. Willis] with the senior Senator from Ohio [Mr. Pomerene].

I also desire to announce that the junior Senator from Ohio [Mr. Willis] is detained from the Senate on account of serious illness in his family.

If present, the Senator from Maine [Mr. Fernald], the Senator from California [Mr. Johnson], the Senator from Illinois [Mr. McKinley], the Senator from Missouri [Mr. Spencer], the Senator from Ohio [Mr. Willis], the Senator from New York [Mr. Calder], the Senator from North Dakota [Mr. Ladd], the Senator from Vermont [Mr. Page], the Senator from Washington [Mr. Poindexter], and the Senator from Maryland [Mr. Weller], would vote "yea."

Mr. FRELINGHUYSEN. I transfer my general pair with the junior Senator from Montana [Mr. Walsh] to the junior Senator from Washington [Mr. Poindexter] and vote "yea."

Mr. HEFLIN. I was requested to announce that the senior Senator from Georgia [Mr. Harris] is necessarily absent. If present and not paired, he would vote "nay." I also desire to announce that the junior Senator from Georgia [Mr. Watson] is ill, and that if he were present, he would vote "nay."

The result was announced—yeas 43, nays 28, as follows:

YEAS—43.

Ball
Brandegee
Broussard
Bursum
Capper
Colt
Curtis
Dillingham
du Pont
Edge
Ernst
France
Frelinghuysen
Gooding
Hale
Harreld
Jones, Wash.
Kellogg
McCormick
McCumber
McLean
McNary
Moses
Nelson
New
Newberry
Nicholson
Norbeck
Oddie
Pepper
Phipps
Ransdell
Rawson
Reed, Pa.
Shortridge
Smoot
Stanfield
Sterling
Sutherland
Townsend
Wadsworth
Warren
Watson, Ind.

NAYS—28.

Ashurst
Borah
Cameron
Cummins
Dial
Fletcher
Gerry
Glass
Harrison
Heflin
Hitchcock
King
La Follette
Lenroot
McKellar
Myers
Reed, Mo.
Robinson
Sheppard
Shields
Simmons
Smith
Stanley
Swanson
Trammell
Underwood
Walsh, Mass.
Williams

NOT VOTING—25.

Calder
Caraway
Culberson
Elkins
Fernald
Harris
Johnson
Jones, N. Mex.
Kendrick
Keyes
Ladd
Lodge
McKinley
Norris
Overman
Owen
Page
Pittman
Poindexter
Pomerene
Spencer
Walsh, Mont.
Watson, Ga.
Weller
Willis

So the conference report was agreed to.

Mr. McCUMBER. From the Committee on Finance I report back favorably House Concurrent Resolution 68, the purpose of which is to correct an error in the drafting of the tariff bill, The PRESIDENT pro tempore. The Senator from North Dakota reports favorably from the Committee on Finance a concurrent resolution, which the Secretary will read.

The Assistant Secretary read the concurrent resolution, as follows:

> *Resolved by the House of Representatives (the Senate concurring)*, That in the enrollment of the bill (H. R. 7456) entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," the Clerk is hereby authorized and directed to insert in paragraph 502 of the bill as amended, after the word "gallon" in the last line, the following: "; testing above 52 and not above 56 per cent total sugars not imported to be commercially used for the extraction of sugar, or for human consumption, one-sixth of 1 cent additional for each per cent of total sugars and fractions of a per cent in proportion."

Mr. McCUMBER. I ask unanimous consent for the present consideration of the concurrent resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. SIMMONS. Before consent is given, I would be very glad if the Senator from North Dakota would explain the real import and effect of this proposed amendment.

Mr. McCUMBER. Paragraph 502 of the tariff bill, as agreed to in conference, imposed a duty of one-sixth of 1 cent per gallon upon blackstrap molasses testing not above 52 per cent total sugars, if such molasses is not imported to be commercially used for the extraction of sugar, or for human consumption.

In case such molasses tests more than 52 per cent total sugars it is dutiable under paragraph 502 at the rates imposed upon edible molasses. The House conferees in insisting that the dividing line be made 52 per cent total sugars were under the impression that the polariscopic test and the total sugar test yielded substantially the same result. The effect of the limit in the conference agreement is to make practically all blackstrap dutiable under the edible molasses rates. It is desired that blackstrap molasses used in mixing animal feeds should pay lower rates of duty than those imposed upon edible molasses.

The manufacturers of commercial feeds are of the opinion that the 52 per cent limitation will make the bulk of blackstrap molasses dutiable as edible molasses. It is also their opinion that the edible molasses rate would be prohibitive against the cattle-feed users as well as against the manufacturers of commercial feeds and result in destroying the farm-feeding industry, which has been several years in development on reasonably priced blackstrap.

If the Senator will examine paragraph 502 he will find that it reads:

> PAR. 502. Molasses and sugar sirups, not specially provided for, testing not above 48 per cent total sugars, twenty-five one-hundredths of 1 cent per gallon; testing above 48 per cent total sugars, two hundred and seventy-five one-thousandths of 1 cent additional for each per cent of total sugars and fractions of a per cent in proportion.

Then this language was added by the conferees:

> Molasses testing not above 52 per cent total sugars not imported to be commercially used for the extraction of sugar or for human consumption, one-sixth of 1 cent per gallon.

It was the intention of the conferees, and we thought that they directed those who were to correct the bill, that one-sixth of 1 cent instead of two hundred and seventy-five one-thousandths of 1 cent for each degree should be added between the 52 and the 56. That would make a very much less rate on that when it got as high as 56, so as to keep the proper relation between those nonedibles which were to bear one-sixth of 1 cent and that which was edible, which was to take the two hundred and seventy-five one-thousandths of 1 cent for each additional degree. That is the purpose of the proposed resolution.

Mr. SIMMONS. This, of course, involves many technical statements with reference to the duty. Am I to understand that the substantive effect of the amendment will be to reduce the duty imposed upon blackstrap molasses used for the purpose of making animal feeds?

Mr. McCUMBER. Yes; it will reduce that between 52° and 56° at the rate of one-sixth of a degree per gallon instead of two hundred and seventy-five one-thousandths. If we add 4° it will be seen that it will have a considerably important bearing upon the way the bill now reads.

Mr. SIMMONS. And that difference represents the part of blackstrap that is used for making animal feed?

Mr. McCUMBER. Yes.

Mr. McKELLAR. As I understand it, blackstrap molasses was placed on the free list by the Senate?

Mr. McCUMBER. It was.

Mr. McKELLAR. And the House put upon it a rate of duty over the Underwood rate?

Mr. McCUMBER. Yes.

Mr. McKELLAR. I understand the Senator's proposition is that between the percentages of 52 and 56 the proposed amendment will reduce the rate as just agreed to in the conference report?

Mr. McCUMBER. Yes.

Mr. McKELLAR. How much greater will the tariff rate be on blackstrap molasses than it is now under the Underwood law? Can the Senator give me information with reference to that?

Mr. McCUMBER. I have forgotten the Underwood rate.

Mr. McKELLAR. It is 15 per cent ad valorem, as I recall. About what ad valorem would one-sixth of 1 cent per gallon be?

Mr. McCUMBER. I do not know the value of blackstrap at the present time.

Mr. McKELLAR. It is about 1½ cents, as I recall it.

Mr. SMOOT. I wish to say that the amendment now offered will provide about the same rate as the Underwood rate. That is, the one-sixth would be sixteen and one-half one-hundredths of 1 per cent, while the Underwood rate is fifteen one-hundredths of 1 per cent. The reason why the amendment is offered is because of the fact that the duty imposed is upon the total sugars. The Underwood law was 40 per cent tested by the polariscopic test, and when it was changed to the total sugars it added a little over 20 per cent, or nearly 25 per cent, because then the invert sugars found in the molasses were counted in the total sugars. This reduces the rate so that it will be one-sixth of a cent, or about the same as that same class of molasses would be under the Underwood law.

Mr. McKELLAR. I greatly regret that blackstrap molasses was not left on the free list, but of course, the amendment proposed by the Senator from North Dakota is quite an improvement on the bill as we have just agreed to it and therefore I have no objection.

Mr. McCUMBER. It is hardly an amendment. It is to correct a clerical error that was made in making the change; and it is necessary to pass the concurrent resolution.

Mr. SIMMONS. But the objective is a reduction?

Mr. McCUMBER. It is a reduction.

A message from the House of Representatives by Mr. Overhue, its enrolling clerk, announced that the House had passed a concurrent resolution (H. Con. Res. 67) changing the enrollment of H. R. 7456, the tariff bill, and a concurrent resolution (H. Con. Res. 68) changing the enrollment of H. R. 7456, the tariff bill, in which it requested the concurrence of the Senate.

Mr. McCUMBER. I move to concur in the resolution (H. Con. Res. 68) just received from the House.

Mr. UNDERWOOD. If there is going to be a motion made, I desire to make a point of order, because the concurrent resolution has not gone to the committee.

The PRESIDENT pro tempore. The Chair refers the concurrent resolution from the House of Representatives to the Committee on Finance, and if there be no objection the report made by the Committee on Finance will be received.

Mr. McCUMBER. The Committee on Finance have already filed their report.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state his inquiry.

Mr. KING. I understand, the Senator from North Dakota has asked unanimous consent for the present consideration of a concurrent resolution.

The PRESIDENT pro tempore. The Senator is correct. The matter which needs to be considered is that the Finance Committee reported the concurrent resolution before it had been received by the Senate.

Mr. KING. May I inquire of the Chair whether the concurrent resolution just reported must go to the committee formally and be formally considered by the committee?

The PRESIDENT pro tempore. The Chair has referred the resolution of the House to the Finance Committee.

Mr. McCUMBER. Mr. President, if I may have a word, I was informed that the resolution came over yesterday and was referred, and the committee have already acted upon it. So all that is necessary to do is to make the report from the committee at this time.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. McCUMBER. I yield.

Mr. ROBINSON. If I am correctly informed, the concurrent resolution which has just been referred by the Chair to the Committee on Finance is identical with the concurrent resolution which the Senator was discussing when the message from the House of Representatives was brought in?

Mr. McCUMBER. It is.

Mr. UNDERWOOD. I will say candidly to the Senator that I have no objection, so far as I am personally concerned, to the adoption of the concurrent resolution. It seeks to reduce the amount of tax on one item in the tariff bill. If that is all there is to it, I have no objection. The reason why I interposed the objection that it had to go to the committee was because I wanted to know one thing before action is taken. If the only proposition before the Senate is going to be the concurrent resolution as it now stands, I have no objection to its immediate consideration and passage.

Mr. ASHURST. Mr. President——

Mr. UNDERWOOD. Just a moment, please. But if it is intended to introduce the concurrent resolution and leave it open to further amendment, then I am not ready for its consideration at this time.

Mr. McCUMBER. There is no such intention. It is simply to correct a clerical error.

Mr. UNDERWOOD. If the Senator will give me an assurance of that fact——

Mr. McCUMBER. I can give the Senator assurance that no one on this side of the aisle will attempt to offer an amendment.

Mr. ASHURST. I can say that no such assurance will be given on this side. An agreement may be going on between the two Senators, but I do not intend to be bound by it.

Mr. UNDERWOOD. I think the Senator from North Dakota had better report the concurrent resolution from the committee.

The PRESIDENT pro tempore. The Chair has laid before the Senate the resolution of the House of Representatives and has referred it to the Committee on Finance.

Mr. McCUMBER. And the committee has considered it. It did not have to have this particular paper in its hands, but it considered the concurrent resolution and voted to report it favorably.

Mr. McKELLAR. I do not understand that the Senator from Arizona objects to the immediate consideration of the concurrent resolution.

Mr. ASHURST. No; I have no objection to the immediate consideration of the concurrent resolution, but I do not want to stand here and hear two Senators contending that that is the only thing to be considered without making my position clear. The concurrent resolution is subject to amendment and I have a vital amendment to offer. I seek to correct an error that has been made in the tariff bill. I have as much right as the Senator from North Dakota and I shall insist on that right, but I have no objection to the present consideration of the concurrent resolution.

The PRESIDENT pro tempore. The Senator from Arizona has a right to submit any amendment he desires.

Mr. ASHURST. And the Senator from Arizona will most certainly employ that right.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

Mr. UNDERWOOD. If I may have the ear of the Chair a moment, I desire to say just a word. I shall not object to the presentation of the report, but I understand, under the rule, after the report is submitted from the committee the concurrent resolution must go over one day.

The PRESIDENT pro tempore. A single objection will take the report over until to-morrow.

Mr. UNDERWOOD. I do not object to the report being presented, but I insist that we have until to-morrow to consider it.

The PRESIDENT pro tempore. Objection is made to the immediate consideration of the report.

Mr. McCUMBER. I ask, then, that the tariff bill be not enrolled to-day, because the purpose of the concurrent resolution is to correct an error before enrollment.

The PRESIDENT pro tempore. The concurrent resolution will go to the calendar.

Mr. McCUMBER subsequently said: I am informed by the senior Senator from Arizona [Mr. ASHURST] that he will offer no amendment to the concurrent resolution relating to blackstrap, and I therefore ask unanimous consent that we proceed to the consideration of that concurrent resolution.

Mr. UNDERWOOD. With the understanding that there shall be no other amendment to the resolution in regard to the enrollment of the bill relating to the blackstrap-molasses item, I have no objection to the consideration of the resolution.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent for the present consideration of the concurrent resolution. Is there objection?

The concurrent resolution was considered by unanimous consent and agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate a concurrent resolution coming from the House of Representatives, which will be read.

The Assistant Secretary read the concurrent resolution (H. Con. Res. 67) as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 7456) entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," the Clerk of the House of Representatives is hereby authorized to strike out "coconuts," appearing in paragraph 1626 of the bill as agreed to in conference.

The PRESIDENT pro tempore. The resolution will be referred to the Committee on Finance.

Mr. FLETCHER. I desire to inquire of the Senator from North Dakota if the resolution which has just been referred to the Committee on Finance is intended to correct a situation like this: In one instance coconuts are on the free list in the bill and in another instance on the dutiable list?

Mr. McCUMBER. That is all there is to it. In sending the copy of the bill to the printer those who were charged with making the change omitted to strike out the word "coconuts" where it appears with other words in one paragraph of the free list under edible oils. The resolution is simply designed to correct that error and nothing else.

Mr. FLETCHER. Does it strike "coconuts" out of the free list?

Mr. McCUMBER. They are already upon the dutiable list, and would so be held.

PENSIONABLE STATUS OF SERVICE MEN.

Mr. McCUMBER. From the Committee on Finance I report back favorably without amendment the bill (H. R. 10196) to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of Article III of the war risk insurance act, as amended, and I submit a report (No. 923) thereon.

Mr. President, I am going to ask unanimous consent for the present consideration of the bill after making a short explanation of its object, when I do not think any Senator will object to its consideration.

An amendment which was made to the war risk insurance act designed to provide that soldiers enlisting after a certain date—I think in 1921—should not be entitled to any of the benefits of the war-risk insurance went a little further than that and included the words "or any other rights under the pension laws of the United States"; so that as to anyone who enlisted in the Regular Army after that date, as the law now stands and is construed, though he were killed or injured in the Army, no pension could be allowed to the widow in the first instance or for injury in the second instance. That certainly is an error, because in all cases under all our laws any soldier in the Regular Army, while he can not draw a pension for service, nevertheless is pensionable if he is injured. It is to correct that situation that the passage of this bill is recommended by the department. The department calls attention to the fact that the original act was only really intended to refer to the insurance provision covering the last war; that the words to which I have referred should be stricken out, and the act should not be construed as prohibiting a pensionable status to those who are members of the Regular Army, who enlisted since that date, and who might be injured; in other words, it places them right back where they always have been.

I hope there will be no objection to the present consideration of the bill, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That section 312 of the war risk insurance act, as amended by section 17 of the act of June 25, 1918 (40 Stats., p. 613), shall not be construed as making the pension laws inapplicable to persons admitted into the military or naval service after six months from the passage of the act of August 9, 1921, establishing the Veterans' Bureau and adding section 315 to the war risk insurance act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MEETING OF COMMITTEE ON FINANCE.

Mr. McCUMBER. Mr. President, at this time I desire to give oral notice to all members of the Finance Committee that there will be a meeting of the committee in its room in the Capitol to-morrow morning at 9.30 o'clock to consider the matters referred to this afternoon.

ACQUISITION OF LANDS FOR MILITARY PURPOSES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2885) to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes, which were, on page 2, to strike out lines 18 to 21, inclusive; and on page 3, line 2, to strike out "$39,328.56" and to insert "$44,109.22."

Mr. WADSWORTH. Mr. President, I desire to move that the Senate concur in the House amendments.

Mr. SMOOT. Mr. President, what is the object of the bill, I will ask the Senator from New York?

Mr. WADSWORTH. I am about to state that. The bill was passed by the Senate after having been debated at considerable length, the Senator from Utah taking part in the debate. It provides for the acquisition of little parcels of land on some of the Government holdings that were acquired during the war.

One amendment of the House proposes to strike out the authority to spend $275 in the acquisition of a little parcel of land at Richmond, Va., and the other corrects the appropriation for the payment for some land in connection with Walter Reed Hospital, so that the amount shall exactly correspond with the judgment of the court. Those are the two amendments, in which I move that the Senate concur.

The PRESIDENT pro tempore. The question is on concurring in the House amendments.

The amendments were concurred in.

AMENDMENT OF NATIONAL DEFENSE ACT.

The PRESIDENT pro tempore laid before the Senate the amendments of the House to the bill (S. 3890) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920, which were, on page 3, line 14, to strike out "shall" where it appears the first time; and, on page 6, line 16, strike out all after the word "Columbia," down to and including the word "War," in line 18.

Mr. WADSWORTH. Mr. President, as will be observed, there are but two amendments suggested by the House. One is to strike out the word "shall" in a certain part of the bill where, by a printer's error, the word was printed twice. The other amendment is to strike out from one of these sections the authority given for the employment of clerks in the offices of disbursing officers in charge of the distribution of National Guard appropriations in the several States.

Mr. CURTIS. What is the purpose of the bill?

Mr. WADSWORTH. The entire bill is made up of a series of what might be termed minor amendments to the national defense act, which have been agreed upon in conference by the adjutants general of the States, the National Guard associations, the War Department, and the two Committees on Military Affairs. It does not involve any appropriation, but it fixes more clearly the status of the National Guard reserve officers in the law.

Mr. LA FOLLETTE. I ask that the matter go over until to-morrow.

Mr. WADSWORTH. The bill passed the Senate months ago and has been considered by the House.

Mr. LA FOLLETTE. That may be true; but I should like to look at it.

Mr. WADSWORTH. Then I assume that it will go to the calendar if the Senator from Wisconsin insists upon his objection.

Mr. FLETCHER. The amendments will lie on the table.

The PRESIDENT pro tempore. The amendments will lie on the table.

Mr. WADSWORTH subsequently said: Mr. President, the senior Senator from Wisconsin [Mr. LA FOLLETTE] has informed me that he has no further objection to the consideration of Senate bill 3890, which was returned from the House with amendments. I therefore ask unanimous consent that the Senate concur in the House amendments.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of the amendments of the House to Senate bill 3890. Is there objection?

Mr. KING. May I inquire of the Senator from New York the purpose of the bill?

Mr. WADSWORTH. The bill passed the Senate several months ago. It is a collection of amendments to the national defense act of a comparatively minor nature. All of them relate to the status of National Guard officers and soldiers in their relations with the Regular Establishment. The bill is the result of a series of conferences with the adjutants general of the States, the National Guard associations, the two Military Committees of the Congress, and the General Staff of the War Department. It is a complete and unanimous agreement. It does not involve any appropriation.

Mr. KING. I think I am familiar with the bill. I thought there was some bill pending which sought to confer certain benefits on National Guard officers similar to those given to officers in the Regular Army.

Mr. WADSWORTH. No; it is not.

Mr. WILLIAMS. I understand the Senator from New York to say that it does not involve an appropriation?

Mr. WADSWORTH. It does not.

Mr. WILLIAMS. Does it involve any liability upon the part of the Federal Government for future appropriations?

Mr. WADSWORTH. It does not.

Mr. WILLIAMS. All right.

The PRESIDENT pro tempore. The question is upon agreeing to the motion of the Senator from New York to concur in the House amendments.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 11173) to amend section 126 of the national defense act, approved June 3, 1916, as amended, was read twice by its title.

Mr. WADSWORTH. Mr. President, that bill is an exact duplicate of a Senate bill passed a few days ago at the time the calendar was called. It is intended to save, and it will save, the Government money in the matter of paying the transportation of soldiers upon discharge from the military service. Instead of paying them for the distance from the place of discharge to the place of residence, it provides for their payment from the place of discharge to the place of enlistment.

Mr. ROBINSON. May I inquire of the Senator from New York how it happens that the House did not act upon the Senate bill, that bill being the first one passed?

Mr. WADSWORTH. I do not know.

Mr. ROBINSON. It is perfectly apparent that if each of the Houses passes identical bills, with separate numbers, it leads to confusion and adds to the work of both bodies. I shall, however, make no objection to the request of the Senator from New York.

Mr. WADSWORTH. I ask unanimous consent, Mr. President, for the immediate consideration of the House bill.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of House bill 11173. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11173) to amend section 126 of the national defense act, approved June 3, 1916, as amended, which was read as follows:

Be it enacted, etc., That section 126 of the national defense act, approved June 3, 1916, as contained in section 3 of an act entitled "An act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment and to wear the same under certain conditions," approved February 28, 1919, be, and hereby is, amended to read as follows:

"SEC. 126. Hereafter an enlisted man discharged from the Army, Navy, or Marine Corps, except by way of punishment for an offense, shall receive 5 cents per mile for the distance from the place of his discharge to the place of his acceptance for enlistment, enrollment, or muster into the service: *Provided,* That for sea travel involved in travel between place of discharge and place of acceptance for enrollment, enlistment, or muster into the service, only transportation in kind and subsistence en route shall be allowed: *Provided further,* That enlisted men under the age of 18 discharged on the application of either of their parents or legal guardian shall be furnished with transportation in kind from the place of discharge to the railroad station at or nearest to the place of acceptance for enlistment, or to their home if the distance thereto is no greater than from the place of discharge to the place of acceptance for enlistment, but if the difference be greater they may be furnished transportation in kind for a distance equal to that from the place of discharge to the place of acceptance for enlistment."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR PROJECTS—CONFERENCE REPORT.

Mr. JONES of Washington. I present the conference report on the river and harbor authorization bill.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8 and 67.

That the House recedes from its disagreement to the amendments of the Senate numbered 1, 2, 6, 7, 9, 12, 13, 14, 18, 19, 20, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 54, 55, 56, 59, 61, 62, 63, 64, 65, 68, 69, 70, 71, 72, and 74, and agree to the same.

The committee of conference reached no agreement on Senate amendments Nos. 3, 11, and 23.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "Corpus Christi" and insert in lieu thereof the following: "Channel from Aransas Pass to Corpus Christi"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "Nogo" and insert in lieu thereof the word "Noyo"; and strike out the period at the end of the paragraph, insert in lieu thereof a comma, and add the following words: "and subject to the conditions set forth in said document"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Tennessee River and tributaries, North Carolina, Tennessee, Alabama, and Kentucky: Survey, at a cost not to exceed $200,000"; and the Senate agree to the same.

The committee of conference reached no agreement on Senate amendment No. 11.

Amendments numbered 15 and 16: That the House recede from its disagreement to the amendments of the Senate numbered 15 and 16, and agree to the same with amendments as follows: In the language proposed by the Senate amendments strike out the words "landing place" and insert in lieu thereof the word "harbor," so as to make the matter affected by the amendment to read: "any one harbor in any one fiscal year"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with its insertion on page 6 as the last paragraph in section 1; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In the matter proposed by the Senate amendment strike out the word "heretofore," at the beginning of line 3; also strike out the comma after the word "contracts" in line 6 of the amendment, insert in lieu thereof a period, and strike out the balance of the matter proposed, so as to make the section read:

"SEC. 10. That any work of improvement herein adopted, and any public work on canals, rivers, and harbors adopted by Congress may be prosecuted by direct appropriations, by continuing contracts, or by both direct appropriations and continuing contracts."

And the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In the matter proposed in the Senate amendment strike out the proviso at the end of the first paragraph and insert in lieu thereof the following: "*Provided*, That this provision shall not apply to those rafting logs except upon a direct request upon the owner to furnish specific information," and in the second line of the second paragraph strike out the word "act" and insert in lieu thereof the word "section"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with its insertion on page 18, after line 17; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with its insertion on page 17, after line 12, to follow amendment No. 58; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with its insertion on page 17, after line 9; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with its insertion on page 17, after line 12; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with its insertion on page 17, after line 12; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Cheboygan River, Mich., in the city of Cheboygan, with a view to securing a depth of 16 feet between the State Street Bridge and Elm Street"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with its insertion on page 13, after line 18; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"SEC. 14. That the jurisdiction of the Mississippi River Commission is hereby extended, for the purposes of levee protection and bank protection, to the tributaries and outlets of the Mississippi River between Cairo, Ill., and the Head of the Passes, in so far as these tributaries and outlets are affected by the flood waters of the Mississippi River."

And the Senate agree to the same.

The committee of conference recommends that the paragraph relating to Plymouth Harbor, Mass., on page 3, lines 3, 4, 5, and 6, be transferred to page 1, after line 7.

W. L. JONES,
KNUTE NELSON,
WM. M. CALDER,
DUNCAN U. FLETCHER,
JOS. E. RANSDELL,
Managers on the part of the Senate.
S. WALLACE DEMPSEY,
RICHARD P. FREEMAN,
AMOS H. RADCLIFFE,
JOHN J. KINDRED,
J. J. MANSFIELD,
Managers on the part of the House.

Mr. JONES of Washington. I ask that the action of the House relating to this same matter may be laid before the Senate for its present consideration.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, which was read, as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate No. 11 to the bill (H. R. 10766) entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," and concur therein;

That the House insist upon its disagreement to the amendment of the Senate No. 3;

That the House further disagree to the amendment of the Senate No. 23 and request a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. DEMPSEY, Mr. FREEMAN, Mr. RADCLIFFE, Mr. MANSFIELD, and Mr. KINDRED be the managers of the conference on the part of the House.

Mr. JONES of Washington. I desire that the conference report be agreed to, and then I shall move that the Senate recede from the two amendments to which the House disagrees.

Mr. MOSES. Mr. President, before that is done, may I ask the Senator what the two amendments provide?

Mr. JONES of Washington. The two amendments to which I refer are the amendments relating to the Dismal Swamp Canal and the Cape Cod Canal.

Mr. MOSES. Then may I ask, further, what becomes of these two measures? The Cape Cod proposal has already been passed upon in one or two Federal proceedings in the courts, and a judgment awarded which was much higher in amount than that carried by this bill and $2,000,000 higher even than that provided in the agreement by the conferees.

Mr. JONES of Washington. I desire to say to the Senator that the House rejected the proposal of the conferees to approve this contract for $9,000,000 by a vote of 109 to 1.

Mr. MOSES. Then may I ask the Senator if the attitude of the House is that the House prefers to pay a judgment of $16,000,000, rendered in the courts, rather than $9,000,000 as provided by this bill?

Mr. JONES of Washington. There is no judgment of the court. That case was reversed; but the House has considered that proposition as a separate measure, and another committee, the Interstate Commerce Committee, has considered it; and I think, judging from the debate, that the attitude of the House was that that proposition should be considered as a separate one, and that as it had been considered by a different committee they did not think it just right that the Rivers and Harbors Committee should consider it. After a discussion over there of over an hour they voted, as I say, 109 to 1 to nonconcur in that amendment.

Mr. MOSES. Then the proposal is not dead?

Mr. JONES of Washington. Oh, no; not at all. It will be considered separately.

Mr. WILLIAMS. Mr. President, may I ask what became of the Dismal Swamp Canal proposition?

Mr. JONES of Washington. The House voted to nonconcur in that by a large majority—87 to 29. That will have to be considered hereafter.

Mr. WILLIAMS. So that the Cape Cod Canal was defeated by a larger vote than the Dismal Swamp Canal?

Mr. JONES of Washington. So far as the RECORD shows, that is true.

Mr. WILLIAMS. Well, there is some encouragement in that.

Mr. REED of Missouri. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. JONES of Washington. I do.

Mr. REED of Missouri. I have read merely the statement that the Senate receded on certain amendments——

Mr. JONES of Washington. I will say to the Senator that the amendment in which the Senator is interested, I think, was agreed to in conference.

Mr. REED of Missouri. I want to ask the Senator to tell us, in the main, what happened to the bill.

Mr. JONES of Washington. I will say that the House has accepted practically all of the Senate amendments except the two that have been referred to. There was one amendment to which they disagreed, a survey for Oakland Harbor, from which the Senate receded because in the bill itself a project is adopted for Oakland Harbor; and I ask the Secretary to state the numbers of the other amendments from which the Senate conferees receded.

The PRESIDENT pro tempore. The Secretary will state the numbers of the amendments referred to.

The ASSISTANT SECRETARY. Amendments numbered 8 and 67

Mr. SIMMONS. Mr. President, I understand the Senator from Washington, the chairman of the Committee on Commerce, to indicate to the Senate that the conferees on the part of the Senate yielded the Senate's action, with reference both to the Dismal Swamp Canal and to the Cape Cod Canal, because the House conferees would not consent.

Mr. JONES of Washington. Mr. President, the Senate conferees have not yielded on those propositions at all, but I have moved that the Senate recede from those two amendments. I deem it unnecessary and useless to go back to conference with them; but the Senate conferees did not recede. When the matter went back to the House the House accepted the conference report, and then took up these other matters that were in disagreement and considered them separately. They had an hour's discussion on the Dismal Swamp amendment, and then voted to insist upon their disagreement to it.

Mr. SIMMONS. The Senator is asking the Senate now to recede?

Mr. JONES of Washington. To recede.

Mr. SIMMONS. Because he is satisfied that the House will not consent to those propositions?

Mr. JONES of Washington. That is the reason.

Mr. SIMMONS. And not because the Senate conferees desire to surrender them?

Mr. JONES of Washington. Oh, no; not at all; simply because we consider it useless to go back to a further conference and endanger the passage of the whole bill.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Mississippi will state the inquiry.

Mr. WILLIAMS. Are not these questions subject to a separate vote?

Mr. JONES of Washington. They will be submitted to the Senate separately.

Mr. WILLIAMS. All right. I want to vote separately, because, while I am not willing to waste millions of money upon the Cape Cod proposition, I am willing to waste—I reckon it is waste—one-half of a million upon the Dismal Swamp experiment.

Mr. FLETCHER. Mr. President, if the Senator will allow me——

Mr. JONES of Washington. I yield.

Mr. FLETCHER. The situation is this: The conferees made a report. It had to be made first to the House. The House has acceded to that report and has ordered back to conference the two items in difference.

One item in difference, the East River of New York, was agreed on in the House, so that the only difference now between the House and the Senate is the two items—the Cape Cod Canal and the Dismal Swamp Canal. If the Senate agrees to the conference report, it leaves only those two items in difference.

Then, if the Senate recedes from those two amendments, both of them being Senate amendments to the bill, all differences between the two bodies will be at an end, and the bill will pass.

Mr. JONES of Washington. That is correct. I think the proper thing would be to agree to the conference report first, and then to take up the two amendments.

Mr. FLETCHER. I think so.

The PRESIDENT pro tempore. The first thing that must be done is to secure the consent of the Senate to consider the conference report.

Mr. JONES of Washington. I ask that consent.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington that the Senate proceed to the consideration of the conference report? The Chair hears none. The question now is upon agreeing to the conference report.

The report was agreed to.

Mr. JONES of Washington. I now move that the Senate recede from amendment numbered 3, which is the Dismal Swamp amendment, for the reasons that I stated awhile ago.

Mr. SIMMONS. Mr. President, let me ask the Senator another question. If the Senate should refuse to recede, does the Senator think that the House would then agree?

Mr. JONES of Washington. I do not. I am sure they would not.

Mr. SIMMONS. The Senate conferees agreed to the House provision with reference to the East River proposition, did they not, after the House expressed its view?

Mr. JONES of Washington. The House agreed to the Senate provision with reference to the East River.

Mr. SIMMONS. I stand corrected.

The PRESIDENT pro tempore. The Senator from Washington moves that the Senate recede from its amendment numbered 3, which will be stated by the Secretary.

The ASSISTANT SECRETARY. On page 2, after line 22, the Senate inserted the following paragraph:

> Inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.: The Secretary of War is hereby authorized to purchase, as a part of said waterway, the existing Lake Drummond Canal, together with all property rights and franchises appertaining thereto, at a price of not to exceed $500,000, in accordance with the report submitted in House Committee Document Numbered 5, Sixty-seventh Congress, second session.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington.

Mr. SIMMONS. Mr. President, this is a very meritorious proposition. The Government is undoubtedly under moral obligations to make this purchase. I know that the Senate members of the committee of conference are fully conscious of this liability on the part of the Government, and that they are anxious that the Government shall make proper provision for the purchase of this canal.

I should dislike very much to see this proposition defeated. I know the difficulties under which the conferees labor. I know the firm position which the House conferees have taken against this amendment; but I hope the Senate will not vote to recede, and that the House conferees will be given another opportunity to consider this matter in the hope that they may finally come to the conclusion that they ought to accept the action of the Senate.

Mr. SWANSON. Mr. President, as the Senator from North Carolina [Mr. SIMMONS] has well said, clearly the Government ought to purchase this canal. There are 25,000 people who, when this canal ceases to operate, will be absolutely without transportation, with all their farming, villages, agricultural interests, and all.

There were two canals that ran from Portsmouth, Va., through North Carolina. The Government bought one as part of its inland waterway. Until that was done this canal was very profitable. It did three-fourths of the business, I presume. When the Government bought the other canal and made no charge for its use this canal ceased to be profitable. It is now operated at a loss, and there are 25,000 people in portions of Virginia and North Carolina whose entire business is absolutely dependent on the operation of this canal. As I say, it is being operated at a loss on account of the Government's purchase of the other canal as a part of the inland waterway.

I do hope that this matter can go back, so that the conferees of the House and Senate can have an opportunity to reconsider it and see if they can not reach an agreement.

Mr. WILLIAMS. Mr. President, I rather hope that the ancient project for a Dismal Swamp canal can be adopted, and that either now or hereafter the Congress of the United States may appropriate the amount I understand calculated as necessary for it, one-half of a million dollars; but, Mr. President, I am absolutely unwilling to vote, under the guise of saving that ancient project—as old as George Washington himself, costing very little money in comparison with a great many things we are called upon to appropriate for—I am unwilling to pay, in order to see that pass, some nine or eleven million dollars for a Cape Cod canal.

Of course, every man acquainted with the geography of the United States understands the importance of providing in some way an inland waterway to obviate the necessity of passing Cape Hatteras on the outside, thus avoiding all the wreck and death and destruction that Cape Hatteras, sitting like a heathen goddess queen upon her headlands, has witnessed during all the years of this Republic; but to have to pay from nine to eleven million dollars to a little scheme in Massachusetts for a Cape Cod canal in order to get that is a little bit too much. As old Governor McNutt, of Mississippi, said, "A turkey was a leetle bit too much of a bird for one man, and not quite enough for two"; and this Cape Cod proposition is a "leetle" bit too much for one appropriation and not quite enough to carry two, even if the other is the ancient and reverend and almost worshiped scheme of going through the Dismal Swamp. The Dismal Swamp is very sacred to the old Commonwealth and dominion of Virginia, and to the free State Commonwealth of North Carolina—the dear old North State, which was peopled by poor white trash very early in its history, my ancestors being amongst them—but, at the same time, to pay New England $11,000,000 to get this little half million dollars is too much, in my opinion.

I suggest to the Senators from Virginia and to the Senators from North Carolina that hereafter they somehow or other divorce these two propositions one from the other, regarding the poor little Dismal Swamp as the helpless female in trouble, and letting the sinful and adulterous Cape Cod male member of the proposition take care of itself as best it can.

Mr. President, the Senator has done too many of these fool things, giving New England every now and then something like ten or fifteen or twenty million dollars to get something like a quarter of a million, and sometimes only $50,000. The remarkable statesmanship of Virginia and North Carolina has led us into a great many of these errors in days long past, and is even doing it now. They are too willing to compromise by letting the Yankees have the money while we get a little bit of the public benefit. I suggest that rather than agree to this $11,000,000 for Cape Cod we agree to surrender the little half-million dollars for the Dismal Swamp.

Mr. President, the Dismal Swamp is not dismal at all. It is one of the most beautiful places on the surface of the earth, replete with flowers, the moon shining there later at night than in almost any other part of the world, the sun rising earlier than almost anywhere else. But I object to the Commonwealths of Virginia and North Carolina undertaking to drag the cotton States after them, as they always have undertaken to do, in consenting to give Cape Cod this appropriation.

Who wants to go inside Cape Cod, anyhow? It is much more pleasant to go outside of it and sail around it. There is no material danger connected with it. It is not like Cape Hatteras at all. The only thing is to save the Yankees money, and God knows the Yankees have money enough to spend ad libitum. They have not anything but money—and morals, too, of a self-appreciative sort. They have not much else except money, and I object to this felonious combination between the Puritan and the blackleg, as John Randolph said upon a very celebrated occasion. If Virginia and North Carolina can not get a Dismal Swamp canal any other way than by our appropriating $11,000,000 for a Cape Cod canal, God grant they may never get it at all.

Mr. RANSDELL. Mr. President, I have no disposition to make a speech or to enter into the relative merits of these two great projects. I will say that personally I have examined both of them, and they both seem pretty good to me. But I am not going into that, because we are not called upon to vote for them now.

This is one of the most important river and harbor bills that has been before Congress in many years. It adopts a number of very large projects in various portions of the United States, disseminated everywhere, and it would really be a public calamity if the bill were to fail.

The Senate conferees tried in the very best of faith to maintain the action of the Senate in favor of both the Cape Cod Canal and the Dismal Swamp Canal, but we are met with the opposition of the House. We have concluded, after the very best investigation we can make, that the House will not recede, and we are up against this proposition, Shall we recede from these two items, having in mind, so far as I am concerned, that they shall both be enacted in the future, for I am in favor of both of them, and I promise now to try to put them through in proper form in the future. Shall we kill the whole bill because we can not get these two items? I say that that would be foolish. I say we should follow the lead of the Senator from Washington and recede from these two items in order that this very important measure may pass, and my vote certainly will be to recede and let the bill become a law.

The PRESIDENT pro tempore. The question is on agreeing to the motion to recede from Senate amendment No. 3.

The motion was agreed to.

The PRESIDENT pro tempore. The question now is on the motion of the Senator from Washington that the Senate recede from amendment No. 23, which the Secretary will report.

Mr. SMITH. What is the amendment?

The PRESIDENT pro tempore. The Secretary will inform the Senator.

The ASSISTANT SECRETARY. On page 12, after line 14, the Senate agreed to insert the following additional section:

SEC. 12. That the contract dated July 29, 1921, executed by the Boston, Cape Cod & New York Canal Co., and transmitted to Congress by the Secretary of War and printed in House Document No. 139, Sixty-seventh Congress, second session, is hereby ratified on condition that such company files with the Secretary of War its consent in writing that paragraph 8 of such contract be amended to read as follows:

"8. The payment of the amount herein agreed to be paid, or any part of same, to the said canal company is to be upon the express condition that the Boston, Cape Cod & New York Canal Co. waives, in writing, any and all claims of any nature whatsoever that it may have against the President, the Director General of Railroads, or the United States, and upon such release the Director General of Railroads shall release the company from any claim or demand against the company growing out of Federal control."

The PRESIDENT pro tempore. The question is on the motion to recede from this amendment.

The motion was agreed to.

LIBERIAN LOAN.

Mr. CURTIS. I ask that the unfinished business, House Joint Resolution 270, be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Mississippi [Mr. HARRISON].

Mr. CURTIS. It is my intention to move an executive session. I merely wanted to get the unfinished business before the Senate. I understand the Senators who want to speak on it will not be ready until to-morrow morning.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10419) validating certain applications for and entries of public lands.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3307) authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes, and it was thereupon signed by the President pro tempore.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, September 20, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 19 (legislative day of September 16), 1922.

RECEIVER OF PUBLIC MONEYS.

Wallace W. Taylor, of Colorado, to be receiver of public moneys at Pueblo, Colo., vice Miss Florence M. West, removed.

REGISTER OF THE LAND OFFICE.

Ray L. Bronson, of South Dakota, to be register of the land office at Bellefourche, S. Dak.

POSTMASTERS.

ARKANSAS.

John L. Callahan to be postmaster at Booneville, Ark., in place of A. T. Barlow. Incumbent's commission expired September 5, 1922.

Seth Boles to be postmaster at Dardanelle, Ark., in place of W. D. Jacoway. Incumbent's commission expired September 5, 1922.

Robert B. Cox to be postmaster at Prairie Grove, Ark., in place of J. M. Harrison. Incumbent's commission expired September 5, 1922.

CALIFORNIA.

Charles M. Smith to be postmaster at Lomita, Calif. Office became presidential April 1, 1922.

George M. Russell to be postmaster at Beverly Hills, Calif., in place of G. M. Russell. Incumbent's commission expired September 5, 1922.

Norman F. Densmore to be postmaster at Laton, Calif., in place of A. G. Smith. Incumbent's commission expired September 5, 1922.

Charles W. Reinking to be postmaster at Point Arena, Calif., in place of Charles Reinking. Incumbent's commission expired September 5, 1922.

John W. Beck to be postmaster at Veterans' Home, Calif., in place of E. R. Ross, resigned.

COLORADO.

John M. Deitrich to be postmaster at Center, Colo., in place of M. M. Sutley. Incumbent's commission expired July 21, 1921.

Henry Miller to be postmaster at Manzanola, Colo., in place of E. O. Russell. Incumbent's commission expired September 5, 1922.

Charles E. Hart to be postmaster at Monte Vista, Colo., in place of L. D. Conant. Incumbent's commission expired September 5, 1922.

Hallie A. Simmons to be postmaster at Siebert, Colo., in place of M. C. Gates. Incumbent's commission expired September 5, 1922.

John C. Callaghan to be postmaster at Westcliffe, Colo., in place of A. P. Dickson, resigned.

CONNECTICUT.

Elbert B. Austin to be postmaster at Cromwell, Conn., in place of W. H. Buggie. Incumbent's commission expired September 5, 1922.

Thomas C. Brown to be postmaster at Elmwood, Conn., in place of W. B. Johnson. Incumbent's commission expired September 5, 1922.

Howard J. Stanclift, jr., to be postmaster at New Hartford, Conn., in place of P. H. Walsh. Incumbent's commission expired September 5, 1922.

Thomas B. McDonald to be postmaster at Sharon, Conn., in place of E. F. Byron. Incumbent's commission expired September 5, 1922.

Abigail B. Lathrop to be postmaster at Warehouse Point, Conn., in place of A. B. Lathrop. Incumbent's commission expired September 5, 1922.

DELAWARE.

George W. Mullin to be postmaster at Marshallton, Del., in place of J. T. Mullins. Incumbent's commission expired September 5, 1922.

GEORGIA.

Lucius Hannon to be postmaster at Atco, Ga. Office became presidential July 1, 1922.

Estelle Willis to be postmaster at Hardwick, Ga. Office became presidential October 1, 1920.

Jesse H. Hicks to be postmaster at Chickamauga, Ga., in place of J. H. Hicks. Incumbent's commission expired June 6, 1922.

Huram R. Hancock to be postmaster at Maysville, Ga., in place of C. C. Jarrard, resigned.

ILLINOIS.

Louis F. Meehan to be postmaster at Villa Park, Ill. Office became presidential July 1, 1922.

INDIANA.

Charles A. Gatwood to be postmaster at Albion, Ind., in place of G. W. Swith. Incumbent's commission expired September 5, 1922.

John L. Grider to be postmaster at Alexandria, Ind., in place of A. B. Lee. Incumbent's commission expired September 5, 1922.

Donas E. Denny to be postmaster at Cloverdale, Ind., in place of A. V. McKamey. Incumbent's commission expired September 5, 1922.

William J. Thompson to be postmaster at Danville, Ind., in place of W. A. King. Incumbent's commission expired September 5, 1922.

Harry Fritzinger to be postmaster at Decatur, Ind., in place of J. W. Bosse. Incumbent's commission expired September 5, 1922.

Taylor H. Johnson to be postmaster at Plainfield, Ind., in place of F. W. Dalton. Incumbent's commission expired September 5, 1922.

Milton T. Jay to be postmaster at Portland, Ind., in place of O. A. Rawlings. Incumbent's commission expired September 5, 1922.

Ray H. Weisbrod to be postmaster at Richmond, Ind., in place of C. B. Beck. Incumbent's commission expired September 5, 1922.

Edward M. Ray to be postmaster at Scottsburg, Ind., in place of C. E. Garriott. Incumbent's commission expired September 5, 1922.

IOWA.

Homer A. Roth to be postmaster at Ottumwa, Iowa, in place of C. W. McCarty. Incumbent's commission expired January 24, 1922.

Charles S. Lewis to be postmaster at Davenport, Iowa, in place of F. B. Sharon. Incumbent's commission expired January 24, 1922.

KANSAS.

William H. Stadler to be postmaster at Eudora, Kans., in place of Gustave Ziesenis. Incumbent's commission expired February 4, 1922.

Roy C. Mortimer to be postmaster at McCracken, Kans., in place of J. R. Lovitt. Incumbent's commission expired September 13, 1922.

Charles H. Sessions to be postmaster at Topeka, Kans., in place of W. O. Rigby, resigned.

KENTUCKY.

William H. Hampton to be postmaster at Crestwood, Ky. Office became presidential January 1, 1921.

William T. Tooke to be postmaster at Cadiz, Ky., in place of J. M. Turner. Incumbent's commission expires October 3, 1922.

James A. Miller to be postmaster at Wickliffe, Ky., in place of J. A. Hines, resigned.

MAINE.

Howard W. Jones to be postmaster at Bridgton, Me., in place of F. P. Davis. Incumbent's commission expires September 28, 1922.

Frank E. Hoyt to be postmaster at Gorham, Me., in place of E. P. Hanson. Incumbent's commission expires September 28, 1922.

Harold E. Fellows to be postmaster at York Village, Me., in place of E. C. Bridges. Incumbent's commission expires September 28, 1922.

MASSACHUSETTS.

James H. Butler to be postmaster at Pittsfield, Mass., in place of C. H. Dickson, removed.

Silas D. Reed to be postmaster at Taunton, Mass., in place of John O'Hearne. Incumbent's commission expires October 1, 1922.

MICHIGAN.

Walter E. Banyan to be postmaster at Benton Harbor, Mich., in place of H. J. Campbell. Incumbent's commission expired September 13, 1922.

Charles H. Vermilyea to be postmaster at Columbiaville, Mich., in place of C. M. Vermilyea. Incumbent's commission expired September 13, 1922.

Samuel C. Kirkbride to be postmaster at Clare, Mich., in place of J. A. Jackson. Incumbent's commission expired September 13, 1922.

Fred J. Beaman to be postmaster at Jackson, Mich., in place of J. E. Shekell. Incumbent's commission expired September 18, 1922.

Fred B. Kay to be postmaster at Lapeer, Mich., in place of John Lughnane. Incumbent's commission expired September 13, 1922.

Menno C. Weber to be postmaster at Saranac, Mich., in place of L. S. Vaughan. Incumbent's commission expired September 13, 1922.

MINNESOTA.

John Grutsch to be postmaster at Avon, Minn. Office became presidential July 1, 1922.

MISSISSIPPI.

David H. Foresman to be postmaster at Electric Mills, Miss. Office became presidential January 1, 1922.

Preston T. Smith to be postmaster at Ittabena, Miss., in place of P. T. Smith. Incumbent's commission expired May 17, 1922.

Fred H. Powers to be postmaster at Starkville, Miss., in place of H. H. Sikes, resigned.

MISSOURI.

Floyd O. King to be postmaster at Leasburg, Mo. Office became presidential April 1, 1922.

MONTANA.

John O. Dahl to be postmaster at Froid, Mont., in place of M. C. Donaldson, removed.

NEW HAMPSHIRE.

Archie C. Howe to be postmaster at Colebrook, N. H., in place of J. W. Drew, deceased.

Willard G. Holt to be postmaster at Epping, N. H., in place of L. P. Ladd. Incumbent's commission expires September 19, 1922.

Frank J. Bryant to be postmaster at Lebanon, N. H., in place of A. L. Chamberlin. Incumbent's commission expires September 19, 1922.

Burt D. Robinson to be postmaster at Suncook, N. H., in place of S. E. Bates. Incumbent's commission expires September 19, 1922.

Walter C. Wyatt to be postmaster at Tilton, N. H., in place of H. A. Morse. Incumbent's commission expires September 19, 1922.

NEW MEXICO.

James R. Roberts to be postmaster at Elida, N. Mex., in place of Edgar Savage. Incumbent's commission expired January 25, 1920.

NEW YORK.

George H. Howarth to be postmaster at Haverstraw, N. Y., in place of W. J. Springstead. Incumbent's commission expires September 28, 1922.

George B. Sample to be postmaster at Schaghticoke, N. Y., in place of G. D. Cunningham. Incumbent's commission expires September 19, 1922.

James H. Butler to be postmaster at Scottsville, N. Y., in place of J. H. Butler. Incumbent's commission expired May 9, 1922.

NORTH CAROLINA.

Riley W. King to be postmaster at Candler, N. C. Office became presidential January 1, 1921.

NORTH DAKOTA.

Roy E. Stevens to be postmaster at Brinsmade, N. Dak., in place of F. D. Powell, resigned.

Hans J. Kolstad to be postmaster at Cooperstown, N. Dak., in place of V. F. Nelson. Incumbent's commission expired January 24, 1922.

Flora Bangasser to be postmaster at Norma, N. Dak., in place of J. O. Lewis, deceased.

John P. Breslin to be postmaster at Sanish, N. Dak., in place of W. F. Thompson. Incumbent's commission expired January 24, 1922.

OHIO.

Harry E. Cahill to be postmaster at Pandora, Ohio, in place of P. D. Amstutz. Incumbent's commission expires September 19, 1922.

OKLAHOMA.

Charley E. Ellis to be postmaster at Gracemont, Okla., in place of H. H. Harp, resigned.

PENNSYLVANIA.

H. Oscar Young to be postmaster at Plymouth Meeting, Pa. Office became presidential July 1, 1922.

Emma M. Schrock to be postmaster at Garrett, Pa., in place of E. M. Schrock. Incumbent's commission expires September 26, 1922.

James H. Kirchner to be postmaster at Mahanoy City, Pa., in place of C. P. Reing. Incumbent's commission expires September 26, 1922.

Abraham H. Nyce to be postmaster at Vernfield, Pa., in place of A. H. Nyce. Incumbent's commission expired July 27, 1918.

PORTO RICO.

Juan F. Rivera to be postmaster at Coamo, P. R., in place of J. F. Rivera. Incumbent's commission expired September 5, 1922.

Antonio Godinez to be postmaster at Rio Piedras, P. R., in place of Rodulfo Blanco. Incumbent's commission expired September 5, 1922.

SOUTH CAROLINA.

Robert L. Henderson to be postmaster at North Charleston, S. C. Office became presidential January 1, 1921.

SOUTH DAKOTA.

Mathias D. Eide to be postmaster at Howard, S. Dak., in place of B. T. Reeve. Incumbent's commission expired January 31, 1922.

TENNESSEE.

F. Maude Whittenburg to be postmaster at Ooltewah, Tenn. Office became presidential July 1, 1919.

A. A. Williamson to be postmaster at Postelle, Tenn. Office became presidential January 1, 1922.

Zeph Roby to be postmaster at Erin, Tenn., in place of G. P. Atchison, resigned.

TEXAS.

Charles E. Hart to be postmaster at Fort Stockton, Tex., in place of O. W. Williams, jr., resigned.

Emma Thompson to be postmaster at May, Tex. Office became presidential April 1, 1921.

UTAH.

William H. Fitzwater to be postmaster at Duchesne, Utah, in place of W. H. Fitzwater. Incumbent's commission expires September 26, 1922.

VERMONT.

Harley W. Powers to be postmaster at Gilman, Vt. Office became presidential October 1, 1921.

Charles F. McKenna to be postmaster at Montpelier, Vt., in place of B. E. Bailey. Incumbent's commission expires September 19, 1922.

VIRGINIA.

Augustus R. Morris to be postmaster at Jetersville, Va. Office became presidential July 1, 1920.

Henry L. Cooke to be postmaster at Westpoint, Va., in place of J. L. Bland. Incumbent's commission expired September 13, 1922.

William H. Haney to be postmaster at Claremont, Va., in place of J. C. Hudgins. Incumbent's commission expired March 16, 1921.

WEST VIRGINIA.

George E. Patterson to be postmaster at Wellsburg, W. Va., in place of G. T. Buchanan. Incumbent's commission expired May 24, 1922.

George C. Smith to be postmaster at Yukon, W. Va., in place of S. O. Logan, appointee, declined.

WISCONSIN.

Anna K. Valentine to be postmaster at Cross Plains, Wis. Office became presidential January 1, 1922.

Benjamin O. Wall to be postmaster at Holmen, Wis. Office became presidential January 1, 1921.

Albert L. Grimm to be postmaster at Prentice, Wis., in place of A. T. Swedborg, resigned.

Margaret E. Glassow to be postmaster at Schofield, Wis., in place of A. A. Pagel, resigned.

Hall L. Brooks to be postmaster at Tomahawk, Wis., in place of C. A. Gesell. Incumbent's commission expired January 24, 1922.

Mathias F. Adler to be postmaster at Waunakee, Wis., in place of H. J. Kolte, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 19 (legislative day of September 18), 1922.

UNITED STATES ATTORNEY.

Amos W. W. Woodcock to be United States attorney, district of Maryland.

REGISTER OF THE LAND OFFICE.

Mrs. June Wright Makemson to be register of the land office, Fort Sumner, N. Mex.

RECEIVER OF PUBLIC MONEYS.

Morris S. Wright to be receiver of public moneys, Bozeman, Mont.

POSTMASTERS.

ALABAMA.

William R. Bailey, Newbern.

CALIFORNIA.

Walter S. Sullivan, Agnew.
Harry C. Smith, Campbell.
Gilbert M. Aylesworth, Cupertino.

Francis R. Evans, Grafton.
Frank S. Farquhar, Livingston.
Carrie V. Stoute, Saratoga.
Chester D. Matthews, Susanville.

DELAWARE.

Ebe H. Chandler, Dagsboro.
Erlis F. Whitney, Ellendale.

ILLINOIS.

Mary F. Robbins, Glenwood.

MINNESOTA.

Nelse Monson, Belview.
Gustav E. Hensel, Howard Lake.

MISSISSIPPI.

William F. Elgin, Corinth.
Aurora L. Howze, Logtown.
William L. Fox, Lyman.
Evalyn B. Jones, Mound Bayou.
Ocram C. Elliott, Nettleton.
Mabel A. Terney, Northcarrollton.
Arthur L. Stanford, Ripley.
Thomas H. Nicholson, Scooba.
Frank C. Napier, Seminary.

MISSOURI.

George T. Platz, jr., Brashear.
Jesse W. Brown, Crane.

PENNSYLVANIA.

Anna R. Lovett, Chalfont.
Paul M. Seaber, Lititz.
Mary G. Campbell, Nottingham.
Maude H. Wilson, Wallingford.

RHODE ISLAND.

Leon Charbonneau, Arctic.

SOUTH CAROLINA.

Maebelle Orvin, St. Stephen.

SOUTH DAKOTA.

Carl H. Kubler, Deadwood.

VIRGINIA.

Cornelius D. Burnett, Huddleston.
Manley W. Carter, Orange.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September 19, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, we bless Thee that a divine light falls daily upon our pathway. May this providence give consecration to our labors, support to those who bear burdens, and let it sustain all when the light burns low. We praise Thee that Thou wilt never cause us a needless tear. Lead us to ever open our hearts to the great sources of divine help. O be Thou with this generation of men. Rescue Christian civilization from the arch prince of hate, whose vicious passions fall like daggers upon Thy innocent children. Keep the heart, the mind, and the life of our country from all things that profane God, and may purity, honor, and Christian chivalry be the blossoms that shall forever lie on its fair brow. In the name of the Son of man. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 8475. An act to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920; and

H. R. 11347. An act authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as Fort Hale.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 244. Joint resolution to donate to the American Legion certain war trophies captured by or surrendered to the armed forces of the United States in the World War.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3307. An act authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that September 18 they had presented to the President of the United States, for his approval, the following bills:

H. R. 6929. An act for the relief of Horace E. Walker;

H. R. 8173. An act for the relief of Mrs. E. H. Jackson;

H. R. 8073. An act for the relief of the Kineo Trust Co.;

H. R. 11843. An act for the prevention and removal of obstructions and burdens upon interstate commerce in grain, by regulating transactions on grain future exchanges, and for other purposes;

H. R. 11116. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended;

H. R. 7425. An act for the relief of Zah Barmon; and

H. R. 5214. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

FIRST DEFICIENCY APPROPRIATION BILL, FISCAL YEAR 1923.

Mr. MADDEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12704, deficiency appropriation bill, and pending that, Mr. Speaker, I ask unanimous consent that general debate be confined to 20 minutes, 10 minutes to be used by the gentleman from South Carolina [Mr. BYRNES] and 10 minutes by myself.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the deficiency appropriation bill, and pending that asks unanimous consent that general debate be limited to 20 minutes, 10 minutes to be controlled by himself and 10 minutes by the gentleman from South Carolina. Is there objection? [After a pause.] The Chair hears none. The question is on the motion.

The motion was agreed.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12704, making appropriations to supply deficiencies in appropriations for the fiscal year 1922 and prior fiscal years, and for other purposes, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year 1922 and prior fiscal years, and for other purposes.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman and gentlemen, the Committee on Appropriations, in presenting the accompanying bill making appropriations to supply deficiencies in appropriations for the fiscal year 1922 and prior fiscal years, and for other purposes, submit the following statement in explanation thereof:

The estimates were submitted to Congress by the President in House Documents Nos. 376, 377, 378, 380, 387, and 389 of the present session aggregating $635,598.15. In addition to this sum the committee considered the appropriation necessary on account of Federal fuel distribution, $250,000 having been proposed for such purpose in House bill 12472. These two sums make the aggregate of requests or estimates considered by the committee in connection with this bill of $885,598.15.

The amount recommended to be appropriated in the bill is $560,688.08, or $324,910.07 less than the estimates considered.

The entire amount recommended to be appropriated for the executive branch of the Government, or $524,898.61, is for the fiscal year 1923, divided as follows:

Federal fuel distribution	$150,000.00
Interstate Commerce Commission	166,150.00
Department of Labor	6,436.11
Department of State	202,312.50

The committee proposes an appropriation of $150,000 to carry out the provisions of the act entitled "An act to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel." While the act authorizes an appropriation of $250,000 the Secretary of Commerce testified before the committee that the amount required depended entirely upon the length of time Federal supervision was to continue; that $250,000 would be required if supervision extended until next spring, but that a considerably smaller sum would suffice if transportation were gotten back to normal earlier than the framers of the law had anticipated.

An appropriation of $100,000 is recommended for the Interstate Commerce Commission for the employment of additional service agents and other personnel to carry into effect recent orders of the commission looking to the relief of rail transportation. Service Order No. 22 provides for the rerouting of all freight cars in transit in a manner to effect the maximum of expedition. Service Order No. 23 provides for priorities in car service for food and fuel products.

Fifteen additional inspectors to enforce the safety appliance act are also provided for the commission. Their salaries and traveling expenses for the remainder of the fiscal year will require $66,150. The evidence brought out at the hearing was to the effect that bad-order cars had materially increased in number since the beginning of the strike and that the additional inspectors were essential to the safety of the general public and the employees.

By special act approved June 30, 1922 (Public, No. 260, 67th Cong.), the positions of the Second Assistant Secretary and private secretary to the Second Assistant Secretary were created in the Department of Labor. Appropriations are proposed in this bill for the compensations of these positions at rates in conformity with such act.

The chief item for the State Department is the proposed appropriation of $180,000 for defraying the expenses of determining the amounts of American claims against Germany growing out of the recent war. On August 10, 1922, an agreement was concluded between the United States and Germany to provide a suitable arrangement to obtain rights respecting claims under the treaty of August 25, 1921, between the United States and Germany, securing to the United States and its nationals the rights specified in the joint resolution of Congress approved July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the treaty of Versailles. Under the terms of this agreement a mixed commission consisting of three members is provided for the determination of such claims, one commissioner to be appointed by each Government and the two Governments to appoint an umpire to decide finally upon any questions as to which the commissioners may be unable to agree.

The categories of claims to be considered include those for American property losses in Germany since August 1, 1914, other losses sustained by American citizens since July 31, 1914, as a consequence of the war, and debts owing to American citizens by the German Government or German nationals. It is estimated that the claims probably will aggregate $300,000,000, fifty millions of which are claims of the Government of the United States against the Government of Germany, and $250,000,000 claims of American citizens against the German Government and German nationals.

Under the terms of the agreement the commission will meet at Washington within two months after August 10, 1922, the date the agreement was concluded. For this reason it becomes necessary to provide funds at this time that work may proceed on the preparation of claims for presentation to the commission.

There follows an analysis of the proposed application of the appropriation on the basis of the estimate:

Object.	Rate per annum.	Estimated for period Sept. 1, 1922, to June 30, 1923.	Total.
Mixed Claims Commission:			
Expenses of commission (United States share)—			
Salaries—			
Umpire	$15,000.00	$6,250.00	
2 messengers	1,000.00	833.35	
2 stenographers	1,400.00	1,166.70	
Traveling expenses of umpire	1,000.00	500.00	
Printing for commission	500.00	250.00	$9,000 05
Expenses, United States agency—			
Salaries—			
Commissioner	12,000.00	10,000.00	
Agent	10,000.00	8,333.35	
1 counsel	7,500.00	6,250.00	
3 counsel	5,000.00	12,500.00	
3 law clerks	3,000.00	7,500.00	
Joint secretary	3,500.00	2,916.70	
Clerk and disbursing officer	3,000.00	2,500.00	
5 stenographers	1,400.00	5,833.35	
3 messengers	1,000.00	2,500.00	58,333.40
Rent (including quarters for commission)		7,000.00	
Taking testimony abroad		20,000.00	
Printing and binding		5,000.00	
Reporting proceedings		5,000.00	
Furniture		5,000.00	
Law books		2,000.00	
Contingent and miscellaneous expenses		25,000.00	69,000.00
Reserve for expenses not practicable to specify in advance of the organization of the commission			63,666.55
Total			200,000.00

The remainder of the amount proposed for the State Department, i. e., $22,312.50, is for the salaries of an envoy extraordinary and minister plenipotentiary to Albania and of an envoy extraordinary and minister plenipotentiary to Esthonia, Latvia, and Lithuania, and for the salaries of three secretaries whose appointment is made necessary by reason of the establishment of these additional missions. These Governments were recognized by the Government of the United States on July 28, 1922.

I would say for the information of the House that there is no provision made in this bill for the payment of commissioners created under the fact finding act passed by the House, because the bill has not yet gone through conference. The hope is that when it does go through conference we will be able to provide the necessary funds to carry on the activities of the commission by inserting the amount necessary in the Senate.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. MADDEN. If I have time. How much time have I used?

The CHAIRMAN. The gentleman has two minutes remaining.

Mr. SANDERS of Indiana. I notice in the provision appropriating for the Federal fuel distribution, particularly with reference to the $50,000, that the language of the authorization is not followed, and it occurred to me that the language used in the appropriating bill would not be sufficient to cover what is intended to be covered.

Mr. MADDEN. We thought that we had followed the language sufficiently broadly to cover everything.

Mr. SANDERS of Indiana. The language used in the bill is, "That $50,000 of such sum shall be available for reimbursement and payment upon specific approval of the President of expenses incurred since May 15, 1922, in connection with the matters embraced in the act hereinbefore mentioned." The language of the authorization was, "All expenses, including $50,000 thereof, shall be available for reimbursement and payment," and so forth, "in connection with the work of the President's fuel distribution committee."

Mr. MADDEN. The language we use is in compliance with the law. I do not think there is any doubt about that. But we can take that up further when we get into the five-minute debate.

Mr. BYRNES of South Carolina. Mr. Chairman, I do not intend to consume the 10 minutes which have been agreed upon between the chairman of the committee and myself. I simply want to call attention to this fact, that within 75 days after the beginning of the fiscal year the administration has presented estimates for deficiencies amounting to $635,598;

and I wish to express regret that it is so impossible, apparently, to have any accord between our promises and our performances.

All of us promise that we are going to do away with deficiencies, and yet the Committee on Appropriations finds it necessary to bring in a bill within 75 days after the beginning of the fiscal year providing $500,000 for deficiencies. It is necessary, because acts of Congress authorized these expenditures, and the Committee on Appropriations must provide the funds.

It is interesting to know, in view of the many statements that are made about our economy, that for 1922 the total appropriations, including our regular annual appropriations and the deficiencies, amounted to $4,066,316,366, and that for 1923 our total regular annual appropriations, not including deficiencies, amount to $3,747,000,000. Now we begin to climb, starting within the first 90 days of the fiscal year with a deficiency bill. The deficiencies last year amounted to $200,000,000. Judging from this beginning they are going to amount to more than $200,000,000 for 1923. If they do, then instead of there being any reduction in the total appropriations for 1923 there is going to be an actual increase in the appropriations for 1923 over those for the year 1922. And that it is fair to say that these deficiency appropriations are going to be made is evident, for we now have in sight the appropriation for the Liberian loan, which undoubtedly will be authorized by the Senate and has already been authorized by the House. The appropriaton to cover the scrapping of naval vessels must be supplied, and will require $75,000,000 in the estimate of the gentleman from Michigan [Mr. Kelley], and for roads at least $25,000,000 additional. So that any man who considers the financial statement of appropriations at this time must realize that we now face the certainty that in 1923 this Congress is going to authorize the expenditure of a larger sum than was authorized for the year 1922.

With respect to the particular bill before the committee I take exception only to one item. The Committee on Appropriations has recommended the bill for passage, because nearly every item has been authorized by the House and by Congress——

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. MOORE of Virginia. What does the gentleman say is the difference between the total appropriations for 1922 and the total appropriations up to this time for 1923, including the amount carried in this present bill?

Mr. BYRNES of South Carolina. At the beginning of this fiscal year there was appropriated $95,872,535 more than was appropriated at the beginning of the fiscal year 1922. But after the original appropriations were made for 1922, deficiency appropriations were made amounting to $200,000,000. For 1922 the total was $4,066,316,366. But this included deficiencies occurring during the year. For 1923 we start with $3,747,035,382, and to-day we add the first deficiency of $560,688.

Mr. MOORE of Virginia. To be followed by further deficiencies?

Mr. BYRNES of South Carolina. Yes. If there are no further deficiencies this year, there will be a reduction. But we are confronted by certain deficiencies. For scrapping of naval vessels the gentleman from Michigan [Mr. Kelley] estimated $75,000,000; the deficiency for roads, the Liberian loan, and other items make it safe for me to predict that when we finish this fiscal year the total appropriations will exceed those of the preceding fiscal year, regular annual and deficiencies.

Mr. MOORE of Virginia. So we have this picture, a mounting of appropriations and at the same time an increase of taxation, due to the imposition of higher tariff duties?

Mr. BYRNES of South Carolina. Yes. I admit always that there has been a reduction in income taxes, because the income tax is based on the income, and there has been a reduction in the income of nearly every man in America in the last two years, and a consequent reduction in the income tax. But, of course, as to the increase in his taxation by the tariff bill, the gentleman is right.

The only item to which I have objection is the item for the Department of Commerce, providing $30,000 for binding the questionnaires of the last census. There is nothing in the hearings to satisfy me that it is an expenditure that ought to be authorized in this bill. Certainly it is not a deficiency. The census data of individuals for the census of 1920, 1890, and 1910 has not been bound.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. BLANTON. Does the gentleman believe that we may reasonably expect a decrease in appropriations as long as Congress each term continues to create new bureaus, new commissions, new undersecretaries, and new salaried positions to pay out the people's money upon?

Mr. BYRNES of South Carolina. The question of the gentleman from Texas is answered by the provisions of this bill, which appropriates money for funds to pay an additional Assistant Secretary of Labor and a secretary to the Assistant Secretary of Labor. If Congress had not created these positions, the Committee on Appropriations would not have to recommend the appropriations in this bill. But, Congress having created these new jobs, the Committee on Appropriations must provide for them. We have created other new jobs and funds must be supplied for them.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. KING. What is the remedy for all this?

Mr. BYRNES of South Carolina. To stop passing bills creating new jobs.

Mr. KING. Does the gentleman believe that the Democratic Party can do that?

Mr. BYRNES of South Carolina. If the people give us a chance we expect to prove it.

Mr. KING. You did not do it when you had a chance.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. BYRNES of South Carolina. Yes.

Mr. LAYTON. Talk, the gentleman knows, is cheap.

Mr. BYRNES of South Carolina. I have been impressed by that fact.

Mr. LAYTON. The only reason I asked the gentleman to yield to me is because my friend from Texas [Mr. Blanton] has just talked about the creation of new bureaus and so on. If my memory serves me right he voted for a new bureau or the extension of a bureau that carried $1,585,000 appropriation, namely, the maternity bill.

Mr. BLANTON. The gentleman ought to look up the record before he says that, because he will find that I did not vote on that bill.

Mr. LAYTON. Then I beg the gentleman's pardon or that of any other man in the House who did not vote for it.

Mr. DUNBAR. Mr. Chairman, I wish to call the gentleman's attention to the fact that the expenditures of the United States Government to date, as compared with the same period of last year, show a reduction of $185,000,000.

Mr. BYRNES of South Carolina. That proves nothing, because expenditures are postponed. I am glad the gentleman has spoken of that, because I know something about it. The fact is that the alleged reduction of the deficit announced on July 1 was the greatest piece of statistical humbuggery that I know of, because the Bureau of the Budget came in here in April and announced a prospective deficit of over $200,000,000, and then when the administration considered the approaching election and its inability to explain that huge deficit they simply delayed the payment of $200,000,000 due to the railroads of this country, carrying it over into this fiscal year, and on July 1 announced there was no deficit. The only difference is that those amounts of money which the Treasury expected to pay during the last fiscal year, ending June 30, 1922, were not paid, but were carried over into this fiscal year. They have got to be paid and they will be paid, but not until after the election is over. Then the railroads will get their money, because then there will be no excuse for keeping them out of their money. And then you will see a statement showing a deficit of over $600,000,000 for this fiscal year without taking into account anything for the bonus bill which is to be passed to-morrow by the House.

The CHAIRMAN. The gentleman's time has expired. The time for general debate has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

LEGISLATIVE.

HOUSE OF REPRESENTATIVES.

To pay the widow of Lemuel P. Padgett, late a Representative from the State of Tennessee, $7,500.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Madden: Page 2, line 4, after the word "Tennessee," insert the words "to be disbursed by the Sergeant at Arms of the House."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL FUEL DISTRIBUTION.

For carrying out the provisions of the act entitled "An act to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities in interstate commerce during the present and any succeeding emergency, and to prevent extortion in the sale of fuel," including the payment of personal services in the District of Columbia or elsewhere and all expenses incident to organizing the Federal fuel distribution, $150,000, to be available until expended and to be expended by the Federal fuel distributor under the authority and direction of the President: *Provided*, That $50,000 of such sum shall be available for reimbursement and payment upon specific approval of the President of expenses incurred since May 15, 1922, in connection with the matters embraced in the act hereinbefore mentioned.

Mr. SANDERS of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Sanders of Indiana: Page 2, line 16, after the word "priorities," strike out the words "in interstate commerce," and after the word "present," in the same line, strike out the words "and any," and in line 17, strike out the word "succeeding," and after the word "prevent" strike out "extortion in," and in line 18, after the word "fuel," insert "at unjust and unreasonably high prices."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SANDERS of Indiana. Mr. Chairman, the purpose of this amendment is simply to correct the title as it is corrected in the conference report. The title was originally worded as the appropriation committee inserted it, but there was some change in the title when it went to conference, and this simply makes a more correct identification.

Mr. WINGO. Will the gentleman read the language as it will read if his amendment is adopted? In other words, will the gentleman read lines 16, 17, and 18 as they will read if this amendment is adopted?

Mr. SANDERS of Indiana. The whole title will then read as follows:

To declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel; granting additional powers to the Interstate Commerce Commission; providing for the appointment of a Federal fuel distributor; providing for the declaration of car-service priorities during the present emergency; and to prevent the sale of fuel at unjust and unreasonably high prices.

Mr. WINGO. The gentleman misunderstood me. How will lines 16, 17, and 18 read if the gentleman's amendment is adopted? I suggest that the Clerk read it.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

So that the amended section will read, beginning with line 10, page 2: "For carrying out the provisions of the act entitled 'An act to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel; granting additional powers to the Interstate Commerce Commission; providing for the appointment of a Federal fuel distributor; providing for the declaration of car-service priorities during the present emergency; and to prevent the sale of fuel at unjust and unreasonably high prices.'"

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Indiana offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Sanders of Indiana: Page 3, line 1, after the word "with," strike out the rest of the paragraph and insert in lieu thereof the words "the work of the President's fuel distribution committee organized for the purpose of helping to meet the emergency existing in the matter of fuel."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WINGO. I reserve a point of order on the amendment and ask that it be explained.

Mr. STAFFORD. What is the gentleman's point of order?

Mr. WINGO. I reserve it. What is the gentleman proposing to do?

The CHAIRMAN. The gentleman from Arkansas [Mr. Wingo] reserves a point of order.

Mr. SANDERS of Indiana. Mr. Chairman, this amendment simply makes the appropriation in the precise language of the authorization. The precise language was not in existence when the bill was drawn and this is simply for the sake of accuracy.

Mr. WINGO. Will the effect of it be to authorize the payment of the machinery that was being used before the enactment of the act?

Mr. SANDERS of Indiana. Yes. That was carried in the other act.

Mr. WINGO. That is all you do?

Mr. MADDEN. Yes. That was carried in the act.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHINDBLOM. Mr. Chairman, in line 23, on page 2, should not that be "not to exceed $50,000 of such sum shall be available"?

Mr. MADDEN. That is the amount of money they have spent. This is to reimburse them.

Mr. CHINDBLOM. If there should be any balance, it will not be spent?

Mr. MADDEN. No. This is to reimburse them for what they have spent.

Mr. SANDERS of Indiana. Mr. Chairman, in line 20, on page 2, after the word "the" I move to insert the words "work of the."

The CHAIRMAN. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Sanders of Indiana: On page 2, line 20, after the word "the" insert the words "work of the."

Mr. STAFFORD. Mr. Chairman, I question whether it is good grammar to say, "the work of the Federal fuel distribution." It should be "the work of Federal fuel distribution."

Mr. SANDERS of Indiana. I think that is proper language. The way it reads now, "organizing the Federal fuel distribution," that is not very good language, and besides it does not follow the language in the bill. The language in the bill is "organizing the work of the President's fuel distribution committee," but that has already been identified, so I think by inserting the words "work of the" it will be sufficient.

Mr. STAFFORD. I think it is better grammar to leave out the article "the" so that the language will be "organizing the work of Federal fuel distribution."

Mr. SANDERS of Indiana. I will gladly accede to the desire of the member of the Appropriations Committee and omit the article "the" or any other little article that the gentleman wishes omitted.

Mr. STAFFORD. We are only desirous of having the thing in proper form.

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment. The Clerk will report the amendment as modified.

The Clerk read as follows:

Modified amendment: Page 2, line 20, after the word "the" insert the words "work of."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY.

For the expense of determining the amounts of claims against Germany by the mixed commission established under the agreement concluded between the United States and Germany on August 10, 1922, for the determination of the amount to be paid by Germany in satisfaction of the financial obligations of Germany under the treaty concluded between the Governments of the United States and Germany on August 25, 1921, including the expenses which under the terms of such agreement of August 10, 1922, are chargeable in part to the United States; and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of claims and the presentation thereof before said mixed commission, including salaries of an agent and necessary counsel and their assistants and employees, rent in the District of Columbia, printing and binding, contingent and traveling expenses, and such other expenses in the United States or elsewhere as the President may deem proper, $180,000.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the Committee on Appropriations how many troops we now have in Germany, and what is the cost of maintaining them there?

Mr. MADDEN. We have about 1,000 troops over there now, as I understand it. This language has no relation to maintaining the troops. This is the appropriation for this mixed commission.

Mr. WINGO. I understand that. Mr. Chairman, I do not feel like letting the occasion pass without expressing my regret that the implied promise made to a great many American people in the last campaign that if you would simply put the Republican administration in, the German people would no longer have quartered on them American soldiers, has not been carried out. The last administration was criticized very severely for that. I suppose no deficiency has arisen for that expense or the committee would have reported a bill to cover it. Of course, the usual defense will be made that the Democrats put them over there, and the usual defense further is that it takes a Republican administration two or three years to act on anything, even the matter of withdrawing troops.

They can not do a thing all at once. They are withdrawing them gradually, and they say they have only a thousand left. I think that, judging the future by the past, this administration may in two or three years time get around to it and withdraw all of them.

I also wish to express my regret that Republican voices which were once loud and vociferous in this Chamber protesting because it was alleged, although falsely, that the last administration was not making vigorous representations to the French Government against the quartering of black troops on the German people, are no longer heard. As a matter of fact, representations were made by the last administration, and the French Government promised to withdraw its colored troops. But the latest reports that I have show that those black troops are still quartered upon the German people, and a gentleman who recently returned from there told me something about their atrocities. The cases of attempted rape and accomplished rape were 70 in number, and there were other sexual misdemeanors, cases of unnatural intercourse with boys, and so forth. Where are those voices now on the other side of the aisle that were protesting with an obvious purpose? They were indignant then. I am still indignant. The truth of the business is that Mr. Wilson expressed the situation correctly when he said that America did not make war upon the German people but upon their autocratic Government. I want now here to protest with my voice, humble though it is, against this administration continuing to quarter our own troops on the German people and their failure to enter a vigorous protest to the French Government, and to use our diplomatic offices to protect the German people against the continuous burden and outrages of those black troops in Germany.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I wish to say in response to what the gentleman from Arkansas has just said that, in my judgment, the present administration has fully and in absolute good faith complied with its promises, expressed or implied, if any such were made, that the troops should be withdrawn from the Rhine. The small number of troops mentioned by the gentleman from Illinois [Mr. MADDEN], a thousand or a few more, indicate that there is to-day no military force, in any real sense, of Americans left on the Rhine.

In my humble judgment, the representation we now have on the Rhine, military in name only, is in fact a more effective influence for peace than anything else this Government is now doing or could do. [Applause.] It would be a serious mistake, so serious that its consequences might be carried forward over many years, for us at the present time to entirely withdraw our men from the Rhine.

Mr. WINGO. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. WINGO. I would like to state my appreciation of the gentleman's defense being couched in the language used by those who advocate the League of Nations. Now, as to the black troops quartered on the German people, what representations have been made by this Government to the French Government?

Mr. TILSON. I know nothing as to what diplomatic representations have been made, but after having been on the Rhine, and while there having conferred with numerous people—many Germans as well as French—I can say that so far as I could learn there is at the present time no such serious menace as that of which the gentleman from Arkansas speaks. From all that I could learn and from such information as I was able to get, the impression made upon me was that such ground as there had been immediately following the war for the charges referred to by the gentleman has been removed. No one has condoned or attempted to condone any crime that has been committed on the Rhine or elsewhere by the French colonial troops, by our own troops, or by any troops, and unfortunately there have been offenses committed by all.

Mr. WINGO. There are Morrocans, Singalese, and negroes quartered there, and there have been complaints and representations that they ought not to be there.

Mr. TILSON. It is a fact that there are some colonial troops on the Rhine, but, if I am correctly informed, organizations, members of which have been guilty of the crimes indicated, have been sent back to their homes, so that at present there are no organizations left the members of which have been guilty of the character of crimes referred to by the gentleman.

Mr. KNUTSON. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. KNUTSON. I assume that the gentleman from Connecticut covered practically the same territory as I did two years ago. At that time there were a large number of colonial troops in the French occupied territory at Bonn, and well up and down the Rhine, and almost daily they were committing the unspeakable crime. One Singalese who committed a crime against a youth was given six months, when if it had been in this country we would have shot him.

Mr. WINGO. And it is still going on.

Mr. TILSON. If the gentleman will pardon me, I was on the Rhine over three years ago, immediately after the war. There were great numbers of colonial troops there at that time, and I heard more or less veiled statements as to some of the crimes committed by these men. That was more than three years ago. I was on the Rhine again three months ago. There are some colonial troops there yet, but they are very greatly reduced in number and not to be compared with the number the gentleman from Minnesota speaks of. I was informed by Germans who occupy positions of importance, and others, that what the gentleman refers to is not now regarded as a serious menace or one of the serious problems yet to be dealt with.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more. He has been interrupted.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. TILSON. I thank the gentleman from Minnesota. As I have said, the impression I got from talking with a great many people—and I conversed with all kinds of people from the reischskommissor to the waiter at the table—was that such fears as may have been felt earlier have largely passed away.

Mr. WINGO. Of course, it is gratifying to us to know that the numbers have been reduced to the extent they have been reduced. Not only Morroccos but Singalese are still there, and last week the Singalese troops committed the atrocities I spoke of.

Mr. TILSON. I can not speak from personal knowledge, except as to the presence of colonial troops, but I am giving the facts as they were given to me when on the Rhine three months ago, and the impressions I received from such information.

Mr. KNUTSON. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. KNUTSON. Are the black troops still quartered in the German homes?

Mr. TILSON. I do not believe that they are. It is now the policy, I was informed, to quarter the troops in public buildings, and I know that the troops do occupy public buildings. There may be instances where they are quartered in homes, but I did not learn of any such. I had no mission to inquire particularly into such matters, and yet I was interested in trying to get such reliable information as I could.

Mr. KNUTSON. I know that French officers up and down the Rhine used to make their boasts that they were going to introduce new blood into Germany.

Mr. TILSON. I know nothing whatever of such boasts. The gentleman may have made more inquiries in this particular field than I did, for I did not follow this line of investigation.

Going back to the original proposition in regard to withdrawing our troops from the Rhine, I hope that no one will do our troops the injustice to say or feel that they are kept there for any other purpose than for such influence as they may exert on behalf of world peace. I think that they are exerting a great influence for good there in showing to the people of Germany, as well as to France, Belgium, and England, that this country means to be fair and just to all; that we do not desire additional territory on the Rhine or elsewhere; that our purpose in maintaining a small force there is to stand as a witness for this country, and that all we desire is that there shall be permanent and real peace. [Applause.]

Mr. McSWAIN. Did the gentleman get any impression whether the American troops wanted to come back or whether they are well satisfied to stay there?

Mr. TILSON. The troops are very well satisfied. One officer expressed it in this way, that the only way to get an American soldier away was to drive him on the train at the point of the bayonet. Our troops are well satisfied and wish to stay there as long as they can render valuable service. Better still, the German people and, strange to say, the French, Belgians, and English are all equally desirous that they shall remain there.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EVANS. I ask unanimous consent that the gentleman's time be extended for two minutes in order to answer a question.

The CHAIRMAN. Is there objection to the request that the gentleman's time be extended two minutes? [After a pause.] The Chair hears none.

Mr. EVANS. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. EVANS. We were advised in newspaper reports that the French failed to pay proper respect to the American command on the Rhine. Is the gentleman able to advise us as to the truth or falsity of that statement?

Mr. TILSON. I am not; but I do not believe it to be true. My information received directly from the French was to the effect that they were not only willing but very proud to serve under American commanders. Many of them at Coblenz are under the command of General Allen, and they appeared glad to serve under an American commander. Nor was there any friction between the Americans and the French, so far as I was informed.

In the remaining minute, Mr. Chairman, if gentlemen will allow me, I desire to press home the point that no injustice should be done to our troops who are serving our country so faithfully and effectively on the Rhine. We should try to fully appreciate rather than in any wise depreciate the work that General Allen and his officers and men are doing there. I regard their work as a real and lasting contribution to world peace. [Applause.]

The CHAIRMAN. The time of the gentleman has expired, and without objection the pro forma amendment is withdrawn.

Mr. GARRETT of Tennessee. Mr. Chairman, I rise in opposition to the amendment. If the gentleman from Connecticut will take the floor again I will thank him. When we passed what was called the separate peace resolution it was declared that the troops would be immediately withdrawn. In the political campaign of 1920 certainly it was held out to the country by the successful candidate for the Presidency that a separate peace would be adopted as quickly as the House and Senate could pass and he could sign it, and by plain implication it was held out that the troops would be withdrawn. Now, let me say to the gentleman, if I may, that I never had any particular sympathy with that. I thought those who were holding the troops there were doing it for some good purpose that was not inimical to the interests of the United States. But the party of the gentleman, the political nominee for the Presidency, did not hold out that idea, and the gentleman from Kansas [Mr. ANTHONY] who brought in the bill, the appropriation bill, held out the idea that the troops were going to be withdrawn at once. Now we come to the question I desire to ask: Is the administration ready to apologize for its mistake?

Mr. TILSON. In the first place I do not believe that the administration made a mistake. I think that it was the intention and purpose to withdraw our troops as soon as practicable, but circumstances arose which convinced the administration that it would be helpful to world peace—which includes ourselves—that a representation remain there rather than withdraw them all. Having come to the conclusion that it would make for the peace of the whole world, ourselves included, a small representation, in no sense a military force, has been retained there.

Mr. GARRETT of Tennessee. They are soldiers?

Mr. TILSON. Yes; but 1,200 men, at a maximum, could be overwhelmed in an hour.

Mr. FAIRCHILD. Whether it is 1,200 or 500 it is military jurisdiction.

Mr. GARRETT of Tennessee. I have the floor, but I will yield to the gentleman.

Mr. FAIRCHILD. Whether it is 1,200 or 500 it is a military jurisdiction exercised by the United States of America in the army of occupation zone nearly four years after the armistice.

Mr. TILSON. Technically, we have a military force there undoubtedly, but the gentleman will have to admit that a force of 1,200 men is not in any fighting sense a military force.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for an additional five minutes. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BANKHEAD. With the gentleman's permission, I want to ask the gentleman from Connecticut [Mr. TILSON] this: If these troops are not there purely in a military capacity, what other function do they exercise in their occupancy of that territory outside of that of a military force?

Mr. TILSON. Well, a military force oftentimes exercises a function that is not purely military. Sometimes it may be a function of great delicacy, which is in no true sense a military function.

Mr. BANKHEAD. They do not exercise a diplomatic function, do they?

Mr. TILSON. I think that the effect of their being there is diplomatic in a sense. I consider it a diplomatic effect, because, as I believe, it makes for peace. It, at any rate, reduces the danger of friction between the other powers to have an American force there whom both sides believe to be on the square, with no selfish interests and no ulterior motives. It has a wholesome effect upon all concerned.

Mr. BANKHEAD. Well, a force of 50,000 might indicate the balance of power?

Mr. TILSON. Fifty thousand becomes a real military force.

Mr. GARRETT of Tennessee. The gentleman from Connecticut always tries to answer questions candidly, and——

Mr. TILSON. I try to.

Mr. GARRETT of Tennessee. The gentleman does not believe, then, that the Democratic administration made a mistake in retaining the troops there?

Mr. TILSON. Well, judging from the fact of their being there at the present time and what they are doing now, I can say no. Whether a previous administration maintained too many there, in order to make it appear as a fighting force, I do not undertake to say. All of that was in the past. At any rate, I believe that it is now for the best interests of this country and of the whole world for us to have a representation on the Rhine as long as the circumstances remain as they are at present.

Mr. STEAGALL. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. STEAGALL. As I understand the gentleman's statement, the conditions there have been aggravated since the campaign when the promise was made that the troops would be removed. If the conditions are growing worse, is it contemplated that the force there will be increased?

Mr. TILSON. It is not a case of force. An increased force would not do any good. The problem on the Rhine is now not one of force.

Mr. KINDRED. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. KINDRED. I would like to ask the gentleman one question. Referring to the matter of the employment by the French of negro troops in Germany, may I ask the gentleman if he agrees with me that the President ought to make further representations looking toward getting rid of the offensive Singalese and other negro French troops in Germany?

Mr. TILSON. I do not wish to go into the matter of the international relations between our own country and other nations. I do not know enough about it, in the first place; and, in the next place, opinions formed upon insufficient or faulty information concerning relations between nations may, if unwisely expressed, do harm instead of good. These are oftentimes delicate matters when it comes to dealings between nations, so that I am not at all sure that we should accomplish any good, and we might do much harm. I do not know what is best, but I am willing to leave it to the judgment of those in charge of such matters, who are much better informed than I am.

Mr. KINDRED. Does the gentleman think that negro troops are not necessary?

The CHAIRMAN. The time of the gentleman from Tennessee has expired. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

Mr. BLACK. Mr. Chairman, I offer an amendment on line 7 of page 5, to strike out "$180,000" and insert "$175,000."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. BLACK: On page 5, line 7, strike out "$180,000" and insert in lieu thereof "$175,000."

Mr. BLACK. Mr. Chairman, I want to get some information from the chairman of the committee. Later I may ask the House to allow me to withdraw this amendment. I see that in estimating the expense of this commission an estimate is sent in for $5,000 for the purchase of furniture. I want to ask the gentleman from Illinois [Mr. MADDEN] if, before the purchase of any new furniture, the commission would be compelled to make an inquiry under the general law to find out whether the surplus furniture that we have would be adequate?

Mr. MADDEN. It must be done in every case. The general law now fixes it so that upon the creation of a new office or commission they can not secure furniture without first drawing upon the supplies that we now have.

Mr. BLACK. The purchasing officer will not authorize the purchase of any new furniture unless they get a clearance from the supply committee?

Mr. MADDEN. No.

Mr. BLACK. Mr. Chairman, I ask leave to withdraw my amendment.

The CHAIRMAN. The gentleman from Texas asks leave to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF COMMERCE.

BUREAU OF THE CENSUS.

> Not exceeding $30,000 of the appropriation for collecting statistics, Bureau of the Census, for the fiscal year 1923, may be used for binding the schedules containing the names and census data for the individuals enumerated at the census of 1920 and prior censuses.

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to offer an amendment to strike out the paragraph.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. BYRNES of South Carolina: Beginning on line 8, page 5, and ending on line 14, strike out the paragraph.

Mr. BYRNES of South Carolina. Mr. Chairman, I have offered that motion, as I stated in my opening remarks, because this is the only item in the bill that I am opposed to. I am opposed to this for the reason that it certainly is not a deficiency. If you will look at the bill, you will see that it provides that not exceeding $30,000 of the appropriation for collecting statistics for 1923 shall be used to bind schedules containing census data for individuals enumerated in the census of 1920 and prior censuses.

In the hearings before the committee there was absolutely nothing to justify this appropriation except the statement of Secretary Hoover, to be found on page 12, that it is necessary to bind the schedules of the last census—not previous censuses, but the last census. The information which the chairman of the committee gave us was that it was the data for the census of 1900, the census of 1910, and the census of 1920, now in the department and unbound.

Mr. MADDEN. I said 1890, 1910, and 1920.

Mr. BYRNES of South Carolina. The gentleman says 1890, 1910, and 1920. That information, however, is not in accord with the statement of Secretary Hoover in the hearings, where he says, on page 12:

> These are the schedules of the last census.

I take the statement of the chairman of the committee to be correct—that it is to bind the data of the census of 1920 and the previous censuses of 1910 and 1890.

Now, gentlemen will understand that this means that the individual questionnaires submitted to the people all over the country in 1890, 1910, and 1920 are down at the department, and they propose to bind them. No other information is given to the committee as to the necessity for this expenditure of $30,000 to bind these questionnaires, and I submit that there is no justification for considering this a deficiency, and that this matter should be left until the regular session, when the official in charge of this bureau can come before the committee and we can ascertain, first of all, why it is necessary to retain all of these questionnaires throughout all time to come, and also whether $30,000 is necessary. It occurs to me that if there is one thing that this Government does in its departments it is to keep unnecessary papers. As a result we have an agitation for the construction of an expensive archives building. I can not conceive of any reason why the Department of Commerce should find it necessary to go back into the questionnaires of 20, 30, 40, or 50 years ago. The purpose of collecting that data was to procure information on which the census was to be founded, and all the information which was of value has been printed. If it was not printed, it ought to have been printed. If there is any good reason, it can be shown at the next session, and if they have not been bound since 1890 there can exist no necessity for immediate consideration without any information. There is no necessity for our appropriating $30,000 at this time to bind these old questionnaires down at the Department of Commerce.

My friend will say that this is not an additional appropriation, because it simply authorizes the expenditure of funds that the Department of Commerce already has. If that be so, it shows conclusively that we gave the Department of Commerce more money than it needed, or else they would not come here within 75 days after the beginning of the fiscal year and say that it is more important to do this work, which has been neglected since 1890, than any other work for which they have those funds.

The fact is that that is the easy way to get an appropriation. If you come in here and ask for cash you have a pretty hard time getting it. You would have a pretty hard time getting $30,000 for this binding. But let them tell us that they will use it out of some funds that they now have, and they get it. But what is the result? Six months from now there will be a deficiency in that fund. The Department of Commerce will come here and ask for a deficiency caused by the diversion of this $30,000, and the Congress will give it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I ask unanimous consent that my time may be extended three minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that his time be extended three minutes. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. I want to use the three minutes to state that the estimates submitted for the Statistical Bureau of the Department of Commerce were voluntarily reduced by the Secretary of the Department of Commerce by about $400,000.

Mr. MADDEN. At the suggestion of the Committee on Appropriations.

Mr. BYRNES of South Carolina. I had a very strong suspicion that that was so. It was my belief that it was voluntarily done by reason of the pressure brought by the chairman of the Committee on Appropriations, and the Secretary of Commerce wrote a letter reducing the estimate by $400,000 for the funds for this statistical work. The chairman saved $400,000 and improved the service. Then the United States Senate for once said that if we could cut it $400,000 they would cut it a little bit more. They did cut it, and after these cuts were made the Secretary of Commerce now comes in and says: "If you will give me the authority, I will use $30,000 of the funds allotted to the Statistical Bureau to bind census questionnaires and will have enough money left to get along with."

Mr. BUTLER. Suppose he does not use it for this purpose. Will he use it for some other purpose, or will it come back into the Treasury?

Mr. BYRNES of South Carolina. He is on record as saying that other work he has is not so important, and therefore this $30,000 can be saved; and we can remind him of it whenever he comes back if that $30,000 is not turned back into the Treasury. I have enough confidence in the members of the President's Cabinet to believe that the Secretary of Commerce is going to stand for what he has said, that he does not really need it for important work, and if you do not let him spend it for binding he will turn it back into the Treasury. I do not know whether my friend from Pennsylvania shares my confidence in that regard or not.

Mr. BUTLER. I do not know anything about it; but is this binding necessary?

Mr. BYRNES of South Carolina. The chairman of the committee will tell you that these questionnaires were not bound in 1910 or in 1890, and I say if it was unnecessary to bind them then, it is not necessary now, when the people are in worse financial condition than ever before, and we can save this $30,000. If it could be postponed since 1890, we can postpone it a little while without endangering the safety of the country. Let it go over to the regular session and then let us have a hearing to find out why it is necessary, so that we can determine whether these papers ought to be saved at all. If they can not show that it is necessary we can tell them to destroy the questionnaires. If they can show that it is necessary we can make some investigation as to the amount necessary. My objection is that without any information we are asked to provide $30,000 for binding in a deficiency appropriation. It is not a deficiency and there is no reason for consideration at this time.

Mr. STAFFORD. Mr. Chairman, I have listened many times to speeches delivered by the gentleman from South Carolina [Mr. BYRNES], but I question whether I ever listened to one in which he has disclosed so much lack of information as he disclosed in the remarks just made. He says that this data has been printed and that there is no further need for it. The fact is if he knows anything at all about the facts stated in the questionnaires that have been gathered by the collectors of the census, that these questionnaires are not printed, but they are the original documents——

Mr. BYRNES of South Carolina. Excuse me, the gentleman misunderstood me if he understood me to say they had all been printed. I said that all the information of value in these questionnaires had been collated and printed.

Mr. STAFFORD. I differ with the gentleman in his statement that all the information contained in these questionnaires has been printed, because if he knows the use to which these questionnaires are put from time to time, he knows that they are of inestimable value in the workings of the Government. I can cite the gentleman to one case which ought to be sufficient to convince the gentleman that these records should not be destroyed.

For instance, a case arises where it is necessary to know whether the parents of a certain individual were living in this country at a certain time, or the nationality of that parentage. That may be disclosed by a questionnaire in the census of 1850, 1860, or 1870. There is necessity often in such cases to resort to these questionnaires.

On this question of the need for binding these sheets we should take the testimony of some person who is acquainted directly with the facts. We have here the report of the Director of the Bureau of the Budget, in which he discloses the fact that there is frequent use of these questionnaires for reference when called upon by various bureaus. It is generally understood that these questionnaires for 1890, 1910, and 1920 were stored in the old Census Building. Many of them were impaired by the fire, and they require attention.

No one who knows anything about modern office work will question the fact that in order to have expeditious work an essential is the proper filing of correspondence. If you are going to be so cheeseparing in your policy of economy that you are going to allow these valuable records to be in this distorted and impaired condition where they can not be availed of readily when called for by other bureaus for use, you will merely multiply the cost. It is not intended to have these questionnaires bound in morocco or even bound in cloth. As the assistant director of the bureau stated in his letter which was before the committee, they would be bound in millboard binding. There is no money available in the existing appropriation for this year for binding. There is surplus money for other purposes, but no money available for this purpose. Looking at it from a business standpoint, I take it that it is economy to have these things bound in some cheap form, millboard binding only, so that when the Bureau of Immigration, for instance, wants information as to the parentage of a certain person, that information may be readily available. If the money is needed now, it should be appropriated, and the work should not be deferred for six months when these records may become more impaired, and during which time can not be utilized without a valuable clerk at $1,800 or $2,000 a year spending a whole day in making a search because of the disjointed form in which these questionnaires are kept, when if they were properly bound you could get the information in 15 minutes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. I should like to ask the chairman of the committee what he thinks about this?

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. The hearings on this item were very brief. The Secretary of Commerce came before us and said it was very important to have the authority to bind these schedules. I did not ask him many questions. The hearings will not disclose much information. I am sorry that I did not go into the matter more particularly in the hearings. Since I found there was so much interest in this subject, I have made some inquiries and I find that the schedules referred to are the original schedules carrying the names, ages, and other information relating to persons enumerated in the census. I find that the information contained on these cards is frequently furnished by the Government in photostatic form to the county and State governments of the country and to the courts in many cases, that all the historical associations of the United States use them in very large numbers, that the Pension Bureau uses the information on these cards, and that very frequently where there is a prosecution for a violation of the Mann Act or some other act they use this information in order to establish the ages of the persons. Mr. Hoover did say the information on the cards went back as far as 1790. He said further that if the schedules were not bound they were not really available for the examinations which are made in the course of important investigations; that if they were used they were likely to be lost and no one could tell the value of the information that is contained in them, nor its importance.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BYRNES of South Carolina. I understood the chairman to say that the data for 1890, 1910, and 1920 has not been bound.

Mr. MADDEN. Yes; those have not been bound.

Mr. BYRNES of South Carolina. Did the Secretary give any reason why they had not been bound and why it is essential now in a deficiency bill to have an appropriation to bind the records of 1890, 1910, and 1920?

Mr. MADDEN. No. As I say, there was very little information given in the hearings on the subject. I did not ask many questions, because I thought the statement he made justified the binding. If I had had any idea that there was going to be such an interest in it, I should have made a more extensive examination.

Mr. BYRNES of South Carolina. Does not the chairman think that the fact that these records have gone unbound so long we can let them go over until the regular session so that we may ascertain something more as to their importance?

Mr. MADDEN. The Secretary thought that the information they contained was such that he was justified in asking to be authorized to do this binding, because he was fearful that without the binding the information would be lost.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CHINDBLOM. I want to say that my own experience corroborates what has been said, where it was necessary to make heirship in a large estate. This data was invaluable because it furnished the family history under which it was possible to make proper distribution of the large estate. I want to say that some of these sheets are kept loose in the department, and it is a difficult task to find them; when you have found them they are liable to be mislaid, and it certainly is in the interest of governmental efficiency to bind the schedules. They are the only data we have in the United States relating to the population of the United States.

Mr. BUTLER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BUTLER. Does the chairman think that this department should do this binding and that it is now the time to bind them?

Mr. MADDEN. Yes; this is as good time as any.

Mr. TILSON. Mr. Chairman, in connection with some remarks I made a few minutes ago in regard to the removal of the troops from the Rhine, I ask unanimous consent to extend in 8-point type an interview I gave to the Washington Post a few days ago which gives further information somewhat along the same line.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Chairman, I rise to oppose the amendment. I was interested in the remarks of the gentleman from South Carolina that possibly this money might be diverted and used in some other channel by the Department of Commerce. I want to tell some of my personal troubles in the Department of Commerce, and I wish some of this money might be used in some other bureau of that department. We have in the city I have the honor to represent a harbor and channel that need some aids to navigation. They have a bureau in this Department of Commerce known as the Aids to Navigation Bureau or Lighthouse Department. Nearly nine months ago I applied for four additional gas buoy lights to light up the channel of about 16 miles in Toledo Harbor. The appropriation made, as I understand, was four and a half million dollars for this department, and yet I could not get four gas buoys at an expense of $5,500 to save hundreds of thousands of dollars of expense to the boat lines doing business in the Toledo Harbor. I talked recently with some of the freight captains of the Great Lakes, and they told me that when they come into the Toledo Harbor after nightfall they must lie at the outer light until daylight in the morning, because they do not dare come down the channel that is filling up with silt which comes down the river. They do not dare because they have not a sufficient number of lights in the channel. Here you are spending $30,000 to bind a lot of schedules that probably will never be used.

Mr. WARD of North Carolina. Will the gentleman yield?

Mr. CHALMERS. Yes.

Mr. WARD of North Carolina. The gentleman's experience is similar to my own experience. I represent a coastal district, and it does seem like the Government is going out of the business of lighting the commercial waterways of the country and quit lighting the waters of the rivers and harbors of the country entirely.

Mr. STAFFORD. Will the gentleman yield?

Mr. CHALMERS. Yes. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I was wondering whether the Bureau of Navigation in the Department of Commerce had jurisdiction over the special matter the gentleman refers to.

Mr. CHALMERS. Absolutely.

Mr. STAFFORD. I thought the Corps of Engineers of the War Department had jurisdiction of the establishment of lights and buoys. The Bureau of Navigation has jurisdiction as far as the equipment is concerned, and I was under the impression that the Board of Engineers of the War Department had charge of gas buoys.

Mr. CHALMERS. No; this matter falls under the jurisdiction of the Department of Commerce.

Mr. BYRNES of South Carolina. I want to say that the gentleman from Wisconsin is not informed on that subject.

Mr. STAFFORD. I prefaced my remarks with the statement that I was not certain about that.

Mr. CHALMERS. I will say that the aids to navigation and gas buoys come under the jurisdiction of the Bureau of Lighthouses in the Department of Commerce.

You may think that the Toledo Harbor is unimportant, but $5,500 would save these freight captains from staying outside overnight. They do not dare to come into the channel at night. In the Toledo Harbor we do over 13,000,000 tons of business per year. There are very few harbors in the country that do a larger business. Coal is pouring through there now to save you people of the Northwest from freezing, and yet our boats must lie out there overnight because the Government can not afford an expenditure of $5,500 for four gas buoys.

Mr. SEARS. I want to say that my district is in the same situation. The gentleman is appealing for a real benefit to his people and therefore can not get any result, but papers that have been lying loose for 20 years must now be bound.

Mr. BUTLER. Why can not the gentleman get the gas buoys?

Mr. DOWELL. Is it because there is no appropriation or because it is placed at the wrong point?

Mr. CHALMERS. I think it is because it is placed at the wrong point.

Mr. DOWELL. Then an increase of appropriation would not get any more than you have at the present time.

Mr. HICKS. I do not think the gentleman should blame the Commissioner of Lighthouses.

Mr. CHALMERS. I have not said that I do. But I want to notify the House now that next year I will see to it that not only an appropriation is made for these gas buoys but that a sufficient sum is provided to deepen and widen our channel so that the Board of Engineers for Rivers and Harbors will be able to carry out the legislative enactment of the rivers and harbors bill of this session.

The CHAIRMAN. The question is on the motion of the gentleman from South Carolina to strike out the paragraph.

The question was taken and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. BYRNES of South Carolina) there were—ayes 17, noes 47.

So the motion was rejected.

The Clerk concluded the reading of the bill.

Mr. MADDEN. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The question was taken and the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 12704), the deficiency appropriation bill, had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MADDEN. Mr. Speaker, I move the previous question on amendments and bill to final passage.

The previous question was ordered.

The SPEAKER. Is there a separate vote demanded on any amendment? If not the Chair will put them in gross.

The question was taken and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit the bill to the Committee on Appropriations with instructions to report it back immediately with the following amendment. On page 5, beginning with line 8, strike out the paragraph from line 8 to line 14, inclusive.

The SPEAKER. The gentleman from Texas offers a motion to recommit which the Clerk will report.

The Clerk read as follows:

> Mr. BLANTON moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith striking out the paragraph on page 5, beginning with line 8 and ending with line 14, inclusive.

Mr. MADDEN. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken and the Speaker announced the noes appeared to have it.

Mr. BLANTON. Mr. Speaker, I ask for a division.

The committee again divided and there were—yeas 19, noes 62.

Mr. BLANTON. Mr. Speaker, I object to the vote and make the point of order there is no quorum present.

The SPEAKER. Will the gentleman withhold that for a moment to receive a message from the Senate.

Mr. BLANTON. If it does not lose me the point.

The SPEAKER. It is obvious there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 68, nays 200, answered "present" 1, not voting 158, as follows:

YEAS—68.

Aswell
Bell
Black
Bland, Va.
Blanton
Bowling
Box
Briggs
Bulwinkle
Byrnes, S. C.
Collier
Collins
Davis, Tenn.
Deal
Doughton
Drane
Drewry
Driver
Dupré
Garner
Garrett, Tenn.
Garrett, Tex.
Hammer
Hardy, Tex.
Harrison
Hayden
Huddleston
Hudspeth
Jacoway
Jeffers, Ala.
Johnson, Miss.
Jones, Tex.
Kincheloe
Lanham
Lazaro
Lowrey
Lyon
McClintic
McSwain
Mansfield
Martin
Michener
Moore, Va.
O'Connor
Oldfield
Oliver
Park, Ga.
Parks, Ark.
Pou
Quin
Rankin
Rayburn
Rouse
Sanders, Tex.
Sandlin
Sears
Smithwick
Steagall
Swank
Taylor, Ark.
Thomas
Tillman
Tyson
Weaver
Wilson
Wingo
Wood, Ind.
Woods, Va.

NAYS—200.

Ackerman
Almon
Anderson
Andrews, Nebr.
Ansorge
Appleby
Atkeson
Bacharach
Bankhead
Barbour
Beck
Begg
Benham
Bird
Blakeney
Bland, Ind.
Boies
Bond
Bowers
Brooks, Pa.
Brown, Tenn.
Burdick
Burtness
Butler
Cable
Campbell, Kans.
Campbell, Pa.
Carew
Chalmers
Chindblom
Christopherson
Clague
Cole, Iowa
Cole, Ohio
Connolly, Pa.
Cooper, Ohio
Cooper, Wis.
Coughlin
Crowther
Cullen
Curry
Dale
Dallinger
Darrow
Davis, Minn.
Dowell
Dunbar
Dyer
Elliott
Ellis
Evans
Fairchild
Faust
Fenn
Fess
Focht
Fordney
Foster
Free
Freeman
French
Frothingham
Fuller
Funk
Gernerd
Glynn
Goodykoontz
Gormon
Graham, Ill.
Graham, Pa.
Green, Iowa
Greene, Mass.
Greene, Vt.
Hadley
Hardy, Colo.
Haugen
Hawley
Hays
Hickey
Hicks
Hill
Himes
Hoch
Hogan
Hukriede
Hull
Hutchinson
Jefferis, Nebr.
Johnson, S. Dak.
Johnson, Wash.
Kearns
Keller
Kendall
Kennedy
Ketcham
Kindred
King
Kissel
Kleczka
Kline, N. Y.
Kline, Pa.
Knutson
Kopp
Kreider
Lampert
Langley
Lankford
Larson, Minn.
Lawrence
Layton
Little
London
Longworth
McArthur
McCormick
McKenzie
McLaughlin, Mich.
McLaughlin, Nebr.
McLaughlin, Pa.
Madden
Magee
Mapes
Mead
Merritt
Michaelson
Millspaugh
Mondell
Moore, Ohio
Moores, Ind.
Morgan
Morin
Mott
Mudd
Murphy
Nelson, Me.
Nelson, A. P.
Newton, Minn.
Newton, Mo.
Norton
Ogden
Olpp
Osborne
Parker, N. J.
Patterson, Mo.
Patterson, N. J.
Perkins
Purnell
Ramseyer
Ransley
Reece
Reed, W. Va.
Rhodes
Ricketts
Roach
Robsion
Rogers
Rose
Rosenbloom
Ryan
Sabath
Sanders, Ind.
Schall
Scott, Tenn.
Shaw
Shreve
Siegel
Sinnott
Smith, Idaho
Speaks
Sproul
Stafford
Stephens
Strong, Kans.
Swing
Tague
Taylor, Colo.
Taylor, Tenn.
Thompson
Tilson
Timberlake
Tincher
Towner
Treadway
Underhill
Valle
Vestal
Voigt
Volstead
Walters
Ward, N. C.
Watson
Wheeler
Williams, Ill.
Winslow
Woodruff
Woodyard
Wyant
Yates
Young
Zihlman

ANSWERED "PRESENT"—1.

Cannon

NOT VOTING—158.

Andrew, Mass.
Anthony
Arentz
Barkley
Beedy
Bixler
Brand
Brennan
Britten
Brooks, Ill.
Browne, Wis.
Buchanan
Burke
Burroughs
Burton
Byrns, Tenn.
Cantrill
Carter
Chandler, N. Y.
Chandler, Okla.
Clark, Fla.
Clarke, N. Y.
Classon
Clouse
Cockran
Codd
Colton
Connally, Tex.
Connell
Copley
Crago
Cramton
Crisp
Dempsey
Denison
Dickinson
Dominick
Dunn
Echols
Edmonds
Fairfield
Favrot
Fields
Fish
Fisher
Fitzgerald
Frear
Fulmer
Gahn
Gallivan
Gensman
Gilbert
Goldsborough
Gould
Griest
Griffin
Hawes
Henry
Herrick
Hersey
Hooker
Humphreys
Husted
Ireland
James
Johnson, Ky.
Jones, Pa.
Kahn
Kelley, Mich.
Kelly, Pa.
Kiess
Kirkpatrick
Kitchin
Knight
Kraus
Kunz
Larsen, Ga.
Lea, Calif.
Leatherwood
Lee, Ga.
Lee, N. Y.
Lehlbach
Lineberger
Linthicum
Logan
Luce
Luhring
McDuffie
McFadden
McPherson
MacGregor
Maloney
Mann
Miller
Mills
Montague
Montoya
Moore, Ill.
Nelson, J. M.
Nolan
O'Brien
Overstreet
Paige
Parker, N. Y.
Perlman
Peterson
Porter
Pringey
Radcliffe
Rainey, Ala.
Rainey, Ill.
Raker
Reber
Reed, N. Y.
Riddick
Riordan
Robertson
Rodenberg
Rossdale
Rucker
Sanders, N. Y.
Scott, Mich.
Shelton
Sinclair
Sisson
Slemp
Smith, Mich.
Snell
Snyder
Stedman
Steenerson
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Sumners, Tex.
Sweet
Taylor, N. J.
Temple
Ten Eyck
Tinkham
Tucker
Upshaw
Vare
Vinson
Volk
Ward, N. Y.
Wason
Webster
White, Kans.
White, Me.
Williams, Tex.
Williamson
Wise
Wright
Wurzbach

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Andrew of Massachusetts with Mr. Goldsborough.
Mr. Strong of Pennsylvania with Mr. Dominick.
Mr. Kraus with Mr. Montague.
Mr. Arentz with Mr. Rainey of Alabama.
Mr. Dickinson with Mr. Linthicum.
Mr. Kirkpatrick with Mr. Clark of Florida.
Mr. Leatherwood with Mr. Wright.
Mr. Burton with Mr. Connally of Texas.
Mr. Jones of Pennsylvania with Mr. Kunz.
Mr. MacGregor with Mr. Crisp.
Mr. Burroughs with Mr. Raker.
Mr. Luce with Mr. Gilbert.
Mr. Crago with Mr. Fields.
Mr. Connell with Mr. Brand.
Mr. Kahn with Mr. Upshaw.
Mr. Maloney with Mr. Barkley.
Mr. Beedy with Mr. Ten Eyck.
Mr. Stiness with Mr. Vinson.
Mr. White of Kansas with Mr. Cantrill.
Mr. Rossdale with Mr. Byrns of Tennessee.
Mr. Parker of New York with Mr. Favrot.
Mr. Nolan with Mr. O'Brien.
Mr. Classon with Mr. Logan.
Mr. Colton with Mr. Johnson of Kentucky.
Miss Robertson with Mr. Fulmer.
Mr. Cramton with Mr. Cockran.
Mr. Lineberger with Mr. Gallivan.
Mr. Anthony with Mr. Buchanan.
Mr. Mann with Mr. Kitchin.
Mr. Taylor of New Jersey with Mr. Larsen of Georgia.
Mr. Sinclair with Mr. Williams of Texas.
Mr. Browne of Wisconsin with Mr. Carter.
Mr. Henry with Mr. Wise.
Mr. Griest with Mr. Tucker.
Mr. Lee of New York with Mr. Sumners of Texas.
Mr. Brennan with Mr. Stevenson.
Mr. Volk with Mr. Hooker.
Mr. Reed of New York with Mr. Stoll.
Mr. Paige with Mr. Griffin.
Mr. Clarke of New York with Mr. Sisson.
Mr. Riddick with Mr. Hawes.
Mr. Colton with Mr. Sullivan.
Mr. Radcliffe with Mr. Humphreys.
Mr. Tinkham with Mr. Rucker.
Mr. Snyder with Mr. Lee of Georgia.
Mr. Webster with Mr. Fisher.
Mr. Steenerson with Mr. Riordan.
Mr. Wason with Mr. Overstreet.
Mr. Snell with Mr. Lea of California.
Mr. Frear with Mr. Rainey of Illinois.
Mr. Fairfield with Mr. Stedman.
Mr. Miller with Mr. McDuffie.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. MADDEN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had disagreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 208) authorizing the Federal Reserve Banks of St. Louis, Mo., and Salt Lake City, Utah, to enter into contracts for the erection of buildings for its head office and branches, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McLEAN, Mr. CALDER, and Mr. HITCHCOCK as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to joint resolution (S. J. Res. 215) providing for reinvestigation of tri-county irrigation project in Nebraska, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McNARY, Mr. JONES of Washington, and Mr. SHEPPARD as the conferees on the part of the Senate.

COAL COMMISSION BILL.

Mr. WINSLOW. Mr. Speaker and gentlemen, I wish in behalf of the conferees on the bill H. R. 12377, known as the Coal Commission bill, to request the privilege of filing, if necessary, the conference report and accompanying statement as late as 12 o'clock to-night.

Mr. MOORE of Virginia. What bill is that?

Mr. WINSLOW. It is known as the Coal Commission bill, a bill to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the conferees on the bill H. R. 12377 may have until 12 o'clock to-night in which to file the conference report and statement. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks on the deficiency bill just passed.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks on the deficiency bill. Is there objection?

There was no objection.

AMENDMENT TO NATIONAL DEFENSE ACT.

Mr. HULL. Mr. Speaker, on yesterday we passed the bill S. 3890, to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920. I move to lay the corresponding bill, S. 2307, on the table.

The SPEAKER. The gentleman from Iowa moves to lay on the table bill S. 2307. The question is on agreeing to that motion.

The motion was agreed to.

VALIDATION OF CERTAIN PUBLIC LAND ENTRIES—CONFERENCE REPORT.

Mr. SINNOTT. Mr. Speaker, I desire to call up the conference report on the bill H. R. 10419.

The SPEAKER. The gentleman from Oregon asks unanimous consent to call up the conference report on the bill H. R. 10419. The Clerk will report it.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10419) validating certain applications for and entries of public lands, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and agree to the same.

N. J. Sinnott,
Addison T. Smith,
Carl Hayden,
Managers on the part of the House.
Reed Smoot,
I. L. Lenroot,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10419) validating certain applications for and entries of public lands, submit the following written statement explaining the effect of the action agreed on:

The amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, and 12 authorize the issuance of patents in eight additional cases, all of which have the approval of E. C. Finney, Acting Secretary of the Interior, as shown by his letters set forth in Senate Report No. 833 on said bill (H. R. 10419).

The amendments numbered 8, 9, 10, and 11 change words from the singular to the plural.

N. J. Sinnott,
Addison T. Smith,
Carl Hayden,
Managers on the part of the House.

Mr. STAFFORD. Mr. Speaker, will the gentleman explain briefly the purport of the amendments agreed to?

Mr. SINNOTT. Mr. Speaker, this bill is a customary land relief bill, such as is usually passed at every session of Congress. The House bill contained items giving relief to 12 entrymen. The Senate added additional items. Every item added in the Senate bill was added at the request of the Secretary of the Interior, and the committee of conference, after carefully going over the letters from the Interior Department and the data regarding the same, agreed to all the Senate amendments.

Mr. STAFFORD. The amendments are of the same class as the specific provisions of the bill as it passed the House?

Mr. SINNOTT. They are of the same class as were embodied in the House bill.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

RETIREMENT OF EMPLOYEES IN THE CLASSIFIED CIVIL SERVICE—CONFERENCE REPORT.

Mr. SMITH of Idaho. Mr. Speaker, I call up the conference report on the bill H. R. 11212.

The SPEAKER. The Clerk will read the conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 11212, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

Frederick R. Lehlbach,
Louis W. Fairfield,
Managers on the part of the House.
Thomas Sterling,
Albert B. Cummins,
Jos. E. Ransdell,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

It reduces the minimum age at which employees of the Government may come within the provisions of the bill from 60 to 55 years.

It incorporates as section 5 a provision for the payment of compensation for work actually performed to employees who were unlawfully retained in active service after reaching retirement age. This provision has already passed the House as section 3 of H. R. 3164.

Frederick R. Lehlbach,
Louis W. Fairfield,
Managers on the part of the House.

Mr. SMITH of Idaho. Mr. Speaker, this is a bill to amend the retirement law for civil service employees. It passed the House on the 29th of June, and was amended by the Senate by striking out the House bill and inserting new text, but changing the bill by reducing the age of the employees to be benefited from 60 to 55 years and authorizing the payment for services rendered by clerks who continued in the employment of the Government without authority from the Civil Service Commission. The bill as it passed the House provided that employees who were involuntarily separated from the service should have the privilege of receiving retired pay proportionate to their length of service when they reached the age limit if they had served 15 years or the present worth of the certificate of service authorized to be issued. The law is intended to relieve the navy yard employees who were discharged in large numbers last spring because of lack of work, although many of them had been in the service for 15 or 20 years and in some instances over 30 years, but as they had not reached the age prescribed under the retirement law they could not get the benefit of that act.

Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. A. P. Nelson].

The SPEAKER. The gentleman from Wisconsin [Mr. Adolphus P. Nelson] is recognized. [Prolonged applause and ovation on both sides of the Chamber.]

Mr. ADOLPHUS P. NELSON. Mr. Speaker and gentlemen of the House, it is not my purpose to attempt to make a long speech upon this bill. Yet there are certain observations that I feel ought to be made, and which I desire to make now upon the bill before us for consideration.

In the first place, I believe that one of the very best bills passed in the matter of bringing about efficiency in our Government service was passed when the retirement act of 1920 was enacted by Congress; that fact is now generally conceded. I hold in my hand a report entitled "Testimony with respect to the operation of the retirement act," with comments by the Civil Service Commission, containing statements by the various departments in the Government as to the splendid and beneficial results of the operation of the law, and, Mr. Speaker, I ask permission to incorporate that as a part of my remarks, for the information of the House as well as for the information of those who desire to obtain real information as to the efficient workings of this act.

Now, for a few reasons why the bill and the conference report before us ought to be passed, and be passed without any opposition by the membership of this House. I desire to affirm most earnestly and sincerely that this bill is merely to extend justice to those who have been in the employment of the Government of the United States for 15 to 33 years or more, and who, through no fault of their own but at the request and demand of the Government, are now separated from the service of the Government because of the necessary reduction in the number of employees by the action of Congress resulting from the agreement reached by the recent Conference on Limitation of Armament. We all rejoice in the limitation of armaments and most sincerely hope that all the nations of the world will continue to reduce their army and navy establishments to merely adequate police protection on both land and sea. This bill primarily takes care of an emergency which to-day is acute in our navy yards as a result of the sudden dismissal of employees in such yards. I also wish you to note especially that the larger number of men involved are men who toil with their hands at hard labor, and most of them know only one particular line of work, which adds infinitely to their difficulty in finding readily employment by which they can earn a livelihood. The Government itself, I am informed, in the report makes 50 years the maximum age limit for appointment as mechanics in the service.

Mr. Speaker, the position of many of these men who have spent 15 to 33 years in the service of their Government, and who are beyond 55 years of age, and who now by action of Congress are forced to separate from the service is pitiable, indeed. The attempt of many to obtain service elsewhere is futile. Thirty-three years of service in one particular thing has made them almost machines, and they fit in nowhere else.

They are strictly up against a hard and cruel demand by the business world which their long single-track service in the Government has unfitted them to meet.

They are confronted by a series of questions. First, "Where have you been employed?" They answer, "In the service of the United States Government." The next question, "How long?" The answer is "Fifteen to 33 years." "How old are you?" "Past 55 years." Those forced replies immediately disqualify them, because the prospective employer reasons, and correctly so, "If you have been so long in the service of Uncle Sam and he no longer desires your services you are not able to qualify here," and he is turned away to continue for months, and probably years, a fruitless search for labor that he is fitted by 33 years of constant service to perform. Hence, it follows that many of these noble servants who have been most faithful to their trust, and who confidently expected to remain in the service until they would be eligible for retirement under the provisions of the 1920 retirement act, and who, Mr. Speaker, had every reason to be assured that our Government would retain them until eligible for retirement, are now face to face with a most cruel situation.

Mr. Speaker, no large industrial establishment or corporation in our country would think of treating their efficient employees, who have served a quarter of a century or more, as our Government is now treating these dismissed employees. Every efficient employee would be given just and careful consideration and that is all we ask under the provisions of this bill.

Mr. LAYTON. Mr. Speaker, will the gentleman yield?

Mr. ADOLPHUS P. NELSON. Yes; I yield to the gentleman from Delaware.

Mr. LAYTON. With one exception, the Coast Guard Service. Does not the gentleman think that it is a service very much harder, with more risk to life and health, and we have made no provision for the Coast Guard of the United States under the recent law, whereas there is even greater reason why they should come in?

Mr. ADOLPHUS P. NELSON. Well, as far as I am concerned, I wish to say to the gentleman I have nothing but sympathy for the hardships of the coast guards, and I would not object to including them under the provisions of the law if this class of service comes under the civil-service regulations. But, Mr. Speaker, that is not the point I am discussing now. I am trying to show the merits due to the men under the provisions of the law. And I affirm most earnestly that these men should be given absolutely the same consideration by a great and noble Government that is accorded to similar employees by both private and corporate concerns in business life generally. It is nothing more than simple justice that I am pleading for under this bill, and it should be granted by this House without further hesitation or reservation. A wise government should grant nothing less, and a loyal employee should ask nothing more than justice and fair play.

Mr. HILL. The gentleman's point is that the action of the Government makes it only fair for us to pass this measure. Is that right?

Mr. ADOLPHUS P. NELSON. Absolutely.

Mr. HILL. I want to say to the gentleman that I agree with him and I am for it.

Mr. ADOLPHUS P. NELSON. Mr. Speaker, I wish to say further that the retirement act itself during the time that it has been in operation has proven to be one of the most effective aids in bringing about in the various departments of the Government service business efficiency and increased service. The act has had a stabilizing effect in all the departments and will increase the spirit of contentment of the employees by reducing the feeling of anxiety and uncertainty as to the future.

I desire also to call to your attention that the direct saving to the Government under this law has been very large, as you will observe from the reports by the department heads. Now, as you know, the Government employees themselves contribute about 67 per cent of the retirement fund. The other part, or 33 per cent, will be contributed by the Government. Most of the pension funds of corporations and private institutions, as well as of many States and cities, are contributed entirely by the corporation, the State, or the institution itself. Not so with the Government under this law. There are good reasons why we made the contributions 2.50 by the employees and 1.06 by the Government. We made it contributory by the employee in order that there should be on the part of the employee a zealous desire to do the largest thing for himself as well as the best thing by the Government.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Idaho. I yield five minutes more to the gentleman from Wisconsin.

Mr. ADOLPHUS P. NELSON. Let me say that it seems to me we are simply dealing out justice to these men the same as we would expect to have dealt out to ourselves if we were placed in a similar situation. We are simply following out what is normally practiced by individuals and corporations and institutions elsewhere; and, Mr. Speaker, I simply ask, Is the great Government of the United States of America to be less generous and less concerned about its employees than are corporations or individuals or other State institutions? I believe not. I believe we will pass this bill and this conference report almost unanimously with the feeling that we have simply dealt justly with our employees and fair with our taxpayers and public as we increase the efficiency of the service and actually decrease the cost of it to our Government and taxpayers.

Mr. BLACK. Does the gentleman know any place where they retire employees at the age of 55 years?

Mr. ADOLPHUS P. NELSON. Can the gentleman mention any case where, in private or corporate life, they compel the individual to be retired arbitrarily as we do here? We face a hard, cold situation. A bald fact, not a theory. We deal in human life and human souls and not in dollars and material advantages. [Applause.]

Mr. BLACK. Can the gentleman cite any retirement law that pays an annuity at the age of 55?

Mr. ADOLPHUS P. NELSON. We have provided in this act that if the employee retires at a certain age he is given a certain annuity compensation. In the case under discussion these men are in the service of the United States Government. They have discharged absolutely to the best of their ability their obligations to the Government. But now we have come to a place where we must reduce the number of our employees, and they by no fault of their own are left at sea to seek an employment, for which they trained, that can not be found. I say to you that, irrespective of the point which the gentleman makes, it is up to us to be fair to these men, and simple justice requires that when we dismiss them without any fault upon their part we shall be prepared to grant them the provisions contemplated under this amendment to the law.

Mr. BLACK. Has it not always been the policy of the Government to dismiss employees whenever their services were no longer required?

Mr. ADOLPHUS P. NELSON. I think that is true. But that does not do away with the situation I have tried to place before the gentleman, namely, that in this case these men have been in the service of the Government from 15 to 33 years, and they would naturally expect to continue in that service, but because of the changed conditions they are compelled to seek other employment, which under the circumstances it is almost impossible for many of them to find.

Mr. CANNON. Will the gentleman yield for a question?

Mr. ADOLPHUS P. NELSON. I will be glad to yield to the gentleman from Illinois.

Mr. CANNON. If this bill is enacted with the Senate amendment or without the Senate amendment, can the gentleman state what will be the cost to the Treasury?

Mr. ADOLPHUS P. NELSON. The statement is made by the actuary that for the first few years, or possibly a decade, there will be no appropriation necessary by the Government, because there is at the present time $18,000,000 in the Treasury which has come from the contributions of 2½ per cent of the salaries of all the employees whose salary is under $2.500 per year.

Mr. LAYTON. Including these employees?

Mr. ADOLPHUS P. NELSON. Yes.

Mr. CANNON. Then the gentleman can not give any estimate.

Mr. ADOLPHUS P. NELSON. I do not know that anyone can, but the amount will be comparatively small. I will say to the gentleman that if he will look over the report he will find by the statements of the various department heads that it will make but very little difference in many of the departments, except in the navy yards, where we made a large dismissal under the restrictions imposed by the Washington Conference on the Limitation of Armament.

Mr. CANNON. If the gentleman is right about that, could it not be put off for a decade or two decades until we take care of the men who were in the military service? I will vote against this bonus bill that is soon to come up. Yet the men for whom that bill was passed were in the military service. We are caring for the people who were injured and we are caring for their dependents, and the Treasury is to be greatly burdened. It seems to me we had better in the future, and I hope at no distant time in the future, care for them, and later if we have the money to throw at the birds we can care for those in civil life. [Applause.]

Mr. ADOLPHUS P. NELSON. I will say in reply to the gentleman from Illinois that I agree with part of the sentiments expressed by him, but I wish most emphatically to call to his attention the fact that these men who were in the navy yards were just as truly in the service of their Government in the defense of our country, and were heroically giving the best service that they could render in order that we might get quickly the necessary equipment in ships and guns, so that our boys could fight more successfully great battles for freedom, justice, and civilization on land and sea.

Mr. CANNON. Does that bring in all the civil employees?

Mr. ADOLPHUS P. NELSON. As I have stated, the additional expense of this bill so far as other departments than navy yards are concerned will be almost nil. The dismissal from the service is confined almost entirely to the navy yard employees.

Mr. CANNON. Then, if it is almost nil, let us amend this bill for the Navy Department.

Mr. ADOLPHUS P. NELSON. I said as far as the other departments are concerned the number is very small. Yet, the gentleman from Illinois does not wish to do an injustice, I am sure, to 2 or 5 or 10 men simply because there are no more of them found in any specific department.

The SPEAKER. The time of the gentleman has expired.

Mr. LAYTON. I ask that the gentleman have two minutes more.

Mr. SMITH of Idaho. I yield to the gentleman from Wisconsin two minutes more.

Mr. LAYTON. Was any part of this $18,000,000 that the gentleman speaks of contributed by the beneficiaries proposed in this bill?

Mr. ADOLPHUS P. NELSON. Their share in the fund was contributed by them.

Mr. LAYTON. All of their share?

Mr. ADOLPHUS P. NELSON. Yes; up to date.

Mr. LAYTON. Then they ought to have some of it.

Mr. ADOLPHUS P. NELSON. I merely want to say this with respect to the amount of money in the Treasury that has been put there by the contributions of 2½ per cent of the salaries of Government employees since the time this bill was enacted, that the employees themselves, if they go out, will receive only 4 per cent on the amount that they have contributed, whereas the Government at the present time is receiving 4½ to 4¾ per cent on that same money, now loaned out at interest.

Mr. HULL. Then it will cost the Government practically nothing if this bill is passed. It simply comes out of the fund that the employees have contributed?

Mr. ADOLPHUS P. NELSON. At the present time no appropriation is necessary, because for the next decade or so it will take care of itself. There is going to be a time when the contribution will be 67 per cent by the employees and 33 per cent by the Government. There is no question about that.

Mr. LONDON. This bill affects only about 240 people, does it not?

Mr. ADOLPHUS P. NELSON. About that number.

THE OBJECT OF THE LAW IS ECONOMY AND EFFICIENCY.

Time and experience have proven that this retirement law, like all laws, must be amended in order that its administration and operation shall be proper and just. Its main functions are twofold: First, to secure a better and a more efficient service to the Government; and, second, a better protection against the risk of dependents, and of old-age disability of the employees; for economic efficiency, the employer, whether a government, a corporation, or an industrial institution, has found it to its interest to establish some pension system which will enable the old or disabled employee to retire under proper and helpful conditions. The obligation resting upon the employer, whether Government or an individual, is both a financial and a moral one—financial because of the economic efficiency and better service to be obtained, and moral because of the better and happier conditions to be brought to the whole group of laborers employed.

The almost unanimous testimony of both State and business economic experts is that a proper pension law is an economic necessity in the efficient administration of government as well as private and corporate business. The three factors that must always govern in the consideration of this problem are humanity, economy, and efficiency—all to be based on real merit and service.

RETIREMENT FUNDS—OUTGROWTH OF OUR COMPLEX INDUSTRIAL AND CIVIC LIFE.

Civil pensions have been developed in European countries since the days of the Roman Empire, and are mentioned as being evolved by the Council of Chalcedon in the fifth century. Modern organized society, as expressed in governments, corporations, or private associations, has adopted many forms of aid, and relief funds and insurance funds of various kinds; and in later years superannuation or retirement funds have been instituted, based on scientific study, for the purpose of not only benefiting the pensioners but also for the establishment of efficiency and general betterment of the service. The United States Government is concerned and interested in both phases of the problem. Congress and our Government administration must of necessity see to it that a square deal is given to the faithful Federal employees of our Government; and the Federal employee who is shirking his duty, and only looks for pay day to come around, should be eliminated with the greatest of haste, as he would be in any well regulated and supervised business concern.

THE SUN OF PROMISE DISPELLING THE CLOUDS OF UNREST.

We are living to-day in times of great unrest and social and economical discontent yet pregnant with great opportunities for consecrated wealth and loyal labor to work out a destiny mighty with promise for peace and happiness. Change the awful tide for selfish power for the higher and nobler ambition for heroic service, and you will make at once humanity more helpful and the world more free. The old foundations of error, inequality, fixed wrong, stereotyped injustice, selfish ambitions, groveling aims, and material aggrandizement are to-day in a fluid mass melted in the fire of the world's awful conflict. The hopes and aspirations of mankind to-day are ready to be led by the spirit of freedom, justice, and patriotism to nobler resolves and higher consecrations, ready to become conscious instruments of social good, universal happiness, and nation-wide and world-wide freedom of body, mind, and soul.

The remedy, in my judgment, is plain. Capital must become more generous and labor must become more faithful. Both must clasp hands across the chasm that now divides them in a spirit of real cooperation and with a heart and mind actuated by the principles of the Son of Man to the end that they will serve their Nation and their generation in the highest and truest sense. Thus only can we bring about a larger production and a proper conservation of our national resources, including money and industry. Selfishness, greed, and profiteering must cease.

The great game of grabbing and holding without conscience and regard for our fellow men must stop. The india-rubber conscience produced as an aftermath of the great World War in the ranks of both labor and capital, rich and poor, high and low, must be changed to the principles enunciated by Christ in the Sermon on the Mount or we shall suffer utter defeat and chaos. All the forces of the Government and the people must be united in a spirit of constructive cooperation and deep filial concern if we shall hope to make our Nation socially happy and economically contented. The real constructive program needed by our Nation and the world to-day is to just get back to first principles of civilization and Christianity and build upon the eternal Rock of Ages to the end that farm, mine, and factory shall produce its utmost and be conserved and distributed for the welfare and betterment of mankind. The future growth and glory of our Nation still rest on what Roosevelt called the "square deal to all." We must still build on the primal rights of mankind as a unit and not upon the rights of single individuals or even groups or classes. These ideas are American in their truest and highest sense and make a government "of the people, for the people, and by the people." This idea of universal liberty and universal well-being is the only hope that will fulfill the promises of the immortal Declaration of Independence and will verify the vision of our immortal founders. It is this idea, truly American, that to-day must elevate the intellectual spirit of our Nation and deepen the channels of our industrial, moral, and spiritual life. [Applause.]

The testimony referred to by Mr. NELSON and authorized to be incorporated follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D C., August, 1922.

TESTIMONY WITH RESPECT TO THE OPERATION OF THE RETIREMENT ACT.

On March 20, 1922, the commission called upon the department for testimony by the following letter:

"In his last annual report the Secretary of the Treasury states (p. 128) that the retirement act has 'already proved helpful and has resulted in improved efficiency and economy in the transaction of the public business.' He suggests for consideration of the Congress—

"1. The possibility that the age limit for retirement might be lowered from 70 to not more than 68 years; and

"2. Whether the amount of annuity under the act might not be somewhat increased.

"He believes that if the retirement age be lowered and at the same time further restrictions be placed upon more than one extension of service after the retirement age, the public service would receive still further benefits from the retirement plan, but that this should not be done until increased annuities are granted. He adds: 'At the present time the annuities under the act appear to be small, particularly if one takes into consideration the prevailing prices of the necessaries of life and the further fact that, in the majority of cases, it is rarely possible at the average salary paid by the Government for employees to lay aside, while in the service, an amount of savings sufficient to cover any deficiencies in the annuity.'

"Several bills are pending in Congress for the amendment of the act, and it would seem desirable that a survey be made respecting its workings, its effect in improving efficiency and economy, and since the act needs amendment, in what particulars amendment should be made. In this connection attention is invited to the report of the Commissioner of Pensions and the report of the Board of Actuaries.

"It has been suggested that the commission ascertain the effect of the retirement system, and while it may not be possible to make an estimate of the financial saving, valuable testimony on the subject can undoubtedly be given.

"The chief points of inquiry appear to be:

"1. To what degree has the retirement system had a stabilizing effect on the service? The turnover has of recent years been extensive, but this is now a good deal less, and it may be possible to estimate the economic value of the retirement system in producing stability and promoting a general sense of security and contentment.

"2. Upon the retirement of each employee a careful survey is, no doubt, made of the need of filling the position either by original appointment or promotion. To what extent has a saving been effected in this regard?

"The office of the Quartermaster General made a careful and comprehensive survey and received detailed reports from quartermasters in charge in the field. They have expressed their opinions candidly as to the operation of the retirement act, and it may be stated that due to the many mandatory reductions made in the civilian force since the cessation of hostilities incident to the World War it has been practically impossible to note the stabilizing effect on the service as a result of the retirement act.

"The Chief of Ordnance states that the testimony of the largest arsenals and plants under the jurisdiction of his department is that the retirement act has not had a stabilizing effect up to the present time, due to abnormal conditions on account of forced reductions. The opinion is expressed that the act would have a stabilizing effect under normal conditions and would increase the spirit of contentment of employees by reducing the feeling of anxiety and uncertainty as to the future. For the same reasons it has not been possible to gauge the effect of the act upon the turnover in employees.

"According to The Adjutant General the large and continued reduction in the clerical force of his office during the period the retirement act has been in effect makes it impracticable to state from experience as to whether or not the system has had a stabilizing effect on the service or to estimate its value in promoting a general sense of security and contentment among the employees.

"The Chief of Finance states that the act has had no noticeably stabilizing effect up to this time, the causes of this failure being that insufficient time has elapsed for improvement of this nature to reflect itself, the turnover due to other causes has been so great as to discredit any stabilizing effect the act might have had, and the inducements in the way of annuities are too low to hold the younger employees if opportunity arises for employment in commercial concerns.

"The Inspector General expresses the view that the retirement system has proven of great economic value in producing stability and promoting a general sense of security and contentment among Government employees, and there is no doubt but that it has increased the efficiency of the employees. The salary of the Government employees has been such that little, if anything, could be put by for a "rainy day," and prior to the passage of the retirement act there was a feeling among employees that when they had grown old in the service there was nothing to look forward to but being dropped and thrown upon the charity of others to support.

"The Chief of Engineers refers to conditions described by other officials of the War Department and which were common to the bureaus of that department. The abnormal conditions have made the number of changes in the service so very great that the older employees appointed prior to the World War and who wish to remain in the service do not have a pleasing outlook, as the annuity is not sufficient to provide for the necessities of life and the comforts of old age.

"The circumstances in the office of the Surgeon General, which have required a reduction of the civilian personnel from a maximum of 1,617 in 1918 to 183 at present, preclude any categorical report on whether the retirement system has had a stabilizing effect on the service. As to whether it promotes a general sense of security and contentment may be considered debatable. A material percentage of those retired do not relish retirement on the annuity provided.

"3. Prior to the retirement system there was an inevitable tendency to keep employees on the pay roll long past their productive period. The evil consequences of retaining employees in important positions after they have become incompetent can not be readily estimated in money, but is likely to be several times the cost of their superannuation in causing stagnation and operating against effective service.

"4. The effect of the system in affording increased opportunity for promotion and aiding in the retention of employees of initiative and force.

"The commission would appreciate any testimony, especially as to the savings effected, that can be obtained to serve as a basis for improved legislation and administration of the system.

"The executive departments, except one (the Treasury Department), many of the bureaus of the larger departments, and nearly all the independent establishments responded freely.

"The replies generally expressed belief that the retirement act has been beneficial as a measure of economy and in improving the morale of the personnel, but because of abnormal conditions and the short period the act has been in effect definite statements have been avoided. The replies are rather a record of sentiment than that the operation of the act has brought out a definite record of accomplishment.

"Taking the hint from the report of the Secretary of the Treasury, many of the officials took occasion to make suggestions for legislation to make the act more equitable and just through an increase of annuities to afford a tolerable existence under conditions which have changed greatly since the scale of annuities was first worked out. Sentiment appears to be general that the higher-paid employees should either receive larger annuities than now provided or that their contributions should be decreased.

"Expressions respecting the lowering of the retirement age are pretty well divided. The reports are too voluminous to quote in full.

"The departments and bureaus which pleaded that they were unable to speak definitely will perhaps pardon the omission of their replies. The prerogative of eliminating matter in the interest of brevity has been exercised, but so far as possible the language of the replies has been preserved, and this article is therefore made up of indirect quotations.

STABILIZING EFFECT AND ITS ECONOMIC VALUE.

"The Secretary of War explains that the department has been so continuously engaged in reducing its force of civilian employees—the force having been reduced since the enactment of the retirement act from 130,000 to about 45,000—that the effects of the act have been so obscured as to make it impossible to pass upon the questions presented by the commission from practical experience and observations of the workings of the law. Copies of reports from the chiefs of bureaus and services were presented.

"The retirement act has had thus far a very slight effect on the office of the Judge Advocate General. Only three clerks have been retired, all as soon as the law went into effect. At the time of their retirement the office force was being gradually reduced and the positions were not filled.

"The Postmaster General states that the decreased number of resignations received is in a measure due to the clerks' greater desire to continue in the Government service because of the retirement system, but it has not had that stabilizing effect that might have been expected by reason of the fact that the maximum amount of annuity is so low as to be entirely inadequate to provide for the necessities of the annuitant and those dependent upon him for support.

"The Secretary of the Interior believes that the precise degree to which the retirement system has had a stabilizing effect on the service is impracticable of determination. Much of the turnover is due to inequalities of compensation in the different departments and bureaus in Washington, which causes employees to obtain transfers or appointments to bureaus and departments where higher salaries are paid for the same class of work. He is convinced, however, that as to the vast number of employees who have served long periods, thus virtually making of the public service a life career, the expectation of the reward which awaits them upon reaching the age of retirement has had the effect of keeping many in the service who otherwise would not have remained, and the consequent decrease in turnover has been noticeable.

"The Bureau of Pensions has not suffered from an abnormal turnover during recent years. There was a slightly increased turnover during the war period, but it was a noteworthy fact that employees served for long periods, and in many instances begin and end their careers in the Government service within the Pension Bureau. It is difficult to state with any degree of positiveness that the retirement system has had a stabilizing effect. Students of retirement have, however, universally contended that a retirement system makes for contentment and is an inducement for employees to remain in the service, and this view of the question is accepted.

"The Commissioner of the General Land Office wished to be of record in a general way of not being in sympathy with any scheme of retirement based on eleemosynary considerations. He is, however, in favor of retirement with annuities therefor which reflect in some real measure appreciation of the value of the service rendered by the retiring employee. That the present retirement law is considered in the light of a charity is indicated by the limitation placed upon the annuities provided, in that any employee whose special qualifications, ability, and efficiency have placed him in a position of the greatest responsibility and trust during a service of 30 or more years gets no more consideration on retirement than the employee who has none of these qualifications and has been incapable of holding positions of large responsibility and trust, but rather has managed to retain an inferior position at $1,200 per annum during the last 10 years of his service.

"The passage of the retirement act has, no doubt, been received and accepted by all employees who have not yet nearly reached retirement age as a step in the right direction, but in the General Land Office the majority of those reaching retirement age wish to remain for at least two years more. They urge that they have not been able to save much, often nothing, from their meager salaries, and the small annuity will compel them to seek other employment and probably without success because of their age. For the great majority, however, the law has a stabilizing effect, and after being amended to secure more equitable application there is little doubt that the knowledge that retirement is coming surely, will tend to make employees more contented. The present schedule of annuities can furnish no such stimulus to those in the higher grades. Annuities based on small actual earnings need not be extravagant in character, but they should, comparatively speaking, be equitable.

"The chief clerk of the Patent Office, speaking for the commissioner, states that the retirement system has had a notable effect in stabilizing the service, although it is difficult to estimate the benefit in numerical terms, but it is appreciable enough to appraise its benefits as highly favorable.

"In the Indian Service there are approximately 260 employees in Washington and more than 5,000 located in the field. The turnover during the past year has been much less than it was during, or immediately succeeding, the World War. The Commissioner of Indian Affairs attributes this increased stability to present economic conditions rather than to the retirement system, although undoubtedly this system has had a stabilizing effect.

"The administrative assistant of St. Elizabeths Hospital believes that the retirement system has had a very material and beneficial effect upon the service. The turnover, whether due to the effect of the retirement law or to economic conditions, has decreased very materially during the past year. The possibility of being taken care of after reaching the age where they are no longer able to take care of themselves has the effect of retaining in the service a desirable class of employees.

"The Secretary of Agriculture has no doubt that the retirement act has had a helpful and thoroughly stabilizing effect upon the personnel of the department. The direct result has been to dispel, to an appreciable degree, the uneasiness and uncertainty which formerly existed in the minds of employees who had been accustomed to look forward with the greatest misgivings to the period of decreased usefulness, possibly loss of position, and lack of provision, in a great majority of cases, of any competency for maintaining themselves in their declining years.

"In the opinion of the Secretary of Commerce the retirement act has doubtless effected economy both directly and indirectly; directly by reducing the number of employees in the service and by bringing about a higher degree of efficiency, and indirectly by improved morale resulting from increased opportunities for promotion and a better outlook for the future. The retirement of employees by reason of age and disabilities enabled the department to secure qualified persons and permitted redistribution of the work so that it could be done more economically. While during the first year's operation of the law the ultimate vacancy resulting from retirement must remain unfilled, the department was able in a few cases to dispense with the position. The turnover among employees decreased 50 per cent, but it is not claimed that it was all due to the retirement act.

"The Secretary of Labor states that during the readjustment period following the war the turnover in the department has been very great and it has been impossible to estimate the economic value of the retirement system in producing stability and promoting a general sense of security and contentment. The younger portion of the personnel do not welcome deductions from their salaries for the retirement fund, as they do not expect to remain in the service 30, 40, or 50 years necessary to secure annuity. The act undoubtedly has a stabilizing effect upon the older clerks and officials, who look upon the Government service as their life work.

SAVING EFFECTED.

"The Quartermaster General reported that up to June 2, 1922, 179 employees had been retired on account of age or total disability, 6 of *them employees* of the department and 173 employees of the Quartermaster Corps at large. Only 20 of the resulting vacancies were filled by promotion of employees in the service or by new appointees. A saving of approximately $160,000 has been effected by such retirement.

"The Chief of Ordnance states that no estimate can be made of the saving effected because of the fact that when retirement has occurred it has simply meant one person less in the establishment, and the vacancy so created has not ordinarily been filled. These retirements have really covered a part of the forced reduction still in effect.

"In The Adjutant General's Office none of the positions which became vacant by reason of retirement have been filled by original appointment; the resulting vacancies in all except the lowest grades have been filled by promotion. Because of the reduction in force going on, few of the vacancies in the lower grades have been filled and the saving effected under the retirement system may properly be said to be the salaries of 77 employees at $1,200 per annum and 10 at $720 per annum, a total of $99,600.

"The Inspector General reported that but one employee has been retired, and because of the fact that the force is small it was necessary to fill the position by promotion, and the ultimate vacancy by appointment.

"The Chief of Engineers reports that four employees on the departmental rolls have been retired, three for age and one for disability. Three of these employees had been of very little service for some time. The other person had rendered good service and the position was filled at once. The savings effected were the difference between the salaries the persons would have received and the amount of annuities which they receive, $1,496.

"In the Engineer Department at large 164 employees were retired, 25 of whom were of educational grade. Their retirement permitted of a net reduction in force in educational positions of 18 and a net saving of $28,819.92.

"The Surgeon General states that retirements constituted a very small portion of the separations that were necessary to reduce the force from a war to a peace basis. Surveys to determine the need of refilling the positions vacated by retirement were not on the program, and no reliable figures can be reported as to what actual savings in pay-roll expenditures may be attributed to retirements.

"The Postmaster General states that upon retirement of an employee the vacancy thus created is promptly filled unless it is found that the position can be dispensed with, which is not often the case. The filling of a vacancy, while not effecting financial saving to the department, results in largely increased efficiency by reason of the promotion of a younger, more vigorous, and mentally competent man.

"The Acting Secretary of the Interior states that it is not practicable to estimate the amount of money saving which has resulted from retirements, as vacancies have usually been filled by promotion. In many instances, however, vacancies have remained unfilled for varying periods until the needs of the service required that appointments be made thereto, and there is no doubt that the lapsed salaries from this source have amounted to a considerable sum in the aggregate.

"The Commissioner of Pensions explains that because of extraordinary conditions the bureau has been compelled to fill practically all vacancies caused by retirement. Increased pensions to Civil War veterans and to Spanish War veterans and the retirement act itself have all imposed extra duties upon the bureau, without increased appropriations to meet this extraordinary condition, with the exception of a small appropriation for use in connection with the administration of the retirement act.

"The Commissioner of the General Land Office reports that vacancies created by the retirement act have been filled by promotion in all but the lower grades, and in these by new appointments or transfers from other services. The only saving in funds was that due to delay in filling vacancies, when unused statutory appropriations have reverted to the Treasury Department.

"In the Patent Office the work has increased to such a tremendous extent during the last several years that every vacancy, no matter how occurring, is required to be filled in order to have the office function. Any saving effected has been in the direction of making an improved appointment in place of the employee retired.

"The Commissioner of Indian Affairs reports that it has been found necessary to fill the majority of positions made vacant by retirement. In Washington promotions were made to the positions above the entrance grade. The same was true as to most of the vacancies arising in the field.

"The administrative assistant of St. Elizabeths Hospital states that the hospital has been able to get along without filling the places of three employees who were retired, and the saving amounts to about $3,750 per annum.

"The Secretary of Agriculture states that upon retirement of each employee a careful survey is made of the need of filling the position, either by promotion or original appointment. Wherever possible, vacancies are filled by the promotion of employees occupying the highest positions on the efficiency registers. In exceptional cases, such as those where peculiar qualifications are demanded which can not be satisfied by the existing personnel, the positions are filled by original appointment. Places made vacant through the retirement of employees are filled only when the needs of the service so require, but it is not possible to estimate to what extent a saving has been effected in this regard.

"The Secretary of Labor states that upon retirement of an employee a survey is always made to determine whether the position should be filled by original appointment or by promotion. Usually a retired employee received a salary which made promotion possible, and original appointments have been made to the lower grades. No great saving has been accomplished because the force of the department is small, but advantage has resulted through securing a younger and more active employee than the one retired.

EFFECT ON PRACTICE OF RETAINING EMPLOYEES OF ADVANCED AGE.

"Comparatively few employees in the Quartermaster Corps of retirement age were found holding important administrative and executive positions with high salaries commensurate with such duties, for it has been the policy of this service to reassign employees, and those of advanced age are not retained on important assignments when they are found unable to continue to satisfactorily and efficiently assume responsible positions.

"The Chief of Ordnance believes that the retirement act will correct the tendency to retain employees when their efficiency and productiveness has lowered, and that the cost of annuity would be more than covered by the increased efficiency and amount of work produced by the younger employees who might be promoted or appointed to fill the places of those retired.

"The Adjutant General recognizes the tendency, prior to the retirement system, to retain employees on the pay roll after they had passed their productive period. He states that the replacement of these employees under the retirement system by younger and more competent employees has undoubtedly resulted in an improvement in the service. He believes that the resulting gain to the Government is many times the amount of the annuities paid to retired employees.

"The Chief of Engineers does not believe that the 'tendency to keep employees on the pay rolls long past their productive period' has not been overcome by the operation of the retirement act. Old and faithful employees having others dependent upon them and not being able to make ends meet on the meager annuity allowed have, no doubt, been retained past the retirement age in every department, although no longer as efficient as when younger.

"The Surgeon General states that the experience of his office shows that the general belief that employees are kept on the pay roll long past their productive period is much exaggerated. Many of the most valuable employees the office has ever had have performed most excellent service long after they were 68 years of age. It would be unfortunate to the service and no advantage to the individuals to compel their separation while still capable of and actually performing valuable work. He does not believe the provision of the present law with regard to age of retirement and for continuation in the service beyond retirement age should be disturbed.

"The Judge Advocate General expresses the opinion that the law has operated advantageously in overcoming the tendency to keep superannuated employees on the roll. Of the three retired in the office, one was retired on account of physical disability and the others were persons who had rendered excellent service in earlier days but whose efficiency had become somewhat impaired.

"The Postmaster General states that one of the best results of the retirement act has been the clearing from the Government service of the superannuated employees who were no longer able to perform their duties but who had been retained on the principle that it would be unjust and inhuman to turn them adrift without means of support.

"The Assistant Secretary of the Navy refers to the relief which the retirement act affords by ridding the service of superannuates who are unable to render full return for salaries received but who prior to the retirement act had been retained through sentimental reasons. The removal of superannuates provides vacancies which may be filled by promotion, and promotion is an incentive to younger men and women to render more efficient service in the hope of recognition for advancement. Vacancies are also afforded to which persons may be appointed early in life, thereby infusing new blood into the service.

"The Acting Secretary of the Interior recognizes the indisputable fact that prior to the establishment of the retirement system there was an inevitable tendency to keep employees on the pay roll, in many instances without reduction in salary, long past their most productive period of service. The benefit which the Government has derived through the operation of the retirement act in correcting this condition is, doubtless, one of the most important results achieved.

"The Commissioner of Pensions gives a quotation from a close student of the principles governing retirement, who states that it is beyond the province of statistics to measure the loss that results to a government when a superannuated employee is retained in a position of responsibility, consequently, the good effect can not be readily estimated in money value.

"The Commissioner of the General Land Office refers to the records of his office, which show that during the last 15 years at least employees who had passed their productive period have been reduced in salary, sometimes more than once, in order that the higher salaries could be paid to more efficient, younger employees. None of them was reduced to anywhere near the amount provided by the highest annuity under the retirement law. The wide practice of retaining employees doubtless resulted in great cost to the Government and cost much more than the annuities later provided by the retirement act.

"The chief clerk of the Patent Office refers to the lessened necessity of keeping employees on the pay roll beyond their productive period and to the increased opportunity of promotion, which results in retention of employees of value to the office.

"The Commissioner of Indian Affairs expresses the opinion that the most important benefit arising to the Indian Service from the retirement act is the retirement of superannuated employees, which has unquestionably speeded up the work of the bureau.

"The administrative assistant of St. Elizabeths Hospital states that it is difficult to estimate in money the savings on account of the former tendency to keep employees on the pay roll long past their productive period. This is rendered more difficult by reason of the fact that the hospital has been growing fast, and while many additional employees have been necessary, aside from those retired, it was due to increased amount of work. He states that by the promotion of younger employees in the places of older ones since retired, more work has been accomplished at the same rate of pay.

"The Secretary of Labor recognizes the fact that there was a tendency to keep employees on the pay roll past their productive period, and states that the provision for compulsory retirement at a certain age, unless the employee is certified as being competent to remain, has been helpful in the administration of the department.

"The Superintendent of he State, War, and Navy Department Building states that before the retirement act went into effect employees were kept on the rolls long past their 100 per cent productive period, which involved expense, stopped deserved promotion, tended to impair the morale, and operated against efficient service.

EFFECT OF INCREASED OPPORTUNITY AFFORDED FOR PROMOTION.

"The effect of the act on promotions in the Ordnance Department at large has not been apparent, as the rates of pay at the various field establishments are fixed by wage boards, according to the rate of pay prevailing in the district outside the Government service. It does not, therefore, follow that a retirement would result in the promotion of some other employee to the position.

"In The Adjutant General's Office vacancies in the higher grades resulting from the retirement system have been filled by promotion, and to that extent the system has afforded increased opportunities for the advancement of deserving employees.

"As yet, the retirement system has had no noticeable effect in the Finance Department by affording increased opportunity for promotion or aiding in the retention of employees of initiative and force. It is considered, however, that after a definite policy has been decided upon as to the number of employees who will be retained in the service, the retirement system will have a very beneficial effect along these lines, provided also the amount of annuity should be increased.

"The Inspector General believes the retirement act has increased the efficiency of the Government service and has relieved, to a great extent, the stagnation in promotion in the higher grades.

"In the office of the Chief of Engineers the effect of the system in affording increased opportunity for promotion has been negligible. Because of contemplated cuts in the appropriations for civilian employees, positions made vacant by retirement will probably have to be left unfilled to meet the reduction. Nearly all promotions on the rolls of the office result from resignations of employees who leave to accept more attractive positions elsewhere.

"The Surgeon General accepts as a matter of course the effect of the retirement act in increasing the flow of promotion, and the tendency in some degree to encourage junior employees of initiative and force to continue in the service; however, seniors may, and often do, also have initiative and force in addition to resourcefulness and skill from long experience, and their displacement merely to make way for their juniors and to increase the rapidity of promotion would not promote the public interest. The retention of the energetic and ambitious calls for the modernizing of the salaries of all civilian employees to approximate the present cost of living and to yield an adequate reward for those who have made their way to the top rather than for the displacement of the latter while still effective and capable.

"The Postmaster General expresses the view that the retirement system has doubtless been of benefit in affording increased opportunity of promotion and in aiding in the retention of employees of initiative and force.

"The Secretary of the Interior refers to the effect of the retirement system in affording increased opportunity for promotion and aiding in the retention of capable and efficient employees as being self-evident. There are doubtless employees in nearly every large office operating under statutory salaries to whom it has been possible to give salaries more nearly commensurate with their duties only by the retirement of their associates in higher grades.

"Valuable testimony comes from the office of the Commissioner of Pensions. He states that the effect of the retirement system has unquestionably resulted in increased opportunity for promotion, and because of this opportunity there now exists a new spirit, a spirit of hopefulness among the younger and middle-aged employees, which has taken the place of the lethargy which permeated many branches of the service before the retirement law became effective. This bureau affords a concrete example in this respect. As soon as the law became operative on August 21, 1920, about 140 employees of the bureau were retired. These employees were in receipt of salaries ranging between $720 and $2,250 per annum. Their retirement was followed by promotion of a large number of employees, many of whom had theretofore received no promotion for a great number of years. The beneficial effect upon morale in the bureau was immediately noticeable. Since that time other employees have retired, and, as a result, promotion of one or more employees has followed in each instance. These promotions undoubtedly have had a stimulating effect upon the employees generally, many of whom, before the retirement act became effective, were in despair, and they were constantly seeking to be transferred to other branches of the service where there would be better opportunity for advancement. It is hardly necessary to dwell upon the beneficial effects derived from bringing younger employees into the bureau as the result of retiring the superannuated employees and of promoting others. It need only be stated briefly that this bureau has experienced a rejuvenation since the retirement act went into operation.

"The Commissioner of Indian Affairs believes that the retirement system affords increased opportunity for promotion and aids in the retention of employees of initiative and ability.

"The Commissioner of the General Land Office refers to increased opportunity for promotion due to retirement as a natural effect of a retirement system from which the public service will greatly benefit when promotions are based upon earning capacity alone.

"At St. Elizabeths Hospital the retirement of superannuated employees gives opportunity for promotion of competent employees and helps to retain them in the service. These employees are then put on their own initiative, and the hospital has the benefit of new ideas, new thoughts, greater efficiency, and more comprehensive schemes of work.

"The Secretary of Agriculture states that the opportunity for promotion made possible through the retirement act has undoubtedly tended to greater satisfaction on the part of the continuing personnel and greater incentive to put forth the best effort, by reason of more rapid advancement during the period of active service, with the prospect of ultimate provision for old age. These benefits are likely to become more apparent as time goes on and opportunity has been afforded to test the operation of the retirement system in a thorough way.

"The Secretary of Labor thinks there is no doubt that the retirement of the older and higher salaried employees affords increased opportunity for promotion and aids in retaining valuable employees.

LOWERING THE LIMIT FOR RETIREMENT.

"The Quartermaster General believes that, taking the average employee, the maximum age limit for retirement should be reduced from 70 to 68 years of age with a provision for continuation of not more than two periods of two years each. In only exceptional cases does the efficiency of an employee justify his continued employment after reaching the age of 68 years.

"It is the opinion of the Chief of Ordnance that the retirement age should either be made the same for all other classes of employees or the age limit should be reduced from 65–70 year basis to a 60–65 year basis. This would enable a department to use its discretion in recommending the continuance in the service of those who have reached retirement age but who are still useful and efficient, and, on the other hand, to remove from the service employees whose services were no longer desired, due to their age and decreased ability. This would also tend to raise the general standard of the service.

"The Chief of Finance believes in a further reduction of the retirement age below 68, as suggested by the Secretary of the Treasury. Recommendation is made that 65 years be made the age limit because it has been found that in a great majority of cases an employee, when he has reached the age of 65 years, becomes less efficient and his services are no longer an asset but a detriment to the efficient and prompt conduct of business.

"The Judge Advocate General is of the opinion that if the age limit for retirement were lowered to 68 years it would be of decided advantage to the service.

"The Commissioner of Pensions believes that the age limit of 65 years, as proposed in the earlier retirement bills, is preferable. It is believed that the bill as originally introduced in respect to optional age for retirement at 65, with extension privileges during the first 10 years under the operation of the law, was far better than the bill finally enacted. The bureau believes that the optional age for retirement of employees in the so-called departmental service should be 65 years, and that after July 1, 1925, the compulsory age for retirement for this group of employees should be 70 years, and that continuation in the service for any period between the ages of 65 and 70 years should be by mutual arrangement between the employee and the head of the department or independent establishment concerned.

"The experience of the General Land Office appears to be opposed to any reduction of the age limit below 70 years unless earlier retirement were made conditionally optional to the employee, the same to be based upon a proper showing that the character of his service did not warrant his retention longer at his present compensation. Under the present retirement law the office would prefer a reduction, of course, provided it did not take the employee below $1,200, the limitation governing the highest annuity. Reduction of employees below $1,200 will always be a serious matter, as the reduction would seriously affect the annuity.

"The Director of the Geological Survey states that he fails to see strong reasons why any definite age should be set as essential for retirement, and that for a field force, such as that of the Geological Survey, he thinks the placing of the retirement age at 70 years is most harmful to the interests of the Government and of the individual. The proper performance of the strenuous duties of the geologists, topographers, and engineers in the field service requires a robustness and physical ability not demanded by the usual sedentary office pursuits. He judges that these field men ought to be eligible for retirement at the same age as Army and Navy officers, postal mail clerks, mechanics, or other Government employees whose physical fitness is essential for the proper performance of routine duties. He would, however, not desire reduction of the age limit to 62 years set for scientific and technical men, because many of them have amassed a great store of material which can be worked up in the office or utilized after the men are no longer able to take any part in active field investigations.

"The Commissioner of Indian Affairs states that the retirement age for certain employees in the Indian Service, especially the classroom teachers, should be lowered. He is also of the opinion that an increase in the amount of annuity would not be improper.

"The Commissioner of Education is of the opinion that the age limit for retirement should be lowered and that voluntary retirement, with allowance, should be made possible for persons who have served the Government for a long period of years, as is provided for the military and naval services.

"The Secretary of Commerce believes it advisable to fix a lower age, say 65 years, for voluntary retirement. He also believes that the time element in fixing the amount of annuity should be in years of service instead of three-year periods, as now fixed.

"The Secretary of Labor agrees with the Secretary of the Treasury that the retirement age should be reduced from 70 to 68 years, although it might possibly be better to reduce it to 65 years, with the privilege of continuance in the service if the employee is in full possession of his faculties and is able to perform the duties of his position.

"The Superintendent of the State, War, and Navy Department Building states that if a substantial increase in the retirement allowance is made, employees would be willing to go out, and the retiring age might be slightly reduced. His office concurs in the views of the Secretary of the Treasury that unless the allowance is increased the retiring age should remain as it is at present. To maintain the age at 70 years tends very materially to keep down the expense of the retirement act, and also gives the Government the fullest benefit of experience and judgment of qualified employees who are still active mentally and physically.

ADJUSTMENT OF ANNUITIES ON AN EQUITABLE AND JUST BASIS.

"The Secretary of War, speaking generally on the subject, says that while a retirement system with annuities tends naturally to stabilize a force he doubts that any appreciable measure of stabilization is being effected under the present retirement law, with its maximum annuity allowance of $720 per annum, which maximum is only allowed after 30 years of service and when an employee, other than in the Postal Service or a mechanic, reaches 70 years of age. For the same reason he does not believe that the present law operates as an inducement for entrance into the Government service.

"The Secretary of War repeated a reply which he made to an inquiry in relation to a bill which proposed, among other things, increasing the scale of annuities with a limit in any case of $1,200, as follows:

"'I have noted that the existing law provides that $720 per annum shall be the maximum annuity in any case of retirement. Where this sum in effect retires an annuitant at as much as half pay, let us say, it would perhaps be difficult to justify an increase, however inadequate the annuity might be at price levels which seem likely to continue for some years above former price levels. But in the use of annuitants for whom it represents one-quarter pay or less, the $720 per annum is of course utterly inadequate, and especially so in the case of employees who have made the Government service their life career and have risen to positions of responsibility.

"'I am informed that there will be very few cases where the proposed bill will give an annuity higher than the present maximum, $720 per annum, until after 30 years' service. I think in such cases the $1,200 annuity might well be provided for the few remaining years of life. Certainly as large compensation should be paid to retired civilian employees of the Government as the amount of funds that have been collected will warrant, based upon competent actuarial consideration of the subject.'

"The Quartermaster General states that the annuities provided by the retirement act appear to be small, and he believes that the act should be amended so as to provide for annuities somewhat larger than those now being paid. Many quartermasters report that dissatisfaction on the part of employees receiving high salaries exists in regard to the present flat deduction of 2½ per cent of basic salary or compensation. An employee receiving $3,000 per annum is required to make a much larger contribution to the retirement fund than an employee receiving $1,200 per annum, and upon retirement, under the present provision of the act, the $1,200 employee will receive the same maximum annuity of $720 per annum received by the employee who contributes on the basis of a salary of $3,000. It is considered that the contribution should be graduated and that annuities should, to a certain extent, be more in proportion to the contribution made to the retirement fund.

"The Chief of Ordnance states that it is generally recommended by all those who have watched the operation of the act that the schedule of annuity is too low and is not sufficient to enable the employee to live comfortably under present conditions.

"The Adjutant General refers to the pronounced sentiment among all the employees that the annuities provided are wholly inadequate and that they should be materially increased. This sentiment has resulted in requests for retention from practically all employees about to be retired, evidently based upon the inadequacy of the annuities to support themselves and their dependents. In order to secure any stabilizing effects on the service and a general sense of security and contentment, it is believed that the act will have to be amended so as to make more adequate provision for the payment of varying amounts, graduated according to the salary of the employee and taking into consideration the length of service rendered by them. The present law makes no difference whatever in the amount of annuity paid to employees whose salaries may vary considerably and who, because of that variance, contribute different amounts to the retirement fund, and yet are retired with the same annuity. As a matter of information, The Adjutant General referred to a petition signed by about 90 per cent of the employees of the office. This petition urged changing the retirement act to permit optional retirement after 30 years' service, with a range of annuities from $900 to $1,500, on the basis of salary for the 10 years preceding the date of retirement, but not to exceed 75 per cent of such average salary, and that annuities to those with shorter services should be proportionally increased. It was claimed that the maximum annuity now authorized is not sufficient to maintain properly any one person, and in the case of an annuitant with dependents it is woefully inadequate, and age prevents the annuitant from obtaining gainful employment, and not many are able to save because little, if anything, is left for saving after living expenses have been met.

"The Inspector General expresses his approval of bills providing for increase of annuities, based on average salary and length of service.

"The Assistant Secretary of the Navy states that the cost of living at present, and which will probably never return to a pre-war level, is such that the annuities granted under the present act are insufficient to support annuitants in even the most modest manner. It is the exception when Government employees are able to lay aside sufficient amounts to provide them with even a small income in the later years of their lives. The present scheme of assessment is not equitable, as the employee with the larger salary pays a greater rate in return for an annuity that he receives at the age of retirement than the lesser-paid employee. Suggestion is made that the law should be revised to provide an equitable assessment; although this might have the effect of increasing the cost of retirement, it is believed that the advantage to the employee and to the Government would warrant it and that the employee would not object if the age limit is lowered.

"The Commissioner of Pensions is in sympathy with the idea that the annuity should be increased, and approves the plan suggested by the board of actuaries. However, he believes that it would be more expedient to advocate a maximum annuity of $1,200 per annum rather than an unlimited maximum, as provided by the actuaries' report.

"The Commissioner of the General Land Office illustrates the inequalities in annuities by citing the case of a man with 30 years of service who may have saved for 20 years at $660 per annum but have received $1,200 for the last 10 years of service, which would give him an annuity of $720 per annum, or 80 per cent of his average salary, whereas a more indispensable administrative or technical employee, who may have entered the service at $1,200 per annum and gradually rose to $5,000 per annum, and whose average salary during the last 10 years of service was, perhaps, $3,000, and whose average salary during the entire service was $2,000, must retire on $720 per annum. This plan places a premium on mediocrity and on retirement day penalizes all who have been chiefly instrumental in keeping the Government machinery oiled and in working condition. If this theory of retirement of a civil-service employee is correct, why should a major general receive greater annuity and more privileges than a sergeant or a private or an admiral more than a boatswain or a sailor before the mast? He emphasizes the fact that, although the higher-paid grades of employees may, and do, save part of their salaries, their contribution to the retirement fund is not measured by the annuity they will receive on retirement; and nothing is more certain than that the higher-salaried employees, because of the responsible positions they hold, are unable to limit their monthly expenditures to the purchase of a bare existence. A high-grade employee who has qualified himself for the duties, possibly, of a great land lawyer, technologist, administrative officer, or other equally necessary official, earning and receiving compensation in some measure commensurate with his responsibilities and efficiency, may not after 30 years of service be equitably retired with the annuity granted a simple clerical employee having no qualifications other than those needed to enable him to cling to a job paying $1,200 per annum during his last 10 years of service. He suggests increases which are not based strictly upon recognition of character of work, but which he believes would provide more equitable annuities than the existing law because the high-grade employees will receive recognition not now given.

"The Director of the Geological Survey records his emphatic disapproval of the present rate of annuities. The retention of 2½ per cent of salary, whether it be $1,200 or $12,000 a year, resulting in the same annuity, irrespective of deductions, is so obviously unfair that it seems scarcely to merit discussion, and he can not believe that Congress will continue this practice when the matter is called to its attention.

"The administrative assistant of St. Elizabeths Hospital agrees with the suggestion that the amount of annuity should be increased somewhat. When the retirement act was first under consideration the cost of living was nothing like as high as at present; and while the cost of living may be somewhat lowered, the present annuity is too low for an employee to take care of himself.

"The Secretary of Commerce states that statistics have shown that the cost of the retirement system is much less than was anticipated, and that this might be good ground for considering a general increase of the annuity rates. Opportunity should be taken to eliminate what is now an unfair provision of the system; namely, while the maximum annuity is that which might be earned by a $1,200 clerk the same deduction is made from all salaries, whether $1,200 or $3,000, the deduction from the higher salary amounting to several times that of the lower, although the higher paid employee can not earn a greater annuity than the lower.

"The Secretary of Labor believes that the annuities paid are very small and that it is almost impossible for an employee to exist on the amount set aside for that purpose. A relatively small percentage of the employees are able to lay aside from their salaries a sufficient sum to augment the annuity, and the experience of the department is that persons reaching the retirement age look with horror upon the necessity of living on the small amount allowed, and use every effort to be retained in the service, whether or not competent to perform their duties.

RETIREMENT ON LENGTH OF SERVICE.

"The Chief of Ordnance believes there should be some provision whereby an employee who has served 30 or 35 years in the Government should be permitted to retire, irrespective of the fact that he has not reached retirement age.

GENERAL EFFECT.

"The Chief of the Bureau of Insular Affairs believes that there should be a fixed age for retirement, and thus relieve the administrative officers of the burden of determining whether or not an employee should be granted an extension. This would seem only fair, considering that the younger element, which in the end will pay by deduction from his salary a great deal more than the others, is debarred from promotion which compulsory retirement would bring about.

"The result of the operation of the retirement act in the Engineer Department at large is believed to have been moderately beneficent. Formerly this office was in the dilemma of retaining on the rolls an employee who had become inefficient through age or of turning him out without any means of support whatever. The adoption of the retirement provisions has given employees something other than the poorhouse to look forward to, and has in this way to a certain extent improved their morale. It is, therefore, believed that a slightly greater average efficiency in the service has been attained.

"The Acting Secretary of the Department of the Interior states that the department is thoroughly convinced that the effect of the retirement act has been and will be highly beneficial upon the morale of the service and that its result will undoubtedly be fewer resignations, less turnover, more interest in the service, and greater effort on the part of the employees to render faithful and efficient service and to keep their records good in order that they may ultimately share in the benefits of the retirement act.

COMMENTS ON THE FOREGOING REPORTS.

"The criticisms most strongly implied by the testimony are that annuities are inadequate and that the contributions required of the higher-paid employees are unjust and inequitable. In considering these criticisms it is essential to bear in mind the fact that beneficiaries for a number of years will receive annuities greatly out of proportion to their contributions and that every cent they receive above the amount of their contributions creates an obligation upon the Government. There is no general fund, but a multiplicity of funds, and the Government will have to foot the bill in the case of all employees who receive annuities in excess of their contributions. Deductions for the retirement fund are assessments only in the sense that they may be involuntary; they are, rather, in the nature of savings accounts, with liberal interest, which the beneficiaries or their estates will receive in full. Full realization of this fact ought to a large extent dissipate the opposition of the younger employees.

"The retirement act was drafted when the cost of living was much lower than now, and perhaps at the time of its passage it was anticipated that such cost would soon be much lower. To produce stability and promote a general sense of security and contentment, annuities should at least be sufficient to so supplement the savings during 30 years of the average Government employee as to make it possible for him to spend his few remaining years after retirement in comfort. This is what Congress doubtless intended, and the changed condition should be met. Undoubtedly in years to come, when each person shall have been in the service sufficiently long to contribute a considerable amount toward his annuity, annuities will be increased.

"The criticism that the higher-paid employees do not receive justice does not seem wholly justified at this time. The annuities were naturally made low to reduce the future obligations of the Government. Salaries were so low that it would have been impossible to require large contributions. A large proportion of those retired upon annuity for many years to come will have contributed a comparatively small part toward the annuities they receive. When the time comes that the higher-salaried employees have contributed a sufficient amount to more than purchase annuity as now provided, some adjustment will doubtless be made. At present all annuitants receive benefits out of all proportion to the amounts they have contributed, and the Government is relieved to the extent that the larger contributions of the higher-paid employees leave less for it to pay. In other words, the Government calls upon those best able to bear the burden to contribute larger sums than the lower-paid employees, in some instances probably larger than are required to purchase the same annuities from insurance companies."

FEDERAL RESERVE BANKS OF ST. LOUIS AND SALT LAKE CITY.

Mr. DALE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 208, to insist on the amendments of the House, and agree to the conference asked by the Senate.

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table and insist on the House amendments, and agree to the conference asked for by the Senate, a bill which the Clerk will report.

The Clerk read the title of Senate Joint Resolution 208, authorizing the Federal Reserve Banks of St. Louis and Salt Lake City to enter into contracts for the erection of buildings for their head offices and branches.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection, and the Speaker appointed as conferees on the part of the House Mr. DALE, Mr. KING, and Mr. WINGO.

Mr. DALE. Mr. Speaker, I ask unanimous consent that the conferees on Senate Joint Resolution 208 be given until midnight to-night to file their report.

The SPEAKER. The gentleman asks unanimous consent that the conferees on this Senate joint resolution be given until midnight to-night to file their report. Is there objection?

There was no objection.

The conference report and statement of the House conferees are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the resolution (S. J. Res. 208) authorizing the Federal Reserve Banks of St. Louis and Salt Lake City to enter into contracts for the erection of buildings for its head office and branches, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 2, 3, 4, 5, and 6.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 8, 10, 11, and 12; and agree to the same.

Amendment numbered 7:

That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by said amendment insert "and San Francisco are"; and the House agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "branch buildings at Little Rock, Ark., and Salt Lake City, Utah, respectively, on lots heretofore acquired for that purpose, but the total investment in such buildings shall not exceed an amount equal to 2½ per cent of the paid-in capital stock and surplus of such banks, respectively; and the Federal Reserve Bank of St. Louis is hereby authorized to enter into contracts for the erection of a building"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment to the title of the bill, and agree to the same with an amendment as follows:

Amend the title so as to read: "Joint resolution authorizing the Federal Reserve Bank of St. Louis to enter into contracts for the erection of a building for its head office and authorizing the Federal Reserve Banks of St. Louis and San Francisco to enter into contracts for the erection of branch buildings at Little Rock, Ark., and Salt Lake City, Utah."

PORTER H. DALE,
EDWARD J. KING,
OTIS WINGO,
Managers on the part of the House.

GEO. P. MCLEAN,
WILLIAM M. CALDER,
G. M. HITCHCOCK,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the resolution (S. J. Res. 208) authorizing the Federal Reserve Banks of St. Louis and Salt Lake City to enter into contracts for the erection of buildings for its head office and branches, submit the following written statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

On amendment No. 1: This statement is a clerical change; and the Senate recedes.

On amendment No. 7: The Senate resolution authorized the Federal Reserve Bank of Salt Lake City to enter into contracts for the erection of buildings for its head office and branches. The House amendment struck out this provision; and the Senate recedes from its disagreement to this amendment with an amendment authorizing the Federal Reserve Bank of San Francisco to enter into contracts for the erection of branch buildings at Salt Lake City, Utah.

On amendment No. 9: The Senate resolution authorized the Federal Reserve Banks of St. Louis and Salt Lake City to enter into contracts for the erection of a building for the head office of the Federal Reserve Bank of St. Louis and branch buildings at Little Rock, Ark., and Salt Lake City, Utah. This amendment limited the authority under this resolution to the erection of a head office for the Federal Reserve Bank of St. Louis. The Senate recedes from its disagreement to this amendment with an amendment authorizing the Federal Reserve Banks of St. Louis and San Francisco to enter into contracts for the erection of branch buildings at Little Rock, Ark., and Salt Lake City, Utah, respectively, limiting the total investment in such buildings to an amount not in excess of 2½ per cent of the paid-in capital stock and surplus of such banks, respectively, and authorizing the Federal Reserve Bank of St. Louis to enter into contracts for the erection of a building for its head office.

On amendment No. 12: The Senate resolution provided that the total investment in buildings erected by the Federal Reserve Banks of St. Louis and Salt Lake City shall not exceed an amount equal to 30 per cent of the banks' paid-in capital stock and surplus. The House amendment limits the amount to 25 per cent; and the Senate recedes. The effect of this amendment together with the action taken on amendment No. 9 is to limit the total investment that can be made in the head office for the Federal Reserve Bank of St. Louis to an amount not in excess of 25 per cent of its paid-in capital stock and surplus.

Amendments Nos. 2, 3, 4, 5, 6, 8, 10, and 11: These amendments are clerical changes due to the striking out of the resolution the authorization of the Federal Reserve Bank of Salt Lake City to erect buildings for its head office and branches. The House recedes on amendments Nos. 2, 3, 4, 5, and 6, and the Senate recedes on amendments Nos. 8, 10, and 11.

PORTER H. DALE,
EDWARD J. KING,
OTIS WINGO,
Managers on the part of the House.

RETIREMENT OF CIVIL EMPLOYEES.

Mr. SMITH of Idaho. I yield 15 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Speaker, I was one of the conferees appointed to consider this bill in conference with the Senate conferees but did not sign the conference report, and I do not think that it should be agreed to. With the permission of the House, I want to state briefly why I do not think the conference report should be adopted.

In May, 1920, Congress passed the civil service retirement act.

The ages of retirement provided for in that retirement act were as follows: First, it was provided that the general run of Government employees should be retired at the age of 70. Second, it was provided that letter carriers, postal clerks, rural carriers, and mechanics—which would include the navy-yard employees—should be retired at 65. Third, it was provided that railway postal clerks should be retired at 62. I do not think there is any substantial sentiment in the House in favor of lowering these retirement ages, as a general proposition.

In 1921 a very substantial reduction in the 1916 naval building program was ordered by Congress, and as a result of this curtailment of the naval building program a large curtailment of forces in the navy yards was made necessary. At once there arose an insistent demand to amend the retirement act so as to provide retirement payments for all of the navy-yard employees thus dropped from the Government service who had reached the age of 50 years and who had been in the Government service 15 years or more.

Mr. A. P. NELSON. Will the gentleman yield?

Mr. BLACK. In a moment I will yield, when I complete my statement. This demand found its expression in a bill which the gentleman from Indiana [Mr. FAIRFIELD] introduced and which was referred to our Committee on Reform in the Civil Service. We gave careful hearings and consideration to the bill.

After we had finished these hearings it was the deliberate conclusion of the committee that it would be unwise and unreasonable to grant retirement pay to any civil-service employee of the Government under the age of 60 years. And so we amended the Fairfield bill and made it apply only to those who had reached the age of 60 years or more. As amended, the bill was unanimously reported by our committee to the House. When the bill was brought up on the 20th of June I was not here, but the House agreed to the bill as reported by our committee and fixed the retirement age at 60 years. The bill went to the Senate and the Senate in considering it amended it and substituted 55 years for 60 years. The bill came back to the House, and in conference the majority members of the committee, the gentleman from New Jersey [Mr. LEHLBACH] and the gentleman from Indiana [Mr. FAIRFIELD], have agreed to the Senate amendment fixing the retirement age at 55, and so that is the matter which is now before us for decision.

Mr. A. P. NELSON. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. A. P. NELSON. Is it not true that so far as the employees themselves are concerned they have consistently insisted on the retirement age being as high as possible, in order that they may be that much longer in the service, and that it has been sought on the part of Congress to put it down to an age where we could get better efficiency in the Government service?

Mr. BLACK. No; that has not been my experience as a member of the committee. My experience is that I have received letters and telegrams from different unions of Federal employees in different parts of the country urging me to support this conference report and thereby lower the age.

Mr. A. P. NELSON. The gentleman does not get my question. What I mean is the general tendency on the part of the employees of the Government has been not to reduce the age but to have it as high as possible that they might be in the service that much longer. Efficiency is urged on the part of the Congress and of the Government, and that is the reason why the Government, as well as Congress, is urging a proper and reasonable age limit.

Mr. BLACK. My experience in the committee has been that most of the Government employees advocated that the age of retirement be somewhat lower than it was fixed in the original law. In further answer to the gentleman's question, let me say that one of the reasons that I am opposed to agreeing to this conference report is because it will set the precedent of granting retirement pay to Government employees who have only reached the age of 55 years. Already, as a member of the Committee on Reform in the Civil Service, I know that there is considerable agitation made to get the civil service retirement law amended so as to give voluntary retirement to employees who have served the Government a certain number of years, regardless of whether they have attained the retirement age as now fixed by law.

Now, let me give the gentleman a concrete illustration of what I mean when I say there is agitation to amend the law so as to grant retirement pay to those who have served a certain length of time but who have not reached the retirement age. A Government employee, for example, enters the service at the age of 25. He serves 30 years, and he would only be 55 years of age and would lack 7, 10, or 15 years of being at the retirement age, as the case may be. There is now an agitation going on to have the retirement act changed to give such employee the privilege of voluntarily retiring whenever he has served the Government 30 years and grant him retirement pay, regardless of whether he has reached the retirement age or not.

That is one of the reasons that I am opposed to this conference report. We are setting a precedent here, and my experience is it is a whole lot easier to set a precedent than it is to get away from it after it is set. I think that it is carrying things entirely too far to retire a civil employee who has only reached the age of 55 years and pay him a gratuity at the Government expense. When I say gratuity, I mean speaking well within the facts, because that is what it does mean as to the employees covered by this bill. They have only paid into the retirement fund a very small contribution, and what they have paid in has been returned to them by the Government with compound interest at 4 per cent.

The civil service retirement law very properly provided that when a Government employee is separated from the service either voluntarily or involuntarily the amount he has paid into the retirement fund shall be paid back to him with compound interest. So it simply means that if we pass this law we will be putting these gentlemen on the civil-service pension list at the expense of the Government. They will be required to return to the Treasury the very small contribution they have withdrawn, but that will not amount to very much.

Mr. HULL. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. HULL. The gentleman speaks of its being a gratuity and that the Government will pay it. Have we made any appropriation for this purpose?

Mr. BLACK. No; and I am glad the gentleman referred to that particular phase of the matter, because that is the argument we members of the Committee on Reform in the Civil Service are having urged upon us quite frequently in an effort to get us to increase the amount of the annuity now paid under the present law. The advocates of such an amendment say there is a big fund of several million dollars stacked up in the Treasury by the contributions of the employees. That simply means that the Government holds this sum in trust to pay these annuities to the two or three hundred thousand Government employees who have paid it in. Does not anybody think that the contributions on the part of the Government employees will create any surplus fund? It will be all needed, and more, to meet liabilities under the retirement act which are bound to accrue in later years. I remember when I joined the Woodmen of the World the rates were very low, the membership was new and composed largely of young men, and we saw the great big fund piling up in the treasury of the order, and we were assured that the rates would never increase. Experience, however, has taught us different. As the average ages of the members have increased, the deaths have correspondingly increased, and rates had to be increased. The gentleman need not deceive himself. The actuaries have found that the employees will contribute under present rates—I am not sure of the exact amount, but I will look it up and put it in the RECORD—but my recollection is that the employees will contribute about 35 per cent of the fund when they pay in the 2½ per cent of their annual salaries and the Government will contribute the balance.

Mr. A. P. NELSON. I am glad the gentleman will do that, because I think his figures are just reversed.

Mr. BLACK. I do not state that I now have the correct figures in my memory, but I will put them in the RECORD.

Mr. HIMES. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. HIMES. I do not know whether or not I have the correct impression, but the gentleman made a statement awhile ago concerning legislation on the part of the committee. Does the gentleman mean to convey that the committee is considering legislation that would amend the retirement act so that the retirement would be based on the period of service?

Mr. BLACK. No. I said there was considerable agitation for an amendment of that kind. I did not say that such agitation was on the part of the committee.

Mr. HIMES. The gentleman does not know of any member of the committee who is advocating that?

Mr. BLACK. No. I said there was considerable agitation that this should be done. In fact, one of the questions asked by the Commissioner of Pensions of the board of actuaries and answered by them on page 17 of their annual report is as follows:

> Question 5. Certain associations of employees are desirous of having the law amended to permit retirement on demand after 30 years of service. What increase in the normal cost to the Government would result if the suggested plan were adopted by the Congress?
>
> Answer. The following table shows a comparison of the normal cost of the proposed plan with that of the existing plan:

Comparison of normal cost to Government under plan permitting retirement after 30 years of service with existing plan.

Group.	Cost of existing plan.		Cost of proposed plan.	
	As percentage of pay roll.	As amount based on pay roll as of June 30, 1921.	As percentage of pay roll.	As amount based on pay roll as of June 30, 1921.
Railway postal clerks	5.07	$1,893,387	7.44	$2,778,461
Mechanics, letter carriers, and other postal clerks	4.02	6,843,272	7.44	12,665,160
Other employees	2.96	6,628,845	6.60	14,780,532
Total	3.56	15,365,504	7.00	30,224,153
Payable by employees	2.50	10,788,075	2.50	10,788,075
Payable by Government	1.06	4,577,429	4.50	19,436,078

Mr. EVANS. Will the gentleman yield?

Mr. BLACK. I will be glad to.

Mr. EVANS. Will the gentleman from Texas advise the House as to the average length of service of the employees who would be retired under the bill as originally passed?

Mr. BLACK. The original bill provided, if the gentleman from Nebraska will permit, that any employee who has reached the retirement ages which I have mentioned and who had served 15 years or more would be eligible for retirement.

Mr. EVANS. I understand that; but does the gentleman have the information as to what under normal conditions would be the average length of service before retirement?

Mr. BLACK. No; I could not give the figures upon that proposition. The retirement act has not been in effect long enough to make statistics available in that line. Now, gentlemen, in conclusion I want simply to say I realize how easy it is for us to yield to our generous impulses in matters of this kind, saying, "Well, I will vote for this proposition. The cost of it comes out of the Government." But, after all, the Government is simply the people back home. And their backs are rather heavily burdened with taxation at the present time.

Mr. LONDON. Will the gentleman yield for a short question?

Mr. BLACK. Let me finish this statement and I will. When I know that there is no thought of the man in industry, agriculture, and business, no thought of his retirement at 55, I am not going to vote for the retirement of Government employees at 55 years of age and pay them a gratuity at the expense of the taxpayer. I am not willing to do it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Idaho. I yield five minutes additional to the gentleman from Texas.

Mr. A. P. NELSON. Will the gentleman yield for just a question?

Mr. BLACK. I will.

Mr. A. P. NELSON. I know the gentleman from Texas desires to be absolutely fair and square in the matter and I know he does not wish to convey any impression to the Members of this House that is not absolutely just and correct; but when he makes the statement that the contribution to this retirement fund reaches 67 per cent by the Government, or thereabout, and 33 or 35 by the employees, he is absolutely wrong. I hold here in my hand the report as to this particular question and fund as it is given by the Government actuaries, and in it he will find the amount provided by the employees is 2.50, and the amount provided by the Government is 1.06, which substantially and absolutely controverts the statement made by the gentleman and supports my statement to this House.

Mr. BLACK. No; if the gentleman will permit, what I said in my remarks a moment ago was that when the bill was originally before the House the estimate of the actuaries was that the contribution on the part of the Government employees would be about 35 per cent and on the part of the Government 65 per cent. I also stated to the gentleman that I had not read the recent report of the actuaries giving the experience of their further studies, but I will get the report and put the correct figures in my remarks. I do not dispute the figures which the gentleman has stated in so far as they apply to the new employees who come into the service, but he must remember that there were several hundred thousand employees in the Government service, many of them employed for a long term of years, to whom the act applies.

Mr. A. P. NELSON. The gentleman will certainly not say that what might have been proposed in any original bill before the House has anything to do with the bill as it was passed by the House. We are now speaking of the bill as it was actually passed by Congress, and, if the gentleman pleases, I reiterate that the Government actuaries positively state, as I have just said, that the fund is provided by a contribution of 2.50 from the employees and 1.06 by the Government.

Mr. BLACK. The gentleman is probably correct as to the new employees who enter the service. But the retirement law applied not only to new employees but to all employees in the Government service at the time the act was passed. There were several hundred thousand of these. A valuation of the assets and liabilities of the civil service retirement and the disability fund as of June 30, 1921, is made in the Report of the Board of Actuaries and is found on page 9. It shows the Government will ultimately contribute 67 per cent of the fund and the employees 33 per cent of the fund, payable to those in the service June 30, 1921. These figures, found on page 9 of Senate Document No. 107, confirm the correctness of the figures which I have stated.

Mr. LONDON. Will the gentleman now yield?

Mr. BLACK. I will.

Mr. LONDON. In its practical effect this bill, if it becomes a law, will apply to about 240 men?

Mr. BLACK. Well——

Mr. LONDON. Let us get that clear.

Mr. BLACK. I have no desire that it be otherwise. I want the gentleman from New York to be clear in his mind that this is a bill of general application and applies to the future as well as the past, and I want the House to understand that. It not only means these employees who have been recently separated from the service will be granted retirement pay at age 55 but it includes any employee who may be separated from the service hereafter.

Mr. LONDON. It applies only to those who will be involuntarily separated after 15 years' service?

Mr. BLACK. It is a bill of general application, as I stated to the gentleman.

Mr. LONDON. Yes; and it applies only to those separated involuntarily through no fault of their own.

Mr. BLACK. Certainly.

Mr. LONDON. In order to obtain any benefits from the provisions of this bill one will have to have rendered 15 years' service and then be dismissed from the service for no fault of his own. Is that correct?

Mr. BLACK. That is correct.

Mr. LAYTON. Will the gentleman yield?

Mr. BLACK. I will.

Mr. LAYTON. The gentleman does not mean all forms of Government service, does he?

Mr. BLACK. This includes all civil service Government employees.

Mr. LAYTON. Would it cover these Coast Guard employees who have been discharged from the Government service on account of age?

Mr. BLACK. It would unless they are covered by some separate law.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. SMITH of Idaho. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. DALLINGER].

The SPEAKER. The gentleman from Massachusetts is recognized for five minutes.

Mr. DALLINGER. Mr. Speaker, the gentleman from Texas [Mr. BLACK], in my opinion, inadvertently, has not presented this issue fairly to the Members of the House. This is an emergency measure. He would give the House to understand that it is arbitrarily reducing the retirement age of all Government employees to 55 years. That is not the fact. As the result of the close of the war and of the disarmament conference a reduction in the civilian forces at the arsenals and navy yards has been made down to and below the pre-war level. The provision in the bill as reported by the conference committee that an employee must have been 15 years in the Government service in order to be entitled to the benefits of its provisions necessarily limits the application of the bill to men who were in the Government employ before the war when we were on a purely peace basis.

Now, it could not have been looked for or reasonably expected that these old and experienced employees would have been separated from the Government service before they reached the retirement age, but because of this extraordinary situation they have been so separated.

Moreover, this conference report, contrary to the general impression, does not give these men the full pension. It simply allows them a proportionately reduced pension, when they reach the retirement age, from the money they and their associates have contributed from their own wages. The original bill as it passed the House would not have applied to more than 100 employees, and the bill as amended by the Senate and recommended by this conference report will not apply to more than 300 employees throughout the country. This bill is intended to meet a condition that can not, in my opinion, happen again, because we never, if we are going to have any Army and Navy at all, will have a civilian force in the navy yards and arsenals lower than we will have by the end of the present fiscal year. If the time ever comes when the War Department and the Navy Department are entirely abolished, then and then only you may have more employees affected than the small number that I have mentioned.

Mr. Speaker, this bill is an emergency measure. It is a humane measure. I trust that the conference report will be adopted. [Applause.]

Mr. SMITH of Idaho. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. KINDRED].

The SPEAKER. The gentleman from New York is recognized for three minutes.

Mr. KINDRED. Mr. Speaker and gentlemen of the House, to agree to the conference report and accept the Senate amendment to this bill will enlarge the spirit of civil service. If the opponents of this measure say that it sets a new precedent to decrease the age of labor for men, then I stand for the new precedent. We will not protect in this particular Senate amendment, though the bill is general in its application, all those who are separated from the service involuntarily in the future; but we will protect men in the navy yards to the extent of several hundreds, 300 I understand, in the whole country—men who served their country patriotically and faithfully during the war, who could have gotten double and triple the wages they received during the war in other services. It is a sad picture to-day, and a picture that I personally know of, to see men 55 years of age who have served in the navy yards of this country and who have been broken down in health, and who have only one profession—we will say boilermakers, or repairers of boilers of naval ships—deprived of their employment. These men who are involuntarily separated from the service and who have passed the age of 55 will be without the means of livelihood, and notwithstanding their patriotic service in sticking to their work in the navy yards, they will be wanting in the means of making their livelihood, because no other service will need or accept them.

So I am heartily in favor of accepting the Senate amendment and agreeing to the conference report. In support of this we have the valuable precedents of progressive, fair-minded private corporations which have liberal retirement features and through whose liberal treatment of their employees they have had very little trouble during the present strike and previous strikes. We have other precedents of great private corporations which make liberal provisions for old-age pensions.

The life of the average man is under 60 years; and it is not a matter of charity, but a matter of justice which is in keeping with the humanitarian views of the present age, that we should give men separated involuntarily from the service of their country the benefit of five years in their declining years.

Therefore, I hope, in line with the principle of governmental liberality and fairness with respect to this particular class to which I have referred, that we will agree almost unanimously to the conference report and accept the more liberal provision of the Senate for these worthy men. [Applause.]

Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the whole subject of retirement laws for employees of the United States Government.

The SPEAKER. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection? There was no objection.

Mr. SMITH of Idaho. Mr. Speaker, I yield to the gentleman from Minnesota [Mr. SCHALL].

The SPEAKER. The gentleman from Minnesota is recognized.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the bill H. R. 12622.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

THE NATION'S FARM, LABOR, AND RAILROAD PROBLEM.

Mr. SCHALL. Mr. Speaker, the coal miners have returned under exactly the same conditions as when they struck, yet with cost of production the same, the price of coal at the mines is from three to four times the price in effect at the time the strike was called. Such a discrepancy shows clearly to those that will take the trouble to look behind the barrage the machinations that will be employed by the unscrupulous profiteer to gouge the public.

Mr. Speaker, I had a dream. Old Ben Johnson had been reading to Bill Shakespeare from the Literary Digest all about a political hero named Daugherty, who had flouted both Congress and the Constitution by refusing to invoke the Clayton antitrust laws against coal, oil, steel, and railroads, packer and other combines, while, on the other hand, he had used this same antitrust act to bring injunctions against labor organizations which Congress had declared legal; and that in overruling both Congress and the Constitution this hero, whose given name was Harry, in order to make a thorough job of knocking out 250 labor unions, which had the O. K. of Congress, had ordered out 5,500 marshals and deputies, at a cost of a million dollars, and issued a call for 40,000 more.

At which Bill Shakespeare made this comment:

"I am tempted to inquire, as I did upon another occasion 300 years ago, 'Upon what meat has this our Cæsar fed that he has suddenly become so great?'"

"Well," said Ben, "this is the story they tell:

"There is a fellow called King Coal in Pittsburgh and another called King Steel in Wall Street. They are very good friends, Coal having a 25-year contract with Steel to furnish fuel at prices much below that which the public enjoys paying. Now, King Coal and King Steel have developed a peculiar habit; their great indulgence is melons in the form of dividends, and during the five years of the World War the habit became chronic. But in time of peace it is not so easy to find good dividend melons. So they cast about and decided that the next thing to war in making good steel and coal prices is a strike; the strike curtails production, which in turn puts up prices, which again produces melon dividends.

"King Steel said: 'I have another grievance. You know I still enjoy the good old 12-hour day of our grandfathers, and there is a hive of bees called labor unions who have a newfangled notion that an 8-hour day is enough. Besides, they insist that part of my melon shall go into bee food.'

"King Coal said: 'Those same bees are stinging us. They don't like it because I take so much of their honey to sweeten my melons. Now, you can see, I have got to have plenty of melon, because I not only need melon dividends but have a whole Mellon family for stockholders.'

"Now, it happens," said Ben to Bill, "that both Coal and Steel own railroads, or are owned by railroads, or have railroads for brothers, cousins, uncles, and aunts. The railroads got their melon supply from the Government in the shape of 40 to 80 per cent increase in rates. It was only fair play that these railroad relatives should turn in and help Coal and Steel get their melons by shutting off coal and steel deliveries and thereby raising prices and producing melons.

"So it was voted that the strike was the thing. That could easily be brought about—any little pretext, like contracting out shopwork in violation of the contract with labor unions and Government orders, or refusing to renew wage contracts with the bees for their honey supply, or raising a little question of 'seniority' over the issue of which is the oldest bee in the hive.

"'Now,' they said, 'all we need to do is let our political friends, those fellows for whom we had to subscribe so much of our melon in campaign times, run this job. If they back and fill and back and fill, and keep it up long enough, keep this strike going for three or four months, we shall get our prices and our melons.' So that was done until coal prices went up 100 per cent and to small buyers 300 and 400 per cent. Then finally steel prices begin to follow suit and begin to climb to a war basis. The coal strike is then settled because no longer needed. But King Steel has only begun to get his and then trouble is started.

"'It seems,' said Ben to Bill, 'there is a small bunch of railroads, mostly in the South and West, that King Steel and King Coal do not own or control and are not related to even as second cousins. And this bunch, getting tired of the backing-and-filling tactics of the political bunch, started to settle the strike themselves without reference to the politicians by making satisfactory negotiations of their own with the bees.

"So something had to be done, and that quickly. King Steel and Wall Street relatives pondered. Those beehives had to be busted. There were 250 of them—some contract. Finally they found the solution—let Harry do it.

"'So that,' said Ben to Bill, 'is how it comes that Harry is flouting Congress and the Constitution to kick over the 250 hives of working bees and calling out an army of 40,000 marshals and deputies. The strike hatreds must be kept up or the beans will be spilled by direct arrangements between railroads and labor unions, and the unions will not be killed.'

"Mr. Speaker, in view of the official statement of the honorable Senator from Indiana the actuality of the dream may be difficult to verify. The honorable Senator says that Caesar is fed another way, that he is simply fed up on section 15 of the Clayton Act.

"That is why I have introduced an amendment (H. R. 12622) to this section 15. The celebrated poet, Oliver Wendell Holmes, father of the eminent jurist of our Supreme Court, once laid down the rule for mending chaises that had been broken down as follows:

> 'Tis mighty plain, that the weakest place must stand the strain.
> And the way to fix it, I maintain, is to make that place as strong as the rest.

When the President, on August 18 last, reviewed the situation before the Congress both coal and rail strikes seemed within a few days—hours—of adjustment. Since then the coal strike has been adjusted. The coal miners have returned to their work, with the prospect that the country will be relieved from the dangers of a coal famine, provided rail facilities are ample to meet the problem of transportation.

At that time the railway shopmen had acceded to the President's first proposal, that railway operations be resumed, all issues to be determined by the findings of the Railway Labor Board, the striking operatives to resume work without loss of seniority rank. The railway executives turned down this first proposal by refusal to restore to the strikers their former seniority rank. To the President's amended proposal, that the men return to work, leaving the question of seniority to the decisions of the Railway Labor Board, the striking shopmen refused to accede, on the alleged ground that the board had already committed itself against the principle of restored seniority.

The railway contest intensified until, on September 1, a Chicago district court, at the instance of the Attorney General, issued an injunction against all labor organizations in any way involved, said to be 250 in number, and the Department of Justice has issued notices to all United States marshals and deputies to make arrests for violation of the injunction.

In addition to violence, which all men agree should be enjoined, provided the injunction applies only to those threatening such violence, the Chicago injunction restrains the labor organizations and their officers in the following particulars:

Speaking to railway workmen with a view to encourage, influence, or instigate them to cease from work or remain on strike.

Giving interviews to the press or publishing speeches or other matter calculated to encourage, influence, or instigate the purposes of the strike.

Using the telephone, telegraph, or other means of communication to the same end.

Holding public meetings to encourage the strike or create public sentiment and sympathy in behalf of the strikers and their alleged cause.

The use of the strike-benefit funds of labor unions and other organizations to aid and support the strikers and maintain the purposes of the strike.

Application has been made by one of the labor organizations enjoined, the electrical workers of this District, who went on strike at the Washington Terminal July 1, for an injunction against the United States district attorney and the United States marshal and deputies restraining them from making arrests in pursuance of the Chicago injunction, on the ground that it violates the guaranties of the Constitution providing for free speech, free press, and the right of peaceful assembly, and likewise violates the express provisions of the Clayton Act, under which the injunction was issued.

Master mechanics of railway orders, the Association of American Railways, and the Attorney General all agree that the rolling stock of operating railways is in bad repair, endangering the safety of life and property. The Attorney General estimates that one-half of the cars and locomotives on the line are in need of repair.

The acts of Congress providing for adjustment of railway disputes, inspection of railway equipment, and requirement of the railways to institute necessary repairs and employ standard safety appliances stand inoperative and nonenforced. The President in his address August 18 cites that the railroads were the first to ignore and refuse to comply with the decisions of the Railway Labor Board, and adds:

> When these failures of many of the carriers to abide by the decisions of the board were brought to my attention, I could more fairly appraise the feeling of the strikers, though they had a remedy without deciding to paralyze interstate commerce.

The president of the American Federation of Labor and the secretary of the central strike committee have issued statements that railway executives of 92 railroad companies have violated 104 times the decisions of the Railway Labor Board.

Interviews from the executive offices of the Government indicate that the extreme provisions of the Chicago injunction exceed the authority of the court under the provisions of the Constitution and the acts of Congress under which the injunction was issued, and that a more or less radical modification of the injunction order is likely before any injunction is made permanent. At the same time it is admitted even by the spokesman for the strikers that acts of violence and disorder and the employment of force in resisting the attempts of railway companies to operate their lines have no place under the laws of this country and are in all respects deplorable and merit prompt legal suppression and punishment of the guilty.

I have little faith in an appeal to force for permanent settlement of industrial disputes, by employers or employed or by the Government as intervenor, by injunctions and troops. A resort to force is an application of war measures to the activities of peace, and instead of allaying is calculated to promote the feelings of class antagonism that are the main cause of industrial disputes. One of the most rational views is that of Secretary of Labor Davis in his Labor Day speech at Mooseheart, Ill.:

> Not one industrial dispute in a thousand has ever been permanently settled except in one way—by the negotiations of reasonable men, in a reasonable frame of mind, who sat down to discuss the issues in a spirit of fairness and cooperation. * * * We must ultimately come to the state of negotiation for settlement. One hopeful phase is the negotiations between railroad heads and labor representatives. If part of the lines effect an adjustment and restore business and reap the profits of the enormous traffic pressing upon them from all sides, it will influence the stiff-necked and hard-boiled competitors to seek a like peace in the welfare of their roads.

Will arrests or threats of arrest, aimed to restrain employees from exercise of their constitutional rights, aid or retard the success of pending negotiations? Will such arrests and threats of arrest promote or are they calculated to disturb and destroy that reasonable state of mind and spirit of fairness and cooperation which Secretary Davis has so well described as fundamental to negotiations for a permanent settlement?

Any party which goes into a court of equity with an appeal for justice under the provisions of the Constitution or of an act of Congress must go in with clean hands and must strictly comply with the provisions of the Constitution and of the congressional act under which the party seeks a remedy. And when the Government itself is such a party and seeks an injunction in a court of equity, it can not ask for a ruling in conflict with the Constitution and the act of Congress under which the action is brought.

It has been stated that section 15 of the Clayton Act is the provision under which the Chicago injunction was brought. But as all provisions of the act must be construed in harmony the express provisions of sections 6, 15, and 20 are alike under purview. Section 6 provides that labor and agricultural organizations are lawful combinations which can not be held as "conspiracies in restraint of trade under the antitrust laws." Section 20 specifically exempts from injunction any persons, singly or in concert, engaged in a peaceful strike, or distributing strike benefits, or holding meetings to promote the purposes of such strike, or persuading others to join or aid in such strike, and provides "that no restraining order shall be granted by any court of the United States" to enjoin employees from such activities.

An injunction which ignores the constitutional provisions of freedom of speech, freedom of the press, and the right of peaceful assembly, and likewise disregards both the letter and spirit of the Clayton Act, under which the injunction is sought, can have no reasonable effect other than to inflame the feelings of the strikers and inspire them to retaliation, instead of promoting the "reasonable frame of mind" and the "spirit of fairness and cooperation" necessary to secure a peaceful and permanent adjustment of the industrial and railway dispute. The utterances of labor leaders and of railway executives corroborate this conclusion.

The duty of the hour is to aid the attempts of those roads and employees that are seeking to find a basis of agreement that will permit the undisturbed handling of traffic. This implies that we remove unnecessary and provoking causes of class antagonism between employers and employees. It was the intention of Congress so to do when we enacted sections 6 and 20 of the Clayton Act, declaring that labor and agricultural organizations were not combinations in restraint of interstate commerce, and providing that promotions of peaceful strikes and distribution of organization funds in aid of the same were not violations of the antitrust laws and subject to injunction by the courts.

But it seems that both the Attorney General and the Chicago district court hold that section 15 authorizes the Government to enjoin labor organizations against engaging in a strike movement or distributing funds, issuing orders, holding meetings, and publishing interviews and speeches in behalf of such movement—sections 6 and 20 to the contrary notwithstanding. The result is that labor leaders who are disposed to join railroad executives in effecting adjustments for the operation of some 50 or 60 railroads are being placed under arrest and driven to fights in courts, while the feelings of antagonism between employers and employees are to that extent intensified.

If section 15, as thus interpreted, is a cause of offense and is used to nullify the provisions of sections 6 and 20 and erect obstacles in the peaceful negotiation, Congress has an easy remedy at hand by an amendment of section 15, so that it may no longer prove an obstacle to the purposes of the act. This can be accomplished by the following proviso:

> *Provided*, That the authority granted in this section for issuing injunctions by request of the Attorney General shall not extend to the peaceful operations and purposes enumerated as exempt from injunction in sections 6 and 20 of this act.

The effect of such an amendment will accomplish the following purposes: First, it will demonstrate to labor organizations that the attitude of the Government is fair and consistent, and that Congress is not guilty of appearing to deal fairly with such organizations in one section of an act and then leaving a loophole for the annulment of said purpose in another section of the same act. Second, it will aid to remove the chief disturbing factor in negotiations now pending, and hasten the consummation thereof, and the restoration of traffic.

The Department of Agriculture, Mr. Speaker, reports that the country is now completing the harvest of a $6,000,000,000 crop which will be the prime source of the restoration of normal prosperity, provided that crop can be promptly and efficiently marketed and distributed. The prosperity of the country hangs upon speedy adjustment of transportation, and to promote that end I urge such amendment of the Clayton Act for the removal of the chief obstacles to that "reasonable frame of mind" and "spirit of fairness and cooperation," which, as Secretary Davis stated, are the prime essentials to negotiations for a permanent industrial peace.

The position taken by Congress in the Clayton Act and the proposed amendment of section 15, which I have introduced, to prevent the evasion of that act is not a novelty. It has been tried out in the original home of trades-unions, Great Britain, 16 years ago, making injunctions like that invoked in Chicago illegal, just as they have been under sections 6 and 20 of the Clayton Act since 1914.

It was assumed that the Clayton Act had stopped the Federal judges in their abuse of power, which had exceeded all tolerable bounds and resulted in their constituting themselves prosecutor, jury, and judge. The American people are a docile, law-respecting, reasonable people. They will not be remiss in respect of courts so long as they limit their activities to the function of courts of justice. But the people regard with displeasure overstepping of one department by another, and if the Clayton Act will not curb the tendency of Federal judges to make tyrants of themselves other means should be found that will.

This branch of Congress, at least, was sincere in those provisions of the Clayton Act assuring labor and agricultural organizations against injunctions for alleged breach of the antitrust laws. When the Esch-Cummins railroad bill was before Congress, and the Senate was ready to sacrifice the progressive and just provisions of the Clayton Act regarding labor and agriculture, by repealing sections 6 and 20 through a provision in the Esch-Cummins Act, this House stood firm and refused to accede to the Senate provision. What the House refused to do a Chicago district judge, who owes his appointment directly to the Attorney General, has attempted to do by a temporary injunction. The Chicago court has not granted a permanent injunction which could be appealed to a higher court and overthrown. The Chicago court plays safe by extending the temporary injunction 10 days at a time.

The amendment I have introduced is to prevent any court from putting Congress in the attitude of double-crossing labor and agricultural organizations; to prevent a court from saying that Congress in sections 6 and 20 grants immunity of such organizations from anti-trust laws, but in section 15 authorizes courts to enjoin such organizations; to stop district courts from saying that Congress authorizes them to declare that strikes are illegal, in the same act that makes peaceful strikes and their maintenance legal. It is aimed to show labor and agricultural organizations that Congress plays fair, that it does not extend to workingmen and farmers a glad hand with one hand while stabbing them with the other.

Meantime, since putting in my amendment to the Clayton Act, United States district attorneys have been daily assailing labor organizations in the Chicago courts in the attempt to blacken the character of their leaders and the purposes of their organizations, and all governmental activities for strike settlement have been rendered null and void. The roads and their employees have been negotiating separately until it is now reported that 60 roads are on the point of resuming full operations, with the striking employees reinstated without loss of seniority.

CAN THE ATTORNEY GENERAL ENJOIN FARM ORGANIZATIONS?

If the Attorney General, under the operations of section 15 of the Clayton Act, can bring injunctions against labor organizations, he can also, by the same authority or usurpation of authority, enjoin agricultural organizations, for labor and agricultural organizations are provided for in the same section and clause of the act. They are in the same class. The provision covering the two provides:

> SEC. 6. That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations instituted for the purposes of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations or the members thereof be held or be construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

If anything, labor organizations are more specifically protected against injunction than agricultural organizations, because labor organizations are likewise protected by section 20, which expressly exempts all strike activities from injunction. But the Attorney General and the Chicago district court maintain that they can lawfully bring injunction under section 15 in defiance of both sections 6 and 20. So, if they can bring injunctions against labor organizations which are protected by two sections of the Clayton Act, they can likewise enjoin farm organizations which are protected by section 6 only.

To learn whether special interests are trying to destroy farm organizations, read the Wall Street Journal, the financial daily of the stock and produce exchanges, and the organs of the grain and produce exchanges, the live-stock and cotton exchanges, and a certain class of daily newspapers. The Wall Street Journal charges editorially that farmers, through their organizations to stabilize prices, are among the chief offenders against the antitrust laws and deserve prosecution. It doubtless speaks for the various classes of middlemen that make their profits by hauling farm products—grain and produce, live-stock and cotton exchanges, elevator and warehouse companies, packers and their private car lines, and the various affiliated railways and banks. All these applaud the Attorney General and the Chicago court for enjoining labor organizations. The demand for injunctions against farm and labor organizations alike proceeds from a common source and for a common purpose—the serfdom and industrial dependence of the producing classes, both farm and factory, upon those who make their dividends by the exploitation of industry.

It is therefore just as necessary to farm organizations as for labor organizations to amend section 15 of the Clayton Act under which the Attorney General is claiming his authority to evade the Clayton Act in the courts. The prime object of the railway and coal interests in the recent strikes and of the steel, oil, and packing interests behind and affiliated with them was to break down the labor union. That is the prime objective of the injunction. These special interests are determined to destroy the power of workingmen to have a voice in fixing the prices of their product, namely, the wages of labor. From the same source comes the protest against the proposal of the farmers to have a voice in the fixing of the prices of farm products.

It was at the demand of these interests that when the administration, of which the present Attorney General is a conspicuous spokesman, came into power, that this reorganized Federal Reserve Board restricted farm loans and raised the rates thereon and started calling loans, to be followed by the Interstate Commerce Commission, under the Esch-Cummins bill, in raising railroad rates 40 to 80 per cent. These were the two governmental acts which started the farmers of this country on the road to bankruptcy.

It is this condition that makes possible to-day the outrageous situation where it is cheaper for the farmer to burn their grain than buy coal at the present inflated price.

On the one hand, the farmer is manipulated far below the cost of producing his product, and the things he buys are manipulated by trusts and combinations who by one method or another seek to evade the laws and sell their product far above cost of reasonable profit. In other words, the farmer sells at wholesale and buys at retail.

The farm organizations of the country sought relief from this intolerable condition by attempting to market their surplus products abroad, their views being incorporated in the Norris bill. But even this small boon to the farmer could not be allowed to pass unnoticed. In order to prevent the farmer from securing any direct benefits through independent initiative, the Norris bill was killed and the Kellogg substitute put in its place, so as to compel the farmer to get all advances for exporting his crops from banks and other agencies, who get a 2 per cent rake-off on all Government advances. The War Finance Corporation within the past few days has reported to Members of Congress its operations for 1921 and up to August 15, 1922. It shows that out of a total of $400,000,000 advanced for export and numerous other purposes over $300,000,000, or three-fourths, went to banking and financing institutions, including live-stock loan companies and exporters, while only $97,000,000 went to cooperative marketing associations representing the farmers. Only a little over one-eighth of the Treasury advances, or $53,000,000, was used to finance exports; so it is not at all difficult to understand why the export of food products for the fiscal year ending June 30 last, as reported by the Department of Commerce, were less than even in the bad year preceding by $450,000,000, or nearly 50 per cent, and due to lack of providing a market for our farmers, wheat is selling for 60 and 65 cents while Canadian wheat is bringing 8 to 10 cents more.

The same attitude of antagonism to measures calculated to give the farmer a share of independence and prosperity has shown itself in killing land reclamation projects, the last step in this line being to strike reclamation from the soldiers' adjusted compensation act. So detrimental to certain interests is any semblance of farm independence and organized effort that this Congress has even been favored by a message from the White House that a "farm bloc" in Congress is prejudicial to the welfare of the country. Manufacturers' blocs, railroad blocs, banking blocs, Wall Street blocs we have with us always as mentors, guides, and directors of laws and tariff schedules; and one of our executive departments—the United States Shipping Board—seems to be operated exclusively as the agency of a shipping bloc, which aims to operate merchant marine companies by the use of Treasury funds appropriated under the name of ship subsidies.

It is not difficult to understand the attitude of such interests and their political representatives, whether in executive, legislative, or judicial positions, against the independent activities of farm organizations. It is the idea of the reactionary group that both farmers and workingmen should take what it has been deemed wiser to give to them; and if they do not like it enjoin them. If they organize to resist, bring injunctions to destroy the organizations, arrest the officers of the organizations if they issue instructions or advice to members, prohibit their public meetings, even prohibit their exercise of the constitutional guaranties of free speech, the use of a free press, and peaceful assembly. And bring such injunction proceedings even under the provisions of the Clayton Act, although that act expressly provides that farm and labor organizations are not combinations in restraint of commerce and can not be enjoined as such.

My State of Minnesota has just produced a bumper crop of potatoes, estimated at about 30,000,000 bushels. The price of potatoes is over $1 per bushel in New York, wholesale. But the farm price in Minnesota is reported at approximately 25 cents, which is less than cost of raising them. The difference between the New York price and the Minnesota price is absorbed by the produce markets, warehouses, and railroads. Should the potato raisers organize to warehouse their own product and ship them in their own private cars, as the "Big Five" of the "packers' combine" is permitted by the Interstate Commerce Commission and the Attorney General to do, and by means of such organized action should be able to realize enough of the 75 cents differential between New York and Minnesota to pay for the actual cost of raising potatoes, replacing the soil fertility, and the cost of seed for next year's crop, what would happen? Why, the Wall Street Journal and all the other organs of the produce exchanges and shippers would be after the Attorney General to bring an injunction under the Clayton Act; and if he cares no more for the word "agricultural" than for the word "labor" in line 3 of section 6 of that act the Minnesota potato growers would speedily be enjoined if they said the word "potato" either in a public meeting, in the public press, or over the telegraph or telephone.

Mr. SMITH of Idaho. Mr. Speaker, I yield four minutes to the gentleman from New York [Mr. LONDON].

The SPEAKER. The gentleman from New York is recognized for four minutes.

Mr. LONDON. Mr. Speaker, it seems to me there is a misunderstanding as to the effect of this bill. This bill applies to one class only, namely, to those who are involuntarily separated from Government employment after at least 15 years' continuous service because of no fault of their own. Point 2 to be borne in mind is that, instead of getting his full annuity, the annuity which he would have gotten at the age of 70 or at the age of 62, under the terms of the retirement act, he gets only a portion of the annuity. In other words, he is placed in the same position that a policyholder in an insurance company is placed in when he gets the cash surrender value of his insurance policy or a paid-up policy. He gets what the future full annuity is worth at the time that he is separated from the service. You should remember that when you vote for it. That has not been referred to in the discussion.

Mr. ANSORGE. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. ANSORGE. Is it not also a fact that none of these employees will receive a pension until they reach their retirement age? It seems to be an impression that these men are going to receive their pension at the age of 55. The bill says they shall not receive it until they reach the retirement age.

Mr. BLACK. The gentleman should read section 2.

Mr. LONDON. Under section 2 he may apply for an immediate annuity. He has the right to apply for an immediate annuity in lieu of the larger annuity at the age of retirement. In other words, he may ask for the surrender value of his future annuity. It is a very simple proposition. No gratuity is involved, no generosity is involved. You are only following the method which insurance companies are compelled by law to carry out with their policyholders.

Mr. SANDERS of Indiana. How do you determine the amount?

Mr. LONDON. It is worked out actuarially. The gentleman will find on page 5 a very clear statement of it. Section 2, on page 5, gives the method of computation, and because this mathematical method of computation is difficult to follow, you should not vote against the bill.

Mr. SMITH of Idaho. I yield to the gentleman from Massachusetts [Mr. TAGUE].

Mr. TAGUE. Mr. Speaker, I think the membership of the House will agree that no bill passed by the House was intended to do more good than the so-called retirement bill, but in reality it has worked an extreme hardship to a great many faithful employees of the Government, in that men engaged in a special line of work for the Government for 28, 29, or 30 or more years have been involuntarily left off the pay roll. The Civil Service Commission has ruled that a man reaching the age of 55 years is not entitled to register for labor. Therefore these men who have reached the age of 59, some of them within three or four months of the age of retirement, have been discharged from the service, and if they want to go back again they can no longer be employed by the Government but must seek employment elsewhere. So a great hardship has been worked on these men who have given the best of their lives in the building of battleships, in the repairing of battleships, in the building of guns, for 25, 30, and sometimes 35 years. If they go out and seek employment, what do they get? When they go to the great corporations, the first question asked is, "What is your age?" A man says, "I am 58 years of age." "Where have you been employed?" "I have been employed in an arsenal or a navy yard." The minute these men say they have reached the age of 57, 58, or 60 no great corporation wants them. They are left without employment. They can not get employment. Then to make it worse Government institutions close their doors to them, notwithstanding the fact that they have been faithful employees of the Government. I say, that being the case, the least we can do is to be fair with the men who have given the best years of their life to the Government and who through no fault of theirs have been separated involuntarily from the Government service. That is what this bill says. Men who have been separated involuntarily, men who have been faithful to the Government, men who have given the best that is in them to the Government, are the beneficiaries of this bill, and unless we pass it we close the avenues of employment to many of them throughout the country.

Mr. SMITH of Idaho. Mr. Speaker, I move the previous question on the conference report.

The SPEAKER. The gentleman from Idaho moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. SMITH of Idaho, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On September 16, 1922:

H. R. 6258. An act to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.

On September 18, 1922:

H. R. 1949. An act for the relief of Richard J. Easton;

H. R. 2620. An act for the relief of Welch, Fairchild & Co. (Inc.);

H. R. 4145. An act for the relief of Leonidas Sawyer;

H. R. 4368. An act for the relief of the owners of the barge *Havana;*

H. R. 5965. An act for the relief of the owner of the vessel *Maria Artau;*

H. R. 6525. An act for the relief of the Cortez Oil Co.;

H. R. 7662. An act for the relief of F. R. Messenger;

H. R. 7695. An act for the relief of James E. Connors;

H. R. 9866. An act authorizing the Pan American Petroleum & Transport Co. to sue the United States to recover damages resulting from collision;

H. R. 11078. An act for the relief of the Mary Ann Shipping Co.;

H. R. 11901. An act authorizing the construction of a bridge across the Ohio River to connect the city of Benwood, W. Va., and the city of Bellaire, Ohio;

H. R. 862. An act for the relief of Vivian Hood;

H. R. 1723. An act for the relief of Edward J. Schaefer;

H. R. 1965. An act for the relief of Mrs. D. Montgomery;

H. R. 5634. An act for the relief of Frank William Brown and Clara Bryan Brown;

H. R. 5668. An act for the relief of Cora T. Dering;

H. R. 6507. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 7109. An act to accept the cession by the State of Arkansas of exclusive jurisdiction over a tract of land within the Hot Springs National Park, and for other purposes;

H. R. 7984. An act for the relief of James Kelly;

H. R. 8675. An act to authorize the Secretary of the Interior to accept a certain tract of land donated as a site for an administration building for the Rocky Mountain National Park;

H. R. 10248. An act authorizing the sale of surplus power developed under the Salt River reclamation project, Arizona;

H. R. 3508. An act for the relief of Rear Admiral J. S. Carpenter, Supply Corps, United States Navy; and

H. R. 3754. An act for the relief of Rear Admiral Livingston Hunt, Supply Corps, United States Navy.

On September 19, 1922:

H. R. 4810. An act to authorize the creation of corporations for the purpose of engaging in business within China.

LEAVE TO EXTEND REMARKS.

Mr. A. P. NELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the deficiency bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD on the deficiency bill. Is there objection?

There was no objection.

Mr. GREEN of Iowa. I ask unanimous consent to extend my remarks in the RECORD on the tariff bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks on the tariff. Is there objection?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MOORE of Virginia. On what subject?

Mr. WOODRUFF. On the state of the Union.

Mr. MOORE of Virginia. The state of the Union is tolerably wide.

Mr. WOODRUFF. I may say to the gentleman from Virginia that if the permission is granted my remarks will be tolerably wide.

Mr. STAFFORD. I think we ought to have a more specific statement than that, Mr. Speaker.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House Resolution 324.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD on House Resolution 324. Is there objection?

Mr. STAFFORD. Will the gentleman inform us what is the title of that resolution?

Mr. WOODRUFF. That is a resolution which should be very familiar to the gentleman from Wisconsin. It is known as the *Woodruff-Johnson* resolution.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. WOODRUFF. Mr. Speaker, under leave to extend my remarks on House Resolution 324 I will print two memorandums forwarded to his superiors by a special agent in the Department of Justice, Maj. W. O. Watts:

DEPARTMENT OF JUSTICE,
Washington, D. C., February 18, 1922.

MEMORANDUM FOR MR. W. J. BURNS, CHIEF BUREAU OF INVESTIGATION, DEPARTMENT OF JUSTICE.

Subject: Reference to the conduct of war-graft cases.

1. As verbally directed by you Wednesday night last, I submit the following narrative report of my duties and observations since employment by the department July 6, 1921.

DUTIES.

2. From the inception of my duties until about the middle of November I worked principally on the United States Harness Co. case, under the supervision of Attorneys C. B. Brewer and J. L. Lenihan, both of whom were assigned on this case. Since the date mentioned I have been principally engaged on

(a) Cases pertaining to irregular sale of surplus property and adjustment of claims of H. Miller and his several associate firms, and

(b) Analyzing sales of surplus property during 1920 and 1921, concerning which I charged irregularities while a major in the Army and executive officer of the surplus property division, and subsequently thereto, and also noting additional irregularities as disclosed by the Secretary of War's reports to Congress, which I secured by loan and have used in conjunction with my previous investigations.

* * * * * * *

KENYON CASE.

18. On this occasion Mr. Lenihan and I walked from the Department of Justice to the Munitions Building. During the trip conversation touched upon the Kenyon case.

In this, Mr. Lenihan stated that Mr. Brewer and Mr. Sheppard had no case. He said Mr. Hogan had gone over his side of the matter with him fully in connection with his charges against Mr. Brewer, and that it looked bad for Mr. Brewer. He stated, "I can say right now that the Kenyon check for $350,000 will be released within a week." I asked him whether or not he had studied the Sheppard-Brewer report and he said he had not, but that he had read Mr. Hogan's briefs and was satisfied in his own mind that there was no case.

EXTRACT.

19. *Memorandum from Mr. Myers to Mr. Lenihan, December 5, 1921:*

"Herewith is a report of Capt. Joseph R. Sheppard, jr., in reference to the claim of C. Kenyon Co. (Inc.) on raincoat contract No. 1514. *This report, to my mind, established that there were duplications of inventories in different claims submitted* by the Kenyon Co. to the War Department and in different items of the claim on this particular contract. These duplications were contained in a statement made by a firm of accountants employed by the Kenyon Co. Frank Hogan, the attorney for the Kenyon Co., concedes that there may be duplication in the statement. But who would suggest under such circumstances that there had been a false or fraudulent claim against the United States within the meaning of the statute?

"I am convinced that a false or fraudulent claim within the meaning of the statute must mean a deliberate attempt to obtain payment from the Government for something for which there is no basis for liability whatever, and not merely the presentation of overlarge or even padded account for the audit and inspection of officers of the Government.

"Mr. Hogan has promised to submit to me this week a more condensed brief of the case, in which the personal equation will play a less part, and which will deal with the law from his standpoint. As you know, payments to the amount of $350,000 are now being withheld from the Kenyon Co. on other contracts as to which there is no question pending the decision whether or not the award on contract No. 1514 should be forfeited under the statute. Mr. Hogan represents the Kenyon Co., while possessing physical properties of great value, like many other manufacturing enterprises, is now short of liquid assets. He stated to go into the new year with this $350,000 against the Government on its books will seriously embarrass the company.

"In view of the great delay that has already transpired, I felt warranted in saying to him that the department would dispose of the matter one way or the other prior to the 1st of January.

"I have had Colonel Goff request the Bureau of Investigation to designate an accountant to check over the report and ascertain first what the total amount involved in the alleged duplication is. The memorandum went down Friday, and I hope that the man will be designated within the next few days. In view of the very crowded week ahead of me, I wonder if I can not ask you to consider the report, to supervise an analysis of it by the accountant, and to give me, if possible, before the close of the week a brief recommendation as to the disposition of the matter.

"I think the principles involved are somewhat similar to those which you have discussed so clearly in the Maxwell case, and that, therefore, you will not have much difficulty in arriving at a conclusion of the law." (Copy of this memorandum attached—Exhibit No. 1.)

20. Shortly after Mr. Lenihan received Mr. Myers's memorandum of December 5 I was in his office, when he mentioned the Kenyon case and read to me extracts of this memorandum.

He said that his findings would be different to those of Sheppard and Brewer; that there was no case.

21. I reminded Mr. Lenihan that he was confronted with a precarious situation in arriving at a reverse opinion of the department's two accredited attorneys, who had established a case after months of careful investigation based on first-hand information. I also stated that he was at a decided disadvantage for the reason that he would necessarily have to render his opinion on the report itself, unless he personally made a thorough investigation.

22. Mr. Lenihan said that Sheppard was not with the department any longer, and that Mr. Brewer had made a deplorable mess of the case.

23. Inquiry was made as to whether he would close the case without further reference to Mr. Brewer, and Mr. Lenihan replied that Mr. Myers had said that his report would be referred to Mr. Brewer.

24. On December 15, at 9.30 a. m., I was in Mr. Lenihan's office regarding some corrections I desired made in his memorandum to Mr. Myers of December 14 re H. Miller & Co. case, on which I had rendered a report December 3, which had been referred to him. While going over this memorandum with Mr. Lenihan the telephone rang, and Mr. Hogan was on the wire. Mr. Lenihan said, "Hello, Frank," and then a long conversation ensued. Mr. Hogan talked and Mr. Lenihan intervened several times with "Thanks, Frank, for the information." Mr. Lenihan was reticent about answering Hogan, appearing much embarrassed and desiring to end the conversation as quickly as possible. Mr. Hogan was apparently aggressive and insisted on discussing the Kenyon case, forcing the issue, and, from the tone of Mr. Lenihan's answers, I was constrained to believe that Mr. Hogan was in possession of a copy of Mr. Lenihan's brief. Mr. Lenihan said that "Mr. Myers is back and will get the report to-day, and he will soon know all about it." Mr. Hogan kept referring to specific points, and Mr. Lenihan said that such of these as he had not covered in his memorandum he had discussed with Mr. Myers, and said, "Over all, the items in the claim are all right as a lump sum."

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COMMENT.

26. Mr. Myers's memorandum of December 5 appears to me to be an extraordinary set of implied, if not definite, instructions to Mr. Lenihan to reach a finding such as he did in his memorandum of December 12. These instructions, as well as Mr. Lenihan's reply, might well be construed as emanating from the defense counsel:

"a. Mr. Myers admits 'duplications of inventories in different claims.'

"b. But who would suggest under the circumstances that there had been a false or fraudulent claim against the United States within the meaning of the statute?"

The question naturally arises as to how these diverse statements can be reconciled with the fact that duplicate payments were actually made.

"c. Mr. Myers informed Mr. Lenihan that the Bureau of Investigation had been requested to 'designate an accountant to check over the report and ascertain first what the total amount involved in the alleged duplication is' and expressly requested Mr. Lenihan to 'supervise an analysis of it by the accountant.' Mr. Lenihan ignored these instructions and rendered his report recommending the disbursement by the Public Treasury of more than one-third million dollars without the formality of an audit in a case where two reputable Government attorneys had found fraud after an extensive investigation."

27. The "Maxwell case," so clearly discussed, had been found by Mr. Lenihan to be "no case," and closed, although it is charged as being highly fraudulent.

28. Paradoxical as it may seem, Mr. Lenihan, in his memorandum of December 12, to Mr. Myers, proceeds to state:

"Pursuant to your memorandum of the 5th instant, *I have examined the files in the above matter; also the statement of Mr. Frank Hogan, attorney for the Kenyon Company, and the statement of Mr. Sheppard, formerly of this department.*

"*Up to this time I have been unable to obtain the services of an accountant to check over the statements in order to ascertain the exact amount of duplication. There seems to be no question that there were duplications. However, I agree with your conclusions that the duplications are immaterial except in so far as they might be the basis for charges of fraud.*

"*I do not have before me the original statements and records concerning these various claims.* Mr. Sheppard points out various discrepancies in the several claims. His conclusions are that these discrepancies show fraud on the part of the contractor.

"In the absence of an explanation, it might well be that a conclusion might be reached that some of the items were presented willfully, knowingly, and with intent to defraud, and that, therefore, the entire claim should be disallowed."

29. Mr. Lenihan then follows with this unique "*conclusion*" and *recommendations:*

"*After a consideration of the entire matter I have reached the following conclusions:*

"*2. That there was no fraud upon the part of anyone connected with the presentation or settlement of the claims.*

"*Recommendations.*

"*1. That a letter be addressed to the Secretary of the Treasury notifying him that the department has concluded its investigation and finds that there is no case and requesting him to pay the Kenyon Co. the $350,000 now being held by his department.*

"*2. That the Secretary of War be notified of the result of the final investigation and that a copy of the department's letter to the Secretary of the Treasury be inclosed.*"

30. In the face of the two paragraphs above quoted and his admission that "I do not have before me the original statements and records concerning these various claims," Mr. Lenihan can hardly justify his conflicting "conclusion" that he had reached his findings "*after a consideration of the entire matter.*"

31. Furthermore, Mr. Lenihan omits to mention the important fact that he was fully aware of the fact that Attorney Brewer had jointly participated with Attorney Sheppard in the more complete investigation and definite findings contained in their report, which he used as a basis for his own immature findings.

32. Mr. Lenihan's investigation and study of this case must of necessity have been elementary to a degree, since the case was referrd to him on December 5 and his report was completed December 12.

This allowed him but one week in which to study the case and write a 32-page memorandum. Of course, it was a physical impossibility to make any sort of a fair and impartial investigation and review within so short a period, and Mr. Lenihan admits that he did not attempt such a procedure.

33. How, then, can Mr. Lenihan reconcile with public interests and his sworn duty as a public official his *recommendation* that "*a letter be sent to the Secretary of the Treasury notifying him that the department has concluded its investigation and finds that there is no case and requesting him to pay the Kenyon Co. the $350,000 now being held by his department?*"

34. In my opinion this is a vital matter for the department's consideration. Mr. Hogan, as before stated, is now opposing the department in the United States Harness Co. case, the Kenyon case, and will shortly appear as counsel in the Eisner case. It is possible that Mr. Hogan may represent other of the numerous defendants in cases I have caused to be investigated by the War Department, the congressional committee, and other cases on which I have been engaged now for two years.

35. According to Mr. Hogan's own statement, as repeated by Mr. Lenihan, he has "agents" in all Government departments.

36. I deem it vital to the department's welfare to inquire into and take the necessary precautionary measures to circumvent and curtail the influence of Mr. Hogan within the department if such he actually has.

37. Assuredly, Mr. Hogan's disreputable remarks concerning attorneys of such integrity as Mr. Herron and Mr. Brewer reflects no honor or credit on himself, and to a lesser degree on Mr. Lenihan, a departmental official, who failed to justly rebuke such unwarranted attack, but rather elected to reflect such with his stamp of full approval.

38. Mr. Hogan has called on Mr. Lenihan on numerous occasions and held lengthy clandestine conversations.

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DELAY IN WAR FRAUD CASES.

50. The New York World of February 4, among other things states:

"Attorney General Daugherty has headed off, temporarily at least, a threatened revolt in the Republican ranks by appointing as a Special Assistant Attorney General, Charles G. Searle, of Rock Island, Ill., for the purpose of pushing the investigation of the U. S. Harness Co. and other cases growing out of the Graham committee's inquiry into war contracts, the World learned to-day. His appointment was at the insistence of William J. Graham, of Illinois, chairman of the Select Committee of the House to investigate expenditures in the War Department.

* * * * * * *

"Mr. Graham and other Congressmen have been extremely dissatisfied at the slow progress of the so-called war cases, particularly that of the Harness Co., have been making in the Department of Justice. The Graham report was made in February, 1921, and since then not a single case referred by it to the department has resulted in an indictment. The dissatisfaction reached a climax early this week, when members of the committee visited the department and demanded to know what was going to be done about the Harness Co. matter. 'The truth is,' the Congressman was told, 'we haven't a man here in the department who is equipped to handle the case as you think it should be handled.'"

51. The World of February 16, 1922, states:

"Republican Congressmen threaten to quit party.

"Washington, February 15.—What is the Department of Justice doing about the embalmed salmon scandal?

"What has been done with the Graham committee's recommendations for civil and criminal prosecution of the packers who sold rotten salmon to the United States Army, well knowing that it was to be eaten by the doughboys?

"What does the Attorney General intend to do about the Graham committee's evidence showing the conditions under which this salmon was canned and showing that one batch of it was remanufactured into fertilizer?

"These questions are being asked by a group of semi-insurgent Republicans in Congress who were responsible for the investigation that revealed a wicked disregard for the health of our soldiers. Some of these G. O. P. members are at the breaking point with the party over the failure of the administration to push the war-contract cases. Royal C. Johnson, of South Dakota, himself an overseas veteran, declared to the World correspondent:

"'If the Republican Party will not punish the men responsible for crimes like the salmon scandal, I am through with the party. But I still have hopes that some action will be taken.'"

51. That the department is open to some criticism for unnecessary delay I am of the opinion admits of no doubt.

52. The Graham committee conducted hearings on war-fraud cases for some 18 months, the record of which is contained in more than 20 printed volumes and a number of special reports.

53. The majority committee found many cases of fraud and recommended prosecutions. On its record in establishing unquestionable cases of fraud, the majority committee may well be expected to expect reasonably prompt action by the Department of Justice.

54. The minority committee invariably, so far as I am able to determine, made its findings in defense of the late administration. It is a positive fact, as borne out by the record, that the minority committee rendered no assistance in arriving at a true and just finding in any of the cases presented by me. This was an especially distressing disappointment to me, since I was of the same political faith.

On the other hand, I found Mr. Graham, chairman of the majority committee, and other majority members, intensely interested in establishing the true facts. In view of its defensive record the minority committee can ill afford, in my opinion, to now complain.

55. Upon my appointment as special agent I brought a set of these hearings and reports to the department for general use and two additional sets have since been obtained. As far back as July last I urged upon Mr. Brewer and Mr. Lenihan prompt action in the Harness and other cases, and have never ceased to urge more speedy action. On numerous occasions I have stated to these attorneys that Colonel Goff would probably call upon us unexpectedly for a show-down and find us unprepared. We have been and are now woefully lacking in an organization capable of handling the enormous amount of important work involved in a competent and effective manner.

The lack of such an organization and a fixed policy of action has been so marked as to almost warrant the assumption of a hopeless view of success.

56. Almost from the inception of my appointment in July the situation has been hopelessly impracticable, if not intolerable. In the early stages of the War Fraud Bureau, Mr. Lenihan began jockeying to get charge of the Harness case as well as the bureau itself. He was voluble in his denunciation of Mr. Brewer's lack of experience in law, resented his retention on political grounds; said that he would not work under a Democrat and objected to working with him, as to do so would loose him prestige. His expressed theory was that he had won his spurs in the administration's counsels in the recent campaign, therefore, he had a right to a voice in party policies.

57. He said that it would not improve my standing in the department to be associated with Mr. Brewer, who had no standing.

He informed me that he was close to Colonel Goff and would control the War Fraud Bureau. On numerous occasions he came to the office and related conversations which, he said, had taken place between himself and Colonel Goff. His remarks were not always discreet and were at times such as to arouse a doubt in my mind as to whether the department would ever proceed in the war-fraud cases.

58. On one of these occasions Mr. Lenihan's remarks were so pointed and explicit as to almost indicate final judgment. The circumstances were: About the first of October ex-Senator George E. Chamberlain, member of the Shipping Board, phoned me and offered me an important mission which would carry me to Europe, and asked me to come to see him. This I did, and learned from another official of the Shipping Board, to whom I was referred, that the mission would necessitate my stay in Europe for possibly a year.

59. Although I could ill afford to turn this proposition down, in my financial distress, I resolved to do so in the interests of the successful termination of the Harness case and other important matters in which I was so deeply interested, and felt that the Department of Justice would need my services. I further reasoned that unless I personally prepared and pressed those cases that the Government would lose large sums of money, the guilty would go unpunished, and my labors of nearly two years would fail as a natural consequence.

Mr. Lenihan then seemingly developed a particular interest in my welfare. He urged me to accept the appointment.

He went so far as to say that the war fraud cases would never develop into prosecutions, as it was against public policy; that the congressional hearings amounted to nothing; that my work might soon terminate; that the appointment would be a just recognition of my services; that I had sacrificed enough already, etc.

60. I am not informed as to Mr. Lenihan's real powers and limitations, but have constantly labored under the hope that they were not so great as he assumed them to be. I have rather believed that he has overestimated himself, and that the department would correctly appraise his true value when the test came.

61. When he was new in the department, Mr. Lenihan remarked to me that he had never tried a case in a Federal court; that he knew

nothing of Federal court or departmental procedure, and that the intricacies encountered were a maze to him in which he had to grope his way.

62. On looking up Mr. Lenihan's rating in a lawyers' guide for 1920, I find that he was licensed as an attorney in 1910, and is classified in "b" grade, the second rating listed, worth $1,000–$2,000.

Moreover, Mr. Lenihan has stated to me that during the last two years of the war his earning power did not exceed $75 per month, and that he had to borrow funds to reach Washington to accept his present position.

These facts are here mentioned for the purpose of showing that Mr. Lenihan had not attained any great degree of eminence in his profession prior to receiving his present appointment of $5,000 per annum, which he now deems inadequate.

63. So this is my appraisal, possibly crude, but at least honest, of the unfortunate conditions existing in the so-called war frauds bureau on November 19, 1921, when Colonel Goff announced in conference the detail of Mr. A. F. Myers, his assistant, to be in charge of the immediate supervision of the bureau.

64. When Mr. Myers was assigned I hailed his detail with joy, in the belief and hope that conditions would immediately improve and great accomplishments would rapidly follow. The inaction and events which have since transpired have served to almost wholly dispel such hopes. The so-called war frauds bureau, as now constituted, is so indefinite in its organization and scope of action as to be scarcely worthy of the name.

65. Mr. Myers's cooperation in my work has been so indefinite as to be negligible. It must be remembered that he has been intimately associated with Mr. Lenihan, whose advice he has sought and relied upon from the beginning. Following the conference November 19, a conversation ensued after Colonel Goff left the office. I remained for a time and took part in this. The significance of this talk was that by his very first action Mr. Myers is believed to have registered his position. Mr. Lenihan then had under consideration the Maxwell case. Mr. Myers instructed Mr. Lenihan to get his (Myers's) report on the Muscle Shoals case and follow same in making his findings in the Maxwell case.

The astonishing facts are that Mr. Myers had found no case and had actually closed the Muscle Shoals matter.

66. What happened is a matter of record. Mr. Lenihan subsequently said that he had found no case. He also said, while preparing the Maxwell report, that he was taking great pains with it, as it would be his model to be followed in all subsequent cases.

He also then jokingly said that he was going to put a sign on his door, "No-case office," as all such cases were being sent to him.

67. In the latter part of November Mr. Myers asked me to rush a report on the H. Miller cases. I rendered a preliminary report on December 3, supported with ample proofs of crime sufficient for the immediate indictments of Army officers and others.

The department has been in possession of these proofs since my employment. Mr. Myers then said he had in view a good attorney, whose appointment he would secure at once. No such appointment has been made, although I have since urged this plan upon Mr. Myers, obtaining further assurances. Mr. Myers referred the Miller report to Mr. Lenihan, with whom it is now lodged.

68. I have gone to Mr. Myers's office several times and shown him important matters on which I have been working, and have requested him to come to my office and make a general survey of the work in hand and counsel with me as to the methods and improvements.

I have called to his attention the utter lack of a satisfactory contact with the War Department for securing the necessary records, explained the difficulties of my progress, and have asked for remedial action.

Mr. Myers has never considered these requests of sufficient importance to dignify them with a compliance.

He has never deemed it expedient to come to my office and make any sort of a survey, yet he has seen fit to spend hours and constant attendance in Mr. Lenihan's office.

69. At a conference held by Colonel Goff on Saturday, November 19, 1921, which was attended by members of the War Fraud Bureau, I then gave to Colonel Goff an outline of important matters which I deemed absolutely necessary to the prompt and effectual conduct of our investigation. Colonel Goff then instructed me to prepare a letter for his signature to the Assistant Secretary of War calling for this information, which I did under date of Monday, November 21, 1921. (Exhibit No. 2.)

70. Having heard nothing from this communication, which I laid on Mr. Myers's desk, I wrote him a memorandum on December 22, one month later, requesting that these documents be referred to me for use in the preparation of reports on H. Miller and his associates on which I was engaged, should they have been received. (Exhibit No. 3.)

71. On the same date Mr. Myers replied, stating that "the letter dated November 21 was not sent for the reason that I thought some of this *material could better* be obtained through negotiation than by written request. Mr. Borchardt has arranged to obtain this material and much other data and will have it in this office available for reference in the future." (Exhibit No. 4.)

72. I again wrote Mr. Myers on the same date calling his attention to the importance to us of this information if we were to effectively proceed with the war-graft investigations, stating the necessity therefor. (Exhibit No. 5.)

73. Mr. Myers then came to my office, somewhat annoyed, and informed me that Mr. Borchardt would obtain the desired information. On December 27 Mr. Myers called me to his office, where Mr. Borchardt was present. Mr. Borchardt handed to me *one photostatic sheet covering* sales in bulk, a copy of which was in my possession, but of little value. (I know how this report is made, and have in my possession overwhelming proofs showing false entries involving millions of dollars.)

74. Mr. Myers stated that they were unable to obtain the papers I desired, as there were some 30,000 copies, and that the department had no funds with which to photostat them, etc. I informed Mr. Myers that there were not more than 3,000 copies of the papers we desired, but in view of the apparent obstacles, I stated that I believed I could procure, through Mr. Graham, the War Department's copy to Congress. Mr. Myers suggested that I do this, if possible. Accordingly, I called Mr. Graham by phone, and he courteously made the necessary arrangements with Congressman ROYAL C. JOHNSON, who gladly loaned me the recent reports. Mr. Graham further went with me to and arranged with the Clerk of the House, Mr. Tyler Page, for my access to previous reports.

75. I have been engaged on these reports since December 28, and am not yet through.

This analysis is well justified by the disclosures so far obtained; the work will be concluded as rapidly as possible.

76. Attention is invited to copy of memorandum from Mr. Lenihan to Mr. Myers dated November 28 (Exhibit No. 6), relating to me and cases in which I am interested. Mr. Lenihan is not accurate in stating that "I have never discussed with him the merits and demerits of these cases." He has discussed with me some of the cases at considerable length.

77. Mr. Lenihan appears to me to have had a good deal to do with the delay. He said, "I have felt that our limited organization should first dispose of the cases under investigation before instituting new investigations."

78. If Mr. Lenihan knows anything, he knows that the following of such a plan would assuredly result in delays so detrimental to our case as to be utterly untenable and impossible of success.

If Mr. Lenihan was really interested in the department's welfare, the question arises in my mind as to why he did not see fit to recommend the extension of "our limited organization," so as to provide for the disposal of the immense task confronting us in a proper and expeditious manner.

79. If Mr. Lenihan has ever exerted himself to this end, I have yet to hear of it. He has, on the other hand, impressed upon me the impossibility of extending the organization.

80. Mr. Lenihan then proceeds to say:

"I would recommend that after Major Watts has completed his report on the H. Miller case he be requested to furnish a statement of each case concerning which he has knowledge so that you may then determine as to whether or not the cases should be thoroughly investigated."

This recommendation would seem to determine a condition of trust and final reliance by Mr. Myers on the recommendations of Mr. Lenihan. The Miller case is now being held up, and I have not been requested to furnish statements covering any other cases. Certainly the plan outlined and recommended is not indicative of promptness or conducive of good results.

81. I have so many cases requiring attention that I fear the statute of limitation, although recently extended, will have expired before this plan could be successfully concluded.

82. As a result of my recent investigations, as disclosed to Mr. Myers, he consented, a month ago, to effect a conference between the Secretary of War or his assistant, Colonel Goff, he, and myself to secure, if possible, some plan of mutual cooperation with the War Department in our work. Later, he said Colonel Goff would be away about a week and after his return the conference would be arranged. Nothing further has developed.

83. I have personally brought enough "live" cases into the department to keep several investigators and attorneys employed for many months. If properly handled, these cases will yield a return of large sums of money which truly belonged to the Government.

84. Furthermore, I am of the firm conviction that the heavy hand of the law should fall upon the conspirators, official and private, who have mulcted the Government out of many millions of dollars, when an overburdened Government is struggling to conserve its resources and its citizens are crying in despair for relief and justice. The Spanish-American war scandals pale into insignificance in comparison to these gigantic frauds.

85. Why, then, can we not proceed in the course of our plain and public duty in an expeditious and effectual manner? I have labored long and earnestly in the pursuit of what I have deemed proper to choose as my duty. The record of achievement registers some accomplishment.

86. I now feel that sinister obstacles impede the path of our progress and that the ends of justice are being subverted.

87. Notwithstanding the fact that my convictions are strong in these premises, I yet have faith that conditions will be set aright, to the end that "justice," a word universally reverenced, but now of doubtful import in the minds of many, will again become the symbol of what the word implies.

BACKGROUND OF MY WORK.

88. It may be advisable before concluding this report to give you a brief background of my services and efforts in behalf of my Government.

89. My services for the flag began in 1898, when I served throughout the Spanish-American war as an enlisted man with the First Tennessee Regiment of Volunteers, in its Philippine campaign.

90. At my request I was discharged in the islands with an "excellent" discharge. I served there for a time in the insular treasury and subsequently in the Quartermaster Corps as a civilian clerk and chief clerk. On the outbreak of the Russo-Japanese (1904) war I was ordered to duty in Japan, where I served until 1911, when ordered, at my request, to the United States for duty. I resigned the service in 1912 to enter business for myself.

91. When it became apparent in 1916 that the United States would become involved in the World War, I secured reappointment in a civilian capacity and qualified for a commission as captain, Quartermaster Reserve Corps. I received my commission in May, 1917, and in August of that year was assigned to duty at Camp Pike, Ark. My duties there comprised purchasing and inspection of supplies, executive officer, etc.

92. I was promoted to major June 4, 1918, for efficiency. At my request I was ordered to France in July, 1918, where I was selected out of a large number of officers as executive officer to organize the personnel and establish quartermaster depot No. 3 at Montierchaume, one of the two largest depots in the American Expeditionary Forces, under plans to provide for the needs of 1,000,000 men. I remained in command of this depot until succeeded by a colonel, and thereafter as deputy depot quartermaster and executive officer until June 28, 1919, when the work was virtually wound up.

93. Upon my return to the United States I was assigned to duty August 1, 1919, as executive officer in the surplus property division, Office of the Quartermaster General.

94. I found conditions in the surplus property division in a chaotic condition and was able to affect some improvements.

95. Later on I discovered conclusive irregularities, involving the chief of the division, Col. L. M. Purcell, and other officials.

96. I made prompt report of these and attempted to apply remedial measures. I met with strong opposition of Col. A. W. Yates, the new chief of the division, and other officers and civilians involved.

97. Colonel Yates relieved me as executive officer with Col. L. E. Hanson on May 20, 1920, and ordered me not to disclose to him the irregularities complained of by me to my successor or to his new assistant, Lieutenant Colonel Barry. I ignored these instructions and advised Colonel Hanson of existing conditions.

98. Colonel Yates ordered me to request a 30-day leave of absence. I declined to do this, as the leave was not wanted.

99. I insisted upon a thorough investigation.

100. I was then imperatively directed to request a 15-day leave. I complied under protest. Colonel Yates then ordered me on June 2, 1920, to make a report in writing covering specific cases. I did this on June 22. These reports were later referred to Col. W. C. Jones, Quartermaster Corps, for investigation, where he undertook a "whitewash," but in the face of my forcible objections he gave up the job and had the quartermaster general refer the cases to the inspector general, a so-called independent branch of the service. The idea was to get a legalized "whitewash" from a legitimate inspector. They got what they wanted. I worked with the two inspectors from July until September 27—three days before my honorable discharge. I was offered a commission as major by Colonel Yates in June, 1920, provided I would turn in a "favorable" report after I had charged and established criminality. The report and findings of Col. E. O. Hunt, inspector general, are a travesty on justice. This voluminous report is defensive in every particular.

It constitutes an amazing record of falsehood and false and incomplete testimony, and unquestionably subjects him to criminal action in conspiracy to defraud the Government.

101. Colonels Yates and Hanson subsequently came under my charges and are now subject to indictment in the Harness case, and are both involved in other cases.

102. Colonel Hunt also "whitewashed" this Harness case.

103. Immediately after discharge from the Army I went to New York and published a series of some 20 articles with Mr. Alfred W. McCann in the Globe, exposing and attacking the War Department's abuses in the sale of surplus war materials and the adjustment of claims.

104. Secretary Baker replied to my charges on October 17 in a lengthy and false article, saying, in part:

"* * * The investigation by the Inspector General's office was continuous from August 1 to October 23, at which time a report was filed dealing specifically with each allegation, suspicion, or accusation made by Major Watts. The report goes with great detail into each accusation and finds each one unsupported, and concludes that 'no cause for criticism of the administration of the surplus property division has been developed by this investigation.' * * *"

105. I replied to Secretary Baker the same day in the Globe, saying:

"I did allege irregularities and favoritism. An investigation was undertaken. It resulted in a whitewash. The Secretary of War refused to discuss it. The irregularities continued. The War Department made no effort to bring them to an end. The accused officers continued unmolested.

"The War Department says the accusations now being made were not brought to its attention. The facts are that as rapidly as irregularities were exposed, the War Department found each one to be unsupported, with no cause for criticism. The War Department's own reports speak for themselves, and the congressional committee will find in them overwhelming refutation of the War Department's self-administered clean bill of health. A bureaucracy that commits offenses and is then commissioned to investigate itself is not likely to criticize its own conduct. In this case it did not tolerate criticism.

"If the War Department had really desired to put an end to the corrupt practices of which high officials were guilty, it manifested a curious kind of sincerity of purpose by refusing to call witnesses whose testimony it did not dare permit to get into the records.

"These witnesses who were not allowed to speak are available. There were two kinds of witnesses—those who were called and whose testimony was subsequently found to be unfavorable, whereupon they were not permitted to testify, and those whose testimony was known in advance to be unfavorable and who were, therefore, not called at all. That was the investigation.

"W. O. Watts."

I could have made this reply much longer and stronger on the record of facts.

106. When Congress convened in early December I took these cases to the Hon. W. J. Graham, chairman of the Select Committee on Expenditures in the War Department, House of Representatives, whose committee investigated the Harness case, the sale of Old Hickory plant, and briefly investigated several others. The committee expired, however, with the end of the Congress on March 4, and the investigations naturally ceased. Owing to the great sum involved in the Harness case, estimated at from twenty to one hundred and fifty million dollars, I especially urged upon Mr. Graham the necessity for concluding that case first, so that the Government might be saved these millions by canceling the contract. The congressional committee sustained my charges.

107. The Department of Justice voided the harness contract for fraud in June, and the case is now pending trial. The department also sustained me in the Old Hickory case, and trial is now under way.

108. My charges in the H. Miller cases have been sustained by the department, and trial can be instituted almost immediately on the assignment of an attorney.

109. The War Department, I am now informed, has recently sustained my charges in two cases after previously whitewashing them, and denying my charges through Secretary Baker. I believe they will all be sustained by impartial and just investigation.

110. I have been threatened with court-martial, vilified, threatened with bodily harm, offered bribes, and received some commendations since I undertook the thankless task of attempting to prevent these criminal practices.

111. Before my employment with the Department of Justice, but while coming to the department daily to assist Mr. Brewer on the Harness case, one of these "key" thieves offered me a bribe so colossal, to use his own words, that I would "never have to work another day."

112. I was discharged without funds. I continued the fight without remuneration from September 30, 1920, until I was appointed in the Department of Justice July 6, 1921, depending upon the financial assistance of friends. I am now in debt; my family as well as myself have undergone considerable deprivations, solely for the reason that I deemed it my duty to my Government to defend it, to the best of my feeble ability, against a combination of masterful thieves, official and civilian.

CONCLUSION.

In view of the facts herein cited, I conclude that there is something wrong in the organization and direction of the so-called war fraud bureau.

RECOMMENDATION.

1. It is recommended that this report be given careful consideration and effective measures adopted to establish a loyal and efficient organization for the prosecution of war fraud cases.

2. That the H. Miller case prepared by me be withdrawn from Attorney J. L. Lenihan and assigned to an attorney of integrity and ability.

3. That neither Attorneys J. L. Lenihan nor A. F. Myers be permitted to handle any cases on which I am engaged.

Yours very truly,

W. O. Watts, *Special Agent.*

MEMORANDUM FOR THE ATTORNEY GENERAL (THROUGH COLONEL GOFF) FROM W. O. WATTS, SPECIAL AGENT, APRIL 1, 1922.

Re: War-fraud cases.

April 1, 1922.

In compliance with memorandum of Mr. A. F. Myers, special assistant to the Attorney General, dated March 28, 1922, calling for certain specific information, the following report is submitted:

a. Special agent, Bureau of Investigation.
b. Salary, $7 per day.
c. Appointed, July 6, 1921.
d. Assigned to war-contract investigation, July 6, 1921.
e. The following cases have been developed by me while executive officer of the Surplus Property Division, or subsequently:

1. United States harness contract, dated September 24, 1920, covering the sale of all surplus War Department leather and harness equipment, variously estimated at from $20,000,000 to $150,000,000. I personally presented this fraudulent sale to the Hon. W. J. Graham, chairman Select Committee on War Department Expenditures, House of Representatives, on December 6, 1920, together with a number of other fraudulent sales and adjustments of claims, for investigation. The congressional committee immediately opened an investigation (see vol. 67–68), the result of which is shown in the committee's report (1307, February 8, 1921) in which it was recommended—

"1. That the evidence set forth in serial No. 6, parts 67 and 68, and a copy of which report be transmitted to the Department of Justice for such action as the department may deem proper under the circumstances."

On February 16, 1921, the Hon. W. J. Graham, chairman of the committee, speaking on the floor of the House of Representatives, bitterly denounced the harness contract as fraudulent and the officers involved therein and other cases presented by me for one hour (pp. 3478, 3479, 3480, 3481, 3482 Congressional Record, February 16, 1921). Acting on the advice of the Attorney General, the President, on June 16, 1921, voided this contract, and the case is now in the course of final preparation for trial under the direction of Mr. Searle, with the assistance of Mr. Brewer and myself.

2. The sale of the Old Hickory powder plant at Nashville, Tenn., to the Nashville Industrial Corporation, under contract signed November 22, 1920, for $3,350,000 was caused by me to be investigated by the Graham committee. I have been informed that an incomplete audit of the cost of this plant was $143,000,000.

This case is in the hands of Attorney Rice and has already been presented to the grand jury in this city, before which body I have given testimony.

3. A large number of irregular sales and unlawful adjustments of claims made to H. Miller, New York City, and his associated concerns, comprising H. Miller & Co., Chatham Cotton Co., Delphi Mills, the Berkshire Trading Co., the Seneca Trading Co., the Universal Sales Co., and F. W. Jones (Inc.).

These were placed before the congressional committee, but owing to the expiration of that committee with the Sixty-sixth Congress they were not fully investigated by the committee. Briefly, eight of the sales and adjustments effected with H. Miller alone, of which I caused the War Department to undertake an investigation, show a loss to the Government of approximately $300,000.

On another of these sales to the Chatham Cotton Co., the Government sustained a loss of $222,268.97. The combined transactions of Miller and his associates aggregate approximately $15,000,000, and involve additional heavy losses to the Government through conspiracy of War Department officials.

A preliminary report relating to Miller and his associates was rendered by me on December 3, 1921, to Colonel Goff, for the attention of Mr. Myers, which was referred to Mr. J. L. Lenihan, attorney, who reviewed the report and proofs, and found cause for prosecutions.

4. Other irregular transactions which I caused to be investigated by the War Department and called attention of congressional committee include:

"a. The sale of all surplus mosquito bars on March 4, 1920, to the Berkshire Trading Co., amounting to sale price of $1,825,069—50 cents each for the reclaimed and $1 each for new.

"These bars cost $4.65 each, totaling $7,839,993. A 'phony' bond in the sum of $75,000 was accepted by the Surplus Property Division in the consummation of this conspiracy to defraud the Government. The president of the Berkshire Trading Co. was B. F. Falter, former captain in the Army, and in charge of the branch holding this commodity. Falter, after resigning, became associated with H. Miller in the Seneca Trading Co. and the Universal Sales Co. The War Department found that it could not enforce this fraudulent contract because it had accepted an invalid and fraudulent bond, as charged by me, and more than a year after the sale the contract was canceled. The Government sustained a loss of $1,446,586.10, as these bars were resold on May 12, 1921, to Charles Cohen, of New York, at 10 cents each for reclaimed bars and 17½ cents for new bars. The resale to Mr. Cohen was irregular, having been made without proper publicity or competitive bidding, as required by orders in force. Mr. Cohen was one of a number of favored buyers whose purchases amounted to large sums, involving a great loss to the Government, all of which should be gone into thoroughly with a view to recovery and prosecutions.

"(b) Irregular sale of 25,000 wagon covers at a fixed price of $7.50 each to favored purchasers, when bids received as high as $12.00 each, were rejected.

"(c) The preferential sale of approximately 15,000,000 pounds of surplus frozen beef at 10½ cents per pound less 1½ per cent discount, to favored packers, when higher prices were obtainable, some of which was exported contrary to resolution of Congress and orders in force.

"(d) The sale to Belgium of 15,000,000 pounds of fresh frozen beef at 15 cents per pound, on long-term credits, as a favor to the packers in getting this meat off of the domestic market where it should have been disposed of under resolution of Congress.

"(e) Irregular sales to the Universal Trading Co. (a blacklisted firm) amounting to more than $1,000,000.

"(f) Irregular sales to the Universal Sales Co., amounting in excess of $750,000, involving unauthorized transfers of former sales to the Universal Trading Co., and falsifying public documents to effect the same.

"In these transactions the Government was defrauded in that it received only from one-half to three-fourths of the value of its material.

"Other irregular transactions of these same people operating in the name of the Seneca Trading Co. involved the purchase by 'negotiation' of duck and candles, aggregating $1,000,000 at sale price, which were subsequently canceled, and the material resold, in some cases, to 'favored' purchasers at a fraction of the former sale caused a loss to the Government of about $700,000.

"As an illustration, on May 13, 1920, the Seneca Trading Co. purchased 263,633 yards of duck (olive drab) No. 1, 22½ inches, at $0.396, which had been offered to the public at 44 cents per yard, total sale price amounting to $104,398.67, at which time the actual cost price was correctly reported to Congress as $231,997.04. It appears that 918 yards of this material was delivered before the sale was canceled, a year later." This identical material was subsequently resold to Sigmund Eisner Co. under the same S. P. D. No. 13299, as recorded on page 763, July 6, 1921, "Serial list of sales," as 262,715 yards duck No. 1 olive drab, 22½ inches, at $0.101, total sale price, $26,534.22, the cost price of which was falsely reported to Congress as $60,424.45, whereas the latter figure was actually $231,634.51. On this one sale alone it will be noted that the Government lost $77,864.45, and that Congress was falsely advised that this material had cost $171,572.59 less than actual cost. In this connection it is pertinent to state here that I have undertaken an analysis of the War Department's reports to Congress, which are not yet concluded, but have developed far enough to show literally hundreds of cases of false entries similar to that cited above.

"In all of these instances, those false entries lead to irregular transactions and sales made to "inside" and "favored" individuals or firms, who have mulcted the Government, undoubtedly through conspiracy with War Department officials, out of incalculable millions of dollars.

"For a long time past, the War Department has flooded the country with false and misleading publicity statements through the press, that it had recovered, on the sale of surplus war material, from 65 per cent to 86 per cent return on its gross sales.

"The Secretary of War, in his report to Congress on the sale of surplus war materials for last year, stated that the percentage of recovery was 16 per cent for that year, and the percentage of recovery on all sales made up to that time amounted to 50 per cent. Based upon an extensive study of sales made, I am of the opinion that the Secretary of War has been grossly imposed upon by his subordinates in the preparation of those false reports.

"It is not believed that the actual percentage of recovery for last year will exceed one-half of the figures stated by the Secretary, i. e., 8 per cent.

"Furthermore, I do not believe that the percentage of recovery on all sales made on careful investigation, will exceed 20 per cent, as against the 50 per cent claimed to have been received. Deducting the cost of operation, the recovery will undoubtedly fall short of these figures.

"Irregular sale without competition of 2,383,445 yards of shirting flannel to Sigmund Eisner and associates, at $1.05 per yard, less 10 per cent discount.

"My complaint on this sale was whitewashed by the War Department, and upon a reinvestigation by an inspector of the War Department, at the request of the Attorney General, in which I have assisted, I have been informed by the inspector that my charges have been sustained. Mr. Eisner even obtained an 'adjustment' on this ridiculously fraudulent deal.

"This firm is one of the worst parasites, having an apparent strangle grip on the War Department. They have made purchases aggregating millions of dollars under most favored conditions, apparently without restraint, and their powers extend to the adjustment of claims on their own terms. They are represented in Washington by Attorney Frank Hogan, who also, it is alleged, exercises a dominating power over War Department officials, and who is counsel for the now notorious U. S. Harness Co. and the Kenyon cases.

"A lot of sales records have been gathered by me concerning this firm which warrant a thorough investigation of all transactions entered into with them, with a view to recovery of funds and criminal prosecutions.

"(h) Irregular sale of russet shoes, cover alls, blankets, etc., and 'adjustment' of false claims and cancellation of sales in favor of the Star Trading Co., of which I have gathered information, amount to several million dollars. These should be fully investigated.

"(i) Irregular sale of approximately 7,000,000 drawers and undershirts to John T. Hickey; original market value in excess of $3,000,000; cost price approximately $7,000,000 and subsequent reduction in price and partial cancellation and resale of material at about one-fourth its value.

"(j) Irregular sale of approximately 52,000,000 pounds of sugar (refined), at 8.79 cents per pound in 1919, at less than half its value, some of which was exported at a time of great scarcity, when the Nation was restricted to a limited sugar ration. At the time of this sale it appears that sugar was retailing throughout the country from 20 cents to 42 cents per pound.

"Within a few months after the War Department made these sales the Quartermaster General purchased 14,275,800 pounds of refined sugar at 15.8 cents per pound and 22,333,699 pounds of raw sugar at 14.4 cents per pound, making a total of purchases of 36,809,499 pounds, netting a loss on purchases alone of $2,162,291 on the sale price of its sugar previously sold, exclusive of the cost of refining the raw sugar.

"(k) Irregular sale of tobacco to the Berkshire Trading Co. amounting to more than $500,000; its subsequent cancellation to favor former Capt. B. F. Falter and associates and resale about a year later at a loss of about $330,000.

"(l) Irregular sale of 250,000 yards of gauze to H. Miller.

"(m) Some other firms of whom I complained to the War Department as receiving especial favoritism in the sale of surplus supplies were M. Silverman & Son, New York; Yankee Export & Trading Co., New York; Metropolitan Hospital Supply Co., New York; Classic Mills, New York; Max Stabins, Watertown, N. Y.; Thomas Roberts & Co., Philadelphia, Pa.; Swift & Co.; Armour & Co.; Morris & Co.; Libbey, McNeil & Libbey."

5. As a further illustration of the gross favoritism shown the "favored" purchasers, the Wool Products Co. (Max Stabins & Backrach Bros.) purchased approximately 1,200,000 pair of heavy woolen stockings, new, as shown on pages 299 and 300, "Serial List of Sales" November 6, 1920, at 23.5 cents per pair. Of this sale, it is shown that two items:

"(a) Eight hundred thousand six hundred and seventy-three pairs were then sold at 23½ cents, a total of $188,158.16, the cost of which was reported to Congress as $406,336.50.

"(b) Ninety-two thousand two hundred and thirty-four pairs at 23½ cents per pair, sale price $21,674.99; cost value reported to Congress as $46,177."

These sales were made under S. P. D. Nos. 10380 and 10398. The Wool Products Co., who were able to purchase many millions of dollars worth of surplus under favorable conditions, and at less than the value of the materials, and who had unquestionably profited enormously at the expense of the Government, was not forced by the Surplus Property Division to consummate this transaction, but were allowed to evade their obligations by cancellation of the sale on June 2, 1921. We find, then, that these identical lots of woolen stockings as to quantities and identifying numbers were resold as recorded on page 752, "Serial List of Sales," July 12, 1921, to Phelps & Quinn, Louisville, Ky., at 9 cents per pair. In this resale the 92,234 pairs netted the Government $8,301.06, against the former sale to Wool Products Co. of $21,674.99; the cost price was falsely reported to Congress as $23,980.84 as against the former cost price reported to Congress in the sale to the Wool Products Co. of $46,117. The lot of 800,673 in the latter sale, at 9 cents per pair, netted the Government $72,060.57, as against the former figure to the Wool Products Co. of $188,158.16, whereas the total cost price is falsely reported to Congress as $208,174.98, as against the total cost price reported when sale was made to the Wool Products Co. of $400,336.50.

This is only one of many similar deals in which this firm and its associates have participated, wherein the Government has sustained enormous losses. It is my purpose to fully investigate and report upon them all.

An unconscionable sale of all surplus canned meats was made to Thomas Roberts & Co., Philadelphia, Pa., on April 2, 1921. On April 28, 1921, Col. L. E. Hanson, Chief of the Surplus Property Division, directed a letter to "All control supply officers (6)," stating:

"A contract covering the sale of all canned meats surplus and to become surplus has been entered into under date of April 21, 1921, at the following prices:

	Per can.
Bacon, 12-pound can	$1.20
Corned beef, No. 1, 12 ounces	.04
Corned beef, No. 2, 24 ounces	.07½
Corned beef, 1 pound	.05
Corned beef, 2 pounds	.08
Corned beef, 6 pounds	.27½
Roast beef, No. 2, can	.03½
Roast beef, 1 pound	.03
Roast beef, 2 pounds	.03½
Roast beef, 6 pounds	.08
Corned-beef hash, 1 pound	.03
Corned-beef hash, 2 pounds	.05

It was provided that one-seventh of surplus should be taken and paid for each month; the contract to be completed by November. The control supply officers were informed that—

"original purchasers now holding canned meats unsold to be allowed to return all unsold meats at their own expense and to be refunded purchase price."

The Assistant Secretary of War, Mr. Wainwright, appearing before the House Military Committee, April 21, 1921, informed that committee that sale of the War Department surplus supply of canned meats, approximating 81,000,000 pounds, was made to Thomas Roberts & Co. for $5,316,276; that the meat cost the Government 34 cents per pound and that the present market price averaged 24 cents; that the sale price was approximately 6½ cents per pound. The sale of this meat was reported to Congress on page 732, "Serial list of sales," July 1, 1921, as sale No. 38035, showing method of sale as by "fixed price, depot quartermaster, Chicago," as 129,719,722 pounds, at a sale price of $6,135,244.97, and cost price as $56,631.289.54. It will be noted that the sale price ranged from 1⅓ cents per pound to 10 cents per pound, and averaged $0.0472 per pound. The cost price averages 48 cents per pound.

One of the astounding features of this sale is the fact that a large number of previous sales were made after an expensive advertising campaign at prices far greater, which were subsequently canceled as a result of sale to Thomas Roberts & Co.

The exact loss involved in these cancellations and final resale have not yet been determined, but they are shown so far to reach into millions of dollars.

I have been informed that Thomas Roberts & Co. were acting for the packers, who are said to have got this meat, and am now investigating this.

Having observed an article in the Washington News of March 29 to the effect that Swift & Co. and other packers are now suing the Government for $7,909,335 28 "for goods never delivered," I made inquiry and found that Mr. Anderson and Mr. Jones, attorneys of the department, are handling this case, to whom I reported information and evidence in my possession, which it is believed will be of material value to the department in the successful defense of this case.

As an indication of the enormous losses involved in these transactions, as shown by some of the cancellations, the bacon 12-pound cans were sold at $2.50 per can, less 35 per cent, netting 13.541 cents per pound instead of 10 cents per pound received on final sale.

The corned beef No. 1 was sold at 18 cents per can, less 35 per cent, netting $0.1170 instead of $0.04 per pound received on final sale.

The corned beef No. 2 was sold at 27 cents per can, less 35 per cent, netting $0.1755 per pound instead of $0.08 received on final sale.

The corned beef No. 6 was sold at $1 per can, less 35 per cent, netting 65 cents per can instead of 27½ cents received on final sale.

The corned beef hash 1-pound can was sold at 15 cents per can, less 35 per cent, netting $0.0975 per pound instead of $0.03 received on final sale.

This meat was sold to the public through the Army retail stores at the following prices:

	Per can.
Bacon, 12-pound can	$2.75
Corned beef, 1-pound can	.23
Corned beef No. 2	.45
Corned beef No. 6	1.75
Roast beef No. 1	.29
Roast beef No. 2	.63
Roast beef, 6-pound can	1.90
Corned beef hash, 1-pound can	.22
Corned beef hash, 2-pound can	.37

Three hundred and eighteen (318) large lots of this surplus meat were withdrawn from sale by cancellation on January 9, 1920.

Later, on May 13, 1920, a small portion was again declared surplus with restrictions limiting sales to 3,111,867 pounds per month for a period of 12 months.

When this was done, it was known to War Department officials that this meat was rapidly deteriorating, while a market existed for its sale, but this was of no consequence when the packers' interests were involved.

I have arranged with these attorneys to obtain for them additional information of importance and render further assistance.

7. Coal: The Quartermaster General purchased in open market in 1920, 765,252 tons of bituminous coal, claimed to have averaged a cost of $7.12 per ton, and 170,000 tons of anthracite coal, claimed to have cost an average of $8.65 per ton, all f. o. b. mines. D. B. Wentz Co. were shown to have supplied 62,638 tons at $9.5956 and $10.25 per ton when coal was selling f. o. b. mines at $3, $4, and $5 per ton and when the Navy was paying $3.75 to $4.25 per ton for coal.

Ex-Col. Clyde Crusan, then a recent assistant to Quartermaster General Rogers, was an agent for D. B. Wentz Co., who were receiving a commission of "50 cents a ton and up" on top of the excessive price paid them.

I gathered evidence pertaining to these irregular transactions for the Graham committee, which could not be considered, for the reason that the committee was then expiring.

It is shown that even higher prices than claimed by the War Department officials were paid for this coal.

This case should be thoroughly investigated.

8. Lumber contract with Phillips & Stevens, dated February 26, 1919, covering approximately 188,000,000 feet of lumber.

I furnished the Graham committee information regarding this fraudulent contract.

An audit of the War Department furnished the department in September, 1921, shows that the Government has been defrauded out of $1,854,076.04.

This case has been in the hands of Attorney J. L. Lenihan since its receipt in the department.

This case is as criminal, but no worse, than scores of others which I have investigated and should be promptly prosecuted.

In addition to the foregoing cases, I have partially investigated sales and adjustment of claims of about 100 other firms and individuals whose transactions indicate fraud and the necessity for a thorough investigation of all such transactions.

The frauds perpetrated on the Government in the liquidation of surplus war materials are so astounding in magnitude and criminality as to almost challenge credibility.

Such frauds were not confined alone to the sale of surplus materials, but include the purchase of materials and fraudulent adjustment of claims in sums that stagger the imagination.

The congressional committee which conducted investigations for about two years, the result of whose labors are contained in some 20 printed volumes and a number of special reports, which show gigantic frauds, merely skim the surface, uncovered and recorded but a slight portion of the crimes committed.

The Finance Department of the War Department so far has been unable to audit but approximately 15,000 of the 100,000 contracts to be audited. By audits thus far made the Finance Department has determined overpayments, or fraudulent settlements, amounting to about $46,000,000, on which they have obtained recoveries of $3,000,000 by their own efforts alone.

That department has and is cooperating with the Department of Justice to the fullest possible extent. That department is now confronted with the possibility of a reduction in funds for the continuation of this most important work; therefore it is urgently recommended that the Attorney General carefully consider this vital matter and, if consistent to do so, that he call a conference with the heads of the Finance Department with a view to aiding that department in procuring the necessary funds, which would result not only to the mutual advantage of both departments but would afford the greatest assistance and advantage to the Department of Justice.

RECOMMENDATIONS.

It is recommended that a centralized bureau be organized and established within the Department of Justice with full authority, under the direction of a high-class attorney, and the necessary attorneys and personnel, to be carefully selected for ability and loyalty to the Government's interests, for the expeditious investigation and vigorous prosecution of all war-fraud cases, including purchases, sales of surplus materials, and the settlement of claims.

Such a bureau would become a revenue producer from its inception through recovery of enormous sums of money out of which the Government has been defrauded.

Furthermore, justice demands that officials and individuals guilty of perpetrating these heinous crimes on the Government be swiftly and adequately punished at the bar of justice.

Very respectfully,

W. O. WATTS, *Special Agent.*

ABSENTEEISM IN THE COMMITTEE ON RULES.

Mr. WOODRUFF. Mr. Speaker, under leave to extend my remarks I will print a bulletin issued by the Woman's Clean Government Organization, as follows:

One of the most important and powerful committees of the House of Representatives is the Committee on Rules, consisting of 12 members and of which 7 constitute a quorum. The chairman of this committee is Representative PHILIP P. CAMPBELL, who was recently criticized in connection with the smothering of the Woodruff-Johnson resolution and parliamentary obstructions which prevented it from coming before the House for a vote.

The Committee on Rules is again under fire and this time by Members of both sides in Congress in regard to some other resolution concerning which the integrity of one of its reports has been questioned. On June 17 Chairman CAMPBELL presented to the House a report accompanied by a paper stating that a quorum of the committee was present when action was taken. Representative CRAMTON of Michigan gave the names of various members of the committee who were absent and showed that the alleged quorum could not have been present.

One of the Members of Congress declared that "if the Speaker in this instance is convinced, as a matter of fact, that there was not a quorum present at the reporting of a rule or a bill, the integrity of the House of Representatives is involved and the Speaker ought to say that the committee did not have a legal right to report the bill."

After the facts had been developed on the floor of the House, the Speaker, in sustaining the point of order made by Mr. CRAMTON, announced that the ruling of the Chair had been simplified by the frank admission of the chairman of the committee that there was no quorum present. In defense of his position in urging the House to accept the presumption that a quorum was present, when the disclosures made by Mr. CRAMTON showed such was not the case, Chairman CAMPBELL stated:

"It is very difficult to get a quorum of that committee. Very often a quorum of the committee is not in the city. I doubt if there is a quorum of the committee in the city at this moment, and yet here is an important matter up for consideration, and if the Speaker rules that the gentleman from Michigan properly raised the question as to the legality of the proceedings in the Committee on Rules at its last meeting, then the Committee on Rules should meet at once and agree to this resolution; but there is not a quorum of that committee in the city, and the public business can not be transacted."

The absenteeism of members of the Committee on Rules was severely scored by Mr. MANN, of Illinois, who stated that when the majority members were being selected he took the trouble to ask these men if they would attend, and those who had been absent in the past whether they would reform, and that he had received a pledge from each of them that when it was necessary to have a quorum of the Committee on Rules those members would be in Washington and present. He stated that he was inclined to believe that some of these members had better resign or else the House may be forced to elect other members in their places.

The disclosures in regard to the practices of this important committee show how a few Members of Congress have it in their power, if they so desire, to take advantage of indifferent or absent Members and kill or promote legislation according to their will or fancy, and it has been recently shown that whether or not a vote could be taken on a resolution introduced by Members of the House of Representatives depended on the will of the chairman of the Committee on Rules. In that instance the gentleman from Kansas pocketed a resolution which he himself had voted to favorably report and by parliamentary obstructions prevented a vote by the House. This has reference to the Woodruff-Johnson resolution which, after having been favorably reported, was engineered back to the Committee on Rules and killed.

The unlimited power which is exercised by the Committee on Rules is illustrated by the following remarks of Chairman CAMPBELL:

"I want to make a further statement, and then I yield. What I want to say further is this: If the Committee on Rules is to function, if the House expects the Committee on Rules to aid the House in the transaction of its business, the House must provide for a Committee on Rules that can secure a quorum of its members. [Applause.] During the period of the war, as a member of the Committee on Rules, I met with the gentleman from North Carolina [Mr. POU] and one or two others. Much of the most important legislation that has ever been acted upon in the history of this Republic was brought on the floor of the House from the Committee on Rules when sometimes there were not to exceed three of that committee present."

Notwithstanding its far-reaching powers, it was disclosed on the floor of the House that there is no roll call at the meetings of this committee and that there is no record kept as to who attends. These slipshod methods and the charge of absenteeism on the part of members of the Committee on Rules is a matter of serious concern for the taxpayers. It is to be hoped that for the public good the members of this committee will hereafter find time to stay in Washington and attend to their business, or that the delinquents will act on the suggestion of Mr. MANN and resign. Congress should immediately see that it is made mandatory on all of its committees to keep a record of attendance and that it be made available to public inspection.

What would you think if the Supreme Court of the United States should render a decision stating that the necessary number of justices were present and it should be discovered that the statement was untrue? This was in effect what the Committee on Rules did on June 17, and the full proceedings on the floor of the House relating thereto will be found in the CONGRESSIONAL RECORD of that date, pages 8925–8929.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the tariff.

Mr. FESS. Mr. Speaker, has not general permission been granted to do that?

The SPEAKER. It was granted for 10 calendar days.

Mr. GRAHAM of Illinois. If that is the fact I will withdraw my request.

Mr. ANDREWS of Nebraska. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate Joint Resolution 215.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD on Senate Joint Resolution 215. Is there objection?

Mr. WINGO. What is that resolution?

Mr. ANDREWS of Nebraska. Land surveys.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. ANDREWS of Nebraska. Mr. Speaker, this resolution (S. J. Res. 215) proposes an additional survey of the tri-county reclamation project for Gosper, Phelps, and Kearney Counties, Nebr., and would authorize an extension of the survey through Adams County, which joins Kearney on the east.

The preliminary survey, which was made in 1914, does not cover all the material points involved in this project. A considerable amount of practical information has been disclosed since the date of that test.

No special effort was made for the resurvey prior to this year. An allotment of $10,000 was made in 1914 by the Hon. Franklin K. Lane, then Secretary of the Interior, to cover the expenses incident thereto. It appears from the RECORD, however, that less than $3,400 of that amount was expended for that purpose, leaving $6,600 of the original allotment unexpended.

It also appears as a matter of record in the Treasury Department that there was an unexpended balance of the appropriation from which that allotment was made. It therefore appears quite reasonable to ask that this survey be completed at this time and that a sufficient amount of that unexpended balance be revived to cover the expenses incident to a resurvey and extension.

The principle underlying this plan has been tested quite thoroughly in Dawson County, Nebr., near Lexington. Within the present year crops have been very successful on the farms that were flooded last year, as proposed in this scheme, while adjacent farms that were not so treated have lost their crops almost completely. At this point, note the results outlined in Circular No. 72, of January, 1919, Agricultural Experiment Station, Kansas State Agricultural College, Garden City Branch Station. The results of winter irrigation for west Kansas have passed the period of theoretical conjecture and demonstrated the practicability of subsoil irrigation.

I regret that the House Committee on Irrigation of Arid Lands did not find its way clear to recommend the passage of the Senate Joint Resolution 215 without amendment. Of course, I recognize the long standing policy of the House not to authorize special test surveys except through the regular reclamation appropriation set apart for that purpose and placed at the discretion of the Secretary of the Interior.

When the Secretary of the Interior was asked to make an allotment from the proper appropriation to cover the expenses of this resurvey, he replied that the entire appropriation available for that purpose for the present fiscal year had been fully allotted to other projects, and therefore there was no unallotted fund upon which he could draw to meet this request. This question was brought to the attention of Congress in the closing days of the work of the House preceding the recess of the House from June 30 to August 15. The Senate, however, passed this resolution and sent it to the House on the 30th of June last.

The House Committee on Irrigation of Arid Lands, however, had completed its work for the session, and it was very difficult to secure a quorum for the consideration of bills. A quorum, however, was secured and the House resolution was reported exactly in accordance with the amendments now offered to the Senate resolution.

It was hoped, however, that the resolution would go to conference after it was reported back to the Senate and the conferees would find the way clear to revive a sufficient portion of appropriation previously lapsed to cover the expenses of the resurvey.

After thorough consideration of this resolution by the Senate and House conferees informally, it was decided that the Senate should concur in the House amendments and pass the resolution with full authorization to make the survey, but without an appropriation. It was deemed advisable to pursue this course to avoid further delay in securing the authorization, as it was very desirable to have the survey made at the earliest practicable date.

As the original survey cost less than $3,400, it is probable that the resurvey will not require that amount.

With the permission of the House, I insert the following letter from the Reclamation Bureau, as it contains valuable information relating to the original survey:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, September 15, 1922.

Hon. ADDISON T. SMITH,
House of Representatives, Washington, D. C.

MY DEAR MR. SMITH: In response to your telephone inquiry in regard to House Joint Resolution 354 and the letters of the Secretary of the Interior of June 28 reporting thereon, the following memorandum gives the principal facts relating to our previous investigation of the tri-county project in Nebraska.

From the fourteenth annual report of the Reclamation Service, page 170:

"Claim has been made by the people living along the Platte River in Nebraska that sufficient water was available in that stream during the winter and spring months for the irrigation by direct diversion into canals of a considerable area of land in Gosper, Phelps, and Kearney Counties, Nebr. The Secretary accordingly approved orders for a preliminary survey and investigation to determine the feasibility and approximate cost of the necessary irrigation works, and on February 28, 1914, the comptroller approved an expenditure of $10,000 or such part thereof as may be necessary for a preliminary investigation. Mr. Charles T. Pease, engineer, was assigned to this work and was in the field with a survey party during June, July, and August, 1914, making a reconnaissance to ascertain the probable amount of water available, the area of land to which it could be applied, and the approximate cost of construction of a flood-water canal for this purpose. A report was submitted on October 16, 1914, signed by R. F. Walter, supervising engineer, United States Reclamation Service; C. T. Pease, engineer, United States Reclamation Service; G. E. Condra, director Nebraska Water Supply Survey, who concurred in the conclusions of the report as affecting the tri-county project; and Donald D. Price, State engineer of Nebraska. The conclusions of this report are as follows:

"1. That there is during ordinary years flood water in the Platte River between March 1 and June 30 in excess of the present consumption amounting to approximately 340,000 acre-feet, and that there is as a rule no flood water in the river above present consumption after July 1.

"2. That the outstanding appropriations amount to more than the river discharge, but that only 1,000 second-feet of water are now being used below North Platte.

"3. That in order to secure a reliable water supply it will be necessary for the State of Nebraska to cancel all appropriations from the Platte River east of North Platte in excess of the 1,000 second-feet now used.

"4. That no steps should be taken toward the construction of this project until all excess appropriations have been canceled.

"5. That after all excess appropriations have been canceled about 140,000 acre-feet of water can under the plans submitted be delivered to the land embraced in this project between March 1 and June 30, and none after July 1.

"6. That the cost of constructing this project as outlined in the report will be between $30 and $35 per acre for 140,000 acres of irrigable land.

"7. That there are no public lands in this project, all being in private ownership."

While as noted above the sum of $10,000 was allotted for this work, the actual expenditure was less than $3,400. It is also to be noted that the cost estimate under conclusion 6 above is based upon 1914 prices.

The complete report of October 16, 1914, referred to in the above, is on file in this office and may be consulted at any time.

Yours very truly,

MORRIS BIEN, *Acting Director.*

SOLDIERS' ADJUSTED COMPENSATION—VETO MESSAGE.

The SPEAKER laid before the House the following message from the President:

To the House of Representatives:

Herewith is returned, without approval, H. R. 10874, a bill "to provide adjusted compensation for the veterans of the World War, and for other purposes."

With the avowed purpose of the bill to give expression of a nation's gratitude to those who served in its defense in the World War, I am in accord, but to its provisions I do not subscribe. The United States never will cease to be grateful; it can not and never will cease giving expression to that gratitude.

In legislating for what is called adjusted compensation Congress fails, first of all, to provide the revenue from which the bestowal is to be paid. Moreover, it establishes the very dangerous precedent of creating a Treasury covenant to pay which puts a burden variously estimated between four and five billions upon the American people, not to discharge an obligation which the Government always must pay but to bestow a bonus which the soldiers themselves while serving in the World War did not expect.

It is not to be denied that the Nation has certain very binding obligations to those of its defenders who made real sacrifices in the World War, and who left the armies injured, disabled, or diseased so that they could not resume their places in the normal activities of life. These obligations are being gladly and generously met. Perhaps there are here and there inefficiencies and injustices, and some distressing instances of neglect, but they are all unintentional and every energy is being directed to their earliest possible correction. In meeting this obligation there is no complaint about the heavy cost. In the current fiscal year we are expending $510,000,000 on hospitalization and care of sick and wounded, on compensation and vocational training for the disabled, and for insurance. The figures do not include the more than $35,000,000 in process of expenditure on hospital construction. The estimates for the year to follow are approximately $470,000,000, and the figures may need to be made larger. Though the peak in hospitalization may have passed, there is a growth in domicilization and the discharge in full of our obligations to the diseased, disabled, or dependent who have a right to the Government's care, with insurance liability added, will probably reach a total sum in excess of $25,000,000,000.

More than 99,000 veterans are now enrolled in some of the 445 different courses in vocational training. Fifty-four thousand of them are in schools or colleges, more than 38,000 are in industrial establishments, and a few more than 6,000 are being trained in schools operated by the Veterans' Bureau.

Approximately 19,000 have completed their courses and have employment in all cases where they desire it, and 53,000 have deferred for the present time their acceptance of training. The number eligible under the law may reach close to 400,000, and facilities will continue to be afforded, unmindful of the necessary cost, until every obligation is fulfilled.

Two hundred and seventy-six thousand patients have been hospitalized, more than a quarter of a million discharged, and 25,678 patients are in our hospitals to-day.

Four hundred and sixteen thousand awards of compensation have been made on account of death or disability, and $480,000,000 have been paid to disabled men or their dependent relatives. One hundred and seventy-five thousand disabled ex-service men are now receiving compensation along with medical or hospital care where needed, and a quarter of a million checks go out monthly in distributing the $8,000,000 payment on indisputable obligations.

I recite the figures to remind the Congress how generously and how properly it has opened the Treasury doors to discharge the obligations of the Nation to those to whom it indisputably owes compensation and care. Though undying gratitude is the meed of everyone who served, it is not to be said that a material bestowal is an obligation to those who emerged from the great conflict not only unharmed but physically, mentally, and spiritually richer for the great experience. If an obligation were to be admitted, it would be to charge the adjusted compensation bill with inadequacy and stinginess wholly unbecoming our Republic. Such a bestowal, to be worth while, must be generous and without apology. Clearly the bill returned herewith takes cognizance of the inability of the Government wisely to bestow, and says, in substance, "We do not have the cash; we do not believe in a tax levy to meet the situation, but here is our note; you may have our credit for half its worth." This is not compensation, but rather a pledge by the Congress, while the executive branch of the Government is left to provide for payments falling due in ever-increasing amounts.

When the bill was under consideration in the House I expressed the conviction that any grant of bonus ought to provide the means of paying it, and I was unable to suggest any plan other than that of a general sales tax. Such a plan was unacceptable to the Congress, and the bill has been enacted without even a suggested means of meeting the cost. Indeed, the cost is not definitely known, either for the immediate future or in the ultimate settlement. The Treasury estimates, based on what seems the most likely exercise of the options, figures the direct cost at approximately $145,000,000 for 1923, $225,000,000 for 1924, $114,000,000 for 1925, $312,000,000 for 1926, making a total of $795,000,000 for the first four years of its operation and a total cost in excess of $4,000,000,000. No estimate of the large indirect cost ever has been made. The certificate plan sets up no reserve against the ultimate liability. The plan avoids any considerable direct outlay by the Government during the earlier years of the bill's proposed operations, but the loans on the certificates would be floated on the credit of the Nation. This is borrowing on the Nation's credit just as truly as though the loans were made by direct Government borrowing, and involves a dangerous abuse of public credit. Moreover, the certificate plan of payment is little less than certified inability of the Government to pay, and invites a practice in sacrificial barter which I can not sanction.

It is worth remembering that the public credit is founded on the popular belief in the defensibility of public expenditure as well as the Government's ability to pay. Loans come from every rank in life, and our heavy tax burdens reach, directly or indirectly, every element in our citizenship. To add one-sixth of the total sum of our public debt for a distribution among less than 5,000,000 out of 110,000,000, whether inspired by grateful sentiment or political expediency, would undermine the confidence on which our credit is builded and establish the precedent of distributing public funds whenever the proposal and the numbers affected make it seem politically appealing to do so.

Congress clearly appraised the danger of borrowing directly to finance a bestowal which is without obligation, and manifestly recognized the financial problems with which the Nation is confronted. Our maturing promises to pay within the current fiscal year amount to approximately $4,000,000,000, most of which will have to be refunded. Within the next six years more than $10,000 000,000 of debt will mature and will have to be financed. These outstanding and maturing obligations are difficult enough to meet without the complication of added borrowings, every one of which threatens higher interest and delays the adjustment to stable Government financing and the diminution of Federal taxes to the defensible cost of Government.

It is sometimes thoughtlessly urged that it is a simple thing for the rich Republic to add four billions to its indebtedness. This impression comes from the readiness of the public response to the Government's appeal for funds amid the stress of war. It is to be remembered that in the war everybody was ready to give his all. Let us not recall the comparatively few exceptions. Citizens of every degree of competence loaned and sacrificed, precisely in the same spirit that our armed forces went out for service. The war spirit impelled. To a war necessity there was but one answer, but a peace bestowal on the ex-service men, as though the supreme offering could be paid for with cash, is a perversion of public funds, a reversal of the policy which exalted patriotic service in the past, and suggests that future defense is to be inspired by compensation rather than consciousness of duty to flag and country.

The pressing problem of the Government is that of diminishing our burdens rather than adding thereto. It is the problem of the world. War inflations and war expenditures have unbalanced budgets and added to indebtedness until the whole world is staggering under the load. We have been driving in every direction to curtail our expenditures and establish economies without impairing the essentials of governmental activities. It has been a difficult and unpopular task. It is vastly more applauded to expend than to deny. After nearly a year and a quarter of insistence and persuasion, with a concerted drive to reduce Government expenditure in every quarter possible, it would wipe out everything thus far accomplished to add now this proposed burden, and it would rend the commitment to economy and saving so essential to our future welfare.

The financial problems of the Government are too little heeded until we are face to face with a great emergency. The diminishing income of the Government, due to the receding tides of business and attending incomes, has been overlooked momentarily, but can not be long ignored. The latest budget figures for the current fiscal year show an estimated deficit of more than $650,000,000 and a further deficit for the year succeeding, even after counting upon all interest collections on foreign indebtedness which the Government is likely to receive. To add to our pledges to pay, except as necessity compels, must seem no less than governmental folly. Inevitably it means increased taxation, which Congress was unwilling to levy for the purposes of this bill, and will turn us from the course toward economy so essential to promote the activities which contribute to common welfare.

It is to be remembered that the United States played no self-seeking part in the World War, and pursued an unselfish policy after the cause was won. We demanded no reparations for the cost involved, no payments out of which obligations to our soldiers could be met. I have not magnified the willing outlay in behalf of those to whom we have a sacred obligation. It is essential to remember that a more than $4,000,000,000 pledge to the able-bodied ex-service men now will not diminish the later obligation which will have to be met when the younger veterans of to-day shall contribute to the rolls of the aged, indigent, and dependent. It is as inevitable as that the years will pass that pension provision for World War veterans will be made, as it has been made for those who served in previous wars. It will cost more billions than I venture to suggest. There will be justification when the need is apparent, and a rational financial policy to-day is necessary to make the Nation ready for the expenditure which is certain to be required in the coming years. The contemplation of such a policy is in accord with the established practice of the Nation, and puts the service men of the World War on the same plane as the millions of men who fought the previous battles of the Republic.

I confess a regret that I must sound a note of disappointment to the many ex-service men who have the impression that it is as simple a matter for the Government to bestow billions in peace as it was to expend billions in war. I regret to stand between them and the pitiably small compensation proposed. I dislike to be out of accord with the majority of Congress which has voted the bestowal. The simple truth is that this bill proposes a Government obligation of more than four billions without a provision of funds for the extraordinary expenditure, which the executive branch of the Government must finance in the face of difficult financial problems, and the complete defeat of our commitment to effect economies. I would rather appeal, therefore, to the candid reflections of Congress and the country, and to the ex-service men in particular, as to the course better suited to further the welfare of our country. These ex-soldiers who served so gallantly in war, and who are to be so conspicuous in the progress of the Republic in the half century before us, must know that nations can only survive where taxation is restrained from the limits of oppression, where the public Treasury is locked against class legislation, but ever open to public necessity and prepared to meet all essential obligations. Such a policy makes a better country for which to fight, or to have fought, and affords a surer abiding place in which to live and attain.

WARREN G. HARDING.

THE WHITE HOUSE, *September 19, 1922.*

Mr. MONDELL. Mr. Speaker, I move that further consideration of the President's message be had to-morrow immediately after the reading of the Journal.

The SPEAKER. The gentleman from Wyoming moves that further consideration of the President's message be had to-morrow immediately after reading of the Journal.

Mr. GARRETT of Tennessee. Mr. Speaker, I have no objection to that, but the motion, I presume, is not privileged.

The SPEAKER. The Chair thinks it is.

Mr. MONDELL. I make this motion because I think the Members ought to have a little time at least in which to consider the President's message, and I think it is only fair that we shall give Members unavoidably absent an opportunity to return to the city.

Mr. GARRETT of Tennessee. I have not the slightest objection, Mr. Speaker, but I have some doubt about this being a privileged motion.

The SPEAKER. The Chair thinks it is privileged. Of course, the veto message is highly privileged, and the Chair thinks any motion in relation to it is privileged.

Mr. GARRETT of Tennessee. I suppose, then, the gentleman will ask to have Calendar Wednesday set aside.

Mr. MONDELL. I shall do that. Mr. Speaker, I move the previous question.

Mr. GARRETT of Tennessee. Will that shut off debate to-morrow?

Mr. MONDELL. Oh, no.

The SPEAKER. The gentleman makes the motion for the previous question on the motion to postpone.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Wyoming.

The motion was agreed to.

DISPENSING WITH BUSINESS ON CALENDAR WEDNESDAY.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that we dispense with the business of Calendar Wednesday to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to dispense with business of Calendar Wednesday to-morrow. Is there objection?

There was no objection.

PRINTING OF THE PRESIDENT'S MESSAGE.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Ordered, That the message of the President of the United States returning without approval the bill (H. R. 10874) "to provide adjusted compensation for veterans of the World War, and for other purposes," be printed as a House document, and that 50,000 additional copies be printed for the use of the House document room.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of the resolution.

Mr. GARRETT of Tennessee. Reserving the right to object——

Mr. JOHNSON of Washington. Mr. Speaker, this calls for 50,000 copies of the message, with none of the proceedings as to the disposal of the message. The message is short and the number otherwise printed would be less than 1,200, of which 400 would go to the House document room. It is thought that there will be considerable demand for copies of the President's message.

Mr. GARRETT of Tennessee. Mr. Speaker, I have never objected to a request from the majority to print a message of the President or to print an address of the President in the RECORD. This is a somewhat unpredecented request which the gentleman makes. The House will act to-morrow on the veto. What action the House will take, of course, I do not know. I know what action I shall take, and I suspect it will be different from the action that the gentleman from Washington is going to take. I do not see any necessity for the message being printed at this time. We can deal with that to-morrow.

Mr. JOHNSON of Washington. If the gentleman from Tennessee feels that way about it, I will ask to withdraw it, Mr. Speaker.

FRANCES KELLY.

Mr. FRENCH. Mr. Speaker, I call up from the Speaker's table the bill H. R. 9275, for the relief of Frances Kelly, with Senate amendments.

The Senate amendments were read.

The Senate amendments were agreed to.

FEES OF EXAMINING SURGEONS—BUREAU OF PENSIONS.

Mr. FULLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3540) fixing the fees of the examining surgeons of the Bureau of Pensions.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That hereafter each duly designated examining surgeon, except expert and foreign surgeons, and each member of a board of examining surgeons, appointed by the Commissioner of Pensions for the examination of pensioners and claimants for pension or increased pension, shall receive the sum of $3 for each examination and satisfactory report thereof: *Provided, however*, That the fee for each examination made by an examining surgeon at a claimant's residence for use in a pension claim shall be $5, and in lieu of actual traveling expenses there shall be paid the sum of 20 cents per mile for the distance actually and necessarily traveled, not exceeding the distance by the usually traveled route from the surgeon's office to the claimant's home and return: *Provided further*, That no fee shall be paid to any member of an examining board unless he is personally present and assists in the examination of the claimant: *And provided further*, That the report shall specifically and accurately set forth the physical condition of the claimant and include a full description of every existing disability.

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. FULLER. Mr. Speaker, this bill is very much desired by the Department of the Interior.

Mr. STAFFORD. Mr. Speaker, this bill being on the Union Calendar, does not the gentleman ask to have it considered in the House in Committee of the Whole?

Mr. FULLER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FULLER. Mr. Speaker, the only change from the present law concerning fees of examining surgeons is that they are now allowed $3 for each examination up to five, and after that $1. The Assistant Secretary of the Interior says that that makes a confusion of accounts. This bill provides that for each examination the surgeon shall receive $3, and if he goes to the residence of a man and makes an examination there and full report on the case he shall receive $5 and 20 cents a mile for travel. They have found that it is difficult to get surgeons to act promptly when they have to go to a man's home to make a thorough examination and report, for the fee heretofore allowed, which was $4 and 10 cents per mile for distance traveled——

Mr. STAFFORD. This doubles it and gives the mileage allowance where he goes to the home of the claimant?

Mr. FULLER. Yes; increases the fee to $5 and doubles the allowance for mileage.

Mr. BLANTON. Will the gentleman yield?

Mr. FULLER. Yes.

Mr. BLANTON. These same physicians make calls in a great many localities of the United States at the residence at a charge of $2 to $5. Some charge $2 and some charge $5.

Does the gentleman think it is necessary to complicate the matter by adding mileage of 20 cents a mile?

Mr. FULLER. I think so in this case. The examinations are very necessary and technical in those cases where the party is unable to go to the office of the examining board and the surgeon has to go any number of miles to see him. He has to make out a full and complete report and send that report to the Bureau of Pensions at Washington. There is a great deal of work to it.

Mr. BLANTON. Does not the gentleman think it would be better to fix a certain fee without any mileage being attached to it at all?

Mr. FULLER. No; I do not think so. He may have to go 1 mile or he may have to go 20 miles.

Mr. STAFFORD. In the case where they have to examine an invalid claimant it would be the usual rule that there would be only one claimant at a time where they were entitled to mileage?

Mr. FULLER. Certainly.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. FULLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS PEARL RIVER, TILTON, LAWRENCE COUNTY, MISS.

Mr. JOHNSON of Mississippi. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 3620.

The SPEAKER. The gentleman from Mississippi asks unanimous consent for the immediate consideration of the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 3620) to authorize the construction of a bridge across Pearl River, at Tilton, Lawrence County, Miss.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Natchez, Columbia & Mobile Railroad Co. is hereby authorized to construct a bridge, connecting its timber holdings, across Pearl River, at a point suitable to the interests of navigation, at Tilton, Lawrence County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Mississippi, a motion to reconsider the vote by which the bill was passed was laid on the table.

TRI-COUNTY IRRIGATION PROJECT, NEBRASKA.

Mr. SMITH of Idaho. Mr. Speaker, I ask to take from the Speaker's table Senate Joint Resolution 215, that the House insist upon its amendments and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Idaho asks unanimous consent to take from the Speaker's table Senate Joint Resolution 215, to insist on the House amendments and agree to the conference asked for by the Senate. The Clerk will report it by title.

The Clerk read as follows:

Senate Joint Resolution 215, to provide for a reinvestigation of the tri-county irrigation project, Nebraska.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, is that from the Committee on Public Lands?

Mr. SMITH of Idaho. No; from the Committee on Irrigation.

Mr. GARRETT of Tennessee. Has the minority member of the committee been consulted?

Mr. SMITH of Idaho. Yes.

Mr. GARRETT of Tennessee. And it is agreeable to him?

Mr. SMITH of Idaho. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. SMITH of Idaho, Mr. SINNOTT, and Mr. HAYDEN.

MOTION TO ADJOURN.

Mr. SANDERS of Indiana and Mr. STAFFORD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. If the gentleman will withhold his motion for a moment.

LEAVE OF ABSENCE.

By unanimous consent, Mr. LEA of California was granted temporary leave of absence on account of sickness.

EXTENSION OF REMARKS.

Mr. ANSORGE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a joint resolution introduced some time ago with reference to the eighteenth amendment.

Mr. HILL. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extensions of remarks referred to are here printed in full as follows:

Mr. ANSORGE. Mr. Speaker, the American public has never had a proper say in regard to the eighteenth amendment and the Volstead law.

Last spring I introduced in the House of Representatives two joint resolutions amending the eighteenth amendment and a bill to submit the question of light wines and beer to a national referendum of the people. These are now pending in the House.

The eighteenth amendment was adopted during war times, when the conservation of foodstuffs was a patriotic duty. It is also a fact that many of the State legislatures acted upon the proposed amendment without any intervening election having taken place. In other words, prohibition was not an issue when the members of the State legislatures were elected, and yet these very legislators voted away the personal rights and liberties of their constituents.

There is general dissatisfaction and discontent in the fact that so important an amendment, restricting the personal liberties of our citizens, was passed while many of our boys were overseas and when the mind of the public was occupied in winning the war. The bald fact is that public sentiment is not behind the amendment or the Volstead Act.

Without public sentiment behind an act limiting personal liberty there will be no real enforcement.

A great deal of the present-day unrest among laboring people is attributable to the anomaly and unfair discrimination in prohibition enforcement. The wealthy, who were able to put aside quantities of whiskies, gins, and wine, may indulge to their hearts' content. Those who can afford it can purchase from the bootleggers ad libitum. I say, let us have prohibition for all or let us have it for none. The laboring man, accustomed to a refreshing glass of beer after a hard day's work, is offered near beer as his lot. It has been said that the person who named near beer was a mighty poor judge of distance. Like the corpse, "the body is there, but the spirit hath departed."

Young men and women of to-day are developing a craving for strong drink. The bootlegger is plying his unlawful trade with a disgruntled public as his customers. The latter are imbibing rank poison purchased at exorbitant prices. There are stills in many homes, and persons who never drank before are becoming addicted to the habit. These things could never exist if public sentiment were behind the law. In the interest of law enforcement, of the health and well-being of the Nation, something should be done at once to end these conditions.

The bill and joint resolutions which I have introduced will put the question of a reasonable interpretation of the prohibition law squarely up to the people. The proposed amendments would permit light wines and beer, manufactured and sold under Government regulation and control. There is provision that there must be an intervening election at which the voters will select the members of the legislatures which will vote upon the amendments. The other bill which I have introduced calls for a national referendum on the question.

It is said that the eighteenth amendment was passed in accordance with the provisions of Article V of the Federal Constitution. The Supreme Court so held in Ruppert *v.* Caffey (151 U. S. 264) and in the National Prohibition cases (153 U. S. 350). But there is a feeling, whether rightly or wrongly, that a highly organized minority exercised too much influence over the State legislatures which ratified the amendment. Furthermore, the Volstead law went beyond the eighteenth amendment when it arbitrarily limited alcoholic beverages to one-half of 1 per cent.

The American people will stand for a clear-cut decision of the majority. That has been demonstrated time and time again. The people want an opportunity to express their wishes and desires in respect of liberal or strict interpretation and enforcement. Neither side to this question should run away from a decision by the public, and if the friends of prohibition believe that the country prefers bone-dry prohibition to a temperate use of mild beverages they should welcome the opportunity of getting public sentiment behind them.

There are undoubtedly some sections of our country where bone-dry prohibition may be desired. But other sections may prefer liberal interpretation under Government regulation and control. The proposed amendment would preserve to the States local option, but would not permit one section of the country to prescribe bone-dry prohibition to another section which may prefer pure light wine or properly brewed beer containing a few per cent of alcohol, manufactured and sold under Government regulations.

The Literary Digest, a private enterprise, has recently conducted a poll in regard to prohibition. The names of those voting were taken from the telephone books. But how about people without telephones? How about people in apartment houses, whose names are not listed? Why were they not asked to participate in the poll? Why were not voters' lists used in making the poll? Whenever a vote was taken in a factory, it was overwhelmingly in favor of modification or repeal. Even the vote of telephone subscribers was opposed to the eighteenth amendment and the Volstead law as now written.

A national referendum conducted by the Federal Government, or by the separate States, instead of by a private newspaper or magazine, would furnish positive information upon which the Congress could and would act. A national referendum has just been successfully tried in Sweden.

The bill for a national referendum is neither a wet nor a dry proposal. Rabid wets, as well as arid drys, can well join in leaving the question to the people where it rightfully belongs.

I desire to incorporate in my remarks the bill and joint resolutions introduced by me on May 2, 1922, the purpose of which is to leave the question of liberal interpretation of the eighteenth amendment to a vote of the people:

[Sixty-seventh Congress, second session.]

In the House of Representatives,
May 2, 1922.

Mr. Ansorge introduced the following joint resolution; which was referred to the Committee on the Judiciary and ordered to be printed:

Joint resolution (H. J. Res. 320) proposing an amendment to the eighteenth amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to Article XVIII of the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

Add to Article XVIII of the Constitution the following sections, to be known and designated as sections 3 and 4:

"Sec. 3. That the words 'intoxicating liquors' in section 1 shall not include wines or vinous liquors containing less than ten per cent of alcohol by volume, or beers or other malt liquors containing less than two and three-fourths per cent of alcohol by volume, manufactured and sold under Government regulation and control.

"Sec. 4. That the Congress of the United States shall have no power, in the exercise of the concurrent power given to the Congress and the several States in section 2 hereof, to pass any act to enforce this amendment which shall reduce the percentages of alcoholic content provided in this amendment; but this shall not be construed as depriving any State of its concurrent power to pass an enforcement act which may reduce the percentages of alcoholic content of liquors manufactured, sold, or transported within the boundaries of said State."

Sec. 2. That this amendment shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States as provided in the Constitution after, but not before, an intervening election of members of the State legislatures in the respective States and within seven years from the date of the submission hereof to the States by the Congress.

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Add to Article XVIII of the Constitution the following sections, to be known and designated as sections 3 and 4:

"Sec. 3. The words 'intoxicating liquors' in section 1 shall not include beers or other malt liquors containing less than 2¾ per cent of alcohol by volume, manufactured and sold under Government regulation and control.

"Sec. 4. The Congress of the United States shall have no power, in the exercise of the concurrent power given to the Congress and the several States in section 2 hereof, to pass any act to enforce this amendment which shall reduce the percentage of alcoholic content provided in this amendment; but this shall not be construed as depriving any State of its concurrent power to pass an enforcement act which may reduce the percentage of alcoholic content of liquors manufactured, sold, or transported within the boundaries of said State."

This amendment shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, after but not before an intervening election of members of the State legislatures in the respective States and within seven years from the date of the submission hereof to the States by the Congress.

[Sixty-seventh Congress, second session.]

In the House of Representatives,
May 2, 1922.

Mr. Ansorge introduced the following bill, which was referred to the Committee on the Judiciary and ordered to be printed:

A bill (H. R. 11510) proposing a national referendum on beers and light wines at the elections for Members of the House of Representatives to be held in the year 1922.

Be it enacted, etc., That there shall be submitted to the voters of the several States at the elections for Members of the House of Representatives, to be held in the year 1922, a national referendum on the following questions:

(a) Shall the eighteenth amendment to the Constitution of the United States and the national prohibition act be amended so that the words "intoxicating liquors" shall not include beers or other malt liquors containing less than 2¾ per cent of alcohol by volume, manufactured and sold under Government regulation and control?

(b) Shall the eighteenth amendment to the Constitution of the United States and the national prohibition act be amended so that the words "intoxicating liquors" shall not include wines or vinous liquors containing less than 10 per cent of alcohol by volume, or beers or other malt liquors containing less than 2¾ per cent of alcohol by volume, manufactured and sold under Government regulation and control?

Mr. HILL. Mr. Speaker, on the evening of August 31, 1920, before the Liberty Defense League of Maryland, I discussed the eighteenth amendment and Volsteadism. The principles I then enunciated I have fought for consistently in and out of the present Congress. I shall continue to fight for them, and I believe that victory is in sight. In part, I then said:

> The Liberty Defense League stands for individual freedom, the fundamental principle of Americanism. To secure the "blessings of liberty" the Nation was formed. For this purpose the State of Maryland became a member of the Federal Union. To-day the individual freedom of the Nation, the State, and the citizen are menaced. Regardless of party, at heart we all stand for the American Constitution of Washington, Jefferson, Cleveland, McKinley, and Roosevelt. These men were intensely American. Judged by their words and deeds they would to-day subscribe to your movement. Your more immediate consideration is the eighteenth amendment.
>
> I abhor drunkenness because of its economic and individual blight, but prohibition does not secure temperance. With you I stand for the defense of American liberty, and, as a member of your league, I ask permission to discuss, in no partisan spirit, the larger aspects of the defense of that liberty against destructive encroachment upon the individual freedom of the Nation, the State, and the citizen.
>
> The prohibition amendment takes away from the States their freedom of "self-determination" and from their people the right of individual freedom under local laws. There underlies the same pernicious tendency—destructive encroachment upon the individual freedom of the Nation, the State, and the citizen. We refer to this when we speak of "personal liberty" as the popular issue in American politics today; the personal liberty of Maryland and every other State to exercise its sovereign police power without dictation from the Federal Government and the personal liberty of its citizens themselves to decide what they shall drink or eat or wear. A majority of the voters of the United States have not given their approval to "half per cent beer." President Harding, then Senator Harding, while declaring the President's duty to enforce the laws of the United States as they stand, said of the eighteenth amendment and the Volstead Act: "Modification or repeal is the right of a free people, whenever the deliberate and intelligent public sentiment commands. Congress enacts the laws and the executive branch of the Government is charged with enforcement."
>
> The prohibition amendment was passed by the House December 17, 1917, in the dark days of the war, when no thought was in the minds of our people except hurrying our belated troops to the front. I was then with the Twenty-ninth Division. Had I been a Member of Congress I would have voted against the eighteenth amendment, a permanent, not a war measure. For the same reason I should have voted against the Volstead Act. My position to-day is the same as it was in 1907, when, as a candidate for the legislature, I answered the Anti-Saloon League that I "believed in home rule, and thought that every community within reasonable bounds should be permitted to settle such questions for itself." If the eighteenth amendment is to stand, I favor its interpretation and enforcement by the individual States. If the Volstead Act is to stand, I favor such modification as will permit the use of home brews, wines, beers, and other beverages whose temperate use is not intoxicating. For intemperance in this, as in other matters, I favor drastic penal action. Deal with intoxication from alcohol as you deal with intoxication from other causes. Take away from the person who abuses his privileges his license, just as you take away from the reckless automobilist his right to use what in temperate hands is a useful and beneficial agency. This is in accordance with the fundamental principles of American liberty which your league is organized to defend.

In the Sixty-seventh Congress I have stood for certain definite principles which I have applied to all proposed legislation. If I am a Member of the Sixty-eighth Congress I shall continue to follow these principles. I have stood for the fundamental American principle of more liberty and less taxes. They are associated because every restriction on liberty increases taxes. The prohibition spy restricts liberty and at the same time having him on the Government pay roll increases taxes. Beer, cider, and light wines, all reasonably taxed, mean lowered taxes on working men and on "business." This would mean also a decrease in the taxes we now have to pay to support the hordes of prohibition agents. The number of spies to be decreased would increase liberty and decrease taxes.

Some people want this prohibition business played "softly." To-day the drys know that they are hard hit. I say hit them again and keep on hitting them till the drys are not only "down" but "out." You can not lick the drys by giving them a chance to rest. You can not win a fight by "letting up." The drys need a rest. Are you going to give it to them and give the Anti-Saloon League an opportunity to get their wind and stage a "comeback"?

Behind those interests that back Volsteadism are all the forces of intolerance that are opposed to true Americanism. I have fought Volsteadism in all its varying forms and shall continue to do so. Volsteadism stands in all its aspects for medieval intolerance and is contrary to twentieth century civilization as well as to Maryland ideals of liberty.

To Americans who stand for law and value the liberty our fathers won by war the mental attitude of the prohibitionist is the best argument against prohibition. To the warped viewpoint of the prohibitionist law is important only as it affects his hobby, and the Constitution contains nothing but the eighteenth amendment. No better evidence of this is needed than a statement of Anti-Saloon League Attorney Wheeler issued to the press.

Personally, his statement did me unusual honor because, denounced by Wheeler as one "whose testimony should be discounted," he raised me to the ranks of such other discreditables as those great leaders of the Republican and Democratic Parties, Senator Lodge and Senator Underwood. This promotion came to me because, like Lodge and Underwood, I find prohibition un-American.

Advising the press as to what he proposed to say before the Judiciary Committee of the House, Attorney Wheeler uttered a mimeographed publication entitled "Drys Answer Objection to

Supplemental Volstead Bill." In this broadside as to himself and me, Attorney Wheeler said:

> Mr. Wheeler took issue with Congressman Hill, who opposed giving the Attorney General concurrent power to revoke the permits of law violators, but wanted to transfer all power relating to prosecutions and investigations to the Justice Department. Mr. Wheeler told the committee that, when a Congressman admits that he is against national prohibition, the enforcement code, and in favor of wine and beer, he fails to qualify as an expert on law enforcement, and his testimony should be discounted.

I appeared before my colleagues of the Judiciary Committee of the House of Representatives to urge that the Attorney General instead of the Commissioner of Internal Revenue be charged with law enforcement under the Volstead Act. Attorney Wheeler objects to this. I know not why, except perhaps that he fears the Volstead Act might then be really enforced. He intimates to the American people through his press propaganda that when he objects he does so as an expert. More than that, he objects as an expert who is to be credited, but when I, a Representative in Congress, take the opposite side, I am not entitled to speak for law enforcement, and my testimony "should be discounted," for the sole reason that I am against prohibition.

Attorney Wheeler is a professional prohibitionist. He describes himself (Who's Who in America, vol. 11 p. 3034) as follows:

> Began temperance work while at college; has successfully prosecuted over 2,000 saloon cases, some of them in the Supreme Court of the United States.

This hero of "2,000 saloon cases" confesses himself an expert in law enforcement and admits that his testimony is to be credited. This shows the baneful warp of fanaticism on the collegiate mind. He is an expert! I, however, must not dare to express a view. My mere opposition to prohibition disqualifies me.

Here is a remarkable state of mind, and to me it shows the typically oblique mentality of the professional prohibitionist. Attorney Wheeler tells my colleagues that—

> when a Congressman admits that he is against national prohibition, the enforcement code, and in favor of wine and beer, he fails to qualify as an expert on law enforcement and his testimony should be discounted.

I, years ago, lectured on American Government at Harvard University and at Johns Hopkins University, and the Houghton Mifflin Co. (Emerson's publishers) ventured their reputation by publishing for me a book on this subject. I was for five years United States attorney for the district of Maryland. I was division judge advocate of a combat division for nearly two years, and enforced the law in the Eighth Army Corps of the American Expeditionary Forces for five veteran combat divisions at one time. Yet, because I oppose prohibition and the Volstead Act and dare to favor wine and beer, I am considered by Attorney Wheeler to be an enemy of law enforcement, and my "testimony should be discounted."

My friends, this is the sort of thing that prohibition breeds, and it is one reason why, as a liberty-loving American, I am opposed to it. Senator Lodge, Republican, and Senator Underwood, Democrat, both predicted this sort of Anti-Saloon League Prussianism when they opposed the eighteenth amendment in the Senate in 1917. Senator Lodge said:

> To enforce throughout this country the prohibition of the sale or manufacture or importation of any form of distilled or fermented liquors will require, at a moderate estimate, 500,000 men. Distilled liquors are easily made. You will have to search hundreds of houses to make sure that liquors are not distilled in the kitchen or fruit brandies made by some domestic appliance. Men who now drink quite harmlessly some beer or light wine will in a certain proportion turn to the consumption of distilled liquor, in most cases of the vilest and most poisonous kind. * * * I think it will have a very bad effect on the public morals by creating a widespread indifference to law. * * * This attempt to hand over to the National Government the police power which properly belongs to the States will in its operation in other directions lead many people in the future to rue the day when they gave their support to a proposition so injurious to State independence and to State power. * * * I believe the legislation attempted by this constitutional amendment will be in the highest degree damaging to the cause of real temperance. (Congressional Record, vol. 55, pt. 6, p. 5587.)

Senator Underwood said:

> If the Federal Government is once called on to enter the field, apprehend, and punish the petty vices of the citizens of the States in respect to the matters authorized by this resolution, it will not be long before efforts will be made to further extend the police powers of the Federal Government, and result in destroying State boundaries and the abolition of State governments.
>
> When that time comes we will have abandoned the great principle that enables 100,000,000 people of divergent views, dissimilar modes of life, different political, climatic, and industrial surroundings to live in harmony in one great Republic. * * * There are some who would have us believe that no one is concerned about this matter except the prohibitionist on the one hand and the people who make money out of the liquor trade on the other. Such an assumption is not only untrue but is so monstrously false that it is amazing that men can be found to discuss the question solely from that standpoint. * * * A free people will be no longer able to exist if their personal affairs must be governed by an army of Federal spies. (Congressional Record, vol. 55, pt. 6, pp. 5555 and 5556.)

Having failed to perform the impossible through the Volstead Act, Attorney Wheeler, of the Anti-Saloon League, and his extremists advocated the application of lynch law to the bootleggers and a raid on the food of the babies of America. One of the chief allies of Attorney Wheeler recently said through their prohibition organ, "Both bootleggers leaped from the car with drawn revolvers. Nevertheless the officers took them alive. This is not good policy. Such incidents should be dealt with according to the code of the Texas Ranger. We would be the last to advocate the unwarranted use of weapons by officers, but a bootlegger is worth a lot more to the country dead than alive."

Mr. Justice Van Devanter, delivering the opinion of the majority of the Supreme Court in New Jersey *v.* Attorney General, held that Congress was acting constitutionally when it defined the alcoholic content of beverages usable under the eighteenth amendment. Mr. Chief Justice White, in the same case, spoke of—

> The duty upon Congress to legislate to the end that by definition and sanction the amendment would become fully operative.

The Supreme Court has recognized the right of Congress to repeal the Volstead Act in its discretion, yet when I introduced a bill to that effect Attorney Wheeler and his tribe assailed me as being against law enforcement. The same people advocated the application of lynch law to violators of the Volstead Act. If their recent statement that they would seize all materials and appliances from which alcoholic beverages could be made is consistently followed, their next attack will be upon the food of the babies of America.

To show you the absurdity of their position, I will read to you a certificate which I received from Messrs. Penniman & Browne, analytical and consulting chemists, one of the most prominent firms in Maryland. I happened to be in my baby's nursery when I read a short time ago in the daily press that Commissioner Haynes, claiming authority under a section of the prohibition act, proposed to seize all bottling outfits and other materials which could be used in the making of home brew. I saw in my baby's nursery a bottle of Mellin's food and a box of imperial granum. I also saw two nursing bottles and a bottle heater and a rubber tube. From the baby's food I knew that an alcoholic mash could be made, and my experience in the chemical laboratory in college taught me that from two baby's milk bottles, the bottle warmer, and the rubber tube I could make a still. I thereupon submitted to Penniman & Browne samples of baby food, and this is the reply they made to me:

> We have before us the following samples of baby food:
>
> Mellin's food for infants and invalids.
>
> Eskay's albumenized food (the ideal food for infants and invalids).
>
> Imperial granum—food for nursing and expectant mothers, infants, children, dyspeptics, delicate, infirm, and aged persons, convalescents, and invalids.
>
> In reply to your inquiry, we would say that any one of the three or all of the above foods, if treated with water to form a mash or gruel and then add yeast, active fermentation will take place with the production of ethyl alcohol (ordinary alcohol), and that from such fermented mash by a simple process of distillation alcohol may be separated and collected in any degree of concentration or without the complications of distillation mere filtration will yield what is known to us as beer.

October 28, 1919, Congress passed the Volstead Act over President Wilson's veto. In giving his objections to the Volstead Act, which is now regarded as sacred by the prohibitionists, President Wilson said:

> In all matters having to do with the personal habits and customs of large numbers of our people we must be certain that the established processes of legal change are followed. In no other way can the salutary object sought to be accomplished by great reforms of this character be made satisfactory and permanent.

There is a large element of our people that believes that the immediate repeal of the Volstead Act and the enactment of legislation allowing to the States the right to say whether or not their people shall use wine and beer will best carry out the purpose of those who were sincerely behind what President Wilson refers to as a great reform. The Volstead Act is a breeder of law violation.

To-day the Anti-Saloon League, backed by Rockefeller and Coca-Cola millions and reinforced by the 5 and 10 cent Kresge vigilance committees, has become bigoted and intolerant. The Anti-Saloon League to-day stands for intemperance in the enforcement of the eighteenth amendment, whereas in 1907 it stood for temperance in the enforcement of liquor laws, and its cardinal foundation was local option. When on December 5 I introduced in the House of Representatives H. R. 9286, "A bill to reduce and equalize taxation and to create Federal local option districts," and providing for a vote next November in each congressional district for beer and light wines, the superintendent of the Maryland Anti-Saloon League said that this bill "would have been fine stuff 20 years ago," but that I was, "about that far behind the times."

You and I in our interpretation of the spirit of the American Constitution go back to 1787, not merely 20 years ago, and we do not change our views of fundamental Americanism as facilely as does the Anti-Saloon League.

I am fortunately able to prove this assertion. On October 29, 1907, William H. Anderson, then superintendent of the Maryland Anti-Saloon League and now occupying a similar position in New York, issued a "small pamphlet," in which were set forth the results of his attempt to discover the attitude of candidates for the Maryland Legislature "with regard to local-option legislation." In this pamphlet the Anti-Saloon League made the following recommendations: "As between candidates equally satisfactory the league is neutral. Where temperance interests are safeguarded the voters may properly express their party preferences."

In those days the Anti-Saloon League was temperate. They stated that in Baltimore City, with two exceptions, the candidates for the legislature declined to commit themselves on the local-option question. They stated that I was one of the two exceptions who were willing to state their position. I said then that I believed "in home rule and thought that every community within reasonable bounds should be permitted to settle such a question for itself." Superintendent Anderson then announced that the league was satisfied with my answer. To-day his successor claims that I am "20 years behind the times," and one of his allies classed me with "bootleggers, bums, and criminals," because as a Representative in Congress I dare to exercise my right under the first amendment to the Constitution to freedom of speech.

The attitude of the Anti-Saloon League to-day is bigoted and intemperate, and yet Federal Prohibition Commissioner Haynes in Boston at Ford Hall the first part of last December complained that "the apathy of many cultured and Christian citizens constitutes one force that prevents a better articulation of the prohibition amendment." The principle of local option which the Anti-Saloon League favored in 1907 and which they oppose to-day is still fundamentally American, and, in my opinion, will ultimately prevail in this country.

The Volstead Act is the most palpable and offensive type of class legislation. It violates the fundamental principle of fairness in its treatment of the residents of cities as compared with the residents of rural districts. That is one of the reasons why the Volstead Act is so offensive to all who believe in the fundamental principles of the American Constitution.

At the time of the adoption of the Volstead Act the farmers had for years been making their own cider, home-made wine, home-made apple brandy, and other alcoholic beverages. To them prohibition was not a question of any particular or vital interest; they were able in their own homes to supply their own needs for beverages. The problem of prohibition was one for the cities. The evils of the saloon were generally recognized, but in striking at the saloon question the rural prohibitionists struck out the personal liberty of the dwellers of cities. The demand for beer, made scientifically and under the most careful Government regulations by the large beer manufacturers, otherwise known as brewers, was almost entirely for city consumption.

The Volstead Act was fundamentally and intentionally unfair and un-American in that it applied a different standard to the beverages of the cities than it applied to the beverages of the counties.

The prohibitionist leaders to-day realize their mistake in this particular. They realize that there is no defense for permitting 3 per cent or more wine or cider to the farmer and forbidding 3 per cent or more beer to the man of the cities. But to-day, although realizing this fundamental unfairness of the Volstead Act, the professional prohibitionist dares not admit his mistake in the framing of the Volstead Act. He fears that if the Volstead Act is changed in one particular that the whole unfair fabric of that monstrosity will be swept away before a growing American opposition to the theory of prohibition.

I charge that the Volstead Act is deliberate and unfair class legislation in that it applies a different standard to the residents of cities than it does to the residents of rural districts. It is not necessary to go further for my authority as to this statement than the remarks of Representative Volstead before the House of Representatives Committee on Rules on Friday, June 10, 1921. A photostat copy of his remarks is in my possession. This copy shows the original statement made by Mr. Volstead before the committee and before the representatives of the press. It also shows the revision of these remarks made by Mr. Volstead upon more mature consideration. He had a perfect right to revise his remarks, and so we have in this paper his original statement and his more mature confirmation of what I charge to be deliberate unfairness to the residents of cities, as shown in the act which bears his name.

Mr. Volstead said in answer to a question: "In the conference between the two Houses we wrote into the act a provision to the effect that a person might make nonintoxicating cider and fruit juices." One of the Representatives then asked him whether the one-half of 1 per cent of alcohol beer test applied to cider and fruit juices. To this Mr. Volstead replied: "I do not think that is the test as to fruit juices or as to wine or cider. The test there is whether it is nonintoxicating in fact." Representative Cantrill then put the following question to sum up this matter: "According to your construction, it was not the intent of Congress that it would be a violation of law if wine was made at home, containing one-half of 1 per cent of alcohol?" To this question Mr. Volstead replied in open session before the committee: "No; my contention is this, that it might contain 1 or 2 or possibly 3 per cent without being intoxicating." Upon revision Mr. Volstead substituted for the words "1 or 2 or possibly 3 per cent" the words "considerably more."

He thus made stronger his statement. So we have Mr. Volstead's authority for my statement that while beer may contain no more than one-half of 1 per cent that cider or homemade wine may contain "possibly 3 per cent" or "considerably more" than one-half of 1 per cent without being intoxicating. We have thus a legal absurdity as the fundamental basis of the Volstead Act. Cider or wine containing 3 per cent of alcohol is not intoxicating, but beer containing more than one-half of 1 per cent of alcohol is intoxicating. Why should this discrimination be made between the farmer and the resident of the city? No law based upon such patent unfairness can possibly last.

The Volstead Act is the expression of a theory of meddlesome bureaucratic intolerance which threatens to ultimately change the form of the American Government. Since the Volstead Act was passed the interests back of it have put over several other pieces of preposterous legislation and are contemplating further violations of the spirit of the American Constitution.

A leaflet recently issued by a superintendent of the Anti-Saloon League, asking for liberal contributions, said:

> A number of Congressmen who hold the balance of power and pile up majorities in Congress come from the Southern and Western States where money for organization and educational purposes is scarce. They have always had to have help from the national league.

It then stated that from the office in Washington of Wayne B. Wheeler, campaign treasurer, legislative agent of the Anti-Saloon League, "needed legislation is initiated" and "a constant watch is kept on the actions of Congress."

Thus the Anti-Saloon League collects money from all over the United States for the purpose of electing Congressmen, maintains Wheeler in Washington as campaign treasurer to elect, and then, as legislative agent, to control Congressmen so elected. Wheeler and his organization initiate legislation. In this present Sixty-seventh Congress they have forced through the so-called medical beer bill, sometimes known as the Volstead Act junior, which hampers physicians in their battle with disease and allows the Anti-Saloon League to violate with impunity the safeguard of personal liberty provided in the fourth amendment to the Constitution.

The fundamental guaranty of liberties contained in the fourth amendment is as follows:

> The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

The medical beer bill provides absolutely no protection to "persons, papers, and effects" of American citizens, and since the passage of this bill shots fired by prohibition agents to halt law-abiding automobilists on the public highway are matters of frequent occurrence.

The Anti-Saloon League passed in the House the alien deportation bill, which provides for the banishment of any nonnaturalized resident who in the slightest way violates the Volstead Act.

In the letter to his Congressmen, in which Wheeler ordered the passage of this alien banishment bill, he suggested what amounts to a bill of attainder for American citizens in the form of an amendment to take away citizenship from American citizens who violate in any way the Volstead Act.

On October 31, 1921, certain staunch supporters of the Anti-Saloon League openly advocated this application of lynch law to bootleggers and complained because Government agents had not shot bootleggers on sight.

One of the most outrageous outcrops from the Volstead Act occurs in the official newspaper bulletin given out on May 3 from the office of the Federal Prohibition Commissioner. Part of this bulletin reads as follows:

> Washington, May 3.—"Juries are returning more convictions and courts are not only administering severe sentences," said Prohibition Commissioner Haynes, "but some judges are resorting to stern measures in their effort to stamp out bootlegging. For instance, after Charles Chaussard had plead guilty of liquor violation at Pittsburg, Kans., Judge A. J. Curran said to him: 'If any more violations are reported in your home, I will order the house burned.'"

To me this is one of the most outrageous things that has emanated from any Government in my experience. We here have the Federal Prohibition Commissioner of the United States, an officer sworn to uphold the Constitution, quoting with approval the statement of a judge that he will go outside of the law, will apply what is known as lynch law, and will order burned the home of a man simply because he has violated the Volstead Act. Such tyrannical and despotic acts are to be expected as a result of the power the Anti-Saloon League exercises over Congress.

The mass of American citizens do not realize the sinister purpose behind the group that controls the Anti-Saloon League and poses as upholders of law and order. How can any group of persons pose as upholders of law and order when they openly advocate the lynching of bootleggers and the burning of the homes of people who violate the Volstead Act?

Whenever any organization claiming to be based on the principle of honesty and moral uplift is driven to the use of willful misrepresentation in reference to a measure it is fighting, its opponents may feel sure that the end of such an organization is near at hand. The Anti-Saloon League in the beginning was based on honest principles. Its paid leaders to-day, however, are driven to using deliberate misrepresentation, and even among themselves are accusing each other of misrepresentation.

The American Issue, the Anti-Saloon League paper, in its New Jersey department publication of June 10, had an editorial entitled "The Silly Hill Bill." This editorial began with the statement that wet champions in Congress are very scarce, and then, commenting on my local option 2.75 per cent beer and cider bill, made a deliberate misstatement as to this bill. My bill provides specifically for a referendum vote on beer containing not more than "2.75 per cent of alcohol by volume." The Anti-Saloon League editorial makes the following deliberate misstatement:

> The figures 2.75 are insincere. The basis is alcohol by weight, which, by volume (the usual method of measurement), is 3.30 per cent.

The same editorial contains a statement which should be of great interest to Prohibition Commissioner Haynes and to A. J. Williamson, assistant superintendent of the Anti-Saloon League of Maryland. The Anti-Saloon League editorial says:

> No honest court will hold that liquor containing 3.30 per cent alcohol is not "intoxicating liquor," forbidden by the Constitution.
>
> The inclusion of wine and cider is manifestly insincere. It would be impossible to ferment any fruit juice to such an alcoholic content and preserve it; with less than 9 per cent alcohol the juices—without chemical treatment—would turn into vinegar.

Prohibition Commissioner Haynes is not enforcing the law against 2.75 per cent cider. Assistant Superintendent Williamson, in an open letter to the editor of the Baltimore American, recently said:

> The present regulations, made in pursuance of the Volstead Act, permit the farmer to make cider and let it ferment and become intoxicating and allow him to drink it in his home or give it to his friends when they drop in.

Which of the two agents of the Anti-Saloon League is telling the truth—the editorial in the American Issue or the newspaper letter of Assistant Superintendent Williamson? According to the editorial, there is no such thing as 2.75 cider, and no honest court would hold that even 3.30 per cent of alcohol is not "intoxicating liquor," yet Mr. Williamson and his chief, Mr. Crabbe, claim permission to drink cider of unlimited alcoholic content.

Gentlemen, the time has come to page Prohibition Commissioner Haynes. When the Anti-Saloon League is driven to falsehood in fighting against 2.75 per cent beer, I think the time has almost come when we will be able to return to true temperance.

The Baltimore American says editorially:

CONGRESS HAS A PLACE FOR JOHN PHILIP HILL.

> John Philip Hill, Republican candidate for Congress in the third district, has been identified so emphatically with attacks on the Volstead law that there may be people who think he has no particular value in Congress except for work pertaining to the modification of that stringent bit of legislation. In this respect Mr. Hill has done himself injustice. As a matter of fact, he is a man with distinct gifts for public life. He has ability, industry, and enthusiasm. It is not merely by chance that he has become the leader of the group in Congress that represent those who believe the Volstead law should be modified. It is due to the fact that what Hill undertakes to do he sets about with whole-hearted zeal and determination.
>
> Mr. Hill's opponent is "Tony" Dimarco, former member of the State legislature, whose record there has not been of a character that warrants expectation or hope that, if elected to Congress, he would be any particular credit to the State. He appeals for support on the ground that he is as "wet" if not "wetter" than Hill, though how that can be is not easy to understand. But, admitting that a great many voters in the third district will be influenced by their judgment as to the violence of the candidate's antipathy to the Volstead law, Mr. Hill should have all the best of it. He has a record in Congress on this issue that makes his services far more valuable than those of a new Member could possibly be.
>
> It is on other grounds, however, that the American would like to see Mr. Hill chosen. It believes he has a future in the public service, aside from any influence he may have on the "wet" and "dry" fight, and it is certain he will make a more influential Member of Congress from the State than Mr. Dimarco. There must be a large number of voters who are thinking about something else than wine and beer and the prohibition amendment, and this vote should be cast solidly for Mr. Hill.

On Wednesday, December 7, 1921, the Baltimore Sun editorially expressed itself as follows in reference to the question of the eighteenth amendment and local option:

A DEMOCRATIC PROPOSITION.

> Representative John Philip Hill has put up to Congress a proposition on 100 per cent democracy and local self-government in his bill authorizing a vote by congressional districts on the legalizing of the manufacture and sale of light wines and beer. The Volsteaders will rage and the Anti-Saloon League scoff at the proposal, but inherently and logically it is an absolutely fair one. The Supreme Court has decided that Congress has a right to define what percentage of alcohol is intoxicating. The Volstead Act declared that more than one-half of 1 per cent is intoxicating, and though that was almost equivalent to saying that black is white, the Supreme Court upheld the power of Congress to ignore facts. Mr. Hill now proposes that Congress should raise the alcoholic limit to 4 per cent in the case of beer and 12 per cent in the case of wines, and to permit the voters of each congressional district to decide next fall for themselves in "local-option" fashion on the subject.
>
> The prohibitionists are not likely to allow such a bill to go through, if they can prevent it. But, nevertheless, Mr. Hill raises an issue that will be reflected in the elections and which will put many Congressmen in an uncomfortable position. If they refuse to allow the people to vote on the question, it may be difficult for them to explain how they reconcile such an attitude with their professions of devotion to popular government. And if the prohibitionists are as sure of their hold on the country as they say they are, why should they be afraid to accept a challenge to a fight before the people?

On Wednesday, August 16, 1922, I reported to this House my efforts to obtain from the Federal Prohibition Commissioner an interpretation of section 29, Title II, of the Volstead Act. You will find in the Congressional Record my last letter to him of August 15, 1922, and I therefore report his final reply of August 31, 1922:

> Treasury Department, Bureau of Internal Revenue,
> Office of Federal Prohibition Commissioner,
> *Washington, August 31, 1922.*
>
> Hon. John Philip Hill,
> *House of Representatives.*
>
> My Dear Mr. Hill: Replying to your letter of August 15, 1922, you are informed that such information as this office is able to furnish in regard to the manufacture of nonintoxicating cider and fruit juices for use in the home exclusively, under section 29 of Title II of the national prohibition act, is contained in the letter addressed you on May 2, 1922, as modified by the letters of June 20 and July 8, 1922.
>
> As stated in the letter addressed you on June 20, 1922, inasmuch as neither the Federal Congress nor the courts have as yet decided what alcoholic content renders such fruit juices intoxicating this office does not deem it expedient to fix such limitation by regulations.
>
> Sincerely yours,
>
> R. A. Haynes,
> *Prohibition Commissioner.*

The Baltimore Sun editorially expressed itself on this matter on August 17, 1922, as follows:

MR. HILL'S QUESTIONNAIRE.

> Representative Hill may have a political motive in demanding from Prohibition Commissioner Haynes a direct and explicit answer to the question as to the amount of alcoholic content permitted in cider, fruit juices, and other homemade beverages. But the question is legitimate, and the people of Maryland and all other States have a right to insist that it shall be answered.
>
> It is quite evident from the correspondence between Representative Hill and the prohibition commissioner that the latter has been trying to dodge this question. For months Mr. Hill has been vainly trying to "smoke him out." In a letter of May 2 to Mr. Hill the commissioner wrote:
>
> "As at present advised, this office is not disposed to take action against the manufacture for use in the home of the maker of cider or other fruit juices containing not more than 2.75 per cent of alcohol by volume."
>
> This was rather noncommittal and did not lay down a fixed rule of action, but it seemed to indicate a leaning toward a liberal interpretation of the Volstead Act, so far as householders were concerned.
>
> Subsequent statements from prohibition headquarters conflicted with this announcement, and Mr. Hill wrote another letter to Mr. Haynes asking him to clear up the matter. Driven into a corner by this persistent questioner, the commissioner in a letter under date of July 3 made this extraordinary explanation of his previous announcement:
>
> "Relative to the declaration in letter of May 2, 1922, that this office would not proceed against persons manufacturing cider or other fruit juices containing as much as 2.75 per cent of alcohol by volume, this statement was embodied by the draftsman under a misapprehension of the position of this office, as such is not its view, and no instructions to that effect have been promulgated."
>
> The commissioner here attempted to put the alleged blunder on the "draftsman" in his office, though few persons will be able to understand how a mere "draftsman" could so "misapprehend" a presumably dictated communication on so important a subject. The probabilities would seem to be that Mr. Haynes wrote his reply of

May 2 to Mr. HILL's inquiry without consulting Mr. Wheeler and his bosses of the Anti-Saloon League. But while he disavows the liberality suggested in his letter of July 3, he is careful to sidestep the main question propounded to him by Mr. HILL, asking the meaning of section 29 of the Volstead Act. More than five weeks having elapsed since the commissioner's disavowal of his letter of May 2, the Maryland Representative from the third district once more requests a reply to the question originally propounded on April 26: "What are the regulations of your office in reference to section 29 of title 2 of the Volstead Act?"

To the ordinary man this would seem to be an inquiry that could be answered in a day; that it should not be left unanswered at the end of nearly four months. It is a fair question, and it is one in which millions of people throughout the country are interested. Has the prohibition commissioner's office no regulations on the subject, or does he desire to keep them secret for political reasons, with the view of holding the rural hard-cider vote in line for the prohibitionists at election time while leaving himself free to pounce upon unfriendly wets in the cities?

The Volstead Act in section 1 defines "intoxicating liquor" as any beverage, by whatever name called, "containing one-half of 1 per cent or more of alcohol by volume." Section 29, to which Mr. HILL refers and which provides penalties of fine and imprisonment for violation of the act, declares that these penalties "shall not apply to a person for manufacturing nonintoxicating cider and fruit juices exclusively for use in his home." What is nonintoxicating cider and fruit juice? The first section defines an "intoxicating" beverage as one containing "one-half of 1 per cent of alcohol." Does this definition apply to the housekeeper and the home-brewer? If it does not, how much beyond one-half of 1 per cent can he or she go?

Unless Commissioner Haynes answers this questionnaire definitely and clearly before election, voters will have a right to believe he is playing a disingenuous and dishonest political game; that he is trying to deceive them as to this phase of prohibition enforcement; that because of political consequences he is afraid to stand up for all the rigid implications of the Volstead Act.

The prohibitionists never allow a political candidate to escape answering their questions. Mr. HILL should not allow Mr. Haynes to escape. He should fire his questionnaire at him every week and force him either to come into the open or compel him to take refuge in cowardly silence.

In my efforts to obtain information as to the meaning of the Volstead Act, which attempts to interpret the eighteenth amendment, on September 14, 1922, I wrote as follows:

Mr. A. J. WILLIAMSON,
Assistant Superintendent Anti-Saloon League of Maryland,
Baltimore, Md.

SIR: While citizens of Maryland are being arrested for possessing 2.75 beer, the Anti-Saloon League of Maryland, through you, advises my constituents that "the present regulations made in pursuance of the Volstead Act permit the farmer to have cider and let it ferment and become intoxicating, allows him to drink it in his home or give it to his friends when they drop in."

The Federal Prohibition Commissioner, in his letter to me of September 11, 1922, states: "Inasmuch as neither the Federal Congress nor the courts have as yet decided what alcoholic content renders such fruit juices" (including cider) "intoxicating, this office does not deem it expedient to fix such limitation by regulations."

In an open letter to a Baltimore paper, published June 17, 1922, you state: "So much has been published in the newspapers, especially in Baltimore, on the subject of the Volstead law, and so much of it is not only unfair but untruthful, that I am impelled, though reluctantly, to offer you the following." You then continue with the following statement:

"The present regulations made in pursuance of the Volstead Act permit the farmer to make cider and let it ferment and become intoxicating, allows him to drink it in his home or give it to his friends when they drop in; in fact, laying only one prohibition upon him, which is that he must not sell the same as a beverage after it becomes hard."

In view of the statement of the Federal Prohibition Commissioner, I can not understand how you can truthfully make the above statement. Will you kindly advise me your authority for your statement that "the present regulations," referred to by you above, permit any such thing as you state? I desire to reconcile the differences between your statements and those of the Federal Prohibition Commissioner. To what regulations do you refer?

Very truly yours,
JOHN PHILIP HILL,
Member of Congress.

To-day I am following this up by the following request for information:

SEPTEMBER 19, 1922.

Mr. GEORGE W. CRABBE,
Superintendent Maryland Anti-Saloon League,
Equitable Building, Baltimore, Md.

SIR: On July 3, 1922, Federal Prohibition Commissioner Haynes officially advised me—

"Relative to the declaration in letter of May 2, 1922, that this office would not proceed against persons manufacturing cider or other fruit juices containing as much as 2.75 per cent of alcohol by volume; this statement was embodied by the draftsman under a misapprehension of the position of this office, as such is not its view, and no instructions to that effect have been promulgated."

Within a few days after the publication of this letter, on July 10, 1922, you made the following statement in a Baltimore newspaper:

"Any man who owns an apple tree, whether it be in his back yard in the city or on an extensive farm, can use his apples for cider. Furthermore, he can let it stand and get hard, and should he desire he can give it to guests in his home."

I am advised that "hard cider" has an alcoholic content from 8 to 12 per cent. In view of the above statement of the Federal prohibition commissioner, will you kindly advise the public through me where you obtained the authority for your statement that "hard cider" may be given to guests in the home?

The Anti-Saloon League of Maryland made the above statement through you on July 10, 1922, following the statement on June 17, 1922, by Mr. A. J. Williamson, assistant superintendent of the Maryland Anti-Saloon League, as follows:

"The present regulations made in pursuance of the Volstead Act permit the farmer to make cider and let it ferment and become intoxicating, allows him to drink it in his home or give it to his friends when they drop in, in fact laying only one prohibition upon him, which is that he must not sell the same as a beverage after it becomes hard."

On September 14, 1922, I wrote to your assistant, Mr. A. J. Williamson, and asked him if he would advise me of his authority for the above-quoted statement, since I am attempting to reconcile the differences between his statements and those of the Federal prohibition commissioner.

Will you be good enough to give me also your authority for your above-quoted statement?

Yours very truly,
JOHN PHILIP HILL,
Member of Congress.

Unless I get an answer I will soon send the following further attempt to learn what the Volstead Act means:

Messrs. CRABBE AND WILLIAMSON,
Superintendent and Assistant Superintendent,
The Anti-Saloon League of Maryland,
American Building, Baltimore, Md.

GENTLEMEN: Will you meet me at the Broadway Market Hall on Saturday evening, October 21, to defend your proposition that under the Volstead Act cider with an alcoholic content in excess of 2.75 per cent is nonintoxicating and permitted, while 2.75 per cent beer is intoxicating and prohibited?

If the time and place are not agreeable to you, I shall be glad to defer to your wishes.

If you accept my invitation, I shall invite Mr. Anthony Dimarco to join me in attacking your proposition. Mr. Dimarco and I helped in the last Maryland Legislature to beat your attempt to foist on the people of Maryland an act similar to the Volstead Act which I considered fundamentally unfair, unequal, and un-American.

Yours very truly,
JOHN PHILIP HILL, M. C.

And so the eighteenth amendment breeds law violations and public unrest. I hope that soon the American people will obtain the needed relief. At present nobody knows even what the Volstead Act means. I will keep after the Federal Prohibition Commissioner and his allies, the Anti-Saloon League, until I find out, or make it apparent that the Volstead Act is so fundamentally unfair and full of favoritism that its proponents are afraid to discuss it.

Mr. KOPP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the condition of the country.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. KOPP. Mr. Speaker, at this time I want to discuss particularly the financial condition of the country. An enormous public debt rests heavily upon the American people. The happy days of light taxation are gone. They disappeared during the Wilson administration.

When Woodrow Wilson was inaugurated the public debt was $965,706,610. When he left the Presidency the public debt was $23,820,073,464.45. During his administration more money was spent than during all the previous years of our history. He cost us more than all the 26 Presidents preceding.

In defense of the Wilson administration it has been urged that the war was responsible for the great cost. But the war would not have cost such an enormous sum if it had not been for the awful waste and extravagance of the Wilson administration. Never before was money squandered so recklessly.

I have not the time to go into a detailed statement of the waste and extravagance of the Wilson administration. It would take many volumes to cover that subject. I will, however, cite one example, namely, the construction of ships. The Wilson administration let contracts for, and had built, 2,261 ships. Upon these ships has been expended, in round numbers, three and a half billion dollars. To-day they are not worth over half a billion. Three billion dollars gone, and gone forever! Five hundred and eighty-nine of these ships were constructed of wood. These wooden ships were practically worthless when completed. No use could be made of them whatsoever. The only thing that could be done with them was to tie them up. Recently 226 of these ships were sold at public auction to the highest bidders and brought a total sum of $750,000. This was a little more than $3,000 a ship. However, these wooden ships, on an average, cost the Government more than $636,000 apiece. In other words, the wooden ships cost the Government more than two hundred times as much as they brought when sold. To appreciate fully the waste and extravagance in connection with the construction of the ships, you must bear in mind this remarkable and amazing fact: More than sixteen hundred ships were delivered to the Government in 1919 and 1920, long after the armistice had been signed. The Wilson administration had become so habituated to spending money that it kept right on in high gear, even after the war had closed. The Government had no possible excuse for constructing ships in 1919 and 1920. The only parties benefited by building ships at that time were the contractors. The story of shipbuilding well illustrates how the business of the country was conducted during the Wilson administration.

The whole system of financing the war was fundamentally wrong. When men were conscripted, wealth should have been conscripted also. Surely money is not more sacred than manhood. Profiteers should not have been permitted to coin the blood of their fellow citizens into dollars. The many thousands of millionaires created by the war is a sad commentary upon the Wilson administration.

But, no matter how recklessly and wastefully incurred, the public debt must be paid. Payment has been begun by the Republican Party. Almost a billion dollars has been paid off since the Republican Party came into power. At the same time the taxes imposed by the National Government have been reduced by Congress. The nuisance taxes, including the taxes on ice cream, soda water, cosmetics, millinery, shoes, wearing apparel, and many other items, have been wiped out. These taxes had the right name. They were a nuisance. No longer are taxes added to freight or express charges or to passenger fares. The Republican Party has given the man of moderate means a further exemption from the income tax. The head of a family having an income of less than $5,000 has had his exemption increased from $2,000 to $2,500, and for each dependent child under 18 years of age, and for every other dependent, the exemption has been increased from $200 to $400. Many other reductions have been made. The total reduction in taxes of the National Government will this year amount to over $800,000,000.

You may ask how could the Republican Party reduce taxes and yet, at the same time, reduce the public debt? The answer is, by economy. Many thousands of civil positions have been abolished. The Army has been reduced from 268,222 enlisted men to 125,000 enlisted men, and from 25,914 officers to 12,000 officers. The Navy has been reduced from 193,000 enlisted men to 86,000 enlisted men, and from 7,800 officers to 4,000 officers. There has been economy all along the line. The appropriations for the fiscal year ending June 30, 1923, are a billion dollars less than the appropriations for the year ending June 30, 1921, and nearly $3,000,000,000 less than the appropriations for the year ending June 30, 1920. The record of the Republican Party for economy, compared with the record of the Democratic Party, stands out like a beacon light.

There are only two ways by which our public debt can be paid, namely, by taxation and bv collecting the debts due us from foreign nations. As is well known, there is a strong movement on foot among the nations of Europe to bring about the cancellation of our foreign loans. Strange as it may seem, in view of the heavy burdens resting upon us, even some Americans are aiding and abetting this scheme. They seem to love other countries better than their own.

Why should we cancel the debts due us from foreign nations? We secured no loot in the war. We asked for nothing and got nothing. The nations that owe us the money divided the spoils of war without consulting us. By secret treaties they divided them even before the war closed.

There is now due us as principal from foreign countries, in round numbers, the enormous sum of $10,000,000,000. Counting interest from the time the loans were made, there is now due us approximately $12,000,000,000. Much of this money was lent to Europe after the war ended. The Wilson administration, being anxious at all times to give away the Treasury of the United States, lent more than a billion dollars of the aforesaid sum without any legal authority. Some of the very money that we lent to foreign nations has been used since the armistice to keep Europe bristling with bayonets. If we do not collect it, some of the money that should be paid to us will, no doubt, be devoted to the cause of militarism. By collecting what is due us we can, to some extent at least, keep down militarism in Europe.

Much propaganda to bring about the cancellation of our foreign loans has appeared in the past, and much similar propaganda will, no doubt, appear in the future. I do not believe, however, that the American people will be deceived by such propaganda. I do not believe that the American people intend to hold the sack. In spite of all propaganda, the fact remains that the money which was lent to foreign nations came from the American people and belongs to the American people. It would be well if the foreign Governments understood, once for all, that this money must be repaid.

Another surprising thing is the renewed effort that is being made to get America into the League of Nations. Woodrow Wilson himself heads the movement. Every Democratic victory this fall will be heralded as an indorsement of Woodrow Wilson and the League of Nations. The events that have transpired since the treaty of Versailles was signed have certainly confirmed and vindicated the judgment that the American people rendered in the campaign two years ago. We should always be grateful to the strong and brave Americans who first pointed out the dangers of the League of Nations and halted our permanent entrance into foreign entanglements. If we had gone into the League of Nations we would be asked to settle trouble in the making of which we had no part, and which resulted from foreign jealousies and intrigues. No one knows how much money and how many men it would cost us.

Our duty is clear. This it is: To collect the money that is due us from foreign nations, to exercise the most rigid economy in public affairs, to pay off the great national debt as rapidly as possible, and to resist every effort to get us into the League of Nations. Let us use all the resources at our command to put our own house in order.

Mr. SWEET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the work of the bureau and prospective soldier legislation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. SWEET. Mr. Speaker, it is my purpose at this time to make a statement relative to what has been done in a legislative way and otherwise for the disabled soldiers, sailors, and marines of the late war.

About a year ago in some remarks that I made to the House I stated briefly what had been done in a financial way for the disabled soldiers up to the establishment of what is known as the United States Veterans' Bureau.

Later on in this discussion I shall refer to a statement of appropriations and trust funds of the United States Veterans' Bureau made as of August 9, 1921.

The United States Veterans' Bureau was created by an act of Congress on August 9, 1921, in order that all Government agencies dealing with the after-war problems of all ex-service men and women and their dependents might be charged to one administrative head, eliminating many duplications and placing definite responsibility upon one executive for prompt and efficient administration of the law. The United States Veterans' Bureau thus created is charged with the responsibility of carrying out the provisions of the war risk insurance act and the act providing for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes; also for the proper medical care and treatment phase of the veteran relief program formerly intrusted to the United States Public Health Service by the act of March 3, 1919.

This vast and far-reaching governmental enterprise had its inception with the passage of a bill on September 2, 1914, which provided for a minor bureau in the Treasury Department charged with the duty of insuring American vessels, their freight and cargoes against loss or damage from the risks of war. By further enactment of Congress legislation was passed greatly extending the scope of this bureau, so that on June 12, 1917, it was permitted by law to insure the crews of vessels against death or disability resulting from war. On October 6, 1917, there was passed an act which has proved one of the most beneficient pieces of legislation ever enacted either in this or any other country. On that day the President approved the act passed by Congress creating a division of military and naval insurance in the Bureau of War Risk Insurance. The selective service draft had become a realization, and a great Republic was training citizens into soldiers without discrimination as to class, caste, or creed, and the country on that day registered its wish to protect with humane and generous provisions the manhood of this great Republic which had been called into active service.

ALLOTMENT AND ALLOWANCE.

As the pay of the enlisted man had been increased about 100 per cent, Congress felt that the drafting into the military service of the country did not withdraw the legal and moral obligation of every man to contribute to the support of his family; therefore the provision was made for the payment of allotments with Government allowances to dependent relatives of enlisted men under certain stipulations.

COMPENSATION.

Congress had in mind undoubtedly the pension complication resulting from previous wars and wished, if possible, to lay the foundation of a structure which would avoid a repetition of this condition. It provided, therefore, not service pensions but compensation of a monetary nature for death or disability resulting from war service. This compensation scheme was in the main formulated on the basis of the workmen's compensation acts of the various States, with the fundamental difference that the compensation was based not upon the man's past earning power but upon his family status and his injury.

INSURANCE.

As insurance has been and still is a great factor in the family life of the American people, Congress was anxious that the men who were called into the service should not have their insurability thus destroyed and be rendered incapable of securing from a private insurance company such insurance as they might wish. In view of the war hazard, private companies, most of which, as a matter of fact, are mutual insurance companies, could not with propriety and with safety have granted insurance to the men called into service without asking them to pay a premium to cover the war risk involved. Congress undertook to grant insurance to soldiers and sailors at a premium rate which took account only of the peace-time risk, leaving the whole expenses of operation, the cost of disability benefits, the cost due to the war hazard to be borne by the country at large as a part of the cost of the war.

REHABILITATION.

As the war drew to a close and its results became apparent, as it affected the ability of disabled veterans to again take up their pre-war work, legislation was passed on June 27, 1918, providing for the vocational rehabilitation of disabled veterans, thus affording a means of helping disabled veterans to again take up peace-time pursuits.

Thus it is to be seen that all legislation regarding the agencies which now make up the United States Veterans' Bureau had at heart the welfare of the families and dependents of our fighting men as well as the men themselves, had at heart the sustaining of the fabric of the country and the maintenance of the morale not only of our fighting forces but also of the great civilian population which necessarily had to stay behind and support those who were fighting our battles.

Although the United States Veterans' Bureau is only a little over 1 year old, the director has successfully reorganized the activities of the consolidated organization, so that most of the administrative difficulties previously inherent in the three organizations, permitting divided responsibility, have been eliminated. Consolidation of compensation, rehabilitation, and medical activities, together with the decentralization of compensation claims and making payments in the field, have absorbed a large part of the energies of administrative officials during the year. Special thought and effort has been put forth in connection with the tremendous hospitalization problem involved in caring for those veterans still in need of hospital care.

In cooperation with the American Legion and other organizations interested in veteran relief, the United States Veterans' Bureau has endeavored to bring to the ex-service man and his dependents by means of personal contact that humanizing influence that is so essential to men whose lives have been changed by the horrors of war. With the exception of isolated cases it is sincerely believed that contact has been made with every beneficiary of the bureau needing attention and with every man who should have presented a claim to acquaint him with his rights and assist him in submitting proper data to establish a claim.

Fourteen district offices have been organized, with a district manager in charge, as listed below. With the exception of those cases in which the claimant has received a rating of permanent disability, death cases, cases of claimants residing in foreign countries or in any territorial or insular possession of the United States, and cases of men in training at United States Vocational School No. 1, Chillicothe, Ohio, all claims are handled in the district office of the district in which the claimant resides, and all inquiries on such claims should be addressed to the district manager of the district involved.

The number of the district, the manager of the district, the address of the manager of the district and the territory included in the district are as follows:

District No.	Manager.	Address.	Territory.
1	Dr. A. E. Brides..	Washington-Essex Building, 600 Washington Street, Boston, Mass.	Maine, New Hampshire, Vermont, Massachusetts Rhode Island.
2	Maj. W. F. Lent..	Grand Central Palace Building, Forty-sixth Street and Lexington Avenue, New York, N. Y.	New York, Connecticut, New Jersey.
3	L. C. Vannan.....	Twentieth and Arch Streets, Philadelphia, Pa.	Pennsylvania, Delaware.
4	Albert A. Haan...	Room 217, Arlington Building, Washington, D. C.	Maryland, Virginia, West Virginia, District of Columbia.
5	M. Bryson........	439 Peachtree Street, Atlanta, Ga..	North Carolina, South Carolina, Tennessee, Georgia, Florida.
6	Col. Dallas B. Smith.	New Hibernia Bank Building, New Orleans, La.	Alabama, Mississippi, Louisiana.
7	Wm. M. Coffin....	408 Pioneer Street, Cincinnati, Ohio.	Indiana, Ohio, Kentucky.
8	Chas. W. Spofford.	111 North Canal Street, Chicago, Ill.	Michigan, Wisconsin, Illinois.
9	Middleton E. Head	6801 Delmar Boulevard, St. Louis, Mo.	Nebraska, Iowa, Kansas, Missouri.
10	Carl D. Hibbard..	509 Keith-Plaza Building, Minneapolis, Minn.	Minnesota, North Dakota, South Dakota, Montana.
11	Durbin Van Law.	Tenth floor United States National Bank Building, Denver, Colo.	Wyoming, Utah, Colorado, New Mexico.
12	Maj. Louis T. Grant.	883 Market Street, San Francisco, Calif.	California, Arizona, Nevada.
13	Lewis C. Jesseph..	5100 Arcade Building, Seattle Wash.	Washington, Idaho, Oregon, Alaska.
14	Sherman C. Kile...	400 Akard Street, Dallas, Tex......	Texas, Oklahoma, Arkansas.

The foregoing observations are general, and I now wish to go more into detail as to the organization, operation, and expenditures made by the Government in carrying on this great enterprise.

The law which had to do with military and naval insurance and under which the United States Veterans' Bureau was originally organized was enacted on the 6th day of October, 1917, just six months to a day after war was declared against the Imperial Government of Germany. This law is divided into four parts: Title I relates to the organization of the bureau; Title II relates to allotments and family allowances; Title III relates to compensation to be paid in case of death or disability; Title IV relates to insurance payable in case of death or total disability.

This law established the bureau in the Treasury Department. At that time there was no particular building in which it could be located. The first offices were in the basement of the National Museum. At the close of the war, in November, 1918, the activities in connection with this bureau were located in 17 different buildings in various parts of the city. It became necessary to construct what is known as the Arlington Building, where all activities in connection with the disabled soldiers, sailors, and marines could be carried on. The construction and equipment of this building cost the Government something over $3,000,000.

I am sure that the average citizen does not realize what it meant to organize this great undertaking; neither do the soldiers who were a part of the vast Army of over 4,000,000 men fully realize the stupendous task and the almost infinite details that were necessary in looking after their allotments and allowances, their claims for compensation, and the writing of their insurance policies and collecting the premiums thereon.

As heretofore stated, the law creating the bureau was enacted upon the 6th day of October, 1917. It did not begin operation until November 15, 1917. During the period between November 15, 1917, and the 11th day of November, 1918, applications for insurance were made by the young men of this country who entered the Army to the amount of almost forty billions, or on an average of about $9,000 insurance to every person who made application for insurance to protect the wives, children, the mothers and fathers, and those dependent upon them. This insurance was made payable in case of death or total disability.

All these applications had to be filed and passed upon by the bureau. It is safe to say that from three to four letters were written in connection with every application. This was a vast amount of mail, all of which must have special attention.

This bureau was also organized during the confusion which is always a part of every war. It was not possible at that time to get efficient and competent help. There was no opportunity to train them for the tasks which they must perform. The Government was being organized for war. The flower of our manhood was going into the Army; the business interests of the country were endeavoring to meet and adjust themselves to the demands of war.

Armies had to be raised, cantonments had to be constructed, ammunition had to be manufactured, ships had to be built, and the organization of the bureau was accomplished under unusual circumstances and at a time when the attention of the people of this country was centered upon the military operations and the winning of the war.

When the war was over the problem which confronted the bureau was to bring order out of chaos. As a consequence a bill was passed on December 24, 1919, increasing the rate of compensation in many respects. Under the act of October 6, 1917, a soldier rated as total and temporary and who had no dependents received $30 per month. Under this act it was increased to $80 per month. The compensation features of the law were also made retroactive and as a consequence, within the short period of 100 days after its passage, thirty-one millions were paid to the disabled soldiers, sailors, and marines of the country.

The insurance features of the law were liberalized and made more workable.

The bill also made provision for furnishing to the disabled ex-service men reasonable governmental medical, surgical, and hospital services, and supplies, artificial limbs, trusses, and similar appliances as the director may determine.

As heretofore stated, the work of the bureau at Washington was brought together in one building known as the Arlington Building. It then became apparent that the various agencies of the Government which had to do with the disabled ex-service men should all be brought together under one head in one bureau. As a consequence, upon the recommendation of the American Legion and other soldier organizations, on August 9, 1921, a bill was passed which provided for the establishment of a United States Veterans' Bureau, bringing all these agencies together in one bureau.

The act also had for its purpose the curing of the delinquencies in the administration of former laws passed by Congress so that ex-service men would speedily receive the benefits to which Congress and the country believe they are justly entitled.

Under this bill provision was made for the establishment of 14 regional offices and such suboffices, not exceeding 140 in number, as may be deemed necessary by the director in the best interests of the work committed to the United States Veterans' Bureau and to carry out the purposes of the law.

This law has now been in operation for a little over a year, and the organization of the main office at Washington and the 14 regional offices throughout the United States and all the suboffices has been a stupendous task. In my judgment it has been accomplished expeditiously and conducted in a manner which will ultimately be for the best interests of the disabled soldiers of the country who are drawing compensation, who are being hospitalized, who are taking vocational training, and who have taken out Government insurance.

A little over a year ago Col. C. R. Forbes was appointed by the President under the law as Director of the United States Veterans' Bureau. He has shown unusual ability as an organizer and a director of this great enterprise. He has proven himself to be a man of good judgment and of the Rooseveltian type.

If my observations are correct, he cares more about results which will be beneficial to every disabled ex-service man than about advertising as to what he expects or intends to do for them. He is a man of action rather than of words.

It is not possible to please all persons. It is not possible as the head of such a mighty undertaking to dispense exact justice to all, for the work can not be done by him alone, but mainly through those who are a part of his great organization.

In my judgment he should receive the loyal support of Congress and the country in his honest endeavors to faithfully administer the laws for the benefit of the men who were disabled in their country's cause.

COMPENSATION.

As a sort of summary relative to compensation awards and expenditures in conection therewith, I insert as a part of this statement the following:

FOUR HUNDRED AND FIFTEEN THOUSAND EIGHT HUNDRED AND FORTY-SIX AWARDS OF COMPENSATION HAVE BEEN MADE ON ACCOUNT OF THE DEATH OR DISABILITY OF VETERANS OF THE LATE WAR.

Fifty-nine thousand seven hundred and thirty-two awards have been made on account of death.

Three hundred and fifty-six thousand one hundred and fourteen awards have been made on account of disability.

Three hundred and seventy-nine million eight hundred and eighteen thousand seven hundred and ten dollars have been paid to disabled men or their dependent relatives.

Two hundred and fifty-four thousand four hundred and fifty-eight checks, amounting to $8,105,917, are now being sent monthly to disabled veterans or their dependent relatives.

One hundred and seventy-five thousand one hundred and thirty-seven disabled ex-service men are now receiving compensation and in addition medical and hospital care where needed.

Forty-four thousand of the total men now receiving compensation were wounded in action overseas.

Forty thousand men are receiving compensation as a result of diseases contracted while in service overseas.

Of those now receiving compensation for disability 11,524 are rated permanent total, 31,630 temporary total, 12,995 permanent partial, and 118,988 temporary partial.

INSURANCE.

Relative to insurance, I wish to insert the following in connection with my remarks:

Two hundred and seventy-four thousand four hundred and ninety-two war-risk term insurance policies are in force, representing insurance in the amount of $2,064,531,283.

Two hundred and eighty-six thousand three hundred and fifty-six United States Government life (converted) insurance policies are in force, representing insurance in the amount of $1,062,610,928.

One hundred and fifty-three thousand and twenty-four war-risk term insurance claims have been allowed, representing a total of $1,345,352,690.

Two thousand and ninety-one United States Government life (converted) insurance claims have been allowed, representing a total of $8,963,786.

One hundred and forty-three thousand and eighteen insurance claims are now being paid each month, a total monthly expenditure of $8,798,625.

Three hundred and fifty-four million two hundred and seventy-two thousand two hundred and twenty-two dollars has been paid out thus far for insurance claims.

HOSPITALIZATION.

I wish to insert as a part of these remarks the following, taken from a report issued by the director of the bureau:

HOSPITALIZATION OF UNITED STATES VETERANS' BUREAU BENEFICIARIES.

The hospitalization of Veterans' Bureau beneficiaries commenced before we as a nation had attained our full military stride, for as early as the fall of 1917 a few particular cases were under the care of this bureau. By July, 1918, this number had become really appreciable, and from that time onward the hospitalization of patients of the Veterans' Bureau became a question of major importance.

To meet this demand for hospitalization there were initially available only the marine hospitals of the Public Health Service and a sanatorium at Fort Stanton, N. Mex., for the care and treatment of beneficiaries suffering from tuberculosis. There were also some scattered facilities in naval hospitals and in military hospitals, though the use of these facilities was not at that time coordinated. Because of the urgency of the demand it was necessary immediately to contract with the civil institutions throughout the country in order that facilities might immediately be made available for the care of the Veterans' Bureau beneficiaries, and some 1,500 civil hospitals were contracted with, representing an aggregate of approximately 22,000 beds. Realizing, however, the lack of hospital facilities, there was passed by Congress on March 3, 1919, Public Act No. 326, which provided for the transfer of War and Navy Department hospitals to the Public Health Service and further provided for the construction of certain prescribed facilities. At the close of the fiscal year 1919 the United States Public Health Service was operating 20 marine hospitals and a sanatorium at Fort Stanton, N. Mex., and 10 new hospitals, known as Public Health Service hospitals, which had been opened during the last three months of that fiscal year and were provided for by Public Act No. 326. These new hospitals included eight Army hospitals and two other locations, as follows: Palo Alto, Calif.; Greenville, S. C.; Alexandria, La.; Dansville, N. Y.; Chicago, Ill.; Corpus Christi, Tex.; Jacksonville, Fla.; East Norfolk, Mass.; the United States Army quartermaster terminal at Norfolk, Va.; and a leased hospital at Washington, D. C.

In June, 1920, all these hospitals were in use with the exception of the hospital at Jacksonville, Fla. By September 15, 1922, five of these original hospitals had been discontinued.

During the fiscal year 1920 a number of additional Public Health Service hospitals were opened, until the total number of hospitals operated by that service, including marine hospitals, had increased to 50 hospitals, representing approximately 11,600 beds. Seven of these hospitals were available to neuropsychiatric patients, eight hospitals were available to tuberculosis patients, and the balance were available to general medical and surgical patients. By July 1, 1921, the number of hospitals operated by the Public Health Service had been further increased through the acts of March 3, 1919, and March 6, 1920, to 62 hospitals, representing a total of 18,700 available beds. In the meantime the Conjoint Board of Hospitalization, made up of the medical adviser of the then Bureau of War Risk Insurance, the Surgeon Generals of the War Department, Navy Department, the Public Health Service, and the president of the Board of Managers of the National Homes for Disabled Volunteer Soldiers, had been convened to coordinate all governmental hospital facilities and to make available facilities of the War Department and the Navy Department and the National Soldiers' Homes for the hospitalization of Veterans' Bureau patients. While these facilities had to some extent been used before the formation of this board, no consistent coordinating policy had been adopted. Under the action of this board a definite quota of hospital beds in the hospitals operated by the several departments represented were made available to the United States Veterans' Bureau. On approximately September 7, 1922, the governmental hospital facilities available to the United States Veterans' Bureau, other than those operated directly by the United States Veterans' Bureau, were as follows: United States Public Health Service hospitals (including marine hospitals), 786 beds; military hospitals, 3,068 beds; naval hospitals, 1,624 beds; National Soldiers' Homes, 3,206 beds; and St. Elizabeths Hospital, Washington, D. C., 871 beds.

Immediately prior to the establishment of the Veterans' Bureau the Public Health Service was operating a total of 65 hospitals available, completely or in part, to the United States Veterans' Bureau. These 65 hospitals included the marine hospitals of the Public Health Service and represented a total of 19,450 available beds. On August 9, 1921, there was passed the act establishing the Veterans' Bureau known as the Sweet bill, which amended the basic war risk insurance act and amendments thereto, and further directed the consolidation of all activities operated on behalf of veterans of the World War under the direction of the Director of the United States Veterans' Bureau. The Public Health Service hospitals, devoted entirely to the treatment of beneficiaries of the Veterans' Bureau, were then designated as United States Veterans' Bureau hospitals, although the transfer of these hospitals to the immediate supervision of the Director of the Veterans' Bureau did not take place until May 1, 1922.

On March 4, 1921, there was passed the first of the hospital construction appropriations which specifically provided for the construction of hospital facilities for Veterans' Bureau beneficiaries. This bill, known as the first Langley bill, carrying with it an appropriation of $18,600,000, provided for a total of approximately 6,169 beds, classified as follows: Tuberculosis, 3,005; neuropsychiatric, 2,914; general medical and surgical, 250. To date, of the total number of beds provided for by this bill, 2,124 are actually available for the reception of patients.

The second hospital construction appropriation, passed on April 20, 1922, authorizing that an appropriation be made, was followed by the actual appropriation of $17,000,000 by the act of May 11, 1922. This appropriation provides for a total of 3,730 additional hospital beds, classified as follows: Tuberculosis, 1,150; neuropsychiatric, 2,380; and general, 200. One of these hospitals is already in operation, namely, United States Veterans' Hospital No. 88, Memphis, Tenn.

It is to be presumed that with the addition of permanent hospital facilities there will take place decommissioning of unsatisfactory Government-owned properties, namely, those of a temporary frame construction and the abandonment of certain leased facilities. There has been prepared and is attached hereto a statement of existing hospital facilities under the direct jurisdiction of the Veterans' Bureau as of approximately August 9, 1921, and September 15, 1922, and the additions to be made under proposed construction, the probable abandonment of facilities to be accomplished during the fiscal years 1923 and 1924, and the probable ultimate facilities to be abandoned. This statement, it is believed, is self-explanatory and shows the present probable development of permanent hospital facilities.

In addition to the first and second Langley bills there was provided for by the act of March 3, 1919, an amount of $1,500,000 for the construction of a hospital at Dawson Springs, Ky. This project was to provide 500 beds for tuberculous patients. This hospital, designated as the United States Veterans' Bureau Hospital No. 79, was formally opened for the reception of patients on February 22, 1922, and at the present date reports available a total of 405 beds, of which number 332 are occupied. While this hospital per se is modern in every way, because of its isolated and peculiar location it can not be considered to be entirely satisfactory until additional funds have been expended to provide adequate quarters and recreation facilities for commissioned and civil personnel.

Coincident with the increase in governmental hospital facilities there was a continuous rise in the total hospital population, which rose rapidly from approximately 8,000 patients in November, 1919, to approximately 30,900 patients in February, 1922. Since that date there has been recorded a steady decline in the hospital population, until on September 7, 1922, the number of patients in hospitals had fallen to 25,678. While it is probable that this number will increase, due to the approaching winter months and due to the progressive acquirement of modern, permanent hospital facilities, resulting in the greater acceptance of hospitalization by beneficiaries of the Veterans' Bureau, careful studies made of the hospital problem indicate that the peak in hospitalization was probably reached in February, 1922, and that it is doubtful if the hospital population will rise at any time above 31,000. It is further probable that the number of tuberculous and neuropsychiatric patients in hospitals will increase during the remainder of the fiscal year, but that there will be a diminution in the number of general patients being hospitalized at any one date.

There is attached hereto a statement of total beds, by type of hospital, available as of August 9, 1921, and September 15, 1922, and beds estimated to be available at the close of the fiscal year 1924 and also the next number of permanent beds ultimately to remain available. No consideration is given in this table to permanent beds operated under the jurisdiction of other governmental agencies, such as the Public Health Service, the national soldiers' homes, the United States Army and Navy. It will be seen from this table that at the close of 1924 approximately 21,693 beds will be available in Veterans' Bureau hospitals, although there is included in this total certain leased and certain Government temporary facilities, which eventually will have to be relinquished. In the preparation of these figures no anticipated or future appropriations were considered.

In the appropriation for medical and hospital services for the fiscal year 1924 there has been included an item for the construction of additional facilities at certain existing hospital sites, which if approved will furnish a certain number of additional beds, particularly at Perryville, Md.; Augusta, Ga.; Gulfport, Miss.; Fort McKenzie, Wyo.; and North Little Rock, Ark. Such proposed additions will be extensive and will be largely for neuropsychiatric patients.

As to the needs for additional neuropsychiatric beds other than those already provided for, while studies made indicate that up to an average of possibly 12,000 may have to be hospitalized at any one time, experience to date does not justify the immediate recommendation for further appropriations, other than mentioned in the foregoing paragraph for hospital construction until such a time arrives when the Veterans' Bureau can be reasonably assured of their definite and permanent need. In making this statement the fact is borne in mind that there are now available and will continue to be available beds for neuropsychiatric patients in other Government hospitals, particularly at St. Elizabeths Hospital, Washington, D. C., and the national soldiers' home, Marion, Ind., and certain wards available to the less disturbed cases in general hospitals.

It is, however, probable that there will be additional needs for hospital construction for the treatment of the disturbed neuropsychiatric cases, although, as previously stated, the Veterans' Bureau is not as yet in a position to define such needs.

This is the situation under present legislation. Should, however, Congress broaden the scope of Veterans' Bureau activities to the end that the beneficiaries of the bureau would increase in number, it is undoubtedly true that there would result the necessity for further appropriations for hospital facilities, probably for tuberculous as well as neuropsychiatric conditions.

Hospital facilities,[1] United States Veterans' Bureau, showing present status and estimated development totals for all hospitals by general type of hospital.

Type of hospitals.	Available Aug. 9, 1921.	Sept. 15, 1922.	Additions by end of fiscal year 1924.	Proposed abandonment by 1924.	Beds available at end of fiscal year 1924.	Temporary or leased facilities ultimately to be abandoned.	Net permanent facilities.
Tubercular........	6,502	7,602	2,658	1,235	[1] 8,875	2,860	6,015
Neuropsychiatric.	2,115	2,892	4,029	250	[2] 6,821	897	5,924
General...........	7,656	7,585	375	1,963	5,997	3,279	2,718
Total........	16,273	18,079	7,062	3,448	21,693	7,036	14,657

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[1] One hundred and fifty old beds at Palo Alto, Calif., to be converted from T. B. type to N. P. type.

[2] Includes only those hospitals under direct jurisdiction of United States Veterans' Bureau.

[Treasury Department, consultants on hospitalization, July 11, 1922.]

Hospital.	Allotted.	Number of beds contemplated.	Type.	Beds now available.	Completion of hospitals.	Remarks.
Provisional Hospital No. 2, Fort Logan H. Roots, Little Rock, Ark.	$250,000.00	257	Neuropsychiatric	257		Completed and transferred to United States Veterans' Bureau.
United States Veterans' Hospital No. 27, Alexandria, La	59,816.17	None.	Tubercular			Do.
United States Veterans' Hospital No. 63, Lake City, Fla	278,000.00	100	do	100		Do.
United States Veterans' Hospital No. 50, Prescott, Ariz. (Whipple Barracks).	580,000.00	422	do	422		Do.
Fort McKenzie, Wyo	177,000.00	242	Neuropsychiatric	242		Do.
Provisional Hospital No. 1, Fort Walla Walla, Wash	450,000.00	165	Tubercular	165		Do.
United States Veterans' Hospital No. 81, Bronx, New York City	3,485,000.00	1,000	Neuropsychiatric	1,000		Do.
United States Veterans' Hospital No. 55, Fort Bayard, N. Mex	992,500.00	250	Tubercular	250		Do.
United States Veterans' Hospital No. 42, Perryville, Md	485,000.00	300	Neuropsychiatric	300		Do.
Provisional Hospital No. 4, Rutland, Mass	815,000.00	220	Tubercular		Aug. 1, 1922	84 per cent complete.
United States Veterans' Hospital No. 62, Augusta, Ga	870,783.00	265	Neuropsychiatric		Sept., 1922	70 per cent complete.
National Home for Disabled Volunteer Soldiers, Dayton, Ohio	750,000.00	306	Tubercular		Aug., 1922	60 per cent complete.
National Home for Disabled Volunteer Soldiers, Milwaukee, Wis	1,400,000.00	612	do		do	57 per cent complete.
National Home for Disabled Volunteer Soldiers, Marion, Ind	100,000.00	80	Neuropsychiatric		do	50 per cent complete.
United States Veterans' Hospital No. 60, Oteen, N. C	473,000.00	200	Tubercular		Sept., 1922	38 per cent complete.
United States Veterans' Hospital No. 24, Palo Alto, Calif	1,303,619.65	500	Neuropsychiatric		Dec., 1922	30 per cent complete.
Negro Hospital, Tuskegee, Ala	2,010,000.00	230 270	Tubercular Neuropsychiatric		Feb., 1923	16 per cent complete.
St. Louis, Mo. (Jefferson Barracks)	1,183,350.00	250	General		Mar. 3, 1923	Bids awarded July 5 for construction, July 6 for mechanical equipment.
Chelsea, N. Y. (metropolitan district)	1,000,000.00	250	Tubercular			Site chosen; preparing plans for advertisement.
Aspinwall, Pa	1,000,000.00	250	do			Do.
National Home for Disabled Voluntoer Soldiers (officers and nurses' quarters).	39,374.00	None.			Oct., 1922	Proposals due July 18 on Milwaukee and Dayton.
Marine Hospital No. 5, Chicago, Ill	972.17	None.				To complete portable houses.
National Home for Disabled Volunteer Soldiers, Battle Mountain, Hot Springs, S. Dak.	977.02	None.				Architects' fees for preliminary work.
National Home for Disabled Volunteer Soldiers, Leavenworth, Kans.	16,601.76	None.				Do.
Equipment	600,000.00					
Total	18,320,993.77	6,169	3,005 tubercular 2,914 neuropsychiatric. 250 general	2,736		

Expenditures by hospitals for the fiscal year ending June 30, 1922.

Type.	Number.	Location.	Expended by hospitals.	Purvey service.		New construction and major repairs (obligated or expended).	Total expenditures.	Patient days.	Per diem.
				Equipment.	Supplies.				
General	13-A	Mobile, Ala	$33,683.32	$2,587.78	$1,845.46		$38,116.86	14,357	$2.65
Do	14-A	New Orleans, La	163,638.37	9,263.74	6,116.09	$18,552.66	197,570.86	36,016	5.49
Tubercular	24	Palo Alto, Calif	610,471.00	41,498.60	33,135.66		685,105.26	168,361	4.07
General	25	Houston, Tex	1,115,147.81	111,261.93	82,611.98	4,178.42	1,313,200.14	243,997	5.38
Tubercular	26	Greenville, S. C	838,760.48	80,413.24	41,021.79	2,398.49	962,594.00	182,030	5.29
Do	27	Alexandria, La	793,382.91	79,932.10	57,887.48	1,386.90	932,589.39	193,186	4.83
General	30	Chicago, Ill	851,639.31	10,942.66	20,502.87	1,805.75	884,890.59	181,472	4.88
Do	30-A	do	110,742.88	997.39	8,358.18		120,098.45	16,858	7.12
Do	32	Washington, D. C	426,944.60	15,672.69	15,650.38	19.83	458,287.50	74,575	6.15
Do	34	East Norfolk, Mass	238,383.78	3,688.25	6,312.01	448.50	248,832.54	36,928	6.74
Neuropsychiatric	35	St. Louis, Mo	854,265.99	71,602.74	51,953.56	3,181.54	981,003.83	185,807	5.28
General	36	Boston, Mass	749,515.79	28,516.24	26,016.54	21,386.85	825,435.42	160,150	5.15
Do	37	Waukesha, Wis	317,330.55	11,520.30	11,710.94	4,309.40	344,871.19	73,732	4.68
Do	38	New York, N. Y	421,049.22	18,087.54	33,316.44	107.50	472,560.70	50,562	9.34
Neuropsychiatric	41	New Haven, Conn	780,285.88	38,012.20	30,564.78	16,076.40	864,939.26	165,053	5.24
General	42	Perryville, Md	397,511.23	34,947.92	18,021.15	103.50	450,583.80	108,797	4.14
Neuropsychiatric	44	West Roxbury, Mass	300,885.83	53,823.18	31,397.86	52,584.09	438,690.96	83,074	5.28
General	45	Biltmore, N. C	587,208.59	22,073.14	25,487.35	4,108.28	638,877.36	107,316	5.95
Do	48	Atlanta, Ga	123,151.35	16,725.16	5,291.89	832.15	146,000.55	29,736	4.91
Neuropsychiatric	49	Philadelphia, Pa	413,935.92	22,352.10	15,753.13	4,490.05	456,531.20	147,240	3.10
Tubercular	50	Prescott, Ariz	1,004,111.41	123,887.81	77,551.75	8,514.50	1,214,065.47	233,869	5.19
Do	51	Tucson, Ariz	284,780.38	29,022.65	5,292.40	9,285.20	328,380.63	77,055	4.26
General	52	Boise, Idaho	279,224.32	25,938.85	15,667.27	1,250.81	322,081.25	60,914	5.29
Do	53	Dwight, Ill	239,786.96	16,032.98	12,541.62	1,136.80	269,498.36	47,181	5.71
Do	54	Arrowhead Springs, Calif	281,828.30	39,389.97	15,252.57	27,121.94	363,592.78	52,578	6.91
Tubercular	55	Fort Bayard, N. Mex	1,624,522.15	146,085.77	82,284.53		1,852,892.45	353,851	5.22
General	56	Fort McHenry, Md	921,621.85	45,513.07	27,765.02	34,340.93	1,029,240.87	239,023	4.31
Neuropsychiatric	57	Knoxville, Iowa	213,874.37	9,007.98	4,366.59	17,002.13	244,251.07	62,264	3.92
Do	58	New Orleans, La	64,374.28	1,336.40	882.67	3,827.97	70,421.32	12,943	5.44
Do	59	Tacoma, Wash	351,820.03	21,758.53	14,704.36	11,589.54	399,872.46	91,991	4.35
Tubercular	60	Oteen, N. C	1,172,059.69	58,873.82	44,198.84		1,275,132.35	317,304	4.02
Do	61	Fox Hills, N. Y	1,314,806.03	59,869.70	23,964.12	30,162.60	1,428,802.45	223,389	6.40
General	62	Augusta, Ga	252,390.86	20,187.04	8,269.61	3,291.84	284,139.35	84,376	3.37
Neuropsychiatric	63	Lake City, Fla	183,692.77	17,355.68	752.57	.60	201,801.62	40,560	4.97
General	64	Camp Kearney, Calif	597,584.39	42,033.45	23,003.73	753.33	663,374.93	110,548	6.00
Tubercular	65	St. Paul, Minn	374,342.68	32,792.55	18,083.02	49,544.41	474,762.66	77,922	6.09
General	67	Kansas City, Mo	262,182.46	12,041.69	17,782.90	5,015.05	297,022.10	43,022	6.90
Do	68	Minneapolis, Minn	446,866.28	34,097.60	30,845.38	5,037.14	516,846.40	97,890	5.28
Do	69	Newport, Ky	263,497.77	10,869.62	6,815.05	9,995.84	291,178.28	36,999	7.87
Do	71	Sterling Junction, Mass	42,070.61	2,732.94	589.85	1,532.70	46,926.10	12,422	3.78
Neuropsychiatric	72	Helena, Mont	216,698.57	47,670.12	17,989.06		282,357.75	46,119	6.12
Do	73	Chicago, Ill	39,080.71	5,125.93	2,953.61	117.99	47,278.24	9,920	4.77
Do	74	Gulfport, Miss	208,956.33	67,204.85	10,149.06	112,351.33	398,661.57	38,545	10.34
General	75	Colfax, Iowa	166,108.46	14,791.99	20,870.63	21,955.26	223,726.34	25,065	8.92
Do	76	Maywood, Ill	853,389.14	158,975.11	47,523.76	35,872.72	1,095,760.73	204,005	5.37
Do	77	Portland, Oreg	285,354.71	19,688.84	6,070.84	25,103.70	336,218.09	20,359	16.51
Neuropsychiatric	78	North Little Rock, Ark	114,251.41	58,122.56	8,795.35		181,169.32	17,262	10.49
Tubercular	79	Dawson Springs, Ky	111,873.76	147,710.16	16,121.98		275,705.90	9,532	28.92
Do	80	Fort Lyon, Colo	243,674.17	20,507.09	7,734.85	1,771.00	273,687.11	41,396	6.61
Neuropsychiatric	81	Bronx, N. Y	148,121.26	219,354.88	29,781.44	143.50	397,401.08	17,204	23.09
Tubercular	85	Walla Walla, Wash	70,938.17	80,465.25	1,527.63	213.00	103,144.05	1,638	62.97
Neuropsychiatric	86	Fort McKenzie, Wyo	32,550.79	41,611.64	16,492.45		90,654.88	10	9,065.49
		Cape May, N. J				1,971.62	1,971.62		

Expenditures by hospitals for the fiscal year ending June 30, 1922—Continued.

Type.	Number.	Location.	Expended by hospitals.	Purvey service.		New construction and major repairs (obligated or expended).	Total expenditures.	Patient days.	Per diem.
				Equipment.	Supplies.				
		Cincinnati, Ohio				$25.00	$25.00		
		Dansville, N. Y.				1,843.99	1,843.99		
		Excelsior Springs, Mo.				90,124.49	90,124.49		
		Jacksonville, Fla.				4,918.26	4,918.26		
		Markleton, Pa				50.00	50.00		
		Seattle, Wash.				25.00	25.00		
		Perryville Reservation	$401,270.05	$6,673.41	$33,125.54		441,069.00		
		Augusta (Camp Hancock)				21,385.31	21,385.31		
		Rutland, Mass.	2,664.05	18,113.50	1,029.94		21,807.49		
Total			23,198,303.98	2,278,762.33	1,173,735.83	673,245.84	27,324,047.98	4,956,403	$5.50

NOTE.—This statement includes capital expenditures such as construction and nonexpendable equipment and supplies, therefore showing gross expenditures at all hospitals. Actual per diem cost of operating hospitals, excluding capital expenditures, is but $4.74 per patient. Where per diem rate is shown as abnormally high, high rate due to fact that expenditures are total, including cost of equipping hospital prior to opening, and that hospital functioned only for a short period during this year.

As a part of these remarks I insert the following, taken from a report issued by the director of the bureau:

DISTRICT MEDICAL SERVICES, FISCAL YEAR 1922.

The medical organization of the 14 districts of the United States Veterans' Bureau has three major functions to perform. These are the rating of claims for dissabilities due to military service, the furnishing of medical relief to beneficiaries, and the inspection of personnel, space, equipment, and methods. Of these the district medical service section is directly concerned with relief, or, in other words, is responsible for every form of medical service within the districts. This embraces medical examinations to determine the validity of claims, the advisability of hospitalization, or the feasibility of vocational training; treatment in any specialty in medicine or surgery (including dentistry); the furnishing of prosthetic appliances to cripples; arranging for hospitalization and other special medical care and home visitation by nurses for follow-up observation and social service.

Prior to the establishment of subdistrict offices much of the examination work and considerable treatment had been provided through the use of individual physicians designated for the purpose. The success of the few dispensaries which had been established in connection with district offices in furnishing better service at great economy indicated the policy of extending the formation of such agencies throughout the country. Accordingly, with the passage of the Sweet Act August 9, 1921, which provided for the creation of the subdistrict offices at the important points in every district, the opportunity was presented, and it was determined to establish clinical facilities in every district and subdistrict office. The dispensaries of the United States Public Health Service, which had handled ex-service cases in excess of other beneficiaries, were transferred to the jurisdiction of the United States Veterans' Bureau and plans were formulated for the standardization of personnel, space, and equipment for a complete system of 140 dispensaries. Three types of dispensary were adopted, to be established according to the size and needs of the community to be served. These were as follows:

Type A: Consists of a complete unit, comprising clinics in internal medicine, general surgery, tuberculosis, neuropsychiatry, ophalmology, diseases of the ear, nose, and throat, urology, orthopedics, physiotherapy, dentistry, X-ray, clinical laboratory and pharmacy, with facilities for administration and social service, occupying approximately 8,500 square feet of floor space.

Type B: Consists of a similar unit in which the surgical clinic embraces urology and orthopedics, the dental clinic has two chairs instead of six, and the section of physiotherapy is omitted. The floor space occupied is 4,216 square feet.

Type C: Consists of clinics in medicine, surgery, and eye, ear, nose, and throat, with a small clinical laboratory, one dental chair, and an X-ray (if X-ray contracts justify its establishment), and occupies 2,352 square feet.

Dispensaries of the type of class A were designated for the 19 leading cities of the United States, including the 14 district headquarters; 17 dispensaries of the type of class B were planned for the remaining cities which exceed 200,000 population and 103 class C dispensaries for the remaining subdistrict offices. By such a system the procees of decentralization is made more perfect, all of the advantages of group diagnosis are furnished the claimant, and the responsibility for action is removed from an individual part-time examiner and shared by a group of full-time officers whose activities are under constant supervision.

The comprehensive program described above was completed and formally approved in January, 1922. It was then presented to each district manager with instructions to study the conditions of his district with the idea of its adoption or modification to suit local conditions. The district managers were then urged to acquire the necessary space, requisition the equipment, and nominate the personnel. It was estimated that, with the time necessarily consumed in the completion of leases and contracts, the shipping and installation of equipment, and the choice of qualified physicians and other technical personnel, it would be 18 months before the program would be complete. However, on July 1, 1922, all of the class A dispensaries were in operation and all but 4 of the class B dispensaries and 62 of the class C dispensaries, with every prospect of the entire system in operation by October 1.

The opening of the dental clinics in connection with the dispensaries referred to above has been an important factor in providing better service to beneficiaries, with marked economy to the Government. This makes for uniformity of standards in treatment by providing all of the modern facilities, with the advantage of consultation in the clinic; thus the expensive and unsatisfactory procedure of using scattered designated dental examiners on a fee basis is being discontinued. There are now 87 dental clinics in operation, of which 19 are class A, equipped with the most modern facilities, 8 class B, and 60 class C, the latter types furnished with equipment from the United States Army Dental Corps.

The authorization for dental equipment increased with the passage of the Sweet Act from 50 per cent on all claims to 70 per cent. During the past two months, however, there has been a notable decrease in the amount of dental treatment authorized by district managers.

In connection with the furnishing of prosthetic appliances to the districts, orthopedic shops have been opened in districts 3, 4, and 10, and the saving effected through their activities fully justifies the establishment of similar shops in the remaining districts. In addition to the economical factor, the improvement in the service was highly gratifying in affording beneficiaries complete satisfaction by having their appliances made to order and by keeping the same in repair with a minimum of inconvenience and delay.

Certain materials such as stump socks and elastic goods are purchased in quantity and distributed among the districts at a considerable reduction in cost. Claimants are allowed to select artificial limbs from an approved list of dealers in the districts in which they reside.

Nursing activities cover service in dispensaries and training centers and follow-up visitation in the homes of beneficiaries. The diversity of such work requires the choice of special personnel, experienced in public-health and social-service activities, with special reference to tuberculosis and neuropsychiatry. In the dispensaries and training centers the nurses are responsible for certain routine duties in connection with the examination and treatment of patients, the care of instruments and supplies, and response to emergencies. The follow-up work includes the preparation of patients for hospitalization or treatment, the observation of convalescents after discharge from hospital in order to prevent relapse, the response to emergencies in the home and the follow up of physicians' sick calls.

A tabulation of nursing activities throughout the 14 districts for the fiscal year follows:

Number of cases which received nursing care	141,696
Number visited at homes	76,687
Number of office, placement, and school interviews	502,333
Number of tuberculosis cases supervised	140,227
Number of neuropsychiatric cases supervised	75,865
Total under supervision (including present cases)	502,904
Number of follow-up reports made	192,128
Number of training reports made	4,859
Number treated in dispensaries	74,775
Number of social adjustments made	12,175

PERSONNEL.

Superintendent of nurses	1
Neuropsychiatric chief nurse	1
Chief nurses (district offices)	12
Follow-up nurses	321
Dispensary nurses	45
Total number of nurses on duty June 30, 1922	380
Number of appointments pending (oath of office) June 30, 1922	23

In the office of the section 2,000 proposals and 1,370 requisitions for drugs, medical supplies, surgical instruments, and office equipment have been acted upon. New forms were devised which indicate the quantity of material on hand as well as that desired, with classification of equipment by unit and item.

REHABILITATION.

I wish to insert in the RECORD as a part of these remarks the following:

VOCATIONAL TRAINING OF DISABLED EX-SERVICE MEN.

One hundred and fifty-six thousand five hundred and sixty-two men have entered vocational training.

Ninety-nine thousand and ninety men are now in training.

Twenty-five thousand nine hundred and sixty men have completed their training.

Two thousand seven hundred and sixty-one schools and colleges are training men in institutional training.

Thirty thousand and eighty business establishments are training men in placement training.

Four hundred and forty-five trades and professions are being taught.

Forty-seven Government vocational schools now provide training.

Eleven million three hundred thousand dollars per month are placed in the hands of trainees for the support and maintenance of themselves and their dependents.

One million three hundred thousand dollars per month is paid out for tuition, supplies, and other costs incidental to training.

I wish to insert as a part of my remarks the following:

NAME AND LOCATION OF UNITED STATES VETERANS' BUREAU VOCATIONAL TRAINING SCHOOLS.

Nonresident: Portland, Me.; Boston, Mass.; Rutland, Mass.; Washington, D. C.; Baltimore, Md.; Richmond, Va.; Roanoke, Va.; Atlanta, Ga.; Charlotte, N. C.; Chattanooga, Tenn.; Nashville, Tenn.; Birmingham, Ala.; Lafayette, La.; Chicago, Ill.; Danville, Ill.; Fargo, N. Dak.; Colorado Springs, Colo.; Denver, Colo.; Albuquerque, N. Mex.; Las Vegas, N. Mex.; Salt Lake City, Utah; Phoenix, Ariz.; Tucson, Ariz.; Fresno, Calif.; Los Angeles, Calif.; San Diego, Calif.; El Paso, Tex.

Resident: East Norfolk, Mass.; Goshen, N. Y.; Port Jefferson, N. Y.; Pocono Pines, Pa.; Baltimore, Md.; Silver Spring, Md.; Waynesville, N. C.; Chick Springs, S. C.; Pascagoula, Miss.; Chillicothe, Ohio; Nauvoo, Ill.; Bellevue, Nebr.; Stockton, Calif.; San Antonio, Tex.

FINANCE.

I wish to insert in the RECORD as a part of these remarks the following, taken from a report issued by the director of the bureau:

Status of appropriations and trust funds—Statement showing the status of all appropriations and trust funds of the United States Veterans' Bureau as of September 1, 1922.

	Appropriation.	Appropriation.	Expenditure.	Balance.
Losses on war risk insurance on American vessels, their cargoes, etc.	$50, 000, 000. 00			
Premiums on marine and seamen's insurance	53, 140, 513. 74	$103, 140, 513. 74	[1]$102, 099, 056. 42	$1, 041, 457. 32
Military and naval allowance		298, 615, 000. 00	[2] 296, 681, 912. 85	1, 933, 087. 15
Military and naval insurance	23, 000, 000. 00			
Premiums on term insurance	391, 609, 385. 94	414, 609, 385. 94	344, 715, 854. 42	69, 893, 531. 52
Military and naval compensation		557, 150, 000. 00	380, 139, 446. 67	177, 010. 553. 33
Medical and hospital services, 1921.		54, 710, 272. 00	54, 161, 049. 56	549, 222. 44
Medical and hospital services, 1922		78, 278, 930. 00	65, 698, 233. 95	12, 580, 696. 05
Medical and hospital services, 1923		64, 658, 680. 00	4, 135, 556. 81	60, 523, 123. 19
Salaries and expenses, 1918		1, 987, 800. 00	[3]1, 987, 800. 00	
Salaries and expenses, 1919		13, 600, 500. 00	[4] 13, 600, 500.00	
Salaries and expenses, 1920		15, 862, 806. 00	15, 343, 425. 56	519, 380. 44
Salaries and expenses, 1921		10, 324, 400. 00	9, 242, 506. 52	1, 081, 893. 48
Salaries and expenses, 1922		7, 400, 400. 00	6, 150, 033. 56	1, 250, 366. 44
Salaries and expenses, 1923		34, 970, 974. 65	4, 910, 803. 65	30, 060, 171 00
National security and defense		1, 400, 000. 00	[5]1, 400, 000. 00	
National security and defense, 1919		2, 868, 000. 00	[6]2, 868, 000.00	
United States Government life insurance fund premiums	67, 441, 257. 93			
Interests earned and profits	2, 716, 692. 64	70, 157, 950. 57	9, 193, 945. 84	60, 964, 004. 73
Army allotments—trust fund		269, 000, 000. 00	249, 483, 187. 51	19, 516, 812. 49
Navy allotments—trust fund		45, 800, 000. 00	45, 759, 830. 18	40, 169. 82
Marine Corps allotments—trust fund		3, 895, 000. 00	3, 892, 377. 19	2, 622. 81
Coast Guard allotments—trust fund		1, 831, 000. 00	1, 823, 129. 75	7, 870. 25
Vocational rehabilitation		8, 000, 000. 00	7, 199, 145. 96	800, 854. 04
Vocational rehabilitation, 1920		31, 000, 000. 00	30, 945, 294. 53	54, 705. 47
Vocational rehabilitation, 1921		105, 000, 000. 00	102, 255, 229. 20	2, 744, 770. 80
Vocational rehabilitation, 1922		178, 214, 182. 00	163, 193, 055. 87	15, 021, 126. 13
Vocational rehabilitation, 1923		146, 409, 188. 80	24, 027, 197. 89	122, 381, 990. 91
Vocational rehabilitation revolving fund		500, 000. 00	139, 356. 54	360, 643. 46
Hospital facilities and services		12, 000, 000. 00	1, 171, 080. 00	10, 828, 920. 00
Total		2, 531, 384, 983. 70	1, 942, 217, 010. 43	589, 167, 973. 27

Amounts covered into the surplus fund:

[1] $67,000,000.00.
[2] $14,500,000.00.
[3] $51,943.09.
[4] $565,115.61.
[5] $18,862.98.
[6] $60,929.02.

It may be of interest to insert as a part of these remarks a statement of appropriations and trust funds of the United States Veterans' Bureau as of August 9, 1921. It must be remembered that August 9, 1921, was the date when the law passed Congress establishing the United States Veterans' Bureau. The statement is as follows:

Statement of appropriations and trust funds of the United States Veterans' Bureau, August 9, 1921.

Appropriations and trust funds.	Losses, premiums, and interest.	Amount appropriated.	Encumbrances.	Balance.
Losses on war risk insurance on American vessels, their cargoes, etc	$50, 000, 000. 00	$103, 140, 513. 74	$101, 848, 634. 39	$1, 291, 879. 35
Premiums on marine and seamen's insurance	53, 140, 513. 74			
Military and naval family allowance		298, 615, 000. 00	295, 894, 767. 63	2, 720, 232. 37
Military and naval insurance	23, 000, 000. 00	392, 712, 235. 28	241, 541, 935. 94	151, 170, 299. 34
Premiums on term insurance	369, 712, 235. 28			
Military and naval compensation		397, 150, 000. 00	250, 874, 818. 27	146, 275, 181. 73
Medical and hospital services:				
1921		54, 710, 272. 00	[1] 50, 044, 082. 53	4, 666, 189. 47
1922		33, 000, 000. 00	[1] 14, 268, 426. 66	18, 731, 573. 34
Salaries and expenses:				
1918		1, 987, 800. 00	1, 987, 800. 00	
1919		13, 600, 500. 00	13, 600, 500. 00	
1920		15, 862, 806. 00	15, 364, 055. 74	498, 750. 26
1921		10, 324, 400. 00	9, 237, 914. 21	1, 086, 485. 79
1922		7, 400, 400. 00	540, 195. 02	6, 860, 204. 98
National security and defense		1, 400, 000. 00	1, 400, 000. 00	
1919		2, 868, 000. 00	2, 868, 000. 00	
United States Government life insurance fund:				
Premiums	34, 900, 882. 36	35, 766, 798. 47	2, 551, 852. 73	33, 214, 945. 74
Interest earned	865, 916. 11			
Army allotments, trust fund		269, 000, 000. 00	249, 283, 859. 62	19, 716, 140. 38
Navy allotments, trust fund		45, 800, 000. 00	45, 572, 081. 41	227, 918. 59
Marine Corps allotments, trust fund		3, 895, 000. 00	3, 877, 188. 31	17, 811. 70
Coast Guard allotments, trust fund		1, 831, 000. 00	1, 823, 127. 03	7, 872. 97
Vocational rehabilitation		8, 000, 000. 00	6, 767, 395. 43	1, 232, 604. 57
1920		31, 000, 000. 00	30, 965, 052. 19	34, 947. 81
1921		105, 000, 000. 00	98, 806, 924. 83	6, 193, 075. 16
1922		64, 500, 000. 00	10, 351, 066. 20	54, 148, 933. 80
Revolving fund		500, 000. 00	62, 540. 00	437, 460. 00
Total		1, 898, 064, 725. 49	1, 449, 532, 218. 14	448, 532, 507. 35

[1] Includes allotments to United States Public Health Service, National Home for Disabled Volunteer Soldiers, War Department and Navy Department.

The following amounts have been covered into the surplus fund:

Losses on war-risk insurance on American vessels, their cargo, etc., and premiums on marine and seamen's insurance	$67, 000, 000. 00
Military and naval family allowance	14, 500, 000. 00
Salaries and expenses, 1918	51, 943. 09
Salaries and expenses, 1919	565, 115. 61
National security and defense	18, 862. 98
National security and defense, 1919	60, 929. 02

I might say by way of explanation of the first two items of the above statement, which relate to "American vessels, their cargoes, etc.," and "Premiums on marine and seamen's insurance," that they have nothing whatever to do with the benefits provided by law under the head of "Military and naval insurance." The Bureau of War Risk Insurance was originally established by an act which passed Congress on September 2, 1914, and contained provisions for the insurance by the United States of American vessels, their freight, cargoes, and so forth, against loss or damage by the risks of war whenever it appeared to the Secretary of the Treasury that American vessels, shippers, and importers in American vessels were unable in any trade to secure adequate war-risk insurance on reasonable terms. Later this law was amended making provision for insurance by the United States of masters, officers, and crews of American vessels against loss of life or personal injury by the risk of war, and for compensation during detention following capture by enemies of the United States, whenever it appeared to the Secretary of the Treasury that in any trade the need for such insurance existed. The aforesaid classes of insurance were never burdensome to the Government, for out of premiums on marine and seamen's insurance sixty-seven millions have been covered into the surplus fund. The Division of Marine and Seamen's Insurance will soon go out of existence and only appears in this statement in an incidental way as being a part of the work of the bureau.

As to the items in the statement which relate to premiums on term insurance, I might say that the amounts set forth were derived mainly from the premiums paid by the soldiers, sailors, and marines on their yearly renewable term insurance policies during the war. The Government's liability for insurance outstanding through the bureau at the close of the war was over *thirty-nine billions*.

It might be interesting to insert as a part of these remarks a statement showing the total expenditures for pensions and benefits by the Commissioner of Pensions, Department of Interior, for all our wars up to the end of the fiscal year ending June 30, 1921, as shown by the report of the Commissioner of Pensions to the Secretary of the Interior. The report shows, in part, as follows:

Amount paid to pensioners, 1790 to 1921, inclusive.

War of the Revolution	$70,000,000.00
War of 1812	46,094,573.39
Indian wars	20,017,921.79
War with Mexico	54,471,002.27
Civil War	5,749,030,455.07
War with Spain	76,007,334.21
Regular Establishment	57,302,421.04
World War	99,404.40
Unclassified	16,513,425.54
Total	6,089,586,537.71

Disbursements for pensions and for maintenance of pension system, 1866 to 1921.

Fiscal year.	Paid as pensions.	Cost, maintenance, and expenses.[1]	Total.	Number of pensioners.
1866	$15,450,549.88	$407,165.00	$15,857,714.88	126,722
1867	20,784,789.69	490,977.35	21,275,767.04	155,474
1868	23,101,509.36	553,020.34	23,654,529.70	169,643
1869	28,513,247.27	564,526.81	29,077,774.08	187,963
1870	29,351,488.78	600,997.86	29,952,486.64	198,686
1871	28,518,792.62	863,079.00	29,381,871.62	207,495
1872	29,752,746.81	951,253.00	30,703,999.81	232,229
1873	26,982,063.89	1,003,200.64	27,985,264.53	238,411
1874	30,206,778.99	96 ,794.13	31,173,573.12	236,241
1875	29,270,404.76	982,695.35	30,253,100.11	234,821
1876	27,936,209.53	1,015,078.81	28,951,288.34	232,137
1877	28,182,821.72	1,034,459.33	29,217,281.05	232,104
1878	26,786,009.44	1,032,500.09	27,818,509.53	223,998
1879	33,664,428.92	837,734.14	34,502,163.06	242,755
1880	56,689,229.08	935,027.28	57,624,256.36	250,802
1881	50,583,405.35	1,072,059.64	51,655,464.99	268,830
1882	54,313,172.05	1,466,236.01	55,779,408.06	285,697
1883	60,427,573.81	2,591,648.29	63,019,222.10	303,658
1884	57,912,387.47	2,835,181.00	60,747,568.47	322,756
1885	65,171,937.12	3,392,576.34	68,564,513.46	345,125
1886	64,091,142.90	3,245,016.61	67,336,159.51	365,783
1887	73,752,997.08	3,753,400.91	77,506,397.99	406,007
1888	78,950,501.67	3,515,057.27	82,465,558.94	452,557
1889	88,842,720.58	3,466,968.40	92,309,688.98	489,725
1890	106,093,850.39	3,526,382.13	109,620,232.52	537,944
1891	117,312,690.50	4,700,636.44	122,013,326.94	676,160
1892	139,394,147.11	4,898,665.80	144,292,812.91	876,068
1893	156,906,637.94	4,867,734.42	161,774,372.36	966,012
1894	139,986,726.17	3,963,976.31	143,950,702.48	969,544
1895	139,812,294.30	4,338,020.21	144,150,314.51	970,524
1896	138,220,704.46	3,991,375.61	142,212,080.07	970,678
1897	139,949,717.35	3,987,783.07	143,937,500.42	976,014
1898	144,651,879.80	4,114,091.46	148,765,971.26	993,714
1899	138,355,052.95	4,147,517.73	142,502,570.68	991,519
1900	138,462,130.65	3,841,706.74	142,303,837.39	993,592
1901	138,531,483.84	3,868,795.44	142,400,279.28	997,735
1902	137,504,267.99	3,831,378.96	141,335,646.95	999,446
1903	137,759,653.71	3,993,216.79	141,752,870.50	996,545
1904	141,093,571.49	3,849,366.25	144,942,937.74	994,762
1905	141,142,861.33	3,721,832.82	144,864,694.15	998,441
1906	139,000,288.25	3,523,269.51	142,523,557.76	985,971
1907	138,155,412.46	3,309,110.44	141,464,522.90	967,371
1908	153,093,086.27	2,800,963.36	155,894,049.63	951,687
1909	161,973,703.77	2,852,583.73	164,826,287.50	946,194
1910	159,974,056.08	2,657,673.86	162,631,729.94	921,083
1911	157,325,160.35	2,517,127.06	159,842,287.41	892,098
1912	152,986,433.72	2,448,857.31	155,435,291.03	860,294
1913	174,171,660.80	2,543,246.59	176,714,907.39	820,200
1914	172,417,546.26	2,066,507.15	174,484,053.41	785,239
1915	165,518,266.14	1,779,860.30	167,298,126.44	748,147
1916	159,155,089.92	1,656,722.33	160,811,812.25	709,572
1917	160,895,053.94	1,562,854.96	162,457,908.90	673,111
1918	179,835,328.75	1,527,615.61	181,362,944.36	646,895
1919	222,159,292.70	1,433,191.67	223,592,484.37	624,427
1920	213,295,314.65	1,395,014.09	214,690,328.74	592,190
1921	258,715,842.54	1,389,921.55	260,105,764.09	566,053
Total	5,993,086,115.35	138,683,653.30	6,131,769,768.65	....

[1] Expenses of medical examinations and special field examinations not included.

Col. R. U. Patterson, assistant director in charge of the medical division, United States Veterans' Bureau, has made a very comprehensive statement under the head of "The Veterans' Bureau—What it has done and what it is doing for the ex-service man," which I make a part of these remarks:

THE VETERANS' BUREAU—WHAT IT HAS DONE AND WHAT IT IS DOING FOR THE EX-SERVICE MAN.

Under the terms of the war risk insurance act there was created in the Treasury Department an institution for insurance, for the supervision of allotment and allowance for members of the military forces, for providing compensation for members of the military forces separated from service under honorable conditions suffering from disabilities in line of duty and not due to willful misconduct, and for providing medical care and treatment for these discharged members of the armed forces so disabled. This agency was the Bureau of War Risk Insurance.

About the time of the signing of the armistice and for several months thereafter the number of persons discharged from the service suffering from disabilities was very large. They were released at such a rate that it was a physical impossibility to maintain the Bureau of War Risk Insurance on a current basis. The volume of mail coming daily to the bureau was of staggering proportions, yet the urgency of taking action on these cases was quite obvious, because many of the persons discharged from service were utterly unable to attempt a reentry into industrial civil life by reason of physical or mental disorder. There was immediate need for a great force of medical officers and for hospital facilities heretofore unheard of in this country. The United States Public Health Service, a well-established institution under the Treasury Department, enlisting in its ranks physicians of prominent attainments in medical work and medical research, was a very small group having in its service less than 225 commissioned officers; nevertheless, it was to this agency that the Bureau of War Risk Insurance turned for its medical staff. It was through a spirit of cooperation that the United States Public Health Service bent every energy toward the increasing of its commissioned personnel by offering commissions in the Reserve Corps to such physicians as might be found competent and qualified for duty in the medical service of the Bureau of War Risk Insurance. Specialists in all the major branches of medicine and surgery, and particularly in the branches of neuropsychiatry and tuberculosis, were found with difficulty. There is at all times an insufficient number of qualified specialists in these particular branches, and yet the need for such services for the beneficiaries of the Bureau of War Risk Insurance was most urgent.

In order to facilitate action, the country was divided into 14 districts, with headquarters in some large center of the district with good transportation facilities. These districts were purely medical in nature, and were under United States Public Health Service officers, district supervisors. All examinations in connection with claims for compensation, insurance, or medical treatment were obtained by the bureau through these district officers, who, through their intimate knowledge of the qualification and location of competent practitioners in the district, could assign claimants to the proper physicians for study or treatment. This means of obtaining examinations was immediately productive of great benefit to those who were seeking relief through the bureau, because it facilitated action and enabled the bureau to obtain a standardization of medical service and keep close contact with the medical officers in the field. In places where the number of cases was sufficiently large a physician was designated by the bureau as the bureau representative to make examinations and to render treatment, and these physicians were authorized to institute treatment in cases where immediate treatment was necessary, without waiting for final adjudication of the claim. It was seen that if the bureau was compelled to withhold treatment until the claimant's right to such treatment had been definitely determined in each case it would result in great delay, and in many instances this would injure the claimant and handicap his treatment or result in permanent physical disability. Accordingly a Treasury decision was promulgated authorizing the bureau to render treatment in case of any applicant where it was found that immediate treatment was necessary for the claimant's ultimate well-being pending final adjudication of his compensation claim.

Many persons discharged from service were in need of immediate hospital treatment. Especially in the field of tuberculosis and neuropsychiatry there was a total lack of available hospital facilities for the proper housing and treatment of those disabled from such disorders. It was hopeless and impracticable to delay and defer the hospitalization of these cases until the Government could procure land and build its own hospitals for these cases; accordingly institutions already established and in such physical state as to warrant their conversion into hospitals, and in some cases private hospitals, were purchased or leased by the Government and operated as United States Public Health Service hospitals. As rapidly as possible constructions of an unsatisfactory character or that were unnecessarily expensive of operation were closed as soon as more satisfactory places could be found and obtained. In addition to the establishment of these hospitals it was necessary to utilize hospitals already established upon a contract basis whereby the Government paid to such institution a per diem rate of treatment for bureau beneficiaries. In many instances treatment obtained through these contract hospitals was not of the most desirable character, and Government-operated hospitals created in the emergency to take care of the immediate situation would not be expected to be of entirely satisfactory utility.

It was soon obvious that the hospital burden of the Government for treatment of its war disabled would increase for several years and that there would be a large number of cases that would require an indefinite period of hospital care. Believing that the extensive program for hospital treatment could best be carried on through Government-owned and Government-operated facilities, Congress generously appropriated moneys for the acquirement and erection of institutions suitable for hospital purposes. This was under the terms of the so-called first Langley bill. The major portion of this fund was expended upon hospitals for treatment of tuberculosis, although arrangements were also made to establish a large number of neuropsychiatric beds by this appropriation. The funds awarded under the first Langley bill were given to the Treasury Department, and the allocation of the funds was placed in the hands of a committee known as the White Committee, the construction of facilities under this fund was in the charge of the Supervising Architect, also of the Treasury Department. Approximately 3,000 neuropsychiatric beds were made available by the use of this appropriation.

In the latter part of the year 1920 the bureau was still striving with all its might to keep abreast with the current of work with which it was deluged. There was a special difficulty in keeping the medical rating work approximately current. There was a growing feeling that the field medical service should become a part of the same agency as that handling the compensation and insurance questions of the ex-service man. Accordingly, the district supervisors' offices were ordered to be transferred to the Bureau of War Risk Insurance, and the previous functions of the district offices were expanded to allow the addition of compensation representatives. However, the law was constructed in such a way that the bureau was unable to decentralize in such a manner as was desired. During the entire first half of the year 1921 every effort was being made by the bureau to carry its service to the field, and the director of the bureau did all in his power to carry to Congress such information as it might desire in framing legislation that would allow for decentralization of certain functions, which, under the original act, could not be decentralized. Pending the passage of such legislation, however, heroic effort was made within the bureau to bring its work up to date, and medical officers were called in from each district office in addition to the officers already in the medical division and extra hours were added to the workday of the medical division, and by this assiduous application to its task and by the increase in personnel the claims of medical work were practically placed on a current basis so that on July 5, 1921, there was no unfinished work and very few pending claims. The claims that were pending were not being held up because of lack of bureau action but because the evidence necessary for the completion of the claims had not been produced.

On August 9, 1921, the act establishing the United States Veterans' Bureau was passed, and under the terms of this act the agencies concerned in distributing relief to disabled ex-service men were consolidated into one bureau—the Bureau of War Risk Insurance, the Federal Board for Vocational Education, and the medical work of the United States Public Health Service concerned with the treatment of the disabled ex-soldier and sailor. The consolidation of these agencies was accomplished without disturbance of the functions of any of the bureaus concerned, and the decentralization of the functions of the Bureau of War Risk Insurance was rapidly placed into effect and without difficulty, inasmuch as the bureau had for some months past made an effort to decentralize and had studied the problem of decentralization. Rating officers were sent to each district as a nucleus for rating boards, and as new cases were filed the collection of evidence and the rating and adjudication of claims was carried out in the district offices. The district supervisors who were concerned solely with medical field work were replaced by district managers, under whose jurisdiction all work incident to compensation, medical treatment, and vocational rehabilitation were concentrated. As rapidly as possible old claims were forwarded to the districts for further action. At first only the claims which had been allowed were decentralized, subsequently the disallowed claims were transmitted.

Under the United States Veterans' Bureau the expansion of Government-owned treatment facilities was rapidly put into effect. The dispensaries previously managed for the bureau by the United States Public Health Service were taken under the direct control of the bureau and additional dispensaries were established for the treatment and examination of bureau claimants. The extension of Government facilities for the purpose of examination and treatment are obviously of great benefit; it insures standardization of medical practice, inasmuch as these physicians are directly under the control of the bureau and saves a great deal of unnecessary travel by allowing special examinations, including X-ray and laboratory study to be made when the claimant visits a dispensary, while under the old scheme of things—examination by private practitioner—the claimant would be examined and possibly a few days later would be required to report to another station for examination by some specialist, and if further study was necessary additional travel was caused. This caused loss of time and a great inconvenience and delay both in the adjudication of the claim and in the beginning of treatment.

In addition to the 14 district offices, authority was given for the establishment of 140 subdistrict offices under the act establishing the United States Veterans' Bureau. Attached to each of these subdistrict offices there are now being installed dispensaries with regularly employed Government physicians, in some instances the dispensaries are already functioning, and in others they have not been completed. Space and equipment has been obtained in practically every case, and equipment has been sent and is being sent to all of these stations. In each of the large dispensaries there are well-equipped clinics in surgery (including orthopedic surgery), general medicine, tuberculosis, neuropsychiatry, eye, ear, nose, and throat diseases, urology and dentistry. In addition to these clinics, well-equipped X-ray and clinical laboratories are established and also clinics in physiotherapy, electrotherapy, and hydrotherapy. In the small dispensaries facilities are provided, but they are less complete than in the large centers.

It will be realized how extensively the bureau has utilized its own facilities for examination when it is understood that at the present time approximately 70 per cent of all examinations made are made in the district and subdistrict dispensaries; an additional 4 or 5 per cent are made at the United States Veterans' and United States Marine Hospital out-patient clinics. In the months of February, March, and April, 1922, a total of 287,000 examinations were made in the district and subdistrict dispensaries, 13,332 examinations were made in United States Veterans' and United States Marine Hospital out-patient departments, and 106,887 by authorized examiners outside of dispensaries. The total number of examinations during the period was 387,747. In the month of June, 1922, 110,700 examinations were made and in July 108,920. During this period 127,002 patients were treated at dispensaries and in July 128,730 treatments were given. It is anticipated that the operation of out-patient Government treatment and examination facilities for the ensuing year will cost approximately $14,000,000—about $400,000 for maintenance and repair, $1,000,000 for equipment, $600,000 for X ray and physiotherapy, $4,000,000 for X rays on a fee basis, and $7,000,000 for salaries of medical officers. At the present time there are, exclusive of death cases and permanent total disabilities, 175,070 claimants receiving compensation from the bureau.

In addition to authorizing decentralization, certain important provisions were incorporated in the act establishing the United States Veterans' Bureau. Under the terms of this act the bureau is required as far as practicable to utilize Government facilities for treatment and to discontinue the use of contract facilities wherever satisfactory Government beds are made available. In the summer of 1919 there were practically no Government beds available for the use of the Veterans' Bureau beneficiaries. In May, 1919, there was a total of 1,956 cases in hospitals and practically all were in contract institutions; by October 1, 1919, there was a total of 1,887 beds made available through the marine hospitals and United States Public Health Service hospitals. By October 1, 1920, the expansion of Government facilities had created a total of 14,385 beds. The following table shows the extension of Government facilities since October 1, 1920:

	Tubercular.	Neuropsychiatric.	General.	Total.	Per cent increase of total from Oct. 1, 1920.
October, 1920	5,265	1,808	7,316	14,385	....
Jan. 1, 1921	6,120	2,900	6,676	15,696	9.1
Apr. 1, 1921	9,067	3,911	7,995	19,954	38.8
July 1, 1921	8,209	4,141	10,051	24,261	56.1
Oct. 1, 1921	9,669	5,020	11,369	26,728	85.8
Jan. 1, 1922	11,046	4,167	12,350	28,583	98.6
Apr. 1, 1922	12,784	5,498	10,998	27,260	89.6
June 1, 1922	11,995	5,003	11,358	28,156	95.8

The relative increase in the use of Government facilities in providing treatment to beneficiaries is indicated by the following table, which shows that on October 1, 1920, about 48 per cent were in Government beds, while at present there are almost 87 per cent in Government beds:

	Government.	Contract.	Total.	Per cent in Government.
Oct. 1, 1920	9,543	10,381	19,824	48.1
Jan. 1, 1921	12,107	8,599	20,706	58.5
Apr. 1, 1921	16,037	9,107	25,144	53.8
July 1, 1921	17,008	9,229	26,237	64.8
Oct. 1, 1921	19,016	9,971	28,987	65.8
Jan. 1, 1922	19,779	8,908	28,687	89.0
Apr. 1, 1922	20,131	9,370	29,491	68.8
June 1, 1922	18,441	9,074	27,515	68.6

Under the second Langley bill, the appropriation for which has been recently made available to the United States Veterans' Bureau, it being charged with the responsibility for constructing hospitals under this bill, has been rapidly taken care of, so that at the present time practically all hospitals to be constructed under this appropriation have been located and the plans are being prepared.

For special information of any persons interested in claimants in the State of Ohio there is attached hereto a table of Veterans' Bureau patients hospitalized in State and other civil institutions in the State of Ohio in August, 1922. There is a second table, showing Veterans' Bureau patients in Government institutions in the State of Ohio. It would appear to be impracticable to transfer the patients in contract hospitals in Ohio to Government institutions in adjacent States, for the reason that by the fall of this year there will become available at the soldiers' home, Dayton, Ohio, 500 additional beds for treatment of pulmonary tuberculosis and for the treatment of neuropsychiatric cases a 400-bed hospital is planned at Chillicothe, Ohio, and it is stated that this will be complete within nine months. These beds will take care of all bureau patients suffering from neuropsychiatric disease and pulmonary tuberculosis, and there is only a small number of persons hospitalized for other diseases in the State of Ohio. These general cases are scattered throughout the State, and are mostly in hospitals near their homes, and it is believed that a transfer would be undesirable.

Other changes of special importance to the disabled veterans were incorporated in the act of August 9, 1921, most notable the provisions of section 13 of that act, authorizing the extension of treatment, including hospital care, prosthetic appliances, medical, surgical, and dental care for any member of the military or naval forces of the United States separated therefrom under honorable conditions, disabled by reason of any wound or injury received or disease contracted, or by reason of any aggravation of preexisting disease specifically noted at the examination for entrance into or employment in the active military or naval service while in the active military or naval service of the United States on or after April 6, 1917, provided that the wound or injury received or disease contracted was incurred in line of duty and not caused by his own willful misconduct and further provided that application for such care and treatment was made within one year from the date of separation from active service or from the date that the act became effective (which was August 9, 1921), whichever was the later. It is impossible to know at the present time just how many persons are receiving treatment under this section of the act. Prior to the passage of this act treatment could be given where disability of a compensable degree existed, but under the authority of this provision where treatment was requested within the time limit specified it can be given for disability of noncompensable degree where the disability is service connected and not due to willful misconduct. A statistical study is being carried on at the present time to determine the number of persons who are receiving treatment for noncompensable disability, but it will be some time before statistics are available upon this point.

The amendatory act of August 9 also provides that where an alien enemy who had volunteered or had been drafted into service and who was not discharged upon his solicitation or application by reason of being an alien enemy and whose service was honest and faithful shall receive the benefits provided in the war risk insurance act, and it was further provided that in case any person who was dishonorably discharged and under court-martial and it was subsequently established in the sight of the director that at the time of the commission of the offense resulting in such court-martial that such person was insane, he should be entitled to compensation and insurance benefits for disabilities incurred in or aggravated by service.

Probably the greatest change regarding the adjudication of claims of interest and benefit to a large number of beneficiaries was the so-called section 18, amending section 300 of the war risk insurance act. This provides in the case of ex-service men shown to have an active pulmonary tuberculosis or neuropsychiatric disease of more than 10 per cent disability developing within two years after separation from active service would be considered to have acquired his disability in such service, or to have suffered an aggravation of a preexisting pulmonary tuberculosis or neuropsychiatric disease. Under the terms of this amendment many persons became entitled to compensation where the claim had been previously disallowed by reason of the fact that material evidence to indicate any probability of service origin for the disability could not be produced, although the previous policy of the bureau had been one of generosity, and it had been consistently the policy of the bureau as laid down by the director to give the claimant the benefit of every reasonable doubt in the rating of cases and the adjudication of awards.

Further action was taken in this bill to limit the time for which military service would entitle claimants to consideration under the war risk act and its amendments. Under this section no person enlisting in the military service or the naval forces after six months from the passage of the amendatory act of August 9, 1921, could be entitled to compensation or any of the benefits or privileges provided under the provision of article 3 of the war-risk insurance act as amended.

The United States Veterans' Bureau has made every effort to carry out every provision in the letter and spirit of the amendatory act. The standard of medical examinations and treatment has been raised by the establishment of dispensaries and out-patient clinics in charge of medical officers of the bureau. Government facilities have been expanded and at the same time undesirable hospitals have been closed; hospitals formerly under the control of the United States Public Health Service have been transferred to the immediate control of the Director of the United States Veterans' Bureau under the terms of the Executive order dated April 29, 1922; the entire hospital division of the Public Health Service concerned with the operation of hospitals for treatment of beneficiaries of the United States Veterans' Bureau was transferred to the medical division, United States Veterans' Bureau. This was accomplished without interruption of the medical service and without inconvenience or discomfort to the patients of the bureau already in hospitals or those seeking admission. The bureau is consistently and as rapidly as possible following the injunction of the law to use Government beds and abandon contract facilities and to provide by new construction such additional beds as may be needed. The completion of hospitals authorized in the second Langley bill will be carried forward as rapidly as possible, and when completed the bureau will have under its control and immediate supervision in charge of Government medical officers adequate hospital facilities of the most thoroughly modern character where treatment of the very highest standard will be available for those suffering from disabilities due to wounds and disease traceable to military or naval service in the great World War.

The medical welfare of trainees is at all times provided for. In resident training institutions where the need is sufficient a full-time medical officer of the bureau is on duty, and where trainees are not in such centers they are visited from time to time, while in cases of neuropsychiatric disease and tuberculosis these visits are made at intervals of 30 to 60 days by a follow-up nurse, who is ever alert to discover any evidence of recurrence of the disability or the development of a new disease that might make immediate treatment desirable or necessary. Where a trainee is found to be in need of such treatment, he is sent to the nearest medical officer or, if his condition is serious, the officer is sent to the claimant's place of residence and suitable treatment is instituted.

The medical division, in accordance with the policy of the entire bureau, has always adopted an attitude of sympathy toward the patient and the desire to extend a helping hand. Where the evidence submitted in a case is insufficient to show service origin or aggravation for a disability the claimant is advised as to the nature of evidence which must be required. A special set of affidavits, which are arranged simply and upon which instructions for completion are plainly shown, have been prepared for the convenience of the claimant. In the final rating decision the rating officer is required to constantly bear in mind his obligation to consider the claimant's right to the benefit of every reasonable doubt.

Col. R. I. Rees, assistant director in charge of rehabilitation, United States Veterans' Bureau, has made a general statement relative to the work being done by the bureau and the problems which have confronted it, which I desire to make a part of these remarks:

With the creation of the Veterans' Bureau on August 9, 1921, its director accepted from the Federal Board for Vocational Education 238,271 veterans to be cared for. Each had been certified by some medical authority as disabled. They had been informed by our Government that they were entitled to a course of training, and subsequent experiences of the bureau indicate each of them had a different verbal promise as to what the Government would do for them. The bureau must ascertain and carry out these promises if our Government is to keep the faith with these veterans. Before this transfer to the bureau it was generally understood that at the start in 1918 it was extremely difficult to make the veterans see the value of this training; thereafter it was more difficult to meet their demands for immediate enrollment; but that both these stages would be trifles compared to the new responsibility of the bureau—getting those enrolled from the rolls. Thousands of disabled veterans and hundreds of millions of Government funds were involved, and the inference was that plans for accomplishing more good than harm were yet to be discovered. A sensing of that inference was one cause for the administration's creation of the Veterans' Bureau, and its corrective action already has removed the cause for past alarm.

THE PROBLEM.

Generally speaking, every World War service man or woman suffering from a 10 per cent or greater disability incurred, aggravated, or traceable to that service is entitled to a course of training at the expense of the bureau if such training is desired and feasible. Such of that general class as are also burdened with a vocational handicap as a result of the service connected disability get the training, a monthly maintenance allowance ranging from $80 to $170, and the bureau is further required to see that this special class is placed in suitable or gainful occupations. Those entitled to training only are referred to as section 3 persons, as that section of the vocational rehabilitation act provides for them. Those entitled to training, maintenance, and employment are, for the same reason, termed section 2 persons. There is one other group, those persons of the general group not yet discharged from the Army, Navy, or Marine service, are classed as section 6 persons.

On June 30, 1922, 195,604 persons had been awarded section 2 training, 108,400 section 3, and 73 section 6, a total of 304,077. These figures represent both sexes, ages from 18 to over 50, and averaging 26, practically every nationality, practically every creed, every race or color, all are disabled, and there are large groups of major amputations, tuberculous, neuropsychiatric, or mental cases, blind, deaf, and speech defects, and education ranges from illiterates to post graduates. Truly it is a cross section of American society.

To accomplish the work the bureau has about 3,000 persons exclusively on vocational-rehabilitation duties, all subject to the Government's methods as to selection, appointment, and dismissal. For the work the bureau must utilize colleges, universities, schools, offices, mills, factories, ships, and other industrial plants—thousands of them.

Everyone appreciates that all large groups contain the good, the indifferent, and the bad, even though the groups are carefully selected to perform only good works. It must, therefore, be acknowledged that the bureau's group of employees, as well as its group of training facilities and its larger group of beneficiaries, contain these elements. True, the elements are constantly changing and in the case of employees and facilities the indifferent and bad are constantly being discovered and eliminated. But for its beneficiaries the bureau must do the greatest possible good for the worst among them.

Probably the greatest single factor in the problem is that our generous public through its Congress has ruled that each section 2 trainee in each locality shall receive a like sum for board, lodging, and other maintenance needs, and also a like sum for a wife or other dependent, and in arriving at these amounts placed them below the prospective earning capacity of the disabled man who has always been active in improving his condition, but considerably above the fondest hopes of a great many of the others.

CAUSE FOR PAST ALARM.

Reviewing the problem, we have a vast group of beneficiaries to be given a course of training who must perform the application and study—which is at least 90 per cent of the job—if they are to complete their training. About 50 per cent of them know that if they apply themselves and complete their training their Government allowances will stop and they will receive less money as commencement pay in their new vocations. The cause for past alarm was that it was not reasonable to expect all of the elements of this group to voluntarily apply themselves to reduce their incomes, and a plan for insuring the necessary application was yet to be discovered.

THE BUREAU PLANS.

Without stopping the work under the old system, but always correcting faults as rapidly as possible, the bureau established its "training policies," which received the approval of acknowledged educators of the country, also of our cooperating veteran associations and representatives of the public, before its final adoption and issuance. These training policies require that for each beneficiary in training there shall be set an "employment objective" and a "training program" based upon that objective. To arrive at the items of the training program the "job" represented by the "employment objective" must be analyzed and the "training program" must be written up to include each and every educational and manipulative item necessary for such employment, also those items of actual application of the training process necessary to make the beneficiary employable in the "employment objective." The program must be written up so the training proceeds in logical sequence and an average time for completion is given for each item. It is an enormous job, but has been progressing for several weeks.

It is not a "cure all." There always will be room for improvement. However, it will lessen the load of useless work and gain time needed for these improvements. It will also accomplish the following, which were not possible under previous policies, viz:

"The training promises of the Government to each beneficiary will be in writing.

"The bureau will know when those promises are not being kept.

"Actual progress of the beneficiaries on their training programs will become the criterion of efficiency for continuance in service of employees and training facilities.

"The larger Government payment for training maintenance allowance than for eventual employment becomes of great use instead of being a menace. The beneficiary wants to retain it; to retain it he must make progress on his program to assure the bureau the expense is not a waste, continued progress on the program must result in its completion, such completion ends the allowance period, and the result is a completely trained beneficiary."

The "training policy" hits at the source of greatest possible waste to the Government and harm to the beneficiary. Other great sources of possible waste are faulty "advisement" and improper "employment." Advisement or the work of getting the beneficiary without false starts into the "employment objective" for which he is best fitted, is now being intensely followed by the bureau. A new employment service to obtain the greatest possible returns to the beneficiary from an honest application of his course of training recently has been organized, and is functioning throughout the country.

THE CONSOLIDATION.

The consolidation of the former three veteran activities into the Veterans' Bureau resulted in the bureau contacting with 228,803 new prospective training beneficiaries in 10½ months, whereas the Federal board, working alone, contacted 404,396 in 37½ months. Although it is not possible to show it so conclusively, it is believed that improvements quite as great as occurred in the contact work resulted in the finance work, the procurement of supplies, medical examinations, and claims work of the Federal board, all of which were transferred from the rehabilitation division to groups specializing on those subjects, with the consolidation in the bureau. The reorganization left to the rehabilitation division of the bureau:

1. The award of training;
2. Training; and
3. Employment of vocationally rehabilitated trainees.

That great progress has been made and is continuing in this division's part of the bureau's work is readily shown by considering the load, wholly in terms of the law, as follows:

	37½ months, Aug. 15, 1921.	10½ months later, June 30, 1922.	1 month later, July 31, 1922.
Pending cases	186,711	136,790	126,797
Partly completed cases	106,073	129,366	126,014
Completed cases	9,225	36,853	50,198

Whereas on August 15, 1921, much the greater part of the load was in the pending status; to-day it is in the partly completed and completed lines. Of the pending cases July 31, 1922, 86,905 are in that status for medical reasons or at their own request.

ADVISEMENT.

The law requires that a course be prescribed, that the claimant be offered the prescribed course, and if advantage is not taken of the offer within one year the privilege is forfeited. Vocational advisement, or prescribing the course, enters at this stage. It is the most important of the entire program. Ideal advisement would mean getting the beneficiary into the best employment objective for which he can be equipped. Ideal advisement would mean the greatest possible returns on the investment to both the Government and the beneficiary, and this with a resulting least requirement of effort on the part of the bureau. Fathers and mothers have been more or less successful since Adam with family advisement problems. Group advisement as a vocation is relatively new, and trained men in this field are in great demand in industry. With the Government's limitation on salaries the bureau can only select its most promising employees and train them for this important work. This training is in progress, and the results are improving conditions to such an extent that the experiences to date are being collected and studied with a view to obtaining the most practical "advisement policy" the conditions confronting the bureau permit. That the bureau has its special conditions to meet in this work is well described in the following statement of an experienced training officer:

"The majority of those suffering from tuberculosis are hopeful and optimistic and are excellent students who, if they live, will become courageous citizens, while many with light catarrh and bronchitis have neurasthenia and flunk their courses because of indefinite fears and pessimism. Some who were seriously wounded at the front and who have suffered major amputations are more easily managed and encouraged than some who had influenza on this side of the seas. Many paradoxes appear. The cultured invariably seem to want outdoor rough life. The illiterate and uncultured often want indoor work. The strong want light work as an objective. The weak disown their disability and often want to train for rigid work."

TRAINING.

Practically every disabled veteran awarded training who is prepared to take it is in training. To-day there are 99,090 in 445 different employment objectives; 54,754 in 2,761 schools or colleges; 38,313 in 30,080 industrial establishments; and 6,023 in 47 special schools operated and maintained by the bureau. The peak of the load was reached March 31, 1922, with 109,805 in training.

Every institution used by the bureau in its training program is investigated as to its equipment for thorough instruction, and each is required to enter into a contract with the bureau to cover the courses the bureau desires to use. The cost of such courses to the bureau must not exceed the cost to others of similar courses unless the bureau modifies the practice of the institution when the cost is modified accordingly. All institutions must agree to operate in conformity with the bureau's training policies. Where the number of trainees warrants, the institution and the bureau decide upon an individual of the institution's staff who is appointed a counselor and paid one to five hundred dollars annually to act as adviser to all attending trainees. Employees of the Bureau, termed coordinators or rehabilitation assistants are assigned to cover all institutions in sufficient numbers to permit them to personally contact each trainee and assure progress in his training. In turn, each district has expert supervisors who specialize on trade and industrial, commercial, agricultural, professions and the arts, and correspondence training methods, and these experts supervise the work of the coordinators and rehabilitation assistants.

Placement training, or training on the job, for a great many vocations is the best form of training. As these veterans are placed in offices, shops, garages, mills, factories, and on transportation lines and farms—in fact, throughout all industry—and as those employers who agree to assist the bureau in its training work are not required to pay the student veteran, it has been found almost impossible to prevent all exploitation of the trainees. However, the new training policies are expected to reduce the faults to a minimum.

About 10,000 veterans are taking correspondence courses, most of them being in placement training and getting in this manner the educational side of their employment objective.

It was the difficulties discovered in insuring proper training in the trades and agriculture through placement training that determined the commencement of the bureau's vocational school No. 1, at Chillicothe, Ohio. The site of old Camp Sherman, including over 4,000 acres, was obtained from the War Department on November 1, 1921, for this purpose. The work was opposed from all sides and mainly by the misinformed or others who thought the Government could not successfully conclude such a project. Before the first year will have passed this school will be giving as thorough trade and agricultural training as the Government obtains elsewhere, the beneficiaries there will be better cared for physically than elsewhere, and all at less cost per trainee than other institutions are averaging. The old Army cantonment buildings already have almost disappeared and next spring will see about 500 men training in agriculture there with their fattening cattle, dairy herds, and fully equipped dairy, a large part of the acreage in crops planted and cared for by trainees, with their orchards, bees, swine, and poultry for related training subjects. At the entrance to the school grounds are the shops for training 500 men in 18 different trades. Before next Christmas all but one of the objections to this school will have disappeared; the remaining one, that it takes the men away from their homes, can not be serious, as we have 58,240 men at other institutions of their own selection and nearly all of them are away from their homes. The fact to be remembered about this school is that several thousand men who without the school would be open to probable exploitation in placement training establishments will be given thorough training under sound conditions. It has been charged the bureau maintains a military discipline at its schools. The lack of evidence of such discipline at his school undoubtedly was the reason why a trainee in automotive work during the absence of his class wrote the following on the class blackboard:

"Nobody had to send a truant officer for Abraham Lincoln. When we eliminate the word 'discipline' from our school vocabulary we take off our chains on a rainy day. Discipline has been the dominant factor in every worth-while individual. Discipline is low gear on the human engine; a last resort but a reserve power by which we make the hill. We have pretty generally discarded it, and so the hollows of life are filled with stalled people."

Other school facilities the bureau has found it necessary to establish and maintain are those used for advisement purposes, equipped with vocational instruction equipment and instructors, and the veterans are required to attend while they themselves are being studied to discover their most suitable employment objective. Such schools also are used for special instruction in related subjects or rudimentary education for men in placement training. Then there are the bureau schools that have perfected methods for successfully rehabilitating the large group of tuberculous veterans facing the bureau. Further, there are thousands of neuropsychiatric or mentally disabled veterans in the training load, and no expense or effort is being spared in the solution of this large part of the problem. Our most successful school for this purpose is equipped for initial instruction in a great many of the vocations; it makes no effort at complete vocational rehabilitation within the school; the beneficiaries are required to reside at the institution; they are accepted direct from hospitals and other institutions after all possible has been done for them there. The school gains their confidence while at the same time allowing them to discover their vocational bent on the premises, and this school is averaging a graduation period of three months, the men leaving to immediately commence vocational courses with few recurrences of their disability.

The bureau's success in rehabilitating the blind, deaf, and speech-defect groups is especially gratifying. Six hundred and forty-six blind, 602 deaf, and 346 speech-defect veterans were registered for training June 30, 1922, compared to 524 blind, 506 deaf, and 279 speech defects August 15, 1921. The successful rehabilitations were 31 blind, 27 deaf, and 15 speech defects June 30, 1922, compared to 12 blind, 13 deaf, and 2 speech defects August 15, 1921. To cover this work the bureau has a special organization working solely on this problem, and its field workers have visited every part of the United States, from the slums of New York City to remote mining villages in the mountains of northern California, in their endeavors to bring new hope and cheer to these veterans. That they are accomplishing the bureau's aim is proven by the stories of the rehabilitated cases, blind men managing their own stores or farms, carrying on successfully in poultry raising, as masseurs in hospitals, some even in factories, and one, totally blind and without hands, is managing a successful drug business. They have all been taught to be blind, the instruction including vocal and instrumental music to give them a means of filling their leisure moments as well as to develop their sense of hearing and touch and give them confidence in their ability to accomplish things in spite of their blindness. The most successful deaf rehabilitation was that of a naval veteran, now a copartner in a school for the deaf, and the best speech-defect case a trainee who for a time seemed most interested in the amount of money he could get from the Government, who after only three months in training reported at his district office: "Just forget about that compensation. I am going out to get a job. I can talk now."

The bureau and these disabled veterans have been criticized because the public believes the trainees are constantly changing their training from employment objective to another. The records show 65 per cent are in their first employment objective, 23 per cent in second, and only 12 per cent with more than two. Also the charge is made they are constantly changing without reason from one place to another, whereas the records show 51 per cent at their first institution or placement facility, 25 per cent have made one change, 12 per cent two changes, and 12 per cent more than two changes.

All the work of bureau, school, and industrial personnel, if it were 100 per cent efficient in all respects, could at most accomplish but 10 per cent of the work on hand. The remaining 90 per cent of the effort, the application, and study must come from the beneficiary, and we have thousands delivering their full 90 per cent. They deserve the highest praise this country is able to bestow for the manner in which they are meeting that country's wishes to have them as quickly as possible restored as near as practicable to their pre-war or better than pre-war economic status. However, it is a true concern of the bureau that the interests of those beneficiaries are being harmed by a relatively few of the comrades, who give only enough of their application and study to be a constant question before the bureau as to how to avoid a waste of Government funds and at the same *time* meet the wishes of the country for the least of these veterans. The situation demands plain words, for these misguided men know it is impossible for the bureau to hand them a completed course of vocational training, followed immediately by steady and gainful employment in industry, just as a child hands a squirrel a nut, yet their actions indicate they and their friends understand that to be the law and the bureau's problem. A solid front and the help of all America truly is needed to enlighten this minority in its own interest and to insure their deserving comrades against unwarranted damages in the way of public criticism, which often ends in a condemnation of the entire group.

Rehabilitation and completed.

	Section 2.	Section 3.	Section 6.	Total.
Aug. 1, 1922	17,251	1,712	9	18,972
Aug. 15, 1921	5,071	715	6	5,792

The country already has every reason to be proud of this rapidly increasing army of disabled veterans, who before the war had the prospects of other normal persons, during the war were deprived of those prospects, and now, during peace, largely through their own efforts but with the assistance of their Government, are reentering industry with new hope and cheer and prospects above their pre-war expectations. A graduation certificate is supplied each one rehabilitated. Everyone is furnished employment as desired through the bureau's employment service. Their expressions of thanks to their Government are full of human philosophy, Americanism, and determination to do. The following from a rehabilitated Army nurse is illustrative of the before and after feelings of these veterans:

"Let an ex-service woman and ex-trainee say a few words of appreciation for benefits derived from the rehabilitation plan of the United States Government.

"When I was in the Army I did my share of grouching and cursed it frequently in such terms as a woman may use. I longed with the intensity of despair to be free from the imposition of military rules and regulations, yet knew in my heart that I would fight, tooth and nail, to stay. Such is human nature.

"When, however, I finally found myself again an individual privileged to act as impulse or reason dictated I was resolved to avenge myself for the indignities heaped upon me. I berated the Army well, and the Government, too. In no measured terms did I score its weaknesses and its administration. For a time, I blush to say, I was a member of that unhappy band that is 'agin the Government.'

"Then came a sorry day, when the real cause of my spleen evinced itself. The small but powerful enemy which I had fought through long heart-breaking days and nights of horror with fiendish strategy set up a base in my very own chest. This was a new problem to face. The fight was up to me, but without help I must have been vanquished. Where to look for it? The Government, that same weak, ill-administered Government rallied to my colors. It fought and set me again upon the throne of my inheritance—good health. To keep me there it placed at my disposal all of the educational wealth of this great country—laid it at my feet and said, 'Choose.' When I had chosen still more it lavished its gifts upon me without stint—books and books and books, more than I could encompass—all of the best of everything I needed was mine for the taking, and favors and consideration. And each two weeks that certain check.

"Can any poor words of mine express my gratitude? As in the days of splenetic woe I spoke loudly and vehemently, so now, in these days of chastened understanding, let me speak with no less strength but with reverence and love for the same power which has conferred eternal blessings upon my unworthy head.

"God save our Government."

Col. C. R. Forbes, Director of the United States Veterans' Bureau, on September 18, 1922, at the district managers' conference recently held in Washington, delivered an address which was, in part, as follows:

ADDRESS OF COL. C. R. FORBES AT DISTRICT MANAGERS' CONFERENCE, SEPTEMBER 18, 1922.

Gentlemen, I welcome you to the second annual conference of district managers and officers having charge of the medical and rehabilitation work of the United States Veterans' Bureau.

I have observed your work very closely since our last conference. I have been mindful of my promises to you and I have remembered your promises to me. I can not say that in every instance you have fulfilled your part of our agreement, and it may be that all I hoped to do has not been possible. I do not, however, attribute to you any neglect of duty, nor charge you with any negligence toward the program, and I do sense your confidence that anything I may not have been able to accomplish did not materialize for a good and sufficient reason. Such failures as have occurred, I believe, are to have been expected in the normal process of development.

Decentralization has taken place since our last conference. You have had at least six months to put into effect those policies which have been promulgated and transmitted to you in part at the last conference, and in part subsequently by letter or by formal orders, regulations, or bulletins.

It has, no doubt, occurred to you on numerous occasions, and has been brought also to your attention by many who are interested in this big problem, that with decentralization the importance of our task in the field has increased proportionately. Many have been the obstacles arising in the practical application of central-office working instructions to field conditions, and numerous have been the criticisms fired at you from all sides for what was apparently a failure to get your organization into effective working shape and produce results immediately. Most of the problems you have approached in a satisfactory way. Some of the criticisms have been met by an enlightening explanation and some still remain to be answered. These conditions, however, are a part of the job, and while they necessarily entail concern and worry your director assures you of his willingness that you share this official grief in proportion to your increased responsibilities. Your reward will be that comfort which comes from a job well done—your budget precludes the sordid one you may have in mind. When I reflect on the worries that attend the administration of this work I often recall the inspiration that came to me when I read the following little squib by a homely corn-fed philosopher whose name has gone but whose words remain:

"Any work of importance carries with it a certain amount of worry. The man who has lived his life with a single purpose of avoiding all worry has lived a shirker's existence; it is because we are men and are doing worth-while things that we feel concern, and the man who has nothing to worry about is of little importance in this scheme of things—and usually realizes it."

And so one measure of relief which you can afford yourself will be to follow strictly the principles laid down by the central office, and to see to it that you do not modify the progress, alter a procedure, or deviate from instructions without appropriate authority from the director.

A rigid adherence to this policy will at least obviate certain additional worries sure to come if central office instructions are not observed, and there will be no reward for this worry.

You must keep before you at all times the fact that the director will be held responsible by the President for the successful operation of the manifold functions of the bureau and for the proper administration of all institutions having to do with the care, treatment, or training of the disabled ex-service man.

It is your duty to inform the director wherein your opinion may differ with the principles of any rules or regulations promulgated. I believe you appreciate that your director seeks such suggestions and criticisms and also that he is grateful for the advancement of any ideas which give promise of being potential incentives to sounder principles or better methods. The bureau has been markedly helped by suggestions offered from the field and developed into rules of action for general observation through the organization.

There are some things about which I know no more than I do concerning the Jewish alphabet, but I am conscious of a firm conviction of one thing, that the degree to which the Veterans' Bureau can operate profitably and successfully will be in direct proportion to the extent that a harmonious and helpful exchange of ideas is developed and maintained among those employees having charge of the various activities. There can not be one set of rules for one district and another set for another district. Uniformity of action in all coordinate field agencies is vital to the ultimate success of this organization. This principle is axiomatic.

Sound organization and economical systems of operations are elemental principles observed by all successful industries. In the large businesses of the country the home office sends to the field agencies through strikingly uniform means rules and regulations for the guidance of field activities. Such instructions invariably emanate from the home office only after careful study and mature consideration, and field agencies are held strictly accountable for a rigid adherence to such instructions. Were this not true, the field offices would soon develop individual practices, which could never be tolerated in an organization whose scope of activity is nation wide. It would naturally follow that any lenience shown by one field office would become known in another section of the country and the patrons of the organization not receiving the favored consideration would become dissatisfied at the discrimination. And so it is with our work—absolutely uniform treatment of beneficiaries of this bureau must be practiced from Maine to California and from Florida to Washington.

And I do not propose that my active and intense interest in this work shall cease until the entire organization has become a successful and smoothly operated machine and this great institution of the Government is so functioning that irregularities and mistakes shall have reached the proverbial irreducible minimum.

Now for a word about the great rank and file who are handling the infinitude of detail involved in creating and maintaining the millions of records of the United States Veterans' Bureau. I try to think of all of us as constituting a big family which has the interest of the ex-service man at heart and the interest of each other member of the family before him at all times. We can not be successful if we disregard the interest of those with whom we are daily in association. We can not be calloused to the needs of those for whose service the family was created. We can not be an organization of big business if the principles which actuate our motives are not founded on sincerity, truth, energy, and personal forcefulness, or if we are either openly or covertly disloyal, or if we have disloyalty within our ranks, or if we harbor hatred or malice. I am sorry to say, gentlemen, that our district and subdistrict offices are not entirely free from evidences of these weaknesses.

It is right that every man should seek advancement, and it is, indeed, a credit to a man if his ambition and desires lead him to look beyond his present responsibility. But let me warn you against attempting the gratification of such ambition or desires if their accomplishment must be at the expense of a deserving fellow workman. It is, indeed, uncharitable and unmanly to further one's own personal ends by taking or permitting others to take unfair advantages.

Within this bureau there are many opportunities for the recognition of loyal and competent service, and district managers and chiefs of sections should see to it that promotions are made for efficiency and that increases are recommended purely on the basis of loyalty, devotion to duty, and productive accomplishment. If you will study the problem from a business point of view entirely, you will never treat superficially the earnest eagerness of the employees within whom the great evolutionary force may be working, and you will, in so far as it is humanly possible, take into account the loyal interest so evidenced.

Have no hesitancy in seeking advice and suggestions of your coworkers. Do not become imbued with the fancy that your personal qualities, your personal thoughts, or your personal convictions alone are an adequate basis for the determination of a solution to an important problem. Remember that sound judgment and genius, too, if you please, are not confined entirely to those who have the advantage of position, and further that some of the most remarkable advancements the world has seen have come from the ranks of the industries of the North, of the South, of the East, and of the West. It matters not whether a man or a woman comes from the lowlands or from the highlands, whether from rich or poor antecedents, from the halls of the great universities, from the stuffed classroom of the night school, or from the little red schoolhouse on the hill, each may have potentialities of inestimable value, and each individual should be given his opportunity.

In reporting to this office district managers must not charge an error to a subordinate; they alone are responsible to me for the proper management and strict discipline of their offices and of the fulfillment to disabled men of the Government's obligation, as prescribed by legislation, as I in turn am to the President.

I feel strongly on these matters which I have just mentioned, for I have seen in several of the districts instances of merit unrecognized and of the retention in positions of trust of men of questionable ability—both I am sorry to say to the detriment of the work. It is paramount duty that we owe to our fellow creatures, and more especially to those with whom we labor side by side, to recognize loyal and effective industry, and it is almost of equal importance that we weed out the incompetents and the otherwise unfit. Political and selfish purposes are not to be served at the expense of deserving employees of this bureau.

For some time I have been turning over in my mind two questions of probable value in promoting the operation of the district offices. I desire that you consider each one carefully and offer your thought as to their practicability, and in the event of your concurrence with the general suggestions that you outline in each instance both the scope and the limits which should be applied.

First, it has been suggested that while such conferences as the one in which we are now engaged are productive of excellent results, and while the exhaustive inquiry of the traveling committee likewise has much to do with bettering methods, yet neither of these gives the district manager that personal, intimate conception of what is being done in other districts that I think might prove to be another factor of intensive instruction that would be helpful to those in charge of field work.

I am, therefore, considering the proposition of arranging some type of rotating supervision between district managers, or of periodical visits by district managers to other offices, by which they will have an opportunity to exhaustively study the actual working detail and methods of other field offices and to indulge in an exchange of ideas with each other in the field. I have withheld presenting this to you before for the reason that previously I have not felt that the district offices were provided to a sufficiently desirable extent with chiefs of administration qualified in all respects to carry the load of responsibility during such absences of the district managers, but I believe now that this objection has been removed and that the question is at least feasible of consideration.

The other matter is the question of amplifying the responsibility placed upon the chief of administration by the present organization field chart. In cases which have been brought to my attention I find that chiefs of divisions often resent observation made by others of but coordinate responsibility and with some propriety question the authority of the chief of administration to exercise any interest in their particular field. I would like the candid thought of the district managers as to the desirability of fixing on the chief of administration, in addition to his prescribed duties, those of executive officer. It is important that this weakness be overcome at once and thus remove a source of all to common discord. In many districts I know that your concurrence in this suggestion will but put the stamp of general approval on what has been already informally delegated by a number of district managers.

CLAIMS.

Since our last conference I have visited almost all the district offices, many of the subdistrict offices, most of the hospitals, and a large number of the schools and training centers. I find that there is an extremely zealous disposition on the part of those in authority to render the service expected of them and to honestly administer the ex-service men the best treatment that can be afforded within the limitations imposed by law. I am delighted to commend you on this. I have told you from time to time that the ex-service men must have the benefit of the doubt, that you can not always settle a case by pure "affidatism." Wherever it is found that a claimant is physically unable to appear before an examining board, the bureau must go to him. Put yourself in the man's place, were you unable to travel any distance to a district or subdistrict office. If you were incapacitated to the extent that to travel would aggravate your disability, and this aggravation did occur, would you consider yourself responsible for the aggravated condition, or would you feel, quite properly, that the burden of proof was against the Government? And would you not charge the Government with neglect and responsibility in the event of an aggravation or death? Keep in mind that many thousands of men have been ordered for examination. And consider also the Government's responsibility in cases that may not have resulted from military service, but on which we have ordered men up for examination. With these things in mind, exercise the most careful judgment in ordering men for examination as opposed to sending the examining officer to the man.

I am opposed to the correspondence method of adjudicating claims. "Insufficient evidence" and "no service connection" mean little to thousands of men. "Additional affidavits" is just about as nebulous to thousands of others. Many most worthy cases have been neglected and delayed, or have died a premature death because of the long tortuous channel of correspondence resulting from stereotyped phrases not understood by the average claimant. This is particularly unfortunate where beneficiaries are involved whose education handicaps them in understanding carelessly written letters and in preparing such written evidence as is called for.

There is such a thing as becoming "hard boiled." There is such a thing as being influenced unduly by a previous rating, but it is essential to fair treatment that each and every case be regarded in a fresh light, no matter how often reviewed. A peculiarly trying and exacting duty develops upon your board of appeals and your board of review, and the members of these bodies must constantly be inspired to the most earnest and sympathetic consideration of cases brought to their attention.

INSURANCE.

There is another phase of the bureau's duties to ex-service and service men and women that I must bring to your attention—that is, the duty of the Veterans' Bureau to see that every ex-service man and woman is fully advised as to his or her insurance rights and privileges under the war risk insurance act as amended, so that the real good intended by the passage of the war risk insurance act and amendments can be accomplished.

I purposely do not mention those now in the service for the reason that the rights and privileges of the act are being ably explained by the War Department, Navy Department, and Marine Corps, but when we realize that upward of 4,500,000 individuals applied for yearly renewable term insurance and that there are approximately only 600,000 now continuing their insurance, it seems reasonably certain that after making allowance for claims awarded, that a large proportion of the remaining 3,500,000 who have allowed their insurance to lapse either do not know their rights and privileges, or if they do they are not aware of its real advantages; therefore, gentlemen, in order to pay the debt the Veterans' Bureau owes to the ex-service men and women it is important that we take steps to advise these individuals, to the fullest extent permissible under the law, of their rights and privileges and to explain the advantages to be obtained by reinstating and continuing their insurance.

This is one of the bureau's problems. Therefore it is my problem and equally your problem, and the bureau is open to suggestions as to better methods for distributing literature and the complete dissemination of information so that the most isolated case will receive proper attention.

FINANCE.

You will all be interested to know that action has been taken to accomplish prompter payments of bills submitted by the field offices to Washington; and steps are being taken looking toward the ultimate decentralization of compensation disability award payments. Decentralization of payment of training allowance pay has been authorized, but some delay will be experienced due to the fact that the manufacture of special equipment can not be made before September 15. It is probable, however, that the training allowance payments after October will be made through the district offices. With these facilities at your command, it is expected that further complaints about delayed payments will be practically eliminated.

LEGAL.

Though legal advisers have been designated in the various districts, the officers of the various districts should appreciate the fact that the general counsel is legal adviser for the whole bureau and not merely for the central office. Consequently legal problems on which there is any doubt in the minds of administrative officers of the various districts may be and should be submitted to the general counsel for opinion.

The general counsel and his associates give careful consideration to problems submitted to them, and their decisions are rendered in the belief that they are correct. Nevertheless, both the general counsel and his associates are men of open minds, and if it is honestly believed by the district managers that the opinions expressed by the general counsel are in any respect erroneous the general counsel is perfectly willing to give the matter reconsideration. Requests for reconsideration should not be made in a controversial spirit but wholly for the purpose of getting at the correct solution of the problem.

PERSONNEL.

For the benefit of members of this conference who were not present on the previous occasion or who, due to some oversight, may not have had the fact emphasized to them, I want to reiterate forcibly that in the selection of personnel and their treatment during the period of employment chiefs of divisions must always bear in mind that ex-service men and women invariably have the preference, other conditions being equal. Bear in mind, however, that this general rule should never operate to retain in the employ of the bureau an ex-service person who has manifested an incompetency that can not be overcome or has otherwise evidenced his unfitness. It is, however, intended to favor those men and women who by their military service have earned the right to this consideration. Political pressure is a matter which should not be permitted to affect the handling of personnel questions. Oftentimes Senators and Members of Congress plead the cause of undeserving employees without a real knowledge of all the circumstances, but when informed as to the true facts promptly withdraw their recommendations. You will also find that in many instances when you explain to the Members of Congress that the salary appropriations, as reflected to you in the Budget, do not admit the taking of the action which they request, their insistence will change to commendation.

MEDICAL.

One might estimate the task of the Veterans' Bureau as service to an ex-soldier who could qualify at one time or another for all the benefits provided by law multiplied by the number of applicants.

All benefits being based on physical disability means, as I have so often emphasized, that almost every act of the bureau is based on a medical opinion; our mistakes and our successes depend primarily on the quality of our medical service, and 95 per cent of the work of the bureau and its huge expenditures are undertaken on the advice of our doctors.

There are about 11,700 medical and dental men engaged in our work, 2,200 of them giving full time, 900 in hospitals, and 10,700 in district work, of which 8,260 are dental and designated examiners and attending specialists on fee basis. Each man has devoted from 6 to 30 years to his profession, and 97 per cent of them saw service in the World War. These men understand and are understood by the disabled ex-service men far better than any other class of men who come in contact with them.

The mistakes of the past were largely due to failure to appreciate the fundamental medical importance of our problems and also to a tendency to overrule or even ignore the doctor's honest opinions by assumption of an authority which the law never contemplated. Some of these acts were errors of the heart and may be forgiven, but enormous abuses in this respect, not only of the letter but of the spirit of the law, occurred in the beginning and occur now to some extent, for which there is no excuse and which, perhaps, cause irreparable harm to the character of thousands of young men by helping to destroy their self-reliance and their natural ambition to succeed through their own efforts.

In facing the future let us resolutely determine not to commit the errors of the past and to go forward in our improved programs guided by the light of our experience and the aid of all concerned in relief for our disabled veterans.

WHAT IS THE REAL BUSINESS OF A VETERANS' HOSPITAL?

It is to produce a certain output in health for each man plus a decision, whenever possible, on his employment objective and his need for training before he leaves the hospital.

This means a radical change in the organization of our hospitals, including programs for educating specialists for the medical and other personnel, all of which have been approved; standardization of all elements that make up our concept of a hospital, namely, human energy, brains, and harmony of action, toward which the American College of Surgeons has offered without cost all the facilities of that great organization. This will make possible the success of my plan for the dehospitalization of certain patients.

As I have already mentioned, I have been deeply impressed with the fact that the great majority of our chronic hospital cases are ambulant, that many of them would be happier and more content at home, and that by strengthening the vocational facilities of the hospitals in order that each man can have his need for training promptly determined and then by as many changes in trade and other tests as necessary have his employment objective settled, all while in the hospital and under careful medical supervision, that his problem can be solved. This will permit of a final decision in each case as to the best place outside of the hospital—perhaps the home—in which to continue treatment and training until rehabilitated, and without loss of compensation. This should be a great saving in time to the man and money to the Government. It may be found that some hospitals can be actually converted into special training schools.

RATING IN THE FIELD.

Another matter that has come to my attention in connection with rehabilitation is that the subdistrict office is usually also the best place in which to determine in one operation a man's employment and need of training. One good, sensible, and even average doctor in each suboffice—and many already have such—working in harmony with the training section, as they all now do in the field, can secure a far better picture of a man's needs, with the records and the man himself before them, and near his own home town, than the district office can ever hope to do. This suboffice opinion can be made legal simply by approval of the district manager. Another short cut to efficiency in this part of the work might be, after all the legal questions have been cleared, to route such cases direct from the claims section to the suboffices. This statement to the suboffice should also include an opinion as to percentage of compensability, if not a training case, whether hospitalization or outtreatment is needed, and whether the assistance of outside agencies is required.

Such procedure should prevent the too frequent conflicts aroused in a man's mind by he being told one thing by one doctor and another thing by another, and obviate much of the just criticism of our work in this respect. This, it seems to me, leads us to the real, the actual, decentralization in its truest sense.

DEHOSPITALIZATION.

I have in mind, gentlemen, a matter which I have discussed with the President and to which I have given long hours of study, and that is the dehospitalization of men who have proceeded to their homes and are receiving out-patient treatment and during their period of disability be not reduced in compensation. Between 65 and 70 per cent of our cases are ambulant. About 40 per cent of these ambulant cases could be discharged from hospitals and returned to their homes, provided, however, that the environment of their homes will be conducive to a recovery.

Too much institutionalism to my mind is harmful. The man loses courage, his morale is destroyed, and he entertains an unwholesome fear of going out into the world and attempting the great struggle. The man's courage must be strengthened, his mind occupied by helpful inspiration, and he must be stimulated to a determination to recover and return to active work. Hospitalization when unnecessary is an insidious and dangerous treatment, often robbing a man of that most valuable of human traits, self-reliance. It will deteriorate ideals and deaden ambition. A man should mingle with normal fellow beings and absorb from them strength and courage and an outlook on life which well and happy men possess. As soon as possible get the disabled out in the sunshine, near to nature or industry, as the individual disability may suggest as being most helpful, but in all events take them away from those surroundings which will inevitably sap real manhood. Industrial history has never been made by men who are content to accept anything approaching the domiciliary treatment to which many of our ex-service men are, I fear, rapidly becoming subjected.

REHABILITATION.

I have been much interested in our rehabilitation work, and I have been following closely the number of men who have gone from our schools to be welded again into the fabric of the industrial personnel of our Nation. I have watched their progress, and I have sought the best advice obtainable on an employment program.

You are to-day operating an employment unit within your district the purpose of which is to provide employment for all rehabilitated ex-service men and women. That this division of our work will be a success goes without comment. The great industrial centers of the country have responded most generously and are absorbing into their activities many men who have been trained under Government supervision.

No one knows better than you gentlemen the high proportion of ex-service men of foreign birth who speak our language feebly and are utterly innocent of any knowledge of English. It is my earnest desire that all ex-service people so handicapped be carefully instructed to correct this fundamental weakness, and I look to see the time fast approaching when men rehabilitated by the United States Government will be not only skillful workmen in their respective trades, or persons of real accomplishment in those vocations for which they have prepared, but will be creditable monuments to the instruction in English which is being given.

I conceive it to be an obligation of the Government that while in employment we should maintain an observation of the rehabilitated man's progress, not only to stimulate him in his chosen field or work, but to advise him in all matters which have to do with his health. Their passing from training back into industry must not mean that the Government has discharged its entire responsibility. It must be remembered that a man received training because of a disability and a vocational handicap incurred in the line of his military duty, and until a rehabilitated man has safely embarked upon his new endeavor with surroundings that are apparently conducive to his happiness and welfare, and not until then, has the Government discharged its debt.

CORRESPONDENCE.

One of the features of the work of the bureau which can and must be improved is correspondence. I do not like to cite to you elementary principles of a subject with which your forces should be thoroughly informed, but such numerous and repeated instances of gross failure to treat letters with care and thought are brought to me that I am constrained to discuss somewhat the treatment of mail. I recall one instance of a correspondence clerk who said in his letter to a prominent man, "Of course, to a man of your intelligence." I have on numerous occasions been severely criticized by the Members of the United States Senate and House of Representatives because of letters from bureau officials utterly ignoring specific questions asked and replying to a serious communication with a stereotyped phraseology or even with a form letter. Such gross mistreatment of mail may not have resulted from any vicious intention, but it was certainly an evidence of the grossest indifference or culpable ignorance.

I want you to take back to your people some thoughts that must be observed with a fidelity to both the letter and the spirit of instruction. Every person dictating a letter must always remember, first, that there is nothing personal in his work, that he is representing the United States Government, and the tone of his letter should be quiet and factive; never conveying the impression of impatience or contain the slightest possible ground for inference of discourtesy. The receipt of a caustic or quarrelsome letter under no circumstances justifies a reply in like tenor. There is much truth in the old saying that "A man who reads his letter when his feelings have grown cool would like to have a kicker come and kick him—as a rule." Do not give reasons or explanations unless they are requested. To do so gives rise to a purposeless correspondence in addition to reflecting on the intelligence of the addressee. Do not hesitate to say no if that is the answer, and having said no do not attempt to suggest an alternative aimed to circumvent your own no.

It is highly important that correspondence be kept moving. It is almost equally important that all letters and textual matter be prepared in a workmanlike manner. An irregular, ununiform, botched appearance generally indicates an indifferent consideration of the subject being handled and gives rise, with justification, to a question as to the accuracy of statements contained. It is my belief that some thought by this conference might well be spent on making suggestions that will obviate these weaknesses mentioned and be conducive of improvement in the quality of letters emanating from the various offices of the bureau.

BUDGET REPORTS.

I want to emphasize the importance of keeping within the Budget allotment for the administrative expenses of each district. This can be done only by budgeting the district as a whole—the district office and every suboffice and school within the district. Allotments must be made quarterly, with a current check of expenditures against allotments. After an allotment is received there should be set aside a surplus which will amount to a reserve to meet emergencies. The district manager who operates under a budget and can not allocate his funds in such a manner that they are elastic enough to cover any reasonable emergency without calling upon the central office for a fresh allotment is not on top of his job and fails to appreciate the advantages of a budget. I want a personal report from each of you as to savings which you will make on your allotment. I will look forward to these reports because I am a firm believer that efficiency and economy go hand in hand.

Of scarcely less importance is the matter of consolidated monthly progress reports. The purpose of a progress report, especially in an organization like the Veterans' Bureau, with offices scattered over the country, is to enable each executive, from bottom to top, to tell his superior what he accomplished, and, if there be arrearages, what steps are taken to wipe them out. If the district manager does his full duty in requiring reports from his subdistrict managers and subordinates, he knows exactly the size and distribution of the training, hospital, dispensary, compensation, and insurance load which he must administer within his district. The parts of his program which are showing progress are known, as well as who deserves the credit. Also he knows where the district's program is falling down and where to center his energies. The mild and indifferent manner in which certain executives of this bureau in the past countenanced wrong conditions can be stopped by intelligent use of progress reports and going after every wrong condition as soon as it is brought to light. More results and less excuses are demanded from every district manager, and he in turn must demand no less from each subdistrict manager and executive.

There has been serious complaint about the work involved in submitting reports of progress to the central office. While suggestions as to the improvement of that form of report are always welcome and nonessentials must be cut out, the essential facts must be reported. No effort has ever been made to ask for all the important facts regarding the operation of a district, but good administration demands that the director know and follow the trend, progress, and success of the fundamental duties for which he is made responsible by act of Congress.

The fact that this bureau will disburse more money this year and next year than any other department of the Government means that it receives more careful scrutiny by the appropriating committees of Congress and on the floor of both Houses than any other department.

The administration is demanding efficiency and economy in government. One-fifth of the total outlay of the Government, exclusive of that of the public debt, will be made through this bureau next year. Responsibility, therefore, for one-fifth of the cost of government, its efficiency or inefficiency in the administration of funds, rests in the hands of you who are attending this conference. I charge you now with knowing and measuring the services rendered from day to day and month to month and seeing to it that each dollar counts.

As I stated above, I can keep in personal touch with essential facts only. Much information which the district managers must have, vital to the bureau's success, can not reach the director's office. The periodic survey of the district and subdistricts to make sure that there is full use of educational facilities afforded by schools and factories in the community and those which the bureau provides, full utilization of Government hospitals in the district which have empty beds available and maintained at a high overhead cost, contracts with the best private hospitals, prompt and satisfactory employment of rehabilitated trainees, complete cooperation with the civic, social, and veterans' organizations of each community, all interested in the welfare of ex-service men, illustrate my point.

It is safe to say that in a project so large as ours the success or failure of each district depends upon the ability of its executive to keep before himself the fundamental facts as a basis for decision and action.

CONCLUSION.

In conclusion I want this conference to mean much to you all and I want each of you to write me personally, setting forth your impression of the conference and particularly as to the discussions which have been the most interesting to you. I want you to have ever in mind that you are representing your Government in the greatest undertaking of its kind which history has known. Be careful in your deliberations, be strong in your well-considered and well-founded convictions, be honest with your fellow man, and above all do not turn a disabled man or woman from your door until his story has been heard and sympathetically and intelligently treated.

Do not discharge your duties in a perfunctory manner nor cease your day's labor without the inner conviction that you have started some man or men on the road to contentment, success, or happiness, and do not ease up on your endeavors to bring back the great opportunity to those whose wounds and ills resulted from the service given that our Nation might live on forever.

As to future legislation for the disabled ex-service men I might say that on April 6, 1922, I introduced H. R. 11195, to amend and modify the war risk insurance act.

Some of the principal objects sought to be accomplished by the bill are as follows:

1. The enactment into law of what is known as Order 57, which permits the Veterans' Bureau to rate men who have been, are, or shall be inmates of hospitals or asylums during a continuous period of one year or more as totally and permanently disabled.

2. That in no case shall the compensation of a disabled man be reduced unless a physical examination shall have been made subsequent to his last rating, nor until he shall have been given at least three months' notice of the proposed reduction.

3. That psychosis, neurosis, psychoneurosis, active tuberculosis, or chronic empyema, developing within three years after separation from the service, shall be considered to have been acquired while in the service. (The present law limits the period to two years.)

4. That in the event of death before or after discharge or resignation from the service the Veterans' Bureau shall pay not more than $200 toward the funeral expenses and shall provide a flag to cost $5 to drape the coffin of the deceased, the flag to become the property of the next of kin.

5. That the Veterans' Bureau shall furnish each patient on discharge from a hospital with a statement of medical findings as to his condition.

6. The bill also provides more liberal terms than the present law for the reinstatement of lapsed insurance policies and for the investment by the Veterans' Bureau of insurance premiums in interest-bearing obligations of the United States or in bonds of the Federal farm loan bank.

Hearings on this measure will probably be held during the regular session commencing on the first Monday in December. I am sure that it is the purpose of Congress to do everything possible for the benefit of the disabled ex-service men. I believe that I can state without fear of successful contradiction that the United States Government has handled thus far the question of the disabled ex-service men in a broad, comprehensive and humanitarian way. No other Government engaged in the World War has equaled the United States, during the war or since, in the enactment of legislation for the benefit of the disabled ex-service men and their dependents. But this does not mean that they have done their full duty. Europe is on the verge of bankruptcy. The credit of our Nation is practically unimpaired.

Money alone can not compensate them for the sacrifices they made, the hardships they endured, and the dangers they encountered. Money can not restore an arm, an eye, or a leg; but we can do our best to make the lives of these men as comfortable and happy as possible.

Mr. DAVIS of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on shipping matters.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BLAND of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing a resolution of the Newport News Chamber of Commerce indorsing Navy day, and advocating the maintenance of the Navy to full strength under the naval treaty.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, it is not customary to burden the Record with copies of resolutions, and therefore I feel constrained to object.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the deficiencies existing under present appropriations at the National Military Home and complaints of the conditions at the home.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record on deficiencies at the National Home. Is there objection. [After a pause.] The Chair hears none.

Mr. TILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on conditions in Europe.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. TILSON. Mr. Speaker, under leave granted by the House I here insert an interview given by me and printed in the Washington Post on Friday, September 15, 1922. It is as follows:

Representative John Q. Tilson, of the New Haven (Conn.) district, who recently returned from a trip of observation and study in Belgium, France, Germany, and Austria, yesterday described the progress being made in rehabilitating the devastated portions of France and Belgium.

"Belgium," he said, "is making more rapid progress in this direction than France. True, the problem is much greater in France than in Belgium, taking into account the relative size and population of the two countries. Belgium was quickly overwhelmed by the Germans in 1914. The bulk of her man power was left behind and remained there during the war. Though a very brave it was a comparatively small Belgian force that held the remaining fragment of their country.

SPIRIT OF WAITING IN FRANCE.

"The men of France, on the other hand, faced the enemy for more than four years, and a staggering number of them were killed while defending their country against invasion. Then, too, it must be remembered the war was fought largely on French soil, so that while Belgium suffered in spots France suffered much more severely. A very great number of buildings in Belgium have been rebuilt, while in France the eyes grow weary viewing the carefully piled heaps of stone or other material, once a habitation, but now marking only the spot where it is hoped a house will again arise.

"A spirit of waiting seems to hover over much of the country, and that which is awaited, it was said, are the reparations which, under the treaty, Germany is called upon to pay.

CHAOTIC CONDITIONS IN AUSTRIA.

"In Austria," continued Mr. Tilson, "the condition of the currency would seem to be enough to make the situation hopeless. The artisans, and all the workers for that matter, receive pay in the currency of the country, of such uncertain value that there is little incentive to work, beyond obtaining the bare necessities of life.

"There can be no saving, which is so essential for the upbuilding of business, because the depreciation of the kronen overnight may sweep away, and in countless instances has done so, the savings of years. The tillers of the soil are far better off. The earth, if properly cultivated, produces regardless of industrial or financial disturbance. The peasants raise their food and eat it.

"True, they do not receive as much for their surplus as they should, but there is no danger of their going hungry. Unfortunately for Austria, by the edict of the Versailles conference, the food producing area of Austria is all too small.

GERMANY BEST OF ALL.

"While still in great uncertainty as to what is to be the outcome of her governmental financial situation, Germany in a sense is the best off of any of the countries I visited. The man power is there, the fertile soil is there, the facilities for industry are there, the latter having been increased rather than diminished by the war.

"Moreover, the people have gone to work, so that the soil yields its abundant increase and mechanical industry its manufactured products. The artisan receives a wage grotesquely small when compared with what the same class of workers receive in the United States, but when he turns his wages into a living it secures for him far more than the money exchange value would indicate.

"The tiller of the soil eats and has to spare, and although he receives a small price for his surplus, he at least is something ahead. The lack of incentive to save is a disturbing factor. It is futile to save marks, for their value to-day may largely disappear to-morrow.

REGARD AMERICA AS FRIEND.

"The feeling of the German people toward America and Americans is gratifying and testifies to the high character of the service our representatives there have rendered and are now rendering. It is apparent the German people have reached the conclusion that America is, after all, about the best friend they have left. At any rate, they see that we have no ax to grind, desire no European territory, and are sincerely in earnest in our desire for real and lasting peace.

"The choice of our first ambassador to Germany since the war could not be excelled in all the country. Ambassador Houghton is preeminently the right man in the right place at the right time.

VALUE OF UNITED STATES TROOPS.

"Another tremendous influence for good in bringing order out of the postwar chaos and reestablishing proper relations with Germany is our military representation, which since the war has been and now is occupying the key position of the Rhineland at Coblenz. Gen. Henry T. Allen, now commanding the small American force on the Rhine, is one of the most efficient and useful diplomats in all Europe to-day. The number of officers and men under him is small, but their influence is great—out of all proportion to their numbers.

"They are in no real sense a military force, on account of their numbers, but they hold the balance of power in a very real sense and use it for the best interest of world peace.

DOING IMPORTANT WORK.

"In connection with the interallied Rhineland high commission, representing France, Great Britain, and Belgium, they are the real deciding and governing force of the entire occupied area. And the German population fully trust the American representatives there, so that American influence is in most instances decisive.

"I have said this about our military representation still on the Rhine because I had occasion to become thoroughly acquainted with their work, and because, too, few people in our own country understand the nature or the importance of the work they are doing there."

ADJOURNMENT.

Mr. SANDERS of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Wednesday, September 20, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

690. Under clause 2 of Rule XXIV a letter from the Acting Secretary of the Navy transmitting request that in the provision for an appropriation of $5,000,000 under the head of "Scrapping of naval vessels" in the third deficiency act, fiscal year 1922, "the word 'subcontractors' shall be construed to include persons furnishing materials under direct contract with the Navy Department for use in vessels under construction in Navy Yards" (H. Doc. No. 391), was taken from the Speaker's table, referred to the Committees on Appropriations and Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LEATHERWOOD: Committee on Indian Affairs. H. R. 5639. A bill for the relief of Walter Runke; with amendments (Rept. No. 1244). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FAIRCHILD: A bill (H. R. 12717) increasing the limit of cost for the erection of a public building at Yonkers, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. McSWAIN: A bill (H. R. 12718) to further regulate Interstate Commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. GORMAN: A bill (H. R. 12719) providing for an appropriation for eradication of mosquitoes in the Des Plaines River Valley in the State of Illinois; to the Committee on Appropriations.

By Mr. LANGLEY: A bill (H. R. 12720) to increase the pensions of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States; to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: Joint resolution (H. J. Res. 381) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. LONDON: Concurrent resolution (H. Con. Res. 69) calling upon the President to offer to mediate in the Near East conflict; to the Committee on Foreign Affairs.

By Mr. KINDRED: A resolution (H. Res. 434) providing that the President be requested to express to the Government of Turkey the moral protest of the United States against the outrages on Armenians, Jews, and Christian peoples; to the Committee on Foreign Affairs.

By Mr. WINSLOW: A resolution (H. Res. 435) to pay expenses of Committee on Interstate and Foreign Commerce in holding certain hearings in the city of Chicago; to the Committee on Accounts.

Also, a resolution (H. Res. 436) to authorize the Committee on Interstate and Foreign Commerce, or any subcommittee thereof, to hold hearings in the city of Chicago and during any recess of Congress; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSORGE: A bill (H. R. 12721) for the relief of Charles R. Tice; to the Committee on Reform in the Civil Service.

By Mr. HOCH: A bill (H. R. 12722) granting an increase of pension to Anna C. Walquist; to the Committee on Pensions.

Also, a bill (H. R. 12723) granting a pension to Lewis Maple; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 12724) granting a pension to Julia Metzger; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 12725) granting an increase of pension to Martin V. Stanton; to the Committee on Pensions.

By Mr. OSBORNE: A bill (H. R. 12726) for the relief of the Union Oil Co. of California; to the Committee on Claims.

By Mr. PORTER: A bill (H. R. 12727) granting an increase of pension to Peter Guibert; to the Committee on Invalid Pensions.

By Mr. SANDERS of Texas: A bill (H. R. 12728) granting a pension to William E. Gilreath; to the Committee on Pensions.

By Mr. WYANT: A bill (H. R. 12729) granting a pension to Sarah Ashbaugh; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6370. By the SPEAKER (by request): Petition of Post Office Clerks' Association of Dayton, Ohio, favoring the passage of Senate Joint Resolution 200 and House Joint Resolution 327, proposing an amendment to the Constitution of the United States which will prohibit the employment of young children; to the Committee on the Judiciary.

6371. By Mr. CULLEN: Petition of the Broadway Association, New York City, favoring additional postal facilities in New York; to the Committee on Public Buildings and Grounds.

6372. By Mr. KINDRED: Petition of the Broadway Association, New York City, favoring additional postal facilities in New York City; to the Committee on Public Buildings and Grounds.

6373. By Mr. KISSEL: Petition of Central Trades & Labor Council, New York City, N. Y., relative to the injunction obtained by Attorney General Daugherty against the striking railroad shopmen; to the Committee on the Judiciary.

6374. By Mr. McLAUGHLIN of Nebraska: Petition of sundry citizens of Davenport, Nebr., urging the establishment of a minimum price on wheat; to the Committee on Agriculture.

6375. By Mr. MacGREGOR: Petition of sundry citizens of Buffalo, N. Y., favoring modification of the Volstead Act; to the Committee on the Judiciary.

6376. By Mr. RAKER: Petition of Dr. S. H. Rantz, Charles Schaeppi, and L. J. Anderson, of Placerville, Calif., relative to the transportation situation; to the Committee on Interstate and Foreign Commerce.

6377. Also, resolution adopted by Santa Clara Division (Calif.) Farmers' Educational and Cooperative Union of America, urging appropriation to prevent the introduction of pests that now threaten the fruit industry of California; to the Committee on Appropriations.

6378. By Mr. SIEGEL: Petition of Broadway Association, of New York, protesting against the leasing of any building for the Post Office Department in New York City, but asking that the Government acquire its own buildings; to the Committee on Public Buildings and Grounds.

SENATE.

Wednesday, *September 20, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, all our blessings come from Thee, and the opportunities of service are so abundant. We thank Thee for life and the privilege of doing Thy will. Accept of us this morning. May the day be fraught with good, not only here but throughout the world, and may great blessings be had by the peoples of the earth. We ask through Jesus Christ. Amen.

The Assistant Secretary proceeded to read the Journal of the proceedings of the legislative day of Saturday, September 16, 1922, when, on request of Mr. Curtis and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst
Ball
Brandegee
Bursum
Calder
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dial
Dillingham
du Pont
Edge
Ernst
Fernald
Fletcher
Gerry
Glass
Hale
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
Keyes
King
La Follette
Lodge
McCormick
McCumber
McKellar
McLean
McNary
Moses
Myers
Nelson
New
Newberry
Nicholson
Norbeck
Oddie
Owen
Pepper
Phipps
Rawson
Reed, Pa.
Robinson
Sheppard
Shields
Shortridge
Smith
Smoot
Stanfield
Sterling
Sutherland
Townsend
Trammell
Underwood
Wadsworth
Walsh, Mass.
Warren
Watson, Ind.

Mr. CURTIS. I wish to announce that the junior Senator from Ohio [Mr. Willis] is absent by reason of serious illness in his family.

The PRESIDENT pro tempore. Sixty-four Senators having answered to their names, there is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment Senate bills of the following titles:

S. 3540. An act fixing the fees of the examining surgeons in the Bureau of Pensions; and

S. 3620. An act to authorize the construction of a bridge across Pearl River at or near Tilton, Lawrence County, Miss.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9275) for the relief of Frances Kelly.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 11212) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920.

The message also announced that the House had insisted upon its amendments disagreed to by the Senate to the joint resolution (S. J. Res. 208) authorizing the Federal Reserve Banks of St. Louis and Salt Lake City to enter into contracts for the erection of buildings for its head office and branches, agreed to the conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DALE, Mr. KING, and Mr. WINGO were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS.

Mr. McCUMBER (for Mr. LADD) presented 36 petitions of sundry citizens in the State of North Dakota, praying for the enactment of legislation reviving the United States Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

EXTERMINATION OF BEAN BEETLES.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3995) to authorize the Secretary of Agriculture to exterminate bean beetles in the State of New Mexico, and authorizing expenditures therefor, reported it with amendments.

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on September 19, 1922, they presented to the President of the United States the enrolled bill (S. 3307) authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILLINGHAM:

A bill (S. 4011) granting an increase of pension to Belle A. Elder (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4012) to control the possession, sale, and use of pistols and revolvers in the District of Columbia, to provide penalties, and for other purposes; to the Committee on the District of Columbia.

By Mr. WADSWORTH:

A bill (S. 4013) to regulate the promotion of certain officers of the Army; to the Committee on Military Affairs.

By Mr. TOWNSEND:

A bill (S. 4014) to amend section 6 of the act entitled "An act to establish a Veterans' Bureau and to improve the facilities and service of such bureau, and to further amend the War Risk Insurance Act," approved August 9, 1921; to the Committee on Finance.

By Mr. EDGE:

A bill (S. 4015) providing one German cannon or fieldpiece for the borough of Keansburg, N. J.; to the Committee on Military Affairs.

JOSEPH S. M'COY.

Mr. McLEAN submitted the following resolution (S. Res. 353), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Joseph S. McCoy the sum of $2,000 for extra services as expert actuary and statistician rendered to the Senate Committee on Finance during the first and second sessions of the Sixty-seventh Congress.

AMENDMENT OF FIRST DEFICIENCY BILL, 1923.

Mr. CUMMINS (Mr. STERLING in the chair) submitted an amendment proposing to appropriate $170,100 for salaries, per diem in lieu of subsistence, transportation, and allowances of 35 additional inspectors whose employment is authorized for nine months at the rate of $3,000 per annum each, to carry out the provisions of the act of February 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," as amended, intended to be proposed by him to House bill No. 12704, the first deficiency appropriation bill, 1923, which was ordered to lie on the table and to be printed.

RAVAGES OF THE BOLL WEEVIL.

Mr. WILLIAMS. Mr. President, I ask unanimous consent, out of order, to have printed in the RECORD certain letters which I hold in my hand. I do not desire to make a speech, but merely to ask that a letter from Mrs. F. C. Fox, of Karnack, Tex., upon the general subject of the boll weevil and her experiences as a planter in that connection, may be printed in the RECORD; also a letter from Dr. W. H. Harrison, of Tutwiler, Miss., upon the same subject, in connection with some remarks which I made a few days ago.

I also ask unanimous consent to have printed in the RECORD a letter from Mr. F. H. Cooper, of Jacksonville, Fla., upon the boll weevil question in connection with the use of calcium arsenate as a poison. Also a letter from Mr. C. Becvar, of Corpus Christi, Tex., upon the same subject, and a letter from Mr. William Hill, of Alexandria, La., addressed to me and a copy of a letter which he incloses written by him to the Secretary of Agriculture. In this connection I wish to say that I am not vouching for the assertions in the letter which he writes to the Secretary of Agriculture, nor for the scientific accuracy of his conclusions; but I am so thoroughly convinced that the boll weevil question is not only national but international in its scope and concerns the entire world that I want every possible germ of solution suggested by anybody to go into the RECORD. So I ask that the letters to which I have referred may be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the communications referred to will be printed in the RECORD as requested.

The communications referred to are as follows:

TOPEKA, KANS.

MY DEAR MR. WILLIAMS: I just read the inclosed clipping. Please say to these paper farmers in Washington for me that the cessation of cotton raising for any period of time will have no effect on the boll weevil; he is here and here to stay, cotton or no cotton. Of course, cotton is his choice home, but he inhabits all kinds of plants when cotton is not at hand. He also pesters all kinds of nuts and fruits, and in the spring you will find the weeds, dead stalks, etc., have afforded him a winter home ideal; but he does not only make his winter home in these, he is in every place that will house him properly. We can use Paris green and kill him. Calcium arsenate will also, so the Government agents say; but cotton is so cheap these remedies are prohibitive. I paid 14 cents per pound for the latter; but it must be kept constantly on the plant, and it requires much labor to do this. We get nothing for our labor when we have so much expense to keep the insects off. I thought I would make 50 bales of cotton at least the 1st of August; by the 15th I thought if I made 25 I would be doing well. We had the weevil then. Next came the worms, and with them the little sprinkles and hot sun, which simply cooked it. All things shed not only their fruit but leaves. My fig trees are leafless, and here again Mr. Weevil showed up; he tested my figs and they rotted and fell. I tell you he is here to stay. Science must find a cheap remedy. We have to pay $8 for a handgun to use calcium arsenate with and 14 cents per pound, three or four pounds to the acre. This spring I had to use it after each rain, no matter if they came daily. Now, count the labor at 75 cents or $1 per day, and then add your other expenses to cotton raising and *sell* your cotton at 19 and 19¼ cents. It cost 30 and 35 cents per 100 pounds to gin; then bagging and ties and hauling, etc. Now, count your profit. And the gun must be bought each season; they only last one, so the maker says. I have only used it this spring.

You do not remember me, but I do you, having met you at two or three United Daughters of the Confederacy gatherings in Washington. I farm grandfather's old plantations and raise cotton, I am sorry to say. I have planted a pecan orchard, which is bearing some, and I hope to quit cotton; but here again is the weevil pest. He bores into the young nuts and they, like cotton squares, fall to the ground.

Very respectfully,

MRS. F. C. FOX,
Route No. 1, Karnack, Tex.

—

TUTWILER, MISS., *September 17, 1922.*

Hon. JOHN S. WILLIAMS.

DEAR SIR: I recently made a trip from here to Eldorado, Ark. Anyone with one gram of common sense who will make this trip will learn that the so-called "boll-weevil experts" have not only fallen down, but they have fallen down with a "dull thud," and they have pulled down many a poor farmer who would have been far better off if there had never been any Government experts. There are thousands of acres of fine land where the cotton is higher than a "man on a mule," where the fields are still white with poison, that will not pay to put a sack in the field.

The time and efforts taken to put out the poison would have resulted in far more benefit had it been used in cultivation and a simple machine to catch the weevil as the cultivation was done.

You are right, as you usually are, but you are wrong in quitting the United States Senate.

Respectfully, DR. W. H. HARRISON.

—

TOCOMO CHEMICAL CO.,
Jacksonville, Fla., September 16, 1922.

Hon. SENATOR.

DEAR SIR: Having just read in our daily paper of your attitude regarding boll-weevil condition, in all truth I certainly believe you are right.

Four years ago I began experimenting on boll weevils, as I found that calcium arsenate was not entirely satisfactory, and in the last two years I have brought out a cheap and reliable remedy that positively guarantees the cotton crop to the planters. Upon advice of several cotton growers who have tried out this poison I have tried to get Government officials to try it, but I can not get any of them to give this remedy a try out. The very Government official who has charge of this cotton situation will not allow it to be brought out, as to-day they are behind a great, gigantic trust of calcium arsenate and are even spending large sums of money in special advertising the sale of that particular poison. Their jurisdiction now reaches to even the dusting machines, as it does not pay to make or try to sell such machines unless you have made arrangements for its approval by this faction, and when you have gained such your machine will be tested with them and you get free advertising. This board claims that this is done to protect the farmers from fraud, but it also prohibits anyone from getting a square deal or treatment.

Let me illustrate: If you place in a daily paper a small advertisement stating facts about your poison, in a few days out will come a great big writeup of calcium arsenate poison, sometimes whole pages being used on such big papers as the Atlanta Constitution or Atlanta Journal. Then again, I have found that in several places where I have demonstrated that such big concerns as the American Cotton Seed Oil Co. will go into that same section and furnish everything free, giving big barbecues, and make it so that no one can buck up against them.

Last year, November 2, I was referred to Senator Dial, of South Carolina, who sent my letters to Clemson College, and I received a letter from them stating they were not interested, as they had a policy of their own and no money to try it out. Yet I had offered it free for 100 acres against 100 of their own treatment; yet this summer they had thousands of large posters printed and men sent out all over the State of South Carolina putting them up in all railroad stations and all public places under the heading of a warning to cotton planters, "Don't use anything but calcium arsenate," and that others are frauds; also, that Clemson College will be only too glad to try any remedy for the planters' benefit; yet they will not give this remedy a try out.

The cost of this poison is 15 cents per acre each treatment, against 8 pounds of calcium arsenate costing at 11 cents per pound, 88 cents per treatment. Again, calcium arsenate should be put on only when the dew is heavy enough, which means night work, and at that time all blooms are closed, making it impossible to reach such weevils that are inside. My remedy is put on in the daytime, and is very simple and positively effective.

I am willing to give this remedy to the planters free, and with some help such as Congress is giving to cotton troubles a whole State at a time could be worked. Should you know of anyone that would try this remedy next year in your State, I will be only too glad to cooperate with you in any way to prove the merits of this poison.

This I will state, that all over the country in the South are boll weevils, and they are getting worse. This is evidence to convince anyone that something is wrong or that the money spent for such work that has been done is not a creditable showing and should be stopped.

I hope to have the pleasure of cooperating with you in any way in this great work.

Yours very truly, F. H. Cooper.

Just before mailing I received this page of calcium-arsenate work that was carried on this year, it is this style of writeup that has everybody guessing who pays for it.

I can cite you many farmers that are entirely disgusted with what is going on, yet can not help the situation.

This year alone over $100,000 has been spent in this paper talk, so that you almost believe the work is true.

Corpus Christi, Tex., *September 16, 1922.*

Senator Williams, of Mississippi.

Honorable Sir: Just read your article and assertions on the boll-weevil situation. I want you to read this, and if you are interested I will place before you my entire correspondence regarding a systematic and most successful system of application of calcium arsenate, results as I placed them before Professor Coad and Doctor Howard, of the Department of Entomology. I placed this information before this department in April, 1922, but it seems they are not in favor of exterminating the boll weevil. In my mind it is either gross incompetence or willful negligence on their part. It looks like a nigger in the bush to me. Professor Coad and Doctor Howard are both mistaken in their contentions, which I can prove by their own correspondence and works. Finally I took it up with the Texas State agricultural department and received better treatment, but too late for the 1922 crop.

Professor Coad is four years behind by his own correspondence, and admitted so by himself. I can not see why this state of affairs should exist—why the department does not clutch at every bit of results that are placed before it. I certainly wish I could write you a long letter and place the entire thing before you. The South needs a man in this matter, and you surely hit the nail on the head when you came out flat-footed and told the truth. There is no room for chair warmers, and that's just what you have in that department. I don't say that they lack technical knowledge, but I know that they lack practical knowledge.

I do not care to have this placed before the Department of Entomology again, as I am through with them; but I want some one that will through some means place this information before the poor cotton raiser, the poor fellow that has cotton near the brush and can not succeed through improper and misleading information as given out by above parties. This may sound rather strong to you, but I can prove it by their own correspondence.

I shall be glad to give you all information as to mode of application and results, as I have made these experiments and observations in person. I will further say that I represent no manufacturing company, nor have I any strings tied to me in this matter. I was just a plain, far-seeing, and observing farmer, and know what I am writing about.

Yours truly, C. Becvar,
Box 921, Corpus Christi, Tex.

My 1920 results on 14 acres, on which I experimented:

Plot No. 1 (18 light treatments): One-fourth acre; 960 pounds cotton in the seed; planted the 24th of February, 1920; still blooming December 1.

Plot No. 2 (15 treatments): Four acres; poor one-half stand; 1½ bales per acre; exact.

Plot No. 3: Four acres; planted March 1, 1922; 4 bales; exact; 6,000 pounds.

Plot No. 4 (5 treatments): Two and three-fourths acres; not treated until September 15, 1920; early cotton, but badly infested with both weevils and worms; treated September 20, 23, 26, October 1 and 4; one-half bale to acre; treated after heavy rain on September 12–13, 1920.

Plot No. 5 (12 treatments): Two acres; early cotton; sandy land; cotton 1 foot tall; 1 bale per acre.

It is possible for a cotton raiser, under ordinary circumstances, to make a bale per acre, weevil or no weevil.

C. H. Becvar.

These experiments took place next to 45 acres of early cotton, field 6 feet away, on which party made 3 bales on 45 acres.

C. H. B.

Alexandria, La., *September 16, 1922.*

To the Hon. John Sharp Williams,
United States Senator from Mississippi, Washington, D. C.

My Dear Mr. Senator: The attached newspaper clipping is my excuse for addressing this letter to you and for inclosing a letter written to the Secretary of Agriculture.

This latter is self-explanatory, except extreme verbosity, which I deemed necessary for the reason that the Secretary is a new man in the position and could not have learned much of this question during his short occupancy.

I sincerely hope that you will find the time and the inclination to wade through the document.

You will find the object of the letter to the Secretary is pleading for a little experiment which I feel sure would settle a controversy between many experienced farmers and so-called Government experts, who, as you have correctly stated in the clipping attached, the scientists "have fallen down" in fighting the weevil.

Of course, no cotton planting and not allowing volunteer plants to grow for one year would settle the question until new weevils are imported, but, as you say, this plan is impractical; therefore, since nothing can be done for another year, it certainly can do no harm, and may actually be of untold benefit, to have the farmers try a later date for planting. This would make the experiment that I suggested unnecessary, and I do not think it would require anything except the insistence of the Agricultural Department—since its other measures had failed—to give it a trial.

The whole theory is based on the life of the weevil after emerging from winter quarters. Nature has provided a means of natural reproduction for the pest, but if this means is disturbed by abnormal conditions it may die without leaving progeny.

All experiments have proven beyond question that the weevil can not reproduce except by depositing its egg in the bud of the cotton square, where the larvæ feeds until it becomes a new weevil. On this subject I particularly call your attention to the table in the inclosed letter, showing the life of the weevil after coming out of hibernation. It shows cotton producing squares in May will be subject to the ravages of the insect, but if no squares are produced until about June 10 so nearly all the old weevils would die without leaving progeny as to make the balance negligible in effect.

Cotton planted about May 1 will not produce squares large enough to support the larvæ before June 10.

I think I am safe in saying that the most intelligent element of planters are in favor of the later date of planting but take the position that it must be universal. The less intelligent are blindly following the "experts" who have proven their ruin.

We have had this season in this section, due to weather conditions, an abnormally late season, only a few crops producing squares in May, and we had less infestation than for many years—absolutely proving my theory.

Pressure on the Agricultural Department for a trial, I firmly believe, would settle the question.

With sincere respect, I am, truly yours, Wm. Hill.

July 29, 1922.

To the honorable the Secretary of Agriculture,
Washington, D. C.

Dear Sir: This letter, while addressed to you under personal cover, is really in the nature of an appeal. It is so addressed, personally, that you may, after reading the first few lines, take the time, notwithstanding your multitudinous duties, to read it carefully, for I assure you that, while I have not a cent of personal interest in the subject, I am convinced your careful consideration will result in supreme benefit to the cotton-producing section of the country.

Many years before you became Secretary these sections became infested with the boll weevil, which has destroyed during the past 18 years more than 20,000,000 bales of cotton, worth not less than $1,700,000,000.

The Government placed large sums of money at the disposal of "experts" for the purpose of finding a way to eradicate the pest, but this has resulted in practically no benefit. After a series of experiments it was announced that the weevil hibernated during the winter months and emerged in the later winter and spring by degrees, extending over a period of two months or more, and that a large majority of those emerging did not live until cotton was sufficiently advanced for reproduction. They also discovered the weevil could not reproduce except by depositing its egg in the heart of the bud which precedes the bloom and which is called a square. This convinced them that if these squares, which had been impregnated by the hibernated weevil, could be destroyed, it would prevent succeeding broods of new weevils.

When there are young squares early in the season and are punctured by the weevil, they flare open and fall off, and this is why the advice was given to pick them up. This would have been a perfectly efficient method if the punctured squares could have been found, but the wind blows many to a distance, where they are hidden in the grass and, as the plants get stronger and the squares larger only a part of them would fall off, but remain on the parent plant and produce weevils without any sign of being diseased. Therefore the farmers who tried this method abandoned it as practically useless.

The next advice given by the "experts," led by "Doctor" (?) W. D. Hunter and "Doctor" (?) L. D. Howard, the former boss field "expert," and the latter at the head of the Bureau of Entomology, was, "Plant early to get ahead of the weevil." This advice has cost the South hundreds of millions, because a certain large class of farmers followed, and still follow, this advice, while a large class of the most intelligent have no confidence in it, still they say, "I can not afford to defer planting if my neighbor across a fence grows weevils to infest me."

The idea of the advice was an endeavor to make the crop before succeeding newly hatched broods could multiply sufficiently to destroy it. This method was partially successful in saving the small bottom crop, but was fatal to the great middle and top crops, which normally produce 75 per cent of the total crop, for it is estimated that a single pair of weevils, undisturbed during a cotton season in the process of reproduction, will ultimately bring a brood of 12,500,000. Thus it is obvious that the real damage is done in the latter stage of the growth, and must clearly show to a reasonable thinker the fallacy of "Plant early to get ahead of the weevil."

The next and last is poisoning with calcium arsenate. This, no doubt, would be the best method proposed by the "experts" if it could be universally and intelligently used, but it should be borne in mind that a large majority of the crop is grown in the uplands, and a majority of that by small farmers. The method is very expensive and never will come into general use on this account. It has been tried in this section in a small way and abandoned as inefficient.

So much for the preventive measures of the Government "experts." There are others who for many years have contended that if the planting season be delayed from an early date to a medium one, the hibernated weevil would die without progeny. In order to reenforce this opinion, I desire to refer you to the results of an experiment made to establish the life tenure of the weevil after leaving winter quarters. For this purpose I make use of the experiment made in 1909 by the Louisiana State Crop Post Commission under the auspices of Prof. Wilmon Newell. This was the most extensive and intelligent experiment ever made and it confirmed previous experiments made by the Government. The figures used are drawn from memory, but they are so nearly correct that any differences between them and the actual are negligible.

Suffice to say Mr. Newell provided two or more large screened-in hibernating places. These were supplied with different things, so as to make hibernating as natural therein as on the outside. They were, I think, 12 by 16 feet. In these cages, during September, October, and November, he placed weevils which he had gathered from the fields—some 3,000 to the cage, I think—where they went into natural hibernation. He also prepared a large number of small cages—about 2 feet square, I believe—in which to place the weevils after they came from winter quarters. Some of these cages were provided with no food except volunteer vegetation, while the others had growing cotton in them by April 18.

These were provided in order to keep an accurate record of the time of emergence, lifetime thereafter, as well as to show whether the cotton plant was necessary as food for subsistence. The hibernated weevils emerged as follows:

Nine per cent in February and March. These lived to 65 days.
Thirty-three per cent in April. These lived to 50 days.
Fifty-three per cent in May. These lived to 30 days.
Five per cent in June. These lived to 7 days.
Average of 100 per cent emerging 10.85 days.

The 100 per cent which emerged from winter quarters lived on an average of about 10.85 days. Those with cotton to feed on about two points less, and those without it about two points more, showing there was practically no difference; but the experiment indubitably proved that those weevils emerging late in the season have but a short time to live. Besides, some personal experiments which were carefully made the next year corroborated it beyond doubt.

Now, from the above, let us see the effects of early and medium planting:

Normal seasons in this latitude, cotton planted in the latter days of March and early April will by the 15th of May produce squares abundantly. Under some conditions cotton planted on May 1, an early medium date, will not produce squares sufficiently large to sustain the young weevil before June 10. Obviously, squares commencing May 15 afford hatching places for a large part of the 53 per cent emerging in May, while if no squares come until June 10 all of them and a large part of the June contingent will die without leaving progeny.

Mr. Newell's experiment showed that about 9 or 10 per cent of those put in hibernating cages emerged, but this was a larger per cent than former experiments showed, therefore if the whole 5 per cent emerging in June had lived to depredate the effect on the crop would have been negligible, because they could not have produced a sufficient brood to materially injure the crop before September 10 or 20, and by September 1 the crop is practically matured in this section.

Now, I wish to call your particular attention to the experiments made under "Doctor" Hunter's direction to prove that "late planting would be ruinous."

In Texas and Louisiana two experiments were made by planting from June 7 to 10 in 1907, I think. These patches were planted (see Farmers' Bulletin 1262, pp. 25 and 26) from 9 to 15 miles from other growing cotton. In a correspondence through the press with "Doctor" Hunter I charged that these very late planted patches were destroyed by migrating weevils. In these early days migration commenced about August 1, and was due to their having devastated the fields where they had multiplied from the hibernating weevils. These were supposed to travel 40 miles a season. Now, it is known that they will move 160 miles or until they have found new fields. Now, cotton planted as late as was these experimental patches would just be in a high stage of squaring time by August 1 to 10. When the charge was made that these patches were destroyed by migrating weevils "Doctor" Hunter's preposterous reply was that they were destroyed by old hibernating weevils. Just to show how preposterous this claim was I desire to mention that from all the experiments made there has never been known but one single weevil to live that long. Hence "Doctor" Hunter's statement remains very much in the nature of the proverbial "dilemma with two horns on which to hang." These I name verdant ignorance or stupid duplicity, and the learned "Doctor" may hang on the one which suits better his own ideas.

I desire to call your attention to another glaring inconsistency: On pages 19 and 20 of Farmers' Bulletin No. 1262, you will find where these "experts," under the head of "Sprout and volunteer cotton," urged that these plants be destroyed, and used this language: "The weevils seek out these large plants in the early spring and produce progeny much earlier than they otherwise could, and these progeny infest the cotton planted at an abnormally early date." Of course they do; and the progeny from the "early planted cotton," urged by the experts, will have just the same effect, and that is the cause of a ruinous effect.

The lamented Dr. S. A. Knapp, former head of the Bureau of Plant Industry in 1910, had an acquaintance here, Mr. J. W. Vogler, who was, and is, an ardent supporter of the medium planting theory. In a letter to Mr. Vogler, Doctor Knapp said: "I have not made up my mind fully on this subject; but I will be in Louisiana soon and will discuss it with you."

When the doctor came to Louisiana he met "Doctor" E. W. D. Hunter from Texas, who rather convinced the doctor in favor of early planting which, as I shall show, was only temporary. When he came to Alexandria he declined to discuss the matter at all, but in a public address in Atlanta, Ga., in November of that year (the last speech he ever delivered, I believe), he said in part: "If the farmers will first prepare their land fully and wait for the ground to get warm, thus delaying planting a little later, many of the hibernating weevils would die, and without breeding, and the weevil question would be solved."

I have been told, but can not vouch for the accuracy of the statement, that the above speech was embodied in a farmers' bulletin, but was suppressed before many copies were circulated. Doctor Knapp unfortunately passed away a month or two after making this address.

Now, Mr. Secretary, if you have read the foregoing I beg to assure you that all of it has been written for the sole purpose of showing the necessity of an experiment which will settle this controversy for all time, and it seems to me that in justice to the cotton planter it should be made.

The experiment I suggest to you now I suggested to Doctor Howard, of the Bureau of Plant Industry, five or six years ago. A long correspondence ensued; the letters from both I intended to publish in leaflet form for public distribution, but, unfortunately, in moving my office they were lost. The publication would have been interesting, as the "doctor" made some glaring misstatements—unconsciously, of course—one of which I called to his attention with the actual proof, and in reply he acknowledged his error and said that the correspondence was taking up too much of his time and declined to continue it.

The experiment is as follows: In late September or early October have measured off a plot of ground, not less than an acre, in the heart of a cotton field, which is thoroughly infested with weevil. Screen this ground in with wire high enough to admit cultivation with a horse. Before the screen is placed, have a lot of logs with loose bark, Spanish moss, cornstalks, etc., placed all around the area close up to the screen so as to cover as little ground as possible. In the winter have this ground thoroughly prepared for planting and then run a screen partition through the center, made weevil proof. If located in this latitude, plant one half about March 25 to April 1 and the other half from May 5 to 10—this latter date is amply early to make a full crop. By the first dates, March 25 to April 1, usually is planted about one-third of the crop here, to "get ahead of the weevil." If the experiment is made in the extreme South the dates could be advanced 10 days, or in the northern belt belated 10 days.

In this experiment the native weevils would hibernate in naturally prepared hibernating quarters. They would emerge normally and, therefore, breed normally.

I feel certain the result would show that the early planted would be severely, if not totally, destroyed. I do not believe the late planted would be damaged materially, if at all. Such an experiment would probably cost six to seven thousand dollars. If it proves my theory it will save the cotton farmers hundreds of millions, for all you would have to do would be to explain the test to the public and insist that planting time be delayed about 40 days from early planting dates.

I frankly state to you that if this is submitted to Dr. L. D. Howard or Dr. W. D. Hunter they will advise against it. They are "sot" in their ways, and I doubt if the one alleged to have been born of immaculate conception could change them.

However, I feel sure that a careful study of the data contained herein will convince you that the experiment is worth a trial.

I regret to have inflicted upon you this long document, but I again appeal for its consideration, and I refer you to both of our Senators and the Representative from this district, who know me personally.

I beg to remain, sir, very respectfully yours,

——— ———.

THE TARIFF.

Mr. McCUMBER. Mr. President, from the Committee on Finance I report back favorably House Concurrent Resolution 67, and I ask unanimous consent for its present consideration.

Mr. MOSES. Let it be read for information.

The PRESIDENT pro tempore. The concurrent resolution will be read for the information of the Senate.

The Assistant Secretary read the concurrent resolution (H. Con. Res. 67), as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 7456) entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," the Clerk of the House of Representatives is hereby authorized to strike out "coconuts," appearing in paragraph 1626 of the bill, as agreed to in conference.

The PRESIDENT pro tempore. Is there objection?

Mr. ASHURST. What is the request?

The PRESIDENT pro tempore. The request is for unanimous consent for the present consideration of the concurrent resolution.

Mr. ASHURST. I have no objection to its consideration.

Mr. UNDERWOOD. I wish to know whether the committee is going to permit any amendments to be made to the concurrent resolution?

Mr. McCUMBER. The chairman of the committee, of course, would vote against any amendment and would permit none to go on with his consent. The Senator from Arizona [Mr. ASHURST], however, has informed me that he will propose an amendment, but that there will be no argument of any length upon his amendment, and he will immediately submit it to a vote of the Senate. That being the case, as there will be merely a vote upon that amendment, I hope the Senator from Alabama will not object to the consideration of the concurrent resolution.

Mr. UNDERWOOD. There are no amendments coming from the Senator's side of the Chamber?

Mr. McCUMBER. None.

Mr. UNDERWOOD. I desire to say a few words with reference to the concurrent resolution before it is voted on.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

Mr. KING. With the assurance given by the chairman of the committee that from his side of the Chamber there will be no amendments tendered to the concurrent resolution, I do not object.

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDENT pro tempore. The question is upon agreeing to the concurrent resolution.

Mr. ASHURST. Mr. President, I desire to propose an amendment to House Concurrent Resolution No. 67 which is now before the Senate.

The PRESIDENT pro tempore. The Secretary will report the amendment proposed by the Senator from Arizona.

The READING CLERK. Add the following:

> That on and after the date on which the tariff act of 1922 becomes effective there shall not for a period of three months thereafter be imported into the United States or into any of its possessions any cotton having a staple of 1⅜ inches or more in length, any provision in said tariff act to the contrary notwithstanding.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment offered by the Senator from Arizona.

Mr. ASHURST. Mr. President, the Senator from North Dakota [Mr. McCUMBER], the chairman of the Committee on Finance, was correct when he said that I did not wish to discuss the amendment; but it is necessary that Senators should understand what the amendment is, and I shall take two or three minutes to explain it. My speeches are broad, but never long. The House concurrent resolution now before us is simply to authorize the enrolling clerks to add certain words to the tariff bill. I have offered the amendment, and I now extend an opportunity, and a last opportunity, to Senators not to restore the Senate amendment which laid the import duty on Egyptian cotton, but to grant a period of three months within which the cotton crop of 1922 may in a measure be absorbed, and that those in Arizona and California who, in 1922 relying upon the promises of Republican Senate leaders, planted long-staple cotton, may have an opportunity to liquidate.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Arizona to the concurrent resolution, on which the yeas and nays were demanded.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the Senator from New Mexico [Mr. JONES]. I transfer that pair to the junior Senator from North Dakota [Mr. LADD] and vote "nay."

Mr. HARRISON (when his name was called). I am unable on this vote to obtain a transfer of the pair which I have with the junior Senator from West Virginia [Mr. ELKINS]; so I withhold my vote.

Mr. McCORMICK (when his name was called). I have a standing pair with the junior Senator from Wyoming [Mr. KENDRICK]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "nay."

The roll call was concluded.

Mr. WARREN. I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. Not knowing how he would vote if present, I withhold my vote.

Mr. STERLING (after having voted in the affirmative). I find since voting that my general pair, the Senator from South Carolina [Mr. SMITH], has not voted. I transfer that pair to the Senator from Pennsylvania [Mr. PEPPER] and permit my vote to stand.

Mr. CURTIS. I desire to announce that the senior Senator from Pennsylvania [Mr. PEPPER] and the junior Senator from Pennsylvania [Mr. REED] are detained from the Senate on official business.

I also wish to announce the following pairs:

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH];

The Senator from California [Mr. JOHNSON] with the Senator from Georgia [Mr. WATSON];

The Senator from Illinois [Mr. McKINLEY] with the Senator from Arkansas [Mr. CARAWAY];

The Senator from Missouri [Mr. SPENCER] with the Senator from Georgia [Mr. HARRIS]; and

The junior Senator from Ohio [Mr. WILLIS] with the senior Senator from Ohio [Mr. POMERENE].

The result was announced—yeas 13, nays 48, as follows:

YEAS—13.

Ashurst
Bursum
Cameron
Capper
du Pont
Harreld
McNary
Norbeck
Oddie
Rawson
Shortridge
Sterling
Sutherland

NAYS—48.

Ball
Brandegee
Calder
Colt
Culberson
Cummins
Curtis
Dial
Dillingham
Edge
Ernst
Fernald
Fletcher
France
Gerry
Glass
Hale
Heflin
Hitchcock
Jones, Wash.
Kellogg
Keyes
King
La Follette
Lodge
McCormick
McCumber
McKellar
McLean
Moses
Myers
Nelson
New
Newberry
Phipps
Reed, Mo.
Robinson
Sheppard
Smoot
Stanley
Swanson
Townsend
Trammell
Underwood
Wadsworth
Walsh, Mass.
Watson, Ind.
Williams

NOT VOTING—35.

Borah
Broussard
Caraway
Elkins
Frelinghuysen
Gooding
Harris
Harrison
Johnson
Jones, N. Mex.
Kendrick
Ladd
Lenroot
McKinley
Nicholson
Norris
Overman
Owen
Page
Pepper
Pittman
Poindexter
Pomerene
Ransdell
Reed, Pa.
Shields
Simmons
Smith
Spencer
Stanfield
Walsh, Mont.
Warren
Watson, Ga.
Weller
Willis

So Mr. ASHURST's amendment was rejected.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. The question is upon agreeing to the resolution.

Mr. WILLIAMS. Mr. President, I do not care to discuss the resolution now pending. I rose for another purpose.

The PRESIDENT pro tempore. The resolution has not as yet passed.

Mr. UNDERWOOD. Before the resolution is passed I wish to speak to it. I do not care to interfere with the Senator from Mississippi, but I do not want the question put before an opportunity is afforded me of saying a word.

The PRESIDENT pro tempore. The Senator from Alabama will have an opportunity to discuss the resolution.

Mr. TRAMMELL. Mr. President, I offer an amendment, which I am sending to the desk, to the pending concurrent resolution, as an additional paragraph.

The PRESIDENT pro tempore. The Senator from Florida offers an amendment to the concurrent resolution, which will be stated.

The ASSISTANT SECRETARY. It is proposed to add at the end of the concurrent resolution the following:

> *And further*, That in the enrollment of the said bill the Clerk of the House of Representatives be, and is hereby, authorized to insert the following paragraph at the proper place in Title I:
>
> "Cotton having a staple of 1⅜ inches or more in length, 6 cents per pound."

Mr. TRAMMELL. Mr. President, I move the adoption of the amendment.

When that particular subject was pending when we were considering the tariff bill, I supported a duty of 10 cents a pound upon sea-island or long-staple cotton because I felt that if it was the policy of the Government to protect agricultural industries as well as following out the old policy of the protection of manufacturing industries, certainly the American farmer who produced the Egyptian or sea-island cotton was entitled to have a tariff placed upon the Egyptian cotton which comes in competition with his cotton produced in this country. At that time the Senate adopted a rate of 7 cents a pound on Egyptian cotton. Very much to the astonishment and the disappointment of many of us who had felt that this rate should be placed upon Egyptian cotton, the conferees struck that provision from the bill, leaving the producers of the Egyptian or long-staple cotton in America without any protection whatever, in a measure which has carried out a policy of protection to all manufacturing industries, and in many instances a policy of protection to the farmer.

This question has been discussed very ably by the Senators from Arizona, in whose State a considerable quantity of this cotton is produced. We produce a considerable quantity of it in my State, and it is impossible for our growers to compete with the cotton growers of Egypt with their pauper labor, you might say, and the low cost of production in that country.

There is no reason why this provision should have been stricken by the conferees from the original bill, except that, as I understand, the manufacturers claimed that there was not sufficient compensatory duty. I do not agree with the idea that Congress in writing a tariff bill should bow down before and be controlled and dominated by the manufacturers of this country. That has been one of the troubles all the way through with the party which holds to the idea of a protective tariff.

It is governed and controlled almost entirely by the directions and the suggestions of the manufacturing interests of the country. I noticed time and time again, when we were discussing certain rates prescribed in the tariff bill, that the testimony developed the fact that the rate had been fixed identically as that proposed by the manufacturers. I suppose the committee made some little investigation of it, but it seemed that the manufacturers were always able to convince them that they should have the rates that they had suggested.

I think that it is a travesty upon justice, that it is a great wrong and an injury to the farmers of this country engaged in the production of sea-island and long-staple cotton, to permit the manufacturers to have a duty upon goods manufactured from this product and at the same time not permit the producer of the cotton to have any tariff whatever placed upon the product of his toil and of his labor. I have proposed a rate of 6 cents a pound. I do not think this is really sufficient. I think the rate should be as much as 10 cents a pound, but I have offered this amendment in the hope that there will be a little spirit of compromise that will persuade at least a majority of the Senators to do justice by the farmers who are engaged in the production of Egyptian and long-staple cotton. I hope this wrong may be remedied in this way and justice done by this class of growers of our country.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Florida.

Mr. TRAMMELL. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. I ask to have the amendment stated.

The PRESIDENT pro tempore. The amendment will be stated.

The Assistant Secretary restated the amendment.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I vote "nay."

Mr. HARRISON (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. Elkins] and withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SIMMONS (when Mr. Overman's name was called). I wish to announce that my colleague, the junior Senator from North Carolina [Mr. Overman] is absent because of illness. He is paired with the senior Senator from Wyoming [Mr. Warren]. If my colleague were present, he would vote "nay."

Mr. WARREN (when his name was called). I have a pair with the Senator from North Carolina [Mr. Overman] and withhold my vote.

The roll call was concluded.

Mr. WATSON of Indiana (after having voted in the negative). I have a general pair with the Senator from Mississippi [Mr. Williams], but if he were present he would vote as I have voted, and I therefore will allow my vote to stand.

The result was announced—yeas 14, nays 45, as follows:

YEAS—14.

Ashurst
Bursum
Cameron
Fletcher
Harreld
Heflin
McNary
Norbeck
Oddie
Ransdell
Sheppard
Shortridge
Stanfield
Trammell

NAYS—45.

Brandegee
Calder
Capper
Colt
Culberson
Cummins
Curtis
Dial
Dillingham
du Pont
Edge
Fernald
France
Gerry
Glass
Hale
Hitchcock
Jones, Wash.
Kellogg
Keyes
King
La Follette
Lodge
McCumber
McKellar
McLean
Moses
Nelson
New
Newberry
Owen
Phipps
Reed, Mo.
Robinson
Simmons
Smith
Smoot
Sterling
Sutherland
Swanson
Townsend
Underwood
Wadsworth
Walsh, Mass.
Watson, Ind.

NOT VOTING—37.

Ball
Borah
Broussard
Caraway
Elkins
Ernst
Frelinghuysen
Gooding
Harris
Harrison
Johnson
Jones, N. Mex.
Kendrick
Ladd
Lenroot
McCormick
McKinley
Myers
Nicholson
Norris
Overman
Page
Pepper
Pittman
Poindexter
Pomerene
Rawson
Reed, Pa.
Shields
Spencer
Stanley
Walsh, Mont.
Warren
Watson, Ga.
Weller
Williams
Willis

So Mr. Trammell's amendment was rejected.

Mr. UNDERWOOD. Mr. President, I have not risen to take up the time of the Senate to any great extent, but there is pending in the Senate a concurrent resolution to have the enrolling clerks correct an error in the tariff bill we passed on yesterday, and I think we should not let the bill go through without extending our congratulations to our friends on the other side of the aisle.

Of course, there was not opportunity for very long consideration of the tariff bill. It was before the Congress only 15 months in one form or another before it passed the two Houses. We were advised before it passed that there were a good many errors in the bill in the way of adjustments of rates. But now we find that there are a good many errors in the actual construction and writing of the bill.

This great tariff bill lay before the Congress for 15 months, being taken up by the Senate last April and passed finally by the Senate yesterday. The ink was not dry on the record of the vote when the chairman of the Finance Committee, in charge of the bill, laid before the Senate yesterday afternoon a concurrent resolution to correct an error in one of the great schedules of the bill. It seems that in writing the paragraphs relating to sugar, one of the important revenue features of the bill, a serious error had been made, the language not reflecting the viewpoint of the majority party, which has the responsibility of passing the bill, and the error was corrected, and properly corrected.

A day has not rolled by since the Senate passed the bill, and this morning the Finance Committee asks us to make another correction in the bill, and a proper correction, one to which no one can object so far as making the correction is concerned. We may differ as to the rates, but we find one item which was placed in the bill by mistake.

No one charges those in charge of the bill with having made the mistake intentionally, but we find that one item in the bill is on the free list, so that the article can be imported into the United States free of duty, but when we turn to the tax list of the bill we find that a tax is placed on that very article. So if the bill became a law as it came from the hands of the conferees there would be an item in it in regard to which the customs authorities would be in doubt as to whether it was taxed or untaxed when the importer sought to bring the goods into America.

In other words, as the bill now stands, the item of coconuts is on the free list and on the tax list. We may have to correct this error in order to let the customs officials know that the party in power intends to tax coconuts and not leave them on the free list; but, so far as the bill is concerned, there will be no doubt in the minds of the American people as to whether they are taxed or not when this bill becomes a law. As soon as the President signs the bill and its drastic features go into operation the man who buys sugar will know he is taxed; the man who has to buy woolen goods to protect him from the winter storms will know he is taxed.

I think it is wise, however, to make these corrections. I admire the candor and courage of the majority party in coming in, within 24 hours after they pass a great tax bill, and ask Congress to correct their errors. Of course, if we find two errors in the bill in 24 hours, the Lord Himself only knows how many errors we shall find in it in the next 24 months.

Speaking of it seriously, these corrections only demonstrate what we have all known from the beginning—that the bill has been badly constructed. It has been thrown together instead of builded. The rates are high on some basic materials and comparatively low on the finished products made from those basic materials. They are very low on some basic materials but high on the finished products. It discriminates in favor of one class of citizens by letting them receive their goods at comparatively low rates, and it mulcts another class of citizens, not because the proponents of the bill have anything against the citizenship of the United States, but because there is some special interest knocking at the door which desires to lay tribute against the American people, and in the making up of the bill they have been given the privilege, the high privilege from the king of tariff to go into the pockets of American citizens and take out their money in order that the industries of special privilege may profit.

I do not intend to delay the passage of this resolution of correction. Possibly before we adjourn, in the next day or two, there may be other resolutions of correction presented. Although I am not in favor of taxing coconuts, I see no reason why those in charge of the bill should not be given an opportunity to correct so apparent an error as writing a tax on an article in the bill and then putting the article on the free list.

Mr. FLETCHER. Mr. President, it is not surprising, as the Senator from Alabama [Mr. Underwood] has suggested, that the committee proposes to correct, change, or modify this bill, even after it has been passed. We know what an extraordinary performance was indulged in during the six months or such a matter the bill was under discussion in the Senate, after it was reported from the committee. The committee would meet every morning while the bill was under discussion and conclude to offer amendments which they had found advisable to their own bill as reported and after the report had been submitted. It should not be at all unexpected that it is discovered some other corrections should be made. But we have spent enough time discussing the bill, I take it. The country is pretty well advised as to its meaning.

Bringing the subject down to a practical, everyday consideration by the plain, ordinary consumers of the country, an article appeared in the New York Evening Post recently which is rather impressive, it seems to me. It is along lines we have heard before, but perhaps it ought to be considered again by those who pay the taxes under the bill as it finally stands. I read:

> The new tariff bill, says the New York Evening Post "makes the free breakfast table a mockery," and in this paper William Q. Scroggs, the economist, recently recounted "the short and simple but somewhat intimate annals of a morning hour in the life of a plain middle-class American consumer," to "see how the tariff penetrates into the inner temple of his existence." To quote from this story as amended by Mr. Scroggs to fit the final form of the Senate bill:
>
> "His day begins when he is aroused by an alarm clock, and the new tariff bill raises the duty on this article 67 per cent. His first act is to throw off the bedcovering, on which the duty is advanced 133 per cent. He jumps from his bed, on which the duty is advanced 133 per cent, and dons a summer bath robe with the duty up 60 per cent, and slippers with the duty increased 33 per cent.
>
> "He walks over a Brussels carpet (duty up 100 per cent) to close the window, the duty on the pane of which has been raised 33 per cent, and adjusts the shade (duty up 20 per cent) and curtains (up 50 per cent). Then he enters the bathroom, stands before a mirror, on which the duty has been raised 100 per cent, sets out his shaving-stick, subject to an increase in duty of 67 per cent, his shaving-brush (duty up 30 per cent), and razor (up 100 per cent), and begins his tonsorial operations. This over, he devotes his attention to the bathtub, on which the duty has been raised 100 per cent. Towels (with the duty up 60 per cent), soap (up 67 per cent), toothbrush and hairbrush (up 30 per cent each), and comb (up 67 per cent) are next in demand.
>
> "As our consumer dresses, it may be noted that the new bill increases the duty 60 per cent on his underwear, 33 per cent on his hose, 15 per cent on his shirt and collar, 20 per cent or more on his necktie, and 60 per cent on his suit of clothes.
>
> "Our consumer decides to discard his waistcoat and transfers fountain pen (up 100 per cent), penknife (up 200 per cent), and lead pencil (up 80 per cent), from waistcoat to coat pockets, picks up a fresh linen handkerchief (up 30 per cent) from the dresser (up 133 per cent), polishes his eyeglasses (up 15 per cent), and after giving his clothes a touch with a brush (up 57 per cent), is ready for breakfast.
>
> "At the breakfast table our consumer spreads a napkin (duty up 15 per cent) on his knees, and turns on the current for his electric toaster, on which the duty has been advanced 160 per cent. He drinks water from a glass, on which the duty is 45 per cent higher, and begins his breakfast with an apple (duty up 200 per cent) baked with sugar (duty up 84 per cent) in an aluminum dish (up 150 per cent), on a cast-iron stove (duty up 100 per cent).
>
> "The duty is also advanced 27 per cent on his chinaware, 20 per cent on his table silverware, 200 per cent on his oatmeal, and 255 per cent on his butter. The cream for his coffee has been removed from the free list and subjected to a duty of 22½ cents a gallon, and his eggs also have been taken from the free list and made dutiable at 8 cents per dozen. The salt for his eggs likewise comes off the free list, and so does his bacon and the flour that goes into his bread. Even the duty on the salt shaker gets a boost of 45 per cent.
>
> "The only things on his table that have not been subjected to a higher tariff duty are his coffee and his drinking water."

No one should be deceived. It might as well be understood that this tariff act will jack up the cost of living and depress our foreign trade; it will increase the burdens of consumers and close markets for our surplus products; it will operate as a license to plunder, issued to profiteering beneficiaries. For every dollar the Government takes, protected interests will take two.

I also ask to have included in the RECORD as a part of my remarks an editorial from this morning's New York World entitled "Worst tariff and longest time."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WORST TARIFF AND LONGEST TIME.

> The Fordney-McCumber tariff bill, as it was voted through the Senate yesterday and as it now goes to the President for his signature, is the worst measure of the kind ever passed by Congress, and it has taken Congress the longest time of record to make it up.
>
> Preparatory hearings were begun by the Ways and Means Committee of the last Congress on January 6, 1921, before the inauguration of President Harding. The bill passed the House on July 21 of that year and then went to the Senate Committee on Finance, which worked over it 8 months and 21 days, or until April 11 of this year. It has been five months under debate and patching over in the Senate and a conference committee of the two Houses. It has thus been a total of 20 months and 14 days in the making.
>
> Forward steps in public policy are commonly harder to achieve than backward steps. But with the most reactionary of American tariff bills the rule is reversed. The reasons are clear. The backward march in this case has had to be executed through formidable obstacles all the way. Public sentiment as a whole has been openly hostile. Republican sentiment in unprecedented measure has been hostile. The change of the country from a debtor to a creditor Nation has put a new face on the whole tariff situation. Its much larger interest is now, if not before, to be found on the side of expanding trade intercourse with the outside world. It had been put by the war in a position to take and hold the commercial and manufacturing leadership of the world, and the people of the United States had come to realize the fact and to be eager for the great opportunity.
>
> But this tariff bill snatches away the opportunity and reverts to an outgrown policy of trade isolation. It again sets up in worse degree than ever the profiteering interests of a few favored producing classes above the general interests of all. At a time when the people bend as never before under the burden of high taxes and cost of living, this bill will impose some $4,000,000,000 in new taxes to be added to their cost of living.
>
> What the country thinks of this jobbery with highest material interests remains to be formally expressed, nor is the time of waiting long.

Mr. REED of Missouri. Mr. President, something was said here this morning about class legislation. I desire for a few minutes to call attention to the President's veto of the bonus bill, which, I think, has some relation to the tariff bill now under consideration.

Mr. McCUMBER. Mr. President, will the Senator yield for just a moment that I may suggest to him that if the concurrent resolution is to be effective at all it must be passed before the bill is enrolled. The House has not only been waiting yesterday but all night and this morning, and I am fearful I can not get them to suspend the enrolling further unless we can adopt the concurrent resolution. I ask the Senator if he will not allow us to vote on the resolution?

Mr. REED of Missouri. I only want 10 minutes.

Mr. McCUMBER. The Senator can then make his speech.

Mr. REED of Missouri. I shall not take very much time.

Mr. McCUMBER. I will ask the Senator if he will not let us vote?

Mr. REED of Missouri. Then I am afraid the Senator in charge of the resolution will not be here when I speak on the veto message.

Mr. McCUMBER. I will give the Senator my word of honor that I shall hear him.

Mr. REED of Missouri. Very well; I yield to the Senator's request.

The PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

COMPENSATION OF WORLD WAR VETERANS—VETO MESSAGE.

Mr. REED of Missouri. Mr. President, I dislike very much to criticize any document prepared by the President of the United States or under his direction, but I can not refrain from calling attention to the President's very remarkable veto of the bonus bill. I affirm first that a fair reading of the veto message will convince any man that it is the fixed purpose of the administration to kill every bonus bill which may be devised. As we read through the document and encounter the various arguments, verbal subterfuges, and special pleadings the conviction is forced home that the reason assigned for the veto, namely, that there is no provision made in the bill for funds with which to pay the bonus, is, after all, only a plausible excuse back of which there is no merit, and that it is thrust forward for the purpose of covering the real intent of the administration, which is to deny the bonus in toto and as a finality. I think I can make that clear as I proceed.

I call attention to this language, that the bonus—

> is not to discharge an obligation, which the Government always must pay, but to bestow a bonus which the soldiers themselves while serving in the war did not expect.

A little later the same instrument declares:

> Though undying gratitude is the meed of everyone who served, it is not to be said that material bestowal is an obligation to those who emerged from the great conflict.

And a moment later the same instrument insists that—

> Those who emerged from the great conflict came out not only unharmed but came forth physically, mentally, and spiritually richer for the great experience.

And then follows the statement:

> If an obligation were to be admitted, it would be to charge the adjusted compensation bill with inadequacy and stinginess.

Now, let us give a moment's attention to that language. First, the declaration is that those who came out of the war were benefited by the war; in other words, they made no sacrifices to be recompensed. That is the plain inference, and accordingly one might expect a special tax to be levied upon those young men to compel them to pay to the Government something for the benefits which were conferred upon them and the blessings which were handed to them when they were given an opportunity to go out and be shot at or be poisoned with gas.

All through the document runs the idea that there is no obligation, that there is no duty upon Congress, but that what we are giving to the soldiers and sailors of the war is in the nature of a gift, and a gift unjustifiable and unwarranted. If that is true, what is the use of longer spending our time discussing the question? If that is the position taken by the administration, then the administration is taking it not only for to-day, not because the bill does not carry a revenue provision in it out of which to compensate the soldiers, but it is a finality. If the arguments be true, the bonus never should be paid, and that is the position taken by the administration.

Mr. President, if the administration is right when it states that every man who entered the war and came out without being maimed or crippled received a physical development and was "mentally and spiritually richer for the great experience," then war, instead of being a curse is, after all, a blessing and we ought to take the figure of Justice from above the Capitol of the Nation and put up a brass figure of the god Mars. What say the boys who went into the struggle? Do they think it was a spiritual and physical and mental uplift which conferred benefits upon all the millions and offset any sacrifice they may have made, and therefore they shall be paid nothing on account of financial loss?

A little later in the instrument the President declares that when the war was being waged all classes of people rallied to support the Government. That is true. I apprehend, then, if they all rallied to support the Government they all got the same spiritual and mental uplift that the soldier did who went to the front. Yet when we are presented with this proposition, what is the position of the administration? The proposition is that the soldier who went to the front and suffered financial loss peculiar to his having gone to the front and springing directly from his having been taken away from his home and his business, shall not receive any money because he enjoyed a spiritual and mental uplift. But a war contractor, whom the President declares in common with all the other people of the country—for he includes him with all the other people—who stayed at home to make great profits from munitions or shoes or some other article and enjoyed a consequent mental and spiritual uplift, and also the uplift of his bank account, is to be relieved from any obligation of dividing any part of his profits for the purpose of recompensing the absolute losses which the soldier suffered.

I utterly repudiate the idea that the bill provides a gift or that it is a bonus. The idea has been repudiated throughout by the sponsor of the bill on the floor of the Senate, the Senator from North Dakota [Mr. McCUMBER]. It is calculated only to equalize as far as practicable the financial loss the soldier sustained through going into the war with what he would have received if he had not gone into the war. It is not intended to be a gift. It is based upon a principle which can well be illustrated. Two men are working at the same bench, each of them earning $5 a day. One of them is demanded by the draft and sent to the front, where he receives nothing except his mere living, for that is all he did receive. The other remained at home and found his wages doubled. They were both the same age; they were both equally liable to military service; but one of them was drawn in the draft and the other was not. Now, in a slight measure to equalize those differences this bill was passed, and upon that idea the whole bill is bottomed and not upon the idea of a gift, of a bonus.

Now, let us see how we treated the contractor in comparison with the soldier. The soldier who sustained a financial loss, according to the President, is to receive nothing. But the contractor who made contracts during the World War and found himself confronted with the fact that now the war was over he would sustain losses found the Government ready to relieve him from the obligation of his contract. In instance after instance, to the amount of millions and hundreds of millions of dollars, we have taken off the hands of contractors their property and we have recompensed them for actual losses which they sustained. Such awards have aggregated $3,000,000,000. But to the man who went to the front, who faced the firing line, who risked his life, and who jeopardized his health, though he sustained actual financial loss peculiar to his service, we refuse to give anything. That is the position in which the President places himself by his veto.

Moreover, the President's excuse is that no revenue is provided. When did it happen that in time of war the Government never incurred an obligation until the revenue was provided? I class this as a war measure, for it springs out of the war; it is the last, the final payment, perhaps, of the war. We settled our other obligations after the war was over, and we settled them out of the proceeds of the sale of bonds. More than that; in order to enable foreign countries to meet their obligations and to satisfy the contracts they had made, we gave to them $3,000,000,000 after the armistice was declared and the last shot had been fired. They were recouped for their losses. Not only the American contractor but the foreign contractor was recouped out of money taken out of the United States Treasury to the amount of $3,000,000,000, and nobody uttered a single protest against it, I believe, except myself. I protested somewhat and stated that the money was being paid out illegally.

The President, however, says that this obligation which springs out of the war can not be incurred because the money is not in sight. If it is an obligation springing out of the war, and it is incurred by this Congress, and is not met by the ordinary revenues of the Government, then it would undoubtedly have to be met ultimately by the issue of the necessary amount of bonds. So far as I am concerned, so long as we can issue bonds to pay for the goods we obtained in the war—and that was proper—I contend that we ought not to refuse to issue bonds, if necessary, to pay a compensation to the soldiers of the war which is morally due to them.

But, Mr. President, let us see why we have not the revenue. We do not have the revenue because the administration issued the command in advance and cut off one of the chief sources of revenue. It proposed to reduce the taxes upon the incomes of 12,000 American millionaires by $90,000,000 a year, although the greater percentage of those millionaires had accumulated a large part of their fortunes as the result of this war. The Democrats defeated that proposition in part, but still the Republicans reduced the surtaxes so that no surtax runs above 50 per cent, whereas such taxes had formerly run to 65 cents on enormously high incomes. That attempted reduction amounted, as I have stated, to $90,000,000 a year.

The Republican majority then took the tax off excess profits. That tax was estimated to be $450,000,000 this year. Somebody has stated that that estimate is wrong, but a moment ago I talked with the expert in the Treasury who made the estimates on which the Finance Committee acted, and he stated that, so far as experience has shown, he had been mistaken in his total estimates less than one-thirtieth of 1 per cent. So we have the right to assume that the $450,000,000 which was taken off excess profits would have been realized by the United States Treasury had the Republicans permitted it to remain.

Now, in a word, what is the excess-profit tax? A corporation that makes 10 per cent net profit and no more does not pay a penny of excess-profit tax. The excess-profit tax is levied only upon profits made by corporations in excess of 10 per cent. Therefore it is levied upon corporations which enjoy unusual profits, and nearly all of them are enjoying those profits because of prices which still oppress this country as the result of the war. While they are enjoying those profits and those benefits which came to them because of the service of our soldiers upon the field of battle we relieve them of the tax on those profits and we refuse to give compensation to the soldiers for the losses they actually sustained.

Oh, of course I know it will be said that nobody can figure the actual losses. That, unfortunately, is true; we can not go into each State; but the committee, after full consideration, struck a minimum which they thought, in a general way, would be an equitable average, and they proposed to give that, but instead of giving that, the tax is taken off the exceedingly prosperous and profiteering concerns of this country, and then we are told the Treasury has no money.

Again, Mr. President, after having declared that this is a mere gift—and if it is a mere gift, then, of course, no one need complain of its smallness, for nobody has any right to look a gift horse in the mouth—the President later in his message referred to it in this wise:

> I regret to stand between them (the soldiers) and the pitiably small compensation proposed.

In one word it is a "gift"; in the other it is a "compensation." "Compensation" means something that is paid to make up for a loss sustained or for property or something that has been parted with. When he comes to that the President says that it is "pitiably small." What kind of an excuse is it for a moral debtor to say that he refuses to pay at all because he can not pay all that he ought to pay? If a man owes me in justice and equity $10,000 and can only pay $1,000, is it just for him, if I may use a slang expression in this body, to "welsh" on the whole obligation because he can not pay the $10,000; to make his inability to pay in full an excuse for not paying any part? I only call attention to it because of its utter inconsistency.

Finally we get to the humor of this message—and the President is always a humorist; perhaps an unconscious one, but a humorist just the same—when he says:

> These ex-soldiers who served so gallantly in war, and who are to be so conspicuous in the progress of the Republic in a half century before us, must know that nations can only survive where taxation is restrained from the limits of oppression, where the public treasury is locked against class legislation.

And yet, as his veto message has been delivered to this Chamber while I have been speaking, there is being carried to the other end of the Capitol the final amendment to a tariff bill which is nothing but class legislation from the first line to the last word; legislation in favor of the great manufacturing class; legislation in favor of the great moneyed class; legislation that was intended to put the hand of the manufacturer and profiteer into the pocket of every American citizen; legislation that is designed to build a tariff wall so high that behind it the trust magnates may get together and rob the American people to their hearts' content, and do it without paying any excess-profits tax, for that they have already had repealed. The duties secured by this tariff will levy a tax in the aggregate of five or six billions of dollars upon American consumers.

Class legislation! This morning we have levied a tax upon every man and woman who drinks a cup of coffee with a little sugar in it, and we have levied that for a class of citizens dealing in sugar.

Class legislation! We have levied a tax upon wool, so that every man, woman, and child in this country who wears a woolen garment shall pay a tax to the classes that are interested in the production of wool and its manufacture.

Class legislation harrows up the tender soul of the President, but we have levied a tax upon the glass which every human being puts to his lips, and we have done it for the benefit of a concern that is now under indictment and about to go to trial for having indulged in trust practices—cornering the markets of the United States, throttling competition, and increasing its profits to huge and indecent amounts. This combination is not the only trust under indictment to secure benefits from this legislation. The Cast Iron Pipe Trust, the Cement Trust, the Clay, Tile, and Terra Cotta Trust have all been indicted in Federal courts, yet all of them have been rewarded by the tariff bill we have just passed. I cite these only as a few examples; the list could be extended.

Class legislation! We have levied a tax upon the socks that the poor man wears, and we have done it for the benefit of a few cotton manufacturers in the United States.

Class legislation! We have levied a tax upon every yard of gingham, and put that burden on every woman who works in her kitchen, on every farm wife, on all the vast mass of our people who use that class of goods, and we have done it for the benefit of a small and numerically insignificant class.

Class legislation! We have levied a tax upon the swaddling clothes in which the babe is wrapped at his birth; we have levied a tax upon the lining of the coffin in which old age is laid away; and we have done it for the benefit of a very limited class.

Class legislation! Let us have a little legislation in favor of that class who stood on the red line of battle, who looked into the mouth of hell, whose brothers went to their death with cheers upon their lips; that class of boys whose hearts beat strong and whose eyes were clear when they floated in the air 10,000 feet above the earth—class legislation for the men that saved the United States of America. Let us not hear the words "class legislation" from those whose hands are polluted by the robbery of the American people which you have just perpetrated. [Applause in the galleries.]

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The Senator from Mississippi will suspend just a moment. Is there any further morning business? The morning business is closed.

Mr. CURTIS. I ask that the unfinished business, House Joint Resolution 270, be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

The Clerk of the House of Representatives (William Tyler Page) appeared and delivered the following message:

> The President of the United States having returned to the House of Representatives, with his objections thereto, the bill of the House No. 10874, commonly known as the adjusted compensation bill, the House of Representatives proceeded to reconsider the same, and
>
> *Resolved*, That the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

Mr. WILLIAMS. Mr. President, if it were true—and it is not—that the bonus bill was for the benefit of those who looked into the mouths of the cannon and who walked up the steeps against the German artillery and infantry, there would be some reason in the attempt at eloquence made during the last five minutes of the speech of the Senator from Missouri; but it is not true. This is a bill to give a bonus to something like 4,000,000 men, over one-half of whom never faced a shot, over one-half of whom never went across the seas, about one-fourth of whom never served outside of a military camp, about one-tenth of whom, men and women, were serving with shoulder straps in Washington departments, and never got anywhere to illustrate their courage.

For the man who marches forward facing the cannon's mouth, whether for glory or for self-respect or for his country's welfare, everybody has high respect. Why did they not confine this bonus bill to the men who faced fire, the men who, upon Flanders' fields or France's fields, offered their breasts to gunshots? Why did they take in all the clerks around Washington, and all the men in the encampments who never did anything except subject themselves to a new process of being washed every morning and living a more sanitary life than they were accustomed to? Why did you put them all in? Why, you put them all in because you knew you could not carry off the steal without putting them all in. You knew that if you confined it to the one million of men who went to France, and a little bit over a million, you would not have gotten much consideration from the politicians of America; but you wanted to take in the 4,000,000 serving at the training camps, some of them in the departments at Washington wearing spurs, as old JOE CANNON said, for fear that their heels might slip off the desks. You put them all in, even the women, and they were not supposed to face any firing. They never presented their beautiful breasts to the cannon shot of the enemy, and ought not to have done it. I would be ashamed of myself if American men would have permitted them to do it; but they are in it, even.

Let us get rid of the pretense of eloquence and oratory and heroism about this bill. If you will confine it to the men who actually entered action in France or in Belgium in American uniforms, you will get my approbation; but if you dare do that, you know you can not pass the bill. That is where you are.

What is the use of any idle pretense of oratory or eloquence about it? What is the use of ringing the changes upon heroism about it? The fellow that served at Camp Meade or down here at Petersburg never incurred any very great danger that I know of, unless he was under the command of a negro sergeant who did not know how to order the trench guns to be fired. I did hear of one case where a fellow was accidentally killed in that way, but I never heard of but one.

Mr. President, the last address we heard was from a Senator who, a few days ago, referred to sentiment contemptuously. There is no poetry in the soul of a man who can refer to human sentiment contemptuously. To say that a man is sentimental is to pay him the highest compliment that one man can pay another or that a pure woman can pay a brave man. The other day I referred to the fact that the only thing that was not rotten, and could not rot, was human sentiment.

I belong to a breed of men who for 400 years have been dying on the wrong side. Some of them fought like fools for the Stuarts in England. Some of them died under Tyrone's Roman Catholic insurrection in Ireland. Some of them followed the Stars and Bars until they fell in gloom, although not in disgrace, at Appomattox. We do not recognize that sentiment is to be referred to contemptuously. If it were to be so referred to the man who died for the Stuarts was simply an infernal fool, and the man who followed Robert E. Lee to Appomattox did not have much sense; but, all the same, he had heroism, he had courage, and he had communion with the immortal gods, because they were in his heart, and the very spirit of Jesus Christ was working before him, because Jesus Christ fought for the greatest lost cause that the world ever witnessed.

I have no sort of sentiment to waste upon the man who refers to sentiment contemptuously. He will make his own peace somehow, the man who can do that, and he will come out on top, somehow; but the man who does not come out on top and who goes to his destruction voluntarily in the name of God and humanity is the man worthy of other men's adoration. It is not the fellow who refers to sentiment contemptuously and who wants to find pounds, shillings, pence in every proposition that he can present to the public.

Then, Mr. President, the Senator draws what he imagines to be an unfavorable contrast between my boys and my nephews who did go to France and the fellow who stayed at home and got, I think he said, $5 a day pay—$5 a day pay—and he wants us to put our boys upon the same rank or in the same class as those who got the $5 a day, and he wants us to equalize things between the profiteer and the hero.

How can you equalize things between the profiteer and the hero? By making a profiteer out of the hero. That is the only way you can do it. That is the Senator's proposition—to make a profiteer out of the hero. Here is a worthless son-of-a-gun who made money out of the war. I come back from France, and I say to the Federal Government: "Let me make money out of the war, too, and put me on an equality with him." Put me on an equality with him? God Almighty would have to raise him 5,000 feet before he could get on an equality with me. If it is a question of altitude, then you had better raise the profiteer, if you know how. Maybe God does. I do not. I doubt if you do; but do not lower the man who undertook to do his best in the hour of trouble, without vaunting and without self-praise and without bragging, and went forward and faced whatever was necessary to be faced. Do not bring about equalization by lowering him. Bring about the equalization, if you know how—I do not know how—by putting the infernal scoundrel in jail, if you can find out how to indict him under ordinary common law procedure or under the statute law of any State. He ought to be in jail.

Every honest man hopes that the profiteer may be there some day, because a man who deliberately makes money out of his country's misfortunes in time of war is a scoundrel who ought to be in jail, or have his throat cut, one of the two. But this appeal to the Senate of the United States to put the boys who marched through the Argonne, who charged at St. Mihiel, who threw back the German advance at the Marne, is not an effort to raise humanity, but an effort to lower it and to lower it infinitely.

Oh, yes; there were profiteers, and there were a good many of them. I remember boys in my office and boys in other Senators' offices who invested in Liberty bonds to help their country, and then later on had to sell their bonds, but found that the market price was only $89. Yet if any of them hold their bonds they will be referred to as bloated bondholders by demagogues in less than a half a dozen years from now. I bought from four to six thousand dollars of their bonds, because, I said, "It will be no loss to me; I will not want to sell the bonds as long as I get the interest on them; the market value of the bond does not make any difference to me, but it makes a lot of difference to you, and you shall not sell them at $89; you shall sell them to me at par"; and I bought them. The Senator from Utah [Mr. SMOOT] and I sat upon the committee here one day and granted a request of some people upon condition that they paid for their bonds at par.

Mr. President, who wants to be equalized with the profiteers? No gentleman does. He can have his special class equalities if he chooses, but by the name and the fame of the Savior, he can not make me one of his class and can not make me equalize things between him and me. His god may be money—and it was money—but my god is something else, and that something else is the inner voice which appeals to every gentleman and every man of honor to do his duty, and to do it well if he knows how, or can find out how, and will try to find out how.

This appeal to put the soldier upon a footing with the profiteer does not appeal to me. If the Senator from Missouri or anybody else believes that he is raising the soldier by that appeal, I say to him that he is lowering him to the depths of degradation and contempt. Even during the Civil War, in the section of the country which went down under the Stars and Bars in behalf of the lost cause, there were in Mississippi and all over the South men who managed somehow to make money out of the war. By the special inspiration of the devil, perhaps, they knew how to make money out of it. There were men in the South who came out of that struggle rich. Most gentlemen died, some of them were wounded, and others were left poor. Would we ever have appealed to the men who fought with Jackson or Lee to put themselves on an equality with the dogs who were disloyal to the South and made money out of the war by running the blockade with cotton or other things? I do not think they would have done it.

Mr. President, I am a Democrat, a plain, ordinary, blamefool Mississippi Democrat, without any embroideries and without any frills, and without any special designation, but I am going to stand behind the Republican President of this country in this veto message because he is right, and the only thing that is bothering me is my wonder how a Republican like him could have gotten so right. Whenever I find a Republican, the Chief of the party, right upon a proposition my wonderment grows. As Oliver Goldsmith said about the old schoolmaster:

* * * Still the wonder grew,
That one small head could carry all he knew.

As far as this particular veto message is concerned, of course it is like everything coming from a Republican head; it is a bit inconsistent. But it is all right, and the Senator from Missouri was about right when he said the President was inconsistent when he went on to dwell upon the smallness of the appropriation, when the right fight against the appropriation was upon the ground that it was wrong in principle and had nothing to do with the amount of it at all. I would not care if it were twenty million; I would be opposed to it. I would not care if it were only a hundred thousand; I would still be opposed to it, because the principle is wrong, and the wrong principle that runs through it all is the idea that you can put heroism and manhood and honor upon an equal footing with profiteering and money-making. You can not do it, and whenever you try to do it you sap the life of the Republic. You are gradually traveling on to the old Roman idea of bread and circuses, traveling, as they used to say, ad panem et circences.

Then the Senator used that queer old English word "goods." He said the profiteer had got his "goods," and he wanted the soldier to have his goods. A man who is willing to bare his breast and offer to die for "goods" is so contemptible that he is not worthy of mention in the arena of any respectable society. The profiteer got his "goods," and the Senator tells us that there were two brothers, one of whom stayed here and got $5 a day and the other went to France and got nothing, as he said, or would have us infer. The brother who went to France got immortal glory, and if that is not worth $5 a day, then God is a humbug, and all poesy is humbuggery, and all dreams and visions, if God is running the world through the instrumentality of humanity, are humbugs.

"Goods!" Two brothers; one stayed at home and got "goods," $5 a day, while the other went to France, and, if he did his duty, got immortal glory for himself; and the Senator, instead of proposing to compensate the poor ass who stayed here for $5 a day, proposes to compensate the hero who went to France.

What would you have to add to that boy's $5 a day to put him upon the same footing with the boy who charged through the Argonne Forest or went through the St. Mihiel fight? Could you express it in money? I do not think you could. But if you could express it in money, it would be many, many multiples of $5 a day.

I suggest that, in accordance with the oratory and the eloquence of the Senator from Missouri—and he is oratorical and he is eloquent, everybody recognizes that—he offer an amendment that nobody shall receive any benefit under this act unless he was actually under fire during the war. I will bet three plantations to two ginger cakes that he dare not offer the amendment, and I will deliver the plantations if I lose, in absolute hopelessness of ever collecting the ginger cakes if I win.

Do not indulge in oratory and eloquence and that sort of folly. Just tell somebody the plain truth about it. Do not give the fellow who performed his military service at Camp Meade or down at Petersburg the same pay you give the boy who charged at St. Mihiel and went through the Argonne luckily without being shot.

Another thing, do not in your oratory all the time mix up talk about the men who were wounded and disabled and diseased or died leaving dependent wives and children. But you do that. You never say a word in behalf of this bill without somehow bringing in the disabled, who are being taken care of as well as we can take care of them right now, and who will be taken care of to the bitter end with not only a liberality and a justice but with a generosity that will plant the American people forever upon a height as a monument to themselves.

Why put all that nonsense into it? Nobody is opposing giving liberally for the relief of any disabled or crippled boy, or any boy who even suffered with shell shock; and, by the way, some of the men who suffered shell shock really suffered with fright. Still, we are taking care of them the best we know how, and we are going to take care of them better and better every day.

The Senator spoke of the high cost of living. How did the high cost of living affect my boy in the Argonne or at St. Mihiel? It did not affect him at all. It might have affected a laborer here at home, but my boy, or yours, or yours, if you had boys there, was getting his food and he was getting his clothing. They were getting small pay, but enough to send their mothers provision if they died and to subscribe to a $10,000 life policy for their mothers or their wives or their sisters, whichever they chose. The man who was getting his $5 a day perhaps needed the increase, but my boy or yours at St. Mihiel and the Argonne did not need it. That was not all. We were over here standing behind them. We were not forgetting the boy. We were not deserting him. We knew he was there. We knew he was doing his duty and he knew that we knew that we were going to take care of him.

I have not much respect for the idea that anybody, whether he served in the Army or anywhere else, ought to become an incubus upon the Government which he serves or upon the people whom he serves. I believe with St. Paul that every man ought to be able to look every other man in the face and say, "I owe nobody anything," and next to that to look everybody in the face and say, "Nobody owes me anything, either. I am here upon my two legs." I believe with Bobby Burns that he ought to—

> Gather gear by ev'ry wile
> That's justified by honor—
> Not for to hide it in a hedge,
> Nor for a train attendant,
> But for the glorious privilege
> Of being independent.

I have very little respect for the man who does not want to be independent, independent of other men, independent of his Government, stand on his own two legs and face the world.

Now, Mr. President, I am a Democrat, and a Democrat of the old type, but I thank God that we had a President who had the backbone to veto the bill, just as I thank God that old Ulysses Grant, although he was a Republican, too, had the backbone to veto the unlimited greenback issue which was offered mainly by Democrats and by a good many western Republicans during his administration. Mr. President, every man has occasion every hour in the day and every minute in the hour to thank God for many things, but there is nothing for which man has greater cause to thank the Deity than the fact that there is somebody in authority who has courage.

Of course, the veto is an unpopular thing. That is the reason why the Republicans shoved it off on the President, because they knew it was unpopular. That is the reason why a good many Democrats joined in shoving it off on the President, because they had a better reason—they hated the President and wanted him hurt. Republicans did not have that reason and did not want him hurt, but all the same they joined in shoving it off on him. I knew the President when he was a Member of this body, and I confess that until the veto message came in I had my doubts about whether he would ever have backbone enough to sign it, but he did sign it, and I am behind him for once. I hope to God that future Presidents of the United States, whether Democrat or Republican, will have backbone and be willing to do the right thing, whether popular or unpopular, and especially if unpopular, because there is not much merit in doing the right thing when it is popular.

Now, Mr. President, I like that phrase "the goods." The profiteers here at home "got the goods," the Senator from Missouri said, and now he wants to equalize it so the boys who did not stay at home and profiteer shall get some goods, too. Is that the object of existence? Is that the object of human thought and human sentiment and feeling, to get the goods? Why, I never heard the phrase used except in connection with some scoundrel and money-maker. "Get the goods." "If you have not got the goods already, get the goods." "Put money in thy purse," as the villain in Othello would say. "If honestly, put it in thy purse honestly. If dishonestly, still put it in thy purse." Go out and do brave things and true things and honorable things and glorious things, and then come back with a bill made out for so much and say to your country and to the goddess who presides over the destinies of your country, "Here is my bill for so many dollars and so many cents, so many pounds and so many shillings and so many pence. Pay me. Reduce me to the level of the infernal scoundrel who made money out of it. If you reduce me to his level, I will thank you always as if you had given me a reward." Nobody really means all that; not even when he says it. No honest man really means it. No honest man can look another honest man in the eye, just the two of them by themselves, and say he really means that proposition. He does not really mean it. When a man, whether he is in public life or is in private life, is seeking a high plane upon which to think and talk, he ought not to reduce heroism to the level of "profiteeringism." He ought, upon the contrary, try to raise "profiteeringism" to the level of heroism if he can. Of course, he can not do it. Nobody but God can do that, and God has never thought it really worth while. But if it could be done, that ought to be the object of his ambition.

Mr. ASHURST. Mr. President, the Senator from Mississippi [Mr. Williams] decried any elaborate oratory being employed on this occasion. He said "instead of oratory"—not referring to me, of course—"let us have the facts." I intend to give a few facts.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Idaho?

Mr. ASHURST. I always yield to the Senator from Idaho.

Mr. BORAH. A parliamentary inquiry. What is before the Senate?

The PRESIDING OFFICER. The Liberian loan bill is the unfinished business.

Mr. BORAH. I would like to ask the Senator in charge of the bonus bill if he proposes to place the veto message before the Senate?

Mr. McCUMBER. The Senator from Iowa [Mr. Cummins] desired it to be held until he returned, and whatever is done by the Senator from Iowa when he returns I shall abide by. Unless some one else moves to take it up, it will lie on the table for the present.

Mr. WATSON of Indiana. It has not yet been handed down by the Presiding Officer.

Mr. BORAH. Why is it not handed down?

Mr. HEFLIN. Mr. President, I suggest to the Senator from Idaho that he request or move that the veto message be handed down, and in that way we will get it before the Senate.

The PRESIDING OFFICER. The present Presiding Officer was requested not to hand the message down until the Senator from Iowa [Mr. Cummins] is here. That is the only reason why the present Presiding Officer has not placed it before the Senate.

Mr. McCUMBER. The Senator from Iowa will be here in a moment, and I hope Senators will be patient until he returns.

Mr. ASHURST. I shall try to relieve the tedium until he does return.

The PRESIDENT pro tempore resumed the chair.

Mr. UNDERWOOD. If the Chair intends to lay the veto message before the Senate at this time, I would like to suggest the absence of a quorum.

Mr. ASHURST. I hope the Senator will not call for a quorum.

Mr. UNDERWOOD. I thought the Senator from Arizona had yielded the floor.

The PRESIDENT pro tempore. What is the request of the Senator from Arizona?

Mr. ASHURST. Mr. President, I speak now of a change of mind on the part of the President of the United States. I have no criticism to make of any man, whether he be President, Senator, or judge, who changes his mind. It is a right upon which I shall insist for myself and which I freely grant to all others. But when one speaks as a nominee of a great party for President of the United States we must assume that he spoke only after mature reflection and consideration. The fact that he is a presidential nominee and that the election is only six or seven days away does not and should not sweep him off his feet and cause him to make wild statements. Surely it must be only the gravest reasons that would induce a man as a nominee to speak one way in a campaign and act the reverse as President. Speaking in Ohio on the 29th day of October, 1920, in answer to a question as to why the soldiers did not get their bonus, Senator Warren G. Harding is reported to have said:

> I am very happy to say to you that the House passed the bonus bill and the Senate has it under consideration, and I have no doubt the Senate will pass it. I myself think it ought to pass it, if you want to know my views.

While we must accord to all persons the right to change their opinions and views, we are not estopped to examine and compare the weight of the two different opinions; we have a right to examine the evidence which induced the change of opinion.

Mr. President, 22 States through their legislatures have petitioned that this adjusted compensation legislation be enacted. The governors of 32 States have urged the Chief Executive to approve the legislation. The House of Representatives twice voted for the measure, the vote upon the last occasion being 333 yeas to 70 nays. Yet the Senator from Mississippi [Mr. Williams] stated over and over again that those who desired to pay this adjusted compensation were trying to make profiteers out of the soldiers.

The Senate Finance Committee approved this measure three times. The bill was passed by the Senate by a vote of 47 yeas to 22 nays, and the conference report was agreed to by a vote of 36 yeas to 17 nays. Yet the Senator from Mississippi says that all those who wish to pay this adjusted compensation desire to make a profiteer out of the soldier.

The Senator from Mississippi stated that those who served in the camps, and never had an opportunity to go abroad, should not be paid adjusted compensation; and yet the Senator omitted to remember that in the past four or five years we have paid $225,000,000 as a bonus to our civil service employees. How may we, as American Senators, say to the man in the civil service, indeed say to every man and woman in the employ of the Federal Government, in a civil capacity, "You may have a bonus," but that it is profiteering to give adjusted compensation to those who enlisted in the honorable service of their country as soldiers.

Moreover, Mr. President, I may state that this is the last of the Great War measures so far as concerns the liquidation of obligations which we impliedly or expressly incurred during the war.

We took over the railroads as a war measure, just as we drafted the soldiers as a war measure. We have paid to the railroads an adjusted compensation exceeding $764,000,000.

The war suddenly stopped; the armistice was signed; the guns fell silent; but contractors were able to show that they had sustained losses or in some instances would have made profits, and that we owed them as adjusted compensation the sum of $3,000,000,000. Appropriate legislation was passed paying or providing for the payment of this $3,000,000,000 on uncompleted contracts.

There was a tax which had been imposed on large incomes, and those paying that tax made an outcry and said, "Relieve us from the payment of this tax." So Congress passed legislation relieving the possessors of large fortunes of the payment of $90,000,000 annually on their taxes.

Congress then repealed the excess-profits tax, and thus relieved owners of large fortunes from an additional $450,000,000 annually. Yet because the esteemed Senator from North Dakota, the chairman of the Committee on Finance, brings in a bill to adjust in some measure the compensation of our ex-service men he is stigmatized as a demagogue.

Mr. President, I have never been free in my eulogies of Republican Senators, but I think it is appropriate for me to say that the Senator from North Dakota when he finishes his term will have served in the Senate for 24 years, and so far from being a demagogue he is very nearly a reactionary.

Mr. WALSH of Massachusetts. Mr. President——

Mr. ASHURST. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I notice in reading the President's veto message this expression by him:

> I confess that I regret to stand between them and the pitiably small compensation proposed.

I should like to know how many veterans in Arizona look upon sums ranging from $100 to $500 as pitiably small compensation. I know some of the mill workers of Massachusetts would consider $100 a very large sum of money to have at this time.

Mr. ASHURST. Let us examine the features of this compensation bill and see whether the amount is pitiably small.

The PRESIDENT pro tempore. The Senator from Arizona will please suspend. The Chair lays before the Senate at this time the message from the House of Representatives relating to House bill 10874, together with the message of the President of the United States relating to the same bill.

Mr. ASHURST. Mr. President, I will pause in my remarks——

The PRESIDENT pro tempore. Will the Senator allow the Secretary to read the message from the House, as well as the message from the President?

Mr. ASHURST. The Chair desires to have the message read. I yield for any purpose to facilitate the Chair.

Mr. UNDERWOOD. Mr. President, I will say that I think if the message from the President carrying the veto of the bill comes before the Senate, and is once laid before them, it is before the Senate for consideration and appropriate action. If the Senator yields for that purpose, it then places the matter before the Senate for disposition. Of course, the Senator could be rerecognized.

The PRESIDENT pro tempore. One reason for the action of the Chair is that the Senator from Arizona is addressing himself now to the very question which will arise when the message of the House is read.

Mr. ASHURST. My position is this: I am willing to suspend. I want to do the appropriate thing. This is a message from the President, and while I do not happen to agree with him, all messages from the President should be treated with the greatest respect and consideration. If it be my duty, or if it be the usual procedure, to suspend at this moment while it may be read, I cheerfully do so. I would not under any circumstances allow any procedure on my part to be construed as any disrespect to the message, although I do not agree with it. If it is proper now, or if any Senator desires it, I will suspend until the message is read. The Chair must decide that.

The PRESIDENT pro tempore. The Chair has laid it before the Senate because it is a matter of privilege. The message will be read.

The reading clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
September 20, 1922.

The House having proceeded in pursuance of the Constitution to reconsider the bill (H. R. 10874) entitled "An act to provide adjusted compensation for veterans of the World War, and for other purposes," returned to the House by the President of the United States, with his objections thereto, with the message of the President returning the bill; and

Resolved, That the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

The PRESIDENT pro tempore. The Secretary will read the message of the President of the United States relating to the bill.

Mr. NEW. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ashurst
Borah
Brandegee
Broussard
Bursum
Calder
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dial
Dillingham
du Pont
Edge
Ernst
Fernald
Fletcher
Gooding
Hale
Harrison
Heflin
Jones, Wash.
Kellogg
Keyes
La Follette
Lenroot
Lodge
McCumber
McKellar
McLean
McNary
Moses
Nelson
New
Newberry
Nicholson
Norbeck
Oddie
Pepper
Phipps
Ransdell
Reed, Mo.
Reed, Pa.
Robinson
Sheppard
Shields
Shortridge
Smith
Smoot
Stanfield
Sterling
Sutherland
Townsend
Trammell
Underwood
Wadsworth
Walsh, Mass.
Warren
Watson, Ind.
Williams

The PRESIDENT pro tempore. Sixty-two Senators having answered to their names, there is a quorum present. The Secretary will read the message of the President of the United States relating to the bill just referred to.

The reading clerk read as follows:

To the House of Representatives:

Herewith is returned, without approval, H. R. 10874, a bill "to provide adjusted compensation for the veterans of the World War, and for other purposes."

With the avowed purpose of the bill to give expression of a nation's gratitude to those who served in its defense in the World War I am in accord, but to its provisions I do not subscribe. The United States never will cease to be grateful; it can not and never will cease giving expression to that gratitude.

In legislating for what is called adjusted compensation Congress fails, first of all, to provide the revenue from which the bestowal is to be paid. Moreover, it establishes the very dangerous precedent of creating a Treasury covenant to pay which puts a burden variously estimated between four and five billions upon the American people, not to discharge an obligation which the Government always must pay, but to bestow a bonus which the soldiers themselves while serving in the World War did not expect.

It is not to be denied that the Nation has certain very binding obligations to those of its defenders who made real sacrifices in the World War, and who left the armies injured, disabled, or diseased so that they could not resume their places in the normal activities of life. These obligations are being gladly and generously met. Perhaps there are here and there inefficiencies and injustices, and some distressing instances of neglect, but they are all unintentional and every energy is being directed to their earliest possible correction. In meeting this obligation there is no complaint about the heavy cost. In the current fiscal year we are expending $510,000,000 on hospitalization and care of sick and wounded, on compensation and vocational training for the disabled, and for insurance. The figures do not include the more than $35,000,000 in process of expenditure on hospital construction. The estimates for the year to follow are approximately $470,000,000, and the figures may need to be made larger. Though the peak in hospitalization may have passed, there is a growth in domicilization, and the discharge in full of our obligations to the diseased, disabled, or dependent who have a right to the Government's care, with insurance liability added, will probably reach a total sum in excess of $25,000,000,000.

More than 99,000 veterans are now enrolled in some of the 445 different courses in vocational training. Fifty-four thousand of them are in schools or colleges, more than 38,000 are in industrial establishments, and a few more than 6,000 are being trained in schools operated by the Veterans' Bureau.

Approximately 19,000 have completed their courses and have employment in all cases where they desire it, and 53,000 have deferred for the present time their acceptance of training. The number eligible under the law may reach close to 400,000, and facilities will continue to be afforded, unmindful of the necessary cost, until every obligation is fulfilled.

Two hundred and seventy-six thousand patients have been hospitalized, more than a quarter of a million discharged, and 25,678 patients are in our hospitals to-day.

Four hundred and sixteen thousand awards of compensation have been made on account of death or disability, and $480,000,000 have been paid to disabled men or their dependent relatives. One hundred and seventy-five thousand disabled ex-service men are now receiving compensation along with medical or hospital care where needed, and a quarter of a million checks go out monthly in distributing the $8,000,000 payment on indisputable obligations.

I recite the figures to remind the Congress how generously and how properly it has opened the Treasury doors to discharge the obligations of the Nation to those to whom it indisputably owes compensation and care. Though undying gratitude is the meed of everyone who served, it is not to be said that a material bestowal is an obligation to those who emerged from the great conflict not only unharmed but physically, mentally, and spiritually richer for the great experience. If an obligation were to be admitted, it would be to charge the adjusted compensation bill with inadequacy and stinginess wholly unbecoming our Republic. Such a bestowal, to be worth while, must be generous and without apology. Clearly the bill returned herewith takes cognizance of the inability of the Government wisely to bestow, and says, in substance, "We do not have the cash; we do not believe in a tax levy to meet the situation, but here is our note; you may have our credit for half its worth." This is not compensation, but rather a pledge by the Congress, while the executive branch of the Government is left to provide for payments falling due in ever-increasing amounts.

When the bill was under consideration in the House I expressed the conviction that any grant of bonus ought to provide the means of paying it, and I was unable to suggest any plan other than that of a general sales tax. Such a plan was unacceptable to the Congress, and the bill has been enacted without even a suggested means of meeting the cost. Indeed, the cost is not definitely known, either for the immediate future or in the ultimate settlement. The Treasury estimates, based on what seems the most likely exercise of the options, figures the direct cost at approximately $145,000,000 for 1923, $225,000,000 for 1924, $114,000,000 for 1925, $312,000,000 for 1926, making a total of $795,000,000 for the first four years of its operation and a total cost in excess of $4,000,000,000. No estimate of the large indirect cost ever has been made. The certificate plan sets up no reserve against the ultimate liability. The plan avoids any considerable direct outlay by the Government during the earlier years of the bill's proposed operations, but the loans on the certificates would be floated on the credit of the Nation. This is borrowing on the Nation's credit just as truly as though the loans were made by direct Government borrowing, and involves a dangerous abuse of public credit. Moreover, the certificate plan of payment is little less than certified inability of the Government to pay, and invites a practice in sacrificial barter which I can not sanction.

It is worth remembering that the public credit is founded on the popular belief in the defensibility of public expenditure as well as the Government's ability to pay. Loans come from every rank in life, and our heavy tax burdens reach, directly or indirectly, every element in our citizenship. To add one-sixth of the total sum of our public debt for a distribution among less than 5,000,000 out of 110,000,000, whether inspired by grateful sentiment or political expediency, would undermine the confidence on which our credit is builded and establish the precedent of distributing public funds whenever the proposal and the numbers affected make it seem politically appealing to do so.

Congress clearly appraised the danger of borrowing directly to finance a bestowal which is without obligation, and manifestly recognized the financial problems with which the Nation is confronted. Our maturing promises to pay within the current fiscal year amount to approximately $4,000,000,000, most of which will have to be refunded. Within the next six years more than $10,000,000,000 of debt will mature and will have to be financed. These outstanding and maturing obligations are difficult enough to meet without the complication of added borrowings, every one of which threatens higher interest and delays the adjustment to stable Government financing and the diminution of Federal taxes to the defensible cost of Government.

It is sometimes thoughtlessly urged that it is a simple thing for the rich Republic to add four billions to its indebtedness. This impression comes from the readiness of the public response to the Government's appeal for funds amid the stress of war. It is to be remembered that in the war everybody was ready to give his all. Let us not recall the comparatively few exceptions. Citizens of every degree of competence loaned and sacrificed, precisely in the same spirit that our armed forces went out for service. The war spirit impelled. To a war necessity there was but one answer, but a peace bestowal on the ex-service men, as though the supreme offering could be paid for with cash, is a perversion of public funds, a reversal of the policy which exalted patriotic service in the past, and suggests that future defense is to be inspired by compensation rather than consciousness of duty to flag and country.

The pressing problem of the Government is that of diminishing our burdens rather than adding thereto. It is the problem of the world. War inflations and war expenditures have unbalanced budgets and added to indebtedness until the whole world is staggering under the load. We have been driving in every direction to curtail our expenditures and establish economies without impairing the essentials of governmental activities. It has been a difficult and unpopular task. It is vastly more applauded to expend than to deny. After nearly a year and a quarter of insistence and persuasion, with a concerted drive to reduce Government expenditure in every quarter possible, it would wipe out everything thus far accomplished to add now this proposed burden, and it would rend the commitment to economy and saving so essential to our future welfare.

The financial problems of the Government are too little heeded until we are face to face with a great emergency. The diminishing income of the Government, due to the receding tides of business and attending incomes, has been overlooked momentarily, but can not be long ignored. The latest Budget figures for the current fiscal year show an estimated deficit of more than $650,000,000 and a further deficit for the year succeeding, even after counting upon all interest collections on foreign indebtedness which the Government is likely to receive. To add to our pledges to pay, except as necessity compels, must seem no less than governmental folly. Inevitably it means increased taxation, which Congress was unwilling to levy for the purposes of this bill, and will turn us from the course toward economy so essential to promote the activities which contribute to common welfare.

It is to be remembered that the United States played no self-seeking part in the World War, and pursued an unselfish policy after the cause was won. We demanded no reparations for the cost involved, no payments out of which obligations to our soldiers could be met. I have not magnified the willing outlay in behalf of those to whom we have a sacred obligation. It is essential to remember that a more than $4,000,000,000 pledge to the able-bodied ex-service men now will not diminish the later obligation which will have to be met when the younger veterans of to-day shall contribute to the rolls of the aged, indigent, and dependent. It is as inevitable as that the years will pass that pension provision for World War veterans will be made, as it has been made for those who served in previous wars. It will cost more billions than I venture to suggest. There will be justification when the need is apparent, and a rational financial policy to-day is necessary to make the Nation ready for the expenditure which is certain to be required in the coming years. The contemplation of such a policy is in accord with the established practice of the Nation, and puts the service men of the World War on the same plane as the millions of men who fought the previous battles of the Republic.

I confess a regret that I must sound a note of disappointment to the many ex-service men who have the impression that it is as simple a matter for the Government to bestow billions in peace as it was to expend billions in war. I regret to stand between them and the pitiably small compensation proposed. I dislike to be out of accord with the majority of Congress which has voted the bestowal. The simple truth is that this bill proposes a Government obligation of more than four billions without a provision of funds for the extraordinary expenditure, which the executive branch of the Government must finance in the face of difficult financial problems, and the complete defeat of our commitment to effect economies. I would rather appeal, therefore, to the candid reflections of Congress and the country, and to the ex-service men in particular, as to the course better suited to further the welfare of our country. These ex-soldiers who served so gallantly in war, and who are to be so conspicuous in the progress of the Republic in the half century before us, must know that nations can only survive where taxation is restrained from the limits of oppression, where the Public Treasury is locked against class legislation, but ever open to public necessity and prepared to meet all essential obligations. Such a policy makes a better country for which to fight, or to have fought, and affords a surer abiding place in which to live and attain.

WARREN G. HARDING.

THE WHITE HOUSE, *September 19, 1922.*

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from North Dakota?

Mr. ASHURST. I yield; but I want to finish my remarks.

Mr. McCUMBER. Possibly the Senator would not want to yield for my motion. I was going to move that the consideration of the message and the bill be postponed until to-morrow at 12 o'clock.

Mr. ASHURST. Will not the Senator permit me to finish my remarks? They will be brief.

Mr. McCUMBER. I will await the conclusion of the Senator's remarks before making my motion.

Mr. CURTIS rose.

Mr. ASHURST. Does the Senator from Kansas desire to be heard?

Mr. CURTIS. If a motion is to be made, I want to have the unfinished business temporarily laid aside while the motion is being considered.

Mr. ASHURST. The Senator from Massachusetts [Mr. WALSH] has called my attention to a paragraph in the President's veto message referring to the compensation as a meager sum.

It is true that the individual amount to be paid to the soldiers is comparatively small; but let me give to the Senate what this comparatively small sum would do and how it would aid the ex-service men. It would enable many veterans outside of Washington to escape the rent profiteers. There is no hope of anybody escaping the rent profiteer in Washington any more than there is hope of escaping a gang of gray wolves when they pursue a helpless man.

It will enable the veterans in many places to construct or to begin to construct small homes or houses on small farms. It will enable others to learn or commence trades or professions. The loan feature will enable others to avert disaster of foreclosure. It will enable them to marry, and thus insure to future generations that American ideals shall be perpetuated.

I read in the commencement of my remarks a statement from a speech of then Senator Harding, now President Harding, in Ohio on the 29th or 30th day of October, 1920, wherein, according to what I read, he was reported to have said that he was in favor of adjusted compensation. With that scrupulosity which should characterize the remarks of a Senator, and especially when he is attempting to quote others, I have not relied on my mere memory of what he said or the mere memory of other people as to what he said. That would be unfair to him. I am going to read what the Cincinnati Enquirer says he said.

I read from the Cincinnati Enquirer, from the issue of Saturday morning, October 30, 1920, omitting the headlines because sometimes in journalism the text does not support the headlines.

It seems that in the course of his speech Mr. Harding was interrupted, and some of his friends objected to the interruption, but with that courtesy which has always characterized Warren G. Harding, he said, referring to his questioner, "Do not put him out. Let him ask his question." That is just such a statement as I would have expected from the presidential nominee. I now read what the Ohio paper said, referring thereto:

> Mr. Harding then declared that the House of Representatives did pass the bill, and said the Senate will, but that the American service men themselves did not want such a bill passed at a time when Government bonds were below par. He further declared that the bonus system can not be established until the means can be provided and that "that called for Republican control."

Bonds are at par, so that particular objection has vanished and evaporated. "The method of the financing the bonus will be taken care of by Republican control." It can not be denied that there is Republican control. There is a Republican in the White House and a Republican majority in both Houses of Congress.

I thought it nothing but fair in the debate on the subject that I should not confine myself to my memory. I was not present. So I have caused a publication, friendly to the nominee and to the President, to be brought into the Chamber that I might read what was written by the reporter respecting the observation then made on this subject by the nominee.

War leaves in its train not only death and wounds and disease. Obligations of various kinds are incurred. To bury the dead soldier, to pension his mother or his widow, to bind up the wounds of the wounded soldier, to hospitalize the disabled soldier is a part of what is a duty toward the soldier. Moreover, so far as we may do so, to equalize his compensation is a duty.

As for the statement of the Senator from Mississippi [Mr. WILLIAMS] that those who did not go abroad should not have a bonus, I ought to pass that by and ignore it. Many thousands called into the service of their country wanted to go, were anxious to go, and said to their commanders, "Lead me to the battle line." I regret that any Senator, even in ill humor or otherwise, should have made a reflection upon those who did not, by the legerdemain of doom or a turn of the wheel of fortune or chance, or whatever you may call it, have the opportunity to go. I honor those who at home prepared themselves in spirit and in physique to go, just as I honor those who did go.

It is said as another argument that our death rate, our percentage of killed in the American forces, did not amount to as much as in other countries. Be that as it may, let us reflect on the figures; some 80,000 American men in manhood's rosy morn were killed. When I further reflect on the figures, I ascertain that while our mortality rate in battle and in hospitals, on sea and in sky, was not as great as that of some other countries, we had at least three men killed for every millionaire we made.

Mr. WILLIAMS. Mr. President——

Mr. ASHURST. I yield to the Senator from Mississippi.

Mr. WILLIAMS. If I heard the Senator from Arizona correctly, he said he wanted to measure the soldier by the same yardstick by which everybody else was measured. Is that correct?

Mr. ASHURST. I do not know what other rule of life to set up.

Mr. WILLIAMS. I know, but is that what the Senator said?

Mr. ASHURST. I said that when it comes to discharging moral obligations or legal obligations which the Government owes I want you to consider the soldiers' claims like you consider the claim of the banker behind the counter, like you measure the railroad builder or the contractor.

Mr. WILLIAMS. If I have understood the Senator, he has not denied the accuracy of my quotation. He said he wanted the soldier measured by the same yardstick that we would use to measure other people. The objection to that yardstick theory is that the soldier served upon a different theory. He bared his breast to the storm of artillery and wounds if he went to France. Of course, there were 2,000,000 of those people for whom the Senator is contending who never left the United States, and I object to the idea that we can measure them with the same yardstick by which the miserable, cowardly cur who remained in America measured himself.

Mr. ASHURST. I said during the Senator's absence that if a soldier tried to escape the draft, if a soldier proved a slacker——

Mr. WILLIAMS. I am not talking about that.

Mr. ASHURST. I am talking about it.

Mr. WILLIAMS. But I am not.

Mr. ASHURST. But that the soldier who went to war and the soldier who remained at home and who prepared himself physically and spiritually to go and was willing to go and ready to go and anxious to go should be considered.

Mr. WILLIAMS. Mr. President——

Mr. ASHURST. I can not yield at this point.

Mr. WILLIAMS. Talking about a man who was called in the draft as being spiritually and physically anxious to go is a hyperbole of rhetoric——

Mr. ASHURST. I hope the Senator will not consider me offensive if I decline to yield at this time.

Mr. WILLIAMS. The Senator will not cut me off in the middle of a sentence. That is a hyperbole of rhetoric. I was contending a few minutes ago that the Senator from Missouri would not dare to introduce an amendment cutting out of the benefits of this proposed act all men who were never under fire. Now I ask the Senator from Arizona if he will offer an amendment cutting out from the benefits of this proposed act all men who were never under fire?

Mr. ASHURST. No, Mr. President; I will not.

Mr. WILLIAMS. I thought not.

Mr. ASHURST. The Senator from Mississippi talked here once about sentiment. He has forgotten almost as much as he has learned, and he has learned a great deal in his life.

Mr. WILLIAMS. I have forgotten how much?

Mr. ASHURST. The Senator has forgotten almost as much as he has learned.

Mr. WILLIAMS. Oh, have I? I have forgotten a great deal.

Mr. ASHURST. The Senator speaks about being "under fire." I have no doubt that many of the young men whom the mysterious finger of duty touched and called to their country's colors were "under fire." There are intangible fires which burn as brightly and as fiercely as those that are lighted elsewhere. The soldier who saw the justness of his country's cause, but who was unable to march with his brethren to the field to assist them in turning back the foe, endured fire.

Mr. WILLIAMS. Mr. President——

Mr. ASHURST. I have concluded my remarks.

Mr. McCUMBER obtained the floor.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. The Chair has recognized the Senator from North Dakota.

Mr. McCUMBER. I move that further consideration of the bill and the President's veto message be deferred until to-morrow at the opening of the daily session of the Senate.

Mr. HEFLIN. Mr. President, I desire to be heard.

Mr. UNDERWOOD. I desire to make a point of order.

Mr. CURTIS. Before the motion of the Senator from North Dakota is put I desire to ask that the unfinished business may be temporarily laid aside until the pending question shall have been acted upon.

The PRESIDENT pro tempore. Is there objection?

Mr. HEFLIN. What is the unfinished business?

The PRESIDENT pro tempore. It is the Liberian loan bill.

Mr. HEFLIN. I have no objection to that being laid aside.

The PRESIDENT pro tempore. The Chair is of the opinion that the pending matter may be acted upon without laying aside the unfinished business.

Mr. CURTIS. If that is the opinion of the Chair, very well, but, in my opinion, after having looked up the authorities, I think the unfinished business should be laid aside. I therefore had rather have it laid aside temporarily. No harm can come from such action.

The PRESIDENT pro tempore. In the absence of objection, the unfinished business will be temporarily laid aside. The Senator from Alabama [Mr. UNDERWOOD] has raised a point of order. The Senator will state his point of order.

Mr. UNDERWOOD. The point of order I desire to make is that the pending question is a question of high privilege. The veto message has been laid before the Senate by the President of the Senate for consideration. The Senate, of course, can vote on it now, with or without debate; it can refer it to a committee, or it might postpone action; but it can not fix a time for voting without a special order of the Senate. I therefore make the point of order that the motion of the Senator from North Dakota is not in order. If he desires a special order of the Senate, which will require a two-thirds vote, that the bill and veto message shall be voted on to-morrow at 12 o'clock, I think that would be in order, but I make the point of order against his motion as it has been put.

Mr. McCUMBER. Mr. President, let me correct the Senator. I did not ask that the bill and veto message be voted upon; I simply moved that the consideration of the matter be postponed until to-morrow at the hour when the Senate shall convene; that has nothing to do with a vote.

Mr. UNDERWOOD. That is identically the same proposition as fixing a time for the consideration of the matter. We can not go into to-morrow and foreclose the time of to-morrow by a motion of that kind; it can only be done by a special order of the Senate, which requires a two-thirds vote. A motion to postpone further consideration until to-morrow is the same thing as moving that on to-morrow at 12 o'clock the veto message shall be taken up for consideration notwithstanding what business may be then before the Senate. So that I make the point of order that the motion is not in order at this time.

The PRESIDENT pro tempore. The Chair is constrained to overrule the point of order, for, whatever vote might be required to agree to the motion of the Senator from North Dakota, the motion is in order.

Mr. UNDERWOOD. Then, Mr. President, in order that we may know what the vote is I ask for the yeas and nays.

Mr. HEFLIN. Mr. President, I want to be heard on the motion.

Mr. EDGE. Mr. President, the veto message is before the Senate. If addresses are to be made upon it, they may be made during the course of the present session. So I inquire of the Senator from North Dakota what particular good can be accomplished by formally withholding action until 12 o'clock to-morrow? As I understand, every Senator, with possibly one exception, is either paired or covered on this question, and why should we not at least proceed to the consideration of the veto message?

Mr. McCUMBER. Mr. President, there has been a general understanding—and that understanding was based upon inquiry—that in all probability the bill and veto message would not be sent over from the House of Representatives to the Senate until about 4 o'clock to-day. They were messaged over two or three hours before that time because of the expedition with which the House under its rules may act. But a number of Senators have asked me whether, in my opinion, of course, there would be a vote to-day, and my opinion has been that we would not vote on the question to-day. I think one Senator spoke to me this morning and stated that he had to leave to-day but would be back to-morrow, and wanted to be here when the vote was taken. He also asked my opinion, and again I stated that I thought the question would not be voted upon to-day. I think that undoubtedly we can vote to-morrow, but I hope, under all the circumstances, even though a single vote may not be changed, that the matter may be deferred until to-morrow.

There are absent, somewhere on the face of the globe, 16 Senators who voted in favor of the soldiers' compensation bill; there are absent two, and only two, Senators who voted against it. I do not know where all the absent Senators are, but I know it is impossible for 16 absent Senators in favor of the measure to pair themselves with two absent Senators who are opposed to it, and therefore someone has got to be left out. It may be that some of those present may have paired with some of the absentees, but I am quite certain that that can not be true as to the entire list. I wish that every Senator of the United States, instead of being in Hongkong or on the Pacific Ocean, would be in the Chamber this afternoon. I should like at least to have the moral influence of those Senators who have the courage of their own convictions. While it may be, Mr. President, that there are those who would change their position because of a veto, I am not prepared to believe that until the change has actually been registered, and I should like to hear directly, if possible, from any Senator who voted in favor of the adjusted compensation bill as to whether he had changed his attitude.

Mr. ROBINSON. Mr. President, will the Senator yield for an inquiry?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Arkansas?

Mr. McCUMBER. I yield.

Mr. ROBINSON. Mr. President, I am interested to know if the Senator from North Dakota can inform the Senate whether any of the Senators who are now absent are expected to be present to-morrow. I ask the question, with the Senator's permission, for the reason that some Senators on this side of the Chamber who voted for the bill and who will vote the same way upon the reconsideration of the matter, notwithstanding the objections of the President, expect to leave the city to-night. We are constantly confronted with the condition that some Senators are returning, while others are leaving. One or two Senators have just stated that it is almost imperative that they leave here to-night. I should make no objection to postponing the reconsideration of the bill until to-morrow if the Senator, upon a canvass of the matter, is satisfied that it is best to take that course.

I agree with the Senator that however the debate may be prolonged it will not result in changing the vote of any Senator. This subject matter has been before the Senate and before the country so long that every Senator now knows his mind. There are some Senators who have announced that, having voted for the bill, if the President vetoed it they would vote to sustain his veto. That attitude is as incomprehensible to me as it is to the Senator from North Dakota—the announcement by a Senator, in advance of action by the Executive, that he proposes to be controlled by the opinion of the Executive in a matter of this character.

[At this point a message was received from the House of Representatives which appears elsewhere under its appropriate heading. Among other things, the message announced that the House had passed a concurrent resolution providing for the final adjournment of Congress on the 22d instant, at 2 o'clock p. m.]

Mr. ROBINSON. Mr. President, with the further indulgence of the Senator from North Dakota, I was just about to suggest to him that an adjournment of the Congress is in all probability close at hand. The House of Representatives has just this instant sent to the Senate a concurrent resolution providing for adjournment on the 22d instant; and if we wait until to-morrow to begin the formal consideration of this veto message and the reconsideration of the bill, we may be driven to the alternative of either extending the session beyond the time provided for in the concurrent resolution which has just come to the Senate or of seeing the session expire with the question of reconsideration of the adjusted compensation bill undisposed of. I think the time has arrived when the Congress ought to settle this matter. I think it would be a mistake to carry it over beyond the present session.

Mr. NEW. Mr. President——

Mr. ROBINSON. The Senator from North Dakota has not suggested on the floor that the final decision of the issues involved in the President's veto and in the question of reconsideration should go beyond the end of the present session; but any one can see that with unlimited debate in the Senate, if this message goes over until to-morrow and we adjourn the day following, this subject more than likely will be debated until the end of the session, and still the question as to whether or not the Congress is going to pass an adjusted compensation bill will be undetermined.

Whatever may be the viewpoint of Senators as to whether there should be adjusted-compensation legislation or whether that legislation should be defeated, we ought to pass upon the question promptly and decisively. Three years, almost four years have come and gone since the armistice was signed; and the men who are to be the beneficiaries of this legislation are entitled to know soon whether the American Congress is going to comply with their request or to deny it. It is better for the country, better for Congress, better for the soldiers themselves that this issue be settled as speedily as possible. For that reason I hope the Senator from North Dakota will not insist on this matter being laid aside until to-morrow, but that we may proceed to the consideration of this important subject now, with the view of voting on it some time to-morrow, if possible.

Mr. McCUMBER. Mr. President, I think I understand the Senator's position.

Mr. LODGE, Mr. NEW, and Mr. SIMMONS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from North Dakota yield, and, if so, to whom?

Mr. McCUMBER. I yield first to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I merely desire to say that I have examined the list with great care. With a single exception, every Senator on both sides is either present or covered by a pair. Owing to making double pairs, there is one odd vote that can not be covered unless it is covered voluntarily here by Senators present. With that single exception, every Senator is here or his vote is covered with a pair, and I can not find out that any change is likely to occur now.

I do not wish to interrupt the Senator to make a speech, but it seems to me we ought to dispose of the matter at the earliest possible moment.

Mr. ROBINSON. Mr. President, will the Senator yield for one further suggestion?

Mr. McCUMBER. I yield, Mr. President.

Mr. ROBINSON. If the statement just made by the Senator from Massachusetts is confirmed in the opinion of the Senator from North Dakota, and all Senators are covered by pairs, why can we not proceed now to the discussion of this subject, and vote this evening, provided the debate terminates this evening?

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. I yield to the Senator from Indiana.

Mr. NEW. I rose to state what the Senator from Massachusetts has just said. To that I would now add the further statement that I personally know of Senators who came to Washington yesterday to be present in this Chamber for the purpose of voting, and with the understanding that the vote was to be had yesterday. They have remained over, expecting the vote to-day. They are very anxious to get away from Washington. In one or two instances they have the best of reasons for that anxiety—the question of personal health. They are here not only at inconvenience but in one or two instances rather against the judgment of their physicians. I know of Senators who came here, and were here yesterday, expecting to vote on the matter, who were compelled to go away, and are therefore absent to-day, and have to be accounted for by the arrangement of pairs. That situation will exist in the case of other Senators if this matter goes over until to-morrow, and I am quite sure that it will not change a single vote. The result of this vote is, I think, predetermined. I think 95 of the Senators will be accounted for in this vote, whether it is taken to-day or to-morrow, and I can see no possible object in delaying it for another day.

SEVERAL SENATORS. Vote!

Mr. McCUMBER. Mr. President, I think if we were all to be governed by our health, and if we felt a little under the weather if we should absent ourselves from the Senate, there would hardly have been a quorum here any day during the last several months; but some Senators have been willing to sacrifice health to be here and attend to their duties, and the vast majority of those who are absent to-day are not absent on account of their health and they ought to be here in the Senate.

I do not know that a postponement until to-morrow will change a vote, Mr. President. I simply feel that there is a bare possibility that between now and to-morrow some Senators who have weakened a little upon this vote might be induced to have a little more courage pumped into their souls and to vote the same way to-morrow, if we should vote to-morrow, that they voted when the bill was before the Senate.

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota further yield to the Senator from Indiana?

Mr. McCUMBER. I yield.

Mr. NEW. If that were to result from the delay, I think the Senator's majority would sadly dwindle.

Mr. McCUMBER. The Senator thinks more of them would weaken than would stay by their convictions. I hate to think that, but the Senator may be correct.

Mr. BORAH. Mr. President, the Senator apparently is laboring under the apprehension that they originally voted their convictions.

Mr. McCUMBER. I am laboring under that impression, that their votes were honest votes. I accuse no Senator of casting a vote that was against his convictions, and I think they were candid.

I want to say, in answer to one suggestion that was made by the Senator from Arkansas [Mr. ROBINSON], that under the circumstances I should like to see this matter made an issue in the November 7 campaign throughout this country. I should like to have it up to every Senator who is running whether he believes he ought to sustain this veto or whether he ought not.

Mr. MOSES. Mr. President——

Mr. McCUMBER. In the present situation, and with our absentees, I am afraid that we have not the two-thirds majority. If all were present that belonged here, I am doubtful if every one of those would be willing to double up and pair, two of them against one, in a matter in which the House passed the bill by about five to one, and the Senate by more than two-thirds majority upon a direct vote. I never would be willing to say that I would allow myself to be paired with some one else against one vote against that. If we had those Senators present, I think a few of them might feel somewhat as I do in this matter, and would refuse to pair on the basis of two to one under those conditions. I admit that the other side could adopt a rule of that character as well.

Mr. BORAH. But the Senator does not contend that those Senators will be here to-morrow. What the Senator really is arguing for is a postponement until December.

Mr. McCUMBER. No, Mr. President; I ask for a postponement until to-morrow. I think the matter probably will be postponed until to-morrow, anyway. I doubt if we will get a vote on it this afternoon.

Mr. MOSES. Will the Senator allow me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. MOSES. Is the Senator willing to let us vote on his motion to postpone?

Mr. McCUMBER. Yes; I am willing to have a vote, but not before I have had my say. Then it can be voted down, if Senators so desire.

I have nothing more to say with reference to the motion. If the Senate prefers to go on this afternoon and discuss it a while and then adjourn without action, they can vote against the motion. My purpose was to allow those Senators who have weak knees to be strengthened up a little between now and to-morrow noon.

The PRESIDENT pro tempore. The Chair desires to make an announcement. The Chair is of the opinion that the point of order made by the Senator from Alabama, so far as the vote required to make the motion of the Senator from North Dakota the special order, which, in the judgment of the Chair, the motion of the Senator from North Dakota would be, is well taken, and the Chair will hold that it will require a two-thirds vote to adopt this motion.

Mr. McCUMBER. To postpone the consideration of the message and bill until to-morrow?

The PRESIDENT pro tempore. The Chair is of the opinion that that is a special order. The motion is that the consideration of the bill be postponed until the convening of the Senate to-morrow.

Mr. McCUMBER. Mr. President, if that is the holding of the Chair at this time, I desire to take an appeal from the decision of the Chair.

The PRESIDENT pro tempore. The Chair has not ruled on the matter as yet, but desires to say that that will be its ruling, and that, therefore, the roll must be called upon the motion.

Mr. HEFLIN. Mr. President, I am very anxious that all Senators who want to get home shall have an opportunity to go. A great many of them are coming in now whom I have not seen for so long that I feel like having them sworn in again. Those of us who have stayed here every day and attended the sessions since Congress convened are entitled to have something to say about the plan of procedure in this body, and the question that is now up for consideration is the most important question that will come before the Senate, and we ought to keep it constantly before the Senate until it is acted on.

What is the use of setting it aside temporarily? I want to say to the Senator from North Dakota that I am heartily with him if he thinks it is necessary for it to go over. If he thinks that we can get some of our absent friends here by to-morrow, we will discuss until then if necessary. We are not going to hurry with this thing. We did hurry when we called these boys to the battle line; we are not going to hurry now when it looks as though they have the votes to deny them justice.

If the Senator from North Dakota thinks that Senators will come in to-night and be here to-morrow so that we can do away with this double-up pair arrangement by which two men favoring the soldiers' bonus have to be paired with one man who is against it, if he has any assurance that those men will be here to-morrow, I am willing to cooperate with him, and, whether this motion prevails or not, we will keep this measure before the Senate until to-morrow, and maybe the next day, if necessary. I would not do anything that would even look as if we were slighting the soldier in this instance or hurrying this thing through.

I want to do what is best for the soldier.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. HEFLIN. I yield.

Mr. BRANDEGEE. If the Senator will pardon me for interrupting his remarks—and I will take only a moment—I want to suggest to the Senator from North Dakota that it seems to me that nothing would be gained by postponing the consideration of this matter officially until to-morrow. It is perfectly evident it is going to be considered all the afternoon, and is being considered now, and I agree with him, I think it will make no difference. I do not think any weak-kneed Senator will have the pregnant hinges of his knees stiffened overnight, and I do not think any strong-kneed Senator will weaken. I appeal to the Senator to withdraw his motion, in the interest of expediting a vote, and to let the discussion proceed.

Mr. McCUMBER. Will the Senator from Alabama allow me a moment?

Mr. HEFLIN. I will be glad to yield to the Senator.

Mr. McCUMBER. The Chair has announced, and I want to be allowed to say I do not agree with him, that he would hold that it requires a two-thirds vote in order to postpone the consideration of a bill for one day, practically holding that the postponement of the consideration of a bill for one day is equivalent to a special order; and we could not settle the question until that had been determined. Then, if there was a lack of a two-thirds vote, the question might again arise, and it might take half a day's discussion. That being the case, to avoid unnecessary delay, and upon the assurance of the Senator from Alabama that we probably will have no vote to-day, I withdraw the motion.

The PRESIDENT pro tempore. The motion is withdrawn, and the question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. HEFLIN. Mr. President——

Mr. HARRISON. Before the Senator proceeds with his speech, will he allow me to make a request for unanimous consent?

Mr. HEFLIN. I yield to the Senator from Mississippi.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12377) to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

The message also announced that the House had passed the concurrent resolutions of the following titles, in which it requested the concurrence of the Senate:

H. Con. Res. 70. Concurrent resolution providing for the printing of 80,000 copies of the tariff law of 1922; and

H. Con. Res. 71. Concurrent resolution providing for adjourning the present session of Congress.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 2377. An act to authorize the extension and widening of Ninth Street from Longfellow Street NW. to Underwood Street, and Underwood Street from Ninth Street to Georgia Avenue NW.;

S. 2621. An act authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 15, 1917, along the Mexican border;

S. 2716. An act to give effect to certain provisions of conventions with foreign Governments for facilitating the work of traveling salesmen;

S. 2799. An act to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890;

S. 2983. An act to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes;

S. 3111. An act to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes;

S. 3641. An act to grant and confirm to the State of Florida title in and to section 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, and for other purposes;

S. 3733. An act granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River, in the State of Ohio;

S. 3793. An act to authorize the Gary Tube Co. to construct a bridge across the Grand Calumet River in the State of Indiana;

S. 3834. An act to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Grand Calumet River in the State of Indiana;

S. 3938. An act granting the consent of Congress to the county courts of Lafayette and Ray Counties, in the State of Missouri, to construct a bridge across the Missouri River;

S. J. Res. 216. Joint resolution providing for the consent of the Congress of the United States of America to a compact and agreement between the State of Kansas and the State of Missouri respecting the erection, maintenance, and operation of the waterworks plants of the cities of Kansas City, Kans., and Kansas City, Mo., the taxation thereof and exercise of eminent domain in connection therewith by each State;

H. R. 7456. An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes;

H. R. 8475. An act to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith;

H. R. 9275. An act for the relief of Frances Kelly;

H. R. 10196. An act to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of article 3 of the war risk insurance act, as amended;

H. R. 11173. An act to amend section 126 of the national defense act, approved June 3, 1916, as amended; and

H. R. 11347. An act authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as Fort Hale.

SPEECH BY SENATOR POMERENE.

Mr. HARRISON. On yesterday in the House of Representatives there was granted a request to print in the Record the speech of Representative Fess, of Ohio, who is a candidate for the United States Senate in that State, delivered before the Republican State convention of Ohio, and that speech appears in the Record this morning. I ask unanimous consent to have incorporated in the Record the speech of the senior Senator from Ohio [Mr. Pomerene] to the Democratic State convention of Ohio.

The PRESIDENT pro tempore. Is there objection?

Mr. McCORMICK. A good many speeches of this character have been inserted in the Record by unanimous consent.

Mr. HARRISON. Not as good as the one I propose to have printed.

Mr. McCORMICK. I was about to say a word on that point. It may be that to-morrow I shall have occasion to offer something which purports to be a reply to some of the speeches introduced in this fashion by the Senator from Mississippi.

Mr. HARRISON. If it is the Senator's speech, we will be delighted to have it.

Mr. McCORMICK. I assume, of course, that the Senator will assure me that no objection will be made to-morrow to the incorporation of matter of that sort.

Mr. HARRISON. I shall not object to the Senator's speech.

Mr. HEFLIN. If it is the Senator's speech, of course not.

Mr. SMOOT. I wish to say to the Senator from Mississippi that I shall object to both, and I object now.

Mr. HARRISON. The Senator from Utah does not object to the insertion of the speech of the Senator from Ohio [Mr. Pomerene] in the Record?

Mr. SMOOT. I do.

Mr. HARRISON. After there has been incorporated in the Record at Government expense a speech by Representative Fess, of Ohio?

Mr. SMOOT. If the House wants to incorporate that speech in the Record, well and good. I gave notice, when the speeches were balanced up the other day, that no more political speeches should go into the Record with my consent.

Mr. HARRISON. But they are unbalanced now.

Mr. SMOOT. Let it be put in in the House.

Mr. HARRISON. It will be put in in the Senate by being read to the Senate if I can not get unanimous consent.

Mr. SMOOT. That is all right. I have no objection to a Senator reading the speech.

Mr. HARRISON. Very well. I hope the Senator will sit here and listen to it.

The PRESIDENT pro tempore. The Senator from Utah objects.

Mr. MOSES. Will the Senator from Alabama yield to me for the purpose of making a report?

Mr. HEFLIN. In just a moment. I want to say that just two or three days ago the Senator from California [Mr. Shortridge] got unanimous consent to print a speech in the Record delivered by the Senator from New York [Mr. Calder], and the eagle-eyed Senator from Utah was not here objecting then.

Mr. SMOOT. I will say to the Senator that there was a request made from the Democratic side for the insertion of a Democratic speech in the Record, and at that time I gave notice that I would not object to the Democratic speech going into the Record, but that hereafter I would object to either a Republican or a Democratic speech going into the Record, and that is what I have done to-day.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. HEFLIN. I yield.

Mr. BORAH. I ask the Senator from Alabama to yield to me a moment while I ask to have the conference report on the coal commission bill laid before the Senate. I think it will take but a moment or two to agree to it.

The PRESIDENT pro tempore. The Senator from Idaho has the right to present the conference report.

UNITED STATES COAL COMMISSION—CONFERENCE REPORT.

Mr. BORAH submitted the following report:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12377) to establish a commission to be known as the United States coal commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That for the purpose of securing information in connection with questions relative to interstate commerce in coal and all questions and problems arising out of and connected with the coal industry, there is hereby established a governmental agency to be known and designated as the United States coal commission, to be composed of not more than seven members appointed by the President of the United States, by and with the advice and consent of the Senate. No Member of the United States Senate or of the House of Representatives shall be eligible to serve on said commission. Said commission shall elect a chairman by majority vote of its members, shall maintain central offices in the District of Columbia, but may, whenever it deems it necessary, meet at such other places as it may determine. A member of the commission may be removed by the President for neglect of duty or malfeasance in office but for no other cause. Each member of said commission shall receive a salary of $7,500 a year. Any vacancy on the commission shall be filled in the same manner as the original appointment. Said commission shall cease to exist one year after the taking effect of this act.

"The term 'person' as used in this act means any individual, partnership, corporation, or association; the term 'coal' means anthracite, bituminous, and other coal, lignite, coke, and culm whether in place, extracted, or banked.

"It shall be the duty of said commission to investigate and ascertain fully the facts and conditions and study the problems and questions relative to the coal industry, with a view to and for the purpose of aiding, assisting, and advising Congress in matters of legislation which will insure a supply of this commodity to the industries and the people generally throughout the country and maintain the uninterrupted flow of commerce among the States, or any legislation which Congress may after said investigation deem wise and which under the Constitution Congress has the power to enact.

"To this end said commission shall ascertain and report to the President and Congress: As to the ownership and titles of the mines; prices of coal; the organizations and persons connected with the coal industry; cost of production; profits realized by the operators or owners of said mines during the last 10 years; profits of other persons or corporations having to do with production, distribution, or sale of coal; labor costs; wages paid; wage contracts; irregular production; waste of coal; and suggestions as to the remedy for the same; the conditions generally under which coal is produced; distribution; the causes which from time to time induce strikes, thereby depriving interstate carriers of their fuel supply and otherwise interrupting the flow of interstate commerce; and all facts, circumstances, or conditions which would be deemed helpful in determining and establishing a wise and efficient policy by the Government relative to said industry.

"Said commission shall, under the provisions of this act, make a separate investigation and report for the anthracite industry, which investigation and report shall cover all of the matters specified in the last preceding paragraph, and shall cover also every other phase of the anthracite industry, including the production, transportation, and distribution of anthracite, and the organized or other relationships, if any, among the mine operators or the mine workers, or among any persons engaged in the production, transportation, or distribution of coal.

"Said commission shall also submit recommendations relative to:

"(a) Standardizing the mines upon the basis of their economic productive capacity and regarding the closing down of mines which, by reason of their natural limitations, or other conditions, fall below the standard.

"(b) Ascertaining and standardizing the cost of living for mine workers and the living conditions which must be supplied or afforded in order to surround the workmen with reasonable comforts, and standardizing also as far as practicable the amount of work a man shall perform for a reasonable wage, recognizing the value and effect of such surroundings in respect to their efficiency.

"(c) Standardizing a basis of arriving at the overhead cost of producing and distributing the coal, including delivery at the door of the consumer, recognizing in this compilation that the standardized cost of living to the miners should be the first and irreducible item of expense.

"(d) The advisability of any legislation having to do with Government or private ownership, regulation, or control in the coal industry.

"Said commission shall render its first report and recommendations to the Congress and to the President not later than January 15, 1923. Said commission shall render its separate report on the anthracite industry on or before July 1, 1923, and shall endeavor, in said separate report and in the recommendations contained therein regarding wages in the anthracite industry, to take into consideration the conditions obtaining up to the time when said report is made.

"That any officer or employee of the commission who shall make public any information obtained by the commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year or by both such fine and imprisonment in the discretion of the court.

"That any member of said commission shall have power to administer oaths, to subpœna and examine witnesses, and to compel the production of any book, paper, document, or other evidence from any place in the United States at any designated place of hearing, and to take or authorize the taking of the deposition of any person before any person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction and be subscribed to by the deponent. The same fees and mileage as are paid in the courts of the United States shall be paid in the case of witnesses subpœnaed or depositions taken under this act.

"No person shall be excused from so attending and testifying and deposing, or from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may be compelled to testify or produce in evidence; except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"Any member of the commission, officer or employee thereof, duly authorized in writing by the commission, shall, at all reasonable times for the purpose of examination, have access to and the right to copy any book, account, record, paper, or correspondence relating to any matter which the commission is authorized by this act to investigate.

"That every officer or employee of the United States whenever requested by the commission shall supply it with any data or information pertaining to any investigation by the commission which may be contained in the records of the office of such officer or employee.

"That any person who shall willfully neglect or refuse to attend and testify or depose, or to produce or permit access to any book, account, record, document, correspondence, or paper, as herein provided for, shall be guilty of an offense and upon conviction thereof be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

"That the commission may appoint and remove such officers, employees, and agents; and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses, including salaries, traveling expenses of its members, secretary, officers, employees, and agents, and witness fees as are necessary for the efficient execution of the functions vested in the commission by this act and as may be provided for by Congress from time to time, and make such rules and regulations as may be necessary for the efficient administration of this act. All of the expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission. No salary or compensation of any employee shall exceed $7,500 per year.

"That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary, to be available until expended, for carrying out the provisions of this act.

"Amend the title so as to read: 'To establish a commission to be known as the United States coal commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"To establish a commission to be known as the United States coal commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes."

And the Senate agree to the same.

WM. E. BORAH,
THOMAS STERLING,
DAVID I. WALSH,
Managers on the part of the Senate.
SAMUEL E. WINSLOW,
HOMER HOCH,
Managers on the part of the House.

Mr. BORAH. I ask unanimous consent for the immediate consideration of the report just submitted.

Mr. HEFLIN. I do not object, if it will take but a moment.

Mr. BORAH. I think it will take but a minute.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent for the present consideration of the conference report upon the coal commission bill. Is there objection?

Mr. DIAL. I want to examine that bill, and I object, for the present at least.

The PRESIDENT pro tempore. The Senator from South Carolina objects to the present consideration of the report. It will lie on the table and be printed.

SUPPLEMENTAL ESTIMATE, WHITE HOUSE POLICE (S. DOC. NO. 261).

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1923, for salaries, uniforms, and equipment, White House Police, in amount $53,870, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATE, CHINA TRADE ACT (S. DOC. NO. 262).

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce, Bureau of Foreign and Domestic Commerce, fiscal year 1923, for salaries and expenses "China Trade Act, 1922," in amount $35,000, which, with accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PRINTING OF TARIFF ACT, 1922.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (H. Con. Res. 70), which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of Congress 80,000 copies of the tariff law of 1922 in pamphlet form, indexed, to be apportioned as follows:

Thirty-five thousand copies for the use of the House of Representatives, 20,000 copies for the use of the Senate, 5,000 copies for the use of the Committee on Ways and Means of the House of Representatives, 5,000 copies for the use of the Committee on Finance of the Senate, 10,000 copies for the use of the House document room, 5,000 copies for the use of the Senate document room, and that the Public Printer be authorized to print for sale such copies of said law as in his discretion may be necessary.

Mr. MOSES. I ask unanimous consent that the Senate concur in the resolution sent from the House of Representatives.

The resolution was concurred in.

FINAL ADJOURNMENT.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (H. Con. Res. 71), which was read and referred to the Committee on Appropriations:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 22d day of September, 1922, at 2 o'clock p. m.

FEDERAL AID IN DOMESTIC DISTURBANCES.

Mr. MOSES. I ask unanimous consent to report from the Committee on Printing a resolution with reference to a matter which was discussed upon the floor the other day, and I ask unanimous consent for its immediate consideration.

The resolution (S. Res. 354) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That Senate Document 209, entitled "Federal Aid in Domestic Disturbances," together with additional data from War Department, bringing subject matter up to 1922, be printed as a Senate document.

WENATCHEE NATIONAL FOREST LANDS—CONFERENCE REPORT.

Mr. LENROOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6750) for the consolidation of forest lands within the Wenat-

chee National Forest, State of Washington, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and the amendment to the title, and agree to the same.

I. L. LENROOT,
R. N. STANFIELD,
Managers on the part of the Senate.
N. J. SINNOTT,
ADDISON T. SMITH,
Managers on the part of the House.

The report was agreed to.

COMMITTEE SERVICE.

Mr. BRANDEGEE submitted the following order:

> *Ordered,* That the senior Senator from Pennsylvania [Mr. PEPPER] is hereby relieved from further service upon the Committee on Military Affairs and assigned to membership on the Committee on Naval Affairs and that the junior Senator from Pennsylvania [Mr. REED] is hereby relieved from further service upon the Committee on Naval Affairs and assigned to membership on the Committee on Military Affairs.

Mr. BRANDEGEE. I simply wish to state that this order is submitted at the request of the two Senators from Pennsylvania.

The order was agreed to.

TRICOUNTY IRRIGATION PROJECT, NEBRASKA.

Mr. McNARY. Mr. President, on yesterday upon my motion the Senate disagreed to the amendments of the House to the joint resolution (S. J. Res. 215) providing for a reinvestigation of the tricounty irrigation project, Nebraska, and requested a conference with the House on the disagreeing votes of the two Houses. I ask unanimous consent that the vote whereby the Senate disagreed to the amendments of the House be reconsidered, and that the House be requested to return the message of the Senate with the accompanying papers.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Is there objection? The Chair hears none.

The order was reduced to writing, as follows:

> *Ordered,* That the House of Representatives be requested to return to the Senate the message announcing its disagreement to the amendments of the House to the joint resolution (S. J. Res. 215) providing for the reinvestigation of the tricounty irrigation project, Nebraska, and asking a conference with the House on the disagreeing votes of the two Houses thereon, together with the accompanying papers.

CHOCTAW AND CHICKASAW FUNDS.

Mr. McNARY. I ask unanimous consent to have published in the RECORD a statement relating to the Choctaw and Chickasaw Indian funds.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATUS OF CHOCTAW AND CHICKASAW FUNDS.

MUSKOGEE, OKLA., *July 3, 1922.*

The honorable COMMISSIONER OF INDIAN AFFAIRS.

SIR: Your office letter of June 24 received advising of judgment in the amount of $175,000 being rendered against the Choctaw and Chickasaw Nations. As requested, I am giving you herein a financial statement as to the status of the Choctaw and Chickasaw assets and liabilities, which is made as of June 30, 1922:

ASSETS.

	Choctaw.	Chickasaw.
On deposit in Treasury, June 15	$148,908.36	$41,765.37
On deposit in banks	876,189.26	105,824.90
On deposit to cashier's credit	24,426.82	33,820.27
Collections for June	26,625.13	8,875.04
Interest from banks, June 30	17,000.00	2,000.00
	1,093,149.57	192,285.58

LIABILITIES.

	Choctaw.	Chickasaw.
Reserve for schools, fiscal year 1923	$124,000.00	$120,000.00
Reserve for tribal warrants, fiscal year 1923	18,000.00	16,000.00
Reserve for unpaid per capita and equalization payments	570,544.86	81,105.84
Reserve for judgment R. L. Owen et al	[1] 131,250.00	[1] 43,750.00
Reserve for judgment Mansfield-McMurray case, estimated	[2] 262,500.00	[2] 87,500.00
	1,106,294.86	348,355.84

[1] This judgment is not against Choctaw and Chickasaw Nations, but against Mississippi Choctaws only.

[2] Mansfield-McMurray have no judgment against Choctaw and Chickasaw Nations.

You ask for a list of the individual accounts of the Mississippi Choctaws. It is impossible at the present time to furnish you this as everyone is busy with the closing of the quarter and the fiscal year. As this work will require a few weeks, the checking of the individual accounts of the Mississippi Choctaws will be commenced as soon as possible and report will then be made to you.

The outstanding unpaid shares of the per capita and equalization payments as of June 30, 1922, are given as follows:

Year.	Choctaw.		Chickasaw	
1904	$40	$78,560.00	$40	$14,680.00
1906	35	13,965.00	35	2,275.00
1908	20	17,000.00	20	2,880.00
1914			100	1,947.13
1916	300	87,819.44	200	5,476.88
1917	100	28,514.67	100	3,109.16
1918	200	70,488.47	200	8,198.34
1919	140	73,839.04	200	15,200.00
1920	100	111,300.00	100	17,200.00
1921	50	80,900.00	30	9,900.00
Total		562,386.62		80,866.51
Unpaid equalization payment		8,158.24		239.33
Total		570,544.86		81,105.84

Under the liabilities I have given the amounts and purposes for which the funds should be reserved. The outstanding installments from the sale of tribal lands and property aggregate $1,362,342.50.

The disbursing agent has to his credit for the purpose of continuing to pay the per capita payments, $33,820.27 of Chickasaw funds on hand and $24,426.82 of Choctaw funds.

Respectfully,

CLARK WASSON,
Acting Superintendent for the Five Civilized Tribes.

COMPENSATION OF WORLD WAR VETERANS—VETO MESSAGE.

The Senate resumed the consideration of the bill (H. R. 10874) to provide adjusted compensation for the veterans of the World War, and for other purposes, returned by the President with his objections thereto.

Mr. HEFLIN. Mr. President, it has been suggested here that probably there will be an effort made to postpone action upon the veto message until the Congress adjourns. I shall not contribute to any such program. I think the minds of Senators are made up, so I expect to speak only a little while.

I have advocated adjusted compensation from the beginning. I intend to vote now to pass the bill over the veto of the President. I want to comment briefly upon some of the language used by the President. He said:

> I was unable to suggest any plan other than that of a general sales tax.

I want to say to the Republican Party in Congress that it is responsible for the failure to have a distinct and workable plan in the bill. Under the leadership of the little giant from North Carolina [Mr. SIMMONS], a Democrat, the Senate put into the adjusted compensation bill a provision by which the adjusted compensation could be paid in money without taxing the American people 5 cents. I wonder how the Republicans will explain to their constituents back home the action that plucked that provision out of the bill? What influence, pray tell me, caused that provision to be taken out? There we had provided a way to pay the adjusted compensation, to settle this indebtedness to the soldier. But a Republican Congress struck it out. It is now out. The bill went to the President with it stricken out by those on the hill who voted for adjusted compensation in a form, but who took out the provision that would have collected the money from the people across the sea who owe us, without taxing the American people, as I said, one 5-cent piece. No Republican in the House or Senate protested against striking it out. It was said further by the President:

> The diminishing income of the Government, due to the receding tides of business and attendant incomes, has been overlooked momentarily, but it can not be long ignored.

I suggest to the Senate and to the country that the time to pay particular attention to that subject was when the big income-tax payers, principally in Wall Street, New York, came down here and had stricken from our law a provision which collected from them $90,000,000 a year. That was the time to have objected to taking money needlessly out of the Treasury; again, when profiteers came and took $450,000,000 out, as I have said heretofore, and the remnants of those who had not yet collected on questionable war contracts, many of them, took out $700,000,000. That is a good big item. Five hundred and forty million dollars! If we had collected that from the time it was struck out last year, we would have had that money now and in another year we would have had that much more, and we could have used it to meet all these payments.

Yet the Senator from Mississippi [Mr. WILLIAMS] tells us that we are trying to equalize the profiteer and the soldier. Why, Mr. President, there is no equalization or equality about it. The profiteer has been brought up and put on the front seat. They have put a ring on his finger and a robe on his back and they have made him first. They put him on top. The men who stayed at home and took advantage of the condition of their Government, of its distress and misfortune, and made millions and hundreds of millions of dollars, came and demanded that the little part which the Government was getting from their swollen fortunes be cut off for them, and the Republican Congress did it—$90,000,000 to the big income-tax payers, $450,000,000 to the profiteers, seven hundred and odd million dollars to the war contractors, and then Senators stand up here and talk lightly and sneeringly about the soldier wanting adjusted compensation, simply what is due him.

Mr. President, they talk about these boys like they were trying to hold up the Government. They are not trying to do that. They are human beings. They have appetites, desires, and tastes. They want to be cared for and have something to keep the wolf from the door, and being unable to find employment they simply asked the Government that they served and saved to grant them adjusted compensation. They have been through trying times since they came home, Senators. I said here yesterday, and I am going to repeat it, that there are counties in the South and counties in the West where the local governments and State governments are postponing the payment of taxes because the people are not able to pay them. This is the fruit of deflation. Here was an opportunity to pay the adjusted compensation without collecting a dollar from the American people, and the Republicans refused to do it. Yet the President comes back and says, "You have not any way provided for me to collect the necessary funds." We provided a way in the Senate, but it was stricken out in conference, and the House without a murmur accepted it.

The President said:

> The Public Treasury is locked against class legislation but ever open to public necessity and prepared to meet all essential obligations.

Public necessity? Where is there a greater public necessity than that which provides something to eat for a starving soldier who saved the life of his Government? Where is there a public necessity more pressing upon the whole people, upon the Government itself, than to be just to the man who offered to die for his country?

The Senator from Missouri [Mr. REED] a while ago in his very able speech called attention to the fact that we have just passed a tariff bill which taxes the American people on nearly everything from the cradle to the grave. I rose to interrupt the Senator just as he was concluding to read into his speech what the New York Herald, a Republican paper, said, and it was that this tariff bill will cost the American people $3,000,000,000 a year. Does that look like we are lifting the burden of taxation? Who is going to get that money?

The tariff barons and the trust magnates, 5,000 in number in the United States. This money will go into their pockets, and the American people are being taxed to enrich this particular class. That is class legislation gone mad. Yet when we come here and ask to be just to 4,000,000 soldiers we are told that we have class legislation up our sleeves and that the bill must not be passed.

Mr. President, the soldier has rendered the highest service that it was possible for mortal man to render to his country. He did not stop to count the cost; he never said anything about what he was leaving behind; he never complained about the job he was giving up or about the danger into which he was going. He went. He knew that the Government for which he was fighting was big enough and brave enough and generous enough to be just to him and to those with whom he fought. That was the thought which was uppermost in his mind; that he was fighting for a great and a good Government, the greatest in all the world. That is the idea he had; but, Mr. President, when he came home and his employment was gone and hard times were here he said, "I have got to live." Men all around him told him how much money they made while he was away. There were men in the employment of the Government who were getting big pay, fat salaries, while he was drawing only a dollar a day, and had then been discharged without a nickel in his pocket by the Government he had saved. Naturally he appealed for justice to the Government that he had saved. Was it not quite natural that he should turn to somebody seeking something with which to satisfy his appetite, seeking something to put on his back in the way of raiment, seeking shelter from the storm? Was not that quite natural, I ask Senators who oppose adjusted compensation?

Mr. President, as I have said here before, the soldier saw these big income-tax payers being relieved of their part of the burden; he saw the profiteers relieved and the contractors relieved, and he said, "Surely my Government will be just to me; I ask this little compensation—$1.25 a day. I ask to have it passed upon; I ask to have it adjudicated, in order to determine whether or not the Government owes it."

A great many of our highbrow friends stand up here and talk about those of us who are in favor of this bill simply being so for political purposes. Mr. President, I should dislike to think that a man who desired to be just to a soldier who had offered his life for him and his country was playing politics. I hope and I know that there is enough innate love of justice in this Government and a due appreciation and gratitude to its soldiers entertained by Senators who do not obey the mandate of any special interest in this Government to stand here and fight for a fair deal for these boys. I am not impugning the motives of the Senators who are voting to deny these boys adjusted compensation, but I do not propose that they shall come on this floor and talk about "cheapening heroism" and "capitalizing patriotism" without having something said to them in reply.

If I were disposed to do so, I might say that Wall Street is bitterly against adjusted compensation; that Wall Street has fought it since it was first suggested; that Wall Street has carried on a propaganda in the country to defeat it outright. I am voting against Wall Street and I am voting on the side of the soldier, and Senators who oppose this proposition are voting on the side on which Wall Street is voting. If you, Mr. President, had to pass on the matter, on which side would you say the demagogues were voting? I voted to call these boys to the colors and to send them across the sea to do something which this Government had never before done; and then when they came back and beat at my door and told me that they were in such distress that people were collecting old clothes around the country to give them; that they had to have something on which to live, I said, "Boys, I am for you; God bless every one of you who offered to die for me and our country, and I am willing to do everything I can to get justice for you."

I submit to the impartial judgment of a justice-loving and God-fearing people to say who is on the just and humane side of this question, myself and those with me, or those who see these boys in need but draw themselves up in a shell and say, "You can not compensate the boys with money." Of course, you can not pay them with dollars and dimes, but the soldier has got to have something to eat, a place to sleep, and something to wear; and when you deny him those things, in a great Government like ours, you break his morale, you knock the spirit out of him, you humiliate him. You have no right to do that. He was the finest type of humanity the world ever saw, and you cow him, you hamper him, and humiliate him, and have him go about begging somebody for $1 or for $5, or whatever amount of money he can get; and many a one of them has had to do that.

A great number of these boys have killed themselves; our brave boys have said the strain was too great, the future was too black, that they did not care to face it any further; that they had nothing on which to live, no job in sight, and they blew out their brains. Then men stand up and talk about those of us who plead for justice to boys like those. I do not care where they class me. I have been battling with them for 18 years; and so long as I am in public life I am going to continue to battle with them for what I think is right in this matter and in other matters too.

Now, Mr. President, I wish to say a word or two further. I hold in my hand the report sent to this body by Governor Harding, of the Federal Reserve Board, in response to a deflation resolution passed here at the instance of the Senator from Illinois [Mr. MCCORMICK]. Governor Harding goes out of his way in that report, which was submitted in May, 1920, to say something against the bonus. I shall read what his report says; it will take but a moment:

> These—

Referring to a number of suggestions which were made—

> would of necessity preclude unwise appropriations, such as the proposed soldiers' bonus.

What business was that of his? Who set him up to send messages to the Congress of the United States? Think of this man, who maladministered his office, perverted it from the ends of its institution, and played the servant of Wall Street, writing to the Congress in a message signed by him advising against being just to the soldiers who saved the country. In contrast with that I wish to read these lines in the same report:

> A striking necessity exists which can only be relieved through the upbuilding of the credit of the railroads. This must come through adequate and prompt increase in freight rates.

I am in favor of being just and fair to the railroads. I want them to prosper, but think of this man advising Congress on these matters.

Here is this man recommending to the Congress legislation with which he has nothing to do and at the same time he is advising against the enactment of a law that seeks to do justice to the soldiers. He goes out of his way to ask Congress to pass a bill which would increase freight rates and burden the American people by higher freight rates than they have ever before been burdened with. We have that condition now, for you passed a law increasing freight rates and those burdens are on the people, and every State of the Union is crying out against them. Yet here is that man recommending to Congress that the soldiers' adjusted compensation bill be not passed but that a bill be passed which will permit an increase in freight rates. He got so that he meddled with everything.

Mr. President, let me say before I close that I understand a poll of the Senate is being taken on the Republican side to-day to ascertain whether or not Governor Harding could be confirmed in case he should be reappointed. I am not going to give the name of the Senator who is taking the poll on the other side of the Chamber, but his financial connection is, indeed, close to the Secretary of the Treasury. If, however, the name of Governor Harding is sent in, I will give all the details. Is this blow to fall upon the American people, Mr. President? Are the soldiers to be stricken down, humiliated, and driven away without appropriate action by the Congress of their country; and, following that, is the President further to humiliate all the people of the South, the Middle West, the West, and the Northwest by the reappointment of a man whom they loathe, detest, and distrust?

A Senator in this body stated to me a day or two ago that the bankers who were afraid to speak out for a while are now openly condemning Governor Harding since they know he is gone. And he is gone, Mr. President; he will never be reappointed. I have a reason for saying that, and I will give that reason if his name should come to the Senate; but it will not come.

The Senator to whom I referred said since he is out and gone the bankers are coming out of their shells; they are willing and not afraid to condemn him now. He said, further, "I hope you all will keep Governor Harding from being reappointed; I am glad he is out."

Mr. President, I have stated here a number of times that I had letters, as the Senator from North Carolina [Mr. OVERMAN] and others have had—and Senators will remember what they said in the debate here some time ago—from bankers protesting against the appointment of W. P. G. Harding, but telling the recipients of the letters not to use their names, to keep them out of it. So we find honest bankers in the country are afraid of this man; they are intimidated, coerced, and humiliated by him.

Mr. President, the American Bankers' Association is soon to hold its sessions, and agents of the Federal Reserve Board have been going all over the country helping to hand-pick delegates to go to the meeting of the American Bankers' Association to indorse Governor Harding. If the Secretary of the Treasury, himself a millionaire many times over, is for him, and Governor Harding is, as he claims to be, a cousin of the President, what chance have the American people got if kinship and financial friendship are going to govern in this matter?

If the Secretary of the Treasury, with the Governor of the Federal Reserve Board sitting at the head of that great system for six years, playing politics all the time to perpetuate himself in office, can not bring about an indorsement of him by picking delegates here and yonder from men who have to go to them for money, you would think it rather strange, would you not? But will the President permit such a thing as that to be worked upon him? I do not think he will.

Mr. President, because of that little polling that has been going on here to-day I want to say this much more: If the President postpones this appointment a little longer, if there is any doubt about it, I will give him some other matters that I have not given yet; but I want to say now that the President can not afford to reappoint a man who permitted the 12 Federal reserve banks of America under his control to increase their current expenses over those of 1918, which were $12,000,000, to $36,000,000 for 1922. I challenge them to deny that, any one of them. He can not afford to reappoint a man who has permitted these 12 banks to increase their own salaries—not current expenses, now, if you please, as I said the other day; I was in error in that—from $4,500,000 in 1918, when they did more business than they ever did before or since, to $19,500,000 in 1922, an increase of $15,000,000. The President can not afford to reappoint a man who engineered through Congress personally an amendment which permitted them to take away from the Government all of its franchise tax, amounting to one hundred and eighty-odd million dollars, and the Government has not gotten a dime of it, and it is now in the hands of these banks, charging it off for one thing and another—depreciation, and profit and loss, and value of buildings under construction—$180,000,000. The President can not afford to reappoint a man who by his sanction permitted four banks in four big cities to set aside $49,500,000 to build four bank buildings.

Why, Mr. President, those four banks cost two and a half times as much as this Capitol, both House and Senate Office Buildings, made of marble, and the State, War, and Navy Building—four bank buildings in four big cities. I want to show you a picture of one of them. Here is the one they have in New York [exhibiting picture]. Is it not a beauty? It cost the Government between eighteen and twenty million dollars, and the annex with it will make these two buildings cost about twenty-four to twenty-six million dollars. This building is about 350 feet long or something like that, 15 stories high. The Equitable Building in New York, a bigger building, 35 stories high, cost between ten and twelve million dollars. They are asking you to confirm this man if the President reappoints him, and yet he sanctioned in New York City alone an expenditure of between twenty-five and thirty million dollars of money, 90 per cent of which would have gone to the Government after the running expenses were paid and dividends met; $49,500,000 for the four banks, 90 per cent of which, forty and odd millions, would have gone to the Federal Treasury to help take care of this adjusted compensation for the soldiers, and one hundred and eighty and odd million dollars franchise tax that they sidetracked under Governor Harding's suggestion, 90 per cent of which would have gone to the Government. We would have had that to help take care of adjusted compensation for our soldiers, but it is gone, gone. The President can not afford to reappoint a man—it will all come out in the battle on confirmation—who declined even to investigate a big bank speculating in New York in 1920 when he applied the progressive interest rate to the South and West. That bank up there borrowed at 6 per cent, wildly speculating, but he would not even investigate it. He did not apply the progressive interest rate up there. He permitted them to go on with their plans, but he applied the progressive interest rate to the South and West and broke our people, practically bankrupted them, and ruined them in a business way. It will take 10 years to recover from the ruin wrought under deflation directed by this man.

Mr. President, I am not going to detain the Senate longer, because, as I said in the outset, I do not think any votes can be changed now upon this other proposition; but I do want to submit this in conclusion to the President:

The shock of the veto, if it is sustained, will be enough at one time for our soldiers and for the American people. I pray God that that blow will not come. Coupled with it ought not to come the blow of the reappointment of this man. The Manufacturers' Record said in an editorial the other day, written by a Republican, that the President could not now afford to reappoint this man when Wall Street interests were demanding his reappointment. The editorial said that since Wall Street interests were saying that they would not contribute to the Republican campaign fund unless the President reappointed him, if the President did reappoint him it would create a political revolution in the country.

Mr. President, I am hoping and praying that the President will not reappoint him, but I do not know; I hear so many conflicting rumors about here. I am going to communicate with the President again this afternoon and tell him something that I have not communicated to him before. I do not know what will be his ultimate judgment in this matter, but if this man should be reappointed it will be a great shock to me. I have studied this question as I never studied a public question in my life before. I know it from A to Z. I know every trail in this deflation drive. I have shown that it was born in Wall Street. I have shown that the clouds of deflation rose in the East. I have shown that we heard the muttering thunders of currency contraction and curtailed credit coming from over there, and the storm that broke in all its fury came from the East.

I have shown that it swept away the profits that our people had made; that the people who had been induced under the Federal Reserve Board to buy bonds, and were aided in purchasing them by getting money cheaply, with easy arrangements, were clubbed into insensibility after they had bought them and obligated themselves, and the bonds were taken away. Then Wall Street bought them at 80 cents on the dollar, $80 on the hundred, and after Wall Street got them all and the storm was over and ruin was everywhere the bonds went back up to par and above, and these men have been coming down to the Treasury clipping their coupons regularly, while ruin trailed through the South and West and distress was everywhere amongst our people.

I have pointed out in this body, and I will point it out as long as I am a Senator, because this thing has to go home to every American in the country, that this thing is a crime. I have called to the attention of the Senate that an able, clever, wealthy Republican Senator told me that they sent word to him that deflation was coming before it broke, and told him to get in out of the weather, and he said, "Why, I can not; if deflation comes now"—and he is from the West—"it will cost me a lot of money; of, course, I will be able to get over it in some way"; and he said it did cost him thousands and thousands of dollars. I have called this matter to the attention of the Senate, and I am going to call it to the attention of the American people in 30 speeches that I am booked to make in the West if this man's appointment does come, and there are enough men who are going to help me out in the expenses to see to it that copies of my remarks shall be given to every newspaper, and I am going to keep a list of every newspaper to which I give copies of those speeches, and when Congress reconvenes I am going to stand on this floor and tell Congress and the country what papers refused to give those facts and figures to the country. That is one way to fight these interests, and I am in earnest about this thing.

What did Lincoln say? He said, "Any effort to change the currency and credit plan under which you get people to go in debt before the debt can be paid is a crime." That is my position. What did Governor Harding do? He permitted the people in the South, East, North, and West to go into business in the spring of 1920. He never told them what they were going to do; and after they got tied up, and could not get out, deflation struck like a cyclone in midsummer, and nobody could escape except the big rich, to whom they had whispered that there would be deflation. My God! Was there ever a more miserable and contemptible picture flashed before the mind of an honest man or woman? I likened it once before, and I am going to do it again, to a case of this kind:

Suppose the case of a theater filled with people, 5,000 of them, and over in the boxes there sit, in royal parties, men of wealth, and somebody comes slipping down the aisle, tiptoeing, and whispers in the boxes, "A bomb is being planted under this building, and it is going to blow up in a few minutes. You people get out now, but don't say anything"; and then you see these people walking out of the boxes, retiring, and the others sitting there, looking at the play on the stage, happy, not dreaming of danger or trouble, and all of a sudden a mighty roar is heard, the foundations of the building give way, the building falls, and these people are murdered.

That is what happened with this man. He did not give any notice to the people that I represent. He did not give any notice to the people of the South, West, Northwest, and Middle West. Only the big rich got notice, and the others fell victims to the fell scheme of a deflation holdup. Now, efforts are being made to have him reappointed; and I am saying, I have been saying, that some of the northern Senators will vote for him, in my judgment, none of the western Senators will, and no southern Senator except about three. I doubt whether even those three will vote for him when the fight is over in the executive session, if we have an executive session. I do not want any executive session. I want this thing held in the open, if it comes. I am still relying on something I know which makes me think that the President is not going to reappoint this man, but I am saying these things in order that the President may know just what the facts are.

Senators, what I am stating to you here about this extravagance and this scheming is the truth, told by their own records, dug out and brought to light. These things are facts.

I am not fighting to cripple this system. Every now and then you see a newspaper article saying: "Senator HEFLIN attacked the Federal reserve system again." I have never attacked it. I have praised it. I helped to create it. I am trying to save it from those who would wreck it.

Why, Mr. President, a national banker told me yesterday that if Governor Harding should be reappointed hundreds of national bankers would withdraw from the system and go into the State banking systems. He said: "They will not stand it to live under this fellow. They are not saying anything now; they do not want to get mixed up in this fight; they do not know whether he is going to be reappointed or not, and if he is they had better not say anything, but many of them are going to withdraw." That is the situation you have.

What influence is it that keeps on nagging at the President to reappoint this man? What influence is it that demands that he be kept at the head of this great banking system?

I made a speech here the other day and closed it by saying, "Will the President indorse and approve what this man has done and reward him by reappointment, or will he respect the deep feelings and heartfelt wishes of patriotic Americans who protest against the reappointment of the man whose name will be forever associated with the most cruel, the most despicable and criminal deflation holdup ever perpetrated against the American people?" Can the President reappoint a man like that? I do not believe he can, and I do not believe he will.

I want to say this word, and I will be through. I trust that there will be enough votes here to-day to override the veto of the President. I think it would have a splendid effect upon the country. I do not know of anything which would do more good generally toward stimulating the people and heartening the people and restoring confidence in the Government in the minds and hearts of the people than for us to pass this bill over the veto and permit it to become a law.

There is nothing that would do more to bring prosperity to the country than putting into circulation now a billion dollars. If you want to raise this money, issue Federal reserve notes and pay the money to these boys and let them buy clothes and buy food and provide shelter, and that money will go into the channels of business, circulate amongst the masses, and do more to bring prosperity to our country than any other one thing we can do. That is a fact.

I am willing for a vote to be had. We had enough votes the other day to pass the bill over the President's veto. We passed this bill by a vote of two to one, with two to spare; but I do not know what will happen to-day. Some of those who voted with us are unavoidably absent, and I do not know what the result is going to be.

I understand that the opposition claim they have the votes to sustain the veto. But whatever may be the vote on this measure, my conscience is clear in regard to it, and I am willing to meet anybody in my State who wants to challenge my position on the matter of demanding justice to the soldier who offered his all for his country. I am going to use this office, which the people have given to me, to their very best advantage. I am going to use it in espousing righteous causes as long as I have the honor of representing in part the people of my State.

I want to vote for measures which will bring about the greatest good to the greatest number. I want to vote for measures which will bring prosperity to the masses of the people. I want to vote for measures which will lift my country higher and higher in the scale of being, and I want to vote for measures which will do justice by the soldier who made all of these things possible.

There is no vote I could cast which would come nearer to reaching the climax and crowning glory of honorable service to the country than voting for just and fair treatment to the soldier, who stood in the red glare of battle and offered his all for the flag.

They tell us we have never paid adjusted compensation before. We never sent our soldiers 3,000 miles from home before. We never before went on a foreign battle field across the sea to fight in a world war. This is something new under the sun, and having paid a bonus to the people at home, removed from danger, and paid all these lavish sums to the other interests I have mentioned, and these boys returned to their country, many of them in distress, needing aid, I say there is no higher obligation upon the country than being fair and just to them.

Mr. President, whatever fate befalls them, not one of these boys in poverty, ill health, or otherwise can ever point his finger at me and say, "You voted to send me to the war and then voted to deny me the compensation to which I was entitled." I shall vote to pass this bill over the President's veto.

SPEECH BY SENATOR POMERENE.

Mr. HARRISON. Mr. President, I do not see the Senator from Utah [Mr. SMOOT] in his seat. I ask unanimous consent to have printed in the RECORD the speech of the senior Senator from Ohio [Mr. POMERENE] at the Ohio Democratic State Convention. I am sorry the Senator from Utah is not in his seat. I dislike very much to have the speech read to the Senate. I renew my request to have it printed in the RECORD.

Mr. MOSES. I dislike to see any advantage taken of the absence of the Senator from Utah.

Mr. HARRISON. That is why I made the statement. I will ask that it be read from the Secretary's desk.

Mr. MOSES. I object to that. Let the Senator read it himself.

Mr. HARRISON. I dislike to take up the time of the Senate, but on yesterday there was placed in the RECORD a speech by Representative FESS, the nominee of the Republican Party for Senator in Ohio, delivered at the Republican State Convention in Ohio. I am asking consent to put in the RECORD a speech by the senior Senator from Ohio [Mr. POMERENE], who is likewise a candidate, not upon the part of the Republican Party but of the Democratic Party, a speech made to the Democratic State Convention. Before I shall permit such unfair tactics to be taken by the majority party in this body, I shall read the speech to the Senate myself.

Mr. MOSES. My objection was made solely because of the absence of the Senator from Utah. The Senator from Mississippi, it is true, was chivalrous enough to state that he is doing this in the absence of the Senator from Utah, which called my attention to the fact of the Senator's absence. If the speech is to be read, I would not deprive the Senate of the benefit of the elocution of the Senator from Mississippi.

Mr. HARRISON. No; we will have the Secretary's elocution tried out on the Senator from New Hampshire and others.

Mr. MOSES. That can not be done in the face of an objection.

Mr. HARRISON. The Senator objects, then?

Mr. MOSES. If it is going to be read, I want the Senator's own elocution on it.

Mr. HARRISON. The Senator will never stay in the Chamber when the Senator from Mississippi is trying out his elocution. He runs, like the balance of his colleagues.

Mr. MOSES. Oh, no, Mr. President; when the Senator from Mississippi——

Mr. HARRISON. Is there objection to my request, Mr. President?

The PRESIDENT pro tempore. Objection is made, the Chair understands.

Mr. MOSES. I think the Senator should wait until the Senator from Utah is in the Chamber. Will the Senator not wait?

Mr. HARRISON. No; I am going to take another tack. The Senator can take his seat and rest himself in patience.

In the Evening Star, published here in Washington, on Friday, September 15, there appeared in large type on the front page this heading:

> President takes up reorganizing. Finds steps for greater Government efficiency facing less opposition. Also meets Cabinet.

I want to read part of this. It is as follows:

> Reorganization of the Government departments so as to establish a greater efficiency by checking overlapping and by coordinating the various activities of the Government was the first business taken up by President Harding when he appeared at his desk in the Executive Office to-day for the first time since Mrs. Harding's illness reached serious proportions.
>
> For more than half an hour he discussed the reorganization plan with Walter F. Brown, chairman of the joint congressional committee on reorganization, who personally directed the drafting of the plan to bring about reorganization. The President is known to have stated to his caller that during the months the tentative plan has reposed on his desk for his final approval he has many times given it study and has lost none of his original interest in the proposition.
>
> EARLY ACCORD PREDICTED.
>
> On numerous occasions he has gone over certain details of the plan with individual members of his Cabinet who had made known their objection to certain features calling for drastic changes in portions of their respective departments. According to Chairman Brown the President to-day strongly intimated that the objections which arose at first are gradually disappearing and that it is only a question of a short time before there will be complete accord regarding the plan. It will then be returned to the joint committee to put in the form of a bill to be presented to Congress for action during the short session in December.
>
> Chairman Brown to-day reiterated the statement made by him when he last conferred with the President regarding the reorganization plan, that "it was by no means a dead issue."

I suppose that same article appeared in many papers throughout the country.

I ask unanimous consent to have inserted in the Record in 8-point type the speech of the Senator from Ohio [Mr. Pomerene] before the Democratic State convention, delivered on August 22, 1922.

The PRESIDENT pro tempore. Is there objection?

There being no objection, Mr. Pomerene's speech was ordered to be printed in the Record in 8-point type, as follows:

Address of United States Senator Atlee Pomerene Before Ohio Democratic State Convention, August 22, 1922.

Ladies and gentlemen of the convention, first, let me congratulate you upon the nomination of Vic Donahey as your candidate for governor. Three royally good men entered the lists. All could not win. Before primary day there were Donahey Democrats, Johnson Democrats, and Duffy Democrats. Now there are only Donahey Democrats. It was an honorable fight, conducted in an honorable way, and the choice of the Democrats at the polls is the choice of all to-day. I salute Governor Donahey.

I congratulate the voters of Ohio on the splendid personnel of our entire State ticket. No man needs to make apology for any of these candidates, and when they are inducted into office, as they will be, they will make true and faithful servants of the people.

I congratulate the voters of Ohio and the Nation upon our splendid congressional ticket, every member of which is a man of ability and integrity and possesses the unlimited confidence of his constituency. Since March 4, 1921, I have been pretty lonesome politically in Washington, and I have been kept pretty busy watching the movements of 1 Republican Senator and 22 Republican Congressmen from the State of Ohio, but I promise you that after March 4 next there will still be one Democratic Senator in Washington from Ohio and more than half of the House delegation from Ohio will be Democratic.

PROMISES VERSUS PERFORMANCE.

Never did the Republicans go through a campaign with more promises to their credit than they did in 1920, and never did a political party go into a campaign with less performance of pledges to its credit than the Republican Party enters upon this campaign, whether we consider it from the standpoint of the State or the Nation.

The Republican Party in the State has to its credit—I beg pardon, discredit—one piece of legislation which is sufficient to condemn it for all time. I mean the ripper legislation, by which the governor sought to get control of the State government in defiance of the civil service and at the same time to take away from the people the referendum vote, which was accorded to them by the constitution of the State.

I remember also that Governor Davis became so heartily ashamed of his Republican general assembly that he prorogued it and sent it home—the first time this ever occurred in the history of Ohio. He and his party were to reform the tax laws of the State, but that task is left for Governor Donahey and his colleagues in the State government to perform. As auditor of State, Donahey redeemed every pledge he made to the people during the eight years that he administered that office, so Governor Donahey will prove faithful to the higher honors that are to be conferred upon him.

But it is not my purpose to discuss State issues this day.

A PERSONAL WORD TO VOTERS.

Neither am I going to ask your indulgence in the discussion of matters which are largely personal to myself. I promise you that during the coming campaign I shall give the voters of Ohio the opportunity to distinguish between false charges on the one hand and the facts on the other. I have no apology to make for what I have said or done at Washington. The people of Ohio will have the opportunity to learn what I have said and done and what the false prophets and Pharisees in the State charge that I have said and done.

THE PARAMOUNT ISSUE.

To-day I shall devote my observations largely to the record which has been writ by the Republicans in the Halls of Congress. The paramount issue in this year's campaign is the lamentable failure of the Republicans in the Sixty-sixth and Sixty-seventh Congresses to redeem their party pledges. The "wiggling and wobbling" which they charged against Democracy in 1920 have become the cornerstone in the temple of the Republican Congress. Democracy may have done some things which were wrong, but history does not record anything in the long and illustrious career of Democracy that equals the indecision and inaction of the present and the last Congress.

I can not take the time to consider some things which I would like to discuss to-day—the unparalleled program of constructive legislation inaugurated and carried out by the Democratic Party during the eight years of the Wilson administration, the extraordinary powers conferred upon the President by the pending tariff bill, which puts more government in business rather than less government in business; proposed legislation to curtail the excessive use of money in elections; Newberryism, and so forth. These and other kindred subjects will be given their proper place in the campaign later on. I shall, however, beg your indulgence while I discuss several matters which are of primary importance to every citizen of the Republic, and which affect materially our industrial activities and national welfare.

REPUBLICANS RESPONSIBLE FOR WASTE.

The great World War shook civilization to its very center. It involved nearly all of the great civilized nations and called to battle the greatest armies known to history. It could not be fought without serious consequences to all mankind. Speaking economically and financially, it demoralized industry, bankrupted many nations, financially embarrassed others, destroyed countless private fortunes on the one hand, and on the other hand furnished the opportunity to many to profiteer at the expense of their Government and fellow men. This result is not peculiar to the late war. It is the aftermath of all wars.

The American people under the leadership of our great Chief Executive, Woodrow Wilson, helped to fight and win the war. No nation ever prepared so quickly or so completely or so thoroughly as did the American people during the World War.

The War Department was directed by our able and distinguished fellow Democrat and Ohioan, Hon. Newton D. Baker.

The Navy Department was directed by that brilliant son of the South, Hon. Josephus Daniels.

Their task was so gigantic that it was beyond the human power of any man to perform it alone and unaided, and so these Cabinet officials called to their assistance committees of able and distinguished "dollar-a-year men." Three out of four, if not four out of five, of these men were Republicans, and if there was any undue waste or extravagance Republicans must bear their share of the responsibility. Charges of criminal misconduct have been made. If the confidence of the Democratic President and the Democratic Secretary of War and the Democratic Secretary of the Navy was abused by anyone, the Republicans have control, and let them bring the culprits to book. Up to date little, if anything, has been done in that behalf. Why the delay if the criminal charges are true?

OUR GREATEST PROBLEM AFTER THE ARMISTICE.

The greatest problem presented to the American Congress after armistice day, November 11, 1918, was the revision of our financial legislation.

The election of November, 1918, resulted in the Republicans carrying both branches of the Congress. The Senate, with the disputed seat of Mr. NEWBERRY, gave to the Republicans a majority of 2; the House a majority of 41. The result of the election had scarcely become known until Mr. FORDNEY, the ranking member of the Ways and Means Committee, who it was known would become the chairman of the Ways and Means Committee, announced to the country that the Republicans would at once take up the task of framing the revenue and tariff bills so as to have them ready for presentation to the House when the new Congress would be called together after the 4th of March, 1919.

President Wilson in his annual address to Congress in December, 1918, called attention to the fact that the revenue legislation then on the statute books was temporary in character and only intended to fit war conditions, and that it must be revised. Among public men there seemed to be no difference of opinion upon this subject. Certainly it was intended by President Wilson that whatever was done toward relieving the American people from the burdens of war taxation should redound to the benefit of all. It was not intended to permit the lesser incomes to continue to pay war taxes, while the swollen incomes should be relieved from a large part of their war taxes.

When the Republican Congress was called in extraordinary session May 20, 1919, substantially the same message was delivered. The Congress has been in almost continuous session from that day until the present—more than three years and three months—and what is the result?

WHAT THE NEW REVENUE LAW DOES.

Under the revenue law of 1918 the surtaxes ran by graded brackets from 1 per cent on incomes between $5,000 and $6,000 to 32 per cent on incomes between $66,000 and $68,000, and thence upward to 65 per cent on incomes in excess of $1,000,000.

The Republican House removed all surtaxes above 32 per cent. The Republican members of the Senate Finance Committee made the same recommendation. The Democrats with the aid of a few Republicans raised these surtaxes to 50 per cent. The President urged a compromise by placing the limit at 40 per cent. The House refused to accept the President's advice and voted the 50 per cent limit proposed by the Senate.

The significant fact is that the Republican House and the Republican Finance Committee in the Senate recommended 32 per cent as the limit, and relieved the higher incomes of all surtaxes in excess of 32 per cent. In other words, the Republicans were willing so to revise the revenue laws that the man with an income of $5,000,000 paid no higher surtaxes than the man with an income of $68,000, this in face of their pledge to lower taxes, which the people had a right to believe meant an equitable reduction of taxes all along the line.

Now note, please. In the year 1920 there were 11,077 taxpayers each with incomes higher than $68,000. There were 5,321,683 taxpayers each with taxable incomes below $68,000. The average income of the 11,077 taxpayers was $150,000. The average income of the 5,321,683 taxpayers was $3,400. Except a slight increase in the exemption of those with incomes below $5,000, little or no relief was granted to the 5,321,683 taxpayers, but those with incomes above $68,000 were relieved of all of the surtaxes ranging under the then statute between 32 per cent and 65 per cent, which was the maximum surtax.

Why did the Old Guard give its maximum relief to those having larger incomes and the minimum relief to those having the smaller incomes? There should have been relief all along the line, and it should have been distributed equitably among all of the taxpayers, and not for the benefit of the few.

I have no prejudice for or against men either because they have or do not have great wealth, but it is one of the fundamental principles of taxation in every country of the world that the government always must take into consideration, when framing taxation legislation, the ability of the taxpayer to pay. Tax burdens are always heavy in our complicated civilization, but that is no reason why the burden should be disproportionately borne by those who have the more modest incomes.

EXCESS-PROFITS TAX AND CORPORATION TAX.

Under the Finance Committee's bill they sought to abolish all excess-profits taxes and increase the normal corporation tax from 10 to 15 per cent. It finally was made 12½ per cent in conference. In other words, by the Finance Committee bill they increase the normal tax on the earnings of all corporations by 50 per cent, while abolishing the excess-profits tax.

In the year 1919 there were 317,000 corporations in the United States.

The Senate Finance Committee in its report on the pending bill gave certain statistics relating to the incomes of 115,056 representative corporations. According to these tables, during the year 1919 there were 55,242 of these corporations that earned net incomes of less than 15 per cent. By this report the taxes of all corporations earning less than 10 per cent were increased 50 per cent. Those earning between 10 and 15 per cent were increased also. During the same year 59,814 of these corporations earned net incomes from 15 per cent to 100 per cent and over. By the Finance Committee bill their taxes were decreased and they were relieved from all taxes in excess of 15 per cent.

What justification can be made for increasing the taxes on all corporations earning less than 15 per cent and decreasing the taxes on all corporate earnings from 15 per cent to 100 per cent and over? The American people are curious to know. The decreases should have been equitably distributed.

REPUBLICAN TARIFF HISTORY REVIEWED.

And what shall we say of the interminable delays in the tariff legislation?

Before answering this question, permit me to refer briefly to the history of the Republican Party upon the tariff.

In the platform of 1892 the Republican Party declared:

"That on all products coming into competition with the products of American labor there should be levied duties equal to the difference between wages abroad and at home."

Prior platforms of the Republican Party took substantially the same position. I shall not refer to them at this time.

In 1896 the Republican platform upon which President McKinley was elected declared its "allegiance to the policy of protection," and at the same time it insisted that in its application the tariff should be "just, fair, and impartial; equally opposed to foreign control and domestic monopoly, to sectional discrimination and individual favoritism." The American people when they study the pending bill will find that it is neither "just" nor "fair" nor "impartial," and that it was dictated both by "sectional discrimination and individual favoritism."

Then followed the Dingley law. Tariff rates were higher than ever before. Prices were advanced to such an extent that Republicans and Democrats everywhere insisted upon a revision of the tariff duties downward.

Senator Sherman said if combination "is aided by our tariff laws they should be promptly changed, and, if necessary, equal competition with all the world should be invited in the monopolized article."

President Roosevelt never attempted a revision of the tariff.

Mr. Taft was elected President in 1908. In the campaign of that year he, too, declared that the tariff should be revised downward. At a meeting in Wisconsin on September 4, 1908, he said:

"The tariff is greater than the differential between the cost of production at home and abroad and it should therefore be reduced."

The Payne-Aldrich bill followed, and instead of the tariff being reduced many of its schedules were even higher than they were under the Dingley law. The fight over this subject resulted in a split between the two wings of the Republican Party, and Woodrow Wilson was elected President in 1912.

ADVANCED RATES IN STEEL SCHEDULE.

I do not have sufficient data before me to give even an approximate estimate as to the increased cost to the consumer by the advanced rates in the steel schedule. Many of these heavier products could well have remained on the free list, or certainly with a very much reduced rate, because of cheaper material, greater efficiency in production, due in part to better management and in large part to the greater skill and efficiency of our labor. But I shall content myself to-day by referring to one single item in the cost of steel.

In the manufacture of alloy steels this bill provides for heavy duties on such alloys as ferromanganese and tungsten. It was conceded upon the floor of the Senate that the increased duties on these alloys alone would add $10,000,000 annually to the consumers' cost. Scarcely an article of iron or steel manufacture can be mentioned whose cost will not be increased by these heavier rates.

CUTLERY AND EDGED TOOLS.

The Underwood rate on cutlery averages 40 per cent ad valorem. The rates under the Senate bill average 126 per cent ad valorem, or an increase of 86 per cent. The increase of these duties to the American consumers is estimated by these same experts at $6,829,371.

SUGAR CONSUMERS WILL PAY $25,000,000 MORE.

The duty on Cuban sugar is $1.60 a hundred pounds. Our imports come almost exclusively from that island. An effort was made to increase this duty to $2. The Senate compromised the rate at $1.83. The farmers who raise beets were not asking for an increase in the rate. They simply asked to have the present rates retained. This single increase from $1.60 to $1.83 will add $25,000,000 to the cost of the sugar consumers.

As indicating the methods which are resorted to in fixing the tariffs that affect the prices to the consumers of sugar it may be interesting to relate an incident that occurred in the Senate.

Senator Pat Harrison learned that Senator Reed Smoot had written to Gen. Enoch Crowder, the President's personal representative in Cuba, asking him to take up with the Cuban Government the question of limiting the amount of production of sugar in Cuba. This letter was not produced at the time, but later on, August 7, Senator Smoot read a copy of the letter in question. (Congressional Record, page 11011.) Senator Smoot and his State are very much interested in beet-sugar production. Cuba ordinarily produces from 3,800,000 to 4,000,000 tons per year. Senator Smoot wrote to General Crowder:

"I am sure that the limitation of the Cuban crop of sugar for the present year to 2,500,000 tons will be the solution of the problem, not only for Cuba but for the United States as well. So sure am I of this that I think that it would be wise to have incorporated into the pending tariff bill a rate of 1¾ cents per pound, which would make the duty on Cuban sugar 1.4 cents per pound."

In other words, the purpose was to reduce the duty on Cuban sugar two-tenths of 1 cent per pound if Cuba would cut her production from 4,000,000 to 2,500,000 tons. This would have given the Republicans the opportunity to say they reduced the duty on sugar, but at the same time if the supply was to be reduced about 1,500,000 tons, and we get nearly all of the sugar which we do not produce in this country or our island possessions from Cuba, it would have resulted in increasing the price of sugar to the American public.

I submit to the voters of Ohio, irrespective of party, this question: What right has any Senator or Congressman to suggest to other countries that they reduce their production in order to make sugar scarcer for the consumer and consequently more expensive? As well might we say to one another, let us urge the farmers not to raise so many hogs and cattle in order that we may make the price of meat higher to the consuming public.

EFFORT TO BUNKO FARMERS WITH TARIFF ON HIDES.

The Republican Finance Committee sought to place a duty of 2 cents per pound on green hides and 4 cents per pound on dried hides. Twelve million hides are produced in this country annually—weight, 600,000,000 pounds. This presumably would have added $12,000,000 to the value of the hides. Senators with very solemn faces defended it on the theory that it would be a benefit to the farmers. Senators who have great herds of cattle and sheep were very much interested in the soil farmer. Statistics show that at least 60 per cent of the hides in this country are produced by the packers. In other words, the packers would benefit to the amount of about $7,200,000. The other $4,800,000 would go to the small butcher and the farmer.

The debates in the Senate showed clearly that this duty on raw hides, by the time it was manufactured into shoes, would add a minimum of 12 cents per pair. Other estimates were 20 cents per pair, and still others 40 cents per pair. In round numbers there are 6,000,000 people in the State of Ohio. Each man, woman, and child wears out at least two pairs of shoes annually, so the increased cost in shoes to the people of Ohio annually at the estimated rate of 12 cents per pair would be $1,440,000, and at 20 cents per pair it would amount to $2,400,000.

One plain purpose of this duty was to deceive the farmer into the belief that he would be benefited thereby. The real purpose, however, in my judgment, was to deceive him into the belief that he was actually being benefited by this tariff bill, while increased duties were being added to practically everything he had to buy.

I do not think many of the farmers can be deceived by this kind of buncombe. They do not raise the steer for the hide. The hide is a mere by-product if the farmer does his own butchering.

In the course of my discussion on this subject in the Senate I was interrupted by Senator Borah, who read a letter which he received from one of his clear-headed farmer constituents, who said in part as follows:

"It seems to us farmers who really farm that we are paying too much for the protection we are getting in the tariff bill you fellows are passing. I can explain by the tariff on hides. We did not think you folks would be ignorant of how that tariff would work. The real farmer will never get any benefit from that duty. The fellows at Chicago and Omaha either skin the steer or skin the fellow who does skin him. They are the ones who take off the hides, and they control the price of all other hides.

"I have been raising a few cattle for 30 years. I am not an expert, because I know the facts; but when it comes to the leather and shoes, then we will feel the effect of the duty. They will charge us more for shoes and tell us, whether it is true or not, that 'it is because you farmers would have a duty on hides'—a duty which does not help us. We would rather not give the shoe people an excuse for charging us more for our shoes, and leave off the duty on hides. It is all bunk. It does not help the farmer."

DEMOCRATS AND LIBERAL REPUBLICANS DEFEAT WOOD-PULP TARIFF.

An effort was made to put a heavy duty on all imported wood pulp which is used in the manufacture of newsprint and other paper. Had it succeeded it would have greatly increased the cost of all newsprint paper in the country and would have proven a substantial burden to many of the small newsprint plants.

Twenty-one pulp mills have asked Congress for this protective duty; 315 paper and board mills are dependent upon foreign pulp in whole or in part for their raw material; 55 of these mills are in Ohio. There are no pulp mills in Ohio, except one small soda pulp mill at Chillicothe. Ohio mills must have foreign-made pulp. Any duty on imported pulp would increase the burden of these 55 paper mills, to say nothing of other mills outside of Ohio, and these mills employ between thirty and forty thousand people.

This duty would have increased the cost of the newspapers, diminished the chances of Ohio laborers to get employment, and would have further encouraged the depletion of our forests, now too rapidly disappearing. Fortunately the Democrats, with the aid of the more liberal Republicans, were able to defeat this duty.

DYE INTERESTS WANT COMPLETE EMBARGO.

The dye interests of the country were not content to ask for higher duties. They insisted upon a complete embargo, shutting out all importations of foreign-made dyes. I am not unmindful of the fact that during the war, and partially as a war measure, we placed duties upon the importation of dyes which were written into the law from schedules prepared by the dye makers themselves. They were thought then to be sufficiently high to grant all needed protection. Of course, the present economic and financial state of Germany was not fully anticipated. The emergency tariff law placed an embargo on the importation of dyes. The dye people insisted upon its continuance.

In order that we may be able to determine more fully the wisdom or unwisdom of this course, let it be borne in mind that while German dyes could not come into this country we imported during the year 1920 something over $5,000,000 worth of dyes, but we exported over $30,000,000 worth, which were sold, in part at least, in competition with German-made dyes.

Dyes of different kinds and shades are discovered as a result of experimentation. In order to dispose of these colors, the merchants must guarantee them to be fast and permanent. During the war our manufacturers had serious difficulty in disposing of many of their goods because they could not guarantee these colors. They were dependent at that time upon American-made dyes.

European salesmen have been constantly charging that many of the American colors are not fast, and American goods are, therefore, handicapped in the world markets. The question for

Congress to determine was, Shall we allow our manufacturers of woolen, cotton, silks, and paints to be handicapped because they can not get these fast colors?

Those in favor of an embargo wanted them thus handicapped. Those who were against the embargo did not believe that these interests should be thus crippled. The embargo was defeated, but later an amendment was presented which makes the duties on many of these dyes so excessively high that Senator SMOOT characterized them as "outrageous," and these high duties on many of these shades will work as an embargo, or make the importation of these dyes so high that it will be difficult for our manufacturers to obtain them, and add very considerably to the consumer's cost of their products.

REPUBLICAN TARIFF THEORY VERSUS REPUBLICAN TARIFF PRACTICE.

The American people are a unit in wanting labor to have not fair wages but good wages, not fair working conditions but good working conditions. We want labor in America to have better wages and better working conditions than anywhere else in the world. It must also be borne in mind that while wages in America have been higher than elsewhere it is true also that American labor has been more productive here than anywhere else in the world, because it is more intelligent and more efficient than anywhere else in the world. And whatever may be the claims of Republicans, the Republican tariff laws have not as a rule been framed so as to cover simply the difference between labor cost at home and abroad. It has often happened that the tariffs have been higher than the entire wage cost—sometimes twice or three times over.

In the discussion of a table relating to the cotton schedules of the Payne-Aldrich bill the Taft Tariff Board said:

"In general the table shows on these samples that with few exceptions the duty is far greater than the total domestic labor cost and in the majority of cases is greater than the total conversion cost, not including material. In a number of cases the duties are two or three times the total domestic conversion cost."

And this leads me to note the fundamental principles underlying the pending tariff legislation. The Republicans in Congress confessedly do not seek by this legislation to fix rates which would cover the difference in the labor cost in this country and abroad, but they go further than any Congress or any party in the past ever dreamed of going. They have fixed rates not only to cover the difference in labor at home and abroad, but to protect the producers' profits as well. I say this because the Republican members of the Finance Committee in the amendment known as section 315a said:

"To put into force and effect the policy of the Congress by this act intended whenever the President upon investigation of the differences in conditions of competition in trade in the markets of the United States" and articles of "competing foreign countries" shall find that the duties in this act shall not equalize the differences in competition, he shall investigate and ascertain these differences and raise or lower the tariff duties or change their form as he may see fit.

Differences in conditions of competition certainly embrace elements of wage and profits as well as other conditions. It is true that after a terrific battle fought by the Democrats and a few Republicans this language was changed so as to substitute for "differences in conditions of competition" the words "condition of production," but it will be borne in mind that nearly all of the rates which have been established in this legislation were voted into the bill before the change was made in the rule to guide the President in making investigations of differences in trade at home and abroad, and presumably the Republicans had in mind what they declared was the policy Congress intended by this act, namely, to cover the differences in conditions of competition in trade between other countries and the United States. So while the bill now authorizes changes based on differences of conditions in production most of the rates in the bill were based upon differences in condition of competition.

And now, ladies and gentlemen, what have we, or, rather, what will we have when this legislation is completed? There is scarcely a schedule in which the rates heretofore prevailing have not been substantially increased, and these increased duties mean increased prices to the consumers, and this at a time when there are declining prices and declining wages as well.

I can give but a brief survey of these conditions as applied to a few of the more important items of the bill.

WOOL SCHEDULES.

I may say preliminarily that I realize fully that at present world conditions must be considered in the enactment of any economic legislation, no matter from what point we approach it. For this reason I was prepared to vote for substantial increases in some duties. But, in my judgment, no justification can be found for the exorbitant rates contained in nearly every schedule of the tariff bill. Let us examine briefly the woolen schedule.

It places a duty on the clean content of 33 cents a pound. The compensatory duty on the finished fabric is 49 cents, because it takes 1½ pounds of wool to make 1 pound of cloth, owing to the waste in the processes of manufacture. The effect of this increase in tariff over the Underwood bill has been estimated by the Government experts to add, in round numbers, $200,000,000 to the consumers of wool and woolens. One expert fixes this increase at $195,300,000, another at $195,447,063.

We produce in this country 120,000,000 pounds of clean and scoured wool per annum on the average. We import 100,000,000 pounds of clean wool. Total, 220,000,000 pounds.

The domestic wool producers, if this tariff is wholly effective, will get 33 cents a pound on their 120,000,000 pounds, or $39,600,000, and there will go into the Treasury of the United States on the wool that is imported $33,000,000, so that it follows from this legislation—and I freely admit that these are estimates based upon the supposition that the tariff shall be wholly effective—we provide for the woolgrowers $39,600,000, and before it reaches the consumer in the shape of the finished product it is to add to his cost nearly $200,000,000. You ask how this is done?

The Tariff Commission was asked to give its opinion concerning the effect of this tariff duty. In a memorandum furnished to Senator CALDER on June 29, 1922, they made it clear that this duty of 33 cents a pound on the clean content of wool would, by the time it reaches the consumer, by the pyramiding which takes place in passing from one manufacturer or merchant to another, amounts to 93 cents a pound. Men who favor high duties but try to minimize the effect they will have upon the price to the consumer say that there is no excuse for the pyramiding, but the Tariff Commission in this same memorandum says that while the criticism is made that middlemen are not justified in adding their profits and overhead expenses, nevertheless the addition of this margin rests upon a firmer basis than the mere custom of adding a fixed percentage.

Without going into details, it is sufficient to say that in this same statement the Tariff Commission estimates that this duty will add from $2 to $2.85 to each suit of clothes, depending upon its weight, and that it will add from $3.20 in the ordinary style of overcoat to $5.70 in the heavy ulster; and the figures here furnished do not take into consideration the increased cost due to the advance in duties on buttons or trimmings or dyes or linings. These estimates made by Government experts are conservative.

HIGH DUTIES MEAN HIGH PRICES.

Some Senators and Congressmen may try to deceive themselves into the belief that these rates will not increase the cost of clothing and of blankets. Beneficiaries of the tariff may insist that they add little or nothing to the cost, but I want to say to you that my mail is full of letters and telegrams coming from the retail clothiers and merchants who are as familiar with costs and the effect of the tariff as the Senators who sometimes play politics with their constituents, and they are more candid with their customers than are the beneficiaries of the tariff. They have been appealing to Congress not to add these duties at this particular time, because they are firmly convinced that this tariff will add from $2 to $5 a suit and more for overcoats, and this comes at a time when there is a general effort among all merchants to reduce prices. Many of them have been made to suffer in the eyes of the public because of the high prices they have been charging. Some of them have been too high, but it must be borne in mind that many of them bought when prices charged by the manufacturers were exceptionally high. Reduction in price by the manufacturer had to come first before reduction by the retailers, and the retail merchant was put in a pretty embarrassing position when he had high-priced clothing on his shelves and there was a decline in the market and bankruptcy was staring him in the face. And now they appeal to Congress not to increase these tariff rates unduly, because it will compel them to advance their prices at the very time when they are doing their best to bring prices down within the reach of the buying public.

It ought to be a sufficient answer to those who minimize the effect of this tariff to say that within a few days after the Senate bill was reported to the Senate on April 11 the American Woolen Mills made an advance from 10 to 45 cents a yard to their customers, and within two or three months thereafter another advance of from 10 to 45 cents a yard.

THE COTTON SCHEDULE.

A word as to the cotton schedule. Bear in mind that the cotton schedule in the Dingley bill was severely condemned by President Taft's Tariff Board. In their report they declared that many of the duties on the manufactures of cotton were higher than the entire wage cost in this country, and in some paragraphs twice or three times the entire wage cost.

Many of the duties in the pending bill are higher even than the Dingley bill or the Payne-Aldrich bill. These same experts who served the Finance Committee estimate that the increase in these tariff duties will cost the consumers of the country not less than $108,074,470, over and above what they would cost under the Underwood bill; and no matter what may be said I think it must be conceded that the cotton mills of the country during the last few years, and even up to date, have been making extraordinary, if not excessive, profits.

PENDING TARIFF BILL HITS CONSUMER.

I would not presume to say what the total increased cost of this tariff bill will be to the consumers of the country. This is being very carefully studied by experts of the Government who are being consulted by the members of the Finance Committee. Special study has been given to some of the schedules. All will be carefully examined. Mr. Mills, the chairman of the Fair Tariff League, a Republican and protectionist, estimates that the increased cost will amount to $4,000,000,000 annually. Senator SIMMONS of North Carolina, the ranking Democratic member of the Finance Committee, who is always recognized by his fellow members as conservative in his statements, believes that this cost will reach $3,000,000,000 annually. These figures are subject to modification as the schedules are more carefully analyzed. I do not feel justified in giving any definite figures of my own, but of this much I am absolutely certain, it will tremendously increase the cost of nearly every article which goes upon the table, or upon the backs, or into the homes of the average American. Let those who doubt keep in mind the prices they pay for necessaries and supplies after the law becomes effective. In fact, prices are now on the increase in anticipation of the increased tariff rates. Of course these rates are intended by the Republican leaders to increase the prices of the products affected, otherwise they would not be adopted, and if they increase the price of production they necessarily increase the cost to the consumer.

At this critical time in our industrial development this is peculiarly unfortunate. Every fair-minded man must admit that there must be an adjustment of all prices. War prices can not continue. There is only one way by which they could be continued and that is to bring on another war, and who wants that? In the readjustment in many lines of industry employers and employees have agreed that there should be some reduction in wage as well as material costs. In other lines of activity the employees have refused to accept the reduction in wages because of the continued high cost of living. And now, the Congress of the United States, flying in the face of this situation, passes a tariff law increasing the rates higher than ever before in our history, which necessarily must add to the high cost of living which everyone now deplores. The Republican leaders by this legislative act are giving color at least if they do not support the claims made by many of the striking employees.

HOW THE BLOC SYSTEM WORKS.

The great Lincoln who is enshrined in the hearts of civilized men the world over, in his great Gettysburg speech spoke of a "Government of the people, by the people, and for the people," and so people generally think we are. But now we are fast becoming, if we have not already become, a Government of blocs, by blocs, and for blocs. To prove this charge you need not go further than to examine into the history of the pending tariff legislation. Exorbitant duties are demanded by one bloc which, if considered by one bloc for one section, would never have been granted by the other Members of the Senate. The citrus growers in California demand exorbitant rates for their fruits, which do not or can not meet the approval of the public at large, but they are supported in their demands by the manufacturers of Massachusetts, Connecticut, and New Jersey, who in turn demand excessive rates which do not appeal to the other sections of the country but they are supported by the citrus fruit people who insist on excessive rates because of the benefit they themselves get. Summing up the entire tariff schedule you will find that the manufacturers of iron and steel products, of sugar, of wool and woolens, of cotton, of silk, and of dyes, all combine together to get these excessively high rates. The consumer is, in every instance, the victim, as the consumer must pay the higher costs resulting from the higher tariff rates. If each one of these subjects could have been taken up separately and considered on its merits the present high rates never would have been adopted.

REPUBLICAN LEADERS IN HURRY FOR ONCE.

An effort was made to force this tariff legislation through the Senate without giving an opportunity for full discussion. The bill contains 4,000 items. The House added 200 amendments to the bill as it was reported by the Ways and Means Committee. The Senate Finance Committee added 2,086 amendments. The bill came to the Senate on April 11, and on April 20 the discussion began. Within 10 days the Republican leaders began to charge the Democrats with filibustering. Their purpose was to prevent discussion. Probably five or six weeks ago Senator WATSON stated on the floor of the Senate that the Finance Committee during the progress of the debate had voluntarily offered more than 80 amendments, and I dare say that since that time they have offered two or three times that many amendments to the bill. Rates are imposed upon the American people which were never dreamed of in the previous history of our country. What light would the American people have had as to the provisions of this bill if the Republicans had succeeded in bringing the debate to a close at the time they first began agitation for it? Does anyone anywhere know of any prominent Republican business man in the State of Ohio who is satisfied with this bill? The great Republican cosmopolitan papers of the country are, for the most part, against it, notably such papers as the New York Herald, the Chicago Tribune, Indianapolis News, and the Ohio State Journal, published in Ohio's capital city.

DAY OF RECKONING FOR HIGH TARIFF BENEFICIARIES COMING.

Real students of public questions all comprehend our relations as a creditor nation. All the world fully realizes what the effect of this tariff is going to be on our foreign commerce.

Bear in mind that in 1920 our foreign commerce, exports and imports, amounted to over $13,500,000,000. Then came the slowing up of industrial activities and the consequent inability of men as well as nations to buy as heretofore. Our foreign commerce during the calendar year 1920 fell down to about $7,000,000,000. The balance of trade was still about $2,000,000,000 in our favor.

And let me remind those who feel that they are beneficiaries of these high tariffs that a day of reckoning will come. By these duties we are placing around our country a tariff wall so high that for many products it can not be scaled. Europe owes to the United States and its nationals to-day over $18,000,000,000. She has no gold with which to pay. We will not accept her depreciated currency. There is only one way by which she can pay this great debt, and that is by some system which will permit a barter on reasonable and equitable terms. No class of our people are more interested in foreign markets than are the farmers of the country. They must find buyers for surplus wheat amounting to from two hundred to two hundred and fifty millions of bushels. They must find market for surplus cotton products and for their meat products.

EMERGENCY TARIFF ACT INSULTS FARMERS.

By the emergency tariff bill the Congress placed a duty of 35 cents a bushel on wheat, 15 cents on corn, and 15 cents on oats, and by the present bill the rate on wheat is made 30 cents per bushel and the rates on corn and oats the same as heretofore. This is claimed to be for the purpose of protecting the farmers' prices for these cereals. With wheat now at $1 a bushel, corn at 60 cents a bushel, and oats about 30 cents a bushel, what benefit is the farmer deriving from these protective duties? Remember, we produce more of these cereals than we consume. The surplus is sold in the world's markets. The high tariff protects prices where we consume more than we produce. It does not protect prices where we produce more than we consume. These duties, however, will prove a great disadvantage to the farmers when they try to sell our surplus to the markets of the world. Prices can only be kept up if we have markets. They can not be kept up if we can not sell our surplus. People are not going to buy from us if they can not sell to us. President McKinley, in his last speech, at Buffalo, said, "We can not forever expect to sell and never to buy." The same is true now to a greater degree than ever before, because while we were then a world power we are now the world power with the greatest productive capacity of any nation on the face of the globe.

REPUBLICAN LEADERS INVITING RETALIATION.

Those who favor this bill in the Senate sneeringly suggest that foreign nations will buy where they can buy best. Foreign nations do not have to come to the United States for their flour or for their meat; they can go to Argentina and Australia. And they will go where they can buy the cheapest, and if foreign nations can not sell to us with some profit to themselves they will go elsewhere to buy their goods which they would accept in exchange for their own.

To illustrate, just lately when some of the officials in the Department of Agriculture had attempted to place what they regarded as undue quarantine regulations upon the importation of their goods, they made the threat in Washington that while they did not object to proper quarantine measures, if they were to be too much restricted in the persons to whom they sell, they did not have to buy their wheat and their flour here, and they would go elsewhere to buy. They would be less than human if they did not insist upon fairly equitable opportunities.

PENDING TARIFF BILL STAR "PORK BARREL" LEGISLATION IN OUR HISTORY.

I do not want to speak harshly of public men or public measures, and I never do unless the facts seem to justify, but this has been a strange piece of legislation, brought about in a strange way. Heretofore we have spoken of public building and river and harbor bills as "pork barrel" measures, because oftentimes appropriations were made for public buildings or for river improvements in different localities when no reason could be urged for them except that a Senator or Congressman sought to be politically benefited by their passage in his State or district. In this tariff legislation we witnessed the spectable of one Senator who boasts that he is the largest producer of wool and mutton in the world; another Senator largely interested on behalf of himself and his friends in sugar; another one with large investments in the dye industry; and still other Senators actively championing the cause of highly protective manufacturing interests. All voting and speaking in behalf of these higher rates, none of which could prevail except by a combination of all of these special interests looking for particular benefits, but doing it all the while in the name of the American public.

After the American people shall have had time to study fully and appreciate the effect of this bill they will declare it to be the greatest piece of "pork barrel" legislation in the history of Congress. And yet it will be claimed by Republican speakers everywhere that all of this has been done to increase the wages of labor, while Congress is, in fact, increasing the cost of living.

Let us appeal to the voters of Ohio—men and women alike. I beg you to examine the Republican pledges contained in their platform of 1920. Few, if any, of them have been redeemed. They promised to relieve the people from the burdens of war taxation. They have done little except to relieve the very rich from the higher rates of taxation. They have done little or nothing for the smaller taxpayer. What defense can be made for relieving the swollen incomes from the higher tax rates and permitting the burdens of those with more modest incomes to remain substantially as they were?

Republican failure to redeem pledges will be Democracy's opportunity to serve the American people.

COMPENSATION OF WORLD WAR VETERANS—VETO MESSAGE.

The Senate resumed the consideration of the bill (H. R. 10874) to provide adjusted compensation for the veterans of the World War, and for other purposes, returned by the President with his objections thereto.

Mr. McCUMBER. Mr. President, my remarks upon the veto will be exceedingly brief. The Constitution of the United States gives to the President a power greater than that accorded any monarch in the world in the matter of determining what may and what may not be enacted into law. It gives him the power by a single vote to override both branches of Congress, unless each branch separately shall have a vote at least 2 to 1 against his veto. In the House the vote on the conference report on the soldiers' adjusted compensation bill was 333 for and 70 against. The vote in the Senate was 47 for and 22 against. The vote registered in the House to-day upon the question of sustaining the veto was in the same proportion against the veto, about 5 to 1.

Now, the soldiers' adjusted compensation bill was not the result of any hasty legislation. It has been before the two Houses of Congress more than two years and had a great amount of consideration by both Houses. During all of this time each one of the Houses and the country at large fully understood and took into consideration and gave great weight to the advice of the President and his Secretary of the Treasury. The objection has not met the judgment of a big majority of the House or of more than a 2 to 1 majority in the Senate. Thus we have the exercise of a judgment of a single man against the 333 Members of the House as against 70, and 47 Members of the Senate as against 22, Members elected to represent the American people.

But the President has acted within the scope of his unquestioned power. The Constitution provides that his judgment shall govern in all cases of legislation, unless there be a 2 to 1 vote in each branch of the Congress against him. Therefore, though the House pass a bill unanimously and the Senate be in favor of the same bill by 62 to 34, the President can override the unanimous judgment of the House and the nearly 2 to 1 judgment of the Senate.

Without question the President honestly thinks that he ought to exercise this power. I still think as a legislator that I am equally entitled to my judgment, that he ought not to have exercised that power against this heavy majority of both Houses in which there was no question of constitutionality involved.

I believe in cases in which the constitutionality of a measure is not questioned the President should defer to the judgment of such an overwhelming number of the legislators of both branches of Congress rather than to exercise his own judgment as to the propriety of the measure. Had this been a close question in which there was a bare majority in favor of the proposition, I can easily understand why the Executive might feel it his duty to cast his vote in the case of a veto against what was a fair majority.

I do not believe, notwithstanding the objection of the great metropolitan press, representing only a certain class of our American people, that there ever was a measure so popular among all classes of people as this particular measure. The legislatures of 22 States have petitioned Congress to enact the legislation. The legislatures of 18 States have acted favorably upon the question of State bonus legislation. The governors of 32 States have called upon the Chief Executive to approve the bill which is now before us. In addition to this, there have been presented to Congress petitions signed by more than 3,000,000 persons requesting the enactment of the law. With such a showing it clearly seems to me that the President should have allowed Congress to assume the responsibility for the measure.

For the most part the President's views do not seem to have changed during the last year and a half, even though the conditions of the country have most materially changed. Every cloud of doubt as to our ability to take care of our debts as they fall due has been this fact: The financial skies are clear. We would have no trouble in meeting the small obligation imposed by the bill without any additional means of taxation.

The President in his veto message stated:

> The Treasury estimates, based on what seems the most likely exercise of the options, figure the direct cost at approximately $145,000.000 for 1923, $225.000,000 for 1924, $114,000,000 for 1925, and $312,000,000 for 1926—

And that there would be a total cost in excess of $4,000,000,000 for the entire life of the law. In other words, the President estimates the cost each year at just about double what the actuary of the Treasury Department has given us. Such a condition could only prevail in case the administration of the law would cost the Government $1 for every dollar paid out to the soldier. I had supposed that we had passed the period of such reckless cost of administration. Without going into details, I can not possibly accept the figures given us as the true basis of cost, as the bill was formulated for the first four years of its operation.

The President in his message further called attention to the fact that the soldiers themselves while serving in the World War did not expect this bonus. I think it most pertinent to meet this declaration with the suggestion that the soldier while serving in the war did not expect the stay-at-homes would have their wages and their profits doubled and trebled and quadrupled while the soldiers were fighting for their country. Nor did they expect that a debt of $24,000,000,000, which debt represents waste, extravagance, and illegal profits, would be piled upon their shoulders and upon the shoulders of their children's children, while they themselves did not receive one penny of those profits or one penny of this excess extravagance.

I myself most earnestly repudiate the use of the word "bonus" in connection with the bill. For the reasons which I have expressed many times on the floor of the Senate, I regard the payment to be made under the bill to be a just and a moral obligation on the part of the American people. Upon that ground alone I have strenuously supported it, and upon that ground alone have the soldiers asked for the compensation.

But let us suppose that the entire cost would not be less than $4,000,000,000 and that this can only be predicated upon the assumption that from 75 to 80 per cent of all the soldiers entitled to privileges under the legislation would select the 20-year endowment clause. Outside of the payments which would be made because of deaths, none of the endowments would be payable until the expiration of 20 years, and as under the terms of the bill the soldiers would have 5 years in which to make claim, the great bulk of the endowments would be payable between 20 and 25 years from January 1, 1923. Under no system of computation, therefore, could it be claimed that more than $1,000,000,000 would be due and payable before 20 years, and this divided during the 20-year period. Therefore this would leave $1,000,000,000 for 20 years, which would be $50,000,000 a year to take care of, and it is nonsense to assume that we would have to take care of that by a special system of taxation. Mr. President, surely we must be a very pessimistic people if we feel that a country with a population of 110,000,000 to-day—and which will have probably 200,000,000 population when the bulk of this debt has to be paid—will not be able to take care of $3,000,000,000. Very few of us who are in the Senate to-day will be upon the face of the earth at that time, but I have faith enough in this mighty country, whose resources have not yet been half developed, to believe that, with its wealth and great population, which 25 years from now will probably be very close to 200,000,000, it can take care of $3,000,000,000.

I note that the President, not only in this but in previous messages, has referred to what the country is doing for the sick and wounded; but because I am taking care of the sick or the injured in my family am I thereby relieved from paying my just debts and obligations? And this is a just debt and obligation on the part of the Government of the United States.

Mr. President, there are absent of those Senators who have declared themselves to be in favor of this legislation 15 Members of the Senate. I think if we include the junior Senator from Illinois [Mr. McKinley], the number of absent Senators who voted for the bill would be 16. Of those who are opposed there are absent only two—the junior Senator from Illinois [Mr. McKinley] and the junior Senator from Maryland [Mr. Weller]. The junior Senator from Vermont [Mr. Page] is sick and is in the country. The Senator from Oklahoma [Mr. Owen], I think, is present.

There is no law on the face of the earth which compels me to pair with any other Senator. On the contrary, while we have customarily recognized pairs, we do so only through the indulgence of the Senate. If any Senator should decline to cast his vote on the ground of a pair and his request were challenged the Senate would have to say that that was sufficient cause for his not voting. I believe, under ordinary circumstances, that would be true; but I could not bring my conscience to the position where I could say that I would yield two votes for one when the country had expressed itself so earnestly and so overwhelmingly in favor of this adjusted compensation bill and similar bills whenever it has had an opportunity to express itself, and when the House of Representatives, representing the people of the States, have voted five to one in its favor. So, Mr. President, I am glad that my regular pair has arranged to pair himself with two other Senators.

If all the Senators who are absent were present it is probable that it would make no difference in the final result, because the vote would probably be about 62 to 34 or thereabouts, which would not be a two-thirds majority; but I have some faith in the persuasiveness of numbers, and I would rather have 16 live Senators on the floor casting their votes than have 16 Senators out in Hongkong or elsewhere allowing somebody else to cast their votes two to one. It might not change the result, but I should hope that it would change it.

Mr. President, a bill that has passed the House of Representatives with the majority recorded in favor of this bill, a bill that has passed the Senate with the majority recorded in favor of the bill here is not going to die. The principle is going to survive. No legislative question is settled until it is finally settled in accordance with the opinions of the vast majority of both branches of Congress, and while the power to destroy this proposition to-day may be in existence, that power will not continue in existence every day, in my opinion, for the next few years. I am very much inclined to say that this issue will live.

When the matter came before the Senate we knew that the President desired provision made for some system of taxation, but the Senate can not originate a tax bill; it was absolutely helpless; it had to do the best it could; and that was for the first few years so to cut down the expenses of this program of legislation for the benefit of the soldier that it would not be a heavy drain upon the country. There is nothing like having two years' time in which to turn around, but I think that after the election, even though taxation may be a little unpopular, it will not be so unpopular as the defeat of this measure. I think that the House will find it within its power to meet the conditions of the President and that the Senate will concur. I hope to God that that will be the case, because, believing with all my heart in the justice of this measure, I hope to see it enacted into law, even though I may not have a voice in its enactment.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. ROBINSON (when Mr. Caraway's name was called). The junior Senator from Arkansas [Mr. Caraway] is necessarily absent. He and the senior Senator from New Mexico [Mr. Jones] are paired on this vote with the Senator from Illinois [Mr. McKinley]. If present, the junior Senator from Arkansas and the senior Senator from New Mexico would vote "yea."

Mr. EDGE (when Mr. Frelinghuysen's name was called). My colleague, the senior Senator from New Jersey [Mr. Frelinghuysen] is necessarily absent. If present, he would vote "nay," but a pair has been arranged in order that his absence will not make any difference in the result.

Mr. HEFLIN (when the name of Mr. Harris was called). On this question the junior Senator from Georgia [Mr. Harris] and the Senator from Montana [Mr. Walsh] are paired with the Senator from New Jersey [Mr. Frelinghuysen]. If the Senator from Georgia and the Senator from Montana were present they would vote "yea."

Mr. HARRISON (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. Elkins]. I understand, if present, he would vote as I intend to vote. I therefore feel at liberty to vote and vote "yea."

Mr. McCUMBER (when his name was called). I understand that an arrangement has been made to pair my general pair with two other Senators, which leaves me at liberty to vote. I vote "yea."

Mr. LA FOLLETTE (when Mr. Norris's name was called). The Senator from Nebraska [Mr. Norris] is unavoidably detained from the Senate. I understand that he and the Senator from North Carolina [Mr. Overman], both of whom would vote "yea" on this question, are paired with the Senator from Wyoming [Mr. Warren].

Mr. SWANSON (when his name was called). I am paired on this question with the senior Senator from Nevada [Mr. Pittman] and the senior Senator from Ohio [Mr. Pomerene]. If these two Senators were present, they would vote "yea," and if I were at liberty to vote I would vote "nay."

Mr. WARREN (when his name was called). On this question I stand paired with the junior Senator from North Carolina [Mr. Overman] and the junior Senator from Nebraska [Mr. Norris]. Those two Senators, if present, would vote "yea." If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. JONES of Washington. I desire to announce that my colleague [Mr. Poindexter], if present, would vote "yea" on this question. I understand that a pair has been arranged for him.

Mr. HEFLIN. I desire to announce that the Senator from Georgia [Mr. Watson] is absent on account of illness.

Mr. CURTIS. I have been requested to announce that the Senator from North Dakota [Mr. Ladd] and the Senator from Wyoming [Mr. Kendrick], if present, would vote "yea." They are paired with the Senator from Utah [Mr. King], who, if present, would vote "nay."

The Senator from Ohio [Mr. Willis] and the Senator from Washington [Mr. Poindexter], if present, would vote "yea." They are paired with the Senator from Maryland [Mr. Weller], who, if present, would vote "nay."

The Senator from California [Mr. Johnson] and the Senator from Missouri [Mr. Spencer] are paired with the Senator from Vermont [Mr. Page]. Were they present they would vote "yea," and the Senator from Vermont would vote "nay."

The Senator from Ohio [Mr. Willis] is absent on account of serious illness in his family.

The roll call resulted—yeas 44, nays 28, as follows:

YEAS—44.

Ashurst
Brandegee
Broussard
Bursum
Capper
Colt
Culberson
Cummins
Curtis
Fletcher
Gerry
Gooding
Hale
Harreld
Harrison
Heflin
Hitchcock
Jones, Wash.
Kellogg
La Follette
Lenroot
Lodge
McCormick
McCumber
McKellar
McLean
McNary
Nicholson
Norbeck
Oddie
Ransdell
Rawson
Reed, Mo.
Robinson
Sheppard
Shortridge
Simmons
Smith
Stanfield
Sutherland
Townsend
Trammell
Walsh, Mass.
Watson, Ind.

NAYS—28.

Ball
Borah
Calder
Cameron
Dial
Dillingham
du Pont
Edge
Ernst
Fernald
France
Glass
Keyes
Moses
Myers
Nelson
New
Newberry
Owen
Pepper
Phipps
Reed, Pa.
Shields
Smoot
Sterling
Underwood
Wadsworth
Williams

NOT VOTING—24.

Caraway
Elkins
Frelinghuysen
Harris
Johnson
Jones, N. Mex.
Kendrick
King
Ladd
McKinley
Norris
Overman
Page
Pittman
Poindexter
Pomerene
Spencer
Stanley
Swanson
Walsh, Mont.
Warren
Watson, Ga.
Weller
Willis

The PRESIDENT pro tempore. In accordance with the Constitution, the roll call upon this question will be spread upon the Journal of the Senate. The yeas are 44, the nays are 28. Two-thirds of the Senators present not having voted in the affirmative, the bill fails to pass.

UNITED STATES COAL COMMISSION—CONFERENCE REPORT.

Mr. BORAH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report on House bill 12377, the coal commission bill. I am quite sure, if I understand the situation correctly, that there will be no discussion of any moment.

Mr. DIAL. Mr. President, I desire to say that if the conference report is called up and considered I wish to make a few remarks on it. I shall not take over five minutes.

Mr. BORAH. I ask unanimous consent that the Senate proceed to the consideration of the conference report on the coal commission bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12377) to establish a commission to be known as the United States coal commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

The PRESIDENT pro tempore. The Secretary will read the report.

The Assistant Secretary proceeded to read the conference report which appears earlier in to-day's proceedings.

Mr. BORAH. Mr. President, I thought perhaps I might state the form in which the bill comes from the conference committee, as distinguished from the form in which it passed the Senate, and save the reading of the entire report, unless Senators desire it read.

Mr. DIAL. I think that would be well. I think it would expedite matters.

Mr. BORAH. I ask unanimous consent, therefore, that the further reading of the report be dispensed with.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the further reading of the report will be dispensed with.

Mr. BORAH. Mr. President, the bill as it passed the Senate provided for five members of the commission. The House had provided for nine. The conference report calls for seven.

The bill as it passed the Senate provided that neither owners of mines nor workmen should be members of the commission. The House left the matter open to the President. The report leaves it as the Senate passed it. That is to say, there is no prohibition against anyone whom the President shall see fit to choose, except Members of Congress. The Senate put in a clause to the effect that no United States official should be a member of the commission. That was eliminated.

The balance of the bill, with the exception of the amount it appropriates, is practically the bill as it passed the Senate. The two clauses in the bill with reference to nationalization and with reference to regulation and control were rewritten, and I will read the clause as it now appears in the report, as contradistinguished from the clause as it passed the Senate:

> The commission shall make recommendations as to the advisability of any legislation having to do with Government or private ownership, regulation, or control in the coal industry.

That clause takes the place of subdivisions (d) and (e) in the bill as it passed the Senate relative to the regulation, control, and nationalization.

The House had appropriated $300,000, the Senate $100,000, and the conference report provides for an appropriation of $200,000.

I do not recall anything else of any moment. Some of the language in the provision for the general authority of the commission was changed, but largely to give the bill more clarity, and in some respects amplify the powers of the commission, but not in any respect to enlarge its powers as they were intended to be given, in my judgment, by the bill as it passed the Senate.

Mr. DIAL. Mr. President, week before last, when this bill and a kindred bill, known as the Cummins bill, were before the Senate I made some remarks and offered some amendments. To the Cummins bill I offered an amendment providing that the Interstate Commerce Commission should furnish cars to take care of coal contracted for before the 25th of July this year at and under $2 per ton. It seemed to me that that was as little as Congress could do. I do not know that it has very much virtue in it, except that it took away from the operators the excuse of not furnishing coal.

I do not introduce many bills and I do not offer many amendments, but I try to see that those I do offer are fair, reasonable, honest, just, and equitable. I do not try to put up jobs on the Senate or on the country, and I must say that I have been disappointed that the conferees left that amendment out of the bill. I felt they ought to have insisted upon it.

This matter is one of the greatest importance to my constituents. We have several hundred mills in my State which use thousands and thousands of tons of coal. I have one constituent who uses eight carloads of coal a day, and the result of this agitation has been to put up the price of coal to my constituents from $1.90 to $3.05 a ton. That is, where the parties with whom they have contracts ship the coal. Where they have to fight the "bootlegger" crowd it costs from $6 to $7 and $8 a ton, and perhaps more. Therefore we are greatly interested in trying to stabilize the coal market and the production and distribution of coal and to have our contracts complied with. I feel that the Government interference in this matter has disarranged the price and has caused profiteering to be indulged in. I do not see any necessity for this bill.

There has been some strife and some disagreement between the operators and the miners, and the way to get production is to have those people get together and settle their own differences. I fear this bill encourages taking of testimony by a commission which will be composed, in part at least, of operators and miners who will combine on some visionary scheme to increase the price to the consumer, and the public will bear the burden and "be the goat," as usual.

In the first place I think the bill is uncalled for. In the next place we have the Federal Trade Commission, a body well equipped to make investigations, but the amendment I offered the other day to substitute the Federal Trade Commission for the commission provided by this bill was voted down. Instead of having a commission, five members at $7,500 a year each, the conferees agree to a commission of seven members. I offered an amendment the other day providing that those members should be distributed throughout the country as nearly as practicable, and that not more than three of them should belong to the same political party. The Senator from Idaho [Mr. BORAH] is so eminently fair that he saw the justice of that proposition and was willing to accept it, but some Senators on the other side had it voted down.

I do not want to be mean. I love to be agreeable to my colleagues, but I am reminded of an expression of my old friend Bill Childs, of South Carolina. Childs was president of a railroad. He was a good friend of mine, and was a noble character. He used to say to me, "DIAL, if a man does you wrong do not stump your toe running after him, but just get you some rocks and sit down by the roadside and you will get to pelt him sooner or later."

My time has come to pelt if I want to be mean, but I am not constituted that way. I am going to let this pass at this time, but I am going to let the Senate know that while I am a good-natured man I am not an angel, and I want my rights respected here along with those of others—a little reciprocity now and then.

This bill provides for the investigation of the titles to mines. There are some 11,000 mines in the United States.

That is to give employment to a lot of Republican lawyers for a long, long time to investigate the titles. I can not see why we want to investigate the title to another man's property. We have nothing to do with it, and I can not see any necessity of going to this expense to do that. It is simply throwing away the public money. I try to get Republicans to economize, but they will not do it; but I am going to keep on hammering at them and maybe I can get them to be a little reasonable after a while. It will take several thousand lawyers to examine those titles. Anybody who knows anything about the examination of the titles to real estate in this country will know what that means.

Some want to standardize the mines. That is simply a proposition to get the price of coal up. I tried to have the sections (c) and (d) stricken out. They left in section (d) providing:

> The commission shall make recommendations as to the advisability of any legislation having to do with Government or private ownership, regulation, or control in the coal industry.

As I said the other day, this is just an attempt to encourage all the malcontents and the complaining crowd to come before the commissioners and air their impractical theories and their wild-eyed notions and visionary thoughts. I do not favor any such proposition as even an investigation.

Then the bill goes on to provide for the taking charge of the property of the mine owners—make them produce all their books, divulge all their secrets, and everything of that sort. Of course, I am opposed to profiteering.

We do not mine a ton of coal in my State, and we are not interested in mining. I only know one gentleman who mines coal, and I must say he is an honest, fair man. But the mines are located in other States, and the Senators from those States can do as they please. I do not think this conference report ought to be adopted, and if I were disposed to be a little bit meaner I would talk from now to the end of the session and not let it be agreed to. But I understand it is an administration measure, and they think there is some virtue in it, and I am willing to pay deference to their thinking and give away my knowing that there is no good in it whatever.

But I predict that we are planting the seeds of discontent right here in this Congress; and if we would stop legislating to have the Government interfere in private matters, and let people settle their differences outside, people would go to work and we would have a better country.

As I said before, the upshot of this whole business will be to increase the price of coal to the consumer.

Mr. MYERS. Mr. President, I opposed this bill when it was before the Senate, and I am opposed to the adoption of the conference report. I do not think the bill as reported by the conferees is much less objectionable than it was as it passed the Senate.

I expressed at some length my views in opposition to the provisions of the bill when it was before the Senate, and I shall not speak longer about it now. I shall content myself with saying that I am still opposed to the bill and shall vote against the adoption of the conference report.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

The report was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, September 21, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 20, 1922.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Frederick W. B. Coleman, of Minnesota, to be envoy extraordinary and minister plenipotentiary of the United States of America to Esthonia, Latvia, and Lithuania.

PROMOTIONS IN THE DIPLOMATIC SERVICE.

FROM SECRETARY OF EMBASSY OR LEGATION OF CLASS 3 TO SECRETARY OF EMBASSY OR LEGATION OF CLASS 2.

Ray Atherton, of Illinois.
Arthur Bliss Lane, of New York.
J. Donald C. Rodgers, of Pennsylvania.
Cornelius Van H. Engert, of California.
Walter C. Thurston, of Arizona.
Philander L. Cable, of Illinois.
Williamson S. Howell, jr., of Texas.
G. Howland Shaw, of Massachusetts.

FROM SECRETARY OF EMBASSY OR LEGATION OF CLASS 4 TO SECRETARY OF EMBASSY OR LEGATION OF CLASS 3.

Warden McK. Wilson, of Indiana.
Edwin C. Wilson, of Florida.
Orme Wilson, jr., of New York.
William B. Southworth, of Pennsylvania.
Wainwright Abbott, of Pennsylvania.
Joseph Flack, of Pennsylvania.
Edward L. Reed, of Pennsylvania.
Frederic D. K. LeClercq, of South Carolina.
Herschel V. Johnson, of North Carolina.
Copley Amory, jr., of New Hampshire.
Harold H. Tittmann, jr., of Missouri.

TO BE SECRETARIES OF EMBASSY OR LEGATION OF CLASS 4.

Leon H. Ellis, of Spokane, Wash.
Laurence H. Norton, of Cleveland, Ohio.
Gerhard Gade, of Chicago, Ill.
Miss Lucile Atcherson, of Columbus, Ohio.
John Harrison Gray, of Syracuse, N. Y.
John Sterrett Gittings, jr., of Baltimore, Md.
Edward S. Crocker, 2d, of Fitchburg, Mass.
William H. Taylor, of Ardmore, Pa.
Walter T. Prendergast, of Marion, Ohio.
John Stambaugh, 2d, of Youngstown, Ohio.
Waldemar J. Gallman, of Wellsville, N. Y.

UNITED STATES DISTRICT JUDGES.

Walter C. Lindley, of Illinois, to be United States district judge, eastern district of Illinois. (An additional position created by the act approved September 14, 1922.)

James Arnold Lowell, of Massachusetts, to be United States district judge, district of Massachusetts. (An additional position created by the act approved September 14, 1922.)

Elisha H. Brewster, of Massachusetts, to be United States district judge, district of Massachusetts. (An additional position created by the act approved September 14, 1922.)

PROMOTIONS IN THE REGULAR ARMY.

CHAPLAINS.

To be chaplains with the rank of captain.

Chaplain William Joseph Keane from September 18, 1922.
Chaplain Edward Thomas McNally from September 18, 1922.
Chaplain John Ralph Wright from September 18, 1922.
Chaplain Joseph Francis Conway from September 18, 1922.
Chaplain John Edwin Chester from September 18, 1922.
Chaplain Harry Carleton Fraser from September 18, 1922.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

AIR SERVICE.

First Lieut. Edwin Gunsolus Shrader, Corps of Engineers, with rank from August 2, 1919.

PROMOTIONS IN THE NAVY.

Lieut. Commander Leigh M. Stewart to be a commander in the Navy from the 21st day of May, 1922.

The following-named lieutenant commanders to be commanders in the Navy from the 3d day of June, 1922:

Robert W. Cabaniss.
John W. W. Cumming.
Damon E. Cummings.
Vaughn V. Woodward.
Joseph S. Evans.
Horace T. Dyer.
Herbert S. Babbitt.
Clyde R. Robinson.

Lieut. William H. O'Brien, jr., to be a lieutenant commander in the Navy from the 2d day of May, 1922.

Lieut. Howard F. Kingman to be a lieutenant commander in the Navy from the 17th day of May, 1922.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1922:

William A. Corley.
Lunsford L. Hunter.

Lieut. (junior grade) Samuel H. Hurt to be a lieutenant in the Navy from the 1st day of July, 1920.

Lieut. (junior grade) William B. Stork to be a lieutenant in the Navy from the 31st day of December, 1921.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 3d day of June, 1922:

Julian B. Noble.
Giles E. Short.

Ensign Samuel H. Hurt to be a lieutenant (junior grade) in the Navy from the 29th day of June, 1920.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1922:

Roscoe H. Hillenkoetter.
William I. Leahy.
Kendall S. Reed.
Burton L. Hunter, jr.
John P. Curtis.
Charles S. Beightler.
William Sinton.
Allen P. Mullinnix.
Morton B. Sterling.
Marion E. Crist.
Warner W. Angerer.
Oberlin C. Laird.
William A. P. Thompson.
Gordon A. Patterson.
James H. Doyle.
Frederick V. Barker.
Charles B. Gary.
Fridthjof W. Londahl.
Merrill F. Sproul.
John C. Webb.
John E. Shoemaker.
John P. Graff.
Paul W. Steinhagen.
William B. Broadhurst.

Sumner T. Scott.
Bailey Connelly.
Frederick R. Buse.
Robert E. Melling.
Harold C. Fitz.
Henry N. Mergen.
George F. Burdick.
Eugene F. Burkett.
Charles T. Wootten.
Richard C. Wiestling.
William H. Wallace.
Maurice E. Hatch.
Clarence McM. Head.
Howard C. Rule, jr.
Charles D. Murphey.
Edwin C. Bain.
John A. McDonnell.
Francis W. Beard.

The following-named midshipmen to be ensigns in the Navy from the 3d day of June, 1922:

Corydon H. Kimball.
William F. Jennings.

Passed Asst. Surg. Nathaniel C. Rubinsky of the United States Naval Reserve Force to be assistant surgeon in the Navy, with the rank of lieutenant (junior grade) from the 14th day of September, 1922.

Acting Asst. Surg. Earl B. Erskine to be assistant surgeon in the Navy, with the rank of lieutenant (junior grade) from the 19th day of September, 1922.

Asst. Paymaster Dillon F. Zimmerman to be a passed assistant paymaster in the Navy, with the rank of lieutenant from the 31st day of December, 1921.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant from the 3d day of June, 1922.

Robert G. Robeson.
Frederick Schwab.

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign from the 6th day of February, 1921:

William E. Benson.
Fred C. A. Plagemann.

Lieut. Commander Archibald G. Stirling to be a commander in the Navy from the 3d day of June, 1922.

POSTMASTER.

OHIO.

Stanley O. Kerr to be postmaster at Ottawa, Ohio, in place of G. F. Zeller. Incumbent's commission expired September 19, 1922.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 20, 1922.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Frederick W. B. Coleman to be envoy extraordinary and minister plenipotentiary of the United States of America to Esthonia, Latvia, and Lithuania.

SURVEYOR OF CUSTOMS.

Gaston E. Trosclair to be surveyor of customs, customs collection district No. 20, New Orleans, La.

PROMOTIONS IN THE NAVY.

To be rear admirals.

George R. Marvell.
Henry J. Ziegemeier.
George W. Williams.

To be captains.

William N. Jeffers.
Harry K. Cage.
Frank D. Berrien.
Hugo W. Osterhous.
Richard D. White.
Fletcher L. Sheffield.
William K. Riddle.
Franck T. Evans.
Daniel P. Mannix.
Ward K. Wortman.
Hayne Ellis.
Charles R. Train.
Ernest J. King.
Byron A. Long.
Alfred G. Howe.
Allen Buchanan.

To be commanders.

Harold M. Bemis.
Ernest D. McWhorter.
Chester H. J. Keppler.
Augustin T. Beauregard.
John H. Hoover.
Claud A. Jones.
William C. I. Stiles.
William F. Newton.
William C. Barker, jr.
John W. Lewis.
James J. Manning.
Richard R. Mann.
Charles C. Gill.
Rufus W. Mathewson.
Charles C. Slayton.
Lucien F. Kimball.

To be lieutenant commanders.

Robert H. English.
Thomas L. Gatch.
Edward W. Hanson.
Frank Loftin.
Frank C. McCord.
John W. McClaran.
Schuyler Mills.
Sidney B. Blaisdell.

To be lieutenants.

Hugh St. Clare Sease.
Orie H. Small.
Homer E. Curlee.
Oliver H. Briggs.
Charles A. Goebel.
Louis Dreller.
Harry L. Dodson.
Roy W. Bruner.

To be lieutenants (junior grade).

Charles H. Gordon.
James A. Martin.
Robert S. Savin.
Henry S. Nielson.
Karl J. Christoph.
Jack E. Hurff.
Richard R. Hartung.
Harold F. Fick.
John E. Gingrich.
Augustus H. Donaldson.
Willard M. Downes.
Gerald L. Schetky.
Moultrie Moses.
Raymond W. Holsinger.
William L. Eagleton.
Herbert P. Schubert.
Eugene T. Aldridge.
Harold E. Peifer.
Selden Chapin.
Alexander J. Couble.
William A. Rice.
Frederick B. Kauffman.
Herbert L. MacBride.
Frederick W. McMahon.
Thomas B. Brittain.
Royal W. Abbott.
John E. Whelchel.
Robert H. Hargrove.
Jerome F. Donovan, jr.
Samuel H. Arthur.
Roy W. M. Graham.
Maurice E. Browder.
Forrest M. O'Leary.
Thomas H. Binford.
Roscoe F. Good.
Thomas H. Robbins, jr.
William R. Cushman, jr.
Clarence V. Lee.
Reinhard C. Moureau.
John N. Kelty.
Lemuel P. Padgett, jr.
Felix L. Johnson.
John H. Heintz.
Warner U. Hines.
Alfred W. Burket.
George A. Seitz.
Felix L. Baker.
Leo B. Schulten.
Hugh E. Haven.
Brook S. Mansfield.
Robert E. Robinson, jr.
Chester L. Walton.
George H. Burnham.
Frederick C. Sachse.
James H. Chadwick.
Paul R. Heineman.
Bernard J. Kelley.
Walter H. Weed, jr.
Francis Taylor.
Jennings B. Dow.
Mark H. Crouter.
Julian McC. Boit.
Edwin A. J. Poehlmann.
Joseph U. Lademan, jr.
John F. Rees.
Charles D. Edmunds.
James R. Tague.
Harris C. Aller.
Ralph D. Baker.
Hugh D. Lyttle.
Marshall A. Anderson.
Elmer S. Stoker.
George C. Haeberle.
Elmer F. Helmkamp.
William Hibbs.
Stanley J. Michael.
Philip R. Kinney.
Morgan C. Wheyland.

To be medical inspector.

Addison B. Clifford.

To be surgeons.

William W. Wickersham.
Henry McDonald.
William A. Stoops.
Joel T. Boone.
Henry M. Stenhouse.
Horace V. Cornett.

To be assistant surgeon.

Edwin F. Patton.

To be passed assistant dental surgeons.

Howard C. Wickham.
Ronnie A. Berry.

To be pay inspector.

Noel W. Grant.

To be paymaster.

Charles V. McCarty.

To be passed assistant paymasters.

William J. Dean.
Isaac W. Thompson.

To be chief pay clerk.

Helmer H. Koppang (Supply Corps).

To be civil engineers.

Greer A. Duncan.
George A. McKay.

To be chief boatswain.

Frederick B. Webber.

To be chief gunners.

George H. Kellogg.
John S. Conover.
Frederick Clifford.
Alexander Anderson.
Joseph M. Gately.
Joseph H. Gerrior.

POSTMASTERS.

MICHIGAN.

Fred J. Beaman, Jackson.

MISSISSIPPI.

Thomas F. Kirkpatrick, Hollandale.
William D. Woods, Houston.
Thomas P. Barr, Jackson.
Minnie B. Dubuisson, Long Beach.
Albert C. Wilson, Monticello.
William A. Shelby, Rosedale.
Carl J. Carpenter, Scott.

NEW YORK.

Ross K. Pierce, Dolgeville.
Mamie A. Davies, Holland Patent.
Ernest J. Hager, Stamford.

PENNSYLVANIA.

Richard C. Jockers, Jenkintown.
Hulda J. McCormick, South Connellsville.

WASHINGTON.

Orien L. Renn, Touchet.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *September 20, 1922.*

The House met at 12 o'clock noon, and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our heavenly Father, Thou alone art the safe anchorage on the sea of human life. Temper the waves and guard our course and be unto us a sun and a shield. According to the measure of Thy mercy, grant unto us the gifts of Thy grace and enable us to express them in the finest conscientiousness and in the greatest wisdom. Let every duty performed blend with intelligent understanding and with the steadfast traditions of our country. Be patient with us if we do the things which come from infirmities and limited knowledge. Blessed Lord take care of our Republic; guide our President and bless richly the inner circles of his home. O may divine love make fragrant and happy the gardens of our firesides. Let it touch and encircle the deepest devotions of our hearts and about every hearthstone may it be the pearl of greatest price. May no sorrow or peril come nigh us to blight the flower of earthly happiness. In the name of Jesus we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7456) to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes.

The message also announced that the Senate had concurred in the amendment of the House of Representatives to the bill (S. 2885) to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes.

The message also announced that the Senate had concurred in the amendments of the House to the bill (S. 3890) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10766) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10196. An act to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of article 3 of the war risk insurance act as amended; and

H. R. 11173. An act to amend section 126 of the national defense act approved June 3, 1916, as amended.

The message also announced that the Senate had passed without amendment the following concurrent resolution:

House Concurrent Resolution 68.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 7456) entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," the clerk is hereby authorized and directed to insert in paragraph 502 of the bill as amended, after the word "gallon" in the last line, the following: "testing above 52 and not above 56 per cent total sugars not imported to be commercially used for the extraction of sugar, or for human consumption, one-sixth of 1 cent additional for each per cent of total sugars and fractions of a per cent in proportion."

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2716. An act to give effect to certain provisions of conventions with foreign Governments for facilitating the work of traveling salesmen;

S. 2621. An act authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 15, 1917, along the Mexican border;

S. 2799. An act to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890;

S. 2983. An act to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes;

S. 3111. An act to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes;

S. 3641. An act to grant and confirm to the State of Florida title in and to section 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, and for other purposes;

S. 3733. An act granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River, in the State of Ohio;

S. 3793. An act to authorize the Gary Tube Co. to construct a bridge across the Grand Calumet River in the State of Indiana;

S. 3938. An act granting the consent of Congress to the county courts of Lafayette and Ray Counties, in the State of Missouri, to construct a bridge across the Missouri River;

S. 2377. An act to authorize the extension and widening of Ninth Street from Longfellow Street NW. to Underwood Street, and Underwood Street from Ninth Street to Georgia Avenue NW.; and

S. J. Res. 216. Joint resolution providing for the consent of the Congress of the United States of America to a compact and agreement between the State of Kansas and the State of Missouri respecting the erection, maintenance, and operation of the waterworks plants of the cities of Kansas City, Kans., and Kansas City, Mo., the taxation thereof, and exercise of eminent domain in connection therewith by each State.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment the following concurrent resolution:

House Concurrent Resolution 67.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 7456) entitled "An act to provide revenue to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes," the Clerk of the House of Representatives is hereby authorized to strike out "accounts" appearing in paragraph 1626 of the bill as agreed to in conference.

SOLDIERS' ADJUSTED COMPENSATION—VETO MESSAGE.

The SPEAKER. By a special order of the House the consideration of the veto of the President will be taken up. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10874) to provide adjusted compensation for the veterans of the World War, and for other purposes.

The SPEAKER. The question is, Will the House on reconsideration pass the bill, the objections of the President to the contrary notwithstanding?

Mr. MONDELL. Mr. Speaker, the questions involved in this measure have been considered by the House and by the country for a very considerable period of time. I think all Members are fully informed as to all of the arguments pro and con with respect to the legislation. Members have had an opportunity to consider the President's veto message. I doubt if any votes would be changed or anything would be gained by further discussion of the matter at this time.

I yield one minute to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, do I understand from what the gentleman from Wyoming has said that it is not agreeable to him to have any debate on this matter?

Mr. MONDELL. I believe nothing would be gained by extended debate. Members are anxious to conclude the session and get home. I do not think there is any general desire for debate. The matter has been thoroughly discussed and debated in the Congress and in the country.

Mr. GARRETT of Tennessee. Well, Mr. Speaker, I suppose I occupy a somewhat peculiar attitude toward this matter. The gentleman from Wyoming, I assume, desires to override the President's veto. I shall stand by the President in this matter [applause], not because of the reasoning which the President used but because of the result which the veto attains.

There is a desire upon this side of the Chamber to have some discussion of the matter. So far as I know, the requests come entirely from those who will vote like the gentleman from Wyoming. If the matter is not discussed here, or even if it be discussed here, I presume it will be discussed elsewhere. This legislation has passed the House, every time it has passed, under suspension of the rules, without any opportunity for amendment and with very, very limited debate, considering the importance of the question, and it seems to me that the gentleman from Wyoming should be willing now to let us have at least an hour's debate on the subject.

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANGLEY. I have not read the Constitution for a good while, but my recollection is that the Constitution provides that we must proceed at once to vote upon the President's veto without any discussion.

Mr. GARRETT of Tennessee. If that is so, then the gentleman from Wyoming violated the Constitution. [Laughter.]

Mr. LANGLEY. I know I did not.

Mr. MONDELL. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Wyoming moves the previous question.

The previous question was ordered.

The SPEAKER. The question is, as the Chair has already stated, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding? The Clerk will call the roll.

The question was taken; and there were—yeas 258, nays 54, not voting 115, as follows:

YEAS—258.

Almon
Anderson
Andrew, Mass.
Andrews, Nebr.
Ansorge
Appleby
Aswell
Atkeson
Bacharach
Bankhead
Barbour
Beck
Begg
Bell
Benham
Bird
Blakeney
Bland, Ind.
Blanton
Boies
Bond
Bowers
Bowling
Brennan
Briggs
Brooks, Pa.
Bulwinkle
Burdick
Burke
Burtness
Butler
Byrnes, S. C.
Cable
Campbell, Kans.
Campbell, Pa.
Carew
Chalmers
Chindblom
Christopherson
Clague
Clark, Fla.
Clouse
Cole, Iowa
Cole, Ohio
Collins
Connolly, Pa.
Cooper, Ohio
Cooper, Wis.
Coughlin
Crowther
Cullen
Curry
Dale
Dallinger
Darrow
Davis, Minn.
Denison
Doughton
Dowell
Drane
Driver
Dupré
Dyer
Elliott
Ellis
Evans
Fairchild
Faust
Favrot
Fess
Fish
Fisher
Fitzgerald
Focht
Fordney
Foster
Free
French
Frothingham
Fuller
Funk
Gahn
Gallivan
Gernerd
Goodykoontz
Gorman
Graham, Ill.
Green, Iowa
Greene, Mass.
Griest
Griffin
Hadley
Hammer
Hardy, Colo.
Harrison
Haugen
Hawley
Hayden
Hays
Hickey
Hill
Hoch
Hogan
Huddleston
Hudspeth
Hukriede
Hull
Hutchinson
Jacoway
James
Jeffers, Ala.
Johnson, Miss.
Johnson, S. Dak.
Johnson, Wash.
Jones, Tex.
Kearns
Keller
Kelley, Mich.
Kelly, Pa.
Kendall
Kennedy
Ketcham
Kincheloe
Kindred
King
Kissel
Kleczka
Kline, Pa.
Knutson
Kopp
Kraus
Kreider
Lampert
Langley
Lankford
Larson, Minn.
Lawrence
Lazaro
Linthicum
Little
London
Longworth
Lyon
McClintic
McCormick
McKenzie
McLaughlin, Mich.
McSwain
MacGregor
Madden
Mapes
Martin
Mead
Michaelson
Michener
Millspaugh
Mondell
Moore, Ohio
Morgan
Morin
Mott
Mudd
Murphy
Nelson, A. P.
Newton, Mo.
Norton
O'Brien
O'Connor
Ogden
Oldfield
Olpp
Osborne
Paige
Park, Ga.
Parks, Ark.
Patterson, Mo.
Patterson, N. J.
Perlman
Pou
Purnell
Quin
Radcliffe
Ramseyer
Rankin
Ransley
Rayburn
Reece
Reed, W. Va.
Rhodes
Ricketts
Roach
Robsion
Rodenberg
Rogers
Rose
Rosenbloom
Rossdale
Rouse
Ryan
Sabath
Sanders, Ind.
Sanders, N. Y.
Sanders, Tex.
Sandlin
Schall
Scott, Mich.
Scott, Tenn.
Shaw
Shreve
Siegel
Sinclair
Sinnott
Slemp
Smith, Idaho
Smith, Mich.
Smithwick
Speaks
Sproul
Stafford
Steagall
Stedman
Stephens
Strong, Kans.
Sullivan
Swank
Sweet
Swing
Tague
Taylor, Ark.
Taylor, Colo.
Taylor, Tenn.
Thomas
Thompson
Tillman
Timberlake
Tincher
Towner
Tyson
Vaile
Vare
Vestal
Voigt
Volk
Volstead
Walters
Ward, N. C.
Watson
Weaver
Wheeler
Williams, Ill.
Wilson
Wingo
Woodruff
Woodyard
Wyant
Yates
Young
Zihlman

NAYS—54.

Ackerman
Black
Bland, Va.
Box
Brown, Tenn.
Cannon
Chandler, N. Y.
Collier
Connally, Tex.
Crago
Davis, Tenn.
Deal
Drewry
Fenn
Freeman
Garrett, Tenn.
Garrett, Tex.
Glynn
Gould
Greene, Vt.
Hardy, Tex.
Hicks
Himes
Husted
Jefferis, Nebr.
Kline, N. Y.
Lanham
Layton
Lee, N. Y.
Lehlbach
Lowrey
McArthur
McLaughlin, Nebr.
McLaughlin, Pa.
Magee
Mansfield
Merritt
Mills
Moore, Va.
Moores, Ind.
Nelson, Me.
Newton, Minn.
Oliver
Parker, N. J.
Perkins
Sears
Snell
Sumners, Tex.
Taylor, N. J.
Tilson
Treadway
Underhill
Winslow
Woods, Va.

NOT VOTING—115.

Anthony
Arentz
Barkley
Beedy
Bixler
Brand
Britten
Brooks, Ill.
Browne, Wis.
Buchanan
Burroughs
Burton
Byrns, Tenn.
Cantrill
Carter
Chandler, Okla.
Clarke, N. Y.
Classon
Cockran
Codd
Colton
Connell
Copley
Cramton
Crisp
Dempsey
Dickinson
Dominick
Dunbar
Dunn
Echols
Edmonds
Fairfield
Fields
Frear
Fulmer
Garner
Gensman
Gilbert
Goldsborough
Graham, Pa.
Hawes
Henry
Herrick
Hersey
Hooker
Humphreys
Ireland
Johnson, Ky.
Jones, Pa.
Kahn
Kiess
Kirkpatrick
Kitchin
Knight
Kunz
Larsen, Ga.
Lea, Calif.
Leatherwood
Lee, Ga.
Lineberger
Logan
Luce
Luhring
McDuffie
McFadden
McPherson
Maloney
Mann
Miller
Montague
Montoya
Moore, Ill.
Nelson, J. M.
Nolan
Overstreet
Parker, N. Y.
Petersen
Porter
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Reber
Reed, N. Y.
Riddick
Riordan
Robertson
Rucker
Shelton
Sisson
Snyder
Steenerson
Stevenson
Stiness
Stoll
Strong, Pa.
Summers, Wash.
Temple
Ten Eyck
Tinkham
Tucker
Upshaw
Vinson
Ward, N. Y.
Wason
Webster
White, Kans.
White, Me.
Williams, Tex.
Williamson
Wise
Wood, Ind.
Wright
Wurzbach

So (two-thirds voting in the affirmative) the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

On this vote:

Mr. Upshaw and Mr. Bixler (for) with Mr. Hawes (against).

Mr. Vinson and Mr. White of Kansas (for) with Mr. Wason (against).

Mr. Cramton and Mr. Nolan (for) with Mr. McFadden (against).

Mr. Colton and Mr. Brown of Wisconsin (for) with Mr. Byrns of Tennessee (against).

Mr. Britten and Mr. Goldsborough (for) with Mr. Dunn (against).

Mr. Riordan and Mr. Ten Eyck (for) with Mr. Luce (against).

Mr. Logan and Mr. Brooks of Illinois (for) with Mr. Burton (against).

Mr. Anthony and Mr. Edmonds (for) with Mr. Buchanan (against).

Mr. Kirkpatrick and Mr. Luhring (for) with Mr. Tucker (against).

Mr. Maloney and Mr. Fairfield (for) with Mr. Burroughs (against).

Mr. Reed of New York and Mr. Lineberger (for) with Mr. Clarke of New York (against).

Mr. Petersen and Mr. Pringey (for) with Mr. Kiess (against).

Mr. Fulmer and Mr. Stoll (for) with Mr. Jones of Pennsylvania (against).

Mr. Porter and Mr. Rainey of Illinois (for) with Mr. Kahn (against).

Mr. Dempsey and Mr. Stevenson (for) with Mr. Connell (against).

Mr. Classon and Mr. Lee of Georgia (for) with Mr. Dominick (against).

Mr. Crisp and Mr. Larsen of Georgia (for) with Mr. Graham of Pennsylvania (against).

Mr. Frear and Mr. J. M. Nelson (for) with Mr. Snyder (against).

Mr. Steenerson and Mr. Leatherwood (for) with Mr. Knight (against).

Mr. Barkley and Mr. Cantrill (for) with Mr. Parker of New York (against).

Mr. Wurzbach and Mr. Chandler of Oklahoma (for) with Mr. Montague (against).

Mr. Raker and Mr. Dunbar (for) with Mr. Hooker (against).

Mr. Gilbert and Mr. Kunz (for) with Mr. Sisson (against).

Mr. Wise and Mr. Brand (for) with Miss Robertson (against).

Until further notice:

Mr. Henry with Mr. Overstreet.

Mr. Codd with Mr. Rainey of Alabama.

Mr. Arentz with Mr. Garner.

Mr. White of Maine with Mr. Wright.

Mr. Summers of Washington with Mr. Johnson of Kentucky.

Mr. Strong of Pennsylvania with Mr. Rucker.

Mr. Wood of Indiana with Mr. Fields.

Mr. Williamson with Mr. Carter.

Mr. Stiness with Mr. Williams of Texas.

Mr. Webster with Mr. Kitchin.

Mr. McPherson with Mr. Humphreys.

Mr. Miller with Mr. Lea of California.

Mr. Shelton with Mr. McDuffie.

The result of the vote was announced as above recorded.

The announcement of the result was received with applause.

LEAVE TO EXTEND REMARKS.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the claims filed under the Dent bill.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the Record as indicated. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent to include in that request permission to extend in 8-point type some remarks I made on the same subject two or three years ago.

The SPEAKER. The gentleman can insert anything he pleases if it is his own.

Mr. LITTLE. A former speech.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. LITTLE. Mr. Speaker, on the 15th of June, 1921, the Scott bill to amend the La Follette Seamen's Act was before the House. Several amendments were offered to strike out features from the bill, which failed of passage, and the bill came to a vote that day, the vote being found on page 2646 of the Congressional Record, volume 61, of the Sixty-seventh Congress. The vote was yeas 190, nays 102, not voting 109. Among those who voted against the bill, the Record shows, were the following:

Little
London
Nolan
Zihlman
Cooper, Wis.
Frear
Lampert
Nelson, A. P.
Nelson, J. M.
Beck
Kleczka
Voigt
Barkley
Collier
Hayden
Huddleston
Rankin
Stedman
Wyant
Bland, Ind.
James
Hardy, Colo.
Leatherwood
Robsion
Rosenbloom
Scott, Tenn.
Sinclair
Speaks
Tinkham
Aswell
McLaughlin, Pa.
Mudd
Oldfield
Pou
Steagall

The Scott bill was drawn to make some changes in the La Follette bill. Friends of labor urged that it injured the rights of seamen on the Lake ships and tried to amend it but failed. Thereupon Little, of Kansas, and these other gentlemen voted against the bill, including the almost entire Wisconsin delegation.

During the primary campaign in the second Kansas district a little, occasionally issued bulletin, attacked Mr. Little, of Kansas, stating he did not vote on that bill. He promptly called attention in the newspapers to the fact that he had voted, as shown on page 2646 of the Record, and that he not only voted but he voted against the bill just as the labor organizations desired him to, and as did these other gentlemen above mentioned. Thereupon the little bulletin at Kansas City, Kans., secured a telegram from William Johnston in which he called Little all manner of names; said he could not read the Record, and that he did fail to vote on the bill. It then appeared that this little bulletin got its purported information from a circular issued and signed by this William Johnston, vice president of the Mount Vernon Bank, of Washington, and president of the International Association of Machinists. Of course, the first statement might have been a mistake, but as soon as Johnston repeated it Little denounced it as a plain, ordinary lie. The Record, of course, verifies the statement of the gentleman from Kansas.

The matter was called to the attention of the national legislative representatives of the International Association of Machinists, of which William Johnston is president, and they promptly issued a written statement that Little did vote against the bill, just as he stated, and stated further that after a careful examination of the Sixty-fifth, Sixty-sixth, and Sixty-seventh Congresses they had found "only two instances in which Little voted contrary to the position favored by labor." I am inserting herewith the letter they wrote in order that this evidently deliberate falsehood may be corrected:

[Affiliated with the American Federation of Labor. District Lodge No. 44, Government Employees. N. P. Alifas, room 303, Machinists' Building.]

International Association of Machinists,
Office of President and Business Representative,
Washington, D. C., September 23, 1922.

Hon. Edward C. Little,
United States House of Representatives, Washington, D. C.

My Dear Congressman: Referring to our recent conversation in which you called our attention to a statement being circulated among the voters in your district to the effect that you failed to vote on the Scott bill to amend the seamen's act, we desire to say that the statement referred to appears to be correct only in so far as it applies to the Nolan amendment and the Gahn motion to recommit. However, a further study of the votes on the Scott bill discloses the fact that there were three roll-call votes taken; first, on the Nolan amendment relating to the hours of service; second, on the Gahn motion to recommit; and third, on the final passage of the bill.

We find that you are recorded as "not voting" on the first two but voted against the final passage of the bill. In our opinion, your vote against the final passage of the Scott bill is sufficient evidence of your favorable attitude toward labor in so far as that particular measure is concerned, in that you thereby voted against all of the remaining objectionable features of the bill.

We have carefully scrutinized the record showing your votes in the Sixty-fifth, Sixty-sixth, and Sixty-seventh Congresses on measures of interest to labor and find that in all that time there are only two instances in which you voted contrary to the position favored by labor.

We consider that from the viewpoint of organized labor your record is an exceptionally good one. In addition to your favorable attitude toward labor, as indicated by your recorded votes, I am pleased to say, in my capacity as legislative representative of the International Association of Machinists, that we have always found you ready to receive representatives of organized labor and to give sympathetic consideration to their views on matters of legislation affecting the workers. In this connection, we are not unmindful, as representatives of the International Association of Machinists, of the splendid support you have given this year in your capacity as a member of the Committee on Claims of the House to a bill (H. R. 10727) in which we are much interested.

This bill provides for the payment of wages due former employees of the Bethlehem Steel Co., in accordance with an award granting an increase in wages, handed down by the War Labor Board July 31, 1918.

The several thousand machinists who are favorably affected by this bill were highly pleased when you and our other friends on the Committee on Claims succeeded in having the bill reported to the House on August 24, 1922, with the recommendation that it be passed.

We have also noted that during the time in which you have been a member of the Committee on Claims that you not only have favored bills of this kind which are of advantage to the workers, but that you have also raised your voice in protest against war profiteers who are continually besieging your Claims Committee with alleged claims against the Government.

Your speech of January 9, 1919, in the House of Representatives, against the graft and profiteering possibilities of the Dent bill which then passed the House and against which you voted, is an indication, in our humble estimation, of your desire to protect the common people against these vicious profiteering practices.

Sincerely yours,

N. P. Alifas,
President District No. 44, International Association of Machinists.

In the campaign of 1920, in spite of the above record of Congressman Little, the Federation of Labor for Kansas, run by some Democratic sympathizers, of course, indorsed a man for the nomination against Congressman Little and then indorsed another man for the election against Little. Little was not under the slighest obligations to them, and there was no reason why he should vote for any bill they favored, except his own convictions, yet this fellow, Johnston, has the impudence to charge Little with being an ingrate. Several leading labor men of the organizations in Washington have told me that Johnston is a "nut" and members of his own order have told me that he is crazy. I notice he is thrifty enough to be vice president of a big bank, as well as drawing a salary as president of a big international order. So, I guess, although he is a great friend of the I. W. W.'s and well identified with the Reds, there is something back of his work besides brains that jingle out of tune. He is evidently simply making a malicious and untruthful effort to help elect a Democratic Congress and restore the situation of the past administration when such men as he were drawing $10,000 a year out of the Federal Government for doing nothing.

Immediately after the armistice in 1918 there appeared a large number of claimants for unliquidated damages from the Government because of conditions that had arisen under some arrangements they had made with the War Department, under which they were acting. The Comptroller of the Treasury held that they had no contracts and that the Government owed them nothing and refused payment of every one of them. The Committee on Military Affairs then reported the Dent bill, and on January 8, 1919, the Committee on Rules reported a rule to vote on it that day. The bill passed, and under it a vast array of claimants arose who have been given without any judicial judgment many millions of dollars by the War Department. The Dent bill was passed in the Sixty-fifth Congress. Recently there have arisen a great many instances of enormous grafts put over under this bill. The Congress authorized the expenditure of half a million of dollars by the Department of Justice to prosecute these grafters, and those suits are now in progress. The gentleman from South Dakota [Mr. JOHNSON] and the gentleman from Michigan [Mr. WOODRUFF] have been very active in pushing these matters.

William H. Johnston, vice president of the Mount Vernon Bank and president of the international machinists, has criticized me in this matter, and I desire to call the attention of the House to the facts. When this bill came before the House with the rule, the gentleman from Kansas [Mr. LITTLE] raised the point of order on January 8, 1919, on page 1133 of the CONGRESSIONAL RECORD of that date, that the Military Committee had no authority to report such a bill, and that it should have gone to the Claims Committee, and presented an argument on that point, supported by precedents very much in point. The Speaker pro tempore [Mr. GARRETT of Tennessee] held the gentleman's point of order was not well taken. In the Committee of the Whole, the gentleman from Kansas raised the point again and was overruled by the Chairman of the Committee of the Whole [Mr. CRISP, of Georgia]. That distinguished parliamentarian [Mr. CRISP, of Georgia], after holding that the point was not well taken, said, as you will see from the RECORD of January 8, 1919, page 1149:

> The Chair would ask the indulgence of the House to permit him to revise and extend his ruling, if he sees fit to do so. The Chair will state to the gentleman from Kansas [Mr. LITTLE], that his only purpose is to answer the suggestion of the gentleman, which the Chair did not do, relative to the point of order being made in committee.

The gentleman from Georgia is so accurate a parliamentarian that the mere fact that he wished to revise and extend his ruling indicates that it must have been a pretty close shave. As indicating the part in that debate taken by the gentleman from Kansas, the Chairman, Mr. CRISP, said on page 1144 of the RECORD when the division of time for the debate was at issue:

LITTLE LED OPPOSITION TO BILL TO RELIEVE THE WAR CONTRACTORS.

> If the gentleman from Kansas [Mr. LITTLE], who led the opposition to the bill, wants recognition the Chair would recognize him for an hour.

Thus you will see that although the gentleman from Kansas [Mr. LITTLE] opposed this biggest graft in the history of the country at its very inception nearly four years ago, and opposed it very vigorously, the charge is now made that he has not participated in the fight on these great grafts which is now being prosecuted in the courts. The fact is that the gentleman from Kansas was the first man to see the danger in this legislation and to antagonize the legislation, and if his views had been sustained then there would not be a lot of crooked grafts to investigate now and the country would have been saved many millions of dollars, including the $500,000 voted to prosecute these grafts. Just 29 Members of the House voted with the gentleman from Kansas and against this legislation, and I do not find among them anybody who is interested in the topic now.

While I am very sorry that my prophecy came true and would have much preferred that these highway robberies had not come to pass, I am thoroughly disgusted that there should be anybody in this country so ignorant and so untruthful as to not recognize the fact that if I had been successful in my fight all these grafts would have been avoided. This man who attacks me tries to convey the impression that there was a vote upon a certain resolution. As a matter of fact, the Speaker ruled it out of order, and the only vote was as to sustaining the Speaker, and I voted to sustain the Speaker's ruling because in my judgment it was the correct ruling. I voted to sustain the ruling because it was a proper ruling, and I voted to kill the Dent bill because it was a bad bill, and I hope to be able to continue to vote the way I think is right on everything that comes up, without regard to the consequences to me, but I shall not hesitate to denounce every willful liar who misrepresents my vote and my record.

The present agitation on this subject is so in accord with the arguments I advanced January 8 and 9, 1919, on the Dent bill that I am venturing to call the attention of the House to what the gentleman from Kansas said then, and which is to be found on pages 263–266 of the appendix to volume 57 of the CONGRESSIONAL RECORD for the Sixty-fifth Congress, third session:

[CONGRESSIONAL RECORD, Appendix to volume 57, Sixty-fifth Congress, third session, page 263.]

UNLIQUIDATED DAMAGE CLAIMS, $4,000,000,000.

SPEECH OF HON. EDWARD C. LITTLE, OF KANSAS, IN THE HOUSE OF REPRESENTATIVES, WEDNESDAY, JANUARY 8, 1919.

The House had under consideration the resolution (H. Res. 487) providing for the consideration of the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law.

Mr. LITTLE. Mr. Speaker, I want the House to understand the amount of the bills for whose payment they are providing in the matter of the claims for damages to people who did obey the law in 1862 as to contracts. In the hearing before the committee the Comptroller of the Treasury said:

> This bill will confer on the War Department the settlement of more equitable claims in amount, in my opinion, than Congress has settled since the beginning of the Government.

That is what you are arranging for. Can you not spend a day on that? He says again:

> Probably the amount of money in equitable claims which will be covered by this bill is more than has been acted upon by Congress through its Committee on Claims since the beginning of the Government.

And you are taking 80 minutes to discuss it.

How fast are they going to settle it? Mr. Warwick, the Comptroller of the Treasury, says:

> I understand the War Department, if this proposed legislation is enacted, could settle with the contractors within 30 days after the law is passed by Congress.

He testified that there are 6,669 of them.

Mr. GORDON. Six thousand.

Mr. LITTLE. Six thousand six hundred and sixty-nine claims already. And the gentleman from Ohio came up here and told us he had investigated them and that they were all right. An old lady came home from the drug store in great haste and she said to Mike, who was smoking by the stove, "They have got a complexion powder down at the drug store that will give me the complexion of a baby." He looked her old mug over kindly and he said, "It will be a dandy if it will do it." [Laughter.] And yet that is what you want to do. You want to authorize the War Department in 30 days to pay out $4,000,000,000 to 6,669 different claimants and more to follow. Great God, gentlemen, they will think you are crazy! Why, gentlemen, it is now four years since that was said on this floor and everybody thinks you are crazy now, except those who think you were helping grafters.

They tell us that these are contracts. There is not a contract here. The Comptroller of the Treasury has turned down every one of them as illegal.

The chairman of this committee says this bill is to provide for contracts that were not valid contracts. That is what is the matter with these alleged contracts. Mr. Dorr says in the hearings, "An agreement may not be a contract, and it was not a contract in this case, because the law prescribes that it shall not be a contract until it is signed in a certain way." You are here to protect the public. You are not here to only take care of the contractor. You represent the taxpayers and it is your business to interpret these laws for their benefit.

FIRST ARGUMENT FOR A BONUS.

Immediately following the passage of this bill the gentleman from Kansas reached the conclusion that if they were going to spend billions of dollars on a lot of grafters that ought to be put in the penitentiary it was high time some of the money be utilized as a bonus to compensate the soldiers, and he drew and indorsed the bonus bill. He felt that if we had billions to squander on a pack of thieves we could manage to raise some money to show some of our appreciation of the sacrifices of our soldiers.

You come here and tell me that they can not pay a wounded soldier. Has any rule been brought in here to fix a way by which the soldiers can get their money quickly? There are thousands of poor women who are not getting their allotments. Has anybody brought in a rule here to authorize a system to hurry up the payment of these allotments? Yet you come in here with a rule for the benefit of manufacturers, who have millions back of them. Why does not somebody appear here and ask for a rule for the benefit of the wounded soldiers and the widows and orphans? [A voice, "Whoo-ee!"]

Who says that? Some contractor? Some speculator? Some profiteer? Is there anyone here who would vote to pay the un liquidated damage claims of millionaire manufacturers and then jeer when some one speaks for the soldiers' wives who do not receive their allotments; for the orphans, the widow, and the unpaid wounded soldier? They tell us he who argues for the millionaire is a conservative statesman, and then turn around and declare the man a demagogue who says that the soldier who fights for his country should receive as much financial consideration as the contractor who profits from it. They lie.

Mr. CALDWELL. Will the gentleman yield?

Mr. LITTLE. I have not time. The gentleman from New York is the one who said to the department satraps in the hearings, "You think you are God's anointed and want to do it in your way." He was right. What is the matter; where is the Senegambian in the woodpile? In 1862 they made a law that every man down there who made a contract should make an affidavit that he was not interested in it. That is the mystery and that is the trouble. You talk about a contract. There is no affidavit in one of these pretended contracts in which the man says that he was not concerned in it. Some fellow with a major's epaulets on his shoulders probably made these agreements, or most of them, and then ran off and made no affidavit, because he was afraid that he would get into the penitentiary.

Yet he wants us to authorize him to settle up and pay the entire claims because he knows all about them. He certainly does. He knew too much to swear to them. I would not vote to pay anyone until the affidavits required by the law of 1862 are made. A commission of these nonaffidavit workers would be a farce. We put the "conscientious objectors" to military service in jail. We ought to put these "conscientious objectors" to making affidavits demanded by law in jail with them. The latter class is much more dangerous to the Nation. Yet they can get big business and little business and the press with them, while the first has only the War Department. A commission sufficiently large should be appointed with authority to take evidence and make a thorough examination. It should report to the Congress of the United States, which appropriates the money to pay these damage-suit claims.

Some of these contracts are probably just. I will vote for a commission to investigate them and report here, and will vote to pay them as fast as they are proven honest; but I will not vote to spend a nickel on one until the fellow with spurs on his heels will make an affidavit that he was not interested in it and then comply with the law of 1862, passed in the country's greatest emergency. [Applause.]

[CONGRESSIONAL RECORD, Appendix to vol. 57, 65th Cong., 3d sess., p. 264.]

SPEECH OF HON. EDWARD C. LITTLE, OF KANSAS, IN THE HOUSE OF REPRESENTATIVES, THURSDAY, JANUARY 9, 1919.

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H. R. 13274) to provide relief where formal contracts have not been made in the manner required by law.

Mr. LITTLE. Mr. Chairman, in the first place I want to call attention to the exact facts in this case. The gentleman asked, "Do you want to cheat any honest man out of his money?" I do not, and I do not want any grafter to "get his." Some of these claims are honest and some are not. I do not want the friends of the grafters to get behind the friends of the honest men and get anything that is not coming to them. I want to say this in behalf of the honest men and the honest claims: Every lawyer here, if he will be frank with himself, will concede to himself, if he will not in public, that this law is probably unconstitutional because it places judicial power in the hands of the Executive, and if an injunction is applied for the injunction will be granted. I am not sure that we are doing the honest man any favor by putting him in this position.

Now, I want to call attention to the elementary facts. The law provides, in Revised Statutes, section 3744, enacted in 1862, for this very purpose, that every contract shall be in writing on these matters and that an official should make an affidavit that he made the contract and that he in no way profits thereby. These alleged contracts are not in writing and were not verified by the affidavit, in my opinion often omitted by legal advice. Now, gentlemen, we hear much said about contracts. There is no contract at issue here because the law says it shall not be a contract until these things are done. That is not all. There is no legal contract, and there is no equity in it. Every man that comes into a court of equity must come with clean hands himself.

If A and B undertake to make a contract in writing, and A says he will do this if B will make an affidavit, and they do not execute any writing, but B turns around and undertakes to set up an equity and has not made the affidavit, he has no equity. He does not come with clean hands. If any man undertakes to get in under this law, where an affidavit is essential, and he in any way assists in getting away from that affidavit, he has no equity. There is no legal right and no equity because they can not come in with clean hands to avail themselves of it.

Instead of being contracts these are felonies, and this law ought to read at the beginning not to confirm informal contracts but for the relief of formal felonies. That is where you start, gentlemen, and that is all there is to it. A great many of these men are honest men and have no intention of violating the law. What is the result? They have been placed in a position where they may be brought up for a felony and prosecuted for a felony. If the felony is not there, why do you put in a provision by amendment that you reserve the right to arrest every one of them?

In the hearings December 9, 1918, the character of these unliquidated damage claims is fully developed. The evidence presented there shows that they are merely unliquidated damage claims. Mr. Warwick, Comptroller of the Treasury, says, page 30:

"There is no real liability on the Government for these claims. The Court of Claims and the Supreme Court would give judgment to the United States on any case that is intended to be covered by this bill."

He says, page 31:

"This bill does not cover cases where the material has been delivered."

And, page 31:

"I mean the contractor would get his money without this bill where he has delivered the articles and the Government has accepted and used them. He would get the fair value of the article."

Comptroller Warwick says, page 28:

"The Supreme Court of the United States holds that, so far as the man (p. 29) who has delivered under an informal contract is concerned, he is entitled to quantum meruit.

"The CHAIRMAN. Against the Government?

"Mr. WARWICK. Against the Government; oh, yes. But this bill does not cover that. This bill covers articles not delivered."

You can see that the claims this bill is calculated to pay are not intended to provide a fund to pay for anything the Government has received. The Supreme Court has provided the method for meeting that. These claims are for unliquidated damages somebody claims for nobody knows what. They will amount to over $4,000,000,000, and perhaps never cease. Here are our soldiers straggling home out of employment and men who advocate the expenditure of billions to meet demands that are nothing on earth but damage suits will absolutely refuse to make any serious preparation to reward the soldiers for their sacrifices and enable them to get a new start. What has John Smith to complain of when he talks about some contracts that were never made and never carried out when John Jones comes home with a wooden leg and no job?

Where the claims are just they will be met, but thousands of crooked grafts will sneak in here if this bill goes through, when the Government by the law of 1862 made such things impossible. On page 34 of the hearings before the Military Committee on December 9, 1918, a member of the committee, the gentleman from New York, says:

"When these contracts were made there was talk in the Halls of Congress and on the streets of our country to the effect that men formerly employed by these great contractors were the people who were giving the contractors all the contracts. Under this bill those men will be put on boards to pass on the question as to what their former bosses are going to get when the war is over. After we have won, there is no need of paying a tribute for winning the war.

"Mr. WARWICK. That is not a question directed at me, is it?

"(Thereupon the committee adjourned.)"

Well, I should think it would adjourn. There is not a man in the world who dare answer the question. Ah, you know, they sent employees here with majors' shoulder straps and jingling spurs to pose at a desk as "experts" and secure contracts for the men for whom they worked at home. Then they discovered the law of 1862 that required the fellow in these spurs and straps to make an affidavit that he was not concerned in the matter, and consulted their attorney. Of course, any intelligent attorney would instruct them not to make the affidavit, as it would take them to the penitentiary. They violated the law about the affidavit, and therefore violated the law that required them to make a contract in a certain way. Then the Comptroller of the Treasury refused to allow the pretended contracts to be paid, and they come here and ask Congress to enact legislation that will authorize the Department of War, to which these shoulder-strapped individuals are clerks and officers, to pass upon and settle the very contracts these felonists made. Why should they pass upon it after they were afraid to make an affidavit that they were not concerned in it. If they had obeyed the law, we would not need any more legislation. It must be obvious to any intelligent man that this is simply a law to compound a felony.

The bill presented by the Department of War could not get 20 votes here; the amendments only make it able to pass. What are they? Safeguards, they say. Why so many "safeguards"? Because we all know something is wrong; but the safeguards get nowhere.

What happened? The Comptroller of the Treasury refused to disobey the law made to protect taxpayers from profiteers, and declined to allow any of these claims to be paid. The very fellows who assisted them in committing this violation of the statutes come in here and say, "A felony has been committed; we committed it; let us straighten it out; we are the fellows who can do that; we know all about it." That is exactly what has happened, and you need not try to get away from it. I concede that does not alter the fact that a lot of honest men have honest claims, but there is not one of them coming here who is in a position to go into a court of equity and demand equity, because he can not show clean hands.

This is not a grant of equity. This is to grant mercy, and it should be granted. It droppeth like the gentle dew from heaven, and here is a good time for Congress to drop some, but it is not necessary to give it to any grafter. A year and a half ago I saw this Congress appropriate $640,000,000 for airships in two hours, and when somebody got up and said, "Who is to make them, and how much will they cost?" some man answered, with flamboyant oratory, that "You must not delay; you must trust the War Department," and we did, and where is your $640,000,000?

Mr. La Guardia. We did not get a machine.

Mr. Little. Not a thing to show for it. I do not want you to say "hurry" to me again. I made up my mind at the time there was something wrong then. I did not object, because of the phenomenal conditions. But I shall not be flimflammed again, if I know it. The emergency is gone and I am objecting now. There is no Hun at our throats to-day.

Mr. McKenzie. It is too late as to the machines.

Mr. Little. Yes; the gentleman from Illinois says that it is too late to object to the $640,000,000, but it is not too late to object to the $1,600,000,000. The statements already show in these hearings that it has run up over $4,000,000,000. Four billion dollars! Why, every grafter in the United States will be in on this thing. Every man who can think of some reason why he should come in will be in, and you gentlemen who wish to help the honest men should aid to establish some system by which they could differentiate between the honest man and the crook. I will help you do everything that I can toward that consummation. The law of the land is against all of these people. We must now devise some means by which real justice and equity can be done, although not one of them is in a position to demand it legally. A proper commission will do it.

Oh, I know these damage-suit people are yelling bloody murder because they do not get their money. They are crying, "Hurry, hurry, hurry," that business will be ruined and a panic will be precipitated if they do not get their money. Yes; the boys over in France who were not paid once in nine months sometimes were in a hurry, too, but you never did a thing about it. The soldiers' wives at home with big families in need cried "hurry, hurry, hurry," for their allotments, but you never raised a finger to put in a rule to bring up their bill and you never had a committee report any bill for them. Why is it that every eagle owned by a rich man "hollers" so much louder than the eagle owned by a poor man when they are both squeezed? Why is it that society hardly hears the wail of the hungry, the hoarse cry of the soldier, but has its ear attuned to catch the slightest whisper of distress from what we call the business interests?

These people are simply the agents of society to carry out certain economical features, and most of them make big money by doing it, but the people you have forgotten—the soldiers' wives and the wounded at the front—are the sacred charge of the Congress of the Republic, and I do not like to see men come in here with a rule to put through, almost without discussion, payments that are admitted to amount to $1,600,000,000—and will really be over $4,000,000,000—to men whose claims are described by the Comptroller of the Treasury in the terms I have quoted.

If they were in such a hurry, why did they not comply with the law of 1862? If the payment of this money was so important that a delay might ruin society's business interests, every man that failed to make an affidavit that the law required to expedite it ought to be in the penitentiary as a malefactor of the most dangerous kind. They should be held to the strict performance of that legal duty which was thrown upon them by the statutes for the protection of the Treasury against the raids of just such men as some of them evidently are. This country, as a result of this war, has become indebted in the sum of $30,000,000,000. Of this four billions, practically one-seventh, will be paid to the men who did not comply with the law, but sought to evade it by this very failure to make these affidavits. I suggested to a gentleman who is most ardent in favor of this legislation that we support a bill to pay the soldiers a bonus for their services according to a suggestion I made. He said, "My God, that would cost the country $500,000,000. Where do you think all that money is coming from?" It never occurred to him as to where this four billion was coming from to pay the manufacturers who had violated the law, yet his hair curled with indignation when I wanted to pay $500,000,000 unliquidated damages for their sacrifices to the gallant boys who left their jobs and salaries, who left their business, who gave up all their opportunities in life and went off and risked their lives for America.

Talented orators tell us that these big business men took these great risks on account of their loyalty to their country. Well, some of them did and some of them did not. That style of argument has been given full sway here. But we do know that the soldiers who fell on the fields of France, went down into the Argonne never to return, who sleep in Belleau Woods, who rest forever at Chateau-Thierry, and who made the breach at Cantigny heard no call but that of duty, no enticement but that of loyalty. They had nothing to gain and everything to lose, and they lost it; and every man that pleads for them with the word "loyalty" on his tongue will be denounced as a demagogue, and every man who comes here to upset the laws of his country to plead for profit makers and profiteers, with the argument that they sacrificed for loyalty, has forever estopped himself from saying demagogue to anybody who talks of the soldiers' sacrifices and a pecuniary award to them. The business men of this country have good lawyers, and they were told what the law was. They should accept the situation they created and get their money just as all the rest of us get ours when we fail to obey the law.

The gentleman from Pennsylvania suggests that we appoint a board of Members of Congress to survey these claims. A gentleman sitting by me, who is an ardent supporter of this bill, remarked, "I would not be a member of that for $10,000 a year in addition to my salary." I said, "Why?" He said, "Because I do not know anything about these claims." He does not know anything about it, yet he wants to and will vote for allowing $4,000,000,000 of these claims. One member of the committee told me that he knew of a $1,000,000 steal that was to be presented under these claims, but he had secured an amendment under which he could head that off. How many more are there that ought to be headed off? If you do not think some of these are crooked, why have you made so many amendments to the bill first presented by the War Department? If you were so afraid of the bill presented by the War Department to the Military Committee that you had to add amendment after amendment, how do you know that it is all right now? If you could not trust the War Department to make the bill, how can you trust them to pay out the money without any supervision? These people are no better than the rest of the country, and injuries to them are no more dangerous to business than damages to other business men. They should be given an opportunity to secure their money by proving their claims, just as all the rest of us do when we get into trouble.

We do that by going through forms of litigation provided to do justice between men. There is no reason why these men should have any more privileges than the rest of us who try to obey the law. This House should provide some special proceeding, in the nature of a commission, with authority to take evidence and to do justice to all concerned, including the taxpayers, who will have to put up this $4,000,000,000. The rest of this country must adopt such a system as that to pursue its unliquidated damage claims. Of course, these people will complain that that is slow, but—

"No rogue e'er felt the halter draw,
"With good opinion of the law."

If you hold these men to the methods the rest of the country must follow hereafter, you will have no difficulty in protecting the taxpayers against improper contracts in the War Department. If you authorize the men who violated the law to have full charge of the settlement of their own illegal claims, you will make a precedent that will endure to plague the taxpayers for centuries to come. As for the honest man with just claims, they will be willing to get their justice from the law, as other men do, and we should make that provision for them.

I yield back half of my time to the gentleman from Iowa [Mr. Dowell] and half to the gentleman from Pennsylvania [Mr. Moore].

THE RED CIRCULAR.

This William Johnston in June, 1922, signed and issued this circular in which he attacks the entire Republican delegation from the State of Kansas, including Mr. Little, and in which he claims the Kansas delegation voted for the war grafters. He said that the administration leaders of the House, particularly Speaker Gillett, Mondell, Campbell, and Walsh of Massachusetts, were determined to prevent any congressional investigation of these war contracts or of the Attorney General. The Speaker ruled Mr. Johnson's motion as being out of order. Mondell moved to lay the Johnson appeal from the Speaker's decision on the table, which carried by 149 to 114. There was no question in it of the merits of the resolution. The House is governed by its own rules, and it was the duty of the Speaker to decide the point of order according to the rules, which, in our judgment, he did, and we voted to sustain him, which was what we should have done. Instead of preventing a thorough investigation, the House voted half a million dollars to assist the Department of Justice in prosecuting the grafters, and instead of favoring these grafts, Mr. Little, of Kansas, began to fight them on January 8, 1919, when they first appeared. A Democratic House put the bill through making all these grafts possible and a Democratic Senate passed it and a Democratic President signed it, and a large number of the men that the Republican Department of Justice is prosecuting became grafters only because a Democratic Congress passed this Dent law, which made it possible. Mr. Little, of Kansas, was the first man in the House to take the floor against this proposition, and you can see by the speeches he made January 8 and 9, 1919, as shown above, that he presented the subject in full. Every evil that has come to pass was foretold by him, and instead of being for the grafters he was the first man to attack them and fight them on this question. For that reason I herewith present to you what he said nearly four years ago, when he prophesied everything that has come to pass in this connection.

In this attack that this man, Johnston, makes on the Kansas delegation, he speaks of the bill of Scott of Michigan. Johnston says that that bill undertook to destroy the seamen's law on the Great Lakes by repealing the life-saving requirements and the safety provisions for the proper manning of vessels. He says that Little, of Kansas, failed to vote on it. This statement of Johnston's is a deliberate lie, repeated by him after his attention had been directed to the fact that Little voted against the Scott bill and against all the provisions which he says it contained. The vote on that bill is found on page 2646 of the Congressional Record of June 15, 1922. The record shows that Scott voted for his bill and that Little, London, Nolan, and 99 others voted against it. Johnston's attention has been directed to this vote in the permanent Record and to these facts. The legislative representatives in Washington of the international machinists, of whom Johnston is president, have come to my office and personally informed me that their record shows that Little voted against the bill and with labor, and that the only record they preserved on that bill was the yea-and-nay vote for and against it. Johnston claims that the bill had a provision which was equivalent to setting up a 12-hour day. If there was any such provision in the bill, Little voted against it, because he voted against the whole bill, just as did many other friends of labor in the House. This man, Johnston, not only circulated this deliberate falsehood when the records of his own office would have disproved it, but went ahead and repeated it out in Kansas. Such a man can make no statements that would be worthy of any consideration from any honest man.

In another place in his attempt to beat the Republican Congressman from Kansas he says that they voted for a provision in the Esch-Cummins bill to hog tie the railroad workers to their jobs. That statement is another deliberate falsehood. There is no such provision in the Esch-Cummins bill at all. Little, of Kansas, voted for the Anderson amendment to that bill, which the House inserted, which was drawn by the leaders of the railroad brotherhoods and inserted at their request, but the Senate knocked it out and a provision for the Railroad Labor Board was inserted finally. That was not a provision that could hog tie anybody. There was no way by which the Railroad Labor Board could enforce its decrees. They could not hog tie a hog, because they had no power whatever. Instead of tieing men to their jobs, the biggest strike the world ever saw has been made since that Railroad Labor Board was created. It had no authority to compel anybody to do anything. If Johnston can read and write, he knew this when he made this statement.

Johnston's circular charges the Kansas Congressman with refusing to strike out a 6 per cent guarantee on the railroad investment from the Esch bill. There was no such guarantee. Under President Wilson's administration the railroads were promised a return on their investments the same as they had been getting for three years before the war. The bill continued that arrangement for six months in order that the railroads might have funds enough to pay their employees, who would have been out of a job if Congress had not done so. That provision expired September 1, 1920, and is not in effect at all. The Government has not paid them a cent under that since more than two years ago. This statement is pure fabrication. The Esch-Cummins bill authorized the Interstate Commerce Commission to allow the railroads to make such rates as would give them a "fair return" on their investments. The Government did not agree to guarantee such return; it merely authorized the commission to permit them to charge enough to get that. The law provided that, until March 1 last, 6 per cent should be a fair return. Since then the Interstate Commerce Commission fixed 5¾ per cent as a fair return. Congress further decreed that if one railroad got over 6 per cent and other railroads got less than a fair return, one-half the income of the successful roads over 6 per cent should be a trust fund to be loaned to weak roads; but Congress did not agree to pay any of it and never has. Indeed, for the first year after the establishment of the rate, the railroads earned less than 4 per cent of the value of their property as fixed by the commission, and never have gotten anything more than that for that time. The statement that the Government guarantees anything to them is without any foundation of truth. It is difficult to understand how men fabricate and continue to put forth such statements. No Kansas man voted for any such arrangement as Johnston claims.

This man Johnston sets up a noise about the surtax rates on incomes of millionaires, telling what he claims big money had done, and then he shows himself that every man in the House of Representatives from Kansas, the entire Republican delegation, voted for the 50 per cent surtax. His intention evidently was to make the casual reader think that we all voted against the surtax. As a matter of fact, Little, of Kansas, was designated to open the debate for those who believed in a 50 per cent surtax, and did so; and instead of crediting him with it directly and saying he is entitled to the credit, he camouflages the matter so as to destroy that.

LABOR LAWS.

Johnston's essay against the Kansas delegation speaks of some five pieces of legislation. There was not a single, solitary one of them that was really labor legislation. The seamen's bill had some labor features in it, and Little voted against it because labor was opposed to it, and he thought their view was right. The Esch-Cummins bill had a provision for a labor board to assist in adjusting the difficulties between labor and capital, but gave it no authority. Of all the rest of the legislation to which Johnston directs his fierce and vicious antagonism, not a single, solitary one had anything to do with labor any more than it did with any other citizen. He has made the appeal for labor to defeat the Kansas Congressmen on purely imaginary labor laws. He has not been able to find one law for the benefit of labor against which the Kansans voted. Who spent the thousands of dollars that was paid to circulate this attack upon the Republican Congressmen from Kansas? His circular claims that some kind of a committee met at Chicago for progressive political action, and its membership shows a number of the leading Socialists of the United States who, of course, want to beat all Republican candidates, and quite a number of $10,000 a year officials of the Democratic national administration, who saddled so many billions of debts upon this country. As for this William Johnston himself, he is the man who went to Russia after Bill Haywood, the I. W. W., and endeavored to strike hands with the Bolsheviks, but as a distinguished labor leader of the Federation of Labor said to me, they even would not have anything to do with Johnston. As vice president of the Mount Vernon Bank, he gives some idea of the success he has attained as a capitalist himself. He is for labor just as far as his salary takes him, but when he gets down to his own business, he is vice president of a bank. His circulars were paid for, of course, by the political partisans who wish to defeat eight Republican Congressmen, and under the pretense of being independent and desiring to assist the cause of labor, he has advised laboring men to vote against men who are the best friends of labor, to vote against the man who started and maintained the fight against the big grafts and the unliquidated damage claimants, against the men who voted to kill off the Scott seamen's law and the attacks on labor which he said it contained.

DOCUMENTS LOST IN THE DEPARTMENTS.

Every claim allowed by the War Department on which the Government is now suing for return of the money was allowed during the Wilson administration. Every grafter who stole a nickel from the Government under the Dent bill got it then. Every bit of evidence which accumulated in the department accumulated then. If you were a Government official or were a grafter who had a friend that was, what do you think you would have done with that evidence before you got out of office? Do you suppose that those grafters have left one scintilla of evidence in the War Department to send them to the penitentiary or to secure the return of any money they improperly paid out to grafter claimants? In discussing the prosecution of lawsuits, we must use common sense. Do you suppose there is really any serious evidence left on file against these thieves that are being prosecuted? You must take that fact into consideration in discussing these resolutions about investigating. That Dent bill was passed in January, 1919.

It was the 4th of March, 1921, before the Republican administration took over the Department of Justice and had any chance to investigate it. There is a trail now over three years cold. Where is the Attorney General going to get the evidence? Of course, every grafter would like to have his trial come off immediately before any evidence is found. This question is not only a question of whether the Republican administration will prosecute. That is not the principal question. The principal question is, How much graft was pulled off under the preceding administration, and how many of them were prosecuted? These men who attack the Kansas delegation because it very properly voted to sustain the Speaker's point of order simply want eight Democrats elected to take our places, eight members of the party under whose administration all these grafts were pulled off. This piece of Johnston's was issued by a bunch of assistant Democrat politicians who wanted to elect a Democratic Congress, and they are issuing thousands of circulars now through Kansas to put back in power the very men who enacted the Dent bill and made all this possible. Who is paying William Johnston for doing this? How does it happen that the political associates of men who put over every one of these grafts want to beat a Republican Congress and a Republican administration that is prosecuting them?

This circular of William Johnston's was signed by Frederic Howe as secretary. He is a well-known Socialist who had a job under the Wilson administration as an immigration official at New York City.

Pretty much all the graft now being prosecuted in the courts arose by reason of this bill of January, 1919, to authorize the relief of those who claimed these damages. The whole thing began right there, and practically everything else that follows really grew out of that beginning. This circular attempts to defeat the Republican Congressmen from Kansas because of these grafts. At that time not one single, solitary Democratic Congressman from Kansas voted against the bill or endeavored to stop that graft. At that time CAMPBELL of Kansas and LITTLE, of Kansas, both Republicans, did vote against the bill, and voted to head off these grafts before their inception. You can see at a glance how unfair and unjust was this circular. It now turns out that this man, Johnston, is one of those Reds who endeavored to follow Bill Haywood, the I. W. W., into Russia. He defeated and drove out of the presidency of the International Association of Machinists a much better man, and he has placed his own order in such a position that its national legislative representatives here have been compelled to send out scores of letters like this one with regard to Mr. LITTLE, correcting Johnston's misstatements in order not to injure those loyal and faithful friends of labor on whose fair and equitable treatment of labor they can always depend.

During the last session of Congress the Central Labor Union of Washington was behind the Fitzgerald bill to establish in the District of Columbia, under Government management, a workmen's compensation law, something they have never had here. A determined effort was made to injure its usefulness and the plans of the labor people of Washington by practically pushing the thing into the hands of the big insurance companies. The bill provided for about such a system as they have in Ohio, where the overhead expenses are about 3 per cent, while it was practically conceded on the floor of the House of Representatives that the substitution of the other system would run the overhead up to 35 per cent. Among those who supported the labor people of Washington in their effort was Mr. LITTLE, of Kansas. Accordingly the Central Labor Union of Washington wrote scores of the representative members of the American Federation of Labor in the second Kansas district calling attention to Mr. LITTLE's vigorous support given their favorite measure and begging those people to assist Mr. LITTLE, who had been such a loyal friend to labor in spite of the big fight against the bill. Their letter was as follows:

WASHINGTON CENTRAL LABOR UNION,
SECRETARY'S OFFICE,
Washington, D. C., July 10, 1922.

DEAR SIR AND BROTHER: There are 100,000 wage earners in the District of Columbia unprotected by accident compensation insurance. The Washington Central Labor Union has tried for a good many years to have a compensation insurance law adopted by Congress for the protection of persons in private employment in this city, but each attempt has met with defeat. There is, however, now before Congress a bill (H. R. 10034) which if enacted into law will give us the benefit of this much-needed legislation.

One of the sincere champions of this bill is your able Representative, the Hon. EDWARD CAMPBELL LITTLE. We, the workers of Washington, D. C., are making bold to express to you our appreciation of the attitude he has taken and the efforts he has made and is still making in behalf of this bill, knowing as he does the sole purpose of the bill has to do with the relief of working men and women injured in their occupations.

President Gompers, of the American Federation of Labor, in a letter regarding the reelection of Mr. LITTLE says: "Permit me to assure you that I will leave nothing undone to place the truth before the wage earners of the second district." Chairman NOLAN, of the House Committee on Labor, who perhaps you already know is a member of the Iron Molders' Union, has often referred to Mr. LITTLE as being very helpful to him in his committee both as a member and later as chairman.

* * * * * * *

We feel we would be derelict in our obligations as citizens of this city if we did not inform you, as constituents of Mr. LITTLE, of the work he is doing for us, and it would indeed be regrettable if you folks of the second district should forget the good work he has done for us, as well as yourselves, and fail to reward him.

Therefore, we have no hesitancy in urging the voters of the second district to apply the motto of the nonpartisan political campaign committee of the American Federation of Labor, "Reward your friends and defeat your enemies."

Fraternally,

C. C. COLTER,
N. A. JAMES,
CHAS. FRAZIER,
J. E. TOONE,
JOHN G. SCHMIDT,
Executive committee, Washington Central Labor Union.

Of all the representatives of labor in the district who received that not one is known to have ever appeared and called the attention of the laboring people to this earnest request for help by their brothers here in Washington. Those folks who received this were evidently controlled by politicians of the Democratic Party who wanted to beat a Republican Congressman. That labor organizations in one part of the country should treat with contempt the urgent petition of their brothers here for help seems almost incredible, but it is true. Evidently the people who got these letters were better friends of Democracy than they were of labor. They did not care how many friends of labor they injured if they happened to be Republicans. If that is the way labor organization politicians treat the requests for help from their brothers elsewhere, it is most astonishing that they have any friends at all in the House of Representatives. It occurs to me that all organizations of every kind should endeavor to treat all men fairly no matter what party they belong to. In the long run justice and equity prevail, and seldom do men triumph by misrepresentation and falsehood and refusal to stand by their brothers.

We must not overlook the fact that Congress is responsible to all the people more than to any one particular class or organization. The Congressman's first duty is to see that the common good of all is protected and that will bring the best results for each class and organization. Most of the products of Kansas come from work done on Kansas farms by Kansas farmers, and one of the most noticeable features of the work of the Sixty-seventh Congress has been that it has endeavored to do more good for the farmers than any Congress ever did before. Among the bills looking carefully after the interests of the farmers which have been enacted by the present Congress are two future trading bills, one knocked out by the

Supreme Court being succeeded by another; the reestablishing of the War Finance Corporation, under which over $500,000,000 have been loaned in agricultural States to assist in financing the marketing and exportation of agricultural products; the Clague bill to enable the joint-stock land banks to issue bonds, which resulted in their loaning over $50,000,000 to farmers and stockmen; the Curtis-Nelson bill providing capital for the Federal farm loan banks, and the bill extending the period of redemption of their bonds, making possible the issuance of $292,000,000 of bonds, so that they are now making farm loans at the rate of $1,000,000 a day at 5½ per cent interest. Never in the history of the Republic has such helpful assistance been given to the farmers of the West as by this Congress. In addition to these, there have been enacted the law authorizing cooperative marketing by farmers, repeal of the so-called daylight savings law, cancellation of the order taxing butter 10 cents a pound made from cream to which soda or limewater has been added to retard its acidity, the emergency tariff law. It must be remembered that between the close of the late war and the enactment of the emergency tariff law there was imported into the United States from Argentina 80,000,000 bushels of wheat, 135,000,000 bushels of corn, 135,000,000 pounds of frozen mutton and beef, and 525,000,000 pounds of wool, all vital competition for the American farmers and produced by the cheap labor of the Argentine so that it could force a reduction in the American farmers' incomes. In that same time butter imported from Denmark and Norway had reduced the price of American butter in New York to 30 cents; milk was reduced from $4 per hundred pounds to $1.90; wool selling in New York in the spring of 1920 at 95 cents per pound sold in 1921 at 25 cents per pound. When the tariff bill goes into effect this will not continue. Prior to the efforts Congress has been making to help the farmer delegation after delegation of them poured into Washington and pleaded for a tariff to prevent their ruin. They now have a tariff on wool that makes that a possible industry.

This Congress has accomplished wonders for the farmer and will continue to labor for his interests in the future if the Republican Party continues in power. Probably no delegation in Congress has done more to bring these laws to pass than that from Kansas, which has presented a united front always in support of these great laws and taken an active and continuous interest in the welfare of the Kansas farmers, with the cordial indorsement of all genuine farm organizations. Among the many letters of thanks I have received, just now I have at hand two that came recently, and which I reproduce herewith:

DEAR MR. LITTLE: It is my wish to express the appreciation of the American Farm Bureau Federation to you for your vote on referring back the conferees' report on the tariff bill and instructing them to remove the particularly objectionable tariff on potash and the embargo on dyes.

We had justified before the Senate Finance Committee our opposition to these matters and had also, by letter, called the attention of all the conferees to them. So it is very gratifying indeed that you and other good friends of the farmers set the conferees right in these matters, for which I now express our appreciation and tender you our thanks. I will advise the folks back home of this good service of yours.

With very best wishes, I am, very truly yours,

AMERICAN FARM BUREAU FEDERATION,
GRAY SILVER, *Washington Representative.*

NATIONAL GRANGE, P. OF H.,
Washington, D. C., September 21, 1922.

Hon. EDWARD C. LITTLE,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: I wish to thank you sincerely on behalf of the National Grange for your support of the effort made in Congress last week to amend the tariff bill as it was reported by the conferees so that the proposed tariff on potash should be eliminated and this material be placed, along with the other fertilizer materials which are so essential to farmers, on the free list, and also to eliminate from the bill the proposed embargo on dyestuffs which we have considered as wrong in principle and unnecessary in practice. I consider that American agriculture will receive much benefit from the success of this effort in which you participated.

I also wish to say that so far as your activities with regard to matters of legislation of interest and importance to agriculture have come to our attention, they have been such as to receive my approval.

Yours sincerely,

T. C. ATKESON,
Washington Representative.

The men who are opposed to a protective tariff to protect American farmers and industries would like to elect eight Democrats from Kansas.

The Republican Party is the only party that has succeeded in electing any President to succeed himself since 1832, except when Mr. Wilson kept us out of war in 1916. The reason is that the principles of the Republican Party when put into effect make it possible for a President to be reelected, while whenever the Democracy secures control of the administration and Congress and get a long enough rope, they immediately hang themselves. Their unsound political principles never stand fire, and for that reason it is best to keep a Republican Congress.

I have referred to the falsification of the Republican Congressmen's records by this man Johnston, representing the effort of Communists and Socialists and Democratic leaders to break up this Republican delegation which has done so much and fought so hard for the Kansas farmers. That circular draws the issue sharply of

RED JOHNSTON VERSUS THE KANSAS DELEGATION.

Were your Representatives in Congress loyal to the farmers and the magnificent people of the State when they secured that wonderful financial assistance to which I have called attention in naming the above bills? Are you in favor of putting a stop to gambling in grain? Are you in favor of proper control of the big packers? Are you in favor of the development of Kansas farms? If so, why should you follow the lead of "Red" Johnston, Russian tourist to the Bolsheviks, the ally of the I. W. W., Haywood, in Russia, who made this vicious attack upon your delegates?

My duty as a Congressman is to all our citizens and not to any one particular society, traffic, or trade. We have in our district thousands of men who are unorganized laborers who should have the same consideration by the lawmakers given anybody else. The interests of all the people are paramount to those of any great corporation or any great organization. If reelected to Congress I shall continue to take into consideration what is best for all the people I represent and to listen to their views on the subjects involved. Of recent years the questions devolved upon Members of Congress have been of a very complicated and arduous nature, involving the analysis of legislation of the very highest importance and frequently of a character practically new. The Great War and the attitude of the Wilson administration and its Congress have placed tremendous burdens on the backs of our people. The principal question for the future is whether these taxes shall be paid by average men of small means or by very wealthy men who can afford to pay plenty of taxes. Congress has arranged an income tax that will put a 50 per cent surtax on the men with immense incomes. They will never know that they pay it unless their secretaries tell them. Three Kansas Congressmen, including Mr. LITTLE, voted to make it a 65 per cent surtax. Congress has also taken a firm stand in favor of heavy inheritance taxes so that when immense fortunes have passed on from generation to generation the Republic gets the benefit of the taxes paid. Personally I feel that in view of the terrific profiteering during the war the men with the big incomes should now give till it hurts in order to relieve the men of smaller means. In my address in the House May 14, 1917, I took the position that as long as the war lasted every man with a net income of over $100,000 a year should be called to pay everything above that amount into the Treasury to back the soldiers. The big income taxes paid now by great wealth simply takes that same burden off men of small incomes and medium incomes and enables them to put their funds into business. If a thousand men of small incomes can shove a thousand dollars each into business they have not only put a million dollars into business but they have made a thousand men take an active interest in business.

When you realize that there are hundreds of thousands of such men you can see how much better it is to take the tax pressure off from them and let them all get personally interested in pushing business than to take that tax pressure off of a few hundred great millionaires. In 1919 we had 500,600 people who paid taxes on incomes of from $6,000 to $100,000. When taxes are taken off of their incomes, business has received a tremendous assistance by letting them become active. At that time we had 284 men who paid taxes on incomes of more than $1,000,000 each. If you relieved them of all taxes you would only get 284 more men interested in business. I am in favor of lowering the taxes of the men who can least afford to pay them, but I do not know of any reason why men with hundreds of millions of dollars should ask to have their taxes lowered at all until the Government's burdens are disposed of. Thousands of men died on the battle field for their country. Why can not these fellows let a few of their dollars die? Of these great millionaires, statistics show that about two-thirds of them piled up their rotten profits during the war. Let them pay the debts made while the boys were dying. Of course, there will be lobbies here all the time carefully protecting the interests of the big taxpayers and fighting those of us who insist that they pay their share.

Last November a fight arose between those who wanted a 50 per cent surtax and those who opposed it. A half a dozen Congressmen met in my office and we made a lively and active campaign for a 50 per cent surtax, as did, of course, others. The November morning when the bill came before the House the leaders in charge of that fight requested Mr. LITTLE, of Kansas, to open the debate for those who favored the 50 per cent surtax after Mr. Fordney opened for those who were against it. Within 10 days after that bill passed that day they were after Little's scalp, and it remains to be seen whether the big millionaires can beat a man because he is for a tax on big money. That issue will be one of the greatest before our country for years to come. How do the people of the second Kansas district stand? Are they in favor of putting the taxes on great wealth or not?

WHO PAYS FOR THESE LIES?

There have been more falsehoods circulated about me in the present campaign than in all my prior campaigns for Congress combined. There is some reason for this, and all this is not done without somebody paying for it. There is a piece being circulated through the district now as an advertisement full of vicious falsehoods about me. Who pays for these advertisements? One of the biggest fights labor put up was to defeat the Scott bill; I voted against it, and yet "Red" Johnston got up a circular in which he stated I did not vote at all. Who paid "Red" Johnston for that, and who paid for the publication of his great circular, with all its falsifications and misquotations of the record? They dare not attack any vote that I have cast, and the entire fight is one of total misrepresentation and falsehood. Fellow citizens, all this is not done without somebody financing it. It all occurred since I voted for a 50 per cent surtax last November. Do the expenses of this kind of a campaign come out of the bootleggers' fund or out of the Wall Street funds? No man of good judgment who gives the matter consideration will fail to see that there is some method in all this. Here is a man running for Congress for his fourth term and not a single one of my opponents has ever dared to criticize to the people any vote I have cast, and if they were all right I am entitled to reelection. What is the campaign against me? Just simply one of villification and misrepresentation, frequently about very small and petty things, and even then, as has been demonstrated, without any foundation. I ask from my constituents an examination of my record in the Congress of the United States, where for six years I have voted and fought without fear and without favor for the rights of average men. Some of these attacks are from disappointed office seekers. But such a steady fire of falsehoods proves some common source and paymaster, only explainable by the fact that I have fought for my constituents and average men and incurred the enmity of those who profit by plundering you.

You may say in your haste, as did the prophet, that all men are liars, but you must concede that very few of them will take time off and center their attacks for months on one man unless somebody has paid them to do it. Where is this money from and why spent?

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the soldiers' adjusted compensation bill.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the Record on the soldiers' adjusted compensation bill. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, I have a petition signed by approximately 135 Members of the House, requesting the Committee on Military Affairs to report to the House the disabled emergency officers' bill (S. 1565). I ask unanimous consent to extend my remarks in the Record by inserting that petition.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the Record by inserting the request of the Members to which he has referred. Is there objection?

Mr. STAFFORD. Mr. Speaker, I think it is very bad practice to incorporate in remarks the petitions of Members on any bill. I have no objection to the gentleman extending his remarks, but I do not think the petition and names to which he refers ought to be incorporated in the Record.

Mr. JOHNSON of South Dakota. Does the gentleman object?

Mr. STAFFORD. I do not object to the extension of the gentleman's remarks, but I do object to the incorporating of the names of Members.

Mr. JOHNSON of South Dakota. In this connection I think I should call attention to the fact that the chairman——

The SPEAKER. Does the gentleman wish to extend his remarks in the Record?

Mr. JOHNSON of South Dakota. Yes.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the Record on the bill indicated. Is there objection?

Mr. STAFFORD. I assume they are his own remarks?

Mr. JOHNSON of South Dakota. They will be my own remarks, considering the objection of the gentleman.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of South Dakota. Mr. Speaker, there is pending before the Committee on Military Affairs of the House Senate bill No. 1565, known as the Bursum bill, providing for the retirement of disabled emergency officers of the World War, as now provided for the retirement of Regular Army officers.

This bill passed the Senate on February 21, 1922, and is still pending in the House committee. In June, after the committee had disposed of the Muscle Shoals problem and the chairman [Mr. Kahn] had returned to California, hearings were held on this bill by the committee, with Mr. McKenzie, of Illinois, as acting chairman.

The House then recessed, and it was the understanding by the representatives of the disabled emergency officers that this bill should be taken up for action by the committee on resumption of work in Congress after the recess.

On August 29 Acting Chairman McKenzie, at the request of Representative Hill and others, called a meeting of the committee on two days' written notice to consider this measure and such other bills as were before the committee.

At this meeting a quorum of the committee did not appear and no bill under the rules of the House could be reported.

On the following Tuesday another meeting on notice was called and no quorum was present, and consequently no bills could be reported. In view of these facts it is fair to say that whatever the personal views of Mr. McKenzie may be as to the wisdom of this legislation it can not be said he is in any way responsible for the failure of its passage up to the present time. Mr. McKenzie has assured me that he desires this bill considered and finally disposed of at once, and now advocates that it be taken up when Congress convenes.

This will carry out the desires of 127 Members of the House who favor the bill and have signed a petition to the committee asking that the bill be reported.

I should include the names of those Members in these remarks had I been able to secure unanimous consent for that purpose, as I requested a few moments ago.

I believe in the justice of this bill, and believe, as shown by this petition, that the House favors it.

Mr. GALLIVAN. Mr. Speaker, I ask unanimous consent to extend in the Record in 8-point type my remarks on the veto of the bonus bill.

The SPEAKER. The gentleman can extend his remarks in 8-point type, of course, if he extends them at all. The gentleman asks unanimous consent to extend his remarks in the Record on the bonus bill. Is there objection?

There was no objection.

Mr. GALLIVAN. Mr. Speaker, this message tells us that America will never cease to be grateful to the veteran of the World War, but it will never allow its gratitude to get past the door of the Treasury. Republican gratitude is a promissory note that will never be paid, for it is better to break a promise and violate a pledge than establish a precedent. We have paid three billions and a quarter of the people's money to World War contractors whose contracts were never fulfilled. We have paid millions to England for dubious claims and have failed to collect from her the billions that might meet the bonus. We have given millions to Liberia and other bankrupt Republics. We are squandering millions on a score of fake philanthropies and phony farm projects, but the promises made in the days of panic to the lads of America are written in water, and the hot high hearts of 1918 have been transformed into the cold feet of 1922. This may be statesmanship, prudence, and thrift, but the soldiers who served and the fathers and mothers who sacrificed will call it baseness, betrayal, and ingratitude. Today the White House hears only the applause of the international banker and bandit, the cheers of the slacker and the service-chair patriot.

In 1924 Mr. Harding will hear the voice of indignant America and of the repudiated veteran. The most vicious piece of legislative plunder framed in our history, the tariff bill, is to be signed and approved in a day or two, and the backs and the bellies of the people are to be looted for the benefit of those who grew fat in war and who prey in peace.

The infant industry must thrive, but the infant in the cradle, the hungry mother, the idle father, and the friendless soldier must pay the bill. The motto of the Republican Party appears to be "Millions for the manufacturer and millionaire, millions for the banker and the bootlegger, but for the penniless soldier only precedents and promises."

This veto constitutes the worst day's work the Republican Party has ever done and brands it as the party of broken promises, violated pledges, and pseudo patriotism.

Mr. LOWREY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. LOWREY. Mr. Speaker, when this bill first came before the House on the 17th of last March I voted for it. In voting against it now, although I change my vote, I am not changing my position.

In campaign speeches made two years ago I stated that I would favor a soldier bonus if the revenue to pay it could be collected from the men who had piled up their massive fortunes on war contracts and grown rich from excess profits. At that time I expressed the fear that it would not be possible to frame and pass a law under the present administration which would provide for such revenue. It is difficult enough at any time to frame taxes which can not be shifted onto the average consumer, and it is certainly impossible for us to do so in this instance when we have active and formidable opposition in high places.

In a speech made on this floor last March I said:

> If the bonus can be collected from the profiteers who coined their millions out of the blood of a bleeding world, our soldier boys want it, and justly. But 85 per cent of our people have an income of less than $350 per year. If the money to pay the bonus is to come from a burdensome tax upon them, then I do not believe that any large proportion of the soldier boys themselves want it. It would be "robbing Peter to pay Paul," and at a time when neither Peter nor Paul can afford to be robbed.

In the six months which have passed since I expressed that view economic conditions have not improved. Strikes and embargoes have hindered production and marketing. Many necessities have actually increased in cost. It seems certain that our farming people especially are going to find themselves in the same hard straits that they have been in for two years past.

Again, in speaking directly on this bill last March, I said:

> The gentleman from Texas [Mr. BLACK] states that in his whole experience in Congress he has never before considered a bill upon which it was so hard for him to decide how he ought to vote. I fully agree with the sentiment. Like the gentleman from Ohio [Mr. LONGWORTH], too, "I have no quarrel with the gentlemen who conscientiously believe it wrong." In the present condition of the Federal finances and the present serious economic conditions everywhere, I admit that there is very strong presumption against passing any bill which makes such large demands upon the Treasury.

But the situation and outlook as to Federal finance seems more uncertain to me now than it did then, for reasons which I shall touch on later.

I suggested then that "the reduction which the present revenue bill made in surtax and excess-profits tax, if put on again, would carry the expense of the bonus." These reductions, made for the relief of men of large wealth and income, amount to about $500,000,000 annually.

But the bonus bill has been rushed through the House on each occasion under gag rule, which gave no opportunity for adequate discussion or any amendment. Please excuse another quotation from my former speech. In closing it I voiced the sentiment, I am sure, of many Members, especially Members on this side of the House, when I said:

> I am far from satisfied with the bill. I think it ought to carry a plan for raising the revenue. As I recently said in a newspaper interview, I believe the revenue ought to be raised by tax on things that are pure luxuries and on large incomes, inheritances, and unearned increments generally.
>
> I vote for the bill hoping that this improvement will be made before it passes the Senate and is signed by the President. I at least hope that the Senate will not be gagged by an unscrupulous and mad majority that would prevent a free and fair discussion of one of the most important measures that could come before a postwar Congress.

And now, after being passed through the House under this gag rule, and after going its course through the Senate and the Executive Mansion, it comes back to us simply to be accepted or rejected. We do not have and had not had any opportunity to consider a plan for getting the revenue from that source whence every principle demands it should come. The large profiteers are protected, and the plain people, struggling along on less than a living income, must bear the burden. True, the taxation on them would be indirect, but none the less real. An English statesman once said that under the tariff system of taxation a man's coat might be taxed off his back without his knowing it.

Just at present the world situation seems more serious than it has been at any time since the signing of the armistice. War clouds lower in the East. The thought itself is terrible, but out of them may come another world war—at least a war which will engulf all Europe and the Orient. The last war was horrible beyond our capacity for conception, and has left an aftermath of debt, poverty, and starvation unequaled in a thousand years. It is useless now to discuss how this might have been prevented or America's responsibility. The situation confronts us, and we must deal with it as it is, not as we might have made it. With the present outlook we can not depend with certainty or even with reasonable probability on the collection of our foreign debts, or even the interest on them. It is not a question as to whether we want to collect these debts. It is a question of possibility. Our home people may have it all to carry, and that at a time when markets are cut off and products either unsalable or depressed in price.

Estimates are that the payment of the bonus as provided in this bill would mean a burden of $40 on every man, woman, and child in America.

The one thing that our people want now and are demanding above everything else is some relief from crushing taxation. Thousands of substantial citizens have this year had to borrow money to pay their taxes, and many have been unable to borrow and have let their taxes go delinquent.

I can not believe that we, the Representatives of the whole people, ought to vote a burden like this on them at a time like this. I can not believe that the ex-service men themselves, when they really comprehend the situation, want us to vote such a burden. They fought to save the country from foreign levies. Would they now vote an average levy of $40 for every man, woman, and child in their homes, their communities, and their States? That is what this bill in its present form means. I can not believe that they would.

Mr. DREWRY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on wool and woolens.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD on wool and woolens. Is there objection?

Mr. STAFFORD. I assume they are the gentleman's own remarks?

Mr. DREWRY. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAYTON. Mr. Speaker, I desire to extend my remarks in the RECORD on chemicals and Schedule A of the tariff bill.

The SPEAKER. The gentleman from Delaware asks unanimous consent to extend his remarks on chemicals and Schedule A of the tariff. Is there objection?

Mr. STAFFORD. I assume they are the gentleman's own remarks?

Mr. LAYTON. Yes.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAYTON. Mr. Speaker, it is not my intention to trespass to any great length upon the attention or the time of the House in discussing the supreme importance of that part of Schedule A of the tariff bill which concerns the synthetical laboratories of the United States. I have already done this in rather an elaborate way when the tariff bill was before the House July 9, 1921. My sole purpose at this time is to renew in a concise way the arguments I employed at that time, and, if possible, to impress upon the House a part of my solicitude for this great and indispensable national enterprise. I am not here to advocate any special interest, nor am I concerned with any specific industrial organization, but what I say I shall say in the fullness of my conviction that synthetical chemistry in its varied activities and its illimitable combinations has become the most serious question that can possibly be considered by a Federal Congress. I believe this to be true, so very true, indeed, that I wish to go upon record again so that whether living or dead others may look back hereafter and contemplate the action of the Federal Congress at this time, measure the responsibility of this hour, and view the great opportunity that is now presented for the encouragement of a scientific inquiry which has no equal in all the realm of scientific investigations, and so measure the accuracy of my thoughts upon this occasion.

Mr. Speaker, I am convinced, and there are no doubts that hover even near the border line of my thought, that synthetical chemistry is the one paramount scientific line of national defense, exceeding all others of which at this time we possess any knowledge whatever. I regard the synthetical laboratory as exceeding in possibility in the future any that may come from magnetism, electricity, radium, or any known force in nature. In a comparatively few years it has already opened up an expanse of attainment, and such an illimitable expanse of possibilities as to almost dazzle the imagination of men who will trouble to inform themselves of what has already been accomplished. The scope of synthetical chemistry is unbounded. It has already demonstrated its practical value toward agriculture by new processes which furnish indispensable elements for fertilization; it enters into many phases of art and science; it is indispensable to practically every textile industry in the world; it furnishes alike the lady's boudoir and the airman's destructive missile as he flies through the air. It is acknowledged that already the actual products of the chemical laboratories have changed in many ways the science of war, especially war upon the water, where former dreadnoughts are no longer dreadful if a single bomb filled with a proper explosive falls upon it. There is no doubt even now in the crude early stages of their development that the products of the chemical laboratories are indispensable, both for offense as well as defense in time of war.

At this point, Mr. Speaker, let me call attention to a procedure which to say the least is remarkable, and which, without offense to the Members of the House, can only be properly characterized as astonishingly foolish. I refer to debate after debate upon the floor of the House appealing for its support, appealing for appropriations running into the millions for the purpose of constructing airplanes or aircraft in general, and that ultimately these appropriations have been granted amounting to the millions, and yet when the matter is sensibly considered it must be admitted that a million airplanes in the air are absolutely harmless, with no power for defense or attack, with no power for destruction of any sort unless they are equipped with the products that must come from the chemical laboratory. We grant millions of money for airplanes, and refuse the protection of a tariff which carries not a cent of appropriation for the protection of the chemical laboratory; protection for those who, in patriotic response to a national demand at a time when the blockade of Germany by the British fleet prevented the export of the products of the chemical laboratory, heeded the demand and started with their own money to establish synthetical chemistry in the United States. Already a half billion dollars has been expended in various portions of the country for this purpose. Already some 250 separate establishments have been founded for the purpose of producing the various products demanded in the various directions of requirement among our people. They have risked their own money; they are employing their own resources; they are only asking Congress to defend their enterprise against the invasion of the German product, which, if not prevented, will absolutely drive the chemical laboratory in the United States out of existence, as has already happened before. A wise Congress at one time along about the eighties gave protection to synthetical chemistry. While the protection remained synthetical chemistry made wonderful progress in the United States and was on a fair road to permanency and adequate production. Some time later a shallow-minded Congress lowered the rate, killed the enterprise, and the German chemist took charge of the market of the United States and continued to hold a monopoly in it until 1916. As long as the products of the synthetical chemical laboratories concerned only the production of dyes and other products and concerned only textile industries it was not a matter of supreme moment; but when synthetical chemistry began its wonderful evolution, affecting not only matters of national defense but matters concerning the first great enterprise of any nation, its agricultural pursuits, and then the very health of the people, developing remedies for suffering, cures of diseases, discovering medicaments of inestimable value for every man, woman, and child within the bounds of our Nation, who need these wonderful products for the preservation of life and the alleviation of pain and suffering, then the matter of protecting these sources of power and benefit became one of supreme importance. The synthetical chemical laboratory is the source to which the physicians and the surgeons of the whole country, or I might say of the world, are looking from which to obtain those wonderful advantages demanded in their profession. This alone ought to appeal to this House, if there were no other value attached to the synthetical chemical laboratory, for, after all, the greatest concern that comes to any human being is that concern which is aroused by pain, weakness, suffering, agony, and possibly death. A man will give anything for his life, and yet we are wasting time here and sitting in trembling seats fearing the bugaboo called an embargo. The situation is just as creditable to the intelligence of the Members of the House who are afraid of that word as that spectacle presented by the bull who shakes his head in rage and paws the earth at the mere sight of a bit of red cloth. In all this mix-up of opposition there is a contemptible mixture of cowardly self-interest, demagoguery, and pure indifference to the gravity involved in the proposition. The time will come, and is not far distant, when the most obtuse mind in this body will realize its great mistake if we permit again the chemical laboratory of America to go out of existence and the German to come back and monopolize our markets. I can not understand how men, especially those who call themselves Republicans, and who recognize the power of protection as a wise and proper form of national conservation for the protection of the Nation, can for a moment fail to surround the chemical laboratory of America with every form of protection that can be devised. I desire to make this declaration, and I make it unhesitatingly. I desire to make it boldly and clearly, that this matter is of such supreme importance to my mind that not only an embargo of three months but an embargo of years should be established if that be the only way to adequately protect such an industry which comprehends such embracing powers for national benefit. One parting word and I am through. This Nation will endure only so long as it has intelligent and fearless men to shape its policies and make its laws. If the present disregard of principles, evasion of duty, cowardly avoidance of obligation, and the manifest groveling for votes continues, we can all well despair for the national welfare.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the eighteenth amendment and the Volstead Act.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD on the eighteenth amendment and the Volstead Act. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the coal situation and with reference to a bill I have introduced to regulate interstate commerce. I ask that the extension be in 8-point type.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, it will require only a few minutes for me to explain the bill which I introduced yesterday respecting the distribution of coal through interstate commerce. The danger of a coal famine has not passed entirely; the coal reserves of our country are so low—perhaps only a supply for about two weeks over the country generally—that any interruptions in the transportation for any section or part of the country would result in great commercial and industrial losses and perhaps in very acute suffering to many people.

During the summer months we have gone along in the hope that the coal situation would adjust itself, and with this chloroforming optimism we have been eating away the coal reserves of the country until they are practically exhausted. But the russet tinge upon the leaves of the trees reminds us that in a very few short weeks snow will be flying. Surely we, as a nation of civilized people, can exhibit toward the indispensable and essential commodity of coal the same sort of intelligence and foresight that the common ants of the ground manifest with regard to their food supply. Almighty God long ago stored up in the bowels of the earth this vast quantity of coal for the use of his children during this industrial age. It is just as indispensable to our commercial and industrial life as a nation at this stage of civilization as water is to a city. Just as water must be kept flowing through all the pipes of a city at strong pressure in order to insure water for all purposes, so must the supply of coal be kept flowing constantly through the channels of transportation, which are chiefly our railroads, in order to keep the coal reserves for industry and for domestic use at a constant point. The people living in the cities and towns must pay for the water they use, but that city or town which permitted the price of water to rise above the costs of expenses and a fair average profit upon the capital invested in a water system would be regarded as not only criminal but suicidal.

A few years ago Charles W. Morse, the ice king of New York, brought down upon his head the execration and condemnation of all right-thinking people by cornering the market on ice during the summer time and by charging prices that denied ice to mothers and babies and thereby caused them indescribable suffering and in many cases death. So the righteous and intelligent sentiment of this Nation must arise and stamp with disapproval the man who profiteers upon coal and must brand him as a common enemy. The man who makes millions by taking advantage of any shortage in supply or difficulty in transportation to pyramid upon prices of coal is morally as culpable and criminal as the bootlegger who defies not only the written law of the land but the crystallized moral sentiment of our people. The man who would profiteer upon water or upon ice would now be a social outcast and might be "metaphorically lynched," but the man who preys upon the people's need for coal is equally debased and utterly void of a sense of social duty.

In the Saturday Evening Post of September 16 appears a thoughtful article, by Mr. Floyd W. Parsons, on the coal problem. One paragraph in his article so impressed me that I believe it worthy of reproduction here:

> It is a lack of cars and motive power that has caused so many periods of high coal prices. It is the same thing that has necessitated the payment of cash premiums for the use of cars for moving grain and other commodities. It is transportation deficiency that causes much of the profiteering, intermittency in employment, and instability in the coal industry. One authority estimates that each of our periodic transportation shortages costs the American people no less than a billion dollars.

During the last six years this coal problem has been constantly upon my mind and heart. It was just six years ago that in our balmy climate of South Carolina I witnessed for the first time a mere sample of what a coal famine might produce, not only for our people in South Carolina but more especially for the people in Northern States, where the winters are longer and severer. It was in November, 1916, when an unusually early snow had fallen in our city of Greenville, and there was a total absence of coal in the yards of the dealers, when early in the morning two carloads of coal arrived, and the word spread over the city rapidly, with the result that in a little while hundreds gathered there to buy and to carry away coal by every describable means. There was the wealthy or well-to-do citizen in his fine limousine, there was the drayman with his one-horse wagon, there was the ubiquitous Ford, and there was the wheelbarrow and the baby carriage, as well as many people with sacks and bags to carry coal home upon their backs to warm their wives and little ones. Ever since that impressive scene the coal problem has been with me, and my constant observations confirm the opinion of Mr. Parsons to the effect that lack of cars and motive power has caused high coal prices many times. That fact is the reason and the motive for the provisions in the bill that I have introduced. Why in all common sense and reason and fairness should a shortage of cars to carry coal or of locomotives to pull coal trains be any reason for raising the price of coal at the mines? The universal law of economics is that an accumulated supply of a commodity without sale and transportation facilities causes a reduction in price. When the railroads can not haul coal away from the mines it accumulates at the mouth of the mines, and the miners stand idle. The railroads can not charge any increased freight rate merely because of a shortage of cars or locomotives. Therefore, while car shortage does reduce the supply of coal in the yards of the wholesale and retail coal dealers probably long distances from the coal mines and the scarcity at that place might be the pretext for their raising the price, yet it can not under any reasonable excuse justify an increase of price of coal at the mines. I believe that local sentiment and the fear of public condemnation will prevent the dealer from charging exorbitant rates for handling the coal. At any rate, that is an aspect of profiteering that Congress can not deal with. After the coal arrives in the yards of the local dealers it is no longer subject to the laws regulating interstate commerce, but is subject to the laws of the State where the yards are located, and the States will have to pass laws, if they have none, so as to check the greed of any conscienceless dealer.

But I insist that scarcity of cars and locomotives can not properly increase the price to the local dealer of coal, though it may reduce the quantity received. But we all know, just as Mr. Parsons states, that car shortage has frequently been made the excuse and pretext for the coal mining companies to raise prices of coal at the mines. All business men have had the experience of finding that their contracts for future delivery of coal are ignored during a strike or during a car shortage or for any other excuse. The truth seems to be that coal-operating companies are glad enough for some such interruption as a strike or car shortage to furnish a pretext for raising prices. I have been reliably informed that such operating companies failed to carry out their contracts with their regular customers at a price below $2 per ton at the mines, and directly themselves or indirectly through some fictitious brokerage company—which uses very pretentious stationery and employs very ominous and suggestive words about the threatening coal famine—now offer coal to the people at prices from $4 to $6 a ton at the mines.

Mr. Parsons estimates that each such periodic fright over a coal famine has netted to the operating companies or their speculating brokerage creatures a profit of at least a billion dollars. A billion dollars means a per capita contribution of about $10 for every man, woman, and child in America. This is just as deliberate and high-handed a holdup as if a robber were to point his pistol at your head and compel you to surrender your purse. How long will the American people stand for such highway robbery? The multimillionaires that have been created by such outrageous and unjustifiable profiteering are parading over the world, spending their thousands in foreign countries, and pretending to be Americans. In fact and in a certain sense they are enemies of America. Instead of contributing to America's greatness and instead of serving America in time of need, they have been fattening upon America's necessities; they have bled her in time of war; and they have bludgeoned her in time of peace. It is our duty as lawmakers to have backbone enough to pass laws with teeth enough in them that shall be sharp enough to stop this absurd and outrageous holdup upon the American public.

Now, in brief, Mr. Speaker, my bill authorizes the Interstate Commerce Commission to prescribe a uniform text of contract to be employed between coal operators and coal consumers and dealers, when that coal is to pass through the channels of interstate commerce. It further authorizes any buyer of coal to file his contract when executed for future deliveries through a period of three months or more with the Interstate Commerce Commission and then require the Interstate Commerce Commission to serve upon the railroad that would normally carry the coal in question a copy of such contract, and also to require the railroad to have cars ready for such periodic future deliveries contemplated by such contracts; the bill further makes the coal companies violating such contracts without legal excuse liable in damages, not only damages proximately suffered but remotely suffered by the purchasers of coal, and, furthermore, the bill provides—and here is the longest and sharpest tooth in it—that if any coal company convicted in a proceeding in the nature of a criminal action in the United States court, where the United States is the actor, of having willfully violated its contract in two or more instances, with two or more consumers, then such coal company shall be denied the right to use any interstate commerce transportation agency for a period of five years. Thus the coal company will not only lose the means of selling coal in another State but the railroad will be denied the opportunity of hauling the coal to another State. This provision will not only tend to make the company keep its contract but it will also tend to make the railroad help the company keep its contract.

Now, what about the effect of such a bill? First, it will tend to discourage and possibly entirely eliminate strike trouble in the coal fields. We were told by the President of the United States—and even before that we all knew it to be true—that the strikes among the coal miners are not caused by their wages, in so far as the pay for each day's work is concerned, but are caused by nonemployment; that is, by reason of the fact that the coal companies do not keep the miners regularly and constantly at work; if they could work regularly they would be well paid for their labor, which is arduous and full of perils to limb and hazards to life. This morning's newspapers tell us that when the shaft of the Argonaut mine was finally penetrated, in which 47 miners have been imprisoned for three weeks, they were all found to be dead; although that was a gold mine, it is but a type of what often happens to the coal miner.

Now, my bill would tend to cause all consumers of coal and all dealers in coal to contract far in advance for their future deliveries. This would tend to stabilize the price, because the companies would know far in advance what they could get for their coal. That in turn would stabilize the employment of men in the mines; it would also tend to stabilize the transportation of coal, because the railroad companies would know in advance, through the notice served upon them by the Interstate Commerce Commission, that they must furnish cars for fixed quantities of coal going to known destinations. At present there is the utmost confusion and crisscrossing in the transportation of coal. The railroads know nothing of what is expected of them in the future. They never know until the bill of lading is signed just where the coal is to go. A coal company may load a hundred cars to-day and they may have 100 different destinations. The effect of the bill introduced would be not only to stabilize the wages of the miners and to stabilize the profits of the operating companies and to stabilize the prices to be paid by the consumers but it would stabilize the transportation by the railroads, because it would establish fixed currents and courses through which the coal would travel, and thus the railroad companies could establish a never-ending and moving circuit of loaded cars to their destination and of empty cars back to the same mines.

The public is interested not only in a fixed and sufficient supply of coal, not only in reasonable prices for coal, but it is also interested in a stabilized and fairly constant price for coal. The manufacturer, the hotel keeper, and the owner of an apartment house and of an office building want to know within a reasonable limit what his coal will cost him for the next 12 months in order to fix the price for the goods of the factory and the rent for the office building. The head of the family is interested in a stabilized price for coal. In fixing his family budget he must know how much to set aside for coal, and if he sets aside $50, based upon the price of coal in July, and when January comes the price of coal has been doubled or trebled, his budget is deranged, and in order to have sufficient coal there must be a cutting down of the allotment for clothing or for food or perhaps for school opportunities for the children.

Mr. Speaker, it is our duty as a Congress to lay aside partisanship and personal interest and to abrogate some of the unwritten rules of procedure that have bound us as a Congress and get down to rock-bottom difficulties in this coal problem and do something to settle it and settle it upon a permanent basis. I very much fear that the effect of temporary priority orders passed by a fuel administrator will be made another excuse by the coal companies for pointing their prices pinnacle high. While I voted for the bill because I am for anything that promises reasonable relief, yet that measure can only meet an emergency and prevent people from freezing. But the fundamental principles in the bills which I have introduced are calculated to prevent the emergency from arising. We have not considered anything to prevent the repetition of this coal famine. The idea of the fact-finding committee is more or less temporary and palliative. If we will only dig to the depth of our consciousness, we already know the facts, and they are indisputable, that these periodic panics in coal prices have demoralized all business, paralyzed all industry, and have simply robbed the people and made a relatively few people multimillionaires. These are the facts that we already know. And they are sufficient to arouse us to serious action. I will vote for the fact-finding commission bill also, but I do intend to emphasize that it is our duty to dig for a fundamental solution of the situation and to apply a fundamental remedy.

I respectfully submit that if the other Members of this Congress will take this idea contained in this bill, crude though it may be, and study it and add suggestions and amendments as their experience and wisdom may dictate, we can arrive at legislation that will make this Congress memorable for all time to come and will win for it the lasting approval of the people—of the masses of the people who produce the wealth of our country in peace and who fight her battles in time of war. I have no special pride of opinion as to the details of this bill; I court suggestions; I invite criticisms; I beg for amendments; and all I ask for is action. Some may say that it is too late to get results to help matters for the near-approaching winter. That may be true, but it is certain that 12 months from now another winter will be approaching and two years from now still another winter will be approaching, and thus every autumn so long as our children and our grandchildren and their posterity shall be dependent upon coal as the chief fuel for this Nation, will the winters approach with fuel needs; and if we continue to dig our heads into the sand like ostriches and refuse to recognize the inevitable demands of the future, we will deserve, as we shall receive, the execration and contempt of the thinking men and women of this country.

Mr. MOORE of Virginia. Mr. Speaker, I ask on behalf of Mr. Goldsborough of Maryland, permission that he may extend his remarks on the tariff beyond the limit of 10 days fixed in the general leave.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the gentleman from Maryland [Mr. Goldsborough] have leave to extend his remarks on the tariff beyond the 10-day limit. Is there objection?

Mr. STAFFORD. Perhaps that might require a special issue of the Record, if the remarks are withheld too long.

Mr. MOORE of Virginia. I think Mr. Goldsborough will be able to extend his remarks within 20 or 30 days.

Mr. STAFFORD. Does the gentleman wish to have a special edition of the Record for that purpose?

Mr. MOORE of Virginia. That will not be necessary.

The SPEAKER. Is there objection?

There was no objection.

Mr. JEFFERS of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the President's veto of the soldiers' bonus bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the Record on the veto. Is there objection?

There was no objection.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. BURKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. BURKE. Mr. Speaker, I regret that this bill is again before the House because of the President's veto; I was hopeful that justice would be accorded the soldiers and a nation's pledge of honor be redeemed.

This adjusted compensation measure is known as the American Legion bill; it has been approved by the American Legion Auxiliary, the Veterans of Foreign Wars, the Gold Star Mothers, and the Disabled American Veterans and their auxiliary. These organizations voice the sentiment of all those interested in the welfare of the ex-service men. The American people as a whole are for, and they demand, adjusted compensation for the soldier. The only opposition to this measure comes from the big interests of the country; my office has been flooded with propaganda and arguments from this source against the bonus, and it is significant to note that the same interests that are opposing the passage of this bill are found opposing every humane and progressive measure and advocating every measure of benefit to the special-privileged class.

The majority of the ex-service men come from the ranks of the working classes. They need this compensation and they look hopefully to receiving same. It will help them tide over this period of industrial depression; it will help many in a small way to start owning their own farms and homes; expenditures by the ex-service men of the money provided in this bill will benefit the merchant and stimulate business, there must be money put in circulation before prosperity can be fully restored in our country.

The soldier is not asking for charity, he is asking for just recognition and a square deal from the Government and the country he served so faithfully and well. The American people back up that request. Millions of dollars have been taken out of the Treasury to finance the railroads; the Government has paid war contractors an adjustment on their contracts of about $3,000,000,000 in addition to their profits. Is it not time that something was done to show appreciation to the boys who were sent 3,000 miles away to battle for humanity and "make the world safe for democracy"?

It is inconceivable to me that men in public life who have any human sympathy in their make-up, any element of human justice, any knowledge of the hardships our soldier boys are experiencing, or who have any appreciation of the great and heroic service they rendered this country and the allied cause, should voice opposition to the soldier bonus and attempt through sophistical argument to justify their position.

I am for this soldier bonus bill, and I am for the expenditure of money by this Government to take care of her sick and disabled soldiers and to protect from want the widows and orphans of soldiers, because it is my firm belief and my honest conviction that this Nation owes a debt of gratitude to its soldiers that never can be paid. Oh, I know the cry is raised that the bonus legislation is unjustifiable; that it is a waste of public money; but let me say there is and there can be no waste of public money when it is honorably and honestly paid out to those who by their bravery, by their self-sacrifice, by their loyalty, and by their service have justly earned and merited it. If those opposed to the bonus take refuge in the plea that it will deplete the Treasury, let me say there is a way to fill the Treasury, and that way is to restore the excess-profits tax; and, further, instead of this country worrying over how to be more generous and liberal, more friendly and more charitable to European debtor nations, let us exercise a little American independence and demand the interest due on foreign loans be paid; and if it is necessary in order to take care of American soldiers and their dependents, let us demand payment of the principal. Our first duty is to our own country and our own people.

It is within the memory of everyone of us that when the American boys left their native land to fight on foreign soil they went away amid the waving of banners, the songs of praise ringing in their ears. They were lauded as heroes, these guardians of America's honor and America's destiny.

They left good homes and good positions, and promises were given unasked that on their return their old jobs would be waiting for them; at any cost they were to be taken care of. What has happened? Not only were their old jobs denied them but thousands upon thousands of them have been unable to find work of any description; many of them are in destitute circumstances, ill from the effects of their experience, and in numberless cases carrying the burden of their family in want upon their shoulders, wondering wearily what has become of the fine but faithless and hollow promises made them and no doubt sometimes thinking that it might have been more merciful if with their fallen companions they, too, had answered the final summons and were resting in Flanders' fields.

Mr. GERNERD. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the workman's compensation law applying to railroad employees.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the Record on the workman's compensation law applying to railroad employees. Is there objection? There was no objection.

Mr. GRAHAM of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bonus bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record on the bonus bill. Is there objection?

There was no objection.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. CHANDLER of New York. Mr. Speaker, I already have unanimous consent. I ask unanimous consent to extend not only my own remarks but also extracts, which I wish to insert in 8-point type.

The SPEAKER. On what subject?

Mr. CHANDLER of New York. On the subject of light wines and beers. I have already secured consent to print remarks.

The SPEAKER. The gentleman asks unanimous consent to print in the Record in 8-point type the extracts which he wishes to include in his remarks on the subject of light wines and beers.

Mr. CHANDLER of New York. Also on the subject of religious freedom in America.

The SPEAKER. On all subjects on which he is allowed to print, that he may print in 8-point type. Is there objection?

There was no objection.

Mr. KINCHELOE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the legislation and workings of this Congress.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend remarks in the Record on the legislation of this Congress. Is there objection?

Mr. STAFFORD. I assume that they are the gentleman's own remarks?

Mr. KINCHELOE. Yes.

There was no objection.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9275. An act for the relief of Frances Kelly;

H. R. 7456. An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes;

H. R. 11173. An act to amend section 126 of the national defense act, approved June 3, 1916, as amended;

H. R. 10196. An act to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of article 3 of the war risk insurance act as amended;

H. R. 8475. An act to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith; and

H. R. 11347. An act authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as Fort Hale.

PRINTING COPIES OF THE PRESIDENT'S VETO MESSAGE.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

Mr. GALLIVAN. Reserving the right to object, I should like to know what it is.

The SPEAKER. It has not been read yet. It will be reported.

The Clerk read as follows:

Ordered, That the message of the President of the United States returning without approval the bill (H. R. 10874) "to provide adjusted compensation for veterans of the World War, and for other purposes," be printed as a House document, and that 25,000 additional copies be printed for the use of the House document room.

Mr. JOHNSON of Washington. Mr. Speaker, I have reduced the number of the original request to 25,000 copies, which I think will be sufficient.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. RANKIN. Mr. Speaker, reserving the right to object, will the gentleman have printed also as a House document the speeches made during the campaign of 1920 by the President, in which he advocated the passage of this bill?

Mr. JOHNSON of Washington. I would be very glad if all the messages and speeches of the President and of former Presidents could be printed in book form in sufficient number for all the people.

Mr. RANKIN. Will the gentleman incorporate in his request that the speeches and statements made by the President in his campaign in 1920, in which he advocated the passage of this bill be also printed as a House document?

Mr. JOHNSON of Washington. No; this is simply a request for the printing of the veto message, which makes it a House document.

Mr. KINCHELOE. Why does the gentleman want these speeches to go through the document room instead of through the folding room?

Mr. JOHNSON of Washington. For the reason that there will be an ample supply in the document room for all, and it is presumed the House will not be in session for the next few weeks. Anyone desiring to get copies in the document room can do so.

Mr. KINCHELOE. How can they get them if somebody goes to the document room and takes out all the copies there are there? In the folding room the copies are prorated to each Member.

Mr. JOHNSON of Washington. It is so late in the session that we thought it better to do it the other way. The gentleman can get all he wants, as any other Member can.

Mr. GALLIVAN. I want to ask the gentleman what is the use of having printed the number of copies asked for in this resolution?

Mr. JOHNSON of Washington. The original resolution provided for 50,000, and I have cut it down to 25,000. I have to guess at the probable demand.

Mr. GALLIVAN. Is there anybody who wants copies of this veto message besides the 54 Members of this House who voted to sustain the President.

Mr. JOHNSON of Washington. I do not know. All House documents are always called for in considerable number.

Mr. GALLIVAN. I think the number is too great altogether.

Mr. GARRETT of Tennessee. If the gentleman will permit, I will say to the gentleman from Kentucky and the gentleman from Massachusetts that, if I am correctly informed, this veto message will be distributed through the Republican national campaign committee, provided the Republicans on that side do not dissuade them from so doing.

Mr. GALLIVAN. Mr. Speaker, I withdraw all objection.

Mr. TINCHER. I would like to ask the gentleman from Washington if it has been customary to print the veto messages of Presidents as public documents.

Mr. JOHNSON of Washington. Yes; I think so.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

PRINTING THE TARIFF LAW.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House Concurrent Resolution 70.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of Congress 80,000 copies of the tariff law of 1922 in pamphlet form, indexed, to be apportioned as follows:

Thirty-five thousand copies for the use of the House of Representatives, 20,000 copies for the use of the Senate, 5,000 copies for the use of the Committee on Ways and Means of the House of Representatives, 5,000 copies for the use of the Committee on Finance of the Senate, 10,000 copies for the use of the House document room, 5,000 copies for the use of the Senate document room, and that the Public Printer be authorized to print for sale such copies of said law as in his discretion may be necessary.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GARRETT of Tennessee. Reserving the right to object, I assume that the gentleman in calling the resolution up now has no doubt that the President is going to sign the bill?

Mr. JOHNSON of Washington. I think there is no doubt about it.

Mr. GARRETT of Tennessee. We can be assured of that?

Mr. JOHNSON of Washington. I hope so. If the Member will notice the reading of the resolution, we have decided to leave out the binding of the copies, which would be quite an expense in addition to the printing. I assume that the volume will be in demand for a number of years, and that those who make the most use of the copies will have them bound.

Mr. KINCHELOE. Reserving the right to object, I did not gather how these were to be distributed.

Mr. JOHNSON of Washington. Copies for the House go through the folding room.

Mr. BLANTON. The resolution states that 35,000 copies are for the use of the House of Representatives, but it makes no stipulation that they are to be distributed through the folding room.

Mr. JOHNSON of Washington. When a printing resolution reads that way it forces distribution through the folding room.

Mr. BLANTON. Will these go through the folding room?

Mr. JOHNSON of Washington. Yes.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. JOHNSON of Washington. If there is no objection, I should like to address the House for a minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. I desire to inform the Members that through cooperation of the Joint Committee on Printing and the Public Printer, Mr. Carter—and usually by unanimous consent of the Members of the House—there has been saved and turned back into the Treasury from the Government Printing Office a total of $4,500,000. That represents money appropriated and not spent on account of reforms inaugurated. It does not include savings made through new methods of ordering and distributing Government periodicals and magazines, nor does it include savings from new methods of making contracts for paper stock of all kinds. I presume savings in these lines will amount to another $2,000,000. I do not put these facts forward in a partisan way, but simply for the purpose of showing what can be done in cutting down waste. In conclusion, it gives me pleasure to say that there was nothing to the story recently printed that the International Typographical Union had adopted a resolution attacking Public Printer Carter. A resolution to that effect was almost unanimously voted down and Secretary Hays was instructed to refute the contrary statements which appeared in various newspapers, and also instructed to so notify Mr. Carter, who as Public Printer is a conscientious, painstaking, and saving Government official.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The Clerk read as follows:

House joint resolution authorizing payment of the salaries of officers and employees of Congress for September, 1922, on the 23d day of said month.

Resolved, etc., That the Secretary of the Senate and Clerk of the House of Representatives are authorized and directed to pay to the officers and employees of the Senate and House of Representatives borne on the annual and session rolls, including the Capitol police, their respective salaries for the full month of September, 1922, on the 23d day of said month.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MADDEN, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

UNITED STATES COAL COMMISSION—CONFERENCE REPORT.

Mr. WINSLOW. Mr. Speaker, I call up the conference report on the bill (H. R. 12377) to establish a commission to be known as the United States coal commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on the coal commission bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 12377) to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"That for the purpose of securing information in connection with questions relative to interstate commerce in coal and all questions and problems arising out of and connected with the coal industry, there is hereby established a governmental agency to be known and designated as the United States Coal Commission, to be composed of not more than seven members appointed by the President of the United States, by and with the advice and consent of the Senate. No Member of the United States Senate or of the House of Representatives shall be eligible to serve on said commission. Said commission shall elect a chairman by majority vote of its members, shall maintain central offices in the District of Columbia, but may, whenever it deems it necessary, meet at such other places as it may determine. A member of the commission may be removed by the President for neglect of duty or malfeasance in office, but for no other cause. Each member of said commission shall receive a salary of $7,500 a year. Any vacancy on the commission shall be filled in the same manner as the original appointment. Said commission shall cease to exist one year after the taking effect of this act.

"The term 'person' as used in this act means any individual, partnership, corporation, or association; the term 'coal' means anthracite, bituminous, and other coal, lignite, coke, and culm, whether in place, extracted, or banked.

"It shall be the duty of said commission to investigate and ascertain fully the facts and conditions and study the problems and questions relative to the coal industry with a view to and for the purpose of aiding, assisting, and advising Congress in matters of legislation which will insure a supply of this commodity to the industries and the people generally throughout the country and maintain the uninterrupted flow of commerce among the States, or any legislation which Congress may, after said investigation, deem wise and which, under the Constitution, Congress has the power to enact.

"To this end said commission shall ascertain and report to the President and Congress: As to the ownership and titles of the mines; prices of coal; the organizations and persons connected with the coal industry; cost of production; profits realized by the operators or owners of said mines during the last 10 years; profits of other persons or corporations having to do with production, distribution, or sale of coal; labor costs; wages paid; wage contracts; irregular production; waste of coal; and suggestions as to the remedy for the same; the conditions generally under which coal is produced; distribution; the causes which from time to time induce strikes, thereby depriving interstate carriers of their fuel supply and otherwise interrupting the flow of interstate commerce; and all facts, circumstances, or conditions which would be deemed helpful in determining and establishing a wise and efficient policy by the Government relative to said industry.

"Said commission shall, under the provisions of this act, make a separate investigation and report for the anthracite industry, which investigation and report shall cover all of the matters specified in the last preceding paragraph, and shall cover also every other phase of the anthracite industry, including the production, transportation, and distribution of anthracite, and the organized or other relationships, if any, among the mine operators or the mine workers, or among any persons engaged in the production, transportation, or distribution of coal.

"Said commission shall also submit recommendations relative to:

"(a) Standardizing the mines upon the basis of their economic productive capacity and regarding the closing down of mines which, by reason of their natural limitations, or other conditions, fall below the standard.

"(b) Ascertaining and standardizing the cost of living for mine workers and the living conditions which must be supplied or afforded in order to surround the workmen with reasonable comforts, and standardizing also as far as practicable the amount of work a man shall perform for a reasonable wage, recognizing the value and effect of such surroundings in respect to their efficiency.

"(c) Standardizing a basis of arriving at the overhead cost of producing and distributing the coal, including delivery at the door of the consumer, recognizing in this compilation that the standardized cost of living to the miners should be the first and irreducible item of expense.

"(d) The advisability of any legislation having to do with Government or private ownership, regulation, or control in the coal industry.

"Said commission shall render its first report and recommendations to the Congress and to the President not later than January 15, 1923. Said commission shall render its separate report on the anthracite industry on or before July 1, 1923, and shall endeavor, in said separate report and in the recommendations contained therein regarding wages in the anthracite industry, to take into consideration the conditions obtaining up to the time when said report is made.

"That any officer or employee of the commission who shall make public any information obtained by the commission without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year or by both such fine and imprisonment, in the discretion of the court.

"That any member of said commission shall have power to administer oaths, to subpœna and examine witnesses, and to compel the production of any book, paper, document, or other evidence from any place in the United States at any designated place of hearing, and to take or authorize the taking of the deposition of any person before any person having power to administer oaths. In the case of a deposition the testimony shall be reduced to writing by the person taking the deposition or under his direction and be subscribed to by the deponent. The same fees and mileage as are paid in the courts of the United States shall be paid in the case of witnesses subpœnaed or depositions taken under this act.

"No person shall be excused from so attending and testifying and deposing, or from so producing any book, paper, document, or other evidence on the ground that the testimony or evidence, documentary or otherwise, may tend to incriminate him or subject him to a penalty or forfeiture; but no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpœna and under oath, he may be compelled to testify or produce in evidence; except that no person shall be exempt from prosecution and punishment for perjury committed in so testifying.

"Any member of the commission, officer or employee thereof, duly authorized in writing by the commission, shall, at all reasonable times for the purpose of examination, have access to and the right to copy any book, account, record, paper, or correspondence relating to any matter which the commission is authorized by this act to investigate.

"That every officer or employee of the United States whenever requested by the commission shall supply it with any data or information pertaining to any investigation by the commission which may be contained in the records of the office of such officer or employee.

"That any person who shall willfully neglect or refuse to attend and testify or depose, or to produce or permit access to any book, account, record, document, correspondence, or paper, as herein provided for shall be guilty of an offense and upon conviction thereof be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

"That the commission may appoint and remove such officers, employees, and agents; and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses, including salaries, traveling expenses of its members, secretary, officers, employees, and agents, and witness fees as are necessary for the efficient execution of the functions vested in the commission by this act and as may be provided for by Congress from time to time, and make such rules and regulations as may be necessary for the efficient administration of this act. All of the expenditures of the commission shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the commission. No salary or compensation of any employee shall exceed $7,500 per year.

"That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary, to be available until expended, for carrying out the provisions of this act.

"Amend the title so as to read: 'To establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.'"

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"To establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes."

And the Senate agree to the same.

Samuel E. Winslow,
Homer Hoch,
Managers on the part of the House.
Wm. E. Borah,
Thomas Sterling,
David I. Walsh,
Managers on the part of the Senate.

STATEMENT.

The essential differences between the conferees' amendment as contrasted with the Senate amendment and the House bill are about as follows:

The number of commissioners has been set at seven, as contrasted with nine in the House bill and five in the Senate amendment. Members of the Congress of the United States are made ineligible for appointment on the commission.

Except for the foregoing provision the President has authority to appoint such persons as he chooses on the commission.

In the conferees' amendment the commission is directed to ascertain and report to the Congress and to the President on a number of subjects in addition to those which were set forth in the Senate amendment.

The Senate provision for a separate report of the anthracite coal industry, etc., as it appeared in the Senate amendment is retained. This feature was not covered by the House bill.

The conferees' amendment retains the features (a), (b), and (c) which appeared in the Senate amendment, but (d) and (e) have been embodied in the conferees' amendment and read as follows:

"(d) The advisability of any legislation having to do with Government or private ownership, regulation, or control in the coal industry."

The conferees' amendment contains the provision for fine or imprisonment, or both, for officers or employees of the commission "who shall make public any information obtained by the commission without its authority, unless so directed by a court, * * *." The Senate amendment contained no provision for penalty for divulging information as herein described.

The conferees' amendment provides "No salary or compensation of any employee shall exceed $7,500 per year." The Senate amendment provided $5,000. No limit was fixed for salaries for employees in the House bill.

An appropriation of $200,000 was authorized in the conferees' amendment, as contrasted with $300,000 in the House bill and $100,000 in the Senate amendment.

In the conferees' amendment the title of the House bill was substituted for the Senate amendment.

Samuel E. Winslow,
Homer Hoch,
Managers on the part of the House.

Mr. WINSLOW. Mr. Speaker, I yield one-half hour to the gentleman from Texas [Mr. Rayburn], and I reserve the last five minutes of the hour for my own use.

Gentlemen of the House, if you have before you or will get a copy of the report and statement of the House managers signed by two managers of the House and all of the managers of the Senate, you will be able to see the differences in contrasting the amendments embodied in the report with the original House bill and Senate amendment. I will undertake to read the very essential differences, not for the purpose of argument but to give an opportunity for questions.

In the House bill nine commissioners were provided for, and in the Senate amendment five. The conferees provided for seven. The statement sets forth that in elaborating the duties of the commission a number of features were added to the Senate provision, but the new suggestions by the conferees in the amendment covers the duties as set forth by the House or the Senate in the original documents.

In respect of subdivisions "d" and "e" of the Senate amendment it seemed best to strike them out and introduce a new section, "d," which reads as follows:

> (d) The advisability of any legislation having to do with Government or private ownership, regulation or control in the coal industry.

That means that the commissioners are asked to study the question and make such recommendations to the President and Congress as they see fit in respect thereof.

In the Senate amendments no punishment was provided for the employees and officers of the commission who might divulge information, and so forth. The conferees adopted the House provisions, and the penalty clause is established accordingly.

In the House bill no salary limit was placed in respect of the employees of the commission. By the provisions of the conference a limit of $7,500 was made. The appropriation for carrying out the provisions of the act was set at $100,000 in the Senate amendment and at $300,000 in the House bill. The conferees agreed to $200,000. The title of the House bill was substituted for the title set forth in the Senate amendments.

Mr. KINCHELOE. I understood the gentleman to make the statement just now that the salary of the commission was not fixed in the House bill?

Mr. WINSLOW. Employees, I should have said.

Mr. KINCHELOE. This fixes the salary of the commission. Does the gentleman from Arkansas have reference to the top of page 7?

Mr. WINSLOW. I can answer without the page. The commissioners were to get $7,500 each a year as provided for in both the House bill and the Senate amendment. When it came to the matter of the employees the House bill had no limit. The Senate amendment provided $5,000. This amount has been raised by the conferees to $7,500.

Mr. KINCHELOE. Will the gentleman refer to the particular section. I was reading at the top of page 7. I have the bill and the gentleman has the report. I see now.

Mr. WINSLOW. It is clear to the gentleman?

Mr. KINCHELOE. Yes.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. MOORE of Virginia. Will the gentleman state, if he has the data and is able to do so, what is the language of the Senate bill in reference to inquiring into the advisability of nationalizing the coal industry and the reason why that language was modified in conference?

Mr. WINSLOW. In the Senate amendment, subsection (d) reads as follows:

> The advisability or wisdom of nationalizing the coal industry.

Subsection (e) reads:

> The feasibility or necessity of governmental regulation and control of the coal industry.

We thought we could combine the two as we have, and also present the suggestion of an investigation of the private ownership as well as Government, which we think was the general purpose of the discussion. I yield five minutes to the gentleman from Kansas [Mr. Hoch].

Mr. HOCH. Mr. Speaker, I do not know whether I shall take the five minutes, but there is one feature of the conference report to which I wish to call special attention. It will be recalled that when the bill was before the House there was a question in regard to the making up the personnel of this commission, whether in making up that commission we should provide for representation of operators and miners or whether we should have an entirely disinterested commission. It will be recalled that the House by a very decisive vote determined upon a commission entirely disinterested. Now, the Senate bill had no reference at all to that question, but simply provided that the President should appoint this commission by and with the consent of the Senate. The managers on the part of the House were very earnest in their support of the position maintained by the House. In view of the fact that the Senate made no reference at all, we thought we might very well leave it open to the President, and we came to that conclusion very largely because of the statement the President himself made in his message, and I want to read the provision in order that there may be no misunderstanding of what the provision is with reference to the make-up of this commission. The President used this language:

> The need for such investigation and independent consideration is revealed by both operators and mine workers in the provision in the Cleveland agreement so recently made. The Government will gladly cooperate with the industry in this program so far as it is the public interest so to do, but I have an unalterable conviction that no lasting satisfaction or worth-while result will ensue unless we have a Government commission, independent of the industry, clothed with authority by the Congress to search deeply, so that it may advise as to fair wages and as to conditions of labor, and recommend the enactment of laws to protect the public in the future.

So I simply want to say for the information of the House that the managers of the House did not feel that they had in any way retreated from the decisive position which the House took upon that proposition. I am, of course, not at liberty to speak, and do not presume to speak, for the President, and I simply call attention again here to the language which he used in his message in which he said, in his judgment, this commission should be independent of the industry. So far as the other changes in the bill are concerned——

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HOCH. Certainly.

Mr. MOORE of Virginia. As I understand, the bill as presented by the conference places no limitation at all on the power of the President in selecting the members of the commission, except that he shall not select Members of Congress in either branch?

Mr. HOCH. Yes.

Mr. MOORE of Virginia. It was considered by the Senate that he should be prohibited from selecting a member of the Cabinet, but that limitation is stricken out now?

Mr. HOCH. Yes; that limitation was stricken out. I may say to the gentleman that that was done in harmony with the same reasoning that I just suggested, to leave the matter entirely in the hands of the President.

Mr. MOORE of Virginia. The gentleman agrees now, I suppose, with this view, that the President being left practically unrestricted, the result of this investigation to a very large extent will depend upon how he will constitute this commission?

Mr. HOCH. I agree to that. I agree that the value of this investigation will depend very largely upon the character of the commission which is selected, and I have faith that the President will select a commission of such character that it will command the respect of the country, and the country will be assured that we shall have just as searching an investigation as it is possible to make, within the time limits set out here, of this great industry. [Applause.]

Mr. WINSLOW. Mr. Speaker, will the gentleman from Texas [Mr. Rayburn] yield some of his time?

Mr. RAYBURN. Yes. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. Sanders].

Mr. SANDERS of Indiana. Mr. Speaker, I ask unanimous consent that in my 10 minutes I may speak out of order.

The SPEAKER. The gentleman from Indiana asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

THE TRUTH ABOUT THE RAILROADS.

Mr. SANDERS of Indiana. Mr. Speaker, it is difficult to understand why there is an insistent effort to lead the public to believe that the Government is guaranteeing returns to the railroads. We have it untruthfully reiterated time and time again that the Government guarantees to the railroads a fixed return under the transportation act of 1920, known as the Esch-Cummins Act. The only guaranty in that act expired September 1, 1920, over two years ago. This was a guaranty of the return fixed by President Wilson for a period of six months after Federal control ended, the period necessary for the Interstate Commerce Commission to establish the new rate structure. In other words, we simply carried on Federal control as to railroad revenues for a period of six months. This was absolutely necessary, for the freight-rate structure at the time Federal control terminated lacked over a million dollars a day paying operating expenses in the hands of the Government. Not one penny has been paid by the United States Government for any period after September 1, 1920, more than two years ago. And the Government is not obligated to pay one single penny for any period since that date.

RULE OF RATE MAKING.

Some of those who favored Government ownership of railroads or the continuance of Federal control in their disappointment in not getting what they desired have continued circulating the false statement that the rule of rate making was a guaranty. I denounce this statement as an unqualified fabrication. The Esch-Cummins Act required the Interstate Commerce Commission to "establish rates so that the carriers as a whole—or as a whole in each of such rate groups or territories as the commission may from time to time designate—will under honest, efficient, and economical management and reasonable expenditures for maintenance of way, structures, and equipment earn an aggregate annual net railway operating income equal as nearly as may be, to a fair return upon the aggregate value of the railway property of such carriers."

For a period ending March 1 last, the act specified that a fair return was to be 6 per cent on the property value. This period ended more than six months ago, but it was never meant as a guaranty and can not possibly be construed as a guaranty. For the first year after the establishment of the rate structure the railroads earned less than 3 per cent on the value of their property as fixed by the Interstate Commerce Commission. The roads suffer the loss, however, and the Government has not agreed to and will not make up the difference as would be the case if there were a guaranty. The Interstate Commerce Commission at the end of the two-year period fixed the rule of rate making at 5¾ per cent return on the property value.

There is an important provision coupled with the rule of rate making, that where any road earns more than 6 per cent, one-half of the excess shall be paid to the United States Government.

Although freight rates have been greatly reduced they are still considerably higher than the rates were before the war. The demagogue declares this is due to the transportation act. The claim is wholly without foundation.

Whatever may be said of the wisdom of these provisions, it can unquestionably be said that neither the guaranty for the six months nor the rule of rate making is responsible for high freight rates. The obvious proof of this is that the six months' guaranty was not added to freight rates, but was paid out of the Treasury just like the deficit under Federal control and the rule of rate making did not yield 6 per cent, but less than 3 per cent, on the property value of the roads. This rate of return would have been commanded by the provision of the Federal and State Constitutions against confiscation of private property.

There is just one thing that is mainly responsible for high freight rates and that is the high operating expenses of the roads. If the rates were reduced so that the roads would not receive any net return on investment the reduction would not be a substantial one and would give but little relief.

From September 1, 1920, to August 31, 1921, the year following the guaranty period, the total operating revenues of the class 1 railways, which represent 95 per cent of the revenues, was $6,045,338,100. Of that, there was a net railway operating income of $530,655,927. This is but 2.9 per cent on the property value of the railroads. The total operating expenses, including taxes, were $5,514,682,173. It is clear that relief is not in providing less than the 2.9 per cent return, which is represented by the $500,000,000, but in attacking the operating expenses, which represent $5,500,000,000 of the amount paid in rates. The latter is about eleven times greater than the former.

For the 11 months' period from September 1, 1921, to July 31, 1922, the rate per year was 4.27 per cent. The shortage under 6 per cent for the 23 months is $888,160,696, but not one cent is made up to the roads for the simple reason that the act did not guarantee the return.

Reduction in operating expenses is being made. Reductions in the cost of materials and equipment and reduction in labor costs have been of a substantial nature, and reduction in freight rates are following. The transportation act has weathered two and one-half years of the most trying days of readjustment, and in spite of business depression it has so sustained railroad credit as to prevent the financial disaster which would have resulted if railroad failures and receiverships had occurred. The railroads, as an instrumentality for transportation, have been preserved and improved. The net earnings are moving upward as the operating costs are being lowered. This will be accelerated as the increase in business shall increase the freight and passenger revenues. Capital for additions and betterments can now be obtained. We thus have the safe and secure basis for a continued reduction in freight rates. [Applause.]

Mr. RAYBURN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

The SPEAKER. The gentleman from Alabama is recognized for five minutes.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent that I may proceed out of order.

The SPEAKER. The gentleman from Alabama asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, the devious methods by which Henry Ford's offer for Muscle Shoals has been played with, evaded, and finally put to sleep present a striking instance of the influence which the invisible powers of monopoly, big finance, and big industry exercise upon our Government. They also illustrate political chicanery in its most perfect development.

The Government constructed nitrate plant No. 1 and nitrate plant No. 2 near Muscle Shoals at a total cost of $85,000,000. These plants were complete and ready for operation in February, 1921. The Government had also expended to that time about $17,000,000 in constructing at Muscle Shoals a dam and power plant designed to furnish power for the operation of the nitrate plants.

REPUBLICAN LEADERS VOTED TO JUNK MUSCLE SHOALS.

In February, 1921, the war being ended and the immediate need for munitions having passed, the question was presented to Congress whether an additional appropriation to complete the dam should be made. In both Senate and House of Representatives the Republicans were in control with a substantial majority. The issue was squarely presented in the House by a motion that the House concur in the Senate amendment to the sundry civil bill, by which amendment $10,000,000 was appropriated for further work on the dam. The question was fully debated. Leading Republicans, such as GOOD, chairman of the Committee on Appropriations, and LONGWORTH, of the Ways and Means Committee, opposed any further expenditures and frankly advocated abandoning the dam and junking the two nitrate plants. A yea-and-nay vote was had (CONGRESSIONAL RECORD, p. 3878, February 25, 1921). The result was 182 yeas and 193 nays. The Republican leaders, such as CAMPBELL of Kansas, CANNON, DEMPSEY, FESS, FORDNEY, GOOD, LONGWORTH, MONDELL, SNELL, TOWNER, VOLSTEAD, and WINSLOW and those who followed them, voted "nay" and thereby indicated their decision to "junk the works."

The Republicans having decided not to complete the Muscle Shoals plants, the Harding administration sought to find some private interest which would take over the nitrate plants and the unfinished dam. For months none could be found to make an offer. Finally, on July 8, 1921, Henry Ford made his offer to buy the nitrate plants and to lease the dam when completed. I will not deal with Ford's offer in detail—it has been both criticized and approved—it is fair to say that it is agreed by all sides that his offer is the best that has yet been made. If we had offered the works to the highest bidder, good faith would require that we accept Ford's offer.

FORD WAS OFFENSIVE TO ADMINISTRATION.

But Ford was personally offensive to the Harding administration. He had contested the election of NEWBERRY, the President's personal friend, and had greatly embarrassed the Republican leadership. He had flouted and antagonized the financial interests of Wall Street. He frankly avowed his purpose at Muscle Shoals to compete with certain great industrial interests dear to the administration's heart. Ford's offer met with immediate public approval, but Secretary of War Weeks carried on a propaganda against it and although admittedly without power to accept it, delayed transmitting it to Congress for seven long months, until February 2, 1922.

When the House committee took up Ford's offer for consideration Mr. Weeks promptly presented himself in opposition. He was followed by others who spoke for the great selfish interests to whom Ford was distasteful. The subject was probed by the committee for four weary months but was finally reported to the House by H. R. 11903 and placed upon the calendar on June 9, 1922.

But placing the Ford bill upon the House Calendar did not secure action upon it. Action was a matter under the control of the Republican steering committee. They were opposed to Ford's offer. They did not allow it to come before the House because they feared that a majority of the Members favored it. Though the Republicans have a majority of more than 2 to 1 in the House there has always been a substantial number representing agricultural districts who have not bowed to the leaders in opposing the Ford offer.

Ford's offer has been widely discussed in the press and elsewhere since it was submitted. Disinterested public sentiment largely favors accepting it. The farming interests, seeing the promise of cheaper fertilizers, have earnestly insisted upon the offer being accepted. Public opinion, generally, has been for months demanding that Congress take some action upon the subject.

DELAY AND EVASION—THE CUE.

In the meantime the November election was in the offing. Republican leaders feared the result of their obstinate refusal to allow Congress either to accept or reject the offer. They were in a predicament. If they voted to accept Ford's offer they would antagonize the great selfish interests which were opposing Ford. If they voted to reject it they would excite the wrath of the farmers, laborers, and others who were favorable to Ford. Their cue, as they caught it, was delay and a subterfuge which would release them from the pressure of public opinion.

In this state of the matter the Norris amendment to the War Department appropriation bill was presented. It authorized the expenditure of $7,500,000 for further work on the Muscle Shoals dam. Of course, its author was sincere. The amendment expressed his view of what should be done. He has frankly advocated the completion of the Muscle Shoals works and the operation of same by the Government in the production of munitions. His amendment logically carried out its author's views upon the subject. But, strange to say, the amendment was supported by those opposed to Government operation—by those who had advocated abandoning Muscle Shoals and junking the plants—in short, by the anti-Ford groups.

NORRIS AMENDMENT PRESENTED AS AN ADMINISTRATION MEASURE.

The Norris amendment was considered in the House on June 24, 1922. Weeks prior to that time the Associated Press had carried what purported to be an article inspired by the White House, stating that the President was opposed to Ford's offer. A denial of the authenticity of the statement was promptly made by those who assumed to speak for the President. However, when the Norris amendment came up in the House, word was passed to the faithful that it was an administration measure; that the President wished it adopted without change; that its purpose was to put Ford's offer to sleep and to relieve Republican leadership of an embarrassing situation. The word was passed as an expression from the President. Prominent Republican Members, who had been expected to aid in an effort to change the Norris amendment so as to provide for accepting Ford's offer, bowed to party regularity. They did not desire to be put in the attitude of openly opposing the President. The situation warranted the belief that the Associated Press report of the President's attitude toward Ford's offer was authentic and fully authorized.

Upon the Norris amendment coming up in the House it was clearly recognized what the effect of its adoption upon Ford's offer would be. It would well furnish an excuse for further delay in acting upon the offer. We sought to have the amendment changed so as to recognize Ford's offer. A prominent Republican Member, who was favorable to Ford, had consented to offer an amendment. However, he found himself unwilling to do so in the face of the administration's attitude. The matter had actually been called up in the House before Ford's friends learned that their plan had miscarried.

The Norris amendment was about to be submitted without change when Mr. James, of Michigan, an antimachine Republican, offered an amendment which postponed the availability of the $7,500,000 appropriated until October 1. I felt that the James amendment did not sufficiently express the position of Ford's friends. I thereupon offered as a substitute the identical amendment which had been drawn by the Republican Member who had at first consented to lead the Ford forces.

My amendment may be found on page 9329 of the Record. It provided that the appropriation should not become available until Ford's offer had been acted upon. The purpose of my amendment was obvious, first, to obtain an expression from the House in favor of Ford's offer, and, second, to defeat the purpose of delay and evasion which was back of the administration measure.

Upon a vote being taken, my amendment was lost by 118 yeas against 132 nays. And think of it, among those voting "nay" were Cannon, Dempsey, Fess, Fordney, Mondell, Snell, Towner, Volstead, and Winslow, all of whom had voted the year before to abandon Muscle Shoals and make no additional appropriation. They were followed by practically every Republican Member present who had voted with them on the previous occasion.

FORD'S OPPONENTS DO NOT FAVOR GOVERNMENT PRODUCTION OF NITRATES.

My amendment having been defeated, Mr. James's amendment, which, without any expression upon Ford's offer, merely postponed the availability of the appropriation until October 1, was adopted by a vote of 145 to 105. Again, did the same Republican leaders and the strict administration supporters vote in the negative. I am safe in saying that not one out of five of those who voted for the Norris amendment favors Government operation of the Muscle Shoals plants. To the contrary, they look on Government ownership and operation with extreme aversion, almost horror.

My views upon the Norris amendment were expressed in my remarks found on page 9345 of the Record—June 24, 1922—as follows:

> Mr. Huddleston. Mr. Speaker, * * *. The effect of the adoption of the Senate amendment without change will be anti-Ford. The test is being put to you here to-day. If you favor the development and operation of Muscle Shoals under the Henry Ford offer, vote for the substitute which I have presented. If, on the other hand, you want to kill the Ford offer, vote against the substitute.
>
> The Senate amendment is merely a piece of hypocrisy. Its real purpose is to make an excuse to the people of this country for 12 months of inaction, to excuse your failure to act on the Ford offer for 12 long months.
>
> If you want to pretend to do something without really doing anything, vote against the substitute. If you want to make a pretense that you want the Government to develop and operate Muscle Shoals as a great water power when really in your souls you want to turn that great national asset over to the Fertilizer Trust, to the Aluminum and the Power Trusts, vote against the substitute. If you want to do the work of the great financial and business interests that are fighting Henry Ford, then vote against the substitute. The choice is yours.
>
> If it were really true that those who advocate the adoption of the Senate amendment without change wanted the Government to actually operate the Muscle Shoals plant for the people, there would be less reason to oppose them. But we know that they have no such genuine purpose. We well know that the powers which are now in control of the Government hold to no such purpose. We know that the present move is only a bluff. We know that the real object in view is to kill the Ford offer and then to turn Muscle Shoals over to the Alabama Power Co. or some other exploiting interest.

Mr. Mondell, the Republican leader, in his reply to my remarks, said:

> Mr. Mondell. Mr. Speaker, to paraphrase the gentleman from Alabama but not follow his lame logic, I say if you want to start the Muscle Shoals development, vote to concur in the Senate amendment; if you want to delay the Muscle Shoals development, vote for the amendment offered by the gentleman from Alabama. That is the proposition before the House right now.

PLENTY OF TIME TO CONSIDER FORD'S OFFER.

There was in Mr. Mondell's statement the clear implication that the adoption of the Norris amendment would not be permitted to affect the Ford offer, that no delay in considering the Ford offer would be caused, and that the offer would be considered in due and regular course. But what transpired? On August 15 the House reassembled after recess. Day after day passed with the transaction of little or no business. The House merely met and adjourned. Even three-day recesses were taken. Members began to press openly for action on Fords' offer. Finally, on August 24, the following occurred (see Record, p. 11758):

> Mr. Garrett of Tennessee. I will ask the gentleman from Wyoming if it is in contemplation that there shall be a vote at any early date upon the disposition of the Muscle Shoals property?
>
> Mr. Mondell. Well, so far as I am acquainted with the views of the Members on this side—and I am guided wholly in my attitude by the views of the majority of the majority—I do not believe that it is desired that there should be an early consideration of the Muscle Shoals matter. I think the majority on this side believe that for the time being the Muscle Shoals situation is taken care of by the provision made for the continuation of the work on the Wilson Dam.

Again:

> Mr. Garrett of Tennessee. The limitation was placed on the use of the appropriation in order that the Congress might have an opportunity to pass on the final disposition of the matter. Now, there is no reason why it should not be considered at once. The Committee on Military Affairs has reported, and there are three reports. I am not now advocating any particular report. What I am asking is that the House shall now have an opportunity to pass upon that matter.
>
> Mr. Mondell. The House will pass on that matter in due time, as soon as it is necessary to do so. In the meantime we have provided for the continuation and development at Muscle Shoals. That is all that could be done if we were to act upon the reports.

Note that Mr. Mondell said:

> I do not believe that it is desired that there should be an early consideration of the Muscle Shoals matter. I think the majority on this side believe that for the time being the Muscle Shoals situation is taken care of by the provision made for the continuation of the work on the Wilson Dam.

Compare this statement with Mr. Mondell's statement on June 24.

And now the House is about to adjourn for the session. In the belief that public opinion has been quieted, no action upon Ford's offer for Muscle Shoals is to be taken until after the November elections. When Congress meets again the Republican leaders will be free. They will be secure from the wrath of the people. They will have a free hand to ignore Ford's offer, to postpone consideration indefinitely, or to reject it outright.

THE PEOPLE SHOULD UNDERSTAND.

The thing which the people should be made to understand is that the House has had plenty of time during the past 40 days in which to act on Ford's offer—to accept it or to reject it. We might well have considered it. The privilege of considering the Ford offer has been deliberately denied to the House by those who are in leadership upon the Republican side. This can not be disputed by any candid and sincere man.

There may be those among the people who are credulous enough to entertain the hope that when Congress comes back at the December session the Ford offer will be fairly considered and acted upon. Let me say to them that such is not the purpose of those who are in control of the majority of Congress. It is not intended that the Ford offer shall ever be accepted. To the contrary, the plan is to tire down Ford's friends and the public who are insisting upon action and finally, when public attention has wandered from the subject, to deliver Muscle Shoals and all the great wealth of resource and development which it represents to some one or more of the grasping monopolistic interests who are seeking it.

Ford would manufacture fertilizer at Muscle Shoals; he would cheapen its price—therefore the Fertilizer Trust does not want him there. He would make nitrates—therefore the Powder Trust is opposing him. He might be found in competition with the Aluminum Trust—therefore the beneficiaries of that monopoly do not want him at Muscle Shoals. He would finance his own enterprises without paying toll to Wall Street usurers—therefore the powerful financial interests of the country would like to throttle him. He would pay better wages as a competitor in the southern labor market—therefore reactionary employers and exploiters of cheap labor are against him. He would bring a new, powerful, and disinterested influence into the southern political field—therefore crooked politicians, machine men, and the "Old Guard" would keep him away.

Let it be remembered that all those who have fought to keep Ford away from Muscle Shoals have played the game of the selfish or unscrupulous interests which would be affected if his offer should be accepted.

As usual, invisible government wins.

The SPEAKER. The time of the gentleman has expired.

Mr. PARKS of Arkansas. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. FOCHT. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Pennsylvania moves a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Anderson
Anthony
Arentz
Bankhead
Barkley
Beck
Beedy
Bixler
Blakeney
Bland, Ind.
Brand
Britten
Brooks, Ill.
Brown, Tenn.
Browne, Wis.
Buchanan
Burroughs
Burton
Byrns, Tenn.
Cantrill
Carter
Chandler, Okla.
Clark, Fla.
Clarke, N. Y.
Classon
Clouse
Cockran
Codd
Colton
Connell
Copley
Crago
Cramton
Crisp
Dickinson
Dominick
Dunbar
Dunn
Echols
Edmonds
Fairchild
Fairfield
Favrot
Fenn
Fields
Fish
Frear
Freeman
Frothingham
Fulmer
Garner
Gensman
Gilbert
Goldsborough
Goodykoontz
Gould
Graham, Pa.
Green, Iowa
Griest
Griffin
Harrison
Hawes
Henry
Herrick
Hersey
Hooker
Humphreys
Husted
Ireland
Johnson, Ky.
Johnson, S. Dak.
Jones, Pa.
Kahn
Kendall
Ketcham
Kiess
Kindred
Kirkpatrick
Kitchin
Kleczka
Knight
Kunz
Langley
Larsen, Ga.
Larson, Minn.
Layton
Lea, Calif.
Leatherwood
Lee, Ga.
Lineberger
Logan
Longworth
Luce
Luhring
McDuffie
McFadden
McLaughlin, Nebr.
McPherson
Maloney
Mann
Martin
Miller
Mills
Montague
Montoya
Moore, Ill.
Mott
Mudd
Nelson, Me.
Nelson, J. M.
Nolan
Olpp
Overstreet
Parker, N.Y.
Perkins
Petersen
Porter
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Reber
Reed, N. Y.
Riddick
Riordan
Robertson
Rosenbloom
Rucker
Ryan
Shelton
Shreve
Sisson
Slemp
Snyder
Stedman
Steenerson
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Temple
Ten Eyck
Tinkham
Treadway
Tucker
Upshaw
Vare
Vinson
Voigt
Ward, N. Y.
Ward, N. C.
Wason
Webster
White, Kans.
White, Me.
Williams, Ill.
Williams, Tex.
Williamson
Wise
Wood, Ind.
Wright
Wurzbach
Young
Zihlman

The SPEAKER pro tempore (Mr. Hicks). On this roll call 261 Members have responded to their names. A quorum is present.

Mr. WINSLOW. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER pro tempore. The gentleman from Massachusetts moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will unlock the doors. The gentleman from Massachusetts [Mr. Winslow] has 19 minutes remaining, and the gentleman from Texas [Mr. Rayburn] has 13 minutes remaining.

Mr. RAYBURN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. Jeffers].

Mr. JEFFERS of Alabama. Mr. Speaker, I ask unanimous consent to proceed out of order.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to proceed out of order. Is there objection?

Mr. KEARNS. Mr. Speaker, reserving the right to object—and I do not intend to object—I ask unanimous consent that I be allowed to proceed for 15 minutes out of order immediately after the gentleman from Alabama concludes his remarks.

The SPEAKER pro tempore. The Chair would suggest that perhaps the gentleman had better wait until after the gentleman from Alabama has concluded his remarks.

Mr. KEARNS. I thought now would be a pretty good time to make this request.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that after the conclusion of the remarks of the gentleman from Alabama [Mr. Jeffers] he may be allowed to proceed for 15 minutes out of order. Is there objection?

Mr. WINSLOW. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he will not be just as well satisfied to get unanimous consent to address the House for 15 minutes directly after the vote on the pending bill?

Mr. KEARNS. Mr. Speaker, I think most gentlemen are going to quit the Chamber as soon as the vote is taken, and I thought I had some information which would be of interest to Members of the House.

Mr. WINSLOW. My only reason for objection is that at the end of the gentleman's remarks we might not have anybody to vote for the bill. [Laughter.]

The SPEAKER pro tempore. Is there objection?

Mr. WINSLOW. I object.

The SPEAKER pro tempore. The gentleman from Massachusetts objects. The gentleman from Alabama asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. JEFFERS of Alabama. Mr. Speaker and gentlemen of the House, the House of Representatives has just gone on record this afternoon confirming its previous action on a measure of great interest to the Nation, and of interest particularly to the ex-service people of the Nation, known as the adjusted compensation bill.

Now, of course, we can not be sure that the predictions that have been published since the President vetoed adjusted compensation on yesterday, to the effect that the Senate will not pass the measure over the veto, will come true; but if that estimate of the situation does prove to be correct, then we are to witness the ringing down of the curtain on this season's last performance of that well-known Republican farce, "Now you see it and now you don't," or which might be still better known as the play called, "The political manipulation of adjusted compensation."

With the stage here in the Capital City of the Nation, and with the entire people of the Nation as audience, the scenes of this deceitful performance have been unfolded one by one since May, 1920.

The administration's star performer has proven to be a quick-change artist of ability. He has shown up in different colors, in different surroundings, or against different backgrounds with chameleonlike rapidity and naturalness.

The several acts of this farce have been timed skillfully, politically speaking, as we will point out as we go along. The party now in power has toyed with the ex-service people of the Nation for more than two years on this proposition.

On May 29, 1920, the adjusted compensation bill passed the House by a vote of 289 to 92. At that time the Republican majority was in full control of this House. A few months later, just before the November (1920) election, Mr. Harding, then a candidate, during an address at Cincinnati, Ohio, was asked why the ex-service people did not get the adjusted compensation, and he said:

> Well, I am very happy to say to you that the House passed the bonus bill, and the Senate has it under consideration, and I have no doubt the Senate will pass it. I, myself, think it ought to pass it, if you want to know my views. (From the Cincinnati Enquirer, October 30, 1920.)

That was the expression of Warren G. Harding when he was a candidate for election. And then, functioning right along in line with the views expressed out in Ohio by the Republican Party leader just before the election in November, 1920, the

Finance Committee of the Senate, on June 20, 1921, reported S. 506 to the Senate. But they had failed to consider the rapid-changing proclivities of the President. They did not know that he would so soon abandon his avowed policy of noninterference with Congress, about which so much had been said during the campaign, and appear in their midst as ringmaster, to crack the whip of control over the heads of the Senators, causing them to change front at once, wheel about, and submissively trot the bill back to the Senate Finance Committee, whence it came.

At that time it was generally considered that it was a postponement of the passage of the legislation that the President meant to recommend. I quote an extract from an editorial from the Washington Herald of July 13, 1921:

> The announcement of the disarmament policy and proposed conference may explain President Harding's request to Congress to postpone consideration of the soldiers' bonus. He was reported as saying to the Senators that he believed it might be safely passed at the regular session, or within a year. It would seem the disarmament program tells the why of this confidence; it may tell why it could be voted then without greatly disturbing the Government's fiscal program.
>
> If this conference succeeds and disarmament follows, the Government will save enough, combined with the saving through the Budget system, to pay the proposed bonus in a term of years. There are few who seriously oppose this payment to the service men. There are those who wish it had not been asked, but none who do not feel it has been earned.
>
> * * * * * * *
>
> The bonus is as assured as if already acted upon. It is waiting, not losing, that is asked, and the reason now seems plain.
>
> * * * * * * *

That editorial appeared the next morning after the President's postponement message to the Senate. At least his message was considered then to be a postponement message.

But just two months later, on September 11, 1921, he addressed the men of the Fifth Division at Atlantic City, and on that occasion he showed still another side and another color. Regarding adjusted compensation, the papers quoted him as saying then:

> I am not so much concerned with those who came out of the war unimpaired.

In an editorial which appeared in the New York World I find the following comment on the President's shifting qualities:

> Before his election and for some time after he took office his utterances on the subject were construed fairly enough as indorsement of the bonus plan for all veterans. At Secretary Mellon's urgent request he departed from this original position to force a postponement of bonus legislation for the sake of economy. In his address to the Fifth Division, delivered Sunday at Atlantic City, the President has again shifted ground, this time to emphasize the prime necessity of rehabilitation for the wounded and disabled and to express a doubt of the need of a general subsidy for ex-soldiers.

There, you see, the New York World called attention to the fact that the President "has again shifted ground." You will note that the New York World editorial does not say that he, the President, departed from his original position, which was favorable to adjusted compensation, of his own accord or upon his own decision, but it says it was "at Secretary Mellon's urgent request." Of course, we know that all the Mellons, of Standard Steel Car Co., a war-profiteering concern, are opposed to adjusted compensation. And we know that Secretary Mellon, a man of millions, has been "urgently" against adjusted compensation all the time. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAYBURN. I yield to the gentleman three minutes more.

Mr. JEFFERS of Alabama. Of course, I agree with him that our highest duty is to the disabled veterans, and everyone agrees with that. The American Legion has for these years given its best efforts to secure the best possible consideration for the disabled. The disabled men are well aware of that fact, and have been aware of it all along. The disabled veterans have, as you know, gone on record many times as being in favor of adjusted compensation for their comrades who are not disabled. There is no argument about that.

I hope you gentlemen all saw the full-page advertisement in Monday's (September 18, 1922) Washington Post, submitted by the Disabled American Veterans of the World War, and that you read it carefully.

It is full of very interesting facts and figures and presents a forceful argument for a fair adjusted compensation bill. I want to quote right here its closing paragraph:

> Believing in the justice of their cause, the soldiers have awaited recognition, although they have seen all the other war debts paid, and have watched the Allies compensate their own soldiers out of the money they borrowed from us.
>
> Disabled want this debt paid now.

[Applause.]

Now let us consider for a moment the plan to which the President seems to be wedded for the raising of a special fund to meet this obligation.

He has chosen the sales tax—a scheme designed for the wealthy, a scheme to shift the tax burden altogether to the consumer, an opening wedge in that direction—an effort to get that opening wedge in on the people of this country by attaching it to the soldiers' compensation bill.

Why the necessity or what is the justice of a special tax or special taxation for this particular purpose?

The Government used the railroads during the war. The Government has paid these railroads immense sums as reimbursement to them for damage done to their stock—more than $700,000,000.

Why did not the Government levy a special tax of some sort to pay this immense sum claimed by the railroads as adjusted compensation or reimbursement, and point out to the people that they were paying such a special tax for reimbursement to the railroads?

A special tax might as well be levied for this purpose as for the purpose of paying adjusted compensation to ex-service people.

The Government paid war contractors immense sums amounting to about $3,000,000,000 in addition to their profits. Why was not a special tax mentioned in order to pay this Government obligation? A special tax might as well be levied for this purpose as for the purpose of paying adjusted compensation to ex-service people.

But no! It seems that it is not desired that the attention of the people be called to the fact that it is their money which has been and is being so lavishly handed out on every conceivable sort of a claim to reimburse these people for the economic handicap which they claimed to have been left under as a result of the war.

The principle and practice of adjusted compensation has been recognized by the American Government in payments to Federal employees of $225,000,000. That is a matter of right and justice, and we do not begrudge them that added compensation, but it all comes out of the Treasury, and we do not have any special tax attached to that particular expenditure.

If full reparation to the railroads for all losses sustained during the war; if reimbursement for war contractors; if help for the Russians; if a square deal for the great army of war workers; if all this is done in the name of justice, then why not grant fair adjusted compensation to the men and women who turned themselves over to Uncle Sam and went away to serve for $1 per day, less allotment, less insurance, less other items that left a man about $1.75 per month which he could squander on tobacco and other luxuries?

If a square deal to the railroads, if a square deal for the war contractors, then why, in God's name, not some semblance of a square deal for the poor devil of an American doughboy soldier, who sweat blood and slept in the mud for the preservation of the homes of America, for the safety of the wives and mothers and children of America, and to keep this country safe for the continued operations of the profiteers? [Applause.]

Why attach all the odium to the legislation affecting ex-service people? What has the soldier of the Great War done to so offend the Chief Executive of the Nation that he does not see fit to allow this bill, which has been passed by an overwhelming vote in both branches of Congress, to become a law unless he can have attached to it an obnoxious sales tax?

Why should the President desire to thus single out adjusted compensation for ex-service people to make it a stench in the nostrils of the people of the Nation?

At this particular point let me quote from the RECORD the statement of Mr. MONDELL, the distinguished leader on the majority side of the House:

> I can not agree with those who believe that the House failed in its duty in that it did not make provision in the bill for the payment of the obligations under it. We legislate frequently in a way to lay heavy obligations on the Federal Treasury without accompanying such legislation with any provision for the raising of revenue. In fact, it is very unusual in our legislation to make special provision for meeting the obligations which the legislation entails. It would be a departure from our ordinary procedure to do that.

Now, that statement was made by Mr. MONDELL just a few days ago here on the floor of the House, and I was very glad, indeed, to hear the Republican floor leader so flatly refute and set aside the feeble, pitiful objection which has been raised all along by President Harding to this adjusted-compensation measure.

Regarding the matter of levying a special tax for one certain governmental expenditure Mr. MONDELL said that it would be "a departure from our ordinary procedure."

As I have said, we did not do it to pay these fabulous sums to railroads and war contractors, nor did we do it to provide funds with which to pay added compensation to our Government employees; we did not levy a special tax in order to loan twenty millions to the Russians; so let me ask again, Why should we single out adjusted compensation for our ex-service people as the one thing for which some special obnoxious tax must be levied?

Let me quote you just here from the Des Moines (Iowa) Capital, March 16, 1922:

> There is no necessity for preparing the bonus as a bitter dose of medicine and swallowing it as such. * * * In the name of all that is good in this Republic, let us pay the back wages to the soldiers without taking the process as a whipping. Such a payment involves as much real justice as any bill that has ever come before the American Congress. The Federal Government, which is a going concern, can pay the soldiers without special taxes which jump up into the taxpayer's face and shout, "I am the bonus."

This adjusted compensation bill passed the House for the second time on March 23, 1922, by the overwhelming vote of 333 to 70.

Just here let me call your attention to some shifting which was done by another prominent Ohioan. In May, 1920, when the bill first passed the House, the Hon. Mr. Fess voted against the bill. Now, in March, 1922, when the bill came up for passage the second time, we find this same Mr. Fess appearing as one of the first speakers on the Republican side in favor of the measure. Let us remember that Mr. Fess is a candidate at this time—he is running for the Senate. In closing his speech in favor of adjusted compensation he said:

> Their good will—

Speaking of the soldiers—

> is essential, and any appearance of lack of appreciation through clear discrimination is unwise. I will vote for this bill.

Now, my friends, that is Candidate Fess, running for the Senate, speaking entirely different to what he was speaking two years ago. I hope the boys in Ohio will give this matter their very careful attention and that they will do their best to delve into this man's heart and find out, if they can, if he is really at heart for them, and if he has formed his new opinion as a matter of right and justice or if he has formed it as a matter of political expediency, and because, being a candidate for the Senate, he finds it wise that he should have the good will of the ex-service people, which he now considers as being "essential."

Mr. Harding, candidate in 1920, was for adjusted compensation then, but is against it now. Mr. Fess, candidate for Senate now, is for adjusted compensation now, but was against it in 1920. Perhaps the "good will" of the ex-service people was not considered by him as being "essential" to him then. In the Senate the bill passed on August 31, 1922, by a vote of more than 2 to 1. It then was sent to the President, going to him, of course, by way of the Secretary of the Treasury. Regardless of the fact that it passed the House by more than 4 to 1 and that it passed the Senate by more than 2 to 1, the President vetoed the bill.

Let us recall that the New York World said about a year ago that when the President first forced a postponement of the measure, thereby departing from his own original position, he did so "at Secretary Mellon's urgent request." Now we know that he has vetoed the bill at the urgent request of this same Secretary Mellon, the richest man who ever held a Cabinet position, and other big interests like the interests controlled by the Mellon family.

In his message which accompanied his veto to the House the President contradicts himself. He first says in explaining his veto that Congress failed to provide the revenue from which the bestowal is to be paid. In other words, he said there that if Congress had provided some special means to raise this special fund it would have been all right. Later on in his message he said that a peace bestowal on ex-service men would be a perversion of public funds. In other words, he said there that even if he had the money it would be a perversion of public funds to grant adjusted compensation to our ex-service people to help them to again pick up the threads of their civil lives and to help them, even though it would be in a small way, to overcome the heavy economic handicap suffered by them on account of their service during the war.

I wonder if Mr. Harding included that statement in his message "at Secretary Mellon's urgent request."

This same Mr. Harding does not think it would be a perversion of public funds to loan $5,000,000 to the Liberians, while we have destitute ex-service people here in our own country. In his letter of July 29, 1921, addressed to the Senate, transmitting the letter from Secretary Hughes recommending the reestablishment of the loan credit, President Harding declared:

> It is impossible to escape the conviction that we have an obligation which the executive branch of the Government can not discharge without the properly expressed approval of Congress.

If a peace-time bestowal—and I want you to notice that he calls this adjusted compensation a "bestowal"—to ex-service people could be termed a perversion of public funds, how can President Harding arrive at his conclusion that a five million peace-time bestowal to irresponsible Liberians is a moral obligation on this Government? In other words, we are under no moral obligation to our ex-service people, but we are under moral obligation to black Liberians.

President Harding evidently does not feel that his own pet scheme—the ship subsidy, which would be for the enrichment and special benefit of certain interests and which would cost the American people seventy-five millions per year—would be a perversion of public funds.

A Washington newspaper some time ago carried an editorial from which is taken the following extract:

> A New York newspaper opposed to the soldier bonus says in a headline over a news dispatch from Washington:
>
> "Bonus alienating donors to G. O. P. campaign coffer. Prominent supporters emphasize displeasure in reply to national committee appeal."

The Stars and Stripes of March 4, 1922, carried the following news item, which is self-explanatory:

THIS G. O. P. CLUB SAYS BONUS IS PARTY SUICIDE.

[Special to the Stars and Stripes.]

> New York City.—Opposition to the soldiers' bonus is recommended by a committee of the National Republican Club, headed by Nicholas Murray Butler, president of Columbia University, and composed of prominent citizens, including prominent bankers, brokers, and others. The club does not speak officially for the Republican Party, although it numbers wealthy and influential party leaders in its ranks.

By vetoing the adjusted compensation bill the President has doubtless loosened the purse strings again of those usual big donors to the G. O. P. campaign coffer who are holding back and threatening to withhold their support, moral and financial, if adjusted compensation for ex-service people should become a law.

Those who voted in the House and in the Senate can go back to their people and say they voted for adjusted compensation for the ex-service people and try to hold the ex-service people in line by their statements to that effect, and, on the other hand, the President by his veto has pleased the big interests of the country, who are the main opposition to the measure. In other words, the leaders of the party now in power are "playing both ends against the middle" and are making a political football out of this sacred obligation to the people who made it possible for 23,000 new millionaires to spring up in this country during the period of the war and the period immediately following the war, and those big interests who reap the golden harvest on the strength of the service of our soldiers and sailors are now the main "conscientious objectors" to adjusted compensation.

It is, it appears to me, a shameful situation.

I wish to insert a statement by Hanford MacNider, national commander of the American Legion, on the threat of financial interests to withhold campaign contributions if the Senate passes adjusted compensation legislation:

> My attention has just been drawn to the published threat of the financial interests of Republican persuasion that if the Republican Congress passes the veterans' adjusted compensation bill there will be no contributions from that quarter to the Republican campaign funds. In the words of one dispatch, big business informed Chairman Adams, of the Republican national committee, that "If Congress passes the bonus bill it may get some soldier votes for the respective candidates, but it will lose the support of business."
>
> This is very enlightening. A great deal has been said about political threats in connection with the adjusted compensation bill. Enemies of the bill have declared the American Legion has uttered such threats, that it had held a political pistol at the head of Congress, etc. Not the slightest proof of the truth of these statements has been attempted, which has been wise, because not a vestige of such proof exists. The American Legion has made a clean fight based on the merit, the justice, equity, and economic soundness of this legislation, and not one scintilla of evidence has been produced to dispute these contentions.
>
> But now a real effort to coerce Congress reveals itself, and the effort is being made by the intrenched financial interests and not by the American Legion. The lines are more clearly drawn than ever. On one hand we have an element of the business and financial interests of the Nation which contributed least and profited most by the war. These interests are threatening Congress, flourishing the political pistol, and a gold-plated one at that. On the other hand we have the men who fought for their country presenting their case on its merits, confident that they enjoy the Nation's confidence now as they did in 1917 and that justice will be done. Whom do the people of the United States wish their Representatives in Congress to follow? It is for them to choose.
>
> Hanford MacNider,
> *National Commander, American Legion.*

Under the permission to extend my remarks on this subject I insert the statement in favor of adjusted compensation for all ex-service people published by the Disabled American Veterans of the World War:

[From the Washington Post, Monday, September 18, 1922.]

The Disabled American Veterans, 172,000 Strong, Want the Bonus Bill to Become a Law—The Newspapers Have Not Published Our Approval of Adjusted Compensation, So the Disabled Soldiers, the Boys Who Still Suffer from Their War Wounds, Are Telling This Fact to the Public Through This Advertisement.

Four and one-half million service men and women—including the disabled—want President Harding to approve the soldiers' adjusted compensation bill.

Among the representative soldier organizations which have officially approved the American Legion bill, now before the President, are: The American Legion Auxiliary, the Veterans of Foreign Wars, the Gold Star Mothers, the Widows of Veterans, and the Disabled American Veterans and their auxiliary.

These organizations have passed official resolutions approving this measure.

Their membership totals two and one-half millions, and they speak with authority for the remainder of the ex-service population as yet unorganized.

THE REPRESENTATIVES OF THE AMERICAN PEOPLE WANT THIS JUST DEBT PAID.

The American form of government is representative, and whenever the American people have had the opportunity to express their will upon this measure they have shown their belief in the justice of this legislation.

The legislatures of 22 States have petitioned Congress to enact this legislation.

The legislatures of 18 States have acted favorably on the question of State bonus legislation.

The governors of 32 States have called upon the Chief Executive to approve the bill now before him.

The Representatives in Congress have twice voted for the measure, the vote upon the present bill being 333 to 70.

The Senate Finance Committee has approved this measure three times. This bill was passed by the Senate 47 to 22 and the conference report by 36 to 17.

THE AMERICAN PEOPLE HAVE SHOWN THEY WANT THIS DEBT PAID.

In every instance where the American people registered their will directly upon this question they have voted, without exception, for adjusted compensation for the soldier.

Instances of this are:

The people of 18 States have voted for State compensation for their own veterans. Their majorities for compensation were from 4 to 1 to 8 to 1. This is proof of the sentiment of the people on this question.

The Literary Digest has taken a national poll, based chiefly upon subscribers to telephones. This resulted in a victory for compensation of 466,814 to 444,221.

A separate poll of women shows 64,609 in favor of compensation to 42,738, and a third poll on employees of factories shows 15,312 in favor of compensation to 2,090, or a majority of nearly 8 to 1. There are more workers in America than there are subscribers to telephones. Had the poll been confined to the factories, can anyone doubt the overwhelming majority the soldiers would have received?

The chamber of commerce, in the referendum among its members, gave a total vote of 4,116 in favor of compensation to 2,657.

THE SOLDIERS' CLAIM IS A JUST AND HONORABLE ONE.

The soldier asks no reward for service in uniform. That is his pride.

For the hardships, dangers, and sufferings he endured have already been paid for in his knowledge for all time that in the hour of his country's need he was called and not found wanting.

But he is forced to share the expenses of the war and pay his proportion of the debt incurred and of the profits earned in his absence.

Our associates in the World War already have made an adjustment of compensation for their soldiers.

This adjustment has been predicated on American loans, and we American soldiers must help to repay the underwriting by American bondholders. This adjustment of compensation to the soldiers of our allies was paid with American money.

AMERICA ALREADY HAS ADJUSTED COMPENSATION OF FEDERAL EMPLOYEES.

The principle and practice of adjusted compensation has been recognized by the American Government in payments to Federal employees of $225,000,000 and to the Army and Navy of more than $100,000,000.

This $325,000,000 has been paid as a war measure and has been in addition to the pay prescribed by law. It is a greater sum than the payments required from the Government under the first three years of the soldiers' adjusted compensation bill, which amounts to only $242,000,000.

AMERICA HAS ADJUSTED THE COMPENSATION OF RAILROADS AND WAR CONTRACTORS.

The Government drafted the railroads during the war. Up to August 1, 1922, the Government, under the transportation act, has paid them $764,271,000 in addition to their earnings.

The Government paid war contractors an adjustment on their contracts of about $3,000,000,000 in addition to their profits.

ADJUSTED COMPENSATION WILL BENEFIT THE VETERANS.

It will enable them to escape the rent profiteer by building their own homes.

It will help many in a small way to own their own farms and homes.

It will enable others to learn a trade or profession which will insure their future prosperity.

The loan feature may enable many to avert the disaster of foreclosure, tide over financial difficulties caused by sickness or unemployment, or be the anchor to save a small business from ruin.

The insurance feature will stabilize veterans and add to the security for their loved ones.

It will enable many to marry and thus insure to future generations that American ideals will be cherished.

It will allay the feeling now held by many that America has lost interest in the soldier, now that her safety is secured, and fails to recognize the financial handicap suffered by the soldier.

Expenditures by veterans under this bill will stimulate building and industry and bring employment to those now out of work. It will benefit the merchant and the manufacturer and will increase the tide of prosperity now arising in the country.

THE PEOPLE'S REPRESENTATIVES HAVE PLEDGED THEMSELVES TO PAY THIS JUST OBLIGATION.

In the national campaign of 1920 a majority of the candidates for public office of both great political parties stated that they would work for the passage of this legislation.

Three years ago at the request of the Congress the American Legion drew the five-fold adjusted compensation bill. This bill has since been approved by national conventions of other service organizations. It is now modified to meet legislative and executive requirements.

DOES THE BILL MEET EXPRESSED OBJECTIONS OF CHIEF EXECUTIVE?

The bill now before the President has been drawn in the belief that it fairly and squarely meets the objections raised by the Chief Executive to former bills. The reduction in the cost from $850,000,000 during the first two-year period, to $242,000,000 for the first three-year period in the present bill obviates the necessity for financial provisions. However, the payment of interest on its debt by England is now assured for the immediate future. And this payment alone will be more than sufficient to meet the annual cost under this bill.

Conditions in the country are vastly improved from a year ago when the President requested action be deferred upon the soldiers' measure. Business is booming, stocks and bonds have increased billions in value; Liberty bonds are at par; interest on Government obligations has dropped from 5½ per cent to 3½ per cent, and Treasury offerings during the year have been oversubscribed $5,750,000,000. More than $4,000,000,000 worth of private securities and foreign loans have been sold the American public during the year, and in addition $3,000,000,000 of bonds have been bought upon the New York Stock Exchange alone. And the public debt has been reduced $1,000,000,000 while all this financing has been conducted.

On January 24 last Secretary Mellon predicted a deficit of $24,000,000 for the fiscal year, but when the year ended, June 30 last, a surplus of $313,000,000 was announced by Mellon instead of the deficit he had predicted five months before.

The banks can well afford to lend the comparatively small sums the veterans will borrow upon their adjusted-service certificates.

They earned during the war and the prosperity period immediately following profits which they still retain of $1,747,605,000. This is three times more than the profits they retained for a similar period preceding the war and three times the maximum amount which the chamber of commerce estimates the veterans will borrow.

The maximum the chamber has estimated the veterans will borrow in the first three-year period is $600,000,000, although others estimate this sum at much less. Compare this to the assets of $40,000,000,000 owned by the banks of this country.

Money is now so cheap it is almost a drug on the market. Financial magazines state that the difficulty now is to find investments for available money and not as ordinarily, to find available money for investment.

The veterans understand that the present bill has been drawn primarily to meet former Executive objections. Should this bill fail approval, the veterans can only think that the Chief Executive intends for his part that compensation shall be delayed for another three years. For the bill now before the President has deliberately reduced the first three years' payment to where the assured interest payments from England will more than take care of them.

PAYMENT OF COMPENSATION ALREADY HAS BEEN TOO LONG DELAYED.

It is now nearly four years since the armistice, yet the veteran still waits for the adjustment of his compensation. Further delays may prevent the veterans from realizing the full benefits designed under this measure.

THIS IS THE LAST OF THE GREAT WAR MEASURES.

The debt which this bill is designed to pay is a part of the cost of the war. Other approved war measures have been:

(a) The declaration of war.

(b) The selective service act, which took the young men from their peaceful pursuits on farms, in industry, and in the professions and placed them in uniform to defend their country.

(c) The great Liberty loans, which provided the war funds and paid out billions to American manufacturers, contractors, and war workers and also provided the dollar-a-day wage of the soldier. Notwithstanding the discrepancy in pay between those who served in the trenches and the factories, the soldier must bear equally in payment of the war's expenses.

(d) The drafting of the railroads.

(e) The payment to the railroads of an adjustment in their compensation exceeding $764,000,000.

(f) The payment of an adjustment on uncompleted war contracts of $3,000,000,000.

(g) An adjustment of the rates on large incomes which has saved the possessors of large fortunes more than $90,000,000 annually.

(h) Reducing the excess-profits tax, which saves the industries of this country $450,000,000 annually.

(i) The payment of an adjustment of compensation to Federal employees amounting to date to $225,000,000 and which is still being paid.

(j) The payment of an adjusted compensation to Army and Navy, amounting to $100,000,000.

The foregoing war measures have been met and approved. The only one still to be met is an adjustment of the pay of the men and women who sacrificed most and asked for the least that their country might be successful in this great enterprise.

VETERANS BELIEVE THAT THE BILL WILL MEET WITH EXECUTIVE APPROVAL.

The case of the veterans has been laid before the Congress and the President.

Believing in the justice of their cause, the soldiers have awaited recognition, although they have seen all the other war debts paid and have watched the Allies compensate their own soldiers out of the money they borrowed from us.

Disabled want this debt paid now.

THE DISABLED AMERICAN VETERANS OF THE WORLD WAR,
C. HAMILTON COOK, *National Commander*.

(This advertisement paid for by friends of compensation.)

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAYBURN. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker, I want to congratulate the chairman of the committee and one of the conferees upon having saved the country from a very serious menace. The bill as it passed the Senate contained the word "nationalization." The Senate has, upon the insistence of Senator BORAH, incorporated in the coal bill a provision that the commission to be appointed by the President is to report upon the advisability and wisdom of the nationalization of the coal industry. The conferees of the House, solicitous not only for the present welfare of the country but anxious that no dangerous doctrines be disseminated capable of disturbing peaceful minds in the future, has substituted other words for the word "nationalization." I have no particular quarrel with the words which they have substituted. They probably mean the same thing. After all, a great deal will depend on the intelligence and wisdom of the men whom the President will appoint. And who is there who will dare doubt that the President will appoint the wisest men the country possesses? I would also congratulate the chairman of the House committee on the wise step he has taken in receding from the position he took when the bill was originally before the House. You will remember that when the bill was before the House it carried a provision that no person in anywise interested in coal should be a member of that commission. Every man with intelligence above that of an imbecile is interested in coal, and the House conferees acted with due modesty when they receded from their original position. Now it will be possible to have on the commission men who know something about coal.

But while the conferees have temporarily saved civilization by eliminating the dangerous suggestion of nationalization, I want to assure the chairman of the committee that he can not escape the problem. It was Livy who said in regard to conditions in Rome that the Roman statesmen had reached a state where they realized that the evils were unendurable and none but unendurable remedies were suggested. Are not our Republican statesmen in that very position to-day? We have gone through a strike in the coal industry; we may have another one. The suggestion is frequently made by the unthinking that the way to remedy strikes is to prohibit them by law. Nothing more idiotic or more subversive of democracy can be suggested than the prohibition of a strike by law. Whenever a law attempts to prohibit men from abandoning work—whenever a law——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LONDON. Will the gentleman from Massachusetts allow me three minutes in order to finish this?

Mr. WINSLOW. I yield the gentleman three minutes.

Mr. LONDON. Whenever a law indirectly attempts to compel people to work against their will it destroys the very basis of civilized society. The cemetery is the only place where they have no strikes; where people lie just as they have been put; where there is life, there is discontent. The strike is an inadequate and imperfect weapon of defense, but under existing conditions it is frequently the only method of resisting oppression. The employment of the physical force of the State to suppress the right of the individual or of a group of individuals to quit work means civic death. And so the problem is how to avoid the clash, the bitterness, the dishonesty, the cruelty of modern competitive conditions, and to preserve the liberty of the individual. How to save the community without destroying the basis of civilized community, which is the free individual. That is the great problem to which thinking men should address themselves.

Another suggestion I want to make in connection with this commission is this: Originally it was supposed to be purely a fact-finding commission. By the action of the Senate the functions of the commission have been enlarged. It is to make recommendations. It is to suggest legislation.

In order that we may get the viewpoint of every group interested in the coal industry there should be on the commission representatives of labor, representatives of capital, and representatives of the rest of the people.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LONDON. And if recognized for that purpose I shall make a motion to recommit to that effect.

Mr. WINSLOW. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, for two years now I have advocated the enactment by Congress of legislation which would clothe some governmental agency with power to find out the facts pertaining to the coal industry and the reasons for these expensive and periodic strikes in both bituminous and anthracite fields. I liked the original House bill better; but, Mr. Speaker, we must not delay the enactment of this legislation. Substantially this bill gives all the power of the original bill.

In brief it provides for a commission of seven who are to investigate and report as to bituminous by January 1, and anthracite by August 31 next. The two industries are vastly different. The bituminous is suffering from an excess of competition due to overdevelopment and excess of labor, while the anthracite business is to all practical effects a monopoly both as to operators and workmen.

The commission is given complete power to investigate as to cost of production, including actual investment, labor costs, labor efficiency, hours of labor worked per day, days worked per week, and wages paid per day. The prices charged at mines and by middlemen will be thoroughly gone into. There are many other questions which enter into the problem and which cause these periodic and costly disturbances which they will report on.

The President is at liberty to appoint anyone to the commission, even if they are interested financially in coal operating or are interested as a mine worker. I hope, however, he will choose all members from without the ranks of either.

I disagree with the distinguished gentleman from New York [Mr. LONDON] who has just spoken. If we want results—and we do want results—let us not repeat the mistake made in providing for the Labor Board. Let there be no special representatives of either side sit on the tribunal. Let every member thereof be a representative of the public and owing allegiance to the public and no one else. This does not mean that men knowing nothing of the industry from the standpoint of operator or miner will be permitted to serve. There are men, able men, in the country to-day who know the coal business, but who have no financial interest in it, who can and who would out of a sense of public duty consent to serve.

There is a suspicion that is fairly general—I hope there is no ground for it—that there has been at times collusion between operator and miner so as to cause a strike, create a shortage of coal, and permit the mine operator to recoup his losses by exorbitant prices and the miner to recover his loss through increased wages and steady employment. I hope there is no truth in it, but the feeling exists. Keep the commission free from it as you would a court or jury.

I believe that the President will appoint the very best men that can be found, and we ought immediately following January 1 to await their report, and while public sentiment is aroused pass some legislation which will prevent any recurrence of a strangling of the transportation system and industrial life of the country because operator and miner can not or will not agree on terms of employment.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. WINSLOW. Mr. Speaker, I move the previous question on the adoption of the conference report.

The SPEAKER pro tempore (Mr. HICKS). The gentleman from Massachusetts moves the previous question.

The previous question was ordered.

Mr. LONDON. Mr. Speaker, I want to make a motion to recommit the conference report. Am I recognized now to make that motion?

The SPEAKER pro tempore. Yes.

Mr. LONDON. I offer a motion to recommit.

The SPEAKER pro tempore. The gentleman from New York offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

> Mr. LONDON moves to recommit the conference report to the committee of conference, with instructions to that committee to amend as follows: After the word "commission," in the first sentence of the first paragraph, strike out all up to the period and insert the following: "to be composed of seven members, two of whom shall be nominated by the President upon the recommendation of the United Mine Workers of America, two upon the recommendation of the Coal Operators' Association, and three to be nominated by the President by and with the advice and consent of the Senate."

Mr. WINSLOW. Mr. Speaker, on that motion I move the previous question.

Mr. SANDERS of Indiana. Mr. Speaker, I make the point of order on that, although I am in sympathy with the general purpose of the motion to recommit. It is not proper under our rules to recommit and instruct the conference committee to make certain amendments. It is all right to instruct our conferees to agree to something or to disagree to something.

Mr. LONDON. That is exactly what was done with the sugar conference report. That is exactly what was done in that case.

Mr. SANDERS of Indiana. No; the gentleman is in error. No; I do not know as to that. I will take that back.

Mr. ANDERSON. Mr. Speaker, of course we can not instruct the Senate conferees. All that we can do is to instruct our conferees to agree or disagree to something.

Mr. SANDERS of Indiana. All that this does is to instruct the conference committee.

Mr. LONDON. The motion is that the House conferees be instructed to insist.

The SPEAKER pro tempore. It is rather difficult for the Chair to read that motion, and it would all depend on one or two words.

Mr. HOCH. Mr. Speaker, I make the point of order that the motion seeks to insert matter that was neither in the House bill nor in the Senate bill. It is entirely new matter.

Mr. LONDON. I move, then, Mr. Speaker, to instruct the House conferees to consent to the Senate amendment, with the following addition:

Mr. WINSLOW. Mr. Speaker, will you kindly tell the House where we stand on this matter?

The SPEAKER pro tempore. I think the gentleman from New York should make his motion a little bit plainer, so that the Clerk can read it without interruption, so that everybody will know what is in the gentleman's mind.

Mr. LONDON. I know what is in my mind, and so does everybody else. The parliamentarians are simply trying to confuse things. I move to instruct the conferees to insist on the following amendment.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from New York.

The Clerk read as follows:

> Mr. London moves to instruct the House conferees to insist on the following amendment: After the word "commission," in the first sentence of the first paragraph, strike out all up to the period and insert the following: "to be composed of seven members, two of whom shall be nominated by the President upon the recommendation of the United Mine Workers of America, two upon the recommendation of the Coal Operators' Association, and three to be nominated by the President, by and with the advice and consent of the Senate."

Mr. SANDERS of Indiana. Mr. Speaker, if the Clerk read that correctly, the gentleman from New York struck out the motion to recommit, and the motion now is to instruct the conferees. Of course, the only motion in order is to recommit with certain instructions to the conferees. But as I understood the Clerk to read it, this is a straight-out motion to instruct, which, of course, is not in order until after the conference report is disagreed to.

Mr. HOCH. Mr. Speaker, I make again the point of order that we have no power to instruct the conferees to insert matter which was not in disagreement between the Senate and the House; that the gentleman here seeks to instruct the House conferees to insist upon an amendment which was not either in the House bill or in the Senate bill. We have no right now at this stage in the proceedings to insist upon some entirely new legislation which was not in either the House or the Senate bill.

Mr. SNELL. Mr. Speaker, I make the same point of order that the gentleman from Kansas makes.

Mr. LONDON. Mr. Speaker, first, I ask that instead of the word "nominated" the word "appointed" be substituted wherever it occurs in my amendment.

The SPEAKER pro tempore. The Clerk will report the gentleman's motion.

Mr. LONDON. My motion is to recommit the bill with instructions to the House conferees to insist upon the amendment which I have sent to the desk.

Mr. HOCH. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. HOCH. Was there any such amendment in either House or Senate bill?

Mr. LONDON. The conference report is now before the House, and the House can do anything it pleases with that conference report.

Mr. SNELL. Oh, no. It is entirely out of order. Mr. Speaker, I insist on the regular order.

Mr. BLANTON. Mr. Speaker, I am opposed to the gentleman's amendment, but it is certainly in order to make the motion to recommit. The matter which the gentleman proposes to insert by way of an amendment is not a matter foreign to the legislation, because the legislation itself provides for the appointment of a commission composed of seven members. The mere method of how they shall be appointed is what the gentleman from New York now seeks to remedy. He merely provides a certain means whereby they shall be appointed. I think the gentleman's motion to recommit is in order and should be considered by the House, although I am against it.

Mr. NEWTON of Minnesota. Mr. Speaker, I want to suggest to the Chair that the original House bill contains a provision for nine Members. The Senate bill contained a provision for five Members. The Senate bill contains no restrictions excepting that no Member of the House or Senate or anyone holding public office in the United States shall be appointed to the commission. The House bill contains that restriction and the further restriction that no one financially interested in the industry shall be appointed. Now you have those two bills. There is no provision in either of the bills which in any way is anything like the amendment submitted by the gentleman from New York [Mr. London] in his motion to recommit. He is injecting into the adoption of the conference report a motion to instruct the conferees on something that is wholly extraneous to the subject matter before them in reference to the composition of this commission. It seems to me there can be no question but what that is clearly subject to the point of order made by the gentleman from Kansas.

The SPEAKER pro tempore (Mr. Hicks). The Chair is ready to rule. The Chair can see some difficulties that beset this point, but there is a precedent in Hinds' which seems almost parallel to this motion offered by the gentleman from New York.

It has been held (Hinds', vol. 5, Nos. 6386, 6394) that "Instructions may not direct the managers to do that which they might not otherwise do," and while the Chair feels it is the better practice to restrict rather than to enlarge the powers of the conferees the Chair fails to see how this motion violates the rule. In section 6423, volume 5, of Hinds', it states "Where one House strikes out all of the bill of the other after the enacting clause and inserts a new text and the differences over this substitute are referred to conference the managers have a wide discretion in incorporating germane matters, and may even report a new bill on the subject."

In that case the conferees not only recommended the adoption of the Senate text but enlarged the provisions of it, making the number of commissioners five instead of three, although it was asserted there was no issue between the two Houses on this point. Speaker Henderson overruled the point of order.

In the present case the amendment proposed by the gentleman from New York is germane to the Senate amendment, and the instructions do not require the managers on the part of the House to do that which they could not do under the conference rules.

The Chair therefore overrules the point of order.

The question is on the motion to recommit.

Mr. WINSLOW. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts moves the previous question on the motion to recommit.

The question was taken; and on a division (demanded by Mr. Parks of Arkansas) there were—ayes 59, noes 1.

Accordingly the previous question was ordered.

The SPEAKER pro tempore. The question now is on the motion offered by the gentleman from New York [Mr. London] to recommit the bill with instructions.

The question was taken; and on a division (demanded by Mr. Parks of Arkansas) there were—ayes 19, noes 68.

Mr. LONDON. Mr. Speaker——

Mr. PARKS of Arkansas. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

Mr. LONDON. Mr. Speaker, I raise the question that there is no quorum present.

The SPEAKER pro tempore. The gentleman from New York makes the point of order there is no quorum present. Evidently there is no quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will bring in absent Members. Those in favor of the motion to recommit will, as their names are called, vote "yea," those opposed will vote "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 106, nays 156, not voting 165, as follows:

YEAS—106.

Almon
Aswell
Bankhead
Black
Bland, Ind.
Bowling
Box
Briggs
Bulwinkle
Burke
Byrnes, S. C.
Campbell, Kans.
Chalmers
Clouse
Collier
Collins
Cooper, Wis.
Cullen
Davis, Tenn.
Denison
Dowell
Drewry
Driver
Foster
Gallivan
Gernerd
Griffin
Hammer
Hardy, Tex.
Hayden
Hill
Huddleston
Hudspeth
Hull
Jacoway
James
Jeffers, Ala.
Johnson, Miss.
Johnson, S. Dak.
Jones, Tex.

Keller
Kelly, Pa.
Kendall
Kennedy
Kincheloe
King
Kleczka
Kopp
Lampert
Langley
Lanham
Lankford
Lazaro
Linthicum
London
Lowry
Lyon
McClintic
McSwain
Mansfield
Mead
Moore, Ohio
Morgan
Morin
Murphy
O'Connor
Oldfield
Oliver
Park, Ga.
Parks, Ark.
Perlman
Pou
Quin
Ramseyer
Rankin
Reed, W. Va.
Ricketts
Robsion
Rossdale
Rouse
Sabath
Sanders, Ind.
Sanders, Tex.
Sandlin
Scott, Mich.
Scott, Tenn.
Sears
Sinclair
Smithwick
Steagall
Strong, Kans.
Swank
Tague
Taylor, Ark.
Taylor, Colo.
Thomas
Thompson
Tillman
Tyson
Ward, N. C.
Wheeler
Williams, Ill.
Wilson
Woodruff
Wyant
Zihlman

NAYS—156.

Barbour
Begg
Atkeson
Bacharach
Benham
Bird
Ackerman
Anderson
Andrews, Nebr.
Ansorge
Appleby
Bland, Va.
Blanton
Boies
Bond
Brennan
Brooks, Pa.
Burdick
Burtness
Butler
Cable
Campbell, Pa.
Cannon
Chindblom
Christopherson
Clague
Cole, Iowa
Cole, Ohio
Connally, Tex.
Connolly, Pa.
Cooper, Ohio
Coughlin
Crago
Crowther
Curry
Dale
Dallinger
Darrow
Deal
Dempsey
Dupré
Dyer
Elliott
Ellis
Evans
Faust
Fenn
Fess
Fisher
Focht
Fordney
Free
French
Fuller
Gahn
Garrett, Tenn.
Glynn
Gorman
Graham, Ill.
Green, Iowa
Greene, Mass.
Greene, Vt.
Hadley
Hardy, Colo.
Hawley
Hays
Hickey
Hicks
Himes
Hoch
Hukriede
Husted
Hutchinson
Jefferis, Nebr.
Johnson, Wash.
Kearns
Ketcham
Kissel
Kline, N. Y.
Kline, Pa.
Knutson
Kraus
Kreider
Lawrence
Lee, N. Y.
Lehlbach
Little
Longworth
McArthur
McCormick
McKenzie
McLaughlin, Mich.
McLaughlin, Pa.
MacGregor
Madden
Magee
Mapes
Michaelson
Michener
Millspaugh
Mondell
Moore, Va.
Moores, Ind.
Mott
Mudd
Nelson, Me.
Nelson, A. P.
Newton, Minn.
Newton, Mo.
Norton
Ogden
Osborne
Paige
Parker, N. J.
Patterson, Mo.
Patterson, N. J.
Purnell
Radcliffe
Ransley
Rayburn
Reece
Roach
Rogers
Rose
Sanders, N. Y.
Schall
Shaw
Shreve
Siegel
Sinnott
Slemp
Smith, Idaho
Smith, Mich.
Snell
Speaks
Sproul
Stafford
Stephens
Sumners, Tex.
Sweet
Swing
Taylor, N. J.
Taylor, Tenn.
Tilson
Tincher
Towner
Underhill
Vaile
Vare
Volstead
Walters
Watson
Winslow
Woodyard
Yates
Young

NOT VOTING—165.

Andrew, Mass.
Anthony
Arentz
Barkley
Beck
Beedy
Bell
Bixler
Blakeney
Bowers
Brand
Britten
Brooks, Ill.
Brown, Tenn.
Browne, Wis.
Buchanan
Burroughs
Burton
Byrns, Tenn.
Cantrill
Carew
Carter
Chandler, N. Y.
Chandler, Okla.
Clark, Fla.
Clarke, N. Y.
Classon
Cockran
Codd
Colton
Connell
Copley
Cramton
Crisp
Davis, Minn.
Dickinson
Dominick
Doughton
Drane
Dunbar
Dunn
Echols
Edmonds
Fairchild
Fairfield
Favrot
Fields
Fish
Fitzgerald
Frear
Freeman
Frothingham
Fulmer
Funk
Garner
Garrett, Tex.
Gensman
Gilbert
Goldsborough
Goodykoontz
Gould
Graham, Pa.
Griest
Harrison
Haugen
Hawes
Henry
Herrick
Hersey
Hogan
Hooker
Humphreys
Ireland
Johnson, Ky.
Jones, Pa.
Kahn
Kelley, Mich.
Kiess
Kindred
Kirkpatrick
Kitchin
Knight
Kunz
Larsen, Ga.
Larson, Minn.
Layton
Lea, Calif.
Leatherwood
Lee, Ga.
Lineberger
Logan
Luce
Luhring
McDuffie
McFadden
McLaughlin, Nebr.
McPherson
Maloney
Mann
Martin
Merritt
Miller
Mills
Montague
Montoya
Moore, Ill.
Nelson, J. M.
Nolan
O'Brien
Olpp
Overstreet
Parker, N. Y.
Perkins
Peterson
Porter
Pringey
Rainey, Ala.
Rainey, Ill.
Raker
Reber
Reed, N. Y.
Rhodes
Riddick
Riordan
Robertson
Rodenberg
Rosenbloom
Rucker
Ryan
Shelton
Sisson
Snyder
Stedman
Steenerson
Stevenson
Stiness
Stoll
Strong, Pa.
Sullivan
Summers, Wash.
Temple
Ten Eyck
Timberlake
Tinkham
Treadway
Tucker
Upshaw
Vestal
Vinson
Voigt
Volk
Ward, N. Y.
Wason
Weaver
Webster
White, Kans.
White, Me.
Williams, Tex.
Williamson
Wingo
Wise
Wood, Ind.
Woods, Va.
Wright
Wurzbach

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Ryan with Mr. Wright.
Mr. Luce with Mr. Brand.
Mr. Anthony with Mr. Clark of Florida.
Mr. Shelton with Mr. O'Brien.
Mr. Wurzbach with Mr. McSwain.
Miss Robertson with Mr. Drane.
Mr. Leatherwood with Mr. Riordan.
Mr. Riddick with Mr. Stedman.
Mr. Lineberger with Mr. Hawes.
Mr. Beck with Mr. Hooker.
Mr. Frear with Mr. Fulmer.
Mr. Bixler with Mr. Overstreet.
Mr. Snyder with Mr. Byrns of Tennessee.
Mr. Maloney with Mr. Woods of Virginia.
Mr. Funk with Mr. Bell.
Mr. Bowers with Mr. Lea of California.
Mr. Kahn with Mr. Favrot.
Mr. Cramton with Mr. Rainey of Illinois.
Mr. Dickinson with Mr. Stoll.
Mr. Larson of Minnesota with Mr. Johnson of Kentucky.
Mr. Kiess with Mr. Rainey of Alabama.
Mr. Connell with Mr. Montague.
Mr. Frothingham with Mr. Carter.
Mr. Strong of Pennsylvania with Mr. McDuffie.
Mr. Britten with Mr. Harrison.
Mr. Merritt with Mr. Stevenson.
Mr. Summers of Washington with Mr. Garrett of Texas.
Mr. Graham of Pennsylvania with Mr. Rucker.
Mr. Browne of Wisconsin with Mr. Sisson.
Mr. Griest with Mr. Goldsborough.
Mr. Henry with Mr. Martin.
Mr. Burton with Mr. Logan.
Mr. Vestal with Mr. Williams of Texas.
Mr. J. M. Nelson with Mr. Barkley.
Mr. Olpp with Mr. Garner.
Mr. Volk with Mr. Humphreys.
Mr. Nolan with Mr. Ten Eyck.
Mr. Chandler of New York with Mr. Kindred.
Mr. White of Maine with Mr. Vinson.
Mr. Hogan with Mr. Kunz.
Mr. Codd with Mr. Tucker.
Mr. Classon with Mr. Weaver.
Mr. Jones of Pennsylvania with Mr. Lee of Georgia.
Mr. Perkins with Mr. Wise.
Mr. White of Kansas with Mr. Wingo.
Mr. Peterson with Mr. Cantrill.
Mr. Wood of Indiana with Mr. Fields.
Mr. Dunbar with Mr. Dominick.
Mr. Colton with Mr. Carew.
Mr. Goodykoontz with Mr. Raker.
Mr. Stiness with Mr. Upshaw.
Mr. Treadway with Mr. Sullivan.
Mr. Clarke of New York with Mr. Kitchin.
Mr. Wason with Mr. Cockran.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. A quorum is present. The Doorkeeper will unlock the doors. The question is on agreeing to the conference report.

The question being taken, on a division (demanded by Mr. Bankhead) there were—ayes 183, noes 87.

Mr. BANKHEAD. Mr. Speaker, I ask for the yeas and nays.

Mr. BLANTON. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman evidently misunderstood the Chair. The ayes are 183 and the noes are 87.

Mr. BLANTON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER pro tempore. The gentleman from Texas asks for the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Thirty-six Members rising to second the demand, not a sufficient number, and the yeas and nays are refused.

Accordingly the conference report was agreed to.

On motion of Mr. Winslow, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

FINAL ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I offer a privileged resolution.

The SPEAKER pro tempore. The gentleman from Wyoming offers a privileged resolution which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 22d day of September, 1922, at 2 o'clock p. m.

Mr. MONDELL. Mr. Speaker, the resolution provides for final adjournment at 2 o'clock on Friday. I had hoped it would be possible to secure an adjournment to-morrow, but the deficiency appropriation bill has not yet been reported to the

Senate. It may not be reported to the Senate until to-morrow morning. In that event it may not be possible to adjourn to-morrow. It occurred to me that it would be better to fix the date of adjournment at a time when the business of the Congress which we expect to finish at this session will be quite certain to be completed.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. The resolution provides for a sine die adjournment, does it?

Mr. MONDELL. It does.

The SPEAKER pro tempore. The question is on the resolution offered by the gentleman from Wyoming.

The resolution was agreed to.

The announcement of the result was received with applause.

FEMALE ATTENDANT, HOUSE OFFICE BUILDING.

Mr. A. P. NELSON. Mr. Speaker, I wish to present a privileged resolution from the Committee on Accounts.

The SPEAKER pro tempore. The gentleman from Wisconsin offers a privileged resolution, which the Clerk will report.

The Clerk read as folows:

House Resolution 430 (Rept. No. 1248).

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of $100 per month to the female attendant in the ladies' retiring rooms of the House Office Building in lieu of the salary now being paid such attendant.

With the following committee amendment:

In line 3, strike out "$100" and insert "$60," and in line 5, strike out the words "lieu of" and insert the words "addition to."

So that the resolution as amended will read:

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of $60 per month to the female attendant in the ladies' retiring rooms of the House Office Building in addition to the salary now being paid such attendant.

Mr. A. P. NELSON. Mr. Speaker, just a word.

Mr. CRAGO. How much is this attendant now receiving?

Mr. A. P. NELSON. Forty dollars a month. Just a word in explanation. Some days ago a resolution was passed by this House increasing the salaries of the two female attendants in the rest rooms of the Capitol Building and making their salaries $100 per month. At that time the gentleman from Tennessee [Mr. GARRETT] raised the question as to whether the committee might not at that time have included the increasing of the salary of the female attendant in the rest rooms in the House Office Building. The chairman of the committee very properly stated that it would be better to leave the resolution as it was and that later a resolution pertaining to this particular place could be introduced. The resolution was presented by the gentleman from Tennessee [Mr. GARRETT], and has been before the Committee on Accounts, and is unanimously passed by them as being proper, and it is presented to the House in its present form. This lady has been receiving $40 per month for her work. Of course, the bonus in addition makes it $60.

Now, the reason for the amendment by the committee is this: The salary of $40 is now provided for out of the general maintenance fund of the House, and it was thought best not to place on the contingent fund of the House the entire burden. Hence the committee made the amendment so that it would provide for $60 from the contingent fund of the House and continue $40 from the maintenance fund of the House. This makes the total salary $100 for the attendant at the House rest room the same as the former resolution made it for the two attendants in the rest rooms of the Capitol.

Mr. YOUNG. Does this include the bonus or is it without the bonus?

Mr. A. P. NELSON. This does not include the bonus.

Mr. YOUNG. What will the whole salary be, including the bonus?

Mr. A. P. NELSON. One hundred and twenty dollars per month.

Mr. SMITH of Idaho. Is it true that there are men janitors in the House Office Building who get only $60 a month—men with families, who give all their time to their work?

Mr. A. P. NELSON. This lady gives her entire time from 9 o'clock in the morning until 5 o'clock in the afternoon.

Mr. BLANTON. Will the gentleman yield?

Mr. A. P. NELSON. Yes.

Mr. BLANTON. How many rest rooms are there in the House Office Building?

Mr. A. P. NELSON. Two for the ladies of the House Office Building and visitors, and the wives of Members.

Mr. BLANTON. And only one attendant?

Mr. A. P. NELSON. Only one attendant.

Mr. BLANTON. She has nothing else to do except to take care of this rest room?

Mr. A. P. NELSON. That is all.

Mr. SMITH of Idaho. Why does not the chairman of the committee attempt to equalize the salary of these janitors? They are receiving only $60 a month.

Mr. A. P. NELSON. I have not brought up this matter at all. As chairman of the committee I simply bring in this resolution because it was reported by the unanimous vote of the committee to equalize the salary of these lady attendants. We wish to equalize the salary of this lady with that received by the ladies of the Capitol Building, who receive $100 per month under the resolution passed the other day. May I say to the gentleman that the facts in support of this resolution are contained in a letter from the Architect of the Capitol, which I wish to read here to the House:

ARCHITECT OF THE CAPITOL,
Washington, D. C., September 19, 1922.

Hon. A. P. NELSON,
House of Representatives, Washington, D. C.

MY DEAR MR. NELSON: With further reference to the matter of Mrs. Mary E. Ryan, the attendant of the ladies' rest room of the House Office Building, she was appointed on the char force in 1908, immediately upon the completion of the House Office Building, at $20 per month.

In December, 1912, she was put in charge of ladies' rest room in the Maltby Building, which building was used by the additional Members of Congress who came in under the 1910 census. At that time she was drawing $40 per month.

In 1913 she was transferred to the House Office Building at the same salary—$40 per month. In 1918 she received the bonus of $10 per month. In 1919 the bonus was increased to $20, the amount she is receiving at the present time. This, of course, totals $60 per month.

Mrs. Ryan's duties are to take care of any ladies who are temporarily indisposed, and some days she administers to as many as a hundred. In addition to this, she looks after the toilet and two baths, which adjoin the rest room, and which are in almost constant use. Her hours are from 9 to 5, whether or not the House is in session, as there are always employees in the building. I should say there are approximately 500 young women employed in the House Office Building.

Mrs. Ryan's husband died in 1908, leaving her four little children absolutely dependent upon her for support, and this is her only means of subsistence.

Respectfully yours,
ELLIOTT WOODS,
Architect of the Capitol.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. A. P. NELSON, a motion to reconsider the vote whereby the resolution was agreed to was laid on the table.

PERSONAL EXPLANATION.

Mr. ROSE. Mr. Speaker, I desire to announce that on account of the serious illness of the gentleman from Pennsylvania [Mr. STRONG] he was unable to be present this morning, but if he had been present, he would have voted to pass the bonus bill notwithstanding the veto of the President.

LANDS WITHIN THE WENATCHEE NATIONAL FOREST.

Mr. SINNOTT. Mr. Speaker, I present a conference report for printing under the rule.

The Clerk read the title, as follows: "H. R. 6750, for the consolidation of various lands within the Wenatchee National Forest, State of Washington, and for other purposes."

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3 and the amendment to the title, and agree to the same.

N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.
I. L. LENROOT,
R. N. STANFIELD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference of the two Houses on the amendments of the Senate to the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

Amendment No. 1 harmonizes said bill with the general forest exchange act of March 20, 1922 (Public, No. 173).

Amendments Nos. 2 and 3 add a small amount of additional lands to the Olympic and Snoqualmie National Forests.

N. J. Sinnott,
Addison Smith,
Carl Hayden,
Managers on the part of the House.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER pro tempore. The gentleman from Wyoming asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, if the Senate adopts the resolution which we adopted a few moments ago we shall adjourn at 2 o'clock on Friday. It is highly important that we have a quorum to-morrow. It is very important that the appropriation bill which is now before the Senate shall be passed before Congress adjourns. I trust that gentlemen will make arrangements to remain in the city until at least to-morrow night.

Mr. MOORE of Virginia. May I ask whether that is the only business which the gentleman anticipates will be brought before the House?

Mr. MONDELL. It is the most important, and I think it is important. The bill is being withheld now awaiting a possible additional estimate of a sum for the care of American refugees in the Near East. The Secretary of State was not certain this morning what sum will be necessary. The probability is that it will be necessary to make some appropriation for that purpose, and that is delaying the appropriation bill.

Mr. GARRETT of Tennessee. If the Senate were to pass the resolution, of course motions for suspending the rules would then be in order.

Mr. MONDELL. Yes; but there are no suspensions in contemplation. The business before the House is the unfinished business as it now stands.

Mr. JEFFERS of Alabama. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. JEFFERS of Alabama. I want to ask about the corrupt practices act passed by the Senate. We have a similar House bill reported out by the Committee on Elections of which I happen to be a member. With the elections coming on this fall, that is a highly important matter, and we could take that up under suspension of the rules, and I think the House should have an opportunity to pass it. I am not running at variance with the chairman of the committee on the majority side. I did not see him here when I rose, but I know it is his desire to get it up. I think the corrupt practices act passed by the Senate is very important and should be acted upon, and the people of the country want it acted upon before the elections this fall. Is there any chance to get it up under a motion to suspend the rules?

Mr. MONDELL. There are quite a number of bills now pending in both Houses which will be acted upon as soon as we can. Manifestly we can not dispose of all the legislation before both Houses. At any rate, we can not dispose of Senate bills that have not reached our calendars.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for two minutes on the work of this Congress.

Mr. GARRETT of Tennessee. Does not the gentleman think he could confine it to one minute? [Laughter.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wyoming?

Mr. LONDON. Mr. Speaker, reserving the right to object, may I ask that the gentleman from Wyoming have an hour to tell what the Congress has failed to do?

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

There was no objection.

Mr. MONDELL. Mr. Speaker, the second session of the Sixty-seventh Congress draws to a close. The Congress, one or both branches, has been in continuous session for almost 18 months, and in that time has transacted an unprecedented volume of business.

During these sessions the Congress has considered every important pledge contained in the last national platform of the party, every problem presented to us by the President, and every important question arising out of the changing conditions of public affairs. The most important of these pledges, problems, and questions have been fulfilled, met, and provided for by legislation. Those which have not been fully settled and determined have received careful consideration by committees, by one or both of the two Houses, and will have further attention and consideration at the earliest practicable date.

Judged either by the volume of the business transacted or the highly important character of the questions and problems considered and passed upon, the sessions of the Sixty-seventh Congress thus far may be properly classed as among the most important sessions in American legislative history. No Congress in our history has been more diligent; none has had more difficult or complicated problems to solve; none has had so great a variety of such problems, and none has transacted so large a volume of important business in the same period of time.

The "Do Nothing Congress," as some of its critics stupidly persist in characterizing it, has proven to be the Congress that has done more in the same length of time than any other.

VOLUME OF BUSINESS.

This Congress has up to this time placed upon the statute books 545 separate laws, of which 405 are public and 140 are private, including claims. This is at the rate of nearly 2 laws per legislative day for the entire session. In addition, the House of Representatives has considered and passed 249 bills, of which 140 are public and 109 are private. In addition to these, 7 Senate bills have passed the House but have not yet reached the state of final agreement between the two Houses.

We are justified in emphasizing the fact that this is a Republican Congress under a Republican administration, and our justification for this emphasis grows out of the fact that some who are not of our political faith are much disposed to claim credit to themselves for the splendid achievements and accomplishments of this Congress, while reserving to themselves the privilege of criticizing the Congress and the administration in general and in particular whenever they feel it will serve their personal and partisan interests so to do.

We are glad to acknowledge the confession of former error involved in opposition support of our legislative proposals, but we are not unmindful of the fact that such support has not been essential at any time to the carrying out of our program. As we expect partisan criticism of our procedure and of any mistakes we may have made, we insist upon credit on behalf of the party and the administration for those things that have been accomplished.

WE GLADLY PRESENT THE RECORD.

Firm in our adherence to the truth "that public office is a public trust," we gladly present the record of the party and of those who have served the people under its standards as the best possible assurance of future faithful service.

The marvelous achievements of the American people under the leadership and in harmony with the policies of the Republican Party have no parallel in human history, and the roster of the great men who have served the Nation and the world as Republicans stands unrivaled in the annals of time.

Heartened by the inspiring record of party accomplishment and party leadership, we consecrate ourselves anew to the maintenance of high standards of enlightened and faithful public service in the interest of all the people. In the spirit of Lincoln and Roosevelt, we meet the manifold problems of the day under the fine leadership of Warren G. Harding.

Providence, whose ways are past finding out, willed that our party should not occupy the seats of national power when the great conflict in Europe threw its menace across the face of the earth, and that fact afforded opportunity for the display of the finest spirit of patriotic cooperation and helpfulness ever shown by an opposition and minority party in all the annals of civil government. This party, that had proven its loyalty and strength when in position of responsibility and control, rose to the supreme height of unselfish patriotic helpfulness as a minority in the hour of the Nation's need and peril.

THE SIXTY-SIXTH CONGRESS.

The backhanded reward for that patriotic service came in the nature of a presidential call to place none but Democrats on guard, and the American people answered with the Republican Sixty-sixth Congress.

We must begin with that Congress if we are to secure the perspective from which to intelligently view the outlook of to-day. The President who had asked for a Congress of a different political faith was compelled to call it into session in May, 1919, to enact the seven great supply bills which its Democratic predecessor had failed to pass. The Congress promptly justified the people's faith by reducing the appropriation bills $940,000,000 below the sums they carried when considered in the former Democratic Congress.

When that Republican Congress met, six months had passed since the signing of the armistice, but we were just reaching the peak of our war expenditures. In the fiscal year then drawing toward its close the total expenditures of the Government were $18,500,000,000—a sum greater than our total Government expenditures in the 30 years preceding the outbreak of the European war. The total gross public debt of the United States had risen from the sum of a little over $1,000,000,000 at the outbreak of the war to the stupendous sum of almost $26,000,000,000.

We were still technically and officially at war. The railroads were still being operated by the Government at a cost to the taxpayer of nearly $2,000,000 a day, with high rates and poor service. The telegraph and telephone lines were still under the public control. The war laws were still upon the statute books. More than $30,000,000,000 of the people's money had been expended since the war began—more money than the Government had spent in all the years since the Civil War. All the world outside our borders was prostrate from the effects of the Great War and not an industry or an enterprise anywhere was functioning normally. This was the condition of affairs when we first came into responsibility after the Great War.

WHAT THE SIXTY-SIXTH CONGRESS DID.

That Congress returned the railroads, the telegraph, telephone, and cable lines to their owners; passed comprehensive legislation for the compensation, hospitalization, and vocational training of the veterans of the World War; adopted the woman suffrage amendment; placed on the statute books a complete and comprehensive national prohibition law; enacted the general leasing and water power acts; the civil service retirement act; the act for the relief of those disabled in industry; the Army reorganization act; and other constructive measures too numerous to mention.

That Congress passed the Budget act only to meet with a presidential veto. It attempted to restore a condition of official peace with a like result, and even a resolution repealing the war laws, attempting to restore constitutional conditions of government, failed because a President drunk with power refused, a year after the war was over, to surrender one iota of his extraordinary and despotic power.

This Sixty-sixth Congress, which began its record with a saving of nearly a billion dollars on seven appropriation bills, continued its record of economy by reducing the appropriations nearly two and one-half billion dollars below the estimates. The expenditure of eighteen and one-half billions in the fiscal year in which the Congress began its sessions was reduced to an expenditure of less than six and one-half billions in the first full fiscal year for which the Congress appropriated and to an expenditure of a little more than five billions in the fiscal year during which the Congress ended.

BEGINNING OF THE HARDING ADMINISTRATION.

The splendid record of the Sixty-sixth Congress for economy and constructive legislation challenged the admiration of the American people and paved the way for the wonderful victory of 1920, while the multiplying evidences of extravagance, incompetency, and graft which characterized the Wilson administration rendered inevitable the astounding victory which gave us a Republican President and a Republican Congress on the 4th of March, 1921.

April 11 saw the Congress in special session, charged by the President with the duty of lifting the tax burdens, revising the tariff, restoring peace, and legislating toward the restoration of normalcy.

The inevitable reaction from a period of enormous inflation and expenditure, of high wages, flush times, and easy money had arrived. The cold gray dawn of the morning after was upon us. The dance was over and the fiddler was demanding his pay.

The multiplied ills of the period of deflation, acute everywhere, fell most heavily upon the farmer and the stockman, and to his relief the new administration and the new Congress turned even before it took up the great tasks of general tax and tariff legislation, of budgetary and general restoration and reform.

All the world beyond our borders was in acute distress, or threatened with bankruptcy and financial collapse. Ours was the only treasure chest in the world from which real money could be secured in exchange for commodities, and so they came to us from the ends of the earth, pouring through every customhouse. Eggs from China, frozen meats from Australia and the Argentine, wool from everywhere, and prices of these and other farm products were on the toboggan.

AGRICULTURAL LEGISLATION.

Within two days after the Congress met, the House of Representatives reported an emergency agricultural tariff bill. Within two more days it had passed the House, and in a little more than a month it was a law. It checked the downward trend of prices, and gradually as the surplus of imported stocks was exhausted, there came the upward trend. Wool soon reached a fairly remunerative level and, with the return of normal and favorable conditions, bound to follow the settlement of the coal and rail strikes, there is every prospect of satisfactory prices for all agricultural products.

The passage of the emergency tariff bill only partly met the needs of the agricultural and live-stock industries. The staggering blows these industries had received demanded heroic and unusual remedies. Credit and an abundance of it was essential.

It was not an easy problem from a national standpoint. The first suggestions were neither adequate nor practical, but the administration and the Congress worked out the problem through the revival, the extension, and the enlargement of the powers of the War Finance Corporation and the establishment of a credit of a billion dollars in this institution. Four hundred millions have been advanced—approximately three hundred millions to the farmers and the stockmen of the West; more than nine millions to the stockmen and farmers of this State.

It is no exaggeration to say that these two measures—the emergency tariff and the war finance loans—have been the salvation, the saving, of the live-stock industry of the West, and in saving that industry the Nation has performed a great service not only for those directly interested but for those indirectly interested in the maintenance of an adequate meat supply for the Nation.

Some of the down-east folks have been inclined to think that this Congress was organized mainly to look after the interests of the farmer and the stockmen of the country, and this view has a considerable basis in the long list of the legislation of the Congress helpful to those industries and interests. It includes such important legislation as the packer bill, which was reported in the House of Representatives within a month after the Congress assembled, was passed promptly, and after some delay in the Senate became a law on August 4, 1921; the bill prohibiting gambling in grain futures, which passed the House within a month after the Congress convened, and became a law only to be held unconstitutional by the Supreme Court. A new measure, believed to be constitutional, was promptly passed and is now a law.

The cooperative marketing act was reported to the House of Representatives, and passed that body in less than 30 days after the Congress met, and after a long delay in the Senate, it became a law in February last. These and other bills, enlarging the facilities of the land banks, and otherwise aiding and assisting agriculture, have received the prompt attention and consideration of the Congress, and the House Committee on Banking and Currency is now considering a measure intended to supply new and enlarged agricultural credits.

GENERAL LEGISLATION.

But legislation in the aid of agriculture, while it had the first attention of Congress, by no means monopolized its energies. The Budget bill which fell under the ax of President Wilson's veto was revived promptly, placed upon the statute books, and through the appointment of Gen. Charles G. Dawes as Budget Director got actively at work.

The peace resolution, relieved from the menace of a presidential veto, restored a condition of official peace with the Central Empires.

The tax revision reducing the annual tax burden nearly a billion dollars.

The Fordney tariff, under which the Nation's labor and industries are protected.

The maternity bill, the prompt passage of which had been recommended by President Harding, after some delay and vicissitudes, became a law.

All national activities in behalf of the disabled and injured soldiers were combined in the Veterans' Bureau.

The national highway act—highly important provisions were placed upon the statute books.

The immigration restriction act.

The acts to prevent profiteering in coal and providing for a coal fact finding commission.

The Shipping Board and Emergency Fleet Corporation were placed upon a more substantial basis pending further legislation in the aid of the merchant marine.

The foreign debt refunding act provides a commission and authority for the refunding of the $11,000,000,000 debt owed us by foreign nations.

All these and much more in the way of useful, helpful, and constructive legislation occupied the time and attention of the Congress.

THE TAX REVISION LIFTING THE BURDEN.

The House took up and passed the general tariff bill first, but the Senate reversed the order and passed the tax bill before they began to give consideration to the general tariff.

The tax revision could not, in the nature of things, have satisfied everybody, nor was it possible, under the conditions of the Public Treasury, and in view of the obligations and increased demands growing out of or resulting from the war, to reduce the tax burden to the extent that the Congress would have been glad to have reduced it. It must, however, be admitted by all that so far as the revision went it proceeded along sound and sane lines. There was an actual lifting rather than a shifting of the tax burden. There was not only an honest but a successful attempt to relieve fairly and equitably, so far as was possible under the circumstances, the tax burdens of all classes of the people. It reduced the burden for the calendar year 1921 in the sum of approximately $80,000,000 and, according to the latest estimates of the Treasury, relieves the tax burden for the present calendar year nearly a billion dollars.

BURDEN LIFTED EQUITABLY.

The Federal tax gatherer no longer collects taxes on ice-cream cones, soda water, pills and lotions, or parcel post, nor exacts tribute on transportation or on the purchase of wearing apparel. The man of moderate means, and particularly such a man with a family, has had his income-tax burdens appreciably lightened. Those classes of taxation which were most successfully passed on to the consuming public, or which most hampered and retarded business transactions and discouraged or prevented the growth and development of productive enterprise, like the excess-profits tax and the higher brackets of the surtax, no longer exercise their deterrent effects upon business and development. In the nature of things this was not a finality in tax revision, for, as we get away from the war burdens and escape the inevitable expenditures of the war's aftermath, we shall be able to still further lighten the burden of direct Federal levies and relieve the people and the industry of the country from the handicap that heavy taxation inevitably entails.

The tax on transportation has been lifted in the sum of $270,000,000; the tax on amusement admission and dues, $100,000,000; on parcel post, $20,000,000; and so on down the line. The excess-profits tax, justified for a brief period in time of war, indefensible in time of peace because it was inevitably passed on and multiplied to the consumer, was repealed. The high income surtaxes, 67 per cent on large incomes, were reduced to 50 per cent, or a total of 58 per cent with the normal tax, with the hope of bringing about the return of large incomes from the field of tax-free securities to the field of productive industry—a field in which we of the West, needing development, are tremendously interested.

What shall we do with the ten or fifteen billion income-tax free State, county, municipal, and school district bonds? So long as they remain tax free it is useless to assess an income tax of 58 per cent on the earnings of large fortunes. They simply stop earning in productive enterprise and go into the tax-free field. We must either get the States, school districts, and municipalities to give up the benefits of having their bonds tax free, or we must reduce the high surtax and thus secure a greater tax return from large fortunes than we are able to secure with a high surtax which can be escaped in the safe haven of tax-free bonds.

There is a bill before the House of Representatives proposing a constitutional amendment to enable the Federal Government to tax these bonds of the States and their subdivisions. The matter will be put up to the people of the States for them to decide what they desire to do about it.

REVISION OF THE TARIFF.

Congress has had no more important problem before it than that of the revision of the tariff laws. The House proceeded to the consideration of the question promptly and vigorously, and prepared and passed the Fordney tariff bill in a little more than three months after the assembling of the Congress.

There has been much criticism of the long delay of the tariff in the Senate, 13 months having elapsed from the time the bill was presented to that body until it passed. It must be remembered, however, that never had conditions surrounding the preparation and enactment of tariff legislation been so trying; never has the ascertainment of foreign costs been so difficult; never have prices and values been so rapidly and widely fluctuating.

The House adopted a plan of American valuation of imports. The Senate fixed its rates on the basis of foreign valuation. The same ad valorem rates, therefore, give a higher measure of protection in the House than in the Senate bill.

As finally agreed upon the rule of foreign valuation was, in the main, adopted, but with it a most important provision under which the President is authorized under certain conditions to increase or decrease rates not to exceed 50 per cent or to transfer them to American valuation. This provision empowers the President to meet, to a very considerable extent at least, the conditions that seemed to demand and justify American valuation; it grants the President discretionary powers to impose additional duties or prohibitions upon imports from any country discriminating against the overseas commerce of the United States.

RATES AND PROVISIONS.

Notwithstanding the very great difficulties surrounding the preparation of tariff legislation at this time the bill as prepared and perfected will, it is believed, prove, taken all in all, the best tariff measure that has ever been placed upon the statute books. The rates, while high enough to afford needed relief from the effects of the Underwood tariff law, still average lower than the rates under the Payne-Aldrich tariff law and lower than the rates under any Republican tariff bill heretofore enacted. Some of the agricultural schedules are somewhat higher than the Payne rates, but lower than the rates carried in the emergency tariff bill, which the general tariff supersedes.

The administrative features of the bill are admirable, and are a very substantial improvement over the provisions of existing law. The provisions of the act place in the hands of the President authority to meet any situation which may develop under which the rates provided may require adjustment.

SOLDIERS' ADJUSTED COMPENSATION—THE BONUS.

As the House in the Sixty-sixth Congress passed the four-fold bonus plan proposed by the American Legion, which was not acted upon in the Senate, so the House in March of this year passed the five-fold bonus plan and sent it to the Senate. The passage of this measure in the Senate was long delayed, but it was finally considered by that body. The Senate committee in reporting the bonus bill struck out the land reclamation settlement features of the House bill which had been the first feature of the Legion four-fold plan. In the Senate the so-called Smith-McNary reclamation bill, with some modifications, was inserted in lieu of the Mondell-Lane soldier settlement bill which the House bill carried. The conferees reported the measure eliminating both reclamation provisions. A point of order was raised in the House against the elimination of these reclamation provisions but the Chair held that they were so dissimilar that the conferees were justified in their action. The bill, therefore, went to the President without the land settlement feature.

The President returned the bill with a veto message setting forth at length the reasons which he believed justified him in withholding his signature. The House voted by a large majority to pass the bill, notwithstanding the President's veto, but in the Senate the veto was sustained by a very narrow vote.

ECONOMY AND RETRENCHMENT.

Nothing has been more urgent and essential to the restoration of normal and favorable conditions in the country than the exercise of strict economy in Government expenditure, and the carrying out of such a program has been as difficult as it has been essential. The riot of waste and extravagance during the period of the war laid burdens and obligations and put in motion operations that it was exceedingly difficult, in many cases impossible, to avoid, curtail, or eliminate immediately after the close of the war. The problem was tackled forcefully and courageously and, thanks to the new Budget system, to the earnest and faithful efforts of President Harding, to the cooperation that has existed between the Congress and the administration, the results obtained have been gratifying in the extreme.

As a result of economy and good business management of the Nation's affairs the total gross debt of the Nation was reduced, between May 31, 1919, and June 30, 1922, almost $3,000,000,000, or to be exact $2,953,492,388. The reduction in expenditures by years has been as follows:

Fiscal year 1919	$18,514,879,955.00
Fiscal year 1920	6,560,467,535.13
Fiscal year 1921	5,538,209,189.30
Fiscal year 1922	3,795,302,499.84

Leaving out of consideration the enormous reduction of more than $12,000,000,000 between the expenditures for 1919 and 1920, the most remarkable showing ever made of Government retrenchment in time of peace is to be found in the reduction of expenditures for the fiscal year which closed the 1st of last July of nearly three billions below the expenditures for the fiscal year 1920.

The triumph of economy and good administration which these figures eloquently portray is more clearly understood when we take into consideration that through the great reduction in other expenditures during the fiscal year just closed we have been able to reduce the public debt more than a billion dollars and still leave a balance in the Treasury, after paying all our bills, for the first time since we entered the Great War and in the sum of more than $300,000,000.

We have, under the most stupendous difficulties, at last reached a position from which we can survey the difficult road over which we have traveled and appraise the splendid results triumphantly achieved. In three years we have reduced the public debt as much as it was reduced in the 50 years following the Civil War. We have reduced the tax burden approximately a billion dollars per year. We have been reducing the national expenditure at the rate of a billion dollars a year. We have restored a favorable balance on the books of the Nation. The national balance sheet is no longer in the red.

GENERAL LEGISLATION.

The work of the Congress has been so tremendous in volume, so important, and so diversified in character that even a brief detailed reference to all of it is impossible within the limits of even an extended speech. I shall, therefore, content myself with comparatively brief statements with regard to the more important legislation.

THE BUDGET.

The hopes entertained by those who for many years labored for a budget system, of those on both sides of this Chamber who efficiently served in the enactment of budget legislation, has been abundantly justified by our experience under the Budget thus far. Not only has the Budget Bureau, under the efficient management of its first directors, in harmony with the views of the Chief Executive, asserted a most helpful and beneficial influence over the estimates presented to the Congress, but the director, with the constant and unfailing support of the President, has exerted a mighty influence for economy over the departments and bureaus and independent establishments of the Government, resulting in the saving of many millions of dollars out of appropriations made before the Budget was established. The Congress, and particularly the House of Representatives, which, after all, is the final arbiter, trimmed the appropriations below even the reduced estimates of the Budget. To a considerable extent this was made possible by the cooperation of the executive departments and by reason of the reductions in the Naval Establishment made possible by the Conference on Limitation of Armament.

THE PEACE RESOLUTION.

The peace resolution declared the end of a state of war, the existence of which was proclaimed by the war declaration. It placed us in a position of official peace with Germany and Austria, and paved the way for the negotiations since entered into for the reestablishment of normal peace relations with our late enemies.

EMERGENCY TARIFF.

The act for an emergency tariff on agricultural products, which was promptly passed and has been extended until such time as the permanent tariff shall take effect, checked the threatened flooding of our markets at a time when the reaction from war prices had brought many of the agricultural products of the country to a price far below the cost of production.

The legislation has had a continuous steadying effect, helpful to the producer and beneficial in its effect upon the general business of the country. Since the enactment of this legislation there has been a widely helpful upward trend in the prices, not only of the agricultural products directly affected by the legislation but of a variety of other farm products as well, affording the producer a fair return for his effort and outlay without appreciably affecting the prices paid by the consumer.

It may be truthfully said that this act, together with the loans made to agriculturists and stock raisers under the amended War Finance Corporation act, have been the salvation of the great basic industries of agriculture, and the benefits rendered them have been reflected in improved business conditions generally.

VETERANS' BUREAU ACT.

The act establishing a Veterans' Bureau and consolidating all of the agencies charged with care and responsibility on behalf of the ex-service men was the fulfillment of a national obligation to provide an organization which, so far as it was possible to do so, should cure the delays which had been complained of in meeting our obligations to our national defenders. The bureau is now functioning with increasing efficiency and notwithstanding the enormous burden placed upon it, looking after the welfare of the more than 300,000 men who are under its care or have applied for its benefits, is continually reducing the cases and the causes of complaint among those whom it serves. The bureau will this calendar year pay to the veterans of the World War and expend for their benefit the stupendous sum of approximately $425,000,000.

HOSPITALS, VETERANS' BUREAU.

Continuing its policy of making every needed provision for the care and comfort of the sick and disabled veterans of the World War, Congress passed the act of April 20, 1922, which authorized appropriations in the sum of $17,000,000 in aiding the Director of the Veterans' Bureau to provide for the construction of additional facilities and to furnish medical, surgical, and hospital services and supplies for persons who served in the World War, Spanish-American War, the Philippine insurrection, and the Boxer rebellion. These funds are in addition to the $18,000,000 provided for similar purposes near the close of the Sixty-sixth Congress, and it is believed that with the sums now made available abundant hospital facilities will be provided for all of the veterans who may seek them.

THE FOREIGN DEBT REFUNDING ACT.

This Congress has had no more important question before it than that of providing for a commission to treat with our foreign debtors and to arrange with them as to the terms of payment of the principal and interest of the foreign debt, amounting to more than $11,000,000,000, which they owe us. Had the former administration proceeded in full conformity with the law, these obligations would have all been funded and time and terms of payment agreed upon, and nothing further would have been necessary. While the Secretaries of the Treasury of the Wilson administration may not have acted contrary to law, they certainly did not carry out the directions and provisions of the law in full, and, on the contrary, did enter into an agreement with our foreign debtors whereby all interest payments were delayed for a period of three years, and the only obligations taken were mere I O U's, with no definite stipulation as to conditions of payment.

In this state of affairs it became necessary to legislate a grant of authority for the handling of this tremendously important matter, involving not only the vast sum of more than $11,000,000,000 but affecting our relations with Armenia, Austria, Belgium, Cuba, Czechoslovakia, Esthonia, Finland, France, Great Britain, Greece, Hungary, Italy, Latvia, Liberia, Lithuania, Poland, Rumania, Russia, and Serbia, all of whom owe us sums ranging from a few thousand dollars to hundreds of millions of dollars.

The legislation creates a commission of five members, with the Secretary of the Treasury as chairman, the others to be appointed by the President, who, subject to the approval of the President, are authorized to refund or convert and extend the time of payment of the principal or interest, or both, of the obligations of foreign Governments owing to the United States. This is one of the most important pieces of legislation which has been passed by the House.

APPROPRIATION FOR THE INVESTIGATION AND PROSECUTION OF WAR FRAUDS.

The enormous operations of the Government during the war afforded abundant opportunity for fraud, and investigations made by the war investigating committees of the Sixty-sixth Congress made it very evident that many had taken advantage of the opportunities to defraud the Government, and that there had been much carelessness in the settlement of war claims. The investigation of these matters by the War Department and the Department of Justice, the auditing of accounts, and the examination of records has proven a slow and tedious proceeding, particularly in view of the fact that records were in many cases poorly kept and in some cases had been removed. While very excellent progress has been made, it became evident that increased appropriations were necessary if this work were to be carried on thoroughly and with promptness and dispatch. The Congress therefore provided an additional appropriation of $500,000 to be expended in the discretion of the Attorney General for the investigation and prosecution of war frauds.

COAL PROFITEERING ACT.

For some months past the Nation has been passing through a trying situation growing out of the difficulties and differences attending wage adjustments. Happily these difficulties seem to be in the way of settlement, and in the coal-mining industries peace again reigns, and we are rapidly approaching a normal output. Unfortunately there are those who would take advantage of the people's needs in the condition growing out of the long period of nonproduction, and the Nation is confronted with the menace of conscienceless profiteering in the sale of coal.

In this condition of affairs the President appealed for legislation to prevent, as far as it was possible for the Federal Government to do, the plundering of the people in this hour of coal shortage. The Congress has promptly responded and placed upon the statute books legislation which it is believed will go far toward preventing the exorbitant prices for coal which have been threatened.

The Government has no authority to directly fix prices, but the Interstate Commerce Commission has authority to provide for the allotment and allocation of cars, and the legislation which has been enacted provides for a Fuel Distributor, whose duty it shall be to study conditions and make recommendations to the Interstate Commerce Commission with regard to car allotments and allocations, with a view to distributing coal in accordance with immediate needs and of discouraging the charging of exorbitant prices by withholding car allotments.

No one with a proper understanding of the limitation of the powers of the Federal Government and appreciation of the fact that the best intended efforts at regulation frequently fall short of accomplishing the helpful results sought can view legislation of this character with unmixed satisfaction. When conditions such as those which now confront us arise, however, the Congress would be blameworthy if it did not at least make an effort to protect the people and must therefore legislate in the hope that wise and sane administration will secure the maximum of benefit with a minimum of harm and inconvenience.

UNITED STATES COAL COMMISSION.

In the address of the President delivered before a joint session of the two Houses of Congress on August 18, 1922, and in which he called to the attention of the Congress the industrial situation of the country, the President recommended, among other things, the creation of "a commission to make a searching investigation into the whole coal industry, with provision for its lawful activities and the bestowal of authority to reveal every phase of coal production, sale, and distribution." Such a commission to consist of seven members and clothed with authority, as suggested by the President, has been provided.

The commission is to report promptly, and it is believed that the information which it secures and presents in its report will be most helpful and useful in the consideration of the many questions and problems which require study and solution in connection with the industry, in the interest of those engaged in it, and of the general public, which has so lively an interest in the matter of fuel supply.

ADDITIONAL UNITED STATES DISTRICT JUDGES.

Soon after taking office Attorney General Daugherty created a voluntary commission to inquire into the question of relieving the United States district courts of the congestion which was steadily increasing. This commission, after studying the situation, recommended authorization for the appointment of 2 district judges at large in each judicial circuit—18 in all. They were to be designated and assigned to districts from time to time to assist the resident judges in disposing of the arrears of business.

There has been but little difference of opinion as to the necessity for additional judges, but after careful consideration it was finally determined that the additional judges should be assigned to particular districts. The legislation as enacted provides for 24 additional district judges. It also provides for annual conferences, to be called by the Chief Justice, of the senior circuit judges of each judicial circuit, which conferences are to make a comprehensive survey of the condition of business in the courts of the United States and prepare plans for assignment and transfer of judges to or from circuits or districts as the condition of the public business before the courts may suggest and require.

The appointment of these new judges and the provision for the assignment and transfer of judges will, it is believed, greatly relieve the present congested conditions of the court dockets of the country.

FEDERAL HIGHWAY ACTS.

The Federal highway act, which became a law November 9, as an amendment to the Federal aid act, carried out the President's recommendations with regard to needed and essential changes in the Federal road aid act, particularly with a view to centralizing authority in the States and insuring the upkeep of Federal aid roads. The act made an appropriation of $75,000,000 for Federal aid in road building for the fiscal year ended June 30, 1922, and of $5,000,000 for forest roads and trails for the same fiscal year, and $10,000,000 for the same purposes for the fiscal year ending June 30, 1923. This was a measure of the highest importance. It provided much needed amendments to the Federal road aid act, insured the continuance of Federal aid and participation in road building throughout the country.

On the 1st of May, 1922, the House passed a bill further amending the Federal highway act and authorizing highway appropriations in the sum of $65,000,000 for the fiscal year ending June 30, 1923; $75,000,000 for the fiscal year ending June 30, 1924; also authorizing appropriations for forest roads and trails in the sum of $6,500,000 for the fiscal year 1924. The Senate did not, however, consider this bill, but placed provisions for highway appropriations on the Post Office appropriation bill. For these provisions the House substituted its bill of May 1, and in conference appropriations for highways were authorized in the sum of $50,000,000 for the fiscal year ending June 30, 1923; $65,000,000 for 1924; and $75,000,000 for 1925; $6,500,000 was also authorized for forest roads and trails for each of the fiscal years 1924 and 1925. The Federal highway act was amended in several important particulars in the interest of economy and proper maintenance, and cooperation by the Federal Government was limited to $16,250 per mile, exclusive of bridges, for the year 1923 and $15,000 per mile thereafter.

THE STOCKMEN AND FARMERS' WAR FINANCE ACT.

The act amending the legislation creating the War Finance Corporation to provide relief for producers of and dealers in agricultural products has had a highly beneficial effect upon the industries which it directly aids and upon the entire country. It may be said without exaggeration that this legislation has been the salvation of the live-stock industry of the West. It has preserved from bankruptcy industries essential to the prosperity of the entire Nation. Under this act more than $309,000,000 has been loaned to the farmers, the stock growers, and the agricultural producers of the Nation on a sound business basis, as evidenced by the fact that more than $45,000,000 of the original loans have been repaid and that the corporation presents every evidence of soundness in its operation. The recent extension of this act for one year assures the country of its benefits until permanent provision can be made for farm and live-stock credits.

MATERNITY AND INFANCY ACT.

The Republican platform declared "the supreme duty of the Nation is the conservation of human resources through an enlightened measure of social and industrial justice." The President, having in mind this party declaration of national duty, in his message to Congress at the beginning of the session, said:

> I assume that the maternity bill, already strongly approved, will be enacted promptly, thus adding to our manifestation of human interest.

There was considerable difference of opinion with regard to this measure in the Congress and in the country, both as to the policy it invoked and with regard to its provisions. The newly enfranchised women voters, so far as their views were expressed, were almost unanimously favorable to the measure. It appealed to the conscience and sympathy of all as a measure asserting national leadership for the purpose of stimulating the States and communities in the tremendously important work of the protection of maternity and infancy. The act provides for cooperation between the National Government and the several States and authorizes an appropriation of approximately $1,500,000 for the current fiscal year, which may be increased in the sum of $1,000,000 a year for five years.

The measure as reported by the committee and passed by the House differed quite materially from the bill as it passed the Senate, and the bill as thus amended was promptly adopted by the Senate. The enactment of this measure is not only creditable to the Congress as "adding to our manifestation of human interest," as stated by the President in his message, but as a prompt fulfillment of our platform pledges. Both parties in the last campaign made promises to the new voters, the better half of mankind newly invited into participation in government. Those promises have been kept, at least partially, and so far as they were definitely made in platforms and in presidential statements, by the passage of this act under which we encourage the States and cooperate with them in the highly important, splendid, and humanitarian work of the protection of maternity and infancy.

INDEPENDENT CITIZENSHIP FOR WOMEN.

For years there has been more or less agitation for the amendment of our laws relating to citizenship and naturalization with a view of authorizing the naturalization of alien women independent of the naturalization of their husbands and for the retention by American women of their citizenship, notwithstanding marriage to an alien, so long as she desires so to do and remains a resident of the United States. Since women were granted the franchise the demand for and the desirability of legislation of this character has increased, and one of the last acts of the session was the final adoption of legisaltion of this character. The act relating to the naturalization and citizenship of married women provides for the recognition of alien married women who desire and are qualified to become American citizens by permitting them to become naturalized without waiting for the naturalization of their husbands. It provides against the automatic loss of an American woman's citizenship by her marriage to an alien, and for the restoration to citizenship of such women who have heretofore lost their citizenship by such marriages.

IMMIGRATION RESTRICTION ACT.

The immigration restriction act provides in a practical and workable way for the staying of the great volume of the tide of immigration threatened as an aftereffect of the war. While America regrets even partially to close her gates against those who in good faith and with good intentions seek our shores, this measure was necessary as a means of preventing a flood tide of immigration, not all of a desirable character, and beyond our capacity to speedily assimilate.

The gates of free America have always swung open for the oppressed of all lands, for those seeking to better their conditions, and we desire to keep them open, provided, however, that we shall not allow this flood to come more rapidly than we can assimilate the newcomers to the ideas and ideals of true Americanism, the principles of liberty under laws. For the time being we have restricted the coming immigrants, welcoming as many as we believe to be safe for America, and we stand ready again to widen the door of opportunity when we may be able thoroughly to Americanize a larger number of well-intentioned people who may seek a home among us.

RECOGNITION OF AGRICULTURE IN FEDERAL RESERVE ACT.

The Federal reserve act provides that the President, in making appointment of members of the Federal Reserve Board, shall have due regard to a fair representation of the financial, industrial, and commercial interests of the country. Inasmuch as agriculture is the basic industry of the country, failure to recognize this as one of the industries entitled to representation on the board seemed an extraordinary oversight. The act approved June 3, 1922, remedies this situation by providing that in the appointment of members of the Federal Reserve Board the "President shall have due regard to a fair representation of the financial, agricultural, industrial, and commercial" interests of the country. The act also increases the appointive membership of the board to six, and otherwise amends the Federal reserve act.

THE PACKERS ACT.

The so-called packers act, to regulate interstate and foreign commerce in live stock and dairy products, poultry, and eggs, is a wise, sound, and sensible measure. The enactment of this legislation was a distinct triumph, one of the most notable achievements of the Congress, for it gave the country the benefit of sound legislation affecting the meat-packing and allied and associated industries and activities after previous Congresses had struggled in vain with these questions, largely because of the radical, experimental character of the legislation that had been urged. Notwithstanding the fact that the legislation as enacted was severely criticized by those who had been vainly seeking radical legislation, it has worked so well and been so highly beneficial that it has compelled the indorsement of those who were at one time its severest critics.

ANTIGAMBLING IN GRAIN FUTURES ACT.

The bill for regulating transactions in grain for future delivery, which became a law August 21, 1921, was held unconstitutional by the Supreme Court of the United States on the 15th of May, 1922, as to section 4, the court holding against the provision for the regulation of exchanges by taxation. On June 1 of this year a bill was introduced with a view of meeting the objections of the Supreme Court and yet so regulating the transactions of grain exchanges as to eliminate purely speculative and gambling operations. This bill was taken up by the House and passed on June 26. The legislation as to some of its features, at least, has been vigorously opposed, but it is believed that its enactment, while making possible all legitimate transactions, will prevent those gambling operations which frequently disastrously affect the prices of grain and foodstuffs.

ASSOCIATION OF PRODUCERS OF AGRICULTURAL PRODUCTS.

This measure is intended to authorize producers of agricultural products to form associations for the purpose of collectively preparing and marketing their products. Associations for this purpose have become very common in many of the States, but the States can not confer any right upon their organizations to engage in interstate or foreign commerce. While this measure confers on farmers certain privileges it can not properly be said to be class legislation. Business corporations have under existing legislation all the powers and privileges conferred on farm organizations by this legislation. The organizations authorized are under the supervision of the Secretary of Agriculture, and it is believed that through the operations of organizations of this kind it may be possible to eliminate unnecessary middlemen, to improve conditions of marketing, and, while assuring the producer a reasonable price, protect the consumer against the high prices which he has frequently paid for products for which the producer received little.

IRRIGATION DISTRICTS—FARM LOANS ON RECLAMATION PROJECTS.

We have long needed a Federal law providing for the organization of irrigation districts on projects under the national reclamation law in order to make it possible for the Federal authorities to deal with the settlers and water users collectively instead of individually. This is now made possible by the act of May 15, 1922. This act also provides for the conditions under which farm loans can be made on lands on reclamation projects, thus meeting a long-felt want on the part of settlers on such projects.

THE ANTINARCOTICS ACT.

It has become increasingly evident that drastic legislation is essential to the control of the growing evil of the use of narcotics. The act providing for a Federal Narcotic Control Board, making it unlawful to import narcotics, except such as are necessary for medicinal and other legitimate purposes, fixing heavy penalties for violation of the provisons of the act, will, it is believed, have a helpful and beneficial effect in reducing the importation and use of narcotics.

THE NAVAL SCRAPPING ACT.

The entire world has sung the praises of the great accomplishment of the Conference on the Limitation of Armament in putting an end to the mad rush of competitive naval expansion and construction. Its effect is reflected in the reduction of the personnel of our Navy and a decrease of one hundred and twenty-five millions in naval appropriations. The so-called naval scrapping bill gave legislative effect to the provisions of the treaty on the limitation of naval armament. It authorized the President to take the steps necessary to make the terms of the treaty effective by scrapping a portion of the ships now under construction, which are not to be completed, and authorized the conversion of two of them into great airplane carriers.

READJUSTMENT OF PAY—ARMY, NAVY, ETC.

Temporary increases in pay which had been granted to certain men of the Army, Navy, and Marine Corps expired July 1, 1922. It therefore became necessary to make some provision to meet this situation, and the act of June 10, 1922, readjusted the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service. These readjustments were in accordance with the report made by a joint commission of the two Houses, the Members of which gave careful and painstaking consideration to the involved and confusing provisions of law relative to the pay of these establishments and recommended a measure which is believed to be fair and equitable and which reduces somewhat the aggregate pay of the services.

EMPLOYEES IN PATENT OFFICE—INCREASED PAY.

The act of February 18, 1922, provided needed and essential amendments to the patent laws. It provided for a reclassification and granted a substantial increase in the pay of the employees of the office. This legislation was urged with very great vigor by the patent attorneys of the country and others familiar with the situation, and has cured a condition with regard to which there was much complaint.

MONTHLY PAYMENTS OF PENSIONS.

Civil War pensioners have for some time petitioned the Congress that their pensions be paid monthly instead of quarterly and Congress has responded by making provisions to that effect. This increase in the frequency of payment is very much appreciated, particularly by those pensioners who have little or no means other than their pension. The change has resulted in a considerably increased cost, but this is justified in view of the benefits conferred on the pensioners.

AID FOR STARVING RUSSIA.

The country responded enthusiastically to the action of the Congress in making an appropriation of $20,000,000 out of the funds of the United States Grain Corporation to purchase corn, seed grain, and preserved milk for the relief of the starving people of Russia. In the administration of this law the Secretary of Commerce secured the cooperation of the authorities in Russia by a very substantial, supplemental contribution and in the furnishing of transportation, so that the American relief was even vastly more effective and helpful than it otherwise would have been. This contribution undoubtedly saved the lives of great numbers of people, stayed the spread of pestilence, and aided in the restoration of vast areas, particularly in the Volga Valley.

Congress by the act of January 20, 1922, also authorized the President to transfer medical and hospital supplies from the War Department for the relief of the distressed people of Russia.

THE ANTIBEER ACT.

The so-called Volstead antibeer bill became necessary as a result of an eleventh-hour decision by Attorney General Palmer the day before the close of the Wilson administration. While there has been much sharp difference of opinion with regard to the provisions of the measure, it is believed that the bill is a fair compromise, maintaining the national faith in the enforcement of the prohibition act, while guarding against the possibilities of abuses of power and authority.

FUNDS FOR FARM LOAN BOARD.

The bill making provision for an additional Treasury deposit of $25,000,000 for the Farm Loan Board makes available for that important farm loan agency a total working capital of $50,000,000, and places the Farm Loan Board and banks for the first time since their organization in position to function continuously in the making of loans to the farmers of the Nation.

FACILITATING EXPORTS.

The amendment to the Edge bill, providing for the promotion of export trade by facilitating the organization of corporations, was intended to and has very greatly aided, assisted, and facilitated the organization and the operation of those useful agencies.

TELEPHONE ACT.

The bill providing for a much-needed consolidation of independent telephone companies rendered possible the reorganization whereby the losses through unwise duplication have been eliminated or greatly reduced, under which more satisfactory systems and more favorable rates should be secured.

CABLE ACT.

The bill under which the President is authorized to provide for the orderly and controlled landing of submarine cables remedied a situation which had greatly embarrassed the former administration and established a policy under which proper national control of these important agencies of communication is established.

COLORADO RIVER BILL.

The bill providing for an agreement among the Western States for the disposition and apportionment of the waters of the Colorado River is an important measure, marking a new and beneficial policy in the settlement of the vexed questions arising out of the use of the waters of interstate streams for the purpose of irrigation. The famous Kansas-Colorado case is the most important of the suits that have been before the courts testing the question of the relative rights of the various States in the arid region where irrigation is practiced to the waters of an interstate stream. It is much better, where it is possible, to have an adjustment and settlement of these questions in advance of the appropriation and use of the waters than to wait until rival claims have been established, and then settle the vexed questions, frequently at great loss to those who have expended money in irrigation enterprises.

AMENDMENT OF WAR MINERALS RELIEF ACT.

The act for the relief of those who had responded to the call of the Government departments for the production of war minerals and who were subject to losses by the sudden termination of the war was so narrowly construed by the commission authorized to adjudicate claims under it that it became necessary to broaden somewhat the provisions of the act, or, rather, to enact in more definite language what was the intention of Congress in the first instance. The passage of this act will relieve many worthy claimants of small means who responded patriotically to the request of the Government for the production of war minerals.

APPROPRIATIONS TO MEET CROP FAILURES IN THE NORTHWEST.

The act of March 20, 1922, made an appropriation of $1,500,000 for the purpose of purchasing seed grain to be supplied to the farmers in certain areas of the Northwest where there had been successive crop failures and where the new settlers were likely to be compelled to leave their homes unless given some aid. There was a limit of $300 on the loan that might be made to any one farmer under this act. This appropriation has unquestionably been of very great benefit and will undoubtedly prevent what would have been a quite general temporary abandonment of considerable regions in the Northwest.

AUSTRIAN RELIEF.

By the act of April 6, 1922, the Secretary of the Treasury is authorized to extend for a period not to exceed 25 years the time of payment of the principal and interest of the debt incurred by Austria for the purchase of flour from the United States Grain Corporation.

HOMESTEAD RIGHTS FOR EX-SERVICE MEN.

The act of April 7, 1922, provided that veterans of the World War who, because of physical disabilities due to service, were unable to return to their homesteads might make final proof without further residence or improvements and receive a patent for their land.

Public Resolution 36 grants preferred rights of homestead entry for 90 days to ex-service men in case of the opening of lands, which can only be defeated by valid prior settlement rights, and the act of April 6, 1922, provides that the time during which an honorably discharged soldier of the World War shall be receiving treatment for injuries received or disabilities incurred in the line of duty shall be deducted from the time of residence required on a homestead.

ECONOMY IN PUBLIC PRINTING.

Public Resolution 57, which became a law on May 11, 1922, ended waste in Federal printing and fixed the status of desirable Government publications, saving millions of dollars annually.

ACT PROVIDING FOR INTERCHANGEABLE MILEAGE BOOKS.

There has long been a demand for interchangeable mileage books, and an act making provision for such a book passed the Senate in January. The act as amended in the House provides for interchangeable mileage or scrip coupon tickets good for passenger carriage upon the passenger trains on roads subject to the interstate commerce act.

BILLS WHICH HAVE PASSED THE HOUSE.

In addition to the bills which have become laws the House has enacted 249 bills, of which 140 were public and 109 were private. It would be impossible in the course of a speech of any reasonable length to even give the titles of all of these measures. Many of them are measures of primary importance and their preparation and consideration involved an earnest and faithful effort on the part of the House and its committees. I shall refer only to a few of them by title:

The antilynching bill.

The railroad refunding bill.

The blue-sky securities bill.

Bill to prevent corrupt trade practices.

Bill for the revision and codification of the Federal statutes.

Bill prohibiting interstate trade in filled milk.

Bill providing for standard measures for fruits and vegetables.

Bill to prevent the manufacture of adulterated and misbranded food and drugs.

Bill for the incorporation of the Grand Army of the Republic.

Bill to incorporate disabled American veterans of the World War.

Bill permitting States to impose taxes on stock of banking associations.

Bill excluding from the mails fraudulent devices.

Bill providing regulations for promoting the welfare of American seamen in merchant marine on vessels on the Great Lakes.

THE UNFINISHED WORK OF THE CONGRESS.

It may be said of a Congress, as of a housewife, that its work is never done. If Congress were to remain in session continuously its calendars would never be cleared and there would be no end to the proposals of legislation presented to it. This Congress, notwithstanding the importance and magnitude of the work it has performed, has its unfinished problems of importance. First among these are the measures to some of which I have briefly referred which have been considered in the House and will be before the Senate when it shall have completed consideration of the measures now before it.

THE SHIPPING BILL.

The most important measure which has been considered by a House committee, and which now awaits action by the House, is the shipping bill. In the early history of the Republic we were the possessors of as fine a merchant fleet as sailed the seas, and our brigs and clipper ships carried our flag to the ends of the earth. At one time and another legislation to aid in the reestablishment of a first-class American merchant marine has occupied the attention of the Congress, but always the question was, "What shall we do to build and equip a merchant fleet?" The question now before us is an entirely different one. It is, "What shall we do with the fleet we have already builded at a cost of three and a half billions of the people's money?" Shall that vast expenditure be a total loss, or shall we out of it, and through it, reestablish American shipping on a generous scale and restore our merchant flag to its rightful place in the shipping business of the seven seas? A measure aimed to accomplish this highly useful and patriotic purpose has been reported, and in the no distant future it will be our duty, as representatives of the American people, to give earnest and unbiased consideration to the solution of the problems which our war-built ships and our national need for shipping present to us.

THE FINANCING OF AGRICULTURE.

This Congress has done much for agriculture. It has, in fact, a remarkable record in the aid of this basic industry, but one thing remains to be done—agriculture needs credit facilities which are not fully supplied by present commercial institutions. The War Finance Corporation has temporarily afforded most helpful aid and assistance to certain branches and pursuits of agriculture, but it has not covered the entire field, and it is necessarily a temporary expedient. The Joint Committee on Agricultural Inquiry, the officers of the War Finance Corporation, and many others have been giving these matters careful consideration; bills have been introduced, and it is hoped that in the no distant future an agreement may be reached and action taken on these important questions.

A CONGRESS AND ADMINISTRATION OF ACCOMPLISHMENT.

With the falling of the gavel on the adjournment of the Congress Members will have for the first time in nearly a year and a half an opportunity to visit their constituencies, with the work of the Congress for a time concluded. Fortunately, they can make report of a record of legislation and administration in every way creditable.

The interest-bearing national debt has been reduced by a billion dollars. Through economy in appropriation and expenditure we have balanced the national Budget, and present a surplus of receipts over expenditures of approximately $300,000,000. In appropriations for the coming fiscal year we have adhered to and improved upon our record of economy and have made a saving over the current year of approximately $215,000,000 in appropriations for the war establishments.

We have reduced the annual burden of taxation in the sum of nearly a billion of dollars, and the burden has been lifted fairly and equitably.

We have legislated wisely and judiciously along many lines, and the beneficial results of the work of the Congress and of the administration are being felt in the revival of industry, the wiping out of unemployment, and in a gradual but steadily progressive return to normal conditions.

The record is one of which we may well be proud, and which will, I am confident, meet with the approval of our constituencies.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the work of the Congress. I may probably incorporate in those remarks some statements made by the Secretary of War [laughter] and some other gentlemen closely connected with the administration. I want to be as candid as possible in stating what I shall include.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD on the work of the Congress——

Mr. GARRETT of Tennessee. Did I say work? I should have said nonwork.

The SPEAKER pro tempore. The gentleman from Tennessee, the Chair thinks, did say on the work of the Congress, but the Chair will change his request to the nonwork of the Congress. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the coal investigation bill and the conference report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. Will the gentleman from Illinois defer his request for one or two personal requests?

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FENN, for two days, on account of important business.

To Mr. GRAHAM of Pennsylvania, for an indefinite period, on account of death in family.

[Cries of "Regular order!]

EXTENSION OF REMARKS.

Mr. REED of West Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the work of the Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

Mr. MOORE of Virginia. Mr. Speaker, reserving the right to object, I wish to ascertain whether the gentleman intends, if leave is given, to confine it to an extension of his own remarks, and I ask that question for this reason: The other day, in the confusion just before adjournment, leave was given to put in the RECORD a political speech made by the gentleman from Ohio [Mr. FESS] before a political convention in the State of Ohio. Of course, that is to be circulated for party purposes under the franking privilege. I think the practice is wrong, and that prompted me to interrogate the gentleman from West Virginia.

Mr. REED of West Virginia. I make the same request that was granted to my colleague from Kentucky in reference to the work of the Congress.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. REED of West Virginia. Mr. Speaker, soon after President Harding was inaugurated the Republicans formulated a tentative program outlining the work which Congress would take up in an early effort to restore the country to a peace basis and bring about a return of normal conditions.

In keeping with their time-honored methods, the Democrats started at once to oppose, delay, and obstruct. In August, 1921, the Democratic members of the Ways and Means Committee issued and had printed Report No. 350, in which they denounced the policy of the Republicans, and on page 12 of this document appeared their battle slogan, as follows:

> Let our fellow Democrats stand firm as one man against this vicious, monstrous program of the Republicans.

From that day to this hour the Democrats have been busy attacking the Republican policies and praising the preceding Wilson administration.

A brief review of the first 16 months of the two administrations may prove interesting.

When President Wilson and a Democratic Congress took charge of this Government it was the richest and most prosperous Nation on the face of the globe. Its indebtedness was less than a billion dollars and its bonds were above par.

At the close of every day the sun threw its parting gleams over a country with 5,500 more population and $23,000,000 more wealth than it had on the day previous. Eight millions of laborers were at work, and the United States with only 5 per cent of the world's population, and 6 per cent of its area, had a commerce two and a half times greater than that of the rest of the entire world.

The leading governments of Europe had not been wrecked and bankrupted by war, and the United States had its mighty trade relations firmly established and coextensive with civilization on the globe.

Now, what did our Democratic friends do with this heritage? They first destroyed the Republican policy of protection to American industries and enacted the Underwood tariff law.

In six months of the operation of this law and the application of Democratic methods of administration they wiped out an annual pay roll to labor of more than $800,000,000.

They sent into idleness and decay 242,000 freight cars and 500,000 railroad men were put out of work.

For two months before the World War started the business of this great Nation decreased more than $1,000,000 an hour.

On June 23, 1914, the following statements appeared in the CONGRESSIONAL RECORD:

"To-day there are a million idle men in the iron and steel and associated industries, representing a daily pay roll of more than $2,000,000.

"To-day there are 275,000 miners in this country out of work that in Republican times were earning $750,000,000 annually.

"Every day since this Democratic administration went into power more than 10,000 men have been forced into idleness. This is the price of Democracy."

Such, Mr. Speaker, was the result of the first 16 months of the Wilson administration.

Then came the World War, and with it the inevitable war prosperity.

The flood of foreign goods entering the country, to take the place of the products made by our own people, was stopped.

Europe began to buy war supplies of us, and the effect was practically the same as a protective tariff in peace times.

Let us now briefly take up President Harding's administration.

What did the Republican administration that came in March 4, last year, find?

Instead of a debt of less than $1,000,000,000 we found a debt of over $24,000,000,000, with an annual interest charge of over $1,000,000,000.

Instead of our bonds selling at face value, a $100 Liberty bond was selling for $85.

Instead of a world-wide trade with prosperous foreign countries we found the leading nations of the World War wasted and financially demoralized.

We found a large standing Army and Navy, costing the people millions of dollars to maintain.

Peace terms had not been agreed upon with Germany.

We found the ocean gates wide open to the products of cheap foreign labor.

We found practically twice as many clerks and officers as were needed to run the Government.

We found the farmers financially stranded.

We found the Government losing $200,000,000 a year trying to operate poorly constructed ships built during the war.

We found many of our industries demoralized because they had been working on war contracts and had to change to a peace basis.

We found about 5,000,000 men out of employment.

We found billions of dollars of unsettled war claims and thousands of suits pending against the Government.

We found that one-third of the vast sum of money we had raised by the sale of Liberty bonds had been wasted and misspent.

We found that the Wilson administration, in order to keep up a semblance of their so-called war prosperity, had loaned upward of $2,000,000,000 of our money to Europe after the war had ended, and that, all told, European nations owed us $11,000,000,000, for which no proper bonds or securities had been executed.

We found thousands of disabled soldiers complaining of the inefficient and disorganized Government machinery with which they had to deal in securing the treatment to which they were entitled.

Mr. Speaker, it would take hours to even mention the additional problems handed over by the outgoing administration in 1921.

Not since time began did any other statesman or head of a Nation have committed to him and his administration for solution such momentous problems as were placed upon the shoulders of President Warren G. Harding when he took the oath of office.

In spite of Democratic opposition and criticism, the President and a Republican Congress fearlessly began the solution of the grave and momentous questions confronting the Nation. No other legislative body on earth ever made greater progress in the same length of time than the Sixty-seventh Congress has made.

It meant work—serious work—to tackle the mess incident to eight years of Democratic control, to say nothing of the problems of the greatest war of the ages.

This Congress has placed upon the statute books 545 separate laws, or an average of about two for each legislative day.

It is a record that stands the test of investigation. I shall not speak of these laws at length. Already the country is experiencing the benefits of this much-needed and long-delayed legislation.

A Republican administration and a Republican Congress have reduced the Nation's debt over $1,000,000,000 in one year.

Reduced expenditures for 1922 $3,000,000,000 below the expenditures of 1920.

Reduced taxation this year more than $800,000,000.

Strengthened the Nation's credit so that a $100 Liberty bond is worth more than par.

Enacted a protective tariff law that will promote and maintain the prosperity of our own people.

Provided for our disabled soldiers and their dependents.

Adopted a Budget system that is saving millions of dollars in the running of the Government.

Efficiency and economy have taken the place of waste and extravagance.

The Army and Navy have been reduced to a peace basis at a saving of millions of dollars to the taxpayers.

A Republican President took the initiative in calling and making a success of the first great conference of nations on limitation of armaments, which at once put an end to taxing the people to construct new warships which cost over $30,000,000 each to build.

The people understand the magnitude of the work which a Republican administration has undertaken.

Already our country is entering upon a period of marvelous prosperity. Every railroad car and engine is being utilized to move the expanding commerce of the Nation. There is a job for every man who wants work.

There remains much yet to be done by the administration now in power. It will take time to clear away such a tangled wreck as the Republicans inherited. But with the progress already made, with our Nation leading the world, there is no disposition to-day to turn the management of the Government over to those who were responsible for the problems that are now being so successfully solved.

Mr. HILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the work of the Congress.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. CABLE. Mr. Speaker, I ask unanimous consent to extend my remarks on the woman's suffrage bill.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to extend his remarks on the woman's suffrage bill. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. CABLE. Mr. Speaker, I know that the women of this country are gratified with this Congress and the President in the enactment of H. R. 12022, providing for the independent citizenship for women.

This law has the indorsement of both the Republican and Democratic National Parties. Its principles were inserted in their platforms of 1920.

It has the indorsement of a large number of women's organizations, as shown by the statement issued by them on the day prior to its passage in the House by a vote of 206 yeas and 9 nays, that statement being as follows:

> We earnestly ask your consideration of the Cable bill (H. R. 12022), which we expect will come before the House for a vote this week, and we trust that you will give it your active support.
>
> This is a bill relative to the naturalization and citizenship of married women, and provides that a woman's citizenship shall not be dependent upon her marital status.
>
> The organizations that we represent have all indorsed the principles found in this measure.
>
> Very truly yours,
> AMERICAN ASSOCIATION OF UNIVERSITY WOMEN,
> Mrs. RAYMOND MORGAN.
> NATIONAL FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN,
> MARY STEUART.
> COUNCIL OF JEWISH WOMEN,
> Mrs. L. OPPENHEIMER.
> GENERAL FEDERATION OF WOMEN'S CLUBS,
> LIDA M. HAFFORD.
> NATIONAL LEAGUE OF WOMEN VOTERS,
> MAUD WOOD PARK.
> NATIONAL WOMEN'S TRADE UNION LEAGUE,
> ETHEL M. SMITH.
> WOMEN'S CHRISTIAN TEMPERANCE UNION,
> LENNA LOWE YOST.

It is proper that the United States should take the initiative in the passage of such a law. Bills are now pending for substantially the same rights in England and France.

A natural-born American must wait 21 years before she is permitted to participate through suffrage in the government of this country. A foreign born, by residing here continuously, could acquire the same rights by naturalization in five years. Further, under the old law, a foreign-born woman who came to this country one day and married an American citizen, or her husband became naturalized, could acquire the same rights of suffrage in a still shorter period of time. An American girl, on the other hand, if she married an alien, even though she continued to reside in this country, lost all her rights of citizenship here.

The chief objection to the old naturalization law was the fact that it was the man and not the woman who received the benefits of Americanization work. She was left at home while he was taught the English language and something about our country and its Constitution. So also, under the old law, the wife of an alien residing in this country could not, even if she wished, become an American citizen without the naturalization of her husband.

These unfair propositions have been repealed, and under this new law, even as the woman acquired equal political rights under the nineteenth amendment, she now acquires equal citizenship rights under this act. The alien woman is entitled to the same education as the man and must be naturalized by the same method. The alien woman who marries an American does not acquire citizenship through a wedding ceremony, but must be naturalized; and the American girl who marries an alien eligible to citizenship still may retain her citizenship.

In my opinion, however, the rich American woman who marries a title and lives abroad should cease to have the privileges and benefits of an American citizen, and under this new law special provision is made that she may renounce her citizenship in the court, or if she resides continuously for two years in the country of which her husband is a citizen or subject, or resides continuously for five years abroad, she is presumed to have ceased to be an American citizen.

The purpose of the law is to place citizenship on the highest plane possible. It is a privilege and not a right. It should be acquired upon an independent basis; justice and common sense dictate that the woman should have the same right as the man to choose the country of her allegiance. Participation in our Government and the protection by our country should not be determined solely by wedding ceremonies.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks on House Resolution 349, a resolution which I introduced.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks on House Resolution 349. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. RAMSEYER. Mr. Speaker, at the beginning of our entrance into the World War all of the leading economists and a few national legislators of our country urged upon Congress the enactment of legislation to conscript both wealth and men for war purposes. We all know what happened. Men were conscripted for the Army while unrestrained profiteering was allowed to run rampant in all lines of industry and business.

Since the war a lot of people have been doing some tall thinking along this line. That is especially true of the ex-service men. President Harding, in his inaugural address, strongly indorsed the principle and recommended universal service of both material and human resources, if war is again forced upon us, so that "not one penny of war profit shall inure to the benefit of private individual, corporation, or combination."

In order to get this subject before the House of Representatives for serious consideration, I introduced on May 18, 1922, House Resolution 349, which, without the preamble, reads as follows:

> *Resolved*, That a special committee is hereby created, to be known as the "War Finance Committee," which shall consist of 15 Members of the House to be appointed by the Speaker.
>
> Said committee shall investigate and report, within one year after its appointment, to the House the best and most practical methods for financing future wars so that no public debts shall be incurred and no war profit shall inure to the benefit of private individual, corporation, or combination, and shall recommend legislation which in its opinion will carry out such purpose and which will secure the benefits and advantages and avoid the evils referred to in the inaugural address of President Harding.
>
> Said committee shall elect its chairman, and vacancies occurring in the membership of the committee shall be filled by the Speaker.
>
> Said committee, or any subcommittee thereof, is authorized to sit during the sessions or recesses of the House, to send for persons and papers, to *administer oaths*, to summon and compel the attendance of witnesses, and to employ such personal services and incur such expenses as may be necessary to carry out the purposes of this resolution, and the expenditures shall be paid out of the contingent fund of the House of Representatives upon vouchers authorized by said committee and signed by the chairman thereof.

INDORSED BY THE REPUBLICAN STATE CONVENTION OF IOWA.

On August 2, 1922, the Iowa Republicans, in convention assembled at Des Moines, Iowa, incorporated the following plank in their platform:

> We indorse the principle of universal conscription of material and personal resources, and urge such action on the part of Congress in times of peace as will automatically effect such result upon the declaration of war.

INDORSED BY THE IOWA DEPARTMENT OF THE AMERICAN LEGION.

The ex-service men feel very strongly on this subject. In their annual State convention at Waterloo, Iowa, September 7–8, 1922, the Iowa Department of the American Legion adopted the following resolution:

> Whereas President Harding has in public addresses advocated a more equitable distribution of national obligations in times of national distress than prevailed in the late war; and
>
> Whereas House Resolution 349, now pending in the House of Representatives, is in accordance with the expression of the 1921 convention of this department: Be it
>
> *Resolved*, That the Department of Iowa reaffirm its position in favor of the universal draft in time of war of all available human and material resources, and that it urge upon the national department at the national convention at New Orleans by proper resolution the advisability of incorporating this principle in the national Legion program, to the end that legislation shall be perfected in times of peace that shall automatically become effective to accomplish this purpose on declaration of war.

For an extended discussion in support of House Resolution 349 I respectfully refer all persons interested in the subject to my remarks in the CONGRESSIONAL RECORD of July 6, 1922—"How future wars must be financed."

Mr. BOND. Mr. Speaker, I ask unanimous consent to extend my remarks on the river and harbor bill.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks on the river and harbor bill. Is there objection?

There was no objection.

Mr. BLAND of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks on the ship subsidy bill.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent to extend his remarks on the ship subsidy bill. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend the remarks that I made this morning.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to extend the remarks that he made this morning. Is there objection?

There was no objection.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to extend my remarks in reference to legislation pertaining to the District of Columbia.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks with reference to legislation pertaining to the District of Columbia. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. FOCHT. Mr. Speaker, District legislation was virtually scorned in the earlier sessions of this Congress, due in large part to legitimate causes, but it is time for us to redeem ourselves, remembering that we are responsible to the people of the country for the development of their National Capital, which should be a model for all other American communities and the outside world. The principal legislative proposals, the big things, for the city of Washington have not received the consideration we have urged and hoped for, except in committee, whereas they would have been regarded important business before any local city government throughout the country.

The first thing that we must realize is that this Federal city is absolutely dependent upon Congress for "thumbs up" or "thumbs down" on what shall be done here. The people pay taxes proportionately as high as in any well-managed municipality elsewhere in the Union. The fathers feared that the military might become dominant in this Federal city and so they made Congress supreme ruler.

As a matter of fact, we ourselves have made the military pretty nearly dominant in the District, with an Army officer as engineer commissioner in charge of all public works, and with another Army officer in charge of public buildings and grounds, who is also in command of a special police force.

This city has grown beyond the dreams of the fathers, until to-day it is not merely Uncle Sam's workshop, the legislative city for the country, but a progressive municipality made up of the picked men and women of the Nation who have been called here for the most part to do Government work, and the merchants, shopkeepers, professional men, and others necessary for the proper living of such a large community.

It is not the fault of these people—as loyal and true Americans as are found anywhere in the country, as proved by their enlistments as soldiers and sailors and by their subscriptions to all war drives—that they can not run their own affairs; that they have no vote or voice in their government, local or national; that they can not say how the money they pay in taxes shall be spent.

We have before this Congress proposals to correct this condition. A constitutional amendment resolution, providing for national representation for the people living in the National Capital, is before Congress. There is also a District delegate bill awaiting action. But there has been divided jurisdiction. The national representation bill has been the subject of a hearing before the House Judiciary Committee and before the Senate District Committee, with no authorized representative from any group of residents or from any national organization offering one word of protest. The District delegate bill is before the House District Committee. The Senate District Committee has favorably reported both the national representation constitutional amendment and the delegate bill.

Something should be done to correct this divided consideration of the issue in the House. The entire question should be threshed out and decided, for the more orderly progress of legislation in Congress as well as to meet the desires of the people resident in Washington. Without attempting to discuss the merits of this question—whether the people of the National Capital should have a freeman's right to vote what shall be done with the money they raise in taxes and to exercise the constitutional right of participation in the common council—the matter should be conscientiously considered and decided. Personally I see no more reason for denying the right of suffrage to people just because they live in the Federal City than there was several years ago for denying it to them on account of sex.

There are pending resolutions offered by Representative R. WALTON MOORE, of Virginia, proposing a distinct system of special consideration for District legislation and appropriations, which will assure the District of prompt consideration of its needs. This proposed legislation also should be considered on its merits.

We hear much in Congress by narrow-minded men who feel that they are making votes in their home districts by parsimony toward the District of Columbia and by protesting against the requirement that their constituents pay 40 per cent, or formerly 50 per cent, of any improvements or upkeep here. Just let them divide the total population of the United States into 40 per cent of the total appropriations annually for the District and see how many postage stamps, or newspapers, or street car rides they could buy with what they pay toward making their National Capital the finest city in the world. That is all poppycock. There is not a man, woman, or child in the country who would not pay dollars instead of cents to make possible the proper development of their Capital—and I speak here with particular emphasis for the people I have the honor to represent in Congress. They want all that is best for their National Capital—and hang the expense.

And yet we haggle over a few dollars. Take the matter of public education as a glaring example. Chairman MADDEN of the Appropriations Committee volunteers the opinion that—

> It is the best investment for any city to provide adequate school facilities where the coming generation can be properly trained. I do not know anybody anywhere who complains of taxes for schools. They are the foundation of our citizenship.

Washington, above all cities in the United States, should have a model public-school system. To make it so not only involves the providing of adequate housing accommodations for the ever-growing school population, but some changes in the administrative organization and increased salaries for all school employees.

The most urgent need of the school system, however, is more schoolhouses. School buildings are generally overcrowded. Some of them are greatly congested. Some of them are antiquated and should be replaced.

Several factors have contributed to this situation. During the period of the war Washington experienced an unprecedented increase in population. The school system experienced a corresponding increase in school attendance. During this same period of the war, when school population was increasing so rapidly, schoolhouse construction was largely at a standstill, due to war conditions.

But the war was not the only factor. The present shortage of classrooms in both elementary and high schools represents an accumulation of failures from year to year to provide the additional classrooms necessary to take care of the increase in enrollment, and to provide the additional educational facilities necessary in a growing and progressive school system. Obviously, when the additional classrooms opened each year are insufficient to accommodate the increased enrollment it is impossible to abandon any old buildings, no matter how antiquated or unserviceable they are. Evidence has been presented by Dr. Frank W. Ballou, superintendent of schools, showing that schoolhouse construction during the past 40 years has not been sufficient to meet the growing needs of the school system.

The regular annual appropriations for schoolhouse construction must be materially increased if the shortage of the past is to be made up. Two million dollars a year for a period of five years will be necessary, according to the estimate of Superintendent Ballou.

This amount will make it possible to abolish from the schools: Part time in the elementary schools and double shifts in the high schools; oversize classes in the elementary and high schools; the use of portables and other undesirable rooms in the elementary schools; all rented buildings, and the use of buildings recommended for abandonment.

The need of increased salaries for Washington's teachers is apparent to everyone familiar with public education. The present salaries are low in comparison with the salaries paid in other cities. They are not high enough to secure the quality of service to which the Nation's Capital is entitled.

The legislation fixing salaries of school employees and establishing the plan of organization and administration of the school system of Washington was passed in 1906. Outside of piecemeal legislation in appropriation acts, no supplementary legislation has been passed since that time.

Meanwhile, since 1906 great progress has been made in theory and practice of educational administration. New legislation is now a necessity, not only to provide adequate compensation for the employees but also to bring up to date the organization and administration of the school system.

For a long time the school officials have felt the urgency of such legislation. Attempts have been made annually in the school budget to secure increased salaries for employees over those established by law. Moreover, the appropriation acts have frequently carried scraps of legislation to meet new situations as they have arisen. This is not a good practice. The salary schedule should be established through legislation, and the school estimates for salaries prepared in accordance with that schedule. Moreover, the need of recognizing and establishing by law the many new practices which have necessarily been inaugurated in the school system is equally urgent.

Accordingly, legislation was introduced in Congress during the past year covering a new salary schedule and providing for some administrative reorganization. This bill provides increased compensation for school employees. It recognizes the junior high school by providing a salary schedule for its teachers. It provides a salary schedule for free or administrative principals of elementary schools with 16 rooms or more. It abolishes session-room pay as a means of compensating principals of elementary schools. It abolishes the classes 1, 2, 3, 4, and 5, into which elementary-school teachers are now grouped. It abolishes the present annual increases in salary which vary in amount and establishes a uniform increase of $100 per year for each elementary-school teacher.

This bill provides for the enlargement and reorganization of the boards of examiners, in order that they may transact the increasing amount of important business which they must annually do. It authorizes the Board of Education to establish the rank of "annual substitute teacher." It authorizes the board to appoint temporary teachers. It authorizes the Board of Education to establish the compensation of all employees in the community-center department, the night schools, the vacation schools, and of all other employees who are paid out of lump-sum appropriations.

The proposed salary schedule for Washington was based on the present compensation in Washington and on the schedules received from other cities. Since Washington must compete with other cities for its supply of teachers, it must be prepared to pay as high for their services as other cities. If Washington is to have as good teachers and as good teaching as other cities it must pay salaries sufficiently high to secure and retain such teachers. It is on the principle of supply and demand that the new salary schedule is based.

The new proposed schedule will not, in any case, place Washington at the head of the list of cities paying leading salaries. In general, Washington will stand from one-third or one-fourth the way from the top of such a list. Nevertheless, in view of the comparatively low salaries which Washington now pays the new schedule will provide a substantially better salary for all educational employees than the present schedule provides.

The bill was considered and favorably acted on by many citizens' associations. Such bodies as the board of trade and the chamber of commerce are on record in favor of higher salaries for school employees. The commissioners approved the bill "with some reservation." No opposition has appeared to the bill; not a single body of citizens has taken action against the passage of the bill.

There is another bill on our calendar which should be passed, known as the free textbook bill. In our report the House committee gives convincing reasons why this measure should be passed, as such laws have for years been in force in communities broadcast throughout the land. Public education, especially in the National Capital, should be absolutely free in every respect, so that there could be no excuse for any child not receiving the fullest benefits of that free public-school system which has done more than any other institution to develop this country of ours.

The compulsory school attendance bill, which makes the law compelling school attendance more effective and provides for the taking of a school census in the District, has passed the Senate and is now on the House calendar, having been favorably reported by the House District committee. This measure is strongly advocated by the Board of Education and the public-school officials of the District. Early action should be had on it in the House.

I would direct the conscientious and sympathetic consideration of the school needs of the District to your attention, and solicit your cooperation in putting through promptly before the close of this session a comprehensive, carefully planned program for providing adequate modern school facilities here.

Legislation designed to bring about a solution of the traffic problem here has been considered at length by your District Committee. We have placed before you two bills, one representing the best compromise opinion of the members of your committee and the other suggested by the District Commissioners. Congress should give earnest attention to this matter, because the laws passed by Congress placing restrictions on the existing street-car lines that they must not merge have prevented them from doing so. It is also the peculiar congestion of traffic caused at certain short periods of the day by the thousands of Government employees crowding to and from work that causes the most serious problem. It is only fair to the street railway companies themselves that the decision should be made.

Bills have been pending from time to time providing for the extension of the beautiful park system of the Nation's Capital by acquiring the Klingle Valley, Piney Branch, Patterson, and other tracts of land, which will undoubtedly give way to building growth if action is put off much longer.

The same observation applies with equal force to the proposal to acquire the sites of old Civil War forts and to connect them with a circular driveway about the city.

For several years the health department of the District has been urging enactment of a new law to afford better protection to the milk supply of the National Capital.

A "blue-sky law" to prevent fraud in the sale of securities in the District is another important piece of legislation the local authorities have asked Congress to enact.

There also has been pending for several years proposed legislation to amend the pawnbrokers' law in the District with rates the same as in other cities.

The license laws of the District need a thorough revision to meet present-day conditions, and the Board of Commissioners has transmitted to Congress a bill suggesting what they regard as the necessary changes in license regulations for various kinds of business establishments.

There have been two bills pending in which the police department is keenly interested, one to define and punish vagrancy in the District and the other to license private detectives.

Next to the proposed milk law the most important piece of legislation affecting the health of the community is the bill for the control and prevention of venereal diseases.

There are a number of local matters of less importance awaiting action, among which are the following bills:

Authorizing the widening of First Street NE.

To close a portion of Piney Branch Road NW.

Authorizing the closing of certain streets, roads, and highways that have become useless.

To vacate certain streets and alleys in the grounds of Walter Reed Hospital, and for the extension of Fourteenth Street through the hospital grounds.

Authorizing the opening of a new street from Georgia Avenue to Ninth Street.

To transfer part of Anacostia Park to the commissioners for a tree nursery.

Guaranteed adequate water supply for domestic use and high pressure for fire purposes.

Consolidated public utilities with better service and lower cost to the public.

More and still more houses as the one and only means of forestalling the avarice of the profiteer.

The mere mention of these measures—every one of which would be promptly considered by a board of aldermen or common council in your home communities—shows you the importance and wide scope of the legislative program for the District that is waiting.

Our esteemed colleague from Kansas [Mr. CAMPBELL], who is unfortunately leaving us after 20 years of devoted work, much of it for the development of the Capital City, will tell you that in the years not far gone, when for a decade he was a member of the House District Committee and handled the legislation on the floor, the District was allowed its full day twice a month for the passage of needed legislation. The so-called "million-dollar bridge" on Connecticut Avenue, the extension of Sixteenth and Fourteenth Streets, and other great forward-looking legislation of those earlier days are monuments to his zeal for the District and his vision of its glorious future which has already been well justified.

I bespeak the most earnest cooperation of Mr. CAMPBELL as chairman of the Rules Committee, and with his old-time zeal for putting through most, if not all, of this legislative program for the National Capital, in which he has been so actively interested for nearly a quarter of a century, before he quits the legislative halls.

Let us all take a great, broad vision and pull together—now—for big things for our great Capital City that will set it upon a pinnacle for all the world to pattern after.

Mr. BOX. Mr. Speaker, I ask unanimous consent to extend my remarks on the soldiers' compensation bill.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks on the soldiers' compensation bill. Is there objection?

There was no objection.

The extension of remarks referred to are here printed in full as follows:

Mr. BOX. Mr. Speaker, there are many things in the President's attitude and message on the soldiers' bonus bill which I do not approve. The whole thing is, and since its inception by the first action of the House has been, a disgusting and pitiful piece of political and legislative faking.

Its whole design has been to pretend that legislation for the special benefit of all ex-service men was to be enacted, when those who controlled Congress and the Government knew—and all Members of Congress should have known—that nothing but a hypocritical farce was being enacted for the purpose of inducing the ex-service men and their friends who favor the legislation to vote for them.

The pretense at passing the bill was a farce, and the bill itself is a farce. I have in many public statements to the people who sent me here denounced this duplicity as unworthy of the Congress and Government of the United States. Hypocrisy is falsehood designed to deceive. When I detect men lying to me or making a conscious effort to deceive me about matters in which I am concerned I lose all confidence in them and all respect for them.

For the Congress and Government of the United States to deliberately try to deceive the people is a disgraceful crime. Whatever might be my views on a bona fide constructive legislative proposition to help ex-service men of the World War get established as home-owning, independent, self-reliant citizens, no such proposition has been considered by the Sixty-sixth or Sixty-seventh Congresses, and no other bona fide proposition has been considered. To turn political faker, by pretending to be doing what I know is not being done, is so inconsistent with common honesty and my own self-respect that I can not do it.

I trust I shall never do it. If any gentleman believed that these measures were bona fide constructive measures being considered by the Republican majority with a view to their enactment, I have no word of criticism for him. Those who believed the measures to be mere fakes and took part in the faking will answer to their own consciences and constituents. That the measures considered and voted through the House were designed mainly to deceive and that the pretended passage of them was not bona fide has been stated by many Members.

On March 23, 1922, Hon. LOUIS T. MCFADDEN, Republican chairman of the House Committee on Banking and Currency, said:

> I do not want to hand the soldiers of this country, to whom the country owes such a great obligation, a gold brick, and that I can not but feel is what you will do if and when you pass such a measure as the present one. (RECORD, 2d sess., 67th Cong., p. 4437.)

Hon. CHARLES H. BRAND, one of the able lawyers in the House, said:

> Mr. Chairman, the bill which the Republican Steering and Rules Committees agreed upon in the interest of the ex-service men, and which they propose to cram down the throats of the Democrats and those Republicans who in good faith are willing to enact bonus legislation which will be of substantial service to the ex-service men, will not prove satisfactory to them. Under the gag rule adopted by the authors of this measure, for which these two committees are responsible, it will be utterly impossible for any real friend of the soldier to submit any amendment of any character whatever in behalf of the soldier. Under the autocratic tactics of the Republican machine we were prohibited from submitting any amendment in behalf of either the soldier or the taxpayer. (RECORD, 2d sess., 67th Cong., p. 4420.)

On March 23, 1922, Hon. WILLIAM D. UPSHAW, of Georgia, discussing this question, said to those who were responsible for the handling of this and other legislation:

> Shell down the corn. You know you have played politics—petty political politics—with this absorbing question. (RECORD, 2d sess., 67th Cong., p. 4432.)

Hon. FINIS J. GARRETT, the Democratic leader, said of it:

> The consideration proposed is a farce. The dignity of the subject requires more honorable treatment. (RECORD, 2d sess., 67th Cong., p. 4356.)

Hon. WALTER H. NEWTON, of Minnesota, Republican, said:

> I oppose this bill upon the further ground that it does not deal frankly with the service men it is designed to benefit. With the exception of the man who served but a short time, this bill confers no cash benefit whatever. (RECORD, 2d sess., 67th Cong., p. 4438.)

Five Democratic members of the Ways and Means Committee, which reported the bonus bill, filed a minority report ridiculing the bill as dishonest. They say:

> Treat the boys white, gentlemen of Republican Congress. If you really favor the money bonus, pay them like men in cash in full and do not send them out of the Capital with only scraps of paper, tramping mendicants at the mercy of the banks in our towns and cities. * * * He now deserves fair, manly treatment at your hands. * * * What do you offer him—a gold brick?—Signed by Hon. CLAUDE KITCHIN, Hon. W. A. OLDFIELD, Hon. CHARLES R. CRISP, Hon. JOHN F. CAREW, Hon. PETER G. TAGUE, all Democratic members of the House Committee on Ways and Means. (RECORD, 2d sess., 67th Cong., p. 4460.)

Hon. WALTER M. CHANDLER, Republican, speaking about this bill on the floor of the House, told some of the many things Members had said to him in private conversation about this bill without giving the names of the persons making the statements. He said:

> Now, contrast for a moment, if you please, this language with the declarations in private conversation and in public debate of the Members of this House upon the pending measure:
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> "The bill is an insult to every World War Veteran, a shameful disgrace to Congress and the Nation, but I will vote for it.
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> "I do not believe that the measure is a good one but the soldier boys at home want it, and let them have it.
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> "I know that it is a bad measure, but I have made a pledge to support it, and I shall have to keep the pledge.
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> "Any man who votes against the bill will be defeated. I shall vote for it.
>
> "It may be statesmanship to oppose this bill, but there is such a thing as a statesman without a job. Excuse me.
>
> "The bill is damned bunk, but the Legion demands it."
>
> These are almost verbatim quotations of language that I have heard from Members in hotel lobbies, in the House, and on the floor of this Chamber. And these are but specimens of scores of others that I have heard. (RECORD, 2d sess., 67th Cong., p. 4416.)

Mr. CHANDLER closed his speech with a prayer that God will—

> Protect and preserve the Republic and all its people from the ways and wiles of demagogues of this House who believe one way and vote another; that have declared this bill to be bad, very bad; and now propose to vote for it. (RECORD, 2d sess., 67th Cong., p. 4420.)

Hon. EWIN L. DAVIS, of Tennessee, speaking of this bill said:

> However I will not help perpetrate this fraud upon the ex-service men upon the supposition which Members of the House freely admit they are proceeding upon; that the ex-service men will not see through the fraud before the coming primary or election. (RECORD, 2d sess., 67th Cong., p. 4464.)

I could continue through many pages of quotations from the CONGRESSIONAL RECORD to prove that great numbers of other Members of Congress openly confessed that the bill itself was a deceitful farce and openly denounced it as such. The private declarations of contempt for it and for those who were pretending to pass it were general. I have heard scores of such remarks as I have quoted from the speech of the gentleman from New York, Mr. CHANDLER. I heard few if any men privately contend that it was anything but a contemptible sham.

Moreover, the pretense that a bona fide effort was being made by the majority to pass the measure was a joke. When such a bill was brought up in the House during the Sixty-sixth Congress they waited until a day or two before the House and Senate were both to adjourn so as to make sure the bill could not pass the Senate, be agreed upon in conference, approved by the President, and become a law. Members winked and smiled knowingly as they talked and voted for the bill. That was just before the primaries of 1920. Of course, the Senate did not pass the bill, or even consider it then. It was never intended by the majority that the Senate should act on it, or that it should become a law. In keeping with that purpose the measure slept the sleep of death through the next day or two of that session and through the whole succeeding winter session, the last of the Sixty-sixth Congress. It had served its purpose up to that time.

Then in May, 1921, the first session of the Sixty-seventh Congress was convened. Was there prompt action by that Congress on the bill? No, indeed; it slept until the primaries of 1922 approached, when they took it up in an absurd and ridiculous form under a special rule which would not permit the House to amend it. Why take any special pains to prepare a bill which was not to become a law? Why should they allow amendments which would advertise the absurdities of the sham bill and which might correct them and get the bill in such shape that the country would approve it and cause it to be actually enacted into law? The straw must not be torn out of this dummy measure, put up solely for the purpose of buncombe.

Several months later the Senate took it up and began to talk about it. The majority would never let it pass through the Senate until they knew the President would veto it. The first plan of dealing with the assured veto of the President was for the House and Senate to pass the bill, send it to the President in its final burial clothes, and adjourn and go home so they could not pass it over his veto. I heard this stated not once, but many times among Members. It was pretty generally recognized as the plan by which Senators could join Members of the House in saying "I voted for the bonus bill," and yet the bill would be dead. But that scheme was too easily understood and exposed. It was finally abandoned and a decision reached that enough Senators should vote against the bill after the President's veto to make the veto effective to kill it. That was done. So an overwhelming majority of both Houses could say "I voted for it" during the approaching campaign. Still the bill would be dead. What farce!

The humbuggery of this procedure is shown by the contents of the bill itself as it "passed" the House each time, which has already been made plain. The hypocritical, farcical character of the procedure is made just as plain by the manner in which the proposition was handled in the House and Senate and by the President. I shall quote from the speeches of two ex-service men made on the floor of the House, one of them a Republican from California and the other a Democrat from Alabama.

Hon. WALTER F. LINEBERGER (Republican), an ex-service man, said:

> Without doubt a bill conforming to the President's suggestion (which was that a tax be levied to raise the money to pay the bonus) would have a safe majority in the Senate and would be functioning within 90 days of passage in the House.
>
> Any other measure at this time is doomed to failure and will defeat the purpose of those who are attempting to force it through, for following the weary months of waiting on the part of the expectant ex-service men will come the final disappointment and a spirit of dejection and cynicism which will far exceed the temporary elation caused by the passage of the bill as now reported in this body. The men will know they have been "gold bricked," and all who know the ex-soldier well will tell you that he is unequaled for his powers of intuition, and he will place the responsibility flatly upon those who have deceived him. [Applause.]
>
> If I may be permitted to prophesy, the major criticism will fall on this House for having passed a legislative bill with full warning and full knowledge in advance that it was doomed to failure. Assuming, for the sake of argument, that the present bill should finally be forced through both Houses and that it could muster a two-thirds vote in both Houses, which every Member knows it could not do in the Senate in the face of the President's opposition, and that it finally became a law over the President's veto, would it, in view of its questionable financial features and the long delay which would be the price of such legislative tactics, be worth the price? Gentlemen, it is not even good politics, for it is not good American horse sense. (RECORD, 2d sess., 67th Cong., p. 3885.)

Hon. LAMAR JEFFERS (Democrat), an ex-service man from Alabama, speaking on the floor of the House while this farce was being enacted, and before it was completed, said:

> Now, of course, we can not be sure that the predictions that have been published since the President vetoed adjusted compensation on yesterday, to the effect that the Senate will not pass the measure over the veto, will come true; but if that estimate of the situation does prove to be correct, then we are to witness the ringing down of the curtain on this season's last performance of that well-known Republican farce, "Now you see it and now you don't," or which might be still better known as the play called "The political manipulation of adjusted compensation."

The prediction did prove true. That the Senate would so vote as to make the veto effective was a part of the scheme, as Mr. JEFFERS and most others then knew. He continued:

> With the stage here in the Capital City of the Nation, and with the entire people of the Nation as audience, the scenes of this deceitful performance have been unfolded one by one since May, 1920.
>
> The administration's star performer has proven to be a quick-change artist of ability. He has shown up in different colors, in different surroundings, or against different backgrounds with chameleonlike rapidity and naturalness.
>
> The several acts of this farce have been timed skillfully, politically speaking, as we will point out as we go along. The party now in power has toyed with the ex-service people of the Nation for more than two years on this proposition.

The 4,000,000 citizens who served in the World War can have nothing but contempt for the action of a Congress or individual Member who consciously took part in a fraud so palpable. I want to serve my people here, but I would much prefer to retire rather than forfeit their confidence and my self-respect by engaging in so shameless a piece of deceit.

The President vetoed the bill. What is his attitude? Does he favor the bonus and veto it because no money is provided for its payment? Heretofore he has declared unequivocally for a bonus bill which provided no money for its payment. The sham measure which passed the House in 1920 was exactly like this one in that respect. It made no provisions for its payment, and yet the President, while a Member of the Senate and a candidate for President, speaking of that very bill, said (RECORD, Sixty-seventh Congress, second session, p. 13023):

> Well, I am very happy to say to you that the House passed the bonus bill and the Senate has it under consideration, and I have no doubt the Senate will pass it. I myself think it ought to pass, if you want to know my views. (From the Cincinnati Enquirer, October 30, 1920.)

Commenting on the President's position as shown by such declarations as this and many other inspired statements from the White House, the Washington Herald said:

> The bonus is as assured as if already acted upon. It is waiting, not losing, that is asked, and the reasons now seem plain.

In an editorial which appeared in the New York World discussing the President's attitude toward this proposition it is said:

> Before his election and for some time after he took office his utterances on this subject were construed fairly enough as indorsement of the bonus plan for all veterans. (RECORD, Sixty-seventh Congress, second session, p. 13024.)

Now let us see if the President is in any better attitude before the country than the Members of Congress who have made a promise they could not keep, and thereby cornered themselves, so that they felt compelled to go on pretending and trying to deceive ex-service men to whom they had made the promises.

When the President promised it he had been a United States Senator for several years and knew, or should have known, the condition of the Treasury. If he promised it without knowing that it could be paid, his promise was unjustified. Reasonably careful, moderately honest men promise only what they know with reasonable certainly can be done.

The President needed votes when he said what he did at Cincinnati just before election day in 1920. But the making of the promise was wrong, because he did not know conditions were such as to permit the payment of the bonus. The presumption is that he did know the condition of the Treasury, which, now after he has obtained votes by the promise, he says will not permit its payment. If he did not know, he had no business discussing the question and making promises. If he did know that the condition of the Treasury forbade its payment, and notwithstanding his knowledge made the promise *to get votes*?

With the President's and Mr. Mellon's effort to get the country to adopt the sales tax as a system of taxation for raising a large revenue I have no sympathy. By that system the poor and middle classes would be made to pay their own share of the taxes and the greater portion of the taxes owed by the very wealthy.

Under such a system of raising the money with which to pay the bonus, the boys and their parents—brothers, sisters, fathers, mothers—and neighbors would have been forced to pay for the greater portion of whatever bonus they received, plus all the vast expense of collecting and disbursing the money, plus all the pyramiding and profiteering which would have been based upon it. This would not have been the end of it, but it would have been the very opportunity which wealthy tax dodgers have been seeking to place still more taxes upon the poor and middle classes. To have voted for such a system of taxation would have brought upon Members of Congress such a storm of wrath as they were not prepared to meet.

Such a vote would have retired the Republican Party and the majority of men of both parties to private life. The "old guard" group of the President's party claim him as their very own. They believe in such results as the sales tax would produce. The more liberal majority of the Republican Party stand for many things that are unjust, but they would not stand for this. That is why the President and Mr. Mellon could not put the sales tax over, even with a majority of 175 in the House and a big majority in the Senate.

Special provision must be made by special tax or bond issues for any larger special expense. The usual and ordinary expenses are provided for in the regular taxes, but the regular taxes are made only large enough to meet regular current expenses. For instance, take a case of county finances. If a small amount of work is to be done on a public road, in the shape of grading or the construction of a single bridge, or several small ones, that can usually be paid for out of current road and bridge funds, but if many miles of good road of an improved class are to be constructed, the ordinary current funds are not usually sufficient. How do the people get such improved roads constructed? They usually do two things to provide the extraordinarily large amount of money for the extra purpose. They issue bonds for large amounts and sell them to raise the extra funds for the extra purpose. At the same time they levy a special tax to pay the bonds.

The laws of Texas and most other States will not permit a school district, precinct, or county to issue their bonds until they have levied a special tax to pay the principal and interest of the heavy obligation thus fixed against the public treasury. This is a sound, absolutely necessary practice in government financing. The laws of Texas will not permit heavy, extraordinary obligations to be issued until the special tax is provided. This is absolutely necessary with all governments, where the funds for the extraordinary expenditure are not in the treasury. Such surplus funds are almost never in the treasury, because taxes are rarely made more than enough to pay current and usual expenses. Thus when the World War broke out the Government had to issue large amounts of bonds from time to time, and from time to time levied new war taxes.

The experience of the people in dealing with such propositions in their school districts, precincts, and counties in matters involving new and large expenses, in addition to ordinary running expenses, will remind them why it is necessary to make some kind of special provision for the payment of the bonus.

When a county has needed a new courthouse it has usually issued bonds or levied a special tax for the purpose. Usually both these things have been done to provide the money to build a courthouse, a public-school building, or a system of improved public roads.

When Texas was considering the payment of the small pension she pays to Confederate veterans and their widows she had to levy a special tax to provide the money. Later, when we wanted to increase the pension fund, we had to increase the special taxes for that purpose. Because our State constitution did not authorize a special tax for this purpose we have had to amend the Texas constitution so that the Texas Legislature could levy the special tax to get the extra money for this purpose. See amendments to sections 50 and 51, constitution of Texas, adopted in 1898, 1904, and 1912.

If the laws governing our school trustees, county commissioners, and State legislatures, and our own experience in dealing with schools, public roads, courthouses, jails, and Confederate pensions did not show us that it is necessary to make special provision in the way of taxes for paying a bonus or additional compensation which will cost some billions of dollars outside the ordinary expenses of the Government, our good business sense should teach us.

Present taxes, provided to pay such expenses as were contemplated when they were levied, do not provide enough money to pay present expenses. Therefore there is a deficit for this fiscal year of more than $600,000,000, as estimated by the President. Now, if the present taxes are not sufficient to pay current expenses, how can we promise billions of additional expenses out of the very same taxes which are not sufficient for present expenses?

If the money we are receiving will not pay what we are now spending, how can we spend much more without increasing taxes? Let common sense and hard facts answer.

Now, how did the President and Congress get in this deplorable attitude? The President while a Member of the Senate and a candidate for President declared that he favored a bonus like the one passed by the House in 1920, which provided no funds for its payment, and later vetoed such a bill because it was like the one he favored in providing no revenues for its payment, the majority of Congress pretending and shamming and trying to deceive ex-service men in the manner pointed out above. How was it created? I will tell you. The President and Members of Congress while candidates promised too much, promised more than the situation warranted, promised more than they had reasons to believe could be granted. That is the course of this shameful predicament of the Government, in which the President first declared that he favored the bonus bill then pending, though it did not provide the money to pay it, then later says he favored one if the means of paying it were provided; and then, in his veto message argues against this one, chiefly because it does not provide funds for its payment; and then argues against the payment of any bonus; a predicament in which the majority of Congress put up a dummy—offer the men a gold brick, which many of the Members denounce as "a sham," "a fraud," "a gold brick," and then proceed to vote for it. When asking the people to vote for them they had promised the taxpayer that Federal taxes and expenses would be reduced and at the same time promised ex-service men additional compensation. Both could not be granted. The measures promised went in opposite directions. If the people will read or recall the "platforms" and campaign statements of this year and two years ago they will find many of them contain promises to reduce Federal taxation and national expenses, and at the same time promise other big national appropriations and an adjusted compensation, or bonus, to ex-service men. Candidates should tell the people the truth. If they propose to make large expenditures, such as this requires, they should say "This will of course increase Government expenses and taxes, but I nevertheless favor it." Then they would not find themselves where they must camouflage and try to deceive in order to cover up their previous efforts to deceive for campaign purposes. The people will in this connection remember the old folklore saying "A liar needs a good memory." This is because lying or deceitful action requires further false statements or action to hide it.

Candidates for public office and political parties should tell the people the truth. Lying to the people and deceiving them destroys their respect for public men and officials and for Government itself and breeds contempt for law and Government and consequent lawlessness, which is already a serious menace to the country.

ADJOURNMENT.

Mr. MADDEN. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 21 minutes p. m.) the House adjourned until to-morrow, Thursday, September 21, 1922, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

691. Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Navy, transmitting request that the unexpended balance of the appropriation "Hot water returns to boiler house, $100,000," under the head of "Naval operating base, Hampton Roads, Va.," in the naval appropriation bill for the fiscal year ending June 30, 1921, be made available for improvement of the heating system at said naval operating base (H. Doc. No. 392), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILSON: Committee on Ways and Means. H. J. Res. 379. A joint resolution to extend for three months the provisions of the dye and chemical control act, 1921; without amendment (Rept. No. 1247). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GORMAN: A bill (H. R. 12730) to grant the use of Government hospitals to civilian employees suffering from tuberculosis; to the Committee on Reform in the Civil Service.

Also, a bill (H. R. 12731) to increase the number of holidays which may be observed by the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. KOPP: A bill (H. R. 12732) extending the jurisdiction of the Mississippi River Commission and making available funds appropriated under authority of Public Act 367 of the Sixty-fourth Congress for controlling the floods of the Mississippi River and continuing its improvement from the mouth of the Ohio River to Rock Island, Ill., and for the purpose of levee protection and bank protection of the tributaries of the Mississippi River between the mouth of the Ohio River and Rock Island, Ill., in so far as these tributaries are affected by the flood waters of the Mississippi River; to the Committee on Flood Control.

By Mr. MOORE of Illinois: A bill (H. R. 12733) for the purchase of a site for the erection of a post-office building at Tuscola, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. SHAW: A bill (H. R. 12734) for the purchase of a site and the erection of a public building at Mount Sterling, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12735) for the purchase of a site and the erection of a public building at Petersburg, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12736) for the purchase of a site and the erection of a public building at Mason City, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12737) for the purchase of a site and the erection of a public building at Pittsfield, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12738) for the purchase of a site and the erection of a public building at Greenfield, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12739) for the purchase of a site and the erection of a public building at White Hall, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12740) for the purchase of a site and the erection of a public building at Winchester, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12741) for the erection of a public building at Carrollton, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12742) for the erection of a public building at Havana, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12743) for the purchase of a site for a public building at Virginia, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12744) to increase the limit of cost of the public building to be erected at Jerseyville, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Virginia: A bill (H. R. 12745) relating to contests of elections of Members of the House of Representatives; to the Committee on Elections No. 1.

By Mr. GORMAN: A bill (H. R. 12746) for the purchase of a site and the erection of a public building at Maywood, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12747) for the purchase of a site and the erection of a public building at Oak Park, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. SHAW: A bill (H. R. 12748) for the purchase of a site for a public building at Griggsville, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12749) for the purchase of a site for a public building at Barry, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Mississippi: A bill (H. R. 12750) for the purchase of a site and the erection of a public building thereon at Picayune, Pearl River County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. JACOWAY: A bill (H. R. 12751) to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of the United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Mississippi: A bill (H. R. 12752) for the enlargement, extension, and improvement of the post-office building at Hattiesburg, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12753) providing for the erection of a public building at Columbia, Marion County, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12754) for the erection of a public building at Poplarville, Pearl River County, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12755) for the purchase of a site and the erection of a public building thereon at Pascagoula, Jackson County, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12756) for the purchase of a site and the erection of a public building thereon at Ellisville, Jones County, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12757) for the purchase of a site and the erection of a public building thereon at Waynesboro, Wayne County, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12758) for the purchase of a site and the erection of a public building thereon at Magee, Simpson County, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12759) for the purchase of a site and the erection of a public building thereon at Collins, Covington County, Miss.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12760) for the purchase of a site and the erection of a public building thereon at Bay St. Louis, Hancock County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. HULL: Joint resolution (H. J. Res. 383) authorizing the Secretary of War to sell or lease the various Government-owned properties at or near Muscle Shoals, Ala., and so forth; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CABLE: A bill (H. R. 12761) to provide for the issuance of a medal of honor to Daniel Harpster, a volunteer soldier of the Civil War; to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 12762) for the relief of the Taylor Orphan Asylum of Racine, Wis.; to the Committee on Claims.

By Mr. DEAL: A bill (H. R. 12763) for the relief of C. Pateras & Sons and C. Lemos, owners of the Greek steamship *Constantinos Pateras*; to the Committee on Claims.

By Mr. HOGAN: A bill (H. R. 12764) for the relief of Hugh O'Malley; to the Committee on Claims.

Also, a bill (H. R. 12765) for the relief of Sarah W. Phippany; to the Committee on Claims.

By Mr. KLINE of New York: A bill (H. R. 12766) for the relief of Lieut. Commander Jerome E. Morse, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. MEAD: A bill (H. R. 12767) granting an increase of pension to William A. Williams; to the Committee on Pensions.

Also, a bill (H. R. 12768) granting a pension to Michael Bittner; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 12769) granting an increase of pension to Margaret E. Fobes; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 12770) for the relief of Michael Marley; to the Committee on Military Affairs.

Also, a bill (H. R. 12771) granting a pension to Rachel E. Diehl; to the Committee on Invalid Pensions.

By Mr. SHAW: A bill (H. R. 12772) granting a pension to Rachel Slaten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12773) granting an increase of pension to Angeline Lacey; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 12774) for the relief of James J. McAllister; to the Committee on the Public Lands.

By Mr. SMITHWICK: A bill (H. R. 12775) granting an increase of pension to Eliza F. Andrews; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 12776) granting a pension to Frankie A. Willis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6379. By Mr. ANSORGE: Petition of Mrs. Genevieve Almeda Cowles, of New York City, advocating action on the part of the United States Government in reference to the massacre of Christians by the Turks; to the Committee on Foreign Affairs.

6380. Also, petition of Broadway Association, New York City, protesting against proposed lease of building for additional postal facilities and urging Government to acquire its own building; to the Committee on Public Buildings and Grounds.

6381. By Mr. KISSEL: Petition of the Community Councils of the City of New York, New York City, N. Y., relative to the conference report on the tariff bill; to the Committee on Ways and Means.

6382. By Mr. OSBORNE: Memorial of Baptist ministers' meeting of Los Angeles County, Calif., demanding of our Government that drastic action be taken to punish the Kemalists for outrages on American schools, slaying of American citizens, etc.; to the Committee on Foreign Affairs.

6383. By Mr. ROSSDALE: Petition of the City Parliament of Community Councils of the City of New York, relating to the distribution of coal; to the Committee on Interstate and Foreign Commerce.

6384. Also, petition of the City Parliament of Community Councils of the City of New York, protesting against the tariff bill; to the Committee on Ways and Means.

6385. Also, petition of the Broadway Association of New York, that the Government adopt the plan of owning its own post-office building instead of leasing it; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *September 21, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

O Lord, Thou art love and life to multitudes. Thou dost give unto us a new day with all its opportunities, and we humbly ask for Thy guidance through all its deliberations and decisions. Help us to realize that in our infirmity we are assured of Thy strength, in our besetment of Thine own infinite patience and tenderness. Give us, we beseech of Thee, at this hour such a consciousness of Thy presence that this may be a very sanctuary to us in the realization of results. We ask in Jesus Christ's name. Amen.

The Assistant Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Borah
Brandegee
Broussard
Calder
Cameron
Capper
Colt
Culberson
Cummins
Curtis
Dial
Dillingham
du Pont
Ernst
Fletcher
France
Frelinghuysen
Gerry
Glass
Gooding
Hale
Harreld
Harrison
Heflin
Jones, Wash.
Kellogg
Keyes
King
La Follette
Lenroot
Lodge
McCormick
McCumber
McKellar
McLean
McNary
Moses
Nelson
New
Newberry
Nicholson
Norbeck
Oddie
Owen
Pepper
Phipps
Ransdell
Rawson
Reed, Pa.
Sheppard
Shields
Shortridge
Simmons
Smoot
Stanfield
Sterling
Swanson
Townsend
Underwood
Walsh, Mass.
Warren
Watson, Ind.
Williams

The PRESIDENT pro tempore. Sixty-three Senators having answered to their names, there is a quorum present.

PERSONAL EXPLANATION—CORRECTION.

Mr. HEFLIN. Mr. President, in order to keep the RECORD straight I want to call attention to an article appearing on the front page of the Washington Post of this morning. In part, the headline of this article reads:

WILLIAMS, ASHURST, and HEFLIN speak in support of veto.

Mr. President, I submitted some remarks here on yesterday and was doing my best to override the veto of the President. That is what these boys who are sensitive on deflation get by leaving the press gallery and not staying here to hear what I say. Certain ones of them slip out of the press gallery when deflation is mentioned and then when they undertake to write about what occurs here they misrepresent me. The statement which I have read is just about as near as I ever get to being reported correctly. It is a very sad commentary upon the situation here.

I pleaded with the Senate on yesterday for quite a while to override the veto of the President; I gave a good many reasons why I desired to override it; I suggested that I thought it was just to the boys and fair to them that we should override the veto of the President; and then I find myself misrepresented next morning in flaming headlines, stating that I spoke in favor of the veto of the President. Realizing that I was being purposely overlooked by many of the papers I knew as soon as I saw my name in the headline that there was something absolutely wrong with the article. Whenever you see one of these particular newspaper correspondents put my name in a headline he has done something unto me down in the body of the story. [Laughter in the galleries.] However, it will not always be thus, Mr. President. Little by little and bit by bit we are going to work out this problem.

At some time in the future when some one may pick up a copy of the Washington Post and say, "Why, Senator HEFLIN voted to override the veto of the President, but he made a speech in favor of the veto," and then quote a distinguished and brilliant writer, who was not in the press gallery when I spoke. I merely wish the RECORD to show that this is about as near as certain press correspondents ever get to doing me justice in a report about what I have to say in the Senate.

Mr. ASHURST. Mr. President, I rise to a question of privilege.

On yesterday I had the honor to address the Senate briefly on the veto message respecting the soldiers' adjusted compensation bill, and referring to the RECORD, near the bottom of page 13047, I said:

> I read from the Cincinnati Enquirer, from the issue of Saturday morning, October 30, 1920, omitting the headlines, because sometimes in journalism the text does not support the headlines.

I little thought, when uttering that sentence on yesterday, that we would find this morning in a paper owned by the same persons who own the Enquirer, headlines saying that Senators ASHURST and HEFLIN spoke in support of the veto. This morning I am astounded to find headlines in the Post saying that the Senator from Alabama [Mr. HEFLIN] and I supported the veto.

Mr. WALSH of Massachusetts. Mr. President, to what extent is the Washington Post circulated in Arizona?

Mr. ASHURST. The Washington Post is an ably edited journal and the Senator can not get me into a quarrel with my good friends on the Washington Post; but they ought to make their headlines support the text and make the text support the headlines. It has subjected me and my office force to no little inconvenience to lay aside my work this morning and answer 200 telephone calls, explaining to those people who never read anything but headlines, that Senator HEFLIN and I spoke against the veto, and urged that it be overridden, and voted to override the same.

Mr. STANLEY. Mr. President, on yesterday evening the chairman of the Committee on Finance suggested to the Senate that the veto message of the President on the adjusted compensation bill be taken up to-day. For that reason I kept a very important engagement that had been made and advertised for some time, and was absent at the instance of the national committee. If I had been present I should have voted, of course, as I had previously spoken, in favor of soldiers' compensation.

DISTURBANCES AT SMYRNA.

Mr. FLETCHER. Mr. President, I ask to have printed in the RECORD a telegram received by me from Virginia McMaster, corresponding secretary of the Tampa Union of Christian Endeavor Societies, with reference to the Turkish outrages at Smyrna, as they claim. I realize that this is an international question very largely, and that in such matters we should be governed by the position taken by the President. At the same time, I submit the telegram and the article for printing in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

TAMPA, FLA., *September 20, 1922.*

Senator DUNCAN U. FLETCHER, *Washington, D. C.:*

The Tampa Union of Christian Endeavor Societies in regular monthly meeting express their indignation at the latest horrible outbreak of Turkish ferocity at Smyrna, after all but one of countless such which have brought unspeakable horrors on Christian peoples and which have been permitted to go on by the great powers, to their disgrace. We appeal to you to lift a voice in protest, demanding in the name of our country and of humanity that these outrages cease, and to the end also that our Nation be no longer, by its silence, a party to the shame.

VIRGINIA MCMASTER,
Corresponding Secretary.

CALLS ON NATION TO STOP TURK MASSACRE—REVEREND BROWER TELLS OF ATROCITIES—ONLY SOLUTION TO DEPRIVE TURK OF ANY POWER IN ASIA MINOR, HE SAYS.

Calling upon the American people to take some action to stop the "holocaust of hate" of the Turks against Christian men, women, and children in the Near East, Rev. C. DeW. Brower delivered a sermon on the "Release of Power" at the First Congregational Church yesterday morning.

"For decades and decades," he said, "the world has been shocked by the horrors perpetrated by the fiends in Asia Minor on their helpless subjects, and Christendom has withheld the one sufficient help which every instinct of humanity has demanded be given—the making of the Turk helpless to carry on his activities.

THOUSANDS BUTCHERED.

"Men and women have been butchered, starved, tortured; girls carried to fates worse than death; children left to famine and death by disease. It has been our part to raise vast sums of money, to gather shiploads of clothing, to arouse sympathy anew each year for the homeless and naked.

"For years American missionaries have labored among the peoples of Asia Minor to educate, relieve. We have built hospitals, schools, orphanages, colleges, and medical missions have multiplied, lavishing care on Turks as on Armenians. To-day we see our buildings destroyed, our missionaries driven out or murdered, the subjects of care lost in the holocaust of hate.

"For decades and decades we have seen the great nations keeping the Turkish Empire, the devil's own, alive and letting it flourish and carry on its work because of the jealousy of those great nations. The fear that one might possess Constantinople, that some highway to the East might pass to another, the holding of Turkish bonds, has permitted the world's chief shame to go on unrebuked. England could have prevented these shames. France, with some mandate over the country, could do so. Now the only thing done is to provide warships by which some of the helpless creatures left by the Turk may be carried to some place of safety.

"Our own country's chief service has been to maintain 'Near East relief' funds to save such remnants as might have escaped the sword.

TIME FOR ACTION HERE.

"The time has come for our Nation to act. Is there no voice to be raised in Congress in defense of the outraged people? Is there no humanity to be expressed and in such terms as to make the world listen? Are we so engrossed with tariffs and bonuses and profiteerings and a hundred self-interests that not one thrilling appeal can be made and the heart of the Nation respond to the cry? An hundred thousand young men with the spirit of Byron, who flew to the defense of Greece, ought to enlist to stop the carnage of which Smyrna's fate is but a sample. If such action be against the law, so much the more interest, enthusiasm may be quickened. In this case there is a 'higher law,' the law of humanity, of brotherhood, of justice.

"God keep us from dying of the rot of self-interest, from the curse of Meroz, who went not to the help of the Lord against the mighty.

"It is here that there should be a release of power. Here in the demand of a people through Congress that these infamies should cease, the clear statement that they must cease. Shall we not appeal to our own Congressmen and Senators to speak? Can we not, here in Tampa, send out some influence, release some power which shall be felt, yes, to the Near East? Can not some great public meeting be held to this end?

"Of one thing we may be sure: If we fail as individuals, as a Nation, some day we shall suffer ourselves for an indifference for which we shall have to give account to Almighty God."

THE MERCHANT MARINE.

Mr. RANSDELL. Mr. President, I ask unanimous consent to have printed in the RECORD in 8-point type several able editorials in regard to the pending shipping bill. They are very brief and are solely on the measure, not political at all, but discuss that very important bill in an interesting statesmanlike manner.

There being no objection, the editorials were ordered to be printed in the RECORD in 8-point type as follows:

[From the Union (Mo.) Republican-Tribune, June 30, 1922.]

SHIP SUBSIDY.

We have heard and read of a ship subsidy for many years, and we have always favored it. We are of that number who believe in America and her way of doing things. We want to see the American flag float proudly from the masthead of American ships upon the seven seas. But these things can not be done without a ship subsidy. Just now we have an enormous merchant marine left us from the World War. These ships stare us in the face as a great liability, and the longer these ships are inactive the greater will be the liability. We believe it would indeed be a national sin to either sell these ships for a song or let them rot in the harbors of the United States.

The President is right when he demands a ship subsidy law for the United States and we admire very much the stand he has taken in this matter. We are sure that the spirit of the American people is back of President Harding on this question of a ship subsidy. We see no reason in the world why the greatest and richest nation on earth should not have the greatest merchant marine afloat. It will be a wonderful help to this country in time of peace, and in case war should come—and we hope it never will—this country will be prepared both on land and sea for the ordeal. We hope that it will never be necessary to use the merchant marine except in peaceful pursuits; but history repeats itself, and if it does in the case of our country, let us be prepared for the ordeal.

[From the Kansas City (Mo.) Journal, July 15, 1922.]

PROTECTING A HUGE INVESTMENT.

It is costing the Government about $4,000,000 every month—one-fourth the amount being paid when the present administration took office—to guard, keep in repair, and otherwise protect the interests involved in the ships under control of the Shipping Board. The $50,000,000 annual outlay for this purpose is approximately equal to the subsidy which the President's bill provides shall be paid in order to place the American merchant marine upon a footing of equality of opportunity in competing with the merchant marine of other countries.

There is, however, this radical difference: The payment of $50,000,000 in protecting the ships now swinging idly at anchor represents a total loss, so far as any returns are concerned.

The payment of $50,000,000 in subsidies will put these ships to work, carrying American goods in American bottoms to the four quarters of the earth in time of peace, and in time of war constituting an indispensable and enormously effective arm of the national defense.

To this advantage must be added the certainty of large returns to the Government from the surplus over the given earnings of the ships under private enterprise, for the owners retain only those earnings below a definite percentage.

There, of course, remains the unthinkable alternative of selling the ships for whatever they will bring and throwing the whole merchant marine overboard, pouring freight and passenger rates into foreign coffers in time of peace and hiring foreign ships to transport American troops and supplies in the event of war, abandoning the seas and ceasing to be a merchant-marine power.

What patriotic American can contemplate such a solution of the problem? What wise American can fail to see the folly of spending the equivalent of the subsidy for maintenance of empty ships when the same amount would involve a patriotic and profitable investment?

The ships are now "eating their heads off," in popular parlance, without earning anything.

Without equalizing assistance, private enterprise could not operate them in competition with foreign vessels.

The payment of money in subsidies of the money now spent on maintenance would put them to work in peace time and make them an arm of national defense in war.

How could the matter be put more conclusively than by stating the mere facts?

How can intelligent and patriotic Americans fail to realize the meaning and the duty involved in those facts?

[From the New Albany (Ind.) Tribune, August 3, 1922.]

SHIP SUBSIDY A NAVAL BILL.

How large is this ship subsidy against which the self-appointed watchdogs of the Treasury rail?

A typical 5,000-ton ship will be paid a subsidy of 25 cents a mile, not much more than the expense of operating an automobile, all costs considered.

Even when our merchant fleet is supplemented by the construction of passenger vessels and at last we have a balanced merchant marine of 7,500,000 gross tons—even then the subsidy will amount to only about $30,000,000. That is just one-fifth of the saving in Federal expenses attained by scrapping our battleships in accordance with the naval disarmament treaty.

We shall save $150,000,000 annually by not having those ships operate.

By destroying our battleships in process of building, in exchange for Britain's destroying blue prints of ships to be built, we equalize our Navy with hers.

Theoretically. Practically we shall not be equal until we have a merchant marine approximately equal with hers, to be ready to serve as warships and naval auxiliaries in war time, and in peace time to train a personnel from which the Navy can recruit.

The subsidy aims to encourage the construction of such an American merchant marine.

We are taking $30,000,000, one-fifth of our savings through naval disarmament, and applying it to strengthen that branch of the Navy in which we are weakest.

That is the meaning of the ship subsidy bill as a naval measure.

[From the Chicago (Ill.) Journal of Commerce, August 16, 1922.]

PASS THE MERCHANT MARINE BILL.

To the landlubbers who dwell in the Central West it may seem that the pending merchant marine legislation has nothing of importance in it to them. Theirs are the pursuits of the land and the factory, and whether the ships that enter and leave American ports fly the American flag or not may, at first thought, seem inconsequential. If they consider the effect of the present railroad strike upon commerce at home, however, they may realize what the lack of an efficient American merchant marine means to her commerce abroad.

A control of vessel transportation gives to the nation enjoying it ascendency in competition. By manipulating ocean freights as the varying conditions suggest, that nation can practically shut a competitor out of any market. Great Britain, having an abundance of vessels, comes close to dominating foreign trade; America, with an adequate amount of shipping, backed up by her unexcelled natural resources and excess manufacturing, can do the same thing.

With a market abroad to absorb excess farm and factory products, labor would find employment that to-day is idle; the farmer and the manufacturer would have a more stable market at home; the general buying power of the workingman would be increased so that a steadier degree of prosperity would obtain.

Not only this, but the growing demand for tonnage to move our exports would give employment in the shipbuilding yards of the Nation, and the fueling and provisioning of the ships would give new markets for American people. Then, too, an adequate American merchant marine would provide the needed auxilary to our Navy to put teeth in any war program that the future may force upon the country. Without this auxilary tonnage the American Navy, even under the present naval treaty, would be severely handicapped and forced to keep in home waters during a war.

The provisions of the pending merchant marine bill would detract from rather than add to the burden now placed upon the country to support the present Shipping Board. The cost of America's Government-owned ships is $50,000,000 annually at present, and they are not in service. The new bill provides for a graduated direct subsidy of from $15,000,000 to $30,000,000 annually to private vessel owners and for the sale of Government-owned ships. Under the bill not only would the Government be able to market the ships (since the subsidy would make it possible for private capital to operate them profitably in competition with foreign ships), but also would the building of the new vessels of the heavy tonnage, rapid transit type, be encouraged.

The merchant marine bill offers a saving in taxation to the public; an opportunity for the country to widen its foreign markets and to build up a naval auxiliary to protect us in time of war. It deserves the support of the country, and should be passed by Congress. Landlubber and seafaring citizens alike should indorse it.

[From the Successful Farmer, Des Moines, Iowa, September 1, 1922.]

THE MERCHANT MARINE.

A vast amount of propaganda on both sides of the ship subsidy question has flooded the editorial offices of the country. It would take nearly all of an editor's time to read it all, and when he was through he would discover that most of it has been chasing around in a circle, getting nowhere so far as new argument is concerned. There has been much misrepresentation of the facts.

A great deal has been said in the past concerning the slipshod manner in which American-made goods have been packed for overseas shipment. One would think that no one but the English, German, or Japanese shippers knew how to build a shipping crate. There was the evidence—the foreign goods came through in fine shape, but the American goods were damaged in shipment, due to faulty packing. Naturally foreign buyers preferred to buy where the goods came through the best.

The secret of this is that American goods were shipped in foreign ships, handled by foreign deck and wharf hands, and purposely handled so roughly that no shipping crate could stand the journey. These same men handled the goods of their own countrymen so that they were not damaged. It was a black eye to American manufacturers.

If we had an American merchant fleet, our goods would be handled by American seamen and dock hands and receive the careful handling they deserve. This would end complaint against American shipping crates and damaged goods upon receipt in foreign markets. It is perfectly natural that foreign ships should be in no hurry to get American goods into a competitive field. Delays in port, on one excuse and another, are easily provided. Where speed is an object to reach a foreign market and only foreign ships are available, it should not be expected that American goods will be rushed in ahead of foreign goods. Human nature controls business.

If we had our own ships, we would find a great difference in the appearance of our goods when they arrive in a foreign port, and a great difference in the speed of delivery, which is an important factor in competitive business. When the farmers get into the exporting game through the United States grain growers this will become apparent.

It is costing Uncle Sam about $50,000,000 a year to support the Government-owned merchant fleet built for war purposes. The subsidy proposed will cost less by several millions, and private owners will have the worry and upkeep of the fleet. Uncle Sam did not run the railroads with a saving to the shippers. It was a very costly experiment in transportation. Uncle Sam can not run a merchant fleet as cheaply as private owners can. "More business in government and less government in business" was the slogan of President Harding when elected. If Congress will follow that cue we will all be thankful. It is not so much a question of subsidy as a question of meeting conditions as they are and making the best of a bad bargain.

[From the New York Tribune, September 13, 1922.]

BUSHWHACKING OUR MARINE.

The American merchant marine is again threatened with discriminations by other maritime nations. Aside from certain economic difficulties, such as higher wages, higher capital costs, higher subsistence for crews, and our own restrictive legislation, many governmental and private activities abroad are a bar to our progress on the seas. Free and open competition is a motto, not a fact.

The Shipping Board is empowered by Congress to protect the interests of American ships. It has made a good beginning. Before 1916 our steamers had no recourse when foreign officials or steamship lines imposed handicaps. Now we have a body which can act effectively, though in doing this it must have the support of an enlightened and determined public opinion. Such a campaign is not anti-British, anti-German, nor antianything. It is simply pro-American.

When the conference of British steamship lines refused to let American ships participate in the Egyptian cotton trade, though they were willing to take the business at a much lower cost, the Shipping Board coerced a compromise by means of a rate war. United States ships now have 50 per cent of that trade.

The State Department took the right step when it refused to reprimand the consuls at Newcastle-on-Tyne without reasonable proof that they had exceeded their authority in aiding our vessels. Unsigned affidavits do not make legal evidence. There is substantial reason for the belief that competing steamship lines had a part in that affair.

When Australia puts higher duties on goods imported in American than in British or Canadian ships, while our hands are tied by the "jellyfish" treaty of 1815 with Great Britain, it is time to look into the situation and to consider the revision of that document.

When British and Japanese stevedores bungle the delivery of 400 tons of tea to an American passenger line in the Orient and cause a costly delay, the Shipping Board must find the best method of correcting the trouble.

When a British steamship line at a South African port filled every pier with scows and barges on the day the first vessel of a new American line was due fair play was thrown to the winds. The consul who forced an opening for the ship on that occasion deserves the greatest praise.

When the Italian Government imposes conditions on passenger liners that can hardly be met by any except Italian companies, the Shipping Board must assert its protective power.

Since 1850, when American shipping was the equal of any and carried its fair share of our trade, the country has spent its energy on internal development. We must now turn a larger part of our attention to foreign fields. Ocean transportation under the American flag is a great factor in that development.

The purpose of American steamship men and Government officials is to transport one-half of our commerce in American vessels. We are entitled to that proportion, and neither petty annoyances nor regulations by alien interests must be allowed to go unchallenged.

REPORTS OF THE COMMITTEE ON CLAIMS.

Mr. ERNST, from the Committee on Claims, to which was referred the bill (S. 107) for the relief of Robert Edgar Zeigler, reported it without amendment and submitted a report (No. 925) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1511) for the relief of Sophie Caffrey (Rept. No. 926); and

A bill (S. 1600) for the relief of Annie McColgan (Rept. No. 927).

Mr. NEW, from the Committee on Claims, to which was referred the bill (S. 3923) for the relief of the State of New York, reported it without amendment and submitted a report (No. 928) thereon.

He also, from the same committee, to which was referred the bill (S. 3515) for the relief of the New Jersey Shipbuilding & Dredging Co., of Bayonne, N. J., reported it with an amendment and submitted a report (No. 929).

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on September 20, 1922, they presented to the President of the United States enrolled bills and a joint resolution of the following titles:

S. 2377. An act to authorize the extension and widening of Ninth Street from Longfellow Street NW. to Underwood Street, and Underwood Street from Ninth Street to Georgia Avenue NW.;

S. 2621. An act authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 15, 1917, along the Mexican border;

S. 2716. An act to give effect to certain provisions of conventions with foreign Governments for facilitating the work of traveling salesmen;

S. 2799. An act to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890;

S. 2983. An act to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes;

S. 3111. An act to authorize the collection in monthly installments of indebtedness due the United States by general prisoners restored to duty, and for other purposes;

S. 3641. An act to grant and confirm to the State of Florida title in and to section 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, and for other purposes;

S. 3733. An act granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River, in the State of Ohio;

S. 3793. An act to authorize the Gary Tube Co. to construct a bridge across the Grand Calumet River in the State of Indiana;

S. 3834. An act to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Grand Calumet River in the State of Indiana;

S. 3938. An act granting the consent of Congress to the county courts of Lafayette and Ray Counties, in the State of Missouri, to construct a bridge across the Missouri River; and

S. J. Res. 216. Joint resolution providing for the consent of the Congress of the United States of America to a compact and agreement between the State of Kansas and the State of Missouri respecting the erection, maintenance, and operation of the waterworks plants of the cities of Kansas City, Kans., and Kansas City Mo., the taxation thereof, and exercise of eminent domain in connection therewith by each State.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEWBERRY:

A bill (S. 4016) for the erection of a public building in the city of Detroit, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. McKELLAR:

A bill (S. 4017) for the relief of Minta Goike; to the Committee on Claims.

A bill (S. 4018) granting a pension to James O. Cardin; to the Committee on Pensions.

By Mr. KING:

A bill (S. 4019) providing for the transfer of reclamation projects to the water users under certain conditions, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. BURSUM:

A bill (S. 4020) to provide for a refund to veterans of the World War of certain sums deducted from their pay for allotments and insurance and to pay to such veterans an amount equal to the additional allowance paid civilian employees of the United States during such war; to the Committee on Military Affairs.

By Mr. McCORMICK:

A bill (S. 4021) for the relief of Edna Mae Baird; to the Committee on Finance.

By Mr. McKELLAR:

A bill (S. 4022) to amend the revenue act of 1921; to the Committee on Finance.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 382) authorizing payment of the salaries of officers and employees of Congress for September, 1922, on the 23d day of said month, in which it requested the concurrence of the Senate.

The message also returned, in compliance with the request of the Senate, the joint resolution (S. J. Res. 215) providing for reinvestigation of the tricounty irrigation project, Nebraska, with the accompanying papers.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were subsequently signed by the President pro tempore.

S. 2885. An act to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes;

S. 3890. An act to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920;

H. R. 10419. An act validating certain applications for and entries of public lands;

H. R. 10766. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 11212. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920; and

H. R. 12377. An act to establish a commission, to be known as the United States Coal Commission, for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

DEFICIENCY APPROPRIATIONS.

Mr. WARREN. Mr. President, from the Committee on Appropriations I report back favorably, with amendments, the bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, for which I ask immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WARREN. I make the usual request that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). The Senator from Wyoming asks that the formal reading of the bill be dispensed with, that it be read for amendment, and that the committee amendments be first considered. Is there objection?

Mr. UNDERWOOD. Mr. President, I have a very important amendment which I wish to offer, and I do not want to wait until the committee amendments are disposed of. I have no objection to the bill being read for amendment, but when we reach that item in the bill I wish to offer my amendment. Therefore, I object to the committee amendments being first considered from that point.

The PRESIDING OFFICER. The Senator from Alabama objects to the committee amendments being first considered.

Mr. UNDERWOOD. I merely ask that the bill be read for action on the committee amendments, according to the rule, but that the amendment I shall propose may be offered when that paragraph of the bill is reached.

Mr. WARREN. The rule provides that there must be a formal reading of the bill.

Mr. UNDERWOOD. I waive that.

The PRESIDING OFFICER. There being no objection to waiving the formal reading of the bill, that will be the order. The Secretary will read the bill for amendment.

The Assistant Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Legislative," on page 2, after line 2, to insert:

SENATE.

To pay Adelaide Curry Crow, widow of Hon. William E. Crow, late a Senator from the State of Pennsylvania, $7,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, to insert:

To reimburse the Official Reporters of the proceedings and debates of the Senate for expenses incurred during the second session of the Sixty-seventh Congress, fiscal year 1923, $4,484.

The amendment was agreed to.

The next amendment was, on page 2, after line 8, to insert:

To pay Alexander K. Meek for extra and expert services rendered to the Committee on Pensions during the first and second sessions of the Sixty-seventh Congress as an assistant clerk to said committee, by detail from the Bureau of Pensions, $1,200.

The amendment was agreed to.

The next amendment was, on page 2, after line 21, to insert:

EXECUTIVE.

WHITE HOUSE POLICE.

For the following employees from October 1, 1922, to June 30, 1923, both dates inclusive, at annual rates of compensation as follows: First sergeant, $2,140; 2 sergeants, at $1,800 each; 30 privates, at $1,660 each; in all, $41,655.

For uniforming and equipping the White House police, including the purchase and issue of revolvers and ammunition, firscal year 1923, $9,900.

The amendment was agreed to.

The next amendment was, on page 4, after line 14, to insert:

UNITED STATES COAL COMMISSION.

To carry out the provisions of the act entitled "An act to establish a commission to be known as the United States coal commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," approved September —, 1922, including personal services in the District of Columbia and elsewhere, and rent if space can not be assigned by the Public Buildings Commission in other buildings under the control of that commission, fiscal year 1923, $200,000: *Provided*, That this sum shall not be available for the payment of annual compensation in excess of $7,500.

The amendment was agreed to.

The Assistant Secretary proceeded to state the next amendment, which was, at the top of page 5, under the heading "Department of Commerce," to insert down to line 15.

Mr. UNDERWOOD. Mr. President, before we get to the item for the Department of Commerce I wish to move an amendment to the bill. I was waiting until the Secretary reached that point.

Mr. President, I do not have a copy of the bill before me from which the Secretary is reading, and the paging of the bill I hold in my hand is not the same; but under the heading "Department of State" there is a provision in the bill which I have here, on page 4, line 4, which is headed "Mixed claims commission, United States and Germany," which reads as follows:

MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY.

For the expenses of determining the amounts of claims against Germany by the mixed commission established under the agreement concluded between the United States and Germany on August 10, 1922, for the determination of the amount to be paid by Germany in satisfaction of the financial obligations of Germany under the treaty concluded between the Governments of the United States and Germany on August 25, 1921, including the expenses which under the terms of such agreement of August 10, 1922, are chargeable in part to the United States; and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of claims and the presentation thereof before said mixed commission, including salaries of an agent and necessary counsel and their assistants and employees, rent in the District of Columbia, printing and binding, contingent and traveling expenses, and such other expenses in the United States or elsewhere as the President may deem proper, $180,000.

Mr. President, I move that that provision of the bill be stricken from it, and I desire to address the Senate on that question.

Mr. WARREN. Mr. President, will the Senator state where the provision to which he refers commences in the bill?

The ASSISTANT SECRETARY. It is found on page 8, beginning in line 6, of the bill as reported, under the heading "Mixed claims commission, United States and Germany."

Mr. WARREN. That is a House item entirely.

Mr. UNDERWOOD. As I understand, the Senate committee has not changed the language.

Mr. President, I will ask those Members of the Senate who are present for their attention for a while in regard to this matter, because it is of very serious import. We are asked to make an appropriation for a commission which is about to be established without warrant of law, for no authority of law exists for it, and which is in direct contravention of the law of the land as established in the German treaty of peace which was ratified somewhat over a year ago. It is also in contravention of the precedents of the Senate, so far as the Senate is concerned, for 100 years. I do not mean to say that the Executive has not taken action of this kind at some time in the past, but, so far as the Senate is concerned, it has always occupied the position that in the settlement of war claims and war matters it should have a voice.

More than that, Mr. President, there is legislation now pending in the Senate before the Judiciary Committee for an adjustment of this question. Hearings have been had, but, on account of the pressure of business, I have no doubt, no conclusion has been reached by the committee. The chairman of the subcommittee on the Judiciary, the Senator from Iowa [Mr. CUMMINS], who has had the matter under advisement, has been almost continually occupied since it came before him either with the pressing matters growing out of the strike conditions in the country or as Presiding Officer, and has made no report. I am not criticizing the Senator at all.

Mr. CUMMINS. Mr. President, I think a word ought to be said at this point. It is true, I am chairman of the subcommittee of the Judiciary Committee considering the bill introduced by the Senator from Alabama. We held one hearing upon the bill. Very shortly after that time the President entered into an agreement to which reference has been made by the Senator from Alabama, and thereupon the question naturally arose before the subcommittee, Has the President the power and authority to enter into an agreement of that character?

I made an arrangement for a further hearing upon that question alone, and the committee was to be addressed by a representative of the State Department, by some one selected by the proponent or the proponents of the bill introduced by the Senator from Alabama. Before we could arrange for that hearing the Senator from North Carolina [Mr. OVERMAN], who is a member of the subcommittee, met with an accident, which has prevented up to this time his appearance in the Senate. The hearing has been postponed for that reason, and for that reason alone. I thought that ought to be stated, because the subcommittee was very anxious to conclude the hearing and submit a report to the full committee.

Mr. UNDERWOOD. Mr. President, I am glad the Senator has made the statement. What I said was not in criticism of his action.

This is a very grave matter involving the rights of citizens of the United States in connection with foreign governments, involving our treaty rights, and also a judicial question as to whether the Secretary of State has any power to act in this matter at all, which question is now being considered by the chief law committee of the Senate. As the Senator from Iowa has said, his committee have taken it up; they have entered upon hearings, but circumstances over which the Senator from Iowa had no control have interrupted the course of the hearings. The Secretary of State has left the United States and will not be able to appear before the committee until his return, and one of the important members of the committee—the Senator from North Carolina [Mr. OVERMAN]—representing this side of the Chamber on the committee, has met with an unfortunate accident, having broken his foot, and can not attend. Yet in the face of that, because the chief of the Budget Bureau has asked Congress to appropriate $180,000 in order to carry out the work of the proposed executive commission—and the members of the commission have not been appointed—suggested by the President, under an executive agreement the Appropriations Committee of the Senate now proposes to ignore entirely the fact that there is legislation pending here; that there is investigation going on involving the determination of the very delicate and difficult questions involved. Without further consideration, it is proposed that Congress shall make an appropriation to inaugurate this work, without any understanding as to where it may lead us. I wish to say to the Senate that, in my judgment, if we proceed to set up this commission and start it to work, if it is contrary to the law of the land, as I believe it is, we may involve the Government in some very difficult and dangerous questions, including conflicts between the executive branch of the Government and the Senate of the United States, and in the end conflicts between the attitude of the German Government and our Government on the subject. It is not a question that can be lightly passed over by merely making an appropriation without consideration.

I am not saying this in criticism of the members of the Appropriations Committee. I know they have not considered this matter. It was put in the bill in the House. I am sure that the Appropriations Committee of the House gave not one word of consideration to the legal questions and the difficult international questions involved. They sent this provision over to the Senate, and the Senate committee made the appropriation as a matter of course, without any consideration of the issues involved in this matter—and they are grave issues.

I think we should halt. I am not asking the Senate this morning to decide the question finally. I am only asking the Senate to strike this appropriation out of this bill and let it stay out until we meet here in December, in order that an opportunity may be given for those to be heard who think this is not a legal way to approach this matter, and that the Judiciary Committee of the Senate may have an opportunity to report its findings before we foreclose the whole situation by making an appropriation to start a commission to functioning when the Senate has not given any real consideration to this question.

Mr. President, I do not think I ought to let the time go by, because I do not know what the Senate is going to determine, without at least putting into the RECORD a statement in regard to this matter.

The chairman of the committee suggests to me that he has a letter from the Secretary of State and the estimates in regard to this matter, and it might be well enough to have it read now. I will yield for that purpose.

Mr. WARREN. I ask the Senator to yield so that we may have read such portions of this letter as appear on the pages marked.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Secretary will read such portions as are marked.

Mr. UNDERWOOD. I ask that the whole document may appear in the RECORD, because it shows the salaries and other expenses that are required to be paid, and I think the Senate should be informed in regard to it.

The PRESIDING OFFICER. It is so ordered.

The Assistant Secretary read the marked portions of the document (H. Doc. 376, 67th Cong., 2d sess.), which, entire, is as follows:

[House Document No. 376, Sixty-seventh Congress, second session.]

EXPENSES OF MIXED CLAIMS COMMISSION, UNITED STATES AND GERMANY.

Communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1923, for Mixed Claims Commission, United States and Germany, $200,000.

THE WHITE HOUSE,
Washington, August 24, 1922.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1923, for Mixed Claims Commission, United States and Germany, $200,000.

The purpose of the appropriation requested and the necessity therefor are set forth in a letter from the Secretary of State to the Director of the Bureau of the Budget, dated August 22, 1922, transmitted herewith.

Respectfully, WARREN G. HARDING.

—

TREASURY DEPARTMENT,
BUREAU OF THE BUDGET,
Washington, August 24, 1922.

SIR: I have the honor to transmit herewith for your consideration, and upon your approval for transmission to Congress, a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1923, for Mixed Claims Commission, United States and Germany, $200,000.

Mixed Claims Commission, United States and Germany: For the expenses of determining the amounts of claims against Germany by the mixed commission established under the agreement concluded between the United States and Germany on Aug. 10, 1922, for the determination of the amount to be paid by Germany in satisfaction of the financial obligations of Germany under the treaty concluded between the Governments of the United States and Germany on Aug. 25, 1921, including the expenses which under the terms of such agreement of Aug. 10, 1922, are chargeable in part to the United States; and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of claims and the presentation thereof before said mixed commission, including salaries of an agent and necessary counsel and their assistants and employees, rent in the District of Columbia, printing and binding, contingent and traveling expenses, and such other expenses in the United States or elsewhere as the President may deem proper---------------------------- $200, 000

Object.	Rate per annum.	Estimated for period Sept. 1, 1922, to June 30, 1923.	Total.
Mixed Claims Commission:			
Expenses of commission (United States share)—			
Salaries—			
Umpire	$15,000.00	$6,250.00	
2 messengers	1,000.00	833.35	
2 stenographers	1,400.00	1,166.70	
Traveling expenses of umpire	1,000.00	500.00	
Printing for commission	500.00	250.00	$9,000.05
Expenses, United States agency—			
Salaries—			
Commissioner	12,000.00	10,000.00	
Agent	10,000.00	8,333.35	
1 counsel	7,500.00	6,250.00	
3 counsel	5,000.00	12,500.00	
3 law clerks	3,000.00	7,500.00	
Joint secretary	3,500.00	2,916.70	
Clerk and disbursing officer	3,000.00	2,500.00	
5 stenographers	1,400.00	5,833.35	
3 messengers	1,000.00	2,500.00	58,333.40
Rent (including quarters for commission)		7,000.00	
Taking testimony abroad		20,000.00	
Printing and binding		5,000.00	
Reporting proceedings		5,000.00	
Furniture		5,000.00	
Law books		2,000.00	
Contingent and miscellaneous expenses		25,000.00	69,000.00
Reserve for expenses not practicable to specify in advance of the organization of the commission			63,666.55
Total			200,000.00

Further details concerning this estimate and the reason for its submission at this time are set forth in a letter from the Secretary of State, dated August 22, 1922, transmitted herewith.

Very respectfully, R. O. KLOEBER,
Acting Director of the Bureau of the Budget.

The PRESIDENT.

DEPARTMENT OF STATE,
Washington, August 22, 1922.

Hon. H. M. LORD,
Director of the Bureau of the Budget,
Treasury Department.

SIR: Under the terms of an agreement concluded August 10, 1922, between the United States and Germany a mixed commission is provided for the determination of the amount of American claims against Germany growing out of the recent war. The agreement provides that a commissioner is to be named by each Government, and that the two Governments are to agree upon an umpire who is to decide finally upon any questions as to which the commissioners may be unable to agree. The German Government having expressed a desire to have an American citizen to serve as umpire of the commission, the President has named as umpire William R. Day, Associate Justice of the United States Supreme Court. This agreement was concluded to provide a suitable arrangement to obtain rights respecting claims under the treaty of August 25, 1921, between the United States and Germany, securing to the United States and its nationals the rights specified in the joint resolution of Congress approved July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the treaty of Versailles.

The categories of claims to be considered include those for American property losses in Germany since August 1, 1914, other losses sustained by American citizens since July 31, 1914, as a consequence of the war, and debts owing to American citizens by the German Government or German nationals, these claims being more fully defined in the treaty of August 25, 1921, between the United States and Germany and the treaty of Versailles.

Several thousand American claims, aggregating in amount probably $300,000,000, are to be considered by the commission. Included among these claims are hundreds for loss of American life in the *Lusitania* and other submarine disasters and the destruction of American vessels and cargoes on the high seas, and for the destruction of American property in the devastated areas in Belgium and France. The Government of the United States, through the Bureau of War Risk Insurance (Veterans' Bureau) has nearly $30,000,000 of claims to present.

In order that the work of preparing claims for presentation to the commission may proceed promptly it is necessary that an adequate lump-sum appropriation be made immediately available. The agreement of August 10, 1922, concluded with Germany provides for a meeting of the commission at Washington within two months after the date of its signature.

Accordingly I inclose herewith an estimate of appropriation in the amount stipulated to cover the period from September 1, 1922, to June 30, 1923, which I would be pleased to have you transmit to Congress with the request that early action be taken thereon.

I am also inclosing herewith for your information a copy of the claims agreement and of the treaty of August 25, 1921, to restore friendly relations existing between the United States and Germany prior to outbreak of war. I have the honor to be, sir,

Your obedient servant,

CHARLES E. HUGHES.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1923, by the Department of State.

Mixed Claims Commission, United States and Germany: For the expenses of determining the amounts of claims against Germany by the mixed commission established under the agreement concluded between the United States and Germany on August 10, 1922, for the determination of the amount to be paid by Germany in satisfaction of the financial obligations of Germany under the treaty concluded between the Governments of the United States and Germany on August 25, 1921, including the expenses which, under the terms of such agreement of August 10, 1922, are chargeable in part to the United States; and the expenses of an agency of the United States to perform all necessary services in connection with the preparation of claims and the presentation thereof before said mixed commission, including salaries of an agent and necessary counsel and their assistants and employees, rent in the District of Columbia, printing and binding, contingent and traveling expenses, and such other expenses in the United States or elsewhere as the President may deem proper (treaty of Aug. 25, 1921; agreement Aug. 10, 1922; treaties 1st sess., 67th Cong., p. 117) $200,000

Object.	Rate per annum.	Estimated for the period Sept. 1, 1922, to June 30, 1923.	Total.
Mixed Claims Commission:			
Expenses of commission (United States share)—			
Salaries—			
Umpire	$15,000.00	$6,250.00	
2 messengers	1,000.00	833.35	
2 stenographers	1,400.00	1,166.70	
Traveling expenses of umpire	1,000.00	500.00	
Printing for commission	500.00	250.00	
			$9,000.05
Expenses, United States agency—			
Salaries—			
Commissioner	12,000.00	10,000.00	
Agent	10,000.00	8,333.35	
1 counsel	7,500.00	6,250.00	
3 counsel	5,000.00	12,500.00	
3 law clerks	3,000.00	7,500.00	
Joint secretary	3,500.00	2,916.70	
Clerk and disbursing officer	3,000.00	2,500.00	
5 stenographers	1,400.00	5,833.35	
3 messengers	1,000.00	2,500.00	
			58,333.40
Mixed Claims Commission—Continued.			
Expenses, United States Agency—Contd.			
Rent (including quarters for commission)		$7,000.00	
Taking testimony abroad		20,000.00	
Printing and binding		5,000.00	
Reporting proceedings		5,000.00	
Furniture		5,000.00	
Law books		2,000.00	
Contingent and miscellaneous expenses		25,000.00	
			$69,000.00
Reserve for expenses not practicable to specify in advance of the organization of the commission			63,666.55
Total			200,000.00

Mr. WARREN. Mr. President, may I interrupt the Senator for a moment at this point?

Mr. UNDERWOOD. Yes; I yield.

Mr. WARREN. The letter which has been read was evidently the basis upon which the House included this provision in the bill. As the Senator knows, it is entirely a House provision so far, but it met our approval because it seemed to us to carry out the compact between the two Governments. When the hearing was had before the House committee, Assistant Secretary Bliss, who appeared before it, did not go into the details of the matter and made no comment upon its legality or anything of that kind except to state that in his opinion the work would require this amount of money.

Mr. UNDERWOOD. Mr. President, I have not said that the Appropriations Committee have not considered in detail the amount of these estimates and the amount of money that should be expended provided this commission is inaugurated. I am sure they have given careful attention to that matter. What I have said is that the Appropriations Committees of the two Houses, which of course are not the law committees of the two Houses, have given no consideration whatever to the question as to whether the executive branch of the Government in this case has a right to appoint a commission at all, or what the effect of this appointment would be so far as American claims are concerned, or in regard to the question as to whether there is an executive usurpation of the power that has been granted to the Congress.

In order that the record may properly show the issues involved, I want to ask, first, that I may have printed in the RECORD in 8-point type, without reading, a copy of a bill I introduced on the 20th day of July, 1922, to provide for a tribunal to hear and determine these claims of American citizens against the German Government.

There being no objection, the bill was ordered to be printed in the RECORD in 8-point type, as follows:

A bill to amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended.

Be it enacted, etc., That an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, be, and hereby is, amended by adding thereto the following sections:

"SEC. 20. (a) A commission is hereby created and established to be known as the Enemy Property Claims Commission, hereinafter referred to as the Commission, which shall be composed of six commissioners, all of whom shall be learned in the law, who shall be appointed by the President, by and with the advice and consent of the Senate. No more than three of the commissioners shall be appointed from the same political party. One of said commissioners shall be designated by the terms of his appointment to be the president of the Commission.

"(b) The President of the United States, by and with the advice and consent of the Senate, shall fill all vacancies which may occur in said Commission.

"(c) Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(d) Each of the members of the Commission, the Assistant Attorney General, the attorneys, and the clerk provided herein shall be citizens of the United States, and shall take the oath of office prescribed by law to be taken by officers of the United States.

"(e) The Commission shall have a seal with such device as it may order.

"(f) The Commission may sit as a whole, or in two divisions, each composed of three members of the Commission. The Commission may divide and assign its business to such divisions of the Commission, reserving for the consideration of the entire Commission such matters as it may deem advisable. Two of the commissioners constituting such a division of the Commission shall constitute a quorum for the transaction of business assigned to such division, and the agreement of two such commissioners shall be necessary to decide any question arising before such division of the Commission. Four members of the entire Commission shall constitute a quorum for the transaction of business, and the agreement of four such commissioners shall be necessary to decide any question arising before said entire Commission.

"SEC. 21. (a) The said Commission shall, within 30 days after the appointment of the members thereof, meet, and it shall thereafter hold its sessions in the city of Washington, District of Columbia.

"(b) The said Commission shall proceed immediately after its first meeting with all convenient dispatch to arrange and docket the several claims admissible hereunder, and to consider the evidence which shall have been, or which may be, offered by the respective claimants, and in opposition thereto, allowing such further time for the production of such further evidence as may be required and as it shall think reasonable and just; and shall thereupon proceed to determine and award upon each of the said claims according to the provisions hereof.

"(c) The said Commission is hereby authorized to publish notice of its sessions, and to make all needful rules and regulations not contravening the laws of the United States, for regulating the forms and mode of procedure before the said Commission, and to carry into full and complete effect the provisions hereof. Such rules and mode of procedure made with regard to claims filed under section 29 herein shall conform, so far as practicable, to the mode of procedure and practice of the district courts of the United States. The said Commission is hereby vested with the same powers now possessed by the district courts of the United States to compel the attendance and testimony of parties, claimants, and witnesses, to preserve order, and to punish for contempt, and to compel the production of any books or papers deemed material to the consideration of any claim or matter pending before the said Commission.

"(d) The said Commission is also vested with all the powers now possessed by the district courts of the United States to take or procure testimony in foreign countries. Such testimony may be taken, pursuant to the provisions of existing laws and the rules of practice of the district courts of the United States, so far as applicable, before the Commission or any commissioner or commissioners appointed to take testimony hereunder.

"(e) The marshal of the United States for the District of Columbia, or his deputies, shall serve, within said District, all process issued by said Commission, preserve order in the place of sitting, and execute the orders of said Commission; and outside the District of Columbia the process of said Commission shall be served by the United States marshals, or their deputies, in their respective districts: *Provided, however*, That the said Commission or any commissioner appointed by it to take testimony in the United States or foreign countries is hereby authorized to appoint an officer to serve any process issued by said Commission or commissioner.

"(f) When testimony is to be taken before the Commission, or any commissioner appointed to take testimony, within any district, Territory, or insular possession the clerk of any court of the United States for such district or Territory or the clerk of any local judicial tribunal for such insular possession shall, on application of the Commission or commissioner appointed to take testimony, or of any party to the proceeding, or his attorney, issue a subpœna for such witness, commanding him to appear and testify before the Commission or commissioner at a time and place stated in the subpœna; and if any witness, after being duly served with such subpœna, refuses or neglects to appear, or after appearing refuses to testify, not being privileged from giving testimony, and such refusal or neglect is proved to the satisfaction of any judge of the court whose clerk issues the subpœna, such judge may proceed to enforce obedience to the process or punish the disobedience as any court of the United States or such insular possession may proceed in case of disobedience to process of subpœna to testify issued by such court; and the production before such Commission or commissioner of any paper or writing, written instrument, book, or other document may also be required in the manner prescribed in section 869 of the Revised Statutes of the United States.

"(g) Each of the said commissioners, and the clerk, and each of the commissioners to take testimony shall have authority to administer oaths and affirmations and to take the depositions of claimants, parties, and witnesses in all matters pending before or to be presented before the Commission; and if any person shall knowingly and willfully swear or affirm falsely in such examination or deposition to any matter or fact touching which such person is examined, or if any person, whether claimant or witness, shall so swear or affirm falsely to the contents of any memorial, petition, affidavit, deposition, or other paper containing any matter or fact pertaining to any claim or proceeding pending before or to be presented before said Commission, or shall, in giving testimony or in swearing or affirming to any deposition, affidavit, or other paper before any officer authorized to administer oaths or to take such testimony, swear or affirm falsely to any matter or fact pertaining to any claim or proceeding pending or to be presented before said Commission, every such person so swearing or affirming falsely as aforesaid shall be deemed guilty of perjury just as if such false oath or affirmation had been taken in a judicial proceeding in any of the courts of the United States or in any local judicial tribunal of any insular possession, and shall be liable to indictment and trial in the district court of the United States for the district in which such perjury shall have been committed, or in the proper courts of the United States for the Territory or District of Columbia, or in proper courts of the insular possessions in which such perjury shall have been committed, and shall upon conviction suffer such punishment as is provided by the laws of the United States or of the insular possession for that offense. No person shall be excluded as a witness before the Commission because such person is a party to or interested in the claim or proceeding, and any claimant or party in interest may be examined as a witness on the part of the Government.

"(h) All claims filed hereunder shall be filed with the clerk of the Commission, and the prosecution of the claim shall be deemed to have commenced at the date of such filing.

"SEC. 22. (a) The Commission shall appoint and fix the compensation of a clerk, and may also appoint and fix the compensation of one or more messengers, stenographers, typists, interpreters, and such other employees as the business of the Commission may require; and may also appoint and fix the compensation or fees of one or more commissioners (who are herein designated as commissioners to take testimony), who shall be citizens of the United States, whose duty it shall be to take testimony in the United States or in foreign countries in such cases as may be brought before the said Commission, but no compensation shall be paid in excess of that paid for like or similar service in the departments and executive agencies of the United States.

"(b) Each of the said members of the Commission shall be paid monthly at the rate of $7,500 per annum. The Department of State shall provide said Commission with all necessary and suitable rooms and offices for holding its sessions and transacting its business. All the expenses, including the salaries and compensation of said Commission and of its officers and employees, shall be paid by the Department of State upon vouchers certified by the president of the Commission or by order of the members of the Commission in case of his absence or inability to act.

"SEC. 23. It shall be the duty of the Commission, and it shall have jurisdiction, to receive, examine, and adjudicate all claims filed as provided herein. It shall adjudicate said claims according to the merits of the several cases, the principles of equity, and of law.

"SEC. 24. (a) The orders, judgments, awards, and decrees of the Commission or any division thereof shall be final, unless a new trial or rehearing shall be granted by said Commission, and no retrial or rehearing shall be had except upon motion made within 30 days of said order, judgment, award, or decree.

"(b) When the Commission is in doubt as to any question of law arising upon the facts in any case before it, it may state the facts and the question of law so arising and certify the same to the Supreme Court of the United States for its decision, and said court shall have jurisdiction to consider and decide the same.

"SEC. 25 (a) The Commission, immediately after its award shall have been made and become final, shall transmit a copy thereof, certified by the clerk of the Commission and signed by the president of the Commission, or by at least two other members of the Commission in his absence or inability to act, to the Alien Property Custodian or Treasurer of the United States, or both, as the case may be, which officials thereafter, as soon as may be, shall dispose of any money or other property in accordance with such award.

"(b) The powers and jurisdiction hereby granted to said Commission shall be in force and continue for the period of two years from the date the Commission meets for the first time, as provided in section 21 hereof, and for no longer time: *Provided*, That the President may, from time to time, extend the said period beyond said two years, not exceeding six months in each instance, when in his judgment such extension is necessary to enable the Commission to complete its work: *And provided further*, That in case the Commission shall have completed its work before the expiration of the said two years or any extension granted by the President he may dissolve said Commission. Immediately after the Commission shall have completed its work all the files and records of said Commission shall be deposited in the Department of State.

"SEC. 26. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional Assistant Attorney General of the United States, who shall hold this office during the existence of said Commission, and the Attorney General of the United States is empowered to employ and fix the compensation of such other attorneys and employees as the duties laid upon his office by the provisions hereof may require. It shall be the duty of said Assistant Attorney General and attorneys to appear as attorney and counsel for the United States under the direction of the Attorney General and to defend its interests in all claims and proceedings before said Commission.

"(b) Service of all notices of claims and petitions filed hereunder shall be made upon the Attorney General at such time and in such manner as may be prescribed by the Commission.

"(c) The defense of the United States to any claim shall be made under such rules and regulations as the Commission may prescribe: *Provided*, That should the Attorney General fail to so defend any claim, the claimant may proceed with the case under such rules as the Commission may adopt; but the claimant shall not in such cases have award for his claim, or for any part thereof, unless he shall establish the same by proof satisfactory to the Commission.

"SEC. 27. (a) All money or other property or the proceeds of the sale thereof held by the Alien Property Custodian or Treasurer of the United States by virtue of the trading with the enemy act, as amended, the return of which is now authorized by section 9 thereof, shall be, as elsewhere provided herein, returned to the owner thereof or his agent or legal representative.

"(b) Claims made under this section by any person asserting citizenship of the United States by naturalization process shall not be denied on the ground of any presumption of expatriation which may have arisen against him, if he has returned to the United States and gives satisfactory evidence of his loyalty to the United States during his absence abroad.

"(c) Claims made under this section and subsections (b) and (c) of section 30 hereof shall be filed with the Commission within one year after the date the Commission meets for the first time, as provided in section 21 hereof, or shall be forever waived and barred.

"SEC. 28. All money and other property, including the proceeds of the sale thereof, held by the Alien Property Custodian or the Treasurer of the United States by virtue of the trading with the enemy act, as amended, which at the time it was conveyed, assigned, transferred, delivered, or paid over to the Alien Property Custodian or required so to be, or seized by him, belonged to any person enumerated in this section, shall be returned by the Commission to the owner thereof or to his agent or legal representative, if the payment of claims which may be allowed by the Commission to claimants under sections 29 and 30 hereof are otherwise satisfied; otherwise, the same shall be just subject to the payment thereof as herein provided. The Alien Property Custodian shall classify all such money and other property in two lists; one covering that belonging to Germany and its nationals, the other covering that belonging to Austria-Hungary and its nationals, as follows:

"Class 1. Money and other property belonging to the Government, or any political or municipal subdivision thereof, or any agent or agency thereof.

"Class 2. All other money and property belonging to any person not enumerated in the foregoing class 1, the return of which is not authorized by section 27 hereof.

"(b) No person enumerated in this section shall file claim for the return of his money or other property until such time as the Commission shall announce it will receive such claims, provided that all such claims shall be filed with the Commission within one year after the date of such announcement by the Commission, or shall be thereafter forever waived and barred.

"SEC. 29. (a) The following shall be deemed claimants of the first class hereunder:

"(1) Any citizen of the United States who has suffered damage growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and prior to April 6, 1917, or by the Austro-Hungarian Government or by any Austrian or Hungarian authorities since July 28, 1914, and prior to December 7, 1917;

"(2) Any civilian citizen of the United States who suffered damages by injury or who, as surviving dependent, suffered damages, by personal injury to or death of civilians, caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising;

"(3) Any civilian citizen of the United States who suffered damage caused by Germany or her allies as a victim of acts of cruelty, violence, or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment, or evacuation, of exposure at sea or being forced to labor), wherever arising, or who, as surviving dependent of any such civilian victim, suffered damage;

"(4) Any civilian citizen of the United States who suffered damage caused by Germany or her allies in their own territory, or in occupied or invaded territory, as a victim of all acts injurious to health or capacity to work, or to honor, or who, as a surviving dependent of any such civilian victim suffered damage;

"(5) Any citizen of the United States or any person serving in the military, naval, or air forces thereof who suffered damage caused by any kind of maltreatment by Germany or her allies of prisoners of war; and

"(6) Any civilian citizen of the United States who suffered damage caused by being forced by Germany or her allies to labor without just remuneration.

"(b) The following shall be deemed claimants of the second class:

"(1) Any citizen of the United States who suffered damage or injury inflicted on his property rights or interests, including any company or association in which he may be interested in German territory as it existed August 1, 1914, or in the territory of the former Austro-Hungarian Empire by the application by such nations of either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the annexes to Section IV, entitled 'Property rights and interests,' of the treaties of Versailles, Trianon, and St.-Germain-en-Laye, respectively;

"(2) Any citizen of the United States who has suffered damage in respect of all property, wherever situated, belonging to him, with the exception of naval and military works or materials, which has been carried off, seized, injured, or destroyed by the acts of Germany or her allies on land, on sea, or from the air, or damage directly in consequence of hostilities or of any operations of war; and

"(3) Any citizen of the United States who has suffered through the acts of the Imperial German Government, or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damage, or injury to his person or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, not hereinbefore enumerated.

"(c) The following shall be deemed claimants of the third class:

"(1) The Government of the United States, representing the people thereof, for damage caused to the people thereof for all its pensions or compensation in the nature of pensions to its naval and military victims of war (including members of its air force), whether mutilated, wounded, sick, or invalided, and to the dependents of such victims, the amount due being calculated for each of them as being the capitalized cost of such pensions and compensation on the basis of the scales in force in France as to Germany at the date of November 11, 1921, and as to Austria and Hungary at the date of May 1, 1919;

"(2) The Government of the United States for the cost of assistance by such Government to prisoners of war and by their families and dependents;

"(3) The Government of the United States for allowances by such Government to the families and dependents of mobilized persons or persons serving with its forces, the amount due to them for each calendar year in which hostilities occurred being calculated for the Government on the basis of the average scale for such payments in force in France during that year;

"(4) The Government of the United States, for damage in respect of property wherever situated belonging to it, with the exception of naval and military works or materials, which has been carried off, seized, injured, or destroyed by the acts of Germany or her allies on land, on sea, or from the air, or damage directly in consequence of hostilities or of any operations of war; and

"(5 The representatives of any civilian population of the United States which suffered damage in the form of levies, fines, and other similar exactions imposed upon them by Germany or her allies.

"(d) The award to any claimant under this section shall be only for the amount of the actual damage which said claimant shall prove that he has sustained. Remote or prospective damages shall not be awarded. The awards made to claimants under this section shall include interest at the rate of 6 per cent per annum, from the date that the loss, damage, or injury was sustained by the claimant, until such date as the award is paid.

"(e) All claims under this section shall be filed with the Commission within six months after the date the Commission holds its first meeting, or shall be thereafter forever waived and barred; provided that the Commission may, in its discretion, extend the time for filing said claims for an additional period not exceeding six months.

"(f) Any claim prosecuted under this section shall be presented by petition, containing such allegations and in such form as the Commission may require. The petition shall be signed and be verified by the affidavit of the claimant, his attorney, or agent.

"(g) All persons whom the Commission may require shall be made parties defendant, and service shall be obtained upon all parties defendant in accordance with the practice in the District courts.

"(h) In case any award is rendered by the Commission to claimants under this section, the Commission shall, upon motion of the attorney or counsel for the claimant, allow in addition to the amount thereby awarded such counsel and attorney fees to the counsel and attorneys employed by the claimant or claimants, respectively, as the Commission shall determine to be just and reasonable as compensation for the services rendered the claimant in prosecuting such claims, which allowance shall be entered as a part of the award in such case and shall be made specifically payable to said attorney or counsel as a part of said award, the payment of which shall be in full compensation to the counsel or attorney for prosecuting such claim; and all other liens upon, or assignments, sales, transfers, either absolute or conditional, for services rendered or to be rendered, about any claim or part or parcel thereof, provided for in this amendment heretofore or hereafter made or done before such award is rendered and payment thereof made, shall be absolutely void and of no effect.

"(i) The Commission shall order the payment of all claims allowed by it to claimants under this section against the nation concerned, insofar as such awards are otherwise unsatisfied, out of the money and other property enumerated in section 28 hereof which shall have been classified as belonging to it and its nationals; provided that all the money and other property constituting the first class set forth therein shall be exhausted before that constituting the second class shall be subject to such awards. In event all money and other property classified as belonging to one of the former enemy nations and its nationals shall be more than sufficient to satisfy all awards against it, the balance shall be held subject to the satisfaction of the awards which may be rendered against the other enemy nation concerned, if such other awards are not otherwise satisfied, and provided that the same shall not be so used until all money and other property belonging to such other nation and its nationals shall have been exhausted.

"Awards allowed to claimants of the first class shall be paid before awards allowed to claimants of the second and third class, and awards allowed to claimants of the second class shall be paid before awards allowed to claimants of the third class, and should such money and other property be insufficient to satisfy in full awards to claimants of any one of said three classes the same and/or the proceeds thereof shall be distributed ratably among the several claimants of that class.

"(j) All money held by the Alien Property Custodian or by the Treasurer of the United States belonging to persons in the class then subject to the payment of awards under this section shall be exhausted in the satisfaction of such awards before the property held by the Alien Property Custodian belonging to the same or other persons in the same class be subject to liquidation for the payment of such awards.

"(k) So far as such awards shall be payable by the Treasurer of the United States, all or any part of same may, at his option, be paid in United States bonds, at par, provided that any amount of the award of which a $50 bond is not a factor shall be paid in currency.

"SEC. 30. (a) Any person enumerated in section 27 or section 28 claiming any right, title, or interest in any money or other property which has been conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or seized by him and held by him or the Treasurer of the United States by virtue of the 'trading with the enemy act,' as amended, may, as provided in said sections, respectively, file with the Commission a notice of his claim containing an application for allowance thereof, under oath and in such form and containing such particulars as the Commission shall require; and the Commission may order the payment, conveyance, transfer, assignment, or delivery of the money or other property so held by the Alien Property Custodian or Treasurer of the United States, or of the interest to which the Commission shall determine said claimant is entitled, to said claimant, his agent, or attorney.

"(b) Any citizen of the United States or his legal representative, to whom any debt, which became due prior to July 14, 1919, may be owing from any person whose money or other property is subject to the payment of claims as provided in section 29 hereof, may file notice of such claim containing an application for the allowance thereof, as provided in the foregoing subsection (a); and the Commission may, with the assent of the owner of said money or other property, and of all persons claiming any right, title, or interest therein, order the payment, conveyance, transfer, assignment, or delivery of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States, or of the interest therein to which the Commission shall determine said claimant is entitled, to said claimant, his agent, or attorney.

"(c) Any claimant enumerated in the foregoing subsection (b) who is unable to obtain assent to the payment of the debt as provided therein may make application for the allowance of said debt by filing a petition therefor as provided for claimants under section 29 hereof, and the Commission shall proceed to adjudicate upon said claim under the same rules and regulations as it may provide for claimants under said section 29.

"(d) The Alien Property Custodian and the Treasurer of the United States shall not comply with any award or order of the Commission allowed to claimants under the foregoing subsections (b) and (c) until all of the awards of the Commission to claimants enumerated in section 29 herein have been paid or otherwise satisfied. Claimants under said subsections (b) and (c) shall be entitled to priority of payment according to the time of the filing of their respective claims.

"(e) All applications for the allowance of claims made to the President in accordance with the provisions of section 9 of the trading with the enemy act, as amended, which have not, at the time the Commission meets for the first time as provided in section 21 hereof, been allowed or disallowed, shall be delivered over to the Commission; and all applications so pending shall be deemed to have been filed with the Commission as of such time. The Commission, upon the receipt of said applications, shall proceed to adjudicate upon such claims in accordance with the provisions hereof: *Provided*, That after the Commission meets for the first time, as provided in section 21 hereof, no further applications for the allowance of claims shall be received by the President under the said section 9, nor shall the President, on his own motion, dispose of any money or other property under the provisions of said section 9. The Commission is hereby authorized to allow any claim for debt which might have been allowed under said section 9, provided that any such claim shall be filed under the same terms and conditions as any other claim hereunder and subject to the same restrictions as provided in said section 9.

"(f) Nothing contained herein shall in anywise prejudice the rights of any claimant who has heretofore instituted or shall hereafter institute suit in equity in the district court of the United States or the Supreme Court of the District of Columbia, as provided in said section 9. No claim shall be prosecuted before the Commission if such suit in equity has theretofore been instituted in such district court of the United States or the Supreme Court of the District of Columbia asserting the same claim; and no suit shall be instituted in such district court of the United States or the Supreme Court of the District of Columbia if the same has theretofore been filed with the Commission: *Provided*, That any person who has heretofore instituted any such suit in a district court of the United States or in the Supreme Court of the District of Columbia, the merits of which suit shall not have been determined by such court at the time of the approval of this act, may apply to such court for the dismissal of such suit, and upon the dismissal of the same may file his claim before the Commission.

"SEC. 31. (a) The sole relief and remedy of any person having any claim to any money or other property, or the proceeds of the sale thereof, heretofore conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian, or required so to be, or seized by him, shall be that provided by the terms of the trading with the enemy act as amended and the terms hereof; and in the event that such property has been or shall be sold or otherwise disposed of by the Alien Property Custodian shall be limited to and enforced against the net proceeds received therefrom and held by the Alien Property Custodian or by the Treasurer of the United States, and no such money or other property, or the proceeds of the sale thereof, liquidation or other dealing therewith so held shall be returned, or otherwise disposed of, unless the lawful expenses incurred by the Alien Property Custodian in holding and administering the said money or other property to be returned, or otherwise disposed of, are first deducted therefrom or otherwise satisfied.

"(b) The return of any money or other property, or the proceeds of the sale thereof, or payment of any debt, in accordance with the provisions of the trading with the enemy act as amended, or the provisions hereof, shall operate as and be a full acquittance and discharge of the Alien Property Custodian or the Treasurer of the United States, as the case may be, and of the United States in respect to any and all claims for or interest in said money or other property or compensation or damage arising from the capture and administration of such property by the President or the Alien Property Custodian.

"SEC. 32. All money or other property held by the Alien Property Custodian or the Treasurer of the United States by virtue of the trading with the enemy act as amended shall be administered as provided in said act as amended until such time as the Commission may otherwise order the disposal of the same or as Congress shall otherwise direct: *Provided, however*, That no property shall hereafter be sold except to insure the prevention of waste and protect such property or to satisfy such taxes as are provided to be paid in an act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes,' approved July 1, 1918, or to satisfy claims in accordance with the awards and directions of the Commission."

Mr. UNDERWOOD. In order that the RECORD may show the position of the executive department of the Government, I desire to call to the attention of the Senate the fact that on July 29, seven days after that bill was introduced, the Secretary of State wrote a letter to the Senator from Minnesota [Mr. NELSON], chairman of the Judiciary Committee of the Senate, explaining to him that he expected to negotiate an executive understanding with the German Government, which I think he refers to in this letter as a treaty, but which was not a treaty, in reference to the settlement of these claims. I ask that that letter, a copy of which I hold in my hand, may be printed in the RECORD in 8-point type, without reading, so that the RECORD may show the facts up to this point.

There being no objection, the letter was ordered to be printed in the RECORD in 8-point type, as follows:

DEPARTMENT OF STATE,
Washington, July 29, 1922.

The Hon. KNUTE NELSON,
Chairman Committee on the Judiciary,
United States Senate.

DEAR SENATOR NELSON: I beg to acknowledge the receipt of your letter of July 21, 1922, inclosing a copy of a bill (S. 3852) "To amend an act entitled 'An act to define, regulate, and punish trading with the enemy, and for other purposes,' approved October 6, 1917, as amended," and requesting in behalf of the Committee on the Judiciary of the Senate an expression of my opinion as to the advisability of the legislation contemplated by this measure.

For the purpose of indicating my views regarding the bill, it is unnecessary at this time to enter into a detailed discussion of its provisions. I understand that its general purpose is to provide for a commission composed of American citizens which is to pass on certain classes of claims of American citizens, and also on claims of the Government of the United States, for damages sustained as a result of the acts, during periods described in the bill, of either the former German Government or the former Austro-Hungarian Government, or their authorities, respectively.

In addition to the claims of the citizens of the United States, the bill embraces provision for claims made by the Government of the United States for "all its pensions or compensation in the nature of pensions to its naval and military victims of war, including members of its air force, whether mutilated, wounded, sick, or invalided, and to the dependents of such victims"; also for "the cost of assistance" by the Government of the United States "to prisoners of war and to their families and dependents"; and also for "allowances" by the Government of the United States "to the families and dependents of mobilized persons or persons serving with its forces."

Provision is made for the satisfaction of these claims, in accordance with a stated order of priority, out of the property of German and Austrian nationals held by the Alien Property Custodian.

It is hardly necessary for me to say that I am most anxious that a settlement of the claims of American citizens should be promptly effected. You undoubtedly appreciate that in addition to the difficulties which, as a result of political and economic conditions, have confronted the nations with which the United States was associated in the war in effecting settlement of claims against former enemy countries, the Government of the United States was obliged to deal with conditions incident to the conclusion of treaties with Germany, Austria, and Hungary to reestablish friendly relations with those nations.

Following the conclusion of such treaties, negotiations were entered into with Germany looking to the adjustment of the claims of our citizens pursuant to the rights of the United States recognized under the treaty concluded August 25, 1921, with that country. It is contemplated that a mixed commission on which Germany will have representation will be established to determine the amounts of these claims in accordance with the procedure usually governing matters of this kind.

I am glad to say that despite the recent difficulties in Germany which apparently have delayed the completion of the arrangement, gratifying progress has been made, and I believe that a satisfactory convention will shortly be signed. The negotiations with the German Government indicate a desire on its part to move as expeditiously as possible with a view to the consummation of the plans under consideration. It is manifest that legislation such as that contemplated by the bill in question would be embarrassing to the Executive in dealing with the matter of these claims, since the enactment of the bill into law would make it necessary to abandon present plans.

Apart from this effect of the passage of the bill, I may say that it seems to me entirely appropriate that the usual practice should be followed in the determination of international claims, and that Germany should have appropriate representation upon a mixed claims commission by which the amount of these claims shall be assessed. The bill seems to deal with the settlement of claims as if it were purely a domestic affair. But the claims are those of American citizens against Germany, Austria, and Hungary, and it has hitherto been contemplated, as the joint resolution of Congress approved July 2, 1921, makes clear, that these Governments shall make suitable provision for the satisfaction of these claims. But if these Governments are to make such provision, I should regard it as proper that they should have the opportunity of being represented on the claims commission by which the amount of the claims is to be fixed. I do not see that any different principle should be applied because we hold the private property of former enemies in pledge, but this situation, I should suppose, would rather make the course to which I have referred, if possible, still more important before resort were had to such property for satisfaction. To undertake to exclude a nation in a case like the present from any participation or voice in matters thus vitally affecting its interests and to deal with such matters by ex parte action would be, in my judgment, at variance with the principles and practice generally observed by nations in their relations with each other, and I should think it unfortunate if such a course were initiated by this Government.

I do not speak of the situation which would be disclosed if Germany refused to make an arrangement for a commission to act in the assessment of claims in a manner which would be reasonable and satisfactory to our Government. I am, however, speaking of the present situation, in which negotiations are pending and where there is every reason to believe that they will shortly be concluded.

I shall not discuss the plan, which the bill sets forth, of confiscating the property in the hands of the Alien Property Custodian by providing for its application not only to the payment of the claims of American citizens but also to the claims of this Government for pensions and allowances, as described in the bill. While the latter class of claims is to be postponed in payment to the former, all are to be satisfied under the provisions of the bill, and it is manifest that the entire private property of former enemy nationals in the hands of the Alien Property Custodian will not be sufficient for the purposes stated.

Up to this time Congress has not committed itself to a confiscatory policy. In the joint resolution of July 2, 1921, Congress provided that the property should be retained by the United States and no disposition thereof should be made, except as had been or might be provided by law, until such time as Germany and Austria and Hungary "shall have respectively made suitable provision for the satisfaction of all claims against said Governments, respectively," of American citizens who have been damaged through the action of these Governments, as stated, and until compliance with the other provisions of the resolution. In other words, so far as the claims of American citizens are concerned, the properties in the hands of the Alien Property Custodian, or their proceeds if liquidated, are to be held virtually in pledge until Germany, Austria, and Hungary, respectively, make suitable provision for the satisfaction of these claims.

As I have said, this implies a fair opportunity to make the required provision. When the amount of these claims has been determined, the question of the satisfaction can be taken up at once, Congress, of course, reserving its authority to deal with the question in the light of the event. I am of the opinion that this course can be followed quite as expeditiously as the course contemplated by the bill, and I should hope that in any case no measure of confiscation would be adopted until there had been a failure, after reasonable opportunity, to provide for the satisfaction of the claims of American citizens, duly ascertained. I remain, my dear Senator NELSON,

Very sincerely yours,

CHARLES E. HUGHES.

Mr. UNDERWOOD. Of course, when I introduced the bill on the 20th day of July I had not heard from any source that the Secretary of State was negotiating with the German Government in regard to this matter at all, and, so far as any determination was arrived at, it had not been determined at that time, because it was not until some time after the date of the letter of the Secretary of State, the 29th of July, that a final determination was reached between the State Department and the German Government in regard to this matter and the executive agreement in regard to these claims was entered into. That was after the Senate of the United States had taken jurisdiction of this matter; it had been referred to the Committee on the Judiciary and the Committee on the Judiciary had entered on an investigation of it. So, broadly speaking, the matter was pending before the Congress of the United States, and the executive branch of the Government, by executive agreement with Germany, took it out of the control of the Congress.

I think it is fair to the executive branch of the Government to say that I have heard that before that time the matter was under discussion; that there were conversations going on between the German Chancellor and the Secretary of State; but no conclusion had been reached before we took jurisdiction of this matter.

After the letter of the Secretary of State had been filed with the Senator from Minnesota I wrote a letter to the senior Senator from Iowa [Mr. CUMMINS], the chairman of the subcommittee of the Committee on the Judiciary, stating my viewpoint in regard to the matter, and I now intend to make a statement to the Senate which will substantially follow what I said to the Senator from Iowa. I do that because it is a more convenient way to make the statement and bring the matters to the attention of the Senate, and it will probably take less time than if I attempted to do it in some other way.

I wish to say at the outset that I do not believe any precedent exists in our history which may be termed applicable to the present situation. Presumably, the President has relied on the fact that representatives of the State Department have at divers times in the past entered into certain agreements for the adjustment of claims of American citizens against foreign governments, which agreements were not submitted to the Senate for its ratification.

Passing over the question whether in general such agreements are binding upon this Nation in the absence of the Senate's confirmation, I wish to point out that usually such agreements have covered only pecuniary claims of individuals arising in times of peace.

I repeat, presumably the President has relied on the fact that representatives of the State Department have at divers times in the past entered into certain agreements for the adjustment of claims of American citizens against foreign governments, which agreements were not submitted to the Senate for its ratification.

Passing over the question whether in general such agreements are binding upon this Nation in the absence of the Senate's confirmation, I wish to point out that usually such agreements have covered only pecuniary claims of individuals arising in times of peace, have met with the approval of the claimants, and have involved no obligation on the part of the United States other than the relinquishment of the claim.

President Buchanan, in submitting the claims agreement with Venezuela, signed January 14, 1859, to the Senate, said:

> Usually it is not deemed necessary to consult the Senate in regard to similar instruments relating to private claims of small amount when the aggrieved parties are satisfied with their terms.

The principal executive agreements involving more than one claim that have come to my attention are: The agreement with Spain of February 11–12, 1871, for the adjustment of certain claims of citizens of the United States on account of wrongs and injuries committed by authorities of Spain in the island of Cuba; the agreement with Venezuela of February 17, 1903, for the adjustment of all claims owned by citizens of the United States against Venezuela which had not at that time been settled by diplomatic agreement or by arbitration; and the protocol with China of September 7, 1901, for the adjustment of claims growing out of the so-called Boxer troubles of 1900.

No President, to my knowledge, has ever entered into such an agreement providing for the adjustment of claims arising out of war. I am sure I am correct about that.

Mr. LODGE. I do not know who is the author of the document the Senator has been reading.

Mr. UNDERWOOD. I am the author of it.

Mr. LODGE. Then, if the Senator will allow me, the Boxer claims arose directly out of a war in which we were engaged.

Mr. UNDERWOOD. No, Mr. President; that is where the Senator is making his mistake.

Mr. LODGE. I do not think I am.

Mr. UNDERWOOD. The situation was saved by the admiral in command of the American fleet not firing on the Chinese ships when the troops went up the harbor, and we always claimed, in the Boxer case, that we had not been in technical war with China. Of course, the other powers occupied a different position.

Mr. LODGE. We sent troops to Peking, and were the first to storm the city.

Mr. UNDERWOOD. We sent the troops to Peking to guard our embassy.

Mr. LODGE. They blew in the gates in doing it.

Mr. UNDERWOOD. Of course, I do not mean to say that some riots did not occur, but the position of our Government in reference to this Chinese trouble has always been that we did not engage in war, and the result itself was proof. The Chinese minister remained in Washington during the entire time, and we never concluded any treaty of peace with China after the difficulties were over, and there was no declaration of war, either on the part of the President or of Congress. So, technically speaking, what I say is correct.

Mr. LODGE. Technically it was not a war, but it grew out of war just the same.

Mr. UNDERWOOD. Where we have had a war there has never been an adjustment of claims in the history of this country, except with the consent of the Congress or of the Senate acting with the Executive.

I repeat, no President, to my knowledge, has ever entered into such an agreement providing for the adjudication of claims arising out of war. Perhaps this is due to the fact that the President, with but a few nominal exceptions, has never entered into an agreement for the adjustment of a private claim of a foreigner against the United States without securing the approval of the Senate, but I think that it is chiefly because the settlement of war claims is necessarily part and parcel with the treaty of peace which, of course, under our Constitution, must be submitted to the Senate for its advice and consent.

For a discussion of the foregoing question I wish to refer the Senate respectfully to the Digest of International Law, by John B. Moore, volume 5, page 211; Treaties, Their Making and Enforcement, by Samuel B. Crandall, second edition, page 108; "The treaty-making powers under the Constitution," by John W. Foster, Yale Law Journal, December, 1901; "Treaties and executive agreements," by John B. Moore, Political Science Quarterly, September, 1905; and "International agreements without the advice and consent of the Senate," by James F. Barnett, Yale Law Review, November and December, 1905.

Mr. President, I have excerpts here from most of these papers, and they set out the cases where the President has made executive agreements, as well as those where he has not. These excerpts are not entirely my way, but I want the full information to go to the Senate. I have had them compiled for my information, and I think the Senate is entitled to the information, and if the Senate does not want it, the country is entitled to it. So I ask unanimous consent that at the conclusion of my remarks these papers may be printed in 8-point type as an appendix.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. An examination of the agreements made in relation to private claims against foreign Governments discloses that the practice of their submission or nonsubmission to the Senate has not been uniform.

However, as I said above, I do not think that we can rely upon precedents in the present situation for, needless to say, in none of the cases heretofore considered in the history of our Government were there involved American claims running into hundreds of millions of dollars, secured by approximately $346,000,000 worth of collateral.

Assuming that the President enjoys authority to negotiate executive agreements under usual circumstances, I am doubtful if he has such authority at the present time with respect to the claims of our Nation and its citizens against the former enemy Governments.

It is impossible to divorce the disposition of the enemy property held by the Alien Property Custodian and the settlement of claims of our citizens against the former enemy Governments.

Congress, in enacting the trading with the enemy act, specifically provided—and I ask the Senate to bear in mind what I am saying here, because here is where I claim the law is that has been ignored by the executive branch of the Government. Congress, in enacting the trading with the enemy act, specifically provided in section 12 thereof that any claim of an enemy or ally of enemy to any money or other property received and held by the Alien Property Custodian or deposited in the United States Treasury shall be settled as Congress shall direct.

That is your law. That is the law of your Government. I am not criticizing the President personally. He had but little to do with the matter. It was negotiated by his Secretary of State. But that is your law, which you passed and made the law of the land, yet it is ignored entirely in this executive agreement, to start and carry out which you now propose to appropriate $180,000. Is the Executive of the Government above the law of the land? Should we pass the matter without consideration when it is pending before a committee of the Senate which will later on have the opportunity to properly consider it and report the facts and the legal status of the matter to the Senate for its consideration? It seems to me it would be unwise to rush into the matter without consideration before the committee.

Mr. KING. Mr. President, will the Senator yield?

Mr. UNDERWOOD. Certainly.

Mr. KING. I am disposed to agree with the Senator in his general observation as to lack of authority upon the part of the Executive to commit the Government and the nationals of the Government to the policy to which this protocol or agreement seems to commit us, but if I understand the terms of the trading with the enemy act—and it is a long time since I read it—my recollection is that it intended to deal with the property of German nationals situated in the United States which might be seized under the terms of the provisions of that act, and held by the Alien Property Custodian, and did not attempt to deal with the claims which American citizens might have against the German nationals or the German Government because of tort of either the German Government or the German nationals. I may be in error.

Mr. UNDERWOOD. I have just read to the Senate an excerpt from section 12 of the trading with the enemy act. Of course, I agree with the Senator that when the trading with the enemy act was passed the matter of which he speaks was the matter mainly in the mind of Congress, but the statement which I have read is in the law. I am not guessing at it. I have read section 12 of the law.

While this congressional reservation refers to the claims of the former owners of the property concerned, its purpose was to insure the retention of such property as a pledge for the satisfaction of such claims of our citizens as might arise during the war in case Congress determined to so apply it. The inseparable connection between the disposition of enemy property and the settlement of such claims is further apparent from the consideration given these two subjects in the treaties of Versailles, Trianon, and St. Germain-en-Laye, the pertinent section of the first-named treaty being section 4, part 1, from which I quote the following:

> ART. 297. (h) Except in cases where by application of paragraph (f) restitutions in specie have been made, the net proceeds of sales of enemy property, rights, or interests wherever situated, carried out either by virtue of war legislation or by application of this article, and in general all cash assets of enemies, shall be dealt with as follows:
>
> "(1) As regards powers adopting section 3 and the annex thereto, the said proceeds and cash assets shall be credited to the power of which the owner is a national through the clearing office established thereunder; any credit balance in favor of Germany resulting therefrom shall be dealt with as provided in article 243.
>
> "(2) As regards powers not adopting section 3 and the annex thereto, the proceeds of the property, rights, and interests, and the cash assets of the nationals of allied or associated powers held by Germany shall be paid immediately to the person entitled thereto or to his Government; the proceeds of the property, rights, and interests, and the cash assets of German nationals received by an allied or associated power shall be subject to disposal by such power in accordance with its laws and regulations and may be applied in payment of the claims and debts defined by this article or paragraph 4 of the annex hereto. Any property, rights, and interests, or proceeds thereof or cash assets not used as above provided may be retained by the said allied or associated power, and if retained the cash value thereof shall be dealt with as provided in article 243. * * *"

Of course, in those treaties it was assumed that the various claims set forth as reparations claims would be taken care of through the Reparation Commission. However, as such treaties confirmed to the United States the right to dispose of enemy property as it saw fit, there can be no objection to the enforcement of reparations claims against enemy property if the Congress should so elect.

When the Congress passed the joint resolution declaring war to be at an end, which was approved by the President on July 2, 1921, it carefully reserved to itself all of the rights as to the ultimate disposition of enemy property that it had specified in the trading with the enemy act and which had been confirmed to it by the treaties of Versailles, Trianon, and St. Germain-en-Laye. Section 5 of that resolution provides that all such property should be—

> retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments—

as specified therein, and shall have complied with the other conditions therein set forth.

Now, I want to say another thing in passing. The executive agreement which it is proposed to start to functioning now only relates to German claims. It does not involve and has no representation on it of the claims against Austria and against Hungary, and yet the Alien Property Custodian holds property of those citizens in pledge under treaty rights with their Governments. Yet you are proposing to start a one-sided commission to decide only a part of the matter. You may not think that is material, but I want to point out to you a class of claims where it will become very material. Of course, since I introduced the bill I have had a number of letters on the subject, and a number of claims have been called to my attention in which I have no interest except that the claimants are citizens of the United States, coming from States other than my own, and have a right to a fair day in court in the disposition of their matters. One of those cases, which is an actual case, is as follows:

There was a ship of commerce, not a warship, belonging to citizens of the United States and flying the American flag. It was sunk by an enemy torpedo in the Mediterranean sea. The owners are unable to prove whether the torpedo came from a German or an Austrian source. They knew it was an enemy, of course. They were fired on and sunk. They are to be sent to this one-sided court, which is to be inaugurated to-day if the pending appropriation bill is enacted into law. The burden of proof will be on them to show that their claim is against Germany. Of course, they have a claim. It was a peaceful commercial ship carrying no munitions of war, sailing in the neutral waters of the Mediterranean, and was sunk by an enemy torpedo, but they would be put to the test of proving that the torpedo came from a German ship and not an Austrian ship. If they fail to make the proof—and they must fail, because the torpedo boat was under the surface of the sea—they will then be asked if they have filed a claim against Austria and to prove their case there and that the torpedo was an Austrian torpedo, which, of course, they can not do, whereas, if the bill which I have introduced and is pending before the Senate is enacted into law, they could prove that their vessel was shot down by the enemy, and the question of whether the claim was against Germany or Austria would be a question for those Governments to prove and settle between themselves. No question of rights of that kind is taken care of in the proposed executive agreement. No agreement with Austria-Hungary has been provided for. When we get through with the German commission, we will then have to go along and appoint some more commissions to take up the other side of the question instead of having a case settled by law and having one final settlement of the whole matter.

Mr. KING. Mr. President, will the Senator from Alabama yield to me?

Mr. UNDERWOOD. I yield.

Mr. KING. Does the Senator know the terms of the agreement which the President has entered into, and if under the terms of the agreement the President seeks to bind American nationals so that if they do not submit their claims before the proposed commission they will be forever barred? Is there no option at all upon their part to refrain from submitting their claims against Germany to a tribunal which they have no voice in establishing?

Mr. LODGE. The agreement is printed in pamphlet form, if the Senator from Utah desires to see it.

Mr. UNDERWOOD. I have the agreement on my desk, and it has been ordered printed as a part of the CONGRESSIONAL RECORD. I wish to say to the Senator that the President could not bind American nationals; he has no power to do so. He does not try to do it. He merely steps in as a good wisher, without their request, carries them into a tribunal, and invites them to come and settle their claims before the tribunal without any authority of law. When a claim shall be settled in such manner the settlement will not be binding upon them or upon anybody else.

Why this agreement was made I can not tell. There has been no such performance, I think, in the annals of history, that a government, without the request of its nationals, should inject or force itself into an agreement with an enemy government or a former enemy government, without the knowledge of anybody outside the State Department, for the settlement of American claims along lines about which the claimants knew nothing whatever. That is a very different question from the one cited as a precedent. Of course, if I should be injured in a foreign country, either in person or in my property, and I go before the Secretary of State of my Government and say that I have been injured in a foreign country, and they will not accord me right treatment, and I ask the Secretary of State to use his good offices to settle my claim, then the Secretary of State would be acting as my agent. He presents my claim to the foreign government and negotiations ensue. The Secretary of State does not have to come to Congress in the matter. It is an individual matter; exercising the power of our Government, he merely presents the claim to another government. When I approve of his settlement, nobody else is involved; it is an individual settlement, and largely an individual matter in most cases, even if there may be more than one party involved. Here, however, is a war condition that is settled, not individual rights; here is a great fund that is being held in trust for the payment of these claims if the Congress so orders, that action being agreed to by both governments in a solemn treaty compact, and with the understanding that the Congress shall pass laws to determine how this matter shall be settled.

Then we find the Secretary of State, without consulting the claimants, without consulting the Congress, without knowledge of anybody in the United States, enters into an executive agreement.

I shall not pass on the legal aspects of it, but the Secretary of State, in a letter that was read from the desk this morning, stated that this agreement will take care of claims such as those growing out of the sinking of the *Lusitania*. Mr. President, that letter came after I had printed in the CONGRESSIONAL RECORD a letter which had been written to me by a very able lawyer representing the estates of men who had been killed when the *Lusitania* was destroyed, and which stated that the executive agreement was not broad enough to protect their claims, to give them a standing in this executive tribunal which had been set up.

I will not say whether the lawyer who wrote the letter was right or wrong; his letter was written before the Secretary of State said anything about it. Of course, the lawyer is interested; he is not adverse to the Secretary of State, but he represents claimants, the widow and children of the husband and father who was sacrificed in the sinking of the *Lusitania*, and he would like to have a day in court. He pointed out in his letter that, in his judgment, this executive agreement only relates to property matters and to personal injuries in cases where those who have been injured have set up claims, but not for losses by death; and I am inclined to think he is right about it. That, however, is neither here nor there; it may be that he is right or it may be that the Secretary of State is right; but are we going to determine that question this morning by ordering this tribunal to proceed by giving it $180,000, before the Judiciary Committee has a chance fairly to investigate this matter and present it with a fair understanding to the Senate?

That is what I am arguing this morning; I am not arguing as to who is right or who is wrong about this matter. I am merely arguing against starting this tribunal to functioning when careful consideration has not been given to the question involved here. In a matter affecting thousands of American citizens and millions of dollars' worth of claims and millions of dollars' worth of property, it is proposed to rush on blindly and organize the court, without knowing a blamed thing about the issue which is involved.

Mr. President, this section of the joint resolution was incorporated in the separate treaties of peace with Germany, Austria, and Hungary. It was stipulated in each of those treaties of peace, respectively, that while the United States was privileged to participate in the Reparations Commission and in any other commission established under the treaties of Versailles, St. Germain-en-Laye, and Trianon, or any agreements supplemental thereto, the United States was not bound to participate in any such commission unless it so elected. Nevertheless, the Senate in ratifying each of those treaties of peace reserved for legislation by the Congress the matter of the disposition of enemy property and the adjustment of the claims of the United States and its citizens by ratifying such treaties subject to a certain understanding.

I should like the Senate to listen to that understanding. I think that some votes in the Senate which were cast for the German treaty would not have been cast to ratify that treaty if there had not been written into the German treaty the clause which it is now proposed to repudiate. I will read it. It is as follows:

> That the United States shall not be represented or participate in any body, agency, or commission, nor shall any person represent the United States as a member of any body, agency, or commission in which the United States is authorized to participate by this treaty, unless and until an act of the Congress of the United States shall provide for such representation or participation; * * * that the rights and advantages which the United States is entitled to have and enjoy under this treaty embrace the rights and advantages of nationals of the United States specified in the joint resolution or in the provisions of the treaty of Versailles, to which this treaty refers.

Mr. President, that was the solemn declaration of the Senate of the United States in ratifying the treaty of peace with Germany, and is the law of the land; and yet this morning we are asked to repudiate our own action, to repudiate entirely our own position in regard to this question by making an appropriation to allow an executive commission to function without authority of law.

To summarize, both branches of Congress by their action on the trading with the enemy act reserved to the Congress the ultimate disposition of enemy property, and by the joint resolution reasserted their legislative authority over that subject; the Senate by the exercise of its treaty power has since reaffirmed those reservations in the trading with the enemy act and the joint resolution with an express proviso that, except, pursuant to an act of the Congress, no representative of the United States should sit on any body, agency, or commission dealing with matters covered by the separate treaties of peace.

Therefore, if the adjustment of these American claims, so intimately connected with the disposition of enemy property, is arranged by a purely executive agreement, it is hardly necessary to point out the possibility that the Congress, when it comes to the disposition of enemy property, may reopen the matter of the adjustment of American claims.

I wish to emphasize that any such a difficulty will be obviated by the passage of the bill I have introduced providing for a commission composed solely of American citizens to adjust such claims; but, of course, if my viewpoint that it should be an American commission is not accepted by law, such a commission may be provided as the Congress may determine. The President's viewpoint as to the kind of a commission you desired may be accepted, but what I am contending for this morning is that it shall be done by law and not in violation of every law placed on the statute books.

The commission would have jurisdiction to hear all claims against Germany, Austria, and Hungary. There is not contemplated a special commission to hear such claims as may be presented against each of these nations, respectively. Further, the bill would enable the Congress at one time to enact legislation not only caring for American claims, but also providing for the ultimate disposition of enemy property.

I wish to call attention again to the fact that the State Department has acted without any law whatever in the making of the agreement it has entered into with the German chancellor; but more than that, it has made the agreement not only without a law to authorize it but without the knowledge or consent of the claimants themselves. Of course, I have not heard from all of them, but I have heard from many of the American claimants, since I wrote the bill referred to and since the action of the President was taken, protesting against the President's action and asking that a tribunal established by law might function in the matter, showing conclusively that the action of the State Department was not with the consent of the American claimants.

That, Mr. President, makes it a very different case from the case that may be cited—and a number of which I have already put in the Record—where I as a claimant, for instance, have suffered at the hands of the nationals of a foreign country or at the hands of a foreign Government, and I go to the State Department and ask the State Department to represent me as my agent to settle the claim. There are numerous instances of that kind, and I have cited a number of them in the Record, and they will be printed. That, however, is not the issue here. There is no law to authorize this action by the State Department, and there is no request by the men who have the claims that the matter shall be dealt with in this way; and, as I said, some of the claimants who have lost their fathers and their mothers believe that the terms of the settlement as provided for by the Secretary of State are not broad enough and full enough to allow them to present their cases to the tribunal. Do you think they are going to be satisfied if finally the arbitrator decides that the terms of the agreement are not broad enough, and they are thrown out? Had you not better stop this morning, in your mad rush to appropriate this money, long enough to give the Judiciary Committee of the Senate an opportunity to investigate this matter and report back to you what the status is?

Mr. KING. Mr. President, will the Senator yield?

Mr. UNDERWOOD. Yes.

Mr. KING. I may be anticipating the position which will be taken by those who are the proponents of this proposition; the Senator may have answered this question while I was called from the Chamber a few moments ago; but can it be contended that the President in negotiating the agreement which he did, and the State Department in proceeding as it is now proceeding or seeking to proceed, were merely executing the terms of the treaty entered into between the United States and Germany—terms which devolved upon the President and upon Germany the procedure which they are now seeking to carry into effect?

Mr. UNDERWOOD. I do not know what theory somebody may entertain, but such a position would be absolutely in contravention of everything that has been written into the law or written into a treaty. Mr. Bradley Palmer, who represented the Government in reference to these claims at Versailles, testified before the Foreign Relations Committee and said distinctly, without contradiction, that the final determination of how these claims and this property should be settled rested with the Congress of the United States. Nobody disputed it. It was accepted, and that was accepted as the status when the Foreign Relations Committee reported to the Senate the separate treaty of peace with Germany, ratifying the clauses in the treaty of Versailles relating to this property of American claimants, that it is a matter for the Congress to determine; yet we find the Executive making an agreement, without the request of the American claimants, without the request of the Congress, without anything in our treaties or the laws to justify it, and going on to proceed to consummate it.

Mr. HITCHCOCK. Mr. President, has the Senator the testimony of Mr. Palmer before him?

Mr. UNDERWOOD. I have not, but it has been published.

Mr. HITCHCOCK. I do not remember particularly what he said. My recollection of the treaty itself, and of the testimony that came before the committee, was that the United States Government could elect to take its proceeding either under the treaty or in any other way it pleased. It was not stated that it was for Congress to decide, but for the Government of the United States.

Mr. UNDERWOOD. He did say what the Senator says, but that is not all he said. He also said that the final disposition of this whole matter rested in the hands of the Congress of the United States. If the Senator has any doubt about it, while I have not the document lying on my desk, if he will have a page get a copy of the hearings on the bill that I introduced before the subcommittee of the Senator from Iowa [Mr. Cummins] and read the testimony of Mr. A. Mitchell Palmer, the Alien Property Custodian, who was first in charge, he will see that Mr. A. Mitchell Palmer quoted the position of Mr. Bradley Palmer, who represented us at Versailles, and quoted him distinctly on this point, that it was a matter for the Congress to determine.

Mr. HITCHCOCK. My recollection goes back further than the testimony of Mr. Bradley Palmer. My recollection goes back to conversations had with those who were present in Paris at the time this treaty was negotiated; and all that our negotiators intended to do was not to be bound to submit these claims to a mixed tribunal, but for the Government of the United States—not the Congress, but the Government—to have the right to elect whether it would have the matter decided before a mixed tribunal or in some other way.

Mr. UNDERWOOD. If the Senator will get that testimony he will refresh his mind on what Mr. Palmer said. I do not know what other people have said. Mr. Palmer was the man who represented us in reference to this particular issue; but that does not make any difference. Taking the Senator's construction of it, he said that it should be decided by the Government of the United States. The only way that the Government of the United States can act is in law. The President of the United States may act, as Executive, as my agent when I have a claim and present my claim to a tribunal; but the President of the United States can not act for me and bind me against my will and consent.

Mr. HITCHCOCK. It seems to me that if the United States enters into a treaty with another country providing a method of adjusting matters, the President is the one who can take the initiative in operating under that treaty.

Mr. UNDERWOOD. Why, certainly, if it does; but the only treaty it has entered into is the German treaty, and the German treaty relates back to the treaty of Versailles, and adopts the claims paragraph of the treaty of Versailles. The Senator from Nebraska was probably out of the Chamber when I reviewed that matter this morning; but those provisions in the treaty of Versailles do not give the Executive any power to act in this matter. As Mr. Bradley Palmer pointed out before the Foreign Relations Committee, it is left for the Congress of the United States to make laws concerning it. That is the only way you can do it, and you are simply going to open Pandora's box. Now, I do not say this will happen, but it probably will:

Here are claims filed before the State Department that I understand, on their face, amount to a billion of dollars. Of course, I take it that they will not amount to that much when any tribunal finally reaches a conclusion, because some of them are claims sounding in damages for destruction of life and property, and perhaps they have claimed more than the court will find due; but when you come as a practical question to operate on this case, your presidential, Executive order commission goes out to function in the matter, and it finds that A has a claim against the German Government, and A is satisfied, and he accepts the finding. It finds that B has no claim against the German Government. B is not satisfied, and does not accept the finding and the commission goes on through the alphabet ad infinitum in reference to thousands and thousands of claims, rejecting one and accepting the other. Then, when you come down to the final settlement of this matter, it requires congressional action to dispose of this pledge you have, this alien property in the hands of the Alien Property Custodian. It can not be done by the Executive.

The Executive does not claim that he can dispose of it. It is fixed by law in the Alien Property Custodian, and when you come to dispose of it, you have to do so by action of the Congress of the United States, with the approval of the President. Of course, the bill that I have introduced proposed to have a commission find these claims and give Germany a chance to pay them. If Germany pays them and Austria and Hungary pay them, give them back their property. That is what the bill I have introduced proposes; but if they do not pay them, then we operate on the property that we have here.

If the claims commission appointed by the President makes a finding and finds that certain American citizens have just claims, I take it, of course, that the President will ask the German Government—of course, the Austrian and Hungarian Governments are not yet represented; they may be at a later time—the President will ask the German Government, so far as those claims are concerned, to pay them; and if they do not pay them, what are you going to do? Why, if those claims that his joint commission holds are good are to be operated on without the German Goverument paying the money, it will be necessary to come to Congress to get a law to pay them out of his alien property. Now, I want you to go with me just a step further. I said we would consider that the claim of A was found good, and the claim of B was turned down by this presidential commission. Do you think B, your constituent, is going to stay at home in his town and consent to the turning down of his claim by a commission with whose appointment he had nothing to do, that he did not invite, and that he probably will say was unfair, whether it was unfair or not? You know those cases. He will proclaim that it was unfair, and he will come here to you and say that when you go to dispose of this German property he wants you to provide for the payment of his claim out of this property, as well as the other fellow's claim; and what will you do? You will have a Pandora's box in the House of Representatives and in the Senate of the United States in connection with this matter. You know you will. You know what claims are.

Talk about a "pork-barrel" bill, as they used to call the river and harbor bill sometimes, when every fellow got in his item. In a situation of this kind where the claims of American citizens to the amount of hundreds of millions of dollars are involved, you will have something a great deal worse than a pork-barrel bill. I say that if the Congress of the United States is wise, it is not going to blind itself and back into this situation without knowledge of what is going to happen. It will establish by law what it is going to do, and bind not only the Government of the United States, but its nationals, its citizens, by the action of Congress before it starts into this matter, not afterwards.

Of course, I do not believe in this executive commission appointed by the President. I think he has made a mistake. I do not think he has gone at it in the right way; but if you think so, if you think his commission is broad enough to cover this question; if you think it is the wise conclusion to reach—that it shall be a mixed tribunal limited to the terms provided in the order of the President—then, I say to you, for heaven's sake make it the law of the land now by congressional action, so that it will bind your Government and bind your nationals now. Make them go into the court and settle the claims there, once and for all, and do not have this proposition decided without law, without any binding effect, by a mere Executive order, and then have it come back here to hang around the necks of the Congress of the United States for the next generation to come.

There is not any question about that, Mr. President. I have my own viewpoint about it. I think we should decide this question in a different way from the position taken by the President; but I do know that if you proceed in this way you bind nobody. You are only creating trouble; and after a decision is made by the President's commission, and it comes back here for final action, you will have to make it all over again, and you will have citizens from every part of the United States knocking at your door, demanding your consideration of their claims.

I am not asking this morning that the Senate decide whether the President is right or wrong. All I am asking the Senate to do is to strike out of this bill an appropriation and to give the Judiciary Committee of the Senate an opportunity to investigate and report on a matter of legislation pending before them, and then let that come up and be presented to the Senate as a matter of legislation, considered by a legislative committee, and not have it injected into the Senate as a mere appropriation, without warrant of law, by the Committee on Appropriations.

APPENDIX A.

[Excerpt from "Treaties, Their Making and Enforcement," by Samuel B. Crandall, 2d edition, at p. 108.]

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"SEC. 57. Adjustment and settlement of pecuniary claims of citizens against foreign Governments: The President, being intrusted with the right of conducting all negotiations with foreign Governments, is the sole judge of the expediency of instituting, conducting, or terminating them in respect of reclamations for injuries sustained by citizens abroad. Agreements for the adjustment or settlement of pecuniary claims of citizens against foreign Governments, which meet with the approval of the claimants, and by which no obligation, except to relinquish the claim, is assumed on the part of the United States, are not usually submitted to the Senate.[19] President Buchanan, in submitting to the Senate, February 9, 1860, an agreement with Venezuela, signed January 14, 1859, for the settlement of claims of citizens of the United States as the result of their expulsion by the Venezuelan authorities from the Aves Island, said: 'Usually it is not deemed necessary to consult the Senate in regard to similar instruments relating to private claims of small amount when the aggrieved parties are satisfied with their terms.' In the particular instance, it was thought advisable on account of the unstable condition of the Venezuelan Government to give the agreement a formal ratification with the advice and consent of the Senate.[20]

"The agreement may be recorded by an exchange of notes, or it may be embodied in a protocol or memorandum. Instances of adjustment and direct settlement are numerous. A notable instance is that of the Mora claim against Spain, finally settled by the agreement of August 10, 1895, for the payment by Spain of the sum of 1,500,000 gold pesos. An agreement for the settlement and payment of the claim had originally been reached by exchange of notes in 1886, but the Spanish Cortes failed to vote the necessary appropriation. The Congress of the United States, by a joint resolution approved March 2, 1895, requested the President to insist upon the payment of the sum so agreed upon, with interest from the date when payment should have been made under the agreement.[21] Another notable instance of agreement for direct settlement is recorded in notes exchanged May 28, 1881, between Sir Edward Thornton, British minister, and Mr. Blaine, Secretary of State, in which the Government of Great Britain agreed to pay, and the Government of the United States agreed to receive, the sum of £15,000, in full satisfaction of claims of American fishermen for injuries sustained in their fishing operations on the coasts of Newfoundland, with particular reference to the Fortune Bay episode of January 6, 1878. These claims grew out of mob enforcement of local regulations alleged by the Government of the United States to have been in violation of the fishery liberties secured to inhabitants of the United States under the treaty with Great Britain of 1818.[22]

"Of important agreements for the submission to arbitration of such claims, made and carried into effect without the advice and consent of the Senate, mention may be made of those recorded in notes exchanged, or protocols of agreement signed, as follows: February 11–12, 1871, claims of citizens of the United States against Spain for injuries committed by Spanish authorities in Cuba;[23] August 17, 1874, claims of citizens against Colombia for the seizure of the *Montijo;* June 13, 1891, claims of American citizens and British subjects against Portugal on account of the recision by the Portuguese Government of the concession to the Lourenco Marques Railroad Co.; July 6, 1897, claim of the Cheek estate against Siam;[24] May 28, 1884; May 24, 1888; and October 18, 1899, claims of Pelletier and Lazare, Von Bokkelen, and Metzger & Co., respectively, against Haiti; March 14, 1870, claims against Brazil resulting from the wreck of the *Canada;* September 6, 1902, claims of Brenner et al. against Brazil; April 28, 1902, claim of Sala & Co. against the Dominican Republic; January 31, 1903, certain questions as to the time and manner of payments to be made by the Dominican Republic to the San Domingo Improvement Co.; February 23, 1900, claim of Robert H. May against Guatemala and the counterclaim of Gautemala against May; March 2, 1897, claims of Charles Obelander and Barbara Messenger against Mexico; March 22, 1900, amounts to be awarded by Nicaragua to Orr and Laubenheimer and the Post-Glover Electric Co.; May 17, 1898, amount of damages to be awarded by Peru to Victor H. MacCord; December 19, 1901, claim of the Salvador Commercial Co. against Salvador; September 8 (August 26), 1900, claims against Russia for the detention of certain American schooners by Russian cruisers; May 22, 1902 (ratified by the Mexican Senate, May 30, 1902), the Pious Fund claim against Mexico; February 17, 1903, the unsettled claims of American citizens against Venezuela; May 7, 1903, the question of the preferential treatment of the claims of certain powers against Venezuela; February 13, 1909, the claims of the Orinoco Steamship Co., the Orinoco Corporation, and the United States & Venezuela Co. against Venezuela;[25] May 25, 1909, claim of George D. Emery Co. against Nica-

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"[19] See in this relation, veto message of President Jackson, March 3, 1835 (Richardson, Messages, and Papers of the Presidents, III, 146); opinion of Drake, C. J., in Great Western Insurance Co. *v.* United States (19 C. Cls. 206, 217, s. c. 112 U. S. 193); decision of William R. Day, arbitrator, in the claim of Metzger & Co. *v.* Haiti under the protocol signed October 18, 1899 (For. Rel. 1901, pp. 270–271); report of Mr. Bayard, Secretary of State, to the President, January 30, 1887, on the claims of Antonio Pelletier and A. H. Lazare *v.* Haiti (S. Ex. Doc. No. 64, 49th Cong., 2d sess. 2–3, 19–20; United States *v.* Diekelman (92 U. S. 520, 524); Frelinghuysen *v.* Key (110 U. S. 63).

"[20] Ex. Journal, XI, 142. See Mr. Cass to Mr. Sanford, October 22, 1859 (S. Ex. Doc. No. 10, 36th Cong., 2d sess. 472).

"[21] 28 Stats. at L. 975; For. Rel. 1894, Appendix I, 364, 450; For. Rel., 1895, II, 1162–1176.

"[22] Proceedings in the North Atlantic Coast Fisheries Arbitration, III, 736. Many references to the adjustment and direct settlement of claims of citizens may be found in the annual messages of the Presidents (See for instances, Richardson, Messages and Papers of the Presidents, IV, 263; For. Rel., 1899, p. XV; id., 1900, p. XXII. See also For. Rel. 1881, pp. 589–591; id., 1885, pp. 323, 493; id., 1894, p. 287).

"[23] In the case of Angarica *v.* Bayard, it was declared by the Supreme Court of the District of Columbia that this agreement was not a treaty and that it could not modify the operation of a statute even if such had been the intention (4 Mackey (1885) 310).

"[24] The case of E. V. Kellett, United States vice-consul general in Siam, likewise submitted to a board of arbitration, involved the question of an affront to an American consular officer. (Moore, Int. Arb. II, 1862.)

"[25] Only the claim of the first-named company was finally submitted. The claims of the others were settled and the settlements recorded in protocols signed September 9, 1909, and August 21, 1909, respectively. The claim of A. F. Jaurett was settled and a memorandum of settlement was signed at Caracas by Mr. Buchanan and the Venezuelan minister for foreign affairs, February 13, 1909. A settlement of the case of the New York Bermudez Co. was reached on the same date by the claimant acting directly with the Venezuelan Government. (Sen. Doc. No. 13, 61st Cong., 1st sess., 10.)

ragua;[26] and December 1, 1909, the Alsop claim against Chile."[27]

APPENDIX B.

[Excerpt from an article entitled "International agreements without the advice and consent of the Senate," by James F. Barnett, Yale Law Journal, November and December, 1905, at page 76 of the December issue.]

XXX.

"4. One of the principal duties of the Department of State relates to the protection of American citizens abroad. If the citizen receives an injury to person or property in a foreign country and the local tribunals or other authorities unjustly deny him redress, the department will as a rule present his claim to the Government of the delinquent State. If reparation takes the form, as it usually does, of a payment of money damages, the State Department, acting in behalf of the claimant, receives the money in trust for the latter. (37, 29 Stat. L. 28.) It may happen, however, that the foreign government is unwilling or unable to pay the claim immediately. In that case the representatives of the two governments may enter into an agreement setting forth the amount due and the date and terms of payment. This is, of course, a mere written acknowledgment of an existing indebtedness. Such were the agreements of May 1, 1852, with Venezuela (38 Butler, Treaty Making Power, II, 519), and May 24, 1897, with Chile (39 Foreign Relations U. S., 1900, p. 68). They were not submitted to the Senate for approval, nor would there be any reason for doing so. It often happens, however, that the foreign government disputes the facts or the law involved in the claim, and recourse may be had to arbitration to effect a settlement. The arbitral undertaking, styled a 'protocol of agreement,' usually names an arbitrator or provides a method for choosing one or more, as the case may be; stipulates as to matters of procedure, such as the submission of evidence and briefs of counsel; fixes a time limit within which the award is to be made, and provides that the award shall be final and conclusive. In certain cases the amount due, in the event of an award in favor of the claimant, is agreed upon in advance."

As was said by Mr. Cass, Secretary of State, in 1859: "It is not necessary to submit to the Senate for its formal approval conventions providing for the adjustment of private claims, unless such a course is indicated in the convention itself." (40 Wheaton's Int. Law (Lawrence), p. 456, note 154.) If the claimant is satisfied with the terms of the arrangement, third persons will have no particular interest in the transaction. Where arbitration is resorted to it is only another instrument in the hands of diplomacy for effecting a settlement.

Prior to 1870 these arbitral conventions were generally submitted to the Senate for approval. The reason for this seems to have been that they were either general in character, adjusting an accumulation of claims of many years' standing, or that the arbitral agreement represented only one of a number of matters adjusted by a particular treaty, which would necessarily require the constitutional assent of the Senate. So far as known no agreement referring to arbitration claims of foreigners against the United States has ever been entered into without the advice and consent of the Senate.

The following is a list of arbitration agreements which have been entered into by the President since 1870 and which were not referred to the Senate:

FOREIGN STATE, DATE, AND CHARACTER OF CLAIMS.

BRAZIL.

"March 14, 1870: Ship *Canada*, wrecked through the unlawful interference of Brazilian authorities.

COLOMBIA.

"August 17, 1874: Seizure and detention of steamship *Montijo*.

GUATEMALA.

"February 23, 1900: R. M. May, contract with Guatemalan Government.

HAITI.

"May 28, 1884: Unlawful arrest and imprisonment of A. Pelletier. Contract of A. H. Lazare with Haitian Government.

"March 20, 1885: Extending time limit for decision of arbitrator in above agreement.

"May 24, 1888: Unlawful imprisonment of C. A. Van Bokkelen.

"October 18, 1899: Seizure and sale of property of Metzger & Co. for nonpayment of taxes; also for contract claims against Haitian Government.

MEXICO.

"March 2, 1897: Injuries done to Oberlander and Messenger by Mexican citizens.

"May 22, 1902: The unpaid installments of interest due on the so-called Pious fund of the *California*. Referred to Hague tribunal.

PORTUGAL.

"June 13, 1891: Recission of contract of Lorenzo Marques Railroad.

NICARAGUA.

"March 24, 1900: Seizures of property of Orr & Laubenheimer et al. by Nicaraguan authorities.

PERU.

"May 17, 1898: Imprisonment and maltreatment of V. H. McCord by Peruvian authorities.

SPAIN.

"February 12, 1877: Injuries by person and property received by American citizens from Spanish authorities in island of Cuba.

"February 23, 1881: To terminate claims commission sitting under above agreement.

"December 14, 1882: Extending time of above.

"June 2, 1883: Extending time of above.

RUSSIA.

"August 26, 1900: Seizures by Russian cruisers of schooners *James Hamilton Lewis* et al. for illegal sealing.

SALVADOR.

"December 19, 1901: Claims of Salvador Commercial Co. for certain acts and grievances suffered.

VENEZUELA.

"February 17, 1903: All claims owned by citizens of the United States against Venezuela which have not been settled by diplomatic agreement or by arbitration.

DOMINICAN REPUBLIC.

"January 31, 1903: Claims of San Domingo Improvement Co. et al., for relinquishment of certain railroad and other properties; also for bonds of Republic owed by claimants. (41 Moore, International Arbitrators, v. 4687, 4698, 4768, 4770, 4802–4808. Foreign Relations of U. S. 1900, Appendix I, 3; ibid., 1903, 804. CONGRESSIONAL RECORD, February 13, 1905.)

"An important international engagement, entered into by the President alone, and which on account of its adjustment of claims of American citizens may be put under this head, was the final protocol signed by the allies at Peking September 7, 1901, after the termination of the Boxer uprising. It contained provisions for the payment of indemnity to American citizens, as well as to the subjects of other powers; it created an international commission to receive and distribute the indemnity; and assigned as security for payment the revenues of the Chinese maritime and other customs. It also contained provisions of a political character, such as the punishment of Chinese officials involved in the Boxer uprising, the razing of the Taku forts, the prohibition of the importation of arms and ammunition for two years, a definition of the limits of the legation quarter, a reform in the Chinese Ministry of Foreign Affairs, the improvement of navigation of certain Chinese rivers, etc.

"[26] The claim was subsequently settled by direct agreement and a protocol of settlement signed September 18, 1909.

"[27] Note may also be made of the claims of the owners of the steamer *Colonel Lloyd Aspinwall* against Spain, submitted in 1870 (Moore, Int. Arb., II, 1013; Richardson, Messages, VII, 98); the claim of the owner of the bark *Masonic* against Spain, submitted in 1885 (Moore, Int. Arb. II, 1055, 1060); the claim for the seizure of the *Good Return* against Chile, submitted in 1873, which was subsequently settled by direct agreement (id., 1466–1468); the claim of Henry Savage against Guatemala, submitted by agreement signed May 4, 1864 (id., 1855, 1857); the claim of Doctor Ashmore against China, submitted in 1884 (id. 1857); and the claims of various citizens against Haiti, resulting from riots in Port au Prince in 1883 (id. 1850). See also For. Rel., 1904, p. 368; Moore, Int. Law Digest, I, 50–51. Of claims against the Government of the United States of nominal amounts adjusted by the Executive, note may be made of the claims of Zambrano, formally presented by the Mexican ambassador, and settled by the Secretary of State by the payment of $500 (For. Rel. 1904, pp. 481, 482), and the claim of Luciano Arestuche, settled by the payment to the Cuban Government of $500 (For. Rel. 1905, pp. 276, 277, 279). By an arrangement effected by exchange of notes between the United States, Great Britain, and Germany, in 1900 (For. Rel. 1900, pp. 476, 627, 899, 902), the arbitrator under the treaty between those powers of November 7, 1899, was requested to include in his awards claims of foreigners not under the jurisdiction of the treaty powers, to which by the treaty he was limited. As the result of this arrangement the United States was found liable for claims of Danish subjects in the sum of $760 (Sen. Doc. No. 160, 59th Cong., 1st sess.), and of French subjects in the sum of $3,391.13 (H. Doc. No. 612, 59th Cong., 1st sess.). An act of Congress, approved June 30, 1906, made provision for the payment of these amounts. See for agreement between Great Britain and the United States that each should pay one-half of the amount found due German subjects (Sen. Doc. No. 85, 59th Cong., 1st sess.). The question of the fault of the U. S. S. *San Jacinto* for the collision with the French brig *Jules et Marie* on November 3, 1861, was referred by the Executive to a commission composed of American and French naval officers, with a naval officer of Italy as arbiter. It was found that the collision resulted through the fault of the *San Jacinto*, and that the sum of $9,500 would be an equitable allowance to the injured party (Richardson, Messages, VI, 142). By an act approved December 15, 1862, Congress made provision for the payment to the French Government of the amount so found due." (12 Stats. at L. 912.)

"Although stipulating a date for the withdrawal of the military forces of the allies from Peking, and therefore partaking of the character of a peace protocol, it can not be so regarded, because war in the legal sense had not existed between the allies and China. As has been pointed out, a peace protocol does not require the assent of the Senate, being an exercise of the war power intrusted to the President. But the agreement is preliminary and contemplates a subsequent embodiment of its terms in a formal treaty. The protocol of September 7, 1901, was to all intents and purposes a definite arrangement."

APPENDIX C.

[Excerpt from "The Treaty-Making Power Under the Constitution," by John W. Foster, Yale Law Journal, December, 1901.]

"* * * There are a class of executive acts of a diplomatic character which at first glance would seem to be an independent exercise of the treaty-making power but which in a strict sense can not be so regarded. Of this class are agreements for the adjustment of claims of American citizens against foreign governments, which are often made by the Secretary of State without any reference of the agreements to the Senate. The most noted of these was the agreement of 1871, made with Spain for the adjustment by arbitration of the claims of American citizens arising out of the Cuban insurrection. The agreement, made by a simple exchange of notes, is included in an official volume of treaties (Treaties of the United States, 1889, p. 1025), but it was never submitted to the Senate for approval. Under this agreement claims to the amount of many millions of dollars were adjusted.

"A number of other agreements of a similar character have been made by successive Secretaries of State whereby specified claims of Americans have been submitted to arbitration. The practice has not been uniform with respect to the Senate. Sometimes such adjustments have taken the form of conventions which were submitted to the Senate and in other cases the same President has carried out the agreement without consulting that body. In the latter case he proceeds upon the accepted theory that all claims of private citizens against foreign governments are subject to political exigencies, and it is within the discretion of the Executive to urge them diplomatically upon the foreign government or not; but their submission is usually with the consent of the claimant.

"No case has yet occurred where the Executive has entered into an agreement for the adjustment by arbitration of the private claim of a foreigner against the United States without securing the approval of the Senate in the form of a convention. The reason for this may be that the Executive can not bind the Government to the payment of money. * * *"

APPENDIX D.

[Excerpt from article entitled "Treaties and executive agreements," by John B. Moore, Political Science Quarterly, September, 1905, at page 385 et seq.]

1. QUESTION AS TO GENERAL ARBITRATION TREATIES.

"During November and December, 1904, and January, 1905, there were signed at Washington by Mr. Hay, on the part of the United States, and by the ministers of various other countries, 10 general treaties of arbitration. The treaties first concluded were those with France and Switzerland, which were signed on November 1, 1904. Then came treaties in the order of date with Portugal, Great Britain, Italy, Spain, Austria-Hungary, Mexico, and Sweden and Norway, that with Sweden and Norway being signed on January 20, 1905. All these agreements were duly submitted to the Senate. A similar treaty was afterwards signed with Japan; but, in view of the differences which had arisen as to the instruments previously negotiated, it was not transmitted to the Senate.

"All the treaties above mentioned were based upon the same model, namely, a treaty of arbitration between Great Britain and France, which was concluded at London on October 14, 1903. The signing of this treaty was followed by the conclusion of numerous conventions between other European powers in precisely similar terms. The treaties signed by Mr. Hay varied from them only in the formal parts, the language defining the questions to be arbitrated and the mode of procedure being precisely the same.

"The substantive clauses of the American treaties, like those of the European treaties, were embraced in two articles. Of these, the first reads as follows:

"'Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States and do not concern the interests of third parties.'

"The second article reads thus:

"'In each individual case the high contracting parties, before appealing to the Permanent Court of Arbitration, shall conclude a special agreement defining clearly the matter in dispute and the scope of the powers of the arbitrators and fixing the periods for the formation of the arbitral tribunal and the several stages of the procedure.'

"While the treaties were pending before the Senate various questions were raised as to their probable effect. It was suggested, among other things, that they might require the United States to submit to arbitration claims against some of the individual States of the Union on account of repudiated or unpaid debts. In order to obviate this apprehension the President addressed a letter to Senator Cullom, chairman of the Foreign Relations Committee of the Senate, setting forth his views as to the inadmissibility of such claims and giving an assurance that during his administration they would not be entertained. A more serious question afterwards arose.

"On January 20, 1905, there was signed at Santo Domingo City by Commander A. C. Dillingham, United States Navy, and Mr. Dawson, the American minister, on the one part, and by the Dominican Minister of Foreign Affairs on the other, a protocol under which the United States was to guarantee the integrity of the Dominican territory, undertake the adjustment of foreign claims, administer the finances on certain lines, and assist in maintaining order. As it was stipulated that the arrangement should take effect February 1, the inference was widely drawn that there existed an intention to treat the protocol as a perfected international agreement without submitting it to the Senate. Such an intention was soon afterwards disclaimed by the administration; but the incident resulted in the raising of the broad question as to the power of the President to enter into international agreements of any kind without the advice and consent of the Senate, and the discussion was soon found to involve the second article of the arbitration treaties. By this article, as we have seen, it was provided that the President should in each individual case, before appealing to the permanent court of arbitration, conclude a "special agreement," defining the matter in dispute and the scope of the arbitrators' powers and fixing the periods for the formation of the arbitral tribunal and the several stages of the procedure. As announced in the press, the position was taken by Senators that the "special agreement" required in each case must be in the form of a treaty duly submitted to the Senate for its advice and consent. The President, on the other hand, took the ground that the arbitration treaties, if approved by the Senate and afterwards ratified, would in themselves constitute complete legislative acts which it would be within his powers as Executive to carry into effect as occasion might arise; and that if a new treaty were required in each particular case, the general treaties would fail to accomplish their primary purpose and would in reality constitute a step backward rather than a step forward in the development of the practice of international arbitration by the United States. These views the President embodied in a letter to Senator Cullom, which was in the nature of a protest against the position which Senators were understood to have taken. On receiving this letter the Senate with only seven dissenting votes immediately amended the treaties by striking out of the second article the word "agreement" and substituting for it the word "treaty," so that it would be necessary in each individual case before proceeding to arbitration to conclude a special "treaty" defining the matter in dispute and the scope of the arbitrators' powers, as well as fixing the periods for the formation of the tribunal and the several stages of the procedure. When the treaties as thus amended were returned to the President it was announced that he would not submit them in their amended form to the other Governments concerned, but would consider the action of the Senate as constituting in principle a disapproval of them.

"As the record stands, issue was thus joined on the broad question whether it is within the power of the President to conclude any 'agreement,' or at any rate any arbitral agreement, with a foreign power without the advice and consent of the Senate. As regards this question, the President appears upon the affirmative side, and the Senate apparently upon the negative. No doubt, if the subject had been further discussed, the issue might have been brought within narrower limits. It will not be pretended by anyone that the President can make any and every kind of an international agreement without the cooperation of the Senate, for the Constitution expressly requires that 'treaties' shall be made by him 'by and with the advice and consent' of that body, signified by the approving vote of two-thirds of the Senators present. On the other hand, it can easily be demonstrated that the word 'treaties,' as used in the constitutional law of the United States, does not embrace any and every kind of international agreement.

2. THE TERMS "TREATY," "CONVENTION," "PROTOCOL."

"In diplomatic literature, the words 'treaty,' 'convention,' and 'protocol' are all applied, more or less indiscriminately, to international agreements. The words 'convention' and 'protocol' are indeed usually reserved for agreements of lesser dignity, but not necessarily so. In the jurisprudence of the United States, however, the term 'treaty' is properly to be limited, although the Federal statutes and the courts do not always so confine it, to agreements approved by the Senate. Such an agreement may be and often is denominated a 'convention,' and perchance might be called a 'protocol'; but it is also, by reason of its approval by the Senate, in the strict sense a 'treaty,' and possesses, as the product of the treaty-making process, a specific legal character. By the Constitution of the United States, 'treaty' is a 'supreme law of the land,' having the force of an act of congressional legislation and overriding any inconsistent provisions not only in the constitutions and laws of the various States but also in prior national statutes. It is at once an international compact and a municipal law, and in its latter character directly binds the courts and the individual inhabitants of the country. In this respect the legal system of the United States differs from that of most other governments, under which a 'treaty,' although it represents a binding international compact, becomes legally operative upon courts and individuals only when the legislature adopts it and enacts it into law. In England, for instance, an extradition treaty may be executed only where an act of Parliament already exists, or is passed, to render it effective; in the United States such a treaty may be immediately executed by virtue of its double character as an international compact and a municipal law. By reason of its added municipal character, a 'treaty' in the United States has a superior legal efficacy; but it is for the same reason peculiarly exposed to degradation by the action of the legislature, since the courts have held that it is, as a 'law,' subject to abrogation or 'repeal,' even by implication, by a later and inconsistent act of Congress. The international obligation may not be thus destroyed, but the Government of the United States is disabled from performing it.

* * * * * * *

6. THE SETTLEMENT OF PECUNIARY CLAIMS.

"Agreements of another class, the making of which has been considered to be within the competence of the Executive, are those providing for the settlement of pecuniary claims, especially of private individuals, against foreign Governments. Such an agreement the President, no doubt, may in any case submit to the Senate if he sees fit to do so, and we find, especially in former times, that this course was often taken.

(1) BY TREATY.

"Thus provision was made for the settlement of pecuniary claims, either directly or by means of arbitration, under article 6 of the treaty with Great Britain, commonly called the Jay treaty, of November 19, 1794, for the adjudication of claims of British subjects against the United States growing out of legal impediments interposed to the collection of debts under the treaty of peace of 1782–83; under article 7 of the same treaty for the adjudication of claims of citizens of the United States against Great Britain on account of violations of neutral rights and of claims of British subjects against the United States growing out of failures of neutral duty; under article 5 of the convention with Great Britain of October 20, 1818, for the arbitration of claims of citizens of the United States against the British Government growing out of the carrying away of slaves, in violation of article 1 of the treaty of Ghent; under the convention with Great Britain of February 8, 1853, for the arbitral adjustment of claims of the citizens of each country against the Government of the other; under the convention with Great Britain of July 1, 1863, for the adjudication of the claims of the Hudson Bay Co. and the Puget Sound Agricultural Co. against the United States; under articles 1–11, inclusive, of the treaty of Washington of May 8, 1871, for the arbitration of the *Alabama* claims; under article 12 of the same treaty for the determination of claims of citizens of each country against the Government of the other, other than the *Alabama* claims, arising during the Civil War in the United States; under articles 20–25, inclusive, of the same treaty for the arbitration of the question what, if anything, was due to the British Government from the United States on account of the arrangement made with regard to the fisheries; under the convention of February 8, 1896, for the adjudication of British claims against the United States growing out of the Bering Sea controversy; and under the tripartite convention between the United States, Germany, and Great Britain, of November 7, 1899, for the adjudication of the question of liability for the payment of claims of the citizens or subjects of the contracting parties growing out of the unwarranted military action of any of them in Samoa. By article 21 of the treaty with Spain, of October 27, 1795, provision was made for the adjudication of claims of citizens of the United States against Spain in consequence of the seizure of their vessels and cargoes by subjects of his Catholic majesty during the then recent war between Spain and France.

"Provision was made by the convention of August 11, 1802, for the adjudication of other claims of American citizens against Spain and of Spanish subjects against the United States, but, although the ratifications of this convention were afterwards exchanged, it was never carried into effect, and the subject to which it related was dealt with in the Florida treaty of February 22, 1819, by which all claims of the citizens of either country against the Government of the other were renounced and the United States undertook (article 11) to make satisfaction for the claims of its own citizens to an amount not exceeding $5,000,000. By article 9 of the same treaty the United States undertook to compensate the Spanish inhabitants of Florida for injuries suffered by the operations of the American Army in that Province. Claims against Spain arising during her war with her American colonies were directly settled by the Van Ness convention of February 17, 1834. Many claims on the part of citizens of the United States against France grew out of the wars in which that country was involved prior to the peace of Amiens. Some of these were settled under the indemnity convention of April 30, 1803, which forms one of the series of treaties relating to the Louisiana cession, as part of the price of which certain classes of the claims were assumed and paid by the United States. Subsequent claims against France, as well as certain claims of France against the United States, were directly settled by the Rives convention of July 4, 1831. A mutual adjustment of claims by the same countries through a mixed commission was accomplished under the convention of January 15, 1880. Claims of citizens of the United States against Denmark originating in the Napoleonic wars were directly settled by the treaty of March 28, 1830, as likewise were similar claims against Naples by the convention of October 14, 1832. Provision was made by the treaty of April 11, 1839, for the adjudication of claims of citizens of the United States against Mexico, and various claims which failed of adjustment under this convention were assumed and paid by the United States under the treaty of Guadalupe Hidalgo. By a convention of July 4, 1868, all claims of the citizens of either country against the other which had arisen since the signature of the last-named treaty were submitted to arbitration. Claims of citizens of the United States against Peru were directly settled by a convention signed at Lima on March 17, 1841. By a convention with the same country of December 20, 1862, the claims of the owners of the American vessels *Georgiana* and *Lizzie Thompson* against the Government of Peru were submitted to the King of the Belgians as arbitrator, but the claims were afterwards withdrawn by Mr. Seward and no decision was rendered. A convention for the mutual adjustment of claims as between the United States and Peru by means of a mixed commission was concluded on January 12, 1863. A similar convention was entered into on December 4, 1868. Claims of citizens of the United States against Brazil were directly settled by the convention of January 27, 1849.

"By a treaty signed on February 26, 1851, the claims of citizens of the United States against Portugal growing out of the destruction of the brig *General Armstrong* by the British at Fayal, in 1814, was submitted to Louis Napoleon as arbitrator. On September 10, 1857, a convention was concluded at Washington for the adjudication of claims of citizens of the United States against New Granada, especially of those growing out of the Panama riot of 1856, and the powers of the commission organized under this convention were extended by the convention of February 10, 1864. In 1821 a quantity of silver, representing the proceeds of sales of merchandise imported into Peru by the American bark *Macedonian*, was forcibly taken in the Valley of Sitaña by order of Lord Cochrane, then a vice admiral in the Chilean Navy. The claims growing out of this transaction were, under a convention concluded November 10, 1858, referred to the King of the Belgians. Numerous claims against China were settled by a convention of November 8, 1858. By a convention of February 4, 1859, the claims of the United States and Paraguay Navigation Co. against the Government of Paraguay were submitted to arbitration. A settlement of all claims of citizens of the United States against Costa Rica for injuries to persons or property was effected by means of a mixed commission under the convention of July 2, 1860. A mutual adjustment of claims as between the United States and Ecuador was effected in a similar manner under the convention of November 25, 1862. The claim of Julio R. Santos, a naturalized citizen of the United States, against the Government of Ecuador, growing out of his arrest and detention in that country in 1884 and 1885, was adjudicated under the convention of February 28, 1893. Provision was made for the arbitral settlement of claims against Venezuela by the convention of April 25, 1866; but the proceedings of the commission were set aside and the claims retried under the convention of December 5, 1885. The claim against Venezuela, growing out of the seizure of the vessels of the Venezuela Steam Transportation Co., an American corporation, was settled by a mixed commission under the convention of January 19, 1892. By a convention between the United States and Denmark of December 6, 1888, the claims against Denmark, known as the Carlos Butterfield claims, were submitted to Sir Edward Monson, then British minister at Athens, as arbitrator. Under a convention between the United States and Chile of August 7, 1892, all claims of citizens of either country against the Government of the other, growing out of acts committed by the civil or military authorities, were adjudicated by means of a mixed commission. This convention was revived by the convention of May 24, 1897, in order that unfinished business might be disposed of. We thus have 39 cases in which treaties have been made by the United States for the purpose of settling pecuniary claims. It is to be observed, however, that in only 20 cases were the claims against the foreign government alone. In 14 cases there were claims against both governments and in 5 claims against the Government of the United States alone; in other words, in 19 instances the settlement embraced claims against the United States; and, as the Executive is forbidden to bind the Government of the United States to the payment of money in the absence of authority of law, the President has never undertaken to settle claims against the United States, except by means of a treaty or by means of an agreement concluded ad referendum to Congress.

(2) BY EXECUTIVE AGREEMENT.

"But, as has heretofore been pointed out, pecuniary claims against foreign governments have constantly been settled by the President, and no question as to his possession of such a power, apart from discussions as to its possible limitations, appears ever to have been seriously raised. We, therefore, find in the books little that bears upon the subject; but, in at least one case in which a foreign government sought to qualify an agreement made with the President, the validity and finality of his action were vigorously asserted by the Government of the United States.

"On November 29, 1886, Mr. Moret, Spanish minister of foreign affairs, informed Mr. Curry, the American minister at Madrid, that the council of ministers had decided to settle the claim of Antonio Maximo Mora, a naturalized citizen of the United States of Cuban origin, against the Government of Spain, growing out of the embargo of his property in Cuba, by paying the sum of $1,500,000. This sum, said Mr. Moret, was to be paid by a charge on the Cuban budget; but, as the colonial budget was not in a condition to support such a sum at one time, the Government had reserved the determination of the most practicable mode of payment, of which due information would be given. On December 7, Mr. Curry, under instructions of his Government, accepted this offer; and a clause was inserted in the Cuban budget of 1887–88 for the payment of the money. This budget, however, was not passed, the Cortes avoiding action upon it by renewing the appropriations of the preceding year; and when, in April, 1888, the colonial budget for 1888–89 was submitted, the provision for payment was omitted. When Mr. Curry inquired as to the reason for the omission, Mr. Moret replied that, in view of the debates which had taken place in the Chamber of Deputies, the Government was convinced that the Chamber would not vote the money unless the 'totality' of American claims was settled, including those of Spain against the United States. At the same time Mr. Moret declared that the Government did not assume to alter what had been agreed on, but must judge when it would be opportune to lay the matter before the Cortes. The Government of the United States expressed its confidence that 'the Spanish Government would not repudiate the arrangement which was deliberately concluded in its name and by its authority.' Nevertheless, in consequence of the opposition manifested in the Cortes to the settlement which had been made, Mr. Moret was transferred to the ministry of the interior, and was succeeded in the ministry of foreign affairs by the Marquis de la Vega de Armijo. The latter, in August, 1888, stated that the Government intended to satisfy, as far as lay in its power, the Government of the United States, and expressed the belief that the Cortes would vote the money if the payment of the Mora claim 'coincided' with the payment of the claims of Spain against the United States. With reference to this statement, Mr. Bayard, as Secretary of State, on September 17, 1888, declared that, so far as the minister's note affirmed 'the inviolability of the settlement arrived at in the Mora case and its removal from the sphere of discussion,' it was satisfactory and fulfilled 'the expectations that had been confidently entertained in regard to the observance by the Spanish Government of the agreement heretofore concluded.'

"Mr. Bayard was not indisposed to include the 'payment' of the Mora claim with the 'settlement' of other claims, if this could be done within a reasonable time, but he declared that the 'sum agreed to be paid' in the Mora case might 'fairly be treated as a debt due and withheld by Spain from the United States, upon which interest should justly be computed from the time the agreement was concluded.' Again, on December 18, Mr. Bayard declared that the claim had been 'conclusively adjusted for a specific sum and only awaits payment by the Spanish Government.' Similar ground was taken by Mr. Blaine, Mr. Bayard's successor as Secretary of State, who adopted the statement of Mr. Curry that by the settlement 'the case was raised from the debatable and negotiable ground which it had previously occupied to the height of an international compact, binding upon both Governments.' In the same paper Mr. Blaine said 'that by the most formal and sacred of international compacts the faith and honor of the Spanish Government' had been 'directly pledged' to the payment of the claim, and that the President was 'unwilling to allow the execution of the absolute settlement of the Mora case to be made dependent upon the further settlement of other claims.' In February, 1893, Mr. Foster, Mr. Blaine's successor, referring to a remark made by the American minister at Madrid as to the possible conclusion of a 'convention for the adjustment of the Mora' claim and the claims of Spanish subjects against the United States, said:

"'The Mora claim has been regarded by this Government as already a liquidated and adjusted claim, only awaiting an appropriation by the Spanish Cortes for its final payment. It should not therefore be placed in the category of unadjusted claims.' Mr. Gresham, Mr. Foster's successor, writing to Mr. Taylor, the American minister at Madrid, on July 14, 1893, declared that the United States 'could not recognize parliamentary difficulties in the way of securing an appropriation for the Mora claim as in any way relieving Spain from her distinct and unconditional obligation to pay that claim.' In a note of December 29, 1894, to the Spanish minister of state, Mr. Taylor declared that the United States had reached the 'irrevocable conclusions' (1) that 'when the proposition of settlement was accepted, an international convention was concluded,' precluding the discussion of all questions but that of payment; (2) that the 'unconditional promise to pay carried with it the obligation to pay in a reasonable time'; (3) that the United States would 'not consent' that payment should 'depend upon the willingness of the Cortes to make an appropriation' or upon the final adjustment of claims asserted by Spain against the United States. This presentation of the subject was approved by Mr. Gresham, who, in reply to arguments of the Spanish Government that the Mora case was not 'one of those matters of strict justice which require immediate reparation' and that the agreement to pay the claim was conditional and not unconditional, reaffirmed the position that the agreement was 'unconditional,' and further declared that all departments of the Spanish Government were bound by it and that no one department could nullify it, and that, whether the Spanish Government did or did not receive the income from Mora's estates was a question 'immaterial' to the 'rights' of the United States or the 'obligations' of Spain. Nevertheless, delay in the payment of the money continued, and at length Congress, by a joint resolution approved March 2, 1895, requested the President 'to insist upon the payment of the sum agreed upon between the Governments of Spain and the United States in liquidation of the claim of Antonio Maximo Mora against the Government of Spain, with interest from the time when the said amount should have been paid under the agreement.' (For the correspondence and the joint resolution, see Foreign Relations, 1894, Appendix I, pp. 364–450; ibid. 1895, Part II, p. 1163.)

"Instructions in conformity with the resolution were sent to the legation of the United States at Madrid, and like representations were made to the Spanish minister at Washington, urging an immediate payment on account and an arrangement for the early discharge of the remainder, should Spain be unable to pay the full amount at once. On July 20, 1895, the Spanish minister at Washington handed to Mr. Olney the text of a resolution of the council, approved by the queen regent, in which it was stated that, 'in view of the facts shown of record and of the conclusions formulated by the ministers and a subcommittee of reference,' it had been decided to notify the United States that Spain, 'in fulfillment of the engagement contracted by the notes exchanged on the 29th of November and the 7th of December, 1886,' was prepared to proceed to the payment of 1,500,000 pesos in three installments, the form and date of payment to be determined by agreements. On the 10th of the following August an agreement, signed by Mr. Olney, as Secretary of State, and by Mr. Depuy de Lome, Spanish minister, and by two representatives of the claimant and other interested persons, was entered into for the payment, on or before September 15, of 1,500,000 gold pesos, 'in full discharge and satisfaction not only of the principal sum agreed to be paid,' but also of any amount that might be claimed to be due as interest. This payment was duly made. (Foreign Relations, 1895, pt. ii, pp. 1162, 1163, 1166, 1170, 1171, 1176.)

"The conclusiveness of the settlement was thus finally maintained, in spite of Spain's contention that the agreement should be treated as having been made subject to the approval of the Cortes. No matter what view might be taken of this contention, the way was open to Spain to make it, since the country was in a state of tranquillity and all the departments of the Government were in the full exercise of their constitutional functions. Had a dictatorship existed and the constitutional guaranties been suspended, the case would have been obviously different. Such a condition of things has often existed even in recent years, especially in the countries of Spanish America, where international agreements of the most important character have been entered into and carried into effect by the chief executive in the exercise of dictatorial powers. Even territorial questions have been so settled. The treaty of commerce, navigation, boundaries, and extradition between Brazil and Bolivia of March 27, 1867, was concluded and ratified on the part of Bolivia by the President ad interim of that country. The arbitral agreements made with Venezuela in 1903, under which claims against that Government amounting to millions of dollars were settled, were ratified and put into effect by President Castro in virtue of dictatorial powers. Likewise, the agreement between the United States and the Dominican Republic of January 31, 1903, for the settlement of the claims of the San Domingo Improvement Co. and its allied companies, was executed and put into effect by President Vasquez, in the exercise of similar powers. From May 2, 1902, until July 20, 1903, there was no Congress, the constitutional guaranties being in suspense and all powers being exercised by the President. In such cases the only authority in existence is necessarily dealt with, it being inadmissible to hold that the national powers and responsibilities are in abeyance and can not be discharged because powers ordinarily exercised by one department of the Government have for the time being been assumed by another.

(3) ARBITRATION UNDER EXECUTIVE AGREEMENTS.

"Not only is the power of the President to settle the claims of citizens of the United States against foreign governments firmly established but he has repeatedly employed arbitration for the purpose. An eminent authority has observed that this 'at first glance would seem to be an independent exercise of the treaty-making power,' but that, 'in a strict sense' it 'can not be so regarded'; and it has therefore been placed among 'certain acts of an international character, binding the Government, which the President may perform without the interposition of the Senate.' (John W. Foster, 'The treaty-making power,' Yale Law Journal, December, 1901, vol. xi, pp. 77, 79.) The legal theory on which such settlements rest is simple. Arbitration is in such cases only one of the modes by which the President exercises his power to settle claims of individuals against foreign governments. If, in the exercise of this power, differences arise which apparently can not be directly solved, it is a natural and obvious thing to submit them to the judgment of impartial persons. As early as September 5, 1793, Mr. Jefferson, as Secretary of State, when discussing with the British minister the question of losses sustained by vessels unlawfully captured within American jurisdiction proposed as a provisional measure that the collector of customs of the particular district and the British consul, 'or any other person you please,' should 'appoint persons to establish the value of the vessel and cargo.' (American State Papers, Foreign Relations, vol. i, pp. 174, 175.)

"It would be a work of supererogation to attempt to cite all the cases in which the Executive of the United States has settled individual claims against foreign governments without reference to the Senate, but the more important examples may be given, including those in which the process of arbitration has been employed.

"By a convention signed at Caracas on May 1, 1852, claims of citizens of the United States against Venezuela, growing out of the seizure of certain vessels, were settled for the sum of $90,000 with interest to date of payment. An agreement, concluded seven years later (January 14, 1859), for the settlement of claims of citizens of the United States on account of their expulsion from the Aves Islands, was submitted to the Senate, President Buchanan remarking that 'usually' it was 'not deemed necessary to consult the Senate in regard to similar instruments relating to private claims of small amount when the aggrieved parties are satisfied with their terms,' but that it was thought advisable in the present instance on account of the instability of the Venezuelan Government. (Executive Journal, vol. xi, p. 142.) By a protocol signed at Washington on February 17, 1903, all claims of citizens of the United States against Venezuela, which had not been previously settled by diplomatic agreement, were submitted to a mixed commission. The claims, with interest, amounted to upwards of $81,000,000; the awards of the commission, with interest, to $436,450.70. In connection with this settlement the nonblockading powers concurred with the blockading powers, under agreements concluded by the latter with Venezuela on May 7, 1904, in submitting to The Hague tribunal the question whether the blockading powers had a right to the preferential payment of their claims.

"In 1858 it was agreed by an exchange of notes between Mr. Reed, the American minister, and the Chinese authorities that a fund of 600,000 taels should be raised in China out of duties collected on American goods and bottoms at three treaty ports for the payment of American claims. This agreement Mr. Reed afterwards modified by concluding the convention of November 8, 1858. In 1884 the American minister arranged with the taotai of Swatow to refer to two of the foreign consuls at that port the claim of an American citizen named Ashmore for injuries to a fishery by native trespassers in 1872. (Moore, International Arbitrations, vol. ii, p. 1857.)

"On May 4, 1864, the American minister in Salvador agreed with the Government of that country for the arbitration of the claim of an American citizen named Savage against Salvador on account of losses in connection with the exportation of a quantity of gunpowder. (Moore, International Arbitrations, vol. ii, p. 1855.) By a protocol signed at Washington December 19, 1901, the claims of the Salvador Commercial Co. and other citizens of the United States, stockholders in the Salvadorian corporation styled 'El Triunfo Co. (Ltd.),' were submitted to a mixed commission composed of the chief justice of Canada, a citizen of the United States, and a citizen of Salvador. An award was made in favor of the United States for $523,178.64. (Foreign Relations, 1902, pp. 857, 861.)

"By a protocol signed at Rio de Janeiro March 14, 1870, it was agreed to submit to the British minister at Washington, as arbitrator, the claims of the owners of the American whaling ship *Canada* and her cargo against the Government of Brazil because of losses incurred, as it was alleged, by the illegal interference of Brazilian officials with the master of the vessel when he was attempting to pull her off a reef. An award was rendered in favor of the United States for the sum of $100,740.04. (Moore, International Arbitrations, vol. ii, pp. 1733–1747.) By another protocol signed at Rio de Janeiro September 6, 1902, the claim of the owners of an American vessel against the Government of Brazil for indemnity for damages inflicted on the vessel and her longboat by the firing of Brazilian soldiers and by her detention at Rio de Janeiro was submitted to the arbitration of the minister of Sweden and Norway at Washington.

"By an exchange of correspondence in 1870 it was left to arbitrators to assess the damages in the claim of the American steamer *Lloyd Aspinwall* against the Government of Spain on account of the seizure and detention of the vessel by the Spanish authorities in Cuba. By a similar agreement in 1885 the claims growing out of the seizure of the American bark *Masonic* by the Spanish authorities at Manila was referred to Baron Blanc, Italian minister at Madrid. But far more important than these was the agreement effected at Madrid by an exchange of notes on February 11–12, 1871, under which all claims of citizens of the United States against the Government of Spain for wrongs and injuries committed against their persons and property by the authorities of Spain in Cuba since the commencement of the insurrection in 1868 were submitted to a mixed commission consisting of two arbitrators and an umpire. These claims involved questions of great international importance, including the validity of decrees of the Spanish Government and of legal proceedings against both persons and property in Cuba. Questions analogous to those involved in the *Virginia* case eventually came before the commission, as well as many questions of nationality or citizenship. The commission remained in existence more than 10 years. It adjourned December 27, 1882, and the last awards of the umpire were filed on February 22, 1883.

"The amount of the claims presented to the commission was more than $30,000,000, exclusive of interest. The total sum awarded was $1,293,450.55. Immediately after the conclusion of the agreement Congress appropriated $15,000 for the United States' share of the expenses. Appropriations were thereafter regularly made for the same purpose, the whole amount contributed by the United States being $126,324.59. (Moore, International Arbitrations, vol. ii, pp. 1019–1053.)

"The seizure and detention of the American steamer *Montijo* in Colombia in 1871 gave rise to claims against that Government. These claims involved various important questions, including that of the liability of a government for the acts of insurgents. They were submitted to arbitration under a protocol signed at Bogota August 17, 1874, and an award was rendered in favor of the United States. (Moore, International Arbitrations, vol. ii, pp. 1426–1446.)

"On several occasions claims against Haiti have been settled in a similar manner. The award of the arbitrator in the cases of Pelletier and Lazare under the protocol signed at Washington May 28, 1884, was not enforced, because in the case of Pelletier the arbitrator misconstrued his power, and in the case of Lazare, as it was alleged, he did not have the benefit of certain important evidence. By an exchange of correspondence at Port au Prince in 1885 the American minister arranged for the adjustment by a mixed commission of claims of citizens of the United States against the Government of Haiti growing out of riots at Port au Prince. The claims were of small amount. (Moore, International Arbitrations, vol. ii, p. 1859.) In the case of C. A. Van Bokkelen, a citizen of the United States, against Haiti, growing out of his imprisonment and detention in violation of treaty rights, an award was rendered in favor of the United States under a protocol signed at Washington on May 24, 1888, for the sum of $60,000. (Moore, International Arbitrations, vol. ii, p. 1809.) The claim of certain citizens of the United States against the Government of Haiti, on account of the seizure and sale of their goods, was adjusted in a similar manner under a protocol signed at Washington on October 18, 1899. The arbitrator, the Hon. William R. Day, rendered an award in favor of the claimant for $23,000. (Foreign Relations, 1901, p. 276.)

"The claims of two American citizens named Oberlander and Messenger against the Government of Mexico were disposed of by arbitration under a protocol signed on March 2, 1897, by Mr. Olney, Secretary of State, and Mr. Romero, Mexican minister. (Foreign Relations, 1897, pp. 382–388.) Under a protocol concluded on May 22, 1902, the claim of the Pious Fund of the Californias was referred to the Hague tribunal, which decided that Mexico should pay to the United States the sum of $1,420,682.67, and in each succeeding year in perpetuity the sum of $43,050.99 in money having legal currency in Mexico. (Foreign Relations, 1902, appendix ii.)

"Under a protocol signed at Washington, February 23, 1900, a claim of a citizen of the United States named May against the Government of Guatemala for a debt alleged to be due him under certain railway construction contracts with that Government and for damages caused by the Guatemalan civil and military authorities, was submitted to the British minister in Central America, who awarded the claimant $143,750.73. (Foreign Relations, 1900, p. 674.)

"Claims against Nicaragua of small amount were submitted to arbitration under a protocol signed at Washington on March 22, 1900. (Foreign Relations, 1900, p. 824.) So by a protocol signed at Washington on May 17, 1898, the claim of a citizen of the United States against Peru was referred to the chief justice of Canada. In 1897 the complaint of E. V. Kellett, United States vice consul general in Siam, on account of an assault committed upon him by soldiers of that Government, was disposed of by a joint commission. (Moore, International Arbitrations, vol. 2, p. 1862.)

"In the same year the claim of a citizen of the United States against the Siamese Government growing out of breaches by the latter of an agreement for the working of the teak forests was submitted under a protocol signed at Bangkok July 26, 1897, to the governor of the Straits Settlements, by whom an award was rendered in favor of the United States for $200,000 in gold. (Foreign Relations, 1897, p. 479; Moore, International Arbitrations, vol. 2, p. 1908.) Certain claims against Chile were directly settled by an agreement concluded on May 24, 1897. By an agreement with Russia, signed September 8, 1900, various claims for the detention of American sealing vessels by Russian cruisers were submitted to arbitration. The submission involved important questions as to marine jurisdiction.

"One of the most interesting of the arbitrations of the United States under executive agreements is that relating to the Delagoa Bay Railway, under a protocol between the United States, Great Britain, and Portugal, signed at Berne on June 13, 1891. The railway was constructed under a concession originally granted to an American citizen named McMurdo. McMurdo transferred his concession to a Portuguese company, which was in turn financed by an English company. The taking possession of the railway by the Portuguese Government in 1889 gave rise to interesting and complicated questions as to the rights of McMurdo, as well as of the English investors. Both the United States and Great Britain intervened for the protection of the interests of their respective citizens, and on the demand of the United States, which was supported by the British Government, the case was referred to three Swiss jurists, who in 1899 rendered an award in favor of the United States and Great Britain for the sum of $4,670,000.

"On several occasions claims against the Dominican Republic have been settled under executive agreements. In 1898 an American engineer, acting under such an agreement, rendered an award in favor of the United States for $74,411.17, with interest at 6 per cent for two and a half years, on account of the seizure of the Ozama Bridge by the Dominican Government. On April 30, 1904, an award was made by arbitrators of the sum of $215,812 on account of arms, ammunition, and other articles furnished by the firm of Sala & Co. to the Dominican Government while General Heureaux was President. The arbitral proceeding was conducted under a convention signed on April 28, 1902.

"By a protocol signed at Santo Domingo City January 31, 1903, provision was made for submitting to a mixed commission the question of the terms on which the Dominican Government should pay the sum of $4,500,000 which that Government had agreed to pay in consideration of the cession to it of all accounts, claims, and properties of the San Domingo Improvement Co. and its allied companies, including their rights in the railway from Puerto Plata to Santiago, and in settlement of all differences, as well as in consideration of the relinquishment by the improvement company of its right to collect the revenues at all ports of the Republic. The protocol expressly required the arbitrators to fix the mode in which the moneys to be paid under it should be collected. By the award rendered on July 14, 1904, it was decreed that the money should be paid in certain monthly installments and that in case of default it should be collected at certain Dominican ports by an agent to be appointed by the United States.

"It thus appears that if we include only the more formal settlements there have been 31 cases in which claims against foreign governments have been settled by executive agreement and that 27 arbitrations have been held under such agreements, as against 19 under treaties, where the settlement embraced claims against the foreign government alone and not against the United States.

"In connection with the arbitration under the protocol with the Dominican Republic of January 31, 1903, it may be pointed out that on various occasions the customs or other specific revenues of foreign countries have been pledged for the payment of American claims (e. g., conventions with China, November 8, 1858, and September 7, 1901; with Colombia, September 10, 1857, art. 3; with Costa Rica, July 2, 1860, art. 4; with Ecuador, November 25, 1862, art. 3; with Mexico, April 11, 1839, art. 6, and January 30, 1843, art. 4; with Peru, March 17, 1841, art. 6; with Venezuela, February 17, 1903, art. 5). Provision has also been made in certain cases for the direct collection of such revenues in the event of the failure of the local government to make the stipulated payments; but, as the cases in which such arrangement has been necessary have been comparatively infrequent, at any rate in the experience of the United States in such matters, it is proper to refer particularly to certain precedents in which the subject has been either discussed or practically dealt with.

"In 1880 the Venezuelan Government appealed to the United States for its interposition in difficulties which had arisen between Venezuela and France, because the former Government had fallen into arrears in payments due to the latter on the settlement of claims against Venezuela effected in 1864. As it was represented that there was danger that France would institute a blockade of Venezuelan ports and take possession of the customhouses for the purpose of collecting the money, and as there were conflicting claims as to preference among foreign creditors, Venezuela proposed to deliver certain monthly sums to the Government of the United States, which was to distribute the money among all the foreign creditors. Mr. Evarts, who was then Secretary of State, intimated that the proposal would be favorably entertained if it should prove to be acceptable to all the creditor Governments. Subsequently, no arrangement having been effected, Mr. Evarts's successor, Mr. Blaine, acting in the name of the President, instructed the American minister at Paris to suggest that the United States would place an agent in Caracas to receive such monthly sums from Venezuela as might be agreed upon and distribute them among the creditor nations, and that, in case the Venezuelan Government should default for more than three months in the regular installments, the agent appointed by the United States should be 'authorized to take charge of the customhouses at La Guayra and Puerto Cabello, and reserve from the monthly receipts a sufficient sum to pay the stipulated amounts, with 10 per cent additional, handing over to the authorized agent of the Venezuelan Government all the remainder collected.'

"'It was,' said Mr. Blaine, 'the judgment of the President that an arrangement of this kind would give all reasonable security to each of the creditor nations.' (Foreign Relations, 1881, pp. 1217–1218.) The French Government afterwards arranged its differences directly with the Venezuelan Government and the proposal of the United States was not carried into effect.

"An actual arrangement, to which the United States is a party, for the collection of moneys from a foreign government by means of the sequestration of customs duties is that effected by the protocol between China and the allied powers, which was signed at Peking September 7, 1901. By this protocol China agreed to pay to the allied powers, one of which was the United States, an indemnity of 450,000,000 taels to cover the claims of governments, companies, or societies, and private individuals. For the collection of this debt a commission of bankers was created on which each of the foreign powers is represented by a delegate, and specific revenues are assigned for the payment of the debt. These revenues embrace (1) the balance of the revenues of the imperial maritime customs (the foreign service under Sir Robert Hart) after payment of the amounts previously pledged as security for prior loans; (2) the revenues of the native customs, which are administered in the open ports by the imperial maritime customs; and (3) the total revenues of the salt gabelle, exclusive of the portion previously set aside for other foreign loans.

"A still later example, which is specially interesting because it substantially carries out in Venezuela under another form the proposal made by the United States in 1881, is that of the settlement with Venezuela under the agreements signed at Washington in 1903, among which is the protocol between the United States and Venezuela of February 17 in that year. By Article V of this protocol, following the stipulations made in the other agreement, it is provided that the Venezuelan Government shall set apart in each month for the payment of claims 30 per cent of the customs revenues of La Guaira and Puerto Cabello, and that in case of failure to carry out this stipulation 'Belgian officials shall be placed in charge of the customs of the two ports and shall administer them until the liability of the Venezuelan Government in respect of the above claims shall have been discharged.' These precedents directly sustain the protocol with the Dominican Republic of January 31, 1903, and the award of the arbitrators thereunder."

Mr. LODGE. Mr. President, I am struck by the moderation of the request of my friend from Alabama, which is simply to kill the commission and prevent it from operating.

Mr. UNDERWOOD. If the Senator will pardon me, I have just said that I did not ask that the commission be killed. If you want a commission bring in a bill establishing one, and make it a law.

Mr. LODGE. The Senator asks to have it killed by refusing the appropriation. There are many ways of killing a cat, as we know.

The Senator has argued with great force about the law and the treaties, but I venture to say, with all submission, that this agreement has nothing to do with the law or treaties, nor will it affect them in any way. In order to have claims settled, the first step is to ascertain their amount. If there is any provision in the treaty as to the method of ascertaining the amount of these claims it has escaped me. The treaty of peace with Germany acknowledges the American claims and gives us certain rights in regard to them. The law which puts the control of the alien property funds into the hands of the Alien Property Custodian is pursuant to the trading with the enemy act and covers those funds. I venture to say that in neither the testimony of Mr. Bradley Palmer nor in the testimony of anybody else is there any suggestion as to the method of ascertaining the amounts. All that is a question of detail. But it is the preliminary step, of course. It must be taken.

In all cases, whether the Alabama claims, under treaty, or claims under executive agreement, the Government appears for the claimant. A private claimant would have a very poor experience if he attempted to enforce a private claim against a foreign government, because it is universal for a claimant to be represented by the Government.

This does not repudiate the law; it does not repudiate treaties. It simply provides a method for ascertaining the amount of the claims as a preliminary step. No claimant need submit his claim through the Government of the United States. Every claimant who desires to do it, of course, has the opportunity. He can collect his claim in some other way if possible.

This is an executive agreement, and all it does is to provide a method of ascertaining the amount of the claims. There is no question about their merits. That is settled by treaty. But the amounts must be ascertained.

On that commission are one American representative, one German representative, and an American umpire, practically a third American member. So it is entirely in our control, just as much as under the commission proposed by the Senator from Alabama. The only thing is that the Germans are represented, which they would have to be in any event, by counsel or in some other way.

I have not with me the letter which the Secretary of State wrote in regard to it. I have sent for it, and I thought it had been printed, but I have not been able to put my hands on it.

Mr. UNDERWOOD. I sent it to the desk this morning.

Mr. LODGE. I would be very glad if I could have the letter of the Secretary of State, in which he cited the precedents. I have sent for it, but the State Department moves with some deliberation, and I have not yet received it. I only wanted to call attention briefly to the precedents of executive agreements to settle American claims against foreign governments. There are plenty of precedents for it. With all deference, I do not think claims are affected by a consideration of the fact as to whether they grew out of a technical state of war or whether they grew out of war, or any other troubles.

For instance, take the case of the Boxer rebellion, as it was called, in China, which has been mentioned. We did not declare war on China, nor did the other nations who intervened, but we sent troops out which stormed the city of Pekin and took possession of it. Then there was an agreement among the nations, and a protocol, which was never submitted to the Senate at all, was agreed upon, under which we received $20,000,000, as I remember, as indemnity. We had not asked for any indemnity, but that was allotted to us by the powers which met. That money was turned over by the Government of the United States to the Secretary of State, and he distributed it, after due hearing, to the claimants. I do not think even a commission was appointed. The Secretary of State heard all the American claimants, agreed to some claims, reduced others, paid others in full, and settled them all for a very much less sum than the twenty millions, and we returned ten millions, by a resolution which I happened to introduce, which passed both Houses.

I am speaking now merely of the cases I remember. Not long after that came the Alsop claim, which we collected from Chile under an executive agreement.

I have just been handed a copy of a letter from the Secretary of State. It is to be printed, so I shall not ask to have it printed. But this is not the letter I was thinking of, because it does not contain the reference to the authorities, which are all collected in an article by John Bassett Moore, which appeared in a magazine which I have read, but of which I have been unable to procure a copy, because it was printed some time ago.

Mr. UNDERWOOD. I will state to the Senator that I filed a collection of the authorities, published by Mr. Moore, to be printed in the RECORD.

Mr. LODGE. I heard the Senator make that statement and I thought I could get a copy of it, but I find I can not.

Mr. UNDERWOOD. I have introduced the authorities on both sides.

Mr. LODGE. At all events, I have read the article of Mr. Moore. There are abundant precedents of all kinds for the settlement of claims of this character by executive agreement.

As to the claimants requesting it, we have settled claims both by treaty and by executive agreement without asking the permission of the claimant. If you were to wait until the claimants all asked, you would get few of these claims settled.

As to the rapidity of congressional action, as compared with executive agreements, I call attention to the settlement of the French claims, which we got by treaty about a hundred and twenty years ago, and which are not all settled yet. They have disturbed many Congresses, and about three-fourths of them have been paid. I instance that as an example of the rapidity with which Congress deals with these questions. I think we can trust one commission as well as another.

I can not understand another point that was made, about not including the *Lusitania* claims. The Secretary of State says the agreement includes the *Lusitania* claims. The language is:

> Other claims for loss or damage to which the United States or its nationals have been subjected with respect to injuries to persons or to property.

If taking a man's life is not an injury to a person, I do not know what you would call an injury to a person.

Mr. UNDERWOOD. Of course, I do not make that as a statement of fact. I merely stated that the lawyer representing one of the claimants—and, of course, he wanted his claim included—wrote a letter to me before the Secretary made his statement, saying that the language covers only property and injury to the person of a claimant, and does not cover——

Mr. LODGE. That is something read into the language which has no place there.

Mr. UNDERWOOD. I do not say this lawyer is right or that he is wrong, but he represents a claimant; he is an able lawyer, and he contends that the language of submission is not as broad as the Secretary of State says it is, and will not cover his case. Are you going to decide that this morning, or are you going to wait and let the Judiciary Committee of the Senate, which has jurisdiction of these matters, have a reasonable time to determine whether this lawyer was right or wrong?

Mr. LODGE. Of course, the commission can determine that perfectly simple question themselves. Of course, it is an absurdity, to my mind, on its face, to say that the loss of life is not an injury. I do not think there is much in that.

The single point I wanted to make is that this does not interfere with the law; it does not repudiate treaties; it is simply a method adopted, with abundant precedents, in order to take the first step toward the settlement of these claims. It is done by executive agreements, for which, as I have said, there are abundant precedents, and it seems to me the quickest way of getting the preliminary step taken. After that is taken, then the request must be made on Germany, and if it does not pay the claims, of course it is open to us under the treaty to take the German property in our possession and use it for the settlement of the claims. There is no doubt about that in the world; and that will require action by Congress, unquestionably.

I can not see why we should arrest these proceedings, which will enable these claimants to get their money more quickly than any other, and hold them up while we debate this, and turn it all over and back and forth, as to the powers of Congress. Nothing could create so great delay; nothing could be so wrong to the claimants, in my judgment, as to stop this appropriation and prevent this claims commission from operating. I sincerely hope that the amount suggested by the Committee on Appropriations will be allowed.

Mr. UNDERWOOD. Mr. President, the Senator from Massachusetts, who of course has had great experience in the matter of treaties and claims, says that the settlement of these claims without the permission of the claimants is a usual thing; that the permission of the claimants has nothing to do with it. Some two years ago, when the treaty of Versailles was up before us, the Senator from Massachusetts filed with the Congress, not a full statement of settlements of claims, or so-called agreements or treaties made with foreign nations, but in order to show that the Senate should have its day in court and its statement about these he filed a list of claims; and I think there were about 80 agreements by treaty in the list the Senator filed and about a dozen executive agreements without treaties. Of course, there were many more without it, but that was the proposal.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The READING CLERK. A joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

Mr. CURTIS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. FRANCE. May I inquire how long it will take to dispose of the deficiency appropriation bill?

Mr. CURTIS. That will have to be answered by the chairman of the Committee on Appropriations. I think after the pending amendment is disposed of it will take but a short time.

Mr. WARREN. I believe after the pending amendment is acted on there will be very little more discussion, if any.

Mr. FRANCE. I am willing to consent to temporarily laying aside the unfinished business if it will not be unreasonably delayed. I do not think it should be laid aside for any great length of time.

Mr. CURTIS. As soon as the pending amendment is disposed of, which is the only one that is in controversy, I think it will not take very much more time to dispose of the bill. Of course, a demand for the regular order would bring the unfinished business before the Senate.

Mr. UNDERWOOD. I do not care to foreclose my position in the matter by making any agreement, but I will say for the Senator's information that so far as I am concerned I really do not expect at this time to proceed very much further with the particular item. I think probably after getting a vote on it we can dispose of the bill without very much more discussion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none, and the unfinished business is temporarily laid aside. The Senator from Alabama will proceed.

Mr. UNDERWOOD. The Senator from Massachusetts contends that the question of the Executive settling claims is not unusual. I have very carefully reviewed every claims case, I think, that a citizen of the United States has had against a foreign government so far as I could ascertain them. In almost every case where the settlement was made by Executive authority and not by law, it was an individual case and the individual came to the State Department, either in person or by his attorney, and asked the State Department to act as his agent in the matter. There are a few cases where there were two or more individuals involved, primarily claims against Spain in 1871, but there the claimants were presenting their cases and asking for consideration by the State Department. In so far as I know, from the beginning of the Government to this good hour, except in this executive agreement, there is not an instance where the executive branch of the Government acted without authority of Congress to settle claims of American citizens until after the claimants themselves had gone to the State Department and asked the State Department to act for them.

The Senator from Massachusetts said that if the claimants were to present their cases against a foreign government without the intervention of the State Department, they would have a right hard time to get consideration of their cases, and that is manifestly true. They will get no day in court at all if their Government does not stand up and act for them. But in concluding his speech the Senator said if they do not want to accept this agreement and come in to the executive tribunal appointed by the President, they need not do so. Of course, they need not do so. No one can compel them to do so. But what I say ought to be done is to fix the terms of the agreement by law. If you think the President has the right, enact a law to sustain him. If his agreement is broad enough and right enough, enact a law so that everybody will be bound by it. But if you are not willing to do that, then I do not think you ought to appropriate the money.

Now, as to the illustration made by the Senator from Massachusetts in reference to the French claims, it has nothing in the world to do with this matter so far as the presentation of claims is concerned. There was a vast deal of property injured by cruisers of the French Government 120 years ago and we, as a Government, protested against it. There was no consideration of individual claims between the two Governments. The French Government finally settled the case by agreeing to pay to this Government a lump sum in final settlement of all claims, and then our Government agreed to have the matter determined in the courts and to pay the American claimants out of that fund the damages which they had suffered from the French cruisers.

I suppose there were a good many fictitious cases filed, and probably a great many honest cases filed which may not have been paid yet. We have not paid some of the claimants. We have paid some of the claimants more than once by mistake. They are still hanging around the Capital of the United States because Congress proceeded to do then exactly what you are proceeding to do now—to settle the cases without operation of law. If you fix a tribunal, whether it is the President's tribunal or the one I have suggested, or one somebody else may suggest, and give those people a day in court to come and have their cases adjudicated and disposed of, you settle the matter for all time. But if you are going to do it by this loose Executive order you are going to have those claimants of this property hanging around your necks for the next generation, if, indeed, it is not as bad as it was in the French claims case, and then you would have them hanging around for a hundred years to come.

I therefore very earnestly hope that the Senate of the United States will not adopt the plan. The Senator from Massachusetts said that I was trying to kill the matter. He is mistaken. I want a just opportunity for Americans to get their claims paid. Why, the treaty of Versailles with Germany was ratified in July, 1921, and I waited very nearly a year for the party in power, within the terms of the treaty, to do something about the matter. There was not a word said, there was not anything done. So, then, I introduced a bill to provide for a court to determine the claims and settle the rights of American claimants legally and within the terms of the treaty. Then for the first time we learned that the executive portion of the Government had not been considering it at all, and had never heard of it before that. Does that sound like I was not trying to get a day in court for these claimants?

I have besought the Judiciary Committee—and I am not saying it in criticism—to hear the matter and report a bill to the Senate, if not my bill then somebody else's bill, providing a lawful tribunal in which the claims could be settled. I have done that in season and out of season, but I could not get any action. All I am pleading for now is not that you delay settlement of the cases, but that you establish a tribunal by law so that when they attempt to settle them they will be settled finally and forever. If you insist on going on and making appropriation of this money and establishing your tribunal as proposed, after you get the findings of your commission, composed of American and German representatives, and bring them back, what is going to happen will be just what I have said. Every man whose claim is turned down by the tribunal will think his remedy is in Congress, and if you agree with him you will bring the executive branch of your Government in conflict with the German Government, and we will have an international embroglio, probably nothing serious, except continual misunderstanding about the matter. The Senate should be willing to wait and take the time—because we will be back here in 60 days—to do legally what should be done, and not by Executive order, for which nobody has yet contended that there is any warrant of law.

Mr. HITCHCOCK. Mr. President, I think the Senator from Alabama [Mr. UNDERWOOD] proceeds on the theory that the Senate and possibly the Congress will take his view of the case ultimately and decide that the proper way to ascertain the amount due Americans by Germany is by the method which he has proposed in his bill. My judgment is that the Congress will never do that thing. My judgment is that the only fair way and the only way in accordance with justice and good conscience is, if possible, to reach an agreement with Germany as to the amount of the claims; that is to say, to reach it in a tribunal in which the German Government is interested, although the control is in the hands of the American representatives.

It seems to me that the effort which is being made by the Senator from Alabama moreover will inevitably result, even if he ultimately succeeds, in a very serious delay, and the delay already has become a crying evil. We have had hundreds of millions of dollars of property tied up in this commission now for four or five or six years, I do not know how long, and this is the first real practical move that has been made to cut the red tape and ascertain what are the claims that should be adjudicated and paid out of the property, unless Germany provides other means of paying them.

Mr. UNDERWOOD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HITCHCOCK. I yield.

Mr. UNDERWOOD. The Senator says this is delaying the disposition of the property. The Senator from Massachusetts [Mr. LODGE], chairman of the Committee on Foreign Relations, just admitted that no matter what disposition is eventually made in regard to the executive commission, as to any disposition of the property that is ever had it would have to come back to Congress in the end.

Mr. HITCHCOCK. Undoubtedly.

Mr. UNDERWOOD. I would dispose of it or have the Congress dispose of it by settling the whole question—that is, providing for settlement of the question, not by Congress but by a commission provided by law. That involves no delay. That would expedite the matter. To appoint a tribunal to find a verdict without authority of law, and then bring it back here to be mulled around in Congress for years to come, would be opening a Pandora's box of delay.

Mr. HITCHCOCK. I do not agree with the Senator that this is without authority of law, in the first place. I realize, of course, that the control of the property held by the Alien Property Custodian is in Congress, but I deny that the appointment of a commission or the ascertainment of the amount of the claims is necessarily in Congress. The Senate has already ratified the treaty with Germany; and the Senator from Alabama voted for that ratification, as I did. That treaty imports into its articles certain provisions of the treaty of Versailles. The treaty of Versailles provides for a mixed commission to be agreed upon between Germany and the United States for the ascertainment, in a friendly way and on a just basis, of the claims that Germany shall pay. Under the original treaty of Versailles, and under the subsequent treaty with Germany, the President undoubtedly has the power to proceed by agreeing with Germany as to the appointment of a mixed commission to pass on claims. How can American claimants object to the constitution of that mixed commission, one appointed by the German Government, one appointed by the American Government, and the umpire also appointed by the American Government, and already chosen, being a member of our Supreme Court; so that the control of the decision is in the hands of Americans, and all Germany has is a representation upon the commission of one vote.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. HITCHCOCK. Certainly; I yield.

Mr. KING. As I understand the Senator, his position would be that if there were no treaty—for instance, the treaty of Versailles, which authorizes, as he contends, the President to make this agreement—then it would be a matter for Congress to determine by appropriate legislation—that is, by authorizing the President to negotiate a treaty or by passing some statute creating an American or a mixed tribunal for the purpose of ascertaining the damages due to Americans from the German Government? In other words, the Senator, as I understand, admits that if it were not for the Versailles treaty there would be no authority whatever for the President to enter into the agreement for the appointment of the commission?

Mr. HITCHCOCK. Undoubtedly.

Mr. KING. And the Senator thinks that the Versailles treaty is full warrant for those proceedings?

Mr. HITCHCOCK. I have not any doubt of it.

Furthermore, the courts have decided where the Executive interprets a treaty the courts will grant to his interpretation the presumption of regularity and legality; and they are very slow to override such an interpretation.

To my mind the Versailles treaty is plain, and the treaty with Germany also is plain on the subject. It seems to me, in the interest of good relations with Germany, now that we are at peace, in the interest of American claimants, who have been waiting for four or five years—for four years, anyway, since the armistice was signed and peace entered into—and in the interest of that large number of people whose property is tied up in the trust which is controlled by the Alien Property Custodian, we ought to adopt the suggestion advanced by the President and agreed to by Germany, and ought to adopt his plan and give him the necessary money to work under it.

To my mind it is an unfortunate thing that for so many years this great amount of property has been tied up. I know of a great many cases in this country of families who are in distress because their property is still held in the control of the Alien Property Custodian and can not be returned to them until these claims are settled. I think they are entitled to some consideration; they are the victims of war; and I think there should not be an undue lapse of time. This is a method of cutting red tape; this is a method of getting an early agreement with Germany as to the amount of these claims. The control of the commission is in the hands of representatives of the United States, so it is impossible to conceive of any justice being done.

Mr. KING. Will the Senator yield to me?

Mr. HITCHCOCK. I will yield in a moment.

The Senator from Alabama suggests that some of the decisions of the commission may not receive the approval of the claimants. That is always the case as to such decisions. They are not compelled to accept their money; but if they do accept the money they will be bound by the decision. If they do not accept the judgment of the commission as to their claims, then, of course, there may be some controversy; but it would inevitably be true, even if a commission were created by law, that they would still be knocking at the doors of Congress for an additional award.

Mr. UNDERWOOD. Mr. President, if the Senator from Nebraska will allow me, I desire to say that I think he is entirely mistaken on that proposition. The claims bill that I have introduced in reference to these matters provides for almost the identical action that Congress took in reference to the Spanish War claims commission. After that tribunal wound up its work and rendered its verdict we never heard of it; that was the end of it, because we had established a tribunal and fixed the verdict by law.

There is nothing to bind the claimants in this case. They are injected into this proposal without their consent, without their desire; but when Congress establishes a court in which American citizens may present their claims, and the method is fixed by law, when a decision is rendered their matters are foreclosed. That, however, is not done in this instance.

Mr. HITCHCOCK. I think the action has the force of law, for it is taken under a treaty made by the United States, and a treaty is the highest law of the land. The President acts under the treaty in agreeing with Germany upon the selection of a commission. Of course, Congress might withhold an appropriation for expenses of the commission and end the matter in that way, but that will only mean further delay. The commission constituted under the terms of the treaty as interpreted by the President will be just as legal and just as binding a tribunal to settle claims as would be one created by the act of the House and the Senate.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. HITCHCOCK. I yield.

Mr. KING. I should like to ask the Senator how the claimants, if an award shall be made in their behalf by this commission, will be paid?

Mr. HITCHCOCK. Undoubtedly they can not be paid until Congress acts upon the result.

Mr. KING. Well, who will pay them—the German Government?

Mr. HITCHCOCK. If Germany pays and the claimants accept payment, that will end the matter; but if Germany will not pay, the probability is that Congress will have to provide that some of the property now held in trust shall be used for the purpose of paying these claims, and Congress ultimately will have to do that, of course, because it has jurisdiction over the property which is held by the Alien Property Custodian.

Mr. KING. Then it is the theory of the Senator that Congress, after awards shall have been made by this commission—I am assuming that awards will be made—will by act confiscate the property now in the hands of the Alien Property Custodian, at least to the extent of a sufficient amount to meet all the awards that may be made by the commission?

Mr. HITCHCOCK. Mr. President, that is another question and another story, and it is a good way off. We can not reach that now under any theory in this case. What we are to decide to-day is whether we shall make a beginning for the purpose of ascertaining claims which have been neglected for four years. I think it ought to be done, and I believe the President is justified in interpreting the Versailles treaty as he has interpreted it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. Underwood].

Mr. UNDERWOOD. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. CUMMINS (when his name was called). Mr. President, I ask to be excused from voting on this question for the reason that, as chairman of the subcommittee having in charge the measure which the Senator from Alabama [Mr. Underwood] has mentioned, it will become necessary for me to pass upon the same question, directly or indirectly, and I do not want to prejudge the matter or foreclose myself by voting upon this question.

The PRESIDING OFFICER. After the roll call shall have been concluded the Chair will put the question whether or not the Senator from Iowa shall be excused from voting.

Mr. HARRISON (when his name was called). I transfer my general pair with the junior Senator from West Virginia [Mr. Elkins] to the senior Senator from Nevada [Mr. Pittman], and vote "yea."

Mr. STERLING (when his name was called). Mr. President, I am a member of the subcommittee of the Committee on the Judiciary appointed to consider the bill introduced by the Senator from Alabama [Mr. Underwood]. The chairman of that committee, the Senator from Iowa [Mr. Cummins], has given his reasons for asking to be excused from voting. Being practically in the same situation in regard to that bill, I, for the same reason that he gave, ask to be excused from voting.

The PRESIDING OFFICER. Upon the conclusion of the roll call the Chair will put the question to the Senate.

Mr. SUTHERLAND (when his name was called). I transfer my general pair with the senior Senator from Arkansas [Mr. Robinson] to the junior Senator from Vermont [Mr. Page], and vote "nay."

Mr. WARREN (when his name was called). I transfer my regular pair with the junior Senator from North Carolina [Mr. Overman] to the senior Senator from New York [Mr. Wadsworth], and vote "nay."

The roll call was concluded.

Mr. KELLOGG. I transfer my general pair with the senior Senator from North Carolina [Mr. Simmons] to the junior Senator from Maryland [Mr. Weller], and vote "nay."

Mr. DILLINGHAM (when his name was called). I inquire whether the Senator from Virginia [Mr. Glass] has voted?

The PRESIDING OFFICER. The Chair is informed the Senator from Virginia has not voted.

Mr. DILLINGHAM. I have a general pair with that Senator, which I transfer to the Senator from Pennsylvania [Mr. Pepper], and vote "nay."

Mr. McCORMICK (after having voted in the negative). I transfer my pair with the junior Senator from Wyoming [Mr. Kendrick] to the junior Senator from Washington [Mr. Poindexter] and allow my vote to stand.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Jersey [Mr. Frelinghuysen] with the Senator from Montana [Mr. Walsh];

The Senator from California [Mr. Johnson] with the Senator from Georgia [Mr. Watson];

The Senator from Illinois [Mr. McKinley] with the Senator from Arkansas [Mr. Caraway];

The Senator from Missouri [Mr. Spencer] with the Senator from Georgia [Mr. Harris];

The junior Senator from Ohio [Mr. Willis] with the senior Senator from Ohio [Mr. Pomerene];

The Senator from New Jersey [Mr. Edge] with the Senator from Oklahoma [Mr. Owen]; and

The Senator from Maine [Mr. Fernald] with the Senator from New Mexico [Mr. Jones].

I wish further to announce that the junior Senator from Ohio [Mr. Willis] is detained from the Senate on account of serious illness in his family.

The PRESIDING OFFICER. Under the rule, the Chair will now put the question to the Senate, Shall the Senator from Iowa [Mr. Cummins] and the Senator from South Dakota [Mr. Sterling], for the reasons assigned by them, be excused from voting on this question? Those in favor of excusing them will say "aye." [A pause]. Those opposed "no." [A pause]. The "ayes" have it, and the Senators are excused from voting.

The Secretary will recapitulate the vote.

The vote was recapitulated, and the result was announced—yeas, 18; nays, 39; as follows:

YEAS—18.

Broussard
Culberson
Dial
Fletcher
Harrison
Heflin
King
McKellar
Myers
Ransdell
Sheppard
Shields
Stanley
Swanson
Trammell
Underwood
Walsh, Mass.
Williams

NAYS—39.

Ball
Brandegee
Bursum
Calder
Cameron
Capper
Colt
Curtis
Dillingham
du Pont
Ernst
France
Gooding
Hitchcock
Jones, Wash.
Kellogg
Keyes
La Follette
Lodge
McCormick
McCumber
McLean
McNary
Moses
Nelson
New
Newberry
Nicholson
Norbeck
Oddie
Phipps
Rawson
Shortridge
Smoot
Stanfield
Sutherland
Townsend
Warren
Watson, Ind.

NOT VOTING—39.

Ashurst
Borah
Caraway
Cummins
Edge
Elkins
Fernald
Frelinghuysen
Gerry
Glass
Hale
Harreld
Harris
Johnson
Jones, N. Mex.
Kendrick
Ladd
Lenroot
McKinley
Norris
Overman
Owen
Page
Pepper
Pittman
Poindexter
Pomerene
Reed, Mo.
Reed, Pa.
Robinson
Simmons
Smith
Spencer
Sterling
Wadsworth
Walsh, Mont.
Watson, Ga.
Weller
Willis

So Mr. Underwood's amendment was rejected.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The Reading Clerk. It is proposed to insert, at the proper place in the bill, the following:

To carry out the provisions of the act of February 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," as amended, as follows:

For salaries of 35 additional inspectors whose employment is hereby authorized for nine months at the rate of $3,000 per annum each, $78,750; for per diem in lieu of subsistence for said inspectors for nine months, $37,800; for transportation for said inspectors for nine months, $37,800; for allowances to said inspectors for nine months, $15,750; in all, fiscal year 1923, $170,100.

Mr. WARREN. Mr. President, that matter has been considered by the Committee on Appropriations, and was not included in the bill because it brings up a legal question, and therefore it was decided that it should be offered from the floor. By all means I think it should be adopted, and so far as the committee is concerned there is no objection on the part of any member of the committee to the adoption of the amendment that is offered.

Mr. CUMMINS. Mr. President, in view of the very general sentiment of the Senate upon this matter, and in view of the condition which prevails throughout the country with regard to the equipment, especially the motive power, of the railroads, I do not intend to consume a single minute in explanation or in defense of this amendment. I content myself by saying that there never was a time when the work of the inspectors was so necessary to the preservation of life, as well as of property, as at this time. The force of inspectors is not sufficient to do the work required of them at any time, least of all at this time; and I sincerely hope that every Senator here will favor the amendment. I recognize that a single objection would defeat it; but I have faith enough in my brother Senators to believe that under the circumstances which now exist there will not be a single voice raised against it.

Mr. HARRISON. Mr. President, last week, when the Liberian loan joint resolution was being considered, I offered an amendment carrying an appropriation of $150,000, I believe, to provide for more inspectors to inspect the locomotives throughout the country. I presented at that time facts that I thought should convince the Senate and the Congress that immediate consideration should be given to the proposition. I was delighted at that time that the chairman of the Committee on Interstate Commerce, the Senator from Iowa [Mr. Cummins], voiced sentiments similar to my own, and advocated the adoption of that amendment, as well as the Senator from Kansas, and other Senators. That amendment is now the pending amendment to the Liberian loan joint resolution, having been pending for some days.

I am very much delighted that this amendment is being offered, and that the committee is going to accept it. When we get to the consideration of the Liberian loan joint resolution, if this amendment is adopted, I shall withdraw the amendment that I proposed to that measure. I think it is quite necessary, and it should be adopted immediately.

Mr. DIAL. Mr. President, I am not fully posted about the intention of the amendment; but, while I shall not oppose it, I very much fear that it will cripple the service more than it will expedite it. It occurs to me that the railroads ought to have enough ability to inspect their own engines and keep them going. What I fear is that these Government inspectors will interfere with them, and will tie up engines that ought to be in use, and we need every available engine now to move the commodities of the country; but, in deference to the Senator proposing the amendment, I shall not object.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. WARREN. I ask the Secretary to turn to page 4, line 20, as I desire to make a correction. I ask unanimous consent to strike out the words "approved September —, 1922."

The PRESIDENT pro tempore. That amendment has been agreed to. Without objection, the vote by which the amendment was agreed to is reconsidered, and it is now open to amendment.

Mr. WARREN. I now move to strike out the words I have indicated.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The Reading Clerk. On page 4, line 20, it is proposed to strike out "approved September —, 1922."

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. WARREN. Mr. President, I ask unanimous consent to offer the amendment which I send to the desk. It is a matter requested by the President of the United States—that $200,000 be included in the bill for the relief of American citizens who were sufferers in the Smyrna fire. I ask unanimous consent for the consideration of the amendment.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the amendment which he now proposes be agreed to. The amendment will be stated.

The Reading Clerk. On page 7, after line 6, it is proposed to insert:

Relief of American citizens and their relatives: For relief of American citizens and their relatives who have been victims of the recent march on Smyrna and the burning of that city, to be expended under the directon and supervision of the Secretary of State, to be immediately available, $200,000.

The PRESIDENT pro tempore. Is there objection to the amendment? The Chair hears none, and the amendment is unanimously agreed to.

Mr. WARREN. I ask that there may be printed, in this connection, the President's letter and also the letter from the Acting Secretary of State.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letters referred to are as follows:

The White House,
Washington, September 20, 1922.

Hon. Francis E. Warren,
United States Senate, Washington, D. C.

My Dear Senator Warren: I am inclosing to you herewith a letter which I have just this moment received from Undersecretary Phillips relating to the destitution among Americans and American refugees who have been the victims of the march on Smyrna and the burning of that city. It is very apparent that we have an obligation to afford relief which can not be met by private funds of American relief organizations. I am writing to request, therefore, if it meets the approval of the Senate, that you add an appropriation of $200,000 to the pending deficiency bill which may be expended in necessary relief of American citizens and their relatives. The letter of Undersecretary Phillips suggests that the appropriation be made available for expenditure at the discretion of the President, but I think it would be quite as well to lodge the discretion in the authority of the Secretary of State. It is not an important matter either way. I do think it is desirable to have available funds with which to meet the pressing need of relief, and I have no doubt that the Congress will concur in this opinion.

Very truly yours,

Warren G. Harding.

—

Department of State,
Washington, September 20, 1922.

The President,
The White House.

My Dear Mr. President: In response to your request for information regarding American citizens made destitute as a result of the disaster in Smyrna and the recent military operations in Anatolia, I beg to inform you of the receipt of the following telegraphic information from our officials in the Near East.

On September 14 Consul General Horton reported his arrival at Piraeus from Smyrna with 150 destitute Americans and stated that approximately 350 more American refugees were expected to reach that port the next day.

On September 15 Consul Morris telegraphed from Saloniki that "600 destitute American-Greek refugees" had arrived from Smyrna.

A recent dispatch from Admiral Bristol reports that a number of Americans are arriving in Smyrna from the interior of the country and indicates that there are a number of destitute Americans still in that city apart from those who have already been evacuated to Constantinople as well as to Greek ports.

The department has telegraphed to Constantinople, Athens, and Saloniki for detailed information as to the exact number of destitute Americans whose temporary maintenance or repatriation may be required. In the absence of replies to these telegrams it is difficult to give final information, but it would be safe to assume that the number of American citizens in need of relief would not be less than 1,000 and that this number would be considerably larger if the families and near relatives of these persons were included.

In view of this situation and considering the fact that the department has no funds available for this purpose, I would suggest the desirability of an appropriation of $200,000, to be expended at your discretion through American officials in the Near East for the relief of American citizens and their immediate relatives and for the repatriation of destitute Americans.

Faithfully yours, William Phillips.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The Reading Clerk. On page 6, after line 16, it is proposed to insert:

Spillway and drainage ditch, Lake Andes, S. Dak.: For the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak., in accordance with the act entitled "An act providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak.," approved September 21, 1922, $50,000, or so much thereof as may be necessary, to be immediately available.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, on page 6, after the amendment just agreed to, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The Reading Clerk. Following the amendment relative to Andes, S. Dak., just agreed to, on page 6, line 16, insert the following:

Wahpeton Indian School, Wahpeton, N. Dak.: For the purchase of additional land for the Wahpeton Indian School, $65,000, the same to be immediately available.

The amendment was agreed to.

Mr. LENROOT. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. LENROOT. Have the two previous amendments on the same subject been agreed to?

The PRESIDENT pro tempore. They have not been agreed to as an entirety.

Mr. LENROOT. The Senator from North Dakota asked to have the amendment inserted immediately following the one which has just been agreed to.

The PRESIDENT pro tempore. Following the amendment of the Senator from South Dakota.

Mr. LENROOT. These amendments have not yet been acted upon?

Mr. WARREN. They have been acted upon. We had proceeded to page 7, I understand.

Mr. LENROOT. I am informed at the desk that that is not the fact.

The PRESIDENT pro tempore. The Secretary will state the next amendment of the committee.

The next amendment of the Committee on Appropriations was, at the top of page 5, to insert:

Department of Commerce.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

China trade act: To carry out the provisions of the act entitled "China trade act, 1922," including personal services in the District of Columbia and elsewhere from October 1, 1922, to June 30, 1923, as follows: Registrar at $10,000 per annum, two assistant registrars at $5,000 per annum each, two clerks at $2,500 per annum each, clerk at $2,000 per annum, two clerks at $1,500 per annum each, and two clerks at $1,000 per annum each; rent outside the District of Columbia, travel and subsistence expenses of officers and employees, purchase of necessary furniture and equipment, stationery and supplies, and all other necessary expenses not included in the foregoing, fiscal year 1923, $35,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to insert:

Interior Department.

GENERAL LAND OFFICE.

Oregon and California railroad lands and Coos Bay wagon-road lands: To enable the Secretary of the Interior, with the cooperation of the Secretary of Agriculture or otherwise, as in his judgment may be most advisable, to establish and maintain a patrol to prevent trespass and to guard against and check fires upon the lands revested in the United States by the act approved June 9, 1916, and the lands known as the Coos Bay wagon-road lands involved in the case of Southern Oregon Co. *v.* United States (No. 2711, in the Circuit Court of Appeals of the Ninth Circuit), fiscal year 1922, $10,169.57.

The amendment was agreed to.

Mr. McNARY. On page 5, before line 1, I move to insert the following amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The Reading Clerk. At the top of page 5, before the item "Department of Commerce," insert the following:

DEPARTMENT OF AGRICULTURE.

The appropriation of $103,600 made for the fiscal year 1923 for the enforcement of the future trading act, approved August 24, 1921, shall be available for carrying into effect the provisions of the grain futures act, approved September 21, 1922.

Mr. WARREN. Mr. President, the subject matter has been considered by the committee. The amendment provides for no appropriation and should be agreed to.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 6, after line 3, to insert:

INDIAN AFFAIRS.

Rapid City Indian School, Rapid City, S. Dak.: For rebuilding and refurnishing the boys' dormitory at the Rapid City Indian School, Rapid City, S. Dak., which dormitory was recently destroyed by fire, $50,000, fiscal year 1923, $50,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 9, to insert:

Tomah Indian School, Tomah, Wis.: For rebuilding and refurnishing the school building at the Tomah Indian School, Tomah, Wis., recently destroyed by fire, $50,000, fiscal year 1923, in accordance with the provisions of the act of August 24, 1922 (Public No. 289, 67th Cong., 2d sess.), $50,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of State," on page 6, after line 23, to insert:

Payment to nationals of Spain, France, Great Britain, Germany, Austria, Italy, Cuba, and the United States: For payment of the claims of the nationals of Spain, France, Great Britain, Germany, Austria, Italy, Cuba, and the United States arising out of the occupation by the American forces of Vera Cruz, Mexico, in 1914, as set forth in Senate Document No. 252 submitted to Congress at its present session, $45,518.59.

The amendment was agreed to.

The next amendment was, on page 9, after line 7, to insert:

War Department.

FINANCE DEPARTMENT.

Claims for damages to and loss of private property: For payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army that have accrued, or may hereafter accrue from time to time, $93,163.47: *Provided*, That settlement of such claims shall be made by the General Accounting Office, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages: *Provided further*, That this amount shall be available exclusively for the payment of claims in excess of $500 which have been approved and recommended by the Secretary of War.

The amendment was agreed to.

The next amendment was, at the top of page 10, to insert:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suits which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress during the present session in Senate Document No. 255, and which have not been appealed, namely:

Under the War Department, $9,786.96, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

For payment of the judgment rendered against the United States by the District Court of the United States for the District of New Jersey, sitting in admiralty, and certified to Congress in Senate Document No. 258 of the present session, under the Navy Department, $2,787.65.

For payment of the judgment rendered against the United States by the District Court of the United States for the Eastern District of Virginia, sitting in admiralty, and certified to Congress in Senate Document No. 258 of the present session, under the Navy Department, $7,402.45.

The amendment was agreed to.

The next amendment was, at the top of page 11, to insert:

JUDGMENTS, COURT OF CLAIMS.

For payment of the judgments rendered by the Court of Claims and reported to Congress during the present session in Senate Document No. 256, namely:

Under the Treasury Department, $1,410.23;

Under the War Department, $619.41;

Under the Navy Department, $119,226.71;

Under the Post Office Department, $16,584.82;

Under the United States Shipping Board, $146,193.54;

In all, $284,034.71.

None of the judgments contained herein shall be paid until the right of appeal shall have expired

The Secretary of the Interior is hereby authorized and directed to pay to Robert L. Owen and associates, who are plaintiffs in the case of Wirt K. Winton, administrator of Charles F. Winton, deceased, and others against Jack Amos and others, in case No. 29821, the sum of $175,000, out of any funds now or hereafter due the Mississippi Choctaws under the judgment of the Court of Claims rendered on June 12, 1922, in favor of the above-cited plaintiffs against the Mississippi Choctaws.

The amendment was agreed to.

The next amendment was, on page 11, after line 21, to insert:

AUDITED CLAIMS.

Sec. 3. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1920 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 254, reported to Congress at its present session, there is appropriated as follows:

INDEPENDENT OFFICES.

For salaries and expenses, Committee on Public Information, $8.36.

For United States Tariff Commission, $3.20.

For preservation and collections, National Museum, $22.51.

For fuel, lights, etc., State, War, and Navy Department Buildings, $173.47.

For Interstate Commerce Commission, $228.46.

For salaries and expenses, Veterans' Bureau, $16.24.

For vocational rehabilitation, Veterans' Bureau, $14.60.

DEPARTMENT OF AGRICULTURE.

For miscellaneous expenses, Department of Agriculture, $83.41.

For general expenses, Bureau of Animal Industry, $89.72.

For meat inspection, Bureau of Animal Industry, $2.40.

For general expenses, Forest Service, $757.72.

For general expenses, Bureau of Chemistry, $3.22.

For general expenses, Bureau of Soils, $34.29.

For general expenses, Bureau of Entomology, $8.98.

For general expenses, Bureau of Biological Survey, $557.80.

For general expenses, States Relations Service, $4.75.

For stimulating agriculture and facilitating distribution of products, $61.02.

DEPARTMENT OF COMMERCE.

For commercial attachés, Department of Commerce, $62.77.

For general expenses, Coast and Geodetic Survey, 84 cents.

For party expenses, Coast and Geodetic Survey, $1,129.22.

For repairs of vessels, Coast and Geodetic Survey, $27.

For motor-driven vessels and launches, Coast Survey, $46.50.

For general expenses, Bureau of Standards, $57.59.

For equipment of laboratory, Bureau of Standards, $954.51.

For general expenses, Lighthouse Service, $4,803.76.

For miscellaneous expenses, Bureau of Fisheries, $233.47.

INTERIOR DEPARTMENT.

For scientific library, Patent Office, $16.35.

For expenses of special inspectors, Department of the Interior, $34.16.

For protecting public lands, timber, etc., $47.63.

For surveying the public lands, $61.46.

For Geological Survey, $35.44.

For testing fuel, Bureau of Mines, $26.61.

For mineral mining investigations, Bureau of Mines, $292.92.

For operating mine rescue cars, Bureau of Mines, $309.76.

For increase of compensation, Indian Service, $216.49.

For Indian schools, support, $35.31.

For Indian school and agency buildings, $505.18.

For Indian school transportation, $5.33.

For industrial work and care of timber, $20.73.

For purchase and transportation of Indian supplies, $5,794.30.

For pay of Indian police, $26.36.

For general expenses, Indian Service, $27.36.

For industry among Indians, $41.11.

For suppressing contagious diseases among live stock of Indians, $151.

For water supply for stock and increasing grazing range on unallotted Indian lands, $3,336.30.

For Indian school, Fort Bidwell, Calif., $300.

For Indian school, Greenville, Calif., $41.10.

For support of Indians, Blackfeet Agency, Mont., $584.14.

For highway from Mesa Verde National Park to Gallup, N. Mex., $330.51.

For education, Sioux Nation, South Dakota, $119.13.

For Indian school, Tomah, Wis., repairs and improvements, $22.18.

DEPARTMENT OF JUSTICE.

For contingent expenses, Department of Justice, stationery, $3.35.

For detection and prosecution of crimes, $3,719.06.

For inspection of prisons and prisoners, 22 cents.

For United States penitentiary, Atlanta, Ga., $2.

For salaries, fees, and expenses of marshals, United States courts, $371.54.

For salaries and expenses of district attorneys, United States courts, $1.678.13.

For pay of special assistant attorneys, United States courts, $89.17.

For fees of jurors, United States courts, $15.

For miscellaneous expenses, United States courts, $6.

For support of prisoners, United States courts, $898.47.

For fees of commissioners, United States courts, $97.85.

DEPARTMENT OF LABOR.

For increase of compensation, Department of Labor, $12.67.

For contingent expenses, Department of Labor, $124.47.

For payment of judgments against collectors of customs (Immigration Service), $379.50.

For advanced transportation, United States Employment Service, $12.50.

For War Emergency Employment Service, $4.80.

For national security and defense, Department of Labor, $37.97.

For Employment Service, Department of Labor, $15.73.

For expenses of regulating immigration, $87.19.

For miscellaneous expenses, Bureau of Naturalization, $4.24.

NAVY DEPARTMENT.

For pay, miscellaneous, $929.55.

For increase of compensation, Naval Establishment, $296.18.

For aviation, Navy, $3,690.59.

For pay, Marine Corps, $3,468.18.

For maintenance, Quartermaster's Department, Marine Corps, $1,469.18.

For contingent, Marine Corps, $49.

For transportation, Bureau of Navigation, $12,091.92.

For outfits on first enlistment, Bureau of Navigation, $935.96.

For instruments and supplies, Bureau of Navigation, $167.

For ordnance and ordnance stores, Bureau of Ordnance, $35.84.

For Medical Department, Bureau of Medicine and Surgery, $2.33.

For contingent, Bureau of Medicine and Surgery, $207.50.

For bringing home remains of officers, etc., Navy Department, $430.80.

For pay of the Navy, $46,840.61.

For provisions, Navy, Bureau of Supplies and Accounts, $1,115.44.

For maintenance, Bureau of Supplies and Accounts, $269.83.

For freight, Bureau of Supplies and Accounts, $31,888.29.

For fuel and transportation, Bureau of Supplies and Accounts, $6.700.65.

For construction and repair, Bureau of Construction and Repair, $410.83.

For engineering, Bureau of Steam Engineering, $2,674.49.

DEPARTMENT OF STATE.

For salaries, chargés d'affaires ad interim, $961.11.

For salaries of secretaries, Diplomatic Service, $8.85.

For transportation of diplomatic and consular officers, $9,193.35.

For clerks at embassies and legations, $95.83.

For contingent expenses, foreign missions, $1,606.30.

For salaries, Consular Service, $1,251.09.

For post allowances to diplomatic and consular officers, $3,339.34.

For allowance for clerks at consulates, $1,259.24.

For salaries, interpreters to consulates, $3,019.10.

For relief and protection of American seamen, $2.814.39.

For contingent expenses, United States consulates, $2,791.60.

For representation of interests of foreign governments growing out of hostilities in Europe, $1,183.58.

For national security and defense, Department of State, $948.80.

TREASURY DEPARTMENT.

For increase of compensation, Treasury Department, $39.34.

For contingent expenses, Independent Treasury, $5.49.

For expenses of loans, act September 24, 1917, as amended, $38,292.97.

For contingent expenses, Treasury Department; stationery, $128.76.

For collecting the revenue from customs, $29.91.

For salaries and expenses of collectors, etc., of internal revenue, $2.89.

For allowance or drawback (internal revenue), $16,972.25.

For collecting the war revenue, $68.61.

For enforcement of national prohibition act, internal revenue, $421.09.

For miscellaneous expenses, Internal Revenue Service, $152.07.

For refunding internal revenue collections, $98.53.

For Coast Guard, $2,313.78.

For pay of acting assistant surgeons, Public Health Service, $75.

For fuel, light, and water, Public Health Service, $180.68.

For books, Public Health Service, $15.04.

For pay of personnel and maintenance of hospitals, Public Health Service, $1,285.64.

For field investigations of public health, 24 cents.

For expenses, Division of Venereal Diseases, Public Health Service, 54 cents.

For general expenses of public buildings, $8.88.

For operating force for public buildings, $42.82.

For furniture and repairs of same for public buildings, $171.37.

For operating supplies for public buildings, $326.98.

WAR DEPARTMENT.

For contingent expenses, War Department, 25 cents.

For increase of compensation, Military Establishment, $6,599.56.

For civilian military training camps, $52.98.

For registration and selection for military service, $1,889.70.

For Signal Service of the Army, $13,879.79.

For Air Service, military, $718.62.

For Air Service, production, $341.57.

For increase for aviation, Signal Corps, $794.51.

For pay, etc., of the Army, $751.52.

For mileage to officers and contract surgeons, $490.95.

For general appropriations, Quartermaster Corps, $302,484.67.

For clothing and camp and garrison equipage, $6.50.

For transportation of the Army and its supplies, $41.18.

For barracks and quarters, $105.20.

For roads, walks, wharves, and drainage, $23.

For construction and repair of hospitals, $1,346.

For supplies, services, and transportation, Quartermaster Corps, $273,275.17.

For medical and hospital department, $4,799.91.

For engineer, operations in the field, $393.33.

For ordnance service, $415.82.

For ordnance stores, ammunition, $1,839.25.

For manufacture of arms, $288.26.

For ordnance stores and supplies, $583.88.

For automatic rifles, $3,516.68.

For arming, equipping, and training the National Guard, $1,037.72.

For electrical and sound-ranging equipment, etc., $168.10.

For gun and mortar batteries, $156.56.

For fire control at fortifications, $249.65.

For armament of fortifications, $39,316.88.

For proving grounds, Army, $4.68.

For proving ground facilities, $23.25.

For fortifications in insular possessions, $75.

For replacing medical supplies, $27.

For replacing ordnance and ordnance stores, $59.24.

For engineer equipment of troops, $5,389.94.

For Air Service, Army, $10,206.75.

For repairs of arsenals, $237.74.

For library, Surgeon General's Office, $7.39.

For military post exchanges, $6.40.

For quartermaster supplies, equipment, etc., Reserve Officers' Training Corps, $219.18.

For maintenance etc., fire-control installations at seacoast defenses, insular possessions, Signal Service, $7.

For disposition of remains of officers, soldiers, and civilian employees, $672.22.

For National Home for Disabled Volunteer Soldiers, clothing, $34.43.

For headstones for graves of soldiers, $15.37.

For increase of compensation, rivers and harbors, $1,323.07.

For testing machines, $18.63.

For maintenance, United States Military Academy, $48.55.

POST OFFICE DEPARTMENT—POSTAL SERVICE.

For clerks, first and second class post offices, $446.89.

For railroad transportation, $11,043.70.

For Star Route Service, $165.10.

For telegraphing, $1.33.

For indemnities domestic mail, $239.79.

For Railway Mail Service (salaries), $19.90.

For Railway Mail Service (miscellaneous expense), 61 cents.

For rewards, $100.

For compensation to postmasters, $283.37.

For indemnities, international registered mail, $132.57.

For balances due foreign countries, $10.333.11.

For foreign mail transportation, $2,904.19.

For compensation to assistant postmaster, $338.72.

For Mail Messenger Service, $438.87.

For Rural Delivery Service, $63.69.

For miscellaneous items, first and second class post offices, $115.

For vehicle service, $498.

For temporary city delivery carriers, $805.50.

For city delivery carriers, $393.56.

For special delivery fees, $381.84.

For post office equipment and supplies, $4.50.

For Village Delivery Service, $3.75.

For rent, light, and fuel, $225.

For clerks, third-class post offices, $75.

For temporary clerk hire, $22.40.

For Power Boat and Aeroplane Service, $7.27.

For freight on stamped paper and mail bags, $123.35.

For railroad transportation, $4.04.

For shipment of supplies, $6.41.

Total, audited claims, section 3, $935,226.67.

The amendment was agreed to.

Mr. McNARY. I ask that we turn to page 11, line 21, and after the word "Choctaws" in that line I offer the following amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The READING CLERK. On page 11, line 21, after the word "Choctaws" and before the period, insert a semicolon and the following words:

meeting the deficiency out of the reserve for unpaid Choctaw per capita funds, and reimbursing the same out of the funds hereafter due said Mississippi Choctaws per capita.

Mr. WARREN. The committee has no objection to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. WARREN. I move that the Senate insist upon its amendments, ask for a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the President pro tempore appointed Mr. WARREN, Mr. CURTIS, and Mr. GLASS conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. The Senator from California.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. HARRISON. There being unfinished business, is it not the duty of the Chair to lay before the Senate the unfinished business, which is the Liberian loan joint resolution?

The PRESIDENT pro tempore. The Chair has recognized the Senator from California. The Chair does not know for what purpose the Senator from California rises.

Mr. McNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Oregon?

Mr. SHORTRIDGE. I yield to the Senator.

Mr. McNARY. I only rise with regard to the House amendments to Senate Joint Resolution 215.

Mr. SHORTRIDGE. I yield for that purpose.

TRICOUNTY IRRIGATION PROJECT, NEBRASKA.

Mr. McNARY. I ask the Chair to lay before the Senate the House amendments to Senate Joint Resolution 215, which were recalled from the House yesterday on my motion.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 215) providing for reinvestigation of the tricounty irrigation project, Nebraska, which were, on page 1, line 3, to strike out "Interior" and insert "Interior, upon the payment to him in advance of the necessary funds to defray the expenses thereof"; on page 1, line 4, to strike out "a reinvestigation" and insert "an additional investigation"; on page 1, line 9, to strike out "the lands of" and insert "lands in"; on page 2, to strike out lines 1 to 3, inclusive, and to amend the title so as to read: "Joint resolution providing for an additional investigation of the tri-county irrigation project, Nebraska."

Mr. McNARY. I ask unanimous consent to proceed to the consideration of the motion yesterday entered by me that the Senate reconsider the vote by which it disagreed to the amendments of the House of Representatives to Senate joint resolution (S. J. Res. 215) providing for a reinvestigation of the tri-county irrigation project, Nebraska, and asked a conference with the House thereon.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the motion to reconsider is agreed to.

Mr. McNARY. I move that the Senate agree to the amendments of the House.

The motion was agreed to.

PAY OF EMPLOYEES.

Mr. WARREN. Will the Senator from California yield a moment until I ask the Chair if there is on the desk a joint resolution, sent over from the House, providing for the payment of employees for this month immediately upon our final adjournment?

The PRESIDENT pro tempore. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. J. Res. 382) authorizing payment of the salaries of officers and employees of Congress for September, 1922, on the 23d day of said month, was read twice by its title.

Mr. WARREN. So that the record may be straight, the joint resolution should be referred to the Committee on Appropriations. The committee have already considered it.

The PRESIDENT pro tempore. It is referred to the Committee on Appropriations.

Mr. WARREN. I now report favorably from the Committee on Appropriations House Joint Resolution 382, authorizing the payment of the salaries of employees of the Congress for September, 1922, on the 23d day of said month.

Mr. HARRISON. That report is debatable, is it not?

The PRESIDENT pro tempore. The Chair is not advised.

Mr. HARRISON. I want recognition if the report is debatable. I can not understand why it is not debatable.

The PRESIDENT pro tempore. The Chair is not advised of the character of the report.

Mr. CURTIS. Let the joint resolution be read.

The PRESIDENT pro tempore. Unquestionably the report is debatable.

Mr. FRANCE. Mr. President, I call for the regular order. The Senator from California has the floor, and he is entitled to the floor.

Mr. SHORTRIDGE. I do not want to insist upon it, but I have the floor.

The PRESIDENT pro tempore. The Chair has recognized the Senator from California.

Mr. SHORTRIDGE. I will proceed.

The PRESIDENT pro tempore. The Senator from California yielded to the Senator from Wyoming for the purpose of making a report. The Senator from Wyoming made the report, it has been stated to the Senate, and that report is necessarily debatable.

Mr. HARRISON. Does the Senator desire to debate the report? I desire to do so, if the Senator does not.

Mr. SHORTRIDGE. I certainly do not desire to debate the report, nor would I have yielded if I had ever anticipated that the Senator, for the purpose of delay, I think, wished to debate this report.

Mr. ROBINSON. Mr. President, I demand the regular order.

Mr. HARRISON. Have I the floor?

The PRESIDENT pro tempore. The Senator from Mississippi has not the floor as yet.

Mr. HARRISON. I ask recognition.

Mr. WARREN. I simply want to state, if I may be permitted to do so——

The PRESIDENT pro tempore. The Senator from Mississippi made a parliamentary inquiry which the Chair answered.

Mr. FRANCE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. FRANCE. Was unanimous consent granted for the consideration of this report?

The PRESIDENT pro tempore. The Senator from California yielded to the Senator from Wyoming to make a report upon a joint resolution. The report was made, and that report is debatable.

Mr. HARRISON. Mr. President——

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

Mr. WARREN. The report can lie on the table and come up again.

Mr. HARRISON. I am recognized, I understand. I desire to make a speech.

The PRESIDENT pro tempore. If some of the Senators standing in the aisle will take their seats, the Chair may be able to determine the precedence between them.

Mr. HARRISON. I understood the Chair to recognize me.

The PRESIDENT pro tempore. The Chair recognized the Senator from Mississippi to make a parliamentary inquiry.

Mr. HARRISON. I rose to debate this joint resolution.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. CURTIS. As I understand, this was only a report. Is a report debatable unless it is called up for consideration? It is my understanding that when a report is made, it goes to the calendar unless unanimous consent is asked for its immediate consideration.

Mr. LODGE. Absolutely.

Mr. HARRISON. Mr. President, I refuse to yield for that purpose. This is a matter of a joint resolution.

The PRESIDENT pro tempore. The report of the committee is not before the Senate.

Mr. HARRISON. Clearly, I am not mistaken. I heard the Chair, as I thought, lay the matter before the Senate on the motion of the Senator from Wyoming, and I understood the Chair to say it was debatable, and I thought I had recognition. I am very anxious to get out of my system what I have to say about this joint resolution.

The PRESIDENT pro tempore. Whenever the joint resolution comes before the Senate, it will be debatable, but it is not debatable until it is laid before the Senate.

Mr. LODGE. Mr. President, I ask for the regular order.

The PRESIDENT pro tempore. The Senator from California.

Mr. SHORTRIDGE. Mr. President——

Mr. HARRISON. I appeal from the ruling of the Chair.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

Mr. WILLIAMS. Mr. President——

Mr. SHORTRIDGE. Mr. President, is this a senate or an arena? If it is an arena, I have nothing further to say. I shall not undertake to consider it as an arena, but as the Senate. When the Chair recognizes me I assume I have the right to pronounce a sentence, and then Senators can raise their objections.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. Let the Chair state the parliamentary situation. The Senator from California [Mr. SHORTRIDGE] yielded to the Senator from Wyoming [Mr. WARREN] to make a report. It was made. That report, whenever it is laid before the Senate, is debatable. It is not debatable until it is laid before the Senate. The Chair recognizes the Senator from California.

LIBERIAN LOAN.

Mr. LODGE. Mr. President, I call for the regular order.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Mississippi will state the inquiry.

Mr. HARRISON. Is it in order, with all deference to the Chair, for me to have read the Official Reporter's notes of just what transpired at that particular time, to see whether or not the report was laid before the Senate.

The PRESIDENT pro tempore. The Chair thinks that is in order.

Mr. HARRISON. I ask that that be done.

Mr. CURTIS. While the Chair is waiting for the Reporter's notes may I propound a parliamentary inquiry?

The PRESIDENT pro tempore. The Senator from Kansas will state the inquiry.

Mr. CURTIS. The unfinished business was temporarily laid aside. The Senator from Massachusetts [Mr. LODGE] has demanded the regular order. Does not that automatically bring the unfinished business before the Senate?

The PRESIDENT pro tempore. The Chair is of the opinion that the unfinished business would be laid before the Senate upon demand, and that the demand for the regular order brings the unfinished business before the Senate.

Mr. ROBINSON. I demanded the regular order some time ago, and I demand the regular order now.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 270) authorizing the Secretary of the Treasury to establish a credit with the United States for the Government of Liberia.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Mississippi [Mr. HARRISON].

Mr. HARRISON. Mr. President——

The PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. HARRISON. I just want to know exactly where I am. What is before the Senate now?

The PRESIDENT pro tempore. The Liberian loan joint resolution is before the Senate.

Mr. HARRISON. Then I withdraw the request that I made with reference to the reading of the reporter's notes and ask for recognition. Have I the floor now to address the Senate on the Liberian loan joint resolution?

The PRESIDENT pro tempore. The Senator from Mississippi has just been recognized.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry. The unfinished business is now before the Senate. I had been recognized by the Presiding Officer as having the floor, and I would be glad to be advised when and by virtue of what act on my part I was taken from the floor.

The PRESIDENT pro tempore. The Senator took himself from the floor by yielding for the purpose of allowing the Senator from Wyoming to make a report to the Senate.

Mr. SHORTRIDGE. And as I understand the ruling of the President pro tempore, I yielded, as indeed I did, for the specific and limited purpose of permitting the report to be sent to the Secretary's desk. I did not yield for the purpose of having that report immediately or at any time considered. I have understood up to this moment that the Presiding Officer has so indicated, stated, and ruled. If that be true, then these intervening remarks have not deprived me of the right to the floor, for I yielded for the specific purpose stated. Now, the fact that the unfinished business has been laid before the Senate——

Mr. ROBINSON. Mr. President, I rise to a point of order.

Mr. SHORTRIDGE. That fact has not taken me from the floor, with due respect to the Presiding Officer.

The PRESIDENT pro tempore. The Senator from Arkansas will state the point of order.

Mr. ROBINSON. The Chair has recognized the Senator from Mississippi, and the question of recognition is not debatable.

Mr. SHORTRIDGE. I am not debating; I am stating a few facts.

Mr. ROBINSON. I make the point of order that the Senator from California is out of order.

Mr. SHORTRIDGE. I submit as a parliamentary inquiry this question.

Mr. HARRISON. Mr. President——

The PRESIDENT pro tempore. Whether the Senator from California has retained the floor depends upon the extent to which he yielded to the Senator from Wyoming. The Chair is unable to recall distinctly and clearly the words used by the Senator from California when he yielded.

Mr. SHORTRIDGE. I beg leave, then, to say, Mr. President——

Mr. ROBINSON. I make the point of order that a question of recognition is not debatable under the rules of the Senate.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. The point of order will be submitted to the Senate.

Mr. HARRISON. Mr. President——

The PRESIDENT pro tempore. It will be submitted without debate.

Mr. HARRISON. A parliamentary inquiry. I have the recognition of the Chair.

Mr. ROBINSON. If the point of order is submitted to the Senate, it can be debated.

The PRESIDENT pro tempore. The Chair declines to answer the parliamentary inquiry until the question of order raised by the Senator from Arkansas is decided, and the Chair submits that to the Senate.

Mr. HARRISON. I want to make a parliamentary inquiry. Will that action of the Chair take me off the floor if there should be no point of order raised?

The PRESIDENT pro tempore. The Chair declines to answer that inquiry at the present time.

Mr. SHORTRIDGE. I was upon the point of replying to a question put to me by the Chair, and that was as to what I had said, if anything, when the Senator from Wyoming requested permission to file the report. I now state that my reply was a mere assent, no more and no less.

Mr. ROBINSON. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. Those who believe the point of order made by the Senator from Arkansas should be sustained—which is, whether the Senator from California has the floor or not——

Mr. ROBINSON. I respectfully call the Chair's attention to the fact that that is not the point of order which was made by the Senator from Arkansas. The Senator from Arkansas made the point of order that, the Chair having expressly recognized the Senator from Mississippi, the question of recognition is not debatable and the Senator from California is out of order in attempting to debate the question of recognition. The Chair expressly recognized the Senator from Mississippi.

The PRESIDENT pro tempore. The Senator from Arkansas is now debating the question.

Mr. ROBINSON. The Senator from Arkansas is stating the point of order he made. I made the point of order that the Chair had recognized the Senator from Mississippi, and that the Senator from California was out of order in debating the question of recognition.

The PRESIDENT pro tempore. The Chair decided to submit that to the Senate simply because there seems to be a controversy with regard to the manner in which the Senator from California yielded to the Senator from Wyoming. Those who believe the point of order made by the Senator from Arkansas should be sustained will say "aye." Those Senators who believe otherwise will say "no."

Mr. ROBINSON. I call for the yeas and nays.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll. The Assistant Secretary called the roll, and the following Senators answered to their names:

Ashurst
Borah
Brandegee
Broussard
Bursum
Calder
Cameron
Capper
Culberson
Cummins
Curtis
Dial
Dillingham
du Pont
Ernst
Fletcher
France
Gooding
Harreld
Harrison
Heflin
Hitchcock
Jones, Wash.
Keyes
La Follette
Lenroot
Lodge
McCormick
McCumber
McKellar
McLean
McNary
Moses
Nelson
Nicholson
Norbeck
Oddie
Owen
Pepper
Phipps
Rawson
Reed, Pa.
Robinson
Sheppard
Shields
Shortridge
Simmons
Smoot
Stanfield
Sterling
Sutherland
Swanson
Townsend
Trammell
Underwood
Walsh, Mass.
Warren
Watson, Ind.

Mr. SIMMONS. I wish to announce the absence of my colleague [Mr. OVERMAN] on account of illness.

The PRESIDENT pro tempore. Fifty-eight Senators having answered to their names, there is a quorum present.

Mr. HARRISON. Mr. President——

The PRESIDENT pro tempore. The question is upon the point of order raised by the Senator from Arkansas, and that question is whether the Senator from California is entitled to the floor.

Mr. ROBINSON and Mr. HARRISON addressed the Chair.

Mr. ASHURST. Mr. President, I rise to a point of order. That question is debatable. It has been submitted to the Senate, and, having been submitted to the Senate, it is debatable under every decision ever made since the Senate was organized. I will read the decisions if the Chair desires.

The PRESIDENT pro tempore. The Chair believes the Senator from Arizona is right about that.

Mr. ASHURST. I thank the Chair. The question, then, is debatable.

Mr. HARRISON. Now, Mr. President, I desire to debate the point of order. Am I recognized, Mr. President?

The PRESIDENT pro tempore. The Senate will be in order before anyone will be recognized. The Chair recognizes on the question of order the Senator from Mississippi.

Mr. HARRISON. Mr. President, I desire, before I begin to discuss the point of order, to ask that the Reporter may read just what transpired touching recognition, so that the Senate may intelligently vote upon this question. In my time, I want the Reporter to read just what happened.

Mr. SHORTRIDGE. Mr. President, will the Senator yield to me for a moment?

Mr. HARRISON. I will yield for a moment.

Mr. SHORTRIDGE. I want the RECORD read as to what I said or did not say when the Senator from Wyoming made his request.

Mr. HARRISON. I want to have it all read in my time.

The PRESIDENT pro tempore. The Reporter will read as requested.

The Official Reporter read as follows:

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. The Senator from California.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. HARRISON. There being unfinished business, is it not the duty of the Chair to lay before the Senate the unfinished business, which is the Liberian loan joint resolution?

The PRESIDENT pro tempore. The Chair has recognized the Senator from California. The Chair does not know for what purpose the Senator from California rises.

Mr. MCNARY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Oregon?

Mr. SHORTRIDGE. I yield to the Senator.

Mr. MCNARY. I only rise with regard to the House amendments to Senate Joint Resolution 215.

Mr. SHORTRIDGE. I yield for that purpose.

Mr. MCNARY. I ask the Chair to lay before the Senate the House amendments to Senate Joint Resolution 215, which were recalled from the House yesterday on my motion.

The PRESIDENT pro tempore. The Chair lays before the Senate, at the request of the Senator from Oregon, the following message from the House of Representatives.

Mr. MCNARY. Yesterday, Mr. President, in response to a request, the Senate recalled the papers, and I move at this time that the Senate concur in the amendments of the House.

The motion was agreed to.

Mr. WARREN. Will the Senator from California yield a moment until I ask the Chair if there is on the desk a joint resolution, sent over from the House, providing for the payment of employees for this month immediately upon our final adjournment?

The PRESIDENT pro tempore. The Chair lays before the Senate a joint resolution from the House of Representatives:

"H. J. Res. 382, authorizing the payment of the salaries of employees of Congress for September, 1922, on the 23d day of said month."

Mr. WARREN. So that the record may be straight, the joint resolution should be referred to the Committee on Appropriations. The committee have already considered it.

The PRESIDENT pro tempore. It is referred to the Committee on Appropriations.

Mr. WARREN. I now report favorably from the Committee on Appropriations House Joint Resolution 382, authorizing the payment of the salaries of employees of the Congress for September, 1922, on the 23d day of said month.

Mr. HARRISON. That report is debatable, is it not?

The PRESIDENT pro tempore. The Chair is not advised.

Mr. HARRISON. I want recognition if the report is debatable. I can not understand why it is not debatable.

The PRESIDENT pro tempore. The Chair is not advised of the character of the report.

Mr. CURTIS. Let the joint resolution be read.

The PRESIDENT pro tempore. Unquestionably the report is debatable.

Mr. FRANCE. Mr. President, I call for the regular order. The Senator from California has the floor, and he is entitled to the floor.

Mr. SHORTRIDGE. I do not want to insist upon it, but I have the floor.

The PRESIDENT pro tempore. The Chair has recognized the Senator from California.

Mr. SHORTRIDGE. I will proceed.

The PRESIDENT pro tempore. The Senator from California yielded to the Senator from Wyoming for the purpose of making a report. The Senator from Wyoming made the report, it has been stated to the Senate, and that report is necessarily debatable.

Mr. HARRISON. Does the Senator desire to debate the report? I desire to do so if the Senator does not.

Mr. SHORTRIDGE. I certainly do not desire to debate that report, nor would I have yielded if I had ever anticipated that the Senator, for the purpose of delay, I think, wished to debate this report.

Mr. ROBINSON. Mr. President, I demand the regular order.

Mr. HARRISON. Have I the floor?

The PRESIDENT pro tempore. The Senator from Mississippi has not the floor as yet.

Mr. HARRISON. I ask recognition.

Mr. WARREN. I simply want to state, if I may be permitted to do so——

The PRESIDENT pro tempore. The Senator from Mississippi made a parliamentary inquiry, which the Chair answered.

Mr. FRANCE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. FRANCE. Was unanimous consent granted for the consideration of this report?

The PRESIDENT pro tempore. The Senator from California yielded to the Senator from Wyoming to make a report upon a joint resolution. The report was made, and that report is debatable.

Mr. HARRISON. Mr. President——

The PRESIDENT pro tempore. The Senator from Mississippi.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

Mr. WARREN. The report can lie on the table and come up again.

Mr. HARRISON. I am recognized, I understand. I desire to make a speech.

The PRESIDENT pro tempore. If some of the Senators standing in the aisle will take their seats, the Chair may be able to determine the precedence between them.

Mr. HARRISON. I understood the Chair to recognize me.

The PRESIDENT pro tempore. The Chair recognized the Senator from Mississippi to make a parliamentary inquiry.

Mr. HARRISON. I rose to debate this joint resolution.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. CURTIS. As I understand, this was only a report. Is a report debatable unless it is called up for consideration? It is my understanding that when a report is made it goes to the calendar unless unanimous consent is asked for its immediate consideration.

Mr. LODGE. Absolutely.

Mr. HARRISON. Mr. President, I refuse to yield for that purpose. This is a matter of a joint resolution.

The PRESIDENT pro tempore. The report of the committee is not before the Senate.

Mr. HARRISON. Clearly I am not mistaken. I heard the Chair, as I thought, lay the matter before the Senate, on the motion of the Senator from Wyoming, and I understood the Chair to say it was debatable, and I thought I had recognition. I am very anxious to get out of my system what I have to say about this joint resolution.

The PRESIDENT pro tempore. Whenever the joint resolution comes before the Senate it will be debatable, but it is not debatable until it is laid before the Senate.

Mr. LODGE. Mr. President, I ask for the regular order.

The PRESIDENT pro tempore. The Senator from California.

Mr. HARRISON. Now, Mr. President, I suppose that every Senator after hearing what transpired will certainly vote that the Senator from California, suave as he is, and entertaining always as a speaker, and anxious as we are to hear him speak, ought not to have recognition of the Chair, but that, the joint resolution presented by the Senator from Wyoming having been laid before the Senate for consideration, and being debatable, I was recognized by the Chair.

Mr. FRANCE. Mr. President——

Mr. HARRISON. I refuse to yield for the present.

Mr. FRANCE. I rise to a parliamentary inquiry.

Mr. HARRISON. I do not yield for any purpose.

Mr. LODGE. The Senator can not help yielding for a parliamentary inquiry.

Mr. HARRISON. That was not the case awhile ago when the Chair did not recognize me for a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Mississippi declines to yield.

Mr. FRANCE. But I desire to submit a parliamentary inquiry, Mr. President.

Mr. HARRISON. I refuse to yield for the present.

Mr. President, the joint resolution that was laid before the Senate——

Mr. FRANCE. Mr. President, a Senator has a right to make a parliamentary inquiry.

Mr. LODGE. He has that right at any time, and he can not be shut off.

Mr. HARRISON. I yield only for the purpose of a parliamentary inquiry, if I have to.

Mr. FRANCE. Mr. President——

The PRESIDENT pro tempore. The Senator from Maryland will state his parliamentary inquiry.

Mr. FRANCE. If the question of whether the Senator from California or the Senator from Mississippi has the floor is debatable, I desire to ask if upon that question the Senator from California, until it is decided, has not the floor? I ask the Chair now to rule which Senator has the floor to debate the question of the point of order.

The PRESIDENT pro tempore. The Senator from Mississippi has the floor.

Mr. WILLIAMS. Mr. President, I make the point of order that that is not a parliamentary inquiry.

Mr. HARRISON. Mr. President, I desire, before I proceed further, to make a parliamentary inquiry. I understood the Chair to say that if the regular order was demanded, that meant that the unfinished business was laid before the Senate. The regular order was demanded both by the Senator from Massachusetts [Mr. LODGE] and by the Senator from Kansas [Mr. CURTIS]. I presume, therefore, that in all this mix-up the unfinished business that is now before the Senate is the Liberian loan joint resolution.

The PRESIDENT pro tempore. The Chair is of that opinion.

Mr. HARRISON. So, in the discussion, I shall discuss the Liberian loan proposition, if I may be permitted, and the other proposition also.

The PRESIDENT pro tempore. The question before the Senate is with regard to the privilege of the Senator from California to hold the floor.

Mr. ROBINSON. Mr. President, upon the point of order which the Chair stated is to be submitted to the Senate, I made the point of order that the Chair having recognized the Senator from Mississippi, and the Senator from California having risen and proceeded to discuss the question as to whether he was properly taken from the floor and whether the Senator from Mississippi rightfully had the floor, that is not a debatable question. Questions of recognition, under the precedents of the Senate, are exclusively within the decision of the Chair, and the Chair can not submit a question of recognition to the Senate. If the Chair adopts the policy of submitting questions of recognition to the Senate, the Senate may consume its entire time in discussing the question as to who is entitled to the floor, with the result that no one will ever get the floor and no business will ever be transacted.

The precedents of the Senate on this subject are unanimous. There is no one to the contrary. It devolves upon the Presiding Officer, when a number of Senators address the Presiding Officer, to determine the question as to who shall be recognized. It is the duty of the Presiding Officer to exercise that function impartially. The rule of the Senate contemplates that the Senator first rising and addressing the Chair shall be entitled to recognition; but if the Chair should happen to see another Senator first, or hear another Senator first, the Chair would recognize him. If the Chair decides the question wrongly, if the Chair chooses to act arbitrarily in the matter, and to recognize a Senator who last addressed him instead of a Senator who first addressed him, the decision of the Chair on that subject is conclusive, and the question can not be submitted to the Senate under any precedent that has ever been made before.

What occurred this afternoon was this: The Senator from California [Mr. SHORTRIDGE] took the floor and yielded first to the Senator from Oregon [Mr. McNARY]. Then he yielded to the Senator from Wyoming [Mr. WARREN], who, after having discussed other matters, called up a joint resolution. It was called to the attention of the Presiding Officer that before the joint resolution could be considered in the Senate, it must first be reported formally by the Committee on Appropriations. The chairman of the Committee on Appropriations said that the committee had already discussed the matter and considered the joint resolution, and that he would thereupon report it. He made the report. The Chair formally, in the only way that he could have proceeded to do so, acting upon the implied request of the Senator from Wyoming, laid the joint resolution before the Senate and announced that that subject was debatable; whereupon the Senator from Mississippi [Mr. HARRISON] asked the Senator from California whether he desired to debate the question that was before the Senate, the joint resolution which the Chair had finally declared was debatable.

The Senator from California announced that he did not desire to do so. Thereupon the Senator from Mississippi sought recognition for the express purpose of discussing the joint resolution. The Chair recognized him, but subsequently reached the conclusion that the joint resolution was not before the Senate, and that some other bill, the Liberian loan measure, was before the Senate. In the meantime the Senator from California had proceeded to discuss the question as to whether he or the Senator from Mississippi was entitled to the floor. He reviewed the circumstances under which he lost the floor. I made the point of order that that question was not debatable; that the decision of the Chair upon the subject was conclusive upon the Senator from California, even though the occupant of the chair might have made a mistake. The Senator from California persisted in the discussion, and I repeated the point of order; and thereupon the Presiding Officer announced that he would submit to the Senate the question as to who was entitled to the floor.

This is not only in violation of every precedent of the Senate but it will be destructive of all business procedure in the Senate. It will make it impossible for the Senate to do business. The Chair has the obligation of determining questions of recognition, and when the Chair determines a question of recognition, whether the decision in the opinion of the Senate is right or wrong, the Senate is precluded from discussing or appealing from that decision. The action of the Chair necessarily is conclusive upon the subject.

With all due respect to the present occupant of the chair, of whom the present occupant of the floor is very fond, the Chair has no right to submit questions of recognition to the Senate. If this precedent is established in times when debate runs high in the Senate and a number of Senators are contesting for the floor, there may be a dozen record votes on the question as to whether the Senator from Indiana or the Senator from Massachusetts or the Senator from Georgia or the Senator from Virginia is entitled to the floor; and, of course, if the precedent becomes established, and one Senator reaches the conclusion that he is entitled to the floor when some other Senator insists upon occupying the floor, it may be tested out by a vote.

The Chair held that the matter before the Senate was the joint resolution, and declared that it was debatable. Upon the refusal of the Senator seeking the floor, the Senator from California—who had yielded, according to the previous decision of the Chair—to discuss the question before the Senate, the Senator from Mississippi sought and obtained recognition, and proceeded to discuss for a little time the question before the Senate; whereupon, upon the Senator from California insisting that he was entitled to the floor, and the point of order being made by myself that the question was not debatable, the Chair sought to submit the question to the Senate. I think it is a very dangerous precedent for the Presiding Officer of this body to adopt.

This subject, of course, is debatable. Under the rules of the Senate, when the Chair chooses to submit questions of order to the Senate the subject is debatable. We might consume the entire remainder of this session, if we chose to do so, in the discussion of the question as to whether the Senator from California or the Senator from Mississippi is entitled to the floor.

The PRESIDENT pro tempore. The Chair desires to say, on his own behalf, that in his opinion the question is not whether the Senator from California or the Senator from Mississippi has the floor. The question behind it all is whether the Senator from California lost the floor through yielding first to the Senator from Oregon and next to the Senator from Wyoming. If the Senator from California had not lost the floor, it would have been impossible for the Chair to recognize any other Senator.

The precedents are all ways with regard to the extent to which a Senator can yield without losing his right to the floor, and that is the question upon which the Chair would like the judgment of the Senate. No consistent rule has been pursued with regard to the right of a Senator to yield to a colleague for the purpose of making an inquiry, for the purpose of conducting a debate, or for the purpose of transacting business. The Chair has no inclination to shirk any part of the duty of the Chair.

Mr. ROBINSON. Mr. President, with the permission of the Chair and the indulgence of the Senate, the legal point as stated by the President pro tempore is in no sense different from the proposition as stated by myself. At last it resolves itself into a question of recognition.

The Chair held expressly that the Senator from California had relinquished the floor by yielding to the Senator from Wyoming for the purposes which the Chair mentioned and discussed. If the Chair was mistaken in that decision no appeal would lie from it, and therefore the question could not be submitted to the Senate; but subsequently the Chair very properly recognized another Senator who announced his purpose to discuss the question which the Chair said was before the Senate, and which the Chair held was debatable.

Upon that proposition the Chair's ruling was conclusive, no appeal being taken from his decision, so that at last it resolves itself into a question of recognition, and what the Chair is submitting to the Senate is whether or not the Senator from California lost the floor, as the Chair now states the proposition, by yielding to the Senator from Wyoming. The Chair decided that question, and under the rules of the Senate it can not be submitted to the Senate; but just as much difficulty, just as much harm, could arise from a precedent of the sort that is now proposed to be established as in the case that I first mentioned. The two cases are not in fact distinguishable in law in any sense. If a Senator who thinks himself aggrieved by having been taken from the floor can request the

Chair to submit the question of his right to the Senate, and have that subject debated at great length in the Senate, the Senate may consume its entire time in the determination of the question as to who is entitled to speak and who is not entitled to speak, and thus the business of the Senate may be unduly deferred.

Mr. HARRISON. Mr. President, when the vote comes how shall Senators vote? Shall we pass around secret ballots? If I am for the Senator from California occupying the floor, how shall I vote, for instance? Or if some Senator should think I am entitled to the floor how would he vote?

The PRESIDENT pro tempore. There would be no difficulty about that, as the Chair imagines. The question would be upon sustaining the point of order: Shall the point of order made by the Senator from Arkansas be sustained? Inasmuch, however, as there seems to be a desire that the Chair shall rule upon the question, the Chair will withdraw the submission to the Senate, if that be permissible; and the Chair holds that the point of order is well taken and recognizes the Senator from Mississippi.

Mr. WATSON of Indiana. Mr. President, a parliamentary inquiry.

Mr. HARRISON. Mr. President, I yield for a question only. I do not want to be taken off the floor.

Mr. WATSON of Indiana. I have no desire to take the Senator off the floor.

Mr. HARRISON. I know the Senator has not.

Mr. WATSON of Indiana. The Chair has rendered a decision. In the opinion of the Chair does an appeal lie from that decision?

Mr. ROBINSON. It does not, Mr. President.

Mr. FLETCHER. Mr. President, the authorities hold——

Mr. ROBINSON. I have any number of the authorities upon that proposition before me. No appeal lies. There never has been a case in which any Presiding Officer in the Senate has ever held that an appeal lies from a decision of the Chair on the question of recognition.

There are before me now Senators who are skilled parliamentarians, the Senator from Utah [Mr. SMOOT], the Senator from Wisconsin [Mr. LENROOT], the Senator from Florida [Mr. FLETCHER], the Senator from Virginia [Mr. SWANSON], and the Senator from Indiana [Mr. WATSON]. Every Senator knows that when the Chair decides a question of recognition, there is no appeal from it. Why does the Senator from Indiana ask such a question?

The PRESIDENT pro tempore. The Chair has no doubt upon that point. If Senators will permit the Chair to make a ruling, the Chair decides that, in his opinion, there can be no appeal from the action of the Chair in recognizing a Senator.

Mr. WILLIAMS. The Chair is exactly right.

Mr. SHORTRIDGE. Mr. President, I rise to a question of personal privilege.

Mr. HARRISON. I yield for a question.

Mr. SHORTRIDGE. I am asking the Senator to yield——

Mr. HARRISON. For a question.

Mr. SHORTRIDGE. Conceding the Senator's right for the moment——

Mr. HARRISON. I thank the Senator. I am glad to yield for a question.

Mr. SHORTRIDGE. I rise to a matter of personal privilege. I wish the RECORD to be very clear to this extent, that when requested by the Senator from Wyoming——

Mr. HARRISON. I yielded only for a question.

Mr. SHORTRIDGE. One moment, please.

Mr. HARRISON. I yielded for a question.

Mr. SHORTRIDGE. I will put it in interrogative form. [Laughter.]

Mr. HARRISON. I would rather proceed with my speech.

Mr. SHORTRIDGE. May I ask the Senator from Mississippi this question——

Mr. HARRISON. Mr. President, I am so anxious to get to a discussion of this joint resolution that I prefer not to yield right now. I will yield presently.

Mr. SHORTRIDGE. Mr. President, as a question of privilege, then, I claim the right to intervene at this point, under parliamentary law.

Mr. HARRISON. Mr. President, I refuse to yield except for a question.

The PRESIDENT pro tempore. The Senator from Mississippi declines to yield save for a question.

Mr. SHORTRIDGE. Hereafter probably the Senator will yield.

Mr. HARRISON. Perhaps.

Mr. SHORTRIDGE. May I ask the Senator, having engagements elsewhere, how many hours he thinks he will speak on this measure?

Mr. HARRISON. I do not want to occupy much of the time of the Senate.

Mr. SHORTRIDGE. I merely ask for the reason, that if permissible under any rule——

Mr. HARRISON. I refuse to yield; I do not yield for that. I want to go ahead with this speech.

Mr. SHORTRIDGE. And I want the Senator to do so; and if the Senator from Mississippi will permit me——

Mr. HARRISON. I refuse to yield, Mr. President.

The PRESIDENT pro tempore. The Senator from Mississippi declines to yield. The Senator from Mississippi will proceed.

Mr. HARRISON. Mr. President, the joint resolution providing for the Liberian loan is before the Senate, and has been considered here for weeks and for weeks. It has become an important measure because we have incorporated in it an appropriation of $20,000,000 for reclamation and irrigation work for the West, and I am sure there would be no Senator on the other side of the aisle, especially from the far western State of California, who would lend his influence or his vote to displace this very important joint resolution, carrying the $20,000,000 appropriation for reclamation and irrigation.

Some final action should be taken upon the resolution, with this amendment, especially the amendment, not necessarily the $5,000,000 appropriation for the colored population of Liberia, before the Congress adjourns to-morrow at 2 o'clock. I can not imagine what is in the mind of my good friend the Senator from California. I am very anxious to hear him make his speech before the Congress adjourns. It will be, I am sure, a gem of oratory, and we shall all be delighted to hear it. But if his purpose was to displace this appropriation of $20,000,000 for reclamation and irrigation work in the West, then I can not follow him, as much as I would delight to do so.

Mr. WILLIAMS. Not to mention the $5,000,000 for the Liberian population, which was intended to placate the negro vote just before the election.

Mr. HARRISON. I think the Senator is eminently correct about that, that the $5,000,000 appropriated——

Mr. SHORTRIDGE. I assume that what the senior Senator from Mississippi said is worth hearing. May I ask that it be stated again?

Mr. WILLIAMS. I told my colleague please not to forget the $5,000,000 for the population of Liberia, which, in my opinion, is intended to placate the negro votes for the Republican Party in the coming election. Now, I hope the Senator understands it.

Mr. SHORTRIDGE. I do, indeed.

Mr. HARRISON. Mr. President, so much for that. There was laid before the Senate, and objection was made to it by some one, a joint resolution reported from the Appropriations Committee of the Senate authorizing and directing the Secretary of the Senate and the Clerk of the House to pay to the officers and employees of the Senate and the House borne on the annual and session rolls, including the Capitol police, their respective salaries for the month of September. That resolution should pass before the Senate adjourns to-morrow because these employees have been faithful, they have performed well their duties. They are entitled to it. If this joint resolution authorized compensation to Republican Senators, I would perhaps be opposed to it, because you have not earned "your bread." Just to think, here are the employees and clerks and the policemen around here performing their services well, earning their salaries. What is it you have done to earn your salaries?

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield to his colleague?

Mr. HARRISON. I might lose the floor.

Mr. WILLIAMS. My colleague is speaking most eloquently and most powerfully in behalf of certain fundamental principles he and I hold dear, and it seems to me there is not a quorum of the Senate present. I suggest the absence of a quorum.

Mr. HARRISON. May I ask the Senator to withhold that a moment? Mr. President, would I lose the floor?

The PRESIDENT pro tempore. The Chair would apply the same rule to the Senator from Mississippi that he applied to the Senator from California, and if the Senator from Mississippi yields for the purpose of another Senator making an argument, the Senator from Mississippi will lose the floor.

Mr. WILLIAMS. I withdraw the point of no quorum. I would rather in the absence of a quorum listen to my colleague than in the presence of a quorum listen to anybody else.

Mr. HARRISON. Mr. President, as I was proceeding to say, these faithful employees, for whom we are asked to make appropriations, earned their salaries; but for the most part, though not entirely, the gentlemen of the majority party in the Senate have not earned theirs.

What have you Republicans done? We have been in session for a long time, and we have seen in the closing hours of this Congress some of your sins of commission, as well as of omission. We saw, for instance, on day before yesterday the profiteers' adjusted compensation bill given its finishing touches by you. I read in the papers this morning that they are going to have great ceremonies at the White House. The President, it said, had delayed the signing of the profiteers' adjusted compensation bill until the chairman of the Ways and Means Committee and the chairman of the Finance Committee could be there, with their clerks and attendants, and then President Harding was to sign it with the motion-picture machines operating. I do not know why they did not include the distinguished Senator from Utah [Mr. SMOOT] and the distinguished Senator from Indiana [Mr. WATSON], who have been so faithful to the big interests of the country behind closed doors, as well as on the floor of the Senate, in formulating and piloting the bill to the President of the United States.

It may be that the Senator from Utah and the Senator from Indiana were invited to go along under promise that they would be given a gold pen, too, used by President Harding in the signing of the profiteers' adjusted compensation bill; but perhaps the scales now have fallen from their eyes and they have seen that the measure is not so popular, and they did not want to attend the final obsequies of their party.

Mr. WILLIAMS. Does the Senator mean to say they refused the invitation?

Mr. HARRISON. I suspect so. At the same time they were, with their special messengers, carrying and signing this profiteers' adjusted compensation bill, you who now want to pay the faithful employees, as you should, were burying the soldiers' adjusted compensation bill.

Not only that, but I read in yesterday afternoon's papers that the leader of your party in the House of Representatives and the Speaker of the House of Representatives had gone to the White House and conferred with your President, whom I might say many of you forsook yesterday when he vetoed the soldiers' adjusted compensation bill. Some of you leaders, who have tied yourselves so much to him and been so wedded and subservient to him, saw that he was going down too fast, and you let him sink yesterday, did you not? You could not continue with him and vote to sustain his veto on the soldiers' adjusted compensation bill.

The distinguished Senator from Massachusetts [Mr. LODGE], up for reelection, speaking to the soldiers of Massachusetts, pleading for votes up there, canceled his dates in Massachusetts and ran back to forsake the leader of his party and vote against sustaining his veto.

A similar vote was cast by the distinguished Senator from Indiana [Mr. WATSON], who confers with the President more than any other Senator, and whose word is always accepted as authority as giving the views of the President. The news reporters seek him, because he is in the confidence of the President. Even he forsook the President on the adjusted compensation bill. Why? Because he knew that his President had promised the soldier adjusted compensation, and that his veto was such a betrayal to the men who served their country in that great crisis that no excuse could be offered.

But, Mr. President, while the senior Senator from Massachusetts [Mr. LODGE], the leader of his party in the Senate, rushes back from Massachusetts to forsake the President on that proposition he did not do it on the profiteers' adjusted compensation bill.

What did my eyes behold yesterday? I read of this conference of GILLETTE and MONDELL and others at the White House, and a statement given to the press that while we are going to adjourn to-morrow at 2 o'clock, Congress would be called back in extra session on the 15th day of November. For what purpose? To take up again the soldiers' adjusted compensation bill? No! To do something for the McNary reclamation bill, which you killed and which the West desired so much? No. To pass legislation in the interest of the farmers? No. To attempt to do something to reduce taxes and the high cost of living? No. He was going to call the Congress in extraordinary session on the 15th day of November for the purpose of compelling you to write into law the Shipping Trust adjusted compensation bill. He wants to give to the Shipping Trust, to the Standard Oil Co., or to the Steel Trust, or other large shipping corporations which, immediately preceding the war, exacted from the American farmer and manufacturer high and unconscionable ocean rates.

He wants you to meet in extraordinary session on the 15th of November to pass the Shipping Trust adjusted compensation bill that would allow Lasker, one of his closest friends, to sell to whomsoever he pleases, without advertisement, limitation, or restriction, the merchant marine which cost the American people $3,000,000,000. He wants Lasker to sell it at a time when he knows there can not be realized a fair amount on the sale of the vessels. We have all read in the papers where they are offering for sale vessels that cost over $100,000 each, and that the highest offer that is made is about $3,000 each, and yet you are to be called back into extraordinary session by your remarkable President, who is the best repudiator of pledges and breaker of promises that ever occupied the White House, to give to Lasker the power to sell the merchant marine, perhaps to some of his friends and favorites and pets, perhaps to some who will contribute in lavish amount to the present campaign of the Republican Party.

He wants you to meet here on the 15th of November in extraordinary session to pass the Shipping Trust adjusted compensation bill, which will drain the Treasury of $125,000,000 to be loaned to those men and interests and corporations that buy the ships at small prices, to be loaned to them at 2 per cent interest and for 15 years' time, if they want it.

Your President is to call the Congress back in extraordinary session on the 15th day of November to compel you to pass the Shipping Trust adjusted compensation bill, that would drain the Treasury by its terms of $75,000,000 a year for 10 years' time—yea, $750,000,000 in all—to go as a subsidy to the shipping interests of the country who are to receive favoritism at the hands of Lasker.

That is a fine message to take back to your constituents. Not one cent for the American soldiers, but millions for the shipping interests. You repudiate the soldiers' adjusted compensation bill and resurrect the Shipping Trust adjusted compensation measure. The Government is now too poor to obligate itself for the soldiers, but quite rich enough to drain its coffers for the shipping interests. It is a fine record that you are to take back, and as I look into the benign countenance of my good friend, the senior Senator from Indiana [Mr. WATSON], I say to him, it is a fine record to take back to the people of Indiana, that he may plead with them to send to the Senate as his colleague Albert J. Beveridge, his erstwhile political—I wonder if the people of Indiana, as I hesitate, would have me to say his erstwhile political friend or his erstwhile political enemy? But when he goes back to Indiana I would like to sit away back in a corner as his wonderful voice penetrated the recesses of the hall, as his magnificent form was exposed to view before the great assemblage of the people, as he exploited and exaggerated and eloquently portrayed the program of his party in behalf of the election of Beveridge to the Senate as his colleague. Then, as I would sit there and hear his voice, some fellow who had been friendly to him from the time he started out as a young man at the bar, on through the House of Representatives, as a delegate to this and that convention, dominating the politics of Indiana, winning for himself a national reputation as a leader of his people in the State and of his party at Washington—some one of those friends who had been so loyal to him would say, "Oh, Jim, don't you remember when Beveridge said you were a "porch climber?"

Mr. WILLIAMS. Beveridge never said that, did he?

Mr. HARRISON. Yes; Beveridge said worse than that. The people of Indiana, of course, did not believe him. Of course, at the time they repudiated such statements as that. But all over the State and in article after article through the public press it was Beveridge, who now seeks the undoing of Harding as President of the United States, because you know in your hearts that Beveridge is not only a candidate for the United States Senate on the Republican ticket in Indiana, but he is a candidate now for the Republican nomination for the presidency at your next convention. Why, his friends will work from now on, day in and day out, to undo the chances, big as they may be, of my friend, the distinguished senior Senator from Indiana [Mr. WATSON] and the present President of the United States to be the next Chief Executive of the Nation.

Oh, I wonder what the friends of the distinguished senior Senator from Indiana think out in his State when they get the papers and refresh their memories as to the mean things that candidate Beveridge said against the Republican leadership, including Taft and WATSON and NEW, and all the others in that State who have piloted the party to success. I wonder if their friends will relish the thought that he said that the distinguished senior Senator from Indiana was a "second-story man," a "porch climber." I deny such statements as unworthy of the man against whom they were uttered, as unbelievable, and I condemn them in the very strongest language. Why, Mr. President, it humiliates me, it makes my heart bleed, when I think that no Republican Senator will come to the rescue and defense of my good friend from Indiana, the senior Senator from that State, when such unpardonable things are said about him in the public press and by those who seek office in his State. Nothing but my warm friendship for him and the knowledge that I have that it is not true would cause me now to allow any reference to these unpleasant incidents. I know they are distasteful. It is a black spot upon the memory of the State of Indiana that men who have a strong hold on the affections and the hearts of the people of that State should have said about one another what WATSON said about Beveridge and what Beveridge said about WATSON.

Mr. WILLIAMS. Did WATSON cuss Beveridge as much as Beveridge cussed him? That is a sad situation.

Mr. HARRISON. Oh, my good friend the senior Senator from Indiana is so mild-mannered, even-tempered, and big-hearted that he could not cuss anybody or say anything bad about them. That is another thing that makes me riled, to think that such a man as he should have had thrown at him such statements and expressions as were hurled against him by candidate Beveridge in the State of Indiana. I am going to look through the press of that State some time to see whether or not there is anything else that he said about my friend the senior Senator from Indiana that I do not recall now. If I can find anything of the sort and no Senator on the other side of the Chamber will rise to his defense, I shall undertake the job myself, because I am vitally interested in it. [Laughter.]

Now, Mr. President, that is the record. The soldiers' adjusted compensation bill was killed in the closing hours of this Congress. The profiteers' adjusted compensation bill was passed just two days before adjournment. There was withheld, I might say, through parliamentary maneuvering, from the people of the West a $20,000,000 appropriation which we had adopted here, and notice is served on the country that immediately after the election in November the Congress will be called upon to pass the shipping trust adjusted compensation bill. How are you going to explain all these things when you go back home? I do not blame some of you Republicans for looking so woebegone and so disconsolate. It is a horrible record to take back to your people.

In the President's message vetoing the soldiers' adjusted compensation bill, the President spoke about the great deficiencies of the administration, and yet, speaking in Massachusetts or somewhere else, we heard the distinguished chairman of the Republican senatorial committee, the Senator from Illinois [Mr. MCCORMICK], or the Republican leader of this body, the senior Senator from Massachusetts [Mr. LODGE], talking about the wonderful saving which has been made by the administration. Why, bless your souls, you have passed so many deficiency bills during this Congress that you have gone to changing the name of them. You will not admit now that it is a 1922 deficiency. The deficiency bill which was brought in to-day and which was just passed by the Senate was entitled the first deficiency bill for 1923. You are starting out pretty early. The last day Congress is to hold in session you jam through here the first deficiency bill for 1923, and yet as soon as some of you get back home you will exploit the wonderful work that was done by the Budget system and the great retrenchment that came about through the administration of the Republican Party, because you realize that your constituents will not know that you have passed so many deficiency appropriation bills that you are ashamed of them and that on the last day of the Congress you brought in a bill which you labeled "first deficiency appropriation bill for 1923."

The Senator from Utah [Mr. SMOOT] in his seat mumbles something. I do not know what he says, but I am taking his own literature. I read from it, and now if he can correct that statement I will be glad to receive the correction.

Mr. SMOOT. Of course, I do not wish to take the time to interrupt the Senator and I do not care what he says——

Mr. HARRISON. I read from the bill itself.

Mr. SMOOT. The Senator from Mississippi understands, however, that the appropriations for 1923 begin on the 1st day of July of this year. We have now passed the 1st day of July of this year, and whatever appropriations are now made are made for the fiscal year ending June 30, 1923.

Mr. HARRISON. The Senator from Utah is not contradicting anything I have said. He agrees with me. I said we were starting on the last day of this Congress to make deficiency appropriations for 1923; the Senator admits it, and yet he gets up and almost starts at me. He appears to be ruffled. I am merely stating facts, and I have proven them by the Senator's own statement. Making appropriations on September 21, 1922, and saying it is a deficiency already made for 1923. You are starting pretty bad very soon. I am now going to prove some more facts by the Senator's statements.

I read on yesterday in the Washington Star of last Friday—I have the paper here before me, but I do not want to trespass too much upon the time of the Senate, and consequently I shall not read it again—from an article on the first page of that paper, which was printed in big black type, stating that reorganization of the departments was not dead; that the program of the President would be started at the next session of Congress, or words to that effect.

Oh, the deception that Senators on the other side of the Chamber and this administration try to practice, the hypocrisy which it seems always attend your movements! What are the facts touching reorganization? In March, 1921—18 months ago—with a blare of trumphets and flashlights of enthusiasm, the Republican Congress passed a joint resolution. It was passed in this body at the instance of the Senator from Utah [Mr. SMOOT]. That joint resolution gave the Presiding Officer of the Senate and the Speaker of the House of Representatives the right to name three representatives each to form a joint commission on reorganization of the Government bureaus in order that efficiency might be worked out, that waste might be eliminated, that useless jobs might be abolished, and that some saving might be effected to the American taxpayer. That, as I have stated, was in March, 1921.

There was a very distinguished and splendid and able gentleman from Ohio high in the councils of the Republican Party. The President, of course, had not been able to take care of anyone from Ohio in the matter of appointments to jobs, and so he sought out this man, Mr. Brown, and asked the Congress to amend that joint resolution in order that Mr. Brown might be made chairman of the commission. That was done. The commission was appointed away back in March or in April last year, 18 months ago. In all it has had no more than three meetings, and at no meeting has any action been taken or measures toward reorganization considered. There has, however, been no meeting of that commission since April or May of this year. The Senator from Utah is a member of that commission and he will bear out my statement of facts. It was at that meeting the President of the United States told us that within about 30 days he would be able to submit his plan to the commission. I have never heard a word, however, from the President or from any member of the commission or from anybody else with reference to the plan or the work of the commission from that night up to this good day.

Under the instructions of the Congress of the United States this commission was directed to perform certain work, but 18 months have elapsed and that work has been held up by the President of the United States. Yes; the President of the United States has held it up; because if the Congress had been permitted to go about this work, as the three Members of the Senate and the three Members of the House of Representatives expected to do, the Government bureaus would have been, in some degree, at least, reorganized, and some saving would have been effected to the American people; but the matter is now up in the air.

Magazines away back 18 months ago wrote about the wonderful reform the commission would bring about. Even the Saturday Evening Post, through its editorial columns, appealed to its subscribers everywhere to write to the commission making suggestions; and yet the whole thing has gone by the board. Yet despite that record—and the Senator from Utah, who knows the facts as I do, will corroborate my statement as to the meeting and what was expected and what little work has been done—there will be men who will go out upon the hustings in the approaching campaign and tell about the wonderful reform that has been effectuated.

I ask Republican Senators to tell the people in their speeches what their President did in the Bureau of Printing and Engraving, when he discharged without notice and without cause 43 faithful employees, some of them soldiers of the late war, some of them women who had families to support, some of whom lacked only two or three years before they would be put upon the civil service retired list.

Their official heads, however, were all thrown into a basket by the President of the United States; they were deprived of their jobs. When the Civil Service Reform Commission got in behind the situation and an indignant and aroused public opinion throughout the country began to criticize the President, what did he do? He appointed a board of some kind to make an investigation and to file a report. They made an investigation and submitted a report, and that report still lies on his table. If the newspapers be correct, that report exonerated the officials and employees in the Bureau of Printing and Engraving, who had been removed, from every charge that was made against them; it gave them a "clean bill of health"; yet the President of the United States has not made that report public, and he continues to sit idly by and allow the stain to remain upon the record of those faithful employees.

I ask Republican Senators to go back to their constituents and to tell them how their President has ignored an order of the Senate of the United States when months and months ago an aroused people, from one end of the country to the other, asked Senators to demand of the President by what right he could issue Executive orders setting aside the civil service rules and appointing anybody he chose to the post offices and to civil-service positions throughout the country. It is remembered how at Marion, Ohio, in order to put a man in office, he wrote out an Executice order and placed him there, and how, due to this aroused and indignant public opinion, petitioning the Congress of the United States, the Senate by a unanimous vote asked the President to send here a list of such appointments and his reasons for those appointments wherein the civil service laws had been set aside, but from that day to this the President of the United States has failed to respond.

Oh, it is a wonderful record that the Republican majority have made, a splendid record. Let them take it back to their constituents.

Mr. President, so anxious am I to see the amendment which was attached to the bill by the Senate proposing to appropriate $20,000,000 for reclamation and irrigation work in the West that I am going to yield the floor now in the hope that before 2 o'clock to-morrow, when the Congress of the United States shall adjourn, the amendment may be adopted finally in the Senate.

However, Mr. President, before I take my seat I wish to make a parliamentary inquiry. As I understand, the unfinished business now before the Senate is the Liberian loan bill.

The PRESIDENT pro tempore. The Chair so understands.

Mr. HARRISON. I suggest the absence of a quorum.

Mr. WILLIAMS. I was about to make that suggestion myself.

Mr. CURTIS. Before the Senator does that, I was about to ask the Senator a question.

Mr. HARRISON. I withhold the suggestion for a moment.

SUPPRESSION OF MOB VIOLENCE.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. The Senator from California.

Mr. SHORTRIDGE. I move that the Senate proceed to the consideration of House bill 13, being Calendar No. 822——

Mr. HARRISON. I did not withhold the point of no quorum for that purpose.

Mr. HEFLIN. Mr. President——

The PRESIDENT pro tempore. The Senator from California has the floor.

Mr. HEFLIN. But a point of no quorum has been made.

Mr. SHORTRIDGE. The title of the bill is "to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching."

The PRESIDENT pro tempore. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball
Borah
Broussard
Bursum
Calder
Cameron
Capper
Colt
Cummins
Curtis
Dial

Dillingham
Ernst
France
Gooding
Heflin
Jones, Wash.
Keyes
Lenroot
McCormick
McCumber
McNary

Nelson
New
Nicholson
Norbeck
Oddie
Phipps
Ransdell
Rawson
Reed, Mo.
Reed, Pa.
Sheppard

Shields
Shortridge
Simmons
Smoot
Sterling
Swanson
Trammell
Watson, Ind.

The PRESIDING OFFICER (Mr. SMOOT in the chair). Forty-one Senators having answered to the roll call, there is not a quorum present. The Secretary will call the roll of the absentees.

Mr. HEFLIN. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama that the Senate adjourn.

The motion was rejected.

The PRESIDING OFFICER. The Secretary will call the roll of the absentees.

The Assistant Secretary called the names of the absent Senators, and Mr. ROBINSON and Mr. TOWNSEND answered to their names when called.

The PRESIDING OFFICER. Forty-three Senators having answered to the roll call, there is not a quorum present.

Mr. CURTIS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. SUTHERLAND and Mr. PEPPER entered the Chamber and answered to their names.

After a little delay, Mr. McLEAN, Mr. BRANDEGEE, Mr. MOSES, and Mr. LA FOLLETTE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-nine Senators have answered to the roll call. There is a quorum present.

The Senator from California has moved that the Senate proceed to the consideration of House bill No. 13, to assure to persons within the jurisdiction of every State the equal protection of laws, and to punish the crime of lynching.

Mr. SHORTRIDGE. Mr. President——

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California.

Mr. SHORTRIDGE. Mr. President, I realize, as I am very sure every Senator does, the great importance of this proposed legislation; and upon the very threshold of the few remarks I shall now make I wish to assure Senators individually and collectively that nothing that has occurred this afternoon has disturbed my mind or caused me to feel other than kindly disposed toward any and all who participated in this afternoon's proceedings.

I appreciate that those who oppose this measure base their opposition upon constitutional grounds, as also upon questions of State or national policy. I trust my character is well and sufficiently enough appraised for all to understand that I discuss questions, and shall discuss this one, with unfeigned respect for the opinions of others, with admiration for many, certainly without any feeling of personal hostility to Senators who, under their oaths, in responding to their mature convictions, oppose any position which I may take.

In perfect candor I wish to say, preliminarily, that it was not my intention to enter upon a discussion of the merits of this bill to-day and, with further and full candor I add, perhaps not enter upon that discussion within the next few days; but I have desired, and I still desire, that this measure be brought up, not for hasty or angry or acrimonious consideration, but for the mature consideration, deliberation, thought, and action of the Senate of the United States.

Perhaps in some degree discourteously this afternoon, I made inquiry as to whether this was a senate or an arena. I do not wish that to be remembered, if it was offensive. I have practiced long in the forum, and I think I know the difference between a forum and an arena. This is the Senate. I love to believe that we all appreciate our duty under the oath which was here recorded, and perhaps recorded up yonder; that we are all conscious of that oath, its obligations, and the duty that rests upon us to observe it—not violate it.

The bill is one which, of course, is familiar to every Senator. It is familiar to the country. It is a measure which has been discussed in newspapers, in political gatherings, in church congregations by men and by women, and serious citizens, thoughtful citizens, east and west, south and north, have thought more or less deeply, more or less intelligently, over the questions which are necessarily involved in the bill and by you and by me and by all of us to be resolved and acted upon.

I said, and I repeat, that the Dyer bill, the so-called antilynching bill, is in its scope and purpose pretty generally understood by the American people. With me, in considering this question there is no Southland, beautiful, fertile, patriotic as it is. With me on a question such as this there is no Westland, gloriously rich and beautiful as it is, no Northland, no Eastland. With me every foot of our soil is sacred, and with me the rights of every man and woman, whether they be in Florida or Washington, in Maine or California, are equally sacred and to be preserved.

Moreover, as bearing upon this question and introductory, so to speak, I wish to have it here set down and by some people remembered that with me there is but one Constitution of the United States, and that it is like unto some great canopy, sheltering every native and every naturalized man, woman, and child beneath it. I want it understood that in discussing this measure—and I beg gentlemen not to think I am trying here now to indulge in words merely—I have a profound and lifelong, fixed reverence for the Constitution of our common country, and I would not disturb any of its pillars, I would not undermine its great foundation.

Rapidly there passes through my mind, as it does through yours, the formation of our Constitution, the growth of our

Republic, the sorrows through which we have passed, the bitter cup which has been put to our lips. I remember it all, as you do. But it is still the same one Constitution, which I must uphold, which you must uphold, and, as Aaron Burr said in the Senate in a room adjoining this in his farewell address—

> The place where liberty will take her last stand in America is here, here in the Senate of the United States.

I venture, paraphrasing those words, to say that if this Constitution of ours is to survive, to perpetuate the liberties of man and woman, and if the rights of States and the rights of the Nation as such are to be preserved, if a battle shall come for the preservation of all that we hold dear, the last stand in the defense of these precious things will be in the Senate of the United States. So feeling, in entering upon this discussion and anticipating much that will be said, I wish it to be understood that I propose to proceed unto the end without any passion, without any unjust reflections upon men or States wherever they may be.

Now, Mr. President, I said, speaking without intention to do so this afternoon, that it was not my purpose to enter elaborately upon a discussion of the questions which are necessarily involved, properly involved, in the bill. But what I had wanted to do was to bring up the bill for consideration, to get it before the Senate so that I could listen, as I shall listen—not out of a sense of compulsion but as a matter of duty and to be enlightened—to the learning of the great Senator from Tennessee [Mr. SHIELDS], for it may not be improper for me to anticipate that he, for reasons which he will advance, is, and will be, opposed to this legislation. It is not necessary for me to say so to meet the requirements of courtesy, but I do say that I respect his views touching the Constitution and the power or the competency of Congress to enact the proposed legislation. What degree of weight he shall give to my views of course I can not, nor do I intend to, anticipate.

But, during the discussion, if we shall bring the bill before the Senate, doubtless there will be many Senators, hailing from different sections of our country, North and South, East and West, who entertain divergent views upon the bill as a whole or as to some of its features. I think I am right in saying that there may be certain Senators here who think that certain sections of the bill are constitutional, whereas they may think other sections are doubtful, perhaps entirely unconstitutional.

I can well anticipate that there will be elaborate arguments. I beg the Senate to believe me when I say that whereas I think the bill is constitutional and that it should become the law of the land, I am so constituted that I shall listen without impatience to the arguments attacking my position, and in order finally to determine whether my views are sound.

All this may seem perfectly obvious and scarcely worthy of statement, but I trespass upon the courtesy of the Senate to say what I have said perhaps by way of excuse or explanation of my earnestness in desiring to have the bill brought before the Senate for consideration. I shall deplore it beyond expression if the discussion shall develop anything in the nature of hostile feeling as between or among Senators or as between or among or against any State or section of our reunited and common country.

Perhaps it may be understood why I say this, because here and yonder, Mr. President, I have seen intimations that the bill was in the nature of attack upon this State or that section. Such a purpose is furthest from my mind, and, I think I am warranted in adding, furthest from the mind of any Senator who favors the legislation. No, no, there is no longer any Mason and Dixon line in America. If there ever was such a line it was taken up years ago and wrapped around the hearts of the American people. In 1898 and in the late great war we proved, if proof were necessary, that whatever had been the estrangements of the past, we were once more a united, one unified, one patriotic, and one liberty-loving and Constitution-loving people, against whom the world can not prevail. In that spirit I wish this bill to be discussed.

Right here let it be understood that I personally very strongly and very earnestly agree to everything that is set down in the concluding lines of the report of the Committee on the Judiciary.

May I trouble Senators, if it be a trouble, to read a few lines from the concluding portion of the report of the Judiciary Committee on the bill? I believe that what is here said is true as a matter of law and is true as a matter of wise policy for our country, my country. I shall not suffer my mind to dwell upon some proud memories which I cherish. My people, from North Carolina and from Kentucky, obscure as they were, yet loved this Republic. I was not born in the Southland, but I am not ashamed of the State in which I was born; I am proud, indeed, of the Hawkeye State. But I can approach this question with a filial affection for the section and particularly for the State I mentioned a moment ago in referring to the distinguished Senator from Tennessee.

I ought not to introduce these personal thoughts, but I remember my dear brother John married a Memphis girl who was one of the beauties of that beautiful State. I remember also that certain other of my relatives who cut some figure in Kentucky afterwards moved to Alabama, and that their names will be found in the judicial history of that State. Pardon me for these personal allusions, but it was to emphasize the thought that nothing will occur in the Senate to disturb my feelings, and I trust nothing I shall say will disturb the feelings of Senators who may oppose my views or oppose this measure.

In the concluding portion of their report on the bill the Judiciary Committee said, and which I think was entirely true:

> The committee has devoted much time and earnest thought to the consideration of this bill and has reached the conclusion that as amended the bill is constitutional and should pass. That conclusion is reached by different processes of reasoning and by reliance on different provisions of the Constitution; but whatever process of reasoning is adopted or whatever provisions of the Constitution are relied on, we hold that the proposed legislation is "appropriate legislation" to cure or prevent the evil of lynching wherever in the United States and subject to the jurisdiction thereof that evil exists or is committed.

The learning of Senators, of course, will direct their minds to that section of the Constitution or that portion of the fourteenth amendment which speaks of "appropriate legislation," that provision which gives to Congress the power by "appropriate legislation" to carry out the purposes of that great amendment.

The committee proceeds:

> White or black, "all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States," and no State may—

And I would arrest the attention of the Senate to these immediate words—

> and no State may by affirmative legislative, judicial, or executive action, or by failure, neglect, or refusal to act, deprive any person of life, liberty, or property without due process of law, or deny to any person within its jurisdiction the equal protection of the laws.

The committee undertook to express this thought in that paragraph of the report: The inhibition in the fourteenth amendment running against the several States was, first, as against any affirmative legislative, judicial, or executive action which should deprive any person of life or liberty or property without due process of law. The committee undertook also to state the proposition that the amendment was broad enough and was intended to operate upon a given State and prevent that State, by its failure or its neglect or its refusal to act, from depriving any person of life, liberty, or property without due process of law, or from denying to any person within its jurisdiction the equal protection of the laws.

In other words, grounding this case upon that section of the Constitution for the moment—and it is not the only section upon which I ground it—my position is that no State by affirmative action or by nonaction can bring about the deprivation of life or liberty or property of the citizen without due process of law. If a State closes its eyes or if the State simply stands idly by, be it my own State of California or any other State, and suffers any human being within the jurisdiction of the United States to be deprived of his life, his liberty, which is a million times more precious than his property, without due process of law, this mighty and just Nation, under the Constitution, may reach out its arm and protect him in his life, in his liberty.

Mr. SHIELDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Tennessee?

Mr. SHORTRIDGE. I do.

Mr. SHIELDS. The Senator from California has been reading from the report of the committee, I believe?

Mr. SHORTRIDGE. Yes.

Mr. SHIELDS. I think it would be fair for the Senator to state that the report was not unanimous.

Mr. SHORTRIDGE. I shall do so.

Mr. SHIELDS. The report was made by a majority of one.

Mr. SHORTRIDGE. I shall state that.

Mr. SHIELDS. I also wish to ask the Senator——

Mr. SHORTRIDGE. I am not losing the floor, I presume, I will say to the Senator from Tennessee?

Mr. SHIELDS. Certainly not. The Senator is only yielding to me for a question which I desire to ask, and I am certainly not attempting to deprive the Senator of the floor. The report from which the Senator is reading is 32 pages long and contains but two pages of original matter, the remainder being extracts from briefs filed in support of the bill.

I am gratified that the Senator has not joined in and has not approved by copying them into his report—for he submitted the report for the committee—the vicious, unfounded assaults which were made by one Moorfield Storey in his brief against certain Southern States and their governors and their judicial and executive officers.

Mr. SHORTRIDGE. What my learned brother Senator says is quite true, Mr. President. This is not a unanimous report, and it is made up very largely, as Senators will see, from the report which was submitted by the House Committee on the Judiciary and of certain portions of briefs which were filed, one of which has been mentioned by the Senator from Tennessee; and there is also incorporated what might be termed a brief, which was a letter addressed to the Senator from Idaho [Mr. BORAH] by Mr. Herbert K. Stockton.

It is also true—which, perhaps, I need not add in order to corroborate what the Senator from Tennessee has just stated—that there have been eliminated from the report certain portions of the brief or communication from the Mr. Storey, who has been referred to, which I thought added nothing to the argument and were only calculated to provoke a feeling which would be hostile and hurtful to a thoughtful discussion and consideration of the pending bill.

Mr. SHIELDS. Mr. President, I am gratified to hear the statement of the Senator from California. I did not read the brief of Mr. Storey, except that portion of it which is copied in the report from which the Senator from California is reading. It is vicious enough there in its assault on the States, and I am glad the Senator from California did not approve it all.

Mr. SHORTRIDGE. Yes, sir; and while it is not necessary to say it, because it would be repetitious and tire Senators, I have such firm belief in the constitutionality of this measure or the power of Congress to enact it, and am so firmly convinced that it would be helpful rather than hurtful to the people of this country, to my State as well as to the States of other Senators, that I wish to keep out of the discussion anything that may reflect upon the character of man, woman, or child. More may be said along that line hereafter, but that is the way I feel; and I hope Senators know me well enough by this time to appreciate that I speak without any mental reservation or intention to deceive.

Mr. CURTIS. Mr. President, may I ask the Senator from California a question?

Mr. SHORTRIDGE. Yes, sir.

Mr. CURTIS. We are anxious to have an executive session to-night, and I wondered if the Senator was going to conclude his speech in a few moments or whether he would yield now and let us have an executive session?

Mr. SHORTRIDGE. It will take me but a few moments to conclude this portion of my address. Let me, Mr. President, finish the reading of the concluding pages of the report of the committee.

Mr. CURTIS. I do not wish the Senator to yield unless it is perfectly agreeable to him to do so.

Mr. SHORTRIDGE. I understand.

Resuming, then, the reading from the report:

> A careful and dispassionate study of the provisions of this bill as amended will, the committee thinks, convince Senators that it is "appropriate legislation," within the competency of Congress to enact, to safeguard and protect those rights to life, liberty, and property which are guaranteed by the Constitution of the United States.

I beg those who care to hear to take note of what the committee there says. In a word, those who join the report claim that this is "'appropriate legislation,' within the competency of Congress to enact." Addressing intellectual Senators and addressing those who have devoted their lives to the study of the law and the Constitution of our country, to what purpose do we claim this is appropriate legislation? We claim that it is within the competency of Congress to enact this legislation in order to safeguard and protect those rights to life, liberty, and property which are guaranteed by the Constitution of the United States.

I appreciate very fully that right there can spring up arguments which would take much time to elaborate and justify upon the one hand or the other. I make no assault upon the legal rights of the States; I attack no quasi sovereignty of States. I know, if I know anything, that the Supreme Court of the United States has upheld the rights of States and the rights of the Federal Government under the Constitution; nor am I an entire stranger to the decisions. I make no attack upon the quasi sovereign rights of individual States. On the contrary, I wish the Government to go to the aid of individual States.

If a State shall be unable to protect the life, the liberty, or the property of any citizen of the United States, or if, which I grieve to think may possibly be so, it shall not incline through those immediately in charge of its destiny to protect the rights of the humblest, the poorest, the meanest, the outcast, then I am saying that the Federal Government can aid the State to preserve its name unblemished; can step in to help it, not to crush it; may step in to save those things for which government is organized according to the immortal Thomas Jefferson and our forefathers and all of those who have toiled and suffered for liberty from Thermopylæ until this hour.

I wish the National Government—my Government, your Government, not a foreign government, not an alien government, but my Government and your Government—for which our boys have but recently died, I wish my Government, my one Federal Government, my one National Government, to go to the assistance of California or of Tennessee or Alabama or Maine, not to invade their territory or to overturn their institutions or to strike down the liberty of their people. When this bill is fully understood and the purposes of it are clearly stated and apprehended, I think Senators will come to realize, first, that it is competent for Congress to enact it; and, second, that it will be wholesome and helpful and beneficial to the individual States. Being beneficial to the individual States, Mr. President, of course it will be beneficial to our common country.

The portion of the report which I have just read, and thus very briefly referred to, proceeds upon the theory that Congress under the Constitution, that the Nation speaking through the Congress, and with due regard to the expressly or impliedly reserved rights of the original thirteen States and the other States which have come into the Union since its formation—that Congress, with due regard to the Constitution and the rights of the States, is incompetent to enact this proposed legislation, in order, as stated in the report, "to safeguard and protect those rights to life, liberty, and property which are guaranteed by the Constitution of the United States."

Before this debate shall have ended I hope to demonstrate, if others do not—and I know there are others more competent to do so than I am, and I can only hope that they will exercise their minds and demonstrate—that there are certain rights guaranteed by the Constitution of the United States, and that where the Constitution guarantees a right Congress has the power to safeguard and protect that right.

Undoubtedly the right to life, emanating from our Creator, is a sacred right; and I shall be surprised if any Senator will contend that the Constitution of the United States does not guarantee the right of life to every citizen of the United States or to every person within the jurisdiction of the United States, and does not also guarantee the right to liberty to every such person, as well also as guaranteeing the right to property. Then, if that be so, if a given portion of our common country, divided as the common country is, into several States and Territories, shall fail to make good that guaranty to protect men in life, liberty, and property, either by affirmative action or by nonaction, then the Federal Government, through laws enacted by the body set up by the Constitution—namely, the Congress—may step in to assist the State in protecting the life and the liberty and the property of the citizen.

Mr. SHIELDS. Mr. President, will the Senator state the provision on which he relies?

Mr. SHORTRIDGE. I would rely on the fifth amendment, if I remember it; on the fourteenth amendment, for the moment.

I realize that it is not for us to overrule in express terms a decision of the Supreme Court of the United States; but, as I view my place here, I have the constitutional right, as have you, to interpret the Constitution according to my view, paying heed to the interpretations that have been placed upon it by the Supreme Court, and also bearing in mind that, whatever my interpretation may be, it may be found to be erroneous by that other body set up by the Constitution; for I believe with Marshall and with a great line of great judges who have adorned the Supreme Court that it is perfectly competent for the Supreme Court of the United States to say and determine that our conclusions are utterly null and void, that whatever we may think is not the law; but at this stage of matters in legislation I claim the right to consider a question ab initio, and to determine in my mind, and for the Senate to determine, whether Congress has the power to enact given legislation, nor am I to be embarrassed at all by decisions which have gone before me. I bow to them; I respect them, because of the learning and the character of the judges who have rendered them; but in a proper sense I am not embarrassed by them in my interpretation. Though their reasoning may overwhelm me, though their conclusions may be different from mine, yet as a Senator I am not to be foreclosed or estopped by having a decision of the Supreme Court presented before me.

So under our system, with a National Constitution, with our 48 States making up one country, with our Territories part and parcel of a common country, I claim that whether a citizen of the United States shall come from Virginia to California, there to abide, or whether he shall go from New York to Louisiana, there to take up his home, wherever there is a citizen of the United States within the jurisdiction of the United States, the Federal Government has guaranteed to him certain rights—the sacred right to life, the precious right to liberty, the valuable right to property; though I, for one, have grown almost sick here in the Senate in listening to figures touching money, money, money, money. To me, life and liberty are the precious and invaluable things; and, as I view this problem, the life and the liberty of the poorest, the most despised, the hunted, the pursued man within the jurisdiction and protection of the United States is ten million times more precious to me than all the millionaires in America, than all the profiteers of Wall Street.

I do not arrogate to myself any greater respect or reverence for these rights to life and liberty than is held by other Senators; but I have looked on this world some summers and some winters. I respect the rights of property, or the rights of men to that which we call property, for there are no rights of property if you want to talk accurately. Property has no rights. Men have rights to things; men have certain rights to what may be denominated property; but property—inanimate things—has no rights. Men and women have rights to things, tangible or intangible, which we call property.

Those rights to tangible or intangible things which we call property may be very important, and should be guaranteed and preserved. Otherwise we have chaos; otherwise we have utter demoralization, and we at once are headed back toward barbarism. But what is the right to property compared to the right to life and to liberty? What I am trying here to make perfectly plain is: First, that this bill is dealing with the rights to life and liberty of men and women and children; second, that it is not sectional; that it is not intended to invade or overthrow or destroy the legitimate rights of the several States. Indeed, that is the thought which follows in this report:

> The proposed legislation is not and should not be considered in any sense sectional.

If it were so I would not be standing here. If I thought that this bill was conceived in hostility to any section of my country, I would not be troubling you with these poor words now. I know that the bill is not sectional in its purposes, its aims. I know that the right to life and liberty is just as precious in Illinois as it is in Texas, and I think that the right is guaranteed by the Federal Constitution to the man or woman in Illinois even as it is guaranteed to the man or woman in every other section of our country. It may be, Mr. President and fellow Senators, that this measure, if it becomes the law of the land, will be used for the protection of the life and liberty of men and women in other sections than one in our country.

Mr. SHIELDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Tennessee?

Mr. SHORTRIDGE. I do.

Mr. SHIELDS. Does not the Senator think the bill ought to be amended so that it would apply to such cases as the Herrin massacre in Illinois? It does not apply to it now, as written.

Mr. SHORTRIDGE. I answer first, no, Mr. President; and, secondly, I shall be very glad to have the Senator point out, as we proceed, why it does not or may not be made to apply to such cases as he refers to; but he will pardon me for not enlarging upon that now.

Mr. SHIELDS. Very briefly, Mr. President, the bill now applies only to mobs making attacks upon persons charged with crime, or to prevent crime being committed. In the Herrin massacre the poor men who there were seeking to make a living for their wives and children were not charged with any crime, yet this bill would not punish the murderers there.

Mr. SHORTRIDGE. If that be so, Mr. President, I anticipate an amendment to be proposed by the Senator from Tennessee.

The report proceeds, and I repeat:

> The proposed legislation is not and should not be considered in any sense sectional. The evil it is designed to cure is not confined to any particular section or State, North or South, East or West. This monstrous evil, which is a disgrace to the Nation, we should strive to wipe out—

I think that is conservative language—

> we should strive to wipe out by a firm and just exercise of every legitimate power conferred upon and residing in the Federal Constitution.

I would not favor an attempt to cure an evil by means which were violative of the Constitution. Certainly I would not favor it knowingly, but what we are calling upon the Government to do is, by a firm and just exercise of every legitimate power conferred upon and residing in the Federal Government, to safeguard the right to life, liberty, and property.

I suppose in the order of discussion, naturally and properly, Senators would consider first the question of the power of the Federal Government to deal with the subject matter; then, second, if it should be determined that under the Federal Constitution it is competent for Congress to deal with the subject matter, whether this is appropriate legislation; and then, if those two propositions should be determined in favor of the passage of this measure, there would yet remain a matter for the consideration of all men who love their country and would assist in preserving the peace and the order of every State and the life and liberty of every person within every State.

In other words, there would remain the question of policy, as to whether this legislation would be helpful to the several States, for I can not but believe that the several States will welcome this assistance if they can be persuaded or convinced that the assistance comes in aid and not in hostility. If the States of the Union, North and South, can be made to realize that this is an attempt on the part of the Federal Government to assist the several States, then, granting the competency or power to enact the legislation, I can see no valid opposition to the passage of this bill. But I realize, as all thoughtful and all candid men realize, that we must first demonstrate the competency of Congress to act; second, that this is appropriate legislation; and, third, that it would be wise to exercise the power residing in Congress—in other words, that it would be best or would be helpful to the several States and to the people of the several States which in legal contemplation, in law and in fact, constitute one Nation.

The report proceeds:

> The proposed legislation is not an invasion or subversion of the rights of the States, nor is it designed to relieve the States from the performance of their duty to secure to all persons within their several jurisdictions equal protection of the laws; on the contrary, the proposed legislation is in aid of the several States and will be impartially administered by the people of the several States.

I would beg to pause there for just one moment to invite the Senate's attention to this fact, that if this bill shall be passed and shall come to be administered, it will not be administered by a hostile people; it will not be administered by stranger people. In a given State it will not be administered by another State, however cordial and friendly it might be. It will be administered by the people of the given State. The only possible difference would be the forum where the questions at issue would be considered and decided. But whether it be Texas, or Tennessee, or Kentucky, or Virginia, or Maryland, or California, this law would be administered by the people of the given State where the offense was committed and where the right was involved. So the country ought to know that this bill is not designed to invade a given State, to subvert the institutions of a given State, to trample under foot the rights of a given State, to cleave down the liberties of any man, woman, or child in any State.

I remember, as you all do so well, that Patrick Henry opposed the ratification of the Constitution. His tongue of flame, his genius, his mighty influence, were all against the ratification. But when that greater voice went out from Mount Vernon, there at Richmond the convention ratified the great Constitution. Then it was that Patrick Henry, to whom we owe eternal gratitude, and whose words inspire us with admiration and envy, and almost provoke us to silence, when he saw that the Constitution was ratified, said, "I am no longer a Virginian, I am an American." You know his services thereafter, and the love and the confidence Washington reposed in him. You know it; we all know it.

I invoke his spirit. I want this question to be considered a national question, not a State question. There is no foreign Government involved here. The Federal Government is my Government and yours, and through the instrumentalities of Federal grand juries or Federal courts the life and the liberty and the property of men will be guarded, and in a given case the law will be administered by the people of the State wherein the evil exists or the offense has been committed and the right denied.

So let no man, informed or uninformed, here or elsewhere, harbor the idea that any of us, least of all myself, humble as I may be, has designs to march, so to speak, into a given State, invading and subverting its institutions, or interfering with the just administration of the law. Of course, I stand up for law and order and liberty, regulated liberty, not anarchy, and I welcome any law which will protect the life or liberty or the honestly acquired legal right or property of man, woman, and child.

The committee indulged itself in these words:

> It is sincerely hoped and confidently believed that the early passage of this bill as amended will have a salutary effect and go far toward assuring that "equal protection of the laws," State and Federal, to which "all persons born or naturalized in the United States and subject to the jurisdiction thereof" are entitled.

Mr. President, perhaps it is quite unnecessary for me to waste the time of Senators, whose time doubtless is much more valuable than mine, by these rather discursive remarks. I have said, and I want to repeat, not in apology, perhaps in justification, however, that I want this bill brought up for consideration, at which time I know there are Senators who will have prepared themselves to discuss this question from all points of view, reviewing the history of the country, it may be, giving their own views as to the Constitution, reviewing, analyzing; differentiating, it may be, the decisions of the Supreme Court, Senators who favor the enactment of this bill as it is amended, and as it comes before the Senate.

It may be that amendments will be suggested by those not favoring the passage of the bill in its present form. I can realize that there will be very earnest and very scholarly arguments made in opposition to the passage of the bill upon such grounds as have thus in part been rather anticipated by me, for I understand, Mr. President, that there are learned Senators here—and I know they are not confined to sections—who earnestly think that it is not competent for Congress to enact this legislation under the fourteenth amendment, or any amendment, or the original Constitution before being amended. So they will discuss the question, earnestly and with learning, and I am sure with sincerity.

I also realize that we have been in session for some time, a great many days, weeks, and months; but, so far as I am concerned, I am willing to stay right here until this bill, if taken up, is disposed of, however anxious I am to breathe again the air of California, from which State I have been absent until I fear that even my dogs there have forgotten me, though the faithful dog is the last friend on this earth to forget his friend.

I am anxious, indeed, to get home; but it seems to me that if we should agree to take up this bill, and Senators would enter into a gentleman's agreement to discuss it for two or three days, each side, if there be sides, could advance their arguments, not to curtail argument, but could give their views, and that we could come to a vote on the measure certainly within a week. I respect the wishes of the House of Representatives, and what is perhaps the wish of others.

Mr. SHIELDS. The Senator knows the bill was discussed five weeks in the House, does he not?

Mr. SHORTRIDGE. I think it was discussed for a long time; quite unnecessarily, however.

Mr. SHIELDS. With the Senator's intelligence and comprehension of the condition of affairs in the Senate, when he moved to take this bill up he did not expect it to be taken up and disposed of at this session, did he?

Mr. SHORTRIDGE. Things change rapidly. I answer the Senator, if it is necessary, that I was very fearful that it would not be disposed of if taken up; that is true. I had hoped to have it taken up fully 10 days ago, but there were other bills and conference reports, the bonus bill, and the tariff bill, which delayed my asking that the bill be taken up. But this is the first time I have felt I had the right to the floor since I came here from California, and I do not want to abuse that right. I am willing to be guided by the wisdom of others. I have made the motion that this bill be taken up, and that we proceed immediately with its consideration, and I have said all I can say, perhaps, in favor of taking it up.

I realize that we could go on with argument as to the merits of the bill, and I should have stated in briefer fashion the purposes of the bill. In any event, I have said enough——

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. SHORTRIDGE. I remember the Senator from Mississippi. For what purpose does the Senator ask me to yield?

Mr. HARRISON. I merely wanted to inquire whether the Senator before he takes his seat is going to ask for the yeas and nays, so that we can vote on his motion?

Mr. SHORTRIDGE. Certainly, I ask for a vote. I have made the motion.

Mr. HARRISON. Does not the Senator realize that if his motion prevails it knocks out the $20,000,000 appropriation which the Senate adopted for reclamation work in the West?

Mr. SHORTRIDGE. I realize it full well.

Mr. CURTIS. If the Senator from California will yield to me, I would like to move——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Kansas?

Mr. SHORTRIDGE. For the moment, no, Mr. President.

The PRESIDENT pro tempore. The Senator from California declines to yield.

Mr. SHORTRIDGE. I would be very glad to have the Senator from Kansas indicate to me his purpose.

Mr. CURTIS. I announced to the Senator about half an hour ago that we would like to have an executive session. If the Senator will yield to me to make the motion to go into executive session, I would like to have him do so; otherwise I shall not press the request.

Mr. SHORTRIDGE. Allow me, as a parliamentary inquiry, to be advised by the Chair, if I should yield for that purpose, would I surrender the floor?

Mr. UNDERWOOD. I do not see how the Senator is ever going to get a vote on his motion if he does not stop talking at some time.

Mr. SHORTRIDGE. I shall stop at the proper time, but that is not the question.

The PRESIDENT pro tempore. Will the Senator from California state his inquiry of the Chair?

Mr. SHORTRIDGE. My inquiry is, If I should yield for the purpose of allowing the Senate to go into executive session, would the motion which is now pending have to be renewed to-morrow?

The PRESIDENT pro tempore. The Chair is of the opinion that that would depend entirely upon whether the Senate took a recess or adjourned. If it took a recess the motion would be pending. If the Senate adjourned it would not be pending.

Mr. SHORTRIDGE. Am I to understand that the Senator from Kansas seeks a recess?

Mr. CURTIS. It was my intention to move an executive session and then we would have to determine later about taking a recess or adjourning. It would depend upon circumstances. If the point of no quorum was made, there is but one thing we could do, and that is to adjourn if no quorum developed. If a quorum developed, we could take a recess.

Mr. HARRISON. May I suggest to the Senator from Kansas and the Senator from California that we take a yea and nay vote on the motion now to take up the bill and get through with it?

Mr. SHORTRIDGE. Certainly.

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Kansas for the purpose he indicated?

Mr. SHORTRIDGE. I shall not yield to anyone at present, and that with all respect.

The PRESIDENT pro tempore. The Senator from California declines to yield.

Mr. HARRISON. Let us have the yeas and nays on the Senator's motion.

Mr. SHORTRIDGE. One moment, Mr. President——

The PRESIDENT pro tempore. Has not the Senator from California concluded his observations?

Mr. SHORTRIDGE. I have not.

The PRESIDENT pro tempore. The Senator from California will proceed.

Mr. SHORTRIDGE. Mr. President, the bill was reported favorably by the committee. The motion is before the Senate and I shall conclude by expressing the earnest hope that the Senate will now vote to take it up for immediate consideration.

Mr. UNDERWOOD. I call for the yeas and nays.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Brandegee
Bursum
Calder
Cameron
Capper
Cummins
Curtis
France
Jones, Wash.
McCormick
McKellar
McNary
Moses
Owen
Pepper
Rawson
Reed, Pa.
Robinson
Sheppard
Shortridge
Simmons
Sutherland
Swanson
Townsend
Underwood
Warren
Watson, Ind.

Mr. UNDERWOOD. I do not believe, under the rules of the Senate or the Constitution, that we require a quorum to adjourn.

The PRESIDENT pro tempore. A quorum is not required for that purpose.

Mr. UNDERWOOD. I move that the Senate do now adjourn, and on that I ask for the yeas and nays.

The PRESIDENT pro tempore. The announcement has not yet been made.

Mr. UNDERWOOD. I will allow the announcement to be made, but I do not think it is material.

The PRESIDENT pro tempore. Twenty-seven Senators having answered to their names, there is not a quorum present.

Mr. UNDERWOOD. I move that the Senate do now adjourn, and on that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from North Dakota [Mr. LADD] and vote "nay."

Mr. WARREN (when his name was called). I withhold my vote.

Mr. WATSON of Indiana (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS] which I transfer to the junior Senator from Maryland [Mr. WELLER] and vote "nay."

The roll call was concluded.

Mr. McKELLAR (after having voted in the affirmative). I have a pair with the junior Senator from Indiana [Mr. NEW] which I transfer to the senior Senator from Louisiana [Mr. RANSDELL] and let my vote stand.

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG]. I transfer that pair to the senior Senator from Missouri [Mr. REED] and allow my vote to stand.

The roll call resulted—yeas 10, nays 22, as follows:

YEAS—10.

Ashurst
Borah
Heflin
McKellar
Myers
Robinson
Sheppard
Simmons
Swanson
Underwood

NAYS—22.

Brandegee
Bursum
Calder
Cameron
Cummins
Curtis
France
Jones, Wash.
Keyes
McCormick
McNary
Moses
Norbeck
Oddie
Pepper
Rawson
Reed, Pa.
Shortridge
Sterling
Sutherland
Townsend
Watson, Ind.

NOT VOTING—64.

Ball
Broussard
Capper
Caraway
Colt
Culberson
Dial
Dillingham
du Pont
Edge
Elkins
Ernst
Fernald
Fletcher
Frelinghuysen
Gerry
Glass
Gooding
Hale
Harreld
Harris
Harrison
Hitchcock
Johnson
Jones, N. Mex.
Kellogg
Kendrick
King
Ladd
La Follette
Lenroot
Lodge
McCumber
McKinley
McLean
Nelson
New
Newberry
Nicholson
Norris
Overman
Owen
Page
Phipps
Pittman
Poindexter
Pomerene
Ransdell
Reed, Mo.
Shields
Smith
Smoot
Spencer
Stanfield
Stanley
Trammell
Wadsworth
Walsh, Mass.
Walsh, Mont.
Warren
Watson, Ga.
Weller
Williams
Willis

So the Senate refused to adjourn.

Mr. CURTIS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. UNDERWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

Mr. BRANDEGEE. Mr. President, no business has intervened since the lack of a quorum was demonstrated.

Mr. UNDERWOOD. Business has intervened; we voted on a motion to adjourn.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, September 22, 1922, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *September 21, 1922.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

In Thy presence, O Lord, there is fullness of joy; at Thy right hand there are pleasures forevermore. We therefore humble ourselves and open our hearts. May they glow with warm gratitude as they feel the mercy of forgiveness. Let Thy blessed Spirit impress us that purity of motives and nobility of mind are evidence enough and are not compelled to prove their rights for what God approves is worthy of the praise of men. In every way encourage us to strive for characters of merit, and in all things let wisdom and prudence temper the spring of zeal. Help us to guard jealously our names and, gracious Father, may they always be written on Thy heart. Through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had concurred in the following concurrent resolution:

House Concurrent Resolution 70.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of Congress 80,000 copies of the tariff law of 1922 in pamphlet form, indexed, to be apportioned as follows:

Thirty-five thousand copies for the use of the House of Representatives, 20,000 copies for the use of the Senate, 5,000 copies for the use of the Committee on Ways and Means of the House of Representatives, 5,000 copies for the use of the Committee on Finance of the Senate, 10,000 copies for the use of the House document room, 5,000 copies for the use of the Senate document room, and that the Public Printer be authorized to print for sale such copies of said law as in his discretion may be necessary.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 6750. An act for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes; and

H. R. 12377. An act to establish a commission to be known as the United States coal commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

The message also announced that the Senate had passed the following order:

Ordered, That the House of Representatives be requested to return to the Senate the message announcing its disagreement to the amendments of the House to the joint resolution (S. J. Res. 215) providing for reinvestigation of the tricounty irrigation project of Nebraska, and asking a conference with the House on the disagreeing votes of the two Houses thereon, together with the accompanying papers.

The message also announced that the Senate, having proceeded in pursuance of the Constitution to reconsider the bill (H. R. 10874) entitled "An act to provide adjusted compensation for the veterans of the World War, and for other purposes," returned to the House of Representatives by the President of the United States with his objections and sent by the House of Representatives to the Senate with the message of the President returning the bill:

Resolved, That the bill do not pass, two-thirds of the Senate not agreeing to pass the same.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11212. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

H. R. 10766. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 10419. An act validating certain applications for and entries of public lands; and

H. R. 12377. An act to establish a commission to be known as the United States coal commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3890. An act to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920; and

S. 2885. An act to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes.

COMMITTEE ON IMMIGRATION AND NATURALIZATION.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization or any subcommittee thereof be authorized to sit in Washington between the adjournment of the second session of this Congress and the convening of the next session.

The SPEAKER. The gentleman asks unanimous consent that the Committee on Immigration and Naturalization be authorized to sit between the period of the adjournment of this session and the next session of Congress. Is there objection?

Mr. LONDON. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. The Committee on Immigration and Naturalization having received permission to sit during the recesses of Congress, would it have the right to sit between the time of the adjournment of this session and the opening of the next session?

The SPEAKER. The Chair will not pass upon that question now.

WENATCHEE NATIONAL FOREST, WASH.—CONFERENCE REPORT.

Mr. SINNOTT. Mr. Speaker, I call up the conference report on the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes.

The SPEAKER. The gentleman from Oregon calls up a conference report which the Clerk will report.

The Clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3 and the amendment to the title, and agree to the same.

N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.
I. L. LENROOT,
R. N. STANFIELD,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference of the two Houses on the amendments of the Senate to the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

Amendment No. 1 harmonizes said bill with the general forest exchange act of March 20, 1922 (Public, No. 173).

Amendments Nos. 2 and 3 add a small amount of additional lands to the Olympic and Snoqualmie National Forests.

N. J. SINNOTT,
ADDISON SMITH,
CARL HAYDEN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

RETURN OF A JOINT RESOLUTION TO THE SENATE.

The SPEAKER. Without objection, the House will return to the Senate House Joint Resolution 215, as requested by the Senate in the message this morning.

There was no objection.

RETAIL PRICES OF BEEF.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to address the House for one-half minute on the question of the retail price of beef.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for one-half minute on the retail prices of beef. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, the city market in Burnet, Tex., advertises the retail prices of beef in the Burnet Bulletin of September 14, as follows:

[From the Burnet Bulletin, September 14, 1922.]

City market price list:	Cents.
All steaks	20
Roasts	15–20
Stew meats	15
Chili meats	15
Rib roasts	10
Barbecue	25

I call attention to this to let the people of the District of Columbia and elsewhere in the United States know what great profits are being made now by the retailers of meats.

LEAVE TO EXTEND REMARKS.

Mr. COOPER of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by giving my observations on the benefits of the eighteenth amendment to our Constitution.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD on the benefits of the eighteenth amendment to the Constitution. Is there objection?

There was no objection.

PROPOSED NULLIFICATION OF THE EIGHTEENTH AMENDMENT.

Mr. COOPER of Ohio. Mr. Speaker, each day furnishes fresh evidence of a persistent and determined effort upon the part of certain foes of prohibition to restore the traffic in beverage intoxicants in this country, notwithstanding the fact that the policy of prohibition has been made a part of the fundamental law of the Nation through the adoption of the eighteenth amendment to the Constitution of the United States.

A large number of organizations and associations are actively engaged in this enterprise. Their propaganda is evident on all sides.

To a true American, a believer in the Constitution and one possessed of an abiding faith in the genius of the American people for self-government, the fact that prohibition is being assailed is not disconcerting, for all of the arguments now being made against it were advanced during the many years of struggle by which prohibition came to be finally adopted. The alarming fact is the method which is being employed to seek the accomplishment of their purpose. These agitators do not seek the repeal of the eighteenth amendment, which is their legitimate right, but they propose to the American people a nullification of the Constitution by an amendment to the national prohibition enforcement act which will legalize the sale of light wines and beers.

The eighteenth amendment was adopted in the manner provided in the Constitution. It has been ratified by 46 of the 48 States. The Representatives elected by the people in Congress have enacted a law for its enforcement. This law has been sustained by the Supreme Court of the United States. In its opinion in sustaining the eighteenth amendment and national prohibition act the Supreme Court said, in speaking of the eighteenth amendment to the Constitution, that it did not enable Congress or the States to defeat or thwart prohibition, but only to enforce it by appropriate means. The court declared the definition of intoxicating liquors contained in the present law not to be arbitrary and to be appropriate legislation for the enforcement of the amendment.

The organization known as the Association Against the Prohibition Amendment admits in all of its literature that its purpose is to repeal the national prohibition act. In view of the fact that the Supreme Court has declared that it was the duty of Congress to enact appropriate legislation to enforce it, and in view of the fact that the States have the same obligation to enforce it, how can Congress or the States carry out their obligation of loyalty to the Constitution to enact enforcement laws and vote for the repeal of the only legislation which makes the eighteenth amendment enforceable? Many proposals have also been made for a modification of the existing enforcement code to permit the sale of light wines and beers. Either of these programs constitute sheer nullification of the Constitution.

I propose to show briefly how the present enforcement code was adopted and give some of the reasons why the repeal of the national prohibition act or its modification to permit the sale of light wines and beers would be in direct violation of the eighteenth amendment to the Constitution of the United States. The same reasons apply in the States where an attempt is being made to legalize the sale of beer or wine through State laws or amendments to State constitutions.

Prohibition had been tried out as an experiment in numerous villages, townships, counties, and States for half a century. These States and local units had faced the practical proposition as to what legislation was necessary in order to make prohibition effective. In over 30 of the States having State prohibition they had learned that prohibition was not enforceable unless a definite standard was set to determine the kind of liquor prohibited. It was also discovered that if that standard drew the line only against what was actually intoxicating, or what approximates that, the difficulties of enforcement multiplied. Consequently these States concluded that to be enforceable it was necessary for prohibitory laws to define as intoxicating liquor that which approximated one-half of 1 per cent alcoholic content.

A number of States, about 14, had prohibited a less alcoholic content. The average, however, was about one-half of 1 per cent. Congress had to face this fact and use this experience or ignore it. To ignore it and adopt a standard of 1 or 2 per cent beer or other liquor would have produced confusion and encouraged lawlessness. It would not have permitted the sale of beer of a larger alcoholic content in the States which had prohibited one-half of 1 per cent or less. It is manifest, therefore, that since the States maintained certain standards and maintained them because they found them necessary to enforcement, Congress had neither excuse nor justification for adopting a more liberal standard than their average.

EFFECT OF ALCOHOLIC LIQUORS.

It is a well-known fact that alcoholic stimulants do not act upon different individuals in the same way. The same quantity of a beverage which would prove intoxicating to one individual would not prove intoxicating to the same degree to another. Persons engaged in the manufacture and sale of permitted nonintoxicating beverages under such a definition were constantly confronted with danger of prosecution as the result of a sale of what might be reasonably considered a nonintoxicating beverage, because of the peculiar susceptibility of a particular individual to the stimulating or intoxicating effect of its alcoholic content. This fact, coupled with many attempted evasions of the law which for years characterized every attempt to control the liquor traffic, whether by license, regulation, or prohibition, led the States to seek a more satisfactory definition.

An examination of the successive statutes which have been enacted during this period discloses that the several States solved the first part of this problem by fixing a definite alcoholic content as one of the tests to determine whether a beverage was intoxicating. One-half of 1 per cent had come to be accepted by the several States as the most satisfactory test in this regard.

SUPREME COURT DECISION ON DEFINITION OF INTOXICATING LIQUOR.

Mr. Justice Brandeis, in his opinion in the case of Ruppert *v.* Caffey (251 U. S. 264), in which the Supreme Court had under consideration the constitutionality of the definition of intoxicating liquors as contained in the war time prohibition act, pointed out this experience in the States and succinctly stated his conclusions, as follows:

> For the legislation and decisions of the highest courts of nearly all of the States establish that it is deemed impossible to effectively enforce either prohibitory laws or other laws merely regulating the manufacture and sale of intoxicating liquors, if liability or inclusion within the law is made to depend upon the issuable fact whether or not a particular liquor made or sold as a beverage is intoxicating. In other words, it clearly appears that a liquor law, to be capable of effective enforcement, must, in the opinion of the legislatures and courts of the several States, be made to apply either to all liquors of the species enumerated, like beer, ale, or wine, regardless of the presence or degree of alcoholic content; or if a more general description is used, such as distilled, rectified, spirituous, fermented, malt, or brewed liquors, to all liquors within that general description, regardless of alcoholic content; or to such of these liquors as contain a named percentage of alcohol, and often several such standards are combined so that certain specific and generic liquors are altogether forbidden and such liquors as contain a given percentage of alcohol.

It was, therefore, to give certainty to the administration of law that a definite alcoholic standard was established. The alcoholic content is capable of determination by analysis. The manufacturer or seller of beverages can determine under such a definition with certainty the legality of the beverage which is offered for sale. In this respect it operates as a protection to the manufacturer. On the other hand, it relieves the Government, in prosecution for alleged violations of the law, from the varying opinions of different juries and tends to uniformity in administration.

REASONS WHY ONE-HALF OF 1 PER CENT WAS ADOPTED.

The ultimate purpose of the eighteenth amendment as well as the purpose of all prohibition statutes is to prevent the deleterious effects of the consumption of alcohol. The practical difficulty of defining actually intoxicating liquor is at once apparent because there are as great differences of opinion concerning what constitutes such a liquor as there are concerning what constitutes intoxication. To some intoxication means only total inability to control the mental or physical operations of the body while to the scientist intoxication begins with any toxic effect produced upon the nervous and mental system from a poison.

VARYING EFFECTS OF INTOXICANTS.

Owing to the varying effects of alcoholic stimulants upon different individuals, differing as they do in age, state of health, addiction to alcoholic stimulants and other conditions which might be mentioned, it was seen to be impossible to effectuate the purpose of the amendment save by fixing a standard which would preclude likelihood of intoxication. A drunken individual is equally dangerous and a menace to society whether he gets drunk on 2 per cent beer or 9 per cent beer.

ADDED QUANTITY OF 2.75 PER CENT BEER GIVES SAME EFFECT AS STRONG BEER.

With a one-half of 1 per cent standard it is impossible to drink a sufficient quantity of the beverages permitted to be sold to produce noticeable intoxication. If the standard had been fixed as high as 2.75 per cent alcohol would be present in salable beverages in an appreciable quantity and those seeking alcoholic effects would endeavor through the drinking of an increased quantity to secure the desired result with attendant detrimental effect to health. A one-fourth larger glass of 2.75 per cent beer has practically the same alcoholic content as a glass of 3.50 per cent beer. This was the percentage in ordinary beer before prohibition.

Experience in the States had shown that one-half of 1 per cent is a safe test. Beyond this was encountered the twilight zone of uncertainty, which realm, if entered by Congress in the exercise of its legislative functions, was certain to hinder the carrying out of the purpose of the law and to the honesty of purpose of Congress in the exercise of its power and duty under the amendment.

BEER AND WINE EXEMPTION CREATES A PRIVILEGED CLASS.

Aside from the basic principle upon which the legislation rests, Congress recognized that it was dealing with a commodity possessed of characteristics which lend themselves peculiarly to evasion of the law. It was necessary to make the line between legitimate and illegitimate beverages clear. There is no justification for a definition of intoxicating liquors which would permit the sale of some so-called soft drinks possessing a "kick" sufficient to make them popular, while other manufacturers of soft drinks whose preparations would not possess this quality would suffer as a result of this discrimination made in the face of the plain mandate of the people expressed in the Constitution. To amend the definition of intoxicating liquors at the instance of the brewers and wine growers would be to create a privileged class at the sacrifice of principle and loyalty to the Constitution.

THE CLASSES ASKING FOR BEER AND WINE AMENDMENT.

A higher standard of alcoholic content would not only violate the spirit of the amendment but actually increase the violations of such law. The demand for the liberalizing comes largely from two classes. First, those who desire to make money in the business, chief among whom are the brewers. Second, those accustomed to drinking liquors and who desire the intoxicating effect. Anything which will satisfy an appetite for alcohol will create the appetite in those now free from it. All the incentives to promote drinking and the means for promoting it will, with the sale of such liquor, be reestablished. We shall be giving such a rebirth to liquor appetite as would speedily defy all restrictions. The principal plea made by the advocates of light wine and beer is the revenue it would produce. It is impossible again to raise money in that way without stultifying the Constitution. It is also impossible to do it without restoring the saloon or its counterpart. With the return of liquor makers and liquor sellers would come a return of the corrupting influence they long exerted in American politics, the partial destruction of which has been one of the most beneficent results experienced under prohibition. The American people have not yet forgotten the activities of the brewery and liquor interests in seeking to control elections and in subsidizing the press for the advancement of their own selfish interests, as disclosed by the investigation conducted by the subcommittee of the Senate Judiciary Committee of the Sixty-fifth Congress, to say nothing of their connection with the dissemination of pro-German propaganda.

ONE-HALF OF 1 PER CENT STANDARD MOST EFFICIENT.

The one-half of 1 per cent standard is at least satisfactory and is enforceable. A 2.75 per cent standard would satisfy no one and be a shield for flagrant violation. It would provide a sufficient quantity of alcohol to make easier the evasion of the law, invite the return of the brewer and the saloon, to the utter disgust of all believers in constitutional government, and would prove unsatisfactory to those who desire a stout alcoholic kick, because it would be insufficiently strong to appease their appetites. The wet lovers themselves in most of the States have found it incapable of interesting enough people to put up a fight for it and are now for full beer and light wine privileges. This program is sheer nullification.

Congress carefully considered this question of the definition of intoxicating liquors at the time of the adoption of the national prohibition act. It exercised its best judgment and the law has been sustained by the Supreme Court. The same reasons which obtained when the law was originally enacted hold now with even greater force. Any change in the definition would be regarded as a backward step, tend to encourage lawlessness, and make the issues of enforcement again subject to a long period of litigation and uncertainty.

LIGHT WINE AND BEER EXPERIMENT FOUND A FAILURE.

The sale of light wine and beer under prohibition statutes has been tried and repudiated. No State having an enforceable prohibition law has found exceptions compatible with enforcement. Georgia adopted a beer exception and the courts and the people soon reached the conclusion that if prohibition was to be enforced the provision would have to be eliminated, and they adopted a definition of intoxicating liquor even more stringent than the Volstead Act.

Massachusetts tried a beer exception many years ago only to find all the evils of liquor increasing under it. Drunkenness increased; crime increased; poverty increased; the sale of stronger liquors under cover of malt liquors increased; the difficulties of enforcement were vastly increased; and after only three years the beer law was repealed. In all referendum votes in States which adopted prohibition the people have defeated the beer and wine proposal. Michigan adopted prohibition by 68,000 and two years later defeated a beer and wine proposal by 207,000.

Ohio adopted prohibition in 1918; and one year later, when a referendum vote was taken on a 2.75 per cent beer proposal, the dry majority was increased. At the last referendum election in Ohio, when the enforcement code was adopted, the dry majority was 290,000. Similar votes with the same results have been recorded in Washington, Oregon, Colorado, and Arizona.

THE PRACTICAL QUESTION INVOLVED.

Law enforcement is a difficult task for a considerable time after the prohibition law is adopted. This is true even with an enforceable law. If the law is drafted so as to encourage evasions and discourage officers of the law, the task is well-nigh hopeless. When the law is drafted in effective form, the officer knows when he sees an intoxicated person that the law has been violated. There is a chance to ferret out the violation either through the intoxicated person or by other means. If the permitted beverage is in close proximity to that which will intoxicate, the drinker will consume enough more to get the desired effect, or the vendor of the liquor will sell the stronger liquor under cover of near beer. At the trial it is claimed that nothing but the so-called nonintoxicating beer was sold. In other words, 2.75 per cent beer would shield the law violator, discourage the officers of the law in their difficult task of enforcement, and discredit the prohibition law itself. The practical question involved is simply one of enforcement. The sale of 2.75 per cent beer would make the officer's task hopeless.

COURTS SUSTAIN STANDARD FOR DEFINITION IN THE LAW.

The reason for adopting the definition of intoxicating liquor in the Volstead Act has appealed to the people, legislative bodies, and to the courts. It is based on sound reason. The United States Supreme Court at an early day adopted a principle in their judicial decisions which gave not only the reason but the precedent for this action.

Whenever the legislative department of the Government is authorized to prohibit an evil, it carries with it inherently the power to pass such legislation as is necessary to enforce the original law. The courts soon learned that in dealing with intoxicating liquor it was in a class by itself, to the treatment of which there was no analogy in the law.

In Barbour *v.* State (232 U. S. 700) the court said:

> Dealers in alcoholic liquors have never been known to be overnice and delicate in adhering to the strict letter of the law.

In the case of Purity Extract Co. *v.* Lynch (226 U. S. 192) Justice Hughes, now Secretary of State, showed the Government could within reason prohibit even an innocent act if that was necessary in order to enforce a law against a recognized evil. The decision reads as follows:

> It does not follow that because a transaction separately considered is innocuous it may not be included in a prohibition the scope of which is regarded as essential in the legislative judgment to accomplish a purpose within the admitted power of the Government. It was competent for the Legislature of Mississippi to recognize the difficulties besetting the administration of laws aimed at the prevention of traffic in intoxicants. It prohibited malt liquors. In thus dealing with a class of beverages which in general are regarded as intoxicating it was not bound to resort to a discrimination with respect to ingredients and processes of manufacture, which, in the endeavor to eliminate innocuous beverages from the condemnation, would facilitate subterfuges and frauds and fetter the enforcement of the law. Having regard to the artifices which are used to promote the sale of intoxicants under the guise of innocent beverages, it would constitute an unwarranted departure from accepted principle to hold the prohibition of the sale of all malt liquors, including the beverage in question, was beyond its reserved power.

The United States Supreme Court, in sustaining the Federal prohibition code with its one-half of 1 per cent standard, held that the experience in the States and the Supreme Court decisions of the States demonstrated the necessity of such a standard in order to secure capable and effective law enforcement. The court said that this standard in the national prohibition act was not "arbitrary." In the face of the Supreme Court decisions, a beer amendment is indefensible.

CONCLUSIONS OF CHAIRMAN OF JUDICIARY COMMITTEE TO WHICH PRESENT CODE WAS REFERRED.

The national prohibition act, on its introduction in Congress, was referred to the Judiciary Committee of the House. The chairman of this committee summed up the arguments which led them to frame the measure to enforce the eighteenth amendment so as to prohibit any liquors containing more than one-half of 1 per cent of alcohol as follows:

Congress enacted the prohibition code based on the experience in the States.

The legislatures of more than 30 States passed statutes to enforce prohibition. Not one of these statutes permitted the sale of beer or wine that contained more than 1 per cent of alcohol by volume. Only three had the 1 per cent standard; the others one-half of 1 per cent or less.

In taxing intoxicating liquor under the license system the Federal Government followed the rule of one-half of 1 per cent alcohol. So general and universal had this practice been that no one could have the slightest doubt as to what was meant by the prohibition amendment when it was adopted.

Those who seek to destroy prohibition are camouflaging their demands by asking for what they call light beer and wine. The smallest percentage of alcohol in beer that anyone so far has proposed is 2.75 per cent of alcohol by volume. To get as much alcohol from drinking this beer as from the ordinary beer sold before prohibition, which contained from 3 to 3½ per cent of alcohol, it would only be necessary to have a glass one-fourth larger.

The principal article sold in every saloon was beer. It represented over 90 per cent of the volume of the trade.

License to sell beer and wine contained in a prohibition law makes it impossible to enforce. It is as indefensible to vote for such a nonenforceable law as it is to vote directly to violate the Constitution. The only defensible position for a Member of Congress is to sustain the law in enforceable form.

BEER AND WINE PROPAGANDA.

In one of the States where this beer and wine propaganda is being freely circulated a friend of mine sent me this summary of the situation as it appeared to him:

> The most extensive campaign of propaganda that America has ever witnessed is now being carried on for the purpose of inducing Congress and the States to legalize beer and light wine. The proposition is un-American in the face of the Constitution. What elements are behind the beer and wine propaganda?
>
> SECRET SUPPORTERS.
>
> 1. Certain special privileged interests are for beer, expecting to have their taxes reduced by raising $1,000,000,000 annually from the appetites of the poor.
>
> 2. Big Army and Navy profiteers are for beer. The present demand for disarmament is because, with the liquor revenue gone, the Army and Navy costs come as a direct tax. They say, "Raise $1,000,000,000 a year from the tax on beer and light wine for the Army and Navy, and not being a direct tax, the opposition would cease."
>
> 3. English capitalists, who now own the bulk of American brewery stock, are for beer. It would bring the dollars of the American workingman to the pockets of these English aristocrats and pay England's American debt with American dollars. Some years ago Chicago bankers admitted that 80 per cent of the dividends of Chicago breweries were checked to London stockholders. At that time it was commonly understood that control of one large Wisconsin brewery had passed to London hands. The press recently announced the purchase of one Milwaukee and four Chicago breweries by another London capitalist.
>
> 4. French wine interests are for beer and light wine in America. See the letter published in the French "Wine-Growing Review" and signed "Ministry of Commerce, Industry, and Telegraph, by R. Fighiere." He expresses sympathy with the American Anti-Prohibition League, basing it on "the indisputable right of protesting against extreme legislation, even when it emanated from a friendly and allied nation."
>
> OPEN SUPPORTERS.
>
> 1. Radical organizations, opposed to our Constitution and form of government, are for beer.
>
> 2. Wet organizations favor beer. There is an Arab fable of a camel. On a cold night he asked his master for permission to put only his nose into the tent. The master granted the request, and awoke to find himself on the outside while the camel occupied the entire tent.
>
> 3. Many officials, from Federal to city, unwilling to or incapable of enforcing the law, or accustomed to depending upon the saloon for election, favor beer.
>
> So insistent is the propaganda and so powerful are the interests behind it that only the most thorough organization by the drys can prevent the increase of percentage of alcohol permitted in nonintoxicating beverages. Since beer constituted 93 per cent of the intoxicating liquors made and sold before prohibition, such a change would amount to 93 per cent nullification or evasion of the American Constitution for the profit of the alien stockholders of the breweries.

THE ATTITUDE OF LABOR.

A determined effort is being made to make it appear that the laboring men are for 2.75 per cent beer and light wine. As a member of an organized labor union, and who has the best interests of the working classes at heart, I have taken occasion several times on the floor of this House to deny this statement and call attention to the fact that the rank and file of the laboring men, like other good citizens, stand for law and order, and are against any scheme to nullify the Constitution of the United States.

In the primary in Pennsylvania, my neighboring State, in the thirty-third district, this issue was raised recently. This district is now one of the great industrial congressional districts in the United States. The Liquor Dealers' Association of Allegheny County raised a large sum of money to defeat Congressman CLYDE KELLY because he stood squarely against this beer and wine nullification scheme. Mr. Kelly himself describes the effort of the beer and wine advocates as follows:

> In my own district I saw the power of the outlaws and the power of the people. The Allegheny County Liquor Dealers' Association, whose very existence is an insulting challenge to the Constitution and laws of this country, officially indorsed my opponent and supplied him with large sums of money, levied from license holders and bootleggers. Seventy-five thousand dollars was expended and every method known to polecat fighters was brought into use.

Mr. Kelly, as you know, was nominated on the Republican ticket by almost 3½ to 1, and enough good Democrats wrote his name in on the Democratic ticket to nominate him 3 to 1, and he was nominated unanimously on the Prohibition Party ticket. What better evidence could you desire than this to show that the laboring men are interested more in other legislation relating to their welfare than to this specious plea for beer?

In Portland, Oregon, the beer-and-wine candidate for Congress received only about 5 per cent of the total vote cast in the primary of his own political party. In the capital district of Michigan, which now contains the great automobile factories in Lansing, Flint, part of Detroit, Pontiac, Highland Park, Hamtramck, the beer-and-wine candidate was snowed under by 8,000 majority.

These instances might be multiplied in many sections of the country. It is the ex-brewer who wants to reestablish the beer trade who is most interested in this beer propaganda. Even if the alcoholic content is lowered, he would educate his customers to drink more, and in this way secure the intoxicating effect which comes from alcohol, thus making more profits than ever, and leave the family of the drinker fewer comforts.

FROM THE STATE THE BREWERS CLAIM AS THEIR OWN.

Mr. W. H. Morgan, attorney general of Wisconsin, the State which knows more about liquor production and consumption than any other in the Union, has this to say about the attempt to legalize beer:

> The personal-liberty advocate says: "I am willing to obey the law, but give us light wine and beer." Does he imagine that light wine and beer would mean less of heavy wine, heavy beer, booze, and moonshine? Quite the contrary. It would make detection of the sale of booze, strong wine, and strong beer infinitely harder. One-half of 1 per cent beer right now is a vehicle for fraud. This plea for any kind of booze on the ground of personal liberty has no foundation.
>
> "But," says the personal-liberty advocate, "we don't want drunkenness; we only advocate moderate drinking. Absolute prohibition can not be enforced." When God told Moses to give the people the Ten Commandments, he might have said: "Now, Lord, the people are not ready for absolute prohibition of the worship of idols; give them personal liberty and charge them a license fee, low license for worshipping a calf, high license for worshipping a full-grown cow." I am afraid the calf of light wines and beer would soon grow into the full-grown cow of old-fashioned booze. This talk of light wines and beer is pure buncombe. As well talk of legalizing petty larceny and still punishing grand larceny. Petty larceny would grow into grand larceny, and just as surely light beer would become heavy, and we would be right back where we started from. Let us not confuse liberty with license.
>
> Why this sudden hatred of beer against whisky? I never noticed that they were divorced. Did you ever see a brewery saloon that didn't sell whisky? So long as I can remember there has been an inseparable partnership between all branches of the liquor traffic and vice and crime. The brewery wagon was a daily visitor in the red-light district.

NULLIFICATION BY STATES.

The latest scheme upon the part of the nullificationists is the proposal to hold referendum elections in certain States submitting proposed beer and wine measures to the vote of the people. This is a clever ruse designed to deceive. The Constitution of the United States and laws of Congress are the supreme law of the land. Article VI of the Constitution provides:

> This Constitution, and the laws of the United States which shall be made in pursuance thereof; * * * shall be the supreme law of the land, * * * anything in the constitution or laws of any State to the contrary notwithstanding.

In the case of Feiganspan *v.* Bodine (264 Fed. 186) the court said:

> If the State enacts legislation, whether under the eighteenth amendment or in pursuance of its police power, and it authorizes or permits the doing of anything already forbidden by the acts of Congress (as the State of New Jersey has done since the filing of this bill), such authorization or permission, for the reasons given, will be rendered unlawful ab initio by such contrary determination of Congress, and will afford no protection to anyone who may violate the congressional statute.

This case was affirmed by the Supreme Court of the United States in the case of Rhode Island *v.* Palmer (40 Sup. Ct. Rep. 486).

Even were the voters of a State to approve a beer and wine proposal it would not legalize the sale of beer and wine in the State. The holding of such illegal or unconstitutional referendums or straw votes upon petitions filed by the opponents of prohibition is but a clever subterfuge adopted by the opponents of prohibition to secure the agitation of their views at public expense. It means additional burden to the taxpayer for the holding of these elections which can not change the law.

In the State of Ohio, where the people have but recently adopted an amendment to the State constitution prohibiting the traffic in intoxicating liquors, these advocates have seized upon the provisions of the initiative and referendum as a means for the exploitation of their views at public expense and have required the secretary of state to submit to a vote of the people a proposed beer and wine amendment to the State constitution which is, on its face, in conflict with the Constitution of the United States and which would be illegal if adopted. A provision of a State constitution which conflicts with the Federal law is as invalid as would be a statute to the same effect. (See Cummins *v.* Missouri, 71 U. S. 277, 18 L. R. A. 356.)

The action of the majority of the supreme court of the State in requiring the submission of the question in no way sustained the validity of the proposed amendment. The court merely took the view that it could not pass upon the constitutionality of a measure until it was adopted. This use of the initiative and referendum is a clear perversion of its purpose. The adoption of the amendment by the voters would be no more effective than would be the adoption of an amendment to the State constitution to legalize slavery in Ohio.

Similar referendums will be held in California and Massachusetts to defeat State enforcement codes adopted by the State legislatures. In Illinois it is proposed to take a mere advisory or straw vote upon the question.

If these opponents of prohibition are sincere in their avowed allegiance to the Constitution, and honest in their desire for a modification of the law, they will command greater respect from the American people if they will proceed in the legal and orderly manner by attempting to repeal the eighteenth amendment and then seeking the enactment of such legislation as will meet their views and not forfeit the confidence of the public by extending to believers in orderly government an invitation to nullify the Constitution. Such a proposal as presented in Ohio, if followed to its logical conclusion, would ultimately overthrow the very institutions upon which our Government is based.

The efforts which are being made to have Congress disregard its oath to support the Constitution and enact legislation authorizing the sale of beer and wine, coupled with the efforts to secure unconstitutional referendums at the expense of the taxpayer as they are doing in Ohio, indicate the character of the attack which is being made upon our Government. These tactics constitute a challenge to patriotic, law-abiding citizens, believers in orderly government, that they stand squarely by the Constitution, irrespective of whether they favor prohibition as a governmental principle.

This beer and wine proposal constitutes a bold and brazen invitation to the American people to disregard a constitutional principle. If one element of our citizenship can disregard a constitutional provision that is not to their liking, other elements may disregard other provisions, orderly government will be destroyed, and anarchy will reign supreme.

Once again the American people are confronted with the issue, as Lincoln said:

> This Nation under God shall have a new birth of freedom that government of the people, by the people, for the people shall not perish from the earth.

Shall the Constitution of the United States, which has been the pride and bulwark of this Republic, be subverted by avarice and appetite, by those who decline to seek the fulfillment of their wishes through lawful means? No one can doubt the outcome of this issue once the facts are presented to the American people. This is the greatest issue of the day. It challenges the patriotism of every loyal American.

Mr. WOOD of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks on some of the accomplishments of this administration.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the Record on some of the accomplishments of this administration. Is there objection?

There was no objection.

Mr. WOOD of Indiana. Mr. Speaker, from 1913 to 1921 we had eight years of Wilsonism and one and one-half years of war.

Combined they left a legacy of appalling problems.

In the wake of the World War and Wilsonism came waste, woe, and wreckage.

As Lincoln once said: "The occasion is (was) piled high with difficulty."

From November 11, 1918, Armistice Day, until he went out Wilson had 842 days for reconstruction, rehabilitation, and restoration, and did nothing, worse than nothing, wasting time on the discredited League of Nations.

Harding and the Republican Party in 575 days—March 4, 1921, to October 1, 1922—have wrestled with the inheritance left by Wilson.

Truly it has been said: "Democrats create problems; Republicans solve them."

Some things we would like to forget, but ought to remember.

In these days of returned prosperity, of approximate normalcy, busy folks are apt to forget. So in the words of Abe Martin I will ask: "Do you remember?" And to aid the memories of our busy people—the farmer, the merchant, the wage earner, the banker, the clerk, the housewife, and those engaged in professions—I present the following lively parallel, bringing into sharp contrast the achievements of the Republican Party in the 575 days of its control with the inheritance of problems it received from its Democratic predecessor.

The people of Maine at their election last week showed that they have good memories by electing the whole Republican ticket, including the entire congressional delegation, by the greatest majorities recorded in 20 years, except the abnormal vote of 1920.

THE LIVELY PARALLEL.

REPUBLICAN INHERITANCE.	REPUBLICAN ACHIEVEMENTS.
Eight years of Wilson; 1½ years of war; 842 days after armistice wasted.	Harding and Republican Congress in control 575 days.
AGRICULTURE DEPRESSED.	AGRICULTURE REVIVED.
Agriculture, basic industry, on brink of bankruptcy due to sudden deflation of credits.	Three hundred and forty-seven million dollars made available to farmers and stockmen. Industry put on its feet.
Live-stock and woolgrowers' credits on point of collapse.	Emergency tariff gave prompt relief; strained credit situation relieved.
Farm-product prices in slump and falling rapidly. Farm credits curtailed and farm loans called in.	Deflation checked; farm prices stabilized; prospect of good prices for 1922 bumper crops coincident with revival of general prosperity. Remedial legislation.
Excess of farm labor.	Demand for good farm workers exceeds supply.
APPROPRIATIONS ABNORMAL.	APPROPRIATIONS REDUCED.
Actual cost of running Government, $5,538,040,689.	Reduced to $3,922,372,030 fiscal year 1922, annual saving of $1,600,000,000.
Routine expenses in 1919, $19,000,000,000; reckless estimates by Democratic officials; orgy of extravagance.	Cost in 1920 (by Republican House) cut to $6,150,000,000; estimates slashed, further cut in 1921 to $5,500,000,000; and in 1922 to $3,947,000,000. Rigid program of economy. Ordinary expenses almost normal.
Additional fixed charges: $2,000,000,000, including annual interest, sinking fund, and care of soldiers.	Obligations being met notwithstanding reduction of taxes; interest on public debt lowered. Congress and departments vigilant.
BUSINESS DEPRESSED.	BUSINESS BUOYANT.
Government interference in private business; paternalism encouraged; individual initiative throttled; intimidation and hostility.	Destructive Government interference stopped; individual initiative and enterprise encouraged; socialistic practices outlawed; friendly counsel and advice.
Discount rate of Federal reserve banks 7.5 per cent for gilt-edge loans.	Discount rate reduced to 4.5 per cent.
Budget bill vetoed by Wilson.	Budget bill passed; annual saving of $1,600,000,000; business in Government.
Deposit liabilities of national banks $1,000,000,000 in excess of loans and discounts; pure credit expansion; prospective revenues mortgaged; fiat financing.	Treasury certificate issues no longer compel absorption by bank "credit" deposit currency. Industrial activity, instead, aids Government financing.
Complex tax forms.	Simplified income-tax forms.
Extensive post-war speculation followed by restricted credit for legitimate industrial expansion.	Intelligent deflation of overexpanded credit and currency; heightened production of goods and services; banks give credit preference to essential industries. Stimulation of private thrift.
Rates on merchants paper, 8 per cent, highest since panic of 1893; call money as high as 15 per cent.	Rates on merchants paper and on call money decline to normal.
Federal reserve system dominated by political and sectional influence.	Politics and favoritism squeezed out of Federal reserve system.
Fifty per cent depreciation of American dollar. Fictitious prosperity.	One hundred per cent value restored to American dollar in purchasing power. Sound prosperity.
DEBT INCREASED 2.300 PER CENT.	DEBT DECREASE.
Debt when Wilson came in $965,706,610. Interest, $22,835,330.40. Debt when Wilson went out, $23,820,073,464. Interest, $1,001,620,434.	Debt reduced $700,000,000, and refunded at lower interest rate.
Liberty and Victory bonds selling at 85 cents on the dollar. Depreciation of $2,530,727,905.	Liberty and Victory bonds at par or better—an increase of $3,000,000,000 in value.
Floating debt of $2,500,000,000; Victory bonds and war savings certificates of $5,000,000,000 maturing in 1923.	Redemption from current revenues and refunding proceeds notwithstanding tax reductions. Prompt liquidations.
REPUBLICAN INHERITANCE—Con.	REPUBLICAN ACHIEVEMENTS—Con.
EMPLOYMENT ARRESTED.	EMPLOYMENT GENERAL.
Five million wage earners idle; industrial stagnation; panicky conditions; reduced production.	A job for every man who wants work; skilled labor in general scarce and unskilled labor practically absorbed; floating element or "traveling help" disappears; farm labor scarce; supply of domestic help only 44 per cent of demand; public work handicapped by lack of common labor at contract prices, because of advance of 10 cents per hour in wages.
FOREIGN COMPLICATIONS.	FOREIGN GOOD WILL.
American motives suspected; moral influence impaired; discredited and friendless among nations.	Good will and influence restored; Washington conference promoted peace and amity, reduced naval armaments and taxation, and substituted arbitration for war.
Petty, selfish, war breeding jealousies in European politics.	No entangling alliances. Without compromise of national independence effected peace in the Pacific region "by open covenants openly arrived at."
League of Nations no relief from extravagant expenditures, deficits, depreciation of currency, trade depression, land and sea armaments; rancors and old enmities exist and new hatreds engendered; Genoa and Geneva conferences failures; Wilson and Cox still want to "go in."	Self-reliant America furnishes $7,000,000,000 new European credits; Washington conference in 12 weeks does more than League of Nations in three years to restore international good will, limit armaments, reduce taxes, remove menace of war, and more for peace and against war.
Russian sovietism and sabotage getting foothold in America.	Soviet government not recognized because of failure to regard private and public contracts. Governments of Esthonia, Latvia, and Lithuania recognized.
GOVERNMENT AUTOCRACY.	GOVERNMENT RESTORED TO PEOPLE.
Dictatorship of one man.	Executive autocracy ended.
Constitutional government and national sovereignty imperiled.	Respect for Constitution restored; national sovereignty preserved.
Autocratic war powers continued long after war by Wilson veto.	Repealed vexatious war legislation; removed arbitrary and inquisitorial control over life of the people in time of peace.
Executive usurpation of legislative and judicial functions.	Cooperation and coordination of constitutional functions.
Country shifted for itself while Wilson kept us out of peace. Hopeless floundering.	Speedy resumption of activities. Definite policies. People again took reins of their own Government.
Government for some, instead of for all of the people; unrest, suspicion, strife.	Country on highway to unprecedented prosperity, proud of its past, sure of itself and of its institutions and looking forward with confidence to the future.
INDUSTRIAL SLUMP.	INDUSTRIAL AWAKENING.
Peak of unemployment.	Unemployment conference called by President Harding.
Flood of immigration threatened.	Immigration restricted to 3 per cent of various nationals already here.
Flood of foreign-made goods under free-trade tariff.	Protective tariff to preserve home market for labor, agriculture, and industry.
Public confidence destroyed; distrust and hesitation universal.	Confidence restored; country enters upon biggest business boom in history.
Housing shortage; unsatisfactory housing accommodations general.	Unprecedented building operations.
Idle men, idle mills, idle money.	Men, money, and mills working.
Labor troubles; 446 strikes; other strikes and lockouts threatened.	Settlement of 90 per cent by conciliation and mediation, affecting 657,000 wage earners.
Scarcity of farm labor.	Eighty thousand harvest workers recruited outside grain belt.
Department of Labor handicapped by insufficient appropriations.	Appropriations for Department of Labor increased $1,462,000, functions and activities enlarged, including maternity and infancy welfare work.
Iron and steel industry depressed, affecting other industries.	Iron and steel industry revives; wages increased 20 per cent. Increase in other industries (cement industry, 50 per cent) in a season of normal seasonal trade depression. "Buyer's market" and competition for orders.
High cost of living at peak.	According to labor bulletin, clothing of all kinds decreased 39 per cent in cost and food 36 per cent.
Surplus of rolling stock, 300,000 idle cars.	Car shortage. Thousands of new cars and hundreds of locomotives building. Cost for new equipment in eight months three times greater than in 1921.
Wasteful, extravagant, and inefficient operation of railroads. Cost $2,650,000,000 and higher freight rates.	Railroad systems rehabilitated under private operation. Freight rates reduced.
Incompetent and extravagant administration of telegraph and telephone lines.	Telegraphs and telephones returned to private control. Efficient operation.
Artificial prosperity due to inflation, snuffed out by sudden deflation. Cheap money; diminished purchasing power.	Prosperity on a sound basis; scientific financing; no more bungling; inflation stopped; deflation gradual. Value restored to dollar; increased purchasing power.

REPUBLICAN INHERITANCE—Con.	REPUBLICAN ACHIEVEMENTS—Con.
LOANS UNCOLLECTED. No attempt made in 842 days after war to collect foreign loans of $11,000,000,000; in violation of law, $300,000,000 loaned to nations not allies and $1,300,000,000 after the war. Interest payments deferred. No positive evidences of debts, interest rates, or dates of maturities. Cox favors wiping out loans.	LOANS TO BE REFUNDED. Commission created by Congress and now at work to confer with representatives of debtor nations and work out a solution to refund loans on a commercial basis.
PEACE DELAYED. Peace delayed and technical war prolonged. On war-time basis long after war. "He kept us out of peace." Complete unpreparedness for peace.	PEACE DECLARED. Peace effected without compromise of national independence. Country once more on peace basis. General reconstruction and restoration policies.
SOLDIERS NEGLECTED. Veterans of World War neglected; Federal agencies break down; lack of cooperation; red tape; delays; gross incompetency and mismanagement; hardships; brutal indifference; no hospitalization.	SOLDIERS CARED FOR. Soldier agencies combined and coordinated; Veterans' Bureau established; "clean-up campaign"; every needy man reached; work in 99 hospitals in every section, costing $800,000,000; training and rehabilitation work expanded and conducted scientifically; appropriations of $1,840,000,000 expended for compensation, allowances, and allotments, insurance, vocational training, hospitalization, and administration. Current appropriations $418,053,843—greater than for any other function of government.
TAXATION STAGGERING. Staggering burden of taxation; unsound methods of war financing. No attempt to reduce taxation during 842 days after war. Diminishing revenues; springs of revenue drying up. War hang over; expense estimates raised.	TAXATION LOAD LIFTED. $900,000,000 of taxes lifted in 1921 and 1922. Income taxes, by exemptions, reduced on incomes of 90 per cent of the people. Nuisance, freight, parcel post, express, transportation, and excess-profits taxes repealed. Surtax reduced. Expenses cut to the bone; reduction of public debt. New enterprises; new sources of revenue. Economy not a theory, but a necessity.
WASTE—WILSON AND WAR. War money grossly wasted; aircraft scandals; cantonment graft; millions squandered in cost plus 10 per cent contracts; railroad supplies bought, not needed, and never used; artillery, ordnance, and munitions contracted and not delivered; docks built at which ships never tied; and ships built, never used, and sold for junk. Waste in war contracts ----- $7, 250, 000, 000 Illegal loans to foreign countries --------- 1, 300, 000, 000 Shipping program waste -------- 3, 300, 000, 000 Operation of railroads -------- 2, 950, 000, 000 Total waste- 14, 800, 000, 000	WATCHFUL PRUDENCE AND ECONOMY. Investigation by congressional committees discloses waste and frauds. Obstructions by minority. Three thousand five hundred lawsuits pending in civil courts from Shipping Board operations; $62,000,000 of claims in Court of Claims. Foundations being laid for great merchant marine. Thousands of lawsuits growing out of railroad operations; $85,000,000 of errors and overpayments discovered.
Blanket power to settle with contractors; 30,000 settlements without auditing.	Auditing vigorously prosecuted; vast sums being recovered from contractors; 10 per cent of cases actually overpaid; $484,000,000 found paid without contract or accounting.
Muscle Shoals problem: Plant built by diversion of funds; $25,000,000 spent after armistice; bad contracts, inefficiency, and waste.	Attempts to prevent reentry of American goods sold to France blocked by minority.
Immense stocks of property, food, and supplies on hand. Not declared surplus and not sold to American people to reduce cost of living.	Democratic Secretary of War made by Republican House reluctantly to place goods on the market for benefit of American people. War Department sells surplus at 53 per cent of original cost; aggregate value, $1,074,087,238.
No attempt in 842 days after war to prosecute frauds; public records "mislaid," scattered, or destroyed. Secretary of War (Baker) appoints whitewashing committee.	Congress votes $500,000 to uncover frauds; special grand jury returns 10 indictments. Work of prosecution delayed by missing papers; 276 cases started, involving $192,000,000; probably $1,000,000,000 involved altogether.
Increase of 2,184 Federal employees after armistice.	Army of useless Federal employees demobilized.
Government in magazine business for political propaganda.	Two hundred and sixty-six Government periodicals discontinued and their cost saved. Government Printing Office saves $4,000,000 last fiscal year.

CHICAGO RIVER.

Mr. WINSLOW. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Resolution 436.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 436.

Resolved, That the Committee on Interstate and Foreign Commerce, or any subcommittee thereof, is hereby empowered to conduct hearings on the subject matter of bills pending before said committee proposing to declare nonnavigable certain portions of the Chicago River, and to take testimony in the city of Chicago. Said committee or any subcommittee thereof is authorized to send for persons and papers, and to administer oaths to witnesses and to sit during any recess of Congress.

Mr. WINSLOW. Mr. Speaker——

The SPEAKER. The gentleman from Massachusetts.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve the right to object.

The SPEAKER. No consent has been given. The Chair simply recognizes the gentleman from Massachusetts.

Mr. WINSLOW. Mr. Speaker, in the very midst of the commercial center of the city of Chicago there is a river which under the status given it by law is regarded as a navigable stream. It is probably more or less of a sink hole, and some claim that it is a public nuisance and that it ought to be abated. There are, however, property interests and municipal interests involved in the consideration of it to such an extent that the Committee on Interstate and Foreign Commerce have felt it unwise to accept anybody's statement as to the wisdom of granting the right to call portions of the river nonnavigable without a definite inquiry. It seemed as if the question was of such importance to the very great interests involved that we ought to have a subcommittee go there and make an investigation before going through the form of either approving or disapproving of the undertaking. So we ask that we have the power set forth in this resolution, which means that a subcommittee which will be composed of two members will go there and take testimony and bring back a report to the Interstate Commerce Committee. It is a matter small in itself but apparently of very great import to the commercial and municipal interests of the city of Chicago.

Mr. MADDEN. Will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. MADDEN. The sanitary condition of this matter is such that it is a menace to the public health of the community. This part of the river is not essential to navigation any longer. In fact to continue to attempt to make navigable the channel referred to by the gentleman would be ridiculous; but the importance of the whole subject relates to the health of millions of people, and I hope consent will be granted to have the investigation suggested by the gentleman from Massachusetts.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I want to ask the gentleman if the Illinois delegation could not investigate this matter during the interim and report to the Committee on Interstate and Foreign Commerce and furnish the same class of testimony that the gentleman's committee would get and save all the expense.

Mr. WINSLOW. I will develop the gentleman's inquiry. I think the Illinois delegation could do it as well as our committee could and no better; but it happens that we have appointed on the subcommittee, subject to the passage of this resolution, two Illinois members of the committee. Now, whatever committee may have charge of the investigation will require clerical and stenographic assistance in taking the testimony and preparing its report, and another resolution, which has had the approval of the Committee on Accounts, will be reported by the acting chairman of that committee asking for $500.

Mr. BLANTON. Then the only expense we may look for is for clerical assistance?

Mr. WINSLOW. Clerical, including stenographic and typewriting.

Mr. MADDEN. I wish to say to the gentleman that the Illinois delegation have investigated this matter. We are all in favor of it, but we do not want the Committee on Interstate and Foreign Commerce of the House to take our word for anything. We want them to go there and make an official investigation in order to see that we are not misrepresenting the situation.

Mr. BLANTON. If the chairman of the Committee on Appropriations is already in favor of this, and the whole Illinois delegation are in favor of it, what is the necessity of spending the $500?

Mr. MADDEN. We do not know whether they are or not.

Mr. WINSLOW. There are municipal interests there, represented by the municipality of Chicago, which are asking for a chance to be heard. There is also some sort of a highway-construction project involved there which has a different angle to present. It becomes a rather unusual and involved case, and we are constrained to consider these various property rights and interests as well as the fact of the sinkhole; so that it clearly is in the interest of the community to have this investigated and reported upon carefully.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT of Texas. Is any question raised as to whether or not this is a navigable stream?

Mr. WINSLOW. It is denominated under the law as a navigable stream, but they want to have a certain portion of that stream declared nonnavigable, which is a rather unusual proceeding, although it does happen now and then.

Mr. GARRETT of Texas. Are there certain commercial interests that want a part of the stream declared to be nonnavigable?

Mr. WINSLOW. It has to be determined to be nonnavigable by act of Congress before anything can be done.

Mr. CHINDBLOM. If the gentleman will yield to me, the city of Chicago has taken the initiative in this matter. A delegation from the city council was here a few days ago and conferred with the Committee on Interstate and Foreign Commerce, and as a result they made this recommendation. Of course, if you should leave it to us from Chicago, we would immediately recommend it. I know this location. It is a stench hole. It is nothing but a lot of refuse that is gathered in this fork of the Chicago River.

Mr. GARRETT of Texas. As a matter of fact, is there any navigation?

Mr. WINSLOW. No.

Mr. CHINDBLOM. There is no navigation whatever.

Mr. GARRETT of Texas. The real purpose of this investigation is in order that the committee may obtain the facts and recommend to Congress that it be made nonnavigable?

Mr. CHINDBLOM. Yes; this is a little fork of the Chicago River.

Mr. WINSLOW. There are other interests involved here, and it was thought that we ought to have an investigation before we declared it nonnavigable and waive aside the interests of other people without careful consideration.

Mr. MOORE of Virginia. The proposed investigation has reference only to a little fork of the river and no reference to the main channel, which was improved many years ago. I remember when the great engineering work of improving the river was done, and I think the engineer in charge was Mr. Randolph, a native of my own State.

Mr. MADDEN. No; we would not tolerate any disturbance of that. This place ought to be filled up.

Mr. GARRETT of Tennessee. Let me ask, has there been any money expended by the Government on this place?

Mr. WINSLOW. I think not.

Mr. GARRETT of Tennessee. Everybody, it seems, is agreed that the stream ought to be declared nonnavigable. What is the necessity of a committee going out there and making a report?

Mr. WINSLOW. There is some opposition to it.

Mr. MADDEN. There are a lot of conflicting property interests, and we do not want to take a snap judgment.

Mr. WINSLOW. I will yield to the gentleman from Illinois [Mr. DENISON], who will be one of the subcommittee if this resolution passes.

Mr. DENISON. Mr. Speaker, in answer to the gentleman from Tennessee, I want to state that we had communications from several gentlemen, property owners, who object to this being declared a nonnavigable stream. I will state further that the State government itself has some objections to its being declared nonnavigable. The director of public works seems to think that the State's interests are involved in the matter and that this branch of the river may some time be needed for terminal purposes. Therefore there seems to be a conflict of important interests that ought to be investigated.

Mr. GARRETT of Texas. Are there any docks or wharves there owned by private persons?

Mr. DENISON. I am unable to say, and that is another reason why we ought to have hearings.

Mr. CHINDBLOM. I can answer that in part. There are no docks or wharves, in the ordinary sense, along the banks of the river, but they have used the banks of the river for loading and unloading. But this particular fork is now utterly useless for any such purposes. It is filled with refuse, with offal, that has been accumulating there for years. It is called " the bunghole " in that part of the city.

Mr. GARRETT of Texas. The real purpose is to close this up and fill it up.

Mr. GARRETT of Tennessee. I am somewhat reluctant, Mr. Speaker, to object, and yet I am not satisfied that there is any necessity for this investigation. The Chicago delegation is here and it is a very able delegation, and quite able to present its case before the Committee on Interstate and Foreign Commerce or any other committee of the House. This is a matter that will carry some expense, I judge.

Mr. MADDEN. Not over $500.

Mr. GARRETT of Tennessee. It will be more than $500—there will be the railroad fares of the committee——

Mr. DENISON. Let me say that as far as I am concerned, I will pay my own railroad fare.

Mr. GARRETT of Tennessee. If the gentleman is a member of an official committee, he ought not to pay his own railroad fare; the Government should pay it. If it is important enough to be done, he ought not to pay his fare.

Mr. CHINDBLOM. The subcommittee, while members of the Illinois delegation, are not from Chicago. The gentleman from Illinois, Mr. DENISON, and the gentleman from Illinois, Mr. GRAHAM, are both from that portion of Illinois outside of the city.

Mr. GARRETT of Tennessee. It does not matter to me. If the House provides for the appointment of a committee, of course their expenses ought to be paid. I am not complaining about the expense; the only question is whether there is a necessity for this committee.

Mr. MADDEN. Will the gentleman yield?

Mr. WINSLOW. Yes.

Mr. MADDEN. I think that the suggestion for an investigation by a subcommittee of the Interstate Commerce Committee came from me. There is a great deal of pressure being brought to bear by the people of the community for the closing of this portion of the river on account of the insanitary situation caused by the stagnant water.

Mr. GARRETT of Tennessee. Is this fork of the river an interstate stream or is it wholly within the State?

Mr. MADDEN. It is wholly within the city of Chicago. It is not interstate. While I was personally strongly in favor of the bill that is pending before the Interstate Commerce Committee, I thought it would be unfair to the committee itself to ask them to act upon it without having some one go and look the thing over. So the suggestion was not to have a special committee appointed by the House but a subcommittee of those Members who live out there to go and sit down with the people and hold hearings, go over the ground and come back and report the facts from a personal view of the situation and hearing the case in order that nobody may feel in the end that there has been any injustice done.

Mr. DENISON. Mr. Speaker, I hope the gentleman from Tennessee will not object. There are some very important questions involved in this matter. It is not the ordinary case of a country creek or swamp being declared nonnavigable; this river is in the heart of a very large city and there are conflicting interests apparently. Here is a branch of the Chicago River in the city of Chicago, and a bill pending to declare it nonnavigable. The State of Illinois claims to have an interest in the matter and they are apparently opposed to it, but the city of Chicago is very much interested in it and wants it done. People that have property adjoining are either for or against it, and the committee is unable to act intelligently without some one going there and seeing it and taking the testimony of witnesses.

Mr. PARKS of Arkansas. Do they want this done to do away with bridges?

Mr. DENISON. By declaring it nonnavigable it can be filled up and thereby avoid the necessity of four or five bridges.

Mr. PARKS of Arkansas. That is the purpose of it, is it?

Mr. DENISON. I think that is one of the purposes of it. They can not do so as long as the Federal Government has jurisdiction over it; Congress must first declare it nonnavigable.

Mr. PARKS of Arkansas. Why should a committee go there; what necessity is there for it to go and investigate?

Mr. DENISON. The whole matter came up one day before the committee when I was not present. Interested parties were asking for hearings, but it was thought that there should be a subcommittee appointed to make an investigation and have hearings; it was the judgment of the committee that a subcommittee should go to Chicago, see the river, the conditions surrounding it, take the testimony of witnesses and report the facts to the whole committee, in order that Congress might act intelligently on any legislation that might be reported. I am convinced that the committee and Congress ought to be in possession of all the facts before we consider the pending bill to declare that part of the Chicago River to be nonnavigable.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

EXPENSES OF CERTAIN HEARINGS IN CHICAGO.

Mr. A. P. NELSON. Mr. Speaker, I present the following resolution and ask for its consideration.

The SPEAKER. The gentleman presents a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 435.

Resolved, That the expenses of the Committee on Interstate and Foreign Commerce, and of any subcommittee thereof in holding hearings in the city of Chicago on bills relative to declaring certain portions of the Chicago River nonnavigable, are hereby authorized to be paid out of the contingent fund of the House upon vouchers approved by the chairman of said committee or subcommittee, and approved by the Committee on Accounts, in an amount not to exceed $500.

Mr. A. P. NELSON. Mr. Speaker, I do not think it is necessary for me to go into a detailed explanation of this resolution, because of the very full discussion that has already been had by the gentlemen of the House. I would simply say that this is a natural consequence or sequence of House Resolution 436, to which the House has agreed. I simply desire to insert in my remarks a letter which was sent to me by the chairman of the Committee on Interstate and Foreign Commerce on this question.

The letter is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, September 21, 1922.

Hon. A. P. NELSON,
House of Representatives.

MY DEAR MR. NELSON: I am referring to House Resolution 435, which I introduced September 19, 1922, and which was referred to the Committee on Accounts.

I trust you will find it possible to call this resolution up to-day, for the following reasons:

Three bills have been referred to our committee to declare portions of the Chicago River to be nonnavigable.

Our committee undertook to hold hearings on this matter in May, but in view of the conflicting testimony coming from both sides of the subject it appears the only way to satisfactorily convince the committee as a whole is to have some of the committee members go over the ground and hold hearings thereon.

The portions of this river sought to be declared nonnavigable constitute a total of 7 miles in the tract of the most densely populated parts of the city of Chicago. The propositions are opposed vigorously by the State of Illinois.

It has been deemed to the best interests of the Government to have the Illinois members of our committee undertake this work during the prospective adjournment of Congress.

This matter is urgent—on one side at least; that is, for the proper sanitation of the city of Chicago—and as the hearings will occasion considerable expense in the way of transportation, stenographic and clerk hire, the small amount asked for is deemed necessary at this time.

Very truly yours, SAMUEL E. WINSLOW, *Chairman.*

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

HOUSE RESOLUTION 437.

Mr. A. P. NELSON. Mr. Speaker, I submit another privileged report which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 437 (Rept. No. 1251).

Resolved, That the appointment of the page detailed to the office of the Clerk of the House is hereby continued during the recess of Congress at the rate of compensation now authorized to be paid out of the contingent fund of the House.

Mr. A. P. NELSON. Mr. Speaker, this resolution becomes necessary in order that the Clerk of the House may be able to have the proper assistance during the interim of Congress for the next two months. I have a letter from the Clerk of the House [Mr. Page] which I present, giving the basic reasons why this resolution should be passed.

The letter is as follows:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., September 20, 1922.

Hon. A. P. NELSON,
Acting Chairman, Committee on Accounts,
House of Representatives, Washington, D. C.

MY DEAR MR. NELSON: I inclose draft of a resolution which I would thank you to bring to the attention of the Committee on Accounts at the earliest possible moment, with a view to favorable action thereon.

This resolution merely continues the employment during the recess of Congress of the page detailed to the office of the Clerk of the House. He is indispensable to the work of my personal office and if his employment is cut off at adjournment my work will be handicapped.

The office will be open daily during the recess and there will be much work notwithstanding the House will not be in session. We will be in receipt of hundreds of letters from Members and others inquiring about bills and many other things, and also in receipt of campaign publicity statements. There will be a great deal of work for this page to perform during the months of October and November.

Very truly yours,
WM. TYLER PAGE.

Mr. A. P. NELSON. Mr. Speaker, the committee considered the matter carefully and unanimously voted that this be favorably acted upon by the House. I think the letter is sufficient explanation giving the evidence as to why this resolution should be passed.

Mr. BLACK. Will the gentleman yield?

Mr. A. P. NELSON. I will.

Mr. BLACK. Did the gentleman inquire into whether or not this employment of the page during the recess has been customary during the past?

Mr. A. P. NELSON. It has. It is the same page who is there now. It is the same page who is now in the personal office of the Clerk and who will continue there during the interim of Congress.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. A. P. NELSON, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

EXTENSION OF REMARKS.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD on the work of the Sixty-seventh Congress and the present administration.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SLEMP. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. SLEMP. Mr. Speaker, Congress is adjourning to-day, and the various Members will soon be engaged in the biennial contest for seats in this body. It will be the first campaign since 1902 that either my father or myself has not been a candidate.

In 1902, as a result of the congressional election of that year, my distinguished father, the Hon. Campbell Slemp, was duly elected a Member of this body. The event to him was a happy one, representing as it did the culmination of a life's ambition. It was inspiring to that element in the district and State who desired to see two political parties established in Virginia, and the result was accepted in good spirit by the great body of Democratic voters. There was an attempt to steal the district by altering the returns from certain counties; but the supreme court of the State prevented this outrage, and Colonel Slemp was awarded the certificate to which he was justly entitled. This was 20 years ago. Since that time there have been 10 congressional contests, in all of which the Republican Party has been successful at the polls. The Democratic Party has put forth its best material.

Hon. J. C. Wysor, the talented orator of the constitutional convention; Senator Robert P. Bruce, a descendant of the Bruces of Scotland and possessing many of their knightly qualities; Senator J. C. Byars, whose pleasing personality made him a popular candidate; Ex-Gov. Henry C. Stuart, cattle king, owner of 40,000 acres of fertile land, possessor of great wealth, also a free spender, but withal a man of great force of character and executive ability; Gen. Rufus A. Ayers, former attorney general, the pioneer in the development of the coal resources of southwest Virginia—member, without opposition, of the constitutional convention; Hon. R. Tate Irvine, a great organizer, interested in many financial enterprises, talented lawyer and speaker; Hon. E. Lee Trinkle, present Governor of Virginia, popular speaker; Lieut. Bolling Handy, soldier of the World War, each and all went down to defeat before the avalanche of Republican votes.

These various contests under varying conditions, involving every type and character of political warfare, demonstrate that in sentiment and attitude the ninth district of Virginia is Republican.

This is further attested by the fact that most of the county officials are Republican.

PROPOSED GERRYMANDER.

Last year the Democrats seemed to have abandoned all hope of regaining this now historic district and appealed to the Legislature of Virginia, which was overwhelmingly Democratic in both branches, to dismember the district. It was proposed to tie Wise County by a long, thin shoestring to the city of Lynchburg, some 300 miles away and whose surrounding territory is wholly dissimilar to the great mining section of southwest Virginia. It was proposed to tie Lee County, butting up against the Cumberland Range, to the city of Roanoke, also some 250 miles away. The proposal was so shocking to the sense of fairness and justice of a great people that it was denounced by the press of the State, privately almost universally condemned, and not approved by either of the United States Senators. Thus fell this hope.

NATURE OF THE PRESENT CAMPAIGN.

Then it was that the present campaign to capture the district was inaugurated. It involves the use of an excessive amount of money and the improper use of election machinery. To accomplish the result it was felt necessary that the poll taxes of all possible Democratic voters be paid. George C. Peery was the Democratic district chairman, the head of the Democratic organization in the district, and therefore the moving spirit in its policies at the time this campaign was started. He was and is a close friend of Harry Byrd, the Democratic State chairman, having placed the latter in nomination for that honor. Apparently he felt his organization was unequal to meeting the financial burdens involved in qualifying the Democratic vote, so he assembles his district committee, calls an early convention, and has himself nominated for Congress on March 21. All other Democratic candidates for Congress in the State were nominated in August, as also their candidate for the United States Senate, Mr. SWANSON. The campaign has gone on for six months. It would have been supposed that during this time Mr. Peery would have gone on the stump, appealed to the reason of the electorate, and laid the basis for election on public approval of man and policy, but his first speech was made on September 11, nearly six months later. During all that period he was busy perfecting the details of his campaign. The character of his activity is shown by the following public interview under date of March 30:

PEERY'S INTERVIEW.

Reports coming in from various parts of the district show that the Democrats of the ninth are in a militant mood. The spirit of the Bristol convention seems to have followed the delegates to their homes. Some counties have already held their organization meetings. They were marked by a spirit of enthusiasm and determination. The workers feel that this is to be our winning year. Other meetings have already been called in other counties and will be held at once.

My nomination carried with it the obligation on my part to exert my best energy and efforts to win. It carried a like obligation on the part of the Democratic organization to put forth its supreme effort for victory.

THE VITAL THING.

The one vital thing immediately in hand is to get our vote qualified by May 6. It is the most important work of the campaign. To do it thoroughly means a long step toward victory.

CARICO ADVISES VIOLATION OF THE LAW.

This interview is important and interesting because it shows Mr. Peery's intimacy with "reports from all parts of the district," also is an acknowledgment of his obligation to do his best and stresses "the one vital thing," that is, "to get our vote qualified by May 6." It demonstrates beyond a doubt that Mr. Peery was familiar with every phase of poll-tax work. I quote also news item of April 26, showing that one month later Mr. Peery was still active in poll-tax work and expected to be in Bristol frequently:

PEERY VISITS WYTHE COUNTY—DEMOCRATS GET VOTE QUALIFIED—SITUATION IN RANKS OF REPUBLICAN PARTY IN NINTH AROUSES INTEREST OF PEERY LEADERS.

Getting the vote qualified is now the main thing before the Democrats of the ninth Virginia district, and with that in view leaders all over the district are bestirring themselves to great activity in behalf of the Democratic candidate for Congress, George C. Peery, of Tazewell. Mr. Peery was nominated at the big Democratic convention held in this city about a month ago.

Mr. Peery has been in Wythe County for the last couple of days, where he held conferences with the county leaders there and went over the political situation. He expressed himself as being well pleased with what he found there and in other parts of the district he has visited.

Mr. Peery is expected to be in Bristol frequently for conferences with local leaders, who have been very active in his behalf. Local headquarters of the Democrats have been deluged with favorable reports from every part of the fighting ninth and leaders are greatly encouraged over the outlook.

Large sums of money were expended in the payment of poll tax, and Democratic workers were directed to pay the poll taxes of women voters, whether they desired it or not. The law plainly requires a personal payment of poll tax, as shown by the following extract of the Virginia constitution. The requirements of the voter are as follows:

That he has personally paid to the proper officer all State poll taxes assessed or assessable against him, under this or the former constitution, for the three years next preceding that in which he offers to register.

I ask especial attention to the directions of E. C. Carico, secretary of the Democratic committee, as disclosed in the following letter to Democratic workers, which speaks so plainly for itself:

NINTH DISTRICT COMMITTEE,
Bristol, Va., April 26, 1922.

DEAR SIR: I have just been advised that in some sections of the district the Republicans are taking advantage of our activities and are getting various parties to claim they are Democrats in order that we will pay their poll taxes and that they may be successful in registering before a Democratic registrar. This situation must be watched closely, as we do not want to qualify anyone that will immediately go to work against us as well as vote against us.

Reports coming to this office show beyond the question of a doubt that we will be able to qualify enough new Democratic voters in this district to overcome the Republican majority. Won't you renew your efforts and be prepared to say that we have a 100 per cent qualification at your precinct?

At some points I have found a few Democratic women who did not want to register. In my opinion we should pay their capitation tax, and then we will have six months in working up the registration. I had much rather pay the tax for a good Democratic woman and have her not register than to have them come around after the 6th day of May and say: "I wish my tax had been paid so I could register." I believe if their taxes are paid when the campaign starts up in full force that every one of them will register.

Yours very truly,

E. C. CARICO, *Secretary.*

This letter is an actual and specific invitation to violate the law.

Mr. Carico also admits there is a Republican majority in the district.

Hon. Harry Byrd, Democrate State chairman, after visiting the ninth district, gave out a public interview, in which he stated:

The organization we have effected is a wonderful example of a systematic plan by which every Democratic voter has paid his or her poll tax and will register and vote the Democratic ticket in November.

Note that Mr. Byrd says that every Democratic voter "will register" and vote the Democratic ticket, and this without reference to meeting legal qualifications.

Yes; wonderful system! But simple, after all. First, pay the poll taxes; second, use the registration machinery to register the proposed voter; and, third, use the judges of election to vote him. It should be remembered that in the Paul-Harrison contest shocking frauds and irregularities were shown in the town of Winchester, the home town of Mr. Byrd, and where he presides over the destinies and policies of the Democratic workers.

The Committee on Elections, in its report to the House, said:

In the latter city (the city of Winchester), the home of the contestee, the violation of the constitutional provisions in regard to registration, the secrecy of the ballot, and the indiscriminate giving of assistance in the preparation of their ballots to persons not entitled thereto was especially flagrant. The evidence clearly discloses the fact that for years the registrars in that city had entirely disregarded the mandatory provisions of the constitution requiring applications in writing and had filled their books with the names of persons who had never made any written applications at all.

It is impossible for me to know the full amount of money thus expended, nor do I know the source of the money. I do have evidence that on May 6 Democratic workers paid poll taxes as follows:

ESTIMATED AMOUNT OF MONEY EXPENDED.

Buchanan County (estimate)	$1,600
Lee County (estimate)	2,200
Scott County (estimate)	1,200
Washington County (estimate)	2,000
Giles County (estimate)	750
Tazewell County (estimate)	2,500
Wythe County (estimate)	1,100
Smyth County (estimate)	1,000
A total of	12,350

The expenditures in Russell, Bland, Pulaski, Dickenson, and Bristol City could easily swell this amount, on the basis of the above, to over $20,000, possibly $25,000.

The following is Mr. S. R. Hurley's letter on the subject, which he says will be followed, if desired, by a sworn statement. While I have referred to their expenditures as estimates, I have other statements of a similar nature showing amounts paid, to whom paid, and by whom paid on this poll-tax work:

SEPTEMBER 18, 1922.

DEAR SIR: Replying to your letter of the 9th, with reference to the amount of poll taxes paid in Buchanan County by the Democrats, the treasurer informs me that he received at one time from the Democrats more than $1,300. That is, on May 5 or 6, and they paid into this office on May 6 nearly $300, making a total of about $1,600 paid by them in bulk.

If there is any other information along this line or any other line you desire, do not hesitate to write me, and if you want sworn statements to this effect I can furnish them.

Yours truly,

S. R. HURLEY.

That Mr. Peery was cognizant of these expenditures I neither affirm nor deny. He was district chairman when he was nominated. He urged this poll-tax activity and he was a frequent visitor at headquarters and in the various counties while this work was being done.

Under the Federal law no candidate can expend more than $5,000, not embracing certain expenditures such as telegrams, telephones, stationery, and traveling expenses. An investigation would doubtless disclose a situation in the ninth district far worse than the charges brought against Senator NEWBERRY, whom Mr. Peery piously condemns. It was not claimed that Senator NEWBERRY actually made the expenditures, but that he was cognizant of them. The average expenditure per congressional district on behalf of Senator NEWBERRY was about $10,000. There has apparently already been expended on behalf of Mr. Peery perhaps double this amount, with many expensive features of the campaign yet to be met.

PEERY CAN COMPARE WITH SENATOR NEWBERRY.

The excessive use of money in this instance is far more culpable than was the case of Senator NEWBERRY as relatively more money is spent, and instead of its being confined to the attitude, say of one family, it is the policy of a political organization. During the Newberry campaign Senator NEWBERRY spent the entire time out of his State in the State of New York and may not have known about the expenditures, but in our case Mr. Peery remained in the district, received reports from all parts of the district, as he says in his interview, and praised the work of the office. Yet Mr. Peery denounces Newberryism. He should have prevented this expenditure as he was in a position to do so. The public can not presume he was ignorant of what went on, nor can he escape public condemnation.

TWENTY THOUSAND MORE TO BE EXPENDED.

But this is only the preliminary expenditure. The Democratic State chairman is reported to be collecting money in various parts of the State for use in our great district, and it is likely that an additional $20,000 will be expended before the close of the polls on election day.

At the last meeting of the Democratic State committee in Richmond, Mr. Harry Byrd, State chairman, I am informed, stated to the committee that he needed $30,000 for use in the ninth and seventh districts, and after asking for subscriptions stated that the assurances he had received were satisfactory. * * * I have proof in writing of what I say about this meeting.

And this in free America where the poor man is supposed to have an equal chance with the rich, where it is our boast that a rail splitter became President, and where every political tendency is toward the elimination of corruption in our political life.

REGISTRATION.

Now, as to the registration. There is one registrar for each precinct. Our law permits only one, and he is invariably a Democrat. Among these registrars there are many who are fair to all parties, and some who are not. I would have no objection to a Democrat serving as registrar any more than I would to a judge who is of that faith but who administers the law with even-handed justice, nor to a postmaster who serves with equal fidelity all classes of the community. It is the discrimination practiced under the law to which objection can rightfully be made, and that is just the criticism that is offered to the Democratic campaign in regard to the registration this year.

Suppose a postmaster, a public official, gave Republicans their mail first, then closed the office, and the Democrats were told to come back next day, how long would public sentiment of either party permit the retention of such an official? Yet it is this kind of official treatment that many registrars are offering to Republicans in the ninth district, and to such an extent that it must be a part of the Democratic campaign in the district.

It may not be technically illegal for a registrar to take his books, go along the streets, pass every Republican by, and enter the home of every Democrat and put that Democrat on the registration book and then absent himself from town so that a Republican voter can not find him and will then be disfranchised. But it is unfair, dishonest, outrageous, and un-American. It takes us back 25 years in our politics. It makes the ninth district of Virginia the victim of methods long since condemned by public conscience, and particularly so since many of our soldier boys who fought to liberate the world can thus be denied the right to register and vote. This unfair practice, denying registration by absenting himself, stealing by indirection, is what the Republican Party has to meet at many places.

Nothing but their deep and profound love of party, and sustained by the spirit of crusaders, martyrs, and patriots, has enabled the Republican voter in many precincts to get his name on the list. This use of registration machinery, regarding the registrars as officials of the Democratic Party, and not of the public, is even more to be condemned than the use of money. It creates a distrust in the agencies of the law and brings it into disrepute. People are entitled to equal rights under the law, and the political organization that attempts to triumph through unfair practices should be condemned by the voters, and in the last analysis a candidate who profits by such methods should not be permitted to have a seat on this floor.

Let us take the registrar at Gate City, for example, a town, say, of some 1,500 people, a wonderfully pleasant place to visit, the home of good schools, churches, and a college. The registrar lives 2 miles from town and nearly half a mile from a highway and on a ridge, so that the Republican voters will have the greatest difficulty in getting there, and after arriving the registrar may be reported absent and the trip has to be taken over again. For the Democratic voter it is only necessary for it to be known that he is a Democrat, and he goes on easily or almost automatically. The same conditions exist at Castlewood, another charming little mountain village, where the registrar lives 3 miles away and impossible to reach in a car.

APPALACHIA.

I shall not encumber the record with a recitation of details of this character; only a sufficient number to demonstrate the general nature of this movement. Take Appalachia, a thriving town of some 3,000 people. A new registrar was appointed, and he began by actually denying registration to two Republicans. They appealed their cases to the court and were placed on the books by order of the court.

There are 156 Republicans, I am told, yet to register at this precinct. After this action of the court the registrar, I am told, in great part absents himself, so that these 156 people, many of whom have tried unsuccessfully to find the registrar, or a great part of them, may thus be deprived of their right to vote by being denied registration, either directly or indirectly. In another place the registrar has stated that he will not register a negro, whatever his qualifications may be. That it is the settled policy of the Democratic committee, and presumably with the indorsement of Mr. Peery, who, as everyone knows, is in intimate touch with his campaign, to regard these registrars as officers of the Democratic Party, rather than of the public.

DEMOCRATIC LETTER.

I ask attention to the following letters sent out to the Democratic precinct committeemen and to the registrars by the Democratic district chairman, where the registrars are asked to meet with the committeemen, and, what is more astounding, to visit the homes of voters and take their application to register:

LETTERS TO REGISTRARS.

SEPTEMBER 9, 1922.

DEAR SIR: I am inclosing herewith copy of letter I am writing to our precinct committee at your place, and also copy of letter which I am writing to the precinct chairman.

We trust that you will meet with the committee at the meeting suggested in these letters and that you will cooperate with them in seeing that our vote at your place is qualified at once.

Yours very truly,

E. R. COMBS, *Chairman.*

P. S.—Twenty-eight more days within which to register and transfer.

—

BRISTOL, VA., *September 9, 1922.*

DEAR SIR: We have now a very short time within which to complete our registration and transfer work, and I am writing to urge upon you the importance of this work and to request that you at once inquire into the present status of this work at your precinct.

I would suggest that you have a meeting of your precinct committee one day next week with the registrar for your precinct, and carefully check your registration books with the Treasurer's certified list of voters and make up a list of Democratic voters who have not registered or transferred, and at the same meeting inquire for young men and women who have become 21 years old since February 1, 1921, who may still pay taxes and register. Any person who has become 21 since February 1, 1921, can pay $1.50 poll taxes, register, and vote in this election. They must, however, pay and register at least 30 days before the election.

This is a call from the Democratic Party for service, and I wish I could see each one of you in person and go over the work in detail, but this is impossible. I am sure that you will realize that this work is of the utmost importance, and may we not depend upon you to see to it that this work is thoroughly done at your precinct?

Please get in touch with your precinct chairman and registrar at once and fix a date for a meeting of your precinct committee.

Yours very truly,

E. R. COOMBS, *District Chairman.*

P. S.—Twenty-eight more days in which to register and transfer.

—

,BRISTOL, VA., *September 8, 1922.*

DEAR SIR: I herewith inclose copies of letters which I am writing to registrars and to precinct workers. I do not think we can place too much emphasis upon the importance of registration and transfer work at this time. It is absolutely imperative that our voters are fully registered and transferred at once, and I hope you will keep in close touch with this work in your county until you know the work has been thoroughly done.

We are very anxious at headquarters to get the names and addresses of voters who will probably desire to vote by mail, and I hope you will arrange to get this list from your county to me at once. I expect to write each one of these voters a letter, inclosing full instructions on voting by mail. Please get this list to me at once without fail.

Yours very truly,

E. R. COMBS, *District Chairman.*

Among other things he says:

BRISTOL, VA., *September 9, 1922.*

DEAR SIR: I would suggest, therefore, that you fix an early date for a meeting of your precinct committee with your registrar and carefully go over the work yet to be done at your precinct, and arrange with your registrar to go to the homes of voters yet to be registered and take their applications. We are finding in all parts of the district many young men and women who have become 21 years old since February 1, 1921, who can still pay $1.50 poll taxes and register and vote, and I would suggest that you inquire for voters who can qualify under this head at your precinct.

* * * * * * *

Yours very truly,

E. R. COMBS, *District Chairman.*

What unblushing audacity this is. Instead of urging the registrar to publicly announce that he will be at his office at certain hours available to all the public, he is urged to visit privately the homes of voters where he will be available only to those he may select, which, of course, will be Democrats.

A great many of these registrars are good men and are not responsive to these appeals; but I am sorry to say that there are some who are responsive.

RICHLANDS.

Another instance is that of Richlands precinct, that has a large Republican majority if the Republicans can register. It is near where Mr. Peery was born and reared. It is a hustling little town, with schools, churches, banks, brickyard, and a railroad-junction point, reaching the coal fields some 5 miles away. The surrounding country is beautiful and fertile. The registrar was W. T. Boggiss, one of the prominent merchants of the town, registrar for 20 years. He was summarily removed from office and the brother of Mr. Peery's brother-in-law, I am informed, appointed in his stead, and the Republicans had to secure a mandamus in court to even inspect the registration books, though the law plainly states that these books shall be open at all times to public inspection.

GRAHAM.

Likewise at Graham, John E. Boyle, a Christian gentleman, prominent merchant, leading citizen, and Mason, registrar for 20 years, was removed and another appointed in his place, whose life is not beyond reproach, and who, it is reported, is exercising unfair practices toward the Republican Party. How is this possible in enlightened Tazewell County? The secretary of the electoral board, I am informed, when George C. Peery was nominated for Congress was Chapman H. Peery, brother of George C. Peery. He resigned the secretaryship for the sake of appearances, but had his brother-in-law, I am informed, appointed instead.

POCAHONTAS.

The actions of the registrar at Pocahontas, who admits in writing that for a long time he had not taken a written application for registration, should be the subject of investigation, as the law plainly requires application in one's own handwriting before registering. This is a part of the educational qualification of the voter. If this statement of the registrar be true, the great body of votes at Pocahontas would be illegal and would be rejected by Congress if cast.

Here are three cases in the great county of Tazewell. And there are many similar ones in the district. The condition may be summed up by the statement that it is easy for the Democrats to be placed on the registration books; it is difficult, sometimes impossible, for the Republican voters to be registered. This discrimination is not contemplated by law, does not have the approval of the public, and should not be sanctioned by Congress.

HASSINGER'S RECORD AND LIFE.

While these methods are to be condemned as a matter of abstract principle and justice, they are especially to be deplored because they are being exercised against the particular individual who is the Republican nominee, Hon. John H. Hassinger. If there is a pure-minded soul in the ninth district of Virginia, it is Mr. Hassinger. If there is a life in this great district that is the subject of emulation, it is the life of Mr. Hassinger. Coming into our midst some 20 years ago, he has identified himself with our people in a modest, unassuming way to the great good of his neighbors and the communities in which he has lived. There is no good work in which he has not participated. Historic Emory and Henry College has been speeded on its way by help from the Hassingers. Likewise King College, at Bristol, Martha Washington, and Stonewall Jackson. The sick who are brought to the beautiful hospital at Abingdon are thankful that his munificence largely created this institution. Likewise the Negro hospital at Bristol. Wherever the Hassingers go, good works abound. Schools, churches, colleges, hospitals, community houses, good roads, good wages are all the subject of his care and attention, and they are open to all the people alike. The schoolhouse he built is open to Republican children and Democratic children on equal terms. If he was registrar and visited the Republican homes to register them, he would also visit the Democratic homes to register them. It is my own belief that when these facts are known the people themselves will repudiate the methods adopted to elect Mr. Peery, as should be done; and I am placing these indisputable facts in the CONGRESSIONAL RECORD that other States and other congressional districts may know of the methods adopted by certain Democratic politicians to take away this loyal district in the South from the Republican Party.

Certain it is that the good women of the district, whose entrance into politics is welcomed as a purifying influence, will not indorse such methods or such policies, by whatever party they are put forward.

The election day is November 7, more than one month from to-day; and the people may look for other wrongs to be perpetrated by and before that time, but of these we can not speak with definiteness. We can only surmise, and that is that the Democrats are spending and will spend more money than has been spent since Mr. Stuart attempted to capture the district in 1910. And there is no form of political wrongdoing that at some place or other may not appear.

This is to be an election at which a Representative in the Congress of the United States is to be chosen; and as the House of Representatives is the sole judge of the election and qualifications of its Members, I feel justified in using the columns of the CONGRESSIONAL RECORD to present these preliminary facts and features of a campaign that may possibly have its aftermath in the body of which I will not then be a Member.

EXTENSION OF REMARKS.

Mr. HULL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. HULL. Mr. Speaker, in view of the many allegations made on the floor of this Chamber by Democratic Members, together with the energetic publicity campaign now being carried on by the Democratic Party, criticizing and condemning the administration of the Republican Party, I feel compelled in all fairness to myself, and especially to my constituents for whose welfare I labor, to briefly call attention and consideration to the indefatigable labors, earnest application, and unparalleled achievements made by the Republican Party during the period of its present administration, as well as to certain facts and conditions existing at the close of the Democratic administration.

When the Republican Party came into power on March 4, 1921, it inherited as a partial legacy resulting from the folly, gross inefficiency, and maladministration of the Democratic Party the following:

A public debt of $24,000,000,000.

Industries at a standstill and 5,000,000 workmen out of employment.

The farming and live-stock industries facing ruin.

Thousands of cruelly neglected ex-service men.

Improperly protected foreign loans amounting to over $11,000,000,000, the repayment of which the Democratic administration was endeavoring to have indefinitely postponed, and even looking toward their ultimate cancellation.

The ghastly wreck of a shipbuilding venture costing the people of this Nation over $3,000,000,000.

Liberty bonds selling for 85 cents on the dollar.

A disastrous revenue system in operation, and the doors of our country open to the trade and cheap labor of the world.

An unnecessary personnel in the Army, Navy, and Federal Government.

Our participation in the great World War can not justly be advanced as a logical explanation or excuse for such a deplorable situation. The fruits of war are always bitter and the cost and burden heavy and severe for many years following, but the incomparable wastes, inefficiencies, and nonsensical procedure during the Democratic Party's eight years in office should not and can not now be clothed with a mantle of virtue under the guise of war.

Mr. Speaker, a moment's folly will oftentimes upset the hard and faithful endeavors of years of toil and sacrifice. On March 4, 1921, Republican leadership, ingenuity, and resource faced the necessity of checking and correcting not the folly of a moment's passion or unthoughtfulness, but rather the innumerable blunders and errors unthinkingly or unwisely made during the eight long years of Democratic Party control of the National Government.

That the people of this Nation did not err in placing their confidence and faith in the Republican Party is evidenced by the record of its achievements during the brief period of its exclusive control of all departments of the Government. Some of the things accomplished thus far are as follows:

The public debt has been reduced by over $1,000,000,000, and public expenditures have been reduced by over one and a half billion dollars.

Confidence has been restored in industrial circles; and notwithstanding the confusion and unfortunate handicap imposed by the coal and railroad difficulties, the wheels of industry are turning with ever-increasing momentum and the vast army of unemployed has been reduced to a minimum.

Never in the same length of time has Congress given more thought to or passed more helpful legislation in behalf of the farmer, and justly so, for the farmer is the Nation's greatest and most vital producer. Two factors largely contributed to the serious and grave situation of the farmer at the time when the Republican administration came into power: First, an increasingly large quantity of agricultural imports from various foreign countries admitted by the Democratic Underwood Tariff Act; second, the sudden and unwarranted restriction of credits to the American farmer in the summer of 1920 by the Democratic administration.

At the special session of Congress called by President Harding April 11, 1921, the emergency or farmers' tariff previously vetoed by President Wilson was promptly reintroduced and became a law May 27, 1921. The benefits thereof were immediately evident.

The War Finance Corporation act was amended so as to provide proper financial relief, without which aid many farmers would have been ruined.

An act legalizing cooperative marketing associations was passed.

The Federal farm loan act was amended, providing an additional fund of $25,000,000.

Appreciable reductions in freight rates on agricultural commodities have been effected, and the Republican Party will continue its efforts and labors in behalf of the interest and welfare of the American farmer.

Congress has readily passed all legislation providing for the relief and rehabilitation of ex-service men who were disabled or suffered injury as a result of their service to their country. It has been diligent in working for the welfare of the ex-service men. It has supported and will continue to support the adjusted compensation or so-called bonus measure.

The foreign debt refunding act was passed, creating a commission of five members to arrange with our foreign debtors as to the terms of payment of both principal and interest of the more than $11,000,000,000 which they owe us.

Every effort is being made to devise a method of salvaging the wreck of our shipbuilding venture, but the many problems created by past errors and blunders are difficult to solve.

Restored national confidence under Republican administration has brought the Liberty bonds above par.

Material reductions have been effected in the Army and Navy personnel, as well as in that of the Federal Government. The Army reorganization act, supplementing the national defense act, was passed. This is by far the greatest and most advanced step ever taken in military legislation. Greater national security has been provided thereby, although the personnel of the Army has been reduced from 240,000 to 125,000, with a proportionate reduction in the number of officers. The menace of universal military training, advocated by the Democratic administration, was also thereby done away with.

The National Guard was also reestablished.

The immigration restriction act was passed, thereby safeguarding American labor from the great influx of cheap foreign labor and war derelicts, which would otherwise have taken place. Also, the following summary quoted on page 76 of the Report of the Executive Council of the American Federation of Labor to the forty-second annual convention lists briefly the laws enacted by the present Congress favorable to labor:

1. Limiting immigration until June 30, 1922, to 3 per cent of the number of foreign born of any nationality in the United States according to the census of 1910. (Public No. 5.)
2. Extending the expiration of the 3 per cent immigration law to June 30, 1924.
3. Increasing the number of years to five instead of one that foreigners must live in Canada, Cuba, or Mexico before entering the United States.
4. Penalizing steamship companies that bring more than the quota of any nationality provided in the immigration law.
5. Appropriating $5,000,000 for purchase of seed grain and of feed for farmers in crop-failure areas of United States. (Public No. 177.)
6. For relief of distressed and starving people of Russia. (Public, No. 117.)
7. Authorizing associations of producers of agricultural products. (Public, No. 146.)
8. Appropriating $75,000,000 for construction of rural post roads. (Public, No. 87.)
9. Public protection of maternity and infancy. (Public, No. 97.)
10. Establishing Veterans' Bureau in Treasury Department. (Public, No. 47.)
11. Increasing force and salaries of Patent Office employees, etc. (Public, No. 147.)
12. Authorizing extension of time for payment of construction charges on reclamation projects, etc. (Public, No. 185.)
13. Amending act for retirement of employees in classified civil service. (Public, No. 142.)
14. Bringing all persons in classified civil service under retirement act. (Public, No. 182.)
15. Providing that water tenders, oilers, and firemen shall work 8 hours instead of 12 whether in port or at sea.
16. Appropriation of $225,000 for United States Employment Service of Department of Labor.
17. Appropriation for Women's Bureau of Department of Labor increased from $75,000 to $100,000.

Some idea of the immense labors of Congress is forthcoming when we consider the fact that during the present session over 16,000 bills were introduced and referred to the various committees of the House. After careful consideration, and in many instances exhaustive study, 545 of these were enacted into law, of which 405 were public bills in behalf of American labor, American industry, the American farmer, and the American people as a whole. Among the most important of these remedial measures are found—

The Budget system, checking and restricting wastes, duplication, and needless expenditures in the various departments of the Government.

The peace resolution, permitting the reestablishment of normal peace relations with Germany and Austria.

The disarmament conference agreement—doing away with the international race in the manufacture of implements of war, thereby lightening the heavy burden of taxation and successfully completing the greatest single move ever made toward the ultimate establishment of lasting peace among nations.

The Veterans' Bureau act—providing proper care and hospital treatment to all disabled or otherwise injured ex-service men.

Appropriation for the investigation and prosecution of war frauds.

The Federal highway acts—in the interest of good roads and of direct benefit to the farmer and the American people as a whole.

The maternity and infancy act—providing for the conservation of the greatest wealth of any nation, namely, "human resources."

The antigambling in grain futures act—regulating the transactions of grain exchanges and the prevention of gambling operations which disastrously affect the prices of grain and foodstuffs.

The Fordney-McCumber Tariff Act. During the time intervening between November 11, 1918, the day the armistice was signed, and May 27, 1921, the day the Republican emergency tariff act became a law, statistics show that over 20,000,000 bushels of corn, 45,000,000 bushels of wheat, 200,000,000 pounds of beef, veal, mutton, lamb, and pork, and 750,000,000 pounds of wool were imported from foreign countries. American farmers and live-stock interests were facing ruin until the passage by a Republican administration of the emergency tariff act, which had been previously vetoed by President Wilson. Immediately improved general conditions justified the passage of this act. Now, after many months of toil, exhaustive research, and careful deliberation, we have passed a permanent tariff act protecting the American farmer, American labor and industry, and, therefore, necessarily the American people, against the great influx of cheap foreign goods and produce, which would have undermined our individual and industrial prosperity.

Mr. Speaker, the record speaks for itself, and no amount of petty criticism can detract therefrom. Great strides have been made within a short period, and there still remains much to be done before this Nation is again brought back safely into the path leading ultimately to the great destiny reserved for it, but just as surely as history repeats itself, so will the progressive, resourceful, and wise leadership of the Republican Party eventually straighten out the messes and muddles bequeathed to it by an inefficient Democratic administration.

HOUR OF MEETING TO-MORROW.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 10 o'clock.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I understand that it is desirable that this should be done on account of the deficiency appropriation bill and——

Mr. CAMPBELL of Kansas. And another bill from the Committee on Ways and Means that will probably come over to-morrow.

Mr. GARRETT of Tennessee. That bill from the Committee on Ways and Means, as I understand, is a bill unanimously agreed upon by the committee, and it is a mere matter of administration?

Mr. FORDNEY. It is a transfer of statistics from the Treasury Department to the Department of Commerce.

Mr. GARRETT of Tennessee. It is not a controversial matter?

Mr. FORDNEY. No; both the Treasury Department and the Department of Commerce are in favor of it.

Mr. BLANTON. Mr. Speaker, reserving the right to object, there will be no attempt to take up any other matters under suspension besides the conference report?

Mr. CAMPBELL of Kansas. Matters of suspension lie with the Speaker, but I feel quite sure that I can say for the Speaker that there will be no motion to suspend the rules to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EXTENSION OF REMARKS.

Mr. COLE of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on law and enforcement.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the soldier bonus bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BULWINKLE. Mr. Speaker, on behalf of the gentleman from Maryland [Mr. Goldsborough], who is a member of the Committee on Election of President and Vice President, I ask unanimous consent for him to extend his remarks on the corrupt practices act and the expenditure of money in elections.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TINCHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the soldier bonus bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TINCHER. Mr. Speaker, the situation in Congress is rather peculiar, to say the least. We have the peculiar circumstance of the President of the United States, a Republican, on the advice and counsel of his Secretary of the Treasury, vetoing the soldiers' compensation act. We have the Republican leaders of the House favorable to passing the bill over the veto of the President, as are the Republican leaders of the Senate. But in the House two Democratic leaders, both alleged candidates for the Speakership, Mr. Garner of Texas and Mr. Garrett of Tennessee, are in accord with the President to the extent that they want to defeat the bill, while in the Senate the Democratic leaders, backed up by a leading Democratic Senator, a former Secretary of the Treasury, are fighting to defeat adjusted compensation.

I am glad to be a Member of the House where by a vote of nearly 5 to 1 we have demonstrated we have not forgotten our obligations to the ex-service men, and I am proud to be a member of the Kansas delegation. Every member of the delegation in the House at every opportunity voted for the compensation bill, and so have both of our Senators, and are all willing to be recorded as favorable to the passage of the bill, even though it be over the veto of the President of our own party. I feel sure that I voice the sentiment of the entire delegation in Congress from Kansas. We are now and shall continue to be for the adjusted compensation for the soldiers of the late war. I shall continue so long as I remain in Congress to oppose any proposition looking to the cancellation of the British war debt, and I shall continue to advocate and support a measure to compensate the services of the soldiers of the late war. I made speeches during the war boasting of the appreciation of our country for our service men, and I have in no way changed my mind with regard to adjusted compensation, nor have I changed my mind concerning the indebtedness to our Nation.

Mr. OLIVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the Government barge service.

The SPEAKER. Is there objection? [After a pause]. The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. On what?

Mr. TAYLOR of Colorado. On general principles; on the administration.

The SPEAKER. Is there objection? [After a pause]. The Chair hears none.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the work of the present Congress.

The SPEAKER. Is there objection? [After a pause]. The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. FOSTER. Mr. Speaker, this being an off year in so far as a presidential campaign is concerned, the Democratic leaders have not hesitated to praise President Harding in order to make more readily believed their charges against Congress, which are made to affect the coming congressional elections. These leaders have joined with a number of persons, made dissatisfied by a rapid return toward "normalcy," in carrying on an expensive and well-organized propaganda characterizing the present Congress "a do-nothing Congress." To substantiate their claims, they assert that great differences exist between the Executive and Congress.

The hopelessness of the situation in which the Democratic Party finds itself has prompted its leaders to make charges which are both false and inconsistent.

Little more than a month after President Harding took the oath of office he called the Sixty-seventh Congress into extraordinary session—extraordinary indeed, because, as the President said in his message at the joint session:

> We face our tasks of legislation and administration amid conditions as difficult as our Government has ever contemplated.

When the Republican Party came into power on March 4, 1921, it inherited, as a partial legacy resulting from the folly, gross inefficiency, and maladministration of the Democratic Party, the following:

A public debt of $24,000,000,000.

Industries at a standstill and 5,000,000 workmen out of employment.

The farming and live-stock industries facing ruin.

Thousands of cruelly neglected ex-service men.

Improperly protected foreign loans amounting to over $11,000,000,000, the repayment of which the Democratic administration was endeavoring to have indefinitely postponed, and even looking toward their ultimate cancellation.

The ghastly wreck of a shipbuilding venture costing the people of this Nation over $3,000,000,000.

Liberty bonds selling for 85 cents on the dollar.

A disastrous revenue system in operation, and the doors of our country open to the trade and cheap labor of the world.

An unnecessary personnel in the Army, Navy, and Federal Government.

This Congress has been in session 330 legislative days. It has been the hardest working Congress in the history of our Government and has enacted more legislation than any previous Congress in the same length of time.

Statistical recapitulation of first and second sessions combined of Sixty-seventh Congress, Sixty-sixth Congress, and Sixty-fifth Congress.

HOUSE OF REPRESENTATIVES.

	First and second sessions Sixty-seventh Congress.	First and second sessions Sixty-sixth Congress.	First and second sessions Sixty-fifth Congress
Calendar days	521	372	542
Actual days in session	328	293	361
Bills introduced	12,814	14,460	13,172
Joint resolutions introduced	387	381	352
Simple resolutions introduced	439	590	452
Concurrent resolutions introduced	71	61	61
Total bills and resolutions	13,711	15,492	14,037

Statistical recapitulation of first and second sessions combined of Sixty-seventh Congress, Sixty-sixth Congress, and Sixty-fifth Congress—Continued.

HOUSE OF REPRESENTATIVES—continued.

	First and second sessions Sixty-seventh Congress.	First and second sessions Sixty-sixth Congress.	First and second sessions Sixty-fifth Congress.
Public laws:			
Approved	364	264	243
Without approval	0	20	....
Over veto	0	2	....
Total public laws	364	286	243
Public resolutions:			
Approved	76	49	46
Without approval	0	3	....
Total public resolutions	76	52	46
Private laws and resolutions	147	75	32
Grand total public and private laws and resolutions	587	413	321
Committee reports:			
Union Calendar	445	365	273
House Calendar	227	238	203
Private Calendar	349	255	142
Total	1,021	858	618
Reported bills acted upon:			
Union Calendar	344	218	193
House Calendar	198	168	146
Private Calendar	273	84	33
Total acted upon	815	470	372
Reported bills pending	206	388	246
Total reported	1,021	858	618
Resolutions agreed to:			
Simple	202	233	169
House concurrent	27	19	....
Senate concurrent	15	12	....
	244	264	....

No less false are the charges that great differences exist between the President and his party in Congress. Throughout the most trying times of readjustment these two branches of Government have functioned more harmoniously than ever before, as will be seen by a comparison of the recommendations and approvals of the President and the accomplishments of Congress.

A Republican President, together with a Republican Senate and House, is steadfastly and successfully carrying out the Republican platform and program.

Recommendations of the President, as contained in his messages, and in their order.	*What Congress has done in conformity with the recommendations of the President.*

RETURN TO NORMAL.

Return to normal conditions.	Many laws passed to this end.

Most astonishing results have been made toward the return to "normalcy." Every department of the Government, by direction of the President, has exerted every effort to this end, and the result is being accomplished much more quickly than anyone had dared hope.

EXPENDITURES REDUCED.

"No more pressing problem than to restrict our national expenditures within the limits of our national income and at the same time measurably lift the burdens of war taxation."	There has been saved in economical administration $1,600,000,000. The war debt has been reduced $700,000,000. Taxes have been reduced $900,000,000.

TAXES LOWERED.

Not only was $900,000,000 lifted in taxes, but by enlarged exemptions the income taxes of about 90 per cent of the people were reduced.

"A prompt and thoroughgoing revision of the internal tax laws, made with due regard to the protection of the revenues."	Revenue law, Public No. 98, approved November 23, 1921. Internal taxes reduced as much as the necessary running expenses permitted.

TARIFF REVISION.

"Emergency tariff measures necessary to protect American trade and industry."	Emergency tariff, Public No. 10, approved May 27, 1921; and Public No. 91, approved November 16, 1921.

The President said:

> There is a storm of conflicting opinion about any tariff revision. We can not go far wrong when we base our tariffs on the policy of preserving the productive activities which enhance employment and add to our national prosperity.

Permanent tariff law.	Public No. 318, approved September 21. 1922.

To provide for the unsettled conditions in foreign trade, in this new tariff law the President, at his suggestion, has been authorized to raise and lower rates within certain limits. This is the first step looking toward a scientific adjustable tariff, and also toward the taking of the tariff out of politics.

Referring to the sections carrying this grant of authority, President Harding, in attaching his signature to the new act, declared that "if we succeed, as I hope we will succeed, in making effective the elastic provisions of this bill, this will prove the greatest contribution toward progress in tariff making in a century."

NATIONAL BUDGET SYSTEM.

"Legislation providing for the National Budget System."	Budget Law, No. 13, approved June 10, 1922.

Not only has the Budget Bureau, under the efficient management of its first directors, in harmony with the views of the Chief Executive, asserted a most helpful and beneficial influence over the estimates presented to the Congress, but the director, with the constant and unfailing support of the President, has exerted a mighty influence for economy over the departments and bureaus and independent establishments of the Government, resulting in the saving of many millions of dollars out of appropriations made before the Budget was established. The Congress, and particularly the House of Representatives, which, after all, is the final arbiter, trimmed the appropriations below even the reduced estimates of the Budget.

As a result of economy and good business management of the Nation's affairs the total gross debt of the Nation was reduced, between May 31, 1919, and June 30, 1922, almost $3,000,000,000, or, to be exact, $2,953,492,388. The reduction in expenditures by years has been as follows:

Fiscal year 1919	$18, 514, 879, 955. 00
Fiscal year 1920	6, 560, 467, 535. 13
Fiscal year 1921	5, 538, 209, 189. 30
Fiscal year 1922	3, 795, 302, 499. 84

Leaving out of consideration the enormous reduction of more than $12,000,000,000 between the expenditures for 1919 and 1920, the most remarkable showing ever made of Government retrenchment in time of peace is to be found in the reduction of expenditures for the fiscal year which closed the 1st of last July of nearly three billions below the expenditures for the fiscal year 1920.

BUSINESS IN GOVERNMENT.

The President promised to take the Government out of business and to put more business into the Government, which promise he immediately started to fulfill, and has been consistently working toward that end with remarkable success.

TRANSPORTATION AND DISTRIBUTION.

"The great interest of both the producer and consumer—indeed, all our industrial and commercial life from agriculture to finance—in the problems of transportation will find its reflex in your concern to aid reestablishment, to restore efficiency, and bring transportation cost into a helpful relationship, rather than continue it as a hindrance to resumed activities."	Commission to report property of railroads, Public Law No. 233, approved June 7, 1922. Financing of railroads by amending transportation act passed House and has been reported in the Senate. Reparation for damage claimed through unjust rates, Public law No. 149, approved February 24, 1922. A number of bills are under consideration in relation to the railroads.

The Joint Commission on Agricultural Inquiry, after a long and careful survey, has issued a comprehensive report on the losses in transportation and distribution, which will be the basis of legislation.

GOOD ROADS.

"Transportation over the highways is little less important, but the problems relate to construction and development and deserve your most earnest attention, because we are laying a foundation for a long time to come, and the creation is very difficult to visualize in its great possibilities."	Good roads construction program with Federal aid to roads, Public, No. 87, approved November 9, 1921. Additional sums for construction and repair of post roads are provided for in the Post Office appropriation, Public, No. 244, approved June 19, 1922.

The Federal highway act, which became a law November 9, 1921, as an amendment to the Federal road aid act, carried out the President's recommendations with regard to needed and essential changes in the Federal road aid act, particularly with a view to centralizing authority in the States and insuring the upkeep of Federal aid roads. The act made an appropriation of $75,000,000 for Federal aid in road building for the fiscal year ended June 30, 1922. Appropriations for highways were authorized in the sum of $50,000,000 for the fiscal year ending June 30, 1923; $65,000,000 for 1924; and $75,000,000 for 1925.

RIVERS AND HARBORS.

"Linked with rail and high way is the problem of water transportation."	Rivers and Harbors, Public, No. 362, approved September 22, 1922. Other bills pending.

RADIO.

"It is proper to invite your attention to the importance of the question of radio communication and cables."	Radio stations, Public Resolution No. 48, approved April 14, 1922. Other radio legislation pending.

AVIATION.

"Aviation is inseparable from either the Army or the Navy, and the Government must in interest of national defense encourage its development for military and civil purposes."	Appropriations for further development of the airplane were made in both the War Department and the Post Office Department appropriation bills.

SOLDIERS OF THE WORLD WAR.

"The American people expect Congress unfailingly to voice the gratitude of the Republic in a generous and practical way to its defenders in the World War."	The American people through their Congress are doing more for their soldiers than any nation in the world. In addition numerous bills are now being considered.

Continuing its policy of making every needed provision for the care and comfort of the sick and disabled veterans of the World War, Congress passed the act of April 20, 1922, which authorized appropriations in the sum of $17,000,000 in aiding the Director of the Veterans' Bureau to provide for the construction of additional facilities and to furnish medical, surgical, and hospital services and supplies for persons who served in the World War, Spanish-American War, the Philippine insurrection, and the Boxer rebellion. These funds are in addition to the $18,000,000 provided for similar purposes near the close of the Sixty-sixth Congress, and it is believed that with the sums now made available abundant hospital facilities will be provided for all of the veterans who may seek them.

Among the many laws passed of interest to war veterans, and in addition to those herein considered, may be mentioned the following:

> For the purchase of land for cemeteries for American military dead in Europe; for congressional medal of honor and distinguished service cross to be awarded unknown American buried in Arlington Cemetery; for the transportation home of the wives and children of destitute soldiers discharged in Europe; for the subsistence and travel pay to place of enlistment of honorably discharged soldiers; authorizing the absence of wounded soldiers from homestead entries; several laws amending the act providing hospital facilities for patients of the Veterans' Bureau; providing that pensions apply to soldiers not covered by the war risk insurance act; providing for the monthly payment of pensions of Civil War veterans and their widows.

PUBLIC WELFARE.

"During the recent political canvass the proposal was made that a department of public welfare should be created."	This proposition is now being seriously considered in connection with the reorganization of the executive departments.

MATERNITY AND CHILD WELFARE LEGISLATION.

"I assume the maternity bill, already strongly approved, will be enacted promptly."	Maternity and infancy law, Public, No. 97, approved November 23, 1921.

NATURALIZATION OF ALIEN WOMEN.

My colleague, Hon. JOHN L. CABLE, introduced a bill, which was enacted into law, authorizing the naturalization of alien women independent of the naturalization of their husbands, and for the retention by American women of their citizenship, notwithstanding marriage to an alien, so long as they desire to remain residents of the United States. It provides against the automatic loss of an American woman's citizenship by her marriage to the alien, and for the restoration to citizenship of such women who have lost their citizenship by such marriage.

ANTILYNCHING.

"Congress ought to wipe the stain of barbaric lynching from the banners of a free and orderly representative democracy."	Antilynching bill passed the House January 28, 1922, and has been favorably reported in the Senate.

APPROPRIATION BILLS.

"It is needless to call your attention to the unfinished business inherited from the preceding Congress."	All appropriation bills which had not been completed by the Senate in the preceding Congress were passed.

> The appropriations for 1922 were $4,065,000,000 and the estimates were $5,600,000,000, showing an approximate reduction of $1,600,000,000. These estimates were submitted by a Democratic administration and the appropriations were made by a Republican Congress.

REDUCTIONS OF ARMAMENT.

"The Government is in accord with the wish to eliminate the burdens of heavy armament."	Large reductions were made in the cutting of War and Navy Departments' appropriations.

PEACE WITH THE WORLD.

"Nearly two and a half years ago the World War came to an end, and yet we find ourselves today in the technical state of war, though actually at peace."	Peace resolution was early enacted. Public Resolution No. 8, approved July 2, 1921.

AGRICULTURAL LEGISLATION.

"The after-war distresses of two great and fundamental activities have been riveting the anxious attention of the country. One is the restoration of agriculture, the other is the distress of our railway transportation system."	Railroad funding bill has passed the House and has been reported in the Senate. A great variety of bills have been introduced to aid the agricultural situation. A general summary follows:

> A Republican Congress passed an emergency tariff bill in an attempt to stem the deluge of imports. Wool had become so cheap that it was substituted for cotton. One of the first acts of the new administration was to reenact the emergency tariff law and wool at once advanced.
>
> The Russian relief measure stimulated the upward trend of foreign and grain prices.
>
> The War Finance Corporation act was amended in order to extend credits to those marketing farm products.
>
> Another law increased the interest rate on farm loan bank bonds so as to make the sale of the bonds possible, but without advancing the rate to the farm borrower.
>
> A law diverting $25,000,000 from the Federal Treasury for additional working capital for the farm loan bank.
>
> A law amending the Federal reserve act so as to make provision for placing a "dirt" farmer on the Federal Reserve Board.
>
> The packers and stockyards act prohibits packers from engaging in unfair practices, from giving preferences, from engaging in any act in restraint of trade, or from creating a monopoly.
>
> The futures trading act outlaws gambling in farm products on the stock exchange.
>
> The "filled milk" act makes unlawful the sale of milk substitutes.
>
> The good roads bill made $75,000,000 available for road construction work, with special provision for farm-to-market highways.
>
> A law taking farmers' cooperative marketing organizations from the antitrust provisions of the present law. The bill will enable the farmers through their own organizations to market their produce, stabilize the market, and guarantee a fair price.

PEACE CONFERENCE.

Peace conference for the limitation of armaments.	Congress requested the President to call such a conference.

The results of that conference were so well set forth by my colleague, Hon. S. D. FESS, that I quote:

> There in the Capital of the Republic sat for three months representatives of the powers of the world. One by one these questions were proposed, discussed, and voted on, with our Government calling the roll of the world. We note every proposal submitted and voted upon in the plenary conferences had been submitted by some one of the American delegation. Every proposal voted upon was adopted. But the most significant of all facts is that not a single proposal received a single adverse vote from any nation. Here, by unanimous agreement, armament on the sea is limited, rivalry on the sea is ended, use of poisonous gas is abolished, the submarine is limited under international law; the magna charta of China is guaranteed; the "open door," for which we have ever contended, agreed upon; our rights in the Pacific admitted; treaty provision for adjustment of Pacific problems arbitrated; Shantung restored to China; Anglo-Japanese alliance canceled; all in all an achievement pronounced by European opinion, no less than Lloyd-George and Paul Hymans, a recent president of the League of Nations, as the greatest work for world peace in the history of the world. It was all done without show or noise. It is with pardonable pride that out of this caldron of almost universal warfare, with every relation more or less strained by both actual war and the unhappy confusion to follow after the war, this Nation has emerged with its sovereignty untouched, its independence intact, its rights all conserved, its disputes generally composed, its rivalries allayed, its friendships with all nations strengthened, its moral leadership universally conceded, the wrongs of China corrected, and the way opened for composure in the Orient. I challenge the record to produce a greater achievement in the history of diplomacy.

FUNDING OF WAR DEBTS.

"There is pending a grant of authority to the administrative branch of the Government for the funding and settlement of our vast foreign loans growing out of our grant of war credits."	Refunding Law No. 139, approved February 9, 1922, and the commission is now negotiating with the debtor nations with a view toward settlement of this difficult problem of world finance.

HOME MAKING.

"Home making is one of the greater benefits which government can bestow. Measures are pending embodying the sound policy to which we may well adhere."	Public Resolution No. 36, approved January 21, 1922, provides for preference rights of homestead entries for 90 days to ex-service men. Other homestead legislation enacted.

RUSSIAN RELIEF.

"Unreservedly I recommend the appropriation necessary to supply the American Relief Administration with funds for Russian relief."	Russian relief, Public Law No. 117, approved December 22, 1921, providing for grain for food and also seed for planting.

TO MAKE ALL BONDS TAXABLE.

"Many of us belong to that school of thought which is hesitant about altering the fundamental law. I think our tax problems, the tendency of wealth to seek nontaxable investment, and the menacing increase of public debt, Federal, State, and municipal—all justify a proposal to change the Constitution so as to end the issue of nontaxable bonds."	A number of joint resolutions proposing such an amendment have been introduced in this Congress and have been referred to the Committee on Ways and Means, which committee has favorably reported on House Joint Resolution 314 with a view of carrying out this recommendation.

ST. LAWRENCE RIVER.

Report on St. Lawrence River.	Referred to the committee and is being considered.

MERCHANT MARINE.

"The proposed aid of the Government to its merchant marine is to have its chief source in the duties collected on imports. I propose that we shall collect all import duties, without discrimination as between American and foreign bottoms, and apply the heretofore proposed reduction to create a fund for the Government's aid to our merchant marine."	The message of the President containing these proposals was referred to the Committee on Merchant Marine and Fisheries. A bill for the purpose was soon introduced and referred to this committee, which reported it favorably to the House, and is now on the calendar.

One of the most important measures which has been considered by a House committee, and which now awaits action by the House, is the shipping bill. In the early history of the Republic we were the possessors of as fine a merchant fleet as sailed the seas, and our brigs and clipper ships carried our flag to the ends of the earth. At one time and another legislation to aid in the reestablishment of a first-class American merchant marine has occupied the attention of the Congress, but always the question was, "What shall we do to build and equip a merchant fleet?" The question now before us is an entirely different one. It is, "What shall we do with the fleet we have already builded at a cost of three and a half billions of the people's money?" Shall that vast expenditure be a total loss or shall we out of it, and through it, reestablish American shipping on a generous scale and restore our merchant flag to its rightful place in the shipping business of the seven seas? A measure aimed to accomplish this highly useful and patriotic purpose has been reported, and in the no distant future it will be our duty, as Representatives of the American people, to give earnest and unbiased consideration to the solution of the problems which our war-built ships and our national need for shipping present to us.

TO CELEBRATE DECLARATION OF INDEPENDENCE.

"It seems appropriate to call the attention of Congress to the fact that July 4, 1926, will mark the one hundred and fiftieth anniversary of the Declaration of Independence. I am sure the Congress will agree that such an epochal event, which has meant so much to our own Republic and has provided such a stimulating example to liberty-loving peoples throughout the world, should have fitting commemoration."	This suggestion met the hearty approval of Congress, and a joint resolution looking to such a celebration at Philadelphia was enacted. Public Resolution No. 69, approved August 29, 1922.

FUEL FACT-FINDING COMMISSION.

"I am asking at your hands the authority to create a commission to make a searching investigation into the coal industry, with provision for its lawful activities and the bestowal of authority to reveal every phase of coal production, sale, and distribution. I am speaking on behalf of the mine workers, mine operators, and the American public. It will bring protection to all and point the way to continuity of production and the better economic functioning of the industry in the future."	Such a commission to consist of seven members and clothed with authority, as suggested by the President, has been provided. The commission is to report promptly, and it is believed that the information which it secures and presents in its report will be most helpful and useful in the consideration of the many questions and problems which require study and solution in connection with the industry, in the interest of those engaged in it and of the general public, which has so lively an interest in the matter of fuel supply. (Some of us supported an amendment requiring the appointment of coal operators and coal miners on this commission.) Public Law No. 347, approved September 22, 1922.

FEDERAL COAL DISTRIBUTION.

"If it may have your approval, I recommend immediate provision for a temporary national coal agency, with needed capital to purchase, sell, and distribute coal which is carried in interstate shipment. I do not mean that all interstate coal shall be handled by such a Federal organization; perhaps none will be necessary; but it will restore its capital to the Public Treasury and will be the instrumentality of guarding to the public interest where private conscience is insensible to a public need."	The Congress has promptly responded and placed upon the statute books legislation which it is believed will go far toward preventing the exorbitant prices for coal which have been threatened. The Government has no authority to directly fix prices, but the Interstate Commerce Commission has authority to provide for the allotment and allocation of cars and the legislation which has been enacted provides for a Fuel Director, whose duty it shall be to study conditions and make recommendations to the Interstate Commerce Commission with regard to car allotments and allocations, with a view to distributing coal in accordance with immediate needs and of discouraging the charging of exorbitant prices by withholding car allotments. After all, it will be found that the supply of coal cars and transportation will be the controlling element in price fixing. Public Law No. 348, approved September 22, 1922.

PRESIDENT AND CONGRESS.

Congress passed 592 bills. All were signed by the President except five. Four of those were not approved because the President thought the existing laws were sufficient. The adjusted-compensation veto was the only one disclosing any substantial difference between the President and the Congress. It is evident that the executive and legislative branches are in substantial and hearty accord. It is confidently believed that an adjusted compensation bill will be passed soon that will meet the approval of the President. The difference is not in principle but rather in the method of financing.

Not only has the Congress been working continually along the lines recommended by the President, but the President has acceded to all the requests of Congress.

It will be seen that the executive and legislative branches have been in accord in practically all matters legislative. It might be attempted to argue that these two branches are at variance on the matter of adjusted compensation for the soldiers. Both the President and Congress agree as to the purposes, but the President maintains that he can not give his approval to such compensation until the means of payment is provided.

In addressing a joint session of Congress, the President said in part:

> Ours is a popular government through political parties. We divide along political lines, and I would ever have it so.

Continuing, the President said:

> Granting that we are fundamentally a representative popular Government with political parties the governing agencies, I believe the political party in power should assume responsibility, determine upon policies in the conference which supplements conventions and election campaigns, and then strive for achievement through adherence to the accepted policy.

It has been demonstrated in our form of government that the executive branch and both Houses of Congress should be of the same political faith.

The Republicans in Congress have policies and a program and are working toward the accomplishment of those policies and that program. The only policies the Democrats can lay claim to is that of persistent and carping criticism. It is the prerogative of the minority to criticize. Both having made good in their respective functions, it will no doubt seem wise to the electorate to continue the Republican majority and the Democratic minority.

"Uncle JOE" CANNON, who is voluntarily retiring from political life after having served 50 years in the Congress, said:

> The problems before this Congress have been as hard as any that I have encountered in my half century in legislation. I marvel how well we have been able to solve them.

PERMISSION TO ADDRESS THE HOUSE.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. FORDNEY] may address the House for 20 minutes.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the gentleman from Michigan may proceed for 20 minutes. Is there objection?

There was no objection.

Mr. FORDNEY. Mr. Speaker, and gentlemen of the House, it has been stated in the Senate in opposition to the tariff act signed by the President:

> That before the tariff act had been in force a year the consumers would be "paying more taxes indirectly in the way of increased prices than were collected out of the people during the year of the World

> War, when this country was maintaining 4,000,000 men on foreign soil and had to finance not only itself but its allies." It will cost the American people from $3,000,000,000 to $3,500,000,000 at the start and double that amount at the end.

The man does not live who can with the slightest degree of accuracy determine in advance the cost to the American people justly attributable to any tariff act. Trade accommodates itself to such acts along the lines of least resistance, and unconscionable traders make undue prices because of it. All such statements are purely speculation and political buncombe. They are and can be no more than wide guesses. It is astonishing, to say the least, that gentlemen holding high, responsible positions will, speaking with the authority and impressiveness of that position, put out to the country such wild and unfounded declarations. The statement says that the people will be "paying more taxes indirectly in the way of increased prices" than three and one-half billion dollars, and probably double that amount. The taxes estimated to be indirectly collected by this bill do not exceed $400,000,000, certainly not more than $500,000,000.

The same prophetic authority has ever since the bill reached the Senate deluged the country with these inaccurate and indefensible statements. I challenge their accuracy and defy their author to prove the same. I challenge any man to give even approximate figures supporting this statement. The public interest and the high trust of a Member of the Congress of the United States demand fair and accurate statements, regardless of political effect, as to the effects of legislation. But conceding this wild guess, asserted as a truth, to be correct, to all true Americans it is an argument for rather than against the act. It assumes that the American people in the next year are going to have the money and will actually purchase goods affected by the dutiable provisions of the act to the value of more than three and one-half billion dollars. The argument implies that without the act these goods would be bought in foreign and not American markets, or, to the same effect, be expended here for foreign rather than domestic goods. Without the act, these three and one-half billion American dollars will be spent abroad or be expended here for goods made abroad; with the act, that money will be spent in our country for goods made or produced here by our labor. Every red-blooded American ought to applaud the act which compels so great an expenditure, or any considerable portion thereof, in our country for our productions rather than abroad or for foreign productions. It means our mills, our farms, and our labor will receive this money rather than foreign mills, foreign farms, and foreign labor. That vast sum, or a considerable part thereof, will be kept and expended at home for home products, and each and every American thereby will be enabled to pay the higher price for what he eats and wears. When our mills and farms are kept busy and our labor employed, they can afford to pay higher prices for what they consume. When not employed, they can not afford to pay any price whatsoever. If every factory hand in the East is working at high wages, he is buying the meats, flour, eggs, and fruits and wearing clothes produced by the farmer of the West. If the farmer and laborer of the West can sell his products to the laborer of the East, he has the money to pay higher prices for his clothes and everything he uses.

Under this act in order that the American public shall, as claimed, pay three and one-half billion dollars more for their wares American producers and laborers must produce many times that much more and be paid therefor higher profits and higher wages. It must be many times that much more, for certainly any amount of increase in costs made by any such act is only part of the value of the goods as sold. When paid higher profits and higher wages our producers and farmers will have better and higher markets for their produce and will be able to pay higher wages to their labor. In other words, the argument of the distinguished statesman is that this act will compel three and one-half billion dollars more of production in the United States, and that our people will be compelled to consume three and one-half billion dollars more in values of our products, because of shutting out foreign goods, and that there will be three and one-half billion dollars more expended among our people, rather than sent abroad, or expended here for foreign goods. God speed the day! Lincoln truthfully, in effect, said no nation can always buy without selling, and no nation can always sell without buying. But under the free-trade policy of the past nine years this Nation was rapidly drifting to a buying nation only. Imports from cheap producing countries were gradually but surely closing our factories and our mills and underselling our farms. How long could we thus exist, with our factories and mills closed and their labor thrown out of employment, with our farms sustaining themselves by increased mortgages, and with our importing and retailing interests alone profiting? It was but a question of how long our national wealth could be sent abroad to turn the wheels of foreign mills and feed and clothe foreign labor making huge profits in our markets. If this act turns the course of this stream of three and one-half billion dollars, or a considerable portion thereof, from the foreign mill, farm, and laborer to turn the wheels of our mills, speed the plows of our farms, and feed the mouths of our labor, as it will, it means prosperous and happy America and American labor. [Applause.]

There is not the slightest necessity that this bill should to any considerable extent increase costs to the American consumer. Already American prices are extraordinarily high. Already, as has been clearly shown by hundreds of exhibits made to the Senate and the House, foreign goods are selling in our markets at profits of from 100 to several thousand per cent. Three and four hundred per cent profit is a common thing. This bill simply calculates to divert at least a small part of those profits from the foreigner and his representative in this country to the United States Treasury.

From January 1 to December 31, 1921, the total imports into the United States were $2,509,025,403. From January 1 to July 31, 1922, foreign imports into this country were $1,671,535,975, or, at the same ratio, for the whole year, January 1 to December 31, 1922, $2,867,890,243. These figures are based on foreign wholesale selling prices. All know that these are ridiculously low. There has been shown the tremendous profits the American consumer pays over and above these invoice prices. One hundred per cent profit alone upon these imports for the current year would represent payment out of the pocket of the American public for foreign goods, to employ foreign mills and feed foreign labor, the vast sum of $5,735,780,486. The estimated benefit to the Government in duties on that vast amount of money paid out by the American people for foreign goods in 1922 would be but $423,131,448, or 7 per cent of the price realized therefor from the American consumer, and probably much less. On the exceptionally low profit estimated of 100 per cent on and above the invoice price the American consumer in 1922 will pay for foreign goods imported into the United States under the Underwood and Simmons law but 7 per cent; that is, foreign goods marketed at retail in the United States to the extent of at least $5,735,780,486 pay into our Treasury—and our manufacturers are protected therefrom—to the extent of 7 per cent only. In view of the tremendously high costs of labor and materials in the United States to-day, and the exceedingly low cost of the same in foreign countries, who can say that 7 per cent is a sufficient rate of duty to protect our industries and our labor; or, by the same figures, confining the estimate to the actual entered values alone, that 14.87 per cent, the rate actually collected for that period under the Underwood and Simmons bill, is sufficient for this protection?

Value of imports into the United States and the duties collected thereon.

	Values of imports and duties collected.	Per cent.
Jan. 1 to Dec. 31, 1921:		
Dutiable	$946,834,248	32.26
Free	1,562,191,155	....
Total	2,509,025,403	12.17
Duties collected	305,475,485	....
Jan. 1, 1922, to July 31, 1922:		
Dutiable	673,322,913	36.36
Free	998,213,062	....
Total	1,671,535,975	14.78
Duties collected	246,926,617	....
Estimated 12 months	2,867,890,243	....
July 1, 1920, to June 30, 1921:		
Dutiable	1,517,018,842	20.34
Free	2,137,440,504	....
Total	3,654,459,346	8.44
Duties collected	308,564,392	....
July 1, 1921, to June 30, 1922:		
Dutiable	1,009,190,390	35.32
Free	1,598,818,618	....
Total	2,608,009,008	13.66
Duties collected	356,443,386	....
For the month of July, 1922:		
Dutiable	101,151,078	37.06
Free	150,977,129	....
Total	252,128,207	14.87
Duties collected	37,491,591	....

Why should not the American people, already overburdened with taxes, require that the foreigner's profits contribute more thereto? Why should not the American manufacturer, farmer, and laborer share more in the production of this vast quantity and the tremendous values of our consumption?

This act reaches out to gather in more of the foreigner's outrageous profits in reduction of the taxes of our people. This act reaches out to divert some of the billions of our money from foreign channels in aid of American manufacturers and producers and labor, rather than the upbuilding of the foreign factory and aiding the foreign producer and feeding foreign labor. In view of present high prices and enormous profit in foreign goods sold in our markets there is not the slightest ground for an appreciable increase in retail prices in any goods foreign or domestic, and whoever so does increase prices will be a profiteer pure and simple. Any such unjustifiable acts should be met, not by a repeal of this American measure but by stringent laws making profiteering a crime and misrepresentation of the tariff increment in sales prices punishable as obtaining money under false pretenses.

The proponents of this act believe in American institutions, in American industry, in American labor, in American men and women, and by this present to the country a purely American act. To those who believe in flooding our markets with cheap foreign goods, closing our mills, throwing our labor out of employment, and mortgaging our farms, while the foreign mills run overtime, the foreign farm thrives, and foreign labor prospers this act is, as proclaimed by them, "infamous" and "outrageous," but to those who believe in American prosperity, in American institutions, and American labor this act is "salvation." [Applause.]

EXTENSION OF REMARKS.

Mr. ROBSION. Mr. Speaker, I wish to make a unanimous request that I be permitted to extend my remarks briefly in the RECORD on the legislation of the Sixty-sixth and Sixty-seventh Congresses.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks on the legislation of the Sixty-sixth and Sixty-seventh Congresses. Is there objection?

There was no objection.

PERSONAL STATEMENT.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to address the House for five minutes on a more or less personal matter.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Speaker, on yesterday, when the question of the President's veto of the bonus bill came up, I raised the point that, according to my recollection, the Constitution of the United States provided that we should proceed to vote without debate upon receipt of any veto message from the President. I admitted that I had not read the Constitution for a good many years and that I might be mistaken. I have investigated the matter and I find that I was mistaken. I used to serve occasionally in the Kentucky House of Representatives, and when I made the point yesterday, I had the Federal Constitution confused in my mind with the Kentucky constitution. I do not regret that I made the point, even though I was in error, because the developments show merely how much more progressive Kentucky is than the Federal Government. [Applause.] The fact that the previous question was immediately ordered, cutting off all debate, was an example of the practicability of the inhibition against debate on the President's veto, and which I think would be a decided benefit over the present practice.

Speaking of matters progressive, I am reminded that my attention has been called within the past day or so to a copy of a paper entitled "Labor," in which is a column headed "Political question box." In that question box I find—unless it is a fake inquiry, which frequently happens—that a constituent of mine at Hazard, Ky., requested the gentleman who answers these questions to print "some information as to the stand of JOHN W. LANGLEY, of Kentucky, on labor."

I take it for granted, if it was a genuine inquiry, that some enemy of mine submitted the inquiry. At the same time, he is my constituent and is entitled to ask the question. I insist, however, that the gentleman who answers it has no right to lie about it. I do not happen to know what distinguished person answers these question-box inquiries, but he saw fit to answer this particular inquiry as follows:

> LANGLEY has been 100 per cent wrong on every progressive measure that has come before Congress in recent years.

[Laughter.]

Mr. Speaker, permit me to say in reply that the gentleman who answers these questions, whoever he is—and I do not happen to know his identity—is a 100 per cent liar. [Laughter.]

Gentlemen of the House, I was born and reared on a farm [Applause.] I worked on that farm—hoeing corn, plowing, and doing everything else that a farmer does—until I was nearly 21 years of age. Since that time I have been working in other lines of work, but I have always been a worker, and I have never been a loafer. I have never been accused by anybody of being a fool, so far as I have been advised, and I think my associates in this great body, where I have served for 16 years, who have served with me long enough to know me, regard me as having at least ordinary common sense—certainly sense enough to know the purport of a bill. I want to say that never in my life have I voted for a measure which I thought was inimical to the best interests of the laboring people of this country; and anybody who says it, says something that he ought to know is not true, and which I believe he knows is not true. My venerable friend, Uncle JOE CANNON, who is sitting in front of me, has been through it and knows exactly what I mean.

I say that whoever this gentleman is—I care not how distinguished he is—when he, in these times of great national distress, when this country is laboring under profound industrial disturbances and labor difficulties, seeks to make the impression that the constituted authorities of this Government are not doing the best they can to meet the situation, and who with a flippant wave of his hand seeks to make the people of this country believe that a patriotic public servant, who has spent his life in endeavoring to help his country and to do what he could to relieve it of its difficulties and distresses and who has faithfully worked to that end guided by the information he possesses, attempts to mislead the distressed people of this country, is little less than a traitor to his country, and I should like to see him prosecuted as such. [Applause.] Having said this much, gentlemen of the House, I do not desire to detain you longer, and I ask unanimous consent that I may extend my remarks in the RECORD in order to prove that whoever this gentleman is, he is a 100 per cent liar, and that I am fully justified in every word that I have said in these brief remarks. I am proud of my record, and I want to say that these aspersions upon it are a deliberate attempt to mislead a distressed and disturbed public, which no patriotic American citizen would do. [Applause.] Mr. Speaker, again I request that I may have unanimous consent to extend my remarks in the RECORD in order to substantiate every word that I have said. [Applause.]

The SPEAKER. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

LIZZIE ASKELI.

Mr. EDMONDS, from the Committee on Claims, submitted for printing, under the rule, a conference report and accompanying statement on the bill (H. R. 3034) for the relief of Lizzie Askeli, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3034) for the relief of Lizzie Askeli, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

G. W. EDMONDS,
JAMES P. GLYNN,
H. B. STEAGALL,
Managers on the part of the House.

ARTHUR CAPPER,
PARK TRAMMELL,
F. R. GOODING,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3034) for the relief of Lizzie Askeli submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amount is reduced from $5,000 to $2,500.

G. W. EDMONDS,
JAMES P. GLYNN,
H. B. STEAGALL,
Managers on the part of the House.

SETTLEMENT OF CERTAIN CLAIMS AGAINST THE GOVERNMENT.

Mr. EDMONDS, from the Committee on Claims, also submitted for printing, under the rule, a conference report and accompanying statement on the bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

G. W. EDMONDS,
JAMES P. GLYNN,
Managers on the part of the House.
ARTHUR CAPPER,
PARK TRAMMELL,
F. R. GOODING,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amendment of the Senate numbered 1 defines that the word "employee" shall include enlisted men in the Army, Navy, and Marine Corps.

The amendment numbered 2 makes the settlement of claims retroactive to April 6, 1917.

G. W. EDMONDS,
JAMES P. GLYNN,
Managers on the part of the House.

DAMAGES ARISING FROM COLLISIONS WITH NAVAL VESSELS.

Mr. EDMONDS, from the Committee on Claims, also submitted for printing, under the rule, a conference report and accompanying statement on the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

G. W. EDMONDS,
JAMES P. GLYNN,
Managers on the part of the House.
ARTHUR CAPPER,
PARK TRAMMELL,
F. R. GOODING,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amendment changes the amount from $1,000 to $3,000.

G. W. EDMONDS,
JAMES P. GLYNN,
Managers on the part of the House.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. POU] may proceed for 10 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from North Carolina may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, this session of Congress, which is now about to close, and the session which preceded it, have not been characterized by a course of courageous action on the part of the majority party. Most of the things the Republican Party promised to do have been left undone, and most of the things they did were better left undone.

The President of the United States, with great emphasis, in a message delivered in person to the House of Representatives in accordance with a custom revived by his predecessor, in effect announced that the paramount purpose of his administration was the permanent establishment of a great merchant marine, and in pursuance of that suggestion the so-called subsidy bill was prepared. So earnestly does the President favor this so-called subsidy bill it was announced he would reconvene Congress in extraordinary session if an adjournment were taken without considering the measure. We are about to adjourn, but there is a rumor which appears to have basis that we are to be called back about November 15. So fearful of the effect on the Nation is the majority party that it is not to be frankly announced now that this so-called adjournment is in effect a recess until November 15, when, as everyone expects, we will be reconvened to consider the President's pet measure, the subsidy bill.

Why not be frank about your purpose? The President is for the subsidy bill and this House will be called upon to vote that measure up or down before Christmas, probably before December 1. Perhaps Republican managers on this floor consider their burden already too heavy without the added burden of the subsidy bill.

The tariff bill, about which the gentleman from Michigan [Mr. FORDNEY] has been talking, is nothing less than a legislative crime. The gentleman from Michigan talks about protecting this country against Europe, and it has only been a few months back when we were appropriating money to keep the people of Europe from starving. It is a matter of common knowledge that nearly all of the nations of Europe are already bankrupt. We have been appropriating money to feed them. Three-fourths of Europe is not dreaming of contesting the industrial supremacy of America, but the people of that three-fourths of Europe will be reasonably content if they can be asssured of enough to eat during the coming winter.

But this tariff bill must tax all the people of America in order to make the favored few prosperous and thereby equip them for a contest with peoples who are thinking mostly about something to eat. What an utter farce the tariff bill would be if it were not fraught with tragedy for so many people in America who must also earn and pay for their daily bread.

It has been customary after each census has been taken to pass a reapportionment bill. The reapportionment bill was drawn. It was reported to the House and committed to the Committee of the Whole House on the state of the Union on July 29, 1921; but characterized by that same lack of courage the Republican majority is about to take an adjournment and the reapportionment bill has not been passed.

The Constitution provides that Representatives shall be apportioned among the several States according to their respective numbers, and so forth, and this report solemnly reminds the House that each and every Representative takes an oath to support the Constitution of the United States. For some reason or other it seems the majority are even afraid to pass any reapportionment bill, and in failing to act they are doing my State an injustice. We gain a Member under the proposed bill, whether the number of Members of the House is increased or whether it is not increased. You are depriving the old State from which I come of a Member to which that State is entitled under the Constitution. I suppose you are afraid that instead of having 10 Representatives, all Democrats, as we will have, we would have 11 Democrats. But however that may be, my State has gone forward by leaps and bounds in manufacturing, in population, and in agriculture. We are entitled to this additional Representative, and you are depriving our people of one Representative in the face of the plain provision of the Constitution.

I thought it not improper to call the attention of the House to this failure of the majority to legislate. It may be that you are proud of the record that you have made here during this session of Congress. If you will read the independent press of the country you must realize that you have lost the independent vote. The truth is that this session of Congress and the preceding session have been characterized by a lack of courage certainly without parallel during my length of service. You have been afraid to act. You are afraid to pass the apportionment bill for fear it will hurt your party. You are afraid to pass the subsidy bill for fear it will hurt your party, and you are going to adjourn admitting that you have failed to act in accordance with the Constitution, because you have decided it is bad party politics to pass a reapportionment act.

Mr. DAVIS of Tennessee. And the corrupt practices act also.

Mr. BARBOUR. Will the gentleman yield?

Mr. POU. I yield to the gentleman from California.

Mr. BARBOUR. I agree with the gentleman that this Congress ought to pass a reapportionment bill, but the gentleman is criticizing the Republican Party for failing to pass that bill. Does the gentleman not know that the majority of the Democratic members of the Census Committee have opposed the reporting of the apportionment bill?

Mr. POU. I do not know how that is. Probably what the gentleman says is true; but I know that it is a time-honored principle disputed by no one that the political party which has in this Chamber a majority of 170—that is, your party—is responsible for action, and not our party. [Applause.] With an overwhelming majority of 2 to 1 you have been afraid to pass measures that you took oath to consider under the Constitution, because, as I charge, you are afraid it would hurt your party if you did.

Mr. MOORE of Virginia. Will the gentleman permit me to interrupt him?

Mr. POU. I yield to the gentleman from Virginia.

Mr. MOORE of Virginia. Referring to what the gentleman from California said a while ago, and aside from the merits, is it not a fact that an apportionment bill was brought in here and considered on two occasions, and on both occasions recommitted?

Mr. POU. Yes; it was recommitted, as it should have been. The point I am making is that there has been no legislation of any kind in spite of custom and the plain mandate of the Constitution.

Mr. DOWELL. Will the gentleman yield?

Mr. POU. I yield to the gentleman from Iowa.

Mr. DOWELL. Did not the gentleman himself vote to recommit the bill?

Mr. POU. I think I did.

Mr. DOWELL. And the gentleman from California also voted to recommit the bill.

Mr. POU. I am not sure how he voted. However, that is beside the question. The bill reported should have been recommitted, because it increased the membership of the House. I would vote to recommit the same bill again, because I think the membership of this House is already too large in number. But you gentlemen boasted when you organized this House that responsibility for action was yours and that you were not going to shirk it, that you were going to march up to your duty as legislators, and I charge that you have not had the courage to do what you promised. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. POU. I ask unanimous consent to revise and extend my remarks in the Record.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. RICKETTS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of how private claims are considered by Congress.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record on how private claims are considered by Congress. Is there objection?

There was no objection.

AMERICAN TROOPS IN GERMANY.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Arkansas [Mr. Wingo] may proceed for 10 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Arkansas may address the House for 10 minutes. Is there objection?

There was no objection.

Mr. WINGO. Mr. Speaker, a few moments ago in casting my eyes over the Congressional Record of yesterday's proceedings I found an extension of remarks by the distinguished gentleman from Connecticut [Mr. Tilson], one of the ablest and best beloved Members of this body. It seems that his remarks, as I have been able to run over them hurriedly, are made up of an interview that he gave to the administration court organ, the Washington Post, on September 15. I will read a few extracts from that interview. The Post is not only the court organ, but the gentleman from Connecticut [Mr. Tilson] is recognized as one of the ablest leaders of the Republican Party in this House. It is generally conceded that there is no man who has greater influence in the councils of the Republican Party of this House, although sometimes it is thought that our good friend from Ohio [Mr. Longworth] may have more influence, but I doubt it. I think they are on a par. I think it is neck and neck between those two gentlemen.

It seems that our friend the gentleman from Connecticut [Mr. Tilson] went to Europe. A great many people go to Europe for different reasons. He was discussing the situation in Germany. I want you to bear in mind my discussion of the gentleman's interview in the light of some remarks I made the other day, at which time the gentleman from Connecticut was put to the front to kind of smooth over some obvious facts to which I directed attention. So in this interview he says:

> The feeling of the German people toward America and Americans is gratifying and testifies to the high character of the service our representatives there have rendered and are now rendering. It is apparent the German people have reached the conclusion that America is, after all, about the best friend they have left. At any rate, they see that we have no ax to grind, desire no European territory, and are sincerely in earnest in our desire for real and lasting peace.

Well, Mr. Speaker, if that is true, and I think it is true—it ought to be true—I believe the German people are intelligent, and they ought to realize that we have no selfish motives. If that be true, why, in the name of common sense, continue to quarter our troops on the German people? If the German people feel that way, why is it necessary that we should have a military force over there? Well, the gentleman evidently anticipated that, so a little further along in this wonderful interview he talks about the value of the United States troops over there. He says:

> Another tremendous influence for good in bringing order out of the postwar chaos and reestablishing proper relations with Germany is our military representation, which since the war has been and now is occupying the key position of the Rhineland at Coblenz.

Of course, everybody knows that is the key position, and that the military forces absolutely dominate the key position of the Rhineland, the heart of the German people.

> Gen. Henry T. Allen, now commanding the small American force on the Rhine—

I am still reading from my friend's interview—

> is one of the most efficient and useful diplomats in all Europe to-day. The number of officers and men under him is small, but their influence is great—out of all proportion to their numbers.
>
> They are in no real sense a military force, on account of their numbers, but they hold the balance of power in a very real sense and use it for the best interest of world peace.

Why, Mr. Speaker, you gentlemen howled yourselves hoarse in the last Congress, when you were getting ready for the 1920 campaign, about how Mr. Wilson had special representatives.

In this same interview the gentleman from Connecticut eulogizes his old colleague, our ambassador to Germany, Mr. Houghton, and yet in the next breath he says the real force, the real diplomatic representative of the United States is not the man who goes there with diplomatic credentials in civilian clothes, but that the real diplomatic representative of the United States in Germany is a general in uniform, with a military force occupying the key to the Rhine, the very heart of the German Empire. Is that the policy of the Republican Party, that you will have military diplomats; that the civilian representative of the United States shall be superseded by an Army officer? If everything is peaceful, if the German people recognize our pure motives, then why should we continue to quarter troops on them? But the gentleman from Connecticut seeks to defend their presence there by saying that the officer in command of them is not there as a military man but that he is there as a diplomat. Why, you told the people that if they would elect a Republican administration in the last campaign you would absolutely sever all connections from Europe and that we would not have any unofficial diplomatic representatives over there. Yet here you boast that you have got over there a military genius who is the controlling factor; that the military are the real governing force; that they are the stabilizing force; and that the sole object you have in keeping them there on the Rhine is to maintain peace in Europe and try to bring order out of chaos there. Yet in the last campaign you cussed out the Democratic Party because we took the necessary steps in connection with our allies in the signing of the armistice and in the writing of the peace treaty. You went out to the American people and misled them.

In certain sections of the country you attributed to us wrong motives for what we were doing and sought to arouse prejudice in the minds of the people from the Rhineland and the old home country. You did not tell the truth about it. You were not candid about it. When the gentleman from Tennessee [Mr. GARRETT] pressed the gentleman from Connecticut [Mr. TILSON], he had to admit that the Democratic administration did not err; but you howled, and you promised, and your candidates promised that the quickest way to get all your soldiers out of Europe would be to elect a Republican Congress; that the President would convene an extraordinary session, and you would get them out just as soon as the peace resolution was passed. But two years have passed, and another election is coming on and still American soldiers keep their watch on the Rhine; and you seek to justify your failure to carry out that pledge to the American people by saying that the American forces are not over there as a military force, but that they are over there purely as diplomats, exerting their controlling influence in the affairs of Europe. And yet you boasted that you were going to get out of Europe. The truth of the business is that you have kept just two promises that you made in the last campaign. One is the promise you made to the profiteers that you would relieve them of taxation. You have done that. The other was that your President said, "I have seen the difficulty of Roosevelt and Wilson leading and directing Congress, and if you will elect me President I will play hands off and let a group of 'leading minds' in the Senate run the country"; and he has kept that promise, and that group of leading minds, in spite of the high position that they hold, have got the country into the mess which confronts you at this hour, which causes you gentlemen on the Republican side to wonder whether it is better for you to go home, whether it is better for you to have a recess, or whether it is better for you to have a special session.

I do not know, and the President does not know, because two groups are pulling at his coat tails, one on one side and one on the other, and it is a wonder that our poor President is not distracted. The quicker he finds out he is the titular leader of the Republican Party and takes charge of this disordered, wiggly-woggly Republican organization in Congress the better it will be for him, for his party, and for the country. [Applause.]

Their excuse for doing nothing is that the Democrats would not let them. Why, the gentleman from Iowa said to the gentleman from North Carolina awhile ago, "Didn't you vote against it?" The Republican excuse is that 130 Democrats in this House tied the hands of the 300 Republican Members and that you could not carry out your promises. That is your excuse for your impotence, that is your excuse for your helplessness. No wonder the country is disgusted and Republican newspapers and Republican Cabinet members criticize you.

Mr. FAIRCHILD. Is that the way the gentleman's mind works?

Mr. WINGO. There is one thing about my mind, unlike the gentleman's mind, it works. [Laughter.] I do not know what State the gentleman is from, because his face is not familiar, though I recall seeing him wandering through the Hall a few times like an unhappy ghost. [Laughter.] My mind works; I have the courage of my convictions. When my party was in power we were able to do things; your excuse is that you can not do things because the Democrats will not let you; you say "they have hog tied us."

Mr. FAIRCHILD. But we have done the things.

Mr. WINGO. What have you done? You can not say. You have done practically nothing, and everything of value has been done by a few Republicans joining the Democrats in overriding the Republican leaders. The RECORD shows that a minority of Republicans joined the Democrats, and that is the only way the people have got relief in this Congress, except the profiteers. You Republicans did that alone. [Applause on the Democratic side.]

ADJOURNMENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 26 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, September 22, 1922, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SWING: Committee on Naval Affairs. H. R. 12138. A bill for the relief of Frank A. Jahn; without amendment (Rept. No. 1252). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BURTNESS: A bill (H. R. 12777) granting the consent of Congress to the cities of Grand Forks, N. Dak., and East Grand Forks, Minn., or either of them, to construct, maintain, and operate a dam across the Red River of the North; to the Committee on Interstate and Foreign Commerce.

By Mr. KOPP: A bill (H. R. 12778) to authorize the acquisition of a site and the erection thereon of a Federal building at Mount Pleasant, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. KNUTSON: A bill (H. R. 12779) to assist disabled veterans of the World War in becoming established on the land; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 12780) granting extension of time for repayment of construction charges on the Uncompahgre reclamation project, Colorado; to the Committee on Irrigation of Arid Lands.

By Mr. KETCHAM: A bill (H. R. 12781) giving civilian clerks, Signal Service, at large the same military status as Army field clerks; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: A joint resolution (H. J. Res. 384) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONNOLLY of Pennsylvania: A bill (H. R. 12782) to correct the naval record of Thomas A. Mechin; to the Committee on Naval Affairs.

By Mr. MUDD: A bill (H. R. 12783) for the relief of Clarence C. Cadell; to the Committee on Claims.

By Mr. SWEET: A bill (H. R. 12784) granting an increase of pension to Elizabeth Starr; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12785) granting an increase of pension to Nancy A. King; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 12786) granting a pension to William Mennecke, jr.; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 12787) granting a pension to Angie H. Skinner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6386. By Mr. KETCHAM: Petition of field clerks, Signal Service at large American Expeditionary Forces, for legislation granting status to that organization; to the Committee on Military Affairs.

6387. By Mr. KISSEL: Petition of Broadway Association (Inc.), New York City, N. Y., relative to the Post Office Department leasing buildings; to the Committee on Public Buildings and Grounds.

6388. By Mr. VARE: Petition of Kiwanis Club, of Philadelphia, in opposition to the Government regulation of coal mines; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *September 22, 1922.*

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we look unto Thee this morning gratefully recognizing the goodness and mercy vouchsafed, and we do ask that in these days of anxiety Thy grace shall be made sufficient for each emergency and duty. When the moment comes for temporary separation, we ask for journeying mercies, we ask for blessings in each home here represented, and pray that abundance of blessing may always be had in every event and circumstance of life. And so remember all the interests of our country. Bless the President and his official family, and cause the healing hand to be still more and more manifest to his loved companion. We ask everything in the name of Jesus Christ. Amen.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

INVESTIGATION OF CROP INSURANCE.

The PRESIDENT pro tempore. Acting under the provisions of Senate Resolution 341, to investigate the subject of crop insurance, adopted by the Senate on the 9th instant, the Chair appoints the Senator from Oregon [Mr. McNary], the Senator from New Hampshire [Mr. Keyes], and the Senator from South Carolina [Mr. Smith] as the committee to conduct the investigation.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes; agreed to the conference requested by the Senate; and that Mr. Madden, Mr. Kelley of Michigan, and Mr. Byrnes of South Carolina were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6750) for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes.

EXECUTIVE SESSION.

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

After 30 minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that they presented to the President of the United States enrolled bills and a joint resolution of the following titles:

On September 21, 1922:

S. 2885. An act to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes; and

S. 3890. An act to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920.

On September 22, 1922:

S. 3540. An act fixing the fees of the examining surgeons in the Bureau of Pensions;

S. 3620. An act to authorize the construction of a bridge across Pearl River at or near Tilton, Lawrence County, Miss.; and

S. J. Res. 215. Joint resolution providing for an additional investigation of the tricounty irrigation project, Nebraska.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DU PONT:

A bill (S. 4023) granting a pension to Jesse K. Baylis; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 4024) granting military status to field clerks, Signal Service at large, American Expeditionary Forces (with an accompanying paper); to the Committee on Military Affairs.

DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 11, 12, 14, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 7, 8, 9, 10, 13, 16, 17, 19, and 20; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lines 7 and 8 of the matter inserted by said amendment, strike out "two assistant registrars at $5,000 per annum each" and insert in lieu thereof "assistant registrar at $5,000 per annum," and in line 15, strike out "$33,125" and insert in lieu thereof "$29,375"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: In lines 1 and 2 of the matter inserted by said amendment, strike out the words "and directed"; and the Senate agree to the same.

F. E. Warren,
Chas. Curtis,
Managers on the part of the Senate.
Martin B. Madden,
Patrick H. Kelley,
James F. Byrnes,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. WATSON of Georgia. Mr. President, there was some confusion in the Chamber, and I could not distinctly hear the reading of the conference report; but, if I heard it correctly, the bill as it came from the House restricted the registrars to two and the salaries to $5,000, and as agreed on the report places no restriction on the number. I should like to ask the chairman of the committee if that is correct?

Mr. WARREN. I could not hear the Senator. I will ask him to please repeat his question.

Mr. WATSON of Georgia. How many registrars can be appointed under this report?

Mr. WARREN. One principal registrar and two additional registrars were provided for as the bill was presented, and the conference report provides for one principal registrar at $7,500 and an assistant at $5,000. It was proposed that the salary be $10,000 for the principal registrar and $5,000 each for two assistants, but as it is now the bill provides for one at $7,500 and one at $5,000.

Mr. FLETCHER. Mr. President, if the Senator will yield, may I inquire of him what these registrars are for? I do not know that I quite understand what they are. There are registrars under the farm loan act and other registrars.

Mr. WARREN. The China trade bill, which was recently passed, provides for Americans and others doing business in China, and it is expected that large fees will be derived from those who are granted licenses to engage in business. It is expected more than to pay for itself; but it is new in the sense that we are providing for the registrar, the assistant registrar, two clerks at $2,500 each, one clerk at $2,000, and one at a smaller salary. The entire expense is about $30,000 a year.

Mr. FLETCHER. In what department will it come?

Mr. WARREN. It will perhaps be considered as in the Department of State, but the bill that was passed was reported from the Judiciary Committee, and now we have this call from the Budget Bureau, through the President, under the law. It is to carry out the provisions of a law already passed.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

The report was agreed to.

FINAL ADJOURNMENT.

Mr. WARREN. From the Committee on Appropriations I report back favorably the concurrent resolution of the House of Representatives, which I send to the desk.

The PRESIDENT pro tempore. The concurrent resolution will be read.

The Secretary read the concurrent resolution (H. Con. Res. 71), as follows:

> *Resolved by the House of Representatives (the Senate concurring),* That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 22d day of September, 1922, at 2 o'clock p. m.

Mr. WARREN. I ask unanimous consent for the immediate consideration of the concurrent resolution.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HARRISON. Mr. President, I am in favor of this concurrent resolution, and I shall occupy the time of the Senate only about two minutes.

Mr. WARREN. I hardly think the matter is debatable.

Mr. HARRISON. This concurrent resolution is debatable, as I understand. I ask unanimous consent to address the Senate for three minutes.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. HARRISON. Mr. President, this Congress closes in a shroud of disappointment. Its failure to solve vital and pressing problems is pathetic. Democrats are not hilarious, because they have the interest of the country at heart. It is a case of disappointment, sympathy, and chagrin more than delight. The Congress ends with a record of increased taxes on the already burdened masses. It ends with increased costs of living to the consumers. It ends with a failure to carry out pledges to the valiant soldiers of the late war. It ends with reorganization and efficiency in Government untouched. It ends with stronger guaranties and broader freedom to the protected interests to extort in greater degree higher prices to enslave and rob the many. It ends with the assurance to the laboring man that the Republican Party will continue to favor the employer against him, and to disregard his every interest with respect to reasonable hours, fair wages, and humane consideration. It ends in an orgy of extravagance and a reckless disregard of economy. It ends with an utter repudiation of civil service and preferential rights to the heroes of the late war. It ends as the most reactionary Congress since the time of Aldrich, and the most subservient to Executive dictation since the days of Roosevelt. It has proven itself to be spineless, leaderless, without courage, program, or purpose. It adjourns in a blaze of broken promises, with a silent and disconsolate procession of mourners returning to their respective constituents with their morale broken, their lines divided, and their hopes dissipated. A sad reception awaits you—an insurmountable task of explanation confronts you.

The PRESIDENT pro tempore. The question is upon agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

CONFIRMATION OF NOMINATIONS.

Mr. McCUMBER. Mr. President, as in open executive session, I ask permission to report certain nominations favorably. While we were in executive session a short time ago I was unable to poll the Committee on Foreign Relations, the secretary of which committee has just handed me about 30 or 40 nominations which are promotions in the diplomatic service. Since that time I have polled the committee, and a majority favor reporting them favorably. There are five of them to which the Senator from Mississippi has noted an objection, and I will not ask for the present consideration of those, but ask that they may go to the executive calendar, and that the others may be acted upon.

The PRESIDENT pro tempore. Will the Senator from North Dakota specify those who are not included in the request?

Mr. McCUMBER. They are indicated.

Mr. UNDERWOOD. May I ask the Senator from North Dakota if these nominations met the approval of the Democratic members of the Foreign Relations Committee?

Mr. McCUMBER. A majority of the entire committee have approved them, with the exception of the fact that the Senator from Mississippi objected to five of them, and I will ask that they simply go to the calendar. If there is objection to any of the others they will take the same course.

The PRESIDENT pro tempore. The nominations referred to will be placed on the executive calendar. Is there objection to the request of the Senator from North Dakota that the nominations to which there is no objection shall be considered? The Chair hears none, and the Secretary will report the nominations.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Ray Atherton, of Illinois, from secretary of embassy or legation of class 3 to secretary of embassy or legation of class 2.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Arthur Bliss Lane, of New York, from secretary of embassy or legation of class 3 to secretary of embassy or legation of class 2.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

J. Donald C. Rodgers, of Pennsylvania, from secretary of embassy or legation of class 3 to secretary of embassy or legation of class 2.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Walter C. Thurston, of Arizona, from secretary of embassy or legation of class 3 to secretary of embassy or legation of class 2.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Philander L. Cable, of Illinois, from secretary of embassy or legation of class 3 to secretary of embassy or legation of class 2.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

G. Howland Shaw, of Massachusetts, from secretary of embassy or legation of class 3 to secretary of embassy or legation of class 2.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Warden McK. Wilson, of Indiana, from secretary of embassy or legation of class 4 to secretary of embassy or legation of class 3.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Edwin C. Wilson, of Florida, from secretary of embassy or legation of class 4 to secretary of embassy or legation of class 3.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Orme Wilson, jr., of New York, from secretary of embassy or legation of class 4 to secretary of embassy or legation of class 3.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

William B. Southworth, of Pennsylvania, from secretary of embassy or legation of class 4 to secretary of embassy or legation of class 3.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Wainwright Abbott, of Pennsylvania, from secretary of embassy or legation of class 4 to secretary of embassy or legation of class 3.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Joseph Flack, of Pennsylvania, from secretary of embassy or legation of class 4 to secretary of embassy or legation of class 3.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Edward L. Reed, of Pennsylvania, from secretary of embassy or legation of class 4 to secretary of embassy or legation of class 3.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Herschel V. Johnson, of North Carolina, from secretary of embassy or legation of class 4 to secretary of embassy or legation of class 3.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Copley Amory, jr., of New Hampshire, from secretary of embassy or legation of class 4 to secretary of embassy or legation of class 3.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

Leon H. Ellis, of Spokane, Wash., to be secretary of embassy or legation of class 4 of the United States of America.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

Laurence H. Norton, of Cleveland, Ohio, to be secretary of embassy or legation of class 4 of the United States of America.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

Gerhard Gade, of Chicago, Ill., to be secretary of embassy or legation of class 4 of the United States of America.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

John Harrison Gray, of Syracuse, N. Y., to be secretary of embassy or legation of class 4 of the United States of America.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

John Sterrett Gittings, jr., of Baltimore, Md., to be secretary of embassy or legation of class 4 of the United States of America.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

Edward S. Crocker, 2d, of Fitchburg, Mass., to be secretary of embassy or legation of class 4 of the United States of America.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

William H. Taylor, of Ardmore, Pa., to be secretary of embassy or legation of class 4 of the United States of America.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

Walter T. Prendergast, of Marion, Ohio, to be secretary of embassy or legation of class 4 of the United States of America.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

John Stambaugh, 2d, of Youngstown, Ohio, to be secretary of embassy or legation of class 4 of the United States of America.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

The Assistant Secretary read as follows:

The following-named person for promotion in the Diplomatic Service of the United States:

Orme Wilson, jr., of New York, from secretary of embassy or legation of class 4 to secretary of embassy or legation of class 3.

The PRESIDENT pro tempore. Without objection, the nomination will be confirmed.

Mr. McCUMBER. I ask that the President be notified of the confirmations.

The PRESIDENT pro tempore. The President will be notified.

Mr. TOWNSEND. I ask unanimous consent for the present consideration, as in open executive session, of several nominations of postmasters in California which were delayed.

The PRESIDENT pro tempore. Without objection, the nominations will be considered as in open executive session. The Secretary will read the nominations.

The Assistant Secretary read as follows:

George M. Russell to be postmaster at Beverly Hills, Calif., in place of G. M. Russell. Incumbent's commission expired September 5, 1922.

Norman F. Densmore to be postmaster at Laton, Calif., in place of A. G. Smith. Incumbent's commission expired September 5, 1922.

Charles M. Smith to be postmaster at Lomita, Calif. Office became presidential April 1, 1922.

Charles W. Reinking to be postmaster at Point Arena, Calif., in place of Charles Reinking. Incumbent's commission expired September 5, 1922.

John W. Beck to be postmaster at Veterans Home, Calif., in place of E. R. Ross, resigned.

The PRESIDENT pro tempore. Without objection, the nominations will be confirmed.

The President will be notified.

PAY OF EMPLOYEES.

Mr. WARREN. I ask for the immediate consideration of House Joint Resolution 382, authorizing the payment of the salaries of officers and employees of Congress for September, 1922, on the 23d day of said month.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOTIFICATION TO THE PRESIDENT.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The PRESIDENT pro tempore. The Secretary will report the resolution.

The Assistant Secretary read the resolution (S. Res. 355), and it was considered by unainmous consent and agreed to, as follows:

Resolved, That a committee of two Senators be appointed by the President pro tempore, to join a similar committee appointed by the House of Representatives, to notify the President of the United States that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some other communication to make to them.

The PRESIDENT pro tempore appointed Mr. Curtis and Mr. Underwood members of the committee on the part of the Senate.

YEA-AND-NAY VOTES ON TARIFF BILL.

Mr. McCUMBER, from the Committee on Finance, reported the following resolution (S. Res. 356), which was read:

Resolved, That the Committee on Finance be, and is hereby, authorized to expend not to exceed $500, to be paid from the contingent fund of the Senate, for the preparation of the yea-and-nay votes in the Senate, with suitable index, on H. R. 7456, the tariff bill and amendments thereto; that said compilation be printed as a Senate document, and that 1,000 additional copies be printed for the use of the Senate document room.

The PRESIDENT pro tempore. The Chair refers the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CALDER subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the foregoing resolution favorably without amendment and it was considered by unanimous consent and agreed to.

PENINSULA OF PRESQUE ISLE, ERIE, PA.

Mr. WARREN. Mr. President, I report back favorably from the Committee on Military Affairs the bill (H. R. 10144) conveying the peninsula of Presque Isle, Erie, Pa., to the State of Pennsylvania, its original owner, for public park purposes, and I ask for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the present consideration of the bill just reported.

Mr. WATSON of Georgia. Mr. President, I object, until somebody else has a chance to be heard.

The PRESIDENT pro tempore. Objection is made.

PERSONAL EXPLANATION—COMPENSATION OF WORLD WAR VETERANS.

Mr. WATSON of Georgia. Mr. President, I beg to make in one sentence the statement that when a vote was reached on the question as to whether the veto of the President of the soldiers' bonus bill should be overridden, I was struggling between life and death with asthma, and had no chance to arrange a pair or to vote. Had I been present, I would have voted to override that veto.

LIZZIE ASKELI—CONFERENCE REPORT.

Mr. CAPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3034) for the relief of Lizzie Askeli, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

Arthur Capper,
Park Trammell,
F. R. Gooding,
Managers on the part of the Senate.
G. W. Edmonds,
James P. Glynn,
H. B. Steagall,
Managers on the part of the House.

The report was agreed to.

DAMAGES FROM COLLISIONS WITH NAVAL VESSELS—CONFERENCE REPORT.

Mr. CAPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5349) to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

Arthur Capper,
Park Trammell,
F. R. Gooding,
Managers on the part of the Senate.
G. W. Edmonds,
James P. Glynn,
Managers on the part of the House.

The report was agreed to.

CLAIMS AGAINST THE GOVERNMENT—CONFERENCE REPORT.

Mr. CAPPER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

ARTHUR CAPPER,
PARK TRAMMELL,
F. R. GOODING,
Managers on the part of the Senate.
G. W. EDMONDS,
JAMES P. GLYNN,
Managers on the part of the House.

The report was agreed to.

THE MERCHANT MARINE.

Mr. JONES of Washington. Mr. President, I desire to submit a unanimous-consent request. On September 11 the Senator from Utah [Mr. KING] submitted a resolution reciting certain allegations and reports with reference to the conduct of the Shipping Board. Those were very serious suggestions, and the resolution was printed in the RECORD. I have a letter from the chairman of the Shipping Board answering the statements in the resolution very fully and completely. I ask unanimous consent that the resolution of the Senator from Utah may be printed in the RECORD, and in connection with it the answer of the chairman of the Shipping Board.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Senate Resolution 348.

Whereas it is alleged that the chairman of the Shipping Board has announced in the newspapers that the board intends, in the event that the impending ship subsidy bill be enacted into law, to advance to private parties $25,000,000 to finance the construction of a ship of 70,000 tons burden, and that the board desired to expend at least $400,000,000 of public moneys to finance the construction of additional ships by private parties; and

Whereas it is reported that officials, agents, and employees of the Shipping Board, under the guise of hearings and otherwise, are carrying on a propaganda in favor of the ship subsidy bill, and are spending large amounts of public moneys in various ways in the furtherance of such propaganda: Now, therefore, be it

Resolved, That the chairman of the Shipping Board be required and directed to report to the Senate whether or not the board intends to finance the construction of additional ships by private parties, and, if so, to report to the Senate the details of such plan and the money it intends to advance for such purpose, and, further, to report the amount of any and all moneys that have or are being expended for newspaper articles in advertising, traveling expenses, hearings, lectures, addresses, or other means of propaganda to promote the passage of said ship subsidy bill, together with a statement of the activities of the officials, agents, and employees of the Shipping Board with respect thereto.

UNITED STATES SHIPPING BOARD,
OFFICE OF THE CHAIRMAN,
Washington, September 13, 1922.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

DEAR SENATOR JONES: There has just come to my desk a copy of the CONGRESSIONAL RECORD of September 12, wherein, on page 12392, is printed a resolution introduced by Senator KING, of Utah, relating to the Shipping Board, followed by some remarks by the Senator.

Permit me to take the liberty of giving you the answers to the questions propounded in the resolution, with the request that when Senator KING discusses same further on the floor you may there and then, in behalf of the Shipping Board, reply in full to his resolution.

First, in the preamble, Senator KING says:

"Whereas it is alleged that the chairman of the Shipping Board has announced in the newspapers that the board intends, in the event that the impending ship subsidy bill be enacted into law, to advance to private parties $25,000,000 to finance the construction of a ship of 70,000 tons burden, and that the board desired to expend at least $400,000,000 of public moneys to finance the construction of additional ships by private parties."

Let me say that I never made any statement that the Shipping Board intended to advance private parties $25,000,000 for the construction of a ship, nor did I ever make any statement that anyone could, in good faith, construe to mean any such thing. Only a complete perversion of what I did say could possibly remotely give ground for any such report as has evidently reached the Senator from Utah.

In reply to inquiries from newspaper men as to whether the Shipping Board had any requests for loans for construction purposes, I stated that we had no formal requests, but that in an informal way a new company that was being projected on paper (but for whose ultimate formation I could in nowise stand guarantor) had asked whether they could borrow as much as $25,000,000, providing they put $45,000,000 of their own money into building new ships, of which two would be 70,000-ton ships; in other words, if out of the construction-loan fund which the Shipping Board is authorized by law to create, the Shipping Board was prepared to lend $25,000,000 for which we would get as security $70,000,000 worth of ships, two of which would be the mightiest ships in the world, and which two ships would do much to balance America's sadly unbalanced merchant marine.

Of course, I could make no reply to the tentative question. I explained to the persons making the informal inquiry that they would have to formally organize their company, pay in their money, submit the definite plans of the ships, and at such time the matter would be taken up with the entire Shipping Board for consideration.

I am happy to state to you, though, that I was much impressed by the stability of the people who made the tentative inquiry, and feel that they are serious in their desires to build ships that will be crown jewels in our merchant marine. Whether or no they will proceed as they stated, will depend on the fate of the pending bill to aid merchant shipping, but in the interim they are having plans drawn for their ships.

The most encouraging moment in the history of America's merchant marine will be that moment when private parties actually subscribe $45,000,000 of their own money to put into $70,000,000 worth of ships, and the Government will receive full security for its advance. The ships we own were built with immense waste and at immense loss to the Government. Ships built under the loan fund will prove to be a great national asset and will never cost the Government one cent out of its Treasury.

Thus you will see that whoever informed Senator KING that the board "intends, in the event that the impending ship subsidy bill be enacted into law, to advance to private parties $25,000,000 to finance the construction of a ship of 70,000 tons burden," utterly misstated the facts.

As to the second part of the preamble, "that the board desired to expend at least $400,000,000 of public moneys to finance the construction of additional ships by private parties," the first we ever heard of this is in the resolution, and whoever brought that information to Senator KING was laboring under a summer hallucination. I only wish that there were such a demand for money for ships under the American flag; I would feel much more secure for the prosperity and safety of our common country; but I have not much hope, during my lifetime, to see any such fortunate condition exist.

The resolution further reads:

"Whereas it is reported that officials, agents, and employees of the Shipping Board, under the guise of hearings and otherwise, are carrying on a propaganda in favor of the ship subsidy bill and are spending large amounts of public moneys in various ways in the furtherance of such propaganda: Now, therefore, be it

"*Resolved,* That the chairman of the Shipping Board be required and directed to report to the Senate whether or not the board intends to finance the construction of additional ships by private parties; and if so, to report to the Senate the details of such plan and the money it intends to advance for such purpose; and further to report the amount of any and all moneys that have or are being expended for newspaper articles, in advertising, traveling expenses, hearings, lectures, addresses, or other means of propaganda to promote the passage of said ship subsidy bill, together with a statement of the activities of the officials, agents, and employees of the Shipping Board with respect thereto."

I know nothing of any sums in contemplation for the financing of construction of additional ships. The incident narrated above does not cover contemplated advances by the board, for, as I explained, it was merely a tentative proposal. The board can only contemplate what it will do when the proposal becomes a definite one. However, the present law provides that the Shipping Board may put aside $25,000,000 a year out of its liquidation as a loan fund for construction for each year over a period of five years. The new proposed law contemplates that the Shipping Board may, as quickly as possible, put $125,000,000 into the construction loan fund out of liquidation.

I am sorry to state that no application from anyone has been made for any loan out of our construction loan fund, though at the present moment we have $25,000,000 in that fund which was recovered for that purpose from last year's liquidation. It is most discouraging that we have no such application, for it is utterly essential to the preservation of the art of shipbuilding in our country that American shipyards be stimulated, particularly at this time when happily our naval building is being restricted. It is for this reason among others that I so ardently hope the pending bill for aid to American merchant shipping will pass quickly at the coming session, because it is the hope and belief of the board that if that bill does pass we will get applications for loans from the construction loan fund and that there will as a result be constructed ships of types which we, with all our ships, are now so sadly lacking, that will add to America's enrichment in time of peace and to America's security in time of war. Without the passage of that bill I have no hope that any great sum, unfortunately for America, will ever be asked for out of the construction loan fund. I trust I am wrong.

Specifically answering the last part of the resolution, I want to state unequivocally that the board has never spent one cent of money "for newspaper articles, in advertising, traveling expenses, hearings, lectures, addresses, or other means of propaganda to promote the passage of said ship subsidy bill."

For my part, speaking personally, I have only made two addresses on the ship subsidy bill, both in the city of Washington. One was an extemporaneous address before the American Merchant Marine Association; the other was an address that took, perhaps, 20 minutes to deliver, before the United States Chamber of Commerce. There was no expense entailed to the Government thereby. I have had innumerable requests to make addresses on the ship subsidy; my only regret is that my duties in management of the operations of the ships of the emergency fleet demand my being in Washington, for I would happily, had I the time to spare from ships' operations, tour the country to speak on aid to American shipping, believing and knowing that all the public needs is honest enlightenment on the subject for it to be overwhelmingly in its demand for the passage of the bill. I only regret, so far as I am concerned, that Senator KING is completely in error.

I know of no members of the board who have traveled for the purpose of making propaganda for the pending measure. On a few occasions—maybe a dozen—one or two members of the board have spoken in communities which asked us to address them on the subject of the American merchant marine. Of course, we responded to such invitations, for the Shipping Board itself is operating 400 American-flag ships competing with ships of foreign flags whose owners naturally are doing their utmost to prove the superiority of their service over American-flag ships. As good business, it is a fine opportunity when chambers of commerce and like bodies ask board members to address them on American shipping, for by that opportunity to speak to the business men we get a chance to project the advantages of shipping on American bottoms, and every ton of cargo we can add to American bottoms builds up the American merchant marine and diminishes the losses of the Shipping Board.

Of course, when discussing the subject it would be an eloquent omission if the speaker failed to make any reference to the pending legislation, for it would appear that such speaker, being a member of the Shipping Board, was not in harmony with the pending bill, which the administration believes will insure a permanent American merchant marine and lead the Government out of its shipping losses, whereas the Shipping Board (four Republicans and three Democrats) are unanimous in the general principles connected with the legislation.

It would be unfair to the foes of the bill as well as its friends for the members, when speaking to solicit cargoes for the ships we are operating, to be silent on the pending legislation. I say unfair to the foes of the bill, because it would appear as if, through insinuated intimidation, the members feared to discuss that which on occasion they must obviously discuss.

There have been two men—not members of the board—whose passion is the establishment of an American merchant marine, who have gone about, of their own volition, soliciting cargoes for the Shipping Board. To the extent of a few hundred dollars the Shipping Board has paid their expenses, but all within the legal per diem, and it has been the cheapest cargo solicitation we could get. By the expenditure of a few hundred dollars through these men who so thoroughly understand the subject and who so patriotically contribute their time, we have created in one community after another a desire to ship in American bottoms. I have always gone out of my way to caution these men that they must not, while soliciting business at Government traveling expense, get into any controversy as to pending legislation, save as they might be forced into an informal discussion.

Therefore, you see, some one with pernicious intent has purposely misguided Senator KING and handed him information maliciously false without the remotest basis in fact. I am sure no Senator will be happier than Senator KING to have the record cleared of this misinformation; and I rely on Senator KING's sense of justice, of which I am very certain, to expose the sinister forces that came to him with these untruths.

In his remarks Senator KING says:

"As Senators know, many ships were sold by the Shipping Board a few years ago at war-level prices, or slightly below such levels. Part payment was made by the purchasers, who in most instances have endeavored to operate the ships for the purpose of developing an American merchant marine. With the great slump in world prices for ships, and with the great shrinkage in ocean traffic, they have encountered most serious difficulties. It will be impossible for them to pay for the ships according to the contracts entered into.

"In my opinion, it is not only imprudent and unwise but unjust for the Shipping Board to attempt to enforce these contracts. They should be rewritten and the purchase price scaled down and fair and just terms offered to the purchasers. It is of no benefit to the Government to destroy these contracts and deprive the purchasers of the ships, and then sell them for from $25 to $30 per ton to some syndicate which may be formed for the purpose of controlling or attempting to control our merchant marine."

It is with the greatest pleasure that I read such a generous approval of the Shipping Board's course from so ardent an opponent generally of its policies as is Senator KING. I have never anywhere seen so well stated the policy of the board as in the opinion Senator KING expresses. The board feels, with Senator KING, that "it will be impossible for them"—most of those purchasers—"to pay for the ships according to the contracts entered into"; and that "it is not only imprudent and unwise but unjust for the Shipping Board to attempt to enforce these contracts. They should be rewritten and the purchase price scaled down. and fair and just terms offered to the purchasers." That is exactly what the Shipping Board has done in every instance.

If Senator KING desires to meet with me at any time, I will gladly give him the detailed information, and he will quickly become convinced that by no possible turn of mind could anyone but say that the Shipping Board had to the fullest extent and to the last degree adopted as its policy in connection with pioneer purchasers just that which the Senator voices and for the very reasons that the Senator projects. On the subject of pioneer purchasers Senator KING seems to be well informed, and his correct information there leads him into full concurrence with the board's action.

Senator KING, in his remarks on his resolution, says:

"Mr. Lasker, as we all know, is engaged in the advertising business, and it would seem as though he has employed many avenues to exploit his views concerning the ship subsidy bill and to carry on a nation-wide campaign in behalf of the bill which, it is understood, he helped to frame and then 'wished' on the present administration."

I wish to emphatically deny that I have employed any avenue to exploit the shipping bill save to write articles on the subject for many important newspapers who requested that courtesy from me; and I would have been unmindful of my duty as a public official had I refused so to do. I want to take this occasion to express my keen disappointment that those interested in American shipping have done but little to enlighten the public on the pending legislation.

In his remarks Senator KING says that he has "been advised that some members of the board who have been conducting hearings under one particular section of the act have been quite interested in advocating the ship subsidy plan and have obtained testimony in support of that view."

I personally have not been a member of the one committee that has been conducting hearings around the country. That committee consists of such distinguished men as Senator CHAMBERLAIN, Admiral Benson, and Mr. Thompson on the Atlantic and Gulf hearings, and Senator CHAMBERLAIN, Admiral Benson, and Mr. Lissner on the Pacific coast hearings. I know of no such incident to which Senator KING refers; I have never heard of anything that could come within that purview; but it is perfectly obvious to me and understandable that in the course of those hearings the subject of the pending legislation might incidentally arise in connection with what effect it would have on the matters being investigated if enacted into law.

In certain ports, after the hearings adjourned, luncheons or dinners were given by leading men of the community to the commissioners who had been holding the hearings. This is the usual custom, as everyone knows, when responsible officials make official visits for any purpose. Particularly would it be so where members of the Shipping Board make their first visit to interested ports, for the actions of few Government agencies are as important to those ports as those of the Shipping Board, and naturally the citizens of the community desire opportunity informally to put their views and claims before the Shipping Board; it would be an unforgivable act of discourtesy for the members of the board to refuse such invitations.

The purpose for which the committee met was to hold hearings in connection with section 28 of the existing merchant marine act, as the law provides, and what was said and done at these hearings are matters of stenographic record and can not be changed. The board will be glad to submit them to Senator KING or any other Member of Congress, for these records will prove that Senator KING has been grossly misinformed.

At the informal luncheons or dinners, when members of the Shipping Board were asked to speak on the future of American shipping, it was natural that every question connected with the merchant marine should be discussed, whether those questions covered existing law or contemplated law. Senator Chamberlain informs me that, as a matter of fact, the subject matter of the addresses that the board members made was usually suggested by the local committees. It is unthinkable that, when members of the Shipping Board, after they have attended to their official duties, meet in the manner indicated with leaders of ports, such citizens would not ask their views on the pending legislation, which is of the first importance to these respective ports. When shipping men meet or shipping subjects are discussed, the pending legislation being of first importance to American shipping, it would be impossible and un-American for it to be purposely excluded from discussion. I can not believe that the opponents of the measure fear proper light being thrown on same; they should welcome whenever, in good taste and in right spirit and under right circumstances, the matter is brought up.

I do not answer Senator KING's remarks on the continuation of the M. O. 4 contracts, for that has been thoroughly and voluminously covered in hearings before the various Appropriation Committees and also before the joint hearings of the Senate and House committees on the merchant marine.

I wish Senator KING would give us opportunity to fully inform him on all other subjects, for I am sure the same good logic that leads him to agree with us in the major matter of the pioneer purchasers, on which he is informed, would lead him to agree with us on the general policies which we have adopted.

I should be very grateful to you if, when the matter is brought before the Senate, in fairness not so much to the board but to the American merchant marine, you would read into the RECORD this reply, for only in this way can the facts be brought before the country.

With high esteem, I am, sincerely yours,

A. D. LASKER, *Chairman.*

RELIEF OF DISABLED VETERANS.

Mr. CALDER. From the Committee on Finance I report back favorably, with amendments, House bill 8062 increasing the allowance under the war risk insurance act to totally disabled, blind, legless, or armless veterans, or those in constant need of the attendance of nurses; and I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Secretary will state the title of the bill for information.

The ASSISTANT SECRETARY. The Senator from New York reports favorably from the Committee on Finance House bill 8062, an act amending subdivision (5) of section 302 of the war risk insurance act.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ROBINSON. Mr. President, the purpose of the bill is meritorious. I am doubtful, however, whether the limitation fixed on the amount to be paid attendants will enable the beneficiaries to secure the services of attendants. I wonder if the committee looked into the question as to whether an attendant could be procured for $20 a month.

Mr. CALDER. In reply to the Senator's statement, I may say that there are at this date 336 people each receiving an allowance of $20 a month for the employment of an attendant. We increased the amount to $50 a month under the terms of the bill.

Mr. ROBINSON. The object of the bill is to increase the present allowance from $20 to $50?

Mr. CALDER. Yes. It affects only 336 people.

Mr. ROBINSON. I am in sympathy with the provisions of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments, in line 7, to strike out "$50" and insert "$20," and at the end of the bill, after the word "reasonable," before the period, to insert a comma and the following:

And if the disabled person is blind, legless, or armless and is in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding $50 per month, as the director may deem reasonable.

So as to make the bill read:

Be it enacted, etc., That subdivision (5) of section 302 of the war risk insurance act is hereby amended to read as follows:

"(5) If the disabled person is so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding $20 per month, as the director may deem reasonable, and if the disabled person is blind, legless, or armless and is in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding $50 per month, as the director may deem reasonable."

Mr. ROBINSON. Let me ask the Senator from New York a further question. As the bill was read, it appears in the first instance that the amount paid an attendant is $20, but if the person to be attended is blind the amount may be increased to $50.

Mr. CALDER. If he is blind, legless, or armless.

Mr. ROBINSON. That is the way I understood the reading of the bill when it was first read. How does the Senator expect an attendant to be procured for $20 a month as provided in the first part of the measure?

Mr. CALDER. When the bill first came to the Senate from the House it provided that every veteran who was helpless and needed an attendant should have the allowance for the attendant increased from $20 to $50. Upon inquiry, the committee discovered that there are about 300 of the 336 who are legless, armless, or blind. Some thirty and odd have some other disability. Personally I believe we should have given $50 to all those who need attendants, but the committee determined that we should confine the increase from $20 to $50 to those only who are blind, legless, or armless. Those who are paralyzed or otherwise disabled will not get the increase.

Mr. ROBINSON. That is the way I understand the reading in the first instance, and my question is now repeated. Can those persons who require attendants secure them for $20 a month; and if not, why make a provision for attendants in those cases where it is known they can not be secured within that limit? If it is the purpose of the State to provide attendants in all those cases, why do we not authorize the payment of such sums as may be necessary to secure them?

Mr. McCUMBER. Mr. President, will the Senator allow me just a word?

Mr. ROBINSON. Certainly.

Mr. McCUMBER. There are all degrees of disability, and even ability to take care of one's self without assistance. In many cases the party has the care of members of his own family and he is allowed $20 a month extra for that. Now, we feel certain that in cases where they are armless or blind or legless they require an attendant all the time, and no constant attendant can be procured for $20 a month. So, we thought we had better increase the allowance.

Mr. ROBINSON. I understand the matter now. It is expected that those persons who are not legless or blind or armless will not procure the help of an attendant outside of their families, but that the $20 a month may be paid to members of their families for such services as they may be able to render to them.

Mr. McCUMBER. Yes; they have that extra allowance.

Mr. ROBINSON. I do not have any objection to the bill.

Mr. FLETCHER. I take it that many veterans will not be in need of such nurse or attendant all the time.

Mr. CALDER. No.

Mr. JONES of Washington. I can not understand why a person who is paralyzed does not get the benefit of the legislation.

Mr. McCUMBER. I do not know that there are any such.

Mr. JONES of Washington. There might be in the future.

Mr. McCUMBER. Then, in the future they can be taken care of.

Mr. CALDER. There are 336 men now affected by the legislation. This will increase the allowance for about 307 or 308. Twenty-five or thirty of the 336 will not get an increase, but they will still get the $20.

Mr. JONES of Washington. Does the Senator know whether there are any who are paralyzed who do not get the benefit of the legislation?

Mr. CALDER. I do not know.

Mr. JONES of Washington. The committee seems to have information with reference to those who are armless or legless.

Mr. CALDER. The committee inquired of the Veterans' Bureau and were informed that about 310 of the 336 would get the increase, and it was believed by the committee, as stated by the Senator from North Dakota, that the rest are men in whose cases the money goes to some member of the family who helps to take care of them.

Mr. JONES of Washington. I do not think people who are paralyzed should be excluded from the benefits of the measure, but I shall not object.

The PRESIDENT pro tempore. The question is upon agreeing to the amendments.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

VETERANS OF FOREIGN WARS.

Mr. WALSH of Massachusetts. From the Committee on Finance I report back favorably with amendments the bill (S. 2872) to amend section 800 of the revenue act of 1921 and ask for its immediate consideration. Briefly, the bill extends to associations known as veterans of foreign wars the same exemption from taxation from the revenue bill as is extended under the law to the American Legion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendments were, on page 1, line 6, to strike out "(a)" and insert "(A)"; on page 2, line 5, strike out "(b)" and insert "(B)"; and, in line 6, to strike out "(c)" and insert "(C)," so as to make the bill read:

Be it enacted, etc., That subdivision (b) of section 800 of the revenue act of 1921 is amended to read as follows:

"(b) No tax shall be levied under this title in respect to (1) any admissions all the proceeds of which inure (A) exclusively to the benefit of religious, educational, or charitable institutions, societies, or organizations, any post of the American Legion, or the women's auxiliary units thereof, any post of the Veterans of Foreign Wars of the United States or the women's auxiliary units thereof, societies for the prevention of cruelty to children or animals, or societies or organizations conducted for the sole purpose of maintaining symphony orchestras and receiving substantial support from voluntary contributions, or of improving any city, town, village, or other municipality, or of maintaining a cooperative or community center moving-picture theater, if no part of the net earnings thereof inures to the benefit of any private stockholder or individual; or (B) exclusively to the benefit of persons in the military or naval forces of the United States; or (C) exclusively to the benefit of persons who have served in such forces and are in need; or (2) any admissions to agricultural fairs if no part of the net earnings thereof inures to the benefit of any stockholders or members of the association conducting the same, or admissions to any exhibit, entertainment, or other pay feature conducted by such association as part of any such fair, if the proceeds therefrom are used exclusively for the improvement, maintenance, and operation of such agricultural fairs."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADDRESS BY SENATOR KELLOGG.

Mr. McNARY. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD, in 8-point type, a very interesting address made by the junior Senator from Minnesota [Mr. KELLOGG] at Walnut Grove, Minn., on August 7 of the present year upon the subject of "Agriculture and problems of the day." It is nonpolitical and of great interest to the farmers of the country.

Mr. HEFLIN. Can it be possible that a speech made by a Republican Senator who is now up for reelection was nonpolitical?

Mr. McNARY. Entirely so.

Mr. SMOOT. I want to say that I shall take the word of the Senator from Oregon that it is not political. If that statement had not been made I should have objected to the matter being printed in the RECORD.

Mr. McNARY. I assure the Senator it is nonpolitical.

There being no objection, the speech was ordered to be printed in the RECORD in 8-point type as follows:

AGRICULTURE AND PROBLEMS OF TO-DAY.

[Address by Hon. FRANK B. KELLOGG at Walnut Grove, Minn., August 11, 1922.]

I was invited to come to Walnut Grove and to deliver a speech to the farmers. I have gladly accepted that invitation, as it gives me an opportunity to lay before you my views upon the great problems we have had to deal with and what this administration has done for agriculture.

I stated to the farmers and the people of Minnesota six years ago that, if elected to the Senate, I should resign all my positions and devote myself exclusively to my duties in the Senate. I have done so. I can not review that entire history, but I propose this afternoon to talk exclusively upon agricultural problems.

I say, in no spirit of boasting, Minnesota is a great State, with wonderful resources in iron and timber and with great manufacturing centers; but, after all, the foundation of its wealth, its basic industry, is farming, and I made up my mind when I came to the Senate that I should give first and most careful consideration to the problems confronting the farmer. I have been a member of the Foreign Relations Committee and have taken an active part in the great struggle through which we have passed and in the treaties and other foreign relations since the war closed.

FOREIGN RELATIONS.

There never was a time in the history of this country when our foreign relations were so important and difficult as since the close of the war. That great conflict left all Europe devastated or bankrupt, industries paralyzed, and racial jealousies and hatreds intensified. We are intensely interested in the stabilization and peace of Europe. It is of especial interest to the farmers, for it is principally there he finds a market for the surplus of his products. I can not in this speech review all the work of the last two years in this field. It is sufficient to say that a peace treaty was made with Germany and Austria which ended the war without injuring our allies or detracting from their influence in the settlement under the Versailles treaty. There was held in Washington a disarmament conference, which for the first time in the history of the world accomplished real limitation of naval armament and which has been followed by restriction of land armaments to some extent, saving to the people of this country and the world hundreds of millions of dollars and relieving them from the intolerable burdens of taxation. Furthermore, this limitation of armament is a step toward peace because competition in the building of navies and land armaments is sure to bring on another war as it has in the past. That conference also settled the most difficult problems in the Pacific and the Far East, which were not settled by the Versailles treaty and had been a menace to the peace of the world ever since the close of the Great War. The sovereignty and independence of China was recognized, the open door and the right of every nation to trade on equal terms was established, which is of vital importance to this country as a nation. It has been one of the principal policies since the day of Theodore Roosevelt and John Hay. I might briefly mention other accomplishments, the settlement of the dispute between Panama and Costa Rica, which threatened war near the Panama Canal; the settlement between Chile and Peru, which has improved our relations with all South American Republics; but I believe the most vital problems which lie at the foundation of the Nation's prosperity and future greatness are those pertaining to agriculture, for all history shows that a nation founded upon an intelligent, independent, and prosperous farming community, where the people are proprietors of the soil, secure in their rights, and with hope of progress, is a nation rising in the tide of civilization.

FARMING THE BASIC INDUSTRY.

I do not mean that we should thereby neglect other activities of life. Our mineral resources, manufacture, transportation, and all other activities must be developed with those of the farmer, but, as I have said before, his is the basic industry. He produces the food of the Nation. He takes the greatest risks, and to-day I believe his returns are the smallest, though his position in the world is secure. But for the mobilization of the production of this country, and of all the allied and neutral nations during the war, our armies would have been powerless and our arms would have been paralyzed. After the war came readjustment. The excessive demand from foreign countries ceased. The high prices of all products began to fall. The farmer was first and most drastically affected. Because they are the least organized and most numerous, the farmers have to produce and sell their products. Farming is not handled by large corporations, and therefore when the stimulus arising from the war ended during 1920 the farmers' prices dropped more rapidly than their cost of living, and when this administration came into power the farmers of this country were facing ruin, which meant disaster to all industries. Something had to be done. The President made up his mind to study the agricultural problems and to make that subject one of the principal activities of his administration. He delivered a great agricultural speech at our fair in St. Paul in 1920. He called an agricultural conference last winter. In his messages and in his conferences with Senators and Representatives from the agricultural States, he has constantly urged legislation and executive action to stabilize and assist this your great industry.

CONTRAST ADMINISTRATION POLICIES.

I am not going to make a partisan appeal. I realize that during the war everything was sacrificed to win it, but I did not believe then, and do not now, that the farmer received his fair share of profit. During President Wilson's administration Congress was asked to pass a law fixing the prices of wheat and authorizing the Government to buy it, the ostensible purpose being to increase the price so the farmer would produce the maximum. As a matter of fact, it reduced the market price, and though I do not deny the price was good, it was not equal to what was being paid in other countries or was being paid in the market when the law was passed. The law made a minimum price only. The President fixed both the minimum and maximum, and the farmer was compelled to take $2.25 a bushel for wheat that was selling in the market before the Executive action for $2.50 to $3 a bushel. I for one protested against it, and I think it would have been better to let the farmer get his market price; but that is a thing of the past.

ACHIEVEMENTS.

Let me for a few moments review the legislative and executive action of this administration in aid of the farmer. The following are some of the laws which have been passed during this present administration:

(1) The emergency tariff law for the benefit of agriculture, which placed a tariff duty on farm products.

(2) The law extending the powers of the War Finance Corporation, so as to relieve the credit situation among the farmers and provide a foreign market for their products.

(3) Law appropriating $35,000,000 to aid the Federal farm loan banks to sell bonds at 5½ per cent without any increase in the rates of interest to the farmer.

(4) Cooperative marketing bill authorizing the farmers to organize cooperative marketing associations in order to reduce the cost of marketing.

(5) The packer control law.

(6) The law regulating future trading in grain.

(7) Bill authorizing the President to appoint a representative of agriculture on the Federal Reserve Board.

(8) Federal aid in the construction of highways, from which Minnesota has been benefited to the extent of many millions of dollars, thus relieving rural taxpayers of a considerable burden.

Some of these most important measures I had the honor to introduce or have charge of in their passage through the Senate, and I have supported all of them. I have not the time to discuss the details of all this legislation, but wish to review a few matters which I think have been of vital interest to agriculture.

FARM CREDITS.

One of the prime necessities of the farmer is cheaper credits. The fact that his business is small, as compared with the whole, makes it more difficult for him to readily obtain cheap credits to carry on his business, and the great banking machinery which we have adopted and the Federal reserve system were not adequate to take care of rural credits. Therefore, the President recommended an agricultural conference, which was held last winter, and a joint agricultural committee of the two Houses made an inquiry and reported in favor of a rural credit system for personal credits to farmers. We have also passed legislation to increase the amount of money which the Federal farm-loan banks might loan to farmers on real estate throughout the country.

When President Harding came into office the Federal farm loan banks were practically at a standstill for want of funds. We appropriated $35,000,000 to be deposited in the farm loan banks, and we provided that these banks might sell their bonds at 5½ per cent without increasing the rate of interest to be charged to the farmer, and, in fact, the Government can now sell these bonds at much less than 5½ per cent, and is doing so. While, of course, every individual farmer has not had the benefit of this law, it has so greatly relieved the money market that the farm loan banks are now loaning to the fullest capacity of their organization, and if they continue to operate at their present rate of speed they will in the course of another five years have absorbed practically all of the farm loans that are eligible, or about two and one-half billions of dollars of loans in this country. It has had the effect also of greatly reducing the rate of interest which other associations and individuals are charging farmers for loans. In Minnesota alone, since the farm loan bank resumed business in June, 1921, $7,179,700 has been loaned, and $3,597,450 by the joint-stock land bank.

One further law is necessary, and that is to create a branch of this farm loan bank in the nature of a reserve bank, to take care of short-term credits for farmers, in the same way as the Federal reserve bank is taking care of short-term credits for all other banks. That is now pending and being considered by the Congress.

WAR FINANCE CORPORATION.

You will remember that in the summer and fall of 1921 the market for farm products was so bad and the prices so low that it was impossible for the farmers to obtain even the cost of producing them, that the banks in the farming districts were loaded up with farm paper which could not be paid, and a national disaster was threatened if conditions were not improved. The President appealed to Congress for immediate temporary relief in order, first, to furnish a foreign market for our surplus, and, second, to carry the farm products until they could be orderly and regularly exported. The bad financial condition of European countries and the inability of our farmers and local banks and exporters to carry the products made it necessary that the Government come to their relief in this great emergency. I do not believe, as a principle, in the Government doing the business of the country. I think the people are turning too much to the Government every time their business is not good, hoping for legislation to pull them out of the hole. But this was an exceptional condition following the war, affecting the great agricultural interests of the country. The President appealed to Congress. I introduced in the Senate and there was passed and enacted into law what is known as an amendment to the War Finance Corporation act. The War Finance Corporation had been created during the war to finance export products of this country, and it had ceased business under the order of President Wilson and was closing up its activities. The bill which I introduced and which became a law extended the life of the corporation for one year, which has since been made two years, and provides in substance that in order to create a market for the sale of farm products and to carry such products until they can be sold, and to provide adequate banking facilities, the War Finance Corporation is empowered to make advances not exceeding one year and to renew such advances not exceeding three years, these advances to be made to any person engaged in dealing in or marketing any such products, or to any association of farmers or producers for the purpose of assisting such persons or associations to carry such products until they could be exported or sold in an orderly manner. Advances were authorized also to banks and bankers who had made advances to the farmers in order to enable the local banks to carry the farmers until their paper could be paid. No bank was authorized to charge more than 2 per cent in excess of what the War Finance Corporation received. This bill was intended to, and did, meet a critical emergency, for there was no way to carry farm products until they could be exported. The result was that a financial panic was prevented. We exported more grain and flour than in any previous year except one or two during the war, and, as I will show you, the prices of farm products have improved. The War Finance Corporation had a capital of $500,000,000, and it was authorized to borrow up to a billion dollars more. It took several months, of course, to get the machinery in operation and the maximum efficiency developed, and while during the fall of 1921 it prevented a general smash in banks, its full effectiveness as to prices to farmers was not felt until winter. The cotton market was affected as early as July. The corn market began to turn in November, and sheep, corn, and hogs began to feel the influence of restored financing facilities in the latter part of December and in January and February.

TWELVE MILLION DOLLARS TO MINNESOTA.

The total loans up to the 1st of July by the War Finance Corporation were $284,874,582. In Minnesota alone there has been advanced for these purposes $11,912,730. I have received letters from some farmers complaining that under this law loans were made direct to farmers. This is true, and could not of necessity be otherwise. The object of the bill was to meet a great emergency at the earliest possible moment in order to furnish a market for farm products, and it was not possible, if wise, for the Government to set up machinery to make loans directly to farmers throughout the Nation. The only practicable way was to furnish capital to move the crops, to find a market, and to relieve the local banks so additional credit could be given the farmers. If the Government had undertaken to create an agency to deal directly with all the individual farmers of the country, it could not possibly have been done within the time necessary for relief and would not be wise in any event. The Government should do no business which the people themselves can do and do better. Farmers must and should, in the main, rely for their credits on banks and financial institutions in the local communities, and it is only the province of government to aid these, to make them efficient, and see that reasonably cheap farm credits are assured. I have also heard complaints that in some cases the banks charged excessive rates of interest. The War Finance Corporation enabled them to charge from 5 to 5½ per cent, and if any bank charged more than 2 per cent in addition to this it violated the law. This 2 per cent was allowed the local banks for taking the risk and handling the business, as it was not possible to reach the individual farmer in any other way. The Government, of course, could not regulate the rate of interest the State banks should charge for funds otherwise than those furnished through the War Finance Corporation. I think every one will tell you that this measure met a great emergency, without which there would have been a general financial smash among the country banks which would have reacted disastrously upon the farmer.

FARMER ON RESERVE BOARD.

More or less connected with this subject of farm credits and finances is a measure which I introduced and which was passed through the Congress during the last session in the winter of 1921. That bill authorized the President to appoint a representative of agriculture upon the Federal Reserve Board. As you are aware, the Federal Reserve Board has general control over the Federal reserve banks which rediscount paper for member banks throughout the country. It has been the policy of the Government to have representatives of various business institutions as well as banks on this Federal Reserve Board—men who are familiar with various parts of the country, the business and credit conditions. We thought it very desirable that the farmers should have a representative on this board, not necessarily a man solely engaged in farming but a man who is familiar with the needs of the farming communities and with farm credits. The bill was signed by the President, and it is expected that very soon he will make an appointment. He is endeavoring to find a man of the highest standing, character, and experience, and I have no doubt will do so. As the Federal reserve system and the member banks throughout the country must of necessity be the great reservoir of credits as well for farmers as merchants and manufacturers, it will undoubtedly add to the efficiency of the board to have such representation.

COOPERATIVE MARKETING.

One of the most important bills passed by the last Congress in aid of the farmers was the cooperative marketing bill. I had the honor of having charge of this bill in the Senate. It had been before the Congress for two years and had passed in different forms in the House and in the Senate, but the conferees of the two Houses could not agree. I finally moved in the Senate to adopt the House bill, which I thought fully met the necessities of the case and had the approval of the farm representatives. I know of no movement of greater importance to the farmers than that of cooperative marketing. In many of the products of the farm, especially those not handled in the great markets, the difference between what the farmer receives and what the consumer pays is, in many cases, exorbitant and unreasonable. Furthermore, the indiscriminate marketing, without intelligent cooperation, tends to glut the market and depress prices, without a corresponding benefit to the consumer. It also tends to waste, and is not, therefore, in the interest of national economy. There are in this country 6,448,343 farmers. It was claimed by the opponents of this bill that it was not in the interest of the public to allow the farmers to create a great national trust. When you stop to think of the number of farmers and the different communities which they serve, the different products they raise, the different market conditions they meet, the different climate conditions, the conditions of transportation, it is absurd to think that the farmers can create a great trust and oppress the public. If there was any danger, the bill protects the public, and the Secretary of Agriculture is authorized to institute proceedings if any monopolies are created. Again, the farmer can not curtail his production to meet the public demands. He can not let his land lie idle, but is compelled to cultivate it. Much can be done in selecting the crops if there is adequate knowledge of the demand for his products.

I need not remind you of the great benefits which have been derived by the farmers in Minnesota through their cooperative creameries, elevators, and other cooperative activities. I know of no State where more has been done to inaugurate this system than in the State of Minnesota, unless it be in California, where the fruit growers' cooperative marketing agencies have saved the farmers from bankruptcy.

President Harding recommended such legislation in his message of December 6 last, and advocated it in his speech to the farm conference held in Washington during the winter. It takes time, of course, for the farmers to develop thorough systems of cooperative marketing, but I have that confidence in their business ability that with wise laws and ample protection it will be made one of the most effective means for the benefit of agriculture. It is, of course, not as easy for them to cooperate as it is for the great manufacturing and other industries which are fewer in number. Those manufacturers, in many instances, are consolidated into very large corporations, but this is impossible in the farming business. Each farmer is a proprietor, and must of necessity be independent. The hope and stability of the Nation is based upon the independent proprietorship of the land. This inculcates an individual spirit of initiative and enterprise, which is the very foundation of all progress, and, I am happy to say, from the great farming communities of the Nation was drawn the bone, sinew, and brains which is developing our twentieth century civilization.

There are only two fields in which the farmer can cooperate. One is in marketing and the other in procuring cheap credits. This later has developed in some countries to a greater extent than with us. Much, of course, can be done by individual farmers in more scientific agriculture, rotation of crops, better live stock, greater diversity of products, and along other lines, and while the Government can aid with proper and just laws, after all, the foundation of national prosperity and progress must rest with the individual himself.

EMERGENCY TARIFF ACT.

When the Republicans came into power on the 4th of March, 1921, practically all farm products were upon the free list, placed there by the Democratic Congress in the Underwood bill of 1913. It had been the Republican policy prior to that time to furnish the farmer reasonable protection for his principal products, but this policy was reversed in 1913, and while affording a considerable degree of protection to the manufacturing and other industries of the country, farm products were not protected. Thus the home market was thrown open to the products of Canada, with its virgin soil and cheap land; to Argentina, with its cheap land and cheap labor; to Cuba; and other countries. In 1912, before the Underwood bill was passed, only 47.47 per cent of our imports from Canada came into the United States free of duty.

In 1914—a year after the Underwood bill was passed—80.97 per cent came in free of duty; in 1919, 88.73 per cent; and this condition existed until the emergency tariff bill was passed in May, 1921. I am not in favor of exorbitant rates of duty, which will burden the American consumer. I am in favor of a reasonable protective policy which will enable American industries to keep their home market against the cheaper labor and production of other countries, and I am also in favor of the farmer having his fair share of that protection. I have not advocated high duties in the tariff bill now before the Congress. I think I may say without exaggeration that I led the fight for free lumber and shingles in June of this year, and the Senate adopted it by a very large majority. I am in favor of free coal, free farm machinery, free iron ore, and other products which are a necessity to the American people and where our home producers do not need protection. I joined in the advocacy of a lower rate on cotton goods, some iron and steel products, and woolen goods, and there are other schedules for which I shall advocate lower rates. But because the farmers are not organized, because they must produce, and because they find a market for their surplus in foreign countries, is no reason why they should not have local protection, for, after all, the United States is their great market, and it is demonstrated beyond question that in many countries grain, cattle, and butter can be and are being produced cheaper than in this country.

A fair illustration of what happened under the Underwood tariff bill is the following:

During the war there was an embargo on all shipments of farm products into the United States from Canada, those farm products being taken by the Canadian Government for the use of the allied nations and the armies. This embargo was lifted on the 1st of November, 1920. From 1909 to 1913, before the Underwood bill was passed, the average importation of wheat from Canada was 940,000 bushels per annum; of flour, 132,000 barrels. In the first four months of 1920, after the embargo was lifted, to wit, September, October, November, and December, there was imported into the United States either in wheat or its equivalent in flour, 35,074,676 bushels, and in the first three months of 1921, 14,267,095 bushels—making substantially 50,000,000 bushels. In addition to this, 41,000,000 bushels were shipped into the United States in bond and shipped through to foreign countries. It is idle to say that this did not affect the local American market and the farmer. The figures show it did. After the embargo was lifted and Canadian products entered the United States free, wheat sold in Winnipeg on an average of from 20 to 35 cents a bushel higher than in Minneapolis. Beginning with the marketing of the crop of 1921, after the emergency tariff, wheat sold at from 10 to 25 cents a bushel more in Minneapolis than in Winnipeg, and the imports of grain very largely decreased.

It has been said that what the farmer is interested in more than anything else is a foreign market, and unless we can import foreign goods we can not find a market for our farm products. This is true to some extent, but there always will be very large importations of some classes of goods into this country, and it is not the policy of the present Congress to prevent this. In spite of the emergency tariff, the exports of grain, flour, and meat products were greater in 1921 and 1922 than ever before, except during the emergency in the war, when European countries could get their products no other place.

I believe it is a fair statement of the case that the aid given to marketing by the War Finance Corporation, and the protection of the emergency tariff, together with the other activities of the Government were, to a large degree, responsible for improvement in prices of farm products. I do not claim it is all attributable to legislation, but it is the opinion of the Bureau of Markets and of the Department of Commerce that these activities of the Government have very largely aided in restoring prices to the farmer. On this subject of the need of protection to the farmers, I quote from a report of the Bureau of Markets, made at the time the emergency tariff was pending before the Congress:

"There is a great surplus supply of meats and meat products in the United States, and prices of live stock have been driven to a decline much more rapid than the decline in cost of production, while imports of meats have further depressed the market. This constitutes a menace to the live-stock industry. Live-stock operations—before the war frequently precarious and unprofitable—did not during the war build up a reserve of profits sufficient to offset the present losses due to the current marketing of war-stimulated production at less than its cost."

Then the Bureau of Markets, a Government agency, proceeds to give these statistics and says:

"On the other hand, following the putting of meat on the free list in 1913, imports began a rapid development, which was cut off only by the war, and in 1919-20 show a marked tendency to resume. These facts need to be considered in conjunction with the fact that the Chicago packers control from 50 to 60 per cent of the meats shipped from South America to world markets. With our exports practically no greater than 1910 and with a strong potentiality for increase of imports, the American farmers urgently need protection for their cattle and sheep products. Imports of muttons and lamb for the years 1917-1919 averaged about 6,000,000 pounds; in 1920 they were 100,000,000 pounds, and had a far more depressing effect on sheep and lamb prices than on consumers' prices of the products."

IMPROVEMENT OF PRICES.

In any event, prices of farm products have very largely increased in 1922. It is true that during the summer and autumn of 1921 prices which had commenced to go down continued to decrease in most products, but it is also true that the War Finance Corporation's activities did not begin to take effect until the beginning of the year 1922, and between January and the present time prices of the principal farm products, including wheat, corn, oats, barley, rye, hogs, cattle, sheep, and wool, have very greatly improved. In some of these products there has been a very great advance; in others less.

I do not say that the proper relation between farming products and other products has yet been reached. It is true that under the effects of the enormous demand during the war farm products decreased more rapidly in price than other products, so that the purchasing price of wheat, hogs, and cattle in the market was less than most other products of the markets; but a proper relation is rapidly now being restored, and I believe that in the near future the prices of farm products will be brought nearer a proper relation to the prices of other products.

TRANSPORTATION RATES.

One of the vital needs of the farmer is cheaper and better transportation. Railroad rates are too high, and they are, of course, a burden upon all the business of the country, and primarily upon the farmer, because he can not add his freight rates to the price of his products. He receives for his products in the great central markets the market price less the freight rates. The manufacturer sells his products at the mill at the market price plus the freight rates.

I think there is a good deal of misunderstanding as to the cause of the very high freight rates to-day. When the Government took over the railroads on the 1st of January, 1918, freight transportation was the best and freight rates were the cheapest here of any country in the world. I did not believe it was necessary to take over the railroads, and my belief has been strengthened and confirmed by what has transpired. I do not believe a political organization can efficiently operate a great business like the railroad transportation of the country. It can not be managed by central bureaus in Washington, and it is for that reason that I am in favor of private ownership, under strict Government regulation, and in favor of preserving the regulation of intrastate matters by the States, which is nearer to the people and can deal more effectively with the local problems than can the Federal Government. You can not run 260,000 miles of railroad efficiently under a bureaucratic system from Washington. In 26 months the Government lost from $1,800,000,000 to $2,000,000,000 in the operation of the railroads, increased the freight and passenger rates 40 to 65 per cent, and increased the operating expenses of the roads so as practically to take up every dollar of the increased rates, leaving the roads without any net income whatever, and when the roads were turned back to their owners, although $1,500,000,000 had been added to the gross income, it was entirely absorbed by the additional operating expenses, and the roads, as a whole, were not earning anything on their bonded debt, stock, or value. Since September, 1920, there has been considerable improvement.

Freight rates have been reduced about 11 per cent, amounting to about $500,000,000 per annum. Operating expenses of the railroads have been reduced about a billion and a quarter dollars, and while the railroads are now earning only about 3 per cent upon their value as fixed by the Interstate Commerce Commission, I believe that, unless there is a general railway strike, the operating expenses will be still further reduced and there will, at an early date, be reductions in freight and passenger rates.

We are gradually getting back to normal conditions. It is not my purpose to discuss the railroad problem, but simply to point out that everything should be done to aid in the reduction of railroad rates without crippling and destroying the railroad properties, because money will not be invested in railroads unless there is some fair remuneration.

DEEP WATERWAYS.

I think, in connection with this, we must do everything possible to develop our water routes, for water transportation, after all, is the cheapest. I made a speech in Duluth the other night pointing out the benefits which will accrue to the western country from the construction of a deep waterway reaching to the head of Lake Superior at Duluth. I think it is a great project for this country and that an ocean waterway open to the very heart of the agricultural producing district of Minnesota would be of inestimable value to all the farmers in this State and in the West.

SEVEN MILLION DOLLARS FOR MINNESOTA ROADS.

At the time when the first bill appropriating Federal money for the construction of rural highways was being considered, it was impossible for Minnesota to accept money from any source to be spent upon its roads, for our constitution then forbade the expenditure of money by the State for "internal improvements."

But there was then pending an amendment—which was adopted in 1920—allowing the State so to expend money, and I, cooperating with Senator NELSON, prepared an amendment to the appropriation bill setting aside Minnesota's share and holding it in the National Treasury for our people, in anticipation of the adoption of this constitutional amendment.

When finally the amendment was ratified by the voters of this State, there immediately became available a sum of nearly $7,000,000. This amount forthwith was turned over to Minnesota and has been used in the construction and improvement of its highways.

This was a great saving to the taxpayers of the State, as you will readily see.

In 1919 an assault was made by certain influential eastern Senators upon the existing method of apportioning Federal aid for road construction among the States. The plan proposed was that the money should be divided in proportion to the various amounts paid by the different States for internal revenue taxes, and disregarded the territorial extent of the respective States and the length of highways therein.

This would have given such States as New York and New Jersey, where many great corporations have their headquarters, a great and an unfair advantage over agricultural States like Minnesota.

I had the honor of taking a leading part in opposing this scheme, which was defeated only after a fight which lasted several days. Through the course of years this victory over the East will save for you many, many millions of dollars.

I am as proud of what I have done for the betterment of our highways as I am of anything I have accomplished in my lifetime, for having been born and raised upon a farm, I fully appreciate the benefits which result directly, not only to the farms but to the cities and villages where their products are marketed, from such good roads as those over which I have just traveled on my trip to your beautiful and prosperous community.

One of the heaviest burdens you have to bear is the expense of the transportation of the products of the farm to the market, and I assure you that I shall always do all in my power to assist you in the realization of your ambition to provide yourselves with cheaper and swifter transportation.

GOVERNMENT IN BUSINESS.

President Harding wisely said that we should have more business in Government and less Government in business. This is a wise rule. I do not wish the farmers of Minnesota to think that I believe Congress or State legislatures can immediately find a remedy for all the economic or social evils which from time to time arise and which the people must be ever on the alert to combat. I think at the present time people are too apt to go to Congress for relief which can be wisely given only through their own individual or cooperative exertions. It has become the fashion, when credits are scarce and money is high, to demand that Congress shall immediately appropriate money to be loaned in business. If business is poor the Congress shall legislate to better it. If prices of products are low the Government shall go into the business of buying and selling. If times are hard we shall immediately issue money and inflate the currency. These are economic fallacies which have been proven to be fallacies over and over again in the history of the world. Congress and the legislature can do much to aid in procuring adequate and cheap transportation and a good financial system, encourage better marketing, more scientific farming, and foreign markets; but, after all, the prosperity and progress of the Nation under wise and equal laws rests with the people themselves. We might as well be honest with ourselves. There are demagogues going up and down the land, and I think they are more numerous during this readjustment after the war than before, who are trying to stir up class prejudice and hatreds, who will tell you that the Government is run in the interest of the trusts and the plutocrats and predatory wealth. These are their favorite expressions—that legislation is in the interest of big business; that the farmer is the prey of all the other classes of the community—and yet you will not find any of them offering any constructive remedies for the evils which they magnify and appraise. It is true that some of them advocate Government ownership of railroads, banks, mills, grain elevators, public utilities of all kinds, and what they call essential industries; but wherever this has been tried it has been found disastrous. The great farming industry, the manufacturing and transportation industries, the scientific discoveries which have made modern progress the wonder of the ages, have been made possible by the individual enterprise and brains of a free and independent people. It is true that the Government must see that the people have transportation facilities and that these facilities are not interrupted or destroyed; that certain essential industries, like the production of coal, must be carried on and not be interrupted or destroyed; but proper regulation of these great industries, combined with a reasonable degree of freedom and enterprise, will work out the solution of these problems.

One thing must be understood in this country—that the law is above every man and order must be preserved, and that every individual must be protected in his right to labor and enjoy the fruits of his industry. No class of men, whether capitalists, farmers, or laborers, have a right to set the law at defiance or by conspiracy to compel the people to bow to their mandates.

STATUE OF "SERENITY."

Mr. BRANDEGEE. From the Committee on the Library I report back favorably without amendment the joint resolution (S. J. Res. 242) authorizing the erection on public grounds in the District of Columbia of a statue by José Clará personifying "Serenity," and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. McCORMICK. Reserving the right to object, will the Senator kindly explain the character of the statue?

Mr. BRANDEGEE. Certainly. I ask that the joint resolution be read to the Senate for its information. Then, there is a letter from the Superintendent of Public Buildings and Grounds, and I ask that it may be read in explanation of the joint resolution.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Assistant Secretary read the joint resolution, as follows:

> *Resolved, etc.*, That the Chief of Engineers, United States Army, be, and is hereby, authorized and directed to select a suitable site and to grant permission to Charles Deering for the erection, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, District of Columbia, other than those of the Capitol, the Library of Congress, the Mall, and the White House, of a Carrara marble statue of "Serenity," by José Clará: *Provided*, That the site chosen and the design of the memorial shall be approved by the Joint Committee on the Library, with the advice of the Commission of Fine Arts, that it shall be erected under the supervision of the Chief of Engineers, and that the United States shall be put to no expense in or by the erection of the statue.

Mr. McCORMICK. May I inquire of the Senator from Connecticut whether it is proposed to erect the statue of "Serenity" in the Senate Chamber?

Mr. BRANDEGEE. I think it would be very well to do it. I would vote for it.

Mr. McCORMICK. Before there is a vote on the proposition, am I to understand that the statue of "Serenity" is to be erected at the public charge or is to be given to the District?

Mr. BRANDEGEE. I had the joint resolution read for the information of the Senator, but he was engaged in conversation with other Senators and did not listen to it after I had asked to have it read. The joint resolution distinctly provides that the United States is to be put to no expense in connection with the matter. I asked that a letter from the Superintendent of Public Buildings and Grounds be read, but I do not insist upon it, and merely ask that it may be printed in the Record. If anyone wants to hear the letter read, he can call for the reading.

There being no objection, the letter was ordered to be printed in the Record, as follows:

War Department, Corps of Engineers,
Office of Public Buildings and Grounds,
Washington, D. C., August 31, 1922.

Hon. Frank B. Brandegee,
Chairman Joint Committee on the Library,
United States Senate, Washington, D. C.

My Dear Senator Brandegee: Mr. Charles Deering, of Chicago, has expressed to this office a desire to have placed in one of the public parks of this city, as a gift to the people of the United States, a marble statue of "Serenity," by José Clará, a Spanish sculptor. He proposes to furnish and erect this without expense to the United States, and it is believed to be desirable to accede to his request.

There is, therefore, submitted herewith a resolution authorizing the Chief of Engineers to select a suitable site and to grant permission to Mr. Deering for the erection of this statue. If you approve of this proposition, it is respectfully recommended that steps be taken to introduce the resolution. Colonel Sherrill is expected to return to Washington in a few days from his vacation, and will be available for any detailed information you may desire to secure from him.

Very truly yours,

D. L. Weart,
Major, Corps of Engineers,
Executive Assistant.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WHITE HOUSE COLLECTION OF CHINA.

Mr. BRANDEGEE. From the Committee on the Library I report back favorably, without amendment, the bill (S. 2212) for the future safeguarding of the White House collection of the presidential china, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized and empowered to receive, on behalf of the Government of the United States, gifts, whose authenticity has been established, of presidential heirlooms in the form of table china, glass, or plate, such gifts to be made a part of the permanent collection of china now installed in the cabinets of the collection room of the White House: *Provided,* That said collection shall be maintained in the present White House collection of presidential china and shall remain in perpetuity the property of the United States in the White House under the care of the Office of Public Buildings and Grounds.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH S. M'COY.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably Senate Resolution 353, submitted by the Senator from Connecticut [Mr. McLean] on the 20th instant, and I ask for its present consideration.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Joseph S. McCoy the sum of $2,000 for extra services as expert actuary and statistician rendered to the Senate Committee on Finance during the first and second sessions of the Sixty-seventh Congress.

PAY OF SENATE PAGES.

Mr. CALDER, from the Committee on Contingent Expenses, to which had been referred the resolution (S. Res. 352) submitted by Mr. Ashurst, September 18, 1922, reported it with an amendment in line 3 to strike out the words "beginning of the third session of said Congress" and to insert the words "31st day of October, 1922, inclusive," so as to make the resolution read:

Resolved, That during the period between the end of the second session of the Sixty-seventh Congress and the 31st day of October, 1922, inclusive, the pages of the Senate provided for by law, resolution, or otherwise, be paid the regular compensation at the rates they have been receiving.

The Senate proceeded to consider the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

CONDEMNATION OF FEDERAL RESERVE BOARD'S DEFLATION POLICY.

Mr. HEFLIN. I ask unanimous consent to have printed in the Record in 8-point type an editorial from the Manufacturers' Record, also an excerpt from an article in the Wall Street Journal, and a part of an article from the New York Evening Post, and two or three letters or short documents which I have on the subject of the Federal Reserve Board's deflation policy.

The PRESIDENT pro tempore. Is there objection?

Mr. McCORMICK. Will the Senator from Alabama tell the Senate the subject of the matter which he desires printed in the Record?

Mr. HEFLIN. The subject is the drastic and destructive deflation policy inaugurated by Republican leaders and directed by——

Mr. McCORMICK. W. P. G. Harding?

Mr. HEFLIN. Yes. By William "Poison Gas" Harding. [Laughter.]

There being no objection, the matter referred to was ordered to be printed in the Record in 8-point type, as follows:

FRENZIED EFFORTS OF FINANCIAL DICTATORS TO FORCE GOVERNOR HARDING BACK INTO FEDERAL RESERVE SYSTEM.

It is as true to-day as it was yesterday that 2 and 2 make 4.

The Wall Street Journal, speaking editorially, declares that although it was a principal object of the establishment of the Federal reserve system "to deprive New York of its financial leadership," "New York and not Washington is the real center of the reserve system."

That is the Wall Street view, and that is why, perhaps, the governor of the New York Reserve Bank, Mr. Benjamin Strong, whose apparent influence over W. P. G. Harding has long been notorious, traipsed to Washington not many days ago and put himself to work. Was he there on professional duty, earning the munificent salary paid him, and was it with the Federal Reserve Board that he transacted business? We hear it said that rather he was moving about the corridors of the Capitol, buttonholing politicians, whispering strange promises in the ears of listeners, sending messages into the White House itself, not in connection with pure finance but in an effort to cajole or bulldoze the President of the United States into returning to office and power Mr. W. P. G. Harding.

We say that 2 and 2 make 4 to-day as always, and the flat declaration of the Wall Street Journal that "New York is the real center of the reserve system," added to the work of Mr. Strong at the Capital, makes with mathematical certainty this fact patent to all: New York is playing politics with the system. These influences, which have dared to accuse reputable men of demagogy in connection with criticism of the maladministration of the reserve system, and who cry "keep politics out of the system," are putting politics into the system. Indeed, by politics they have so prostituted it that it is in disrepute throughout whole sections of the Union. They are sunk to the neck in the mire and yet dare cry out that the hands of others are black!

Why is Senator Carter Glass passing from Senator to Senator asking them if they will not agree to vote for the confirmation of W. P. G. Harding if he is again named governor? Is he keeping the reserve system out of politics or is he trying to establish a poll that can be shown the President to convince him that if he does appoint Harding the nominee will be confirmed?

The whole fraternity of Governor Harding's defenders with one voice declare that the Federal reserve system, like the Supreme Court, should be above suspicion and beyond the criticism of the day. But who is it that has made the board a storm center, and who is it that has brought the reserve system itself into disrepute and tarnished it with selfishness and inefficiency? Is it not W. P. G. Harding, whom Bourbons now seek to reestablish in power? A lot they care for the permanence of the system or its good repute, soft though their words be, unless New York can control the reserve system, as suggested by the Wall Street Journal. Else why do they insist on the reappointment of the one man in the whole United States whose retention would be absolutely certain to keep the whole system in politics and assure inevitably a new Jackson and a new Jacksonian campaign to destroy utterly a revived financial dictatorship and tyranny?

Indeed, so desperate have some of the Harding followers become and so fixed in their attitude that it is common gossip, though necessarily difficult of proof, that they have had the effrontery to lay down as a condition precedent to the raising of further funds for the Republican Party the reappointment of Harding. So widespread is that rumor and so general is the belief in it that if the President should appoint Harding, not thousands but millions of Americans will believe that there is something rotten in Denmark, smelling to high heaven. Indeed, by their tactics Governor Harding's advocates have made it impossible for the President even to consider the renaming of their man without subjecting himself and his administration to grave suspicion.

Senators, if they wish, may leave the Senate Chamber and the newswriters may retire when Senator HEFLIN, week after week, rises and tells again his story of W. P. G. Harding and the wrecking of national prosperity. But Mr. HEFLIN happens to be backed by a great wall of truth. His charges are not denied, his integrity is not impeached. They may laugh at him, they may ridicule him, they may say they are tired of him, but they are not half so tired of him as the people of the United States are tired of W. P. G. Harding; and when the voting comes it may astound learned Senators to discover that the great masses are just as determined to have honesty and efficiency in the administration of national credit now and are just as opposed to tyranny and financial dictatorship as they were in the time of Andrew Jackson.

And when we say dictatorship we know what we are talking about. Indeed, it may be doubted if even the minutes of the meetings of the reserve board are an accurate picture of how absolute that dictatorship is.

How long has it been since failure commanded reward in America? As the whole structure of national prosperity was toppling over in 1920 and Mr. W. P. G. Harding was tearing down the pillars of the temple, did he not cry from the housetops that there must be what he called "orderly marketing," which meant that every farmer must sell his products as he brought them to market? Would he dare say that now? On the contrary, all the experts agree, and the President, too, that it is economic "murder" to follow such a course and that a credit structure must be erected which will enable the farmer to distribute his sales over a period. The policy of Governor Harding, which in those days spread ruin everywhere, is not even defended to-day by any responsible man, not even by himself, we believe. That is the kind of "genius," the type of "efficiency" which Strong and GLASS and the others say must be rewarded.

And who was it who introduced and defended the graduated rate? Why, Governor Harding, and about the first thing the President learned when he took office was that even metropolitan bankers, sponsors for Harding, realized the sin of an agency that utilized such a ruinous, immoral, and dastardly method.

Who was it who forced Government securities out of the banks, even in repudiation of the solemn pledges of the Government, giving as a sole excuse a theory that financing of the war had been "unwise"? And who did drive these securities out and force Liberties down to approximately 20 per cent below par? No need to ask, for wherever there was anything sinister in finance, there, as fate would have it, was Governor Harding's management also.

His mistakes, colossal as they have been, have not made him great. He has not blundered into godship. But he, the apostle of deflation, when confronted with similar deflation of his own power and authority, does not want to be "deflated." He wants to be "inflated" still more. Unwisely put into office by one administration, he wants now to be tossed back by Mellon and President Harding, to be the pet of two administrations, and as he works his vengeance on those who dared oppose him, hopes to smile from the vantage point of support by both major political parties, invulnerable and invincible. His dream is greater than his ability. If the two major political parties alike fell into his clutches that would solve no problem except to assure the formation of a new political party, out of his control, which would quickly enough become supreme. A leading banker lately wired President Harding that Governor Harding was building up such a financial oligarchy that if reappointed it would be necessary for the country to destroy the reserve system in order to get rid of this financial oligarchy.

Let Mr. Strong and all his confederates who are playing politics with the reserve system be warned that they are in the quicksands. If they won the reappointment of W. P. G. Harding their very victory would overwhelm them. If they prove, by securing that reappointment, that the New York Reserve Bank is in fact, as the Wall Street Journal intimates, the head and control of the whole Federal reserve system; that it has been able to overrule the purpose of Congress to take that leadership away from New York; that it has become more powerful than the Government and can dictate appointments, then that proof will be the signal to the country to put on its battle armor, for liberty knows and will tolerate no master.

The appointing authority is itself on trial.

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[From the New York Evening Post, Wednesday, September 20, 1922.]

FEDERAL RESERVE CRITICIZED IN WEST—DEMOCRATIC POLITICIANS CHARGE REPUBLICANS CAUSED SEVERE DEFLATION—FARMERS ASSERT THAT THEY WERE DISCRIMINATED AGAINST.

[Special Correspondence of the Evening Post.]

DES MOINES, Iowa, September 14.— * * * Farmers here assert that steps taken by the Federal Reserve Board at Washington in 1920 to deflate the currency of the country hit them a blow from which there has been no recovery to date. Condemnation of the board's action is heard in every rural community. Farmers without regard to politics blame the board for their present predicament. * * *

They belive the make-up of the board should be carefully looked after in the future and demand the appointment of a real farmer member on the board. * * *

The deflation processes which aroused so much indignation here started early in the summer of 1920, the farmers assert. They were severe and they were speedy, and the methods by which they were applied were arbitrary, according to the views held here. Credit was cut off for a multitude of reasons—most of them invalid, according to the local view—and the board of this district, acting under orders from Washington, apparently went out of its way to enforce all the drastic mandates.

Farmers say the effect of the action at Washington fell upon them most heavily. Indeed, they insist that it fell upon others only lightly and in some cases not at all. Farmers were forced to take much lower prices for their products while the things they had to buy were sold to them without appreciable reduction. Farm buying was necessarily curtailed, and in the end this brought financial distress to many country merchants. The retailers carried farmers on their books for long periods and were deprived of capital they needed in their business. And at the same time their current trade receipts were reduced. This proved to be another troublesome factor in the West.

LOOKED FOR THE REASON.

From the outset leaders of the agriculturists sought relief from the strict orders of the board. And as they did so they sought to get at the fundamental idea of the board in making such proposals as it did. The quest was fruitless, however. The harder the mandates were enforced and the more frequent and drastic they became the more aloof the board became to advances and inquiries, so the farmers say.

* * * * * * *

HOW IT CAME ABOUT.

Now, however, there is some light being thrown upon the affair which is putting a new face on it. Following Senator HEFLIN's lengthy speech in the Senate recently, and as a development of Senator HITCHCOCK's war cry to the Democratic State convention of Nebraska, meeting at Omaha, the farmers are wondering just how much blame ought to attach to the Democrats and how much to the Republicans. The tendency here is to relieve the Republicans, if it is possible to do so; but the Democrats are coming forward with some interesting historical data that are opening the eyes of folks. The Democrats charge the Republicans with demanding deflation just before their national convention met at Chicago, and of accomplishing it, to the great detriment of the farmers, after the overwhelming victory at the polls in November that year.

Senator HITCHCOCK's charges, which are being circulated here by Democrats and some nonpartisan or independent agencies, to whom they appeal with force, are embodied in these words:

"Republican responsibility for drastic deflation began in the Republican platform adopted in June, 1920. That platform denounced the 'gross expansion of our currency and credit.'

"That was plain talk and a direct notice to the Federal Reserve Board of what the Republican managers demanded. The Republican Senate only three weeks earlier had by resolution called upon the board to report what it proposed to do to reduce 'currency and credit inflation.' Undoubtedly, therefore, the policy of the board was influenced then and afterwards by the demands of Republican leaders for deflation.

"The result was a drastic and damaging curtailment of credit, a reduction of currency, and a fall in prices."

ALLEN ASSAILS REPUBLICANS.

Tom S. Allen, chairman of the Nebraska Democratic State Committee, issued a statement this week in which he continued the attack on the Republicans, saying:

"Keep it before the people that the policy of deflation that almost wrecked American agriculture is Republican policy. It was demanded by the Republican Senate in May, 1920. It was facilitated by a Republican law authorizing the Federal Reserve Board to increase the rediscount rate. It was demanded by the Republican national platform adopted at Chicago in June, 1920. It was demanded by Mr. Harding, the Republican nominee for President, in his speech of acceptance in July, 1920. It is indorsed in the Nebraska Republican platform in its praise of the 'achievements' of the Harding administration, of which this is one of the most notable.

"The Republican candidates in Nebraska this fall stand unreservedly on this platform.

"A Republican vote in November will be a vote to indorse this policy. A Democratic vote will be a vote to return the Federal reserve system to the service of the plain people."

In support of their campaign contentions, the Democrats quote this from President Harding's speech of acceptance July 22, 1920:

"Gross expansion of currency and credit have depreciated the dollar. Deflation on the one hand and restoration of the 100-cent dollar on the other ought to have begun on the day after the armistice. We pledge that earnest and consistent attack which the party platform covenants. We will attempt intelligent and courageous deflation and strike at Government borrowing, which enlarges the evil."

They also say that "between May 28, 1920, and January 25, 1922, there was a contraction of credits by the 12 Federal reserve banks amounting to $2,005,149,000, and a contraction of Federal reserve notes in circulation amounting to $923,020,000—a grand total of nearly $3,000,000,000 or $30 per capita for the entire population of the country.

"The result is that wages were brought down and are still being brought down.

"The prices of farm products and of land were brought down and are still being brought down."

Likewise, they declare that in 1919 a trust company tied up the Federal farm loan banks in the spring court so those institutions could no longer function.

They also assert that in the spring of 1920 the Republican Congress passed an amendment to the Federal reserve bank law empowering the Federal Reserve Board to increase the rediscount rate, a step which reacted directly upon the farmers.

BEGINNING OF DEFLATION.

Then followed, according to the Democrats, the McCormick resolution, the declaration of the Republican National Convention and Harding's speech of acceptance—and after these the policy of deflation was begun.

The Democratic leaders have not waited until this moment to speak on the matter, for in the platform of 1920 adopted at the San Francisco convention was this declaration:

"One vital danger against which the American people should keep constantly on guard is the commitment of this (Federal reserve) system to partisan enemies who struggled against its adoption and vainly attempted to retain in the hands of speculative bankers a monopoly of the currency credits of the Nation. Already there are signs of an assault upon the vital principles of the system in the event of Republican success in elections in November."

The Democratic contention rests on the above history, and the facts which are being set before the farmers of the West now are interesting many of them and are causing anxiety in the Republican ranks.

Mr. President, the Wall Street Journal of September 13, 1922, which for many months has been one of the controlling spirits over the Federal Reserve Board, contains a statement from a bank in Tennessee giving as its reasons for withdrawing from the Federal reserve banking system that the promise to loan them money on Government bonds had not been lived up to and that deception had otherwise been practiced upon them under the tightwad policy of the Federal Reserve Board. The Wall Street Journal had asked why it had withdrawn. I am doing everything in my power to have the Federal reserve banking system so honestly and fairly administered that no charge of deception, favoritism, or inefficiency can be established against it. I know that this great banking system is capable of supplying to all the people all the time all the money and credit necessary to meet the demands of their business.

The crying need of the hour is for the people to wake up on this all-important question and demand that the Federal reserve banking system be permitted to function as it did before Wall Street got control of it.

As long as Wall Street controls the currency and credit supply of the country just that long will the masses of America be the serfs and slaves of the money lords of the East.

Money and credits are the life blood of business. When they circulate freely, business is good and the people prosper. When they are not permitted to circulate, business stagnation comes and the people are literally held up and robbed. I contend that to withhold the currency and credit aid necessary to meet the business needs of the people and prevent ruin to their business is cruel and criminal.

To permit currency and credits to be withheld from millions of patriotic people while the speculators and financiers of Wall Street grow rich and fat upon their toil and investments is nothing short of a scandal and national crime.

Let no one be deceived. There was no necessity or legitimate excuse for the drastic, destructive, cruel, and criminal deflation policy that so afflicted and cursed our people in 1920 and 1921. It was begotten by Republican leaders and born in Wall Street. It was inexcusable and indefensible. It robbed millions of people in the United States to enrich a few thousand men. It destroyed national prosperity to provide a Wall Street feast for mammon. It denied loans on Liberty bonds, struck down property values, charged usurious and prohibitive interest rates, destroyed the purchasing power and debt-paying power of the people, and left distress, discontent, and debt hanging like crêpe on the doorpost of millions of American homes.

Let every American worthy of the name register a vow that he or she will work and vote to restore our great Federal reserve banking system to the honest and helpful purpose for which it was created.

I will insert here a resolution introduced by me and never reported by the committee of which Senator **Calder**, a Republican of New York, is chairman:

Senate Resolution 350.

Whereas it has been charged in the Senate that while deflation was being conducted under the direction of Governor Harding, of the Federal Reserve Board, that he permitted the Federal reserve bank officials of the regional bank of New York to appropriate funds of the bank for the purpose of erecting palatial banking quarters for the Federal reserve bank in New York City, the total cost of which was estimated in the Federal Reserve Board's official report to the Senate of October 31, 1921, as shown on pages 21 to 23 of said report, at the sum of $25,646,410, including land, building, and structures; and

Whereas the cost for banking quarters of 4 of the 12 reserve banks was estimated in the reserve board's report to the Senate of October 31, 1921 (pp. 21 to 23), at $49,878,914, which is nearly five times as much as the average expenditures for the past 20 years on all appropriations made by Congress for all public buildings, post offices, courthouses, and customhouses in all 48 States of the Union; and

Whereas the reserve banks have already in the calendar years 1918, 1919, 1920, and 1921 charged against the net earnings of the banks over $10,000,000 on account of alleged depreciation, etc., on their bank premises, while said premises were still under construction or unfinished, and thereby greatly reduced the amount which would otherwise have gone to the Government for franchise tax; and

Whereas it has been charged in the Senate that the said Governor Harding permitted the officials of the Federal Reserve Bank of New York City to use the enormous earnings made during the period of drastic deflation to greatly increase their own salaries and the salaries of the clerks and other officials of said banks, increasing such other salaries from $1,320 to $10,000, from $2,500 to $15,000, from $3,600 to $25,000, and from $6,500 to $30,000 a year; and

Whereas, as a result of the huge increases in salaries, 25 of the 40 officers of the New York Reserve Bank, on October 1, 1921, were drawing in the aggregate salaries which amounted to 594 per cent of the salaries which they drew when they first came to the New York Reserve Bank or immediately prior to their employment by that bank, and the total amount paid in salaries by said New York Bank has increased from $1,298,474, in the calendar year 1918, to $4,937,597, in the calendar year 1921; and

Whereas it has been charged in the Senate that the said Governor Harding permitted the bank officials of the 12 Federal reserve banks to increase their salaries for the year ending June, 1922, over the salaries paid for the year 1918 more than $15,000,000; and

Whereas that increase alone is three times as much money as it cost the Government of the United States to pay the annual salaries of the Vice President and the Speaker of the House, all the Members of both branches of Congress, all the members of the Supreme Court of the United States, the President and his Cabinet, the members of the Federal Trade Commission, the Interstate Commerce Commission, the General of the Army, and the Admiral of the Navy; and

Whereas neither the then governor of the Federal Reserve Board, W. P. G. Harding, nor the officials of the Federal reserve banks have denied said charges; and

Whereas the failure to challenge and disprove these grave and serious charges has had the effect of creating in the public mind apprehensions and suspicions of a serious nature regarding the alleged conduct of said officials in these matters; and

Whereas the allegations in said charges involving the wanton extravagance with and the brazen misuse of funds belonging in part to the Federal Government are of such a character as to call for an investigation on the part of the Senate: Therefore be it

Resolved, That a committee of nine Senators, composed of Democrats and Republicans, five from the majority party and four from the minority, be appointed by the Vice President to investigate and report on said charges, and said committee is hereby authorized and empowered to summon and compel the attendance of witnesses upon said investigation and to pay the expenses incurred out of the contingent fund of the Senate.

PROHIBITION IN ICELAND.

Mr. JONES of Washington. Mr. President, I have here a letter from the chairman of the committee of the Presbyterian synod, which is composed of the ministers and elders of the Presbyterian churches of Washington, Alaska, and northern Idaho, asking me to present to the Senate a petition relating to certain matters. The letter includes matters of a personal character which I do not care to put into the Record, but the petition recites the fact of the pressure which has been brought by Spain upon Iceland, to force Iceland to modify her prohibition law. The petitioners state that it is reported that Spain is now seeking a loan from this country. I have myself heard nothing of such an effort, though the report may be true. Those who have written the letter, however, have adopted the following resolution:

Resolved, That we petition Congress, through Senator W. L. Jones, not to grant a loan to Spain until she has fully made amends to Iceland for her unprincipled coercion.

THE MERCHANT MARINE.

Mr. FLETCHER. I desire to submit certain information in connection with some matters which have been presented to the Senate regarding proposed ship subsidy legislation. I wish to offer a short communication from the Iowa Farm Bureau Federation, of Des Moines, Iowa, and another from T. C. Atcheson, the Washington representative of the National Grange, and I ask that they may be printed in the Record.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Des Moines, Iowa, *August 31, 1922.*

Senator Duncan U. Fletcher,
United States Senate, Washington, D. C.

My Dear Senator: Replying to your inquiry of August 22, regarding the referendum vote in Iowa on the subject of the ship subsidy bill, will say that the ratio stood 37 to 1 against the bill. That vote would indicate that the farmers were very largely against ship subsidy.

Yours very truly,

Iowa Farm Bureau Federation,
By C. W. Hunt, *President.*

National Grange, Patrons of Husbandry,
Washington, D. C., September 6, 1922.

Hon. Duncan U. Fletcher,
Senate Office Building, Washington, D. C.

Dear Sir: Inclosed please find copies of several resolutions received recently from Michigan granges on the subject of ship subsidy, as requested by you in letter of recent date.

Yours sincerely,

T. C. Atkeson,
Washington Representative.

Resolution relating to ship subsidy bill.

Resolved, That Victory Grange, No. 1099, go on record as opposing the ship subsidy bill now pending in Congress and that a copy of this resolution be sent to each of our Representatives at Washington.

Adopted by Victory Grange, No. 1099, August 12, 1922.

W. E. Lumsden, *Master.*
Mrs. W. E. Lumsden, *Secretary.*

Resolution relating to ship subsidy.

Resolved, That Mason County Pomona Grange go on record as opposing the ship subsidy bill now pending in Congress, and that a copy of this resolution be sent to Senator Charles E. Townsend, one to Representative James McLaughlin, and one to T. C. Atkeson, Washington, D. C.

Adopted by Mason County Pomona Grange in meeting assembled this 1st day of August, 1922.

W. E. Lumsden, *Master.*
Chas. Bittel, *Secretary.*

J. IRVING BROOKS.

Mr. SWANSON. Mr. President, there are two little bills upon the calendar which were passed by the House of Representatives some time ago that I should like to have considered.

Mr. WARREN. Will the Senator yield to me for a moment? I have a bill on the desk the consideration of which was interrupted by an objection which has since been withdrawn. It will take but a moment to dispose of the bill to which I refer.

Mr. SWANSON. And it will not take a minute to dispose of the bills for which I desire consideration.

Mr. WARREN. The Senator from Virginia proposes to call up a bill from the calendar while the measure to which I refer was passed on by the other House, and it is now on the desk and has been reached.

Mr. SWANSON. Both the bills for which I desire consideration have been passed by the other House, and they are now on the desk. The first bill to which I refer is the bill (H. R. 367) for the relief of J. Irving Brooks. It involves the sum of only $35, being a case in which a post-office automobile with defective brakes, which had been used for several years, collided with this man's car.

Mr. FLETCHER. Mr. President, do I understand the Senator from Virginia to state that the sum of only $35 was involved?

Mr. SWANSON. Only the sum of $35. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 367) for the relief of J. Irving Brooks. It directs the Secretary of the Treasury to pay to J. Irving Brooks, of Essex County, Va., $35, in full compensation for damages done to his automobile, caused by negligence on the part of the employees of the United States in the operation of a mail truck owned and operated by the United States Government on December 30, 1919.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SWANSON. Mr. President, the other bill for which I desire consideration is the bill (H. R. 8264) for the relief of Thomas B. Smith.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. The Senator from Wyoming.

PENINSULA OF PRESQUE ISLE, ERIE, PA.

Mr. WARREN. I ask unanimous consent for the present consideration of the bill (H. R. 10144) conveying the peninsula of Presque Isle, Erie, Pa., to the State of Pennsylvania, its original owner, for public park purposes.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill, as requested by the Senator from Wyoming?

Mr. SMOOT. Mr. President, I have no objection to the consideration of the bill, but I wish to be recognized as soon as it is laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

ADMINISTRATION OF FEDERAL RESERVE BOARD.

Mr. SMOOT. On August 21, 1922, I received a letter from Mr. John Skelton Williams. Later a portion of that letter was printed in the Record, at the request of the Senator from Alabama [Mr. Heflin]. On the next day Mr. Platt, of the Federal Reserve Board, asked me if I would send him a copy of the complete letter. I did so, and he prepared and forwarded to me an answer to that letter. On September 16 I wrote a letter to Hon. John Skelton Williams advising him that after I had sent a copy of his letter to Mr. Platt I had received a letter from Mr. Platt in answer to the letter written to me by Mr. Williams. I then received a telegram from Mr. John Skelton Williams in answer to the letter addressed to me by Mr. Platt, and asking if any of the correspondence were printed in the Record that it all might be printed. I then received a letter from Mr. Platt in answer to the charges contained in the telegram of Mr. Williams.

I wish to be perfectly fair; I have no intention whatever of entering the field occupied solely by the Senator from Alabama [Mr. Heflin], or to take sides in connection with the charges made on one side or the other. Therefore, Mr. President, I ask that all of the correspondence to which I have referred may be printed in the Record.

Mr. HEFLIN. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Alabama?

Mr. SMOOT. I yield.

Mr. HEFLIN. Has the Senator the letter which John Skelton Williams wrote to him replying to the Platt letter?

Mr. SMOOT. I have them all.

Mr. HEFLIN. Has Vice Governor Platt written any letter replying to that?

Mr. SMOOT. Yes.

Mr. HEFLIN. I did not know anything about that, and Mr. Williams does not know anything about it. I should like to see that letter and have an opportunity to reply to it here. So I will make the request that if there shall be printed in the Record the letter to which he has referred, in order to be fair to Mr. Williams, I may have permission to print for him his answer to Mr. Platt's letter, in connection with the correspondence presented by the Senator from Utah. That is perfectly fair. Then the whole record will go in.

Mr. SMOOT. Mr. President, I do not care how much matter the Senator from Alabama may print in the Record which Mr. Williams asks him to have printed, although I think the Record has been full of such material nearly every day for months past. I have no objection to having inserted in the Record another letter, but, of course, it will have to be prepared and put into the Record before October 2, as the last issue of the Congressional Record will be on that date.

Mr. HEFLIN. That will be done; it will be done just as soon as Mr. Williams can see the letter of Mr. Platt.

Mr. SMOOT. I have no objection to that at all.

The PRESIDENT pro tempore. The request of the Senator from Utah and the request of the Senator from Alabama will be granted, no objection being made.

Mr. HEFLIN. The request has been granted, then, Mr. President?

The PRESIDENT pro tempore. Yes.

Mr. NEW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. I yield for a question.

Mr. NEW. Before consent is given to have the correspondence printed in the Record, do I understand that consent is asked for the publication in the Record of a letter which has not as yet been written?

Mr. HEFLIN. The situation is this, if the Senator from Utah will yield to me: Mr. Williams wrote a letter to the Senator from Utah [Mr. Smoot]; Mr. Platt replied to that letter; Mr. Williams replied to Mr. Platt's letter, and Mr. Platt has replied to that. Now I want Mr. Williams to have an opportunity to reply to the last letter of Mr. Platt, and the Senator from Utah does not object to that. I think it is but fair.

Mr. SMOOT. The Senator from Alabama wants Mr. Williams to have the last word; that is all. He has had a spokesman in the Senate every day for the last two or three months, and I have no objection to him having the last word.

Mr. HEFLIN. Nobody here or elsewhere has been able to disprove anything that I have said or that Mr. Williams has said on this subject. We are right, and therefore entitled to have the opportunity to reply to this eleventh-hour epistle.

Mr. NEW. Mr. President, I think it is a most unusual and extraordinary course to ask for the publication in the Record of a letter which has not as yet been written and of the prospective contents of which the Senate itself is necessarily in ignorance. I suppose it may be taken for granted, of course, that there will be nothing grossly improper in the letter, but I hesitate to consent to that sort of procedure.

Mr. HEFLIN. I think I can communicate the letter of Mr. Platt to Mr. Williams and have Mr. Williams's answer here by morning and printed following these proceedings.

Mr. NEW. In the morning would be too late.

Mr. HEFLIN. I could get it here to-night, probably.

Mr. NEW. But the session is to adjourn in a very few moments.

Mr. SMOOT. I wish to say to the Senator from Indiana that I do not think the letter of Mr. Platt calls for any answer, but I have no objection to the request of the Senator from Alabama.

Mr. HEFLIN. Mr. President, I hope the Senator from Indiana will not object to the request because this correspondence ought all to go in. It is a very big question which we are considering here.

Mr. SMOOT. Of course, if I had the time I could go into the whole matter. I think a mountain has been made out of a mole hill.

Mr. NEW and Mr. HEFLIN addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Utah yield, and, if so, to whom?

Mr. NEW. Mr. President, I do not withdraw my objection. The Senate is to adjourn sine die in less than half an hour. I can not agree to the publication in the permanent Record of something that no Senator has had a chance to see and consider.

The PRESIDENT pro tempore. Objection is made.

Mr. HEFLIN. Then, Mr. President, I regret to do it, but I shall have to object to the request of the Senator from Utah to print in the Record these other letters. I do not intend that the Federal Reserve Board shall print letters in this Record without giving those who speak for the American people an opportunity to reply to them. I have not seen the last letter of Mr. Platt; Mr. Williams has not seen it, and I object to printing it in the Record unless all of it can go in so as to present both sides of the question.

The PRESIDENT pro tempore. The Chair understands that objection has been made.

Mr. SMOOT. Mr. President, to save time I will not read the first letter to me, of August 21, 1922, by Mr. John Skelton Williams, because that has already been printed in the Record.

The next letter is dated September 16, 1922. On that date I wrote to Mr. John Skelton Williams as follows——

Mr. ROBINSON. Mr. President, I rise to a parliamentary inquiry. What is the business before the Senate?

The PRESIDENT pro tempore. The business before the Senate is reports of committees.

Mr. ROBINSON. I call for the regular order.

Mr. SMOOT. The question before the Senate is the consideration of a House bill. Unanimous consent was requested for its consideration, and it was granted.

Mr. WARREN. It can be passed in a minute.

The PRESIDENT pro tempore. The Chair is in error. The question before the Senate is House bill 10144.

Mr. SMOOT. Mr. President, evidently the Senator from Alabama does not want any defense of the Federal Reserve Board to go into the Record; and as it is only a few minutes before 2 o'clock, and I recognize that he could call for a quorum——

Mr. HEFLIN. Mr. President, the Senator does not represent me correctly in that statement. I want everything that is truthful to go in——

Mr. SMOOT. I am not going to read the letters.

Mr. HEFLIN. And I shall have to ask for a quorum in order that the Senator may have a good audience. Unless he consents that I shall put in my letter, I will make the point of no quorum.

Mr. SMOOT. I am not going to read the letters.

Mr. HEFLIN. Very well; that settles it.

CUBAN SUGAR CROP.

Mr. SMOOT. Mr. President, I want to say further that some time ago the Senator from Mississippi [Mr. Harrison] tried to startle the American people and make them believe that the blackest pages of American history had been written because of a letter that I wrote to General Crowder in relation to the limitation of the Cuban sugar crop. We were led to believe that the idea originated here in the United States and that I was connected with General Crowder in first suggesting it and virtually forcing it upon Cuba. I have here a copy of the Economic Bulletin of Cuba for September, 1922, and I want to read from that bulletin just what Cuba says in relation to it, and I want the Senators to understand, and they will understand, that the question originated in Cuba. Therefore, I ask now that the Senator from Mississippi give me his attention.

This is the leading editorial in the paper:

> The action of the United States Senate in increasing the already high duty on sugar has given rise to a discussion of the proposal which was laid before the Cuban authorities in February last to limit the 1921–22 sugar crop.
>
> It is well to recall certain facts in connection with this proposal, as it would seem that they have been overlooked.
>
> The proposal to limit this year's sugar crop was one of the various measures recommended in Cuba for bettering the situation of the Cuban sugar industry, and at one time was looked upon with favor by many persons connected with the industry.
>
> Toward the latter part of 1921 everyone became greatly discouraged, prices for 96° Cuban sugar, cost and freight New York, fell steadily from 3 cents in September to 1.81 cents at the close of December, and the unsold stocks in Cuba were 1,000,000 tons over normal. Many persons therefore advised a forcible reduction of the coming crop. An elaborate bill was presented to the House of Representatives on the 12th of December, proposing that this Government expropriate 1,200,000 tons of sugar of the 1920–21 crop "in order to make them disappear from the market, either by destroying them or by transforming them into alcohol or other secondary products." On November 8, a bill had been introduced providing that a tax of 2 cents should be levied on every pound of sugar produced before the 1st of February and after the 20th of May, 1922; in other words, that the harvesting period should be limited to from February 1 to May 20, which was tantamount to the proposal to reduce the crop; and on December 12 that proposition was made in a bill providing that any sugar mill that turned out over 65 per cent of its 1920–21 output should pay, on each pound of sugar in excess of said 65 per cent, a tax of 2 cents per pound.

Mr. HARRISON. Mr. President, will the Senator yield? Does the Senator want to put that in the Record?

Mr. SMOOT. What I have read is in the Record.

Mr. HARRISON. I know, but there is quite a good deal more of it, I imagine.

Mr. SMOOT. Yes.

Mr. HARRISON. I do not think there will be any objection to it. I have here a letter from the President of the Senate of Cuba that contradicts just what the Senator is now reading, and I shall be very glad to give unanimous consent——

Mr. SMOOT. I do not care what the Senator puts in. He can put that in if he wants to. I have no objection; but the bills were introduced in the Cuban House or Senate; there can be no question as to that notwithstanding the denial the Senator refers to. The facts are as I have read.

> These proposals to limit the 1921–22 crop were not made with any relation to the duty to be levied on sugar in the United States, their aim being to reduce the stocks in Cuba to normal proportions.

Mr. President, I do not want to take up the time of the Senate, because the Senator from Tennessee [Mr. McKELLAR] desires to speak; but I am going to call attention to this further fact, as recorded in this article:

> It has, however, recently been stated or made to appear that it was General Crowder who urged this measure upon the President of Cuba, using a letter written by Senator SMOOT and threatening that the rate on sugar would be increased in the permanent tariff bill, so that Cuban sugar would have to pay 2 cents a pound duty, unless Cuba reduced its crop. But there is no basis whatever for this statement.

Of course there is not, because there was nothing in my letter to that effect.

> We have questioned prominent members of the Cuban Congress who took part in the conference called by President Zayas and in drawing up the report in which the proposal to limit the crop was rejected, and they have all declared to us that they knew nothing at the time of the letter written by Senator SMOOT to General Crowder; that President Zayas did not request them to decide in favor of the limitation; did not, in fact, take part at all in the discussion; and that they felt perfectly free to make whatever recommendations they thought fit on the matter. Those of them who at the time held private conversations with General Crowder have stated to us that he never mentioned Senator SMOOT'S letter to them nor in any way recommended or urged upon them to accept the proposal. No coercion was, therefore, brought to bear on the members of the commission by the President of Cuba, by General Crowder, or anyone else, and no basis whatever exists for the assumption that General Crowder attempted to force upon Cuba the limitation of the sugar crop or that he acted as an advocate of the beet-sugar interests in any plan against Cuba or against the American consumer.

Mr. HARRISON. Mr. President, will the Senator allow me to ask unanimous consent that all of that article go into the RECORD?

Mr. SMOOT. Yes; I have no objection to the whole article going into the RECORD.

Mr. HARRISON. I ask unanimous consent that all of this article go into the RECORD, as well as the communications that I have received during the last few days from the President of the Senate of Cuba, answering this proposition.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I have no objection whatever. I do not care what the communication the Senator has may state. The bills were introduced in the Cuban Legislature.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[Editorial from the Economic Bulletin of Cuba, September, 1922.]

THE PROPOSAL TO LIMIT THE CUBAN SUGAR CROP.

The action of the United States Senate in increasing the already high duty on sugar has given rise to a discussion of the proposal which was laid before the Cuban authorities in February last to limit the 1921–22 sugar crop.

It is well to recall certain facts in connection with this proposal, as it would seem that they have been overlooked.

The proposal to limit this year's sugar crop was one of the various measures recommended in Cuba for bettering the situation of the Cuban *sugar industry*, and at one time was looked upon with favor by many persons connected with the industry.

Toward the latter part of 1921 everyone became greatly discouraged, prices for 96° Cuban sugar, c. and f. New York fell steadily from 3 cents in September to 1.81 cents at the close of December, and the unsold stocks in Cuba were 1,000,000 tons over normal. Many persons therefore advised a forcible reduction of the coming crop. An elaborate bill was presented to the House of Representatives on the 12th of December proposing that the Government expropriate 1,200,000 tons of sugar of the 1920–21 crop "in order to make them disappear from the market, either by destroying them or by transforming them into alcohol or other secondary products." On November 8 a bill had been introduced providing that a tax of 2 cents should be levied on every pound of sugar produced before the 1st of February and after the 20th of May, 1922; in other words, that the harvesting period should be limited from February 1 to May 20, which was tantamount to the proposal to reduce the crop; and on December 12 that proposition was made in a bill providing that any sugar mill that turned out over 65 per cent of its 1920–21 output should pay, on each pound of sugar in excess of said 65 per cent, a tax of 2 cents per pound.

These proposals to limit the 1921–22 crop were not made with any relation to the duty to be levied on sugar in the United States, their aim being to reduce the stocks in Cuba to normal proportions. The situation was critical and, as Secretary Hoover has recently stated, something had to be done to stabilize conditions; everyone was aiming to find a way of doing so, and among the solutions—no less than 15 proposals, says Mr. Hoover, were made to the Department of Commerce of the United States and given consideration—the limitation of the 1921–22 Cuban crop was one of the most favored.

Nothing was done, however, during 1921 to carry out the proposal made in Cuba by various persons to limit the crop, and the Cuban Congress did not take up the bills dealing with this subject. But when the crop, which normally begins in December, was already under way and arrangements had been made by the great majority of the planters to cut their cane, the proposal to limit the crop was placed in a formal manner before the members of the Cuban Congress at a conference called by President Zayas about the 12th of February. This proposal was related to the duty on sugar under consideration in the United States Senate and to other concessions to be made to Cuban sugar by legislative action in the United States. It was therefore independent of the propositions referred to before, which had emanated from Cubans and had had no reference whatever to the duty levied on sugar in the United States.

It may, however, be assumed that the beet-sugar interests in proposing the reduction of the Cuban crop were influenced to some extent by the disposition which had been manifested in Cuba, some time before, to limit the crop, and although their proposal did not come before the members of the Cuban Congress till the middle of February, the beet-sugar interests already had this plan in mind in December, about the same time that the bill providing for a 35 per cent reduction of the Cuban crop was submitted to the Cuban House of Representatives, since in addition to other proofs it has been disclosed by Mr. Rubino, in his statements to the New York World, that on the night of December 19, Mr. W. L. Petrikin, president of the largest beet-sugar company in the United States, suggested the limitation of the coming Cuban crop to 2,500,000 tons as one of the means of helping the situation of the beet-sugar industry, whose "very existence was threatened, among other things, by the tremendous surplus of Cuban raw sugar."

It is well known that shortly afterwards, in the same month of December, Mr. C. C. Hamlin, in representation of the beet-sugar interests of the United States, came to Habana to try to reach an agreement with the Cuban producers to reduce the Cuban crop of 1921–22 to about 2,500,000 tons. At this time the idea of limiting the crop by legislation or by any artificial means had practically been abandoned in Cuba, because the season was too far advanced, preparations for the crop having been made by the majority of mill owners and cane growers. Nevertheless the proposal of the beet-sugar interests, with its offer of certain definite and appreciable advantages to Cuba, found favor with some persons, the most prominent among them being the Secretary of the Treasury, Sr. Gelabert, and Sr. Aurelio Portuondo, a very capable and well informed cane planter, who had taken a leading part in the negotiations with Mr. Hamlin in Habana, and had been called to Washington to continue the conferences there. The proposition was given very serious consideration and it should be noted that a number of the members of the Cuban Congress who took part in the conference called by President Zayas to study the matter seemed to be inclined at first to accept it, as will be seen from the following statement made by the Heraldo de Cuba in its issue of February 16: "When the members of Congress were retiring from the President's palace yesterday we asked them their personal opinion with respect to the sugar problem, and we reached the conclusion that the majority was favorably disposed toward the reduction of the crop." Three days before, the Mercurio published an information on the subject, the headlines reading: "It is strictly a Cuban solution to reduce the crop. It is not an American formula."

Before going further it is necessary to refer here to the statements on this matter contained in the official report made to President Zayas by Sr. Sebastián Gelabert, Secretary of the Treasury, dated March 18, 1922, with respect to his mission in Washington. This report has been published by the Cuban Treasury Department and on pages 32–38 reads as follows (translation):

"December 7, 1921.—Held conference with Mr. Hoover, Secretary of Commerce. The Cuban minister and Sr. Despaigne went with me. I informed you in a confidential cablegram of the result of this conference.

"Mr. Hoover gave us a copy of the statistical data compiled in the Department of Commerce, showing the probable world production and consumption of sugar for the year 1922 (present crop) based on the results of the preceding years. In view of the change favorable to our interests which Mr. Hoover's attitude indicated and in order to be able to inform him with respect to the general opinion of the sugar producers of Cuba and the disposition in which they were at this time, I requested you to send Sr. Aurelio Portuondo, who had represented the sugar-mill owners and sugar planters in the Commercial Mission and whose brilliant exposition, inserted in our memorandum to the State Department on the harmful results of the Fordney bill, showed how thoroughly conversant he was with the sugar problem in Cuba and its bearing on our trade with the United States.

"On the 30th of December a conference was held in the legation with Messrs. Harris, Havemeyer, W. Petrikin, and Wallace, who represented a majority of the Western beet-sugar producers (78 per cent) and Messrs. Rionda (nephew) and H. Rubens, who represented the sugar industry of Cuba, to try to reach an agreement which would facilitate the adoption of a less rigorous tariff measure on Cuban sugar than that proposed in the Fordney bill.

"Mr. Havemeyer stated that he considered it a 'cardinal error' to attempt to limit the exportation of sugar from Cuba or the entry of the same into the United States; and that it would be equally harmful to place restrictions on commercial transactions in sugar, for inasmuch as the United States could only absorb for their consumption about two and a half million tons of Cuban sugar, any limitation would be a notice in clear tones to the European countries that the balance of the crop (if it should not be limited) was at their disposal for the price that they might choose to offer; and this would hinder the carrying out of the plan which he submits, as will be seen further on.

"He expressed the view that it was urgent to put into effect the measure restricting the Cuban crop before the new crop sugar, produced at a much lower average price than the previous crop (which according to Rionda cost 4 cents per pound) should change hands—that is, should enter the market at the prices now prevailing (1¾ cents per pound); and that an agreement and a close cooperation was necessary between the producers of sugar who naturally compete in the American market, namely, western beet and cane sugar of Louisiana, Porto Rico, and Hawaii, and the Cuban producers. He was convinced that the production of beet sugar in the United States had reached the highest figure that it could attain—that is, from 800,000 to 1,000,000 tons—because suitable lands were not abundant, with an adequate climate for the intensive cultivation which this plant requires (and also because the freight rates were unfavorable).

"According to the information which he had, the sugar-cane crops of Louisiana, Porto Rico, and Hawaii would have a decrease of 10 per cent, while Mr. Petrikin estimated that this reduction would be 20 per cent in the case of beet sugar.

"Mr. H. Rubens spoke next in favor of reaching an agreement and making mutual concessions, and Mr. Havemeyer summarized his own proposition in the following terms:

"That Cuba limit its production to 60 per cent of its preceding crops—that is to say, to 2,500,000 tons—by means of a tax on production of 3 cents per pound over the excess of said proportion.

"If to these 2,500,000 tons are added 1,200,000 tons surplus from the previous Cuban crop, we get a total of 3,700,000 tons, which is the most that can be taken from Cuban production for world consumption. But he insisted on the urgency of reducing the Cuban crop, which if it were agreed to would benefit the producers of the island who have no connection with the refiners of the United States, who, we believe, will absorb all the sugar that their mills can produce with detriment to the Cuban producers who have not established relations with said refiners and who, being unable to make their sugar with probabilities of selling it, would inevitably be ruined.

"January 9: Señor Aurelio Portuondo arrived and informed us of the conference with Hamlin in Habana, as below explained.

"January 10, 1922: Held conference at the legation with Mr. H. Hoover, Secretary of Commerce. The Cuban minister, Portuondo, and Despaigne were present.

"Portuondo related the points discussed and agreed to in Habana between the Cuban sugar producers and Mr. Hamlin, official representative—as he stated—of the beet-sugar producers of the United States, and which were summarized as follows:

"(a) Limitation of present Cuban crop to 65 per cent of the average output of the last three crops by means of a tax as a condition precedent for the American beet-sugar producers to support the entry with reduced duties to perhaps 1 cent, as we are asking, of the production so obtained, estimated at 2,550,000 tons, or at least for the 2,500,000 tons necessary to complete the total of 4,500,000 tons which is estimated to be the consumption of the United States in the present year; and (b) the entry free of duty under bond of 1,000,000 tons, balance of the preceding crop, in order to refine it for export.

"The estimates made in Cuba for these operations are:

	Tons.
1921–22 crop	2, 650, 000
Balance of preceding crops	1, 200, 000
Available in 1922	3, 850, 000
Domestic consumption	150, 000
Total in Cuba	3, 700, 000
For United States consumption	2, 500, 000
Balance	1, 200, 000

which for the most part would be refined in the United States or exported in crude form, which, in view of the exports of the last years from the United States and Cuba is not too high an estimate.

"Mr. Hoover told us that the proper thing to do was to reach an agreement with the beet-sugar producers who the day before had held a meeting in Chicago to decide with respect to the points agreed upon in Habana with Hamlin; since an understanding with them might facilitate the approval by Congress of the necessary legislation.

"He inquired if we knew the results of that meeting of the 9th of the beet-sugar producers, and we replied that we had not yet had any information about it.

"That night Mr. Hamlin visited us and talked extensively, but in uncertain terms, of the Chicago meeting, and stated that on the 11th they were going to meet in Washington.

"January 11, 1922: Before joining their colleagues, Messrs. Hamlin, Petrikin, Carlton, and Wallace came to see us. The conference was a long one, many particulars were discussed, and the result was not very satisfactory. With the exception of Mr. Petrikin, the others were not disposed to grant us anything worth while, but they did insist that Cuba limit its crop.

"Their arguments were answered, and they were told that if on our part we agreed to recommend a limitation of the crop in view of the benefit to all concerned from this measure in obtaining better prices, especially so for the American producers, that it would be precisely on the condition that they should join their forces to ours for the purpose of obtaining a reduction in the import duties on Cuban sugar, which they declined to do, but promised to see us again after the meeting which they were going to hold with the other beet-sugar producers.

"We were informed by Mr. Rubens, who had it from Mr. Manuel Rionda, that at the meeting on the 9th at Chicago, the majority of the beet-sugar producers had rejected the preliminary agreement of Habana. In the voting on this point the majority of the voters, who represented only 22 per cent of the domestic production, defeated the minority of those present, who, nevertheless, represented 78 per cent of that production.

"That same night, after holding their meeting, the beet-sugar producers, Petrikin, Carlton, and McCormick, came to see us, and in a conference which lasted more than two hours no concession could be obtained from them. They nevertheless continued to insist on the limitation of the Cuban crop, without consenting to a reduction of the duty in favor of Cuba, and, on the contrary, pointing out to us that the tendency of the other beet-sugar producers was to obtain an increase of the duty to 2½ cents per pound, making the rate for Cuba 2 cents; they asked if it would be advantageous to us to adopt the proposition of the Louisiana producers—that is, a sliding scale in inverse progression to the price of sugar, until the duty reached 1.6 cents per pound below which it could not go, which was of course rejected. They seemed confident of obtaining sufficient votes in the American Congress to fix a high duty on imported sugars.

"The disadvantage of this tariff measure was pointed out to them from the point of view that public opinion might prove to be adverse to the high duty, and that in the forthcoming elections in November this issue would be raised, to which they replied evasively.

"We agreed among ourselves to maintain a firm stand in the demand for lower duties, without which concession we would not bind ourselves to recommend the limitation of the Cuban crop, which, to judge from the expression of public opinion, did not seem to meet with much favor in Cuba, although in fact it would be beneficial to the Cuban producer.

"The only beet-sugar producers who seemed inclined to support our petition for a reduction of the duty were Mr. Petrikin and Mr. Havemeyer, as we afterwards learned.

"January 14, 1922: General Crowder arrived and sent us word to meet him the following day at noon.

"January 15: We went to the conference with General Crowder. Señor Portuondo and Señor Despaigne went with me, and we found Mr. Hamlin there. Both parties informed General Crowder with respect to what had occurred and of the situation resulting therefrom. Mention was made of the proposal to allow the entry of 2,500,000 tons of Cuban sugar with reduced duties, since that amount would not compete with American sugars, and would make up the total of 4,500,000 tons at which this year's consumption was estimated; Mr. Hamlin expressed the opinion that the beet-sugar producers would not look with favor upon any reduction of the duties to less than 1.60 cents, which is the rate now in force on our sugar, but that in exchange for the limitation of the Cuban crop the beet-sugar producers would be disposed not to insist upon the increase which they desired. Such a proposition was, of course, inadmissible.

"The plan was discussed of permitting 1,000,000 tons of Cuban sugar to enter under bond to be refined and exported, and it was said that the War Finance Corporation might finance that operation without large expenditures.

"January 16: Portuondo and Despaigne held a conference with Senator SMOOT, a prominent and active member of the Finance Committee of the Senate. They were introduced by General Crowder.

"Senator SMOOT explained his ideas and aims with respect to sugar and his firm intention of sustaining and upholding the beet-sugar industry in the United States, without it being on this account his purpose to injure Cuba. He expressed the opinion that the sugar crisis, so harmful for all the producers, was due to the excessive, although in part and at one time necessary, production in Cuba, and considered that the first measure that should be adopted, the most logical, the most elementary, was to limit the present crop in Cuba, in order to equalize production and consumption; but he did not see the possibility of granting a reduction in the existing duty of 2 cents per pound, which is equivalent to 1.60 for Cuban sugars; but that he was not disposed either to propose or to defend a higher duty, and the refusal to do so, he said, had already made him somewhat unpopular among the people of the West.

"With respect to the entry under bond of a certain quantity of sugar to be refined and exported, he thought this could be obtained, since he and his colleagues had under consideration a bill to permit the entry of sugar to any amount in American territory for those purposes. He pointed out that one of the amendments to the Fordney bill would authorize the National Executive to increase or diminish up to 50 per cent any of the rates established in the new tariff, in certain and justified cases, and that in this way a means was given to the President of favoring our petition by lowering the general duty on sugar to a rate which, with the 20 per cent reduction which the treaty allows us, would represent a preferential duty of 1.4 cents per pound instead of 1.6 as at present.

"He thought that the War Finance Corporation might advance the funds necessary for bringing into the United States refining and exporting the surplus sugars in Cuba, provided the importers complied with the requisites that the law had fixed.

"With regard to the further development of these negotiations I have informed you in a confidential report which I have delivered to you."

It is clear from the above that there was a very strong desire on the part of the beet-sugar interests to obtain a limitation of the 1921–22 Cuban crop, and finally they made a proposition to this end to Señor Sebastián Gelabert, secretary of the treasury, and to Señor Aurelio Portuondo, as representatives of the Cuban Government and of the sugar industry of Cuba, respectively, a proposition which both of them submitted to President Zayas, who thereupon called a conference of members of the Cuban Congress to consider it. In the report made by the commission appointed at this conference (see text in this Bulletin, February, pp. 72–75), the fact is recited that the proposition that was laid before the commission was made in Washington to Señor Gelabert and Señor Portuondo by parties representing the beet-sugar industry.

It has, however, recently been stated or made to appear that it was General Crowder who urged this measure upon the President of Cuba, using a letter written by Senator SMOOT and threatening that the rate on sugar would be increased in the permanent tariff bill, so that Cuban sugar would have to pay 2 cents a pound duty, unless Cuba reduced its crop. But there is no basis whatever for this statement.

We have questioned prominent members of the Cuban Congress who took part in the conference called by President Zayas and in drawing up the report in which the proposal to limit the crop was rejected, and they have all declared to us that they knew nothing at the time of the letter written by Senator SMOOT to General Crowder, that President Zayas did not request them to decide in favor of the limitation, did not, in fact, take part at all in the discussion, and that they felt perfectly free to make whatever recommendations they thought fit on the matter. Those of them who at the time held private conversations with General Crowder have stated to us that he never mentioned Senator SMOOT's letter to them nor in any way recommended or urged upon them to accept the proposal. No coercion was, therefore, brought to bear on the members of the commission by the President of Cuba, by General Crowder, or anyone else, and no basis whatever exists for the assumption that General Crowder attempted to force upon Cuba the limitation of the sugar crop or that he acted as an advocate of the beet-sugar interests in any plan against Cuba or against the American consumer. He knew, of course, about the proposal, and if he thought at the time, as did Señor Gelabert, Señor Portuondo, Señor Despaigne, and other prominent Cubans, that it would be for Cuba's benefit to limit her crop this year, it must be recognized that he thought so in perfectly good faith, and that he allowed the Cubans, through their representatives, to decide the matter for themselves, entirely free from all pressure or persuasion on his part.

We think that the truth on this point should not be obscured, as some one is sure to come along and point to the proposal to limit the Cuban sugar crop "as an instance of the bad faith of the United States in dealing with Cuba," when there was nothing of the kind.

The following are communications submitted by Mr. HARRISON:

[Translation of Spanish telegram.]

AUGUST 19, 1922.

Your protest to the American Senate and the world campaign regarding a reduction on the Cuban sugar crop passed with speculative intentions prejudicial to American consumers and Cuba responds to the realization of this odious matter without precedent in the political relations of Cuba and the United States. President Zayas called together at various times numerous Cuban legislators asking for legislative measures to facilitate such reduction. In suggestions made to the Government, which though informal are not less imperative, the names of Hoover and Crowder were mentioned as official mediators of the American Government in this matter, and pressure was brought through the threat which now seems effective, of an increase in the tariff if the proposition was not accepted.

I attended these meetings called by Zayas in my character as president of the Senate of Cuba, protesting against so extraordinary a proposal, especially because we are assured that the American Senate was controlled by the beet-sugar interests. This I could not credit in honor to the American people. It has seemed my duty to forward this message of thanks for your defense of Cuba in defending manfully and honestly the true interests of America.

AURELIO A. ALVAREZ.

[Translation of Spanish letter.]

SEPTEMBER 5, 1922.

Repeating my cable of yesterday re your action in the matter of increase in duty on sugar:

You may be sure that the Government of Cuba was induced to attempt to obtain from Congress here a measure for the reduction of our past sugar crop. Moreover, the Government not only warmly suggested the matter in various conferences with members of Congress but it formally recommended such a measure to Congress in the message of last February.

In these meetings Gelabert, secretary of the hacienda, and Portuondo, on their return from Washington reported that they had spoken concerning the matter with officials of the American administration, who recommended such reduction.

President Zayas said he had suggestions too weighty not to be considered, and although he later sent a message to an agency of information, in that denying the matter, his correction was not based on the truth respecting what happened at that time. His action was, in my opinion, due to solicitation of interested parties.

As a simple demonstration of the struggle we had here to prevent the reduction of the crop, I inclose copy of a report given me by the congressional commission intrusted with the duty of investigating the matter.

I sincerely believe the tariff which is being attempted will be prejudicial to the interests of the American people and grossly harmful to Cuba; it will be solely beneficial to one class.

The beet growers who were bringing pressure to bear and the impression of Gelabert and Portuondo made known to us that the American Congress was controlled by said industry, a matter of regret to me, a sincere admirer of that great country.

Here General Crowder is orienting an uncertain economic policy in trying to make secure a foreign loan, etc.

If you are interested in Cuban affairs in relation to your country, I should gladly keep you informed.

AURELIO A. ALVAREZ,
President of the Senate.

[Library of Congress, legislative reference service. Translation.]

To the commission appointed to inquire into the advantages or disadvantages likely to arise for Cuba from a reduction of her sugar production:

Appointed to a membership in the commission, I have not declined the honor, although standing unalterably opposed to the reduction through coercive measures of the present sugar output, because I wished to avail myself of the opportunity thus offered me to restate the reasons on which I base my conviction, believing that the proposed measure is inimical to the economic interests of the country, although loyally recognizing that the proposal was made with the best of intentions.

In their brilliant exposé of the question, the President of the Republic and Messrs. Gelabert and Portuondo advocate that the volume of the production be limited to about 2,500,000 tons; it is claimed that we could thus obtain the withdrawal of the Fordney bill, whereby not only would our sugar be free from duty but, what is still more profitable, its value would increase, for the simple reason that demand would grow because of the reduced output. A reduction would work no hardship on us, we are told, because the higher price which would be obtainable on a curtailed production would, as a consequence, compensate the resulting loss if a low price had to be placed on the full production. It is claimed, furthermore, that what would be left of it (if it amounted to a million tons or more) we could introduce duty free on the American market to be refined "on tolls" [in English in the original] for reshipment to European markets, which implies the prohibition to produce more than the predetermined amount which, it is estimated, the American market can absorb and precludes any exportation to Europe of our produce because such exportation, if we are not careful, would injure the interests of American refiners by suppressing refining, which would go in the hands of their European competitors.

Such is the way the question is presented to us, to be resolved decisively by means of a law providing for a conditional reduction, subject to the supposed advantages we should through such means derive from such measures as may be adopted by the American Congress, influenced by the agricultural bloc, which include the beet-sugar manufacturers of that great Republic and which controls Congress. Such is, briefly stated, the problem presented to us.

Let us see now if it can be solved in the form proposed.

THE QUESTION IS NOT WELL PREMISED.

It is said that the Government of the United States is behind the measure requested, and that it was suggested officially or officiously. If this be true, the matter must have been taken up officially by our foreign affairs department, so as to ascertain the full scope and consequences of the suggestion by considering it from a practical rather than from a hypothetical angle and from the uncertainties of the unknown.

If no such official or officious (private) suggestion demanding the measure has been made on the part of the United States, and on a matter such as this which requires definiteness and clearness, and, if as established, in the course of our conversation with the President of the Republic, it appears that the suggestion deals only with (or in behalf of) private negotiations of beet-sugar producers, those negotiations ought to be realized (made) by all Cuban producers in a united defense of their interests.

THE OUTPUT IS ALREADY REDUCED PER SE.

Without a proper basis on which to calculate the figure of the present sugar crop, the proposed measure would be, at best, risky and unadvised, as appears, furthermore, from the following extracts, which I copy from a letter which I have at hand written to me by Gen. Eugenio Molinet, an expert on questions and present administrator of one of the largest sugar refineries in Cuba:

"In the first place, I will mention the project of law on the reduction of the sugar output, a project which I consider pernicious and which, though not likely to be passed by the House, might conceivably succeed later on in being debated, and perhaps even passed.

"As you know, the so-called overproduction of sugar does not exist. We manufacture now less sugar throughout the world than three or four years ago, which resulted in reducing consumption for many reasons, among which is the prevailing high cost which it reached and the financial crisis affecting the whole world.

"Doubtless if less sugar is produced, it will fetch a higher price on the market; but the reduction will come unfortunately, and it will affect the whole world.

"Now, in the United States they are preparing less ground for the future beet-sugar crop, and in some other countries the same thing is occurring. In Cuba the reduction will take place for many reasons, among which are the following: First, new seeds are very scarce; second, the cane that was not in a very good condition has been completely abandoned, because it would not pay for its cultivation, and many fields in good condition have not been cultivated and others have been badly cultivated, facts which will bring, consequently, a considerable reduction in the sugar crop; but this fatal and inevitable reduction will influence the weakest and worst prepared fields.

"If there is added to this reduction another by 'order and command' of 30 per cent, it will weigh alike upon those who reduce their crop for the reasons previously indicated and on the better prepared, and will result in the wastes being greater than the hoped-for crop, and the rest of the sugar producers, seeing reduction tied to Cuba, or be it to the country best prepared to manufacture sugar (the sugar producers) will get their second wind (new breath) and instead of reducing their sowing will increase it, while Cuba, the chief competitor, would herself, in the height of her lack of foresight, limit her production."

THE REDUCTION OF THE SUGAR CROP WOULD ENDANGER THE FUTURE AND INJURE THE PRESENT.

Our sugar crop must not be reduced by artificial means looking more to the future than to the present, which it will endanger without any doubt. Indeed, if we should reduce the volume of the sugar crop in order to attain momentarily an increase in price, there would remain in our fields millions of tons of cane, without cutting and without cultivation, taking from our people who are in agricultural work their only element of subsistence, and from the monetary circulation of the country the only really effective thing that increases it as a result of the sugar crop—that is, the money which the sugar industries spend in the elaboration of each sugar crop.

The less the sugar crop of each sugar refinery, the less, consequently, the quantity of money which would circulate, and which, on the other hand, would come to increase the circular stream, as has been said before, translated into the amount which the work in the operation of each mill amounts to. This, as far as it refers to the present, would be of fatal consequences, bringing not only the evils mentioned but, because of the unusual case, would cause blindness to the fact that the only fountain of life of the laboring population is at stake, in the very moment when the serious preoccupation of the Congress and the Government should be the lack of work which makes the crisis greater for the working population of Cuba.

As far as the future is concerned, we would incur again the inconceivable error already incurred by the financial commission of withdrawing Cuba from the world sugar market, animating the production in other countries when we must exert ourselves to increase our productive capacity more each time, in the hope of always finding markets for our basic product, given the advantageous conditions under which we can produce in relation to all our competitors. We must not and we can not forget that the consumption of sugar, as that of all merchandise in general, is regulated by the acquisitive power of the consumers, and that, of course, consequently the greater the consumption the smaller the price at which the merchandise can be acquired. Reducing our production would increase the foreign production, as has been said, and the amount of this foreign production would to-morrow close to our producers markets that to-day are not at their height on account of the instability of the exchange and where they would surely be able to obtain access once the money market of the world has become normal, being abnormal to-day as a consequence of the past international war.

To reduce the present sugar crop to 2,500,000 tons would be equivalent to reducing it in a way impossible to determine for successive years, inasmuch as the greater part of the fields which would remain without cultivation would end by destroying themselves, and thus the sugar industry and its possessors would be ruined.

THE MEASURE WOULD CREATE A HOTBED OF DIFFICULTIES.

To reduce the volume of the sugar crop would be equivalent to creating a hotbed of discord between the workmen and masters of the cane and the proprietors of the sugar refineries, because necessarily, and not impossibly, there must have escaped from the keenest foresight a great number of details which, not being able to be foreseen, would have made the measure which would have been adopted unprofitable and unjust. But there is more, although all would never have been able to be foreseen in reality, the application of the result would be true, because the proprietors of refineries would manage to grind their own cane or that of those planters who would be indebted to them for quantities made easy in order to thus obtain advantages for their native country in detriment to respectable interests which would be ridiculed.

THERE WOULD BE THE DUTY OF INDEMNITY FOR THE DAMAGES WHICH THE MEASURE WOULD CAUSE.

The resolution which would order the reduction of the sugar crop would bring such a large amount of abnormality in the greatest and most important trade of the Republic and whose contracts would not be able to be filled, that this single aspect of the question is annihilating to such a degree that it is impossible to suppose that the Congress would be disposed to go against so much fundamental interest as it would damage without at the same time adopting that other resolution which naturally follows, which would be to repair the damages caused, inasmuch as it would be inexplicable, at least in the honorable course of affairs, that those of whom the fulfillment of a contract should be asked, of which contract they should have a legitimate use (that those) should not have the damage caused repaired.

SENDING SUGAR "ON TOLL" TO AMERICAN REFINERS FREE OR NOT WITH DUTY WOULD BE HARMFUL TO THE CUBAN SUGAR INDUSTRY.

The reduction of the sugar crop must not be done, in view of the possibility of our being permitted to introduce into the United States free of duty a million or more tons of sugar to be refined "on toll" with Europe as their destiny; because this, in my judgment, far from benefiting us, would harm us, at the same time as the American refiners would then have at their disposition the quantity of sugar which we would send them under such conditions in order to satisfy the needs of their refineries, without risking any capital, with which we would, moreover, give up all incentive to competition and speculation which, when developed among foreign elements, results in benefit, without a doubt.

THE MEASURE WOULD BE IN CONTEMPT OF LAW AND DISCOURAGING.

The reduction in the sugar crop would constitute an abuse of power which would in the end bring about the ruin of owners and tenants who by the contribution of their capital, credit, and energies have been able to afford important assistance to the country in the midst of economic depression which seemed on the point of devastating it. It would not be just to reply to this great and fruitful effort of the proproductive classes by measures which disorganize them, placing enfeebling restraints upon their spirit, at this time, when they require more than ever before at least to be permitted to develop without obstacles, since it has not been possible to afford them assistance in this most difficult period they are passing through and from which they are resolved to emerge with a magnificent manifestation of effective action most profitable to Cuba.

THE MEASURE WOULD BE UNCONSTITUTIONAL AND WOULD BE AGAINST THE BASIC PRINCIPLES OF THE STATE, CONSIDERED AS A JURIDIC FAMILY.

The crop can not and should not be limited by a legislative measure, because it would be unconstitutional if it faced the problem directly, since it would be an attack upon the right of property, of free business, and freedom of contract. And if the measure were not unconstitutional by the deceptive form it assumes—establishing taxes, indicating a shipping date, a milling period, or whatever subterfuge may accomplish its purpose, applying once more these words that have served the purpose of these lawless ones, "the end justifies the means"—this would be even more serious, because if against laws that violate the organic act of the State are applied the recourses provided by constituted law in the legitimate defense of interests which consider themselves injured by unconstitutional laws, against the excesses of a power which premeditatedly and deliberately dictates laws that scoff at the basic principles of the state, considered as a juridic family, nothing would be possible but the disintegration of the social aggregate.

It was said by some one in reply to these or like remarks made by me in the last meeting we held with the President that in order that the measure might not be unconstitutional it could be drawn with a fiscal character in some of the forms already noted and criticized. The damages that would result to Cuba from a reduction in the crop established in such form would be so grave that it would be well to inquire if in such event the hour had not come for everyone with capital invested in Cuba to liquidate it and invest in other places where such enormities are not witnessed.

THE FORDNEY TARIFF IN ITS STRICT APPLICATION MORE PREJUDICIAL TO THE AMERICAN PEOPLE THAN TO THE CUBAN.

The reduction of the sugar crop need not come under the threat of the American beet-sugar interests being able to be of more weight than those of the American people, which would be those which definitely would be harmed if the Fordney bill becomes an act, because the greater the tax imposed on sugar the greater the price at which said people will have to pay for an article of subsistence of first importance; it being impossible to suppose that the American people would resign itself for long quietly to such a sacrifice, especially the private interests of the sugar industry, physically compelled to supply the necessities of national consumption, in which extremity one may be sure that the protectionist politics of the governing party in that country will be split.

OTHER CONSIDERATIONS.

That the aforesaid condition of renunciating the sale of sugar to Europe would be imposed upon us through the harm which that would produce, especially on the American refiners, is inadmissible for reasons so elemental that they are not worth the trouble of refuting them.

It does not seem logical that the proposition of reducing the sugar crop is intended to be carried further, without first having heard the landed men and farmers of Cuba, whom the measure will affect most deeply, with so much the greater force, in so much as so far not one voice favorable to the measure has been heard, except that of Mr. Portuondo, very commendable and respectable, but who speaks for himself, without being able to find an echo among his colleagues.

Different chambers of commerce, and especially that of Santiago de Cuba, have taken resolutions contrary to the intention of reducing the sugar crop; and it would be worth the trouble to analyze the bases on which have rested these resolutions of institutions which necessarily have to be very really interested in the prosperity of the country.

The reduction of the sugar crop should not be made from a moral point of view, because in the actual circumstances, within the crisis which affects the economy of the world and when all the countries manage to revive their fountains of production, in order to satisfy the demand of work and to mitigate the general extreme poverty, to reduce the sugar crop in order to obtain a fictitious momentary price would be equivalent to keeping the elements of subsistence from those who otherwise would have the capacity of earning through the small price of merchandise without detriment to industry through this.

It has been brought forward that the measure would be provisional and transitory only for the present year and for the present sugar crop, but it is certain that that argument was brought out in order to control the last two sugar crops realized, with the sad results which we all know and whose disgraceful consequences we still feel, when science, daughter of experience, has already shown us how stupefying is the result of official action in questions which should only be regulated by the free determination of the contracting parties and especially where they refer to the development of commerce and of industry.

There should be taken into account the inopportunity of the intended measure, insomuch as many sales of sugar have been made, having involved others at a price of 2 and 2¼ centavos, cost and maritime freight, for shipments until the next coming April, in which case some privileged persons would be the only ones who would be able to benefit from the reduction besides our competitors.

Called upon to interfere in a matter of such importance, I wished to leave a notice of my action in declaring myself against the intended measure, remembering that in conferences analogous to those which now have given rise to the nomination of this commission, which took place between Congressmen and the President of the Republic, at the root of constituting its own Government in June of the present year, in order to study the economic problems which then, as now, were vital, I advocated in vain the immediate reduction of public expense, and through the increase of the income of the State, the only means possible to free us from the ill-named floating debt and the only possibility of making our property normal. There was, then, the obsession of the taxes at home and abroad, and all that which would not lead to its realization was considered fantastic and unprecedented. To-day one may be assured that if we had accepted that program, the only proposition except the taxes to which we aspired as our program of economy, we would have made a saving of approximately 3,000,000 pesos per month, or what is equivalent to 18,000,000 pesos, as what we could save by practicing economy; besides what the taxes would have been able to produce, taxes which I also asked to have established to increase the income, and taxes which the chamber were considering, all of which made ineffectual the economic policy—a mistaken policy, in my judgment—which the Government was at that time following with difficulty.

If unquestionably I have wandered from my proposed theme in making the previous digression, it will be excused by my desire to justify the solicitude which I have given to these questions and the grief which is sure to come to us in realizing forces which are lost then in the void, without being directed to the end which stirs us all in the defense of public interests, because in the long run plans traced beforehand are accepted, even should these be the most absurd, in an indifferent state of mind or with inconceivably fatalistic resignation.

Finally, in order not to tire further the illustrious attention of this commission, I should suggest the convenience of resolving in such a way that there would be left no possibility of doubt, if the project of law suggested and which now occupies us, has been solicited from our Government in official or even officious form, by that of the United States of North America, or by its representative in Cuba; and that in such case it should be asked of said Government of the United States or of its representative, if meditating seriously and serenely upon that which is fitting to the interest of Cuba, they would insist that all the principles and interests of material and moral consideration which are involved in this problem should be ignored, ridiculed, and trampled upon in order to give in every way satisfaction to their demand.

Very truly,

AURELIO A. ALVAREZ.

HABANA, *February 16, 1922.*

ACCOMPLISHMENTS OF THE ADMINISTRATION.

Mr. SMOOT. Mr. President, I had expected to occupy some of the time of the Senate to-day in rehearsing the accomplishments of the administration for the last two years, but that is entirely out of the question, for it is but a few minutes before adjournment. Perhaps it will be just as well for me at this time to read the headlines of what I intended to speak upon. Furthermore, I notice that yesterday, in the House, Hon. FRANK W. MONDELL delivered a speech covering about the same subject matter that I intended to speak upon to-day; so I will content myself by just reciting the subject matter, without any further discussion. There are a great many of them here that I should like to discuss in detail, and many that I have not enumerated.

The Congress has completed 18 months of constructive legislation which is without parallel in the history of this country. No Congress ever came into power facing such chaotic conditions calling for deliberative and constructive efforts.

Mr. WATSON of Georgia. Mr. President, is it in order for the Senator from Utah to be reading a eulogy on the defunct administration?

Mr. SMOOT. I have not yielded to the Senator.

Mr. WATSON of Georgia. I thought, perhaps, we had an order of business, and that without unanimous consent the Senator could not preach a funeral sermon.

Mr. SMOOT. We have an order of business.

Mr. WATSON of Georgia. The Senator from Mississippi [Mr. HARRISON] spoke three minutes by unanimous consent. The Senator from Utah has not asked anybody's consent.

Mr. SMOOT. No; I am speaking in my own right.

Mr. WATSON of Georgia. Then I raise the point of order that the Senator has no right to speak when there is nothing before the Senate.

Mr. SMOOT. I am speaking upon the bill before the Senate.

The PRESIDENT pro tempore. The subject before the Senate is House bill 10144. The point of order is overruled. The Senator from Utah will proceed.

Mr. SMOOT. The Republican Party was pledged to give the country constructive legislation. No Congress has ever enacted a greater percentage of legislation promised by its party. Consider its record:

First, and of vital importance, it has enacted no destructive, no sectional, no class legislation.

To put more business in government, it enacted the Budget law, under which the economy program of this administration was made possible.

It reduced the public taxes $818,000,000 a year, the bulk of which is lifted from the family and individual of average income. That taxes might be still further reduced, it unsparingly cut public appropriations.

It found 5,000,000 men idle. To prevent further aggravation of the unemployment situation, it enacted the restrictive immigration law.

It found agriculture facing ruin. To relieve the situation it revived the War Finance Corporation and furnished it with a million-dollar revolving fund to loan the farmer in his emergency. It passed the farmers' emergency tariff, which stopped the flood of imports that was contributing to agricultural distress. It increased the funds of the Federal farm loan bank in the sum of $25,000,000.

The result was the revival of agriculture, which brought the farmer, who purchases 40 per cent of the manufactured products of the country, again into the market, thus giving employment to idle men.

It enacted a permanent tariff, which insures industry and agriculture alike protection from destructive foreign competition and the workingman steady employment at a good wage.

It enacted the Sweet law, which created the Veterans' Bureau, consolidating all Government agencies dealing with ex-service men and facilitating the work of relieving disabled war veterans. It appropriated for the use of that bureau more money than was appropriated for any other purpose except payment of the public debt and interest thereon.

It found the country officially in a state of war with Germany and Austro-Hungary, and by a joint resolution reestablished peace with these two nations.

It enacted that great piece of humanitarian legislation asked by the women of the country, the maternity act, to safeguard the welfare of infancy and maternity.

It created a refunding commission to place our foreign loans on a businesslike basis and formulate conditions for their payment.

It authorized the formation of cooperative-marketing associations, which will be of mutual benefit to the producer of food and to the consumer. It enacted the packers and stockyards act for the live-stock interests, and the grain futures act for the farmer.

To promote our foreign trade it amended the Edge Act to facilitate the organization of corporations engaging in export business.

It provided for the reorganization of the Philippine financial system and an extension of Philippine credit in order to save the islands from bankruptcy, which they were facing as a result of eight years of government under the Democratic régime.

It came to the relief of drouth-stricken areas in our own country, extended the time of payment due on irrigation and reclamation projects, granted liberal aid for public roads, extended relief to the starving millions of Russia, reorganized the Indian Bureau, strengthened the enforcement of the Federal prohibition amendment, provided for the creation of more Federal courts in order to relieve the congestion of business and expedite justice, and created a commission to investigate the coal industry.

In addition, the United States Senate in less than 30 days ratified seven treaties formulated at the Arms Conference, which moved the world toward peace and committed the nations to a reduction of naval armament and a consequent reduction in taxation.

Mr. President, I could stand here for one solid hour and rehearse what has been accomplished by this administration, and I say, without a question of doubt, that no legislature that ever met has passed so many beneficial laws as has the present Congress under this administration.

Mr. President, I told the Senator from Tennessee that I would yield the floor in order that he might have 10 minutes, and therefore I now yield, carrying out my promise.

PENINSULA OF PRESQUE ISLE, ERIE, PA.

The PRESIDENT pro tempore. The Senator from Wyoming asked unanimous consent for the immediate consideration of House bill 10144, conveying to the State of Pennsylvania the peninsula of Presque Isle, and there was no objection.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POLITICAL ISSUES.

Mr. McKELLAR. Mr. President, what I have to say was not intended as an answer to what the Senator from Utah has just said, but I think it will prove an answer to his statement.

The President in his message vetoing the soldiers' adjusted compensation bill, among other things, said: "The pressing problem of the Government is that of diminishing our burdens rather than adding thereto." This sentiment is most highly to be commended. The burdens of taxation are great and should be lowered. It is a great pity that the President has not advocated and applied this policy generally. It is a great pity that he limits this policy solely to the ex-service men. He did not apply it to the various pieces of legislation under which sums were granted to the transportation interests, largely in excess of those provided for in the adjusted compensation bill for the ex-service men. Nor did he apply this policy to the readjustment of the compensation of the war contractors, many of them commonly called profiteers. Nor did he apply this policy to the compensation of the civilian employees of the Government. Nor has it been applied to any other activity of the Government. It is a policy that he has limited solely to the ex-service men.

Under his administration and with his approval the transportation interests have gotten theirs, the war contractors have gotten theirs, the profiteers have gotten theirs, the tariff barons have gotten theirs, the Sugar Trust have gotten theirs, the Steel Trust have gotten theirs, the Wool Trust have gotten theirs, the Dye Trust have gotten theirs, the Powder Trust have gotten theirs, and all the other hundreds of special interests have gotten theirs at the hands of this administration, with the approval of the President; but when it comes to the ex-service men, they are denied even a just compensation for their actual work—a compensation that the President himself says is "pitiably small"—on the plea of economy.

It is true that the shipping interests have not gotten theirs yet in full, but the President has recommended that our merchant marine, which cost us about $3,000,000,000, shall be turned over to the shipping interests for comparatively nothing, and then give those interests a subsidy or bonus estimated at something like $75,000,000 a year for at least 10 years, amounting in full to some $750,000,000. While our merchant marine cost us $3,000,000,000, it is estimated that if the ship subsidy bill goes through the Government will not realize $200,000,000 for all of them. It is said that the President even expects to call an extra session in November to give this vast bonus or subsidy to the shipping interests. The proposed bonus to the shipping interests alone will be vastly greater than the proposed increase in pay to the soldiers.

Again, Mr. President, the President has already approved two bills giving $24,000,000 to the people of Russia. Nobody ever knew whether the people of Russia were any more in need of this gift than were the people of the United States at the time. There were doubtless many out of employment in Russia and maybe some hungry there, just as there were in this country many out of employment and doubtless some hungry. But, no doubt, promises had been made in the 1920 campaign which produced votes for the Republican Party, and these promises for votes had to be met. So $24,000,000 were given to the people of Russia. I do not know whether they even thanked us for it or not. After Congress voted the $24,000,000, that seems to have been the last of it, and nobody seems to have heard that there were any more people in distress over there. If the President had been such an economist, surely he would have vetoed this gift.

Again, the President has recommended a loan or gift of $5,000,000 to Liberia and, as I understand it, wants the bill passed now. The people of Liberia do not vote in this country, but there are many colored citizens who do and who did in 1920, and this promise must be sacredly kept although it costs the Government $5,000,000 and nothing will ever be returned on that account. This would seem to be somewhat extravagant. There is no reason for it. We are under no obligations to the people of Liberia of any kind or description, but in the eyes of the Executive, apparently, it is a sacred matter, much more sacred than any policy of economy.

Again, if I correctly recall the facts, when it was proposed to economize in our Military Establishment the President urged a much larger one and one which would have cost the Government thirty or forty million dollars more.

Again, when the Navy bill was before the Congress the President urged a much more expensive Navy, though much ado had been made by the administration about reducing armaments. Economy was not the watchword then.

Again, Mr. President, though much ado was made by the administration about the economy of a Budget system, still we find that already deficiency bills are before the Congress notwithstanding that the fiscal year is less than three months old. It is estimated that notwithstanding the Budget, which was within itself a great expense, there will be something like $650,000,000 of deficiencies this year. The chances are before the year is over it will be nearer a billion dollars. There have been vast increases in salaries. The salaries of the officials of the Shipping Board, for instance, have been so greatly increased and so often referred to that they have become a stench in the nostrils of the people. In every department salaries have been increased and expenses have been increased until the Government has become, under this administration, a veritable riot or orgy of extravagance. The lone and single attempt of economy by this administration has been in the pay of the common soldiers who fought during the war.

Again, the Congress has passed and the Executive has given his approval to a tariff measure that imposes additional burdens, or at least six billons of dollars, upon the American people, and which gives him authority if it is constitutional, it is estimated, to increase those burdens to ten billions of dollars, and all this not for the purpose of raising revenue for the Government but for the purpose of protecting a comparatively few of the favored interests in this country. Besides this legalized graft the burden of the bonus bill dwindles into insignificance.

The Underwood tariff law has brought into the Treasury about $300,000,000 a year on an average for the past three years. Even the advocates of the just enacted tariff law do not claim it will bring in over $400,000,000 a year and an addition of $100,000,000 a year to the Government. It is generally believed it will not bring an additional $50,000,000 a year to the Government, and yet it imposes an additional burden on the people of the United States of from six to ten billion dollars, of benefit to the favored few and of great injury to all the people, but to the benefit of those who contributed to the election of the President and a Republican administration in the last campaign. That debt to these favored interests, to these special interests, is considered binding upon the consciences of the President and his party; but the promise of the President and his party to readjust the compensation of the ex-service men is treated as a mere scrap of paper, on the ground of economy that has been practiced in no other law passed by the Congress.

Mr. President, the opponents of the adjusted compensation bill speak of the entire cost of the measure as if the $4,000,000,000 required therefor would have to be paid out immediately. As a matter of fact, it is spread out over 20 years—an average of $50,000,000 a year for 20 years—and in comparison with the burdens of the tariff law and of the proposed ship subsidy law, both of which are warmly espoused by the President, it is comparatively no burden at all. The President's figures are inaccurate. The Actuary of the Treasury Department has given the accurate figures.

More than this, the payment of interest on our foreign obligations will begin in part in October and be amply sufficient to meet the payments required under the adjusted compensation bill if it is passed. It is certainly remarkable how anyone can take the position that this bill should be vetoed on account of economy, and at the same time take the position that we ought to turn our merchant marine over to the shipping interests and give them a subsidy which will prove quite as large as the compensation of the soldiers, and again at the same time approve a tariff bill which taxes the American people from six to ten billion dollars a year. The position of the President can only be upheld by the old adage that "consistency is the hobgoblin of little minds," because he says not only that the ex-service men merit a better compensation but that the compensation proposed is "pitiably small," and his principal effort at economy is against the ex-service men. If it is right to readjust the compensaton of the ex-service men, it should be done. If it is not right, it should not be done. That is all there is in the question. The Government is able to do it. I believed it was right to readjust the compensation, and I therefore voted to pass the bill over the President's veto. We should economize in other matters. Not in this alone.

I respectfully submit that on the question of economy the history of this Congress shows it to have been a deplorable failure.

NOTIFICATION TO THE PRESIDENT.

Mr. CURTIS and Mr. UNDERWOOD appeared, and Mr. CURTIS said:

Mr. President, the committee appointed by the Senate to join a similar committee on the part of the House to communicate to the President that the Congress had completed its work and was ready to adjourn unless he had a further communication to make to it, beg to report that they have called upon the President, and the President advises the committee to inform the Congress that he has no further communication to make.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the bill (S. 3300) granting a pension to Marie Doughty Gorgas.

The message also announced that the House had agreed to the following resolution:

> *Resolved*, That a committee of two members be appointed by the Chair to join a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session, and are ready to adjourn unless the President has some other communication to make to them.

And that the Speaker of the House had appointed Mr. CAMPBELL of Kansas and Mr. OLDFIELD the committee on the part of the House under the above resolution.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

S. 3540. An act fixing the fees of the examining surgeons in the Bureau of Pensions;

S. 3620. An act to authorize the construction of a bridge across Pearl River at or near Tilton, Lawrence County, Miss.;

H. R. 6750. An act for the inclusion of certain lands in the Wenatchee National Forest, the Olympic National Forest, and the Snoqualmie National Forest, all in the State of Washington, and for other purposes;

H. R. 12704. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes;

S. J. Res. 215. Joint resolution providing for an additional investigation of the tricounty irrigation project, Nebraska; and

H. J. Res. 382. Joint resolution authorizing payment of the salaries of officers and employees of Congress for September, 1922, on the 23d day of said month.

SUPPRESSION OF MOB VIOLENCE.

Mr. SUTHERLAND. Mr. President, I desire to protest strongly against any adjournment of the Senate until action has been had upon the bill (H. R. 13) commonly known as the Dyer antilynching bill. I am, as are others, personally interested in the outcome of the pending elections, being a candidate for reelection before the people of my State, and regard it as important that I should go to West Virginia for the purpose of carrying on a campaign. I believe, however, that it is of more importance to the Nation that this bill should be enacted into law than that I should have the opportunity to present my case to the electorate of West Virginia, or that others of this body similarly situated should do so.

Mr. President, if there is any one thing which is distinctly a blot upon our boasted civilization, it is the crime of lynching. I am aware that there are many unspeakable crimes committed which cause red-blooded men and women to cry for immediate vengeance, and that the desire to prevent the appearance in court of victims of these outrages is one of the reasons given by citizens of this country for taking the law into their hands and themselves violating the fundamental law of the land. If we are to admit that crimes of whatever character are to be punished by individuals without submitting the case to judge or jury, as guaranteed by the constitution of every State in the Union and by the Constitution of the United States, then we are indeed striking at the very foundations of law and order.

Every outburst of this character in defiance of the orderly procedure of the courts is a blow at right and justice and in violation of the fundamental principles of government. It begets a contempt for law and breeds a disposition upon the part of those inflamed by passion, even on account of minor offenses, to commit murder under the guise of wreaking vengeance for the protection of society. If we admit this principle, how can any one of us or our families be safe? It is perfectly evident that drastic measures must be taken in order to prevent the recurrence of these crimes, and the pending measure seems to offer an effective means for their prevention and to inflict penalties upon communities which do not afford adequate protection to their citizens against the fury of mobs.

Mr. President, as has been well pointed out by the Senator reporting this bill from the Judiciary Committee, the able Senator from California, this bill is by no means sectional in its application. There is hardly any section of our country that has not at times been the scene of these crimes, and the victims of these crimes are not confined to those of any race or color. The pending bill is broad in its application and is designed and will tend to prevent the commission of those crimes against any and all classes of citizens in every part of our country.

The constitutionality of the act will no doubt be fully argued by the able lawyers in this body on both sides of the question and I shall not attempt any defense of the bill upon that point. I have, during the nearly 10 years I have been a Member of both Houses of Congress, heard able lawyers inveigh against pending measures on the ground that they were unconstitutional, only to have these measures reviewed by the court of final resort and declared to be constitutional. For my part, after the careful consideration given to this bill by the able lawyers upon the Judiciary Committee, I am willing and anxious to vote for it and let the question of its constitutionality be passed upon in due course of time by the Supreme Court.

In conclusion, Mr. President, I will quote the three final paragraphs from the report of the committee reporting this bill:

> The proposed legislation is not an invasion or subversion of the rights of the States, nor is it designed to relieve the States from the performance of their duty to secure to all persons within their several jurisdictions equal protection of the laws; on the contrary, the proposed legislation is in aid of the several States and will be impartially administered by the people of the several States.
>
> It is sincerely hoped and confidently believed that the early passage of this bill as amended will have a salutary effect and go far toward insuring that "equal protection of the laws," State and Federal, to which "all persons born or naturalized in the United States and subject to the jurisdiction thereof" are entitled.
>
> American citizenship is indeed a badge of honor; it should be, and this bill seeks to make it, a shield of protection to every American citizen, man, woman, and child, native and naturalized, who stands on American soil, hedged round and guarded, as they are, by the Constitution of the United States.

CAUSES OF RECENT INDUSTRIAL DEPRESSION.

Mr. OWEN. Mr. President, I ask unanimous consent to submit for the RECORD, to be printed in 8-point type, a statement which I have prepared on the causes of the recent industrial depression.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The statement is as follows:

STATEMENT OF ROBERT L. OWEN, UNITED STATES SENATOR FROM OKLAHOMA, WITH REGARD TO THE CAUSES OF THE RECENT AND EXISTING INDUSTRIAL DEPRESSION—REPUBLICAN PARTY LARGELY RESPONSIBLE FOR DEFLATION OF CREDIT AND CURRENCY AND THE SEVERITY OF THE INDUSTRIAL DEPRESSION.

The Federal reserve act was intended to give stability to credits, industry, and commerce and to prevent unwarranted inflation or unwarranted deflation. As chairman of the Committee on Banking and Currency of the United States Senate, which framed and passed this act, I am justified in this statement.

When the United States entered the war in 1917, and purchasing agents with unlimited money were turned loose to buy war materials without limit on cost, it caused commodity prices to rise in an unprecedented manner, these prices going up two and three hundred per cent.

When the war ceased and the purchasing agents were discharged and the surplus war materials put on the market by forced sales and the nations of the world went back to peaceful processes, millions of men again became productive, the volume of commodities increased, and the urgency of the demand diminished, and therefore there took place, of necessity, a great fall in commodity prices, causing heavy losses through inventories which had to be rewritten. This had a natural tendency to bring about an industrial reaction.

But it was a process which was accomplished somewhat slowly and only began to make itself felt in the fall of 1919.

No man and no party should be held responsible for this natural reaction from the high prices of war; but if the powers of the Federal reserve act had been wisely employed, an industrial depression could have been largely avoided and its effects mitigated.

In the election of 1918 the tremendous discontents due to our war activities were successfully employed by the Republican Party leaders, and they elected a majority of Republicans to the House of Representatives, and by a gigantic effort, and obtained through the lavish use of money in many States, and especially in Michigan, were able, by Senator NEWBERRY's vote, a single vote, to organize the United States Senate. They therefore organized and controlled the Sixty-sixth Congress, which met May 19, 1919.

Immediately the influence of the Republican control of the two Houses of Congress made itself felt on the Federal Reserve Board, whose membership, nominated by Secretary W. G. McAdoo, with a single exception, was reactionary and ultraconservative.

Gov. W. P. G. Harding, under this Republican influence, and representing the Federal Reserve Board, thereupon determined upon a policy of deflation. About the 1st of July, 1919, as governor of the reserve board, he went to New York City, called the leading bankers together, and notified them that they would have to cut down their loans on stocks and bonds, which at that time amounted to about nineteen hundred millions of dollars.

With this Government support and this Government demand, the New York banks promptly began a policy of deflation, which they made effective by raising interest rates, charging more and more for money and credit. The call rate, which had been at a very reasonable point, began to rise to 5, 7, 10, 15, 20, and as high as 30 per cent by November, 1919, with the apparent approval of the Federal Reserve Board, who did nothing effective to stop it, in spite of a demand that they should do so. The running up of the rates to 30 per cent on call in New York shocked the confidence of the country, drew money violently from various industrial centers to New York, and broke the stock market, resulting in losses eventually running into thousands of millions in the value of stocks and bonds.

Along in December, 1919, the Reserve Board, under the Republican influences to which I have referred, began to consider raising the rates of the Federal reserve banks and, over my vigorous personal protest made in person to the members of the Federal Reserve Board and then by writing, they did raise the rates of interest. Then on the floor of the United States Senate I protested against the ruinous deflation policy.

In the meantime the Kansas City Title & Trust Co. tied up all the loans of the Federal farm loan banks by a suit intended to test the constitutionality of the farm loan act. (Smith *v.* Kansas City Title & Trust Co., 255 U. S. Sup. Ct., p. 180.) The banks of the country followed the bad example of the Federal reserve banks in contracting credits.

In the spring of 1920 the Republican Congress passed an amendment to the Federal reserve banking law empowering the Federal Reserve Board to increase the rediscount rates without limit, and under this act the board permitted the Federal reserve banks to run the rates up in a manner to violently affect the stability of credits in the United States, in one egregious case the rate going over 80 per cent per annum and in many cases going up to 12, 15, and 20 per cent.

Unable to influence the Federal Reserve Board in favor of lower interest rates, I wrote a letter to the President on February 13, 1920, but his unfortunate illness made it impossible for him to consider it.

On February 16, 1920, I raised my voice on the floor of the Senate against this destructive policy and put in the CONGRESSIONAL RECORD my letter to the President explaining how speculation and hoarding could be prevented and controlled without these excessive interest rates and without deflation of credit. (CONGRESSIONAL RECORD, 2937. Exhibit A.)

Again, on March 8, 1920, on the floor of the Senate (CONGRESSIONAL RECORD, 4001), I raised my voice against this destructive policy and high interest rates, but the protest was unavailing with the Republican leaders of the Congress.

Again, on April 21 Senator MCCUMBER, now chairman of the Finance Committee of the United States Senate, urged that the Federal reserve act should be modified so as to compel contraction (CONGRESSIONAL RECORD, 5936) of the currency, and he complained about the greatly inflated currency and attributed the high prices of war to an "inflated" currency. He urged a contraction of the currency.

The Federal Reserve Board, under these Republican influences, put great pressure to bear on the banks to compel them to sell Government bonds which, under high interest rates, had fallen severely in market price, and again I protested against the high interest rates on April 30, 1920 (CONGRESSIONAL RECORD, 6337) and showed how speculation and hoarding could be controlled without raising the rates of interest and without deflation of credit or currency, and I put in the RECORD on that day a letter which I had written to the governor of the Federal Reserve Board, April 27, 1920, protesting against raising the interest rates, and I said to him (CONGRESSIONAL RECORD, 6337. Exhibit B):

"The Federal Reserve Board can not permit itself to be held responsible for the *consequence that will ensue* if it persists in this policy of raising the interest rates as a remedy for speculation."

The board asserted they were raising the rates and deflating credits to check speculation.

I explained to him in this letter how speculation could be controlled without raising the interest rates, and I urged the board to pursue a policy that would give stability to credit and avoid the dangers that would ensue if the powers of the board were used to break down confidence and credit in the United States. Unhappily the Federal Reserve Board, under the influence of the Republican leaders, refused to listen to my pleading.

In the interest of those *who had dollars* they seemed determined *to make the dollars buy more* by a policy of indiscriminate deflation and currency contraction.

I urged that the dollars could be made more valuable by increasing the volume of commodities through industry and prosperity rather than to make the dollars more valuable under industrial depression by the hammer of the auctioneer and reducing the cost of commodities below the cost of production.

On May 3d, 1920, the governor of the reserve board replied to my appeals, but did not change the policy of the board. He said, however (CONGRESSIONAL RECORD, 6556), that:

"During the year 1919 the board tested the policy of *attempting to control* the *credit situation by admonition* and *warnings without raising rates*."

The board did far more than use admonitions and warnings to bring about deflation and "*control the credit situation*." It issued its bulletins and gave its counsel and advice and issued rules and regulations, all of which went to carry out the policy of indiscriminate deflation, all of which had the purpose to limit credits throughout the United States and to reduce the volume of currency required and had the effect to break values ruinously and to create a terrible industrial depression and ruin tens of thousands.

On May 14, 1920 (CONGRESSIONAL RECORD, 7039), I replied to Governor Harding's letter, insisting that the Federal reserve system was intended to give stability to credit, that it was not a money-making institution, and I pointed out:

"The Federal Reserve Board is thinking much these days of *deflating credit*. The idea has been much exploited recently that it is a good thing *to deflate credit*."

And against this policy I entered my vigorous protest, fully set forth in the RECORD, and I put in the RECORD a letter dated May 14, 1920, to Governor Harding (Exhibit C), so that there might be no doubt that my appeal to the Federal Reserve Board for liberality in treatment for the country was made and was unavailing. (CONGRESSIONAL RECORD, 7042.)

The Reserve Board declared automobiles and various commodities nonessentials and advised the banks to refuse credits on automobiles and on many other things, including commodities in storage.

The answer which the Reserve Board gave me in answer to my letter was Senate Resolution 363, submitted by Mr. MCCORMICK, leading Republican Senator from Illinois, to the following effect:

"*Resolved*, That the Federal Reserve Board be directed to advise the Senate *what steps it purposes* to *take or to recommend to the member banks* of the Federal reserve system *to meet the existing inflation of currency and credits* and consequent high prices," and so forth.

The Republican Senate passed this resolution, which was expressly intended to be a notice to the Federal Reserve Board by the Republican Party that they *were expected to deflate* "the existing inflation of currency and credits and consequent high prices," attributing to inflation the high prices instead of to the results of the war.

On May 18, 1920 (CONGRESSIONAL RECORD, 71993), I again addressed the Senate on this question and protested against the resolution of the Senator from Illinois and I warned the Federal Reserve Board and I warned the country that *an industrial depression would result* from the policy of forced deflation (CONGRESSIONAL RECORD, p. 7200). I pointed out that the earnings of the Federal reserve banks were running up to nearly 200 per cent per annum. I charged the Republican Party then and there with being responsible for the attitude of the Federal Reserve Board. Mr. MCLEAN, who was then chairman of the Banking and Currency Committee of the Senate, defended the high discount rates (May 18, 1920).

But, Mr. President, the responsibility of the Republican Party for the policy of indiscriminate deflation was fully assumed by the leaders of that party at the Chicago convention in June, 1920, in the following plank:

"The prime cause of the high cost of living has been first and foremost a 50 per cent depreciation in the purchasing power of the dollar, due to a *gross expansion of our currency and credit*. We condemn the unsound fiscal policies of the Democratic administration. As the political party that throughout its history has stood for honest money and sound finance we pledge ourselves to earnest and consistent attack upon the high cost of living by rigorous avoidance of further inflation in our Government borrowing and by courageous and intelligent deflation of our overexpanded credit and currency."

They deliberately declared in favor of a deflation of credit and currency and brazenly called it courageous and intelligent. They could only do it through the Federal Reserve Board as they had already been doing it by the Federal Reserve Board.

On July 22, 1920, Mr. Harding, Republican nominee for President, in his speech of acceptance, said:

"*Gross expansion of currency and credit* have *depreciated the dollar*. * * * Deflation on the one hand and restoration of the 100-cent dollar on the other ought to have begun on the day after the armistice. * * * We pledge that earnest and consistent attack which the party platform covenants. *We will attempt intelligent and courageous deflation*, and strike at Government borrowing, which enlarges the evil."

And there is not the slightest doubt, therefore, about the Republican responsibility for the drastic deflation which took place in their determined policy to deflate credit and currency. Its terrible effects upon the country are well known.

I was not alone in my efforts to prevent this drastic deflation policy pursued by the Republican leaders, acting through the Reserve Board and Governor Harding, of the Reserve Board, because Hon. John Skelton Williams, then Comptroller of the Currency—the best the Nation ever had—also vigorously protested against the high rates of interest, as will appear from his statement made September 11, 1920, and printed in the Report of the Comptroller of the Currency of 1920, page 82.

On September 11, 1920, the comptroller made public the following additional statement in regard to interest rates in New York, which explains itself:

"SEPTEMBER 11, 1920.

"A leading New York paper, in its financial columns to-day, criticizes the statements made this week by Senator OWEN relative to the excessive interest rates which have been charged by certain banks in New York City during the past year, and says that bankers 'point out that when Senator OWEN charges that $500,000,000 has been loaned at rates up to 30 per cent he is speaking without the record.' Continuing, the press article says:

"'That high figure obtained on the stock exchange for about 10 minutes one afternoon the middle of last November, and probably as much as $1,000,000 was loaned at that rate.'

"That criticism by the unnamed 'bankers' is misleading, and in justice to Senator OWEN it is proper to say that the Senator's public statements on this subject, as printed in the press dispatches which have been brought to my attention, are substantially correct, and in view of actual facts are moderate and conservative.

"During the past year the burdensome and oppressive interest rates to which the Senator refers have been exacted, not in 'one or two possible insignificant instances,' as one New York paper expressed it, and not as the 'high figure' as another paper expressed it, 'for about 10 minutes one afternoon the middle of last November,' but in thousands of instances, at numerous times, and upon call loans aggregating hundreds of millions of dollars.

"The information on this subject called for as of August 5, from all of the New York City banks has been supplied by nearly all of them and is now being compiled; but in anticipation of a more complete statement which will be available later, it may be interesting to the public to know that the amount of demand loans, upon which two or three of the banks, only (exclusively of various others which were charging the same rates), were exacting 20 per cent or more per annum interest (in some instances as high as 25 and 30 per cent) was—

On November 13, 1919, about	$50, 000, 000
On November 14, 1919, about	40, 000, 000
The new call loans at the rate of 25 per cent per annum made by one of these banks at the end of 1919, on December 29, 30, and 31, aggregated about	20, 000, 000
On January 2, 1920, these same two or three banks were lending at 18 per cent, 20 per cent, and 25 per cent interest, about	75, 000, 000
On January 3, 4, and 5, at 18 per cent interest from $60,000,000 to	70, 000, 000
On February 6, 1920, at 20 per cent and 25 per cent interest, over	40, 000, 000
On February 9, 1920, at 20 per cent interest, about	40, 000, 000

"As late as the end of June it appears that interest as high as 14 per cent per annum was being demanded by these banks on millions of dollars of call loans.

"These illustrations are from the official records of only two or three of the thirty-odd national banks in New York City, but they are sufficient, I think, to show the unfairness and incorrectness of the criticisms of Senator OWEN's just condemnation of the excessive interest rates which for some time past have been a distinctly disturbing factor in the business and financial situation.

"I am pleased to confirm the statement I made some time ago that although the aggregate amount upon which unjust and oppressive interest rates have at times been exacted by some banks is very large, a majority of the national banks in New York City have made a comparatively small proportion of their loans at these indefensible rates."

The comptroller denounces these high interest rates in his report from pages 79 to 105.

The result of this drastic deflation of the Republican Party was that there was a decrease, from September, 1920, to September 6, 1921, of $2,191,104,000 in the deposit of the national banks; a decrease of $1,042,186,000 in the deposit of the State banks; a decrease in the loans and discounts of the Federal reserve banks of $1,621,630,000, and a decrease of Federal reserve notes in circulation of $957,371,000; a decrease in Federal reserve bank notes of $131,085,000; the loans and discounts of the national banks decreased $1,446,858,000, and other banks' loans and discounts decreased $481,882,000—a total contraction of credits amounting to over five billions in the space of one year.

On May 28, 1920, the outstanding credits of the Federal reserve banks were $2,938,031,000; on January 25, 1922, the outstanding credits of the 12 Federal reserve banks had fallen to $932,882,000—a total contraction in 20 months of $2,005,149,000.

Besides this gigantic deflation, private individuals from one end of the land to the other were frightened into following the same policy and in their relations with each other outside of the banks the same cowardly and injurious policy was followed, creditors pressing debtors for settlement to the ruin of the debtors.

Of course this resulted in the ruin of hundreds of thousands of farmers; of men engaged in cattle raising and in sheep raising and in animal industry. It ruined many merchants, manufacturers, and business men, and even ruined very many bankers. Of course it brought wages down and was intended to bring wages down.

Of course it paralyzed business until the process was completed. It caused the great strikes of the country.

The prices of the things, however, that the farmer and wage earner and great consuming classes have to buy, being controlled by the trusts and monopolists and by profiteers, still remain at a figure much too high.

To prevent the possibility of foreign competition with domestic extortion, the Republican Congress has now enacted the highest tariff protection bill in the history of the country.

The responsibility of the Republican Party for the great industrial depression we have suffered is thoroughly well established and must be acceded by every man with an open and a just mind who loves the truth first and party success second.

A few great bankers who think alone in terms of dollars and the purchasing power of dollars demanded the deflation of currency and of credits to increase the purchasing power of their dollars.

The Republican Party accepted the advice and carried out the policy. God save the American people. Torn and misled by a million grievances arising against the Democratic Party because of the autocracy and abuses of war, the people voted for a change. They got a change from wonderful prosperity in 1918 to a terrible depression in 1921. It is time for another change. The Republican leadership is controlled by reaction. The country is truly progressive and liberal, and to this spirit the Democracy must appeal.

EXHIBIT A.

FEBRUARY 13, 1920.

Subject: Interest rates.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: I deem it my duty to call your attention and the attention of your administration to the importance of moderate interest rates and stability therein in the United States and the important part which the influence of the Government can exert in accomplishing these ends through the Treasury Department, the Comptroller of the Currency, and the Federal Reserve Board.

Before the Great War Belgium had a fixed, stable rate of 3 per cent for 50 years and the rate in France was practically the same, and United States Government bonds with the circulation privilege were sold at and above par when they bore only 2 per cent interest.

During the World War London merchants have enjoyed a 3½ per cent rate on acceptances.

Our manufacturers, our merchants, our business men are entitled to reliable, stable, reasonable rates of interest.

The productive and distributive processes so essential to restore the equilibrium of the world depend upon such rates in order to function most efficiently.

I call your attention to the unreasonable manner in which the interest rates on the stock collateral loans in New York have been fluctuating from normal to 25 and 30 per cent, with the most unhappy consequences upon interest rates, injuriously affecting our commercial business throughout the United States.

The Federal Reserve Board has been induced to raise the rate of discount of the Federal reserve banks to a high point as a supposed check on the extraordinary speculation which has been taking place on the stock exchange.

These artificially unreasonable high rates of interest charged by the banks in the central cities on stock collateral call loans have had the effect of drawing to these cities from different parts of the country funds which ought to be exclusively used in commerce, and this process went to a point where recently the amount of stock collateral exchange loans on call or short time reached a volume in New York City of $1,900,000,000, withdrawing for speculative purposes these credits which should be used in the industrial and commercial life of the country.

The investing and speculating public has been attracted to the stock exchange by the policy of narrow margins and low rates of interest; but after the public has taken on these speculative purchases the interest rates are raised to a high point and the margins are increased from 10 per cent to 20 and 30 per cent, with the effect of squeezing out the people who, in the language of the day, "can't hold on."

These loans, which were $1,900,000,000, 60 days ago, have now been reduced to $1,000,000,000, and the stock market has gone through a very severe depreciation; and this is the second upheaval of this kind within two months. I inclose an exhibit showing the violent fluctuations which have taken place contrary to a wise public policy, to the ruin of many weak and foolish speculators; but, above all, to the injury of the manufacturers, merchants, and business men who are entitled to have stable, moderate interest rates.

The manufacturers, merchants, and business men are entitled to stability. They can not otherwise transact the business of the country with safety; and in their name and on their behalf I respectfully and very earnestly insist that the Government shall establish a policy which will give stability to interest rates, prevent these violent fluctuations, and lead to lower interest rates.

Will the question be asked, How can it be done? I venture to answer:

First. That the influence of the Comptroller of the Currency and of the Federal Reserve Board be exerted to require a limitation upon loans made by member banks or banks engaged in interstate commerce, so that only a reasonable percentage of the deposits of such banks shall be permitted to be used for the accommodation of those who are buying stocks for speculative purposes.

Second. That a margin of not less than 25 per cent shall be required in such transactions.

Third. That an interest rate not exceeding 8 per cent shall be permitted in such transactions.

Fourth. That the reserve board shall charge a special rate of interest to those banks who are using the accommodations of the discount privileges with the reserve banks in excess of their rightful proportionate part of such accommodation, so that the normal discount rates of the Federal reserve banks shall not exceed 4 per cent, but the special rate for banks desiring to use more than their rightful proportion of the reserves with the reserve banks shall be at a progressively higher rate. In this way banks that put up Liberty bonds for the purpose of getting more than their proportionate part and lending this money out on very high rates of interest will find it less profitable to engage in such a policy.

The discount rates of the Federal Reserve Bank of Richmond, for example, effective January 23, 1920, included the following:

	15 days and under.	16 to 90 days.	91 days to 6 months.
Member banks:	*Per cent.*	*Per cent.*	*Per cent.*
Secured by United States certificate of debt	4¾	....	....
Secured by Liberty bonds	5½	....	....
Secured by eligible paper	6	....	....
Secured by War Finance Corporation bonds	7	....	....
Rediscounts:			
Customers' notes—			
Secured by United States certificates of debt	4¾	4¾	....
Secured by Liberty bonds	5½	5½	....
Secured by War Finance Corporation bonds	7	7	....
Trade acceptances	6	6	....
Commercial paper	6	6	....
Agricultural or live-stock paper	6	6	6

You will observe from these discount rates that eligible paper—that is, the notes of manufacturers, merchants, and business men engaged in production and distribution—would be compelled to pay around 8 per cent if the member bank is permitted any margin over and above what they themselves have to pay the reserve bank. This is true even on trade acceptances, which in London have a rate of 3½ per cent. In other words, our manufacturers, merchants, and business men engaged in production and distribution are compelled to pay by this policy twice as much as they do in London, charging the interest, of course, upon the cost of the goods, and thus raising the cost of living. Against this policy I enter my resolute and solemn protest.

I heartily approve the evident purpose of the Federal Reserve Board to reduce the excessive speculative loans on the stock market and divert such credits to the benefit of commerce; but this can be accomplished without raising the rate of interest by requiring larger collateral margins and by limiting stock collateral loans to a reasonable part of the reserves of the member banks, and all loans to a proportionate part of the reserves with the Federal reserve banks.

LIBERTY LOAN AND VICTORY LOAN BONDS.

When the American people were engaged in the war the Treasury Department organized Liberty and Victory loan drives, and every citizen was urged to buy these bonds; if necessary, to sell his property and buy the bonds; to borrow money and buy the bonds. The bonds were sold at par. It was a patriotic duty to buy the bonds, but the high rates of interest which have resulted from the unrestrained speculation on the stock exchange, and the high rates of interest which the reserve banks have established, have had the effect of having these bonds appear as a poor investment, and these bonds have shrunk so that in the case of the bonds which have not the nontaxable feature they have fallen off in value almost 10 per cent, inducing many persons who are poor and who borrowed money to carry these bonds to sell them at a loss, and many more will be induced to sell them at a loss, contrary to a wise and just public policy.

If the normal discount rate of the Federal reserve banks were put at 4 per cent and the banks were discouraged from abusing the privileges of the reserve banks for stock-speculative purposes in the manner which I have pointed out, these bonds would come back to par, and they should be brought back to par. The people who bought these bonds ought not to suffer a loss, and the credit of the United States ought to be preserved by the policy which I have taken the liberty to suggest to you and to your administration.

The result of these speculative stock loans has been such that the New York Federal reserve bank has had its reserve very seriously impaired, so that the New York reserve bank has been borrowing money on a large scale from other reserve banks who do not suffer from this strain.

There is no adequate reason why the rates of the reserve banks should not be uniform; why they ought to be higher in one part of the country and lower in another part of the country. The loans are as reliable in one part of the country as in another, and every part of the country is entitled to a uniform rate.

The high cost of living demands for its solution stability in interest rates in order to encourage production and distribution, and to reduce the high cost of living demands a moderate rate of interest.

The Federal reserve banks were not established as money-making institutions, but for the purpose of giving stability and a reasonable stable interest to the productive enterprises of the Nation.

The Federal reserve banks last year made a profit of about 100 per cent of their capital; but this in no way measures the added expense on the cost of living, because the high rate of interest charged by the Federal reserve banks is reflected upon loans and discounts of other banks running into the billions, since it affects the interest rates in all parts of the country.

I regard this matter as a matter of national importance, and I would not feel that I had discharged my duty to the country if I had failed to call your attention to it in these explicit terms.

Yours very respectfully,

ROBERT L. OWEN.

EXHIBIT B.

UNITED STATES SENATE,
April 27, 1920.

Hon. W. P. G. HARDING,
Governor Federal Reserve Board, Washington, D. C.

MY DEAR GOVERNOR: I have been intending to call to see you and beg of you and of the Federal Reserve Board to consider the injurious effects of raising the interest rates in America in its relation to adding to the high cost of living and in its relation to bearing down the market value of Government bonds.

I have just received a telegram from the president of an important national bank. He explained to me that his bank had bought and underwritten a much larger volume of Government bonds than they would have done normally because of important Government works put up in his city. Thousands of employees who were compelled to buy Government bonds unloaded them on the bank when the war suddenly ended, and he has been unable to sell these bonds on a falling market, and the market is falling because the reserve board has raised the rate of interest and set the example to the banks of the United States and justified them to their own conscience and to their customers in raising the rate approximately 2 per cent throughout the Union. For your consideration I quote the telegram:

> Can nothing be done to give Liberty bonds some standing? The Federal reserve bank is pressing us unmercifully to sell what we have, and has served notice that they will rediscount no commercial paper until we do so, and as you know this can only be done in the New York Exchange at panic prices, it makes a serious and very embarrassing situation which might be very far-reaching.

The reserve banks should be cautioned in pressing the banks too far to sell these bonds on a falling market. This particular bank, I invite you to observe, would receive a great injury, and you will be unable to repair it afterwards.

The Federal Reserve Board can not permit itself to be held responsible for the consequences that will ensue if it persists in this policy of raising the interest rates as a remedy for speculation. This remedy is worse than the disease.

This remedy is not necessary because there are other available remedies whose consequences will be harmless. I venture to suggest several:

First. That the banks be advised to require loans for speculative purposes to be gradually reduced;

Second. That the banks be required to demand increased margins on such loans;

Third. That the banks be invited to raise the rate on such speculative loans, and not raise the rates on loans upon which the manufacturer, the commercial, and industrial life of the Nation depend; and

Fourth. That the banks be invited and required to refuse new speculative loans on investment securities.

My dear Governor, the bondholders of the United States have already suffered a loss in the market value of their bonds of over $2,000,000,000. Bonds which they bought as a patriotic duty; bonds which they bought on borrowed money; bonds which they bought at a sacrifice.

The Government should not through its own agencies destroy the value of these securities by pursuing a policy of raising the interest rates, and I beg you, and I beg the board through you, to change this policy.

Moreover, my dear Governor, I call your attention to the unpardonable and scandalous practice of the usurious charges current in New York City, where on call loans, the stock-exchange collateral, the rates have been running as high as 30 per cent. I enter my solemn protest against this, and on behalf of the people of my State and the people of the United States I call upon the Federal Reserve Board to put an end to this nefarious practice which sets a false standard to the people of the United States in the matter of interest rates, and which has been used to justify the Federal Reserve Board to raise the rates on the whole country for the avowed purpose of stopping speculation when no such remedy was necessary.

Yours, very respectfully,

ROBERT L. OWEN.

EXHIBIT C.

UNITED STATES SENATE,
May 14, 1920.

Hon. W. P. G. HARDING,
Governor Federal Reserve Board, Washington, D. C.

MY DEAR GOVERNOR: I thank you for your letter of May 3, answering my letter of April 27, in which I urged the Federal Reserve Board to lower the interest rates of the reserve banks as a means of helping to restore Liberty bonds to par.

The Secretary of the Treasury and every agency of the Government, including the reserve banks and the member banks, cooperated in a strenuous drive to induce the American people to buy Liberty bonds. The people were told to buy the bonds until it hurt. They sold their property, they borrowed money, they mortgaged their homes to buy these bonds on the assurance of the Secretary of the Treasury that there was no better security, and they had a right to believe that these bonds would be maintained at par. But, my dear Governor, if you permit these high rates of interest, of which I have justly complained, the inevitable consequence will be that these Government bonds must go still lower than they are now instead of reacting to par.

The violent fluctuating high interest rates on the New York Stock Exchange which go from 8 to 30 per cent, advertised throughout the country in every important paper in the land, together with the high interest rates of the Federal reserve banks to member banks at 6 and 7 per cent, and the consequent higher commercial rates daily advertised in the public press of 8, 9, and 10 per cent, not to mention commissions on the side and discounts, are jointly impairing confidence and creating an atmosphere of suspicion, distrust, and widespread talk of pending industrial depression and industrial panic.

I have insisted that the powers of the Government should be exercised through the office of the Federal Reserve Board, the Federal reserve banks, and the Comptroller of the Currency to remove these causes, which, if persisted in, may cause a serious industrial depression and make Liberty bonds go still lower.

The claim of the New York Stock Exchange that these high and violently fluctuating interest rates on call loans are necessary for the purpose of preventing speculation is indefensible, because they do not prevent speculation. The professional operator immediately speculates in a bear market, which inevitably must follow these artificial high interest rates. The speculator can afford to pay high interest rates, but legitimate business can not. Moreover, the employment of bank credits for speculation can be prevented by harmless methods: First, by the banks refusing new loans for speculative purposes; second, by requiring gradual liquidation of old loans employed in speculation; and, third, by raising the margin on speculative loans.

The remedies I suggest are harmless to the general public. The remedy employed of high interest rates on call loans running up to 30 per cent is destructive of public confidence and threatens industrial depression.

When the Reserve Board raises the rate to 6 and 7 per cent it has the effect not of stopping the speculator but of stopping legitimate business, and putting the brakes on manufacture, commerce, agriculture, on production and distribution.

You quite misunderstand the point when you speak of my contention that the Liberty bond market recently fell because the Federal Reserve Board raised the rate of interest, which you think is disproved by the fact that the bonds fell in April, 1919, to 95 before the Federal Reserve Board raised the rate of interest. My contention is that the high rates of interest on the stock exchange and the high rates charged by member banks on commercial loans based in part on the high rates of the reserve banks, are all factors producing this result, and when the Reserve Board recently raised the rate these bonds went down much lower than they had been before, and they must go lower still if the board persists in this policy. What I contend is that the Federal Reserve Board in raising these rates, and thus adopting the unwise policy of the stock exchange, is depreciating the market value of all securities, including Government bonds.

I understand the Reserve Board desires to deflate credit by raising the rates of interest. Assuredly raising the rates of interest will deflate credits, even the credits of the United States, of which I complain, but I am anxious the Reserve Board shall only deflate those credits that require deflation and not deflate credits of the Government and of legitimate productive business, which ought not to be deflated.

The United States was compelled to expand its credits, and issued $26,000,000,000 of war bonds. The war resulted in an increase of $20,000,000,000 of bank deposits, a total increase of expanded credits of $46,000,000,000. No substantial part of these credits should be deflated at this time. The only deflation of credit justified is the deflation of credits employed in speculative loans on investment securities, on real estate, and on commodities for hoarding by profiteers.

My dear governor, it seems to me that there is some serious misconception existing in the country with regard to what is inflation and what is not inflation. I am certainly opposed to inflation, but I am strongly in favor of the extension of business, increasing production, and improving distribution by extending credits on a stable low-interest rate.

The expansion of credit for such purposes is justified, but, of course, the expansion of credit beyond the available resources, even for the most important of purposes, is not justified. The Bank of England, conducted by the wisest merchants in the world, has not hesitated to extend credits for productive purposes even when the gold reserve was thereby seriously diminished. As you very well know, they went to a very low gold reserve during the war without ever denying credits to their business men who were engaged in legitimate industry. The London merchants had 3½ per cent acceptance rates all during the war, when the British Government paid 5 per cent.

If the people are frightened by the talk of industrial depression, by high interest rates, it has the effect of preventing production and putting the brakes on manufacture and on our entire industrial life.

I do not agree with Secretary Leffingwell that the present depression in Liberty bonds is due to the owners of Liberty bonds spending the bonds recklessly as spendthrifts. People who bought Liberty bonds do not deserve such a classification, although, of course, some individuals out of a very great number are spendthrifts. But the spendthrift quickly parts with his bonds to other people. The spendthrift theory does not explain the terrible depreciation.

If money was cheap and credits were available at low rates, it is perfectly obvious that these bonds would go to par, and just in degree that the banks of the country raise the rates to very high artificial figures to that degree the Liberty bonds and Victory bonds will assuredly fall in market value.

You advise me that the Liberty bonds "can not be brought back to par by artificial methods." They can be depressed by universal high rates of interest artificially fixed by the banks, and that is precisely what has happened and to which I earnestly object.

I do not say that the Federal reserve banks can restore these bonds to par by lending a part of their resources on these bonds at a low figure. What I do say is that the value of these bonds is depressed by the action of the Government in countenancing the scandalous interest rates on the New York Stock Exchange, the unreasonable interest rates by the member banks of the country, and the unfair interest rates by the reserve banks to the member banks.

You very justly say, my dear governor:

"There is a world-wide demand for capital, and the demand for bank credit in this country in agricultural, commercial, and industrial purposes is heavier than has ever been known before; investment demands for new construction, for the maintenance and equipment of railroads, and for the financing of our foreign trade are very great."

Are these just demands to be met by denying the credits, or are they to be repressed by raising the rates to prohibitive points, and thus retard enterprise and production, the employment of labor and capital in creating commodities?

You say the reserve banks would have been "overwhelmed with applications for loans" on Government securities if the reserve banks had continued to offer a low discount rate on paper secured by Government obligation.

I am not advocating the reserve banks lending beyond their resources at any rates or on any securities. I am protesting against the reserve banks setting a bad example to the country by raising the rates of interest on legitimate business engaged in production and distribution. I am objecting, my dear governor, to the reserve board taking advantage of this condition and raising these rates merely because the demand is urgent, when the proper function of the Federal reserve bank is to stabilize the interest rate, keep it at a reasonably low figure, and set a wise and just example to the member banks.

The member banks pay from 2 to 4 per cent for deposits and normally let their money out at from 5 to 7 per cent, with a margin of about 3 per cent. The reserve banks pay no interest on deposits, and 3 per cent is a rate high enough to enable them to make all the money they are entitled to make out of the public. On a 4 per cent rate the Federal Reserve Bank of New York last year made 110 per cent, and I suppose on a 6 and 7 per cent rate they will make this year about 160 per cent. This is precisely what I am objecting to. The Federal reserve banks should not be put in the attitude of profiteering or of setting the example of profiteering to member banks. The powers of the Government are not being properly exerted to stop the scandalous rates of interest on the New York Stock Exchange.

I was advised that six months ago the New York banks had nineteen hundred million dollars loaned on investment securities and the commerce of the country was suffering for credit. I believe, with the board, that these credits on investment securities and speculative loans should be diverted, as far as practicable, to productive purposes, but to raise the rates to 6 and 7 per cent upon all banks alike does not accomplish this end. It merely penalizes all business of every kind and character, regardless of whether they are using their credits for speculative or productive purposes.

What I earnestly desire to call to the attention of the board is that credits ought to be extended at a low rate to the extent of the capacity of the reserve banks for productive purposes; that member banks should be urged to do the same thing, and that the powers of the Government should be exerted against the excessive, violently fluctuating rates on the New York Stock Exchange.

Hoping that the suggestions which I have the honor to make may be of some service to the deliberations of the board and to the country, I remain,

Very respectfully, yours, ROBT. L. OWEN.

OPERATION OF PROHIBITION IN THE UNITED STATES.

Mr. SHEPPARD. Mr. President, I present for insertion in the RECORD, in 8-point type, the report of Mr. Gifford Gordon, of Australia, on the operation of prohibition in the United States. He reports the result of one of the most careful and painstaking investigations ever made here by a foreign visitor.

There being no objection, the report was ordered to be printed in the RECORD, in 8-point type, as follows:

HOLD FAST, AMERICA.

(By Gifford Gordon.)

Has the prohibition amendment in effect since 1919 accomplished what its proponents expected? Have living conditions in the great Republic improved as a result of the operation of the law which prohibits the manufacture and sale of alcoholic beverages?

A little over a year ago I was sent to the United States by the Victorian Anti-Liquor League, of Melbourne, Australia, to study the prohibition situation. My mission has taken me to every part of the country. I have traveled 25,000 miles, and visited almost every large city and many of the smaller cities, and pursued my investigation in typical rural communities. The responsibility resting upon me was very heavy, because upon what I should find rested the entire future of the organization I represented.

In my travels I have interviewed hundreds of leaders in every walk of life. I have talked with great employers of labor and with labor leaders, with criminologists, physicians, alienists, Federal, State, and city officials, and private individuals. I have interviewed "the man on the street." I have studied the newspapers and magazines. I have neglected no source of information.

Now, after 12 months of thorough investigation, I am convinced that prohibition in the United States has succeeded. Moreover, I have collected facts and statistics and direct testimony which supports this verdict, and which, I believe, will be accepted as conclusive by any fair-minded, impartial judge.

FACTS VERSUS GOSSIP.

When I landed in New York my first impression was one of doubt and discouragement. I found many excellent Christian people who believed that prohibition had not achieved its purpose. The cause of their discouragement soon became evident when I read the newspapers and listened to the talk of groups of average citizens, men and women, who had made no attempt to learn the facts and whose only source of knowledge was idle gossip.

I went to a great editor and asked him why the newspapers had so much to say about violations of the law and the apparent failure of prohibition, and little or nothing about the beneficial results of its operation. This is what he told me:

"Violation of law is news. Observance of the law is not news. For example, a prominent citizen may lead a life of exemplary virtue, and the newspapers will not comment upon this fact. But let him fall from grace, let him break the law, and he becomes a subject for newspaper headlines."

In my travels I have been amazed to find the lack of knowledge about the operation of prohibition which existed in every part of the country. Not only a lack of knowledge, but a distorted belief due to newspaper accounts of "bootlegging" and deaths due to drinking poisonous liquor. Whenever I have delivered my message the people have flocked about me. "Mr. Gordon," they said, "the people of this country do not know these facts. Most of them have no idea that prohibition has been so successful. You can do no greater service to the prohibition cause than to publish the results of your investigation."

THE WORLD IS WATCHING AMERICA.

I agree with them, and for that reason have written this report to leave behind me in America for the encouragement of those who are working for the final triumph of prohibition here. For the whole world is watching this experiment of yours. As goes prohibition in America, so will prohibition go in Australia, and eventually all over the world.

America, hold fast to that which thou hast! Let no man or set of men rob you of your prohibition crown.

I did not come to America to find out whether prohibition absolutely prohibited. I knew that it did not. No one expected that it would. I came to find out if prohibition, in the face of tremendous handicaps, had justified itself. I wanted to know if it had decreased drunkenness, reduced crime, improved living conditions, encouraged industry, helped the submerged classes, and been a blessing to the great mass of the people.

After a year's careful investigation I can assert that it has done all of these things—perhaps not in full measure, but certainly to the extent that it has overwhelmingly justified the enactment of the antiliquor constitutional amendment.

PROHIBITION AND DRUNKENNESS.

Has prohibition decreased drunkenness?

You would not think so if you lived in a foreign country and obtained your knowledge from the American cable dispatches. You would not think so if you listened to the loose talk that is abroad in this country to-day. But what are the facts? Here are just a few:

Arrests for drunkenness.

New York:	
1915	22,635
1921	8.169
Decrease	14,466
San Francisco, Calif.:	
1919	17,354
1921	5,817
Decrease	11,537
Los Angeles, Calif.:	
1916	17,510
1921	6,839
Decrease	10,671
Portland, Oreg.:	
1915	6,655
1921	2,904
Decrease	3,751
Detroit, Mich.:	
1916	17.409
1921	7,220
Decrease	10,189
Des Moines, Iowa:	
1914	4.428
1921	1,949
Decrease	2,479

Do the figures of these cities represent conditions in the country at large? They do. I have the assertion of Judge Gemmill, of the municipal court of Chicago, who has made a study of this question. In a letter to me, Judge Gemmill says:

> There has been a decrease in the number of persons arrested in America for drunkenness of over 600,000 per year. This figure is estimated, of course, but it is based upon the figures I have in my possession for all of the largest cities in the United States. In most of these cities the decrease is from 100 to 400 per cent for the number of persons arrested for drunkenness.

When you consider these statistics remember this important fact: That under the old saloon system a man was seldom arrested merely because he was drunk; he had to be absolutely drunk, a danger to himself, a menace to society; but under the new system he is arrested if he shows the least signs of intoxication.

PROHIBITION AND ALCOHOLISM.

People will tell you that since prohibition went into effect there has been a great increase in alcoholism throughout the United States. I can scarcely blame those who believe this, because since prohibition a death or violent illness from alcohol poisoning has been raised to the dignity of first-page news. But here again it is best to get the facts, and the men who can supply the facts are the physicians in charge of institutions where cases of alcoholic poisoning are treated. Here are the figures given me by Dr. William H. Guilfoy, registrar of records of the Department of Health of New York City:

Deaths from alcoholism and alcohol poisoning.

Years.	Alcoholism.	Wood alcohol.	Alcohol poisoning.
1916	687	2	1
1921	119	14	8

The statistics in other cities tell the same story. Doctor Doane, medical director of the Philadelphia General Hospital, informed me that admissions into alcoholic wards in that institution have decreased from 2,326 in 1918 to 702 in 1921.

EXIT THE ALCOHOLIC INSTITUTES.

To learn what effect the new amendment has had on the prevalence of alcoholism I went direct to the men who operate these institutions. The first I interviewed was Doctor Wallace, of the San Francisco Neal Institute. "Mr. Gordon," he said to me, "there were 68 Neal institutes throughout the United States. Twelve years prior to prohibition these institutes treated more than 125,000. After two years of prohibition they are all out of commission."

Doctor Neal, whom I interviewed in Los Angeles, confirmed Doctor Wallace's statement.

But Neal Bros. do not regret that their business has gone. They are glad to be relieved of the heartache and misery caused by liquor. If anyone knows the evils of the liquor traffic, they know it.

Journeying to Chicago, I stopped at Dwight, Ill. I wanted to see what used to be the largest Keeley Institute, not only in America but in the world. It is a beautiful building, but since prohibition it has proved far too large for the number of patients. Now it has been leased to the United States Government for five years, and is being used as a hospital for soldiers. Doctor Oughton, head of this institution, told me that there used to be 50 Keeley institutes in America. To-day there are only 12, and most of these are very small. The building now being used by Keeley Cure in Dwight is a small brick cottage and has only 30 patients.

In Chicago I stood before the old Washingtonian Home on West Madison Street. This institution was established in 1863 for the care of inebriates. In 1917, 995 patients were admitted there. On March 1, 1920, Washingtonian Home closed its doors, and since then it has been sold for other purposes.

Dr. Horatio Pollock, statistician of the State Hospital Commission for the State of New York, wrote me a letter, in which he states:

> There are now no institutions in this country solely for inebriates. Restrictions on the liquor traffic during the war period undoubtedly hastened the extinction of these institutions.

I realized the truth of this statement when I visited the old "Inebriate Home" in Knoxville, Iowa. There were five great buildings, but they no longer contained alcoholic patients. The buildings had been purchased by the Federal Government for use as a hospital and home for disabled soldiers.

These facts speak for themselves.

PROHIBITION AND CRIME.

You have heard it said that prohibition is responsible for a great increase in crime. There was only one place to go for information on that subject, and I went there. I visited the jails and prisons.

In Birmingham, Ala., I walked through a jail that cost $100,000 to build. It was practically new, having been in use only a few years before Alabama voted dry. For a long time it stood empty, and now it is used as a juvenile court and receiving home.

In Pittsburgh, Pa., I was taken through the county jail by John McNeil, the assistant warden. "Mr. Gordon," he said to me, "we have 840 cells in this jail, and in the days before prohibition we often had as many as 940 prisoners. To-day 315 of our cells are empty."

Another jail I visited was in Seattle, Wash. (You see I am picking my cases from widely separated parts of the country.) The Seattle authorities told me that this building would accommodate 300 prisoners. On the day I visited it there were only 95 prisoners there.

In Salt Lake City I was taken through the State prison. Here again I looked into many empty cells. Warden de Vine gave me these figures:

	Prisoners.
In 1916	297
In 1921	129
Decrease	168

Here is some remarkable testimony from Chicago:

In 1917 the Bridewell Prison there housed	prisoners	17, 748
In 1921 the commitments were only	do	9, 653
A decrease of		8, 095
In 1917 the daily number of inmates averaged		2, 090
In 1921 the average was		1, 302
A decrease of		788

Bridewell Prison, Chicago.

Adultery and fornication:	
1917	65
1921	24
Decrease	41
Assault and battery:	
1917	73
1921	47
Decrease	26
Assault with deadly weapon:	
1917	237
1921	162
Decrease	75
Breach of peace:	
1917	10, 467
1921	5, 490
Decrease	4, 977
Larceny:	
1917	2, 046
1921	1, 568
Decrease	478
Wife and child abandonment:	
1917	661
1921	1
Decrease	660

This, mind you, in Chicago.

Let me again refer to my letter from Judge Gemmill, who has been collecting prison statistics for the past seven years:

> Twenty per cent of the jails in the United States have been without prisoners since prohibition went into effect, and in 80 per cent of them the number of prisoners has been reduced anywhere from 15 per cent to 80 per cent.

PROHIBITION AND INDUSTRY.

The industrial leaders of America are virtually unanimous in declaring that the effect of prohibition on business has fulfilled all expectations. I have given you the reports of physicians and public officials and statisticians. Now I will present the testimony of representative business men. I have a letter from Mr. H. L. Badham, president of the Bessemer Coal, Iron & Land Co., of Birmingham, Ala., which I reproduce in full. Under date of November 26, 1921, Mr. Badham wrote me as follows:

> You ask regarding prohibition, Does it prohibit? Not entirely so. but if you had known the life of Birmingham and our mining camps before the enactment of prohibition laws and see it now, you would say that no matter how much "moonshine" was disposed of it is not a drop in the bucket compared to former conditions.
>
> Local trains on week-end pay days now make their regular runs without guards to protect the passengers from drunks who had been to town to spend their hard-earned wages. Now the miner stays at home, patronizes the local stores, and has not only improved the living conditions of his family but has added to their health and comfort.
>
> You will be able to gather all of these facts, and I do not think it is necessary to go into details, but there are a thousand reasons for the maintenance of prohibition laws, and you can say to the world that America will never again stand for the open saloon.

What Mr. Badham told me has been supported by the heads of other great steel, iron, coke, coal, oil, and cotton companies whom I interviewed. These men declare that "blue Monday" in the great manufacturing regions is a thing of the past; that accidents have decreased remarkably; that their workmen show higher efficiency and greater production; that, above all, the home life in the industrial settlements has improved. The workingmen's houses, once almost bare of furniture, with children in rags, have been transformed. Now these same homes have many modern comforts. The children are neatly dressed and shod, with plenty to eat, going to school every school day in the year. Instead of spending their time in saloons, the fathers are seeing more of their families.

About the same time that Mr. Badham wrote to me I received a letter from a great American merchant, Mr. S. S. Kresge, head of a great chain of 5 and 10 cent stores, whose home is in Detroit. This is what he said:

> After seeing prohibition tried out in some of our States for a number of years. and now for almost two years under national law, I am convinced that it is the only practical solution to the problem of intemperance.
>
> Drunkenness has greatly decreased. A drunken person, as you can see for yourself, is no longer a common sight on our streets. Arrests for drunkenness for the first 12 months in Detroit under prohibition were 64 per cent less than for the preceding period.
>
> Business conditions are better. especially has there been a notable increase in savings accounts. Three billion dollars which formerly found its way across the bar now finds its way into legitimate trade. Many business men who formerly opposed prohibition are now favoring it. It is good business.
>
> The demoralizing influences of the open saloon and the legalized liquor traffic are gone. The illegal traffic, which, I wish to remind you, we had even before prohibition went into effect, is now being attacked in an effective manner and will gradually disappear.

Mr. R. B. Patterson, president of the Spokane Dry Goods Co., told me that beneficial effects of prohibition in trade circles were noticed almost at once after the enactment of the law and that after several years of the law's operation most of his friends who had originally opposed prohibition were now heartily in favor of it. "Quite aside from the improved moral conditions," says Mr. Patterson, "prohibition has promoted thrift, increased the earning power of labor, and put more money into circulation in the regular channels of trade. In short, it is a great economic gain."

In Denver, Colo., Mr. Leslie Huffman, one of the leading realty men, told me that if prohibition were put to a vote to-day, 90 per cent of the business men who had opposed it would be in favor of it.

PROHIBITION AND THRIFT.

One of the surest indications of community prosperity in the United States is savings bank deposits. Throughout the country bank officials assured me that the increase in deposits since prohibition had been remarkable. I need only quote a few of their statements. Mr. Bird W. Spencer, president of the People's Bank & Trust Co., of Passaic, N. J., said:

> I know it to be a fact that a great deal of money that was spent in saloons is now deposited in savings accounts. I know this also to be a fact, that the savings deposits in this city last year increased $1,500,000.

Mr. F. N. Briggs, president of the Interstate Trust Co., of Denver, said:

> Prohibition has had a wonderful effect in turning into the savings banks money formerly spent for liquor. Savings deposits have increased more than 33⅓ per cent. Families are better cared for, homes are better taken care of, women and children are better dressed, men are saving their money and becoming better citizens.

It is the same story all over America.

PROHIBITION AND LABOR.

I can not leave the subject of industrial conditions without touching on the opinions of the laboring men themselves. I know it is a general impression that most men who work with their hands are opposed to prohibition. But, much to my surprise, this belief was not supported by interviews with these men. Most of the opposition one hears talked of comes from laborers of foreign birth, who resent being deprived of the wines and beers to which they have been accustomed all their lives.

Mr. James Duncan, secretary of the American Federation of Labor, in Seattle, Wash., is one of the labor leaders who stands ready to confirm this assertion. Mr. Duncan declares that Mr. Samuel Gompers, in his attitude opposing the Volstead law, does not represent the 3,000,000 members of the American Federation of Labor, which he heads. If the prohibition question was put to a vote to-morrow, Mr. Duncan believes that it would receive a big majority vote from the laboring men of the country.

This statement is supported by a canvass of labor leaders in March, 1920, made by the Literary Digest. The results show that 345 leaders believed that prohibition was a benefit to the laboring man, 143 that it was no benefit, while 31 were doubtful, and 7 said that prohibition had not been given a fair trial.

PROHIBITION AND PUBLIC HEALTH.

One result of prohibition which has received too little attention in the United States is the decrease in the death rate since prohibition took effect. The mortality statistics issued by the Census Bureau show a decrease in deaths from all causes and at all ages of 190 individuals per 100,000 population during the decade 1910–1920. The figures are: 1910, 1,496; 1920, 1,306. This difference is most marked between the ages of 45 and 74, where it amounts to 301. In the deaths resulting from the so-called "degenerative" diseases due to dissipation and wrong living, there is a decrease of 10 per cent. Deaths from accidents during the same period decreased nearly 18 per cent. Comparing the two years 1910 and 1920, the Census Bureau finds a lower death rate in every period of life. While the Bureau of Vital Statistics has no means of knowing that this decrease was due directly to prohibition, I have seen statements from that bureau suggesting at least that prohibition was a contributing cause.

I have in my possession a letter from the statistician of the New York Anti-Tuberculosis Society which places prohibition first as one of the four causes for a marked decrease in tuberculosis in the Empire State during the past few years. Let me quote:

> There is, first of all, the advent of prohibition, with its accompanying results of less misery and more money available for food, clothing, and shelter. This cause must have a marked effect in promoting good health.

What is true of New York is true of other parts of the country, and especially true in the large cities.

Under this topic, let me add the testimony of one of the greatest American physicians and health reformers, Dr. John Harvey Kellogg, head of the great Battle Creek Sanitarium. Under date of January 11, 1922, he wrote me as follows:

> Prohibition has been of the greatest possible benefit to America, and is rendering more service every day. It was not to be expected that every old toper could be reformed by prohibition. The slaves of liquor will exhaust every resource to continue their soul and body destroying practice, but the open saloon and the free traffic in liquor are gone forever in America. The liquor traffic is thoroughly discredited; it is illegal. To sell liquor is a crime. The booze devil is hobbled, to say the least, and as the years go on the evils of intemperance will grow less and less. The hospital wards formerly devoted to the care of men suffering from delirium tremens and acute insanity due to liquor are practically empty. The number of persons committed to insane asylums because of liquor has decreased enormously. The number of arrests for drunkenness and crimes committed through the influence of liquor has decreased so much in many sections that jails have become empty and, in a few instances, have been converted into boarding houses.
>
> Every intelligent and informed person knows that the country has been marvelously benefited.

PROHIBITION AND FAMILY WELFARE.

Among my evidence there is no document I count more important than a survey of the effects of prohibition conducted by the American Association for Organizing Family Social Work, of New York, and by the Boston Family Welfare Society. The family is the unit of society, and any influence which improves the general family welfare is a great blessing. The organizations referred to above made this survey to show the comparative number of families receiving aid from various charitable organizations in 17 typical large cities in 1917 and 1921. While there has been no decrease, as a rule, in the number of calls for aid, the number of families under the care of these institutions in which drink was a factor has shown decreases averaging 75 per cent. Here is the survey:

Organization and year.	Families under care.	Families in which drink was a factor.	Percentage.	Percentage decrease.
St. Louis Provident Association:				
1917	3,563	412	11.6	....
1921	3,283	23	0.7	94.0
Chicago United Charities:				
1917	7,507	625	8.3	....
1921	5,547	61	1.1	86.7
Boston Family Welfare Society:				
1917	3,589	984	27.4	....
1921	3,057	73	2.4	91.3
Pawtucket (R. I.) Associated Charities:				
1917	508	17	3.3	....
1921	975	0	0.0	100.0
Painville (N. J.) Charity Organizations:				
1917	416	72	17.3	....
1921	525	16	3.0	83.3
Atlantic City Welfare Bureau:				
1917	961	67	9.1	....
1921	974	12	1.2	82.1
Newport (R. I.) C. O. S.:				
1917	484	48	9.9	....
1921	373	12	3.2	68.8
Portland (Me.) Associated Charities:				
1917	277	43	15.5	....
1921	387	3	0.8	95.3
Newburgh (N. Y.) Associated Charities:				
1917	343	220	64.1	....
1921	433	2	0.5	99.1
Cleveland (Ohio) Associated Charities:				
1917	4,571	782	17.1	....
1921	9,359	245	2.6	84.8
LaCrosse (Wis.) Social Service Society:				
1917	180	46	25.6	....
1921	203	4	2.0	91.3
Portland (Oreg.) Public Welfare Bureau:				
1917	1,280	5	0.4	....
1921	2,577	15	0.6	[2] 40.0
New York Charity Organization Society:[1]				
1917	4,204	972	23.1	....
1921	2,346	196	8.4	64.1
Hartford (Conn.) Charity Organization:				
1917	518	143	27.6	....
1921	535	9	1.7	93.7
Washington (D. C.) Associated Charities:				
1917	2,410	434	18.0	....
1921	1,497	67	4.5	75.1
Rochester (N. Y.) Social Welfare League:				
1917	689	140	20.3	....
1921	892	34	3.8	81.4
Providence (R. I.) Society for Organizing Charity:[3]				
1917	1,636	106	6.5	....
1921	1,450	4	0.3	95.0

[1] Closed cases. [2] Increase. [3] Main factor.

PROHIBITION AND THE AMERICAN CHILD.

Of all the results of this beneficent law in the United States none is more important than the improved condition of American child life. As a result of the suppression of the liquor traffic the children of America, always fortunate in their wide opportunities, are bound to have a far better chance for life and happiness.

Think of the thousands of children born with the posion of alcohol in their helpless bodies because of alcoholic parents! Think of the little ones born with feeble minds due to the indulgence of hard-drinking fathers and mothers! Think of the thousands of orphans in American asylums due to drunken parents!

Every child has the God-given right to be well born, well fed, well clothed, well educated, and alcohol has robbed thousands—yes, millions—of American children of this privilege. One day I stood upon the streets of Kansas City, Mo., and saw a thrilling sight—20,000 Kansas City boys marching past in a parade of the Rotary Clubs. What thrilled me was the thought that these 20,000 children would never know the temptation of the open saloon. There are millions like them in America. Just think of what this will mean to the future of your great country.

Prohibition will show its greatest benefits in future generations. The children of the future will know nothing of the taste of liquor or the temptation of the saloon.

The present generation of children has already begun to feel these benefits. Never before have the schools and colleges of the United States been as crowded as they are now. In every city and town new school buildings are being erected to take care of the increasing demand for education. It seems to me that I did not enter a city without seeing new school buildings in course of erection.

What does this mean? It means that since the fathers, the breadwinners, have been released from the slavery of alcohol the children have not been obliged to leave school at a tender age to help support the family. Due to prohibition, tens of thousands of boys and girls under 16 years of age have been able to go back to school to complete their educations. Teachers tell me pupils seem brighter; that they are making better progress in their studies; that they come to school better clothed and better fed, and take greater interest in their lessons.

The enactment of the prohibition amendment was the greatest piece of humanitarian legislation ever put through by any government.

THINGS THAT ARE NOT TRUE.

Now let me catalogue and answer some of the things that are said against prohibition by those whose selfish interests are causing them to work for its repeal.

They say that the prohibition amendment was "put over" before the American people fully realized what was happening.

How can this be true when under the laws of the United States this amendment could not become a part of the Constitution until it had been ratified by three-fourths of the States? The prohibition amendment has been ratified not only by three-fourths but by all the States in the Union excepting two. Moreover, when the amendment passed the National Congress prohibition was already in effect in 33 of the 48 States.

To me, an outsider, it looks as if the American people were very much alive to this question and knew exactly what they were doing.

They say that the prohibition amendment went into the Constitution on the crest of war-time excitement.

This can not be true, because the Congress that voted for the submission of this amendment was elected before America entered the war. Is there not reason to believe that the prohibition question entered into the election of these legislators? Of course there is. Congressmen and candidates for Congress knew all about the progress of the prohibition movement long before America entered the war.

CRIME WAVES.

They say that prohibition is responsible for the so-called "crime wave."

But haven't you read of crime waves in England, France, and Germany? I read cable dispatches before leaving Australia and since coming to America about crime waves in the Old World. Prohibition was not responsible there. The fact is that had not the saloons been closed the wave of crime in the United States would have been far more severe than it has been.

DRUG ADDICTS.

They say that prohibition is responsible for the increase in the use of narcotic drugs.

Again I refer you to England. Reading of the appalling increase in the use of drugs there I ask whether prohibition can be held responsible for this increase, when last year Great Britain's drink bill was over $2,000,000,000.

And yet the opponents of prohibition are holding up their hands in horror over an alleged increase in the number of drug addicts in America. They are saying, "We told you so. You take drink away from the people, and they will resort to drugs."

With strange inconsistency these same people in the next breath will tell you that there is just as much drinking now as before prohibition, and that "you can get it anywhere." Ye gods, what logic!

When Col. O. G. Forrer, assistant administrator of the narcotic division in Washington, D. C., was asked whether prohibition caused an increase in the number of drug addicts he replied: "The truth is that victims of the drug habit in practically every instance are young men and women, often in their teens. Rarely are they alcoholics."

Miss Cora Frances Stoddard, executive secretary of the Scientific Temperance Federation, who collected data on this subject from all cities of over 80,000 population, agrees with Colonel Forrer. The reports she received justified the conclusion that the removal of alcohol is not responsible for the increased use of drugs, because the great proportion of drug users were found to be young people.

The New York City Health Department asked 1,403 drug patients how they acquired the habit, and only 12 of them said they were driven to it by the desire for alcohol.

In Los Angeles I was told by the narcotic clinic that out of over 500 patients only 4 had been users of alcohol.

I wrote to Doctor Doane, medical director of the Philadelphia General Hospital, asking him this question. He replied, "It has not been proved that prohibition has been responsible for the increase in drug addiction."

So you can just pass up this charge, together with other baseless assertions of the foes of this mighty reform.

LIGHT WINES AND BEER.

They say the liquor problem in the United States could have been easily solved if prohibition had only extended to spirituous liquors and had not touched light wines and beers.

We know that is not true, because this method was tried out before the national amendment and failed.

Georgia voted prohibition in 1907, and only a few months later legalized so-called "near beer." The results proved disastrous, because real beer and spirituous liquors were sold under the guise of near beer. Things got so bad that in 1915 a special session of the legislature was called, which passed a law prohibiting the use of alcohol in any form.

Let me quote the case of Michigan. It is not an actual "wine" and "beer" tryout case, but it forcibly illustrates the attitude of a great State toward such a proposition.

On November 7, 1916, Michigan voted dry by a majority of 68,624. This vote became effective May 1, 1918.

The liquor forces continued to fight, and in 1918 submitted an amendment to the State constitution to allow the manufacture and sale of all vinous and malt liquors.

The vote was taken on April 7, 1919, and the amendment was defeated by 207,520.

I am informed that 92 per cent of the liquor traffic in America was a beer business. If that be true, what would happen if beer came back? Why 92 per cent of the old liquor trade would be revived. Beer would have to be sold somewhere, and whether you called the place a saloon or gave it some other name the effect would be the same.

But why all this talk about light wines and beer? Surely the one-half of 1 per cent alcohol now permitted should be light enough for anybody. The advocates of wine and beer will not be satisfied unless they get something with a "kick" in it, and anything with a "kick" in it is no longer "light."

These people say they do not want the saloon back. Oh, no! They would not think of advocating its return. And yet these men know well that the introduction of wines and beers containing the amount of alcohol they wish would practically nullify the eighteenth amendment.

Americans, do not let this talk about light wines and beers and modification lead you astray. There is only one solution of the present problem of prohibition enforcement, and that is strict enforcement.

PROHIBITION AND AMERICANISM.

During the year I spent in the United States I have heard no phrase more often than this, "100 per cent American."

But how can a citizen be 100 per cent American when he defies the Constitution of his country? The true American will uphold the sanctity of his country's laws.

It is a fact little understood by the great majority of the better class of citizens that the chief violators of the prohibition amendment are not American citizens but foreigners, aliens. What is the sanctity of the American Constitution to them? Judges assure me that 80 to 90 per cent of all violations of the Volstead Act are committed by foreigners. This is bad; but it is not nearly as serious as the fact that many otherwise loyal citizens condone these violations.

HAS PROHIBITION HAD A SQUARE DEAL?

My own emphatic opinion, gained from a year of careful investigation, is that it has not.

How can prohibition have a fair trial when judges deliberately refuse to convict "bootleggers" caught with the goods in their possession, when newspapers lend their columns to ridiculing the Volstead Act, when vaudeville theaters and picture houses seem to be in league to make a joke of the whole thing. Yet in spite of these handicaps, think what prohibition has accomplished, and then think what it might accomplish if the police did their duty, if judges were stern in their convictions, and if many of the newspapers heralded its triumphs as vividly as they describe its violations.

Prohibition does not absolutely prohibit. No one expected that it would. No other law upon the statute books absolutely prohibits crimes against which it is aimed. But no one is asking for the repeal of these laws for that reason. Why then ask for the repeal of the Volstead law because it is not 100 per cent effective?

And who are those who are demanding the repeal of prohibition? Are they not for the most part men who have defied the law, broken the law, cursed the law, lied about the law, men who have never raised a finger to help the enforcement of the law? Those who violate other statutes have no standing in court. Why should the violators of the prohibition law be tolerated at the bar of public opinion, when they come with unclean hands demanding the destruction of a great reform, which they themselves have done their utmost to defeat?

AMERICANS, STAND BY YOUR CONSTITUTION.

It is true that prohibition can not be made 100 per cent effective in America until the rest of the world becomes dry, but it is equally true that if America abandons prohibition, generations may elapse before the other peoples of the world reach the point which you gained when you deposed "King Alcohol." Prohibition is the law of your country. Are you standing by it? Are you honoring it? Are you giving it a square deal?

We in Australia are looking to you. In every civilized country of the world earnest men and women are watching you; watching one of the greatest experiments in social reform the world has ever known. That experiment already has succeeded. It has given results which should encourage you to go on, to work for the enforcement of the law you yourselves have created.

Yes, my American friends, we are looking to you to help us drive the saloon out of Australia, but in helping us you will be helping yourselves. You have made the United States "a saloonless nation." Don't stop there. Let your slogan be "a saloonless world."

COMPARISON OF DUTIES ON AGRICULTURAL PRODUCTS.

Mr. GOODING. Mr. President, I ask unanimous consent to have printed in the RECORD a schedule of duties in the Underwood-Simmons law upon agriculture and live stock, together with a schedule of duties given to agriculture in the Fordney-McCumber bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho?

Mr. ROBINSON. Reserving the right to object, I inquire of the Senator from Idaho if the same matter has not been printed in the RECORD heretofore?

Mr. GOODING. Not on the basis of the present market prices. This statement gives the ad valorem duties.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Duties on agriculture and its affiliated industries in the Underwood-Simmons and the Fordney-McCumber bills.

Article.	Rate in Underwood-Simmons bill—passed October, 1913.[1]	Rate in Fordney-McCumber bill—passed September, 1922.[2]
Wheat	Free	30 cents per bushel.
Corn	do	15 cents per bushel.
Eggs	do	8 cents per dozen.
Buckwheat	do	10 cents per hundredweight.
Beef	do	3 cents per pound.
Veal	do	Do.
Mutton	do	2½ cents per pound.
Lamb	do	4 cents per pound.
Pork	do	¾ cent per pound.
Bacon	do	2 cents per pound.
Ham	do	Do.
Milk	do	2½ cents per gallon.
Cream	do	20 cents per gallon.
Potatoes	do	50 cents per hundredweight.
Flax	do	1 cent per pound.
Lard	do	Do.
Rye	do	15 cents per pound.
Cattle	do	1½ to 2 cents per pound.
Swine	do	½ cent per pound.
Sheep	do	$2 per head.
Soya beans	do	½ cent per pound.
Alfalfa	do	4 cents per pound.
Alsike clover seed	do	Do.
Crimson clover seed	do	1 cent per pound.
Red clover seed	do	4 cents per pound.
White clover seed	do	3 cents per pound.
Millet seed	do	1 cent per pound.
Timothy seed	do	2 cents per pound.
Wool	Free	31 cents per pound.
Coconut oil	do	2 cents per pound.
Cottonseed oil	do	3 cents per pound.
Peanut oil	do	4 cents per pound.
Soya-bean oil	do	2½ cents per pound.
Eggs (dried)	10 cents per pound	
Eggs (frozen)	2 cents per pound	18 cents per pound.
Linseed oil	10 cents per gallon of 7½ pounds.	6 cents per pound.
Peanuts (not shelled)	⅜ cent per pound	3 3/10 cents per pound.
Peanuts (shelled)	¾ cent per pound	3 cents per pound.
Poultry	1 cent per pound	4 cents per pound.
Rice (rough)	⅝ cent per pound	6 cents per pound.
Hay	$2 per ton	1 cent per pound.
Straw	50 cents per ton	$4 per ton.
Oats	6 cents per bushel	$1 per ton.
Flaxseed	20 cents per bushel	15 cents per bushel.
Onions	do	40 cents per bushel.
Honey	10 cents per gallon	1 cent per pound.
Hops	16 cents per pound	3 cents per pound.
Barley	15 cents per bushel	24 cents per pound.
Apples	10 cents per bushel	20 cents per bushel.
Beans	25 cents per bushel	25 cents per bushel.
Beets	5 per cent	2 cents per pound.
Horses and mules	10 per cent	17 per cent.
Butter	2½ cents per pound	20 per cent.
Grapes	25 cents per cubic foot	8 cents per pound.
Raisins	2 cents per pound	25 cents per cubic foot.
Sugar	1 cent per pound	$1.76 per hundredweight.

Duties on agriculture and its affiliated industries in the Underwood-Simmons and the Fordney-McCumber bills—Continued.

[1] Average ad valorem duty on all farm products at present market prices under Underwood bill, 3¾ per cent.

[2] Average ad valorem duty on all farm products at present market prices under Fordney-McCumber bill, 21½ per cent.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed acts and joint resolutions of the following titles:

On September 21, 1922:

S. 2377. An act to authorize the extension and widening of Ninth Street from Longfellow Street NW. to Underwood Street and Underwood Street from Ninth Street to Georgia Avenue NW.

On September 22, 1922:

S. 2621. An act authorizing the President to dispose of certain arms and ammunition seized in pursuance of the act approved June 15, 1917, along the Mexican border;

S. 2983. An act to authorize the Secretary of the Interior to grant extensions of time under permits for the development of underground waters within the State of Nevada, and for other purposes;

S. 3111. An act to authorize the collection in monthly installments of indebtedness due to the United States by general prisoners restored to duty, and for other purposes;

S. 3307. An act authorizing the Secretary of War to transfer to the city of Springfield, Mass., certain streets within the Springfield Armory Military Reservation, Mass., and for other purposes;

S. 3641. An act to grant and confirm to the State of Florida title in and to section 16 within the exterior limits of the area patented to the State of Florida April 23, 1903, and for other purposes;

S. 2716. An act giving effect to certain provisions of conventions with foreign governments for facilitating the work of traveling salesmen;

S. 2799. An act to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890;

S. 2885. An act to authorize the acquisition of lands for military purposes in certain cases and making appropriations therefor, and for other purposes;

S. 3540. An act fixing the fees of the examining surgeons in the Bureau of Pensions;

S. 3620. An act to authorize the construction of a bridge across Pearl River at or near Tilton, Lawrence County, Miss.;

S. 3733. An act granting the consent of Congress to the city of Warren, in the State of Ohio, its successors and assigns, to construct, maintain, and operate a dam across the Mahoning River, in the State of Ohio;

S. 3793. An act to authorize the Gary Tube Co. to construct a bridge across the Grand Calumet River, in the State of Indiana;

S. 3834. An act to authorize the Chicago, Lake Shore & Eastern Railway Co. to construct a bridge across the Grand Calumet River, in the State of Indiana;

S. 3890. An act to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended by the act of June 4, 1920;

S. 3938. An act granting the consent of Congress to the county courts of Lafayette and Ray Counties, in the State of Missouri, to construct a bridge across the Missouri River;

S. J. Res. 215. Joint resolution providing for an additional investigation of the tricounty irrigation project, Nebraska; and

S. J. Res. 216. Joint resolution providing for the consent of the Congress of the United States of America to a compact and agreement between the State of Kansas and the State of Missouri respecting the erection, maintenance, and operation of the waterworks plants of the cities of Kansas City, Kans., and Kansas City, Mo., the taxation thereof, and exercise of eminent domain in connection therewith by each State.

CONDITIONS IN CONNELLSVILLE COKE REGION.

Mr. WATSON of Georgia. Mr. President, a day or two ago I placed in the RECORD a telegram from Pennsylvania, where the strike is on in the coke region. The statement was made that evictions by the wholesale were taking place there. The junior Senator from Pennsylvania [Mr. REED] denied that any such evictions had taken place. I shall not dispute his word. I do not know the facts. Whether he knows them is beyond my knowledge. I would like to place in the RECORD, without reading, some communications I have received since from the very region to which that telegram referred.

Mr. REED of Pennsylvania. Mr. President, the Senator from Georgia must not have heard correctly what I said in reply to his question last week regarding the evictions. I did not deny or pretend to know that there had been no evictions whatever. I did deny that there was any general policy such as was indicated in the telegram which the Senator then read into the RECORD, and that denial, after further investigation, I wish to reiterate. There is no such general policy as the Senator's telegram and the Senator's informant have advised him.

Mr. WATSON of Georgia. Mr. President, I wish to have no controversy with the junior Senator from Pennsylvania on the subject, as the facts are not known to me. I have no doubt in the world that he is honest in his statement. I misunderstood him if he did not deny that evictions had taken place. I merely wish to put in the RECORD what men in the vicinity say about it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

EVICTIONS DISCUSSED IN SENATE.

WASHINGTON, September 15.—The miners' strike in southwestern Pennsylvania was discussed in the Senate to-day when Senator WATSON of Georgia presented a telegram from United Mine Workers leaders charging that women and children of the strikers were suffering because of evictions ordered by the operators.

Senator REED of Pennsylvania, in response to inquiries by Chairman BORAH, of the Senate Labor Committee, said he was sure there were no wholesale evictions in the Connellsville region. In most cases REED said operators had not caused evictions or attempted to collect rentals. In some instances he said they had reduced rentals.

Union recognition is the only controversy in this strike, REED said, the operators refusing recognition, although willing to continue the former wage scales which the miners were willing to accept.

MERRITTSTOWN, PA., *September 18, 1922.*

Hon. Senator TOM WATSON,
Washington, D. C.

DEAR SIR: I am sending you a clipping I cut from the Herald. Mr. REED says there has been no evictions. I will tell you the truth; there has been about 4,000 eviction notices served, and if you doubt it, come to Fayette County and see the amount of tent colonies. Then you can tell Mr. REED something else. Write to Uniontown Courthouse and ask how many eviction papers has been served in Fayette County, and you find at least 4,000 people out of doors here in Fayette County alone, besides Westmoreland and Somerset Counties and Cambria County. I know, because I am right here; and I know. I have been expecting to see this matter taken up and I think you are the right one. I thank you in advance for your undertaking.

I beg to remain your friend,

B. CURTIS MILLER.

P. S.—If you want any more information I will gladly give it to you, if you request it.

ALLISON, PA., *September 19, 1922.*

Senator WATSON.

SIR: There appeared an article in our paper about evictions of the families of the striking miners from the houses of the company of which they were employed, and are on strike. Your side of the debate is true. They have evicted more than 100 families here from their homes just because they will not scab, and are going to evict every family at Allison for not going to work—about 250 families—and they are going in tents. This is W. J. Rainey's works.

Yours,

GEO. CHAMBERS, *Allison, Pa.*

P. S.—I am central committeeman on the Democratic ticket in Luzerne Township, No. 5.

(Address: Geo. Chambers, Allison, Fayette County, Pa. Box 211.)

CONNELLSVILLE, PA., *September 15, 1922.*

Mr. WATSON, *Washington, D. C.*

GREETINGS: According to press dispatches contained in to-day's local papers it would appear our Senator REED, from this part of Pennsylvania, is grossly ignorant of conditions as they exist in his own district or else he is telling only half truths.

Concerning evictions of striking miners from company houses, it is true that they are on a wholesale basis. To prove this one need only pass over the public highways of Fayette County, where he may see household effects sitting by the roadside in large volume. Further proof is given by county records at Uniontown, where legal papers for evictions were recently filed at the rate of upward of 200 daily. This rate possibly would have been exceeded except for limited capacity to handle such papers at the county seat.

Further, the families evicted have not always been accorded even reasonable courtesy at the hands of the sheriff's deputies. Neither were the weather conditions allowed to interfere with the progress of removing these families from property of operating companies. But we shall pass over this, as it seems part of the program in such circumstances.

I am imposing on your time only in the interest of truth, and for Mr. REED's especial benefit you might also advise him of what I have written. He should know what is going on in his particular district.

In addition to the evictions, assaults and murders by special officers have been all too frequent. I am inclosing a clipping from a local paper showing how easily it was for at least one such officer to "get away" after wantonly killing three strikers, without proven provocation. Instances like this make the Herrin, Ill., authorities look like "pikers" when it comes to covering up crime.

My only request, in closing, is that you do not give my name any publicity. I speak only as an individual and not for any organization; am not a member of the miner's union nor engaged in that line of work.

Thanking you for allowing me to thus impose upon your very valuable time, I am,

Respectfully,

JOSEPH N. SCHILDKAMP,
Star Route, Box No. 134, Connellsville, Pa.

WASHINGTON, D. C., *September 15, 1922.*

Hon. THOMAS E. WATSON.

MY DEAR SIR: You made the statement to-day in the Senate that a large number of men were evicted from the coke and coal companies' houses in the coal and coke districts of western Pennsylvania. This statement was denied by Senator REED, of Pittsburgh, Pa., one of the attorneys for the United States Steel Corporation. I send you several copies of newspapers published at Uniontown, Fayette County, Pa., my old home, showing that Senator REED is not posted on true conditions in the coke regions or is willfully falsifying the facts. Thousands of men, women, and children are occupying tents and hastily constructed houses on the farms of farmers friendly to the striking miners. On Labor Day 10,000 striking miners marched in a parade in Uniontown. One of the floats on a truck in that parade was a tent, labeled "The miner's home in 1922." Senator REED did not see this parade.

All the coal and coke companies in this section have accepted the Cleveland scale except the H. C. Frick Coke Co., W. J. Rainey, and a few others. This region has not been organized since the days of the Knights of Labor, but during this strike the miners of these companies have organized. For your information, Fayette County, Pa., produces more coal and coke than any other county in the United States. The coke that takes the prizes at the world's fairs for years have been made in Fayette County. In September, before the signing of the armistice in 1918, Fayette County produced over 800,000 tons of coal; the production of an equal area in the world has not equaled this, I am informed. I can furnish you with papers from Uniontown at any time if you so desire when anything concerning the strike appears. This county supports 2,600 deputies now for the protection of the coal and coke companies refusing to accept the Cleveland settlement. This fact can be verified by communicating with Sheriff I. I. Shaw, Uniontown, Pa.

The soft, or bituminous, coal can be put on board of cars for the sum of $2. This means that all the labor, material, original cost of the coal, and the depreciation of improvement, and the royalty on the coal is figured in this total cost of $2. It is now being sold at $8 per ton on board of cars by these patriots. Most of the larger independent coal and coke operators own brokerage concerns that sell their output. In this way they try to evade the charge of profiteering.

Whenever I can I am at your service in trying to create a better condition in the handling of coal and coke.

Yours truly,

THOMAS J. MOYER,
1006 Park Road NW.

STRIKE BREAKERS QUIT AT ROYAL—SENT BACK HOME.

One hundred and sixty-two negroes, two whites, and eight women and children were on their way back to Huntington, W. Va., to-day following their refusal to work at the Royal plant of the W. J. Rainey Co., where they were brought early this week, lured, it is claimed, by exaggerated promises.

Scott, a local agent, is alleged to have collected the West Virginia delegation, showing them the Frick wage scale, and dilating upon the fact that their place of employment was less than an hour's ride to the city, with fine houses and other advantages. The men quit work upon finding they were in the strike zone.

Walking into Uniontown, the delegation was housed in the Croatian Hall here, and provision was made by the United Mine Workers for their return home to-day.

[From the Daily Courier, Connellsville, Pa., Friday, September 15, 1922.]

EVICTIONS IN COKE REGION BEFORE SENATE.

(By Associated Press.)

WASHINGTON, September 15.—The coking strike in southwestern Pennsylvania was discussed in the Senate to-day when Senator WATSON of Georgia presented a telegram from the United Mine Workers' leaders charging that women and children of the strikers were suffering because of evictions ordered by the operators.

Senator REED of Pennsylvania, in response to inquiries by Chairman BORAH, of the Senate Labor Committee, said he was sure there were no wholesale evictions in the Connellsville region. In most cases, REED said, the operators had not caused evictions or attempted to collect rentals. In some instances, he said, they had reduced rents during the strike.

Union recognition is the only controversy in the strike, REED said, the operators refusing recognition, although willing to continue the former wage scale which, he said, miners were willing to accept. Senator WATSON complained of the refusal of the operators to recognize the union.

[From the Daily Courier, Connellsville, Pa., Thursday evening, September 14, 1922.]

BILL AGAINST ALLEGED SLAYER—THREE IGNORED.

The grand jury in Uniontown early this afternoon issued an ignoramus of the bill of indictment in which Leroy S. Lincoln, a mine guard, is charged with killing three striking miners in a fight near New Geneva on July 9 last. The case was investigated all of yesterday afternoon by the jury, and the ignoramus followed to-day. Lincoln has been out of jail on $15,000 bail.

The three men alleged to have been killed by the deputy are Andy Babchak, Alex Kosky, and Bob Valdusky. All were members of a tent colony of striking miners. At the time of the coroner's inquest into the deaths two others implicated with Lincoln were discharged. The jury, however, disagreed as to Lincoln.

The defendant never made a statement before the grand jury. His case was the first in which a coroner's jury in this county has disagreed.

[From the Daily News Standard, Uniontown, Pa., Wednesday evening, September 20, 1922.]

FILBERT HOUSES DEPOPULATED—MINERS BREAKING BACK TO WORK.

Eighty-four families, the largest contingent yet to land on the bricks homeless, were "set out" yesterday at Filbert and to-day were lying along the roadside the object of curiosity, speculation, and pity on the part of scores of passersby. The United Mine Workers of America were without sufficient canvas to place the evicted miners and their families beneath a roof, and the miners will lie along the roadside until the erection of sufficient protection or they secure shelter elsewhere.

Plans are under way, it was said to-day, for the construction of several long wooden barracks, sufficient to house as many as 100 miners and their families. One of these wooden buildings will be located at Edenborn, another in the vicinity of Masontown, and a third further distant.

Breaks in the ranks of the miners were reported at Revere, Lambert, Leckrone, and Grays Landing to-day. Men are going back to work in large droves, it is evident, and a condition of a labor surfeit will soon prevail, it is feared, if all of the strikers should suddenly desert the union ranks.

Organized labor owes a large vote of thanks to the miners of the coke region, it being generally acknowledged and not controverted anywhere that the strike of the Connellsville region enabled the union district miners to secure terms from the operators. Further continuance of the strike in this section of the country appears hopeless, however.

SALEM, VA., *September 17, 1922.*

Hon. THOS. E. WATSON,
Washington, D. C.

MY DEAR SENATOR: From the CONGRESSIONAL RECORD of the 15th I see your attention has been called to conditions in the Pennsylvania soft-coal district. Thank God it is not so bad in Virginia and West Virginia, but bad enough, where I understand the miners are satisfied with wages per day or per ton, but not with time allowed them, as they are not allowed to put in over 22 hours per week. They are asking for 44 hours per week. There is a coal operator living near me who last week told me he was receiving $7 to $12 per ton at the mines for his coal, and it cost him $1.80 per ton. We are now paying $10.50 for it delivered in our basement. One other matter, as it is near time when many will be moving around. Why not try and get the Post Office officials to allow our papers to be forwarded as they do letters and cards. It would save much trouble to all and insure of the papers reaching us sooner. I inclose letter received this a. m. from a friend thanking me for copies of the Sentinel. It gladdens my old heart to receive such, and knowing you will appreciate what he says am sending it to you.

With kindest thoughts and best wishes for you and yours, and I include Mrs. Lytle and others in your office, I am yours, etc.,

W. H. TINSLEY.

THE AMERICAN CREDIT INDEMNITY CO. OF NEW YORK,
Buffalo, N. Y., September 14, 1922.

Mr. W. H. TINSLEY, *Salem, Va.*

DEAR MR. TINSLEY: I received the paper kindly sent me and was very much interested in the article.

We have only one thoroughbred American statesman left in this country. He is the best-educated man living, the best constitutional lawyer living, is not contaminated by any isms, and is the Simon-pure, undaunted THOMAS WATSON, of Georgia. He has never deviated one iota from the Constitution of this country and that is the matter to-day.

Through this infernal Immigration Bureau we have allowed this country to be overrun by a lot of riffraff from all the countries in the world, and the minute they get here go to making propaganda, and unless it is broken up will make this country like those they left behind. And I can tell you something secretly. There is only one political party in this country left, and they are getting to be a factor that stands on the original Constitution, the Ku Klux. Do not be afraid of it. It is absolutely all right. Any detrimental stuff that they say in the newspapers about the Ku Klux is propaganda of Hearst's newspapers against this organization. They are simply 100 per cent American citizens.

Yours very truly,
T. A. JOHNSON.

MASONTOWN, PA., *September 19, 1921.*

Senator WATSON of Georgia,
Washington, D. C.

MY DEAR SENATOR WATSON: It seems, from newspaper reports, that our Pennsylvania Senator, Mr. REED, is not well informed with regard to the evictions of coal miners' families in southwestern Pennsylvania. I am neither a labor leader nor an agitator. I am sending you some clippings from last Saturday's Uniontown Morning Herald and to-day's Uniontown Daily News Standard, both of which are antistrike papers. If you wish to be informed of the facts in the case, get in touch with I. I. Shaw, of Uniontown, Pa., high sheriff of Fayette County, Pa., and he can tell you of the hundreds and perhaps thousands of families he has recently evicted.

Sincerely yours,
JOHN W. WILLIARD.

[From the Daily News Standard, September 19, 1922.]

STRIKERS KEPT ON THE RUN THROUGH EVICTION ACTIONS.

Four detachments of the State police located as outposts at threatened points in the county during the recent strike have been recalled by Capt. Herbert Smith, in charge of the State police force here, and will be sent back to Lancaster for redesignation.

Twelve men will be detached from the local force of 50 by reason of the proposed change, and the field forces of the State police will be skeletonized.

Many of the men are returning to work, and disorders have been reduced to a minimum through the strike zone, the State police reports show. Those residing in tents at Footedale and other points are shifting to the Washington County field in search of employment.

One hundred and thirteen ejectments were filed by the H. C. Frick Coke Co. in the prothonotary's office to-day.

[From the Morning Herald, Saturday, September 16, 1922.]

EVICTIONS DISCUSSED IN SENATE.

WASHINGTON, September 15.—The miners' strike in southwestern Pennsylvania was discussed in the Senate to-day when Senator WATSON of Georgia presented a telegram from United Mine Workers' leaders charging that women and children of the strikers were suffering because of evictions ordered by the operators.

Senator REED, of Pennsylvania, in response to inquiries by Chairman BORAH, of the Senate Labor Committee, said he was sure there were no wholesale evictions in the Connellsville region. In most cases, REED said, operators had not caused evictions or attempted to collect rentals. In some instances he said they had reduced rentals.

Union recognition is the only controversy in this strike, REED said; the operators refusing recognition, although willing to continue the former wage scales, which the miners were willing to accept.

FIRST BAPTIST CHURCH,
Brownsville, Pa., September 16, 1922.

Hon. THOMAS WATSON,
United States Senate, Washington, D. C.

HONORABLE SIR: I have read in the newspapers that you informed the Senate that the coal operators in the coke region of this vicinity are ejecting the miners from their homes without any consideration whatsoever. I have also read that Senator REED denied that these conditions exist.

Here in Brownsville there are hundreds of these miners seeking shelter for their families and their scant furniture every day. The roads are lined with tents and one can go over the country roads any time and see piles of furniture along the road where it has been placed by the operators' employees. There are always company armed guards on hand, and they will not permit outside persons to take any interest in the ejected miners.

Why does the Government permit these atrocious crimes against humanity? When President Harding was through this vicinity he could not help but see the conditions that existed. You stood up for the soldiers and demanded that their mistreatment be investigated; why not demand that the conditions here in Fayette County be investigated?

Later on I will forward you photographs to corroborate my statements.

I trust you will consider this, and I beg to remain,

Very truly yours,
H. H. HILEMAN.

This is from Missouri, but bears on the subject:

KANSAS CITY, MO., *September 13, 1922.*

Hon. THOS. E. WATSON,
United States Senate, Washington, D. C.

DEAR SIR: I wish to express my feelings and sentiments on the strike situation and labor situation in general and wish to advise you that I believe that few people who own property, be it a home, a farm, industrial property, mercantile establishments, or bank stock feel differently.

Unless the rights of private property are protected, the incentive to accumulate property is destroyed. Without the incentive to accumulate property, initiative and thrift in this United States of ours will disappear. There has been passed in this country laws which exempt certain organizations, namely the Clayton Act, which exempts associations of labor and farmers from the Sherman law. Thus, although combinations in restraint of trade on the part of owners of any business are a violation of the law, combinations in restraint of trade on the part of labor unions are legalized. Labor in its final essence is a commodity, and time has shown the only true basis for the value of a commodity is by the law of supply and demand.

As a business man, I do not ask a subsidy from the Government, but am perfectly willing to stand or fall on fair competition. The laboring man under the union system, if he is an able and ambitious man, carries the load of his weaker brothers, and the union restrains his progress rather than aids it.

On the shoulders of yourself as a legislator rests the responsibility for the progress of our Nation. I feel that in many cases the attitude of our legislators on the labor question (which, in my opinion, has been very foolishly made a question by Congress itself and should not be a legislative question) is influenced by the thought of reelection. I think that some of our legislators forget that this United States is a representative form of Government and not a true democracy and fail in Congress to use their own judgment, but more often play to the masses, and at this time of unrest in the entire world, as well as the United States, I do not feel that our legislators should be influenced by their own immediate popularity, but should have the "guts" to do what they know to be for the best in this country.

I trust that you will understand my intent in writing so lengthy a letter in which I have no doubt expressed myself crudely.

Yours very truly,

DE VERE DIERKS.

FINAL ADJOURNMENT.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair, in pursuance to the concurrent resolution adopted by the two Houses of Congress, hereby declares this session of the Senate adjourned sine die.

NOMINATIONS.

Executive nominations received by the Senate September 22, 1922.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Ulysses Grant-Smith, of Pennsylvania, now a secretary of embassy or legation of class 1, to be envoy extraordinary and minister plenipotentiary of the United States of America to Albania.

POSTMASTERS.

ALABAMA.

Warren L. Hollingsworth to be postmaster at Lincoln, Ala. Office became presidential October 1, 1919.

Eva M. Ellison to be postmaster at Empire, Ala., in place of E. M. Ellison. Office became third class April 1, 1922.

Mary D. Bass to be postmaster at Butler, Ala., in place of T. W. Bass, deceased.

Walter T. Cowan to be postmaster at Orrville, Ala., in place of W. T. Cowan. Incumbent's commission expired September 5, 1922.

ARKANSAS.

Alexander R. Mullins to be postmaster at Emerson, Ark. Office became presidential April 1, 1922.

CALIFORNIA.

Fred W. Stein to be postmaster at Camarillo, Calif., in place of J. R. Weatherly, resigned.

Charles A. Osborn to be postmaster at Atwater, Calif., in place of C. A. Osborn. Incumbent's commission expired September 5, 1922.

COLORADO.

James G. Jardine to be postmaster at Frederick, Colo., in place of J. O. Bonato. Office became third class April 1, 1922.

CONNECTICUT.

Hervey W. Wheeler to be postmaster at Newtown, Conn., in place of R. T. Bradley. Incumbent's commission expired September 5, 1922.

Charles K. Bailey to be postmaster at Bethel, Conn., in place of W. B. Judd. Incumbent's commission expired September 5, 1922.

FLORIDA.

Maxfield Sellers to be postmaster at White Springs, Fla., in place of O. K. Paxton, jr. Incumbent's commission expired September 5, 1922.

GEORGIA.

Will E. Davis to be postmaster at Boston, Ga., in place of J. B. Rountree. Incumbent's commission expires September 26, 1922.

George W. Pease to be postmaster at Demorest, Ga., in place of W. H. McMillion. Incumbent's commission expires September 28, 1922.

Augustus L. Williamson to be postmaster at Jefferson, Ga., in place of R. D. Moore. Incumbent's commission expires September 28, 1922.

Susie D. Sims to be postmaster at Lawrenceville, Ga., in place of H. R. Chesnutt, removed.

ILLINOIS.

William B. Lindsay to be postmaster at Bath, Ill. Office became presidential April 1, 1921.

Frank W. A. Noll to be postmaster at Franklin Park, Ill., in place of E. J. Voelkel. Office became third class October 1, 1920.

Ralph H. Gard to be postmaster at New Canton, Ill., in place of R. R. Bernard, resigned.

Conrad Ritter to be postmaster at Orient, Ill., in place of L. S. Shrum, resigned.

Daniel B. Comegys to be postmaster at Seneca, Ill., in place of T. J. Kelly, resigned.

Henry W. Berry to be postmaster at Table Grove, Ill., in place of E. W. Herlocker. Incumbent's commission expired February 4, 1922.

Abraham L. Houk to be postmaster at Tuscola, Ill., in place of C. B. Taylor, resigned.

INDIANA.

Morton Hefner to be postmaster at Delphi, Ind., in place of S. S. Doty. Incumbent's commission expired September 5, 1922.

William G. Beal to be postmaster at Goodland, Ind., in place of F. J. Retterath. Incumbent's commission expired September 5, 1922.

Chalmer L. Bragdon to be postmaster at Pendleton, Ind., in place of A. S. Mingle. Incumbent's commission expired September 5, 1922.

Isaac Sutton to be postmaster at Waynetown, Ind., in place of R. D. Bible. Incumbent's commission expired September 5, 1922.

IOWA.

Ray C. Eggert to be postmaster at Waterloo, Iowa, in place of M. H. Kelly. Incumbent's commission expired January 24, 1922.

KANSAS.

Maude P. Evans to be postmaster at Hartford, Kans., in place of S. P. Reser. Incumbent's commission expired September 13, 1922.

LOUISIANA.

William W. Addison to be postmaster at Springhill, La. Office became presidential April 1, 1920.

MICHIGAN.

Charles L. Bean to be postmaster at Conklin, Mich., in place of C. L. Bean. Office became third class January 1, 1921.

John Moffatt to be postmaster at Sandusky, Mich., in place of J. P. Roberts. Incumbent's commission expired September 13, 1922.

Bert Green to be postmaster at Shepherd, Mich., in place of E. L. Ashworth. Incumbent's commission expired September 13, 1922.

James M. Carr to be postmaster at Vassar, Mich., in place of P. L. Varnum. Incumbent's commission expired September 13, 1922.

Henry W. Boyle to be postmaster at Bark River, Mich., in place of J. H. Boyle. Incumbent's commission expired March 16, 1921.

Arthur B. Backus to be postmaster at Harbor Springs, Mich., in place of A. T. Swift, deceased.

Bert M. Gould to be postmaster at Mount Pleasant, Mich., in place of H. A. Sanford. Incumbent's commission expired September 13, 1922.

MISSISSIPPI.

Charley D. Bell to be postmaster at Walnut, Miss. Office became presidential January 1, 1921.

NEW YORK.

Lewis H. Miller to be postmaster at Accord, N. Y. Office became presidential October 1, 1920.

Frank W. Hallock to be postmaster at Millbrook, N. Y., in place of J. M. Ham. Incumbent's commission expired January 5, 1920.

NORTH DAKOTA.

Thomas G. Peterson to be postmaster at Columbus, N. Dak., in place of C. J. King, resigned.

William F. Kempshall to be postmaster at Taylor, N. Dak., in place of W. F. Kempshall. Incumbent's commission expired January 24, 1922.

OREGON.

Roy C. Hale to be postmaster at Echo, Oreg., in place of Arunah Longwell, deceased.

PENNSYLVANIA.

Ashel J. Starr to be postmaster at Huntingdon, Pa., in place of J. G. Lesher, resigned.

TEXAS.

James F. Atkinson to be postmaster at Florence, Tex., in place of J. F. Atkinson. Incumbent's commission expired April 6, 1922.

Eva K. Rasbury to be postmaster at Windom, Tex., in place of J. P. Olive, declined.

VIRGINIA.

Willie A. Roach to be postmaster at Durmid, Va. Office became presidential January 1, 1921.

WASHINGTON.

Frank S. Clem to be postmaster at Olympia, Wash., in place of James Doherty. Incumbent's commission expires October 14, 1922.

WISCONSIN.

James D. Nicholson to be postmaster at Milltown, Wis. Office became presidential April 1, 1920.

Earle R. Schilling to be postmaster at Minocqua, Wis., in place of I. R. Carman, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 22, 1922.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Ulysses Grant-Smith to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Albania.

PROMOTIONS IN THE DIPLOMATIC SERVICE.

TO BE SECRETARY OF EMBASSY OR LEGATION OF CLASS TWO.

Ray Atherton.
Arthur Bliss Lane.
J. Donald C. Rodgers.
Walter C. Thurston.
Philander L. Cable.
G. Howland Shaw.

TO BE SECRETARY OF EMBASSY OR LEGATION OF CLASS THREE.

Warden McK. Wilson.
Edwin C. Wilson.
Orme Wilson, jr.
William B. Southworth.
Wainwright Abbott.
Joseph Flack.
Edward L. Reed.
Herschel V. Johnson.
Copley Amory, jr.

TO BE SECRETARY OF EMBASSY OR LEGATION OF CLASS 4.

Leon H. Ellis.
Laurence H. Norton.
Gerhard Gade.
John Harrison Gray.
John Sterrett Gittings, jr.
Edward S. Crocker, 2d.
William H. Taylor.
Walter T. Prendergast.
John Stambaugh, 2d.
Waldemar J. Gallman.

UNITED STATES DISTRICT JUDGES.

Walter C. Lindley, to be United States district judge, Eastern District of Illinois.

James Arnold Lowell, to be United States district judge, district of Massachusetts.

Elisha H. Brewster, to be United States district judge, district of Massachusetts.

RECEIVERS OF PUBLIC MONEYS.

Ray L. Bronson to be register of the land office, Bellefourche, S. Dak.

Wallace W. Taylor to be receiver of public moneys, Pueblo, Colo.

PROMOTIONS IN THE REGULAR ARMY.

VETERINARY CORPS.

Lester Wallace Ingram to be first lieutenant.

MEDICAL ADMINISTRATIVE CORPS.

To be first lieutenants.

John Charles Schwieger.
William Edmund Whelan.
Leslie Haward Stein.

CHAPLAINS.

To be chaplains with the rank of captain.

Clarence Roy Rice.
William Joseph Ryan.
Aloysius Charles Dineen.
Dudley Regis Tierney.
William Joseph Keane.
Edward Thomas McNally.
John Ralph Wright.
Joseph Francis Conway.
John Edwin Chester.
Harry Carleton Fraser.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

AIR SERVICE.

First Lieut. Edwin Gunsolus Shrader, Corps of Engineers.

REAPPOINTMENTS IN THE REGULAR ARMY.

CORPS OF ENGINEERS.

Frederick Mears to be lieutenant colonel.

POSTMASTERS.

CALIFORNIA.

Fred W. Stein, Camarillo.

CONNECTICUT.

Hervey W. Wheeler, Newtown.
Charles K. Bailey, Bethel.

ILLINOIS.

William B. Lindsay, Bath.
Ralph H. Gard, New Canton.
Daniel B. Comegys, Seneca.
Conrad Ritter, Orient.
Henry W. Berry, Table Grove.
Abraham L. Houk, Tuscola.

INDIANA.

Morton Hefner, Delphi.
William G. Beal, Goodland.
Chalmer L. Bragdon, Pendleton.
Isaac Sutton, Waynetown.

KANSAS.

Maude P. Evans, Hartford.

MICHIGAN.

Henry W. Boyle, Bark River.
Albert B. Backus, Harbor Springs.
Bert M. Gould, Mount Pleasant.

MISSISSIPPI.

Charley D. Bell, Walnut.

NEW YORK.

Lewis H. Miller, Accord.

NORTH DAKOTA.

Thomas G. Peterson, Columbus.
William F. Kempshall, Taylor.

PENNSYLVANIA.

Ashel J. Starr, Huntingdon.

TEXAS.

James F. Atkinson, Florence.
Eva K. Rasbury, Windom.

VIRGINIA.

Willie A. Roach, Durmid.

WISCONSIN.

James D. Nicholson, Milltown.
Earle R. Schilling, Minocqua.

ALABAMA.

Lillian R. Maugans, Eufaula.

ARKANSAS.

John L. Callahan, Booneville.
Seth Boles, Dardanelle.
Oscar H. McKamey, Imboden.
Robert B. Cox, Prairie Grove.

CALIFORNIA.

Charles A. Osborn, Atwater.
George M. Russell, Beverly Hills.
Norman F. Densmore, Laton.
Charles M. Smith, Lomita.
Charles W. Reinking, Point Arena.
John W. Beck, Veterans Home.

COLORADO.

John M. Deitrich, Center.
Henry Miller, Manzanola.
Charles E. Hart, Monte Vista.
Hallie A. Simmons, Siebert.
John C. Callaghan, Westcliffe.
James G. Jardino, Frederick.

CONNECTICUT.

Elbert B. Austin, Cromwell.
Thomas C. Brown, Elmwood.
Howard J. Stanclift, jr., New Hartford.
Thomas B. McDonald, Sharon.
Abigail B. Lathrop, Warehouse Point.

DELAWARE.

George W. Mullin, Marshallton.

GEORGIA.

Lucius Hannon, Atco.
Jesse H. Hicks, Chickamauga.
Estelle Willis, Hardwick.

ILLINOIS.

Louis F. Meehan, Villa Park.

INDIANA.

Charles A. Gatwood, Albion.
John L. Grider, Alexandria.
Donas E. Denny, Cloverdale.
William J. Thompson, Danville.
Harry Fritzinger, Decatur.
Taylor H. Johnson, Plainfield.
Milton T. Jay, Portland.
Ray H. Weisbrod, Richmond.
Edward M. Ray, Scottsburg.

IOWA.

Ray C. Eggert, Waterloo.
Charles S. Lewis, Davenport.
Homer A. Roth, Ottumwa.

KANSAS.

William H. Stadler, Eudora.
Roy C. Mortimer, McCracken.
Charles H. Sessions, Topeka.

KENTUCKY.

William T. Tooke, Cadiz.
William H. Hampton, Crestwood.
James A. Miller, Wickliffe.

MAINE.

Howard W. Jones, Bridgton.
Frank E. Hoyt, Gorham.
Harold E. Fellows, York Village.

MASSACHUSETTS.

James H. Butler, Pittsfield.
Silas D. Reed, Taunton.

MICHIGAN.

Charles L. Bean, Conklin.
John Moffatt, Sandusky.
Bert Green, Shepherd.
James M. Carr, Vassar.
Walter E. Banyan, Benton Harbor.
Samuel C. Kirkbride, Clare.
Charles M. Vermilyea, Columbiaville.
Fred B. Kay, Lapeer.
Menno C. Weber, Saranac.

MINNESOTA.

John Grutsch, Avon.

MISSISSIPPI.

David H. Foresman, Electric Mills.
Preston T. Smith, Ittabena.
Fred H. Powers, Starkville.

MISSOURI.

Floyd O. King, Leasburg.
Lon L. Ashcraft, Carthage.

MONTANA.

John O. Dahl, Froid.

NEW HAMPSHIRE.

Archie C. Howe, Colebrook.
Willard G. Holt, Epping.
Frank J. Bryant, Lebanon.
Stephen C. Coburn, Milford.
Burt D. Robinson, Suncook.
Walter C. Wyatt, Tilton.
Edgar C. Emery, West Swanzey.

NEW MEXICO.

James R. Roberts, Elida.

NEW YORK.

Frank W. Hallock, Millbrook.
George H. Howarth, Haverstraw.
George B. Sample, Schaghticoke.
James H. Butler, Scottsville.

NORTH CAROLINA.

Raymond C. Barker, Badin.
Riley W. King, Candler.
William Z. Gibson, Gibson.
Lula M. Choate, Sparta.
George H. Wright, Wendell.

NORTH DAKOTA.

Jacob Omdahl, Galesburg.
Elvin J. Elstad, Rugby.
Roy E. Stevens, Brinsmade.
Hans J. Kolstad, Cooperstown.
George Hummel, Gackle.
Flora Bangasser, Norma.

OHIO.

Harry E. Cahill, Pandora.
Stanley O. Kerr, Ottawa.

OKLAHOMA.

Charley E. Ellis, Gracemont.

OREGON.

Roy C. Hale, Echo.

PENNSYLVANIA.

Emma M. Schrock, Garrett.
James H. Kirchner, Mahanoy City.
H. Oscar Young, Plymouth Meeting.
Abraham H. Nyce, Vernfield.

PORTO RICO.

Juan F. Rivera, Coamo.
Rafael P. Robert, Fajardo.
Antonio Godinez, Rio Piedras.

SOUTH DAKOTA.

Mathias D. Eide, Howard.

TENNESSEE.

Zeph Roby, Erin.
Rufus W. Vickers, Murfreesboro.
F. Maude Whittenburg, Ooltewah.
A. A. Williamson, Postelle.
Robert H. Thompson, Rockwood.

TEXAS.

Elmer P. Browder, Gordon.
Charles A. Duck, Greenville.
Leo I. Steiner, Columbus.
Charles E. Hart, Fort Stockton.
Emma Thompson, May.

UTAH.

William H. Fitzwater, Duchesne.

VERMONT.

Harley W. Powers, Gilman.
Charles F. McKenna, Montpelier.

VIRGINIA.

Joseph N. Booth, Dante.
Albert L. Taylor, Parksley.
Henry L. Cooke, Westpoint.

WASHINGTON.

Frank S. Clem, Olympia.

WEST VIRGINIA.

George E. Patterson, Wellsburg.
George C. Smith, Yukon.

WISCONSIN.

Anna K. Valentine, Cross Plains.
Albert L. Grimm, Prentice.
Margaret E. Glassow, Schofield.
Hall L. Brooks, Tomahawk.
Mathias F. Adler, Waunakee.
Benjamin O. Wall, Holmen.
George W. Taft, Necedah.

HOUSE OF REPRESENTATIVES.

FRIDAY, *September 22, 1922.*

The House met at 10 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, the hand that holds the earth, the sky, and sea in its hollow is the same hand that nestles Thy earthly children in its palm; hence a new day finds us unafraid. All praise, honor, and glory be unto Thee, O Lord! Only through Thy mercy do we face each succeeding day with freshened vigor. Keep before us life's richest vocation and earth's highest attainment. On the altars of our hearts make steadfast the lights of faith, hope, and charity and may they burn with a quenchless flame. O let Thy blessing, so abundant, so free, and so divine, abide with all who are associated with this Chamber. Be with us, our families, and all our earthly loves. As the days pass and the morrows come may our hopes and our comforts be realized in the cross on Calvary's hill. In that silent, solemn moment when earth and time yield to heaven and eternity may the golden light break over the everlasting hills. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, had insisted upon its amendments, had asked a conference with the House, and had appointed Mr. WARREN, Mr. CURTIS, and Mr. GLASS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the House amendment to Senate Joint Resolution 215, providing for reinvestigation of the tricounty irrigation project of Nebraska.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that September 21 they had presented to the President of the United States, for his approval, the following bills:

H. R. 12377. An act to establish a commission to be known as the United States coal commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes;

H. R. 10766. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 10419. An act validating certain applications for and entries of public lands;

H. R. 11212. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

H. R. 7456. An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes;

H. R. 12472. An act to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities during the present emergency, and to prevent the sale of fuel at unjust and unreasonably high prices;

H. R. 11347. An act authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as Fort Hale;

H. R. 11173. An act to amend section 126 of the national defense act, approved June 3, 1916, as amended;

H. R. 10196. An act to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of article 3 of the war risk insurance act, as amended;

H. R. 9275. An act for the relief of Frances Kelly; and

H. R. 8475. An act to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith.

FIRST DEFICIENCY BILL, 1923.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendments and agree to the conference on the bill H. R. 12704, the deficiency bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the House disagree to the Senate amendments on the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, may I ask the gentleman if the Senate amendments—I am not familiar with them—carry legislation or are they upon a question purely of amount?

Mr. MADDEN. Two or three carry legislation, and I will say the conferees do not expect to agree to those.

Mr. GARRETT of Tennessee. The Senate then has undertaken to legislate upon this bill?

Mr. MADDEN. I think they have in one or two cases, but all the other amendments are within the rule.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I do understand, however, that the conferees intend to accept the amendment proposed of $200,000 for the relief of Smyrna?

Mr. MADDEN. Of course I am only one of the conferees, and I am unable——

Mr. BLANTON. But it being an administration appropriation the gentleman probably would be inclined to accept it?

Mr. MADDEN. I am inclined to think that what both the State Department and the President want ought to have great weight.

Mr. BLANTON. Will the gentleman give me some time, say, 10 minutes?

Mr. MADDEN. When the conferees come back?

Mr. BLANTON. I would like to have it now.

Mr. MADDEN. I think the gentleman had better wait until we come back.

Mr. BLANTON. There may not be time.

Mr. MADDEN. Oh, yes; we will not be long.

Mr. CAMPBELL of Kansas. The conferees on the part of the Senate are now waiting for the conference.

Mr. BLANTON. Very well; when they come back, that will be time enough.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the conferees.

The Clerk read as follows:

Mr. MADDEN, Mr. KELLEY of Michigan, and Mr. BYRNES of South Carolina.

EXTENSION OF REMARKS.

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by the gentleman from Alabama [Mr. JEFFERS] before the American Legion convention at Goldsborough, N. C.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

The matter referred to is as follows:

SPEECH OF HON. LAMAR JEFFERS, MEMBER OF CONGRESS FROM ALABAMA, AT GREENSBORO, N. C., BEFORE THE NORTH CAROLINA DEPARTMENT OF THE AMERICAN LEGION ON SATURDAY, SEPTEMBER 9, 1922.

Mr. Department Commander, Mr. Post Commander, comrades of the North Carolina Department of the American Legion, and friends, let me assure you that it is not merely making use of a conventional phrase when I tell you to-day that I am truly glad and happy to be here with you.

I may say that I always feel right at home in any gathering of service people. When I am with service people I am with those whom I feel that I know and with those who know me. We know that wherever we may meet there is always a wonderful common bond of fellowship, and so coming for the first time to visit a new place, if it is to mix and mingle with my comrades, is never like coming among strangers, but is always like returning again to be with good old friends.

It is a peculiar pleasure to me to have the opportunity to attend a great meeting like this, and I may say that it is also a great help to me, as well as a great pleasure. It is the best possible opportunity to feel the pulse of the Legion. I am sure that there is no way by which we can keep in touch as well as by attending these great gatherings of service people. I derived great benefit from my visit last fall to Kansas City to the national convention, and I am looking forward with a great deal of pleasure to meeting you fellows again this fall down at New Orleans.

It is my intention to keep right up with the Legion, to see how she is going, and to try to be able to size up the men who are placed at the helm, because, indeed, upon the quality of men whom we place at the head of our local posts, of our departments, and of the national organization depends to a large extent the welfare and progress of the Legion. I am very desirous of keeping in touch; I want to be able to sense and know the force of our organization, which must be preserved, and which I pray will increase constantly in strength and power.

I am sure that I will derive real inspiration and realize a great deal of benefit from this opportunity to meet here to-day with the department of the great State of North Carolina.

My making reference to you as service men and women is because I like that term much better than the term "ex-service." We are in the service of the flag to-day as citizens, and so we are indeed and in truth service people still. Of course, I understand that by "ex-service people" we mean ex-Army people, but still I do not like the sound of the term "ex-service," and I prefer to think of all my comrades as service people.

As our best services were needed as soldiers during the days when we wore khaki, so are our best services needed to-day as true American citizens, and so let us consider ourselves now and always service people still in the service of the flag as true citizens.

In the dark and troublesome days of 1917 and 1918, after the main powers of the earth on the other side of the water had been at each other's throats for several years, the tocsin of war—real, actual war—was at last sounded over our own beloved land. The spirit of America challenged the manhood and the womanhood of the country. Our people looked upon the mountain top and saw there Columbia, the spirit of America, proudly and boldly holding on high the Stars and Stripes. Columbia called and her children rallied to her side.

We all know how magnificently the men and women and the boys and girls, no matter how old or how young, did their bit the very best they could. We know that no matter how humble might have been their part to play that they gave themselves unreservedly to their task, and we know that in their breasts the flame of patriotism burned just as brightly and just as unquenchably as it flared in the heart of the most intrepid American soldier on the far-flung battle front. They were inspired by the great spirit of America, the spirit of the New World, the spirit of the West. That spirit enabled this country to form an Army in an incredibly short space of time and to back that Army up in a wonderful manner; we know that that same spirit inspired the officers and men of our great Navy, who made it possible for the fresh, new, youthful, bouyant Army to fling itself like an olive-drab cyclone across the dangerous submarine infested waters of the Atlantic to arrive "over there" just in time to cheer and bolster the then worn and faltering allied armies. It was the new life they so sorely needed, and they were refreshed and invigorated just the same as by the transfusion of new blood from the body of a friend into the veins of a perishing comrade.

Ah, my friends, it will always be a wonderful page in history for our children and for their children, and for their children's children to read how then the allied forces, given this new blood, this new life, this new vigor, turned upon the onrushing and relentless Boche, and with furious onslaught hurled them back, and back, and back, ripping and tearing the German lines asunder wherever they struck with the dauntless American doughboy always in the forefront everywhere, until ere long the world heard the glad tidings that the war was done, and that Kaiserism was stamped from the face of the earth forevermore, and the Kaiser driven with bowed back and broken sword, shrinking and slinking away into oblivion.

It is well, Mr. Chairman and my comrades, and it is as it should be that we do have in our hearts the deep feeling of love and appreciation, that will always be fresh in our memory, for all that was done for us by these boys, the very flower of our American manhood, who bore the brunt of battle always for us.

But let us never forget, my friends and comrades, that inspired by that same spirit were our precious service girls. God bless them all! None but those men who enjoyed the privilege and pleasure of meeting and knowing them as they stood the test of fire and steel can ever really know how wonderful and magnificent they were. Honor and glory to the name of every service girl. They also felt and heeded the call to duty. They bravely forsook the shelter and comforts of home and fireside. They cheerfully gave up the companionship of friends and loved ones, and they placed themselves unreservedly upon the altar of service. They joined up side by side with their warrior brothers, ready *to share with* them the fortunes or misfortunes of grim warfare.

So, therefore, while our hearts do glow with unrestrained pride for the patriotism and the valor of our boys, and while we shall ever sing their praises so richly deserved, we must not fail to express our heartfelt appreciation of, nor must we withhold our sincere applause for, the brilliant and unimpeachable record made by our superb American girls who served in all the various capacities with and for our Army and Navy and Marine Corps, all during the war.

I am proud, Mr. Chairman, to have the honor of paying special tribute here to-day, in this distinguished company, to the real American beauty, that incomparable rose of no man's land—the American Red Cross nurse.

To-day, my comrades, Columbia calls again insistently, pleadingly, urgently. The call is not so spectacular, perhaps, as it was in the days of '17 and '18, but it is just as earnest. The call to-day is not "To arms"; we thank God for that, but it is to the higher duties of true citizenship. We must heed this call if we as American citizens are to *fulfill* the certain legacy left to us by those who were willing to go for us straight down the hard, narrow, rugged path of a tiresome, toilsome duty, which led for them straight to the door of death. There they made the supreme sacrifice with a word of cheer to their "buddies" whom they left to "carry on" and with a smile upon their lips so wonderful that language is inadequate to express it and of which you could have no conception unless you had seen it.

They sleep; they took the chance
In Italy, in Belgium, in France;
For us they gave their youth to its last breath—
For us they plunged on into the gulf of death.
With high heroic heart
They did their valiant part.
They gave the grace and glory of their youth
To lie in heaps uncouth.
They turned from these bright skies
To lie with dust and silence in their eyes.
Yet they have wages we know not of—
Wages of honor and immortal love.
For they went down only to live again
In the eternal memory of men—
To be warm pulse-beats in the greatening soul
That drives the blind world onward to her goal.
They are not dead; life's flag is never furled;
They pass from world to world.
Their bodies sleep, but in some nobler land
Their spirits march under a new command.
New joys await them there
In hero heavens, wrapt in immortal air.
Rejoice for them, rejoice;
They made the nobler choice.
How shall we honor their deed—
How speak our praise of their immortal breed?
Only by living nobly as they died—
Toiling for truth denied.
Loyal to something bigger than we are—
Something that swings the spirit to a star.

Ah, my comrades, there is the charge in those few lines to you and to me, and to every man and woman whose home is in America.

How shall we honor their deed;
How speak our praise of their immortal breed?
Only by living nobly as they died—
Toiling for Truth denied.
Loyal to something bigger than we are—
Something that swings the spirit to a star.

"Toiling for Truth denied"—that the truth may shine resplendent and that error may be driven back to the caves of darkness, there securely chained, no more to march up and down the highways of life, to mislead, conflict, and embitter the hearts of men.

"Nobly, as they died," must we live here now, and faithfully must we do our full duty as true-hearted American citizens, living always above and beyond the sham and veneer and false issue, striving to know and to do that which is truly for the best interest of our country. We must do all this, my comrades, if we are to carry out this legacy left to us by our immortal "buddies" who went over with us but who "came not back again." Let this day be our day of rededication to our duty to fulfill that legacy. In their name and for their sake we must strive to do our best as citizens if we are to preserve this country the wonderful place in which to live that they thought it was when they were so willing to cheerfully pay the price, if necessary, for flag, for home, and for country.

In every test and in every emergency the great State of North Carolina has always been well represented. The part acted by North Carolina in the greatest drama of modern times—the War between the States—history will ever preserve without blemish upon its pages.

If I am correctly informed, the first Confederate soldier killed in battle was Henry L. Wyatt, of the Edgecombe Guards, Company A, of the First North Carolina Regiment, who fell in battle on the 10th of June, 1861.

And then, near the close of the war at Reams Station, on the 25th of August, 1864, after a previous assault by other troops had failed, the three North Carolina brigades of Cook, Lane, McRae, in number less than 2,000 men, drove back the Federal troops from the field, capturing their breastworks, with 2,150 prisoners, 3,100 stands of small arms, 12 stands of colors, 9 guns and caissons. The result of this brilliant engagement was hailed with great rejoicing throughout the South and shed a declining luster upon the Confederate battle flag, upon which the sun of victory was about to go down forever. Gen. R. E. Lee publicly and repeatedly stated that not only North Carolina, but the whole Confederacy owes a debt of gratitude to Lane's, Cook's, and McRae's brigades which could never be repaid.

The regiments from North Carolina engaged in this battle illustrated those qualities which will perpetuate the name and fame of the Confederate soldier in years to come. Unshaken by the fall of Vicksburg and the disaster at Gettysburg, undismayed amidst the general gloom which was settling upon the fortunes of the South, they exhibited the same enthusiasm and valor which had marked their conduct upon every field where they had stood for the honor, the glory, and the renown of their State.

Just here, comrades, let me refer for a moment to a character that I have learned to respect and to admire; to a man whom I have learned to love. I refer, my friends, to that grand gentleman, that gallant veteran who wore the gray in the sixties—the last one of his kind in the House of Representatives—that man among men, that peer amongst his fellows—the Hon. CHARLES M. STEDMAN, your own Representative in Congress. Major STEDMAN is a man admired, respected, and loved by all of his colleagues. His gentle demeanor and his courtly bearing, and the character indicated by his gentleness and at the same time his manliness, has been a source of inspiration to me as a young man. It was with a great deal of pleasure that I was telling him, in a conversation I had with him only a few days ago, that I expected to visit his home, and I expressed to him how much I would like to be able to look forward to his being there at this time and mixing and mingling with the veterans of the World War. Major STEDMAN is a soldier, and he assured me that nothing would give him more pleasure than to come and be here with you were it possible for him to do so. That being impossible, he wished me to say to you how much he regretted that he could not come, and to tell you that he wished you good luck and Godspeed in all the activities and undertakings of the North Carolina department of the American Legion.

Have we learned naught from the silent endurance, the patient agony, the deathless valor of the Confederate soldier? It can not be. His life and his conduct have taught us the lesson over again which history has ever repeated.

And then you know the record for intrepid bravery made by your own North Carolina boys during the World War.

Where did they get that magnificent, dashing, slashing, fighting spirit? They came by it by priceless inheritance, and they proved themselves worthy sons of their illustrious fathers.

I feel sure that you will be interested in something touching legislation affecting service people, as well as being interested in the general situation concerning service people and their welfare. Since I have been in my present position I have had the opportunity, of course, to observe it both from the inside and the outside.

I talk with service people every day just as one service man to another, and so I feel that I know their points of view. I am sure I understand their language, and I know what they feel and what they are talking about. On the other hand, I, of course, have the opportunity of hearing what the fellow on the inside thinks of the service man and his influence and of legislation affecting service men.

I know that the average soldier came out of the war with no intention or desire to push himself forward into politics. He had heard so much before his discharge about what was going to be done for the fellows to help get them on their feet again as American citizens when they came back that he naturally thought that at least a square deal would be coming to him as a matter of right and justice. So he came out of the service confidently expecting that that would be done. As I say, he was not desirous of pushing himself forward. He was not begging for the aid that he had been told would be his as a matter of right and justice. He naturally thought those things would come, but, my friends, you know what he got—one crack below the belt right after another. At first he was shocked and surprised and did not know what to make of it, but, then, my friends, he roused himself, and he began to organize as a matter of self-preservation. He continued to receive one jolt after another until he at last began to take the attitude that that was a game that two could play at. An so, unconsciously almost, service people have been to a large extent crystallized, and while I know that our great organization steers clear of partisan politics—and should do so—yet we know, my friends, that the service people of the country in their organization, the American Legion, do compose an influential factor.

And the treatment which service people are receiving and have received at the hands of the politicians of the Nation will cause them to continue to organize and to crystallize their sentiment until finally, even against their natural desire, perhaps, and unwillingly in some cases, and almost unconsciously, the service people of the Nation will become one of the greatest organized factors which this country has ever known in connection with the shaping of the policies of the Nation. People are impressed already with the seriousness and determination with which they are pressing the matters in which they are interested.

We must remember, my friends, that if we are to make the impression which we desire upon the people of America we must press these matters firmly, but at the same time we must press them manfully and in a clear and level-headed manner. The Legion must not be known as being rowdy or domineering when it comes to handling or influencing matters of legislation. We must work on a higher plane. We must go about these matters as an intelligent organization and not as a misdirected mob. Everything depends upon the organization—its strength and the way it is guided.

So let me say a word at this time for the organization. I wish I could impress every legionnaire in the whole country with the absolute necessity of working at all times for increased membership. If we want more strength and more power for the American Legion we must have more members. The influence of the Legion depends upon the number of men in the Legion. The influence of the Legion depends upon its numerical strength. If you approach a man on any subject and tell him that you have the American Legion behind you, he wants to know immediately how many men that represents. If you tell him that represents 500,000 men, he figures on that basis. If you are able to tell him that that represents 1,000,000 men, my friends, it weighs upon his mind a great deal more than twice 500. As your figures mount higher, the proportion of influence grows greater and greater at a ratio far exceeding the actual ratio of increased membership. So it is most important that we seek seriously to enroll every man and woman so far as we possibly can.

Tell these fellows who have not yet come into the Legion that the American Legion needs them, not for the few paltry dollars they may pay into the Legion as dues, but tell them that the Legion needs every service man in it, so that the Legion can be the power that it ought to be for the benefit in many ways for all of our comrades all over this land. Tell them about the shattered ones. Tell them that the American Legion says and has always said that they must come first. We know that their interests have the first consideration of the Legion; we know that the Legion says that these disabled "buddies" of ours must be given every care; that they must be made comfortable, and we know that the Legion is insisting with all of its power now, that in these cases the minds of these comrades of ours must be put at ease as well as their bodies. Their surroundings should be pleasant and the last word in comfort and convenience. That is one of the aims, that is one of the principal aims, of the American Legion.

Go tell the fellows who have not yet come within the fold that we need them not for their money but that we need them for their numerical strength and that every man who comes into the Legion adds just that much to the influence and the power of the organization. Oh, go back to your local posts and tell your comrades there that the one thing that your post has got to do is to get busy and go out into the highways and byways and bring them in. Get a list of the men eligible for membership in your territory, and go after those fellows one by one with dogged determination, which will finally win their applications for membership in your post.

I am sure that you are all perfectly familiar with the progress from the very beginning up to date of the adjusted compensation legislation, but as it is a live issue at this time, I think it appropriate to touch upon it here.

Very soon after the armistice there were between 50 and 60 compensation bills introduced in Congress The Ways and Means Committee called in the legislative representatives of the American Legion and requested them to help study the different proposed bills and to help determine what would be best.

The representatives of the Legion made an exhaustive study of the bills and investigated the circumstances and conditions of the service people over the country and worked out the five-plan idea. It appeared to be the most feasible plan that could be submitted. Since the day the armistice was signed the service people have been promised some suitable adjusted compensation. The American Legion and other organizations of ex-service people have been given to understand that it was coming. The service people have been led to believe all along that a compensation measure like this was to be passed, not as a matter of charity at all but as a matter of right and justice. Consequently it has gotten to the point now that there is no way for the issue to be settled until an adjusted compensation measure is passed and taken care of. Now that it is actually being considered, and after leaders have publicly promised that it would soon be passed, certain interests are flooding the country with propaganda to scare the people with greatly exaggerated statements about the immediate cost of the legislation.

I believe the country has been unduly frightened by an immense propaganda which has been and is being carried on by interests that are against any adjusted compensation for service people. I also believe that there is a desire on the part of some of those who are high in the administration circle here in Washington to attach some obnoxious tax to the adjusted compensation measure, because they believe such a tax would serve to create sentiment not only against the measure itself but would also reflect against the service people all over the country. Politicians of this stripe want, I believe, to kill the service men and women as a rising and growing political factor by deliberately trying to make this soldier legislation unpopular with the people.

I am glad to say that I feel sure that Congress and the people of the Nation will be agreeably surprised when they see how many of the service people will take advantage of the other and better features of the bill instead of the small cash payments.

About the matter of attaching a special tax to this particular piece of legislation, that is a thing that has not been done before. The $700,000,000, and more, that have been paid to the railroads out of the Treasury during the last 24 months came out of the taxes paid by the people, of course. They say that was a matter of right and justice that the railroads should be so reimbursed. Be that as it may, it all came out of the pockets of the people in taxes. And I noticed a day or two ago that the railroads still claim that reimbursement is due them to the amount of $350,000,000 more than has already been paid, and they expect to collect that very soon. But there is no movement on foot to place a sales tax or other special obnoxious tax on the people for the express purpose of raising money to pay the railroads. But, of course, it comes out of the people, anyway, all the same.

It cost billions to reimburse war contractors—a bill for the relief of the Shipping Board contractors carried fifty million, the war mineral relief bill carried forty million, twenty million was voted recently for Russian relief without question as to how the money would be raised; all these measures were put over without any special obnoxious tax being attached to them to make them a stench in the nostrils of the public. Why single out the soldiers' compensation measure to put a special tax upon the people to raise the funds when they have not mentioned any special taxation to pay all these other debts? Why attach all the odium to the soldiers?

The giant interests of the country who are now fighting the adjusted compensation measure were in favor of most of the above relief measures, I believe, and they did not want anything said about any taxes necessary to pay those sums of money because of the fact that they do not want to bring the railroads and other special interests into disrepute with the people; but now that an adjusted compensation measure for the soldiers is being considered they would like to put an obnoxious tax on the people in connection with that.

Let us consider the civil service employees and the great army of war workers. Added compensation of $240 per year was given them to help them meet rising living costs. That is all right; they needed it, no doubt. Now, while thousands of ex-soldiers are unemployed to-day these war workers still have the jobs and are still drawing the $20 per month as a bonus or added compensation. That is a matter of right and justice, they say; all right, we will say it is, but it all comes out of the Treasury. There is no special tax attached to that particular expenditure.

If full reparation to the railroads for all losses sustained during the war; if reimbursement for war contractors; if help for the Russians; if a square deal for the great army of war workers; if all this is done in the name of justice, then why not grant fair adjusted compensation to the men and women who turned themselves over to Uncle Sam and went away to serve for $1 per day, less allotment, less insurance, less other items that left a man about $1.75 per month which he could squander on tobacco and other luxuries?

If a square deal to the railroads, if a square deal for the war contractors, then why, in God's name, not some semblance of a square deal for the poor devil of an American doughboy soldier, who sweat blood and slept in the mud for the preservation of the homes of America, for the safety of the wives and mothers and children of America, and to keep this country safe for the continued operations of the profiteers?

Seriously, these ex-service people all over this country need a little help now in order that they may be able to more readily pick up again the broken threads of their civil lives. It is mighty hard for them to come back and take things up again where they left off. They lost out in many ways. They are young Americans, and many of them are right now struggling against odds to begin life all over again as heads of young American families. They should be encouraged. It is America's sacred duty to be considerate now to those who wore her uniform in time of war.

Another thing to be considered is that other countries have given this adjusted compensation to their service people. England granted adjusted compensation ranging from $150 to $750 per man.

That brings us to the point that England and other countries owe the United States about $10,000,000,000. I am much in hopes that some way will be found to finance some part of that debt with sufficient security to provide for all needs, so that no special odious tax measure will be attached to the adjusted compensation measure. There are those here who are in position to know who say that can be done. Banking institutions in this country, however, to whom our allies also owe money are against this plan, because they want to try to get their pay from our allies before our Government gets hers.

We had to vote on the bill as it was presented. We had to "take it or leave it." The certificate plan in it was, and is, in my opinion, an infamous, unfair, deceptive subterfuge. But it was ushered in there under a gag rule that made it impossible to even offer any amendment whatever. We had to swallow it as it was or vote with the Mellons if we voted against it. Of course, I voted for it, but in supporting it in its deceptive and disappointing form I felt toward it like the old negro felt about the liquor that his boss gave him. The boss gave old Sam this liquor one evening, and the next morning when they met the following colloquy took place:

"The Boss. Good morning, Sam; did you drink that liquor I gave you last night?

"Old Sam. Yassar, Boss, yassar; I drunk it.

"The Boss. Well, Sam, how was it? How did you like it?

"Old Sam. Well, suh, I drunk it all right.

"The Boss. Well, how was it, Sam?

"Old Sam. Well, suh, I reckon you'd call dat likker jes about right for er nigger.

"The Boss. What do you mean by that expression 'just about right for a nigger'?

"Old Sam. Well, Boss, you see dat likker was like dis: Ef hit had er bin any better you wouldn't er gi' it to me, and ef hit had er bin any wusser I couldn't er drunk it."

There are quite a number of other things, of course, which should be attended to and I hope will be attended to. One thing which has been on my mind all the time since I have been in Congress, if you will pardon a personal reference, is the matter of veterans really being given the preference which the Congress intended they should have when they passed what preference laws are now on the books. The spirit of this law is not being carried out in all cases. That is one thing that I hope our organization will give its sincere and serious and true attention to in a forceful manner, so that we may have this preference really given to the ex-service men and women, and so that we will actually have such preference laws enforced as they should be in actual practice, and not merely existing in theory. That is one result that I feel and believe can be gotten if the right sort of effort be devoted to it.

Of course, in some cases preference has been given, but it can be and is often avoided and evaded in the departments, and we should come down on them so strongly that the law would be interpreted in all cases in favor of the service people, who are entitled to the preference, as it should be.

I may say at this time that there are those in Congress who are hoping that in the near future we can have a new committee in Congress, to be called the committee on Veterans' Bureau and veterans' legislation. If this plan goes through it will be provided that at least half of the membership of this committee be ex-service men. And then I feel sure—I say this without speaking disparagingly of any Member of Congress or of any present committee—that veterans' legislation will be given quicker, better consideration, and consideration with a better understanding of the service people and their problems than has been the case in the past. I feel that this will be a big step in the right direction, and I hope we will have this new committee created at least by the beginning of the next Congress.

I have no fear but that the soldier of yesterday will make the good substantial citizen of to-morrow. Of course we know and realize that the average service man when first out of the Army was restless. He was trying to again take up the threads of civil life, trying again to find the niche of life where he could properly fit in, awakening from a dream which does not bear description, coming back to the old life that he once knew, but now finding things so changed. So it is no wonder that the average service man was filled with the wanderlust, and moved about trying to find the proper place, trying to get his bearings, trying to get back on his feet, his visions of life before him, trying to find some way to get the proper grasp upon the ladder of life.

The service man came in for a great deal of criticism and a great deal of censure on account of this restlessness, but never was criticism any more unjust than that sort of criticism of these service men. But they are finding themselves, and as they are they are coming through in great shape in every kind of capacity.

I want to mention one thought in this connection, my comrades, and that is that every service man in any capacity should do his best to make good. Not only for his own sake and for the sake of his own loved ones, but for the sake of all of his comrades, because the service man is under the observation of the public. He is under the public eye, and he is on trial and the public is watching him, and every success made by any service man redowns to the credit and the benefit of every service man; and on the other hand, my friends, every failure made by any service man is damaging to the chances for success of every service man who is trying to pick up again the thread of life and carry on as he did before. So it is up to all of us to consider seriously the responsibility that is on us from that point of view. We must make good not only for our own sakes but for the sake of all of our comrades, who are struggling to get their feet planted again upon the rungs of the ladder. So, heads up! Let us now be up and doing, with a heart for any fate!

We have noted the criticism hurled at the service people and at their legislation by big interests and politicians who are the tools or the servants of those interests. The service man has not said a great deal, but he has seen all this and has done a great deal of thinking. He has seen and recognized the political chicanery through it all. They have hit him many unfair, underhanded blows. Preference promises have not been kept. The service man has seen that. They talk about "commercializing patriotism" when adjusted compensation is mentioned, thereby striking at his pride. They know he has pride and honor, which is more than can be said of the war profiteers, who accumulated their millions off the blood of American men and who are now raising the most strenuous objection to adjusted compensation. Andrew Mellon, of the Standard Steel Car Co. and other Mellon interests, for example. Yet they hit the ex-soldier below the belt by trying to work on the pride that they know he has. The service man has seen all this and has not said a great deal, but I am sure the average service man must have, while keeping his own counsel, felt the utter disgust and the fine scorn expressed by an old artillerist when he wrote the lines with which I am going to close.

During the days after the armistice, as the men were returning to this country from overseas, you who were there will remember the constant changing of orders concerning the service chevrons, the wound chevrons, the divisional insignia, and all distinctive markings. Some people wanted them all taken off because they were marks of distinction, and they feared would cause envy and jealousy between the men or between outfits. But the service man knew that he cared nothing for all that; all he wanted to do was to get back home. He did not have any desire to lord it over his less fortunate buddies who had not gotten overseas, and he was disgusted and scorned the attitude of those who were so afraid of creating any distinction; and so, in his quiet scorn and utter disgust, the old artillerist wrote these lines. As they were true of the soldiers' attitude then, just so are they true of him to-day and, I think, will be always. But again let me suggest for all a good motto: "Let us now be up and doing, with a heart for any fate."

No matter what happens, comrades, or how unfair and wrong things may seem to be, remember that there is a heritage which can not be taken away—

You can strip him of his chevrons,
  You can take his stripes away,
And the badge of his division,
  Which produces your dismay;
You can make him scrap his medals;
  But no matter how you try,
You can never, never legislate
  That glitter from his eye.

For he has seen a summer day
  That you have never dreamed;
He has seen flesh turn to clay
  While affronted Heaven screamed;
He has seen the shattered trench,
  He has seen the twisted wire,
He has seen strong, living men
  Charred and black in molten fire;
He has seen beneath his feet
  Flesh of comrades turn to clay,
As you never could have dreamed—
  He has seen a summer day.

You can ban the golden arrow
  That is stitched on his right sleeve,
And "eradicate distinction"
  With a simple by your leave,
Promulgate your resolutions,
  Hurl the ink until you die,
But you can't expunge his mem'ry
  Nor the glitter from his eye.

For he has seen cold autumn night
  That you could never bear,
With hell's flare his only light,
  Pointing out hell's angel there;
He has known a single hour
  When cold steel, red hail, and gas
Ceased and left a holy calm,
  Such as come when angels pass;
He has seen his comrades stand,
  Half-transfigured in release,
Knighted, spurred, and panoplied
  By their liege, the Prince of Peace.

—Artillerist.

Mr. BLANTON. Mr. Speaker, the gentleman from Illinois [Mr. Madden] has promised me 10 minutes to debate the Senate amendments on the deficiency appropriation bill, and in order to save time when the conferees come back I ask unanimous consent that I may proceed now for 10 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. HICKS. On what subject?

Mr. BLANTON. On the subject of the Smyrna relief proposition and other matters which I think are of great importance at this time.

Mr. HICKS. I have no objection.

Mr. BLANTON. Mr. Speaker, and gentlemen of the House, the Congress is preparing to adjourn sine die. Every Member here is aware of the fact that there will be a call to bring us back in a second special session November 15. From this conference report on the deficiency bill we are aware of the fact that the Senate held no hearings, and without knowing how many Americans were suffering in Smyrna, without knowing the circumstances of the alleged Turkish atrocities respecting Americans or their necessities, it has placed in this bill $200,000 for immediate expenditure in their behalf, and the House has given it no consideration whatever; but in the dark and without knowledge of the facts, the Congress is to vote this money of the American people out of the Treasury.

Mr. YOUNG. Will the gentleman yield?

Mr. BLANTON. No. I regret that I can not. We have been told by the present administration all through the months which have gone by that we must keep out of foreign entanglements, and yet each month or two we are called upon to take part financially in foreign matters which are taking place from day to day. We still have 1,200 soldiers quartered in Germany at the expense of this Nation, nearly four years since the armistice. And on Tuesday the President advised us that we must vote rigid economy, as we are facing a deficit of $600,000,000.

Mr. YOUNG. Will the gentleman yield now?

Mr. BLANTON. I regret that I can not. I have only a few minutes. And yet without any hearing or consideration we are called upon to vote large sums every day, and create new high-salaried positions.

If we are to effect rigid economy, why should we not recess until November 15, instead of now adjourning sine die, and then being called back in special session, and thus save all the incidental expenses of an adjournment and a reconvening of Congress? We could save about enough to pay this $200,000.

I think there are matters of more urgent importance to be considered just now than the voting out of this sum without hearing or consideration. For instance, there is a resolution pending here now before Congress to impeach the Attorney General of the United States for doing his duty. [Applause.] I have no objection to the resolution of the distinguished gentleman from Michigan [Mr. Woodruff] to investigate the Attorney General for not having prosecuted war profiteers. He has not prosecuted them. He should prosecute them. There should be a proper and rigid investigation concerning that question. And the Attorney General should be condemned for not prosecuting war profiteers. But when the Attorney General, in behalf of the whole people of this United States, with our industry tied up, has performed his duty and has taken action before the courts of his country to have the law administered in behalf of the whole people, a resolution is brought in here to impeach him, which has the tendency to hinder him, to discredit him before the country, and the administration, with its 170 majority in this House, has not placed a man on the floor to defend the action of the Attorney General in protecting the industry of this country.

Talk about Turkish atrocities in Smyrna. I have in mind atrocities that equal any ever committed by the unspeakable Turks that have been committed not in Smyrna but in the United States, in the State of Illinois. There never will be an atrocity greater than that committed at Herrin, Ill. Peaceful American citizens seeking to exercise their constitutional right to work for their families and earn an honest livelihood, with laws to protect them, were taken in charge there by men whose will is considered greater by some men than the will of this Government. They were stripped of their clothing; they were tied together with a rope; tied behind a high-powered automobile, and dragged over the rough, rocky road at the rate of 40 miles an hour, and, bleeding and dying in the hot sun, they plead for water, but are told in America, "I will see you in hell first."

That is an American atrocity. With the railroads tied up; with factories shutting down; with the products of the farm rotting in the fields where they were produced because they can not be sent to market; with the cattlemen unable to send their live stock to market because they can not get the cars; with railroad bridges blown up by dynamite or burned and trains purposely derailed, with men, women, and little children placed at inconvenience; with engines run into open turntables and the machinery spiked to put it out of order, so that the cars can not run, and the people of the United States, with every industry tied up, appealing to the administration for law enforcement; when the great chief law officer of this Nation resorted to our courts and the law, seeking to bring order out of chaos; when he seeks to stop men from violating the law—then he is to be impeached. Not a man of his administration has dared to get up here and defend him.

I am a partisan Democrat; he is a partisan Republican. But I want to say to Mr. Daugherty that I am one American citizen who is behind him in his fight to restore law and order in this country. I will lend him every assistance I can. The people of America are entitled to it. It is the duty of every friend of the administration to stop throwing obstacles in the way and to help uphold the law of this country.

I could mention many other things that are more important just now than the Smyrna proposition. Why, France and Italy are taking one position on this Turkish question, while England is taking another. There could be a conflict between these great powers over this question. There are many so-called American citizens living all over the world that could be involved. This little $200,000 could be a mere bagatelle compared with the sum which this country could be called upon to appropriate in order to grant relief to nonresident Americans in many other parts of the world. Yet we have tied our hands by refusing to enter the League of Nations and have placed ourselves where in a diplomatic way we can not take part in the proper solution of these questions to bring about a world peace.

Charity begins at home. Americans here at home are entitled to relief first. We are called upon to spend liberally the people's money on every kind of a foreign proposition, but we are told that we can not adjust the pay of the brave soldiers who through great sacrifice brought back from France a world victory.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. BLANTON. Mr. Speaker, I ask leave to revise my remarks.

The SPEAKER. The gentleman from Texas asks leave to revise his remarks. Is there objection?

There was no objection.

RECESS.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that the House stand in recess until 12 o'clock.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the House stand in recess until 12 o'clock. Is there objection?

Mr. GARRETT of Tennessee. Does the gentleman think that the conferees will get through on the deficiency bill by that time?

Mr. CAMPBELL of Kansas. I am indulging the hope that they may get through by that time. If not, we shall at least know what progress they have made.

Mr. GARRETT of Tennessee. As I get it, the Senate adjourned until 12 o'clock to-day. They have not yet passed the final adjournment resolution. I was wondering whether 12.30 might not be better than 12. However, it is immaterial to me. I will take whatever the gentleman's best judgment is.

Mr. CAMPBELL of Kansas. I can see how it might add to the convenience of the Members and accommodate the situation of the House to the situation of the Senate by recessing until 12.30. Therefore, Mr. Speaker, I modify my request and ask that the House stand in recess until 12.30.

The SPEAKER. The Chair would suggest that the Senate would not pass that resolution until the deficiency bill was disposed of.

Mr. GARRETT of Tennessee. Until it passed the House?

The SPEAKER. Passed through both Houses.

Mr. GARRETT of Tennessee. I understand.

Mr. CAMPBELL of Kansas. Then, Mr. Speaker, with that understanding I ask that the House stand in recess until 12 o'clock.

The SPEAKER. Is there objection?

There was no objection.

Accordingly (at 10 o'clock and 22 minutes) the House stood in recess until 12 o'clock noon.

The recess having expired, the House, at 12 o'clock noon, resumed its session.

FIRST DEFICIENCY APPROPRIATION, 1923.

Mr. MADDEN. Mr. Speaker, I present a conference report on the deficiency bill, and ask unanimous consent for its immediate consideration.

The SPEAKER. The gentleman from Illinois presents a conference report, which will be reported by the Clerk.

The conference report was read, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 11, 12, 14, and 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 7, 8, 9, 10, 13, 16, 17, 19, and 20, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lines 7 and 8 of the matter inserted by said amendment strike out "two assistant registrars at $5,000 per annum each" and insert in lieu thereof "assistant registrar at $5,000 per annum," and in line 15 strike out "$33,125" and insert in lieu thereof "$29,375"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lines 1 and 2 of the matter inserted by said amendment strike out the words "and directed"; and the Senate agree to the same.

MARTIN B. MADDEN,
PATRICK H. KELLEY,
JAMES F. BYRNES,
Managers on the part of the House.
F. E. WARREN,
CHARLES CURTIS,
Managers on the part of the Senate.

The SPEAKER. Is there objection to the present consideration of the conference report?

There was no objection.

Mr. MADDEN. Mr. Speaker, this bill as it passed the House appropriated $560,688.08. As it passed by the Senate it carried $2,831,742.15, an increase by the Senate of $2,271,054.07.

From this increase the Senate has receded on amendments involving a total of $377,532.06.

If the House adopts the conference report the bill will carry $2,454,210.09, which is $1,893,522.01 more than when it passed the House.

Of the Senate increase, which has been agreed to, $1,239,238.44 is due to judgments and audited claims for which it is necessary to appropriate.

The remainder of the increase, or $654,238.57, is distributed as follows:

On account of Senate expenses, $13,184.

White House police, as authorized by law, $51,555.

United States Coal Commission, on account of the bill recently passed, $200,000.

China trade act, in accordance with the law just passed, $29,375.

Oregon and California railroad lands, $10,169.57.

Indian schools, $100,000, due to the necessity for rebuilding two schools that were partially burned down.

Spillway and drainage ditch, Lake Andes, S. Dak., $50,000, in accordance with the act just passed by both Houses.

Smyrna relief, $200,000, as suggested by the State Department and the President of the United States.

Mr. ANDERSON. Will the gentleman yield for a question right there?

Mr. MADDEN. Yes.

Mr. ANDERSON. Is that fund to relieve American citizens?

Mr. MADDEN. Yes; entirely.

Mr. McSWAIN. Will the gentleman yield for a question?

Mr. MADDEN. Certainly.

Mr. McSWAIN. Is there a list of the judgments in the room of the Appropriations Committee?

Mr. MADDEN. Yes; and the list is in the bill also.

Mr. TINCHER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. TINCHER. The conference report makes available one hundred and three thousand and some odd dollars for the administration of the futures trading act.

Mr. MADDEN. Yes; the amount that was appropriated in the former act is made available under the act just passed.

Mr. TINCHER. We were not in shape to ask that that be made a part of the act at the time the bill passed the House, because the futures trading act was not passed until yesterday.

Mr. MADDEN. The futures trading act was not passed by the Senate when the House considered this bill, or it would have been included.

Mr. TINCHER. Regardless of the fact that the gentleman is opposed to the bill, the friends of the bill are very appreciative of the prompt appropriation for the enforcement and carrying out of the bill. The gentleman has shown his usual sportsmanlike spirit and the spirit of true statesmanship, and his unfailing courtesy, regardless of his personal views. [Applause.]

Mr. MADDEN. I am sure that the Committee on Appropriations feels that every act on the statute books ought to be properly enforced; and if it takes money to enforce it, we agree with the gentleman that it is our duty to appropriate the money, and we are very happy to do so. [Applause.]

Mr. MOORE of Virginia. May I ask the gentleman a question?

Mr. MADDEN. Certainly.

Mr. MOORE of Virginia. It has been stated that because of provisions in the tariff act vesting unusual discretion in the President it will be necessary to make very largely increased appropriations for the use of the Tariff Commission. Does this bill take that fact into account?

Mr. MADDEN. No; we have no information on that subject except what I have seen in the newspapers.

Mr. MOORE of Virginia. There will be estimates, however, after a while, in order to cover which it will be necessary to increase appropriations.

Mr. MADDEN. I do not know. We have no information at all on the subject, I will say to my friend.

Mr. MOORE of Virginia. As a matter of public interest, will the gentleman tell us what the situation is so far as our nationals in Smyrna are concerned, to the extent that he is able to do so, based on the data now available?

Mr. MADDEN. The information that I have came from a conversation that I had with the President, in which he stated that the State Department had been making a very careful survey of the situation over there, and that the American citizens in and about Smyrna are in a very bad condition. The burning of Smyrna and the riots and the trouble on account of the war made our citizens refugees, and they have been unable to find food or relief in any way. I thought it would be very important and necessary that the Government should supply their present needs. I understand that a relief cargo of food and other supplies is on the way.

Mr. WINGO. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. WINGO. I think the gentleman stated it awhile ago, but I could not hear him. How much is the increase in the bill over the amount it carried when it left the House?

Mr. MADDEN. The increase is $1,893,522, but $935,000 of that is due to audited claims for past years, 1920 and prior years, that have just come in and passed through the General Accounting Office, $284,000 due to judgments rendered by the Court of Claims, and $19,000 due to judgments rendered by the United States courts.

Mr. LONGWORTH. If I understand the gentleman, these increases are all due to acts of Congress which have passed?

Mr. MADDEN. Of these increases $935,000 is due to activities of the Government in years past, 1920 and prior years, the accounts for which did not come in until the appropriation was either exhausted or the money turned back into the Treasury; $284,000 is due to judgments rendered by the Court of Claims and $19,000 to judgments by the United States courts. About $650,000 is due to the enforcement of acts recently passed.

Mr. LONGWORTH. Passed since the Appropriations Committee considered this bill?

Mr. MADDEN. Yes.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. BLANTON. Can the gentleman tell us with regard to these Americans in Smyrna for whom $200,000 is to be appropriated? How many years has it been since they have been in the United States?

Mr. MADDEN. I am sorry I can not tell the gentleman.

Mr. BLANTON. Probably some 15 or 20 years.

Mr. MADDEN. I think most of them are traveling over there, if I understand the situation.

Mr. BLANTON. In fact, most of the appropriations are a mere guess?

Mr. MADDEN. That part of it is a guess, sure.

Mr. Speaker, if there are no other questions, I move the previous question.

The SPEAKER. The gentleman from Illinois moves the previous question on agreeing to the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to address the House and revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House and revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SMITH of Michigan. Mr. Speaker, the second session of the Sixty-seventh Congress is about to adjourn. Of its achievements we have all reason to be proud. I wish to extend my congratulations to the Members on going home and getting into the swim for the Grand Old Party. No apology need be made by any Member on either side for the record of this Congress.

President Harding was elected at the November election, 1920, and sworn into office on the 4th day of March, 1921. The Congress was promptly called into special session and met on the 11th day of April, 1921. It has been in almost continuous session until this day, a period of 18 months. The Congress is composed of 302 Republicans, 132 Democrats, and 1 Socialist. Since that time, as stated by our floor leader, Mr. MONDELL, on the floor of the House, this Congress has enacted many important measures and much-needed legislation. In contrast with the oft-repeated statements carelessly, unknowingly, or purposely made to prejudice and mislead, I wish to quote this statement of his taken from the CONGRESSIONAL RECORD:

> No Congress ever sat under this dome that was more faithful, diligent, painstaking, earnest, more intelligent, or sounder in its judgments and decisions than the present Congress. Never in the same length of time has so much important legislation been considered in committee and in the Halls of the two branches of the National Legislature. Never in the history of this House had there been so close a study and painstaking an application to the work of the people in the matter of legislation and appropriations. Never has a Congress maintained a finer record for economy for expenditures than has this Congress, and gentlemen may go home to their constituents assured that their record and the record of the Congress of which they are Members will be approved by the overwhelming majority of the American people.

Mr. Speaker, that statement has never been successfully refuted by facts, figures, or the record.

I wish to enumerate some of the outstanding legislation enacted into law by this Congress to show the basis of that statement. Agriculture is the basic industry of our country. When farmers are prosperous all other industry prospers. When agriculture is depressed every industry suffers and hard times exist. Everybody knows of the great depression that the farmers were laboring under when President Harding was sworn into office. Mr. GLASS, a Member of the House from Virginia, had been appointed by President Wilson Secretary of the Treasury. After Secretary GLASS had been elected to the United States Senate, Mr. Houston, the Secretary of Agriculture from Texas, succeeded him as Secretary of the Treasury. Both led in the downward race of deflation, and in the squeeze the American farmer felt the pinch the hardest. Under the Underwood tariff law of free trade the market for home products was being flooded by other countries. We bought millions of bushels of wheat from Canada and cattle and dressed meat in large quantities from New Zealand and South America. The bars were thrown down to agricultural imports by the Underwood tariff law. We all remember how the importers and free traders rejoiced and shouted victory when the Underwood tariff law was passed; how vast stores of goods were piled up in the customhouses ready to be released before the dawn of day after its enactment. And all will admit that the baneful and harmful effect of that law was arrested only by the World War. There is no use disguising the fact. The Republican Party at the national election of 1920 was returned to power by the largest electoral vote ever cast by the people for the avowed purpose of putting up the bars against this flood of foreign imports and preventing the United States from becoming the dumping ground of the world.

The farmers' emergency tariff was one of the first measures to be enacted into law, and to show the changes made by it and the Underwood free trade law I incorporate a comparison of the changes made by Mr. GRAHAM of Illinois found on page 12535 of the CONGRESSIONAL RECORD of September 13, 1922:

	Democratic—Underwood, 1913.	Republican—Emergency, 1921.	Republican—Fordney, 1922.
Cattle	Free	30 per cent	1½ to 2 cents per pound.
Fresh meats	do	2 cents per pound	¾ cent to 4 cents per pound.
Prepared meats	do	25 per cent	2 cents per pound to 20 per cent.
Sheep	do	$1 to $2 per head	$2 per head.
Potatoes	do	25 cents per bushel.	50 cents per 100 pounds.
Corn	do	15 cents per bushel.	15 cents per bushel.
Wheat flour, etc	do	20 per cent	78 cents per 10 pounds.
Wheat	do	35 cents per bushel.	30 cents per bushel.
Wool:			
Unwashed	do	15 cents per pound.	12 cents per pound.
Washed	do	30 cents per pound.	18 cents per pound.
Scoured	do	45 cents per pound.	24 cents per pound.
Wool, advanced	do	45 cents per pound in addition to present rates.	33 cents per pound and 20 per cent.
Fresh milk	do	2 cents per gallon	2½ cents per gallon.
Cream	do	5 cents per gallon	20 cents per gallon.
Preserved milk	do	2 cents per pound	1 to 1½ cents per pound.
Rye	do	(1)	15 cents per bushel.
Eggs	do	(1)	8 cents per dozen.
Onions	20 cents per bushel.	40 cents per bushel.	1 cent per pound.
Peanuts	⅜ to ¾ cent per pound	3 cents per pound	3 to 4 cents per pound.
Beans	25 cents per bushel.	2 cents per pound	½ cent to 2 cents per pound.
Flaxseed	20 cents per bushel.	30 cents per bushel.	40 cents per bushel.
Butter and substitutes.	2½ cents per pound.	6 cents per pound	8 cents per pound.

[1] Not covered by act.

	Democratic—Underwood, 1913.	Republican—Emergency, 1921.	Republican—Fordney, 1922.
Cheese and substitutes.	20 per cent	23 per cent	5 cents per pound and not less than 25 per cent.
Apples	10 cents per bushel.	30 cents per bushel.	25 cents per bushel.
Cherries	do	3 cents per pound	2 cents per pound.
Oats	6 cents per bushel	[1]	15 cents per bushel.
Barley	15 cents per bushel.	[1]	20 cents per bushel.

[1] Not covered by act.

In the above table the following weights constitute a bushel: Beans, 60 pounds; flaxseed, 56 pounds; potatoes, 60 pounds; corn, 56 pounds; wheat, 60 pounds; barley, 48 pounds; apples, 50 pounds; cherries, 50 pounds; rye, 56 pounds; oats, 32 pounds and onions, 57 pounds.

[From the Literary Digest for September 23, 1922.]

How the new permanent tariff rates compare with the old.

Payne-Aldrich Republican tariff, 1909.	Underwood Democratic tariff, 1913.	Fordney-McCumber tariff.
Bacon, 4 cents per pound	Free	2 cents per pound.
Salmon, 1 cent per pound	do	Do.
Macaroni, 1½ cents per pound	1 cent	Do.
Rice, 2 cents per pound	do	Do.
Wheat, 25 cents per bushel	Free	30 cents.
Olives, 15 cents per gallon	15 cents per gallon	20 cents per gallon.
Cuban raw sugar, 1.35 per pound	1 cent	1.76.
Cheese, 6 cents	20 per cent	5 cents.
Raw wool, 33 cents per pound	Free	31 cents.
Woolen suitings: 33 cents per pound + 50 per cent to 44 cents per pound + 55 per cent.	35 per cent	24 cents per pound + 40 per cent to 45 cents per pound + 50 per cent.
Wool hose, gloves, mittens: 33 cents per pound + 50 per cent to 44 cents per pound + 55 per cent.	20 to 40 per cent	36 cents per pound + 35 per cent to 45 cents per pound + 50 per cent.
Cotton thread, 20 per cent	15 per cent	20 to 35 per cent.
Cotton sheets, 45 per cent	25 per cent	25 per cent.
Cotton gloves, 40 to 50 per cent	35 per cent	25 to 75 per cent.
Cotton hose, 55 to 70 per cent	40 to 50 per cent	30 to 50 per cent.
Cotton cloth, 15 to 40 per cent	7½ to 30 per cent	30 to 45 per cent.
Linen cloth, 30 to 50 per cent	35 per cent	50 to 55 per cent.
Sewing silk, $1.50 per pound	15 per cent	$1.50 per pound.
Silk cloth, $1.25 to $4 per pound	45 per cent	55 per cent.
Pig iron, $2.50 per ton	Free	75 cents per ton.
Steel wire, 1 to 1¾ cents per pound.	15 per cent	¾ to 1½ cents.
Hairpins, 35 per cent	20 per cent	35 per cent.
Cash registers, 40 per cent	Free	25 per cent.
Scissors: 1½ cents each + 15 per cent to 75 cents per dozen + 25 per cent.	30 per cent	3½ cents each + 45 per cent to 20 cents each + 45 per cent.
Aluminum, 7 cents per pound	2 cents	5 cents per pound.
Ginger ale and other soft drinks, 12 cents per gallon.	8 cents	15 cents per gallon.
Castor oil, 15 cents per gallon	12 cents per gallon	6 cents per pound.
Olive oil, 50 cents per gallon	30 cents per gallon	7½ cents per pound.
Coconut oil, free	Free	2 cents per pound.
Salt, 11 cents per 100 pounds	do	11 cents per 100 pounds.
China, 55 per cent	50 per cent	60 per cent ad valorem.
Spectacles, 20 cents to 50 per cent	35 per cent	20 cents per dozen to 40 per cent.
Wooden furniture, 35 per cent	15 per cent	33⅓ per cent.
Brooms, 40 per cent	do	15 per cent.
Toothbrushes, 40 per cent	35 per cent	45 per cent.
Dolls and toys, 35 per cent	do	70 per cent.
Matches, 6 cents per gross	3 cents	8 cents per gross.
Cameras, 45 per cent	15 per cent	20 per cent.
Umbrellas, 50 per cent	35 per cent	40 per cent.
Leather gloves:		
Men's, not over 12 inches in length, $1.25 to $4.75 per dozen pairs.	$1 to $2.50 per dozen pairs.	$5 per dozen pairs.
Women's and children's, not over same length, $1.25 to $4.75 per dozen pairs.	do	$4 per dozen pairs.

In addition to this the Congress also speedily revived the War Finance Corporation and authorized $1,000,000,000 to be loaned to the American farmers in order that they might hold their crops, live stock, and products until such time as they could market them in an orderly manner and to better advantage, so that they need not throw them on the market at a ruinous price. Under this law to date there has been advanced to them for this purpose nearly $400,000,000, and the remainder is still available and the law is unrepealed. I wish also to state that this session of Congress has advanced the further sum of $25,000,000 to the farm loan banks of the country to loan on farm mortgages at a reduced rate of interest.

I wish further to say that the present Congress has passed a law permitting the farmer to cooperate in the sale and distribution of farm products and do collective marketing. I am also pleased to mention that the present Congress has passed a law beneficial to the dairy interests prohibiting transportation of filled milk in interstate commerce. I am pleased to state also that inasmuch as our Democratic friends and opponents never lose an opportunity to mention the fact that the Republican Party is controlled by Wall Street, the moneyed interest, and special legislation, let them ask themselves the question whether or not the legislation above enumerated was in the interest of or controlled by capital or Wall Street? It is an easy matter to demonstrate that no Congress in the history of the country in peace times has in the short time of 15 months' actual sessions passed as many beneficial acts as this Congress in the aid of agriculture. It is easier to tear down a structure than it is to build it.

Time or opportunity will not here permit me to enumerate at length the other important measures. Many of them would do credit to any session of Congress standing alone and by itself. Aside from the annual special bills for the carrying on of the Government, let me mention some of the other measures enacted by this Congress into law by the present Republican Congress:

The tariff bill.

The Budget system.

A new revenue bill.

Antilynching bill, passed by the House.

Bill to limit immigration.

Pension for Spanish war widows.

Pension bill granting $72 to Civil War veterans needing attendants.

A reduction of the personnel of our Army and Navy.

Bill to refund our foreign debts.

The Veterans' Bureau act.

Federal aid to highways and education.

Making pensions payable monthly to our veteran soldiers.

A coal fact finding commission bill.

A coal distributing bill to prevent profiteering.

New legislation for the benefit of disabled soldiers of the World War.

Economical legislation reducing our war debt more than $1,000,000,000.

Legislation ending the war with the Central Powers of Europe which failed of passage under Wilson's administration.

Resolution to prevent war-fraud cases.

Act granting independent citizenship to women.

Child labor law.

The packers' act.

Act to prevent trading and gambling in grain futures.

Aid to starving Russia.

Legislation to promote export trade by facilitating the organizations of corporations of foreign countries.

Mr. Speaker, since it is claimed by the unthinking that this Congress was dominated by Wall Street and in the interest of capital, let me also call attention to the measures passed and enacted into law in the interest of the working men and women. This table is found on page 76 of the report of the executive council of the American Federation of Labor to the forty-second annual convention:

1. Limiting immigration until June 30, 1922, to 3 per cent of the number of foreign born of any nationality in the United States according to the census of 1910. (Public, No. 5.)
2. Extending the expiration of the 3 per cent immigration law to June 30, 1924.
3. Increasing the number of years to five instead of one that foreigners must live in Canada, Cuba, or Mexico before entering the United States.
4. Penalizing steamship companies that bring more than the quota of any nationality provided in the immigration law.
5. Appropriating $5,000,000 for purchase of seed grain and of feed for farmers in crop-failure areas of United States. (Public, No. 177.)
6. For relief of distressed and starving people of Russia. (Public, No. 117.)
7. Authorizing associations of producers of agricultural products. (Public, No. 146.)
8. Appropriating $75,000,000 for construction of rural post roads. (Public, No. 87.)
9. Public protection of maternity and infancy. (Public, No. 97.)
10. Establishing Veterans' Bureau in Treasury Department. (Public, No. 47.)
11. Increasing force and salaries of Patent Office employees, etc. (Public, No. 147.)
12. Authorizing extension of time for payment of construction charges on reclamation projects, etc. (Public, No. 185.)
13. Amending act for retirement of employees in classified civil service. (Public, No. 142.)
14. Bringing all persons in classified civil service under retirement act. (Public, No. 182.)
15. Providing that water tenders, oilers, and firemen shall work 8 hours instead of 12 whether in port or at sea.
16. Appropriation of $225,000 for United States Employment Service of Department of Labor.
17. Appropriation for Women's Bureau of Department of Labor increased from $75,000 to $100,000.

Also referred to by Mr. Hull, of Iowa, in the Congressional Record of September 21, 1922, on page 13098, and it will do no one any harm to read his speech connected therewith.

After reading the above acts, will some gentleman please point out and refer to any Congress that ever sat in peace times and passed anything approaching the legislation enacted by this Congress? If you can, please note that beside all the foregoing legislation, complexed and important as it is, you may add to it the time spent in adjustment of hundreds of millions of dollars of war contracts inherited by this Republican administration when it came into power. Of all the entanglements and mixed-up governmental affairs confronting this administration, all have been met boldly and openly and many of them solved.

In passing I may mention that there has been 383 new public acts placed upon the statute books and 114 private acts, including claims, by the present Congress, and I appeal to the fairness of all good citizens whether or not this is not a record of which any Republican and the Republican Party may be proud. But this is not all. In one short year the Nation's debt has been reduced more than $1,000,000,000. The appropriations in expenditures of the Government have been reduced more than $1,000,000,000 below what it was for 1921 under the last Democratic fiscal year.

The actual expenditures for the fiscal year 1922 were $3,000,000,000 below the amount spent in 1920. The cut in the pay roll of the Government this year amounts to half a billion below the Democratic pay roll in 1920. Liberty bonds rose to par under the Republican administration and the rate of interest on Government loans reduced from 6 to 3½ per cent. The whole administration of President Harding and the Sixty-seventh Congress of the United States of America has been one of beneficial and constructive legislation. And his administration is crowned with the epoch-making peace conference to limit war armament, useless rivalry in naval construction, and fabulous expenditures, which will shine with the ages as one of the greatest achievements for lasting peace in the annals of the world's authentic war history.

> Ill fares the land to hastening ills a prey,
> When wealth accumulates and men decay;
> Princes and lords may flourish or may fade,
> A breath can make them as a breath hath made,
> But a bold peasantry, a country's pride,
> When once destroyed can never be supplied.

The Republican Party has much to be proud of in its record of achievements by its Congress just brought to a close. We must not overlook the fact that complaints are heard, but for constructive legislation and the adjustment of our national affairs, distorted by the great World War, great progress has been made, although the end is not yet. Let us pledge a renewal of our fidelity and patriotism to our beloved land and Republic of the United States. It is the favored nation of the world. Let us strengthen our allegiance to its perpetuity and its eternal welfare. Anyone thinking or believing there is a better country than ours ought to go to it. And anyone advocating our country's destruction by force ought to be forced to abdicate and make room for some good, loyal citizen.

Before closing I wish to incorporate the reduction of appropriations found in the World's Almanac for 1922 to show that we are making progress in the reduction of taxation and cutting down appropriations:

Grand total appropriations.

Fiscal year:	
1919	$25,598,967,518.00
1920	4,850,169,029.00
1921	4,789,300,920.00
1922	3,960,354,621.00
1923 (estimated)	3,500,035,382.64

One of the complaints most heard is concerning the guaranty of the railroad earnings under the Esch-Cummins Act. It is untruthfully reiterated time and again that the Government guarantees to the railroads a fixed return under that act. In the transition of the railroads from Government control, with its operation costing the Government a deficiency of $1,000,000 a day, this act simply extended Federal control over the railroad revenues for a period of six months only. This was made necessary in getting the roads back into the hands of their owners and to give the Interstate Commerce Commission an opportunity within that time to fix new rates of transportation, both freight and passenger; but since September 1, 1920, the United States has not paid one dollar to the railroads for maintaining earnings on their stock or for operating expenses.

Vague and misleading opinions may be expressed concerning this act, but day by day and month by month the railroads are returning to a sound basis or more prosperous condition. At the end of Government control many were threatened with bankruptcy. The transportation and commerce of our country is of vital need to our progress and national welfare. The year 1921 was a trying year the world over for transportation, and 1922 has had its industrial trials, but commerce is adjusting itself to normalcy. The interstate commerce is under the control of men of great ability versed in transportation, but it is glibly criticized by some who have never read the Esch-Cummins Act. To anyone interested and wanting the information they need only to send a postal card to the Interstate Commerce Commission and a copy of this act will be gladly sent to them.

We are all proud of our Nation, its opportunities and its beneficence. The poor boy of to-day is the rich man of to-morrow. In Congress the head of the great Banking and Currency Committee was a poor orphan boy at the age of 11. The chairman of the Budget Committee, having control of all the appropriations and the financing of our Government, began life when a small boy as a water carrier in a stone quarry; and without thinking of self-praise, I might say I have traveled the route unaided and alone from hodcarrier to a seat in Congress. The majority of the Members of Congress are poor men. They are patriotic in the extreme. They have the best interest of their country at heart. They are Members elected by their constituents from every walk of life and are not dominated by any Wall Street, or any other street, road, or alley.

> Thou, too, sail on, O ship of state;
> Sail on, O Union, strong and great;
> Humanity, with all its fears,
> With all its hopes of future years,
> Is hanging breathless on thy fate.

Mr. GOODYKOONTZ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GOODYKOONTZ. Mr. Speaker, it will be recalled that the Federal Reserve Board, consisting of members appointed by ex-President Wilson, undertook a process of deflation of the currency. This is what "broke" the American farmer. The result of curtailing farm credits brought agricultural ruin. This took place in the latter part of the year 1920. When a Republican Congress came in they found that under the Democratic system the United States was being flooded with cereals from Argentina and Canada, eggs and butter from Denmark, beef from Argentina, mutton from Australia, all imported under the Underwood Tariff Act, free of duty.

To stem the tide and protect the American farmer from bankruptcy and ruin, the Republican Congress on December 20, 1920, introduced the emergency farmers' tariff bill. This bill passed the House on December 22, 1920, the bill being opposed on the floor of the House by such Democratic leaders as Mr. Cordell Hull, then a Representative in Congress from Tennessee and now Democratic national chairman, and other Democrats of national reputation.

On March 4, 1921, the Republicans came into full power. Congress convened April 11. Immediately the farmers' tariff bill, which had previously been passed by a Republican Congress and vetoed by President Wilson, was reintroduced. It became a law May 27, 1921. This law had the effect, as shown by market reports, of keeping American farm product prices above those of all other countries of the world. The statistics show that the United States in 1920 imported four times more butter under the Underwood tariff than during any previous year in the history of the country.

This new tariff law increased the price of live stock, such as produced in the blue-grass region of my district and State. The price of hogs, sheep, and cattle went up. Under the Underwood tariff corn was sold at less than the cost of producing it. Breeding stock was sacrificed. The meat supply was destroyed. Many cases are recorded where the prices obtained by the farmer for his corn, hay, and live stock was not sufficient to pay the freight rates.

Agriculture is America's greatest industry. Most of the men who have achieved greatness in this country have come from the farm. The farm is the Nation's greatest source of wealth, and, in dollars and cents, the greatest source of wealth is the farm products.

Among the laws which the last Congress has passed in the interest of farmers I may mention the following:

1. We have already referred to the farmers' tariff bill and the beneficial effect it had.

2. The War Finance Corporation, created by special act of this Congress, was authorized to make loans direct to organizations for the purpose of financing their members. A short time after it was authorized to make loans for agricultural purposes the War Finance Corporation was making loans at the rate of over one and one-half millions of dollars a day.

3. Amended the Federal reserve act and required that agricultural interest be represented on the Federal Reserve Board.

4. Under an amendment to the Federal farm loan act loans were increased over $200,000,000.

5. The present Congress passed the packers bill, designed to regulate the flow of live stock from the ranges and farms through the great stockyards and then to the consuming cities.

6. The Sixty-seventh Congress passed the grain futures act to prevent gambling in grain at the farmers' expense.

7. In the Fordney tariff bill fertilizer, phosphate, and potash are on the free list, and there is provided a tariff on farm products to amply protect the farmer.

8. Congress enacted a law permitting cooperative marketing associations, authorizing those engaged in the production of agricultural products to form associations for collecting, preparing, and marketing their output.

9. The Republican administration has brought about a reduction in freight rates on farm products on practically every railroad of any importance in the United States. At the time the Republicans came into power producers and shippers of farm products were heavily handicapped by enormous freight rates.

10. The Republican Congress has passed liberal appropriation bills for the Department of Agriculture, one of the most important appropriations being for $3,000,000 for use in eradicating tuberculosis in cattle.

The accomplishments of the Republican administration have done more to give proper recognition to the agricultural industry than those of any other administration in a previous decade in the history of the United States.

In addition to all this, for the years 1921 and 1922 Congress appropriated $175,000,000 for public roads, which was distributed among the various States. Of the above amount $1,868,511 was allotted to West Virginia for these two years. Further than this, Congress by legislation authorized and directed the distribution of thousands of motor trucks among the States for use in the construction of roads. West Virginia has received her pro rata share of these trucks and tractors.

Mr. Speaker, I am happy to feel that our farmers have had the sympathy and support of this Congress and this administration, and that I have had an opportunity to be of assistance to the class of people from which I sprang.

Mr. KELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GARRETT of Tennessee. On what subject?

Mr. KELLER. In answer to the remarks of the gentleman from Texas before the House to-day.

The SPEAKER. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. KELLER. Mr. Speaker, some folks, in their attempts to justify the extraordinary proceedings which are now taking place before one of the Federal courts in Chicago, are taking a queer position. They assert that the injunction which is being sought is for the protection of the American people and that it will move the crops and carry the coal which the people of the Northern States must have during the coming winter. Some have gone so far as to declare that an injunction of this character would forever make strikes in the United States impossible.

My friends, you who have had legislative experience know how ridiculous this view of the situation is. You know also that this injunction will not prevent future strikes.

Every well-informed man in the United States knows that at the time when the Attorney General secretly went to Chicago to ask for this injunction the coal strike had already been settled by negotiation, and that the leaders of the shopmen and a number of the executives representing a very large group of roads were meeting together to work out an agreement which would have brought peace on all the roads in the United States except a small group of railroads dominated by the "die hards" among the railroad executives, who have sworn that they will never consent to any settlement which does not involve complete surrender by the shopmen and the abandonment of collective bargaining on their roads. This small minority of "bitter enders" are the same ones who contemptuously rejected the proposed settlement officially offered by the President of the United States. If this amicable settlement between the shopmen and the railroads had been completed, it would have left this small minority of antiunion executives isolated and would have meant their ultimate defeat.

In order to save themselves they had to call on the Attorney General, who went to Chicago and asked for an injunction which has no parallel in the history of the United States. It is obvious that the purpose of this injunction was not to protect the lives and property of the American people nor to restore uninterrupted transportation. If this had been its object, it would have been applied for in the early stages of the strike before the alleged acts of violence were committed and when what is now charged to be a great nation-wide conspiracy was being formed. You must remember that when Attorney General Daugherty went to Chicago the railroad strike had already been under way for more than two months; that during these two months the President of the United States had been in communication with both the railroad executives and the strikers and had repeatedly had conferences with the strike leaders in the White House. The President had himself directly intervened and on two occasions had sought to bring about an agreement for the settlement of the strike. You will also remember that his first proposal, which we must assume represented his deliberate judgment as to what was just and fair to both parties and in the best interests of the entire American people, was accepted as a whole by the railroad employees, but was rejected by a majority of the railroad executives. The proposals made by the President in this first plan of settlement were substantially the basis upon which the separate roads were about to make settlements with their employees when the Attorney General interfered by asking the Federal court at Chicago to give him extraordinary powers which are prohibited by the Constitution, and which Congress has repeatedly refused to grant to any man.

The Attorney General, in asking for this injunction, has submitted as evidence some hundreds of documents, outlining alleged crimes by strikers, including such grave acts as the burning of bridges, the wrecking of trains, assaults with intent to kill, and even murders. It does not take a profound knowledge of the law to know that the Attorney General has ample power under existing law to punish the perpetrators of such outrages, and that if he were doing his duty he would to-day be prosecuting these alleged criminals instead of asking for an injunction which will not in any respect increase his powers to punish actual criminals, but will give him greater powers of suppressing free speech and other lawful activities of citizens than were ever possessed by any czar.

I refuse to remain silent while this attempt to destroy the Government created by the Constitution is under way and to substitute for it a government by the edicts of judges who are appointed for life and are in no way directly responsible to the people. I stand for the preservation of the fundamental American principle of equal enforcement of the laws. I demand that the Attorney General, if he has evidence of the commission of crimes by the striking railroad employees or by any other individual, proceed immediately to prosecute them in the courts of the Nation; but I also demand that he enforce the laws which have been enacted to prohibit the railroads from using defective and unsafe equipment which endangers the lives of passengers and employees. I also demand, and this is the fundamental basis of my impeachment, that he enforce the laws which are now on the statute books to protect the American people from being plundered by criminal combinations and monopolies, and also the corporations and individual Americans who during the war deliberately and willfully defrauded their Government in the sum of more than a billion dollars in order to enrich themselves at the expense of the American taxpayer and soldier. These grafters and profiteers were the real traitors during the war. They stabbed our Government in the back while the battle was raging and endangered the lives of every American soldier at the front.

Mr. Speaker, when I saw that these war profiteers and grafters were about to escape punishment completely because, while the Attorney General was refusing to prosecute, the statute of limitations was running day by day to outlaw the charges against them, and when I further saw that this Nation was passing into the grip of a combination of monopolists such as has never before been seen in the history of the world, and when it further became apparent that the Attorney General was being used simply as the tool of powerful interests to prevent a just and equitable settlement of the railroad tie-up, I felt it a duty, as a Representative of the American people, to seek to remove this man from office by the only method prescribed in the Constitution. No man can study the record of the present Attorney General, either as a private citizen, when he used his political connections to secure the pardon of a wealthy criminal on fraudulent grounds, or during the 18 months in which he has been in office charged with the administration of justice in the United States, without being convinced that it is a menace to our fundamental principles of liberty and to the very peace and welfare of our Nation for him to continue in office a single day beyond the time necessary for his removal by the orderly procedure of impeachment prescribed in the Constitution.

Even if the Attorney General had not gone to Chicago to seek the extraordinary and unconstitutional injunction, I should, nevertheless, have moved for his impeachment at the present session of Congress. I had planned to bring this entire question before this House even before Representatives Woodruff and Johnson made their demand as ex-soldiers for the investigation of the Attorney General's failure and refusal to prosecute the war frauds. Believing in their sincerity and thoroughly realizing the gravity of their charges, I gave them my earnest support and withheld my action until their demand for an investigation was disposed of. When this war-fraud investigation was blocked by the Committee on Rules I determined to bring the whole subject of the Attorney General's activities before Congress at the earliest possible moment. Immediate action was prevented by the adjournment of the House. As soon as it was possible for me to return to Washington after the House reconvened I laid my charges before this body, and have since that time diligently sought to present in an orderly manner and with the advice of counsel the evidence upon which I rest my case.

There is a very grave and important reason why it is necessary at this time to have an Attorney General who will enforce the laws which are now on the statute books of the United States without fear and without favor. This Congress has just passed a new tariff act, which establishes high duties on foreign goods for the protection of our industries. This means that foreign competition has for the present been practically eliminated. Such high tariffs tend inevitably to create greedy monopolies. The only way in which American consumers can be protected from paying the excessive prices demanded by monopolists is by the preservation of domestic competition. Years ago when Congress first saw the effect of a protective tariff in creating domestic monopolies it enacted the Sherman antitrust law to prevent further growth of such monopolies and to suppress as far as possible those which had already been created. They realized fully that when they removed foreign competition, and thus created a condition in which monopolies could easily grow, they must strengthen the law in order to prevent such monopolies. This law is still on the statute books, and has been further strengthened by the enactment of the Federal Trade Commission act and the Clayton antitrust law. The Department of Justice, therefore, has in its hands effective legal weapons with which, if it chooses, it can protect fair and independent manufacturers and preserve domestic competition for the benefit of the American consumer.

When we the other day passed this new tariff act for the protection of American industries it became our solemn duty to see to it that the antitrust laws were enforced and that the monopolies which are now rapidly growing, and will continue to grow in every line of industry, are suppressed. There is not a Member of this House who does not know in his heart that the antitrust laws will never be enforced as long as the present Attorney General remains in office. As a matter of fact, the persistent inactivity of the present Attorney General has already served notice on these monopolists and profiteers that they can go as far as they like.

It is for these grave reasons, and without any personal feeling whatever, that I have instituted proceedings for the removal of the Attorney General from office, and shall continue to press them with all my vigor and all my strength as long as he remains in office.

Mr. LITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the temperance question.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the Record on the temperance question. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. LITTLE. Mr. Speaker, one of the most judicious citizens in our district wrote me September 21: "I do not know at this time whether, if the matter were put to a vote in the second district, you could get an indorsement of the Volstead Act." Much sentiment of that kind is a natural temptation to a candidate to put on the soft pedal and avoid taking a stand, in the hope that by keeping quiet he may get those opposed to the Volstead Act. However, I answered that personally I was in favor of prohibition and its enforcement, and would stand or fall on that principle.

A little later, in talking with the county attorney of one of our counties, he told me that there was a considerable support for light wines and beer in his county. From many other sources I found that there were those in our district that were not advocating prohibition and who were very much opposed to the Volstead law, and it appears that there are those that think that that proposition is not a real issue in our district. The Congressman from one district has just as much of a vote upon those laws when they come up here as the Congressmen from any other. The election of a temperance Congress is an issue in every district in the Union.

Those who voted for the prohibition amendment, for the Volstead law, and for other temperance acts know perfectly well that the liquor interests are always against them and would be glad to defeat them, no matter who is elected, as an example to others. The same is true of those who voted for a 50 per cent surtax and for a 65 per cent surtax last fall, as I did. They know that the men with the big millions who do not want to pay big income taxes would like to beat them, and they know, too, that there never is a night too dark nor a day too long that there are not at the command of our enemies immense campaign funds from the liquor interests and the big money that can be placed in any district. One of the most common uses made of such funds is the employment of vigorous and skillful liars, who continually spread fakes and falsehoods about decent and honest men who do their duty in this House. The question of whether temperance is a real issue is constantly agitated by the Literary Digest and is a subject well worthy of our consideration.

As the November election approaches the opponents of the eighteenth amendment are disclosing their indefensible program of opposition to and nullification of this part of the Constitution. The leading organization in this fight is entitled the Association Against the Prohibition Amendment. The eighteenth amendment is a part of the Constitution. It is binding upon every State and upon every officer and every individual in every State of the Union.

It is difficult to understand the reasoning powers of some of these people who claim to be loyal citizens and who are fighting the Constitution, which as citizens and as public officials it is their duty to obey. No one will deny the right of good citizens who are opposed to national prohibition to repeal it or to change it in a legal and orderly manner. This amendment was put into the Constitution after more preparation on the part of the people and by a larger majority of the States ratifying it than any other part of the Constitution. If its opponents can elect two-thirds of each branch of Congress and secure the majority of the legislatures in three-fourths of the States to repeal this amendment, that is their undoubted right, but to defy it or to call upon Congress to change the national prohibition act so as to permit the sale of 2.75 per cent beer or other liquors is not, in my judgment, consistent with civic duty or patriotism.

As long as the eighteenth amendment remains in the Constitution the issue concerning its enforcement is essentially one of law and order. This amendment prohibits the manufacture, sale, transportation, importation, and exportation of intoxicating liquor for beverage purposes. It lays an obligation upon Congress and the several States to adopt appropriate legislation to enforce it. This Congress faced its duty under the Constitution and adopted what is known as the national prohibition act or enforcement code. The chief attack upon this enforcement code is that it defines intoxicating liquor to include those alcoholic liquors containing one-half of 1 per cent of alcohol or more. The opponents of prohibition are carrying on a propaganda against it on the ground that this definition is unfair and unreasonable. It is even suggested that this definition is a lie and can not hold the respect of the American people.

Why did Congress adopt this definition? It probably would not have done so had it not been for the fact that over 30 States had experimented with this question, some of them for half a century, to find out what was the reasonable standard for law enforcement and how this term should be defined so as to bring about an honest enforcement of the law. Thirty-two States had defined the term "intoxicating liquor" before the national prohibition act went into operation. In all but three of them the standard was one-half of 1 per cent or less. In these three States it was 1 per cent. Every Congressman who knows the first elements of law is fully aware of the fact that even if Congress had set the standard at 2.75 per cent such beer could not be sold in these States where it was prohibited under the State law. Congress did the reasonable and sensible thing; it took the average standard in two-thirds of the States which had acted on this question and wrote it into the Federal law as the standard for the Nation.

This definition is based upon experience and reason. In order to enforce the law against intoxicating liquor it is necessary to prohibit all alcoholic liquors with enough alcohol in them to produce intoxication when the largest amount of the liquid is consumed within the time when the alcohol could accumulate in the human system. If the opponents of this standard could point out some State of the Union where they have enforced prohibition honestly and effectively with a 2 or 3 per cent beer exemption, there would be some basis for their appeal. Fortunately we have at least two instances where a beer exemption was tried out and where it proved a failure.

Massachusetts was one of the States which adopted prohibition in the early days. In 1870 the legislature enacted a law exempting cider and malt liquors from the prohibitory law, but giving municipalities the right to vote license for the sale of these liquors or to prohibit their sale. In 1873 the legislature repealed the act and restored prohibition, so far as malt liquors were concerned. The following testimony concerning the failure of prohibition where this kind of exemption obtained is found in the report filed by the Canadian commissioners who were appointed by the Governor General of Canada to visit the prohibition States of the United States and to make inquiry into the success which had attended the working of such laws and to report the facts as they found them. This testimony shows the result of this partial liberation of certain liquors from the grasp of prohibition, It says:

In 1870 and 1871 the people of New Bedford voted "no license," but in May, 1872, they carried a license vote by a small majority. Of the results the commission reports Judge Borden, of this city, as saying:

"The beer law appears to make considerable difference to the police court. The number of criminal prosecutions in the court from May 7 to October 1, 1870, under the prohibitory law was 200; same time in 1871, under the same law, was 219; same time in 1872, under the beer law, 454. The cases named in 1871 include 83 for drunkenness and 46 assaults; in 1872, 274 cases of drunkenness and 67 for assaults. Besides the total of 454 this year, 41 persons arrested were allowed to go without prosecution, which is about three times the number dismissed in that way during the same months of 1871."

The commission found in the reports of the New Bedford mayor and city marshal the following significant figures:

Whole number of arrests, 1871 (prohibition)	462
Drunkenness	188
Whole number of arrests, 1872 (beer sold)	779
Drunkenness	415
Lodgers in stations, 1871 (prohibition)	348
Lodgers in stations, 1872 (beer sold)	434

"Thus exhibiting," says the commission, "an increase of over 68 per cent in the aggregate number of crimes, over 120 per cent in cases of drunkenness."

HOUSE OF CORRECTION.

Number of commitments from New Bedford in 1871 was 93.
Number of commitments from New Bedford in 1872 was 180.
Or an increase of about 97 per cent.

WORKHOUSE.

Number of commitments from New Bedford in 1871 was 37.
Number of commitments from New Bedford in 1872 was 69.
Or an increase of about 95 per cent.

Trial Justice E. Southworth said: "So far as I am able to give an opinion of the working of the beer law, it would be that we may as well have a law licensing the sale of all other intoxicating liquors; for everything, almost, that will intoxicate is sold, or has been, by the name of beer. I have no belief in any beer law. I know, or I think I do, that drunkenness has largely increased under its operations."

The commission quotes Trial Justice Newton Morse, of Natick (Middlesex County; population 6,404), as saying, "Whole number of prosecutions for all offenses from July 20, 1870, to date, 655; liquor prosecution for same time, 614; prosecutions for drunkenness, 162. Of the remaining 279 cases, 178 are the direct results of liquor selling and drinking. I voted in the legislature of 1869–70 for the beer law, as I believed in the interests of temperance and the Republican Party. With the experience of the last two years, I shall this year vote against the beer law, in the same interest. The prosecutions for drunkenness for the last year, and especially the last part, have increased one-third."

Justice Hamlett Bates of the Chelsea Police Court said (January 3, 1873): "The records of the court here exhibited the number of cases for drunkenness for the three years past as follows:

In 1869 (prohibition up to September)	141
In 1871 (beer law in operation)	188
In 1872 (beer law in operation)	260

"The sale of beer should not be legalized; almost every beer saloon is a rum shop. For violation of the law, imprisonment instead of fines should be imposed, not for a few days, but for months."

From the justice of the first district court:

"My district includes six towns, to wit: Sturbridge, Southbridge, Charlton, Dudley, Webster, and Oxford.

"The sale of beer is prohibited in all of them. There is not an open bar in the district, but liquor is sold to a limited extent in dwelling houses and by persons who carry it in their pockets.

"Should the sale of beer in the above-named towns be permitted by vote, crime would increase there 50 per cent within a month. To permit the sale of beer by law is only a deceptive method whereby the sale of all kinds and quantities of intoxicating liquors is legalized and clothed with a kind of respectability which does not belong to that nefarious business. Report of Clarke Jellson, justice of the first district court, County of Worcester, and mayor of Worcester.

VITIATED PROHIBITORY LAW.

"One of the effects of the free sale of malt liquors is to increase the crime of drunkenness and multiply by other forms the violation of the criminal law. The sale of these liquors is made a cover for the sale of spirituous liquors generally. Under the laws of 1870 the sale of malt liquor was authorized for several months in the town by vote of the inhabitants. Efforts to enforce the prohibitory law, or what there was left of it, during that period were almost nugatory. In no way, as it seems to me, can a greater blow be given to the prohibitory law, or its purpose be more surely defeated, than by legalizing the sale of malt liquors." J. Rockwell, trial justice and judge of district court, Berkshire.

RESULTS SHOWN BY JAIL AND PRISON REPORTS.

By a reference to a former part of this report it will be seen that in 1867 the prohibitory law was quite well enforced in Boston, so much so as to reduce the revenue receipts in one district from $22,000 to $6,000 per month. From the statistics of Boston we gather the following figures:

October 1, 1867, confined in Suffolk jail	173
October 1, 1870	222
Difference in favor of prohibition	49
Committed to Suffolk jail in 1867	3, 736
Committed to Suffolk jail in 1870	5, 262
Difference in favor of prohibition	1, 526
Committed to all the jails in the State in 1867	5, 770
Committed to all the jails in the State in 1870	7, 850
Difference in favor of prohibition	2, 080
Committed to city prison, Boston, in 1867	10, 429
Committed to city prison, Boston, in 1870	12, 862
Difference in favor of prohibition	2, 433
Committed to all the houses of correction in the State in 1867	3, 829
Committed to all the houses of correction in the State in 1870	5, 477
Difference in favor of prohibition	1, 648

STATE PRISON.

Committed in 1867	128
Committed in 1870	177
Difference in favor of prohibition	49
Average number of convicts in 1867	537
Average number of convicts in 1870	594
Difference in favor of prohibition	57
Total number of persons in State prison in 1867	646
Total number of persons in State prison in 1870	774
Difference in favor of prohibition	128

Such is the official report of the Canadian Commission on Massachusetts's experience with exempting beer from her prohibitory law. It showed that drunkenness, crime, violation of the liquor law distinctly increased and that under the cover of malt liquors, the sale of the stronger beverages not only increased but was far more difficult to control than when malt liquors were included in prohibition. The exemption of malt liquors practically vitiated the prohibition law.

The evidence submitted by Judge Pitman was of the same general tenor. Following are some selections which he made "from a mass of testimony from the most reliable sources."

"THE BEER SHOP IS THE RUM SHOP IN DISGUISE.

"The Boston chief of police, in December, 1870, reported that out of 2,584 places in Boston where liquor is sold, only 17 sell lager beer alone.

"The chief constable of the Commonwealth, under date October 3, writes: 'That not exceeding 5 per cent of the retail dealers who pretend to sell ale, porter, strong beer, and lager beer, confine or limit their trade to malt liquors only. The service of the search warrants almost invariably discloses the fact that lager beer saloons, so called, keep and sell more or less distilled liquors.'

"In reply to letters of inquiry addressed to district attorneys generally uniform answers on this point were received.

"The district attorney of Essex writes: 'According to the evidence which I have, beer shops where nothing stronger is kept or sold are as scarce as men entirely without sin.'

"The district attorney of the western district: 'I believe wherever beer is sold strong liquors are also sold.'

"The district attorney of the northwestern district: 'The difficulty is that the beer traffic should be used as a cover for rum selling. That it is so used can not be denied.'

"The attorney of Worcester County: 'The exemption of beer affords a cover under which to sell spirituous liquors.'

"A like testimony is borne by the justices of police and similar courts. We select a few: Chelsea—'About every beer saloon is a rum shop.' Worcester—'In saloons where the sale of beer is permitted by law, there spirituous liquors can usually be obtained.' Springfield—'All sorts of spirituous and intoxicating liquors are sold under cover of such license.'

"To multiply evidence on this point is needless. It is clear that the governor was amply justified in declaring in his message that 'a beer shop, so called, has come to mean generally a place where all kinds of intoxicating liquors are furnished.'"

BEER A NULLIFIER.

"This is a corollary," said Judge Pitman, "from the last proposition; but it is capable of being made more impressive from independent proof. The police commissioners of the State, in the first annual report, say: 'The ale and beer law is a veil that covers much that is vile, and it is one that is difficult for the officers to lift or see through; and under its protection every vile compound that ever poisoned the human system may be sold almost with impunity.'

"In his last report the present chief constable said: 'While it is the sole duty of the force to execute the laws, I may be permitted to say that the authority now given for the sale of ale embarrasses and hinders the force in their attempts to prosecute for the sale of liquors forbidden by law.'

"One of the most intelligent and active of the deputy State constables writes: 'I believe it is almost useless to attempt to enforce the law against spirituous liquors while all persons are allowed to sell malt liquors.'

"The district attorney of Worcester County says: 'I have no doubt that the beer traffic is adverse to the enforcement of the liquor law. I do not well understand how the friends of that law can hope to enforce it when the exemption of beer affords a cover.'

"The justice of the police court of Springfield says: 'I think licensing the sale of ale and beer much increases the difficulty of enforcing the prohibitory law'; while the mayor of the city of Worcester declares that 'to permit the sale of beer by law is only a deceptive method whereby the sale of all kinds and qualities of intoxicating liquors is legalized and clothed with a kind of respectability which does not belong to that nefarious business.'

"Mayor Richmond, who earned a reputation for the vigorous and thorough enforcement of the prohibitory law in New Bedford, said in his valedictory in 1872: 'It will be remembered that on the first Tuesday of May last our city voted to allow the sale of ale and beer. The result has proved that the legalizing the ale and beer shop has been a curse to our city and carried misery to hundreds of homes in our midst. They are nothing but shields to cover the stealthy sales of all intoxicating drinks, and are almost a thorough protection of the rum seller against the enforcement of the prohibitory law.'

"The causes which render the detection and conviction of sellers of distilled liquors difficult where the sale of fermented liquor is lawful lie upon the surface and are not difficult to see. * * *

BEER A STIMULANT OF CRIME.

"Among many persons of some general intelligence a notion prevails that fermented liquors rarely excite to crime. Such is not the judgment of those practically conversant with our criminal courts; such is far from the testimony of criminals themselves."

BEER AND CRIME.

In the nature of the case it was impossible for officials to determine exactly what proportion of the increased drunkenness crime was due to beer and what to spirits. Many of the persons brought to court evidently themselves believed that beer was intoxicating and capable of putting them into a condition for committing offenses as they repeatedly claimed beer "as their usual tipple." Judge Pitman quotes an interesting expression of opinion from the Essex County district attorney to the effect that the "immediate influence and effect (of beer) upon crime is more dangerous to the community than the stronger liquors, in this way: The excessive use of the stronger drinks is liable to make men drunk and helpless, unable to do much harm, while beer excites men to acts of violence, desperation, and crime."

BEER TEMPTATIONS TO YOUTH.

Further difficulties experienced during the beer period in Massachusetts lay in the object lesson and incentive to drink which the sale of beer presented to youth and to addicts trying to free themselves from the drink habit.

To exempt beer from the provisions of the prohibition laws claiming that it is nonintoxicating is a direct invitation to youth to frequent the beer saloon as they would a soda-water fountain or dry goods store. While the beer law was in operation in Massachusetts Judge Pitman related that the Rev. Mr. Coombs, one of the agents for the State Temperance Alliance for visiting the public schools, reported that "in one town 75 pupils told me that they had been more or less intoxicated. In 12 cases where boys came into school drunk, or were found to be so in the schoolroom I was told that 6 of them drank cider (which was also exempt from prohibition). Careful examination will show that 19 out of 20 of the pupils who have been intoxicated were under the influence of cider or beer."

LED TO ALCOHOLIC HABITS.

Two superintendents of the Boston Washingtonian Home, which at that time had had one of the widest experiences with inebriates, were emphatic in their testimony that beer and other so-called light beverages initiated the drink habit in the majority of cases.

INCREASED DIFFICULTIES OF REFORM.

Beer was also an "unqualifiedly hindering" cause in the thorough reform of inebriates. "A large proportion of backsliders stumble over these light drinks who would hesitate long before they would dare meddle with the stronger liquors." This is a matter of no small importance in a would-be prohibition State.

The friends of light wines and beer have seen the Frenchmen swilling down their "red ink," sitting at a table for an hour to drink a little glass, and they can not see the difference between them and men of the American temperament who have never learned to sit patiently at a table and drink light wines, but whose eager, lively temperament when they have begun drinking sets them to looking for a glass of whisky, with the inclination and disposition and intention of starting something exciting. When the American people get to drinking they are not going to stop at any light wines and beer.

Forty years ago, when the students at Kansas University and Baker University were jollying each other from year to year, there appeared in the university paper at Lawrence an alleged verse said to have been written by a now prominent Kansas statesman, which said:

I drink no beer nor wine nor ale,
  Said the good boy from Baker.
Give me a bowl of whisky punch,
  As hot as you can make 'er.

This little joke on their Methodist brothers at Baker is very expressive of the difference between the French temperament and the American temperament. When an American begins to drink all bridles soon come off. The application of European theories to Americans is not practical. The experience as just above set out demonstrates that fact. Nobody has ever endeavored even to point to any really beneficial results or elevating tendencies in France because of their drinking of "red ink." If you start light wines and beer, you have allowed the wooden horse to enter Troy. Fellow citizens, his belly will be as full of armed men as Vallambrosa of autumnal leaves.

We have established this great principle in the Constitution for the benefit of this great Republic and the young men now growing up. We have won this place by long years of hard labor. Let us keep the flag where it is instead of hauling it down to please the liquor interests. When the Good Book said that "He that putteth liquor in his mouth stealeth away his brains," it did not make any qualification in favor of any one kind of liquor. Liquor is liquor, and the money spent for it had much better be invested in some useful way for his family.

Prior to the recent primary campaign, Mr. Wayne B. Wheeler, of the Anti-Saloon League, asked me whether I desired a recommendation from the league, which, by the way, they had frequently given before and which they had already given to many other temperance Congressmen, including some from Kansas. I told him I would let him know. After some time at home I wired him that I should be glad if he would wire the recommendation to some of the temperance unions in the district. The situation was such that I thought it best to have it done, which he did. Some exception has been taken to that by the gentleman who ran against me, on the theory that temperance was a fictitious issue in our district, and the charge was even made that Mr. Wheeler never sent the telegram; that it came from my headquarters. That statement, of course, was false, for I did not even mention my opponent's name to Mr. Wheeler or to any other of the temperance leaders. It was suggested by a newspaper out there that the telegrams were such that I ought to make an explanation. They were Mr. Wheeler's telegrams, and I left the explanation to him; and in justice to him and myself, I present herewith his correction of that false statement, which was made by a party who said that I had attacked the other gentleman. I did not even mention him and had made no remarks about the matter in any way when his attack upon me was made, and Mr. Wheeler's statements follow in a moment.

Herewith I present some of the indorsements the Anti-Saloon League had given Mr. Little long before this campaign, and which he could just as well have used:

The Anti-Saloon League of America,
Legal Department,
Wayne B. Wheeler,
General Counsel and Legislative Superintendent,
30 Bliss Bldg., Washington, D. C.

December 30, 1921.

As we come to the close of another year and think of its progress and problems, let me express to you the appreciation of our constituency throughout the country for your valuable assistance on behalf of national prohibition.

As you count up some of the things worth while you have accomplished this year, do not forget that hundreds of thousands of homes are happier at this holiday season because you have helped to abolish the beverage liquor traffic in the Nation.

Yours, very cordially,

W. B. Wheeler.

—

August 15, 1921.

We appreciate the splendid support you have given the national prohibition act and the measures to make it enforceable.

Yours, very sincerely,

W. B. Wheeler.

In response to his inquiry as to my opponent and whether I desired indorsement, I told him I had no criticisms to offer of my opponent and if I should desire another indorsement after I got home I would let him know. After examining the situation, I felt that the indorsement he had offered me would be helpful, and as he had already given a similar indorsement to other Kansas Congressmen, it became necessary that I should have the same, at least, and I wired Wheeler on July 26 from Kansas City, Kans., as follows:

Kansas City, Kans., *July 26, 1922.*

Wayne B. Wheeler,
Bliss Bldg., Washington, D. C.

Hadn't you better wire W. C. T. U., Kansas City, Kans., Lawrence, Fort Scott, Paola, and Ottawa indorsing my record? Light wine and beer fight apparently being strongly urged by opposition and seemingly that money being spent.

E. C. Little.

The telegram in no way referred to my opponent, and he was quite free to make a public written statement any time he wanted to that he was in favor of prohibition and the Volstead law. On July 29, three days later, Mrs. Yost, Legislative Representative in Washington of the W. C. T. U., and Mr. Wheeler, joined in the telegram to the temperance unions in Kansas City, Lawrence, and several other towns. It did not occur to anybody in any of the other towns on the day after the primary or since to suggest that the Yost-Wheeler telegram was not genuine. Mr. Little asked for no more than the Anti-Saloon League had already offered him for this campaign and had already given others and had before given him.

When an opposition occurs so vicious that it charges with forgery a decent man because the temperance people indorsed his record here, I think it best that the people of the District should know what the facts are as Mr. Wheeler presents them. With regret I notice that the papers at home have not as yet given any real publicity to Mr. Wheeler's statement, though they did to the other statement. If that had been properly attended to it would be unnecessary to present the facts this way. Mr. Wheeler is the national attorney for the National Anti-Saloon League. He says he sent the telegram of July 29 to the W. C. T. U. himself, jointly with Mrs. Yost, of the national W. C. T. U.

WHEELER'S REVIEW OF AUTHENTICITY AND FICTITIOUSNESS SUGGESTIONS.

On July 29, two days before the primary, Mr. Wheeler sent this dispatch to the president of the W. C. T. U. of Lawrence, Kans., and four other cities:

[Telegram—Night letter.]

WASHINGTON, D. C., *July 29, 1922.*

PRESIDENT W. C. T. U.,
Lawrence, Kans.:

Informed that opponents of prohibition oppose Congressman LITTLE because of splendid record in Congress for prohibition and its enforcement. They believe that every dry Congressman defeated furnishes warning to his successor not to follow his example. Hope you will not allow LITTLE to suffer because of splendid record.

LENNA LOWE YOST.
WAYNE B. WHEELER.

Same telegram sent to:
President W. C. T. U., Kansas City, Kans.
President W. C. T. U., Fort Scott, Kans.
President W. C. T. U., Ottawa, Kans.
President W. C. T. U., Paola, Kans.

On August 1 EDWARD C. LITTLE was nominated for Congress by the Republicans by a vote of more than 15,000 to 7,000. On August 2, the day following the primary, his opponent wrote W. B. Wheeler, of Washington, attorney for the Anti-Saloon League, saying, "Some of my friends, I having been Mr. LITTLE's opponent, are questioning whether this telegram emanated from your office or not." On the same day a Lawrence paper, evidently at the suggestion of "some of his friends" (and in the absence of the proprietor and editor), said that "Fictitious Dry Issue Was Raised in Congressional Campaign Yesterday," so that on the very first day after the primary the defeated candidate was raising the issue of whether temperance was a fictitious issue and whether Mr. Wheeler's telegram indorsing Mr. LITTLE was authentic.

Why ask such a question while the Literary Digest poll of Kansas had just announced a vote of 6,595 for enforcement of the prohibition amendment and the Volstead Act and of 4,635 for modification or repeal thereof, a hint to prudent and "conservative" politicians to avoid, if possible, any positive public statement, especially if running against a positive prohibitionist?

As will be seen, that letter was answered August 12 by one of Mr. Wheeler's secretaries while he was out of town, and he did not know it had gone, but answered the gentleman August 22, apologizing for not answering sooner. Meanwhile the gentleman raised the question of the authenticity of the telegram of July 29, it finally being charged that Mr. Wheeler had not sent the telegram of July 29 but that it had emanated from Congressman LITTLE's headquarters, and a question of veracity arose, accompanied by a bitter attack upon the Republican nominee for Congress by his opponent, concerning whom the congressional nominee had not said a word. Is prohibition a fictitious issue? was Wheeler's telegram of July 29 to the W. C. T. U. authentic? are the issues projected into the campaign. The charges being made and the Lawrence paper suggesting that the question of authenticity should be settled, Mr. W. B. Wheeler, of the Anti-Saloon League, sent the following wire to the paper and other papers which had discussed it:

—

CONFIRMS JULY 29 WIRE.

WASHINGTON, D. C., *September 22, 1922.*

JOURNAL-WORLD,
Lawrence, Kans.:

On July 29, Mrs. Yost and I signed and sent from our offices in Washington to president Women's Christian Temperance Union, Lawrence, Kans., telegram as follows:

"Informed that opponents of prohibition oppose Congressman LITTLE because of splendid record in Congress for prohibition and its enforcement. They believe that every dry Congressman defeated furnishes warning to his successor not to follow his example. Hope you will not allow LITTLE to suffer because of splendid record."

LENNA LOWE YOST.
WAYNE B. WHEELER.

Neither Colonel LITTLE nor anyone in his headquarters sent it nor signed it nor saw it. I am very sorry a misundertanding has arisen. Please print this correction. It is the settled policy of the league to give all dry Congressmen the benefit of their records. Colonel LITTLE has at no time made any criticism to this office of his opponent in the Republican primary.

WAYNE B. WHEELER.

The editor who had raised the question as to whether the dry issue was fictitious wrote asking for a confirmation of the telegram of September 22 and inclosed a photostat copy of the letter of August 12. On September 25 Mr. Wheeler wired as follows:

[Telegram.]

WASHINGTON, D. C., *September 25, 1922.*

J. W. MURRAY,
Care Lawrence Journal-World, Lawrence, Kans.:

Night letter 23d authentic. Communication you inclose to Harley referred to source of information. It was sent while I was absent from office. Letter sent Harley August 22 made this clear.

WAYNE B. WHEELER.

He then followed that by the following letter of September 26:

SEPTEMBER 26, 1922.

Mr. J. W. MURRAY,
Managing editor Journal-World, Lawrence, Kans.

DEAR SIR: Permit me to submit to you some further information concerning the communication to Mr. Harley. I am grateful for the photostat copy of the letter of August 12, which Mr. Harley advances as the reason for believing I did not send the telegram of July 29 to the temperance ladies, which I did send. I was unable to remember sending such a letter. The photostat cleared it up and showed it was signed by some one else. My answer to Mr. Harley's letter, which I will include herein, was sent August 22, and in it I apologized for not writing him sooner. Examining the photostat, I see that the letter of August 12 was not signed by W. B. Wheeler, as you can see by looking at it, but was signed "W. B. Wheeler, L. L." As a matter of fact, it was sent when I was out of the city by one of my secretaries, Miss L. Lindley, who attached her initials to it and sent it, as she supposed, properly.

Furthermore, supposing that Mr. Harley's letter had not been answered, I wrote him August 22 apologizing for not having answered up to that time, and my letter is as follows:

AUGUST 22, 1922.

Mr. TOM HARLEY,
Lawrence, Kans.

DEAR MR. HARLEY: Pardon my delay in answering your letter. I have been out of the office a good deal of the time.

We got the information from Mr. LITTLE's headquarters. Were we misinformed?

Yours cordially,

W. B. WHEELER.

Please send me a photostat of this letter of August 22. It should have made clear to Mr. Harley that I had not signed the other; so there was no reason why he should be misled. When Mr. Harley wrote his letter of September 4 attacking Mr. LITTLE, who had not even said a word to me about him, he claimed to publish the letter of August 12 in full. He published it as signed by W. B. Wheeler, but failed to add the initials "L. L." which were under my name in the original.

You suggest that in view of the photostat copy you would like to have a confirmation of my telegram to you of September 22, which cleared up the whole matter, and that I will probably see the justice of your suggestion. I do not see any reason in your photostat why it should be necessary to send you a confirmation of my telegram to your paper, though I do now confirm the authenticity of that telegram. On a letter of a line and a half, to which somebody else had attached my signature, and without the slighest effort to secure confirmation of such a letter, Mr. Harley attacked the reputation of a man of unquestioned integrity, and you gave expression to it without ever suggesting that you would like to have it confirmed. If you would take such an attitude on such a slender foundation, I do not see any reason why you should ask confirmation of my telegram or why you should have delayed publishing it as I requested. You made no such delay in advancing the charge that the first telegram was not genuine. Why should the correction have been delayed?

The only desire I have is that justice may be done to Colonel LITTLE, whose attitude in the matter has been without fault and whose splendid record here as a temperance man is entitled to the highest consideration from all good citizens. I hope that the telegram which I sent you and the letter I wrote Mr. Harley, copy of which I sent you, and this letter may be published in full so that the people may have all the facts.

Let me add that the same telegram which I sent July 29 to the temperance ladies at Lawrence was sent to the temperance unions in the large towns of the district, and I have never heard any criticism except from Mr. Harley. Our purpose is to give all Congressmen who made good temperance records the benefit of those records when they come before the people for renomination and reelection.

Yours cordially,

W. B. WHEELER.

In the meantime he had written the following letter to the defeated candidate who had made the attack on LITTLE, answering the gentleman's public attack:

SEPTEMBER 23, 1922.

MR. TOM HARLEY, *Lawrence, Kans.*

MY DEAR MR. HARLEY: I have just read your signed statement in the Kansas City Kansan of September 5, concerning a telegram which was sent to the president of the W. C. T. U. of Lawrence and four other places, signed by Mrs. Lenna Lowe Yost, legislative representative at Washington of the W. C. T. U., and myself, which reads as follows:

"Informed that opponents of prohibition oppose Congressman LITTLE because of splendid record in Congress for prohibition and its enforcement. They believe that every dry Congressman defeated furnishes warning to his successor not to follow his example. Hope you will not allow LITTLE to suffer because of splendid record."

I regret that there has been any misunderstanding concerning the authenticity of this telegram. It was sent in harmony with the settled policy of our organization to protect Congressmen who have made good records for prohibition and its enforcement against the attacks of the liquor interests. My former communication to you related simply to the source of information and not to the authenticity of the telegram.

I have been greatly surprised at the complaints in the Kansas City papers by you that we should have sent this telegram concerning Colonel LITTLE and the record on prohibition which he made in Congress. The justification for this action is further strengthened by the fact that prior to the time when we sent this telegram, we are informed that the temperance women of Lawrence had not been able to get from you any statement whatever for publication as to your attitude on the temperance question. Also, in view of the further fact that when they received the telegram on Monday before the election they asked you to make a public statement, which you could have done in the afternoon papers of Monday. We are informed, also, that you refused to make any statement, but as the ladies say, "flew into a rage," and simply answered, "it is a ——— lie." Is it not evident that you were endeavoring to avoid taking any stand which would alienate the liberally inclined voters?

I notice in one of your statements that up to the arrival of our telegram nothing had been said in the campaign on the question. While it is evident that you had said nothing about it, nevertheless there were others who were opposed to prohibition who were saying much about it and about the fact that Colonel Little has been a stalwart advocate of temperance ever since he has been in Congress. As a matter of fact, I have seen a communication sent him threatening his life because of his devotion to this cause. He and all of the men like him in Congress have the bitter enmity of those who oppose the Volstead Act and the eighteenth amendment.

I have a letter from Mrs. Berry, of Lawrence, in which she says that one of the temperance women took the telegram to you and that you refused to make any statement for publication, and further says, "If he had made a statement for the Monday evening Journal-World, as we asked, saying he would support every prohibition law now in effect, I would never have turned another finger." Mrs. Berry says that the telegram arrived early Monday morning.

I have in my hand another letter from a lady in Lawrence, in which she says, "The Woman's Christian Temperance Union president had a meeting with Harley, who was to declare his stand for the Volstead Act, but flew in a rage when asked to sign a statement for publication."

In view of the fact that the liquor interests are making a nation-wide fight to elect a Congress which will modify the national prohibition act, what was the reason you did not make a public statement at that time or before, as you were requested to do by the temperance workers?

Still another communication says "that the telegram came Monday morning and Mr. Harley was asked to make a statement and promised to make a statement at 2 o'clock, but at that time he reversed his decision and refused to make a public statement that he is dry."

I am reliably informed that another good citizen of the county called on you before the primary and was unable to get a direct statement from you as to your stand on the prohibition issue, and that he went away and voted for Little as a result, although he had intended to vote for you until he talked with you about temperance.

The attitude of the Anti-Saloon League with reference to these contests is simply this: When two candidates are running for Congress with equally strong records or who make equally satisfactory statements, the league takes no part in the fight. If, however, one of the candidates has made a strong record for prohibition and its enforcement and is being attacked because of that record, we appeal to our friends not to allow him to suffer because of it. The liquor interests are running their campaign on the theory that every dry Congressman defeated is a warning to his successor not to follow his example. Whenever a strong dry Congressman is opposed by a candidate who refuses to state his position on this question, the league feels fully justified in giving its support to the man with the record who is under fire. We have given the same indorsement to other Congressmen under similar circumstances. We have given the dry Congressmen the benefits of their dry records when they are candidates for renomination and reelection. There was no attack made on you in the telegram we sent; in fact, your name was not even mentioned in it.

I am sure you would not claim that the whisky men were not against Colonel Little. They have been against him for years. He drew and introduced, the night war was declared, the bill to establish a prohibition zone 20 miles wide around the camps and forts, which resulted in giving us a sober Army. He has voted for and advocated every temperance measure in Congress for years, and was entitled to the benefit of that splendid record.

Furthermore, Mr. Harley, any person who refers to prohibition as a fictitious issue can not complain when the friends of prohibition rally to the support of a Congressman with a consistent dry record. It can not be characterized as a fictitious issue as long as the liquor interests are fighting to elect a Congress which will modify the national prohibition act so as to make it nonenforceable. While this fight is not as intense in Kansas as it is in some of the Eastern States, yet the liquor interests have announced that they will oppose every dry Congressman, and when they can not secure an openly wet candidate they aid in the fight to elect one who is less aggressive against them. Your refusal to make any statement would naturally draw to you the support of these who want to weaken the prohibition law. Our experience has been that the liquor interests will always oppose a dry Congressman and support a candidate who declines to make a public statement as to how he stands on the Volstead Act.

Congressman Little has not said a word to me suggesting that you were an antiprohibitionist. No one, so far as I know, had said a word about you when you made your attack upon Congressman Little, whose dry record was inviting the opposition of the liberally inclined voters of the district. If your position for prohibition is as strong as you indicate, why did you not say so in the afternoon papers of Lawrence the day before election, as the temperance women asked you to do? In view of the fact that you yourself make the statement that up to Monday morning there had been no discussion by you of the question, and the fact that there is a nation-wide propaganda for liquor, why should you complain because the temperance voters were asked to support a dry Congressman who was being attacked because of his dry record?

Within the last few days the press dispatches have announced that bootleggers have killed 125 prohibition-enforcement agents since the war on rum running began. As the support of Congress is absolutely essential to the enforcement of the Federal prohibition laws, and the wet forces are trying to control Congress so as to prevent prohibition enforcement, I do not see how you can consistently complain when an indorsement is given to a Congressman with a dry record when his opponent refused to make any public statement on the Volstead law and characterized prohibition as a fictitious issue. In other words, I can not see how anyone with the convictions which you say you have on this question can consistently oppose Colonel Little for reelection.

I am writing you somewhat at length in order that you may know the reasons for the position which we have taken in this matter. Neither Colonel Little nor anyone from his headquarters signed, saw, or knew the contents of the telegram which was sent to Lawrence. He has made a fine record on prohibition and its enforcement in Congress, and if you had been in his place, with a similar record, facing a like situation, we would gladly have given you the same aid that was given him.

Yours cordially,

Wayne B. Wheeler,
Legislative Superintendent Antisaloon League of America.

The telegram of July 29 indorsing Congressman Little was signed by W. B. Wheeler, of the Anti-Saloon League, and Mrs. Lenna Lowe Yost, Legislative Representative of the National W. C. T. U. in Washington. On September 13, in answer to a question about the telegram of July 29, she sent the following telegram:

Washington, D. C., *September 13, 1922.*

Mrs. Muriel Culp Berry,
Lawrence, Kans.

Mr. Wheeler's absence from the city prompts his secretary to bring your letter to me. The telegram sent to W. C. T. U. President in interest of Little and which appeared in Lawrence Journal-World, was sent from Washington by Wheeler and Yost and is authentic. You are at liberty to publish this.

Lenna Lowe Yost.

She had thus verified the telegram and the authenticity of its signatures several days before Mr. Wheeler came back to town and sent his wire of September 22. Her's was an independent certificate to its authenticity and genuineness.

SHERIFF DEAD—DRY ISSUE ALIVE.

A Fort Scott paper of September 18 says:

The chamber of commerce directors at their meeting to-day adopted a memorial in honor of Officer Bloomfield, who died Saturday night after being shot in a duel with a bootlegger.

Somebody should have told Officer Bloomfield that the dry issue is a "fictitious" one, and he would not have lost his life in a duel with a bootlegger.

In view of the question as to whether the dry issue is "a fictitious one in this congressional district," it is a singular pleasure to be able to produce a certificate from a final authority on the subject, and I finish the extension of these remarks by reproducing the following letter from the national headquarters of the Association Against the Prohibition Amendment, in which they inform me very pointedly that temperance is not a fictitious issue in the second congressional district:

National Headquarters,
The Association Against the Prohibition Amendment,
Washington, D. C., September 22, 1922.

Hon. Edward C. Little,
House of Representatives, Washington, D. C.

My Dear Congressman: As we are preparing a bulletin for our membership in your State incorporating the sentiments of candidates with regard to our aims and ideals, and as we have not been favored with the courtesy of a response to our former communication, I am again writing to ask if you will kindly indicate your sentiments for or against our platform hereinabove set forth.

Please let us hear from you by October 2.

Very truly yours,

G. C. Hinckley,
Secretary-Treasurer.

To this letter I have made the following reply:

Washington, D. C., *September 27, 1922.*

Mr. G. C. Hinckley,
Secretary-Treasurer of the Association Against the Prohibition Amendment, 511 Eleventh Street NW., Washington, D. C.

Dear Sir: I have received your letter in which you state that you are taking a hand in the fight for light wines and beer in Kansas. I had supposed my views on the subject were known to all those who followed the course of such legislation in Congress, and am sorry to hear that you are going into that fight out there.

I voted for the prohibition amendment and for the Volstead law and for all temperance legislation now on the books, and I am strongly in favor of their perfect enforcement and shall so continue. I see with regret your determination to prove that that fight is not a fictitious issue in Kansas.

I voted for prohibition with my first vote 40 years ago, and I don't propose to quit now that the whole Nation has voted with us.

Very truly yours,

E. C. Little.

A candidate nominated by over two to one is entitled to the support of those who opposed him in the primaries. I am glad to say that the Hon. Russell Dyer called on me while I was in bed sick, congratulated me, and assured me of his support. The other candidate has not written me at all.

At the present time any politician almost anywhere can safely declare himself in favor of prohibition, especially if he can avoid making a public statement until after the election. Six years ago, when the Congressmen who have put prohibition and the temperance laws through began that fight, the situation was very different. In the spring of 1917, when Mr. Little, of Kansas, introduced his bill to establish a prohibition zone 20 miles wide around the camps and forts, and undertook to amend the big bill preparing for the war by inserting his prohibition zone bill, scores of Members of the House hooted and yelled at him, and temperance men were considered cranks. From that time till now they have been constantly under the fire of the official organs of the bootleggers' trust, like the New York Herald, the New York World, and the New York

Sun. Sometimes they are joined in their clamor by papers similarly subsidized in other parts of the country occasionally edited by some man who ought to be in the penitentiary, which always join in knifing a temperance man under some pretext. In February, 1918, when Mr. Little, of Kansas, introduced his bill to exclude from the mails papers encouraging men to disobey the eighteenth amendment to the Constitution of the United States, the New York Herald made a vicious attack upon him for endeavoring to preserve the Constitution, and some fellow in New York sent Mr. Little a clipping from the Herald and the following letter, excluding one unprintable word:

> The damn fools are not all dead yet, and this last move of yours will do more to arouse the people than any of the outrageous legislation you bunch of Jew and Irish grafters have put over on the American people since this accursed war began and ended. Don't you think the people have been tricked enough, or do you want them to rise up and show you a few tricks? The lamp-posts may yet be used, but not as that Tammany Hall crook Gerard suggested. Instead, it will be fellows like you and Gregory and Creel, and probably King Woodrow himself, the subsidized hypocrite, the guy that kept us out of war long enough to reelect himself and sell us out.
>
> Go slow, Mr. Little, lest you get the heavy hand of retribution and are slipped off in the quiet hours of the night.
>
> Who gave you the liberty of deciding what the American people should say and do about free speech?
>
> The spirit of independence is not all dead here yet; and your kind will soon know it, you can bet.

The Congressmen who have successfully borne the heat of the burden through all these bitter years are entitled to the hearty indorsement of the Anti-Saloon League, no matter who runs against them. After the Civil War, when they nominated old soldiers of the Republic for office, there were sometimes mean-spirited, loyalty-lacking fellows who objected, saying that the Civil War was over; that they should not wave the bloody shirt by nominating old soldiers; that it was a fictitious issue. But if the bootleggers' trust were as dead as the Roman Senate, if every bootlegger had become a Sunday-school teacher, and not a vestige of the antitemperance fight remained, the Members of Congress who won that big fight and put whisky out of business and saved the homes and the young men of the Republic from that blight would still be entitled to the vote and support of every sincere and earnest temperance man and woman in the United States.

As has been seen by his letter of August 2 to Mr. Wheeler above, on the very day after the primary my opponent was circulating the story that Yost and Wheeler's telegram indorsing Little was a bogus one. On September 5 he published at his own expense an attack on Little and his family, including a continuation of the suggestion that Wheeler's telegram of indorsement was not genuine. This was done under the pretext that Little or his friends had criticized the temperance record of his opponent. Mr. Little had not said a word about the gentleman's temperance record and the Baldwin paper did not go to press for some days after August 2. The suggestion started by the defeated candidate the day after the primary finally bore fruit in a Democratic paper and two Republican papers which had supported Mr. Harley in the primary, making the direct charge that the telegram from Yost and Wheeler was a forgery. Mrs. Yost wired to Lawrence, September 13, stating that she and Wheeler had sent that July 29 telegram and that it was authentic. On September 22, Mr. Wheeler sent a similar telegram, certifying the authenticity of the first wire and that it was a proper telegram of indorsement. Several days have passed without any correction. In view of the fact that on September 5 the defeated candidate had followed the planting of this poisoned seed by a vicious, malicious, and untruthful attack upon Mr. Little and his whole family, it absolutely becomes essential that Mr. Little should protect his family and his own good name. No man is compelled to submit to a charge of forgery, and I shall resent it from wherever it comes, without regard to the consequences on my political fortunes. Hasn't a Republican nominee for Congress any rights his defeated opponents and everybody else are bound to respect? I owe it to myself and my family and my friends and the American people to show that even a candidate for office should be free from slanderous falsehoods. I hope such thorough correction shall be made of these false statements by those who started them that it will be unnecessary to use these remarks.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. SEARS. Mr. Speaker, when the soldiers' bonus bill was under consideration, on the question of passing the bill over the President's veto, the minority leader, the distinguished and able gentleman from Tennessee [Mr. Garrett], endeavored to get time to debate the question. The Republican majority leader [Mr. Mondell], by moving the previous question, which he had the right to do, cut off all debate. I shall not ask leave to extend my remarks, because it would only be putting my constituents and the people to unnecessary expense. I simply desire to say that during the last campaign I made my attitude perfectly clear on the bonus question and also the stand that I would take. I know the boys of the fourth congressional district, regardless of my vote, appreciate the fact that I am their friend and am always ready to help them. I wish I could have debated the question before the vote was taken, but I will not take up the time of the House now to do so.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its chief clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12704) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes.

The message also announced that the Senate had passed, without amendment, joint resolution (H. J. Res. 382) authorizing payment of the salaries of officers and employees of Congress for September, 1922, on the 23d day of said month.

The message also announced that the Senate had passed, without amendment, the following concurrent resolution.

House Concurrent Resolution 71.

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 22d day of September, 1922, at 2 o'clock.

Mr. BRENNAN. Mr. Speaker, I have introduced in the House to-day a proposed constitutional amendment providing for a nationwide popular referendum upon the proposition of permitting the sale of 5 per cent beer to be licensed and taxed by the Federal Government, the revenue therefrom to be applied to the payment of the soldiers' bonus. [Applause.]

A little more than a year ago I expressed to the American Legion my apprehension that the adjusted compensation bill, as drafted, would never become a law, because of the opposition of President Harding to it and because of his declaration that the condition of the National Treasury would not permit the necessary expenditure. At the time I suggested that the one feasible method of financing the bonus was to legalize the manufacture and sale of beer, to license and tax it, and to apply the enormous revenue thus obtained to the payment of the bonus. The proposal inspired country-wide comment and approval. I deferred, however, the actual introduction of a bill until it was definitely and finally determined that the Fordney bonus bill could not become a law. But now, with almost four years having elapsed since the conclusion of the World War, the enactment of adjusted compensation legislation seems to be more remote than ever, unless the one sensible method of financing the bill is seized upon and approved.

My proposal of a constitutional amendment, in effect, modifies and supersedes the eighteenth amendment to the extent of legalizing 5 per cent beer to be licensed and sold under strict regulation and without permitting the return of the saloon. The advantage of constitutional amendment over simple legislative enactment is obvious. No one can raise the objection against the validity or legality of the course here proposed.

If the proposal is written into the Constitution, legislation providing for a tax of 20 cents per gallon on beer could be enacted and would raise revenues of from $500,000,000 to $600,000,000 per year.

Such an income, of course, would enable Congress to enact a bonus bill much more generous and satisfactory than the loan certificate bill vetoed by Mr. Harding. Nor should the Federal Government have any qualms about collecting revenue that is now going into the pockets of bootleggers and rum runners.

Many millions of people who voted for prohibition are now convinced that the eighteenth amendment as interpreted by the Volstead Act has gone too far and has created evils worse than the mischief it sought to cure. The experience of the last three years has taught the Nation that no law of Congress can prevent the operation of the law of fermentation—no swarm of revenue and prohibition agents can effectively prevent people who want to drink intoxicants from satisfying their desire. There is only one way of damming the flood of poisonous and death-dealing liquid concoctions which is deluging the country, and that is to permit the people to use the lighter and more innocuous beverages and thus remove the desire for the more potent and harmful liquors.

My proposal gives Congress and the States concurrent power in providing for the manufacture and sale of beer; but it expressly prevents Congress from relaxing the provisions of any State prohibition law or local regulation affecting beer. When this article becomes operative it will not change the situation in States which have voted dry or in counties where local option was in effect before the eighteenth amendment. If such communities desire to take advantage of the new article, they will be obliged to modify their own legislative enactments accordingly. The article further empowers Congress and the States to pass legislation effectively to prevent the revival of the saloon.

An essential and persuasive feature of my proposal is that, even though the article becomes a part of the Constitution by virtue of its submission by Congress to the States and its subsequent ratification by three-fourths of the States, it will not become operative unless and until it is affirmatively approved by a majority of the electors of the country voting at a nation-wide referendum.

Unlike the State legislatures, Congress has never attached a referendum clause to a legislative enactment or to a constitutional proposal. There is no question, however, of the power of Congress so to do. It is an inherent power of any legislative body to provide that any one of its enactments shall not become operative unless a certain condition is fulfilled or a certain event occurs. In my proposal the condition precedent is the affirmative approving action of a majority of the electors.

There are numerous instances of Congress attaching conditions to its legislative or other action. The new tariff bill is an illustration. Certain rates will not become operative unless and until the President makes certain findings. The eighteenth amendment to the Constitution itself was a conditional ordinance. It provided:

This article shall be inoperative unless it shall have been ratified * * * within seven years from the date of the submission hereof to the States by the Congress.

The Supreme Court has held that this seven-year limitation did not invalidate the amendment.

The referendum feature of the proposal should remove the objection of the most ardent prohibitionist. For the past several years no two questions have caused such public interest or agitation as prohibition and the soldiers' bonus. The electors of the country are well acquainted with all arguments on both sides and are perfectly qualified to pass judgment on these two simple issues. Recently the Literary Digest conducted a nation-wide poll on the prohibition question and on the bonus. The final tabulation showed that 356,193 ballots were cast in favor of continuance of the present prohibition law, while a total of 566,190 ballots, or 61 per cent of the entire number cast, favored repeal or modification of the present law. The vote on the bonus was not so decisive—466,814 votes, or 51.2 per cent, favored the bonus, while 444,221 opposed it. The poll, of course, was conducted with absolute fairness and may be accepted as a fair indication of the sentiment of the country.

The interest displayed in the poll and the decisive vote on the prohibition question would seem to furnish Congress with most impelling reasons for submitting the propositions direct to the people for decision. In fact, it would be difficult to understand how any Member of this House, whether he personally favors my proposal or not, could refuse to give the people of the country an opportunity to pass upon it.

Section 5 of my proposal provides that, once it becomes a part of the Constitution and operative, it may thereafter be amended or repealed at any time by referendum vote of the people. If this article is adopted, Congress in the future at any time may submit amendments to the fundamental prohibition law direct to the people for action without the necessity of ratification by the legislatures of three-fourths of the States. This section, in effect, changes Article V of the Constitution, which sets forth the method by which the Constitution may be amended. The change in method of amending the Constitution would apply, however, only to the prohibition amendments.

The eighteenth amendment to the Constitution—the prohibition amendment—as now in effect, reads as follows:

SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all Territories subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

The amendatory article which I have introduced to-day, designed to modify the eighteenth amendment, reads as follows:

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed to the several States, which, when ratified by the legislatures of three-fourths of the States, shall be a part of the Constitution of the United States:

ARTICLE —.

SECTION 1. Notwithstanding the provisions of the eighteenth article in addition to, and amendment of, the Constitution, the manufacture, sale, or transportation of beer, containing not more than 5 per cent of alcohol by volume, within, the importation thereof into, or the exportation thereof from, the United States and all territories subject to the jurisdiction thereof, for beverage purposes, shall not be prohibited.

SEC. 2. The Congress and the several States shall have concurrent power, by appropriate legislation, to enforce this article and to regulate, license, and tax the manufacture, distribution, and sale of such beer, and to prohibit its sale in saloons or other public places for consumption upon such premises; but nothing contained in this article, or in any act of Congress enacted in pursuance hereof, shall have the effect of relaxing the provisions of any State or local enactment, prohibition, or regulation which has been or may be adopted with reference to the manufacture, sale, or transportation of beer.

SEC. 3. Revenues derived by Federal taxation and license of beer, to the extent of not exceeding $5,000,000,000, shall not be appropriated by the Congress except to provide adjusted compensation for veterans of the World War.

SEC. 4. Following the ratification of this article by the legislatures of three-fourths of the several States, it shall not become operative unless it is approved, as hereinafter provided, by a majority vote of the electors of the several States possessing the qualifications requisite for electors of the most numerous branch of the State legislatures. Immediately upon the ratification of this article by the legislatures of three-fourths of the several States the Congress shall provide for a popular referendum upon the same to be held in the several States at the next ensuing election of Members of the House of Representatives of the Congress of the United States. At such referendum the text of this electors voting thereon, it shall become operative 30 days after the article shall be submitted upon the ballot to the electors of the several States for approval or rejection. If it is approved by a majority of the official declaration of the vote by the Secretary of State of the United States.

SEC. 5. This article and the eighteenth article in addition to, and amendment of, the Constitution may be amended or repealed only whenever the Congress submits a proposal of such amendment or repeal to a popular referendum and such proposal is approved by a majority of the qualified electors of the several States voting thereon.

The hypocritical and unsupportable pretension is made in some quarters that any proposal to amend or modify the eighteenth amendment is just short of high treason or sacrilege. But judging from the thousands of letters which I have received from all parts of the country, including a large proportion from service men, indorsing my plan, I am convinced that the better judgment of the country demands a relaxation of the Volstead Act. It is perhaps opportune that Members of Congress are returning to their districts at this time. They will have an opportunity of learning, at first hand, the temper of the service men who have been denied their promised adjustment of compensation. I have reason to believe that upon the reconvening of Congress the proposal which I have made to-day will be supported by Members who to-day assert it to be preposterous. If the membership of Congress is given an opportunity of expressing its true convictions upon this proposal, no one will deny that the amendment will easily receive the necessary two-thirds vote to provide for its submission to the States and to the people.

Mr. OLDFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the Fordney-McCumber tariff bill.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks in the Record on the Fordney-McCumber tariff bill. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I want to ask unanimous consent that my colleague [Mr. Davis of Tennessee] may proceed for 15 minutes and that the Resident Commissioner from Porto Rico may proceed for 15 minutes. What is the plan of the gentleman from Kansas?

Mr. CAMPBELL of Kansas. It is my intention, as soon as the membership of the House can agree to it, to ask that the House stand in recess until 1.45 p. m.

Mr. GARRETT of Tennessee. Then, Mr. Speaker, I ask unanimous consent that my colleague [Mr. Davis of Tennessee] may proceed for 15 minutes.

The SPEAKER. The gentleman from Tennessee asks that his colleague may proceed for 15 minutes. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Will the gentleman from Tennessee allow me to make a request for unanimous consent?

Mr. DAVIS of Tennessee. I will.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent that there may be inserted in the Record a speech delivered by the gentleman from Minnesota [Mr. Anderson] at the New York State Fair, and also another speech delivered by him before the National Retail Hardware Association.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that he may insert in the RECORD speeches by the gentleman from Minnesota [Mr. ANDERSON]. Is there objection?

There was no objection.

Mr. DAVIS of Tennessee. Mr. Speaker, after repeated visits to the White House by Chairman Lasker, of the Shipping Board, and after frequent announcements were given out by him that the President would appear before the Congress in advocacy of a ship subsidy bill, finally, on February 28, 1922, the President appeared before Congress and delivered a message in advocacy of the ship subsidy bill, which was introduced in both branches of Congress on that day. On April 4 joint hearings were begun on the bill, and were concluded about the middle of May; after the proponents of the bill had presented their case the hearings were hurriedly brought to a close, it being stated in the press at the time that the President had summoned members of the committee to the White House and requested them to close the hearings and speedily report the bill out. However, the iniquities of the bill had been so fully exposed at the hearings and the opposition to the bill became so pronounced that it looked for a while as if the bill would not be reported. There were frequent undenied statements in the press to the effect that not only a large majority of the rank and file of the House membership, but also most of the leaders and the steering committee were opposed to action on the bill, at least before the fall elections; there were frequent undenied reports of House leaders importuning the President to acquiesce at least in a postponement of action. In assuming this attitude the House leaders and Members were undoubtedly reflecting the views of their constituents. However, Lasker had his way, with the result that the President insisted that the bill be promptly reported out and passed, and it was reported to the House by a majority of the Committee on Merchant Marine and Fisheries on June 16, 1922. At once a drive was made to procure a special rule for the immediate consideration of the bill.

In a letter to the chairman of the Rules Committee of the House the President not only demanded a special rule on the bill, but also threatened to call an extra session if the bill should not be reported out and acted upon. However, the opposition to the bill was so intense that it was apparent that it would not only be defeated if pressed to a vote at the time but would also result in the defeat of many Members who might vote for it, so that the President was finally persuaded to acquiesce in the postponement of action on the bill until after the House recess, which was to commence June 30 and end August 15. In a letter to Majority Leader MONDELL the President reluctantly acquiesced in such postponement, and in effect requested the Members of the House to return to their constituents and "sell" them the ship subsidy bill during the recess. On the night of July 5 Republican Senate leaders met at the residence of Senator LODGE and agreed that it would not be advisable to act on the ship subsidy program until after the fall election, and decided to ask President Harding to acquiesce in deferring action on the ship subsidy bill until next session. When the Members of the House returned, it developed that their constituents had apparently done more talking on the ship subsidy than the Members, with the result that the Members were less inclined than ever to commit political suicide by supporting the Lasker ship subsidy bill. The enthusiasm for the bill among the House membership had become so feeble and the opposition so pronounced that no serious effort has been made to bring the bill up for action since the House reconvened, although Lasker and the shipping interests have persistently carried on their fight and propaganda. The President himself finally acquiesced in postponement of action on the ship subsidy until after the elections, but made it clear that he expected the bill to be acted upon then.

We are to adjourn sine die to-day. It is reported that the President insisted that Congress should recess until about the middle of November—after the coming elections—for the purpose of then taking up the ship subsidy bill, but that a majority of the leaders, particularly in the Senate, realizing the political inexpediency of such a move, declined to agree. It is now announced that the President will call an extra session, to convene shortly after the coming elections, for the purpose of taking up the ship subsidy bill. Undoubtedly a very large majority of the Members are opposed to the extra session for this purpose. I am aware that it is stated that the President has not finally and definitely concluded to call such extra session, but I do not doubt that he will. It has been repeatedly demonstrated that Lasker has the ear and confidence of the President to a greater extent than have congressional leaders, and with Lasker on the ground ever hovering around the President and accompanying him on his week-end trips, and the congressional leaders out of the city, we may rest assured that Lasker's counsel will prevail, which means an extra session.

Lasker has more influence with the President than all of you Members combined. While it is true that the President and the proponents of this bill have several times marched up the hill and then marched down again, yet they did not march down out of any consideration for you, but because they had reached the conclusion that if the bill should be pressed for passage at the time, it would be defeated. They are in the attitude of the man who met one of his friends for the first time in several months and said to him, "John, how is your wife?" to which John replied, "I have no wife." His friend then said, "Why, the last time I met you, you told me you were soon to be married." "Yes," replied John, "I thought I was, but when I learned that the girl and all the members of her family were opposed to it, I gave up the idea." [Laughter.]

However, the friends of this ship subsidy bill have only temporarily given up the idea. Those seeking special favors never give up as long as there is a chance. When there is as much at stake as there is in this bill, and when they have succeeded in securing such powerful backing, you may rest assured that the shipping interests have not given up the fight. The friends of this bill have simply made a strategical retreat. They will employ every conceivable method to strengthen their lines, and when we reconvene they will renew the attack with renewed vigor and skillful strategy. They fully realize that their only remaining chance is to jam the bill through before the present Congress expires. This bill was not an issue and the people had no opportunity to express themselves thereon when the present Congress was elected. However, this bill will not have a "Chinaman's chance" with the Congress to be elected the coming November, because at least a majority of those elected will have been required to commit themselves against this iniquitous measure. As that great farm journal—Farm, Stock, and Home—stated in a recent issue commenting on this bill, "Like all burglaries, it has to be committed quickly, or not at all."

The opponents of the bill have repeatedly challenged its proponents to bring the bill to a vote before the election. Why this postponement until after the election? It can not be for any reason other than that its proponents think it could not pass now, but that it can be passed after the election. They have ascertained that a majority of the Congress will not vote for it and then go home to face their constituents in the coming election. They think that after the election those who have been reelected and are two years removed from another election, can be more easily whipped into line for the bill, and that the large flock of "lame ducks" will be indifferent and many of them looking out for Federal appointments. One Member is quoted as saying:

> We can pass the ship subsidy bill in December, but I am not certain we could pass it now with safety to the candidates. I know 50 Congressmen who would vote for the bill after the election in November who might meet with defeat if they voted for it now. To push it now is bad politics.

Consequently, whether it be viewed from the standpoint of probable action after the election during the present Congress or to prevent action in the next Congress, I want to warn the Members of Congress and the people that the ship subsidy is an issue, a live issue, which should be discussed by the American people in the campaign, and it is of so much importance that every candidate for Congress in either party should be required by the people to state his views on this proposition.

Mr. EDMONDS. Will the gentleman yield?

Mr. DAVIS of Tennessee. In a minute.

Mr. EDMONDS. I simply wanted to ask the gentleman if it was not discussed in Maine.

Mr. DAVIS of Tennessee. I do not think it was an issue. Whether it was discussed in Maine or not, that State would doubtless be benefited by this bill and by the recently enacted tariff bill as much as any State would, and yet in the recent Maine election the Republicans lost 36,000 votes and lost 22 seats in the legislature and their majority was reduced about 10,000 votes in each congressional district. [Applause on the Democratic side.]

The Republicans sustained a loss of nearly 60 per cent of their majority and over 25 per cent of their total vote, whereas the Democrats made a gain in their vote. In commenting editorially on the results of the election, the Portland Press Herald, the leading Republican paper of Maine, declared, in part:

> The real cause of the Republican slump, as we see it, was the feeling of lukewarm interest in the administration at Washington. * * * If anything, the election in Maine should serve as a warning to the Republican Party as to what is expected of its leaders in Washington. It certainly can not be construed as an absolute indorsement of the party policies as they have been exemplified at the Federal Capital.

However, the condemnation of their policies is so general and the administration forces have sustained so many crushing defeats in the primaries that they seem to have extracted some comfort from the fact that the rock-ribbed Republican State of Maine did not repudiate them to the extent of actually going Democratic.

The question of ship subsidies was an issue in the Republican primaries in South Dakota, North Dakota, Iowa, and Nebraska, where Frazier, La Follette, Brookhart, and Howell were overwhelmingly nominated for the United States Senate on platforms declaring unqualifiedly against any ship subsidies. Keynote addresses have been delivered in various sections of the country, but it does not appear that any of the keynoters dared to include an advocacy of this ship subsidy bill in their repertoire. It is quite apparent that those who intend to support the proposition will keep "mum" if permitted to do so. However, the people are entitled to know how every candidate stands on this very important and tremendously expensive measure, and the people should require every candidate to state how he stands.

For a year most extensive propaganda has been carried on in behalf of ship subsidies. Chairman Lasker, who prides himself on being a publicity expert, has been most active in this respect. The Merchant Marine Association and other shipping interests have been very active. Speakers in behalf of the bill have been sent through the country, particularly the Middle West. Chairman Lasker and other members of the Shipping Board have devoted their time and attention, not to the dispatch of the business of the Shipping Board, but to engaging in propaganda in behalf of this bill. Instead of performing the duties for which they are appointed and paid, they have subverted those duties and engaged in an unseemly and improper campaign in favor of this legislation. They have employed the most questionable methods in their zeal to procure the enactment of a bill which would give them unprecedented power and the control of immense funds.

Mr. LINTHICUM. Will the gentleman yield?

Mr. DAVIS of Tennessee. My time is limited.

Mr. LINTHICUM. For a short question on that very point?

Mr. DAVIS of Tennessee. I have so very many things I desire to say.

Perhaps on no question has so much misinformation been disseminated. The propaganda in behalf of this legislation has contained many absolutely false statements, deceptive and misleading statements. All of that having failed to convince the American people, those seeking this legislation have resorted to the old bogy of alleged British hostility and influence. Whenever a proposition is so offensive and objectionable that the people will not stand for it, it is customary to charge German or British influence. Talk of British hostility and influence against an American merchant marine is a straw man set up to divert the attention of the people from the iniquities of the bill and the forces that are at work to force its passage. Such talk, of course, originated with the Hearst papers and has since been echoed by others. As an evidence of Hearst's lack of sincerity in the matter, his leading paper, The New York American, had an editorial which stated in part:

> The future of the American merchant marine is in the hands of you and us, the traveling and shipping public. If we will concentrate our patronage on American steamers, we can give them so much business that they can afford to pay an American scale of wages and yet make money.
>
> That's up to us Americans. By the operation of the ocean rates conferences rates for passengers and freight are identical by all competing lines. So it costs us nothing to be patriotic.
>
> When we plan a trip to Europe, South America, the West Indies, or the Far East let's go on an American steamer. In so far as we control the routing of export or import shipments let's send them by American lines.

When this article appeared William R. Hearst had just sailed to Europe on the British Cunard liner *Aquitania*.

The gentleman from Pennsylvania [Mr. Edmonds] on June 28 addressed a letter to all the Members of Congress referring to "the subtle but nevertheless deep-seated opposition to our maritime efforts," and "to illustrate specifically this campaign of antagonism" called attention to the fact that the recently promulgated Suez Canal rules did not specifically mention tankers classed by the American Bureau of Shipping as being entitled to enter the canal and claimed that this would debar American tankers.

Mr. MORGAN. Will the gentleman yield?

Mr. DAVIS of Tennessee. No; I can not, my time is too limited.

However, the said American Bureau of Shipping issues an official bulletin, and in their July-August, 1922, bulletin, in display type on the first inside page of the bulletin appeared the following:

> AMERICAN BUREAU CLASSIFICATION AND THE SUEZ CANAL REGULATIONS.
>
> The attention of the bureau was recently called to the fact that the new 1922 edition of the "Rules of Navigation, Appendix for Ships Carrying Dangerous Materials" through the Suez Canal, which includes all seagoing tankers, had failed to mention that such ships classed by the American Bureau of Shipping would be permitted to enter the canal ports or to make the passage through the canal.
>
> At the time the complaint was made President Stevenson Taylor, of the bureau, was in London, and the fact was cabled to him. Mr. Taylor immediately took up the matter with the Suez Canal authorities, and we are pleased to announce that he was assured that this omission was due to the copying of old regulations on the subject, and that the omission of tankers classed by this bureau from the list of approved classifications was unintentional.
>
> Shipowners operating tankers which are classed by this bureau need therefore have no further apprehension regarding permission to use the Suez Canal on an equality with similar vessels classed by the other recognized classification societies.
>
> It must be borne in mind that the necessity for such stringent regulations as to the character of ships using this and other great canals arises from the danger of fires and consequent sinking in the canal channels. This danger is recognized and avoided, so far as structural requirements are concerned, by all classification societies alike.

In other words, the American Bureau of Shipping had been created since the drafting of the regulations of the Suez Canal, and in recopying the old regulations mention of the American Bureau of Shipping was inadvertently omitted. As soon as the matter was called to the attention of the Suez Canal authorities they promptly and without question included tankers classified by the American Bureau of Shipping as entitled to enter the Suez Canal. Not a single American tanker was debarred from entering the Suez Canal because of this apparent inadvertence. In spite of this refutation by the American Bureau of Shipping itself, the Washington Post had an editorial the other day citing that omission as an evidence of British hostility.

Edward P. Farley, a vice president of the Emergency Fleet Corporation, in charge of ship sales, spent several weeks in Europe last spring studying shipping problems for the benefit of the Shipping Board, and upon his return he reported in part as follows:

> "The American merchant-marine program will meet with no hostility either in England or Germany, according to a verbal report on the attitude of shipping interests in those two countries made to Chairman Lasker of the Shipping Board by Edward P. Farley, vice president in charge of ship sales, who has just returned from a trip to Europe for the purpose of obtaining this and other information needed by the board."
>
> That is correct, is it?
>
> Mr. Farley. Well, I wouldn't say it was word for word what I said, but in general it might be assumed to be along the lines. I mean I might not have used the word "no."
>
> Mr. Davis. I don't mean word for word.
>
> Mr. Farley. Yes. In general substance that is correct.
>
> Mr. Davis. In other words—that is, in substance—the facts as you reported them and they are the facts as you found them?
>
> Mr. Farley. The facts as I found them; yes.
>
> Mr. Davis. You found no hostility and no disposition to try and throw blocks in the way?
>
> Mr. Farley. Well, now, I wasn't there on an investigation of that phase of it, but, as I explained here, what people I did talk to—the ship-owning people—all realized that this fleet was built at their earnest request, built to help protect them, as well as the rest of the world. We felt then that is what we were doing.
>
> Mr. Davis. They still manifest the spirit of our allies in that respect, do they, Mr. Farley?
>
> Mr. Farley. Yes.
>
> Mr. Davis. That is, so far as Great Britain is concerned?
>
> Mr. Farley. Yes.
>
> Mr. Davis. Now, I believe you also stated later, in substance, that in Germany they didn't appear to be paying any attention to our plans and program. Is that correct?
>
> Mr. Farley. I would say that would be quite correct. (Hearings, p. 2047.)

W. J. Love, another vice president of the Shipping Board Emergency Fleet Corporation, made a very recent trip to Europe in behalf of the Shipping Board, and upon his return, according to the press reports, he made substantially the same report in this respect as did Mr. Farley.

On the other hand, there have been some pretty salty charges of British influence operating upon those connected with the present Shipping Board. For instance, Edgar Pennington Young, publisher of the Marine Journal, of New York City, threw a bombshell into the convention of the National Merchant Marine Association, in session in Washington last spring, in a speech, in which he declared in part:

> Candidate Harding has not been President a year, and what has happened? He appointed as chairman of the United States Shipping Board, an office requiring an intimate knowledge of shipping, a man who scarcely knew one end of a ship from another. It is said that one or two powerful officials of corporations in New York, both having intimate business relations with England, suggested the name of Mr. Lasker. I wonder if either of them would place in charge of one of

> their own vital departments within their own corporation a man who had never had the slightest experience in that particular line of work? What justification is there, therefore, for the belief that either of these gentlemen, in their hearts, are anxious for a real American merchant marine?
>
> I have no faith in the subsidy program. I believe no permanent good will result from it. I believe the present objective of certain powerful interests who are playing into the hands of Great Britain is a heavily subsidized merchant marine with secret British-Canadian ownership or control.

Of course, if, instead of proceeding along business and efficient lines, we undertake to aid our merchant marine by artificial methods, such methods can and doubtless will be met by similar methods in foreign countries, provided our methods should discriminate or prove to the disadvantage of foreign shipping.

We can not succeed by rewarding and preserving extravagance, waste, graft, incompetent, and inefficient methods by treating the symptoms with artificial nostrums. We can succeed by an application of American intelligence, genius, and resources to building and maintaining a merchant marine on sound businesslike and efficient principles.

If British hostility and influence is controlling the opposition to ship subsidies in this country, it has been so powerful in the past that it has prevented any political party in this country from ever declaring in favor of ship subsidies. It kept the Republican convention in 1920 from declaring in favor of ship subsidies; instead of so declaring, the Republican national platform of 1920 expressly declared in favor of the merchant marine act of 1920—Jones law—as follows:

> We indorse the sound legislation recently enacted by the Republican Congress that will insure the promotion and maintenance of the American merchant marine.

If British hostility is controlling, it prevented the recent Ohio state convention from declaring in favor of ship subsidies and caused it to remain silent on the subject, although the President expressly requested that the convention indorse the pending ship subsidy bill. If Great Britain is responsible for the opposition, it was sufficient to cause the recent Democratic convention in Missouri to denounce the pending ship subsidy bill, and sufficient to prevent the recent Republican convention in Missouri from saying anything about it. There has not been a single convention in any State to declare in favor of this bill or the principles involved and I venture to say that there will be none. The American people are opposed to the proposition, and properly so.

As a matter of fact, there is no danger of British hostility or influence; it is a scarecrow and not a menace. However, I will tell you where there is a real danger, to which I shall call attention, and I do so in the light of history and the activities of the Shipping Board and the shipping interests who are interested in jamming through this program. I have here an official publication of the Department of Commerce, entitled "Government Aid to Merchant Shipping," by Grosvenor M. Jones, commercial agent, who is still an official of the Department of Commerce, and who was appointed by the present Shipping Board on the committee to study these problems. On pages 40 and 41 of this volume we find the following:

> In 1872 the Pacific Mail Steamship Co. proposed the establishment of another monthly mail-steamship line to China and Japan for an additional subvention of $500,000 per year. After much debate Congress adopted the proposal and a contract to that effect was entered into. This contract, however, was abrogated by act of March 3, 1875, after it was discovered that the law had been passed as a result of corruption and the company had failed to carry out its part of the agreement.
>
> During this period, however, the policy of granting mail subventions received a deathblow. The disclosures as to the maintenance of a corrupt lobby to secure congressional approval of the second Pacific Mail contract left such an unfavorable impression upon the popular mind that no serious attempt was made to institute subvention payments for at least 10 years.

I also have here Meeker's History of Shipping Subsidies, the recognized standard work on the subject. The author is likewise a Government official. I read from this work, pages 160–161, as follows:

> In 1872 the Pacific Mail Co. offered to run another monthly service to China and Japan for an additional $500,000 a year. With considerable difficulty a bill authorizing such a contract was passed by Congress, June 1, 1872. In 1874 it was discovered that bribery had been employed to secure the passage of the measure. It was proven that the company had spent about $1,000,000 to push the bill through Congress. The new contract was abrogated by the Government because of the improper methods used in gaining the necessary legislation, and the subsequent failure of the company to fulfill the conditions of the said contract. (House Doc. No. 598, 42d Cong., 2d sess.; Miscel. Docs., Nos. 74 and 225; House Doc. No. 268, 43d Cong., 1st sess.)

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. DAVIS of Tennessee. Mr. Speaker, I ask for five minutes additional.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that he may proceed for five minutes more. Is there objection?

There was no objection.

Mr. DAVIS of Tennessee. Now, gentlemen, if one company would pay $1,000,000 to corruptly have a bill passed that would pay it $500,000 a year for 10 years, or a total of $5,000,000, in payment of services to be actually rendered in carrying the mails, how much do you suppose at least some of the present shipping interests would pay in order to get passed a bill that would authorize the loaning to them of $125,000,000 at 2 per cent interest for 15 years, that would exempt them from the payment of taxes and would provide for the payment to them of subsidies to the extent of at least $75,000,000 per year for an indefinite period of time, such favors not to be for services actually rendered but in the form of subsidies or bounties?

I trust that the Congress and the people will not permit their attention to be diverted from the real issues, the actual facts and dangers, by a false hue and cry raised for the express purpose of diverting attention.

As before stated, the Shipping Board is neglecting its real duties and subverting its proper functions. It is not only improperly expending its time and energies in an effort to further this legislation but it is, at least in part, paying for the propaganda with public funds, some directly and some indirectly. Why do they seek such extraordinary powers? Why are they so zealously working for the passage of this bill, which would confer upon them such extraordinary power in determining shipping policies, in bestowing or withholding favors, and in handling fabulous sums of money, without coming to Congress for appropriations and without being required to make any report or accounting to Congress, the President, or anybody else?

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. CAMPBELL of Kansas. What policy or plan would the gentleman suggest to salvage the $3,500,000,000 merchant marine that we have?

Mr. DAVIS of Tennessee. I will say to the gentleman from Kansas that it would take considerable time to fully present a plan; it can not be done in a few words. If this bill is presented for passage and I can get the time, I shall present a full, definite, and specific plan as to how I think the problem should be handled and based upon what I conceive to be a correct diagnosis of the difficulties. However, I shall answer your question as fully as I can during the short time I have remaining. It is true that we have from $3,000,000,000 to $3,500,000,000 invested in ships. Under the present plan the Shipping Board does not expect to realize exceeding $200,000,000 for our fleet, so that this bill can not be considered from the standpoint of salvaging our investment. According to the plan as stated by Mr. Lasker at the hearings and in press propaganda, it will be necessary to spend $400,000,000 additional for new ship construction in order to create what they call a well-balanced fleet. Instead of the pending bill saving anything by way of investment, it means a tremendous additional cost to the Government and the people.

If this bill should pass and these ships are thrown on the market under the existing depressed conditions, when there is a large amount of idle tonnage all over the world, due to lack of cargoes, we will not even realize $200,000,000; and there is no expectation on the part of the board that they can sell any appreciable amount any time soon. Chairman Lasker testified at the hearings that if this bill should pass they would consider themselves happy if they could dispose of the 400 ships now in operation within 30 months, and he would not even undertake to state how long it would take to dispose of the remaining 1,000 or 1,100 steel ships. He further stated that it would be necessary to maintain substantially the same organization as long as we operated any of the ships. However, suppose that they should dispose of our ships for $200,000,000, how much would it cost us? In the first place the bill proposes to lend $125,000,000 for 15 years at 2 per cent interest. The various subsidies and aids provided in the bill will cost us at least $75,000,000 per year for at least 10 years, because this bill authorizes the Shipping Board to make 10-year contracts for the payment of subsidies; and the 10-year periods are to commence, not from the date of the passage of the bill but from the date of the contract, so that when the program is once entered upon there will be outstanding contracts all the time, making the repeal of the bill practically impossible. However, in addition to the $125,000,000 loan, the operation of the bill would cost us at least $750,000,000 in 10 years, a pretty big price to pay in order to salvage a $3,000,000,000 fleet for $200,000,000. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. DAVIS of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DAVIS of Tennessee. Under the leave granted to me to extend my remarks, I desire to call attention to certain additional features.

I have previously referred to the false propaganda that is being disseminated in an effort to put through this bill. It has been repeatedly stated in such propaganda that if this bill should pass the cost the first year would be only about $15,000,000, and thereafter about $30,000,000. Chairman Lasker made such a statement in an article appearing in the September issue of the Scientific American, such a statement not only being contrary to the facts but in conflict with his own admissions at the hearings. As fully appears on pages 239 to 241 and 273 of the hearings, Lasker admitted that if the bill should pass and the provisions get into operation certain specified provisions of the bill would constitute a direct charge on the Public Treasury of $52,125,000, and this did not include certain provisions, the cost of which he was unwilling to estimate.

This bill creates a "merchant-marine fund" for the payment of the voyage subsidies, "which shall be subject to withdrawal by the United States Shipping Board on requisition approved by the chairman of the board." This fund is to be derived from 10 per cent of our custom receipts, which Chairman Lasker estimated will amount to about $30,000,000 per annum; by tonnage taxes, which he estimated will amount to about $4,000,000 per annum; and by the amounts which would otherwise be paid for carrying the mails which he estimated at $5,000,000, making a total of $39,000,000; and all of which amounts the Secretary of the Treasury is directed to pay into said merchant-marine fund without any appropriation by Congress.

Another direct charge on the Public Treasury is involved in the provision authorizing deductions from net Federal income taxes of 5 per cent of the freight paid on goods imported or exported in American-flag vessels, which Chairman Lasker and the Shipping Board report estimate would amount to about $10,000,000 per annum when the program gets into operation; as a matter of fact, it would amount to much more than that.

Mr. Lasker also conceded that in lending the $125,000,000 at 2 per cent interest the Government would be losing at least 2½ per cent, which would amount to $3,125,000 per annum. Furthermore, the 2 per cent interest, amounting to $2,500,000 annually, if collected, will go into this loan fund and not the General Treasury.

It will be noted that these different items involving a direct charge on the Treasury aggregate $52,125,000, according to Mr. Lasker's admissions and figures, and not including the $2,500,000 annual interest, which should also be counted.

Lasker's estimate of $30,000,000 from 10 per cent on import duties was predicated upon the supposition that such import duties would amount to $300,000,000 per annum, whereas it is estimated that under the operation of the recently enacted tariff act such revenues will amount to $400,000,000 per annum, so that this item should be increased from $30,000,000 to $40,000,000. Accepting Lasker's figures on the other items, all of which are entirely too low, and also adding the 2 per cent interest on the loan fund, which would go into the loan fund instead of the General Treasury, we have a total cost of $64,625,000 per annum under the above-mentioned items.

Furthermore, this bill exempts the operators or vessels from the payment of "war-profits and excess-profits taxes imposed by Title III of the revenue act of 1918 or any and all taxes on income, corporate or individual, imposed by the revenue act of 1921, or by any subsequent revenue act, an amount equivalent to the net earnings of such vessel during such taxable year," provided the owner "invests or sets aside in a trust fund for investment" for the construction of new vessels.

The bill further provides for the exemption from taxation of the profits made upon the sale of vessels built prior to January 1, 1914, provided such owner "invests or sets aside in a trust fund for investment for the building of new vessels." I do not know why this advantage is accorded to privately owned vessels but not to those built by the Shipping Board.

Of course, it is impossible to state the extent of the charge upon the Public Treasury of these tax exemptions and none of the representatives of the Shipping Board would give any estimate thereon.

The bill further provides for the elimination of the Army and Navy transports so as to require our troops, munitions, and supplies to be carried in privately owned vessels without any distinction in time of war. Chairman Lasker and the Shipping Board report estimated that the income to privately owned ships from this source would amount to $7,500,000 per annum in the Pacific alone, of which amount they state that approximately $5,000,000 would be net profit to the ship operators. It will be noted that this amount does not include the Army and Navy transport service to the Canal Zone, Porto Rico, the Virgin Islands, Haiti, and so forth.

One of the provisions of the bill provides that 50 per cent of the immigrants to this country shall be transported in American vessels. Mr. Thomas H. Rossbottom, a representative of the Shipping Board, who testified at the hearings, estimated that under the present 3 per cent quota law "this traffic would give the transporting companies a gross income of $17,600,000 per year, of which one-half, or $8,800,000 should come to American owners." He further stated that one-half of this sum would be net profit.

There are other indirect aids carried in the bill, which I shall not now discuss.

However, Lasker stated at the hearings that the indirect aids provided in the bill were of much greater value than the direct aids.

Wherefore, as previously stated, it is a conservative estimate to state that this bill would constitute a direct charge upon the Public Treasury of at least $75,000,000 per annum, not to speak of additional costs to the American public.

Another false feature of the propaganda is the continual assertion that this bill is favored by the farmers, such an assertion having been repeatedly made by Chairman Lasker and repeated by him as late as the said article appearing in the September issue of the Scientific American. Such assertions are invariably based upon the fact that J. R. Howard, president of the American Farm Bureau Federation, indorsed the bill, as they are unable to point to any other farm organization or representative thereof having indorsed the bill for the very good reason that no others have done so, although most of them have gone on record as strongly opposed to it.

With respect to Howard's indorsement of the bill, those who have been parading such facts from one end of the country to the other failed to state that Howard was then and is now a candidate for appointment to the Federal Reserve Board, and that he indorsed the bill at the request of Chairman Lasker. They failed to explain that in indorsing the bill Howard not only did not represent the views of the American Farm Bureau Federation but acted contrary thereto, as that organization had gone on record in national convention as opposed to any subsidies, all of which was admitted by Howard at the hearings.

Upon cross-examination at the hearings, upon having his attention called to the different provisions of the bill, Howard repeatedly either expressed disapproval of same or withheld his approval. Furthermore, since he testified at the hearings, I have received a letter from James R. Howard, in which he states, in part:

> The statement which I made at the hearing before your committee on the ship subsidy was prepared, as I stated, by our office and not by myself. I had not read it over until I read it in the committee. * * * So far as governmental aid is concerned, you will note from the purport, both of the evidence and telegram to President Harding upon which our statements were made, that we approved aid only with essential reservations. I need not repeat that.

As evidence of the extent to which Howard misrepresented the membership of the American Farm Bureau Federation, I call attention to the action taken by the local chapters of that organization in Howard's own State, as explained in the following letter:

DES MOINES, IOWA, *August 21, 1922.*

Senator DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Replying to your inquiry of August 22, regarding the referendum vote in Iowa on the subject of the ship subsidy bill, will say that the ratio stood 37 to 1 against the bill. That vote would indicate that the farmers were very largely against ship subsidy.

Yours very truly,

IOWA FARM BUREAU FEDERATION,
By C. W. HUNT, *President.*

The farm journals throughout the country, practically without exception, have been denouncing the pending ship subsidy bill in unmeasured terms and declaring that the farmers are practically a unit against it. I shall not burden the RECORD with extensive quotations from such papers, but shall simply call attention to some typical examples. The National Grange, monthly, published at Springfield, Mass., is the official organ of the National Grange, the largest farm organization in the country, having over 800,000 paid-up bona fide members representing every State in the Union except a Southern State, and a representative of which organization, Dr. T. C. Atkeson, appeared at the hearings in opposition to this bill. In a recent issue said journal had the following to say in regard to this bill:

> ### THE TRUTH ABOUT SHIP SUBSIDIES—IN THE MIDST OF ALL SORTS OF MISREPRESENTATION THE GRANGE SPEAKS FOR THE FARMERS.
>
> With tremendously gathering force the ship subsidy question is arousing the country and is fast taking first place in public attention among the many matters pending before Congress. On every side the farmers are uttering strong protest against the proposed ship subsidy project, and it is already apparent that a great wave of agricultural opposition will soon be sweeping the country, with a likelihood that the magnitude of the protest will exceed any previous uprising of the American farmers since the days of the Canadian reciprocity buncombe, which those same farmers so effectively squelched.
>
> The usual propaganda methods are being resorted to to misrepresent the farmers' attitude and to make it appear that the latter are going to be lined up for ship subsidies—than which nothing could ever be further from the truth.

And in the last issue the National Grange monthly contained the following editorial:

> ### A RINGING VOICE.
>
> Of all the times that the Grange has spoken on big pending questions in the name of the farmers of America it never expressed their position more accurately than when it protested vigorously at Washington against the ship subsidy measure which influential interests are bound to jam through the present session of Congress. Its protest was instant, has been vigorous, and apparently is to prove effective. There does not at present appear to be the slightest chance that a ship subsidy bill can be gotten through this session, so mighty have become the forces lined up against it, the solid phalanx of American farmers at the forefront.
>
> In the midst of some farmer misrepresentation at Washington of the most unfortunate nature, the Grange declaration against ship subsidy rings clear to the desires of an overwhelming preponderance of the farmers in every section of the country, and the organization again stands revealed as the true spokesman of the agricultural people.

The August issue of Farm, Stock and Home, published at Minneapolis, Minn., by Harry H. Owen and recognized as one of the foremost farm papers in the country, contained the following editorial:

> ### WILL NOT SURVIVE DISCUSSION.
>
> Our guess is that the ship subsidy is dead. The only chance of success it had was to jam it through quickly under a smoke screen of false patriotism. "Keep the American flag on the sea," "Do not surrender the ships," "Do our trading under the Stars and Stripes," and a lot of similar buncombe, but the scheme did not work. The American voter is doing his own thinking to a greater extent than any time in the last 60 years. He does not accept and defend every proposition his party suggests, or condemn blindly those of the opposite camp. Even as recently as 10 years ago practically every Republican would have favored the ship subsidy because a Republican President had proposed it. Because they do not now is one of the most encouraging signs of the times; it shows that political parties can not be used to further class interests as has been done in the past.
>
> The longer the ship subsidy is before the people the less likely it is to be passed. Wrong in principle, unjustified by economic needs, a mere grab into the United States Treasury by a few favored individuals, its true nature will become more apparent the longer the proposition is before the people.

The noted farm papers published in different sections of the West by Dante M. Pierce have had repeated editorials and other articles denouncing the ship subsidy bill and stating that the farmers are practically unanimously opposed to it. Mr. Pierce, among other things, says:

> The Congressman from Iowa who voted for a ship subsidy might just as well lease his apartment in Washington.

Heretofore the farmers of the country, without regard to section or party, have been a unit in opposition to the various efforts that have been made from time to time to pass ship subsidy bills, and largely by reason of that opposition all such bills have been defeated. The opposition of the farmers to such legislation was based upon the fact that such bills were not only wrong in principle but also imposed heavy burdens upon the farmers as taxpayers without any corresponding benefits. There is much more reason for farmers opposing the pending bill than there ever was for opposing any previous ship subsidy bill, and the indications are that they are almost a unit in opposition to the pending bill in spite of the tremendous amount of false and misleading propaganda which has been disseminated in its behalf and largely at Government expense. The pending bill is not only more vicious in principle than any previous bill but would be infinitely more burdensome to the farmers. In comparison with previous bills it is a giant compared to pigmies.

As the American people revolted to such an extent as to prevent the passage of the Hanna ship subsidy bill, which carried an estimated annual expenditure of only $3,222,268, and later the Gallinger bill, which carried an estimated annual expenditure of $5,109,355, which the report on the bill stated would be covered by ocean postage collected and the increased tonnage taxes provided in the bill, it is hardly conceivable that they will tolerate this proposed monstrous raid on the Treasury, which will cost the American people at least $75,000,000 a year, not taking into consideration various indirect aids to the shipping interests which are not susceptible of calculation.

The direct charges upon the Public Treasury carried in this bill, even if they amount to no more than the figures conceded by Chairman Lasker at the hearings, will amount to 50 per cent more annually than the combined subsidies, subventions, and State aid of every character and description paid by all of the nations on earth combined.

The worst feature of it is that subsidies have never built up or maintained a successful merchant marine, as a report of the present Shipping Board concedes, and it would not do so in this instance. The bill is designed and would operate in the interest of a very few large monopolistic shipping concerns. It is an indefensible case of class favoritism, of enriching the few at the expense of the many.

While the farmers, who pay more taxes, direct and indirect, in proportion to their wealth and earnings than any other class, would be compelled to bear a large part of the burdens of this legislation, yet the bill is not framed with their interests in view and would not work to their interest. The farmer's interest is in cargo vessels to carry his products to foreign markets, and yet the subsidies provided for cargo vessels in the pending bill are insignificant. The bill is so framed that most of the subsidies will be paid to fast ocean liners. How many farmers are able to travel abroad?

It is stated by Chairman Lasker and others that negotiations are under way for the construction of two 1,000-foot passenger liners, each of 70,000 gross tons, the largest in the world, their construction being contingent upon the passage of the pending ship subsidy bill.

This smacks of propaganda. However, it is entirely possible that these ships may be constructed, as under the provisions of the Lasker ship subsidy bill the owners could borrow two-thirds of the cost of construction on 15 years' time and at 2 per cent annual interest; then they would be entitled to annual voyage subsidies amounting to at least $4,000,000 according to the basic rates, and twice that amount if the Shipping Board doubled the basic subsidies under the discretion lodged in them by the pending bill; so that the two ships would be entitled to $60,000,000 in voyage subsidies during the 15-year period, and $120,000,000 if such subsidies were doubled by the Shipping Board; also they would be exempted from the payment of all Federal taxes, provided they set aside same for reinvestment; they would also receive the benefit of various other aids provided in the bill. R. T. Merrill, an official of the Shipping Board, testified that the *Leviathan* would be entitled to voyage subsidies of $900,000 annually according to the basic rates, or $1,800,000 if the basic rate should be doubled. He was entirely too conservative. A layman can take a pencil and paper and figure it for himself; taking the rate of subsidy provided in the bill for such a vessel and the tonnage of the *Leviathan* and the number of trips it could reasonably make in a year, he will see that the *Leviathan* could draw twice as much subsidy as conceded by Mr. Merrill. As the vessels mentioned are to be considerably larger than the *Leviathan*, which has a tonnage of about 54,000, the above estimates are entirely conservative.

Of course, nobody exccept the very wealthy could pay the price to travel on these palatial greyhounds. The question is as to whether the masses of the people are sufficiently interested in providing these floating palaces for the luxuriant comfort of the wealthy tourists to be willing to pay this price. Is it not a fact that not only the farmers but the masses of the American people are much more interested in cargo vessels to carry their commerce? An infinitesimally small percentage of them ever get the opportunity to travel abroad, but all of them are interested in our commerce. And yet, the pending ship subsidy bill is framed in the interest of the fast ocean liners rather than the cargo vessels. For instance, the same Mr. Merrill, and also Mr. Homer L. Ferguson, testified at the hearings that a 5,000 gross ton cargo vessel with a speed under 12 knots—and but few cargo vessels exceed that, the ordinary cargo steamer making a speed of 8 or 9 knots—in customary continuous operation would be entitled to voyage subsidies of $7,500 annually, according to the basic rate provided in the bill. A 7,000 gross ton vessel of this type would be entitled to $10,500 per annum. It would take about 48 of such 5,000-ton ships or 34 of the 7,000-ton ships to equal the tonnage of the two large passenger steamers mentioned by Mr. Ferguson. This entire fleet of 48 or 34 cargo vessels would be entitled to only $360,000 annually in voyage subsidies, or $720,000 if such subsidies were doubled; but it is unlikely that the subsidies on cargo vessels would be doubled. Differently stated, the basic voyage subsidies to which those two giant liners would be entitled under the provisions of the Lasker bill would be equal to the basic voyage subsidies of 522 5,000-ton cargo steamers, or 380 7,000-ton cargo steamers, with an aggregate tonnage of 2,660,000 gross tons. If the subsidies to the said liners were doubled and the cargo vessels received the basic subsidies, the bounties received by the two large passenger vessels would equal the subsidies received by 1,064 of the 5,000-ton cargo steamers or 760 of the 7,000-ton cargo steamers, with an aggregate tonnage of 5,320,000. In other words, under the basic subsidies provided in the bill for the different classes of vessels, these two large liners would be entitled to half as much subsidies as the entire Government fleet of cargo vessels; and if the Shipping Board should exercise their discretion of doubling the subsidies to these liners, they would receive as much as all of the cargo vessels, figured upon the basic rate to which they are entitled. Figured on the same basis, those two vessels and the *Leviathan* would receive as much as all of the American cargo vessels fit for service, including both Government owned and privately owned. While it is true the liners mentioned are extra large, yet there are numerous passenger vessels which would be entitled to one-fourth to one-half the subsidies to which these liners would be entitled.

The pending bill is thus framed in spite of the fact that it was shown conclusively at the hearings that American passenger vessels labor at a less disadvantage than do cargo vessels.

For a refutation of the different arguments advanced in favor of the pending bill, I call attention to the facts furnished by me in a speech delivered in the House on June 13 last, which nobody has attempted to dispute or answer, and to the minority report on the pending bill.

I quote the conclusion of the minority report, which is as follows:

> In addition to the fact that the proponents of the merchant marine act of 1920 claimed at the time of its passage that it was a complete and adequate solution of the problem, as reiterated in the Republican national platform, Chairman Lasker at the hearings declared that in his belief, "if the Jones law could have been carried out as a whole it would have given us an American merchant marine without asking for further legislation."
>
> Section 273 of the pending bill, allowing a deduction from net Federal income taxes of 5 per cent of the freight paid on goods imported or exported in American-flag vessels was provided as a substitute for said section 34 of the Jones Act. Both Chairman Lasker and Winthrop L. Marvin, general manager of the American Steamship Owners' Association, stated at the hearings that this substitute provision is "far more valuable and effective" than section 34 of the Jones Act, and they are undoubtedly correct, for the very cogent reasons stated by them.
>
> Yet the pending bill not only provides a substitute "far more valuable and effective" than section 34 of the Jones Act but also amends said act in several vital respects and in addition provides enormous direct subsidies as well as numerous other direct and indirect aids to the shipping interests, which will cost the American people at least $75,000,000 per year and which will amount to at least 50 per cent more than the aggregate amount paid by all foreign nations in the form of subsidies, bounties, subventions, ocean mail pay, and of every other form of direct or indirect aid to the construction and navigation of their merchant marines.
>
> In conclusion we call attention to the following facts:
>
> 1. Our Government-owned merchant tonnage cost the people about $3,000,000,000. It is estimated that we will probably sell the ships for $200,000,000. Consequently the people will stand a loss by deflation of $2,800,000,000. Furthermore, it is contemplated that either existing shipping companies or companies to be organized, who buy the ships, will capitalize the ships largely in excess of their cost to them, and sell the stock and bonds to the American people—so that the people will be standing the war inflation, the post-war deflation, and then the promotion inflation.
>
> The people, through their Government, will sell the ships for approximately $200,000,000, lend $125,000,000 to recondition those ships or build others, and then pay the owners approximately $750,000,000 in subsidies and aids within the next 10 years. In other words, we will be giving the ships away and paying the recipients over $500,000,000 to operate them for the next 10 years, with the chances that such burdens will thereafter continue indefinitely and probably increase if this policy is once fastened upon this Government.
>
> 2. That this bill provides for a loan to shipowners of a revolving fund of $125,000,000, such to be loaned at 2 per cent interest and for 15 years at a time, and up to two-thirds the cost of the ships upon which the loans are to be made, although the average life of a ship is estimated at 20 years; whereas, even under the Federal farm loan system, farmers are compelled to pay about 6 per cent interest, and are not allowed to borrow more than 50 per cent of the market value of their farms, which constitute permanent security.
>
> 3. That this bill exempts shipowners from the payment of all Federal taxes, provided the amount which would otherwise be payable as taxes is invested or set aside for investment in new ship construction.
>
> 4. That it is not even claimed by the proponents of this bill that the people will obtain any cheaper ocean freight rates, and that the bill does not pretend to provide for any sort of regulation of such rates; on the other hand, Chairman Lasker at the hearings called attention to the fact that, by reason of the provision authorizing a deduction from net income taxes of 5 per cent of the freight paid on goods imported or exported in American vessels, an importer or exporter could afford to pay 4 per cent more for the carriage of his goods on American vessels than they would be carried for on foreign vessels and still save 1 per cent.
>
> 5. That this bill authorizes the Shipping Board to make contracts for the payment of subsidies for a period of 10 years from the date of making contract, this being admittedly for the purpose of preventing a repeal of the act by subsequent Congresses.
>
> 6. That, instead of the Shipping Board coming to Congress each year for necessary appropriations to carry out the provisions of the bill, as all other departments of the Government are required to do, this bill is so framed as to avoid this, it directing the Secretary of the Treasury to credit to the merchant marine fund certain receipts, and "all moneys in the fund are hereby permanently appropriated for the purpose of making such payments" of voyage subsidies "upon vouchers signed by the chairman of the board."
>
> 7. That this bill confers upon the Shipping Board the most autocratic and unprecedented powers with respect to selling ships, making loans, making subsidy contracts, and handling enormous sums of money ever conferred upon any board, and yet the Shipping Board is feverishly employing every conceivable means to obtain such powers and opportunities.
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> 8. That this bill does not require the Shipping Board to make any report or accounting to the President, to the Congress, or anybody else at any time.
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> 9. That most of the American steamship lines which are seeking and would receive the subsidies and other aids maintain an unnecessarily large force of high-paid executives, their salaries running as high as $100,000 a year, not only greater than the salary of the President of the United States but out of all proportion to salaries paid in any other industry, especially considering the size and the amounts invested in the enterprises. The Seager Steamship Co. is a leading American line, organized in 1907 and having operated American-flag ships to various European ports in the sharpest competition in the world; John C. Seager, sr., the president of the company, is said to be the oldest and one of the most highly esteemed shipping men in New York. John C. Seager, jr., the vice president and treasurer of the company, in a recent interview published in the Nautical Gazette, declared:
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> "Steamships purchased at the present time can be operated at a profit; foreign owners are not losing money, and there is no reason why an American owner can not make a profit with his ships. The most potent factor militating against the successful operation of American ships is the large overhead, which is incurred by the payment of large salaries to unnecessary executives. With few exceptions in Britain, there are no large salaries paid to steamship men in Europe, and if this example were followed in this country the balance sheets of the industry would make a better showing."
>
> 10. That this bill authorizes the granting of subsidies and all other aids to the Standard Oil Co., the United States Steel Corporation, and other large concerns which own and operate their own ships in the transportation of their own products and does not require them to operate their ships in whole or in part as common carriers.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. EDMONDS. Mr. Speaker, the gentleman from Tennessee [Mr. DAVIS] in his remarks has taken up a question that I think will be answered at a later date in the House by Members in favor of the subsidy bill. We deny, in the first place, that our ships are worth $200,000,000 or less. We deny also that it is going to cost $75,000,000 a year for a subsidy. We also deny that the additional expenditure of money has anything to do with the present ships. It is for additional ships, to build up the merchant marine and balance out, as they call it, our fleet, so that we may have ships of all kinds to carry our goods.

But I do not wish to speak on that subject to-day. I wish to speak now about the letter that I sent out concerning the Suez Canal rules. That letter was written in my office, with the vice president of the American Bureau of Shipping in my room, with the rules issued by the Suez Canal Co. in his hand. The American Bureau of Shipping was not, no matter what the circular says which the gentleman is going to put in the RECORD, included in the list for recognition of their survey of oil vessels which would be allowed to go through the Suez Canal. One week after sending the letter to the House—and the statement was put in the newspapers—the Suez Canal authorities met and included the American Bureau of Shipping in their list of recognized authorities for survey of ships going through the canal, realizing the fact that they had made an error, as I presume. But it was the action of that letter and the action in the newspapers that brought about the result by which a French corporation in which the British Government has a controlling financial interest, upon whose board of directors they have a very large representation, took the action I have mentioned. The reason I sent that letter out was that it meant that our oil ships could not go through the Suez Canal unless surveyed by foreign associations.

It was evidently done intentionally, because they included the German bureau, the British bureau, and the French bureau, but they did not include the American bureau. Therefore, no matter what statement is made on the floor, I am perfectly prepared to prove at any time to the House of Representatives and to the people of this country that there was a discrimination against American ships in the Suez Canal rules when they were issued, and we have the rules to show you.

Now, I want to go a little more into this question of British discrimination, which the gentleman from Tennessee denies. We all remember that just recently the American consul to Newcastle was reprimanded by the British Government and we were asked to withdraw him as a person not acceptable by that Government, the reason being that he asked some shippers over there to ship coal in American ships. The gentleman well knows, if he has studied this question, as does every other man who has studied the shipping question, that all over the world British consuls are not only British consuls but they represent British commercial companies. They represent British shipping companies. They represent Lloyds registry. They represent the London Salvage Co. They do not all represent all of these concerns, but in some places you will find one representing one concern or two concerns, and in another place another representing some other concern. The consular agents of Great Britain are the commercial agents of that nation all over the world, and England should not take exception to an American consul desiring to assist the American merchant marine. It is an outrage and a shame that such a thing should have occurred.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Maryland asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, the gentleman from Michigan [Mr. Brennan] has introduced a resolution to modify the eighteenth amendment, commonly known as the prohibition amendment. This is perhaps a movement, though slight, in the right direction; but if it were possible to adopt the amendment proposed by him, the principle which underlies the objection to this amendment still remains.

I contend that the eighteenth amendment was an invasion of the State rights and the usurpation by the Federal Government of functions reserved and guaranteed to the States under the Constitution. It does not express the will of a majority of the people of the country, and was adopted at a time and in a manner which was unwarranted and unjust. Even the amendment would not have been quite so bad in practice, nor offended the people to such degree, if Congress had only carried out the provisions of the amendment.

The amendment provided against the manufacture and sale of intoxicating liquors, and yet Congress passed over the veto of a Democratic President what is known as the Volstead Act, the terms and provisions of which are so drastic that it has raised the ire of those who believe in the liberty and freedom of the people. The effect has been the wholesale violation of its provisions and the tendency to disregard all laws and its enforcement seems impossible.

Mr. SMITH of Idaho. Did I understand my friend to say that his constituents are opposed to the enforcement of the law?

Mr. LINTHICUM. I say they are in favor of the repeal of the law. My people live under the Constitution and whatever is in the Constitution they want carried out, but they believe that the Volstead Act ought to be absolutely repealed.

As I was about to say, crime, drunkenness, bootleggers, and stills infest the country. The prohibition enforcement officers have been found to be absolutely inadequate to meet the situation, despite the fact they are spending millions of the people's money. I have voted against the amendment and Volstead Act at all times; I should be happy to vote for their repeal. In the meantime, in order to give relief to the situation and liberty to the people, I would vote for an amendment to the Volstead Act which would permit light wines and beer.

I have always maintained this position. In my speech on December 22, 1914, on the Hobson resolution proposing an amendment prohibiting manufacture and sale of intoxicating liquors, I said:

"I do not believe the liquor question can be solved by an amendment to the Constitution, which could be adopted by a minority of the people of the land through legislative bodies. In the adoption of the constitutional amendment each State, through its legislation, has the same power; for instance, the State of Delaware, with its 203,000 people, would have the same power of adoption of this amendment as would the State of New York, with its 8,000,000. Ten States of the Union—a majority of the people—might vote against the adoption and yet the balance of the States could adopt it.

"Thousands of Federal employees will be necessary for its enforcement, expense unlimited, and trouble and annoyance untold.

"Shall we so far forget the past as to approve an amendment which in its power and inquisitorial nature is a close parallel to the force bill?

"You can never enforce a law of this character unless you have public sentiment behind you. You can never legislate people good; they must be trained and educated so.

"I prefer to leave the solution to the people of the States and of those localities which desire it. Let good men, above reproach, who have the confidence of the community, be intrusted with the execution of the liquor laws, and with public sentiment back of them, upholding and aiding in the work, we will get the best results.

"The State of Maryland and its people should be foremost among the guardians of our Constitution. It is a noteworthy incident that it was the Maryland-Virgina convention which met at Annapolis which called the convention to meet in Philadelphia in 1787, at which convention the present Federal Constitution was discussed, framed, and finally adopted.

"The convention of Maryland by resolution ratified the Constitution by a vote of 63 to 11, upon the plain understanding and obligation that the amendments proposed by Governor Hancock and Samuel Adams, of Massachusetts, and Thomas Jefferson, of Virginia, should be ratified by the States thereafter. The great Marylander, Luther Martin, had laid his views before the convention and before the people of Maryland.

"In that day and generation Maryland had no thought of abandoning her sovereign function to control her domestic affairs. There were a little over 3,000,000 of people in the United States, and Maryland did not then think that these people could be controlled from a consolidated and centralized government at the National Capital. And now, when our population is 100,000,000 of people, she does not believe that her domestic concerns can be better regulated or controlled from Washington City.

"Therefore, standing squarely upon Jeffersonian principles and against the Hamiltonian idea of a central government, cherishing the ancient faith of democracy, I still believe as Maryland did at that date, and as one of her Representatives shall cast my vote against the repudiation of all that her forefathers held dear when the Constitution was fashioned and established."

Mr. Speaker, the principles which I have enunciated in my few remarks to-day and on the Hobson amendment I have conscientiously shown in my voting since becoming a Member of this House, nearly 12 years ago. My record as shown by my votes is as follows:

December 22, 1914: Voted against the Hobson resolution to amend the Constitution of the United States against the sale of liquor.

February 28, 1917: Voted against the passage of a bill for prohibition in the District of Columbia.

December 17, 1917: Voted against constitutional amendment for prohibition.

May 23, 1918: Voted against so-called Randall amendment, which prohibited the expenditure by the President of an appropriation for a food survey unless a proclamation authorized by section 15 of the act of August 10, 1917, shall be issued by the President, which would restrict the use of foods, fruits, food materials, or feeds in the production of malt or vinous liquors for beverage purposes.

"July 22, 1919: Voted against the passage of the Volstead Enforcement Act.

March 4, 1920: Voted to recommit the legislative appropriation bill in order to repeal the Volstead Enforcement Act on and after July 1, 1920.

February 26, 1921: Voted against motion to increase the appropriation by $400,000 for the enforcement of prohibition.

June 27, 1921: Voted against the bill which prohibited the manufacture and sale of beer for medicinal purposes.

I ask unanimous consent to extend my remarks in the Record and in that extension to place some excerpts from a former speech in 8-point type.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the Record and to insert certain extracts in 8-point type. Is there objection?

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, I desire to extend my remarks in the Record by inserting an article from the Journal of Clinical Medicine on the subject of the opium traffic.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks on the subject of the opium traffic by inserting an article from the Journal of Clinical Medicine. Is there objection?

There was no objection.

The matter referred to is as follows:

KNOXVILLE, TENN., *September 18, 1922.*

HON. J. WILL TAYLOR, M. C.,
Washington, D. C.

MY DEAR CONGRESSMAN: The September number of the American Journal of Clinical Medicine (Chicago, Ill.), a copy of which I have to-day mailed you, contains an article by Dr. H. E. Goetz, of this city, on "The problem of opium addiction," which I regard as one of the best articles on this important subject that I have ever read.

He shows plainly and conclusively the failure of the law as it now stands to control the opium traffic and points out what seems to me to be the only rational way by which this gigantic traffic can be checked.

Not only is the article interesting in this regard, but the opium addict is placed in his true light before the medical profession and the public.

Doctor Goetz is a pioneer in this work and speaks with authority. His article has commanded the attention of the editor of this great medical journal, who has called attention to Doctor Goetz's article in a page editoral in the same issue. I understand, also, that the Literary Digest has already asked permission to reprint the article in full—more than five pages.

Now, since this subject is one which should interest the lawmakers and since Doctor Goetz's article is so pregnant with fact, I hope, after reading the same, you will read it into the CONGRESSIONAL RECORD. I am sure that the editor of the medical journal referred to would recommend such a step. It has interested me so much that I have written the Journal a commendatory criticism of same.

Trusting that you will concur with my judgment in this matter and thus give the lawmakers the benefit of Doctor Goetz's experience as well as giving other readers of the CONGRESSIONAL RECORD an opportunity to see this proposition in the true light, I am,

Your friend,

HENRY F. ALEXANDER, M. D.

THE PROBLEM OF THE OPIUM ADDICT.

(By H. E. Goetz, M. D., Knoxville, Tenn.)

The Harrision antinarcotic law may well be termed the Dr. Jekyll and Mr. Hyde of Federal statutes in so far as it is supposed to control the employment of narcotic drugs for other than legitimate medicinal purposes and to bring about a reduction in the number of what is termed drug addicts. It has taken away dispensing privileges from the medical profession and has placed them in the hands of illegitimate drug venders. It is not alone my purpose to criticize this statute, but to point out why it has failed and why the addict fails to obtain permanent relief from his malady under the operation of this law.

During 12 years of active work with these patients it has been my fortune to observe that surely the harvest is plenty and the laborers are few.

It seems that there yet remain some in the ranks of the medical profession who deny that drug addiction is a disease and who consider it a vicious habit only, placing the addict in the class of the moral derelict. His demand for the drug is believed to be but a desire to satisfy a perverted craving, and it is asserted that he might purge himself of this craving as easily as one would of the use of tobacco. This erroneous conception seemingly arises from the fact that one does not readily appreciate the various pathological aspects of the problem.

What is disease? According to Lippincott's Dictionary of Medicine it is "any departure from the state of health, presenting well-marked symptoms and having a definite character." That being so, it must be asked whether opiumism, or drug addiction, presents well-marked symptoms of a definite character.

Consider a patient, an addict, not in balance; that is to say, deprived of his regular allowance of opium. He appears before us with rapid heart action, thready pulse, irregular respiration, yawning, sneezing, complaining of great weakness, pain in limbs, chilliness, and goose flesh, pallor, restlessness, diarrhea, vomiting, loss of appetite, widely dilated pupils, excessive lacrimation, and insomnia.

The same patient, while in drug balance, presents contracted pupils, heart action usually accelerated 10 beats, respiration normal, taking food at irregular hours and scantily, constipated to a degree that makes necessary strong purgatives daily, urine scanty and high colored, with high specific gravity. The blood pressure is commonly low; 80 to 110 systolic, unless some complicating factor raises it higher. Emaciation is usual; yet some patients appear to be well nourished. The liver is contracted; there is lack of energy and strength; also loss of will power. Some patients complain of impotence; nearly all state loss of libido; cessation of the menstrual flow is observed in more than 80 per cent of the female addicts.

HEREDITY A FACTOR.

I have heretofore called attention to a family who came under my observation and in which there was a direct transmission of the disease from mother to son, in utero, and in turn by the son's wife, she being an addict also. In the children born in this second generation, I witnessed the phenomena that are usually present in adults before the infants were a week old. Now, if my position (that opiumism is a disease with a well-marked and constantly-appearing symptomatology and well-defined pathology) is not well taken, then how can we explain the crying of an infant, excessive lacrimation, sneezing, restlessness, refusal to nurse, and the pallor, all of which promptly disappear when a dose of morphine is administered, to reappear in a few hours and again disappear when more morphine is given? These infants were but a few days old and certainly too young to reason. How can we explain the tolerance to one-half grain doses of morphine in an infant but a few hours old?

Again, my experiments with dogs and chickens prove conclusively that there can be no mistake in my premise.

It would seem, therefore, that debate is not necessary, and that opiumism surely is a disease within the meaning of the term.

Then the question arises: Why should it be expected that the addict could rid himself of the disease without proper medical attention? Surely this much is not expected of any other class of sick persons. Nor is any other sick person thrown in jail to receive "cold turkey" instead of medical attention.

OPIUM ADDICTION A PSYCHOPATHY.

Let us consider seriously why and how the disease is incurred. The seed of the trouble is sown in the preceding generations; that is, the psychopath is born, the nervous and mentally unfit goes forth to battle without proper armor. An accident occurs resulting in bodily injury, or a surgical operation is necessary, or some prolonged illness, perhaps painful in character, all of which make necessary the use of narcotics to sustain or save life. The drunkard finds a relief more swiftly and certainly if narcotics are employed following an acute debauch. He resorts to this remedy in the future without the aid of his physician via the "bootlegger" route. How frequently have we observed two patients suffering the same type of illness receiving narcotics. To one it brought only passing relief and to the other joy. The first represented the normal type and the latter obviously the psychopath.

There exists an underground world of addicts, no doubt, who actually take up the use of narcotics and encourage others to do so from a mere desire to get the "kick" which had been lauded to them by vendors of drug. However, in my opinion, this class represents but a small minority.

It is apparent that any drug or agent which will produce brain stimulation has a seductive action on the human economy. Opium has a direct action on these cells of the cerebrum that preside over intellectual action. Wood says: "Some of the world's most famous writings have been produced under its influence." Further, it appears to stimulate those tissues that have to do with the imagination. The higher up the scale of intellect we reach, the less amount of drug is necessary to give effect, while the low type (spinal type) will take great quantities without marked effect on the intellect.

This stimulation disappears in many after the disease is well established, giving way to the sluggish brain action seen in overstimulation, and a fear not unlike that found in anxiety neurosis.

We have observed some patients, using the small quantity of one-eighth grain of morphine twice daily, as helpless to rid themselves of its influence as one taking many times that much.

Mrs. U., the wife of a West Virginia coal miner, actually consumed by mouth three 54-grain doses a day, and an attempt at reduction produced the usual symptoms observed in withdrawal.

Here we have both types. The one getting the necessary action to make life livable on one-fourth grain daily, while the other actually used 162 grains in the same period, which is a ratio of 648 to 1.

The seductive action is most marked in the psychopath, for we have noted asthmatics taking relatively large doses of morphine daily for a period of a week or more, and when the attack abates leave off the narcotic until the attack reappears, sometimes after a period of weeks, to resume the use and repeat the procedure for years, yet they never present the symptoms of addiction. On the other hand, a few doses administered under like circumstances in other persons awaken within the brain a demand which, if encouraged in the least, leads to disaster.

ADDICTS NOT ALL CRIMINALS.

Why are addicts usually termed "criminals"? We have seen the phenomena that appear when the daily dose of an accustomed narcotic is lessened or cut off. All drug addicts are subject to fear, an awful fear, of something worse than death overtaking them when once their panacea for all ills is denied them or about to be denied them.

Up to the time the patient begins to find it difficult to obtain the usual supply he or she is, generally speaking, normal morally.

To lie is a wrong to him, to steal a disgrace unthought of, to resort to any dishonesty a crime. But once the "shoe pinches" he will lie and steal to obtain his drug which is his life.

I have never known one to commit murder, though it is generally believed that they do; never have I known them to even strike another nor to commit rape, even in the criminal class. It is the general opinion that there is no crime too low for their hands. Self-preservation prompts them to steal and lie. Society is responsible for their pitiable plight. It is asserted to be a disgrace to be addicted to drugs. That is the first mistake made by society. If society is in the right, then it is a disgrace to be born unfit, nervously, to face the problems of life. It is a disgrace, even a crime, for any man or woman to knowingly take up the use of narcotics for their intoxicating effect, but (as I have said), in my opinion, only a small per cent of the whole addict population acquire the disease that way.

Owing to this "disgrace," the poor unfit is forced to secrecy. He lies to hide this disgrace. Is he to blame for shielding himself?

In my daily association with these people I have found them as honorable as the average in their equal rank socially.

However, everyone is acquainted with the criminal addicts; these are the ones best known to the public. There is a criminal element in the ranks of the "addict" that would be criminals in the church or in the Masonic fraternity or elsewhere, and the courts of justice should make searching investigations into the indictments brought against physicians or others for alleged violations of the narcotic drug act when the charges are based on the testimony of this element. Give any one of them into my hands for 48 hours, and I can make him swear in any court, with a good face, too, that he had just witnessed the battleship *Maine* riding at anchor at the corner of State and Adams with Washington at the helm, "Bob" Evans lashed in the rigging and Woodrow Wilson in the hold stoking. A promise of a continuation of drug or a threat to discontinue it is sufficient. Many physicians in the United States have been dealt with on just such unreliable evidence.

FROM ALL WALKS OF LIFE.

I have found many and various people in the ranks of addicts. The medical profession contributes a large per cent, next the legal profession, and a large per cent of the whole comes from the ministry. These people freely admit that, if the emergency had arisen, they would have lied to shield themselves or to procure drugs. It would seem that there is no question that the demand for the drug stands first in intensity; hunger for food or thirst for water taking second and third rank.

I offer as proof of this the following: A charitable society brought to my attention a widow with three children under 10 years of age, all dependent on a boy 14 years old for their support. She would not only sell the food from her own mouth, but would rob her starving children of the scanty supply provided by the older boy in order to obtain her dose of morphine.

THE REMEDY.

Now that we have fixed in our minds the status, so to speak, of the addict and have placed him in the true light, the question is paramount: What shall we do to relieve the situation and to cure the unfortunate addict? On various occasions I have tried to point out that the mere stopping of the drug does not constitute a cure, even though it may be continued for a period of months. It must be remembered that there yet exists the underlying pathology of the nervous system and the awakened demand for a brain stimulant. This must be reckoned with.

In the case of an addict coming under my care a few months ago with the following history this feature is aptly illustrated:

C. D., age 47, syphilitic, with alcoholic ambliopia; addicted for 24 years.

"I was committed to the Federal prison at Atlanta on the — day of —, 1918, for selling narcotics. I had pleaded guilty to the charge at the suggestion of the members of my family, and was given a sentence of two and a half years by a well-meaning and kind-hearted judge, who stated to me as he sentenced me that he was giving me a long sentence hoping that I would be cured while in prison. He knew that I had served one previous term of 12 months in the same prison a few years back. When I was granted my liberty a little over two years afterwards I had been 'off drug' for two years and more. I shall never forget the day I walked out of the prison. There had been some changes made at the gate since my incarceration, and in my blindness I staggered down the steps and breathed the air of freedom once more.

"But my first thought was, where can I obtain morphine? Strange, is it not? The old craving was there, and with the $5 the Government had given me I made off for the first drug store I could think of. After a time I got track of a peddler, obtained a few cubes of the sulphate, and with a hypo needle fastened to an eye dropper I managed to get a dose under my hide. I felt that freedom, indeed, is a precious thing.

"I took the next train home, 180 miles away, where I soon found the usual source of supply awaiting me, and you know the rest of the story."

It has been several months since we discharged this patient. This time, no doubt, the results have been of a permanent nature.

PRISON CURES USELESS.

I have had the privilege of questioning most of the patients confined from this vicinity as to the results of their stay in prison. Save one, all report that they resorted to drugs immediately after liberation. It is apparent that the gradual reduction of the daily dose is noncurative, as well as nonsense. Well might we argue that if these patients could be thus cured one afflicted with tuberculosis of the pulmonary type could also be cured by daily reducing the number of coughs. I have yet to see one single case where a permanent cure of addiction has been effected by reducing dosage.

The addict most frequently selects this method, feeling that he will not be "cut off" and allowed to "kick it out." But he seldom reached the final reduction until about the day he is to be discharged, and then, of course, he finds excuse enough for his return to the drug.

Yet, according to Treasury Decision No. 2200, we are allowed to proceed with these cases only by "gradually reducing doses." It is evident that the commissioner was not well advised when this ruling was made. Not only is the method a failure but it admits of no progress whatever. The physician who would investigate, who would like to develop a rational treatment, is precluded from doing so for fear of transgressing this ruling, which would mean the loss of his good name and liberty. No doubt this ruling came about as the result of ignorance, and it should be brought to the attention of the Commissioner of Internal Revenue, who surely would correct it. At the time it was put in effect, Commissioner Osbern was the active head of the Keely Institute, at Greensboro, N. C., and his institution advertised "Gradual reduction and hyoscine knockout" as the methods of treatment used there. He was empowered by the statute to use his judgment in putting the law into effect, and doubtless he believed that "gradual reduction" was the proper thing, since his own institution used it and approved it.

It is monstrous that Congress should become medical dictator. Never before has a lawmaking body attempted to direct the method by which physicians should treat any disease.

Up to the time of the passage of the act (December 17, 1913) few physicians had even taken the time to make the slightest investigation into this world evil. Little was known of it in this country or in any other for that matter. The drug taker could, and did, supply himself without the aid of the physician. If he desired treatment, he usually went to some quack institution where a secret cure was given, and the busy physician (for lack of knowledge) termed him a "doper," passing him up on a laity diagnosis as hopeless.

Gradual reduction was then presumed to be a cure. It sounded rational. De Quincy, being the only authority on the subject, gave the impetus necessary to cause Congress to endow a layman with the authority to say to the profession "treat addicts by gradual reduction methods only" and further to make such rulings from time to time, with the consent and approval of the Secretary of the Treasury as he saw fit, to put the law into effect, and that these rulings should automatically become a part of the law thus endowing the commissioner with as much power as both Congress and the President combined possess.

If any medical authority has been consulted before these rulings were made, it is not apparent.

Gradual reduction of dosage produces restlessness, insomnia, diarrhea (mild at first, and later severe), loss of appetite for food, leg pains, and sneezing; in fact, all the symptoms seen in the usual case of withdrawal of drug. The demand for drug is daily increased until the patient stops the treatment, unless restrained by confinement, and if carried to termination, its use is resumed on the first opportunity. Therefore, we conclude that the discontinuation or gradual-reduction method is not a cure.

Neither are any of the delirifacients, atropine, hysocine, and their kindred, of value in the treatment. It is hard to imagine why these agents have heretofore been so freely resorted to in the face of overwhelming evidence of failure. Common judgment would seemingly preclude their use. Delirifacients to counteract brain stimulants!

TREATMENT MUST BE PERSONAL.

In the treatment of these cases, it is first necessary to get on intimate friendly terms with your patient. To instill in him the belief that you will not permit him to suffer either for the lack of morphine or for kind and sympathetic treatment. This is necessary in order that the fear referred to heretofore may be abated. Once this confidence is established further control of the patient is easily accomplished. His quarters in the institution should be suited to his station in life. He should be made to feel at home, in fact. He should regard his nurse as his guardian and not as his guard, his physician as his guide, his advisor, and his friend. He should be given a sufficient amount of morphine to completely appease his requirements; in fact, to make him comfortable in so far as morphine will do so. His food should be wholesome and attractively served. His conversation with other patients of the same type should be confined to other subjects than narcotics. This can be accomplished by properly trained nurses without offense to the patient. He should be encouraged and led, never driven.

The morphine should be continued from day to day until confidence is established, keeping in mind that the best results can not be attained unless the patient is in balance when the final dose is to be given.

In the vast majority of cases, it will never be necessary to place the patient in bed during the treatment for his addiction.

Insomnia and nervousness we have admirably controlled with the use of barbiturin, grains 2, every four hours. Leg pains never appear and no sneezing is observed. The patient eats and gains flesh, he enjoys daily outdoor recreations, and is never allowed to lose sight of the fact that he is regarded as any other sick person, and that he is receiving the individual care and attention that a sick person is entitled to and the sympathy that his condition deserves.

His peculiar nervous affliction should be sought out and receive attention, proper remedies being administered. Finally, a discharge should never be granted until one week or more has elapsed after the final dose of any sort of medicine has been administered, thus assuring the patient that he has not been "propped up" by some temporary stimulant, to fall as soon as he is left on his own resources.

PROPHYLACTIC MEASURES.

How shall we combat this evil for the future? How shall we proceed to stop the continued growth of this disease?

First, we must breed a better and more stable race. The psychopath should be recognized before adolescence. School inspectors should seek out children belonging to this class and report all to proper authority, so that their families may be put on guard. Proper treatment will thus be assured in many cases before disaster overtakes them.

Next, an all-important step is demanded. Few people in this country know the real source of opium more than in a general way. Opium is grown in India and under the supervision of the English Government. There one can get land rent free and borrow money interest free from the British opium department if wishing to engage in opium growing. Also the assurance is given that the Government will purchase the entire crop at prevailing prices at maturity. I know of no other article of commerce in the world where so much inducement is offered to the producer. The opium department also supervises the growing of the crop and experts give advice freely to the grower, in order to insure the greatest production at the least cost.

One is not long kept in darkness as to why this encouragement if the yearbook of the British Government is consulted. We find that 51 per cent of the gross tax of the entire colonial possession is derived from opium. We further read in the same publication that "opium has been used as a household remedy in India for centuries." Further on it is recommended as such a remedy. This opium is, after harvest, packed in chests and collected in the various centers, Bombay and other cities, where yearly auctions are conducted and the world's supply of opium is sold

The histories of the various opium wars indicate the startling fact that England has forced this traffic upon China for years. When China wished to purge herself of the evil, nearly a hundred years ago, she met British opposition and finally yielded, after years of bloody wars, paying England large indemnities in both land and money.

The excess of opium production is stated to be about one hundred times the necessary amount to supply the legitimate calls of medicine for it. This excess is wherein the trouble lies. After the sale of opium in India, it finds its way everywhere. China still gets her part despite the treaties.

Congress recently aimed to cut off this illegitimate surplus by enacting a law which prohibits either import or export of opium except through the Treasury Department. This is a good law, but it will serve only to advance the price of opium and its products, and the smuggling will go on so long as there is an excess grown. The opium ring, like the liquor ring, will operate. British possessions are at our very door. The advanced price will bring it in.

The paramount problem to settle is that of supply.

I hope that the public will eventually come to see the addict in his true light; to understand him as the most unfortunate of all sick persons. Scorned by society, a slave to his affliction, he is in prison every day within himself. And before passing final judgment on him, in our ignorance, it would be in place to remember the words of the Great Physician, "I was sick and in prison, and ye visited Me, and, so oft as ye do it to one of the least of these my brethren, ye do it unto Me."

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to strike from the calendar of motions to discharge committees the bill (H. R. 264) providing an additional judge for the district of Arizona, that legislation having been enacted as a part of the Walsh Act, providing for the appointment of additional Federal judges, approved September 14, 1922, Public law No. 298.

The SPEAKER. The gentleman from Arizona asks unanimous consent to strike from the calendar the bill referred to. Is there objection?

There was no objection.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to lay on the table the bill (H. R. 11074), Union Calendar No. 373, to authorize Federal farm loans on lands under United States reclamation projects. The exact language of that bill was enacted as the final section of the Raker Act, to provide for the application of the reclamation law to irrigation districts, approved May 15, 1922, Public law No. 219.

The SPEAKER. The gentleman from Arizona asks unanimous consent to lay on the table the bill indicated. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the Resident Commissioner from Porto Rico [Mr. DAVILA] may address the House for 15 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Resident Commissioner from Porto Rico may address the House for 15 minutes. Is there objection?

There was no objection.

Mr. DAVILA. Mr. Speaker, it is only to comply with a public duty that I again raise my voice to protest against the continuance of E. Mont Reily as Governor of Porto Rico. We have no other course to follow. We have repeatedly appealed to the administration without any results, and our patience is entirely exhausted. In presenting our charges against this governor, appointed by a Republican President, we asked for the most impartial investigation by a Republican Congress and a Republican administration. No higher tribunal can be called upon. If innocent, Reily was entitled to a public exoneration; if guilty, we were entitled to his removal. But our claim has not been heeded, and it seems that there is no justice for a helpless people. The continuance of Reily in Porto Rico is undermining the faith that we always have had in America. As our protests have been unheard, we appeal as a last resort to the American people and the American press, asking for their assistance in this struggle for justice and a square deal. Porto Rico can not tolerate Reily, because Reily is morally and mentally unfit for the position he fills; because he is disrupting the insular service by removing from office men of the highest type—honest, intelligent, respected and admired by everybody—and replacing them in some instances by men notoriously unfit. The situation in Porto Rico to-day is worse than ever, and business is seriously handicapped because public works and improvements are, in general, neglected and falling into a critical condition.

On the day before yesterday I joined a commission to visit President Harding to present to him a memorial of friendship from the people of Porto Rico. That is the real sentiment of the people of my island. They love this country. They have confidence in the American people. They were made citizens of the United States by the Congress of the United States and expect to be treated as such. Now, gentlemen, are you going to allow 1,300,000 American citizens to be treated in the way that the people of Porto Rico have been treated under the administration of E. Mont Reily? Are you going to allow the confidence that the people of Porto Rico have in this country to be destroyed? Are you going to break faith with your fellow citizens of Porto Rico? Are you going to allow a dishonest man to remain governor of the island? When I say that he is dishonest it is because I am convinced of that fact. When I say that he is corrupting the public service in the island it is because I have the honest conviction that he is doing that destructive work. We are merely asking for an investigation. Are you going to refuse it? Is there no justice for the people of Porto Rico? We want the people of America to know what is happening in my country, and the only way to find out the truth is by an impartial investigation of the affairs of the island under Reily's administration. I think that we are entitled to be heard. The American people are not going to deny a forum to the people of Porto Rico. It is not fair to hear only one side of the controversy.

I have the greatest respect and admiration for the present incumbent of the White House, and God knows that I hate to be placed in the position of attacking one of his appointees, but I have to perform my duty and to respond to the call of my own conscience. The President of the United States has been imposed upon by Reily and is not aware of the real conditions of the island. He seems not to understand my attitude, but I expect that at a no distant day he will recognize that I was right and that Reily was not entitled to the confidence which has been placed in him. I have confidence in the sense of justice of President Harding and am sure that he would not delay doing justice to my country if he were acquainted with our real situation.

I was told by reliable authorities that the President would not act as long as Reily was being attacked and I was advised to keep quiet, as this was the best way to obtain the recall of the governor. I followed this advice, and I have been silent for nearly four months without saying a word, in spite of the continuous blunders and aggressions committed by Reily in Porto Rico, and without any regard to the propaganda he is launching here in some newspapers. I recommended my people to be patient, and after four months of silence I do not see any sign of relief.

After the removal of the district attorney charged with the investigation of Reily for misuse of public funds, he appointed in his place Mr. R. Arrillaga. This officer has been made a victim by Governor Reily. An exoneration of the governor signed by him was published in the American newspapers before it was known in Porto Rico. I have information that the exoneration was written by the governor himself, and we do not know yet if it carries the signature of the district attorney. Before this exoneration was published the governor showed it to prominent people in Porto Rico without the signature of the district attorney, and later it was printed in the press. This district attorney who appears authorizing this exoneration, after it was published here and before it reached Porto Rico, appeared before the district court of San Juan and declared under oath that he had not carefully read the record against the governor and had not been able to reach a conclusion in the case. This is a matter of record.

The attorney general, in view of the attitude of District Attorney Arrillaga in favor of the governor, transferred him to another district, and the governor immediately set aside the order of the attorney general. The case was taken to the court, and the supreme court held that while the attorney general was acting within his power in ordering the transfer of District Attorney Arrillaga, the governor had authority to rescind the order, but the opinion written by Chief Justice Toro is a serious reflection on the governor's policy. Chief Justice Toro says:

> I can not conceal that the facts under which this case originated, the motives that might have actuated a governor menaced by a grand jury indictment to prevent a certain district attorney from being eliminated from the conduct of the case, the manner in which the order of the governor was drawn, the person to whom it was addressed, the date on which it was issued, the helpless position in which for the time being an official was placed who alleges his desire to perform his duty and asked for the protection of the court, if his intention is honest, have constantly agitated my conscience during the consideration of this case and have kept me hesitating about the ultimate attitude I should assume. But after careful meditation I am convinced that the only proper solution is the one stated above, to wit: That the writ of mandamus asked for shall not be granted.
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> The conflict involved, the abnormal situation which the records show, ought to be decided by the duly constituted executive power of the Government. The chief of this power is the President of the Republic. To do justice is not an exclusive attribute of the courts, and it is to be expected with entire confidence that the President will do justice in this case.

Judge Foote, of the district court of San Juan, ordered the attorney general to deliver the record of the investigation against Reily to District Attorney Arrillaga. The supreme court set aside the order of Judge Foote against the attorney general. After these two cases were decided a cable was sent to the United States stating that the supreme court had upheld Governor Reily in his controversy against the Unionist attorney general. This cable, which does not convey the truth, was sent to the States from the governor's palace.

From a letter written from Porto Rico to a friend of mine I quote the following:

> I suppose that you are anxious to hear about the developments of the political situation. Things are worse now than they were three months ago. The latest news is that the governor has commissioned Mr. Huyke to call on Mr. Siaca Pacheco, executive secretary; also Treasurer Benedicto, and Mr. Almiroty, secretary of the Public Service Commission, and request from them their resignation. All of these three men are gentlemen of the highest type, honest, intelligent, respected, and admired by everyone in our community. I understand that they will refuse to tender their resignations and we expect that the governor will remove them summarily. Yesterday was another day of excitement. The governor sent for District Attorney Quinones, of the district of Guayama, and told the district attorney that he was calling him as a friend and not as the governor to inform him that the attorney general had very serious charges to present against him, which might result in his removal from office unless he resigned beforehand. The district attorney then tendered his resignation in writing to the governor and immediately went to the attorney general's office, where the attorney general informed him that it was not true that he had any charges, stating that he had never said a word to the governor about Quinones. The district attorney naturally got very angry and went back to the governor's office and in the presence of his secretary and several persons within hearing told the governor that he was a "damn liar," and that if he did not return to him the resignation that he had extorted from him there was going to be trouble, and I believe that he let the governor see that he had the revolver that he has a right to carry as prosecuting attorney. The governor got afraid and handed him the paper, which Mr. Quinones tore to pieces and threw in the governor's face.
>
> The Porto Ricans are the most peaceable people in the world. They are obedient to law and order and have always honored and respected all the executives that have been sent to the island. Reily is the only executive who has lost the respect of the people. Honest and decent men are always respected by the people; dishonest and corrupt men are not entitled to any respect. The good name of the United States is being desecrated in Porto Rico. Reily is unworthy of representing the United States, because he is a repudiation of all that this great Republic stands for.

In conclusion, Mr. Speaker, I wish to add as part of my remarks two documents directly bearing on this controversy between the people of Porto Rico and the governor, which have recently been forwarded to me from the island.

The first is a copy of the letter forwarded by Hon. Martin Travieso to the governor in tendering his resignation as chairman of the Mediation and Conciliation Commission. There is no name more widely known nor more highly honored in Porto Rico than that of Mr. Travieso, and his reputation as a man of high principles and great ability is also widely recognized in continental United States.

For this reason what Mr. Travieso has to say regarding the course that has been followed by Governor Reily can not fail to make a profound impression upon all right-thinking people who investigate the case.

The other document is a tribute from the Porto Rican newspaper La Democracia to Judge Jesse W. Bonner, the upright and irreproachable continental American who was removed from office at the behest of Reily. Such treatment meted out to an old and faithful servant has filled the people of the island with a feeling of disgust and contempt for the governor.

The letter from Mr. Travieso is as follows:

SAN JUAN, PORTO RICO, *September 7, 1922.*

Hon. E. MONT REILY,
Governor of Porto Rico, San Juan, P. R.

MY DEAR GOVERNOR: I have just received your letter of yesterday in reference to my resignation as president of the Mediation and Conciliation Commission.

With the purpose that you may complete the files of your office I sent you yesterday copies of my letter of resignation and of your letter acknowledging receipt of mine. You will see by my letter the reasons that I originally had to send you my resignation from the office with which you honored me.

You are very kind to say in your letter to which I refer that you would prefer me to remain in the office of president of the commission, and that you would also wish me to withdraw my resignation until the next session of the legislature.

I appreciate very much your kindness, but I am sorry to say that I must insist in the acceptance of my resignation and that I be relieved of giving more services.

My resolution is based not only on the original reasons—that is, lack of funds to duly carry out the purpose of the law and the inefficiency of the same—but also on other additional reasons that I will explain with my usual frankness.

Since 1906 I have filled the offices of prosecuting attorney, member of the executive council, executive secretary of Porto Rico, acting governor, member of the Dominican Claims Commission, and senator at large, from all of which I retired either by voluntary resignation, promotion, or by the abolition of the office. From none was I dismissed or my resignation asked. For this reason I consider my record as a public official a perfectly clean one.

At the beginning of your administration and for some time afterwards I tried to help you in everything possible, so that you might have an exact idea of our situation and obtain a perfect knowledge of our men in public life.

I told you clearly by word of mouth and in writing that I did not have personal interests to defend; that I did not want anything for myself, for my relatives, or friends; and that my only interest in offering you my cooperation was to help you to strengthen the ties of friendship between my country and our great American Nation.

All my efforts were made in vain because you had determined to follow the advice of men that were in no condition to put you in touch with the real heart of Porto Rico, for one of them is a social outcast and the other a renegade. In spite of all this our personal relations were always friendly.

Your advisers on one side, and some persons on the other, who are not your friends or mine, taking advantage of my absence in the United States and of your credulity, were successful in making you believe that I had attacked you personally while in Washington. And following your custom of believing everything you hear and of punishing men without previously hearing them, you stated on different occasions to friends of mine that I had double-crossed you, which expression is inapplicable to the truth because I never was either your associate nor the receiver of your confidence.

Before sailing for the United States I visited you and when you asked me if it was my intention to see the President, I answered in the affirmative. And when you asked what I was going to say to the President I told you that I was going to discuss with him your politics and your activities as governor, but that I would not descend to make attacks of a personal character, and, loyal to my word, I discussed your politics and activities and expressed to the President and others the same opinion that I have always expressed to you, to wit, that I consider that your politics as well as your activities are injuring the good name of the United States, are in conflict with the principles of American democracy, and destructive of the ties of love and affection which unite the people of the island with the people of the continent, and which were created as the result of the uninterested and patriotic work of many good continental Americans and many good Porto Ricans, belonging to all parties, during the last 23 years.

It is true that you have removed from office men who should never have been appointed or that should have been dismissed before. For such move I congratulated you at the time. But I can not congratulate you or back you up when you remove from office honorable and respectable men who have rendered efficient, loyal, and patriotic services without any excuse or justification and merely as a punishment for their political opinion. Your action might have been excusable if the vacancies should have been filled with men equally qualified, in which case it would have been said that although your attitude was unjust no injury was done to the public service and no impairment to the capacity of the public servants.

What you have done to others you may do to me as soon as it would occur to anyone of your competent advisers to ask of you as a reward my head as president of the Mediation and Conciliation Commission. Then my record, which I have tried to keep clean, would appear stained by a removal without reasons and without being heard.

Besides, Governor, I want to keep my personal liberty so that I may think as I please about what is happening here and in other places, without exposing myself to a punishment for expressing my opinion freely. And you know that under the system you have established even the frankness which I use in writing this letter might be perhaps sufficient cause for my removal.

I expect that you will understand that it is not my purpose in writing so frankly either to criticize nor to irritate you in any way but merely to submit to you in a clear manner the reasons why I consider it much better and prudent to remain out.

Very respectfully yours, MARTIN TRAVIESO.

The article from La Democracia is as follows:

VENGEANCE.

As the country well knows, the Hon. Jesse W. Bonner, the respectable official who for many years was auditor of Porto Rico, ceased in said office to make room for Mr. W. L. Kessinger, one of the many who came from Kansas City with the governor.

Judge Bonner held the office of auditor for a long term of years with the hearty indorsement of the entire island, which always saw in him a zealous, honest, and efficient officer. And as in addition to his competence in matters of finance Judge Bonner also possessed clear judgment as a lawyer, his opinions were always accepted as of great worth and were respected by all. His work as a member of the executive council was of the most intelligent and efficient kind, since the reasonable logic of his irrefutable and well-authorized arguments was prominent in all cases, and good faith was the seal which his immaculate honesty in all matters impressed on all his acts.

When Governor Reily obtained Mr. Kessinger's appointment as Judge Bonner's successor and realized the enormous injustice committed, he himself got Treasurer Benedicto to appoint Judge Bonner as accountant in the office of the public service commissioner and bank examiner. But later on, when Judge Bonner told the truth to the grand jury investigating the Reily charges, the latter directed Treasurer Benedicto to remove Judge Bonner. Said order of removal was not carried out, because Mr. Benedicto evaded the conflict with great ability until the governor spoke to him no more about the matter.

But Governor Reily had not forgotten Judge Bonner, as he never forgets those he picks out as the object of his mean vengeance. So when he decided to get rid of Treasurer Benedicto, one of the first conditions imposed by him on Mr. Benedicto's successor was the removal of Judge Bonner. This removal has just been ordered by the new treasurer of Porto Rico under pretext that the good and honest continental American is now old and can not perform his duties.

In the deed itself there is nothing strange, accustomed as we are to things of this and of a worse nature since the executive mansion has been occupied by the fatal and ignorant governor we suffer.

Moreover, Judge Bonner's removal has been expected by everybody ever since he honestly told the grand jury the truth of what had taken place as to the governor and the public funds of which he illegally and abusively disposed.

The trouble was that the governor lacked the willing instrument he has now found.

In falling, Judge Bonner may rest assured that the entire island of Porto Rico is pained over the injustice done him. He has been a good friend of the country and may enjoy the satisfaction of not being one of the glorious adventurers of which El Tiempo speaks.

Judge Bonner controlled and investigated many millions of dollars, and is to-day a poor man—so poor, indeed, that perhaps he may not have enough in his old age to keep him to the end of life's journey.

NOTIFICATION OF THE PRESIDENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I offer the resolution which I send to the Clerk's desk, and ask for its immediate consideration.

The SPEAKER. The gentleman from Kansas offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution 438.

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to, and the Speaker appointed as the committee on the part of the House Mr. CAMPBELL of Kansas and Mr. OLDFIELD.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to address the House for three minutes on a matter which I think interests the membership.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Speaker, there appeared in the Washington Post this morning what purported to be an interview with me regarding the question of public buildings and other matters. That interview was substantially correct. It was written by one of the best newspaper men in the country, Mr. Harry N. Price. It was written from memory, because the interview took place in the lobby of a hotel. It contains one or two inaccuracies that I want to explain. The impression was left by that interview that the Committee on Public Buildings and Grounds has an omnibus public building bill now ready to report. That statement is not correct. What I did say was that we are securing and have secured a number of reports, and as rapidly as the officials of the Treasury Department can make reports on individual bills introduced they are making them. The other statement that we would report such a bill at the extra session was also incorrect. What I did say was that at the December session, if I can bring it about, there will be an omnibus public buildings bill reported to this House. [Applause.] I think I am not violating any confidence when I tell you that within the past 15 minutes the Postmaster General has called me up and approved of what I have said in this interview so far as public-building legislation is concerned and that he wishes to cooperate with our committee in furthering that sort of legislation. I do not think I am violating any confidence when I say also that the officials of the Treasury Department feel the same way about it.

Mr. GARRETT of Tennessee. Will the gentleman yield for a question?

Mr. LANGLEY. Yes.

Mr. GARRETT of Tennessee. I noticed some time ago that the Postmaster General had very earnestly urged a public-building program. I got the impression that he would favor buildings of a cheaper type than we have been accustomed to construct in the past; in other words, he would not favor what we call monumental buildings. I may say that if that is his idea I think he is quite right about it.

Mr. LANGLEY. I think he is.

Mr. GARRETT of Tennessee. What will be the policy of the gentleman's committee in that regard in so far as the gentleman can give it?

Mr. LANGLEY. Speaking only for myself, because the committee has not decided anything, my idea about that is that we ought not to have unnecessarily ornate buildings; they ought to be in keeping with the buildings in the city in which they are built. But I do think that we ought to have substantial buildings. I think we ought to have some standardization of these buildings, so that, instead of making plans and specifications for each individual building, cities of a certain size should have a certain type of building, and some plan adopted to hurry up their construction, so that they can at least be constructed within the lifetime of the man who secures the appropriation. [Laughter.]

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. LANGLEY. Mr. Speaker, I ask for two minutes more.

The SPEAKER. Is there objection to the request of the gentleman?

There was no objection.

Mr. LANGLEY. I think that this idea of side-stepping Members of Congress and making contracts with private individuals to build colossal buildings in big cities and leave the smaller cities out is wrong, and if I can prevent it it shall not happen. I think the time has arrived when we should construct buildings all over the country where they are needed.

Mr. PARKS of Arkansas. Will the gentleman yield?

Mr. LANGLEY. Yes.

Mr. PARKS of Arkansas. I notice in the article referred to a statement that it is the purpose of the committee to authorize the abandoning of the Government hotels occupied by the employees of the Government.

Mr. LANGLEY. The gentleman is not entirely correct. The Public Buildings Commission, of which I am a member, has absolute authority to do as it pleases, and no action of Congress is necessary. Personally, I think there is no excuse on earth for favoring a few hundred Government clerks when there are thousands who have to look out for themselves. We can use those buildings—they are permanent—and house in them these parts of bureaus that are all over the city, paying exorbitant rent, and save from $150,000 to $200,000.

The SPEAKER. The time of the gentleman has again expired.

Mr. MOORE of Virginia. Mr. Speaker, I ask that the gentleman's time be extended one minute in order that I may ask him a question.

The SPEAKER. Is there objection to the extension of the time of the gentleman from Kentucky one minute?

There was no objection.

Mr. MOORE of Virginia. I have not had an opportunity to read the gentleman's interview, but what I want to ask is if this prospective program includes constructing additional Government buildings in Washington City on land that the Government has heretofore acquired for this purpose?

Mr. LANGLEY. I think we ought to stop this real-estate profiteering. We have acres and acres of land already owned by the Government in Washington, and we ought to use that. We ought to have an archives building erected on Government land, and we ought not to be buying a lot of real estate and spending money when we have plenty of land upon which to erect buildings. [Applause.]

MARIE DOUGHTY GORGAS.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3300, an act to grant a pension to Marie Doughty Gorgas, reported from the Committee on Pensions, this being pension day.

The SPEAKER. The Chair thinks he ought to state in this connection that he has been requested by numerous Members for recognition to bring up bills by unanimous consent, and he has told them that he has no authority to do that. The Chair ought to point out this distinction. To-day is Friday, when bills on the Private Calendar are in order. Of course, this bill can only be taken up out of order by unanimous consent, and the Chair therefore submits the request of the gentleman from Minnesota for unanimous consent for the present consideration of the bill, of which the Clerk will read the title.

The Clerk read the title, as follows:

S. 3300. An act granting a pension to Marie Doughty Gorgas.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, there is one particular matter about this bill that establishes a precedent if it passes. Will the gentleman grant me 10 minutes' time to oppose it?

Mr. KNUTSON. I do not know what time will be given for the consideration of the bill.

The SPEAKER. If unanimous consent is given, the gentleman would be recognized for one hour, unless he moves the previous question.

Mr. BLANTON. If the gentleman will give me that time, I will not object.

Mr. KNUTSON. Is the gentleman going to speak on the bill?

Mr. BLANTON. I am.

Mr. KNUTSON. I will agree to that.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

An act (S. 3300) granting a pension to Marie Doughty Gorgas.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Marie Doughty Gorgas, widow of William Crawford Gorgas, late a major general in the United States Army, and pay her a pension at the rate of $150 per month in lieu of any pension or compensation to which she might otherwise be entitled, in special recognition of the eminent services of said William Crawford Gorgas in the eradication of yellow fever from the island of Cuba and the Isthmus of Panama.

The SPEAKER. The Chair for a moment forgot that this bill was to be considered in Committee of the Whole House on the state of the Union. Does the gentleman from Minnesota wish it considered in the House as in the Committee of the Whole?

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, ordinarily I am opposed to pensions for this amount, but I felt that the Pension Committee of the House, in view of the very great service rendered by the late Major General Gorgas in freeing the island of Cuba and the Isthmus of Panama from yellow fever, could do nothing less than confer this act of simple justice and report this measure out for $150 a month. I can say for the benefit of the House that if General Gorgas had been a British or French subject and had rendered equally conspicuous service to either of those countries he undoubtedly would have been given on retirement a grant in cash of anywhere from $50,000 to $150,000 in a lump sum.

It would not have been possible for this country to have constructed the Panama Canal but for the services of General Gorgas. The French tried it and failed, owing to the inroads made on the workmen by the yellow fever. General Gorgas within a year after having been made chief sanitary officer of the Canal Zone had entirely freed the Isthmus of yellow fever and by his work saved hundreds and thousands of lives.

I may say, further, to the House that there are ample precedents for granting a pension of this amount. Mrs. Walter Reed, whose husband definitely determined that yellow fever was caused by mosquito bites, is drawing a pension of $150 a month, as are four or five widows of men who worked with Maj. Walter Reed at the time he was conducting the investigation. So it seemed to your committee that it would be no more than fair to place Mrs. Gorgas upon an equal footing.

In fact, I think there is not a man who has ever been connected with the medical service in the Army who has rendered greater service than did Major General Gorgas. His service extended from June 15, 1880, to December, 1918, 38 years, and we feel that such service ought to be recognized in a substantial manner.

Mr. LANGLEY. What is the amount of the bill?

Mr. KNUTSON. One hundred and fifty dollars a month.

Mr. LANGLEY. I want to say to the gentleman that I knew General Gorgas and his family very well and concur in all that he has said. I was down there in 1910 when he was in the early stages of his work in the extermination of the mosquito.

He did a great work, and I heartily concur in all that the gentleman from Minnesota has said in his praise and wish that the amount could be made larger.

Mr. OLIVER. My information is that General Gorgas left practically no estate?

Mr. KNUTSON. That is true.

Mr. OLIVER. He gave his service freely at all times, and his death probably was hastened by his zeal and work in the interest of humanity.

Mr. KNUTSON. The statement of the gentleman from Alabama is undoubtedly correct.

Mr. LAZARO. Will the gentleman yield?

Mr. KNUTSON. Let me amplify the remark of the gentleman from Alabama. General Gorgas served this country for 38 years. He rendered service which earned for him not only the recognition of South American countries but a number of European countries, and had he been in private practice, I am sure he would have left a large estate.

Mr. LAZARO. Will the gentleman now yield?

Mr. KNUTSON. Yes, sir.

The SPEAKER. The time of the gentleman has expired.

Mr. KNUTSON. I ask unanimous consent that my time be extended five minutes.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that his time be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LAZARO. Will the gentleman now yield?

Mr. KNUTSON. I will yield to the gentleman from Louisiana.

Mr. LAZARO. The gentleman can state to the House also that Reed, Lazear, Farrel, and Gorgas made it not only possible to build the Panama Canal and stamp out yellow fever but made it possible to prevent yellow fever from entering the United States in the future.

Mr. KNUTSON. Absolutely. I am very glad the gentleman from Louisiana made that statement.

Prior to the work conducted by General Gorgas the Gulf coast was visited at intervals by yellow-fever outbreaks, and if my information is correct there has not been an outbreak of yellow fever in any of the Gulf States since 1904. Look at it any way you wish, it is a very small reward for the magnificent service rendered by General Gorgas to his country.

Mr. LONDON. Will the gentleman yield?

Mr. KNUTSON. I will.

Mr. LONDON. And the Congress is called upon to deal with an exceptional case of an exceptional man?

Mr. KNUTSON. I agree with the gentleman, absolutely.

Mr. McCLINTIC. Is it not a fact that Congress has established a precedent by passing legislation to take care of wives of men who lost their lives in just such services?

Mr. KNUTSON. That is true.

Mr. McCLINTIC. And this case is very similar to those other cases?

Mr. KNUTSON. It is on all fours with the case of Mrs. Walter Reed and some of the other cases where widows are receiving pensions under similar circumstances. I reserve the remainder of my time.

Mr. BLANTON. Mr. Speaker, no one has greater respect, admiration, and gratitude than I have for the distinguished work performed by General Gorgas. No one appreciates more the service that he has rendered to our country. But I want to call attention to the legislation that was brought before this House granting insurance to service men during the war. It provided that upon the death of a private his widow should receive $2,000 insurance, where it was taken out, but upon the death of a general, where insurance was taken out, the wife should receive as high as $17,000. My distinguished colleague from Texas [Mr. Black] took the position that when a man gave his life to his country that is as much as any man can give, and that the widow of the private should receive the same amount as the widow of a general where her husband was killed in battle. And our colleague [Mr. Black] so amended it. I want to say that ought to keep my colleague [Mr. Black] in Congress for 25 years, if he wants to stay here that long, because the House backed him up on his proposition, and when it passed his amendment the law provided that insurance granted to men in the service should not discriminate in favor of officers, so that when a private lost his life in the service his widow should receive as much as $10,000 without regard to rank or station. Now, I take it that under this precedent the widow of a private who gave his life in France has just as much right to look to this Government for $150 a month as the distinguished widow of the distinguished General Gorgas. I am not minimizing his great service, but I want to say that the widow of a private has lost just as much when her husband dies as the widow of a general.

Mr. McSWAIN. I wish to remind the gentleman that we passed a bill giving to Mrs. N. May Jernigan, the widow of a private who gave his life, $125 a month, the same amount that was allowed to the widow of Dr. Walter Reed.

Mr. BLANTON. I can not yield longer, because I have only five minutes. That was the widow of only one private. There are thousands of others who are drawing only about $25 per month.

Mr. KNUTSON. We will get an extension of time for the gentleman. The gentleman from South Carolina [Mr. McSwain] should be permitted to ask his question. That ought to go into the Record.

Mr. BLANTON. That ought to and will go into the Record; but I want to say this, that there are privates who gave their lives in France in the service of their country whose wives to-day are not yet drawing a single cent from this Government, and there are numerous other widows of privates who are drawing only $25 per month. They are in destitute circumstances, and they have little children dependent upon them for support. They are not receiving the $61 per month, because, forsooth, their husbands did not take out the insurance and pay the premiums.

The widows whose husbands did take out insurance, and who paid the premium regularly on their insurance policies, widows who are destitute and have little children dependent upon them, are receiving only about $61 per month, and that is only for a limited number of years. I want to say that I am not minimizing the great service rendered by General Gorgas. I will go as far as anyone to emphasize and applaud that service. We ought to do justice to his widow, but at the same time we ought to do just as much for the widow of every brave private soldier who has given his life in the service of his country. I would vote to-day for this bill if at the same time it gave to every other soldier's widow the same amount. I would vote for it gladly. I am only voicing my protest and my view that we should treat them all alike. We should overlook rank and everything else and remember that the worthy private is entitled to just as much consideration as a major general. [Applause.]

Mr. EDMONDS. Mr. Speaker, I would like to address the House for five minutes.

Mr. KNUTSON. Mr. Speaker, the gentleman from Texas [Mr. Blanton] has intimated that the Committee on Pensions draws a distinction between the widows of high officers and the widows of privates. I wish to call the attention of the gentleman from Texas to the fact that this Congress and this committee favorably acted upon a bill granting a pension of $150 a month to the widow of a Mr. Jernigan who served with Dr. Walter Reed in his experiments on yellow fever and who died as the result of that service. When the gentleman from Texas says that he knows of instances where a number of widows with children and dependents, widows of men who died in France, are not receiving compensation from the Government, I think the gentleman is in error.

Mr. BLANTON. They are not receiving a pension of more than $25.

Mr. KNUTSON. Oh, yes; they are receiving a pension of $60.

Mr. GARRETT of Tennessee. Mr. Speaker, if we are going to pass the bill, we had better pass it promptly in order to give time for its enrollment.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. Knutson, a motion to reconsider the vote whereby the Senate bill was passed was laid on the table.

SETTLEMENT OF CERTAIN CLAIMS AGAINST THE GOVERNMENT—CONFERENCE REPORT.

Mr. EDMONDS. Mr. Speaker, I wish to call up the conference report on the bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case.

The SPEAKER. The Clerk will read the conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

G. W. Edmonds,
James P. Glynn,
Managers on the part of the House.

Arthur Capper,
Park Trammell,
F. R. Gooding,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7912) to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The amendment of the Senate numbered 1 defines that the word "employee" shall include enlisted men in the Army, Navy, and Marine Corps.

The amendment numbered 2 makes the settlement of claims retroactive to April 6, 1917.

G. W. Edmonds,
James P. Glynn,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. BLANTON. Mr. Speaker, is the gentleman from Pennsylvania going to insist on the adoption of the conference report at this time?

Mr. EDMONDS. I think so. I do not know of any reason for not doing that. The bill has passed the House, and the only thing remaining is to take action on certain Senate amendments.

Mr. BLANTON. The bill was fought here on the floor from time to time, was it not? Under the provisions of this bill thousands and thousands of dollars may be paid out without any adjudication whatever except by a subclerk.

Mr. EDMONDS. No. The gentleman is mistaken entirely. This bill requires that the department shall make a report to the Committee on Appropriations for an appropriation. The committee does not have to appropriate the money.

Mr. BLANTON. Oh, yes. But when it does that it is a subclerk in the department, after all, who adjudicates the question. It is not adjudicated by a tribunal, and thousands and thousands of dollars could be paid out with no legal adjudication at all.

Mr. EDMONDS. I think the gentleman knows as well as I do that the Committee on Appropriations will adjudicate them.

The SPEAKER. The Chair would suggest that if objection is to be made, it will save time to make it now.

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 3034. An act for the relief of Lizzie Askell;

H. R. 5349. An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels; and

H. R. 7912. An act to provide a method for the settlement of claims arising against the Government of the United States in sums not exceeding $1,000 in any one case.

The message also announced that the Senate had passed the following resolution:

Resolved, That a committee of two Senators be appointed by the Presiding Officer of the Senate to join a similar committee appointed by the House of Representatives to notify the President of the United States that the two Houses having completed the business of the present session are ready to adjourn unless the President has some other communication to make to them.

PERMISSION TO THE CITY OF CHICAGO TO ACQUIRE REAL ESTATE OF THE UNITED STATES.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent for the present consideration, out of order, of the bill H. R. 11579, on the Private Calendar; and I ask unanimous consent to proceed for one minute and explain why I make this request.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, it is absolutely impossible to get that bill enrolled in time for signature before the hour of adjournment.

Mr. CHINDBLOM. May I have one minute in which to tell the gentleman about it?

The SPEAKER. Is there objection?

There was no objection.

Mr. CHINDBLOM. Mr. Speaker, we passed a bill in January authorizing the condemnation of a strip of land in Chicago for widening a street. In the bill the real estate was misdescribed. This bill does nothing but correct the description of the real estate. If we pass it now, we can get it passed quickly through the Senate when we come back. It is an emergency proposition.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11579) to amend section 1 of an act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America."

Be it enacted, etc., That section 1 of the act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America," is hereby amended to read as follows:

"Section 1. That in consideration of the payment by the city of Chicago to the United States of America of the just compensation and damages for real estate hereinafter described, as ascertained by a jury in proceedings to condemn real estate, the city of Chicago is hereby authorized to acquire for street purposes, by condemnation proceedings, all interest of the United States of America in and to the following described real estate, viz:

"The west 17 feet, or any part thereof, of the east 50 feet (except the south 149 feet and except the north 33 feet) of the south quarter of the east half of the northeast quarter of section 30, township 38 north, range 14 east of the third principal meridian, situated in the city of Chicago, county of Cook, and State of Illinois."

With a committee amendment, as follows:

Page 2, line 1, after the word "estate," insert the words "of the United States of America."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CHINDBLOM. Mr. Speaker, I want to be altogether fair with the House. I said there was no change whatever in the bill. I overlooked the fact that this authorizes taking less than 17 feet, to which there can not possibly be any objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. Chindblom, a motion to consider the vote, whereby the bill was passed was laid on the table.

Mr. DAVILA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record.

The SPEAKER. The gentleman from Porto Rico asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the work of the Department of Justice.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks in the Record on the work of the Department of Justice. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Speaker, under the leave granted me by the House to extend my remarks in the Record on the work of the Department of Justice, I respectfully submit the following:

The numerous administrative problems which have come within our observation and called for wisest counsel in the Government during the past year bring to our attention the magnitude of the responsibility which rests upon the Department of Justice in the enforcement of the law and the defense and preservation of the best interests of the United States. That great department, with its network of courts and officials throughout the Nation, maintains its responsibility to protect our people, from the highest down to the humblest citizen. The firm and unwavering manner in which that department has pursued its painstaking but persistent course in the prosecution of wrong and the protection of the best interests of the law-abiding people in our country during this aftermath of the greatest war in all history must command the admiration of every thoughtful citizen in the land. To do justice to all requires care, courage, and deliberation. Justice and haste can not abide together. Personal opinions will always differ amonk those who are unacquainted with the stage of preparation of the various cases, the status of the evidence, and the merits and relative importance of the cases, but even a layman will appreciate the danger of trying to precipitate erratic or hasty action in any Government litigation which demands the care, deliberation, and best judgment of the officials of the Department of Justice.

I admire the great courage and ability with which my good friend Harry M. Daugherty, the Attorney General, has championed the cause of the Government and the people and successfully met the issues. The innumerable civil and criminal actions, antitrust prosecutions, Government claims involving millions, war fraud cases, and great industrial issues which have come before his department have been handled persistently, firmly, and in a judicious manner for the protection and preservation of the best interests of the American people.

It is evident from the recent press accounts that great progress has been made in the war frauds prosecutions by the Department of Justice, and that those alleged to be guilty of gigantic war frauds are being singled out and indictments returned against them. The most recent indictment returned in this connection by the Federal grand jury appears to be in the famous Old Hickory case, involving the fraudulent sale of that $80,000,000 powder plant.

I am gratified to note from the newspaper accounts that Maj. Heber H. Rice, special assistant to the Attorney General, an ex-service man, has been given much credit for the results in this case. The Attorney General is to be congratulated upon surrounding himself with such able and efficient attorneys in the prosecution of this important work. I assume that Major Rice is one of the $10,000 salaried men under the recent war frauds appropriation, and if such is not the case am confident that the Attorney General will unhesitatingly place him upon that basis in view of his valuable services to the Government. It is but natural that I should take an especial pride in the fact that Major Rice is not only one of my close friends but is a scion of one of the most distinguished families of the mountains of Kentucky whose friendship I have been proud to claim all my life.

Mr. PARKS of Arkansas. Mr. Speaker, I ask unanimous consent to proceed for three minutes out of order.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to proceed for three minutes out of order. Is there objection?

There was no objection.

Mr. PARKS of Arkansas. Mr. Speaker, I listened with a good deal of interest to the statement by the gentleman from Kentucky [Mr. LANGLEY] a few minutes ago, when he stated there would probably be a public buildings bill that would take out of the Treasury of the United States millions of dollars, and in that same connection he said that for the purpose of saving a few dollars they perhaps would transfer the Government hotels to some other department and turn out perhaps 2,000 women employees of the Government who are here away from their homes. I want to say that in the short time I have been here, day in and day out, the real-estate people and landlords of this District and of this city have made a continuous effort to take away from these girls, who are down there in these Government hotels, the little pittance that is being given by the United States. I want to go further, and say that so long as I have been here, and so long as the record has been made, not one breath of suspicion has ever been brought against any woman who has lived down there. They are as sweet and pure and chaste as any on earth, and I testify here to their character. Not one single thing has ever been brought against the management of these hotels except that they take away from a lot of profiteering landlords of this city opportunity to mulct a few girls, who are working away from home, out of what they earn. [Applause.]

Mr. LANGLEY. Will the gentleman yield?

Mr. PARKS of Arkansas. Not now. I am going to say further that of these 2,000 women many of them not getting $900 a year. I watched them last year during the cold of winter, and I saw them thinly clad going about their daily work [laughter] with nobody on the face of the earth who cared a thing about them. Oh, yes; I presume it is a thing to be laughed about, because they have not the pull of the profiteers, but somewhere a father and mother loves them and grieves that we make merry over their misfortune. [Applause.] But I want to say to the gentleman now that I have not the power to keep him from passing a bill that will take away from these women this little privilege which they have of living down where they are safe from those who might prey on them and where they are a long way from home and parents. But they made $45,000 per year profit to the Government last year.

Mr. LANGLEY. Now will the gentleman yield?

Mr. PARKS of Arkansas. Yes.

Mr. LANGLEY. I said nothing against the women in the Government hotels. I have no doubt they are as good and no better than thousands of others who do not have that privilege. Now I wish to say that it does not require a bill. I did not say it did.

Mr. PARKS of Arkansas. I understand the gentleman did not say it required a bill.

Mr. LANGLEY. Yes. Now, if the gentleman does not want a public building in his district, to be included in our bill, the gentleman can just say so and we will leave him out. [Laughter.]

Mr. PARKS of Arkansas. I had rather give protection and a decent place to live to the girls who come from my State than to get a public building in every township in my district. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. PARKS of Arkansas. I ask unanimous consent to proceed for one minute more.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. PARKS of Arkansas. I do not want anybody to think I said the gentleman reflected upon these women. The thing I said was that he was in favor of giving the landlords the right to rent to these girls rooms at a high price. I want to say to him that I can not interfere with his building program, because he has a majority that intends to put it through, but I do want to say to him, in order that nobody may misunderstand it—and it is not a threat—that the day these 2,000 girls who came here to make an honest living in the employment of the Government are turned out of these Government hotels for the purpose of giving the landlords of this city who have 2,000 rooms to rent the right to charge them a high and unreasonable rent, then that day unanimous consent for the next two years is abolished in this House. [Applause.]

Mr. LANGLEY. The gentleman simply exaggerates and misunderstands the situation. There is no issue between us as to the facts. It is a question of fair dealing and equal and exact justice to all. The gentleman, unintentionally, of course, puts me in a false light. I am trying to block the game of these real estate profiteers by cutting off the exorbitant rentals they are soaking the Government for. That is the point. They are not trying and will not try to profiteer off of these clerks with meager salaries who will want to rent rooms. These outrageous rentals of buildings to the Government is where the profiteering really occurs. [Applause.]

Mr. Speaker, I ask unanimous consent for three minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. LANGLEY. Mr. Speaker, let me say to my distinguished friend from Arkansas what I undertook to say a moment ago. All I said was that I did not think the Government ought to be in the hotel business. I say that I have as much respect for the women in the plaza buildings, and as much admiration for them, whether richly clad or thinly clad, as I have for the remainder of the women in the Government service. [Laughter and applause.]

Mr. PARKS of Arkansas. May I ask the gentleman a question?

Mr. LANGLEY. No; because the gentleman declined to yield to me, although he had more time than I have. I will say I am a Jeffersonian Democrat to the extent that I believe in equal and exact justice to all and exclusive privileges to none. [Laughter and applause.]

Mr. PARKS of Arkansas. Does not the gentleman think that having passed this tariff bill which now goes into effect, they will be more thinly clad in the future than they have ever been before?

Mr. LANGLEY. I do not think the gentleman believes that such will be the effect of the tariff bill. The question of cost of apparel is a matter of taste and styles rather than of tariff.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks on the anticipated deficit in the Treasury, as recited by the President in his veto message.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks on the anticipated deficit in the Treasury. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. BYRNES of South Carolina. Mr. Speaker, in his message vetoing the bonus bill, President Harding stated:

> The latest Budget figures for the current fiscal year show an estimated deficit of more than $650,000,000, and a further deficit for the year succeeding, even after counting upon all interest collections on foreign indebtedness which the Government is likely to receive.

This declaration confirms the statements repeatedly made by Democratic members of the Appropriations Committee familiar with the commitments of the Government, that as a result of the extravagant appropriations of the present Congress the Treasury now faced a deficit of $650,000,000, and that several measures pending and certain of passage after the election, together with the deficiency appropriations to be made during the year, will increase this deficit to at least $850,000,000.

The President calls to the attention of the country in a most forcible manner that while professing economy this Congress through its extravagance has brought about the greatest deficit ever incurred by the Government in time of peace. He shows the unreliability of the statements made by the Republican congressional leaders as to the alleged economy of the present Congress.

He shows further the utter absurdity of the claim made by Republican leaders that under the administration of the Bureau of the Budget the receipts and expenditures of the Government have been made to balance, his statement indicating that the Government after the election must proceed to borrow from the people at least $675,000,000 to meet the ordinary operating expenses of the Government.

Disturbing as the statement is to the professional politicians who have been misleading the people as to the economy of this Congress, it is far more disturbing to the people. For a year they have sat down to breakfast with the comforting knowledge that the headlines of the morning newspapers would bring the glad intelligence that on the day previous the administration had saved many millions of dollars. The climax to the deception was the announcement on July 1 of a surplus for the fiscal year ending June 30, 1922. This surplus, like the alleged savings, was of the paper variety. In April, 1922, the Bureau of the Budget announced that the deficit, which in December previous they had estimated at $24,000,000, would be increased to more than $200,000,000. The political effect was immediately apparent. The first year of the Harding administration, with a Budget Bureau in operation and a Congress professing economy, was to close with a deficit. With an election approaching this would be disastrous. So on July 1, to the surprise of all, except those familiar with the political juggling of figures during the past two years, the Treasury announced a surplus instead of a deficit of $200,000,000, stating it was due to increased sales of surplus war material and the fact that expenditures were "almost $200,000,000 less than the estimate given last December."

This reduction the Treasury will advise you upon inquiry was due to the fact that obligations of the Government which they expected to pay before June 30 were simply postponed until after that date, thus making possible before the election the announcement of a surplus, and, of course, increasing by $200,000.000 the deficit for the year ending July, 1923, now stated by the President to be $650,000,000. This enormous deficit for the current year has for months been predicted by Democratic members and denied by Republican members of the Appropriations Committee. And only now, when the effort to sustain the veto of the bonus bill has made it necessary for the administration to make known the facts, is the issue removed from doubt by the statement of the President that without further commitments the deficit will reach at least $650,000,000.

But there will be further commitments. The bill providing for the $5,000,000 loan to Liberia, urged by the administration, has passed the House and has been favorably reported to the Senate. The subsidy bill will be taken up at the extra session of Congress to be called immediately after the election, entailing an additional expenditure estimated all the way from $30,000,000 to $75,000.000. At least $50,000,000 more will be appropriated for roads. An omnibus public building bill has been promised by the Republican leaders for the session beginning in December. A bill has been passed authorizing a naval scrapping fund, which the Republican leader in charge of naval appropriations estimates will require $75,000,000. During the last fiscal year there were deficiency appropriations amounting to $200,000,000. It is fair to estimate an equal amount this year, especially in view of the fact that within 90 days after the beginning of the fiscal year we have already passed one deficiency bill appropriating several million dollars. So it is fair to estimate that before the close of the fiscal year the deficit will amount to at least $850,000,000.

In making these claims of reduction in appropriations Republican leaders have announced that the total appropriations for the fiscal year 1922 amounted to $4,066,316,366.74, and that for the fiscal year 1923 they amount to only $3,747,035,382.64. This is true, but misleading. The total for 1922 represents not only the appropriations made at the beginning of the year but all the appropriations made in deficiency bills and in special acts during the year, whereas the 1923 figures represent only the amount appropriated at the beginning of the year. The amount appropriated on the 1st of July, 1922, for the year ending June 30, 1923, is $95,872,535.37 more than was appropriated at the same time of the previous year, July 1, 1921, for expenses of the fiscal year ending June 30, 1922. When the total appropriations to be made this year are added to the amount appropriated at the beginning of the year it will make the total greatly exceed the total for the previous year.

The average Republican Congressman claims this Congress has been economical because it has appropriated less than was appropriated by a Democratic Congress in 1918 when we were engaged in the World War. Four years after the war their goal seems to be to reduce expenditures slightly below the amounts appropriated when the Nation was engaged in war. But the citizen wants a comparison of the announced direct appropriation for 1923 of $3,747,035,382.64, with the appropriations of the Democratic Congress for the last year prior to the war, 1916, when the amount appropriated, including all appropriations made during the year, was $1,115,004,194.55, or $2,632,031,188.09 less than this Congress has already appropriated for 1923.

In making such a comparison it is fair to deduct from the amount appropriated this year the interest on the war debt, approximately $1,000,000,000, which still leaves a difference of $1,600,000,000 more than was appropriated by a Democratic Congress for the last year prior to our entering the war.

Even these figures fail to give a true picture of the extravagance of the present Congress. In addition to the amount directly appropriated by the appropriation bills, bill after bill has contained legislative authority for the expenditure of unexpended balances, an indirect way of authorizing expenditures. For instance, in addition to the amount actually appropriated for the Navy Department there is a provision authorizing the Navy to spend an additional $54,000,000 out of certain unexpended balances in the Treasury. The amount is not included in the total announced by the Republican leaders, but it will come out of the Treasury. Similar expenditures are authorized in other bills, and while they make possible the claims of reduced appropriations the money is authorized to be spent, and such authorizations account in a measure for the wide variance in the claims of the congressional leaders of alleged savings and the statement of the President and of the Secretary of the Treasury that by reason of the authorizations of Congress the Treasury faces a huge deficit.

In considering the expenditures by the present Congress one must bear in mind that the Government has had for use an unlimited amount of supplies left over from the war which should have made possible reduced expenditures, and, again, the departments of the Government have been able to purchase supplies at lower prices than in the immediately preceding year.

Republicans claim great credit for having reduced the public debt during the fiscal year 1922 by $1,014,000,000. But in a much shorter period, to wit, from August, 1919, when the peak of the public debt was reached, to June 30, 1920, the end of that fiscal year, a Democratic administration reduced the debt by the sum of $2,297,380,180.

The Democratic Party has contended that the Government should balance its receipts and expenditures, but that it should be done by reducing expenditures, not by increasing taxation. If this Congress, in its extravagance was determined to authorize the expenditure of a sum $650,000,000 in excess of receipts, as declared by the President, it should have had the courage to follow the course suggested by the President with reference to the bonus bill and first provide the revenue to meet the expenditures. Congress failing to do so, the President should have refused to approve such appropriations. While authorizing expenditures which, according to the President, are $650,000,000 in excess of receipts, this Congress repealed the excess-profits tax, from which source the Treasury received $450,000,000 a year, reduced the surtaxes on higher incomes, and repealed many taxes affecting special interests. For instance, the manufacturers' tax upon chewing gum was one of the few taxes absorbed by the manufacturers and not paid by the consumer, the selling price of a package of gum having remained at 5 cents. Among those upon whom this tax was levied was Wrigley's Chewing Gum Co.

During the last campaign Mr. Wrigley placed at the disposal of the Republican Party his advertising agencies and display signs, and made substantial financial contributions to the campaign fund. It was a splendid investment. The Republican Congress promptly repealed the tax upon chewing gum. The report of the Commissioner of Internal Revenue for 1920 shows that in that year the tax upon chewing gum manufactured in Illinois amounted to $561,772.96. Mr. Wrigley is the one large manufacturer in the State, and it is fair to assume that of the total tax paid in the State he paid approximately a half million dollars. The repeal of the tax saved him this amount, and it was not surprising to learn from the press that at a recent meeting of Republican leaders called for the purpose of financing their campaign Mr. Wrigley announced he was no orator, but that "money talks" and subscribed $25,000 and expressed his willingness to give an additional $25,000 if needed. The facts indicate he ought to give a much larger sum, and he probably will.

The announcement is made that Congress will be called in extra session immediately after the election for the purpose of passing a bill granting a bonus or subsidy to the shipowners, a bill which could not be passed prior to the election. Consideration was postponed because of the disclosure that the administration had announced a new policy: That the Constitution follows the flag—to the 3-mile limit only. That beyond that limit the Government, through the United States Shipping Board, would continue to engage in the whisky business on ships flying the flag of the United States. Postponement was wise. The American people, regardless of their views on the subject of prohibition, will want to know of Republican Members of Congress why they appropriated money for certain employees to arrest a citizen found within the 3-mile limit with a quart of whisky in his possession and at the same time appropriated money for the Shipping Board to enable other employees of the Government to sell whisky on ships of the United States Shipping Board when beyond the 3-mile limit to those fortunate enough to enjoy the pleasures of European travel.

The announcement that the President will probably call an extra session immediately after the election indicates that he fears the result of the approaching election. He evidently believes that the people have determined to elect a Democratic House. His heart is set upon the passage of the ship subsidy bill. With justification he believes that the next House, with a Democratic majority, will not pass a bill granting a bonus to the shipowners and at the same time allow the Government, through the United States Shipping Board, to continue in the whisky business, as urged by Mr. Lasker. He therefore will call an extra session for the consideration of the subsidy bill by the present Congress after the election and before the consideration of appropriation bills absorbs the attention of the Congress.

But while the President is correct in believing that the subsidy bill will have more supporters in this Congress than it will have in any future Congress, he can rest assured that if the people intrust to the Democratic Party the control of the next House an efficient and wisely led Democratic majority will give to him in all matters promising to promote the welfare of the Nation and of its people much greater cooperation than has been accorded him by the present inefficient and leaderless Republican majority in the House of Representatives.

Mr. BRIGGS. Mr. Speaker, I ask unanimous consent to extend my remarks on the legislation before Congress.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the Record on the legislation before Congress. Is there objection?

There was no objection.

Mr. SMITH of Idaho. I make a similar request.

The SPEAKER. The gentleman from Idaho makes a similar request. Is there objection?

There was no objection.

Mr. RICKETTS. Mr. Speaker, I make a similar request.

The SPEAKER. The gentleman from Ohio makes a similar request. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. I ask unanimous consent that the gentleman from Alabama [Mr. Oliver] have permission to extend his remarks upon the pension bill just passed.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Alabama [Mr. Oliver] have leave to extend his remarks on the pension bill just passed. Is there objection?

There was no objection.

Mr. JEFFERS of Alabama. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of Muscle Shoals.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks on the subject of Muscle Shoals. Is there objection?

There was no objection.

The extension of remarks referred to is here printed in full as follows:

Mr. JEFFERS of Alabama. Mr. Speaker, when Congress reconvenes I hope opportunity will then be given for the consideration of the question of leasing the Muscle Shoals properties to Henry Ford.

Let me express the hope that every Member of Congress will, between now and the time when Congress will reconvene, give this matter careful study, and that you will thoughtfully consider the will and desire of the people regarding the solution of the problem.

Needless for me to say, I am sorry that Congress has thus far failed to act upon the Ford proposal, but I hope the leaders in the House and the House steering committee will arrange to bring the matter up on the floor here just as soon as Congress reconvenes. Congress should, by all means, have opportunity to openly discuss and vote on the Ford proposal for Muscle Shoals.

I believe every Member of the House who has indicated any interest in Muscle Shoals is in favor of giving attention at the earliest possible time to this proposition which is before this country and which is of such great importance to the entire Nation.

PEOPLE OF ALL CLASSES FAVOR CONTRACT WITH FORD.

The completion and development of the mammoth Muscle Shoals project is of really great importance to the whole country, not only to the South. You will find that the interest of the people in Muscle Shoals is not confined to any certain class of people or to any section or locality. You will find that interest is nation-wide and that people of every class and every walk of life want Congress to "let Henry Ford have Muscle Shoals."

The farmers of every agricultural section of the United States have told us in unmistakable terms that they are unanimous in favor of the approval of a contract with Henry Ford. The agricultural interests of the country have, through their organizations, made very careful and exhaustive investigations of the whole subject; they have gone thoroughly over all the properties and have studied the terms of the various proposals that have been made; their engineers and their experts have rendered detailed analytical reports which prove conclusively that the farmers of the whole country are indorsing the Ford proposal because of sound economic reasons and because of the advantages it offers the farmers and the public, and so the agricultural people and all those interested in their welfare and progress are especially concerned about the effort to put through the deal with Henry Ford for Muscle Shoals.

As for the southern farmers and as for the whole people of the entire South, I believe that it can be said in all fairness that practically the whole people of the South, except a comparatively few who are allied directly or indirectly with power interests, want Congress to make a trade with Henry Ford without further delay.

They believe that the big power, fertilizer, and aluminum interests are bringing evil influences to bear upon Congress to prevent its acceptance.

They are confident that with Ford in charge down there a great industrial center would be created at Muscle Shoals which would be of prodigious benefit to the territory.

They see in the Ford proposal the development of motor vehicles and motorized farm implements and the modernization of the South as an agricultural section. They believe also, of course, that such operations would benefit the entire country.

MORE AND CHEAPER FERTILIZER FOR THE FARMERS.

They believe that the approval of a contract with Henry Ford is the only chance for the production at Muscle Shoals of fertilizers for the farms of the United States, and they believe, furthermore, that Henry Ford would produce the fertilizer at the lowest possible cost, and that he would sell it to the farmers more cheaply than they can buy it to-day, and thus agriculture throughout the country will be benefited.

In the "Views of the minority," from the report of the Military Affairs Committee of the House—Report No. 1084—we find the following statement:

> Moreover, the company—the Ford company—will be obligated to determine by research whether by means of electric-furnace methods and industrial chemistry there may be produced on a commercial scale fertilizer compounds of higher grade and at a lower price than farmers in the past have been able to obtain; and if so found and determined, to reasonably employ such improved methods. It is confidently expected that the commercial fertilizer industry would be revolutionized and that farmers would be supplied with it in a concentrated form,

> without the approximately 1,700 pounds inert matter or filler in each ton of commercial fertilizer as now manufactured, and thus save the immense burden and cost of handling and transporting this filler, and, in addition, at a greatly reduced price. No less an authority than Mr. Thomas A. Edison has made the statement that fertilizers could be manufactured at Muscle Shoals at approximately one-half the present cost.

Let me say that we can not overlook or fail to recognize the weight and the importance of such testimony when offered by a man like Thomas A. Edison. That statement from Thomas A. Edison is evidence of convincing nature.

THE TRUSTS SEEK TO SPREAD POISONOUS PROPAGANDA AGAINST FORD.

The propagandists of the Fertilizer Trust, the Aluminum Trust, and the Power Trust have undertaken to poison the public mind by calling the Ford proposal "a fraud," and by saying the prospects for cheaper fertilizers for the farms of the country are "hollow promises." But the people are wise, and they have confidence in Henry Ford, and they have seen what that matchless wizard, Thomas Edison, has said about the possibilities for Ford to make cheaper fertilizer at Muscle Shoals, and so the people have not been fooled or turned aside by the propaganda which has been spread by the agents of the giant interests who are fighting to keep Henry Ford from gaining control at Muscle Shoals. The people have recognized in that propaganda the old trick of crying out "Stop thief" to deflect the attention of the public while the selfish special interests try to get away with the goods.

People of all classes want the Government to accept the Henry Ford proposal for Muscle Shoals because they believe that Henry Ford is a practical business man and manufacturer who has the money, the managerial brain, and the inclination to successfully operate a project of this magnitude and to really make it a great development; and because they know that Henry Ford will share prosperity and spread prosperity over the whole community by paying all employees of all classifications better and fairer wages than other interests would pay them; and also because they believe he will sell the products of the project—power, fertilizer, and any other products or by-products as may be put upon the market as a result of the development—at a fairer price to the consumer than some other interest would.

The people have faith in Ford's ability and preparedness to handle this tremendous work. They believe he will pay—not cheat—the Government, and they believe that Henry Ford will not exploit the consumer.

IF NOT FORD'S OFFER, THEN WHAT? GOVERNMENTAL OPERATION?

The Military Affairs Committee of the House in its report submitted by Mr. McKENZIE, said:

> Inasmuch as the committee decided that the Ford proposal was the only proposal worthy of serious consideration, and, for the sake of brevity, it is not deemed essential or necessary to take up space in this report in a discussion of the relative merits of the several proposals, but to confine the report to matters relevant and material to the Ford proposal.

So you see that the committee, after all of its deliberation, has said that the Ford proposal is the "only proposal worthy of serious consideration."

The only alternative is some sort of governmental operation.

Do the people of this country, including the great mass of farmers of the country, want any sort of governmental operation at Muscle Shoals?

Does Congress believe governmental operation would be more advantageous to the people and to the Government than to accept the Henry Ford proposal?

No, indeed, we well know that the answer to both those questions is emphatically negative.

As a Government project Muscle Shoals belongs to the people of the country. They have voiced their desire that the deal be put through with Ford. Of course, the people are within their right in presenting their urgent appeals to their Representatives, Senators, and others, and they will no doubt continue to present their appeals in their effort to have the deal consummated in accordance with the earnest desire of the people.

Let Congress have one chance to vote on it, and let us have that chance at the earliest possible time. I think Congress is ready to approve the contract with Henry Ford, and I earnestly hope that the floor leaders and the steering committee will not again block the way when Congress reconvenes.

WILL LEADERS IN CONGRESS IGNORE THE "PRAYER OF THE PEOPLE"?

Will Congress ignore the prayer of the people and yield to the powerful pressure of the influence of the Fertilizer Trust. Aluminum Trust, and power monopoly? I hope not. I hope Congress will be given the chance, as has been promised, to pass upon this question.

I regret exceedingly to see the adjournment of Congress now without action having been taken on this matter.

The failure to act rests entirely with the leaders of the political party now in power.

I hope and trust that we may look forward to Congress being given the opportunity to take action, as soon as Congress reconvenes, upon this proposition, which is of such really great importance to the whole United States.

When Congress does have that opportunity and has all the evidence presented, I fully believe that Congress will place its stamp of approval upon a contract between the Government and Henry Ford for the completion and most advantageous operation of the great Muscle Shoals project.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. LONDON. Mr. Speaker, I will raise no controversial questions. One of the reasons I want to get the floor is to keep the Republicans and Democrats from unseemly disputes in the last moments of the expiring session. We will soon be face to face with more or less irritated constituencies. So far as the future is concerned, those of us who amount to something or think they do will be judged in accordance with the prevaricating proclivities of their respective historians. [Laughter.] I do not want to say anything that may arouse any dispute, nor is it possible now, 20 minutes before adjournment, to effect any legislation. What I do want to say in these few minutes is this:

One of the things upon which Congress has failed to act and upon which the President has failed to act is the amnesty resolution. That has been easy to forget because it involves a comparatively small number of persons. There have been several resolutions introduced in the House dealing with the subject of amnesty, and there has been a hearing before the Committee on the Judiciary. Petitions bearing millions of signatures have been submitted to the President. He has released some political offenders, but there are still many political prisoners who are in duress.

I wish to call your particular attention to a group who refuse to make application for clemency. They insist that they have been all their lives sincere devotees to principle; that they have been guilty of no crime except the advocacy of unpopular economic doctrines, and they feel that they would rather decay in jail than sign any petition which will involve a surrender of their principles.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. TAYLOR of Tennessee. How many of them are there?

Mr. LONDON. I have seen what purports to be an open letter signed by 52 of them.

Mr. TAYLOR of Tennessee. What is the offense with which they are charged?

Mr. LONDON. They are charged with a violation of a section of the espionage law; that section which deals with promoting insubordination in the Army. Of course it was by a violent construction of the statute that their conviction has been accomplished. Anything during the war could have been held to encourage insubordination. A reading of the ten commandments with an emphasis upon the injunction "Thou shalt not kill," would surely have been held to be a promotion of insubordination.

They have recently issued an open letter in the nature of an appeal in which they state their case. They state the interesting fact that of the 166 men who were indicted in Chicago in one of these cases, and many of whom are still in jail with something like 500 years imprisonment hanging over them, there were indicted three men who were dead at the time the alleged offense was committed; that two names in the indictment were fictitious; that three of the men were absent from the country; that they were indicted principally, if not solely, because they happened to belong to the I. W. W. It is also interesting to note that only one defendant eligible for military service failed to register.

Mr. BLACK. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. BLACK. Is it not a fact that some of these men that the gentleman is now speaking about were men who were indicted and convicted along with William Haywood, who is now in Russia?

Mr. LONDON. That may be so.

Mr. BLACK. Is not that the fact?

Mr. LONDON. Very likely so.

Mr. BLACK. And if a general amnesty resolution was passed through Congress it would mean the release of all these men without respect to a discrimination between individuals.

Mr. LONDON. The gentleman from Texas has really emphasized what I wanted to say.

The SPEAKER. The time of the gentleman has expired.

Mr. LONDON. I ask for one minute more.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. LONDON. The gentleman from Texas has emphasized what I wanted to bring out. These men were indicted jointly with Haywood, and because Haywood was indicted jointly with them their cases are not receiving consideration. The administration fears that a review of their cases will inure to the benefit of Haywood. Haywood has a right to be Haywood. He has the right to be an American rebel, with an industrial philosophy of his own.

Mr. BLACK. The point I want to emphasize is that these men refuse to file individual applications for clemency and want the Congress to pass a sweeping resolution of amnesty that will release them all.

Mr. LONDON. I have not the slightest doubt that so far as that case is concerned Haywood has not been guilty of any crime. I would like to point out that the Government investigator, Major Lanier, wrote the President and told him that there was not a scintilla of evidence against any of these men, that they were convicted solely because of the hysteria of the war. As far as Haywood was connected with the case it only helped to prejudice the case against these men. And that was perhaps the principal reason for tying up Haywood with the case.

Now, I ask you if you can spare a few minutes before the elections to read the hearings and write to the President to urge him to act.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. QUIN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. QUIN. Mr. Speaker, the gentleman from New York [Mr. LONDON] has been talking about freeing a lot of people. I ask him if he wants them to be turned out of jail to go out into the cold, hard world up against the legislation that the Republican Congress has passed? [Laughter.] Is it possible that he wants these poor people to be turned out of jail to meet that awful situation? They are well fed now. If they are turned out they can not get a job and will face starvation under conditions that the Republican Party has brought about.

The gentleman from Michigan [Mr. FORDNEY] yesterday shed tears as big as horse apples on the provisions of the Fordney tariff bill, and said that it would help the people that work on the farms and in industries and various vocations more than any bill ever passed by the Congress. The gentleman said it would help the farmer. He does not know what a farmer is if he believes that a bill that will reduce the prices of the farmer's products and make him pay three times or more for what he buys can be for his benefit.

That is not the only thing you have done. The boys who fought for their country, who went out in defense of the American flag, have had flaunted in their faces the assertion that they were commercial patriots, and the Republican Party, through the President and the Senate, have succeeded in killing the bonus or compensation bill for the ex-service men. Not content with that the Republican Party has said, through the messages from the White House and newspapers, that an extra session of Congress would be called in November after the election for the purpose of further depressing and robbing the people by passing the administration's ship subsidy bill.

Talk about achievement; you gentlemen on the Republican side are going to the American people at election in November with the infamous Daugherty injunction up against you. The big-interest newspapers proclaim that celebrated act of the Republican administration as a glorious achievement. In my judgment it is a burning shame on the Republican Party. Do you expect that the American railway laboring men who belong to the union, do you expect that the laboring people in any industry in this Republic, are going up to the polls with a good taste in their mouth for the Republican Party at the November election? Do you expect any laboring man or farmer to indorse the Republican tariff bill? Do you expect the preelection proclamation that Congress will be called in extra session so as to speed up the ship subsidy bill to further enrich the rich and oppress the poor to help you at the polls?

Mr. LANGLEY. Will the gentleman yield for a short question?

Mr. QUIN. No; I can not yield; I can not give away a part of my time, I have so little. But I am asking questions that I want you to answer between now and the November elections. [Laughter.]

Mr. LANGLEY. I only want to ask the gentleman one question.

Mr. QUIN. No. You Republicans have the great newspapers that will go out and talk for you. You will have the speakers on the platform, and I am asking questions which I hope you will be able to answer in such a manner that you will give us a Democratic House and Democratic Senate for the benefit of the United States. [Laughter.]

Mr. LANGLEY. Just one question.

Mr. QUIN. I can not yield. Please do not bother me. It is plain and manifest that the great international bankers of Wall Street, who are reaching out into every corner of the United States, have approved this Republican administration. They approve of the fact that the Railroad Labor Board has been stacked against the poor men in the service of the railroads, who labor in the shops, on the tracks, on the engines, on the trains, and elsewhere to transport the products of this country. They approve of your tariff bill, which is for the benefit of the great and powerful, and they approve of the fact that you took off for their benefit the excess-profits tax and reduced the income tax, wherein you helped the rich and the powerful and at the same time you laid the tax burden on the backs of the poor people of this country. These great papers and organized capital you have at your backs, but will the people approve of it?

The SPEAKER. The time of the gentleman has expired.

[Mr. QUIN had leave to extend his remarks.]

Mr. QUIN. The same big interests which proclaim through the subsidized press of organized wealth that the Republican administration has accomplished wonders are determined to have the ship subsidy bill passed as soon as possible after the election in November. Is it possible that your administration is afraid to have you vote for that measure before November for fear that you would meet the wrath of an outraged constituency at the polls?

Those same instrumentalities of organized wealth that praise the infamous Esch-Cummins railroad bill, that robbed the people and gave a subsidy to the railroads, are praising President Harding and Attorney General Daugherty and the Republican Party for the "great" injunction against the poor workingmen in the shops of the railroad systems. These poor men, who had gone on a strike for their rights, under the well-defined provisions of the Clayton Antitrust Act, are told that they have no rights. The Democratic Party gave the labor unions and farmers' unions these specific rights in the Clayton Act, yet your administration, in the face of that wise and just legislation, gets out this sweeping Daugherty injunction.

Do the working men and women believe that they can get justice at the hands of the Republican Party? If they believe such a thing, they must in their hearts and minds indorse your legislation in taking the excessive profits tax off of the big corporations, trusts, and combines and reducing the income tax on the rich people and placing the taxes on the poor people.

Do the ex-service men, who saved the United States in the late war, believe that they can get justice for themselves from the Republican Party?

Do the farmers of the United States believe that they can get justice from the hands of the Republican Party?

Do the people who work for a living, both union and nonunion laboring people, believe that they can get justice from the hands of the Republican organization?

Do you believe that you can get wool at a goat's house?

The handiwork of this Republican administration shows it to be the instrumentality of big business. Do the majority of the voters in the United States favor this?

Mr. YOUNG. I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. YOUNG. Mr. Speaker, the farmers in the hard wheat raising areas have never been in such a financial plight as at this time. Even during the panic of 1893 they were able to exist and pay their taxes. They can not do that this year. When the tax sale occurs this year in North Dakota there will be a list of sales very much longer than ever before.

HARD-WHEAT FARMERS HARD HIT.

Here are a number of letters in which the insolvency of the hard-wheat farmers is demonstrated, which I ask leave to print in the RECORD, for the information of House Members.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The letters referred to are as follows:

YORK, N. DAK., *August 26, 1922.*

Hon. GEO. M. YOUNG,
Washington, D. C.

DEAR MR. YOUNG: The farmers of the Northwest, especially to my own knowledge the farmers of North Dakota, are going to be up against it worse this year than they ever have been. Some of them had a little profit during war times and high prices, but this profit is all gone, and most of them are behind two years in taxes and interest. The tenant on the land has his personal property mortgage for close to what it is worth, and it is all getting old, and new stuff will have to be purchased by him if he continues to farm. There will be a great bunch of foreclosures, and the owner of land is helpless in protecting himself. There will be nothing left out of the crop this year to pay interest and taxes, and I am sending you a statement of a quarter just threshed out near here. This is an average income on a quarter of land this season around here, and a great many will not be near so good.

130 acres into crop, 30 acres pasture and hay land:

20 acres of oats, yield 20 bushels per acre, equals 400 bushels, at 18 cents	$72.00
30 acres of winter rye, yield 15 bushels per acre, equals 450 bushels, at 50 cents	225.00
80 acres of wheat, yield 13 bushels per acre, equals 1,040 bushels, at 70 cents	728.00
Total income	1,025.00
Expenses:	
Threshing oats, 10 cents per bushel; wheat and rye, 15 cents per bushel	$229.80
Twine, 300 pounds, at 12 cents	36.00
Seed	170.00
Shocking	40.00
Taxes	160.00
Cost of plowing, $1.50 per acre	195.00
Cost of seeding, 50 cents per acre	65.00
Cost of cutting	195.00
Interest on real estate mortgage	200.00
Taxes	100.00
Total expense	1,300.80

The land on which this was raised is valued at $50 per acre. There is on an average a loan of $2.500 on each quarter, with an average rate of interest of 7 per cent, making $175 of an interest item to be paid. This brief statement does not take into account depreciation, insurance, and a number of other items of expense.

Now, it seems to me that something has to be done at once or the farmers are going bankrupt, and we are going to have no wheat to feed our people with. They surely can not go on this way, and it has always been the policy of our Government to try and meet a situation when it presents itself instead of looking forward and making preparations before the catastrophe happens. Again, the farmer has to save seed for another year, and I can not understand how he is going to do it at present prices. The question of how his family is going to exist for another year also is very important. This is a serious situation and must be remedied or we are going to have an awful thing happen to us in this country.

I shall be pleased to hear from you in this matter.

Yours very truly,

J. E. MCCARTHY.

MERCHANTS NATIONAL BANK OF WIMBLEDON,
Wimbledon, N. Dak., August 30, 1922.

Hon. GEORGE M. YOUNG,
United States Congressman,
Washington, D. C.

DEAR MR. YOUNG: Does it lie within the power of Congress to do something for the wheat grower, for instance, fix the price of wheat?

This is the most important question confronting the general welfare of the Northwest to-day, and if there is any power resting in Congress to fix a price upon wheat that will give results at once—before this crop gets out of the farmers' hands—it should be used to that end.

Based upon the price of flour which is selling for $4.55 per hundred here wheat should be worth $1.50. The No. 1 Northern price is 88 cents. A large portion of the wheat is Durum, which the buyers will not classify as a milling wheat and pay us but 66 cents for here, yet it is all used in the flour we are eating every day.

The average yield of wheat is about 10 bushels per acre net. Owing to a heavy crop of straw threshing is done by the hour and expense is high per bushel.

Here is one concrete example which as about an average, and you can see what it is doing to the majority of the farmers:

Threshed, 1,400 bushels of wheat, of which he gets three-fourths, balance to landlord; 1,050 bushels at 66 cents	$693.00
Expense of threshing, 15 hours at $20	300.00
Expense of threshing oats and barley feed	120.00
Expense of twine	42.90
Seed lien	275.25
Shockers	48.00
Total expense	786.15

He has stock that needs the oats and barley and has none to sell, so he is at a loss on the year's operations in the amount of $93.15.

All the farmers are discouraged. The tenants will nearly all quit unless something is done in 60 days to put the price up so they can get $1 a bushel for Durum wheat. There will be an exodus from the State this fall unless some improvement takes place that will cripple many who have trusted these people, and the general condition will be made very bad.

This is no idle talk; such is the true condition in this part of the State to-day. It is probably better in many parts, but the fact remains that the price is too low to keep the farmer in the game, and they will quit by the hundreds if there is no improvement.

He who gets to work on this proposition and is instrumental in getting results in time to give relief in the price situation before the grain has passed out of the farmer's hands is going to be a big man with them. Perhaps it is beyond the power of Congress to do anything of the kind; I do not know; but would like to get your views as to the feasibility of the proposition.

Very truly,

C. E. BURGESS.

VALLEY CITY, N. DAK., *September 2, 1922.*

Hon. GEORGE M. YOUNG.

DEAR FRIEND: Will drop you a few lines to thank you for the work you have done to bring about H. R. 12022.

But now the matter of our grain price, I will inclose slip of our local price—that is, on first-grade stuff—but the farmers do not get first grade on account color or gluten test or some little excuse. Now, you know as well as I do that on those prices the farmer can not exist, and when the farmers quit or go broke all other business is at a standstill. What they need now, that would bring prosperity back, is $1.75 per bushel for wheat at terminal, say Minneapolis, for us. I will not say any more; know you are familiar with our problems, and I only wish to call your attention to get such immediate action that we need to save the farmers, bankers, and business men.

Yours truly,

L. NOLTIMIER.

OAKES, N. DAK., *September 7, 1922.*

Hon. GEORGE M. YOUNG,
House of Representatives, Washington, D. C.

DEAR MR. YOUNG: I am writing this letter for the purpose of asking you if something can not be done to guarantee our farmers a fair price for their wheat, say, about $2 per bushel. The conditions in this part of the country are simply pitiful—both farmers and business men are facing certain ruin unless something is done, and done quickly.

With the present low price for wheat and the high cost of production people are unable to pay even the taxes on their land, not saying anything about the interest on the principal. If with this crop, the best in many years, the farmers are losing money, it means that no further attempt will be made to raise wheat; consequently a famine will be the result. It appears to me that legislation should be enacted which would assure those who produce the food to feed the nations at least a fair living.

During the war legislation was passed to protect the consumer—why not do the same thing now for the producer and save the people of the grain-growing States from becoming bankrupt and ruined?

The Northwest seems to be getting the worst of it, as Oklahoma, Nebraska, and Kansas have sold their soft wheat for 50 cents a bushel more than the farmers of the Northwest are getting for their good hard wheat. Is there no way that this injustice can be remedied? It seems to me that a fair uniform price for everybody could be established, and thus save the farms from being sold for taxes and from being lost through foreclosure.

I would appreciate very much hearing from you about this, and, thanking you, remain,

Yours very truly,

H. J. JOHNSON LAND & CATTLE CO.,
H. J. JOHNSON, *Manager.*

I call special attention to the letter of Mr. McCarthy in which he gives the proceeds of a quarter-section farm in North Dakota, 130 acres of which was in crop and 30 acres used for pasture and hay land. He credits as part of income $72 for oats, although without doubt these oats will be fed to his horses and not sold.

He also gives the items of expense and calls special attention to the fact that he has included nothing for depreciation, insurance, and a number of other items. Even without such additional expenditures this farmer is shown to have a deficit of $375, and is facing a long winter in a cold climate.

His statement is as follows:

INCOME.	
20 acres of oats, yield 20 bushels to acre, equals 400 bushels, at 18 cents	$72.00
30 acres of winter rye, yield 15 bushels to acre, equals 450 bushels, at 50 cents	225.00
80 acres of wheat, yield 13 bushels to acre, equals 1,040 bushels, at 70 cents	728.00
Total income	1,025.00
EXPENSES.	
Threshing oats, 10 cents per bushel; wheat and rye, 15 cents per bushel	$229.80
Twine, 300 pounds, at 12 cents	36.00
Seed	170.00
Shocking	40.00
Taxes	160.00
Cost of plowing, $1.50 per acre	195.00
Cost of seeding, 50 cents per acre	65.00
Cost of cutting	195.00
Interest on real estate mortgage	200.00
Taxes	100.00
Total expenses	1,300.80

It will be noticed that this farmer produced about 1,500 bushels of wheat and rye, which should have put him in comfortable shape rather than facing bankruptcy.

BUREAU OF MARKETS SHOULD BE TRANSFERRED.

Representatives from the Northwest have been working hard to find some way to bring relief to this farmer and others like him. While some definite plan is being worked out, it occurs to me that it may be well to get back of a proposition which will help not only wheat farmers but farm producers of all kinds.

When Congress reconvenes, to my mind, the Committees on Agriculture of the House and Senate can not do better than boost the proposal for the transfer of the Bureau of Markets from the Department of Agriculture to the Department of Commerce.

AN AGE OF SPECIALISTS.

This is an age of specialists. The all-absorbing thought of the Department of Agriculture has been production, and they have succeeded admirably in that direction. They are specialists in that line and should devote themselves to that field. The thought which permeates the Department of Commerce is salesmanship. They are specialists in that field.

No industry is in such need of specialists for the marketing of its products as agriculture, and to my mind the problem will increase when Russia and other foreign countries get back to their pre-war production. So I am hoping the marketing of farm products will be given over to the Department of Commerce.

HOOVER THE GREATEST ADMINISTRATOR OF THE WAR.

I advocate this change entirely without taking into account the present personnel of these departments, simply as a matter of intelligent reorganization. If the change is made, however, it will be very pleasing to northwestern farmers to know that the work will be under the able direction of Secretary Herbert Hoover, the greatest administrator produced by the recent war. They recall with gratitude his changing of the wheat grades after the former officials of the Department of Agriculture had refused to do so, and which resulted in their receiving many additional millions of dollars. They appreciate, too, that his was the only Government business venture—the United States Grain Corporation—which accumulated a surplus.

RECORD OF HARDING ADMINISTRATION UNEQUALED.

Mr. Speaker, having made these suggestions to the Committee on Agriculture, it is only fair to them to acknowledge the great service for agriculture performed by them during the past 18 months. The record for farm legislation during this period is unequalled in the history of our country. Some of the bills were introduced at the suggestion of President Harding, and all of them had his support. More legislation favorable to the farming industry has been passed since March 4, 1921, than during the preceding quarter of a century.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6750. An act for the inclusion of certain lands in the Wenatchee National Forest, the Olympic National Forest, and the Snoqualmie National Forest, all in the State of Washington, and for other purposes;

H. J. Res. 382. Joint resolution authorizing payment of the salaries of officers and employees of Congress for September, 1922, on the 23d day of said month; and

H. R. 12704. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. J. Res. 215. Joint resolution providing for an additional investigation of the tricounty irrigation project, Nebraska;

S. 3540. An act fixing the fees of the examining surgeons in the Bureau of Pensions; and

S. 3620. An act to authorize the construction of a bridge across Pearl River at or near Tilton, Lawrence County, Mississippi.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 12704. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1922, and prior fiscal years, and for other purposes;

H. R. 6750. An act for the inclusion of certain lands in the Wenatchee National Forest, the Olympic National Forest, and the Snoqualmie National Forest, all in the State of Washington, and for other purposes; and

H. J. Res. 382. Joint resolution authorizing payment of the salaries of officers and employees of Congress for September, 1922, on the 23d day of said month.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On September 20, 1922:

H. R. 513. An act for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long;

H. R. 8010. An act to authorize the leasing for mining purposes of unallotted lands on the Fort Peck and Blackfeet Indian Reservations in the State of Montana;

H. R. 8256. An act authorizing the issuance of a patent in fee to Perry H. Kennerly for land allotted to him on the Blackfeet Reservation, Mont.;

H. R. 8358. An act for the relief of Israel Butts;

H. R. 8669. An act authorizing the issuance of a patent in fee to Jerome Kennerly for land allotted to him on the Blackfeet Reservation, Mont.;

H. R. 8763. An act validating and confirming a certain indemnity school-land selection of the State of Florida;

H. R. 9495. An act for the protection of timber owned by the United States from fire, disease, or the ravages of beetles or other insects;

H. R. 10443. An act to repeal sections 2453 and 2454, and to amend sections 2450, 2451, and 2456, Revised Statutes of the United States; and

H. R. 10554. An act authorizing the Secretary of the Interior to issue patent to Lassen County, Calif., for certain lands, and for other purposes.

On September 21, 1922:

H. R. 70. An act to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes;

H. R. 243. An act providing for the construction of a spillway and drainage ditch to lower and maintain the level of Lake Andes, S. Dak.;

H. R. 478. An act for the relief of Aaron Kibler;

H. R. 1764. An act for the relief of J. A. Leslie;

H. R. 1941. An act to provide for the refund of entrance and clearance fees erroneously collected by the customs authorities from the Peninsular & Occidental Steamship Co.;

H. J. Res. 322. Joint resolution favoring the establishment in Palestine of a national home for the Jewish people;

H. R. 2003. An act for the relief of Hubert Reynolds;

H. R. 2763. An act for the relief of Sanford Kirkpatrick;

H. R. 2874. An act to authorize the establishment of a Coast Guard station on the coast of Green Bay, at or in the vicinity of Strawberry Passage, in Door County, Wis.;

H. R. 4356. An act for the relief of Arthur J. Burdick;

H. R. 4504. An act for the relief of Annie M. Lepley;

H. R. 5125. An act for the relief of Oliver A. Campbell;

H. R. 5385. An act for the relief of Henry T. Hill;

H. R. 5684. An act to authorize the purchase by the city of Medford, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916;

H. R. 5791. An act for the relief of Robert Russell;

H. R. 6323. An act for the relief of Frank M. Stewart;

H. R. 6512. An act for the relief of and purchase of lands for certain Apache Indians of Oklahoma lately confined as prisoners of war at Fort Sill Military Reservation, and for other purposes;

H. R. 6628. An act for the relief of the owners of the British steamship *Clearpool;*

H. R. 6863. An act granting to certain claimants the preference right to purchase unappropriated public lands in the State of Arkansas;

H. R. 6926. An act for the relief of Abraham Leibovitz;

H. R. 7425. An act for the relief of Zah Barmon;

H. R. 7544. An act authorizing the Postmaster General to temporarily reduce the pay of rural carriers for disciplinary purposes instead of suspending them without pay;

H. R. 7862. An act authorizing the Secretary of the Interior to sell and patent certain lands to William S. N. Calhoun and Zaidee Boatner Calhoun, residents of Catahoula Parish, La.;

H. R. 7923. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 7456. An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, and for other purposes;

H. R. 7968. An act granting to the city of St. Andrew, Fla., the right to remove shells, sand, and gravel from certain public lands for road-building purposes;

H. R. 8073. An act for the relief of the Kineo Trust Co.;

H. R. 8143. An act for the relief of Fitzcharles Dry Goods Co.;

H. R. 8173. An act for the relief of Mrs. E. H. Jackson;

H. R. 8374. An act for the relief of the estate of Frank W. Knight;

H. R. 8553. An act for the relief of D. V. Bussie;

H. R. 9069. An act for the relief of William H. Slaine;

H. R. 9270. An act to confer upon the Territorial courts of Porto Rico concurrent jurisdiction with the United States courts of that district of all offenses under the national prohibition act and all acts amendatory thereof or supplemental thereto;

H. R. 9472. An act for the relief of the Canadian Pacific Railway Co.;

H. R. 9528. An act providing for the retention by the Government of the property in Nome, Alaska, known as the Detention Hospital Building and its use by the Bureau of Education, Department of the Interior;

H. R. 10193. An act extending time for allotments on the Crow Reservation; protecting certain members of the Five Civilized Tribes; relief of Indians occupying certain lands in Arizona, New Mexico, and California; issuing patents in certain cases; establishing a revolving fund on the Rosebud Reservation; memorial to Indians of the Rosebud Reservation killed in the World War; conferring authority on the Secretary of the Interior as to alienation in certain Indian allotments; and for other purposes;

H. R. 10234. An act for the relief of Edward A. Purdy;

H. R. 10544. An act for the relief of Louis Cayet;

H. R. 11589. An act to provide for the transfer of the lands and buildings of the Federal leprosy investigation station at Kalawao, on the island of Molokai, in the Territory of Hawaii, to the Territory of Hawaii, and for other purposes;

H. R. 11843. An act for the prevention and removal of obstructions and burdens upon interstate commerce in grain, by regulating transactions on grain future exchanges, and for other purposes;

H. R. 11872. An act to amend sections 7, 8, and 9 of the Panama Canal act; to amend sections 288, 289, 342, 343, 368, and 461 of the Penal Code of the Canal Zone, and section 2 of the Executive order of July 9, 1914, establishing rules and regulations for the operation and navigation of the Panama Canal and approaches thereto, including all waters under its jurisdiction; to amend section 6 of an act entitled "An act extending certain privileges of canal employees to other officials on the Canal Zone, and authorizing the President to make rules and regulations affecting health, sanitation, quarantine, taxation, public roads, self-propelled vehicles, and police powers on the Canal Zone, and for other purposes, including provision as to certain fees, money orders, and interest deposits," approved August 21, 1916; and to regulate divorces in the Canal Zone, and for other purposes; and

H. R. 6929. An act for the relief of Horace E. Walker.

On September 22, 1922:

H. R. 5214. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 8119. An act for the relief of certain persons, their heirs or assigns, who heretofore relinquished lands inside national forests to the United States;

H. R. 8475. An act to relieve enlisted men affected thereby from certain hardship incident to the operation of the proviso of section 4b of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and to protect disbursing officers in connection therewith;

H. R. 9275. An act for the relief of Frances Kelly;

H. R. 9499. An act to authorize the State of Idaho to exchange certain lands heretofore granted for public-school purposes for other Government lands;

H. R. 10461. An act to add certain lands to the Siskiyou National Forest in Oregon;

H. R. 11116. An act to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended;

H. R. 11173. An act to amend section 126 of the national defense act, approved June 3, 1916, as amended;

H. R. 11347. An act authorizing the Secretary of War to transfer and convey to the State of Connecticut all right and title now vested in the United States to land and buildings thereon known as Fort Hale;

H. R. 12022. An act relative to the naturalization and citizenship of married women;

H. R. 12377. An act to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes;

H. R. 12472. An act to declare a national emergency to exist in the production, transportation, and distribution of coal and other fuel, granting additional powers to the Interstate Commerce Commission, providing for the appointment of a Federal fuel distributor, providing for the declaration of car-service priorities during the present emergency, and to prevent the sale of fuel at unjust and unreasonably high prices;

H. R. 6966. An act to authorize the President of the United States to appoint Fred H. Gallup major of Field Artillery in the United States Army;

H. R. 10196. An act to provide for the applicability of the pension laws to certain classes of persons in the military and naval services not entitled to the benefits of article 3 of the war risk insurance act, as amended;

H. R. 10419. An act validating certain applications for and entries of public lands;

H. R. 10766. An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 11212. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920;

H. R. 6750. An act for the consolidation of forest lands within the Wenatchee National Forest, State of Washington, and for other purposes;

H. R. 12704. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, and for other purposes; and

H. J. Res. 382. A joint resolution authorizing payment of the salaries of officers and employees of Congress for September, 1922, on the 23d day of said month.

REPORT OF THE COMMITTEE TO NOTIFY THE PRESIDENT.

Mr. CAMPBELL of Kansas. Mr. Speaker, the committee appointed to join a similar committee on the part of the Senate to wait on the President and notify him that Congress had concluded its work for this session and is ready to adjourn attended to that duty, and the President informs us that he has no further communication to make at this time.

EXTENSION OF REMARKS.

Mr. CONNALLY of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the present Congress.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the Record on the present Congress. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLSPAUGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on legislation for the farmers enacted by the Sixty-seventh Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to is here printed in full as follows:

Mr. MILLSPAUGH. Mr. Speaker, when the Harding administration came into power agriculture lay prone upon its back wounded and nigh unto death at the hands of those who should have been its friends.

The Federal Reserve Board, in order to accomplish its policy of deflation, unmindful of its effect on agriculture, instituted a system of retrenchment of credits by insisting on the payment of outstanding loans.

Owing to the depletion of deposits in country banks in the agricultural sections caused by the excessive buying of Liberty bonds by their depositors, very many of the country banks were heavy borrowers from their city correspondents, and were straining their credit in an effort to finance the farmers of the Nation.

When the Federal Reserve Board instituted its policy of a retrenchment of loans it immediately caused the city banks to call upon the country banks to reduce their indebtedness to them. This made a bad situation worse, and it immediately forced the country banks to call upon the farmers to make heavy sacrifices to pay their loans, and also created such a stringency of credit that loans secured by real estate were also called for payment, thus cutting like a two-edged sword.

To add to the distress of the agricultural interests of the country the Underwood tariff law invited the importation of wheat and other grain, so that in one year Canada shipped into this country 44,000,000 bushels of wheat, which naturally meant the displacement of an equal amount of American wheat.

All of these elements acting together so demoralized the grain markets of the country that the farmer was compelled to sell his products at much less than the cost of production.

Immediately upon the convening of the present Congress the emergency agricultural tariff bill was reported and passed in the House and was enacted into law in a little more than a month. It had a marked tendency to check the downward trend of prices, and there soon became evident an upward trend which increased as surplus stocks were exhausted.

The wool industry was in a ruinous condition, but after the enactment of this meritorious legislation soon reached higher levels and a far more satisfactory price was obtained for it.

In order to overcome the impaired credit of the agricultural sections the present Congress established a loan fund of $1,000,000,000 to be administered by the War Finance Corporation; and out of this fund approximately $400,000,000 was advanced, with the result that the agriculture and live-stock industries of the West were again placed upon a sound basis.

The packers' bill, to regulate interstate and foreign commerce in live stock and dairy products, was then passed, and its beneficial effects have been so pronounced that it has met the unqualified approval of the country.

The operations of grain gamblers had become such a menace that the antigambling in grain futures act was passed; and while the first bill was held unconstitutional by the Supreme Court of the United States, it is felt that the objections have been fully met in the new measure and that gambling in grain will be reduced to a minimum through its enforcement.

As a further incentive to agriculture an act was passed to authorize producers of agricultural products to form associations for the purpose of collectively preparing and marketing their products. This is a measure much desired by farm organizations and will be highly beneficial to them.

In order that agricultural interests might be better represented on the Federal Reserve Board legislation has been enacted by this Congress which practically calls for a fair representation of that important industry on the Federal Reserve Board.

This Congress found the Federal Farm Loan Board unable to function because of its inability to place Federal farm loan bonds on an unfavorable financial market, and to meet this situation Congress created a revolving fund of such amount to enable the Federal Farm Loan Board to finance its succeeding series of bond issues with the result that the last issue of $75,000,000 was oversubscribed within a few hours.

Considerable criticism has been directed at the present Congress by the business interests of the East on account of the tendency to favor agriculture and live stock by the Representatives in Congress from the agricultural sections, who were fully cognizant of the perilous condition into which agriculture had fallen, and who exerted their utmost efforts and were exceedingly successful in securing this list of beneficial legislation.

It is well understood that the financing of agriculture and live stock by the War Finance Corporation is only temporary and that the passage of a permanent rural credits measure is imperative.

Committees are industriously active in an effort to construct appropriate legislation of this character, and it is a foregone conclusion that within a reasonable time a comprehensive rural credits act will be reported and passed and become effective at an early date.

Mr. QUIN. Mr. Speaker, I would like to have permission to revise and extend my remarks.

The SPEAKER. Is there objection?

Mr. LANGLEY. Mr. Speaker, reserving the right to object, of course every Member of the House knows that the gentleman's remarks need much revision [laughter], and to that part of his request I do not object, but I want to know if the gentleman is going to put the same sort of stuff in his revision that he has been delivering to the House now. If so, while I do not like to object, I hesitate to consent to it.

Mr. QUIN. If the gentleman does not want good political philosophy, of course, the gentleman can object.

Mr. LANGLEY. I want to ask the gentleman if he seriously thinks that there is any doubt about Mississippi going Democratic this year, and if there is not, what is the use of his speech unless he is addressing it to Mud Puddle Precinct, in which I am advised he is very popular. [Laughter.]

Mr. QUIN. Of course, Mississippi is going Democratic; why even Kentucky is going Democratic when the people read what I have to say and you fail to answer my questions between now and the election in November.

Mr. LANGLEY. It will not go Democratic if my friend from Mississippi goes down there and makes a few of these same sort of speeches. [Applause on the Republican side.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

STRIKING JOINT RESOLUTION FROM CALENDAR.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent to have stricken from the calendar House Joint Resolution 354, a similar resolution having passed both Houses.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, I rise to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. There are one or two measures—at least one, I know—that have passed both Houses that will not be enrolled or can not be enrolled by 2 o'clock. Now, the inquiry I wish to make is whether, having passed both Houses and being in that condition at the regular meeting of the Congress in December, or whenever it may meet, the legislation will still be good——

The SPEAKER. The Chair thinks so. The Chair thinks it is still pending legislation. There is no limit of time, and the Chair thinks that the Speaker and the Vice President, if the Congress is in session, can sign them.

Mr. WINGO. Mr. Speaker, may I ask the gentleman from Kansas a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. WINGO. Has he any information or can he advise the House that we will have an extra session, and when?

Mr. CAMPBELL of Kansas. I have no information on that subject.

Mr. WINGO. It is not decided?

Mr. CAMPBELL of Kansas. Not so far as I know.

ADJOURNMENT SINE DIE.

The SPEAKER. The hour of 2 o'clock having arrived, the Chair, wishing you all a safe journey home and a refreshing and agreeable vacation, declares the session of Congress adjourned sine die.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

692. A letter from the Chief of the Bureau of Efficiency, transmitting a report on the statistical work of the Federal Government (H. Doc. No. 394); to the Committee on Reform in the Civil Service and ordered to be printed, with illustrations.

693. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of certain items contained in river and harbor acts, as follows: Intracoastal waterway from Galveston Bay to Rockport and Corpus Christi, Tex.; channel from Harbor Island and the Port of Aransas, Tex., to Rockport, Tex.; Turtle Cove Channel, Tex.; and channel from Aransas Pass to Corpus Christi, Tex. (H. Doc. No. 395); to the Committee on Rivers and Harbors and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. BROWNE of Wisconsin: A bill (H. R. 12788) to authorize the election of a board by the members of the Menominee Indian Tribe to participate in the operation and control of the Menominee Indian mills, and to fix the powers and duties of said board; to the Committee on Indian Affairs.

By Mr. FOSTER: A bill (H. R. 12789) to repeal so much of Title III of the transportation act of 1920 as creates the Railroad Labor Board and to abolish said board; to the Committee on Interstate and Foreign Commerce.

By Mr. HAUGEN: A bill (H. R. 12790) authorizing the publication of information presented at the World's Dairy Congress to be held in the United States during October, 1923; to the Committee on Agriculture.

By Mr. MOORE of Virginia: A bill (H. R. 12791) for the construction of a public building at Cherrydale, Va.; to the Committee on Public Buildings and Grounds.

By Mr. ANSORGE: A bill (H. R. 12792) to amend an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916; to the Committee on the Judiciary.

By Mr. RANKIN: A bill (H. R. 12793) for the erection of a public building at Amory, Monroe County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. SWING: A bill (H. R. 12794) for the purchase of a site and the erection of a public building thereon at Calexico, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12795) for the purchase of a site and the erection of a public building thereon at Fullerton, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12796) for the purchase of a site and the erection of a public building thereon at Anaheim, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12797) for the purchase of a site and the erection of a public building thereon at Santa Ana, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12798) for the purchase of a site and the erection of a public building thereon at Redlands, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12799) for the purchase of a site and the erection of a public building thereon at Bishop, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12800) for the erection of a public building at San Bernardino, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12801) for the purchase of a site for a post-office building at National City, Calif.; to the Committee on Public Buildings and Grounds.

By Mr. BOX: A bill (H. R. 12802) for the acquisition of additional ground and the erection of a public building or an addition to the present public building at Beaumont, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM of Illinois: Joint resolution (H. J. Res. 385) proposing an amendment to the Constitution of the United States granting to Congress the power to regulate child labor; to the Committee on the Judiciary.

By Mr. BRENNAN: Joint resolution (H. J. Res. 386) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. NEWTON of Missouri: Joint resolution (H. J. Res. 387) authorizing the Secretary of the Treasury to investigate and report upon the feasibility of exchanging the Federal building site at St. Louis, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. DAVILA: A resolution (H. Res. 439) requesting the President, if not incompatible with the public interest, to furnish certain papers dealing with conditions in Porto Rico; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Nebraska: A bill (H. R. 12803) granting an increase of pension to Sarah J. Hiatt; to the Committee on Invalid Pensions.

By Mr. BLANTON: A bill (H. R. 12804) for the relief of Compere & Wyatt; to the Committee on Claims.

By Mr. DUNBAR: A bill (H. R. 12805, granting a pension to Josephine Perry; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 12806) for the relief of Irene Brand; to the Committee on Claims.

By Mr. FITZGERALD: A bill (H. R. 12807) for the relief of Joe D. Donisi; to the Committee on Claims.

By Mr. HAUGEN: A bill (H. R. 12808) granting a pension to Antonetta Eppens; to the Committee on Pensions.

By Mr. KLECZKA: A bill (H. R. 12809) for the relief of George C. Mansfield Co. and George D. Mansfield; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 12810) granting a pension to Wallace M. Davis; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 12811) granting a pension to Sadie Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12812) granting an increase of pension to Priscilla Metcalf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12813) granting an increase of pension to Anna C. White; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 12814) granting a pension to John T. Everett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6389. By the SPEAKER (by request): Petition of Columbia River Annual Conference opposing House bill 9753; to the Committee on the District of Columbia.

6390. Also (by request), petition of Carl P. Kutzner, of Chicago, Ill., favoring a congressional investigation of the prohibition law in Cook County; to the Committee on the Judiciary.

6391. Also (by request), petition of William R. Henriksen, of Chicago, Ill., urging a congressional investigation of the eighteenth amendment; to the Committee on the Judiciary.

6392. By Mr. ANSORGE: Petition of the City Parliament of Community Councils of the City of New York recommending that the National Fuel Administrator, in the distribution of coal, should prevent the sale at the mines to any other than retail distributors or actual consumers; to the Committee on Interstate and Foreign Commerce.

6393. By Mr. JOHNSON of South Dakota: Petition of the World War veterans, Atlantic City, favoring the passage of Senate bill 1565; to the Committee on Military Affairs.

6394. By Mr. KISSEL: Petition of Southern Railway System, Washington, D. C., relative to the railroad settlement; to the Committee on Interstate and Foreign Commerce.

6395. By Mr. LONDON: Petition of citizens residing in the State of Pennsylvania for the release of all persons convicted under war-time legislation whose alleged guilt consisted of writing or speaking in defense or explanation of their political, religious, or industrial beliefs; to the Committee on the Judiciary.

6396. By Mr. SINCLAIR: Petition of Hazle B. Triplett and five others, of Donnybrook, N. Dak., urging that a minimum price be set on wheat; to the Committee on Agriculture.

6397. Also petition of J. C. Abbott and 26 others, of Tagus, N. Dak., and vicinity, urging that a minimum price be set on wheat; to the Committee on Agriculture.

6398. Also petition of Ole O. N. Berg and nine others, of Portland, N. Dak., urging the revival of the United States Grain Corporation, and minimum price of $2 on wheat; to the Committee on Agriculture.

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